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PROCEEDINGS AND DEBATES OF THE 99th CONGRESS, SECOND SESSION

## HOUSE OF REPRESENTATIVES—*Wednesday, August 6, 1986*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Help us, O God, as we are busy with our varied tasks, never to loss sight of the beauty and glory of Your world. You have given us such great gifts and wonderful opportunities, and yet we can so easily miss the splender of Your creation. In this moment of prayer, in the midst of a busy day, we offer our thanks for good and loyal friends, for the love expressed from one person, to another, for our families and friends, and for the opportunities of living in freedom and in peace. In Your name, we pray. Amen.

### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Secretary inform the House of Representatives that the Senate is ready to receive the managers appointed by the House for the purpose of exhibiting articles of impeachment against Harry E. Claiborne, judge of the U.S. District Court for the District of Nevada, agreeably to the notice communicated to the Senate, and that at the hour of 1 o'clock p.m. on Wednesday, August 6, 1986, notwithstanding the provisions of rule XXII, the Senate will receive the honorable managers on the part of the House of Representatives, in order that they may present and exhibit the said articles of impeachment against the said Harry E. Claiborne, judge of the U.S. District Court for the District of Nevada.

### ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair wishes to announce that the Senate message has asked the managers of the House on the impeachment proceedings to present the articles of impeachment in the Senate at 1 o'clock.

### TRIBUTE TO PAUL WILSON

(Mr. WHITTEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WHITTEN. Mr. Speaker, Paul M. Wilson, who retired as the seventh clerk and staff director of the Committee on Appropriations, died Sunday, August 3, at his home in Salisbury, MD.

Paul had been a member of the staff of the committee from 1947 until his retirement in June of 1972. Prior to joining the committee staff, he had worked in the Agriculture Department and the Puerto Rico Reconstruction Agency. In all, he served his country in a government capacity some 41 years.

I had the pleasure and privilege of knowing Paul and being aware of his contribution and dedicated work for the committee and the Congress. Appointed to the committee staff by Chairman John Taber of New York in 1947, Paul Wilson became a close aide and assistant to the two succeeding chairmen of the committee, Clarence Cannon of Missouri and my predecessor George Mahon of Texas. From 1955 until 1969, Paul served as assistant clerk and staff director and in 1969 was appointed clerk and staff director by Chairman Mahon.

Mr. Speaker, the work of the Congress is greatly enhanced by the devotion, dedication, and loyalty of our staff members. Paul Wilson was such a person. He was a dedicated and patriotic American and was a key staff member to the House of Representatives. His knowledge of budget and appropriations matters was unsurpassed. Paul's picture hangs in the main office of the committee, as do those of the other clerks and staff directors.

I extend my deepest regrets and condolences to his wife Edna and other members of the family.

### WHEN YOUR DOLLAR IS NOT WORTH MUCH, NEITHER IS YOUR GOVERNMENT

(Mr. DANNEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANNEMEYER. Mr. Speaker, in 1974 the Canadian dollar was worth 93 United States cents and the Tory Party, then in opposition, had an election slogan: "When your dollar is not worth much, neither is your government." What was true for Canada in 1974, is true for the United States in 1986, for the stronger reason of greater currency depreciation. Our dollar makes new postwar lows against the Japanese yen every day, while the managers of our monetary system hold victory celebrations.

It is a great tragedy that we could not learn from the monetary disasters north and south of our border. The Canadian dollar, having fallen as low as 68 United States cents, is barely worth 70 United States cents today. The Tory Party, now in power, does not like to be reminded of its own election slogan.

But this makes the slogan only more valid, not less.

### TODAY AMERICA MUST MAKE A CHOICE

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, today America must make a choice. Do we continue down the road of more lost jobs and more business failures, or do we stand up for America's textile and footwear industry and its workers?

In the last 2 years, 726 U.S. apparel manufacturers have gone out of busi-

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

ness. Since 1980, some 300,000 American workers in that industry have lost their jobs because of unfair, subsidized foreign imports and foreign markets closed to America's products.

We are talking about America's most modestly paid industrial workers who earn $5.50 an hour on average.

The textile bill we will consider today is not protectionist. The bill concedes one-half of the U.S. textile and apparel market to foreign imports. The remaining half will tie increased imports to the growth rate in our own market so we are not inundated.

Today we will hear every excuse in the book as to why we should do nothing while another vital basic American industry withers away. For those who cringe at the thought of retaliation, I ask where? The countries affected by this bill buy so few U.S. goods, there is no room for retaliation.

Mr. Speaker, let us stop finding excuses and start putting some muscle in our trade policies. It is time for America to stand up.

## SAY NO TO UNILATERAL WITHDRAWAL OF U.S. CHEMICAL WEAPONS FROM EUROPE

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, if you haven't heard, a recent chemical weapons agreement commits the United States to withdrawing all United States chemical weapons from Europe in return for German support for new binary chemical weapons never to be deployed. None of the new U.S. binary chemical weapons proposed for production would replace our deterrent in Europe. Instead, the United States could only get a commitment from the West Germans to possibly consider deployment in the midst of a European crisis.

It is ironic that the United States and West Germany are fulfulling a long-term Soviet foreign policy objective: the creation of a chemical weapons-free zone in which the West withdraws its chemical deterrent while the Soviets and their cronies keep their stockpile of deadly chemical weapons in Europe, only miles from NATO troops.

I'm certain that the Congress never intended that funding for our new binary weapons would lead to the unilateral abandonment of our chemical deterrent based in Europe.

I urge my colleagues to support the bipartisan Fascell-Porter-Roukema amendment to the DOD authorization bill calling for a 1-year delay in the production of chemical weapons and preventing the withdrawal of our European chemical deterrent.

## STOP NUCLEAR TESTING

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, a year ago today, the Soviets announced a moratorium on nuclear testing in observance of the 40th anniversary of the first use of nuclear weapons in Hiroshima. The Soviets issued an invitation to the United States to join them in that moratorium and to resume talks on a formal test ban treaty.

The American Government ignored that challenge. But the American people didn't.

Over 150 communities in over 26 States passed resolutions in favor of the United States joining the Soviets in a testing moratorium. In addition, six States have passed similar resolutions.

I am proud that people from my district of Denver have joined voices with the people of Detroit, Atlanta, Provo, Austin, Providence, Cleveland, New York City, and other communities to send a loud and clear message to Washington, DC: Stop nuclear testing.

This grassroots effort has grown. The small tree has grown into a mighty oak. Tomorrow, the House will have the chance to signal to the American people that we are listening by voting for an amendment to establish a 1-year moratorium, contingent upon the Soviets agreeing to onsite inspection.

The momentum for a moratorium is building because the American people want to seize the opportunity for peace. I urge my colleagues not to pass up the chance of our lifetime for a lifetime of chance.

□ 1010

## CRUCIAL CROSSROADS

(Mr. HENDON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HENDON. Madam Speaker, today as we prepare to vote on the textile veto override, we find ourselves at another crucial crossroads. A lot of fine folks say go this way; a lot of fine folks say go that way. A lot of folks say our Special Trade Representative is doing a great job; others say the South African textile debacle clearly shows he does not have any idea what he is doing.

I want to take 30 seconds to give my colleagues an eyewitness account of what he is doing down where I live. He is wrecking, he has wrecked entire communities with his free trade, open borders, no enforcement, look the other way, listen to the State Department policy. Our Special Trade Representative has wrecked entire communities. All of this while the government-subsidized textile workers in East Asia prosper.

Madam Speaker, they have got over 55 percent of the domestic market. Our trade policy is flawed, it is wrong, and it is time to say so. Our good friends downtown notwithstanding, let us listen to the working men and the working women on main street. They want fair trade, they want a fair shake. Let us give them both. Let us give America both with a "yes" vote on this crucial veto override.

## LET US PRETEND

(Mr. ACKERMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ACKERMAN. Madam Speaker, let us pretend. Just for the sake of argument, let us pretend that drug tests do work. Let us forget about the fact that a poppyseed roll at breakfast can accuse an innocent person of being a heroin addict. Let us forget that some over-the-counter pain relievers taken before a drug test can have you fighting the label of "junkie" for the rest of your life.

Let us also pretend that we can suspend the Bill of Rights; that we never heard of presumption of innocence, illegal search and seizure, and probable cause, and the protection against self-incrimination. Let us even pretend that the President is right; that America would be better off if every citizen tinkled for him on Tuesdays. Took lie detector tests on Wednesdays, blood tests on Thursdays, personality tests on Fridays, and maybe genetic tests on Saturdays in order to get and keep a job.

Madam Speaker, let us pretend these things because we know that we are dealing with an administration that pretends. They pretend to want to get Government off our backs while gleefully putting Big Brother in our bedrooms, our bloodstreams, and now even confiscating our urine.

Even if we pretend the President is right, how are we going to pay for this dubious effort? We all know the sad answer. Mr. Reagan's pretend war on drugs is financed by reducing border guards, by reducing funding to the cities in their fight against suppliers, and by reducing our drug-fighting commitment overseas. Instead, we get a farcical raid on Bolivian drug peddlers who were not there and a war on our own Government workers.

Madam Speaker, imagine instead what could happen if we spent $100 million defending our borders and educating our children. With this administration that would be just pretending.

## LET US ACT RESPONSIBLY AND AVOID ACROSS-THE-BOARD CUTS

(Mr. McCANDLESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCANDLESS. Madam Speaker, we are rapidly approaching the August 15 Gramm-Rudman snapshot. At this point, it appears likely that we will fail to meet the $144 billion deficit target set by law. It also appears that the target will be exceeded by over $10 billion. Consequently, we are facing another round of across-the-board budget cuts in the form of a sequestration order.

As a cosponsor and strong advocate of Gramm-Rudman, it was never my intention to use sequestration as a crutch. Rather, I view sequestration as a strong incentive for us to do our jobs. The effect of cutting programs, without regard to their importance or priority, is something that should, and must, be avoided. If budget cuts are required, then we should carefully review all Federal spending so that programs with a low priority can be curtailed and programs with a high priority can be protected. We will not all agree on priorities, but the House should be given the opportunity to work its will.

I have introduced a resolution to do exactly that. The resolution calls on the committees to review the programs under their jurisdiction, make recommendations to the Budget Committee, which will then report legislation embodying those recommendations to the full House. My resolution provides specific dates by which we would need to act to avoid sequestration.

Reliance on sequestration is an admission to our constituents that we are unable—or unwilling—to do the job for which we were elected.

Madam Speaker, let's act responsibly and avoid across-the-board cuts. I invite my colleagues to cosponsor House Resolution 529.

## WE MUST VOTE TO OVERRIDE THE TEXTILE BILL VETO

(Mr. HEFNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HEFNER. Madam Speaker, the textile industry has long been basic to our industrial strength, just as steel is basic, and automobile manufacturing is basic.

But, Madam Speaker, we are losing these manufacturing bases because of the flood of imports from foreign countries and the textile industry has suffered most from this erosion with a 75-percent increase in textile and apparel imports since 1982.

We have lost more than 350,000 jobs since 1981 because of these imports. The new MFA which the administration has just negotiated is even weaker than the previous MFA with no attempts to tie import growth to growth in the domestic market.

Overriding H.R. 1562 is the only way the MFA and the recently negotiated bilateral agreements with Korea, Hong Kong, and Taiwan can be addressed in any reasonable manner.

Opponents of this bill argue that consumers will pay more for clothing for their families. All of you received two designer shirts this week—one made in Taiwan and one in the United States. They both carried the same price tag. Oh yes, there are imports that are not designer items which sell for less. You can also buy U.S.-made nondesigner clothes for less.

Some opponents have also raised the issue of retaliation. They say our trading partners will not purchase U.S. exports. I say that is a bunch of baloney. First, the big five and the up and coming exporting countries already have a very large share of our market and they want to keep it.

Second, I would like to point out that the United States has a very large military presence in many of these countries that flood our textile markets. For example, we have 40,000 troops in Korea and support a total of 135 bases. This represents an expenditure of approximately $2.49 billion in Korea alone. This is in addition to some $231 million we provide in foreign military assistance.

India, Indonesia, Pakistan, Phillipines, and Thailand—all big textile exporters to the United States—receive, in total, billions of dollars in foreign aid from the United States.

Retaliation is not the problem in this issue and our opponents know this. This is a question of U.S. jobs, jobs which will add to the well-being of our economy and our people.

An override of H.R. 1562 is a vote for jobs. It is a vote for fair trade, not protectionism as this administration has charged. It is clear though the MFA, the bilaterals with Korean and Taiwan, and the agreement with South Africa that it is up to this legislative body to preserve American jobs.

## LET US VOTE TO OVERRIDE THE PRESIDENTIAL VETO

(Mr. ROGERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGERS. Madam Speaker, listen to the words of the President when he vetoed the Textile and Apparel Trade Enforcement Act sometime back:

> I will not stand by and watch American businesses fail because of unfair trading practices abroad. I will not stand by and watch American workers lose their jobs because other nations do not play by the rules * * * our philosophy will always be to increase trade, increase economic growth, and increase jobs.

Madam Speaker, since the administration vetoed the textile bill, none of those things have happened. Instead, we signed off on bilaterals with the three largest exporters to us which allow increased imports into this country from them and reward them for the success in flooding our markets. We signed an umbrella textile bill which is in many respects worse than what we had which was not enforced in the first place. The imports have continued to roll in; we are forfeiting our jobs and losing a basic industry in this Nation.

I ask my colleagues to disregard for the moment the battle of numbers this prolonged debate has generated. Look at the fairness of this issue. Look at the untenable situation our industry is in. With aggressive exporters on the one side and a gun-shy administration on the other, surely Madam Speaker, if we can afford to subsidize massive wheat exports to Communist Russia, surely we can limit the flood of subsidized goods produced under slavelike conditions which are destroying this Nation's basic industry.

I urge the Members to vote with us to override the veto.

□ 1020

## TEXTILE VETO OVERRIDE

(Mr. SHELBY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHELBY. Madam Speaker, 717, that's the number of textile workers in Alabama who have lost their jobs since the President vetoed the Textile and Apparel Enforcement Act of December 17, 1985.

Since the President vetoed the textile bill, the trade deficit has soared to $170 billion.

According to the U.S. Department of Labor, in 1985, 2,900 Alabama textile workers lost their jobs. That's in addition to the 12,000 Alabama textile jobs lost since 1980 and the 300,000 textile jobs lost nationwide.

On October 10, 1985, the House passed the Textile and Apparel Enforcement Act of 1985 and sent a message to the administration to save our textile and apparel industry—an industry vital to our economy and our defense. The Senate echoed that message when it passed the bill in December.

But the administration turned a deaf ear to our plea by negotiating a series of agreements allowing even more textile and apparel imports into the country.

Studies estimate that under this new agreement, 550,000 textile and apparel jobs will be lost by 1991—many of these may be in my home State of Alabama.

In his 1986 State of the Union Address, the President challenged us not to let anything hinder our realizing the American dream.

For over 14,000 textile workers in Alabama and over 300,000 textile workers across this Nation, that dream is shattered—their dream of buying a new home, their dream of sending their children to college.

I urge my colleagues not to let the American dream die for Alabama's and America's textile workers. Vote to override the veto. Vote to save America's vital textile and apparel industry.

## A VOTE TO SUSTAIN THE PRESIDENT'S VETO

(Mr. MILLER of Washington asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of Washington. Madam Speaker, we vote this afternoon on whether to sustain the President's textile bill veto.

This was a bad bill last year, and it is a bad bill now. It is bad for American consumers, who will pay $44 billion in higher prices. It is bad for American workers, who will lose their jobs as other nations retaliate against our exports. It is bad for America's friends in the Far and Middle East.

Why are we doing all these bad things? To give further protection to America's most protected industry, an industry that in the first half of 1986 had rising profits and production.

I listened to my colleagues who are unhappy with the President on this or that, and they want to send him a message. This important piece of legislation is about to become law. The time for sending messages is over. It is time to face our responsibility and decide whether this bill serves the Nation's interest. It does not.

Madam Speaker, let us vote to sustain the President's veto.

## THE CASE FOR OVERRIDING THE PRESIDENT'S VETO—A NEW PERSPECTIVE ON VIRGINIA'S HALIFAX COUNTY

(Mr. DANIEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIEL. Madam Speaker, yesterday I addressed the House on some of the points that should cause us to override the President's veto of the textile bill today. One I did not mention is that during World War II the War Production Board concluded that textiles was second only to steel in importance to the war effort. So that gives us another reason why we should override the veto today. It would indeed be ironic if—God forbid—we are faced with another such emergency that we have to rely on a foreign source for uniforms?

Another thing I want to mention this morning, Madam Speaker, is concerning an article which appeared in the Washington Post last Sunday having to do with the city of South Boston located in my district. The Post characterized it as a "poor land of tobacco fields and pine forests." But let me assure the Members that it is much more than that, and I give the Members some information today which I believe will give a true picture of the character and potential of that important area of Virginia.

Madam Speaker, an article in Sunday's Washington Post concerning a drug case offered readers a seriously distorted picture on Halifax County.

This "poor land of tobacco fields and pine forests" has a lot to offer its residents, and it is a pity that the writer chose to ignore reality while straining to make a point.

The same week in which this article was written, announcement was made of the establishment of a new industry in Halifax County, Cellulog, Inc. This company, which will recycle wood and paper waste to mulch will have a modest beginning, employing only 25 to start. But it has the potential for considerable expansion. It is a joint effort of Messrs. James Clark, George Foy, and Leslie Logan, all minority businessmen in Halifax County, and each already established in existing careers. If the Washington Post seeks an article about minorities in southside Virginia, they would do well to look to these three men.

The county papers last week also reported on continuing efforts to attract new industries to the area, and along with that effort, the county has just entered the final phase of airport upgrading, to make the area more accessible by air.

Also underway right now is serious consideration of plans to consolidate some services of Halifax County and the independent city of South Boston. The goal is greater efficiency and united efforts to attract new industry to the area.

These efforts have not gone unnoticed. A while back, an Associated Press story reported that Halifax County was a model small county for economic development, and at its board of supervisors meeting this morning, members were presented with a new brochure promoting the county's industrial park, which is also new.

The county is not unmindful of the source of its recent publicity, and took action this morning to help head off potential problems at the county level by establishing a Drug Abuse Prevention Task Force to work with county and city law enforcement agencies, schools, and churches in an effort to avert the problem.

The writer of yesterday's article made a point of Halifax County's median income. Certainly everyone would like to see that figure higher, but the people who live in Halifax County and South Boston are rich in ways a city writer can never know or understand.

If D'Vera Cohn had looked beyond her prejudices, she would surely have written a different story.

## JOBS FOR TEXTILE WORKERS DEPENDENT ON VETO OVERRIDE

(Mr. McMILLAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McMILLAN. Madam Speaker, today is the day for the vote to override the President's veto of the Textile and Apparel Trade Enforcement Act. Since his veto, Congress and the textile industry have waited to see the results of the Multi-Fiber Agreements renegotiations just completed in Geneva as well as the results of the bilateral trade negotiations that have taken place with our trading partners. They do little more than confirm trends that have cost Americans 300,000 jobs. The textile veto must be overriden and Congress must assume a more active role in setting a fair, tough-minded U.S. trade policy. Had Congress not shown its concern in the textile bill and other trade matters, it is doubtful that even these limited and insufficient results of the newly negotiated MFA and the textile agreements with Hong Kong and Taiwan would have been achieved.

Our trade deficit may reach $170 billion this year, up from $150 billion last year. This occurred despite the welcome drop in oil prices and the return of the dollar to a more balanced level versus the Japanese yen and German mark. It all the more underscores the critical importance of passing tough-minded trade legislation that works toward the removal of subsidies, targeting, and outright restrictive practices of foreign governments against U.S. products.

Textile imports now account for 40 percent of the U.S. market. Over 300,000 American textile workers have lost their jobs due to imports. In order to save the rest of them, the veto must be overridden.

I hope we will succeed in the House. Members of Congress have realized how important it is that legislation be enacted to force our trading partners to pursue fair trade agreements at the negotiating table. Without such legislation, nations such as Taiwan, South Korea, Japan, and Hong Kong will be allowed to continue to increase their share of the U.S. market without corresponding to similar agreements regarding American exports into their country or exports from other textile producing countries. Madam Speaker, for the sake of thousands of jobs in the textile and apparel industry, and common sense in trade policy, I urge

all Members to vote in favor of overriding the President's veto.

By voting to override the veto, Congress will be saying—enough. The Textile and Apparel Enforcement Act does provide for a significant portion of our market to come from imports, but it puts an end to the United States being a dumping ground for the world's exports of textiles.

## TEXTILE INDUSTRY THREATENED BY IMPORTS: NEEDS YES VOTE ON VETO OVERRIDE

(Mrs. LLOYD asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. LLOYD. Madam Speaker, today we will vote on the veto override on the Textile and Apparel Trade Enforcement Act.

I have been a long time supporter of this legislation. The textile and apparel industries have been asking for help for many years. Originally, all they asked was that the current multifiber agreement be strictly enforced. But it wasn't.

We have watched the erosion of one or our most vital industries. While a few small steps have been taken in the past couple of weeks to rectify the situation, it is sadly too little, too late.

Imports now represent more than half of the domestic apparel market. The new MFA agreement—which was not enforced in the past—offers no real commitment to these industries or their workers. With new agreements which allow yet more imports, we may well be by the 1990's, importing our military requirements.

With an annual increase, however small, in imports, we may well fly American flags made in Hong Kong over the Capitol for our constituents.

The time for action is now. The platform for action is here. Let us not wake up one day to see our own national flag an imported product because we have no industry ourselves to manufacture them.

Vote "yes" to override the veto.

## CURRENT TAX PROPOSALS WOULD COMPLICATE, NOT SIMPLIFY

(Mr. MONSON asked and was given permission to address the House for 1 minute.)

Mr. MONSON. Madam Speaker, considering the following, it is hard to be convinced that the current tax reform proposal will simplify our tax system:

Currently, taxpayers selling either personal or real property and receiving the proceeds over a number of years may elect to use the installment method for reporting taxable income. Each year, a percentage of the proceeds received will be taxed. In the new bill, this could be considered as realizing gain on the installment sale. To compute the gain, taxpayers must prepare a quarterly balance sheet on the accrual basis. We will require taxpayers to prepare and maintain four quarterly financial statements, something not now required which is not simplification.

Additionally, those with losses from shelters, other than gas and oil, could use those losses to offset income of other shelters. The losses could not be used against the other types of income. Think of all income as being in one of three baskets. The first holds all business activity income where the taxpayer is not active—basically limited partnership tax shelters. The second is all real property rental income and loss where the taxpayer is active in the business. The third basket includes everything else—dividends, interest, wages, and business income. The new bill requires that income and losses are added up in each category. If a basket has net income, the amount is included in taxable income. If it has a loss, the loss could not be used against the income of other baskets. Thus, we would have the distinct possibility that some taxpayers will be carrying forward three different net operating losses. This would not simplify our Tax Code. I urge my colleagues to examine the proposal more closely.

## ARKANSAS LOSES MORE JOBS IN TEXTILE INDUSTRY, VETO OVERRIDE URGED

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALEXANDER. Madam Speaker, since 1981, the administration's policy of dependence on foreign-made products to supply consumer needs has cost hundreds of thousands of American jobs. Just last week, Levi Strauss announced two more plant closings in Little Rock and Wayne, AR, costing almost 500 more American jobs.

American workers and the management of the textile and footwear industries have been mistreated by the President's policy of dependence on foreign products. This corrosive policy must be met with action by the Congress to override the President's veto on the textile and footwear bill in order to begin restoring the industrial base of America and putting our people back to work.

□ 1030

## SUSTAIN PRESIDENT'S VETO OF TEXTILE BILL

(Mr. FRENZEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRENZEL. Madam Speaker, today we are going to vote on the textile bill veto override. I am urging all Members to support the President's veto.

I ask you to sustain the veto not because textiles is the most protected industry in the United States and probably in the world; and not because textile output is up 11 percent in the first 5 months of this year; and not because the industry's profits have doubled in the first half of 1986 over last year; not because the capacity utilization in the industry is up to a figure of 88 percent compared to an all-industry figure of 79 percent; not because textile unemployment is under the national average or because textile employment is up 4 percent this year in the textile industry and one-half percent in apparel. My request is not based on any of these reasons.

The real reason to substain the veto is that the United States is the largest trader in the world. We are the country, and the people, who are going to suffer most if we repudiate our trading agreements.

Remember what happened to us after the oilseed and Afghanistan embargoes in the agricultural markets. We lost markets it will take us years to recover. If this veto is overridden, the United States will no longer be a reliable trading partner. We can then predict continued market losses, decreases in trade, and, ultimately, the diminution of the living standard of every country in the world. That diminution will be most severe in this country.

I respectfully suggest that the Presidents' veto be sustained.

## KEEP THE MIRV CEILINGS

(Mr. DICKS asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous material.)

Mr. DICKS. Madam Speaker, we are about to debate a number of far-reaching national security issues that will have a significant impact on defense and arms control.

Some have suggested that this is not a proper role of the Congress, that these decisions should be left entirely to the executive branch. This ignores our responsibilities under the Constitution to raise armies and navies and to exercise the power of the purse.

McGeorge Bundy, a former executive official as National Security Adviser in both the Kennedy and Johnson administrations, discusses his view that this indeed is a proper role for the Congress. He further argues that on the merits the amendment I will be offering to preserve the MIRV ceilings of the SALT II Treaty are in our best national security interest.

I am including Mr. Bundy's column, which appeared in this morning's

Washington Post in the RECORD for the Member's review.

KEEP THE MIRV CEILINGS

(By McGeorge Bundy)

In a few days the House of Representatives will be voting on a number of amendments to the defense authorization bill that bear on strategic arms policy and strategic arms control. They have in common the characteristic that they would refuse funds for certain activities—for underground nuclear testing, for the testing of antisatellite devices and for the deployment of additional multiple-warhead missiles (MIRVs) beyond the SALT ceilings—as long as the Soviets show a parallel restraint. In each case there are questions on the merits, and in each case I think the balance, on the merits, is on the side of the proposed amendment.

But there is also a more general question that is being raised about these amendments: do they constitute an improper intrusion into the president's responsibility for the conduct of arms control negotiations? I believe deeply in the protection of presidential authority, and I know from White House experience how hard it is to get progress in arms control without direct presidential leadership. I also know from experience that there is good reason to be wary about intrusion from other places. Arms control negotiations can be endangered by military or technological pressure, for example, or indeed by people on the Hill with their own agenda. But in these three present cases I can see no reason of this kind for members of Congress to hold back from voting on the merits. For simplicity I will focus on the case for protecting the MIRV ceilings in SALT II.

There is widespread agreement now that large-scale land-based multiple-warhead missile systems, especially those based in vulnerable silos, are destabilizing. Congress itself has registered this conclusion with steadily increasing force over recent years, most notably in its restraint of MX deployment. Moreover, the MIRV limits SALT II, while too high, constrain further Soviet deployment at least as much as our own. Finally, there is little enthusiasm in the Navy for spending money to keep old submarines alive just for the pleasure of breaking the SALT II limits. Breaking the limits does us no good, and keeping them is to our advantage.

No one doubts that Congress has a constitutional right to refuse money for testing, for ASATs and for MIRVs, whenever it thinks such spending is a bad use of tax dollars. Congress has been refusing money for this or that weapon over a very long time. Nor can it be beyond congressional power to tie that judgment to the related actions of other governments—no money for additional MIRVs if the Soviets do not deploy additional MIRVs. A judgment based in part on the action or inaction of others is one that Congress has every right to make, both under the Constitution and by historical precedent.

Moreover, if it is the best judgment of Congress that the MIRV ceilings should be respected, the sooner the president knows it the better, from the point of view of his responsibility for negotiations. There is no point in his bargaining for options that Congress will not vote, and such unreal bargaining chips are of no value in serious arms control negotiations. If more MIRVs would be bad for both sides, which really is not a far-out proposition, then it makes sense not to spend money for them, and it also makes sense to put the weight of Congress on the side of international restraint. SALT II is a complex affair, neither perfect nor totally flawed, but its MIRV ceilings are clearly much better than no ceilings at all, and Congress will not handicap the president's work for arms control by helping to keep them intact.

It is true that a congressional decision to refuse funds for breaking the MIRV ceilings will be opposed by those for whom the real purpose all along has been to kill SALT II and to avoid any arms control agreement that Moscow could possibly accept. Their sincerity in this purpose is not in question, but they are not entitled to much attention when they talk of protecting the president's authority to negotiate. Their fondest hope is that he will negotiate nothing at all. They should be asked to tell us, on the merits, whether they think there is any such animal in the world of arms control as a good agreement with MIRV limits higher than those of SALT II. If not, then why is it wrong for Congress to act on that fact?

I believe that such congressional action would in reality be a help to the part of the administration, and indeed the part of the president himself, that really does want good arms control agreements.

## NO RECESS

(Mr. CONTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONTE. Madam Speaker, when I was back in grammar school and we were bad, the teacher used to have one threat hanging over our heads: No recess.

Now, I do not mean to say that Congress is like grammar school. But if the shoe fits, wear it.

We have no business going out on recess next Friday. We have got 8 days of work, but we will leave here by 3 p.m. this Friday; we will not go in until noon next Monday and Tuesday, and no votes next Monday.

In those 8 days, we are supposed to pass the budget reconciliation bill in both bodies, go to conference, and send it to the White House. We have to pass a tax bill, but the conferees are locked up downstairs, hidden from the public eye.

We should impose sanctions on South Africa. We should reform our trade policy. Some Members want to fix Gramm-Rudman. The other body has to try the impeached judge, Harry Claiborne, who continues to collect his salary in the jailhouse. Not one appropriation bill has gone to conference.

The message is, Madam Speaker: We have not earned a recess. We have been bad. Shame on us. Let us shut off the air-conditioning—that is the only way to speed up the work process around here.

## PROTECTING AMERICA'S INDUSTRIAL BASE IS NOT PROTECTIONISM

(Mr. LEVIN of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVIN of Michigan. Madam Speaker, it has been said by opponents of the textile override that what is behind this effort are special interests. Quite the contrary, it is the Nation's interest.

I am from a State with little textile, apparel, and footwear production and no copper production, but we all have a stake in today's vote.

The same lack of a trade policy that is hurting textiles has damaged automobiles, auto parts, steel, machine tools, semiconductors. No one can be sure which will be the next victim.

You name the industry, you are likely to see the same administration approach: neglect, then pressure to act first from Congress and the private sector, the labeling by the administration of pressure as protectionism, and finally in some cases the administration reacts, but if the action is not too late, it is invariably too little.

With this override, the administration once again is on the defensive. It is scrambling toward a last-minute response and scratching for just enough votes to thwart the opposition, and any argument will do; but what this Nation needs in trade is a policy, not patchwork.

I will vote proudly to override, not only to send a message, but as an important step toward creating a national policy.

To protect the integrity of America's industrial base is not protectionism.

## A BAREFOOT ARMY IN LEVIS

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Madam Speaker, today we have the opportunity to vote for America. For American jobs and American manufacturing, but also, for a major item in the Defense base: the clothing and shoes necessary for an Army, a Navy, an Air Force.

During the last months, on this floor, we have heard proponents of free trade blast the idea of protecting American industry because of the threat of retaliation from other countries.

Having already lost at least 1 million manufacturing jobs since the beginning of this decade, facing the threat of the loss of another half million more jobs in textiles—what more can they do?

We have the great, rich market. They need access to it. We should by any rational thought be in the driver's

seat. But, we cower under foreign threats and let them take us for a ride.

We had better consider, and consider well the impact of this bill on the Defense of the United States. Russia has major refueling and supply bases capable of interdicting shipping in or out of any of the Pacific Rim countries. Wars, historically, have been won or lost on the availability of basic supplies.

Shoes and uniforms are basic. If we lost the shoe industry, if we lost the clothing industry, we may well field a barefoot Army dressed in levis for the next war. Madam Speaker, to me this is absolutely an unbelievable situation. I am voting override to protect America.

## ANOTHER $20 BILLION IN DEFICITS

(Mr. WILLIAMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILLIAMS. Madam Speaker, today we will hear from the White House that the deficit is $20 billion higher than expected and it will be politically fashionable in the Oval Office to blame the Congress of the United States, but perhaps it might not be entirely inappropriate to look at the facts of how we reached this $20 billion higher deficit than we expected. Half of it, $10 billion, is because we have less revenue due to the failed economy than we expected, and almost all of that, $10 billion, is less taxes paid by corporations.

Two billion dollars of the deficit will come from bank failures or near bank failures and the payment therefore of the Federal insurance on bank deposits.

One billion dollars is in higher unemployment benefits than expected.

Fully half comes from the Pentagon which has spent $5 billion more than anticipated and the small amount remaining is because of an accounting difficulty with funds oil drilling on the Outer Continental Shelf.

None of the extra $20 billion has come from domestic spending voted by this Congress. All of it is the result of a failed trickle-down, half-baked riverboat gamble initiated at the White House.

## MOMENT OF TRUTH ON TEXTILE BILL

(Mr. COBEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COBEY. Madam Speaker, the moment of truth has come. Today we vote on the textile and apparel veto override.

This is just not a textile and apparel vote. We should focus on the total trade situation in this country. Last year the trade deficit was over $150 billion. This year it is going to be over $170 billion.

When are we are going to stand up for America and American jobs? When are we going to show the rest of the country that we have backbone?

This is not retaliation and we will not be retaliated against. They are already flooding our markets. They want our markets. They want to maintain the share that they have. We should have no fear of retaliation.

It is time to look out for the interests of America and vote to override this veto.

## THE TEXTILE BILL

(Mrs. KENNELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KENNELLY. Madam Speaker, I supported the textile bill last October and again in December. I really supported this type of legislation to try to get the administration's attention, to try to end their policy of malign neglect on trade; but there is no doubt that I had to think long and hard about what I was going to do regarding a veto override.

Unfortunately, the administration has resisted every effort this House has made to grapple with the trade deficit. They have ignored every signal that we sent out. Maybe some of these signals were even 2 by 4's, but we did want to get the attention of the administration. I had hoped that we might; however, this morning the Washington Post said something that was the last straw for me. The Chairman of the Council of Economic Advisers said that he believes the administration can defeat the override, and he goes on to say: "If we win this and win it big, we might discourage the Senate from passing an omnibus trade bill."

I voted for the textile bill because I wanted to send that message of frustration to the administration. I wanted to let them know it is time to strengthen and streamline our textile bills. We did this in the omnibus trade bill. I had hoped that passage of the omnibus trade bill would make industry-specific bills like this one unnecessary.

Apparently I was wrong. Apparently I was naive. As a result, I will vote again with my friend, the gentleman from Georgia.

## ADMINISTRATION HAS BEEN FUNDAMENTALLY MISHANDLING OUR TRADE POLICIES

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Madam Speaker, I want to reinforce what the gentlewoman from Connecticut just said. If you vote to sustain the veto of the textile bill, you are sending the signal to the executive branch that it is doing just fine on trade; yet the fact is that this administration has been fundamentally mishandling our trade policies.

Consider the following letter from Tom Roboz:

DEAR CONGRESSMAN GINGRICH: As a cleared industry advisor, I have participated in every multilateral textile negotiation since the Long-Cotton Arrangement was negotiated during the Kennedy Administration in 1962. This includes the Multi-Fiber Arrangement (MFA) negotiations in 1974, 1977, 1981 and 1983, as well as innumerable bilateral negotiations over the last 25 years.

I can tell you personally that never before have I experienced the inexplicable and inexcusable lack of consultation by U.S. negotiators with domestic industry advisors as was evidenced during the recent renegotiation of the MFA in Geneva.

During the last 36 hours our industry advisors were not contacted by either Ambassador Carlisle or Robert Shepherd, the primary U.S. negotiators. This occurred despite repeated written and oral requests to them that we meet. We were forced to get whatever information we could from our counterparts working with the European Economic Community.

In contrast, other countries, most notably those in the EEC and the Pacific Rim, were consulted hourly by their government negotiators. In Geneva, I personally asked Ambassador Carlisle to brief us. His reponse was that he did not have enough time.

Yesterday's announcement of the new Korean bilateral is indicative of the total breakdown of the consultation mechanism with our government's textile negotiators. A few days ago, Ambassador Michael Smith secretly flew to Honolulu to conclude that agreement. Our industry advisors were not only unaware of the new negotiating round in Hawaii, but we had been told that there were no other sessions planned.

I urge you to work to override the President's veto. It is clear that our textile bill is the only thing that can save this industry from being liquidated. Our government is so intent on pursuing their free trade agenda that they do not even want to know the impact the bilateral and multilateral treaties have on our industry. That complex and technical information can only be provided by the industry advisor process. A process that this administration chooses to ignore.

Sincerely,

TOM ROBOZ,
*CEO, Stanwood Corp.*

Clearly, Madam Speaker, this is a record of indifference to American jobs that we must change. We must vote to override.

## A TIME TO PREACH AND A TIME TO FIGHT

(Mr. KANJORSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KANJORSKI. Madam Speaker, I do not think that in this session of Congress I often agree with the gentleman from Georgia who just spoke, but I have to say that for the first

time I am in 100-percent agreement with him.

I come from Pennsylvania. The first Speaker of the U.S. House of Representatives came from Pennsylvania, Frederick Muhlenberg. During the Revolutionary War, he was a minister. He was preaching one afternoon. His robes were flowing. Finally, at the end of his sermon, he said, "There is a time to preach and a time to fight."

He tore off his robes and had the uniform of a colonel of the Revolutionary Army under it and said: "and now is the time to fight."

This House has preached for 19 months and we have not been heard. We have not preached for protectionism. We have preached for American jobs and American industry. We have preached for fairness, not only for American working men and women, but for working men and women around the world who are working at slave labor wages to produce garments that are flooding this Nation and, indeed, dressing our soldiers in combat.

It is time that this administration listens to the Congress of the United States, for we are a vehicle for the people and the working men and women of the United States.

Mr. President, we cannot afford to lose more textile jobs, footwear jobs, steel jobs, auto jobs, American jobs.

□ 1045

Mr. President, this is not a wrestling match between the White House and the House of Representatives.

Mr. President, this is an emergency. We in the House, Republicans and Democrats alike, today have an opportunity to stand up and be heard. Vote yes for the override.

## VOTE TO OVERRIDE PRESIDENT'S VETO

(Mr. HARTNETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HARTNETT. Madam Speaker, today we will be faced with the decision as to whether or not to override President Reagan's veto of a very important piece of legislation.

President Reagan's philosophical consistency is laudable, but it is extracting too great a toll from a very important American industry. We have been at a disadvantage in this country, and we are quickly and rapidly losing the craftsmen, the skilled workers, and those workers who work in this vital industry every year.

In the event of an all-out national emergency, we will need this vital industry, and I am afraid that it is going to be too late.

I would say that there are very few of my political persuasion who do not stand shoulder to shoulder with President Reagan and admire the great successes which he has enjoyed during his term and a half in office. But I would say to the President in this case, "I think that your political consistency is wrong, Mr. President, and I, who have considered myself to be one of your most loyal soldiers, will leave you and urge my colleagues to vote to override your veto on this most important piece of legislation."

## OVERRIDE PRESIDENTIAL VETO OF TEXTILE AND APPAREL ENFORCEMENT ACT

(Mr. NICHOLS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NICHOLS. Madam Speaker, today, those of us in this body who are alarmed with the ever-increasing trade deficit of the United States, especially relating to textile and apparel imports, have a tough row to hoe in overriding President Reagan's veto of the textile bill.

I stand before my colleagues today as one person whose entire life has been surrounded by textile mills. As a schoolboy growing up in Sylacauga, my first job was in the textile mill. When I served in the Alabama Legislature, I represented a county whose major livlihood depended on the textile and apparel mills scattered throughout the area. And today, Madam Speaker, I am proud to represent, in Congress, one of the largest textile districts in our entire country.

My words today are not just my own, but come from the some 25,000 textile workers who live and work in my district. From the northern part of my district in Calhoun County, I speak for the residents of Eastaboga, Piedmont, Oxford, and Anniston. southward toward Randolph County, I speak for those textile and apparel workers in Roanoke, Rock Mills, and Wedowee. Madam Speaker, the valley area of Alabama's Third Congressional District includes the towns of Shawmut, Langdale, Lanett, and Lafayette, and in this area is one of the largest concentrations of textile workers to be found anywhere in America. In the southern part of my district, I speak for those textile workers in Opelika, Tallassee, Phenix City, and Alexander City. And, Madam Speaker, I would be indeed remiss today if I did not mention my home county of Talladega and the hundreds and hundreds of friends who are employed in textile cut-and-sew plants. All of those who live in these communities are represented on this floor today and the message they are sending is loud and clear, "Foreign imports are taking our jobs—we need relief."

Madam Speaker, in the last few weeks, I have had hundreds and hundreds of handwritten letters pointing out that Alabama has lost more than 10,000 textile and apparel employees just in the past 12 months due to plant closings, and they have all called my attention to the recent trade figures released by the Commerce Department showing that textile imports from Hong Kong, Korea, Taiwan, and China have increased this year more than 20 percent over last year's figure.

I beg of my colleagues, in the name of saving American jobs and protecting our industrial base of these United States, to vote with me today in overriding the Presidential veto of our textile bill.

## NATIONAL STRENGTH WILL GAIN FROM VETO OVERRIDE

(Mr. FOWLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOWLER. Madam Speaker, it seems to me that if the goal of American military security and the national security of our country is peace through strength, it is no less a challenge to the national strength of our country that we have competitiveness through strength.

The national strength of this country is not only in its missiles and its armaments and its men and women who defend our shores; the national strength of our Nation is made up of the ability to clothe ourselves and feed ourselves. Agriculture, textiles, steel, rubber—basic industries of the United States of America—make up the national strength of our people. If we lose a part of that national strength, we lose an overall part, a key part, of the national security of our Nation.

This is an important vote today because it is a vote for national strength and national security. I am extremely pleased with the bipartisan efforts of my friends on both sides of the aisle to make the case for overriding this Presidential veto for the national strength of this Nation.

## STICK TO THE FACTS ON TEXTILE IMPORTS

(Mr. GIBBONS asked and was given permission to address the House for 1 minute.)

Mr. GIBBONS. Madam Speaker, this is an important and historic day for America. The debate has gotten a little off track; I have heard some statements that are just completely inaccurate, and I want to correct them here in the well right now.

Imports of finished textile products—apparel and household goods—in 1980 were 13.3 percent of the U.S. market; today they are about 24 percent of the U.S. market. Apparel imports only in 1980 were 24 percent, almost 25 percent of the U.S. market;

today, they represent 35 percent of the U.S. market.

I would hope that my colleagues would restrict the statistics that they use in debate to accurate figures that are supplied to us every day by the Department of Commerce. I have heard speakers say today that there is a rush of subsidized imports. That is baloney; there is no rush of subsidized imports. There are adequate laws to protect against subsidized importation. The textile and garment people are using those laws, and using them successfully.

The American textile industry is healthy. It is in transition. Some of it will survive, and some of it will not survive. It is the most highly protected industry in the United States. It has been protected for far too long. The protection rate is about 40 percent, and this protection rate has caused a slowdown in the transition that we must normally face.

Certainly textile jobs will be lost in the United States, but they will be lost to machines in this country. I hope that during the debate today we will stick to the facts.

## SUBSIDIZED GRAIN SALES TO "EVIL EMPIRE"

(Mr. DARDEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DARDEN. Madam Speaker, V.I. Lenin, the father of the Soviet state, once said, "The imperialists are so hungry for profits that they will sell us the rope with which to hang them."

It appears now that we at least will sell them—at a subsidized price—the grain that offsets the shortfalls created by the inadequacy of their own agricultural system.

President Reagan's decision to authorize a subsidized grain sale to the Soviets even has Mr. Reagan's own Secretary of State, George Shultz, baffled. The Soviets—who have sworn to destroy the very capitalist system under which American farmers operate—will use that system to buy wheat at less cost than our own citizens pay.

At the same time, this action was taken while a parliamentary delegation from Australia was in Washington to protest this potential action. We did not even have the courtesy to let them leave the country before we made that decision. That is no way to treat a valued ally.

Madam Speaker, what kind of logic is that from a President who has labeled the Soviets "an evil empire"?

## THE WAR AGAINST NARCOTICS

(Mr. RANGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RANGEL. Madam Speaker, as we in the House attempt to embark on a legislative project to form an omnibus bill in support of the President's recently declared war against narcotics, it is important to note that all of the committees are working to deal with the question of reduction in demand, as we have bills before the Education and Labor Committee to deal with interdiction, as Mr. GIBBONS has successfully passed out of his committee assistance to our customs, and most importantly, the Foreign Affairs Committee, that will be dealing with countries that are violating international treaties, those that have ignored the need to embark on eradication programs.

In this light I would like to laud the administration for the effort that they have made in Bolivia. Many of us were concerned of the intrusion of American troops working with the Bolivian Government, but notwithstanding that, I think that we are beginning to develop some type of a foreign policy and seeing the successful results of the Bolivian project.

It has been reported to us by the State Department that at least six laboratories have been destroyed which involved some 6 tons of coca leaves which would be coming into this country for processing as cocaine. In addition to that, it has dramatically reduced the demand for the coca leaf crops from the farmers in Bolivia. I only hope that we can extend this program to Peru and to Colombia.

□ 1055

## DROUGHT RELIEF

(Mr. DE LA GARZA asked and was given permission to address the House for 1 minute.)

Mr. DE LA GARZA. Madam Speaker, in a few moments we will be voting on the suspensions from Monday and yesterday. The third suspension, H.R. 5288, will be the drought assistance legislation which we debated on the floor yesterday.

We cannot say enough about what farmers, about what the individual citizens have done to assist our brethren in the Southeast. This is the first and perhaps the only opportunity we will have as Members of Congress to have our imprint and to assist in that endeavor, and I urge all Members to vote to support this legislation and give it as near a unanimous vote as we can so that we can tell our friends that are suffering from the drought that we care and that we, within the constraints that we have, budget and otherwise, nonetheless are trying to do our best to assist them in this endeavor.

## VETERANS' LEGISLATION

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Madam Speaker, I would like to also explain two suspension votes that we will have in just a few moments that came out of the Veterans' Affairs Committee.

One of the bills you will vote on will improve the health care of veterans, and the other bill pertains to ex-prisoners of war, to give benefits such as dental care.

These are not expensive bills, and they do help the veteran. I hope we can get a unanimous vote on these two bills that are now before the body out of the Veterans' Affairs Committee.

## NATIONAL SCIENCE FOUNDATION AUTHORIZATION ACT FOR FISCAL YEAR 1987

Mr. WALGREN. Madam Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4184) to authorize appropriations to the National Science Foundation for the fiscal year 1987, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert:

That this Act may be cited as the "National Science Foundation Authorization Act for Fiscal Year 1987".

AUTHORIZATION OF APPROPRIATIONS

SEC. 2. (a) There are authorized to be appropriated to the National Science Foundation, for fiscal year 1987, the sums set forth in the following categories:

(1) Mathematical and Physical Sciences, $489,870,000.

(2) Engineering, $172,470,000.

(3) Biological, Behavioral, and Social Sciences, $270,500,000.

(4) Geosciences, $298,150,000.

(5) Scientific Technological, and International Affairs, $47,030,000.

(6) Computer and Information Science and Engineering, $122,980,000.

(7) Program Development and Management, $78,000,000.

(8) United States Antarctic Program, $117,000,000.

(9) Science and Engineering Education, $89,000,000.

(b) Notwithstanding any other provision of this Act, from the amount authorized under subsection (a)—

(1) not less than $33,430,000 is authorized only for purposes of the Social and Economic Sciences Division;

(2) not less than $49,870,000 is authorized only for purposes of the Behavioral and Neural Sciences Division;

(3) not less than $89,060,000 is authorized only for the purposes of the Astronomical Sciences Division; and

(4) not less than $11,500,000 is authorized only for the purposes of the College Science Instrumentation Program.

AVAILABILITY

SEC. 3. (a) Appropriations made under authority provided in sections 2 and 5 shall remain available for obligation for periods specified in the Acts making the appropriations.

(b) To the extent that the total amount appropriated to carry out program activities specified in this Act is less than the total amount authorized to be appropriated for such activities under this Act, all such authorized amounts for such activities or their subactivities shall be reduced proportionally.

OFFICIAL EXPENSES

SEC. 4. From appropriations made under authorizations provided in this Act, not more than $5,000 for fiscal year 1987 may be used for official consultation, representation, or other extraordinary expenses at the discretion of the Director of the National Science Foundation. The determination of the Director will be final and conclusive upon the accounting officers of the Government.

FOREIGN CURRENCY AUTHORIZATION

SEC. 5. In addition to the sums authorized by section 2, not more than $700,000 for fiscal year 1987 are authorized to be appropriated for expenses of the National Science Foundation incurred outside the United States, to be drawn from foreign currencies that the Department of the Treasury determines to be excess to the normal requirements of the United States.

TRANSFERS AUTHORIZED

SEC. 6. (a) Funds may be transferred among the categories listed in section 2(a), so long as the net funds transferred to or from any category do not exceed 10 percent of the amount authorized for that category in section 2.

(b) The Director of the National Science Foundation may propose transfers to or from any category exceeding 10 percent of the amount authorized for that category in section 2. An explanation of any such proposed transfer must be transmitted in writing to the Speaker of the House of Representatives, the President of the Senate, the Committees on Labor and Human Resources and Commerce, Science, and Transportation of the Senate, and the Committee on Science and Technology of the House of Representatives. The proposed transfer may be made only when 30 calendar days have passed after submission of the written explanation.

MISCELLANEOUS AMENDMENTS

SEC. 7. (a) Section 3(a)(6) of the National Science Foundation Act of 1950 (42 U.S.C. 1862(a)(6)) is amended to read as follows:

"(6) to provide a central clearinghouse for the collection, interpretation, and analysis of data on scientific and engineering resources and to provide a source of information for policy formulation by other agencies of the Federal Government; and".

(b)(1) Section 6 of the National Science Foundation Act of 1950 (42 U.S.C. 1864a) is amended—

(A) by striking out "(a)" after the section designation; and

(B) by striking out subsection (b).

(2) Section 5316 of title 5, United States Code, is amended by striking out "Assistant Directors, National Science Foundation (4).".

(c) Section 10 of the National Science Foundation Act of 1950 (42 U.S.C. 1869) is amended by striking out ", within the limits of funds made available specifically for such purpose pursuant to section 16,".

(d) Section 11 of the National Science Foundation Act of 1950 (42 U.S.C. 1870) is amended—

(1) by striking out "and" at the end of paragraph (i);

(2) by striking out the period at the end of paragraph (j) and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following:

"(k) during the 5-year period beginning on the date of the enactment of the National Science Foundation Authorization Act for Fiscal Year 1987, to indemnify grantees, contractors, and subcontractors associated with the Ocean Drilling Program under the provisions of section 2354 of title 10, United States Code, with all approvals and certifications required by such indemnification made by the Director.".

TASK FORCE ON WOMEN, MINORITIES, AND THE HANDICAPPED IN SCIENCE AND TECHNOLOGY

SEC. 8. (a) It is the purpose of this section to establish a task force on women, minorities, and the handicapped in science and technology to—

(1) examine the current status of women, minorities, and the handicapped in science and engineering positions in the Federal Government and in federally assisted research programs;

(2) coordinate existing Federal programs designed to promote the employment of women, minorities and the handicapped in such positions;

(3) suggest cooperative interagency programs for promoting such employment;

(4) identify exemplary State, local, or private sector programs designed to promote such employment; and

(5) develop a long-range plan to advance opportunities for women, minorities, and the handicapped in Federal scientific and technical positions in federally assisted research, and to coordinate the activities of participating agencies with the Committee on Equal Opportunities in Science and Engineering established by section 36 of the National Science Foundation Authorization and Science and Technology Equal Opportunities Act (42 U.S.C. 1885c), after the termination of the task force established by this section.

(b) For purposes of this section, the term "participating agency" means—

(1) the National Science Foundation;

(2) the Department of Health and Human Services;

(3) the National Aeronautics and Space Administration;

(4) the Environmental Protection Agency;

(5) the Department of Agriculture;

(6) the Department of Defense;

(7) the Department of Education;

(8) the Department of Energy;

(9) the Department of Commerce; and

(10) the Department of the Interior.

(c)(1) The task force on women, minorities, and the handicapped in science and technology shall be composed of individuals appointed by participating agencies pursuant to this subsection.

(2) The head of each participating agency shall appoint two individuals to serve as members of the task force. If an appointed member is unable to serve for the duration of the task force, the head of the participating agency who appointed that member shall appoint another individual to fill the vacancy.

(3) Task force members may be appointed from private business, academia, professional associations, or nonprofit foundations.

(d) The task force shall prepare and submit a report on its findings and recommendations to the President, the Congress, and the head of each participating agency not later than December 31, 1989.

(e) The Office of Science and Technology policy shall call the first meeting of the task force not later than 90 days after the date of enactment of this Act, shall ensure that each participating agency has appointed two members, and shall assist the task force to meet its objectives.

(f)(1) Members of the task force not otherwise employed by the Federal Government shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in carrying out the duties of the task force.

(2) The Director of the National Science Foundation shall make provision for administrative support of the task force, and may enter into agreements with the heads of other participating agencies to facilitate the work of the task force.

(g) The task force shall terminate on January 31, 1990.

GREENHOUSE EFFECT REPORT

SEC. 9. The President shall, at the earliest practical date (but not later than August 1, 1987), submit to the Congress a report on any action taken or proposed to be taken by the Federal Government with respect to the establishment of an International Year of the Greenhouse Effect to occur in calendar year 1991. Such report shall include descriptions of possible international missions and related research and educational activities, and other such activities as the President may consider appropriate.

COMPUTER NETWORK STUDY

SEC. 10. (a) The Office of Science and Technology Policy (hereinafter referred to as the "Office") shall undertake a study of critical problems and current and future options regarding communications networks for research computers, including supercomputers, at universities and Federal research facilities in the United States. The study shall include an analysis of—

(1) the networking needs of the Nation's academic and Federal research computer programs, including supercomputer programs, over the period which is fifteen years after the date of enactment of this Act, including requirements in terms of volume of data, reliability of transmission, software compatibility, graphics capability, and transmission security;

(2) the benefits and opportunities that an improved computer network would offer for electronic mail, file transfer, and remote access and communications for universities and Federal research facilities in the United States; and

(3) the networking options available for linking academic and other federally supported research computers, including supercomputers, with a particular emphasis on the advantages and disadvantages, if any, of fiber optic systems.

(b) The Office shall submit to the Congress—

(1) within one year after the date of enactment of this Act, a report on findings from the study undertaken pursuant to subsection (a) with respect to needs and options regarding communications networks for university and Federal research supercomputers within the United States; and

(2) within two years after the date of enactment of this Act, a report on findings from the study undertaken pursuant to subsection (a) with respect to needs and options regarding communications networks for all research computers at universities and Federal research facilities in the United States.

REPEAL

SEC. 11. Title IX of the National Defense Education Act of 1959 (42 U.S.C. 1876 et seq.) is repealed.

Mr. WALGREN (during the reading). Madam Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore (Ms. KAPTUR). Is there objection to the request of the gentleman from Pennsylvania?

Mr. LUJAN. Madam Speaker, reserving the right to object, I do so for the purpose of asking the gentleman from Pennsylvania [Mr. WALGREN], the chairman of the subcommittee, to explain the legislation before us.

Mr. WALGREN. Madam Speaker, if the gentleman will yield, on June 26, 1986, the House amended and passed H.R. 4184, the National Science Foundation Authorization Act for fiscal year 1987 by a vote of 405 yeas to 2 nays. On August 1, the Senate amended S. 2184, the Senate counterpart bill, then substituted the text for that of H.R. 4184 and passed the bill. In the other body, two committees considered the NSF authorization—the Committee on Labor and Human Resources and the Committee on Commerce, Science, and Transportation. The House bill and the Senate bill both provide for a total authorization of $1.686 billion, a level identical to the authorization level proposed by the administration.

Prior to consideration of the bill by the Senate, representatives of the Committee on Science and Technology consulted with the two Senate committees to review any differences between the House-passed version and the versions reported from the Committee on Labor and Human Resources and the Committee on Commerce, Science, and Transportation. The Senate version before us reflects the consensus between the House and Senate committees.

There are some differences between the House-passed version of H.R. 4184, and the Senate substitute which is before us today. The House-passed bill redirected funds from the U.S. Antarctic Program to the Behavioral and Social Sciences Programs and the College Science Instrumentation Program within the Science and Engineering Education Directorate. The Senate bill redirects identical amounts to these programs, but gives the director of the Foundation authority to reallocate the funds as he sees appropriate, rather than taking all of the funds from the U.S. Antarctic Program. In addition, the Senate version authorizes an additional $4 million for astronomical sciences above the initial administration request. However, the total authorization level remains the same in both the House and Senate versions of H.R. 4184.

The Senate bill also contains a provision, not in the House-passed version, which states that if the total amount appropriated to carry out program activities is less than the amount authorized, all authorized amounts are to be reduced proportionally. The Senate-passed version also includes a provision to establish an interagency Task Force on Women, Minorities, and the Handicapped in Science and Technology to advance opportunities for these groups in Federal scientific and technical positions in federally assisted research.

Authorization for two studies and reports is included in the Senate version which was not included in H.R. 4184 as passed by the House. These provisions require the President to submit to the Congress a report on actions taken, or proposed, to establish an International Year of the Greenhouse Effect. Likewise, the Office of Science and Technology Policy is to study and report to the Congress critical problems and current and future options regarding communications networks for research computers, including supercomputers, at universities and Federal research facilities.

The House-passed version contains a provision to authorize NSF, for a 5-year period, to indemnify grantees, contractors, and subcontractors associated with the Ocean Drilling Program. The Senate amended S. 2184 to include this language. H.R. 4184, as passed by the House, also includes a directive that none of the funds authorized for the Foundation may be used to implement or enforce changes to the Office of Management and Budget [OMB] Circular A-21 made subsequent to February 11, 1986. This provision referred to the rather hasty promulgation by OMB which would have made a major change in the amount of administative cost allowances to universities. Since the time H.R. 4184 passed the House, however, OMB has modified the proposal, thus the committee agreed with the Senate to drop this provision.

All other aspects of H.R. 4184 as passed by the Senate are identical to the House bill. I believe the Science and Technology Committee's consultation with the Senate Labor Committee and Commerce Committee has produced an excellent authorization for the National Science Foundation. I am pleased that the two Senate committees continue to work together, and I appreciate the cooperation, on both sides of the aisle, which allows Congress to move forward in a timely fashion with an authorization for NSF.

I want to especially give credit and recognition as we pass this bill to the chairman of the full committee, DON FUQUA, as well as the ranking Republican member, Mr. LUJAN, and the ranking Republican member of the Subcommittee on Science, Research and Technology, Mr. BOEHLERT, for their cooperation and sustained efforts in the development of this legislation.

The basic science and fundamental engineering research supported by NSF ultimately provides much of the knowledge necessary to solve the Nation's current and future economic challenges and maintain our competitive technological advantage. H.R. 4184, as amended and passed by the Senate, will help to guarantee not only the knowledge base, but that our young citizens benefit from education and advancement in science and engineering. I urge my colleagues to adopt the Senate-passed version of H.R. 4184, so that this authorization for the National Science Foundation may become public law.

Mr. LUJAN. Madam Speaker, I thank the gentleman for his explanation of the bill to reauthorize funds for the National Science Foundation for fiscal year 1987. As the gentleman explained on June 26, 1986, the House debated H.R. 4184 and overwhelmingly voted to support the administration's request for increased funding of the National Science Foundation. I commend my colleagues in the Senate, particularly Senator HATCH and Senator GORTON, for their expeditious, thorough, and strong endorsement of this legislation.

The bill, as amended by the Senate, meets the need for a sound budget proposal for an agency that provides significant support to our Nation's science and engineering research and education enterprises. The vast majority of precollege, undergraduate, and graduate institutions in the United States are supported in some way with NSF funds. Therefore, all taxpayers benefit from NSF's programs. Furthermore, there are several programs NSF sponsors that have a cost-sharing factor assigned to them. This has not only leveraged the Federal investment in science, but it has also drawn State and local governments, academic institutions, and the private sector into a productive alliance.

Madam Speaker, I urge the House to accept the unanimous-consent request for passage of H.R. 4184. It is not only a strong signal of the Congress' support for basic research and education, but it is also a very sound investment of taxpayers' money.

Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Pennsylvania?

There was no objection.

A motion to reconsider was laid on the table.

## PERMISSION FOR SUBCOMMITTEE ON PUBLIC BUILDINGS AND GROUNDS OF COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION TO SIT TODAY DURING THE 5-MINUTE RULE

Mr. GRAY of Illinois. Madam Speaker, I ask unanimous consent that the Subcommittee on Public Buildings and Grounds of the Committee on Public Works and Transportation be permitted to sit today, August 6, 1986, under the 5-minute rule.

Madam Speaker, this matter has been cleared by the minority.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 5, rule I, the Chair will now put the question on each motion on which further proceedings were postponed on Monday, August 4, 1986, and Tuesday, August 5, 1986, in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 4333, by the yeas and nays;

H.R. 4623, by the yeas and nays; and

H.R. 5288, by the yeas and nays.

The Chair will reduce to 5 minutes the time for all electronic votes after the first vote in this series.

## IMPROVED BENEFITS FOR FORMER PRISONERS OF WAR

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 4333.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. MONTGOMERY] that the House suspend the rules and pass the bill, H.R. 4333, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 413, nays 0, answered "present" 1, not voting 17, as follows:

[Roll No. 286]

YEAS—413

| | | |
|---|---|---|
| Ackerman | Annunzio | Aspin |
| Akaka | Anthony | Atkins |
| Alexander | Applegate | AuCoin |
| Anderson | Archer | Badham |
| Andrews | Armey | Barnard |
| Barnes | English | Levin (MI) |
| Bartlett | Erdreich | Levine (CA) |
| Barton | Evans (IA) | Lewis (CA) |
| Bateman | Evans (IL) | Lewis (FL) |
| Bates | Fascell | Lightfoot |
| Bedell | Fawell | Lipinski |
| Beilenson | Feighan | Livingston |
| Bennett | Fiedler | Lloyd |
| Bentley | Fields | Loeffler |
| Bereuter | Fish | Lott |
| Berman | Flippo | Lowery (CA) |
| Bevill | Florio | Lowry (WA) |
| Biaggi | Foglietta | Lujan |
| Billirakis | Foley | Luken |
| Bliley | Ford (MI) | Lundine |
| Boehlert | Ford (TN) | Lungren |
| Boggs | Fowler | Mack |
| Boland | Frank | MacKay |
| Boner (TN) | Frenzel | Madigan |
| Bonior (MI) | Frost | Manton |
| Bonker | Fuqua | Markey |
| Borski | Gallo | Marlenee |
| Bosco | Garcia | Martin (IL) |
| Boucher | Gaydos | Martin (NY) |
| Boulter | Gejdenson | Martinez |
| Boxer | Gekas | Matsui |
| Breaux | Gephardt | Mavroules |
| Brooks | Gibbons | Mazzoli |
| Broomfield | Gilman | McCandless |
| Brown (CA) | Gingrich | McCloskey |
| Brown (CO) | Glickman | McCollum |
| Bruce | Gonzalez | McCurdy |
| Bryant | Goodling | McDade |
| Burton (CA) | Gordon | McEwen |
| Burton (IN) | Gradison | McGrath |
| Bustamante | Gray (IL) | McHugh |
| Byron | Gray (PA) | McKernan |
| Callahan | Green | McKinney |
| Campbell | Gregg | McMillan |
| Carney | Guarini | Meyers |
| Carper | Gunderson | Michel |
| Carr | Hall (OH) | Mikulski |
| Chandler | Hall, Ralph | Miller (CA) |
| Chapman | Hamilton | Miller (OH) |
| Chappell | Hammerschmidt | Miller (WA) |
| Chappie | Hansen | Mineta |
| Cheney | Hartnett | Mitchell |
| Clinger | Hatcher | Moakley |
| Coats | Hayes | Molinari |
| Cobey | Hefner | Mollohan |
| Coble | Hendon | Monson |
| Coelho | Henry | Montgomery |
| Coleman (MO) | Hiler | Moody |
| Coleman (TX) | Hillis | Moorhead |
| Collins | Holt | Morrison (CT) |
| Combest | Hopkins | Morrison (WA) |
| Conte | Horton | Mrazek |
| Cooper | Howard | Murphy |
| Coughlin | Hoyer | Murtha |
| Coyne | Hubbard | Myers |
| Craig | Huckaby | Natcher |
| Crane | Hughes | Neal |
| Crockett | Hunter | Nelson |
| Daniel | Hutto | Nichols |
| Dannemeyer | Hyde | Nielson |
| Darden | Ireland | Nowak |
| Daschle | Jacobs | Oakar |
| Daub | Jeffords | Oberstar |
| Davis | Jenkins | Obey |
| de la Garza | Johnson | Olin |
| DeLay | Jones (NC) | Ortiz |
| Dellums | Jones (OK) | Owens |
| Derrick | Jones (TN) | Oxley |
| DeWine | Kanjorski | Packard |
| Dickinson | Kaptur | Panetta |
| Dicks | Kasich | Parris |
| Dingell | Kastenmeier | Pashayan |
| DioGuardi | Kemp | Pease |
| Dixon | Kennelly | Penny |
| Donnelly | Kildee | Perkins |
| Dorgan (ND) | Kindness | Petri |
| Dornan (CA) | Kleczka | Pickle |
| Dowdy | Kolbe | Porter |
| Downey | Kolter | Price |
| Dreier | Kostmayer | Pursell |
| Duncan | Kramer | Quillen |
| Durbin | LaFalce | Rahall |
| Dwyer | Lagomarsino | Rangel |
| Dyson | Lantos | Ray |
| Early | Latta | Regula |
| Eckart (OH) | Leach (IA) | Reid |
| Eckert (NY) | Leath (TX) | Richardson |
| Edgar | Lehman (CA) | Ridge |
| Edwards (CA) | Lehman (FL) | Rinaldo |
| Edwards (OK) | Leland | Ritter |
| Emerson | Lent | Roberts |
| Robinson | Smith (NE) | Towns |
| Rodino | Smith (NJ) | Traficant |
| Roe | Smith, Denny (OR) | Traxler |
| Roemer | Smith, Robert (NH) | Udall |
| Rogers | Smith, Robert (OR) | Vander Jagt |
| Rose | Snowe | Vento |
| Rostenkowski | Snyder | Visclosky |
| Roth | Solarz | Volkmer |
| Rowland (CT) | Solomon | Vucanovich |
| Rowland (GA) | Spence | Waldon |
| Roybal | Spratt | Walgren |
| Rudd | St Germain | Walker |
| Russo | Staggers | Watkins |
| Sabo | Stallings | Waxman |
| Savage | Stangeland | Weaver |
| Saxton | Stark | Weber |
| Schaefer | Stenholm | Weiss |
| Scheuer | Stokes | Wheat |
| Schneider | Strang | Whitehurst |
| Schroeder | Stratton | Whitley |
| Schuette | Studds | Whittaker |
| Schulze | Stump | Whitten |
| Schumer | Sundquist | Wilson |
| Seiberling | Sweeney | Wirth |
| Sensenbrenner | Swift | Wise |
| Sharp | Swindall | Wolf |
| Shaw | Synar | Wolpe |
| Shelby | Tallon | Wortley |
| Shumway | Tauke | Wright |
| Shuster | Tauzin | Wyden |
| Sikorski | Taylor | Wylie |
| Sisisky | Thomas (CA) | Yates |
| Skeen | Thomas (GA) | Yatron |
| Skelton | Torres | Young (AK) |
| Slattery | Torricelli | Young (FL) |
| Slaughter | | Young (MO) |
| Smith (FL) | | Zschau |
| Smith (IA) | | |

ANSWERED "PRESENT"—1

McCain

NOT VOTING—17

| | | |
|---|---|---|
| Clay | Grotberg | Pepper |
| Conyers | Hawkins | Roukema |
| Courter | Hertel | Siljander |
| Dymally | Long | Valentine |
| Fazio | Mica | Williams |
| Franklin | Moore | |

□ 1115

So (two-thirds having voted in favor thereof), the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BROWN of California). Pursuant to the provisions of clause 5, rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on all the additional motions to suspend the rules on which the Chair has postponed further proceedings.

## VETERANS' HEALTH-CARE AMENDMENTS OF 1986

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 4623, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. MONTGOMERY] that the House suspend

the rules and pass the bill, H.R. 4623, as amended, on which the yeas and nays are ordered.

The Chair announces that this will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 418, nays 0, not voting 13, as follows:

[Roll No. 287]

YEAS—418

| | | |
|---|---|---|
| Ackerman | Davis | Henry |
| Akaka | de la Garza | Hiler |
| Alexander | DeLay | Hillis |
| Anderson | Dellums | Holt |
| Andrews | Derrick | Hopkins |
| Annunzio | DeWine | Horton |
| Anthony | Dicks | Howard |
| Applegate | Dingell | Hoyer |
| Archer | DioGuardi | Hubbard |
| Armey | Dixon | Huckaby |
| Aspin | Donnelly | Hughes |
| Atkins | Dorgan (ND) | Hunter |
| AuCoin | Dornan (CA) | Hutto |
| Badham | Dowdy | Hyde |
| Barnard | Downey | Ireland |
| Barnes | Dreier | Jacobs |
| Bartlett | Duncan | Jeffords |
| Barton | Durbin | Jenkins |
| Bateman | Dwyer | Johnson |
| Bates | Dymally | Jones (NC) |
| Bedell | Dyson | Jones (OK) |
| Beilenson | Early | Jones (TN) |
| Bennett | Eckart (OH) | Kanjorski |
| Bentley | Eckert (NY) | Kaptur |
| Bereuter | Edgar | Kasich |
| Berman | Edwards (CA) | Kastenmeier |
| Bevill | Edwards (OK) | Kemp |
| Biaggi | Emerson | Kennelly |
| Bilirakis | English | Kildee |
| Bliley | Erdreich | Kindness |
| Boehlert | Evans (IA) | Kleczka |
| Boggs | Evans (IL) | Kolbe |
| Boland | Fascell | Kolter |
| Boner (TN) | Fawell | Kostmayer |
| Bonior (MI) | Fazio | Kramer |
| Bonker | Feighan | LaFalce |
| Borski | Fiedler | Lagomarsino |
| Bosco | Fields | Lantos |
| Boucher | Fish | Latta |
| Boulter | Flippo | Leach (IA) |
| Boxer | Florio | Leath (TX) |
| Breaux | Foglietta | Lehman (CA) |
| Brooks | Foley | Lehman (FL) |
| Broomfield | Ford (MI) | Leland |
| Brown (CA) | Ford (TN) | Lent |
| Brown (CO) | Fowler | Levin (MI) |
| Bruce | Frank | Levine (CA) |
| Bryant | Franklin | Lewis (CA) |
| Burton (CA) | Frenzel | Lewis (FL) |
| Burton (IN) | Frost | Lightfoot |
| Bustamante | Fuqua | Lipinski |
| Byron | Gallo | Livingston |
| Callahan | Garcia | Lloyd |
| Campbell | Gaydos | Loeffler |
| Carper | Gejdenson | Lott |
| Carr | Gekas | Lowery (CA) |
| Chandler | Gephardt | Lowry (WA) |
| Chapman | Gibbons | Lujan |
| Chappell | Gilman | Luken |
| Chappie | Gingrich | Lundine |
| Cheney | Glickman | Lungren |
| Clinger | Gonzalez | Mack |
| Coats | Goodling | MacKay |
| Cobey | Gordon | Madigan |
| Coble | Gradison | Manton |
| Coelho | Gray (IL) | Markey |
| Coleman (MO) | Gray (PA) | Marlenee |
| Coleman (TX) | Green | Martin (IL) |
| Collins | Gregg | Martin (NY) |
| Combest | Guarini | Martinez |
| Conte | Gunderson | Matsui |
| Cooper | Hall (OH) | Mavroules |
| Coughlin | Hall, Ralph | Mazzoli |
| Coyne | Hamilton | McCain |
| Craig | Hammerschmidt | McCandless |
| Crane | Hansen | McCloskey |
| Crockett | Hartnett | McCollum |
| Daniel | Hatcher | McCurdy |
| Dannemeyer | Hawkins | McDade |
| Darden | Hayes | McEwen |
| Daschle | Hefner | McGrath |
| Daub | Hendon | McHugh |
| McKernan | Roberts | Stenholm |
| McKinney | Robinson | Stokes |
| McMillan | Rodino | Strang |
| Meyers | Roe | Stratton |
| Mica | Roemer | Studds |
| Michel | Rogers | Stump |
| Mikulski | Rose | Sundquist |
| Miller (CA) | Rostenkowski | Sweeney |
| Miller (OH) | Roth | Swift |
| Miller (WA) | Roukema | Swindall |
| Mineta | Rowland (CT) | Synar |
| Mitchell | Rowland (GA) | Tallon |
| Moakley | Roybal | Tauke |
| Molinari | Rudd | Tauzin |
| Mollohan | Russo | Taylor |
| Monson | Sabo | Thomas (CA) |
| Montgomery | Savage | Thomas (GA) |
| Moorhead | Saxton | Torres |
| Morrison (CT) | Schaefer | Torricelli |
| Morrison (WA) | Scheuer | Towns |
| Mrazek | Schneider | Traficant |
| Murphy | Schroeder | Traxler |
| Murtha | Schuette | Udall |
| Myers | Schulze | Vander Jagt |
| Natcher | Schumer | Vento |
| Neal | Seiberling | Visclosky |
| Nelson | Sensenbrenner | Volkmer |
| Nichols | Sharp | Vucanovich |
| Nielson | Shaw | Waldon |
| Nowak | Shelby | Walgren |
| Oakar | Shumway | Walker |
| Oberstar | Shuster | Watkins |
| Obey | Sikorski | Waxman |
| Olin | Sisisky | Weaver |
| Ortiz | Skeen | Weber |
| Owens | Skelton | Weiss |
| Oxley | Slattery | Wheat |
| Packard | Slaughter | Whitehurst |
| Panetta | Smith (FL) | Whitley |
| Parris | Smith (IA) | Whittaker |
| Pashayan | Smith (NE) | Whitten |
| Pease | Smith (NJ) | Williams |
| Penny | Smith, Denny (OR) | Wilson |
| Perkins | Smith, Robert (NH) | Wirth |
| Petri | Smith, Robert (OR) | Wise |
| Pickle | Snowe | Wolf |
| Porter | Snyder | Wolpe |
| Price | Solarz | Wortley |
| Pursell | Solomon | Wright |
| Quillen | Spence | Wyden |
| Rahall | Spratt | Wylie |
| Rangel | St Germain | Yates |
| Ray | Staggers | Yatron |
| Regula | Stallings | Young (AK) |
| Reid | Stangeland | Young (FL) |
| Richardson | Stark | Young (MO) |
| Ridge | | Zschau |
| Rinaldo | | |
| Ritter | | |

NOT VOTING—13

| | | |
|---|---|---|
| Carney | Grotberg | Pepper |
| Clay | Hertel | Siljander |
| Conyers | Long | Valentine |
| Courter | Moody | |
| Dickinson | Moore | |

□ 1130

So (two-thirds having voted in favor thereof), the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to amend title 38, United States Code, to improve the delivery of health-care services by the Veterans' Administration, and for other purposes."

A motion to reconsider was laid on the table.

## EMERGENCY ASSISTANCE FOR DROUGHT RELIEF

The SPEAKER pro tempore (Mr. BROWN of California). The unfinished business is the question of suspending the rules and passing the bill, H.R. 5288, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. DE LA GARZA] that the House suspend the rules and pass the bill, H.R. 5288, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 418, nays 0, not voting 13, as follows:

[Roll No. 288]

YEAS—418

| | | |
|---|---|---|
| Ackerman | Craig | Guarini |
| Akaka | Crane | Gunderson |
| Alexander | Crockett | Hall (OH) |
| Anderson | Daniel | Hall, Ralph |
| Andrews | Dannemeyer | Hamilton |
| Annunzio | Darden | Hammerschmidt |
| Anthony | Daschle | Hansen |
| Applegate | Daub | Hartnett |
| Archer | Davis | Hatcher |
| Armey | de la Garza | Hawkins |
| Aspin | DeLay | Hayes |
| Atkins | Dellums | Hefner |
| AuCoin | Derrick | Henry |
| Badham | DeWine | Hiler |
| Barnard | Dickinson | Hillis |
| Barnes | Dicks | Holt |
| Bartlett | Dingell | Hopkins |
| Barton | DioGuardi | Horton |
| Bateman | Dixon | Howard |
| Bates | Donnelly | Hoyer |
| Bedell | Dorgan (ND) | Hubbard |
| Beilenson | Dornan (CA) | Huckaby |
| Bennett | Dowdy | Hughes |
| Bentley | Downey | Hunter |
| Bereuter | Dreier | Hutto |
| Berman | Durbin | Hyde |
| Bevill | Dwyer | Ireland |
| Biaggi | Dymally | Jacobs |
| Bilirakis | Dyson | Jeffords |
| Bliley | Early | Jenkins |
| Boehlert | Eckart (OH) | Johnson |
| Boggs | Eckert (NY) | Jones (NC) |
| Boland | Edgar | Jones (OK) |
| Boner (TN) | Edwards (CA) | Jones (TN) |
| Bonior (MI) | Edwards (OK) | Kanjorski |
| Bonker | Emerson | Kaptur |
| Borski | English | Kasich |
| Bosco | Erdreich | Kastenmeier |
| Boucher | Evans (IA) | Kemp |
| Boulter | Evans (IL) | Kennelly |
| Boxer | Fascell | Kildee |
| Breaux | Fawell | Kindness |
| Brooks | Fazio | Kleczka |
| Broomfield | Feighan | Kolbe |
| Brown (CA) | Fiedler | Kolter |
| Brown (CO) | Fields | Kostmayer |
| Bruce | Fish | Kramer |
| Bryant | Flippo | LaFalce |
| Burton (CA) | Florio | Lagomarsino |
| Burton (IN) | Foglietta | Lantos |
| Bustamante | Foley | Latta |
| Byron | Ford (MI) | Leach (IA) |
| Callahan | Ford (TN) | Leath (TX) |
| Campbell | Fowler | Lehman (CA) |
| Carney | Franklin | Lehman (FL) |
| Carper | Frenzel | Leland |
| Carr | Frost | Lent |
| Chandler | Fuqua | Levin (MI) |
| Chapman | Gallo | Levine (CA) |
| Chappell | Garcia | Lewis (CA) |
| Chappie | Gaydos | Lewis (FL) |
| Cheney | Gejdenson | Lightfoot |
| Clinger | Gekas | Lipinski |
| Coats | Gephardt | Livingston |
| Cobey | Gibbons | Lloyd |
| Coble | Gilman | Loeffler |
| Coelho | Gingrich | Lott |
| Coleman (MO) | Glickman | Lowery (CA) |
| Coleman (TX) | Gonzalez | Lowry (WA) |
| Collins | Goodling | Lujan |
| Combest | Gordon | Luken |
| Conte | Gradison | Lundine |
| Conyers | Gray (IL) | Lungren |
| Cooper | Gray (PA) | Mack |
| Coughlin | Green | MacKay |
| Coyne | Gregg | Madigan |

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| Manton | Porter | Spence |
| Markey | Price | Spratt |
| Marlenee | Pursell | St Germain |
| Martin (IL) | Quillen | Staggers |
| Martin (NY) | Rahall | Stallings |
| Martinez | Rangel | Stangeland |
| Matsui | Ray | Stark |
| Mavroules | Regula | Stenholm |
| Mazzoli | Reid | Stokes |
| McCain | Richardson | Strang |
| McCandless | Ridge | Stratton |
| McCloskey | Rinaldo | Studds |
| McCollum | Ritter | Stump |
| McCurdy | Roberts | Sundquist |
| McDade | Robinson | Sweeney |
| McEwen | Rodino | Swift |
| McGrath | Roe | Swindall |
| McHugh | Roemer | Synar |
| McKernan | Rogers | Tallon |
| McKinney | Rose | Tauke |
| McMillan | Rostenkowski | Tauzin |
| Meyers | Roth | Taylor |
| Mica | Roukema | Thomas (CA) |
| Michel | Rowland (CT) | Thomas (GA) |
| Mikulski | Rowland (GA) | Torres |
| Miller (CA) | Roybal | Torricelli |
| Miller (OH) | Rudd | Towns |
| Miller (WA) | Russo | Traficant |
| Mineta | Sabo | Traxler |
| Mitchell | Savage | Udall |
| Moakley | Saxton | Vento |
| Molinari | Schaefer | Visclosky |
| Mollohan | Scheuer | Volkmer |
| Monson | Schneider | Vucanovich |
| Montgomery | Schroeder | Waldon |
| Moody | Schuette | Walgren |
| Moorhead | Schulze | Walker |
| Morrison (CT) | Schumer | Watkins |
| Morrison (WA) | Seiberling | Waxman |
| Mrazek | Sensenbrenner | Weaver |
| Murphy | Sharp | Weber |
| Murtha | Shaw | Weiss |
| Myers | Shelby | Wheat |
| Natcher | Shumway | Whitehurst |
| Neal | Shuster | Whitley |
| Nelson | Sikorski | Whittaker |
| Nichols | Sisisky | Whitten |
| Nielson | Skeen | Williams |
| Nowak | Skelton | Wilson |
| Oakar | Slattery | Wirth |
| Oberstar | Slaughter | Wise |
| Obey | Smith (FL) | Wolf |
| Olin | Smith (IA) | Wolpe |
| Ortiz | Smith (NE) | Wortley |
| Owens | Smith (NJ) | Wright |
| Oxley | Smith, Denny (OR) | Wyden |
| Packard | Smith, Robert (NH) | Wylie |
| Panetta | Smith, Robert (OR) | Yates |
| Parris | Snowe | Yatron |
| Pashayan | Snyder | Young (AK) |
| Pease | Solarz | Young (FL) |
| Penny | Solomon | Young (MO) |
| Perkins | | Zschau |
| Petri | | |
| Pickle | | |

NOT VOTING—13

| | | |
|---|---|---|
| Clay | Hendon | Siljander |
| Courter | Hertel | Valentine |
| Duncan | Long | Vander Jagt |
| Frank | Moore | |
| Grotberg | Pepper | |

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to provide emergency assistance to farmers and ranchers adversely affected by natural disasters in 1986."

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. VALENTINE. Mr. Speaker, I was unavoidably delayed in North Carolina this morning because of previous commitments in my district. I was therefore unable to return to Washington in time to vote on three bills which were approved under suspension of the rules. These bills were H.R. 4333, providing certain disability benefits for former prisoners of war; H.R. 4623, the Veterans' Health Care Amendments; and H.R. 5288, the Emergency Drought Relief Act.

Had I been present, I would have voted "aye" on each of these bills.

I particularly want to point out my support for the Emergency Drought Relief Act. I was an original cosponsor of this legislation, which is needed badly in the Southeastern United States.

This bill does not provide a complete solution for the many farmers who have been hit hard by drought, but it does make available emergency loans and feed donations that could be critical for some farmers. I am delighted that the House has passed this bill by a unanimous vote. Our action today provides both symbolic support and tangible assistance to the farmers who already face formidable challenges.

□ 1140

## APPOINTMENT OF CONFEREES ON H.R. 4151, OMNIBUS DIPLOMATIC SECURITY AND ANTI-TERRORISM ACT OF 1986

Mr. FASCELL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4151) to provide enhanced diplomatic security and combat international terrorism, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida? The Chair hears none and, without objection, appoints the following conferees:

For consideration of the entire House bill and Senate amendment: Messrs. FASCELL, YATRON, MICA, KOSTMAYER, SMITH of Florida, WEISS, MACKAY, BROOMFIELD, and GILMAN, Mrs. SNOWE, Mr. MACK, and Mr. MCCAIN.

As additional conferees for consideration of title IX of the House bill and modifications committed to conference: Messrs. JONES of North Carolina, BIAGGI, STUDDS, DAVIS, and SNYDER.

For consideration of titles III, VIII, XI, and section 603 of the House bill and modifications committed to conference: Messrs. ASPIN, PRICE, and DICKINSON.

For consideration of sections 702, 703, 711, 713, and 714 of the Senate amendment and modifications committed to conference: Messrs. RODINO, HUGHES, EDWARDS of California, CONYERS, MCCOLLUM, LUNGREN, and GEKAS.

For consideration of title III and title VIII of the House bill and modifications committed to conference: Mr. FORD of Michigan, Mrs. SCHROEDER, Ms. OAKAR, Mr. HORTON, and Mr. YOUNG of Alaska.

There was no objection.

## TEXTILE AND APPAREL TRADE ENFORCEMENT ACT OF 1985—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. BROWN of California). The unfinished business is the further consideration of the veto message of the President on the bill (H.R. 1562) to achieve the objectives of the Multi-Fiber Arrangement and to promote the economic recovery of the U.S. textile and apparel industry and its workers.

The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

The gentleman from Illinois [Mr. ROSTENKOWSKI] is recognized for 1 hour.

GENERAL LEAVE

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today the House casts an important vote which will help determine what kind of trade policy the U.S. Congress wants to adopt. The question before us is whether we should enact statutory quotas on imports of textiles, footwear, and copper, as supporters of H.R. 1562 propose, or whether to pursue another type of approach to our trade problems. I have a great deal in common with my colleague from Georgia, the sponsor of this bill. Both of us are greatly troubled by our record trade deficits, which continue to rise every month. Both of us are disturbed by the loss of 2 million manufacturing jobs since 1981, and its implications for our industrial base. Both of us are highly critical of this administration's handling of our international trade and monetary problems, and its demonstrated reluctance to act until forced to do so. Both of us feel the urgency to take aggressive action to reduce our trade deficit and revive our sagging international competitiveness.

I regret, however, that we do not agree on the best course of action for the Congress to take. My colleague proposes to respond to the very com-

plex, difficult trade problems this country faces—pressures felt not only by the textile industry, but throughout our manufacturing and agricultural sectors—by legislating unilateral, unconditional import restrictions on certain products. I do not believe that is the right answer to our dilemma, and I seriously doubt that my colleagues are prepared to vote for such measures for every industry in America that faces a trade problem.

The provisions of this bill will move this country's trade policy in the wrong direction. This legislation will make it harder to open up foreign markets and harder to achieve reciprocity in the world trading system. It does nothing to eliminate unfair trade practices. It does nothing to promote growth in world trade. Once the United States has enacted this legislation, we cannot expect to be taken seriously by Japan and other nations when we demand that they eliminate their protectionist policies. We will lose our credibility at the negotiating table. In short, this bill does not address the real trade problems which we face today, and instead mandates a trade policy that will be contrary to our own best interests.

There is a responsible and constructive answer to this Nation's trade difficulties. Less than 3 months ago this House passed H.R. 4800, the omnibus trade reform bill. It does not resort to unilateral protectionism, but instead uses the threat of retaliation in order to promote free and fair trade. It does address the inequities in the trading system, and demands fair play on the part of all who trade with us. I want to remind my colleagues of the major principle underlying H.R. 4800: That the United States is justified in taking tough action against foreign protectionism in areas such as telecommunications. How can we hold that principle out to the world once we disavow all of our bilateral textile agreements and close down our own market for textiles? Countries will be justified in saying to us, "you do it, too!"

Like my colleague from Georgia, I, too, am worried about the trade deficit, jobs and our international competitiveness. But I want to do more than cast a vote out of frustration. I want to pass trade legislation that helps us solve our problems rather than making them worse. I urge a no vote on H.R. 1562.

Mr. Speaker, I yield the remaining time in equal measures to the gentleman from Georgia [Mr. JENKINS], the gentleman from Florida [Mr. GIBBONS], and the gentleman from Tennessee [Mr. DUNCAN].

Mr. Speaker, I ask unanimous consent that they be permitted to yield to other Members.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

Mr. DUNCAN. Mr. Speaker, I object to the procedure being followed with respect to division of time for debate. I have always prided myself in telling everyone, including in a speech I made this morning downtown, of the good, friendly and fair relationship that I have with my chairman, the gentleman from Illinois [Mr. ROSTENKOWSKI].

I was surprised when I came to the floor this morning to find that we had no time allocated to the minority. I recall just 2 weeks ago, when I offered a motion to instruct the conferees on the tax conference, that I had an hour and yielded half to my chairman. I just assumed that was the right thing to do, because since I have been in the Congress all these years we have always given the other side at least half of the time. Today, I found that it was all being allocated to the Democratic side.

□ 1150

Under the rules that can be done, but it has not been the custom. Following the regular order of the House, the committee chairman would ordinarily yield to me as his opposite number on the committee half the time. This has been traditionally. I have been in this House 22 years, and to me it has never happened before and I believe it should not happen in this instance.

It is true that this issue will not be settled along party lines. The Members may be split fairly equally on both sides of the aisle. Therefore, it can be argued strongly that time for the debate should be divided between those for the override and those opposed to it. In this case, too, my objection is valid because my friend, the gentleman from Illinois [Mr. ROSTENKOWSKI], and I are on different sides of the question. He opposes override, and I favor it.

To sum it up, Mr. Speaker, tradition, comity, regular order, and fairness all argue for division of time as I have requested. I am aware that the gentleman does control the time and can divide the time, but I call upon him to show his usual fairness. And it is not just his usual fairness; it is fairness as he has always shown it. This is the first time I have ever known the gentleman to be what I might say is unfair in the division of time.

The SPEAKER pro tempore (Mr. BROWN of California). Is the gentleman objecting to the division and right to allocate time suggested by the gentleman from Illinois [Mr. ROSTENKOWSKI]?

Mr. DUNCAN. I do object to that, Mr. Speaker.

The SPEAKER pro tempore. Objection is heard.

The Chair recognizes the gentleman from Illinois [Mr. ROSTENKOWSKI].

PARLIAMENTARY INQUIRIES

Mr. ROSTENKOWSKI. Mr. Speaker, may I make a parliamentary inquiry?

The SPEAKER pro tempore. The gentleman will state it.

Mr. ROSTENKOWSKI. What now does this do with respect to my distributing time?

The SPEAKER pro tempore. The gentleman may distribute the time in exactly the way he indicated as long as he does not ask unanimous consent for those Members in turn to be permitted to yield blocks of time.

Mr. ROSTENKOWSKI. Then, Mr. Speaker, I yield 20 minutes to the gentleman from Georgia. Let me amend that.

Mr. Speaker, I yield the remaining time divided equally among the 3 Members as follows: The gentleman from Tennessee [Mr. DUNCAN], the gentleman from Florida [Mr. GIBBONS], and the gentleman from Georgia [Mr. JENKINS].

The SPEAKER pro tempore. Then the gentleman yields approximately 18½ minutes to each of these gentlemen.

Mr. ROSTENKOWSKI. Mr. Speaker, I have a further parliamentary inquiry.

Do I need unanimous consent, then, in order for my colleagues to whom I have yielded the time to yield blocks of time to other Members?

The SPEAKER pro tempore. The gentleman is correct.

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent that the gentleman to whom I have referred have the authority to yield time to their colleagues.

The SPEAKER pro tempore. Is there objection to the additional unanimous consent request of the gentleman from Illinois?

Mr. DUNCAN. Mr. Chairman, reserving the right to object, I have no objection to that.

Mr. Speaker, I would like to suggest the absence of a quorum, and I make the point of order that a quorum is not present.

The SPEAKER pro tempore. There is no objection to the request of the gentleman from Illinois [Mr. ROSTENKOWSKI], and it is, therefore, agreed to.

The Chair will state that under rule XV there is no basis for raising the point of no quorum at this point in the debate.

The Chair recognizes the gentleman from Florida [Mr. GIBBONS].

Mr. GIBBONS. Mr. Speaker, how much time do I have?

The SPEAKER pro tempore. The gentleman from Florida [Mr. GIBBONS] has 18 minutes and 40 seconds.

Mr. GIBBONS. Mr. Speaker, I will yield 5 minutes to the minority side. I want to be sure that they are going to

divide the time equally. I understand that the gentleman from Georgia [Mr. JENKINS] is going to yield some time to them also. Is that correct? We are both going to yield 5 minutes to the minority side?

Mr. JENKINS. It might not be exactly 5 minutes.

Mr. GIBBONS. All right. I will yield 5 minutes. I understood that was going to be the case.

Mr. DUNCAN. Mr. Speaker, I understand the time is allocated equally to me, to the gentleman from Illinois [Mr. CRANE], the ranking Member on the Trade Subcommittee of the Ways and Means Committee, who opposes the override, and to the gentleman from South Carolina [Mr. CAMPBELL], who favors the override.

Mr. Speaker, I ask unanimous consent that I be permitted to allocate the time which has been given to me equally to the gentleman from Illinois and the gentleman from South Carolina.

Mr. GIBBONS. Mr. Speaker, I yield my 5 minutes to the gentleman from Illinois [Mr. CRANE], then.

The SPEAKER pro tempore. The unanimous consent requests are agreed to, without objection.

There was no objection.

The SPEAKER pro tempore. The Chair will attempt to keep track of those Members to whom time has been allocated.

Mr. CAMPBELL. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. CAMPBELL. Mr. Speaker, my inquiry is this: As I understand it—and the Chair may correct me if I am wrong—that the time yielded to the gentleman from Tennessee [Mr. DUNCAN], 18½ minutes, has been divided equally between the gentleman from Illinois [Mr. CRANE] and myself.

The SPEAKER pro tempore. That is the way the Chair interprets it.

Mr. CAMPBELL. Mr. Speaker, if I may make a further inquiry, is it then my understanding that the gentleman from Florida [Mr. GIBBONS] has yielded 5 minutes to the gentleman from Illinois [Mr. CRANE]? Is that correct?

The SPEAKER pro tempore. That is the Chair's understanding.

Mr. CAMPBELL. My question, then, as a parliamentary inquiry is this: Has the gentleman from Georgia [Mr. JENKINS] been given time, and has he yielded yet?

The SPEAKER pro tempore. The gentleman from Georgia [Mr. JENKINS] has not been recognized up to this point.

Mr. CAMPBELL. My further inquiry then would be this, if I may state it: If the gentleman from Georgia [Mr. JENKINS] is yielded the time of 18½ minutes, then he still is allowed to yield time to this gentleman if he so desires?

The SPEAKER pro tempore. The gentleman is correct.

Mr. GIBBONS. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. GIBBONS. Mr. Speaker, I am the ranking Democrat on the Ways and Means Committee. I support the position of the President. I assume that I will be allowed to close debate; is that correct?

The SPEAKER pro tempore. The gentleman is correct as ranking majority member at this point.

Mr. GIBBONS. All right. Mr. Speaker, how much time do I have?

The SPEAKER pro tempore. The gentleman started out with 13 minutes and 40 seconds after he yielded 5 minutes.

Mr. GIBBONS. I thank the Chair.

Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, this is perhaps the most historic vote this Congress will cast this year, next year, last year, or any year in this timeframe. This is more than just a foreign policy vote. This is more than just a national policy vote. This is a tax to be levied on all American people, a tax starting at around $7 billion a year and going up over a 5-year period to a total of about $44 billion.

This is a new and added tax that people will have to pay. Who will be the taxpayers in this respect? Will they be the wealthy? Will they be business? No, they will be the poorest of all Americans. That is who will pay this tax. They will pay it as they purchase their shoes, their socks, their underwear, their coats, and their jackets so that they can go to work and go to school. These are the people on whom we will be putting an additional burden.

We will be saying to the rest of the world that we are "Uncle Welcher." We have about 40 agreements that will be broken unilaterally by this one act. We will be punishing such friends as Israel by rolling back its imports of textiles by 44 percent. Yet this is a country with which we just solemnly finished negotiating a treaty, a free trade arrangement, less than a year and a half ago. We will roll their trade back by this bill by 40 percent.

I cannot tell the Members what this will do for the reputation of the United States. They can all judge that. We cannot enter into as many agreements as we have and then unilaterally walk away from them when the going gets tough.

The SPEAKER pro tempore. The time of the gentleman from Florida [Mr. GIBBONS] has expired.

Mr. GIBBONS. Mr. Speaker, I yield myself 30 additional seconds.

Mr. Speaker, there have been many false figures used here. The textile industry is healthy. It is prosperous, and it is in change. It was a stellar performer last year on the stock market. It is increasing in employment today, and all of the sounds and all of the songs about how badly it is doing are a distortion, a bad distortion of the true facts.

The SPEAKER pro tempore. The time of the gentleman from Florida [Mr. GIBBONS] has expired.

□ 1200

Mr. JENKINS. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina [Mr. DERRICK].

Mr. DERRICK. Mr. Speaker, this is an historic vote. I certainly agree with the gentleman from Florida [Mr. GIBBONS] on that, but there are those who would lead us to believe that we, as Representatives of this country, do not have the right to be concerned about the jobs of Americans. This is ridiculous.

There are those who tell you that this is protectionist legislation, and they are correct; but this is legalized protectionism. It is protectionism that has been agreed to.

We all know what the GATT agreements are, the big ball of wax. Fourteen years ago, it was agreed by the member nations, the signatories, that textiles represented a special place. It was agreed that this would be an abrogation of the GATT agreements. All the signatory countries signed the Multi-Fiber Agreements.

The reason we are here today is because our Nation has not enforced its part of these Multi-Fiber Agreements.

The European Common Market saw it coming in the early 1980's. They limited their imports.

Japan saw it coming a long time ago. They have kept their imports at a very low level.

Korea does not allow any textile/apparel goods into that nation from a wage market that is less than theirs. The list goes on and on.

The problem that we face, and I might add that I have lost thousands and thousands of jobs in South Carolina and throughout this Nation, that the Third World nations who are starved admittedly for dollars because of the relatively low capitalization and high labor intensity have flooded and overproduced in the world. We are the only market in the world, for practical purposes, that is open to them. They are flooding our markets because other countries are not enforcing their part of the Multi-Fiber Agreements.

Mr. Speaker, I urge the House to vote to override the President's veto for the Members that you represent and the citizens that you represent and for the jobs of this Nation.

Mr. Speaker, I rise today to urge my colleagues to vote to override the President's veto of H.R. 1562, the Textile and Apparel Trade Enforcement

Act of 1985. There are plenty of good economic reasons for this but the most important one is simply—jobs. Textile plants are closing every month all across the United States because of unfair competition from cheaply made foreign imports. Almost 400,000 American citizens have lost what may be their only means of livelihood. Our economy ends up as the net loser: Unemployed people don't buy goods and don't pay taxes.

I am not willing to sit back and let this industry be run into the ground on the basis of maintaining the principle of "free" trade. Without fair trade, there can be no free trade! How can it be fair when the major textile exporters subsidize their industries and pay their employers $1 a day? We can't compete with that type of management, and I don't want to. Our employees are some of the most productive in the world, and with a level playing field, we can compete with any foreign nation.

This bill does not do a thing that our Nation has not already decided was necessary to maintain a decent market for our domestic textile industry. What this bill does is require the administration to enforce the laws that are already on the books. I have heard the argument about the abundance of regulations for every form of fiber and fabric known to man. However, those regulations aren't worth the paper they are printed on if we continue to look the other way when the shipments of garments from Taiwan are unloaded in our ports.

The American people cannot take this unfair treatment from our own trade policies anymore.

What is more important—South Korea or South Carolina?

Mr. CAMPBELL. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. SCHULZE], a distinguished member of the Trade Subcommittee and of the Ways and Means Committee.

Mr. RUDD. Mr. Speaker, will the gentleman yield?

Mr. SCHULZE. I yield to the gentleman from Arizona.

Mr. RUDD. Mr. Speaker, I rise to express my opposition to H.R. 1562, the Textile and Apparel Trade Enforcement Act.

When the President vetoed H.R. 1562 last December he directed the Office of the U.S. Trade Representative to negotiate a stronger and more comprehensive multifiber arrangement.

The new agreement, which was released August 1, extends coverage to fibers such as ramie, linen and silk blends which were previously uncontrolled. The new agreement also provides a mechansim to prevent destructive import surges, and improves provisions to prevent fraud. Also, as the new arrangement was being negotiated, U.S. representatives made clear that the United States would continue to pursue measures in our bilateral agreement that will open markets to our textile exports.

H.R. 1562 would impose significant costs on U.S. consumers. The President's Council of Economic Advisers estimates that U.S. consumers will pay an additional $44 billion for clothing over the next 5 years. In other words U.S. consumers will pay $70,000 for each $13,000 a year textile job saved.

Furthermore, the United States will encourage its competitors to increase their profits by shifting their production into higher valued merchandise. Lower and middle income consumers will suffer as lower-priced goods disappear from stores.

Besides raising costs for domestic consumers, a more restrictive textile trade policy would provoke retaliation by our trading partners, harming many more industries. If the Smoot-Hawley Tariff Act of 1930 is any indication of what would happen as a result of this bill's and related legislation's passage, we would be in serious trouble. The 1930 act provided retaliation by 25 of our trading partners, and U.S. exports fell by two-thirds in just 2 years. It was a prime cause of the Great Depression.

Finally, H.R. 1562 assumes that imports are the sole cause of the economic difficulties facing the textile industry. In reality the situation is much more complex. Jobs are also being lost because of automation and the shutdown of outmoded plants.

Enacting restrictive trade barriers may offer temporary relief to the textile industry, but at the same time it would impose significant costs on U.S. consumers. The ultimate costs of H.R. 1562 cannot be estimated when we take into consideration retaliatory measures enacted by our trading partners. I urge my colleagues to oppose this attempt to override the President's veto.

Mrs. SMITH of Nebraska. Mr. Speaker, will the gentleman yield?

Mr. SCHULZE. I yield to the gentlewoman from Nebraska.

Mrs. SMITH of Nebraska. Mr. Speaker, I rise in support of the President's position.

For every 1 billion dollars' worth of farm products this country doesn't export, 35,000 agricultural workers lose their jobs. Additionally, 60,000 nonfarm jobs vanish when those exports disappear.

In a period of weak exports this past year, the three countries who would feel the greatest bite from this legislation, Hong Kong, South Korea, and Taiwan, bought nearly 2 billion dollars' worth of goods from our farmers. Only 2 years ago that figure was up to $3½ billion.

What we should be debating here today is not the further protection of an already heavily protected industry. Imported textiles already face higher average tariffs than any other U.S. imports—an average of 22 percent.

What we should be debating here is not measures that will guarantee even higher profits to an already prosperous industry. Textile production is not down, and textile profits are on the rise. Our consumers already pay enough for the shirts on their backs.

What this Congress should concern itself with now is not expanding protectionism, but increasing competitiveness. The deficit, the dollar, and the whims of the Department of State have all hurt America's position as an exporter.

My friends, we have to build roads, not walls.

This debate is not designed to save an American industry from unfair competition. If they want to say it is, let the supporters of an override explain why Hong Kong—Hong Kong which has not one barrier to the entry of United States goods—let them explain why Hong Kong is one of the primary targets of this legislation.

One out of every three Nebraska acres is dedicated to production for export. Let us find a way to build markets for those commodities, and other U.S. exports, before we throw barbed wire on our shores.

Mr. LAGOMARSINO. Mr. Speaker, will the gentleman yield?

Mr. SCHULZE. I yield to the gentleman from California.

Mr. LAGOMARSINO. Mr. Speaker, I rise today to urge the House to sustain the President's veto of H.R. 1562, the Textiles and Apparel Trade Enforcement Act of 1985. It is no wonder that this legislation is opposed editorially by such diverse papers as the Wall Street Journal, the Washington Post, and the Los Angeles Herald, by six members of the President's Cabinet, and the Chairman of the Federal Reserve Board.

This legislation is a blatant violation of U.S. commitments and obligations under the GATT and the fundamental principles of the multifiber arrangement [MFA] and would put a new round of congressionally supported multilateral trade agreements; that is, in jeopardy. Hong Kong, Taiwan, and South Korea, also, what incentive would there be to negotiate with the United States. It will invite certain retaliation by many of our free world allies threatening thousands of jobs in agriculture, aerospace, and semiconductor parts. The United States is still the world's largest exporter and consequently we will have the most to lose in a trade war. Under GATT our trading partners would have the right to shut off American exports equal to their loss.

The bill is blatantly discriminatory because it is directed only at the developing Asian and Latin American countries while excluding major textile exporters such as Canada and the European Community. Moreover, many of these countries are important to the United States as foreign policy, military, and economic allies. The House should remember that Asia is our largest and fastest growing export market. However, the United States will be unable to sell our products overseas if other nations are denied export earnings. Also, some of these nations are deep in debt to U.S. banks and need to have a sound base for foreign exchange earnings or else increased U.S. foreign aid assistance may become necessary.

This bill will raise the price of clothing and shoes by more than $44 billion at the retail level over the next 5 years. Low income families would be the ones most affected by the unavailability of low priced imports.

Supporters of this legislation say that this is a way to save American jobs and prevent irreversible damage to the textile industry. Textile-apparel

industry statistics tend to point in a different direction. Productivity in the industry has increased by 3.4 percent per year since 1980. Factory utilization in textiles is at 88.4 percent in 1986 compared to a national average of 78.6 percent. Finally, average unemployment in the main textile States is 5.5 percent versus 6.9 percent in the United States. It is interesting to note that stock prices of seven of the largest textile companies were up 70 percent in a year.

The textile-apparel industry is already the most highly protected industry in the Nation. It has and will continue to benefit from the decline in the dollar and improved domestic productivity. I have always felt that it is better to negotiate than legislate and this administration recently negotiated a favorable multifiber arrangement with the three largest textile supplier nations. Interestingly, the textile industry has never taken a case to the International Trade Commission.

Mr. Speaker, I would remind my colleagues who think that retaliation is not likely, to just ask our wheat farmers about the retaliation they suffered the last time we restricted Chinese textile exports of the computer products industry when we placed a stiff tariff on imported Canadian cedar shingles. I urge my colleagues to uphold the President's veto and oppose this dangerous piece of legislation.

Mr. Speaker, I include the following articles:

[From the Los Angeles Examiner, Aug. 4, 1986]

DANGERS OF PROTECTIONISM: TEXTILE BILL WOULD UNDERMINE THE MARKET

Democrats, and some renegade Republicans, are demanding an override of the president's veto of the Textile Quota Bill, which would restrict fabric and apparel imports. When Congress faces the issue this week, politicians should resist this shortsighted solution that threatens to undermine the world economy.

The recent renegotiation of U.S. textile trade agreements has limited importation of certain fibers. Most important, Asian textile producers are agreeing to open their markets to U.S. goods and reduce subsidies.

The proposed law, however, would work against furthering cooperation between the U.S. and Asian producers, with its mandate to cut by 30 percent imports from Taiwan, Hong Kong and South Korea.

The bill would push the world even closer to the "spiral of protectionism" feared by Federal Reserve Board Chairman Paul Volcker, who warned it would result in recession as nations close off their markets.

Moreoever, the bill would limit the flexibility of U.S. negotiators seeking agreements with greatly different nations. For example, Taiwan and Hong Kong, two of the largest exporters to the U.S., are more willing and able to agree to trading concessions than the less developed economies of South Korea and Thailand.

The bill has been touted as a way to save American jobs and prevent irreversible damage to the textile industry, particularly in North Carolina, South Carolina and Georgia. But recent layoffs, along with modernization, have made domestic textile companies more competitive, and the industry's productivity is climbing faster than many other types of manufacturing. Unemployment in those three states is below national averages due to new jobs in other fields.

Though the textile bill likely would do little to save jobs, it almost certainly would force clothing prices up, since the legislation would cut the supply available to Americans.

The urgency in Congress to do something about international competitors is understandable, especially in light of the record trade deficits the U.S. has been ringing up. But trade protectionism will only weaken domestic markets and hurt American consumers.

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[From the Wall Street Journal, July 17, 1986]

THE SHIRT OFF YOUR BACK

We have a small request. The next time you walk into a store and are surprised at the suddenly higher price on that cotton shirt or linen blouse, send the bill to Ed Jenkins at the U.S. House of Representatives, Washington, D.C. Rep. Jenkins (D., Ga.) will no doubt be expecting it, because he knows that he and his friends in Congress are a major reason millions of Americans will be paying more for their clothing in the next few months and years.

Mr. Jenkins is the main sponsor of the textile protection act that President Reagan vetoed last year, and he doesn't quit easily. He and the other congressional trade kamikazes have now scheduled a vote to override that veto on Aug. 6, unless the Reagan administration can fend them off by proving beforehand that its instincts are also destructively protectionist. And, by jingo, the administration took another step in that direction Monday by imposing new and onerous limits on imports from Taiwan, America's largest clothing supplier. Hong Kong already received its mugging earlier in the month, while South Korea, another productive ally, is next on the hit list.

For the Reagan administration, we suppose there is some perverse logic in imposing a little protection to forestall the truly awful Jenkins bill. Congress would have rolled back imports by 30%, while this week's Taiwan accord provides for no rollback but instead limits the growth in imports to 0.5% a year through 1988. The agreement with Hong Kong allowed all of 1% annual growth, generously reflecting the fact that the colony imposes not a single trade barrier on U.S. products.

Note well, however, that even these accords haven't made Ed Jenkins and his fellow price-gougers happy. Mr. Jenkins himself responded with an appropriate dizzy metaphor: The Hong Kong accord, he said, is like "saying to an alcoholic who has increased his drinking consumption to a quart of liquor a day that it is perfectly all right for him to continue to drink a quart . . . so long as he does not increase much beyond that level." Former Rep. James Broyhill was sworn in as the new Republican Senator from North Carolina Monday, and the very first thing this new statesman said was that he'd continue his House efforts to override the textile veto.

The problem with a protectionist U.S., even if the protection mainly takes the form of a lot of huffing and puffing by members of Congress, is that one can never predict the point at which damage and recrimination will begin to snowball into something uncontrollable. Foreigners may not vote in U.S. elections, but they do in fact buy millions of dollars of American products that are tied directly to jobs in the U.S. As one Hong Kong newspaper put it this month, these U.S.-made products "could begin gathering dust on Hong Kong shelves." Maybe our exporters should send their unsold goods to Rep. Jenkins, too.

At some point soon, the Reagan administration might consider that trying to immunize Congress with a little protection only serves to spread the disease.

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TEXTILE FACT SHEET

This Administration has done more than any other to assist the textile and apparel industry and will continue to do so.

The Administration has instituted ongoing efforts on the international front to aid our industry.

Over 1,300 quotas are in place covering 38 countries; we are negotiating with two more. Only 24 countries were covered by agreements in 1981.

Over 550 of these quotas have been established since 1981, including 250 in 1985 alone. Over 80% of U.S. textile and apparel imports from low-wage countries are covered by quotas.

The Administration just renegotiated agreements with Hong Kong, Taiwan and Korea over a year and a half early with expanded product coverage and the toughest limits ever on import growth (1% or less).

On August 1, the Administration successfully renegotiated a stronger and more comprehensive Multifiber Arrangement (MFA) that will help our textile and apparel industry compete more fairly in the international marketplace. The new MFA exceeds the President's promise in last year's textile bill veto message to renegotiate the MFA "on terms no less favorable than present."

The new MFA, which runs through July 31, 1991, contains strong mechanisms to prevent disruptive import surges and expands product coverage to previously uncontrolled fibers such as ramie, linen and silk blends. Coupled with the tougher bilateral agreements, the new MFA will allow us to moderate growth in textile and apparel imports without incurring reprisals against U.S. exports.

The Administration has taken the administrative steps necessary to ensure these agreements are enforced. The Customs Service tightened its program against quota fraud and implemented new rules of origin to make evasion more difficult. At industry's request, Customs increased its scrutiny of Japanese fabric shipments.

The textile and apparel industries are by far the most protected in the manufacturing sector. In addition to quotas, tariffs in this sector average about 22 percent.

The Administration's program has balanced the need to prevent market disruption at home with our obligations abroad. The U.S. industry has benefited.

Textile output rose 11 percent and apparel output 3 percent in the first five months of 1986.

Textile industry profits more than doubled in the first quarter this year compared to the same period last year and capacity utilization rose from 79 percent to 88 percent.

Employment, measured by man-hours, increased 4 percent in textiles and ½ percent in apparel in the first half of 1986.

U.S. exports of textiles and apparel for the period January-May are up over the same period last year: 13 percent for textile mill products and 19 percent for apparel.

The textile quota bill would undo the progress we have made, hurt the American consumer, and invite almost certain trade retaliation which would threaten American jobs from agriculture to aviation.

H.R. 1562 will cost American consumers over $44 billion over the next five years, almost $70,000 for each textile job (average wage: $13,000) "saved" by the bill. Moreover, other jobs would be lost in retailing, importing and exporting.

Because the bill clearly violates our GATT obligations, the countries most affected will almost certainly retaliate against the United States. Their targets would be clear: the 12 major textile-producing countries cited in the bill imported $50 billion of U.S. goods in 1985, including soybeans, wheat, cotton, tobacco and aircraft.

Mr. LEACH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. SCHULZE. I yield to the gentleman from Iowa.

Mr. LEACH of Iowa. Mr. Speaker, few veto overrides are more tempting to vote for than this one. Many of the premises of those favoring an override are valid. The trade imbalance of the United States is staggering. The textile industry has lost jobs in part because the backbone of our trade negotiators has been less than stiff.

Yet when all is said and done, this override effort must be considered a landmine for trade rather than a landmark for justice.

Far more than textiles are at issue. The world is watching to see what kind of leadership the United States is willing to take on the trade front. Not only is the prospect of liberalization of trade under GATT in jeopardy, so is the prospect of maintaining stability in current trade. In the final measure a veto override raises the prospect of sparking trade retaliation and reducing world commerce. It would almost certainly curtail world economic growth and cut back the average living standard of the average citizen—at home and abroad.

In the largest measure, however, protectionist trade policies of this nature are not only economically foolish; they are politically dangerous. They sow the seeds of social instability and conflict around the world. They make the world more unstable at a time when responsibility is most in demand.

History illustrates how Japan in the first half of this century expanded militarily in direct relation to its tariff isolation. History teaches that a lack of economic growth in developing countries produces social turmoil and breeds radicalism. History teaches that the cost of responding to protectionist economic policies can be towering—in terms of wars fought, famines instituted, and weapons purchased.

Some of us in this body have been concerned that the administration has been too unilateral in its political and military policies abroad. Ironically, the alternative political party in this country has produced a protectionist approach that sets a standard of unilateralism in trade policy with explosive repercussions that go well beyond the trade arena.

A far preferable approach is to acknowledge the trade dilemma with which the United States is confronted and to recognize what Congress can constructively do about it. The more challenging approach is to seek to reduce the trade deficit by expanding exports rather than restricting imports. Economic growth is preferable to industrial stagnation; entrepreneurial answers are preferable to cheap political blamesmanship. It is time the American consumer stops being ripped off by politicians who prefer to reach for excuses rather than work for answers.

Congress, after all, is institutionally responsible for the greatest fiscal mistake of the century—a peacetime deficit of unprecedented dimensions. It is fiscal irresponsibility, not trade negotiation, which is chiefly responsible for the overvaluation of the dollar and the highest real rates of interest in this century. Righting the imbalances and the unfairness implicit in the budget deficit is the single most important and effective thing that Congress can do to protect domestic industry. The trade deficit will be more likely to shrink in relation to reductions in the budget deficit than in relation to protectionist steps of the nature contemplated in this bill.

Trade protectionism is an irresponsible copout. It is an ostrichlike response to the real problems of our day. The President's veto should be upheld so Congress can devote its priorities to the proper task—righting its own economic mistakes.

Mr. CHANDLER. Mr. Speaker, will the gentleman yield?

Mr. SCHULZE. I yield to the gentleman from Washington.

Mr. CHANDLER. I rise in support of the President's position.

Mr. Speaker, those who support and those who oppose the Textile and Apparel Trade Enforcement Act have one fundamental commitment in common: We all want to do everything we can to make sure that every American who wants to work can find a job. That's why debate over this bill is so emotionally charged on both sides. We're all concerned about people's jobs.

But the question before this House is not which side is motivated by the best intentions. Clearly both sides mean well. The question before this House is whether this bill is fair, whether this bill will strenghten our economy, and whether this bill will actually save jobs.

Mr. Speaker, unfortunately, this bill is not fair.

It isn't fair to the American consumer, whose costs for clothing and shoes will increase by over $44 billion over the next 5 years if we pass this bill. And it certainly isn't fair to the poorest among us who spend the greatest percentage of their income on clothing.

It isn't fair to our trading partners. It isn't fair to unilaterally abrogate 38 existing bilateral restraint agreements, and it isn't fair to violate GATT principles of "special and differential treatment" for developing countries.

It isn't fair to the Third World. This bill exempts the West Europeans and targets Asian countries. The bill will clearly be perceived as discriminatory in the Third World.

The bill will not strengthen our economy.

Triggering a global trade war will not strengthen our economy. Violating international trade agreements will not only prompt retaliation, it will legitimize retaliation. Who will be affected by retaliation? Our export-competitive industries, including agriculture, high technology, and aircraft.

Is that anyway to strengthen our economy?

Will the bill save jobs? At the moment, unemployment in the textile industry is 6.5 percent, lower than the overall rate of unemployment in this country. Average unemployment in the primary textile States is only 5.5 percent, well below the national average of 7 percent.

Will the bill save jobs? According to the Commerce Department, at least three jobs in footwear wholesaling and retailing would be lost for every job protected in footwear manufacturing.

Will the bill save jobs? We know that corn, soybeans, cotton, wheat, tobacco, lumber, coal, fertilizer, aircraft, electronic components, and office machine parts exports would be curtailed as the result of the retaliation that would inevitably follow enactment of this bill. Is it fair to put those jobs at risk?

Mr. Speaker, we all want to save jobs for American workers, but there's an old saying that what goes around comes around. Trying to build barriers between our economy and that of the rest of the world won't work. In the long run, American workers and American consumers will pay for the folly of this shortsighted, protectionist proposal.

Mr. SCHULZE. Mr. Speaker, I rise in support of overriding the President's veto of H.R. 1562, the Textile and Apparel Trade Enforcement Act.

Even though the Government has successfully renegotiated somewhat tougher bilateral textile agreements and a strengthened multifiber arrangement, voting in favor of overriding this veto is essential because of its symbolic importance. It symbolizes all the frustration our Nation has experienced with the lack of a comprehensive, clearly directed, and fully implemented trade policy for our Nation. It is my firm belief that if we had established such a trade policy, not only would we not be taking up this measure today, we also would not have the burden of a trade deficit of $150 plus billion.

In vetoing H.R. 1562 last December, the President stated that the legislation would result in lost American jobs and damage to our world trading

system. He also pledged "to do everything possible to combat unfair trade practices."

Since that veto, however, our trade deficit has rocketed to new heights, which has exacerbated U.S. job loss, increased the fragility of our world trade order, while unfair trade practices are allowed to flourish.

The plight of U.S. textile and apparel industries serves as a mocrocosm of all of manufacturing, which has borne the brunt of our ever spiraling trade deficit: continued import surges, growing numbers of dislocated workers, and decreasing export opportunities.

In overriding the Presidential veto of H.R. 1562, Congress will loudly declare that enough is enough. We can no longer be the sole engine of world industrial growth at the expense of destroying our own industrial base. We will not tolerate countries paying lip service to removing old trade barriers, while simultaneously erecting new ones. Our Nation can no longer exist in an ivory tower!

Enacting H.R. 1562 will force the rest of the world into realizing that the responsibilities of our international trade regime must be shared or it will be seriously jeopardized, and that a coherent and decisive trade policy will be a first priority for our Nation.

Mr. Speaker, I urge that my colleagues vote to override the President's veto of H.R. 1562.

Mr. CRANE. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I want first of all to extend a word of appreciation to my distinguished colleague on the Ways and Means Committee who was the initial author of the textile bill and who was the person gracious enough to send us these lovely shirts yesterday to illustrate his concern about foreign imports. I must say, they are very beautiful cotton polo shirts. They have got a lovely logo down here in the corner. The shirt is priced, according to the tag, at $34. Our colleague sends them out to illustrate that while one was made in Singapore, the other was made in the United States, both of them retailing at $34.

I would only suggest that that is not an illustration of unfair trade, but rather an illustration of a lack of good judgment on the part of the retailer if he bought the Singapore product at less cost than he paid for the American product and is selling them both at $34.

I did go out and check, though, a number of other stores here in the Washington, DC, area. I found one that is quite comparable, in fact, to the one that the gentleman sent us. It does not, to be sure, have that beautiful polo logo down there in the corner, but it sells for $16. It is also 100-percent cotton. This shirt also happens to be made in Singapore. It carries a trade name up on the top, as does the other.

The thought crossed my mind that you could buy two of these for the price of that one and still have a couple bucks left over for a couple beers.

Now, some of the shirts were priced in fact below $10 and were American-made shirts, which suggests that the American manufacturers are being competitive. That would be borne out certainly by the figures that we see in some of the most recent headlines, "Dupont fiber profits soar 85 percent in second quarter, 76 percent in 6 months. Stevens has $9.7 million profit in second period. Van Heusen earnings rocket 48 percent in first period. Burlington up 143 percent."

I submit, Mr. Speaker, that the industry is not suffering, that the President has exercised leadership in behalf of free trade.

We should sustain the President's veto.

Mr. JENKINS. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK. Mr. Speaker, I thank the gentleman. I want to acknowledge his leadership.

Mr. Speaker, we had been told, those of us who are concerned about hundreds of thousands or more working men and women whose livelihoods are threatened by the tide of underpriced and subsidized imports that we have a problem, but this is not the way to deal with it.

This administration has succeeded in turning back any other way to deal with this problem. Adjustment assistance that used to exist for people who were going to be hurt by imports, that is virtually gone. For most of the term of this administration, they had boasted of their efforts to drive the dollar up, which hurts American products.

In bilateral negotiations time and again the President trades away his view for political interests and gives in on economic interests.

We have nations which ban whole categories of American goods, benefiting from their ability to flood our markets with imports; yet there are some poor countries out there who ought to get some consideration and who are entitled to be able to sell. There are some wealthy countries as well.

Hong Kong is no pocket of poverty. Taiwan is developing rapidly and does not need to make progress at the expense of American workers.

We are here with this bill because nothing else will work because this administration has cut off every other effort to bring help to these working people.

Mr. GIBBONS. Mr. Speaker, I yield 2 minutes to the gentleman from Washington [Mr. BONKER], the chairman of the Export Caucus of the Congress.

Mr. BONKER. Mr Speaker, I would like to commend the distinguished chairman of the Ways and Means Subcommittee on Trade for his work on this and other trade issues.

Mr. Speaker, I can make a much better case for the timber and wood products industries than the advocates are making for the textile industry in this bill. Unemployment is twice as high in timber and wood products. Just recently, Weyerhaeuser employees had to accept a wage and benefit reduction of 20 percent so that their plants could be more competitive.

Import penetration is much greater in wood products than it is in textiles and the country that is doing the importing is heavily subsidizing, clearly an unfair trade practice.

So what do I tell my workers when Congress protects textiles, but not timber? Clearly, this is a double standard and one that cannot be justified.

This leads to a second point—precedent setting. If I can make a better case for timber, so could my colleagues on a number of industries that affect their areas: Automobiles, machine tools, petroleum and refining, aluminum, and the list goes on and on.

If we override today, we will have thrown open the door and extended an invitation for Congress to protect industry after industry. It will be Smoot-Hawley all over again.

The last point concerns our international commitments. The United States has just signed a Multi-Fiber Arrangement. This is a vast improvement over previous MFA's.

We have also signed a least three major bilateral agreements on textiles. An override today would unilaterally violate those agreements.

So what is our word worth today? As the most power and respected nation in the world, are we going to simply walk away from our international obligations? How on Earth do we expect other nations to adhere to our treaties and agreements which we do not honor ourselves?

Mr. Speaker, I am afraid if we do not sustain the veto, it wil be a dark day for America and for the world trading system. We will have sunk to a new low. We will have set a very bad example.

The House recently passed a comprehensive trade bill that will improve our competitiveness and bring down the trade deficit. It deserves a chance to work. It is a positive way to address our trade problems.

I have been as critical as any Member in the House of the President's trade policy. Until recently, this administration has all but ignored the problem, but this textile bill is not the answer.

Mr. Speaker, I urge my colleagues to vote no on the motion of the gentleman from Georgia [Mr. JENKINS].

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PARLIAMENTARY INQUIRY

Mr. CAMPBELL. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. BROWN of California). The gentleman will state it.

Mr. CAMPBELL. In the discussion earlier, did the gentleman from Georgia yield any additional time to the gentleman from South Carolina?

The SPEAKER pro tempore. The gentleman did not yield additional time.

Mr. JENKINS. Mr. Speaker, I yield 3½ minutes to the gentleman from South Carolina [Mr. CAMPBELL].

Mr. CAMPBELL. I thank the gentleman. Mr. Speaker, might I inquire how much time I have remaining?

The SPEAKER pro tempore. The gentleman from South Carolina has 9 minutes and 50 seconds remaining.

Mr. CAMPBELL. Mr. Speaker, I yield 2 minutes to the gentlewoman from Maine [Ms. SNOWE].

Ms. SNOWE. Mr. Speaker, I rise in strong support of overriding the President's veto of H.R. 1562. Today is the day this House either votes to take a stand against unfair trade practices or joins the administration in running up the white flag of surrender in the international marketplace.

In the 8 months since the President vetoed this legislation, there has been ample opportunity for him to demonstrate a willingness to take a strong stand against dumping and the deliberate assault on the textile and shoe industries. The U.S. Government instead has pursued a policy characterized by inaction and neglect.

The results of the current trade policy are clear. In the footwear industry, for example, 32 factories and 6,200 jobs have been lost since the President's veto. Imports rose another 14 percent over last year's recordbreaking levels, accompanied by a 10-percent drop in domestic production. When I last spoke in favor of this legislation, imports controlled 78 percent of the domestic market. They now control 81 percent of the domestic market. In spite of the threat of this legislation, our trading partners remain undeterred.

I would suggest to my colleagues that we're not just observing a trend with these figures, it's a death watch. For if we cannot take action on behalf of this industry, which was granted relief by the ITC yet ultimately rejected by the President, when will we ever act on trade?

That's why it is crucial that the House override the President's veto. The footwear provisions in this legislation are hardly onerous. It still allows imports to represent 6 out of every 10 pairs of shoes sold in the United States, still an astonishingly high level.

Mr. Speaker, when measured against the import and export policies of our trading "partners," H.R. 1562 is a moderate, restrained approach. Some have labeled it protectionist. The President has labeled it destructionist. I label it as nothing more than survival, and I thus urge my colleagues to join in overriding the President's veto.

Mr. JENKINS. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota [Mr. OBERSTAR].

Mr. OBERSTAR. Mr. Speaker, opponents of textile-import relief say that quotas will trigger a war with our trading partners. Well, first of all, they are not partners, they are trading adversaries. In case the administration and others have not noticed, there is a war already under way, and we are losing it. America has become a dumping ground for the unemployment and other economic problems of our trading adversaries. We have closed over 550 steel plants, laid off 400,000 steelworkers, and we have virtually shut down the domestic copper industry. You can hardly find a shoe made in the U.S.A. Brazil provides 27 tax subsidies for the export of iron ore. And this administration has still to meet a foreign tax subsidy that it does not like.

Several years ago the Arrow Shirt Co., shut down the last of five shirt factories in my northeastern Minnesota district because of imports, and within a week shirts made in Sri Lanka, Singapore, and Hong Kong were showing up in communities where those shirt factories were shut down.

In the late seventies, President Carter put a quota on specialty steel imports which had taken 80 percent of the U.S. market. Within 3 years the domestic specialty steel industry had recovered and regained 80 percent of the market, with 9,000 people back to work. Our trade deficit is deindustrializing America. Let us stop that slide down the slope of destroying America as an industrial nation.

Mr. CRANE. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON. Mr. Speaker, I share the anger and frustration of those who have watched communities devastated by undisciplined foreign competition. I share the anguish of all those in the textile, shoe, machine tool, and bearing industries who have suffered as a consequence of this Nation's not having strong, 20th century trade laws, aggressively enforced. But the answer is trade law reform. The answer is strong enforcement.

For the American textile industry we now have strong agreements providing more comprehensive and enforceable protection than is afforded any other American industry. We have a strong commitment to enforcement here and by Jim Baker, who in a recent letter to me said:

I can also guarantee that the Customs Service will firmly enforce the provisions of these and all our bilateral textile agreements to prevent quota evasion.

My colleagues should remember the grain embargo and the pipeline embargo, and remember how long it took us to shake the label of "unreliable supplier," to earn our way back into the confidence of the international community, because we had unilaterally abrogated contracts.

Today we consider unilaterally abrogating not contracts negotiated by individuals, but international agreements negotiated by our Government. If "unreliable supplier" was hard to shake, think how much harder it will be to shake "unreliable negotiator."

Our vote today is not on textiles, shoes, and copper. It is a statement about how this House, this Congress, views international commitments. Do we believe ourselves bound by the tradition of diplomacy and negotiated agreements that has governed trade and international relations historically? Let us reject the temptation to deal with our failure and frustration through an erratic, destructive gesture which is called here on this floor of the House "overriding the President's veto," but which is the real world, in the international community, levies a body blow at bilateral negotiations who alone can bring order to trade relations, protection for all American jobs, and peace in a nuclear age.

Mr. JENKINS. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. BIAGGI].

Mr. BIAGGI. Mr. Speaker, I rise in support of overriding the President's veto of H.R. 1562, the Textile and Apparel Trade Enforcement Act.

Sure, there are many good reasons why the textile and apparel industry needs the relief provided in this bill. After all, since 1980, 388,000 textile and apparel jobs have been lost due to the flood of foreign imports.

However, that's not the only reason why this vote is so important. Simply put, today we have an opportunity to tell the world that the United States won't be anybody's sucker anymore when it comes to foreign trade. We have been too generous for too long and look where it's gotten us. Our U.S. trade deficit for this year is expected to be $170 billion, and for the last 5 years, it has exceeded $600 billion.

While we've opened our trade doors about as wide as they can go, our foreign trading partners have slammed their trade doors in our face. The result, millions of lost American jobs; and billions of lost U.S. dollars due to plant closings, unemployment assistance, and so many other ills that come from the decimation of a vital U.S. industry.

Some have argued that the Multi-Fiber Arrangement and other bilateral agreements between the United States and foreign nations provide all the protection that is necessary. Wrong! The MFA and other bilateral agreements are inadequate and are not being enforced. In fact, all this bill does is require the

Government to establish import levels where they should be if the MFA had been enforced.

Others have said that this bill is anticonsumer because it will raise the prices of textile and apparel goods. Wrong again! There is little difference at the retail level between foreign and domestic goods. Retailers turn the lower priced foreign goods into higher profits through markup; they don't pass those savings along to the American consumer.

Finally, consider this argument for the bill. A recent study by an economics consulting firm revealed that the net impact of this bill would be an additional $2.8 billion in GNP and 140,000 U.S. jobs. Conversely, if this bill is not enacted, we can expect nearly 1 million additional lost jobs in the next 4 years and another $24 billion tacked onto the Federal deficit.

The choice is not a difficult one. I urge my colleagues to join me in voting to override the President's veto.

Mr. JENKINS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Illinois [Mrs. COLLINS].

Mrs. COLLINS. Mr. Speaker, I rise in support of overriding the President's veto.

Mr. Speaker, once again the administration has let the American people down. Unemployment lines are growing and our industrial base crumbling. Yet President Reagan, like the Roman Emperor Nero, fiddles, oblivious to the fires that are consuming the U.S. economy.

This Nation's trade deficit is increasing dramatically. It is now nearly seven times higher than when President Reagan took office. In response to Presidential inaction, Congress passed H.R. 1562, the Textile and Apparel Trade Enforcement Act. This provides only the most limited protection, but the President has chosen to abandon the working people of this Nation and veto this critically important bill.

The President claims that foreign nations will retaliate against American business if H.R. 1562 is enacted, causing economic hardship. Well, Mr. President, this economy is already hurting from unfair foreign trade practices. The U.S. trade deficit is currently running at an annual rate of $168 billion. Industries are failing and unemployment increasing. Textile, apparel, and footwear industries have lost hundreds of thousands of jobs. Agriculture is also suffering, actually running a deficit in the last 2 months—a crisis which was unthinkable in the past.

The American people cry out for action. Business, labor, and agriculture have united in their support of this bill. Still, the administration refuses to act and the President clings to his outdated trade policies.

President Reagan insists that he will address the trade problem diplomatically. Just last week he negotiated an increase in textile imports from the racist regime of South Africa. This clearly shows his insensitivity not only to the soaring imbalance of trade, but also to human rights. I can imagine no action more detrimental to this Nation's interests and ideals. This will insure that American jobs will be lost to a foreign textile industry which is supported by the work of an oppressed people who are forced to accept starvation wages. American workers can't and ought not have to compete with what amounts to slave labor. Our economy cannot support many such blind-sided solutions.

It is time that Congress stood up for American workers. If the President refuses to act in a responsible manner, then Congress must do so. Let's join together to establish fair trade practices. A vote to override the President's veto, is a vote in support of America's economic future.

Mr. JENKINS. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina [Mr. HEFNER].

Mr. HEFNER. Mr. Speaker, I would like to associate myself with the remarks of the gentleman from Minnesota [Mr. OBERSTAR], and I rise in strong support of the override of the President's veto.

Mr. JENKINS. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia [Mr. ROWLAND].

Mr. ROWLAND of Georgia. Mr. Speaker, I rise in strong support of overriding the President's veto.

Mr. Speaker, today we can make a difference in the lives of thousands of our constituents who have lost their jobs due to the effect that imports are having upon American-made textile and apparel products. In my opinion, we have no choice but to override the President's veto of H.R. 1562.

Many of our basic industries have been devastated by the trade imbalance. In my home State of Georgia, we have lost more than 27,000 textile and apparel jobs in the last 6 months alone. In the Eighth Congressional District, which I represent, we have lost more than 1,600 jobs over this same period. Georgia has been losing thousands of textile and apparel jobs annually for the past several years, and the situation is getting worse.

Others segments of our economy have been hit just as hard. Farmers have been particularly hurt by the trade imbalance. After struggling to survive year after year in the face of droughts, freezes, low prices, falling land values and high debts, it is a bitter experience for these folks to have to stand by and watch as their markets go to foreign competitors because of the Government's inability to adequately enforce our trade agreements.

Just in recent weeks, the administration has again shown that it is unwilling to get tough on this issue, as demonstrated by the agreement reached with Taiwan and the new Multi-Fiber Arrangement.

As I noted when we passed this bill, this is a very modest approach. The bill does not irrevocably place us in a protectionist posture. Instead, it challenges our trade partners to adhere to fair and reasonable trade practices, something that will help reestablish a truly free and open international market place, which is what we all desire.

Mr. Speaker, the administration is not acting forcefully on this issue and it now up to Congress to do the job.

Mr. JENKINS. Mr. Speaker, I yield such time as he may consume to the gentleman from Arkansas [Mr. ALEXANDER].

Mr. ALEXANDER. Mr. Speaker, I rise today in strong support of the motion to override the President's veto of H.R. 1562.

This bill offers hope to American footwear and apparel industries that are fighting to stay afloat in the sea of imports.

Since 1981, the administration's policy of dependence on foreign made products to supply consumer needs has cost hundreds of thousands of American jobs. For several years imports have flooded our economy causing a $145 billion trade deficits in 1985 and promising a new record of $170 billion in 1986. The Nation's industrial base is being eroded away as hardworking patriotic citizens are being punished by the President's trade policy. Even agriculture, which has traditionally contributed a surplus to our trade balance, has fallen victim to imports. In May, for the first time since 1959, the United States imported more agricultural products than it exported causing the U.S. balance sheet to fall by another $152 million. American workers and management of footwear and textile industries have been mistreated by the President's policy. They work hard, pay taxes and deserve better treatment from their Government.

Clearly, U.S. industries are being innundated in the world marketplace. Imports account for 80 percent of the domestic footwear market. Agriculture exports have dropped an amazing 37 percent since 1981. Both of these basic industries have been disadvantaged by the administration's policy which has overvalued the dollar making U.S. products too expensive for foreigners to buy.

Arkansas workers living in towns with names like Osceola, Wynne, and Mountain View who have seen their livelihood swept away by a tide of imports want to know why the administration's policy encourages dependence on foreign goods, shutting down plants all over the Nation's heartland.

The administration's trade policy is a conscious effort to lower inflation at the expense of American Jobs.

Martin Feldstein, the former Chairman of the Council of Economic Advisors under President Reagan, recognizes that the strong dollar has led to the United States weak trading position. In a recent Washington Post article, he wrote, "* * * the overvalued dollar is the source of the overwhelming trade deficit. The current huge trade deficit is not due to any fundamental weakness of American industry or to increases in unfair trade practices of other nations."

Progress has been made in bringing the foreign value of the dollar down; however it is too little too late, and more effort to fix the par value of the dollar is needed. Imports are firmly entrenched in the domestic marketplace. Foreign businessmen have established distribution networks and strengthened demand for their goods in markets. Meanwhile, American firms are relocating overseas to take advantage of the bloated dollar as well as a lower cost of production. For example, Ford Motor Co., will soon import its compact cars from Korea. America is slowly losing its industrial base which is moving overseas.

Loss of our industrial base is not just an economic condition to be feared but a nation-

al deterioration that must be stopped. With the loss of basic industry, rural America will become a desolute economic wasteland.

Already, the First District of Arkansas is enduring the tragic effects of plant closings and massive layoffs. In 1982, two shoe factories closed down, one in my hometown of Osceola, leaving hundreds unemployed. Just last week, a textile plant shut down in Wynne, AR, adding hundreds more to the unemployment rolls. These layoffs ripple through the entire local economy. Spending on Main Street is down by a third. Businesses are closing and people are running away from rural towns; without legislation to stop the deterioration of their economic livelihood and their lifestyle, this trickle will become a flood.

Over 5,000 residents of the First District of Arkansas contacted me to plead for their jobs and the opportunity to continue living where they do. Let me read from a few of those letters. I think they serve as argument enough for the need for Congress to act on the behalf of textile and footwear workers.

One woman wrote, "Representative ALEXANDER, I am from Piggott, AR, where the shoe factory closed down and put 400 people out of work. I know what it is to work for a company that has shut the door * * *. I worked at Piggott from 1964 till 1983. I lost all my benefits and now I have to drive 85 miles a day to work. I am gone from home 10 to 12 hours a day just to work 8 hours. It sure has put a hardship on my family and I sure don't want to see this happen to anyone else."

Another constituent stated: "Being over 50 years of age made it impossible for me to obtain work from another factory. They want younger people."

These people are simply asking for the opportunity to work and survive. A gentleman from Wynne AR, sums it up simply, "If this veto is not overidden, my job with the shoe factory may close, because of foreign imports. I may forced to get Government help to feed me and my family. Please, all we need is a few years and a fair chance."

We in Congress must respond to this need by giving our citizens a chance to work and to support themselves to put America back to work. I will cast my vote today for the overide and for the people in America who are struggling to survive and swim in the sea of imports.

The administration trade policy is a conscious effort to lower inflation with consuming cheap imports which reinforce the prevailing false sense of prosperity while at the same time rewarding service economies of the east and west coast, enriching them at the expense of the production economy of the Nation's midsection.

Mr. JENKINS. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia [Mr. BARNARD].

Mr. BARNARD. Mr. Speaker, I urge my colleagues to override the President's veto.

Mr. Speaker, one question we should ask ourselves in deciding whether to sustain or override the President's veto of the Textile and Apparel Trade Enforcement Act is: Has anything improved for the U.S. textile and apparel industries in the 10 months since the bill was overwhelmingly approved by the House? Has anything been done by the administration to stem the loss of jobs in these vital industries by limiting imports and to open markets for U.S. exporters to the major textile and apparel suppliers? Has the administration done anything to bolster the Customs Service, which is our front line in preventing textile and apparel quota fraud?

I regret that these questions must all be answered in the same manner—little or nothing has been done to change for the better the position of the United States in international trade, and, specifically, the distressed state of our textile, apparel, and fiber industries.

Since the textile bill was passed in October 1985, we have negotiated bilateral agreements with the major textile and apparel suppliers—Hong Kong, Taiwan, and South Korea—and we have just concluded renegotiating the major umbrella agreement, the Multi-Fiber Arrangement [MFA], which sets the rules for international textile trade. We have also negotiated agreements with Turkey and South Africa. In none of these negotiations has the United States succeeded in reclaiming any of the lost market share we have given over to imports in the past 6 or 7 years. Since 1980, imports of textiles and apparel into the U.S. market have more than doubled and more than 300,000 jobs have been lost. Textile and apparel imports soared to their highest level in history during the first 5 months of 1986. In some segments of the textile and apparel markets, imports comprise half of the entire market. Imports have grown at a far faster pace than the domestic market, and they now comprise an historically high share of that market.

While the textile and apparel import issue has now come to a decisive juncture, it is not a new problem. Almost 2 years ago, in November 1984, the Commerce, Consumer, and Monetary Affairs Subcommittee, which I chair, held its first hearing in Rock Hill, SC, on the threats to our domestic textile and apparel industries from the extraordinary growth in foreign imports. We held another hearing here in Washington in March 1985 and followed with a comprehensive report in October 1985. That report found that our bilateral agreements and the MFA allowed too high a rate of import growth, set no limits on certain goods, and failed to establish comprehensive, "global," limits on U.S. imports from all foreign countries. The report urged that textile and apparel import growth must be limited to the rate of growth in the U.S. domestic market, as President Reagan promised in a 1980 campaign pledge.

At the time of the subcommittee's report, the textile and apparel industries were in serious distress. Conditions have not improved. If anything, this group of vital industries is in worse shape today than ever before because of virtually uncontrolled foreign imports. Just last week, the Commerce, Consumer, and Monetary Affairs Subcommittee held another hearing on this subject and received an up-to-date report on the status of the textile negotiations from a representative of the U.S. Trade Representative's office.

Mr. Speaker, after all of this oversight, I must regretfully conclude that we have made no progress in limiting foreign imports which have so severely damaged our domestic industries and resulted in lost jobs throughout the Nation and even less progress in obtaining fairer treatment for American exports. The Hong Kong, Taiwan, and South Korea agreements, which have been hailed as victories by the administration, in reality just serve to insure that these supplier nations will continue to be permitted to export to the United States at current unacceptably high levels. There are no rollbacks in these bilateral agreements; there is only slower growth than in the past. Similarly, the MFA failed to achieve the goals of the administration.

Our Government had three basic goals in the MFA negotiations: First, to develop a mechanism to control import surges which disrupt markets; second, coverage of products made of fibers in addition to cotton, manmade fibers, and wool, which are flooding our markets and amounted to 2.8 billion square yards in 1985; and third, opening up foreign markets to our exports. Unfortunately, we accomplished none of these goals.

For these reasons, Mr. Speaker, we must override the President's veto. We must restore fairness to our international trade in textiles and apparel. We must send a message to the administration that Congress has not abdicated its constitutional role in international trade.

Mr. JENKINS. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina [Mr. NEAL].

Mr. NEAL. Mr. Speaker, I urge the House to override this Presidential veto.

Mr. Speaker, the U.S. textile industry has been bearing the brunt of unfair trade practices for a long time. The effects of unequal trade agreements, passive enforcement and foreign barriers to free trade can be seen in idle factories across the country. What has happened in textiles and apparel is this: Imports have grown an average of 16 percent per year since 1980; imports surged 75 percent from 1982 to 1985; 300,000 jobs have been lost since 1980; imports now claim over 50 percent of the U.S. clothing market, and the textile and apparel annual trade deficit has hit a record $18 billion.

Today, the House will attempt to restore fairness to U.S. trade policy by trying to override President Reagan's veto of the Textile and Apparel Trade Enforcement Act. The bill passed the House in December by an overwhelming vote of 255 to 161, and the Senate by 60 to 39. Now we need a two-thirds majority vote in the House and Senate to override the veto. Even if the override effort fails, it is essential that we continue our efforts to control textile imports.

With other members of the Congressional Textile Caucus, I have tried over the years to persuade Presidents Ford, Carter, and Reagan to vigorously enforce international textile trade agreements that are supposed to prevent unfair competition.

In fact, in 1978, I organized a dramatic late-night meeting of the House Banking Committee to report legislation to reject a Carter administration proposal to use textile import tariffs as a bargaining chip in trade negotiations in Geneva. The textile trade deficit was not

nearly as bad then as it is today, but I did not believe, nor do I today, that the jobs of millions of U.S. textile employees should be arrogantly bargained away.

Even earlier, in September 1977, the Export-Import Bank submitted a proposed transaction to assist in the purchase of United States raw cottom by Japan. The subsidized cotton would have been used for the production of Japanese textiles and apparel. As chairman of the Subcommittee on International Finance, I forced the Bank to stop what had been an ongoing practice of these kinds of subsidies.

However, Mr. Speaker, the greatest damage to the textile industry has occurred in the last 6 years. The $200 billion budget deficits resulting from the economic plan we adopted in 1981 drove the value of the dollar to new heights and choked off U.S. sales abroad. The recession in 1983 led to a world economic slow-down from which Europe, Japan, and other trading partners have not yet fully recovered. The sluggish world economy is keeping U.S. sales flat in spite of a welcomed improvement in the value of the dollar.

Mr. Speaker, the Reagan administration's recent negotiation of a new multifiber arrangement covering trade in textiles and apparel is an absolute failure. It is totally meaningless because it has so many loopholes, and it is no better than the old MFA which permitted imports to double in 5 years and resulted in the loss of 300,000 American jobs. Furthermore, the administration's recent decision to permit South Africa to increase its textile exports to the United States by 4 percent per year adds insult to injury. As if our textile industry didn't have enough problems, the administration will allow that racist regime to become yet another major supplier to the American market.

Mr. Speaker, our balance of trade is not a balance at all. In 1986, we will import about $170 billion more than we export. This represents a loss of millions of American jobs and has caused the United States to become a debtor nation for the first time in decades. We can turn the trade deficit around, but the first step is to stop unfair trade practices. I simply cannot understand how the administration can sit idly by and allow other nations to flood our markets and destroy our Nation's industrial base—no other nation in the world would permit it.

I strongly support the Textile and Apparel Trade Enforcement Act. I cosponsored it, I voted for it, and I support the override of the President's veto. I hope all of our colleagues will join in this effort to restore some fairness to our textile trade policies.

Mr. JENKINS. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina [Mr. VALENTINE].

Mr. VALENTINE. Mr. Speaker, I rise in support of the veto override.

Mr. Speaker, the American economy continues to set records. Unfortunately, they are records that show we are heading farther and faster in the wrong direction than ever before.

The latest news is that we spent $14.2 billion more for foreign goods in June than our overseas customers paid for American products. This matched our dismal performance in May. And worse yet, we appear to be heading for an annual trade deficit that dwarfs the disastrous record we set just last year.

These records are not mere numbers or statistics. They mean the loss of American jobs—jobs in our traditional manufacturing sector, jobs in our new high technology industries, jobs in agriculture, which has already been devastated by drought and low prices. According to the Commerce Department, the trade deficit has cost 2 million American jobs since 1981. Do millions more have to follow before we take action?

Mr. Speaker, we have the means at hand to begin taking the needed action, at least for one embattled industry.

While many sectors of the economy have been crippled, I do not believe that any industry has suffered more than the textile industry. And while every sector of the country has been adversely affected by the current trade imbalance, I do not believe that any State has suffered more than North Carolina.

The North Carolina Department of Commerce estimates that 48,000 jobs have been lost in the textile, apparel, and fiber industry since 1980. In that same period, the number of textile plants in North Carolina has decreased by approximately 160. Some of these closings are due to consolidations, buyouts, and mergers, but the figures show clearly that the industry is contracting.

In just the first quarter of this year, according to industry sources, more than 3,000 textile jobs have disappeared in North Carolina. In the first 4 months of 1986, 13 plants have either closed completely or have had to make permanent reductions in the level of employment.

On the national level, recent Department of Commerce figures show that, during the first 3 months of this year, textile and apparel imports reached 3.2 billion square yards, an increase of 25.6 percent over the same period of 1985. Further, the textile and apparel trade deficit amounted to nearly $5 billion during the first quarter of 1986, a record level for any first quarter in United States history. This 3-month deficit is 22 percent greater than the textile and apparel trade deficit for all of 1980.

Mr. Speaker, these figures should be sobering for anyone concerned about American workers and American families. As with any statistics, there is some disagreement about the exact figures and their precise meaning, but the evidence is overwhelming that Americans are being hurt badly by unfair foreign competition in the textile and apparel industry. Since 1980, more than 300,000 jobs have been lost, and the situation is worsening rapidly and steadily.

This is a grim picture, but we are not without recourse. The Textile and Apparel Trade Enforcement Act represents a reasonable, moderate approach to solving the problems plaguing the textile industry. Contrary to some of the arguments we have heard, this bill is not a radical, protectionist solution. It simply imposes a degree of fairness and order in an international marketplace that currently suffers from uncontrolled and unfair trade practices. Under present conditions, American textile workers must compete against foreign industries that are subsidized by their governments, against foreign workers who are paid rock bottom wages, and against nations that severely limit American imports.

This bill will not cure all the ills afflicting the textile industry. But it is an important start in the right direction. It would set reasonable limits for textile imports into the United States and, in fact, would allow smaller nations to increase their exports.

In the long run, this bill will strengthen the U.S. economy. It is clearly in our national interest to have a strong, healthy domestic textile and apparel industry.

We must ask ourselves what will be accomplished if we fail to pass this legislation. How will the economy be helped if we continue to export American jobs to overseas producers? How will the economy be helped by policies that force millions of Americans out of work? How will the economy be helped by a ballooning trade deficit that threatens to plunge our Nation into a new recession?

The answer to all these questions is clear—we cannot help the economy by continuing a failed policy. But we can help the economy, we can save American jobs, we can create new employment opportunities, and we can ensure the consumer a continuing supply of high quality domestic textiles and apparel by overriding the President's veto of the Textile and Apparel Trade Enforcement Act.

American workers can compete effectively. But the rules must be fair. Free trade must be free and fair for every nation or it is free and fair for none. This bill starts the essential process of restoring fair competition in the international textile marketplace.

Textile workers are certainly not alone in facing challenges from unfair foreign competition, and we need to address the plight of other industries as well. But the problems in textiles are among the most widespread and acute in the American economy. We needed the Textile and Apparel Trade Enforcement Act when we passed it last year, and we need it even more now. I urge my colleagues to vote for the American worker and to vote for the American consumer by voting to override the President's veto and pass this bill again. Millions of Americans are counting on us.

Mr. JENKINS. Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri [Mr. YOUNG].

Mr. YOUNG of Missouri. Mr. Speaker, I rise in support of overriding the President's veto on H.R. 1562.

Mr. Speaker, H.R. 1562 sets permanent import quotas on textile and textile products from countries which have been flooding our markets with products turned out by very low-cost labor, at prices which simply cannot be matched or ever approached in some cases by this country. Additionally, this bill, which has bipartisan support, contains language imposing quotas on all nonrubber footwear imports which have captured 71 percent of the American footwear market.

Mr. Speaker, I share the concerns of millions of Americans about the alarming rise in imports. In 1985, the U.S. trade deficit was over $140 billion. It is anticipated that the trade deficit for this year will reach a record $170 billion. We all know the impact of this deficit on our domestic industries, our work-

ers, and on our standard of living. The economy of this Nation is dependent upon healthy domestic industries.

Congress should pay heed to the recent warning of Federal Reserve Chairman Paul Volcker when he said that the U.S. economy could go into a recession if the trade deficit does not shrink soon.

Unfortunately, the absence of a strong and predictable U.S. trade policy has contributed significantly to the sharp deterioration of the international economic position of the United States and kept scores of domestic industries and millions of American workers defenseless against plant closings, bankruptcies, and recessionary unemployment levels.

Clearly, the mystical dream world of free trade is a world that never was and never will be.

We live in a world where there are quotas, stringent inspection requirements, discriminatory standards, export subsidies and incentives, industrial targeting programs, buy-national policies, and export performance requirements.

No industry knows this more than the textile and apparel industry.

The American textile and apparel industry is fighting for its life. In 1985 alone, apparel imports swallowed half the U.S. market and, in some categories, captured 80 percent of it.

Since 1980, the textile industry has experienced an import surge that shows no signs of abating. As a result, 300,000 American fiber, textile, and apparel jobs have been exported overseas. These cheap, low-wage textile products are negatively impacting the 15,000 to 50,000 textile and apparel employees in the State of Missouri.

In the St. Louis metropolitan area, textile and apparel employment has felt the impact of increasing imports. In 1980, 8,500 individuals were employed in this industry. Two years ago, only 6,900 people were working.

In spite of aggressive modernization programs, product innovation and productivity improvement. We are losing market share due to factors beyond our control, that is foreign government subsidies and inadequate implementation of the multifiber arrangement [MFA]. How can we ask our textile industry to compete against foreign governments that subsidize their industries, paying workers as little as 16 cents per hour and imposing severe restrictions on imports from the United States and other countries.

Besides textiles, shoes are facing a similar case where imports are taking the domestic market.

There is no doubt that the flood of imported shoes is seriously injuring the domestic shoe industry. While our Nation's unemployment rate is around 7 percent, the unemployment rate in the shoe industry hovers close to 25 percent.

Tens of thousands of jobs are at stake. In my own State of Missouri, some 15,200 people work for the footwear industry at 92 manufacturers which account for 11 percent of the total footwear produced in the United States.

However, since 1982, more than eight shoe facilities have closed their doors in Missouri because of foreign imports. In a 4 year period from 1980–84, over 700 people lost their jobs. Unless we act now, that number will only increase.

For the past 6 years, the United States international trade problems have grown to crisis proportions. Missouri has lost hundreds of jobs, particularly in the footwear industry, because little has been done to stop the unfair flood of foreign imports into the United States.

The U.S. apparel and shoe manufacturers want an opportunity to compete with foreign companies on an even footing. Nothing more. Nothing less. I feel confident that by overriding the President's veto, American manufacturers will have that fighting chance to compete in the marketplace at home and abroad.

Mr. JENKINS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Tennessee [Mrs. LLOYD].

Mrs. LLOYD. Mr. Speaker, I rise in strong support of overriding the President's veto. I urge all my colleagues to support this override.

Mr. Speaker, this is a trade issue; this is an industry issue; this is an employment issue; and this is a women's issue. The textile and apparel jobs are primarily women's jobs. Of the hundreds of thousands of unemployed textile and apparel employees, the majority are women. These women work because they need to work.

These are single mothers. These are women who are providing second incomes for their families just for the basics. These are women whose jobs are threatened, who have had to take pay cuts and reduced hours, and who are juggling their families financial books trying to survive. We all know it is increasingly difficult to survive with only one paycheck for a family.

We must save these jobs—these American jobs. Many of these people have only those skills they have learned in the textile or apparel industries. These skills are not marketable in other industries.

I urge you to save American products; save American industries; save American jobs.

Vote to override the veto.

Mr. MURPHY. Mr. Speaker, I rise in support of the motion to override the President's veto of H.R. 1562.

Mr. Speaker, I supported and voted for H.R. 1562 last session and I was extremely disappointed when the President ignored the wishes of Congress and the overwhelming mass of Americans, and vetoed this legislation. To hear him tell it, "The cure was worse than the disease." His solution was no solution to let the patient heal himself or die.

What has happened in the intervening 7 months—not only has the patient not gotten any better, but the textile industry is virtually on life support systems. There was no miracle cure. No magic plan of action by the President or his Trade Commissioner. No infusion of help for these industries so battered by relentless imports.

The results of the President's nonexistent plans to reduce imports and improve market conditions was a record first half trade deficit of $84 billion and a secretly negotiated textile agreement with the Government of South Africa.

I don't believe that what Congress is seeking is unrealistic or excessive: limiting import growth to domestic market growth, reductions in imports from major foreign suppliers and the authority to penalize quota fraud. Is this overreacting? I think not.

Since 1981, textile and apparel imports have doubled and now compromise over 50 percent of the domestic market. According to industry figures, 388,000 jobs have been lost and over 250 plants have had to close as a direct result of foreign imports. Imports have captured 71 percent of the American footwear market as of 1984 and the forecast is for a continued increase.

Mr. President, your opposition to this bill in December 1985 was wrong and your continued opposition is just as wrong in August 1986. Your reluctance to deal with the trade issue on a realistic level, with realistic solutions, has left Congress no choice but today's action to override your veto.

Your record on trade during your first 6 years in office is abysmal. Congress can no longer sit idly by and continue to watch the sickening decline of our steel industry, our agricultural base, our shoe industry, and now our textile industry.

Enough is enough. I can only hope that we are not too late.

Mr. JENKINS. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. MURPHY].

Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia [Mr. DANIEL].

Mr. DANIEL. Mr. Speaker, this is a Buy America vote. I ask the Members to override the President's veto.

Mr. JENKINS. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. CROCKETT].

Mr. CROCKETT. Mr. Speaker, I rise in support of the motion to override the President's veto.

Mr. JENKINS. Mr. Speaker, I yield 1 minute to the gentleman from Oklahoma [Mr. WATKINS].

Mr. WATKINS. Mr. Speaker, I rise in support of overriding the President's veto today, and I have changed my position here. I would like to explain to my colleagues why.

Mr. Speaker, today agriculture imports exceed agriculture exports of this Nation for the first time in over 30 years. Even though we have lost over 50 percent of the price that we get for a lot of our agricultural products, the policies of this administration still do not provide us with a way to compete.

Second, we are importing more foreign oil today than ever before, which makes up over one-third of our foreign-trade deficit, which is selling out the future of our country. It is closing many of the domestic wells and has put thousands of oilfield workers out of work in Oklahoma. And, yes, it is closing textile plants in Oklahoma, taking some of the remaining jobs for

some of the wives and some of the spouses that have worked there for years to help educate their children.

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What has resulted with this lack of policy, this lack of fair trade is one, we have had the largest number of bankruptcies in the history of Oklahoma. We have had the largest number of bank failures since statehood, and we have had the largest number of farm foreclosures since the Great Depression, with our landowners losing over 50 percent of their land value.

The administration policy is to buy anything that is cheap, even though it is selling out the economic and industrial base of this Nation and the future of our children.

Mr. GIBBONS. Mr. Speaker, I yield 1 minute to the gentleman from Kansas [Mr. GLICKMAN].

Mr. GLICKMAN. Mr. Speaker, I fully understand the sense of frustration felt by those who are arguing today to override the President's veto of H.R. 1562, but I cannot support the motion to pass this bill over the President's objections. I do agree that the administration has been negligent in prodding our trading partners to reduce their unfair trade barriers and excessive subsidies, but I cannot go along with what is basically a negative response to that problem. By setting quotas like those in this bill, we are in effect adding to the problem other nations have created. This bill has absolutely nothing in it to encourage an end to the unfair policies adopted by Taiwan, South Korea, Hong Kong, and other nations. Instead, it sends a clean message that those restrictive policies are a course of action which they can legitimately pursue because we will be doing just the same. This bill is no longer a symbol or a signal to protect trade policies; it is the real thing. The trade problems are desperately serious; but the risks associated with passage of this bill are even greater.

I know we have a terrible trade deficit. That is is why I support the major trade reform legislation passed by the House earlier this year. That legislation would put into effect the principle of reciprocity; it would serve to encourage our trading partners to open their markets to U.S. products, not to spur an escalation of trade restrictions. In recent days, there has been an extensive debate on how to modify our agricultural export promotion programs to widen our markets around the world. I have said time and again during that debate that those changes will not be the salvation of our agricultural economy, but I continue to recognize that access to export markets, especially the growing markets of the Far East and the developing world, is vitally important to farmers in my State of Kansas and throughout rural America. The last time China felt we had imposed unfair quotas on their textiles, Kansas wheat farmers took it on the chin. Those Kansas farmers are having a hard enough time making a go of it these days without us passing legislation like this which is a virtually an open invitation for retaliation against them.

Again, I fully understand the sentiments which have prompted this legislation and this attempt to override the President's veto, but I plead with my colleagues not to support this policy which will only escalate protectionism. There are constructive policy changes that should be made, but they are not to be found in this bill.

Mr. GIBBONS. Mr. Speaker, I yield 1 minute to the gentleman from Washington [Mr. LOWRY].

Mr. LOWRY of Washington. Mr. Speaker, I would like to thank the gentleman from Florida [Mr. GIBBONS], a courageous Democrat.

I rise in opposition to the override. The textile bill that is before us has told American consumers that they cannot buy what products they want to buy at what price they want to buy. I just want to say that they just want to tell them they cannot do it, and we would tell them they cannot buy products from another country.

What countries are those? I will tell you what countries they are. They are 11 Asian countries, 2 South American countries, and perhaps a little of Portugal and Spain.

I wonder how come Western Europe and Canada have been excluded from this bill? Since 1980 there has been a 355-percent increase in textiles from Canada and Western Europe, but that is not in this bill.

And I do not want to tell any of my friends from the Black Caucus for anything that they ought to look at who this bill really concentrates on, and who it really hits.

This is a bill that is bad for American policy, bad for foreign relations, bad for our relations with Third World countries, and it is bad economics.

On top of that, I want to tell you that it costs jobs for a lot of people such as in my district, about 15,000.

Mr. CAMPBELL. Mr. Speaker, I yield such time as he may consume to the gentleman from South Carolina [Mr. SPENCE].

Mr. SPENCE. Mr. Speaker, I rise in support of the efforts to override the veto.

Mr. Speaker, today we are involved in a debate that has aroused a great deal of passion which is indicative of the tremendous frustrations surrounding the textile issue and felt by every person in the Nation in one capacity or another; supplier, producer, retailer or consumer. But it really comes down to one small word—choice. I hear many opponents of this bill saying that we must sustain the President's veto to preserve consumer choice in the marketplace and free trade among nations. I agree completely, at least with the stated goal, and I think most of you know that I have always considered myself one of free trade's strongest advocates.

However, one of my staff members described a recent experience he had that belies certain assertions presented by some of my colleagues. While shopping in one of the Capital's largest retail stores, trying to find a certain shirt for one of his sons, he browsed through three departments. It suddenly dawned on him that not one shirt bore a "Made in America" label. Every shirt was an import and no bargain at that. Where was his choice? Where was the price competition? Where was the opportunity for America to exercise her free trade rights within her own borders?

True, this was only one store, involving one item. But, I submit to you that this is a spectre of things to come. I also submit to you that once we have given up our place in the market, prices will not come down; more likely, they will go up as foreign imports monopolize our markets. Even now, the so-called cheaper imports sell at the very same price—or higher—as American made products—that is, when you can find the latter endangered species.

The bill only enforces existing international textile and apparel trade agreements which have consistently been ignored, circumvented or deliberately flaunted. By every conceivable standard, we have the absolute and acknowledged right to protect our domestic industries from unfair practices. Free trade is one thing, giveaways are another. I am deeply sorry that the President and I disagree on this issue, but I must respectfully urge my colleagues to override his veto and vote for H.R. 1562.

Mr. CAMPBELL. Mr. Speaker, I yield such time as he may consume to the gentleman from South Carolina [Mr. HARTNETT].

Mr. HARTNETT. Mr. Speaker, I urge my colleagues to join me in voting to override the President's veto.

Mr. Speaker, on December 17, 1985, President Reagan vetoed the Textile and Apparel Trade Enforcement Act of 1985. Subsequently, subsidized textile imports have increased by 22 percent over the record pace of last year and the annual trade deficit within the textile and apparel industry has reached $18 billion. Foreign countries, which subsidize their own textile industry, are enjoying the benefits of America's free trade policy while keeping their own markets restricted from American products. Consequently, the American textile industry is on the verge of elimination from the foreign and, more tragically, the domestic market. However, with a successful override of President Reagan's veto, Congress can tie textile import growth to the expansion of the domestic market and, thereby, create a more equitable textile trade.

The textile industry represents the largest manufacturing business in the United States. In fact, this industry employs more people than the auto

and steel industries combined. Regardless of the fact that these laborers are the most productive in the world, approximately 1,000 plants have closed due to foreign import penetration since 1980. Although the domestic industry has spent over $8 billion in the last 6 years to modernize local factories, foreign textile industries, utilizing unfair government subsidies and rebates, have seized over 50 percent of the domestic market. At this pace, an additional 2 million jobs will be lost in the textile and dependent industries by 1990.

The administration has attempted to resolve this matter through trade negotiations. Although these efforts have been laudable, the results of these meetings have produced more bad news for the textile industry. The new multifiber arrangement is weaker than its predecessor, which allowed textile imports to double in only 5 years. The employees of the American textile industry are paying the price for a toothless trade policy. In fact, in the last 5 years, competition with heavily subsidized foreign imports has cost over 300,000 textile workers their jobs. The time has arrived for the U.S. Government to recognize the international abuse that is experienced by the most productive American manufacturing industry. Foreign governments must understand that although the United States symbolizes free trade, Americans will not tolerate inequitable trade.

Having talked to workers in the textile industry, I know that they do not want or need protectionist legislation. The current production level and technological efficiency of the American textile industry have created a formidable competitor that would welcome a free market. However, foreign governments through the introduction of subsidies, rebates and other economic incentives have made fair competition an impossibility. In addition to governmental subsidies, the domestic textile industry is forced to compete against foreign manufacturers that benefit from cheap labor, and foreign trade laws that restrict the introduction of American goods into their marketplace. Obviously, the inadequate trade policy of the United States and poor enforcement of existing trade laws have failed to establish a fair textile marketplace.

The Textile and Apparel Trade Enforcement Act insures that a more equitable atmosphere is created without protecting the domestic industry from foreign manufacturers. In fact, the bill permits textile imports to grow in an expanding American market. However, this legislation encourages foreign textile industries to take advantage of our free enterprise policy instead of encouraging foreign governments to take advantage of our free trade policy.

Throughout my years as a U.S. Congressman, I have been a strong supporter of the Reagan administration. However, the President's veto of the Textile and Apparel Trade Enforcement Act was a poor policy decision. This legislation is absolutely critical for the survival of the domestic textile industry and the millions of Americans that it employs. Therefore, I ask my colleagues to join me in overriding the President's veto.

Mr. CAMPBELL. Mr. Speaker, I yield 1 minute to the gentleman from Missouri [Mr. EMERSON].

Mr. EMERSON. Mr. Speaker, as my colleagues know, this bill is not confined to textiles. Shoes are also included.

We in shoe-producing States have been fighting a flood of cheap imports for years, and we have been losing. Why? Not because workers are not doing their jobs or because our domestic industry is not capable of competing.

No, the problem is that we have been victimized by the unfair and aggressive trade policies of other nations and have received virtually nothing in the way of temporary protection or even encouragement from our own Government, including full and forceful enforcement of the existing trade laws.

Repeatedly the ITC and the administration have turned deaf ears to our modest and responsible requests for temporary protection of our shoe workers' needs. The ITC did restudy the problem and determined that there is serious damage being done to our domestic shoe industry and made recommendations to correct the problem, which the administration chose to ignore.

Thus, we in the Congress took the necessary action on our own by passing the Textile and Apparel Trade Enforcement Act, and what has happened? The administration once again chose to ignore the problem and use the veto to try to prevent us from doing what needs to be done if our domestic shoe and textile industries are to survive.

I, for one, refuse to give this battle up—and, therefore, rise today to urge that we override the President's veto and provide long overdue assistance for the footwear, textile, and apparel industry to restore a level playing field, and to restore reciprocity in world trade.

Mr. JENKINS. Mr. Speaker, I yield 30 seconds to the gentleman from Pennsylvania [Mr. GAYDOS].

Mr. GAYDOS. Mr. Speaker, this House has waited 10 long years for some type of relief and remedy. We started with a $50 billion surplus in trade. Now we are $150 billion in deficit.

We have tried various procedures, the trigger price mechanism, we have gone through devaluation of the dollar procedures to stem these imports, and yes, even under GATT, the General Agreement on Tariffs and Trade, even that agreement has not done what it has promised to do.

This is our only remedy left to us, and we must override the veto.

Mr. JENKINS. Mr. Speaker, I yield 30 seconds to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, the President's policies are making American workers cry uncle. The only uncle we should be concerned about today is Uncle Sam, and without the American worker we will never overcome our budget deficits or our national debt problems.

This is the issue today. The cancer that I am experiencing from a lack of having no steel policy, and no national industrial policy that benefits steel and major industries is now spreading in these other areas. We must put our foot down. It is a clash of wills, and Congress must win. The American people want Congress to overcome the President's failure to have a national industrial policy.

I ask you to vote for that.

Mr. JENKINS. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia [Mr. COLEMAN].

Mr. COLEMAN of Texas. Mr. Speaker, I rise in support of the veto override.

Mr. Speaker, last week the administration announced yet another month of record trade deficits. And, as we all know, trade deficits are just another way of talking about the growing ranks of American workers who are losing their jobs to unfair foreign competition.

America is in deep trouble today, because we are fast losing our entire manufacturing base. Our Nation cannot survive as a leader of the free world with the destruction of basic industries such as steel, textiles, machine tools, mining, and agriculture. This year, our trade deficit will exceed $170 billion. Last year, for the first time in over half a century, America became a debtor nation. I repeat, "the most powerful Nation in the world has dropped to the ranks of a debtor nation." In the last 5 years, that total trade deficit has exceeded $600 billion, and it is getting worse.

In considering the veto override of the textile bill, we need to consider some facts:

Since 1981, more than 350,000 U.S. textile and apparel workers have lost their jobs to the unchecked flood of foreign imports, including over 7,000 jobs in El Paso, TX, alone.

Textile and apparel imports have increased by 75 percent between 1982 and today.

Foreign imports now claim more than half of the textile and apparel market in the United States.

This year, we are expected to buy $20 billion more in foreign textile and apparel imports than we sell abroad.

In just 4 years, 947,000 Americans in the textile industry have lost their jobs, and 943,000 others will be put out of work due to the "ripple effect."

The root of the problem has been the administration's refusal to enforce what is an already weak Multi-Fiber Agreement [MFA], and its recent approval of an even weaker agreement.

Last winter, a concerned Congress of both political parties voted in favor of the Textile Act. It is not a protectionist bill; it is legislation

to enforce the laws that are already on the books by establishing import levels where they should have been today if the MFA had been properly enforced. It is not a protected trade policy, it is a managed trade policy, a clear and pressing duty of the Federal Government.

The Congress sent a message to the administration when it passed H.R. 1562 and sent the bill to the President. The President, in his veto message, assailed the bill as counterproductive and vowed to ease our trade crisis through negotiations. As we have seen, our negotiators have more bark than bite, and the U.S. approval was nothing more than an agreement to agree. It provides no relief for the industry. Instead, it provides for increased imports in textiles and apparel from the previous agreement and allows for increased imports in raw material as well, such as cotton. We want free trade, but we also want fair trade. We want to help the developing countries, but not at the expense of America's low-income textile and apparel workers as well as our American farmers. This bill accomplishes those goals.

Mr. Speaker, the American people are tired of losing their jobs because the administration refuses to enforce the existing trade laws. All that American industry and American labor want is a fighting chance to survive. Let us give our factories and our factory workers the opportunity to keep that most valuable of things—an American job.

Mr. JENKINS. Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Mr. Speaker, I rise as a Member representing both manufacturing and agricultural interests.

My district in Missouri is heavily dependent on farming, but also includes many shoe and garment factories. I believe it is in the best interest of both constituencies that I strongly support this override attempt.

There is no doubting the seriousness of the problem faced by the American footwear and textile industries. Spurred by an uneven playing field, imports have grown at a devastating rate, closing American factories, including some in my district, and throwing thousands of workers out of work. Indeed, America's top export these days seems to be jobs.

I received yesterday a letter from opponents of this measure which says the bill is supported by the rhetoric of a few major textile corporations. I have also received over 1,000 letters from workers in my district who want me to help save their jobs by voting to override. I call that more than rhetoric, and I say to my constituents, "I will help you."

There has been a great deal of discussion of the impact of this action on Agricultural trade. Make no mistake about it, exports of our commodities are very important, even critical, to strengthening our farm economy. But let us take a look at agricultural exports and where they stand now.

Our agricultural trade is suffering, just as manufacturing trade is suffering. Since 1980, under this administration which says "trust us", we have gone from an agriculture trade surplus of $23 billion to a trade deficit. Unbelievable as it may seem, this country, the breadbasket of the world, imported more farm products than we exported in May and June of this year.

Just as the administration has told the textile and shoe industries, "Don't worry, we will take care of you," they are telling American farmers to not fear, their program is working. The administration program is working, just as it did with manufacturing. They are letting American farmers fail, so other nations' farmers can prosper.

We have heard about the special deal the administration is giving South Africa on textiles. How long will it be before we hear they have decided to help that country, or another, increase its food shipments to the United States?

Some say farmers oppose this measure. Some do, but many do not. The American agriculture movement supports this bill. So do cotton and wool producers. The National Farmers Union and the National Farmers Organization support the bill. And last month, the National Corn Growers Association endorsed this override attempt.

The corn growers considered the prospect of retaliation for this bill among buyers, and decided this was an empty threat. After all, they are already losing export markets to offshore competition. They cite as an example South Korea. South Korea has had almost unlimited access to the U.S. textile market, but has reduced corn purchases from 3.2 million tons to 300,000 tons.

These farm groups are saying that this bill is good for America. I agree with them, and I urge my farm-State colleagues to join me in telling the President that we are not satisfied with the trade situation, and we will do something about it. Support this override.

Mr. JENKINS. Mr. Speaker, I yield 30 seconds to the gentlewoman from Ohio [Ms. OAKAR].

Ms. OAKAR. Mr. Speaker, this is the all-American issue. The administration has not shown a ripple of concern about our enormous trade deficit.

To add salt to the wound, he just negotiated with South Africa on the textile issue which contributes to the economy of that despicable philosophy of apartheid.

Finally, the majority of jobs that are affected are jobs that affect women, women with families to support.

So this is our symbolic vote, no matter what the region you are from, to say we want to protect the do-nothing policies of this administration.

Vote to override the veto.

Mr. CRANE. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. FIELDS].

Mr. FIELDS. Mr. Speaker, I rise in support of the 4,000 retail jobs that will be lost and the 160,000 jobs tied to the Port of Houston that will be affected if the President's veto is overridden.

Mr. Speaker, I rise today to express my opposition to this final attempt to enact a bill that is not in the best interest of the United States.

I realize that the textile industry in the United States has experienced difficulties in recent years. Its problems stem in part from an increase in textile and apparel imports. I also realize, however, that this country gains nothing if it merely takes efficient jobs from one sector of the economy and transfers them, at great cost to the consumer, to another sector of the economy.

Mr. Speaker, I realize that proponents of this legislation have the interests of their constituents foremost in their minds. I too, however, am concerned about the interests of my district and the people I represent here in Congress. That is why I oppose this legislation. Under the program outlined in this bill, 4,457 retail jobs will be lost in Texas, while Texas would only gain 2,098 jobs in the textile sector. This constitutes a net loss of 2,359 retail jobs in Texas. This net loss does not even take into account the jobs that could be lost as a result of retaliation.

The threat of retaliation is of even greater concern to me and let me tell you why. With the Port of Houston in my district, trade is of particular importance to my constituents. One-third of the capital that goes into the Houston economy is generated, directly or indirectly, from port activities; 32,000 jobs in Houston are directly affected by port activity with an additional 160,000 jobs throughout Texas that are indirectly affected by the port's functions. Finally, the port generates on the average $3 billion in revenue annually, including $742 million in personal income for individuals employed from port activity.

Unilateral restraints on trade, such as would be imposed by H.R. 1562, will have an immediate and adverse effect on the U.S. public port and marine terminal industry. The effect will ripple through the maritime labor community and other domestic industries which are dependent on the flow of international commerce.

Let me for a moment address the consumer, also a loser under this legislation. Consumers already pay $27 billion a year because of existing trade restrictions on textiles and apparel. If H.R. 1562 becomes law, consumers will pay an additional $44 billion in 5 years, according to the Council on Economic Advisers. American taxpayers will then pay $70,000 for each textile industry job saved which averages at $13,000 a year.

If we enact this legislation over the President's veto, American consumers will lose. American workers will lose. In summary, if the President's veto of this bill is overridden today, one regional industry—an industry whose 1985 net profits exceeded $1.2 billion and which already enjoys considerable import protection—will benefit at the expense of the consumers and other sectors of the economy.

I hope we will act responsibly today and sustain the President's veto.

Mr. CRANE. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Speaker, we are here today being asked to apply the wisdom of Solomon. On the one hand to choose the textile worker who feels that he will be helped by the override of this bill. On the other hand, we have to choose between the textile worker and the farmer, who feels that

an override of this veto will devastate him.

Who in this Chamber is wise enough to choose between these two fellow Americans?

There is a wise course to follow, and that is to help the textile worker by enforcing to the teeth and implementing fully the bilateral and multifiber agreements that have been reached, and to preserve the textile workers' jobs by making sure that they work, while at the same time not jeopardizing the farmer, the farmworker, the retail worker and others who will be hurt by an override of the veto.

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I am for the textile worker and I am for the farmer, and therefore I must vote no on this bill.

Mr. CAMPBELL. Mr. Speaker, I yield 30 seconds to the gentleman from North Carolina [Mr. COBLE].

Mr. COBLE. Mr. Speaker, we have heard nothing about protectionism as to the other side of the coin. If this bill is passed, 40 percent of the market is assured to our trading partners. Is that protectionism?

That protects their trade, as I see it. This is not a bill of protectionism; this is a bill of benefit because we are talking about jobs, American jobs, to be specific. If I have a choice to preserve jobs in this country or jobs abroad, I will take American jobs every time.

Mr. JENKINS. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia [Mr. FOWLER].

Mr. FOWLER. Mr. Speaker, I think it is imperative that we override this veto on behalf of the strength of our country.

Mr. JENKINS. Mr. Speaker, I yield 30 seconds to the gentleman from Texas [Mr. CHAPMAN].

Mr. CHAPMAN. Mr. Speaker, 25 years ago I was a sophomore in high school when H.D. Lee Manufacturing Co. located a plant in my home town. Friday that plant will lay off over 200 workers, reducing a work force that at one time was 700 to only 200 remaining.

We talk about fair trade, but we do not have fair trade in this country. We talk about timber and steel and we need work there, too. We talk about retaliation. It is time that we retaliate against an administration whose trade polices have been an abject failure, and we retaliate against those trading partners that will not abide by those trade agreements.

I urge the override of the President's veto.

Mr. GIBBONS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Ohio [Mr. PEASE], a member of the Subcommittee on Trade.

Mr. PEASE. Mr. Speaker, I will vote not to override the President's veto of the textile bill.

But, as I do so, I want to be clear about three points.

First, there is a textile and apparel import problem. Many firms and workers in the industry are hurting, and I have great sympathy for them.

Second, the fact that this bill ever saw the light of day is proof of the failure and irresponsibility of the Reagan administration's trade policy. In 1983, 1984, and 1985, textile and apparel imports surged at rates far beyond the import growth contemplated by the multifiber arrangement. The Reagan administration unaccountably failed to use the legitimate tools at its disposal to contain this growth. It simply fell asleep at the switch, leaving the industry nowhere else to turn but Congress.

Third, even if the veto is sustained, the textile import problem will still be with us. There is no guarantee that the Reagan administration will exercise our rights under the new MFA any more than it did under the old MFA. Therefore, I will join in an effort to require textile and apparel trade policy to be administered diligently, not forgotten, by this and future administrations.

I note that the new agreement permits the United States to unilaterally restrict imports for 2 years. The old agreement permitted us to take unilateral action for 1 year. Where was the administration in 1984 when imports surged out of control? Had it acted, there would not have been a textile bill. Similarly, what assurance do we have that the authority under the new MFA will be exercised?

Overriding the President's veto would break our international commitments many times over. This, in turn, would endanger many other manufacturing and agricultural jobs in the U.S. economy and jolt the international trading system at a time when it is under great strain.

Had the administration availed itself of the legitimate and legal tools of active negotiation and, if necessary, selective unilateral action, we would not be only two votes away from perhaps most serious rupture in the world trading system since it was reconstructed after World War II.

This whole issue illustrates the basic, dangerous flaw in the administration's passive approach to trade policy. As if in a Greek tragedy, the less the administration avails itself of legitimate trade policy options in the name of free trade, the more it undermines the faith of the American people in an open trading system.

The administration and indeed Congress could have forced action on the textile import problem without blatantly breaking the rules of the game. More generally, the administration could do a lot more to look out for American economic interests by diligently administering trade policy up to the limits of our rights under international law.

That is what H.R. 4800, H.R. 4830, and S. 1860 are all about. Members of Congress on both sides of the aisle have awakened to the need for a systematic, active trade policy to maintain a consensus in this country behind an open trading system. Today's vote is a clear indication that the administration may not have long to come around to this view.

Mr. JENKINS. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts [Mr. STUDDS].

Mr. STUDDS. Mr. Speaker, I rise in strong support of the motion to override President Reagan's veto of the Textile and Apparel Trade Enforcement Act. Enactment of this legislation is, I believe, essential to the future of the textile and apparel industry in the United States. Unfortunately, this measure of protection against the unfair trading practices of our competitors comes too late for the hundreds of textile and apparel workers who have already lost their jobs in New Bedford, MA—a city I have the privilege to represent. The mills and garment shops that New Bedford has lost provided well-paying jobs to decent, hard-working people—especially to women and immigrants—for whom new jobs and opportunities are not easy to come by.

These people and the tens of thousands of industry workers nationwide who have lost their jobs over the last 5 years deserve to have existing trade agreements enforced vigorously, and violations of those agreements dealt with promptly. The current administration, however, has done neither. It was for this reason that the Congress last year passed legislation to preserve orderly, free trade under the Multi-Fiber Arrangement [MFA], and to set quotas at where growth rates originally agreed on in the MFA would have been. The bill guaranteed foreign manufacturers 45 percent of the U.S. market, and it permitted smaller countries to increase their exports. The bill was designed to help ensure a strong domestic textile and apparel industry that could add up to $2.8 billion to our gross national product and create some 140,000 jobs for American workers.

Notwithstanding the commitment of both the House and Senate to confront the industry's urgent needs, the President vetoed the textile bill. I urge my colleagues to vote today to override the President's veto and to keep jobs in America.

Mr. JENKINS. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina [Mr. ROSE].

Mr. ROSE. Mr. Speaker, I urge all of my colleagues to override this veto.

Mr. Speaker, North Carolina has, to this point, endured a 5-year period in which the U.S. trade deficit has doubled and the American textile industry had become an unwilling doormat for a wild stampede of foreign imports. For as many years, the North Carolina textile industry has met the administration's challenge to compete. Our textile mills are

twice as efficient and productive as their foreign counterparts.

For 5 years, North Carolina has listened to the administration's promises to promote fair trade practices and to correct the trade imbalance. Unfortunately, the administration's efforts have fallen short, way short, of its promised goals. Mr. Speaker, the administration's newly negotiated Multi-Fiber Arrangement has, at best, armed the American textile industry with a thimble to bail out an ocean of trade imbalance.

North Carolina is justifiably concerned about the tragic realities that are destroying the American textile industry and the certain doom that looms over this industry's future. The administration has had its chance. North Carolina has tired of this administration's wolf cries of protectionism and its dire predictions of economic doom. We need a trade policy that is fair, not only to our allies, but also fair to our own textile industries. For this reason, I stand in full support of overriding the Presidential veto of congressional efforts to make the American market available to American manufacturers and to establish a truly fair trade policy.

Mr. Speaker, I would like to share a letter that is representative of the hardworking nature of the people of the Seventh North Carolina Congressional District and is testimony against the multitude of charges that label American textile workers as being noncompetitive and solely interested in a free ride.

DEAR CONGRESSMAN ROSE: I want to tell you a story, one, no doubt, similar to hundreds you've heard before. My Daddy is a retired solider, a veteran of Korea and Vietnam. He retired before the servicemen's retirement benefits were booted up. He retired without taking a disability claim despite the fact that he suffered a hearing loss of 30 percent due to an injury in Vietnam. My Dad isn't looking for handouts. He fights to make his own way. He has instinctively given of himself to his country. Now you have a chance to see that our country does something for him.

Dad works in a cotton mill in Hope Mills. He doesn't make that much, but he doesn't want much, just a job. Just to be able to do for himself! His job and others like his are threatened by our trade imbalance. I applaud Congress's efforts to undo the damage done. The "Made in the USA" tags is great, and I, for one, always check. But that's not enough. Please vote to override the veto on the Fair Trade Act. My Father is an unsung American hero, in my eyes at least. Don't let him become a statistic.

Sincerely,

CAROL MORTON.

Mr. Speaker, I would like to say that North Carolinians have always been a competitive breed of Americans, and I assure you that we Tarheels are not going to allow the American textile industry to be sold short in the international trade market. As a concerned Congressman, I hope my colleagues will see fit to make the fight that Carol Morton's father must endure as fair as possible.

Mr. JENKINS. Mr. Speaker, I yield such time as he may consume to the gentleman from Arizona [Mr. UDALL].

Mr. UDALL. Mr. Speaker, I rise in support of the motion to override, and I ask for some justice for the copper industry.

Mr. Speaker, I rise in support of H.R. 1562 and urge my colleagues to override the President's veto of the bill. Others today will talk about the textile and shoe provisions of H.R. 1562, but I would like to talk for a moment about the copper provisions.

America's copper industry is in serious trouble. Other industries have recovered from the 1982 recession, but not copper. The industry remains plagued by low prices and high unemployment. But with the aid of low-interest loans from multilateral lending institutions, foreign copper producers have been expanding their production. As a result, copper inventories have mounted and kept prices at record lows.

Imports of refined copper have more than doubled since 1982, rising from 285,000 short tons in 1982 to an estimated 620,000 tons last year. Imports now account for more than 26 percent of domestic consumption, compared to just 16 percent in 1982.

The impact on our domestic industry has been devastating. The work force has been cut in half. So has capacity utilization. Some of our biggest mines are shut down. And with prices now at 58 cents a pound, still more may close. Many will never reopen.

Copper is regarded as a strategic metal. And that makes our copper industry a strategic industry. But, at the moment, it is a dying industry. The industry has made substantial gains in productivity. And copper workers have made large wage concessions. But it is not enough. Driven by demand for hard currency, foreign governments have continued to boost their country's copper production. They do so with low-interest loans from multilateral development banks. But they do so without the type of pollution controls that we impose in this country. And like other foreign competitors, the derived substantial benefits from the overvalued dollar.

There is just too much copper being produced in the world. That is one point on which market analysts have agreed. Foreign copper producers are not sensitive to changes in world copper prices. Every drop in price leads to an increase, not a decrease, in production.

H.R. 1562 addresses that problem. It directs the President, acting through the Trade Representative, to enter into negotiations with foreign copper producers with the aim of getting them to agree to restrain production for 5 years. Major foreign producers—Chile, Peru, Zambia, Zaire, and Canada—would be asked to cut production back to 1982 levels. On average, that would be about a 6- to 7-percent reduction.

Smaller, but still significant, producers of copper would be asked to trim their production back to 1984 levels and allowed to grow at a rate equal to world copper demand.

The President would be given 9 months in which to negotiate an agreement with these countries and would be asked to report back to Congress at 3-month intervals on the progress of the negotiations.

It is possible, of course, that these negotiations could fail. But I do not think so. All governments, and their copper producers, have an interest in stabilizing world copper prices. Everyone is harmed by cutthroat production schedules that ignore market demands.

This is a sensible approach to a serious problem. I urge an override of the President's veto.

Although I am voting to override the veto of this legislation for the reasons that I have explained, I do not support provisions which would essentially treat U.S. insular areas as foreign for the purposes of textile product imports.

Most products in our markets can be classified as either domestic or foreign in origin. Members should remember, however, that there is a third category: Those originating in the insular areas of the United States which are outside the customs territory of the United States.

The territories of American Samoa, Guam, and the Virgin Islands and the Commonwealth of the Northern Mariana Islands are part of the American political family, but for sound economic reasons are not a part of American customs territory. As provided in the laws establishing the relationships of some of these areas to the United States, products of these insular areas have long been provided duty-free entry into the United States on terms and conditions specified in general headnote 3a of the Tariff Schedules.

This legislation would unfairly disrupt headnote 3a treatment of textile products and actually treat these U.S. insular areas worse than some favored foreign nations.

It would impose overly restrictive limitations on current insular imports for which it provides special quotas. It would effectively prevent potential new insular imports.

Thus, in attempting to preserve jobs for Americans in the parts of America within our customs territory it prevents the creation of jobs for Americans in the parts of America outside of our customs territory. This runs counter to the primary purpose of insular trade policy and contrary to our policy of developing the economies of the U.S. insular areas. Most insular economies are seriously underdeveloped in comparison to the rest of the American political family.

I do understand the reasons that these objectionable provisions were unfortunately developed and incorporated into this legislation, however. There are reasons for them that should be recognized in at least one of the U.S. insular areas.

In the case of the Northern Mariana Islands, many of the jobs which have been created in the textile industry have not been going to the new Americans of those islands, other Americans, or even new residents. Instead, a significant percentage of the jobs are held by temporary alien workers.

Significant initial foreign employment would be understandable if it was clear that residents of the islands would be trained to take these jobs, or jobs would be available to other Americans, or new workers were becoming permanent residents. But large-scale, long-term employment of temporary workers from countries whose imports are causing injury to domestic production suggests an intent to circumvent limitations which should apply to foreign imports.

A similar intent is also suggested by production in insular areas which cannot reasonably be considered insular in origin. In such a case,

limited insular processing would clearly be used to qualify products which really originate in countries whose imports are causing injury to domestic production.

The requirements of headnote 3a should be adequate to prevent such passthrough assembly in the U.S. insular areas. To the extent which they might not be, a careful modification of headnote 3a should be considered in consultation with the insular areas.

Regrettably, that was not the approach used in the case of this legislation's insular areas provisions, particularly in the Senate's revision of these provisions. So, the bill employs overkill to address concerns which could have been handled in ways that would have preserved trade treatment of the U.S. insular areas that recognizes their unique situations and would be at least a little better than the treatment of other countries.

Because of the various concerns I have identified as well as other trade problems concerning all of the U.S. insular areas, I intend to schedule a hearing in the Committee on Interior and Insular Affairs this year on insular trade matters. This hearing will be part of the committee's series of oversight hearings on Federal policies regarding our territories and commonwealths and, I hope, will suggest any necessary revisions of the current trade treatment of the U.S. insular areas.

Mr. JENKINS. Mr. Speaker, I yield such time as he may consume to the gentleman from Tennessee [Mr. JONES].

Mr. JONES of Tennessee. Mr. Speaker, I rise in support of the motion to override the President's veto.

Mr. Speaker, let me say at the outset that I have cosponsored this bill, urged the President to sign it, and have been outspoken in my support for it.

I did not take this position without serious consideration. I have always considered myself a free trade advocate. The industry with which I am most familiar—agriculture—needs a free trade environment to be profitable. Unfortunately, it has become abundantly clear to me that the free trade I espouse must be a two-way street. It is certainly not a two-way street today.

The result is that thousands of Americans have been put out of work in this country in the textile and shoe industries because other countries refuse to abide by principles of fair trade to match their free trade rhetoric. Plant closings and layoffs in those industries have been particularly painful in my congressional district.

In addition to an outright depression in the agricultural base of the economy there, available jobs in textile and shoe factories which used to be abundant are nonexistent today. The result is unemployment in the range of 10 percent since 1981, and a local economy that is simply stagnant.

This legislation can be considered extraordinary. That is an appropriate assessment considering the lack of a policy within the administration to at least attempt to stem the flow of imported textile products and shoes into this country, an ever-growing tide that is putting Americans out of work.

It is unfortunate that we must take this extraordinary action. However, it is obvious that some action must be undertaken to let our trading partners understand our determination to demand a bilateral commitment to fair trade as well as free trade. I urge my colleagues to vote to override the President's veto on H.R. 1562.

Mr. JENKINS. Mr. Speaker, May I make an inquiry as to the remaining time that Members have?

The SPEAKER pro tempore (Mr. BROWN of California). The time remaining is as follows:

The gentleman from Georgia [Mr. JENKINS] has 7 minutes and 10 seconds remaining; the gentleman from South Carolina [Mr. CAMPBELL] has 6 minutes and 20 seconds remaining; the gentleman from Illinois [Mr. CRANE] has 9 minutes and 50 seconds remaining; and the gentleman from Florida [Mr. GIBBONS] has 4 minutes and 40 seconds remaining.

Mr. CRANE. Mr. Speaker, I yield 1 minute to the gentleman from Washington [Mr. MILLER].

Mr. COATS. Mr. Speaker, will the gentleman yield?

Mr. MILLER of Washington. I yield to the gentleman from Indiana.

Mr. COATS. Mr. Speaker, I rise in opposition to the motion to override the veto.

Mr. Speaker, I was one of those Members genuinely torn over how to vote on H.R. 1562, the Textile and Apparel Trade Enforcement Act. I am deeply concerned over the continuing trade deficit, its negative impact on American jobs, and the failure of this administration to adequately respond to the problem with a comprehensive, broad-based trade reform package. I am also deeply concerned over the potential negative impact that textile imports have on textile workers in my district and in other parts of the Nation. Yet, as I examine the contents of the legislation, and discuss the substance of the bill with experts on both sides of this issue, I cannot help but conclude that this legislation before us is the wrong way to address the problem.

Instead of addressing a very real problem through comprehensive trade reform legislation, this bill seeks to protect two industries, textiles and shoes, by imposing restrictions that are sure to invite retaliation. You can apply some of the same concerns to a number of products like autos, machine tools, steel, telecommunications equipment, and computers. These products, and the jobs they provide, are all important to the economy of the Fourth Congressional District of Indiana, yet ignored by this bill.

And what about the almost certain retaliation that this legislation would invite against manufactured products and particularly agricultural exports, both critical to the employment of Hoosiers in northeastern Indiana. While firm action is needed on our trade policy, as Hoosiers, we must be especially mindful of the form which that action will take. Indiana is second only to the State of Washington in per capita income derived from exports. Indiana exports nearly 50 percent of all its crops, and northeast Indiana sends over 60 percent of its soybeans overseas. In addition, nearly 1 in every 7 of our manufacturing jobs in Indiana is for the purpose of manufacturing a product that is exported. These exports provide real jobs for many of my constitutents, and we must be very careful not to place them in jeopardy.

I would certainly not be one to argue against the need to reform our trade laws, but I have not been convinced that H.R. 1562 is the correct avenue on which we should proceed. However, in an effort to be responsive to the textile industry and others that have been harmed by our trade laws, I have been supporting measures designed to help solve America's trade problems.

On a broader scale, the Energy and Commerce Committee, on which I serve has documented counterfeiting, quota fraud, targeting, dumping, subsidization, other tariff and nontariff barriers to U.S. exports, copyright and trademark theft, and predatory import surges as elements of our trading situation that can, and must, be resolved if we are to begin to stop the job and economic losses our U.S. industries are facing. I think our inability to respond to these practices is partly a result of our trade policy decisionmaking apparatus that is too divided and cumbersome. Some 25 departments and agencies administer our trade laws. This structure needs to be consolidated. Therefore, I introduced H.R. 4363 to establish a single, unified Department of Trade to do just that.

Finally, and most importantly, our trade laws are not geared to providing balanced, speedy, and effective relief. They need to be modernized to respond to the new realities of world trade. For this reason, I joined in the efforts of the Energy and Commerce Committee last fall to draft a bipartisan, far-reaching and fair trade reform bill that had the support of labor and industry. Reciprocity, as I have said many times, must be the cornerstone of trade policy.

This vote does not draw a conclusion to the issue. The administration must realize that significant progress has to be made through trade negotiations and with GATT in order to avoid a repeat of the situation today where Members of Congress are forced to make extremely tough choices; because if there is a next time, the administration may not enjoy the same level of support in the House of Representatives.

Mr. MILLER of Washington. Mr. Speaker, I have been listening to my colleagues the last several days, and I hear many of them that are unhappy with the President on this or that; on wheat exports or South Africa or a local project, and so they want to send a message with this bill.

Well, the time for sending messages is over. It is time to face our responsibility and decide whether this bill, one of the most important pieces of legislation in this session, is in the national interest, and it is not.

This bill is bad for American consumers, who will pay $44 billion in higher prices; it is bad for American workers, who will lose their jobs as other nations retaliate against our ex-

ports; it is bad for America's friends in the Far and Middle East who relied on our word.

Why are we doing these bad things? To give further protection to America's most protected industry, an industry during the first half of 1986 that had rising—not falling, but rising—employment, profits and production.

Mr. Speaker, it was a bad bill last year; it is still a bad bill. We should sustain the President's veto.

Mr. CRANE. Mr. Speaker, I yield 1 minute to the gentleman from Nebraska [Mr. DAUB].

Mr. DAUB. Mr. Speaker, it has been said that this bill is both good and bad. That's probably right. It is bad for consumers, but it's good for inflation; it's bad for American employment, but it's good for foreign jobs; it's especially bad for the American farmer but it's great for his foreign competitor.

The bill's import restrictions are not negotiated, but imposed unilaterally. Make no mistake about it, unilateral actions lead to retaliation. Consider our experience with China; 1983, when textile negotiations broke down with China we unilaterally restricted $50 million of Chinese textiles. China canceled a grain agreement. We lost $500 million in wheat sales.

These drastic restrictions on imports will hammer some of the best customers of the American farmer. It repeats and multiplies the mistake we made with China.

The 12 countries this bill hits bought 43 percent of all American farm exports in 1984. Specifically, they purchased; 41.3 percent of all American wheat exports last year; $1.9 billion of our corn and $1.5 billion of our soybeans.

Of the big four textile exporters, the American farmer sold them more than double the $1.8 billion in textiles we bought from them.

There are some interesting foreign policy implications for this bill. Take Bangledash, for instance. This bill slashes Bangledash's exports by 97 percent, effectively killing the only manufacturing industry this country has. Isn't it better to continue selling them 100 million dollars' worth of American grain each year rather than flexing our protectionist muscles to smash the sole industry in one of the world's poorest nations?

Does anybody seriously believe that these countries will continue to buy American farm products which are in oversupply throughout the world, if we slash their No. 1 export?

It's said that the European Community cutback on textile imports and suffered no retaliation. They did, but they did through negotiated reductions, not unilateral cutoffs like H.R. 1562. We have a new Multi-Fiber Arrangement which is much tougher on textile imports than the current MFA and will not risk retaliation against our farmers.

This bill can destroy the chances for a new GATT round. We are trying to get agriculture on a fast track—that is completed first—to avoid a brewing Ag trade subsidy war.

Does anybody think that these countries will cooperate in trade liberalization efforts under a new GATT round if we violate the existing GATT with this bill?

The problems with the textile and apparel industries are largely due to the overvalued dollar.

Congressional Budget Office points out that from 1972 to 1980, a time of lower dollar, textile imports went down about 3 percent per year.

Since 1980 imports have dramatically increased. So did the dollar; by about 60 percent.

The dollar has gone down, but not against Asian texitle currencies. Negotiations will begin with these countries to reduce the value of the dollar. This will greatly assist the American textile industry.

This industry enjoys an average tariff of 22 percent—four times more than the next industry—and over 300 individual quotas. New agreements and the MFA means more protection is on the way. If protectionism was the answer to the textile industry's woes, we don't need this bill, the industry's already got it.

Let's vote this bill down.

JULY 30, 1986.

DEAR CONGRESSMAN: American farmers and agricultural exporters continue to fear a further decline in farm exports if world trade disruption causes an even greater drop in the purchasing power of developing country customers, or if the United States takes unwise unilateral protectionist steps which induce retaliation.

The textile import restriction bill (H.R. 1562), which is now scheduled for an August 6th House "override" challenge, represents such a threat, as President Reagan properly recognized when he vetoed it last year.

We continue to support a strong negotiating stance by the Administration to deal with the serious problems of the domestic textile industry through voluntary import restraints and through appropriate measures to assist unemployed textile workers and businesses which have been hurt by unfair or excessive growth of textile and apparel imports.

American farmers would be unfairly penalized if the needed relief for the United States' textile industry were to be accomplished by the arbitrary and GATT-violative approach of H.R. 1562. We urge the Congress and the Administration to find more appropriate solutions for this problem through bilateral and multilateral negotiations within the framework of the Multi-Fiber Agreement and the upcoming major GATT trade negotiating round.

American Farm Bureau Federation.
Millers' National Federation.
National Assn. of Wheat Growers
National Cooperative Business Assn.
National Grain Trade Council.
National Grange.
National Soybean Processors Assn.
National Turkey Federation.
North American Export Grain Assn.
U.S.A. Poultry & Egg Export Council, Inc.
United Fresh Fruit & Vegetable Assn.

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Mr. CRANE. Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. OXLEY].

Mr. OXLEY. Mr. Speaker, I rise in support of the President's position.

Mr. Speaker and Members, the message has been sent, the message has been received. The administration has just finished strong bilateral agreements recently signed, South Korea, Hong Kong, and Taiwan; the dollar weakended to a new low against the yen for the last 40 years.

We are through sending messages. Really the time has come to decide what we are going to do. We are going to be making law today. We are not going to be sending messages. We are going to be making law if we indeed override the President.

Let us keep that in mind. I say that because I see this not as the end of protectionism in this Congress but the beginning. Indeed, if the President's veto is overridden, you can almost bet on it, the line will start forming in your offices yet this afternoon by special pleaders who have their own cases to make in all the various areas that feel they are being affected by imports.

So let us keep that in mind when we look at this very important subject. We have a major decision to make. Let us hope it is the right one.

Mr. JENKINS. Mr. Speaker, I yield 30 seconds to the gentleman from Pennsylvania [Mr. KANJORSKI].

Mr. KANJORSKI. Mr. Speaker, I rise very quickly today to support the motion to override the President's veto, and I cannot add very much in 30 seconds except perhaps I can talk to a few colleagues on either side of the aisle who have not decided.

The decision of maybe two or three votes will change what we do here today. Those two or three votes will be fundamental. I am sure all Americans will be looking at those Members.

It seems to me that it is not a message we want to send. It seems to me it is no longer a castigation of someone's policies or thoughts, whether it be in the White House or here. All we are trying to do is save the hundreds of thousands of workers that will lose their jobs if we fail to perform properly today.

I urge an affirmative vote to override the veto.

Mr. CAMPBELL. Mr. Speaker, I yield 45 seconds to the gentleman from Alabama [Mr. CALLAHAN].

Mr. CALLAHAN. I thank the Speaker. I rise in support of the override, and it does not come with just a cursory glance at the Jenkins legislation. It comes after an indepth analysis of the

entire problem and the history that lead us to this moment. There are certainly some good arguments presented by the administration in defense of protectionism, but let me assure you that after this careful and indepth analysis that I have done and after the many hours of meetings with Trade Representative Yeutter and the members of the administration and the opponents of this legislation, they have presented some good arguments. But the good of the Jenkins bill outweighs the good of the opponents of this measure.

So let me encourage the Members of this body to take advantage of the many hours and research that I have put into this measure and join me and support the override of the Presidential veto.

Mr. JENKINS. Mr. Speaker, may I inquire as to the remaining time, since we have only two speakers left from my side here?

The SPEAKER pro tempore (Mr. BROWN of California). The time situation is as follows: the gentleman from Florida [Mr. GIBBONS] has 4 minutes and 40 seconds remaining, the gentleman from Illinois [Mr. CRANE] has 6 minutes and 50 seconds remaining, the gentleman from Georgia [Mr. JENKINS] has 6 minutes and 40 seconds remaining, and the gentleman from South Carolina [Mr. CAMPBELL] has 5 minutes and 35 seconds remaining.

Under the normal procedure, the Chair would recognize the gentleman from Illinois.

Mr. CRANE. Mr. speaker, I yield 1½ minutes to the gentleman from California [Mr. ZSCHAU].

Mr. ZSCHAU. Mr. Speaker and colleagues, despite the sharp clash in the debate, there is much on which we agree. We agree we have a trade deficit that is costing jobs, we agree that unfair trading practices have been a partial cause for that, we agree that the Federal Government has to take a proactive role to negotiate and enforce the end to those unfair practices. Historically that has not been done. But it is being done now. We have just negotiated a multifiber agreement for textiles and bilateral agreements.

Last week a semiconductor agreement was negotiated with Japan. Much more needs to be done, but we need to do it to protect all industries from unfair competition. Our success in these negotiations will depend on our commitment to abide by fair trade principles ourselves. We must be willing to follow the guidelines we are asking others to abide by.

This bill will undermine that commitment. This bill will make us an outlaw of international trade.

This bill will undermine our ability to achieve fair trade for agriculture, for semiconductors, electronics, manufacturing.

Let us not sacrifice the ability for others to compete on the false hope that this bill will help one industry. Rather, let us work together to achieve a better opportunity for all.

Defeat this resolution, sustain the President's veto, support our trade negotiators' efforts to eliminate unfair competition in all industries.

Mr. CAMPBELL. Mr. Speaker, I yield 45 seconds to the gentleman from Maine [Mr. MCKERNAN].

Mr. MCKERNAN. I thank the gentleman for yielding.

Mr. Speaker, if we fail to override this veto today and we do nothing to prevent the unfair trade practices which afflict our textile and shoe industries, we are guaranteeing that the epitaphs on the tombstones of those industries are going to read: "I told you I was sick."

That is because we know the facts, we know since the veto, textile imports have increased by 23 percent, we know that shoe imports have increased by 14 percent, up to 80 percent import penetration in that industry alone. That cost jobs. That cost jobs in my State, thousands of jobs in the shoe industry alone.

Mr. Speaker, our current trade policies are unfair, and they are unfair the way we send our textile and shoe companies into international competition. Our policies are like sending a pitcher into a professional baseball game against major league hitters with a whiffleball. We have a chance today to play hardball and to bring fairness to our trade policy, and I urge an override of this veto.

Mr. JENKINS. Mr. Speaker, I yield such time as he may consume to the gentleman from Alabama [Mr. BEVILL].

Mr. BEVILL. I thank the gentleman for yielding time to me.

Mr. Speaker, I would like to urge my colleagues to vote today to override the President's veto of the Textile and Apparel Trade Enforcement Act.

This bill is needed because these foreign countries are laughing at us. The administration has done nothing but talk about enforcing trade laws for the past 5 years. It is only when Congress comes up with a plan to stop unfair foreign trade competition that the White House attempts to get trade agreements. When all is said and done, these agreements don't amount to a hill of beans.

Meanwhile, Americans are losing their jobs because of unfair foreign trade competition. Thousands of those jobs have been lost in Alabama where the textile industry is the State's largest industry. Between 1980 and 1984, 12,000 textile and apparel workers lost their jobs in Alabama. In 1985, another 2,900 jobs were lost. In the past 2 weeks, 700 textile workers lost their jobs in my district when two textile plants closed in Culman and Haleyville.

Do we want to export American jobs? Of course not. But, that's what's happening every time we let these foreign countries dump their goods here.

This bill would provide the temporary relief needed by the domestic textile industry to get back on its feet. It would impose quotas on foreign imports for 5 years.

These limits are not a long-range solution. We must be competitive in the international market. We can do it in the textile field by having time to modernize our plants. I am hoping that this relief would eventually extend to help our steel, coal, and timber industries which have also suffered from unfair foreign competition.

We must have a strong domestic industrial base. American jobs depend on it. Our national security depends on it.

I am all for free trade. That's like being for motherhood and apple pie. But, I also think we need fair trade. I hope this bill will wake up the administration and send the message to these foreign countries that we aren't going to take it anymore.

We have had an open-door policy and we are going to have to close that door a little. These countries which have shut their doors to our products must be willing to open their markets. That's the way free and fair trade ought to work.

Mr. CAMPBELL. Mr. Speaker, I yield 50 seconds to the gentleman from Kentucky [Mr. ROGERS].

Mr. ROGERS. Mr. Speaker, I urge a vote to override this veto. The laid-off textile worker begins to wonder what is the fairness of all of this? He wonders why the same Government that allows unlimited foreign subsidized imports that cost them their jobs, that same Government also allows their tax dollars to subsidize wheat sales to Communist Russia, all in the name of fairness to an American industry. They wonder why it is OK to fight dumping of semiconductors but not textiles. They wonder why it is OK to put automobile quotas on but not textile quotas. They wonder why the Government says it is OK to put quotas on specialty steel but not textiles. It is time to be fair to textiles. Override this veto and you will see a new arrangement being worked out between our trading partners and our Government. An override will solve the problem.

Mr. CRANE. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota [Mr. FRENZEL].

Mr. FRENZEL. Mr. Speaker, the vote we face today—whether to override the President's veto of H.R. 1562 and force into law this blatantly protectionist textile bill—is one of the most important decisions of this 99th Congress.

This is no longer the time to send messages or to vote on unrelated issues by casting a particular vote on the textile bill. Today, we could pass a bill that could put our exports at risk and end our credibility as a trading nation in meeting our international obligations and in pressing for open markets. A great deal more than textiles is at stake today.

This legislation provides unprecedented additional protection for an industry that already enjoys the most extensive safety net of high tarrifs, the highest in the world; strict quotas; and administrative monitoring and special procedures at every level. The textile industry has received exaggerated protection since the 1930's.

This is unprecedented, unnecessary additional protection for an industry whose capacity utilization, export volume, profitability, and employment are all on the rise. The textile and apparel industry is demanding this unprecedented protection even though its adverse effects on other sectors of our economy could be severe, even disastrous.

Unless the President prevails, thousands of jobs in retail and other trade sensitive or export industries will be jeopardized. Export sales, especially in agriculture, will be seriously threatened. The hidden retaliation of developing countries that simply can no longer buy U.S. goods because they cannot earn foreign exchange is a certainty.

It also is clear that if this bill becomes law there will be no round of multilateral trade negotiations in the GATT. This means no forum to negotiate new disciplines in the areas of agriculture, service, intellectual property rights, dispute settlement and further market access. This means also that the House's own goods for trade cannot be met at GATT for there will be no new GATT Round.

The United States will have absolutely no credibility if less than a week after concluding a new tougher multifiber [MFA] agreement and 1 day after concluding a bilateral agreement with our toughest textile competitor—Korea—The United States unilaterally abrogates all its commitments in this area. We might just as well withdraw from international trade fora and become an insular nation that has admitted it cannot compete internationally.

Another very serious effect of this bill is the abrogation of our free trade agreement with Israel. That agreement prohibits cuts to any quotas in effect. Yet the Jenkins bill will cut our trade with Israel by 44.3 percent in 1986.

Even though the Jenkins bill purports to affect only the imports of our major trading partners, let's look at its impact on some of the least developed countries. Thailand, our ally in three wars, and a refugee haven at our request, has a cutback of 30.2 percent. Its share of total MFA imports is 2.16 percent. Malaysia has a 44.3 percent cut. It ships less than 1 percent of our total imports. The Dominican Republic is cut 36.7 percent. Singapore 22.5 percent, Bangladesh 75.7 percent. All of these ship around 1 percent or less.

Many of these countries have little to export other than textiles and apparel. With no access to our market, they can't buy our exports. Market denial is a terrible slap in the face to some of our important allies.

Ambassador Carlisle has just concluded a new MFA when great odds were against him, including an industry that made impossible demands and cried foul at every turn. The industry will continue to receive extensive protection, and the new MFA provides broader coverage of products and will guard against surges. Most importantly it provides tougher disciplines and penalties against passthroughs and circumventions.

Even though the textile industry was given nearly everything it sought from the MFA negotiations, it still complains vociferously that it didn't receive 100 percent. In my judgement, they get 85 percent—much more than we've been able to get for any other injured U.S. industry, and much more than the industry deserves or has earned. Our allies will pay a stiffer penalty for this new agreement.

Yet, the domestic industry claims it is on the brink of disaster and the administration has done nothing for them. To be satisfied, it will only take $44 billion in higher cost to the consumer over the next 5 years in addition to the $24 billion per year in current consumer cost.

Seventy thousand dollars spent for each textile job saved, $26,000 for each footwear job saved; the possibility of more than 62,000 jobs lost in other sectors; agriculture exports to affected countries cut in half; and no new GATT round. That's a very high price to pay indeed. And for an industry that appears to be well on the road to recovery.

In fact, profits in a representative section of the industry were doubled both in the first and second quarters of 1986. The industry is modernizing and is doing a better job of finding niches in the marketplace. Productivity was up 7 percent during the first 6 months of 1986 over 1985. Exports were up 13 percent in textiles, 19 percent in apparel. Stock prices of the seven largest textile companies were up 70 percent in 1985. Capacity utilization is higher than the national average. Inventories are down.

It is tough for me to believe that these indicators, plus the MFA, the three new bilaterals, and lower cotton prices sanctioned in the 1985 farm bill, would make anyone surmise that additional relief is due the textile industry.

I also want to point out that unemployment in the textile industry is below the national average. Other industries that must compete with imports have unemployment problems more serious than in the textile industry. If they experience difficulty they must use the procedures of the trade law to gain a remedy. The textile industry has ignored the trade laws and has only sought special interest legislation.

If we look at States with the highest concentrations of textile-apparel production, only Alabama and Mississippi have unemployment figures higher than the May 1986 national average of 7.3 percent. California's unemployment rate is 6.1 percent, Georgia is at 5.6 percent, North Carolina is at 5.4 percent, South Carolina at 6.6 percent, New York at 6.9 percent, and Virginia at 4.9 percent. Should Midwest industrial areas hard hit by imports accept further high unemployment rates because of textile protectionist legislation?

Industry supporters have also told you that there will be no retaliation from those countries affected under the Jenkins bill. Evidence is conclusive that there will be retaliation, including some fairly strong language from the PRC that they will retaliate. Estimates are that $4.9 billion of U.S. exports, mostly in the agricultural and high technology areas, would be affected. Two billion, one hundred million dollars retaliation would occur from the footwear restrictions in the bill.

Supporters will tell you that the Europeans cut back their major suppliers with no retaliation. But what they won't tell you is that Europe negotiated the cutbacks, and they increased other quotas to compensate for the cutbacks. Our cutbacks are not negotiated, as is the requirement under the MFA; they are unilateral. Negotiated agreements will not result in retaliation. Unilateral actions will.

Mr. Speaker, I have seen claims that imports have claimed up to 50 percent of our market. I'm not sure what kind of a magic hat those figures were pulled from, but the figures I have from the Commerce Department show that the percent of imports to consumption in dollars is only 15 percent in 1985. Even if you look at the same figure in square yard equivalents, you get 24.6 percent in 1985.

Neither measure shows a surge when you compare the imports to increasing domestic consumption of textiles and apparel. Even if you look at imports alone, the only slight surge shows up in 1985 when compensation was also up sharply. To me, the dollar figure is the most accurate measure of the affect imports are having on our domestic industry.

Even if you look at the import figures for the three largest exporters—Taiwan, Hong Kong, and Korea, which comprise about 34 percent of our imports—you won't see any indication that imports will surge in the next few years. To the contrary, even though there were surges from these countries in 1983 and somewhat in 1984, imports were down significantly, to an average of 5.5 percent in 1985. With the new bilaterals, there will be an actual rollback for Taiwan and Hong Kong in 1986 with growth rates of well under 1 percent for the remaining years of the agreement. Korea's imports will grow only 0.29 percent in 1986 and 0.8 percent thereafter.

What this means is that these three countries will not be able to take advantage of any growth in the U.S. market in the next several years. The effect will be a rollback. And that is just what the domestic industry demanded. Those three agreements were a significant concession to the domestic industry.

Let us look at where some of the real growth in imports occurred. In 1982 and 1983 imports from the European Community surged by increases of 57 and 38 percent, respectively, much higher than the figures from the Far East. In 1984, imports from Canada surged 115 percent. Despite these high figures, both Canada and the EEC are exempt from the Jenkins bill.

I hope we will be conscientious and reasonable legislators and reject this legislation. The consequences of overriding the President's veto here are grave and can mean the livelihood of many Americans across the spectrum of the U.S. economy.

This is clearly one of the worst protectionist bills we have seen to date in the Congress. It should not be passed to express our disappointment in the trade deficit, with the administration's trade policies, with our South Africa policy, or any unrelated gripe we have with the administration.

I urge my colleagues to vote no on the motion to override the President's veto of H.R. 1562.

Mr. FRENZEL. Mr. Speaker, this veto override vote is a broader issue than it seems. The bill is designed to protect the textile industry, but it is not solely a textile bill.

It will affect and hurt nearly every industry and consumer in the United States.

Compensation and retaliation will hurt every country. The United States will be hurt the worst because we are the biggest exporter.

It will cost the consumers of the United States $44 billion over 5 years. It will cost many jobs, as many jobs as it will save. It will save $13,000-a-year jobs at a cost of $70,000.

It will kill our chances for a new GATT round, and it will kill our chances for the achievement of the House's trade objectives as expressed in our recent trade bill.

Who is going to trust the United States as a reliable trade partner again? This bill even cuts textile trade with Israel, our most loyal ally. Under this bill, Israel would lose 44 percent of its United States market access. If this bill is passed it is going to take us decades to regain lost markets.

The bottom line here today is that the United States cannot afford the Jenkins bill. We cannot pull up the gangplank, let one industry get on board, and allow everyone else to suffer.

The SPEAKER pro tempore. The time of the gentleman from Minnesota [Mr. FRENZEL] has expired.

Mr. GIBBONS. Mr. Speaker, I yield an additional 40 seconds to the gentleman from Minnesota.

Mr. FRENZEL. I thank the gentleman from Florida for yielding this additional time.

Mr. Speaker, it may seem redundant to express these thoughts again. Oratory is not going to change votes on this floor.

But it is important that Members understand that, if this veto is sustained, we are going to have to live with a bill that the rest of the world cannot tolerate, and which is ultimately going to cost us $50 billion in compensation and retaliation.

That $50 billion is going to come out of the heart of our economy and hurt industries and individuals in every single district in this country.

The only way that we can prevent severe, substantial loss to the national economy of the United States and to our citizens is to sustain the President's veto.

Mr. GIBBONS. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. LUNDINE].

Mr. LUNDINE. Mr. Speaker, I rise in support of the override of the President's veto.

Mr. Speaker, I urge my colleagues to vote to override President Reagan's veto of H.R. 1562, the Textile and Apparel Trade Enforcement Act. I do so because I am convinced that this action is necessary to stop the erosion which has taken place in the textile and apparel industry over the last 5 years.

We are in a difficult position here today. The President has recently concluded bilateral agreements with the three largest textile exporters to the United States—Hong Kong, Taiwan, and South Korea in a belated effort to control textile imports. In addition, he has recently concluded negotiation of a new international multifiber arrangement proposed to govern international trade in textiles for the next 5 years. Under these circumstances, for Congress to act to override this veto will have ramifications for these agreements.

Yet, it seems to me that the basic issue here is one of whether or not we can afford to trust this administration to control textile imports under these new arrangements. I am voting to override this veto today because I have serious doubts about the commitment of this "free trade" administration to this end. After all, this is an administration which has given us escalating trade deficits since it came to office. This year, our trade deficit will go through the ceiling when it reaches an unbelievable record of $170 billion.

The damage which has occurred to the textile and apparel industry under President Reagan's watch is inexcusable. In 1979, the U.S. textile and apparel industry had 2.2 million workers. Today, it has 1.8 million. Nearly 400,000 jobs gone. In 1979, textile and apparel imports into the United States amounted to $8.7 billion of all fibers. In 1985, imports reached $21.3 billion—nearly a threefold increase. In 1979, the U.S. textile and apparel trade deficit was $4.6 billion. In 1985, it was $18 billion—a staggering 300 percent increase.

An administration with such a record does not inspire trust. By overriding this veto today, the Congress of the United States will be retaking control of U.S. trade policy from a floundering administration. If we make the Textile and Apparel Trade Enforcement Act the law of the land, then the administration will have no choice but to implement and enforce it.

As many of you know, I have been active on many aspects of trade policy over the last 5 years. I am an advocate for a progressive trade policy for the United States—one which opens up opportunity for expanded trade, but also one which does not in the process destroy our domestic economic base. The bill before us meets the test of these important guiding principles.

In my capacity as chairman of the International Development Subcommittee of the House Banking Committee, I have looked in depth at the problems of developing countries. I have been very concerned about the serious international debt problem facing many of these developing countries and acknowledge the importance of trade expansion to these developing countries.

This bill is not antideveloping countries. Rather, it carefully distinguishes between those more advanced developing countries which can afford to experience cuts in their textile exports to the United States and those which cannot.

The bill establishes three categories of textile exporters. The first includes major producing countries where the largest cutbacks in exports to the United States would occur. This would encompass only three countries—Taiwan, South Korea, and Hong Kong—all nations which can afford to absorb the cutbacks. The second category includes producing countries. This would include China, Japan, Pakistan, Indonesia, India, Philippines, Thailand, Brazil, and Singapore—again countries which can sustain some cutbacks.

The rest of the countries of the world—with the exception of Canada and Europe which are exempt from the bill—would be included in the small-exporting-countries category. Products from these countries would be permitted to grow by 15 percent a year from the 1984 levels unless the product consumes more than 40 percent of the U.S. market. As a result, there is considerable room for continued export growth by many developing countries which need access to the U.S. market to stimulate renewed growth in their own economies.

Let me conclude by saying that I do not believe that either the United States or the international trading system will suffer if this bill is enacted. Trade in textiles has been an exception to the General Agreement on Tariffs and Trade since 1973 when the nations of the world entered into the first multifiber arrangement which recognized that trade in textiles had to be managed. The override of the veto of this bill is the latest manifestation of that reality. It is an attempt to reassert control over U.S. textile and apparel trade which has grown out of control over the past 5 years under this administration. I urge your support to override the President's veto.

Mr. CAMPBELL. Mr. Speaker, I yield 45 seconds to the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. I thank the gentleman for yielding.

Mr. Speaker, I am tired of hearing the word retaliation. There is not much left that our so-called trading partners can do to retaliate. I am also tired of hearing of the defense of the consumer. A consumer is someone who has money to purchase something to consume. If he does not have a job, he cannot consume. I do not want my farmers being bandied around here that they somehow or other are supporting the President on this issue. My farmers know they cannot get anything into the Common Market areas, they know they cannot get anything into Japan. So let us send a message around the world, but more importantly let us send a wake-up call to the White House. Let us override the President's veto.

Mr. GOODLING. Mr. Speaker, I feel that it is necessary in this debate to address the outrageous fact that the administration has been unresponsive to the plight of the domestic footwear industry even though the Department of Defense reported that this industry is unable to sustain even a short-term limited mobilization.

The DOD study to which I refer was concluded in April 1985 and advised the President that if import relief were granted, we would regain sufficient production capacity to ensure our military footwear needs. In the name of preparedness, a diety often invoked by this administration, the President should have approved the ITC recommendations of last June.

Instead, as the DOD study points out, there will be a number of problems in obtaining needed footwear in the event of a national emergency. The footwear industry is labor intensive, and training of workers requires a lead time of 3 to 6 months. The leadtime of equipping a factory—which might not be possible, due to the fact that most of the necessary gear is foreign made—would take at least 6 months. We will rapidly lose the supplier networks and management and labor skills. Finally, DOD reports that "present domestic production will not sustain simultaneous military and civilian consumption," and predicts a shortfall of 70 percent or more.

I ask my colleagues to consider what the Department of Defense translates these findings to. It determined that the domestic footwear industry would be unable to meet first year mobilization needs of 6.5 million pairs, falling nearly 1 million pairs short without allowing for any domestic consumption. Bear in mind, too, that 6.5 million pair figure assumes a limited situation with 3 million troops. In World War II, we fielded 12 million troops, and an effort of this size would create a need for approximately 24 million pairs of boots, or 18.5 million pairs more than we are currently capable of producing.

Mr. CAMPBELL. Mr. Speaker, I yield 30 seconds to the gentleman from Alabama [Mr. DICKINSON].

Mr. DICKINSON. Mr. Speaker, I have heard many speeches here today. Most of them I agree with, particularly those in favor of the override. But one thing impressed me very much. When I heard one of my colleagues, a good friend of mine ticking off the great profits a lot of companies have made, that really does not impress the 3,000 people who lost their jobs in my district in textile-related industries in the last 5 years. They do not know anything about those big profits. They do not have a job. They are gone.

If we do not do something about addressing the imbalance—and this is the chance to do it—then we are being very foolish.

Mr. CRANE. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, we have heard commentary about jobs. I think it is important to recognize that our economy is in a state of transition. Many people are moving into new jobs. We are creating them faster than any society on the face of the Earth. Roughly 12 million new jobs in the last 5 years, more than the European community has created in the last 20 years, and the same is true for Japan. I think it is important to recognize that to save 71,000 jobs in textiles, we risk losing 89,000 in retailing and transportation plus suffering the consequence of retaliation against those agricultural exports that go into these 12 affected countries, amounting to about $50 billion of purchases annually.

You can be assured when the world is awash in foodstuffs that there will be tit-for-tat retailation against U.S. exports.

I urge you again to sustain the President's veto. This is misguided legislation. As the New York Times says, it is an exercise in moral and economic leadership, and we have to demonstrate that leadership this afternoon.

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□ 1300

## CALL OF THE HOUSE

Mr. CRANE. Mr. Speaker, I make the point of order that a quorum is not present, and I move a call of the House.

The SPEAKER pro tempore (Mr. BROWN of California). The Chair does not need to entertain the point of no quorum.

The gentleman may by unanimous consent ask for a call of the House.

Mr. CRANE. Mr. Speaker, I ask unanimous consent for a call of the House.

The SPEAKER pro tempore. Without objection, a call of the House is ordered.

There was no objection.

The call was taken by electronic device, and the following Members responded to their names:

[Roll No. 289]

| | | |
|---|---|---|
| Ackerman | Brown (CO) | Dellums |
| Akaka | Bruce | Derrick |
| Alexander | Bryant | DeWine |
| Anderson | Burton (CA) | Dickinson |
| Andrews | Burton (IN) | Dicks |
| Annunzio | Bustamante | Dingell |
| Anthony | Byron | DioGuardi |
| Applegate | Callahan | Dixon |
| Armey | Carney | Donnelly |
| Aspin | Carper | Dorgan (ND) |
| Atkins | Carr | Dornan (CA) |
| AuCoin | Chandler | Dowdy |
| Badham | Chapman | Downey |
| Barnard | Chappell | Dreier |
| Barnes | Chappie | Duncan |
| Bartlett | Cheney | Durbin |
| Barton | Clay | Dwyer |
| Bateman | Clinger | Dymally |
| Bates | Coats | Dyson |
| Bedell | Cobey | Early |
| Beilenson | Coble | Eckart (OH) |
| Bennett | Coelho | Eckert (NY) |
| Bentley | Coleman (MO) | Edgar |
| Bereuter | Coleman (TX) | Edwards (CA) |
| Berman | Collins | Edwards (OK) |
| Bevill | Combest | Emerson |
| Biaggi | Conte | English |
| Bilirakis | Conyers | Erdreich |
| Bliley | Cooper | Evans (IA) |
| Boehlert | Coughlin | Evans (IL) |
| Boggs | Courter | Fascell |
| Boland | Coyne | Fawell |
| Boner (TN) | Craig | Fazio |
| Bonior (MI) | Crane | Feighan |
| Bonker | Crockett | Fiedler |
| Borski | Daniel | Fields |
| Bosco | Dannemeyer | Fish |
| Boucher | Darden | Flippo |
| Boulter | Daschle | Florio |
| Boxer | Daub | Foglietta |
| Brooks | Davis | Foley |
| Broomfield | de la Garza | Ford (MI) |
| Brown (CA) | DeLay | Ford (TN) |
| Fowler | Lungren | Savage |
| Frank | Mack | Saxton |
| Franklin | MacKay | Schaefer |
| Frenzel | Madigan | Scheuer |
| Frost | Manton | Schneider |
| Fuqua | Markey | Schroeder |
| Gallo | Marlenee | Schuette |
| Garcia | Martin (IL) | Schulze |
| Gaydos | Martin (NY) | Schumer |
| Gejdenson | Martinez | Seiberling |
| Gekas | Matsui | Sensenbrenner |
| Gephardt | Mavroules | Sharp |
| Gibbons | Mazzoli | Shaw |
| Gilman | McCain | Shelby |
| Gingrich | McCandless | Shumway |
| Glickman | McCloskey | Sikorski |
| Gonzalez | McCollum | Sisisky |
| Goodling | McCurdy | Skeen |
| Gordon | McDade | Skelton |
| Gradison | McEwen | Slattery |
| Gray (IL) | McGrath | Slaughter |
| Gray (PA) | McHugh | Smith (FL) |
| Green | McKernan | Smith (IA) |
| Gregg | McKinney | Smith (NE) |
| Guarini | McMillan | Smith (NJ) |
| Gunderson | Meyers | Smith, Denny (OR) |
| Hall (OH) | Mica | Smith, Robert (NH) |
| Hall, Ralph | Michel | Smith, Robert (OR) |
| Hamilton | Mikulski | Snowe |
| Hammerschmidt | Miller (CA) | Snyder |
| Hansen | Miller (OH) | Solarz |
| Hartnett | Miller (WA) | Solomon |
| Hatcher | Mineta | Spence |
| Hawkins | Mitchell | Spratt |
| Hayes | Moakley | St Germain |
| Hefner | Molinari | Staggers |
| Hendon | Mollohan | Stallings |
| Henry | Monson | Stangeland |
| Hertel | Montgomery | Stenholm |
| Hiler | Moody | Stokes |
| Hillis | Moorhead | Strang |
| Holt | Morrison (CT) | Stratton |
| Hopkins | Morrison (WA) | Studds |
| Horton | Mrazek | Stump |
| Howard | Murphy | Sundquist |
| Hoyer | Murtha | Sweeney |
| Hubbard | Myers | Swift |
| Huckaby | Natcher | Swindall |
| Hughes | Neal | Synar |
| Hunter | Nelson | Tallon |
| Hutto | Nichols | Tauke |
| Hyde | Nielson | Tauzin |
| Ireland | Nowak | Taylor |
| Jacobs | Oakar | Thomas (CA) |
| Jeffords | Oberstar | Thomas (GA) |
| Jenkins | Obey | Torres |
| Johnson | Olin | Torricelli |
| Jones (NC) | Ortiz | Towns |
| Jones (OK) | Owens | Traficant |
| Jones (TN) | Oxley | Traxler |
| Kanjorski | Packard | Udall |
| Kaptur | Panetta | Valentine |
| Kasich | Parris | Vento |
| Kastenmeier | Pashayan | Visclosky |
| Kemp | Pease | Volkmer |
| Kennelly | Penny | Vucanovich |
| Kildee | Perkins | Waldon |
| Kindness | Petri | Walgren |
| Kleczka | Pickle | Walker |
| Kolbe | Porter | Watkins |
| Kolter | Price | Weaver |
| Kostmayer | Pursell | Weber |
| Kramer | Quillen | Weiss |
| LaFalce | Rahall | Wheat |
| Lagomarsino | Rangel | Whitehurst |
| Lantos | Ray | Whitley |
| Latta | Regula | Whittaker |
| Leach (IA) | Reid | Whitten |
| Leath (TX) | Richardson | Williams |
| Lehman (CA) | Ridge | Wilson |
| Lehman (FL) | Rinaldo | Wirth |
| Leland | Ritter | Wise |
| Lent | Roberts | Wolf |
| Levin (MI) | Robinson | Wolpe |
| Levine (CA) | Rodino | Wortley |
| Lewis (CA) | Roe | Wright |
| Lewis (FL) | Roemer | Wyden |
| Lightfoot | Rogers | Wylie |
| Lipinski | Rose | Yates |
| Livingston | Rostenkowski | Yatron |
| Lloyd | Roth | Young (AK) |
| Loeffler | Roukema | Young (FL) |
| Lott | Rowland (CT) | Young (MO) |
| Lowery (CA) | Rowland (GA) | Zschau |
| Lowry (WA) | Roybal | |
| Lujan | Rudd | |
| Luken | Russo | |
| Lundine | Sabo | |

□ 1310

The SPEAKER pro tempore (Mr. BROWN of California). On this rollcall, 419 Members have recorded their presence by electronic device, a quorum.

Under the rule, further proceedings under the call were dispensed with.

## TEXTILE AND APPAREL TRADE ENFORCEMENT ACT OF 1985—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore. The Chair recognizes the gentleman from Florida [Mr. GIBBONS].

GENERAL LEAVE

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 1562, the Textile and Apparel Trade Enforcement Act of 1985, and the Presidential veto thereof.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. GIBBONS. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. KOLTER].

Mr. KOLTER. I thank the gentleman for yielding time to me.

Mr. Speaker, while arms control is a very difficult and complex subject, one could argue that the United States and the Soviet Union have not yet arrived at an agreement because each side strongly believes that it must take a very firm position. I think it is most unfortunate that the United States does not take this same approach to trade negotiations. Instead, it seems that U.S. trade negotiators bring an attitude toward trade negotiations bordering on unilateral disarmament. They seem intoxicated with the textbook theories of "free trade" and appear willing to ignore international economic reality.

This year the Nation's trade deficit will approach the budget deficit. Over the last 5 years the trade deficit has exceeded $600 billion. Basic industries have been devastated. The steel industry has lost thousands of jobs over the last several years. Many of those lost jobs were due to increased imports and the failure of the administration to grant meaningful import relief. Instead, the United States entered into import restraint agreements with major steel-producing nations. While this sounds good at first glance, it does not go far enough. Imports are still capturing about 23 percent of the domestic market. This is three points higher than Congress and the White House agreed to.

The situation in the domestic textile industry is just as serious. Last year's imports captured 50 percent of the domestic market. In some product lines up to 80 percent of the domestic market was supplied by imports. Since 1981, in excess of 350,000 U.S. workers have lost their jobs.

In the face of this serious economic disruption we have heard very tough talk from the White House and our trade negotiators. Now that the time has come to review the results of this tough talk on trade, we are able to see that the love affair between our trade negotiators and "free trade" is flourishing.

The multifiber arrangement was negotiated to assist developing nations in capturing a healthy share of the world textile and apparel market. Domestic textile producers were told that they could plan for an orderly 6 percent rate of growth in imports under the multifiber arrangement. What really has happened was that imports averaged 19 percent since 1980.

The new agreement is not only too generous to major textile exporters, but it ratifies the extremely high levels of imports that have been flooding our markets over the last several years. In addition to granting South Africa a 4-percent increase in market share growth, it sends a message to other textile exporters. That message is: "It is not necessary to live-up to the benchmark levels negotiated in this agreement, because the United States will not punish violations. Instead, the United States will concede any market share growth beyond the negotiated limits and then even add more when the next multifiber arrangement is negotiated."

Mr. Speaker, the American textile worker like workers in other domestic industries are only seeking a fair chance to compete. They expect their Government to work toward securing a more level playing field. They do not expect their Government to trade their jobs away by placing foreign policy objectives above the interests of American workers.

By overriding the President's veto of the textile and apparel trade enforcement bill, Congress will send several very pointed messages. We will make it clear to the President and our trade negotiators that Congress is not satisfied with their performance in negotiating textile and other trade agreements. Second, we will send a message to our trading partners that the United States seeks a level playing field in the international marketplace. If our trading partners do not open their markets, especially to American agriculture, we have no choice but to limit the volume of the textiles and apparel they ship into this country.

Mr. Speaker, many talk about Adam Smith and "The Wealth of Nations," but how many have read what Mr. Smith wrote? So often we hear the theoretical abstractions about free trade, but rarely are we told what Adam Smith wrote about the real world in his famous work. He cites several cases when it would be appropriate to take unilateral action to enforce fair trade. I will list one. He specifically wrote that when one nation places barriers to imports from another, that the victim has the right to retaliate, especially when it means that many jobs will be lost in the nation whose products are denied market access.

Agriculture is an area where the United States could clearly sell more to major textile manufacturing nations. That would certainly assist the United States in the lowering the trade deficit. Yet these nations are purchasing fewer and fewer agricultural products while at the same time, they are sending us more and more textile and apparel products. Something is wrong here. Congress needs to send a message that anything short of a level playing field is unacceptable.

Lastly, Congress needs to send a message to American workers that there is still someone in the U.S. Government who is looking out for their interest. Last week several women from the Big River mill in Kittanning, PA stopped by my office and told me that if this veto is not overriden, they and about 350 of their coworkers would lose their jobs by the end of the year—just in time for the holidays.

These women explained that most of the people working in the Big River mill are the sole source of family income. Husbands have lost their jobs due to steel mill shutdowns and they have been unable to find gainful employment. Therefore, these families must rely on income from the textile mill. Few have any job prospects if the Big River mill closes.

Yesterday the Washington Post carried an incredible ad sponsored by the Retail Industry Trade Action Coalition. Among other things, it read the American consumers would have to pay $70,000 for each $13,000 textile job this bill would save. I could not believe the heartlessness and extreme lack of compassion expressed in that ad. It was shocking to me that a group claiming to represent retailers and consumers would be willing to publically place the value of a person's job over the possibility of saving a few dollars for consumers. What they forgot to print is that most apparel prices are the same regardless of country of manufacture and that those American textile workers are also consumers.

Mr. Speaker, let's make sure the President keeps his word to protect American jobs and to break down barriers that prevent more American products from being sold in other nations. Let's vote to override the President's veto of H.R. 1562.

□ 1320

Mr. GIBBONS. Mr. Speaker, I yield such time as he may consume to the gentleman from Kentucky [Mr. HUBBARD].

Mr. HUBBARD. Mr. Speaker, I rise in strong support of the efforts and the motion to override the Presidential veto of H.R. 1562, the Textile and Apparel Trade Enforcement Act.

There is too much umemployment in our country today because of too many imports and too few exports. Many of those now unemployed previously worked in factories in which clothes and shoes were once manufactured.

We have tried to negotiate a trade balance which is equitable. We have failed. It is time now for strong legislation. Please vote "Yes" to override the Presidential veto of H.R. 1562.

Mr. GIBBONS. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. GRAY].

Mr. GRAY of Pennsylvania. Mr. Speaker, I rise in strong support of the efforts to override the President's veto.

Mr. GIBBONS. Mr. Speaker, I yield such time as he may consume to the gentleman from South Carolina [Mr. TALLON].

Mr. TALLON. Mr. Speaker, I rise in strong support of the efforts to override the President's veto.

Mr. Speaker, American industry today competes in a global marketplace, against a growing array of trading nations. The competition has become so fierce that, in many ways, the entire world is turning into the O.K. Corral.

Our competitors are gunning for us, they're coming from every direction, and they're not fighting fairly. Unfortunately, as our $84 billion trade deficit demonstrates, we haven't been very fast on the draw.

Instead we hide behind a flimsy myth of free trade. But as we cling to this myth, essential American industries are crumbling under a rising tide of imports.

We can no longer afford to ignore the stark truth that free trade isn't fair trade. For, the theory of free trade has been made a mockery of by the unfair trade practices of other nations and the reluctance of our own Government to enforce our existing trade laws.

Where do unemployment, foreign quotas, controlled foreign markets and unenforced customs regulations fit into this theory of free trade?

In South Carolina, we are seeing entire towns shut down in the face of the textile imports leaving families jobless and hopeless.

If there is one work that encompasses all that American stands for it is "opportunity." And it is the future opportunity of millions of American workers that we are deciding here today.

American workers want and deserve the opportunity to compete with foreign workers on an even footing. Nothing more. Nothing less.

Mr. Speaker, I rise today to urge my colleagues in the strongest terms to join me in an override of the President's veto of the Textile and Apparel Trade Enforcement Act.

The Commerce Department recently revealed that the U.S. trade deficit reached $83.9 billion in the first half of 1986—the worst ever—despite an 8.5-percent drop in the dollar's value since January 1 and a 19-percent slide since September 1. A major contributor to this trade deficit has been a dismaying 22-percent increase in textile and apparel imports. And the Chairman of the Federal Reverse Board, Paul Volcker, has predicted that this trade deficit will precipitate domestic economic stagnation.

Yet, the administration maintains its policy of inaction in the hopes that the "invisible hand" of a free trade economy will intervene to protect the thousands of jobs that are being lost yearly. It has not and it will not. If we really care about American jobs, American industry and the American economy, we must discard our rose-colored glasses and take a good hard look at the current international trading situation.

American industry today competes in a global marketplace, against a growing array of trading nations. The competition has become so fierce that, in many ways, the entire world is turning into the O.K. Corral. Our competitors are gunning for us, and they're coming from every direction. And as our deteriorating balance of trade suggests, we haven't been very fast on the draw. Instead we hide behind a flimsy myth of free trade. But as we cling to this myth, essential American industries are crumbling under a rising tide of imports.

We can no longer afford to ignore the stark truth that free trade isn't fair trade. For the theory of free trade has been made a mockery of by the unfair trade practices of other nations and the reluctance of our own Government to enforce our existing trade laws. Where do unemployment, foreign quotas, controlled foreign markets and unenforced customs regulations fit into this theory of free trade?

We must look at the practical realities:

At least half of the world is affected by some sort of "protectionism"—tariffs, quotas, subsidies, or other measures that distort trade by preventing its free flow.

Fully 40 percent of the world trade is not between countries but between branches of multinational companies.

Almost every nation except the United States has a trade policy and makes it part of its overall foreign policy.

The U.S. textile and apparel industry and its workers are the most productive and efficient in the world, but they cannot compete against foreign governments that subsidize their industries, pay workers as little as 16 cents per hour and impose severe restrictions on imports from the United States and other countries. The U.S. fiber, fabric, and apparel manufacturers want an opportunity to compete with foreign companies on an even footing. Nothing more. Nothing less.

The American textile and apparel industry is fighting for its life. In 1985 alone, apparel imports swallowed half the U.S. market and, in some categories, captured 80 percent. The textile and apparel trade deficit has hit a record $18 billion. This deficit translated into human terms, has claimed over 300,000 jobs. All across the country. skilled textile and apparel industry workers are arriving at the workplace only to be told they are no longer needed, that they'll have to look elsewhere for work—even when "elsewhere" doesn't exist in their community.

In South Carolina, we are seeing entire towns shut down in the face of the textile deficit leaving families jobless and hopeless. Meanwhile, the administration has announced that it intends to allow increased textile imports from South Africa. What is fair or even free about that? What does this say about our administration's commitment to opportunity, to hope, to a future for America's workers?

Today, the U.S. House of Representatives will decide whether to override the veto of the Textile and Apparel Trade Enforcement Act. The Senate will vote on the override soon after. What is at stake now is the future of America's largest manufacturing industry. For, if the current situation continues, by 1990 we will see dark effects: 947,000 people in the textile and apparel industry will have lost their jobs; 943,000 other workers will be out of work because of the "ripple effect"; the Federal budget deficit will soar another $24 billion. Our already overwhelming trade deficit will increase another $21 billion; U.S. citizens will have $19 billion less in disposable income; consumers will spend $8 billion less; corporate profits will fall by $10 billion; the gross national product will decrease by $40 billion.

It is vital that colleagues, in the House and Senate, join me in a bipartisan effort to override the President's veto.

Less than a month ago, our entire Nation celebrated the birthday of the Statue of Liberty and all that she symbolizes. By overriding this veto we will reaffirm our commitment to opportunity, to U.S. industry, to the American dream. The time for talk is past, now we must act. It is a responsibility we cannot afford to shirk.

Mr. GIBBONS. Mr. Speaker, I yield such time as he may consume to the gentleman from Oregon [Mr. AuCoin].

Mr. AuCOIN. Mr. Speaker, I rise in support of the President's veto of H.R. 1562, the Textile and Apparel Trade Enforcement Act.

Last October I voted against this bill because I felt it was bad law. Today I will vote to sustain the President's veto of this bill because it is still bad law.

If a student of international relations were looking for the textbook definition of "protectionism", this bill would be required reading. The purpose of H.R. 1562 is to simply "protect" an industry that has faced stiff competition from overseas by imposing arbitrary quotas on the imports from those countries.

But protectionism is no panacea for the woes of this, or any other, American industry that finds itself beseiged by foreign imports.

Yes; this bill would save jobs in the textile and apparel industry. But it would be an extremely expensive rescue operation. It's estimated that it would cost about $60,000 to $170,000 a year per $13,000-a-year job saved. I don't think the average American taxpaying citizen is ready to be that generous.

Meanwhile, restricting cheaper imports will no doubt instigate an increase in the price of clothing and shoes by $44 billion over the next 5 years alone. This is just a discreet way of imposing a tax on the American consumer—and an economically destructive and regressive one at that.

The most serious objection I have to this legislation is that its passage is sure to trigger a tidal wave of retaliation that will leave other U.S. industries—and jobs—destroyed in its wake. And much of the destruction will be in my district.

This legislation is targetted only at the countries of the Pacific Rim. The European Community and Canada are totally exempt from the bill. Does anyone honestly believe that the nation of Korea, Taiwan, Japan, Hong Kong, and so forth will sit by idly while we take this unilateral action restricting the level of their exports to the United States?

I think not.

They will retaliate.

And who is the likely target of their retaliation?

Well, the 12 major textile-producing nations targetted by this bill imported approximately $50 billion of U.S. agricultural goods in 1985, including large quantities of soybeans, wheat, cotton, and tobacco.

I think it's pretty evident that one of the main targets of their reprisals will be the American farmer.

Is there any segment of the American community that is in more dire straights right now

than the farmer? Is this a time when we want to make conditions worse for American agriculture? Several weeks ago I held a series of meetings in Oregon with the farmers in my district and they are scared. Unanimously, they oppose this bill because of the spectre of retaliation. And remember, they were burnt just a few years ago when China retaliated against a similar United States action by cutting back on its wheat imports.

Mr. Speaker, there are other industries, such as our burgeoning high-technology community, that are possible targets of retaliation. The inevitable by-product of protectionism is that you trade off one industry against another. You are then faced with no-win questions like: "Should we sacrifice a family farm in Oregon for the sake of a job in a textile mill in Georgia?" Or, "Should we ask the counter clerk at the local department store to give up her job for the sake of the apparel seamstress in New York?"

In addition to my strong philisophical objections to protectionism and my concern over its detrimental affects on economic development in this country, and in Oregon especially, there have been some recent developments in the international community that further argue against the need for this bill.

First of all, the domestic textile industry has been experiencing an economic rebound in 1986. In the first 5 months of this year, exports of U.S. textiles were up 13 percent. Exports of apparel were up 19 percent. Employment in the textile industry has risen by 4 percent in the first half of 1986. And profits for both industries have actually doubled over the first quarter of 1985.

Second, the textile industry already is one of the most protected industries in the United States. Tariff barriers on these products already average 22.3 percent, compared to an average tariff of less than 5 percent for all other industries. And while I am the first one to criticize the administration when I believe it has not done enough to stop unfair trading practices, it is a fact that since 1980 we have negotiated 38 bilateral textile agreements that contain almost 1,000 quotas.

In fact, three separate agreements have just been reached with major textile suppliers—Hong Kong, Korea, and Taiwan.

Under the new agreement with Hong Kong, import growth will average approximately 1 percent annually between 1985 and 1991. In addition, this restriction will apply not only to previously covered cotton, wool, and manmade fiber imports, but also to imports made from ramie, linen, sild blends, and other fibers that until now have been exempt from quotas. It will reduce 1986 imports almost 5 percent from levels prevailing in the most recent 12-month period.

The agreement with Taiwan will hold the average annually growth rate through 1988 to just over one-half of 1 percent. The 1986 cap would be approximately 7 percent below the most recent 12-month period. Furthermore, these agreements contain a condition that any future lengthening of the agreement or alternation in growth rates is contingent on Taiwan taking steps to open its markets to United States exporters.

And just 2 days ago a new pact with Korea was announced which limits import growth to 0.8 percent a year, compared with an average growth of 8.6 percent from 1981 to 1984.

A sledgehammer approach to trade has never produced results in the real world of international economics. It's only caused problems. You only have to recall the infamous Smoot-Hawley Act to prove that.

If certain foreign countries have developed an unfair advantage in international trade, the only constructive way to eliminate that advantage is by exerting pressure from within the international community. And, in fact, that is exactly what has happened in the last few weeks in the cases of textiles from Korea, Taiwan, and Hong Kong and semiconductors from Japan.

Besides, it's never been the American way to curl up into a shell and erect walls around our industries. When American jobs were on the line, we've fought back. And, in fact, that is just what the American textile and apparel industry has done in the last year.

On behalf of my constituents in Oregon, in the best long-term interests of America, I urge my colleagues to defeat the motion to override the President's veto of the Textile and Apparel Trade Enforcement Act.

Mr. GIBBONS. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois [Mr. GRAY].

Mr. GRAY of Illinois. Mr. Speaker, I rise in strong support of the efforts to override the veto of the President.

Mr. GIBBONS. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. OWENS].

Mr. OWENS. Mr. Speaker, I rise to urge all of my colleagues to vote to override the veto of H.R. 1562, the Textile and Apparel Trade Enforcement Act.

The President has vetoed this legislation based on his ardent belief in free trade. However, he is merely waving free trade as a slogan which covers a multitude of evil practices which are well known to him. Free trade, as it is articulated by President Reagan means, quite simply, that the United States will establish no barriers to goods which are subsidized by the exporting countries; the United States will establish no barriers to goods which are produced by countries which utilize large amounts of semi-slave labor, and the United States will establish no barriers to goods which are produced utilizing American capital which has fled this country to Third World nations where the return is greater because the industries are subsidized and the wages and working conditions are appalling by any contemporary standard of decency.

The United States is a major actor on the world stage. What we do, the policies that we set, create a positive or negative influence on the rest of the world. The very fact that we trade with countries which treat workers as disposable fodder to be tossed back when used up makes a statement to the rest of the world that we accept these practices and that we, as a matter of policy, allow the jobs of American workers to be exported for the profits to be gained by the multinational corporations involved who engage in these practices.

I believe that all Americans could support free trade if it was indeed free. We should be able to trade freely with those nations which see to it that their workers are paid wages comparable to American wages and which also see to it that their workers work under conditions which are not shocking to contemporary standards of decency. These basic standards are clear to all Americans. They include the outlawing of child labor, the establishment of a minimum wage which provides for the basic necessities of food, housing, and health care and the establishment of working conditions such as maximum hours of work and protection from known hazards. Beyond that, workers should be free to organize to improve their own lot without interference by the corporations involved or the Government. The practical reality is that this is not what is happening with our many trading partners today and there is no reason to believe that it will happen tomorrow as long as we bring no pressure to bear on these issues.

Again, I urge my colleagues to override the veto. To allow the current notion of free trade to prevail is to support the freedom to exploit workers abroad while sanctioning the theft of jobs of American workers by those who are unscrupulous enough to take their capital abroad and use it to exploit unprotected workers elsewhere.

Mr. GIBBONS. Mr. Speaker, I yield such time as he may consume to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Speaker, I rise in strong support of the efforts to override the veto.

Mr. GIBBONS. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts [Mr. BOLAND].

Mr. BOLAND. Mr. Speaker, I rise in support of the vote to override the President's veto. Mr. Speaker, how long can the administration continue to bemoan the huge annual trade deficits, and yet take action that only exacerbates the situation?

By now we all know the numbers since 1980, and estimated 2 million American jobs have been lost to imports. Since 1981, textile and apparel imports have doubled and now comprise over 50 percent of the domestic market. Imported footwear accounts for an incredible 71 percent of the U.S. market. In 1985 alone, apparel imports captured half the domestic market and 80 percent of sales. And there is every indication that this year's overall trade deficit will again set a new record. If the present trend of imports continues for the next 4 years, the Commerce Department estimates a loss of 1.8 million U.S. jobs, $40 billion of GNP, and $8 billion in consumer income. In my State of Massachusetts alone, since 1980, 10,000 textile workers have lost their jobs.

What steps has the administration taken to improve our trade posture in our most decimated industries? In 1984, the International Trade Commission found, that the copper industry had been injured by foreign competition and recommended that import relief be granted. The President refused to grant it.

In 1985, the International Trade Commission ruled unanimously, that the footwear industry had been injured by imports and voted

to recommend import relief. Again, the President refused to step in.

While the President evidently has not seen the need to assist U.S. industries suffering under the trade deficit, he has seen fit to allow South African textile imports to this country to continue to increase—even though the 1985 level was 139 percent above the 1984 level. The recently concluded bilateral agreement, with the South African Government, will allow them to substantially increase their textile exports to the United States.

The administration is now singing the praises of its recently negotiated Multi-Fiber Agreement. But this new arrangement is a day late, a dollar short, and, if its enforcement bears any resemblence to that of the prior treaty, it will also be a miserable failure. That earlier agreement was supposed to permit developing countries a healthy 6 percent growth in the U.S. market—since 1980 those imports have risen average of 19 percent each year.

Mr. Speaker, our Nations' $45 billion textile industry—an industry that accounts for one of every eight manufacturing jobs in this country—is in serious trouble. The reasons for the health of foreign textile producers is obvious. Foreign governments offer preferential loans, grants, tax breaks, and other subsidies to attract United States and foreign firms, while banning American products in their countries. Wages paid to foreign workers average one-tenth those paid to U.S. workers.

In the past month, we have seen the administration negotiate no less than four textile trade agreements. This patch-work diplomatic effort is not the type of trade policy this country should be guided by. The comprehensive framework of H.R. 1562 will get us out of the bleachers, and on to the same playing field, as our trading partners. H.R. 1562 is not a protectionist departure from U.S. policy. It would simply require the administration to enforce the objectives of the Multi-Fiber Agreement it just negotiated. This bill should have become law last year. Let's reaffirm our support for the American textile worker today, and override the veto.

Mr GIBBONS. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. FORD].

Mr. FORD of Michigan. Mr. Speaker, I rise in strong support of H.R. 1562, the Textile and Apparel Trade Enforcement Act. It is imperative that the House override the President's veto of this important trade bill.

The American people are tired of hearing the public relations campaign of the White House that our Nation does not need legislation to protect us from foreign imports. The people in my district do not believe the administration's advertising campaign. They can see firsthand the closed plants and the job losses in the auto, steel, and rubber industries. They do not need the free traders in the White House to tell them that legislation like this textile bill is not necessary.

My constituents have suffered through the President's free trade policies. They know fair trade when they see it. And they know that when our Nation's 1986 trade deficit is running at an annual rate of $168 billion, there is no such thing as fair trade. They know that when a third of our 1985 trade deficit of $148.5 billion results from our trade with Japan, something must be done. Michigan workers and their families know that Japan, Korea, and Taiwan do not practice fair trade.

Clearly, the administration's tactic of ongoing negotiations has provided little relief. Our trade problem is getting worse, not better. Last year the Congress spoke clearly in favor of a strong trade policy by passing this textile bill, only to have it vetoed by the President. The House again acted earlier this year by passing comprehensive trade legislation. Of course, the White House also threatened to veto that bill.

Mr Speaker, my colleagues may wonder why a Member from Michigan feels so strongly about trade legislation that will help textile, apparel, footwear, and copper mining workers. The key issue here is jobs—American jobs. The jobs of American workers in these industries are moving overseas, and the issue is whether the Congress is going to stand by and watch or take action to halt this job loss. Do we want jobs in the United States or do we want these jobs of continue to move to Asian and Pacific Rim nations? We must act to stem the flood of job losses.

While it is more important to me to protect auto and steel jobs in Michigan, it is also important to protect the jobs of textile workers in Georgia and the Carolinas, shoe workers in Maine and Tennessee and copper miners in the Upper Peninsula and Arizona.

I urge my colleagues to vote to override the President's veto.

The SPEAKER pro tempore (Mr. BROWN of California). The Chair should remind the Members that unanimous consent for all Members to revise and extend their remarks has already been granted. Therefore, these separate requests are necessary.

The Chair recognizes the gentleman from South Carolina [Mr. CAMPBELL].

Mr. CAMPBELL. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. RITTER].

Mr. RITTER. Mr. Speaker, I rise to urge my colleagues in the strongest terms to vote to override the veto of the Textile and Apparel Trade Enforcement Act of 1985. Since 1980, imports of textile and apparel products have grown at an annual rate of 19 percent and now exceed a 50-percent share of our domestic market. Even should the provisions of this bill be implemented, imports would have more than a 50-percent share of the market but the growth of imports will stop. In no other market, autos, steel, microships, and so forth would such an import market percentage be acceptable.

The Lehigh Valley of Pennsylvania, which I represent, has lost as many as 10,000 textile and apparel jobs in recent years and many thousand more are at stake. This legislation does not cut off all imports. What it does is show respect for American jobs—important jobs for the area which I represent, important jobs for Pennsylvania, for America. Jobs which affect not only individuals and families but entire communities in the Lehigh Valley.

The area which I represent is changing. It's job base is adapting to meet our changing society, but these changes do not occur overnight. The precipitous decline of the textile and apparel industry has proven dangerous to the well being of many of the communities in my area of the country. All that these communities, families and individuals ask is that they be given the chance to keep pace with the changing society and not be left behind.

Mr. Speaker, the American textile and apparel industry is doing its fair share. It has worked to keep their prices competitive by investing $8.1 billion on plant modernizations since 1980. What's more—they've been successful.

Some of my colleagues want to make this into a debate between saving jobs or raising prices. I recently asked my constituents a very tough question. "Would you favor higher tariffs and quotas on imports like steel and apparel to protect certain American industries and jobs, even if this would mean higher consumer prices?" My constituents, consumers all of them, voted overwhelmingly by 63 percent yes to 33 percentage no, in support of legislation to restrict unfair foreign trade—even if they had to pay higher prices. They voted to support jobs in the textile and apparel industry.

Mr. Speaker, this legislation is not going to put food on the table tonight or pay this month's rent or mortgage payment for unemployed apparel and textile workers. But this is a step toward helping our domestic textile and apparel industry to turn itself around, not get a government bailout, but to turn itself around. We need this legislation for our workers who average about $5.75 per hour and who are competing with workers overseas who work for as little as 16 cents an hour. We in this country will not tolerate what is virtually slave labor. We don't expect to see it here and we will not support it abroad. Finally, Mr. Speaker, we need this legislation for the dignity of the American apparel and textile worker so that they might continue to say, "Crafted with Pride in the U.S.A."

Mr. CAMPBELL. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. MCGRATH].

Mr. MCGRATH. Mr. Speaker, I rise in support of the veto override.

Mr. CAMPBELL. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. DREIER].

Mr. DREIER of California. Mr. Speaker, I rise in strong support of the President's position.

Mr. Speaker, I rise in opposition to H.R. 1562, to override the President's veto of the Textile and Apparel Trade Enforcement Act. I regret that we have not yet learned the lessons of our past. President Hoover proposed to increase agricultural tariffs in 1929. Unfortunately, his proposal opened the floodgates for other industries to fight for their own protection. By the time the bill passed, one-third of the items in the Tariff Act had been increased. Against the advice of 1,028 economists, President Hoover signed the Smoot-Hawley Tariff Act. As we all know, foreign retaliation followed, bringing world trade down from $66.6 billion to $26.3 billion in just 3 years. U.S. trade dropped from $9.5 billion to only $2.9 billion.

We have all been involved in the ongoing debate to open up foreign markets to U.S. products. A myriad of bills have been introduced on behalf of various industries. And yet, we are here today to restrict textile and apparel imports.

Never mind that by a large majority, the House of Representatives voted, in H.R. 4800, for a new round of multilateral trade negotiations to revise and strengthen the rules and regulations of GATT. Of course, enactment of this bill would violate our international obligations and 38 existing bilateral restraint agreements.

Never mind that 10 former chairmen of successive Presidents' Councils of Economic Advisers have joined together against the textile bill and the veto override.

Never mind that the domestic textile and apparel industry is the most protected industry in the Nation and the U.S. footwear industry has received—on four occasions—import relief under section 201 and other trade statutes.

Never mind that the domestic textile output is up 11 percent and apparel up 3 percent in the first 5 months of 1986. Or that profits doubled both in the first and second quarters of this year over last year.

Never mind that the Council of Economic Advisors estimates that if this bill passes, consumers will pay an extra $44.6 dollars for clothing over the next 5 years—an average of $70,000 for every job protected. Personally, I do not think that we should restrict the consumer's choice. Imports often help lower- and middle-income shoppers clothe their families at a lower cost.

Never mind that this bill, in addition to protecting jobs in the textile and apparel industries, could threaten other jobs throughout the country if our trading partners choose to retaliate. Most vulnerable are those whose jobs are involved with exports, especially our farmers, who export $12 billion worth of products to the 12 countries who would be penalized by the bill.

Never mind that the administration has made significant progress in meeting our objective of more orderly imports of textile and apparel products. Not only will the lower value of the dollar improve our competitive position, but the United States has recently reached agreements with both Hong Kong and Taiwan—our largest suppliers of textiles. Under the new agreement with Hong Kong, import growth will average 1 percent annually until 1991. The agreement with Taiwan will hold the average annual growth rate through 1988 to just over one-half of 1 percent. This is remarkable considering Taiwan's exports have been averaging 15 percent a year since 1981. The 1986 caps are below the most recent import levels—an average of about 7 percent lower.

We have sent our trading partners a very clear message. Our commitment to fair trade has been a hammer by U.S. negotiator Charles Carlisle to win agreement for a tough U.S. stand in the textile talks. As a result, the administration was successful in extending MFA coverage to new fibers, such as silk, and possibly ramie.

I suggest that we consider our past mistakes and reject any attempt that will lead us down the road of protectionism.

Mr. BUSTAMANTE. Mr. Speaker, I rise in support of the motion to override the President's veto of H.R. 1562, the Textile and Apparel Trade Enforcement Act. My colleagues, today's vote may well determine the future of America as a manufacturing nation and the future of thousands of workers whose job security is threatened by unsustainable trade deficits and import surges.

Based on its past actions—or, rather, its absence of action—this administration has shown a consistent insensitivity to the deteriorating condition of the Nation's basic industries and to the sputtering performance of our domestic economy.

Following the veto of the Textile and Apparel Trade Enforcement Act last December, we were led to believe from a Presidential directive that the U.S. Trade Representative would "closely consult with the U.S. textile and apparel industries to ensure that their views will be fully represented during renewal of the Multi-Fiber Arrangement." I am sorry to say that that promise was not honored.

In hearings recently held by the House Government Operations Subcommittee on Commerce, Consumer, and Monetary Affairs, ably chaired by Representative DOUG BARNARD of Georgia, it was learned that our United States Trade Representatives failed to consult consistently with industry and labor representatives before agreeing to a precedent setting bilateral agreement with Hong Kong. Failure to consult with industry representatives resulted in a final agreement that substantially changed a more favorable proposal presented to industry representatives just 24 hours earlier. Is this the kind of advisory process that should be employed when forging major international agreements? Does this kind of behavior lend reassurance to our industries that their views are being forcefully represented when America's top trade officer negotiates with their international competitors. Of course not.

It has also become quite disturbing to me that the administration's foreign policy considerations are weighing too heavily in its conduct of international commercial negotiations. A case in point is the recent negotiations for the renewal of our military bases in Turkey. The administration caved in to pressure to increase Turkey's share of the United States textile market in order to gain leverage in the negotiations over our bases. The bases we lease from Turkey are, doublessly, of vital strategic importance, but is it also necessary to abandon our own basic industries with increased imports when we supply that Mediterranean country with $1 billion in foreign aid? It is my understanding that in matters such as these, the U.S. Office of the Trade Representative is supposed to advance and protect American commerical interest, not to undermine them.

These two incidents represent a microcosm of what is happening in international negotiations, in general. The United States must start looking at the world as it is in respect to international trade, and not how we would like it to be. We live in a world of adversarial trade practices, and for some unexplained reason, we find ourselves unwilling to stake out a very tough set of negotiating strategies and objectives. As a consequence, the United States is generally on the losing side of the negotiating process. Too many countries, especially in the Pacific Rim, continue to expand their industiral bases while decreasing their share of foreign imports.

We hear a lot of talk these days of dinosaur industries, and it is all to common to label the textile and apparel sectors as a dying industry. It is an undisputed fact, however, that America's textile and apparel industries are the most efficient in the world.

Opponents of this override motion argue that these industries have benefited from two centuries of protection. What they omit saying is that these industries receive a greater degree of domestic protection and Government support on virtually every continent.

This is an issue that strikes home with me and my constituents. I represent a district that lives and dies on trade with Mexico. Since I became a Member of Congress last year, my district has already seen one apparel plant closing. Since 1982, the 23d Congressional District has lost over 1,100 jobs in the textile and apparel sectors, in large part due to the import surge hitting this country. Our problems are only a fraction of those facing many other textile towns throughout the country.

Two years ago this administration repudiated all congressional efforts to develop a national industrial policy. It did so because the administration said that Government should not be in the business of picking winners and losers. But its trade policies are doing just that—picking winners and losers. And this administration has decided that America's textile and apparel industries are losers.

I reject this attitude and I hope you will to. I, therefore, urge my colleagues to take substantive action today and vote in favor of the override of the veto of H.R. 1562.

Mr. SHUMWAY. Mr. Speaker, I rise in strong opposition to this effort to override the Presidential veto of the textile bill.

We are asked to consider additional protectionist measures for the textile industry which already has more than 300 import quotas and an average tariff for its products of about 22 percent, over four times the average for any other American industry.

The disastrous effects of protectionist measures were clearly demonstrated by the Smoot-Hawley Tariff Act in the 1930's. This law, which imposed an average rate of 53 percent on dutiable imports, represents a protectionist's paradise. The spiraling retaliatory trade measures and the sharp decline in world trade, including a decrease in U.S. exports of almost 70 percent, as a result of this protectionist approach should have settled this debate once and for all.

Yet today we are asked to provide additional protectionist measures for the textile industry in the name of fairness. An evaluation of this issue in terms of fairness requires consideration of the interests of all Americans.

Is it fair to ask consumers to spend an additional $2.4 billion per year on textile products, on top of the $4.4 billion which consumers pay in higher prices as a result of existing textile restrictions?

Is it fair to save 36,000 jobs in the apparel industry at a cost of $66,000 per job and 35,000 jobs in the textile industry at a cost of $27,000 per job?

Is it fair to ask farmers to bear the brunt of retaliatory measures imposed as a result of textile restrictions? In 1983, the United States imposed unilateral restraints on Chinese textile imports. American farmers lost $500 million as a result of Chinese boycotts of American cotton, soybeans, and synthetic fibers, and a 50-percent reduction in their purchases of American grain.

Insulating the textile industry from offshore competition will not solve the industry's problems. In fact it will dampen efforts to strive for greater efficiency and competitiveness which are essential to the growth and development of every industry.

For these reasons, I urge my colleagues to sustain the President's veto of the textile bill.

Mr. YATRON. Mr. Speaker, I want to remind all my colleagues of what our vote to override the President's veto of H.R. 1562 means to the American worker and an important domestic industry. I think we all know quite well how crucial the textile and apparel industry is to our Nation and what a crisis the industry and its work force has been in since the trade deficit began to deteriorate in 1980.

Late last year, the Congress voted decisively to take action against the flood of textile, apparel, and footwear imports choking the life out of our domestic producers and workers. We said in that bill that America should no longer be the dumping ground for the millions of these imports produced in countries which subsidizes their industries. Those same subsidized industries, we knew, also paid their workers a few cents a day for their labor. Subsidized industries and cheap labor were compounded by a number of questionable practices, like country of origin violations, which foreign producers engaged in to get around existing trade laws. All of this, and the knowledge that 388,000 Americans had lost their jobs as a result, gave us the resolve to pass H.R. 1562.

With his veto, the President said that an idealistic notion, "free trade," was more important than the right every nation has to fairness in its commercial dealings in the international marketplace. In the 7 intervening months, the Congress has given the President ample time to try to improve the trade situation. The new Multi-Fiber Arrangement is still a failure. With it, we can expect imports to capture even more of the domestic market and the American textile, apparel, and footwear industries to be in even deeper economic trouble.

Today, we must exercise our constitutional responsibility to override what we know to be an unfortunate decision of an administration clinging to an outdated notion of free trade. What is at stake is nothing less than the continued existence of three crucial industries and the millions of American workers and consumers it benefits. Mr. Speaker, let us send a resounding message to the world that we care about all American industries and workers and that the American marketplace will no longer bear the infinite weight of foreign-made goods. I urge all my colleagues to support the override of H.R. 1562.

Mr. MANTON. Mr. Speaker, I rise in strong support of the motion to override President Reagan's veto of H.R. 1562, the Textile and Apparel Trade Enforcement Act.

Mr. Speaker, the U.S. trade imbalance has reached crisis proportions. Last year, the U.S. trade deficit was a recordbreaking $148.5 billion. This year, the trade deficit is expected to exceed $170 billion. Since President Reagan took office, more than 3 million Americans have lost their jobs due to a flood of cheap, subsidized imports which is drowning our economy and swamping our basic industries.

The American textile industry has been particularly hard hit by unfair foreign competition. Since 1980, textile and apparel imports have doubled. More than 350,000 American textile jobs have been lost and 250 textile plants have closed their doors. Textile imports have captured roughly 50 percent of the domestic market.

The Multi-Fiber Arrangement [MFA] was supposed to promote reasonable and orderly international textile trade. Under the terms of the MFA, developing countries were permitted to increase textile imports into the United States by 6 percent each year. However, since 1980, textile imports have surged by a rate of 19 percent a year. Despite the fact that our competitors have blatantly violated the provisions of the MFA, the Reagan administration has failed to respond to this attack on American textile workers. The administration has adopted a "do-nothing" policy which allows textile workers fall victim to the unfair trade practices and closed market policies of our foreign competitors.

Mr. Speaker, this do-nothing policy is bad enough. But to make matters even worse, President Reagan continues to stand in the way of congressional efforts to fight back against unfair trade practices and put Americans back to work.

Last winter, Congress approved a bipartisan measure to stem the flood of cheap subsidized textile imports. This bill, H.R. 1562, would simply require the Federal Government to roll back textile imports to the level where they should be today had the administration properly enforced the MFA. In addition, this bill would provide some desperately needed relief to the domestic footwear industry, which has been crippled by unfair foreign competition. Currently, foreign imports comprise approximately 80 percent of the domestic footwear market.

Even though both Houses of Congress chose to take a stand against these unfair trade practices by foreign nations, President Reagan vetoed this bipartisan legislation. But the administration did not stop there. Indeed, it took additional steps to further erode our trading position in the world textile market. First, the Reagan administration announced that the United States had signed an agreement with the racist South African regime that will permit them to increase textile imports into the United States. Second, the administration recently completed the renegotiation of the MFA. But the administration did not drive a very hard bargain. Under the new terms of the MFA, our competitors will continue to flood the American textile market in a sea of cheap imports. The President has clearly shown that he could care less about American textile workers.

Mr. Speaker, the House must vote today to override President Reagan's veto of H.R. 1562. At stake are the jobs of almost 2 million textile workers. If we fail to act, another 550,000 American textile workers will lose their jobs in the next 6 years.

The U.S. textile industry and its workers are one of the most dedicated, efficient, and productive in the world. Yet they are forced to compete against foreign nations that subsidize their textile industry, subject their workers to unfair labor practices, and close their markets to U.S. exports.

Mr. Speaker, contrary to the assertions of President Reagan, the American textile worker is not looking for protection from foreign imports; they are simply seeking an opportunity to compete on a level playing field. Let us give the American textile industry and its workers that chance. I urge my colleagues to vote to override President Reagan's veto of H.R. 1562, the Textile and Apparel Trade Enforcement Act.

Mr. FAWELL. Mr. Speaker, I rise in opposition to the override of the President's veto of H.R. 1562, the Textile and Apparel Trade Enforcement Act, and urge my colleagues to sustain the President's veto.

While I sympathize with the problems our domestic textile and apparel industry face, I do not believe that legislated quotas are the solution to those problems. At the expense of "saving" textile and apparel jobs, quotas would lead to job losses in other industries, such as agriculture.

Particularly hard hit by a trade war would be my State of Illinois. Illinois is one of the Nation's leading agricultural and manufacturing export States. We are all aware of the difficulties these sectors are experiencing in exporting overseas. H.R. 1562 would make them worse.

H.R. 1562 also unfairly penalizes consumers. In fact, low- and middle-income consumers will lose many of the low-cost benefits associated with free trade. Retailers estimate that H.R. 1562 would slap at least an extra 3 percent to weighted average apparel prices, foreign and domestic. According to the International Business and Economic Research Corporation [IBERC], apparel consumers would wind up shelling out an additional $2.4 billion a year, while textile consumers would pay $1 billion more a year. These increases are on top of the $5 billion more a year. These increases are on top of the $5 billion in higher prices that the Multi-Fiber Arrangement [MFA] presently imposes on consumers.

There exists little justification for implementing the sweeping quotas proposed by H.R. 1562. The textile and apparel industry is already one of the most protected in this country and will continue to be under the renegotiated MFA. On August 1, the administration successfully renegotiated a comprehensive MFA that is effective through July 31, 1991. The new MFA moderates growth in textile and apparel imports, prevents disruptive import surges, and expands product coverage to previously uncontrolled fibers such as ramie, linen, and silk.

Furthermore, the administration has undertaken numerous measures in the last several years to regulate textile and apparel imports. In 1981, 24 countries were covered by bilateral textile and apparel agreements. Today over 1,300 quotas are in place covering 38 countries; 550 of these quotas have been established since 1981, including 250 in 1985 alone.

More recently, the administration concluded bilateral agreements with Hong Kong, Taiwan, and South Korea. The new agreements expand product coverage and limit import growth to 1 percent or less per year.

Administrative procedures have also been improved to ensure that our textile and apparel agreements are properly enforced. The Customs Service implemented country-of-origin regulations which prevent exporters from circumventing their quotas.

The strides made by the administration during the past few years have benefited the domestic industry. Capacity utilization in textile is 88.4 percent in 1986; the national average is 78.6 percent. Textile output is up 11 percent and apparel output up 3 percent in the first half of 1986. Industry exports were up 13 percent in textile and 19 percent in apparel during the first half of 1986.

The stated purpose of H.R. 1562—to allow the textile and apparel to become competitive—will do just the opposite. Quotas will only lull the domestic industry into complacency, providing little incentive for it to modernize and enhance competition.

Trade problems are best resolved by the administration through negotiation. The U.S. Trade Representative has successfully concluded agreements which rectify many of the textile and apparel industry's concerns. Congressional interference in these sensitive matters is not warranted and will eventually prove counterproductive and harmful to the Nation's economy. The administration has done its part by concluding effective bilateral agreements and negotiating a new MFA. I strongly urge my colleagues to reaffirm this commitment by voting against the veto override.

Mr. KLECZKA. Mr. Speaker, much has been said today, on both sides, about the importance of the vote we are to cast on the veto of H.R. 1562, the Textile and Apparel Trade Enforcement Act. And, indeed, it is an important vote. No matter which side we choose, repercussions will be unavoidable.

It is clear to me, Mr. Speaker, that the "popular" position for me on this issue is to override this veto.

It is equally clear that the "proper" position to take is to sustain this veto.

The temptation to override is strong, but the reasons are wrong. This bill is not the answer to our trade problems, and we cannot afford to allow it to be viewed as a cure-all approach for other domestic industries which will be standing in line if this bill becomes law. H.R. 1562 provides no cures, only false hopes and rude awakenings. It also threatens to cancel out the steady progress we have made this session in addressing the root causes of our trade deficit. Let's look at what we've done so far:

We have passed into law a bill which sets us on a deliberate course toward a balanced Federal budget, without which no domestic exporting industry—not textiles, not steel, not automobile or machine tool manufacturing—can hope to achieve long-term stability and growth in the international marketplace.

We have passed and sent to the Senate a comprehensive trade reform bill (H.R. 4800) which focuses on resolving the major weaknesses of our present trade policies which adversely affect all of our exporting industries, not just a few.

We need a stable international monetary policy to mitigate the effects of volatile fluctuations in the value of the dollar against foreign currencies. H.R. 4800 breaks new ground in this regard.

We need a Trade Representative who is equipped with the tools needed to more aggressively pursue and secure U.S. interests in negotiations with our trading partners. H.R. 4800 speaks to this need.

We need the resolve of the Congress to take decisive action against an importing country which denies its workers internationally recognized rights. H.R. 4800 provides it.

The recently negotiated Multi-Fiber Arrangement [MFA–IV], while far from perfect, gives us some of the protections desired by the textile industry against import surges and circumvention of trade restrictions through the export of certain fibers not covered under previous MFA's.

Perhaps the most ominous signal we will send if we override this veto is that our negotiations on matters such as the MFA and the General Agreement on Tariffs and Trade [GATT], scheduled to commence in September, are not to be trusted, believed, or taken seriously by those countries with whom we negotiate. And why should they?

H.R. 1562 is an injury waiting to be inflicted on the wrong target: ourselves. Mr. Speaker, this veto should be sustained.

Mr. AKAKA. Mr. Speaker, I rise today in support of the President's veto of H.R. 1562, and in opposition to today's effort to override that decision.

Nearly 10 months have passed since I last addressed this body on the dangers of H.R. 1562, and now, more than ever, I stand committed to that message.

Like many of you, I have received countless calls for assistance from our Nation's textile industry, indeed one of the most organized efforts I have seen to date. Unsurprisingly, most of the calls raise the same point—that textile imports are costing our domestic industry jobs, disrupting our own markets, and straining our trade deficit.

The cure, it is asserted, is found in the form of H.R. 1562, a bill purportedly designed to provide a fighting chance for the U.S. textile and apparel industry by simply slowing the rate of import growth.

A protected sector since the early years of the Republic, the textile and apparel industries are, without exception, the most insulated industries in the United States. In truth, it has been noted that these industries are already heavily protected, enjoying tariff protection nearly five times higher than the average for all other domestic industries. This, created on the premise that import limits help save jobs, when, in fact, they do not really do the job at all. Overall, tighter restrictions put thousands of other people out of work. What is most upsetting, indeed, is the blatant refusal to recognize this history, followed by an insistence on the establishment of more protectionist measures as the panacea.

Similarly, it is discouraging to witness an utter disregard for one of the major reasons for which the textile and apparel industries suffer unemployment: extensive modernization programs. Clearly, the declining job levels are directly related to the modernization of plants—investment in more modern equipment—diverting the industry from its former labor-intensive path to one which is instead capital-intensive.

What we have today, therefore, are textile and apparel industries striving to further enhance their shields of protection without acknowledging the costs of that protection.

The Alliance for Fair Trade has adequately researched the situation and found some very interesting cost-associated facts. First, this protection will impose costs on consumers. The existing quota and tariff system, it is found, adds 15.6 percent to the retail cost of a pair of $20 jeans. The cost of obtaining the quota overseas and of paying the U.S. tariff is $3.12. The severe decrease in quota levels required by the bill will, therefore, increase the quota and tariff cost to $8.12 on that same pair of jeans.

This is the case for only one type of apparel. According to the Council of Economic Advisers, the overall consumer cost of the quota and tariff system will be approximately $28 billion, or $450 dollars per family per year.

Second, the cost to the Government will be incredible. With direct Federal costs estimated at approximately $2 billion per year.

Third, we must recognize the cost in exports lost as a result of the measure. In 1984, the 12 nations most adversely affected by the bill imported $53 billion worth of goods from the United States. A total of 34 percent of our countries agricultural exports went to those twelve countries. Direct retaliation is certain.

Fourth, the cost of job creation is great. For each job created at a salary of $10,000 to $15,000, there would be a cost of $140,000. Since recent studies show that as many jobs would be destroyed as created, the economic losses would be substantial.

All of these costs for the sake of two industries whose own vitality seems quite assured. Our colleague, BILL FRENZEL, has brought a number of statistics to our attention, all of which are noteworthy. Textile output, for example, is up 11 percent, and apparel up 3 percent in the first 5 months of 1986. Over last year, profits have doubled both in the first and second quarters of this year, with productivity increasing by more than 7 percent in the first 5 months of 1986.

These figures are sure to be bettered, too, as a result of the administration's recent pacts with the governments of South Korea, Hong Kong, and Taiwan. As you know, these textile accords are tighter now: 0.8 percent growth limits on South Korea shipments, 1 percent on those of Hong Kong, and 0.5 percent on Taiwan's. In fact, the new accords are even more stringent for they have been expanded to control all textile and apparel imports, including previously unregulated fibers.

Isn't this enough?

I care, Mr. Speaker, about the vitality of our own economy, and I am concerned about our strength in the world arena. But, I simply cannot support a measure which disregards these facts, choosing instead to continue a system whose time has long since passed. Neither can my constituents.

Hawaii, in fact, is even more concerned because if this body agrees to override the President's veto, the textile and apparel industry out there will be literally devastated. In fact, I like to think of this measure as one posing a "double-whammy" on Hawaii. For, not only would the industry suffer a minimum 30-percent reduction in imports as a result of the bill, but it is clear that they will not be able to depend on the domestic industry for compensatory assistance.

Members of Hawaii's industry have met with representatives of our country's largest textile manufacturers, and have discovered that, while the domestic manufacturers have the capability to meet Hawaii's needs, they would not be inclined to do so because it would not be economically feasible for them. Hawaiian prints, for example, are small runs which are rarely reprinted. While able to print small runs of yardage, the domestic representatives simply would not unless ensured of repeat orders. Additionally, Hawaii's prints require multiple screens which, while technically feasible, would require long, repeated runs to ensure economic feasibility. Indeed, the domestic representatives noted that the Hawaii industry is unique, and unsupportable by the industry.

There is simply no more to say. Mr. Speaker, as expressed last October, I am truly sympathetic to the plight of our Nation's textile workers. I am also truly sympathetic to the important national issue of controlling our trade deficit. Likewise, I recognize that the legislation before us is less stringent than that passed by the House last year. Nevertheless, I firmly believe that this legislation is not the answer. We must accept the issue for what it really is, no less and no more—an age-old system of protectionism that is finally coming home to haunt us—and work from there. Until we are willing to accept that fact, anything we do will hurt, not help us.

Mr. GRADISON. Mr. Speaker, today the House of Representatives will vote on whether to override the President's veto of H.R. 1562, the Textile and Apparel Trade Enforcement Act of 1986. I voted against H.R. 1562 when it was originally before the House, and I will vote to sustain the President's veto.

U.S. textile and apparel industries constitute, without question, the most protected industrial sector in our economy. They enjoy—to the detriment of American consumers—import tariff rate protection four times that of the average rate for other U.S. manufacturing sectors. Since 1974, textile and apparel manufacturers have benefited from very special treatment under the Multi-Fiber Arrangement [MFA], a complex international quota system that severely limits the flow of textile and apparel products into this country.

The MFA was originally intended to be a temporary measure, to give developing countries guaranteed and growing access to markets in Western Europe and North America, while arranging the growth so as to reduce competition to the established textile industries in those markets. The MFA has been extended three times, and with each renewal, the agreement has become more protectionist. The U.S. textile and apparel industries also enjoy special privileges that are not available to other industries. Imports of textile and apparel products, for example, are denied benefits under the Caribbean Basin Initiative [CBI] and the Generalized System of Preferences [GSP]. In addition, the highest import duties in the U.S. tariff structure, on average, apply to textile and apparel products.

While H.R. 1562 has been described by some as a trade enforcement measure, it would, in fact, drastically reduce trade in textiles and apparel. Fewer imports would make the industry less profitable, and result in the loss of thousands of jobs in the retail apparel sector. Jobs in other sectors of the U.S. economy would also be lost.

All of this would be of great cost—in the form of higher prices—to the American consumer. The President's Council of Economic Advisers estimates that the annual cost of H.R. 1562 would be $14 billion. This bill would also violate 38 bilateral trade agreements, thereby inviting retaliation by our trading partners aimed at U.S. agriculture, technology, and aviation exports.

Protectionist actions frequently invite retaliatory measures. In May of this year, for example, the United States imposed a tariff on Canadian cedar shakes and shingles. Canada, then, immediately slapped new restrictions on United States-made books, computers, and semiconductors. Ironically, this altercation took place just as negotiations between the United States and Canada for a free-trade agreement were starting up.

Through enactment of H.R. 1562, the domestic industries seek a guaranteed fixed share of the market by tying import growth directly to growth in the domestic market. Protectionist legislation such as H.R. 1562, however, is not the solution to the woes of the textile and apparel industries. H.R. 1562 would breed more inefficiency and make the industries less, not more, competitive in the future.

Mr. MONTGOMERY. Mr. Speaker, I rise today in support of H.R. 1562, just as I did when the House passed the legislation last October. I will vote today to override the President's veto of this measure. This override effort has the support of 67 percent of the people polled throughout the South.

There is no doubt the fiber, textile, and apparel industries in this country have been hurt by imports. More than 300,000 jobs have been lost in the United States over the past 5 years. During that time, textile and apparel imports have doubled.

A recent Department of Commerce report shows that textile and apparel imports in the first 6 months of 1986 are 22 percent higher than the same period 1 year ago. The textile and apparel trade deficit is expected to exceed $20 billion this year.

Mr. Speaker, that translates into a loss of jobs in my State of Mississippi and throughout the Southeast, where they are such a vital part of the economy. Small textile plants are the life-blood of many small communities in Mississippi. Layoffs and plant closures have a devastating impact on the economy of the entire region. Not only are the textile workers and their families affected by the loss of income, every retail business in those communities feels the impact. It was estimated that 5,000 textile and apparel jobs have been lost in Mississippi. H.R. 1562 will help restrict the flow of those imports and prevent the further loss of jobs and opportunity in Mississippi and throughout the fiber, textile, and apparel industries in this country.

Besides the issue of jobs, Mr. Speaker, there is another very important reason for this country to maintain a strong textile and apparel industry. Production of these goods is essential to our national defense.

The Defense Logistics Agency has said that while problems with the textile and apparel industrial base are confined only to a few specialized items at present, our future ability to meet mobilization requirements will depend on a healthy domestic industry.

The Government spends over $1.5 billion each year on the procurement of clothing and other textile goods, and there are 300 different combat-essential items utilizing textile products.

A weakened textile and apparel industrial base would raise serious questions about how adequately those manufacturers could supply the military and civilian population needs during a conflict. Would the textile and apparel base be broad enough to supply the textile materials needed in a wartime situation? If we continue this growing trend of imports, the answer would clearly be "no."

Mr. Speaker, we are not asking for special treatment. We only want a chance to compete fairly with the rest of the world. This legislation will help provide that opportunity and hopefully, that will save the jobs of textile and apparel workers throughout the country.

Mr. RAHALL. Mr. Speaker, today I rise in strong support of the override of President Reagan's veto of H.R. 1562, the Textile and Apparel Enforcement Act. This legislation would establish permanent quotas on imports of textiles and textile products from all countries except Canada and certain member states of the European Economic Commmunity, impose 8-year global quotas on nonrubber footwear and direct the President to negotiate limitations on worldwide copper production.

This legislation is desperately needed. Since 1980, U.S. international trade problems have increased dramatically. The American textile, apparel, footwear, and copper industries have been especially hard hit. Since that year, over 300,000 workers in the apparel and textile industry have lost their jobs as imports have grown an average of 16 percent each year; 250 plants have closed as a result of foreign imports. These imports now claim over 50 percent of the domestic market, and the textile and apparel trade deficit has hit a record $18 billion.

Additionally, imports captured 71 percent of the American footwear market in 1984 and have continued to increase. The copper industry has suffered from falling world copper prices and the continued overproduction of copper by government-owned foreign producers.

The increasing textile imports are of special concern to many in my district in southern

West Virginia. The hundreds of employees at a Maidenform plant in Princeton and Huntington, WV, have contacted me with their fears about the prospect of their future employment if actions are not taken to stem the tide of imports. I do not want to see outstanding, steady employers of my district forced out of business by foreign imports. The people of West Virginia, who for years have suffered under extremely high rates of unemployment, cannot afford to lose yet more jobs due to unfair foreign competition.

I do not feel that we can rely any longer on existing trade agreements, which have not been enforced, to provide relief for these industries. The New Multi-Fiber Arrangement is too little, too late. Negotiations and bilateral treaties are inadequate to deal with the market disruptions caused by unfair and injurious foreign trade. Our textile and apparel industry and its workers are the most productive and efficient in the world but they cannot compete against foreign governments that subsidize their industries, pay their workers as little as 16 cents an hour and impose restrictions on imports from the United States and other countries. H.R. 1562 would go a long way to help in the fight against such unfair trade practices.

Included in H.R. 1562 is a provision dealing with the copper industry which, although not included in the original House bill, is of special interest to me in my capacity as chairman of the Committee on Interior and Insular Affairs Subcommittee on Mining and Natural Resources. The price of copper has fallen from $1.01 in 1980 to its current price of under 65 cents per pound. Approximately 50 percent of the Nation's copper mines are closed, and it is doubtful that they will ever reopen. Employment in the U.S. copper industry has been halved since 1979 to its present level of less than 20,000 employees.

In the face of falling prices, major foreign copper producers have increased production. They are able to do this, despite the drastic price fall, because of subsidies received from their governments and from international lending institutions.

Under the leadership of the distinguished chairman of the Committee on Interior and Insular Affairs, MO UDALL, my subcommittee held a series of hearings on the legislation introduced by him to address this problem. In June of last year, the subcommittee went to Phoenix, AZ, and Salt Lake City, UT, to see first hand the havoc wreaked on the industry by unfair competition. Outside Salt Lake City, Kennecott's Bingham Pit, formerly the largest open copper pit in the world, lay idle. Labor, industry, and local leaders presented compelling testimony about the plight of the copper industry and the need for legislative action.

H.R. 1562 addresses this need. The copper provisions of the bill do not include tariffs, or quotas. The bill simply directs the President to seek voluntary production restraint agreements with major and significant copper producing countries. It also contains a strong oversight provision which requires a report to Congress every 3 months as to the status of the negotiations.

The copper industry of this country provides another excellent example of an industry decimated by unchecked, unfair trade competition. I strongly urge the override of this veto in order that we may send a clear message to the world that free trade must be fair trade.

Mr. DASCHLE. Mr. Speaker, nobody in the House of Representatives feels more strongly than I do that our current trade policy is weak-kneed and ineffective. Each month, the trade figures tell the same story: exports are down, imports are up, and the trade deficit continues to grow.

A problem as big as this one has many causes, but none are as significant as this administration's trade policy. It is a policy that permits our foreign competitors to block American imports and subsidize their own exports, secure in the knowledge that this administration will never retaliate. Time and time again, the administration has refused to take even the smallest actions to preserve American jobs and overseas markets.

That's why I feel so strongly that the trade bill we in the House passed in May was such an important step. It sends a clear message to our foreign competitors: if you want to enjoy free access to America's markets, you'd better start letting American producers have a fair shot at your markets. I sincerely hope that the other body moves quickly in passing this bill, and then joins us in overriding an almost certain Presidential veto.

The bill before us today is another story. Unlike the House trade bill, it is not comprehensive, and so it invites retaliation. By offering protection to only the textile and copper industries, it leaves all other industries open to retaliation. And that is fundamentally unfair.

I agree wholeheartedly with the concept behind this bill, because like the trade bill, it seeks to end unfair foreign trade practices. But it is somewhat like putting a deadbolt lock on the front door of your house and leaving the windows open. If we want to end our trade imbalance, we need to guard all our industries and all our jobs, not just some of them.

South Dakota and other farm States would be especially hard hit by a selective bill like this one. The countries most likely to be affected by the bill before us today are some of America's largest grain customers. At a time when grain is readily available from numerous other sources, America's farmers will bear the brunt of the retaliation that is sure to follow. Like the American textile industry, they too are suffering from the effects of unfair foreign trade practices and an ineffective trade policy. We need to act in behalf of both.

The solution to this problem must be comprehensive. It must not pit farmers against textile workers. It must show the world that all of us in America—textile workers, miners, farmers, autoworkers, and so on are fed up with the treatment we've been getting, and none of us are going to take it any longer.

Mr. BEDELL. Mr. Speaker, I firmly recognize the need for our Nation to adopt more comprehensive trade programs and policies. Such actions must serve to ensure U.S. competitiveness, as well as to restore a sense of fairness between the United States and its trading partners. In many ways, H.R. 1562, the Textile and Apparel Trade Enforcement Act, represents an attempt to implement such a trading stance. H.R. 1562 also demonstrates the extreme frustration that many of us retain toward this administration's efforts to resolve our Nation's trade deficits.

This measure is now before the House for the third time. In the past, I have voted present on this legislation because it includes provisions affecting the importation of fishing tackles. Because of my past association with Berkley & Co., one of the larger domestic manufacturers of fishing tackle, I cannot in good conscience vote in any other way than present again on this particular issue. I have made this decision so as to avoid any conflict of interest that could be interpreted from a vote in favor of, or in opposition to this measure.

Mr. PANETTA. Mr. Speaker, I rise in strong opposition to H.R. 1562, the Textile and Apparel Trade Enforcement Act.

Like every other Member of this body, I am concerned about the difficulties the apparel, textile, copper, and shoe industries are currently facing. It is now common knowledge that since 1980, the textile and apparel industries alone have lost over 300,000 jobs, creating considerable hardship for working men and women in these industries, and their families.

I am equally disturbed by the administration's unwillingness or inability to address this Nation's trade problems in an effective manner. I, for one, feel that the administration has failed to provide the leadership necessary to bring down the deficit, which many economists feel is the main reason underlying the strength of the dollar and the current trade imbalance. The administration has done far too little to combat unfair foreign trade practices and has failed to adequately encourage foreign governments to dismantle the maze of barriers against American exports. It is my hope that the U.S. Trade Representative undertakes to do more to carry out and enforce our current trade laws and regulations.

H.R. 1562, if it becomes law, will only compound this Nation's trade problems, however. The bill is an obvious violation of U.S. international obligations under GATT and the Multi-Fiber Arrangement. There is nothing in either GATT or the MFA that authorizes the United States to unilaterally impose quotas and freeze textile and footwear imports in the manner contemplated by this legislation. The legislation would also violate more than 38 other bilateral trade agreements.

Moreover, the textile industry is already this Nation's most protected industry. Textiles in the United States have the highest rate of duty in the industrialized world. We already have hundreds of quotas on textiles and they are protected by the overall quotas of the Multi-Fiber Arrangement. Furthermore, tariffs on textile and apparel products average over 22 percent while the average tariff for all other industries stands at only 5 percent.

The bill is clearly discriminatory. As amended, H.R. 1562 would be directed almost exclusively at developing country suppliers in the Far East and Latin America. The bill continues to ignore textile imports from Europe—our largest supplier—and Canada. Under the bill, the big three textile suppliers, Hong Kong, Taiwan, and Korea would sustain cuts of 12, 36, and 29 percent respectively, although combined imports from these three countries

represent only about 18 percent of total United States consumption. Specifically, the nations of Italy, Canada, and Germany, respectively the sixth, eighth, and ninth largest textile and apparel exporters to the United States will be unaffected by the quotas.

H.R. 1562 will also hurt consumers, especially those at lower income levels. Even without the additional costs of this bill, protection in the form of both tariffs and quotas already adds at least 15 percent to the cost of textile products. H.R. 1562 will simply force consumers to pay substantially more. The footwear provisions added by the Senate are even more restrictive than the ITC's recommendation rejected by the President last year. To put this in perspective, the U.S. consumer would be forced to pay an additional $2.8 billion for shoes per year, or $72,000 for each 14,000 job saved.

And finally, H.R. 1562 will invite retaliation on the part of foreign governments. Without question, any relief gained by the textile, apparel, copper, and shoe industries will be more than offset by injury to such U.S. export industries as agriculture, aerospace, timber, and such high-technology industries as telecommunications among others. I think everyone here remembers that in 1983, after the United States imposed restraints on Chinese textile imports, the Chinese boycotted American cotton, soybeans, and grain. The National Association of Wheat Growers subsequently testified that we lost about $500 million in wheat sales because of this. And the dispute was over just 50 million dollars' worth of textile imports.

Clearly Congress, the administration, and the American people must work together to promote the orderly growth of international trade. This legislation will do just the opposite however. It is a legislative boomerang that tries to send a message to the administration but, if adopted, will return to hurt our farmers, our workers, our economy. It promises to signal the start of a renewed trade war that could hold out dire consequences for our trading partners and for ourselves. For that reason I ask my colleagues to support the President's veto of this legislation.

Ms. MIKULSKI. I rise in support of the Textile and Apparel Trade Enforcement Act, and in opposition to the President's veto. Mr. Speaker, our textile and apparel industries are being overwhelmed by a flood of foreign imports. Hundreds of thousands of textile and apparel workers have lost their jobs since 1980.

In 1985, less than half of the clothing, shoes, belts, and other apparel sold in the United States were made by American workers. In some areas of the country, and for some textile and apparel products, American workers made less than 20 percent of the products sold. Less than one shirt in five. Less than one belt in five. Less than one pair of shoes in five.

Unfair trade is costing all American workers their jobs—textile and apparel workers are just the first victims. If the United States does not do something now, we will lose the American textile industry and we will lose the American textile and apparel workers' jobs. And tomorrow we will lose another American industry and more American workers' jobs.

The Textile and Apparel Trade Enforcement Act stands for fair trade. It's not fair when American industry and American workers are forced to compete against nations that pay textile and apparel workers as little as 16 cents per hour. It's not fair that these same countries impose severe import quotas to lock out the products made by our workers and our industry. And it's not fair when American workers and American industry is forced to compete against countries that subsidize their exports.

The Textile and Apparel Trade Enforcement Act preserves orderly, free trade in a world in which some nations do not compete fairly. Without fair trade, free trade has no meaning. Our textile and apparel workers and our textile and apparel industry are the most productive and efficient in the world, but it is not fair for us to insist that they play a free trade game unless they can play on a level playing field. The Textile and Trade Enforcement Act levels that playing field.

Some say this bill will lead to retaliation and a global trade war. They're wrong. The Europeans have reduced textile imports without retaliation. The Canadians have reduced textile imports without retaliation. Taiwan, Hong Kong, and Korea have prohibited textile imports without retaliation. Each time one of our trading partners restricts imports of U.S. products, the administration talks about free trade. Let's start talking fair trade.

In fact, our industries compete against all kinds of quotas, tariffs, and restrictions of our trading partners. Who does free but unfair trade protect? Not our industry. And not our workers. Mr. Speaker, I believe we must start standing up for fair trade and stop worrying so much about free trade. I urge my colleagues to vote to override the President's veto and to vote for fair trade and for American industry and American workers.

Mr. MORRISON of Washington. Mr. Speaker, I urge my colleagues in the strongest possible terms to vote against the override of the President's veto of the Textile and Apparel Trade Enforcement Act. To the extent that textile imports have lowered costs to consumers, they have helped preserve thousands of retail and trade-related jobs, while expanding opportunities to sell American products to the countries of the Pacific Rim. I do not doubt that these imports have exacted a human cost in the textile-producing areas of the country. But let's not fool ourselves into believing that the Textile and Apparel Trade Enforcement Act will help American textile workers at the sole expense of their overseas competitors. This bill will be taking away American jobs in other sectors of the economy and other parts of the country.

The farmers of central Washington have been lucky enough to escape the worst of the agricultural crisis partially because of their ability to sell in foreign markets, and in particular the countries that are the principal targets of H.R. 1562. I know that many of my colleagues are impatient with the administration's efforts to ensure that the trade in textiles is conducted in a fair manner—I note in passing that the President has reached agreements on new and more restrictive Multi-Fiber Arrangement and new and more restrictive bilateral agreements with Hong Kong, Taiwan, and Korea. I won't pretend that I am an expert in textile negotiations. What I do know about is the time and effort it takes to coax the countries of the Pacific Rim into lowering their barriers to our products. We still have much to accomplish, but the markets we have managed to pry open over the course of several years have helped keep the farmers of my district afloat. With one vote today, you could destroy the work of many years by setting off a round of retaliation.

I have heard many complaints about the cost of the 1985 farm bill. Bear in mind, though, that the farm bill delivered the congressional message that farmers can no longer rely on the Federal Treasury to stay in business and must move toward more aggressive marketing of their products around the world. Farm exports of basic commodities have not expanded as rapidly as we hoped and, as a result, the cost to the taxpayer has been great. By passing this bill, however, you will only make the prospects for the American farmer even more dismal.

In conclusion, I note that H.R. 1562 is opposed by the American Farm Bureau Federation, the National Association of Wheat Growers, the National Grange, United Fresh Fruit and Vegetable Association, and other respected farm groups.

Mr. TOWNS. Mr. Speaker, today was a sad day for the American labor force. It has been projected that 550,000 more textile and apparel workers will lose their jobs in the next 6 years. These unemployed workers would be in addition to the 300,000 who have become unemployed since 1980. We had an opportunity, today, Mr. Speaker to preserve these jobs for American workers. Regrettably, the House failed to override the President's veto of the Textile and Apparel Trade Enforcement Act.

Today's vote was particularly disheartening because of the impact that it will have on the textile industry in major urban areas, like New York City. I am especially concerned about the loss of jobs for the many minority and female workers who have benefited from the good wages and benefits in this industry.

Many of my colleagues felt that a vote to override the President's veto would harm efforts to negotiate stronger bilateral textile agreements. In the face of the recent agreement to expand South African textile imports, it is really difficult to accept the notion that the administration is serious about protecting the interests of our domestic textile and apparel industry. With today's vote, we have, in effect, denyed a basic American industry the right to compete on equal terms with its foreign counterparts.

Hopefully, we will have another opportunity to revisit this issue during the 99th Congress. I urge my colleagues to rethink their positions and to support our American workers the next time around.

Mr. KOLBE. Mr. Speaker, today I will cast a vote to sustain the President's veto of the textile bill, H.R. 1562. The bill calls for quotas on imports of clothing and footwear into the United States. It is blatantly protectionist and will invite retaliation costing more American jobs than those it might save through limiting foreign imports.

I voted against the textile bill when it was first considered by the House. When title III, the "Copper Free Market Restoration Act of 1985" was attached to the bill and came up for a second vote it was a time when many of us were doubting the administration's commitment to resolving the problems facing the copper industry. I cast a yea vote on the measure to send a message to the President that we wanted help for our beleaguered copper industry.

Today the bill is presented once more for a vote; this time for an override of the President's veto. I will vote against the override. there are several important reasons for my action. First, this bill would impose limitations and quotas on imports of clothing and footwear into the United States. It has always been my view that the encouragement of exports, not the restraint of imports, is what is needed to correct the current trade imbalance. Second, the strict limitations set forth in the bill do not allow for changing economic conditions, nor for the numerous bilateral and multilateral agreements under which our international trade policy is currently structured.

In addition, the United States has recently reached landmark, negotiated agreements with many of our overseas trading partners which affects not only the textile industry but also the copper industry. Agreements have been reached on a new MFA accord (Multi-Fiber Agreement), a GATT (General Agreement on Tariff and Trade) export action, and individual agreements with several of our most significant importers, including most notably: Korea, Hong Kong, Taiwan, and Japan. These agreements, when enforced, are by far our most effective tools of trade restraint, because as fairly negotiated accords, they do not carry the stigma of being unilateral or one-sided, and as such do not foster an atmosphere conducive to retaliation.

The new MFA which was reached in Geneva last week provides for definite limitations on the levels of imports which will be allowed into the United States. This agreement is entered into by virtually all exporting countries in the free world, and establishes the parameters within which foreign trade in these commodities will be conducted. The new agreement sets very low growth ceilings on all signatories to the MFA who export to America. These levels are a stark contrast to the pattern of exponential import level increases which have caused domestic suppliers to justifiably complain in the past.

It should also be remembered that nearly all of the countries covered in the trade bill are Asian or developing countries. European Economic Community countries and Canada are not included under the terms of the bill. Japan has negotiated to open their market to United States semiconductor exports, in the face of an impending section 301 dispute pursuant to the rules of GATT which is the world's largest body having jurisdiction over such matters. Korea has also come to agreement with the administration on the levels of imports which they will send to the United States market. This agreement allows Korea to maintain their current market share, but does not allow unlimited growth. This also effectively assures domestic firms their own market shares, and thus allows head-to-head competition to transpire in a less volatile marketplace.

In addition to the MFA and GATT agreements, separate negotiations with several other significant importers have recently been successfully completed. Under a new agreement with Hong Kong, import growth from that area will be limited to an average of approximately 1 percent annually between 1985 and 1991. In addition, this agreement covers fibers which were previously exempt from tariffs. In a parallel agreement, negotiations with Taiwan have set import growth to one-half of 1 percent.

With these new agreements in place, I believe it is in the overall best interest of both Arizona and the country as a whole to support the President's veto of the trade bill. By doing so, it is my sincere hope that the benefits of reasonable market protection will be maintained without the potentially catastrophic repercussions which could follow a round of international retaliation in an unneeded trade war.

Mr. DURBIN. Mr. Speaker, I join my colleagues today in supporting this effort to override the President's veto of H.R. 1562, the Textile and Apparel Trade Enforcement Act of 1985. This bill represents only the first step in developing a comprehensive trade policy that we so badly need.

It is time that this Nation stops exporting American jobs. For too long we have drifted aimlessly on the high seas of international trade without the strong rudder of a trade policy. It is time that rudder becomes proudly labelled "Made in the U.S.A."

Mr. Speaker, as a cosponsor of this bill, I joined a large majority of my colleagues last October in passing this legislation. I remain steadfast in support of the American textile industry by rejecting the President's veto, and I ask my colleagues to join me today.

The fiber, textile and apparel complex is not only this country's largest manufacturing industry, but it is also the world's most productive and modern textile industry. Fiber, fabric, and apparel workers represent 10 percent of the U.S. manufacturing work force. They comprise a fifth of the work force in seven States and a number of large cities and more than 5 percent of the work force in half the States. Yet, although its workers are the most efficient in the world, it simply cannot compete against foreign governments that subsidize their industries, pay workers as little as 16 cents per hour, and impose severe restrictions on imports from the United States and other countries.

Mr. Speaker, given the textile and apparel industry's significant industrial role, it is very troubling that in the last 3 years, imports of fiber, fabric, and apparel have surged at unprecedented rates. Last year, apparel imports climbed to almost 50 percent of the U.S. market. Textile and apparel imports surged in 1984 at a staggering 32-percent growth rate. Imports captured 71 percent of the American footwear market in 1984 and have continued to increase.

The impact of these changes on the textile industry has been dramatic. By 1985, more than 250 textile mills had closed, thereby eliminating more than 200,000 textile and apparel jobs. Since 1973, textile employment is down by half a million. Import penetration is causing massive disruptions through U.S. plant closings and cutbacks. Every billion yards lost to imports represents 100,000 job opportunities lost to American textile, apparel and fiber workers.

My colleagues, I am concerned that imports will capture virtually the entire U.S. market by 1990. If import growth continues at current levels, cotton producers, in four years, will face elimination of most of their domestic market. Wool growers, whose production has dropped 75 percent since World War II, export almost no product at all, leaving every imported item of fabric or apparel to be added to the negative trade imbalance.

I should hope the President realizes that hundreds of thousands of American workers will lose their jobs if his veto of the Apparel Trade Enforcement Act of 1985 remains intact.

Mr. Speaker, the administration continues to be insensitive to the needs of this American industry and its workers. Just last week the administration announced that it completed negotiations on a bilateral textile agreement with South Africa which allows the South African textile industry to increase its exports to the United States.

H.R. 1562 does not represent protectionism. Instead, it esablishes measures to preserve orderly, free trade in a world in which some nations do not compete fairly. If our foreign trading partners do not trade fairly, free trade has little meaning.

We need a policy that will benefit American workers, not one that will scratch names from local payrolls. Given the significant role of the textile industry in this country, and considering the damage that would result by its elimination, I ask my colleagues to support this veto override.

Mr. Speaker, the rapid growth of textile apparel imports, as troubling as it is, represents just a small piece in the U.S. trade imbalance. Trade figures released last week indicate that the trade deficit is running at an annual rate of $170 billion, nearly seven times higher than when the Reagan administration took office.

The Commerce Department reported that in June alone, Americans imported $14.2 billion more than they exported. For the first 6 months of this year, the deficit climbed to a record half-year level of $83.9 billion. My colleagues, this is a crippling situation that needs a prompt and proper remedy—the implementation of an active, rather than a retroactive policy. If left uncorrected, this Nation will slide into a dismal abyss of recession.

President Reagan soon plans to orchestrate another drop in the dollar, hoping that this scheme will produce results. Unless a massive world expansion gets underway, some economists say, the dollar will have to drop by another 25 or 30 percent to produce the necessary correction in the trade deficit.

We cannot wait that long. For even if the dollar devaluation is successful, the United States will still face an enormous trade deficit for years to come. This country needs to take a comprehensive approach to reduce foreign trade restrictions, beef up U.S. export promotion, and improve our long-term competitiveness through better education and training.

There is no room for resignation in this matter. The stakes are simply too high. Mr. Speaker, I have not only witnessed the relevancy of these stakes nationally, but I have seen the effects of the trade imbalance grip my home district in Illinois.

In February of this year, we suffered a record loss of 105,000 jobs in Illinois, stemming primarily from the continuing erosion of our Nation's manufacturing base. In areas across central and western Illinois, we face unemployment rates that are more than 10 percent higher than the national average year after year.

In attending more than 180 town meetings, I have witnessed the human side of these job loss figures. In March, Caterpillar of Decatur announced that it will reduce its work force by some 52 percent over the next several years. Wagner Castings of Decatur, a company that is continuing to struggle against unfair foreign competition, has turned desperately for relief from the International Trade Commission in Washington.

In Sangamon County, more than 600 workers of Fiat Allis lost their jobs to foreign competition last year. As they struggled to get retraining to find new employment, they find this administration calling for a cutoff of trade adjustment assistance funds they greatly need to support their families while they seek retraining.

This administration's policies have simply not produced effective results. I have listened to Illinois farmers who have been hard hit by the value of the dollar and our inability to export as we should. Since 1981, U.S. agricultural exports have dropped more than one-third, and our agricultural balance of trade went into the red in May for the first time in 27 years.

Farmers in central Illinois are particularly dependent on these export markets. In 1983, approximately 35 percent of farm income in Illinois came from exports of feedgrains, soybeans, and wheat. Nearly half of this country's 1986 soybean crop is destined for shipment overseas. This administration's policy of drift continues to erode our agricultural exports.

We need more than negotiation. We need strong trade policies. This trade deficit is absolutely unacceptable and must be reversed. Neither farmers, nor agribusiness, nor even State governments can hope to solve these problems on their own. We must address these problems at the Federal level. We need to work for policies that safeguard U.S. agricultural and industrial competitiveness in the world market.

Mr. Speaker, whether I cite agricultural problems or the demise of the textile industry, all paths converge at a pinnacle—the need for an aggressive, balanced trade policy.

The override of the Textile and Apparel Trade Enforcement Act of 1985 is paramount. At best, it can only spark a beginning in rectifying our trade imbalance. We have to have equality; we have to have fairness. We need reciprocity, and most important, our Nation needs a trade policy.

Mr. LIGHTFOOT. Mr. Speaker, I take this opportunity to share my thoughts on the issue of overriding the President's veto of the Textile and Apparel Protection Act, H.R. 1562.

This is a difficult issue because it seems as though Congress is pitting farmer against textile worker. In fact, this legislation may do just that. After weeks of listening to all sides and reviewing every available bit of information on the subject, I find that I must oppose the veto override.

While a healthy domestic textile industry and the jobs it provides are important, so are exports. The 12 countries on which this legislation imposes quotas also happen to purchase 12 billion dollars' worth of agricultural products from us annually, amounting to 43 percent of all of our agricultural exports; $1.9 billion of that total is corn. The three major countries affected, Korea, Taiwan, and Hong Kong, buy 3 billion dollars' worth of U.S. agricultural products alone.

While some have disputed the argument of retaliation, it is a simple fact that without money, people don't buy. Our country imports 5 billion dollars worth of textile products from the 12 affected countries, but if those countries can't sell their products, they can't earn the foreign exchange to purchase our exports.

Granted, our agricultural exports are down, but I cannot support further endangering agricultural exports. We are already dangerously close to an all-out trade war, and even if we ultimately win the war, we'd lose an awful lot in the individual battles along the way. And farmers have been through enough battles in the last few years—they can't take any more.

I strongly agree with the proponents of H.R. 1562 that existing law has not been enforced. I also agree that the administration has been negligent in this fact. I've asked every representative of the textile industry who visited my office how he or she would feel if the Multi-Fiber Arrangement—MFA trade agreement) had been enforced. Each one told me that he or she would not be in my office if that had been the case.

I've also noted the Congressional Budget Office's [CBO's] estimate that 80 to 87 percent of our trade imbalance is caused by exchange rate imbalances primarily due to the financing of our massive budget deficits.

This is strong evidence that the mechanisms in H.R. 1562 will not be the answer to our trade problems. In fact, H.R. 1562 is likely to cause even more trade problems.

Mr. SWIFT. Mr. Speaker, I rise today in reluctant opposition to the motion to override President Reagan's veto of H.R. 1562, the Textile and Apparel Trade Enforcement Act.

My opposition is reluctant because I share my colleagues' concern for the thousands of workers in the textile industry and other industries who have either lost their jobs or are threatened by the loss of their jobs, I also understand the frustration felt by so many Americans over the Reagan administration's unwillingness to confront the serious trade problems facing our country today. Virtually every time our country's trade interests are in conflict with our foreign policy or national security interests, the administration decides that trade will be the loser.

To many of us in the Congress, it appears that the President will turn his attention to trade issues only when there is a gun at his head such as today's textile bill. Last May, for example, when the House was considering H.R. 4800, the omnibus trade bill, the President decided to finally take action on the long-standing complaints of the shake and shingle and machine tool industries. Again, within this past week, the administration has coincidentally found itself suddenly able to negotiate bilateral textile import limitation agreements with our leading foreign suppliers.

Despite all of the above, however, I plan to vote against H.R. 1562. I continue to believe that our country's best interests will be served by opposing sector-specific legislation to hinder or halt the access of foreign products to the U.S. market. Particularly with the strengthening amendments contained in the omnibus trade bill, I believe that our unfair trade laws represent the best avenue to address sector-specific complaints.

In passing the omnibus trade bill, the House has already moved to establish the comprehensive national trade policy we need to protect the comprehensive national foreign competition. In the omnibus bill, we took the vital steps of strengthening the policy tools available to counteract unfair trade practices while limiting the administration's ability to avoid taking such required reciprocal actions. While the administration has been lavish in its criticism of the House trade bill, it has continued to refuse to even work with the Senate to develop a trade bill more to the President's liking. Understandable frustration with such stonewalling has led us to the point of considering override of the textile bill veto. I believe, however, that we in the Congress must oppose this scattershot approach, and continue to work toward passage of comprehensive trade reform legislation.

Mr. GRAY of Pennsylvania. Mr. Speaker, I rise in support of an override of the President's veto of H.R. 1562, the Textile and Apparel Trade Enforcement Act. First of all, the bill was truly a bipartisan measure. Since the House accepted the milder Senate quotas, without so much as a conference, no one can really argue that this measure is an extreme reaction to a delicate situation that reflects the views of only one subcommittee, or a strong chairman, or one party's platform.

Nor, can one fairly characterize H.R. 1562 as an impatient reaction to recent disappointments on the trade front. Our trade performance ceased to be just disappointing a long time ago; it is nothing short of disastrous at this stage. Some would argue our fault as a Congress is that we have been too patient for too long.

The prospect of a $170 billion trade deficit by the year's end is too large to ignore. It's nearly five times higher than it was when this administration took office. In the process, we have become a net debtor nation, vital sectors of our manufacturing capacity have been devastated, millions of jobs lost—some forever—and the Nation's growth rate seriously impacted. Some are even talking about a trade-related recession as a real possibility in the not-too-distant future. The three industries covered by this legislation happen to have been harder hit than most.

ITC decisions, showing the problems of these industries can be traced to imports, have been ignored by the President. Instead, those complaining have been told to wait for the just-concluded Multi-Fiber Arrangement

agreement. Unfortunately, it can only be viewed as too little too late. Current agreements have not been adequately enforced and limits are routinely exceeded.

I, for one, am particularly upset by the moral indifference of this administration to South Africa's apartheid policies in negotiating agreements in this area. As everyone knows, by now, a 4-percent increase in imports of that nation's textile products is among the items just recently agreed to by the administration. If for no other reason, I have to look elsewhere for a textile trade policy. Frankly, I would rather take my chances under the provisions of Congress' legislation than the administration's amoral trade negotiations.

While the House-passed sanctions bill would go further and ban all South African trade, the vetoed bill would at least roll back categories of sensitive textile products exported by South Africa by about 38 percent, before allowing increases of any kind. And it would cover all categories. The President's quota agreement does not even set a limit on the categories where the bulk of the imports are occurring—manmade fiber and yarn.

But, my support of veto override in this instance is not just based on overall macroeconomic considerations or South African foreign policy considerations—important as they are. It is firmly grounded on my experience as a member of the Pennsylvania delegation and an inner-city Congressman from Philadelphia. The loss of manufacturing jobs in the Philadelphia metropolitan area alone over the past decade in textiles has been in the tens of thousands. It's already reached the point where, in voting for this override, I'm not protecting much. It's almost too late to be interested in anything more than a principle, where these industries are concerned. I would have preferred the original House bill because it would have covered more industries and more jobs.

In conclusion, I know that national and international economics are complicated sets of interrelationships. But, these relationships cannot be allowed to deteriorate to one-way affairs. We cannot become so obsessed about the delicacy of international diplomacy that we cease to look out for our interests. Recently, I participated in extensive meetings with the Japanese Trade and Finance Ministers and came away with the impression that they do not fully understand how seriously we, in Congress, view the trade imbalance with their nation as well as other nations.

Every now and then, it is good to get our trading partners attention by letting them know the sleeping giant can be provoked to action.

Mr. SUNDQUIST. Mr. Speaker, I am in strong support of the motion to override the President's veto of H.R. 1562. This bill offers what may be the last strand of hope for our Nation's textile and footwear manufacturers.

In west and middle Tennessee, hundreds and hundreds of jobs have been lost in recent years. Losing these jobs is frustrating, but what makes it more, is the fact that these jobs are being lost not because the industries aren't competitive, but in large part because of the unfair trading practices of our foreign allies.

As chairman of the Republican Task Force on International Trade, I take no pleasure in fighting the administration on this issue. In part, I agree with President Reagan's goal of a system of free and open international trade. But, the President, unfortunately, has not aggressively enforced existing trade laws to prevent unfair trading practices. The result has been that free trade isn't fair trade.

There have been sincere attempts to keep international trading practices fair, but they have been largely ineffective. The Multi-Fiber Arrangement, for example, is the international trade agreement governing trade in textiles and apparel. Its purpose is to allow foreign textile and apparel to be exported to the United States at a growth rate that does not disrupt domestic industry.

Unfortunately, U.S. Government agencies have failed to implement this arrangement's provisions forcefully and in a timely fashion. If this had been purposely implemented, we would see a U.S. market free of import disruption, with 6 percent or less annual import growth.

Instead, failure to enforce the law has caused extreme disruption. Textile imports have grown an average of 16 percent per year since 1980. More than 300,000 jobs have been lost since then. Imports now claim over 50 percent of the U.S. clothing market. The situation is even worse in the footwear industry.

Let's save American jobs; vote to override the veto.

Mr. JEFFORDS. Mr. Speaker, I rise in support of overriding the President's veto of H.R. 1562.

I support H.R. 1562 because I share the frustration of the textile industry over the continual violation and evasion of the Multi-Fiber Arrangement [MFA] by many of the major textile producing nations. Textile imports have increased by 19 percent each year since 1980, even though the MFA specifically limits import growth to 6 percent per year. The failure of the administration to enforce this agreement or take action against the major violators led the industry to turn to Congress for relief. In voting for H.R. 1562, I believed that passage of the bill would force the administration to begin enforcing the existing limits of the MFA and would strengthen the hand of the U.S. Trade Representative in negotiating tougher import limits with major textile importing countries.

What has happened since the President vetoed the bill on December 17? First, the administration began enforcing the 6 percent annual import limit under the existing MFA. But this effort lasted only a few months. Second, the administration began to negotiate new limits on textile imports with Korea, Hong Kong, and Taiwan. In the last few weeks, the administration has announced a series of agreements with these three major importing nations that limit import growth to less than 1 percent per year, using calendar year 1985 as a base.

The administration points out that the pacts reached with Taiwan, Hong Kong, and Korea will not, throughout the 4-year life of the agreements, allow imports to reach the current level. However, this ignores the fact that in each of the last 5 years, imports have increased by three times the allowable MFA limits. These violations have driven the level of imports up so high that some measure of relief, beyond simply rolling back imports to the 1985 level, is justified.

As a traditional free trader, I can understand the concerns of those who have spoken up in opposition to this legislation. As a general rule, I favor negotiated international agreements to unilateral legislation to limit imports. We must remember that every action has a reaction in the international trade forum. However, the situation we face today is exceptional. International agreements, concluded and put in place, were ignored by signatory nations and the administration. Reliance upon free trade requires adhering to the agreed-upon guidelines. When the rules have been broken and a vital domestic industry is threatened, Congress must take tough action. I'm not happy that we find ourselves in this situation today. However, it is my hope that a strong override vote today will prevent us from taking similar action in the future.

Mr. APPLEGATE. Mr. Speaker, this body has debated one of the most important pieces of legislation that we'll consider this year, but the strong assurances that we've been given this week from the Reagan administration that meaningful efforts are being expended to restore "free" and "fair" trade will all but evaporate to become broken promises if the House fails to override President Reagan's veto of H.R. 1562, the Textile and Apparel Trade Enforcement Act.

It is painfully obvious that failure by the House to override the President's veto of this comprehensive textile and apparel trade measure would result in literally millions of American workers being pushed to the brink of unemployment over the next few years, even though the current administration continues to deny the seriousness of our trade problem while recent estimates place our Nation's trade deficit for this year at $170 billion, a record year for the sixth time in a row—equivalent to the number of years that President Reagan has occupied the White House.

In view of President Reagan's intense efforts to defeat the override by the House today, we have truly witnessed, once again, how the President forsakes the livelihoods of hundreds of thousands of American textile and apparel workers as well as millions of other Americans who have suffered in the past and countless others who will have to suffer in the future because of the massive failure of this administration to enact and enforce a substantive trade policy.

Quite frankly, I am offended by the arguments that come out of the White House in opposition to H.R. 1562, arguments that were completely lacking logic and totally without foundation. The fears that were expressed about possible retaliation by textile exporting nations against American farm exports and other goods that we produce are ludicrous. Obviously, someone in the administration has not told the President of the recent shocking figures showing that the United States is currently importing more agricultural goods than we export—a situation we have not witnessed for over a generation.

It has been estimated that an additional half-million American textile and apparel jobs may be lost over the next 5 years, due primar-

ily to the lack of essential safeguards for these jobs that H.R. 1562 would provide. Such a massive loss of jobs could come in the aftermath of an estimated loss of 300,000 jobs in the American textile and apparel sector since 1980, a loss due primarily to rapidly rising imports.

President Reagan says that H.R. 1562, which is intended to protect American textile workers who, on average, earn $13,000 per year, would possibly cost us $70,000 per worker if enacted. This is ridiculous and meaningless. Would this type of logic be any more persuasive if these workers were earning, on average, half of what they earn today? And does this mean that someone earning a higher salary is somehow more deserving of protection from the impact of imports than someone who receives wages just barely above poverty level?

Quite simply, this administration has taken the easy way out of this national dilemma by pitting American workers, farmers, and consumers against one another for the sake of defending its empty trade policy and its even worse record of protecting American industries and workers. The President is willing to sell taxpayer-subsidized grain to the Soviets, but he cannot even lift a pen to sign into law legislation to assist American businesses and millions of American workers.

So I must ask, What will happen to the many voices of concern that we have been hearing this week throughout this Chamber if we do not override the President's veto? If we fail in this attempt, then what does this say about our concerns about the futures of millions of Americans and the future of American industry?

The time for truly "free" and "fair" trade is now, before one more American becomes unemployed and before one more American business closes its doors for the last time. I strongly urge my colleagues to vote in favor of H.R. 1562.

Mr. AKAKA. Mr. Speaker, I rise today to urge my colleagues to sustain the President's veto of H.R. 1562, the Textile and Apparel Trade Enforcement Act.

I am convinced that H.R. 1562 is a dangerous piece of legislation, and its dismissal by the House comes as a great relief to me.

Like many of you, I have received countless calls for assistance from our Nation's textile industry, indeed one of the most organized efforts I have witnessed to date. It came as no surprise to me, therefore, that most of the calls raised the same point: that textile imports are costing our domestic industry jobs, disrupting our own markets, and straining our trade deficit.

The cure, it was asserted, is found in the form of H.R. 1562, a bill designed to provide a fighting chance for the U.S. textile and apparel industry by simply slowing the rate of import growth.

However, H.R. 1562 is not all that it appears to be. For, it would not necessarily benefit every segment of our textile and apparel industry. Hawaii's textile and apparel industry, in fact, would be literally devastated if H.R. 1562 is allowed to prevail.

Frankly, I think of this measure as one posing a "double-whammy" on Hawaii. For, not only would the industry suffer a minimum 40-percent reduction in imports as a result of the bill, but it is clear that it will not be able to depend on the domestic industry for compensatory assistance.

Members of Hawaii's textile industry have met with representatives of our country's largest textile manufacturers, and have discovered that, while the domestic manufacturers have the technological capability to meet Hawaii's needs, they would not be inclined to do so because it would not be economically feasible for them. Hawaiian prints, for example, are small runs which are rarely reprinted. While able to print small runs of yardage, the domestic representatives simply would not unless ensured of repeat orders. Additionally, Hawaii's prints require multiple screens which, while technically feasible, would require long, repeated runs to ensure economic feasibility. Indeed, the domestic representatives noted the Hawaii industry is unique, and unsupportable by the national industry.

On the national front, the prospects for H.R. 1562's envisioned relief are just as poor. We all know the real implications here. First, this bill would needlessly impose additional costs on consumers. Take, for example, denim jeans. The existing quota and tariff system, it is found, adds 15.6 percent to the retail cost of a pair of $20 jeans. The cost of obtaining the quota overseas and of paying the U.S. tariff is $3.12. The severe decrease in quota levels required by the bill will therefore increase the quota and tariff cost to $8.12 on the same pair of jeans. Quite an increase, isn't it?

Second, the cost to the Government will be astounding. Estimates of the direct Federal costs total approximately $2 billion per year.

Third, we must recognize the cost in exports lost as a result of the measure. In 1984, the 12 nations most adversely affected by the bill imported 53 billion dollars' worth of goods from the United States. A total of 34 percent of our country's agricultural exports went to those 12 countries. Direct retaliation is certain.

Fourth, the cost of job creation is great. For each job created at a salary of $10,000 to $15,000, it is estimated that there would be an associated cost of $140,000. Since recent studies show that as many jobs would be destroyed as created, the economic losses would be substantial.

All of these costs for the sake of an industry whose own vitality seems quite assured.

Statistics brought to my attention by the gentleman from Minnesota, BILL FRENZEL, clearly demonstrate the vigor of the industry. In the first 5 months of 1986, textile output, for example, is up 11 percent, while apparel is up by 3 percent. In addition, in both the first and second quarters of this year profits have doubled, and in the first 5 months of 1986, productivity has increased by more than 7 percent.

These figures are sure to be bettered, too, as a result of the administration's recent pacts with the Governments of South Korea, Hong Kong, and Taiwan. As you know, these textile accords are tighter now: 0.8 percent growth limits on South Korea shipments, 1 percent on those of Hong Kong, and 0.5 percent on Taiwan's. In fact, the new accords are even more stringent for they have been expanded to control all textile and apparel imports, including previously unregulated fibers.

Isn't this enough?

There is simply no more to say. Mr. Speaker, as expressed last October, I am truly sympathetic to the plight of our Nation's textile workers. I am also truly sympathetic to the important national issue of controlling our trade deficit. Likewise, I recognize that the legislation before us is less stringent than that passed by the House last year. Nevertheless, I firmly believe that this legislation is not the answer. We must accept the issue for what it really is, no less and no more—an age-old system that is finally coming home to haunt us—and work from there. Until we are willing to accept that fact, anything we do will hurt, not help us.

The SPEAKER pro tempore. The Chair would notify the Members that there is approximately 15 minutes of debate remaining on this motion. The gentleman from Florida [Mr. GIBBONS] has 3 minutes remaining, the gentleman from Illinois [Mr. CRANE] has 3 minutes and 20 seconds remaining, the gentleman from Georgia [Mr. JENKINS] has 6 minutes and 40 seconds remaining, and the gentleman from South Carolina [Mr. CAMPBELL] has 2 minutes and 30 seconds remaining.

Mr. GIBBONS. Mr. Speaker, I had 4 minutes. I had 4 minutes remaining.

The SPEAKER pro tempore. Unfortunately, the gentleman yielded a good deal of his time to Members for unanimous-consent requests which included short speeches.

Mr. GIBBONS. Mr. Speaker, that is the first time I have ever had the Chair call that on me.

The SPEAKER pro tempore. The Chair set a precedent, then.

The Chair recognizes the gentleman from South Carolina [Mr. CAMPBELL].

Mr. CAMPBELL. Mr. Speaker, may I inquire again as to the time? I had 2 minutes and 45 seconds remaining, and I do not know what is left.

The SPEAKER pro tempore. The gentleman has 2 minutes and 30 seconds remaining.

Mr. CAMPBELL. Apparently, Mr. Speaker, I had a lot of unanimous-consent requests also.

Mr. Speaker, I yield myself the balance of my time, and I will ask unanimous consent to revise and extend my remarks.

The SPEAKER pro tempore. Without objection, the request is agreed to, and the gentleman will not be penalized for that time.

Mr. CAMPBELL. Mr. Speaker, I rise today in support of the 2 million textile and apparel workers that are left in America.

I supported this administration since it has been in office on most issues, but this time they are wrong; they have made a mistake. They have listened to the State Department more than they have listened to the Commerce Department, and it is time that

the Congress of the United States did something to get their attention, as well as the attention of the world.

I rise to ask whether having any textile and apparel industry in America is in the national interest. I have heard that questioned. I believe it is. I have heard the term, "fair trade," today. I have heard those who support the veto speak of fair trade.

I ask you, why is it all right to use the taxpayers' money, money from the textile workers, to subsidize grain to be shipped to Russia and you will not vote with us to help keep those jobs? I ask you that.

I ask you, why is it not fair to have reasonable rules in America for textile and apparel when it was all right to have quotas and rollbacks in the automobile industry? I wonder about fair trade if you are going to use that term.

You have spoken of farm opposition. Then how do you account for the fact that the cotton producers and the corn producers are supporting the override of this veto? Are they not farmers? Are they not interested in the farm problems of America?

You have spoken of consumer opposition. Then how do you account for the fact that the National Consumers League supports the override? Where are your facts coming from?

You spoke of retaliation, and yet you do not mention the fact that the European Community not only rolled back but froze, and it has had only a 20-percent increase in textile and apparel growth in the last 5 years; yet they were not retaliated against, and they are signatories to the same agreements we are. Where are your facts coming from?

You talk about America. We have a 105-percent increase in this country in textile in 5 years. We have lost 300,000 jobs. We are talking about Small Town America going away. There are no jobs. It is time that we started looking at the facts, I say to the Members.

You spoke of open markets. Let me ask you, then, why is it that the great open market of America takes over 55 percent of the developing world's product while Japan and the European Community close them out? What have you done to open the markets? Why can American goods not go into those markets? Why do they block us and it is not all right for us to stand up and fight? I do not understand it.

Mr. Speaker, I can only say that we have an extremely serious matter before us. I can tell you that the future of this industry and these jobs rest on the vote today, and I ask each of you to vote your conscience and, for God's sake, try to help America one time.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois [Mr. CRANE].

Mr. CRANE. Mr. Speaker, may I make an inquiry as to how much time the gentleman from Florida [Mr. GIBBONS] has remaining?

The SPEAKER pro tempore. The gentleman from Florida [Mr. GIBBONS] has 3 minutes remaining.

Mr. CRANE. And, Mr. Speaker, could the Chair tell me how much time I have remaining?

The SPEAKER pro tempore. The gentleman from Illinois [Mr. CRANE] has 3 minutes and 20 seconds remaining.

Mr. CRANE. Then, Mr. Speaker, I yield 3 minutes and 10 seconds to my distinguished leader, the gentleman from Illinois [Mr. MICHEL] and I relinquish the other 10 seconds to the distinguished gentleman from Florida [Mr. GIBBONS] who gave it to me in the first place.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MICHEL] is recognized for 3 minutes and 10 seconds.

Mr. MICHEL. Mr. Speaker, this is not only an explosive trade issue, it is an explosive political issue. The time for this bill has come and gone. We are finally waging war against unfair trade practices.

The administration just negotiated a tough Multi-Fiber Arrangement.

The USTR is filing more and more cases against unfair trade practices.

The administration now has in place new agreements with Taiwan and Hong Kong that are, "the tightest and most comprehensive textile agreements the United States has ever negotiated."

For Hong Kong it will reduce imports almost 5 percent from levels prevailing in the most recent 12-month period. For Taiwan the figure is 7 percent lower than most recent levels.

Just the day before yesterday, a 4-year treaty was announced between South Korea and the United States restraining growth in Korea's textile imports to eight-tenths of 1 percent a year.

That means the Koreans must cancel a number of contracts they had already signed for this year under which they were planning to substantially increase their exports to the United States.

Furthermore, we are currently maintaining over 1,300 quotas; approximately 550 of those have been established since 1981 including 250 in 1984 alone. The system of quotas covers more than 100 product categories with more than 80 percent of U.S. imports from low-wage countries subject to restraint.

Truth is, the textile industry is already the most protected of any major industry in the USA so far as quotas are concerned.

So, if you are planning to vote to override the President's veto of H.R. 1562 because you want to send the President a message, I would say: he already has the message and he has acted upon it, maybe late, but he's acted.

If we override this veto our GATT trading partners have a right to reduce, dollar for dollar, our exports to those countries. We can expect harsh retaliation against American exports of wheat, soybeans, cotton, tobacco, and manufactured goods. Is that what we want?

I have to be concerned with our agriculture community, farmers in my district serving once again as the innocent victims of misguided trade policies. They always seem to get it coming and going.

Those of you who would throw a stone at our trading partners, are really throwing a boomerang that surely will come back to hurt us.

No one can deny the very serious circumstances of American textile industies a few years ago. But all of us in manufacturing have been going through a difficult transition period.

No one can deny that things are now improving in the textile industry. It just isn't right to impose a drastic solution for that industry based on circumstances that no longer exist.

Unemployment is higher in my home State of Illinois than it is in most States if not all the States from which we're hearing the complaints today.

Let me conclude with a bit of history:

When the Smoot-Hawley bill became law in 1930, after more than a year of debate, Spain, Italy, Switzerland, France, Canada, Great Britain and Austria raised tariffs within a year or so. The depression continued and expanded.

A substantial body of opinion among scholars holds that these tariffs and the resulting economic disaster were a direct result of Smoot-Hawley.

And now we are being asked to take the same kind of action again.

I would urge you to reject this bad bill by voting "no" on the motion to override.

□ 1330

Mr. JENKINS. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, I want to take this very short time to talk with you about the bill, about what the course has been over the past 2 years. Let me explain to you the process. We began in 1981 and 1982 seeking relief. We pleaded with the administration. We pleaded with people on our side saying that the fire was going to get beyond control. We tried again in 1983 and 1984.

This bill itself is not a recent bill. This bill was introduced in this House 20 months ago. We did not introduce this bill last month to come up here and surprise the administration. As a member of the Trade Subcommittee, I

have been pleading with people on my side and this side and down at the White House, saying this is going to get beyond us. We have to have some action to save basic industries in this Nation. We have to have relief not only in this industry, but in all basic industries. If we do not, we shall not be able to lead the free world that all of us want to lead. It is just that simple.

The administration has ignored us. They have done absolutely nothing. They have given us no relief and suddenly in the last 2 weeks agreements have been signed so quickly it sounds like the Fourth of July celebration. Korea, Taiwan, Hong Kong, MFA. We cannot even understand what they are in the last 3 days, they have been signing them so fast.

They have given relief for wheat. They have given relief to micro-computers. They even helped timber a little in the far west.

And they say this is political, from my viewpoint?

I have been asking them for 20 months with this bill, but no action. During that 20 months when this House overwhelmingly from Republicans and Democrats alike passed it, the Senate passed it. And then what did I do? I said I am going to ask that the administration have 8 more months to straighten the matter out. Eight months have passed and imports are up 22 percent during the first 6 months of this year over last year. Is that help for the American working people? Is that the type of trade policy that we in this body on both sides expect of any administration?

Oh, now, you can hear all the arguments that this is Smoot-Hawley all over again. This is the end of the world.

Let me tell you something, if this bill calls for any rollback in imports, which it does against three countries, they would not be rolled back if they had not been rolled up. That is the only reason they are being rolled back.

When Korea, our good ally, complains that this is protectionist and they will not let a single garment in from Thailand, from Bangladesh, from all the little Third World countries, when Japan complains, with a $50 billion to $70 billion surplus and their imports of garments and textiles have remained at 6 percent for the past 5 years, even if you would say to Japan, as I do, that I cannot compete in your market, but Thailand can, Korea can, Bangladesh can. Do something to take some of the excess production of the world.

We in this Nation are taking 70 percent of every piece of clothing manufactured in every developing country on the face of the Earth. I want to help them. I understand their dilemma, but we cannot take it all.

I understand that some industries maybe, according to some people, ought to be phased out. I have heard that.

I want to tell you something about the textile/apparel industry. It is not the biggest industry in my district, but it is symbolic of what is happening today. Those people never ask for much, those workers. They work 8 hours a day. If you really listen to them, there are two things they are interested in: a job, security in their old age, nothing else. And you are eliminating those. Most of them are women and minorities.

You say that they ought to move somewhere, take a high-technology job, move into some other industry. They live 100 miles away from a metropolitan area. Their husbands are working at other jobs. They cannot move.

So what do you do? You eliminate by half their standard of living.

Oh, this industry has been ignored. It has not priced itself out of the market. They have $5.87 an hour average wage.

They have not failed to modernize—a billion dollars every single year for the past 4 years. There are no more efficient industries on the face of the earth than right here in this industry. They have kept pace with all of the modern technology. And you want to write it off?

I simply say this: It is no small industry, 2 million Americans, more than automobiles and steel combined.

Now, I have helped timber. I have helped microchips. I have helped automobiles and I have helped wheat.

I am calling in the chips.

My friends on both sides of the aisle, I simply want to say this. This is not a partisan fight. There might have been a better way to do it if we had the opportunity. I do not now intend to make it a partisan fight, because I could not. I have too many allies here on this issue.

This is an American fight. You can decide to do it today or you can wait and do it on some other issue. At some point, it must be done.

I would hope that it does not cause any great calamities. I do not think it will; but whatever you do, you will be able to defend it in your districts 2 months from now.

Mr. GIBBONS. Mr. Speaker, that is a tough act to follow. I commend my friend, the gentleman from Georgia. I think he will tell you that SAM GIBBONS has never held the gentleman up 1 minute in all his quests for this. I gave him a hearing a few days after he introduced his bill. I got his bill out of the subcommittee when he did not have the votes.

We are not here for any other thing than to talk about the future of America. I have no chips. I do not play poker with my country and its future.

This issue is not a new argument in this Congress. This country for over 200 years has been wracked by this same debate. If you check American history, you will find that when we have had an open and competitive policy, America has prospered. When we have had a restrictive policy, we have had depressions and unemployment.

If you check the 6,500 years of recorded history, you will find that no nation has ever raised it standard of living by restricting its imports, no nation.

I am sorry that there have been so many misstatements about the facts and figures in this debate. My friend, the gentleman from Texas, Mr. KIKA DE LA GARZA, summarized it best when he said, "SAM, don't you know in congressional debate, everybody is entitled to their own figures?" You are, but I think you ought to know what the real figures are.

According to the Department of Commerce, and they have been keeping these figures for a long, long time, imports of finished textile products today are 24.6 percent, not 50 percent, not any of those high percentages. Apparel imports are 35.8 percent. They are up a couple points from last year.

According to the Wall Street Journal, employment has increased in Georgia by over 120,000 in the last 6 months in the textile industry. Employment has increased in South Carolina by over 30,000 in the textile industry. Employment has increased in North Carolina somewhere between those 2 figures.

I regret to say that it has not increased in Alabama and some of the other areas, but it has increased in many regions.

The American textile industry, and the material is right there on the desk, is going through a change, a change that is as American as apple pie. Some win and some lose. There are some big winners out there.

The biggest performer on the stock market last year was the American textile industry, positive performance.

This is a serious matter. The Council of Economic Advisers teils us that if we pass this bill and it becomes law that it will cost $70,000 to preserve each $13,000 job we preserve in the textile industry.

□ 1345

They tell us that our standard of living will drop. They tell us that other Americans will become unemployed. Not just Republican economists, not just Democrat economists, but all economists will tell you that same story. So this is a serious matter.

Now it is serious beyond that because America's reputation is on the line.

The SPEAKER pro tempore (Mr. BROWN of California). The time of the gentleman from Florida [Mr. GIBBONS] has expired.

Mr. GIBBONS. Mr. Speaker, I gave a minute away for Members to make unanimous consent requests. I ask unanimous-consent that I may have 1 additional minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. GIBBONS. I thank all the Members for that courtesy.

Mr. Speaker, America's reputation is on the line. How can we be the leaders of the world—the military and the moral leaders of the world—if we have entered into some 40 agreements, and then unilaterally disavowed them? We cannot. Our word is our bond, and if our word is no good, our bond is no good. No one will trust us, and that is an important thing.

So the American textile industry has got problems, but it is relatively a prosperous industry in America. Employment is going up in that industry. Capital investment is being increased in that industry, and I am glad to say that, because we have some real museum pieces out there that we are producing textiles in. Believe me, I know; I have seen them. We also have some excellent mills.

Our reputation is on the line. I would ask the Members, and I know that it is not a popular request to make, to please sustain the President's veto.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding.

Under the Constitution, this vote must be determined by the yeas and nays.

The vote was taken by electronic device, and there were—yeas 276, nays 149, answered "present" 2, not voting 5, as follows:

[Roll No. 290]

YEAS—276

| | | |
|---|---|---|
| Ackerman | Bonior (MI) | Clinger |
| Alexander | Borski | Cobey |
| Andrews | Bosco | Coble |
| Annunzio | Boucher | Coelho |
| Anthony | Boxer | Coleman (MO) |
| Applegate | Breaux | Coleman (TX) |
| Aspin | Brooks | Collins |
| Atkins | Brown (CA) | Combest |
| Barnard | Bruce | Conte |
| Barnes | Bryant | Conyers |
| Bates | Burton (CA) | Cooper |
| Bentley | Bustamante | Coughlin |
| Bevill | Byron | Coyne |
| Biaggi | Callahan | Crockett |
| Billirakis | Campbell | Daniel |
| Bliley | Carper | Darden |
| Boehlert | Carr | Davis |
| Boggs | Chapman | de la Garza |
| Boland | Chappell | Dellums |
| Boner (TN) | Clay | Derrick |
| Dickinson | Jones (TN) | Rogers |
| Dingell | Kanjorski | Rose |
| DioGuardi | Kaptur | Roukema |
| Dixon | Kastenmeier | Rowland (GA) |
| Donnelly | Kennelly | Roybal |
| Dowdy | Kildee | Russo |
| Duncan | Kindness | Sabo |
| Durbin | Kolter | Savage |
| Dwyer | Kostmayer | Scheuer |
| Dymally | Lantos | Schneider |
| Dyson | Leath (TX) | Schroeder |
| Early | Lehman (CA) | Schuette |
| Eckart (OH) | Lehman (FL) | Schulze |
| Edgar | Leland | Sharp |
| Edwards (CA) | Levin (MI) | Shelby |
| Emerson | Lipinski | Shuster |
| English | Lloyd | Sikorski |
| Erdreich | Loeffler | Sisisky |
| Evans (IL) | Lott | Skeen |
| Fascell | Lundine | Skelton |
| Fazio | Manton | Slaughter |
| Feighan | Markey | Smith (FL) |
| Fish | Martin (NY) | Smith (NJ) |
| Flippo | Martinez | Smith, Denny (OR) |
| Florio | Mavroules | Smith, Robert (NH) |
| Foglietta | McCloskey | Snowe |
| Ford (MI) | McCurdy | Solomon |
| Ford (TN) | McDade | Spence |
| Fowler | McGrath | Spratt |
| Frank | McKernan | St Germain |
| Franklin | McKinney | Staggers |
| Frost | McMillan | Stenholm |
| Fuqua | Mikulski | Stokes |
| Garcia | Miller (OH) | Stratton |
| Gaydos | Mitchell | Studds |
| Gejdenson | Moakley | Sundquist |
| Gephardt | Molinari | Sweeney |
| Gilman | Mollohan | Swindall |
| Gingrich | Montgomery | Synar |
| Gonzalez | Moody | Tallon |
| Goodling | Morrison (CT) | Tauzin |
| Gordon | Mrazek | Taylor |
| Gray (IL) | Murphy | Thomas (CA) |
| Gray (PA) | Murtha | Thomas (GA) |
| Gregg | Natcher | Torres |
| Guarini | Neal | Torricelli |
| Gunderson | Nichols | Towns |
| Hall (OH) | Nowak | Traficant |
| Hall, Ralph | O'Neill | Traxler |
| Hammerschmidt | Oakar | Udall |
| Hartnett | Oberstar | Valentine |
| Hatcher | Obey | Vento |
| Hawkins | Olin | Visclosky |
| Hayes | Ortiz | Volkmer |
| Hefner | Owens | Waldon |
| Hendon | Parris | Walgren |
| Henry | Pashayan | Watkins |
| Hertel | Perkins | Weaver |
| Hillis | Price | Weiss |
| Hopkins | Quillen | Wheat |
| Horton | Rahall | Whitley |
| Howard | Rangel | Whitten |
| Hoyer | Ray | Williams |
| Hubbard | Regula | Wilson |
| Huckaby | Reid | Wise |
| Hughes | Richardson | Wolpe |
| Hunter | Ridge | Wright |
| Hutto | Rinaldo | Yates |
| Jacobs | Ritter | Yatron |
| Jeffords | Robinson | Young (MO) |
| Jenkins | Rodino | |
| Jones (NC) | Roe | |
| Jones (OK) | Roemer | |

NAYS—149

| | | |
|---|---|---|
| Akaka | Chappie | Fiedler |
| Anderson | Cheney | Fields |
| Archer | Coats | Frenzel |
| Armey | Courter | Gallo |
| AuCoin | Craig | Gekas |
| Badham | Crane | Gibbons |
| Bartlett | Dannemeyer | Glickman |
| Barton | Daschle | Gradison |
| Bateman | Daub | Green |
| Bellenson | DeLay | Hamilton |
| Bennett | DeWine | Hansen |
| Bereuter | Dicks | Hiler |
| Berman | Dorgan (ND) | Holt |
| Bonker | Dornan (CA) | Hyde |
| Boulter | Downey | Ireland |
| Broomfield | Dreier | Johnson |
| Brown (CO) | Eckert (NY) | Kasich |
| Burton (IN) | Edwards (OK) | Kemp |
| Carney | Evans (IA) | Kleczka |
| Chandler | Fawell | Kolbe |
| Kramer | Michel | Shumway |
| LaFalce | Miller (CA) | Slattery |
| Lagomarsino | Miller (WA) | Smith (IA) |
| Latta | Mineta | Smith (NE) |
| Leach (IA) | Monson | Smith, Robert (OR) |
| Lent | Moorhead | Snyder |
| Levine (CA) | Morrison (WA) | Solarz |
| Lewis (CA) | Myers | Stallings |
| Lewis (FL) | Nelson | Stangeland |
| Lightfoot | Nielson | Stark |
| Livingston | Oxley | Strang |
| Lowery (CA) | Packard | Stump |
| Lowry (WA) | Panetta | Swift |
| Lujan | Pease | Tauke |
| Luken | Penny | Vander Jagt |
| Lungren | Petri | Vucanovich |
| Mack | Pickle | Walker |
| MacKay | Porter | Waxman |
| Madigan | Pursell | Weber |
| Marlenee | Roberts | Whitehurst |
| Martin (IL) | Rostenkowski | Whittaker |
| Matsui | Roth | Wirth |
| Mazzoli | Rowland (CT) | Wolf |
| McCain | Rudd | Wortley |
| McCandless | Saxton | Wyden |
| McCollum | Schaefer | Wylie |
| McEwen | Schumer | Yates |
| McHugh | Seiberling | Young (AK) |
| Meyers | Sensenbrenner | Young (FL) |
| Mica | Shaw | Zschau |

ANSWERED "PRESENT"—2

| | |
|---|---|
| Bedell | Foley |

NOT VOTING—5

| | | |
|---|---|---|
| Grotberg | Moore | Siljander |
| Long | Pepper | |

□ 1355

The Clerk announced the following pairs:

On this vote:

Mr. Pepper and Mrs. Long for, with Mr. Foley against.

Mr. FOLEY. Mr. Speaker, I have a live pair with the gentleman from Florida [Mr. PEPPER]. If he were present, he would have voted "yea." I voted "nay." I withdraw my vote and vote "present."

Mr. BEDELL changed his vote from "nay" to "present."

So, two-thirds not having voted in favor thereof, the veto of the President was sustained and the bill was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. BROWN of California). The Clerk will notify the Senate of the action of the House.

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□ 1405

## TREASURY, POSTAL SERVICE AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1987

Mr. ROYBAL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 5294), making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1987, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from California [Mr. ROYBAL].

The motion was agreed to.

□ 1407

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 5294, with Mr. BEILENSON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Friday, August 1, 1986, the bill was open to amendment at any point, and there were 2 hours of debate remaining on the bill and all amendments thereto.

Are there any further amendments to the bill?

AMENDMENT OFFERED BY MR. JACOBS

Mr. JACOBS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JACOBS: Page 32, line 11, strike out "$1,234,000" and insert in lieu thereof "$278,600".

Mr. JACOBS. Mr. Chairman, this amendment strikes out the slush fund for the former Presidents in the amount of nearly $1 million. The venerable chairman of the Committee on Appropriations last week stated that the purpose of this bill was not to spend the taxpayers' money as the sole object, but only to spend the taxpayers' money in a manner in which it will serve the taxpayers, serve the people of this country.

In the case of the former Presidents, the expenditure of this $1 million is exactly the reverse. It is the requirement that the people of this country, the taxpayers of this country, serve the former Presidents.

A former President of the United States now draws from the taxpayers of this country $86,000 a year pension. That is a higher income for not working than 97 percent of their fellow citizens who are working and paying the taxes to pay for it.

I believe that most Americans think that that is a genteel sufficiency; but on top of that, each of these former Presidents receives from the taxpayers a sum of nearly one-third of a million dollars, to pay for secretaries, to pay for office rent and the like.

I think the burning question that this committee ought to answer is: How long after a President leaves office should he still be provided an office by the taxpayers of this country?

A former President, simply because he or she is a former President, commands a speaker's fee on the magnitude of $25,000 a speech. With all due respect, calling the roll of our living former Presidents, I do not know which one can make a $25,000 speech. That is something bestowed upon those people simply because they have been given the honor of serving as President of the United States.

Now, Mr. Chairman, we are headed for troubled times. We have had a lovely time the past few years, with tax cuts and ever-greater expenditures by the Federal Government, but the day of reckoning is at hand.

Some people might say, "Well, a million dollars out of a trillion dollar budget, what does it amount to?" I will say that it amounts to a horrible example to the rest of the people in the Federal apparatus, in particular, and to all American citizens in general.

If the people at the top can get unnecessary spending for themselves, then the story goes all the way down the line, "Why shouldn't I take this Government car home? Why shouldn't I burn a little bit of Government gas? Why shouldn't I use some postage that really belongs to the taxpayers for my private business?"

It is a bad example to set, and I hope the committee will respond to what pole after pole says the overwhelming majority of the American people want. They want a good example from our former Presidents to live up to our former President's speeches.

In the words of mark Twain: "To do good is noble. To advise others to do good is also noble, and much less trouble."

Mr. CONTE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I rise in opposition to the amendment.

I want to emphasize to my colleagues that the appropriation for this account is the same as the amount requested in the President's budget.

The committee did not increase funding for this small program. We're just maintaining the status quo.

I think that it's important to closely examine the legislative history of the "Allowances and staff for former Presidents" before the House decides to make significant reductions in this account.

Let's face it. Unlike most accounts, the constituency for this program is very small. Today, it primarily consists of three men.

In 1958, when the allowance for pensions and office staff was first authorized, there were only two former Presidents.

In fact, when the Post Office and Civil Service Committee held hearings on the legislation 26 years ago, no organization or private individual testified.

However, there was, at the time, a bipartisan effort by the leadership of the House.

Speaker Rayburn, Majority Leader John McCormack and Minority Leader Joe Martin endorsed the program before the committee and on the floor.

They recognized the importance of meeting the demands placed on former Presidents by the American people.

Former Speaker John McCormack testified before the House committee and supported the legislation creating this program.

He said at the time: "The interest of the American people in the President does not cease when his term of office has ended.

"The public demands speeches, conferences, advice, correspondence, and otherwise, after his service as President is over, continues."

Further, as former heads of State, their services continue to be solicited, and they remain a valuable national resource during a time of crisis or great need.

Speaker McCormack recognized that public demands on our former Presidents must be with public support.

At that time, President Truman was receiving 400 letters a day and over 300 invitations a month. To answer these requests, he spent thousands of dollars of his own resources, his pension as a U.S. Senator.

Likewise former President Hoover served this country long after he was President. His most valuable work was as head of the Hoover Commission, a panel charged with reorganizing the executive branch.

Two unmet needs motivated the creation of this program and today justify its continued existence.

First, many people in this country continue to place demands on our Presidents after their term has expired.

They receive thousands of letters and invitations, make hundreds of public appearances for charities and occasionally perform official duties.

Another justification for this allowance can be found in the way our former Presidents were treated as compared to other public servants.

Before this allowance was authorized, former Presidents were the only major office holders or public servants not receiving a pension and other benefits from the Government.

At the same time, Supreme Court Justices could retire at full salary, at any time, no matter how long they served. An even better comparison was our treatment of five-star generals.

These retired military leaders, technically on active duty, not only received full salaries for a pension, but they were allowed a full military staff, a chauffeur, and a secretary.

The question at the time was rightfully asked: Should the Commander in Chief of our Armed Forces be treated less than his subordinates?

□ 1415

Mr. JACOBS. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Indiana.

Mr. JACOBS. I thank the gentleman for yielding.

Mr. Chairman, I do not think the Commander in Chief should be treated less well than the others. I think the others should not be treated that well.

Does the gentleman, would he care to say where ex-President Ford is doing his charitable speaking today? Does the gentleman know where former President Ford is doing his charitable speaking on this very day?

Mr. CONTE. No.

Mr. JACOBS. I am glad to inform the gentleman that it is in Texas, where he is campaigning against one of our colleagues, Mr. BRYANT from Texas.

Mr. CONTE. Well, some days he does that, and some days he does some other things.

In this program, we are only doing the same thing for our past Speakers. We are doing it for Speaker Carl Albert and, hopefully, for other Speakers when they retire. We give them an office; we give them a secretary; we give them an expense account for postage, stationery, and other expenses.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. CONTE] has expired.

(By unanimous consent, Mr. CONTE was allowed to proceed for 3 additional minutes.)

Mr. CONTE. The whole program is $1 million for the three Presidents. I was talking with the Secret Service Director, Mr. Simpson. He told me at the subcommittee this year that $28.6 million was spent to protect Presidential candidates during the 1984 campaign.

Mr. JACOBS. Mr. Chairman, will the gentleman yield further?

Mr. CONTE. Sure, I yield to the gentleman from Indiana.

Mr. JACOBS. Historians tells us that no former President of the United States in the entire history of the Republic has ever been the subject of a physical attack with the exception of one, and that was Teddy Roosevelt, but he was a candidate for President at the time. The truth is, I think, that when you are on the stage in politics you do attract nuts. When you have passed beyond that, history tells us that they are more interested in your predecessor and far more interested in terms of violence.

Mr. CONTE. Well, I'm sure that the gentleman wants to protect our former Presidents, especially during this time when international terrorism is a serious threat to our country. Times have changed since the days of Teddy Roosevelt. I hope that we will defeat this measure.

I would also point out that former President Nixon has assumed the cost of his personal protection.

Mr. JACOBS. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Indiana.

Mr. JACOBS. I thank the gentleman for yielding.

Former President Nixon is a well-known student of history. I am sure he understands the safety of his present status according to history.

Mr. CONTE. Well, let me tell you this. I have met him on the road a couple of times, and he has hired his own people to protect him. Maybe the gentleman from Indiana and I can work together in the authorizing process, and cuts may be in order after careful scrutiny. I would be glad to work with him. I have contacted President Ford about this issue, and he is very receptive. In fact, the former Presidents have already made substantial reductions. I think he would be glad to sit down with both of us.

Mr. Chairman, this program addressed many of these needs, but our priorities still seem mixed up today, especially when there is a move to abolish this allowance. It's amazing that we are willing to spend millions of dollars on anyone who wants to be President, yet some are hesitant to spend just over $1 million on former Presidents who have served this country with distinction. In addition, millions of dollars in matching Federal campaign expenses are given to the candidates each election season.

I hope, with so much spent on people who would be President, that we can provide the proper support for our former Presidents.

In closing, let me suggest that the author of the amendment should address this issue in the appropriate legislative committee, not in the appropriations process. Such a change in policy should only come after extensive hearings, close committee scrutiny, and deliberative floor consideration.

Legislation has been introduced to address this issue, and the authorizing committee should act to change the law if there is a problem.

I'm willing to take a close look at this program in the proper context and setting. If there is waste and abuse, it should be stopped. If there's excessive spending, it must be curtailed.

However, the reality is that this recommendation is just slightly above the same amount appropriated last year.

In fact, the former Presidents have made significant reductions in costs for office space, equipment, and staff.

Former President Nixon, for example, has assumed the cost of his protection and many other expenses associated with maintaining his office.

For 27 years, there has been a Federal commitment to former Presidents of the United States. If changes are required, let's do it right and not disable the program.

I urge Members to maintain this commitment and vote against the amendment.

AMENDMENT OFFERED BY MR. SKEEN AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. JACOBS

Mr. SKEEN. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. SKEEN as a substitute for the amendment offered by Mr. JACOBS: On page 32, line 11, strike "$1,234,000" and insert "$1,176,000".

Mr. SKEEN. I thank the chairman.

Mr. Chairman, I have every sympathy in the world for what the gentleman from Indiana is trying to do, but I think a more equitable approach is adoption of my substitute which cuts 5 percent from the budget request for the "allowances of staff" for former Presidents.

A couple of months ago, but after the President's budget was submitted, former Presidents through the GSA presented a revised fiscal year 1987 budget request to the subcommittee. This initiative by the former Presidents, led by President Nixon, sought to control costs and minimize their requirements for fiscal year 1987. Travel was cut, office space was reduced, telephone and other expenses were kept at a minimum.

As reflected in this amendment, this new budget request provides resources for a leaner and more cost-conscious program. We are not talking about a large appropriation. If my amendment is adopted, the funding level of allowances for staff of former Presidents will be set at $1,176,000, basically the fiscal year 1985 level. The committee and former Presidents are working to implement a budget that reflects and implements our goal to control spending. This amendment makes a sizable cut, as I mentioned earlier 5 percent, from the budget request, but it still maintains the integrity of the program, which I think is one essential that we ought to consider when we are dealing with this particular issue.

Mr. Chairman, I urge my colleagues to support this substitute and to reject the Jacobs amendment.

Mr. WISE. Mr. Chairman, I move to strike the last word, and I rise in opposition to the substitute.

Mr. Chairman, I think the issue is quite clear as to whether or not you support ex-Presidents having staffs of the nature that they do. I think it is worthwile to point out, for instance, that this year Federal retirees and black lung recipients had their cost-of-living adjustments frozen. All Federal expenses including those of Members of Congress were cut 4.3 percent. Everybody in this country in some ways has given up something except apparently one group, and that is ex-Presidents. What the Jacobs amendment proposes is simply removing their office expenses, not the Secret Service protection and not their pensions in

any way. I do not really think this is too harsh when you recognize that each one of the ex-Presidents, if you look at them, is doing quite well from the fruits of their retirement. Speeches go for a minimum of $10,000 a night, book rights are in the millions.

Now, every ex-President that I remember when he was President strongly believed in two things, at least they said they did: fiscal conservatism and free enterprise. Well, at times fiscal conservatism demands some fiscal restraint. Free enterprise demands that Federal taxpayers not pay for private gain.

I have to ask what happened to the spirit of Cincinnatus, the Roman counsel who returned to his plow and his fields following his tenure in office. And I might add that, when he returned to his plow and his fields, he did not ask for a taxpayer-paid plant-watering system which one of our ex-Presidents has.

Rome summoned him again in a moment of crisis, and he responded. History records that he did not ask for an honorarium or even a per diem.

How much of an ex-President's obligations came because he was President or because he generated that correspondence, that demand for his attention out of private life? Do our ex-Presidents have recognition today because of their ex-Presidency or because they sold a book? So that which is attributed to their private life, it seems to me, should be paid from their private life.

If an ex-President needs secretarial help, is there anything wrong with using the resources of the closest Federal building? Are there Federal secretaries that can be used? It seems to me everyone needs to share in the spirit of Gramm-Rudman. While the substitute which is offered would have that 5-percent cut, I do not think it gets at the core of the problem.

So the message that goes to taxpayers is clear; some people get a better retirement than others.

Well, unfortunately people have been asked to sacrifice a lot in their retirement in the past few years. Indeed, if the administration's promises for the future hold anything, they are going to be asked to sacrifice even more. So I would think that ex-Presidents would want to share in that also. So I would urge rejection of the substitute and adoption of the Jacobs amendment.

Mr. ROYBAL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this is a subject matter that has been debated every year when this appropriation is before the House. We get all kinds of advice. We are told that there are certain things that are wrong and that certain things should be changed. But every year we recommend that a study be made with regard to this appropriation. Should we, for example, include in that study moneys that are made available to judges, some of whom get full pay after retirement, for certain high-ranking military officers who continue to get full pay, and to include in that study all Federal employees, including those who served as Presidents of the United States.

So far, no one has presented to this Committee or to this House any study. There has been no recommendation that has been made. And the only recommendation is usually that we cut across the board. In this particular instance a tremendous reduction is being made where $955,000 is being deleted from a program that has long been established by the Congress of the United States.

It is true that the pension side of it is the only thing that would remain. But nothing is made available for these former Presidents to continue answering the correspondence and other duties that go to their offices.

I firmly believe that one does not cease to be a public servant even after leaving the Presidency; that there are many throughout the country who still consult with that former President, as well as members of both parties.

I think that this small staff is in part to honor the Office of the Presidency, not to honor the individual. I think it reflects positively on the United States of America and the democratic institutions which are such an essential part of our country.

I think we should give these former leaders a small staff to assist them in their former duties as Presidents, and I do not think they are receiving an excessive amount of dollars.

On the other hand, the studies that have been requested to be made every year have not been made. We do know that if this appropriation is adopted in its original form, it is one that will definitely eliminate the entire support of our former Presidents.

On the other hand, the gentleman from New Mexico [Mr. SKEEN] has proposed a substitute amendment that I think makes more sense. It provides a reasonable level of funding for former Presidents. If in the future we are going to do anything more with regard to this particular appropriation, I think we should continue in our efforts to conduct a study in a reasonable manner and then bring to this House whatever findings are made available. The changes should come in the form of legislation—not on an appropriation bill.

□ 1430

Mr. Chairman, I hope that the substitute amendment does in fact prevail. I think it makes sense and it is more reasonable. Then if anyone would like to continue this idea of a study, let the authorizing committee do it. I think that this is the proper way to proceed in this instance.

Mr. JACOBS. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the substitute amendment.

Mr. Chairman, I think the substitute should be put in some perspective. Whether it is a substitute or a motion to table, in essence, it is a kamikaze to shoot down the amendment, obviously. The amendment would delete the slush funds for the former Presidents; the substitute would essentially keep them intact less fifty-some thousand dollars, as I understand it.

It is interesting to note that when the administration proposed this part of the appropriation, it also proposed that charitable institutions be denied their reduced postage privileges, the March of Dimes and the Easter Seals, and so on, that that be cut out altogether and, at the same time, actually asked for an increase in the amount for the slush fund for former President for this year over last year.

Last year and this year again, we have heard almost nothing except all this crushing burden of mail that these former Presidents have to answer. They say even a blind hog will pick up an acorn sooner or later. So I had some friends write to our former Presidents during the past year. We sent 20 different letters from 20 different people to the former Presidents, and of the 20 letter sent, 2 responses were received, nothing for the other 18.

I hope the gentleman from Massachusetts does not suggest that we triple the allowance so they can actually answer their mail.

One of those nonresponses that a friend of mine received I would like to read into the RECORD.

"Dear Ms. Neff: Thank you on behalf of President Ford for your kind letter." That may have been a slight misinterpretation. "Unfortunately, due to an extensive travel schedule," I would expect that would include Texas, "the President is unable to answer personally. President Ford is very grateful that you took the time to write"—of course, he did not have the time to write back—"and deeply regrets that the large amount of correspondence he receives and the nature of his schedule precludes the time necessary to provide the thoughtful and substantive response your letter requires. Your interest is very much appreciated and the President sends his best wishes for success in your endeavor."

In other words, so far as an answer to her letter was concerned, lots of luck; and if she is a taxpayer, and she is, lots of luck again.

That same former President pulled in $1,700,000 of income in 1984. My

question to the committee is a question which I think the American taxpayers would appreciate hearing an exact answer to, and that is: If you come to the Government with not much income, left the Government and were able to command a private income—well, partly private and partly at the taxpayers' expense. President Ford does not just collect a Presidential pension, he collects a congressional pension on top of that—if you can get all that income in one year, $1,700,000, should you not be able to be able to pay your own secretary, or at least pay your own paperboy? These funds even go for subscriptions to publications.

So I ask that the motion to table or substitute or whatever you want to call it be recognized for what it is. It is a hound dog missile to shoot down the purpose of the taxpayers of this country.

Set a good example. When we get into the difficult waters ahead when cutting of Federal budgets is going to be very, very painful, at least let these fellows at the very tiptop with enormous incomes give up the freebies and emoluments that the American public has been forced to provide for them over the past several years. That is not asking a whole lot.

Mr. CONTE. Mr. Chairman, I rise in support of the substitute amendment offered by my good friend from New Mexico, JOE SKEEN.

This amendment is the result of belt tightening and cost cutting by the former Presidents—an initiative lead by President Nixon.

Under the level proposed by the gentleman from New Mexico, significant reductions will be made in many official expenses of the former Presidents. For example, President Nixon cut his official travel budget in half and former President Carter reduced his official expenses by 90 percent. Official telephone costs were also cutback significantly—in one case by 21 percent and in another case by 44 percent.

In fact, the appropriation set by this amendment is basically the same amount enacted in fiscal year 1985. It's not a big program, just $1.2 million for fiscal year 1987.

Mr. Chairman, each year, the House is subjected to this amendment on the Treasury bill. We hear the deep concerns, the outrages, and the cheap shots, but after all the televised floor activity is over, there's little movement by the critics of this appropriation to change the law authorizing this expense. My good friend from Indiana, in his letter to the House, claims that "the overwhelming majority of the American public wants the slush fund cut out." If that's the case, the gentleman should have great support for a bill changing the law authorizing this appropriation. Any radical change in policy should only come after extensive hearings, close committee scrunity and deliberative floor consideration. If changes are required, let's do it right and not just wipe out the program.

I urge the House to adopt the Skeen substitute and reject the Jacobs amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Mexico [Mr. SKEEN] as a substitute for the amendment offered by the gentleman from Indiana [Mr. JACOBS.]

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. JACOBS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 356, noes 61, not voting 14, as follows:

[Roll No. 291]

AYES—356

| | | |
|---|---|---|
| Akaka | DeWine | Hopkins |
| Alexander | Dickinson | Howard |
| Anderson | Dicks | Hoyer |
| Andrews | Dingell | Hubbard |
| Annunzio | DioGuardi | Hughes |
| Anthony | Dixon | Hunter |
| Applegate | Donnelly | Hutto |
| Archer | Dornan (CA) | Hyde |
| Armey | Dowdy | Ireland |
| AuCoin | Downey | Jeffords |
| Barnard | Dreier | Jenkins |
| Barnes | Duncan | Johnson |
| Bartlett | Dwyer | Jones (NC) |
| Barton | Dymally | Jones (OK) |
| Bateman | Early | Jones (TN) |
| Bates | Eckart (OH) | Kanjorski |
| Bedell | Eckert (NY) | Kaptur |
| Beilenson | Edgar | Kasich |
| Bentley | Edwards (CA) | Kastenmeier |
| Bereuter | Edwards (OK) | Kemp |
| Berman | Emerson | Kildee |
| Bevill | English | Kindness |
| Biaggi | Erdreich | Kolbe |
| Bilirakis | Evans (IA) | Kostmayer |
| Bliley | Fascell | Kramer |
| Boehlert | Fawell | LaFalce |
| Boggs | Fazio | Lagomarsino |
| Boland | Feighan | Lantos |
| Bonior (MI) | Fiedler | Latta |
| Bonker | Fields | Leach (IA) |
| Borski | Fish | Leath (TX) |
| Bosco | Flippo | Lehman (CA) |
| Boucher | Florio | Lehman (FL) |
| Boulter | Foglietta | Lent |
| Brooks | Foley | Lewis (CA) |
| Broomfield | Ford (MI) | Lewis (FL) |
| Brown (CA) | Franklin | Lightfoot |
| Bruce | Frenzel | Lipinski |
| Burton (IN) | Frost | Livingston |
| Bustamante | Fuqua | Lloyd |
| Byron | Gallo | Loeffler |
| Callahan | Gaydos | Lott |
| Campbell | Gejdenson | Lowery (CA) |
| Carney | Gekas | Lowry (WA) |
| Carr | Gephardt | Lujan |
| Chandler | Gibbons | Luken |
| Chapman | Gilman | Lundine |
| Chappell | Gingrich | Lungren |
| Chappie | Gonzalez | Mack |
| Cheney | Goodling | MacKay |
| Clay | Gordon | Madigan |
| Clinger | Gradison | Manton |
| Coats | Gray (PA) | Markey |
| Cobey | Green | Marlenee |
| Coleman (MO) | Gregg | Martin (IL) |
| Coleman (TX) | Guarini | Martin (NY) |
| Collins | Gunderson | Martinez |
| Combest | Hall (OH) | Matsui |
| Conte | Hall, Ralph | Mavroules |
| Cooper | Hammerschmidt | Mazzoli |
| Coughlin | Hansen | McCain |
| Courter | Hartnett | McCandless |
| Craig | Hatcher | McCollum |
| Crane | Hawkins | McCurdy |
| Daniel | Hefner | McDade |
| Darden | Hendon | McEwen |
| Daub | Henry | McHugh |
| Davis | Hertel | McKernan |
| de la Garza | Hiler | McKinney |
| DeLay | Hillis | McMillan |
| Derrick | Holt | Meyers |
| Mica | Roe | Stenholm |
| Michel | Roemer | Stokes |
| Mikulski | Rogers | Strang |
| Miller (OH) | Rose | Stratton |
| Miller (WA) | Rostenkowski | Studds |
| Mineta | Roth | Stump |
| Moakley | Roukema | Sundquist |
| Molinari | Rowland (CT) | Swift |
| Mollohan | Rowland (GA) | Swindall |
| Montgomery | Roybal | Synar |
| Moorhead | Rudd | Tallon |
| Morrison (WA) | Russo | Tauke |
| Mrazek | Sabo | Tauzin |
| Murtha | Savage | Taylor |
| Myers | Saxton | Thomas (CA) |
| Natcher | Schaefer | Thomas (GA) |
| Neal | Schneider | Torres |
| Nelson | Schroeder | Torricelli |
| Nichols | Schuette | Traficant |
| Nielson | Schumer | Traxler |
| Nowak | Seiberling | Valentine |
| Oakar | Sensenbrenner | Vander Jagt |
| Oberstar | Shaw | Vento |
| Obey | Shelby | Volkmer |
| Olin | Shumway | Vucanovich |
| Ortiz | Shuster | Waldon |
| Oxley | Sisisky | Walker |
| Packard | Skeen | Watkins |
| Panetta | Skelton | Weber |
| Parris | Slaughter | Weiss |
| Pashayan | Smith (FL) | Wheat |
| Penny | Smith (IA) | Whitehurst |
| Perkins | Smith (NE) | Whitley |
| Petri | Smith (NJ) | Whittaker |
| Pickle | Smith, Denny (OR) | Whitten |
| Porter | Smith, Robert (NH) | Wilson |
| Pursell | Smith, Robert (OR) | Wirth |
| Quillen | Snowe | Wolf |
| Rahall | Snyder | Wortley |
| Ray | Solarz | Wright |
| Regula | Solomon | Wyden |
| Reid | Spence | Wylie |
| Richardson | Spratt | Yates |
| Ridge | St Germain | Yatron |
| Rinaldo | Stallings | Young (AK) |
| Ritter | Stangeland | Young (FL) |
| Roberts | | Young (MO) |
| Robinson | | Zschau |
| Rodino | | |

NOES—61

| | | |
|---|---|---|
| Ackerman | Evans (IL) | Pease |
| Aspin | Frank | Price |
| Atkins | Garcia | Rangel |
| Badham | Glickman | Scheuer |
| Bennett | Gray (IL) | Schulze |
| Boner (TN) | Hamilton | Sharp |
| Boxer | Hayes | Sikorski |
| Brown (CO) | Jacobs | Slattery |
| Bryant | Kennelly | Staggers |
| Burton (CA) | Kleczka | Stark |
| Carper | Leland | Towns |
| Coble | Levin (MI) | Udall |
| Coelho | Levine (CA) | Visclosky |
| Conyers | McCloskey | Walgren |
| Coyne | Miller (CA) | Waxman |
| Crockett | Mitchell | Weaver |
| Dannemeyer | Monson | Williams |
| Daschle | Moody | Wise |
| Dorgan (ND) | Morrison (CT) | Wolpe |
| Durbin | Murphy | |
| Dyson | Owens | |

NOT VOTING—14

| | | |
|---|---|---|
| Breaux | Horton | Moore |
| Dellums | Huckaby | Pepper |
| Ford (TN) | Kolter | Siljander |
| Fowler | Long | Sweeney |
| Grotberg | McGrath | |

□ 1450

Messrs. TOWNS, ACKERMAN, VISCLOSKY, GARCIA, LEVIN of Michigan, and WALGREN changed their votes from "aye" to "no."

Messrs. GONZALEZ, VOLKMER, and BEVILL changed their votes from "no" to "aye."

So the amendment offered as a substitute for the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. JACOBS], as amended.

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. FRANK. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 405, noes 1, not voting 25, as follows:

[Roll No. 292]

AYES—405

| | | |
|---|---|---|
| Ackerman | Cooper | Gordon |
| Akaka | Coughlin | Gradison |
| Alexander | Courter | Gray (IL) |
| Anderson | Coyne | Gray (PA) |
| Andrews | Craig | Green |
| Annunzio | Crane | Gregg |
| Anthony | Crockett | Guarini |
| Applegate | Daniel | Gunderson |
| Archer | Dannemeyer | Hall (OH) |
| Armey | Darden | Hall, Ralph |
| Aspin | Daschle | Hamilton |
| Atkins | Daub | Hammerschmidt |
| AuCoin | Davis | Hansen |
| Badham | de la Garza | Hartnett |
| Barnard | DeLay | Hatcher |
| Barnes | Dellums | Hawkins |
| Bartlett | Derrick | Hayes |
| Barton | DeWine | Hefner |
| Bateman | Dickinson | Hendon |
| Bates | Dicks | Henry |
| Bedell | Dingell | Hertel |
| Beilenson | DioGuardi | Hiler |
| Bennett | Dixon | Hillis |
| Bentley | Donnelly | Holt |
| Bereuter | Dorgan (ND) | Hopkins |
| Berman | Dornan (CA) | Horton |
| Bevill | Dowdy | Howard |
| Bilirakis | Downey | Hoyer |
| Bliley | Dreier | Hubbard |
| Boehlert | Duncan | Hughes |
| Boggs | Durbin | Hunter |
| Boland | Dwyer | Hutto |
| Boner (TN) | Dymally | Hyde |
| Bonior (MI) | Dyson | Ireland |
| Bonker | Early | Jacobs |
| Borski | Eckert (NY) | Jeffords |
| Bosco | Edgar | Jenkins |
| Boucher | Edwards (CA) | Johnson |
| Boulter | Edwards (OK) | Jones (NC) |
| Boxer | Emerson | Jones (OK) |
| Brooks | English | Jones (TN) |
| Broomfield | Erdreich | Kanjorski |
| Brown (CA) | Evans (IA) | Kaptur |
| Brown (CO) | Evans (IL) | Kastenmeier |
| Bruce | Fascell | Kemp |
| Bryant | Fawell | Kennelly |
| Burton (CA) | Fazio | Kildee |
| Burton (IN) | Feighan | Kindness |
| Bustamante | Fiedler | Kleczka |
| Byron | Fields | Kolbe |
| Callahan | Fish | Kolter |
| Campbell | Flippo | Kostmayer |
| Carney | Florio | Kramer |
| Carper | Foglietta | LaFalce |
| Carr | Foley | Lagomarsino |
| Chandler | Ford (MI) | Lantos |
| Chapman | Frank | Latta |
| Chappell | Franklin | Leach (IA) |
| Chappie | Frost | Leath (TX) |
| Cheney | Fuqua | Lehman (CA) |
| Clay | Gallo | Lehman (FL) |
| Clinger | Garcia | Leland |
| Coats | Gejdenson | Lent |
| Cobey | Gekas | Levin (MI) |
| Coble | Gephardt | Levine (CA) |
| Coelho | Gibbons | Lewis (CA) |
| Coleman (TX) | Gilman | Lewis (FL) |
| Collins | Gingrich | Lightfoot |
| Combest | Glickman | Lipinski |
| Conte | Gonzalez | Livingston |
| Conyers | Goodling | Lloyd |
| Loeffler | Panetta | Smith, Robert (OR) |
| Lott | Parris | Snowe |
| Lowery (CA) | Pashayan | Snyder |
| Lowry (WA) | Pease | Solomon |
| Lujan | Penny | Spence |
| Luken | Perkins | Spratt |
| Lundine | Petri | St Germain |
| Lungren | Pickle | Staggers |
| Mack | Porter | Stallings |
| MacKay | Price | Stangeland |
| Manton | Pursell | Stark |
| Marlenee | Rahall | Stenholm |
| Martin (IL) | Rangel | Strang |
| Martin (NY) | Ray | Stratton |
| Martinez | Regula | Studds |
| Matsui | Reid | Stump |
| Mavroules | Richardson | Sundquist |
| Mazzoli | Ridge | Swift |
| McCain | Rinaldo | Swindall |
| McCandless | Ritter | Synar |
| McCloskey | Roberts | Tallon |
| McCollum | Robinson | Tauke |
| McCurdy | Rodino | Tauzin |
| McDade | Roe | Taylor |
| McEwen | Roemer | Thomas (CA) |
| McGrath | Rogers | Thomas (GA) |
| McHugh | Rose | Torricelli |
| McKernan | Rostenkowski | Towns |
| McKinney | Roth | Traficant |
| McMillan | Roukema | Traxler |
| Meyers | Rowland (CT) | Udall |
| Mica | Rowland (GA) | Valentine |
| Michel | Roybal | Vento |
| Mikulski | Rudd | Visclosky |
| Miller (CA) | Russo | Volkmer |
| Miller (OH) | Sabo | Vucanovich |
| Miller (WA) | Savage | Waldon |
| Mineta | Saxton | Walgren |
| Mitchell | Schaefer | Walker |
| Moakley | Scheuer | Watkins |
| Molinari | Schroeder | Waxman |
| Mollohan | Schuette | Weaver |
| Monson | Schulze | Weber |
| Montgomery | Schumer | Weiss |
| Moody | Seiberling | Wheat |
| Moorhead | Sensenbrenner | Whitehurst |
| Morrison (CT) | Sharp | Whitley |
| Morrison (WA) | Shaw | Whittaker |
| Mrazek | Shelby | Whitten |
| Murphy | Shumway | Wilson |
| Murtha | Shuster | Wirth |
| Myers | Sikorski | Wise |
| Natcher | Sisisky | Wolf |
| Neal | Skeen | Wolpe |
| Nelson | Skelton | Wortley |
| Nielson | Slattery | Wright |
| Nowak | Slaughter | Wyden |
| Oakar | Smith (FL) | Wylie |
| Oberstar | Smith (IA) | Yates |
| Obey | Smith (NE) | Yatron |
| Olin | Smith (NJ) | Young (AK) |
| Ortiz | Smith, Denny (OR) | Young (FL) |
| Owens | Smith, Robert (NH) | Young (MO) |
| Oxley | | Zschau |
| Packard | | |

NOES—1

Quillen

NOT VOTING—25

| | | |
|---|---|---|
| Biaggi | Huckaby | Siljander |
| Breaux | Kasich | Solarz |
| Coleman (MO) | Long | Stokes |
| Eckart (OH) | Madigan | Sweeney |
| Ford (TN) | Markey | Torres |
| Fowler | Moore | Vander Jagt |
| Frenzel | Nichols | Williams |
| Gaydos | Pepper | |
| Grotberg | Schneider | |

□ 1500

Mr. COYNE changed his vote from "no" to "aye."

So the amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

□ 1515

AMENDMENT OFFERED BY MR. CONTE

Mr. CONTE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CONTE: On page 46, strike lines 3 through 13, and insert in lieu thereof:

SEC. 521. Effective January 15, 1987, none of the funds made available by this Act or any other Act with respect to fiscal year 1987 and any other fiscal year may be used to store, to maintain or to protect more than 127,911,736 troy ounces of silver deposited in the National Defense Stockpile. The Administrator of General Services, or any federal officer assuming the Administrator's responsibilities with respect to management of the stockpile, shall use all proceeds generated from the disposal of silver to purchase, no later than October 1, 1988, stockpile materials to meet National Defense Stockpile goals in effect on October 1, 1984.

SEC. 521. No later than October 1, 1988, the Administrator of General Services, or any federal officer assuming the Administrator's responsiblities with repsect to management of the stockpile, shall use all funds authorized and appropriated before January 1, 1985 from the National Defense Stockpile Transaction Fund to evaluate, test, relocate, upgrade or purchase stockpile materials to meet National Defense Stockpile goals in effect on October 1, 1984.

Mr. CONTE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. CONTE. Mr. Chairman, I have cleared this amendment with the gentleman from California [Mr. ROYBAL] and the gentleman from Florida [Mr. BENNETT] from the Armed Services Committee. We have compromised on the amendment, and we all agree to it.

Mr. Chairman, this amendment is designed to address the concerns raised by the distinguished gentleman from Florida, Congressman BENNETT, regarding sections 521 and 522 of the bill. These provisions deal with the disposal of silver from the national defense stockpile. I believe that the changes are acceptable to both sides and to Mr. BENNETT.

The first part of the amendment modifies section 521 to ensure that any proceeds from the sale of silver are used to purchase materials required to meet the current stockpile goals. As recommended by the committee, section 521 of the bill prohibits the use of any funds, after January 15, 1985, to store, maintain or protect more than 122.9 troy ounces of sliver deposited in the national defense stockpile. In effect, GSA is left with only one option. The remaining 10 million ounces must be sold before January 15. The committee was concerned that millions of dollars are wasted each year to store unneeded materials, including sliver. Moreover, the proceeds from the sale of some 3.1 billion dollars' worth of unneeded materials, including 156 million ounces of silver, should be used to buy materials currently in short supply and required for national defense needs.

The addition to this section suggested by Mr. BENNETT would direct the administration by law to use the proceeds from the sale of

silver for the purchase of materials required to meet current stockpile goals.

The second part of the amendment strikes section 522 of the bill and inserts a new provision. As recommended by the committee, section 522 prohibits the transfer of any stockpile functions now excercised by GSA to any other agency or Department of the Federal Government. This section was designed to stop any effort to subvert the first provision by transferring the stockpile outside the jurisdiction of the Treasury Subcommittee.

Since section 521 was amended to include "this or any other act," the prohibition would apply to any Federal agency exercising stockpile management functions, and therefore the original prohibition is unnecessary.

The substitute provision directs the GSA or any other agency with stockpile functions to use "all funds authorized and appropriated before January 1, 1985 from the National Defense Stockpile Transaction Fund to evaluate, test, relocate, upgrade or purchase stockpile materials" needed to meet current goals. This provision does not apply to funds authorized or appropriated in fiscal years 1986 and 1987, namely the construction funds appropriated in Public Law 99–190 and the construction funds provided in this bill.

This provision specifically mandates the use of $215.8 million in unexpended obligational authority for stockpile acquisition activities. Over the past few years, the Congress has provided the authority to use receipts deposited in the transaction fund for the purchase of needed materials. However, the administration has failed to use this authority, and as a result, stated stockpile goals remain unmet.

This provision would mandate the use of the remaining obligational authority previously appropriated and authorized for stockpile acquisitions.

Mr. Chairman, the gentleman from Florida has made good suggestions to the committee bill, and I urge my colleagues to support this amendment.

Mr. ROYBAL. Mr. Chairman, I rise in support of the amendment, and I agree with the gentleman from Massachusetts [Mr. CONTE].

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. CONTE].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. MORRISON OF CONNECTICUT

Mr. MORRISON of Connecticut. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MORRISON of Connecticut: At the end of title VI, insert the following new section:

"SEC. 623. Notwithstanding any other provision of this Act, each amount appropriated or otherwise made available by this Act, except for those amounts appropriated or otherwise made available for the United States Customs Service, the Internal Revenue Service, the Bureau of Alcohol, Tobacco and Firearms, the Financial Management Service and the Postal Service, and which is not required to be appropriated or otherwise made available by previously enacted law, is hereby reduced by 9.75 percent."

Mr. MORRISON of Connecticut (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. MORRISON of Connecticut. Mr. Chairman, this amendment is a very moderate amendment, but it continues a process that I think we must follow with respect to the appropriations, and that is to do our best to conform the appropriations to the budget that we have already agreed upon. To do that, unfortunately, we must do more than merely conform these appropriation bills to the budget authority set forth in the budget, because the budget also makes assumptions with respect to outlays, and outlays are what determine the deficit. You cannot set outlays directly; you have to set them by setting budget authority. But if we ignore outlays we can easily find ourselves with a much more significant deficit than we intended in our budget resolution.

This appropriation substantially exceeds the outlay numbers set forth in the budget. Taking the bill as a whole, it exceeds the outlays by $232 million. Dealing just with the discretionary accounts, it is over by $209 million.

It would have been my hope to offer an amendment that would cut that full amount, but I have not done so because to do so would not be prudent. What I have done is propose an across-the-board cut of 9.75 percent, which saves $127 million in outlays. It does so by cutting budget authority by $143 million.

Why have I not gone all the way across the board? Why have I excluded certain accounts?

Well, the fact is that within the Treasury Department a number of the activities that are funded in this bill produce revenue rather than losing it, and to cut such accounts would mean that in fact the deficit would get worse rather than better, because we would lose revenue to counter the losses that we would make by cuts. In fact, losses in revenue would far exceed any savings in outlays.

For that reason, within the Treasury Department I have excluded four of the accounts: the Internal Revenue Service; the Customs Service; the Bureau of Alcohol, Tobacco, and Firearms; and the Financial Management Service. I think that those four accounts are ones in which people could raise substantial objections to any across-the-board cut, and for that reason I have removed them from my amendment.

I also removed the Postal Service revenue-forgone provision, for two reasons. First, that provision is in the nature of a mandatory account. It is not technically mandatory, but the fact is that any cut in that account has to be made up by scientific increases in postal rates charged to charitable organizations and others, and beyond that, already in this account there has been a significant reduction from 1986 to 1987. So to heap another cut on top of this cut that has already occurred and thereby pass on postal rate increases to our citizens really does not make sense.

I think that the rest of this bill can absorb the 9.75-percent cut—not easily, it is not a pleasant chore, it would be nice if we did not have to do it, it would be nice if the Appropriations Committee had found a way to give this particular appropriation a higher 302(b) level, but the Appropriations Committee has set the rules. The Appropriations Committee has decided how much to allocate to this account, and having done so, it has come out with a substantially higher amount of outlays as a result of the policy decisions that are actually allowed in the budget.

For that reason, I think that it is necessary to make this cut. If we do not make these cuts as we go through with respect to the appropriations, we are going to really face a much tougher set of decisions further down the road. It is not a tough decision now as opposed to an easier decision later, it is a small tough decision today, followed, if we do not make it, by an even tougher and deeper decision in September.

For that reason I think that this is an amendment that deserves support.

The amendment today that I am offering, I am offering not only on behalf of myself but also on behalf of Mr. PENNY, Mr. CARPER, and Mr. MACKAY, who will join me today to emphasize the importance of meaning what we say with respect to the budget. The budget is not by any means easy to live within, but it is something we have to do.

(On request of Mr. FRENZEL and by unanimous consent, Mr. MORRISON of Connecticut was allowed to proceed for 2 additional minutes.)

Mr. MORRISON of Connecticut. Conforming to the budget is hard work, it is not easy, but it is something that I think we need to do if we are serious about doing something about the deficit. Many of the problems that we face have to do with problems in shortfalls in revenue, and for that reason I have been sensitive to the revenue provisions with respect to this appropriation. But on the spending side, we cannot let things get worse than they already are.

Mr. FRENZEL. Mr. Chairman, will the gentleman yield?

Mr. MORRISON of Connecticut. I yield to the gentleman from Minnesota.

Mr. FRENZEL. I thank the gentleman for yielding.

Mr. Chairman, the gentleman's cut across the board with four exceptions is what percent?

Mr. MORRISON of Connecticut. The percentage cut is 9.75 percent.

Mr. FRENZEL. And how much BA does that take out?

Mr. MORRISON of Connecticut. It takes out $142.9 million, and that saves $126.8 million in outlays.

Mr. FRENZEL. I see. And you compute that that makes the bill right with the Appropriations Committee's self-appointed 302(b) allocation?

Mr. MORRISON of Connecticut. No, it does not make it right; 209 would make it right if you included only the discretionary accounts. But making it right in my opinion is not doable in a responsible fashion.

Mr. FRENZEL. Mr. Chairman, if the gentleman will yield further, the four accounts that the gentleman eliminated were simply thrown out of the mix. He did not spread that over the remaining cuts that you had?

Mr. MORRISON of Connecticut. I did not spread it over the remaining, because in my best judgment, and I think that of those with whom I have worked on the amendment, the percentage cut required would be too deep to sustain, and to make the cuts in the accounts within the Treasury Department that produce revenue would be unwise, because in fact our net deficit would go up because our collections of revenue would go down.

Mr. FRENZEL. I thank the gentleman for his explanation.

Mr. ROYBAL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, it is rather easy for any Member to take the floor to recommend that a budgetary request be reduced by any particular amount. The truth of the matter is that in this instance the maker of the motion has exempted, and to his credit, some very important agencies, the Internal Revenue Service and the Customs Service, and Alcohol, Tobacco and Firearms Bureau. These are revenue-producing departments, and I think they should be exempted.

On the other hand, if his amendment were to prevail, we would also find ourselves in a situation where other departments would suffer severely. For example, he would reduce the funding for basic law enforcement training. This is training that is definitely necessary, not only for our law enforcement agencies, ATF and others, but it is also training that is needed so that we can combat the terrorism that is going on not only here in the United States but throughout the world. Training would be reduced under this amendment by 54 percent of the necessary cost. This is a tremendous reduction.

Mr. MORRISON of Connecticut. Mr. Chairman, will the gentleman yield on that point?

Mr. ROYBAL. I yield to the gentleman from Connecticut only on that point.

Mr. MORRISON of Connecticut. I think that it is important to emphasize that the Federal Law Enforcement Training Center, to which the gentleman refers, in 1986 had a level of funding of $22,779,000. The proposed increase, which is a very substantial one, almost 30 percent, would take it up to $29,499,000. The cut, after application of my amendment, would take it down to $26,623,000—in other words, a 17-percent increase over last year's level.

I think that it is misleading to suggest that there are not resources here to deal with the priority items that the training center should deal with.

Mr. ROYBAL. Mr. Chairman, I will not yield any further, because I think that the gentleman, while his figures seem to be correct, has not really analyzed the entire matter correctly. First of all, he has not been a member of the committee; he has not taken part in the deliberations that took place; he did not hear any of the testimony that was presented to the committee; he has not heard, for example, that terrorism has increased, not only here in the United States, but throughout the world; he has not heard that rioting continues to increase; and he did not hear from expert witnesses that we must provide the necessary training for our own law enforcement agencies in the United States.

□ 1525

So the 17 percent that he makes reference to can very well not be enough, since all these other things have increased so tremendously.

Another thing that is also in a dangerous situation, and that is that foreign missions in Washington, DC, right here in our own city, will have to be reduced. We would have to reduce also, under this particular amendment, the Government's effort to investigate illegal international arms transactions. I think that that is an important matter that must be considered. Because of testimony that was presented, the committee, in its wisdom, made a recommendation to the full committee and now to the House that these funds be included in the bill.

As we go further, we also find that if this amendment prevails we will have to reduce the number of arson task forces by one-third. Arson, Mr. Chairman, had increased in the United States tremendously, and if this prevails we will have to make that reduction.

I can go on to other departments. I realize I only have 5 minutes to do it in. But the truth of the matter is that the recommendations made by this committee are not only my recommendations, these are the recommendations of every Member of the committee who, after discussion, after debate, after careful consideration, came to the conclusion that there were certain necessities that had to be met, and that is exactly what we have done here.

These departments are funded based on recommendations that have been made, and in some instances they are above the budget. But in most instances they are justified by the great need that arises.

AMENDMENT OFFERED BY MR. FRENZEL AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. MORRISON OF CONNECTICUT

Mr. FRENZEL. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. FRENZEL as a substitute for the amendment offered by Mr. MORRISON of Connecticut: On page 59, after line 11, insert the following new section:

"SEC. 623. Notwithstanding any other provision of this Act, each amount appropriated or otherwise made available by this Act not required to be appropriated or otherwise made available by previously enacted law is hereby reduced by 8.94 percent."

Mr. FRENZEL. Mr. Chairman, if the distinguished chairman of the subcommittee did not like the amendment of the gentleman from Connecticut [Mr. MORRISON] he will probably not be enamored of this one either.

As a matter of fact, the amendment of the gentleman from Connecticut is for sissies. It cuts a little over $100 million in BA and outlays, and attempts to conform the appropriations bill to the 302(b) allocations.

My amendment is a bit sterner. It will cut about $690 million out of budget authority. It does take the bill back to the 1986 BA levels for discretionaries only. About half of this bill of over $13 billion is discretionary. A little more than half is mandatory.

The discretionaries, as is customary for appropriation bills, are increased, however, at a much greater rate of increase than the mandatories. Therefore, this amendment is able to take a pretty good $690 million bite by restricting discretionaries only.

My amendment is not going to be for the faint of heart. The gentleman from Connecticut reduces across the board, but in his exceptions he removes at least one account that amounts to one-third of the bill, and the three others amount to very substantial additional pieces of it. I do not blame him for exercising discretion rather than valor, but I believe an across-the-board cut should cut across the board.

As a statement to the committee, I would suggest that their committee reports are very hard to interpret, particularly in distinguishing between mandatories and entitlements. I think in the future rather than have to dig out this material, my cuts will be

across the board in mandatories as well, and if any of them are successful, it will be a little harder for the committee to repair the damage. I would hope in the future that the committee reports would make the distinction between mandatories and discretionaries so we would have some idea of what we are talking about.

Also, the committee report should make the distinction between mandatories and discretionaries as compared to 302(b) allocations rather than to refer simply to the Budget Committee or CBO statement which often does not reconcile with the committee's figure.

Be that as it may, Mr. Chairman, many people will want to exempt the IRS; they will want to exempt the Customs; and I understand that. But I believe that we should try to get to last year's level.

I think the remarks of the gentleman from Connecticut are extremely important. He says what he is trying to do is to save the House from making a very difficult, much more difficult decision later. He is taking you part way. My amendment will take you a lot farther down the road toward sparing you that decision later, but neither one of us, as heartless as these amendments are described to be, even if they are applied across all of the appropriation bills, is going to spare us the ultimate pain of having to vote a sequester resolution.

So I hope the House will be interested in my amendment, and if not I hope it will adopt unanimously the amendment of the gentleman from Connecticut.

I yield back the balance of my time.

Mr. CONTE. Mr. Chairman, I am inclined to agree with the gentleman from Minnesota to a certain extent. I think if you want to cut this bill, you have got to go ahead and cut across the board.

The gentleman from Connecticut [Mr. MORRISON] exempts the agencies in which we added money, and we felt the money was needed: $150 million for Internal Revenue over the President's budget, $112 million over the President's budget in Customs, $650 million over the President's budget in postal subsidies.

Those were all the moneys we put in, and he exempts them. So I agree with the gentleman from Minnesota [Mr. FRENZEL] as far as he is concerned. If you are going to do this you have to do it across the board—no exceptions.

But across the board is bad. The amendment of the gentleman from Connecticut is bad, but the amendment of the gentleman from Minnesota is wicked.

Mr. Chairman, over the past 2 weeks, we've argued the pros and cons of these Gramm-Rudman across-the-board amendments until nothing made sense, and today is no exception. And let's face it. This amendment is Gramm-Rudman in disguise, running around this House hiding behind a percentage sign.

Some of my colleagues claim that a percentage cut is the fairest way to reduce spending with the least impact. To me, it's bad policy and a cop-out. Every program in this bill or any other bill is not as important as the next. We have to make some choices around here, and yes, sometimes those choices involve spending more than last year. We can't look at these bills in a vacuum or through the narrow prism of a percentage cut.

This amendment is an excellent example of why the sequestration process does not work. This amendment—like the computers at OMB that crunched the numbers for the sequester order—cannot discern the difference between drug enforcement programs and waste in the bureaucracy or between revenue producers and abuses in the postal subsidy. The cuts are equal and across-the-board, but they are also short-sighted and costly in the long run.

Take the sequestration of the IRS, for example. Gramm-Rudman cut the IRS by $157 million. This reduction was targeted at compliance programs, enforcement activities and taxpayer service. Even the administration recognized the absurdity of this cut and requested a supplemental to make up the difference. However, without the supplemental this $157 million Gramm-Rudman cut would have cost the Treasury almost $1 billion in uncollected revenue.

□ 1535

Now, does that make sense? We're going to save $157 million today and add a billion dollars to the deficit tomorrow.

The same is true for this amendment. In the worse case scenario with a 8.9-percent across-the-board cut, the Treasury Department estimated that such an amendment to this bill would add $3 billion to the deficit. Don't forget, the IRS, ATF, and the Customs Service collect almost all of the revenue used to pay the bills around here.

At the same time, this amendment would increase interest payments by $500 million because of late processing and cost $100 million in lost savings because of delayed debt collection activities.

I can't make the point strong enough. These across-the-board amendments make real and substantial cuts in very important programs. You're not just voting for a percentage sign. You're voting to fire people and destroy programs. Everyone who supports these cuts bears the responsibility for their impact.

Look at some concrete examples before you vote for this amendment.

Under the worst-case scenario, the Bureau of Alcohol, Tobacco and Firearms would lay off 510 people. These are agents used in tax collection, law enforcement, and arson investigation. An $18.5 million cut in this agency would reduce revenue protection inspections by 37.5 percent, with a revenue loss of $241 million. This bill only appropriates $190 million for the entire agency.

Look closely at the Secret Service before you vote for the amendment. Under the worst-case scenario, the U.S. Secret Service would have to fire 700 employees. This reduction would eliminate protection of foreign missions in Washington, DC, and for our former Presidents. It would severly curtail protection of Presidential candidates and antiterrorism activities of the Secret Service.

Mr. Chairman, I ask the Members of this House to think about these questions: Who's responsible for an assassination attempt if any embassy goes unguarded or if a former President is injured?

Who's responsible for a higher deficit because taxes are uncollected? Who's resoponsible for preventing the mailing of September checks for Social Security and veteran's benefits?

If this amendment is enacted, this House has the ultimate responsibility. We all know the impact of this cut before the vote is taken and before the reduction is implemented.

I challenge my colleagues to look beyond the first page of this bill and examine the committee's recommendations. Tell me what programs should not be funded.

If you want to put this bill under last year's level, stop hiding behind a percentage sign and offer an amendment to cut the $650 million for revenue forgone. Cut nonprofit groups, the charities, veterans organization, rural newspapers, small libraries and others.

Cut the IRS and increase the deficit by leaving $100 billion in taxes uncollected. Cut the Customs Service and allow drugs to pour across the borders and onto the streets of this country.

If you are interested in cutting, those are the agencies that the committee recommended to increase funding. Almost all of the other programs in this bill were funded as the President requested.

Mr. Chairman, let me remind my colleagues that this bill is under the 302(b) allocation, and these recommendations should be supported by the House.

This amendment is a disgrace. It's irresponsible. And it should be defeated.

(By unanimous consent, Mr. CONTE was allowed to proceed for 5 additional minutes.)

Mr. CONTE. Mr. Chairman, I now yield to my good friend from Connecticut [Mr. MORRISON].

Mr. MORRISON of Connecticut. Mr. Chairman, I thank the gentleman from Massachusetts for yielding, and I commend him on his usual eloquence.

I would say that I think he has stated the case for my amendment and he has stated it quite eloquently and he has talked about all of those agencies which should not be cut; and the gentleman is correct, and the judgment of the committee to add funding in that area is certainly wise.

The decision of the Appropriations Committee not to provide for sufficient 302(b) outlays within the allocation among the subcommittees has left this committee with significant overexpenditures which contributes to the deficit.

When the gentleman says that this is within the 302(b) he is correct as far as budget authority goes, but not as far as outlays. I would say to the gentleman, while it is unfortunate that those other agencies which are not as critical as the ones that he has itemized will have to be cut further than the committee would recommend, the solution to that was earlier in the process, to having a more generous 302(b) allocation. Maybe it was not done.

This House, on the floor at this point, has no alternative, and I think to criticize across-the-board cuts on the one hand and selective cuts on the other, which mine is selective, is to really miss the point. We have to do one or the other if we are going to live within the budget.

I just want to emphasize one other thing. The gentleman from California, in speaking against my amendment, spoke about arson and firearms as two things that would be heard. Both of those are within the Bureau of Alcohol, Tobacco and Firearms, and they are exempted within my amendment and they will not be cut.

Mr. CONTE. Mr. Chairman, I want to respond to the gentleman on that point. Again, if you want to make cuts where this committee has increased spending over, last year and the President's budget, you have to cut IRS, you have to cut Customs, you have to cut Postal subsidies. However, this amendment excerpts those programs.

Why penalize the agencies that did not get any increases? And that is what you are doing. I disagree with both amendments. The gentleman from Connecticut wants to cut the Secret Service by 700 agents. This is no time to cut the Secret Service, when terrorism is running rampant around the world. And you want to knock out 700 agents? Not over my strong objections will you cut this agency. No way.

Mr. FRENZEL. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Minnesota. Now we are getting into a good debate.

Mr. FRENZEL. Mr. Chairman, can the gentleman tell me what the Secret Service has to do that is going to require a 12-percent increase? Have we acquired some newly retired Presidents or President's wives who require more protection? Why we must beef up the Secret Service?

Mr. CONTE. No, we are beefing up the Secret Service because of the reasons I mentioned earlier: increased terrorism. A good portion of the increase is due to costs associated with the protection of candidates for the 1988 election.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CONTE. Look at the money you spend around this Capitol. You have got more policeman around here than you can handle. You trip over them. The Secret Service does a much let better job than the Capitol policeman.

Mr. ROYAL. Mr. Chairman, I rise to oppose the amendment and I move to strike the requisite number of words.

Mr. Chairman, I was somewhat amazed by the remarks I have heard in the last few minutes. For example, I would like to compliment the gentleman from Minnesota for his candor and for his sense of humor.

He told us a little while ago that his amendment was somewhat sterner than that of the gentleman from Connecticut [Mr. MORRISON]. Now, that is the understatement of the year. His amendment cuts across the entire budgetary appropriation by $690 million. Now, that is not somewhat sterner; that is a tremendous cut.

What it does, is to create a devastating situation. It would reduce Internal Revenue Service staffing by approximately 10,000 employees.

This means that there will be 10,000 less people taking care of the returns that are filed by the people of the United States. The truth of the matter is that this is one department that produces revenue at least around the neighborhood of 12 to 1 and some tell me that it is closer to 18 to 1. In other words, for every dollar invested, there is an $18 return.

What does it do to the Department of Customs? It reduces that agency by 3,488 employees. Now, what is going to happen, then, to the contraband, to the narcotics that is coming into this country? Are we just going to let it come in? Just simply because such an amendment is proposed on this floor that will cut Customs by that number of employees, millions of dollars, when the President and the leadership of the House is now actively engaged in an antinarcotics drive?

□ 1545

Are we going to make this kind of a reduction? Are we going to do the same thing to these other departments? ATF, as an example, and other departments that help train our men in AFT, and antiterrorism and antiriot, these are important things that will be cut back if this amendment is adopted.

Mr. Chairman, if we are going to be responsible, I think we should look at the situation the way it really is.

Yes, I like the idea of trying to save as much as we possibly can in the budgetary process, but I do not like the idea of making reductions to the point where down the line it is going to cost us 100-fold. What will actually result if this reduction takes place is that we will have to face a situation later on that we wish we had not created by adopting the amendment before us at the present time.

Both amendments, in my opinion, should definitely be defeated because they are designed not to benefit the regular process of government but to restrict it, to cut it and in many instances eliminate certain services that are important to the well-being of this country.

I oppose both amendments.

Mr. SKEEN. Mr. Chairman, will the gentleman yield?

Mr. ROYBAL. I yield to the gentleman from New Mexico.

Mr. SKEEN. I thank the gentleman for yielding.

I would like to ask the chairman a question. I think the question arose in the last debate exchange about why the increase in Secret Service? I think it probably is a good opportunity at this point to make mention of the fact that some $5 million, almost $6 million of that increase is gearing the Secret Service up for the 1988 campaigns plus the antiterrorism programs and other things that I think should be mentioned as to why we have increases in this particular area.

Am I correct or incorrect?

Mr. ROYBAL. The gentleman is correct.

Mr. SKEEN. I thank the chairman.

Mr. CARPER. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the substitute offered by the gentleman from Minnesota.

I would like to direct a question, if I could, to the gentleman from Minnesota. The question I would like to ask is simply with regard to the cuts in funding for the IRS and with regard to the cuts in funding for the Customs Service: Under his substitute, what effect would that have on our ability to raise revenue in this country?

Mr. FRENZEL. Mr. Chairman, will the gentleman yield?

Mr. CARPER. I yield to the gentleman from Minnesota.

Mr. FRENZEL. I will be delighted to answer that question. There is obviously a relationship between the

amount of money and the amount of employees in the IRS and how much money is received. On the other hand, I doubt the gentleman would suspect that, if we cut the IRS in half, that our revenues would be cut in half, nor if we doubled it that our revenues would be doubled. In my judgment, if we reduce both of those agencies, we would get them to work harder and smarter and we would get about the same results from both of them.

Mr. CARPER. I thank the gentleman for his response. I can only say that I wish there was some way that we could craft an amendment here that would help bring our budget outlay figure down to what we all, I believe, would like for it to be. Clearly, I think that is just more difficult a task than we are likely to be able to accomplish today.

I want to commend, however, the gentleman from Connecticut for crafting his amendment in a way that I think spares the foolishness of cutting the budget of the IRS and the Customs Service at a time when we clearly need to generate more revenues. This amendment also spares the BATF from further cuts, and we all realize the kind of dangers and problems from which it protects us.

I wish we could get the full loaf of outlay reduction today. I am afraid that going for that second half of a loaf as Mr. FRENZEL suggests, is just not very logical. Indeed, adoption of his substitute would likely increase the budget deficit, rather than reduce.

As a result, I am going to oppose the substitute offered by the gentleman from Minnesota. I would urge its defeat and urge support for the amendment offered by the gentleman from Connecticut.

Mr. COLEMAN of Texas. Mr. Chairman, will the gentleman yield?

Mr. CARPER. I would be happy to yield to my colleague from Texas.

Mr. COLEMAN of Texas. I thank the gentleman for yielding.

Mr. Chairman, I have attempted both with my staff and committee staff to try to answer the question the gentleman from Delaware asked of the gentleman from Minnesota. Some of the current funding levels and what we are able or unable to do in terms of Customs, I think, are relevant questions to ask and that should indeed be answered.

Under the current staffing levels, the United States Customs Service today inspects 1 out of every 98 containers which enter our Nation. I think that is a pretty startling figure. I suggest that the kinds of cuts recommended by the gentleman's sustitute amendment would lower it. The exact number, of course, would be impossible to tell, as the gentleman from Minnesota has pointed out. So perhaps instead of 1 out of every 98, we would be able to inspect 1 out of every 120. I think that becomes all the more difficult for Members of this House to agree to.

So I am trying to answer the question of the gentleman and would only make one further point. While the gentleman, I believe, is correct in opposing the gentleman from Minnesota's substitute to the Morrison of Connecticut amendment, I think the gentleman should also understand that the Morrison of Connecticut amendment itself has some great frailties, and I hope we will be able to discuss those particularly as they relate to the Secret Service.

So I hope that eventually the gentleman will find his way clear to do as I think the majority of this House will do, and that is oppose both amendments.

Mr. CARPER. Let me reclaim my time and thank the gentleman for his observations about the Customs Service. I yield back the balance of my time.

Mr. MORRISON of Connecticut. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think it is important to emphasize the difference between these two amendments. The Frenzel amendment, he says, is bolder and not for sissies. The fact is it is unwise. It will net out with a loss in revenue to the Government. In other words, the deficit will be higher if we vote for the Frenzel amendment than it would be without.

My amendment does not have that frailty. It has exempted those agencies which collect the revenues. That has been described as an additional frailty, to make a judicious choice about where we should cut. I think that is the strength of the amendment. Every agency involved in this matter of terrorism and law enforcement is receiving an increase, not as large an increase as would exist under the committee bill but still an increase despite the cut which is proposed in my amendment. We can afford to save this $127 million in outlays, and we should afford to do it, and I hope the House will reject the Frenzel amendment and adopt my amendment and thereby move us just one little step further to the sanity we need with respect to our budget deficit.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. FRENZEL] as a substitute for the amendment offered by the gentleman from Connecticut [Mr. MORRISON].

The question was taken; and on a division (demanded by Mr. FRENZEL) there were—ayes 7, noes 19.

So the amendment offered as a substitute for the amendment was rejected.

Mr. FRENZEL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, my amendment has been rejected by the faint of heart. The seven virile and brave Members have expressed their hope that someday this country will move toward a sound fiscal policy.

It is now, I think, very important that all of those who have any respect at all for the process of the budget, for the Gramm-Rudman targets and for the fiscal integrity of this Congress and the confidence of the people of this country, to vote for the rather less aggressive, not aggressive enough, in my thinking, amendment of the gentleman from Connecticut [Mr. MORRISON].

The gentleman exempts some departments which I do not believe qualify for exemption. He has tried to make as mild and as sensible and rational an attempt as he can to give the House a chance to show some fiscal responsibility. If we don't accept this chance, then I think we can kiss the Gramm-Rudman targets goodbye and start making ready for the high interest rates and inflation which are likely to follow.

Mr. ARMEY. Mr. Chairman, would the gentleman yield?

Mr. FRENZEL. I yield to my distinguished friend from Texas [Mr. ARMEY].

Mr. ARMEY. I thank the gentleman for yielding.

Mr. Chairman, I would just like to associate myself with the remarks of the gentleman, and I think perhaps as the day draws closer when indeed we will have to face a decision to confirm the promise we made on Gramm-Rudman, it becomes increasingly more apparent to us that we have to stay in the well now, do the hard work, try to get the very best cuts, get those cuts along the way, to avoid that $10 billion surcharge which is mandated by the Gramm-Rudman sequestration and the even more—or the even more less-discriminating cuts that come under a sequestration order.

I appreciate the efforts made by both gentlemen today, and I encourage the House to vote for passage of this bill.

Mr. FRENZEL. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut [Mr. MORRISON].

The question was taken, and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. MORRISON of Connecticut. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 269, noes 152, not voting 10, as follows:

[Roll No. 293]

AYES—269

| | | |
|---|---|---|
| Andrews | Hall (OH) | Panetta |
| Annunzio | Hall, Ralph | Pashayan |
| Anthony | Hamilton | Pease |
| Archer | Hammerschmidt | Penny |
| Armey | Hansen | Petri |
| Aspin | Hartnett | Pickle |
| AuCoin | Hatcher | Porter |
| Badham | Hefner | Price |
| Barnard | Hendon | Pursell |
| Bartlett | Henry | Ray |
| Barton | Hertel | Reid |
| Bateman | Hiler | Richardson |
| Bates | Hillis | Ridge |
| Bedell | Hopkins | Ritter |
| Bennett | Hubbard | Roberts |
| Bereuter | Huckaby | Robinson |
| Billey | Hughes | Roemer |
| Boehlert | Hunter | Rogers |
| Bonker | Hutto | Rostenkowski |
| Borski | Ireland | Roth |
| Boulter | Jacobs | Roukema |
| Boxer | Jeffords | Rowland (CT) |
| Brooks | Jenkins | Rowland (GA) |
| Broomfield | Johnson | Russo |
| Brown (CO) | Jones (NC) | Saxton |
| Bruce | Jones (OK) | Schaefer |
| Bryant | Jones (TN) | Schneider |
| Byron | Kaptur | Schroeder |
| Callahan | Kasich | Schulze |
| Campbell | Kastenmeier | Schumer |
| Carney | Kemp | Sensenbrenner |
| Carper | Kennelly | Sharp |
| Chandler | Kindness | Shaw |
| Chapman | Kleczka | Shelby |
| Chappie | Kolbe | Shumway |
| Cheney | Kolter | Shuster |
| Clinger | Kostmayer | Sikorski |
| Coats | Kramer | Sisisky |
| Cobey | Lantos | Skelton |
| Coble | Latta | Slattery |
| Combest | Leach (IA) | Slaughter |
| Cooper | Leath (TX) | Smith (NE) |
| Coughlin | Lehman (CA) | Smith, Denny (OR) |
| Courter | Lent | Smith, Robert (NH) |
| Craig | Levin (MI) | Smith, Robert (OR) |
| Crane | Lewis (FL) | Snowe |
| Crockett | Lightfoot | Solomon |
| Daniel | Lipinski | Spence |
| Dannemeyer | Livingston | Spratt |
| Darden | Lloyd | St Germain |
| Daschle | Loeffler | Staggers |
| Daub | Lott | Stallings |
| Davis | Lujan | Stangeland |
| DeLay | Lundine | Stenholm |
| DeWine | Lungren | Strang |
| Dickinson | Mack | Stump |
| DioGuardi | MacKay | Sundquist |
| Donnelly | Madigan | Swindall |
| Dorgan (ND) | Marlenee | Tallon |
| Downey | Martin (IL) | Tauke |
| Dreier | Martin (NY) | Tauzin |
| Dyson | McCain | Taylor |
| Eckert (NY) | McCandless | Thomas (CA) |
| Edwards (OK) | McCloskey | Thomas (GA) |
| Emerson | McCollum | Traxler |
| English | McCurdy | Valentine |
| Erdreich | McEwen | Vander Jagt |
| Evans (IA) | McGrath | Volkmer |
| Evans (IL) | McKernan | Vucanovich |
| Fawell | McKinney | Waldon |
| Feighan | McMillan | Walgren |
| Fiedler | Meyers | Walker |
| Fields | Mica | Weaver |
| Foley | Michel | Weber |
| Franklin | Miller (CA) | Wheat |
| Frenzel | Miller (WA) | Whitehurst |
| Frost | Monson | Whitley |
| Fuqua | Montgomery | Whittaker |
| Gallo | Moody | Wirth |
| Gejdenson | Moorhead | Wise |
| Gekas | Morrison (CT) | Wolpe |
| Gibbons | Morrison (WA) | Wortley |
| Gingrich | Neal | Wyden |
| Glickman | Nelson | Wylie |
| Goodling | Nichols | Yatron |
| Gordon | Nielson | Young (FL) |
| Gradison | Nowak | Zschau |
| Gray (IL) | Olin | |
| Gray (PA) | Owens | |
| Gregg | Oxley | |
| Gunderson | Packard | |

NOES—152

| | | |
|---|---|---|
| Ackerman | Fish | Oakar |
| Akaka | Flippo | Oberstar |
| Alexander | Florio | Obey |
| Anderson | Foglietta | Ortiz |
| Applegate | Ford (MI) | Parris |
| Atkins | Frank | Perkins |
| Barnes | Garcia | Quillen |
| Beilenson | Gaydos | Rahall |
| Bentley | Gephardt | Rangel |
| Berman | Gilman | Regula |
| Bevill | Gonzalez | Rinaldo |
| Biaggi | Green | Rodino |
| Bilirakis | Guarini | Roe |
| Boggs | Hawkins | Rose |
| Boland | Hayes | Roybal |
| Boner (TN) | Holt | Rudd |
| Bonior (MI) | Horton | Sabo |
| Bosco | Howard | Savage |
| Boucher | Hoyer | Scheuer |
| Brown (CA) | Hyde | Schuette |
| Burton (CA) | Kanjorski | Selberling |
| Burton (IN) | Kildee | Skeen |
| Bustamante | LaFalce | Smith (IA) |
| Carr | Lagomarsino | Smith (NJ) |
| Chappell | Lehman (FL) | Snyder |
| Clay | Leland | Solarz |
| Coelho | Levine (CA) | Stark |
| Coleman (MO) | Lewis (CA) | Stokes |
| Coleman (TX) | Lowery (CA) | Stratton |
| Collins | Lowry (WA) | Studds |
| Conte | Luken | Swift |
| Conyers | Manton | Synar |
| Coyne | Markey | Torres |
| de la Garza | Martinez | Torricelli |
| Dellums | Matsui | Towns |
| Derrick | Mavroules | Traficant |
| Dicks | Mazzoli | Udall |
| Dingell | McDade | Vento |
| Dixon | McHugh | Visclosky |
| Dornan (CA) | Mikulski | Watkins |
| Dowdy | Miller (OH) | Waxman |
| Duncan | Mineta | Weiss |
| Durbin | Mitchell | Whitten |
| Dwyer | Moakley | Williams |
| Dymally | Molinari | Wilson |
| Early | Mollohan | Wolf |
| Eckart (OH) | Mrazek | Wright |
| Edgar | Murphy | Yates |
| Edwards (CA) | Murtha | Young (AK) |
| Fascell | Myers | Young (MO) |
| Fazio | Natcher | |

NOT VOTING—10

| | | |
|---|---|---|
| Breaux | Long | Smith (FL) |
| Ford (TN) | Moore | Sweeney |
| Fowler | Pepper | |
| Grotberg | Siljander | |

□ 1610

Messrs. BONIOR of Michigan, LAGOMARSINO, BURTON of Indiana, LAFALCE, DORNAN of California, and GUARINI changed their votes from "aye" to "no."

Messrs. LEHMAN of California, LIVINGSTON, and DELAY changed their votes from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. YOUNG of Missouri. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong support of this legislation, particularly with respect to the General Services Administration, and at this time would like to commend the distinguished chairman of the Appropriations Committee, the Honorable JAMIE WHITTEN, the distinguished chairman of the Subcommittee on Treasury, Postal Service and General Government, the Honorable EDWARD ROYBAL, the distinguished ranking minority member, the Honorable SILVIO CONTE, and the distinguished ranking minority subcommittee member, the Honorable JOE SKEEN, for their hard and fine work in bringing before the House today a very cost-effective and workable piece of legislation.

Mr. Chairman, as chairman of the Subcommittee on Public Buildings and Grounds of the House Committee on Public Works and Transportation, charged with the responsibility of overseeing and approving the General Services Administration proposed budget for the construction, alteration and leasing of space necessary to house Federal agencies nationwide, I am very pleased with the contents of this bill. In accordance with the Public Buildings Act of 1959 the Appropriations Committee has included in this bill those projects which have been approved by the House Committee on Public Works and Transportation.

Mr. Chairman, for quite a few years, our committee has become increasingly alarmed over the escalating leasing budget of the General Services Administration. The bill contains $935,100,000 for the rental of space nationwide; however, before we are even into this fiscal year the General Services Administration has indicated they have an immediate need to increase their rental budget by an additional $50.4 million. Mr. Chairman, the leasing of space must be brought under control and decreased because it is preventing the construction and alteration of necessary facilities on a routine basis. In an effort to assist in decreasing this leasing account, our committee authorized the construction of badly needed Federal buildings in Jasper, AL; Paterson, NJ; Miami, FL; Chicago, IL; and Wilkes-Barre, PA, we found by providing for construction of these facilities, as opposed to continuing to lease space to house the activities which eventually are to be housed in these new Federal buildings, the buildings would pay for themselves within 7 to 10 years, and further, at the end of that period our taxpayers would have an asset in hand, as opposed to a handful of rent receipts.

In addition, Mr. Chairman, the House Committee on Public Works and Transportation carefully scrutinized the repair and alteration projects and approved those projects which will provide for critical repairs to existing facilities in order to promote health and safety for Federal workers. These projects include the replacement of transformers containing polychlorinated biphenyls [PCB's], fire safety alterations, and the reconversion of existing vacant space in Federal buildings.

Mr. Chairman, I urge enactment of this measure.

□ 1620

AMENDMENT OFFERED BY MR. DORNAN OF CALIFORNIA

Mr. DORNAN of California. Mr. Chairman, I offer an amendment.

The clerk read as follows:

Amendment offered by Mr. DORNAN of California: Page 15, after line 2, insert the following new section:

SEC. 202. (a) Section 2254 of title 18, United States Code, is amended by adding after subsection (b) the following:

"(c) The Postal Service may carry out a forfeiture under this section if the violation involves the mails. The Postal Service shall exercise the authority of the Attorney General under subsection (b) of this section with respect to such forfeiture.".

(b) Section 2003 of title 39, United States Code, is amended—

(1) in subsection (b)(5), by striking out "and";

(2) in subsection (b)(6), by striking out the period at the end and inserting "; and" in lieu thereof;

(3) by inserting at the end of subsection (b) the following:

"(7) amounts (including proceeds from the sale of forfeited items) from any civil administrative forfeiture conducted by the Postal Service under title 18."; and

(4) in the first sentence of subsection (e)(1), by striking out "under this title" and inserting in lieu thereof "as provided by law".

(c) Section 2254 of title 18, United States Code, is amended—

(1) in subsection (a) by inserting before the period at the end of paragraph (1) ", and any property, real or personal, tangible or intangible, which was used or intended to be used, in any manner or part, to facilitate a violation of this chapter";

(2) in subsection (b) by striking "Attorney General," and inserting "Attorney General or the Postal Service,"; and

(3) by adding at the end the following new subsection:

"(d) The authority of the Postal Service under subsection (b) shall be exercised only where the conduct with respect to which such seizure or forfeiture occurs includes use of the mails in violation of this chapter.".

Page 14, line 7, insert "SEC. 201." before "For".

Mr. DORNAN of California (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN (Mr. BEILENSON). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DORNAN of California. Mr. Chairman, this involves child pornography. There is not a Member of this Chamber who is not sickened by this ugly phenomenon of modern Western civilization.

The leading Government agency in the United States tasked with the responsibility for investigating violations of this horrendous crime is the Postal Service. The only Congress in the last decade that I have not had the honor of serving with was the 98th Congress. It did some good work. It passed the Child Protection Act; but inadvertently, by a sheer mistake, they did not give the Postal Service the teeth that was given in that Child Protection Act to every other agency of Government tasked with the responsibility of protecting our youth.

Now, the Post Office was the only enforcement agency that did not have civil administrative authority to forfeit property used to violate the statutes of child pornography and all the profits from those violations, nor was it given clear authority to request that the Justice Department initiate civil judicial proceedings against such property.

The authority to conduct seizures and forfeitures and thereby take the profits out of this horrendous trafficking in the psychological and physical abuse of children was a major feature of the act to give power to all the agencies and they inadvertently left out the Postal Service.

This amendment of mine corrects these oversights. Moreover, because the Postal Service bears the cost of enforcing the statute rather than relying upon appropriations, this amendment allows it to retain the proceeds of civil administrative forfeitures. Existing statutes requiring that proceeds of judicial forfeitures be deposited in the Treasury, of course, are not effected, so this has no cost effect on our budget process here.

Mr. ROYBAL. Mr. Chairman, will the gentleman yield?

Mr. DORNAN of California. Yes, I gladly yield to my distinguished friend, the gentleman from California.

Mr. ROYBAL. Mr. Chairman, I fully support any amendment which helps stop child pornography.

Now, the gentleman states that the amendment in question is a technical amendment, but it is in fact clearly legislation on an appropriation bill.

Now, may I inquire of the gentleman whether or not he has cleared the amendment with the appropriate legislative committee?

Mr. DORNAN of California. Mr. Chairman, my staff, in sending around the "Dear Colleague" letter did not realize that on the floor we used the words "technical amendment" in a very specific way. He meant that it was a technical oversight that the Postal Service was not given the full teeth in their administrative responsibility on child pornography.

We did send a "Dear Colleague" letter to everyone in the House and talked to the Postal and Civil Service Committee and the Judiciary Committee to let us know if they had any objection. We did not hear of any objection from them and, most importantly, the Post Office Service has all but begged us, these highly motivated officers who are trying to protect our children, they asked please to close this loophole that was an inadvertency in that otherwise excellent Child Protection Act that was passed by the great 98th Congress.

Mr. ROYBAL. Well, Mr. Chairman, under these circumstances, if the gentleman will yield further, I have no objection to the amendment.

Mr. DORNAN of California. Mr. Chairman, I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. DORNAN].

The amendment was agreed to.

Mr. JEFFORDS. Mr. Chairman, I rise in opposition to the amendment sought to be offered by the gentleman from North Carolina [Mr. COBEY].

On its face, this amendment prohibits the Federal Election Commission from taking any action which is not in compliance with U.S. Supreme Court decisions and, therefore, contrary to the law of the land.

Certainly, neither I nor any other Member of this body believes that the FEC should act in an unconstitutional fashion. Therefore, I have no problem with the intent of the amendment.

Instead, I oppose this amendment because, first of all, we don't need legislation to prohibit unconstitutional actions—they are already prohibited—and, second, because adoption of this amendment would incorrectly imply that the FEC is now operating in a manner which violates the Supreme Court decisions in the Ellis and Hudson cases. That is simply not the case.

Supporters of this amendment say that the U.S. Supreme Court—in Ellis, Hudson, and other cases—has declared the use of compulsory union dues for political purposes to be unconstitutional. They go on to say that, since the FEC allows compulsory union dues to be used for certain political purposes, the FEC is not complying with those decisions.

Unfortunately, this is an inaccurate characterization of the Supreme Court's holdings. What the Court has consistently held—correctly in my opinion—is that a union may not use compulsory union dues for political purposes or other purposes unrelated to its collective bargaining duties against the objections of dissenting employees. Moreover, the Court has held that this dissent is not to be presumed but must be made known to the union by the dissenting employees.

Supporters of this amendment actually intend to go much further than the Supreme Court by preventing the political use of any compulsory dues, even if the union membership unanimously wants them to be used for political purposes.

Mr. Chairman, the Supreme Court has been very stringent in this area. Once an employee has raised objections, the union must have adequate procedures to ensure that the employee's dues are reduced by the amount attributable to noncollective bargaining activities. The union can't even collect the money in advance and then provide a rebate.

Obviously, this requires some precisely defined procedures on the part of the union and those procedures are being examined by the courts on a case-by-case basis. If the supporters of this amendment wish to establish an administrative mechanism for defining and enforcing these procedural requirements, that is

well worth considering if the case can be made that the courts are not adequately resolving these issues.

What is not worth our consideration are meaningless amendments whose only apparent value is the generation of newsletter headlines, fundraising tirades, and misleading "key vote" ratings. For these reasons, I urge opposition to this amendment.

Ms. MIKULSKI. Mr. Chairman, in the next few weeks, the President will announce a major new initiative to combat drug smuggling on our Southwest border.

I support the President's program in principle and policy. I disagree with the provision of his plan, however, to transfer patrol agents from the Port of Baltimore and other ports on other U.S. coasts to the Southwest.

We are in a war against drug smugglers in Maryland and around the country. But it will do little good to close the front door on drug smuggling and then turn around and open a side door on this problem.

I believe the President is right in wanting to put a Federal fence from Galveston to San Diego. If we remove our specially trained Customs agents from Baltimore, however, we will seriously undermine drug interdiction there and in every other port where these agents are removed to work in the Southwest.

Earlier today, I wrote the President and asked him to support additional funds for Customs border agents which the House has included in H.R. 5294, legislation making appropriations for the Department of the Treasury for fiscal year 1987. A copy of that letter follows my statement.

It is my hope that we can continue to work on a bipartisan basis to stop drug use in this country. The President's support for more Customs agents without removing current agents from ports around the country where they are already working, would be a major step toward this goal.

HOUSE OF REPRESENTATIVES,
*Washington, DC, August 6, 1986.*

The President
*The White House*
*1600 Pennsylvania Avenue, N.W.*
*Washington, D.C.*

DEAR MR. PRESIDENT: I am writing to applaud your upcoming plans for increased drug interdiction efforts along our nation's Southwest border and to encourage you to take additional steps to combat drug smuggling at other ports of entry around the United States. In particular, I am asking you to support additional funding for Customs agents for this purpose in Fiscal Year 1987.

I understand that part of the Customs Service's efforts along the Southwest border as part of this new initiative will require transferring patrol agents from the Port of Baltimore and other ports on other U.S. coasts to the Southwest. We need more Customs personnel along the Southwest, but to remove them without replacement from places like Baltimore will seriously undermine drug interdiction in these ports.

Mr. President, we are engaged in a major war on drug smugglers in Maryland and around the country. It will do us little good to close the front door on drug smuggling and then turn around and open a side door on this problem. We need customs agents in Baltimore and in other parts of the country. We cannot afford to leave any area of our country unstaffed or understaffed. These Customs patrol agents are specially trained in anti-drug and anti-terrorist activities. We need them to patrol our Bay, our seaports and our airports. If we transfer these men and women, drug smugglers will know that we are moving our agents and will target these understaffed ports of entry for illegal drugs and narcotics.

Later today, the House of Representatives will vote on H.R. 5294, legislation making appropriations for the Department of Treasury for Fiscal Year 1987. It includes funds to increase the number of Customs agents next year by 850. Unfortunately, the Office of Management and Budget is opposing increasing this funding for additional law enforcement and drug interdiction efforts. I would ask that you overturn OMB's decision and support these additional funds to help increase our efforts in fighting the war on drugs.

Your efforts, and those of Mrs. Reagan, in bringing this issue to the top of the national agenda, is truly commendable. I look forward to working with you on this in the weeks and months ahead.

Sincerely,

BARBARA A. MIKULSKI,
*Member of Congress.*

Mr. HOYER. Mr. Chairman, it is important that we look at the administration's record on customs. This is because there is much talk now about the war on drugs, and how the President is committed to eradicate this national problem. I applaud his commitment. However, I am concerned when his focus lies only with instituting a massive drug testing program for Federal employees and not with enforcement or efforts to stop drugs where they often can be found—at our borders.

The administration's record of lack of support for Customs drug enforcement efforts over the course of the last 6 years is clear. Each and every budget request made by the Reagan administration to the Congress has proposed substantial reductions in staff positions for the Customs Service.

For example, in fiscal year 1985, the President requested $602 million for Customs, and 12,447 average positions. This was a reduction of 954 positions, 612 out of inspection and control; 310 in tariff and trade enforcement: and 32 in tactical interdiction.

The Congress rejected this recommendation, and instead provided 13,418 positions and $650 million for Customs.

For fiscal year 1986, the President requested only 12,531 average positions, and $639 million for Customs. This was another recommended cut of 887 positions, 351 in inspection and control: 437 in tariff and trade; 60 in tactical interdiction; and 39 in investigations.

Again, the Congress rejected this recommendation and for this year provided 14,041 average positions and $717 million, which was subsequently reduced by Gramm/Rudman to $682 million and 13,264 positions. Fortunately, this cutback was reversed in the supplemental, restoring the original appropriation.

For this year, the year of the "War on Drugs", for which the President has proclaimed his "full" support, he again requested a cutback in customs personnel, only requesting 12,494 positions and $693 million. This represents a cut of 770 positions, 427 out of inspection and control; 241 out of tariff and trade enforcement; 50 in tactical interdiction and 52 in investigations.

It is clear that when it comes to putting money behind the rhetoric, this administration has shied away from the task. How can we expect to control drug trafficking in our country, our communities and schools if we slash the number of inspectors at our borders, cut our tactical interdiction teams and reduce investigations units of the U.S. Customs Service? The answer is simple. We cannot.

That is why the subcommittee has recommended an increase of 2,397 positions above the administration's request. We need these positions. The time has come to put our money where our mouths are, and the time has come for this House to take a clear and decisive step in funding the front line effort in our war on drugs. I would urge Members to support the subcommittee's recommendation and reject any attempt to reduce it through across-the-board reductions.

The CHAIRMAN. Are there further amendments to the bill?

Mr. COBEY. Mr. Chairman, I move to strike the last word.

I wanted these few minutes to tell my colleagues of an important amendment that I would like to offer to this bill. My amendment would instruct the Federal Election Commission to uphold recent Supreme Court rulings such as Abood versus Street, Ellis-Fails, and most recently the Hudson case where the Court ruled against the use of compulsory union dues for politics.

Despite these clear-cut prohibitions against the use of forced dues for politics, the Federal Election Campaign Act remains silent on the problem. Dissenting workers still face complicated, expensive lawsuits to recover misspent compulsory union dues.

There was a hearing on this very issue last year, but still no action has taken place and we do not foresee any statutory remedies to this grave injustice.

It is time that we fulfill our obligation and make the right decision.

I tried to offer my amendment last year, but failed to gather enough support to defeat the motion to rise. Many Members said they would have supported me in my attempt to defeat this procedure, but were unaware of what I was trying to do. This is the third time in the last couple weeks that I have related to this body my intentions.

This is a right-to-work vote and I need your support in order to get an up-or-down vote on my amendment.

Please vote to defeat the motion to rise and thereby allow the working men and women of this country who are forced to pay union dues to be finally treated fairly under the law.

Mr. DANNEMEYER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to congratulate my colleague, the gentleman

from North Carolina [Mr. COBEY] for giving the House the opportunity to vote on a very important matter, namely, the ability of workers in America to have a say as to how their union dues will be used, that is to say, only for the purpose of legitimate organized labor organizing matters relating to collective bargaining and such, and not for political purposes.

The way this issue should be presented to the House for a vote is on an authorization bill. We had the FEC authorization bill up last year, not under ordinary procedures so that an amendment could have been offered to it to reach this issue, no, it was brought on suspension. We defeated it on suspension.

It should come back to the floor, the authorization measure, so that those of us who have the persuasion of our colleague, the gentleman from North Carolina [Mr. COBEY] can have an opportunity to put an amendment to that bill to reach the issue at hand so that substantively we can vote up or down on whether we want to do that; but the leadership of this House does not choose to give us the opportunity of voting up or down. It forces those of us who want to present this issue to the House to utilize the only method available to attempt to place a limitation on a spending bill. Frankly, I do not like that. I think it is awkward. It gives those to whom we are accountable a false message as to whether we are voting on the procedure or whether we are voting on the substance. Maybe that is done deliberately. Perhaps it is.

Now, you may question in your mind, well, do we really need this amendment that the gentleman from North Carolina [Mr. COBEY] seeks to offer?

The regulatory agency that we are talking about proposed some regulations 3 years ago that proposed to authorize union dues to be used for political purposes.

Now, you ask the question, what in the world is the FEC doing in the face of decisions of the U.S. Supreme Court which state clearly that that cannot be done?

The answer is, in our political system the power of those in the organized labor movement to use union dues, some of which are collected over the objection of the employee for political purposes, is so profound that that power has worked itself into proposed regulations of the FEC that are at variance with decisions of the U.S. Supreme Court, the highest court in the land, on the issue. It boggles the mind of the arrogance of the regulators.

So we who are supposed to be setting policy by statute or substantive law should be doing this attached to an authorization measure. For the reasons that I have just related, we cannot do that, so we are here seeking your permission to keep this committee from rising in this convoluted process so that we can offer this amendment, sponsored by my colleague, the gentleman from North Carolina [Mr. COBEY] that will give the Members of the body an opportunity of saying whether or not persons working in organized labor in America can say that their dues shall not be used for political purposes, when those views for political purposes are at variance with the person who pays the dues. It is a very simple, fundamental right.

Mr. Chairman, I would like to congratulate my colleague, the gentleman from North Carolina [Mr. COBEY] for his leadership, and I hope the House will have the judgment and the wisdom to keep the committee from rising so that this amendment can be offered.

Mr. NIELSON of Utah. Mr. Chairman, I move to strike the last word.

Mr. Chairman, a year ago last June, I stood before this body to address a matter I felt very strongly about—the need for the Federal Elections Commission to promulgate regulations to bring its enforcement of Federal election law in line with the Supreme Court. Unfortunately, I find it necessary to speak out once more on the same subject, because the FEC has failed to act responsibly.

The issue concerns the violation of workers' first amendment rights. In 29 States, American workers can be required—as a condition of employment—to contribute financially to a labor organization through compulsory union dues. The assumption is that these nonunion workers derive benefits from the collective-bargaining activities of the union, and therefore should help defray some of the costs involved. Unfortunately, many unions are using this money to further their political agenda rather than for pursuing legitimate economic objectives.

The Supreme Court has declared such political use of compulsory dues money a violation of first amendment rights. No person—whether union or nonunion, Republican or Democrat—should be forced to finance political activities that run contrary to their own personal viewpoint. Is there anyone here who disagrees with this?

Where are the champions of workers' rights when they need us? Or do we only champion workers' rights when the worker carries a union card? This injustice must be corrected. Obviously the FEC is unwilling to act, so Congress must. It's that simple. I urge all of you to join me in voting "no" on the motion to rise, so that we can give the Cobey amendment and this important issue fair and full consideration.

□ 1635

Mr. ROYBAL. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The CHAIRMAN. The gentleman's motion is nondebatable.

The question is on the motion offered by the gentleman from California [Mr. ROYBAL].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. COBEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 249, noes 168, not voting 14, as follows:

[Roll No. 294]

AYES—249

| | | |
|---|---|---|
| Ackerman | Edgar | Lundine |
| Akaka | Edwards (CA) | MacKay |
| Alexander | English | Manton |
| Anderson | Erdreich | Markey |
| Andrews | Evans (IL) | Martinez |
| Annunzio | Fascell | Matsui |
| Anthony | Fazio | Mavroules |
| Applegate | Feighan | Mazzoli |
| Aspin | Flippo | McCloskey |
| Atkins | Florio | McCurdy |
| AuCoin | Foglietta | McDade |
| Barnes | Foley | McHugh |
| Bates | Ford (MI) | McKinney |
| Bedell | Frank | Mica |
| Beilenson | Fuqua | Mikulski |
| Bennett | Gallo | Miller (CA) |
| Bentley | Garcia | Miller (WA) |
| Berman | Gaydos | Mineta |
| Bevill | Gejdenson | Mitchell |
| Biaggi | Gephardt | Moakley |
| Boehlert | Gibbons | Mollohan |
| Boggs | Glickman | Moody |
| Boland | Gonzalez | Morrison (CT) |
| Boner (TN) | Gordon | Morrison (WA) |
| Bonior (MI) | Gray (IL) | Mrazek |
| Bonker | Gray (PA) | Murphy |
| Borski | Green | Murtha |
| Bosco | Guarini | Myers |
| Boucher | Gunderson | Natcher |
| Boxer | Hall (OH) | Neal |
| Brooks | Hamilton | Nelson |
| Brown (CA) | Hatcher | Nowak |
| Bruce | Hawkins | Oakar |
| Bryant | Hayes | Oberstar |
| Burton (CA) | Hefner | Obey |
| Bustamante | Hertel | Olin |
| Carr | Horton | Ortiz |
| Chandler | Howard | Owens |
| Chapman | Hoyer | Panetta |
| Chappell | Hubbard | Pease |
| Clinger | Hughes | Penny |
| Coelho | Jacobs | Perkins |
| Coleman (TX) | Jeffords | Price |
| Collins | Johnson | Pursell |
| Conte | Jones (NC) | Rahall |
| Conyers | Jones (OK) | Rangel |
| Cooper | Jones (TN) | Regula |
| Courter | Kanjorski | Reid |
| Coyne | Kaptur | Richardson |
| Crockett | Kastenmeier | Rinaldo |
| Daschle | Kennelly | Ritter |
| Davis | Kildee | Robinson |
| de la Garza | Kleczka | Rodino |
| Dellums | Kolter | Roe |
| Dicks | Kostmayer | Rose |
| Dixon | LaFalce | Rostenkowski |
| Donnelly | Lantos | Roukema |
| Dorgan (ND) | Leath (TX) | Rowland (CT) |
| Dowdy | Lehman (CA) | Roybal |
| Downey | Lehman (FL) | Sabo |
| Durbin | Leland | Savage |
| Dwyer | Levin (MI) | Saxton |
| Dymally | Levine (CA) | Scheuer |
| Dyson | Lipinski | Schneider |
| Early | Lowry (WA) | Schroeder |
| Eckart (OH) | Luken | Schumer |

| | | |
|---|---|---|
| Seiberling | Studds | Waxman |
| Sharp | Swift | Weaver |
| Shelby | Synar | Weiss |
| Sikorski | Tallon | Wheat |
| Sisisky | Tauzin | Whitley |
| Skelton | Torres | Williams |
| Slattery | Torricelli | Wilson |
| Smith (FL) | Towns | Wirth |
| Smith (IA) | Traficant | Wise |
| Smith (NJ) | Traxler | Wolpe |
| Solarz | Udall | Wortley |
| Spratt | Vento | Wright |
| St Germain | Visclosky | Wyden |
| Staggers | Volkmer | Yates |
| Stark | Waldon | Yatron |
| Stokes | Walgren | Young (AK) |
| Stratton | Watkins | Young (MO) |

NOES—168

| | | |
|---|---|---|
| Archer | Hall, Ralph | Parris |
| Armey | Hammerschmidt | Pashayan |
| Badham | Hansen | Petri |
| Barnard | Hartnett | Pickle |
| Bartlett | Hendon | Porter |
| Barton | Henry | Quillen |
| Bateman | Hiler | Ray |
| Bereuter | Hillis | Ridge |
| Bilirakis | Holt | Roberts |
| Bliley | Hopkins | Roemer |
| Boulter | Huckaby | Rogers |
| Broomfield | Hunter | Roth |
| Brown (CO) | Hutto | Rowland (GA) |
| Burton (IN) | Hyde | Rudd |
| Byron | Ireland | Russo |
| Callahan | Jenkins | Schaefer |
| Campbell | Kasich | Schuette |
| Carney | Kemp | Schulze |
| Carper | Kindness | Sensenbrenner |
| Chappie | Kolbe | Shaw |
| Cheney | Kramer | Shumway |
| Coats | Lagomarsino | Shuster |
| Cobey | Latta | Skeen |
| Coble | Leach (IA) | Slaughter |
| Coleman (MO) | Lent | Smith (NE) |
| Combest | Lewis (CA) | Smith, Denny (OR) |
| Coughlin | Lewis (FL) | Smith, Robert (NH) |
| Craig | Lightfoot | Smith, Robert (OR) |
| Crane | Livingston | Snowe |
| Daniel | Lloyd | Snyder |
| Dannemeyer | Loeffler | Solomon |
| Darden | Lott | Spence |
| Daub | Lowery (CA) | Stallings |
| DeLay | Lujan | Stangeland |
| Derrick | Lungren | Stenholm |
| DeWine | Mack | Strang |
| Dickinson | Madigan | Stump |
| DioGuardi | Marlenee | Sundquist |
| Dornan (CA) | Martin (IL) | Swindall |
| Dreier | McCain | Tauke |
| Duncan | McCandless | Taylor |
| Eckert (NY) | McCollum | Thomas (CA) |
| Edwards (OK) | McEwen | Thomas (GA) |
| Emerson | McGrath | Valentine |
| Evans (IA) | McKernan | Vander Jagt |
| Fawell | McMillan | Vucanovich |
| Fiedler | Meyers | Walker |
| Fields | Michel | Weber |
| Fish | Miller (OH) | Whitehurst |
| Franklin | Molinari | Whittaker |
| Frenzel | Monson | Wolf |
| Gekas | Montgomery | Wylie |
| Gilman | Moorhead | Young (FL) |
| Gingrich | Nichols | Zschau |
| Goodling | Nielson | |
| Gradison | Oxley | |
| Gregg | Packard | |

NOT VOTING—14

| | | |
|---|---|---|
| Breaux | Frost | Pepper |
| Clay | Grotberg | Siljander |
| Dingell | Long | Sweeney |
| Ford (TN) | Martin (NY) | Whitten |
| Fowler | Moore | |

□ 1645

Mr. PICKLE changed his vote from "aye" to "no."

Mr. TAUZIN and Mr. SPRATT changed their votes from "no" to "aye."

So the motion was agreed to.

The result of the vote was announced as above recorded.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. WEAVER) having assumed the chair, Mr. BEILENSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5294) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1987, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment?

□ 1655

Mr. FRANK. Mr. Speaker, I demand a separate vote on the amendments adopted on Friday by which $3 million was taken from the Office of the Secretary of the Treasury and transferred to the Coast Guard, the amendments offered by the gentleman from Pennsylvania [Mr. WALKER].

The SPEAKER pro tempore. Is a separate vote demanded on any other amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The Clerk will report the amendments on which separate vote has been demanded.

The Clerk read as follows:

Amendments: In title I, on page 2, line 17, strike "$55,642,000" and insert in lieu thereof "$52,642,000".

In title I, on page 5, line 16, strike "$793,000,000" and insert in lieu thereof "$796,000,000".

The SPEAKER pro tempore. The question is on the amendments.

The question was taken; and the Speaker announced that the ayes appeared to have it.

RECORDED VOTE

Mr. FRANK. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 387, noes 30, answered "present" 1, not voting 13, as follows:

[Roll No. 295]

AYES—387

| | | |
|---|---|---|
| Ackerman | Aspin | Bates |
| Alexander | Atkins | Bedell |
| Anderson | AuCoin | Bennett |
| Andrews | Badham | Bentley |
| Annunzio | Barnard | Bereuter |
| Anthony | Barnes | Berman |
| Applegate | Bartlett | Bevill |
| Archer | Barton | Biaggi |
| Armey | Bateman | Bilirakis |
| Bliley | Gaydos | Mazzoli |
| Boehlert | Gejdenson | McCain |
| Boggs | Gekas | McCandless |
| Boland | Gephardt | McCloskey |
| Boner (TN) | Gibbons | McCollum |
| Bonior (MI) | Gilman | McCurdy |
| Borski | Gingrich | McEwen |
| Bosco | Glickman | McGrath |
| Boucher | Goodling | McHugh |
| Boulter | Gordon | McKernan |
| Boxer | Gradison | McKinney |
| Brooks | Gray (IL) | McMillan |
| Broomfield | Gray (PA) | Meyers |
| Brown (CA) | Gregg | Mica |
| Brown (CO) | Guarini | Michel |
| Bruce | Gunderson | Mikulski |
| Bryant | Hall (OH) | Miller (CA) |
| Burton (CA) | Hall, Ralph | Miller (OH) |
| Burton (IN) | Hamilton | Miller (WA) |
| Bustamante | Hammerschmidt | Mineta |
| Byron | Hansen | Mitchell |
| Callahan | Hartnett | Moakley |
| Campbell | Hatcher | Molinari |
| Carney | Hawkins | Mollohan |
| Carper | Hayes | Monson |
| Carr | Hefner | Montgomery |
| Chandler | Hendon | Moorhead |
| Chapman | Henry | Morrison (WA) |
| Chappell | Hertel | Mrazek |
| Chappie | Hillis | Murphy |
| Cheney | Holt | Murtha |
| Clay | Hopkins | Myers |
| Coats | Horton | Natcher |
| Cobey | Hubbard | Neal |
| Coble | Huckaby | Nelson |
| Coelho | Hughes | Nichols |
| Coleman (MO) | Hunter | Nielson |
| Coleman (TX) | Hutto | Nowak |
| Collins | Hyde | Oakar |
| Combest | Ireland | Oberstar |
| Conte | Jacobs | Obey |
| Cooper | Jeffords | Olin |
| Coughlin | Jenkins | Ortiz |
| Courter | Johnson | Owens |
| Craig | Jones (NC) | Oxley |
| Crane | Jones (OK) | Packard |
| Crockett | Jones (TN) | Panetta |
| Daniel | Kanjorski | Pashayan |
| Dannemeyer | Kaptur | Pease |
| Darden | Kasich | Penny |
| Daschle | Kastenmeier | Perkins |
| Daub | Kemp | Petri |
| Davis | Kennelly | Pickle |
| de la Garza | Kildee | Porter |
| DeLay | Kindness | Price |
| Dellums | Kleczka | Pursell |
| Derrick | Kolbe | Quillen |
| DeWine | Kolter | Rahall |
| Dickinson | Kostmayer | Ray |
| Dicks | Kramer | Regula |
| DioGuardi | LaFalce | Reid |
| Dixon | Lagomarsino | Richardson |
| Donnelly | Lantos | Ridge |
| Dorgan (ND) | Latta | Rinaldo |
| Dornan (CA) | Leach (IA) | Ritter |
| Dowdy | Leath (TX) | Roberts |
| Downey | Lehman (CA) | Robinson |
| Dreier | Lehman (FL) | Rodino |
| Duncan | Leland | Roe |
| Durbin | Lent | Roemer |
| Dwyer | Levin (MI) | Rogers |
| Dymally | Levine (CA) | Rose |
| Dyson | Lewis (CA) | Rostenkowski |
| Eckart (OH) | Lewis (FL) | Roth |
| Edgar | Lightfoot | Roukema |
| Edwards (CA) | Lipinski | Rowland (CT) |
| Edwards (OK) | Livingston | Rowland (GA) |
| Emerson | Lloyd | Rudd |
| English | Loeffler | Russo |
| Erdreich | Lott | Sabo |
| Evans (IA) | Lowry (WA) | Savage |
| Evans (IL) | Lujan | Saxton |
| Fascell | Luken | Schaefer |
| Fawell | Lundine | Scheuer |
| Fazio | Lungren | Schneider |
| Feighan | Mack | Schroeder |
| Fiedler | MacKay | Schuette |
| Fields | Madigan | Schulze |
| Florio | Manton | Schumer |
| Foglietta | Markey | Seiberling |
| Foley | Marlenee | Sensenbrenner |
| Frank | Martin (IL) | Sharp |
| Franklin | Martin (NY) | Shaw |
| Fuqua | Martinez | Shelby |
| Gallo | Matsui | Shumway |
| Garcia | Mavroules | Shuster |

Sikorski
Sisisky
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Snyder
Solarz
Solomon
Spence
Spratt
St Germain
Staggers
Stallings
Stangeland
Stenholm
Stokes
Strang
Stratton
Stump
Sundquist
Swift
Swindall
Tallon
Tauzin
Taylor
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Waldon
Walgren
Walker
Watkins
Waxman
Weaver
Weber
Weiss
Wheat
Whitehurst
Whitley
Whittaker
Whitten
Wilson
Wirth
Wise
Wolpe
Wortley
Wright
Wyden
Wylie
Yatron
Young (AK)
Young (FL)
Young (MO)
Zschau

NOES—30

Akaka
Bellenson
Clinger
Conyers
Coyne
Early
Eckert (NY)
Fish
Ford (MI)
Frenzel
Green
Hiler
Howard
Hoyer
Lowery (CA)
McDade
Moody
Morrison (CT)
Parris
Rangel
Roybal
Skeen
Stark
Studds
Synar
Tauke
Thomas (CA)
Williams
Wolf
Yates

ANSWERED "PRESENT"—1

Gonzalez

NOT VOTING—13

Bonker
Breaux
Dingell
Flippo
Ford (TN)
Fowler
Frost
Grotberg
Long
Moore
Pepper
Siljander
Sweeney

□ 1705

Mr. AKAKA and Mr. PARRIS changed their votes from "aye" to "no."

Mr. TAYLOR and Mr. ALEXANDER changed their votes from "no" to "aye."

So the amendments were agreed to.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the Speaker announced that the ayes appeared to have it.

RECORDED VOTE

Mr. FRENZEL. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 302, noes 118, not voting 11, as follows:

[Roll No. 296]

AYES—302

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Aspin
Atkins
Barnard
Barnes
Bateman
Bates
Bedell
Bellenson
Bennett
Bentley
Berman
Bevill
Biaggi
Bilirakis
Boehlert
Boggs
Boland
Boner (TN)
Bonior (MI)
Bonker
Borski
Bosco
Boucher
Boulter
Boxer
Brooks
Brown (CA)
Bruce
Bryant
Burton (CA)
Bustamante
Byron
Callahan
Carper
Carr
Chandler
Chapman
Chappell
Clay
Clinger
Cobey
Coble
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Crockett
Darden
Daschle
Davis
de la Garza
Dellums
Derrick
Dicks
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dowdy
Downey
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart (OH)
Edgar
Edwards (CA)
Emerson
English
Erdreich
Evans (IL)
Fascell
Fazio
Feighan
Fiedler
Fish
Flippo
Florio
Foglietta
Foley
Ford (MI)
Frank
Fuqua
Gallo
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Goodling
Gordon
Gray (IL)
Gray (PA)
Green
Guarini
Hall (OH)
Hamilton
Hansen
Hatcher
Hawkins
Hayes
Hefner
Hertel
Hillis
Horton
Howard
Hoyer
Hutto
Ireland
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (TN)
Kanjorski
Kaptur
Kastenmeier
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Kostmayer
LaFalce
Lantos
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lipinski
Livingston
Lloyd
Loeffler
Lowery (CA)
Lowry (WA)
Lujan
Luken
Lundine
MacKay
Manton
Markey
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCain
McCloskey
McCurdy
McDade
McGrath
McHugh
McKernan
McKinney
McMillan
Mica
Michel
Mikulski
Miller (CA)
Miller (OH)
Mineta
Mitchell
Moakley
Mollohan
Montgomery
Moody
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Ortiz
Owens
Panetta
Parris
Pease
Penny
Perkins
Pickle
Porter
Price
Pursell
Rahall
Rangel
Regula
Reid
Richardson
Ridge
Rinaldo
Robinson
Rodino
Roe
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Rudd
Russo
Sabo
Savage
Saxton
Scheuer
Schneider
Schuette
Schumer
Seiberling
Sharp
Shaw
Shelby
Sikorski
Sisisky
Skeen
Skelton
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Snowe
Snyder
Solarz
Spratt
St Germain
Staggers
Stallings
Stark
Stokes
Stratton
Studds
Sundquist
Swift
Synar
Tallon
Tauzin
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Udall
Valentine
Vento
Visclosky
Volkmer
Waldon
Walgren
Watkins
Waxman
Weiss
Wheat
Whitley
Whitten
Williams
Wilson
Wirth
Wise
Wolf
Wolpe
Wortley
Wright
Yates
Yatron
Young (AK)
Young (FL)
Young (MO)
Zschau

NOES—118

Archer
Armey
AuCoin
Badham
Bartlett
Barton
Bereuter
Bliley
Broomfield
Brown (CO)
Burton (IN)
Campbell
Carney
Chappie
Cheney
Coats
Combest
Craig
Crane
Daniel
Dannemeyer
Daub
DeLay
DeWine
Dickinson
Dornan (CA)
Dreier
Eckert (NY)
Edwards (OK)
Evans (IA)
Fawell
Fields
Franklin
Frenzel
Gekas
Gingrich
Gradison
Gregg
Gunderson
Hall, Ralph
Hammerschmidt
Hartnett
Hendon
Henry
Hiler
Holt
Hopkins
Hubbard
Huckaby
Hughes
Hunter
Hyde
Jacobs
Jones (OK)
Kasich
Kemp
Kindness
Kramer
Lagomarsino
Latta
Lightfoot
Lott
Lungren
Mack
Madigan
Marlenee
Martin (IL)
McCandless
McCollum
McEwen
Meyers
Miller (WA)
Molinari
Monson
Moorhead
Neal
Nielson
Olin
Oxley
Packard
Pashayan
Petri
Quillen
Ray
Ritter
Roberts
Roemer
Schaefer
Schroeder
Schulze
Sensenbrenner
Shumway
Shuster
Slattery
Slaughter
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Solomon
Spence
Stangeland
Stenholm
Strang
Stump
Swindall
Tauke
Taylor
Thomas (CA)
Traxler
Vander Jagt
Vucanovich
Walker
Weaver
Weber
Whitehurst
Whittaker
Wyden
Wylie

NOT VOTING—11

Breaux
Dingell
Ford (TN)
Fowler
Frost
Grotberg
Long
Moore
Pepper
Siljander
Sweeney

□ 1720

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## LEGISLATIVE PROGRAM

(Mr. WRIGHT asked and was given permission to address the House for 1 minute.)

Mr. WRIGHT. Mr. Speaker, I take this time so that I may tell the Members what the plan for the rest of the evening is.

Mr. Speaker, there has been ongoing an effort to achieve agreement on the nature of a rule for the further consideration of the Department of Defense authorization bill, and some difficulties have arisen. There still are one or two unresolved questions.

□ 1730

Therefore, it will be the purpose of the leadership at this time to consider the rule on the surface transportation bill. Further program will be announced later.

It is possible that we may continue with consideration of the surface transportation bill. It is possible that we may return to the consideration of additional rules for further debate on

the Department of Defense authorization bill.

At this time, we hope to take up the surface transportation rule. Following that, we will announce any further program for the day.

## GENERAL LEAVE

Mr. ROYBAL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous material, on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

## SURFACE TRANSPORTATION AND UNIFORM RELOCATION ASSISTANCE ACT OF 1986

Mr. BEILENSON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 513 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 513

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3129) to authorize funds for construction of highways, for highway safety programs, and for mass transportation programs, to expand and improve the relocation assistance program, and for other purposes, and the first reading of the bill shall be dispensed with. All points of order against the consideration of the bill for failure to comply with the provisions of sections 302(c), 302(f), and 311(a) of the Congressional Budget Act of 1974, as amended (Public Law 93-344, as amended by Public Law 99-177), and with the provisions of clause 2(l)(3)(B) of rule XI, are hereby waived. After general debate, which shall be confined to the bill and to the amendments made in order by this resolution and which shall continue not to exceed two hours, with one hour to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works and Transportation, and one hour to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Public Works and Transportation now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, said substitute shall be considered for amendment by titles instead of by sections and each title shall be considered as having been read, and all points of order against said substitute for failure to comply with the provisions of section 302(f) of the Congressional Budget Act of 1974, as amended, with the provisions of clause 5(a) of rule XXI, and with the provisions of clause 1(p)(3) of rule X, are hereby waived. After the consideration of all other amendments to said substitute, the amendment adding a new title to said substitute recommended by the Committee on Ways and Means printed in the Congressional Record of July 23, 1986, shall be considered to have been adopted in the House and in the Committee of the Whole, and no further amendment to said substitute shall be in order. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute, subject to the preceding sentence. The previous question shall be considered as ordered on the bill and amendments thereto to find passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER. The gentleman from California [Mr. BEILENSON] is recognized for 1 hour.

Mr. BEILENSON. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Tennessee [Mr. QUILLEN], for purposes of debate only, pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 513 is a modified open rule providing for consideration of H.R. 3129, the Surface Transportation and Uniform Assistance Act of 1986. The rule provides 2 hours of general debate, 1 hour to be equally divided and controlled by the chairman and ranking minority member of the Public Works Committee, the other hour to be equally divided and controlled by the chairman and ranking minority member of the Ways and Means Committee.

Mr. Speaker, the rule waives several points of order and these waivers deserve a full explanation. First, the rule waives sections 302(c) and 311(a) of the Congressional Budget Act against consideration of the bill. The reason for both waivers is that the bill, as introduced, provides new budget authority first effective in fiscal year 1986. The Public Works Committee reported a substitute, which the rule makes in order as original text for purposes of amendment. The substitute does not provide spending in fiscal year 1986 and complies fully with sections 302(c) and 311(a) of the Budget Act. Technically, however, we must waive those sections of the Budget Act against consideration of the bill in order to consider the committee substitute.

The rule also waives section 302(f) of the Budget Act against consideration of the bill and the substitute. Section 302(f) prohibits consideration of a measure that would exceed the appropriate program-level allocation of discretionary budget authority. The substitute exceeds the committee's allocation for programs covered in H.R. 3129. However, the Public Works Committee reported H.R. 3129 on the day before the budget conference reached agreement. When the Public Works Committee reported its bill, the committee acted on the basis of an understanding about where the budget conference would come out. At that time, the Public Works Committee believed H.R. 3129 would be $75 million under the subcommittee's 302(b) allocation.

Nevertheless, we have now adopted a budget resolution, and the bill and substitute would exceed the allocation for highway and related programs. In order to consider the bill and the substitute, the House must waive section 302(f) of the Budget Act. It is with reluctance that I support the waiver. During the Rules Committee hearing I expressed my reservations, as did the chairman and other members of the committee. I support the waiver now to allow the House to work its will on the measure and I expect the House to adopt an amendment bringing the bill within the constraints of the budget. In that regard, Chairman HOWARD of the Public Works Committee told the Rules Committee "$290 million would have to be cut from the bill and that would be done by amendment on the floor." I also point out that the Public Works Committee has cut that amount in the committee's portion of the reconciliation bill.

The rule waives clause 2(l)(3)(B), rule XI. Rule XI requires committee reports to compare amounts provided in the bill with amounts in the committee's 302(b) allocation. The Public Works Committee reported long before committees received their allocations or subdivided them. Thus, the committee report does not contain the required comparison. The purpose of the rule, however, is to make sure members are aware of how each measure fits into the broad budget picture. On this bill, we are all aware of the budget situation.

The rule waives clause 5(a) of rule XXI. Clause 5(a) of rule XXI prohibits appropriations in a legislative bill. The rule also waives clause 1(p)(3) of rule X, which prohibits consideration of general legislation containing provisions relating to a specific road.

The rule makes the Public Works Committee's substitute in order as original text for purposes of amendment under the 5-minute rule and the substitute will be read by title.

Finally, Mr. Speaker, the rule provides that after all other amendments to the substitute have been considered, the Ways and Means Committee amendment—printed in the RECORD of July 23—shall be considered to have been adopted.

Mr. Speaker, now that I have explained what is in the rule, I should discuss one matter that is not included. The Public Works Committee requested a rule waiving germaneness so that the House might consider an amendment taking the highway, air-

port, and inland waterways trust funds off-budget. The amendment would also insulate the trust funds from reconciliation and exempt them from Gramm-Rudman reductions. The Rules Committee did not make the amendment in order. The question of Gramm-Rudman exemptions and off-budget status is in the jurisdiction of another committee. The Rules Committee heard from four chairmen of affected committees: They all asked that we not make the amendment in order. Moreover, the Nation faces serious budget constraints. While no one questions the importance of Federal aid to highways, mass transit, and airway and airport development, it is not fair to advantage trust fund financed programs by exempting them from sequestration and from reconciliation. Such action will add to the burden borne by other important programs, like defense and low-income programs, which cannot charge user fees. Last, there is little dobut the issue will be revisited in the near future.

Mr. Speaker, I thank my colleagues for their patience in listening to my explanation of the rule and I urge adoption of the rule.

□ 1740

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, the rule has been ably explained; however, there is one situation that developed in the Rules Committee that I think I should report to the full House.

Mr. Speaker, the majority side of the Rules Committee made a mistake, in my opinion, when this rule was reported out. They refused to allow the House to consider an amendment by the chairman of the Committee on Public Works, the gentleman from New Jersey [Mr. HOWARD], who is one of the most respected chairman in the House. The amendment presented an important issue. It is an issue which is not going to go away. The amendment would have provided for taking the highway, mass transit, aviation and inland waterways trust funds off budget.

Mr. Speaker, these trust funds are self-supporting and the dedicated funds cannot be used for purposes other than transportation improvements as provided by law. To include these funds in the overall budget deceives the public, for it implies that the trust funds are available for other purposes and it understates the real deficit.

Moreover, these programs have not contributed one penny to the deficit. In fact, if all Federal programs worked as well, the entire Federal budget would be in balance.

Mr. Speaker, in the Rules Committee, the objection was raised that if one committee takes these trust funds off budget, all committees will want to take trust funds off budget. What is wrong with that?

The representatives from the Public Works Committee responded by noting that their situation is unique. These trust funds already exist and they cannot be used for any other purpose. They cannot run at a deficit, according to the testimony by the Public Works Committee.

Mr. Speaker, naturally, I was disappointed that the amendment was not made in order, but I am happy to see this surface transportation bill on the floor of the House. I hope the rule will be adopted.

Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, there is no excuse for this rule being brought to the House floor. I am disappointed that both the majority and the minority are coming to the floor suggesting that we ought to vote for this rule, because this rule has some of the biggest, "baddest" budget waivers we have ever had brought before this House.

In fact, not only do we have budget waivers in this rule, but we also have the opinion of the Budget Committee that those waivers never should have been granted. I do not remember any other time when the chairman of the Budget Committee has sent a letter to the Rules Committee suggesting that they not approve a rule with these waivers in it, and yet here we have a letter from the chairman of the Budget Committee telling the Rules Committee: "A majority"—meaning a majority of the Budget Committee—"would oppose a waiver of section 302(f) of the Budget Act against consideration of H.R. 3129."

The Budget Committee specifically told the Rules Committee not to approve a 302(f) waiver and the Rules Committee went ahead and approved it anyway. Not only did they approve a 302(f) waiver, they also approved a 302(c) waiver, a 311(a) waiver, and, in addition, they have approved the waivers of rule XI, clause 2; so that we have in this rule a very, very big budget-busting attempt.

These particular provisions that I cite out of the Budget Act are aimed at trying to prevent the committee from bringing to the floor a bill that is over the committee allocation. That is what this does, and also from introducing a bill that is over their spending ceiling. That is exactly what happened here.

Now we have the Rules Committee coming to us with a rule saying, "Forget that. We are going to approve this committee to come to the floor with these major budget waivers."

I do not think that Members who actually believe that we are doing something serious about the budget process can in any way vote for this rule. To vote for this rule is to vote to simply waive the budget process and allow the spending to go forward.

I would hope that Members would reject completely this rule. The Rules Committee has brought to us a terrible bill, if you are interested in preserving the budget process.

Mr. QUILLEN. Mr. Speaker, I urge adoption of this rule if it comes up on the floor this evening so that we can get down to the debate and finish it.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BEILENSON. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 302, nays 102, not voting 27, as follows:

[Roll No. 297]

YEAS—302

| | | |
|---|---|---|
| Ackerman | Carr | Fazio |
| Akaka | Chandler | Feighan |
| Alexander | Chapman | Flippo |
| Anderson | Chappell | Florio |
| Andrews | Clay | Foglietta |
| Annunzio | Clinger | Foley |
| Anthony | Coleman (MO) | Ford (MI) |
| Applegate | Coleman (TX) | Frank |
| Aspin | Collins | Franklin |
| Atkins | Conte | Frenzel |
| AuCoin | Conyers | Fuqua |
| Badham | Cooper | Gallo |
| Barnes | Coughlin | Garcia |
| Bedell | Crockett | Gaydos |
| Beilenson | Darden | Gejdenson |
| Bennett | Daschle | Gephardt |
| Bentley | Davis | Gibbons |
| Berman | de la Garza | Gilman |
| Bevill | Dellums | Glickman |
| Biaggi | Derrick | Gonzalez |
| Boehlert | Dicks | Goodling |
| Boggs | DioGuardi | Gordon |
| Boland | Dixon | Gradison |
| Boner (TN) | Donnelly | Gray (IL) |
| Bonior (MI) | Dowdy | Gray (PA) |
| Bonker | Duncan | Green |
| Borski | Durbin | Guarini |
| Bosco | Dwyer | Hall (OH) |
| Boucher | Dymally | Hamilton |
| Boxer | Dyson | Hammerschmidt |
| Brooks | Early | Hatcher |
| Brown (CA) | Eckart (OH) | Hawkins |
| Bruce | Edgar | Hayes |
| Bryant | Edwards (CA) | Hefner |
| Burton (CA) | Emerson | Hendon |
| Bustamante | English | Hertel |
| Byron | Erdreich | Hillis |
| Callahan | Evans (IL) | Hopkins |
| Campbell | Fascell | Horton |
| Carper | Fawell | Howard |

| | | |
|---|---|---|
| Hoyer | Montgomery | Shumway |
| Hubbard | Moody | Shuster |
| Huckaby | Morrison (CT) | Sikorski |
| Hughes | Morrison (WA) | Sisisky |
| Hutto | Mrazek | Skeen |
| Hyde | Murphy | Skelton |
| Jacobs | Murtha | Smith (FL) |
| Jeffords | Myers | Smith (IA) |
| Johnson | Natcher | Smith (NJ) |
| Jones (NC) | Neal | Snyder |
| Jones (OK) | Nelson | Solarz |
| Jones (TN) | Nichols | Spratt |
| Kanjorski | Nowak | St Germain |
| Kaptur | Oakar | Staggers |
| Kastenmeier | Oberstar | Stallings |
| Kemp | Obey | Stangeland |
| Kennelly | Olin | Stark |
| Kildee | Ortiz | Stokes |
| Kleczka | Owens | Stratton |
| Kolter | Packard | Studds |
| Kostmayer | Panetta | Sundquist |
| LaFalce | Parris | Swift |
| Lantos | Pashayan | Synar |
| Latta | Pease | Tallon |
| Leach (IA) | Penny | Tauzin |
| Leath (TX) | Pepper | Taylor |
| Lehman (CA) | Perkins | Thomas (GA) |
| Lehman (FL) | Pickle | Torres |
| Leland | Price | Torricelli |
| Levin (MI) | Pursell | Towns |
| Levine (CA) | Quillen | Traficant |
| Lightfoot | Rahall | Traxler |
| Lipinski | Rangel | Udall |
| Lloyd | Ray | Valentine |
| Lowery (CA) | Regula | Vento |
| Lowry (WA) | Reid | Visclosky |
| Lujan | Richardson | Volkmer |
| Luken | Rinaldo | Waldon |
| Lundine | Ritter | Walgren |
| MacKay | Robinson | Waxman |
| Manton | Rodino | Weaver |
| Markey | Roe | Weiss |
| Martin (NY) | Roemer | Wheat |
| Martinez | Rogers | Whitley |
| Matsui | Rose | Whitten |
| Mazzoli | Rostenkowski | Williams |
| McCain | Roukema | Wilson |
| McCandless | Rowland (CT) | Wirth |
| McCloskey | Rowland (GA) | Wise |
| McCurdy | Roybal | Wolf |
| McEwen | Savage | Wolpe |
| McHugh | Saxton | Wortley |
| McKinney | Scheuer | Wright |
| Mica | Schroeder | Wyden |
| Michel | Schuette | Wylie |
| Mikulski | Schulze | Yates |
| Miller (OH) | Schumer | Yatron |
| Mineta | Seiberling | Young (AK) |
| Mitchell | Sharp | Young (FL) |
| Mollohan | Shaw | Young (MO) |
| Monson | Shelby | |

NAYS—102

| | | |
|---|---|---|
| Archer | Edwards (OK) | McGrath |
| Armey | Evans (IA) | McKernan |
| Barnard | Fiedler | McMillan |
| Bartlett | Fish | Meyers |
| Barton | Gekas | Miller (WA) |
| Bateman | Gingrich | Molinari |
| Bereuter | Gunderson | Moorhead |
| Bilirakis | Hall, Ralph | Nielson |
| Bliley | Hansen | Petri |
| Boulter | Hartnett | Porter |
| Broomfield | Henry | Roberts |
| Brown (CO) | Hiler | Roth |
| Burton (IN) | Hunter | Rudd |
| Carney | Ireland | Schaefer |
| Chappie | Jenkins | Schneider |
| Cheney | Kasich | Sensenbrenner |
| Coats | Kindness | Siljander |
| Cobey | Kolbe | Slaughter |
| Combest | Kramer | Smith (NE) |
| Courter | Lagomarsino | Smith, Denny (OR) |
| Coyne | Lent | |
| Craig | Lewis (CA) | Smith, Robert (NH) |
| Crane | Lewis (FL) | |
| Daniel | Livingston | Smith, Robert (OR) |
| Dannemeyer | Loeffler | |
| Daub | Lott | Snowe |
| DeLay | Lungren | Solomon |
| DeWine | Mack | Spence |
| Dickinson | Madigan | Stenholm |
| Dornan (CA) | Marlenee | Strang |
| Dreier | Martin (IL) | Stump |
| Eckert (NY) | McCollum | Swindall |
| Tauke | Vucanovich | Whitehurst |
| Thomas (CA) | Walker | Whittaker |
| Vander Jagt | Weber | Zschau |

NOT VOTING—27

| | | |
|---|---|---|
| Bates | Fowler | Moakley |
| Breaux | Frost | Moore |
| Coble | Gregg | Oxley |
| Coelho | Grotberg | Ridge |
| Dingell | Holt | Russo |
| Dorgan (ND) | Long | Sabo |
| Downey | Mavroules | Slattery |
| Fields | McDade | Sweeney |
| Ford (TN) | Miller (CA) | Watkins |

□ 1755

Mr. DELAY, Mr. RALPH M. HALL, and Mrs. SCHNEIDER changed their votes from "yea" to "nay."

Mr. MCKINNEY and Mr. MCCANDLESS changed their votes from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER. Pursuant to House Resolution 513 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3129.

□ 1804

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3129) to authorize funds for construction of highways, for highway safety programs, and for mass transportation programs, to expand and improve the relocation assistance program, and for other purposes, with Mr. FLIPPO in the chair.

The Clerk read the title of the bill.

□ 1805

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from New Jersey [Mr. HOWARD] will be recognized for 30 minutes, the gentleman from Pennsylvania [Mr. SHUSTER] will be recognized for 30 minutes, the gentleman from Illinois [Mr. ROSTENKOWSKI] will be recognized for 30 minutes, and the gentleman from Tennessee [Mr. DUNCAN] will be recognized for 30 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. HOWARD].

Mr. HOWARD. Mr. Chairman, I yield myself such time as I might consume.

Mr. Chairman, it is with great pride that we bring to the House H.R. 3129, Surface Transportation and Uniform Relocation Assistance Act of 1986. I want to commend our subcommittee chairman, GLENN ANDERSON, the ranking minority member of the committee, GENE SNYDER, the ranking minority of the subcommittee, BUD SHUSTER, and all of the other members of the Committee on Public Works and Transportation who worked so well together on this legislation. Passage of H.R. 3129 will ensure that the progress made in 1982 with enactment of the Surface Transportation Assistance Act will continue into the next decade.

The passage of this bill in the House will also provide the Congress with a unique opportunity to commemorate the 30th anniversary of the world's most extensive and heavily used transportation network, the Interstate Highway System. The Committee on Public Works and Transportation recognized the importance of this occasion on June 25 by approving the bill before the House today. The Interstate System is over 98 percent complete, and new construction is occurring at decreasing rates. However, we must not declare the Interstate System completed as some have suggested. Instead, we must continue to support construction of the remaining mileage and complete what today is known as the greatest public works project in the history of mankind.

Mr. Chairman, H.R. 3129 extends authorizations over the 1987-91 fiscal years for highways, highway safety, and mass transportation programs. A fourth title is also included, entitled the "Uniform Relocation Act Amendments of 1986." This title provides for the fair and equitable treatment for persons displaced as a result of Federal or federally assisted programs or projects. The Committee on Ways and Means will provide the fifth title, the revenue title, to extend the authorization of the highway trust fund through fiscal year 1993.

The highway title authorizes $13.9 billion a year from the highway trust fund. The principal areas addressed are interstate completion, bridge rehabilitation-replacement and the Interstate 4R Program. To complete the Interstate System, $3.3 billion per year through fiscal year 1992 and an additional $1.7 billion in fiscal year 1993 are authorized. Congressional approval of the interstate cost estimate and the interstate substitute cost estimate will authorize completion of interstate and interstate substitute projects. The Bridge Discretionary Program is increased to provide additional funding for high-cost bridge projects.

A major revision of the Interstate 4R distribution formula has been made to correlate the system's need with the level of its use. Funds will be apportioned based 50 percent on vehicle miles traveled and 25 percent each on gasoline and diesel fuel consumption. Furthermore, $200 million is set aside annually from the authorized amounts for the Interstate 4R Program to fund discretionary Interstate

4R projects. Greater flexibility will be allowed in transferring funds between Interstate 4R and primary construction projects.

In addition, $100 million will be added to the unobligated balance of current State entitlements under the Interstate Transfer-Transit Program in order to offset anticipated future inflation in transit construction costs.

Several studies are authorized which will focus on the rural-urban distribution of funds, the equity of apportionment formulas, and the feasibility of constructing certain highway projects. H.R. 3129 also includes a number of highway projects to demonstrate the latest techniques for accomplishing certain safety and transportation objectives.

Title II of the bill continues requirements to encourage and enhance highway safety programs. Since enactment of the 55-mile-per-hour speed limit in 1974, there has been a substantial reduction in fatality rates on the Nation's highways. The committee continues to recognize and support the importance of the 55-mile-per-hour speed limit. As recommended by a recent study of the Transportation Research Board, a compliance formula has been adopted to attach greater emphasis to the higher speed violation and to violations which occur on lower design highways.

The safety belt and alcohol incentive grant programs are continued with minor modifications. Authorizations are extended for the development and implementation of programs to enforce commerical motor vehicle safety laws and regulations. Contract authority out of the highway trust fund in the amount of $50 million annually for each of the fiscal years 1987-91 is provided to the States for the enforcement of motor vehicle safety laws and regulations.

Title III of the bill continues the current structure of the Mass Transit Program, which provides for a greater proportion of the funds to be distributed by formula. The total amount authorized is approximately $4.1 billion per fiscal year for the period 1987-91. The section 3 discretionary captial program, which is funded by the penny-a-gallon gasoline tax authorized by the Congress, will be allocated for traditional public transportation purposes. The section 3 funds will be allocated as follows: 40 percent for new rail starts and extensions to existing systems; 40 percent for rail modernization; 10 percent for bus and bus facilities; and 10 percent for use at the discretion of the Secretary. Statutory criteria is established for new rail projects, relying heavily on such factors as the results of alternatives analysis, local political support for project capital and operation, and cost-effectiveness. The annual process for congressional review and approval of section 3 allocations will permit the Urban Mass Transportation Administration to enter into multiyear contracts for major capital investments. The bill strengthens the Buy America provisions which also pertain to such investments.

Title IV, the Uniform Relocation Act Amendments of 1986, seeks to acheive a degree of uniformity not achieved in the original act; it would do so by vesting responsibility in a lead agency—the Department of Transportation—for development of Governmentwide regulations assuring consistency of, among other things, coverage in terms of eligibility and benefits provided to persons displaced as a direct result of Federal projects or federally assisted programs or projects. A State certification process is also provided in the bill which will result in more effective implementation of the act.

Mr. Chairman, we feel the proposed authorizations in this bill are more than warranted considering our Nation's extensive needs in the area of surface transportation. The committee has reluctantly lowered authorization levels below those for fiscal year 1986 in order to preserve the integrity of the highway trust fund. Funding levels contained in H.R. 3129 are consistent with the funding levels projected by CBO as sustainable by the highway trust fund over the next 5 years at current tax rates. H.R. 3129 represents the committee's efforts to bring forward a realistic and responsible piece of legislation which addresses the increasing transportation needs of the Nation.

Mr. Chairman, I urge my colleagues to support the committee bill.

Mr. SHUSTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to say to you, and the ranking minority member, Mr. SNYDER, that I am pleased with both the content of this legislation, and the fact that we are bringing it before the Members of the House at this time.

This bill extends the basic programs of highway construction, highway safety, and public transit for 5 years. The funding levels included in this measure are consistent with what will probably emerge from the budget conference. For the outyears of this bill, the funding levels reflect the constraints of Gramm-Rudman, and the projected revenues into the trust fund. These reauthorizations constitute by far the bulk of this measure.

The work on this legislation began months ago. Using as a base, H.R. 5504, which died during the final days of the last Congress due to the other bodies in action, the committee fashioned H.R. 3129. Last week at the subcommittee markup, it was my pleasure to introduce the substitute to H.R. 3129 which is before you today.

The timing of this legislation is of great importance. We must not fail to reauthorize these programs during this Congress. The authorizing legislation expires on September 30, 1986. It would be unthinkable to not extend these programs and the trust funds which back them up; unfortunately, the unthinkable does sometimes happen. We must not leave anything to chance, nor should we leave any excuses out there for anyone on the other side of the Capitol to delay this process. We must move ahead quickly and forcefully. Mr. Chairman, I look forward to acting on this must legislation.

Mr. HOWARD. Mr. Chairman, I yield such time as he may consume to the chairman of our Subcommittee on Surface Transportation, the gentleman from California [Mr. ANDERSON.]

Mr. ANDERSON. Mr. Chairman, I rise in strong support of this legislation, the Surface Transportation and Uniform Relocation Assistance Act of 1986.

H.R. 3129 must be enacted by September 30 at which time our Nation's highway, highway safety, and public transit programs expire. So, this bill which we have before us does reauthorize these programs for 5 years. Among its key features are the following: it assures completion of the Nation's Interstate System, it establishes a 4R Discretionary Program to help assure that our Nation's 4R moneys are focused on projects most in need, it provides some flexibility for the States to shift 20 percent of their 4R money to the primary system, it continues and makes permanent our 85-percent apportionment program, it provides a program to provide additional obligational authority for those States most in arrears, it helps assure that our Nation's highway system continues to be a safe one, and it allows us to more fully utilize the transit account of the highway trust fund.

The transportation needs facing our Nation are great. It has been said by the organization representing State highway and transportation agencies that our highway needs exceed $20 billion a year in Federal assistance. Our transit needs total about $35 billion over the next 5 years. This legislation, frankly, will not meet those needs. But given the budget circumstances which we must work under, it is the best we can do.

Mr. Chairman, H.R. 3129 is not a perfect bill. I support that every Member in this Chamber might like to see some changes in it. But, it is a bill that is in balance. It has been carefully and fairly crafted. It is a bill that should comfortably command the support of all our colleagues. I urge its prompt passage and enactment.

Mr. SHUSTER. Mr. Chairman, I yield such time as he may consume to

the gentleman from California [Mr. PACKARD].

Mr. PACKARD. Mr. Chairman, I rise in strong support of the bill.

Mr. SHUSTER. Mr. Chairman, before yielding to the distinguished ranking member of the full committee, the gentleman from Kentucky [Mr. SNYDER], I want the House to know, as most Members know, that the gentleman from Kentucky has announced his retirement while he is entirely too young to retire. Nevertheless, we hate to see him go. It is going to be quite a loss not only to our committee but to the entire country, and I know all of my colleagues join me in saluting the gentleman from Kentucky, Congressman GENE SNYDER, for an outstanding contribution not only to our committee, but to the United States of America.

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from New Jersey.

MR. HOWARD. Mr. Chairman, I just wish to state also for the record, during these years when this legislation from our committee has passed, which we think is excellent legislation, it would not have been that good at all without not only the cooperation but the expertise of the gentleman from Kentucky [Mr. SNYDER]. I join with the gentleman from Pennsylvania [Mr. SHUSTER] in his remarks.

Mr. SHUSTER. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Kentucky [Mr. SNYDER].

Mr. SNYDER. Mr. Chairman, this bill as reported out of the full committee will provide a 5-year authorization of the Nation's highway and mass transit programs. This bill is an extension of the landmark legislation enacted in 1982 to address the critical transportation needs across this Nation. I believe this legislation represents the will of the House. I say this in a very real sense as we have already voted on a similar bill 2 years ago, H.R. 5504. That legislation passed by a vote of 297 to 73. Our starting point this session was H.R. 5504 with two major differences—reduced funding levels consistent with budgetary considerations and an extension of this program for 5 years.

This bill as reported out of full committee will provide a 5-year authorization of the Nation's highway and mass transit programs. This bill is primarily an extension of the landmark legislation enacted in 1982 to address the critical transportation needs across this Nation. Among the major features of this bill are: completion of the Interstate Highway System started some 30 years ago; continuation of the other major highway and transit programs; and provisions to provide relocation assistance to those displaced by transportation projects.

Mr. HOWARD. Mr. Chairman, I yield such time as he may consume to the gentleman from Oregon [Mr. AUCOIN].

Mr. AUCOIN. Mr. Chairman, I rise in support of H.R. 3129, the Surface Transportation Act of 1986, and I want to commend the Committee on Public Works and Transportation for developing a bill that is essential to continued Federal highway, mass transit, and safety activities.

While I could applaud the committee for so many elements of this bill, I will limit my comments to one particular provision.

Mr. Chairman, the committee has included a provision which to me epitomizes the spirit of cooperation between the public and private sectors in fostering local economic development. I want to thank in particular Chairman JIM HOWARD for his acceptance of the provision I brought to him which I expect will leverage substantial private sector economic growth in Washington County, OR.

Mr. Chairman, this is but one small element in a very good omnibus bill. I appreciate the committee's efforts and urge the House to support this legislation.

Mrs. VUCANOVICH. Mr. Chairman, I rise today in support of a demonstration project that is included in H.R. 3129 and is of utmost importance to the citizens of Nevada. This project is the Sparks Interchange Project and will be located in Sparks, NV.

For several years now, the Nevada delegation, in conjunction with the city of Sparks, has been diligently trying to obtain funding for this demonstration project. The reasons that made this such a worthy project in the past have only been intensified by the passage of time. As the city of Sparks has grown, so has the traffic congestion and, therefore, the need for additional access.

The city of Sparks is bisected by Interstate 80 and a set of railroad tracks. Traveling between the two sides of the city is extremely tedious and difficult. There are a limited number of accesses across or through the I-80 and railroad corridor. During rush hour, the congestion makes quick and rapid passage across town virtually impossible. This is not just a headache and an inconvenience; it presents a severe safety problem as cars are backed up onto the freeway for the on-ramp. Another one of my main concerns is regarding the stress this congestion puts on emergency vehicles that absolutely need to get across town quickly.

Not only is this a problem while in town, access to the city from the interstate poses a greater problem. This access problem has had an adverse impact on the economic development of Sparks. There is documentation that proves prospective businesses have passed Sparks up because of the difficult and unfavorable situation with our interstates. The Sparks Interchange project is imperative for continued economic growth.

A recent development is additional evidence of the importance of this project. The construction of this demonstration project would serve double-duty for flood control. In February of this year, Nevada was plagued by severe floods. The floods were so devastating, Nevada was declared a national disaster and received Federal assistance funds. Had the Sparks Interchange project been funded and completed when requested, it would have acted as a levy and prevented over 300 acres in this area from being flooded.

Mr. Chairman, this is a very important project for the people of Sparks and potential businesses considering doing business there. The city of Sparks has already spent $5 million of its own money to purchase rights-of-way for utilities and to finance the project design. The funding being asked for in H.R. 3129 is to be used totally for the construction of this project.

For all of the above reasons, I strongly urge this body to pass H.R. 3129 as reported from committee.

Mr. ALEXANDER. Mr. Chairman, I rise in strong support of the surface transportation bill. It is a long-awaited piece of legislation which has been carefully crafted.

The bill provides for the improvement of our Nation's highways and roads which are crucial to interstate commerce and business. But more importantly, these improvements will contribute to public safety and will ultimately save lives.

The bill authorizes a badly needed highway project for construction overpasses near Jonesboro AR. The bill also authorizes the appropriation of $13 million to complete this project over the period of 4 years. The bill calls for $2.5 million for fiscal year 1987, $3.2 million for fiscal year 1989, $2.6 million for fiscal year 1990, and $5 million for fiscal year 1991.

The bypass will be constructed along U.S. 63 which is the most traveled road in northeast Arkansas and is the main artery of my district, the First Congressional District of Arkansas. U.S. 63 passes through Jonesboro which is the largest city in the district. The stretch of road that goes through Jonesboro cuts across four major intersections with stoplights. These intersections have been the situs of numerous major traffic accidents causing unnecessary injuries and death. With these four overpasses, these tragic accidents will be avoided and numerous lives saved.

Another important provision of the bill allows States to use a portion of their bridge replacement funds to replace ferries. In Arkansas, drivers must depend on ferries to cross bodies of water in two places. This antiquated method of traversing rivers is unreliable, slow, and dangerous in bad weather. Bridges replacing these ferries will save time and facilitate travel.

Both of these projects reflect the Congress' intention of improving highway and road safety, increasing travel, facilitating commerce, and saving lives. I give my full support to this bill which outlines a wise national policy governing interstate transportation.

Mr. SHUSTER. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. HOWARD. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. The gentleman from Illinois [Mr. ROSTENKOWSKI] is recognized for 30 minutes.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today in support of H.R. 3129, the Surface Transportation and Uniform Relocation Assistance Act of 1986. The Committee on Public Works and Transportation

has reported H.R. 3129 providing authorizations from the highway trust fund for fiscal years 1987-1991. The Committee on Ways and Means is aware that the antideficit provisions governing trust fund authorizations would require reduction in highway spending commitments beginning on October 1, 1986, unless action is taken to provide further funding for the trust fund. The committee believes that continued funding for the building and maintenance of our Nation's highways system is an important national objective.

Therefore, on July 23, 1986, the Committee on Ways and Means favorably reported an amendment to H.R. 3129, which deals with extension of the highway trust fund, including the mass transit account and the highway-related taxes which support the fund. This revenue amendment has been added as title V to the bill as reported from the Committee on Public Works and Transportation.

Title 5 would extend the present law highway trust fund excise taxes, and the authority to spend from the trust fund, for 5 years—through September 30, 1993. The highway trust fund would be updated to reflect the new authorizations in H.R. 3129, including highway beautification and university transportation research centers.

The committee amendment also reduces the 9-cents-per-gallon exemption for neat methanol and ethanol fuels to 6 cents per gallon, as provided in H.R. 3838, the Tax Reform Act, effective on January 1, 1987. Also included is a technical correction provision in H.R. 3838 with respect to providing a full refund of 15 cents per gallon of the diesel fuel tax for all school buses.

In response to a recent hearing held by the Subcommittee on Oversight on the issue of gasoline excise tax compliance and collection, the committee amendment directs the Treasury Department to submit a report to Congress regarding compliance with excise taxes on gasoline, diesel, and other motor fuels, aviation excise taxes, and tobacco and alcohol product, excise taxes. The report is due by December 31, 1986, with Treasury to expedite the study and report earlier with respect to the gasoline tax.

In order to continue the necessary funding for support of our Nation's highways, therefore, I urge my colleagues to support H.R. 3129.

□ 1815

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from Tennessee [Mr. DUNCAN] is recognized for 30 minutes.

Mr. DUNCAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Ways and Means committee amendment to H.R. 3129 was approved by voice vote. As far as I know, there was no controversy surrounding the amendment as it was discussed in committee, and I am aware of no opposition to it.

The amendment would, very simply, extend the Highway Trust Fund provisions, within the jurisdiction of the Committee on Ways and Means, for another 5 years, through September 30, 1993. The amendment also would reduce the special fuels tax on neat methanol and ethanol from 9 cents to 6 cents per gallon.

I support passage of the amendment and I yield back the balance of my time.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute recommended by the Committee on Public Works and Transportation now printed in the reported bill shall be considered by titles as an original bill for the purpose of amendment, and each title shall be considered as having been read.

After the consideration of all other amendments to said substitute, the amendment adding a new title to said substitute recommended by the Committee on Ways and Means printed in the CONGRESSIONAL RECORD of July 23, 1986, is considered as having been adopted and no further amendments to said substitute are in order.

The Clerk will designate section 1.

The text of section 1 is as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

*SECTION 1. SHORT TITLE; TABLE OF CONTENTS.*

*(a) SHORT TITLE.—This Act may be cited as the "Surface Transportation and Uniform Relocation Assistance Act of 1986".*

*(b) TABLE OF CONTENTS.—*


*Sec. 1. Short title; table of contents.*
*Sec. 2. Secretary defined.*

*TITLE I—FEDERAL-AID HIGHWAY ACT OF 1986*

*Sec. 101. Short title.*
*Sec. 102. Approval of interstate cost estimate and extension of interstate program.*
*Sec. 103. Approval of cost estimate and authorization of appropriations for Interstate substitute projects.*
*Sec. 104. Authorizations of appropriations for Interstate System construction.*
*Sec. 105. Obligation ceiling.*
*Sec. 106. Authorization of appropriations.*
*Sec. 107. Interstate 4R and primary formulas.*
*Sec. 108. Elimination of roadside obstacles.*
*Sec. 109. Relocation requirements.*
*Sec. 110. Contracting for engineering and design services.*
*Sec. 111. Limitations concerning South Africa on awards of contracts.*
*Sec. 112. Standardized contract clause concerning site conditions.*
*Sec. 113. Convict produced materials.*
*Sec. 114. Signs identifying funding sources.*
*Sec. 115. Advanced construction.*
*Sec. 116. Interstate discretionary funds.*
*Sec. 117. Flexibility of use of highway funds.*
*Sec. 118. Interstate 4R program.*
*Sec. 119. Federal share.*
*Sec. 120. Emergency relief.*
*Sec. 121. Tank trucks.*
*Sec. 122. Extension of tolls to finance certain ineligible construction expenses.*
*Sec. 123. Highway beautification.*
*Sec. 124. Bridge program.*
*Sec. 125. Minimum allocation.*
*Sec. 126. National bridge inspection program.*
*Sec. 127. Income from airspace rights-of-way.*
*Sec. 128. Strategic highway research program.*
*Sec. 129. Planting of native wildflowers.*
*Sec. 130. Highway technical amendments.*
*Sec. 131. Buy America.*
*Sec. 132. Implementation of certain orders.*
*Sec. 133. Project eligibility.*
*Sec. 134. Eligibility of park and ride facilities.*
*Sec. 135. Planning, design, and construction.*
*Sec. 136. Transfer of interstate lanes.*
*Sec. 137. Modification of interstate transfer concept plans.*
*Sec. 138. Payback of right-of-way expenses.*
*Sec. 139. Expenditure of Federal funds in Virgin Islands.*
*Sec. 140. Exemption from right-of-way restriction.*
*Sec. 141. Donation of lands.*
*Sec. 142. Removal of limitations on project approval.*
*Sec. 143. Shirley Highway traffic restrictions.*
*Sec. 144. Railroad relocation demonstration program.*
*Sec. 145. Maintenance of certain railroad-highway crossings.*
*Sec. 146. Demonstration projects.*
*Sec. 147. Delaware River bridges.*
*Sec. 148. Environmental impact statement.*
*Sec. 149. Highway designation.*
*Sec. 150. Bridge naming.*
*Sec. 151. Study of highway expenditures, revenues, and relative needs.*
*Sec. 152. Study of apportionment formulas.*
*Sec. 153. Bridge formula study.*
*Sec. 154. Study of highway bridges which cross rail lines.*
*Sec. 155. Parking for handicapped persons.*
*Sec. 156. Feasibility study of using highway electrification systems.*
*Sec. 157. Cost effectiveness study of highway upgrading.*
*Sec. 158. Bridge management study.*
*Sec. 159. State maintenance program study.*
*Sec. 160. Highway feasibility study.*
*Sec. 161. California feasibility study.*
*Sec. 162. New York feasibility study.*

*TITLE II—HIGHWAY SAFETY ACT OF 1986*

*Sec. 201. Short title.*
*Sec. 202. Highway safety.*
*Sec. 203. Commercial motor vehicle safety grants.*
*Sec. 204. 55 mph speed limit.*
*Sec. 205. Alcohol traffic safety programs.*
*Sec. 206. Applicability of length limitations to certain truck tractors.*
*Sec. 207. School bus safety measures.*
*Sec. 208. Standards for splash and spray suppressant devices.*
*Sec. 209. Use of certain reports as evidence.*
*Sec. 210. Emergency call boxes.*
*Sec. 211. Railroad-highway crossings au-*

thorizations.
Sec. 212. National driver register amendments.
Sec. 213. Highway safety program amendments.
Sec. 214. Highway safety education and information.
Sec. 215. Railroad-highway crossing needs.
Sec. 216. Older driver study.
Sec. 217. Rescission of contract authority.

TITLE III—FEDERAL MASS TRANSPORTATION ACT OF 1986

Sec. 301. Short title.
Sec. 302. Letters of intent; multi-year contracts.
Sec. 303. Approval of funding levels and allocations of funds.
Sec. 304. Advance construction.
Sec. 305. Criteria for new starts.
Sec. 306. Relocation requirements.
Sec. 307. Authorization of appropriations for substitute projects.
Sec. 308. Rates for elderly and handicapped persons.
Sec. 309. Long-term financial planning.
Sec. 310. Block grant program amendments.
Sec. 311. University transportation centers.
Sec. 312. Sole source procurements.
Sec. 313. Contracting for engineering and design services.
Sec. 314. Limitations concerning South Africa on awards of contracts.
Sec. 315. Bus remanufacturing and overhauling of rolling stock.
Sec. 316. Limitation on private enterprise participation.
Sec. 317. Bus testing.
Sec. 318. Preaward and postdelivery audit of bus purchases.
Sec. 319. Federal share for elderly and handicapped projects.
Sec. 320. Authorization for appropriations.
Sec. 321. Construction management oversight.
Sec. 322. Bicycle facilities.
Sec. 323. Transit technical amendments.
Sec. 324. Multi-year contract for metro rail project.
Sec. 325. Multi-year contract for transit bridge lanes.
Sec. 326. Increased operating assistance during construction of interstate project.
Sec. 327. Feasibility study.
Sec. 328. Feasibility study of abandoned trolley service.
Sec. 329. Comprehensive transit plan for the Virgin Islands.
Sec. 330. Bus carrier certificates for recipients of governmental assistance.
Sec. 331. Utilization requirement for certificates authorizing intrastate bus operations.

TITLE IV—UNIFORM RELOCATION ACT AMENDMENTS OF 1986

Sec. 401. Short title.
Sec. 402. Definitions.
Sec. 403. Certification.
Sec. 404. Declaration of findings and policy.
Sec. 405. Moving and related expenses.
Sec. 406. Replacement housing for homeowner.
Sec. 407. Replacement housing for tenants and certain others.
Sec. 408. Relocation planning, assistance coordination, and advisory services.
Sec. 409. Housing replacement by Federal agency as last resort.
Sec. 410. Assurances.
Sec. 411. Federal share of costs.
Sec. 412. Duties of lead agency.
Sec. 413. Payments under other laws.
Sec. 414. Transfer of surplus property.
Sec. 415. Repeals.
Sec. 416. Uniform policy on real property acquisition practices.
Sec. 417. Assurances.
Sec. 418. Effective date.

The CHAIRMAN. Are there any amendments to section 1?

If not, the Clerk will designate section 2.

The text of section 2 is as follows:

*SEC. 2. SECRETARY DEFINED.*

*As used in this Act, the term "Secretary" means the Secretary of Transportation.*

Mr. HOWARD. Mr. Chairman, if it is proper, I would like to ask unanimous consent that titles I, II, III, and IV, which I believe are the Public Works titles of the legislation; title V being the Ways and Means title, be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There being no objection.

The texts of titles I, II, III, and IV are as follows:

*TITLE I—FEDERAL-AID HIGHWAY ACT OF 1986*

*SEC. 101. SHORT TITLE.*

*This title may be cited as the "Federal-Aid Highway Act of 1986".*

*SEC. 102. APPROVAL OF INTERSTATE COST ESTIMATE AND EXTENSION OF INTERSTATE PROGRAM.*

*(a) FISCAL YEAR 1988.—The Secretary shall apportion for fiscal year 1988 the sums authorized to be appropriated for such year by section 108(b) of the Federal-Aid Highway Act of 1956 for expenditure on the National System of Interstate and Defense Highways, using the apportionment factors contained in revised table 5 of the committee print numbered 99-39 of the Committee on Public Works and Transportation of the House of Representatives.*

*(b) EXTENSION OF INTERSTATE PROGRAM THROUGH FISCAL YEAR 1993.—*

*(1) EXTENSION OF ICE APPROVAL PROCESS.—Section 104(b)(5)(A) of title 23, United States Code, is amended by inserting after "September 30, 1990." the following: "The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1989. Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimates in making apportionments for the fiscal years 1991, 1992, and 1993.".*

*(2) CONFORMING AMENDMENT.—The second paragraph of section 101(b) of such title is amended (A) by striking out "thirty-four years'" and inserting in lieu thereof "thirty-seven years' ", and (B) by striking out "1990" and inserting in lieu thereof "1993".*

*SEC. 103. APPROVAL OF COST ESTIMATE AND AUTHORIZATION OF APPROPRIATIONS FOR INTERSTATE SUBSTITUTE PROJECTS.*

*(a) FISCAL YEAR 1987.—The Secretary shall apportion for fiscal year 1987 the sums to be apportioned for such year under section 103(e)(4) of title 23, United States Code, for expenditure on substitute highway and transit projects, using the apportionment factors contained in the committee print numbered 99-40 of the Committee on Public Works and Transportation of the House of Representatives.*

*(b) AUTHORIZATION OF APPROPRIATIONS; PERIOD OF AVAILABILITY OF APPORTIONED FUNDS; EXTENSION OF SUBSTITUTE ICE APPROVAL PROCESS.—Section 103(e)(4) of title 23, United States Code, is amended to read as follows:*

*"(4) INTERSTATE SUBSTITUTE PROGRAM.—*

*"(A) WITHDRAWAL OF APPROVAL.—Upon the joint request of a State Governor and the local governments concerned, the Secretary may withdraw his approval of any route or portion thereof on the Interstate System which was selected and approved in accordance with this title, if he determines that such route or portion thereof is not essential to completion of a unified and connected Interstate System and if he receives assurances that the State does not intend to construct a toll road in the traffic corridor which would be served by the route or portion thereof.*

*"(B) SUBSTITUTE PROJECTS.—When the Secretary withdraws his approval under this paragraph, a sum equal to the Federal share of the cost to complete the withdrawn route or portion thereof, as that cost is included in the latest Interstate System cost estimate approved by Congress, or up to and including the 1983 interstate cost estimate, whichever is earlier, subject to increase or decrease, as determined by the Secretary based on changes in construction costs of the withdrawn route or portion thereof as of the date of approval of each substitute project under this paragraph, or the date of approval of the 1983 interstate cost estimate, whichever is earlier, shall be available to the Secretary to incur obligations for the Federal share of either public mass transit projects involving the construction of fixed rail facilities or the purchase of passenger equipment including rolling stock, for any mode of mass transit, or both, or projects authorized under any highway assistance program under this section; or both, which will serve the area or areas from which the interstate route or portion thereof was withdrawn, which are selected by the responsible local officials of the area or areas to be served, and which are selected by the Governor or the Governors of the State or the States in which the withdrawn route was located if the withdrawn route was not within an urbanized area or did not pass through and connect urbanized areas, and which are submitted by the Governors of the States in which the withdrawn route was located.*

*"(C) DEADLINE FOR APPROVAL AND WITHDRAWAL.—Substitute projects under this paragraph may not be approved by the Secretary under this paragraph after September 30, 1983, and the Secretary shall not approve any withdrawal of a route under this paragraph after such date; except that (i) with respect to any route which on the date of the enactment of the Federal-Aid Highway Act of 1978 was under judicial injunction prohibiting its construction, the Secretary may approve substitute projects and withdrawals on such route until September 30, 1986; and (ii) with respect to any route which on May 12, 1982, was under judicial injunction prohibiting its construction, the Secretary may approve substitute projects and withdrawals on such route until September 30, 1985.*

*"(D) PROJECT APPROVAL; FEDERAL SHARE.—Approval by the Secretary of the plans, specifications, and estimates for a substitute*

project shall be deemed to be a contractual obligation of the Federal Government. The Federal share of each substitute project shall not exceed 85 percent of the cost thereof.

"(E) AVAILABILITY OF FUNDS FOR SUBSTITUTE PROJECTS.—

"(i) TIME PERIOD.—The sums apportioned and the sums allocated under this paragraph for public mass transit projects shall remain available for the fiscal year for which apportioned or allocated, as the case may be, and for the three succeeding fiscal years. The sums apportioned and the sums allocated under this paragraph for projects under any highway assistance program shall remain available for the fiscal year for which apportioned or allocated, as the case may be, and for the three succeeding fiscal years.

"(ii) REAPPORTIONMENT.—Any sums which are apportioned or allocated to a State for a fiscal year and are unobligated (other than an amount which, by itself, is insufficient to pay the Federal share of the cost of a substitute project which has been submitted by the State to the Secretary for approval) at the end of the second fiscal year succeeding such fiscal year shall be apportioned or allocated, as the case may be, among those States which have obligated all sums (other than such an amount) apportioned or allocated, as the case may be, to them for such second succeeding fiscal year. Such reapportionments shall be in accordance with the latest approved estimate of the cost of completing substitute projects, and such reallocations shall be at the discretion of the Secretary.

"(F) ADMINISTRATION OF TRANSIT FUNDS.—The sums obligated for mass transit projects under this paragraph shall become part of, and be administered through, the Urban Mass Transportation Fund.

"(G) AUTHORIZATION OF APPROPRIATIONS FOR HIGHWAY PROJECTS.—For the fiscal year ending September 30, 1983, $257,000,000 shall be available out of the Highway Trust Fund for expenditure at the discretion of the Secretary for projects under highway assistance programs. There shall be available, out of the Highway Trust Fund (other than the Mass Transit Account), to the Secretary for expenditure under this paragraph for projects under highway assistance programs $700,000,000 per fiscal year for each of fiscal years 1984 and 1985, $693,825,000 for fiscal year 1986, and $825,000,000 per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991.

"(H) DISTRIBUTION OF SUBSTITUTE HIGHWAY FUNDS.—

"(i) BETWEEN DISCRETIONARY AND APPORTIONED PROGRAMS.—Twenty-five percent of the funds made available by subparagraph (G) for each of fiscal years 1984, 1985, 1986, 1987, 1988, 1989, 1990, and 1991 for substitute highway projects under this paragraph shall be distributed at the discretion of the Secretary. The remaining 75 percent of such funds shall be apportioned in accordance with cost estimates approved by Congress.

"(ii) FY 1984 APPORTIONMENT.—The Secretary shall make an estimate of the cost of completing substitute highway projects under this paragraph and transmit the same to the Senate and the House of Representatives as soon as practicable after the date of enactment of the Highway Improvement Act of 1982. Upon approval of such cost estimate by Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for substitute highway projects for fiscal year 1984.

"(iii) FY 1985, 1986, AND 1987 APPORTIONMENTS.—The Secretary shall make a revised estimate of the cost of completing substitute highway projects under this paragraph and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1984, and upon approval by Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for substitute highway projects for fiscal years 1985, 1986, and 1987.

"(iv) FY 1988, 1989, 1990, AND 1991 APPORTIONMENTS.—The Secretary shall make a revised estimate of the cost of completing substitute highway projects under this paragraph and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1987. Upon approval by Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for substitute highway projects for fiscal year 1988. Subject to changes in State estimates in the division of funds between substitute highway and transit projects, subject to amounts made available in prior fiscal years, and subject to the availability and reapportionment of funds under subparagraph (E), the Secretary shall use the Federal share of such approved estimate in making apportionments for substitute highway projects for fiscal years 1989, 1990, and 1991.

"(I) AUTHORIZATION OF APPROPRIATIONS FOR TRANSIT PROJECTS.—There are authorized to be appropriated for liquidation of obligations incurred for substitute transit projects under this paragraph the sums provided in section 4(g) of the Urban Mass Transportation Act of 1964.

"(J) DISTRIBUTION OF SUBSTITUTE TRANSIT FUNDS.—

"(i) BETWEEN DISCRETIONARY AND APPORTIONED PROGRAMS.—Fifty percent of the funds appropriated for each fiscal year beginning after September 30, 1983, for carrying out substitute transit projects under this paragraph shall be distributed at the discretion of the Secretary. The remaining 50 percent of such funds shall be apportioned in accordance with cost estimates approved by Congress.

"(ii) FY 1984 APPORTIONMENT.—The Secretary shall make an estimate of the cost of completing substitute transit projects under this paragraph and transmit the same to the Senate and the House of Representatives as soon as practicable after the date of the enactment of the Highway Improvement Act of 1982. Upon approval of such cost estimate by Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for substitute transit projects for fiscal year 1984.

"(iii) FY 1985, 1986, AND 1987 APPORTIONMENTS.—The Secretary shall make a revised estimate of the cost of completing substitute transit projects under this paragraph and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1984, and upon approval by Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for substitute transit projects for fiscal years 1985, 1986, and 1987.

"(iv) FY 1988, 1989, 1990, AND 1991 APPORTIONMENTS.—The Secretary shall make a revised estimate of the cost of completing substitute transit projects under this paragraph and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1987. Upon approval by Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for substitute transit projects for fiscal years 1988. Subject to changes in State estimates in the division of funds between substitute highway and transit projects, subject to amounts made available in prior fiscal years, and subject to the availability and reapportionment of funds under subparagraph (E), the Secretary shall use the Federal share of such approved estimate in making apportionments for substitute transit projects for fiscal years 1989, 1990, and 1991.

"(K) REDUCTION OF INTERSTATE APPORTIONMENT.—

"(i) IN GENERAL.—Unobligated apportionments for the Interstate System in any State where a withdrawal is approved under this paragraph shall, on the date of such approval, be reduced in the proportion that the Federal share of the cost of the withdrawn route or portion thereof bears to the Federal share of the total cost of all interstate routes in that State as reflected in the latest cost estimate approved by the Congress.

"(ii) EXCEPTION.—In any State where the withdrawal of an interstate route or portion thereof has been approved under this section prior to the date of the enactment of the Federal-Aid Highway Act of 1976, the unobligated apportionments for the Interstate System in that State on such date of enactment shall be reduced in the proportion that the Federal share of the cost to complete such route or portion thereof, as shown on the latest cost estimate approved by Congress prior to such approval of withdrawal, bears to the Federal share of the cost of all interstate routes in that State, as shown on such cost estimate; except that the amount of such proportional reduction shall be credited with the amount of any reduction in such State's Interstate apportionment which was attributable to the Federal share of any substitute project approved under this paragraph prior to enactment of such Federal-Aid Highway Act.

"(L) APPLICABILITY OF UMTA.—

"(i) SUPPLEMENTARY FUNDS.—Funds available for expenditure to carry out the purposes of this paragraph shall be supplementary to and not in substitution for funds authorized and available for obligation pursuant to the Urban Mass Transportation Act of 1964.

"(ii) LABOR PROTECTION.—The provisions of section 3(e)(4) of the Urban Mass Transportation Act of 1964 shall apply in carrying out this paragraph.

"(M) LIMITATION ON INTERSTATE DESIGNATIONS.—After the date of the enactment of the Federal-Aid Highway Act of 1978, the Secretary may not designate any mileage as part of the Interstate System pursuant to this paragraph or under any other provision of law. The preceding sentence shall not apply to a designation made under section 139 of this title.

"(N) OPEN TO TRAFFIC REQUIREMENT.—After September 30, 1979, the Secretary shall not withdraw his approval under this paragraph of any route or portion thereof on the Interstate System open to traffic before the date of the proposed withdrawal. Any withdrawal of approval of any such route or portion thereof before September 30, 1979, is hereby determined to be authorized by this paragraph.

"(O) LIMITATION ON SUBSTITUTION FOR STATUTORILY DESIGNATED ROUTES.—Any route or segment which was statutorily designated after March 7, 1978, to be on the Interstate System shall not be eligible for withdrawal or substitution under this subsection.".

(c) ADDITIONAL AMOUNT FOR SUBSTITUTE TRANSIT PROJECTS.—

(1) AUTHORIZATION.—In addition to the total amount available to the Secretary under section 103(e)(4)(B) of title 23, United States Code, there is authorized to be appropriated to the Secretary for fiscal years beginning after September 30, 1986, $100,000,000 to incur obligations under such section for the Federal share of either public mass transit projects, or the purchase of passenger equipment, described in such section.

(2) LIMITATION ON OBLIGATIONS.—Any funds appropriated pursuant to paragraph (1) may only be obligated for projects substituted for any segment of an interstate route the approval of which is withdrawn under section 103(e)(4) of such title before January 1, 1986.

(3) APPORTIONMENT FACTORS.—Notwithstanding section 103(e)(4) of such title, funds appropriated pursuant to paragraph (1) shall be made available in accordance with the apportionment factors contained in the committee print numbered 99-40 of the Committee on Public Works and Transportation of the House of Representatives.

(d) CONTRACT DEADLINE FOR SUBSTITUTE PROJECTS.—

(1) ELIMINATION.—Subsection (e) of section 107 of the Federal-Aid Highway Act of 1978 (23 U.S.C. 103 note) is amended—

(A) in the first sentence by striking out "and all Interstate substitute projects pursuant to subsection (e)(4) of section 103 of title 23, United States Code (for which the Secretary finds that sufficient Federal funds are available)"; and

(B) in the second sentence by striking out "and in the case" and all that follows through the period at the end of such subsection and inserting in lieu thereof a period.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect September 29, 1986.

(e) INCLUSION OF CERTAIN COSTS AS NON-FEDERAL SHARE.—If the State of Oregon completes construction of a segment of an east-west highway which segment connects 158th Avenue and Cornelius Pass Road in Washington County, Oregon, with funds made available under section 103(e)(4) of title 23, United States Code, the Secretary shall include as part of the non-Federal share of the cost of construction of such segment all funds expended by private land developers after January 1, 1980, on construction of such segment.

(f) CONFORMING AMENDMENTS.—(1) Section 103(e) of title 23, United States Code, is amended—

(A) by inserting "INTERSTATE SYSTEM.—" before "(1) The Interstate";

(B) in paragraph (1) by inserting "DESIGNATION; MILEAGE LIMITATION.—" before "The Interstate";

(C) in paragraph (2) by inserting "MODIFICATIONS.—" before "In addition";

(D) in paragraph (3) by inserting "ADDITIONAL MILEAGE FOR IMPROVED EFFICIENCY.—" before "In addition";

(E) in paragraph (5) by inserting "LIMITATION ON REFUNDS FOR WITHDRAWALS BEFORE NOVEMBER 6, 1978.—" before "Notwithstanding" and by striking out "; and" at the end of such paragraph and inserting in lieu thereof a period;

(F) in paragraph (6) by inserting "LIMITATION ON REFUNDS FOR WITHDRAWALS ON AND AFTER NOVEMBER 6, 1978.—" before "Notwithstanding" and by striking out the semicolon at the end of such paragraph and inserting in lieu thereof a period;

(G) in paragraph (7) by inserting "ADDITIONAL LIMITATION ON REFUNDS.—" before "In any" and by striking out "; and" at the end of such paragraph and inserting in lieu thereof a period;

(H) in paragraph (8) by inserting "PROTECTION OF PROPERTY RIGHTS.—" before "Nothing";

(I) in paragraph (9) by inserting "LIMITATION ON FUNDING OF MODIFIED MILEAGE PROJECTS.—" before "Interstate mileage";

(J) by indenting paragraph (1) and aligning such paragraph and paragraphs (2), (3), (5), (6), (7), (8), and (9) with paragraph (4) of such section, as amended by subsection (b) of this section; and

(K) by aligning subparagraphs (A) and (B) of paragraphs (5) and (6) with subparagraph (A) of such paragraph (4).

(2) Section 107(c)(2) of the Highway Improvement Act of 1982 (23 U.S.C. 103 note) is amended—

(A) by striking out "the second sentence" and inserting in lieu thereof "subparagraph (B)"; and

(B) by striking out "such sentence" and inserting in lieu thereof "such subparagraph".

SEC. 104. AUTHORIZATION OF APPROPRIATIONS FOR INTERSTATE SYSTEM CONSTRUCTION.

The first sentence of subsection (b) of section 108 of the Federal-Aid Highway Act of 1956 is amended by striking out "and" after "September 30, 1987," and all that follows through the period at the end of such sentence and inserting in lieu thereof the following: ", the additional sum of $3,300,000,000 for the fiscal year ending September 30, 1988, the additional sum of $3,300,000,000 for the fiscal year ending September 30, 1989, the additional sum of $3,300,000,000 for the fiscal year ending September 30, 1990, the additional sum of $3,300,000,000 for the fiscal year ending September 30, 1991, the additional sum of $3,300,000,000 for the fiscal year ending September 30, 1992, and the additional sum of $1,700,000,000 for the fiscal year ending September 30, 1993.".

SEC. 105. OBLIGATION CEILING.

(a) GENERAL LIMITATION.—Notwithstanding any other provision of law (other than subsection (f) of this section), the total of all obligations for Federal-aid highways and highway safety construction programs shall not exceed—

(1) $12,600,000,000 for fiscal year 1987;

(2) $12,600,000,000 for fiscal year 1988;

(3) $12,600,000,000 for fiscal year 1989;

(4) $12,600,000,000 for fiscal year 1990; and

(5) $12,600,000,000 for fiscal year 1991.

(b) EXCEPTIONS.—The limitations under subsection (a) shall not apply to obligations—

(1) under section 125 of title 23, United States Code;

(2) under section 157 of such title;

(3) under section 320 of such title;

(4) under section 147 of the Surface Transportation Assistance Act of 1978;

(5) under section 9 of the Federal-Aid Highway Act of 1981;

(6) under sections 131(b) and 131(j) of the Surface Transportation Assistance Act of 1982;

(7) under section 118 of the National Visitor Center Facilities Act of 1968;

(8) under section 163(p)(2) of the Federal-Aid Highway Act of 1973;

(9) under section 404 of the Surface Transportation Assistance Act of 1982; and

(10) under sections 145, 146, 148, 153, 156, 157, and 161 of this Act.

No obligation constraints shall be placed upon any ongoing emergency project carried out under section 125 of title 23, United States Code, or section 147 of the Surface Transportation Assistance Act of 1978.

(c) DISTRIBUTION OF OBLIGATION AUTHORITY.—For each of fiscal years 1987, 1988, 1989, 1990, and 1991 the Secretary shall distribute the limitation imposed by subsection (a) by allocation in the ratio which sums authorized to be appropriated for Federal-aid highways and highway safety construction which are apportioned or allocated to each State for such fiscal year bears to the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction which are apportioned or allocated to all the States for such fiscal year.

(d) LIMITATION ON OBLIGATION AUTHORITY.—During the period October 1 through December 31 of each of fiscal years 1987, 1988, 1989, 1990, and 1991, no State shall obligate more than 35 percent of the amount distributed to such State under subsection (c) for such fiscal year, and the total of all State obligations during such period shall not exceed 25 percent of the total amount distributed to all States under such subsection for such fiscal year.

(e) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsections (c) and (d), the Secretary shall—

(1) provide all States with authority sufficient to prevent lapses of sums authorized to be appropriated for Federal-aid highways and highway safety construction which have been apportioned or allocated to a State, except in those instances in which a State indicates its intention to lapse sums apportioned under section 104(b)(5)(A) of title 23, United States Code;

(2) after August 1 of each of fiscal years 1987, 1988, 1989, 1990, and 1991, revise a distribution of the funds made available under subsection (c) for such fiscal year if a State will not obligate the amount distributed during such fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during such fiscal year giving priority to those States having large unobligated balances of funds apportioned under section 104 of title 23, United States Code, and giving priority to those States which, because of statutory changes made by the Surface Transportation Assistance Act of 1982 and the Federal-Aid Highway Act of 1981, have experienced substantial proportional reductions in their apportionments and allocations; and

(3) not distribute amounts authorized for administrative expenses and Federal lands highways programs.

(f) ADDITIONAL OBLIGATION AUTHORITY.—

(1) IN GENERAL.—Subject to paragraph (2), a State which after August 1 and on or before September 30 of fiscal year 1987, 1988, 1989, 1990, or 1991 obligates the amount distributed to such State in such fiscal year under subsections (c) and (e) may obligate for Federal-aid highways and highway safety construction on or before September 30 of such fiscal year an additional amount not to exceed 10 percent of the aggregate amount of funds apportioned or allocated to such State—

(A) under sections 104, 144, and 152 of title 23, United States Code,

(B) for highway assistance projects under section 103(e)(4) of such title, and

(C) under section 203 of the Highway Safety Act of 1973,

which are not obligated on the date such State completes obligation of the amount so distributed.

(2) LIMITATION ON ADDITIONAL OBLIGATION AUTHORITY.—During the period August 2 through September 30 of each of fiscal years 1987, 1988, 1989, 1990, and 1991, the aggregate amount which may be obligated by all States pursuant to paragraph (1) shall not exceed 5 percent of the aggregate amount of funds apportioned or allocated to all States—

(A) under sections 104, 144, and 152 of title 23, United States Code,

(B) for highway assistance projects under section 103(e)(4) of such title, and

(C) under section 203 of the Highway Safety Act of 1973,

which would not be obligated in such fiscal year if the total amount of obligational authority provided by subsection (a) for such fiscal year were utilized.

(3) LIMITATION ON APPLICABILITY.—Paragraph (1) shall not apply to any State which on or after August 1 of fiscal year 1987, 1988, 1989, 1990, or 1991, as the case may be, has the amount distributed to such State under subsection (c) for such fiscal year reduced under subsection (e)(2).

(g) CONFORMING AMENDMENT.—Section 157(b) of title 23, United States Code, is amended by striking out the period at the end of the last sentence and inserting in lieu thereof "and section 105(c) of the Federal-Aid Highway Act of 1986.".

SEC. 106. AUTHORIZATION OF APPROPRIATIONS.

(a) FROM THE HIGHWAY TRUST FUND.—For the purpose of carrying out the provisions of title 23, United States Code, the following sums are hereby authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

(1) INTERSTATE 4R PROGRAM.—For resurfacing, restoring, rehabilitating, and reconstructing the National System of Interstate and Defense Highways $2,830,000,000 per fiscal year for each of fiscal years 1988, 1989, 1990, 1991, and 1992.

(2) FEDERAL-AID PRIMARY SYSTEM.—For the Federal-aid primary system in rural areas, including the extensions of the Federal-aid primary system in urban areas, and the priority primary routes $2,305,000,000 per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991.

(3) FEDERAL-AID SECONDARY SYSTEM.—For the Federal-aid secondary system in rural areas $600,000,000 per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991.

(4) FEDERAL-AID URBAN SYSTEM.—For the Federal-aid urban system $750,000,000 per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991.

(5) INDIAN RESERVATION ROADS.—For Indian reservation roads $90,000,000 per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991.

(6) FOREST HIGHWAYS.—For forest highways $57,500,000 per fiscal year for each of fiscal years 1987 and 1988, $57,185,000 per fiscal year for each of fiscal years 1989 and 1990, and $60,000,000 for fiscal year 1991.

(7) PUBLIC LANDS HIGHWAYS.—For public lands highways $20,000,000 per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991.

(b) PARKWAYS AND PARK HIGHWAYS.—

(1) IN GENERAL.—For the purpose of carrying out the provisions of title 23, United States Code, there is hereby authorized to be appropriated for parkways and park highways $45,000,000 per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991.

(2) PAYMENT OF COST.—The entire cost of any parkway or park highway on any Federal-aid system paid under the authorization contained in this subsection shall be paid from the Highway Trust Fund (other than the Mass Transit Account).

(c) DISADVANTAGED BUSINESS ENTERPRISES.—Except to the extent that the Secretary determines otherwise, not less than 10 percent of the amounts authorized to be appropriated under this Act shall be expended with small business concerns owned and controlled by socially and economically disadvantaged individuals as defined by section 8(d) of the Small Business Act (15 U.S.C. section 637(d)) and relevant subcontracting regulations promulgated pursuant thereto.

SEC. 107. INTERSTATE 4R AND PRIMARY FORMULAS.

(a) REVISION OF 4R FORMULA.—Section 104(b)(5)(B) of title 23, United States Code, is amended to read as follows:

"(B) For resurfacing, restoring, rehabilitating, and reconstructing the Interstate System:

"50 percent in the ratio that vehicle miles traveled on lanes on the interstate routes designated under sections 103 and 139(c) of this title (other than those on toll roads not subject to a Secretarial agreement provided for in section 105 of the Federal-Aid Highway Act of 1978) in each State bears to the total of all such vehicle miles in all States; 25 percent in the ratio that gasoline used by motor vehicles on highways in such State bears to the total of gasoline used by motor vehicles on highways in all States; and 25 percent in the ratio that diesel fuel used by motor vehicles on highways in such State bears to the total of diesel fuel used by motor vehicles on highways in all States.

The Secretary shall establish such rules and regulations as may be necessary to carry out this subparagraph.".

(b) EXTENSION OF PRIMARY FORMULA.—Section 108 of the Highway Improvement Act of 1982 (23 U.S.C. 104 note) is amended by striking out "and 1986" each place it appears and inserting in lieu thereof "1986, 1987, 1988, 1989, 1990, and 1991".

SEC. 108. ELIMINATION OF ROADSIDE OBSTACLES.

The second undesignated paragraph of section 101(a) of title 23, United States Code, relating to the definition of construction, is amended by inserting after "grade crossings," the following: "elimination of roadside obstacles,".

SEC. 109. RELOCATION REQUIREMENTS.

Section 109 of title 23, United States Code (relating to standards), is amended by adding at the end thereof the following new subsection:

"(p) The Secretary shall not approve any project under this title unless the State agrees that, in connection with the operation, maintenance, or construction of the project, the State will not displace any structure owned by any person, partnership, or corporation that provides rent to the State in consideration for the occupancy by such structure unless—

"(1) such displacement is directly necessitated by the operation, maintenance, or construction of such project,

"(2) the owner of such structure receives relocation assistance in an amount at least equal to the amount that such owner would have received pursuant to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.) if the owner were a displaced person under such Act, or

"(3) such displacement is expressly authorized by State statute and is in accordance with the terms of the rental agreement.".

SEC. 110. CONTRACTING FOR ENGINEERING AND DESIGN SERVICES.

(a) IN GENERAL.—Section 112(b) of title 23, United States Code, is amended by striking out "Construction" and inserting in lieu thereof "(1) IN GENERAL.—Subject to paragraphs (2) and (3), construction" and by adding at the end thereof the following new paragraph:

"(2) CONTRACTING FOR ENGINEERING AND DESIGN SERVICES.—Each contract for program management, construction management, feasibility studies, preliminary engineering, design, architectural engineering, surveying, mapping, and related services with respect to a project subject to the provisions of subsection (a) of this section shall be awarded in the same manner as a contract for architectural and engineering services is negotiated under title IX of the Federal Property and Administrative Services Act of 1949 or equivalent State qualifications-based requirements.".

(b) CONFORMING AMENDMENTS.—Such section is further amended—

(1) by inserting "BIDDING REQUIREMENTS.—" after "(b)"; and

(2) by indenting paragraph (1), as designated by subsection (a) of this section, and aligning such paragraph with paragraph (2), as added by such subsection.

SEC. 111. LIMITATIONS CONCERNING SOUTH AFRICA ON AWARDS OF CONTRACTS.

Section 112(b) of title 23, United States Code, is further amended by adding at the end thereof the following new paragraph:

"(3) LIMITATIONS CONCERNING SOUTH AFRICA ON AWARDS OF CONTRACTS.—A State or local governmental body that is a recipient of Federal funds under this title may prohibit or otherwise limit the award of contracts by including in its contracts terms and conditions related to the contractor's business in South Africa in accordance with a State or local law if the State or local governmental body first enters into an agreement with the Secretary that any costs incurred as a result of such prohibition or limitation which are in excess of the costs that would otherwise have been incurred with respect to such project under this title will not, for purposes of this title, be considered to be a cost of such project.".

SEC. 112. STANDARDIZED CONTRACT CLAUSE CONCERNING SITE CONDITIONS.

Section 112 of title 23, United States Code, is amended by redesignating subsection (e), and any references thereto, as subsection (f), and by inserting after subsection (d) the following new subsection:

"(e) STANDARDIZED CONTRACT CLAUSE CONCERNING SITE CONDITIONS.—The Secretary shall issue regulations establishing and requiring, for inclusion in each contract entered into with respect to any project approved under section 106 of this title—

"(1) a standardized contract clause concerning each of the following conditions:

"(A) site conditions differing from those specified in the contract;

"(B) suspensions of work ordered by the State (other than a suspension of work caused by the fault of the contractor or by weather); and

"(C) material changes in the scope of work specified in the contract; and

"(2) equitable adjustment of contract terms to take into account such conditions.".

SEC. 113. CONVICT PRODUCED MATERIALS.

(a) IN GENERAL.—Subsection (b) of section 114 of title 23, United States Code, is amended to read as follows:

"(b) CONVICT LABOR AND CONVICT PRODUCED MATERIALS.—

"(1) LIMITATION ON CONVICT LABOR.—Convict labor shall not be used in construction

of highways or portions of highways located on a Federal-aid system unless it is labor performed by convicts who are on parole, supervised release, or probation.

"(2) LIMITATION ON CONVICT PRODUCED MATERIALS.—Materials produced by convict labor may only be used in such construction—

"(A) if such materials are produced by convicts who are on parole, supervised release, or probation from a prison; or

"(B) if such materials are produced by convicts in a qualified prison facility and the amount of such materials produced in such facility for use in such construction during any 12-month period does not exceed the amount of such materials produced in such facility for use in such construction during the 12-month period ending July 1, 1985.

"(3) QUALIFIED PRISON FACILITY DEFINED.—As used in this subsection, 'qualified prison facility' means any prison facility in which convicts, during the 12-month period ending July 1, 1985, produced materials for use in construction of highways or portions of highways located on a Federal-aid system.".

(b) CONFORMING AMENDMENTS.—(1) Subsection (a) of such section is amended by inserting "CONSTRUCTION WORK IN GENERAL.—" before "The construction of".

(2) Section 202 of the Departments of Commerce, Justice, State, the Judiciary, and Related Agencies Appropriation Act, 1985 is hereby repealed.

(3) Section 1761(d) of title 18, United States Code, is hereby repealed.

SEC. 114. SIGNS IDENTIFYING FUNDING SOURCES.

Section 114(a) of title 23, United States Code, is further amended by adding at the end thereof the following new sentence: "If a State has a practice of erecting on projects under actual construction without Federal-aid highway assistance signs which indicate the source or sources of any funds used to carry out such projects, such State shall erect on all projects under actual construction with any funds made available out of the Highway Trust Fund signs which are visible to highway users and which indicate each governmental source of funds being used to carry out such federally assisted projects and the amount of funds being made available by each such source.".

SEC. 115. ADVANCED CONSTRUCTION.

(a) LIMITATION.—Paragraph (2) of section 115(a) of title 23, United States Code, is amended to read as follows:

"(2) LIMITATION.—The aggregate amount of funds which the Secretary is authorized to pay to a State with respect to highway substitute projects, projects on a Federal-aid system, or bridge projects under applications approved under this section shall not, at any time during a fiscal year, exceed an amount equal to—

"(A) two times the aggregate amount of funds apportioned or allocated to the State for expenditure under section 103(e)(4), 104, or 144 of this title, as the case may be, in such fiscal year; plus

"(B) the aggregate amount of funds apportioned or allocated to the State for expenditure under such section which, on the last day of the preceding fiscal year, have not been obligated and remain available for obligation by such State; plus

"(C) the aggregate amount which the Secretary determines, by using the most recent apportionment or allocation factors, would be apportioned or allocated to the State for expenditure under such section in each succeeding fiscal year for which funds are authorized to be appropriated to carry out such section; less

"(D) the aggregate amount of funds apportioned or allocated to the State for expenditure under such section which have been obligated in such fiscal year.".

(b) PRIMARY SYSTEM PROJECTS.—

(1) IN GENERAL.—Section 115(b)(1) of such title, is amended—

(A) by inserting before "Interstate System" each place it appears "Federal-aid primary or"; and

(B) by inserting after "Interstate System" the second place it appears ", as the case may be".

(2) EXEMPTION OF FUNDS.—Section 115(a)(1) of such title is amended—

(A) by inserting "and Federal-aid primary funds" after "Interstate funds"; and

(B) by inserting "or a Federal-aid primary system project funded under section 104(b)(1) of this title or section 108 of the Highway Improvement Act of 1982" after "104(b)(5) of this title".

(c) REMOVAL OF LIMITATION ON BOND INTEREST.—Section 115(b)(2) of such title is amended by striking out "under construction on January 1, 1983, on the Interstate System" and inserting in lieu thereof "constructed before, on, or after January 1, 1983, on the Federal-aid primary or Interstate System".

(d) CONFORMING AMENDMENTS.—Section 115 of such title is amended—

(1) in subsection (a) by inserting "AUTHORIZATION OF PAYMENT.—" after "(a)";

(2) in subsection (a)(1) by striking out "When" and inserting in lieu thereof "REQUIREMENTS.—Subject to paragraph (2), when";

(3) in subsection (a) by indenting paragraph (1) and aligning such paragraph with paragraph (2), as amended by subsection (a) of this section;

(4) in subsection (a)(1) by aligning subparagraphs (A) and (B) with subparagraphs (A), (B), (C), and (D) of such paragraph (2); and

(5) in subsection (b)(1) by striking out "When" and inserting in lieu thereof "Subject to subsection (a)(2), when".

SEC. 116. INTERSTATE DISCRETIONARY FUNDS.

(a) CONSTRUCTION FUNDS; ADDITIONAL PRIORITY PROJECT.—Paragraph (2) of section 118(b) of title 23, United States Code, is amended to read as follows:

"(2) INTERSTATE CONSTRUCTION FUNDS.—

"(A) PERIOD OF AVAILABILITY.—Except as otherwise provided in this subsection, sums apportioned for the Interstate System in any State shall remain available for expenditure in that State until the end of the fiscal year for which authorized. Upon request of the State, the Secretary shall reduce the period of availability of such sums by one fiscal year.

"(B) DISCRETIONARY PROJECTS.—Sums not obligated within the time period prescribed by subparagraph (A) shall lapse and be made available by the Secretary for projects on the Interstate System (other than projects for which sums are apportioned under section 104(b)(5)(B)) in accordance with the following priorities:

"(i) First, for—

"(I) high cost projects which directly contribute to the completion of a segment of the Interstate System which is not open to traffic; and

"(II) high cost projects for construction of high occupancy vehicle lanes and other lanes on any highway in Los Angeles County, California, designated as a part of the Interstate System by section 140 of the Federal-Aid Highway Act of 1978 and the costs of construction of which are included in the interstate cost estimate for 1985.

"(ii) Second, for projects of high cost in relation to a State's apportionment.

"(iii) Third, for projects with respect to which the Secretary may make payments under section 115 of this title.

"(C) LIMITATION ON STATES ELIGIBLE FOR DISCRETIONARY FUNDS.—Sums may only be made available under this paragraph in any State in a fiscal year if—

"(i)(I) the Secretary determines that the State has obligated all of its apportionments under section 104(b)(5)(A) of this title other than an amount which, by itself, is insufficient to pay the Federal share of the cost of a project on the Interstate System which has been submitted by the State to the Secretary for approval; or

"(II) the State certifies to the Secretary that the State will obligate before August 1 of the fiscal year all of its apportionments under section 104(b)(5)(A) other than such an insufficient amount; and

"(ii) the applicant for a project with respect to which the Secretary may not make payments under section 115 of this title is willing and able to—

"(I) apply the funds to a ready-to-commence project, and

"(II) in the case of construction work, begin work within 90 days of obligation.

"(D) EXCEPTION TO LIMITATION.—The Secretary may make funds available to the State of California for construction of high occupancy vehicle and other lanes described in subparagraph (B)(i)(II) whether or not such State has met the requirements of clause (i) of subparagraph (C).

"(E) PERIOD OF AVAILABILITY OF DISCRETIONARY FUNDS.—Sums made available pursuant to this paragraph shall remain available until expended.".

(b) SET ASIDE OF 4R FUNDS FOR 4R DISCRETIONARY PROJECTS.—Section 118(c) of such title is amended by inserting "SET ASIDES FOR INTERSTATE DISCRETIONARY PROJECTS.—" after "(c)", by inserting "(1) SET ASIDE FOR CONSTRUCTION PROJECTS.—" before "Before", and by adding at the end thereof the following new paragraph:

"(2) SET ASIDE FOR 4R PROJECTS.—Before any apportionment is made under section 104(b)(5)(B) of this title, the Secretary shall set aside $200,000,000 for obligation by the Secretary in accordance with subsection (b)(3) of this section.".

(c) LIMITATIONS ON STATES AND PROJECTS ELIGIBLE FOR 4R DISCRETIONARY FUNDS.—Paragraph (3) of section 118(b) of such title is amended to read as follows:

"(3) INTERSTATE 4R FUNDS.—

"(A) PERIOD OF AVAILABILITY.—Any amount apportioned to a State for the Interstate System under section 104(b)(5)(B) of this title shall continue to be available for expenditure in that State for a period of one year after the close of the fiscal year for which such sums are authorized.

"(B) DISCRETIONARY PROJECTS.—Sums not obligated within the time period prescribed by subparagraph (A) shall lapse and be made available by the Secretary for projects for resurfacing, restoring, rehabilitating, and reconstructing any route or portion thereof on the Interstate System (other than any highway designated as a part of the Interstate System under section 139 and any toll road on the Interstate System not subject to an agreement under section 105 of the Federal-Aid Highway Act of 1978). Such funds shall be made available by the Secretary to any other State applying for such funds, if the Secretary determines that—

"(i) the State has obligated all of its apportionments under section 104(b)(5)(B) other

than an amount which, by itself, is insufficient to pay the Federal share of the cost of a project for resurfacing, restoring, rehabilitating, and reconstructing the Interstate System which has been submitted by such State to the Secretary for approval; and

"(ii) the applicant is willing and able to (I) obligate the funds within one year of the date the funds are made available, (II) apply them to a ready-to-commence project, and (III) in the case of construction work, begin work within 90 days of obligation.

"(C) PRIORITY CONSIDERATION FOR CERTAIN PROJECTS.—In selecting projects to fund under subparagraph (B), the Secretary shall give priority consideration to any project the cost of which exceeds $10,000,000 on any high volume route in an urban area or a high truck-volume route in a rural area.

"(D) FACTORS TO CONSIDER IN SELECTION OF RECIPIENTS.—In selecting States to receive funds under subparagraph (B) in a fiscal year, the Secretary shall—

"(i) consider whether a State has obligated in such fiscal year and the two preceding fiscal years any funds apportioned to the State under section 104(b)(5)(B) of this title for projects on a segment of the Interstate System designated under section 139(b) of this title and, if so, the amount of such funds;

"(ii) not consider whether a State has transferred funds under section 119(f)(2) of this title in such fiscal year and the two preceding fiscal years; and

"(iii) not consider whether a State has obligated in such fiscal year and two preceding fiscal years any funds apportioned under section 104(b)(5)(B) of this title for projects on a segment of the Interstate System designated under section 139(a) of this title.

"(E) PERIOD OF AVAILABILITY OF DISCRETIONARY FUNDS.—Sums made available pursuant to this paragraph shall remain available until expended.".

(d) CONFORMING AMENDMENTS.—(1) The matter preceding the first colon in section 104(b) of such title is amended by inserting after "subsection (a) of this section" the following: "and the set asides authorized by subsection (f) of this section and sections 118(c) and 307(d) of this title".

(2) Section 118(b) of such title is amended—

(A) in paragraph (1) by inserting "PERIODS OF AVAILABILITY OF FUNDS; DISCRETIONARY PROJECTS.—" before "(1)";

(B) in paragraph (1) by inserting "PERIOD OF AVAILABILITY OF NON-INTERSTATE FUNDS.—" before "Sums";

(C) in paragraph (4) by inserting "OBLIGATION AS EQUIVALENT TO EXPENDITURES; EFFECT OF RELEASE OF FUNDS.—" before "Sums"; and

(D) by indenting paragraph (1) and aligning such paragraph and paragraph (4) with paragraph (2), as amended by subsection (a) of this section.

(3) Section 118(c) of such title is further amended by indenting paragraph (1), as designated by subsection (b) of this section, and aligning such paragraph with paragraph (2), as added by such subsection (b).

SEC. 117. FLEXIBILITY OF USE OF HIGHWAY FUNDS.

Section 118(f) of title 23, United States Code (relating to availability of sums apportioned to the State of Alaska), is amended by inserting "and the Commonwealth of Puerto Rico" after "the State of Alaska".

SEC. 118. INTERSTATE 4R PROGRAM.

(a) IN GENERAL.—Section 119 of title 23, United States Code, is amended by adding at the end thereof the following new subsections:

"(e) TOLL ROAD AGREEMENTS.—The Secretary may approve a project pursuant to subsection (a) on a toll road only if an agreement satisfactory to the Secretary has been reached with the State highway department and each public authority with jurisdiction over such toll road prior to the approval of such project that the toll road will become free to the public upon the collection of tolls sufficient to liquidate the cost of the toll road or any bonds outstanding at the time constituting a valid lien against it, and the cost of maintenance and operation and debt service during the period of toll collections. Such agreement shall contain a provision requiring that if, for any reason, a toll road receiving Federal assistance under this section does not become free to the public upon collection of sufficient tolls as specified in the first sentence of this subsection, Federal funds used for projects on such toll road pursuant to this subsection shall be repaid to the Federal Treasury. Any agreement entered into under section 105 of the Federal-Aid Highway Act of 1978 before the date of the enactment of this subsection shall be treated as an agreement entered into under this subsection.

"(f) TRANSFER OF FUNDS FOR PRIMARY SYSTEM PROJECTS.—

"(1) UPON CERTIFICATION ACCEPTANCE.—If a State certifies to the Secretary that any part of the sums apportioned to the State under 104(b)(5)(B) of this title are in excess of the needs of the State for resurfacing, restoring, rehabilitating, or reconstructing Interstate System routes and the Secretary accepts such certification, the State may transfer such excess part to its apportionment under section 104(b)(1).

"(2) UNCONDITIONAL.—Notwithstanding paragraph (1), a State may transfer to its apportionment under section 104(b)(1) of this title—

"(A) in fiscal year 1987, an amount not to exceed 20 percent of the funds apportioned to the State under section 104(b)(5)(B) which are not obligated at the time of the transfer; and

"(B) in any fiscal year thereafter, an amount equal to 20 percent of the funds apportioned to the State under section 104(b)(5)(B) for such fiscal year.

The Federal share for a project carried out with funds transferred under this paragraph shall be that set forth in section 120(c) of this title, except that the Federal share for a project on a priority primary route designated in the committee print referred to in section 120(k) shall be that set forth in section 120(k).".

(b) CONFORMING AMENDMENTS.—(1) Section 119(a) of such title is amended by striking out "section 105 of the Federal-Aid Highway Act of 1978" and inserting in lieu thereof "subsection (e)".

(2) Section 105 of the Federal-Aid Highway Act of 1978 is amended by striking out all that follows the first sentence.

SEC. 119. FEDERAL SHARE.

(a) CERTAIN HIGHWAY SAFETY CONSTRUCTION PROJECTS.—Section 120(d) of title 23, United States Code, is amended by inserting after "vanpooling" the following: "or for installation of traffic signs, highway lights, guardrails, or impact attenuators".

(b) PRIORITY PRIMARY PROJECTS.—Section 120 of such title is amended by redesignating the second subsection (i) and subsections (j) and (k) (and any reference thereto) as subsections (j),(k), and (l), respectively, and in subsection (k) as so redesignated by striking out "97-61" and inserting in lieu thereof "99-4".

(c) GREAT RIVER ROAD.—Section 120 of such title is amended—

(1) in subsection (k), as redesignated by subsection (b), by striking out ", 148, and 155," and inserting in lieu thereof "and 155"; and

(2) by adding at the end thereof the following new subsection:

"(m) GREAT RIVER ROAD PROJECTS.—Notwithstanding any other provision of this section, this title, or any other law, in any case where a State elects to use funds apportioned to it for any Federal-aid system for any project under section 148 of this title, the Federal share payable on account of such project shall be 95 percent of the cost thereof; except that if a State requests that the Federal share payable on account of such project be a percentage of the cost of such project which is less than 95 percent but not less than 75 percent, such percentage shall be the Federal share payable on account of such project.".

(d) INCENTIVE PROGRAM FOR THE USE OF COAL ASH.—

(1) CONGRESSIONAL FINDINGS.—The Congress hereby finds and declares (A) that it is in the national interest to encourage and promote utilization by the States of materials which are produced from coal ash in highway and bridge construction projects under title 23, United States Code, and (B) that the use of such materials in such projects conserves energy, encourages resource recovery, and reduces the cost of such projects.

(2) INCREASED FEDERAL SHARE.—Notwithstanding sections 119, 120, and 144 of title 23, United States Code, in each of fiscal years 1987, 1988, 1989, 1990, and 1991, the percentage specified in such sections as the Federal share of the cost payable on account of any highway or bridge construction project in which materials produced from coal ash are used in significant amounts shall be increased by adding 5 percent to such percentage; except that in no case shall the Federal share payable on account of any project exceed 95 percent of the cost of such project as a result of increasing such Federal share under this subsection.

SEC. 120. EMERGENCY RELIEF.

(a) OBLIGATION CEILING.—Section 125(b) of title 23, United States Code, is amended by striking out "$30,000,000" and inserting in lieu thereof "$50,000,000" and by inserting after "1985" the following: "or $100,000,000 with respect to natural disasters and catastrophic failures occurring in calendar year 1986".

(b) TERRITORIES.—

(1) TREATED AS STATES.—Section 125 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) TREATMENT OF TERRITORIES.—For purposes of this section, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands shall be considered to be States and parts of the United States, and the chief executive officer of each such territory shall be considered to be a Governor of a State.".

(2) LIMITATION ON OBLIGATIONS.—The first sentence of subsection (b) of such section 125 is amended by inserting "(1)" before "obligations" and by inserting before the period at the end the following: ", and (2) the total obligations for projects under this section in any fiscal year in the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands shall not exceed $5,000,000".

(3) EFFECTIVE DATE.—The amendments made by paragraphs (1) and (2) shall take effect April 15, 1983.

(c) ELIGIBLE PROJECT.—A project to repair or reconstruct any portion of an interstate route in the vicinity of Salt Lake City, Utah, which was damaged by flooding of the Great Salt Lake that occurred in 1983 shall be eligible for assistance under section 125 of title 23, United States Code, and the Secretary is authorized to reimburse, with funds made available under such section, the State of Utah for any work carried out on such project. Funds reimbursed to such State pursuant to this subsection shall be treated as if such funds are apportioned to such State under section 104(b)(5)(B) of title 23, United States Code.

SEC. 121. TANK TRUCKS.

(a) EXCEPTION TO GENERAL VEHICLE WEIGHT RULE.—The second sentence of subsection (a) of section 127 of title 23, United States Code (relating to vehicle weight limitations for the Interstate system), is amended—

(1) by inserting "(1)" before "is thirty-six feet or more";

(2) by inserting after "thirty-six feet or more" the following: ", (2) in the case of a motor vehicle hauling any tank trailer or ocean transport container before September 1, 1988, is 30 feet or more, or (3) in the case of any motor vehicle hauling any dump trailer before September 1, 1988, is 32 feet or more"; and

(3) by inserting after "except in the case of the overall gross weight of any group of two or more consecutive axles" the following: "on any vehicle (other than a vehicle comprised of a motor vehicle hauling any tank trailer or ocean transport container or dump trailer on or after September 1, 1988)".

(b) OCEAN TRANSPORT CONTAINER DEFINED.—Such section 127 is amended by adding at the end thereof the following new subsection:

"(c) OCEAN TRANSPORT CONTAINER DEFINED.—For purposes of this section, the term 'ocean transport container' has the meaning given the term 'freight container' by the International Standards Organization in Series 1, Freight Containers, 3rd Edition (reference number IS0668-1979(E)) as in effect on the date of the enactment of this subsection.".

(c) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (a) by inserting "IN GENERAL.—" before "No funds"; and

(2) in subsection (b) by inserting "REASONABLE ACCESS.—" before "No State".

SEC. 122. EXTENSION OF TOLLS TO FINANCE CERTAIN INELIGIBLE CONSTRUCTION EXPENSES.

(a) IN GENERAL.—Section 129(e) of title 23, United States Code, is amended by striking out the semicolon at the end of paragraph (1) and inserting in lieu thereof the following: ", except for such indebtedness as may be incurred to finance any cost associated with a feature of the project on the toll road in which the Secretary does not permit Federal participation with funds apportioned under section 104(b)(5)(A) of this title and which is recommended to be included as a part of the project by the final environmental impact statement with respect to such project;".

(b) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in paragraph (2) by inserting "(A)" after "applied to", by inserting "(i)" after "only", and by striking out "toll road and" and inserting in lieu thereof "toll road, (ii) any indebtedness incurred to finance any cost of such a feature, and (iii) any funds advanced by the State to finance any cost of such a feature, and (B)"; and

(2) by striking out the period at the end thereof and inserting in lieu thereof "and repay all such indebtedness and funds advanced.".

SEC. 123. HIGHWAY BEAUTIFICATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 131(m) of title 23, United States Code (relating to control of outdoor advertising), is amended by striking out the last sentence and inserting in lieu thereof the following: "There is authorized to be appropriated to carry out the provisions of this section, out of the Highway Trust Fund (other than the Mass Transit Account), $5,000,000 per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991. All provisions of this chapter that are applicable to Federal-aid primary highways funds, other than provisions relating to the apportionment formula, shall apply to funds authorized to be appropriated to carry out this section, except as determined by the Secretary to be inconsistent with this section.".

(b) FARM PRODUCE SIGNS.—Section 131(c) of such title is amended by striking out "and" at the end of clause (4) and by striking out the period at the end of such section and inserting in lieu thereof the following: ", and (6) temporary or seasonal signs, displays, and devices advertising locations at which consumers may harvest and purchase agricultural commodities from farmers producing such commodities which signs, displays, and devices do not exceed 150 square feet.".

(c) FEDERAL SHARE.—Section 131(g) of such title is amended by inserting after "75 per centum" the following: "or such lesser percentage as may be agreed upon by the Secretary and the State".

(d) JUST COMPENSATION.—Section 131 of such title is amended by adding at the end thereof the following new subsection:

"(r) JUST COMPENSATION IN NORTH DAKOTA.—Any outdoor advertising sign, display, or device erected with the permission of the State of North Dakota under a permit containing a waiver of just compensation, and erected after October 22, 1965, and before the agreement between such State and the Secretary referred to in subsection (d) of this section, irrespective of any such conditions requiring waiver of compensation, whether or not such permit has been renewed, shall not be removed by such State without payment of just compensation.".

SEC. 124. BRIDGE PROGRAM.

(a) DISCRETIONARY PROGRAM.—Section 144(g) of title 23, United States Code, is amended to read as follows:

"(g) SET ASIDES.—

"(1) DISCRETIONARY BRIDGE PROGRAM.—Of the amount authorized per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991 by section 202 of the Highway Safety Act of 1986, all but $250,000,000 per fiscal year shall be apportioned as provided in subsection (e) of this section. $250,000,000 per fiscal year of the amount authorized for each of such fiscal years shall be available for obligation on the date of each such apportionment in the same manner and to the same extent as the sums apportioned on such date, except that the obligation of such $250,000,000 shall be at the discretion of the Secretary.

"(2) ELIGIBLE DISCRETIONARY PROJECTS.—Amounts made available by paragraph (1) for obligation at the discretion of the Secretary may be obligated only—

"(A) for a project for a highway bridge the replacement or rehabilitation cost of which is more than $10,000,000, and

"(B) for a project for a highway bridge the replacement or rehabilitation cost of which is less than $10,000,000 if such cost is at least twice the amount apportioned to the State in which such bridge is located under subsection (e) for the fiscal year in which application is made for a grant for such bridge.

"(3) OFF-SYSTEM BRIDGES.—Not less than 15 percent nor more than 35 percent of the amount apportioned to each State in each of fiscal years 1987, 1988, 1989, 1990, and 1991, shall be expended for projects to replace or rehabilitate highway bridges located on public roads, other than those on a Federal-aid system. The Secretary after consultation with the State and local officials may, with respect to a State, reduce the requirement for expenditure for bridges not on a Federal-aid system when the Secretary determines that such State has inadequate needs to justify such expenditure.".

(b) APPLICABILITY OF THE GENERAL BRIDGE ACT OF 1948.— Section 144(h) of such title is amended—

(1) by striking out "which are not subject to the ebb and flow of the tide, and" and inserting in lieu thereof "(1)"; and

(2) by striking out the period at the end thereof and inserting in liue thereof ", and (2) which are (a) not tidal, or (b) if tidal, used only by recreational boating, fishing, and other small vessels less than 21 feet in length.".

(c) INVENTORIES AND REPORTS.—Section 144(i) of such title is amended to read as follows:

"(i) INVENTORIES AND REPORTS.—The Secretary shall—

"(1) report to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives on projects approved under this section;

"(2) annually revise the current inventories authorized by subsections (b) and (c) of this section;

"(3) report to such committees on such inventories; and

"(4) report to such committees such recommendations as the Secretary may have for improvements of the program authorized by this section.

Such reports shall be submitted to such committees biennially beginning in January 1987 at the same time as the report required by section 307(e) of this title is submitted to Congress.".

(d) BRIDGES TO REPLACE CERTAIN FERRYBOAT SERVICES.—

(1) IN GENERAL.—Section 144 of such title is amended by redesignating subsection (m), and any references thereto, as subsection (n) and by inserting after subsection (l) the following new subsection:

"(m) BRIDGES TO REPLACE FERRYBOAT SERVICE.—Notwithstanding any other provision of this section or any other law, upon application of the State of Arkansas for assistance for construction of a highway bridge to replace ferryboat service which was being provided in such State for motor vehicles on January 3, 1983, the Secretary may approve under this section a project for such construction at a Federal share payable of 80 percent of the cost thereof.".

(2) CONFORMING MODIFICATION OF APPORTIONMENT FORMULA.—Subsection (e) of such section is amended by inserting after the third sentence the following new sentence: "For purposes of the preceding sentence, the

total cost of deficient bridges in the State of Arkansas and in all States shall be reduced by the total cost of any highway bridges constructed under subsection (m), relating to replacement of ferryboat service.".

(e) DISCRETIONARY BRIDGE CRITERIA.—Section 161 of the Highway Improvement Act of 1982 (23 U.S.C. 144 note) is amended by inserting before the period at the end of the second sentence ", including a bridge replacement of which was partially funded under the Supplemental Appropriations Act, 1983 (97 Stat. 341)".

SEC. 125. MINIMUM ALLOCATION.

(a) PLANNING AS A FUNDABLE ITEM; TREATMENT OF WITHHELD APPORTIONMENTS.—Section 157 of title 23, United States Code, is amended by redesignating subsection (c), and any references thereto, as subsection (e) and by inserting after subsection (b) the following new subsections:

"(c) LIMITATION ON PLANNING EXPENDITURES.—One-half of one percent of amounts allocated to each State under this section in any fiscal year may be available for expenditure for the purpose of carrying out the requirements of section 134 of this title (relating to transportation planning). One and one-half percent of the amounts allocated to each State under this section in any fiscal year may be available for expenditure for the purpose of carrying out activities referred to in subsection (c) of section 307 of this title (relating to transportation planning and research).

"(d) TREATMENT OF WITHHELD APPORTIONMENTS.—For purposes of subsection (a), any funds which, but for section 154(f) or 158(a) of this title or any other provision of law under which Federal-aid highway funds are withheld from apportionment, would be apportioned to a State in a fiscal year under a section referred to in subsection (a) shall be treated as being apportioned in such year.".

(b) EXTENSION OF PROGRAM.—

(1) IN GENERAL.—Subsection (a) of section 157 of title 23, United States Code, is amended by striking out "September 30, 1984, September 30, 1985, and September 30, 1986," and inserting in lieu thereof "on or after September 30, 1984,".

(2) AUTHORIZATION OF APPROPRIATIONS.—Subsection (e) of such section 157, as redesignated by subsection (a) of this section, is amended by striking out "September 30, 1983, September 30, 1984, September 30, 1985, and September 30, 1986" and inserting in lieu thereof "on or after September 30, 1983".

SEC. 126. NATIONAL BRIDGE INSPECTION PROGRAM.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by striking out section 151 (relating to pavement marking demonstration program) and inserting in lieu thereof the following:

"§ 151. National bridge inspection program

"(a) NATIONAL BRIDGE INSPECTION STANDARDS.—The Secretary, in consultation with the State highway departments and interested and knowledgeable private organizations and individuals, shall establish national bridge inspection standards for the proper safety inspection and evaluation of all highway bridges.

"(b) MINIMUM REQUIREMENTS OF INSPECTION STANDARDS.—The standards established under subsection (a) shall, at a minimum—

"(1) specify, in detail, the method by which such inspections shall be carried out by the States;

"(2) establish the maximum time period between inspections;

"(3) establish the qualification for those charged with carrying out the inspections;

"(4) require each State to maintain and make available to the Secretary upon request—

"(A) written reports on the results of highway bridge inspections together with notations of any action taken pursuant to the findings of such inspections; and

"(B) current inventory data for all highway bridges reflecting the findings of the most recent highway bridge inspections conducted; and

"(5) establish a procedure for national certification of highway bridge inspectors.

"(c) TRAINING PROGRAM FOR BRIDGE INSPECTORS.—The Secretary, in cooperation with the State highway departments, shall establish a program designed to train appropriate governmental employees to carry out highway bridge inspections. Such training program shall be revised from time to time to take into account new and improved techniques.

"(d) AVAILABILITY OF FUNDS.—To carry out this section, the Secretary may use funds made available pursuant to the provisions of section 104(a), section 307(a), and section 144 of this title.".

(b) CONFORMING AMENDMENTS.—(1) The analysis for chapter 1 of such title is amended by striking out the item relating to section 151 and inserting in lieu thereof the following:

"151. National bridge inspection program.".

(2) Section 116 of such title (relating to highway maintenance) is amended by striking out subsections (d) and (e).

SEC. 127. INCOME FROM AIRSPACE RIGHTS-OF-WAY.

(a) REQUIREMENT.—Chapter 1 of title 23, United States Code, is amended by striking out section 156 (relating to highways crossing Federal projects) and inserting in lieu thereof the following:

"§ 156. Income from airspace rights-of-way

"Net income received by any State after September 30, 1987, from the use, lease, or sale of any airspace associated with any project carried out before, on, or after the date of the enactment of this section in whole or in part with Federal assistance made available from the Highway Trust Fund (other than the Mass Transit Account) shall be used by such State to carry out projects eligible for Federal assistance under this chapter.".

(b) CONFORMING AMENDMENT.—The analysis for such chapter is amended by striking out the item relating to section 156 and inserting in lieu thereof the following:

"156. Income from airspace rights-of-way.".

SEC. 128. STRATEGIC HIGHWAY RESEARCH PROGRAM.

Section 307 of title 23, United States Code (relating to research and planning), is amended by redesignating subsections (d) and (e) (and any references thereto) as subsections (e) and (f), respectively, and by inserting after subsection (c) the following new subsection:

"(d) STRATEGIC HIGHWAY RESEARCH PROGRAM.—

"(1) ESTABLISHMENT.—The Secretary, in consultation with the American Association of State Highway and Transportation Officials, shall carry out such research, development, and technology transfer activities as the Secretary determines to be strategically important to the national highway transportation system.

"(2) COOPERATIVE AGREEMENTS.—The Secretary may make grants to, and enter into cooperative agreements with, the American Association of State Highway and Transportation Officials and the National Academy of Sciences to carry out such activities under this subsection as the Secretary determines are appropriate. Advance payments may be made as necessary to carry out such cooperative agreements.

"(3) PERIOD OF AVAILABILITY.—Funds set aside to carry out this subsection shall remain available for the fiscal year in which such funds are made available and the three succeeding fiscal years.

"(4) SET ASIDE.—On October 1, of each of fiscal years 1987, 1988, 1989, 1990, and 1991, the Secretary shall set aside to carry out this subsection not to exceed one-quarter of 1 percent of the funds authorized to be appropriated for the Federal-aid systems, for highway assistance programs under section 103(e)(4) of this title, for bridge replacement and rehabilitation under section 144 of this title, for elimination of hazards under section 152 of this title, and for elimination of hazards of railway-highway crossings under section 203 of the Highway Safety Act of 1973. In the case of funds authorized for apportionment on the Interstate System, the Secretary shall set aside that portion of such funds (subject to the overall limitation of one-quarter of 1 percent) on October 1 of the year next preceding the fiscal year for which such funds are authorized for such System.".

SEC. 129. PLANTING OF NATIVE WILDFLOWERS.

Section 319 of title 23, United States Code, is amended by inserting "(a) LANDSCAPE AND ROADSIDE DEVELOPMENT.—" before "The Secretary" and by adding at the end thereof the following new subsection:

"(b) PLANTING OF NATIVE WILDFLOWERS.—Notwithstanding any other provision of law, not less than one-quarter of 1 percent of the funds expended under landscaping contracts under this title in any State in any fiscal year beginning after the date of the enactment of this subsection shall be used for the planting of native wildflower seeds and seedlings. The requirements of this subsection may be waived by the Secretary if the State certifies that such native wildflowers or seedlings cannot be grown satisfactorily or planting areas are limited.".

SEC. 130. HIGHWAY TECHNICAL AMENDMENTS.

(a) SURFACE TRANSPORTATION ASSISTANCE ACT OF 1982.—(1) The third sentence of section 108(d) of the Surface Transportation Assistance Act of 1982 is amended by striking out "this title," and inserting in lieu thereof "title 23, United States Code,".

(2) The second section 126 of such Act (relating to bicycle transportation) is amended by striking out "SEC. 126." and inserting in lieu thereof "SEC. 126A.".

(3) Section 133 of such Act is amended by striking out "(a)" the first place it appears.

(4) The first sentence of section 163 of such Act is amended to read as follows: "Notwithstanding any other provision of this Act or any other law, no funds apportioned or allocated to a State for Federal-aid highways shall be obligated for a project for constructing, resurfacing, restoring, rehabilitating, or reconstructing a Federal-aid highway which has a lane designated as a carpool lane unless the use of such lane includes use by motorcycles.".

(5) Section 165(b) of such Act is amended by inserting "or" after the semicolon at the end of clause (3).

(6) Section 411(d) of such Act (relating to length limitations) is amended by inserting "and boat" after "automobile".

(b) TITLE 23.—(1) The analysis for chapter 1 of title 23, United States Code, is amended

(A) in the item relating to section 127 by striking out "and width", and (B) by striking out the item relating to section 146 and inserting in lieu thereof:

"146. Carpool and vanpool projects.".

(2) The fifth undesignated paragraph of section 101(a) of such title is amended by striking out "forest or trail" and inserting in lieu thereof "forest road or trail". The thirteenth undesignated paragraph of such section (relating to the definition of "park road") is amended by inserting before the period at the end thereof "and that is owned by the United States".

(3) The first sentence of section 120(f) of such title is amended by striking out ": Provided," and all that follows through the period at the end of such sentence and inserting in lieu thereof a period.

(4) The first sentence of section 122 of such title is amended by inserting "or for substitute highway projects approved under section 103(e)(4) of this title" before "and the retirement".

(5)(A) Subsection (b) of section 125 of such title is amended by striking out "the Interstate System, the Primary System, and on any routes functionally classified as arterials or major collectors" each place it appears and inserting in lieu thereof "the Federal-aid highway systems, including the Interstate System".

(B) Subsection (c) of such section is amended by striking out "routes functionally classified as arterials or major collectors" and inserting in lieu thereof "on any of the Federal-aid highway systems".

(6) Subsection (e) of section 144 of such title is amended by adding at the end thereof the following: "Funds apportioned under this section shall be available for expenditure for the same period as funds apportioned for projects on the Federal-aid primary system under this title. Any funds not obligated at the expiration of such period shall be reapportioned by the Secretary to the other States in accordance with this subsection.".

(7) The second sentence of section 204(b) of such title is amended by inserting "the Secretary or" before "the Secretary of the Interior".

(c) MISCELLANEOUS.—Section 104(i)(4)(D) of the Marine Protection, Research, and Sanctuaries Act of 1972, as added by section 424 of the Surface Transportation Assistance Act of 1982, is amended by inserting "to _____" after "grant a permit".

(d) VENDING MACHINES.—Section 111 of title 23, United States Code, is amended by inserting "(a) IN GENERAL.—" before "All agreements" and by adding at the end thereof the following new subsection:

"(b) VENDING MACHINES.—Notwithstanding subsection (a), any State may permit the placement of vending machines in rest and recreation areas, and in safety rest areas, constructed or located on rights-of-way of the Interstate System in such State. Such vending machines may only dispense such food, drink, and other articles as the State highway department determines are appropriate and desirable. Such vending machines may only be operated by the State. In permitting the placement of vending machines, the State shall give priority to vending machines which are operated through the State licensing agency designated pursuant to section 2(a)(5) of the Act of June 20, 1936, commonly known as the 'Randolph-Sheppard Act' (20 U.S.C. 107a(a)(5)). The costs of installation, operation, and maintenance of vending machines shall not be eligible for Federal assistance under this title.".

(e) MARYLAND INTERSTATE TRANSFER.—Section 7 of the Act entitled "An Act to apportion certain funds for construction of the National System of Interstate and Defense Highways for fiscal year 1985 and to increase the amount authorized to be expended for emergency relief under title 23, United States Code, and for other purposes", approved March 9, 1984 (98 Stat. 55-56), is amended—

(1) in the first sentence by inserting "not to exceed" before "$100,000,000";

(2) in the second sentence by striking out "$100,000,000" and inserting in lieu thereof "an amount equal to the amount of such funds"; and

(3) in the third sentence by striking out "$100,000,000" and inserting in lieu thereof "an amount equal to the amount of funds transferred under this section".

(f) PARK ROADS.—(1) Section 303(c) of title 49, United States Code, is amended by inserting before "requiring the use" the following: "(other than any project for a park road or parkway under section 204 of title 23)".

(2) The third sentence of section 138 of title 23, United States Code, is amended by inserting before "which requires" the following: "(other than any project for a park road or parkway under section 204 of this title)".

(g) REPEAL OF OUTDATED PROVISIONS.—

(1) TITLE 23.—The following sections of title 23, United States Code, and the items in the analysis for chapters 2 and 3 of such title relating to such sections are repealed: 211 (relating to timber access road hearings), 213 (relating to Rama Road), 219 (relating to safer off-system roads), and 322 (relating to demonstration project—rail crossings).

(2) OTHER HIGHWAY LAWS.—Section 119 of the Federal-Aid Highway Amendments of 1974 (relating to bikeway demonstration program) and section 141 of the Federal-Aid Highway Act of 1978 (relating to bicycle program) are repealed.

(h) RELOCATION OF UTILITY FACILITIES.—Section 123(a) of title 23, United States Code, is amended by striking out "the Federal-aid primary or secondary" and all that follows through "urban areas," and inserting in lieu thereof "any Federal-aid system,".

SEC. 131. BUY AMERICA.

(a) LIMITATION ON THE USE OF CERTAIN FOREIGN CEMENT.—Section 165(a) of the Surface Transportation Assistance Act of 1982 is amended by inserting before the period at the end thereof the following: "and unless none of the cement used in such project is produced or manufactured in any foreign country which is located in North America".

(b) ROLLING STOCK EXCEPTION.—

(1) INCREASE IN DOMESTIC CONTENT PERCENTAGE.—Section 165(b)(3) of such Act is amended by striking out "50" and inserting in lieu thereof "85".

(2) LIMITATION ON APPLICATION.—The amendment made by paragraph (1) shall not apply to procurements made pursuant to contracts entered into before June 1, 1986.

(c) INCREASE IN PROJECT COST EXCEPTION.—Paragraph (4) of section 165(b) of such Act is amended by striking "10 per centum" and all that follows through the period at the end of such section and inserting in lieu thereof "25 percent.".

SEC. 132. IMPLEMENTATION OF CERTAIN ORDERS.

In implementing any order issued by the President which provides for or requires a percentage reduction in new budget authority, unobligated balances, obligated balances, new loan guarantee commitments, new direct loan obligations, spending authority, or obligation limitations for the Federal-aid highway, mass transit and highway safety programs and with respect to which the budget account activity as identified in the program and financing schedule contained in the Appendix to the Budget of the United States Government for such programs includes more than one specific highway, mass transit, or highway safety program or project for which budget authority is provided by this Act or an amendment made by this Act, the Secretary shall apply the percentage reduction equally to each such specific program or project.

SEC. 133. PROJECT ELIGIBILITY.

(a) PROJECT DESCRIPTION.—Notwithstanding any other provision of law, policy, and regulation and any interpretation thereof, construction of the alternative for any Interstate route which is recommended in any final environmental impact statement (1) submitted by the State of Massachusetts in September 1983, and (2) approved by the Secretary thereafter, shall be eligible for funds authorized under section 108(b) of the Federal-Aid Highway Act of 1956 and is included as an eligible project in the 1985 interstate cost estimate, and the costs of such construction shall be included in any future interstate cost estimate. Subject to the approval of the Secretary of such impact statement, the Secretary shall enter into project agreements consistent with the provisions of title 23 of the United States Code for construction of such project.

(b) APPORTIONMENT ADJUSTMENT.—

(1) AGREEMENT.—Upon agreement of the Secretary and the Governor of the State of Massachusetts, the Secretary shall reduce the amount of funds to be apportioned to such State under section 104(b)(5)(A) of title 23, United States Code, in each of fiscal years 1987, 1988, and 1989 to an amount sufficient to meet the obligation schedule which the Secretary and such Governor establish for construction of the project described in subsection (a) for such fiscal year.

(2) AVAILABILITY OF FUNDS FOR DISCRETIONARY PROJECTS.—Upon making any reduction under paragraph (1) in the amount of funds apportioned to the State of Massachusetts under such section in such fiscal year, the Secretary shall make available for projects in accordance with section 118(b)(2) of such title an amount equal to the amount of such reduction.

SEC. 134. ELIGIBILITY OF PARK AND RIDE FACILITIES.

(a) ELIGIBILITY FOR INTERSTATE CONSTRUCTION FUNDS.—Notwithstanding any other provision of law, policy, and regulation and any interpretation thereof, construction in the vicinity of Fort Lauderdale, Florida, of 4 park and ride facilities and direct access connectors between such facilities and high occupancy vehicle lanes being constructed on a north-south interstate route which connects Miami and Jacksonville, Florida, shall be eligible for funds (not to exceed $84,000,000) authorized under section 108(b) of the Federal-Aid Highway Act of 1956 and is included as an eligible project in the 1985 interstate cost estimate, and the cost of such construction not to exceed $84,000,000 shall be included in any future interstate cost estimate. The Secretary shall enter into project agreements consistent with the provisions of title 23 of the United States Code for construction of such facilities and connectors.

(b) SIZE OF FACILITIES.—The size of each park and ride facility constructed pursuant

to subsection (a) shall be sufficient to accommodate commuter demand anticipated 20 years after the date on which construction of such facility is approved.

(c) ELIGIBILITY FOR 4R FUNDING.—Notwithstanding any other provision of law, if construction of the facilities and direct access connectors described in subsection (a) costs more than $84,000,000, the State of Florida may use funds apportioned to it under section 104(b)(5)(B) of title 23, United States Code, to complete construction of such facilities and connectors.

SEC. 135. PLANNING, DESIGN, AND CONSTRUCTION.

Notwithstanding any other provision of law, the State of Arkansas may use funds apportioned to it under section 104(b)(5)(A) of title 23, United States Code, for the planning, design, and construction from Interstate Route I-40 to the boundary between Arkansas and Missouri of a two-lane north-south highway which is on the Federal-aid primary system in Arkansas and passes through an urbanized area.

SEC. 136. TRANSFER OF INTERSTATE LANES.

(a) ELIGIBILITY OF INTERSTATE LANE PROJECT.—Any project to construct eligible interstate lanes, as defined in subsection (f), shall be eligible for funds authorized under section 108(b) of the Federal-Aid Highway Act of 1956 and shall be included as an eligible project in any future interstate cost estimate unless the costs of such project are made not eligible for such funds by subsection (c).

(b) APPROVAL OF SUBSTITUTE TRANSIT PROJECT.—Notwithstanding any other provision of law, upon the joint request of the Governor of the State of California and the local governments concerned, the Secretary may approve a substitute transit project for construction of a fixed guideway system in lieu of construction of any eligible interstate lanes if such substitute project is in or adjacent to the proposed right-of-way for such lanes.

(c) ELIGIBILITY FOR FEDERAL ASSISTANCE.—Upon approval of any substitute transit project under subsection (b), the costs of construction of the eligible interstate lanes for which such project is substituted shall not be eligible for funds authorized under section 108(b) of the Federal-Aid Highway Act of 1956 and a sum equal to the Federal share of such costs, as included in the latest interstate cost estimate approved by Congress, shall be available to the Secretary to incur obligations under section 103(e)(4) of title 23, United States Code, for the Federal share of the costs of such substitute project.

(d) LIMITATION ON ELIGIBILITY.—By September 30, 1989, any substitute transit project approved under subsection (b) (for which the Secretary finds that sufficient Federal funds are available) must be under contract for construction or construction must have commenced. If any such substitute transit project is not under contract for construction or construction has not commenced by such date, then immediately after such date, the Secretary shall withdraw approval of such project and no funds shall be appropriated under the authority of section 103(e)(4) of title 23, United States Code, for any such project.

(e) ADMINISTRATIVE PROVISIONS.—

(1) STATUS OF SUBSTITUTE TRANSIT PROJECTS.—A substitute transit project approved under subsection (b) shall be deemed to be a substitute transit project for purposes of section 103(e)(4) of title 23, United States Code (other than subparagraphs (C) and (O)), except that the Federal share for such project shall be the Federal share applicable to the construction of the eligible interstate lanes for which such project is substituted.

(2) REDUCTION OF UNOBLIGATED INTERSTATE APPORTIONMENTS.—Unobligated apportionments for the Interstate System in the State of California shall, on the date of approval of a substitute transit project under subsection (b), be reduced in the proportion that the Federal share of the costs of the construction of the eligible interstate lanes for which such project is substituted bears to the Federal share of the total cost of all interstate routes in that State as reflected in the latest cost estimate approved by Congress.

(3) ADMINISTRATION THROUGH FHWA.—The Secretary shall administer this section through the Federal Highway Administration.

(f) ELIGIBLE INTERSTATE LANES DEFINED.—For purposes of this section, the term "eligible interstate lanes" means any high occupancy vehicle lanes and other lanes—

(1) which are to be constructed on any highway in Los Angeles County, California, designated as a part of the National System of Interstate and Defense Highways by section 140 of the Federal-Aid Highway Act of 1978, and

(2) the costs of construction of which are included in the interstate cost estimate for 1985.

SEC. 137. MODIFICATION OF INTERSTATE TRANSFER CONCEPT PLANS.

(a) REQUEST FOR MODIFICATION BY MARYLAND.—The Governor of the State of Maryland may request a modification of the transfer concept plan approved with respect to withdrawal of a portion of a north-south interstate route in such State and withdrawal of an interstate route which is a spur of a north-south interstate route in such State under section 103(e)(4) of title 23, United States Code—

(1) to include a substitute highway project to upgrade an 18-mile segment on the Federal-aid primary system in the vicinity of Cumberland, Maryland, and

(2) to include such substitute highway and mass transit projects which meet the requirements of such section (other than subparagraph (C)) as such Governor may request.

(b) REQUEST FOR MODIFICATION BY CONNECTICUT.—The Governor of the State of Connecticut may request a modification of any transfer concept plan approved with respect to withdrawal of a portion of any interstate route in such State under section 103(e)(4) of title 23, United States Code, to include such substitute highway and mass transit projects which meet the requirements of such section (other than subparagraph (C)) as such Governor may request.

(c) REQUEST FOR MODIFICATION BY MASSACHUSETTS.—The Governor of the State of Massachusetts may request a modification of any transfer concept plan approved with respect to withdrawal of a portion of any interstate route in such State under section 103(e)(4) of title 23, United States Code—

(1) to include substitute highway projects to upgrade a segment on the Federal-aid primary system in the vicinity of Acton, Concord, Lincoln, and Lexington, Massachusetts, and

(2) to include such substitute highway and mass transit projects which meet the requirements of such section (other than subparagraph (C)) as such Governor may request.

(d) CRITERIA FOR APPROVAL.—Notwithstanding section 103(e)(4) of title 23, United States Code, the Secretary shall approve a modification under subsection (a), (b), or (c) if the Governor of the State of Maryland, Connecticut, or Massachusetts, as the case may be—

(1) submits a request for such modification to the Secretary before September 30, 1987; and

(2) such modification will not result in any increase in the amount of funds available to the Secretary to incur obligations for the Federal share of substitute projects under the transfer concept plan.

(e) EFFECT OF APPROVAL.—Upon approval of a modification under this section, substitute projects described in such modification for inclusion in the transfer concept plan shall be deemed to meet the requirements of subparagraph (C) of section 103(e)(4) of title 23, United States Code.

SEC. 138. PAYBACK OF RIGHT-OF-WAY EXPENSES.

(a) EFFECT OF REPAYMENT.—Upon repayment by the State of New York to the Treasurer of the United States of an amount as determined by the Secretary to be equal to the amount of Federal funds expended to acquire property for the portion of I-478 which was withdrawn from the Interstate System in accordance with the provisions of section 103(e)(4) of title 23, United States Code, the State of New York shall be absolved of any further responsibility for repayment and will be deemed to have fully met all of the repayment requirements of section 103(e)(7) of such title.

(b) USE OF REPAID FUNDS.—The amount repaid to the United States under this section shall be deposited to the credit of the appropriation for "Federal-Aid Highway (Trust Fund)". Such repayment shall be credited to the unprogrammed balance of funds apportioned to the State of New York in accordance with section 104(b)(1) of title 23, United States Code. The amount so credited shall be in addition to all other funds then apportioned to such State and shall be available for expenditure in accordance with the provisions of such title.

SEC. 139. EXPENDITURE OF FEDERAL HIGHWAY FUNDS IN VIRGIN ISLANDS.

(a) LIMITATION.—

(1) IN GENERAL.—Notwithstanding any other provision of law and subject to paragraph (2), no Federal funds shall be expended for the planning, design, and construction of any highway which extends eastward from the vicinity of the Windward Passage Hotel on the western fringe of Charlotte Amalie, Virgin Islands, and a segment of which parallels the existing Charlotte Amalie waterfront and requires extensive landfill along the waterfront.

(2) EXCEPTION.—Federal funds may be expended under a project agreement entered into before January 1, 1986, for planning and design of a highway described in paragraph (1).

(b) FEASIBLE ALTERNATIVES.—

(1) REVIEW.—The Secretary, in cooperation with the Virgin Islands Department of Public Works, shall review existing studies relating to traffic congestion in and around Charlotte Amalie, Virgin Islands, for the purpose of determining feasible alternatives to construction of a highway described in subsection (a) which will reduce traffic congestion in and around Charlotte Amalie.

(2) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall report to Congress on the results of the review under this subsection.

SEC. 140. EXEMPTION FROM RIGHT-OF-WAY RESTRICTION.

A facility located in part on the right-of-way of Interstate Route I-94 in Michigan and in the vicinity of the interchange of I-94 and Michigan State Route 25 is hereby exempt from the restrictions contained in section 111 of title 23, United States Code, prohibiting certain commercial establishments on rights-of-way of the Interstate System. Such exemption shall be for the purpose of permitting the Michigan Department of Transportation to enter into a lease agreement allowing the use of such facility for the sale of only those articles which are for export and for consumption outside the United States.

SEC. 141. DONATION OF LANDS.

(a) MARKET VALUE OF DONATED LANDS AS PROJECT COSTS.—Notwithstanding any other provision of law, the fair market value of any lands which have been or in the future are donated or dedicated to the State of California and which are necessary for the right-of-way for relocation and construction of California State Route 73 in Orange County, California, from its interchange with Interstate Route I-405 to its interchange with Interstate Route I-5—

(1) shall be included as a part of the cost of such relocation and construction project, and

(2) shall be credited first toward payment of the non-Federal share of the cost of such relocation and construction project.

(b) CREDIT FOR EXCESS VALUE OF DONATED LANDS ABOVE PROJECT COSTS.—If the fair market value of the lands referred to in subsection (a) exceeds the non-Federal share of the relocation and construction project referred to in subsection (a), then the excess amount, upon the request of the State of California, shall be credited toward the non-Federal share of the cost of any other project on the Federal-aid system in Los Angeles, Orange, Riverside, San Bernardino, and Ventura Counties, California.

(c) RECORDED IRREVOCABLE OFFER OF DONATION TREATED AS DONATION.—To further the purposes of this section and section 323 of title 23, United States Code, any recorded irrevocable offer of dedication or donation of property within the right-of-way for the project referred to in subsection (a) shall be considered as part of the State right-of-way acquisition for purposes of this section if such offer is irrevocable and effective no later than such time as the State of California requests final reimbursement for the Federal share.

(d) LIMITATION.—In no case shall the amount of Federal-aid reimbursement to the State of California on account of the relocation and construction project referred to in subsection (a) exceed the actual cost to the State for such project.

SEC. 142. REMOVAL OF LIMITATIONS ON PROJECT APPROVAL.

(a) PROJECT APPROVAL.—The Secretary shall approve construction of any judicially prohibited highway section which closes a gap of approximately 10.7 miles on the National System of Interstate and Defense Highways.

(b) REMOVAL OF LIMITATIONS.—The construction under subsection (a) shall be approved notwithstanding section 138 of title 23, United States Code, and section 303 of title 49, United States Code.

(c) JUDICIALLY PROHIBITED HIGHWAY SECTION DEFINED.—As used in this section, the term "judicially prohibited highway section" means any section of the National System of Interstate and Defense Highways, including interchanges, construction of which, on the date of the enactment of this Act, is prohibited by a judicial injunction which was reinstated by a United States district court after October 1, 1984.

SEC. 143. SHIRLEY HIGHWAY TRAFFIC RESTRICTIONS.

(a) EXPRESS LANES.—

(1) RUSH HOUR RESTRICTIONS.—The State of Virginia and the District of Columbia shall prohibit the use of the Shirley Highway express lanes by a vehicle other than a bus, an emergency vehicle, a vehicle carrying four or more persons, and a motorcycle—

(A) on southbound lanes, during the hours of 6 o'clock ante meridiem to 9 o'clock ante meridiem on Monday through Friday, exclusive of holidays, and

(B) on southbound lanes, during the hours of 3:30 o'clock post meridiem to 6 o'clock post meridiem on Monday through Friday, exclusive of holidays.

The State of Virginia and the District of Columbia may not prohibit the use of such lanes during such hours by a bus, an emergency vehicle, a vehicle carrying four or more persons, or a motorcycle.

(2) USE OF EXPRESS LANES AT OTHER TIMES.—The State of Virginia and the District of Columbia may not prohibit the use of the Shirley Highway express lanes during hours other than the hours described in paragraph (1) by a vehicle which is not also prohibited from using the other lanes of the Shirley Highway.

(b) DEFINITIONS.—For purposes of this section—

(1) EMERGENCY VEHICLE.—The term "emergency vehicle" includes a public utility vehicle on legitimate emergency business.

(2) MOTORCYCLE.—The term "motorcycle" means a motor vehicle designed to travel on not more than three wheels in contact with the ground.

(3) SHIRLEY HIGHWAY EXPRESS LANES.—The term "Shirley Highway express lanes" means the high occupancy vehicle lanes on Interstate Route I-395 in the District of Columbia and Virginia and on Interstate Route I-95 from its intersection with Interstate Route I-395 to Woodbridge, Virginia.

(c) ENFORCEMENT.—The Secretary shall withhold 1 percent of the amount required to be apportioned to the State of Virginia or to the District of Columbia under sections 104 and 144 of title 23, United States Code, on the first day of the fiscal year succeeding any fiscal year in which the State of Virginia or the District of Columbia, as the case may be, is in violation of any provision of this section.

(d) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this section, except that it shall take effect on October 1, 1986, to the extent that it applies to motorcycles.

SEC. 144. RAILROAD RELOCATION DEMONSTRATION PROGRAM.

Section 163(p) of the Federal-Aid Highway Act of 1973 (23 U.S.C. 130 note) is amended—

(1) by inserting "(1)" after "(p)";

(2) by inserting "and such sums as may be necessary for the fiscal years ending September 30, 1987, September 30, 1988, September 30, 1989, September 30, 1990, and September 30, 1991," after "September 30, 1986,"; and

(3) by adding at the end thereof the following new paragraph:

"(2) There is authorized to be appropriated, out of the Highway Trust Fund (other than the Mass Transit Account), not to exceed $5,000,000 for fiscal year 1987, for acquisition of rights-of-way, construction of a temporary bypass, and initial construction to depress rail lines for the project described in the second sentence of subsection (d) of this section. Funds authorized by this paragraph shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of the project for which such funds are authorized shall be determined under this section and such funds shall remain available until expended and shall not be subject to any obligation limitation.".

SEC. 145. MAINTENANCE OF CERTAIN RAILROAD-HIGHWAY CROSSINGS.

(a) GRANTS FOR DEMONSTRATION PROGRAMS.—The Secretary shall make a grant to each State which has located within its boundaries a railroad-highway crossing over which the Consolidated Rail Corporation operates rail vehicles to carry out a demonstration program of providing systematic inspection and service of protective devices at such crossings.

(b) PURPOSE OF GRANTS.—Any demonstration program carried out under this section shall reimburse the Consolidated Rail Corporation for 50 percent of the cost of inspecting and servicing protective devices at railroad-highway crossings in such State over which such corporation operates rail vehicles.

(c) APPORTIONMENT OF FUNDS.—Sums made available to carry out this section shall be apportioned among those States which have located within their boundaries railroad-highway crossings over which the Consolidated Rail Corporation operates rail vehicles in the ratio that the number of such crossings with protective devices in each such State bears to the total number of such crossings with protective devices in all such States.

(d) AMOUNT OF GRANT; FEDERAL SHARE.—The amount of a grant made to a State under this section shall be equal to the amount of funds apportioned to such State under this section in any fiscal year and shall be available to pay 50 percent of the costs incurred by such State in developing and conducting its demonstration program in such fiscal year.

(e) REPORTS.—Each State conducting a demonstration program under this section shall report to the Secretary not later than June 30, 1991, on the results of such program and the effectiveness of such program in improving safety at railroad-highway crossings. The Secretary shall submit a report to Congress not later than September 30, 1991, on the results of demonstration programs carried out under this section and the effectiveness of such programs in improving safety at railroad-highway crossings.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out the provisions of this section, out of the Highway Trust Fund (other than the Mass Transit Account), $4,500,000 per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991.

(g) APPLICABILITY OF TITLE 23.—Funds authorized by this section shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of a demonstration program under this section shall be determined in accordance with the provisions of subsection (d) of this section, and such funds shall remain available until expended and shall not be subject to any obligation limitation.

SEC. 146. DEMONSTRATION PROJECTS.

(a) PROJECT DESCRIPTIONS.—

(1) PASSAIC COUNTY, NEW JERSEY.—The Secretary shall utilize the procedures adopted to carry out the demonstration project under section 141 of the Federal-Aid Highway Act of 1976 and the methods for processing highway projects required to be established by section 129 of the Surface Transportation Assistance Act of 1982 to accelerate design and construction of a highway project which completes a gap on the Federal-aid primary system in an urban area along the Passaic River in Passaic County, New Jersey, and for which most of the right-of-way has been acquired.

(2) BRICK TOWNSHIP, NEW JERSEY.—The Secretary shall carry out a highway project to demonstrate methods of improving traffic operations and reducing accidents (A) at a high-volume rotary intersection in Brick Township, New Jersey, and (B) on a route connecting such intersection with another high-volume rotary intersection in Wall Township, New Jersey.

(3) JOHNSTOWN, PENNSYLVANIA.—The Secretary shall carry out a demonstration project in the vicinity of Johnstown, Pennsylvania, for the purpose of demonstrating methods by which a highway construction project on a segment of the Federal-aid primary system will enhance highway safety and economic development in an area of high unemployment.

(4) FORT SMITH, ARKANSAS.—The Secretary shall carry out a highway project to demonstrate the economic growth and development benefits of widening a segment of the Federal-aid urban system connecting a community college and a large commercial center in the vicinity of Fort Smith, Arkansas, and of improving traffic signalization on such segment.

(5) MINNESOTA.—The Secretary shall carry out a demonstration project on the Federal-aid urban system for the purpose of demonstrating the economic and safety benefits of constructing a grade separation between a railroad line and a highway in the vicinity of Moorhead, Minnesota, and of reconstructing two deteriorated segments of a major east-west highway on the Federal-aid primary system in the vicinities of Fosston and Bagley, Minnesota.

(6) DRY RIDGE, KENTUCKY.—The Secretary shall carry out a highway project to demonstrate methods of improving traffic flow and safety on a portion of a Kentucky State highway which connects an interstate route in the vicinity of Dry Ridge, Kentucky, with a highway on the Federal-aid primary system in the vicinity of Owenton, Kentucky.

(7) SAN BERNARDINO COUNTY, CALIFORNIA.—The Secretary shall carry out a demonstration project in the vicinity of the Ontario International Airport in San Bernardino County, California, for the purpose of demonstrating methods of improving highway access to an airport which is projected to incur a substantial increase in air service.

(8) ALTOONA, PENNSYLVANIA.—The Secretary shall carry out a highway project to close a gap of approximately 12 miles in a multilane limited access road connecting the city of Altoona to the borough of Tyrone in Blair County, Pennsylvania, for the purpose of demonstrating state of the art delineation technology. For comparison purposes, the highway section to be constructed shall connect a highway section constructed with current delineation technology and an older highway section constructed with traditional delineation technology. The project shall demonstrate the latest horizontal and vertical delineation techniques and utilize innovative techniques in highway delineation treatments to improve traffic control and highway safety. All delineation elements shall be designed to provide the optimum life-cycle costs, thereby maximizing the highway safety benefits and minimizing future maintenance costs. The Secretary shall provide necessary technical assistance in the design and construction of the project. Upon completion of the project, the highway shall be added to the Federal-aid primary system.

(9) LOUISIANA.—

(A) LAFAYETTE.—The Secretary is authorized to carry out a highway project to demonstrate the benefits to traffic flow and transportation of labor and materials by construction of a highway to provide limited continuous access between an interstate route and a highway on the Federal-aid primary system in Lafayette, Louisiana.

(B) SHREVEPORT.—The Secretary is authorized to carry out a highway project which will demonstrate methods of reducing traffic congestion in the central business district of Shreveport, Louisiana, improving access to such district, providing highway continuity, and satisfying national defense requirements by connecting an interstate route with another interstate route which serves as a bypass around such city.

(10) MIAMI, FLORIDA.—The Secretary is authorized to carry out a highway project which will demonstrate the most cost effective method of improving interstate motor vehicle access for passengers and cargo moving to and from the port of Miami, Florida.

(11) ARKANSAS-MISSOURI.—

(A) BELLA VISTA, ARKANSAS.—The Secretary is authorized to carry out a highway project in the State of Arkansas on a segment of a north-south highway on the Federal-aid primary system from the vicinity of the junction of Interstate Routes I-40 and I-540 to the boundary between the States of Arkansas and Missouri in the vicinity of Bella Vista, Arkansas, for the purpose of demonstrating methods of improving highway safety and of accelerating highway construction. Such project shall increase the number of lanes on such segment from two to four.

(B) CARTHAGE, MISSOURI.—The Secretary is authorized to carry out a highway project on a segment of a north-south highway on the Federal-aid primary system from the vicinity of Carthage, Missouri, to the boundary between the States of Arkansas and Missouri in the vicinity of Noel, Missouri, for the purpose of demonstrating methods of improving highway safety and accelerating highway construction. Such project shall increase the number of lanes on such segment from two to four.

(C) DESIGN FEATURES; TECHNICAL ASSISTANCE.—The projects authorized by subparagraphs (A) and (B) of this paragraph shall also demonstrate the latest high-type geometric design features and new advances in highway traffic control and safety hardware. All design elements, including the highway pavement, shall be designed to provide the best life-cycle costs, thereby minimizing future maintenance costs. The Secretary shall provide necessary technical assistance in the design and construction of such projects.

(12) SANFORD, FLORIDA.—The Secretary shall carry out a highway project to demonstrate methods of reducing costs and expediting construction of an interchange in the vicinity of Sanford, Florida, and the intersection of route 46A and an interstate route by contracting with a private business to design and construct such project.

(13) SAN JOSE, CALIFORNIA.—The Secretary is authorized to carry out a demonstration project in the vicinity of San Jose and Santa Clara, California, for the purpose of demonstrating a unified method of reducing traffic congestion on a Federal-aid urban highway which is the result of the intersection of such highway with two other Federal-aid urban highways and a railroad crossing in a one-quarter mile segment of such highway.

(14) DISTRICT OF COLUMBIA.—

(A) PROJECT DESCRIPTION.—The Secretary shall carry out a demonstration project in the vicinity of the C&O Canal in the District of Columbia for the purpose of substantially improving motor vehicle access at a major traffic generator without decreasing the efficiency of a Federal-aid primary highway. The Secretary shall enter into such arrangements as may be necessary to carry out such project with the Secretary of the Interior.

(B) LIMITATION.—No Federal assistance shall be provided to carry out the demonstration project under this paragraph until private sources dedicate at least 2.5 acres of land as a scenic easement for project purposes.

(15) COMPTON, CALIFORNIA.—The Secretary shall carry out a highway project for construction of a grade separation on a route on the Federal-aid urban system in Compton, California, for the purpose of demonstrating methods of relieving traffic congestion and enhancing economic development.

(16) MODESTO, CALIFORNIA.—The Secretary shall carry out a highway project to demonstrate methods by which construction of a grade separation for a railroad crossing of a highway on the Federal-aid primary system enhances urban redevelopment and the effectiveness of a planned transportation center in Modesto, California.

(17) COLUMBIA, MISSOURI.—The Secretary shall carry out a highway project for construction of two additional lanes on a two-lane 106-mile highway on the Federal-aid primary system which begins in the vicinity of Columbia, Missouri, and ends in the vicinity of Lancaster, Missouri, for the purpose of demonstrating methods of improving highway safety, reducing traffic congestion, and encouraging economic development.

(18) EAST MILTON, MASSACHUSETTS.—The Secretary is authorized to carry out a highway project to demonstrate the advantages of joint development and use of air rights in the construction of a deck over a depressed portion of an interstate route in East Milton, Massachusetts.

(19) FAIRHOPE, ALABAMA.—The Secretary, in cooperation with the State of Alabama, shall carry out a highway project in the vicinity of Fairhope and Foley, Alabama, to demonstrate methods of accelerating the widening of a highway traffic segment of highway on the Federal-aid primary system necessary for the rapid evacuation of individuals during emergency weather conditions.

(20) WILDER, KENTUCKY.—The Secretary shall carry out a highway project in the vicinity of Wilder in Campbell County, Kentucky, to demonstrate the economic benefits to a port facility, industrial complex, and foreign trade zone and methods of enhancing highway safety by reconstruction of a segment of a highway on the Federal-aid urban system which connects an interstate route with a port facility. Such project shall increase the number of lanes on such high-

*way from two to four and may include realignment of such highway.*

*(21) JO DAVIESS, ILLINOIS.—The Secretary shall carry out a highway project to demonstrate the safety benefits of providing additional and improved vehicular passing opportunities on, adding truck climbing lanes to, and straightening, a 50-mile segment of an east-west highway on the Federal-aid primary system which carries a high volume of traffic in Jo Daviess and Stephenson Counties, Illinois.*

*(22) ALLENTOWN, PENNSYLVANIA.—The Secretary is authorized to carry out a highway project in the city of Allentown, Pennsylvania, for the purpose of demonstrating methods of accelerating construction to eliminate a major rail-highway crossing at grade, reducing traffic delays for both rail and motor vehicle traffic, and minimizing the impact on the surrounding urban environment.*

*(23) RIVERSIDE, CALIFORNIA.—The Secretary shall carry out a highway project to demonstrate methods of improving safety on a highway on the Federal-aid primary system in Riverside, California, which is designated as a priority primary route under section 147 of title 23, United States Code, by Committee Print numbered 99-4 of the Committee on Public Works and Transportation of the House of Representatives.*

*(24) BUFFALO, NEW YORK.—The Secretary shall carry out a highway project in Buffalo, New York, for the purpose of demonstrating methods of facilitating redevelopment of a waterfront area by construction of a connector off a highway on the Federal-aid primary system. Upon completion of the project, the connector shall be added to the Federal-aid urban system.*

*(25) CLEVELAND, OHIO.—The Secretary shall carry out a highway project to replace a ramp which provides access to an industrial area of Cleveland, Ohio, for the purpose of demonstrating the relationship between infrastructure improvement and economic vitality.*

*(26) PATTON ISLAND, ALABAMA.—The Secretary shall carry out a highway project to construct a bridge to cross the Tennessee River in Lauderdale and Colbert Counties, Alabama, in the vicinity of Patton Island, Alabama, for the purpose of demonstrating methods of improving highway transportation and enhancing economic development.*

*(27) PORT CLINTON, OHIO.—The Secretary shall carry out a highway project to upgrade an east-west State route between Port Clinton and Toledo, Ohio, for the purpose of demonstrating methods of improving traffic flow between a recreational area and a metropolitan area.*

*(28) CHICAGO, ILLINOIS.—The Secretary shall carry out the following highway projects in Chicago, Illinois:*

*(A) A highway project to rehabilitate a drawbridge over the north branch of the Chicago River and realign an adjacent intersection which will demonstrate the use of the latest innovative bridge repair techniques on a bascule bridge.*

*(B) A highway project to remove and replace an existing bridge on Lake Shore Drive in the Jackson Park Historic Landscape District and the Midway Plaissance with a new bridge in the same location and to widen the approach road to such bridge which will demonstrate the historic recreation of a national register bridge and replacement of a deteriorated bridge.*

*(C) A highway project between Chicago Avenue and Claybourn Avenue to disinvest a bridge over Goose Island which will demonstrate methods of reducing municipal and Federal burdens for rehabilitation and maintenance of a surplus highway facility.*

*(29) WAYNE COUNTY, MICHIGAN.—The Secretary shall carry out two road improvement projects in Wayne County, Michigan, to demonstrate the benefits of enhancing safety and improving economic vitality of a depressed area.*

*(30) COOK COUNTY, ILLINOIS.—*

*(A) CHICAGO.—The Secretary shall carry out a highway project which demonstrates methods of utilizing a low cost alternative to reconstruction of a one mile segment of an east-west road between Nagle and Oak Park Avenues, Chicago, Illinois, which is deficient due to soil conditions.*

*(B) SOUTHWEST CHICAGO.—The Secretary shall carry out a highway project to construct three parking facilities adjacent to the Rock Island commuter rail lines in Southwest Chicago, Illinois, which will demonstrate the effectiveness of construction of parking facilities in relieving on-street parking congestion and unsafe parking practices.*

*(C) OAK LAWN.—The Secretary shall carry out a highway project in Oak Lawn, Illinois, which demonstrates methods of improving highway safety by widening and resurfacing a four-lane major arterial with lane widths which are less than minimum State and Federal standards.*

*(D) CALUMET PARK.—The Secretary shall carry out a highway project which demonstrates methods of improving highway safety and access to a segment of the Interstate System by reconstruction of a congested major arterial in Calumet Park and Blue Island, Illinois.*

*(E) CUMBERLAND STATION.—The Secretary shall carry out a highway project to construct the first level of a two level addition to an existing park and ride facility in the vicinity of Cumberland Station on the O'Hare Rapid Transit Line, Chicago, Illinois, which will demonstrate methods of reducing commuter traffic and traffic congestion and increasing utilization of available capacity on a rapid transit line.*

*(F) ELEVATED ROAD.—The Secretary shall carry out a highway project to demonstrate the benefits of utilizing precast, prefabricated concrete structural segments in the reconstruction of an elevated road on a major artery in the southwestern portion of Chicago, Illinois, in order to minimize traffic disruption during the reconstruction.*

*(G) PARKING FACILITIES.—The Secretary shall carry out a demonstration project for the construction of two parking lots at sites (i) where future stations are to be located on the Southwest Rapid Transit Line in Chicago, Illinois, and (ii) to which buses now provide mass transit service. Such project shall be carried out before the beginning of service on such rapid transit line in order to demonstrate methods of facilitating the transfer of passengers between different modes of transportation and of establishing ridership before the opening of a rapid transit line.*

*(31) KANSAS CITY, MISSOURI.—The Secretary shall carry out a highway project on a north-south route on the Federal-aid primary system in Kansas City, Missouri, to demonstrate methods by which construction of the first and southern-most phase of a 5-phase highway project will facilitate construction of the full 5-phase project. Construction of the 5-phase project—*

*(A) will connect the northern terminus of another route on the Federal-aid primary system and an east-west interstate route,*

*(B) will demonstrate the interrelationship between construction of a major urban transportation artery and economic development initiatives in facilitating reinvestment in an urban area experiencing economic decay, and*

*(C) will demonstrate methods of reducing traffic congestion through construction of a roadway that is compatible with adjacent residential neighborhoods and commercial areas.*

*(32) MOUNT VERNON, KENTUCKY.—The Secretary is authorized to carry out a highway project on a segment of the Federal-aid primary system which connects Interstate Route I-75 in the vicinity of Mount Vernon, Kentucky, with Kentucky State Route 80 in the vicinity of Shopville, Kentucky, for the purposes of demonstrating methods of improving highway safety and traffic flow and improving access to a national river and recreation area.*

*(33) PINE CITY, MINNESOTA.—The Secretary is authorized to carry out a highway project in Pine City, Minnesota, to demonstrate methods of enhancing economic development and improving highway safety and traffic flow by construction of an interchange between a highway on the Interstate System and a county State-aid highway.*

*(34) PASO ROBLES, CALIFORNIA.—The Secretary is authorized to carry out a highway project in the city of Paso Robles, California, to construct a two-lane, east-west bridge which will span the Salinas River, a highway, and a railroad line and will be located south of the existing bridges spanning such river in such city, for the purposes of demonstrating methods of improving highway safety and traffic flow and enhancing economic development.*

*(35) SUFFOLK COUNTY, NEW YORK.—The Secretary is authorized to carry out a highway project from Wheeler Road to Veterans Memorial Highway in the town of Islip, Suffolk County, New York, for the purpose of demonstrating construction techniques to accelerate upgrading of an existing highway to freeway standards with minimum disruption of traffic.*

*(36) CONNECTICUT.—*

*(A) SOUTHINGTON.—The Secretary shall carry out a highway project to demonstrate the latest construction techniques in reconstructing a north-south segment of highway on the Federal-aid urban system in the vicinity of Southington, Connecticut.*

*(B) KENT CENTER.—The Secretary shall carry out a highway project to change horizontal and vertical alignment of a north-south highway on the Federal-aid primary system south of Kent Center, Connecticut, to demonstrate methods of solving safety and flooding problems.*

*(37) DOVER TOWNSHIP, NEW JERSEY.—The Secretary is authorized to carry out a highway project to construct a bridge across the Toms River in the township of Dover, New Jersey, for the purpose of demonstrating methods of reducing traffic congestion on an existing bridge and facilitating the redevelopment of the central business district of such township.*

*(38) LOS ANGELES COUNTY, CALIFORNIA.—The Secretary is authorized to carry out a highway project in Los Angeles County, California, for the purpose of demonstrating methods of improving vehicular circulation related to the intermodal transportation of port-related traffic and alleviating congestion caused by increased port activities.*

*(39) GREATER PITTSBURGH INTERNATIONAL AIRPORT.—The Secretary shall carry out in the vicinity of the Greater Pittsburgh Inter-*

national Airport a highway project for construction of a highway which is designated as a priority primary route under section 147 of title 23, United States Code, by Committee Print numbered 99-4 of the Committee on Public Works and Transportation of the House of Representatives to demonstrate methods of improving economic development and airport terminal placement.

(40) STEUBEN COUNTY, NEW YORK.—The Secretary shall carry out a highway project in Steuben County, New York, for the purpose of demonstrating the extent to which the economy of an industrialized high unemployment area can be improved by completion of key elements of a modern, grade-separated access controlled highway which serves such area.

(41) SONOMA AND MARIN COUNTIES, CALIFORNIA.—

(A) SANTA ROSA.—The Secretary shall carry out a highway project for the purpose of demonstrating the extent to which traffic congestion is relieved by reconstruction of a north-south arterial which (i) connects Santa Rosa, California, and Petaluma, California, (ii) is parallel to a major north-south segment of the Federal-aid primary system, and (iii) serves as an alternative for traffic between such cities.

(B) HEALDSBURG.—The Secretary shall carry out a highway project for the purpose of demonstrating the extent to which traffic congestion is relieved on the major north-south segment of the Federal-aid primary system described in subparagraph (A) by construction of high occupancy vehicle lanes along a right-of-way which is parallel to such segment and connects San Rafael, California, and Healdsburg, California.

(42) VOYAGEURS NATIONAL PARK, MINNESOTA.—The Secretary shall carry out a highway project which demonstrates methods of enhancing use of a national park and reducing traffic congestion by reconstruction of an access road to Voyageurs National Park, Minnesota.

(43) SAVANNAH, GEORGIA.—The Secretary, in cooperation with the State of Georgia, shall carry out a highway project for replacing an existing functionally obsolete bridge across the Savannah River in Savannah, Georgia, with a modern, high-level structure for the purpose of demonstrating methods of improving safety and the free flow of both vehicular and waterborne traffic including traffic related to national defense.

(44) NEW SEWICKLY, PENNSYLVANIA.—The Secretary shall carry out a highway project to construct a two-lane highway between the township of New Sewickly, Pennsylvania, and the borough of Conway, Pennsylvania, for the purpose of demonstrating methods of accommodating increasing truck traffic and improving highway safety.

(45) CROYLE TOWNSHIP, PENNSYLVANIA.—The Secretary shall carry out a highway project to upgrade a 1.3 mile access road to the Johnstown Flood National Memorial in the vicinity of Croyle Township, Pennsylvania, for the purpose of demonstrating methods of improving public access to a flood memorial.

(46) LAWRENCE, MASSACHUSETTS.—The Secretary shall carry out in Lawrence, Massachusetts, a highway project to demonstrate methods of enhancing the benefits of an economic rehabilitation project under construction by construction of a service road which provides access between Massachusetts Avenue and Merrimack Street substantially along an alignment located between the Shawsheen River and an interstate route.

(47) BATON ROUGE, LOUISIANA.—

(A) The Secretary shall carry out a highway project in the vicinity of Baton Rouge, Louisiana, for the purpose of demonstrating the benefits of reducing traffic congestion in the immediate vicinity of a split-diamond interchange which connects an east-west highway on the Interstate System, two 4-lane highways not on such System, and a 2-lane highway not on such System by providing—

(i) a direct exit lane from the westbound lanes of the highway on such System to one of such four-lane highways;

(ii) a direct access ramp and acceleration lane from such four-lane highway to the eastbound lanes of the highway on such System; and

(iii) a direct exit lane from the eastbound lanes of the highway on such System to the other of such four-lane highways.

(B) The Secretary shall carry out a highway project in the vicinity of Baton Rouge, Louisiana, for the purpose of demonstrating the benefits of reducing traffic congestion in the immediate vicinity of a convergence of an east-west highway on the Interstate System and a north-south highway on such System by construction of an additional ramp lane.

(C) The Secretary shall carry out a highway project in the vicinity of East Baton Rouge, Louisiana, for the purpose of demonstrating the most cost-effective methods of reducing traffic congestion in the immediate vicinity of (i) a diamond interchange which connects an east-west highway on the Interstate System and a 4-lane highway not on such System, and (ii) a nearby intersection of such 4-lane highway and a 2-lane service road.

(D) The Secretary shall carry out a highway project in the vicinity of northeast Baton Rouge, Louisiana, for the purpose of demonstrating the efficacy of reducing traffic congestion and improving traffic flow in the immediate vicinity of a highway on the Interstate System to connect such highway to a metropolitan airport terminal access road by construction of a direct access off-ramp link.

(48) MINDEN, LOUISIANA.—The Secretary shall carry out a highway project for the purpose of demonstrating methods of enhancing economic development by construction of a frontage road which provides Minden, Louisiana, alternative access to a highway immediately connecting to a highway on the Interstate System.

(49) ANAHEIM, CALIFORNIA.—The Secretary shall carry out a project for research, development, and implementation of a computerized transportation management system to assist the city of Anaheim, California, and adjoining jurisdictions in managing highway traffic congestion caused in part by an interstate route passing through an area of concentrated population and commercial development for the purpose of demonstrating the usefulness of such a system in reducing traffic congestion.

(50) ISLE OF PALMS, SOUTH CAROLINA.—The Secretary shall carry out a highway project connecting the Isle of Palms, South Carolina, to the mainland for the purpose of demonstrating the reduction in traffic congestion, improved emergency preparedness, and increased accessibility to a sea island by construction of a high-level fixed span bridge over a high-volume intracoastal waterway segment.

(51) CLARKSVILLE, TENNESSEE.—The Secretary shall carry out a highway project to demonstrate methods of improving highway safety by making improvements to a road providing direct access from the Fort Campbell Military Reservation to the city of Clarksville, Tennessee.

(52) CLARINDA, IOWA.—The Secretary shall carry out a highway project to reconstruct and rehabilitate a highway between Shenandoah and Clarinda, Iowa, for the purpose of demonstrating methods by which improved highway transportation in an economically depressed rural area will increase economic activity in such area.

(53) SAN DIEGO COUNTY, CALIFORNIA.—The Secretary shall carry out a highway project to expand a highway which connects an interstate route in the vicinity of Oceanside, California, with another interstate route in the vicinity of Escondido, California for the purpose of demonstrating methods of reducing traffic congestion and accidents.

(54) ST. CHARLES COUNTY, MISSOURI.—The Secretary shall carry out a highway project to construct a bypass highway to connect an east-west interstate route in St. Charles County, Missouri, with the interstate beltway around St. Louis, Missouri, for the purpose of demonstrating methods of alleviating traffic congestion, especially commuter traffic congestion.

(55) JONESBORO, ARKANSAS.—The Secretary shall carry out a highway project for construction of four grade separations on a four-lane bypass route in the vicinity of Jonesboro, Arkansas, for the purpose of demonstrating methods of improving highway safety.

(56) ILLINOIS.—

(A) MT. VERNON.—The Secretary is authorized to carry out a highway project to reconstruct a segment of approximately 1.4 miles of a State route connecting to an interstate route in the vicinity of Mt. Vernon, Illinois, for the purpose of demonstrating methods of improving highway safety.

(B) EVANSVILLE.—The Secretary is authorized to carry out a highway project to upgrade a principal route through the village of Evansville, Illinois, for the purpose of demonstrating methods of improving traffic flow.

(C) UNION COUNTY.—The Secretary is authorized to carry out a highway project to improve a road leading to a landmark in the vicinity of the city of Alto Pass, Union County, Illinois, for the purpose of demonstrating methods of improving access to such a landmark and of enhancing tourism.

(57) CONCORD, CALIFORNIA.—The Secretary shall carry out a highway project between Concord, California, and West Pittsburg, California, for the purpose of demonstrating methods of improving highway safety and traffic flow by lowering the grade of, realigning, and widening an existing highway on the Federal-aid primary system.

(58) GEORGIA.—The Secretary shall carry out a highway project which demonstrates methods of improving highway safety and reducing traffic accidents by reconstruction of a 3.8 mile segment of highway between Interstate Route I-285 and the fork of Georgia State Route 141 as a 6-lane controlled access freeway with one-way frontage roads in each direction.

(59) PIKE COUNTY, KENTUCKY.—The Secretary shall carry out a highway project to reconstruct a highway on the Federal-aid primary system between Open Fork Road and Road Fork of Big Creek Road in Pike County, Kentucky, for the purpose of demonstrating methods of improving highway safety in a mountainous area.

(60) MADISON COUNTY, ILLINOIS.—The Secretary shall carry out a highway project to

*demonstrate the economic growth and development benefits of reconstructing a segment of road in Madison County, Illinois, which serves a high-growth industrial area.*

*(61) ERWIN, TENNESSEE.—The Secretary shall carry out a highway project to extend, approximately 15 miles, a highway on the Appalachian development highway system between River View in Erwin, Tennessee, and Sam's Gap on the North Carolina-Tennessee border for the purpose of demonstrating methods of improving transportation in a mountainous area.*

*(62) NEW RIVER, WEST VIRGINIA.—The Secretary is authorized to carry out a demonstration project to construct a parkway connecting to an interstate route, in accordance with the recommendations of the New River Parkway Authority, in the vicinity of the New River, West Virginia, for the purpose of demonstrating benefits to recreation, tourism, and industrial, economic, and community development.*

*(63) KITTANNING-BROOKVILLE, PENNSYLVANIA.—The Secretary is authorized to carry out a project for reconstruction of approximately 30 miles of a two-lane road on the Federal-aid primary system between Kittanning and Brookville, Pennsylvania, for the purpose of demonstrating cost-effective methods of improving rural highways to accommodate wider and longer trucks.*

*(64) AURORA-HOYT LAKES, MINNESOTA.—The Secretary is authorized to carry out a project for construction of a highway connecting Aurora-Hoyt Lakes and Silver Bay, Minnesota, for the purpose of demonstrating methods of reducing traffic congestion in and around a recreational area.*

*(65) KANAWHA COUNTY, WEST VIRGINIA.—The Secretary shall carry out a highway project which demonstrates methods of improving traffic flow in a rural area by reconstruction of the Chelyan Bridge in Kanawha County, West Virginia.*

*(66) ROANOKE SOUND, NORTH CAROLINA.—The Secretary shall carry out a highway project which demonstrates methods of improving tourism, commercial enterprise, and water and highway transportation by construction of a bridge on a east-west Federal-aid primary route which connects Manteo and Whalebone, North Carolina, and traverses Roanoke Sound.*

*(67) LINCOLN, ILLINOIS.—The Secretary shall carry out a highway project which demonstrates methods of improving highway safety and reducing traffic congestion by construction of a controlled access freeway which connects Interstate Route I-55 in the vicinity of Lincoln, Illinois, and Interstate Route I-74 in the vicinity of Morton, Illinois.*

*(68) SPARKS, NEVADA.—The Secretary shall carry out a highway project which demonstrates methods of improving economic development and diversification, and eliminating traffic and highway safety hazards by construction in the city of Sparks, Nevada, of an interchange which connects Interstate Route I-80 and Sparks Boulevard.*

*(69) BURBANK-GLENDALE-PASADENA AIRPORT, CALIFORNIA.—The Secretary shall carry out a highway project which demonstrates methods of coordinating construction of ground access to an airport and construction of terminal and parking facilities at such airport. The Secretary shall carry out such project at the Burbank-Glendale-Pasadena Airport, California, by making a grant for construction of such ground access to the airport authority for such airport.*

*(70) EL SEGUNDO, CALIFORNIA.—The Secretary shall carry out a highway project to increase the capacity of a tunnel in the vicinity of an airport serving El Segundo, California, which will demonstrate methods of mitigating increased traffic congestion which is projected to result from completion of a segment of the Interstate System.*

*(71) ALAMEDA ISLAND, CALIFORNIA.—The Secretary shall carry out a highway project to demonstrate methods of improving access to, and alleviating congestion on, a north-south route designated as part of the Interstate System under section 139 of title 23, United States Code, and its access roads, including access roads from Oakland International Airport and Alameda Island, California, to such interstate route.*

*(72) DOUGLAS COUNTY, KANSAS.—The Secretary shall carry out a highway project in Douglas County, Kansas, to demonstrate methods of reducing traffic congestion and facilitating the usage by motorists on the Interstate System of recreational facilities by construction of a north-south limited access trafficway of approximately 4 miles in length which will connect an east-west interstate route to a reservoir and a university research park.*

*(73) CHADVILLE, PENNSYLVANIA.—The Secretary shall carry out a highway project to relocate and reconstruct a 3.5-mile, 2-lane, north-south segment of the Federal-aid primary system from the vicinity of Uniontown Bypass at Chadville, Pennsylvania, to Pennsylvania Legislative Route 26082 in the vicinity of Fairchance, Pennsylvania, which will demonstrate methods of enhancing the development of a major industrial site.*

*(74) CHAMBERSBURG, PENNSYLVANIA.—The Secretary shall carry out a highway project which demonstrates how construction of an interchange on a north-south interstate route will provide access to Chambersburg, Pennsylvania, and relieve traffic congestion on an existing interchange on such interstate route.*

*(75) BEAUMONT, TEXAS.—The Secretary shall carry out a highway project which demonstrates how construction of an overpass over an interstate route in the vicinity of the city of Beaumont, Texas, will relieve traffic congestion on such interstate route and provide direct access between the central business district of such city and another part of such city.*

*(76) ST. LOUIS COUNTY, MINNESOTA.—The Secretary shall carry out a highway project for the construction of an access road from County Road 413 in St. Louis County, Minnesota, to a recreational complex on the Bois Forte Chippewa Reservation (Vermilion Sector) to demonstrate methods of providing jobs and enhancing economic development in a severely and chronically depressed area.*

*(77) GLOUCESTER COUNTY, VIRGINIA.—The Secretary, in consultation with the Governor of Virginia, the Secretary of Defense, and the Secretary of the Interior, shall carry out site selection and environmental studies and design and engineering for replacement or expansion of a bridge connecting Gloucester County with York County and the cities of Newport News and Hampton, Virginia, for the purpose of demonstrating methods of facilitating the resolution of Federal intra-governmental conflicts.*

*(78) ARCOLA, TEXAS.—The Secretary shall carry out a highway project in Arcola, Texas, which demonstrates methods by which construction of a grade separation project between the intersection of 2 highways and a railroad crossing improves traffic flow and highway safety.*

*(79) HAMMOND, INDIANA.—The Secretary shall enter into such arrangements as may be necessary to carry out a demonstration project in Hammond, Indiana, for the relocation of railroad lines for the purpose of eliminating railroad-highway grade crossings. If the city of Hammond, Indiana, elects to carry out all or any portion of the demonstration project authorized by this paragraph before the funds authorized to be appropriated to carry out this paragraph are made available, the Secretary shall reimburse with such funds the city for the costs of carrying out such project or portion.*

*(80) ERIE COUNTY, NEW YORK.—The Secretary is authorized to carry out a highway project in Erie County, New York, to demonstrate methods of enhancing safety and reducing traffic congestion and delays at the terminus of an interstate route by relocating the terminus of such route.*

*(81) TAMPA, FLORIDA.—The Secretary is authorized to carry out the remaining design work for a highway project for construction of a grade separation on a route on the Federal-aid primary system in the vicinity of Tampa, Florida, for the purpose of demonstrating methods of improving motor vehicle access between rapidly growing urban areas as well as relieving motor vehicle congestion resulting from the transportation of freight to and from areas for the transshipment of waterborne commerce.*

*(b) REPORTS.—*

*(1) IN GENERAL.—Not later than January 31 of calendar years 1988, 1989, 1990, and 1991, the Secretary shall submit to Congress a report on the status of the projects authorized by this section and on the results of any such projects which are completed in the preceding fiscal year.*

*(2) PASSAIC COUNTY, NEW JERSEY.—Not later than 180 days after completion of the demonstration project under subsection (a)(1), the Secretary shall submit a report to Congress on the results of such project (including the timesavings), along with a description of the procedures used to accelerate design and construction of such project, a summary of the manner in which the techniques used in carrying out such project in an urban area differed from the techniques used in the demonstration project carried out under section 141 of the Federal-Aid Highway Act of 1976 in a rural area, and an analysis of the costs and benefits of the accelerated completion of the project conducted under such paragraph (1).*

*(3) ALTOONA, PENNSYLVANIA.—Not later than one year, six years, and 11 years after the completion of the state of the art delineation technology project under subsection (a)(8), the Secretary shall submit reports to the Congress, including but not limited to the results of such project, the effects of using the best delineation technology on safety and other considerations, recommendations for applying the results to other highway projects, and any changes that may be necessary by law to permit further use of such delineation techniques.*

*(4) ARKANSAS-MISSOURI.—Not later than one year, six years, and 11 years after the completion of the projects under subsection (a)(11), the Secretary shall submit reports to the Congress, including but not limited to the results of such projects, the effects of using design features and advances described in such paragraph on safety and other considerations, recommendations for applying the results to other highway projects, and any changes that may be necessary by law to permit further use of such features and advances.*

*(c) AUTHORIZATION OF APPROPRIATIONS FROM HIGHWAY TRUST FUND.—There is authorized*

to be appropriated, out of the Highway Trust Fund (other than the Mass Transit Account)—

(1) to carry out subsection (a)(1) $5,000,000 for fiscal year 1987; $28,000,000 for fiscal year 1988, $12,000,000 for fiscal year 1989, and $5,000,000 for fiscal year 1990;

(2) to carry out subsection (a)(2) $6,800,000 for fiscal year 1987 and $13,200,000 for fiscal year 1988;

(3) to carry out subsection (a)(3) $12,000,000 for fiscal year 1987;

(4) to carry out subsection (a)(4) $8,500,000 for fiscal year 1987;

(5) to carry out subsection (a)(5) $3,000,000 for fiscal year 1987 and $2,000,000 for fiscal year 1988;

(6) to carry out subsection (a)(6) $1,600,000 for fiscal year 1987, $2,300,000 for fiscal year 1988, and $16,600,000 for fiscal year 1989;

(7) to carry out subsection (a)(7) $4,000,000 for fiscal year 1987, $4,000,000 for fiscal year 1988, $4,000,000 for fiscal year 1989, $17,000,000 for fiscal year 1990, and $9,000,000 for fiscal year 1991;

(8) to carry out subsection (a)(8) $3,000,000 for fiscal year 1987, $8,000,000 for fiscal year 1988, $18,000,000 for fiscal year 1989, $26,000,000 for fiscal year 1990, and $35,000,000 for fiscal year 1991;

(9) to carry out preliminary engineering and design, initial utility relocation, and land acquisition under subsection (a)(9) $6,000,000 for fiscal year 1987, $15,000,000 for fiscal year 1990, and $19,000,000 for fiscal year 1991;

(10) to carry out preliminary engineering and design under subsection (a)(10) $1,300,000 for fiscal year 1987, $4,500,000 for fiscal year 1988, and $4,500,000 for fiscal year 1989;

(11)(A) to carry out preliminary engineering and design, utility relocation, land acquisition, and initial construction under subsection (a)(11)(A) $5,000,000 for fiscal year 1987, $5,000,000 for fiscal year 1988, $10,000,000 for fiscal year 1989, $10,000,000 for fiscal year 1990, and $15,000,000 for fiscal year 1991; and

(B) to carry out preliminary engineering and design, utility relocation, land acquisition, and initial construction under subsection (a)(11)(B) $5,000,000 for fiscal year 1987, $5,000,000 for fiscal year 1988; $10,000,000 for fiscal year 1989, $10,000,000 for fiscal year 1990, and $15,000,000 for fiscal year 1991;

(12) to carry out subsection (a)(12) $200,000 for fiscal year 1987, $200,000 for fiscal year 1988, $6,200,000 for fiscal year 1989, and $7,400,000 for fiscal year 1990;

(13) to carry out subsection (a)(13) $8,000,000 for fiscal year 1987, $8,000,000 for fiscal year 1988, $7,000,000 for fiscal year 1989, and $6,000,000 for fiscal year 1990;

(14) to carry out subsection (a)(14) $2,000,000 for fiscal year 1987 and $6,000,000 for fiscal year 1988;

(15) to carry out subsection (a)(15) $8,500,000 for fiscal year 1987;

(16) to carry out subsection (a)(16) $2,000,000 for fiscal year 1987, $5,000,000 for fiscal year 1989, $5,000,000 for fiscal year 1990, and $2,000,000 for fiscal year 1991;

(17) to carry out preliminary engineering and design, utility relocation, land acquisition, and initial construction under subsection (a)(17) $2,000,000 for fiscal year 1988, $4,000,000 for fiscal year 1989, $4,000,000 for fiscal year 1990, and $2,000,000 for fiscal year 1991;

(18) to carry out subsection (a)(18) $3,500,000, for fiscal year 1987;

(19) to carry out subsection (a)(19) $700,000 for fiscal year 1987, $3,100,000 for fiscal year 1989, $8,000,000 for fiscal year 1990, and $9,200,000 for fiscal year 1991;

(20) to carry out subsection (a)(20) $1,200,000 for fiscal year 1987 and $7,800,000 for fiscal year 1988;

(21) to carry out subsection (a)(21) $5,000,000 for fiscal year 1987;

(22) to carry out subsection (a)(22) $1,000,000 for fiscal year 1987, $2,000,000 for fiscal year 1988, and $3,000,000 for fiscal year 1989;

(23) to carry out subsection (a)(23) $3,000,000 for fiscal year 1987, $3,000,000 for fiscal year 1988, and $3,000,000 for fiscal year 1989;

(24) to carry out subsection (a)(24) $1,500,000 for fiscal year 1987 and $11,000,000 for fiscal year 1988;

(25) to carry out subsection (a)(25) $4,500,000 for fiscal year 1990 and $4,500,000 for fiscal year 1991;

(26) to carry out subsection (a)(26) $4,000,000 for fiscal year 1988, $4,000,000 for fiscal year 1989, $4,000,000 for fiscal year 1990, and $4,000,000 for fiscal year 1991;

(27) to carry out subsection (a)(27) $7,500,000 for fiscal year 1987 and $7,500,000 for fiscal year 1988;

(28)(A) to carry out subsection (a)(28)(A) $6,600,000 for fiscal year 1987;

(B) to carry out subsection (a)(28)(B) $4,500,000 for fiscal year 1987; and

(C) to carry out feasibility studies and preliminary engineering and design under subsection (a)(28)(C) $900,000 for fiscal year 1987;

(29) to carry out subsection (a)(29) $3,900,000 for fiscal year 1987;

(30)(A) to carry out subsection (a)(30)(A) $400,000 for fiscal year 1987;

(B) to carry out subsection (a)(30)(B) $1,435,000 for fiscal year 1987;

(C) to carry out subsection (a)(30)(C) $1,700,000 for fiscal year 1987;

(D) to carry out subsection (a)(30)(D) $1,050,000 for fiscal year 1987;

(E) to carry out subsection (a)(30)(E) $3,500,000 for fiscal year 1987; and

(F) to carry out subsections (a)(30)(F) and (a)(30)(G) $2,000,000 for fiscal year 1987 and $3,000,000 for fiscal year 1989;

(31) to carry out subsection (a)(31) $5,000,000 for fiscal year 1989 and $10,000,000 for fiscal year 1990;

(32) to carry out subsection (a)(32) $3,000,000 for fiscal year 1987, $6,900,000 for fiscal year 1988, and $6,100,000 for fiscal year 1989;

(33) to carry out subsection (a)(33) $2,600,000 for fiscal year 1987;

(34) to carry out subsection (a)(34) $1,100,000 for fiscal year 1987, $1,000,000 for fiscal year 1988, $1,000,000 for fiscal year 1989, and $1,000,000 for fiscal year 1990;

(35) to carry out preliminary engineering and design and initial construction under subsection (a)(35) $9,750,000 for fiscal year 1987;

(36) to carry out subsection (a)(36) $3,850,000 for fiscal year 1987;

(37) to carry out subsection (a)(37) $1,500,000 for fiscal year 1987 and $500,000 for fiscal year 1988;

(38) to carry out subsection (a)(38) $4,000,000 for fiscal year 1987, $11,000,000 for fiscal year 1988, $18,000,000 for fiscal year 1989, $19,000,000 for fiscal year 1990, and $22,000,000 for fiscal year 1991;

(39) to carry out preliminary engineering and design under subsection (a)(39) $5,500,000 for fiscal year 1987;

(40) to carry out subsection (a)(40) $4,500,000 for fiscal year 1990 and $4,500,000 for fiscal year 1991;

(41)(A) to carry out subsection (a)(41)(A) $2,600,000 for fiscal year 1988, $2,600,000 for fiscal year 1989, $2,500,000 for fiscal year 1990, and $2,800,000 for fiscal year 1991; and

(B) to carry out land acquisition under subsection (a)(41)(B) $10,000,000 for fiscal year 1987, $10,000,000 for fiscal year 1988, and $5,000,000 for fiscal year 1989;

(42) to carry out subsection (a)(42) $2,000,000 for fiscal year 1988 and $2,530,000 for fiscal year 1989;

(43) to carry out subsection (a)(43) $10,000,000 for fiscal year 1988, $13,000,000 for fiscal year 1989, $17,000,000 for fiscal year 1990, and $14,000,000 for fiscal year 1991;

(44) to carry out subsection (a)(44) $13,400,000 for fiscal year 1990;

(45) to carry out subsection (a)(45) $720,000 for fiscal year 1987;

(46) to carry out subsection (a)(46) $300,000 for fiscal year 1987, $1,000,000 for fiscal year 1988, and $2,700,000 for fiscal year 1989;

(47) to carry out subsection (a)(47) $7,800,000 for fiscal year 1987 and $6,200,000 for fiscal year 1989;

(48) to carry out subsection (a)(48) $750,000 for fiscal year 1987;

(49) to carry out subsection (a)(49) $500,000 for fiscal year 1987, and $400,000 for fiscal year 1988;

(50) to carry out subsection (a)(50) $5,000,000 for fiscal year 1990 and $5,000,000 for fiscal year 1991;

(51) to carry out subsection (a)(51) $5,000,000 for fiscal year 1988;

(52) to carry out subsection (a)(52) $500,000 for fiscal year 1988, $3,000,000 for fiscal year 1989, $3,000,000 for fiscal year 1990, and $2,500,000 for fiscal year 1991;

(53) to carry out subsection (a)(53) $2,000,000 for fiscal year 1988, $5,000,000 for fiscal year 1989, and $5,000,000 for fiscal year 1990;

(54) to carry out preliminary engineering and design under subsection (a)(54) $5,000,000 for fiscal year 1988 and $8,000,000 for fiscal year 1989;

(55) to carry out subsection (a)(55) $2,500,000 for fiscal year 1987, $3,200,000 for fiscal year 1989, $2,600,000 for fiscal year 1990, and $5,000,000 for fiscal year 1991;

(56)(A) to carry out subsection (a)(56)(A) $1,300,000 for fiscal year 1987;

(B) to carry out subsection (a)(56)(B) $308,000 for fiscal year 1987; and

(C) to carry out subsection (a)(56)(C) $350,000 for fiscal year 1987;

(57) to carry out land acquisition under subsection (a)(57) $5,000,000 for fiscal year 1987;

(58) to carry out subsection (a)(58) $5,000,000 for fiscal year 1987, $5,500,000 for fiscal year 1988, and $9,500,000 for fiscal year 1989;

(59) to carry out subsection (a)(59) $1,000,000 for fiscal year 1989, $7,000,000 for fiscal year 1990, and $7,000,000 for fiscal year 1991;

(60) to carry out subsection (a)(60) $2,200,000 for fiscal year 1987;

(61) to carry out subsection (a)(61) $5,000,000 for fiscal year 1987, $2,000,000 for fiscal year 1988, and $13,000,000 for fiscal year 1989;

(62) to carry out subsection (a)(62) $1,000,000 for fiscal year 1987, $3,000,000 for fiscal year 1988, $9,000,000 for fiscal year 1989, and $4,600,000 for fiscal year 1990;

(63) to carry out subsection (a)(63) $2,000,000 per fiscal year for each of the fiscal years 1987, 1988, 1989, 1990, and 1991;

(64) to carry out preliminary engineering and design under subsection (a)(64) $1,500,000 for fiscal year 1987;

(65) to carry out preliminary engineering and design under subsection (a)(65) $2,000,000 for fiscal year 1987;

(66) to carry out subsection (a)(66) $1,000,000 for fiscal year 1988, $800,000 for fiscal year 1989, $12,100,000 for fiscal year 1990, and $6,100,000 for fiscal year 1991;

(67) to carry out subsection (a)(67) $7,000,000 per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991;

(68) to carry out subsection (a)(68) $4,000,000 per fiscal year for each of fiscal years 1987 and 1988;

(69) to carry out subsection (a)(69) $2,000,000 per fiscal year for each of fiscal years 1987 and 1988 and $3,000,000 for fiscal year 1989;

(70) to carry out preliminary engineering and design under subsection (a)(70) $1,500,000 for fiscal year 1987 and $1,500,000 for fiscal year 1988;

(71) to carry out preliminary engineering and design, environmental analysis, and implementation of environmental mitigation measures under subsection (a)(71) $3,000,000 per fiscal year for each of fiscal years 1987, 1988, and 1990;

(72) to carry out subsection (a)(72) $5,000,000 per fiscal year for each of fiscal years 1987 and 1988;

(73) to carry out subsection (a)(73) $2,500,000 per fiscal year for each of fiscal years 1989 and 1990 and $5,000,000 for fiscal year 1991;

(74) to carry out subsection (a)(74) $5,000,000 for fiscal year 1988;

(75) to carry out subsection (a)(75) $6,000,000 for fiscal year 1987;

(76) to carry out subsection (a)(76) $1,000,000 for fiscal year 1987;

(77) to carry out subsection (a)(77) $5,000,000 for fiscal year 1988;

(78) to carry out subsection (a)(78) $2,500,000 per fiscal year for each of fiscal years 1987 and 1988;

(79) to carry out subsection (a)(79) $2,815,000 for fiscal year 1989 and $2,815,000 for fiscal year 1990;

(80) to carry out subsection (a)(80) $2,000,000 per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991; and

(81) to carry out subsection (a)(81) $400,000 for fiscal year 1987.

(d) AUTHORIZATION OF APPROPRIATIONS FROM GENERAL FUND.—In addition to amounts authorized by subsection (c), there is authorized to be appropriated to carry out subsection (a)(3) $16,000,000 for fiscal years beginning after September 30, 1987, and ending before October 1, 1991.

(e) APPLICABILITY OF TITLE 23.—Funds authorized by this section (other than subsection (d)) shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of any project under this section shall be 100 percent, and such funds shall remain available until expended and shall not be subject to any obligation limitation.

SECTION 147. DELAWARE RIVER BRIDGES.

(a) REPAYMENT OF FEDERAL FUNDS INVESTED ON I-80 BRIDGE.—

(1) IN GENERAL.—The Delaware River Joint Toll Bridge Commission (hereinafter in this section referred to as the "Commission"), in conjunction with the State highway agencies of the States of Pennsylvania and New Jersey, shall enter into an agreement with the Secretary to repay to the Treasury of the United States any Federal funds which previously have been obligated or otherwise expended by the Federal Government with respect to the Delaware Water Gap Bridge on I-80. Such repayment shall be credited to the Highway Trust Fund.

(2) EFFECT OF REPAYMENT.—Upon such repayment, such States and the Commission shall be free of all restrictions contained in title 23, United States Code, and any regulation or agreement thereunder, with respect to the collection or imposition of tolls or other charges for such bridge or the use thereof.

(b) AGREEMENT TO CONSTRUCT I-78 TOLL BRIDGE.—If the State of Pennsylvania, the State of New Jersey, and the Commission determine to operate the uncompleted bridge under construction in the vicinity of Easton, Pennsylvania, and Phillipsburg, New Jersey, on I-78 as a toll bridge, such States, the Commission, and the Secretary shall enter into an agreement with respect to such I-78 bridge project as provided in section 129 of title 23, United States Code, notwithstanding the requirements of section 301 of such title or any existing agreement.

(c) RIGHT OF REVIEW BY FEDERAL AGENCIES.—The Commission's authority to fix, charge or collect any fees, rentals, tolls, or other charges shall be as provided in its compact and supplements thereto (including the supplemental agreement described in subsection (e)); except that paragraph (c) of such supplemental agreement shall not be construed to eliminate the necessity for review and approval by any Federal agency, as may be required under applicable Federal law, to determine that the tolls charged by the Commission are reasonable and just consistent with the Commission's responsibilities under such compact and supplements thereto.

(d) LIMITATIONS.—

(1) NO TOLLS ON EXISTING NONTOLL BRIDGES.—Nothing in this section shall be construed to grant congressional consent to the imposition of tolls by the Commission on any existing and operating bridge under the Commission's jurisdiction on which tolls were not charged and collected on January 1, 1986.

(2) NONAPPLICABILITY TO I-895 CORRIDOR.—Nothing in this section shall constitute congressional approval to construed any additional toll bridge in the previously designated I-895 corridor.

(e) SUPPLEMENTAL AGREEMENT.—

(1) CONSENT OF CONGRESS.—The consent of the Congress is hereby given to the supplemental agreement, described in paragraph (2), concerning the Delaware River Joint Toll Bridge Commission, which agreement has been enacted by the State of Pennsylvania on December 18, 1984, as Act 206, laws of 1984, and by the State of New Jersey on October 21, 1985, as Public Law 1985, chapter 342.

(2) DESCRIPTION OF AGREEMENT.—The agreement referred to in paragraph (1) reads substantially as follows:

"SUPPLEMENTAL AGREEMENT BETWEEN THE COMMONWEALTH OF PENNSYLVANIA AND THE STATE OF NEW JERSEY

"SUPPLEMENTING THE COMPACT OR AGREEMENT ENTITLED 'AGREEMENT BETWEEN THE COMMONWEALTH OF PENNSYLVANIA AND THE STATE OF NEW JERSEY CREATING THE DELAWARE RIVER JOINT TOLL BRIDGE COMMISSION AS A BODY CORPORATE AND POLITIC AND DEFINING ITS POWERS AND DUTIES, AS HERETOFORE AMENDED AND SUPPLEMENTED, TO ESTABLISH THE PURPOSES FOR WHICH THE COMMISSION MAY FIX, CHARGE, AND COLLECT TOLLS, RATES, RENTS, AND OTHER CHARGES FOR THE USE OF COMMISSION FACILITIES AND PROPERTIES'

"The Commonwealth of Pennsylvania and the State of New Jersey do solemnly covenant and agree, each with the other, as follows:

"(a)(1) Notwithstanding any other provision of the compact hereby supplemented, or any provision of law, State or Federal to the contrary, as soon as the existing outstanding bonded indebtedness of the commission shall be refunded, defeased, retired, or otherwise satisfied and thereafter, the commission may fix, charge, and collect tolls, rates, rents, and other charges for the use of any commission facility or property and in addition to any purpose now or heretofore or hereafter authorized for which the revenues from such tolls, rates, rents, or other charges may be applied, the commission is authorized to apply or expend any such revenue for the management, operation, maintenance, betterment, reconstruction, or replacement (A) of the existing non-toll bridges, formerly toll or otherwise, over the Delaware River between the State of New Jersey and the Commonwealth of Pennsylvania heretofore acquired by the commission pursuant to the provisions of the act of the State of New Jersey approved April 1, 1912 (Chapter 297), and all supplements and amendments thereto, and the act of the Commonwealth of Pennsylvania approved May 8, 1919 (Pamphlet Laws 148), and all supplements and amendments thereto, and (B) of all other bridges within the commission's jurisdiction and control. Betterment shall include but not be limited to parking areas for public transportation services and all facilities appurtenant to approved projects.

"(2) The commission may borrow money or otherwise incur indebtednes and provide from time to time for the issuance of its bonds or other obligations for one or more of the purposes authorized in this supplemental agreement. The commission is authorized to pledge its tolls, rates, rents, and other revenues, or any part thereof, as security for the repayment, with interest, of any moneys borrowed by it or advanced to it for any of its authorized purposes, and as security for the satisfaction of any other obligation assumed by it in connection with such loan or advances.

"(3) The authority of the commission to fix, charge, and collect fees, rentals, tolls or any other charges on the bridges within its jurisdiction, including the bridge at the Delaware Water Gap, is confirmed.

"(4) The covenants of the State of New Jersey and the Commonwealth of Pennsylvania as set forth in Article VI of the compact to which this is a supplemental agreement shall be fully applicable to any bonds or other obligations issued or undertaken by the commission. Notwithstanding Article VI or any other provision of the compact, the State of New Jersey and the Commonwealth

of Pennsylvania may construct a bridge across the Delaware River in the vicinity of Easton, Pennsylvania, and Phillipsburg, New Jersey, within 10 miles of the existing toll bridge at that location. All the rest and remainder of the compact, as amended or supplemented, shall be in full force and effect except to the extent it is inconsistent with this supplemental agreement.

"(b) The commission is authorized to fix, charge, or collect fees, rentals, tolls, or any other charges on the proposed bridge to be constructed in the vicinity of Easton, Pennsylvania, and Phillipsburg, New Jersey, in the same manner and to the same extent that it can do so for other toll bridges under its jurisdiction and control: Provided, That the United States Government has approved the bridge to be a part of the National System of Interstate and Defense Highways with 90 percent of the cost of construction to be contributed by the United States Government: And provided further, That the non-Federal share of such bridge project is contributed by the commission. The commission is further authorized in the same manner and to the same extent that it can do so for all the other toll bridges under its jurisdiction and control to fix, charge, and collect fees, rentals, tolls or any other charges on any other bridge within its jurisdiction and control if such bridge has been constructed in part with Federal funds.

"(c) The consent of Congress to this compact shall constitute Federal approval of the powers herein vested in the commission and shall also constitute authority to the United States Department of Transportation or any successor agency and the intent of Congress to grant and Federal approvals required hereunder to permit the commission to fix, charge, and collect fees, rentals, tolls, or any other charges on the bridges within its jurisdiction to the extent provided in subsections (a) and (b) and this subsection and the compact.

"(d) Notwithstanding the above provisions, the commission shall not fix, charge, or collect fees, rentals, tolls, or any other charges on any of the various bridges formerly toll or otherwise over the Delaware River between the State of New Jersery and the Commonwealth of Pennsylvania heretofore acquired by the commission pursuant to the provisions of the act of the State of New Jersey approved April 1, 1912 (chapter 297), and all supplements and amendments thereto, and the act of the Commonwealth of Pennsylvania approved May 8, 1919 (Pamphlet Laws 148), and all supplements and amendments thereto.

"(e) At any time that the commission shall be free of all outstanding indebtedness, the State of New Jersey and the Commonwealth of Pennsylvania may, by the enactment of substantially similar acts, require the elimination of all tolls, rates, rents, and other charges on all bridges within the commission's jurisdiction and control and, thereafter, all costs and charges in connection with the construction, management, operation, maintenance, and betterment of bridges within the jurisidiction and control of the commission shall be the financial responsibility of the States as provided by law.".

SEC. 148. ENVIRONMENTAL IMPACT STATEMENT.

(a) PREPARATION.—The Secretary is authorized to prepare or have prepared an environmental impact statement in connection with providing additional highway capacity in the Richmond-Willowbrook corridor in Staten Island, New York.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary, out of the Highway Trust Fund (other than the Mass Transit Account), such sums as may be necessary to carry out this section for fiscal years beginning after September 30, 1986.

(c) APPLICABILITY OF TITLE 23.—Funds authorized by this section shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of the preparation of such statement shall be 100 percent, and such funds shall remain available until expended and shall not be subject to any obligation limitation.

SEC. 149. HIGHWAY DESIGNATION.

The portion of Oklahoma State Route 99 between United States Route 70 and Interstate Route I-44 which portion is on the Federal-aid primary system shall hereafter be designated as "United States Highway 377". Any reference in a law, map, regulation, document, record or other paper of the United States to such highway shall be held to be a reference to "United States Highway 377".

SEC. 150. BRIDGE NAMING.

The bridge crossing the Mississippi River on Interstate Route I-80 near Le Claire, Iowa, shall hereafter be known and designated as the "Fred Schwengel Bridge". Any law, regulation, document, or record of the United States in which such bridge is referred to shall be held to refer to such bridge as the "Fred Schwengel Bridge".

SEC. 151. STUDY OF HIGHWAY EXPENDITURES, REVENUES, AND RELATIVE NEEDS.

(a) STUDY DESCRIPTION.—The Secretary shall conduct a study—

(1) to determine the amount and the percentage of the total funds apportioned and allocated to each State in each fiscal year beginning after September 30, 1978, and ending before October 1, 1983, under sections 103(e)(4), 104(b), 144, 152, and 157 of title 23, United States Code, and section 203 of the Highway Safety Act of 1973 which were expended on highway projects carried out in counties of such State with a population of less than 50,000;

(2) to determine the amount and the percentage of estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) which are attributable to such counties; and

(3) to determine the needs of such counties and the State for improvements of highways on the Federal-aid system and the percentage of the needs of the State for such improvements which are needs of such counties.

(b) CONSULTATION.—In carrying out the study under this section, the Secretary may consult any department, agency, or instrumentality of the United States or any State or local government.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to Congress a report of the results of the study conducted under this section. Such report shall include, at a minimum, a State by State analysis of the matters referred to in subsection (a).

SEC. 152. STUDY OF APPORTIONMENT FORMULAS.

(a) STUDY DESCRIPTION.—The Secretary shall make a full and complete study regarding the apportionment and allocation of Federal financial assistance made available out of the Highway Trust Fund (other than the Mass Transit Account) under sections 103(e)(4), 104(b), 144, 152, and 157 of title 23, United States Code, and section 203 of the Highway Safety Act of 1973 for the purpose of determining whether or not such assistance is being equitably apportioned and allocated among the States, taking into account the relative needs of the States for highway improvements and the estimated tax payments attributable to highway users in each State paid into the Highway Trust Fund (other than the Mass Transit Account).

(b) CONSULTATION.—In conducting the study under this section, the Secretary shall consult with other agencies of the Federal Government and with agencies of State and local governments.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit a report on the results of such study to Congress, together with recommendations for legislation for modifying the formulas apportioning and allocating the assistance referred to in subsection (a) to conform to the objectives of such study.

SEC. 153. BRIDGE FORMULA STUDY.

(a) CONTRACT WITH TRANSPORTATION RESEARCH BOARD.—The Secretary shall enter into appropriate arrangements with the Transportation Research Board of the National Academy of Sciences to conduct a comprehensive study of the effects of enforcement of the limitations on vehicle weights imposed by application of the formula contained in section 127(a) of title 23, United States Code.

(b) CONSULTATION WITH CERTAIN TRANSPORTATION INTERESTS.—The Transportation Research Board shall conduct the study under this section only after consulting transportation officials, representatives of the motor truck manufacturing industry, and representatives of the trucking industry (including special permit haulers and users of construction and other vehicles which engage in heavy hauling operations).

(c) REPORT.—

(1) DEADLINE.—Not later than 24 months after the date of the enactment of this Act, the Transportation Research Board shall report to the Secretary and Congress on the results of the study conducted under this section.

(2) CONTENTS.—The report shall include—

(A) an assessment of the potential costs and benefits of enforcing the limitations on vehicle weights imposed by application of the formula contained in section 127(a) of title 23, United States Code,

(B) any recommendations of such Board concerning modifications of such formula, and

(C) an examination of alternative means of regulating truck weights on bridges.

The report shall also identify optimal axle loading and spacing requirements taking into account all costs and benefits to business, government, and the general public.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) $500,000 for fiscal year 1987 for conducting the study under subsection (a).

(e) APPLICABILITY OF TITLE 23.—Funds authorized by this section shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code, and such funds shall remain available until expended and shall not be subject to any obligation limitation.

SEC. 154. STUDY OF HIGHWAY BRIDGES WHICH CROSS RAIL LINES.

(a) NEEDS INVESTIGATION.—The Secretary shall conduct a comprehensive study and investigation of improvement and maintenance needs for highway bridges which cross rail lines and whose ownership has been disputed. Such study and investigation shall assess—

(1) railroad and highway needs relating to safety, capacity, and mobility and the needs of communities affected by such bridges;

(2) the feasibility of addressing these needs on a comprehensive, national basis; and

(3) the responsibility of railroad and highway authorities in addressing these needs.

(b) REPORT.—Not later than 30 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the Secretary's study and investigation along with recommendations on how the bridge needs referred to in subsection (a) may best be addressed on a long term basis in a cost effective manner.

SEC. 155. PARKING FOR HANDICAPPED PERSONS.

(a) STUDY.—The Secretary shall conduct a study for the purpose of determining—

(1) any problems encountered by handicapped persons in parking motor vehicles; and

(2) whether or not each State should establish parking privileges for handicapped persons and grant to nonresidents of the State the same parking privileges as are granted to residents.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the results of the study conducted under subsection (a).

(c) DEVELOPMENT OF PROPOSED UNIFORM STATE LAW.—

(1) REQUIREMENT.—If the Secretary determines under subsection (a) that each State should estalbish parking privileges for handicapped persons and grant to nonresidents of the State the same parking privileges as are granted to residents, the Secretary shall develop a proposed uniform State law with respect to parking privileges for handicapped persons and submit a copy of the proposed uniform State law to Congress and each State.

(2) FACTORS TO CONSIDER.—In developing the proposed uniform State law, the Secretary shall consult with the States and shall consider any advantages—

(A) of ensuring that parking privileges for handicapped persons may be utilized whether a handicapped person is a passenger or a driver;

(B) of the use of the international symbol of access as the exclusive symbol identifying parking zones for handicapped persons and identifying vehicles that may park in such parking zones;

(C) of displaying the international symbol of access on license plates or license plate decals and on identification placards; and

(D) of designing any identification placard so that the placard is easily visible when placed in the interior of any vehicle.

(3) REPORT.—If a proposed uniform State law with respect to parking privileges for handicapped persons is developed and submitted to Congress under paragraph (1), the Secretary shall report to Congress within 12 months after the date of such submission and each year thereafter on the extent to which each State has adopted the proposed uniform State law.

SEC. 156. FEASIBILITY STUDY OF USING HIGHWAY ELECTRIFICATION SYSTEMS.

(a) GRANT PURPOSE.—The Secretary shall make a grant to the California Department of Transportation for the purpose of determining the feasibility and applicability of utilizing a highway electrification system as a source of energy for highway vehicles. Such grant shall cover the costs of activities necessary to make such determination, including (but not limited to) necessary land acquisition, construction of a test facility, research, planning, analysis, and engineering.

(b) GRANT CONDITIONS.—A grant may only be made under this section if the California Department of Transportation agrees—

(1) to conduct, through the test facility to be constructed under such grant, a study to determine the feasibility and applicability of using a highway electrification system as a source of energy for highway vehicles, and

(2) to submit to the Secretary a report on the results of such study not later than three years after the date such construction is completed.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsection (a) of this section, out of the Highway Trust Fund (other than the Mass Transit Account), $970,000 per fiscal year for each of the fiscal years 1987, 1988, and 1989.

(d) APPLICABILITY OF TITLE 23.—Funds authorized by this section shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of acquisition and construction of the test facility described in subsection (a) shall be 100 percent, and such funds shall remain available until expended and shall not be subject to any obligation limitation.

SEC. 157. COST EFFECTIVENESS STUDY OF HIGHWAY UPGRADING.

(a) STUDY.—The Secretary shall conduct a study—

(1) to determine the cost-effectiveness of carrying out a project to upgrade Route 219—

(A) between its intersection with Interstate Route I-80 near Dubois, Pennsylvania, and its intersection with the boundary between New York and Pennsylvania near Bradford, Pennsylvania; and

(B) between its intersection with New York Route 242 near Ellicottville, New York, and its intersection with New York Route 17 (Southern Tier Expressway) in Salamanca, New York;

to the geometric and construction standards adopted for the National System of Interstate and Defense Highways;

(2) to determine the feasibility of partially financing such project with toll revenues, of using reclaimed strip mining lands for right-of-way for such project, and of avoiding encroachment upon national and State forests and State game lands in carrying out such project; and

(3) to determine the alignment on which such project should be carried out.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit a report to Congress on the results of the study conducted under this section together with any recommendations the Secretary may have concerning the project described in subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated, out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $1,000,000 for fiscal year 1987.

(d) APPLICABILITY OF TITLE 23.—Funds authorized by this section shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of the study under this section shall be 100 percent, and such funds shall remain available until expended and shall not be subject to any obligation limitation.

SEC. 158. BRIDGE MANAGEMENT STUDY.

(a) INVESTIGATION AND STUDY.—The Secretary shall make a full and complete investigation and study of State bridge management programs for the purpose of determining whether or not States participating in the Federal bridge replacement and rehabilitation program under section 144 of title 23, United States Code, need to establish a comprehensive bridge management program.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the results of the investigation and study conducted under subsection (a) together with recommendations (including legislative and administrative recommendations) concerning State establishment of comprehensive bridge management programs and any minimum requirements of such programs which the Secretary considers appropriate based on the findings of such investigation and study.

SEC. 159. STATE MAINTENANCE PROGRAM STUDY.

(a) INVESTIGATION AND STUDY.—The Secretary shall enter into appropriate arrangements with the National Academy of Sciences to conduct a complete investigation of the appropriateness of establishing minimum Federal guidelines for maintenance of the Federal-aid primary, secondary, and urban systems.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the National Academy of Sciences shall submit to the Secretary and Congress a report on the results of the investigation and study conducted under subsection (a) together with recommendations (including legislative and administrative recommendations) concerning establishment of minimum Federal guidelines for maintenance of the Federal-aid primary, secondary, and urban systems.

SEC. 160. HIGHWAY FEASIBILITY STUDY.

(a) STUDY.—The Secretary, in cooperation with the States of Louisiana, Arkansas, and Missouri, shall study the feasibility and necessity of constructing to appropriate standards a proposed highway along a route from Shreveport, Louisiana, to Texarkana, Fort Smith, and Fayetteville, Arkansas, and Carthage and Kansas City, Missouri. Such study shall update the feasibility study conducted under section 143(6) of the Federal-Aid Highway Act of 1973.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under this section.

SEC. 161. CALIFORNIA FEASIBILITY STUDY.

(a) STUDY.—The Secretary shall study the feasibility and necessity of constructing a bypass highway around the city of Sebastopol, California.

(b) REPORT.—Not later than nine months after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under this section. Such report shall compare the costs and benefits of constructing the highway referred to in subsection (a) and shall include the recommendations of the Secretary concerning the location of such highway and appropriate design standards for such highway.

(c) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated, out of the Highway Trust Fund (other than the Mass Transit Account), to carry out this section $100,000 for fiscal year 1987.

(d) APPLICABILITY OF TITLE 23.—Funds authorized by this section shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of the study under this section shall be 100 percent, and such funds shall remain available until expended and shall not be subject to any obligation limitation.

SEC. 162. NEW YORK FEASIBILITY STUDY.

(a) STUDY.—The Secretary shall study the feasibility and necessity of constructing a major highway on an inland route as an alternative to New York Route 5 from the central business district of Buffalo, New York, to the towns immediately south of Buffalo, New York, to the towns immediately south of Buffalo, New York.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit a report to Congress on the results of the study conducted under this section together with any recommendations the Secretary may have concerning the project described in subsection (a).

## TITLE II—HIGHWAY SAFETY ACT OF 1986

SEC. 201. SHORT TITLE.

This title may be cited as the "Highway Safety Act of 1986".

SEC. 202. HIGHWAY SAFETY.

(a) AUTHORIZATIONS OF APPROPRIATIONS.—The following sums are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

(1) BRIDGE REPLACEMENT AND REHABILITATION.—For bridge replacement and rehabilitation under section 144 of title 23, United States Code, $1,755,000,000 per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991.

(2) ELIMINATION OF HAZARDS.—For projects for elimination of hazards under section 152 of title 23, United States Code, $170,000,000 per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991.

(3) NHTSA HIGHWAY SAFETY PROGRAMS.—For carrying out section 402 of title 23, United States Code, by the National Highway Traffic Safety Administration $123,000,000 for fiscal years 1988, 1989, 1990, and 1991.

(4) NHTSA HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—For carrying out section 403 of such title by the National Highway Traffic Safety Administration $33,000,000 for fiscal years 1987, 1988, 1989, 1990, and 1991.

(5) FHWA HIGHWAY SAFETY PROGRAMS.—For carrying out section 402 of such title by the Federal Highway Administration $10,000,000 for fiscal years 1987, 1988, 1989, 1990, and 1991.

(6) FHWA HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—For carrying out sections 307(a) and 403 of such title by the Federal Highway Administration $10,000,000 per fiscal year for fiscal years 1987, 1988, 1989, 1990, and 1991.

(b) EXTENSION OF NHTSA HIGHWAY SAFETY PROGRAMS FOR FISCAL YEAR 1987.—Section 203(a) of the Surface Transportation Assistance Act of 1982 is amended—

(1) in paragraph (1) by striking out "and" and by inserting before the period at the end of such paragraph ", and $123,000,000 for the fiscal year ending September 30, 1987";

(2) in paragraph (2) by striking out "and" and by inserting "and September 30, 1987" after "1986,"; and

(3) in paragraph (4)(B) by striking out "and September 30, 1986," and inserting in lieu thereof "September 30, 1986, and September 30, 1987,".

(c) MINIMUM OBLIGATIONS OF NHTSA HIGHWAY SAFETY AUTHORIZATIONS.—

(1) ENFORCEMENT OF 55 MPH SPEED LIMIT.—Out of the funds authorized to be appropriated under subsection (a)(3) of this section for each of fiscal years 1988, 1989, 1990, and 1991, not less than $20,000,000 per fiscal year shall be obligated under section 402 of title 23, United States Code, for the purpose of enforcing the 55-miles-per-hour speed limit established by section 154 of such title.

(2) SAFETY BELT PROGRAMS.—Each State shall expend each fiscal year not less than 2 percent of the amount apportioned to it for such fiscal year of the sums authorized by subsection (a)(3) of this section, for programs to encourage the use of safety belts by drivers of, and passengers in, motor vehicles.

(d) OBLIGATION CEILING FOR HIGHWAY SAFETY PROGRAMS.—Notwithstanding any other provision of law, the total of all obligations for highway safety programs carried out by the National Highway Traffic Safety Administration under section 402 of title 23, United States Code, shall not exceed $126,000,000 per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991, and the total of all obligations for highway safety programs carried out by the Federal Highway Administration under such section shall not exceed $10,000,000 per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991.

SEC. 203. COMMERCIAL MOTOR VEHICLE SAFETY GRANTS.

Section 404 of the Surface Transportation Assistance Act of 1982 (49 U.S.C. 2304) is amended to read as follows:

"AUTHORIZATIONS

"SEC. 404. (a)(1) To carry out the purposes of section 402 of this title, there is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) $10,000,000 for fiscal year 1984, $20,000,000 for fiscal year 1985, and $30,000,000 for fiscal year 1986.

"(2) There shall be available to the Secretary to incur obligations to carry out section 402 of this title, out of the Highway Trust Fund (other than the Mass Transit Account), $50,000,000 per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991.

"(b) Funds authorized to be appropriated, and funds made available, by this section shall be used to reimburse States pro rata for the Federal share of the costs incurred.

"(c) Grants made pursuant to the authority of this part shall be for periods not to exceed one year.

"(d) Notwithstanding any other provision of law, beginning after September 30, 1986, approval by the Secretary of a grant to a State under section 402 shall be deemed a contractual obligation of the United States for payment of the Federal share of the costs incurred by such State in development or implementation or both of programs to enforce commercial motor vehicle rules, regulations, standards, and orders.

"(e) Funds authorized to be appropriated, and funds made available, to carry out this section shall remain available for obligation by the Secretary for the fiscal year for which such funds are authorized or made available, as the case may be, and the three succeeding fiscal years.

"(f) On October 1 of each fiscal year beginning after September 30, 1986, the Secretary may deduct, from funds made available for such fiscal year by subsection (a)(2), an amount not to exceed one-half of one percent of the amount of such funds for administering section 402 of this title in such fiscal year.".

SEC. 204. 55 MPH SPEED LIMIT.

(a) WEIGHTED COMPLIANCE FORMULA.—

(1) IN GENERAL.—Section 154(f) of title 23, United States Code, is amended to read as follows:

"(f) ENFORCEMENT.—

"(1) DETERMINATION OF COMPLIANCE; PENALTY.—If the compliance score of a State as determined by application of the formula set forth in paragraph (2) to the data submitted by such State pursuant to subsection (e) of this section for any fiscal year exceeds 625, the Secretary shall reduce the State's apportionment of Federal-aid highway funds under each of sections 104(b)(1), 104(b)(2), and 104(b)(6) of this title in an aggregate amount of not less than 2.5 percent but not more than 5 percent, of the amount to be apportioned for the following fiscal year, in the case of the first fiscal year in which the score of such State as so determined exceeds 625, and not less than 5 percent, but not more than 10 percent, in the case of subsequent fiscal years.

"(2) COMPLIANCE FORMULA.—For purposes of this section, the formula for determining the compliance score of a State for any fiscal year under this section shall be as follows:

$$\text{State Score} = \frac{X(A+5B+10C)+Y(2D+20E+40F)}{100}$$

"(3) FORMULA FACTORS.—For purposes of the formula in paragraph (2)—

"(A) X equals the percentage of the vehicle miles of travel in a fiscal year in a State on 55 mph highways which occur on limited access highways;

"(B) Y equals 100 minus X;

"(C) A equals the percentage of vehicles traveling in the fiscal year in the State on limited access highways at speeds in excess of 55 miles per hour but not in excess of 60 miles per hour;

"(D) B equals the percentage of vehicles traveling in the fiscal year in the State on limited access highways at speeds in excess of 60 miles per hour but not in excess of 65 miles per hour;

"(E) C equals the percentage of vehicles traveling in the fiscal year in the State on limited access highways at speeds in excess of 65 miles per hour;

"(F) D equals the percentage of vehicles traveling in the fiscal year in the State on 55 mph highways (other than limited access highways) at speeds in excess of 55 miles per hour but not in excess of 60 miles per hour;

"(G) E equals the percentage of vehicles traveling in the fiscal year in the State on such 55 mph highways at speeds in excess of 60 miles per hour but not in excess of 65 miles per hour; and

"(H) F equals the percentage of vehicles traveling in the fiscal year in the State on such 55 mph highways at speeds in excess of 65 miles per hour.

"(4) DEFINITIONS OF TERMS.—For purposes of this section—

"(A) 55 MPH HIGHWAY.—The term '55 mph highway' means any public highway with a speed limit which is posted on or after January 1, 1983, at 55 miles per hour, except that such term does not include any highway on

which the posted speed limit has been reduced after such date based on legitimate traffic safety requirements as determined by the Secretary.

"(B) LIMITED ACCESS HIGHWAY.—The term 'limited access highway' means any divided 55 mph highway or segment on which access is fully controlled.".

(2) CONFORMING AMENDMENTS.—(A) Section 154(e) of such title is amended—

(i) by striking out "public highways with speed limits posted at fifty-five miles per hour" and inserting in lieu thereof "55 mph highways";

(ii) by striking out "which takes into account the variability of speedometer readings and" and inserting in lieu thereof "which take into account"; and

(iii) by adding at the end thereof the following: "Data submitted under this subsection shall be in such form as the Secretary determines by rule is necessary to carry out subsection (f).".

(B) Section 154(h) of such title is amended by striking out "the percentage" and all that follows through "miles per hour" and inserting in lieu thereof "the compliance score for such State".

(3) APPLICABILITY.—The amendments made by paragraphs (1) and (2) shall apply with respect to—

(A) data collected under section 154(e) of title 23, United States Code, after September 30, 1985, and

(B) reductions in apportionments based on such data.

(b) ADMINISTRATION THROUGH NHTSA.—

(1) IN GENERAL.—Section 154 of such title is amended by adding at the end thereof the following new subsection:

"(i) ADMINISTRATION THROUGH NHTSA.—The Secretary shall carry out this section and section 141(a) of this title through the National Highway Traffic Safety Administration.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as soon as practicable after the date of the enactment of this Act but not later than October 1, 1987.

SEC. 205. ALCOHOL TRAFFIC SAFETY PROGRAMS.

(a) MODIFICATION OF PROMPT SUSPENSION REQUIREMENT FOR BASIC GRANTS.—Section 408(e) of title 23, United States Code, is amended by adding at the end thereof the following new paragraph:

"(4) MODIFIED BASIC GRANTS FOR LESS THAN PROMPT SUSPENSION.—For purposes of this section, a State which would be eligible for a basic grant but for the suspension of drivers' licenses referred to subparagraph (A) of paragraph (1) of this subsection not being made promptly shall be eligible for such a grant if the Secretary, under such regulations as the Secretary may issue, determines that such State is suspending drivers' licenses within 120 days of the determination of probable cause and is making reasonable progress in further reducing the time period between such determination and suspension.

"(5) MODIFIED BASIC GRANTS FOR RESTRICTED LICENSES IN HARDSHIP CASES.—For purposes of this section, a State which does not in all cases suspend drivers' licenses of individuals who are determined, as a result of chemical tests, to be intoxicated or who refuse to submit to such tests but which is otherwise eligible for a basic grant, shall be eligible for such a grant if the Secretary, under such regulations as the Secretary may issue, determines that—

"(A) the only cases in which the State does not suspend the drivers' licenses of such individuals are those cases in which—

"(i) a showing of hardship is made, and

"(ii) the driver's license is restricted in a manner which permits the individual to drive only to the extent necessary to relieve such hardship;

"(B) during any calendar quarter, not more than 20 percent of the total number of such cases involving first offenders results in restricted licenses; and

"(C) during any calendar quarter, not more than 15 percent of the total number of such cases involving repeat offenders results in restricted licenses.".

(b) AMOUNT OF MODIFIED BASIC GRANT.—Section 408(d)(1) of such title is amended—

(1) by inserting "(A) IN GENERAL.—" before "Subject"; and

(2) by adding at the end thereof the following new paragraph:

"(B) MODIFIED BASIC GRANTS.—Subject to subsection (c), the amount of a basic grant made under this section for any fiscal year to any State which is eligible for such a grant under subsection (e)(4) or (e)(5) shall equal 20 percent of the amount apportioned to such State for fiscal year 1983 under section 402 of this title.".

(c) AVAILABILITY OF FUNDS.—Section 408(g) of such title is amended by inserting before the period at the end of the second sentence the following: "and except that sums authorized by this subsection shall remain available until expended".

(d) CONFORMING AMENDMENTS.—(1) Section 408(d) of such title is amended—

(A) by inserting "AMOUNTS OF GRANTS.—" after "(d)";

(B) in paragraph (1) by inserting "BASIC GRANTS.—" after "(1)" the first place it appears;

(C) in paragraph (1) by indenting subparagraph (A), as designated by subsection (b) of this section, and aligning such subparagraph with subparagraph (B) of such paragraph, as added by such subsection;

(D) in paragraph (2) by inserting "SUPPLEMENTAL GRANTS.—" before "Subject to";

(E) in paragraph (3) by inserting "SPECIAL GRANTS.—" before "Subject to"; and

(F) by indenting paragraph (1) and aligning such paragraph and paragraphs (2) and (3) with paragraph (4) of subsection (e), as added by subsection (a) of this section.

(2) Section 408(e) of such title is amended—

(A) by inserting "ELIGIBILITY CRITERIA.—" after "(e)";

(B) in paragraph (1) by inserting "BASIC GRANTS.—" before "For purposes";

(C) in paragraph (2) by inserting "SUPPLEMENTAL GRANTS.—" before "For purposes";

(D) in paragraph (3) by inserting "SPECIAL GRANTS.—" before "For purposes";

(E) by indenting paragraph (1) and aligning such paragraph and paragraphs (2) and (3) with paragraph (4), as added by subsection (a) of this section;

(F) by aligning the subparagraphs of paragraphs (1) and (3) with subparagraph (A) of paragraph (5), as added by such subsection (a); and

(G) by aligning the clauses of subparagraphs (A) and (C) of paragraph (3), including subclauses (I) and (II) of paragraph (3)(A)(ii), with clause (i) of paragraph (5)(A), as added by such subsection (a).

SEC. 206. APPLICABILITY OF LENGTH LIMITATIONS TO CERTAIN TRUCK TRACTORS.

(a) PREEMPTION.—Section 411(c) of the Surface Transportation Assistance Act of 1982 is amended by inserting after "prohibit" the following: "maxi-cube vehicles or".

(b) MAXI-CUBE VEHICLE DEFINED.—Section 411(f) of such Act is amended by inserting "(1)" before "For the purposes" and by adding at the end of such section the following:

"(2) For purposes of this section, 'maxi-cube vehicle' means a truck tractor combined with a semi-trailer and a separable cargo-carrying unit which is designed to be loaded and unloaded through the semi-trailer, except that the entire combination shall not exceed 65 feet in length and the separable cargo-carrying unit shall not exceed 34 feet in length.".

(c) CONFORMING AMENDMENT.—Section 411(i) of such Act is amended by inserting "maxi-cube vehicles or" before "motor vehicle combinations" each place it appears.

SEC. 207. SCHOOLBUS SAFETY MEASURES.

(a) STUDY.—

(1) NATIONAL ACADEMY OF SCIENCES.—Not later than 30 days after the date of the enactment of this Act, the Secretary shall undertake to enter into appropriate arrangements with the National Academy of Sciences to conduct a comprehensive study and investigation of the principal causes of fatalities and injuries to schoolchildren riding in schoolbuses and of the use of seatbelts in schoolbuses and other measures that may improve the safety of schoolbus transportation. The purpose of the study and investigation is to determine those safety measures that are the most effective in protecting the safety of schoolchildren while boarding, leaving, and riding in schoolbuses.

(2) REPORT.—In entering into any arrangements with the National Academy of Sciences for conducting the study and investigation under this subsection, the Secretary shall request the National Academy of Sciences to submit, not later than December 31, 1987, to Congress and the Secretary a report on the results of such study and investigation. The report shall contain a list of those safety measures determined by the Academy to be most effective in protecting the safety of schoolchildren while boarding, leaving, and riding in schoolbuses.

(3) REVIEW OF REPORT.—Upon receipt of the report under paragraph (2), the Secretary shall review such report for the purpose of determining those safety measures that are the most effective in protecting the safety of schoolchildren while boarding, leaving, and riding in schoolbuses. Not later than March 1, 1988, the Secretary shall publish in the Federal Register a list of those safety measures which the Secretary determines are the most effective in protecting the safety of such children.

(4) INFORMATION.—Upon request of the National Academy of Sciences, the Secretary shall furnish to the Academy any information which the Academy deems necessary for the purpose of conducting the study and investigation under this subsection.

(b) SCHOOLBUS SAFETY GRANT PROGRAM.—

(1) SET-ASIDE.—Before apportioning any funds made available to carry out section 402 of title 23, United States Code, for each of fiscal years 1989, 1990, and 1991, the Secretary may set aside an amount not to exceed $5,000,000 for making grants to States to implement those schoolbus safety measures published by the Secretary under subsection (a).

(2) APPLICATION.—Any State interested in receiving under this subsection a grant to implement schoolbus safety measures in fiscal year 1989, 1990, or 1991 shall submit to the Secretary an application for such grant. Applications under this subsection shall be submitted at such time and in such

form and contain such information as the Secretary may require by regulation.

(3) LIMITATION.—No State shall receive more than 30 percent of the funds set aside pursuant to this subsection for any fiscal year in grants under this subsection.

SEC. 208. STANDARDS FOR SPLASH AND SPRAY SUPPRESSANT DEVICES.

Section 414 of the Surface Transportation Assistance Act of 1982 (49 U.S.C. 2314) is amended by redesignating subsection (c), and any references thereto, as subsection (d) and by inserting after subsection (b) the following new subsection:

"(c) Notwithstanding subsection (b), the Secretary shall not establish final minimum standards with respect to the performance and installation of splash and spray suppression devices for use on truck tractors, semitrailers, or trailers until—

"(1) the Secretary has determined that there is available technology that can (A) substantially reduce splash and spray from truck tractors, semitrailers, and trailers, and (B) substantially improve visibility of drivers, as demonstrated during testing under wind, rain, and wet roadway conditions in actual highway use;

"(2) the Secretary has determined that the standards based on such technology will result in protecting the public from unreasonable risk of death or injury due to accidents resulting from splash and spray from truck tractors, semitrailers, and trailers; and

"(3) the Secretary has determined that there exists 3 or more unaffiliated manufacturers capable of manufacturing devices meeting the standards to be established.".

SEC. 209. USE OF CERTAIN REPORTS AS EVIDENCE.

Notwithstanding any other provision of law, no report, list, schedule, or survey prepared by or for a State pursuant to section 152 of title 23, United States Code, or section 203 of the Highway Safety Act of 1973 shall be admitted as evidence or used in any suit or action for damages arising out of any matter referred to in such report, list, schedule, or survey.

SEC. 210. EMERGENCY CALL BOXES.

Section 101(a) of title 23, United States Code, is amended in the tenth undesignated paragraph (relating to the definition of highway safety improvement project) by inserting after "pavement marking," the following: "installs or replaces emergency motorist-aid call boxes,".

SEC. 211. RAILROAD-HIGHWAY CROSSINGS AUTHORIZATIONS.

The first sentence of section 203(b) of the Highway Safety Act of 1973 is amended by striking out "and" the first place it appears and by striking out the period at the end and inserting in lieu thereof ", and $140,000,000 for each of the fiscal years ending September 30, 1987, September 30, 1988, September 30, 1989, September 30, 1990, and September 30, 1991.".

SEC. 212. NATIONAL DRIVER REGISTER AMENDMENTS.

(a) 12-MONTH EXTENSION OF DEADLINE FOR FINAL RULES.—Section 203(c)(1) of the National Driver Register Act of 1982 is amended—

(1) by striking out "eighteen months" and inserting in lieu thereof "24 months"; and

(2) by inserting "publish notice of a proposed rulemaking and, within 6 months after the last day of such 24-month period," after "title,".

(b) PILOT TEST PROGRAM.—Section 207 of such Act is amended—

(1) in subsection (a) by striking out "and implement, within two years after the date of enactment of this title,";

(2) in subsection (b)—

(A) by striking out "and shall, within thirty" and insert in lieu thereof ", within 30"; and

(B) by striking out "select" and inserting in lieu thereof "and shall select, within 12 months after the last day of such 30-month period,";

(3) in subsection (d) by striking out "two years after the date of enactment of this title," and inserting in lieu thereof "16 months after the selection of the four pilot States under subsection (b),"; and

(4) by striking out subsection (f) and inserting in lieu thereof the following:

"(f) Not later than 6 months after the conclusion of the pilot program the Secretary shall submit to Congress a report on such program. Such report shall include—

"(1) an evaluation of the technology utilized in such program;

"(2) an evaluation of such program;

"(3) a projection of accomplishments which would result from the acquisition of electronic transfer equipment and methods by States other than those which participated in such program; and

"(4) any recommendations of the Secretary concerning the desirability of extending the authorization of appropriations for this title beyond fiscal year 1987.".

(c) REPORT BY SECRETARY.—Section 210 of such Act is amended—

(1) by striking out "the expiration of the four-year period following the date of enactment of this title," and inserting in lieu thereof "3 years after the establishment of a fully electronic Register system under section 203,"; and

(2) by striking out the last sentence.

SEC. 213. HIGHWAY SAFETY PROGRAM AMENDMENTS.

(a) GUIDELINES.—Section 402 of title 23, United States Code, is amended by striking out "standard" and "standards" each place they appear and inserting in lieu thereof "guideline" and "guidelines", respectively.

(b) WAIVERS FOR EXPERIMENTAL PROGRAMS.—Subsection (a) of such section is amended by striking out the last sentence.

(c) ELIMINATION OF CERTAIN CONDITION.—Subsection (b)(1) of such section is amended by striking out subparagraph (D), relating to comprehensive driver training programs, and by redesignating subparagraphs (E) and (F) (and any references thereto) as subparagraphs (D) and (E), respectively.

(d) RULEMAKING PROCESS.—Subsection (j) of such section is amended to read as follows:

"(j) RULEMAKING PROCESS.—The Secretary shall, not later than September 1, 1987, begin a rulemaking process to determine those programs most effective in reducing accidents, injuries, and deaths. Not later than April 1, 1988, the Secretary shall promulgate a final rule establishing those programs determined to be most effective in reducing accidents, injuries, and deaths. If such rule is promulgated by April 1, 1988, then it shall take effect October 1, 1988. If such rule is not promulgated by April 1, 1988, it shall take effect October 1, 1989. After a rule is promulgated in accordance with this subsection, the Secretary may from time to time thereafter revise such rule under a rulemaking process described in the first sentence of this subsection. Any rule under this subsection shall be promulgated taking into account consideration of the States having a major role in establishing programs described in the first sentence of this subsection. When a rule promulgated in accordance with this subsection takes effect, only those programs established by such rule as most effective in reducing accidents, injuries, and deaths shall be eligible to receive Federal financial assistance under this section.".

SEC. 214. HIGHWAY SAFETY EDUCATION AND INFORMATION.

(a) NATIONAL HIGHWAY SAFETY CAMPAIGN.—Subsection (d) of section 209 of the Highway Safety Act of 1978 is amended to read as follows:

"(d) Utilizing those techniques, methods, and practices determined most effective under subsection (b), the Secretary of Transportation shall conduct a national highway safety campaign utilizing the local and national television and radio to educate and inform the public of techniques, methods, and practices to reduce the number and severity of highway accidents. Not later than the 180th day after the date of submission of the first report to Congress required by subsection (b) of this section, the Secretary shall commence the conduct of such campaign.".

(b) LIMITATION ON OBLIGATIONS.—Subsection (h) of such section is amended by adding at the end thereof the following: "None of the amounts authorized by this subsection shall be available for obligation for any education or information program conducted in connection with the implementation of Federal Motor Vehicle Safety Standard 208 (49 C.F.R. 571.208).".

(c) OBLIGATION CEILING.—Subsection (i) of such section is amended by inserting before the period at the end the following: "and except that the funds authorized to be appropriated to carry out this section shall not be subject to any obligation limitation".

SEC. 215. RAILROAD-HIGHWAY CROSSING NEEDS.

(a) STUDY.—The Secretary, in consultation with the Association of American Railroads and the American Association of State Highway and Transportation Officials, shall conduct a comprehensive study and investigation of national railroad-highway crossing improvement and maintenance needs. Such study and investigation shall assess—

(1) railroad and highway needs relating to crossing safety, capacity, and mobility and the needs of communities affected by railroad-highway crossings;

(2) the feasibility of addressing these needs on a corridor or system basis; and

(3) the responsibility of rail and highway authorities in addressing these needs.

In carrying out such study, the Secretary shall consider the progress and the results of the programs and projects conducted before, on, or after the date of the enactment of this Act to improve safety at railroad-highway crossings.

(b) REPORT.—Not later than 30 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the Secretary's study and investigation along with recommendations on how the needs referred to in subsection (a) can best be addressed on a long term and continuing basis in a cost-effective manner. Such report and recommendations shall take into account the results of the programs and projects referred to in subsection (a).

SEC. 216. OLDER DRIVER STUDY.

(a) CONTRACT.—The Secretary shall undertake to enter into appropriate arrangements with the National Academy of Sciences to conduct a comprehensive study and investigation of (1) problems which may inhibit

*the safety and mobility of older drivers using the Nation's roads, and (2) means of addressing these problems.*

*(b) REPORT.—In entering into any arrangement with the National Academy of Sciences for conducting such study and investigation, the Secretary shall request the National Academy of Sciences to report to the Secretary and Congress not later than 24 months after the date of the enactment of this Act on the results of such study and investigation, together with its recommendations.*

*(c) AVAILABILITY OF INFORMATION.—The Secretary shall furnish to such Academy at its request any information which the Academy deems necessary for the purpose of conducting the investigation and study authorized by this section.*

*(d) PILOT PROGRAM.—*

*(1) DEVELOPMENT OF PROGRAM.—The Secretary shall develop, in conjunction with the study carried out under this section, a pilot program of highway safety improvements to enhance the safety and mobility of older drivers. The program shall be designed to apply known technology at sites in rural and urban areas and on different types of highways and to determine the daytime and nighttime effectiveness of such technology.*

*(2) STATES ENCOURAGED TO CARRY OUT PROGRAM.—The Secretary shall encourage the States to carry out the pilot program developed under paragraph (1) with funds available for highway safety improvement projects. In particular, the Secretary shall encourage States with a high percentage of older drivers to give high priority to carrying out the pilot program.*

*(3) EVALUATION AND REPORT.—Not later than three years after the date of the enactment of this Act, the Secretary shall evaluate the pilot program under this subsection and shall report to Congress on the effectiveness of such program in improving the safety and mobility of older drivers.*

*SEC. 217. RESCISSION OF CONTRACT AUTHORITY.*

*Effective October 1, 1986, $148,000,000 of unobligated contract authority available for airport development and planning pursuant to section 505(a) of the Airport and Airway Improvement Act of 1982 is rescinded. This rescission does not reduce the balance in the Airport and Airway Trust Fund.*

## *TITLE III—FEDERAL MASS TRANSPORTATION ACT OF 1986*

*SEC. 301. SHORT TITLE.*

*This title may be cited as the "Federal Mass Transportation Act of 1986".*

*SEC. 302. LETTERS OF INTENT; MULTI-YEAR CONTRACTS.*

*(a) GENERAL RULE.—Section 3(a)(4) of the Urban Mass Transportation Act of 1964 is amended to read as follows:*

*"(4) MULTI-YEAR CONTRACTS.—*

*"(A) PRENOTIFICATION OF CONGRESS.—Subject to the provisions of this paragraph, the Secretary may enter into a multi-year contract with an applicant to carry out a project under this section if, at least 30 days before such contract becomes effective, the Secretary notifies, in writing, the Committee on Public Works and Transportation of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate of such contract and submits a summary and copy of such contract to such committees.*

*"(B) LIMITATION ON AMOUNTS STIPULATED.—The total amount stipulated for any fiscal year (including any future fiscal year) under all multi-year contracts entered into under this paragraph shall not exceed the amount authorized to be appropriated out of the Mass Transit Account of the Highway Trust Fund to carry out this section for such fiscal year, less an amount reasonably estimated by the Secretary to be necessary for grants under this section which are not covered by a multi-year contract.*

*"(C) OPERABLE SEGMENT.—The amount stipulated in a multi-year contract to carry out a fixed guideway project shall be sufficient to complete an operable segment.*

*"(D) APPLICABILITY OF OTHER LAWS.—Notwithstanding any other provision of law, a multi-year contract entered into under this paragraph shall not be subject to—*

*"(i) any future availability of funds for obligation, except as provided in subparagraph (B), subsection (i) of this section, and section 9503(e)(4) of the Internal Revenue Code of 1954, and*

*"(ii) any obligation limitation, except an obligation limitation imposed by section 21(a)(2)(G).".*

*(b) CONFORMING AMENDMENTS.—Section 3(a) of such Act is amended —*

*(1) by inserting "GRANT AND LOAN PROGRAMS.—" before "(1) The Secretary";*

*(2) in paragraph (1) by inserting "GENERAL AUTHORITY.—" before "The Secretary is";*

*(3) in paragraph (3) by inserting "APPROVED PROGRAM OF PROJECTS.—" before "The Secretary";*

*(4) in paragraph (5) by inserting "DECREASED COMMUTER RAIL SERVICE.—" before "The Secretary";*

*(5) in paragraph (6) by inserting "LABOR INTENSIVE PROJECTS.—" before "In";*

*(6) by indenting paragraph (1) and aligning such paragraph and paragraphs (3), (5), and (6) with paragraph (4), as amended by subsection (a) of this section; and*

*(7) by aligning subparagraphs (A), (B), (C), (D), and (E) of paragraph (1) with subparagraph (A) of such paragraph (4).*

*(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) of this section shall take effect October 1, 1986, and shall not affect any letter of intent issued before such date.*

*SEC. 303. APPROVAL OF FUNDING LEVELS AND ALLOCATIONS OF FUNDS.*

*Section 3 of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new subsection:*

*"(i) FUNDING LEVELS AND ALLOCATIONS OF FUNDS.—*

*"(1) SUBMISSION TO CONGRESS.—Not later than January 20, 1987, and each January 20 thereafter, the Secretary shall prepare and transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate—*

*"(A) a proposal of the total amount of funds which should be made available under section 21(a)(2)(C)(iv) of this Act to finance for the fiscal year beginning on October 1 of such year grants and loans for each of the following:*

*"(i) the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities,*

*"(ii) rail modernization, and*

*"(iii) construction of new fixed guideway systems and extensions to fixed guideway systems; and*

*"(B) a proposal of the allocation of the funds to be made available (including any funds proposed to be made available pursuant to clauses (ii) and (iii) of subparagraph (A)) for such fiscal year to finance grants and loans for rail modernization and for construction of new fixed guideway systems and extensions to fixed guideway systems among applicants for such assistance.*

*"(2) SPECIAL PROVISIONS.—The proposals submitted under paragraph (1) of this subsection shall reflect multi-year contracts entered into under subsection (a)(4) of this section; amounts stipulated for each fiscal year under full funding contracts executed under such subsection before October 1, 1986; and, in the case of projects for which letters of intent have been issued under such subsection before October 1, 1986, but for which full funding contracts have not been executed before such date, amounts stipulated for each fiscal year under such letters of intent.*

*"(3) APPROVAL REQUIRED.—Notwithstanding any other provision of this section, no funds may be made available to finance grants and loans under this section for any fiscal year beginning after September 30, 1987, until a proposal transmitted by the Secretary under this subsection for such year (including any revisions thereof) is approved by law.*

*"(4) EFFECT OF APPROVAL.—Upon approval by law of a proposal transmitted under this subsection for any fiscal year beginning after September 30, 1987, the Secretary shall make the amount of funds approved under this subsection available for obligation for such fiscal year and shall allocate the funds for such fiscal year in accordance with the allocations approved under this subsection.".*

*SEC. 304. ADVANCE CONSTRUCTION.*

*(a) DISCRETIONARY GRANT PROGRAM.—Section 3 of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new subsection:*

*"(j) ADVANCE CONSTRUCTION.—*

*"(1) APPROVED PROJECT.—Upon application of a State or local public body which carries out a project described in this section or a substitute transit project described in section 103(e)(4) of title 23, United States Code, or portion of such a project without the aid of Federal funds in accordance with all procedures and requirements applicable to such a project and upon the Secretary's approval of such application, the Secretary may pay to such applicant the Federal share of the net project costs if, prior to carrying out such project or portion, the Secretary approves the plans and specifications therefor in the same manner as other projects under this section or such section 103(e)(4), as the case may be.*

*"(2) BOND INTEREST.—*

*"(A) ELIGIBLE COST.—Subject to the provisions of this paragraph, the cost of carrying out a project or portion thereof, the Federal share of which the Secretary is authorized to pay under this subsection, shall include the amount of any interest earned and payable on bonds issued by the State or local public body to the extent that the proceeds of such bonds have actually been expended in carrying out such project or portion.*

*"(B) LIMITATION ON AMOUNT.—In no event shall the amount of interest considered as a cost of carrying out a project or portion thereof under subparagraph (A) be greater than the excess of—*

*"(i) the amount which would be the estimated cost of carrying out the project or portion if the project or portion were to be carried out at the time the project or portion is converted to a regularly funded project, over*

*"(ii) the actual cost of carrying out such project or portion (not including such interest).*

"(C) CHANGES IN CONSTRUCTION COST INDICES.—The Secretary shall consider changes in construction cost indices in determining the amount under subparagraph (B)(i).".

(b) BLOCK GRANT PROGRAM.—Section 9 of such Act is amended by adding at the end thereof the following new subsection:

"(p) ADVANCE CONSTRUCTION.—

"(1) APPROVED PROJECT.—When a recipient has obligated all funds apportioned to it under this section and proceeds to carry out any project described in this section (other than a project for operating expenses) or portion of such a project without the aid of Federal funds in accordance with all procedures and all requirements applicable to such a project, except insofar as such procedures and requirements limit a State to carrying out projects with the aid of Federal funds previously apportioned to it, the Secretary, upon application by such recipient and his approval of such application, is authorized to pay to such recipient the Federal share of the costs of carrying out such project or portion when additional funds are apportioned to such recipient under this section if, prior to carrying out such project or portion, the Secretary approves the plans and specifications therefor in the same manner as other projects under this section.

"(2) LIMITATION ON PROJECTS.—The Secretary may not approve an application under this subsection unless an authorization for this section is in effect for the fiscal year for which the application is sought beyond the currently authorized funds for such recipient. No application may be approved under this subsection which will exceed—

"(A) the recipient's expected apportionment under this section if the total amount of funds authorized to be appropriated to carry out this section for such fiscal year were so appropriated, less

"(B) the maximum amount of such apportionment which could be made available for projects for operating expenses under this section.

"(3) BOND INTEREST.—

"(A) ELIGIBLE COST.—Subject to the provisions of this paragraph, the cost of carrying out a project or portion thereof, the Federal share of which the Secretary is authorized to pay under this subsection, shall include the amount of any interest earned and payable on bonds issued by the recipient to the extent that the proceeds of such bonds have actually been expended in carrying out such project or portion.

"(B) LIMITATION ON AMOUNT.—In no event shall the amount of interest considered as a cost of carrying out a project or portion under subparagraph (A) be greater than the excess of—

"(i) the amount which would be the estimated cost of carrying out the project or portion if the project or portion were to be carried out at the time the project or portion is converted to a regularly funded project, over

"(ii) the actual cost of carrying out such project or portion (not including such interest).

"(C) CHANGES IN CONSTRUCTION COST INDICES.—The Secretary shall consider changes in construction cost indices in determining the amount under subparagraph (B)(i).".

SEC. 305. CRITERIA FOR NEW STARTS.

(a) GENERAL RULE.—Section 3 of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new subsection:

"(k) CRITERIA FOR NEW STARTS.—No grant or loan for construction of a new fixed guideway system or extension of any fixed guideway system may be made under this section unless the Secretary determines that the proposed project—

"(1) is based on the results of an alternatives analysis and preliminary engineering,

"(2) is cost-effective, and

"(3) is supported by an acceptable degree of local financial commitment, including evidence of stable and dependable funding sources to construct, maintain, and operate the system or extension.

In making grants and loans under this section, the Secretary may also consider such other factors as the Secretary deems appropriate. The Secretary shall issue guidelines that set forth the means by which the Secretary will evaluate cost-effectiveness, results of alternatives analysis, and degree of local financial commitment.".

(b) LIMITATION ON APPLICABILITY.—The amendment made by subsection (a) of this section shall not apply to any project for which a letter of intent has been issued under section 3(a)(4) of the Urban Mass Transportation Act of 1964 before the date of the enactment of this Act.

SEC. 306. RELOCATION REQUIREMENTS.

Section 3 of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new subsection:

"(l) RELOCATION REQUIREMENTS.—Notwithstanding any other provision of this Act, no State, or local public body or agency thereof which receives financial assistance under this Act shall displace or cause to be removed from the property of a mass transportation system, with respect to which such assistance is being provided, any structure on such property owned by any person, partnership, or corporation that provides rent to such State, or local public body or agency in consideration for the occupancy of such property by such structure unless—

"(1) such displacement is directly necessitated by the operation, maintenance, or construction of such system,

"(2) the owner of such structure receives relocation assistance in an amount at least equal to the amount that such owner would have received pursuant to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601, et seq.) if the owner were a displaced person under such Act, or

"(3) such displacement is expressly authorized by State statute and is in accordance with the terms of the rental agreement.".

SEC. 307. AUTHORIZATION OF APPROPRIATIONS FOR SUBSTITUTE PROJECTS.

Section 4(g) of the Urban Mass Transportation Act of 1964 is amended to read as follows:

"(g) AUTHORIZATION OF APPROPRIATIONS FOR SUBSTITUTE PROJECTS.—There are authorized to be appropriated—

"(1) not to exceed $600,000,000 for fiscal year 1982,

"(2) not to exceed $365,000,000 for fiscal year 1983,

"(3) not to exceed $380,000,000 for fiscal year 1984,

"(4) not to exceed $390,000,000 for fiscal year 1985,

"(5) not to exceed $400,000,000 for fiscal year 1986, and

"(6) such sums as may be necessary for fiscal years 1987, 1988, 1989, 1990, and 1991, to carry out public transportation projects substituted for Interstate segments withdrawn under section 103(e)(4) of title 23, United States Code.".

SEC. 308. RATES FOR ELDERLY AND HANDICAPPED PERSONS.

(a) EXCEPTION TO GENERAL RULE.—Section 5(m) of the Urban Mass Transportation Act of 1964 is amended by striking out "The" and inserting in lieu thereof "(1) IN GENERAL.—Except as provided in paragraph (2) of this subsection, the" and by adding at the end thereof the following new paragraph:

"(2) EXCEPTION.—An applicant whose existing fare collection system does not reasonably permit the collection of half fares may continue to use a preferential fare system for elderly and handicapped persons which was in effect on or before November 26, 1974, and which incorporates the offering of a free return ride upon payment of the generally applicable full fare, except that such a system may be used after the 120th day following the date of the enactment of this paragraph only if such system is available for use by all elderly and handicapped persons.".

(b) CONFORMING AMENDMENTS.—Such section is further amended—

(1) by inserting "RATES FOR ELDERLY AND HANDICAPPED PERSONS.—" after "(m)"; and

(2) by indenting paragraph (1), as designated by subsection (a) of this section, and aligning such paragraph with paragraph (2), as added by such subsection.

SEC. 309. LONG-TERM FINANCIAL PLANNING.

Section 8(a) of the Urban Mass Transportation Act of 1964 is amended by inserting before the period at the end of the third sentence the following: "and development of long-term financial plans for regional urban mass transit improvements and the revenue available from current and potential sources to implement such improvements".

SEC. 310. BLOCK GRANT PROGRAM AMENDMENTS.

(a) FUNDING OF PARTIAL PROGRAMS OF PROJECTS.—Section 9(e)(2) of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new sentence: "A grant may be made under this section to carry out, in whole or in part, a program of projects.".

(b) TRANSIT ADVERTISING REVENUES.—

(1) EXCLUSION FROM OPERATING REVENUES.—Section 9(k)(1) of such Act is amended by inserting after the third sentence the following new sentence: "For purposes of the preceding sentence, 'revenues from the operation of a public mass transportation system' shall not include the amount of any revenues derived by such system from the sale of advertising and concessions which is in excess of the amount of such revenues derived by such system from the sale of advertising and concessions in fiscal year 1985.".

(2) ANNUAL REPORT.—Section 9(e) of such Act is amended by adding at the end thereof the following new paragraph:

"(4) ANNUAL REPORT TO SECRETARY.—Each recipient (including any person receiving funds from a Governor under this section) shall submit to the Secretary annually a report on the revenues such recipient derives from the sale of advertising and concessions.".

(c) REMOVAL OF OPERATING ASSISTANCE LIMITATION FOR SMALL URBANIZED AREAS.—

(1) IN GENERAL.—Section 9(k)(2) of such Act is amended to read as follows:

"(2) LIMITATIONS ON AMOUNT OF OPERATING ASSISTANCE.—The amount of funds apportioned under this section which may be used for operating assistance shall not exceed—

"(A) with respect to an urbanized area with a population of 1,000,000 or more, 80 percent of the amount of funds apportioned for fiscal year 1982 under paragraphs (1)(A),

(2)(A), and (3)(A) of section 5(a) of this Act to such area; and

"(B) with respect to an urbanized area with a population of 200,000 or more and less than 1,000,000, 90 percent of funds so apportioned to such area.".

(2) CONFORMING AMENDMENTS.—Section 9(l)(1)(A) of such Act is amended—

(A) by inserting "of funds apportioned under this section to an urbanized area with a population of 200,000 or more" after "any recipient"; and

(B) by striking out the last sentence.

(3) APPLICABILITY.—The amendments made by paragraphs (1) and (2) shall apply to fiscal years beginning after September 30, 1986.

(d) TRADE-IN FOR OPERATING ASSISTANCE.—

(1) LIMITATION ON GENERAL RULE.—Section 9(l) of such Act is amended by striking out paragraph (4) and inserting in lieu thereof the following:

"(4) TRADE-IN FOR OPERATING ASSISTANCE.—Any recipient of a grant under section 3 of this Act in any fiscal year beginning after September 30, 1986, may not carry out a transfer under this subsection in such fiscal year, unless—

"(A) the grant under section 3 is—

"(i) for emergency repairs, as determined by the Secretary;

"(ii) made pursuant to a letter of intent issued, or full funding contract executed, under section 3(a)(4) of this Act before the date of enactment of this subparagraph; or

"(iii) for a project which has a high priority on the plan prepared by the Secretary for allocation of resources under section 3 of this Act for such fiscal year and for an amount which has been reduced in accordance with section 3(a)(7) of this Act; or

"(B) such recipient received Federal assistance under section 1139(b) of the Omnibus Budget Reconciliation Act of 1981 and carried out a transfer under this subsection in the fiscal year ending September 30, 1983, and the percentage of the funds appropriated to carry out section 3 of this Act which such recipient will receive in grants under such section 3 in such fiscal year beginning after September 30, 1986, will not exceed the percentage of the funds appropriated to carry out such section 3 which such recipient received in grants under such section 3 in the fiscal year ending September 30, 1983.".

(2) EXTENSION OF TRADE-IN PROGRAM.—Such section 9(l) is further amended—

(A) in paragraph (1)(A) by striking out "and 1984" and inserting in lieu thereof ", 1984, 1987, 1988, 1989, 1990, and 1991"; and

(B) in paragraph (2)(B) by striking out "three-year" and by striking out "1985" and inserting in lieu thereof "1992".

(3) LIMITATION ON DISCRETIONARY GRANTS.—Section 9(l)(3) of such Act is amended—

(A) by inserting before the period at the end of the first sentence "for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities"; and

(B) in the last sentence by striking out "discretionary construction grants" and inserting in lieu thereof "such discretionary grants".

(4) CONFORMING AMENDMENT TO SECTION 3.—Section 3(a) of such Act is amended by adding at the end thereof the following new paragraphs:

"(7) LIMITATION ON ELIGIBILITY OF RECIPIENTS USING SECTION 9 TRADE-IN.—Except as provided in paragraph (8) of this subsection, any recipient which carries out a transfer under section 9(l) of this Act for a fiscal year beginning after September 30, 1986, may not receive a grant under this section in such fiscal year, unless such grant is—

"(A) for emergency repairs, as determined by the Secretary;

"(B) made pursuant to a letter of intent issued, or full funding contract executed, under paragraph (4) of this subsection before the date of enactment of this subparagraph; or

"(C) for a project which has a high priority on the plan prepared by the Secretary for allocation of resources under this section for such fiscal year;

and unless, in the case of projects referred to in subparagraph (C), such recipient agrees with the Secretary that the amount of the Federal grants for such projects, as determined under section 4(a) of this Act, shall be reduced in the aggregate by an amount equal to the amount of the capital assistance transferred under such transfer.

"(8) PERCENTAGE OF FUNDS LIMITATION.—Any recipient which—

"(A) carries out a transfer under section 9(l) of this Act for any fiscal year beginning after September 30, 1986,

"(B) received Federal assistance under section 1139(b) of the Omnibus Budget Reconciliation Act of 1981, and

"(C) carried out a transfer under section 9(l) of this Act in the fiscal year ending September 30, 1983,

may not receive in grants under this section in such fiscal year beginning after September 30, 1986, a percentage of the funds made available to carry out this section in such fiscal year greater than the percentage of funds appropriated to carry out this section which such recipient received in grants under this section in the fiscal year ending September 30, 1983.".

(5) EFFECTIVE DATE.—The amendments made by this subsection shall take effect October 1, 1986.

(e) APPORTIONMENTS WITH RESPECT TO SMALL URBANIZED AREAS.—

(1) AVAILABILITY TO GOVERNORS.—Section 9(m)(2) of such Act is amended to read as follows:

"(2) SMALL URBANIZED AREAS.—Sums apportioned under subsection (d) with respect to any urbanized area with a population of less than 200,000 shall be made available to the Governor for expenditure in such area.".

(2) TRANSFERS.—Section 9(n)(1) of such Act is amended to read as follows:

"(n) TRANSFERS OF FUNDS.—

"(1) SMALL URBANIZED AREAS.—The Governor may transfer an amount apportioned under subsection (d) for expenditure in an urbanized area of less than 200,000 population to supplement funds apportioned to the State under section 18(a) of this Act or to supplement funds apportioned to other urbanized areas within the State. The Governor may make such transfers only after approval by responsible local elected officials and publicly owned operators of mass transportation services in each area with respect to which the funding was originally apportioned pursuant to subsection (d); except that, if the period of availability under subsection (o) of the funds proposed to be transferred will end within 90 days, the Governor may make such transfer without such approval if no approvable grant application is pending under this section for any project in such area. The Governor may transfer an amount of the State's apportionment under section 18(a) to supplement funds apportioned for expenditure in the State under subsection (d). Amounts transferred shall be subject to the capital and operating assistance limitations applicable to the original apportionments of such amounts.".

(3) CONFORMING AMENDMENT.—Subsection (d) of section 9 of such Act is amended by striking out "which urbanized areas" and inserting in lieu thereof "which an urbanized area".

(f) DATE OF APPORTIONMENT.—Section 9 of such Act is further amended by adding at the end thereof the following new subsection:

"(q) DATE OF APPORTIONMENT.—Funds appropriated to carry out this section for any fiscal year shall be apportioned in accordance with the provisions of this section not later than the tenth day following the date on which such funds are appropriated or October 1 of such fiscal year, whichever is later.".

(g) TECHNICAL AMENDMENTS.—(1) Section 9(e) of such Act is amended by adding at the end thereof the following new paragraph:

"(5) ACCEPTANCE OF CERTIFICATION.—No grant shall be made under this section to any recipient in any fiscal year unless the Secretary has accepted a certification for such fiscal year submitted by such person pursuant to this subsection.".

(2) Section 9(g) of such Act is amended by striking out paragraph (4).

(h) CONFORMING AMENDMENTS.—

(1) SECTION 9(e).—Section 9(e) of such Act is amended—

(A) by inserting "GRANT REQUIREMENTS.—" before "(1) The provisions";

(B) in paragraph (1) by inserting "APPLICABLE PROVISIONS.—" before "The provisions";

(C) in paragraph (2) by inserting "PROGRAM OF PROJECTS.—" before "To receive";

(D) in paragraph (3) by inserting "ANNUAL CERTIFICATION.—" before "Each recipient";

(E) by indenting paragraph (1) and aligning such paragraph and paragraphs (2) and (3) with paragraph (4), as added to such section by subsection (b)(2) of this section; and

(F) by aligning subparagraphs (A), (B), (C), (D), (E), (F), (G), and (H) of paragraph (3) with subparagraph (A) of section 9(k)(2), as amended by subsection (c)(1) of this section.

(2) SECTION 9(k).—Section 9(k) of such Act is amended—

(A) by inserting "FEDERAL SHARE.—" after "(k)";

(B) by inserting "IN GENERAL.—" after "(1)"; and

(C) by indenting paragraph (1) and aligning such paragraph with paragraph (2), as amended by subsection (c)(1) of this section.

(3) SECTION 9(l).—Section 9(l) of such Act is amended—

(A) by inserting "TRADE-IN PROGRAM.—" before "(1)(A) Notwithstanding";

(B) in paragraph (1) by inserting "IN GENERAL.—" before "(A) Notwithstanding";

(C) in paragraph (1)(A) by inserting "AUTHORIZATION; LIMITATION.—" before "Notwithstanding";

(D) in paragraph (1)(B) by inserting "TRADE-IN OF SECTION 5 CAPITAL APPORTIONMENT.—" before "Notwithstanding any";

(E) in paragraph (2) by inserting "CERTIFICATION.—" before "Any recipient";

(F) in paragraph (3) by inserting "SET-ASIDE FOR DISCRETIONARY GRANTS.—" before "Whenever";

(G) by indenting paragraph (1) and aligning such paragraph and paragraphs (2) and (3) with paragraph (4), as amended by subsection (d)(1) of this section; and

(H) by aligning the subparagraphs of paragraphs (1) and (2) with subparagraph (B) of such paragraph (4).

(4) SECTION 9(m).—Section 9(m) of such Act is amended—

(A) by inserting "RECIPIENTS OF APPORTIONMENTS.—" before "(1) The Governor";

(B) in paragraph (1) by inserting "IN GENERAL.—" before "The Governor"; and

(C) by indenting paragraph (1) and aligning such paragraph with (2), as amended by subsection (e)(1) of this section.

(5) SECTION 9(n).—Section 9(n) of such Act is amended—

(A) in paragraph (2) by inserting "LARGE URBANIZED AREAS.—" before "A designated"; and

(B) by aligning paragraph (2) with paragraph (1), as amended by subsection (e)(2) of this section.

SEC. 311. UNIVERSITY TRANSPORTATION CENTERS.

(a) GRANT PROGRAM; NATIONAL ADVISORY COUNCIL.—Section 11(b) of the Urban Mass Transportation Act of 1964 is amended to read as follows:

"(b) UNIVERSITY TRANSPORTATION CENTERS.—

"(1) GRANTS FOR ESTABLISHMENT AND OPERATION.—In addition to grants authorized by subsection (a) of this section, the Secretary shall make grants to one or more nonprofit institutions of higher learning to establish and operate one regional transportation center in each of the ten Federal regions which comprise the Standard Federal Regional Boundary System.

"(2) RESPONSIBILITIES.—The responsibilities of each transportation center established under this subsection shall include, but not be limited to, the conduct of infrastructure research concerning transportation and research and training concerning transportation of passengers and property and the interpretation, publication, and dissemination of the results of such research. The responsibilities of one of such centers may include research on the testing of new model buses.

"(3) APPLICATION.—Any nonprofit institution of higher learning interested in receiving a grant under this subsection shall submit to the Secretary an application in such form and containing such information as the Secretary may require by regulation.

"(4) SELECTION CRITERIA.—The Secretary shall select recipients of grants under this subsection on the basis of the following criteria:

"(A) The regional transportation center shall be located in a State which is representative of the needs of the Federal region for improved transportation services and facilities.

"(B) The demonstrated research and extension resources available to the grant recipient for carrying out this subsection.

"(C) The capability of the grant recipient to provide leadership in making national and regional contributions to the solution of both long-range and immediate transportation problems.

"(D) The grant recipient shall have an established transportation program or programs encompassing several modes of transportation.

"(E) The grant recipient shall have a demonstrated commitment to supporting ongoing transportation research programs with regularly budgeted institutional funds of at least $200,000 per year.

"(F) The grant recipient shall have a demonstrated ability to disseminate results of transportation research and educational programs through a statewide or regionwide continuing education program.

"(G) The projects which the grant recipient proposes to carry out under the grant.

"(5) MAINTENANCE OF EFFORT.—No grant may be made under this section in any fiscal year unless the recipient of such grant enters into such agreements with the Secretary as the Secretary may require to ensure that such recipient will maintain its aggregate expenditures from all other sources for establishing and operating a regional transportation center and related research activities at or above the average level of such expenditures in its two fiscal years preceding the date of enactment of this subsection.

"(6) FEDERAL SHARE.—The Federal share of a grant under this subsection shall be 50 percent of the costs of establishing and operating the regional transportation center and related research activities carried out by the grant recipient.

"(7) NATIONAL ADVISORY COUNCIL.—

"(A) ESTABLISHMENT; FUNCTIONS.—The Secretary shall establish in the Department of Transportation a national advisory council to coordinate the research and training to be carried out by the grant recipients, to disseminate the results of such research, to act as a clearinghouse between such centers and the transportation industry, and to review and evaluate programs carried out by such centers.

"(B) MEMBERS.—The council shall be composed of the directors of the regional transportation centers and 19 other members appointed by the Secretary as follows:

"(i) Six officers of the Department of Transportation one of whom represents the Office of the Secretary, one of whom represents the Federal Highway Administration, one of whom represents the Urban Mass Transportation Administration, one of whom represents the National Highway Traffic Safety Administration, one of whom represents the Research and Special Programs Administration, and one of whom represents the Federal Railroad Administration.

"(ii) Five representatives of State and local governments.

"(iii) Eight representatives of the transportation industry and organizations of employees in such industry.

A vacancy in the membership of the council shall be filled in the manner in which the original appointment was made.

"(C) TERM OF OFFICE; PAY; CHAIRMAN.—Each of the members appointed by the Secretary shall serve for a term of five years. Members of the council shall serve without pay. The chairman of the council shall be designated by the Secretary.

"(D) MEETINGS.—The council shall meet at least annually and at such other times as the chairman may designate.

"(E) AGENCY INFORMATION.—Subject to subchapter II of chapter 5 of title 5, United States Code, the council may secure directly from any department or agency of the United States information necessary to enable it to carry out this subsection. Upon request of the Chairman of the council, the head of such department or agency shall furnish such information to the council.

"(F) TERMINATION DATE INAPPLICABLE.—Section 14 of the Federal Advisory Committee Act shall not apply to the council.

"(8) ADMINISTRATION THROUGH OFFICE OF SECRETARY.—Administrative responsibility for carrying out this subsection shall be in the Office of the Secretary.

"(9) ALLOCATION OF FUNDS.—The Secretary shall allocate funds made available to carry out this subsection equitably among the Federal regions.

"(10) TECHNOLOGY TRANSFER SET-ASIDE.—Not less than 5 percent of the funds made available to carry out this subsection for any fiscal year shall be available to carry out technology transfer activities.".

(b) AUTHORIZATIONS FOR APPROPRIATIONS; CONTRACT AUTHORITY.—Section 21 of such Act is amended by adding at the end thereof the following new subsection:

"(c) UNIVERSITY TRANSPORTATION CENTERS.—

"(1) AMOUNT OF FUNDS.—There shall be available to the Secretary to carry out section 11(b) of this Act for each of fiscal years 1987, 1988, 1989, 1990, and 1991 $5,000,000 out of the Highway Trust Fund (other than the Mass Transit Account) and $5,000,000 out of such Mass Transit Account.

"(2) CONTRACT AUTHORITY.—Notwithstanding any other provision of law, approval by the Secretary of a grant with funds made available by paragraph (1) shall be deemed a contractual obligation of the United States for payment of the Federal share of the cost of the project.

"(3) EXEMPTION FROM OBLIGATION CEILING.—Funds made available out of the Mass Transit Account of the Highway Trust Fund by this subsection shall not be subject to any obligation limitation.

"(4) PERIOD OF AVAILABILITY.—Funds made available by this subsection shall remain available until expended.".

(c) CONFORMING AMENDMENT.—Section 11(a) of such Act is amended by inserting "GRANT PROGRAM.—" before "The Secretary".

SEC. 312. SOLE SOURCE PROCUREMENTS.

(a) GENERAL RULE.—Section 12(b) of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new paragraph:

"(3) SOLE SOURCE PROCUREMENT CONTRACTS.—Any recipient of a grant under section 9 of this Act who is procuring an associated capital maintenance item under section 9(j) of this Act may, without receiving prior approval of the Secretary, contract directly with the original manufacturer or supplier of the item to be replaced if such recipient first certifies in writing to the Secretary—

"(A) that such manufacturer or supplier is the only source for such item; and

"(B) that the price of such item is no higher than the price paid for such item by like customers.".

(b) CONFORMING AMENDMENTS.—Such section is further amended—

(1) by inserting "CONTRACT REQUIREMENTS.—" before "(1) All contracts";

(2) by inserting "NONCOMPETITIVE BID CONTRACTS.—" before "All contracts";

(3) by inserting "ROLLING STOCK ACQUISITION CONTRACTS.—" before "In lieu of"; and

(4) by indenting paragraph (1) and aligning paragraphs (1) and (2) with paragraph (3), as added by subsection (a) of this section.

SEC. 313. COTRACTING FOR ENGINEERING AND DESIGN SERVICES.

Section 12(b) of the Urban Mass Transportation Act of 1964 is further amended by adding at the end thereof the following new paragraph:

"(4) CONTRACTING FOR ENGINEERING AND DESIGN SERVICES.—Each contract for program management, construction management, feasibility studies, preliminary engineering, design, architectural engineering, surveying, mapping, and related services with respect to a project for which a loan or grant is made under this Act shall be awarded in the same manner as a contract for architectural and engineering services is negotiated under title IX of the Federal Property and Admin-

istrative Services Act of 1949 or equivalent State qualifications-based requirements.".

SEC. 314. LIMITATION CONCERNING SOUTH AFRICA ON AWARDS OF CONTRACTS.

Section 12(b) of the Urban Mass Transportation Act of 1964 is further amended by adding at the end thereof the following new paragraph:

"(5) LIMITATIONS CONCERNING SOUTH AFRICA ON AWARDS OF CONTRACTS.—A recipient of a grant under this Act may prohibit or otherwise limit the award of contracts with respect to a project under this Act by including in its contracts terms and conditions related to the contractor's business in South Africa in accordance with a State or local law if such recipient first enters into an agreement with the Secretary that any costs incurred as a result of such prohibition or limitation which are in excess of the costs that would otherwise have been incurred with respect to such project under this Act will not, for purposes of this Act, be considered to be a cost of such project.".

SEC. 315. BUS REMANUFACTURING AND OVERHAULING OF ROLLING STOCK.

(a) INCLUSION IN DEFINITION OF CONSTRUCTION.—Section 12(c)(1) of the Urban Mass Transportation Act of 1964 is amended by inserting "(A)" after "such term also means" and by inserting before the semicolon at the end thereof the following: ", (B) any bus remanufacturing project which extends the economic life of a bus eight years or more, and (C) any project for the overhaul of rolling stock (whether or not such overhaul increases the useful life of the rolling stock)".

(b) EXPANSION OF ASSOCIATED CAPITAL MAINTENANCE ITEMS.—

(1) INCLUSION OF LESS EXPENSIVE ITEMS.—(1) The second sentence of section 9(j) of such Act is amended by striking out "1 per centum" and inserting in lieu thereof "one-half of one percent".

(2) INCLUSION OF CERTAIN RECONSTRUCTED ITEMS.—Section 9(j) of such Act is further amended by inserting "ELIGIBLE ACTIVITIES.—" after "(j)", by inserting "(1) IN GENERAL.—" before "Grants", and by adding at the end the following new paragraph:

"(2) INCLUSION OF CERTAIN RECONSTRUCTED ITEMS.—A project for the reconstruction (whether by employees of the grant recipient or by contract) of any equipment and materials each of which, after reconstruction, will have a fair market value no less than one half of 1 percent of the current fair market value of rolling stock comparable to the rolling stock for which the equipment and materials are to be used shall be considered a project for construction of an associated capital maintenance item under this section.".

(c) FEDERAL SHARE OF CONSTRUCTION PROJECTS.—The first sentence of section 9(k)(1) of such Act is amended by striking out "shall not exceed" the first place it appears and inserting in lieu thereof "shall be".

(d) MAINTENANCE REQUIREMENT.—Section 3(a)(2)(A) of such Act is amended to read as follows:

"(2) LIMITATIONS ON ASSISTANCE.—

"(A) MINIMUM QUALIFICATIONS OF APPLICANTS.—No grant or loan shall be provided under this section unless the Secretary determines that the applicant—

"(i) has or will have the legal, financial, and technical capacity to carry out the proposed project;

"(ii) has or will have satisfactory continuing control, through operation or lease or otherwise, over the use of the facilities and the equipment; and

"(iii) has or will have sufficient capability to maintain the facilities and equipment, and will maintain, such facilities and equipment.".

(e) CONFORMING AMENDMENTS.—(1) Section 9(j) of such Act is further amended by indenting paragraph (1), as designated by subsection (b)(2) of this section, and aligning such paragraph (1) with paragraph (2), as added to such section by subsection (b)(2).

(2) The first sentence of section 9(k)(1) of such Act is further amended by striking out "(including capital maintenance items)" and inserting in lieu thereof "(including any project for the acquisition or construction of an associated capital maintenance item)".

(3) Section 3(a)(2) of such Act is amended—

(A) by inserting "LIMITATIONS ON PROPERTY ACQUISITION LOANS.—" after "(B)";

(B) by inserting "LIMITATION ON PAYMENT FOR OPERATING EXPENSES AND PROCUREMENTS.—" after "(C)"; and

(C) by aligning subparagraphs (B) and (C) with subparagraph (A), as amended by subsection (a) of this section.

SEC. 316. LIMITATION ON PRIVATE ENTERPRISE PARTICIPATION.

(a) IN GENERAL.—Section 12(d) of the Urban Mass Transportation Act of 1964 is amended by inserting "(1) LIMITATION ON REGULATION OF RATES.—" before "None" and by adding at the end thereof the following new paragraph:

"(2) LIMITATION ON PRIVATE ENTERPRISE PARTICIPATION.—None of the provisions of this Act shall be construed to authorize the Secretary to prescribe a specific level of private enterprise or competitive bid participation in the provision of mass transportation services and the conduct of mass transportation functions. None of the provisions of this Act shall be construed to infringe on the rights of the recipients of Federal financial assistance under this Act to determine the extent and amount of mass transportation services and functions to be carried out by private enterprise.".

(b) CONFORMING AMENDMENTS.—(1) Section 9(e) of such Act is amended by inserting "12(d," after "12(c),".

(2) Section 12(d) of such Act is further amended—

(A) by inserting "LIMITATIONS ON CONSTRUCTION OF ACT.—" after "(d)"; and

(B) by indenting paragraph (1), as designated by subsection (a), and aligning such paragraph with paragraph (2) of such section, as added by such subsection.

SEC. 317. BUS TESTING.

(a) REQUIREMENT.—Section 12 of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new subsection:

"(h) BUS TESTING.—

"(1) REQUIREMENT.—No funds appropriated or made available pursuant to this Act after September 30, 1988, may be obligated or expended for the acquisition of a new bus model unless a bus of such model has been tested at a facility established under section 314(b) of the Federal Mass Transportation Act of 1986.

"(2) NEW BUS MODEL DEFINED.—As used in this subsection, the term 'new bus model' means a bus model which has not been used in mass transportation service in the United States before the date of production of such model or a bus model which has been used in such service but which is being produced with a major change in configuration or components.".

(b) BUS TESTING FACILITY.—

(1) ESTABLISHMENT.—The Secretary shall establish a facility for testing new bus models for maintainability, reliability, safety, performance, structural integrity, fuel economy, and noise. Such facility shall be established by renovation of a facility constructed with Federal assistance for the purpose of training rail personnel.

(2) OPERATION.—The Secretary shall enter into a contract with a qualified person to operate and maintain the facility established under paragraph (1) for testing new bus models for maintainability, reliability, safety, performance, structural integrity, fuel economy, and noise. Such contract may provide for the testing of rail cars and other vehicles at such facility.

(3) COLLECTION OF FEES.—Under the contract entered into under paragraph (2), the person operating and maintaining the facility shall establish and collect fees for the testing of vehicles at the facility. Such fees shall be subject to the approval of the Secretary.

(4) NEW BUS MODEL DEFINED.—For purposes of this subsection, the term "new bus model" has the meaning such term has under section 12(h)(2) of the Urban Mass Transportation Act of 1964.

(5) FUNDING.—There shall be available to the Secretary out of the Mass Transit Account of the Highway Trust Fund for establishment of the facility under paragraph (1) $200,000 for fiscal year 1987 and $3,000,000 for fiscal year 1988. Funds made available by this paragraph shall remain available until expended and shall not be subject to any obligation limitation.

SEC. 318. PREAWARD AND POSTDELIVERY AUDIT OF BUS PURCHASES.

Section 12 of the Urban Mass Transportation Act of 1964 is further amended by adding at the end thereof the following new subsection:

"(i) PREAWARD AND POSTDELIVERY AUDIT OF BUS PURCHASES.—For the purpose of assuring compliance with Federal motor vehicle safety requirements, the requirements of section 165 of the Surface Transportation Assistance Act of 1982 (relating to purchases of American products), and bid specifications requirements of recipients of grants under this Act, the Administrator shall issue regulations requiring a preaward and postdelivery audit with respect to any grant under this Act for the purchase of buses and other rolling stock. For the purposes of such audit, manufacturer certification shall not be sufficient, and independent inspections and auditing shall be required.".

SEC. 319. FEDERAL SHARE FOR ELDERLY AND HANDICAPPED PROJECTS.

Section 16 of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new subsection:

"(e) INCREASED FEDERAL SHARE OF CERTAIN NONREQUIRED PROJECTS.—Notwithstanding any other provision of this Act, the Federal share under sections 3, 9, and 18 of this Act for each capital improvement project which enhances the accessibility for elderly and handicapped persons to public transportation service and which is not required by Federal law (including any other provision of this Act) shall be 95 percent of the net project cost of such project.".

SEC. 320. AUTHORIZATION OF APPROPRIATIONS.

(a) SECTIONS 9 AND 18.—Section 21(a)(1) of the Urban Mass Transportation Act of 1964 is amended by striking out "and" after "1985," and by inserting after "1986," the following: "$2,100,000,000 for the fiscal year ending September 30, 1987, $2,150,000,000

for the fiscal year ending September 30, 1988, $2,200,000,000 for the fiscal year ending September 30, 1989, $2,250,000,000 for the fiscal year ending September 30, 1990, and $2,300,000,000 for the fiscal year ending September 30, 1991,".

(b) SECTIONS 3, 4(i), 8, AND 16(b).—Section 21(a)(2) of such Act is amended by redesignating subparagraph (C) (and any references thereto) as subparagraph (D) and by inserting after subparagraph (B) the following new subparagraph:

"(C) AUTHORIZATIONS FROM MASS TRANSIT ACCOUNT.—

"(i) BUSES UNDER SECTION 3.—There shall be available for obligation from the Mass Transit Account of the Highway Trust Fund to finance grants and loans under section 3 of this Act for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities not less than $100,000,000 for fiscal year 1987 and $170,000,000 per fiscal year for each of fiscal years 1988, 1989, 1990, and 1991.

"(ii) RAIL MODERNIZATION UNDER SECTION 3.—There shall be available for obligation from the Mass Transit Account of the Highway Trust Fund to finance grants and loans under section 3 of this Act for rail modernization not less than $405,000,000 for fiscal year 1987 and $680,000,000 per fiscal year for each of fiscal years 1988, 1989, 1990, and 1991.

"(iii) NEW CONSTRUCTION UNDER SECTION 3.—There shall be available for obligation from the Mass Transit Account of the Highway Trust Fund to finance grants and loans under section 3 of this Act for construction of new fixed guideway systems and extensions to fixed guideway systems not less than $405,000,000 for fiscal year 1987 and $680,000,000 per fiscal year for each of fiscal years 1988 1989, 1990, and 1991.

"(iv) GENERAL SECTION 3.—In addition to amounts made available by the preceding clauses of this subparagraph, there shall be available for obligation from the Mass Transit Account of the Highway Trust Fund to finance grants and loans under section 3 of this Act not less than $100,000,000 for fiscal year 1987 and $170,000,000 per fiscal year for each of fiscal years 1988, 1989, 1990, and 1991.

"(v) SECTION 8.—There shall be available for obligation from the Mass Transit Account of the Highway Trust Fund to carry out section 8 of this Act not less than $45,000,000 for fiscal year 1987 and $50,000,000 per fiscal year for each of fiscal years 1988, 1989, 1990, and 1991.

"(vi) SECTIONS 4(i) AND 16(b).—There shall be available for obligation from the Mass Transit Account of the Highway Trust Fund to carry out sections 4(i) and 16(b) of this Act not less than $35,000,000 for fiscal year 1987 and $40,000,000 per fiscal year for each of fiscal years 1988, 1989, 1990, and 1991.".

(c) PERIOD OF AVAILABILITY; OBLIGATION CEILING.—Section 21(a)(2) of such Act is further amended by adding at the end thereof the following new subparagraphs:

"(E) PERIOD OF AVAILABILITY.—Funds made available by this paragraph shall remain available until expended.

"(F) OBLIGATION CEILING.—Notwithstanding any other provisions of law, the total of all obligations under the Urban Mass Transportation Act of 1964 (other than sections 9A and 11(b)) from the Mass Transit Account of the Highway Trust Fund shall not exceed $995,000,000 for fiscal year 1987 and $1,795,000,000 per fiscal year for each of fiscal years 1988, 1989, 1990, and 1991.".

(d) SECTIONS 6, 10, 11(a), 12(a), AND 20.—Section 21(b) of such Act is amended by striking out "and" after "1984," and by striking out the period at the end of the first sentence and inserting in lieu thereof ", and $50,000,000 per fiscal year for each of the fiscal years ending September 30, 1987, September 30, 1988, September 30, 1989, September 30, 1990, and September 30, 1991.".

(e) REMOVAL OF LIMITATION ON THE SOURCE OF FUNDING FOR INNOVATIVE MANAGEMENT GRANTS.—Section 4(i) of such Act is amended by striking out ", using sums available pursuant to section 4(c)(3)(A) of this section,".

(f) CONFORMING AMENDMENTS.—(1) Effective October 1, 1986, section 16(b) of such Act is amended by striking out the last sentence.

(2) Section 21(a)(2)(D) of such Act (as redesignated by subsection (b) of this subsection) is amended by striking out "and (B)" and inserting in lieu thereof ", (B), and (C)".

(3) Section 21(a)(4) of such Act is amended by striking out "and 1986" and inserting in lieu thereof "1986, 1987, 1988, 1989, 1990, and 1991".

(4) Section 21(a) of such Act is amended—

(A) by inserting "IN GENERAL.—" before "(1) There is";

(B) in paragraph (1) by inserting "SECTIONS 9 AND 18.—" before "There is";

(C) in paragraph (2) by inserting "SECTIONS 3, 4(I), 8, AND 16(B).—" before "(A) There";

(D) in paragraph (2)(A) by inserting "FISCAL YEAR 1983.—" before "There";

(E) in paragraph (2)(B) by inserting "FISCAL YEARS 1984 AND 1985.—" before "There";

(F) in paragraph (2)(D), as redesignated by subsection (b) of this section, by inserting "CONTRACT AUTHORITY.—" before "Notwithstanding";

(G) in paragraph (3) by inserting "1983 SET-ASIDE FOR SECTION 18.—" before "In";

(H) in paragraph (4) by inserting "SET-ASIDE FOR SECTION 18.—" before "In";

(I) in paragraph (5) by inserting "SET-ASIDE FOR SECTION 8.—" before "Of";

(J) by indenting paragraph (1) and aligning such paragraph and paragraphs (2), (3), (4), and (5) with paragraph (1) of subsection (c) of section 21 of such Act, as added by section 311(b) of this Act; and

(K) by aligning subparagraphs (A), (B), and (D) of paragraph (2) with subparagraph (C), as inserted in such section 21 by subsection (b) of this section.

SEC. 321. CONSTRUCTION MANAGEMENT OVERSIGHT.

(a) IN GENERAL.—The Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following:

"SEC. 23. CONSTRUCTION MANAGEMENT OVERSIGHT.

"(a) AUTHORITY TO USE FUNDS.—The Secretary may use not to exceed one-half of 1 percent of—

"(1) the funds made available for any fiscal year by section 21(a)(2)(C) to carry out section 3 to contract with any person to oversee the construction of any major project under section 3;

"(2) the funds appropriated for any fiscal year pursuant to section 21(a)(1) to carry out section 9 to contract with any person to oversee the construction of any major project under section 9;

"(3) the funds appropriated for any fiscal year pursuant to section 21(a)(1) to carry out section 18 to contract with any person to oversee the construction of any major project under section 18; and

"(4) the funds appropriated for any fiscal year pursuant to section 4(g) to contract with any person to oversee the construction of any major public transportation project substituted for an Interstate segment withdrawn under section 103(e)(4) of title 23, United States Code.

"(b) FEDERAL SHARE.—Any contract entered into under subsection (a) shall provide for the payment by the Secretary of 100 percent of the cost of carrying out the contract.".

(b) CONFORMING AMENDMENTS.—(1) Section 9(a) of such Act is amended by inserting after "section 21(a) of this Act" in paragraphs (1) and (2) the following: "and not used under section 23(a)(2)".

(2) Section 21(a)(4) of such Act is amended by inserting after "subsection" the following: "and not used under section 23(a)(3)".

SEC. 322. BICYCLE FACILITIES.

The Urban Mass Transportation Act of of 1964 is further amended by adding at the end thereof the following new section:

"SEC. 24. BICYCLE FACILITIES.

"(a) ELIGIBILITY.—For purposes of this Act, a project to provide access for bicycles to mass transportation facilities, to provide shelters and parking facilities for bicycles in or around mass transportation facilities, or to install racks or other equipment for transporting bicycles on mass transportation vehicles shall be deemed to be a construction project eligible for assistance under sections 4, 9, and 18 of this Act.

"(b) FEDERAL SHARE.—Notwithstanding sections 4(a), 9(k), and 18(e), the Federal share under this Act for any project to provide access for bicycles to mass transportation facilities, to provide shelters and parking facilities for bicycles in or around mass transportation facilities, or to install racks or other equipment for transporting bicycles on mass transportation vehicles shall be 90 percent of the cost of such project.".

SEC. 323. TRANSIT TECHNICAL AMENDMENTS.

(a) URBAN MASS TRANSPORTATION ACT.—(1) Section 5(h)(1) of the Urban Mass Transportation Act of 1964 is amended by striking out "approach" and inserting in lieu thereof "approval".

(2) Section 5(j)(1) of such Act is amended by striking out "action" and inserting in lieu thereof "section".

(3) Section 5(n)(2) of such Act is amended by inserting "and section 9" after "this section".

(4) Section 9(l)(3) of such Act is amended by striking out "1983" and inserting in lieu thereof "1984".

(5) Section 16 of such Act is amended by redesignating the second subsection (c) as subsection (d).

(6) Section 17(d)(4) of such Act is amended by striking out "; and".

(b) SURFACE TRANSPORTATION ASSISTANCE ACT OF 1982.—Section 303 of the Surface Transportation Assistance Act of 1982 is amended by striking out "(a)" the first place it appears.

SEC. 324. MULTI-YEAR CONTRACT FOR METRO RAIL PROJECT.

Notwithstanding any other provision of law, not later than the 90th day after the publication of the final environmental impact statement prepared as a result of alignment changes necessary to avoid tunneling through the methane risk areas identified in the task force report of the city of Los Angeles dated June 10, 1985, the Secretary shall issue a project record of decision and enter into a multi-year contract under section 3 of the Urban Mass Transportation Act of 1964, as amended by this Act, with the Southern California Rapid Transit District to complete Minimum Operable Segment-1

and to complete the locally preferred Minimum Operable Segment-2 alternative of the Downtown Los Angeles to the San Fernando Valley Metro Rail Project. Notwithstanding any other provision of law, such contract shall include at least $110,000,000 in fiscal year 1987 and $190,000,000 in each of fiscal years 1988, 1989, 1990, and 1991. Notwithstanding any other provision of law, the final environmental impact statement for Minimum Operable Segment-2 shall be completed, approved by the Secretary, and filed with the Environmental Protection Agency not later than March 31, 1987.

SEC. 325 MULTI-YEAR CONTRACT FOR TRANSIT BRIDGE LANES.

Notwithstanding any other provision of law, the Secretary shall enter into a multi-year contract under section 3 of the Urban Mass Transportation Act of 1964, as amended by this Act, with the Mississippi River Bridge Authority of the Louisiana Department of Transportation and Development to complete transit lanes on the Greater New Orleans Bridge No. 2. Notwithstanding any other provision of law, such contract shall include $18,750,000 in fiscal year 1988.

SEC. 326. INCREASED OPERATING ASSISTANCE DURING CONSTRUCTION OF INTERSTATE PROJECT.

Upon request of the State of Florida and the designated recipients under section 9 of the Urban Mass Transportation Act of 1964 for the urbanized areas of Fort Lauderdale and Miami, Florida, the amount of funds apportioned under such section with respect to such urbanized areas which may otherwise be used for operating assistance under such section shall be increased by $4,400,000 for each fiscal year in which onsite construction is being carried out on a 40-mile segment of Interstate Route I-95 in Dade, Broward, and Palm Beach Counties, Florida. The increased operating assistance may only be used for commuter rail service provided as a maintenance-of-traffic measure during the period in which the construction is being carried out.

SEC. 327. FEASIBILITY STUDY.

Section 314(a) of the Surface Transportation Assistance Act of 1982 is amended to read as follows:

"SEC. 314. (a) Upon request of a local public body eligible to receive a grant under the Urban Mass Transportation Act of 1964, the Secretary of Transportation shall make a grant to such public body to conduct a feasibility study to examine the possibility of constructing and operating an electric bus line with the advanced and environmentally sound electric bus technology that is being developed in the State of California for the Santa Barbara transit system.".

SEC. 328. FEASIBILITY STUDY OF ABANDONED TROLLEY SERVICE.

(a) STUDY.—The Secretary, in cooperation with the city of Philadelphia, Pennsylvania, shall conduct a study of the feasibility of restoring trolley service to corridors on which trolley service has been abandoned in such city.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under subsection (a).

SEC. 329. COMPREHENSIVE TRANSIT PLAN FOR THE VIRGIN ISLANDS.

(a) STUDY.—The Secretary, in cooperation with the Virgin Islands Department of Public Works, shall study and analyze the mass transportation needs of the Virgin Islands for the purpose of developing a comprehensive mass transportation plan for the Virgin Islands.

(b) REPORT AND PLAN.—Not later than one year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study and analysis conducted under subsection (a) together with a copy of the mass transportation plan which the Secretary recommends for the Virgin Islands.

SEC. 330. BUS CARRIER CERTIFICATES FOR RECIPIENTS OF GOVERNMENTAL ASSISTANCE.

(a) GENERAL RULE FOR NEW ENTRANTS.—Section 10922(c)(1) of title 49, United States Code, is amended to read as follows:

"(c) MOTOR COMMON CARRIERS OF PASSENGERS.—

"(1) INTERSTATE TRANSPORTATION.—

"(A) REGULAR-ROUTE TRANSPORTATION.—The Commission shall issue a certificate to a person (including any private recipient of governmental assistance) authorizing that person to provide regular-route transportation subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title as a motor common carrier of passengers if the Commission finds that the person is fit, willing, and able to provide the transportation to be authorized by the certificate and to comply with this subtitle and regulations of the Commission, unless the Commission finds, on the basis of evidence presented by any person objecting to the issuance of the certificate, that the transportation to be authorized by the certificate is not consistent with the public interest.

"(B) SPECIAL AND CHARTER TRANSPORTATION.—

"(i) PRIVATE RECIPIENTS OF ASSISTANCE.—The Commission shall issue a certificate to a private recipient of governmental assistance authorizing that recipient to provide special or charter transportation subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title as a motor common carrier of passengers if the Commission finds that the recipient is fit, willing, and able to provide the transportation to be authorized by the certificate and to comply with this subtitle and regulations of the Commission, unless the Commission finds, on the basis of evidence presented by any person objecting to the issuance of the certificate, that the transportation to be authorized by the certificate is not consistent with the public interest.

"(ii) OTHER PERSONS.—The Commission shall issue a certificate to a person (other than a private recipient of governmental assistance) authorizing that person to provide special or charter transportation subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title as a motor common carrier of passengers if the Commission finds that the person is fit, willing, and able to provide the transportation to be authorized by the certificate and to comply with this subtitle and regulations of the Commission.

"(C) PUBLIC RECIPIENTS FOR CHARTER TRANSPORTATION.—The Commission shall issue a certificate to a public recipient of governmental assistance authorizing that recipient to provide special or charter transportation subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title as a motor common carrier of passengers if the Commission finds that—

"(i) the recipient is fit, willing, and able to provide the transportation to be authorized by the certificate and to comply with this subtitle and regulations of the Commission; and

"(ii)(I) no motor common carrier of passengers (other than a motor common carrier of passengers which is a public recipient of governmental assistance) is providing, or is willing and able to provide, the transportation to be authorized by the certificate; or

"(II) the transportation to be authorized by the certificate is to be provided entirely in the area in which the public recipient provides regularly scheduled mass transportation services.

"(D) PUBLIC RECIPIENTS FOR REGULAR-ROUTE TRANSPORTATION.—The Commission shall issue a certificate to a public recipient of governmental assistance authorizing that recipient to provide regular-route transportation subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title as a motor common carrier of passengers if the Commission finds that the recipient is fit, willing, and able to provide the transportation to be authorized by the certificate and to comply with this subtitle and regulations of the Commission, unless the Commission finds, on the basis of evidence presented by any person objecting to the issuance of the certificate, that the transportation to be authorized by the certificate is not consistent with the public interest.

"(E) TREATMENT OF CERTAIN PUBLIC RECIPIENTS.—Subject to provisions of section 12(f) of the Urban Mass Transportation Act of 1964, any public recipient of governmental assistance which is providing or seeking to provide transportation of passengers subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title shall, for purposes of this subtitle, be treated as a person which is providing or seeking to provide transportation of passengers subject to such jurisdiction.

"(F) DEFINITIONS.—In this subsection—

"(i) PUBLIC RECIPIENT OF GOVERNMENTAL ASSISTANCE.—The term 'public recipient of governmental assistance' means—

"(I) any State,

"(II) any municipality or other political subdivision of a State,

"(III) any public agency or instrumentality of one or more States and municipalities and political subdivisions of a State,

"(IV) any Indian tribe,

"(V) any corporation, board, or other person owned or controlled by any entity described in subclause (I), (II), (III), or (IV), and

"(VI) any corporation, board, or other person owned by, controlled by, or under common control with, any entity described in subclause (I), (II), (III), (IV), or (V),

which before, on, or after the date of the enactment of this paragraph received governmental financial assistance for the purchase or operation of any bus.

"(ii) PRIVATE RECIPIENT OF GOVERNMENTAL ASSISTANCE.—The term 'private recipient of governmental assistance' means any person (other than a person described in clause (i)) who before, on, or after the date of the enactment of this paragraph received governmental financial assistance in the form of a subsidy for the purchase, lease, or operation of any bus.".

(b) PUBLIC INTEREST FINDING.—Section 10922(c)(3) of title 49, United States Code, is amended by striking out "and" at the end of subparagraph (C), by striking out the period at the end of subparagraph (D) and inserting in lieu thereof "; and", and by adding at the end thereof the following new subparagraph:

"(E) the amount and extent of governmental financial assistance which the applicant for the certificate received before, on, or after the date of the enactment of this sub-

paragraph for the purchase or operation of buses.

In addition, in making any finding relating to public interest under paragraph (1)(D) of this subsection, the Commission shall consider whether or not the person objecting to issuance of the certificate is a motor common carrier of passengers which is providing, or is willing and able to provide, the transportation to be authorized by the certificate.".

(c) CONFORMING AMENDMENT.—Section 10922(c)(3) of title 49, United States Code, is amended by striking out "(1)(A)" and inserting in lieu thereof "(1)".

SEC. 331. UTILIZATION REQUIREMENT FOR CERTIFICATES AUTHORIZING INTRASTATE BUS OPERATIONS.

(a) GENERAL RULE.—Section 10922(c)(2) of title 49, United States Code, is amended by adding at the end thereof the following new subparagraph:

"(J) LIMITATION ON INTRASTATE CERTIFICATES.—Each certificate issued under this paragraph to provide intrastate transportation of passengers on any route shall be subject to a condition which limits the authority of the carrier to provide intrastate transportation service under the certificate only if the carrier provides regularly scheduled interstate transportation service on the route.".

(b) RETROACTIVE APPLICABILITY.—The amendment made by subsection (a) shall apply to any certificate issued under section 10922(c)(2) of title 49, United States Code, before, on, or after the date of the enactment of this Act.

## TITLE IV—UNIFORM RELOCATION ACT AMENDMENTS OF 1986

SEC. 401. SHORT TITLE.

This title may be cited as the "Uniform Relocation Act Amendments of 1986".

SEC. 402. DEFINITIONS.

(a) FEDERAL AGENCY DEFINED.—Section 101(1) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (hereinafter in this title referred to as the "Uniform Act") (42 U.S.C. 4601(1)) is amended to read as follows:

"(1) The term 'Federal agency' means any department, agency, or instrumentality in the executive branch of the Government, any wholly owned Government corporation, the Architect of the Capitol, the Federal Reserve banks and branches thereof, and any person who has the authority to acquire property by eminent domain under Federal law.".

(b) STATE AGENCY DEFINED.—Section 101(3) of the Uniform Act (42 U.S.C. 4601(3)) is amended to read as follows:

"(3) The term 'State agency' means any department, agency, or instrumentality of a State or of a political subdivision of a State, any department, agency, or instrumentality of two or more States or of two or more political subdivisions of a State or States, and any person who has the authority to acquire property by eminent domain under State law.".

(c) INTEREST REDUCTION PAYMENTS AS FEDERAL FINANCIAL ASSISTANCE.—Section 101(4) of the Uniform Act (42 U.S.C. 4601(4)) is amended by inserting ", any interest reduction payment to an individual in connection with the purchase and occupancy of a residence by that individual," after "insurance".

(d) DISPLACED PERSON DEFINED.—Section 101(6) of the Uniform Act (42 U.S.C. 4601(6)) is amended to read as follows:

"(6) The term 'displaced person' means—

"(A) any person who moves from real property, or moves his personal property from real property—

"(i) as a direct result of a written notice of intent to acquire or the acquisition of such real property in whole or in part for a program or project undertaken by a Federal agency or with Federal financial assistance, or

"(ii) as a direct result of rehabilitation, demolition, or such other displacing activity as the lead agency may prescribe, under a program or project undertaken by a Federal agency or with Federal financial assistance in any case in which the person is a residential tenant and the head of the displacing agency determines that such displacement is permanent; and

"(B) solely for the purposes of sections 202 (a) and (c) and 205 of this title, any person who moves from real property, or moves his personal property from real property—

"(i) on which such person conducts a business or farm operation, as a direct result of a written notice of intent to acquire or the acquisition of such real property in whole or in part for a program or project undertaken by a Federal agency or with Federal financial assistance; or

"(ii) on which such person conducts a small business or a farm operation or a business defined by section 101(7)(D), as a direct result of rehabilitation, demolition, or such other displacing activity as the lead agency may prescribe, under a program or project undertaken by a Federal agency or with Federal financial assistance where the head of the displacing agency determines that such displacement is permanent.

Such term does not include a person who has been determined, according to criteria established by the head of the lead agency, to be either in unlawful occupancy of the displacement dwelling or to have occupied such dwelling for the purpose of obtaining assistance under this Act. Such term also does not include, in any case in which the displacing agency acquires property for a program or project, any person (other than a person who was an occupant of such property at the time it was acquired) who occupies such property on a rental basis for a short term or a period subject to termination when the property is needed for the program or project.".

(e) COMPARABLE REPLACEMENT DWELLING, DISPLACING AGENCY, LEAD AGENCY, AND APPRAISAL DEFINED.—Section 101 of the Uniform Act (42 U.S.C. 4601) is amended by adding at the end thereof the following new paragraphs:

"(10) The term 'comparable replacement dwelling' means any dwelling that is (A) decent, safe, and sanitary; (B) adequate in size to accommodate the occupants; (C) within the financial means of the displaced person; (D) functionally equivalent and substantially the same as the replacement dwelling with respect to number of rooms and living space; (E) in an area not subject to unreasonable adverse environmental conditions; and (F) in a location generally not less desirable than the location of the displaced person's dwelling with respect to public utilities, facilities, services, and the displaced person's place of employment.

"(11) The term 'displacing agency' means any Federal agency carrying out a program or project, and any State, State agency, or person carrying out a program or project with Federal financial assistance, which causes a person to be a displaced person.

"(12) The term 'lead agency' means the Department of Transportation.

"(13) The term 'appraisal' means a written statement independently and impartially prepared by a qualified appraiser setting forth an opinion of defined value of an adequately described property as of a specific date, supported by the presentation and analysis of relevant market information.".

(f) CONFORMING AMENDMENT.—Section 101(7)(D) of the Uniform Act (42 U.S.C. 4601(7)(D)) is amended by striking out "(a)" after "202".

SEC. 403. CERTIFICATION.

Title I of the Uniform Act is amended by adding at the end thereof the following new section:

"CERTIFICATION

"SEC. 103. (a)(1) Notwithstanding sections 210 and 305 of this Act, the head of a Federal agency may discharge any of his responsibilities under this Act, by accepting a certification by a State agency that it will perform such responsibility if the head of such Federal agency finds that such responsibility will be performed in accordance with State laws, regulations, directives, and standards which will accomplish the purpose and effect of this Act. Prior to accepting a certification under the preceding sentence, the head of the Federal agency shall provide interested parties with an opportunity for public review and comment and shall consult with interested local general purpose governments.

"(2) The head of the lead agency shall issue guidelines and regulations to carry out this section.

"(3) The head of the lead agency shall, in coordination with other Federal agencies, monitor from time to time, and report biennially to the Congress on, State agency implementation of this section. A State agency shall make available any information required for such purpose.

"(4) After consultation with the head of the lead agency, the head of a Federal agency may rescind his acceptance of any certification under this section, in whole or in part, if the State agency fails to comply with such certification or with State law.

"(b) The head of a Federal agency may withhold his approval of any Federal financial assistance to or contract or cooperative agreement with any displacing agency found to have failed to comply with any certification under this section or with a State law.".

SEC. 404. DECLARATION OF FINDINGS AND POLICY.

Section 201 of the Uniform Act (42 U.S.C 4621) is amended to read as follows:

"DECLARATION OF FINDINGS AND POLICY

"SEC. 201. (a) The Congress finds and declares that—

"(1) displacement as a direct result of programs or projects undertaken by a Federal agency or with Federal financial assistance is caused by a number of activities, including rehabilitation, demolition, code enforcement, and acquisition;

"(2) relocation assistance policies must provide for fair, uniform, and equitable treatment of all affected persons;

"(3) the displacement of businesses often results in their closure;

"(4) minimizing the adverse impact of displacement of businesses is essential to maintaining the economic and social well-being of communities; and

"(5) implementation of this Act has resulted in burdensome, inefficient, and inconsistent compliance requirements and procedures which will be improved by establishing a lead agency and allowing for State certification and implementation.

"(b) This title establishes a uniform policy for the fair and equitable treatment of persons displaced as a direct result of programs or projects undertaken by a Federal agency or with Federal financial assistance. The primary purpose of this title is to ensure that such persons shall not suffer disproportionate injuries as a result of programs and projects designed for the benefit of the public as a whole and to minimize the hardship of displacement on such persons.

"(c) It is the intent of Congress that—

"(1) Federal agencies shall carry out this title in a manner which minimizes waste, fraud, and mismanagement and reduces unnecessary administrative costs borne by States and State agencies in providing relocation assistance;

"(2) uniform procedures for the administration of relocation assistance shall, to the maximum extent feasible, assure that the unique circumstances of any displaced person are taken into account and that persons in essentially similar circumstances are accorded equal treatment under this Act; and

"(3) the improvement of housing conditions of economically disadvantaged persons under this title shall be undertaken, to the maximum extent feasible, in coordination with existing Federal, State, and local governmental programs for accomplishing such goals.".

SEC. 405. MOVING AND RELATED EXPENSES.

(a) BUSINESS REESTABLISHMENT EXPENSES.—Section 202(a) of the Uniform Act (42 U.S.C. 4622(a)) is amended—

(1) by striking out the matter preceding paragraph (1) and inserting in lieu thereof the following:

"(a) Whenever a program or project to be undertaken by a displacing agency will result in the displacement of any person, the head of the displacing agency shall provide for the payment to the displaced person of—";

(2) by striking out "and" at the end of paragraph (2);

(3) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and

(4) by adding at the end thereof the following:

"(4) actual reasonable expenses necessary to reestablish a displaced farm, nonprofit organization, or small business at its new site, but not to exceed $10,000.".

(b) ALTERNATIVE RESIDENTIAL ALLOWANCE.—Section 202(b) of the Uniform Act (42 U.S.C. 4622(b)) is amended by striking out all that follows "may receive" and inserting in lieu thereof "an expense and dislocation allowance, which shall be determined according to a schedule established by the head of the lead agency.".

(c) ALTERNATIVE BUSINESS ALLOWANCE.—Section 202(c) of the Uniform Act (42 U.S.C. 4622(c)) is amended to read as follows:

"(c) Any displaced person eligible for payments under subsection (a) of this section who is displaced from the person's place of business or farm operation and who is eligible under criteria established by the head of the lead agency may elect to accept the payment authorized by this subsection in lieu of the payment authorized by subsection (a) of this section. Such payment shall consist of a fixed payment in an amount to be determined according to criteria established by the head of the lead agency, except that such payment shall not be less than $1,000 nor more than $20,000.".

SEC. 406. REPLACEMENT HOUSING FOR HOMEOWNER.

Section 203(a) of the Uniform Act (42 U.S.C. 4623(a)) is amended—

(1) by striking out "Federal" in the portion of paragraph (1) preceding subparagraph (A) and inserting in lieu thereof "displacing";

(2) by striking out "$15,000" and inserting in lieu thereof, "$22,500";

(3) by striking out "acquired by" and all that follows through "market" in paragraph (1)(A) and inserting in lieu thereof "acquired by the displacing agency, equals the reasonable cost of a comparable replacement dwelling";

(4) by striking out paragraph (1)(B) and inserting in lieu thereof the following:

"(B) The amount, if any, which will compensate such displaced person for any increased interest costs and other debt service costs which such person is required to pay for financing the acquisition of any such comparable replacement dwelling. Such amount shall be paid only if the dwelling acquired by the displacing agency was encumbered by a bona fide mortgage which was a valid lien on such dwelling for not less than one hundred and eighty days immediately prior to the initiation of negotiations for the acquisition of such dwelling."; and

(5) by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) The additional payment authorized by this section shall be made only to a displaced person who purchases and occupies a decent, safe, and sanitary replacement dwelling within one year after the date on which such person receives final payment from the displacing agency for the acquired dwelling or the date on which the displacing agency's obligation under section 205(c)(3) of this Act is met, whichever is later, except that the displacing agency may extend such period for good cause. If such period is extended, the payment under this section shall be based on the costs of relocating the person to a comparable replacement dwelling within one year of such date.".

SEC. 407. REPLACEMENT HOUSING FOR TENANTS AND CERTAIN OTHERS.

Section 204 of the Uniform Act (42 U.S.C. 4624) is amended to read as follows:

"REPLACEMENT HOUSING FOR TENANTS AND CERTAIN OTHERS

"SEC. 204. (a) In addition to amounts otherwise authorized by this title, the head of a displacing agency shall make a payment to or for any displaced person displaced from any dwelling not eligible to receive a payment under section 203 which dwelling was actually and lawfully occupied by such displaced person for not less than ninety days immediately prior to (1) the initiation of negotiations for acquisition of such dwelling, or (2) in any case in which displacement is not a direct result of acquisition, such other event as the head of the lead agency shall prescribe. Such payment shall consist of the amount necessary to enable such person to lease or rent for a period not to exceed four years, a comparable replacement dwelling, but not to exceed $6,000. At the discretion of the head of the displacing agency, a payment under this subsection may be made in periodic installments. Computation of a payment under this subsection to a low-income displaced person for a comparable replacement dwelling shall take into account such person's income.

"(b) Any person eligible for a payment under subsection (a) of this section may elect to apply such payment to a down payment on, and other incidental expenses pursuant to, the purchase of a decent, safe, and sanitary replacement dwelling. Any such person may, at the discretion of the head of the displacing agency, be eligible under this subsection for the maximum payment allowed under subsection (a), except that, in the case of a displaced homeowner who has occupied the displacement dwelling for at least ninety days but not more than one hundred and eighty days immediately prior to the initiation of negotiations for the acquisition of such dwelling, such payment shall not exceed the payment such person would otherwise have received under section 203(a) of this Act had the person occupied the displacement dwelling for one hundred and eighty days immediately prior to the initiation of such negotiations.".

SEC. 408. RELOCATION PLANNING, ASSISTANCE COORDINATION, AND ADVISORY SERVICES.

Section 205 of the Uniform Act (42 U.S.C. 4625) is amended to read as follows:

"RELOCATION PLANNING, ASSISTANCE COORDINATION, AND ADVISORY SERVICES

"SEC. 205. (a) At an early stage in the planning of a program or project undertaken by a Federal agency or with Federal financial assistance and before the commencement of any actions which will cause displacements, a relocation analysis shall be developed by the displacing agency to assist it in the recognition and successful resolution of those problems associated with the displacements of individuals, families, businesses and farm operations in order to minimize adverse impacts on displaced persons and to expedite program or project advancement and completion.

"(b) The head of any displacing agency shall ensure that the relocation assistance advisory services described in subsection (c) of this section are made available to all persons displaced by such agency. If such agency head determines that any person occupying property immediately adjacent to the property where the displacing activity occurs is caused substantial economic injury as a result thereof, the agency head may make available to such person such advisory services.

"(c) Each relocation assistance advisory program required by subsection (b) of this section shall include such measures, facilities, or services as may be necessary or appropriate in order to—

"(1) determine, and make timely recommendations on, the needs and preferences, if any, of displaced persons for relocation assistance;

"(2) provide current and continuing information on the availability, sales prices, and rental charges of comparable replacement dwellings for displaced homeowners and tenants and suitable locations for businesses and farm operations;

"(3) assure that a person shall not be required to move from a dwelling unless the person has had a reasonable opportunity to relocate to a comparable replacement dwelling, except in the case of—

"(A) a major disaster as defined in section 102(2) of the Disaster Relief Act of 1974;

"(B) a national emergency declared by the President; or

"(C) any other emergency which requires the person to move immediately from the dwelling because continued occupancy of such dwelling by such person constitutes a substantial danger to the health or safety of such person;

"(4) assist a person displaced from a business or farm operation in obtaining and becoming established in a suitable replacement location;

"(5) supply (A) information concerning other Federal and State programs which

*may be of assistance to displaced persons, and (B) technical assistance to such persons in applying for assistance under such programs; and*

*"(6) provide other advisory services to displaced persons in order to minimize hardships to such persons in adjusting to relocation.*

*"(d) The head of a displacing agency shall coordinate the relocation activities performed by such agency with other Federal, State, or local governmental actions in the community which could affect the efficient and effective delivery of relocation assistance and related services.*

*"(e) Whenever two or more Federal agencies provide financial assistance to a displacing agency other than a Federal agency, to implement functionally or geographically related activities which will result in the displacement of a person, the heads of such Federal agencies may agree that the procedures of one of such agencies shall be utilized to implement this title with respect to such activities. If such agreement cannot be reached, then the head of the lead agency shall designate one of such agencies as the agency whose procedures shall be utilized to implement this title with respect to such activities. Such related activities shall constitute a single program or project for purposes of this Act.*

*"(f) Notwithstanding section 101(6) of this Act, in any case in which a displacing agency acquires property for a program or project, any person who occupies such property on a rental basis for a short term or a period subject to termination when the property is needed for the program or project shall be eligible for advisory services to the extent determined by the displacing agency.".*

*SEC. 409. HOUSING REPLACEMENT BY FEDERAL AGENCY AS LAST RESORT.*

*Section 206 of the Uniform Act (42 U.S.C. 4626) is amended to read as follows:*

*"HOUSING REPLACEMENT BY FEDERAL AGENCY AS LAST RESORT*

*"SEC. 206. (a) If a program or project undertaken by a Federal agency or with Federal financial assistance cannot proceed on a timely basis because comparable replacement dwellings are not available, and the head of the displacing agency determines that such dwellings cannot otherwise be made available, the head of the displacing agency may take such action as is necessary or appropriate to provide such dwellings by use of funds authorized for such project. The head of the displacing agency may use this section to exceed the maximum amounts which may be paid under sections 203 and 204 on a case-by-case basis for good cause as determined in accordance with such regulations as the head of the lead agency shall issue.*

*"(b) No person shall be required to move from his dwelling on account of any program or project undertaken by a Federal agency or with Federal financial assistance, unless the head of the displacing agency is satisfied that comparable replacement housing is available to such person.".*

*SEC. 410. ASSURANCES.*

*Section 210 of the Uniform Act (42 U.S.C. 4630) is amended by striking out "State agency" the first place it appears and inserting in lieu thereof "displacing agency (other than a Federal agency)", by striking out "State agency" the second place it appears and inserting in lieu thereof "displacing agency", and by striking out "decent, safe, and sanitary" in paragraph (3) and inserting in lieu thereof "comparable".*

*SEC. 411. FEDERAL SHARE OF COSTS.*

*(a) GENERAL RULE.—Section 211(a) of the Uniform Act (42 U.S.C. 4631(a)) is amended to read as follows:*

*"(a) The cost to a displacing agency of providing payments and assistance pursuant to titles II and III shall be included as part of the cost of a program or project undertaken by a Federal agency or with Federal financial assistance. A displacing agency, other than a Federal agency, shall be eligible for Federal financial assistance with respect to such payments and assistance in the same manner and to the same extent as other program or project costs.".*

*(b) LIMITATION.—Section 211(b) of the Uniform Act (42 U.S.C. 4631(b)) is amended to read as follows:*

*"(b) No payment or assistance under title II or III of this Act shall be required or included as a program or project cost under this section, if the displaced person receives a payment required by State law which is determined by the head of the lead agency to have substantially the same purpose and effect as such payment under this section.".*

*SEC. 412. DUTIES OF LEAD AGENCY.*

*Section 213 of the Uniform Act (42 U.S.C. 4633) is amended to read as follows:*

*"DUTIES OF LEAD AGENCY*

*"SEC. 213. (a) The head of the lead agency shall—*

*"(1) develop, publish, and issue, with the active participation of other Federal agencies responsible for funding relocation and acquisition actions, and in coordination with State and local governments, such regulations as may be necessary to carry out this Act;*

*"(2) ensure that relocation assistance activities under this Act are coordinated with low-income housing assistance programs or projects by a Federal agency or a State or State agency with Federal financial assistance;*

*"(3) monitor, in coordination with other Federal agencies, the implementation and enforcement of this Act and report to the Congress, as appropriate, on any major issues or problems with respect to any policy or other provision of this Act; and*

*"(4) perform such other duties as may be provided by law as relate to the purposes of this Act.*

*"(b) The head of the lead agency is authorized to establish such regulations and procedures as he may determine to be necessary to assure—*

*"(1) that the payments and assistance authorized by this Act shall be administered in a manner which is fair and reasonable and as uniform as practicable;*

*"(2) that a displaced person who makes proper application for a payment authorized for such person by this title shall be paid promptly after a move or, in hardship cases, be paid in advance; and*

*"(3) that any aggrieved person may have his application reviewed by the head of the Federal agency having authority over the applicable program or project or, in the case of a program or project receiving Federal financial assistance, by the State agency having authority over such program or project or the Federal agency having authority over such program or project if there is no such State agency.".*

*SEC. 413. PAYMENTS UNDER OTHER LAWS.*

*Section 216 of the Uniform Act (42 U.S.C. 4636) is amended by inserting after "Federal law" the following: "(except for any Federal law providing low-income housing assistance)".*

*SEC. 414. TRANSFER OF SURPLUS PROPERTY.*

*Section 218 of the Uniform Act (42 U.S.C. 4638) is amended by inserting "net" after "all".*

*SEC. 415. REPEALS.*

*Sections 214, 217, and 219 of the Uniform Act (42 U.S.C. 4634 and 4637) are hereby repealed.*

*SEC. 416. UNIFORM POLICY ON REAL PROPERTY ACQUISITION PRACTICES.*

*(a) WAIVER OF APPRAISAL.—Section 301(2) of the Uniform Act (42 U.S.C. 4651(2)) is amended by inserting the following before the period at the end thereof: ", except that the head of the lead agency may prescribe a procedure to waive the appraisal in cases involving the acquisition by sale or donation of property with a low fair market value".*

*(b) ACQUISITION OF UNECONOMIC REMNANT.—Section 301(9) of the Uniform Act (42 U.S.C. 4651 (9)) is amended to read as follows:*

*"(9) If the acquisition of only a portion of a property would leave the owner with an uneconomic remnant, the head of the Federal agency concerned shall offer to acquire that remnant. For the purposes of this Act, an uneconomic remnant is a parcel of real property in which the owner is left with an interest after the partial acquisition of the owner's property and which the head of the Federal agency concerned has determined has little or no value or utility to the owner.".*

*(c) Section 301 of the Uniform Act (42 U.S.C. 4651) is amended by adding at the end thereof the following new paragraph:*

*"(10) DONATIONS.—A person whose real property is being acquired in accordance with this title may, after the person has been fully informed of his right to receive just compensation for such property, donate such property, any part thereof, any interest therein, or any compensation paid therefor to a Federal agency, as such person shall determine.".*

*SEC. 417. ASSURANCES.*

*Section 305 of the Uniform Act (42 U.S.C. 4655) is amended by inserting "(a)" after "SEC. 305.", by striking out "a State agency" the first place it appears and inserting in lieu thereof "an acquiring agency", by striking out "State agency" the second place it appears and inserting in lieu thereof "acquiring agency", and by adding at the end thereof the following new subsection:*

*"(b) For purposes of this section, the term 'acquiring agency' means—*

*"(1) a State agency (as defined in section 101(3)) which has the authority to acquire property by eminent domain under State law, and*

*"(2) a State agency or person which does not have such authority, to the extent provided by the head of the lead agency by regulation.".*

*SEC. 418. EFFECTIVE DATE.*

*This title and the amendments made by this title shall take effect two years after the date of enactment of this Act, except that the amendment made by section 412 of this title (to the extent such amendment prescribes authority to develop, publish, and issue rules and regulations) shall take effect on the date of enactment of this Act.*

AMENDMENT OFFERED BY MR. HOWARD

Mr. HOWARD. Mr. Chairman, I offered an amendment.

The Clerk read as follows:

Amendment offered by Mr. HOWARD: Page 23, line 21, strike out "$3,300,000,000" and insert in lieu thereof "$3,000,000,000"; page

24, line 3, strike out "$1,700,000,000" and insert in lieu thereof "$2,000,000,000".

Mr. HOWARD. Mr. Chairman, the Committee on Public Works had been advised by the Budget Committee as to the numbers that we would be required to have in our legislation in order to comply with the Budget Act.

The following day, the full Committee on Public Works and Transportation passed out our bill, at which time we were $75 million below the requirement for the Budget Act.

However, subsequent to that, the budget conference met again and cut our numbers further so that when we did go to the Rules Committee, we were over the Budget Act. The Rules Committee did give us a waiver of this 302(f) section of the Budget Act.

However, I stated at that time, and this amendment is to follow up that statement, that I would offer an amendment that would bring our legislation this year in compliance with the Budget Act; and that is what this amendment does.

Mr. SHUSTER. Mr. Chairman, I move to strike the last word simply to agree with the distinguished chairman of our committee. This amendment does precisely that; it brings the legislation into conformity with the Budget Act, just as we said we would do in the previous debate on the rule.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. HOWARD].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. MC CURDY

Mr. McCURDY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. McCURDY: Page 172, after line 17, insert the following:

(c) DEMONSTRATION OF 65 MPH SPEED LIMIT ON CERTAIN RURAL INTERSTATE ROUTES.—

(1) IN GENERAL.—A State may have a maximum speed limit not in excess of 65 miles per hour on any portion of a highway on the National System of Interstate and Defense Highways within the State which is located in a rural area designated under paragraph (3), if the Governor of the State determines that—

(A) an increase to such limit is not likely to have a significant adverse affect on highway safety on such portion; and

(B) for each point along the portion, the road surface characteristics, shoulder condition, grade, alignment, sight distance, and the condition of required roadside safety appurtenances meet current Federal standards.

A State in which a speed limit in excess of 55 miles per hour is established under this subsection shall not be in violation of section 154 of title 23, United States Code, if such State otherwise meets the requirements of section 154 of title 23, United States Code.

(2) REGULATIONS.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall, after consultation with Governors of the States, issue regulations—

(A) establishing criteria for determining rural areas for purposes of this subsection; and

(B) establishing criteria for determining affects on highway safety on a highway, which may include, but need not be limited to, criteria on—

(i) the number of vehicles using the highway and the degree of congestion on the highway;

(ii) the number, rate, and severity of accidents on the highway and an analysis of the accident rate on the highway based on speed of the vehicles involved;

(iii) the number of points of access to the highway and the amount of development at such points; and

(iv) the distance between each portion of the highway and any urbanized area.

(3) DESIGNATION OF RURAL AREAS AND ESTABLISHMENT OF HIGHER SPEED LIMITS.—After the issuance of regulations under paragraph (2), a State may, in accordance with such regulations—

(A) designate areas in the State as rural areas for purposes of this subsection; and

(B) establish speed limits in accordance with paragraph (1).

(4) REPORT.—Not later than 4 years after the date of the enactment of this Act, the Secretary shall report to Congress on the results at that time of the implementation of this subsection.

(5) TERMINATION OF THE DEMONSTRATION PROGRAM.—This subsection shall cease to be in effect 5 years after the date of the enactment of this Act.

Page 169, lines 8 and 9, strike out "55 mph" and insert in lieu thereof "maximum speed limit".

Page 169, lines 14 and 15, strike out "55 miles per hour but not in excess of 60 miles per hour" and insert in lieu thereof "the posted maximum speed limit but not in excess of 5 miles per hour above such limit".

Page 169, lines 18 and 19, strike out "60 miles per hour but not in excess of 65 miles per hour" and insert in lieu thereof "5 miles per hour above the posted maximum speed limit but not in excess of 10 miles per hour above such limit".

Page 169, lines 22 and 23, strike out "65 miles per hour" and insert in lieu thereof "10 miles per hour above the posted maximum speed limit".

Page 170, lines 2 and 3, strike out "55 mph" and insert in lieu thereof "maximum speed limit".

Page 170, lines 4 and 5 strike out "55 miles per hour but not in excess of 60 miles per hour" and insert in lieu thereof "the posted maximum speed limit but not in excess of 5 miles per hour above such limit".

Page 170, line 8, strike out "55 mph" and insert in lieu thereof "maximum speed limit".

Page 170, lines 8 and 9, strike out "60 miles per hour but not in excess of 65 miles per hour" and insert in lieu thereof "5 miles per hour above the posted maximum speed limit but not in excess of 10 miles per hour above such limit".

Page 170, line 13, strike out "55 mph" and insert in lieu thereof "maximum speed limit".

Page 170, lines 13 and 14, strike out "65 miles per hour" and insert in lieu thereof "10 miles per hour above the posted maximum speed limit".

Page 170, line 17, strike out "55 MPH HIGHWAY" and insert in lieu thereof "MAXIMUM SPEED LIMIT HIGHWAY".

Page 170, line 17, strike out "55 mph" and insert in lieu thereof "maximum speed limit".

Page 170, line 20, insert after "55 miles per hour" the following: "(or at a greated speed authorized under subsection (c) of section 204 of the Highway Safety Act of 1986)".

Page 170, line 22, insert "below 55 miles per hour" after "reduced".

Page 171, line 3, strike out "55 mph" and insert in lieu thereof "maximum speed limit".

Page 171, strike out lines 7 through 9 and insert in lieu thereof the following:

(i) by striking out "fifty-five miles per hour on public highways with speed limits posted at fifty-five miles per hour" and inserting in lieu thereof "the posted maximum speed limit on maximum speed limit highways";

Mr. McCURDY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. McCURDY. Mr. Chairman, my colleagues, I understand that this is a rather hastily called bill to the floor, and that not everyone was prepared for this consideration and debate tonight.

However, many of us on a bipartisan basis have been working with Members and Governors of a number of States to consider the amendment which we have offered today, which would raise the speed limit on rural interstate highways. Let me repeat: rural interstate highways, to 65 miles per hour for a period of 5 years at which time the Secretary of Transportation will report as to the effect of this amendment, the effect of the increase in the speed limit.

I might say at the outset, Mr. Chairman, that there are many proponents in this body of a speed limit of a much greater limit.

□ 1825

Some have advocated 70, some have advocated no speed limit whatsoever. What we have tried to fashion here in this amendment is a reasonable, rational compromise position that, one, protects the safety of those individuals driving on our interstate highways and, second, considers the States rights position of being able to determine if there own best interests are in the interest of not only safety but in the interest of time and business on those highways, an issue that I believe the States could and should be able to make.

We are basing this amendment not out of just a desire to go and speed on the highways. There have been a number of highly respected and credible studies including the Transportation Research Board, the National Research Council that recently reported

that the Congress should consider raising the speed limit on rural interstate highways. Again let me distinguish: We are not talking about raising the speed on State highways or two-lane highways or highways around congested urban areas. We are only considering this for those areas that are not in a congested area, that meet the safety criteria as determined by the Secretary of Transportation and that have not had a high incidence of fatalities or accidents in that particular area.

We believe that this amendment can provide a very balanced approach to solve what I consider to be the "Prohibition law" of the 1980s.

You remember prohibition in the 1920's; we had a law that said that there could not be any manufacture, use or consumption of alcoholic beverages.

Historians have shown that that was the most ridiculous law that the American public could not support. I know my colleague, the chairman and my friend will state that there are national polls and will cite figures which I believe are somewhat dated indicating that a majority support 55. I would like to submit to my colleagues that a recent poll on July 14, 1986, a Statewide poll in the State of Oklahoma, indicated that over 70 percent of the respondents favor increasing the speed limit on the so-called superhighways. It is clear, my colleagues, that in one State, and I think in many States throughout this country, it is clear that people do not believe in the 55-mile-an-hour speed limit, and they want to see an increase to a safe and reasonable level. I believe this amendment, as cosponsored by my colleagues, Mr. HANSEN, and Mr. GRAY of Illinois and a number of other cosponsors, is a very balanced approach. This provision would only be in effect for 5 years. Some people do not like that. But what it does is say there is a sunset on here and if it does not work, if there are increased fatalities, if the States indicate it is not working satisfactorily, then the provision can expire.

But we believe, Mr. Chairman, and I think the highway commissioners of a number of States have indicated to us that they believe that this could be successfully implemented, that it would not increase the risk of fatalities.

Mr. Chairman, I urge support of the amendment.

Mr. SHUSTER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I was one of the Members of this body who originally was opposed to the 55-mile-an-hour speed limit. Mr. Chairman, I was wrong, I was dead wrong because the evidence is overwhelming. The 55-mile-an-hour speed limit saves lives. Now it is true there are those who say, "But people do not drive 55 miles an hour, they exceed the 55-mile-an-hour speed limit." This is a fact. But it is also a fact that because the speed limit was reduced to 55, the average speed was reduced to about 64 miles an hour, and if we were to increase the speed up to 65, we would see the average speed increase up to about 74 miles an hour.

The effect of 55 is a saving of thousands of lives. Now this is not simply my opinion; this is the considered judgment of the Transportation Research Board, who say that between—and I am quoting now—"between 2,500 and 4,500 lives are saved each year and another equivalent fewer serious, severe, and critical injuries and 34,000 fewer minor and moderate injuries occur each year because of 55." But it is not just the highly respected Transportation Research Board that says that, it is also the National Safety Council.

The National Safety Council says, and again I quote, "We strongly support the 55-mile-an-hour speed limit because of the substantial public health benefits of lowered speeds, not only in terms of lives saved but also in terms of dramatic reductions in spinal cord and crash-induced epilepsy from high-speed head injuries."

The evidence is overwhelming. What did we find the year after 55 was passed? We found the most dramatic drop in fatalities on our highways in the history of our Nation, from about 56,000 fatalities to about 46,000 fatalities.

I hasten to add that the 10,000 fewer fatalities are not all attributable to the 55-mile-an-hour speed limit, indeed only about 2,000 to 4,000 of them are. The balance are attributable to the improved highway conditions, the newer highways, the divided highways, the increased usage of seat belts, the emphasis on removing drunk drivers from our highways. All of these play together, but they all play together along with 55, which according to virtually every expert safety group in the world and in this country has brought about very substantial savings.

Also, in the year when 55 was passed we were told that, "Yes, but the reason the fatalities dropped was because of the Arab oil embargo and the fact," and it was a fact, "there was a reduction for the first time in many years in the total number of miles driven." And that is true. Instead of having an increase of 8 or 9 percent in the total miles driven in that year, we had a decrease. And do you know what that decrease was precisely? It was a 1-percent decrease in total miles driven. But what was the decrease in fatalities? Ladies and gentlemen, it was an 18-percent decrease in fatalities.

So once again the evidence is overwhelming. The 55-mile-an-hour speed limit is saving lives. I say this to you not only as the ranking member of our committee and author of much of our highway safety legislation, but as a member, I remind you, who originally stood on this floor and opposed the 55-mile-an-hour speed limit. I was wrong, ladies and gentlemen. This law works, it saves lives. Defeat this amendment and save lives.

Mr. WRIGHT. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. I would be happy to yield to the majority leader, the gentleman from Texas [Mr. WRIGHT].

Mr. WRIGHT. I thank the gentleman for yielding.

Mr. Chairman, I certainly compliment the gentleman from Pennsylvania for his statement. He is exactly right. I was chairman of the Highway Investigating Subcommittee of the Committee on Public Works prior to the time of the establishment of the 55-mile-per-hour speed limit. Year after year after year there had been approximately 56,000 highway fatalities taking lives of Americans; more in 1 year died on highways of the United States than Americans died in all the years of the Vietnam war all put together.

It was the biggest killer of young Americans.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. SHUSTER] has expired.

Mr. WRIGHT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to continue the colloquy with the distinguished gentleman from Pennsylvania.

Mr. Chairman, I did a film at that time for the committee, and the committee distributed this film, based upon studies of highway safety and what saves lives, how to save lives.

Little did I realize that a 55-mile-per-hour speed limit would make such a dramatic difference. The loss of life had been almost constant from the 1930's year after year. We would build better highways, safer highways, but there would be more traffic on those highways. So year after year, 56,000 Americans died on the highways. No other factor took as many lives of young Americans. It was the third-biggest cause of death in the United States right after heart, heart disease, and stroke. But then when the 55-mile-per-hour speed limit was established, principally for the purpose of conserving energy, dramatically the number of highway fatalities dropped. There was no other explanation for it, none whatsoever. The number of highway fatalities dropped in 1 year from 56,000 to 48,000.

Now if we want carnage on the highways, we can do away with this 55-mile-per-hour speed limit.

Mr. HANSEN. Mr. Chairman, will the distinguished majority leader yield to me?

Mr. WRIGHT. Of course I yield to the gentleman from Utah.

Mr. HANSEN. May I ask a question of the distinguished majority leader?

Does the gentleman realize that the particular legislation that we are talking about does not do away with the 55-mile-per-hour speed limit?

Mr. WRIGHT. I am responding to the comments of the gentleman from Pennsylvania, and I would yield to him for a response.

Mr. HANSEN. The distinguished gentleman's speech is very eloquent. I enjoyed it immensely. This particular piece of legislation, I am saying, will not do away with the 55-mile-an-hour speed limit.

Mr. SHUSTER. Mr. Chairman, will the gentleman from Texas, the distinguished majority leader, yield to me?

Mr. WRIGHT. Of course I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. I thank the gentleman for yielding.

This lays the groundwork for doing away with it. This says that you can have 65-mile-an-hour speed limits on rural highways through our 50 States.

Mr. HANSEN. Will the gentleman yield for just a moment?

Mr. WRIGHT. I yield to the gentleman from Utah.

Mr. HANSEN. I thank the gentleman for yielding.

Mr. Chairman, as you look at this piece of legislation, you will find this is only talking about those remote areas on rural interstates. This specifically says that in the congested area it is 55. Having spent 3 years on the Presidential Commission on Drunk Driving, where we got into as much of this as we did drunk driving, which was a step forward, we found that that was not the case. I agree wholeheartedly with you on 55, but we really are not talking that in this amendment.

Mr. WRIGHT. Let me ask the gentleman because maybe I misunderstood. I thought this amendment was aimed at doing away with the 55-mile-per-hour speed limit on rural sections of the interstate highways, is that correct?

Mr. SHUSTER. That is correct.

Mr. WRIGHT. That is what I object to. I think it would be a serious mistake.

Mr. SHUSTER. Mr. Chairman, will the gentleman from Texas yield to me?

Mr. WRIGHT. I yield, of course, to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, the so-called rural remote areas of our Interstate System that our friend refers to represent 95 percent of our Interstate System. So this is a backdoor way to eliminate 55.

Mr. McCURDY. Mr. Chairman, will the majority leader yield?

Mr. WRIGHT. Certainly I yield to my friend from Oklahoma.

Mr. McCURDY. Mr. Chairman, the leader is correct when he indicates that the number of fatalities declined dramatically once the speed limit was changed. We agree with that and concede it is a very remarkable statistic. But the statistics also indicate that there is a steady decline, from 3.5 percent in 1974 to 1983, 2.76, a decline. During that same time the average speed driven on the highway actually increased to over 64 miles per hour. So it is the case that it was not just 55, the reason for increased safety and reduced fatalities, in spite of the average increase in the driving, in the speed, was the improvement in the highway system which the majority leader and everybody else here took part in. It was the change in cars. It is improving the whole safety factor, it is not just 55.

Mr. WRIGHT. I would agree that highway fatalities are caused by a number of factors, not alone speed. But speed is a contributing factor. I do not think there is any question about that.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. I thank the gentleman for yielding.

Mr. Chairman, apparently I did not do a very good job in my speech because I was citing point by point the very points that the distinguished gentleman from Oklahoma makes. Of course 55 alone is not the cause for that 10,000 fatality drop.

□ 1840

As the experts say from the National Transportation Research Board to the Safety Council, of the 10,000 lives saved, only between 2,000 to 4,000 can be attributed to the 55-mile-an-hour speed limit. If you want to play with 2,000 to 4,000 lives a year, that, of course, is everybody's own decision.

Mr. HANSEN. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I really think there is a mistake going on here. What has been the past is people have thought you are either going to drive at 55 or you are going to drive at 70. I think that is an unreasonable thing to look at.

We are trying to say what we want you to do, in effect, is have the Department of Transportation do a 6-month study to determine what is a congested area.

I agree with the distinguished majority leader. People should drive at 55, and especially in those congested areas. Speed kills. We all realize that.

But let us not be unrealistic enough to know, and especially those from Texas and Utah and Nebraska and those other areas, we know, as Abraham Lincoln and others have said, do not pass laws that people will not obey.

We find ourselves, talk about a modern prohibition, we have found it. If you want to go around 495 this afternoon, you will find very, very few people driving 55, probably including, and I say this very respectfully, many Members of Congress.

Mr. WRIGHT. Mr. Chairman, will the gentleman yield?

Mr. HANSEN. I yield to the distinguished majority leader.

Mr. WRIGHT. Mr. Chairman, I only want a clarification of a question the gentleman posed to me in a earlier colloquy, in which the gentleman asked if I understood what was proposed in this amendment.

I have examined a copy of the amendment, and I would just like to read from it. It does permit the doing away with the 55-mile-per-hour speed limit. These words are in the amendment:

> A State may have a maximum speed limit not in excess of 65 miles per hour on any portion of a highway on the National System of Interstate and Defense Highways within the State which is located in a rural area designated under paragraph 3.

So it would indeed authorize the doing away with the 55-mile-per-hour speed limit in selected areas.

Mr. HANSEN. Mr. Chairman, if I may say so, did the gentleman also notice in there that a State has the right to veto it? If the Governor and the legislature does not want it, they can veto this particular piece of legislation.

I would suggest to those who live in these small Eastern States that your Governor does veto. It makes a lot of sense to me.

However, out in our particular areas where everyone is violating the law, I think we could take a good look at this.

Let me point out now, if I may, it has been stated that if you go to 70, as the gentleman from Pennsylvania said, they will just drive 75 and 80. When I sat for 3 years on the Presidential Commission on Drunk Driving, we found that was not the case. People were saying in those days 70 is a safe speed. Our cars can drive at 70 miles an hour, so why can we not have the option to drive at 70 ourselves?

Now we are not going to 70. We are saying 65. Keep in mind it can be vetoed. Keep in mind that we are asking that they strictly enforce 55 in the congested areas. This is a half step. It does not go at all to the question that was brought up: Will they go faster? Obviously they did not at that particular speed.

So we are looking at this 55 miles per hour in a congested area, 65 in the remote areas.

Did you also notice as you read this we have 4 years in which we try it, and then it sunsets out. So it is not going in and turning it all over and making it loose. We are simply saying, State legislature, we are giving you a try. If it does not work, we will do a study, and in 5 years we will come back. And if we are wrong, then we are going to withdraw this.

Mr. MARLENEE. Mr. Chairman, will the gentleman yield?

Mr. HANSEN. I yield to the gentleman from Montana.

Mr. MARLENEE. Mr. Chairman, the gentleman made a statement that we could go to 65 in the rural areas. But that is not mandating that we go to 65. Do not we also have a lot of State law enforcement officials and people who make those determinations, who set the speed limit, so that they could set them anywhere between 55 and 65, or down to 45 or down to 35, because of their concern for safety? Is that not still left up to the State up to 65?

Mr. HANSEN. Mr. Chairman, basically that would be correct on an interstate with a minimum of 55, but they could be anywhere in between predicated on what their study would show. In the bill it says we will do a study in conjunction with the State legislative body and the Governor and determine where would be the safe speeds in their areas.

I would like to add, if I may, with regard to the gentleman from Pennsylvania's statement, we have found in those rural, remote areas that there has not been that kind of accident. When there are a lot of people, like when you drive through New Jersey or Illinois and those areas, you can well understand that. But when you get out in areas like traveling across Nebraska and traveling across Wyoming, you do not see that quite as much.

I used to investigate accidents and do that trial type of thing like many of you.

Mr. GLICKMAN. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the McCurdy amendment.

I would like to talk a little bit about the issues beyond the safety issues. Safety is important and relevant. But I guess the underlying issue, as far as I am concerned, is that until 1973, I believe, we gave the States the authority to set speed limits. We thought that was uniquely a State function.

And then we had an energy crisis in 1973, and so then we made the judgment that we better let Uncle Sam set the speed limit because we had a national energy emergency and we wanted to reduce the utilization of fuel. I think that was an appropriate use of the commerce clause of the Constitution.

The question you have to ask yourself is, is the energy emergency over? If it is over, then the authority ought to go back to the States to set the speed limit. It is a unique function of the States to set speed limits, not the Federal Government; only in those unique circumstances where we have the national interest being served, and that was being served by a terrible energy emergency.

So I say to you that, in addition to all the other reasons why we ought to pass this very moderate amendment which would give the States the authority to go up, and they do not have to do it, this has traditionally been their function to set speed limits. This is not the Federal Government's function.

The second thing I would say to my colleague, the gentleman from Pennsylvania, and others is there must be a feeling here that the States cannot do it very well. There must be an inherent distrust of the States to set the speed limits, to decide what is safe on what interstates and what is not. Why else would anyone fear the ability of the States going to their local roadways and making that judgment.

Now we know that very few people comply with the 55-mile-an-hour speed limit on interstate roads. The cars are passing this all the time. Perhaps we even are exceeding that speed limit on occasion. But I submit to you that you are going to get a lot more enforcement of that law, particularly on interstates, if you get the States into the act of setting the speed limits on those roads which we kind of by gut and by intuition and also by knowledge allow them to have the role in setting that limit.

So I would make to you two points. One is that safety ought to be our concern, but it also ought to be our concern that we no longer have a national energy emergency. We now have cars that make much better mileage than we ever did before. They are much safer than they ever were before. And there is good reason to give the States back their power to set speed limits. They will do a better job at it, particularly on a balanced moderate approach, as Mr. McCURDY has stated.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, when we talk about a tradition, it has been a tradition for the past 12 years now for the 55-mile-an-hour limit to be followed as law, according to the U.S. Congress.

But I would point out to the gentleman that we are talking about an interstate system, a system, 90-percent funded by the Federal Government, a system which is engaged not only in interstate commerce, but more importantly, your children and my children are driving from State to State and, if one of my children or one of your children happens to be killed in a State other than Kansas or Pennsylvania, they are just as dead.

So we have a responsibility here.

Last, I would say the very States that seem to be complaining most, the scoff-law States, according to the National Safety Council, are the States with the highest fatality rates. I have every States right here and, virtually without exception, the scoff-law States are the States with the highest fatality rates.

□ 1850

Mr. GLICKMAN. Let me just make two comments and then I will be glad to yield.

No. 1, notwithstanding the interstate nature of the highway system, traffic laws are uniquely local and State. They are one area of laws that we have not ceded to the Federal Government for the most part.

I would say to the gentleman that the burden is showing why there should be a national interest and a national law. We had that burden when the energy crisis was here. It is not gone, at least for the time being.

The authority ought to revert back to the States. I would venture to say that when we went to the 55-mile-an-hour speed limit, the implication and the understanding was that we would revert back to the States when the energy crisis was over.

I say to the gentleman that it looks to me like this balanced, moderate amendment by Mr. McCURDY, giving the States the authority on interstate highways, the rural portions of which no abrogation of the 55 limit across-the-board is a very reasonable approach; one that ought to be passed by this House.

Mr. McCURDY. Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. I yield to the gentleman from Oklahoma.

Mr. McCURDY. I thank the gentleman for his support and his leadership in this area, and I want to restate for our colleagues that this again, is not mandatory.

The CHAIRMAN. The time of the gentleman from Kansas [Mr. GLICKMAN] has expired.

(By unanimous consent, Mr. GLICKMAN was allowed to proceed for 1 additional minute.)

Mr. GLICKMAN. Mr. Chairman, I continue to yield to the gentleman from Oklahoma.

Mr. McCURDY. I thank the gentleman.

Mr. Chairman, I think it is clear that a number of Members support this amendment. Again, it is permissive statute; we are trying to allow the

States to make the determination. Not the Federal Government, but the States, complying with safety standards that would be developed by the Secretary of Transportation.

Mr. GLICKMAN. And only on the rural portion of interstate highways. So it is very, very limited. I just think as a matter of Federal preemption this is one thing we ought to give back to the States.

Mr. CHENEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to identify with the sponsor of this amendment. I think it is an excellent offering here today. It seems to me that it is important for our friends who live in the more congested parts of the country to remember the enormous differences that exist on the interstate system.

The gentleman from Pennsylvania, [Mr. SHUSTER], made the point that it is a Federal system; it is funded by the Federal Government; it is an interstate system that moves from State to State. But there are enormous differences between circumstances, for example, in eastern Pennsylvania or in the Washington, DC, metropolitan area and a State like Wyoming.

In Wyoming we have half a million people living in an area of almost 98,000 square miles where we are approximately the size of the Federal Republic of Germany. The notion that somehow we should operate the same way on our Interstate System that States do in far more congested areas, it seems to me, is extremely unwise.

I would like to also endorse the remarks of Mr. GLICKMAN. It seems to me, Mr. Chairman, that it is important for us to remember that the stimulus for the original effort to impose the 55 mile-an-hour limit was indeed the energy crisis and the need to improve our efficiency with respect to the consumption of gasoline.

Mr. Chairman, I think the amendment is a good one. It seems to me that it does preserve the State option. It does place a certain amount of trust in our State legislatures and our Governors. A great many Members who serve in this body used to serve at the State level. I am certain they would not want to suggest that somehow our State authorities are incapable of making these decisions.

I think we ought to let the authority revert back to the States. I think the amendment is sound and I think it deserves our support.

Mr. HANSEN. Mr. Chairman, will the gentleman yield?

Mr. CHENEY. I yield to the gentleman from Utah.

Mr. HANSEN. I thank the gentleman for yielding to me.

Mr. Chairman, I would like to ask the gentleman from Wyoming: What would be the average speed in the State of Wyoming? Has anyone told you that?

Mr. CHENEY. I do not have the figures in front of me, but I can assure you on stretches of interstate that were built for 75 or 80 miles an hour, where it is 100 miles between towns and it is a straight shot, that 55 miles an hour is not often observed.

Mr. HANSEN. If the gentleman will continue to yield, I think the point I may be driving at, if I may bring this up, is in the West, I cannot speak for the East, but when we did the Presidential Commission on Drunk Driving we found that the average speed was about 65 miles an hour and has been for a long time. So I appreciate what all these gentlemen have said when they stand and say, "55 miles an hour saves lives;" the facts of the matter are, we are not driving at 55 miles an hour. A better and more correct statement would be 65 miles an hour saves lives because that seems to be the average speed.

Out in our areas, as you made the very great distinction between Wyoming and the East or Utah and the East, people, when there is a straight shot, will travel for miles without seeing another car in some instances on a wide open space. I guess in effect 55 does not save lives if the average speeds in the Western States seems to be 65 miles an hour.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. CHENEY. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. I thank the gentleman.

Mr. Chairman, I would like to point out that the National Safety Council indicates the fatality rate in Wyoming is 3.2 which is about 50 percent higher than the national average. Something must not be being done right in the State of Wyoming on the highways.

Mr. CHENEY. I am sure all of those accidents do not happen on the interstate, Mr. Chairman.

Mr. RAHALL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, one of the original authors of the 55-mile-per-hour speed limit in the other body was a former senior Senator from my home State of West Virginia, Jennings Randolph. He acted at that time with good reason and based on what has proven to be sound fact.

I shall not go into all those facts and figures and polls. My colleagues from Pennsylvania and California have very adequately done that as have others who are in opposition to this amendment. Those facts indeed do show that 55-miles-per-hour does save lives and it is working.

My good friend from Oklahoma's amendment, as I understand it, is directed toward the rural interstate highways of this Nation as he has stressed in his opening remarks. In a mountainous State such as I represent, we do have rural interstate highways, particularly in my congressional district, and upon the completion of Interstates 64 and 77, we hope to have even more rural interstate highways in the years ahead of us.

One of those is currently the West Virginia Turnpike for many of my colleagues that may have transversed that road in going to their congressional districts from Washington. We have severe curves on many of our rural interstate highways in a mountainous State such as West Virginia. For us to allow the speed limit to be increased to 65-miles-an-hour on these curves I say creates a very dangerous and unsafe condition.

If we allow the 65-mile-per-hour speed limit to take effect, my colleagues must remember that we are talking about in reality 70 or 75 miles per hour because we know the leeway that law enforcement officials give when the speed limits are set at certain limits.

I realize, and the gentleman will come back and say that the State has the option not to raise the speed limit to 65-miles-per-hour on such highways. But that, in my opinion, is only going to create a very crazy-quilt pattern of different speed limits throughout our States. It has been referred to that we are talking about interstate travel; we are talking about interstate highways funded 90 percent by the Federal Government. I believe what we need here is consistency in our speed limits.

Motorists coming from the western part of the United States, accustomed to traveling perhaps 65, 70, 75 miles per hour are going to find it, are not going to be concentrated enough to realize the dangers they are entering into when they start driving on these rural interstate highways in a mountainous State such as Pennsylvania, Ohio, Virginia, Kentucky, West Virginia and the neighboring States in the Appalachian region of this country.

I submit that it is going to create very uncertain and unsafe conditions, and why should we even open the door and that is what this amendment does really, is to open the door for future increases in the speed limits to a 70-miles-per-hour speed limit.

Mr. McCURDY. Mr. Chairman, will the gentleman yield?

Mr. RAHALL. I yield to the gentleman from Oklahoma.

Mr. McCURDY. I thank the gentleman for yielding.

Mr. Chairman. I just want to state at this point that those of us in Oklahoma who happen to come to West Virginia and see all these mountains, it is such a monumental sight to us that I can guarantee you that we will not

drive more than 55 because we do not know how to drive on those kinds of curves.

It is clear that the States have the option. But they have to do it based on certain criteria. If the grade is not designed for maximum safety, then those sections should not have. It is clear to me that it is not always 55 on highways. We should not drive 55 in rain or snow. Individuals should have that judgment and States should have that judgment.

All I ask is that the States have the opportunity to exercise the judgment authorized to them by their constituents. It is not a question of consistency. My district is over 225 miles long. It is flat; there are not many mountains in our area. What is good for Oklahoma is not necessarily good for West Virginia, so I really challenge the question of inconsistency between West Virginia and Oklahoma and Wyoming.

Mr. RAHALL. If I may reclaim my time, let me say to the gentleman that my concern is that with residents of your State coming into West Virginia, enjoying the tremendous beauty that we do have and that you have attested to, may forget that their speed control is set on 70 or 75 miles an hour. That, I am afraid, is going to make them unaware of the curves that are going to come up and face them on our interstates. It is a dangerous situation.

I yield to the gentleman from Pennsylvania [Mr. SHUSTER].

□ 1900

Mr. SHUSTER. Mr. Chairman, I thank the gentleman.

I would point out, we talk about the sharp curves in West Virginia. The Interstate System is built to standard specifications. The curves on the interstate in West Virginia are precisely the same engineeering standards as the curves in Oklahoma or somewhere else.

The grades are exactly the same. The Interstate System is built to the same standards.

Now, it is true you have long level stretches, but when we talk about sharp curves, that simply is not the case. All the curves are built to the same standards.

Mr. RAHALL. The gentleman is correct.

Mr. GRAY of Illinois. Mr. Chairman, I move to strike the requisite number of words.

(By unanimous consent, Mr. GRAY of Illinois was allowed to proceed for 1 additional minute.)

The CHAIRMAN. The gentleman from Illinois [Mr. GRAY] will be recognized for 6 minutes.

Mr. GRAY of Illinois. Mr. Chairman, I hope that we can disagree without being disagreeable, because as far as I am personally concerned, this is one of the most nostalgic moments of my life because 31 years ago I stood in this very well, along with the distinguished majority leader, the gentleman from Texas [Mr. WRIGHT] and the gentleman from Michigan [Mr. DINGELL], who are the only three sitting Members of Congress now who helped write the first Interstate Highway Act in 1956, so it is a nostalgic moment to be able to say 31 years later that this has been the greatest public works program in the history of the world.

There are 42,500 miles of interstate highways connecting every major city and certainly bringing millions of new jobs and billions of dollars in private capital investments.

I also was here in 1974 when we put on the 55-mile-an-hour speed limit for an explicit purpose: to conserve fuel.

Before I say another word, I would like to point out that this debate concerns only 6 percent of the highways in the United States that are posted at 55 miles an hour.

I want to repeat that. Although we have 31,500 miles of the 42,500 miles of interstates affected in rural areas, when you talk about a posted 55-mile-an-hour limit, this amendment, if adopted, only affects 6 percent of the roads in this country where we would have the alternative of increasing that to 65.

Now, let us be honest. No one can stand in this well or in this House and say that the 55-mile-an-hour speed limit is saving lives. Last weekend I took my camper and went down to Richmond, VA. I set my cruise control on 58 miles an hour, and there was not one truck or one car that did not pass me from 10 to 15 miles an hour faster.

Three weeks ago I went out to Illinois. The same thing, zip, 65 and 70.

I say to you without fear of contradiction that the increasing flow of traffic at different speeds is causing far more accidents and monotony is causing far more accidents to people driving 55 and going to sleep. If we have a uniform 65 limit on rural interstates where the flow of traffic is going, I think we will save lives, because those State policemen in Illinois, and I have 500 miles of interstates in my congressional district, have told me that when they stop someone for speeding, they always say, "Why aren't you reasonable with the speed limit and we will adhere to it?"

The American people are very, very reasonable people, but they rebel when they think something is not reasonable.

After gas became plentiful, they decided that it was unreasonable to expect them, like in Illinois where you have a road going from Chicago all the way down to Cairo, over 400 miles without a curve in it, to go along at 55 and then we take down the billboards, there is nothing for them to see along the road, and it causes monotony, it causes accidents.

So I say this is a reasonable compromise.

I had a straight, flat out 65 amendment for all rural interstates, and my chairman friend looked at me with a jaundiced eye and said, "Please don't offer that," so I did not.

So we got together as a bipartisan effort to make this permissive, not mandatory. If a State after studying this for 6 months does not feel they want to change the speed limit, it can stay at 55, notwithstanding that it is in a rural area. What is wrong with that?

The American people are crying out for an increase. What is wrong with giving the States the right, as the gentleman from Kansas pointed out, of self-determination of whether they want to go ahead and increase the speed limit.

Let me give you some very quick statistics. Before we wrote the Interstate Highway Act, listen to me, before we passed the 55-mile-an-hour speed limit, we were killing 2.6 people on the highways of this country for every 100 million miles driven. That was before the interstate. At the same time, that was on a four-lane divided road, California as an example has led this Nation in building freeways long before 1956, so we went out and studied that system. We found that they were killing on an average of two people for every 100 million miles driven, but on the small, antiquated two-lane roads, they were killing 9.7 per 100 million miles traveled.

So what is cutting down on the statistics is the fact that every year we are adding from 150 to 200 miles more of interstate highways. That is what is bringing the fatality rate down. We are getting them off the small, antiquated roads and we are putting them on the nice four-lane interstate highways. That is why you are seeing the fatality rate go down, not because of the 55-mile-an-hour limit, but because we are putting in new safety features, better guard rails, we are putting in better bridge abutments. We are putting in all types of facilities.

The CHAIRMAN pro tempore (Mr. DE LA GARZA). The time of the gentleman from Illinois has expired.

(By unanimous consent, Mr. GRAY of Illinois was allowed to proceed for 1 additional minute.)

Mr. GRAY of Illinois. Mr. Chairman, when we wrote the Interstate Highway Act, we said at that time to the engineers throughout this country to design this system for 70 miles an hour, and that is what they designed it for.

Now, the cars have seatbelts, they have airbags, they have all kinds of safety features. So I say, let us give it a test. Let us let the States have a

little States rights here by saying, "OK, we think we can go to 65 without doing any harm."

Mr. GLICKMAN. Mr. Chairman, will my colleague yield for 1 minute?

Mr. GRAY of Illinois. I yield to my friend, the gentleman from Kansas.

Mr. GLICKMAN. Mr. Chairman, I compliment the gentleman on his statement.

Since the gentleman was here when we wrote the original bill, did we not take the authority to set speed limits away from the States on an emergency basis and on an emergency set of circumstances that dealt with the energy crisis?

Mr. GRAY of Illinois. That is absolutely correct. It was 12 years ago in 1974. After the crunch was over, we never gave it back to them.

Mr. FRANK. Mr. Chairman, will the gentleman yield?

Mr. GRAY of Illinois. I yield to my friend, the gentleman from Massachusetts.

Mr. FRANK. Mr. Chairman, I am going to vote for the gentleman's amendment.

I just wonder if the gentleman would speculate from his long experience, if there were a rule of the House that required Members to vote the way they drove, what does the gentleman think would happen to his amendment?

Mr. GRAY of Illinois. Well, I think it would pass by acclamation.

Mr. EMERSON. Mr. Chairman, will the gentleman yield?

Mr. GRAY of Illinois. I yield to my friend, the gentleman from Missouri.

Mr. EMERSON. Mr. Chairman, I thank my colleague from across the river for his outstanding historical perspective on this issue. I would like to associate myself with the gentleman's remarks.

Mr. MARLENEE. Mr. Chairman, I move to strike the requisite number of words.

I rise in support of the amendment.

Mr. Chairman, I know of nothing that is creating more regional animosity or animosity toward the Federal Government than the 55-mile-an-hour speed limit. Trying to force a speed limit appropriate to New Jersey or winding, woody Pennsylvania on Montana or Wyoming or Oklahoma is like forcing a law on the general population that would not allow homes with two stories in them because people could fall out of windows or off balconies or down the stairs.

There is some inconsistency here today. We heard the gentleman from West Virginia say, well, we are concerned that people who drive out in these areas that are wide open and flat do not have the ability—and I resent that—do not have the ability to drive where there are more crowded conditions and more winding roads, and yet the gentleman from Pennsylvania comes in and says, well, all the interstates that we are dealing with are built to the same standards and same curves, same gradations, and we have a set of standards that these interstates are built to.

So I see a great deal of inconsistency in their testimony.

I also resent the inference that States which want the coercion of the Federal Government lifted are not concerned about safety, so we have to have big brother in there setting the speed limits and concerned about our safety because we in Montana, Wyoming, Oklahoma, and some of those in Oregon and Washington and those other States are not concerned about safety.

We are not mandating the raising of the speed limit to 65 miles an hour. We are simply saying that the States have the ability to make the evaluation and these States will, in fact, be concerned about safety and we will do a study and that then they will set the speed limit up to 65 miles an hour, or anywhere in between.

This body kicked the Federal Government out of the business of interfering with law-abiding citizens who own guns. I think they ought to do the same thing here.

Let us get the Federal Government out of the business of mandating safety, mandating speed limits, mandating the regulation of our lives. Let us let them out of that and allow the States to make the safety evaluation necessary and set the speed limits at a safe, reasonable and prudent speed.

Mr. DURBIN. Mr. Chairman, I move to strike the requisite number of words.

I rise in support of the amendment which is before the body at this moment.

I would defer to my colleagues who have spoken already about the historical and statistical reasons for this amendment. I would like to address it from a slightly different perspective. I wonder how long those of us in this National Legislature can expect the people of this Nation to have respect for our laws if in fact those laws have lost their reason for being, or the laws are not being enforced. We all know from practical experience that the people that we represent across this Nation are violating the 55-mile-an-hour speed limit on a regular basis. In some States it has become common knowledge that one will not be arrested until they have passed 65 miles per hour.

What message does that send to the people we represent?

It does not end there. The Federal Government has encouraged States to pass mandatory seatbelt laws. I think those are entirely positive, but we have had announcement after announcement in my home State of Illinois that they will not be enforced, that the police are instructed by the State legislature not to arrest a person who violates that law, except in the most extraordinary circumstances.

There is another aspect to the problem. Since this law was passed, there has been a technological phenomenon. We now have, and it is estimated that there are some 80 percent truckers in this country who use them, radar detectors. Have we passed a national law to outlaw those? No. I doubt that we will. Very few States have. It would be highly unpopular, but by allowing radar detectors and telling people that we are going to pass off with a wink when they drive 65 miles an hour, what message do we send?

I think the amendment of the gentleman from Oklahoma is entirely sensible. Fifty-five miles an hour is a great idea on the right highway, but 65 miles per hour I think can be shown to be equally safe on another set of roads.

I think it is important now that we allow this law to catch up with the reality of today. I think the approach taken here is sensible, one that we can live with. It is experimental and it is certain that in a period of time we will at least be able to sit down and evaluate the results.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. DURBIN. I am happy to yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, I thank the gentleman for yielding.

The gentleman brings up the issue of the radar detectors, which I think is very interesting, because in fact it is a whole technology that has almost been spawned by a law that people will not obey.

I just want to pose an interesting question to the gentleman. If we were to take the technological route to enforce the law, what does the gentleman think the reaction would be if, for example, we required the automobile manufacturers to put governors on the cars that would not allow the car to go more than the national speed limit, namely, 55 miles an hour?

It is this gentleman's judgment that we would probably all get thrown out of here in the next election if we really did that to people, and yet that would be the technical solution to the cause advocated by the gentlemen on the floor. They say the 55-mile-an-hour speed limit saves lives. Well, then we ought to put the governors on the cars and not allow anybody to go faster than that, if in fact that is the reality of the situation.

Mr. DURBIN. Mr. Chairman, I think the gentleman from Pennsylvania raises an excellent point but it points out the dilemma we face as we try to pass and enforce laws that are sensible, when the people of this country

obviously want to entertain their own personal freedom.

□ 1915

Mrs. SMITH of Nebraska. Mr. Chairman, I move to strike the requisite number of words.

Chairman, I come from a district which is 425 miles long. The interstate which stretches across that district is constantly being driven on by cars driving 70 or more miles an hour.

This speed limit is not practical in an area like this. A Federal law that sets the speed limit the same for New Jersey, for example, as it does for Nebraska is not practical.

I think that this amendment is an excellent one. It provides that the State can make its own decision. It provides that the increased speed will only be allowable in rural areas. I am very much for it, and let me say that my State is one that is concerned about safety. We have a seatbelt law. We had great controversy about a helmet law for motorcycle drivers. We try hard to enforce safety in our State, but we do not think that a 55-mile speed limit is the answer.

Mr. BEREUTER. Mr. Chairman, will the gentleman yield?

Mrs. SMITH of Nebraska. I am happy to yield to the gentleman from Nebraska [Mr. BEREUTER], my good friend and colleague.

Mr. BEREUTER. I thank the gentleman for yielding.

Mr. Chairman, I certainly rise in support of the McCurdy amendment.

Mr. Chairman, I do believe that the points in favor of this amendment given by all of the Members expressing themselves add up to a very convincing case. I have believed from the beginning that the impact of the mandatory 55-mile-an-hour speed limit was discriminatory against people living in sparsely settled parts of the Nation, and I have believed from the beginning that there should be a drop of say 10 miles per hour from whatever it was at that time at maximum.

It is no real loss if you are moving from, in Connecticut, from 60 miles an hour, but on the Kansas Turnpike it was 80, and most of the interstate areas of the West it was 75. This is a remarkable drop.

In the mid-1970's I served on the Governmental Affairs Conference of the Council of State Legislatives, and as we had our meetings each year there was a vote on this issue. The representatives of all the States west of Missouri River exceot California continually asked for a change in the speed limit, and most of the States east of the Missouri River felt differently about it—not all of them.

I think that it bears out the very different nature of this country. Sparsely settled parts of the Nation ought to have an option to move to what is reasonable within the limits that would be set by the McCurdy amendment.

This is an amendment that is fair, it is equitable, and finally, it is reasonable and it no longer discriminates against people that live in sparsely settled parts of the Nation.

Mr. RICHARDSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Speaker, many reasons have been given for supporting this good amendment. There is another reason that I do not think has been given which may not sound solidly based by facts and statistics, but it is kind of a cultural thing for many people, especially in the West—those of us that drive and have hundreds and hundreds of square miles and not too many people.

I think that this is a law whose time has passed. It was probably a good, necessary law in the past, but not it has outlived its usefulness.

There is no issue that comes up more often in town meetings that I have than the 55-mile-an-hour speed limit. We come from a small State, and you can sense the rebellion in many other States. I think you already see a number of provisions in several ballots. I think you also see situations where arguments can be made that the economic development of a State is disadvantaged by this kind of an amendment.

If you have a pickup truck and you are hauling wood, a certain number of hauls that you can make—yes, maybe to many it does not seem like this is something that is important, but it is, and I think that the beauty of this amendment is that it gives everybody the flexibility to do what they want.

On Fifth Avenue in New York City you are not going to have a 65-mile-an-hour speed limit, but that is your decision to make. The Governor will make that, and the Governor of New Mexico in consultation with its legislature and with the Secretary of Transportation can make that decision. And still there may be a Governor in the West who may not want to do it. So they have that prerogative.

You take a small State also—we are talking about drugs, illegal aliens—in my State there are 300 State police officers. About 70 percent of their time they are chasing people violating the 55, including people like myself. This to me does not make sense. I think it is important that we look at this and give every State the flexibility to make their own decision.

We do have a new era in automobile safety—seatbelts, new equipment, safety standards have improved. But I cannot point in my small State to relevant statistics that say that highway deaths because of this amendment, because of this 55-mile-an-hour speed provision, have lessened. But I think nationally compelling statistics have been different.

All we are saying with this amendment is, "Let's not make it regional issues; let's just let every individual State make their own decisions."

So I submit the cultural argument, the argument that many men and women have out there that simply says, "Government, let us run our own lives. We can drive safely, but don't put this law on us that is outdated, that doesn't work anymore, that we deeply resent."

So I ask strong support for this amendment, which is a freedom-of-choice amendment for every American.

Mr. Chairman, I rise in support of this amendment. The issue of the 55-mile-per-hour speed limit is very important to my home State of New Mexico.

Mr. Chairman, I realize this point has been made many times over but I feel very strongly that I must make it once more—those of us in rural areas and States have been clearly disadvantaged by this law. I am sure many of my colleagues share my sentiments—it is time to reevaluate a law passed in a time of crisis and whose impacts have been felt by different regions of the country in very unequal ways.

Mr. Chairman, a CBS news story on the 55-mile-per-hour issue was filmed on I-40 in my district—where, with the exception of Albuquerque, no New Mexico country traversed by an interstate highway has more than 40 people per square mile. The New Mexico State Legislature recently passed a memorial urging Congress to enact legislation permitting a higher speed limit. We take this issue very seriously in New Mexico because it has serious consequences for New Mexicans.

A vote for this amendment will benefit law enforcement in remote areas. In New Mexico, we have a total of 300 State police officers for the entire State—they cover very large geographic areas and their responsibilities are many. Under " 55-mile-per-hour duress," they spend a great deal of time issuing speeding tickets to comply with Federal law. I am sure my colleagues would agree with me that our law enforcement officer's time could be better spent fighting crime and protecting citizens.

I urge my colleagues to support this amendment.

Mrs. VUCANOVICH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the McCurdy-Hansen Amendment.

Mr. Chairman, this is a compromise amendment for many of us. As has already been stated by my respected colleague, the gentleman from Oklahoma [Mr. MCCURDY] and some of the other Members who have spoken, it is not mandatory.

If I had my choice, I would like to see the 55-mile-per-hour speed limt repealed. I believe that setting speed limits should be solely determined by the States. I do not believe that the Federal Government should be allowed to threaten to withhold Federal

highway funds from States which experience difficulty in meeting Federal enforcement standards. I have introduced specific legislation to accomplish these goals.

The one issue that is topmost in my State when I go back and I have a hot town hall meeting and talk about other issues, and we talk about South Africa and we talk about the budget, one of the first questions that somebody asks in the audience is, "When are you going to get the 55-mile-an-hour speed limit raised?

This amendment offered by my colleagues, Mr. HANSEN and Mr. MCCURDY modifies the mandatory 55-mile-per-hour speed limit through a 5-year demonstration project. While it still allows for continued Federal supervision, States have a significant input as to which rural interstate highways can safely handle speeds up to 65-miles-per-hour. Let me emphasize to my colleagues that this is a demonstration project and this amendment requires the Department of Transportation to report the results of the project to Congress after 4 years.

Many have stated that the 55-mile-per-hour speed limit has, since its enactment in 1974, drastically decreased fatalities on our Nation's highways. I will not dispute that lower speeds have contributed to lower fatalities. However, I believe that other factors have also contributed to reduced fatalities during the same time period. Certainly, traveling at a slower rate of speed can and does contribute to a lessening of the severity of many collisions. However, improvements in road construction, improvements in automobile engineering, mandatory seatbelt laws, and the national war against drunk drivers also play a significant and important role in highway safety.

I therefore believe that the mandatory 55-mile-per-hour speed limit should be increased on our rural highways and should be lifted to 65-mile-per-hour when the States determine that.

Mr. MARLENEE. Mr. chairman, will the gentlewoman yield?

Mrs. VUCANOVICH. I am very happy to yield to my colleague from Montana.

Mr. MARLENEE. Mr. Chairman, if I am not mistaken, if the gentlewoman's State of Nevada is like Montana, they have passed a resolution within the State legislature by almost unanimous approval to request that the Federal Government allow the States to set the limits. Is that true?

Mrs. VUCANOVICH. That is true, and one of the restrictions also in my State is that they are very happy to have the mandatory seatbelts if we can be allowed to raise the speed limit, because they do think that the seatbelt does determine it.

Mr. ROWLAND of Connecticut. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I might not get out of here alive. There seem to be Members in favor of the amendment.

Mr. Chairman, I think that the point is very simple, and that the facts are the facts, and I see many of the opponents or proponents of the amendment agreeing with that. The likelihood of a fatality occurring actually doubles when the speed limit is increased from 45 to 60 miles per hour.

□ 1925

My friend from Pennsylvania quoted the Transportation Research Board that says that some 2,000 to 4,000 lives per year are saved because of the 55-mile-per-hour speed limit. Between 35,000 and 62,000 less injuries occurred per year, and an estimated net savings in medical and welfare assistance programs which are reduced by $65 million per year.

If that is not enough, there is the added bonus that the law continues to save about 167,000 barrels of oil per day.

I have heard arguments about energy, I have heard arguments about time, and I would argue that changing the speed limit from 55 to 65 is not going to have any impact on time. I do not think we should be regulating the speed limit in this Nation based on the cost of oil. I agree with the fatality arguments, I agree with the economic arguments, but I think the point is: If you are traveing 100 miles, the 2 or 3 minutes saved are not going to make a considerable difference.

All the statistics show that we will save lives. If we increase the speed limit, there will be up to 500 to 600 people actually injured.

I think the other point we have not argued yet is with reference to our automobiles. Twenty years ago the cars were much bigger, they had more steel, they had bigger engines, they could travel 70, 80, 90 miles per hour without any problems whatsoever. I think we all knows from our personal experiences that the cars of today are half the size, half the weight, and probably half as safe.

I do not think there is any way to get around these arguments, and I think that the bottom line is that the 55-mile-an-hour speed limit saves lives. I think we should keep it.

It is not broken and we should not try to fix it.

Mr. LUNGREN. Mr. Chairman, will the gentleman yield?

Mr. ROWLAND of Connecticut. I yield to the gentleman from California.

Mr. LUNGREN. Mr. Chairman, the gentleman talked about traveling 100 miles or traveling 2 hours. The gentleman ought to join with some of us that are from the Western States as we drive out to our districts to take our families back. We are not driving for an hour, we drive for 5 days straight to get out there. We drive for several thousand miles. Let me tell the gentleman, it does make a difference.

I think we should not be, in essence—and I am not accusing the gentleman—but it seems to me somewhat hypocritical when you see people driving far faster than 55, and you just do it to keep up with the traffic, and you are trying to get across the country, and then you realize you are part of a body that has said there will be no exceptions to the 55-mile-per-hour limit. It just flies in the face of common sense, with all due respect.

Mr. ROWLAND of Connecticut. I think reality has a part to play in this argument also, and the reality is I do not think the gentleman drives back and forth to California every week between votes. He just could not make it.

The reality is that the public now travels by plane, and when people are traveling from California to the east coast, 9 out of 10 are probably traveling by plane versus automobile. So I do not think that argument is valid.

Mr. SWINDALL. Mr. Chairman, will the gentleman yield?

Mr. ROWLAND of Connecticut. I yield to the gentleman from Georgia.

Mr. SWINDALL. Mr. Chairman, I would like to thank the gentleman from Connecticut and make one strong disagreement with him. He just said it is not broke so do not fix it.

It is broken every day. That is the whole point. The law is broken every day.

Let me tell the gentleman why I think that is very significant. I think it relates to a much bigger problem, and that is when a law is patently unreasonable, people do begin to violate it.

Will Rogers once made the statement, humorously, but nonetheless I think it was an accurate statement, that the IRS has made more liars out of the American people than the game of golf. I think that the 55-mile-an-hour speed limit has made more liars out of the American people.

Let me tell the gentleman the seriousness of that. Every day we tell our young people to follow the law, and then they see us get in our cars and patently drive 65 miles an hour. They say, "Well, Dad, Mom, why don't you follow the law?"

"Well, it's not really a reasonable law."

Here's what happens: Your Johnny or your Susie goes home and finds out that there is some marijuana available. Then someone says, "That is against the law." So they say, "Well, Mommie and Daddy don't follow the law; why should I?"

My point is this: If the law is unreasonable, change it to the point that it

is reasonable so that we do not set an example that I think has some very serious ramifications in terms of setting an example for our young people to follow the law.

Mr. ROWLAND of Connecticut. If I can reclaim my time, I would use that same logic and say yes, out there in the real world people are using drugs, and because people are using drugs and drinking under the age of 21 does not mean that we should be changing the law to accommodate the public.

The CHAIRMAN pro tempore (Mr. DE LA GARZA). The time of the gentleman from Connecticut [Mr. ROWLAND] has expired.

(On request of Mr. GRAY of Illinois and by unanimous consent, Mr. ROWLAND of Connecticut was allowed to proceed for 1 additional minute.)

Mr. GRAY of Illinois. Mr. Chairman, will the gentleman yield?

Mr. ROWLAND of Connecticut. I am glad to yield to the gentleman from Illinois.

Mr. GRAY of Illinois. I thank my friend for yielding.

The gentleman might be interested in a Park Service study a couple of years ago. Of 20 million people that visit Washington every year from all over the country, 74 percent come by automobile, 5 percent fly, and the other 20 percent come by train or bus.

So I have the greatest respect for my fellow committee member, but I think his statistics are a little wrong when he says most people fly.

Mr. ROWLAND of Connecticut. If I may reclaim my time for a quick moment, I would tell the gentleman from Illinois, in responding to the gentleman from California, driving back and forth to California, I would argue that more people fly from California to the east coast than probably drive.

Mr. GRAY of Illinois. That may be true about Members of this body. But I am talking about 20 million people that visit Washington every year. Seventy-four percent of them drive.

Mr. WILLIAMS. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

My colleagues, let us settle down and take a look at this amendment. This is not a bad amendment. It calls for a demonstration project for 5 years. It asks the Department of Transportation to just deal with the Governors, sit down, see if we cannot find some long stretches of rural interstate where we can raise the speed limit to 65, no more, and go from there.

Not too long ago I went back to Montana during one of these 3-week breaks, and I traveled 2,500 miles and never crossed the same highway, not even once, 2,500 miles all on different highways. Our towns are 120 to 400 miles apart.

On some interstates there are long, wide, well-paved, good shouldered, through areas where there are no people—I mean, I killed 35 jackrabbits on the way to talk to a crowd of 20 people—there are long interstates and the speed limit ought to be 65 miles an hour.

One other thing before I yield to my neighbor from the West. It is not just in Montana that people want to go 65 miles an hour. It is not just in Idaho. Have my colleagues been out on the beltway that surrounds Washington, DC? If they go 65 miles an hour, the truck behind them is going right over their trunk, right over their trunk.

People drive faster on the beltway around the metropolitan areas of America than they do in rural America, absolutely.

But we can do it more safely at 65 miles an hour because we have long stretches of good interstate. You cannot see a turn in the road. You can see the curve at the end of the Earth 30 miles down the road. We ought to be able to go 65 miles an hour, and then we will come back 4 or 5 years from now and report to you and tell you how we did.

Mr. CRAIG. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMS. I yield to my friend, the gentleman from Idaho.

Mr. CRAIG. Mr. Chairman, I appreciate my colleague from Montana yielding.

I used to tell my wife that I was leaving to go to Montana for the day, and I would be back in the evening. Now I say I am leaving and I will be back next week, and that was before the 55 and now with the 55-mile-per-hour speed limit.

What my colleague from Montana speaks of is reality. Those of us who live in the West, with these long stretches of open, safe, straight, clear highway, find it very difficult to understand that to be a law-abiding citizen, you are endangered by those who choose to travel at the speed the road accommodates in a safe manner.

I join with my colleague in support of this amendment. I hope we can convince the balance of our colleagues here in the House that this is a demonstration project to serve that purpose, to see whether we, in fact, should be doing this in our rural, long stretches of highway.

Mr. WILLIAMS. I thank my colleague from Idaho.

I just ask my colleagues to give us a break here and let us try this out West. We would appreciate it.

□ 1935

Mr. PORTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do not represent a Western State, but neither do I think that this is a regional issue. I think the best argument in support of the amendment is the one expressed by the gentleman from Georgia not a minute ago when he said it is simply not being observed.

I know the statistics; I have seen them; I think they are lies. You go out and drive, you are going to find very quickly that people are not observing the speed limit. I drove not long ago from Chicago to Washington on interstates; I could not find more than 1 or 2 percent of the people that were following the speed limit of 55.

What it does, as the gentleman said so eloquently, it breeds disrespect for the law in general. I think that is a very great problem for our society.

The gentleman from Connecticut said that speed limits being reduced save lives; they only save lives if they are being observed. It is the speed that is being driven that might save lives, but if it is not being driven, no lives are being saved.

The law, in fact, I think is being violated by virtually everyone, and therefore the savings in energy or the savings in lives simply are not happening.

I think this amendment is a very moderate one. I, myself, if you asked me this moment, would vote to increase the limit on rural interstates to 70 miles per hour everywhere in our country. I think that would be a law that would be observed by the people because it is reasonable. Let us pass this amendment; let us see what happens.

Mr. SHUMWAY. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Oklahoma to permit States to increase the speed limit to 65 miles per hour (mph) on interstate routes in rural areas. I do so on States rights grounds.

As a fellow westerner, I am only too familiar with the hardship the Federal Government has created for drivers by mandating a 55-mile-per-hour highway speed limit on interstate routes. In my view, individual States are in a far better position to determine driving conditions, speed limits, and to meet safety concerns than is a distant Congress unable to respond to differing area needs across the country. Significantly, both the Transportation Department and Highway Patrol of California—a national leader in transportation—have recommended that the State establish a speed limit of 65 miles per hour for automobiles along the 1,840 miles of California highway outside the metropolitan areas.

While a national speed limit may have been appropriate during the 1974 oil embargo, it has ceased to be effective today. Perhaps more importantly, it is extremely difficult to enforce, requiring the highway patrol to expend an unnecessary and frustrating amount of time apprehending those exceeding the unrealistic limit. A study submitted this year to the California Legislature makes it clear that the 55-mile-per-hour limit is generally ignored on rural highways: A staggering 95 percent of all motorists routinely exceed the limit, with traffic averaging 63-65 miles per hour in such areas. No doubt there are even Members of this body who exceed the 55-mile-per-hour speed

limit. Additionally, the extra time it takes motorists to reach their destination can often cost more than the fuel savings.

Viewed from these perspectives, it would be more logical for highway speed limits to be determined by State officials who are more familiar with local traffic and road conditions, not by Washington bureaucrats. I urge a "yea" vote on this important amendment.

The CHAIRMAN pro tempore (Mr. DE LA GARZA). The question is on the amendment offered by the gentleman from Oklahoma [Mr. MCCURDY].

The question was taken; and the Chairman pro tempore announced that the yeas appeared to have it.

RECORDED VOTE

Mr. DONNELLY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 198, noes 218, not voting 15, as follows:

[Roll No. 298]

AYES—198

| | | |
|---|---|---|
| Archer | Flippo | McKernan |
| Armey | Frank | McKinney |
| Aspin | Franklin | McMillan |
| Badham | Frenzel | Michel |
| Barnard | Fuqua | Miller (CA) |
| Bartlett | Gingrich | Miller (OH) |
| Barton | Glickman | Monson |
| Bateman | Gordon | Moorhead |
| Bereuter | Gradison | Morrison (WA) |
| Bevill | Gray (IL) | Mrazek |
| Biaggi | Gregg | Myers |
| Billrakis | Gunderson | Neal |
| Bliley | Hall (OH) | Nielson |
| Boner (TN) | Hall, Ralph | Ortiz |
| Bonker | Hamilton | Oxley |
| Boucher | Hansen | Panetta |
| Boulter | Hartnett | Parris |
| Brown (CO) | Hatcher | Petri |
| Burton (IN) | Hayes | Pickle |
| Bustamante | Hendon | Porter |
| Campbell | Henry | Price |
| Carney | Hiler | Reid |
| Carr | Hopkins | Richardson |
| Chandler | Horton | Ritter |
| Chappell | Hubbard | Roberts |
| Chappie | Huckaby | Roemer |
| Cheney | Hyde | Rose |
| Coats | Ireland | Roth |
| Cobey | Jenkins | Roybal |
| Coble | Jones (OK) | Rudd |
| Coelho | Jones (TN) | Schaefer |
| Coleman (MO) | Kanjorski | Schroeder |
| Coleman (TX) | Kasich | Sensenbrenner |
| Collins | Kastenmeier | Sharp |
| Combest | Kemp | Shaw |
| Cooper | Kindness | Shumway |
| Craig | Kolbe | Siljander |
| Crane | Kramer | Sisisky |
| Crockett | Lagomarsino | Skeen |
| Dannemeyer | Leath (TX) | Skelton |
| Darden | Lehman (CA) | Slattery |
| Daschle | Leland | Smith (IA) |
| Daub | Lewis (CA) | Smith (NE) |
| Davis | Lewis (FL) | Smith, Denny (OR) |
| de la Garza | Lightfoot | |
| DeLay | Livingston | Smith, Robert (NH) |
| Dickinson | Lloyd | |
| Dicks | Loeffler | Smith, Robert (OR) |
| Dorgan (ND) | Lott | |
| Dornan (CA) | Lowery (CA) | Solomon |
| Dreier | Lujan | Spence |
| Durbin | Luken | Stallings |
| Dyson | Lungren | Stark |
| Eckert (NY) | Mack | Stenholm |
| Edwards (OK) | Madigan | Strang |
| Emerson | Marlenee | Stratton |
| English | Martin (NY) | Stump |
| Erdreich | McCandless | Swindall |
| Evans (IA) | McCloskey | Tallon |
| Fazio | McCollum | Tauke |
| Fiedler | McCurdy | Tauzin |
| Fields | McEwen | Thomas (CA) |
| Traxler | Watkins | Wirth |
| Udall | Weaver | Wyden |
| Vander Jagt | Weber | Young (AK) |
| Vucanovich | Whittaker | Young (FL) |
| Walker | Williams | Zschau |

NOES—218

| | | |
|---|---|---|
| Ackerman | Gonzalez | Perkins |
| Akaka | Goodling | Pursell |
| Alexander | Gray (PA) | Quillen |
| Anderson | Green | Rahall |
| Andrews | Guarini | Rangel |
| Annunzio | Hammerschmidt | Ray |
| Anthony | Hawkins | Regula |
| Applegate | Hefner | Ridge |
| Atkins | Hertel | Rinaldo |
| AuCoin | Howard | Robinson |
| Barnes | Hoyer | Rodino |
| Bates | Hughes | Roe |
| Bedell | Hunter | Rogers |
| Beilenson | Hutto | Rostenkowski |
| Bennett | Jacobs | Roukema |
| Bentley | Jeffords | Rowland (CT) |
| Berman | Johnson | Rowland (GA) |
| Boehlert | Jones (NC) | Russo |
| Boggs | Kaptur | Sabo |
| Boland | Kennelly | Savage |
| Borski | Kildee | Saxton |
| Bosco | Kleczka | Scheuer |
| Boxer | Kolter | Schneider |
| Brooks | Kostmayer | Schuette |
| Broomfield | LaFalce | Schulze |
| Brown (CA) | Lantos | Schumer |
| Bruce | Latta | Seiberling |
| Bryant | Leach (IA) | Shuster |
| Burton (CA) | Lehman (FL) | Sikorski |
| Byron | Lent | Slaughter |
| Callahan | Levin (MI) | Smith (FL) |
| Carper | Levine (CA) | Smith (NJ) |
| Chapman | Lipinski | Snowe |
| Clay | Lowry (WA) | Snyder |
| Clinger | Lundine | Solarz |
| Conte | MacKay | Spratt |
| Conyers | Manton | St Germain |
| Coughlin | Markey | Staggers |
| Courter | Martin (IL) | Stangeland |
| Coyne | Martinez | Stokes |
| Daniel | Matsui | Studds |
| Dellums | Mavroules | Sundquist |
| Derrick | Mazzoli | Swift |
| DeWine | McDade | Synar |
| Dingell | McGrath | Taylor |
| DioGuardi | McHugh | Thomas (GA) |
| Dixon | Meyers | Torres |
| Donnelly | Mica | Torricelli |
| Dowdy | Mikulski | Towns |
| Downey | Miller (WA) | Traficant |
| Duncan | Mineta | Valentine |
| Dwyer | Moakley | Vento |
| Dymally | Molinari | Visclosky |
| Early | Mollohan | Volkmer |
| Eckart (OH) | Montgomery | Waldon |
| Edgar | Moody | Walgren |
| Edwards (CA) | Morrison (CT) | Waxman |
| Evans (IL) | Murphy | Weiss |
| Fascell | Murtha | Wheat |
| Fawell | Natcher | Whitehurst |
| Feighan | Nelson | Whitley |
| Fish | Nichols | Whitten |
| Florio | Nowak | Wilson |
| Foglietta | Oakar | Wise |
| Foley | Oberstar | Wolf |
| Frost | Obey | Wolpe |
| Gallo | Olin | Wortley |
| Gaydos | Owens | Wright |
| Gejdenson | Packard | Wylie |
| Gekas | Pashayan | Yates |
| Gephardt | Pease | Yatron |
| Gibbons | Penny | Young (MO) |
| Gilman | Pepper | |

NOT VOTING—15

| | | |
|---|---|---|
| Bonior (MI) | Garcia | McCain |
| Breaux | Grotberg | Mitchell |
| Ford (MI) | Hillis | Moore |
| Ford (TN) | Holt | Shelby |
| Fowler | Long | Sweeney |

□ 1945

Messrs. STOKES, TORRES, PASHAYAN, and Ms. KAPTUR changed their votes from "aye" to "no."

Mr. FRENZEL changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. HAMMERSCHMIDT

Mr. HAMMERSCHMIDT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HAMMERSCHMIDT. Page 31, line 13, strike out "as defined" and insert in lieu thereof a period and the following: "The term "socially and economically disadvantaged individuals" has the meaning such term has under".

Page 31, line 16, before the period insert the following: "; except that women shall be presumed to be socially and economically disadvantaged individuals for purposes of this subsection".

The CHAIRMAN pro tempore. (Mr. DE LA GARZA). The gentleman from Arkansas [Mr. HAMMERSCHMIDT] is recognized for 5 minutes in support of his amendment.

Mr. HAMMERSCHMIDT. Mr. Chairman, in 1982, as part of the Surface Transportation Assistance Act, Congress required that 10 percent of the funds in the bill for highways and mass transit be set aside for socially and economically disadvantaged individuals as defined by the Small Business Act.

The bill before us today, H.R. 3129, would continue the 10-percent set-aside for disadvantaged business enterprises.

My amendment is quite simple. It would make women's business enterprises eligible for the 10-percent set-aside.

Mr. Chairman, since the enactment of the Surface Transportation Act of 1982, the contracting opportunities in transportation programs for minorities have increased dramatically. Unfortunately, the same is not true for women business enterprises. In fact, some women-owned firms believe they have suffered at the expense of the disadvantaged business enterprise program.

The total amount of the set-aside would remain the same—10 percent. However, under my amendment, organizations owned by women would be on the same footing as disadvantaged business enterprises. Both would be eligible to participate in the set-aside program.

This amendment should not be controversial. I don't think that there is any question that over the years women-owned businesses have been discriminated against, especially in areas such as highway construction.

My amendment would go a long way toward righting this wrong. I urge my colleagues to support the amendment.

□ 2000

Mr. ANDERSON. Mr. Chairman, will the gentleman yield?

Mr. HAMMERSCHMIDT. I yield to the gentleman from California.

Mr. ANDERSON. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I just want to say that this side is very willing to accept the amendment.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. HAMMERSCHMIDT. I yield to the distinguished ranking member of the subcommittee.

Mr. SHUSTER. Mr. Chairman, we have examined this amendment and support it fully.

Mrs. MARTIN of Illinois. Mr. Chairman, will the gentleman yield?

Mr. HAMMERSCHMIDT. I yield to the gentlewoman from Illinois.

Mrs. MARTIN of Illinois. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I want to commend the gentleman from Arkansas, Mr. HAMMERSCHMIDT, for his leadership on what has been a very difficult issue in the past. I applaud the House on its courageous decision today to recognize a segment of our population which has been subjected to economic and social discrimination quite similar to that experienced by minorities. I am referring to women contractors in the construction industry.

As a former member of the House Public Works and Transportation Committee which drafted the historic Surface Transportation Assistance Act of 1982, many of us in the Congress had worked to include women in the then newly established Disadvantaged Business Enterprise [DBE] Program. Section 105(f) of the STAA established a 10-percent set-aside for small businesses owned and controlled by socially and economically disadvantaged individuals. Women were excluded from this program because they were not presumed to be "disadvantaged."

Although our initial efforts were slow in gaining acceptance, years of hard work and the tireless efforts of some very dedicated businesswomen have today set the stage for some greatly expanded economic opportunitites for women. I congratulate the Public Works Committee and the House for their wisdom in correcting this previous inequity.

Mr. SUNDQUIST. Mr. Chairman, will the gentleman yield?

Mr. HAMMERSCHMIDT. I yield to the gentleman from Tennessee.

Mr. SUNDQUIST. Mr. Chairman, I rise in support of the amendment.

The CHAIRMAN pro tempore (Mr. DE LA GARZA). The question is on the amendment offered by the gentleman from Arkansas [Mr. HAMMERSCHMIDT].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. DONNELLY

Mr. DONNELLY. Mr. Chariman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DONNELLY: Notwithstanding any of the provisions of title 23, section 111, the Commonwealth of Massachusetts is authorized to construct a State police barracks including customary access and egress on State owned property at the intersection of I-93 and Route 3, in Quincy, Massachusetts.

Mr. DONNELLY. Mr. Chairman, this amendment is technical in nature. It costs no money and, hopefully, is noncontroversial. It exempts the Commonwealth of Massachusetts on a State-owned piece of property from the egress and access restrictions of title XXIII, section 111.

Mr. ANDERSON. Mr. Chairman, will the gentleman yield?

Mr. DONNELLY. I yield to the gentleman from California.

Mr. ANDERSON. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, this amendment does not require any additional funds. We checked the amendment and we accept the amendment.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. DONNELLY. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, we have examined this amendment and find it acceptable.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Massachusetts [Mr. DONNELLY].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. MURPHY

Mr. MURPHY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MURPHY: Page 124, strike line 9 and insert the following: "reconstruct to 4 lanes a 3.5 mile north-south segment of".

Mr. MURPHY. Mr. Chairman, this is a technical amendment which has been examined and agreed to by both sides concerning this segment of road.

Mr. ANDERSON. Mr. Chairman, will the gentleman yield?

Mr. MURPHY. I yield to the gentleman from California.

Mr. ANDERSON. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, this is a technical amendment. We have checked this amendment and we accept it.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. MURPHY. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, we have examined this amendment and accept it.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. MURPHY].

The amendment was agreed to.

Mr. WISE. Mr. Chairman, I move to strike the last word for the purpose of engaging in a colloquy with the chairman of the subcommittee.

As the chairman knows, I had tried to have included in the report to accompany H.R. 3129 language to urge that priority consideration be given to providing funds for the repair of the Southside Bridge in Charleston, WV, from the fiscal year 1987 discretionary bridge account. As the chairman knows, this is my congressional district.

Mr. ANDERSON. Mr. Chairman, if the gentleman will yield. I am aware of the gentleman's interest in this particular bridge.

Mr. WISE. Would the chairman state, for the record, that it is the committee's intention to give such direction to the Secretary of Transportation.

Mr. ANDERSON. Could the gentleman tell me if he knows if the Southside Bridge qualifies for the Discretionary Bridge Program?

Mr. WISE. I can assure the chairman that, based upon the information that I have from the State of West Virginia, the Southside Bridge meets the criteria suggested in the Public Law 97-424, section 161, the "Discretionary Bridge Criteria."

Mr. ANDERSON. Knowing of the gentleman's history of supporting this much needed artery for the city of Charleston, WV, I can tell the gentleman that it is the direction of the Public Works and Transportation Committee that the Secretary of Transportation give the Southside Bridge high priority for the Discretionary Bridge Program.

Mr. WISE. I thank the chairman.

AMENDMENT OFFERED BY MR. JEFFORDS

Mr. JEFFORDS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JEFFORDS: Page 170, line 24, before the period insert:

, and (ii) such term means any undivided public highway with a speed limit of 50 miles per hour which is on the Federal-aid primary system, and on which access is not fully controlled, in a State in which the statutory State maximum speed limit is 50 miles per hour.

Page 172, after line 5, insert:

(4) APPORTIONMENT OF CERTAIN WITHHELD FUNDS.—In the case of any State described in section 154(f)(4)(A)(ii) of title 23, United States Code, from which funds are or have been withheld under section 154(f) of such title based on data collected before the effective date of the amendments made by this section, the Secretary shall promptly apportion such funds to such State if the Secretary determines, based on data collected during the first fiscal year in which the amendments made by this section are in effect, that the State is in compliance with such section 154(f).

Mr. JEFFORDS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Vermont?

There was no objection.

Mr. JEFFORDS. Mr. Chairman, today I am offering an amendment to

correct a flaw in the formula for determining compliance with the national 55 mile per hour speed limit which, contrary to the intent of the law, penalizes States which have general speed limits below the national maximum of 55 miles per hour.

Back in 1974, Congress reduced the national speed limit to 55 miles per hour in an effort to conserve fuel and reduce highway fatalities. In order to insure that States comply with the Federal mandate, the apportionment of Federal-aid highway funds is contingent upon State enforcement of the 55-mile-per-hour speed limit.

A 1978 amendment to the law and subsequent Department of Transportation rulemaking established specific criteria for determining State compliance with enforcement provisions of the law. The Secretary of Transportation has discretionary authority to withhold up to 10 percent of certain noninterstate Federal-aid highway funds if data submitted by the States shows that more than 50 percent of the vehicles sampled are exceeding the 55-mile-per-hour speed limit.

The problem lies in the selection of highways used to monitor for compliance with the law. Only State, Federal, and interstate highways which are posted at the 55-miles per hour speed limit may be included in the sample of highways monitored for compliance.

The 1978 amendments require State transportation officials to monitor a representative sample of 55-miles-per-hour, State, Federal-aid, and Federal highways for compliance with the law. States are given maximum flexibility in choosing where to monitor. Thus, States may monitor two-lane undivided highways as long as they are posted at 55 miles per hour. The average speeds on these highways are much lower than on divided highways built to Federal specification. By weighting the sample with data from undivided State highways, many States have been able to bring their overall compliance rate down below 50 percent.

My home State of Vermont has a general speed limit of 50 miles per hour. Only 371 miles of Vermont's 12,000-mile network are posted at 55 miles per hour. All monitoring for compliance with the national speed limit is conducted on four highways in Vermont. All segments of highway posted at 55 miles per hour in Vermont meet Federal interstate specifications, and are the best maintained and safest in the State. States with general speed limits below the national maximum must do all monitoring on highways built for high-speed travel.

Anyone who has driven in the Northeast knows that the speeds on Vermont's interstates are the same or less than others in the region. Vermonters are frustrated that we are being singled out for punishment, not because we are lax in enforcing the 55-miles-per-hour law, but because of a quirk in the compliance formula.

States with general speed limits below the national maximum are placed in a ridiculous catch-22 situation. They can increase the general speed limit in order to include undivided highways in the compliance sample. However, this would come at the expense of fuel consumption and safety and be contrary to the intent of the maximum speed limit law. Or they can keep the general speed limit below 55 miles per hour, conserve fuel and improve safety, but risk losing Federal highway aid. Either way, safety conscious States are the losers.

My amendment would remedy this situation without hampering Federal efforts to insure compliance with the maximum speed limit. It would allow States which have a general speed limit less than the national maximum to monitor, for purposes of compliance with the national 55-miles-per-hour speed limit, Federal-aid primary highways posted at less than 55 miles per hour. This amendment would reward, rather than penalize, States like Vermont which go further than the Federal Government in promoting conservation and highway safety.

I urge all Members to support this perfecting amendment which will reinforce the goals of the national maximum speed limit.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. JEFFORDS. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, we have examined this amendment, and we accept it.

Mr. ANDERSON. Mr. Chairman, will the gentleman yield?

Mr. JEFFORDS. I yield to the gentleman from California.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Vermont [Mr. JEFFORDS].

The amendment was agreed to.

Mr. ANDERSON. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, we have examined this amendment and we have no objection to it.

AMENDMENT OFFERED BY MR. ROWLAND OF GEORGIA

Mr. ROWLAND of Georgia. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROWLAND of Georgia: Page 44, after line 11, insert the following:

"(e) LIMITATION ON SECRETARY'S DISCRETION.—If, within 365 days after any sums become available for obligation under this paragraph, the Secretary does not make such sums available for first priority projects under subparagraph (B)(i) of this paragraph, the Secretary shall make such sums available for carrying out second and third priority projects under subparagraph (B) of this paragraph.

Page 44, line 12, strike out "(E)" and insert in lieu thereof "(F)".

Mr. ROWLAND of Georgia (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. ROWLAND of Georgia. Mr. Chairman, what this amendment is to refer to funds that lapsed or may lapse that are made available to the Secretary under the Interstate System.

There are certain priorities that the Secretary can use in distributing these funds. Under the present legislation, or the committee bill, the Secretary would be allowed to hold these funds and not make them available. What my amendment does is simply require that at the end of each year the Secretary shift the funds that the succeeding category, either one, two, or three. He cannot keep them in the highway trust fund.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. ROWLAND of Georgia. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, we have examined this amendment and find it acceptable.

Mr. ANDERSON. Mr. Chairman, will the gentleman yield?

Mr. ROWLAND of Georgia. I yield to the gentleman from California.

Mr. ANDERSON. Mr. Chairman, I have just seen the amendment for the first time, but it looks OK and I think we will accept it.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Georgia [Mr. ROWLAND].

The amendment was agreed to.

AMENDMENT OFFERED BY MRS. BENTLEY

Mrs. BENTLEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. BENTLEY: Page 75, line 8, insert "finished cement an cement clinker" after the word "the" and strike the word "cement" and page 75, line 9, insert a period after the word "country" and strike all that follows.

□ 2010

Mrs. BENTLEY. Mr. Chairman, today I am introducing an amendment to the surface transportation reauthorization legislation designed to respond to the crisis of foreign imports invading our shores. We have before us today, the surface transportation reauthorization bill, which includes language to exclude foreign cement from Canada and Mexico being used to construct public highway structures using Federal funds derived from this highway bill.

I wish to commend the leadership of the committee, Chairman ANDERSON, of the subcommittee and its ranking minority member, Mr. SHUSTER, and Chairman HOWARD of the full committee and its ranking minority member, Mr. SNYDER, for working to include language in the bill to promote American industry under the "Buy American" provisions.

My amendment would simply go one step further by excluding all foreign cement material and finished cement from being used to construct public construction projects under this Federal-aid highway bill. Do keep in mind that the purpose of "Buy American" provisions is to ensure that federally funded projects are contracted to American firms and all purchases of material will be American. Therefore, by contracting only American cement firms to construct these federally funded projects, jobs will be guaranteed throughout the economy for American labor.

This amending language is needed. The American cement industry is losing business because of the rise in foreign imports. In this country, imports are increasing rapidly as a percent of domestic consumption. There is a pattern of closing domestic cement facilities and unemployment.

Mr. Chairman, while our Nation's industrial base continues to erode even further and the trade deficit continues to grow, it is time that our Government begin to act responsively to unfair foreign competition. The dumping of cement on U.S. markets by foreign producers continues to strain our domestic cement industry.

About 20 percent of all cement consumed in the United States is for highway and highway related—bridges, overpasses, and so forth—construction.

While in America there is an ever increasing market and rise in competition for cement, U.S. cement producers are at a disadvantage in their own market against foreign producers. U.S. cement producers are in need of facility improvements necessary to compete and are currently experiencing a low return on investment as a result of high-production costs and stiff competition.

In 1983, the United States filed cement dumping violations against Japan and Australia (sales at less than fair value were found) and countervailing duty investigations against Mexico were also found. Additional petitions by domestic cement producers are expected in 1986.

In 1985 and 1986 the United States will be the world's largest cement importing country for the first time in history. This is a startling statistic.

For this reason, my proposed amendment will reverse the decline in our domestic industrial base. It will come to the rescue of domestic production of cement by requiring that all cement in the United States for highway and highway related construction be American produced cement.

I urge my colleagues to join me in support of the amending language. This language is needed to respond to the key competitive factors that U.S. producers must face. Unfair trade practices by foreign nations, ineffective existing U.S. laws, ineffectiveness of agency enforcement, dumping and subsidies are factors that this Congress must face and vote to reverse.

Mr. Chairman, I urge my colleagues to vote and pass my amendment designed to protect our domestic cement industry and in so doing promote American jobs.

Mr. ANDERSON. Mr. Chairman, I rise in strong opposition to the amendment.

Mr. Chairman, while I am sympathetic to the goals being addressed by my committee colleague, I feel that Members of the House should recognize the impact of the amendment.

First, as a very simple fact, that this could drive up the cost of building and rebuilding our Nation's highways and transit systems quite a bit. Second is the indisputable fact that the domestic supply of cement does not begin to meet the domestic needs. That being the case, price will be driven up. Not only will prices go up, but there will not be sufficient cement available to meet our needs.

Again, needs exceed supply, and so domestic highway projects will be delayed. Finally, I would remind our colleagues that our bill already prohibits the use of Mexican and Canadian cement in transportation projects funded in the bill.

Mr. SHUSTER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong support of the amendment of my friend from Maryland. I would like to point out that this is consistent with the "Buy-American" language of other amendments and legislation which we have overwhelmingly adopted in this House over the past several days and weeks. If we already are singling out two countries, Mexico and Canada, to prohibit the importation of their cement, then I believe it is fair that we should extend this to other countries as well.

If you supported "Buy-American" provisions in the legislation that came through this body in the past 2 weeks, I believe consistently, this legislation should be supported as well.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentlewoman from Maryland [Mrs. BENTLEY].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mrs. BENTLEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 300, noes 102, not voting 29, as follows:

[Roll No. 299]

AYES—300

| | | |
|---|---|---|
| Ackerman | Frost | Mikulski |
| Alexander | Fuqua | Miller (OH) |
| Andrews | Gallo | Mineta |
| Annunzio | Gaydos | Moakley |
| Applegate | Gejdenson | Molinari |
| Aspin | Gekas | Montgomery |
| Badham | Gephardt | Moorhead |
| Barnard | Gilman | Morrison (CT) |
| Barnes | Gingrich | Mrazek |
| Barton | Gonzalez | Murphy |
| Bateman | Goodling | Murtha |
| Bates | Gordon | Myers |
| Bedell | Gray (IL) | Natcher |
| Bennett | Gray (PA) | Neal |
| Bentley | Gregg | Nelson |
| Bevill | Gunderson | Nichols |
| Bilirakis | Hall (OH) | Nowak |
| Bliley | Hall, Ralph | Oakar |
| Boehlert | Hamilton | Oberstar |
| Boggs | Hammerschmidt | Obey |
| Boner (TN) | Hartnett | Olin |
| Borski | Hatcher | Ortiz |
| Bosco | Hawkins | Owens |
| Boxer | Hayes | Oxley |
| Brooks | Hefner | Panetta |
| Broomfield | Hendon | Parris |
| Bruce | Henry | Pashayan |
| Bryant | Hertel | Penny |
| Burton (IN) | Hiler | Pepper |
| Bustamante | Hopkins | Perkins |
| Byron | Horton | Pickle |
| Callahan | Howard | Price |
| Campbell | Hubbard | Quillen |
| Carr | Huckaby | Rahall |
| Chapman | Hunter | Rangel |
| Chappell | Hyde | Ray |
| Chappie | Jacobs | Regula |
| Cheney | Johnson | Reid |
| Clay | Jones (NC) | Ridge |
| Coats | Jones (OK) | Rinaldo |
| Coble | Jones (TN) | Ritter |
| Coelho | Kanjorski | Robinson |
| Coleman (MO) | Kaptur | Rodino |
| Coleman (TX) | Kasich | Roe |
| Collins | Kastenmeier | Roemer |
| Conte | Kennelly | Rogers |
| Cooper | Kildee | Rose |
| Coughlin | Kindness | Roth |
| Coyne | Kleczka | Roukema |
| Craig | Kolbe | Rowland (CT) |
| Crockett | Kolter | Rowland (GA) |
| Daniel | Kramer | Sabo |
| Darden | Lantos | Savage |
| Daschle | Latta | Saxton |
| Davis | Leath (TX) | Schaefer |
| de la Garza | Lehman (CA) | Schneider |
| Dellums | Lehman (FL) | Schroeder |
| Derrick | Leland | Schuette |
| DeWine | Lent | Sensenbrenner |
| Dickinson | Levin (MI) | Sharp |
| Dingell | Lewis (FL) | Shuster |
| DioGuardi | Lightfoot | Sikorski |
| Dixon | Lipinski | Siljander |
| Donnelly | Livingston | Sisisky |
| Dorgan (ND) | Lloyd | Skeen |
| Dornan (CA) | Lowery (CA) | Skelton |
| Dowdy | Lujan | Slaughter |
| Duncan | Luken | Smith (FL) |
| Durbin | Lundine | Smith (IA) |
| Dwyer | Madigan | Smith (NJ) |
| Dyson | Manton | Smith, Denny (OR) |
| Eckart (OH) | Markey | Smith, Robert (NH) |
| Edgar | Marlenee | Smith, Robert (OR) |
| Edwards (OK) | Martin (IL) | Snowe |
| Emerson | Martin (NY) | Snyder |
| English | Martinez | Solomon |
| Erdreich | McCandless | Spence |
| Evans (IL) | McCloskey | Spratt |
| Fascell | McCurdy | Staggers |
| Fazio | McDade | Stallings |
| Feighan | McEwen | Stenholm |
| Fiedler | McGrath | Stokes |
| Fish | McKernan | Strang |
| Florio | McKinney | Stratton |
| Foglietta | Meyers | |
| Frank | Mica | |
| Franklin | Michel | |

| | | |
|---|---|---|
| Sundquist | Vento | Williams |
| Swindall | Visclosky | Wilson |
| Tallon | Volkmer | Wirth |
| Tauke | Vucanovich | Wise |
| Tauzin | Waldon | Wolf |
| Taylor | Walgren | Wolpe |
| Thomas (GA) | Walker | Wortley |
| Torres | Watkins | Wright |
| Torricelli | Weaver | Wyden |
| Towns | Wheat | Wylie |
| Traficant | Whitehurst | Yatron |
| Traxler | Whitley | Young (AK) |
| Valentine | Whittaker | Young (FL) |
| Vander Jagt | Whitten | Young (MO) |

NOES—102

| | | |
|---|---|---|
| Akaka | Eckert (NY) | Miller (WA) |
| Anderson | Edwards (CA) | Mollohan |
| Anthony | Evans (IA) | Monson |
| Archer | Fawell | Moody |
| Armey | Fields | Morrison (WA) |
| Atkins | Foley | Nielson |
| AuCoin | Frenzel | Packard |
| Bartlett | Gibbons | Pease |
| Bellenson | Glickman | Petri |
| Bereuter | Green | Porter |
| Berman | Guarini | Pursell |
| Boland | Hansen | Roberts |
| Bonker | Hoyer | Roybal |
| Boucher | Hughes | Rudd |
| Boulter | Hutto | Scheuer |
| Brown (CA) | Ireland | Schumer |
| Brown (CO) | Jeffords | Seiberling |
| Burton (CA) | Kemp | Shaw |
| Carney | Kostmayer | Shumway |
| Carper | LaFalce | Slattery |
| Chandler | Lagomarsino | Smith (NE) |
| Cobey | Leach (IA) | Solarz |
| Combest | Levine (CA) | Stangeland |
| Conyers | Lewis (CA) | Studds |
| Courter | Lowry (WA) | Stump |
| Crane | Lungren | Swift |
| Dannemeyer | Mack | Synar |
| Daub | MacKay | Thomas (CA) |
| DeLay | Matsui | Udall |
| Dicks | Mazzoli | Waxman |
| Downey | McCollum | Weber |
| Dreier | McHugh | Weiss |
| Dymally | McMillan | Yates |
| Early | Miller (CA) | Zschau |

NOT VOTING—29

| | | |
|---|---|---|
| Biaggi | Grotberg | Moore |
| Bonior (MI) | Hillis | Richardson |
| Breaux | Holt | Rostenkowski |
| Clinger | Jenkins | Russo |
| Flippo | Loeffler | Schulze |
| Ford (MI) | Long | Shelby |
| Ford (TN) | Lott | St Germain |
| Fowler | Mavroules | Stark |
| Garcia | McCain | Sweeney |
| Gradison | Mitchell | |

□ 2030

Messrs. ROBERTS, THOMAS of California, GLICKMAN, WAXMAN, HOYER, and DICKS changed their votes from "aye" to "no."

Messrs. LIGHTFOOT, JONES of Oklahoma, and KRAMER changed their votes from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. YOUNG of Missouri. Mr. Chairman, I move to strike the last word.

Mr. Chairman, would the distinguished chairman of the Subcommittee on Surface Transportation engage in a brief colloquy with me?

Mr. ANDERSON. I am pleased to respond to the gentleman from Missouri.

Mr. YOUNG of Missouri. Mr. Chairman, I thank the gentleman from California.

Mr. Chairman, the Committee on Public Works and Transportation recognized the need for repair and rehabilitation of the Martin Luther King Bridge in Public Law 97-424, the Surface Transportation Assistance Act of 1982. In section 134 of that law, Congress stated that the bridge, which spans the Mississippi River between the cities of East St. Louis in Illinois and St. Louis in Missouri, would become eligible for assistance under section 144 of title XXIII, United States Code, upon the satisfaction of three conditions. The conditions were the transfer of the bridge from the city of East St. Louis, the present owner, to one or both of the States of Missouri and Illinois; the termination of tolls on the bridge; and that the bridge otherwise meet the eligibility requirements for funding.

Mr. Chairman, I am pleased to report that this bridge, which is located at a major transcontinental crossroads for traffic proceeding north and south and east and west across the United States, is now very close to meeting the conditions of Public Law 97-424. Agreement has been reached with the city of East St. Louis allowing for the transfer of the bridge to the States of Missouri and Illinois upon retirement of the bonded indebtedness. Negotiations with the bondholders are continuing, and we expect an agreement shortly. Upon transfer, the tolls will be terminated.

Mr. Chairman, as you are aware, four major interstate highways converge in the vicinity of the Martin Luther King Bridge, routes 64, 55, 70, and 44. Because of the significant deterioration of the Martin Luther King Bridge, the traffic from these major routes has been funneled across one bridge, the Poplar Street Bridge, which is now well above capacity.

Mr. Chairman, it is my understanding that, recognizing the importance of this bridge to the region and to transcontinental traffic, the committee is prepared to recommend that the Martin Luther King Bridge be accorded priority for repair and rehabilitation funding under the Secretary of Transportation's discretionary bridge fund if the conditions are met. Is that correct?

Mr. ANDERSON. Yes, provided that the bridge satisfies the criteria under section 161 of the 1982 act.

Mr. YOUNG of Missouri. Mr. Chairman, I thank the gentleman. It is my further understanding that the legislation includes an increase in bridge discretionary funding from $200 million to $250 million and one of the reasons is to help fund this additional bridge. Is that correct?

Mr. ANDERSON. The answer again is yes, assuming that the bridge satisfies the criteria.

Mr. YOUNG of Missouri. Mr. Chairman, I thank the gentleman very much.

Mr. SHUSTER. Mr. Chairman, will the gentleman from Missouri yield?

Mr. YOUNG of Missouri. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, I thank the gentleman.

I would say that it is my understanding that the honorable gentleman from Missouri, Mr. GENE TAYLOR, also strongly supports the gentleman's position on a bipartisan basis. I think that should be made a part of the record.

Mr. YOUNG of Missouri. Mr. Chairman, I appreciate that and I appreciate the comments of the gentleman from Pennsylvania.

AMENDMENT OFFERED BY MR. SEIBERLING

Mr. SEIBERLING. Mr. Chairman, I offer an amendment.

Mr. SHAW. Mr. Chairman, I am a member of the committee, and I have been seeking recognition.

The CHAIRMAN pro tempore [Mr. DE LA GARZA]. the Chair had not noticed the gentleman and had recognized the gentleman from Ohio.

Mr. SHAW. Mr. Chairman, I had told both parliamentarians about this.

Mr. SEIBERLING. Mr. Chairman, this should not take but 30 seconds, if the gentleman will withhold.

Mr. Chairman, who is recognized?

The CHAIRMAN pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. SEIBERLING: At the end of title I add the following new section:

SEC. 163. PROHIBITION ON WIDENING CERTAIN ROUTES THROUGH HISTORIC DISTRICT.

None of the funds authorized by this Act or any other Act or any amendment made by this Act may be obligated for a project to widen any State route through the historic district of the village of Hudson, Ohio, or for a project to construct an alternative or bypass route for such a route within one mile of such historic district, unless specifically approved by the village council of the village of Hudson, Ohio.

Mr. SEIBERLING (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. SEIBERLING. Mr. Chairman, this is a very simple amendment. It simply says in substance that Federal funds cannot be used to extend or enlarge a highway through the village of Hudson which is a historic village, without the approval of the village council.

I believe it is acceptable to both sides.

Mr. ANDERSON. Mr. Chairman, will the gentleman yield?

Mr. SEIBERLING. I am happy to yield to the gentleman from California.

Mr. ANDERSON. Mr. Chariman, we have checked the amendment and are willing to accept it.

Mr. SEIBERLING. Mr. Chairman, as I understand, it is also acceptable to the gentleman on the other side.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Ohio [Mr. SEIBERLING].

The amendment was agreed to.

□ 2045

PREFERENTIAL MOTION OFFERED BY MR. SHAW

Mr. SHAW. Mr. Chairman, I offer a preferential motion.

The CHAIRMAN pro tempore (Mr. DE LA GARZA). The Clerk will report the preferential motion.

The Clerk read as follows:

Mr. SHAW moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

The CHAIRMAN pro tempore. The gentleman from Florida [Mr. SHAW] is recognized for 5 minutes in support of his preferential motion.

Mr. SHAW. Mr. Chairman, I regret that I have to use this type of motion to get the attention of the Chair and of this Chamber. I have a very important amendment at the desk which is most controversial; it was most controversial in the committee, and I am sure that it is going to be most controversial here this evening, but I am entitled to be heard upon it.

I regret that I have to do that type of thing, but this is a most important amendment which has to do with highway beautification and the removal of billboards along the Federal highways.

Mr. Chairman, I ask unanimous consent to withdraw my motion, and I do have an amendment at the desk.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. HOWARD. Mr. Chairman, reserving the right to object, I would like to state to the Committee that we are aware that the gentleman does have an amendment or a series of amendments, and some of us on this side were preparing a reaction to or a substitute for the gentleman's amendment.

We have been led by the leadership, as many people know, to believe that we would not be able to come up with this legislation until the House had completed work on all of its appropriation bills and the defense bill, and so there was a question of whether we would even get up before the middle of September. So when the leadership asked us to bring this bill up at the very last moment during the final vote, about an hour or so ago, we agreed.

We asked the gentleman from Florida, since we would not complete the bill this evening, to withhold his amendment until the next time we met on this legislation so we would have time to prepare our substitute for his amendment. That is why we had urged him to not bring up his amendment at this time, knowing that he has every right to and apparently will.

So the situation is, instead of taking up an amendment that could be debated and voted on tonight, the Davis-Bacon amendment, which is an anti-labor amendment we were prepared to go through with that and have the Committee rise. Should the gentleman's amendment be offered and be read, then the Committee would rise immediately.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

AMENDMENT OFFERED BY MR. SHAW

Mr. SHAW. Mr. Chairman, I offer three amendments, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. SNYDER. Mr. Chairman, I object.

The CHAIRMAN pro tempore. Objection is heard.

Mr. SHAW. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SHAW: Page 57, strike out line 16 and all that follows through line 4 on page 58 and insert in lieu thereof the following:

SEC. 123. HIGHWAY BEAUTIFICATION.

(a) IN GENERAL.—Title 23 of the United States Code is amended by inserting after section 131 the following new section:

"§ 131A. Control of outdoor advertising

"(a) FINDINGS.—The Congress hereby finds and declares that outdoor advertising signs, displays, and devices in rural areas adjacent to the Federal-aid primary system and the Interstate System should be controlled in order to protect the public investment in such highways, to promote the safety and recreational value of public travel, and to preserve natural beauty.

"(b) EFFECTIVE CONTROL REQUIREMENT.—The States and Federal agencies shall effectively control the erection and maintenance of outdoor advertising signs, displays, and devices in rural areas adjacent to the Federal-aid primary system and the Interstate System.

"(c) EFFECTIVE CONTROL DEFINED.—For purposes of this section, the term 'effective control' means that the States and Federal agencies shall limit signs, displays, and devices that are visible from the main traveled way of the Federal-aid primary system and the Interstate System in rural areas and erected with the purpose of their being read from such main traveled way to the following types of signs, displays, and devices:

"(1) DIRECTIONAL.—Directional and official signs, displays, and devices as permitted by such regulations as the Secretary may issue.

"(2) PROPERTY SALE.—Signs, displays, and devices advertising the sale or lease of property upon which they are located.

"(3) ON-PREMISE.—On-premise signs, displays, and devices, including those which may be changed at reasonable intervals by electronic process, advertising activities conducted on the property on which they are located.

"(4) LANDMARK.—Signs lawfully in existence on October 22, 1965, and determined by the State or Federal agency, subject to the approval of the Secretary, to be landmark signs. Such signs may include signs of historic or artistic significance on farm structures or natural surfaces the preservation of which would be consistent with the purposes of this section.

"(5) COMMERCIAL AREA.—Signs, displays, and devices in areas actually used primarily for commercial and industrial purposes. Not later than 180 days after the date of the enactment of this section, the Secretary shall issue regulations defining 'actual use' and 'commercial and industrial purposes' for purposes of this paragraph. Before allowing the erection of any sign, display, and device in any area used primarily for commercial and industrial purposes, each State, in consultation with the Secretary, shall issue statewide criteria which are consistent with such regulations and define such areas and the signs, displays, and devices to be allowed in such areas.

"(6) TOURIST-ORIENTED.—Tourist-oriented directional signs, displays, and devices in areas specifically identified by a State or Federal agency, and approved by the Secretary, as appropriate for this type of sign, display, or device and consistent with the purposes of this section. Not later than 180 days after the date of the enactment of this section, the Secretary shall issue regulations defining 'tourist-oriented directional signs, displays, and devices' for purposes of this paragraph. Each State shall control the erection and maintenance of such signs, displays, and devices by a permit system. Any such permit system must provide that no permits will be granted to any applicant owning signs in rural areas adjacent to the Federal-aid primary system or the Interstate System which do not conform to this section unless such applicant demonstrates that it has voluntarily removed, without compensation or other cost to the State, at least as many nonconforming signs in such rural areas as the number of signs for which it seeks permits.

"(7) FREE COFFEE.—Signs, displays, and devices advertising the distribution by nonprofit organizations of free coffee to individuals traveling on the Federal-aid primary system and the Interstate System. For the purposes of this paragraph, the term 'free coffee' includes coffee for which a donation may be made, but is not required.

"(8) FARM PRODUCE.—Temporary or seasonal signs, displays, and devices advertising locations at which consumers may harvest and purchase agricultural commodities from farmers producing such commodities which signs, displays, and devices to not exceed 150 square feet.

"(d) LIMITATION ON VEGETATION REMOVAL.—For purposes of this section, a State shall be treated as failing to provide effective control of the erection and maintenance of outdoor advertising signs, displays, and devices if the State allows vegetation located on any land on which the State (or any political subdivision of the State) owns a right-of-way for any highway on the Federal-aid primary system or the Interstate

System to be cut, altered, or removed for the purpose of improving the visibility of any outdoor advertising sign, display, or device which is described in paragraph (2), (5), or (7) of subsection (c).

"(e) INFORMATIONAL SIGNS.—The Secretary shall, in consultation with the States and Federal agencies, provide—

"(1) within the rights-of-way on the Federal-aid primary system, and

"(2) within the rights-of-way at appropriate distances from interchanges on the Interstate System, for areas in which signs, displays, or devices giving specific information in the interest of the traveling public may be erected and maintained. Such signs, displays, or devices shall conform to national standards promulgated by the Secretary.

"(f) TRAVEL INFORMATION.—In order to provide information in the specific interest of the traveling public, the State highway departments and Federal agencies are authorized to maintain maps and to permit information directories and advertising pamphlets to be made available at safety rest areas. Subject to the approval of the Secretary, a State may also establish information centers at safety rest areas and other travel information systems within the rights-of-way for the purpose of informing the public of places of interest within the State and providing such other information as a State may consider desirable. The Federal share of the cost of establishing such an information center or travel information system shall be that which is provided in section 120 of this title for a highway project on that Federal-aid system to be served by such center or system.

"(g) REMOVAL OF NONCONFORMING SIGNS.—Any lawfully erected and maintained sign, display, or device in a rural area adjacent to the Federal-aid primary system or the Interstate System which does not conform to the requirements of this section on October 1, 1988, shall be removed no later than September 30, 1991. Any such sign, display, or device which becomes nonconforming after October 1, 1988, shall be removed no later than the end of the fifth calendar year after it becomes nonconforming.

"(h) REMOVAL OF ILLEGAL SIGNS.—Any illegally erected sign, display, or device adjacent to the Federal-aid primary system or the Interstate System in a State shall be removed no later than 90 days after the date on which this section takes effect with respect to such State.

"(i) STRICTER STATE AND FEDERAL CONTROLS.—Nothing in this section shall prohibit a State or Federal agency from imposing stricter controls than those set forth in this section.

"(j) FEDERAL RESPONSIBILITY.—Outdoor advertising signs, displays, and devices on all public lands and reservations of the United States, including Indian lands and reservations, in rural areas adjacent to the Federal-aid primary system and Interstate System shall be controlled in accordance with the provisions of this section by the Federal agency with jurisdiction over, or responsibility for, such land or reservation pursuant to procedures developed by such agency in consultation with the Secretary. Procedures required by this subsection shall be in effect within 90 days after the effective date of this section.

"(k) CONTINUING REQUIREMENT.—Any State highway department which, under section 131 of this title as in effect on June 30, 1965, entered into an agreement with the Secretary to control the erection and maintenance of outdoor advertising signs, displays, and devices in areas adjacent to the Interstate System must continue to comply with such agreement. If a State fails to continue to comply with such an agreement, such State shall return to the United States any payments received pursuant to such agreement.

"(l) ENFORCEMENT AUTHORITY.—The Secretary may withhold approvals under this chapter and take such other actions as are necessary to obtain compliance with this section.

"(m) FEDERAL PAYMENTS FOR REMOVAL.—Beginning with funds apportioned for fiscal year 1987 and for each of the fiscal years 1988, 1989, and 1990, the Secretary may approve the payment to a State out of funds apportioned to such State under section 104(b)(5)(B) of this title for costs incurred by the State for the following:

"(1) Physically removing signs, displays, and devices which are located in any area required to be effectively controlled by this section and are illegal under State law or do not conform to the requirements of this section.

"(2) Acquiring signs, displays, and devices which are located in any such area and required by this section to be removed and were lawfully erected and have been lawfully maintained under State law.

The Federal share of such costs shall be the same as that which is provided in section 120 of this title for projects on the Federal-aid system which is adjacent to such area.".

(b) CONFORMING AMENDMENTS.—(1) The analysis for chapter 1 of title 23, United States Code, is amended by inserting

"131A. Control of outdoor advertising."

after

"131. Control of outdoor advertising.".

(2) Effective September 30, 1988, section 131 of title 23, United States Code, is repealed.

(c) PENDING BONUS PAYMENTS.—Any claim for a bonus payment submitted by a State under section 131(j) of title 23, United States Code, before October 1, 1988, shall be paid in accordance with the provisions of such section as such section was in effect before such date.

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the 365th day following the date of the enactment of this Act, except that the Secretary shall issue regulations required to be issued by section 131A of title 23, United States Code, on or before such date, and such section 131A shall, before October 1, 1988, only apply with respect to a State if such State has in effect a law which the Secretary determines provides for effective control of outdoor advertising, signs, and displays in accordance with such section.

(e) LIMITATION ON APPLICABILITY OF EXISTING LAW.—Section 131 of title 23, United States Code, shall not apply to any State with respect to which the provisions of section 131A of such title apply.

Mr. HOWARD (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. HOWARD. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. WRIGHT] having assumed the chair, Mr. DE LA GARZA, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3129) to authorize funds for construction of highways, for highway safety programs, and for mass transportation programs, to expand and improve the relocation assistance program, and for other purposes had come to no resolution thereon.

## COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. MURTHA) laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
*August 5, 1986.*

Hon. THOMAS P. O'NEILL, Jr.,
*Speaker, House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: I have previously notified you of my receipt of a subpoena issued by the United States District Court for the District of Columbia calling for the production of certain records in my files.

After consultation with my General Counsel, I have determined pursuant to Rule L of the Rules of that House, that compliance with the subpoena is consistent with the privileges and precedents of the House of Representatives.

Sincerely,

BENJAMIN J. GUTHRIE,
*Clerk, House of Representatives.*

## MAKE ENGLISH THE OFFICIAL LANGUAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. LIPINSKI] is recognized for 5 minutes.

Mr. LIPINSKI. Mr. Speaker, I rise before my colleagues today to read an editorial written by Joan Beck for the Chicago Tribune on July 7, 1986. The issue refers to a resolution before Congress to make English the official language of the United States by an amendment to the Constitution. As a cosponsor and strong supporter of this resolution, I feel that this editorial is a timely and relevant piece that would interest my fellow Members of Congress. The piece follows in a slightly edited form:

AMERICA NEEDS A COMMON VOICE—ENGLISH

Almost all of us are immigrants or immigrants' children, 1st or 2d or 5th or 10th generation. Immigrants—at least 70 million by now—have nourished this country with energy, enterprise, intellect, and fresh commitment to our unique national heritage.

That commitment to becoming part of one nation, indivisible, is even more essential today. Immigration—legal and illegal—is at an alltime high. The melting pot ideology that served us well historically is being pushed aside by sentimental insistence on preserving a Balkanizing of other languages and cultures.

But if this Nation is to survive the diverse new waves of immigration, it is essential that the process of assimilation go on, at least in the public life we share. And the key to being a united nation is a common language.

This is not as clearly understood now as it has been in the past. Sympathy for newcomers, sentiment, and concerns about the civil rights of minorities have weakened the historic assumption that newcomers should be helped to learn English as quickly and efficiently as possible and should do so as part of their responsibility to become citizens.

Bilingual education programs sometimes spend as much effort maintaining students' native language as encouraging their fluency in English. And the great concentrations of immigrants in some American cities—especially those with foreign-language TV—are making it easy for people to live in the United States a lifetime and never learn English.

So critical is it that people in the United States share a common language that support is growing to make English this Nation's official language—either by constitutional amendment or by State and Federal laws.

Low-key efforts to use a constitutional amendment to make English the Nation's official language are also underway. The amendment was introduced in Congress in 1981 by S.I. Hayakawa, a semantics scholar and then Senator from California. But enthusiasm for using the cumbersome amendment process for this purpose has been slow to develop. Hayakawa also heads U.S. English, a national, nonprofit, nonpartisan organization that pushes the amendment and wants to speed up bilingual education, repeal laws requiring bilingual ballots, insist on being able to speak English as a requirement for naturalization and encourage the use of English by the entire Nation. "Government should foster the similarities that unite us rather than the differences that separate us," the organization insists.

Making English the official language is essentially a proimmigrant policy. It aims at integrating newcomers into the mainstream of American life as quickly as possible, not keeping them linguistically isolated and powerless in semantic segregation. The intention is to open the doors to American success for immigrants and push them to share the rich cultural life, literature and history of the country they have chosen to be their home.

Those who claim the right to settle in the United States—and who often get tax-paid benefits—have a responsibility, too. Making English the official language serves notice on newcomers and prospective immigrants that they are expected to become Americans in the fullest sense.

## PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. GILMAN] is recognized for 5 minutes.

Mr. GILMAN. Mr. Speaker, I was unavoidably detained last evening, August 5, 1986, and missed rollcall vote No. 285. Had I been present I would have voted "aye" on the Mavroules amendment making reforms in the procurement, research, development, test, and evaluation procedures of the Armed Forces.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DAUB) to revise and extend their remarks and include extraneous material:)

Mr. GILMAN, for 5 minutes, today.

Mr. LUNGREN, for 60 minutes, on August 11.

Mr. BURTON of Indiana, for 60 minutes, today.

Mr. LEACH of Iowa, for 60 minutes, on August 7.

(The following Members (at the request of Mr. HOYER) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. LAFALCE, for 15 minutes, today.

Mr. PEPPER, for 5 minutes, on August 7.

Mr. OWENS, for 60 minutes, on August 11.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. DAUB) and to include extraneous matter:)

Mr. GILMAN.
Mr. GRADISON.
Mr. LENT.
Mr. GEKAS.
Mr. KINDNESS.
Mr. SHUMWAY.
Mr. GALLO.
Mr. LIGHTFOOT.
Mr. DAUB.
Mr. TAUKE.
Mr. KEMP in two instances.
Mr. COUGHLIN.
Mr. DANNEMEYER.

(The following Members (at the request of Mr. HOYER) and to include extraneous matter:)

Mr. DORGAN of North Dakota.
Mr. KOLTER in two instances.
Mr. FOWLER.
Ms. MIKULSKI.
Mr. DARDEN.
Mr. HAMILTON.
Mr. CONYERS.
Mr. FLORIO.
Mr. STOKES.
Mr. TALLON.
Mr. VENTO.
Mr. DERRICK.
Mr. DYSON.
Mr. DINGELL.
Mr. SKELTON.

## ENROLLED BILLS SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1740. An act to direct the Secretary of the Interior to release a reversionary interest in certain lands in Orange County, FL, which were previously conveyed to Orange County, FL, and

H.R. 1795. An act to exempt certain lands in the State of Mississippi from a restriction set forth in the act of April 21, 1806.

## ADJOURNMENT

Mr. HOYER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 54 minutes p.m.), the House adjourned until tomorrow, Thursday, August 7, 1986, at 10 a.m.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4007. A letter from the Director, the Office of Management and Budget, transmitting a supplementary summary of the fiscal year 1987 budget, pursuant to 31 U.S.C. 1106(a)(1) (H. Doc. No. 99-254); to the Committee on Appropriations and ordered to be printed.

4008. A letter from the Secretary of the Air Force, transmitting a report that because of the precision location strike system [PLSS] production program cancellation it has been determined that the program acquisition unit cost for the PLSS Program has increased by 25.5 percent, and a copy of the required abbreviated unit cost report which addresses the incurred increased, pursuant to 10 U.S.C. 139b(e)(1); to the Committee on Armed Services.

4009. A letter from the Secretary of Defense, transmitting a report on the effects of foreign export subsidies on the U.S. defense industrial base, pursuant to Public Law 99-145, section 1440(c) (99 Stat. 759); to the Committee on Armed Services.

4010. A letter from the United States Army Chief of Staff and the Secretary of the Army, transmitting a report concerning the production of the Bradley fighting vehicle; to the Committee on Armed Services.

4011. A letter from the Secretary of Education, transmitting a copy of notice of final priorities for educational media research, production, distribution, and training, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

4012. A letter from the Secretary of Education, transmitting a copy of final regulations—National Direct Student Loan Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

4013. A letter from the Director, Defense Security Assistance Agency, transmitting a copy of the price and availability report for the quarter ending 30 June 1986, pursuant to 22 U.S.C. 2768; to the Committee on Foreign Affairs.

4014. A letter from the Deputy Assistant Secretary of Defense (Administration), transmitting notification of a new computer matching program, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

4015. A letter from the Director of Benefits, Farm Credit Banks of Texas, transmitting a report for the year ended December 31, 1985, for the Farm Credit Banks of Texas pension plan; also a copy of the audit of the pension plan for the year ended December 31, 1985, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

4016. A letter from the Assistant Secretary of the Interior—Land and Minerals Management, transmitting a report describing royalty management and collection activities under the Federal Oil and Gas Royalty Management Act of 1982, pursuant to Public Law 97-451, section 302(a); to the Committee on Interior and Insular Affairs.

4017. A letter from the Chief Justice, Supreme Court of the United States, transmitting a draft of proposed legislation to preserve the authority of the Supreme Court police to provide protective services for Justice and Court personnel; to the Committee on the Judiciary.

4018. A letter from the Secretary of Health and Human Services, transmitting a report on increasing the Social Security retirement age; effect on older workers in physically demanding occupations or ill health, pursuant to 42 U.S.C. 416 nt (Public Law 98-21, section 201(d)); to the Committee on Ways and Means.

4019. A letter from the Acting Assistant Secretary for Civil Rights, Department of Education, transmitting the fifth annual report of the compliance and enforcement activities of the Office for Civil Rights [OCR] and identifying significant civil rights or compliance problems, pursuant to 20 U.S.C. 3413(b)(1); jointly, to the Committees on Education and Labor and the Judiciary.

4020. A letter from the Secretary of Transportation, transmitting a report of the actions taken with regard to Manila International Airport, pursuant to 49 U.S.C. app. 1515(e)(3); jointly, to the Committees on Public Works and Transportation and Foreign Affairs.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FUQUA: Committee on Science and Technology. H.R. 2889. A bill to amend the Act establishing the National Bureau of Standards to provide for a computer security research program within such Bureau, and to provide for the training of Federal employees who are involved in the management, operation, and use of automated information processing systems; with amendments (Rept. 99-753, Pt. 1). Ordered to be printed.

Mr. BROOKS: Committee on Government Operations. H.R. 2889. A bill to amend the Act establishing the National Bureau of Standards to provide for a computer security research program within such Bureau, and to provide for the training of Federal employees who are involved in the management, operation, and use of automated information processing systems; with an amendment (Rept. 99-753, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. HAWKINS: Committee on Education and Labor. H.R. 5185. A bill to make certain amendments to the Job Training Partnership Act; (Rept. 99-754). Referred to the Committee of the Whole House on the State of the Union.

Mr. RODINO: Committee on the Judiciary. H.R. 822. A bill to provide for a General Accounting Office investigation and report on conditions of displaced Salvadorans, to provide certain rules of the House of Representatives and of the Senate with respect to review of the reports, to provide for the temporary stay of detention and deportation of certain Salvadorans, and for other purposes; with an amendment (Rept. 99-755, Pt. 1). Ordered to be printed.

Mr. HAWKINS: Committee on Education and Labor. H.R. 4154. A bill to amend the Age Discrimination in Employment Act of 1967 to remove the maximum age limitation applicable to employees who are protected under such Act, and for other purposes; with an amendment (Rept. 99-756). Referred to the Committee of the Whole House on the State of the Union.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BOLAND:

H.R. 5341. A bill to waive the required congressional review period for a natural gas pipeline to be built by Tennessee Gas Pipeline Co. across certain Army Corps of Engineers lands in Massachusetts; to the Committee on Interior and Insular Affairs.

By Mr. DE LA GARZA:

H.R. 5342. A bill to amend the Immigration and Nationality Act with respect to the liability of owners and operators of international bridges and toll roads to prevent the unauthorized landing of aliens; to the Committee on the Judiciary.

By Mr. HUGHES:

H.R. 5343. A bill to designate certain segments of the Maurice and the Manumuskin Rivers in New Jersey as study rivers for inclusion in the national wild and scenic rivers system; to the Committee on Interior and Insular Affairs.

By Mr. GALLO:

H.R. 5344. A bill to amend title XIX of the Social Security Act to require skilled nursing facilities and intermediate care facilities that participate in the Medicaid Program to make available at least the average proportion of beds available in the State to Medicaid patients; to the Committee on Energy and Commerce.

By Mr. LANTOS:

H.R. 5345. A bill to amend title 10, United States Code, to provide military retired pay to certain persons who were members of the U.S. merchant marine during World War II; jointly, to the Committees on Armed Services, and Merchant Marine and Fisheries.

By Mr. LOWERY of California:

H.R. 5346. A bill to designate the Federal building located in San Diego, CA, as the "Jacob Weinberger Federal Building"; to the Committee on Public Works and Transportation.

By Ms. MIKULSKI:

H.R. 5347. A bill to provide for the establishment of ocean wilderness areas, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. PENNY (for himself and Mr. BARNARD):

H.R. 5348. A bill to provide relief to State and local governments from Federal regulation; jointly, to the Committees on Government Operations, and Rules.

By Mr. SENSENBRENNER:

H.R. 5349. A bill to affirm the findings and recommendations of the Presidential Commission on the space shuttle *Challenger* accident, to require the National Aeronautics and Space Administration to take the actions necessary to ensure a return to safe flight in the shuttle program as recommended in the report of such Commission, and to make certain other administrative changes in furtherance of the objectives of such report; to the Committee on Science and Technology.

By Mr. TAUKE (for himself, Mr. TAYLOR, Mr. HORTON, Mr. YOUNG of Alaska, Mr. BEDELL, Mr. EVANS of Iowa, Mr. LEACH of Iowa, Mr. LIGHTFOOT, Mr. SMITH of Iowa, Mr. VOLKMER, Mr. WHITTAKER, Mr. BEREUTER, Mr. ROBERTS, Mr. STANGELAND, Mr. STENHOLM, Mr. WORTLEY, and Mr. SKELTON):

H.R. 5350. A bill to amend title 39 of the United States Code to restore the limited circulation second-class rates of postage for copies of a publication mailed to counties adjacent to the county of publication, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. WILLIAMS:

H.R. 5351. A bill to provide for improved disclosure of certain rail transportation contracts, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GARCIA (for himself and Mr. MICA):

H.J. Res. 697. Joint resolution to proclaim October 23, 1986, as "A Time of Remembrance" for all victims of terrorism throughout the world; to the Committee on Post Office and Civil Service.

## ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 1402: Mr. WORTLEY and Mrs. JOHNSON.

H.R. 1453: Mr. VENTO, Mr. MOAKLEY, and SCHEUER.

H.R. 2076: Mr. COBEY.

H.R. 2708: Mr. GRAY of Illinois.

H.R. 2952: Mr. TRAFICANT and Mr. GARCIA.

H.R. 3040: Mr. RANGEL.

H.R. 3395: Mr. PORTER.

H.R. 3661: Mr. SHUMWAY.

H.R. 3842: Mr. SMITH of New Hamphire, Mr. CHAPPELL, and Mr. PANETTA.

H.R. 3866: Mr. GUNDERSON.

H.R. 3886: Mr. PURSELL.

H.R. 3894: Mr. SAVAGE, Mr. MADIGAN, Mr. REID, Mr. BEVILL, Mr. SMITH of Florida, Mr. CARPER, and Mr. NIELSON of Utah.

H.R. 4085: Mr. SCHUETTE.

H.R. 4300: Mr. PEPPER, Mr. WALDON, and Mr. BONIOR of Michigan.

H.R. 4393: Mr. CHAPPELL, Mr. GIBBONS, Ms. KAPTUR, Mr. LEWIS of Florida, Mr. MCCAIN, Mr. MONSON, Mr. OWENS, Mr. SKELTON, and Mr. WEISS.

H.R. 4405: Mr. FRANKLIN.

H.R. 4478: Mr. BLILEY.

H.R. 4482: Mr. HEFNER, Mr. SOLARZ, Mr. OLIN, and Mr. ARMEY.

H.R. 4495: Mr. BADHAM, Mr. PACKARD, Mr. LAGOMARSINO, Mr. MILLER of Washington, Mr. WYDEN, Mr. MONSON, Mr. STENHOLM, and Mr. TRAFICANT.

H.R. 4558: Mr. DENNY SMITH, Mr. GRAY of Illinois, Mr. DEWINE, Mr. GILMAN, Mr. VOLKMER, Mr. KOLTER, Mr. MCGRATH, Ms. KAPTUR, Mr. STENHOLM, Mr. COATS, Mrs. BOXER, Mr. LEVIN of Michigan, Mr. NELSON of Florida, Mr. DORNAN of California, Mr. TORRICELLI, and Mr. ROE.

H.R. 4630: Mr. ERDREICH, Mr. NEAL, Mr. BONER of Tennessee, and Mr. BEVILL.

H.R. 4715: Mr. ROSE, Mr. THOMAS of Georgia, Mr. BARNARD, Mr. WHITTEN, Mr. CHAPMAN, Mr. GRAY of Illinois, Mr. MCCLOSKEY, Mr. KILDEE, Mr. JACOBS, and Mr. DYMALLY.

H.R. 4762: Mr. BORSKI, Mr. JACOBS, and Mr. CONYERS.

H.R. 4766: Mr. MARLENEE.

H.R. 4776: Mrs. MARTIN of Illinois.

H.R. 4788: Mr. STANGELAND and Mr. HUTTO.

H.R. 4856: Mrs. MARTIN of Illinois, Mr. MOLLOHAN, Mr. BLILEY, Mr. STAGGERS, and Mr. GEKAS.

H.R. 4871: Mr. BORSKI and Mr. RINALDO.

H.R. 4893: Mr. FASCELL.

H.R. 4922: Mr. HUTTO and Mr. BOEHLERT.

H.R. 5098: Mr. MOLLOHAN.

H.R. 5112: Mr. MOLINARI, Mr. SMITH of Florida, Mr. FUSTER, Mr. DENNY SMITH, Mr. LUNDINE, Mrs. BENTLEY, Mr. LAGOMARSINO, Mr. WORTLEY, Mr. DAUB, Mr. COURTER, and Mr. MONSON.

H.R. 5156: Mr. CROCKETT, Mr. MONSON, and Mr. EDWARDS of Oklahoma.

H.R. 5183: Mr. MORRISON of Connecticut, Mr. RANGEL, Mr. HAYES, and Ms. MIKULSKI.

H.R. 5185: Mr. DYMALLY.

H.R. 5218: Mr. EVANS of Illinois.

H.R. 5275: Mr. FUSTER, Mr. WORTLEY, Mr. LAGOMARSINO, and Mr. TOWNS.

H.R. 5305: Mr. ACKERMAN, Mr. FAZIO, and Mr. LOWRY of Washington.

H.J. Res. 49: Mr. SWINDALL.

H.J. Res. 167: Mr. CONTE, Mr. BATES, Mr. MARKEY, Mr. GEJDENSON, Mrs. BYRON, Mr. PERKINS, Mr. RANGEL, Mr. KRAMER, Mr. SNYDER, Mr. GINGRICH, Mr. GUARINI, Mr. WIRTH, Ms. SNOWE, Mr. LIVINGSTON, Mr. BLAZ, Mr. FIELDS, Mr. TRAXLER, Mr. DEWINE, Mr. TAUZIN, Mr. HENRY, Mr. WOLPE, Mrs. BENTLEY, Mr. BOUCHER, Mr. HANSEN, Mr. PRICE, Mr. PEPPER, Mr. CONYERS, Mr. APPLEGATE, Mr. BILIRAKIS, Mr. BONER of Tennessee, Mrs. BOXER, Mr. FISH, Mr. FUSTER, Mr. SILJANDER, Mr. MCMILLAN, Mr. LATTA, Mr. ST GERMAIN, Mr. SAXTON, Mr. VALENTINE, Mr. BROOKS, Mr. MOORE, Ms. MIKULSKI, Mr. GLICKMAN, Mr. ACKERMAN, Mr. SYNAR, Mr. DAUB, Mr. LEVINE of California, Mr. SOLARZ, Mr. EDGAR, Mr. WEBER, Mr. HAMMERSCHMIDT, Mr. WORTLEY, Mr. JONES of Tennessee, Mr. WILLIAMS, Mr. MINETA, Mr. BONIOR of Michigan, Mr. ATKINS, Mr. BARNARD, Mr. YOUNG of Florida, Mr. BOLAND, Mr. MACK, Mr. EVANS of Illinois, Mr. PENNY, Mr. SABO, Mr. TORRES, Mr. SHUMWAY, and Mr. MOAKLEY.

H.J. Res. 512: Mr. BENNETT, Mr. FLORIO, Mr. HALL of Ohio, Mr. SMITH of New Jersey, Mr. NEAL, Mr. NELSON of Florida, Mr. TALLON, Mr. FORD of Tennessee, Mr. COATS, Mr. CALLAHAN, Mr. SOLARZ, and Mr. DANIEL.

H.J. Res. 645: Mr. CROCKETT and Mr. FRANK.

H.J. Res. 670: Mr. FROST, Mr. SKELTON, Mr. TALLON, Mr. YOUNG of Alaska, and Mr. ROSE.

H.J. Res. 678: Mr. CALLAHAN, Mr. RICHARDSON, and Mr. LEVIN of Michigan.

H.J. Res. 688: Mr. WILSON, Mr. NICHOLS, Mr. AKAKA, Mr. VISCLOSKY, Mr. ANNUNZIO, Mr. FEIGHAN, Mr. RAHALL, Mr. WHITTEN, Mr. BUSTAMANTE, Mr. HENRY, Mr. KINDNESS, Mr. HUTTO, and Mr. REID.

H. Con. Res. 26: Mr. GILMAN and Mr. WALDON.

H. Con. Res. 129: Mr. ORTIZ, Mr. FAUNTROY, Mr. VENTO, Mr. OLIN, and Ms. MIKULSKI.

H. Res. 430: Mr. MINETA.

## PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

456. By the SPEAKER: Petition of the Texas State Council of Carpenters, Austin, TX, relative to immigration; to the Committee on the Judiciary.

457. Also, petition of the Chairman, Quinault Indian Nation, Taholah, WA, relative to taxes on tribal commercial fishermen; to the Committee on Ways and Means.

## AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1309

By Mr. KINDNESS:

—Page 6, after line 19, insert the following new paragraph (and redesignate the succeeding paragraphs accordingly):

(7) the term "agency" when used with respect to the Federal Government has the meaning given such term by section 552(e) of title 5, United States Code;

—At the end of the bill add the following new section:

SEC. 12. TERMINATION DATE.

The provisions of this Act shall cease to be effective three years after the effective date of this Act.

—Page 5, line 15, insert before the comma the following: "on a regular, full-time basis".

Page 5, line 16, insert "so" after "formerly".

—Page 8, line 11, strike out "from this review".

—Page 8, line 19, strike out "that may be toxic" and insert in lieu thereof "that are known or are proven to be toxic,".

—Page 13, line 10, strike out "and data".

—Page 22, line 2, after the period insert the following: "Penalties collected pursuant to this subsection shall be deposited in the Treasury of the United States, and credited to miscellaneous receipts.".

—Page 16, after line 8 insert the following new subsection:

(j) PROHIBITION ON USE OF NOTICE AS EVIDENCE.—Notification given under subsection (b) to a population at risk of an occupational disease shall not be admissible in any court or administrative proceeding as evidence that an employee was exposed to hazardous occupational exposure.

H.R. 4428

By Mr. WEAVER:

[47]—Amendment to Title 10; on page 239, after line 5, add a new section at the end thereof as follows:

SEC. 1033. PROCUREMENT OF MILITARY GRAIN RESERVE.

Whereas, a secure food supply is essential to the operation and maintenance of our armed services; and

Whereas, subsidized grain sales to the Soviet Union will provide military advantage to the Soviet Union by helping to keep their troops in Afghanistan and by freeing their funds for weapons production; Now therefore be it

*Resolved*, That it is the sense of the House of Representatives that the Secretary of Defense submit to the Congress a proposal to create a Military Grain Reserve to secure focd supplies for the Armed Services in times of emergency; and that such proposal shall include provisions for procurement and storage of grain which otherwise would be sold to the Soviet Union, as such subsidized grain sales to the Soviet Union are against the national security interest of the United States.

# SENATE—*Wednesday 6, 1986*

*(Legislative day of Monday, August 4, 1986)*

The Senate met at 10:15 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Father in Heaven, I pray for the people watching the Senate in operation, who are critical or discouraged with the legislative process. Bring to their recall the difficulties encountered by their small neighborhood organization in settling a zoning problem * * * or the divisions arising in parents and teachers meeting * * * or finding concensus in their local church congregation. Then help us all Lord, to comprehend the uncommon wisdom and vision of our Founding Fathers in giving us this incredible political system with its built-in protection for all. Fill our hearts with gratitude for this Government by Constitution—their legacy to us. Move the people to pray for their representatives in Washington who take seriously the Constitution and their stewardship of the public trust. In the name of Him Who life was ordered by love for all people and obedience to the will of God. Amen.

## RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able and distinguished majority leader, Senator ROBERT DOLE, of Kansas, is recognized

Mr. DOLE. Mr. President, I thank the distinguished Presiding Officer, the President pro tempore, the distinguished Senator from South Carolina, Senator THURMOND.

I also thank the Chaplain for praying for people who watch Senate television. I must say I guess it could be compared to a lot of things but even despite all the differences we have, sooner or later we get things done. That is the important thing. I am an optimist or I would not be here.

## SCHEDULE

Mr. DOLE. Mr. President, I suggest today the leaders have 10 minutes each and then we have seven special orders for Senators HAWKINS, PROXMIRE, CHAFEE, GORE, HUMPHREY, BAUCUS, and DIXON of 5 minutes each.

We have routine morning business not to extend beyond 11:30 a.m., and then at 11:30 a.m., hopefully we will be back on S. 2638, the DOD authorization bill.

Pending is the Dole amendment 2417 in the second degree to the Byrd amendment 2414.

I assume by then maybe we could agree to set those amendments aside if it is all right with the minority leader and the managers could go on with whatever they had in mind.

At 1 p.m., it will be the intention of the majority leader to receive the articles of impeachment on Judge Claiborne from the managers on the part of the House of Representatives. We have not quite worked out the second and third stages of that but we have agreed that at 1 o'clock we will accept the message, and they will be here with the articles.

Also, it would be my intention, if there is a vote on the textile bill, if the President's veto is overridden in the House of Representatives, that we would take action on that today.

I think that is the will of the principals.

I have not yet had a chance to visit with the distinguished Senator from South Carolina, Senator HOLLINGS, but I have visited with Senator THURMOND from South Carolina, and others.

□ 1020

It is my hope that we can reach some agreement on the two big issues that have been sort of hanging up everything around here the past couple of weeks, and that is South Africa and Contra aid. We had a caucus last evening, the Republicans, with 41 Members attending. I think it is fair to characterize that meeting as a willingness to proceed with these two issues. Even some who are strongly opposed to South Africa, I think would be willing to proceed if there could be some agreement on the Contra vote; and some who are opposed to the Contra vote would be willing to vote for cloture on the Contra bill itself on the basis that we had it before the Senate before, we passed it, and we should have the opportunity to vote on it again.

So it seems to me that, on our side of the aisle, we at least have the seeds of potential agreement on these two highly controversial issues. I will be giving the distinguished minority leader the results of our meeting and see if we can work out some agreement.

I certainly want to reiterate and underscore the comments of Senator DOMENICI last night with reference to the debt ceiling and the necessity of going to conference, hopefully today. If we could work out some agreement and release the debt ceiling from the Contra and South Africa controversy, then they could start the conference on the debt ceiling as soon as they could, because there are some major issues. In addition to all the Christmas tree ornaments that were hung on the debt ceiling, there are some amendments that I assume will be seriously considered in the conference, one being the modification of Gramm-Rudman-Hollings. That is another reason I think it is incumbent that we try to reach some agreement on South Africa and the Contra aid problem.

But, having said that, there is a 2 o'clock vote scheduled on the cloture motion relating to S. 2638. Again, there is a possibility that may be withdrawn or postponed if we can either reach an agreement or indicate that we are serious about reaching an agreement.

Mr. BYRD. Mr. President, while the distinguished majority leader has the floor, may I indicate to him that I stand ready to talk about an agreement. There have been no discussions with me or with my staff since last night. And I think there is good reason for there not having been. We were late getting out last night and, of course, we had no opportunity this morning. There have been no discussions. I have seen no proposed agreement this morning.

I am ready, willing, and able at any time. As far as I am concerned, discussions could very well begin with the principals, with the Senators rather than staffs, and then go from there, if the majority leader would like that suggestion.

## RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. DENTON). The minority leader is recognized.

## THE TRADE CRISIS—TEXTILES AND BEYOND

Mr. BYRD. Mr. President, today, the House of Representatives will face a decision on whether or not to override the President's veto of the textile bill. It is very likely that the Senate, then, will deal with this issue soon thereaf-

ter. This is the latest evidence of the mounting congressional—and public—anger with the administration's indifference—indifference—to the trade crisis.

I told several hundred textile, apparel, and shoe workers last week on the steps of the Capitol that they were not alone in their plight. American working people—from farmers to coal miners, to steel workers, to ferroalloy workers, to glass workers, to computer workers—are suffering from our lagging exports and the rising tide of imports.

Just look at the major sectors of our economy:

In agriculture a $23 billion surplus in 1980 has collapsed—collapsed—so that the 1986 surplus to date, is below $1 billion. That surplus was $23 billion in 1980. And for the past 2 months, the United States actually ran a deficit in agricultural trade, thus raising the once unthinkable—unthinkable—prospect that when all the data are in for the entirety of 1986, the "breadbasket of the world" may have imported more food than it exported this year.

And so the administration now advocates subsidizing grain to the Soviet Union—the Soviet Union that has its troops in Afghanistan, slaughtering men, women, and children, and driving millions of Afghanistans from their homeland. That is what is happening in Afghanistan. All that is behind the Iron Curtain. The news media of the world are shut out. The Western press has little to say about what is going on in Afghanistan. And it is because the Soviets have from 120,000 to 150,000 troops in Afghanistan.

And what a big play they made recently when Mr. Gorbachev said he might remove 5,000 or 6,000 troops from Afghanistan. What a big play—remove 5,000 or 6,000 troops. And what were they? Antiaircraft units. It is preposterous. Why did they have antiaircraft units in Aghanistan in the first place? The Afghans only have rocks and stones and a few old bazookas and World War I rifles. Now he is pulling out 5,000 or 6,000 troops.

Why, they turn over their troops from time to time. But what a big play. The news media all over the world made this front-page news, reminding me of the fly in "Aesop's Fables," which, sitting on the axle of a chariot, said, "My, what a dust I do raise."

So what a dust that little announcement raised. And yet we are now going to subsidize the Soviets.

But what really got us into the situation was the lack of a trade policy on the part of this administration that would encourage the continuing exports of our foodstuffs to other countries while other countries subsidize their industries, not only agriculture, as the Soviet Union does, but also machinery, steel, and other goods.

So the administration brought itself to this place of subsidizing the grain to the Soviets simply because of its trade policies that really add up to a nontrade policy.

In manufacturing, the healthy $17 billion surplus that the United States enjoyed in 1980 has been replaced now by a deficit running at a $138 billion annual rate this year. While the United States is exporting fewer manufacturing goods today than it did in 1980, the Nation is importing twice as much—twice as much—as it did in 1980 and almost twice as much as we export today.

So while the service jobs may have increased—there are more people working at McDonald's and at Sears and at K-Mart; more people working in those jobs perhaps, and we are all glad for that—there are fewer people working in the steel industries where the furnaces have gone cold and the doors have closed forever.

The same can be said of other manufacturing industries in this country.

In petroleum, the volume of imports is up 20 pecent over the same period last year and escalating rapidly, thus devastating the American petroleum industry.

Last week, Federal Reserve Chairman Paul Volcker said "that trade imbalance has been the most fundamental factor in the sluggishness of the economy." American steel workers, coal miners, textile workers, shoe workers, auto workers, farmers, and many other working men and women say a loud "amen" to that.

When is the administration going to come up with a trade policy to answer this crisis and to get these people out of the unemployment lines? How can we expect to deal with the Federal budget deficit if we do not first deal with the Federal trade deficit? These people are not working. They are not paying taxes into the State treasuries. They are not paying taxes into the Federal Treasury. No. They are in the unemployment lines. They are drawing unemployment compensation. For some of them in many instances the unemployment compensation has run out. So they are not producing, they are not paying taxes, and they are siphoning away the revenues from the Treasury as a result.

When is the administration going to wake up? When is it going to awaken? How many more jobs will it take before they decide that we have a real problem on our hands? I anticipate and hope that the House will override the veto today, and that the Senate will follow suit.

These votes, Mr. President, will be a tangible expression of sentiment across the land that something has to be done if the administration will not. If the administration will not act using the tools already available under current law, then the Congress will act.

I hope the House will override the veto. Let the message be heard down at the White House. Perhaps it will bring the administration back to a world of reality where men and women are unemployed, where they suffer because of inadequate health care, not enough food on the table, unable to pay the rent, seeing their farms sold out from beneath them, seeing their automobiles taken back because they cannot pay their debts. That is the world of reality. I hope the House will override this veto. Let that message be heard down at the White House. I hope then thereafter the Senate will also override.

Mr. President, I yield the floor.

Mr. DIXON addressed the Chair.

## RECOGNITION OF SENATOR HAWKINS

The PRESIDING OFFICER. The Senator from Illinois is informed that according to the previous order Senator HAWKINS, No. 3 after the Democratic leader, is recognized for a period not to exceed 5 minutes.

Mrs. HAWKINS addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

## OUR COUNTRY'S ATTITUDE TOWARD DRUGS

Mrs. HAWKINS. Mr. President, a revolution is quietly taking place and that is our country's attitude toward drugs. More and more Americans are coming to realize the danger posed by drugs to society—danger to our health, our economy, our social structure and our institutions.

Another step forward was taken last Monday when President Reagan called for mandatory drug testing of all Federal employees in sensitive posts—areas such as law enforcement, national security, safety and public health. At this point, the President would not go so far as to require testing for all Federal workers. But most Federal agencies would set up volunteer testing programs and Federal hiring procedures could be changed to require drug screening of prospective employees.

What the United States needs, the President explained, is:

> A sustained national effort to rid America of this scourge—by mobilizing every segment of our society against drug abuse.

The President made it clear that the Federal Government is not going to embark on a drug witchhunt:

> We mean to reach out to the drug user. Our goal is not to throw users in jail but to free them from drugs. We will offer a helping hand, but we will also pressure the user at school and in the work place to straighten up, to get clean.

In making this last point, the President served notice that the antidrug campaign will go far beyond the confines of the Federal workplace. He detailed six goals: A drug-free workplace, drug-free schools, treatment of drug abusers, international cooperation, strengthening law enforcement and expanded public awareness.

The strategy involved in achieving these goals would be an intensified campaign to identify users of illegal drugs in the public and private sectors by a combination of mandatory and voluntary testing. Once drug users have been identified, rather than face arrest or dismissal from jobs, they would be offered treatment. The Government's role would be one of providing leadership and a helping hand instead of punitive retaliation.

The reasoning behind the President's concern about drugs lies in the horrendous statistics involved. There are between 3 and 5 million regular cocaine users in the United States. There are 18 million regular users of marijuana. In the past 5 years, the number of drug-related deaths and hospital emergency room visits stemming from drug use has tripled. The cost of drug use in economic terms runs into the billions; the cost in human terms is immeasurable.

Curbing drug use is everybody's job: the parent, the teacher, the pupil, business, labor, service organizations, and professional groups. There is a role for everyone in this crusade. And the sooner we get on with it, the better.

I applaud the President for his leadership in launching this farsighted project. I earnestly hope that he can count on the full cooperation of the Senate when the time comes to mobilize the resources that will be required to insure the success of this campaign.

## RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin [Mr. PROXMIRE] is recognized for not to exceed 5 minutes.

## THREAT OF NUCLEAR TERRORISM GROWING; SUPERPOWERS SHOULD ACT

Mr. PROXMIRE. Mr. President, on June 25 an expert international task force on nuclear terrorism released its report on the prevention of nuclear terrorism. The first paragraph of this report adds a fourth imperative to "mankind's effort to exploit and control the energy of the atom." Since the dawn of the nuclear age, the three imperatives have been:

"The prevention of war between the superpowers.

"The prevention of the further spread of nuclear weapons.

"The prevention of catastrophic nuclear accidents."

This task force report recognizes and adds a fourth imperative: "The prevention of nuclear terrorism." The report finds neither the public nor governments have given serious consideration to nuclear terrorism. The explosion of terrorism in recent years should remind us of the catastrophic threats that nuclear terrorism may pose to millions of persons throughout the world. The superpowers have devoted many billions of dollars every year to an increasingly costly effort to deter a nuclear attack by the adversary superpower. Costly as that deterrence has been, it has been the major factor in preventing a superpower nuclear war.

But as the task force report points out, deterrence may not work against terrorists who "go nuclear." In spite of this, the report finds the probability of nuclear terrorism remains low. But while the threat of nuclear terrorism may be low, the report finds that the probability of this terrorism is increasing. And, in fact, it poses an exceptional global danger. Why does the task force find the threat of nuclear terrorism increasing? First, because terrorism itself is increasing. It is more sophisticated. It is more lethal. It has state support. It even has state sponsorship. Nuclear weapons have been stored in substantial number in areas of intense terrorist activity. And there is a big and growing black and gray market in nuclear equipment and materials.

In view of all this why does the task force find that the threat of nuclear terrorism still remains low? This is because the construction of nuclear weapons is more difficult and costly for terrorists than was previously thought. The task force found that the old "coffee can bomb" that relies on a few kilograms of oxide powder wrapped around some high explosives would not provide the nuclear grade detonation that had previously been assumed. Terrorists would need more. They would need the resources to recruit a team of three or four technically qualified specialists. They would need chemical high explosives and a big enough quantity of weapon usable nuclear material, probably in metallic form.

This means the most vulnerable target of terrorists intent on acquiring their nuclear arsenal are depots where nuclear weapons and nuclear weapons material are stored. The task force found that civil and military nuclear sectors have improved their security in recent years. Plutonium is less available also because plutonium fuel has not proceeded as quickly as was expected in power programs in recent years. The task force does not mention it. But the International Atomic Energy Commission has been far more successful than even its champions expected in policing the handling and storage of weapons grade nuclear material developed from nuclear powerplants. The report does say that the challenge is for government and industry to build on the technical and organizational successes to date particularly in arms control negotiations between the superpowers.

Mr. President, that last observation is much too optimistic. It is obvious that whoever is at fault the arms control negotiations between the superpowers is about as successful as the Edsel. Negotiations have slowed to a standstill. It is even worse. The ABM Arms Control Treaty has become a victim of our onrushing star wars program. If and when we begin production and deployment of star wars hardware, the Antiballistic Missile Arms Control Treaty will be a dead letter.

The President has announced that he has no intention of negotiating an agreement to end nuclear weapons testing. How about SALT II? The second Strategic Arms Control Treaty has already been interred and buried by the Reagan administration. So what is left? Not much. Negotiations continue at Geneva. There may be a superpower summit meeting. From that meeting some kind of arms control agreement may develop. If nothing else it should be easy for the superpowers to agree on measures that would keep both nuclear weapons and nuclear materials out of the hands of terrorists. It should be equally simple to persuade both superpowers to agree to act swiftly and jointly together to punish any act of nuclear terrorism. How could any Russian or American object to that?

## DEFENSE CONTRACTING NEEDS THE SHOULD-COST APPROACH

Mr. PROXMIRE. Mr. President, I strongly support the work measurement amendment adopted last year. It should not be repealed. It should be strengthened, and it should be implemented in an overall should-cost approach to defense contracting. I have been urging adoption of the should-cost approach to estimating and evaluating defense contract costs for many years. Anyone who has studied defense contracting knows that much of it is done on a cost-plus basis. There are cost-plus contracts and fixed price contracts. But even the fixed priced contracts are based on cost-plus principles.

For example, when a new contract is about to be awarded, there is a strong tendency on the part of Government negotiators to accept as the basis of the contractor's cost estimates whatever was spent on the most recent comparable contract. What if the con-

tractor was very wasteful and inefficient in the performance of the prior contract? What if the contractor experienced cost overruns because of mismanagement? What if the contractor's productivity was significantly worse than that of a commercial manufacturer producing comparable equipment?

All of those factors can be and usually are ignored during defense contract negotiations. Typically, Pentagon negotiators do not consider waste, inefficiency, mismanagement, or productivity when contractors' cost estimates or performance are being evaluated. That is why the should-cost approach is vital. If Pentagon negotiators used this approach, they would evaluate a contractor's proposal not on the basis of what it would cost to do the work according to the low-efficiency standards of prior performance, but what it should cost to do the work according to reasonable standards of efficiency.

The Defense Department ought to have the facts about any contractor's efficiency, and it ought to be able to make comparisons between jobs, between contractors, and between contractors and commercial manufacturers.

If Pentagon negotiators had this information and acted on it, it would be possible to bring down contract costs. We have to remember that the defense sector is different from the rest of the economy. Market forces keep commercial manufacturing costs from getting out of hand. If a commercial producer does not control his costs, he is likely to lose his market to a competitor who controls costs and offers a better price. Price competition hardly exists in defense production. Market forces do not impose a cost discipline on defense contractors. If the Defense Department does not insist on a cost discipline, there will be none.

The should-cost approach is a way that the Pentagon can provide a cost discipline for its contractors. Requirements for a work measurement system are a step in the right direction. Without a work measurement system, there is no way to use should-cost techniques. The goal should be to make work measurement a part of a should-cost approach, and to implement the should-cost approach.

Should cost is bitterly opposed by many defense contractors because they do not want measures of efficiency applied to their performance. That is an understandable position, from the standpoint of the defense contractors' special interests. But it is not an acceptable position from the standpoint of the taxpayer's interests.

## SALUTING WISCONSIN'S GREAT NUMISMATISTS

Mr. PROXMIRE. Mr. President, the State of Wisconsin has made many contributions to the numismatic hobby, not the least of which has been people who have generated interest in the hobby far beyond the State's borders. And, for the first time since 1950, Wisconsin will play host to the largest and most eagerly awaited coin convention of the year.

From August 6–10, 1986, Milwaukee will be the site of the 95th Convention of the American Numismatic Association. Wisconsin people over the years have held every elected and appointed office and position in the ANA except for legal counsel. Wisconsin and the ANA share a very interesting numismatic heritage. I do not think any other State can make a similar claim. Let me present a little background on the ANA.

The American Numismatic Association was founded on October 7, 1891. Since that meeting, more than 120,000 persons and corporate members have been listed on the ANA membership lists; and today the American Numismatic Association—a nonprofit educational association—is the largest numismatic organization of its kind in the world.

One of its founders, George F. Heath, M.D., of Monroe, MI, originated the idea of a numismatic convention where members could make personal contacts with fellow numismatists, and exchange ideas and coins. These small-scale meetings were held annually from 1891 to 1895, in 1901, and in 1904. The 1907 Columbus, OH, convention was so successful that it was decided to hold annual meetings from then on. Annual conventions have been scheduled with the exception of the war years 1918 and 1945.

The American Numismatic Association achieved national prominence when, on May 9, 1912, the association was granted a Federal charter, signed by President Taft. Representatives Arthur Kopp, Wisconsin, and William Ashbrook, Ohio, both ANA members themselves, worked tirelessly to get this legislation passed. In March 1962 the ANA was granted perpetual succession.

In the past, the ANA convention's commemorative medal usually depicted scenes of the location of the convention. For the first time in its history, the American Numismatic Association's official convention medal will honor living numismatists. The obverse of the official medal bears the likenesses of Henry O. Granberg, Chester L. Krause, and R.S. "Dick" Yeoman. The legend gives the medal's theme—saluting Wisconsin's great numismatists. The medal was executed by Frank Gasparro, formerly chief sculptor-engraver of the U.S. Mint, who has continued to accept private commissions in his retirement. The reverse is dedicated to 18 additional numismatists from Wisconsin who have had a significant impact on the hobby.

Mr. President, I ask unanimous consent that an excerpt from the July 23, 1986, Coin World newspaper, highlighting these honored numismatists, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### NUMISMATISTS HAVE WISCONSIN CONNECTIONS

#### BIOGRAPHIES OF HONOREES

Brief biographical sketches outlining major contributions of individuals honored on the offical convention medal follow:

Hawkins Olsen Granberg was born in Norway. He assembled one of the finest cabinets of United States coins which included pioneer gold coins and an 1804 dollar. Granberg served on the board of the ANA and as chairman and president. He also served on the ANA grading committee in 1912 to investigate grading discrepancies. Later in Granberg's life he had an intense interest in mining and acquired several mine claims in Colorado and spent a lot of time there.

Chester L. Krause, who today presides over a publishing firm specializing in hobby publications and books, traces his interest in numismatics to his boyhood in Iola, the small farming community in which his family settled more than 100 years ago. A carpenter/mason by trade, Krause conceived the idea of a monthly classified-advertising publication to serve coin collectors and launched *Numismatic News* in 1952. Later the newspaper became a weekly and he turned to publishing as a full-time business. Today, his firm is Iola's largest employer and publishes periodicals and reference books in the field of numismatics and other collectibles. ANA Life Member No. 318, he received the Medal of Merit in 1967 and the ANA's top honor, the Farran Zerbe Award, in 1977.

R.S. "Dick" Yeoman is best known for his landmark work, *A Guide Book of United States Coins*, whose 40th edition just rolled off the presses in Racine. Dubbed the "Red Book," most collectors look upon it as the "bible" of U.S. coins. Born in Milwaukee, Yeoman began collecting stamps when he was young. His appetite for coins was sparked by his keen interest in history and the fact that his father was a coin collector. He joined Whitman Publishing Co. (then a subsidiary of Western) in 1932, originally working in sales. When the firm purchased the rights to a coin card which it had been producing for a Neenah, Wis., businessman, Yeoman was given the responsibility for developing it. He is generally credited with developing the card into the popular Whitman folder, which put coin collecting "on the map" as one of the nation's foremost hobbies. In 1964 he was appointed by President Johnson to the U.S. Assay Commission, for which he served as chairman when it convened at the Philadelphia Mint.

A.P. "Del" Bertschy is known as Wisconsin's "numismatic dean." At the age of 90, he is still active in numismatics and is "honorary chairman" for the ANA's 95th Anniversary Convention in Milwaukee. He became a collector in the late 1930s and is perhaps best known for heading up more successful Milwaukee coin shows than anyone else over the decades, including several Central States conventions. He and the Milwaukee Numismatic Society were early pioneers with organized coin shows as early as 1941. He has participated in National

Coin Week displays annually since its inception and has served in many numismatic offices over the years, including the presidency of CSNS.

Kenneth E. Bressett is currently director of education for the ANA and formerly served as head of the ANA's Certification Service. For more than two decades he has served as editor of Yeoman's *A Guide Book of United States Coins.* He also arranged and edited with Abe Kosoff *The American Numismatic Association Grading Standards for United States Coins.* A native of Keene, N.H., Bressett's ties to Wisconsin stem from his stint as managing editor of *Whitman Numismatic Journal* and the many collector references he has authored that have been published by the Racine firm.

Colin R. Bruce II is described by many as perhaps having the most extensive grasp of world coinage and currency of any individual today. He began cataloging during his early days as a dealer in New York. He is the single most important force behind most of Krause publications' foreign titles including *The Standard Catalog of World Coins* and *Standard Catalog of World Paper Money,* Observes Kreuger: " 'The tougher the subject, the better' is one way of describing Colin as evidenced by his interest in Indian and Asian issues. His research and coordination abilities have opened untold tens of thousands of numismatic doors for people from all over the world."

Lillard W. Culver, ANA No. 6806, joined the ANA in 1938. He served as president of the Central States Numismatic Society and the Milwaukee Numismatic Society. He received the Central States Award of Merit in 1953. He was a frequent promoter of numismatics through his teaching profession and through National Coin Week activities. He served as general chairman of the 1950 ANA convention in Milwaukee and died in 1962.

Virginia Culver was the first woman president of the ANA. Prior to becoming the organization's 38th president, she served eight years on the ANA Board of Governors. She was a charter member of the Token and Medal Society and her principal collecting interest was in the field of exonumia. She was elected the first woman president of TAMS in 1964 and later served as editor of the *TAMS Journal.* She was the first recipient of the TAMS Medal of Merit and also received the Joseph M. Segal Gold Literary Award and the TAMS Bronze Literary Award for her extensive writings on exonumia. She co-authored with Chester L. Krause the *Guidebook of Franklin Mint Issues.* She was appointed by President Johnson and served on the 1968 United States Assay Commission. She died in October 1985.

Erv Gerber was an early member of the Milwaukee Numismatic Society. He served as MNS president and also served a term as president of Central States Numismatic Society. He was a math teacher and was an avid outdoorsman. In the summer he ran a camp for boys in Canada, which probably was the primary reason for his intense interest in Canadian coins and currency, according to Krueger. Gerber was the chairman of the 1962 Central States Convention. He died in 1978.

Arthur Gordon Gill was the co-founder of the Madison Coin Club in 1934. For nearly 60 years he talked about, exhibited and promoted the hobby at the local, state, regional and national levels. He served as president of the Madison Coin Club and Numismatists of Wisconsin. He served the ANA as a district representative for many years. He died in 1985.

David Harlowe was member No. 6 of the American Numismatic Association. As a young man he was selected to serve as founding treasurer of the ANA. Little is known regarding his collecting interest; however, the Milwaukee-based numismatist was instrumental in guiding the fledgling ANA.

Gale D. Highsmith began collecting in 1930. Over the years his natural curiosity led him to many collecting topics. He is well-known for sharing his insight with his fellow collectors. An engineer by vocation, he has produced many displays and medallic designs over the years. A seven-term veteran of the Milwaukee Numismatic Society's presidential post, Gale was also honored two years ago as one of the top five Numismatists of Wisconsin members at the organization's 25th Anniversary Convention.

Gerald Johnson for more than two decades has been the driving force behind the Numismatists of Wisconsin, serving the state organization in every office over the years. He has edited "NOW News" for most of its existence. A prolific author and exonumia cataloger, he is the recipient of several TAMS literary awards.

Kurt R. Krueger in 1977 became the youngest person to become elected to the ANA Board of Governors in four decades. He currently serves on the ANA Board of Governors and is general chairman of the ANA's 95th Anniversary Convention in Milwaukee. In 1971 he was named ANA's "Outstanding Young Numismatist of the Year" and in 1976 was selected "Outstanding Adult Advisor." He has served in a variety of leadership positions in local, state and regional numismatic organizations, including a term as president of the Numismatists of Wisconsin and various offices in the Central States Numismatic Society. His first book, *Meet Me in St. Louie,* catalogs and evaluates the tokens, medals, buttons, badges and ribbons of the 1904 St. Louis World's Fair. He has served as a contributing editor to a number of catalogs about world coins and world paper money. He formed the Numismatic Editors and Writers Society and the Wisconsin Numismatic Writers Association. His numismatic articles have been published throughout the United States and Great Britain. A coin dealer, he is member No. 295 of the Professional Numismatists Guild Inc.

J.V. McDermott was ANA Life Member No. 135. He was among the best-known men in the hobby from the late '50s until his death in 1966. He was a professional numismatist and is best remembered for his ownership of one of five 1913 Liberty Head 5-cent pieces and his generosity in sharing it with others. Even though it was valued at $50,000—an incredible sum at the time—he frequently made the coin available for display. The current owner, Aubrey Bebee, will have that particular coin on display at the Milwaukee convention.

Clifford Mishler, publisher of *Numismatic News* and co-author with Krause of the *Standard Catalog of World Coins,* is a native of Michigan. He joined Krause Publications based in Iola in 1963. His collecting specialty is medals and tokens, about which he began to compile and publish information in the 1950s. In 1960 he authored *United States and Canadian Commemoratives.* He is a founding member of the Token and Medal Society, was its first curator-historian, became editor of the *TAMS Journal* in 1965 and was awarded the TAMS Medal of Merit in 1966. He became TAMS president in 1976. He was awarded the ANA's Farran Zerbe Award in 1984.

Herbert Polzer was Milwaukee's primary dealer in the 1930's and '40s. He is described by Krueger as an "exceptional numismatist who guided many of the great Milwaukee collectors in the 'right' direction." Polzer operated a jewelry store on Walnut Street in the early 1930s. Over the years he inventoried more and more numismatic material until he finally had one of the best stocks in the upper Midwest. The early meetings of the Milwaukee Numismatic Society were held in his back room. He was a constant promoter of numismatics to both the advanced collectors and interested youngsters. He died in 1981.

J.K. Post was a member of the middle management team of Kimberly-Clark from 1929 to 1940. While not an immediately recognized name, the J.K. Post name is very familiar to collectors of early coin boards. Post designed and held the copyright to the early coin boards which ultimately became albums. His design was marketed widely by Whitman as early as 1934. In the true sense of the word, Post is a creator of the coin album, an item which introduced millions of collectors to numismatics over the years.

Edward C. Rochette is completing his 20th year as a professional staff member of the American Numismatic Association. He joined the ANA in 1966 as editor of its official journal, *The Numismatist,* and became the organization's chief executive officer in 1972. He relinquished his executive duties in August 1985 but remains a paid consultant to the ANA. A native of Massachusetts, his ties to Wisconsin are via his editorship of *Numismatic News* from 1960 to 1966. Among the many recognitions accorded him in more than 25 years of hobby involvement are appointment to the 1965 United States Assay Commission, one of three panelists to select the official U.S. Bicentennial Medal, member of the Advisory Panel, General Services Administration, for the disposal of surplus silver dollars, and American delegate to the Federation Internationale de la Medaille Conference in Florence, Italy. He is a recipient of the ANA's Medal of Merit. His syndicated column, "Coin Roundup" appears in major daily newspapers throughout the United States. His books include *Medallic Portraits of John F. Kennedy* and *The Other Side of the Coin.*

Russell Rulau has devoted some 47 years of his life to numismatics, 21 of which were spent in numismatic journalism. He retired in 1984 as editor-in-chief of *World Coin News* and *Bank Note Reporter* published by Krause Publications. Earlier in his career he served as editor of *Numismatic Scrapbook,* and *World Coins* and also wrote for *Coin World,* all published by Amos Press Inc. Rulau, who continues to reside in Iola as North American representative of the Isle of Man's Pobjoy Mint Ltd., has authored a number of reference catalogs on American tokens and medals. His works include *Early American Tokens, Hard Times Tokens, U.S. Merchant Tokens 1843-1860, U.S. Trade Tokens of 1866-1889,* and *Medallic Portraits of George Washington.* He is credited with having coined the word "exonumia." He is a founder of the Token and Medal Society.

Neil Shafer will introduce at the Milwaukee convention a new publication "devoted to the furtherance of all types of numismatic research:" *The New England Journal of Numismatics,* and will serve as its editor-in-chief. Shafer, of Milwaukee, has been actively involved in numismatic publishing since 1957 when he became associate editor of the *Middle Atlantic Numismatic Association Journal.* He later served as associate

editor of Western Publishing Co.'s *Whitman Numismatic Journal.* At Krause Publications, where he worked exclusively on paper money publications, he served as numismatic editor. He has authored numerous books including *Philippine Emergency and Guerilla Currency of World War II,* and co-authored with R.A. Mitchell the *Standard Catalog of Depression Scrip of the United States.* He is a three-time winner of the Society of Paper Money Collectors' Award of Merit.

Mr. PROXMIRE. Mr. President, I yield the floor to my good friend from Illinois.

□ 1040

## RECOGNITION OF SENATOR DIXON

The PRESIDING OFFICER. Under the previous order, the Senator from Illinois [Mr. DIXON] is recognized for not to exceed 5 minutes.

## THE GRAIN STORAGE CATASTROPHE

Mr. DIXON. Mr. President, there is a catastrophe brewing in the corn and soybean fields in Illinois, as well as in other Midwestern States.

I am not talking about grain prices. We all know they are too low now, and, Heaven forbid, probably will be going lower as we move into harvest.

Mr. President, we have another grain crisis facing us. Illinois farmers and agricultural groups are growing more and more concerned every day because not enough is happening to head off this crisis. The problem is the lack of storage for grain this fall. The Department of Agriculture has been warned for months that this problem has to be met—and met head-on!

If action is not taken—and taken quickly—there is not going to be anyplace to store this year's grain—except on the ground. This is going to be an intolerable situation. Outdoor storage will seriously impair the quality of our grain.

Elevators are full. Farm bins are full. Farmers and elevator operators are expanding storage space, but there is just no way that storage space will catch up with supply.

In short, inadequate storage is a catastrophe just waiting to happen.

My good friend, State Senator Jerry Joyce, who serves admirably as chairman of the Illinois Senate Agriculture Committee, estimates that Illinois grain storage capacity is about 75 percent full. We can dredge up a lot of statistics to back up his estimate, but he keeps such close tabs on the Illinois agricultural scene, that it is not necessary to bore you with those.

Well, Mr. President, I have stated the problem. What can we do about it? The answer to that question, Mr. President, is going to have to come from the Department of Agriculture, which thus far has been extremely slow to take any really meaningful steps to anticipate and alleviate this catastrophe in the making.

Farmers, elevator operators, agricultural organizations and others involved in Illinois agriculture have been appealing to the Department of Agriculture to take a look at the storage debacle.

Time is short. It takes time to load rail cars; it takes time to load barges; it takes time to locate and fill storage capacity available in other parts of the country.

Second, we are all aware of the special problems of the farmers in the South. The Department of Agriculture has announced a limited program of assistance. However, the Department should give careful consideration to whether massive amounts of CCC surplus grain stored in the Midwest could be transferred to the South to alleviate the crisis there. The spontaneous effort by farmers and the private sector to supply hay to hungry cattle serves as a good example of what can be done to help farmers in distress through no fault of their own.

Finally, Mr. President, I suggest that the Secretary of Agriculture immediately convene a small emergency task force devoted solely to the problem of grain storage. This task force should present a plan for coping with this problem within a matter of days, not weeks, Mr. President—not months, Mr. President, but days.

Illinois farmers cannot wait! Midwestern farmers cannot wait! All of us must work together—immediately—to avert this grain storage catastrophe. If we do not, we are not going to see fields of grain this fall; we are going to see mountains of grain. All of us must resolve not to let those mountains of grain materialize.

There is an excellent article in yesterday's New York Times highlighting the grain storage crisis in the Midwest. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MIDDLE WESTERN FARMERS CONFRONT A NEW PROBLEM: NO STORAGE SPACE

(By William Robbins)

KANSAS CITY, MO., Aug. 3.—Already beset by heavy debt and low prices, many Middle Western farmers are now facing a grain storage squeeze of historic proportions.

From giant terminals along the region's major waterways to smaller rural warehouses and even to make-shift bins and converted tool and equipment sheds on many farms, nearly every available space in many corn-growing states, experts say, will soon be overflowing with the bounty of two successive bumper harvests.

It is a situation that presents many farmers with difficult options, economists, farmers and grain dealers say. Those who have grown more than they can house can either dump grain onto a glutted market, accepting heavy losses from distress prices, or put their surplus production either in makeshift shelters or in unprotected heaps on the ground, risking spoilage.

"WORST STORAGE SITUATION"

"It is going to be the worst storage situation we have ever seen in the history of this country," said Merrill Marxman, a consultant who until recently was a commodities administrator at the Federal Agricultural Stabilization and Conservation Service.

"We will make it," he continued. "We always do. But we won't make it this year without a lot of grain on the ground."

Government moves, such as shipments of surplus grain to Southern and Middle Atlantic states afflicted with drought and the sale of subsidized wheat to the Soviet Union, may alleviate the problem, but critics have described the efforts as too little and too late.

Farmers and grain handlers voice concerns similar to those of Mr. Marxman. "It just scares the heck out of me," said Dick Thomas, manager of a cooperative grain elevator in Bement, in eastern Illinois, not far from Decatur. "It could be that a year from now we'll still be looking at grain piled on the ground."

His elevator's capacity is for 4.5 million bushels of grain, Mr. Thomas said, and he is building a new silo for 400,000 more and setting up temporary storage platforms for 1.2 million bushels. But even the new space will have to be rationed, he said.

"We're taking in 60 percent of their corn and 60 percent of their soybeans, and that's all we can handle," Mr. Thomas said. The farmers can deal with the excess, he said, by building new bins on their farms, heaping their excess grain in the ground or on makeshift outdoor platforms or hauling the harvest directly from the fields to glutted markets.

The risk of exposing unsheltered grain to the elements would be minimal in a cold and dry winter, experts say. But a moist winter with wide swings of temperature could cause substantial spoilage.

Melvin Balster, 63 years old, is one who has already been forced to rush to market, he said the other day as he waited to empty his truckload of grain at the Madison Farm Service grain elevator at Edwardsville, on the other side of the state.

The farmer was emptying the bins on his farm of last year's corn while there was still space enough in the local elevator to hold it. But after a summer of ideal growing weather, the bountiful crop his land is now producing will overflow the vacated space. "I'll just have to take it straight to market," Mr. Balster said, "and take whatever they will give me."

Selling under such circumstances is likely to result in a price drop of 50 to 60 cents a bushel, Mr. Balster said. Prices are already depressed to a level substantially below last year's prices, which varied around $2.30 a bushel in his area.

In a nearby field, Mr. Balster's neighbor David Grotefendt, 33, illustrated one reason for the storage problem. As he stood beside eight-foot-tall stalks, he peeled back the husks of a corn ear to reveal heavy kernels covering the cob to its tip.

SLUGGISH SALES AND BIG CROP

Last year, his 420 acres of corn averaged about 160 bushels an acre. "I thought that was good," Mr. Grotefendt said. "But this corn is going to run 170 bushels to the acre."

Such yields, while welcome to the farmers who produced them, are a price-depressing element of a complex national farm picture.

It is a situation that began to develop in 1982, with bumper grain harvests at a time when exports were beginning to decline.

Then as now, despite a long buildup in storage capacity on farms as well as at grain dealers' terminals, sluggish sales and a big crop produced a space crunch.

Prices plunged and farmers complained. The Reagan Administration responded in 1983 with a novel plan under which farmers who agreed to reduce their 1983 plantings received grain from Government stockpiles, which many sold on the open market and others used to feed their livestock.

1985 CORN CROP WAS BIGGEST

But the planting cutbacks promoted by this payment-in-kind program coincided with a severe drought. The reduced American supplies and rising prices that resulted encouraged foreign competitors to increase production and undersell American farmers. Declining exports have been blamed for many of the current problems on the farms.

The decline in exports accelerated in 1985 at a time when the United States was again producing bumper harvests, including a corn crop of nearly 8.9 billion bushels, the biggest ever.

Much of that corn wound up in storage under a Government price-support program, in which farmers pledge their crops as collateral for what are known as price-support loans. In the case of corn, they were able to get loans of $2.55 a bushel from the Government.

The idea is that, if prices should rise, farmers can pay off the loans, redeem their crops and sell them.

GRAIN COLLATERAL FORFEITED

The problem now is that prices have remained low. Loans made last October are coming due, farmers are forfeiting the grain, the Government is taking it over, and it is being moved into storage in commercial space that normally would be used for the bumper corn crop that is now maturing.

The Government demand for space is often leaving little room for farmers, as several grain dealers noted the other day. "We have 22 million bushels of capacity," said Joseph Allen of the Consolidated Grain and Barge Company of St. Louis. "But if you asked us today for space for the fall harvest, we couldn't promise you an inch."

Craig Huss, manager of an Archer Daniels Midland terminal at St Louis, said, "We are committed to the Government," adding, "We have no space to offer for new-crop corn."

About four billion bushels of last year's corn will still be on hand when this year's crop comes in, noted Conrad Leslie, a Chicago grains analyst.

RISING ESTIMATES ON NEW CROP

Meanwhile, ideal growing weather keeps raising expectations on the new corn crop. Until recently, experts were expecting about 7.5 billion bushels.

Now, "my seat-of-the pants estimate," said Mr. Leslie, "is a crop of about 8.2 billion bushels."

Timely rains, he noted, have given Iowa, the leading corn producer, crop conditions that are rated good to excellent across 95 percent of its fields, while 99 percent of the crop in Illinois, the No. 2 state, is rated good to excellent. Similar conditions prevail in other corn belt states.

The magnitude of the storage problem was illustrated recently by data assembled by Mr. Marxman's consulting firm. He said 14 states would have more grain after the fall harvest than they will have space to put it.

California, for example, will have 89 million bushels more in grain and soybeans than it has storage space. Illinois's space deficit is put at 115 million bushels; Indiana, 205 million; Michigan, 64 million; Missouri, 99 million, and Ohio, 121 million. Mr. Marxman's figures indicate adequate space in Iowa and Nebraska.

Government steps may alleviate the situation somewhat. On Friday the Reagan Administration said it would sell subsidized wheat to the Soviet Union and, responding to the drought in Southern and Middle Atlantic states, would supply some surplus grain and financial aid to help save livestock.

Senator Tom Harkin, Democrat of Iowa, expressed skepticism that the drought region could provide storage enough to make a difference in the Middle West's space crunch.

The Agriculture Department has also approved use of emergency storage, such as idle barges and rail cars, as well as outdoor platforms for its own grain. The use of more than 1,000 barges, for example, has been approved for the purpose.

But that will take care of only 50 million bushels, Mr. Marxman noted. "Last week's growth gave us more additional corn than that," he said.

Mr. DIXON. Mr. President, I note the absence of anyone else in the Chamber to proceed with a special order. How many minutes does this Senator have remaining?

The PRESIDING OFFICER. The Senator has 30 seconds remaining.

Mr. DIXON. Mr. President, may I proceed with another statement in the absence of any other Senator?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DIXON. I thank the Chair.

## THE ARMY NEEDS TO GET ON WITH AIR DEFENSE

Mr. DIXON. Mr. President, I would like to take a few minutes to inform my colleagues of the status of a critical defense mission in the Army—that is air defense. This is a matter of particular concern to me because of my work last year on the Divad air defense gun. Senator GOLDWATER asked that I specifically study the Divad system and report back my findings to the Armed Services Committee. I went to Fort Bliss, TX, the headquarters for air defense in the Army. I spent a long day in briefings on air defenses and went to the test range and fired the Divad gun.

It was apparent to me from that moment that the Divad gun was in deep trouble. The gun jammed while I was firing it. But more than that, it was a complex system that was difficult to operate.

I returned from that visit convinced of two things. I was convinced that the Army needed improvements in the air defense area. We need more capability than we have today, and the situation today is very serious. Second, I was convinced that we should not proceed with the Divad system until thorough testing had been completed and the system had passed those tests.

In the Armed Services Committee, I sponsored an amendment which restricted the continued funding of this program until all of the testing was completed. As a member of the House-Senate conference committee, I worked to craft the strongest restrictions ever imposed on the Divad system.

The Divad gun was subjected to detailed tests, and everyone knows now that it failed those tests. Secretary Weinberger, to his credit, terminated the program last August.

I think that was the correct course of action. But now we need to return to my first concern, and that is the need to get on with the business of modernizing our capabilities for air defense for the Army.

During the past year, the Army has conducted a comprehensive review of the air defense problem. The Army has developed a fivefold program to address the problem. The components include:

Systems for the forward combat zones to defend against helicopters and fighters that are in the direct line of sight of U.S. forces;

Systems for attacking helicopters that are hovering behind hills and cannot be seen, but which can attack forward forces suddenly;

Improvements for other existing combat systems, such as tanks and helicopters, to give them capabilities in the air defense area;

Air defense systems for areas behind the forward combat zones; and

Improved command and control systems—the brain and nervous system—to bind together this network of capabilities.

Mr. President, the Divad system would have fit in the first component of this five-component program. The Army had other programs underway for the other components. I should note that this is not an inexpensive undertaking. Altogether, this combined program would cost over $11 billion. My colleagues will remember that Divad alone cost $4 billion plus, but the cost of the other related systems were not included in that estimate. The combined requirements of the earlier program roughly equal the combined cost of the current Army plan.

Having said that, Mr. President, I do not completely exonerate the Army in its search for a new effective air defense system. I believe the Army is spending far too much time flailing about looking for a "son of Divad." The search for the son of Divad is holding up the rest of the air defense program.

I believe that the Army should place immediate emphasis on proceeding

with certain components of the air defense program. I specifically urge the Army to press forward vigorously with the pedestal mounted Stinger program and with the command and control programs. The pedestal mounted Stinger is the system designed for rear area air defense and can be an important intermediate system for use in the forward combat zones. The command and control systems are the indispensable framework that will make the entire system work. This approach should enjoy much greater priority with the Army and DOD.

Together, these two components are the key to prompt, responsive, and capable air defense systems and will be the core of any comprehensive program. The Army should spend less of its time searching for Divad's replacement and more time getting on with these critical components to the air defense problem.

□ 1050

Mr. President, I would conclude by noting that the bill reported by the Armed Services Committee has specific proposals for expedited procedures for acquisition of new systems. Under the label "defense enterprise programs," this bill establishes the framework for shorter, more responsive lines of authority and responsbility for program managers, and more stability in funding within DOD by Congress. This is a key feature of the recommendations of the Packard Commission.

I mention this, Mr. President, because I strongly support these initiatives, and I believe they are very well suited to use for the pedestal mounted Stinger program. I encourage the Army to look at this as a candidate system for designation as a defense enterprise program this year.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the role.

The assistant legislative clerk proceeded to call the roll.

Mr. WILSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## CALIFORNIA JURIST SUPPORTS JUSTICE REHNQUIST

Mr. WILSON. Mr. President, many people have entered the fray over the nomination of Justice William Rehnquist to be Chief Justice. Unfortunately, despite his broad and distinguished record established over a 15-year tenure on the Court, some in the liberal community have labeled him "too conservative" to serve as Chief Justice; that he is "too extreme"; that he does not properly appreciate the rights of the individual as set forth in their view of constitutional guarantees.

To those who have uttered such criticisms, I commend the distinctly different views of a celebrated liberal jurist, one well known in my State. Those who are inclined to oppose Justice Rehnquist on those grounds would do well to read the views of a very well-known liberal jurist from California, State Supreme Court Justice Stanley Mosk.

Justice Mosk states that he would vote to confirm Justice Rehnquist as Chief Justice because "he is a thoroughly competent craftsman and a thoughtful legal scholar."

Mr. President, I ask unanimous consent that the Los Angeles Times article by Justice Mosk, which appeared on July 30, 1986, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times, July 30, 1986]

A LIBERAL FOR REHNQUIST—HIS FEDERALISM SERVED THE CAUSE OF INDIVIDUAL RIGHTS

(By Stanley Mosk)

My good friend Pat Brown, for whom I have the utmost respect and affection, put his foot in his mouth the other day. While advocating retention of all justices on the California Supreme Court regardless of their philosophy or political origin, the former governor confessed that he would oppose William H. Rehnquist's nomination as chief justice of the United States. Why? Because Rehnquist is too conservative. Inconsistent? Well, yes, Pat conceded with his characteristic and lovable candor.

I must respectfully disagree. If I were in the Senate, I would vote to confirm the nomination of Justice Rehnquist. Though I have often found fault with his conclusions, in my view he is a thoroughly competent craftsman and a thoughtful legal scholar. The concepts that he advances, though often not to my taste, deserve to be ventilated and discussed.

It is assumed that Rehnquist is a diehard reactionary whose philosophy is totally out of step with modern reality. A thoughtful appraisal of his opinions does not confirm that assumption, at least not all of the time.

The Warren court, perhaps encouraged by the civil-rights movement of the 1950s and '60s abandoned the previous pathetic approach to overt injustice in our society and elected to employ the federal Constitution to achieve a liberating effect in the areas of political opportunity, criminal justice and racial equality. The states were compelled to fall in line, often reluctantly.

The Burger court, however, appears to have abandoned the role of keeper of the nation's conscience. There have been numerous retreats in the use of the Constitution to advance individual rights.

As a result, states have faced a difficult choice. They could react to the ebb and flow of the tide on the Potomac, and also reduce protection of individual rights. Or they could abandon dependence on the federal Constitution, and employ state constitutions as authority for preserving expanded rights. Many states, including California, opted for the latter. Indeed, the California Constitution provides that "Rights guaranteed by this Constitution are not dependent on those guaranteed by the United States Constitution."

Some conservative politicians, disturbed at the use of the state Constitution to provide greater individual rights than the high court required, used the initiative process to compel California courts to employ only the federal charter in criminal cases. Nevertheless, the principle of federalism is still adopted whenever possible, so that the federal Constitution sets the floor below which individual rights may not fall, but the state establishes the ceiling.

This problem came to the attention of Rehnquist and his colleagues in a significant context. Where two constitutional rights conflict, which is to prevail? If a few orderly persons seek signatures on political petitions in a privately owned shopping center and the owner seeks to bar them, this conflict arises. The citizens are asserting their freedom of speech and their right to petition the government for a redress of grievances. The shopping center's owner is defending his right to determine the use of his private property.

In the case of Robin vs. Pruneyard, the state Supreme Court said that the rights of the petition circulators should prevail as long as there was no interference with the business of the shopping center. The case went up to the federal Supreme Court.

In this conflict between free speech and private property rights, where was Rehnquist? Forthrightly on the side of free speech and, more significantly, in defense of the right of the states to define the limits, if any, on speech and related activity. His court, he wrote, "does not limit the authority of the state to exercise its police power or its sovereign right to adopt in its own Constitution individual liberties more expansive than those conferred by the federal Constitution." This was true federalism.

It was interesting that some of his colleagues took a more conservative approach. Justices Lewis F. Powell Jr. and Byron R. White asked: What if the speakers advocated views seriously antithetical to the owner, as, for example, Ku Klux Klan Spokesman invading a shopping center owned by a black? A provocative question, but fortunately that issue was not involved in the Pruneyard case.

In the recent session of the court, Rehnquist demonstrated his concern for the environment. In Japan Whaling Assn. vs. Baldridge, he joined with Justices Thurgood Marshall, William J. Brennam Jr. and Harry A. Blackman in a dissent that excoriated President Reagan's secretary of commerce for not enforcing congressional regulations concerning the protection of whales.

I could cite other examples of Rehnquist opinions that would satisfy, or at least not offend, traditional liberals like Pat Brown. But, if I did, I would be falling into his error of weighing competence on the basis of agreement with case results.

The bottom line is that William Rehnquist has the academic background and the judicial experience to justify his elevation to chief justice. The quality of his opinions amply demonstrates judicial competence.

Yes, Pat Brown, you were wrong. Liberals can support the confirmation of Justice Rehnquist

Mr. WILSON. I thank the Chair. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative called the roll.

□ 1100

Mr. BAUCUS. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. KASTEN). Without objection, it is so ordered.

## RECOGNITION OF SENATOR BAUCUS

The PRESIDING OFFICER. Under the previous order, the Senator from Montana [Mr. BAUCUS] is recognized for not to exceed 5 minutes.

## UNITED STATES PRODUCTIVITY

Mr. BAUCUS. Mr. President, this country is facing a crisis of competitiveness. And if there was ever any question about that, we received dramatic evidence of it just the other day.

A few days ago, the Bureau of Labor Statistics released a report on U.S. manufacturing labor productivity, output produced by an American worker per hour.

To be sure, our labor productivity in the manufacturing sector has increased over the years. The BLS figures show that, between 1960 and 1985, U.S. labor productivity in manufacturing industry increased at an annual rate of 2.7 percent.

On its own, 2.7 percent does not seem to be too low a figure. A 2.7 percent annual increase means that the productivity can be doubled within 27 years.

However, compared with other countries, our 2.7 percent is pitifully low. Within the same period, Japan registered an average growth rate of 8 percent, nearly 3 times the U.S. figure. Whereas it takes the United States 27 years to double its labor productivity, it takes Japan only 9 years.

Some might think Japan is an exception. It's not. Of the 12 major Western countries studies by the Bureau, the United States has the lowest growth rate.

Even Britain, which some view as an empire in decline, boasts a higher rate of 3.6 percent.

Productivity figures are not some abstract, academic conceptions. They affect jobs; they affect manufacturing; they affect the money we put in our pockets. They affect our standard of living.

Because of the low productivity, many jobs have been lost. Since 1979, U.S. manufacturing jobs decreased by 7.5 percent. Japanese employment has increased by 10.5 percent.

Because of the low productivity, our manufacturing output has also increased at a much slower pace than most other countries.

Between 1950 and 1985, manufacturing output in the United States grew by 132 percent. In Japan, the comparable figure is a staggering 815 percent. Almost 8 times more.

Because of the low productivity, we are no longer able to provide pay raises for our workers. According to the New York Times, the average annual pay raise after inflation for nonfarm workers was 2.5 percent in the 1950's. In the next decade, the percentage dropped to 1.7 percent. The 1970's witnessed an even bigger dive: the pay raise was merely 0.2 percent a year.

Tiny as the raise was, it was still a raise. But since 1980, U.S. nonfarm workers not only have not had any raise at all; they have actually suffered a net cut in pay of 0.3 percent per year.

This trend must be reversed. Make no mistake about it: If we do not increase productivity, we will be an empire in decline ourselves.

Mr. President, the more I look at our competitiveness problems, the more strongly I feel that our Nation must wake up to the fact that we are rapidly losing our No. 1 position in the world. If nothing is done about it, we will soon become a second rate nation.

To get U.S. industry back on its competitive track is a national endeavor. We in Congress can alter our country's course.

For this reason, I introduced the Young Commission Act several weeks ago. That bill incorporated several of the excellent recommendations of the President's Commission on Competitiveness, the Young Commission. I hope more of the recommendations of that Commission will be adopted.

If we do not, we will leave future generations of America a legacy of declining productivity and declining living standards.

That is a legacy we must not accept.

□ 1110

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

□ 1130

Mr. GOLDWATER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## NATIONAL HOSIERY WEEK

Mr. HELMS. Mr. President, the week of August 10-16 marks the 15th annual observance of "National Hosiery Week." Inasmuch as Congress is scheduled to be in recess part of that time, I choose this time to take note in advance of this upcoming event, and to pay my respects to an industry that has played an enormously important role in the free enterprise system of our Nation.

It often occurs to me, Mr. President, that the textile and apparel industry is too often taken for granted by the American people. This has been a tragic mistake; this is an industry that needs and deserves the support of all Americans at this difficult time.

Consider, for example, that in many instances hosiery manufacturers are the major employers in their communities, and that the average hosiery company is a small or medium-sized business. Many of them are family owned. Most are in the smaller towns and cities of America.

Mr. President, National Hosiery Week is of special significance to me since North Carolina is the leading textile State in the Nation. I am proud that 56 percent of all American-made hosiery is produced in North Carolina. Incidently, the average hosiery plant produces about 9 million pairs a year, and employs an average of 161 workers.

Like other sections of the American textile and apparel industry, the hosiery industry today is facing import competition. Statistics show that imports of foreign hosiery in 1985 were 68 percent greater in units than in 1984.

The hosiery industry is doing everything it can to counter these imports by improving productivity in the mills, by investing in new and more efficient machinery, by continuing to stress the best styling of product, and by sharpening the industry's marketing skills.

These manufacturers provide revenue for operating State and local governments, family incomes, employment for the local residents, tax revenue from their incomes, lowered unemployment, less crime—by providing jobs—and industrial development where there might otherwise be nothing.

Mr. President, North Carolina is proud of its distinctive leadership in the hosiery industry, and we are grateful for the fine quality of life this industry has provided for so many people.

On behalf of my fellow North Carolinians, I extend my sincere thanks and congratulations to the hosiery industry for the outstanding job it is doing for the people of our State and Nation.

## SUPERFUND: A HAZARDOUS WASTE OF TAXPAYER MONEY

Mr. HELMS: Mr. President, in September the Senate is likely to consider the conference report to S. 51, the Superfund Reauthorization Program. Before Senators revisit this issue—which, incidentally, will authorize $8.5 billion—I suggest they take note of the remarks by Fred L. Smith, Jr., in his

article entitled, "Superfund: A Hazardous Waste of Taxpayer Money."

Mr. President, Mr. Smith hits the nail on the head. This Congress needs to clean up the Superfund Program before it can expect Superfund to clean up America's dump sites. Blindly throwing money at a program that is not working, Mr. President, is just plain irresponsible. The taxpayers deserve better, Mr. President. We should face up to our responsibility.

Mr. President, I ask that the text of Mr. Smith's article appear in the RECORD.

There being no objection, the text was ordered to be printed in the RECORD, as follows:

SUPERFUND: A HAZARDOUS WASTE OF TAXPAYER MONEY

(By Fred L. Smith, Jr.)

House and Senate conferees are nearing agreement on an $8.5-billion, five-year reauthorization of the Superfund law (the Comprehensive Environmental Response, Compensation and Liability Act of 1980). Such a massive expansion of federal toxic waste cleanup efforts promises to unleash the largest pork barrel program in history, expend great sums to little result, and preempt more effective solutions to the problems posed by abandoned chemical dumps.

If this bill is enacted, the Reagan Administration will largely be to blame. The Environmental Protection Agency (EPA) and the White House have been remarkably feeble in challenging the hysterical zero-risk, antibusiness, technology-fearing advocates of this legislation. Instead, they have retreated into a defensive shell. Rather than opposing the waste cleanup legislation as bad environmental policy—regardless of its pricetag—White House officials have argued for a lower reauthorization increase (from the current $1.6 to $5.3 rather than $8.5 billion) and have quibbled over the proposal to finance Superfund with a new, broad-based business tax.

In addition, the Administration has provided conflicting signals to Congress—threatening a veto if the funding level, tax problems and liability rules aren't corrected, while simultaneously allowing EPA to send Congress a threatening letter of the "We're going to close the Washington Monument" variety unless new legislation is soon enacted. Its inconsistencies and failure to challenge the overall program have once again made it easy to caricature the Administration as an anti-environmental, pro-business penny-pincher standing in the way of congressional defenders of American health and safety.

Enactment of this bill would provide dramatic evidence of the failure of the Administration to develop any coherent approach to environmental policy.

As detailed below, the Administration knows full well that:

(1) Superfund stems from a total misreading of the Love Canal incident (a situation where private protections were thwarted by public mismanagement),

(2) The magnitude of health risks addressed by Superfund are small to non-existent,

(3) The legislation contains few features designed to target funds to the more significant cleanup sites,

(4) The liability provisions encourage a "no-fault" concept that undermines the basic principle that polluters—not the innocent taxpayer—should pay pollution costs.

(5) The new taxes embodied in this bill constitute a serious threat to the business community, and

(6) The bill will preempt far more effective solutions to the problems posed by hazardous wastes.

For these reasons, the Administration should veto the proposed Superfund reauthorization bill, accept a short-term interim extension of the program, and seek aggressively to reframe the Superfund debate in the 100th Congress. Environmental policy is far too important to be transformed into another public works boondoggle.

ORIGINS OF SUPERFUND: LOVE CANAL DISASTER

Superfund from its beginnings has been little more than a Superfraud. Launched in 1980 as a hastily concocted response to the Love Canal incident, the program is founded upon erroneous assumptions about the cause and nature of the hazardous waste threat.

Love Canal was an area near Buffalo in which the Hooker Chemical Co. had once discarded toxic chemical wastes. As chemical substances from the waste disposal site began to leach into the water table and infiltrate the soil in the surrounding residential community, the national media learned of the event and the "Love Canal Disaster" was born.

The EPA leadership seized upon this incident to garner political support for their then-languishing Superfund legislative proposal. EPA contracted for a "quickie" medical survey which appeared to show increased health risks for Love Canal residents and released these results at an "emergency" press conference covered by all the major television networks.

Americans were bombarded with powerful media images of oozing, noxious chemicals juxtaposed with nervous, concerned families. Love Canal and "chemical threats to your health" became national concerns and Superfund was approved by Congress.

Moreover, Hooker Chemical seemed the perfect corporate villain, with its "no comment" response to the adverse publicity. Once more (so it appeared), a private firm motivated only by short-term profits had sought to economize by dumping deadly waste on an innocent and unsuspecting citizenry. The market having failed, so went the argument, the Superfund Act should be implemented as swiftly as possible.

As detailed in an investigative story by the Reason Foundation ("Love Canal: The Truth Seeps Out"), and as was known at the time to EPA, Hooker Chemical had no direct control or responsibility for the incident. In 1953, Hooker was forced, under threat of eminent domain, to deed over the site to the local school board, which wanted the land for a new school.

Hooker protested the land transfer. It argued that a hazardous waste disposal site was no place for a school. The company gave way only after further pressure from local officials and acknowledgment in the deed transfer document that the school board had been warned of the chemical wastes buried on the site.

At the time of the transfer, Hooker had taken considerable care in disposing of its waste materials. The company placed them in a clay-lined trench (the former canal) which was then capped with an additional four feet of clay. Today, such a landfill would probably receive EPA operating approval. Hooker undertook such relatively expensive precautions because, as a private property owner, it feared eventual damage claims if its wastes ever came into contact with third parties.

Thus, private ownership of a potential hazard in a litigious society seemed to perform exactly as we might hope—a private party acted in a publicly responsible manner to protect its own self-interest.

On the other hand, the local school board politicos of Niagara Falls—as "public servants"—had few concerns about being sued and thus felt free to ignore any problems their carelessness might create.

Thus, the board began its school, but soon found that declining school populations required less land than originally anticipated. Acting more like stereo-typical rapacious capitalists than disinterested public servants, the board then sought to sell the remaining land (including the dump site itself) to a residential developer. Despite Hooker's repeated warnings that the site contained potentially life-threatening materials and should not be used for residential housing, the board eventually found a local realtor unaware of the controversy and swiftly transferred the hot potato to him.

Unlike Hooker, neither the school board nor the unaware new owner concerned himself with preserving the integrity of the landfill. Much of the clay cap was scraped away, at first during construction of the school and then again for a housing development. Sewers and roads to serve the latter were allowed to be built through the site itself.

All these activities eventually combined to allow the buried hazardous materials to leach from the disposal site into the surrounding water table, thereby triggering the Love Canal "disaster" story.

The real facts of Love Canal contradict the "evil capitalist" myth. When a private company (Hooker) owned the property, it was seriously concerned about the long-term consequences of its activities, and justifiably so, since it expected to be around for many decades and was fully aware of potential legal claims that could be brought against the firm.

On the other hand, political officials obsessed with the short run (holding down tax assessments) and having little concern over possible financial liability proved irresponsible guardians of public safety.

The neglected lesson of Love Canal is that it actually showed how private property rights encourage consideration of low-probability, long-range risks. But the "conclusions" promoted by Superfund advocates and the national media were that the free market had failed to handle the hazardous waste threat and a major new federal program was essential.

THE HEALTH HOAX

Love Canal convinced Americans that hazardous waste dumps posed a serious health risk and required an immediate, emergency response. Yet followup studies at Love Canal turned up no evidence of abnormal levels of morbidity or mortality.

For example, a distinguished panel of scientists appointed by New York Gov. Hugh Carey reported in October 1980 that "there has been no demonstration of acute health effects linked to exposure to hazardous wastes at the Love Canal site. The panel has also concluded that chronic effects of hazardous waste exposure at Love Canal have neither been established nor ruled out yet."

A study by the New York State Department of Health published in the journal Science in June 1981 concluded: "Data from

the New York Cancer Registry show no evidence for higher cancer rates associated with residence near the Love Canal toxic waste burial site in comparison with the entire state outside of New York City."

In June 1983, the Center for Disease Control (CDC) noted no excess illness among persons living close to the Love Canal. Another CDC report in March 1984 found "no increase in the frequency of chromosomal abnormalities . . . of residents in the Love Canal area."

The hysteria and political pressures that have led to the rapid expansion of Superfund reflect an extremely successful effort to repackage a traditional pork barrel program as a human health and cancer prevention measure.

Superfund defenders have convinced a lot of Americans that we are dealing with emergency situations and any effort to correct the program's problems will intolerably slow down urgent cleanup efforts. Unfortunately, such voodoo environmentalism remains largely unchallenged.

For many hundreds of years, mankind has produced waste materials that, if improperly handled, could create health problems and reduce the quality of the environment. The early dye works involved noxious chemicals, as did the alchemist shops of the Middle Ages. Superfund is predicated on the belief that this hazardous waste problem has reached crisis proportions and now poses an unusually severe risk to human health and the environment. The Superfund program embodies a sense of urgency in which normal requirements of proof and cost-benefit analysis are suspended. The house is on fire and there is no time for careful consideration.

Yet we really know little about the quality of underground water in the United States, and even less about the actual health hazards that might arise from toxic waste dumps. Six years after Love Canal, we still don't know which toxic materials in what doses are dangerous to human beings, not whether these dosages are likely to occur given groundwater flows and normal countermeasures.

Evidence that hazardous materials in dump sites have migrated into groundwater and damaged human health has been difficult to produce. The original Superfund legislation charged the Department of Health and Human Services with investigating such toxic health hazards, but almost nothing has been done (in keeping with a long tradition of self-ignorance directing federal environmental policy).

The health threat of greatest salience in fueling reflexive support for Superfund is cancer, which accounts for about one-fourth of all deaths in the United States. But to the best estimates now available, lifestyle factors such as smoking, diet, and sunshine exposure account for the overwhelming portion of all cancer fatalities.

The small fraction of cancers attributable to man-made chemicals via all modes of exposure—both workplace and environmental—is perhaps 6 percent. Since the levels of exposure are likely to be far higher in occupational settings, there is little evidence to date that environmental levels of contamination are at all linked to human cancer.

Even using a common estimate that about 1 percent of all cancer can be traced to environmental pollution, one must recognize that such a figure includes pollution from airborne carcinogens, from surface contaminants, from food additives, from pesticide residuals, and other sources. Only a fraction of such risks can be associated with groundwater contamination. Superfund thus addresses a tiny speck of the cancer problem in the United States.

Moreover, there are no data that cancers caused by manmade substances are increasing. Epidemiological evidence, of course, cannot absolutely rule out the possibility of future risks from manmade substances; however, existing data coupled with the lack of any evidence of higher cancer incidence in Europe (where hazardous chemicals have a much longer history) suggest that any such risk is small. Indeed, growing research indicates that mankind actually lives, and has lived for thousands of years, in the midst of many natural carcinogenic materials. The argument that human beings are at risk primarily from novel, manmade chemicals (appealing to nostalgic fanciers of preindustrial society) now appears to be dead wrong.

Since the human health benefits from Superfund appear small, the case for a massive federal program in this area must rely on its value in protecting vital groundwater supplies. Certainly, some wastes are leaching into some acquifers which somewhat reduces their utility and such damages should be disciplined. However, here as elsewhere, data are extremely limited on the extent to which acquifers are actually threatened. There is certainly no evidence that hazardous wastes are a major or even significant threat in comparison to other factors endangering this vital resource: excessive depletion (allowing saltwater contamination, for example), government subsidized water supply (encouraging waste), government subsidized development (threatening water sheds), and the inefficient ownership rights which make it difficult for individuals to manage this resource privately.

Even in the area of contamination, the major health risk continues to be "natural" bacterial and viral contamination of water supplies, rather than chemical waste contamination. These risks are managed in a decentralized fashion, with each water supplier and each individual well user taking precautions directly. Nonetheless, there is no federal Sanitary Waste Superfund dedicated to digging up abandoned outhouses throughout the United States. (At least not yet.)

The health threat from hazardous waste sites addressed by Superfund appears small. What little we know suggests that any massive expansion of Superfund based on health reasons is unjustified.

### HAZARDOUS WASTE CLEANUP: POLITICAL GROWTH INDUSTRY

Despite the deliberate misreading of the Love Canal incident and its human health consequences, Congress rapidly enacted the Superfund legislation to address "emergency" cleanup situations and orphan dumps and provided an initial funding of $1.6 billion. The program promised to make hazardous wastes "go away," at no cost to local communities. The federal government pays 90 percent, and the state picks up the remaining expense. To the local citizenry, Superfund is a "free good" of all benefit and no burden. Naturally, the program has become extremely popular.

The number of sites "needing" attention has increased from the initial 400 priority sites (about one for every congressional district) to EPA's current estimate of 2,000 such locations. Superfund's sponsors further encouraged this feeding frenzy by avoiding any clear definition of starting or stopping rules in addressing risk management responsibilities, site selection, and determination of appropriate cleanup strategies.

The Superfund Act provides very little guidance on how serious threats are to be distinguished from mere nuisances. Under Superfund, hazards include any materials that are flammable (e.g. charcoal lighters), toxic (insecticides), corrosive (Clorox or Oven Off), or reactive (Drano—or any substances that EPA designates as hazardous. Moreover, the legislation suggests and EPA has adopted a definition of "hazardous" that gives considerable weight to extremely unlikely situations. If something might happen, Superfund assumes it will happen. Under this worse case analysis, too many sites are classified as "hazardous" even though, as noted above, the evidence suggests that the overall human risk associated with all chemical wastes is low.

Since Superfund fails to target the most serious problems, EPA finds itself selecting projects based on their political and public relations value. In case after case, EPA has rushed to spend money for "cleanups" where the threat to health has been low to non-existent or where responsibility could obviously be assigned. In Times Beach, Missouri, for example, EPA purchased all the homes in the area for $30 million on the basis of studies finding dioxin contamination of soil in the area. Experimental animal studies do show dioxin to be extremely toxic; however, as is often the case, animals respond differently from humans, and there is no evidence that any humans have ever suffered any chronic health problem from exposure to this substance. That finding is based on epidemiological studies of industrial accidents in which exposures have been many times those encountered at Times Beach. Elizabeth Whelan in her book Toxic Terrors noted, "Times Beach, like Love Canal, is an environmental fiasco. Decisions and subsequent actions were based as much on political considerations as on public health realities". A recent Scientific American article on the dioxin scare noted:

"What the agency [EPA] has not done—and might be said to have a responsibility to do—is to try to dispel the public's fear on the basis of the evidence that exposure to low concentrations of TCDD (dioxin) in the environment appears not to have a serious chronic effect on human beings."

EPA might have taken such prudent actions, but given the value of scare tactics to an expanding Superfund budget, we can understand why it did not.

Superfund has also encouraged communities to seek federal funding rather than go after responsible parties. After all, the program was originally intended to clean up a small number of "abandoned, orphan" sites. However, as the Love Canal incident indicates, EPA has made Superfund monies available whenever penalizing the polluters (the public officials in that case) would be politically difficult. As a result, Superfund's "priority" list now includes a number of sites operated by viable companies and even by the Department of Defense.

The "worst case" criterion for risk assessment also encourages EPA to add low-risk sites to the Superfund program. James Bovard, an investigative journalist, identifies one site, an inactive city dump in Windom, Minnesota, that was closed in 1974. As one would expect, the wells on site were indeed contaminated, but Bovard notes that EPA found that off-site municipal and residential wells were not. Nonetheless, the site was added to the "priority" list. Bovard

notes: "If finding of noncontamination justifies adding this site to the Superfund list, why wouldn't every past and present city dump in the U.S. be included?"

With so few restraints on spending, it is not surprising that the Administration's initial request for a threefold Superfund funding increase to $5.3 billion was dismissed out of hand by both houses of Congress as "too modest." Indeed, most believe even the $8.5 billion "compromise" now being considered will prove inadequate given the spending incentives now built into Superfund. A recent study by Putman, Hayes & Bartlett estimates that total Superfund program costs could jump to as much as $81 billion. A 1985 Office of Technology Assessment study foresaw a "need" for over $100 billion to get the hazardous waste cleanup job done. But even this study admitted that increased spending might have little if any effect on the disposal of hazardous waste, because of bottlenecks in the supply of sufficiently trained technical personnel and a lack of rational standards for cleanup.

"Spending large sums before specific cleanup goals are set and before permanent cleanup technologies are available leads to a false sense of security, a potential for inconsistent cleanup nationwide, and make little environmental sense," the report concluded.

FEEDING FUND'S APPETITE: SEARCH FOR DEEP POCKETS

Although the political popularity of Superfund has resulted in major pressures to increase funding, finding a way to finance such demands has delayed final congressional reauthorization of the program.

The initial funding sources for Superfund—taxes levied on the standard pariahs of American industry, the oil and chemical industries, and recoveries from "responsible parties," again largely oil and chemical companies—have been stressed by demands encouraged by this legislation. As a result, Congress has begun to consider new revenue sources.

Until recently, House conferees insisted upon increasing taxes on the oil and chemical industry while Senate conferees sought a broad-based tax on manufacturers, similar to a national value-added tax (VAT). Concern over the uncompetitive status of the financially strapped oil and chemical industries finally seems to have won out over the desire of many House members to bleed them dry. As a result, there is basic agreement upon using a broad-based business profits tax to supplement the existing oil and chemical tax.

But the inequity of the initial Superfund burden on the oil and chemical sector (why should anyone be singled out to address the problems of "orphan" dumps?) should not blind one to the equally inequitable decision to address pollution problems by taxing everybody from ice cream to furniture manufacturers. Two wrongs don't make a right and singling out any group of innocent parties and imposing on them the costs of cleaning up the pollution created by someone else is bad public policy.

Enactment of any new broad-based revenue measure, even on a limited basis, is akin to introducing a tactical nuclear weapon into a conventional war. Once unleashed, this seemingly "painless" taxation almost certainly will rapidly increase. It threatens uncontrollable escalation of the tax burden. Imagine the combination of Superfund's unquenchable thirst for popular pork barrel projects with such a renewable revenue resource—the fiscal equivalent of an out-of-control breeder reactor!

DEFINING "RESPONSIBILITY" IRRESPONSIBLY

Part of Superfund's cleanup expenses, of course, are supposed to be financed by those parties "responsible" for creating hazardous waste problems. The Superfund Act required EPA to identify such parties—no easy task in the case of what are after all supposed to be abandoned sites. But Superfund officials simply eliminated in practice any normal usage of the term "responsibility" from decisions as to who is to be held "responsible."

The program treats as a responsible party anyone who has any economic connection with the dumpsite. If a company is found to have deposited a single barrel of waste at a dumpsite, it can be held liable for all site cleanup costs. These rules make the jobs of EPA and Justice Department lawyers easier, at the sacrifice of fairness and efficiency.

In a recent hearing, an EPA enforcement lawyer noted that the legal responsibility standards now prevailing under Superfund have largely eliminated all arguments about guilt and innocence. The focus of attention is on who can pay.

A high-ranking EPA official recently admitted that the program was custom-made to go after big oil and chemical companies. Superfund's loose interpretation of joint and several liability makes it all too easy and all too tempting to prosecute wealthier firms, rather than the most responsible parties. But trying to impose legal responsibility on parties who feel they have done nothing wrong can create costs of its own—resistance in the form of lengthy litigation which delays actual cleanup operations and may actually exceed the latter's cost.

In practice, Superfund's liability rules make every party involved with hazardous wastes—the original source, the transporter, the site operator—potentially liable. Spreading the blame over such a wide range of individual parties not only diffuses responsibility, it also undermines safety incentives. After all if individual actions can do little to reduce liability, there is little reason to adopt risk reduction measures. Why bother if your ultimate responsibility is determined largely by the acts of others outside your control?

Superfund abandons the "Polluter Pays" principle (the costs of pollution should be borne by the polluter) in favor of a "Deep Pocket" theory of justice. This approach may make it easier to recover revenues in the short run. But the move toward a "no-fault" pollution policy drastically weakens incentives for individual parties to adopt less polluting policies over time. Profitable "tax" policy isn't good environmental policy.

INSURERS: BEWARE

The heavy legal club created by Superfund may well put the fear of God into accused parties, but it almost certainly causes more harm than good. The unlimited liability that might fall upon anyone associated with a waste site has seriously damaged the insurance market for hazardous waste manufacturers, transporters and disposers. In the late 1970s, several private companies had sprung up to provide such parties with liability insurance coverage, and to encourage more effective hazardous waste management techniques. But with the onset of Superfund's megaliability threat the insurers ran to the hills.

If the private insurance business for these risks had been allowed to develop, we would have seen far more progress in procedures to gauge the risk of various waste-handling techniques. Private insurers would have had every incentive to spend the money to find out exactly what the dangers were. Their efforts would have nicely supplemented EPA's work. Thanks to the revenue-hungry, joint-and-several liability approach of Superfund, we wind up with neither private insurance nor the market-based regulation that it could provide.

NOTHING NEW UNDER THE GROUND

Instead of cleaning up hazardous waste, and protecting groundwater, Superfund remains more likely to produce financial waste. Its parallels to the Clean Water Act fiasco are alarming.

In 1972, Congress responded to the public outcry over fish kills and flaming rivers by expanding the Clean Water Act of 1963. It set such new goals as making all U.S. surface water "fishable and swimmable" by 1983, and requiring all firms and municipalities to achieve "zero discharge" by 1985.

Congress voted to cover 75 per cent of the capital construction costs for municipal waste treatment facilities. This encouraged thousands of communities to construct new and expanded sewage treatment plants. As a result total wastewater spending by all levels of government exceeded $100 billion from 1972 to 1983.

Unfortunately, the Construction Grants Program under the amended Act proved to be highly inefficient and expensive. With little money of their own at stake, local politicians often elected to spend the federal largess to achieve local pork barrel benefits at the cost of real environmental improvements. Despite the massive governmental investment, overall national water quality has changed little since 1972.

A 1981 investigative series by the Washington *Post* ("Dirty Water: A Federal Failure") observed: "Elaborate hunks of expensive and failing machinery litter the American landscape—the wreckage of Washington's good intentions." It continued: "After nine years of massive federal investment to build or upgrade sewage treatment works in 18,000 communities, about 2,000 of the projects have been completed, and most are small plants in small communities where pollution threats are often the least serious."

In some localities, federal funding simply replaced money the community had already been prepared to spend directly. Other communities chose to wait for their representatives to finagle federal financing, while deferring local efforts that would have resulted in earlier cleanups. Moreover, when the federal government paid, there was less concern about designing local solutions that worked. The *Post* review of the wastewater treatment program discovered that up to 91 per cent of the new plants "don't perform up to anti-pollution requirements more than half the time."

Nonetheless, EPA and the environmental lobby kept pushing for more, more, more. Congress, driven by pork barrel politics, was much more eager to award further sums of money than to evaluate what these funds might be achieving.

Finally, after 10 years of increasing scandals and failed plans, the Administration, the Congress, and even the environmental community came to their senses. Among the substantial changes made in the Clean Water Act were these key adjustments: the federal share of construction costs was dropped to 55 per cent and the range of eligible projects was reduced. It was recognized that local governments were far more likely

to build appropriately sized and designed facilities if their own funds were at risk.

Indeed, in many ways the design of Superfund is far inferior to the deeply flawed design of the Construction Grants Program. The latter, after all, required substantial local cost sharing (up to 25%) compared to a zero requirement under Superfund. Moreover, waste treatment plants engender some local opposition—they can create a local nuisance. In contrast, no one is likely to oppose a project to move a dump (hazardous or not) from his neighborhood. Moreover, the technology of waste water cleanup is far more developed and the ability to monitor what one has achieved far easier. The leakproof dump and the zero-pollution treatment facility have not yet been invented and it is extremely difficult to determine what is happening under-ground. In fact, Superfund overkill may actually make the environment a more dangerous place. A "public health" program that begins by disturbing chemical graveyards raises serious questions. Extensive monitoring via test wells could create infiltration channels for groundwater contamination where none existed before. The movement of hazardous wastes is itself a hazardous activity, in many cases more risky then simply leaving the material where it was originally.

SUPERFUND NEEDS RETHINKING, NOT REAUTHORIZATION

The Superfund "debate" has barely moved beyond the proposition that hazardous wastes are potentially harmful and therefore more federal spending is necessary. But Congress, having learned little from its past environmental policy failures, should not be allowed to write another blank check to pursue an undefined concept of cleanliness.

To sustain a veto of the reauthorization measure likely to come out of conference later this month, the Reagan Administration must seriously fight the Superfund steamroller on environmental, not just fiscal, grounds. It must make clear that although sharing the stated goals of Superfund's patrons, it finds serious problems in their means.

The Administration should express grave doubts about the benefits obtained from the $1.6 billion already expended, and assert that it sees no likelihood additional spending will be used more efficiently without major reform of the program's design flaws. At a minimum, it should insist upon higher local cost-sharing, more careful weighing of costs and benefits, and better targeted liability rules.

Tactically, the first step is to gain time to educate the public by substituting a short-term extension of Superfund (until the next Congress) in place of the sweeping five-year reauthorization. But if the Administration merely plays for time and exercises damage control with no larger sense of purpose, it will have achieved little.

Strategically, the Administration must use the time wisely to come to grips with its greatest weakness in environmental policy—its failure to develop a market-oriented environmental policy. In the Superfund area, this means taking off the green eyeshades and arguing boldly for more imaginative, less intrusive alternative to address the problems posed by hazardous dumps, primarily the protection of the nation's groundwater supplies. Developing an adequate strategy will take time; however, it would include reorganizing aquifer property rights, "labeling" of suspect site materials to ensure self-identifying of contamination, and reconsideration of other governmental policies (pricing, subsidies, conservation) which affect water quality.

More than five years into the "Reagan Revolution," it's time to stop running for cover on the environmental front and start taking the offensive.

## TRIBUTE TO SENATOR MITCHELL FOR EFFORTS REGARDING SOVIET JEWS

Mr. HATCH. Mr. President, I rise today to acknowledge the fine work of our colleague, Senator MITCHELL, who is the coordinator of the 1986 Congressional Call to Conscience Vigil for Soviet Jews. The Senator from Maine has been instrumental in further sensitizing the United States Senate and the American people to the tragic plight of Soviet Jews. As coordinator, the Senator from Maine has succeeded in his central task by encouraging Senators to provide statements for the CONGRESSIONAL RECORD on behalf of Soviet refuseniks.

Mr. President, I too, am working for the release of Soviet Jews wanting to emigrate. Some time ago I adopted a refusenik family, the Khassins who live in Moscow. Dr. Gennady Khassin and his wife Natasha, and their two daughters, Helen and Yehudith, have been refuseniks for nearly 10 years since they first applied for emigration in 1976. Before they lost their jobs, because of their interest in emigrating, Dr. Khassin was a university professor and Mrs. Khassin worked with the Jewish Cultural and Emigration Movement. The Khassins are now under continuing and intense pressure from the KGB, and are in real danger of arrest and imprisonment. Mr. President, as long as the Khassin family remains in the U.S.S.R. and subsequently in danger, I will be working for their release.

Along with Senator MITCHELL from Maine, I encourage my colleagues to work for the release of those Soviet Jews wishing to emigrate. At this point, Mr. President, I wish to include in the RECORD a copy of a letter I recently sent to Soviet General Secretary Gorbachev, on behalf of the Khassin family. Should the General Secretary respond to my letter, I will be sure to share it with my colleagues here in the Senate.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
*Washington, DC, July 11, 1986.*

His Excellency MIKHAIL GORBACHEV,
*General Secretary of the Central Committee of the Communist Party of the Soviet Union, The Kremlin, Moscow, RSFSR, U.S.S.R.*

DEAR MR. GENERAL SECRETARY: It has been several months now since my most recent correspondence to you concerning Gennady and Natasha Khassin and their two daughters of Shossenaya 40, apartment 74 Moscow. As you know, I am deeply concerned about the Khassins' welfare. They have been awaiting OVIR's permission to emigrate for nearly ten years now.

I am deeply distressed that the Khassins have not been allowed to emigrate. They have endured severe persecution for practicing the Jewish faith and standing up for human rights. I understand that the KGB has even made death threats against them. As you know, religious persecution is a violation of the Helsinki Accords and the International Covenant on Civil and Political Rights. The U.S.S.R has signed both of these agreements. Why don't Soviet officials live up to those international agreements?

As a United States Senator who shares your concern for peace and improved relations between our two countries, I appeal to you to do everything in your power to bring about the speedy emigration of the entire Khassin family. Your efforts in this regard will send an important signal to the world that the U.S.S.R. takes its international agreements seriously.

I eagerly await your reply.

Sincerely,

ORRIN G. HATCH,
*U.S. Senator.*

## 40TH ANNIVERSARY OF FULBRIGHT INTERNATIONAL SCHOLARSHIP PROGRAM

Mr. MATHIAS. Mr. President, last Friday marked the 40th anniversary of the Fulbright International Scholarship Program named for its founder and main supporter, J. William Fulbright. Fulbright grants are a living testimony to a great man's desire to advance world understanding. Influenced by the two World Wars and the devastation of Hiroshima and Nagasaki, Senator Fulbright, then a young legislator from Arkansas, secured passage of the foreign exchange program on August 1, 1946. Since that time, more than 155,000 persons—54,000 Americans and 101,000 foreigners—have received Fulbrights to study, teach, lecture, or conduct research.

Future American leaders, scholars, Nobel laureates, athletes, writers, and even one of our colleagues, Senator MOYNIHAN, have spent time abroad with the aid of a Fulbright grant. Foreign alumni of the Fulbright program have risen to the highest positions in their own countries, including the current prime minister of Sweden, Ingvar Carlsson.

Senator Fulbright originally began the program with the hope that better world understanding would allow people to avoid the tragedies of world war which had afflicted the first half of the 20th century. A Fulbright grant, as the Senator explained last week in the Washington Post, was simply "to make people stop looking at one another as things—things like 'Communists' or 'imperialists' or 'socialists' or what not—names that connote something other than human beings. If we can do that, we will be a little less inclined to kill one another."

Unfortunately, 40 years after the establishment of the Fulbright scholarships, the fact that people are still looking at each other as Communists, imperialists, or socialists is disappointing, but not discouraging. On the 40th anniversary of this important occasion, it is time to reaffirm our commitment to Senator Fulbright's dream. As a great admirer of his, I sponsored the International Scholarship Program last year as a small step to widen the opening for world cooperation that Senator Fulbright began 40 years ago.

Mr. President, last week two articles appeared in the Washington Post and the Baltimore Evening Sun noting the anniversary of the Fulbright program. I ask unanimous consent that they be inserted in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Baltimore Evening Sun, Aug. 2, 1986]

FULBRIGHT AT 40

(By Ray Jenkins)

He complains that he is "getting old," that he can't read as much as he used to, that aches & pains make it an ordeal to get around 18 holes on the Burning Tree golf course. But even as he speaks you catch a glint of mischief in the undimmed eyes. The fact is, he can still post a 93 on a good day at Burning Tree, and his applications of history's lessons to contemporary affairs are as trenchant and biting as ever. And you sense that his references to "cranky old men" are intended as a subtle judgment of the man who, only six years his junior, occupies the White House today.

At 81, J. William Fulbright basked this week in a moment of deserved glory as a grateful world observed the 40th anniversary of the student exchange program which he brought into being. It was his first major undertaking as a young United States senator in 1946, and he still regards it as the most important achievement in a life of public service which included the longest tenure in history—15 years—as chairman of the Senate Foreign Relations Committee.

The guiding idea behind the program, he noted in a reflective interview this week, was simple: To avoid nuclear war, "That may sound pretentious," he said, "but that was its main purpose."

He was ideally suited to the task. Although he had grown up in the "parochial" environment of small-town Arkansas, he was bright enough to win a coveted Rhodes scholarship. Through exposure to history at the great English university at Oxford, he began to form his ideas about the perverse human tendency to confuse power, especially military power, with virtue and morality. What he witnessed in the next two decades—the extermination camps of Europe, the use of atomic bombs in Japan—reinforced his sense of doom.

It was out of his pessimism that arose the idea of the educational foreign exchange program.

Fulbright maintains there was a good deal of "luck" involved in establishing the program, but a larger measure of the success lay in his tenacity and imagination. Operating among senators who were "so conservative that they didn't believe that anything should happen for the first time," he concocted a device which required no appropriation of money: War surplus materials would be sold off abroad for foreign currencies and credits which would then support the sending of American students abroad and bringing foreign students here. Much political and legislative dexterity was required to get around such formidable figures as Tennessee's isolationist and reactionary Sen. Kenneth McKellar, who warned Fulbright, "Young man, you are doing a dangerous thing to expose American students to 'foreignisms'."

The program was still in its infancy when Fulbright had to fight off the assault of Sen. Joe McCarthy, who delighted in referring to "Sen. Halfbright." But the bullyism of the briefcase demagogue was no match for the cool and measured logic of Fulbright: McCarthy soon dropped the exchange program from his "list" of subversive menaces.

The last major battle for survival came with the advent of Ronald Reagan, who first tried to cut the program's $43 million budget in half. But the proposal backfired, serving to arouse the growing body of Fulbright alumni and other supporters, and instead of being cut, the appropriation was increased.

A few years ago Webster's Third International Dictionary entered the word "Fulbright" as a new common noun defining the scholarship. There are today 155,000 "Fulbrights" throughout the world, two-thirds of them foreigners, and many of whom are new reaching the highest levels of government and academia—such diverse figures as, to name a representative sample, Sen. Daniel P. Moynihan of New York, President Derek Bok of Harvard, and Ingvar Carlsson, the new prime minister of Sweden.

His greatest hope, the former Senator explained this week to a group of foreign journalists which included several "Fulbrights," was simply "to make people stop looking at one another as *things*—things like 'communists' or 'imperialists' or 'socialists' or whatnot—names that connote something other than human beings, if we can do that, we will be a little less inclined to kill one another."

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[From the Washington Post, Aug. 1, 1986]

BY DEFINITION, AN ENDURING PROGRAM—EACH YEAR, 4,500 COVETED FULBRIGHT SCHOLARSHIPS ARE AWARDED

(By Jonathan Karp)

Becoming an entry in an encyclopedia is tough enough, but you have to do something really special to crack the dictionary. Forty years ago today, former Senator J. William Fulbright accomplished just that, when President Harry S Truman signed his act to award scholarships to students with funds owed the United States by Western Europe.

Here's what a 1984 edition of "Webster's New World Dictionary" has to say:

Ful-bright (fool'brīt') adj. [after J.W. *Fulbright* (1905- ), U.S. Senator from Arkansas] designating, of, or holding a scholarship or grant in a U.S. government program for the exchange of U.S. and foreign scholars, teachers, etc.: the funds are largely derived from the sale of U.S. surplus property abroad —n. a Fulbright scholarship, grant, or scholar.

"I didn't anticipate all the developments, by no means," said Fulbright, 81, now counsel to the law firm Hogan and Hartson after serving 30 years in the Senate. That his name rolls off the tip of many an aspiring scholar's tongue seems almost incidental to him.

Today, more than 155,000 persons—54,000 Americans and 101,000 foreigners—have participated in the program. Originally, part of the plan was to enable Western Europe to work off war debts by housing and educating Fulbright scholars. These days, it is funded by the U.S. Treasury and other governments. Congress appropriated $82 million for the program in 1985.

About 4,500 new grants are awarded annually to students, teachers and scholars, who study, teach and conduct research in 120 participating countries. Their pursuits range from setting up a dance studio in Zimbabwe to examining the use of the harp among turn-of-the-century Viennese composers while studying in Austria.

For Fulbright, the program's goal is to foster better understanding among countries. Fulbright said he was inspired to propose the legislation by the two world wars, the bombing of Hiroshima and Nagasaki, and his own experiences as a Rhodes Scholar studing history at Oxford.

"I think in the long run, if we don't have a nuclear war in the meantime . . . this kind of activity will contribute significantly to the development of people who have judgment about these affairs," Fulbright said. "Better judgment than to resort to World War I or World War II."

It took Fulbright almost a year to gain passage of the act, which passed the Senate easily but stalled in the House. According to Fulbright, subcommittee chairman Rep. William M. Whittington (D-Miss.) would not support the program because it did nothing for the schools in Mississippi.

Fulbright said he had almost given up when a common friend, William F. Clayton, then undersecretary of state, persuaded Whittington to support the program.

Meanwhile, Fulbright said, he "talked to anybody I could" about the program, gained former president Herbert Hoover's endorsement and wooed the press. "On my agenda it was big, but it wasn't on anyone else's," Fulbright said.

Among the many distinguished Americans who have won Fulbright Scholarships are Harvard University President Derek Bok and University of Chicago President Hanna H. Gray; economists Martin Feldstein and Milton Friedman; Nobel laureate scientists Hans Bethe, James Watson and Joshua Lederberg; writers Joseph Heller, John Updike and Eudora Welty; composers Aaron Copland and Philip Glass; Sen. Daniel Patrick Moynihan (D-N.Y.) and Michael Armacost, under secretary of state for political affairs.

"I think it made us more internationally minded, more cosmopolitan, more aware of intellectual complexities and more aware of what was particularly American on one's background and experiences," said Hanna Gray, who studied history at Oxford from 1950 to 1952.

The Fulbright program plans to celebrate its 40th anniversary with a series of exchanges between foreign and American scholars and artists. Also planned is a series of international satellite teleconferences with educators and academics and a Washington conference to bring together leaders in higher education.

Fulbright considers the program his top legislative accomplishment, although he thinks his constituents might disagree. "I got more public approval in Arkansas for removing the tax on oil margarine then I get from the exchange," he said.

Above all, he's modest about his role. "I just introduced the legislation," said Fulbright; it was the press, he believes, that

turned his surname into an adjective. "They've done it on so many bills," he said, and, drawing a parallel with the 1985 deficit-reduction legislation, added, "That Rudman bill. What do you call that?"

## CONCLUSION OF MORNING BUSINESS

Mr. GOLDWATER. Mr. President, parliamentary inquiry. The hour of 11:30 having arrived and passed, am I correct in assuming that the order of business is now the defense bill?

The PRESIDING OFFICER. The time scheduled for morning business has elapsed at 11:30, the Senator is correct.

## NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1987

The PRESIDING OFFICER. The clerk will report the pending legislation.

The legislative clerk read as follows:

A bill (S. 2638) to authorize appropriations for military functions of the Department of Defense and to prescribe military personnel levels for such Department for fiscal year 1987, to revise and improve military compensation programs, to improve defense procurement procedures, to authorize certain construction at military installations for fiscal year 1987, to authorize appropriations for national security programs of the Department of Energy for fiscal year 1987, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

(1) Byrd (for Kennedy and Weicker) Amendment No. 2414, to set forth a comprehensive and complete framework to guide the efforts of the United States in helping to bring an end to apartheid in South Africa and lead to the establishment of a nonracial, democratic form of government.

A motion was entered to close further debate on Amendment No. 2414 and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on the cloture motion would occur on Thursday, August 7.

(2) Dole Amendment No. 2417 (to Amendment No. 2414), of a perfecting nature, to promote economic and political development, peace, stability and democracy in Central America, to encourage a negotiated resolution of the conflict in the region, and toward these ends, to enable the President to provide additional economic assistance for the Central American democracies as well as assistance for the Nicaraguan democratic resistance, subject to certain terms and conditions.

A motion was entered to close further debate on Amendment No. 2417 and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on the cloture motion would occur on Thursday, August 7.

Mr. GOLDWATER. Mr. President, when we left last night, I made the statement, together with my friend from Georgia, that our staff, both of the staffs, would work during the night and this morning on the amendments that we had. There were a number, I believe it reached 138. Now there are a great deal of these amendments that were filed with no intention of ever calling them up. They were protecting amendments that were filed.

While I cannot get an exact number from our staffs yet that they feel can be expeditiously handled on the floor, I do believe that we might get that number down to somewhere around 70 to 80. Now that sounds like quite a reduction, but it leaves a great amount of work to be done in a time that is rather confusing, where we have a vote coming up on South Africa, where we have a vote coming up on the Contras, together with the debt limit, which is still pending. So I am not anticipating any real quick completion of this bill.

However, the bill is open for amendment and I would urge Members who have amendments to call them up at this time.

Does the Senator from New Mexico have an amendment?

Mr. BINGAMAN. Mr. President, I was conferring with the Senator from West Virginia to determine whether he had a much shorter amendment that he would want to offer at this point. If he does not, then I do have an amendment.

Mr. BYRD. Mr. President, I do have an amendment; as a matter of fact, I do have two amendments, but I want to wait until the distinguished Senator from Georgia is here before I call them up. I am ready.

Mr. STEVENS. If the Senator will yield, I have an amendment we have discussed, the Coast Guard amendment, that is going to be accepted, as I understand it. If I can present that early on, I would like to do it. I do not know if the others are more controversial, but if I could get the Coast Guard amendment out of the way soon, I would appreciate that.

Mr. BYRD. Mr. President, at the time Mr. NUNN is here, I will ask unanimous consent to set the pending amendment aside, if that is agreeable, and proceed on my amendment or amendments, and then I know the Senator from New Mexico has an amendment. He has very graciously consented to allow me to go ahead, may I say to the distinguished chairman.

Mr. GOLDWATER. Mr. President, I might say to my friend from Alaska, we did discuss this amendment. I would be the first to recognize that the Coast Guard needs help. It needs far more help and attention than this Congress gives it.

But unfortunately, to include these sums in this bill, I am afraid would be impossible. We just do not have it.

Mr. STEVENS. Mr. President, I appreciate the Senator's statement. My amendment would authorize the appropriations if we can find them. As the Senator knows, the current circumstances are such that often, as we go through these bills in the appropriations process, we find the other body will not agree to some of the moneys that we have authorized but they would agree to other things like the Coast Guard.

We have an agreement now this year. If it is not authorized, there will be no new money. And the Coast Guard has been given additional tasks in the Caribbean, in the Pacific, along the Atlantic coast. They have been now mandated by new bills, we have the High Seas Drug Enforcement Act, the act to prevent pollution from ships, the National Gas Pipeline Safety Act, the Port and Tanker Safety Act, and the 200-mile limit bill.

They are stretched beyond their capabilities now, and unless we can find a way to meet some of their needs through an authorized appropriation, some of those functions will have to be cut out in the appropriations process.

I call the Senator's attention specifically to the fact that this bill authorizes a 4-percent increase for the military. The Coast Guard is a military entity. This means that if this bill passes we will have to fund out of the existing level of appropriations the funds for the Coast Guard. In terms of the defense function, the Senator's bill funds that for the Department of Defense. They do not have to absorb it.

This bill, in and of itself, will reduce the Coast Guard level of available funds by about $100 million; a 4-percent increase is $100 million. We believe that there is a necessity to add the authorization for the money.

So I hope the Senator will consider what we are trying to do. We are trying to have the authority there to provide the funding if it becomes available in the appropriations process. We are not trying to bust the budget. As a matter of fact, as the Senator knows, the appropriations bill will be subject to both the budget ceilings in terms of budget authority and outlays. This bill is not subject to either.

I know the Senator is trying to meet those targets but it is just a target for the Senator's bill. It is an absolute limitation for the appropriations bill that I manage. I am urging that the authorization committee recognize the need for an authorization here to make the money available if it becomes available in the appropriations process.

Mr. GOLDWATER. Mr. President, I do not think there is anyone in this body that has a higher regard for the Coast Guard than I have. I have attended their schools throughout the years. I know that they are not adequately recognized. But here is the problem that we are facing. This is a

defense bill. All of these new projects that the Coast Guard has been assigned are not defense projects. In fact, they have nothing to do with defense. But I might say the Defense Department is now being asked to join in some of these projects. There is no money that I know of in the defense bill that could be diverted.

If the Senator can find money in another place, and we can move, there is no problem. I just cannot take it out of the defense bill in order to finance this particular item.

Mr. STEVENS. I say to my friend that one of the Coast Guard's responsibilities is the administration of the Atlantic and Pacific maritime defense zones. There is no funding in the defense bill for that activity. The Coast Guard must maintain the same pay scale as the military by law and I think that is good. They are military officers in wartime. They are civilian officers in peacetime. But unless the defense bill will fund the responsibilities that the defense establishment puts on the Coast Guard, then we will have no alternative but to cut the Coast Guard loose from the military in peacetime, and tell the military that the Coast Guard cannot do these. The High Seas Drug Enforcement Act puts the Coast Guard in a role that takes them far beyond their prior zone of activity.

As the Senator knows, they were involved in all of these Caribbean and South American activities, and I think justifiably so. We now put Coast Guard people on naval vessels and use the naval vessels under the command of the Coast Guard in drug interdiction. All of that involves expenses that ought to be borne by the Department of Defense, in my judgment. We have been successful 3 out of the last 4 years in providing approximately $300 million to $375 million a year out of the defense bill. Because of our agreement with the Senator's committee this year, we cannot do that.

I am raising the issue on the floor primarily so everyone will know that the Coast Guard will be cut approximately $375 million unless I put an amendment on the Senator's bill to authorize us to use the funds from the defense if we can find it.

As the Senator knows, last year we found savings from prior years and funded that. It did not impede the current year.

Mr. GOLDWATER. Mr. President, I think what the Senator is suggesting be done is a proper thing. I think it is time that the administrative branch of our Government recognizes the Coast Guard in a better way than it has. I happen to have discussed this item with the President yesterday, the fact that we needed money for this because the State Department has authorized the use of the Coast Guard. In fact, when you get right down to it, we are talking about our military helping stop the flow of narcotics. The Coast Guard is the only thing we have, the only body that wears uniforms that can make an arrest. Until we can change that we are going to have some problems.

Let me make a suggestion to the Senator from Alaska. Our staffs have been working on this. Let our staffs continue during the day to see if we can find some money. I can tell the Senator, and I know the Senator knows it as well as I do that the defense money is absolutely dried up. We do not have another dime. But if we can find it, let us look for it, let our staffs work on it.

Mr. STEVENS. I appreciate, Mr. President, what the Senator from Arizona said. I want to do what he wants to do. It is his bill. I will not offer this amendment if the Senator opposes it. But, again, I would like to bring to his attention that quite often in the appropriations process we find items that have been authorized by the Senator's armed services bill that for one reason or another cannot go forward. We take that money and apply it to areas that have been in need. In the past, those have been unauthorized.

Because of our long disagreement over the 1986 bill we have entered into an agreement that I intend to observe; that is, we will not appropriate money for unauthorized accounts. This is the only one of these that I will attempt to get it authorized so that in the event money becomes available in our process, which the Senator does not identify yet in his, we can fund the Coast Guard. We will not take money away from those items which the Senator has given higher priority to, and have committed that to the Armed Services Committee. But in this process we have to have some extra authorization so that we can in fact use money that is either savings from prior years that materializes, or savings that materialize because of some project that the Senator has authorized for which it is not possible to go ahead.

If we do not, then all I can say again is without this authorization there will be an effective reduction in the amount of money available to the Coast Guard in the amount of $375 million.

Incidentally, it is more than that, because we also funded some other items in the bill that were not controversial that are not authorized.

Mr. PELL. Will the Senator yield?

Mr. STEVENS. The Senator from Arizona has the floor.

Mr. GOLDWATER. Yes.

Mr. PELL. I want to provide very strong support to the Senator from Alaska. I speak perhaps personally. I think I am the only Coast Guard officer in the Chamber.

Mr. STEVENS. My colleague is one.

Mr. PELL. Good. Actually I'm a retired captain in the Coast Guard Reserve.

I well remember in World War II, enlisting in the Coast Guard considerably before Pearl Harbor, and doing normal law enforcement and Coast Guard work. Bingo; the war started. The whole ship's company painted that ship gray. We did it in 36 hours because we could not go on liberty until we had, and we were part of the Navy. For 5 years we were part of the Navy.

At the beginning of the war, I believe we were losing more ships than the Navy on a percentage basis.

So one of the strengths of the Coast Guard and for the military is that you have here a military service doing useful law enforcement, life saving work between wars. This one cannot say about the Army, Navy, Air Force, and Marine Corps. In between wars, they are keeping themselves ready for war. On the other hand, the Coast Guard is doing useful work for law enforcement, and for the saving of lives in between wars. One of our Nation's strength, and the beauty of it is you have the useful Coast Guard as a military reserve. And, when a war comes, bingo, we get painted gray and we become part of the military services.

Mr. GOLDWATER. Mr. President, I could not agree with the Senator from Rhode Island more. As I said before the Senator came on the floor, I have long, long been active with the Coast Guard. I have always believed, I believe right now, that we ought to provide more funds for the Coast Guard, and I think a good way of doing it is charging people that the Coast Guard teaches about the rules of the road. Even in a State like mine, in Arizona, which is a dry State, I think they operate something like 12 different Coast Guard schools.

□ 1150

Nobody pays a nickle for it. I did not intend to get into this subject, but today all you have to have to get out on the ocean is enough money to buy a boat. You do not have to know which way to go. You do not have to know if it flies or just sails. That is why we lost so many lives.

For example, where I used to sail a lot on the Pacific Ocean between the mainland and Catalina Island, we averaged almost 20 deaths a year that could be traced to people who did not know what they were doing.

I proposed several times charging people who go to these schools and charging a fee for the use of a boat on the waters of America. But we have too many people in here who have harbors in their States and do not like that.

Mr. STEVENS. I might say I had that bill out.

Mr. GOLDWATER. If the Senator will excuse me, I was going to tell the Senator from Alaska, if he will allow our two staffs to continue looking at this, maybe we can find something. We are not like any other organization in this Senate. We have been buffeted around by the Budget Committee, the Appropriations Committee and by the House of Representatives until the Defense Department is looking at a $30-billion deficit in the way of money for this year. We can struggle along on it but we are not going to do very well. To ask for another $250 million—and I would like to do it. The Senator is not finding opposition from me. He is finding opposition from the fact that that old money is dead.

Please, let our two staffs work together on this. This is just the second amendment we have had up. Maybe we can come up with something.

Mr. STEVENS. Mr. President, I am delighted to cooperate with the Senator from Arizona. On behalf of our Appropriations Subcommittee, we have already notified him that we will live within the terms of the understanding agreed to previously, that we would not appropriate for unauthorized accounts unless he concurs. That is the agreement.

The problem really on this one is that the Coast Guard has now, I am told, an $11 billion capital inventory and it takes about $400 million to $600 million a year to maintain that inventory. They have a $4.5 billion account of assets, their fiscal assets, their shore maintenance and rehabilitation program now reaching the level of over $100 million.

The Senator knows the Kodiak Naval Station. The Coast Guard took that over and in peace time they now run that. That is a substantial investment. It is the only naval station in Alaska that is capable of servicing the large vessels of our Navy. There is no such base now.

The Coast Guard maintains that in peace time. In the event of war, that would become a naval station again. Those kinds of expenditures are military expenditures in part, but there is no funding for them.

Mr. President, this is the Senator's last bill that he will manage for the Department of Defense. I want to give him every cooperation I can give him, not only to assist him in getting it passed, but to make sure it is fully funded. I make that commitment.

I appreciate what he is saying about our staffs working together. I hope that somehow or other we can find a way for that relief valve which we need in the event we find money that otherwise cannot be spent for as high a priority item in 1987 and we can make it available to the Coast Guard.

Mr. GOLDWATER. I appreciate what the Senator from Alaska has said. He does not have to sell me. I am already sold. As I have said, the staffs will work together. If we can find any money that can be applied to this, we will apply it.

Let me make the suggestion that next year the Senator from Alaska and the Senator from Rhode Island, and other Senators who have a vital interest in the Coast Guard, prepare legislation that will force the Government to give this group the recognition that it deserves. I want to tell you I am ashamed of the fact that our Coast Guard does not rank right up there with the other four services. I would like to see something happen.

I promise the Senator from Alaska we will do all we can. I thank him.

The bill is open to further amendment, Mr. President.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. BYRD. Does the distinguished Senator have the floor? If he does, I will not seek recognition.

Mr. GOLDWATER. I just said that the bill was open to further amendment. I believe the Senator from New York had an amendment.

Mr. BYRD. I had indicated that I had an amendment.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. BYRD. Mr. President, I ask unanimous consent that, notwithstanding the fact that there are amendments in the first and second degrees pending, I may be permitted to set those amendments aside temporarily and offer an amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 2558

(Purpose: To Require an Assessment by the Joint Chiefs of Staff of the Military Impacts of U.S. Non-Compliance With Existing Strategic Offensive Arms Agreements)

Mr. BYRD. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 2558.

Mr. BYRD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate point in the bill, add the following new section—

SECTION . MILITARY IMPACT STATEMENT BY THE JOINT CHIEFS OF STAFF ON U.S. NONCOMPLIANCE WITH EXISTING STRATEGIC OFFENSIVE ARMS AGREEMENTS.

(a) Not later than November 1, 1986, the Joint Chiefs of Staff, of the armed forces of the United States shall submit to Congress a report, in both classified and unclassified versions, containing a comprehensive assessment, including their individual views, of the military impacts on the national security of the United States, of the possible military responses of the Soviet Union to an American decision to no longer comply with major provisions of existing strategic offensive arms limitation agreements, including the central numerical sublimits on strategic nuclear delivery vehicles contained in the SALT II accord. This assessment shall concentrate on possible Soviet military responses during the period between fiscal year 1987 and fiscal year 1996, inclusive, and shall address, among other considerations, the following:

(1) the impact on the ability of U.S. strategic forces to accomplish their nuclear deterrent mission, including the impacts on the survivability of U.S. strategic forces and on the ability of U.S. strategic forces to achieve required damage expectancies against Soviet targets, of any expansion of Soviet military capabilities undertaken in response to a U.S. decision to abandon compliance with existing strategic offensive arms agreements;

(2) the additional cost to the United States, above currently projected military expenditures for those periods for which such budget projections are available, of research, development, production, deployment, and annual operations and support for any additional strategic forces required to counter any expansion in Soviet military capabilities undertaken in response to a U.S. decision to abandon compliance with existing strategic offensive arms agreements;

(3) under average annual real growth projections in defense spending of 0%, 1%, 2%, and 3%, the percent of the annual defense budget in each year between FY 87 and FY 1996 which would be consumed by increased U.S. strategic forces needed to counter the Soviet force expansions;

(4) the military impacts on U.S. national security of the diversion the funds identified in subsection (a)(1) away from non-strategic defense programs and to strategic programs to counter expanded Soviet strategic capabilities, including the military impacts of such a diversion on the ability of U.S. conventional forces to meet the nation's specific non-nuclear defense commitments as a member of the North Atlantic Treaty Organization, and under the 1960 Treaty of Mutual Cooperation and Security with Japan.

(b) Notwithstanding any other provision of law, none of the funds authorized or appropriated by this or any other act may be obligated or expended, directly or indirectly, by the Organization of the Joint Chiefs of Staff for studies and analyses to be accomplished by individual civilian contractors or civilian contractor entities, after November 1, 1986, if the report mandated in subsection (a) has not been received by the Congress; and,

(c) The prohibition contained in subsection (b) on the obligation or expenditure of funds after November 1, 1986, shall cease to have effect upon the receipt by Congress of the report mandated in subsection (a).

Mr. BYRD. Mr. President, the President's announcement that the United States no longer will comply with the existing strategic offensive arms agreements could have major implications for our national security, our defense spending requirements, the future of arms control, and the nature of our re-

lationship with our principal adversary—the Soviet Union.

To properly assess these implications, the Senate needs the most comprehensive information about the military impacts of the President's SALT noncompliance policy from the most authoritative and expert sources.

My amendment is designed to provide the Senate with that essential information from just such a source—our Nation's highest-ranking military leaders, the Joint Chiefs of Staff. Without such information, the Senate is severely handicapped in assessing the advantages and disadvantages to our Nation of the administration's "no-SALT" policy.

My amendment requires the Joint Chiefs to submit, by November 1, 1986, classified and unclassified reports containing a comprehensive assessment of the military impacts on the United States of the possible Soviet military responses to the President's policy. That report, which would be due just before the newly announced policy may take effect—would cover the fiscal year 1987-96 period encompassing the Pentagon's proposed 5-year budget plan, and the period immediately following.

The lengthy research, development, procurement, and deployment cycles for strategic nuclear weapons systems—and the many years needed to expand or contract the deployment levels of these forces in response to future arms control agreements or a changing Soviet threat—require that the Senate evaluate the impacts of the President's policy for such a long period.

What does my amendment do? It requires the Joint Chiefs to provide, among other considerations, the following information the Senate and the American people need in order to make an informed judgment about the wisdom of the administration's intended policy:

First, the impact on the ability of United States strategic forces to accomplish their nuclear deterrent mission, including impacts on the survivability of United States strategic forces and on their ability to achieve required damage expectancies against Soviet targets, of any expanded Soviet military capabilities developed in response to a United States decision to abandon compliance with existing strategic offensive arms agreements;

Second, the additional cost to the United States above current defense projections, of any additional strategic forces required to counter any expanded Soviet military capabilities that were developed in response to American abandonment of existing strategic offensive arms limits;

Third, the percent of the annual defense budget which would be consumed by increased United States strategic forces needed to counter the Soviet force expansions, for each year between fiscal year 1987 and fiscal year 1996, in each case under average annual real growth projections in defense spending of zero percent, 1 percent, 2 percent, and 3 percent;

Fourth, the military impacts on United Sates national security of diversion from nonstrategic defense programs to strategic programs of the additional funds needed to counter the expanded Soviet threat.

This latter category of required information is to focus particularly on impacts of the United States SALT noncompliance policy on our conventional defense capabilities and on our NATO allies and Japan.

The Joint Chiefs of Staff are required to address the impacts of a funding diversion from conventional programs to strategic forces, caused by the non-SALT policy, on the ability of United States conventional forces to meet our Nation's specfic nonnuclear defense commitments under the NATO Treaty and the Mutual Security Treaty with Japan.

We all know how strongly the NATO allies disagree with the President's policy, and warning signals already have appeared about the possible harm it could cause to our conventional defenses.

For example, I just received a letter from former Defense Secretary James R. Schlesinger, who warned against this latter, "probably highly negative" ramification of an accelerated stategic arms competition caused by the no-SALT policy. I had written to Mr. Schlesinger inquiring about the policy.

Given likely future limits on Federal spending, "any expansion of spending on strategic forces will mean a shrinkage of spending on theater and conventional forces," said Mr. Schlesinger, who is one of our Nation's most respected defense experts. "On balance," he concluded, "I do not believe that would be in the interest of our overall defense posture."

However, neither our allies nor the Senate has focused specifically on these particular military impacts of the policy, which I believe is the least we must do to exercise properly our constitutional responsibilities.

Mr. President, there is serious doubt that all these significant military implications of the no-SALT policy were considered sufficiently by the administration before the policy was announced on May 27, 1986.

Indeed, there was disturbing evidence to the contrary in two articles by the Washington Post's respected military correspondent, George C. Wilson. On June 16, 1986, the Post reported that the Joint Chiefs of Staff avoided making a direct recommendation to the President about whether SALT compliance should continue.

On June 22, an article entitled, "The Chiefs take a dive—ducking SALT, The Joint Chiefs of Staff puts self-interest ahead of Security" appeared. This article reported that the Chiefs agreed that they did not have to make an "up-or-down recommendaton" to the President on the SALT Treaty.

Mr. Wilson wrote:

> What was lost in this cop-out by the Chiefs was their considered judgment on which course is best for the Nation from a military point of view. And, so far, it appears that neither the President nor the Congress will learn about the qualms some of the Chiefs have about discarding the weapons limits.

Concerned about the report in the initial article, soon after it appeared, I pursued this matter with the chairman of the Joint Chiefs of Staff, Adm., William J. Crowe, Jr., at a Defense Appropriations Subcommittee hearing.

I attempted to determine the extent to which the critical military issues connected with the no-SALT decision were studied, debated, and discussed by the JCS, and whether they fully communicated such analyses to the President before his announcement. I also tried to obtain the Admiral's personal professional opinion about the military implications and impacts of the noncompliance policy.

Unfortunately, Mr. President, and the record of the hearings will show, once they are printed and ready for Senators to study them, the Admiral never gave me straightforward answers, especially about the key issue of whether the United States should continue to abide by SALT's central numerical sublimits on strategic weapons.

When the Admiral did respond, he provided an assessement based on Soviet intentions and not on Soviet weapons production and deployment capabilities.

I remember reading the SALT II hearings a few years back. I read those hearings "from kiver to kiver, every jot and tittle." I did not assign the reading thereof to staff people. I read the hearings that were conducted both by the Foreign Relations Committee and by the Armed Services Committee. And we were warned repeatedly by the military then, not only under the Carter administration, but also under previous administrations, to judge the capabilities of the Soviets—to judge the capabilities of the Soviets—and not the intentions of the Soviets, as we decide defense budget issues.

In the course of their military planning, our top military people usually indicate that it is far more prudent to judge the capabilities of the Soviet Union, not its intentions—because who can judge what its intentions are?—when assessing the Soviet threat.

Our top military leaders usually have stated that predicting Soviet intentions is much less certain than measuring Soviet military capabilities.

My amendment is intended to provide the Congress with a comprehensive military impacts assessment of the no-SALT policy based on Soviet capabilities not intentions.

The Admiral's unwillingness to provide direct responses was doubly disappointing in view of the answer he gave at his Armed Services Committee confirmation hearings to a question Chairman BARRY GOLDWATER asked on my behalf—asked on my behalf during those confirmation hearings—about the Admiral's willingness to share his views with the Senate.

Chairman GOLDWATER asked the Admiral the following question:

I have one question, Admiral, that we always ask on behalf of the minority leader of the Senate, Senator BYRD. Admiral, if confirmed, do you agree to appear before this and other appropriate committees and give us your candid views and answer all appropriate questions relative to your position?

Admiral Crowe responded: "I agree, Mr. Chairman."

Mr. President, the Joint Chiefs have a statutory responsibility to advise the President on military matters, and they traditionally have shared their candid, personal professional military opinions with the Senate. That advice has been very useful to the Senate in deciding important national security questions in the past.

Two years ago, in the conference report statement of managers for the fiscal year 1985 Defense Authorization Act, the Senate and House Armed Services Committees formally asked the Chairman of the JCS to answer 14 detailed questions about reforming the Pentagon's organizational structure. Those answers were due by a date certain. Thus, there is ample precedent for my amendment.

Furthermore, there should be no doubt that it is appropriate to address arms control compliance questions to the Joint Chiefs of Staff. Annual military posture statements to the Congress by the Joint Chiefs of Staff Chairman contain repeated references to arms control matters.

According to the Library of Congress, various members of the Joint Chiefs of Staff testified extensively six times before the Armed Services Committee on the military implications of the SALT I and antiballistic missile treaties, and four times before the Armed Services Committee and twice before the Foreign Relations Committee about the military implications of the proposed SALT II accord.

Admiral Crowe and the rest of the Joint Chiefs of Staff may have come perilously close to shirking their responsibilities to the President and to the Senate regarding the administration's SALT noncompliance policy. My amendment might rectify this situation as far as the Senate is concerned, and that is a further cogent reason for its passage.

As the detailed description of my amendment demonstrates, there are highly important military questions about the no-SALT policy which should be answered, and to which the Senate should receive the answers—and to which the Senate is entitled on behalf of the people of these United States to receive the answers— if it is to evaluate this policy properly. At the least, the Senate should know if any one of the Joint Chiefs is concerned about the negative military implications of this policy.

My amendment will provide the Senate with the information it needs on these issues of great national security significance.

Finally, Mr. President, the Senate needs this information without undue delay, because it probably will be making decisions about the no-SALT policy and strategic weapons programs and budgets very shortly after the date by which my amendment requires the Joint Chiefs of Staff report to be submitted.

Because of this requirement for timely information, I have included a provision in my amendment which would enforce the due date. That provision would prevent any funds from being spent by the Joint Chiefs of Staff to contract for studies and analyses by civilian contractors after November 1, 1986, if the report has not been received by Congress. As soon as the report is received, this funding prohibition would no longer be effective.

This provision would encumber only a small amount of funding, less than $10 million according to the Joint Chiefs of Staff organization. However, it would demonstrate that unless the Joint Chiefs of Staff perform a military mission for which they are paid, Congress sees little reason for them to hire outside civilian contractors—who exist only to produce paper studies for the Government—to accomplish that task. If the Joint Chiefs of Staff cannot do this paperwork in their own offices and supply it to the Congress, why should they contract it out to civilian contractors to accomplish the task?

This provision is more than justified by Congress' most recent experience in soliciting information from the executive branch about the implications of a U.S. SALT noncompliance policy.

Last year, the Senate adopted a provision urging continuation of U.S. SALT compliance and requiring a report about the expected dismantlements of Soviet and American strategic forces with and without such a continuation. That report was due February 1, 1986.

After almost 6 months delay, and repeated efforts to obtain the report it finally was delivered in June. That report was a more narrowly defined report which does not address many of the issues which would be covered in the report mandated by my amendment.

Given its schedule, and the importance of the issues involved, the Senate cannot afford a delay in receiving the information required by my amendment if it is to fully understand and assess the national security ramifications of the President's no-SALT policy.

The final provision in my amendment recognizes this requirement for timely information.

I am confident that if the Joint Chiefs of Staff will approach my amendment with a spirit of cooperativeness, rather than a spirit of stonewalling, such that with which I met when I asked questions of the Chairman of the Joints Chiefs of Staff a few weeks ago before an appropriations subcommittee, the problem can be resolved to the good interests of all. I met with very little forthrightness in answering my questions. Instead there was dancing around on the head of a pin. That is about all I got. The Senate is entitled to this information. The people of the United States are entitled to this information. If the report is submitted on time, the funding prohibition will never take effect, under my amendment.

I urge adoption of my amendment, and I ask unanimous consent that the letters and newspaper articles to which I referred earlier be printed in the RECORD at this point.

There being no objection, the documents were ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 16, 1986]

JOINT CHIEFS BACK REAGAN SALT PLAN: HILL TO SEEK PERSONAL OPINIONS OF DECISION

(By George C. Wilson)

The Joint Chiefs of Staff have sent a secret policy document to President Reagan that supports any SALT II decision he makes without disclosing that some of them favor adhering to the weapons limits in the agreement, according to Pentagon sources.

The chiefs carefully crafted the document in hopes of avoiding an open policy split with Reagan and keeping themselves out of the political storm they foresaw if the president abandoned the arms pact, sources said.

But House Armed Services Committee Chairman Les Aspin (D-Wis.) and other lawmakers are expected to drag them into the storm by demanding to know their personal views on the wisdom of abandoning the limits in SALT II. Aspin said he intends to summon the chiefs before his committee.

Several senators also are pressing to question the chiefs. But Senate Armed Services Committee Chairman Barry Goldwater (R-Ariz.) said in an interview that he has no intention of letting his committee be a forum for such cross-examination of military leaders, contending that what Reagan did on the SALT limits "is none of Congress' business."

Adm. William J. Crowe Jr., chairman of the Joint Chiefs, engineered the document sent to Reagan. Sources said it states that the chiefs' primary interest is to get new generations of strategic missiles, bombers and submarines deployed. The question of whether this can be done better inside or outside SALT II is a political call for the president, not the military, the document contends.

Under this approach, whether Reagan stuck with the weapons limit in SALT II or abandoned them, as he has done, the White House and the chiefs can say that the Joint Chiefs of Staff, the nation's highest military body, support the president's decision. An earlier group of chiefs supported the SALT II treaty, support that President Jimmy Carter considered essential, but which was not enough to win Senate ratification.

The chiefs, in debating their positions on SALT II, knew from frequent meetings with Defense Secretary Caspar W. Weinberger—who usually meets with them as a group on Tuesday and Thursday and sees Chairman Crowe more frequently—that he strongly opposed continuing to observe SALT II. Just as their predecessors felt heavy political pressure to support SALT II, today's chiefs felt pressure to oppose it, according to knowledgeable officials.

Also, according to sources, there was widespread agreement among the chiefs that the Soviet Union had been flagrantly violating SALT II by encrypting telemetry and deploying the SS25 blockbuster missile. They sympathized with the president's plight in which he would seem to tolerate such violations if he continued to observe the pact.

A counterargument in "the tank," the big room in the Pentagon where the chiefs deliberate, sources said, was that anything that limited how many nuclear warheads the Soviets targeted on the United States would ease the military's problems in countering them. The Soviets do scrap missiles to comply with the treaty. Without SALT II, these missiles would be available for "breakout," a sudden deployment of warheads, this argument went, sources said.

As for new strategic weapons, the chiefs agreed and told Reagan, sources said, that the Soviets in the near future are not likely to build them any faster without SALT II than with the limits being observed.

Under traditional procedure, the chiefs support presidential decisions in testifying before Congress. Only when they are asked for their personal opinions do they sometimes break ranks with the president. Lawmakers critical of Reagan's abandonment of SALT II have dug up past testimony of military leaders endorsing the treaty limits in hopes of drawing out the qualms of today's chiefs.

Such research, sources said, has revealed that in late March Gen. Larry D. Welch, then head of the Strategic Air Command and now Reagan's nominee to be Air Force chief of staff, told a secret session of the Senate Armed Services Committee's strategic and theater nuclear forces subcommittee that he thought it would be militarily advantageous to the United States to continue complying with the arms limits of SALT II.

At his confirmation hearing before the committee on Friday, Welch said the Soviets, in deploying the SS25 and encrypting its telemetry, had "not only violated the letter but the spirit of SALT II." No senator asked him if the violations had reversed his support of the treaty limits, however, a question he and other military leaders are expected to be asked in the coming weeks as the SALT II conflict between Reagan and Congress escalates.

A Pentagon official said that whatever personal concerns the chiefs may have about abandoning SALT II, Weinberger feels vindicated in advocating the scrapping of the treaty because the Soviets, since the president's decision, have put a new arms-control proposal on the table at Geneva.

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[From the Washington Post, June 22, 1986]

THE CHIEFS TAKE A DIVE—DUCKING SALT, THE JCS PUTS SELF-INTEREST AHEAD OF SECURITY

(By George C. Wilson)

The Joint Chiefs of Staff are ducking their professional responsibilities by refusing to say whether the nation is better or worse off in abandoning SALT II weapons limits. They are, in fact, politicizing themselves by saying the question is a political one that they, the nation's top military officers, are not obligated to answer.

Their predecessors advised the president and Congress that adhering to the provisions of the unratified SALT II was, on balance, advantageous militarily. In contrast, today's chiefs recently decided against making an up-or-down recommendation to President Reagan. They rationalized that whether to continue abiding by SALT II was a political decision to be made by the head politician, Reagan, and not the nation's military leaders.

"Reagan is supposed to be the best politician in the world," one of the chiefs told me. "Why not let him make this political decision?"

Yet, theoretically, the Joint Chiefs of Staff—composed of a chairman and the heads of the Army, Navy, Air Force and Marine Corps—are the nation's wise men on military questions. They are supposed to be professional military leaders with professional advice to help the politicians make sound decisions in a world where nuclear incineration of the planet is the biggest threat of all.

It is true, of course, that in the real world of the military, especially in peacetime, generals and admirals play politics to get ahead. The new chairman of the Joint Chiefs, Adm. William J. Crowe Jr., has far more political and diplomatic experience, for example, than seagoing time. And the way he tried to finesse the chiefs' SALT II recommendation to the president showed this political orientation. He knew that Defense Secretary Caspar W. Weinberger wanted to scrap the SALT II. And Crowe wanted to avoid an open split between the chiefs and Weinberger.

The chiefs debated the pros and cons of sticking with SALT II. A paper full of wishy-washy prose and on-the-other-hand argumentation distilled their views, according to administration officials. The paper did not come down hard one way or another on the SALT II question. Crowe, sources said, thus was able to use the paper like a stretch sock to cover his key political problem: a potential split between the chiefs and Weinberger, the defense secretary who has raised so much money for the services over the past five years.

"Weinberger wouldn't have to say anything directly to the chiefs for them to feel under pressure to go along on scrapping SALT II," said one retired flag officer who spent years in "the tank"—the room in the Pentagon where the chiefs meet Tuesdays and Thursdays. "You don't get to be a four-star without knowing what's expected."

The chiefs agreed that since the military advantages and disadvantages of sticking with the SALT II limits were practically a wash, the nation's highest military body need not make an up-or-down recommendation to the president on the treaty. They would let the president make the call and then go along with it, no matter which way he went.

What was lost in this cop-out by the chiefs was their considered judgment on which course is best for the nation from a military point of view. And, so far, it appears that neither the President nor the Congress will learn about the qualms some of the chiefs have about discarding the weapon limits.

"I was worried about breakout if we abandoned the limits," one of the chiefs told me in reconstructing the debate. "The Russians don't throw their old stuff away like we do."

With SALT II being observed by the United States and Soviet Union, he said, at least some Soviet weapons and launching facilities would be junked. With no such limits, he reasoned, the Soviets would store up all their old missiles and perhaps suddenly deploy them, tipping the balance their way through what the military calls "breakout."

The incoming chief of staff of the Air Force, Gen. Larry D. Welch, told a secret session of the Senate Armed Services Committee on Mar. 20 that he favored sticking with the SALT II limits as long as they proved to be military advantageous to the United States.

Last Thursday, before the Senate Appropriation Defense subcommittee, Crowe visibly angered Senate Minority Leader Robert C. Byrd (D-W.Va.) by refusing to tell him what recommendations the chiefs had made to Reagan on SALT II. Crowe, when asked his personal view on the wisdom of abandoning the SALT II limits, continued to stonewall, even though tradition calls for military leaders to give their personal views when Congress asks for them.

Crowe did tell Byrd that he did not believe the Soviets would change their weapons-building plans appreciably whether or not SALT II continued to be observed. U.S. military leaders usually discuss and adversary's capabilities, not intentions, when justifying defense preparations.

Byrd's reaction to Crowe—the first chief to appear publicly since Reagan made his SALT II decision—suggested that the chief's manuevering may have avoided a fight with Weinberger while starting one with Congress.

"They are being their own worst enemy," Byrd said, as he angrily paced back and forth across his office after failing to get Crowe to answer his questions. "Crowe didn't answer one of my questions."

Byrd said that both the president and Congress are entitled to the up-or-down recommendation of the chiefs on abandoning the SALT II limits, and added: "Unless the chiefs advise the president, he is not well served. If we in Congress can't get the chiefs' advice, whose advice are we to take on these military questions? Crowe is trying to put a classified cloak over this thing."

At the end of Crowe's Senate confirmation hearing on July 30, 1985, Barry Goldwater (R-Ariz.), chairman of the Senate Armed Services Committee, asked this question on behalf of Byrd:

"Admiral, if confirmed, do you agree to appear before this and other appropriate committees and give us your candid views

and answer all appropriate questions relative to your position?"

"I agree, Mr. Chairman," Crowe replied.

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U.S. SENATE,
OFFICE OF THE DEMOCRATIC LEADER,
*Washington, DC, July 9, 1986.*

Dr. JAMES SCHLESINGER,
*Center for Strategic and International Studies, Georgetown University, Washington, DC.*

DEAR DR. SCHLESINGER: As you know, the Senate soon will be considering the Fiscal 1987 Defense Authorization Act, and it is expected that arms control issues will be a major focus of our deliberations. Your insights in the past on national security matters have been of great assistance to me personally, and to many other Senators, and I know we would find your guidance very helpful again during the upcoming floor action.

If it is not too burdensome, I would be most interested in obtaining your views, which I hope you would permit me to share with my colleagues, about the following issues:

(1) Is it in U.S. national security interests—or against them—if the United States chooses to exceed the central numerical sublimits of the SALT agreements later this year, by deploying the 131st bomber equipped with air launched cruise missile (ALCM), and why?

(2) Which nation—the U.S. or the U.S.S.R.—is in a better position to increase its production and deployment of strategic weapons in the next 3-5 years in the absence of SALT constraints?

(3) What are other positive or negative ramifications for the national security of the U.S. and its allies if the U.S. chooses to exceed the central numerical sublimits of the SALT agreements later this year by deploying the 131st ALCM-equipped bomber?

Should you be able to share your thoughts with me in the near future, I would appreciate it greatly, since our deliberations on such matters may begin as early as July 21. My thanks in advance for your consideration.

Sincerely,

ROBERT C. BYRD.

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JAMES R. SCHLESINGER,
*Washington, DC, July 28, 1986.*

Hon. ROBERT C. BYRD,
*Office of the Democratic Leader*
*U.S. Senate, Washington, DC.*

DEAR SENATOR BYRD: These brief comments are in response to your letter of July 9. I trust that they will be of use in illuminating for you and your colleagues the issues that you posed.

At a general level, the chief advantage that might be embodied in the Administration's announcement that it would no longer be bound by the restraints of SALT II is that the Soviets might become more eager to negotiate—and thereby hypothetically improve the outcome at the bargaining table from our perspective. Of course, in order to exploit this potential advantage in the Administration's announcement we ourselves must be prepared to negotiate seriously. Thus, the principal justification for the action taken by the Administration can only be diplomatic tactics: putting pressure upon the Soviets.

Offsetting this advantage are a very clear political disadvantage and a possible military disadvantage. On the political front, the Administration's move caused considerable concern amongst our allies and other parties in the outside world regarding what it was taken to imply about the American attitude towards arms control and about the nature of the American decision process. (The timing of the announcement, which was unfortunate, was determined solely by when the opponents of SALT II could win a decision rather than by any development on the international scene.) The allies' dissatisfaction was reflected immediately in the meeting of the North Atlantic Council in which the United States was isolated. Needless to say, the Soviets have been moving to exploit what they see as a propaganda windfall.

On the military front, there is greater uncertainty. However, if the Soviet Union does regard this as a pretext for further expanding its own strategic forces, it is in a better position to compete short-term than is the United States. Consequently, under those conditions the short-term military balance would move to our disadvantage. Of course, if the Soviets were to do so, they would forfeit much of the political windfall that has now come their way. I think therefore that, for the obvious political motive, the Soviets will exercise restraint in order to maintain their propaganda offensive on the arms control issue. In my judgment, the political consequences are more significant by far than the military consequences.

All of this by way of background to your specific questions.

(1) In my judgment whether the United States proceeds to deploy the 131st bomber equipped with ALCMs at yearend is less important than the original announcement that we would no longer be bound by SALT II, although it will probably not even then be in the national security interest of the United States. Much of the political damage would already have been sustained. Since the United States has ample weapons against Soviet targets in the Soviet Union, it would provide little in the way of military advantage.

(2) Since the Soviet Union has greater throw-weight in its missile force and since it maintains a warmer production base than the United States, I believe that there is little question that the Soviet Union can increase its production and deployment of strategic weapons more than the United States can near-term.

(3) The other ramification of a reinforced competition is strategic arms between the United States and the Soviet Union would be budgetary—and probably highly negative from our standpoint. Given the magnitude of the budget deficit, and the goal of deficit reduction (either within or without the framework of Gramm-Rudman), it is evident that the real resources available to the Department of Defense will be at best stable and are likely to decline. Consequently, any expansion of spending on strategic forces will mean a shrinkage of spending on theater and conventional forces. On balance, I do not believe that would be in the interest of our overall defense posture.

I pointed out earlier that the dramatic move by the Administration represents a stimulus to the Soviets to negotiate. If the Administration is willing to make the adjustments unavoidable in the negotiating process, this move could prove to be advantageous. On balance, I think that the odds are against such an outcome.

Respectfully yours,

JAMES R. SCHLESINGER.

Mr. BYRD. I yield the floor.

Mr. GOLDWATER. Mr. President, I am going to ask Senator WARNER of Virginia, who is our expert in this field, to answer the distinguished minority leader.

Mr. WARNER. Mr. President, the minority leader very courteously acquainted me with that amendment earlier today and I have read it. I would recommend to the chairman of the committee, Mr. GOLDWATER, that we would be prepared to accept it.

However, I suggest that we invite the minority leader to look at one or two possible technical changes to the amendment, the first being in paragraph A. In view of the fact the Senate and the House have passed reorganization bills, there may be a manner in which we should revise this to be consistent with the thrust of those two bills and the new role of the chairman and at the same time explicitly have the views of other Members.

I suggest that given a little time here I am certain we can reach a rewording of that paragraph so it comports with the Senate's objectives in the reorganization bill which, as you know, under the direction of our chairman and the distinguished ranking member from Georgia, passed with a strong vote in this body.

Mr. President, the minority leader is now accepting the recommendations that I have offered, and I am certain shortly will address possible technical clarifications of paragraph A.

Mr. NUNN. If the Senator will yield, I agree with the Senator's observations on this, the reason being we are trying to encourage—and I think this is exactly what the Senator from West Virginia wants—we want to encourage not the corporate view but individual views. We want the chairman to give his view.

□ 1220

We want the chairman to present the other views that are different from his views. I think that is exactly what the Senator from West Virginia wants, too. We do not want to force them to believe they have to have the lowest common denominator.

Mr. WARNER. I think this is the first piece of legislation ever adopted by the Senate—and I anticipate that it will be—under the new reorganization plan. Although that is not the law, we should start now in tailoring our own pieces of legislation to comport with the objective.

Mr. BYRD. Mr. President, I should like to respond to this, if the Senator will yield.

The distinguished Senator from Virginia, the manager of the bill, and the distinguished ranking manager have made some good suggestions, and I will modify my amendment accordingly, to read as follows, and I believe this will comport with the suggestions made by the distinguished Senator from Virginia and others.

In paragraph (a), on the line in which the reading presently is as follows, "containing a comprehensive assessment," it would read "containing a detailed assessment," and it would proceed as follows: "including the individual views of each of the Chiefs."

It seems to me, as I have listened to the distinguished Senators, that those changes should meet with their suggestions.

Mr. NUNN. Will the Senator from West Virginia include one other word in the first line? After "not later than November 1, 1986," insert "the Chairman of the Joint Chiefs of Staff * * * shall submit."

Mr. BYRD. Yes.

Mr. President, I modify my amendment to include the words "Chairman of" following "the," and prior to "Joint Chiefs of Staff," as the distinguished Senator has suggested.

Mr. NUNN. "Chairman of the" will be inserted.

Mr. BYRD. The additional article "the" will be inserted: "not later than November 1, 1986, the Chairman of the Joint Chiefs of Staff."

Mr. WARNER. I thank the distinguished minority leader.

Addressing another section of paragraph (a), "major provisions of existing strategic offensive arms limitation agreements." This Senator interprets that to mean SALT I and SALT II—primarily SALT II—and not to include the ABM Treaty, as part of the legislative history we are establishing.

Mr. BYRD. Yes, because the ABM Treaty is a defensive agreement.

Mr. WARNER. It is worded that way, but I wanted to make that point clear.

Mr. BYRD. Yes.

Mr. WARNER. Proceeding to paragraph (b), where it is the desire of the minority leader to curtail the use of funds for studies in this area or other areas, I would like to have it made clear. Suppose a study were midway. Is that to be terminated, or is it all further studies, in the event they fail to comply with this?

Mr. BYRD. It would apply prospectively, and to read "no new studies."

Mr. WARNER. The language, then, can be clarified to that effect.

Mr. BYRD. Mr. President, I would modify my amendment, if this would meet with the proposal by the distinguished senior Senator from Virginia [Mr. WARNER]. On line 5 of paragraph (b), I would insert between the words "for" and "studies" the word "prospective."

Mr. WARNER. I thank the minority leader. I believe that clarifies my point.

Another observation: In paragraph (c), the presentation or submission to Congress of the report called for in (a) terminates any further action in paragraph (b). In a spirit of being helpful to the minority leader, and in view of the statements he made about his personal discouragement in previous efforts to obtain this information, I address a hypothetical question: Suppose the report came and it was a page and a half, and it was the judgment of the Senator from West Virginia and other Members of this body that it was totally inadequate. Technically, paragraph (b) is terminated, and whatever leverage, we might say, is under this amendment would cease to exist. It seems to me that possibly the Senator might want some review already in there, such that the Senator individually, or Senators collectively, could take further action.

Mr. BYRD. I think that is a good suggestion.

Mr. WARNER. And the Senator might want some time to study how to rephrase that.

Mr. BYRD. Does the Senator have a suggestion?

Mr. WARNER. No; I just point that out.

Mr. BYRD. I like the idea. I had not thought of it. Perhaps a 30-day review period.

Mr. WARNER. It seems to me that then Congress might not be in session. I point that out.

Mr. BYRD. That is another good observation.

Mr. WARNER. Perhaps the Senator will need a little time to look at this.

Mr. BYRD. Very well.

Mr. WARNER. As I understand it, the proponent of this amendment desires a record vote. I am not certain on our side as to the timeliness of that.

Mr. BYRD. Mr. President, I do desire a record vote. I do not necessarily desire that at this moment. I want to await the convenience of other Senators in that regard. Other Senators have amendments to call up. I want a rollcall vote because I want the JCS to hear this downtown. I want a rollcall vote, let us say, so that they can hear and understand it better. I would be agreeable and very happy to await the convenience of the distinguished manager and the ranking manager as to a time later in the day for a rollcall vote.

Mr. WARNER. I am not suggesting what it is, but that is up to the managers and the majority leader.

Mr. GOLDWATER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Will the Senator withhold?

Has the Senator from West Virginia modified his amendment?

Mr. BYRD. I ask unanimous consent that I be permitted to modify the amendment following the adoption of the yeas and nays. I may have it ready in a moment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there a sufficient second for the yeas and nays?

Mr. WARNER. Mr. President, may we ask that that action not be taken? I have a further suggestion for the minority leader.

Mr. BYRD. Yes.

Mr. WARNER. I am fully supportive of the purport of this amendment, but I also suggest that, at an appropriate place, we include in the amendment the requirement that the report shall address the military implications for the United States of the Soviet strategic force modernization and include violations, alleged or otherwise, of the existing arms control agreements.

It seems to me that that would add a balance and a proper perspective to this, if the Senate takes this valuable report into consideration.

Mr. BYRD. I am sorry—I was temporarily distracted. I beg the Senator's pardon. Will the Senator repeat that?

Mr. WARNER. I will be happy to repeat it.

I suggest to the proponents of the amendment that we include language along these lines: that the report shall include, in addition to what is required now, the military implications for the United States of the Soviet strategic force modernization, and another section, or in the same section, the burden cast on the United States by virtue of the alleged—verified or otherwise—violations of the existing offensive arms control agreements. That, I think, would give more balance to the report.

Mr. NUNN. I say to my friend from Virginia, if he will yield on that point, that I believe I understand the Senator's point. I think there are already reports that are required on Soviet violations that are rather comprehensive in nature.

Mr. WARNER. But if they were brought into the context of this report, it seems to me that we would have in one document a balanced assessment of both of these issues.

□ 1230

Mr. NUNN. I certainly do not object. In light of the effort to cut down on the number of reports, I do not think we want them to have to make two separate violations reports.

Mr. BYRD. It seems to me as being repetitive.

Mr. NUNN. You could incorporate in this report whatever the other report has that has been estimated. I am not sure of the dates of the submission of that other report, but I know there is a rather comprehensive report required on Soviet violations.

Mr. BYRD. I would hope we would not make this so cumbersome that the Joint Chiefs could not comply with it in a timely way for Congress to take the actions that may be visible in view of such reports.

Mr. WARNER. Mr. President, I share those concerns of the proponents of this amendment, but I draw to their attention it is my understand-

ing that the current requirements proposed by Congress for the reports on violations, and I use that in a generic sense, do not include specific requirements that we have their military assessment of the impact on our strategic programs of those violations.

Mr. NUNN. I have no objection whatsoever to putting that in there. I think as we take this into conference, though, we need to try to get staff to look at it closely and try to avoid duplications. If there is additional assessment here it seems to me it would be appropriate but if it is the same thing that we are already getting then I would not want to require a duplicative report.

Mr. WARNER. Bear in mind the President's decision announced recently with reference to SALT II is predicated in large part on the alleged verified and other violations of the Soviet Union of the specific documents addressed in this amendment.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. WARNER. Yes.

Mr. GOLDWATER. Mr. President, I think what the Senator from West Virginia has asked if complied with would have to contain the information the Senator from Virginia is interested in. I see no way of avoiding it. I think you will find it in making the military answer whether we ask for it or not.

Mr. WARNER. Well, perhaps this can be addressed. Do I understand the Senator from West Virginia is going to at this time come forward with all of these changes, or is he going to further study the amendment?

Mr. BYRD. The distinguished Senator had suggested another change that we were working on which may be ready, if the Chair would indulge us momentarily.

(Discussion off the record.)

Mr. WARNER. Mr. President, again I address the desirability of incorporating in this amendment, and I propose it occur in paragraph (a) as a sentence just preceding the last full sentence, and this inclusion would read as follows:

In addition, this report shall address the military implications for the U.S. of the Soviet strategic force developments and modernization program, including any alleged or otherwise violations by the Soviets of the existing offensive arms control agreements.

(Discussion off the record.)

Mr. WARNER. Mr. President, having now conferred with the proponents of this amendment I will revise my inclusion at the appropriate place in paragraph (a) to read as follows:

In addition, this report shall address the military implications of the U.S. of determined Soviet violations of offensive arms control agreements.

Mr. BYRD. Mr. President, I certainly accept that language and so modify my amendment.

The PRESIDING OFFICER. The amendment is so modified.

Will the Senator send the modification to the desk?

Mr. BYRD. Yes.

Mr. WARNER. Mr. President, there is another modification which I think will be proposed by the author of the amendment; namely to change the date in paragraph (c) from November 1 to October 1.

Mr. BYRD. Yes.

Mr. NUNN. Mr. President, will the Senator yield the floor?

Mr. WARNER. I have one additional comment.

Mr. NUNN. Mr. President, I support this amendment. I think it is a good amendment. As to the information being requested, I will be very surprised if the Joint Chiefs have not already addressed these issues. Certainly they should have. It seems to me the President of the United States would want this information before he made the decision he made.

□ 1240

If the President did not have this information when he made the decision, it seems to me that something is badly amiss in terms of getting military advice that any Commander in Chief should seek before making a decision that has profound military implications.

So I hope, and I would expect, that the information is already available. I regret the Senator from West Virginia was not able to secure this information, because it also should be made available to the Congress.

I agree with the October 1 date because that would give the Senator from West Virginia and others a chance to review the information before we adjourn. I hope the Joint Chiefs, if they have any intelligence in terms of what is going on on the floor of the Senate, would go ahead and provide this information to the Senator from West Virginia immediately, if it is available, and if not, compile it very rapidly. I see no need to wait until October 1 if the information is available. But I hope they would not wait until this bill was enacted to pay attention to this request, because if they do wait they would not have time. It may be a long time before this bill is enacted. I hope the message has been heard over in the Pentagon.

Mr. BYRD. Mr. President, I accept the proposed changes and so modify my amendment accordingly. The additional modification changing the dates, which appear in the amendment at least twice, from November 1 to October 1, 1986, has also been included in the modification. I send them to the desk.

The PRESIDING OFFICER. The modifications are accepted.

The amendment (No. 2558), as modified, reads as follows:

At the appropriate point in the bill, add the following new section—

SECTION . MILITARY IMPACT STATEMENT BY THE JOINT CHIEFS OF STAFF ON U.S. NONCOMPLIANCE WITH EXISTING STRATEGIC OFFENSIVE ARMS AGREEMENTS.

(a) Not later than October 1, 1986, the Chairman of the Joint Chiefs of Staff of the Armed Forces of the United States shall submit to Congress a report, in both classified and unclassified versions, containing a detailed comprehensive assessment, including the individual views of each of the chiefs, of the military impacts on the national security of the United States, of the possible military responses of the Soviet Union to an American decision to no longer comply with major provisions of existing strategic offensive arms limitation agreements, including the central numerical sublimits on strategic nuclear delivery vehicles contained in the SALT II accord. This assessment shall concentrate on possible Soviet military responses during the period between fiscal year 1987 and fiscal year 1996, inclusive, and shall address, among other considerations, the following:

(1) the impact on the ability of U.S. strategic forces to accomplish their nuclear deterrent mission, including the impacts on the survivability of U.S. strategic forces and on the ability of U.S. strategic forces to achieve required damage expectancies against Soviet targets, of any expansion of Soviet military capabilities undertaken in response to a U.S. decision to abandon compliance with existing strategic offensive arms agreements;

(2) the additional cost to the United States, above currently projected military expenditures for those periods for which such budget projections are available, of research, development, production, deployment, and annual operations and support for any additional strategic forces required to counter any expansion in Soviet military capabilities undertaken in response to a U.S. decision to abandon compliance with existing strategic offensive arms agreements;

(3) under average annual real growth projections in defense spending of 0%, 1%, 2%, and 3%, the percent of the annual defense budget in each year between FY 87 and FY 1996 which would be consumed by increased U.S. strategic forces needed to counter the Soviet force expansions;

(4) the military impacts on U.S. national security of the diversion the funds identified in subsection (a)(2) away from non-strategic defense programs and to strategic programs to counter expanded Soviet strategic capabilities, including the military impacts of such a diversion on the ability of U.S. conventional forces to meet the nation's specific non-nuclear defense commitments as a member of the North Atlantic Treaty Organization, and under the 1960 Treaty of Mutual Cooperation and Security with Japan;

(5) in addition, this report shall address the military implications for the U.S. of determined Soviet violations of offensive arms control agreements.

(b) Notwithstanding any other provision of law, none of the funds authorized or appropriated by this or any other act may be obligated or extended, directly or indirectly, by the Organization of the Joint Chiefs of Staff for prospective studies and analyses to be accomplished by individual civilian contractors or civilian contractor entities, after October 1, 1986, if the report mandated in subsection (a) has not been received by the Congress; and,

(c) The prohibition contained in subsection (b) on the obligation or expenditure of funds after October 1, 1986, shall cease to have effect upon the receipt by Congress of the report mandated in subsection (a).

The PRESIDING OFFICER. The yeas and nays have not been ordered on the amendment.

Mr. BYRD. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from West Virginia [Mr. BYRD]. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Nevada [Mr. LAXALT] and the Senator from Virginia [Mr. TRIBLE] are necessarily absent.

The PRESIDING OFFICER (Mrs. KASSEBAUM). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 1, as follows:

[Rollcall Vote No. 178 Leg.]

YEAS—97

| | | |
|---|---|---|
| Abdnor | Glenn | Metzenbaum |
| Andrews | Goldwater | Mitchell |
| Armstrong | Gore | Moynihan |
| Baucus | Gorton | Murkowski |
| Bentsen | Gramm | Nickles |
| Biden | Grassley | Nunn |
| Bingaman | Harkin | Packwood |
| Boren | Hart | Pell |
| Boschwitz | Hatch | Pressler |
| Bradley | Hatfield | Proxmire |
| Broyhill | Hawkins | Pryor |
| Bumpers | Hecht | Quayle |
| Burdick | Heflin | Riegle |
| Byrd | Heinz | Rockefeller |
| Chafee | Helms | Roth |
| Chiles | Hollings | Rudman |
| Cochran | Humphrey | Sarbanes |
| Cohen | Inouye | Sasser |
| Cranston | Johnston | Simon |
| D'Amato | Kassebaum | Simpson |
| Danforth | Kasten | Specter |
| DeConcini | Kennedy | Stafford |
| Denton | Kerry | Stennis |
| Dixon | Lautenberg | Stevens |
| Dodd | Leahy | Symms |
| Dole | Levin | Thurmond |
| Domenici | Long | Wallop |
| Durenberger | Mathias | Warner |
| Eagleton | Matsunaga | Weicker |
| Evans | Mattingly | Wilson |
| Exon | McClure | Zorinsky |
| Ford | McConnell | |
| Garn | Melcher | |

NAYS—1

Lugar

NOT VOTING—2

Laxalt Trible

So the amendment (No. 2558), as modified, was agreed to.

□ 1300

Mr. BYRD. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOLE. Madam President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Madam President, if we may have order, it had been our intention at 1 o'clock to be visited by the managers of the House with reference to the impeachment. But I understand they may not arrive now until about 1:30. They are in the midst of a quorum call before a vote. I assume we can go ahead and start another amendment. When they arrive, we can interrupt that.

Mr. BYRD. Madam President, will the distinguished majority leader yield?

Mr. DOLE. Yes.

Mr. BYRD. Could we get an agreement now to delay the vote on cloture? This will be crowding it.

POSTPONEMENT OF VOTE ON CLOTURE UNTIL 6 P.M.

Mr. DOLE. Madam President, I ask unanimous consent that the vote on cloture be delayed from 2 o'clock until 6 o'clock.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GOLDWATER. Madam President, the bill is now open for further amendment.

The PRESIDING OFFICER. There are two amendments which are pending. They would have to be temporarily set aside.

□ 1310

Mr. BINGAMAN. Madam President, I ask unanimous consent that the pending amendments be temporarily laid aside so the amendment I have may be considered.

Mr. GOLDWATER. Mr. President, I ask unanimous consent that the Dole and Byrd amendments be laid aside so we may deal with this one.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Madam President, will the Senator repeat his request? I am looking for Senator THURMOND. I do not see him on the floor.

Mr. GOLDWATER. There are amendments that have been offered by the majority and minority leaders. I asked unanimous consent to move them aside so we may consider this amendment.

Mr. STENNIS. My point is I expected Senator THURMOND to be here when these matters were called up.

I understand my information was not correct. I beg the Senator's pardon.

The PRESIDING OFFICER. Hearing no objection, it is so ordered.

Mr. DOLE. Will the Senator from New Mexico yield?

Mr. BINGAMAN. I yield.

Mr. DOLE. I understand there was a consent agreement that at 1 p.m., we would receive the managers. Is that correct?

The PRESIDING OFFICER. We had adopted an order asking them to be here at 1 o'clock. Business on the floor of the House has prevented them from being here.

Mr. DOLE. I am advised that they will be here at 1:30, so I ask unanimous consent that the time of 1 o'clock be changed to 1:30.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2563

(Purpose: To revise the method for pricing tobacco products for sale in commissaries, exchanges, and ships' stores and revise use of proceeds)

Mr. BINGAMAN. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN] for himself and Mr. BOREN, proposes an amendment numbered 2563.

Mr. BINGAMAN. I ask unanimous consent that further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 229, between lines 14 and 15, insert the following:

SEC. 1221. SALE OF TOBACCO PRODUCTS IN COMMISSARIES, EXCHANGES, AND SHIPS' STORES.

(a) IN GENERAL.—(1) Chapter 147 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 2486. Sale of tobacco products in commissaries, exchanges, and ships' stores; use of proceeds

"(a) Tobacco products may be sold in commissary stores, military exchanges, or ships' stores subject to the requirements prescribed in subsections (b) and (c).

"(b)(1) In the case of a commissary store, military exchange, or ship's store located in the United States, the price charged for any tobacco product shall be the prevailing price charged by private commercial businesses for the retail sale of such tobacco product in the retail market area in which the exchange or ship's store is located.

"(2) In the case of a commissary store, military exchange, or ship's store located outside the United States, the price charged for any tobacco product shall be the average amount charged by private commercial businesses for the retail sale of such product in the United States.

"(3)(A) In determining the prevailing price charged or the average price charged by a commercial business, applicable State and local taxes shall be included.

"(B) The prevailing price or the average price may be determined under an appropriate sampling procedure.

"(c)(1) The Secretary of a military department may use the profits from the sale of tobacco products by commissary stores under the Secretary's jurisdiction to promote health and fitness for members of the armed forces and their dependents.

"(2) Amounts made available under paragraph (1) shall remain available for obligation without fiscal year limitation.

"(d) The Secretary of Defense shall prescribe regulations to carry out this section.

"(e) In this section:

"(1) The term 'profits' means the amount which represents the difference between the price charged by commissary stores for the sale of tobacco products and the cost incurred by such commissary stores for such products.

"(2) The term 'tobacco product' includes cigarettes, cigars, tobacco processed for cigarette or pipe smoking, and tobacco processed for oral use.

"(3) The term 'United States' includes the Commonwealth of Puerto Rico and the territories and possessions of the United States".

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new section:

"2486. Sale of tobacco products in commissaries, exchanges, and ships' stores; use of proceeds.".

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect October 1, 1986.

Mr. GOLDWATER. Madam President, may we have order, please?

The PRESIDING OFFICER. The Senator from Arizona is correct. There is no order in the Senate.

Mr. McCONNELL. Madam President, will the Senator from New Mexico yield?

Mr. BINGAMAN. Madam President, I yield to the Senator from Kentucky for the offering of a short amendment.

AMENDMENT NO. 2564

Mr. McCONNELL. I thank the Senator from New Mexico.

Madam President, I have an amendment at the desk numbered 2274 as modified. The modification I would like to send to the desk has been cleared on both sides of the aisle.

This amendment, Madam President, is sponsored by my senior colleague from Kentucky.

Mr. FORD. Will my colleague yield?

Mr. McCONNELL. Yes; I yield.

Mr. FORD. I ask unanimous consent that the pending amendment be set aside so we may consider the amendment of the junior Senator from Kentucky.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment will be stated.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL], for himself and Mr. FORD, proposes an amendment numbered 2564.

Mr. McCONNELL. I ask unanimous consent that further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 229, between lines 14 and 15, insert the following new section;

(1) No chemical weapons, agents, or components used in chemical weapons may be shipped by any means into the Lexington-Bluegrass Depot in Richmond, Kentucky, for any purpose, including disposal;

(2) Following disposal of the chemical weapons stockpile stored at the Lexington-Bluegrass Depot, as required by Public Law 99-145, the facility may not be used for assembly, construction, testing, storage, or disposal of any chemical or biological weapon;

(3) The Secretary of Defense shall have the authority to waive these provisions in the event that he determines it is in the national security interest.

Mr. McCONNELL. Madam President, I have listened with great interest to my colleagues eloquently discuss defense issues of national importance. Whether we are debating SDI's defensive shield in the sky or the defensive shield our carrier battle groups provide at sea, my colleagues and I all share one concern. We want to guarantee our Nation's security.

But, I would like to take a minute or two of my colleagues' valuable time and bring this discussion out of the sky, back from the sea, and down to Earth. I ask my colleagues to imagine how they would feel if they learned that a facility next door to their children's school and playground housed rockets leaking a deadly nerve agent. I do not want to overstate my case nor do I wish to create undue alarm among my colleagues. However, I do want to point out that a quiet community in the heart of Kentucky bluegrass country has what, it considers, a time bomb ticking literally in its backyard. Tens of thousands of rockets containing mustard gas and a variety of nerve agents are stored at the Army's Lexington-Bluegrass Depot in Kentucky.

Although these aging rockets pose no significant, immediate danger, Congress has mandated they should be destroyed before 1994 and the arrival of our next generation of chemical weapons. I will not trouble my colleagues with the details of the Army's difficult and controversial decision on how these weapons should be destroyed. In fact, the Army has not reached a final decision about what to do with the chemical stockpile in Kentucky. While the Army tries to figure out what to do, the clock is running. My greatest fear is the final decision will not be made for another year or 18 months, further delaying building an incinerator or shipping the rockets out of the State. I am worried that faced with the pressure of the 1994 congressional deadline, the Army will abandon safety measures, rush to complete destruction, and risk a chemical accident of nightmare proportions.

Needless to say, the Army's decision is of paramount importance to the citizens of Kentucky. When the Army estimates 18,860 people will die if a train transporting these munitions crashes, people obviously pay attention.

Beyond the grim casualty estimates, there are several factors at work which trouble the community surrounding this depot. Historically, the Army has been less than straightforward with these citizens. A few year ago, when a huge, black cloud of smoke drifted over the town from the depot, the Army initially denied it was even happening. It was only after repeated—and I might add panicked phone calls—that the Army acknowledged they were burning up nontoxic smoke pots. Apparently, in trying to meet a scheduled deadline for destruction, too many smoke pots were ignited which caused this frightening, however nonlethal, cloud.

There have been other similar cases which have fostered anger and mistrust. For example, recently the Army released tentative plans to build incinerators and destroy the national stockpile where it is currently stored. The Army did not conduct a site-specific environmental assessment at the Lexington Depot nor did they study the risk associated with the community's unique characteristics such as population density or proximity of schools. Mistrust, confusion, frustration, and anger have resulted.

The amendment I have introduced does not dictate the Army's choice for disposal of these munitions. I have neither the expertise nor the legislative ability to make this decision. What this amendment does is offer a frightened community two rays of hope. First, if a final decision is made to build an incinerator in Kentucky, no chemical weapons from any other site can be shipped into Kentucky for disposal. The Army claims they have no intention of moving any chemicals into Kentucky. I intend to legislate their word. Second, once this stockpile is disposed of, the Lexington-Bluegrass facility cannot be used in the future for assembling, testing, or storing chemical weapons. Given the fear and anxiety that this community has suffered for years, I think it is only fair to reassure them that the end of their problem is in sight. Chemical weapons will not be an issue for Kentucky after 1994.

I recognize this issue does not loom as large on my colleagues agendas as, for example, SDI. Billions of dollors are not involved, we are not relocating infantry divisions nor building new Navy ports. However, what this amendment offers, is just as important to the citizens of Kentucky as ports or parts for new weapons. It offers them peace of mind.

Madam President, this amendment deals with the Lexington-Bluegrass Army Depot, which is currently the site of about 2 percent of the Nation's stockpile of chemical weapons. There is an on-going discussion at this time about what to do in terms of the disposal of the existing stockpile of chemical weapons. My amendment does not deal with that. It deals with the future in terms of the Lexington-Bluegrass Army Depot being the site for additional chemical weapons or a site for the disposal of chemical weapons in the future.

This amendment has been cleared by both sides of the aisle. What it

would do is simply eliminate this particular facility, which is surrounded by schools and a number of people in close proximity, unlike any other five sites in the country. It would eliminate it as a site for future storage or disposal of chemical weapons.

I yield to my colleague [Mr. FORD].

Mr. FORD. I thank my colleague.

Madam President, this amendment would codify the assurance I received last year and again in June from the Secretary of the Army Ambrose in response to legislation I introduced on March 14, 1985. Under Secretary Ambrose has stated it is not the Army's intention to transport any additional chemical agents or munitions into the Lexington-Bluegrass Army Depot for storage or disposal. Furthermore, if an incinerator is ever built in Madison County—I underscore if ever built—to demilitarize chemical weapons, the Army will use it for no other purpose than the destruction of chemical munitions already stored at the depot.

Madam President, what this amendment does is codify the assurances that we have already received.

I ask unanimous consent that the original bill introduced and introductory remarks and subsequent correspondence with Mr. Ambrose be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

By Mr. FORD:

S. 662. A bill to place certain restrictions on the storage and demilitarization of chemical munitions and lethal chemical agents at Lexington-Bluegrass Army Depot, KY, and for other purposes; to the Committee on Armed Services.

RESTRICTIONS ON CHEMICAL MUNITIONS AND LETHAL CHEMICAL AGENTS AT LEXINGTON-BLUEGRASS ARMY DEPOT

Mr. FORD. Mr. President, the U.S. Army has proposed building a demilitarization facility at Lexington-Bluegrass Army Depot [LBAD] in Richmond, KY, to dispose of chemical weapons stored at the depot—most urgently, the deteriorating M-55 rocket. This facility is to be built in conjunction with five others across the United States and on Johnston Island in the Pacific, all colocated with chemical weapons storage sites.

I do not speak for any other jurisdiction today but that in my one State. It would be an understatement to say that strong objections to the Army proposal have been raised in the Richmond area. The citizens are understandably alarmed. Theirs is a highly populated part of Kentucky, and, should an accident occur during the incineration process, thousands of people would be immediately and adversely affected by it. These feelings are compounded by a deep mistrust of the Army that existed throughout Madison County prior to the demilitarization announcement.

Naturally, one of the first public responses to the Army was "get them out of here; burn the munitions somewhere else." When the proposal was first made, I suggested that the Army study the transportation option, and I am pleased that it is being done at this very moment. The Army has drawn samples of M-55 components from Richmond—agent, fuze, burster, and propellant, and is analyzing them in order to make an assessment of the condition of our current stockpile and its potential mobility.

While we await the release of the draft Environmental Impact Statement, however, a persistent question remains among my constituents that has not been satisfactorily answered and that will not, I believe, be found in the EIS:

"Is the Army going to build a multimillion dollar facility to dispose of only the munitions currently stored at LBAD? Surely the plant will be used to dispose of other toxic weapons and materials."

Of particular concern to me is the bulk nerve agent that is stored at Edgewood Arsenal in Aberdeen, MD, at Newport Army Ammunition Plant in Newport, IN, and at Pueblo Army Depot in Pueblo, CO. Since no plans are in the offing to dispose of this material onsite, I feel that LBAD may be the logical candidate to receive the bulk agent of the first two facilities for demilitarization.

It is this fear that I address today. The legislation I am introducing would place restrictions on the storage and demilitarization of additional chemical munitions and lethal chemical agents at LBAD by prohibiting such activities except under the very limited instances of a national emergency or for purposes of research. In other words, under my language, no new lethal materials, whether military or civilian, may be brought into Madison County for storage or disposal at Richmond—but anything that is stored there right now may be brought out. My legislation leaves open the option of transporting the Richmond stockpile to another disposal site.

This is in direct contrast to H.R. 1430, recently introduced by Representative Beryl Anthony, which would foreclose the transportation option by simply mandating that existing chemical munitions be burned at their present site. I cannot support this legislation, Mr. President. It is absolutely contrary to the best interests of my constituents.

The choices available to the residents of Madison County are three: leave the chemical weapons in storage as they exist today, dispose of them onsite, or transport them to another facility. Each one has obvious drawbacks. Each is currently being evaluated by the Army and I anxiously await the results of the study. But I want to make certain that, whatever the ultimate solution is, LBAD does not become a dumping ground for chemical weapons and other materials. Under my legislation, if the final decision is to demilitarize onsite, Madison County will not be burdened by any more toxic substance than it already has.

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S. 662

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress asembled,* That (a) notwithstanding any other provision of law and except as provided in subsection (b), the Secretary of Defense may not use the Lexington-Bluegrass Army Depot, Kentucky—

(1) for the temporary or permanent storage or for the demilitarization of any chemical munitions or lethal chemical agents; or

(2) for the temporary or permanent storage or disposal of any nondefense toxic or hazardous materials;

which were not stored at such depot on the date of the enactment of this Act.

(b) Subsection (a) does not restrict the storage of chemical munitions at the Lexington-Bluegrass Army Depot—

(1) during a period of war or a period of national emergency declared by Congress or the President; or

(2) if the storage of such munitiions at such depot is for a research, testing, or training program and is in limited quantities (as defined under regulations prescribed by the Secretary of Defense).

SEC. 2. As used in this Act—

(1) The term "demilitarization", with respect to chemical munitions or chemical agents, means—

(A) the destruction of such munitions or agents by incineration or by any other means; or

(B) the dismantling or other disposal of such munitions or agents so as to make them useless for military purposes.

(2) The term "chemical munitions" means chemical warfare weapons containing lethal chemical agents.

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DEPARTMENT OF THE ARMY,
*Washington, DC, April 8, 1985.*

Hon. WENDELL H. FORD,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR FORD: The question you raised on the potential importation of other chemical munitions into the Lexington Blue Grass Depot for demilitarization is answered as follows:

1. The study of transportation options for demilitarization is limited to transporting *from* other depots *to* Pine Bluff and/or Tooele Depots in the Continental United States and/ or *to* Johnston Island in the Pacific. The attached Notice of Intent to be published in the Federal Register sets this forth quite clearly in paragraph 2.c.

2. The Army has never intended to transport chemical munitions *into* Lexington Blue Grass. The Army studies of transportation options have been fully described previously to Congress, most recently in a public hearing held by the Investigations Subcommittee of the House Armed Services Committee on 13 March 1985.

3. The possible advantage of transporting these munitions to Pine Bluff or Tooele is related to taking advantage of existing chemical munitions facilities and availability of isolated land for construction of larger scale demilitarization facilities than would be feasible at the other storage sites, such as Lexington Blue Grass. I emphasize "possible" advantage because the studies are not complete and no conclusion has been reached, but no consideration is being given, or should be given, to Lexington Blue Grass for such larger scale operations.

You also asked about the possible use of Lexington Blue Grass Depot for destruction of other hazardous wastes. The Army has no plans for such work. The introduction of nondefense (civilian or other government agency) toxic and hazardous waste materials into our facilities for destruction is prohibited by law (10 USC 2692). Further, we will do all we can to resist the use of Army chemical munition destruction facilities for disposal of other wastes generated within the Defense Department. We have enough to do for the foreseeable future to clean up our unitary chemical stockpile problems. These problems are so extensive that they should be dealt with independently. I would be greatly concerned that the introduction of other hazardous waste disposal considerations would give rise to delay and confusion of the issues which are contentious

enough as it is, especially at Lexington Blue Grass.

I trust that this response is satisfactory to the Kentucky Congressional Delegation and to the public it serves. Please let me know if anything additional is needed.

Sincerely,

JAMES R. AMBROSE,
*Under Secretary of the Army.*

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DEPARTMENT OF THE ARMY,
*Washington, DC, May 1, 1985.*

Hon. WENDELL H. FORD,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR FORD: This is in response to your letter of April 11, 1985, concerning transportation and demilitarization of bulk chemical agents at Lexington-Blue Grass Depot Activity, Kentucky.

The Army does not intend to transport either chemical munitions or lethal chemical agents (to include bulk quantities) into Lexington-Blue Grass Depot Activity for demilitarization.

I trust this clarifies our previous statement and satisfies your request.

Sincerely,

JAMES R. AMBROSE,
*Under Secretary of the Army.*

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JUNE 18, 1986.

Hon. JAMES R. AMBROSE,
*Under Secretary of the Army, Department of the Army, Washington, DC.*

DEAR MR. SECRETARY: The Army will soon be releasing its draft Environmental Impact Statement for the disposal of the national chemical stockpile. It is extremely important that the Lexington-Blue Grass Army Depot not become either a point of transit or a final resting place for additional chemical munitions or chemical agents, whether they be military or civilian.

Last April you stated in writing that no further chemical munitions will be transported into LBAD—I presume this means neither binary nor unitary, and that the Army has no plans for the destruction of other hazardous wastes than the chemical munitions already stored at the depot if an incinerator were to be built on site. At this critical time I respectfully request that you reaffirm to me personally your earlier commitment, a copy of which is enclosed.

With deep appreciation for your assistance, I am

Sincerely,

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DEPARTMENT OF THE ARMY,
*Washington, DC, June 30, 1986.*

Hon. WENDELL H. FORD,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR FORD: This is in response to your June 18, 1986, letter requesting assurance that no chemical weapons will be moved into the Lexington-Blue Grass Army Depot (LBAD).

As stated in my previous letter, the Army will not transport chemical agents or munitions into LBAD for storage or disposal. This also applies to binary weapons.

Any disposal facility built to carry out the provisions of Public Law 99-145 may not be used for any purpose other than the destruction of lethal chemical weapons and munitions. These facilities will be cleaned, dismantled, and disposed of when no longer needed for chemical destruction. We will abide by the provisions of the law.

I hope that this clarifies the Army's position in regard to destruction of chemical weapons and munitions at LBAD.

Sincerely,

JAMES R. AMBROSE,
*Under Secretary of the Army.*

Mr. FORD. Madam President, I urge my colleagues to accept this amendment.

The PRESIDING OFFICER. Is there further debate?

Mr. GOLDWATER. Madam President, the Army had assured me in the Armed Services Committee that they had no intention of putting additional gas at that place. We have absolutely no objection to this amendment. Senator NUNN has told me he has no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2564) was agreed to.

Mr. PRYOR. Madam President, I am sorry I did not get in on the beginning of this debate; if I may just pose this question: If we are going to go into the production of a new generation of gas or nerve gas, chemical warfare, I wonder if the chairman of the Armed Services Committee might inform the Senator from Arkansas exactly where the new nerve gas will be stored.

Mr. GOLDWATER. Madam President, I might say to my friend that that is information we do not have. But I can assure him that it will not be in the area that we are talking about now. I feel relatively safe in saying that it will not be stored east of the Mississippi River.

Mr. PRYOR. Well, what about 60 miles west of the Mississippi River, in Pine Bluff, Arkansas? We have a very large facility there.

Mr. FORD. May I respond, Madam. President.

Mr. PRYOR. Yes.

Mr. FORD. I say to my friend from Arkansas that this has nothing to do with any binary weaponry. All this has to do with is consideration about bringing in new nerve gas and storing it in a location. It handles this incineration question. I think that is all the intent of this legislation is. But the Senator's question is a good one.

Mr. PRYOR. I do not want to delay this vote and I am certainly not going to ask for the yeas and nays on this, but I was very curious about it, because the Senator from Arkansas may, before this bill has been concluded and disposed of, want to introduce an amendment stating the same for the Pine Bluff arsenal in Pine Bluff, AR. I do not know whether I would or not but I wonder, should I do that, would there be an objection to the introduction of that amendment and would it be accepted?

Once again, I have no intention of doing it but would the same roughly apply to the Pine Bluff, AR, arsenal as it does here?

□ 1320

Mr. McCONNELL. Will the Senator yield for an observation before the Senator responds to that? I think it is important to know that at the Lexington-Bluegrass Depot only 2 percent of the Nation's stockpile is currently located. So this facility has not been a player, if you will, in this whole business of the storage of chemical weapons in the past. And the Army says it would not have built the facility there in the first place had it known it was going to become such a heavily populated area. So the elimination of this facility as to the future does not have much of an impact on the question that the Senator asked.

Mr. PRYOR. I know that as we produce the new chemical weapons, and it appears that we are—I hope that we will not, but as we do produce it, under the law we must destroy the present stockpile. Now, the issue is where do we destroy it? How do we destroy it? When do we destroy it? And I just want to make absolutely certain it is not decided that, "Well, we will just destroy it all in Pine Bluff, AR." I do not want Pine Bluff, AR to become the national or international dumping ground for all of this nerve gas and chemical warfare that we have built over the years, and this is what I am very, very concerned about. Like I say, I may well want to have a similar amendment that would spell out Pine Bluff as an area where we do not want any additional nerve gas to be stored or disposed.

That is my concern. I do not want to slow up the debate. I have no objections to this amendment offered by the two Senators from Kentucky, but I did want to express that concern and I appreciate the patience of the distinguished chairman of the Armed Services Committee.

Mr. GOLDWATER. This subject, Madam President, has not even been discussed. There will be an amendment relative to binary gas. We are not going to make, I can say this for sure, any more loose gas, and the disposal of what we have left, which is not a great amount, has not been completely discussed yet by the Defense Department.

Mr. WARNER. Madam President, last year the senior Senator from Kentucky [Mr. FORD] brought this amendment to the attention of those of us on the Military Construction Subcommittee. At that time, I indicated my intention to oppose it. He then, recognizing the opposition, withdrew the amendment. Of course, it has been brought back again this year by the junior Senator, and has been accepted by the managers. So much for that. I just wish to have the RECORD to recite my

objection to this amendment for the following reasons.

This amendment is brief, and I shall read it.

On page 229, between lines 14 and 15, insert the following new section;

(1) No chemical weapons, agents, or components used in chemical weapons may be shipped by any means into the Lexington-Bluegrass Depot in Richmond, Kentucky, for any purpose, including disposal;

(2) Following disposal of the chemical weapons stockpile stored at the Lexington-Bluegrass Depot, as required by PL 99-145, the facility may not be used for assembly, construction, testing, storage, or disposal of any chemical or biological weapon;

(3) The Secretary of Defense shall have the authority to waive these provisions in the event that he determines it is in the national security interest.

Madam President, my concern is that there are roughly 840 military installations throughout the United States. While I have considerable empathy for the Senators from Kentucky, and they have done a noble job in representing their constituents, I fear that they have established a precedent here which may cause problems in the future. This community for reasons that I know not was selected by the Department of the Army a long time ago for the purpose of providing a base to deal with the chemical weapons. It may well pose a threat to the community. I am not able to address those facts. I am certain that the RECORD reflects the statements of the two Senators from Kentucky.

Madam President, of the 841 communities across the United States, there are many where the local population have concern about the activities on that base. On a scale of 1 to 10 I do not doubt that the chemical poses perhaps the more serious problem. But there are other areas where people are dissatisfied with what takes place on those bases. If the Congress of the United States is going to begin to legislate, and legislate in a manner which really sets up a job description for that base, then it is incumbent on every Member of the U.S. Senate to look at the bases in their State and determine what risk those bases pose to the local inhabitants, and perhaps come in and get comparable protection for their communities.

This one addresses the chemical weapons. There are other bases, many of them, that have nuclear weapons. I dare say that the occupants of the local towns and villages have concerns as great as the ones here in Kentucky.

I just think as a matter of principle it is wrong for the Congress of the United States to specifically legislate with respect to a base and what may be done on that base. Now that it has been accepted, it seems to me it is an obligation for other Members of the Congress if this eventually becomes law to examine the military installations in their jurisdictions and States, and determine whether or not comparable legislation is needed to protect their residents.

Mr. PRYOR. Madam President, will the Senator from Virginia yield to me?

Mr. WARNER. Yes.

Mr. PRYOR. Madam President, commenting on the comments of the distinguished Senator from Virginia relative to the chemical waste disposal or chemical warfare storage and disposal offered by the two distinguished Senators from Kentucky, I would like the Senator from Virginia to know that I happened to walk onto the Senate floor just as that discussion was concluded. I stepped to my desk and for just a moment or two I expressed a reservation about what we were doing.

I did not know precisely the impact of this particular amendment offered by our friends, the very distinguished Senators from Kentucky. Somehow or another representing a State that does have a very, very large depot there where we have a considerable amount of what we call the unetary nerve gas, the old chemical agent stored, now, Madam President, they are considering massive incineration of this old supply as we bring on the new binary supply. I hope we will be very careful and conceivably relook at the amendments just as the Senator from Virginia has recommended.

I commend him for it. I think his comments are certainly well-taken.

Mr. WARNER. Madam President, I thank the distinguished colleague from Arkansas. I know in my own State while we are very proud of the military installations, there are certain installations that operate aircraft around the clock, 7 days a week, all hours of the day and night. Frequently that brings a certain amount of inconvenience to the local residents through noise, and indeed safety. Regretably we have had air accidents which have impacted on the communities.

I know of one case that I handled several years ago here in the Senate as a member of the Subcommittee on Military Construction in which a church was to be built at the end of a runway. It was a prime piece of land. The Department of the Air Force did not want that church built there because it was in the direct flight path, take off and let down of our bomber force. The Air Force recognized the dangers to that community. And legislation was brought in which had the impact of directing the Department of Air Force to acede to the construction of this church. I opposed that legislation at that time saying that I think it would be ill-advised and fortunately the community had the wisdom to get together with the Department of the Air Force and find another piece of land, perhaps not as suitable but nevertheless it did not pose any risk to the operation of the aircraft, the air base, nor to the future location of this church.

Madam President, having made those comments, I yield the floor.

Mr. GOLDWATER. Madam President, I think that amendment passed?

The PRESIDING OFFICER. Yes, it did. It was agreed to.

Mr. GOLDWATER. I move to reconsider the vote by which the amendment was agreed to.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2563

Mr. BINGAMAN. Madam President, what is the pending business?

The PRESIDING OFFICER. Amendment 2563.

Mr. BINGAMAN. Is that the amendment I just sent to the desk?

The PRESIDING OFFICER. Yes; that is correct.

Mr. BINGAMAN. Mr. President, the amendment, which Senator BOREN and I are offering would raise the price of tobacco products in military commissaries, exchanges, and ships' stores to the local prevailing price outside of the military facility and use the increased revenues which this would generate for military health, welfare, and recreation purposes in each of the services. The goal of this amendment is simply to take away the current incentive which exists within the military community to use tobacco products to a greater extent than the rest of our society uses those products.

Madam President, the damage to our society from smoking is well recognized. It amounts to tens of billions of dollars annually. As a result of efforts by Senator STEVENS and Senator BOREN last year on this same issue, the Defense Department carried out a study which they submitted to Congress in March on smoking and health in the military. That report documented the damage which smoking does within the military community to military health and military readiness of this country. According to the DOD study, smoking added an estimated $210 million in direct military health care costs in fiscal year 1984. The report documented that smokers in the military do worse on physical fitness tests than do nonsmokers. The report documented just how much more prevalent smoking is in the military today than it is in the civilian community. Fifty-two percent of adult males in the services smoke compared to 36 percent of adult males in our civilian society. Forty-seven percent of adult females in the services smoke as opposed to 29 percent in the rest of our society. Perhaps most disturbing, Madam President, 52 percent of service members aged 17 to 19 smoke, whereas only 21 percent of those in

that age group in the society at large do.

There are undoubtedly many factors which contribute to the prevalence of smoking in the military. But one very important factor clearly is the price differential which military families see when they go to purchase cigarettes in commissaries and exchanges. Within the United States, cigarettes are 35 percent cheaper in commissaries and 20 percent cheaper in exchanges than they are in civilian stores on the average. Overseas, tobacco products are 40 to 60 percent cheaper than the average U.S. price. One can get a carton of cigarettes in a commissary overseas for $4.13 compared to a U.S. price of $10.06.

Madam President, the amendment which I am offering today, with Senator BOREN, is very similar to the provision included in the Senate version of last year's Defense Appropriations Act as a result of the initiative of Senators BOREN and STEVENS. I have drawn heavily on the voluminous DOD report which was submitted to the Congress in March of this year. I do not agree, of course, with the decision which Secretary Weinberger took upon receiving that study; namely, not to raise the price of tobacco products in the military resale system and instead to only launch an antismoking campaign. What sort of signal is sent to a service member, Madam President, if, on the one hand, he is told not to smoke and on the other hand, he is encouraged to smoke through the DOD pricing policy. This amendment seeks to end that contradiction between tobacco pricing policy and the services' antismoking campaigns in a way that I believe is fairest to the military community. While smokers will face increased prices under this amendment, all military members and their families, smokers and nonsmokers, will reap the benefit of the additional funds applied to their morale and welfare activities.

Let me say, Madam President, that I do not regard this amendment as an erosion of military benefits. As U.S. Surgeon General C. Everett Koop has put it, how can a lifetime of poor health and premature death be regarded as a benefit? To the extent that my amendment will discourage smoking in the military community, that will prove to be a benefit for those who stop smoking. And the extra morale and welfare funds are a benefit to all.

I would also note that there is no question about this amendment affecting a service member's freedom of choice on whether to smoke or not to smoke. Under the amendment, tobacco will continue to be sold in commissaries and exchanges and ships' stores but just not at a subsidized rate. I strongly believe that we should stop the social engineering in which we have been engaged with our military community. We should stop the encouragement of ill health and premature death within the military community.

Mr. President, I might note on the question of freedom of choice that I personally am concerned with the coercive nature of some of the new antismoking regulations in the Army and the Navy. I do think that it is very important to end the culture within the services of "If you've got 'em, smoke 'em." I am not convinced that new coercive regulations would be as effective as what we are proposing here today, which is simply to raise the price of cigarettes to the same level inside the gate at military facilities as outside the gate.

Mr. President, the amendment that we are offering has been endorsed by the Coalition on Smoking OR Health, which includes the American Cancer Society, the American Lung Association, and the American Heart Association. I ask unanimous consent that a letter which I have received from the Coalition on Smoking OR Health in support of my amendment be included in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COALITION ON SMOKING OR HEALTH,
*Washington, DC, May 29, 1986.*

Hon. JEFF BINGAMAN,
*U.S. Senate. Senate Hart Office Building, Washington, DC.*

DEAR SENATOR BINGAMAN. The Coalition on Smoking OR Health and its member organizations, the American Cancer Society, the American Lung Association and the American Heart Association, strongly endorse your proposed Amendment to the FY87 DOD authorization bill to prohibit tobacco sales in military commissaries and increase tobacco product prices in base exchanges and ship stores.

Earlier this year, we urged the Secretary of Defense, as you did, to adopt restrictions on military tobacco sales and to increase the cost of tobacco products sold to military personnel as part of the Department's new anti-smoking health initiative. While we are supportive of the anti-smoking campaign launched by the March directive, we were disappointed at the Secretary's inaction on the pricing issue, and look forward to assisting with passage of your amendment. To this end, we will be contacting each member of the Armed Services Committee in advance of the mark-up to request support for your proposal.

Thank you again for your initiative on this issue; your ongoing involvement and support is deeply appreciated.

Sincerely,

ALAN C. DAVIS,
*Vice President, Government Relations, American Cancer Society, Chairman, Coalition Steering Committee.*

Mr. BINGAMAN. I also ask unanimous consent that an editorial which appeared in the Army Times in January 20 of this year with regard to the cigarette pricing policy in the Defense Department also be entered in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From The Army Times, Jan. 20, 1986]

CIGARETTE PRICES

Military smokers have a bone to pick with William E. Mayer, assistant secretary of defense for health affairs.

As the Pentagon's top medical official, Mayer wants to warn military people about the dangers of smoking.

More than that, he wants to discourage people from smoking by boosting cigarette prices in military commissaries. Higher prices, he argues, will reduce the incentive for service people to smoke. He wants the habit to be no more attractive for the military than it is for other consumers.

This gets a lot of service people riled up. For smokers, it's pretty easy to lump Mayer's effort in with what service people generally perceive as a steady "erosion of benefits." We've complained as loud as anyone about lost military benefits over the years. Not this time.

If only one out of every 100 smokers decides to quit because prices increase, then Mayer, as a physician and director of military medicine, succeeds. Although he is a pipe smoker himself, Mayer thinks the tobacco habit is killing people, and the medical community has plenty of statistics to back him up. Those who smoke are more prone to develop cancer, heart disease, lung disease and other illnesses. Smokers add to service health-care costs and probably are less ready than are nonsmokers to respond to military emergency.

Mayer thinks smoking should be discouraged as a matter of policy. That's hard to do, he argues, if the military offers cut-rate prices on tobacco products. Impressionable young people, and perhaps even some older smokers, may see cheap cigarettes in commissaries as a kind of back-handed endorsement that it is all right to smoke. How serious can the health risk be if the military, which routinely encourages exercise regimens and diet programs to keep healthy, also provides cigarettes at a 35 percent discount?

Defense health officials say that when the price of cigarettes goes up, hard-line smokers may not change their habits but younger smokers do. Some of them quit. Mayer thinks that's worth the grief he's getting for endorsing higher cigarette prices in commissaries.

While we are sensitive to the complaints of military consumers that the last thing they need is higher commissary prices, how can Mayer be faulted? For not believing tobacco industry claims that the dangers of smoking are unproven? Virginia Congressman Dan Daniel calls Mayer a "brass nanny" who enlisted families don't need and urges him to examine his motives. Daniel should take his own advice. He not only serves on the House panel that oversees commissary operations but represents voters of a major tobacco-growing region.

During this latest flap over cigarette prices, some in the Pentagon have raised a long-standing argument that higher cigarette prices will mean fewer shoppers in the commissaries and this in turn will reduce sales and perhaps endanger commissary operations altogether. Lower sales at a minimum could mean staff reductions and maybe less convenient store hours. Certainly the impact cannot be ignored.

But can you blame Mayer if he labels this argument cockeyed? After all, can't the military find a better way to keep commissaries from closing than by pumping money from the lungs of service families? Only five of 80 Navy commissaries sell cigarettes. The rest survive without them.

Higher cigarette prices indeed will place a financial strain on many family budgets. No doubt, tens of thousands of service personnel and dependents are addicted to tobacco products and do not plan to give them up, no matter how high prices climb. But some will.

And when those health benefits are measured against any combination of complaints—smokers' rights, implied guarantees on shopping discounts, the potential effect on commissary operations—the scale still tips in Mayer's favor. He's doing his job.

Mr. BINGAMAN. Madam President, I would also ask unanimous consent that several tables which describe the effect of the amendment on the military resale system and its sales of tobacco products and its profits be included in the RECORD at this point as well.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

AVERAGE PRICE FOR A CARTON OF CIGARETTES [1]

| | Commissaries | Exchanges | Ship's stores |
|---|---|---|---|
| Current system: | | | |
| United States | $6.62 | $8.00 | $7.25 |
| Overseas | 4.13 | 5.70 | 4.50 |
| Bingaman plan: | | | |
| United States | 10.06 | 10.06 | 10.06 |
| Overseas | 10.06 | 10.06 | 10.06 |

[1] Under both plans the average cost of a carton of cigarettes for the military resale system is $6.30 in the United States and $3.93 overseas.

Source: Department of Defense Report on Smoking and Health in the Military, March 1986.

THE PRESENT LOW PRICE OF TOBACCO IN MILITARY STORES ENCOURAGES MORE SERVICE PEOPLE TO SMOKE THAN CIVILIANS

[In percent]

| | Service | Civilians |
|---|---|---|
| Adult males | 52 | 36 |
| Adult females | 47 | 29 |
| Age 17 to 19 | 52 | 21 |

TOBACCO SALES IN MILITARY STORES

| | Cartons sold (millions) | Retail cost per carton | Wholesale cost per carton | Gross sales [millions (a×b)] | Gross cost [millions (a×c)] | Profit [millions (d−e)] | Current system profit [millions] | Additional welfare and rec. fund benefit [millions (f−g)] |
|---|---|---|---|---|---|---|---|---|
| | (a) | (b) | (c) | (d) | (e) | (f) | (g) | (h) |
| CURRENT SYSTEM—SHIP'S STORES | | | | | | | | |
| Navy: | | | | | | | | |
| United States | 2.5 | $7.25 | $6.30 | $18.13 | $15.75 | $2.38 | $2.38 | NA |
| Overseas | 1.6 | 4.50 | 3.93 | 7.20 | 6.29 | .91 | .91 | NA |
| Total | 4.1 | | | 25.33 | 22.04 | 3.29 | 3.29 | NA |
| BINGAMAN PLAN—SHIP'S STORES [1] | | | | | | | | |
| Navy: | | | | | | | | |
| United States | 2.13 | 10.06 | 6.30 | 21.43 | 13.42 | 8.01 | 2.38 | 5.63 |
| Overseas | 1.36 | 10.06 | 3.93 | 13.68 | 5.34 | 8.34 | .91 | 7.43 |
| Total | 3.49 | | | 35.11 | 18.76 | 16.35 | 3.29 | 13.06 |
| CURRENT SYSTEM—EXCHANGES | | | | | | | | |
| Army/Air Force: | | | | | | | | |
| United States | 11.1 | 8.00 | 6.30 | 88.80 | 69.93 | 18.87 | 18.87 | NA |
| Overseas | 4.9 | 5.70 | 3.93 | 27.93 | 19.26 | 8.67 | 8.67 | NA |
| Navy: | | | | | | | | |
| United States | 11.3 | 8.00 | 6.30 | 90.40 | 71.19 | 19.21 | 19.21 | NA |
| Overseas | 1.7 | 5.70 | 3.93 | 9.69 | 6.68 | 3.01 | 3.01 | NA |
| Marine Corps: | | | | | | | | |
| United States | 2.0 | 8.00 | 6.30 | 16.00 | 12.60 | 3.40 | 3.40 | NA |
| Overseas | .6 | 5.70 | 3.93 | 3.42 | 2.36 | 1.06 | 1.06 | NA |
| Total | 31.6 | | | 236.24 | 182.02 | 54.22 | 54.22 | NA |
| BINGAMAN PLAN—EXCHANGES [2] | | | | | | | | |
| Army/Air Force: | | | | | | | | |
| United States | 5.55 | 10.06 | 6.30 | 55.83 | 34.97 | 20.86 | 18.87 | 1.99 |
| Overseas | 4.17 | 10.06 | 3.93 | 41.95 | 16.39 | 25.56 | 8.67 | 16.98 |
| Navy: | | | | | | | | |
| United States | 5.56 | 10.06 | 6.30 | 56.84 | 35.60 | 21.24 | 19.21 | 2.03 |
| Overseas | 1.45 | 10.06 | 3.93 | 14.59 | 5.70 | 8.89 | 3.01 | 5.88 |
| Marine Corps: | | | | | | | | |
| United States | 1.00 | 10.06 | 6.30 | 10.06 | 6.30 | 3.76 | 3.40 | .36 |
| Overseas | .51 | 10.06 | 3.93 | 5.13 | 2.00 | 3.13 | 1.06 | 2.07 |
| Total | 18.33 | | | 184.40 | 100.96 | 83.44 | 54.22 | 29.22 |
| CURRENT SYSTEM—COMMISSARIES | | | | | | | | |
| Air Force: | | | | | | | | |
| United States | 34.10 | 6.62 | 6.30 | 225.74 | 214.83 | 10.91 | 10.91 | 0 |
| Overseas | 7.40 | 4.13 | 3.93 | 30.56 | 29.08 | 1.48 | 1.48 | 0 |
| Army: | | | | | | | | |
| United States | 18.70 | 6.62 | 6.30 | 123.79 | 117.81 | 5.98 | 5.98 | 0 |
| Overseas | 7.50 | 4.13 | 3.93 | 30.98 | 29.48 | 1.50 | 1.50 | 0 |
| Navy: | | | | | | | | |
| United States | .90 | 6.62 | 6.30 | 5.96 | 5.67 | .29 | .29 | 0 |
| Overseas | .30 | 4.13 | 3.93 | 1.24 | 1.18 | .06 | .06 | 0 |
| Marine Corps | | | | | | | | |
| Total | 68.90 | | | 418.27 | 398.05 | 20.22 | 20.22 | 0 |
| BINGAMAN PLAN—COMMISSARIES [3] | | | | | | | | |
| Air Force: | | | | | | | | |
| United States | 17.05 | 10.06 | 6.30 | 171.52 | 107.42 | 64.10 | 10.91 | 53.19 |
| Overseas | 6.29 | 10.06 | 3.93 | 63.28 | 24.72 | 38.56 | 1.48 | 37.08 |
| Army: | | | | | | | | |
| United States | 9.35 | 10.06 | 6.30 | 94.06 | 58.91 | 35.15 | 5.98 | 29.17 |
| Overseas | 6.38 | 10.06 | 3.93 | 64.18 | 25.07 | 39.11 | 1.50 | 37.61 |
| Navy: | | | | | | | | |
| United States | .45 | 10.06 | 6.30 | 4.53 | 2.84 | 1.69 | .29 | 1.40 |
| Overseas | .26 | 10.06 | 3.93 | 2.62 | 1.02 | 1.60 | .06 | 1.54 |
| Marine Corps: | | | | | | | | |

TOBACCO SALES IN MILITARY STORES—Continued

| | Cartons sold (millions) | Retail cost per carton | Wholesale cost per carton | Gross sales [millions (a×b)] | Gross cost [millions (a×c)] | Profit [millions (d−e)] | Current system profit [millions] | Additional welfare and rec. fund benefit [millions (f−g)] |
|---|---|---|---|---|---|---|---|---|
| | (a) | (b) | (c) | (d) | (e) | (f) | (g) | (h) |
| Total | | | | 400.19 | 219.98 | 180.21 | 20.22 | 159.99 |

[1] Assumptions 15-percent reduction is sales.
[2] Assumptions 50-percent reduction in U.S. sales. 15-percent reduction in overseas sales. No reduction in allowance for current system operating expenses.
[3] Assumptions 50-percent reduction in U.S. sales. 15-percent reduction in overseas sales. No reduction in total current levels of commissary profit (surcharge).

CURRENT SYSTEM COMPARED TO BINGAMAN PLAN

[Dollar amounts in millions]

| | Cartons sold (millions) | Gross sales | Gross cost | Profit | Added profit |
|---|---|---|---|---|---|
| Current system: | | | | | |
| Commissaries | 68.90 | $418.27 | $398.05 | $20.22 | |
| Exchanges | 31.60 | 236.24 | 182.02 | 54.22 | |
| Ship stores | 4.10 | 25.33 | 22.04 | 3.29 | |
| Total | 104.60 | 679.84 | 602.11 | 77.73 | |
| Bingaman plan: | | | | | |
| Commissaries | 39.78 | 400.19 | 219.98 | 180.21 | $159.99 |
| Exchanges | 18.33 | 184.40 | 100.96 | 83.44 | 29.22 |
| Ship's stores | 3.49 | 35.11 | 18.76 | 16.35 | 13.06 |
| Total | 61.60 | 619.70 | 339.70 | 280.00 | 202.27 |

Mr. BINGAMAN. These tables, Madam President, are derived from tables that were in the March 1986 DOD report. They indicate—and I think this figure is very revealing—that there are some $202 million in additional profits that will be generated in the military resale system if this amendment is adopted.

Madam President, I urge my colleagues to support the principle that tobacco products should not be sold at discount within the military system. Let us get to the point where cigarettes and other tobacco products are as expensive on the base as they are off the base. Let us stop the social engineering and experimenting with the lives of military members and their families. This amendment would not affect the freedom of choice of members to smoke if they wished. The amendment is not an erosion of benefits for military members and their families because of the additional profits generated from the amendment being designated to go into the military morale and welfare funds.

□ 1330

Madam President, as Members make up their minds on how to vote, I hope they will keep the health benefits of the amendment foremost in mind.

The Army Times editorial concluded:

When those health benefits are measured against any combination of complaints, smokers' rights, implied guarantees on shopping discounts, the potential effect on commissary operations, clearly the scale still shifts in favor of this approach.

Madam President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. GOLDWATER. Madam President, we would like a time agreement on this amendment, I am not ready to suggest anything, because I have no particular interest in it. I just want to announce that we are interested in a time agreement; and if we get the people for and against it together, we can work it out.

Mr. FORD. Madam President, there will be other Members who wish to speak. I have talked to the distinguished chairman of the Agriculture Committee, Senator HELMS, and we are in agreement, I think basically, on the proposal, since it relates to an agricultural product. The distinguished Senator from Virginia will be interested, too. I do not want to take too long, but some accusations have been made here, and I am the one who is supposed to defend tobacco, I guess, because tobacco is grown in my State.

The distinguished Senator from New Mexico has gone too far this time. Social engineering: What does he think he is doing in his amendment? It is social engineering. What does he think he is doing in his amendment as it relates to the health of military personnel?

Let us take overseas, for example. You prohibit military personnel to buy cigarettes at the commissary or at the PX. What is that person going to do if he wants to buy something? He will go outside the post where it is cheap, buy a much harsher cigarette. He does not know what is in it. There are no regulations as it relates to cigarettes, high tar, high nicotine. That is what the Senator from New Mexico wants to do.

What he is doing, also, is putting a chink into the armor of what the military offers its personnel. The salary is not great, but they have some perks, and those perks are reasonably low prices on products. Commissaries add 5 percent. Now what the Senator from New Mexico wants to do is add about 40 percent to the cost of a carton of cigarettes. He can walk downstairs and get a carton of cigarettes cheaper in the Capitol Building, cheaper than he wants our personnel to buy cigarettes. Why do you not add on to the amendment and eliminate your credit card over in the stationery office?

That is the reason we are defending this position, defending a position for the military personnel. What he is trying to do is say to military personnel: "You pay a higher price than anybody else. We are going to include local taxes. We are going to include State taxes." But you do not have to pay any of them. If you are not going to pay any of them, why collect them?

He is going to take the money, and they are going to have better facilities. He has been around here long enough to know that the minute you get additional money in the funds, we are going to cut the appropriations; we are going to reduce the appropriations; and save money under Gramm-Rudman-Hollings.

I can tick these things off: one, two, three, four, five, six, seven. But why should we? Let us not do this to our military personnel—the privates, corporals, and sergeants—and tell them: "You can't do anything. You have to go off the post. You have to go to a bar somewhere."

What do we expect these people to do? They will have vending machines on the post that will be cheaper than they can buy them from the commissary. You can go to the club and buy them cheaper than you can buy them from the commissary. That is exactly what would happen under this amendment.

Check around town and see what it would cost our military personnel for a carton of cigarettes if we applied the local price. Think of the cost that would be added when you have to monitor the prices. A supermarket has at one price, a drug store at another. We just added $2.40 a carton to cigarettes on the Federal tax. It is just an additional cost.

Every volunteer for active duty and every person who elects to continue his obligation to service has considered, in conjunction with that decision, the right to utilize military commissaries as a basic supplement to his military pay. The Federal Government has held out this promise as an incentive for obligated service. Now we are beginning to put a chink in the armor. We are saying to the military personnel: "We in Congress are beginning to break our obligation to you by saying, 'You don't have that little perk any more. You don't have the incentive to come into the service because you can buy your food and clothing at a reasonably low price.'"

To artificially increase the prices of tobacco products because some Members of Congress are opposed to smoking would breach the understanding that members of the U.S. military service have when they begin their enlistment of the right to shop and save in commissaries.

So, Madam President, this is an amendment that needs to be defeated. If this amendment is adopted, what product will be singled out by Congress for price increase next?

I have a letter I received from Secretary of Defense Caspar Weinberger, and I want to read just a few lines from his letter to me as he refers to the joint letter that was sent to him on the Army's policy on the controlling of smoking. He says this:

> There is to be no general ban on smoking, however, nor have we restricted availability of tobacco products. Thus, while we do seek to educate our service members and civilian employees about the health risks of smoking, to discourage them from smoking, and to make available a healthy environment for nonsmokers, ultimately whether service members and employees smoke will remain a matter of personal choice.
>
> The focus of the Army's antismoking campaign is on education and assistance to those who want to stop using tobacco products. The intent is not to restrict individual freedom.

That is what you are doing. You are saying to a fellow on a ship that will be gone for 16 months, "You are going to pay more than the landlubbers."

Mr. President, I hope my colleagues will support me when I move to table the amendment of my distinguished colleague, when the speakers have had an opportunity to speak.

□ 1340

Mr. McCONNELL. Madam President, I think my senior colleague from Kentucky has covered this issue quite well.

The issue is not whether personnel in the military will smoke. Those who choose to do so will.

The issue is, of course, one of fairness and one of price.

I think my senior colleague covered it much better than I could when he pointed out that by raising the prices you simply send the personnel off base to look for other cigarettes, many of which will not be of nearly the high quality that American cigarettes are.

It has been, of course, a major perk for the members of the military to have the advantages that are provided for them in the PX's around the world. It is one of the ways in which we encourage people to stay in the service, give them a chance to purchase a variety of different items at a cost below that that they would have to pay out in the community.

So I think the issue here is one of fairness, one of fairness. It is simply not fair to say to those who are serving our country that you must pay more for a legal product than any other of the products in the commissary which are benefiting from the reduced prices.

Madam President, I will not elaborate further. I think it is simply a question of fairness.

I yield the floor.

Mr. BROYHILL. Madam President, I join in the remarks of the Senator from Kentucky who states that this issue does not address whether military personnel are going to smoke. It is an issue of fairness. That is exactly what it is.

I think we have to remember the purpose of what the commissaries are all about. The commissaries provide a source for military personnel to buy groceries and to buy related items. They do realize a savings and it is part of the contract when they come in. It is really one of the fringe benefits that they have for being in the service.

All this is going to do is raise the price of tobacco products. It will only raise the price on this one particular product. It is going to result in an administrative nightmare.

I just got to the floor and found out about this amendment a few minutes ago. I do not know if the Senator from Kentucky [Mr. FORD] has discussed that issue.

But as I understand it, the amendment would require separate bookkeeping with respect to the tobacco products in every different commissary in the country and every ship at sea. It is going to result in a real administrative bookkeeping nightmare. I expect the actual cost when you get down to it will not realize the kinds of profits that the Senator is talking about.

I really cannot say what the purpose of it is. But if its purpose is to try to discourage people from smoking, I do not think that result will be accomplished.

As the Senator from Kentucky, Senator McCONNELL, pointed out, it is an issue of fairness. I would hope we would table this amendment.

I yield the floor.

Mr. WARNER. Madam President, I rise in opposition to this amendment and in doing so, I remind the Senate that the men and women wearing the uniform of the United States, be they here stationed in the United States or all over the world, have no lobbyists. They have no trade association. The Congress of the United States are the ones who must speak forth and defend their rights and prerogatives.

I happen to be sympathetic with my colleague from New Mexico in that I myself have practically curtailed the use of tobacco because it is a personal decision. But I made that decision as a result of my own personal study and desire to limit the use, not because somebody or some organization came and directed me to do that.

That is precisely the manner in which the Secretaries of Defense, the Navy, the Army, and the Air Force are proceeding to deal with this ever-increasing controversy on smoking and health.

The Secretary of Defense has put out the famous DOD directive referred to by the troops as "ten-ten dot ten," which is essentially an educational program and following a period of time in which that has been implemented, it is the tentative decision of the Secretary to determine whether other measures need be taken.

Having at two points in my lifetime served as an enlisted person and then as a junior officer I know what it is to learn from Washington that Congress has once again dictated a change in your lifestyle.

I feel at this time Congress should not dictate that change but allow the individuals in whom we entrust the lifestyles of the men and women of the Armed Forces; namely, the Secretaries and the Chiefs of Staffs of the various services, to proceed under "ten-ten dot ten" and determine what if necessary are the steps to be taken to bring into a proper balance the need for education in the use of tobacco.

We could well establish a precedent here today that could be advocated by those who are opposed to any form of use of alcohol the similar imposition of a cost structure.

Our distinguished colleague from Kentucky mentioned the administrative problems placed upon the armed services, and I associate with those administrative problems additional costs at the very time when we are looking in every possible way to reduce the cost of the Armed Forces of the United States.

So I conclude by saying that this issue is being handled by the senior civilian and uniformed personnel in the Department of Defense and that we should wait a period of time to allow the directives now in force to be assessed and also bear in mind that we are the ultimate caretakers of the men and women in uniform and this time we do not have before the Senate of the United States that body of evidence, in my judgment, to justify taking this action.

Mind you, there is a certain uniqueness to this action. We, the Senate, deliberating on an authorization bill approaching $300 billion, are reaching down and making decisions with respect to just one commodity being sold in the commissaries.

We are actually putting ourselves in the position of pricing clerks walking up and down the aisles now fixing the price of an item in a commissary. I say that we have more important things to deal with than establishing the price section in the commissaries, and I

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hope in making this decision we come back to my original observation; namely, that we are the ultimate persons responsible for the lifestyle of these individuals wearing the uniforms, and I think that they will receive with considerable misgiving any judgment that we might render in support of this amendment which would affect those lifestyles and not having received that body of evidence in fact that would be required to make an informed decision.

For that reason, I strongly oppose the amendment of my distinguished colleague from New Mexico.

Mr. BINGAMAN. Madam President, let me just briefly respond to the statements that were made by my colleagues to clarify what the amendment does. I think there may be some confusion on it.

This is not an amendment that prohibits anybody from smoking or using tobacco products. It makes it clear that those products are available today and will remain available wherever they have been sold. There is no prohibition involved in this.

The question then arises is this unfair. It has been alleged here this is unfair to the military personnel to suggest that they should pay the same for these products as the civilian citizens of this country have to pay, that this is taking a perk away from the military personnel; that they have this perk of cheap tobacco products and this was an incentive that brought them into the service and for us to step in and require that the price be the same in the military facility that it is in the civilian facility nearby is somehow unfair to military personnel.

□ 1350

I have difficulty believing that anyone takes that argument very seriously. We are not arguing that the military should pay more than the civilian personnel in any sense. We are just saying they should pay the same. We are saying whatever additional incentive exists for military personnel to smoke should be eliminated. They should have the same incentive or discouragement or whatever factors affecting them that the civilian population experiences.

On the administrative argument, I would point out that this is not the only product that this is done on. As I understand it, there are no alcoholic beverages sold in the commissaries today. Alcoholic beverages are sold in PX's and there is a regulation that the Department of Defense has which requires that the price of those package alcoholic beverages be within 10 percent of the lowest average prevailing shelf price of civilian outlets in the area.

So there is a precedent for this. This is not the new administrative nightmare that some would suggest it is. It is something that the military has done in the past and is doing at the present time with regard to alcohol and could easily do with regard to tobacco products as well.

Finally, let me say that we have now two reports done by the Department of Defense, one a blue ribbon panel on health in the Department of Defense and one this study which was just completed this March, which make it very clear that tobacco products are not just another product sold in the PX's, that smoking and the use of tobacco products is one of the most severe health problems our military faces today.

And for us to step in and say we believe that we should bring some rationality to the pricing of these products on military facilities, I think, is an appropriate step. I urge my colleagues to support the amendment.

Mr. FORD. Madam President, I just want to make two points if I may. We may have something here that will delay the vote, but I am ready.

Service personnel, by entering upon or continuing their obligation, relied upon the promise to be able to shop at commissaries at reduced prices. If these price increases continue, it will be easy to understand if they consider that Congress has broken that promise.

Madam President, I agree with my distinguished friend from Virginia who says we are debating the $300 billion defense authorization bill and we have gone down to walking through the commissaries, putting price tags on items.

(The VICE PRESIDENT assumed the Chair.)

Mr. FORD. Mr. President, I move to table the amendment of the distinguished Senator from New Mexico and I ask for the yeas and nays.

The VICE PRESIDENT. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The VICE PRESIDENT. The majority leader is recognized.

Mr. DOLE. Mr. President, I ask unanimous consent that we suspend for the impeachment process and that the vote occur after that.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BOREN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded in order that I might be allowed to be allocated 2 minutes to speak on the Bingaman amendment at this time.

The VICE PRESIDENT. Without objection, it is so ordered, and the Senator from Oklahoma is recognized for 2 minutes.

Mr. BOREN. Mr. President, I thank the Chair and I thank the distinguished majority leader and the managers of the bill for allowing me this time to speak in behalf of the Bingaman amendment.

I think the facts are very, very simple. I have offered an amendment very similar to this last year that was included in the committee report and then stripped out in the conference. We are dealing with a situation in which we are indirectly subsidizing and encouraging the members of the Armed Forces to smoke. It obviously constitutes a hazard to their health. By offering the sale of cigarettes at the military installations below their real cost, below the prevailing cost in the surrounding community, we are encouraging military personnel to do something that is hazardous to their own health.

The recent study by the Department of Defense itself indicates that 54 percent of military personnel smoke cigarettes, while only 32 percent of the general public are smoking cigarettes. While subsidizing with one Government program the use of cigarettes, we then have to turn around with another Government program and pay over $210 million a year to take care of the health problems, the direct health problems created in the military alone from the use of cigarettes.

Mr. President, I recently received a letter from a retired Naval officer in Oklahoma who indicates to me that he was a heavy smoker and that he could afford to do so because of the low price of cigarettes at the Naval bases where he was stationed. He said:

On the 16th of December I quit smoking the hard way—I suffered a minor heart attack and had quadruple bypass open heart surgery.

His cardiologist and surgeon told him that the greatest single contributor to his problem was smoking. He goes on to say that he strongly supports the kind of action that has been proposed by Senator BINGAMAN and myself. I wish it had been taken a long time ago so that people in his circumstance would not have been indirectly encouraged to continue a habit hazardous to their own health by a subsidy, an indirect subsidy program of their own Government.

I ask unanimous consent, Mr. President, that the letter from Mr. C. Dennis Grady, from Oklahoma City, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

C. DENNIS GRADY,
*Oklahoma City, OK, March 18, 1986.*

DEAR SENATOR BOREN, I am writing to let you know that I fully support your position on taxes for cigarettes and other tobacco related products at military installations.

Your position on this very sensitive issue was brought to my attention by Jim Buchanan at a recent chamber of commerce luncheon here in Oklahoma City. Jim felt that I should write and tell you why I am supporting this issue even though I am a retired Naval Officer.

I was a heavy smoker and could afford to be because of the low price of cigarettes at the Naval bases where I was stationed. Even as inflation continued to rise and the national debt increased, my cigarettes were cheap!

On the 16th of December I quit smoking the hard way—I suffered a minor heart attack and had quadruple by-pass open heart surgery. My Cardiologist and Surgeon told me that the single greatest contributor to my heart disease was smoking.

I really feel that if I had had to pay the normal price for my cigarettes I might have had a little more incentive to stop smoking. Monetary reasons are not the greatest of all motives, but it might have helped. For this reason I believe that the military are almost encouraged to smoke due to the very low cost of tobacco on military installations. I firmly believe that the military should pay the full price for their tobacco products. This might only increase revenues by several millions but at least it's a start at reducing the national debt, and may help someone to stop smoking; I learned my lesson too late.

I hope my writing to you has given you the impetus to keep campaigning to eliminate the military tobacco subsidy.

Sincerely,

C.D. GRADY,
*CW03 USN (ret).*

Mr. BOREN. Mr. President, again I thank my colleagues for allowing me this time. I hope we will seriously consider this matter. This is not something of benefit to the military.

The funds that would be generated by charging the prevailing price for cigarettes will go into the moral and welfare fund to truly help our people in uniform, instead of contributing to their own health problems.

I thank the Chair.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the role.

The assistant legislative clerk proceeded to call the roll.

□ 1400

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

## IMPEACHMENT OF JUDGE HARRY E. CLAIBORNE

At 2:03 p.m., the managers on the part of the House of Representatives of the impeachment of Harry E. Claiborne appeared below the bar of the Senate, and the secretary to the majority, Howard O. Greene, Jr., announced their presence, as follows:

Mr. President, I announce the presence of the managers on the part of the House of Representatives to conduct the proceedings in the impeachment of Harry E. Claiborne, U.S. district judge in and for the district of Nevada.

The VICE PRESIDENT. The managers on the part of the House will be received and assigned their seats.

The managers, accompanied by the Sergeant at Arms of the House of Representatives, Jack Russ, were thereupon escorted by the Sergeant at Arms of the Senate, Ernest Garcia, to the seats assigned to them in the area in front of the Chair.

The VICE PRESIDENT. The Sergeant at Arms will make the proclamation.

The Sergeant at Arms, Ernest Garcia, made the proclamation, as follows:

Hear ye! Hear ye! Hear ye! All persons are commanded to keep silent, on pain of imprisonment, while the House of Representatives is exhibiting to the Senate of the United States articles of impeachment against Harry E. Claiborne, U.S. district judge for the district of Nevada.

The VICE PRESIDENT. The managers on the part of the House will proceed.

Mr. Manager RODINO. Mr. President, the managers on the part of the House of Representatives are here present and ready to present the Articles of Impeachment which have been preferred by the House of Representatives against Harry E. Claiborne, a district judge of the United States for Nevada.

The House adopted the following resolution, which with the permission of the Senate I will read.

H.R. 501

IN THE HOUSE OF REPRESENTATIVES, U.S.,
*July 22, 1986.*

*Resolved,* That Peter W. Rodino, Jr., Robert W. Kastenmeier, William J. Hughes, Romano L. Mazzoli, Dan Glickman, Hamilton Fish, Jr., Henry J. Hyde, Thomas N. Kindness, and Michael DeWine, Members of the House of Representatives, are hereby appointed managers to conduct the impeachment trial against Harry E. Claiborne, judge of the United States District Court for the District of Nevada. These managers are hereby instructed to appear before the Senate of the United States and at the bar thereof in the name of the House of Representatives and of all the people of the United States to try the impeachment of Harry E. Claiborne of high crimes and misdemeanors in office and to exhibit to the Senate of the United States the articles of impeachment against that judge which have been agreed upon by the House of Representatives. These managers shall demand that the Senate take order for the appearance of Harry E. Claiborne to answer such impeachment, and demand his conviction and appropriate judgment thereon.

With the permission of the President of the Senate, I will now read the Articles of Impeachment, House Resolution 461.

H. RES. 461

IN THE HOUSE OF REPRESENTATIVES, U.S.,
*July 22, 1986.*

Impeaching Harry E. Claiborne, Judge of the United States District Court for the District of Nevada, of High Crimes and Misdemeanors

*Resolved,* That Harry E. Claiborne, a judge of the United States District Court for the District of Nevada, be impeached for misbehavior, and for high crimes and misdemeanors; that the evidence heretofore taken by a subcommittee of the Committee on the Judiciary of the House of Representatives sustains articles of impeachment, which are hereinafter set out; and that the articles be adopted by the House of Representatives and exhibited to the Senate:

Articles of Impeachment exhibited by the House of Representatives of the United States of America in the name of itself and all of the people of the United States of America, against Judge Harry E. Claiborne, a judge of the United States District Court for the District of Nevada, in maintenance and support of its impeachment against him for misbehavior and for high crimes and misdemeanors.

ARTICLE I

That Judge Harry E. Claiborne, having been nominated by the President of the United States, confirmed by the Senate of the United States, and while serving as a judge of the United States District Court of the District of Nevada, was and is guilty of misbehavior and of high crimes and misdemeanors in office in a manner and form as follows:

On or about June 15, 1980, Judge Harry E. Claiborne did willfully and knowingly make and subscribed a United States Individual Income Tax Return for the calendar year 1979, which return was verified by a written declaration that the return was made under penalties of perjury; which return was filed with the Internal Revenue Service; and which return Judge Harry E. Claiborne did not believe to be true and correct as to every material matter in that the return reported total income in the amount of $80,227.04 whereas, as he then and there well knew and believed, he received and failed to report substantial income in addition to that stated on the return in violation of section 7206(1) of title 26, United States Code.

The facts set forth in the foregoing paragraph were found beyond a reasonable doubt by a twelve-person jury in the United States Court of the District of Nevada.

Wherefore, Judge Harry E. Claiborne was and is guilty of misbehavior and was and is guilty of a high crime and misdemeanor and, such conduct, warrants impeachment and trial and removal from office.

ARTICLE II

That Judge Harry E. Claiborne, having been nominated by the President of the United States, confirmed by the Senate of the United States, and while serving as a judge of the United States District Court for the District of Nevada, was and is guilty of misbehavior and of high crimes and misdemeanors in office in a manner and form as follows:

On or about June 15, 1981, Judge Harry E. Claiborne did willfully and knowingly make and subscribe a United States Individual Income Tax Return for the calendar year 1980, which return was verified by a written declaration that the return was made under penalties of perjury; which return was filed with the Internal Revenue Service; and which return Judge Harry E. Claiborne did not believe to be true and correct as to every

material matter in that the return reported total income in the amount of $54,251 whereas, as he then and there well knew and believed, he received and failed to report substantial income in addition to that stated on the return in violation of section 7206(1) of title 26, United States Code.

The facts set forth in the foregoing paragraph were found beyond a reasonable doubt by a twelve-person jury in the United States District Court for the District of Nevada.

Wherefore, Judge Harry E. Claiborne was and is guilty of misbehavior and was and is guilty of a high crime and misdemeanor and, by such conduct, warrants impeachment and trial and removal from office.

ARTICLE III

That Judge Harry E. Claiborne, having been nominated by the President of the United States, confirmed by the Senate of the United States, and while serving as a judge of the United States District Court for the District of Nevada, was and is guilty of misbehavior and of high crimes in office in a manner and form as follows:

On August 10, 1984, in the United States District Court for the District of Nevada, Judge Harry E. Claiborne was found guilty by a twelve-person jury of making and subscribing a false income tax return for the calendar years 1979 and 1980 in violation of section 7206(1) of title 26, United States Code.

Thereafter, a judgment of conviction was entered against Judge Harry E. Claiborne for each of the violations of section 7206(1) of title 26, United States Code, and a sentence of two years imprisonment for each violation was imposed, to be served concurrently, together with a fine of $5000 for each violation.

Wherefore, Judge Harry E. Claiborne was and is guilty of misbehavior and was and is guilty of high crimes.

ARTICLE IV

That Judge Harry E. Claiborne, having been nominated by the President of the United States, confirmed by the Senate of the United States, and while serving as a judge of the United States District Court for the District of Nevada, was and is guilty of misbehavior and of misdemeanors in office in a manner and form as follows:

Judge Harry E. Claiborne took the oath for the office of judge of the United States and is required to discharge and perform all the duties incumbent on him and to uphold and obey the Constitution and laws of the United States.

Judge Harry E. Claiborne, by virtue of his office, is required to uphold the integrity of the judiciary and to perform the duties of his office impartially.

Judge Harry E. Claiborne, by willfully and knowingly falsifying his income on his Federal tax returns for 1979 and 1980, has betrayed the trust of the people of the United States and reduced confidence in the integrity and impartiality of the judiciary, thereby bringing disrepute on the Federal courts and the administration of justice by the courts.

Wherefore, Judge Harry E. Claiborne was and is guilty of misbehavior and was and is guilty of misdemeanors and, by such conduct, warrants impeachment and trial and removal from office.

□ 1410

**The VICE PRESIDENT. The Senate will take proper order and notify the House of Representatives.**

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

□ 1420

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRASSLEY). Without objection, it is so ordered. National Defense Authorizations for Fisal Year 1987

AMENDMENT NO. 2563

Mr. GOLDWATER. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. GOLDWATER. Have the yeas and nays been ordered on the tabling motion?

The PRESIDING OFFICER. The yeas and nays have been ordered on the tabling motion.

Mr. GOLDWATER. I suggest we proceed with the vote.

The PRESIDING OFFICER. The question is on agreeing to the motion to table. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER (Mr. MURKOWSKI). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 57, nays 43, as follows:

[Rollcall Vote No. 179 Leg.]

YEAS—57

| | | |
|---|---|---|
| Abdnor | Ford | Mitchell |
| Andrews | Goldwater | Moynihan |
| Bentsen | Gramm | Murkowski |
| Biden | Grassley | Nickles |
| Boschwitz | Hawkins | Nunn |
| Broyhill | Hecht | Pressler |
| Bumpers | Heflin | Pryor |
| Byrd | Helms | Rudman |
| Chiles | Hollings | Sasser |
| Cochran | Inouye | Specter |
| Cohen | Johnston | Stennis |
| Cranston | Kasten | Symms |
| DeConcini | Kerry | Thurmond |
| Denton | Laxalt | Trible |
| Dixon | Long | Wallop |
| Dodd | Mattingly | Warner |
| Dole | McClure | Weicker |
| Domenici | McConnell | Wilson |
| Exon | Melcher | Zorinsky |

NAYS—43

| | | |
|---|---|---|
| Armstrong | Gorton | Metzenbaum |
| Baucus | Harkin | Packwood |
| Bingaman | Hart | Pell |
| Boren | Hatch | Proxmire |
| Bradley | Hatfield | Quayle |
| Burdick | Heinz | Riegle |
| Chafee | Humphrey | Rockefeller |
| D'Amato | Kassebaum | Roth |
| Danforth | Kennedy | Sarbanes |
| Durenberger | Lautenberg | Simon |
| Eagleton | Leahy | Simpson |
| Evans | Levin | Stafford |
| Garn | Lugar | Stevens |
| Glenn | Mathias | |
| Gore | Matsunaga | |

So the motion to lay on the table was agreed to.

□ 1450

Mr. FORD. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

Mr. HELMS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2565

(Purpose: To make various amendments regarding authorizations of appropriations for activities of the Coast Guard)

Mr. STEVENS. Mr. President, I send an amendment to the desk, and I am happy to yield to the distinguished chairman if he has anything.

Mr. GOLDWATER. No.

The PRESIDING OFFICER. There are currently two amendments pending.

Mr. STEVENS. Mr. President, I move to lay aside temporarily the two pending amendments in order that I may offer this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] for himself, Mr. D'AMATO, Mr. DODD, and Mr. BYRD proposes an amendment numbered 2565.

Mr. STEVENS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 229, insert the following after line 14:

SEC. 1221. COAST GUARD

(a) Of the amounts authorized to be appropriated for the Department of Defense in fiscal year 1987:

(1) $200,000,000 shall be for the acquisition and maintenance of United States Coast Guard investories related to the national defense; and

(2) $100,000,000 in operating funds for the performance of defense readiness responsibilities of the United States Coast Guard. Funds made available pursuant to the authorizations specified in this section shall be attributed to functional category 050 (National Defense) of the Budget of the Government of the United States.

(3) Of these amounts authorized, $15,000,000 shall be available for transfer to the Secretary of Transportation and shall be available only for the program described in paragraph (b).

(b) ENHANCED DRUG-INTERDICTION ASSISTANCE.

(1) ASSIGNMENT OF COAST GUARD PERSONNEL ON NAVAL VESSELS.—Chapter 18 of title 10, United States Code, is amended by adding after section 378 the following new section:

"Sec. 379. Assignment of personnel to naval vessels for drug enforcement purposes

"(a) The Secretary of Defense and the Secretary of Transportation may provide that there be assigned on board surface naval vessels at sea in a drug-interdiction

area members of the Coast Guard who are trained in law enforcement and have power to arrest, search, and seize property and persons suspected of violations of law.

"(b) Members of the Coast Guard assigned to duty on board naval vessels under this section shall perform such law enforcement functions (including drug-interdiction functions—

"(1) as may be agreed upon by the Secretary of Defense and the Secretary of Transportation; and

"(2) as are otherwise within the jurisdiction of the Coast Guard.

"(c) No fewer than 500 active duty personnel of the Coast Guard shall be asssigned each fiscal year to duty as provided in subsection (a).

"(d) As used in this section, the term 'drug-interdiction area' means an area outside the land area of the United States in which the Secretary of Defense (in consultation with the Attorney General) determines that activities involving smuggling of drugs into the United States are ongoing."

"(c) CONFORMING AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting immediately below the item relating to section 378 the following new item: "378. Assignment of personnel to naval vessels for drug enforcement purposes."

Mr. STEVENS. Mr. President, this is the amendment that I discussed briefly with the Senator from Arizona earlier and the distinguished manager of the bill has explained his situation.

I am offering this in order to have an authority for additional funding for the Coast Guard to cover those aspects of the Coast Gard that are defense related that they can no longer support out of their current budget because of the additional duties they have been given.

The Coast Guard has the administration of the Altantic and Pacific Maritime Defense Zone. I believe that is a defense activity.

They have high seas drug enforcement duties under the act of 1980. They have under the act to prevent pollution from ships on sea in 1980, a substantial increase in activity. The Natural Gas Pipeline Safety Act of 1978, the Port and Tanker Safety Act of 1978 gave additional duties.

Those two acts gave additional duties to the Coast Guard and, of course, the Magnuson Act, the Fishery Conservation Act of 1976, gave them duties.

The difficulty is, as I said to other Members on the floor, the Coast Guard currently is neither fish nor fowl. In peace time, they are a civilian agency with military men and women, military personnel.

They are people in the Coast Guard. When the Department of Defense requests a pay increase—and in this bill there is a 4-percent pay increase—when the defense personnel pay is increased, the Coast Guard personnel have a pay increase and justifiably so, because in war time, they are automatically defense people.

But the civilian side of the budget has not been increased to meet that.

Every year now for 4 years we have dealt with this problem on a basis of authorization in the appropriations bill and it has led to a great deal of disagreement, an unfortunate coalition between the two committees of the Senate that deal with the defense activities, namely the defense authorization bill, with a committee which is the parent committee. Ours is a subcommittee on defense of the Appropriations Committee.

We want to have the authority of this bill to allocate such funds as we may be able to find without increasing the budget because if you read this amendment it says from the amounts already authorized to be appropriated to the Department of Defense in fiscal year 1987. It means we have to find money within this bill that is not going to be made available because of various circumstances that might develop to the activities outlined in this bill. We want to use those moneys for the Coast Guard.

This amendment would authorize up to $200 million for acquisition and maintenance of U.S. Coast Guard inventories related to national defense and $100 million in operating funds that are the readiness funds for the Coast Guard.

The Coast Guard has an $11 billion capital inventory. It takes between $450 and $600 million a year just to maintain that inventory in usable condition. They also have $4½ billion in shoreside assets. They have a maintenance cost now of over $100 million a year. We have each year authorized them to acquire new equipment, whether it be helicopters or C-130's or new patrol ships. Those are primarily related to drug enforcement.

As they have come in they have had to have increased money. It is time now to do what the Senator from Arizona says and I hope that the Senator from Georgia and I can cooperate in this next year and frame a new piece of legislation to do just what Senator GOLDWATER has requested. That is a new authorization for the Coast Guard which directs both the Department of Defense and the Department of Transportation to adequately request the funds to fund the activities performed for each department by the Coast Guard. If that happened we would not be on the floor here today but we are, and I appreciate very much the exchange I have had with my good friend and again I honor him for the way he has handled this bill.

Mr. GOLDWATER. Mr. President, since the Senator from Alaska and I had a colloquy this morning, I have visited with the Secretary of Defense and he has agreed that he and I will get together and discuss this general problem of putting the Coast Guard someplace. Right now, it technically comes under the Department of Transportation. That is wrong.

I would like to see the Coast Guard become a recognized member of the uniformed forces.

Mr. President, the Senator knows I have mixed emotions about this amendment. On the one hand, I have always supported the Coast Guard. On the other hand, I think everyone ought to be advised that we are about to reduce the defense budget request by nearly $30 billion.

At the same time, we are proposing to fund the Coast Guard an additional $300 million when they should be funded by the Department of Transportation.

We are funding a special operations force, unrequested funding for the Coast Gurad and reserve forces, a drug enforcement capability, all of which are noble and normally supportable efforts.

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However, funding was not requested by the administration. I do not think my colleagues were listening yesterday when Senator NUNN and I explained how many programs will be terminated if we must adhere to the outlay ceilings in the budget resolution. There is no doubt the Coast Guard is underfunded. But does it make sense to reduce active military and civilian personnel, reduce operations and maintenance and terminate programs in the defense budget, and then fund an admittedly good cause but one that should be included in the budget of the Department of Transportation?

I will reluctantly agree to this amendment, but I would like some assurance that this will be funded in the Department of Transportation budget next year.

Mr. NUNN. Mr. President, I, too, will support the amendment of the Senator from Alaska and the Senator from New York. I, too, have the same concerns expressed by Chairman GOLDWATER. We outlined yesterday to the President of the United States, and I made a very lengthy speech here early in the morning on the floor of the Senate, about the very serious situation we have with the defense budget, not just this year, but particularly in the next 3 or 4 years.

Starting next year, the squeeze is going to be beyond what most people even imagined. I do not believe this has soaked through to the people in the Navy and the Department of Defense—they are going to have to take budget cuts if their budget is held to zero growth, and as we are looking down the budget line, it looks like all the defense budgets are going to be held to that unless something changes. The Navy is going to have to take cuts, if their budget is held to zero growth, of $112 billion less than

what they are planning right now. I do not think the Navy understands that.

That is not an argument against the amendment of the Senator from Alaska, but it is an argument for the latter point made by Chairman GOLDWATER. The defense budget has been looked upon as a place where you can get help for many other agencies. I do not think that is going to be the case any more in the environment we are in. We are going to have the defense budget under a greater squeeze than any other part of the overall budget, in my view.

I hope that the message will go through to the Department of Transportation and the Secretary of Transportation that next year we need this request for Coast Guard funding.

I am very much for adequate Coast Guard funding. It was my amendment that we have called the posse comitatus amendment that allows the military to give assistance to drug interdiction efforts. I know the Senator from New York has pushed on this, the Congressman from Florida, Congressman BENNETT, and the Senator from Florida, Senator CHILES, they have all been very hard pushers for this overall concept of utilizing the military in an effective way for drug interdiction.

The way that we have arrived at what I think is a sensible program, which is now doing a considerable amount of good, is, instead of giving the military the power to arrest, which causes all sorts of potential problems, we decided to put the Coast Guard personnel on Navy ships. Now, that is a very expensive proposition for the Coast Guard. They have a small budget. The Navy has a large budget.

But I want to reemphasize the point that in the future we are going to have to look to the Department of Transportation to fund this adequately and make the budget requests, because the Navy budget is going to be under more squeeze, in my opinion, in the coming years, than the Coast Guard budget.

So I agree with the amendment. I know the Senator from Alaska and the Senator from New York have worked on it and worked on this overall program. It is a very important part of our drug interdiction efforts. There are other duties the Coast Guard also performs, as well. They really are part of the military in wartime.

Not many people recognize this, but I have been told—and I believe this is historically correct—if you take the percentage of casualties in World War II of each of the military services—the Army, Navy, Air Force, and the Marine Corps—and add the Coast Guard in, the Coast Guard had the highest percentage of casualties of any branch of the service in World War II. Of course, there was not really an air force during that period, but they had the highest percentage of casualties because they were performing the most hazardous duties. They were landing those boats where they were going back and forth under fire and they took a tremendous number of casualties.

So they are trained well. They are a great branch in peacetime as well as in wartime. I think they are doing noble work in drug interdiction.

But we must warn our colleagues that this Navy funding of this program, I think, has to be a temporary not a permanent kind of proposition.

Mr. BYRD. Mr. President, during consideration of the fiscal year 1986 Department of Defense appropriation bill, I was the principal coauthor of a letter to the distinguished chairman of the Defense Appropriations Subcommittee, Mr. STEVENS, dated September 18, 1985, and signed by 36 Senators, including the distinguished junior Senator from New York [Mr. D'AMATO] urging that funds be added to the Defense appropriation bill for Coast Guard military equipment, including several C–130 aircraft.

Subsequently, the committee, in response to this request and with the strong support of the subcommittee chairman, Mr. STEVENS, added $375 million to the fiscal year 1986 Navy appropriation for Coast Guard equipment, including funds for several C–130 aircraft, parts of which will be assembled in the Lockheed-Clarksburg plant in West Virginia.

Again, with the strong support of Senator STEVENS, the conferees adopted the Senate amendment and the provision was enacted into law on December 19, 1985, as part of the fiscal year 1986 continuing resolution.

The amendment now being proposed by Senators STEVENS, D'AMATO, and myself follows up on the above-mentioned effort during fiscal year 1986 and would authorize an additional $300 million for fiscal year 1987 for acquisition and maintenance of U.S. Coast Guard inventories as well as operating funds related to the increased national defense readiness of the U.S. Coast Guard.

The amendment would also facilitate the law enforcement functions of the Coast Guard, especially with respect to drug interdiction.

Mr. President, I urge the adoption of the amendment.

Mr. D'AMATO. Mr. President, I would like to commend Senator STEVENS for his outstanding leadership in making these dollars available during this very difficult time and also thank the chairman of the committee, Senator GOLDWATER, and Senator NUNN.

I think we move in a very positive step and positive direction. I have heard Senator NUNN's admonitions about the future, but certainly I would like the Senator from Georgia for his support in the law enforcement efforts in terms of interdiction, particularly as it relates to the drug area.

I believe, in time, the actions that the Senate undertook last year and we make today by way of this legislation will have some very meaningful results in drug interdiction efforts and really begin to put the muscle in what heretofore has been rhetoric in fighting for that.

So I am pleased to see the committee move in this direction.

Mr. NUNN. Mr. President, will the Senator from New York yield for a brief comment?

Mr. D'AMATO. Certainly.

(Mr. HECHT assumed the chair.)

Mr. NUNN. Mr. President, may I say that the Senator from New York has been a real leader in this area. Senator CHILES from Florida and the Senator from New York and the Senator from Alaska have really taken a great deal of initiative that has resulted in much improved drug enforcement efforts.

I would say also that the mayor of New York. Mayor Koch, has been outspoken in this area and has been a real leader. I met with both the mayor and the Senator from New York on at least one occasion; I believe two occasions. I would like to take the opportunity to commend Mayor Koch for his concern and for his outspoken support for a vigorous drug enforcement program.

Mr. D'AMATO. Mr. President, I know the mayor will appreciate that, as he has been very active in this effort in moving us toward this historic occasion.

I think Senator WILSON would like to speak on this.

Mr. WILSON. Mr. President, in the interest of time, I will simply say that I think that the Senator from Alaska is to be congratulated on this initiative. If there are no other Senators desiring to speak, I move the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2565) was agreed to.

Mr. GOLDWATER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I rise, but I see perhaps other colleagues have been here before I was here. I am glad to yield the floor and allow the Chair to recognize them.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

AMENDMENT NO. 2566

(Purpose: To require the Secretary of Defense to identify facilities where certain aliens could be detained.)

Mr. D'AMATO. Mr. President, I ask unanimous consent that the pending amendments be set aside for the purposes of considering an amendment that I submit on behalf of myself, Senator CHILES, Senator HAWKINS, and Senator MURKOWSKI.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NUNN. Mr. President, it is my understanding the amendments will be temporarily set aside and they will become the pending amendments after this amendment is disposed of.

The PRESIDING OFFICER. That is correct.

The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mr. D'AMATO], for himself, Mr. CHILES, Mrs. HAWKINS, and Mr. MURKOWSKI, proposes an amendment numbered 2566.

Mr. D'AMATO. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment reads as follows:

On page 229, between lines 14 and 15, insert the following new section:

SEC. 1221. FACILITIES FOR THE DETENTION OF CERTAIN ALIENS.

Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall transmit to the Attorney General of the United States—

(1) a list of facilities under the jurisidction of the Department of Defense which are suitable for use for the detention of Marielito criminal aliens;

(2) a statement of the estimated costs of using such facilities for the detention of such aliens; and

(3) a statement identifying the agencies of the Federal Government which would bear such costs.

A copy of this report shall be made available, unpon request to the Attorney General, to Members of the United States Senate and the United States House of Representatives.

Mr. D'AMATO. Mr. President, I rise today to offer an amendment requiring the Secretary of Defense to provide the Attorney General with a list of facilities now under the control of the Department of Defense that are now, or could be made, suitable for the detention of Marielio criminal aliens.

This report shall be made available upon request to Members of Congress and shall include a statement of the estimated costs of using such facilities for the detention of Marielito criminals, as well as a statement identifying the agencies of the Federal Government that would bear such costs.

Mr. President, the recent breakout of five Marielito Cuban criminals from the INS detention center in New York is only the most recent example of a worsening national security problem. There have been about 30 escapes by Marielitos around the country in the last year. The number of escapes, riots, and violent attacks by Marielito criminals held in INS detention facilities is increasing as they see themselves being held indefinitely, without any hope of return to Cuba.

Not counting the 1,826 Marielito criminals at the overburdened and crowded Federal prison in Atlanta, there are now 903 Marielito criminals under the jurisdiciton of INS in 70 other facilities around the country; 348 are in minimum security INS detention centers and an additional 555 are in non-INS jails and other detention facilities, from which the INS has to rent space at between $25 and $65 per day.

The number of Marielito criminals coming under the jurisdiction of INS is growing at the rate of almost 100 per month. The associated cost to INS will double by next year. By the end of this fiscal year, there will be 1,100 Marielito criminals in INS custody. Detaining them will cost INS $7 milion this year. By the end of fiscal year 1987, there will be nearly 2,500 Marielito criminals in INS custody. The cost to INS will then reach approximately $15 million.

Mr. President, there is no way INS can perform its mission well while its funding is being drained away by the cost of incarcerating Marielito criminals. Increasingly, Marielito criminals are placing a severe burden on an already overburdened Immigration and Naturalization Service. These individuals may be returned to Cuba. Unfortunately, however, we cannot state with certainty today that such a return will take place. Meanwhile, nearly 1,000 Marielito criminals—some of the most violent and dangerous criminals our law enforcement agencies have ever encountered—are being housed in minimum security INS detention facilities and other buildings that are clearly inadequate. Hundreds more are nearing the end of their sentences in State prisons. Immigration authorities believe that they will soon need space to detain 2,500 Marielitos in maximum security.

Mr. President, we have a choice. We can wait for a national emergency to explode in our faces, and then launch an expensive crash building program that will take another year or two to complete at a cost of tens of millions of dollars, or we can begin to plan now and identify existing facilities that we may be able to use for this purpose in a relatively short time and at comparatively low cost.

All my amendment does is to help us get ahead of this problem. It is my understanding that preliminary discussions already have been under way between the Justice Department and the Defense Department on this matter. With passage of this amendment, the Senate can express its support for these ongoing efforts and the meaningful involvement and cooperation of the Defense Department, to the extent feasible, in finding a solution to a growing national security threat.

I urge my colleagues to give this amendment their full support.

Mr. GOLDWATER. Mr. President, both sides have discussed this amendment. It is not an amendment that requires money. It is not an amendment that requires really a tremendous amount of work. I think it is a very good idea, although I think the Senator is going to find that we do not have as many little holes in the ground as he thinks we have.

This side is perfectly willing to accept the amendment.

Mr. NUNN. Mr. President, the Senator from New York has a very thorough pattern of following through on his amendments. The first amendment is to get more people arrested and this amendment is to find a place to house them. So I have no problem with the amendment. I think we will benefit from that study.

Mr. D'AMATO. I thank the chairman of the committee and the ranking member for their support.

Mrs. HAWKINS. Mr. President, I urge my colleagues to support the amendment proposed by the Senator from New York [Mr. D'AMATO] to require the Department of Defense to provide a list of facilities suitable for detaining the criminals Fidel Castro dumped on our shores during the Mariel boatlift to the Attorney General.

The amendment of the Senator from New York requires the Secretary of Defense to make a list of facilities that are now, or could be made, suitable for the detention of Mariel criminals available to the Attorney General. The report must be completed by 60 days after the date of enactment of the pending measure. The amendment also requires that the report be made available to Members of Congress and identify the Federal agencies that would bear the costs of using the facilities.

Mr. President, a number of weeks ago there was a riot at the Immigration and Naturalization Service's Krome Detention Facility near Miami. This riot was a natural result of putting extremely dangerous criminals in a minimum security facility, as the Krome facility was designed, along with less dangerous detainees captured by the Immigration and Naturalization Service. While I would prefer that these criminals be returned to Cuba where they properly belong, there seems to be no practical way to return these criminals at this time. Until the time that these criminals can be returned to Cuba, we must find a way to keep them away from our local com-

munities, out of inappropriate facilities, and put where they pose no danger to the people of the United States.

Unfortunately, Mr. President, the currently untenable situation at the Immigration and Naturalization Service for detaining and controlling these Cuban criminals only shows signs of getting worse. The number of Mariel criminals becoming the responsibility of the Immigration and Naturalization Service is rising at the rate of almost 100 persons a month. By the end of fiscal year 1987, there will be nearly 2,500 Mariel in the custody of the Immigration and Naturalization Service. The problem is also complicated by the tendency of State and local prison officials to unilaterally declare all Mariel criminals in their systems the responsibility of the Federal Government and release them. While this kind of action by State and local officials is irresponsible, the Federal Government must be able to keep these dangerous criminals in detention. Local communities must not be left exposed to a criminal element that is the most violent and dangerous our law enforcement agencies have ever encountered.

Mr. President, this problem is obviously not going to go away. If we do not address it now, we will only leave innocent citizens in our local communities vulnerable to dangerous, violent criminals. I commend the Senator from New York for taking the lead in what is a very difficult problem and proposing an immediate solution. I urge my colleagues to support this amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from New York.

The amendment (No. 2566) was agreed to.

Mr. GOLDWATER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. D'AMATO. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Mr. COHEN. Mr. President, I ask unanimous consent that the two pending amendments be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2567

(Purpose: To enhance the capabilities of the United States to combat terrorism and other forms of unconventional warfare)

Mr. COHEN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maine [Mr. COHEN] for himself, Mr. NUNN, and Mr. DURENBERGER, proposes an amendment numbered 2567.

Mr. COHEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 229, between lines 14 and 15, insert the following new section:

SEC. 1221. SPECIAL OPERATIONS FORCES.

(a) CONGRESSIONAL FINDINGS.—The Congress finds—

(1) that the threat to the United States and its allies from unconventional warfare, including terrorism and insurgency, continues to increase at an alarming rate;

(2) that, although the United States must continue to maintain and improve its strategic and conventional force capabilities in order to deter aggression and to protect the security of the United States and its allies, the use of armed force by the United States since the end of the Korean conflict has principally been in response to insurgencies against allies of the United States and to terrorist attacks directed at the United States and American citizens;

(3) that the most likely use of armed force by the United States in the foreseeable future will be counterterrorist, counterinsurgency, and other unconventional operations;

(4) that the capabilities needed to respond to threats from unconventional warfare are not those traditionally fostered by the armed forces of the United States;

(5) that the Department of Defense has failed to recognize that conventional force capabilities can seldom be effectively employed in unconventional warfare missions;

(6) that conventional force commanders have a limited understanding of special operations forces capabilities and have misemployed such forces;

(7) that the Department of Defense has not given sufficient emphasis to the planning and preparation for unconventional warfare missions or to the appropriate integration of special operations forces capabilities into the national security strategy of the United States;

(8) that the National Security Council and the Office of the Secretary of Defense have not given sufficient attention to the formulation of policies to guide the development of special operations forces capabilities;

(9) that the Department of Defense has not provided adequate resources or support for special operations forces, particularly in airlift capability;

(10) that the Department of Defense has not given sufficient attention to ensuring the provision of adequate intelligence support for unconventional warfare missions;

(11) that the Department of Defense has not given sufficient attention to the tactics, doctrines, and training associated with unconventional warfare missions;

(12) that problems of command and control have repeatedly beset military forces of the United States engaged in unconventional warfare operations;

(13) that such problems were evident during the Mayaguez incident, the Iranian hostage rescue mission, the Grenada operation, and the Beirut peacekeeping mission;

(14) that the cooperation and coordination among the special operations forces of the Army, Navy, and Air Force are seriously deficient; and

(15) that the Department of Defense has not given sufficient attention to personnel policies, practices, and procedures to ensure the availability of sufficient numbers of officers with the skills required for unconventional warfare.

(b) ESTABLISHMENT OF SPECIAL OPERATIONS FORCES.—(1) The President shall establish, not later than 180 days after the date of the enactment of this Act, a unified combatant command for special operations forces.

(2)(a) The commander of the unified combatant command established pursuant to paragraph (1) shall hold the grade of general or, in the case of an officer of the Navy, admiral if appointed to that grade by the President, by and with the advice and consent of the Senate.

(B) The commander of such command shall be responsible for and shall have the authority necessary to conduct all affairs of such command relating to special operations forces, including the following matters:

(I) Developing strategy, doctrine, and tactics.

(ii) Training of assigned forces.

(iii) Prescribing professional military education.

(iv) Planning resources (including validating requirements).

(v) Ensuring combat readiness.

(vi) Developing special equipment.

(vii) Ensuring the interoperability of equipments and forces.

(viii) Tasking of intelligence support.

(ix) Monitoring the promotions, assignments, retention, training, and professional military education of special operations forces officers.

(C) The commander of such command shall be fully prepared to assume operational command of selected special operations missions if directed to do so by the National Command Authority.

(3) The President shall assign to the unified combatant command established pursuant to paragraph (1) all active and reserve special operations forces of the Army, Navy, and Air Force based in the United States.

(4) The President shall assign special operations forces located outside the United States to the unified combatant command in whose geographic area such forces are stationed.

(5) Except in special cases determined by the Chairman of the Joint Chiefs of Staff, special operations missions shall be conducted under the operational command of the unified combatant commanders in whose geographic areas such missions are to be conducted.

(6) The Secretary of Defense shall create for the special operations forces a major program category for the Five-Year Defense Plan of the Department of Defense.

(7) The Secretary of Defense shall substantially augment the capabilities of the Office of the Secretary of Defense to provide effective policy and resource oversight of special operations forces.

(c) MINIMUM GRADE FOR COMMANDERS OF SPECIAL OPERATIONS COMMANDS.—Commanders of the special operations command assigned to the United States European Command and the United States Pacific Command shall hold the grade of general or, in the case of an officer of the Navy, admiral if appointed to that grade by the President, by and with the advice and consent of the Senate.

(d) BOARD FOR UNCONVENTIONAL WARFARE.—The President shall establish within

the National Security Council a board to be known as the "Board for Unconventional Warfare". The principal duty of such board shall be to coordinate the unconventional warfare policies of the United States.

(e) DEPUTY ASSISTANT TO THE PRESIDENT FOR NATIONAL SECURITY AFFAIRS FOR UNCONVENTIONAL WARFARE.—The President shall designate within the Office of the President a Deputy Assistant to the President for National Security Affairs for Unconventional Warfare.

(f) FUNDING.—Programs and activities under the Special Operations Forces Master Plan shall be paid for with funds appropriated to the Department of Defense for such purposes.

(g) REPORT.—(1) The President shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the actions that the President and the Secretary of Defense have taken to correct the deficiencies identified in subsection (a) and to implement the provisions of subsections (b) through (e).

(2) Such report shall be submitted not later than March 1, 1987.

Mr. COHEN. Mr. President, the amendment Senator NUNN and I and the chairman of the Intelligence Committee are proposing is aimed at enhancing the capabilities of the United States to combat terrorism and other forms of unconventional warfare.

A new form of warfare has emerged in recent years, a form of warfare that we have not properly understood, and that we have not effectively deterred. This war has not been openly declared, but is being waged across the globe. It takes the form of terrorist attacks and guerrilla insurgencies.

In both cases, the objectives and modes of operation are similar. Terrorists and guerrillas, both operating from sanctuaries, seek to attract media attention, to instill fear, to undermine the stability and prosperity of target governments, and in some cases to drive a wedge between the United States and its allies.

The dimensions of this problem are clear, as is the threat to U.S. interests. Currently, over 40 nations and 4 million people are engaged in some form of armed conflict. In our own hemisphere, there are at least nine active insurgencies, in addition to serious problems created by drug-traffickers and other armed subversive groups.

International terrorism has now reached epidemic proportions. In 1968, the year that statistics on terrorism were first compiled, there were 20 fatalities worldwide attributed to terrorism. Last year, there were over 900 deaths resulting from terrorism. At the same time, guerrilla forces, often actively nurtured and supported by the Soviet Union and client states, continue to undermine stability in various parts of the world. While the threat to U.S. interests from a single insurgent movement or terrorist incident may be small, the cumulative impact of these assaults is potentially devastating.

This situation has highlighted a new term in the lexicon of war: "low-intensity conflict." Such conflicts—irregular battles and attacks perpetrated by irregular armies and individuals—are a lethal product of a world in which ideas and beliefs are pushed on the world's consciousness by grisly acts of violence.

Hence, while the United States must remain well prepared to deter nuclear and conventional warfare, the day-to-day challenge for the foreseeable future seems destined to fall in that gray area between millenial peace and all-out war. This places a premium on our ability to conduct "special operations"—missions carried out through forces which must be specially trained and equipped to engage in this new type of conflict.

The task is difficult but by no means impossible. Israeli successes in special operations are legendary. The British, too, have had marked success in this area. They have defeated Communist insurgencies in Malaya and Oman. They stormed the Iranian Embassy in a counterterrorist operation in 1980, killing all of the terrorists involved without the loss of life to any of their military personnel or civilian hostages. The British also demonstrated the value of special operations forces during the Falkland Islands campaign.

The United States, by contrast, for all its resources, has suffered repeated setbacks. During the mission to rescue the United States merchant vessel *Mayaguez* from Cambodia, we lost more men than we saved. The Iranian hostage rescue mission ended in confusion and disaster. In the Grenada operation, which pitted overwhelming United States forces against a tiny island nation, disturbing questions have been raised by the unexpected difficulty of our victory, including the failure of some of our special operations forces to achieve their objectives.

I do not believe that this record is attributable to persistent bad luck or an inadequate caliber of men in the armed services. In my view, we have not been effectively organized to fight the most likely battles of the present or the future.

U.S. special operations forces are scattered among the armed services, underfunded, and misunderstood. There are serious problems in the way we are organized to conduct the planning of special operations and provide the necessary personnel and equipment. The United States also lacks the necessary coordination among different government organizations to implement a coherent strategy for combating unconventional warfare.

In short, we are not well organized for unconventional conflicts—and it shows.

The amendment Senator NUNN and I propose will not solve all these ills. We must, however, go to the root of the problem and revamp the organization on which our special forces are built. We must also address problems in the coordination of our military, political, and economic efforts.

This amendment would establish a joint military organization for special forces, create a structure within the National Security Council to coordinate planning for low-intensity conflict, and establish an office in the Defense Department, headed by a high-level official, to ensure that funding needs and policy considerations related to low-intensity warfare are factored into U.S. planning.

Earlier this year I introduced a bill, S. 2453, nearly identical to this amendment. That measure currently has 28 cosponsors, including the distinguished chairman and ranking members of the Armed Services Committee, as well as the chairman of the Intelligence and Appropriations Committees. It also has broad bipartisan support; at the present time there are 13 Republican and 15 Democratic cosponsors.

This amendment is the product of considerable thought and discussion dating back to the deliberations of the Armed Services Committee concerning defense reorganization. The report accompanying the Barry Goldwater Act reflects these concerns, noting the operational deficiencies besetting special operations forces, as well as shortcomings in planning and resource allocation. As the chairman of the Seapower and Force Projection Subcommittee, I have also held discussions with and received testimony from administration officials and outside experts. In addition, as a member of the Select Committee on Intelligence, I have devoted considerable time to examining the threat to the United States from unconventional warfare as well as the policies of our Government with respect to low-intensity conflicts.

Mr. President, I believe we must take immediate steps to repair a flawed organizational structure that leaves special operations forces at the mercy of interservice rivalries and a military bureaucracy in which support for special operations runs counter to mainstream thought and careers. We also need to more effectively coordinate the efforts of the various civilian institutions which have roles to play in low-intensity conflict. I urge my colleagues to support this amendment.

The amendment that we are offering deals with special operations and unconventional warfare. I believe, and I think this belief is widely shared in this Congress, that the United States is ill-equipped to deal with the problem of terrorism and guerrilla warfare. U.S. special operations forces are scattered among the services, underfunded, and misunderstood. In addition, we

lack the necessary coordination among the different government agencies and organizations necessary to develop and implement a coherent strategy for the types of the conflicts that we are most likely to confront—not only in the present but in the coming years.

Essentially, the Cohen-Nunn legislation is an effort to begin to get at the root of the problem by revamping the organizational structure on which our special operations forces are built.

Very briefly, this legislation would establish a joint military organization—a unified command for special operations forces, and it would also set up within the NSC an organization capable of dealing with the formulation of policy and the implementation of that policy, as well as a high-level officer within the Department of Defense.

Essentially, what we are trying to do is achieve the necessary coordination. We are trying to get a higher visibility for the need for special operations forces. We are trying to establish a role for an advocate on behalf of special operations forces. We believe this is essential in order to accomplish the objectives of deterring, and indeed fighting, the kind of conflicts we are going to be faced with in the future.

I do not know of any opposition to this particular legislation. We have had hearings. The House has passed a much more far-reaching measure, but we believe this is the more responsible course of actions to pursue.

As I indicated, I ask unanimous consent to add some 25 other cosponsors to the legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

The cosponsors are as follows:

Chiles, Dixon, Hatch, Thurmond, Andrews, Boren, Bradley, Ford, Johnston, Bentsen, Exon, Danforth, Hollings, Rudman, Simon, Goldwater, Gramm, Kasten, Mitchell, Stevens, Wilson, Bumpers, DeConcini, Gore, and Laxalt.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, I wholeheartedly support this amendment. The special operations forces are indeed unique in our overall military structure. We are devoting a great deal more attention to them now. I think more and more we are recognizing that these forces are the most likely to be used in the near future. Not only that, but the special forces are the most likely to be perceived by the public as representing our military capability. I say "public" in broad terms not only in this country but around the world. These forces do not have an adequate command structure now.

I know the Senator from Maine had hearings yesterday on this subject. We were on the floor on this bill. But I talked with the Senator from Maine after the hearings. And I talked with some of the witnesses about some of the command structural problems we have had in last several episodes where those forces either had to be used or were planned to be used, and it was really profoundly disturbing to say the least.

Those hearings were closed, and much of the testimony closed. But we are going to be in conference on this. The House has a recognition of this problem. But they have an entirely different approach.

I wholeheartedly support the amendment of the Senator from Maine. This will give the special operations forces the kind of overall command structure that will give them not only the flexibility and prestige they need in a wartime type situation but also in a peacetime budget situation.

We have had a number of hearings on this subject. Chairman GOLDWATER and I wrote a very strong letter about 6 or 8 months ago expressing our dismay that several years—in fact, I believe it is 6 years—after the Iranian hostage rescue attempt we still are woefully short of the transportation assets needed to conduct that kind of operation. This, when we have been spending hundreds of billions of dollars every year.

So the special operations forces have not gotten the kind of budgetary attention that they deserve. They have not had the kind of high-level prestige they need or are in need of in terms of the overall structure of the Department of Defense. This amendment will go a long way in doing that.

I do not know where we will come out of conference on the amendment, but I congratulate the Senator from Maine.

I am delighted to support the amendment.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I would like to, if I may, address several questions to the propounder of the amendment.

Let me start off by saying that I start at the approach of this with some reluctance for the Congress to mandate types of commands, new joints commands, on the Pentagon. It is far preferable to me it seems to work out these matters with the Pentagon and let them take the initiative.

I just do not from my experience think that Congress is necessarily the place to start the setup of a new command. What troubles me and perhaps the distinguished senior Senator from Maine could help me on this, I notice some testimony by Admiral Crowe who is the Chairman of the Joint Chiefs and has been in his position perhaps 4 months. In that testimony he notes that we are going to give the special operations forces, he says, that push with both the creation of a special operations forces command, and the commitment of the Chiefs of the services to a more vigorous special operations force.

Thus, he says, the JCS have developed what we consider to be a forward-looking plan of action to deal with these challenges and opportunities. This plan may not go as far as some would like. And many of the specifics are yet to be fleshed out but it does have several qualities to commend it. So, therefore, the admiral who is the head of our overall Armed Forces says he urges the Congress to give this plan of action a fair chance to succeed. Nothing prevents us from reviewing the situation annually, near the end of our special operations forces revitalization program or whenever Congress considers it necessary to ensure that the special operations forces community is moving smoothly and effectively into the 21st century.

My question to the distinguished Senator from Maine would be in light of this, I wonder why he feels it necessary to press ahead with the mandatory legislative program that is encompassed by his legislation.

Mr. COHEN. Let me say to my friend from Rhode Island that it was this legislation and indeed the threat of legislation that has moved the Pentagon to do anything. I would quite agree with the Senator that this sort of organizational effort ought to take place within the Department of Defense. The fact is that it has not. The fact is, as Senator NUNN was mentioning just a moment ago, we are no better off today than we were 6 years ago. If we had a need for a similar type of rescue mission as occurred in the deserts of Iran, we would be in trouble, because we have no more helicopters than we had 6 years ago, and we have no more airlift capability. We have maybe slightly more but not nearly enough.

So I say yes, this legislation is necessary because the Department of Defense has not moved quickly enough. In fact, the proposal does not go nearly far enough to satisfy this particular Senator.

We had testimony from Admiral Crowe yesterday. They have moved somewhat. But I believe that unless we make this mandatory and set this particular organizational structure up, the job will not get done. They have proposed creating, for example, a three-star officer to be in charge of this particular command. There are no rules or regulations written for that particular type of command. It is totally unique. At least with a separate unified command we have departmental rules and regulations in effect and standardized. I might say this legislation is far more modest, and I think far more responsible, than that passed by the other body. So I would think this is not only desirable, but it is es-

sential if we are going to come to grips with the need to deal with unconventional warfare.

So I appreciate the sentiments expressed by my colleague from Rhode Island. But I believe this is imperative.

□ 1520

Mr. CHAFEE. Let me say I share his concern. I had the opportunity to read a monograph on the raid that was attempted in Iran, and that was a disaster. The attempt to blend these organizations together has not proven successful.

Mr. COHEN. If the Senator will yield further, I would hope that at some point we could perhaps reveal to him, a former Secretary of the Navy, some of the classified testimony that we heard yesterday in a closed session, showing the problem extends well beyond just the Iranian rescue mission. It went into Grenada as well, in our most recent endeavor. Even though a success by most standards, we had serious, serious problems during that particular mission which had not been corrected by the time of the proposal outlined by the Department of Defense.

Mr. CHAFEE. It is not my purpose here to attempt to delay or frustrate the attempts that are being made by the distinguished senior Senator from Maine and the ranking member of the Armed Services Committee.

I just do want to convey my own thoughts that going into these matters I think is something that should be done with a great deal of caution and not try to micromanage the Defense Department.

I do not know what the legislation exactly does, but I would appreciate it if the Senator would reasonably tell me that. It is my understanding that it gives broad outlines. However, they do have to carry out the job. Admiral Crowe may not have been doing the job you want, but on the other hand he has only been there for 4 or 5 months. What do you mandate them to do?

Mr. COHEN. What we do is set up a so-called unified command for special operations forces. We also recommend the establishment of a structure within the National Security Council to coordinate the planning for unconventional warfare. That can be handled administratively quite easily.

In fact, it is mandatory. It seems to me we have really found ourselves in great difficulty by having an absence of a coordinating body within the NSC to be looking at the military, economic, social and political forces within the areas we are going to be confronted by new challenges in the coming years.

The need for that structure, I think, is recognized by the Secretary. In fact, he conceded that point yesterday in the hearings.

An Office within the Defense Department will be headed by a high-level official to assure that the funding needs of conventional warfare are taken into account. We need someone to argue in behalf of the special forces and their resources, in order to elevate them to a level that will be appreciated by the regional commanders and service Chiefs.

We had a situation in Grenada, for example, where the commanding officer, the head of the command, did not fully appreciate the capabilities of our special operations forces, as such, to carry out their mission.

As a result of that, I think we encountered some difficulties that could have been avoided. So there is a lack, at the top levels of our military structure, for an awareness and an appreciation of both the abilities and perhaps even the limitations of the special operations forces involved.

By contrast, if you look at the Israeli military, every one of their general officers has a special operations background. That is just the reverse of our own situation, where few, if any, of our top military personnel have had special operations training.

So there is a mismatch between the recognition on the part of our senior military officials of the kind of expertise and mission that can be carried out by the special operations forces.

This legislation is designed to ensure better intelligence support for special operations, and the necessary personnel and equipment for such operations.

We are trying to improve the coordination and cooperation between the military structures which have a need for special operations forces.

Mr. CHAFEE. Let me just say, Mr. President, from my own experience, I cannot recall—and somebody can rebut this, perhaps—when Congress has dictated the creation, and as I understand this is a dictation, that the President shall establish a special joint command such as this. I view it with some trepidation. I know it has a head of steam up and seems to be on its way.

Mr. COHEN. If the Senator will yield, I would point out that it was the Congress which initiated the establishment of a new command for the rapid deployment force. You may recall that was only through the initiation of the Senate and the House that we established a separate command for the rapid deployment force.

In our lifetime, this is not precedent-setting.

Mr. CHAFEE. I recall that. That is one more command we have out there. What happened to the rapid deployment force, I do not know. I do not know whether it exists.

But the creation of command after command causes us to wonder why there are so many flag officers in the military services.

Mr. COHEN. There should be more concern about why we are having so many disasters in carrying out these particular missions.

Mr. CHAFEE. Someone once told me that it is not always the organization that is at fault. Sometimes it is the people at fault. Do not change the structure. Change the people.

Mr. COHEN. It seems to me you have to have both, the structure and the people. As testified yesterday, you have to have an attitudinal change. If that is not there, the structure and resources will not matter. We have been increasing the resources of special operations forces but we do not have the kind of organization necessary to be effective. What we are trying to do is to establish an organizational change, hopefully to get more resources in special operations and hopefully to effect the attitudinal change that will be fundamentally necessary if we are to be effective.

Mr. CHAFEE. We had some changes recently in the overall structure in which you and the ranking member of the committee were so deeply involved. I would hope that would make our fighting forces even more effective.

Let me ask one final question. So we are going ahead and mandating this. I am reluctant to do it and I am not enthusiastic. So be it.

Would the Senator be good enough to assure me that he would conduct some oversight hearings on this after some legitimate period of time? He can name the period. Give the thing a chance to be set up. I would hope he would have some oversight hearings because we propagate these commands and then we forget about them. There they are, out there, whatever it might be.

Mr. COHEN. This is something that both Senator NUNN and I feel very strongly about, and we indeed intend to hold oversight hearings on this particular command because this is the most likely type of conflict we are going to have in the coming years.

Mr. CHAFEE. I could not agree more. Indeed, that is the type of conflict we have had. But to think that our entire military forces have to be mandated from the U.S. Senate or the House of Representatives to do something, which is a very vital part of their mission right now, is either a severe reflection on the military services or an overreaching by this body, one or the other.

Mr. NUNN. I would say to the Senator from Rhode Island I had the same reluctance about a mandate and I have some misgivings about a mandate now. But I am convinced that we are going to have to do it. I would have to

say that if we do not do it, nothing will happen. Some things have happened.

I do not think we will get a special operations command structure that makes sense out of the Department of Defense. I have come to that decision slowly and reluctantly.

As the Senator from Maine knows, my preference was to have a sense-of-the-Senate resolution. But we have had a good bit of testimony just in the last few days. The extent of the problem, the magnitude of the problem, is much worse than I had imagined. We are finding out things now that happened 3 or 4 years ago, even 2 or 3 years ago, that are just coming to light that greatly and adversely affected certain operations that the sepecial operations forces were engaged in.

It always is a matter of people in the final analysis. Good people can take any structure and somehow or another make it work. But human nature also comes into play and you are never going to have perfect people. You really have to have an organization that facilitates human nature. That is what we are trying to do. We are trying to take into account the overall human nature here and I think this is the best approach.

We are going to be in conference. We are going to continue to have a dialog with the administration. It would be my preference that the administration take strong action in this regard. If the Pentagon does, it seems to me that the House and Senate could fall back. But if they do not do it, they know something will happen by law. That is the purpose here.

Mr. CHAFEE. Just on the last statement of the Senator, I do not know how the Pentagon can fall back because this is a mandatory piece of legislation. It is not suggestive. It requires. "The President shall."

Of course, you have not finished your conference. I presume that the House bill is mandatory, also.

□ 1530

Mr. NUNN. But it is a totally different concept. We are going to be in conference on something that is totally different.

Mr. WARNER. Mr. President, may I ask the managers—the Senator from Maine said hearings were held, I think yesterday, at the height of and in the intensity of the debate on SDI. I could not attend, nor could the Senator from Georgia. I do not mean to denigrate the chairman of the subcommittee that handled it. My point is that a decision of this importance was not referred to full committee. Was there a reason for that?

Mr. COHEN. I believe it was referred to the full committee. In fact, under the aegis of Senator GOLDWATER, I conducted hearings on behalf of the full committee.

Mr. WARNER. I thought yesterday it was the subcommittee.

Mr. COHEN. No, it was the full committee. I had no control over what was on the floor at the time.

Mr. WARNER. My question is with regard to the haste with which it was happening. During the committee consideration, was there any debate? Was this focused on with any intensity?

Mr. COHEN. The Senator is right. We have been discussing it with a great deal of intensity. We have had negotiations going on for several months. As a result, we came up with this proposal, which Senator NUNN and I feel does not go nearly far enough.

Mr. WARNER. At this point, Mr. President, I would like to address the testimony given yesterday, which is a major departure from this piece of legislation and the recommendations by the Assistant Secretary of Defense Armitage and the chairman. It was their recommendation that a special operating force be established as opposed to a new unified command. Is that correct?

Mr. COHEN. That is correct, a special operations command.

Mr. WARNER. Would that be any different——

Mr. COHEN. From a unified command, it would be different.

Mr. WARNER. It would then fall into what category?

Mr. COHEN. It falls into a category that has no precedent that we can understand. They have set up an entirely new structure to deal with this problem.

Mr. WARNER. The Senator feels their present structure is inadequate?

Mr. COHEN. We do.

Mr. WARNER. During the course of our deliberation, which was extensive over many, many days on reauthorization, I recall the distinguished chairman of the committee saying time and time again, let us cut back on the number of Assistant Secretaries. Yesterday it was recommended that the existing Assistant Secretary, Mr. Armitage, who is in this area of work, as he said in his own testimony here—his office is most nearly directed toward the issues that might arise that would necessitate the implementation of these forces.

But the Senator wishes not to repose the authority in that Assistant Secretary but to create a new one in the face of the work we did with reauthorization to reduce the number of Assistant Secretaries?

Mr. COHEN. We felt the need was so compelling in dealing with low-intensity conflict that it required the full time and attention of an Assistant Secretary within the Defense establishment. Secretary Armitage is a very capable individual who has had special operations training and background himself. But the fact is, he has many, many duties.

The fact is also that his office is divided between policymaking and working with Donald Latham's office on command, control, and communications. We do not feel the splitting of that particular job in two different functions will really help to achieve the kind of coordination we are looking for. If we look at that, as a matter of fact, I do not think there is serious disagreement on the part of DOD with our proposal, but we feel it is important to have someone whose sole obligation and responsibility is to focus upon low-intensity conflict. I do not believe Mr. Armitage is solely concerned with that.

Mr. WARNER. What would be the downside risk on the part of the United States if we were to revert to the Senators' original proposition, which was a sense of the Senate, then reconsider what the Department of Defense did or did not do in connection with our 1988 authorization bill when Congress convenes again in the spring? It seems to me we have at least given the executive branch the opportunity to react to what I perceive to be a very positive recommendation on the Senators' part and at the same time, possibly, that would enable this body and others to figure out how we do not add another Assistant Secretary.

We have already added an Under Secretary for Procurement this year. This is another Presidential appointment. That is two Presidential appointments to DOD.

Mr. COHEN. The question is what kind of priority we place on this question of terrorism and guerrilla warfare. If you believe, as Senator NUNN and I and a number of others do, that this is the major type of conflict we are going to face in years to come, then it warrants establishing that kind of Assistant Secretary position. That to me is far more likely than the kind of issues we are devoting time to now, to SDI and conventional capabilities; this is unconventional warfare or, as they call it, low-intensity conflict.

I was prepared to proceed on the basis of a sense-of-the-Senate resolution. I was not happy with it but was prepared to proceed along those lines. Until yesterday, listening to the testimony, particularly that revealed in closed session, which persuaded me that unless we move and mandate in this direction, it is not going to be done. I think yesterday changed my mind, I say to my friend from Virginia, to go from a wait-and-see-how-it-evolves attitude to one saying, we have had enough of this type of process in the past, we are going to move forward and proceed along managerial lines.

Mr. WARNER. Mr. President, I would assign the highest priority to this potential threat to the United

States but I share the thoughts of my colleagues here that we have a tremendous amount of military position today and we would like to think they are able to handle the situation, although the record of success is not too great.

Mr. CHAFEE. Mr. President, could I ask one question of the proponents?

Mr. WARNER. Yes, Mr. President.

Mr. CHAFEE. What is the command structure and particularly, are you adding general officers? What are the requirements on that level, flag or general officers? Is there to be a new flag or general officer created and at what level?

Mr. COHEN. It would be a four-star officer as opposed to a three-star proposed by DOD. The reason we did that, frankly, was the testimony yesterday, and I hope the Senator from Rhode Island will take advantage of speaking with some of the individuals involved. The reason for that was to give that four-star the same sort of clout he would have to have in dealing with the other unified commanders. This is why we propose a four-star, otherwise, he would be lacking that kind of clout and prestige within the military structure. To create a three-star to try to contend with the four-stars who might overrule him, we felt, was inconsistent with the objectives of the bill.

Mr. NUNN. May I give the Senator from Rhode Island one example of the frustration we have had? This is not a new problem.

The Senator from Virginia makes good points. I am not trying to refute the points. There is some apprehension about how far the legislative branch ought to go in directing that unified commands be created.

For about 3 years, we have been waiting on the 5-year defense plan to reflect the needs of the special operations forces. The 5-year defense plan always comes down, it never goes up. So if you are not in there, you are in pretty bad shape. We had the Iranian hostage mission and had a woeful inadequacy of transportation for the forces at that stage.

A year ago, after waiting, Senator GOLDWATER and I had written letters, done everything we could to try to focus on the need for transportation for the special operations forces. The regular forces were not interested. The special operation forces were unable to get to the scene of the crime, so to speak. So we mandated in the bill that they include transportation for special operations forces in the 5-year defense plan. And we held up certain aircraft programs until they did.

Guess what happened. They finally decided they needed the aircraft so they had to come up with the 5-year defense plan so they put the special operations forces in the plan. They got the aircraft released.

What happened then? They came back and now they have taken those special operations forces' aircraft out of the plan. They are no longer in the defense plan. The reason is that there is nobody over there to fight for them.

This is a sad commentary, but the way you get resources in the Pentagon is to have somebody high up on the totem pole who goes to bat for you in resource allocation. If you do not, they just cut you out. That is what has happened over and over again with the forces. I think most people in the United States would say, for goodness sakes, these are the ones we are going to use. Why not give them priority? A perfectly logical question. But, it never happens.

Mr. WARNER. The person ultimately accountable is the Secretary of Defense. He should be held accountable for those misdoings. If he is going to take action such as the Senator from Georgia says, or inaction with the present situation, just layering on another Assistant Secretary—whom he will have to select, by the way—and another four-star general, does that solve the problem if the motivation does not rest with top man?

Mr. NUNN. The answer to it is, I do not think you can solve the problem unless you motivate the top man. The question is how do you motivate him. I do not know how many three stars officers he sees. He sees some four stars before he sees three stars. I hate to create another four-star officer. I hope to have a build-down on this so if we create a new one we take one away. I would like to do that with an Assistant Secretary of Defense. I know of a couple. Maybe we could have two for one.

I do not like the net addition. But I nevertheless do not know at this stage how you get the attention of the high levels of the Department of Defense about the need for special operation forces. We have written the Secretary of Defense. We have talked to him. He has made speeches endorsing this subject, but a strange thing happens after the Secretary of Defense makes a speech. Nothing happens, unless it is on money. If it is on money, something happens, but if it is on resources within that budget, nothing happens.

Mr. WARNER. I ask what is it the Senate can do endorsing this legislation to force it to happen? Why would this action by the Senate be any stronger than any other action?

Mr. NUNN. We may have to think of something else. If the Senator from Virginia has an addition with which we can put more leverage in here, I welcome it.

Mr. CHAFEE. Mr. President, we have debated this for quite a while, or discussed it. I do not want to say debate it. But I just do not want to hear any voices around here raised as to why we have got so many generals and admirals in the military services.

Mr. NUNN. I make a pledge to the Senator. I will find one to do away with so we have no net addition.

Mr. CHAFEE. That is a pledge I will accept and I will vote for it.

Mr. NUNN. The Senator may have to. It may just be two of us voting for it. I tried that one before.

Mr. CHAFEE. Well, I think the Senator is right in the position now. We have got a very distinguished comanager of this bill and I am sure he is in a mood to accept some amendment the Senator suggests and move right through with dispatch.

Mr. COHEN. Take him out of the Navy.

Mr. CHAFEE. So, Mr. President, I thank the managers of the bill for the explanation. This is an area I am interested in obviously or I would not be here. I am interested in what happened in Grenada, what did not seem very successful. I am interested in what happened in Iran, which was clearly a disaster, and some changes should be made. So I look forward both to reading the testimony that the distinguished Senator from Maine suggested and also discussing with these fine gentlemen what they find in their oversight as we proceed.

Mr. NUNN. I might say to the Senator from Rhode Island if we can get the Department of Defense to focus on this problem, resource-wise and organization-wise, between now and the time we go to conference, I think the Department of Defense and our colleagues will find the Senator from Maine and the Senator from Georgia very flexible.

Mr. WARNER. Mr. President, on that subject, one of the purposes of the reorganization bills, House and Senate, now pending was to strengthen the JCS and that may well solve this problem, as opposed to setting up all of this new structure.

Mr. COHEN. I think we recognized in the report language, as a matter of fact, that the reorganization bill did not deal with special operations forces and that we would come forward at a later time with legislation to deal with this issue. It is in our report. I think we all recognized that reorganization itself would not solve the problem.

I move the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2567) was agreed to.

Mr. GOLDWATER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. COHEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PRYOR and Mr. WILSON addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mr. WILSON. Mr. President, I ask unanimous consent to temporarily lay aside the pending amendments to send to the desk an amendment which has been cleared on both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2568

(Purpose: To require an extended benchmark testing acquisition strategy in the procurement of the Department of Defense Composite Health Care System)

Mr. WILSON. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mr. WILSON] proposes an amendment numbered 2568.

Mr. WILSON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 118, after line 16, add the following new section:

SEC. 705. ACQUISITION OF COMPOSITE HEALTH CARE SYSTEM.

(a) Section 1203 of the Department of Defense Authorization Act, 1986 (Public Law 99-145) is repealed.

(b) The Secretary of Defense shall immediately undertake the acquisition of the Composite Health Care System utilizing the acquisition strategy described in Department of the Army Request for Proposal Number DAH 26-85-R-0009.

Mr. WILSON. Mr. President, for more than 10 years the Department of Defense has been seeking to acquire a computer system to assist in its medical records keeping and to assist in monitoring the quality of care being provided in DOD hospitals.

The program has been slow, but finally last year, the Department issued an RFP for a comprehensive system. The RFP is several hundred pages long and I do not pretend to have reviewed it all. But, I believe the RFP calls for a valid acquisition strategy utilizing an extended benchmark test among competing systems, a sort of computer system flyoff.

Unfortunately, there are those in the other body who are seeking to insure that a particular system be selected for acquisition and that system is one which was created by some Veterans' Administration employees and is now being utilized in a few Veterans' Administration hospitals.

The other body has included a provision in its companion bill which would further delay the Defense acquisition by requiring numerous demonstration projects of various competitors. However, individual hospital demonstration will produce little of value, except to further delay any real competition among systems.

Mr. President, this amendment directs the Secretary of Defense to immediately proceed with the acquisition strategy set forth in the Department's RFP utilizing the extended benchmark testing. Mr. President, this amendment will give the Senate the appropriate flexibility in conference with the House to resolve this matter in an appropriate way.

This amendment has been cleared on both sides. It will give the Senate appropriate flexibility to deal with this matter in conference with the House. Mr. President, I ask for its adoption.

Mr. NUNN. Mr. President, we have looked at the amendment. We have discussed it with the Senator from California. I have no objection to the amendment, and I urge its adoption.

Mr. GOLDWATER. Mr. President, I have no objection to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2568) was agreed to.

Mr. WILSON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GRAMM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PRYOR and Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, as chairman of the Military Construction Subcommittee——

Mr. GOLDWATER. Will the Senator yield just for a moment?

Mr. THURMOND. I will be happy to yield.

Mr. GOLDWATER. Mr. President, I ask unanimous consent that the pending amendments be put aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from South Carolina.

Mr. THURMOND. Mr. President, as chairman of the Military Construction Subcommittee of the Senate Armed Services Committee, I want to briefly discuss the committee's recommendation on division B of S. 2638, which pertains to military construction. The committee authorized $8.5 billion for military construction out of a budget request of $10 billion by the Defense Department. The committee was forced to make major reductions in the military construction budget.

There were difficult policy decisions that were made in order to meet the required reductions. The committee funded facilities associated with our strategic modernization. It supported troop and family housing. Funds were included for the new Navy bases at Staten Island, NY, and Everett, WA as well as the continuation of the light infantry division at Fort Drum, NY and initial construction for the stationing of the light infantry division in Alaska. Funds were denied for projects with insufficient justification. Due to severe budget constraints, the committee deferred may projects that would have improved the quality and efficiency of our military bases.

There are a number of legislative proposals that I wish to highlight:

To avoid micro-management, the commmittee has recommended that we raise the threshold for minor military construction to $2 million. We also authorized minor construction on a lump sum basis the way we currently authorize all projects in the Guard and Reserve, rather than by line item

The committee recommended the establishment of a Presidential Commission to develop base closure recommendations since the Department of Defense has refused to take any action on their own.

Other details of the committee action are in the committee's report and explanatory statement, and I do not intend to discuss the committee's action in any detail. I would invite my colleagues attention to the report and would be pleased to respond to any question members might have.

I want to take this opportunity to acknowledge the efforts of Senator BINGAMAN, who served with me as the ranking minority member on the subcommittee. It has been a real pleasure to work on this bill with Senator BINGAMAN. He has worked hard to develop a sensible military construction program within the severe fiscal contraints with which we had to deal. His dedication to this formidable task is very much appreciated. Let me also acknowledge the efforts of staff members Russ Milnes, Ken Johnson, Bob Bayer, and Ed McGaffigan, who handled the staff work on this bill, as well as special recognition to Marie Dickinson who provided staff support. They all proved to be competent and dedicated and very helpful.

Mr. President, I understand that it is agreed, if it suits the distinguished Senator from New Mexico, we could take maybe 1 hour and 15 minutes on each side, 2½ hours; is that agreeable?

□ 1550

Mr. BINGAMAN. Mr. President, if the Senator will yield, that kind of time agreement is perfectly acceptable to me.

I believe the Senator from Arkansas is anxious to go forward with a proposal with regard to reprogramming. He has been on the floor for some time. I do not know if that is something that can be done prior to our debate on this issue. I would favor that, if it is possible.

Mr. THURMOND. Mr. President, would an hour on each side be agreeable?

Mr. BINGAMAN. I have no problem with an hour on a side.

Mr. THURMOND. Mr. President, I ask unanimous consent that 2 hours, equally divided, be available on the amendment to be offered by the Senator from New Mexico [Mr. BINGAMAN] concerning the Navy strategic home porting plan and that no amendment to the amendment be in order.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, reserving the right to object, I do not know whether this has been cleared with Senator BYRD. We request that he be on the floor when there is any unanimous-consent requests. I ask the Senator from South Carolina to withhold the unanimous-consent request until we can notify the minority leader. I think Senator STENNIS has certain reservations, and he wants a time allocation. I would like to see the unanimous-consent request.

Mr. THURMOND. We are ready to start, if we do not have a time limitation.

Mr. NUNN. I have no objection to going ahead on the amendment. In the meantime, we will notify the minority leader.

Mr. STENNIS. Mr. President, will the Senator from South Carolina yield?

Mr. PRYOR. Mr. President, reserving the right to object—

The PRESIDING OFFICER. The Senate will be in order.

Mr. PRYOR. Mr. President, I am having a difficult time understanding what is going on, and I cannot hear the distinguished Senator from South Carolina. Is the Senator from South Carolina proposing a unanimous-consent request that we immediately go to the home porting amendment and establish a time for debate? Is that the issue before the Senate?

The PRESIDING OFFICER. Not on the bill but an amendment.

Mr. PRYOR. Mr. President, all I can say is that I have been standing on my feet since, I think, 2:30 this afternoon, trying to get the attention of the Chair to offer an amendment. For the life of me, I do not know why we are not recognizing Members on this side of the aisle. I respect very much the Senator from South Carolina, but this Senator has been here since 2:30.

Mr. THURMOND. Mr. President, I am not offering the amendment. Senator BINGAMAN is offering the amendment, and I am opposed to it.

Mr. PRYOR. Mr. President, I hate to do this—and I have never done this—but right now, if there is a request for unanimous consent, I temporarily object.

Mr. THURMOND. We will go ahead without it.

The PRESIDING OFFICER. Objection is heard.

Mr. THURMOND. Senator BINGAMAN may proceed with the amendment.

Mr. LEVIN. Mr. President, I think if Senator BINGAMAN is going to offer an amendment, he should seek the floor, like anybody else. As a matter of fact, he wanted to yield to the Senator from Arkansas for the purpose of the Senator being recognized.

I think people ought to be recognized by the Chair. We should not parcel out the floor. I do not care who is doing it, whether it is done on our side or the other side. If Senator BINGAMAN wants to offer an amendment, he should seek the floor to do so, and so should the Senator from South Carolina or anybody else.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina has the floor.

Mr. THURMOND. I got the floor to speak on the military construction bill. That is the matter we are taking up now. We are on it now. Senator BINGAMAN rose to offer an amendment to that, so I presume he has the floor.

The PRESIDING OFFICER. The Senator from South Carolina has the floor.

Mr. PRYOR. Mr. President, a point of order. The point of order I raise is this: Is the Senate now on the military construction bill or the Department of Defense authorization bill?

Mr. THURMOND. As part of the defense authorization bill.

Mr. PRYOR. It is all in one package?

Mr. THURMOND. It is, yes.

Mr. LEVIN. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I now yield to the able Senator from New Mexico to offer his amendment, and I will respond to it.

The PRESIDING OFFICER. The Senator can only yield for a question.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. I inquire of the Senator from South Carolina, who has the floor, whether it would be possible, while this unanimous-consent request is being considered, to allow the Senator from Arkansas to go forward with his proposal right now, and then we would take up the home port amendment at the conclusion of that. Is that possible?

Mr. GOLDWATER addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. GOLDWATER. Mr. President, having been here all day, I have to say that the Senator from South Carolina was here as early as I was. He was ready to proceed. He had other business to attend to. He has been in and out of the Chamber.

This bill is of such a nature that whether we finish it today, tomorrow, or the next day really does not make much difference.

I know that what the Senator from Arkansas has to offer is not going to be decided quickly. It involves the Rules Committee; it involves the whole Senate. I would much rather see us proceed the way we are going. I think it will work out all right.

The PRESIDING OFFICER. The Senator from South Carolina has the floor.

Mr. THURMOND. Mr. President, we are ready to pass the military construction bill now—we are on it—unless somebody has an amendment. If anybody has an amendment, I suggest they come forward with it.

Mr. NUNN. Mr. President, if the Senator will yield, we do not have this military construction bill as a part of the overall bill. We are not breaking it out and passing it separately, so it will continue to be available for amendment.

I agree with the Senator from South Carolina that if we can have an orderly procedure and consider everything affecting the military construction bill, that would be fine. But we do not have a time agreement, and therefore any Senator can offer an amendment to the military construction portion of this bill at any point—this afternoon, tonight, tomorrow. So we are not able to break that out.

I would like to cooperate with the Senator from South Carolina and the Senator from New Mexico in having a unanimous-consent agreement on the home porting issue. It is very important. Senator STENNIS has been on the floor and is concerned about this matter, as is Senator GRAMM and others.

I believe the best way for us to proceed now is to notify the minority leader that there will be a unanimous-consent request propounded in 5 or 10 minutes. In the meantime, I do not know whether the Senator from New Mexico would like to proceed now.

It is up to the Chair to recognize Senators. The unanimous-consent request will have to wait, in terms of being approved, until the Senator from West Virginia is present.

Mr. THURMOND. Since there is objection to the unanimous-consent request, we will go ahead without it, if Senator BINGAMAN wants to offer his amendment at this time.

Mr. BINGAMAN. Mr. President, I am not prepared to offer my amendment until there is some resolution of

the concern of the Senator from Arkansas. So I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina has the floor.

Mr. THURMOND. Mr. President, I understand that the distinguished Senator from Arkansas has been trying to get the floor. We can accommodate him by letting him proceed now, and in the meantime we can follow with our unanimous-consent request.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I am very grateful to the Senator from South Carolina. I appreciate his patience.

AMENDMENT NO. 2569

Mr. PRYOR. Mr. President, I do not think this amendment will take long.

First, I ask unanimous consent that the pending amendment be temporarily set aside.

The PRESIDING OFFICER. That has been done.

Mr. PRYOR. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mr. PRYOR] proposes an amendment numbered 2569.

Mr. PRYOR. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate point in the bill add the following new section:

SEC. . It is the sense of the Senate that no reprogramming of funds shall occur in any federal agency unless a notification of such reprogramming has appeared in the Congress ional Record and has been approved through procedures approved by the Senate.

□ 1600

Mr. PRYOR. Mr. President, I am going to read this very simple one sentence amendment to my colleagues in the Senate. It is very simple. It is very short, and I must say it is very much of a reform amendment, not reform of the Pentagon, but the reform of this body in the way that we reprogram funds for not only the Department of Defense but also all agencies of the Federal Government.

This is a sense-of-the Senate resolution, Mr. President, and it states very simply and I quote:

It is the sense of the Senate that no reprogramming of funds shall occur in any federal agency unless a notification of such reprogramming has appeared in the Congressional Record and has been approved through procedures approved by the Senate.

On July 16, Mr. President, the General Accounting Office furnished upon my request a very exhaustive study of how funds are reprogrammed in the Department of Defense and some other agencies of the Federal Government.

In fact, Mr. President, in the past 5 years we have seen $29 billion, not million, $29 billion of taxpayers' money reprogrammed through a process for which there are no formal procedures or written rules. These are not my figures. These are the figures of the General Accounting Office.

Over $14 billion of those funds were never approved at all; they were only notified to us after the fact. Over $14 billion was approved before the fact.

Mr. President, in the Department of Defense alone, because that Department gets more dollars, of course, than just about any other entity of the Federal Government, we have seen $14 billion reprogrammed without any approval.

In fact, Mr. President, further, we have seen even worse. We have seen in these 4 or 5 years in reprogrammed dollars 314 new budget line items being created through reprogramming and we have seen 261 budget line items terminated or suspended.

Mr. President, in fact, come October 3, when we adjourn sine die, if we make it to that time, and frankly I doubt that we will, when we adjourn sine die and go home for October, November, and December, we are still going to see reprogramming of millions and millions of dollars in the Department of Defense and other agencies of Government.

According to the General Accounting Office, we will also see that there is a very slipshod method here in Congress of making those reprogrammed dollars go through the system.

Mr. President, we have six different committees or subcommittees of Congress monitor defense reprogrammings. However, each of the committees of Congress that reprogram defense dollars and other Federal agency dollars has a different set of informal procedures for their monitoring. These vary from formal hearings in markups to staff approval and reprogrammings over the telephone.

Mr. President, you and some of our colleagues might be saying now, Senator PRYOR, from Arkansas, certainly this is not the case. Certainly we have accountability and certainly we have a method of looking at each of these dollars, especially if they are being expended for different purposes than Congress had originally intended. But, the fact is that we have neither accountability nor even a consistent method of looking at these requests.

Mr. President, the case is this: According to the General Accounting Office, some committees have hearings on these dollars that are to be reprogrammed. But most of the committees have none. Some committees have markups. Most of the committees have none.

In some committees all of the members take a look at the reprogrammings, but in most of the committees there is only a very select few members of those committees who see where these dollars are going to be spent.

Senators not on the right committees have no voice on reprogramming at all. In some committees in some instances, the staff, not the Senators, not the Congressmen, are the only ones who look at or have anything to do whatsoever with the reprogramming of millions and millions and millions of taxpayers' dollars. And, no committee has any formal or written rules.

Mr. President, we are in a chaotic situation here. It is a situation that people find hard to believe. It is also a situation that my amendment addresses. My amendment is very simple. It stops reprogramming in its tracks and it says that when the Senate adopts the necessary procedures with the oversight, with the accountability built into those procedures, then we might continue in reprogramming these dollars in the Department of Defense and other agencies.

I know of no amendment that makes better common sense. I do not know of any other amendment, Mr. President, that deals with a larger number of defense dollars than we are dealing with in this particular amendment here.

I think, also, it would be certainly a vast step forward, a stab at attempting to reform Congress and our procedures, in the same year that Senator GOLDWATER and Senator NUNN and others have led the fight to reform the Pentagon., We in Congress need reform also.

I think this is the type of amendment that would certainly inspire the coming into being of rules and procedures we need.

At this point, Mr. President, I temporarily yield the floor.

Mr. NUNN. Mr. President, will the Senator from Arkansas yield for a brief observation?

Mr. PRYOR. I am glad to yield to the Senator from Georgia.

Mr. NUNN. The Senator has identified a serious problem. It is one that has been perplexing to me as the ranking minority Member because the chairman and I have to sign off on a lot of reprogrammings. At times I held a number of them up. I held some up that were meritorious reprogrammings because we were about to pass a defense bill and we also had a rule for quite a while, at least an informal rule, that we would not approve any new programs under reprogramming. That rule sometimes is adhered to and sometimes not.

It has been deviated from rather frequently. So we have a number of committees involved in this. The procedure is very loose. It is not a good procedure. We do not have good discipline. I think we on the Armed Services Committee do as well with it as others, maybe better, but overall the Senator is correct in terms of the looseness of the procedure and in terms of the lack of discipline and the fact that we do not have a disciplined procedure here also because of that indiscipline in the executive branch.

I do not know how much this applies to other agencies. I expect it is throughout the Government and not just the Department of Defense. The Senator would have a better idea than I on that.

I do not know whether the Senator's CONGRESSIONAL RECORD notice would cure part of the problem, all of the problem, or none of the problem, but it is an area that we ought to focus on, and I for one would pledge my cooperation in trying to address this issue and trying to do it in a meaningful way.

I think that the appropriate forum for the real hearings is the Rules Committee because they would have jurisdiction beyond our own committee and would apply throughout.

So I would think this is certainly something that I for one would be willing to pledge to the Senator from Arkansas that we would do what we could in the Armed Services Committee to take a real close look at our reprogramming procedures to keep the Senator from Arkansas advised of them and listen to his suggestions.

I would prefer this amendment not be attached to this bill now because I do not know that we are really solving the problem with that but that would be up to the Senator from Arkansas as to whether to pursue it at this time.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. NUNN. I yield.

(Mr. EVANS assumed the Chair.)

Mr. GOLDWATER. The Senator from Arkansas and I have discussed this, and I said to him essentially what the Senator from Georgia has just told him. Really as far as the Armed Services Committee goes we have a little problem, but it is not any kind of a problem with reprogramming.

But I serve on other committees where it is almost a constant go around, go around, what do they want to reprogram, and they cannot come up and tell you why. But I do think it is something we ought to study.

I also have a very strong feeling that this would have to be shown to the Rules Committee. I am not certain. I just have a feeling that it would be.

I think the subject the Senator raises is of great importance, again not because of the military side of it, but the overall problem with it.

I would suggest that we refer it as an item of study. I do not even know who to send it to.

□ 1610

Maybe the Rules Committee could answer the question, maybe GSA or OMB, but I do not think it is anything that we should attach on to a military authorization bill. If it is attached to the military authorization bill as an overall movement, then you are going to hear all kind of squawks from every other committee on the Hill.

I would merely make that as a suggestion. I think it is something that should be studied, but from the committee that I am convinced has the least problem with it, we should not be the one saying to every other committee we want you looked at. I think the Senator understands that.

Mr. PRYOR. I thank the Senator from Arizona for his comments.

Mr. LEVIN. Will the Senator from Arkansas yield for a question?

Mr. PRYOR. I am glad to yield to the Senator from Michigan.

Mr. LEVIN. This has been something that has troubled the Senator from Arkansas, and rightly so, for a long time. And he, as always, is in the forefront of trying to protect critical defense dollars and taxpayers' dollars.

I looked into this sometime back and I may be a bit rusty. Perhaps the Senator from Arkansas can refresh my recollection. But my recollection is, to some extent, these informal procedures, very loose, as the Senator from Arizona has pointed out and the Senator from Georgia in agreeing with my friend from Arkansas, that to some extent the looseness of these procedures was the fallout of the Supreme Court decision in Chadha. If we do not have some informality in it, we may run into a Chadha problem where we have authorized some reprogramming to the Pentagon and unless we have an informal check on Pentagon reprogramming, we might not have any legal check at all. Now is my recollection correct that that is at least partly the problem that we have and one of the reasons for the informality and looseness in these proceedings?

Mr. PRYOR. Let me respond to my friend from Michigan by saying the Chadha situation was one which was more recent than the reprogramming process that has been with us for decades. This reprogramming situation has been with us for a very, very long time prior to Chadha.

Now, let me further respond to the distinguished Senator from Michigan, who is a member of the Armed Services Committee, and a very fine member, that when the Department of Defense—and the Congress not agreeing or disagreeing, when we do not have anything to do with it—when they can create 304 new budget line item programs through reprogramming, then there is something desperately wrong. Or, without the Congress' consent, when they can terminate 261 line item programs or line item expenditures in their budget, there is also a total loss of oversight and accountability by the House and by the Senate.

My amendment simply says that we will terminate, we will suspend, all of reprogramming until we adopt a system that will be acceptable to the majority of the Senate.

I am somewhat concerned. I have heard both the very distinguished Senator from Arizona, who I respect so dearly, and the Senator from Georgia, the ranking minority member, say that this is a problem. And I am a little bit perplexed as to why we do not suspend the reprogramming of millions, or perhaps billions, of dollars until we can find a better system that we can all support in this Senate to do it.

I certainly wish that we could get the support of the Senator from Arizona and the Senator from Georgia in adopting this sense-of-the-Senate resolution. Let us suspend this reprogramming and come forward with procedures that will be fair and acceptable and certainly workable with the Rules Committee and the rules of the U.S. Senate.

Mr. GOLDWATER. Mr. President, I move to table the amendment of the Senator from Arkansas.

Mr. LEVIN. Mr. President, will the Senator from Arizona withhold that for just one moment?

Mr. GOLDWATER. Yes.

Mr. LEVIN. I would like to ask my friend from Arkansas one more question. I have been talking to staff on it and I would like to clarify one point.

My understanding is that if we suspend Congress' role, this loose, informal, chaotic role that we have—and the Senator is so right about that—that will leave us with no role at all and that the Pentagon will have greater authority than it has now. Because, even though our role is chaotic and informal and we do it on a committee basis quite informally, it is something. It is better than nothing. And if you take us out of it and leave us in limbo, without putting a system into place, you will create, unwittingly—because I know what you are after—a situation where the Pentagon has unchecked authority, because we have given them authority to spend within accounts. Unless we can look at that reprogramming that they go through, we will be actually yielding, unwittingly, I believe, some authority to the Pentagon in a check over their spending. I know that is not the intention of my friend from Arkansas.

I am wondering if there is not some way that, in the next few months, we can hold some hearings on this repro-

gramming issue, and perhaps join hearings with the Rules Committee and with other committees involved, to address a problem which you have put your finger on which I think is a critical problem. There is a lot of loose spending of money. I am afraid it will be even looser if you take away and put in limbo this very informal congressional role that we now have.

I am wondering whether hearings in the next few months might take us the next step toward getting Congress into the situation that I know you want us to be in.

Mr. PRYOR. Mr. President, I thank my friend from Michigan for his remarks. Certainly, it is not the Senator from Arkansas' intent or the hope that we are going to create a greater chaotic condition, nor that we will give any more unlimited powers to reprogram to the Pentagon.

The strange thing about this issue, Mr. President, is that for once the Pentagon is doing what it is supposed to do. They have a form called, form 1415. They fill out the form and they say, "Here is what we want to reprogram," and it comes up here. And through some mysterious means, finally, some of those forms are rejected, some are accepted, and the reprogramming that they have requested takes place. The Defense Department has written rules on reprogramming, and there is no evidence that they do anything but obey them. Here in Congress, we have no written rules.

Now, they are abiding by the law at the Pentagon under this whole system. But of the six committees in the Congress that deal with reprogramming, we have six different procedures. We have six different sets of informal procedures. There are no written rules; in some, according to the GAO, those reprogramming approvals are simply made over the telephone by staff.

When we are gone from this city, from the Capital city, we see time and time again not Senators, not Congressmen, but staff aides making the decisions as to where these defense dollars or other Federal agency dollars are going to be expended.

Now, I have a fairly good idea, Mr. President, about how votes are going to stack up on this issue. It is an issue that is new. This General Accounting Office report is dated July 16.

I frankly think it would be not in the best interests of trying to get some reform in this institution if I called this matter to a vote right now. So if I might, with the understanding of the Senator from Michigan and the Senators from Arizona and Georgia that we will consult with the respective committees and have hearings on this matter and look into how we might make this system better, I would, Mr. President, ask that the pending amendment be withdrawn.

The PRESIDING OFFICER. The Senator has a right to withdraw his amendment.

Mr. GOLDWATER. Mr. President, I move to table the amendment.

The PRESIDING OFFICER. The amendment has been withdrawn by the sponsor.

Mr. PRYOR. If I might inform the Senator, I have withdrawn my amendment.

The PRESIDING OFFICER. The amendment has already been withdrawn.

Mr. GOLDWATER. Let me understand what the Senator is asking. Is he asking the Armed Services Committee to hold these hearings?

□ 1620

Mr. PRYOR. Mr. President, I would respond to the distinguished chairman of the Armed Services Committee that I think this is a matter that is even larger than armed services. It is a matter for the Rules Committee of the Senate, for this body to establish procedures for those funds being reprogrammed. I just think the biggest problem is going to be in trying to find the mechanics and the proper way to reprogram defense expenditures because that is where the biggest dollars are. I hope the Armed Services Committee will be sympathetic.

Mr. GOLDWATER. If the Senator will offer legislation only for this study, I would be glad to go along with him. But I know that no reprogramming is accomplished during a recess without my permission. And they chase me wherever I am before it is allowed, and less than $1 billion was ascertained last year, but I know other committees would go over that. If the Senator would propose legislation to create such a study, I would be glad to go along with it.

Mr. PRYOR. I appreciate very much the remarks of the distinguished chairman. We already have a study: I have sent it to the Senator. We have just agreed to seek hearings in the Rules Committee.

Mr. DIXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

AMENDMENT NO. 2308

(Purpose: To delete the authorization to dispose of fluorspar from the National Defense Stockpile)

Mr. DIXON. Mr. President, I ask unanimous consent to set aside the two pending amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DIXON. Mr. President, I have an amendment at the desk and I ask for its immediate consideration. It has been cleared on both sides. It will take 1 minute.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. DIXON] proposes an amendment numbered 2308.

Mr. DIXON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 195, in the list of materials between lines 4 and 5, strike out the following:

"Fluorspar, Metal Grade 33,750 short dry tons
Fluorspar, Acid Grade .... 22,500 short dry tons ."

Mr. DIXON. Mr. President, I have what I believe is a technical amendment to the list of strategic materials currently in the national defense stockpile authorized for disposal by the committee bill.

There is a great deal of controversy at the present time over what the inventory goals should be for materials in the national defense stockpile. There is one set of inventory goals, drawn up as the result of a lengthy interagency process in the executive branch, which have been relatively unchanged since 1979. There is a very different set of goals coming out of a recent study by the National Security Council, which would drastically reduce the inventory goals for almost every strategic material currently held in the national defense stockpile.

The Preparedness Subcommittee of the Armed Services Committee has been reviewing these conflicting sets of inventory goals for the national defense stockpile. I serve as the ranking member of this subcommittee, and the senior Senator from New Hampshire, Senator HUMPHREY, is the chairman. We have had one oversight hearing on the management of the national defense stockpile this year, and we will be having additional hearings this fall. I think it is fair to say that the Preparedness Subcommittee has serious reservation about the new inventory goals for the national defense stockpile proposed by the National Security Council study, but we have not reached a final conclusion on this matter yet.

Despite the unresolved issue of what the inventory goals for strategic materials in the stockpile should be, the committee bill includes a list of excess materials for disposal from the stockpile. The stockpile managers need the flexibility to dispose of materials in the stockpile that are no longer needed, and so the committee authorized for disposal those materials which would be excess under both the 1979 inventory goals and more recent goals derived from the National Security Council study.

Unfortunately, Mr. President, there are a few items inadvertently authorized for disposal by the committee bill which do not meet the criteria of being considered excess on both sets of inventory goals.

My amendment deletes two items from the list of items authorized for disposal—metal grade fluorspar and acid grade fluorspar—because these items are still required in the stockpile under the 1979 inventory goals.

I urge the adoption of this amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Illinois.

The amendment (No. 2308) was agreed to.

Mr. DIXON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

□ 1630

Mr. GOLDWATER. Mr. President, it is now 4:30. The chairman thinks it is time that we get moving.

I would like to ask the chairman of the Military Construction Subcommittee if he will get this thing off the ground and go with it.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENT NO. 2571

(Purpose: To delete funds for homeporting facilities at Staten Island, NY, and at Everett, WA, and to provide funds for Navy munitions procurement.)

Mr. BINGAMAN. Mr. President, before I send an amendment to the desk, I would like to repond to the comments which the Senator from South Carolina made earlier about the work of our Armed Services Subcommittee, the Military Construction Subcommittee.

First, let me commend the Senator from South Carolina, the chairman of that subcommittee, for the fair and bipartisan way that he conducted the meetings of that subcommittee.

I want to also commend the staff—Bob Bayer, Russ Milnes, and Marie Dickinson—for their excellent work in preparing the military construction parts of this Department of Defense authorization bill.

We have had agreement on virtually everything. There is one major item that we did not agree upon, and that is the subject of the amendment which I sent to the desk at this time.

The PRESIDING OFFICER. There are two amendments now pending.

Mr. BINGAMAN. I ask unanimous consent, Mr. President, that the amendment now pending be temporarily set aside so that we may consider the amendment I have sent to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself, Mr. EXON, Mr. GLENN, and Mr. DIXON, proposes an amendment numbered 2571.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 317, after line 22, insert the following new section:

SEC. 2191. STRATEGIC HOMEPORTING.

Notwithstanding any other provision of law, funds appropriated pursuant to an authorization in this or any other act may not be used to construct homeporting facilities at Staten Island, New York, or Everett, Washington, and funds authorized to be appropriated for such purpose in this Act are instead authorized to be appropriated for Navy munitions procurement.

Mr. BINGAMAN. Mr. President, the amendment I have sent to the desk I fear will be controversial. It will delete funds proposed in this bill for the construction of facilities at two new Navy home ports, one in Staten Island, NY, and one at Everett, WA, in the total amount of——

Mr. STENNIS. Will the Senator yield for a moment?

Mr. BINGAMAN. Yes, I yield.

Mr. STENNIS. Mr. President, will the Senator from New Mexico please suggest the absence of a quorum to clarify a procedural situation?

Mr. BINGAMAN. Mr. President, I suggest the absence of a quorum so we can clarify the procedural situation.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, as I was indicating to the Senate, the amendment that I have sent to the desk calls for the deletion of $141.6 million, which is designated in the pending bill for two new Navy home ports, one at Staten Island, NY, and one at Everett, WA. The proposal in my amendment is to transfer those funds to the Navy weapons account for purchase of munitions for the Navy.

My colleagues and I, who are offering this amendment, are convinced that the strategic rationale for this so-called strategic homeporting initiative is really very much lacking.

This is a program, in my view, which the Navy on its own should have cut from its budget long ago. Yet, as its budget has shrunk from the levels that were expected, and as this program has come under increasing criticism from many fronts, the Navy has come forth with nothing but additional rhetoric about how critical the program is.

To hear the Navy's point of view on this, particularly the Secretary of the Navy's, it would appear that this is the highest priority item in the Navy budget, more important than the people needed to man the 600-ship Navy, more important than the munitions needed to sustain the 600-ship Navy, and more important than the readiness of the 600-ship Navy, perhaps more important even than the shipbuilding program.

The reason for this attention to this particualr item in the Navy budget, and the priority given to it by the Navy, has much more to do with domestic politics, I fear, than it does with the fighting capability of our Navy or with deterrence of the Soviet threat.

Today, we are asking the Senate to reject the politics that traditionally have prevailed in favor of maximizing the Navy's warfighting potential. We are asking the Senate to join the House in rejecting this homeporting plan of the Navy.

I note that the House rejected the funds for homeporting on a bipartisan basis. Both the Democrats and the Republicans by majority vote turned thumbs down on this proposal when it was discussed in the House on July 25.

Let me discuss the Navy homeporting plan for those who are not familiar with it. This is a plan, very simply, to build nine new naval bases. The Navy is proposing to open a new port in Staten Island, NY, for the battleship *Iowa*'s surface action group of seven ships. They are proposing to open a new port in Everett, WA, for the *Nimitz* carrier battle group of 13 ships. They are proposing to place 27 ships, including a carrier battle group and the battleship *Wisconsin*'s surface action group in the Gulf of Mexico at seven new ports and one existing port. Finally, strategic homeporting involves the placing of 17 ships, including the battleship *Missouri*'s surface action group, at existing ports in Pearl Harbor and California.

Thus, we are talking about how best to accommodate 64 ships many of which are already in our fleet today.

Those of us who oppose the opening of new ports believe that the Navy is seriously overstating the benefits of this proposal, and they are also grossly underestimating the costs involved, especially the ongoing base support and personnel costs of the new ports.

We do not oppose that part of the Navy's homeporting plan that involves existing ports in San Francisco, Long Beach, and Hawaii, and we rather think that should have been the model which was used around the entire Nation. The new ports in which they are proposing to accommodate

the other 47 ships are simply a political luxury that we cannot afford.

Mr. President, the fact is that today we are already accommodating 556 ships in our existing port structure and, in fact, we are scheduled to have a 600-ship Navy by fiscal year 1989, which is long before these new ports, all of them except New York, would be ready to accept ships.

Indeed, simply by maintaining the number of ships at San Diego at 118, which is the level it had in 1980, rather than decreasing the number to 99 as the Navy would propose, and by maintaining Norfolk's present ship loading at 123 ships rather than dropping to the 115 proposed by the Navy, 27 of the 47 ships we are talking about could be accommodated. The other 20 ships could also easily be handled in existing ports.

□ 1640

Using existing ports will cost some money, Mr. President. It would cost about $500 million in military construction cost. But that is a far smaller sum than would be required at the new ports that are proposed, a sum of over a billion dollars, and the real cost we are talking about at the new ports is not the billion dollars in military construction that will be required, but the annual base operating and personnel costs that we are going to be facing forever as long as these ports are open. Those costs are estimated by the Senate Armed Services Committee's staff to be in the range of $250–$300 million annually.

PROBLEMS OF TOO MANY BASES—INEFFICIENCY IN BASE STRUCTURE

Ever since I came to the Senate, 3½ years ago now, I have heard our chairman [Mr. GOLDWATER] talk about the inefficiency in our current base structure and the fact that there are numerous bases around the country that really should be closed. There is a provision, in fact, included in this bill that Senator THURMOND and I put together calling for a Presidential blue ribbon task group to be set up to look into this problem and make recommendations for base closures to the President and to the Congress. The savings that could be realized from closing unneeded or duplicative military facilities have been estimated to be in the range of hundreds of millions of dollars if not over a billion dollars a year. Last year, the Secretary of Defense submitted a notional base closure list consisting of 22 Army, Navy, and Air Force bases around the country. The estimated annual savings from closing these bases were almost $400 million and the annual savings were over $220 million for the seven Navy facilities on the list.

We all know that defense budgets are going to be very tight in the coming years, barring a major new development on the international scene. Indeed, with the specter of Gramm-Rudman hanging over the defense budget, we could see the budget cut in nominal terms for the second year in a row in fiscal year 1987. This is a time to seriously consider base closures, as this administration has thus far not been willing to do. It is not a time to be talking about opening up nine new bases in New York, Washington, and along the gulf coast.

The Navy claims that the annual additional operating, support, and personnel costs for all the new home ports combined will only be $35 to $50 million a year. That frankly flies in the face of even minimal analysis. The same Navy that told us last year it could save hundreds of millions annually by closing a few bases would have us believe opening bases doesn't cost anywhere near as much. The claim is that the annual additional cost of opening up and operating nine new ports to house over 10 percent of our surface Navy will be about the same amount as they said last year could be saved by closing one base, the Naval Air Development Center in Warminster, PA, and relocating its mission at another site. Those savings were supposed to be $45 million a year. Frankly, such a claim cannot be taken seriously. Moreover, according to the Navy's own study of homeporting submitted to the Congress last October, the Navy will need 836 more military personnel if the Iowa battleship surface action group is homeported in Staten Island than would be needed if it was homeported in Norfolk. The cost of those 836 military personnel for that one port would come to almost $30 million annually.

And that does not take into account the additional civilian support structure and contractor support structure that would be needed in New York compared to the more efficient structure that already exists in Norfolk. The point is that nobody should vote against this amendment on the assumption that the additional operating and personnel costs are only going to be $35 to $50 million annually for all of the new ports. New York alone is going to cost more than that.

STRATEGIC BENEFITS

Let me now turn to a brief discussion of the so-called strategic benefits of homeporting which the Navy has put forward to justify this. The crux of the Navy's argument is that we need to disperse these 47 ships to New York, Everett, and the gulf coast to reduce the vulnerability of the Navy to a conventional surprise attack. They invoke the tragic memory of Pearl Harbor, but that is obviously a mistaken historical analysis. We spend today billions of dollars to have the intelligence capability necessary to know where the Soviet threat is located over, on, or under the sea. Indeed, I recall the Navy's reaction a couple of years ago when, following deployment of Pershing missiles and cruise missiles to Europe, the Soviets threatened to increase deployment of their ballistic missile submarines off of our coast. Secretary Lehman's response at that time was that that was fine by him since it would simplify the Navy's mission of locating and dealing with those subs.

The GAO report on the Navy homeporting plan points out that Naval Intelligence Command officials with whom they talked indicated that the conventional threat to U.S. ports is relatively low and that during a crisis, Soviet forces would be assigned higher priority missions than mining or attacking U.S. home ports. I believe that, rather than preparing to fight the last war, we should be devoting our limited resources for the Navy to meeting its real needs.

Just for the record, let me note that dispersal of the fleet could, in fact, marginally increase its vulnerability. This is because of our terribly limited mine countermeasure capability which would today, and indeed for quite a long time in the future, require ports to be cleared in a serial fashion one at a time. Moreover, all of the nine new ports the Navy proposes to establish are open to Soviet bloc merchant shipping unlike most of our existing naval ports. My colleague from Ohio will go into this question of whether the homeporting plan is going to increase vulnerability or decrease vulnerability in more detail when he speaks on this amendment.

The Navy has also thrown out a variety of other arguments for homeporting. They claim that homeporting will somehow help them to exploit our industrial base. One senior Navy admiral told me in my office that this was the main reason for the Staten Island home port. He, once again, appeared to be assuming that we would be engaged in a long conventional war with the Soviets which would turn on our ability to turn out new ships like the World War II Liberty ships and to repair damaged ships as the war dragged on for months and years. I honestly do not think very many of us expect a future world war to last as long as World War II or World War I did.

In any case, all we are doing with the industrial base is redistributing it; there will be no more total shipyard work than there would be otherwise. And there is more than adequate capability in our existing port structure to handle the needs of the 600-ship Navy. Indeed, the Philadelphia Navy Yard appeared on last year's notional list of base closures.

The Navy has also claimed that the strategic homeporting plan will enhance battlegroup integrity, but the fact of the matter is that battlegroup

integrity would be best served by having fewer, larger ports as would be the case in the alternative scenario we are calling for.

The Navy also has made the case that the new ports would be closer to potential wartime operating areas. This argument is of dubious merit because responses to a fast-developing contingency are made generally not by ships in port but by ships already at their forward station. Indeed, this is the rationale for the current policy of continuous peacetime forward deployment. Moreover, even for small contingencies, such as Grenada, task forces must be assembled from an entire coast. Fleet responsiveness is thus determined not by the ships that are based closest to the operating area, but by the ships that are based furthest away. Having a few ships closer makes little difference.

But what the Navy has not focused on in its arguments, are many of the negative effects of homeporting on training, on logistic support, and on the morale and welfare of service members and their families.

Opening up all of these new ports is going to greatly complicate training and make it more expensive by dispersing personnel away from the major fleet centers which have many important training facilities. Dispersed personnel will have to be flown to these fleet centers for much of their training and this will increase the amount of time that they are separated from their families.

From the point of view of logistics and support activities, the new ports are going to be far inferior to our existing ports. Spare parts are going to have to be brought in from the large naval supply centers located in the large existing ports. The poor logistic support in the widely dispersed ports is going to translate into lost efficiency and lower readiness.

But perhaps the most serious cost of the Navy Homeporting Plan is the profoundly negative effect that it will have on Navy personnel. Adm. Tom Hayward, the Chief of Naval Operations from 1978 to 1982, places great emphasis on the effect that homeporting would have on personnel. In a letter dated February 4, 1986, to Senator THURMOND, Admiral Hayward referred specifically "to the numerous detrimental aspects which such wide dispersal to new bases will have on most military personnel, especially the career-oriented family Navy person."

Those numerous negative effects include increased time away from families because of remote training requirements, increases in the number of geographic moves which will require uprooting of families and relocation, relative austerity at the new bases in terms of community services traditionally available at Navy ports. I have several documents which I shall place in the RECORD at the end of my statement in which several retired Navy officers address these family issues in greater detail. But let me just quote one section from a letter I received from retired Rear Adm. Stan Fine on this point:

> I am disappointed that leadership of the Navy has obviously and with forethought discounted the impact that this homeporting (at Staten Island) will have on the morale and well-being of the personnel involved. I am even more disappointed that the senior military leadership of the Navy's surface warfare community (of which I was a member) has not stepped forward and taken a strong position against the entire strategic homeporting concept in view of what it will do to their best and brightest . . . I can only conclude that they either do not care for the welfare of their personnel (which I doubt is true) or that the political pressures on them to support the homeporting concept with its less than complete facilities are so intense that they have to go along despite knowing better.

Mr. President, let me say just a word about the whole issue of politics, since I think it is intimately involved with this proposal. One of my colleagues who voted in favor of the homeporting concept in a recent conversation pretty much dismissed the strategic rationale for homeporting but said he voted as he did because he thought it was a legitimate goal on the part of the Secretary of the Navy to seek to broaden the base of political support for the Navy. That is really what homeporting is all about in my opinion. The strategy in strategic homeporting has little to do with the Soviet Union and everything to do with our domestic politics.

I honestly question that we can afford politics as usual in this case. The Navy budget is coming under increasing pressure. The squeeze is potentially going to be most serious in the areas of operating and support costs and personnel costs, precisely the areas where homeporting is most going to increase our inefficiency. The current Chief of Naval Operations, Admiral Trost, is already attacking the Congress for not granting him the personnel he needs. He is quoted in Defense News as saying that military personnel at our current bases are already being forced to work 75 to 80 hour weeks as he seeks to man the fleet. He fears the effect this will have on retention. I am afraid that as Congress focuses more and more on defense outlays, Admiral Trost is only seeing the tip of the iceberg of the personnel problems to come. And yet the Navy is proposing new bases.

I think the comments of the Senator from Arizona and the Senator from Georgia, the chairman and ranking member of this committee, on the constraints in budgets that we are going to see in the future are extremely relevant to this debate today.

The question of politics and military bases has obviously been around for a very long time. Mr. President, but this is a very serious question we are dealing with today. I recently came across a letter from the turn of the century naval strategist Thayer Mahan, dated December 26, 1910, in which he deplored the politicization of our naval base structure. Let me quote briefly from his letter:

> Our whole naval expenditure is depreciated by the disposition to look upon it as so much plunder, to be distributed, not as a simple military disposition, but with reference to the supposed claims of different localities to have money spent in them. In other words, that the distribution of naval stations is to be not national, but sectional. Localities at the present Secretary's effort to change this; and I have little doubt it counts for much in the opposition he encounters.

That Secretary, George Meyer, obviously came from a very different school of politics than Secretary Lehman.

There is a very serious question which Admiral Fine raises in his letter as to why there has not been more organized opposition in the active and retired military to this homeporting initiative. The fact is that there are many active and retired military out there who are dead set against this idea of homeporting, but who are reluctant to go public on the issue. Some of them believe that the problem eventually will go away without their intervention. They take heart in the House's vote on June 25. Others, in speaking to me or my staff have pointed to the Larry Korb affair and said that they cannot afford to speak publicly for fear of Navy retribution. Let me note that one person not intimidated by the Larry Korb affair is Dr. Korb himself. Mr. President, I ask unanimous consent to place in the RECORD at this point a letter that he sent to me in support of the amendment that I am offering today.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNIVERSITY OF PITTSBURGH,
*July 18, 1986.*

HON. JEFF BINGAMAN,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR BINGAMAN: At your request, I am writing this letter to support your efforts to transfer $142 million from the Navy's construction budget, that is currently earmarked toward providing facilities for homeporting Navy ships in New York, New York and Everett, Washington, to the Navy's ammunition account.

The dispersal of Navy ships to new homeports does not make sense strategically or economically. In an era of smart weapons and sophisticated defenses, I am not persuaded that anything is gained by placing small numbers of ships in New York, Everett, or the Gulf. The Pearl Harbor analogy is no longer relevant in 1986.

The economic justification for this move is even weaker. Using the Navy's own figures, it is much cheaper to put the additional Navy ships into expanded facilities in cur-

rent ports. Moreover, I believe that the Navy has seriously underestimated the actual costs of constructing the new facilities in New York, Everett, and the Gulf. In an era of constrained resources, we could find ourselves spending $1 billion merely to show the flag.

Conversely, there is a great need for additional ammunition for the new ships and planes that have been authorized in the first Reagan administration. Transferring these funds into the ammunition account will ensure that all the new ships and planes can carry out these assigned missions. This is much more important than providing a new home for a few ships.

Sincerely,

LAWRENCE J. KORB,
*Dean.*

Mr. BINGAMAN. I remind my colleagues that Dr. Korb, until last year, was the senior civilian official in the Defense Department with responsibility for our military base structure as Assistant Secretary of Defense for Manpower and Installations. I also ask unanimous consent to place in the RECORD at this point the letter from Admiral Hayward and the letter from Admiral Fine, both of which I have previously quoted from in part and the testimony which retired Vice Adm. C.E. Bell presented to the Armed Services Committee earlier this year at our hearing on homeporting.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THOMAS B. HAYWARD ASSOCIATES, INC.,
*February 3, 1986.*

Hon. STROM THURMOND,
*U.S. Senator, Chairman, Subcommittee on Military Construction, Committee on Armed Services, Hart Senate Building, Washington, DC.*

DEAR SENATOR THURMOND: Thank you for your letter of January 21, 1986 in which you seek my views on the current homeporting initiative that has been undertaken by the United States Navy.

I am most pleased that the Armed Services Committee is looking carefully at this extensive homeporting initiative to determine its overall viability at a time of significant fiscal constraint on the defense budget.

It is not difficult to understand why the Navy believes a strategic homeporting program makes sense. Wide dispersal of the fleet around the nation obviously provides a certain modicum of decreased vulnerability. However, there surely are many reasons to question the concept these days. With your usual perception, you have focused accurately on the substantive issues related to (1) ships' vulnerability, (2) battle group integrity, (3) proximity to operating areas, (4) base overcrowding and (5) exploiting the industrial base. I would add one other: effect on personnel. I refer specifically to the numerous detrimental aspects which such wide dispersal to new bases will have on most military personnel, especially the career oriented family navy person.

I am assuming that your Committee is examining the important, if not critical, issue of the added dollar costs, costs which are not trivial in any era—certainly not the present.

Thank you for informing me of the investigation plans of the Senate Armed Services Subcommittee under your leadership. I wish you well in this important work.

With high regard,

THOMAS B. HAYWARD.

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UNITED-GUARDIAN, INC.,
*July 29, 1986.*

Senator JEFF BINGAMAN,
*Ranking Minority Member, Subcommittee on Military Construction, Senate Armed Services Committee, Washington, DC*

DEAR SENATOR BINGAMAN: The purpose of this letter is to respond to your request that I comment on the Navy's plan to establish a homeport base in New York for the Battleship IOWA and a group of escorts.

In Jaunary, 1984, soon after the original announcement was made with great hype, I coauthored an article for the New York Daily News opposing the proposed homeporting on the basis of its obvious aura of politics, having little to do with a true National Security need. I have read most of the GAO and Navy, reports since that time. I have not changed my mind; in fact, as time has gone by, the agruments for the need for the base have become less and less pursuasive.

I would like to make a few points which I hope the Commttee will consider in its deliberations.

Clearly, despite a bit of fuzzing around the edges by those attempting to argue for the New York base, the rational for its establishment can only be justified on the basis of a non-nuclear war between the NATO and Warsaw pact Forces. In a nuclear scenario, basing the ships in New York, Norfolk or anywhere would be irrelevent to any prevention of their inport destruction. So if the purpose of the base is to avoid another conventional war Pearl Harbor, then our extensive intelligence communities, National Programs, NSA and for that matter, the entire Defense Establishment have wasted countless billions of dollars over the last few decades. I doubt if there is any serious, conventional war scenario in our current warplans which does not anticipate a period of tension and buildup prior to any NATO/Warsaw Pact conflict. In view of our continuous surveillance of Soviet Forces on a worldwide basis, I doubt if any serious planner would even consider a conventional war surprise attack as a viable assumption. Yet the Navy has proposed to spend hundreds of millions of dollars to avoid the consequences of a surprise attack, an event which, in order to prevent, we are already spending billions annually so as to reduce its probability of happening to zero. (This comment is also applicable to the proposed new home ports other than New York.)

If the dispersion of Naval Forces is to avoid a "terrorist" incident in current ports, then placing these ships into New York harbor, a port open to all of the world's vessels including Warsaw Pact ships, in a city open to international travelers and tourists, in a location with no shoreside land buffer or restricted waters, makes these ships even more vulnerable than they would be in Norfolk or Charleston or Mayport with already established security infrastructures built and refined over decades. By putting these ships into New York, we would not be diminishing the probability or impact of terrorist incidents . . . we would be giving potential terrorists easy and attractive targets aboard which could be nuclear weapons. (have we forgotten so soon the attempted mortar attack on the UN Headquarters of some years ago?)

A conventional scenario which calls for the New York Battlegroup to operate independently should the other Navy bases be blocked or put out of action is also a questionable assumption. The IOWA group could not operate against Pact forces by itself without the train of support ships and aircover that can only be provided by U.S. forces that originate from these other ports. In other words, the IOWA and its ships need these other forces as well as contiguous supply and repair facilities to be truly insulated from the consequences of a repetition of Pearl Harbor.

The affordability of the New York Base as well as the other new bases should also be considered by the Committee. When the New York base was announced in early 1984, the Secretary of Defense's proposed five year budget plan (FY-85) was as follows:

| Fiscal year: | *Billion* |
|---|---|
| 1985 | $305.0 |
| 1986 | 349.6 |
| 1987 | 379.2 |
| 1988 | 411.5 |
| 1989 | 446.1 |

The appropriations for FY-85 and FY-86 and the Budget Authority projected by the First Resolution for FY-87 to FY-89 for DOD are as follows:

| Fiscal year: | *Billion* |
|---|---|
| 1985 | $286.8 |
| 1986 | 278.4 |
| 1987 | [1]285.0 |
| 1988 | [1]297.0 |
| 1989 | [1]309.0 |

[1] Estimated DOD portion of Resolution amount.

In other words, it appears that the Congress is willing to provide the Department of Defense only 1% more in FY-89 than DOD requested for FY 1985, with a gap of $137B in 1989 alone. While much of this reduction is probably the result of lower inflation estimates, it also appears as if much has changed between the time the New York base was announced and the current capability of the Department to execute plans that were made 2-3 years ago. While the base might have been considered to be affordable in early CY 1984, that it has retained its priority while forces and readiness and weapons and manpower have been cut to accommodate lower budgets should raise many questions in the minds of the Committee members as to the reality of the process within the Department for establishing program priorities. That the Navy appears to prefer to put its resources into concrete and pier pilings rather than steel and weapons when it faces certain, future austerity should not be automatically accepted by the Congress as the best National Security decision.

The number and composition of the future Fleet should also be of concern to the Committee before it authorizes resources for a new base. If we examine the numbers of ships projected to fill the Navy piers in the future, the Department, in the FY-85 Budget submission to the Congress, projected the following shipbuilding program for Fiscal Years 1987-89:

| Fiscal year— | 1987 | 1988 | 1989 | Total |
|---|---|---|---|---|
| New Construction | 22 | 24 | 25 | 71 |
| Conversion | 4 | 4 | 5 | 13 |
| Total | | | | 84 |

The Fiscal Year 1987 Budget provided the following projections for the same years:

| Fiscal year— | 1987 | 1988 | 1989 | Total |
|---|---|---|---|---|
| New Construction | 21 | 24 | 21 | 66 |
| Conversion | 3 | 4 | 4 | 11 |
| Total | | | | 77 |

With only 20 new ships per year projected for FY-1990 and 1991.

While the Navy will probably achieve 600 ships by 1990, the ability to sustain that number in the years following needs to be the subject of considerable additional analysis. It would appear that the reductions in the planned ship construction/conversion schedule will result in the current home ports being underutilized as older ships will be retired without replacements.

Another major factor which I feel has not been sufficiently considered is the projected useful operational life of the base itself. The IOWA was recommissioned in April, 1984 and is currently over 40 years old. At best, it will be surprising if she is still in commission in the year 2000. If we accept the Navy's IOC date of September, 1988 for the bare bones New York home port, then hundreds of millions of dollars will be spent for a base with a twelve year operational life expectancy.

To my knowledge, there is no Navy plan to build more battleships or increase the number of carriers beyond 15, or to turn New York into a carrier homeport or take a battleship from another port to replace the IOWA until that replacement also becomes too aged to keep around. What are the Navy's plans to fill the future alongside gap?

After the IOC date, the Navy will still be required to spend additional millions of dollars on facilities, housing, etc. to make the base complete . . . to base an IOWA with a limited remaining lifespan. Considering the time it will take to budget for and construct these additional facilities, the base may be completed in time to decommission the IOWA. Yet even during the limited years after IOC, the facilities will probably be empty at least 50% of the time as the ships deploy overseas, train in areas where ranges and services are available, and receive maintenance in Navy or Private Shipyards outside of homeport.

In other words, it appears that the Navy is proposing to build a homeport for a battlegroup with a limited future, with pier facilities that will be empty of ships much of the time, and support facilities that will be underutilized or unutilized waiting for ships to return to port.

Your Committee should insist on knowing what the Navy's plans for the port will be in the long term, not just for the nearterm post IOC date. How will the base be used when the IOWA and the escorts are at sea for long periods of time? What will the military personnel and civilians attached to the base do productively when the ships are absent? With shortages projected in military personnel needed to man the Fleet, should the Congress be a party to situations where many military will be ashore at marginal, underutilized bases?

Most distressing to me personally is the Navy's apparent lack of concern for the welfare of the thousands of officers and enlisted who would have to live with the decision to go ahead with the base.

New York City has just about reached the point where only the very wealthy or very poor can afford to live there. It is one of the most expensive cities in the world. Housing for the middleclass is at a premium and for the poor, a disgrace. Yet the Navy is proposing to place thousands of military into this environment to fend for themselves in the housing market. If private housing cannot be found on Staten Island (and I doubt if it can except for a very lucky few), the others will be required to search for housing in Brooklyn or Queens or Nassau County or New Jersey. Anyone who suggests that this is an acceptable course of action has obviously never been involved in commuting into and out of New York during morning and evening rush hours, or had to pay the high tolls on the bridges on a daily basis or faced the problem of finding parking on City streets in residential neighborhoods or paid hundreds of dollars per month for garage space or lived in small, non-airconditioned apartments in the summer or ridden the buses or subways on hot days. How many junior officers and enlisted would be forced to leave their families elsewhere rather than bring them to New York or its suburbs?

Add to this problem the lack of commissary and exchange facilities, or even when they are established later on one of the bases, the distances families would have to travel and the costs that they would incur to take advantage of these facilities.

Add to this problem the paucity of medical facilities that would be available to dependents in a port without a military hospital. (This is a consideration that must be taken most seriously. In my seagoing days, the availability of a military hospital to my dependents when I was out of port relieved a great many anxieties, especially when I was deployed to the Sixth and Seventh Fleets.)

Add to this problem the lack of recreational, moral and welfare facilities on nearby bases, requiring those stationed aboard ship and on the base to travel away for any relaxation or try to make do in an expensive city.

Add to this the lack of individual and team training facilities (Firefighting, damage Control, ASW Team Training, etc.) which will require that the ships' crews spend a great deal of time in Norfolk, separating married men from their families even when the ships will be alongside in New York.

Add to this the everyday expenses of living in New York such as high automobile insurance, high rents, high sales taxes, high income taxes (for the dependents who work), high child care costs, high dental costs, etc.

Add to this the already crowded and in many cases, inadequate schools that the children of ships' and base military personnel will have to attend.

I could continue but I am sure that you and your colleagues are aware of many more negative human factors beyond those that I have listed.

I am disappointed that the leadership of the Navy has obviously and with forethought discounted the impact that this homeporting will have on the morale and wellbeing of the personnel involved.

I am even more disappointed that the senior military leadership of the Navys' Surface Warfare Community (of which I was a member) has not stepped forward and taken a strong position against the entire strategic homeporting concept in view of what it will do that the Navy expended on personnel amenities when the two Trident bases were established, as well as the funds in this year's MILCON Budget for housing and personnel support facilities at bases throughout the world.) I can only conclude that they either don't care for the welfare of their personnel (which I doubt is true) or that the political pressures on them to support the homeporting concept with its less than complete facilities are so intense that they have to go along despite knowing better.

I cannot understand why the Navy, having gotten itself into the unsupportable position of having to justify a politically motivated, unneeded base, with many local residents of New York and much of the city's Congressional delegation opposing it, and with many direct and indirect negative factors attached to it, continues to pursue the base's construction. I cannot understand why the Congress continues to ever consider building a bayside, concrete monument to pork barrel at a time when future austerity in Defense Budgets is all but certain, when the number of ships and aircraft to be constructed will be less than planned just a short time ago, when readiness funds will most certainly be reduced, when personnel costs will increase as the need to attract volunteers will face a declining manpower pool, and when the achievement of objectives for conventional force sustainability keeps receding into the future.

During the markup of the Defense Authorization Bill, the Committee reduced or eliminated or stretched out many valuable and needed programs that would have provided real strength for our nation's security. I would urge you to use the funds requested for this misbegotten, homeporting project to restore programs that will truly add to the Navy's readiness and sustainability.

Please pay my respects to Senator Stennis, who, as chairman during the era I testified before the Committee, always treated me with the greatest of courtesy and to Senator Warner, with whom I toiled many long hours in the "E Ring" in bygone days.

Very respectfully,

STANLEY S. FINE,
*Rear Admiral, USN (Ret), Senior Vice President, United-Guardian, Inc.*

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ADMIRAL BELL'S TESTIMONY

Good afternoon, I am Vice Admiral C.E. Bell, US Navy, retired. For the past twelve years I have served the City of Norfolk, Va. as Director of Civic Facilities, managing an 11,500 seat convention center, a 2,500 seat theater, the Gen. MacArthur Memorial, and the Metro baseball parks. My prior experience as a naval officer covered thirty five years and included five tours of duties in the Pentagon in such positions as Executive Assistant to the VCNO; Director, General Planning and Programming, OP-9 and finally as Director Navy Program Planning, OP-090.

In 1957, as Operations Officer of Submarine Forces Atlantic Fleet, I was responsible for planning the dispersal of submarine forces during a fleet dispersal effort similar to that anticipated in the current proposed strategic homeporting initiative.

As a native resident of the Washington scene, a reasonably seasoned naval officer and at present a fifteen year resident of Norfolk, Virginia, I feel I am well balanced enough in my thinking to talk with you today on the subject of the Navy's Proposed Strategic Homeporting Plan.

We in Hampton Roads have confidence in our military leaders and feel that their judgments must be free of domestic political

considerations. Therefore, although the fleet dispersal inherent in the strategic homeporting policy announced in 1982 was clearly not in the economic interest of Hampton Roads, we did not attempt to influence the decision making process regarding it. We view the current situation, however, as considerably different from that existing in 1982. We have concluded that continuing deficits and weaker budgetary support for defense dictate that strong consideration be given to the economic factors favoring expanding the Navy presence in Hampton Roads, even at the expense of the Strategic Homeporting initiative.

We are unaware of any reason advanced by the Navy for this proposed dispersal other than implied strategic considerations. In our view, every other factor involved is degraded 'including training, logistic support, deployment, repair, morale, family support, etc. In my opinion, the dispersal suggested to Staten Island and the Gulf of Mexico of the Atlantic Fleet, does not seriously impair an adversary's ability to attack or to hinder our movements.

I understand that as an integral part of the strategic homeporting plan the Navy proposes to conduct a higher percentage of its operational training exercises in the North Atlantic. It is my experience that increased training exercises in the North Atlantic would result in valuable training days being lost to weather and the increased logistical problems of bringing the required forces together. In addition it will involve greater risk to men and equipment. Further, all of the Navy's existing Atlantic Fleet at sea training support facilities are located in the sea areas of the Caribbean Islands. It appears to me that Naval forces remotely based in the Gulf of Mexico would have little opportunity to operate with the rest of the fleet, and their requirement for possible activity in the Caribbean can be met more easily from Atlantic Coast ports.

From my perspective, it appears that the decreased services, reduced morale, and increased costs associated with fleet dispersal ultimately could create a greater threat to the Navy's ability to respond to an enemy than that posed by increasing fleet concentration in existing ports.

However, I recognize that in my present status as a civilian I am not knowledgeable of all the current military factors that must be considered in a decision such as this. I have come today to address only those factors of which I am knowledgeable. And, while I am concerned with the pros and cons of the Strategic Homeporting question overall, the moving of a Battlegroup to Staten Island is of greatest concern today.

We have reviewed a draft of the GAO report on this subject. We note that the GAO has examined the ship berthing capacity at the Naval Station Norfolk and concluded that berthing capacity for 70 ships exists currently. We agree with this evaluation. Based on information available to the general public, we are aware of a number of occasions when that number of ships has been berthed there. Further, to our knowledge, the Little Creek Amphibious Base in Norfolk has not been considered in any of the Navy or GAO capacity analyses for berthing of Naval Ships in Norfolk. We note this with concern and find this quite surprising since Little Creek has unused capacity available for berthing a number of the Naval Ships normally berthed at the Naval Station Norfolk.

We cannot judge whether the construction of new ship berthing facilities at great expense while existing ship berthing facilities are adequate represents the best use of the limited defense funds available. However, as interested and knowledgeable citizens, we are able to judge the complexity of the Norfolk Naval installation. This installation is much more than a facility. It is a grouping of many related organizations and facilities which has developed over a great many years and whose overall relationships are not completely appreciated by most.

We are certain that the establishment of new naval complexes where no base of expertise exists involves considerable risk. We hope that this body recognizes these risks when it considers the advisability of establishing new bases.

The Congressional Research Service Issue Brief on the Navy's Strategic Homeporting Program quotes a Navy estimate of about 5.8 million dollars as the steady state operating and support cost increase for Staten Island over existing facilities. This is only a very small portion of the annual costs, in our estimation.

Certainly one has to think of the loss of efficiency and increased costs associated with operating, servicing and logistically supporting ships remotely located from the nearest Navy complex. The increased costs associated with training alone must be staggering. The Training Command for the entire U.S. Atlantic fleet is located in Norfolk. This command provides instruction to over 115,000 officers and enlisted personnel each year. Courses vary from one day to 16 weeks and average six to eight weeks in duration. These schools and courses run the full gamut of naval warfare and operational skills at sea.

These courses are vital to assuring that each ship is manned with a crew capable of making it perform its function in todays sophisticated operational modes.

On average each Atlantic Fleet Officer and enlisted person spends almost one month each year in training. For ships homeported in Norfolk, this process is easily accommodated since it is possible to live at home or aboard ship and commute. The training doesn't involve leaving families and friends. It is done without added travel or per diem costs.

By contrast, personnel based on ships in newly established homeports will experience additional family separation in order to take advantage of the necessary training. The Navy will experience considerable additional costs for travel and per diem. How many millions of dollars this will be, and to what degree fleet readiness will suffer, I cannot begin to estimate.

Aside from training, a ship and its crew located in Norfolk is serviced locally by a vast array of logistic and support activities, an infrastructure unsurpassed in its ability to provide service. The naval complex today includes more than 3,000 buildings on over 4,500 acres of land with ten miles of water front. Obviously the Navy does not intend to duplicate those facilities else where. It will, to a large extent, be the Hampton roads facilities that are relied upon by a Staten Island battlegroup although at a much lower level of efficiency than when serving Norfolk based ships.

The Naval Supply Center in Norfolk is the world's largest store. It provides ships in the fleet with 570,000 items from food stuffs and clothing to tools and replacement parts. It is manned by over 4,000 employees, mostly civilian civil service.

Ships based locally can arrange bearer pick ups of urgently needed parts or supplies rather than wait for normal delivery. What would the sailor on Staten Island do? Even when provisioning in a normal fashion, transportation to Norfolk based ships involves considerably less time and resources than transportation to ships outside the Hampton Roads area.

The Norfolk Naval Shipyard with over 12,000 civilian employees is the world's largest shipyard that specializes exclusively in the repair and modernization of Navy ships. It is the single best source of Naval ship repair expertise in the nation. Its employees work on and are familiar with the full range of Navy ships.

The capability of the shipyard's employees and the shipyard's shop and laboratory facilities are most accessible to ships homeported in Norfolk.

The Navy has several other shore based ship repair activities located in the Norfolk area including the Readiness Support Group and its two Shore Intermediate Maintenance Activities at the Norfolk Naval Station and Little Creek Amphibious Base. In addition, there are always at least two repair ships in port providing services for surface ships and one for submarines.

Services from all these activities are much more timely, efficient and effective when provided to ships homeported in Norfolk.

Measuring lost efficiency while servicing remotely located ships is speculative at best. Would a 20% loss be overstating the issue? And would this equate annually to $10 million dollars?—20 million? The real price, though, is in the impact on the crews and their families and in the subsequent reduced readiness of the ships.

From living with Navy men and women we know the importance to the Navy of their morale. Their retention on active duty is seriously affected by several factors including:

Time away from families;

Number of geographic moves which require uprooting of families and relocation;

Availability of suitable housing and schools;

Availability of personal services and recreation; and

Acceptance by the community at large.

Retention of Navy members will clearly be reduced if they perceive any of these factors to be negatively impacted. How much a shift to Staten Island or another non-traditional port might affect retention is speculative but any decrease at all would have serious economic consequences due to the high cost to the Navy of retraining replacements.

Most time away from family is dictated by operational and repair periods which would be relatively unaffected by a strategic homeporting decision. However, a substantial portion of family separation is related to the training periods which necessitate temporary relocation to training centers, primarily Norfolk.

Rotation from ship to ship and from sea to shore is another necessary part of Navy life. In Hampton Roads, because of the number of ships homeported there and because of the number of shore billets available, the chances of relocation being required during these transitions is considerably less than would exist in one of the newly established homeports with just a few ships and no shore billets. This means that the children can progress in one school and the family doesn't have to endure the wrenching and often expensive experience of a move.

Equally important, there is significant cost to the Navy when each rotation results

in relocation. These costs certainly amount to millions of dollars per year.

The Navy provides extensive medical care in Hampton Roads to members of the Navy and their dependents. The primary delivery vehicle is the Portsmouth Naval Hospital which had approximately 30,000 admissions and 500,000 out-patients in 1985. This care is supplemented by three Navy medical clinics and four Naval dental clinics located throughout Hampton Roads.

There are seven Navy credit unions, four commissary stores and six Navy Exchanges located thoughout Hampton Roads. There is also a Legal Services Office, three Family Service Centers and six Military Housing Offices to assist Navy families with their problems.

The Navy operates several fleet recreation parks locally together with a number of officer and enlisted clubs. Combined with several gymnasiums, these facilities offer superior opportunities for the leisure time of Navy personnel located in Hampton Roads.

All of these facilities and their operating organizations were created over a long period of time, most when the dollar would buy much more than it will today. The construction and operating costs were made possible only by the concentration of Navy personnel in Hampton Roads. Their re-creation to support relatively few ships in a new homeport such as Staten Island would obviously not be feasible and is not included in the 400 million dollar Staten Island facility cost. But they are vital to the readiness and morale of ships and crews to perform their function. We cannot afford to lose sight of that fact.

Today, active and retired military and civil service workers and their families make up about half of the population of Hampton Roads. Much of the remaining half has some direct involvement with either Navy facilities or Navy/Marine Corps. personnel. It's a population which tends to be unusually supportive of our military and its leadership during bad times as well as good. The Navy is a part of our community and has been an integral part as long as I can remember.

This is more important in the long run than the bricks and mortar which dollars can buy and fashion into facilities. This community support and acceptance add immeasurably to the quality of life experienced by our Navy families in Hampton Roads. Equally important these Navy families add to our quality of life. Navy men are leaders of our Boy Scout troops; Navy men and women sing in our choirs; Navy men run our Little League teams—and their sons and daugthers star on those same teams. The total Hampton Roads Navy/Community story is one of synergism of military/public/private sector efforts by many organizations and individuals. It can not be duplicated. It has been building for many, many years and today is the result of investments, not of money, but of lifetimes of energy on the part of hundreds of thousands of people. This legacy does not exist elsewhere.

The total Navy presence on Staten Island would amount to only one tenth of one percent of the New York regional population. The diversity of interests normal to such a situation will conflict with development of community support comparable to that existing in Hampton Roads.

In conclusion—

First, we don't represent that we are able to perform a sophisticated evaluation of the additional operating and support costs of a newly established ship basing facility. We have absolutely no doubt, however, that the $30 million per year per facility estimated by the GAO is much closer to reality than the $6 million estimated by the Navy. And of course even this higher figure disregards the start up costs which are a part of any new facility.

Second: No ship should be homeported where there is less than complete community backing. Navy families should not be forced to live where the Navy is not wanted by substantial and vocal elements of the community. Is adequate housing available? Can it be found at rates Navy families can afford? A few year ago lower rated Navy men in the New York area were in the poverty group and had to be subsidized with food stamps. If this deployment is approved, will the Navy have to come back to you Senators for additional allowances for families because of the high costs of living?

Finally, let me remind you that, since 1798 when the Navy established the Gosport Navy Yard, Hampton Roads has been the Navy's first choice for the creation of facilities to moor and service its ships and to house, train and support its personnel. The original choice was made because of Hampton Roads' strategic location at the center of the nation's East Coast and because of its natural harbor, considered by many to be the finest in the world. None of that has changed. In addition we now can proudly point to an unequaled existing ship and crew support complex plus total community backing for Navy ships and their families. We are ready, today, to support those ships being considered for inclusion in the Navy's strategic homeporting program.

We recognize that the Staten Island Navy Base would have strong support from elected city and federal representatives who have the best interests of the nation and the New York area in mind. And, we, of course acknowledge that the Navy presence will bring a positive economic benefit wherever it goes—whether to Staten Island, Hampton Roads or elsewhere.

However, we are convinced that the real issue here is not what the Navy contributes to the region but rather, what the region contributes to the Navy. In 1957 the Navy effected a re-distribution of the Fleet to new home ports only to reverse the process when budgets became tighter again. To quote the great Yogi Berra, "This is deja vu all over again." We urge you to consider all factors, especially economics, fleet readiness and fleet security and make your decision on that basis.

Mr. BINGAMAN. Mr. President, as I have said earlier, it is truly preplexing to see the Navy place such emphasis on this ill-thought-out program. It is particularly so when you look around and see what the Navy is doing to adjust to our more stringent fiscal circumstances elsewhere in its budget. My amendment would transfer the funds intended for facilities at Staten Island and Everett to the Navy munitions account. Let me just briefly tell my colleagues why we chose the Navy munitions account.

The Navy is today terribly short of munitions. Adm. Lee Baggett, Commander in Chief of the U.S. Atlantic Command, stating in testimony before the Armed Services Committee earlier this year that:

Correcting ordnance deficiencies, both in inventory levels and weapons capabilities, is my number one sustainability issue. Although our inventories are improving, as the initiatives of the past few years result in deliveries of ordnance items, shortages will continue to exist in both level of effort and threat munitions into the 1990's.

The fact is that today the Navy is still cross-decking ammunition. That is, they are taking ammunition off of one ship that is coming into port to put it on another ship that is ready to leave.

Last spring the then Chief of Naval Operations, Admiral Watkins, stated before the Armed Services Committee that this cross-decking practice would continue until 1989. But that was before the Navy decided to strip over $5 billion out of its plans for munitions purchases in fiscal years 1987 to 1990. The GAO has completed a report for Senator GLENN which compares the Navy's plans at this time last year for the 4-year period 1987 to 1990 with this year's budget request. What the GAO has discovered is that the Navy cut 25 percent of its munitions request. Last year, the Navy planned to buy 49,721 missiles and torpedos over that 4-year period. This year, for the same period they are projecting purchases of 37,238 torpedos and missiles, which is 12,483 or 25 percent less than projected last year.

The Navy made these serious reductions in munitions procurement because of the overall funding limits that they are now facing. But this will obviously have an effect on whether the Navy will ever be able to eliminate cross-decking of its munitions. Cross-decking or serious munitions shortages are going to continue well into the next decade. The precise numbers in the GAO report are classified, but let me tell my colleagues we are very far short of meeting our requirements. We are not just a few percentage points short, but substantially short, and I would be happy to review the numbers with any of my colleagues who would like to do so privately.

So Mr. President, I hope that rather than pouring almost a billion dollars over the next 4 years into opening up new and unneeded Navy ports, we can address the very real needs of the Navy for sustainable levels of munitions. Avoiding a hollow, toothless Navy has to be a higher priority than the political luxury of new ports.

Unfortunately, I know as I stand before the Senate that there is far stronger political constituency for the new ports than any constituency that may exist for munitions sustainability. But at a time of no growth defense budgets, I firmly believe we must come down in favor of maximizing our naval war-fighting capabilities. That is what today's debate is about. If the Senate goes along with the homeporting initiative and if then, the homeporting ini-

tiative is implemented, I am firmly convinced that we will come to regret it very greatly in just a few years time.

I have not been around here long enough to go through all the cycles of base openings and base closings, as some of my more senior colleagues have. But those cycles are probably as inevitable in a democracy as the business cycle. And they are probably every bit as painful for the citizens involved. Admiral Bell concluded his testimony before the Armed Services Committee by referring to his own experience in the Navy and let me quote from him:

In 1957, the Navy affected a redistribution of the fleet to new homeports only to reverse the process when budgets became tighter again. To quote the great Yogi Berra, this is deja vu all over again.

Yogi Berra and Admiral Bell have it right. I hope the Senate, on a bipartisan basis, will join the House in rejecting the opening of new bases in New York in Staten Island and in rejecting the concept of spreading seven new ports along the gulf coast. This homeporting initiative is going to look more and more unaffordable as time goes on and the cost of reversing it, both economic and political, will continue to increase.

Mr. President, I know there are many others wishing to speak both for and against this particular amendment. Before I yield the floor, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, I will just take about 30 seconds. I know there are other Members here who are deeply involved in this issue. But I wanted to take time to note for all of my colleagues that the distinguished occupant of the Chair, the junior Senator from the State of Washington [Mr. EVANS], has presided over the Senate now for 100 hours, a remarkable task, and he will be awarded the golden gavel award for the time he has dedicated to the Senate by presiding during the 99th Congress. So I certainly offer my congratulations and to those who understand that 100 hours is 100 hours around this place, this is a long time. All of us are grateful for the Senator's dedication.

(Applause.)

The PRESIDING OFFICER. The Chair appreciates those remarks. Some of those hours have been more interesting than others.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I rise in opposition to the amendment. I am not going to spend a long time here today, since I know many people want to speak, in order to respond to the statements made by the distinguished Senator from New Mexico, but I would like to simply point out several relevant facts and let them speak for themselves. These relevant facts respond to people who will not come forward to express their views or the people who in casual conversation pass on rumors. Let me set the record straight, Mr. President. We have two former Secretaries of the Navy who serve in this body. Both of those former Secretaries of the Navy have endorsed the new home port concept. We hear from those who say they oppose it, but when we held hearings, comprehensive hearings, only one person came forward to testify in opposition to it. We had people testify on behalf of it. We had letters sent by five former Chiefs of Naval Operations.

□ 1700

Let me read a simple statement from Admiral Crowe as to the importance of Navy homeporting:

The strategic homeporting plan will make a significant contribution to our national strategy and to our military capacity to respond effectively during crisis or war. I urge your support for its implementation.

So, Mr. President, let me quickly respond to all the statements about politics by saying that the only people in this body who have served in such a high capacity in the Navy as to be Secretary of the Navy both support it. Five former Chiefs of Naval Operations, who no longer serve in active duty, who have retired, whose retirement is secure, have endorsed it.

We held a hearing and gave everybody an opportunity to come forward and make their case. The only person who made a case in opposition to it, represented the Norfolk Chamber of Commerce.

So, if you are simply going to try to cite authority, we can line up brass forever; we can cite decisions made by people who have more knowledge on this subject than most Members have, who clearly support this on strategic grounds. So I am going to limit my comments not to this area but to two other areas.

First, I should like to talk about the fact that we have committed almost $50 billion during the Reagan administration to build 130 new warships. We currently have about 100 ships stationed at Norfolk and about 100 ships stationed in San Diego. We are berthing ships three abreast in San Diego. I do not believe there is anybody here who would argue that we do not have substantial crowding in Norfolk, that we are not double-berthing and in some cases triple-berthing there; and that if we do not build new home ports for these 130 ships that will be built by 1992, we are going to end up with roughly 150 ships at Norfolk, 150 ships at San Diego which would be half of the ships in the American fleet in two home ports.

I do not believe that makes sense strategically, and I know it does not make sense in terms of economy of scale or in terms of quality of life of those who serve in the uniform of this country.

The second point is that the siting of these home ports has been made with great involvement by those who have demonstrated leadership in national defense. We are here today debating and will vote on the overall homeporting concept. We will debate here and vote on the funding for the first two homeports—one at Everett, WA, and one in the New York Harbor. But, Mr. President, we are not just debating those two home ports. We are debating the entire concept, which includes gulf coast homeporting.

Mr. President, so strong was the competition for homeporting along the gulf that Corpus Christi raised its taxes to put up $25 million. That is not promises; that is money on the decks. The Texas Legislature, which meets this very day to debate how it is going to deal with a $3 billion deficit, put $25 million on the deck as our commitment for cost sharing.

In fact, on the gulf coast, 40 percent of the cost of homeporting will be paid by the local taxpayers, and the local and State governments. I submit, Mr. President, that never has the U.S. Navy gotten the buy that it will get in gulf coast homeporting.

I believe that if you go back and look at the overall package in terms of commitments made for housing provided through municipalities and bond sales, commitments made for infrastructure in the various home ports, you will find that over $150 million of commitments have been made by those who want to play a leadership role in providing for the defense of the Nation.

Mr. President, I believe homeporting is important. It is important strategically. We have invested almost $50 billion to build a new fleet. Does it not make sense to invest $800 million to put the fleet where it will be needed, to put it in areas where we can maintain the quality of life that has been essential in recruiting and retaining the finest young men and women who have ever worn the uniform of this country? I think it makes sense.

The truth is that we are not going to solve the overcrowding at San Diego and Norfolk as a result of this decision. The number of ships there will grow; the crowding problem will continue. But the crowding problem will not be as bad as it would be in the absence of this action.

I believe that if you look at the local contribution and the local support for the quality of life in the areas that are

being planned for homeporting, you are going to find that this is a good decision, a good decision strategically, a good decision economically, a good decision in terms of quality of life.

After having invested $50 billion in building a fleet, let us not fail to provide $800 million to put that fleet in an area where it can be used. To do that, Mr. President, would be equivalent to buying a fancy car, spending tremendous amounts of money on it, and not building a garage.

I believe this is a reasonable proposal. I strongly support it.

My State is not going to be directly affected by the vote today. But I want my colleagues to know that I have looked at this proposal, that I have looked at it strategically and in terms of dollars and cents, quality of life, and I strongly support the overall homeporting concept.

Mr. President, I hope that in the vote today, we will not just defeat this amendment. I hope that we will defeat it overwhelmingly and, in doing so, approve, once and for all, Navy homeporting. This must be done so that we may get on with the job of building the home ports that will be needed to project American power into the Caribbean, to project American power into the northern Pacific and through the Atlantic sealanes, to keep Ivan back from the gate, to keep the world free, and to keep the peace.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. BOSCHWITZ). The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I join my distinguished colleague from Texas, who I think has made an excellent statement.

Mr. President, one of the most interesting arguments I have heard today is that those who are for the home port are for it for political reasons; whereas, the other side, those who oppose it, somehow have this mantle of national interest. That would make sense if the proposal did not originate with the Navy, was not strongly supported by the Navy itself.

Mr. President, the Secretary of the Navy made a special appointment with me, as he may have with other Members in this body, for the specific purpose of talking about homeporting and securing my support for the homeporting issue.

□ 1710

In fact, it was the Secretary of the Navy who asked that I come out here and speak on the issue. I must say I was a very easy mark because it so happens that the city of Lake Charles has a very modest but important investment in the home port.

Mr. President, it makes perfect sense for the Secretary of the Navy to be for home port. You do not have to be a strategic genius to understand that if you put all your eggs in one basket, you make a more lucrative target. You make a more lucrative target not only for nuclear attack but for being able to bottle up two ports. If you have all your strategic assets in two ports you can bottle it up by air attack, by submarine attack, by blockade, by mines. By whatever way there is, you can blockade or block up and prevent from moving if you have all of your strategic eggs in two baskets.

What the Secretary of the Navy says is that it is a very high priority for him to disperse those assets.

Mr. President, he makes good sense.

Second, Mr. President, I find it especially interesting and almost amusing that we should have the argument that Navy people are against this movement because of austerity.

Mr. President, surely there are some people I guess in San Diego who do not want to move and some in Norfolk who do not want to move, and there are also probably scores of them who are thinking about having to move to San Diego or having to move to Norfolk who would strongly support this because those happen to be two of the most crowded bases in the country. As the Senator from Texas pointed out, you have double berthing and triple berthing at San Diego and, Mr. President, in terms of housing it is especially crowded and I can tell you—I was just out in San Diego about 3 weeks ago—that is one of the most expensive places in the country to live.

If you want a cheap place to live, you go to a place that does not have a huge military complex like the gulf coast, and I can tell you, you can buy housing for a song on the gulf coast compared to the west coast or indeed compared to Norfolk.

In terms of quality of life, I think the best place you could possibly move would be on the gulf coast and in Everett, WA. I must say when we all went up to Scoop Jackson's funeral, that is one of the most pleasant places on the face of the United States to live. I would guess the competition to get in on a move to Everett, WA, would be very keen indeed.

Mr. President, the argument is very simple. We ought to support the Navy, support the Secretary of Navy, not because of politics, but for the opposite reason, because of survivability, because of sustainability, because that is where the strategic interests of this country are.

One final thought, Mr. President. If the balloon goes up and we all pray that it does not, and we have to embark a lot of American soldiers, they are not all going to be embarked at San Diego and at Norfolk. A huge proportion of those are going to be embarked on the gulf coast ports because that is where the bases are, that is where they would have to be embarked. They are going to need protection. You are going to need a presence out in the Gulf of Mexico. You are going to need a Naval presence in other places other than just the two ports.

Can you imagine if we had only two air bases in this country? Why, the air Force would be down here immediately and say "We need to disperse these assets; they are vulnerable with only two bases involved."

The same thing is equally true, the same arguments pertain and for the very same reason the Secretary of the Navy is not just supporting but he is strongly supporting and strongly anxious to approve the homeporting issue.

Mr. President, I hope we will defeat the amendment.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. Mr. President, I rise in support of the amendment by my distinguished friend from New Mexico, and with all due consideration for a warm friend from Louisiana I am amused by the suggestion that there is not a little bit of politics in this. I am pleased that my friend from Louisiana openly states that the Secretary of the Navy urged him to come to the floor, and I have no problem with that.

One of the facts that should be known by everybody in the Senate by now is that the Secretary of the Navy and his folks have been lobbying all 100 Senators for months about this issue, calling back to their respective States to other public officials, pulling out all the stops, and there is about as much politics in this particular issue on this bill as anything we will deal with on the DOD authorization bill.

Now, because a lot of folks might come over here thinking "I want to follow the committee," let us first talk about the result in the committee. The plain fact is that when this matter was first considered in the committee it was considered on a question of whether we would release the funds from the prior year, the funds we had fenced.

My friend from New Mexico stated his position which was carefully considered. There was a lot of discussion. And the truth of the matter is on the first vote there was a 9-9 tie.

I think Members of the Senate who have great personal regard for the distinguished chairman of our committee ought to know that the chairman and the ranking minority member voted against the release of these funds and the chairman and the ranking minority member, and I will assert this with no apology to anyone, know more about what we are doing in that committee than anyone else on that committee. The chairman and the ranking member opposed this program.

Now later they found a vote. And the ultimate result was on a 10 to 9

vote against the Chair and against the ranking minority member. This whole homeporting monster escaped from the committee.

Now do not anyone delude himself into thinking here that you are just voting on this $141 million. This $141 million is chicken feed. This $141 million is the first or rather really the second, I think I would be correct in saying, the second puny installment on a massively expensive system that is going to cost billions of dollars.

We knocked down the fence on $79 million and now we are opening up the gates for $141 million and after that money will cascade out of this homeport concept and flood Congress, literally inundate Congress.

Now, my friends in the Senate, when the Secretary of the Navy began to talk to us all about releasing these funds, he wanted to do that before we started talking about MilCon projects this year. Why? Why did he want to do it? Why did he want to open the gate? Why did he want to knock down the fence before we talked about MilCon this year? I will tell you why: because he knew, ladies and gentlemen of the Senate, he knew that the distinguished Senator from New Mexico and others in the Subcommittee on MilCon and ultimately the members of the Armed Services Committee would be faced with the very unpleasant and unpalatable task of cutting $1.2 billion, $1.2 billion in MilCon out of the DOD authorization bill this year.

□ 1720

And here is the book. Everybody is in this book; a little piece of all of you in here.

And so he did not want to go in where he had to defend his project against everybody else's project. No, he wanted to get that out in front, knock down the fence, get the 79, come around, get the 141 and knock over the gate. That is what he did in raw power.

I want to read you some things that were cut out, some sample military projects in the military construction budget in the $1.2 billion we cut out. We cut Army family housing for families to live in, $110 million; Navy family housing, $63 million; Air Force family housing $14 million.

Let me give you some examples of what we did to the Army at Fort Wainwright, AK, for New Light facilities, we cut $30 million. At Fort Campbell, KY, aircraft maintenance hangar knocked out, $16.5 million. At Fort Drum, NY, for New Light division facility, cut out $32 million.

And the Navy itself, a training facility at San Francisco for a fire fighting training facility, $9.3 million cut out. An air station in Hawaii, $6 million. Surface warfare officer school in Rhode Island, a training facility, $8 million. Navy weapons station in Charleston, $16 million.

I could go on. But the book is full of it. But he did not go in there with everybody else and take his share of the cut. He went out the door first.

Now, I do not have any problem with people working their bills. You know, that is part of the system. It is a great country we live in. But the question of the strategic importance of this legislation is so much inferior to the simple raw politics of what is being done that it is not even a close call.

Now, in the next 5 years—5 years; forget about the $79 million you spent and the $141 million we are talking about here, the foot-in-the-door stuff—in the next 5 years, the passage of this bill is going to cost $540 million for military construction and about $300 million in annual operating and support costs. What did our staff find? The armed services staff found that the strategic benefits of homeporting, if any—I want to emphasize "if any"—are marginal, because with modern surveillance systems, there is little conventional threat to our ports. The chance of a repetition of Pearl Harbor at Norfolk or Charleston or San Diego, the staff found extremely remote.

The General Accounting Office has concluded that the real cost of building new ports will be hundreds of millions of dollars more than the Navy estimate. But what is the Navy estimate? The Navy estimate is $799 million building the ports. So you have the military construction, but you also have the annual operating and support costs, to worry about you have got the building of the ports, which will cost $799 million—the Navy admits to that—but it will be hundreds of millions more.

Now, the Navy figure does not include housing, for instance. The Navy figure does not include housing, especially in New York City where the average cost of renting a one-bedroom house is about $900 a month; or needed dredging in Everett, WA, or other enhancement programs necessary to get the bases to full operating capacity.

The Armed Services Committee staff—now this is our staff, the experts we pay that you authorize us to hire—say that full operating capacity will cost at least $1.6 billion. And they say it could be as much as, that's the operating and service cost which the Navy says is $30 million to $50 million a year could be as much as $2 billion a year—$2 billion a year.

My friends, you are getting into something here, I am telling you, that has no bottom to it. This thing is going to eat us alive.

Last year, on the DOD authorization bill, we fought for a couple of days on this floor about the question of closing bases. Do you remember that? Could it have only been last year we were going to close them and now we are going to open nine new ones? Last year, we fought for days because the Secretary of Defense wanted to close 21 bases on a hit list he had. And today, almost without a glance, it looks like we are going to open nine new ones. It is a miracle. It is a miracle.

Now, I think the deficit is getting worse. Gramm-Rudman-Hollings has got us up against the wall all the time. We are trying to pass new triggers to do something about it. And everybody goes home at night and says, "How will I get through next week? How are we going to do this? What will we cut?"

Well, if it is worse, how come we were going to close 21 last year and we are going to have nine new ones this year?

Now, the Senator from New Mexico is a very thoughtful member of our committee. What does he ask to do with this $141 million that is in there now? I think it is $141,600,000. He says instead of going into this grandiose scheme, this ambitious scheme, this dream, this expensive dream, take the $141 million and spend it on something we need—buy munitions.

Do you know the trouble with that? Munitions does not have any constituency. Nobody gives a continental darn about buying munitions. About the most unsophisticated, the least exciting subject you can talk about here is buying some munitions.

But what did Adm. Lee Baggett say, the commander in chief of the U.S. Atlantic Command, in his testimony before our committee? Here is what he says:

> Correcting ordnance deficiencies, both in inventory levels and weapons capabilities, is my No. 1 sustainable issue. Although our inventories are improving as the initiatives of the past few years result in deliveries of ordnance items, shortages will continue to exist in both levels of effort and that munitions into the 1990's.

Last year, the Navy planned to buy 49,721 missiles and torpedoes. Rough that out at 50,000. Last year, the Navy was going to buy 50,000 missiles and torpedoes over this 4-year period.

But this year, this year, the Navy has come back. What do they want to buy? Only 37,000, instead, over the next 4 years, cutting back the missiles and torpedoes 25 percent. Why? There is a political constituency for homeporting and it is stronger than the constituency for munitions.

Mr. D'AMATO. Will the Senator yield?

Mr. DIXON. I am about to conclude.

Mr. D'AMATO. Just on that point. Would you yield for a question just on that point?

Mr. DIXON. If my colleague would permit, I will conclude in a second, then I will be glad to answer a question.

Mr. D'AMATO. Certainly.

Mr. DIXON. Let me just say this in conclusion. I do not pretend to know a whole lot about what we should be doing in connection with all matters of things concerning our armed services. I do not come here holding myself out for any special degree of expertise. But I want to say these two things quickly in closing: The people who know best in the committee, the chairman and the ranking member, are against this. They are not going to talk here, probably, frankly; I see their chairs are empty.

□ 1730

They are against it. The people that know best are against it. Second, I am ranking on the preparedness subcommittee and I know what I hear. And the service chiefs come in, and they put up the charts. What do the charts say? The charts say that the worst thing that has happened to us in connection with our conventional forces in this country is that the spare parts chart is going down, and the munitions chart is going down over the next 5 years. The Senator from New Mexico wants to bring that thing up a little bit and get us some munitions. I think it is a good idea.

I would say that while I know this is probably an impossible task and the votes are no doubt here to defeat the amendment, I want to say in conclusion it is my judgment that in the long run, this is going to be one of the most expensive and important undertakings involving the Congress.

Mr. BENTSEN and Mr. D'AMATO and Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. I have been on the floor and have listened with interest to the four previous speakers on this subject. And I was particularly impressed with the eloquence of my colleague, the junior Senator from Texas. I do not wish to impede his arguments. I must say that I was also impressed with the case made by the proponent and sponsor of the amendment, the junior Senator from New Mexico. He did the best job he possibly could with what seems to me to be an extremely difficult, perhaps an impossible case. If anyone could make a silk purse out of a sow's ear, the Senator from New Mexico has done that.

As I listened to him, I believe that I heard the three different strands, the three separate strands to his argument in favor of his amendment. The first was that there was no strategic justification for dispersing the fleet and for homeporting. The second was that it costs too much, an argument repeated eloquently by the Senator from Illinois, and the third was it was bad for, and unpopular with, the personnel of the Navy.

I say he did well in connection with a very difficult argument for just this reason: He places himself, with respect to the arguments that there is no strategic justification for these home ports, in opposition to the present Secretary of the Navy, to the two former Secretaries of the Navy who serve in this body, to the Chairman of the Joint Chiefs of Staff, who is himself an admiral in the Navy, to a wide range of former naval Chiefs of Staff who no longer could be said to have any particular or specific interest in this.

It was not he but the Senator from Illinois who said that the committee found at best the most marginal justification for this proposal. Yet, when I pick up the report for the bill with which we are dealing, I see the following: That the committee has had an opportunity to extensively review the Secretary of the Navy's strategic home port initiative. It is the judgment of the committee that the strategic value of this plan has been clearly demonstrated.

That does not seem to be a conditional or a marginal approval by any stretch of the imagination. The argument of the Senator from New Mexico in this connection is difficult, of course, in addition because it flies in the face of common sense. We have a Navy as we have an Army and an Air Force, of course, to protect the national security of the United States. We made the decision that that Navy should be of approximately 600 vessels. It would seem to this Senator that the proposition that we should not have half of those vessels in two single ports, where they are extremely crowded, where their movement is difficult, and their dispersal absent would be an extremely difficult argument to make. I must say with all respect to the Senator from New Mexico I do not believe that he has made that argument successfully.

Obviously, if we are providing for the national defense of the United States, we are well off to cover both the northern Pacific approaches to the United States as well as the southern Pacific approaches, the northern Atlantic approaches to the United States as well as the southern Atlantic approaches, and the Caribbean which is so vital to our national security.

Obviously, from the point of view of the much more likely form of conflict in which the United States could find itself, that is to say the kind of minor conflicts in which it has found itself even in the last few years, we are better off having the navy dispersed among a wide range of number of ports than we are concentrated in a single area.

Obviously, if we fear, as we do, some kind of terrorism or sabotage, we are better off having navy ships in a wide number of ports rather than in a simple handful of ports.

In short, the argument for dispersal of a large and a varied and a strong navy, a dispersal in which logistical units of the Navy can be kept together, a battleship task force, a carrier task force, and the like seems to me to be overwhelming, and not met simply by the argument of even Members in this body which would fly in the face of all appropriate strategic doctrine, and the priorities of the Navy itself.

The second argument of the Senator from New Mexico is that, in any event, this costs too much. I need not spend a great deal of my time on that subject as it was covered so well by the junior Senator from Texas. As he pointed out, we have spent some $50 billion to create an effective and a modern navy by building or being in the process of building some 130 new ships. The costs with which we are involved here today, not just directly, but indirectly, adding not just two ports which are the technical subject of this amendment, but San Francisco and the gulf ports in addition, is estimated to be $800 million, and the wildest and unsupported accusations of the supporters of the amendment only go a modest amount above that.

Should we not spend 2 percent of what we are dealing with in these new Navy ships to see to it that they are properly and more safely and more effectively stationed? It seems to me that argument is almost impossible to make. The Secretary of the Navy, even in a time of great budget austerity, even at a time at which his budget is being cut very, very sharply, regards this homeporting, this dispersal of Navy ships as an extremely high priority; high enough so that he is willing to give up the cost of one ship, one destroyer—one destroyer is the gross cost of these Navy home ports, not the net cost because of course at least half and perhaps three-quarters of the investment which is proposed here would have to be made in any event to improve to even reasonable adequacy ports which exist at the present time.

So, of all proposals which would be penny wise and pound foolish, the proposal that we spend not even $800 million properly to disperse a $50 billion new Navy, seems to me to be insupportable.

The final argument of the Senator from New Mexico is one that I find quite paradoxical. I rather imagine that my two colleagues from New York and my colleague from California will do so as well. I can do no better than to quote from the "Dear Colleague" letter which the Senator from New Mexico has written. He says, "But perhaps the most serious consequence of the Navy homeporting plan is the negative effect that it will have on Navy personnel and their

families. Increased time away from families, geographical moves," and I quote again, "and a relative austerity at the new bases in terms of community services traditionally available at Navy ports."

I suspect my two colleagues from New York will be surprised to be told that there are no traditional social services and community services available in the largest city in the United States of America. I know my colleague from California will be surprised at that accusation about the city of San Francisco. And I must say that I am when it refers to Puget Sound, which already has more than one naval station, and Navy personnel who would be surprised to be told that they must live in austerity far from training, far from any traditional Navy supports. I strongly suspect my distinguished colleague from Texas, who is on the floor, will express surprise at Texas being characterized in that fashion, as will the other gulf ports.

It simply is not the case. In fact, living conditions for members of the U.S. Navy who are stationed at these places will be improved rather than be harmed.

□ 1740

The ability of the Navy to recruit will be enhanced rather than hurt by the proposition that there will be more than simply two major naval stations in the country.

In other words, all three of those arguments are in error.

The rejection of this amendment on the building of Navy home ports is proper and appropriate as a strategic doctrine. It is a wise and relatively modest investment. It will be good for, and popular with, the personnel who are stationed in these places.

For each of these reasons, Mr. President, I suggest that my colleagues strongly reject the amendment.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. DENTON. Mr. President, we are discussing a major issue, not simply one that is economic but one that is strategic. It is an issue that I think in context, would be placed along with the discrepancy which this Congress effectively provided our President when we provided him a 0-3-3 progression in real growth in the Defense budget as part of our mandate to provide for the common defense.

Let us get some of these costs together with the economic and political implications. The program has been charged by the Senator from Illinois as being purely political, and with money cascading in future years from the coffers, so let's get down to cases.

Last year we in effect promised the President $320 billion this year in defense. We are now fooling around with a sum of around $290 billion at best, $30 billion less, and we are still putting ornaments on the budgetary Christmas tree, which will probably make sequestration or further cuts in defense by some other device necessary.

This Senator is not one who plays politics with defense. Indeed, I hope that the body as a whole will recognize that our principal mandate as Senators of the Federal Government is to provide for the common defense, and that because of politics we are perhaps losing sight of that.

The Senator from Illinois may have had some inspiration for his extremely spirited speech, which used such words, as I mentioned, as "cascading," and which referred to actual base closings as "a miracle."

The Senator said that the Secretary of the Navy was last year in favor of certain base closings. Now he wants to establish new bases.

Let us look into that issue.

Indeed, last year, the Secretary of Defense had 20 bases that he put on the list and said he was willing to close. It was politics, not strategic considerations, which forced him to come off of that. One of the bases which happened to be on that list was Great Lakes Naval Training Station, which happens to be in the State of Illinois. That might have something to do with some of the spirit behind the elocution of my friend from Illinois.

But let us get the costs straight, because he was considerably in error on that question.

He talked about billions of dollars, and how the Armed Services Committee staff "experts" put it at $1.6 billion.

Mr. President, I am going to say these figures twice because they are important.

The Secretary of the Navy has agreed to limit himself to $800 million in military construction for the entire homeporting program. That is $200 million more than would be required to stuff the new ships we are building into the existing ports. We are talking about $200 million, and we would gain tremendous advantages in the strategic field.

Which of the "experts" on the Armed Services staff, which, indeed, of us "experts" on the Armed Services Committee, which of us "experts" in the Senate can truly assess the strategic advantages afforded or involved in the following questions:

How much is it worth to have the Navy's escort ships based near the huge Army logistics base at Bayonne, NJ, which is the base that would spew forth the reinforcements to Europe that might deter a war, or prevent its escalation to a nuclear war, in the case of confrontation between the United States and the Soviet Union?

Any Senator who is familiar with the question of the reinforcement of Europe knows that that is not politics. It is fact. It is provision for the national defense.

How many Senators, how many of us "experts," would say what it would be worth to have escort ships based in the Gulf, to escort the cargo ships that must come from ports in the Gulf of Mexico to proceed to Europe, with 60 percent of the supplies for Europe coming from those Gulf Coast ports and required for any kind of success in the reinforcement of Europe?

How much will it be worth to have Navy ships there to move with those supply ships from the various ports in the Gulf such as Houston, Galveston, New Orleans, Mobile, and the others?

I am going to say something somewhat personal about myself. I served in the Navy for over 30 years. I think I still have a great aversion to playing politics with defense.

I would say to my friend from Illinois that when I first came to this body, the hottest number politically in my State for "pork" was a proposed $4.1 billion Federal subsidy of a synthetic fuel plant in Alabama.

The President thought that it should be privatized. I agreed. I was the only one in the congressional delegation from my State to go against that "pork," $4.1 billion worth of it.

We are now talking about $200 million, the difference between basing these ships the way the Navy, with its whole history of experience, says they should be based, and the inaccuracy of some of the remarks being made today, which are falling harshly on my ears.

We are talking about $200 million, and if somebody in this body thinks I will play politics for $200 million on defense, I wish he would see me outside.

When I first started to support homeporting, I did not know that the city of Mobile, which is the only one in my State getting any benefit from this, would get ships.

Homeporting means a signal toward South America, toward Cuba, toward Europe, that we mean business about what we said in the Monroe Doctrine.

We have something written by Monroe, with just four clerks in the Department of State, four clerks. He wrote up the doctrine because of the "Holy Alliance" taking form, really an Unholy Alliance, with the Czar of Russia, with France, and so on. Among its goals was for the Russians to join up Alaska with California, for Spain to resume her imperial role in the new world.

We stood up against that, tiny Nation that we were, and said, "No, you will not." And we made it stick.

Here I am in this body, after over 30 years of service in the military, listen-

ing to us talk about the politics involved in $200 million in additional expenditures to put almost 600 ships in new ports, which are really needed, rather than stuff them in existing ports for $200 million less.

To me that does not make any sense.

I say to the Members of the Senate, I do not want to overbuild upon my expertise in this matter. No one is a true expert on anything. I do not want to be noted as a prisoner of war, nor do I want to be falsely noted as a great naval aviator.

I would have you know, however, that as a lieutenant in the Navy, I was nominated by two senior officers for the Stephen Decatur Award for the outstanding operational contribution to the Navy for that year. It was in the field of strategy and tactics. I did not get the award. The man who broke through the North Pole icepack in a submarine did. The idea I had became standard Navy tactics and strategy, and it still is.

□ 1750

Answer this: With the conventional war scenario in mind, how much more likely is it that a ship or more than one would be sunk by submarines trailing ships coming from a few ports, like four, as opposed to many ports as proposed by the Navy in what is an altruistic, not a political, move?

How much is it worth to have some ships based at Everett to take care of escorting oil-laden ships from Alaska?

How much less likelihood is there of a terrorist attack on Navy ships in a few ports, as opposed to having them spread out all over?

How much less mining effort is required to sink ships as they sortie from a few ports as opposed to many ports?

I can tell my colleagues that all of those answers involve substantial differences, and we are talking about only $200 million. If one major ship, were we unfortunate enough to be engaged in hostilities, were to be saved because of this efficacious move, it would more than pay for all the homeporting and several times more. That is the true context of this. That is not elocution.

We have testimony from men with whom I have served.

Adm. Thomas H. Moorer, a fellow Alabamian and a friend, was Chief of Naval Operations during the 1960's, and then Chairman of the Joint Chiefs of Staff. He said that "the strategic homeporting program now under consideration is a highly desirable one," and he gives several reasons for that. He notes, in particular, the importance of a naval presence in the Gulf of Mexico.

Adm. Elmo Zumwalt was Chief of Naval Operations from 1970 to 1974, at the time when the number of bases was significantly reduced. He calls his role in that reduction "my sad duty" and says that "the loss of these bases was harmful to naval readiness." He goes on to say that he "strongly" supports the current strategic homeporting program, and concludes:

In my judgment, the hundreds of millions of dollars that must be appropriated in order for the strategic homeporting concept to be successful are fully warranted by the military benefits to be derived.

Adm. James L. Holloway III was Chief of Naval Operations from 1974 through 1978. He says that "I very strongly support the concept of strategic homeporting and consider that the Navy's plans to implement this philosophy are both imaginative and pragmatic." He notes in particular the threat of Soviet submarines operating off our coasts, and the benefits from basing our Navy "in a prudent system that takes advantage of the unique geography and special industrial capabilities of the United States." He concludes by saying that, in his opinion, "this country cannot afford not to move quickly into a system of strategic fleet basing."

Adm. Thomas B. Hayward was Chief of Naval Operations from 1978 to 1982. He has reservations about the strategic homeporting concept, particularly "the numerous detrimental aspects which such wide dispersal to new bases will have on most military personnel, especially the career oriented family Navy person." I know Tom Hayward well, and I understand his concern. No Chief of Naval Operations in my memory was more concerned about the welfare of our service personnel, and I believe that we and the Navy should ensure that questions of "quality of life" for our sailors and their families are kept in the forefront of our considerations and fully addressed. I believe that the Navy's program does that.

The committee also heard from Adm. Sylvester R. Foley, Jr., recently retired from the position of CINCPACFLT and now Assistant Secretary of Energy for Defense Programs. Admiral Foley, whose last position was truly as an "operating" rather than as a "political" admiral, supports strategic homeporting. He says:

I believe that the benefit of funding the additional homeports outweighs the risks of increased spending. Similarly, the risks associated with not funding this initiative far outweigh the benefits of economy that we would experience.

Those views are from a pretty good representation of our recent naval leaders. It is a little harder to assess the views of current, serving officers, although I was present in Mobile, AL, when Jim Watkins, then the Chief of Naval Operations, delivered a strong and passionate defense of the strategic homeporting concept.

I do know, however, that the new Chief of Naval Operations, Adm. Carlisle Trost, then CINCLANTFLT in Norfolk, earlier this year expressed great concern about the negative consequences in Norfolk and other Atlantic Fleet ports should strategic homeporting not be implemented. He noted the limitations of existing physical space which, he says, is "becoming more tightly hemmed in by commercial development." He pointed out that there would be great costs to provide adequate facilities in existing bases and, as a career officer of his seniority would, that not very many years ago we had to anchor ships out in the Hampton Roads area because of inadequate berthing facilities.

There was a rather tentative answer back from my friend, Tom Hayward, to Senator THURMOND when Senator THURMOND was questioning him. Tom is a friend of mine; I love him. I shall go ahead and read parts of that letter—in fact, the whole letter—because he was the only former CNO who took exception to this proposal.

HON. STROM THURMOND,
*U.S. Senator, Chairman, Subcommittee on Military Construction, Committee on Armed Services, Hart Senate Building, Washington, DC.*

DEAR SENATOR THURMOND: Thank you for your letter of January 21, 1986 in which you seek my views on the current homeporting initiative that has been undertaken by the United States Navy.

I am most pleased that the Armed Services Committee is looking carefully at this extensive homeporting initiative to determine its overall viability at a time of significant fiscal constraint on the defense budget.

It is not difficult to understand why the Navy believes a strategic homeporting program makes sense. Wide dispersal of the fleet around the nation obviously provides a certain modicum of decreased vulnerability. However, there surely are many reasons to question the concept these days. With your usual perception, you have focused accurately on the substantive issues related to (1) ships' vulnerability, (2) battle group integrity, (3) proximity to operating areas, (4) base overcrowding and (5) exploiting the industrial base. I would add one other: effect on personnel. I refer specifically to the numerous detrimental aspects which such wide dispersal to new bases will have on most military personnel, especially the career oriented family navy person.

I am going to repeat that because I think Tom, if he knew where the people were going, might not be saying that, if he thinks about how crowded Norfolk is now.

I refer specifically to the numerous detrimental aspects which such wide dispersal to new bases will have on most military personnel, especially the career oriented family navy person.

The Navy is the one to decide that today, and the Navy to a man, or at least 99 percent of the officers and men, are for this.

I am assuming that your Committee is examining the important, if not critical, issue of the added dollar costs, costs which are not trivial in any era—certainly not the present.

I mentioned the $200 million increment and the $800 million total which the Secretary of the Navy has agreed to limit himself to.

Thank you for informing me of the investigation plans of the Senate Armed Services Subcommittee under your leadership. I wish you well in this important work.

Now, Mr. President, there are women in the Navy, too. My daughter-in-law is one. She put on a black armband the other day when the House voted mistakenly, I hope—I am sure—not finally, on this subject. But, yes, there is plenty to argue about.

My chairman Senator GOLDWATER is a man I admire and have admired for more years than just about anybody else I know. Yes, he had serious problems with this. The Senator from Illinois was correct, we had close votes. We have had a learning process.

I do not say that Senator GOLDWATER needs a learning process, but I do say that other Senators, who emphatically stated at the beginning of all this that they were going to oppose it down the line, after study, they realized that the Navy was correct.

I am not in this for a $200 million political reason. I am in this because I think it is in the interest of our country, I am sure it is in the interest of our country, to go to this strategic homeporting. Everett and New York are the first two steps.

In conclusion, I want to say what a bargain we are getting. Just in cash, New York has put up $15 million to help pay for it, San Francisco $5 million, Corpus Christi $50 million, Galveston $8 million, Pascagoula $25 million, Mobile $30 million, Pensacola $12.5 million, Lake Charles $5 million, and in addition to those are land, infrastructure, and other in-kind contributions. That has never happened before in the history of the United States, this kind of local contribution to bring the military to a city.

I ask my colleagues to keep their minds on one thing: There is a $200 million difference to expand our basing infrastructure as we should as we build more ships, more complicated ships with more men and women aboard. $200 million is the difference for the new ports, not the billions that have been talked about.

I thank the Chair.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. THURMOND. Will the distinguished Senator yield?

Mr. BENTSEN. I am delighted to yield to the chairman of the subcommittee.

Mr. THURMOND. Mr. President, the cloture motion is supposed to be voted on at 6 o'clock. The leaders are trying to reach some agreement to change it to 8, but we cannot let that catch us.

Will the Senator permit me to put in a quorum call to stop the time?

Mr. HEFLIN. Mr. President, there is no set time on this amendment, is there?

Mr. THURMOND. No, Mr. President.

Mr. BENTSEN. But the vote is still set for 6 o'clock, Mr. President?

The PRESIDING OFFICER. The Senator is correct.

Mr. BENTSEN. I certainly yield to the manager of the bill.

Mr. THURMOND. Mr. President, I suggest the absence of a quorum.

I withhold that.

Mr. BENTSEN. Mr. President, I understand the time has been delayed for the cloture vote. I ask unanimous consent that I may proceed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENTSEN. Mr. President, first, I congratulate my distinguished colleague from the State of Texas who, I think, made a very able speech on this subject, and my colleague from the State of Washington.

Mr. THURMOND. Mr. President, will the distinguished Senator yield so I may put in a quorum call? I am going to ask unanimous consent that the vote come at 8 p.m. instead of 6 so the Senator may speak, because right now, he will have to stop in 1 minute.

Mr. BENTSEN. Mr. President, my understanding is that they reset the time of the vote. My problem is that I must go back into a tax conference. I would like an opportunity to make my statement.

Mr. THURMOND. Mr. President, I do not know how he can do it unless he gets unanimous consent. All I want to do is get unanimous consent to carry the quorum and come right back to defense.

The PRESIDING OFFICER. The Chair will say to the Senator from Texas that the vote has been called for 6 o'clock and no change has been made in that.

Mr. BENTSEN. I ask unanimous consent that I be allowed to regain the floor immediately thereafter.

The PRESIDING OFFICER. Without objection, it is so ordered.

□ 1800

Mr. THURMOND. I believe the Senator from Texas yielded.

Mr. BENTSEN. Yes.

Mr. THURMOND. Mr. President, I ask unanimous consent that the cloture vote be delayed until 8 o'clock.

Mr. BYRD. Mr. President, reserving the right to object, will the distinguished President pro tempore modify his proposal to provide for a vote at 7 o'clock? The reason I say this, I have an objection to delaying it further because it has been delayed a number of times today. I have an objection to delaying it further. I have been on the telephone for about 10 minutes and I had been able to work out an agreement between the other Senator and myself to delay if for 1 hour.

Mr. THURMOND. Mr. President, I modify the request.

The PRESIDING OFFICER. Is there objection?

Mr. THURMOND. Seven o'clock.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Texas.

Mr. BYRD. Mr. President, I thank the President pro tempore.

Mr. THURMOND. I thank the distinguished Senator from Texas and by doing that he will have longer to speak. Otherwise, he would have just had 1 minute.

Mr. BENTSEN. Mr. President, I am most appreciative of that. I once again congratulate my distinguished colleague from Texas for what I thought was a very comprehensive and very able speech on this subject, and I will try not to be too repetitious.

I have heard some remarks about this being a pork-barrel project. I am on the Environment and Public Works Committee. I have seen some pork barrel projects, but I sure have not seen any pork-barrel projects which have called on the local community to spend 37 percent of the money to put in that home port. But that is what we have seen down in Corpus Christi, TX, where the Government would pay for 63 percent and the State and local community, which really does not have a very rich tax base, are coming up with 37 percent of that money.

I heard some comments earlier about what kind of reception, what kind of quality of life those Navy folks would have if they were not in Norfolk or they were not in San Diego. Well, I watched these nuclear protests being put on around the country, and I think it is time we give some consideration to those communities which welcome these servicemen with open arms rather than clenched fists. And we have seen the reception along the gulf coast—one of hospitality and welcoming those folks.

Yes; there is some economic benefit to those of us who would have a home port, but I do believe in this instance we see the benefit to the national security and overwhelmingly so. There is no question about the fleet being overconcentrated.

Mr. President, may I have the attention of the floor.

The PRESIDING OFFICER. The Senator is correct.

The Senator may proceed.

Mr. BENTSEN. I thank the Chair.

Today you see 43 percent of the fleet concentrated in just two ports, good ports, but a 43-percent concentration, and as you see the new ships coming on are going to add to that problem. If you take the nine largest ports in the

country, you will see 91 percent of the fleet contained therein.

I should like to touch on just one area that has not been emphasized to the degree I think it should. In the 4 years since homeporting was announced, we have seen the military capabilities of Cuba and Nicaragua toward Central America continue to develop. We have seen the Russians put approximately one-half billion dollars in military aid into Nicaragua over the last 4 years. We have seen trouble spots in the Caribbean continuing to grow. I think it makes sense not to just concentrate the fleet on the Atlantic coast and the Pacific coast. I think the dispersal of that strategic fleet makes sense.

One of the other things we see is the maritime industrial base continuing to shrink in this country of ours. The Navy's share of revenue and employment in U.S. shipbuilding has soared to 85 percent.

Now, that is a dangerous trend for our country, particularly when you consider major overhauls, when you consider having the skilled workers to do the job. Homeporting helps distribute and disperse that capability, and I think once again it is a benefit to the whole country.

We have seen the Soviet Union dramatically increase its blue water naval capability and more and more of those ships are getting closer and closer to our shores. Further concentration of our ships in just a few ports obviously makes us more vulnerable to another Pearl Harbor. This time, though, we might not have the surviving strength, we might not have the additional time, we might not have the industrial capability to recoup. So defense really is emphasized and helped I think by dispersal of that fleet.

Another problem is threats from smaller nations or state-supported terrorists who might try to cripple a fleet by sowing some mines into the channel of a harbor. Dispersal helps guard against that kind of an attack.

Mr. President, Grenada was well on its way to becoming a full-fledged satellite when United States forces liberated that island. Meanwhile, you have a significant guerrilla force in El Salvador, and continuing instability in Haiti and Guatemala. The gulf coast home ports put our fleet closer to these potential trouble spots and that gives us a faster response. In Grenada we saw that time was very much of the essence.

Mr. President, recent history has demonstrated the basic logic behind the home port approach and the dispersal of that fleet. It made sense in 1982 when it was proposed, and I think it makes more sense today and will make even more sense in 1990. This is not a pork barrel project. Sure, you are going to have local communities that are going to a benefit, but they are also helping to share the costs. I do not recall much of that having been done in the past, so this is a breakthrough in that regard. Corpus Christi and the State of Texas have done far more than the average since they pledged $50 million for roads and other infrastructure projects needed for the home port, compared to $85 million that the Navy is going to spend.

Most of these communities that are designated for home ports are united in favor of the new installations. Cities along the gulf coast had an intense competition trying to decide who could do the most, who could pay a bigger part of the cost in trying to welcome the Navy to their particular location. I think we ought to appreciate the enthusiasm for a U.S. military presence and not denigrate it as some parochial money-grubbing effort. There are many in these localities who pride themselves on being strongly defense oriented and welcome these servicemen to their homes.

Sure, the Navy admits it is going to cost more money to build and operate dispersed home ports than to try to squeeze the new ships into the existing facilities. That cost is estimated to be $217 million in construction funding, plus $35 million to $50 million per year in subsequent operations.

I listened to the distinguished Senator from Alabama talk about how much money it would cost if we lost one of those capital ships, and for a fellow who used to be in the insurance business I understand that is a premium that you have to pay for safety, to try to protect yourself against that kind of a loss.

□ 1810

So, Mr. President, I support strategic homeporting, not just for my State, not just for the gulf coast, but also for the other sites chosen by the Navy, because I think this program will enhance our security and our survivability in the years to come.

This program makes military sense and it makes economic sense. So, instead of torpedoing this budget, I hope we will give it full speed ahead.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. DURENBERGER). The Senator from New York.

Mr. D'AMATO. Mr. President, I am not going to attempt to belabor the point that many of my colleagues have touched up on, particularly the distinguished Senator from Alabama, as it relates to the strategic importance of strategic homeporting. I think Senator DENTON touched on the strategic importance in terms of our facilities in New York, as it relates to the movement of troops and supplies to Europe. His observations and those of my colleague from Texas as to the importance of the gulf port and its utilization as it relates to Central and South America are obvious.

Mr. President, instead, let me touch on some of the charges that have been made, implicit if not explicit, in the letter dated August 4, written by our colleagues in opposition to homeporting. They talk about pork barrel politics as usual, and how homeporting would hurt the morale of the families involved.

I suggest that what we are seeing take place there is, No. 1, the addressing of an imbalance of an undue concentration of the Navy's fleet in two or three facilities, to the point where it has become dangerous and, at the very least, inadequate and indefensible; to the point of having a growing Navy with double and triple berthing of Navy ships now, and to the point of having two ports that have 43 percent of the Navy, and, yes, the economic benefits that flow to those communities as well.

I suggest to this body—and this body is much more astute than this Senator as it relates to how to build a consensus for an adequate military—that if we want to keep that consensus, then we had better understand that you simply cannot say that no one else shall have the opportunity to build public and political support for an adequate military. That is as important, I suggest, as the strategic and operational necessity for homeporting.

If we destroy that consensus—then you will continue to have resistance not only to the Navy and to homeporting but also to the supply and the support of systems in the Air Force and in the Army, as well as resistance to and adequate overall defense budget. That is a pretty essential ingredient; we should not forget it; we should not dismiss it; nor should we characterize it as some have as pork barrel politics as usual; I think they did a terrible disservice when they said this.

If you want to disagree with homeporting, that is all right. But to say that it is pork barrel politics as usual, I suggest, is to do a terrible disservice to our national effort in terms of developing and supporting a consensus for an adequate military.

I do not dispute anyone's judgment in saying they would rather see dollars go into munitions at this time, as opposed to a port, but I do have difficulty when someone, in such a blanket way, can say this is pork barrel politics as usual. I reject it. It is wrong. It is a disservice to this body. It is a disservice to all the people who come here and do the best they can in attempting to meet the needs of an adequate national defense posture.

So, Mr. President, I suggest that we should look at the strategic capabilities, the dollar cost, and, yes, at those important considerations by saying

that we do have a national consensus that will support a strong and well-balanced military, and that with the homeporting in those ports suggested, we do both of those things—we meet the strategic and operational considerations that are important to our Navy as well as build continued support for our overall military strategy and defense needs. Such needs take into account public support, and that takes into account communities that may benefit as a result of our defense needs and communities that have an appreciation for those men and women who serve our Nation in the military.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. STENNIS. Mr. President, as I understand it, I have 12 minutes. I do not know whether that is strictly under the rule. That is an understanding.

Mr. President, it has been my privilege to be on the Armed Services Committee since the Korean war—just after the Korean war started, all through the war in Vietnam, and the rest of these years.

With respect to the description about the way this matter was conducted, or the hearings, and the statement here about alleged political aspects, those things just have not fit in with the kind of hearings we held in that committee, and I do not think it fits these hearings, either.

Mr. President, as has been pointed out here, we have two Members who are former Secretaries of the Navy. I am also going to quote two men I know who are outstanding—an admiral, the Chief of Operations. I am going to point out the facts that have developed over the years. We realized some of the things, the deficiency of our Navy.

We have taken pride in planning and making a 100-ship Navy and we have come a long way on that, and I think we have done a fine job. A great number of those ships have been built already—of those ships, I mean the 600 ships; 103 have not been built.

□ 1820

The fact that we are making that enormous increase brings about problems. The problem is growth. That is a natural thing. This is a matter that had to be met. You have to have additional ports for these additional ships.

Of all the hearings, and I went to most of them, or here in debate, I have not heard anyone suggest that we not continue on with it until we get the 600 ships. In fact, we have already authorized that many and we have already appropriated the money to make it that many. So this proposition about the thing being so far off base or so far from being sound is just not correct.

This, as a whole, is in good shape and in good condition, and it is an absolute must, I think, just trying to be not safe but be where we will have a chance if worse comes to worse.

We know what is going on in Central America. We know what is going on in Cuba. We know what is going on in South America. We can go all around the world.

The facts are making it stronger, as I see it, rather than weaker for our need for these extra ships and, of course, we must have what goes with them. There is no use to argue any more about the soundness of homeporting.

I have heard these quotations here from these two admirals.

Let me mention them quite briefly. I believe the outstanding naval man that I personally deal with all the time that he was Chief of Naval Operations is Admiral Holloway. We have here a statement from him. I wish I could read all of it but time does not permit.

He said recently in a statement, a special statement, "We, as a Nation, have clearly and positively established the requirement for a 600-ship Navy as an essential component of our national strategy."

Those are strong words, my friends.

"Unless we take pains to base this 600-ship Navy in a prudent system that takes advantage of the unique geography and special industrial capabilities of the United States, we could fall far short of realizing the full potential of our fleet."

Think of that.

"It is essential that we capitalize on our investment in our new Navy."

I have not been given much to giving warnings. I do want to point this out as a warning.

I would put among the very first things that we must be sure we are getting done and getting it done right is this augmentation of our Navy.

Admiral Trost is the present Chief of Staff who has just gone in office a few weeks ago. He says, "Strategic homeporting must not die an untimely death." Why? The reasons are relatively simple. Again, they transcend politics.

"First, we need to review our present vulnerability. All of us recognize the mistake we made just before the Pearl Harbor attack."

This thing could start and end with those two words and all of us who were alive then remember. The Pearl Harbor attack—I start my remarks with that and let me end them with that same admonition. That is the meaning. That is something we can meet, this attainment. This necessity is one we can meet.

I do not have any doubt that we will meet it, but we have to quit talking about small things and move on to the big things, the big musts, these homeporting additions.

I do not like the amount of money these cost, of course. But you are dealing in high-price products. We are dealing with essentialities.

You are dealing with essentialities and we must not, we must not, lose anymore time.

Fortunately, we have the capacity here, the ability, we have the manpower, we have the will, and really in this case, we already have the money. As I have said, this money has been authorized and the money has been appropriated.

So, there is not but one way to go here which is to go on with the continuation of this well-planned program of these 600 ships and the homeporting. Many know more about that than I do. I have gotten interested in it and fascinated with it.

That is where you really get your payoff and exhaust the possibilities of what the machinery will do.

So I do not use the word "big" but I implore with you that we do not permit time to be lost.

We really already have made up our minds of the need. We have already paid out a lot of the money and appropriated the rest of it.

We have the best as good a testimony as you can find anywhere from any people covering the need, how to do it, and the time is now.

So I think we have common sense enough and everyone is acting in good faith. I think we have the plan, we have the judgment, and we are going to meet this thing on time and take advantage of this opportunity that we otherwise pass away. We must not let that happen.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mr. EVANS. Mr. President, I have listened with respect to my colleagues who have spoken against this amendment and particularly to the senior Senator from Mississippi, who has been through these fights and who understands the needs and the requirements of the military perhaps better than anyone else in this Chamber.

To paraphrase our 16th President, he has said it, far beyond my poor power to add or detract.

So I shall be short in my remarks and focus on two or three things that I think are important in this argument.

Everett, even though it is a small community, combined with Snohomish County and the State of Washington, has offered and will continue to offer significant local investments as the other home ports have done in order to not only welcome the Navy but make these home ports more affordable.

That is a new era, Mr. President. We have not often done this before. In the past, it was always how much you could get for a local community and it was all Federal dollars. That is not the case today and it is certainly not the case in terms of homeporting.

These significant financial commitments are not just for the infrastructure that the city might otherwise need or even for the schools and other facilities which need to be expanded rapidly for the new service personnel who will arrive but they are more direct investments that will have a particular value to the naval base itself.

There has been some considerable talk about the cost of dispersing. Others have spoken of it in quite pungent terms.

Let me only say to reiterate what I believe my colleague from Texas said. If you have a $10,000 car, this is equivalent of building a $200 garage. You cannot do much more than a small tar paper shack for $200.

This is virtually insignificant when related to the cost of ships we are attempting to house.

The Secretary of the Navy in his submission to the committee and to this Senate has indicated that he will eliminate and has one capital ship from the next 5-year plan which more than covers the cost of this naval homeporting, a pretty good indication that the Secretary of the Navy at least believes that this is an exceedingly high priority.

How often in the past has any Secretary of the Navy offered to give up a major capital ship at any time and under any circumstances?

In addition to that, it is my understanding that the committee itself has put a limit on how much they expect to be spent and that is a challenge to the Navy, to the various home ports themselves, to insure that this job can be done for the amount they claim it to be done.

Mr. President, I must join with my colleague from Washington in one rather odd statement made in the Dear Colleague letter by those who would submit this amendment.

The one which states, "But perhaps the most serious consequence of the Navy homeporting plan is the negative effect that it will have on naval personnel and their families. These problems will include increased time away from families because of remote training requirements, increases in the number of geographic moves which will require uprooting of families and relocation and the relatively austerity in the new bases in terms of community services traditionally available at Navy ports."

□ 1830

Well, let me tell the Senate that Indian tribes still have reservations in the State of Washington, but we have come a long way in the last 100 years. We have had the Navy in existence in a number of facilities in the State for the better part of that 100 years. Sandy Point Naval Air Station, Woodby Naval Air Station, the U.S. Naval Station in Seattle, the Bremerton Naval Shipyard, the 13th Naval District Headquarters, all have been long and traditional elements of the Navy in the Pacific Northwest.

What the about the austerity of the Puget Sound area which would hold this port? First, Everett, perhaps uniquely among all of the cities of the Nation, had an opportunity in 1984 to vote on the question of whether or not there should be a naval base at Everett. By more than 72 percent, the people at that referendum said, yes. I might add that was on the same ballot that President Reagan won a resounding second term election victory and he ran second to the Navy in the city of Everett. And that is a pretty good welcome.

We may be short of tattoo parlors in the Pacific Northwest, but we have a fine symphony, all of the professional sports teams that will attract those members of the Navy, a very large number of live repertory theater companies, a fine opera, a major university; a community college right in the Everett area, a few hundred yards, virtually, from the naval station, a place where people can have their extra classes; there is sailing and skiing and hiking; no tornadoes; no hurricanes; no hot, humid summers; and the winter weather, that gentle rainfall which makes the Northwest so green, at least runs down the drain and needs not be shoveled during the winter.

The State and community have both been regularly ranked as among the finest to live in the entire country. Hardly a test of austerity.

And I am sure that same is true of the other communities, the fine communities on the gulf coast and certainly in the New York City area where there are facilities to attract anyone.

Cramming too many ships in a port is both strategically wrong and debilitating to sailors who serve on those ships. I do not have anywhere near the same length of time in the Navy as my colleague from Alabama. But I did spend two tours, once in World War II and then on a destroyer in the Korean war. And I remember coming into Long Beach and in San Diego and the pain of having to crawl over three ships in order to get to the pier, or more likely to be moored out in the stream because there was no place at the pier and have to take a launch in and out; and I have done that many times. And that is no way to create homeporting.

But in conclusion, all of these arguments pale beside one, one overwhelming argument on which this decision ought to be made. Naval strategists have convinced this Congress over the last half-dozen years that a 600-ship navy is necessary. And we have voted for that. They have also indicated that these several new home ports are necessary on a strategic basis, and we should recognize and respect that.

The long list of those at the top who have endorsed this concept simply cannot be ignored. And I believe it is wise indeed for the Members of this Senate to not only respect and to pay attention, but to respond favorably to their recommendations.

Mr. MOYNIHAN. Mr. President, I have neither the great authority which our beloved Senator from Mississippi brings to this matter nor the extraordinary experience of the gallant Senator from Alabama. I speak with the modest qualifications of the Senator from Washington with respect to naval matters. But I served at sea and served in the particular waters of which I would like to speak briefly.

One new bit of information has come to us in the course of this debate: in a letter addressed to the President pro tempore, the Secretary of Defense has stated that in his judgment, 53 percent of our fleet is homeported in two harbors.

Now that flies against every doctrine of naval dispersion and naval strategy that has served us since we first encountered its specific consequences when Nelson took his ships into Copenhagen, in the course of the Napoleonic wars, found the Danish fleet at anchor and destroyed it.

The Second World War began for us with Pearl Harbor. As the Senator from Mississippi has said, not all of the fleet was at Pearl Harbor at that time. As a matter of fact, the half we needed least was there, but even so the Arizona lies on the bottom as testimony to the consequences of that much concentration. At Taranto, Sicily, and Port Oran in North Africa, we showed what could happen to fleets in opposition that we bottle up.

The 600 ship Navy we are talking about is not simply a larger Navy designed to carry out the same set of operations. It has a larger strategic and tactical assignment and it needs to be dispersed for that very reason.

The particular matter which engages the Senator from New York, of course, is the prospect of the surface action group that is scheduled to be homeported at the village of Stapleton on the lower reaches of Staten Island.

Might I say, Mr. President, that if the Navy had fought to bring the *Iowa* back into the sections of the harbor where it was built, the Brooklyn Navy Yard, I would find myself very much wondering why are we doing this.

The Senator from Alabama made reference to something which many

Members of this body will know, that the technology of mining is as much advanced in recent years as is the general technology of offensive weapons. We think of mines as those weapons which were scooped from the bottoms of shallow harbors by minesweepers in World War II. But we are far out of date.

The Navy has correctly decided that this surface action group, the *Iowa*, a cruiser, two guided missile destroyers, a regular destroyer, and two frigates, will be down harbor outside the narrows and about 8 miles, as I would judge, from deep water. Here the vessels are less exposed to the positions of mines as they could expect to be deployed in a major harbor.

What is the mission of a New York surface action group? Its mission is to protect the routes to Europe, Northern Europe and NATO. And, basically, to get to the United Kingdom-Greenland-Ireland gap. It is a very sensible and direct mission. Whether these are the ideal components for such a task force, it is not for me to say. I will not. But they have been chosen by the Navy and this site has been chosen as well.

There is an elemental number. The *Iowa* can steam at a flank speed of 33 knots, though it is known to have reached 35, which I doubt it could sustain. But, at 33 knots, that rounds out to 800 nautical miles a day. That is one day closer to the gap than Norfolk and it could be all the difference in a nonnuclear encounter at sea with the forces of the Warsaw pact.

Mr. President, I would speak with equal fervor about the need to put ships in Everett. I think the Senator from Washington need hardly have gone on as he did about a city once graced by Scoop Jackson. But certainly there is no disagreement from this Senator.

I hope we will approve what the Secretary of Defense has eloquently argued for, and two former Secretaries of the Navy in this Chamber have endorsed as well.

I shall conclude now with the full text of my prepared remarks.

Mr. President, the Chinese military theorist Sun Tzu—the man who first brought the truism "know your enemy and know yourself"—noticed in the 5th century B.C. that "when a cat is at the rat hole, 10,000 rats dare not come out; and when the tiger guards the ford, ten thousand deer can not cross." It seems to me that Sun Tzu was on to something about choke points and the need for strategic dispersal; 23 centuries later, off Copenhagen, Sir Hyde Parker signaled his second in command to avoid an engagement with the Danish fleet, then anchored in the harbor. At this, Admiral Nelson put his telescope to his left eye—the one he lost on Corsica—and declared he did not see any signal flags flying from Parker's ship. Then with but a squadron of 12 ships Nelson stormed into Copenhagen, engaged the entire Danish fleet and after three hours of intense naval combat compelled its surrender. Certainly this was the Nelson touch, but also a lesson for neutrals and combatants alike—do not put all your ships in one harbor, or too few harbors. Hense the verb "to Copenhagen," a verb that applies to Taranto, Port Oran, and Pearl Harbor as well.

The simple point is that strategic dispersal is not a fabrication, an advertising endorsement for a 600-ship navy. It is a national security need. This is what the Chief of Naval Operations, Admiral Trost, tells us. In a radio interview on July 15, Admiral Trost said:

> If someone said politics played a part, I would simply note that * * * the military rationale for the dispersal is so compelling, in my view, that I could support it no matter what.

Compelling is not a light word; and it is one we should heed.

Mr. President, 53 percent of the U.S. fleet is based in two ports: Norfolk and San Diego. Soon the Navy will have another 90 ships to berth and it behooves us to spread them out. As a result, the Secretary of the Navy and the Chief of Naval Operations have proposed to bring eight new ports to initial operating capability and upgrade five others. This will make our expanded fleet less susceptible to surveillance, and reduce the risk of a modern Copenhagen whether this takes the form of a terrorist, strategic, or more remotely, a conventional attack.

Moreover, by dispersing battle groups along our coasts, the Navy, in certain scenarios not requiring carrier-battle groups, will improve reaction time to potential trouble spots around the world. This means the Iowa can reach the pivotal United Kingdom-Greenland-Iceland gap about 1 day quicker than from an alternative southern port.

Mr. President, in conclusion I would like to reiterate what I said before the Senate Armed Services Committee in April. It seems to me, the homeporting decision is a strategic decision to be made by the Navy on no merits other than the war fighting capabilities of the fleet. If the decision on the war fighting capacity of the fleet is that we need to disperse—and the Armed Services Committee agrees with the Navy on that—then disperse to wherever it is thought best.

Thank you, Mr. President.

Mr. EXON and Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I rise in opposition to the amendment offered by the distinguished Senator from New Mexico.

The Navy strategic homeporting initiative is a matter that the Armed Services Committee has reviewed extensively.

Last year during our review of the Defense Department's request, it was clear that expanded logistical support was required to base our 600 ship Navy. More than 130 ships would be on station by 1993. The issue was to what extent should we open new ports. The Navy's plan included dispersing 5 of 19 battlegroups, 26 percent of our capital ships in 3 existing ports and 10 new ones.

As chairman of the Military Construction Subcommittee I insisted that the Navy demonstrate the strategic necessity and cost effectiveness of the Port Expansion Program before starting construction. The committee held numerous hearings and received testimony from military experts both inside and out of the Department of Defense.

Mr. President, let me review the findings of the Armed Services Committee. The most significant strategic development in the past decade is Soviet naval expansion. The Soviet's have increased their out of area deployments by tenfold. Soviet attack submarines are off our coasts every day.

In the face of that threat, it became clear to me and the majority of the Armed Services Committee that our fleet would be extremely vulnerable if we retained our present condition of almost 50 percent of our ships concentrated in only two ports. I have asked our Secretary of Defense and prominent naval strategists and operational commanders for their expert advice on this matter. They have overwhelmingly endorsed the plan.

Secretary of Defense Weinberger in a letter to the committee stated in strong terms that:

> We are convinced that the strategic and military arguments for the new homeports are overwhelming. These new homeports are vital . . . Our total cost for implementation of the Navy's strategic homeporting plan is $846 million over five years. B offsetting that figure by the $629 million that it would cost to homeport these same ships in the least costly mix of existing homeports, we end up with a net capital investment of $217 million. In addition, the affected state and local governments have pledged a total of $150 million in offset funding. We do anticipate an increase of $35 to $50 million in base operating costs for these bases, but this is less than 1 percent of the total base operating ccsts for the Navy of approximately $3.7 billion.

Adm. William Crowe, Chairman of the Joint Chiefs of Staff, our top military leader urged support stating that:

> The strategic homeporting plan will make a significant contribution to our strategy and to our military capability to respond effectively during crises or war.

Adm. Carlisle Trost, Chief of Naval Operations urged Congress to support the Navy homeport dispersal plan expressing great concern for the adverse impacts on personnel and readiness if we force the much larger fleet into already crowded existing homeports. In his words:

The strategic homeporting plan best provides for future Navy needs with enhanced readiness for crisis response and enhanced survivability . . . the military rationale for the dispersal is compelling.

Adm. James Watkins, the immediate past Chief of Naval Operations urged congressional support stressing the objectives of the homeporting plan—

to reduce geographic vulnerability and to promote growth in the industrial base concomitant with our building to a 600-ship Navy, an industrial base which can support fleet repair in event of war.

Adm. Elmo R. Zumwalt, former Chief of Naval Operations, in a letter to the committee wrote:

I strongly support the decision of present Navy management to disperse the now growing fleet to more homeports. There is no question but what spreading our fleet over a large number of homeports will reduce ship vulnerability, enhance battlegroup integrity, avoid overcrowding, exploit and enhance our industrial base, improve active and reserve recruiting and, in some cases, move our ships closer to operating areas. In my judgment, the hundreds of millions of dollars that must be appropriated in order for the strategic homeporting concept to be successful are fully warranted by the military benefits to be derived.

Admiral Holloway, former Chief of Naval Operations, strongly supported the Navy's concept and said that:

Unless we take pains to base this 600 ship Navy in a prudent system that takes advantage of our unique geography and special industrial capabilities of the United States, we could fall far short of realizing the full potential of our fleet.

Adm. Ronald Hays, Commander in Chief, U.S. Pacific Command, in a letter to the Secretary of Defense wrote:

There should be no doubt about the military benefits (of dispersed homeports). To argue otherwise defies the history of naval warfare.

Adm. Lee Baggett, Commander in Chief, U.S. Atlantic Command, in a letter to the Secretary of Defense wrote:

The solid logic which provided the foundation for the Navy's plan remains valid. Arguments favoring the plan on the basis of strategic necessity are now overshadowed by local economic issues. There is scant mention of the need to protect our Trident base in the Pacific Northwest, the threat to our sea lines of communication in the Caribbean and Gulf of Mexico, or the vulnerability of the Aleutians to Soviet sea and air power. Another issue overlooked in the debate is the value of maintaining a capable and widely dispersed maritime industrial base. In war, we must have the ability to expand quickly our shipbuilding and repair capacity. Strategic homeporting will permit the maintenance of this broad maritime infrastructure. The strategic homeporting plan has my unqualified support.

Adm. Frank B. Kelso II, Commander in Chief, U.S. Atlantic Fleet in a message to the Chief of Naval Operations said of quality of life:

Continuing increases of uniformed personnel in existing ports crowd already overloaded military support facilities. Added military population impacts on civilian schools, roads, parks, and other facilities. On and off base waiting lines get longer and personal services for military and civilian citizens decline. Well planned dispersed port facilities make good quality of life and military sense.

Adm. S.R. Foley, USN, former Commander in Chief, Pacific Fleet, in a letter to the committee stated:

Dispersal will improve the survivability of Navy assets in the event of a war. Pearl Harbor and the destruction of our battleship force should teach us that lesson . . . With regard to the priority of the homeporting initiative in relation to other national security programs, I believe this requirement is important enough to be funded even in this period of lean budget.

Adm. Robert L.J. Long, former Commander in Chief, Pacific, in a letter to the committee urged congressional support. He wrote:

I believe that the "strategic" in the Navy's Strategic Homeporting Plan is being overlooked in the current debate. This is unfortunate because strategically the homeporting plan is crucial, especially with our principal adversary operating globally, even on our own doorstep. Fleet dispersal, as envisioned by the homeporting plan, is an exceedingly important step in this context.

Much of this debate has centered on cost, which is an important factor especially in the face of difficult budget decisions. The committee has reviewed the proposed basing plans and while they are lean, they have been designed to provide the essential operating facilities as well as quality of life facilities for our service men and women. It is the opinion of the Armed Services Committee that $799 million as certified by the Secretary of the Navy is a fair and reasonable estimate of the 5-year military construction costs.

I am afraid that all of this debate on basing costs has obscured our real objective. The proponents of this amendment have called the port dispersal plan a luxury creating a hollow, toothless Navy. But I maintain that by failing to disperse our fleet in the way that ensures the maximum operational capability of our naval forces, we will risk creating a hollow, toothless Navy. Why put in jeopardy the fleet that we have spent billions of dollars to rebuild.

Mr. President, unless we want to give a prophetic new meaning to the term "sunk" cost, we must not cut corners now; we must ensure an adequate basing plan for our ships. I urge my colleagues to oppose this amendment.

Mr. President, I do not want to take any more time. I want to say we could speak on and on. All the naval experts endorse it, President Reagan endorses it, Secretary Weinberger endorses it, the Secretary of the Navy endorses it, and all of these past Chiefs of Naval Operations I mentioned here and other commanders in chief of the Navy endorsed it. To me it is a wise thing to do.

The subcommittee voted in favor of it, and also the full Committee on the Armed Services are in favor of this. I hope it will be retained in this report.

Mr. GLENN, Mr. COCHRAN, and Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr COCHRAN. Mr. President, I think it is pretty clear to the Senate by now that the great wave of the evidence is on the side of this strategic home port concept. The amendment of the Senator from New Mexico ought to be defeated.

The Secretary of the Navy, in a recent letter, explained that one of the very fine benefits that would result from the implementation of this program is an expansion of repair and maintenance facilities for the fleet. In local communities, in the new areas where ports will be located, there will be modern facilities built largely in some cases at the cost of local governments, local taxpayers. This is a good deal for the Navy. It is a bargain for the country.

The total net cost of this program is equivalent to less than one-half the cost of an FFG-7 class guided missile frigate. At a recent hearing of our Subcommittee on Defense of the Appropriations Committee, I had the opportunity to ask Admiral Crowe and Secretary Weinberger what their reaction to the need for this program was that we had heard mostly from the Secretary of the Navy.

There had been some who said this was dreamed up by the Secretary of the Navy just to get votes for the 600-ship fleet. The fact is according to the testimony we heard the other day from Admiral Crowe, for instance, he said, "I think from a military perspective and joint perspective"—speaking of the Joint Chiefs of Staff—"it is very definitely needed, Senator. I think it is long overdue and is something that will be helpful to our overall military posture." Secretary Weinberger likewise said, "We are strongly for it" in response to my question. "It provides for a proper dispersion of the ships. In some cases the addition of necessary shore facilities in several parts of the country strategically is very desirable."

Mr. President, I hope the Senate will defeat the amendment of the Senator from New Mexico.

Mr. GLENN, Mr. SPECTER and Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I wish to express my opposition to the Navy's homeporting plan and support for the amendment by the Senator from New Mexico. This issue has been the subject of much emotion, a lot of politics, but little objective appraisal. Indeed, this proposition could better be designated as "home porting"—like pork barreling not homeporting.

The Navy has offered its arguments and they have some merit. Yet the arguments deserve closer attention—especially in this era of tight budgets. Acknowledging the reality of less growth, if any, in future Defense budgets is essential to understanding this issue. In fact, from fiscal year 1985 to fiscal year 1986, the Defense budget experienced negative 5.8 percent real growth. That was the first negative real growth in the Defense Department budget since 1971. This year, the Defense budget will experience even greater negative real growth. That is 2 consecutive years of real decline. Despite this, funds are being requested this year for new bases at Staten Island, NY, and Everett, WA. In later years, funding will be requested for nine ports on the Gulf of Mexico. We should not underestimate, as the Navy has, the construction and the operating costs that this will entail.

The Navy argues that the main reason for building these new ports is to further disperse the fleet. Making the fleet less attractive to attack in port and scattering bases over wide areas is a sound idea, but the benefits of dispersal have been oversold in this case. Certainly, the 600-ship Navy, which I support, requires expanded support facilities and bases. It may need completely new bases. In making this determination, however, we need to address the threat to our existing ports. Nuclear defense of ports is impossible and only a conventional threat should be considered. This threat is real in the form of the Soviet submarine fleet, the largest in the world, well armed with mines and conventional cruise missiles. Soviet bloc merchant ships could also covertly emplace mines and Soviet sabotage is not a farfetched threat either.

Focusing on the mining threat, however, it becomes clear that, even with its projected force of mine hunters and minesweeping helicopters, the Navy will be hard pressed to keep its existing bases and our commercial ports free of mines. Despite a sincere effort to finally address our serious mine clearing shortfalls, the problem still remains largely unsolved. Now the Navy is planning to create additional ports without planning for the additional capability to keep them free of mines. In short, it will always be easier for the Soviets to threaten our ports than it will be for us to protect them.

Furthermore, the actual numbers and types of ships intended for the new ports is rather limited. Only 64 surface ships and no submarines out of the 600-ship Navy will be based in the new ports. Why so few ships if there is a real and immediate threat to the fleet? Why such a small number of ships relative to the high number of new ports? Why are no submarines, today's real "capital ship," being dispersed? So it seems that dispersal cannot be much of a reason for the new ports.

The new ports are also no closer to and, in some cases, farther from their wartime operating areas than our existing ports. This is especially true for the planned gulf bases. And Staten Island and Everett are actually farther from the primary training areas off southern California and Puerto Rico. In addition, while correctly pointing out that the Soviets face a serious strategic disadvantage because their access to the open ocean is limited, why is the Navy now intending to build so many ports on the gulf coast with potentially hostile Cuba and Nicaragua at its entrances? Should we be emulating one of the Soviet's key maritime strategic weaknesses?

Another argument used by the Navy is that co-locating the ships which would operate together is necessary to enhance their readiness and their "battlegroup integrity." This is nonsense. First, warships have such different maintenance cycles that they could not operate together as an integral unit for very long before that integrity would unavoidably be broken up due to different overhaul frequencies and durations. A carrier, for example, receives an overhaul of 12 to 21 months once every 7 years while an escorting destroyer would receive an 8-month overhaul once every 5 years.

The Navy's plan to further disperse the fleet actually discourages battlegroup integrity and could lower fleet readiness. For example, a battleship surface action group will in actuality be scattered between San Francisco, Pearl Harbor, and Long Beach. Another battleship surface action group and a carrier battlegroup will be scattered among the gulf coast ports. How can a battlegroup commander possibly execute the close control he needs over the maintenance and training of his ships when they are scattered hundreds of miles apart—thousands in the case of the Pacific battleship group? Dispersal will also increase training costs and possibly lower unit readiness because the new ports will not have even the basic training facilities available at our existing bases. The reason for this is to keep the costs of the new bases down. Yet it is combat readiness and ship productivity that will suffer if sailors have to travel far away for specialty training or even something as fundamental as shipboard damage control training or firefighting.

It has also been argued that dispersing the fleet will make better use of our maritime industries. This may be true but the total amount of shipyard work will remain the same. The homeporting plan would only redistribute existing work. Again, the advantage to the Nation is illusory.

It is clear to me that the strategic rationale for the new ports is, at best, questionable. In a time when funding was not so tight and competing with so many other pressing needs such as our nuclear deterrent, the strategic defense initiative, and our conventional modernization, a few additional homeports might make sense. I submit that that is not the situation today nor the one likely tomorrow.

The Navy argues that the fleet is growing and that our current ports will not be able to support this growth. It is true that expanding existing ports, where possible, will be unavoidable and costly. Yet the Navy has seriously underestimated the construction costs of new bases, favoring "austere facilities"—which in one case, excludes a base headquarters building. How many Navy families will be anxious to move to an "austere base" where medical, commissary, exchange, and other family support organizations will be limited or lacking? After experiencing months of separation, what Navy family will want to experience more time apart when service personnel are sent away when their ships are finally in port, to schools at the older established bases? Continued training and schooling are absolutely vital to fleet readiness but the Navy is not planning to build training facilities at the new bases.

Eventually, all these facilities will have to be provided. The Navy knows it but will not openly acknowledge that. The homeporting plan will soar beyond the $799 million cap the Navy claims. Inevitably, when these bases are built up, their operating cost will increase because facilities similar to those at the existing bases will have to be duplicated.

These are the arguments for and against the strategic homeporting plan. At best, the Navy's case is shaky. At a time in which we are working to reduce the deficit yet maintain the modernization of our Armed Forces, a problem such as the homeporting plan makes no sense. It will dilute the pool of existing funds available for modernization, training, and operations; in short, strategic homeporting will harm and not help our security.

But there is more to this issue, and it is what I find particularly worrisome. Stated simply, the Navy strategic homeporting plan is a political insurance policy for the Navy. The large number of ports planned for the gulf

coast is clearly intended to scatter the wealth. Why not simply upgrade Pensacola or build one new, complete base on the gulf coast? How can bases for three or four ships make any sense other than from a political perspective? Let's face it, the Navy's plan should be called the homeporking plan.

That Members of the Congress should rush in support of such a plan is not surprising. Many of us represent parts of the Nation not enjoying good economic times. But there comes a time when we must all place national interests above our domestic ones. That is our responsibility and unless we do so, we are every bit as guilty of wasting defense dollars as the manufacturer of the $400 hammers we have heard so much about.

That the Secretary of the Navy would employ something as attractive as the homeporting plan to gain continued support for the fleet is also not surprising. But it is disappointing. Much has been done to strengthen the Navy, rekindle many of its traditions, and restore its offensive spirit of going in harm's way to defeat potential enemies. The homeporting plan will only hurt this. It will tie up funds for which the Navy has many other pressing needs. It will place new hardships on Navy families who already make so many sacrifices, and it will do so without providing an equitable return for our investment. I urge the Navy to reevaluate this plan, perhaps settling for one that is less ambitious and more strategically sound. Until this happens, I urge my colleagues to oppose funding for this program.

Mr. President, let me sum it up, if I might. I know time is short. I have been here 3 hours listening to this debate. I do not wish to impugn the motives of any of my colleagues on this matter at all. I know many of them are speaking what they fully believe to be the real justification for the homeporting or "homeporking" plan offered by the U.S. Navy. Likewise they have cited the testimony and statements from a whole host of distinguished naval officers, Navy men and present leadership of the administration who fostered this plan.

Many of them are very sincere in their beliefs. But we have to make some very tough decisions here in this time of extremely tight budgets. I have been sitting here, and I have been listening to a whole series of many great speeches well done by my colleagues. But I think in each and every case the Senators that have stood on this floor and supported this measure for good reasons I say just happened to be by chance States where this "homeporking" plan is going to benefit.

□ 1850

I think maybe that should have something to do with this. There may be one or two exceptions. But by and large most of the people who have supported this so far in this debate have been from States where the new home ports would be located.

If, for example, we were building two new ports in Washington State and New York, and maybe one on the gulf someplace, this Senator would be in support. It is true that what we are authorizing here today are only the New York and the Everett, WA, ports. I recognize that some new facilities are needed.

As the ranking member of the Navy Subcommittee of the Armed Services Committee, I have great respect for the Navy, and I have been a strong supporter of the Navy ever since I have been in the Senate.

I would simply point out, Mr. President, that this is only a downpayment, these two ports, the one in New York and the one in Washington, for a new homeporting or porking plan, depending on what you want to call it, that bring forth nine new home ports or porking to several other States in this Nation.

I want to say that the $800 million total expenditure for all of these ports as subscribed to if not sworn to by the Secretary of the Navy is totally unrealistic if you look at the overall costs and obligations that will be assumed down the line. If anyone really believes that we can have all that they say is necessary for $800 million, I think they have not looked at what the Navy has said to us before on what the total cost of these programs are.

I would simply say if it is only $800 million, it might be worthwhile if he had a budget that could accommodate all the other needs that we have.

This is a downpayment. Why? Why, Mr. President? In view of the 600-ship Navy, which this Senator supports, is it necessary for the dispersal that they have outlined?

In this dispersal arrangement, what is dispersed? I think that is a logical question.

The facts of the matter are that not a single submarine, which is the real base of our deterrent today in both conventional and other warfare, as far as the Navy is concerned—not a single submarine is dispersed under this plan anywhere, anyplace, any time.

Only 64 ships of the total 600-ship Navy that you have heard so much about today are dispersed, only 64 out of 600, about 10 percent.

Yet if you listen to the debate on the floor of the Senate today, you think all is lost if we do not go ahead with this plan.

In other words, 64 ships would be dispersed and 530 ships would stay where they are.

Some dispersal. Where are the ships that are being dispersed being dispersed to? It is pretty interesting. Staten Island, NY, and Everett, WA, which this Senator said he would support if we were limiting it to those two places, Staten Island has 7 and Everett, WA, has 17. Where are the others? Mobile, four: Pascagoula, four; Corpus Christi, five; Galveston, five; Lake Charles, three; Gulfport, one; New Orleans, two, and Hunter's Point, six.

I am simply pointing out that these are the facts we have from the Navy. I submit, Mr. President, that this is not an effective dispersal if we are going to provide the dispersal that some claim necessary to protect our fleet with the new 600-ship Navy. I urge that this be rejected at this time, restudied once again and see if we can come up with a reasonable proposal, not based on a whole series of ports and a whole series of States but two or three new ports which might be justified.

Mr. President, I yield the floor.

Several Senators addressed the Chair.

THE PRESIDING OFFICER (Mr. GRAMM). The Senator from Pennsylvania is recognized.

Mr. SPECTER. I thank the Chair.

Mr. President, I support the Navy's program. After listening to the distinguished Senator from Nebraska, he enumerated the places where there would be homeporting. I note the absence of any homeporting in Pennsylvania, my State, which may add a little credibility to my position by the standards advanced by the Senator from Nebraska.

Mr. President, the Navy has developed the concept of strategic homeporting to provide additional security for the fleet and increase battle readiness. I strongly agree with the administration on this crucial issue of national defense and emphatically support this program.

The Secretary of the Navy, John Lehman, has congently and expertly presented the Navy's goals for this program and has steadfastly worked to educate Congress and the country about the vital importance of surface ship dispersal. The Secretary of Defense, Caspar Weinberger, has also labored effectively on behalf of this program. Both men must be commended for their efforts in identifying the impending threat to our fleet and quickly responding by formulating this new strategy for more safely basing our ships around the country.

At present, about 43 percent of the Navy's surface ships are homeported at San Diego, CA, and Norfolk, VA, making a Pearl Harbor like attack attractive to our enemies, and a quick strike by terrorist groups tempting and destructive. According to the recently retired Chief of Naval Oper-

ations, Adm. James D. Watkins, at the end of 1983, 91 percent of the Navy's ships were in nine major ports and 9 percent in other ports, indicating that the problem of heavy concentration of our fleet is even more grave.

In addition, the expansion of the fleet from roughly 480 ships to 600 intensifies the problems associated with concentration. The strategic homeporting dispersal plan would not so much reduce the current density situation as prevent further concentration of the Navy. It is only the net increase in the fleet that will be dispersed to new sites.

Dispersing our Navy will substantially reduce the vulnerability of the surface fleet, complicating our enemies' conventional targeting and making more difficult both a torpedo and/or cruise missile attack and a mining campaign.

The Navy's battle groups are currently divided among several ports and must assemble at sea before proceeding on their mission. The need to assemble at sea causes delay and increases the battle group's vulnerability. Strategic homeporting will integrate these battle groups, ensuring greater survivability and eliminating the dangerous period in which the members of the battle group must gather for an operation.

Dispersing the fleet will also move the Navy closer to operating areas and give better access to diverse training environments. Dispersal will reduce steaming times to potential areas of conflict and training areas thereby improving fleet responsivenes for any contingency. Moving Naval Reserve ships in with active fleet ships, as this program calls for, will enable Naval Reserve units to train with the active fleet augmenting their preparedness. Increased Navy presence in the new ports will also improve recruiting in those areas ensuring the continued high quality of our Naval personnel.

Strategic homeporting will also expand our naval logistics infrastructure to support the growing fleet. This will aid the Navy's new forward, offensively oriented maritime strategy.

Mr. President, in addition, for all of the above benefits, this program will cost little more than putting the new ships in existing homeports. The total cost of military construction for this program over 5 years will be under $846 million, while the alternative to strategic homeporting—placing new ships in existing bases—will cost about $629 million.

Opponents to this program argue that nuclear weapons-capable ships pose serious danger to surrounding communities because of the risk of a nuclear weapon accident and the enhanced attractiveness of the ports as targets for Soviet nuclear attack.

These arguments are unconvincing. The Navy's safety record concerning nuclear weapon safety is outstanding. The Navy's efforts in weapon design and personnel training to reduce the risk of an accident have been very successful. Furthermore, the ports in question are already attractive targets for a Soviet strike and the risks of securing an adequate national defense cannot be the responsibility of only a few areas of the country—it must be borne by all.

Mr. President, for these reasons I urge that homeporting as proposed by the Navy be confirmed by the Senate.

□ 1900

Several Senators addressed the Chair.

The PRESIDING OFFICER. The distinguished majority leader is recognized.

Mr. DOLE. Mr. President, I ask unanimous consent that I may proceed for 2 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. GLENN. Mr. President, reserving the right to object, may I ask, after we have the cloture vote, what is the order of business then? Do we return to the homeporting issue?

Mr. DOLE. What I seek to do—I have not discussed this with the distinguished minority leader. If we could reach some agreement on when we might vote on the pending amendment and postpone the cloture vote or just plain withdraw the cloture motion, I think we are making progress on the bill. I would like to determine how many more speakers there may be and when we might have a vote on homeporting. There are seven more speakers.

Would it be possible to have a vote on the homeporting amendment by 8 o'clock?

Mr. HEINZ. Reserving the right to object.

Mr. GLENN. I would object to that. I do not plan to speak at great length, but I think with other people waiting also, it would be unfair to say that after waiting all day to get our turns, now we have to get them in by 8 o'clock.

Mr. GOLDWATER. Mr. President, there are four speakers that I see and I have a few words myself. I do not see how we can finish in under 2 hours.

Mr. DOLE. Mr. President, I ask unanimous consent, on that basis, that we postpone the cloture vote until 9 p.m.

Mr. GLENN. I object.

Mr. BYRD. Reserving the right to object.

Mr. GLENN. I object unless we have it clear that we can get our statements in. I do not know the order in which the Chair may recognize certain people. I want to get my statement made and have been waiting for some time.

Mr. DOLE. I am just asking to postpone the cloture vote until 9 p.m.

Mr. GLENN. Then will we go back on this after the cloture vote if we are not through with our statements?

Mr. DOLE. Yes, Mr. President; I do not have any notion that cloture is going to be invoked.

Maybe I will just ask unanimous consent that the cloture motion be withdrawn.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. DOLE. I yield.

Mr. GOLDWATER. Would it not be better to allow all of the speakers, many of whom have been waiting for hours, to finish their speaking and then have the cloture vote? If we stop at 9 o'clock to have a cloture vote, that is going to take a good half hour and we resume the speaking, that will mean probably 9:30 before we are finished and we intend to go, I think, tonight at least until midnight and later if we can. So I think if we allow them to speak in their proper order, it would probably be a little more orderly to ascend to the cloture vote.

Can I get an answer on that?

Mr. DOLE. Mr. President, I am willing to postpone the cloture vote; I am willing to have it now. I think on second thought, I am not going to withdraw it because there are still about 100-some amendments pending. It might be that after this particular amendment is disposed of, there will be a disposition on the part of Senators on both sides to vote for cloture. Anybody can object to my postponing the vote and we can have it right now. I hope that—based on the chairman's request, I would ask unanimous consent that it be postponed until 9:30.

Mr. BYRD. Mr. President, reserving the right to object, the postponement of the cloture vote has occurred a number of times during the afternoon and I certainly have had no objection. There was an objection to postponing it at the time it was to occur at 6 o'clock. I was able to get that objection waived, the request being to postpone it from 6 to 8. A Senator said he would not object to postponing it for 1 hour. I told him that the distinguished majority leader and Senators on his side of the aisle were discussing some matters that we had earlier talked about in the majority leader's office. I told him I would appreciate it if he could at least delay it 1 hour. He agreed to that but said he would not agree to delaying it further. So I am constrained to object to any further request to delay the cloture vote. I do object.

The PRESIDING OFFICER. Objection is heard.

The hour of 7 p.m. having arrived, under the previous order, the clerk will state the motion to invoke cloture.

Mr. GLENN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GLENN. Is it understood that we will return to this amendment after the cloture vote? Will it be the pending business after the cloture vote to return to the homeporting debate?

The PRESIDING OFFICER. If cloture fails, this amendment will be the pending business before the Senate.

Mr. GLENN. If cloture is invoked, we stay on that bill and this will be the pending business. After all the postcloture business is through, this will be the pending business?

The PRESIDING OFFICER. If cloture is invoked, the amendment will fall.

Mr. CHAFEE. Mr. President, may I ask a question?

Mr. DOLE. Mr. President, I ask unanimous consent that I may proceed for 5 extra minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. I was going to suggest to the majority leader, I wonder if anything might be gained by—most of the speakers on this are here and if each one could agree to be limited to *x* minutes, we could at least dispose of that and maybe narrow things down. I personally only want a minute.

Mr. DOLE. The only reason the cloture motion was filed in the first place was to try to speed up passage of the bill because we had a rather elaborate scheme in mind which did not work out. It was my feeling that it might be helpful to the managers, but obviously, this amendment would fall so you know you have 28 Senators going to vote against cloture. I doubt there would be 30 votes for cloture. But I would think after this amendment is disposed of, there might be a tendency to invoke cloture. Maybe not. If there is an objection to extending the time, we have no other choice but to vote on it. The other option would be to withdraw it, but I think we need it. The vote might at least indicate where people want to go on this bill.

It is still our hope—we had a meeting about 2 hours ago and we are still trying to reach an agreement on Contra aid and South Africa. After the close of business today, we can call for regular order and get off this bill and get back on the debt ceiling. I was just trying to expedite what have been diligent efforts of the managers on each side to try to finish this very important piece of legislation.

Mr. GOLDWATER. Will the Senator yield?

Mr. DOLE. I am happy to yield.

Mr. GOLDWATER. To get back to the subject of speeches, the Senator from Ohio was asking an important question that I think should be answered. It would be this Senator's opinion and suggestion that after the cloture vote, we go right on with the program as it is going now. Let us get these speeches out of the way, let us settle this very major amendment. Then we can go on into the night if we want to with whatever minor amendments might come up. I do not think there is any question that, in the orderly process of the Senate, we would proceed to speaking on this amendment after the cloture vote. I see no argument against it.

Mr. GLENN. If the Senator will yield, the point was made a moment ago that if cloture is invoked, this falls, and we would not come back to it. That is what I was afraid would happen.

Mr. THURMOND. That is right.

Mr. GOLDWATER. Mr. President, I ask unanimous consent, then, that following cloture, we resume this speaking schedule.

Mr. BYRD. Mr. President, I am constrained to object to that. I think we ought to wait and see what the cloture vote shows. I personally have no problem with that, but I think it could create some problems with Senators who want to call up amendments. If cloture is invoked, then the whole playing field will have been changed.

I hope the distinguished majority leader would not have any objection to a request that, in the event cloture is not invoked, the distinguished Senator from Ohio, who has the floor, would be permitted to regain the floor to continue his speech.

□ 1910

Mr. DOLE. There will be no objection to that.

Mr. HEFLIN. I am not sure the Senator had the floor.

Mr. BYRD. I am sorry. I thought he was delivering a speech.

Mr. HEFLIN. You had a parliamentary inquiry.

The PRESIDING OFFICER. The distinguished majority leader has the floor until 7:11.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The distinguished majority leader.

Mr. DOLE. It is obvious to this Senator that cloture is not going to be invoked. It is obvious it is going to take about 30 minutes of our time. It is obvious we are probably not going to complete this bill in any event. So I ask unanimous consent that the cloture motion be withdrawn.

Mr. BYRD. Mr. President, I will——

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. I have to object to that and I am very happy to state why. The DOD bill was called up on Monday. The distinguished majority leader's side of the aisle offered a cloture motion on the very day that this bill was called, and that was certainly within the rules. A cloture motion properly signed by these 16 Senators was entered and Senators have been on notice that the vote would occur on the motion to invoke cloture today, and repeatedly that time has been delayed, set back and set back and set back.

I do not intend to vote for cloture on this occasion. I think this is an extremely important bill. Everybody has known this for a long time. For several days I appeared on the floor of this Senate, as the distinguished majority leader has said, and continued to urge the calling up of the bill. The bill was not called up until Monday and the cloture motion was offered immediately, at least offered on that bill during the day, which changed the atmosphere for the calling up of other amendments.

We went into that at considerable length last night almost ad nauseam, but for those reasons I have to object to vitiating this vote. We should go ahead and have the vote and let the chips fall where they may, and go from there.

Mr. NUNN. Mr. President, will the majority leader yield?

Mr. DOLE. I would be happy to yield.

Mr. NUNN. Mr. President, I hope whether cloture is invoked or not invoked, we would be able to get Senators to indicate to us whether they are willing to take time limits on the amendments that are remaining. We have many amendments remaining. But I have had numerous Senators tell me they are willing to get a time agreement on their amendment. We may run into so much time that we cannot possibly get it done.

As far as I am concerned, there is no higher priority we face in this Congress than the Department of Defense authorization bill. Everyone else around here seems to have a stubborn streak and when they get a priority they are willing to do whatever is necessary to achieve that priority. Some of us believe the DOD bill is the most important matter we have. We have the debt ceiling. This bill can be put on the debt ceiling. It is an amendment that can be put on other legislation.

As far as I am concerned, recessing on August 15 is not nearly as important as passing a defense bill for the security of the Nation. So everybody has their own priorities around here, and some of us who work on this bill all year long, maybe we have a narrow perspective but, after all, this does involve national security, so I hope whatever happens on this cloture vote we would get Senators who would come forward. If we could get Senator GOLDWATER and myself and our staff here, we could get indications as to time limits on amendments. Then perhaps we can move this bill forward. I would like to stay on the bill until we

finish it. Obviously that is not my decision, but I do think everyone ought to be on notice that one way or another this Department of Defense authorization bill is going to be pushed.

Mr. HEINZ. Mr. President, will the majority leader yield?

Mr. DOLE. Mr. President, let me just make one correction. We started on this bill on Friday. Cloture was not filed until Monday, so the record will reflect the accurate description of that.

Mr. HEINZ. Will the majority leader yield?

Mr. DOLE. Yes.

Mr. HEINZ. I thank the majority leader for yielding.

I have listened to the reservation entered into by the Democratic leader. I must say I do not understand the logic of it. He has every right to object, the same as the majority leader had every right under the rules as the Democratic leader has said to file a cloture motion.

The reason I do not understand the logic is because there is a pending amendment. There are a lot of people who want to speak on that amendment. We would like to dispose of that amendment. The vote on cloture is going to be prejudicial to one side of that amendment. Senator GLENN's amendment will be prejudiced if cloture should be carried. His amendment will be stripped.

Now, I happen to be on the opposite side of Senator GLENN on his amendment, but, frankly, I do not see why the Senate should be put through what I think we all agree is an exercise that could affect the amendment of the Senator from Ohio. So I have to say to my leader and to the leader on the other side, I do not understand the logic and I would hope that if the majority leader were to renew his request, there would not be objection to it.

Mr. DOLE. Well, I do not plan to renew the request but I think we might as well vote. I am not under any illusion cloture will be invoked, but I think it will be an indication whether people would like to complete action on this bill.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The clerk will report the motion to invoke cloture.

Mr. BYRD. Mr. President, I ask unanimous consent that the leader may have an additional minute or that I may have an additional minute to respond——

The PRESIDING OFFICER. Is there objection?

Mr. BYRD [continuing]. To the Senator from Pennsylvania.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, the distinguished Senator, the majority leader, is correct; the bill was laid down on Friday. It was laid down at the close of business on Friday, with the understanding that only opening statements would be made or inserted in the RECORD. The reason the cloture motion was offered on Monday, as far as I can ascertain, was to, invoke cloture on this measure today and thus shut out nongermane amendments. Among those nongermane amendments are Contra aid and South Africa. That was the reason. It was not my decision to enter a cloture motion on Monday. Somebody else made that decision, and the appropriate number of Senators signed the petition.

But that decision having been made, and the vote having been delayed repeatedly today, I have to object to further delay, and I would have to object to vitiating the cloture petition.

The PRESIDING OFFICER. The clerk will report the motion to invoke cloture.

Mr. NUNN addressed the Chair.

Mr. HARKIN. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. May I ask the majority leader one other question procedurally? After this vote, whatever happens on the vote, will the majority leader permit us to return to the defense bill? Is that the intention?

Mr. DOLE. Yes, sure.

Mr. NUNN. For several more hours tonight? I would renew my request to Senators to let us know about time agreements because I think that would facilitate a great deal if we could get those agreements.

I thank the Chair.

Mr. HARKIN. I ask unanimous consent for parliamentary inquiry.

The PRESIDING OFFICER. Without objection, the Senator will state the parliamentary inquiry.

Mr. HARKIN. Mr. President, the cloture vote that we are about to proceed upon was filed on which day of this week?

The PRESIDING OFFICER. The motion was filed on Monday of this week.

Mr. HARKIN. And so under the rules of the Senate then it was supposed to have been held at noon today, it was postponed until 6 and then it was postponed again until 7. I would just like to back up what the distinguished minority leader said, that we have the rules. This cloture petition was not filed on this side. It was filed on the other side.

Several Senators called for regular order.

The PRESIDING OFFICER. The Senator is not propounding a unanimous consent request. The clerk will report the cloture motion.

Mr. GLENN. Mr. President, parliamentary inquiry, please.

The PRESIDING OFFICER. The Senator will state the parliamentary inquiry.

Mr. GLENN. If cloture is invoked, if we vote cloture, then what are the time limitations under our new rules? Is it 30 hours total? Is that correct?

The PRESIDING OFFICER. If cloture is invoked, there will be 30 hours for consideration of the motion on which cloture has been invoked.

Mr. GLENN. That would be what, equally divided on each side of the aisle?

The PRESIDING OFFICER. Each Senator has a maximum of 1 hour for debate on the basis of the ability of that Senator to be recognized.

Mr. GLENN. Each Senator has 1 hour with the whole Senate having 30 hours total.

The PRESIDING OFFICER. The Senator is correct.

Mr. GLENN. So that would mean many people who wish to speak on this particular issue would probably not be able to do so; is that correct?

The PRESIDING OFFICER. It would depend on the number of people who wished to speak and how long they spoke.

Mr. GLENN. Mr. President, that is not a very good situation in which we are left. I guess we have no option but to go ahead and vote on cloture.

□ 1920

SEVERAL SENATORS. Vote! Vote!

Mr. BYRD. Mr. President, I will not take more time of the Senate. The Chair indicated, in response to the distinguished Senator, that if cloture was invoked, there would be 30 hours of consideration of the measure.

Mr. GLENN. For the total Senate.

Mr. BYRD. That is true, but it is not 30 hours. It is no more than 30 hours. It could be less than 30 hours. That should be stated, because it might have a bearing on someone's decision to vote one way or the other.

Mr. GLENN. Mr. President, if we invoke cloture, when would this come back up? Would this come back up under cloture if it has already been filed at the desk then?

The PRESIDING OFFICER. Any amendment filed at the desk in timely fashion would be eligible to be offered. The Senator offering the amendment would have to be recognized for that purpose and offer the amendment.

Mr. GLENN. As I understand it, such amendments have been filed by the distinguished Senator from New Mexico to cover this particular subject under cloture.

I would propose a unanimous-consent request that if cloture is invoked, debate continue on this issue, on the amendment that has already been filed by the Senator from New Mexico, if that meets with his approval.

Mr. LONG. I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on S. 2638, the Department of Defense authorization bill.

Senators Warren Rudman, Barry Goldwater, Slade Gorton, Bob Dole, Pete V. Domenici, Thad Cochran, Dan Quayle, Chic Hecht, James Abdnor, Paul Laxalt, Jake Garn, Pete Wilson, Phil Gramm, J.A. Denton, Don Nickles, Jesse Helms, Ted Stevens, and John Warner.

VOTE ON CLOTURE MOTION

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

The question is, Is it the sense of the Senate that debate on S. 2638, the Department of Defense authorization bill, shall be brought to a close? The yeas and nays are automatic under the rules, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Alaska [Mr. STEVENS] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 53, nays 46, as follows:

[Rollcall Vote No. 180 Leg.]

YEAS—53

| | | |
|---|---|---|
| Abdnor | Gramm | Packwood |
| Armstrong | Grassley | Pell |
| Boschwitz | Hatch | Pressler |
| Broyhill | Hawkins | Quayle |
| Chafee | Hecht | Roth |
| Cochran | Heflin | Rudman |
| Cohen | Heinz | Simpson |
| D'Amato | Helms | Stafford |
| Danforth | Humphrey | Stennis |
| DeConcini | Kassebaum | Symms |
| Denton | Kasten | Thurmond |
| Dole | Laxalt | Trible |
| Domenici | Lugar | Wallop |
| Durenberger | Mattingly | Warner |
| Evans | McClure | Weicker |
| Garn | McConnell | Wilson |
| Goldwater | Murkowski | Zorinsky |
| Gorton | Nickles | |

NAYS—46

| | | |
|---|---|---|
| Andrews | Ford | Matsunaga |
| Baucus | Glenn | Melcher |
| Bentsen | Gore | Metzenbaum |
| Biden | Harkin | Mitchell |
| Bingaman | Hart | Moynihan |
| Boren | Hatfield | Nunn |
| Bradley | Hollings | Proxmire |
| Bumpers | Inouye | Pryor |
| Burdick | Johnston | Riegle |
| Byrd | Kennedy | Rockefeller |
| Chiles | Kerry | Sarbanes |
| Cranston | Lautenberg | Sasser |
| Dixon | Leahy | Simon |
| Dodd | Levin | Specter |
| Eagleton | Long | |
| Exon | Mathias | |

NOT VOTING—1

Stevens

□ 1940

The PRESIDING OFFICER. On this vote, the yeas are 53, the nays are 46, three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

The distinguished majority leader is recognized.

Mr. DOLE. Mr. President, I want to thank my colleagues on both sides of the aisle for supporting the cloture vote. It is an indication that a majority of the Members in this body want to finish this bill. I hope we can do that.

We are right back where we started before the cloture motion, but I want to thank my colleagues. And I will before the evening is over, file another cloture motion.

In fact, I will do it right now.

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CLOTURE MOTION

Mr. DOLE. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on S. 2638, the Department of Defense Authorization bill.

Bob Dole, Paul Trible, Pete Wilson, Ted Stevens, Phil Gramm, Strom Thurmond, Al Simpson, Jake Garn, Steve Symms, Bob Kasten, Frank Murkowski, Mitch McConnell, Gordon Humphrey, Warren B. Rudman, Bill Cohen, Dan Quayle and Chic Hecht.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. BYRD. Will the distinguished Senator from Alabama yield to me?

Mr. HEFLIN. Yes.

Mr. BYRD. I thank the Senator for yielding. I ask unanimous consent that, in his yielding to me, his rights to the floor will be protected.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, while the distinguished majority leader is here, I think it is appropriate to ask what the program will be for the rest of the day and tomorrow and Friday and Saturday, if the Senate is in session on Saturday, so that Senators might be able to schedule their days accordingly.

Mr. DOLE. I thank the distinguished minority leader. I have spoken to the manager in chief, who indicates we will be here until about midnight this evening. I believe, visiting with both Senators GOLDWATER and NUNN, at least they are optimistic, I think maybe overly optimistic, that it might be possible to finish this bill by late, late tomorrow evening—well, on Friday. No question about being here on Friday.

If, in fact, we can reach an agreement on the other matters, the other major items, on Contra aid and South Africa, then it would be my hope that we could start on those on Friday and it might necessitate a Saturday session. But I think we need to have at least another visit after awhile to see if we are getting close to an agreement.

But we will be here late tonight. I assume we will be here late tomorrow night. I am hopeful that we could complete action on this bill yet tomorrow night. I make the plea the managers have made that if Members have amendments, if they can get time agreements. I think there are still 50-some amendments that need to be dealt with. So that more or less is the schedule. I cannot indicate Saturday, but it is a distinct possibility.

Mr. GOLDWATER. Will the Senator yield?

Mr. DOLE. Yes.

Mr. GOLDWATER. If the majority leader and minority leader can get together and agree to a time limit, I think I could promise finishing this bill by Friday night. We have no more long, large amendments like this one. But with time agreements, we can assure that we do not drag on and on.

Mr. BYRD. Mr. President, the distinguished majority leader and I and other Senators met in his office today to discuss a possible agreement with respect to disposing of the two issues, Central America/Contra aid and South Africa. I made certain proposals at that meeting and I am ready to discuss those proposals further.

I would be happy to state at this point the Democratic amendments on Contra aid as far as I have been able to ascertain at this point if we could also know what the responses are on the other side and what some of the amendments are. I want the majority leader to know that we are prepared to continue discussing those proposals.

I must say now, now that cloture has again been offered on DOD—I hope the distinguished majority leader does not have any feeling that I am attempting to delay DOD simply because I objected earlier to the vitiation of the cloture vote. I did that because, as I stated earlier, the decision had been made on the other side of the aisle on Monday, 2 days ago, to push that cloture vote. And on behalf of Senators who have been expecting to vote on cloture on that measure, I had to oppose the vitiation of that cloture vote.

But I am perfectly willing to proceed on the DOD bill and try to work in a way that will dispose of amendments. I may have two or three more amendments myself. I would be happy to enter into time agreements on them. There is no disposition I know of on this side to drag action out on the

DOD bill. I do not know why a cloture motion has been introduced on that bill. Of course, no Senator has to answer to me in that regard. If a Senator wants to offer a cloture motion, he can. The problem I see with that, if cloture is invoked on Friday, is if we do not reach an agreement to deal with these other two matters, Contra aid, which is on the military construction appropriation bill, and the South African issue, I suppose they could not be offered to the DOD bill.

We only need to recall that Mr. NUNN the other evening proposed, in regard to the unanimous-consent request that had been read on the floor at that time, that the particular provision which provided against the offering of either of those two issues on that bill be deleted, and we proceeded to delete that provision, and then proceeded to agree that the debt limit extension resolution would be put over to the close of business today with no amendments in order thereto except amendments dealing with the South Africa issue and the Contra aid issue. We also agreed that no call for the regular order would bring back the debt limit extension resolution prior to the close of business today.

It might be that the distinguished majority leader has introduced a cloture motion at this particular time to bring back the DOD bill on Friday in the event that a call for the regular order does bring back the debt limit extension resolution in the meantime. That would be one way of doing it.

I have said all of that to say this: That if cloture is invoked on Friday on the Department of Defense authorization bill it may make it somewhat difficult to find time for the resolution of the two issues that we have been discussing now off and on for a considerable number of days—the Contra aid/Central America, and the South Africa/front-line states issue. This could, in the event cloture in invoked on Friday on the DOD measure, serve a purpose of delaying action on those two measures along with other measures that are rather important around here, one of which is the reconciliation measure, and one of which is the Boren PAC amendment which, of course, hopefully can be called up and disposed of very soon.

There could be problems if this cloture motion should ripen and cloture were invoked on Friday on the DOD bill. I personally would hope that the DOD bill would be disposed of before that time. And maybe it can be.

I would like to offer to the distinguished majority leader the names of Senators on this side who are ready to identify the amendments that they would offer on the Contra aid measure. I am referring precisely to titles II and III of the military construction appropriations bill. I think we ought to do that because I think everybody ought to know what has been proposed, what we are working on, and let us see, while several Senators are on floor if we can have their attention and support for the efforts that are being made.

The PRESIDING OFFICER. The distinguished majority leader is recognized.

Mr. DOLE. Following our discussion at 5 o'clock today, I met with the Parliamentarian and went over the original concept, the minority leader's concept and the minority leader's comments with reference to the earlier unanimous-consent agreement that this Senator had offered just at the starting point to get started with the discussion.

I think we are about prepared to submit a modified proposal incorporating some of each which I will be given by the distinguished minority leader in the next 10 or 15 minutes. It does not at this time contain, of course, a list of amendments or an agreement on amendments, 1 hour each, equally divided, or whatever, which I think has to be addressed. Otherwise, we do not have anything.

But I do hope we can finish the DOD authorization bill. It is my thought in addition to the one mentioned to get back to DOD on Friday that it might also encourage Members to come forth with their amendments, and I will do what the managers suggest to try to reach some time agreement. I understand there are a couple of good possibilities on major amendments where Senators have indicated they would settle for a very brief time period, I understand for five or six rather major amendments, and then this could move very quickly.

So I will do as the minority leader has done. We are in the process of determining which Members on this side will have amendments on Contra aid, and which Members on this side will have amendments on South Africa, and the nature of the amendments.

Mr. BYRD. Does the distinguished majority leader feel it well to state at this time, for all Senators to know, what the proposals are that have been discussed in the distinguished majority leader's office, so that Senators may indicate if they have additional amendments? It seems to me that we ought to be pressing ahead as well as we can press ahead to try to get some agreement worked out on these two major issues; in the meantime, also working ahead, hoping to finish action on the DOD bill.

As far as I am concerned it would be well just to lay it all out on the table right here now and state what the proposals are, let all Senators on both sides know so that we can get feedback from them if they have feelings different from those which I think have been expressed by me and others in the office of the distinguished majority leader. If they have other amendments, they can let us know.

Mr. DOLE. Mr. President, let me just indicate very quickly this is not in the final form, but what I would suggest which is still under negotiations, I think it is rather difficult to say precisely. We have not agreed on the language of any one proposal. But what we generally suggest so Members will be alerted is that we lay before the Senate H.R. 5052 on a certain date—I hope on Monday—and that for 2 days amendments be dealt with in the usual fashion. Provided that on the third day of consideration the Senate proceed as if under rule XXII, and if cloture is invoked there will be 8 additional hours of consideration. I think there have been 6 in the orders with the possibility of additional time being requested. Provided further that upon disposition of H.R. 5052, the Senate proceed to consider the committee reported bill on South Africa sanctions for not to exceed 2 days of session, provided that on the second day of session the Senate shall proceed as if under rule XXII, and if cloture is invoked there should be 8 hours available for consideration.

Further provided that all specified amendments be limited to 1 hour of debate; that no amendments other than those specified shall be in order, and further that there be no motion to recommit. That is a general framework for Members to be alerted.

My own view is it should not take 3 days on Contra aid. I understand there is a desire by many to fully discuss it. I think the desire of the majority leader is to finish both of these matters by the close of business on August 15 because I am not certain we will be able to deal with reconciliation. I am not certain it is going to be available. But we still have the debt limit, and maybe a conference on the debt limit.

So that in essence is a general outline though it needs to be refined. We need to meet again and see if we can reach an agreement on the specific language.

Mr. BYRD. Mr. President, if the distinguished Senator from Alabama will continue to yield under the same understanding as previously ordered, may I state to all Members of the Senate that the proposals on this side were, that there be a total of 3 days for debate and action on amendments on titles II and III of the military construction appropriation bill. Titles II and III deal with the Contra aid/Central America issue.

On day 1 of the 3 days, there would be the filing of a cloture petition on those two titles. On days 1 and 2, the time would be used for debate and disposition of amendments, with some arrangements to permit orderly consideration of amendments with time limitations and assurances in all cases that

Senators would have the opportunity to call up their amendments and have an orderly disposition thereof.

On day 3 the cloture vote would occur. If invoked, Senators to have the opportunity to call up their amendments and have orderly disposition of those amendments. Then if cloture is invoked there would be no more than 6 hours of debate to be equally divided and a final vote on titles 2 and 3. It would be agreeable then to go to final disposition of that bill without extended debate on either final passage or the appointment of conferees.

On South Africa, the proposal which I offered in the distinguished majority leader's office was that the foreign relations bill be called up with only 2 days of total time and that, as far as we were concerned, there would be no need for a cloture vote but there might be a disposition on the other side to have a motion to invoke cloture.

But on both days 1 and 2, as far as Senators on this side are concerned, those days would be used for debate and disposition of amendments. Again, Mr. President, with respect to both measures, if arrangements can be made and agreed to that would allow for the orderly recognition of Senators to call up their amendments and dispose of them, with time limitations on amendments, Senators on this side are willing to agree in advance that there will be no filibuster on the request for a conference or the naming of conferees.

We are discussing these two issues with the understanding that the commitment to the Senator from Oklahoma [Mr. BOREN] would have to be kept. The distinguished majority leader, of course, would be within his prerogative, within the context of the commitment to the Senator from Oklahoma, to schedule that measure for action.

Mr. DOLE. I think we have outlined the general framework. I think Members are on notice that we are trying to work it out. If they have any amendments, we need to know, amendments to either bill.

With reference to the Senator from Oklahoma and his priority, we are going to try to do them all. I do not know if we will do them all, but if we do not get this agreement, there is no problem with doing his. If we do get the agreement, we may have to alter it some.

Mr. BYRD. Except if cloture is invoked on the DOD bill and that bill has not been finished prior to Monday or whenever the distinguished Senator from Oklahoma anticipated that his measure, of which I am a cosponsor, would be called up, there could be some problem with that.

If the distinguished majority leader will let me have a copy of the proposed agreement, when he is ready, I will be happy to take a look at it.

Mr. BOREN. Mr. President, will the Senator from Alabama yield?

Mr. HEFLIN. For how long?

Mr. BOREN. About 30 seconds.

Mr. HEFLIN. All right.

Mr. BOREN. I thank my distinguished colleague. I thank the distinguished minority leader for the comments just made.

Last year, when this Senator agreed to the unanimous-consent request to allow certain provisions to be stripped out of S. 655, it was done so with the understanding that we would have the opportunity early this year to have full consideration of the pending PAC amendment. The distinguished majority leader has made that commitment and is certainly operating in good faith on it.

I just say that I appreciate the comments just made by the minority leader that that agreement will be protected. If we continue to postpone that action until after the recess, when we come back we would not have time for the House to act in a timely fashion. I hope whatever agreement is entered into would protect our right to start on that matter on Monday. We are willing to enter into an agreement to lock that in so that the distinguished majority leader would know exactly what time that would be. Then any votes on the matter would be on Tuesday.

I appreciate the remarks of the distinguished minority leader and I hope that all of this agreement can be arranged to get all of these issues considered in a timely fashion.

Mr. DOLE. Let me respond to the Senator from Oklahoma.

One way to accommodate is to shrink the time on the Contra bill from 3 days to 2. If the Senator will help me on that, we will not have any problem.

Mr. BYRD. Mr. President, I thank the Senator from Alabama. I know we have imposed on the distinguished Senator from Alabama. He has very graciously and charitably let us have the floor for a considerable length of time. I personally want to thank him. I think the Senate will be well served in the long run. I thank the Senator.

Mr. HEFLIN. Does anybody else have a unanimous-consent request or want time?

[Laughter.]

Mr. HEFLIN. Mr. President, I rise in opposition to the amendment to strike funding for the Navy's strategic homeporting plan.

As I consider the strategic homeporting concept, my mind goes back to the time that I was a Pfc, in the U.S. Marine Corps. That was during World War II. A Pfc was a private first class. He had been elevated from the position of private. On one occasion we were going through some training and were putting ourselves in a battle situation. Something happened to the corporal who was the squad leader so I was designated to be the squad leader.

While in the training we were supposed to be in battle conditions, but we all of a sudden were informed of our conditions, so I stopped and gathered all of the eight men of my squad together and I began to give them there orders. They were all bunched up together.

About that time, a gunny sergeant came by. A gunny sergeant in the Marine Corps is an unusual animal. He proceeded to chew me up one side and then down the other. Then when he got through, he spit me out in little pieces.

That chewing by a gunny sergeant is a rare experience and it is an experience that will be indelibly engraved in your mind forever.

What he was telling me was that when you are in battle formation and you are supposedly going through a situation where you think the enemy is in front of you, you do not bunch up. The proper procedure is to desperse. Never bring your men together in a bunch. You disperse.

The idea and concept of dispersal is a key point in the issue of strategic homeporting.

There was criticism, and probably unjustly so—I am not going to argue that—in regards to the marines being all located in one barracks in Lebanon when we lost over 200 marines in the recent bombing of those barracks. The idea was that they ought to have been dispersed.

The idea is not to put all your eggs in one basket or not to put them all in one, two, or three. If one cracks, then the others begin to crack around it.

If a mortar shell were to fall on a squad of marines that were bunched up together, it is going to be able to injure or kill more than one.

You are going to cause serious damage to that squad of marines.

The idea of dispersal was an issue in Pearl Harbor. It was an issue then when we felt we should have been dispersing our fleet and not have it all concentrated in one location. So I think we should have learned our lesson by then.

□ 2010

I think what we are doing now is finally getting around to the concept that we ought not to put a great number of ships together in one location where the types of weapons that we have today—nuclear or nonnuclear—can cause tremendous damage.

There is no question that if you have five ships right here in one place, it is easier to pick and to shoot those five ships than if they are spread out in various places.

That is the basic concept of homeporting. I think it is important. It is important today because we realize that submarines can travel in ocean lanes not too far from our own coastline. They can come up and, with various missiles, they can cause tremendous amounts of damage. Therefore, dispersal is key.

I listened to the Senator from Nebraska as he said, "Well, this is not a great dispersal." But it is the beginning. I think we ought to congratulate our leaders in the Navy for this beginning. It is one which should have begun a long time ago. So I say it is the beginning of an intelligent approach toward spacing of our vessels by way of the homeporting concept.

In my judgment, the concept of locating our coming 600-ship Navy in new homeports around the coast of the United States not only makes good sense, but is also an absolute necessity in meeting the national defense needs of this great country.

In October 1982, as the administration began increasing the size of the Navy toward its goal of a 600-ship general-purpose fleet, the Navy announced its intention to base many new ships which would be an addition to the existing fleet, in accordance with a policy called strategic homeporting.

As we look at this, I think we find that there is another reason. We find that in the gulf coast, there is no question that there is activity in Central America. We are much closer to this activity and it makes sense to locate some of our ships there. As it has been decided, there is an air carrier group and a battleship group that will be located in the Caribbean and in the gulf area and they will by this plan, of course, be homeported close by. I think it makes sense there.

Congress approved some $79 million for this concept for fiscal year 1986. This year, the Navy is requesting $161 million to begin construction of the new homeports in Staten Island, NY, and Everett, WA, which will serve as the bases for 18 new ships.

There are valid and sensible reasons for this strategic plan. The first reason that comes to mind is the fact that the 600-ship Navy is a reality. Congress has approved this number and the construction for most of these ships is underway. Ships that are not under construction have been authorized. I understand that we are likely to reach that goal in 3 or 4 years. The simple fact is that we are going to have to base those ships somewhere. We can build new piers and facilities at our present homeports. However, I believe that this would be an ill-advised and detrimental solution for the existing ports. Because, there is simply no room in the inn. Our existing ports cannot accommodate these new ships or their personnel. Real estate at the existing ports is physically and economically constrained to the point that nothing can be done to relieve overcrowding and congestion at the existing bases. All you have to do is ask any sailor who has been stationed at either Norfolk or San Diego. That sailor will tell you that there is just not enough room there for additional ships or for the support personnel to accompany them.

Along the same lines, Mr. President, the infrastructure at the existing homeports will not support the nearly 130 new ships coming on line. According to the Navy, the least costly alternatives to accommodate the new ships in existing ports will require more than $629 million in capital improvements. This is not to mention the local contribution which must be added to this figure which is only about $200 million less than the total capital investment required to build new homeports in New York, Puget Sound, San Francisco, and on the gulf coast.

Probably the most important of the many reasons for the homeport concept is simply that for which it was named—strategic homeporting. Strategic homeporting would disperse the fleet and thus reduce its vulnerability to attack. It would allow for quicker access to certain theaters of operation, therefore allowing the United States, when necessary, to establish a naval presence at a crisis point early in the action. Also, Mr. President, as I have said, in my judgment, the strategic homeporting plan will reduce the vulnerability of the fleet to conventional enemy attacks and also reduce the possibility of a few small mines emplaced at the entrance to a port bottling up the fleet inside. This will avoid the problem we faced with the tragic bombing of Pearl Harbor in World War II whereby the entire Pacific or Atlantic fleet could be crippled by a single attack. These are just a few of the many reasons we should endorse this program and approve the funding level requested by the administration, which is the same level approved by the Armed Services Committee.

My reasons for supporting this plan go even further than those which I have mentioned here today. Not only is it a plan that I believe makes good sense, but it also includes the construction of a homeport at the Port of Mobile in my home State of Alabama. The Navy will request for fiscal year 1988 some $33 million for construction of the Mobile homeport which will serve as the location for five of the new ships. However, if this amendment is agreed to, I do not believe that this new homeport in Mobile will ever become a reality.

Mr. President, some have said that this plan is unnecessary this year and can be put off until the next. They say that, due to budget restraints, this is a program which will not be harmed by the budget ax if deferred until some other time. In my judgment, if this amendment is accepted and the funding for the homeports in New York and Staten Island is deleted from this bill, the entire homeporting concept will fall. The delaying of the funding for these homeports will result in the termination of the program. Therefore, I urge my colleagues to defeat this amendment which would strike funding for the construction of the New York and Staten Island homeports.

Mr. President, I yield the floor.

Mr. GLENN and Mr. TRIBLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. TRIBLE. I yield the floor to the Senator from Ohio.

Mr. GLENN. Mr. President, I thank the Senator very much for yielding.

While I do not speak as a great naval strategist, I have had some experience in this field. I served 23 years in the Marine Corps, and I went through naval aviation flight training. So I consider myself somewhat of a student of naval strategy.

I would like to address this issue from the strategic standpoint before we get into some of the other issues that have already been developed by some of the other speakers.

Throughout the history of naval warfare, it has been a strategic objective to range your naval forces so that you control the chokepoints where force can be brought to bear on ships that have to narrow their activities in certain seaways. In World War II, we remember all too well the battles of Leyte Gulf and the Coral Sea where both sides were trying to control these seaways—seaways that were vital to shipping in that part of the world. The chokepoints can be seen on this map.

Today, we are literally spending billions of dollars to make sure we can control the Greenland-Iceland-United Kingdom gap. That means if we can control ships there, we can control shipping out of the Soviet Union's northern ports as they come out of the Norwegian Sea. You only have to read the record of the Senate and House Armed Services Committees and look at the budget figures to see how much we are spending to control that strategically important gap so that we can bottle up Soviet ships.

We have had naval battles in the past that have been in the Skagerak, here in the Baltic Sea, and in the Bosporus. More recently, we have been concerned with the entrance to the Persian Gulf—the Strait of Hormuz. One of the greatest traveled ship channels in the world is the Straits of Malacca, where they come down through to the Indian Ocean.

Why is the Soviet Union, for instance, making such a major base out of Cam Ranh Bay, directly across the Philippines from our base at Subic? Because if they can make that a major port, they control the chokepoints that come down through the Straits of Malacca, through the channels around the Philippines and Indonesia, and thereby control shipping in that part of the world.

The point I am making is this: Throughout history, naval strategy has been to try to control the chokepoints of the world. Naval battles have been fought repeatedly over this.

The Soviets, in addition to Cam Ranh Bay, have sought to develop major naval facilities at Vladivostok and Petropavlovsk, in the colder areas of the north. Vladivostok, north of Korea, has been developed for many years as a major base.

Our naval strategy says we want to control these shipping lanes. We have a forward deployment strategy and I support that. This strategy says we will be the Nation that makes sure the Mediterranean and Persian Gulf stay open. We put billions of dollars into making sure that we control the flow of Soviet ships out of the Greenland-Iceland-United Kingdom gap. That will be one of the major places that we will try to bottle up the Soviet net as well as in Vladivostok. Again I emphasize that naval strategy is involved with controlling the chokepoints of the world.

Now, this map of the United States indicates our current naval base structure: Newport, Norfolk, Charleston; Kings Bay, GA; Mayport, Pensacola, Pearl Harbor; San Diego, Long Beach, San Francisco, and Puget Sound in Washington. That is a good dispersal pattern. Those who claim we have no dispersal have not looked at a map to see that we are dispersed adjacent to deep water areas where ships can get to sea rapidly.

The new bases proposed at Staten Island, NY, and Everett, WA, would still fit the criteria of being adjacent to deep water where they could disperse and not be bottled up.

Along the Gulf of Mexico, we are proposing new bases at Key West, FL; Mobile, Pascagoula, Gulfport, Lake Charles, Galveston, and Corpus Christi, TX. If war starts, we have to get our ships out through the approximately 90-mile-wide Yucatan Channel, or through the Straits of Florida. In other words, we would deliberately put ourselves into a potentially bottled up situation that naval strategy states we must desperately try to avoid.

I appreciate the interest of those who say they want these facilities in their home State. But from a global strategic standpoint, I would submit that this is wrong.

The argument is made on the other side that we have some of our major shipping coming out of the gulf in case of war.

But do we have sufficient forces in the gulf to fight their way out in the event of war? No. Out of these 600 ships, we are going to have only 26 in the gulf. Forty-five would go to 9 new ports, 19 would go to existing ports, and 26 in the gulf.

Now to me that does not make for a good situation at all. It means that we are blocking our forces up near the Yucatan Channel. Are we going to have to fight our way out of there? I hope we never have to, but if we do, that force is not going to be sufficient to accomplish the job. We know the Soviets have had a submarine base at Cienfuegos, Cuba, but I presume that in a wartime situation, it would be one of our first prime targets. Even if these ships broke through this area, they still have to come through the Caribbean and could be bottled up by the Windward Islands. We have a double blockade that we are setting up on our own. That to me makes very little sense.

If we expect to use these gulf-ported ships to go to the G-I-UK Gap, we have built in an additional 3 days' steaming time to get there—which again makes no sense whatsoever. If we are trying to use these ships to protect the Panama Canal, the gulf ports might make some sense, but we are hopefully going to have other forces deployed on either side of the Panama Canal to keep Soviet shipping and Soviet submarines out of this area. We can certainly cover the Gulf of Mexico with antisub forces from the air rather than having our ships take the significant risk of being bottled up inside that area. That is the basic reason why I am so opposed to this plan and back the proposal of the distinguished Senator from New Mexico [Mr. BINGAMAN].

I think he is right in what he is trying to do. I would propose that in coming years, we are going to have to make some accommodations at existing ports. Those existing ports will certainly need some expansion of their facilities. But those facilities do not need to be started in this fiscal budget and can come at a later time.

As the ranking minority member of the Military Construction Subcommittee, Senator BINGAMAN has studied this issue closely. He has heard all the testimony both pro and con. He concluded that the funds projected for the strategic homeporting plan could indeed be better spent elsewhere in support of our maritime strategy. I heartily concur with that conclusion.

One of the things I have been most concerned with in my tenure on the Senate Armed Services Committee has been that we purchase very expensive weapons carrying systems, but do not provide sufficient weapons for them. We can put forward unclassified figures that say for all the attack submarines the United States has, we have less than two torpedo loads for each of them. We cannot say exactly how low it is. We spend billions on attack submarines and do not put the weapons on them that would let them do the necessary job in time of war.

Now, how preposterous can we be? And so, my colleague's move to put some of this money into the O&M weapons accounts is a good one. A short time ago, a carrier going to relieve another carrier in the Persian Gulf had to crossdeck, as we call it—take air-to-air weapons off fighter aircraft, and transfer them over to the other carrier because the carrier coming out did not have its own weapons.

We were that short on air-to-air missiles to put on those aircraft. What a preposterous situation, to be spending $20 to $30 billion for a fighter aircraft, and not have an adequate number of weapons to put on them.

So this idea of taking money from the homeporting account and putting it into the munitions account is something that I very much favor. I am opposed to the strategic homeporting plan because I think it is not strategic. I think we deliberately, and unnecessarily, bottle our own ships up in the Gulf of Mexico. We do to ourselves what we hope the enemy will do. We hope our enemies get into restricted areas and have limited access to get out.

So my opposition to strategic homeporting is based on three concerns. First, that the strategic homeporting plan would not improve our ability to carry out our maritime, forward deployment strategy. In fact, it would make us much worse off as our ships are much more likely to be bottled up than would otherwise be the case.

Second, the establishment and operation of these nine new bases would have a negative fiscal impact on our defense posture.

Third, strategic homeporting would adversely affect the quality of life of naval personnel and their families.

I was an outspoken supporter on the floor of the Senate for the procurement of two new nuclear aircraft carriers. I also supported the procurement of the new *Aegis* class cruisers, additional nuclear attack submarines, and the reactivation of our four battleships.

Those battleships are necessary, not just for their 16-inch guns or because they look impressive coming into a port. We needed those battleships because they could carry cruise or antiaircraft missiles and had a protective

hull for them. That is why I supported them.

Likewise I supported efforts to redirect our maritime strategy. In Secretary of the Navy Lehman's posture statement before the Armed Services Committee, he testified that to achieve the Navy's strategic objectives: "We need a maritime strategy at once global, forward deployed, and—with our allies—superior to our probable opponents."

I could not agree with him more. That is the objective we should have—not bottling up our ships in the Gulf of Mexico. I want strategy that lets our ships have access to deep water immediately, not after a day's steaming time where they can be bottled up.

The United States is a maritime nation. We need a 600-ship Navy in order to have enough assets to insure that the lifelines to our allies, to our forward deployed ground and air forces, to our strategic resources, and to our trading partners, are not restricted anywhere on the globe.

The establishment of 9 new naval bases for approximately 45 ships would not improve our ability to carry out this maritime strategy.

From a purely strategic standpoint, a naval surface action group based in Staten Island in the Northeast and a carrier battle group based in Everett in the Northwest, might provide marginal improvements in response times in the event of a military crisis. I grant that ships located in these two ports could probably reach their most likely operating areas in the North Atlantic and Pacific sooner than the other ships we are talking about.

However, I emphasize that the proposed Staten Island and Everett ports only might provide a marginal improvement in our response times. This is because it is highly likely that at least one of the battle groups would already be forward deployed or otherwise away from homeport, either in training or in transit, when a crisis occurs.

As to the Gulf of Mexico, the establishment of seven new naval bases for approximately 26 ships—including an aircraft carrier and a battleship—would not improve our maritime strategy. In fact, it would be detrimental.

In arguing for additional homeports, the Navy has cited enemy mining and submarine launched cruise missiles as the top two threats in arguing against putting additional ships in existing ports. But when you look at the map of the Caribbean, you quickly see that instead of complicating a potential enemy's targeting, you would actually simplify his problem. If a potential enemy were to concentrate on the two natural choke points leading into the gulf, namely the Florida Straits and the Uycatan Channel, he could effectively bottle up shipping in the Gulf of Mexico. In fact, one of the major goals of our own maritime strategy is to either block strategic choke points, such as the Greenland-Iceland-United Kingdom Gap, to enemy transit or to ensure that they remain open for our own use.

Another major concern I have with strategic homeporting is the potential economic impact that the establishment and operation of these nine new naval bases would have on our ability to adequately support a 600-ship Navy—and ultimately to implement our maritime strategy.

The issue first and foremost is one of affordability and readiness. Can we afford to build, man, and operate these new bases as well as to man and operate our existing bases? In an ideal world of limitless financial resources, perhaps. But in this time of mounting budget deficits and the compelling need to effectively maximize the use of each and every defense dollar, we simply cannot afford the Navy's strategic homeporting plan.

I mentioned earlier that I have been outspoken in support of the 600-ship Navy. But I have also been outspoken about our failure to provide adequate readiness support for the fleet—in particular ammunition and spare parts.

Even with an average annual real growth in the Defense budget of 4.8 percent during the last 5 years, we still have not reached critical ammunition and spare parts inventory objectives. Unfortunately, we are now facing an indefinite period of little or no real growth in the defense budget. For this year, fiscal year 1986, after application of Gramm-Rudman-Hollings we will actually experience minus 6.2 percent real growth. For the coming year, fiscal year 1987, the Defense Authorization bill we are debating today does not even cover inflation. The forecast for the next few years is just as grim.

In testimony earlier this year, the Navy's Director of Fiscal Management for Operations predicted a "catastrophic" impact on Navy readiness if Senate Budget Committee recommendations were applied across the board.

There is a similar situation with regard to manpower. Just 2 weeks ago, the new Chief of Naval Operations, Adm. Carl Trost, in a speech to the Naval Submarine League, stated that because Congress has repeatedly cut requested increases in Navy personnel end strength, shore billets—like those required to man the nine new bases requested in strategic homeporting—have gone vacant in order to man ships. In this year's budget, the Navy's request for increased personnel end strength has been cut by 50 percent in the Senate bill, a cut with which I reluctantly agree because of budgetary constraints.

This is not a pretty picture and it is one that—as a member of the Armed Services Committee—I do not enjoy painting. But it is a picture of the fiscal realities that exist and that must be realistically confronted when we consider opening nine new bases.

My third major concern with strategic homeporting, and perhaps the most important of all, is the impact of homeporting on service personnel and their families. In testimony on homeporting before the Subcommittee on Military Construction, retired Adm. C.E. Bell, a former fleet commander and Director of Navy Plans and Programs, reminded the committee that retention of active duty personnel is seriously affected by several factors including:

Time away from families; number of geographic moves which require uprooting of families; availability of suitable housing and schools; availability of personal services—that is, medical, dental, commissaries—and recreational facilities; and acceptance of military personnel by the community at large.

These quality of life factors must be considered when looking at opening nine new bases. The first two family separation and the number of geographic moves, are particularly pertinent in this discussion.

Secretary Lehman testified this year that "family separation remains the No. 1 reason why young officers and enlisted men and women choose to leave the Navy." He further stated that "making improvements in this area was a top goal of the next 4 years."

But, as Admiral Bell testified, personnel based on ships in newly established homeports would experience additional separation in order to complete their annual training requirements at Fleet Training Centers at existing bases like Norfolk and San Diego. Admiral Bell testified that, on average, an Atlantic fleet officer and enlisted person spends almost 1 month each year in training. An additional month of separation might not seem like a long time, but it is important to remember that these services personnel could well have already spent between 6 and 9 months that year away from their homeport and families on a forward deployment cruise overseas.

Another area for concern for personnel assigned to the proposed new bases would be the increased number of geographic moves required. The chances are great that, at the conclusion of a sea tour homeported at one of these nine new bases there would be little opportunity for a shore duty billet there because it would be new, smaller, and lacking the high manpower needs of the established naval complexes and training centers. Consequently, when it was time for a service person to rotate to shore duty, if he were based out of one of the nine new ports he would most likely have to be reassigned to another location where

his services could be properly utilized ashore.

In commenting on these quality of life issues, former Chief of Naval Operations, Adm. Tom Hayward stated that "there are many reasons to question the—strategic homeporting—concept these days. I refer specifically to the numerous detrimental aspects which such wide dispersal to new bases will have on most military personnel, especially the career-oriented family Navy person."

So in summary, Mr. President, I am well aware that homeport facilities will have to be found for approximately 64 additional ships as we move toward our 600-ship goal. I am also aware that, no matter which cost estimates you use, whether from the Navy, the GAO, the Senate Armed Services Committee, or the Navy's independent consultant, there would be a very large additional cost increase entailed in constructing and operating nine new bases, an amount well in excess of that to homeport the ships at existing bases.

In my opinion, given the fiscal realities of the defense budget for the foreseeable future, we simply cannot both adequately procure, outfit and man a 600-ship Navy and operate our existing bases, and at the same time build and operate nine new bases.

So as an alternative, I would strongly recommend that the Navy reassess their dispersal plan to make better use of our sizable number of existing naval bases where highly effective base infrastructures, schools, and training areas already exist.

Mr. President, I suggest that constructing seven new Navy bases in five different States bordering on the Gulf of Mexico might make political sense for some but it does not make strategic sense for this Nation.

The distinguished Senator from Washington, Senator GORTON, in his remarks awhile ago in commenting on Senator BINGAMAN's statement said that Senator BINGAMAN tried to make a silk purse out of a sow's ear. That is a very engaging quote.

But I would submit that, excluding perhaps the base he refers to in his home area, a reference to pork might be very well taken. I would submit that the interest in this plan goes beyond our naval strategic interest.

I would like to quote some figures. The House Armed Services Committee has 45 members. Fourteen will be affected by this homeporting plan. The House Appropriations Committee has 56 members. Twenty-one members will be affected by what happens on homeporting. The House Appropriations Defense Subcommittee has 11 members. Six members will be affected by what happens on homeporting.

The Senate Armed Service Committee has 19 members. Only four will be affected. The Senate Appropriations Committee has 29 members and has a Defense Appropriations Subcommittee with 17 members, and out of those 17, 6 members will be affected.

I think Secretary Lehman's naval strategy is brilliant.

The admirals have favored this for a long time, and I do not doubt their sincerity. But I also know they are very interested in gaining political support for the Navy, and I do not blame them for that.

I hope the Senate will vote in favor of Senator BINGAMAN's amendment.

Mr. DENTON. Before the Senator quits, will he yield for a question?

Mr. GLENN. I yield.

Mr. DENTON. I consider the Senator's remarks relevant and sincere, and I would ask just to clarify. I want to ask a couple questions.

First, the Senator indicates he thought that Bremmerton was a good exercise in strategy.

Mr. GLENN. I would prefer to see us expand existing facilities that are cheaper and adequate to do the job.

Ships located in the proposed Everett port are much closer to open water and could not be bottled up. the same holds true for the proposed Staten Island port.

This is the reason I put these proposed ports in a slightly different category from the gulf ports.

Mr. DENTON. Does the Senator agree he is looking much toward the G-I-UK gap and not much toward the first possibility of having to engage, as the President has already indicated, the potential of the United States to engage in the Nicaraguan area if there were a quarantine or blockade similar to that which we put around Cuba in which case we, the United States, would be the one concerned with keeping open the gap in the Caribbean and gulf which alluded namely to the Yucatan Straits and Windward Passage, so on.

With three subs in Cuba, the Germans before we started escorting in World War II sank so many ships down there. As you know, we had something called Torpedo Alley in Guantanamo. You had a mass of ships on both sides. You will select a channel and see ships burning between Mobile and New Orleans. We did not have the escorts there.

We now intend to reinforce Europe if we have to. I mean that in deterrent sense, not in wartime sense.

In other words, if we are there, there is less likely the Soviets have the capability to get them out of there.

If we see that we do have, they are less likely to choose combat.

The same with Nicaragua, if they see we have the ability to steam directly there, we are focused there and not going to have to break through the windward gap or around Florida to get in. We can take care of the Yucatan Straits by the ships we have based there. That is the whole strategy and one of the reasons the Navy wants to do it.

I was where you are, I assure the Senator from Ohio, about 4 years ago, until I started contemplating the 60 percent reinforcement from the gulf to Europe how much we sacrificed in World War II not having escorts in the gulf and the situation in Central America having changed from where they were 4 or 5 years ago condemning us for what we did in Grenada. It would have been a threatening act on our part to, in that arc, focus ships towards that area.

They resented it politically. Now they have asked for help in Honduras, Costa Rica, El Salvador, against the ambition of Nicaragua, supported by Cuba and it becomes politically necessary. That is why I changed my mind, and I suggest that is logic.

Mr. GLENN. The situation today is very different from the situation during World War II. I trained out of Corpus Christi during World War II. I know what happened in the Gulf of Mexico. We used to be sent out on night missions down there. It is true that a lot of ships were sunk in that area.

But I would emphasize that there is a different situation today with our ability to monitor what goes through these channels and what is in the Gulf of Mexico.

I do not think that the situation today requires the protection we would need if we did not have the monitoring capability now that we did not have in World War II.

Regarding Nicaragua or protecting the Panama Canal, which should be a primary concern to us, if one looks at the distance from the Panama Canal to the Gulf of Mexico, and the distance from the Panama Canal to the east coast ports, they are almost identical. You swing an arc.

So the steaming time needed to protect the Panama Canal is going to be about the same out of the gulf as coming down from the ports in the Southeastern United States. It may be a few miles farther, but not enough to make the difference as to where we homeport.

We want to make sure that these additional ships are placed where they can do the job, where the choke points of the world are most accessible so that we can control those seaways in any future war.

To me, locking these ships up in the Gulf of Mexico is not only expensive, but a mistake strategically.

I urge support for the amendment of the distinguished Senator from New Mexico. He has done an excellent job and I am glad to support him in his efforts.

I yield the floor.

□ 2050

Mr. TRIBLE addressed the Chair.

The PRESIDING OFFICER (Mr. GORTON). The Senator from Virginia.

Mr. TRIBLE. Mr. President, I rise in support of this amendment. I have listened carefully to the debate over the last many hours. In truth, Mr. President, there are good arguments for homeporting and good arguments against homeporting. I have weighed those arguments over many months and find that the costs of this program are excessive and the strategic gain is minimal. Therefore, I support this amendment and oppose the implementation of this ambitious strategic homeporting plan.

During my 10 years in Congress, I have been a partisan of the Navy. I have supported efforts to build our naval forces and, indeed, have helped to shape the 600-ship Navy, first, as a member of the House Armed Services Committee, and now as a Member of the Senate.

However, my commitment to seapower as an indispensible element of our national strategy leads me to believe that this plan should not be adopted. The strategic homeporting plan to disperse surface ships among many ports adds little to our military capability and will cost our taxpayers billions and billions of dollars.

Simply stated, strategic homeporting would be an intolerably expensive addition to our defense budget.

Now let us talk about the cost and let me endeavor to summarize the arguments advanced in support of this amendment and to meet as persuasively as I can the arguments made against this amendment.

The Navy's estimated cost to the homeport proposal is very high, a minimum of $799 million. The General Accounting Office disputes the Navy's cost and suggests the price tag for additional homeports will be much, much higher. How much higher? No one really knows, but surely costs will be far greater.

However, it is apparent that this $800 million figure is unrealistically low. It excludes costs which are essential to establishing new ports. This $800 million does not—I repeat, does not—include such basics as military family housing, expanded ordnance storage, maintenance facilities. It does not include the additional costs for annual operations. Here, the costs are uncertain. But make no mistake, the costs will be considerable.

We have heard talk in the debate about choke points and the importance of deploying our fleet. In order to do that effectively in these new ports, the United States is going to have to acquire a capability we now lack, minesweeping capability. Right now we have a total of 21 minesweepers, all of which were built in the 1950's, all of which are simply inadequate to meet our present requirements.

If we add these homeports as envisioned by this strategic homeporting plan, we will have to add between 10 and 20 minesweepers to accommodate these new requirements. Each minesweeper costs a substantial amount of money, at least $100 million.

So, in computing the cost of this program, let us be mindful that many, many factors have been left out of the computation and an important element of our future ability to implement this plan is the ability to gain access to blue water and that will require an expanded minesweeping capability that will cost between $1 billion and $2 billion to acquire. Indeed this minesweeping force may not be obtainable at any price.

I would refer my colleagues to page 69 of the Defense Authorization Act report filed by the Armed Services Committee:

> . . . the committee is very concerned about serious shortcomings in this nation's mine countermeasures capability. Despite good faith efforts over several years to redress this deficiency, little progress has been made. Given the urgency of this situation, the committee now believes that unusual corrective measures are warranted.
>
> Rather than design a wholly new ship, with all the delay and risk that course would entail, the committee recommends the Secretary of the Navy be authorized to use up to $100 million . . . to acquire a European design capable of meeting our MSH mission. This initiative would add near-term minehunting capability to our fleet . . .
>
> The committee expects that follow-on ships of whatever design the Secretary selects will be built in quantity in the United States.

We do not have adequate minesweeping forces today. Indeed, that capability may well be unavailable for years. If available, it will cost between $1 billion and $2 billion.

Now let me make one final point, Mr. President. The Navy's numbers are bare bones figures. To expect that Senators from new homeport States will be content with this very austere program is to engage in political fantasy. If I was in their position, I would come back next year and the year after and the year after and demand more in terms of support for those naval forces. And that inevitably this Congress will appropriate more and more dollars to that task. We are talking about billions and billions and billions of dollars to implement this strategic homeporting plan.

At a time of unprecedented budget restraint, homeporting would be implemented at a cost of more ships, planes, ammunition, steaming time, training exercises and the other programs vital to our maritime strategy and supremacy. The moneys for new homeports will come from somewhere and they will be taken from things like hardware and readiness, or, indeed they will be taken from nondefense programs that are vitally important as well.

Now let us move beyond cost. Even if the costs of homeporting were not excessive, I believe the strategic arguments for this program are unpersuasive. The contributions of homeporting to our military capability will be, at best, minimal.

Truly, the Navy has yet to demonstrate that strategic homeporting will increase ship survivability and reduce the vulnerability of our surface fleets to attacks or mining operations. There has been woefully little debate thus far about strategy and tactics. I find that quite interesting.

One would have thought that the proponents of this program would have come forward and laid out the strategic basis on which this program is advanced. The only strategic argument we have heard thus far is, "Don't put all your eggs in one basket." Well, that has some persuasion. It is common sense that to the extent you can disperse your military assets, you are better off; you certainly complicate the task of your adversary. But that argument should not to be persuasive when we assess the real gain and recognize it is minimal, at best, and when we recognize that in order to implement this program it will cost billions and billions and billions of dollars.

The prior speaker has talked about strategy and tactics. He is really the first speaker to do so.

Well, ours is a forward deployed naval force. Our mission is to take the battle to the enemy and to fight our enemies nearer to their shores than our own. A third of our naval forces is at sea at all times.

What happens in a nuclear exchange? Obviously, in that scenario, all homeports are targeted and destroyed. That is not what we are talking about here. Rather what we are talking about is a conventional scenario.

And the Navy's reasoning and argument follows these lines: they believe that it is quite possible—and indeed this is supported by Soviet literature—that there could be a confrontation between the superpowers, a period of rising tensions and a conventional exchange.

□ 2100

Our naval brass argues that in that kind of scenario our naval forces would be more secure if dispersed and the job of our adversary more complicated in terms of mining, interdiction and the interception of our ships as they go to deep waters.

There is some credibility to that argument. But is that a likely scenario? I think not. Navy officials themselves have indicated that a conventional threat is relatively low. If the threat is

low, it is difficult for me to see the gain of dispersing this fleet. Certainly it is not compulsive.

In fact, I would suggest to my colleagues that dispersing our naval forces may very well reduce ship survivability. For example, these proposed new home ports are open commercial ports, and they freely welcome all the shipping in the world. Not so in Hampton Roads and San Diego. As a condition for maintaining a fleet presence in those ports we have closed our ports to Eastern bloc shipping because it represents a very clear danger to those naval forces.

I remember many years ago being petitioned by the chamber of commerce in Hampton Roads area saying no other ports have to live with that kind of limitation and loss of economic opportunities. Let us open it up, our port they argued. Well, Congressman BILL WHITEHURST, a senior member of the House Armed Services Committee and I received an in-depth Navy briefing on the threat posed by Eastern bloc shipping to our naval forces. It is a very real one. And that real threat will now exist in all these new home ports that are open to the commercial shipping of the Eastern bloc and the Soviet Union. Surveillance, sabotage, mining, and other risks will be imposed. Mr. President, strategic homeporting does not make our forces more secure; this program will make our naval ships and personnel more vulnerable.

Let me address one other argument.

It is argued that the dispersal of our naval forces will in some way aid our industrial base and add to our ship repair capability. This argument for strategic homeporting simply defies all logic. Existing home ports and private shipyards have more than adequate ship repair capability to meet the Navy's demands. There is no reason to increase ship repair capability in new home port areas when existing yards—like the outstanding shipyards in Hampton Roads—can meet those needs and need the work. Our industrial base will be maintained, Mr. President, by building more ships, not by spreading around an inadequate amount of work to additional shipyards.

Let me bring all of this to a close by simply saying that I cannot support the homeporting proposal. Not only is the cost of strategic homeporting unacceptably high, but it yields operational improvements of a marginal value. Our scarce and valuable taxpayer dollars should be spent for other more pressing national requirements.

I urge the adoption of this amendment.

Mr. PELL and Mr. GOLDWATER addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. GOLDWATER. Mr. President, I rise to support this amendment. I want to speak very, very briefly as to why.

Mr. President, tonight we have heard from Colonel GLENN, or Senator GLENN, a man who has been trained as a fighter pilot, as a fighter, as an officer by the Marine Corps. He knows what he is talking about. We have also heard from Senator DENTON, who is trained in military at the Naval Academy. He has had a distinguished war record of which we are all very proud.

So when I eliminate Senator GLENN, who is voting with me on this amendment, it is very difficult for me to stand up and oppose so many of my friends. I think of Senator WARNER, Senator CHAFEE, Senator STENNIS, one of my oldest friends in this body, and it is not easy to take this position. But it would be very difficult for me to live with my conscience if I voted any other way tonight.

A number of months ago I made the statement that this is one of the biggest political boondoggles I ever heard of. I used the word "boondoggle." It has been referred to tonight in some other way. But it all adds up to the same thing.

We have 13 States, Mr. President, that are indebted to the Secretary of the Navy. That is 26 votes for anything that the Secretary of the Navy happens to want. I think it was a brilliant political idea, probably one of the best that we are ever going to be confronted with while we are in the U.S. Senate. We have had the fact driven home to us that there has been no opposition from the Navy admirals. Who expects a Navy admiral to complain? Would an Air Force officer complain if this were an Air Force matter or an Army person complain if it were an Army matter? Lord knows what the Marines would do.

Mr. President, this whole thing to me is ludicrous. I think it is a terrific waste of money. I make this prediction. I will not be here to see if it is true or not because I will be out home, and I read the papers. This is going to cost over $10 billion before you are through fooling around with this homeporting. Somebody might say, "Why didn't you get a home port in Arizona?" [Laughter.]

I thought about it. But we would have to truck them quite a ways. [Laughter.]

Mr. NUNN. If the Senator will yield on that, we are going to try to arrange for the Navy's new tall ship to be stationed in Arizona. We hear you have a lot of wind there.

Mr. GOLDWATER. We have more wind than we know what to do with. In fact, we have a lot of dry air out there, and, in fact the trees chase the dogs. [Laughter.]

So, Mr. President, I am glad all of this debate and this argument and all of that is over. We have spent 5 hours on this helping 13 States, but in particular 2 States. I am particularly opposed in every way, strategy, economics, any way you want to look at it.

I yield the floor.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I rise in opposition to the amendment before us. In my view, the issue before the Senate is not one of funding nor of politics but one of maritime necessity. No one disputes that the $141 million contained in the defense bill for homeporting will benefit specific localities. Appropriations always help someone.

The important point, though, is that military experts are agreed that dispersing the fleet is a strategic necessity. Some have said that this concept was a fine idea for World War II but has no relevance for the nuclear age. I would say that just the opposite is true. If war should occur, nuclear escalation is possible but not inevitable. This terrible prospect is inversely related to our conventional capabilities and strategic options—the less able we are to fight at a conventional level, the more likely that nuclear escalation will occur. Strategic homeporting, as devised by Secretary Lehman, enhances our conventional posture and flexibility thereby raising the nuclear threshold. Thus no concept could be more relevant to the nuclear age than strategic homeporting. Moreover, in addition to increasing survivability, strategic homeporting will result in decreased sailing time in order to form battle groups, enhancing our flexible response and deterrence and allowing us to prosecute a war more effectively at the conventional level.

I am particularly pleased, Mr. President, to see that the Navy is making the very same arguments today about dispersing the fleet that my senior colleague (Mr. Pastore) and I made 13 years ago when the Navy regrettably, and wrongly, pulled out of the Northeast to concentrate its forces in the ports of Norfolk, Charleston, and Mayport.

I remember at that time 13 years ago making the argument that by withdrawing to southern ports the Navy was increasing the steaming time to the North Sea area from between 12 to 41 hours. Hours are critical at a time when a rapid response is necessary, and in any case a great deal of fuel is used.

I know when you follow on the Great Circle route going abroad, you can leave Washington, and an hour later I can look out of that airplane sometimes and see a point of land and my own house on it. We do not realize when you take the Great Circle route to Europe from Mayport, from Charleston, from Norfolk, or from

Rhode Island, that you are following the same line and the same route.

□ 2110

The steaming distance to Gibraltar, the best I can recall, was shown as 3,100 nautical miles from Rhode Island, while Norfolk, Charleston, and Mayport are, respectively, 197 nautical, miles 450 nautical miles, and in the case of Mayport, 602 nautical miles further.

Obviously, it makes sense that the fighting ships of our fleet should be where they can be in their positions and at their posts of duty and of patrol as quickly as they can. To do that means dispersing them.

What puzzles me a little bit is the thought that when Senator Pastore and I advanced this argument 13 years ago the Navy ignored it and said they were going to concentrate the fleet in Norfolk, Charleston and Mayport. Now they are making the very same sensible argument that we made at the time. I am very glad that they are. I congratulate Secretary Lehman on reversing the policy they had in 1972 when they pulled the floating Navy out from the very ports to which they are now intending to return them.

Now, 13 years later, the ports where the Navy concentrated its vessels are overcrowded and are virtually sinking under the weight of naval and military installations.

The Navy has finally and wisely embraced the identical arguments that Senator Pastore and I made against closing the northern ports in 1973.

Moreover, the last six men who served as Chief of Naval Operations have strongly endorsed the concept of strategic homeporting. This plan is a realistic investment and gives all an increase in national security.

I renew my congratulations to the Navy for making the same arguments we made 13 years ago. I wish they had followed them then. We would have avoided a great deal of expense and labor.

Mr. NUNN. Mr. President, I will not speak on this amendment, though I must say I share some of the sentiments expressed by my colleague from Arizona. I would like to point out partly in jest and partly serious that it has come to my attention this week that there have been several news articles saying that the Navy plans to build a new tall ship. I was making that comment about Arizona in jest. But nevertheless, it is serious that the Navy is planning on building a $20 million new tall sailing ship.

According to the article the goal of the Navy is to "dwarf the one used by the Navy's arch enemy, the Coast Guard."

I wonder when the Coast Guard got on the Navy's enemy list.

It seems to me that we have almost a joke here when we are talking about the Navy having something like $112 billion in cuts that they are going to take over the next 5 years from the 5-year defense plan, assuming a zero growth.

That may not be the right assumption, but if it is a 1 percent growth, it will still be in the $80 billion or $90 billion range. And here we are talking about building a tall ship.

I sat in the New York harbor on July 4 and enjoyed very much the parade of tall ships. I was proud of our Coast Guard ship, the *Eagle.*

I think it is not right for us to be talking in this kind of fiscal environment about building that kind of ship when we have every penny we can possibly get our hands on going to maintain the Navy's ships that they have already built.

I hope the reports are correct that the Secretary of Defense said no. I think he should say no.

I may or may not offer this amendment later on, but I would like to leave it here tonight and let my colleagues contemplate it. I may have an amendment saying:

No funds authorized to be appropriated by this or any other act may be used by the Navy for, first of all, planning, designing, or constructing a Navy ship primarily powered by wind; raising, refurbishing, or recommissioning the Monitor or the Merrimack or any replica thereof, or the Arizona; three, introducing biplanes as light attack bombers aboard Navy aircraft carriers; or, four, developing submarines made wholly or largely from wood products.

I hope the chairman will consider that because at a later time in the debate I may offer it.

Mr. GOLDWATER. I would like to be a cosponsor.

The PRESIDING OFFICER. Is there further debate?

Mr. WILSON. With all due respect to the wishes of my colleagues, Mr. President, and the fact that they have spent long hours filling the pages and the air with arguments, I think it is no oversimplification simply to point out the fact that this body has consistently, within recent years, supported the growth in the fleet, the building of the Navy, specifically by the addition of ships to its inventory. There is a certain logic that compels providing accommodations for those additional ships, or, to put it more simply, if you are going to add to the number of ships, you necessarily are compelled to add to the accommodations for their berthing.

Yes, you can defer maintenance, you can defer construction, you can, for a time, put off certain costs, but there is a cost in doing so.

I would suggest that what is being urged upon us here by the proponents of the amendment is just that kind of shortsighted, temporary cost-saving. Ultimately, we are going to have to do what the Secretary of the Navy has proposed. It will not be cheaper, I submit, if we delay and defer the inevitable act required to accommodate a 600-ship Navy or a 550-ship Navy. The point is, if we are going to add to that inventory, if we are going to try to rebuild that fleet, we are going to have to provide the necessary facilities to do so.

I think that the time has come to face that simple fact, not to defer the decision in favor of increased future costs but, rather, to get on with the business of homeporting now.

Mr. HEINZ. Mr. President, the debate over the Navy's homeporting plan comes down to two questions: What is the soundest basing strategy for our Navy, and how much are we willing to pay for it?

I support the Navy's strategic homeporting concept and oppose this amendment to divert money from the program.

Over the last 20 years the number of Navy homeports has dropped from 65 to 34. That number—34—sounds like a large number of ports, but that is misleading. Many of these ports are small, shallow draft or very specialized in purpose. In fact, there are currently only seven deep draft ports. These are the ones capable of homeporting a battleship or carriers battle group. Under the proposed Navy plan, the number of deep draft ports would be increased by five, or almost doubled. Significantly increasing the number of deep draft ports—as proposed by the Navy and the SASC—is strategically important to the Navy's essential role in our overall national defense effort.

Mr. President, let me provide some brief background on this issue.

Congress has agreed with the Navy that we need a 600-ship force to meet our commitments around the globe. In 1980, our Navy had 479 ships. Under the expansion program, we expect to have 609 ships by 1992. Without additional homeports, our growing naval fleet will be restricted to more crowded bases. Absent additional homeports, the fleet's deployment will become concentrated in a few areas of the country.

Today, 43 percent of the Navy's ships, are based in just two ports, San Diego and Norfolk. Seventy percent of our naval forces are situated in just seven homeports. We will add five battle groups to the Navy in the next decade, two groups centered around aircraft carriers and three headed by battleships. Without additional homeports, all that additional combat power would be concentrated in existing ports that already serve as the bases for our more than 500 ships.

Under such circumstances, the successful blockade, mining, or submarine interdiction of our forces would be a potentially feasible, even inevitable, strategy.

Mr. President, concentrating our fleet's basing is a fundamental violation of basic military strategy. Such basing creates a vulnerability that threatens the massive investment we are making in our naval program. Ironically, this is a vulnerability that we have always counted as a problem for the Soviet Union. One of the principal disadvantages suffered by the Soviet Navy is the small number of vulnerable ports at which its fleet is based—at a few bases in the Soviet Far East, on the Arctic Coast, and in the Black Sea. All of these locations suffer from limited access, and our key advantage lies in our ability to concentrate our offensive activities—surface air and subsurface—against these few spots in time of war.

The other advantages to the dispersal plan are the greater geographical flexibility and the expanded logistics support it gives our fleet. Today the U.S. Navy has no active combat surface ships based north of San Francisco, CA, on the west coast, or north of Norfolk, VA, on the east coast. We have no significant combat presence in the Gulf of Mexico at all.

Spreading our fleet strengthens our industrial support base. By spreading maintenance work to more contractors, we get improved competition in peace and a better support capacity in war.

Basing ships in more ports also better integrates our reserve personnel into the active fleet. Philadelphia, in my home State of Pennsylvania, while not at this time a part of the new homeport initiative, has already benefited from the wider basing of Navy ships. Philadelphia is the homeport for four reserve Perry-class frigates. This greater contact between the Navy and the society that it protects is good for the Navy and good for the American people.

Mr. President, it is clear that the Navy's strategy is sound. The second question is what are we willing to pay to provide greater protection to the ships and men in our Navy.

There are disputes about the precise costs of the Strategic Homeporting Program. According to Navy estimates, which have been verified by an outside accounting firm, the cost in military construction funds for the Navy's homeporting program is $799 million. To base the new ships we are building in existing ports, we would have to spend some $629 million. The net capital cost of our dispersal plan is $217 million. Additional operating costs are estimated to be from $35 to $50 million, out of a Navy operations budget of $25.5 billion.

Critics claim that the cost estimates do not include housing for families and other support items. But we will have to provide these facilities in any case, whether the new ships are based in new or old ports. And some of the existing ports, such as San Diego and Norfolk, have housing shortages or prices that are out of sight. So basing our new battlegroups in other areas could actually present savings when all factors are taken into accout.

But the central question is whether the additional expenditure of $217 million even if it is not offset by savings elsewhere, is justified by the numerous strategic benefits I have described. I believe it is justified. I believe we should exploit our geographical advantages to enhance and protect our naval power. I urge my colleagues to join me in opposing the amendment.

● Mr. HATFIELD. Mr. President, by 1992, the U.S. Navy fleet will include more than 600 ships. I am not an advocate of that expansion, Mr. President, and have consistently opposed appropriations for it. But the decision has been made and those of us on both sides of that issue must come together to ready our strategy and facilities to accommodate the additional ships. It simply makes no sense for this Congress to allocate funds for fleet expansion and then ignore the needs it will create.

Mr. President, I support the Navy's strategic homeporting plan. I support it because it will enhance the strategic value of our expanding fleet, and because it is cost effective.

By dispersing the Navy fleet to strategic geographic areas, our responsiveness is made more flexible and more effective. Such strategy holds true regardless of the fleet size—200 years ago, John Adams advised that we "disperse the frigates". Each strategic homeport in the plan we are now considering was chosen carefully to provide the best coverage of our various flanks. The strategic homeports will also insure the integrity of fully constituted battlegroups, providing for immediate response to crisis. Finally, the dispersal will complicate enemy targeting.

Despite the compelling strategic rationale for this plan, I would be hesitant to support it if it were fiscally irresponsible. It is not—indeed the Navy has agreed to lock the cost of the plan at $799 million. Take from that the cost which would be required to expand existing homeports to accommodate the growth in the Navy fleet—$629 million—and we are talking about a net cost of approximately $170 million. For less than the cost of a single ship, we can enhance deterrence and improve our strategic posture. In addition, increased competition will mean that the long-term effect of strategic homeporting will be increased revenue in the homeport areas. That strikes me as a pretty good deal.

I would like to make a final point in opposition to the amendment we are considering. Not only does the amendment take money away from a worthwhile project, but it also puts up a smokescreen, blurring our vision of the issue before us. Whether or not the Navy needs additional munitions funding is not the issue. The issue, Mr. President, is strategic homeporting.

The strategic homeporting plan included in the fiscal year 1987 Department of Defense authorization bill is a sensible response to a demonstrated need. I urge my colleagues to vote against the amendment now before us.●

Mr. WARNER. Mr. President, I support the Navy's strategic homeporting policy.

While I have received some criticism of my support for strategic homeporting from some of those within my State who believe that the Port of Norfolk might be adversely affected, I have taken a position which I believe is in the best interests of the national security of our Nation.

I ask unanimous consent that a Dear Colleague letter prepared by myself and another former Secretary of Navy, the distinguished Senator from Rhode Island, Mr. CHAFEE, be printed in the RECORD. Senator CHAFEE and I have expressed our views on strategic homeporting in this letter sent to each Senator today.

I also ask unanimous consent that a recent article by the new Chief of Naval Operations, Adm. Carl Trost, which appears in the most recent edition of the Reserve Officer's Association National Security Report also be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
*Washington, DC, August 5, 1986.*

DEAR COLLEAGUE: Much has been said and written recently regarding the Navy's plans to disperse the projected 600 ship Navy among a greater number of port facilities located in the United States. These plans envision adding homeport facilities in New York, Washington, and the Gulf Coast. We desire to share with you the reasons why we were persuaded to support this fleet dispersal program.

Our decision on this issue is predicated upon national security considerations, as confirmed by the best professional judgement available; namely, the present and former Chiefs of Naval Operations.

When the DoD recommendation first came to the Senate, Senator Warner, concerned by the added costs associated with new ports, initiated hearings and specifically directed that former Chiefs of Naval Operations be urged to testify or provide the Armed Services Committee with their views.

Four former Chiefs of Naval Operations, along with the current Chairman of the Joint Chiefs of Staff, Admiral Crowe, joined the present Chief, Admiral Trost, in providing their unequivocal judgments that the plan was in the strategic interests of our national defense policy (only one chief dissented).

An important part of their reasoning was predicated on the changing tactics of Soviet ASW forces, the ever-increasing overall size of Soviet Naval forces and their operational

areas, and the growing importance of U.S. military presence in the Southern hemisphere, along with the need to shorten the steaming hours of our fleet units from U.S. ports to those areas.

The Secretaries of Defense and Navy, in accepting this military judgment, decided an allocation of resources in support of this program is a high priority. These arguments make sense to us.

We therefore urge you to support the legislation to disperse our growing fleet.

Sincerely,

JOHN H. CHAFEE,
JOHN W. WARNER.

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STRATEGIC HOMEPORTING IS A NECESSITY

(By Adm. C.A.H. Trost, USN)

In recent weeks the idea of strategic homeporting—and the budgetary authorizations that would permit this idea to be implemented at several key locations in the country—have been vigorously debated in the Congress. The sailing has not been altogether smooth. Serious charges have been made that strategic homeporting is a political agenda, and that in an era of fiscal austerity the country cannot afford a Navy pork barrel.

The issue is not about politics but about maritime strategy. No one disputes that the additional moneys required to disperse the operating bases of our fleet and broaden the industrial bases that support our fleet will benefit specific localities and interests. Appropriations always help someone.

But what the current debate needs to reaffirm is that money required to implement strategic homeporting—about $200 million over and above the costs required to base ships at locations already in service—is a wise investment that will give all of us a significant increase in national security as a result. Strategic homeporting is a professional question of vital and immediate interest to our country.

Strategic homeporting has its roots in the current growth and modernization of our Navy. The Navy is undergoing, at considerable expense, a much needed modernization to restore its strength—strength depleted in the years after Vietnam—to enable it not only to compete with any potential adversary but to prevail in an armed conflict.

As a vital and integral component of our national defense, the Navy's modernization is part of the larger recovery of strength that has already had such an important effect on America's position in the world. Our nation has seen the results from this effort, most recently in the Mediterranean.

The key element of this modernization is the expansion of the fleet to 600 ships. This is not a "magic number," but a reasonable level of offensive and defensive naval power required to support our national maritime strategy. Congress has approved the building of the ships required to meet his national goal. In a nutshell, strategic homeporting answers this question, "Where shall we put them?"

At present our Navy numbers 555 ships stationed in 34 ports, both at home and overseas. Of these ships, 53 percent are concentrated in two ports, Norfolk and San Diego. These are vital naval bases.

The fiscal year 1986 Appropriations Act provided money to start building a battleship battlegroup support complex at Staten Island, N.Y., and money to buy land for a carrier battlegroup support complex at Everett, WA. These were among the first actions under the strategic homeporting concept. In addition, money will be requested to open bases on the Gulf Coast for the ships of a Carrier Battlegroup in Pensacola, Pascagoula and Mobile and for ships of a Battleship Surface Action Group in Corpus Christi and Galveston.

After some ups and downs, the follow-on appropriation for fiscal year 1987 was rejected by the House as too expensive. Further debate in both chambers will be scheduled, and it is safe to say that the merits of strategic homeporting will be examined closely in the future as we try to incorporate this idea into the national consensus about our defense posture. Strategic homeporting must not die an untimely death.

Why?

The reasons are relatively simple, and again, they transcend politics.

First, we need to reduce our present strategic vulnerability. All of us recognize the mistake we made just before the Pearl Harbor attack when we allowed our airplanes to be parked "wingtip to wingtip" at Hickam Field and other key installations in the area. That same thought was foremost in the mind of President Kennedy in the opening hours of the Cuban Missile Crisis when he gave sweeping preemptory orders for a strategic dispersal.

Today the problem has recurred, but with ships instead of airplanes. Acting out of a worthy concern for reducing costs, a previous administration shortly after the Vietnam conflict cut our number of bases nearly in half. Very simply, we now have too many ships stationed in too few ports. Dispersal of forces to maximize survivability and to compound a potential enemy's containment problem is a basic tenet of military planning. The strategic homeporting concept supports this tenet.

The Soviet Navy with its numerous submarines, minelayers, and cruise-missile platforms could make it very difficult for us to sortie in accordance with our war plans if the need should arise. The idea of being "bottled up in harbor" is not at all farfetched.

Second, we need to broaden in the industrial base that supports our fleet. This is absolutely necessary. It is also equitable. The number of shipyards capable of performing effective overhauls on our complex ships is dwindling at an alarming rate. Now contrast that situation with the desperate days of World War II when an industrial base saturated with work orders was capable of producing the "100 day destroyer" when "Rosie the Riveter" was hard at work at literally hundreds of facilities around the country; and you will see how serious the problem has become.

The Navy—and the entire maritime industry—depends on a healthy and well-developed shipbuilding and repair industry to provide new ships and maintain existing ones. This industry must be broadly based and have the depth required to reach wartime production levels if necessary. Dispersing our fleet units also spreads the opportunity to perform repairs, and therefore encourages the sustainment of this vital industry.

All of us Americans, through our tax dollars, support the ships and the men. It is only fair that our support base be extended to a broader cross-section of the populace as well.

Third, we need to station our ships where the action is. The Navy traditionally has provided the first response to crisis spots throughout the world, and often if needed "on station" now. In a crisis, battle group units may have to sortie on short notice to protect our sea lines of communication. For example, few Americans realize that 55 per cent of the petroleum bound for the US must now transit the Caribbean.

The Caribbean states also provide 75 per cent of our nation's aluminum requirements. In addition, 44 per cent of our foreign trade exports pass through the Caribbean. During World War II, over 50 per cent of the supplies and reinforcements bound for Europe and Africa passed through ports in the Gulf of Mexico. Today, significant numbers of NATO reinforcements and a large percentage of resupply material would originate at these same Gulf ports.

Having a number of ships nearby, available in war and counterpoised in peace, just makes sense. In the northwest, the oil routes between Alaska and the continental US are almost completely unprotected. A carrier battle group stationed in Puget Sound would provide an immediate option to our President and Secretary of Defense if Alaskan oil or other critical national assets in that area should be threatened.

A similar case can be made for the easy accessibility of northeast ports to the vital sea lanes to Northern Europe. Strategic homeporting provides us tremendous flexibility and will save us precious days and hours if we should ever need them.

Fourth, our present facilities will be overloaded if we do not open new homeports. Six hundred ships could certainly fit in our present ports. But many would have to anchor out or be nested together, their crews would have to stay on board in three-section duty while their engineering plants were steamed and the opportunities to shut down equipment for proper maintenance would be extraordinarily reduced. Adequate pier space is not available.

The modern facilities required for power, water, and sewage—in a world of complex ships that do not damage the environment—are inadequate. Strategic homeporting will allow us to provide proper basing at an affordable cost with clear cut strategic and operational advantages.

Finally, we need to disperse our ships, and our natural features permit us to disperse them. Our long seacoast and warm-water harbors are essential features of our geography which give us an enormous strategic advantage over the Soviet Union. For us not to exploit our advantage would be to yield up, for a small savings, a factor that might prove decisive either in deterring war with the Soviet Union or, if necessary, in producing a favorable outcome.

Strategic homeporting is an idea from the past whose time must come again, and must come now. It is the most inexpensive insurance that we can pay for the security of the fleet and our nation.

Mr. PACKWOOD. Mr. President, I rise in opposition to the amendment offered by Senator BINGAMAN to delete funding for the Navy's strategic homeporting proposal. Mr. President, I support the Navy's homeport proposal, particularly in light of the recent announcement that Oregon shipyards will be included within the Puget Sound homeport district, and will now be eligible to bid—on an equal basis with Puget Sound shipyards—on short-term Navy contracts both current and future. This will provide great benefits to Oregon shipyards both in the near and long term, and it

makes sense strategically as well. I urge my colleagues to oppose the Bingaman amendment and support the Navy's homeport proposal.

Mr. BINGAMAN. Mr. President, I believe everybody who wants to has spoken on this issue. I will not repeat the arguments. I will urge my colleagues to support the amendment to transfer these funds over for the use of Navy munitions. I would suggest the Senate is ready for a vote on this issue.

The PRESIDING OFFICER. Is there further debate?

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I want to make one or two points before we vote.

Cost has been referred to. I want to remind the Members of the Senate that we are going to get the ships and they have to be put somewhere. If you put them into existing ports, it will cost $629 million. You have to provide that under any conditions.

If you put some of these ships into new ports, the total cost is $846 million, but they will be dispersed, where they will be much safer.

The difference is $217 million over 5 years. We think it is worth $217 million to assure that those ships and the places where they will be dispersed will not be subject to a Pearl Harbor attack. You know what happened at Pearl Harbor. Everybody remembers what happened at Pearl Harbor, those living at that time. Our entire Navy was practically destroyed out there. We do not want that to happen if we have another war.

Or from a terrorist standpoint, a missile could be sent in or a terrorist could use other means to destroy these ships.

From the strategic standpoint, and that is the main point we have made here, the cost is very little more, but from a strategic standpoint, we think it is exceedingly important. The Secretary of Defense recommended this. The Secretary of Defense is over the Army, the Navy, and the Air Force, but he recommended this for the Navy. He thought it was right.

The Secretary of the Navy said, "If reductions must be made in the budget we submitted, strategic homeporting is at the top of our list of programs that should remain intact."

That is the top Navy man in the United States.

Mr. President, I want to say further that, of course, these admirals would go along. Well, maybe those in service may have some inclination to possibly do that. However, it is difficult for me to think that Admiral Crowe, the Chairman of the Joint Chiefs of Staff, would go along. After this service he will retire. Admiral Crowe is strong for this program. He thinks it is for the best interests of the security of our Navy and of this Nation.

□ 2120

We shall leave out Admiral Trost, present Chief of Naval Operations or we shall leave out Adm. Jim Watkins, former Chief of Naval Operations, both of whom favor this program. Let us go to some others.

Admiral Zumwalt is a former Chief of Naval Operations. He strongly favors this program. Admiral Holloway is a former Chief of Naval Operations.

The are not under the gun. They have retired. They have no ax to grind. They are merely giving opinions to this country as to what they think is best for our national defense.

Adm. Ron Hays, Commander in Chief in the Pacific, and several other CINC commanders are strong for this program.

Here is another former Commander in Chief who is retired, Admiral Foley. He thinks we ought to have this program. He said:

> With regard to the priorities of the homeporting initiative and in relation to other national security programs, I believe this requirement is important enough to be funded even in this period of a lean budget.

Even when he knows they have to cut defense, he says he knows that has to be done.

Admiral Long is a former CINC. He is retired. He has no ax to grind. These are patriotic, devoted Americans who have given their lives to serving their country. They are merely trying to advise us now as to what is best to preserve the ships that we are going to build.

These ships are going to cost a lot of money. To destroy one ship would cost twice as much as this program will cost.

In closing, I just want to say the Senate should think carefully about this matter. The subcommittee put it in the program; the full committee put it in the program. It is in the bill now. We think it ought to stay in the bill. And I hope the amendment will be defeated.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment of the Senator from New Mexico [Mr. BINGAMAN]. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Nevada [Mr. LAXALT], is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 34, nays 65, as follows:

[Rollcall Vote No. 181 Leg.]

YEAS—34

| | | |
|---|---|---|
| Abdnor | Glenn | Matsunaga |
| Andrews | Goldwater | Melcher |
| Bingaman | Gore | Metzenbaum |
| Bumpers | Grassley | Nunn |
| Burdick | Harkin | Proxmire |
| Byrd | Hart | Pryor |
| Cranston | Inouye | Riegle |
| Dixon | Kassebaum | Rockefeller |
| Domenici | Kennedy | Simon |
| Durenberger | Kerry | Trible |
| Eagleton | Leahy | |
| Exon | Levin | |

NAYS—65

| | | |
|---|---|---|
| Armstrong | Gramm | Nickles |
| Baucus | Hatch | Packwood |
| Bentsen | Hatfield | Pell |
| Biden | Hawkins | Pressler |
| Boren | Hecht | Quayle |
| Boschwitz | Heflin | Roth |
| Bradley | Heinz | Rudman |
| Broyhill | Helms | Sarbanes |
| Chafee | Hollings | Sasser |
| Chiles | Humphrey | Simpson |
| Cochran | Johnston | Specter |
| Cohen | Kasten | Stafford |
| D'Amato | Lautenberg | Stennis |
| Danforth | Long | Stevens |
| DeConcini | Lugar | Symms |
| Denton | Mathias | Thurmond |
| Dodd | Mattingly | Wallop |
| Dole | McClure | Warner |
| Evans | McConnell | Weicker |
| Ford | Mitchell | Wilson |
| Garn | Moynihan | Zorinsky |
| Gorton | Murkowski | |

NOT VOTING—1

Laxalt

So the amendment (No. 2571) was rejected.

□ 2140

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BENTSEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 2587

(Purpose: To provide community planning assistance for gulf coast homeport sites)

Mr. BENTSEN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

Mr. NUNN. Mr. President, may we have order in the Senate, please?

The PRESIDING OFFICER. The Senate will be in order.

Mr. GOLDWATER. Mr. President, in the interest of Senators present——

The PRESIDING OFFICER. Will the Senator desist for a moment, so that we can restore order in the Chamber?

The Senate is not in order. We will not proceed until we have restored order in the Chamber. Senators are asked to take their seats.

There are two amendments pending before the Senate. We cannot proceed to other business until those amendments are decided.

Mr. BENTSEN. Mr. President, I ask unanimous consent that the two amendments be temporarily set aside.

Mr. GOLDWATER. I had not finished my statement. Will the Senator yield?

Mr. BENTSEN. I yield.

Mr. GOLDWATER. I want to announce to the Senate that it is not our intention to go much past the hour of 11, but we would like to get as many amendments disposed of by then as we can.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. BENTSEN. Mr. President, I ask unanimous consent that the two amendments be set aside temporarily, for the consideration of my amendment, which I think has been cleared by both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment will be stated.

The bill clerk read as follows:

The Senator from Texas [Mr. BENTSEN] proposes an amendment numbered 2587.

Mr. BENTSEN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate point in the bill, add a new section as follows:

SEC. . Community Planning Assistance.

The Secretary of Defense may use funds appropriated to the Department of Defense for fiscal year 1987 to provide planning assistance to local communities if the Secretary determines that the financial resources available to the community (by grant or otherwise) are inadequate. The Secretary may use such funds to assist communities located near homeports proposed under the Naval Strategic Dispersal Program at Ingleside, Texas and other Gulf Coast sites. For fiscal year 1987, not to exceed $200,000 may be used for this purpose at Gulf Coast sites.

Mr. BENTSEN. Mr. President, let me state first that this amendment adds no additional funds. It merely earmarks some funds already in being, and in this atmosphere I am almost embarrassed to have so few digits in it.

We are talking about a maximum of $200,000, and it deals with community planning assistance for the gulf coast homeport sites.

□ 2150

I have discussed that with the manager for the majority and manager for the minority. Let me explain briefly the rationale for this amendment.

Mr. President, the Navy's Strategic Homeport Program may be controversial in this city, but it is welcomed as sensible in much of the rest of the country, particularly in cities like Corpus Christi and Galveston/Houston, TX, as well as elsewhere along the gulf coast.

One reason for the selection of the two Texas cities was the strong community support for the homeports, backed up by a special appropriation by the Texas Legislature. The people of Texas wanted the increased Navy presence, and they were willing to pay their fair share of the startup costs.

It is a complex task, however, to plan for an influx of over 5,000 additional military personnel and their dependents, such as will occur in Texas. Roads, housing, schools, water and sewer lines must all be planned for and coordinated with the military construction and deployment schedules. The necessary analysis and planning can overwhelm all but the largest cities, so special help is needed.

The Defense Department has a special Office of Economic Adjustment to assist local communities in planning for the growth which strategic homeporting brings. That office has a fine record of smoothing the transition with advice, coordination, and planning funds. One of its major efforts in recent years, for example, was to help in the planning for the new Trident base at Kings Bay, GA.

Now the planning is beginning for gulf coast homporting. In Corpus Christi, the required environmental impact statement has been drafted and the local community has set up a planning staff. The Office of Economic Adjustment has even provided some initial seed money to get the process started. Much more needs to be done, however, and the legal situation has to be clarified by specific authorizing language.

After the budget was released last February, I wrote to Defense Secretary Weinberger expressing concern that no specific request was included for community impact planning assistance for gulf coast homeport sites. I advised the Secretary of my intention to offer legislation to guarantee that local communities get the planning assistance they need to make homeporting a success.

On March 14, Secretary Weinberger responded to me and noted that additional legislation would be needed to give specific authorization for community planning assistance for the gulf coast. Accordingly, I am proposing an amendment to provide that authorization so that the planning efforts already begun can continue.

This amendment would earmark available funds, not add additional funds, for community planning assistance for gulf coast homeport sites. It provides a maximum of $200,000, which I am advised should be sufficient for the forthcoming year.

Although Congress has not yet given formal approval to construction projects connected with gulf coast homeporting, it is essential that community planning be done now in order to permit the phasing of local efforts with those of the Navy. Congress has permitted this advance planning before, twice in the case of the MX missile.

Mr. President, I recognize that this is a comparatively small sum of money in this bill. But it is important that the legal authority for planning be clear, and that local communities have the resources to plan wisely for the influx of major military facilities.

Mr. GOLDWATER. Mr. President, we discussed it and we have no objection on this side.

Mr. NUNN. Mr. President, first may we have order?

The PRESIDIING OFFICER. The Chair has been striving to restore order in this Chamber. The Senate is asked to be in order.

The Senator from Texas continues to enjoy the floor.

Mr. NUNN. Will the Senator from Texas yield the floor for a statement?

Mr. BENTSEN. I yield to the manager of the bill.

Mr. NUNN. These are necessary community impact funds that correspond to the homeporting vote that was just taken.

We support this amendment.

Mr. THURMOND. Mr. President, we have done this in other similar instances and I think it is fair to do it here.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Texas [Mr. BENTSEN].

The amendment (No. 2587) was agreed to.

Mr. GOLDWATER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Maine.

AMENDMENT NO. 2275

(Purpose: To increase funds for hazardous waste cleanup and make offsetting reductions in other accounts)

Mr. MITCHELL. Mr. President, I have an amendment at the desk, No. 2275. I ask that it be called up.

The PRESIDING OFFICER. Is there objection to setting aside the two pending amendments? If not, it is so ordered.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Maine [Mr. MITCHELL] for himself, Mr. COHEN and Mr. KASTEN proposes an amendment numbered 2275.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 20, line 1, strike out "$20,664,070,000" and insert in lieu thereof "$20,657,270,000".

On page 20, line 2, strike out "$24,275,960,000" and insert in lieu thereof "$24,269,169,000".

On page 20, line 4, strike out "$19,418,371,000" and insert in lieu thereof "$19,411,671,000".

On page 20, line 17, strike out "$370,600,000" and insert in lieu thereof "$385,900,000".

On page 276, line 6, strike out "$16,400,000" and insert in lieu thereof "$21,400,000".

Mr. MITCHELL. Mr. President, this amendment, offered by Senator COHEN and myself, and I believe it is acceptable to both sides as well, deals with a serious problem of hazardous waste generated by military facilities around the country.

It will restore $15.3 million to the Defense Department's environmental restoration funds and $5 million for the construction of hazardous waste storage facilities, simply bringing these two programs back to the funding levels requested by the President.

Mr. President, this amendment, No. 2275, offered by Senator COHEN and myself, addresses the serious problem of hazardous wastes generated by military facilities around the country.

The Defense Department is one of the largest generators of hazardous waste in the United States. In 1984 333 DOD installations produced more than 530,000 tons of hazardous waste. Unfortunately, much of this waste was disposed of in ways that have created health and environmental hazards. Billions of gallons of dangerous chemicals have been improperly dumped, resulting in leaks that have contaminated the soil and ground water supplies in virtually every State in the Union. Forty-four Defense Department sites have been proposed for inclusion on the Environmental Protection Agency's list of the worst hazardous waste sites in the Nation.

In my own State of Maine, an airbase has discarded 800 gallons of highly toxic PCB in an unprotected rural dump. Another installation chose as its hazardous waste site a location only a short distance from wells that provided some of the drinking water for a neighboring town. A subsequent investigation revealed that officers at the base were aware of the problem but did not inform town officials until the EPA listed the site as among the worst of the Nation's known hazardous waste sites.

A naval shipyard in Maine has compiled a list of unsound and unsafe practices, including: The storage of waste without proper manifests; a failure to analyze wastes to determine how to dispose of them safely; the misidentification of toxic waste solvents as nonhazardous waste oil; open hazardous waste containers; mislabeled and misdated containers; the expansion of hazardous waste storage facilities without a license; and the disposal of lead-acid sludge down a common floor drain.

In citing these problems, I do not mean to single out Maine's military installations for special criticism. In fact, Maine enjoys unusually cordial relations with our military bases around the State, and Maine is proud to serve as the home for some of America's finest service men and women.

Instead, I display our dirty linen solely to point out how extensive the problem of improper hazardous waste disposal has become. Maine has its difficulties in this regard, but so do each of our States. Military site cleanup is an issue that affects every one of the Senators in this Chamber. DOD has identified almost 3,000 potential problem sites at defense installations across the United States, and it has not yet finished compiling its list. Pentagon officials have thoroughly investigated 1,000 of these sites and have found that nearly half require major restoration activities.

Unfortunately, unsafe disposal practices represent only part of the problem. To make matters worse, some military facilities have been reluctant to remit the fees that all other generators of hazardous waste pay into State hazardous waste cleanup funds. If I may return to Maine's experience, the unpaid fees for one installation alone now total nearly $358,000. That is a lot of money to a fund that has never totaled more than $600,000 since its inception.

In addition, many installations routinely fail to pay the penalties that the States assess for illegal disposal practices. These unpaid penalties represent a sizable loss to the hazardous waste funds of the various States. Of course, the individual taxpayer in the State must then make up the deficit.

I do not wish to suggest that the Pentagon is either oblivious to this situation, or unmindful of its responsibilities to address past failures and to prevent future hazards. To the contrary, the Defense Department has an active program to deal with the problems I have just outlined.

For instance, the Environmental Restoration Fund is a Pentagon program whose mission is to identify, survey, and clean up hazardous and toxic waste, unexploded ordnance, and unsafe and unsightly buildings, structures, and other debris. Another DOD program, located within the Defense Logistics Agency, has as its principal mission the construction of storage facilities that conform to Federal, State, and local laws and regulations for the disposal of hazardous waste. The Pentagon has budgeted $90 million over the next 3 years for this program, in an effort to relieve some of the backlog of problems I have already mentioned.

So the problem is not a lack of will on the part of the Pentagon; the problem is a lack of resources. That is where our amendment seeks to help.

As part of DOD's program to address the problem of military generated hazardous waste, the President in his fiscal year 1987 request asked for $385.9 million for the Defense Department's Environmental Restoration Fund and $21.4 million for the construction of hazardous waste storage facilities for the Pentagon. Unfortunately, the President's request for the Environmental Restoration Fund was reduced by $15.3 million, leaving this program with $8.5 million less than this year's appropriation. Similarly, the President's request for $21.4 million for construction of the storage facilities was decreased by $5 million, a 23.4-percent reduction.

Given the gravity of the hazardous waste situation confronting us, we believe that reductions in these programs are penny wise and pound foolish. Our failure now to fund these cleanup programs adequately will inevitably increase both future cleanup costs and, more importantly, the health and environmental dangers associated with improper handling of hazardous wastes.

Our amendment proposes to reinstate the $20.3 million cut from the President's request for these two programs. Five million dollars will be allotted for the construction of DOD hazardous waste storage facilities, while $15.3 million will be returned to the Environmental Restoration Fund.

None of this $20.3 million, I hasten to add, will be specifically targeted for Maine or any other State. Instead, the money will be spent according to priorities and plans set by the Pentagon. Nor will these additional funds relieve DOD of the necessity of securing all proper Federal, State, and local preconstruction permits as required by the Resource Recovery Act and other applicable statutes.

To offset this $20.3 million that we wish to put back into the cleanup effort, we intend to reduce the Operation and Maintenance accounts of the Army, Navy, and Air Force by an identical $20.3 million. Under the terms of our amendment, Army O&M will lose $6.8 million out of a total O&M budget of $20.7 billion—a cut of less than 1/30th of 1 percent. Navy O&M will lose $6.8 million out of $24.3 billion, a cut of less than 1/35th of 1 percent, while Air Force O&M will lose $6.7 million out of $19.4 billion a cut of 1/29th of 1 percent. Obviously, these reductions are minuscule compared to the proposed cuts in the cleanup funds.

Furthermore, in an effort to make these O&M cuts as painless as possible for the services, we are not stipulating which specific programs the reduc-

tions should come from. We leave this to the discretion of the Pentagon.

This is not an antidefense amendment. It is prodefense, because it is designed to enable our military better to carry out its designated missions. Allow me to read from an assessment drawn up in the Pentagon:

> Current inadequate storage conditions may subject installation commanders * * * to notices of violations and threats of fines and personal liability, as well as other legal action. * * * The problem is escalating as * * * regulators * * * become disenchanted with DOD's failure to respond affirmatively to longstanding environmental laws * * * Unless DOD now begins to exhibit a more substantial effort to conform, States may (some already have) withdraw existing temporary authority to transport and store hazardous waste generations. * * * This will have major adverse impacts on DOD's readiness mission.

This amendment to restore funding to levels proposed by the President will make a small dent in the hazardous waste problems facing all 50 States. But by reinstating the full figure the President requested, we will be alerting the Pentagon of our concerns on this matter and making a statement about the importance we attach to a clean and safe environment. I urge Senators to demonstrate their concern for these issues by supporting this amendment.

Mr. COHEN. Mr. President, I join my colleague in offering this amendment.

We have a serious problem in hazardous waste disposal throughout the country.

This does, as Senator MITCHELL indicated, simply restore the funding level requested by the President and the Department of Defense.

I hope the amendment will be accepted.

Mr. President, the amendment I am jointly offering with my colleague from Maine simply restores to the levels requested by the President the funding for the Department of Defense hazardous waste cleanup programs. It is crucial that DOD participate in the on-going nationwide cleanup of hazardous waste sites, and I believe it is important that we provide the Department with adequate funding to carry out this mission.

The amendment at the desk will add $15.3 million to DOD's environmental restoration fund and $5 million for the construction of hazardous waste storage facilities. The funding will be taken from the Operations and Maintenance accounts for the Army, Navy and Air Force, a cut of about three-hundredths of 1 percent. We have not directed the services to make specific cuts within their O&M accounts, but rather leave it to their discretion, so that the reductions will be as painless as possible.

Mr. President, the Department of Defense is one of this Nation's largest producers of toxic waste, yet its record at meeting State and Federal environmental protection laws is deplorable. This fact has become quite obvious to citizens in Maine, where each of the defense installations in the State has been found to be in violation of Maine's waste disposal laws, to the detriment of the health and safety of nearby residents. In fact, one site in northern Maine, the result of inadequate dumping techniques, has recently been cleaned up with the help of Superfund money, and another is on the Environmental Protection Agency's list of this Nation's worst known hazardous waste sites. I suspect that this is only the tip of the iceberg.

A recent report by the General Accounting Office indicated that the Defense Department generated over 530,000 tons of hazardous waste in 1984, but its information collection system is so faulty that it does not know how many installations might be in violation of the law.

The Defense Department itself admits that the problem of defense waste is a large one which demands attention. In a report to the Department's inspector general, it was found that:

First, hazardous waste programs are fragmented and ineffective.

Second, there are inadequate hazardous waste storage facilities at most military bases.

Third, DOD's management of hazardous waste storage is unsatisfactory.

Fourth, cleanup costs are escalating more rapidly than money is made available to meet them.

Without adequate storage facilities, the DOD tends to look for the easy way out, finding "hidden" dump sites or storing the waste inadequately for an indefinite period of time. It is, therefore, essential that funds for the construction of storage facilities not be reduced just at the moment that DOD has begun to recognize its responsibility to act according to the law. The administration requested $21.4 million for such construction, and our amendment will ensure that this amount is authorized by adding $5 million to the committee's authorization level.

The bulk of the funds in our amendment, $15.3 million, is earmarked for the Department's environmental restoration account, which pays for the cleanup of military hazardous waste funds. A portion of this account will also go toward hazardous waste reduction, recycling and reuse efforts. The administration request for this account was $385.9 million, but the bill before us reduces that request by $15.3 million, leaving the program with $8.5 million less than last year.

It is quite clear to me that this is an extremely serious issue which deserves our immediate attention. In light of our recent hard work on the issue of safe civilian hazardous waste disposal and cleanup, I think that to cut these defense waste cleanup accounts at this time will leave a gaping hole in our effort to ensure a clean environment for ourselves and our children.

I urge the passage of this amendment.

Mr. GOLDWATER. Mr. President, this amendment has been requested by the President and while it is a little more money than we like to say "yes" to, this side takes it.

Mr. NUNN. Mr. President, I support the amendment. I know it is for an important purpose. It was requested by the administration. We are going to have some real funding problems. Everyone should recognize that.

The amendment of the Senator from Maine basically offsets this agreement which is a worthy increase for environmental cleanup but he offsets it with operation and maintenance cuts. That is my understanding of the amendment.

We are going to have some real problems in both the conference and as we move along in the process with the overall funding as I already tried to make clear.

I think this is a worthy amendment and we support it.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. KASTEN. Mr. President, I think this is a very important amendment and I hope it will be agreed to.

Protecting the public's health and safety is one of the primary functions of Government. Our children's future is too valuable to allow any delay in facing up to nuclear waste problems. Delaying action will only cause more extreme and difficult problems later.

The Federal Government should not be excused from its responsibility. Instead we should be setting an example for the rest of the country. I support this amendment which deals with the serious problem of nuclear waste generated by military facilities. This amendment will restore $15.3 million for the Department of Defense's Environmental Restoration Fund. It will also provide $5.0 million for construction of waste storage facilities. Unfortunately, much of the waste disposed of at military installations has been done in ways which create health and environmental hazards.

Our Nation needs to move ahead with all due speed on this challenge. By taking this action we help to protect our Nation's natural heritage and the health of generations to come.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, this waste is generated from defense installations. The administration requested this fund; and I think it is appropriate to approve it.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment of the Senator from Maine.

The amendment (No. 2275) was agreed to.

Mr. GOLDWATER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. KASTEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GOLDWATER. Mr. President, there is a lot of talking going on. Could we have it a little quiet, please?

The PRESIDING OFFICER. The hour is late. There is a lot of conversation on the floor.

Senators are asked to be still and listen.

Mr. INOUYE. Mr. President, I ask that the two pending amendments be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2352

(Purpose: To provide for the transfer of certain lands in Hawaii under the jurisdiction of the Navy to the United States Postal Service in exchange for the construction of laundry facilities for the Navy)

Mr. INOUYE. Mr. President, I call up my Amendment No. 2352 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment of the Senator from Hawaii.

The assistant legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUYE] proposes an amendment numbered 2352.

Mr. INOUYE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 299, line 25, before the period insert ", except that no amount shall remain available until the Secretary of the Navy (hereinafter in this section referred to as the "Secretary") transfers to the United States Postal Service (hereinafter in this section referred to as the "Postal Service") jurisdiction over approximately 3.2 acres of land, together with improvements thereon, located in Aiea, Hawaii, and the Postal Service pays, out of any funds available to the Postal Service, to the Secretary of the Navy an amount equal to the greater of the following:

(1) The approved fair market value of the property over which jurisdiction is to be transferred (as determined by the Secretary).

(2) The cost of providing to the Navy fleet laundry and dry cleaning facilities to replace facilities located on the land over which jurisdiction is to be transferred pursuant to this subsection.

(l) LEGAL DESCRIPTION OF LAND.—The exact acreage and legal description of the land over which jurisdiction is to be transferred under this section shall be determined by surveys that are satisfactory to the Secretary. The cost of the surveys shall be borne by the Postal Service.

(m) ADDITIONAL TERMS.—(1) The Secretary may require such additional terms and conditions under this section as the Secretary considers appropriate to protect the interest of the Navy.

(2) If the fair market value of the property over which jurisdiction is to be transferred to the Postal Service under subsection (k) exceeds the cost of the replacement fleet laundry and dry cleaning facilities, the Secretary shall deposit the excess into the general fund of the Treasury.

Mr. INOUYE. Mr. President, this amendment is submitted at the request of the Department of the Army and the U.S. Postal Service.

It authorizes the Secretary of the Navy to convey to the U.S. Postal Service 2.3 acres in an area called Aiea and in return the Navy will receive new replacement laundry facilities.

It has been cleared with the managers on both sides and I am told they have no objection.

The PRESIDING OFFICER. Is there further debate on this amendment?

Mr. GOLDWATER. Mr. President, we have no objection to the amendment.

Mr. NUNN. Mr. President, we have been over the amendment carefully with the Senator from Hawaii. We have no objections. We support the amendment and urge its adoption by the body.

The PRESIDING OFFICER. Is there further debate on this amendment?

If not, the question is on agreeing to the amendment of the Senator from Hawaii [Mr. INOUYE].

The amendment (No. 2352) was agreed to.

Mr. INOUYE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DECONCINI. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

Mr. NUNN. Will the Senator from Arizona give us an indication of which amendment this is?

Mr. DECONCINI. The amendment dealing with the drugs and narcotics.

Mr. NUNN. Mr. President, I ask the Senator how long he thinks this will take. He has every right to the floor and every right to bring the amendment up.

We are trying to handle as many amendments as possible tonight. This amendment is going to take a considerable amount of time, I would imagine. If the Senator could agree on a time limit.

Mr. DECONCINI. I am more than happy to agree on a time limit, I say to the Senator from Georgia, of 20 minutes to a side.

I will be glad to work out something with the manager.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. DECONCINI. I ask unanimous consent that the pending amendment be termporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NUNN. Mr. President, the Senator has indicated he would agree to a time limit.

Mr. DECONCINI. I am glad to agree to a time limit.

Mr. NUNN. Could we do about 15 minutes on each side?

Mr. DECONCINI. If the Senator makes it 20, I would be glad to agree.

Mr. NUNN. Twenty minutes on each side.

Mr. DECONCINI. Maybe even a little bit less.

Mr. NUNN. I would hope we could do it sooner than that. There are about six other Senators who have indicated they would like to bring up amendments tonight. We could move that amendment if we have time remaining.

As the chairman said we hope everyone will go home by 11 o'clock. We have a busy day tomorrow if we have any hope of getting the bill completed.

Mr. DECONCINI. Will the Senator yield?

Mr. NUNN. I yield.

Mr. DECONCINI. If the Senator from Georgia would want to enter into a unanimous consent agreement that the amendment will be the pending amendment when we come back on the bill tomorrow, I will be glad to do that.

Mr. NUNN. I believe that would help us because that would give us time. I still would like to get it as quickly as possible. But if we could get it up earlier tomorrow morning as soon as we come in and get on this bill.

Mr. DECONCINI. If the Senator from Georgia will yield, it is not my intention to hold up late tonight, particularly if we have a lot of amendments to accept.

I do want to get to the amendment tomorrow and get on with it.

Mr. NUNN. I would have no objection if the Senator from Arizona would have no objection to making this amendment the first amendment up tomorrow morning.

Mr. GOLDWATER. I think the Senator is correct. If we start this tonight we might be on it all night.

If my friend from Arizona would bring it up in the morning we will make it the first point of business.

Mr. DECONCINI. Mr. President, a parliamentary inquiry?

The PRESIDING OFFICER. The Senator will state it.

Mr. DECONCINI. Mr. President, when we come in tomorrow what is the status of this particular legislation? Is it the pending business after

the standing orders and morning business?

The PRESIDING OFFICER. The Senator is correct.

Mr. DECONCINI. A further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DECONCINI. Mr. President, are there any cloture votes, or anything that would intervene?

The PRESIDING OFFICER. Cloture votes are scheduled to occur tomorrow first on a cloture motion of the minority leader and second a cloture motion of the majority leader.

Mr. DECONCINI. Mr. President, just only to address my colleagues because I——

Mr. NUNN. Could we have order? I cannot hear the Senator. He is addressing me.

Mr. DECONCINI. Just to address the colleagues, I ran into a parliamentary problem.

The PRESIDING OFFICER. Will the Senator suspend? The Senate is not in order. The Senator will not proceed until the Senate is in order. The staff members who are standing in the aisles are asked to retire from the Chamber. Those Senators who wish to carry on conversations respectfully are asked to leave the Chamber. We cannot proceed with the Senate's business when the Senate is not in order.

□ 2200

The Senator from Arizona.

Mr. DECONCINI. Mr. President, could I suggest to my senior colleague and the ranking member that if they would enter into a unanimous-consent agreement that when we finish morning business, before we go to the cloture votes, we take up my amendment, 20 minutes on each side, I would be more than happy to agree to that and thereby let them go forward with other amendments.

Mr. NUNN. Mr. President, I would have no objection to that. I think the wording needs to be handled carefully. We have to have a provision that there be no amendment to the amendment. But if the Senator would propound that while the minority leader is here on the floor, I would certainly recommend that we agree to that.

Mr. GOLDWATER. I would say so.

Mr. DECONCINI. I am sorry, would the Senator repeat that?

Mr. NUNN. If the Senator would propound that unanimous-consent request, particularly while the minority leader is here on the floor.

Mr. DECONCINI. Mr. President, while the minority leader is here, and the senior Senator from Arizona and the ranking member of the committee, I ask unanimous consent that the pending DeConcini amendment be laid aside and that it be the pending amendment after morning business tomorrow morning prior to the cloture votes and that a time agreement be entered into of 20 minutes on each side.

Mr. NUNN. And, Mr. President, would the Senator from Arizona add to that that no amendment be in order to the amendment?

Mr. DECONCINI. I further ask unanimous consent that there be no amendment permitted to the amendment when it is back as the pending amendment.

The PRESIDING OFFICER. Is there objection?

Mr. MATTINGLY. Reserving the right to object, may I ask the managers of the bill, if you are going to put aside an amendment tonight that is only going to take 40 minutes but you are going to have votes, are there going to be any more votes on the amendments you are going to take up tonight?

Mr. GOLDWATER. This matter will take a little time to discuss.

Mr. MATTINGLY. Forty minutes.

Mr. GOLDWATER. What is the Senator's question?

Mr. MATTINGLY. Well, the agreement is 20 minutes on each side, which is 40 minutes.

Mr. GOLDWATER. That is tomorrow.

Mr. MATTINGLY. I know, but why not tonight? Are you going to have other amendments brought up tonight that you will have rollcall votes on?

Mr. GOLDWATER. We might get a couple more amendments.

Mr. NUNN. I say to the Senator from Georgia, it would be our hope that we could do as many amendments as possible that are not controversial. I do not think we could assure anyone there will be no rollcall votes. It would be my hope we could have as many amendments as possible, because real progress is going to be required to move the bill. It would be my hope that we would have no rollcalls, but I do not think I am in a position to guarantee that. We do not know what amendments may come up.

Mr. MATTINGLY. I agree with the Senator. I was just saying that 40 minutes is a pretty short time for an amendment.

Mr. NUNN. That is right. That is why we are pleased we got this unanimous-consent for tomorrow. But the thing is, I believe between now and 11 o'clock we can handle 7 or 8 amendments, maybe 10.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? Without objection, it is so ordered.

Mr. DECONCINI. Mr. President, just so I understand it now, that unanimous consent has been agreed to, is that correct?

The PRESIDING OFFICER. That is indeed the case.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. STAFFORD). The Chair recognizes the Senator from Virginia.

AMENDMENT NO. 2589

(Purpose: Sense of the Senate Regarding the Taxation of Military Benefits)

Mr. WARNER. Mr. President, I send an amendment to the desk and ask for its immediate consideration. Mr. President, this amendment, I believe, will be accepted by both sides.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendments? Hearing none, it is so ordered.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes an amendment numbered 2589.

Mr. WARNER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment reads as follows:

It is the sense of the Senate with respect to the tax treatment of Military Benefits, that for purposes of paragraph (1) of section 61(a) of the Internal Revenue Code of 1954 (defining gross income), the term "fringe benefits" does not include the following military benefits:

(a) Subsistence and uniform allowances granted a member of the uniformed services (as defined in title 37) and amounts received by them as commutation of quarters.

(b) Any in-kind benefit received by a member or former member of the uniformed services and his family resulting from his status or service as a member of the Armed Forces of the United States other than those received as a result of such status or service being considered that of an "officer" or "employee" of the Government.

Mr. WARNER. Mr. President, this is a sense-of-the-Senate resolution. It relates to a tax proposal that is presently being considered by the conference. It is my understanding that the Secretary of the Treasury has approved it, the Secretary of Defense has approved it, and, indeed, the White House is urging its adoption by the Conference.

The fringe benefit provisions of the Tax Reform Act of 1984 (Pub. L. 98–369, 98 Stat. 877) amended sections 61 to include "fringe benefits" as compensation for services and added section 132 which enumerated specific categories of excludable fringe benefits. These provisions, by their very terms, do not contemplate application to military benefits.

However, in my judgment, the doubt created by the uncertain legislative intent of the 1984 bill in this area could lead to the taxation of many essential benefits, which could have a severe impact on our Nation's military personnel. Taxing these benefits could eventually lead to large-scale attrition of personnel, which would then need

to be rectified by providing prohibitively costly salary increases.

I am not suggesting that a policy change to the 1984 Act is now needed, just a clarification of the legislative intent with respect to military benefits when the Congress changed tax policy on employee fringe benefits.

Although the House and Conference Committee Reports on the Tax Reform Act of 1984 discuss the Act's fringe benefit provisions in great detail, both are perhaps more significant in that, for the first time, military benefits are mentioned in the context of fringe benefit regulations or legislation. The House Ways and Means Committee Report, House Report No. 98-432 (pt. 2) indicates:

Under existing Code provisions and section 61 regulations, benefits to military personnel such as subsistence, housing, and uniform allowances are excludable from income (see Treas. Reg. sec. 1.61-2(b)). This bill does not make any change in existing excludable military benefits. Thus, for example, the value of discounts at military commissaries is to be considered as provision of subsistence under existing regulations and fully excludable without regard to the bill.

Perhaps recognizing that many military benefits are not excluded by statute, the Conference Report reinforces the House Report discussion but does not reiterate its exact language, as it did on many other discussions of the fringe benefits provisions. The conference report (H. Rept. No. 98-861) indicates:

The conferees intend that Treasury regulations are to be issued to implement the statutory fringe benefit provisions of the bill. Such language of the bill and the legislative history as reflected in House Report No. 98-432 (pt. 2) and this Statement of Managers. Thus, for example, as stated in the report of the Ways and Means Committee, the bill does not modify the existing rules under which benefits to military personnel such as subsistence, housing, and uniform allowances are excludable from gross income.

There is a need for a legally sufficient, easily administered definition of military benefits which will not unnecessarily limit the statutory term "fringe benefit," nor include the value of home-to-work transportation received by military personnel, but distinguish between "fringe benefits" and "military benefits".

The authority for providing military benefits is found in statute, regulations, and in some cases, custom and practice. Therefore, any definition of military benefits must be broad enough to apply to these provisions.

To satisfy these concerns, I have offered this sense-of-the Senate amendment. . . . This language, if adopted in the tax reform conference will be easy for field representatives of the Internal Revenue Service to apply. They are personally aware of what taxable fringe benefits (such as home-to-work transportation) a Federal employee receives. If a military member receives the same fringe benefits, he, like the civilian employee, is equally taxable.

If, however, a military member receives an in-kind benefit, not generally available to Federal civilian employees, this military benefit, resulting from his status as a member of the Armed Forces, is nontaxable.

I am seeking merely to clarify executive procedures and policy through legislative language to allow for consistent expectations for military personnel and their families.

Military benefits are a matter of legislative prerogative, while fringe benefits are a contractual term of many employment contracts. The former is specifically devoid of contractual consideration, while the latter are part and parcel of every employment contract.

Common-law rules governing private employment contracts have no place in the area of military pay. This separate treatment of these two different kinds of compensation, for tax treatment, has existed for over 60 years since the 1925 Court of Claims decision. Nothing to the contrary has occurred to alter this arrangement.

The Supreme Court, in a number of cases involving military compensation, has held that military service and the compensation thereof are unique, and that a soldier's entitlement to pay is dependent upon statutory right and not a contractual agreement. Distinction between military service and employment in the private sector are many.

In military service, the only profession of arms, a member takes an oath to give of his life, if necessary, in the conduct of his duties. No other profession can make such a demand. These members are also subject to being sent anywhere in the world at any time to defend the basic freedoms which all of us enjoy. Their work involves long hours under adverse conditions and with a substantial degree of danger.

In recognition of this arduous nature of their duties, we, the Members of Congress, have provided them with certain statutory pay and allowances and benefits. These in-kind benefits are intended to improve the quality of life of members and their families and assist in retaining those members with potential for continued service.

Additionally, these benefits materially assist the survivors of these members in the event of their death. Taxing these benefits would adversely affect the economic well-being of our service members and indicate a lessening of commitment by the Congress in recognizing the unique nature of military service.

Mr. NUNN. Mr. President, will the Senator yield for a brief question? I have not had a chance to study this amendment. It is a tax matter. I would assume that it would be acceptable, but have you checked with the Finance Committee, Senator LONG and Senator PACKWOOD?

Mr. WARNER. It has been checked with Senator PACKWOOD and Senator LONG and both have approved it.

Mr. NUNN. They are willing for it to be added to this bill?

Mr. WARNER. That is correct.

Mr. NUNN. Does the Senator have a revenue loss?

Mr. WARNER. Zero.

Mr. NUNN. It has no revenue loss?

Mr. WARNER. No. It is, by and large, to correct an interpretation of the Tax Reform Act of 1984.

Mr. GOLDWATER. This side will accept the amendment.

Mr. NUNN. Mr. President, based on the assurances of my friend from Virginia about the approval of the Finance Committee chairman and ranking member, and the assurance there is no revenue loss here, I recommend we accept the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 2589) was agreed to.

Mr. GOLDWATER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order. The business of the Senate will be expedited if Members will cease audible conversations and take their seats. We will not proceed until we have that order.

The Chair would again ask Senators to take their seats and cease audible conversations in the Chamber.

The Senator from Arkansas.

Mr. PRYOR. I thank the Chair.

Mr. President, I am not certain this unanimous consent will be accepted, but if I might state the situation very briefly.

Senator HATFIELD and myself have worked on two amendments. One amendment relates to the NATO certification for the production of the new generation of nerve gas, binary nerve gas. The other amendment relates to the Bigeye bomb and to whether it is feasible to go ahead with production or not. The two are very, very closely related.

Mr. President, I ask unanimous consent that immediately following—and I hope the distinguished ranking member of the Armed Services Com-

mittee will hear this—I am asking unanimous consent that immediately following the disposition on tomorrow of the amendment offered by the Senator from Arizona, Senator DECONCINI, immediately following that, that the Senator from Oregon, Senator HATFIELD, may offer an amendment relative to the NATO certification of chemical warfare, to be immediately followed thereafter by an amendment the Senator from Arkansas will offer on the Bigeye bomb.

I think that would be a proper sequence of events. I respectfully submit that to my colleagues and hope that unanimous-consent request may be requested to put that on the schedule immediately following the Senator from Arizona.

Mr. NUNN. Does the Senator have any time in mind for each one of those? The shorter the time, the more receptive the managers will be.

Mr. PRYOR. I am very sorry, I do not see the Senator from Oregon on the floor. I cannot speak for him on time.

I think that, frankly, 15 minutes on a side might be appropriate on the Bigeye bomb amendment. I do not know with the first amendment, the NATO certification amendment.

Mr. NUNN. The Senator from Oregon indicated to me earlier in the day he would be prepared to enter into a time agreement, but I do not recall, at least, if we arrived at an exact time.

If the Senator from Arkansas can check with him, I would certainly be prepared to recommend we work out this unanimous-consent agreement.

Mr. COHEN. Will the Senator yield?

Mr. PRYOR. I am glad to yield.

Mr. COHEN. Would you be prepared to go forward right now?

Mr. PRYOR. If we go forward right now, I respond to my friend from Maine, this is going to necessitate two rollcall votes and I do not know what the managers of the bill want to do. It is my sense that they may not want to have two rollcall votes this evening. In fact, I do not want to have any more rollcall votes. But I cannot speak for the Senator from Oregon on that. I am very sorry that I am not prepared to do so.

Mr. GOLDWATER. Mr. President, I think that tomorrow morning we can satisfy the Senator by agreeing to 30 minutes, 15 minutes on a side.

□ 2210

Mr. PRYOR. For the second amendment relative to the Bigeye bomb, but the first amendment I think offered by the Senator from Oregon, Senator HATFIELD, would be that amendment relative to NATO certifications for the production of the new chemical warfare nerve gas. I cannot speak for the Senator from Oregon on that. But I imagine, because he does not normally consume a great deal of time, we should say 30 minutes equally divided and with the possibility that we may even lessen that time after we reach the Senator from Oregon.

Mr. COHEN. On both amendments, 30 minutes on each amendment.

Mr. PRYOR. There would be 30 minutes on the second amendment on the Bigeye bomb, 1 hour on Senator HATFIELD's amendment, but possibly even less time on that amendment on the NATO certifications.

Mr. NUNN. I believe the Senator from Oregon mentioned 40 minutes to be equally divided. But I am not absolutely clear in my memory on it.

Mr. LEAHY. Mr. President, does the Senator from Arkansas say tomorrow?

Mr. PRYOR. The Senator from Arkansas would not like to go forward with this amendment tonight because I have a sense people are not in the mood to take on such a heavy issue at this moment. I think tomorrow might be best after the disposition of the amendment offered by the Senator from Arizona.

Mr. GOLDWATER. I might say half an hour equally divided on each amendment would be agreeable.

Mr. PRYOR. That would certainly be agreeable to the Senator from Arkansas. If I may ask a few minutes, and ask that we may come back to this unanimous consent in about 5 minutes, I will attempt to reach the Senator from Oregon to see if it might be agreeable with him. There would be 30 minutes.

Mr. GOLDWATER. There would be 30 minutes equally divided on each amendment.

Mr. PRYOR. As far as the Senator from Arkansas is concerned——

Mr. GOLDWATER. We requested this for years and years and years.

Mr. PRYOR. I am very, very understanding of that, I say to my friend from Arizona.

Let me, if I might, propose or propound this proposal in just a moment after I reach the Senator from Oregon.

Mr. NUNN. The Senator from Arkansas, if he propounds it, if he would add on each one of these no amendment would be in order to either.

Mr. PRYOR. We would be glad to add that proposal. I will be in touch with the managers in just a moment.

The PRESIDING OFFICER. Without objection, the amendments are temporarily laid aside.

Mr. PRYOR. I thank the Chair.

Mr. DANFORTH. Mr. President, I ask unanimous consent the pending amendments be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2590

(Purpose: Impose certain restrictions on research and development funds of the Department of Defense used for grants or contributions to educational institutions)

Mr. DANFORTH. Mr. President, I call up amendment No. 2590, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Missouri [Mr. DANFORTH], for himself and Mr. BINGAMAN, Mr. PROXMIRE, Mr. EVANS, Mr. CHAFEE, Mr. EAGLETON, Mr. GLENN, Mr. COHEN, Mr. GOLDWATER, and Mr. NUNN, proposes an amendment numbered 2590.

Mr DANFORTH. Mr. President, I think it would be well for the clerk to read the amendment if he can put his hands on it because it is self-explanatory. I think as far as I am concerned, the debate will not last long. I think the amendment pretty well states on its face what it is all about.

The PRESIDING OFFICER. If the Senator from Missouri could have our attention, the Chair must inform the Senator that we do not have a copy of the amendment at the desk.

Mr. DANFORTH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Missouri [Mr. DANFORTH], for himself and Mr. BINGAMAN, Mr. PROXMIRE, Mr. EVANS, Mr. CHAFEE, Mr. EAGLETON, Mr. GLENN, Mr. COHEN, Mr. GOLDWATER, and Mr. NUNN, proposes an amendment numbered 2590.

On page 19, between lines 18 and 19, insert the following new section:

SEC. . RESTRICTIONS ON USE OF RESEARCH AND DEVELOPMENT FUNDS OF THE DEPARTMENT OF DEFENSE.

This Act does not authorize any research, development, test, and evaluation funds to or for the use of the Department of Defense for the purpose of making any grant or contribution to any educational institution unless the Secretary of Defense, using existing authority, determines—

(1) that the purpose of such grant or contribution has a potential relationship to a military function or operation; and

(2) that the grant or contribution is based on the technical merit of the proposed research that best satisfies the requirements of the Department of Defense.

Mr. DANFORTH. Mr. President, the Senate will remember that at the time the supplemental appropriations bill was on the floor of the Senate we offered an amendment to strip from that bill certain university research projects that had been placed in it by the Appropriations Committee. The argument went on for about an hour and a half or two hours. It concerned the question of whether the Appropriations Committee should earmark funds for specific universities, for building libraries, science buildings,

whatever, or whether defense money that was spent on research should be spent on the basis of some kind of competition or other showing of merit and the ability to carry on the research by the educational institution receiving the grant.

When that amendment was offered on the floor, and after considerable debate, the Senate, by a vote of 58 to 40, voted to delete the earmarking for those specific universities. However, in conference, all of those projects were added back and when the conference report came back we had another vote on the same subject and, in fact, we agreed on the floor of the Senate to add them back.

So that was that. I am not refighting that battle. Those projects are going forward. Those grants have been made. As far as I am concerned, that is all water under the bridge. However, since that vote, the question has been put to me by two different university presidents, What is going to be the policy of the Federal Government henceforth on university research grants? Is it the intention of the Defense Department to award research grants on the basis of competence and merit, or instead, is it going to be a mad rush to the Appropriations Committee in order to try to get special pork barrel projects to be put in appropriations bills?

I asked these two university presidents their view, and, of course, they preferred to operate on the basis of merit, not on the basis of pork. But they made it clear to me that if our policy around here is going to be one of just getting your friends on the Appropriations Committee to offer projects for your home State university, they did not want to be left out.

So what this amendment does is to state prospectively it does not affect these projects for which there have already been appropriations, prospectively, that henceforth grants will be conditioned on the fact that the Secretary of Defense must determine, one, that the purpose of such grant or contribution has a potential relationship to a military function or operation; and, two, that the grant or contribution is based on the technical merit of the proposed research that best satisfies the requirements of the Department of Defense.

Mr. COHEN. Will the Senator yield?

Mr. President, I want to commend the Senator for offering the amendment. This is entirely consistent with the whole thrust of what the Senate Armed Services Committee has done, under the leadership of Senator GOLDWATER, Senator LEVIN, and Senator NUNN, in trying to instill more competition into the field of defense spending.

We should not confine it simply to military weapons, but apply it also to the field of university grants and research grants. So I commend the Senator for offering the amendment. I believe it is consistent with our entire philosophy that we have been moving to for a number of years now. I hope it will be accepted.

Mr. FORD. Mr. President, will the distinguished Senator yield for a question?

Mr. DANFORTH. Yes.

Mr. FORD. As I recall in the original amendment the Senator had a committee that would be set up to scrutinize the applications.

Mr. DANFORTH. No; that was a misconception of the amendment.

□ 2220

Mr. President, we never mandated any kind of peer review system. That is a standard way of some research money being spent by the Federal Government. But, in fact, in the Defense Department, while they do seek to use a merit system of picking the recipients of research money, they do not necessarily use the peer review system. We did not, in the appropriations bill, attempt to do that. Rather, we simply deleted those paragraphs from the bill that specified the specific universities.

In this, we do not mandate any particular system either, and we leave that up to the Secretary of Defense.

Mr. FORD. I thank the distinguished Senator. I have no objection to the amendment. I know there are more politics in smaller groups, giving to the same universities all the time. Regardless of how good your programs are and that sort of thing, you are excluded. It makes small universities vulnerable to the opportunity of being involved to receive grants that may have some good ideas. I have no objection.

Mr. NUNN. Mr. President, I supported the amendment of the Senator from Missouri when he first had it up. I regretted that it did not pass the last time we voted for it. There are a lot of reasons for it. I think it is a good amendment.

I have heard the same argument as the Senator from Kentucky has, about little universities. I think it should be really done on merit and not on the basis of politics. I hope the Senator from Missouri will make certain that we are giving a fair opportunity to all.

I think the worst thing we can do is to continue this trend we started when the amendment of the Senator from Missouri was defeated before, of having the Members of the Senate decide which universities are going to get these grants strictly on the basis of politics. It had nothing to do with the research ability or merit.

I know what the Senator is talking about. Every university and school in my State says, "If you are going to play games this way, we expect to get ours."

I think this is a very important amendment and strongly support it. I urge my colleagues to adopt it.

Mr. GOLDWATER. Mr. President, I was on the original amendment with Senator DANFORTH. Even though this automatically concerns $25,000 to one of my universities, I support it. I supported it then and I support it now. This side accepts the amendment.

Mr. DANFORTH. Mr. President, in addition to the original cosponsors which I have already listed, I ask unanimous consent that Senator LEVIN be added as cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 2590) was agreed to.

Mr. DANFORTH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. NUNN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

UNANIMOUS-CONSENT AGREEMENT

Mr. PRYOR. Mr. President, a moment ago I propounded a unanimous-consent request on behalf of Senator HATFIELD and myself for two back-to-back consecutive, very related and closely akin amendments immediately following the disposition of the amendment tomorrow morning to be offered by the Senator from Arizona, Senator DECONCINI.

I have just talked to Senator HATFIELD by telephone. I would like to propound the following unanimous-consent request, provided it is accepted by the managers of the bill.

That Senator HATFIELD be allowed, immediately following the Senator from Arizona, a 45-minute time period, equally divided between the two parties, so to speak, on the NATO certification of chemical production; followed immediately thereafter by an amendment that I shall offer on the Bigeye bomb, 30 minutes, 15 minutes on a side, equally divided, with no amendments in the second degree or intervening amendments to each of the amendments proposed by Senator HATFIELD and by the Senator from Arkansas. I hope that agreement will be satisfactory with the managers. We will be prepared to propose those amendments at the time of the disposition of the amendment to be offered by the Senator from Arizona.

The PRESIDING OFFICER. Is there objection to the request?

Mr. COHEN. We have no objection.

The PRESIDING OFFICER. If there is no objection, without objec-

tion the unanimous-consent request is agreed to.

The Chair recognizes the Senator from Indiana.

AMENDMENT NO. 2400, AS MODIFIED

Mr. QUAYLE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Does the Senator ask unanimous consent to set aside the pending amendment temporarily?

Mr. QUAYLE. I ask unanimous consent that the pending amendment be temporarily set aside for the purpose of discussing my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Indiana [Mr. QUAYLE], for himself, Mr. HOLLINGS, and Mr. HUMPHREY proposes an amendment numbered 2400, as modified.

Mr. QUAYLE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, add the following new section:

"SEC. . (a) The Department of Defense shall provide Congress on or before March 15, 1987, a report detailing what Strategic Defense Initiative technologies can be developed or deployed within the next 5 to 10 years to defend against significant military threats and help accomplish critical military missions including,

(1) defending our troops and allies abroad against tactical ballistic missiles particularly new and highly accurate Soviet shorter range ballistic missiles armed with conventional, chemical, or nuclear warheads,

(2) defending against a limited but militarily effective Soviet attack aimed at disrupting our National Command Authority and other valuable military assets,

(3) providing sufficient warning and tracking information to defend or effectively evade possible Soviet attacks against our military satellites including those in high orbits,

(4) providing early warning and attack assessment information and the necessary survivable command, control and communication to defend against possible Soviet conventional or strategic attacks.

(b) This report shall also

(1) identify any other significant near-term military missions that the application of Strategic Defense Initiative technologies might help accomplish;

(2) list what specific program elements of the Strategic Defense Initiative are pertinent to these applications;

(3) estimate initial operating capability dates for the systems needed to accomplish these missions;

(4) estimate the level of funding necessary for each program to reach these operating capability dates.

(5) estimate the survivability and cost effectiveness at the margin of these systems against current and projected Soviet threats.

(c) The Department of Defense will provide the Senate and House Armed Services Committees an interim report of its findings not later than December 31, 1986.

Mr. QUAYLE. Mr. President, this is an amendment that I have discussed with both managers of the bill. It deals with a report to the Congress concerning the strategic defense initiative.

Over the last couple of days in the debate that was taken on SDI, both the proponents and the opponents of various SDI funding amendments have focused on where SDI ought to be in the long term. Those who strongly support SDI talk about near-perfect defenses, the astrodome concept, and argue that we are going to protect the entire United States population, military targets, and the whole ball of wax. In other words, all of a sudden someday down the road—they do not say exactly when—15, 20, 25, 30 years, we will have a full multilayered SDI system deployed.

On the other hand, many critics say, "That type of proposal is never-never land. You simply are not going to be able to get there."

You have people questioning the technical feasibility of such a system. You have scientist questioning whether it ever is going to happen from a political point of view. These critics are saying, "Well, that is nice, but we will just keep this in the research stage and not get into any of the testing and development. We have a very sensitive and important treaty, the AMB Treaty, that will certainly stand in our way. Therefore, you can talk about it, but it is not really going to happen."

What this amendment does, Mr. President, is to began to refocus SDI and to try to suggest a different view of where we might go with this program. As a matter of fact, my amendment is an extension of the efforts of Senator NUNN and Senator COHEN to redirect SDI. They wanted to see SDI focused on what we might be able to do in the near term.

What this amendment does is to request that the Department of Defense submit a report to Congress on what can, in fact, be achieved in the near term. In other words, let us focus on what we might be able to do in the next 5 or 10 years. Let us see what technologies might be applied to mitigate near-term military threats. How can we protect not only ourselves, but our allies from tactical ballistic missile attacks, which may take place in Europe, Israel, or the Far East? What kind of near-term things could we do to defend some of our military assets in the United States short of having any kind of a perfect defense?

□ 2230

This would not just be limited to terminal defense; it would include midcourse defense as well.

I believe that what this amendment will do is give us the information to show that perhaps there is another approach to SDI rather than just look at what is going to be out there 15 or 20 years from now. Then we can have that debate what course we should take once we get that information. We can see whether it is cost-effective at the margin to focus SDI on the near-term; which we did put in this amendment at the suggestion of Senator NUNN. We want to see what other military threats besides an all-out Soviet strike could be addressed specific SDI programs, on what kind of time schedules, at what level of funding.

The President said again today that he fully intends SDI to be deployed at some time. I think this amendment is a way that to assure that this point is the focus of our debate on SDI. It would assure we focus on incremental approaches to SDI. It would take both the arguments of those strong proponents who say we are going to have a perfect defense and of the opponents who say that is a crazy idea, and put that argument aside for a while.

I for one do not want to get away from the possibility that we might be able to have a perfect defense. I do not know. I do not think anybody in this Chamber knows. We all have our biases on the way we think this program will work out, but we cannot tell for certain.

What we can understand in a far more intelligible and comprehensive way is what can be done in the next 5 or 10 years.

Mr. President, we do not have that information now.

Quite frankly, as one of the strong supporters of SDI, I am saying if we do not get that information and focus the debate on it, then I think the chances of the program of getting beyond research, testing, development, and eventual deployment—those chances are going to be slim. I think the patience of Congress and of the American people has always been rather marginal. They would like to see something happen now. Not much is going to happen now, but important things could happen in the next 5 to 10 years.

We want to know what could happen in the next 5 to 10 years, but we do not have that information. I think the American people strongly support having defenses to enhance deterrence. I believe if you ask that question, whether it be a poll or just have a group of ordinary common people, sitting around in a coffee shop or out on the farm or down in town hall, if you ask the question about defenses, they are going to be quite shocked to learn that we do not have defenses. I think if you——

Mr. GOLDWATER. Mr. President, will the Senator yield for a moment?

Mr. QUAYLE. Yes, I yield.

Mr. GOLDWATER. Mr. Presdent, I promise there will be no more rollcall votes so you can all go home but be here tomorrow morning.

Mr. QUAYLE. I have a great speech. They may want to stay around and listen to that. I was just getting going.

Mr. NUNN. Mr. President, will the Senator yield?

Mr. QUAYLE. Yes. I yield.

Mr. NUNN. I heard the Senator from Arizona mutter that if the Senator from Indiana did not complete his remarks in the next couple of minutes, we were not going to be able to accept this amendment. We started off for it and the Senator is making a very persuasive case but he is right at the right point to stop.

Mr. QUAYLE. The Senator from Indiana understands when to stop: when both the manager and the comanager of the bill get up. I think this amendment is so good and everybody has been so impressed by the articulation of the Senator from Indiana that I do not believe I need to articulate my point any more. I think I have sold the managers of the bill. Therefore, I shall cease and say this is a great amendment. You will really enjoy reading my speech in the RECORD. It is a great speech but I will save the Senators from having to listen to any more tonight other than to ask that my speech be placed in the RECORD because I think others may want to read it.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

SDI FOR THE NEAR-TERM

Mr. QUAYLE. Mr. President, presently, SDI is defined as an effort to determine what might be devised to afford "thoroughly reliable defenses against the fully responsive Soviet threat." In other words, SDI's key orientation is to develop defenses that would be nearly leakproof, not against what the Soviets now have, but the missile force they might deploy in response to the defenses we might eventually deploy.

This definition of SDI is part of the reason why the current debate is so sterile. Instead of asking what near-term strategic and tactical vulnerabilities SDI technology might help to mitigate, we have focused almost exclusively on how SDI can defend against a Soviet spasm attack 20 or more years off. This preoccupation with extreme threats in the extreme future has itself produced a fruitless debate on extremes.

On the one hand, those who emphasize SDI's promise of nearly leakproof defenses have been unwilling to support deploying anything until the entire system has been perfected. Rather than learn more from smaller efforts designed to address less stressing, but more likely threats than a Soviet "bolt from the blue," these proponents prefer to plan for perfection for the year 2010 or beyond.

On the other hand, those who criticize the SDI have become so absorbed in their denial of its value that they have failed to recognize how it can help counter the very military threats they themselves claim are important.

Mr. President, the purpose of my amendment is to turn this debate around by focusing it and the SDI away from their preoccupation with ultimate defenses against an ultimate threat which is itself years away. My aim is not to deny the value of such goals but rather to focus greater attention on what can be done incrementally.

My amendment does this by asking certain questions. First, what can the application of SDI technology do in the near term to address the threat that new, highly accurate Soviet shorter-range ballistic missiles—the SS-21, SS-22, and SS-23—pose against our troops and allies abroad? According to testimony that both the HASC and SASC has received, these missiles are expected to become so accurate that by the late 1980's or very early 1990's the Soviets will be able to use conventional and chemically armed versions of these missiles to take out virtually all of NATO's key military assets—both nuclear and nonnuclear—without ever having to resort to nuclear weapons themselves.

Mr. President, this threat is not distant or remote. In the case of NATO, it will arrive within the next five years. For Israel, the threat is even closer—the Soviets have already given the Syrians SS-21's that can target most of Northern Israel and have pledged to sell them SS-23's within a year or two that could reach all of Israel's military assets.

Israel and our key NATO allies, of course, are interested in learning what SDI can do to afford protection against these missiles. We should be no less concerned. Not only is our defense at stake if no defenses against this threat is devised, but we can gain important lessons for SDI.

Although defenses against tactical ballistic missiles, which are slow and relatively simple in design, would differ from defenses designed to cope with strategic ballistic missiles, the similarities in interceptor technology and sensor and radar technologies are significant. An ATBM could not take down an ICBM but it could help us to learn how to design an interceptor that could.

Similarly, airborne optical sensors and warning radars designed to warn of a tactical ballistic missile attack could not be used to warn of a strategic strike but it could help give practical guidance for the design of such a system. Certainly, if we cannot devise defenses against Soviet tactical ballistic missiles, there is little reason to believe that we can do much against strategic ones.

Second, my amendment asks what can the application of SDI technologies do to help defend against a limited Soviet attack aimed at disrupting our National Command Authority or other valuable military assets. In the last year, we have seen a considerable number of articles concerning what the Soviets might do to disrupt or knock out our key military command and control centers. Under one scenario, the Soviets might launch a limited number of submarine-launched ballistic missiles off our coasts and detonate these missiles' warheads high above the atmosphere.

Such an attack would harm no one physically but could temporarily make us deaf, dumb and blind militarily. In a major conventional conflict against us or our allies that was not going well for the Soviets, such an attack for the Soviets might seem less risky in order to turn things around, than avoiding such a strike.

By the same token, the Soviets may never have reason to launch a major attack against all of our strategic assets, but might find knocking out an American military port of debarkation to be critical in the case of a war against our allies to prevent their resupply.

Finally, there is the possibility of an accidental launch against the U.S. not just by the Soviet Union, but other nations acquiring ICBM's, as well.

Currently, we have no defenses against such threats. Yet, it could be possible within the 100 launcher limit of the ABM Treaty to devise and deploy such defense. Unlike ATBM's, these systems, such as ERIS interceptors, terminal imaging radars, and airborne optical sensor systems, could counter a small number of strategic missiles and do so in the mid course, rather than the terminal phase. Again, if we cannot perfect defenses against such a limited threat, there is little reason to believe we can devise defenses against threats that are larger.

Third, my amendment asks what SDI technologies could be applied in the near term to provide sufficient warning and tracking information to defend against or effectively evade possible Soviet attacks against our military satellites including those in high orbits and to afford them such defense.

The Soviets already have ASAT's capable of destroying U.S. military satellites in low-earth orbit. The concern of both Hawks and Doves is that they may achieve this capability against our satellites in higher orbits. All that would be required, for this is for the Soviets to perfect the infrared seeker system they have already tested several times on their existing coorbital ASAT.

Against this threat, a number of arms control schemes have been suggested including everything from ASAT bans to space self-defense zones. Each of these schemes assumes we have a surveillance capability against ASAT's. The later idea, which was promoted by Albert Wohlstetter and that received the endorsement of the Aspen institute and Harvard arms control expert, Joseph Nye, depends on our being able to alert satellites to evade or take other defensive measures in a timely fashion.

Unfortunately, none of these capabilities yet exists in a serious fashion and the most important of them all, boost surveillance and tracking (BST's) and space surveillance and tracking (SST's) are projects that SDI has assumed. Boost surveillance is critical to know precisely what trajectory a Soviet ASAT booster is on. This information would be passed on to a space surveillance system geared to track small, relatively cool space objects such as unboosted satellites, which, in turn, would inform our satellites of the attack so they could respond or know where to move.

Again, surveillance and space defense efforts designed to guard against Soviet ASAT's or space mines might be inadequate to provide the sort of ICBM tracking and space surveillance a final SDI system might require. But this is not the point. What is is that unless we undertake this effort now, we will face a strategic ASAT threat that will jeopardize any space-basing of military assets including SDI.

Finally, my amendment asks what SDI technologies could be applied in the near term to provide early warning and attack assessment and the necessary survivable command, control, and communication systems necessary to defend against Soviet conventional or strategic attacks. This is of direct significance to our efforts to enhance our conventional defenses, particularly in the Eurasian thereafter.

In fact, the Soviets number one theater priority is to counter and defeat the command, control, communication and intelligence systems necessary to make our deep-strike theater strategies and emerging technology weapons work. What SDI can provide are the more powerful and survivable sensor and battle management systems capable of overriding the Soviets' efforts and making our smaller numbers much more effective against their larger force deployments.

Infrared focal plane technology, of the sort BSTS is expected to employ is almost certain to be critical to improving our ability to guide conventional submunitions in ground warfare and to devise satellites capable of tracking aircraft or ships or moving tank divisions. Similarly, phased-array radar satellites could be used for such detection and tracking. Finally, survivable multiple satellite systems cheap enough to be mass-produced and employing packet switching could provide virtually jam-proof radio communications world-wide for all three of our services.

Currently, each of these advanced C31 technologies is being developed under SDI but there is nothing that prevents their dual application under SDI other than adequate funding and congressional support.

Mr. President, this sort of support will not come "out of the blue." It will come from a full and clear presentation of the facts concerning SDI and what it could do to counter important military threats, not two or more decades from now, but within the next 10 years. As I stated before, we lack this information not because it is not available, but because we have focused on the wrong question.

Mr. President, I think it is time we start asking the right questions. That is why I am offering my amendment today.

Mr. QUAYLE. Mr. President, I ask unanimous consent that Senator HOLLINGS be added as an original cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NUNN. Mr. President, it is a good amendment. We worked with the Senator from Indiana on this amendment. We added the Presidential criteria, cost effectiveness at the margin, and survivability and technical feasibility. That is incorporated in here. We shall get the report.

The Senator is exactly right when he says that unless we begin to get at least an idea of what can be accomplished in the near term and get away from this vision that may be a possibility but is not a probability, in my view, of a perfect defense that will eliminate nuclear weapons from the face of the Earth and then turning the technology over to the Soviet Union—unless we get away from that kind of definition, the SDI Program is going to erode and erode in its support. The Senator is right on the question, and I think this amendment will help us. I support the amendment.

Mr. GOLDWATER. Mr. President, this side supports the amendment. I might say to my friend from Indiana that I had a father who was the best salesman I ever knew. He always said, "Son, know when to close the book."

The PRESIDING OFFICER. Is there further debate? If there is no further debate, the question is on agreeing to the amendment of the Senator from Indiana.

The amendment (No. 2400) as modified, was agreed to.

Mr. GOLDWATER. I move to reconsider the vote by which the amendment was agreed to.

Mr. LEVIN. I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. The Chair informs that the motion to reconsider the vote on the amendment was made.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, I ask unanimous consent that the pending amendment be laid aside so I may proceed with an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2591

(Purpose: To modify the limitation on obligation of funds for establishing a Federally Funded Research and Development Center for the Strategic Defense Initiative)

Mr. LEVIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Michigan [Mr. LEVIN] proposes an amendment numbered 2591.

On page 220, line 10, beginning with "report", strike out all that follows through page line 19, and insert in lieu thereof "reports described in subsection (b) and thirty (30) legislative days have elapsed following the date on which the Congress has received both reports.

"(b) REPORT REQUIREMENT.—In order for Congress to make an informed decision on the need for the establishment of a Federally Funded Research and Development Center for the support of the Strategic Defense Initiative Organization and on the ability of such an entity to function as an independent and objective source of technical support, the Secretary of Defense and the Comptroller General of the United States shall each submit to Congress a report that includes the following:".

Mr. LEVIN. Mr. President, I ask unanimous consent that Senator WARNER be added as a cosponsor to this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, the Department of Defense [DOD] announced in March its intention to establish a new research center called the Strategic Defense Initiative Institute [SDII]. From the start, many people questioned the need for this institute, pointing out that the Strategic Defense Initiative Organization [SDIO], existing research facilities, and private sector companies are already performing the needed research.

Others were equally troubled by indications that DOD was planning to set up a research center in a way that would jeopardize its independence and objectivity. It came to light, for example, that DOD was planning to influence SDII's staff selection; invite only one group of people, rumored to be closely involved with the SDIO, to submit a proposal to run the institute, without any competitive proposals being solicited; and select as SDII's contractor a newly created entity, with no track record of scientific excellence.

Some people say that DOD is using the SDII to circumvent personnel ceilings and funding limitations placed on the SDI Program. Others say DOD is trying to create a body which will provide a veneer of scientific credibility for star wars research. Neither reason is sufficient justification for setting up a research center.

This is a good science issue. We can't afford to fund a new science center which is not needed and which may not provide independent and objective scientific advice. Nor can we afford to fund a research facility whose work, due to perceived or actual bias, will not be accepted as credible in the scientific community.

I. BACKGROUND

There is some confusion over what exactly the SDII will do. Just like the debate in the SDI Program as a whole, on whether it will protect missiles or the American population, there is debate over whether the SDII will provide policy studies or just technical support to the SDIO staff. The Armed Services Committee report reflects this confusion.

In any event, I have been told that the SDII's mission will be to evaluate and integrate all the research being done by other centers and companies under the star wars program. The center will perform this sensitive work, not as a Government facility, but as a private, nonprofit federally funded research and development center [FFRDC].

Federally funded research and development centers, or FFRDC's, are particular kinds of private research facilities which enjoy special privileges in our Government. They are exempted from the Competition in Contracting Act, which means they can get Federal contracts on a sole source basis; they have an official agency sponsor and unusual access to agency plans and data; and the Government supplies 70 percent or more of their annual budgets. They are also costly. The Congressional Research Service [CRS] stated in a report dated May 30, 1986, that:

FFRDC's are more costly to operate. Critics contend that FFRDC's have no incentives to control their costs since they are

generally nonprofit, obtain yearly funding, and do not have to compete for work in the normal peer review process. FFRDC's are often criticized because of the high salaries that they pay to middle and top management.

In return for their privileges and big price tags, FFRDC's are supposed to provide independent, objective scientific advice to the Government. Independence and objectivity are the hallmarks of an FFRDC. FFRDC's are supposed to be independent not only from commercial concerns, but also from the political pressures on their sponsors, so that they can deliver objective advice, even when politically unpopular. To this end, executive branch rules governing the creation and operation of these centers require agency sponsors to encourage their FFRDCs' independence and objectivity (See OFPP Policy Letter 84-1).

There are currently about 40 FFRDC's in existence, 8 of which are sponsored by DOD. Examples include the Rand Corp., Lawrence Livermore National Lab, Los Alamos National Lab, and Brookings Institution.

II. PROBLEMS WITH SDII

There is a serious question as to whether DOD needs to set up a new FFRDC for the star wars program. Existing facilities are currently performing the research that the SDII is supposed to perform. They can continue to do so, probably at less cost.

Executive branch rules designed to prevent unnecessary FFRDC's require any agency that wants to set one up to justify its creation. These rules require the agency to perform, among other steps, a thorough assessment of other ways to accomplish the same research.

In response to these rules, DOD has written a report which attempts to justify its creation of the SDII. However, this report is vague, has no comparative cost data and is generally unconvincing. Moreover, at the same time DOD is arguing that it wants a nonprofit center with no interest in producing SDI weapons, to assure the center's independence, DOD is planning other steps that jeopardize that center's independence and objectively.

Let me describe just some of the DOD plans for SDII which, I believe, jeopardize its independence.

1. INFLUENCING SELECTION OF PERSONNEL

DOD wants to exert an unusual degree of influence in selecting the SDII's staff, affecting not only the chief executive but also a dozen senior directors and wielding not only veto authority but also apparently participating in the nomination and interviewing of candidates.

This contrasts with usual practice. In a report dated July 25, 1986, analyzing seven out of the eight FFRDC's sponsored by DOD, CRS reported that:

In general, the contracts between [existing] FFRDCs/contractors and the DOD sponsoring agencies give DOD little or no control over the FFRDCs' selections of chief executive officers or senior personnel, although a FFRDC is likely to determine informally whether a prospective employee would be unacceptable to the sponsoring agency.

In another report, dated May 8, 1986, CRS stated: "SDIO's proposal to review and comment on the President's selection for SDII's research director and the directors of various research groups with the SDII does not conform to past DOD FFRDC personnel practices." CRS cautioned against going ahead with this plan in a report dated May 30, 1986:

SDIO appears to favor greater than normal personnel input compared with existing FFRDC's. This may not be in the best interest of SDIO for two reasons: (1) its perceived introduction of bias and control over research result, and (2) its potential for merely shifting SDIO personnel into positions of higher salary without concomitant increases in responsibilities.

The foundation of an independent FFRDC is a staff well insulated from the political pressures that bear upon its sponsoring agency. DOD's plan for participating in the selection of SDII's staff is unusual and bodes ill for that staff's independence.

2. NONCOMPETITIVE SELECTION OF SDII CONTRACTOR

DOD has asked only one group of people to submit a proposal to manage the SDII. DOD has not identified these people, but they are rumored to be closely associated with the SDIO.

Rather than inviting only one proposal to manage the SDII, DOD should be seeking multiple proposals and should be reviewing them on a competitive basis. It's been done before. The July CRS report indicated that contractors running two of DOD's FFRDS's were chosen competitively, after DOD issued a general request for proposals [RFP]: (a) in 1984, DOD issued an RFP for contractors to run the new Software Engineering Institute and chose Carnegie-Mellon University; and (b) in 1983, DOD issued an RFP for contractors to run the Center for Naval Analysis and chose the Hudson Institute.

Thus, while Federal law permits DOD to select an FFRDC's contractor on a sole source basis and DOD has done that with a number of its FFRDC's, competitive selection is also appropriate and DOD has followed that procedure in recent years. It should do so with the SDII.

DOD has twice refused to identify the group of persons it has invited to submit a proposal to run the SDII. (Letters from SDIO to Senator LEVIN, dated April 16 and May 30, 1986.) It contends that such identification is premature since the individuals have yet to submit a management proposal and DOD has yet to enter into any final agreement with them.

Sole source contracting should not, however, be done behind closed doors. Congress and the American public have a right to know who is being considered to run a potentially important, multimillion-dollar program, especially if only one contractor is being considered and if that contractor is rumored to lack an independent perspective on the Star Wars Program. We should not have to wait until after DOD has selected the contractor to find out who it is.

Moreover, DOD should choose a contractor with a track record of scientific excellence. The July CRS report indicated that, in the three most recent instances of contractor selection, DOD chose established, respected contractors of proven excellence: (a) the Software Engineering Institute was created in 1984; DOD chose as its contractor a respected university, Carnegie-Mellon University; (b) the Logistics Management Institute was made an FFRDC in 1985, after it had performed 25 years of respected research in the logistics field; DOD chose as its contractor the same persons responsible for the facility's excellence over the years; (c) the Center for Naval Analysis received a new contractor in 1983; DOD chose an established and respected research center, the Hudson Institute, to manage it. Thus, it is unusual, especially in recent years, for DOD to select a contractor with no record of accomplishment.

In the case of the SDII, DOD has invited a group of persons to form a brand new organization to submit a proposal to manage the institute. Obviously, a new organization has no track record. In such an important endeavor, DOD should instead be inviting proposals from established, respected entities such as universities.

3. NO SELF-INITIATED RESEARCH

Self-initiated research is research which an FFRDC can decide to pursue, whether or not its sponsoring agency wants it to. Such research is thought to foster independence in the research center and may also attract higher quality scientific personnel. As stated in the May CRS report:

SDIO does not plan to allow SDII any money in its budget for initiating its own related research. Such contract provisions * * * are intended to encourage innovation and provide a means for funding studies designed to resolve conflicts among researchers over conclusions drawn from requested studies. * * * The claim has also been made, but not proven, that the ability to initiate studies helps to attract top scientific talent to the organization. * * * [S]etting aside a portion of SDII's budget for independent studies should be considered.

Moreover, the White House Science Council's Federal Laboratory Review Panel stated in a May 1983 report that 5-10 percent of a research facility's annual budget should be set aside for self-initiated research. This panel was

chaired by David Packard and another member was Edward Teller. The July CRS report indicates that all of DOD's existing FFRDC's, in practice, can perform self-initiated research. The portion of the budget allocated to such research varies but can be as high as 15 percent.

These studies suggest that, to guarantee its independence and excellence, the SDII should also be able to conduct self-initiated research.

4. NO CONFLICT OF INTEREST PROVISIONS

DOD refuses to consider requiring SDII employees to be subject to post-employment conflict of interest provisions. This is worrisome, since an SDII employee reporting on the merits of a particular company's research child, 2 weeks later, take a job with that company. Protections against possible bias should be adopted.

The July CRS report indicates that at least seven of the eight existing DOD FFRDC's have conflicts of interest policies in place, which could include post-employment restrictions. DOD should at least consider requiring such restrictions for the SDII.

5. INFLUENCING SDII'S ORGANIZATION

DOD plans to require the SDII to set up an internal organization which mirrors or complements the existing organization of the SDIO. It also plans to have the SDII submit 6-month work plans which have to be approved by the SDIO.

It is unusual for a sponsoring agency to control the internal organization of its FFRDC. The July CRS report states that: "It appears as if, typically, the sponsoring agencies are not interested in directing the FFRDC's as to how to organize themselves—they are primarily interested in results." DOD's plan to control the organization of the SDII is one more indication that it doesn't want a truly independent research center.

III. SOLUTION

The Star Wars Program is a research program. Its success will depend upon the integrity and credibility of its scientists. We cannot afford to fund a research center which is not needed or which, due to perceived or actual bias, will not be respected by the scientific community. We do not have the money to fund just another cheerleader for the star wars program. This is a good science issue which everyone here needs to look at and act upon.

The Senate Armed Services Committee has taken some steps to provide Congress with more information on the issues affecting the SDII's independence and the need for this institution.

Mr. LEVIN. Mr. President, I now seek some clarification from my colleague from Virginia, the distinguished chairman of the Subcommittee on Strategic and Theater Nuclear Forces on which I am pleased to serve. Now as my colleague may remember, during our committee's consideration of this bill, there was a good deal of discussion about the Strategic Defense Initiative Institute, a Federally Funded Reserarch and Development Center which the Department of Defense proposes to create to support the SDIO. In fact, I offered an amendment in our markup which would have had the effect of preventing the creation of such an FFRDC unless it had been specifically authorized by the Congress.

That amendment went to a vote and the chairman, who opposed it, prevailed. But, as one comes to expect of the Senator from Virginia, he was not content just to win a vote—he wanted to solve a problem. And while he disagreed with my solution, he did agree with my concerns about the way this FFRDC, this SDII, was being established and justified. In fact, I believe that we both shared a concern about assuring the independence and scientific credibility of the SDII, am I not correct?

Mr. WARNER. Indeed, you are correct. In fact, as the Senator well knows, those concerns were expressed in our committee report which indicated that "a number of valid questions need to be answered with regard to the establishment of a new FFRDC. . . ." And as the Senator knows, the legislative language in the bill requires the Department of Defense to provide the committee with a report designed to answer those questions and then prevents the DOD from establishing the SDII until the Congress has had 30 days to consider that report. In addition, the Senator and I agreed—and the report language reflects that agreement—that the General Accounting Office will also conduct a study of the SDII, which the Senator and I have already requested. Finally, as the Senator recalls, he and I agreed that the committee would hold a hearing on the issue after the DOD report was received and before funding was released for the establishment of the SDII.

Mr. LEVIN. The Senator is correct and in fact, I appreciate very much his willingness to enter into those agreements and understandings. In that context, I simply want to clarify a couple of points. First, is it the intent of the committee that DOD not take any action relative to SDII until the terms set forth in this bill and the report which accompanies it have been met?

Mr. WARNER. The Senator is correct: the committee clearly intends that the Department of Defense make no financial commitment relative to establishing or operating a Strategic Defense Initiative Institute. I would be happy to join with the Senator in a letter informing DOD of that clear intent.

Mr. LEVIN. I thank the Senator. Second, is it his understanding that the committee should hold the hearing mentioned in the report sufficiently prior to the expiration of the 30 legislative days specified in the report to allow the committee to formulate and the Congress to act on any recommendation we may deem necessary "with regard to continuation of the funding limitation contained in this bill"?

Mr. WARNER. Again, the Senator is correct. Given the pressure of business at the end of the session, it is of course difficult to fix a firm date. Assuming, however, that both the DOD and the GAO reports are received by September 15, it would be my hope that we could hold a hearing on this matter prior to the expected adjournment of the Congress.

Mr. LEVIN. I thank the Senator. Finally, as the Senator knows, there are some inconsistencies between the report language and the bill language on two key points. First, the report refers to a GAO and a DOD report while the bill only mentions the DOD report; second, the report refers to a 30 legislative day waiting period between the receipt of the reports and any action by DOD while the bill simply refers to a 30 day period. Would the Senator be willing to join with me in an amendment designed to make the legislative language conform more exactly to the clear intent of the committee as expressed in the report language?

Mr. WARNER. As is usually the case, the Senator has again proven he is an excellent lawyer. He is correct. The bill is not explicit on those points, and I agree that clarification would be useful. So I will gladly join my friend from Michigan in such an amendment.

Mr. LEVIN. Mr. President, this colloquy clarifies and adds to what is in the bill and in the committee report. First, they would stop activity on the SDII while Congress examines the need and the plans for this research institute.

Second, the amendment requires two reports, one from DOD and one from GAO on whether the DOD needs a new FFRDC, as they are called, devoted to the SDI Program and if so, whether DOD's plans for the SDII would encourage or discourage that institute's independence and objectivity. It states that upon receipt of both reports, Congress will have 30 legislative days to consider them and to hold a hearing which will further illuminate the issues.

I thank my colleague from Virginia on his willingness to clarify and strengthen the language in the bill that deals with this issue. While I do not feel that the bill even as amended is strong enough, as I would prefer to prevent any funding for the SDII until

Congress has authorized its creation, this amendment and colloquy does take us some way toward providing the congressional oversight that is needed in this situation.

It is my expectation that 30 legislative days will carry us into the next Congress. That amount of time is necessary to consider whether we need a new FFRDC just for star wars, especially in light of the unusual plans DOD has for managing it. It is also needed to provide sufficient opportunity for Congress to act, if it decides that the funding limitation should continue. I hasten to add that this extended period will not disrupt the Star Wars Program itself, since SDIO can continue to obtain the research it needs from its own staff and existing FFRDC's, corporations, and other research facilities.

Finally, the report indicates that after Congress has obtained the information it needs and considered the matter in full, it should decide whether to continue the funding limitation on the SDII. Congress needs to exercise this oversight authority.

The SDII issue is not over. In the months ahead, we will carefully consider the wisdom of creating this institute and we will carefully review DOD's plans for managing it. Unless DOD can justify its creation and formulate more evenhanded plans for operating it, the Congress may direct the Star Wars Program to spend its money elsewhere.

Mr. President, I understand this has been cleared on both sides. Senator WARNER did want to be here at the time of the vote, but I think he has no problem with our proceeding in his absence. His staff, I believe, has indicated that there would be no problem if he could not get back to the floor. He is a cosponsor of the amendment and I understand it has been cleared on both sides.

The PRESIDING OFFICER. Is there further debate?

Mr. NUNN. I support the amendment, Mr. President. I recommend that our colleagues accept it.

Mr. GOLDWATER. Mr. President, we accept this amendment.

The PRESIDING OFFICER. Is there further debate on the amendment of the Senator from Michigan?

The amendment (No. 2591) is agreed to.

□ 2240

Mr. GOLDWATER. I move to reconsider the vote by which the amendment was agreed to.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. ZORINSKY. I yield to the Senator from New Hampshire.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that I might be permitted to be shown in the RECORD as a cosponsor of the Quayle amendment on the SDI study.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. I thank the Senator from Nebraska.

AMENDMENT NO. 2408

(Purpose: To require the Secretary of Defense, through the Chief of the National Guard Bureau, to develop policies to improve the reporting requirements for operations, maintenance, and repair of Army National Guard facilities)

Mr. ZORINSKY. Mr. President, I ask unanimous consent to set aside the pending amendment and call up Senate Amendment No. 2408.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nebraska [Mr. ZORINSKY] proposes an amendment numbered 2408.

Mr. ZORINSKY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(At the appropriate place in the bill, insert the following:)

The Secretary of Defense shall require the Chief of the National Guard Bureau to develop and implement procedures to monitor the backlog of maintenance and repair projects of Army National Guard armories.

Mr. ZORINSKY. Mr. President, this amendment is designed to improve the Pentagon's ability to acquire information on the state of repair of Army National Guard armories across the country.

The Department of Defense total force policy, adopted in 1970, changed the way this country readies itself for the possibility of a conventional war in Europe. Under that policy, the role of the Army National Guard in meeting our preparedness goals has increased dramatically. The Guard is now charged with early deployment and combat missions very similar to those assigned to active Army units. Obviously, the great expansion of the Army Guard in both size and mission has placed great strains on the associated support functions. As with any governmental policy, the total force concept may be both supported or criticized with sound arguments, but it is clear that if we expect the Army Guard to act more like active forces, we have to treat the Guard more like active forces in many respects. This means more congressional oversight, better accountability, and more attention to the logistics of the Guard.

I have directed my attention toward the condition of National Guard armories for some time now. The armories are literally the peacetime home to the Guard units we would depend on to respond quickly in time of war. The armories are essential to maintenance, storage, and training for equipment and personnel that will control in large part how well Guard units will be able to fulfill their missions. Much of what I have seen indicates that a very large number of armories and associated facilities are seriously inadequate to meet the modern needs of the Army National Guard. I will not go into those findings, nor make proposals today to address these problems. However, I will put the Senate on notice that I plan to initiate a comprehensive effort in the near future to call attention to the problems that exist with regard to operations and maintenance funding for the Guard. The solution necessary to bring armory facilities up to an appropriate condition will require thoughtful and well-considered policy decisions in the Congress, and we should begin to build the record for this purpose. I look forward to working closely with my friends on the Armed Services Committee on these matters when that time comes.

My amendment today seeks to plug a hole in our accounting systems with regard to those important armory facilities. We have 2,655 Army Guard armories in the 50 States and the territories. They are not Federal assets. They are owned by the States. Different States have different budget problems, different spending priorities, and different commitments to National Guard assets within their borders. Clearly there is a great deal of variation in how those facilities are maintained. Unfortunately, the Department of Defense has no system in place to report data on armory maintenance and repair status. More importantly, no system is in place to ascertain the backlog of maintenance and repair. I have some idea of how far armories are behind on maintenance and repair, and how this can affect readiness of forces. I think if this information were known generally, we would all be very concerned about the dilapidated state of many armories. A major reason we haven't heard more discussion on this issue is that the backlog figures in the various States are not reported to and compiled by the Pentagon. Mr. President, we need those figures and my amendment is designed to develop them.

The amendment is very simple and short. It provides that: "The Secretary of Defense shall require the Chief of the National Guard Bureau to develop and implement procedures to monitor the backlog of maintenance and repair projects of Army National Guard armories."

That is it. There is no cost involved. There is no impact on the budget, except that it will help us allocate resources more effectively for the Army National Guard.

I know that the distinguished members of the Armed Services Committee have been giving increasing scrutiny to the less visible aspects of defense spending like operations, maintenance, and repair funding, that are very important for readiness concerns. I applaud their action and look forward to future efforts to enhance the capacity of the Army National Guard to fulfill its duties. Mr. President, the amendment has been cleared on both sides. I request its immediate adoption.

The PRESIDING OFFICER. Is there further debate?

The Senator from Arizona.

Mr. GOLDWATER. Mr. President, as an old National Guardsman myself, I think this is an excellent amendment and this side will take it.

The PRESIDING OFFICER. Is there further debate?

Mr. NUNN. Mr. President, I recommend that we accept the amendment of the Senator from Nebraska.

Mr. ZORINSKY. I thank the managers of the bill.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 2408) was agreed to.

Mr. ZORINSKY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GOLDWATER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2592

(Purpose: To restrict the procurement by the Department of Defense of ball bearings and roller bearings and to give expedited consideration to cases involving ball bearings and roller bearings under certain trade law provisions)

Mr. DODD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Does the Senator first move to set aside the pending amendment?

Mr. DODD. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Connecticut (Mr. DODD) proposes an amendment numbered 2592.

Mr. DODD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 186, between lines 9 and 10, insert the following:

SEC. 963. LIMITATIONS ON THE PROCUREMENT OF BALL BEARINGS AND ROLLER BEARINGS; EXPEDITED CONSIDERATION UNDER CERTAIN TRADE LAWS.

(a) FINDINGS.—The Congress finds that—

(1) a healthy domestic ball and roller bearing industry (hereafter in this subsection referred to as the "industry") is of critical importance to a sound domestic industrial base in the United States;

(2) the industry has a broad role in the supply of essential components to other industries representing the core of a modern industrial economy;

(3) the Federal Government has previously recognized the importance of the industry to the defense-related industrial base of the United States by requiring that certain bearings purchased by the Department of Defense be manufactured in the United States or Canada;

(4) the United States market for this industry has been increasingly penetrated by imports over the past decade, which has resulted in reductions in capacity, employment, and abandonment of certain markets by domestic producers in the industry; and

(5) the industry is under a state of siege, caught between an eroding share of the domestic market and rising imports of bearings that compete with the industry's domestic customers.

(b) LIMITATIONS ON PROCUREMENT.—(1) Except as provided in paragraph (2), the Department of Defense may not procure ball bearings or roller bearings which have been manufactured outside the United States (including the Commonwealth of Puerto Rico, the Virgin Islands of the United States, and the territories and possessions of the United States).

(2)(A) If the Secretary of Defense certifies in writing to the Secretary of Commerce that—

(i) any kind of ball or roller bearings needed by the Department of Defense is not manufactured in the United States; or

(ii) any kind of ball or roller bearings manufactured in the United States is not available in sufficient quantities to meet the needs of the Department of Defense,

the prohibition prescribed in paragraph (1) shall not apply in the case of any contract for the procurement of such kind of ball or roller bearings which is awarded pursuant to a procurement solicitation issued during the period beginning 30 days after the date on which the certification is received by the Secretary of Commerce and ending on the date on which the Secretary of Defense or the Secretary of Commerce determines that the certified condition has terminated.

(B) Notwithstanding subparagraph (A), the Department of Defense may not conduct a procurement with respect to which a certification has been made under such subparagraph if the Secretary of Commerce disagrees with the findings of the Secretary of Defense (with respect to a condition described in such subparagraph) contained in the certification and notifies the Secretary of Defense, in writing, of the disagreement within 30 days after the date on which the certification is received by the Secretary of Commerce.

(3) The Secretary of Defense shall prescribe regulations to carry out this subsection.

(4) This subsection shall apply to procurement solicitations issued by the Department of Defense during the 5-year period beginning on January 1, 1987.

(d) AMENDMENTS TO THE TRADE EXPANSION ACT OF 1962.—Subsection (b) of section 232 of the Trade Expansion Act of 1962 (19 U.S.C. 1862(b)) is amended—

(1) by striking out "Upon request" and inserting in lieu thereof "(1) Upon request", and

(2) by adding at the end thereof the following new paragraph:

"(2)(A) The President and the Secretary shall give expedited consideration to any application submitted under this section with respect to imports of ball bearings or roller bearings.

"(B) The Secretary shall provide notice to the Secretary of Labor of any determination made by the Secretary under paragraph (1) that imports of ball bearings or roller bearings threaten to impair the national security.".

(e) AMENDMENTS TO THE TRADE ACT OF 1974.—(1) Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) is amended by adding at the end thereof the following new subsection:

"(e) The Secretary shall give expedited consideration to any petition filed under section 221 on behalf of workers of a firm, or subdivision of a firm, that produces ball bearings or roller bearings if the Secretary of Commerce has determined under section 232 of the Trade Expansion Act of 1962, at any time during the 3-year period preceding the date of the determination of the Secretary under subsection (a), that imports of ball bearings or roller bearings threaten to impair the national security.".

(2) Section 251 of the Trade Act of 1974 (19 U.S.C. 2341) is amended by adding at the end thereof the following new subsection:

"(e) The Secretary shall give expedited consideration to any petition filed under subsection (a) on behalf of a firm that produces ball bearings or roller bearings if the Secretary has determined under section 232 of the Trade Expansion Act of 1962, at any time during the 3-year period preceding the date of the determination of the Secretary under subsection (c), that imports on ball bearings or roller bearings threaten to impair the national security.".

Mr. DODD. Mr. President, I have offered this amendment for the purpose of discussion. I say to my colleagues that I do not intend to pursue this amendment. I merely offer it and very shortly I will ask unanimous consent that the amendment be withdrawn.

It is a subject matter, Mr. President, which I think deserves a few moments of attention at this late hour tonight. I apologize to my colleagues for raising it at this point.

This amendment, very briefly, Mr. President, involves a study that was completed on June 18 by the Joint Logistics Commanders of the Department of Defense. It is a very important report, one that did not receive a great deal of attention by the media, but nonetheless an extremely important report on the state of the ball-bearing industry in this country and the importance of that industry to our national defense and national security.

This report contains a number of very troubling conclusions as to what the industry will face and our country could face in the coming years.

Among other things, the report found that "the industry is at risk and

will experience a dramatic contraction if nothing is done" to reverse the erosion of this industry which has resulted from increasing import penetration. The industry has already lost one-third of its domestic market to foreign firms. As plant after plant has closed its doors, 10,000 American workers lost their jobs. Moreover, the report concluded that if we do not soon take action to reverse these trends, we may find ourselves with a domestic industry which is incapable of meeting our defense requirements at the time when we may need it the most, at the time of a national emergency.

This latter conclusion is the one that makes this issue so relevant during the discussion of this bill. Ball and roller bearings are crucial components of almost every product of our aerospace and weapons industry. We simply cannot afford the total elimination of the American industrial base for this product. The time has come to act to save our domestic bearing industry and thereby protect our national security.

The amendment I have introduced aims at the revitalization of this industry, so critical to our national defense. The amendment requires that, for a period of 5 years, all Defense Department procurement of ball and roller bearings be from domestic companies, unless the Secretary of Defense certifies that a specific type of bearing is not available domestically in sufficient quantity. I believe this provision will be able to restore profitability for the industry by guaranteeing a minimum level of sales.

Defense industry alone, however, may not be able to do the job as it represents only 15 percent of the industry's sales. For that reason I also included provisions for the expedited consideration of any request by the industry for tariff or quota protection under the national security provisions of section 232 of the Trade Expansion Act of 1982. Finally, as it may not be possible to reopen all of the closed factories of the industry, I also included provisions for expedited consideration of petitions by workers or firms in this industry for trade adjustment assistance under the Trade Act of 1974. It is my hope that this will ease their painful transition to other employment and business activities.

I trust that my colleagues will realize the importance of taking the first step toward the preservation of this key industry so important for the national defense. I ask my colleagues to support my amendment.

Mr. President, I realize that this study on the bearing industry is a relatively new item before the Senate. Its conclusions, however, are so stark for a crucial segment of our defense production structure that I felt compelled to enter this issue into our debate over the Defense budget.

The bearing industry is very important in my State, Connecticut, and also in 20 other States where the industry has factories. Since 1980, Connecticut alone has lost nearly 3,000 jobs as imports have replaced domestic sales. Comparable losses have also occurred elsewhere in the United States. These are, however, employment issues, trade issues, market penetration issues not directly relevant to the legislation before us.

What is very relevant, though, is the fact that this problem also has an important national security aspect that I have already described. This aspect cannot be left to the Commerce Department and the Finance Committee of the Senate. It is the responsibility of the Armed Services Committee to exercise oversight over the defense production capacity of the Nation.

The serious condition of the bearing industry has been recognized by the leaders of the Department of Defense. Reacting to this report, Assistant Secretary of Defense James P. Wade expressed the concern of the Department over the availability of domestic bearings and the state of the domestic bearing industry. He also declared that in order to maintain a domestic source for bearings something needs to be done. I repeat, something needs to be done.

I realize that my amendment could not prevail over the objections of the distinguished managers of the bill. I hope, on the other hand, that their objection is only procedural and not directed against the substance, and effort to find remedy for this situation.

Normally this amendment is something you would offer on a trade bill or Department of Commerce legislation. I offer it to draw the attention of my colleagues to this issue when it comes to the defense capabilities of this country.

Obviously, in the time remaining in this year, it is not possible, but in the next Congesss this report should be examined by the Senate Armed Services Committee. We ought to have a say in this. It ought not to be left entirely up to the trade folks or the State Department as to whether or not we allow deeper penetration in this market.

This is an important national security question, and the simple request I have of my distinguished colleagues, is some commitment that they would take a look at this report and possibly report back to the Congress how we might deal with this issue.

I would be glad to yield to my distinguished colleague from Arizona.

Mr. GOLDWATER. I thank the Senator from Connecticut for bringing this up. I remind my friend that the biggest factor in the victory of the allies over Germany was the initial raid on Stuttgart when they practically destroyed the German ability to build ball bearings and they never were able to recover. It is one of the most important items we have.

Mr. DODD. I thank the Senator.

Mr. NUNN. Mr. President, will the Senator yield?

Mr. DODD. I will be glad to yield.

Mr. NUNN. I appreciate the Senator from Connecticut bringing this amendment up and discussing it. I think it is important. It would be my suggestion in order to focus the committee on this that the Senator from Connecticut write a letter to the chairman of the committee and favor me with a reply and that we would then in turn write to the Preparadness Subcommittee and also to communicate with them orally and ask Senator HUMPHREY and Senator DIXON to undertake to have a hearing on this subject next year in the Preparedness Subcommittee, if that would be satisfactory.

Mr. DODD. I thank my colleague from Georgia. That is more than satisfactory.

Mr. President, the offer of the Senator from Georgia is one that I accept. It is a gracious offer that the committee would look at this.

I ask unanimous consent that the amendment be withdrawn.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

AMENDMENT NO. 2593

(Purpose: To amend section 932 of the Department of Defense Authorization Act, 1986 to clarify the prohibition on felons convicted of defense contract related felonies from working on defense contracts and to extend the prohibition to five years.)

Mr. DODD. Mr. President, I have one additional amendment that I send to the desk at this time and ask for its immediate consideration.

The PRESIDING OFFICER. Does the Senator again move to set aside the pending amendment?

Mr. DODD. Again I ask unanimous consent to lay aside the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD], for himself and Mr. BOREN proposes an amendment numbered 2593.

Mr. DODD. Mr. President, I ask unanimous consent that the amendment be considered as read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 147, after line 22, insert the following new section:

SEC. 933. PROHIBITION ON FELONS CONVICTED OF DEFENSE CONTRACT RELATED FELONIES AND PENALTY ON EMPLOYMENT OF SUCH PERSONS BY DEFENSE CONTRACTORS.

Subsection (a) of section 932 of the Department of Defense Authorization Act, 1986 (Public Law 99-145) is amended by—

(1) inserting after "management or supervisory capacity" the following: ", including the capacity of service on the board of directors,"; and

(2) striking out "one year" and inserting in lieu thereof "five years".

Mr. DODD. Mr. President, this is a very simple amendment and I do not expect it to create much controversy. I have discussed it with my colleagues on this side and the majority side as well. This amendment raises the penalty that we created in last year's DOD authorization bill. Very specifically, it raises the length of time from 1 year to 5 years during which a person convicted of fraud in the defense procurement process cannot be employed in a supervisory or management position by a defense contractor.

Now, Mr. President, in the past we have said if you are convicted of a felony, you will be suspended for 1 year. Well, the fact is that if you are convicted of a felony, you are going to go to prison for a time, unless your sentence is suspended. What we are trying to do is make it more realistic, to make it a minimum of 5 years, but let the Secretary of Defense determine a longer period. What we have seen over the past several years with all of the allegations raised about various defense contractors in this country is that the company is suspended from doing business.

□ 2250

In effect, blue-collar workers are being punished for white-collar crime. What we are suggesting is that those people who are convicted of fraud ought to be the ones to bear the burden of the punishments, but they should be meaningful. If we are going to make just a small sentence or allow them to go back to doing business as usual with the Government, as if nothing happened, then I do not think it will have the kind of effect it should have.

This amendment takes it from 1 year to 5 years. It prohibits them from being employed in a supervisory-management position and excludes them from the board of directors during that time as well.

Mr. COHEN. Mr. President, if the Senator will yield, I think we agree with the thrust of what the Senator from Connecticut is trying to do.

In view of the lateness of the hour, the fact that few people are here, there is some reluctance to simply accept this amendment up to a 5-year penalty.

I recommend, if the Senator is willing, that he amend his amendment to make it 1 to 3 years, putting a cap at 3, for this period of time at least, and it will be acceptable. I think the chairman will accept that as well as the membership and Senator NUNN and myself.

Mr. DODD. There is no upward limit. The Secretary would have the discretion to impose 5 years or 7 years or 10 years. We set the ceiling at 5. I do not want to make it meaningless. My point is that with 1 year, you might as well not have it.

Mr. COHEN. We agree on that. We think some balance should be struck at this point, and perhaps we will revisit this next year and go to a higher figure.

Mr. DODD. The limit would be 3 years? Is that the understanding?

Mr. NUNN. Mr. President, I recommend that the Senator accept that. That is at least substantial progress along the line the Senator from Connecticut is anxious to move, and we can take another look at it next year.

Mr. DODD. Mr. President, I modify my amendment by striking 5 years and making it 3 years, with the understanding that we are talking about it being a minimum of 3 years, with the discretion of the Secretary to impose a longer period of time should he so decide. Are we clear on that point?

Mr. COHEN. That is correct.

Mr. DODD. Mr. President, if there is agreement on that particular point, I accept the suggestion of the Senator from Maine and the Senator from Georgia. We will look at it again next year and possibly raise it.

Mr. COHEN. If we make the penalty so high on the first offense, you may have a situation where defendants are able to negotiate a plea and engage in plea bargaining and get it down to a misdemeanor. We are trying to get people who are defrauding the Federal Government, and we do not want to set a penalty so high that a deal is made so that they do not have to face the charge.

Mr. DODD. The Senator from Maine makes a good point, and I am glad to accept that modification.

The modified amendment is as follows:

On page 147, after line 22, insert the following new section:

SEC. 933. PROHIBITION OF FELONS CONVICTED OF DEFENSE CONTRACT RELATED FELONIES AND PENALTY ON EMPLOYMENT OF SUCH PERSONS BY DEFENSE CONTRACTORS.

Subsection (a) of section 932 of the Department of Defense Authorization Act, 1986 (Public Law 99-145) is amended by—

(1) inserting after "management or supervisory capacity" the following: ", including the capacity of service on the board of directors,"; and

(2) striking out "one year" and inserting in lieu thereof "three years".

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment as modified.

The amendment (No. 2593), as modified, was agreed to.

Mr. DODD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GOLDWATER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2594

Mr. WARNER. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. Does the Senator first ask unanimous consent to set aside the pending business temporarily?

Mr. WARNER. Yes, I ask unanimous consent.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposed an amendment numbered 2594.

Mr. WARNER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in Title II, Sec. 202, add the following new subsection:

( ) DOD SOFTWARE ENGINEERING INSTITUTE AND VERY HIGH SPEED INTEGRATED CIRCUITS, AIR FORCE.—Of the funds appropriated pursuant to an authorization in this act, not more than $14,541,000 may be obligated and expended for the DOD Software Engineering Institute and not more than $127,897,000 may be obligated and expended for the Very High Speed Integrated Circuits program.

Mr. WARNER. Mr. President, this amendment is in the nature of a reprogramming.

The programs involved in the amendment are research and development programs being conducted by the Air Force. Both are very meritorious in that they are aimed at areas with tremendous potential to enhance the performance of future weapon systems. VHSIC is seeking to miniaturize electronic circuits and thereby increase their performance—speed—and reduce their volume and weight. The Software Engineering Institute is aimed at perhaps the most pressing problem facing the development of modern weapons systems and that is their software.

The reallocation of funding in this amendment is based on new information made available to the committee since the markup of the authorization bill. The reallocation would have the effect of putting the implementation of the Software Engineering Institute back on the schedule approved by the Congress in fiscal year 1986 defense authorization bill. In the judgment of this Senator, the reduction in the VHSIC Program, even if sustain in the conference, would not adversely affect

the pace of inserting this technology into new weapon systems.

Mr. President, this amendment has been agreed to by the managers of the bill on both sides, and I urge its acceptance.

Mr. HEINZ. Mr. President, I wish to express my support for the amendment offered by my distinguished colleague from Virginia. His amendment addresses an oversight in authorization for the Department of Defense Software Engineering Institute. Since the President's budget submission in early February, I have been working to correct a $5 million error in the Air Force request for the Software Engineering Institute.

Having failed to assign a program office in a timely manner, the Air Force mistakenly requested $9.7 million for the program instead of a planned spending level of $14.1 million. The mistaken 34-percent reduction will virtually stop growth at SEI, and with its reduced effectiveness, cost the taxpayers millions in lost savings.

In fiscal year 1985, the military spend $10 million on mission critical software only. This expenditure is estimated to reach $32 billion by 1990. If the Software Engineering Institute makes only a 1-percent improvement in productivity and SEI officials believe they can do much better, a minimum of $100 million will be saved annually. This annual savings exceeds the entire SEI budget for over 5 years.

The Air Force understands that the SEI Program will save many times more than it spends and agrees that if the spending level for SEI is not adjusted, software quality in the military will suffer.

Mr. Chairman, I want to thank my colleague from Virginia and the members of the Armed Services Committee for their cooperation on this matter. I am hopeful that the Members of the Senate will approve the amendment.

Mr. NUNN. Mr. President, I recommend that we accept the amendment.

Mr. GOLDWATER. We have no objection on this side.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2594) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GOLDWATER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. NUNN. Mr. President, are there other Senators who have amendments?

Mr. WILSON. Mr. President, I have an amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. Does the Senator first ask unanimous consent to temporarily lay aside the pending amendment?

Mr. WILSON. Mr. President, I ask unanimous consent to temporarily lay aside the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT 2595

(Purpose: To provide funds for and place certain limitations on the Rolling Airframe Missile program and the Penguin Missile program)

Mr. WILSON. Mr. President, I have an amendment at the desk which I offer on behalf of myself, Senator NUNN, Senator QUAYLE, and Senator LUGAR.

The PRESIDING OFFICER. A copy of the amendment is not at the desk.

Mr. COHEN. It is called the "Stealth amendment"—you have it but you cannot see it.

The PRESIDING OFFICER. The amendment is now at the desk, and it will be stated.

The assistant legislative clerk read as follows:

The Senator from California [Mr. WILSON], for himself, Mr. NUNN, Mr. QUAYLE, and Mr. LUGAR, proposes an amendment numbered 2595.

Mr. WILSON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 4, line 11, strike out "$5,557,490,000" and insert in lieu thereof "$5,597,490,000".

On page 6, between lines 12 and 13, insert the following new subsection:

(g) ROLLING AIRFRAME MISSILE PROGRAM.—(1) None of the funds appropriated pursuant to an authorization in this title may be obligated or expended in connection with procurement of the Rolling Airframe Missile program until the Secretary of Defense has certified in writing to the Committees on Armed Servcies of the Senate and the House of Representatives that—

(A) the total Navy research and development cost of the Rolling Airframe Missile program will not exceed $219,700,000; and

(B) the Secretary will terminate the program if at any time he determines that the total Navy research and development cost will exceed the amount specified in subparagraph (A); and

(C) the recurring missile unit flyaway cost for a minimum of 4,900 missiles will not exceed $100,000 per missile (using fiscal year 1986 dollars as the base year); and

(D) the design of the Rolling Airframe Missile and its unique support equipment are complete and that the system performance has not been degraded from the original development specifications (as contained in Navy Decision Coordinating Paper No. SO-167-AA); and

(E) the Director of Operational Test and Evaluation has approved a test and evaluation master plan for the Rolling Airframe Missile.

(2) If the Secretary of Defense fails to make the certification described in paragraph (1) by March 30, 1987, he shall cause the Rolling Airframe Missile program to be terminated effective on that date.

(3) Subsection (d) of section 205 of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 608), is repealed.

(4) Department of Defense reprogramming request 85-91PA is approved.

Mr. WILSON. Mr. President, this amendment restores funding for a program which the Committee on Armed Services reluctantly decided to terminate during its review of the fiscal year 1987 defense authorization bill. This program is especially important because it involves cooperative development efforts with an important NATO ally.

The rolling airframe missile—called the RAM missile—program is a joint program between the United States and the Federal Republic of Germany, and is intended to meet an urgent United States and German Navy requirement to counter high-speed, antiship cruise missiles.

In 1979 the United States joined in a collaborative development effort with the Federal Republic of Germany and with Denmark to develop the RAM missile. The RAM missile is a lightweight, fast response missile that extensively uses existing components of other missiles, but integrates them in an ingenious new way to meet the challenging threat posed by modern antiship cruise missiles.

In addition to meeting a critical need in the Navy, the RAM missile also offers an advantage in that it is a joint program with the Federal Republic of Germany. The United States and Germany share development costs on a 50-50 basis. This is a model for joint cooperative development of weapon systems.

Mr. President, the Committee on Armed Services reluctantly decided to terminate the RAM missile program during markup of the authorization bill. The committee believed that cost problems and reliability problems with the RAM missile, and cost and priority considerations for the Penguin missile justified termination of the programs.

At the time the Sea Power Subcommittee recommended termination of this programs, Senator NUNN noted that Dr. Donald Hicks, Under Secretary of Defense for Research and Engineering, had expressed reservations over the proposed termination. Senator NUNN thereafter wrote Dr. Hicks expressing the concerns raised by the subcommittee, specifically on the RAM missile, and requested more complete information for full committee consideration.

Unfortunately, we did not receive that information before the full committee met to review and approve the recommendations of the subcommittee. When we did receive the response from Dr. Hicks, Senator NUNN, and I indicated to our colleagues on the Armed Services Committee that we would study the matter further and

and consider a floor amendment to restore funding for this program. Since that time we have received a good deal of additional information on the RAM Missile Program.

Let me say at this point that not only Senator NUNN but also Senator QUAYLE has devoted a great deal of time in studying these issues as well. We are pleased to join in sponsoring this amendment and I congratulate them for their detailed analysis of these complex issues.

Mr. President, I want to say that I am most anxious to restore this program because it represents a model for what I think we must do in the future—and that is work much more closely in collaborative development efforts with our NATO allies. The burden for defending the free world is greater than the United States can bear alone. Indeed, as is well known, the NATO alliance outspends the Warsaw Pact, yet we are perpetually behind the Warsaw Pact in terms of numbers of weapons and people under arms. One of the key reasons for this paradox is the redundant and parallel development efforts which plague our alliance. Too much of the time we duplicate the efforts of each other, and in the process we waste limited defense resources and lower the interoperability of our combat forces.

That is why Senator NUNN wisely sponsored a provision in last year's defense authorization bill which created a new program for NATO cooperative research and development. That program proposed funding for collaborative weapons development with NATO allies. To date the responses have been excellent and progress has been very encouraging. Proposed termination of the RAM and Penguin Programs, however, has cast a shadow over this cooperative development program. Allies are questioning our commitment to cooperation.

I have received numerous letters testifying to the serious impact termination would have on prospects for continued collaborative development. The doubt and skepticism that termination casts on NATO cooperation requires restoration of these programs.

I should say that this program has not been without problems. There have been serious technical problems in the RAM development program. It has had cost-growth problems. And some have questioned the requirement for this system.

Mr. President, the provisions we incorporate in our amendment are designed to insure that there is tangible military merit in this program and that we have resolved the cost and performance problems before we make a further commitment to it. I believe this amendment strikes the appropriate balance between continuing the momentum in joint NATO cooperative programs and insuring the military and financial soundness of these programs.

Mr. President, I ask unanimous consent to have printed in the RECORD a sheaf of requests received from United States and Germany and other NATO officials asking the restoration of this program.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EMBASSY OF THE FEDERAL
REPUBLIC OF GERMANY,
*Washington, DC, June 27, 1986.*

Hon. PETE WILSON,
*U.S. Senate, Washington, DC.*

DEAR SENATOR WILSON: Please find for your information the text of letters from the Federal Minister of Defense, Dr. Manfred Woerner, to Senators Goldwaters, Nunn, and Cohen as well as Congressmen Aspin and Dickinson.

Subject of the letters, which were delivered yesterday, is the German position on the recent developments concerning funding of the Rolling Airframe Missile (RAM).

Your assistance in this matter would be highly appreciated.

Sincerely yours,

HASSO VON USLAR,
*Brigadier General.*

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COURTESY TRANSLATION

I have been advised that the Senate Armed Services Seapower Subcommittee, and the House Armed Services R&D Subcommittee, have recently disapproved the research and development funding for the Rolling Airframe Missile Program (RAM). RAM is a joint U.S.-German program. Our two countries share equally in the development costs. The German Navy has an urgent requirement for this defensive weapon that would be able to counter the immediate missile threat facing our ships. For this reason the Federal Republic of Germany has already invested more than 300 million DM in the development of RAM and has helped the project overcome the difficult problems of recent years. We are of the opinion that the program has now moved to solid ground.

The actions of the subcommittees consequently have come as a surprise. I must believe that the fact has been overlooked that RAM is a cooperative international program. So that there can been no doubt, let me emphaisze a termination of the program in this manner would constitute a serious setback for the armaments cooperation between our two countries. Such unilateral decisions without regard for the cooperating partner must lead to the impression in the Federal Republic that our influence in the program is restricted only to a financial contribution. The consequences would be devastating—setting aside the fact that I would be required to explain the U.S. withdrawal from RAM, and thus the failure of the program, to our Parliament. This would come after the Federal Republic of Germany has expended more than 300 million DM in development funds almost exclusively to the benefit of U.S. industry.

While I believe that the actions of the subcommittees are not final, this negative signal is already now having consequences for the public debate in the Federal Republic. Until now the U.S. Congress has been perceived as a proponent of Trans-Atlantic armaments cooperation. I, therefore, implore that you exercise your influence for a repeal of the actions of the subcommittee. I sincerely thank you for your efforts.

Yours,

MANFRED WOERNER.

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THE SECRETARY OF STATE,
*Washington, DC.*

Hon. PETE WILSON,
*U.S. Senate, Washington, DC.*

DEAR SENATOR WILSON: I am writing to express, from the foreign policy perspective, my urgent concern and sincere disappointment over the recent decisions by the Committees on Armed Services of both houses to recommend eliminating U.S. funding for the Rolling Airframe Missile (RAM) joint project with the Federal Republic of Germany.

RAM has contributed significantly to our ability to manage multinational programs. In addition to its military merits, RAM is considered by our European allies as a bellwether for future defense industrial cooperation in the spirit of last year's Nunn Amendment. Despite early problems, it now has strong potential to become the first collaborative development project with our NATO allies to transition into a collaborative production program. It will save costs and have important symbolic value in terms of rationalizing NATO's industrial base. I cannot stress enough that if Congress cancels this program with its substantial German investment, it will imply that the United States puts little stock in such undertakings and it will be much more difficult to convince the FRG and other allies to invest in cooperative projects with the United States. Our allies might put greater emphasis on intra-European cooperation to the exclusion to the exclusion of U.S. industry.

Even in the face of our current budgetary stringencies, I believe we must continue to fund those programs which have high leverage for our foreign policy. I believe RAM is such a program, and I would appreciate your support in restoring funds for it in FY 1987.

Sincerely yours,

GEORGE P. SHULTZ.

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EMBASSY OF THE FEDERAL
REPUBLIC OF GERMANY,
*Washington, DC, June 27, 1986.*

Col. CHRISTIAN M. SHORE,
*EUR/NATO Policy, ISP, The Pentagon, Room 4 D 776, Washington, DC.*

DEAR CHRIS: Please find for your information the text of letters from the Federal Minister of Defense, Dr. Manfred Woener, to Senators Goldwater, Nunn, and Cohen as well as Congressmen Aspin and Dickinson.

Subject of the letters, which were delivered yesterday, is the German position on recent developments concerning funding of the Rolling Airframe Missile (RAM).

Sincerely yours,

HARSO VON USLAR,
*Brigadier General.*

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immediate missile threat facing our ships. For this reason the Federal Republic of Germany has already invested more than 300 million DM in the development of RAM and has helped the project overcome the difficult problems of recent years. We are of the opinion that the program has now moved to solid ground.

The actions of the subcommittees consequently have come as a surprise. I must believe that the fact has been overlooked that RAM is a cooperative international program. So that there can be no doubt, let me emphasize a termination of the program in this manner would constitute a serious setback for the armaments cooperation between our two countries. Such unilateral decisions without regard for the cooperation partner must lead to the impression in the Federal Republic that our influence in the program is restricted only to a financial contribution. The consequences would be devastating—setting aside the fact that I would be required to explain the U.S. withdrawal from RAM, and thus the failure of the program, to our Parliament. This would come after the Federal Republic of Germany has expended more than 300 million DM in development funds almost exclusively to the benefit of U.S. industry.

While I believe that the actions of the subcommittees are not final, this negative signal is already now having consequences for the public debate in the Federal Republic. Until now the U.S. Congress has been perceived as a proponent of Trans-Atlantic armaments cooperation. I, therefore, implore that you exercise your influence for a repeal of the actions of the subcommittes. I sincerely thank you for your efforts.

Yours,

MANFRED WOERNER.

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U.S. PERMANENT REPRESENTATIVE
ON THE NORTH ATLANTIC COUNCIL,
*July 15, 1986.*

Hon. PETE WILSON,
*U.S. Senate, Washington, DC.*

DEAR PETE: I am very concerned that the decision by the Senate Armed Services Committee to terminate funding of the RAM cooperative project will not only have a damaging impact on U.S.-West German relations, but could also jeopardize the progress being made with our NATO Allies in developing a more effective framework for transatlantic armaments cooperation under the innovative Nunn-Roth-Warner legislation.

As you know, the RAM program has been promoted on both sides of the Atlantic as a pioneering R&D effort that will pave the way for a new generation of NATO armaments cooperation projects. There are two particular aspects of the RAM program which deserve the continuing support of the Congress. First, RAM is a jointly funded effort between the U.S. and the FRG involving a substantial sharing of technologies on both sides. This type of jointly funded and co-developed program is certainly in the U.S. interest as it significantly lowers the cost of R&D to the U.S. Services and gives us access to valuable technologies developed by the European Allies. Second, the RAM progam features a unique competitive, second source production agreement between the U.S. and German consortia which will guarantee high quality and low production costs for the U.S. Navy.

Termination of this program will certainly be a serious blow to the Government of the FRG, and particularly, to Defense Minister Woerner who strongly supported the RAM program despite technical and financial difficulties, and strong industrial pressures to pursue a Europe-only solution. The Committee's decision will raise bitter questions in the Bonn government and in the Parliament as to whether the FRG can count on the United States to pursue armaments cooperation on an ambitious scale over the long term.

I am also very concerned that the Committee's decision comes just as we are in the process of negotiating at least twelve MOU's to pursue armaments cooperation with the Allies under the framework of the Nunn-Roth-Warner legislation. We have pushed the Allies hard to join us in what is one of the most promising efforts to improve NATO conventional defenses. Failure to provide a clear and affirmative signal that the European Allies can depend on Congressional support for NATO armaments cooperation in the coming years will certainly complicate our current negotiations and even reduce Allied participation in this initiative.

I fully realize that the RAM program has run into financial and technical problems in the past. Nonetheless, the importance of this program for U.S.-FRG relations and its impact on the future success of the Nunn-Roth-Warner armaments cooperation initiative, makes it essential that we make an additional effort to ensure the completion of this program.

Sincerely yours,

DAVID M. ABSHIRE,
*Ambassador.*

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CHIEF OF NAVAL OPERATIONS,
*July 15, 1986.*

Hon. BARRY GOLDWATER,
*Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: I am writing to solicit your support to reverse recent actions by the Senate and House Armed Services Committees which will result in termination of the Rolling Airframe Missile (RAM) program unless you support a floor amendment to the FY-87 Authorization Act.

We have an urgent need for RAM to meet our requirements for a lightweight missile system with adequate firepower to defend against anti-ship missiles. Termination of this program will reduce our warfighting capability in the near term, and it will necessitate service life extensions of obsolete systems while requiring costly development of a replacement system to meet our long term needs.

The concerns expressed by Congress about RAM include technical difficulties, cost increases during development, responsiveness to the threat and projected unit production costs. We have reviewed the RAM program and acknowledge that it has experienced some technical delays, but we are confident that the design is functionally sound and the program has overcome its technical difficulties. RAM can respond to most threat missiles now, and it has been designed with the capability for upgrade to enable countering passive missiles in the future. We can sign a capped development contract this summer which will bring development and production unit costs under control. In addition, we are continuing our efforts to reduce missile unit costs below recent commitments made by the prime contractor.

We need your support for the immediate continuation of the RAM program because our fleet needs it now. I am sending a similar letter to Chairmen Stevens, Chappell and Aspin.

Sincerely,

C.A.H. TROST,
*Admiral, U.S. Navy.*

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U.S. DEPARTMENT OF STATE,
*Washington, DC, July 17, 1986.*

Hon. PETE WILSON,
*Committee on Armed Services,*
*U.S. Senate.*

DEAR SENATOR WILSON: Ambassador Burt has asked me to forward to you the enclosed letter which we received electronically from Embassy Bonn.

Sincerely,

HARRY J. GILMORE,
*Director, Office of*
*Central European Affairs.*

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U.S. DEPARTMENT OF STATE,
*Washington, DC.*

Hon. PETE WILSON,
*Committee on Armed Services,*
*U.S. Senate.*

DEAR PETE: I was surprised and extremely disappointed to hear that the Committee on Armed Services recommended the termination of the Rolling Airframe Missile (RAM) Cooperation Agreement program. I cannot overemphasize the negative impact that the unilateral termination of this program would have on our multifaceted and vital defense relationship with the Federal Republic of Germany.

I understand and appreciate the checkered technical and cost history of RAM, but I have been assured by the U.S. Navy and technical experts from industry that both aspects are now under control and we can move forward on firm technical and financial ground.

As important as this system is militarily to the German Navy, the consequences in a broader context to the two way street are even more critical. The Federal Republic has already invested over 300 million marks in research and development. German government and industry have several hundred million marks more invested or committed to facilitization for production, testing and simulation. The U.S. proposal to cease participation in this model cooperative venture has been met with shock and disbelief in the German Ministry of Defense and Navy.

It is seen as a direct personal blow to Minister Woerner, a steadfast friend and staunch ally of the U.S., and by extension, to the close relationship we enjoy.

This contemplated action appears to be in direct opposition to the principles of section 1103 of last year's Defense Authorization Act, the "Nunn Amendment", and would have a disastrous effect on our future efforts at cooperative research and development within NATO.

It is in view of the above far-reaching consequences that I ask you to take positive action now to restore the RAM program in the budget.

Sincerely,

RICHARD R. BURT,
*American Embassy, Bonn, Germany.*

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THE UNDER SECRETARY OF DEFENSE,
*Washington, DC, June 16, 1986.*

Hon. SAM NUNN,
*U.S. Senate,*
*Washington, DC.*

DEAR SAM: I appreciate the opportunity to respond to your question on RAM. I, too, have been concerned about this program as it not only supports an urgent Navy requirement for a high firepower self-defense naval

missile, but also bears directly on our credibility in embarking on future NATO cooperative development and production programs under your initiative.

The current FSED program will be cost capped at $409.2M, which is approximately double the 1977 estimated joint development costs. Until reliability and quality assurance problems became evident late in 1984, the R&D program was on schedule. When the contractor's flight test success rate dropped to 50% in February 1985, the Navy ordered a complete program review and restructuring. This resulted in additional R&D costs associated with a revised FSED program.

The flight test failures have been associated with reliability of the engineering prototype missiles. At the same time, these same missiles have demonstrated the capability of this unique dual-mode RF/IR seeker application to engage very high speed, sea-skimming threat representative targets. In fact, when the missile has flown reliably, all performance standards have been met or exceeded. In order to ensure that missile reliability in all environments is acceptable, we have restructured the FSED program to include more stringent ground and flight testing. Consequently, fleet introduction is now planned for 1990.

In November 1984, a dual source competitive acquisition strategy with Germany was initiated for future production. The combined effects of stretching out early production due to the restructured FSED program and assuming the full burden for facilitizing the US production line had a near-term impact of doubling the nonrecurring costs associated with the establishment of a production facility. This cost now must be distributed across the low rate missile procurements shown in the President's Budget for FY87-89. I concur that the projected unit cost of the RAM is excessive. We have taken the initiative to direct the prime contractor to undertake a cost reduction program to ensure unit production cost does not exceed $125K per round in the first year of full competition, 1990. This would compare favorably with the 1979 unit cost estimate of $80K in then-year dollars.

The RAM was not intended to counter passive homing missiles, which make up a small portion of the current threat inventory and are not projected to be in substantial numbers in the 1990s. Naval layered defense provides adequate counters to the limited numbers of passive missiles in the form of NATO Sea Sparrow and Phalanx Close-in Weapon System.

The Federal Republic of Germany has two choices if the RAM program is terminated by Congress. They can terminate participation in the program or assume the entire burden of the remaining development cost estimated at $180M. Termination of the RAM program will have a negative impact on our ability to encourage future NATO cooperative programs. I again request your assistance in providing the required fiscal support for RAM.

Sincerely,

DONALD A. HICKS.

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THE SECRETARY OF DEFENSE,
*Washington, DC, July 3, 1986.*

Hon. BARRY M. GOLDWATER,
*Chairman, Senate Armed Services Committee, U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: I was dismayed to learn of the recommendation of the Committee on Armed Services to terminate the Navy's programs to develop the Rolling Airframe Missile (RAM) and to arm the LAMPS III helicopter with the Penguin anti-ship missile.

The military need for these systems is urgent. The Penguin will provide a new and extremely useful capability that cannot be provided by any other weapon, including Harpoon. We will separately provide you classified information that substantiates the requirement for Penguin.

Both the US Navy and the German Navy presently have ships in commission with no protection against anti-ship missiles. RAM promises to correct that unacceptable situation. RAM also provides significant firepower improvements to our ships with NATO Sea Sparrow self defense systems. While the program has had its share of problems, recent efforts have borne fruit and the program is now on solid ground. A recent test firing was an unqualified success, and we believe that we have both the development cost and the production cost under control.

Aside from the military need for these weapons, the programs are symbolic of our commitment to the principles set forth in Section 1103 of last year's Defense Authorization Act—the "Nunn Amendment" on NATO Cooperative Research and Development.

We have worked hard with our NATO Allies to implement the provisions of the Nunn Amendment and the related appropriation. This required asking the Allies to help fund the projects. They have been very responsive and we have made good progress in laying the foundations for a number of important projects.

I do not believe that we can be successful in persuading our Allies to engage in more armaments cooperation with us if we cannot sustain the few efforts we have undertaken with them. I view continuation of the RAM and Penguin progams essential to the success of our armaments cooperation initiatives of the past year—and, moreover, to the long-term progress in NATO armaments cooperation that is such an important element in NATO's Conventional Defense Improvement effort.

Sincerely,

CAP.

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THE SECRETARY OF DEFENSE,
*Washington, July 3, 1986.*

Hon. SAM NUNN,
*U.S. Senate,*
*Washington, DC 20510.*

DEAR SAM: I was dismayed to learn of the recommendation of the Committee on Armed Services to terminate the Navy's programs to develop the Rolling Airframe Missile (RAM) and to arm the LAMPS III helicopter with the Penguin anti-ship missile.

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Sincerely,

CAP WEINBERGER.

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THE SECRETARY OF DEFENSE,
*Washington, DC, July 3, 1986.*

Hon. LES ASPIN,
*Chairman, House Armed Services Committee, House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: I was dismayed to learn that the Committee on Armed Services might recommend termination of the Navy's program to develop the Rolling Airframe Missile (RAM).

Both the US Navy and the German Navy presently have ships in commission with no protection against anti-ship missiles. RAM promises to correct that unacceptable situation. RAM also provides significant firepower improvements to our ships with NATO Sea Sparrow self defense systems. While the program has had its share of problems, recent efforts have borne fruit and the program is now on solid ground. A recent test firing was an unqualified success, and we believe that we have both the development cost and the production cost under control.

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I do not believe that we can be successful in persuading our Allies to engage in more armaments cooperation with us if we cannot sustain the few efforts we have undertaken with them. I view continuation of the RAM program essential to the success of our armaments cooperation initiatives of the past year—and, moreover, to the long-term progress in NATO armaments cooperation that is such an important element in NATO's Conventional Defense Improvement effort.

Sincerely,

CAP WEINBERGER.

The Honorable ——

Dear Mr. ——, Dear ——, I have been advised that the Senate Armed Services Seapower Subcommittee, and the House Armed Services R&D Subcommittee, have recently disapproved the research and development funding for the Rolling Airframe Missile Program (RAM). RAM is a joint U.S.-German program. Our two countries share equally in the development costs. The German Navy has an urgent requirement for this defensive weapon that would be able to counter the immediate missile threat facing our ships. For this reason the Federal Republic of Germany has already invested more than 300 million DM in the development of RAM and has helped the project overcome the difficult problems of recent years. We are of the opinion that the program has now moved to solid ground.

The actions of the subcommittees consequently have come as a surprise. I must believe that the fact has been overlooked that RAM is a cooperative international program. So that there can be no doubt, let me emphasize a termination of the program in this manner would constitute a serious setback for the armaments cooperation between our two countries. Such unilateral decisions without regard for the cooperating partner must lead to the impression in the Federal Republic that our influence in the program is restricted only to a financial contribution. The consequences would be devastating—setting aside the fact that I would be required to explain the U.S. withdrawal from RAM, and thus the failure of the program, to our Parliament. This would come after the Federal Republic of Germany has expended more than 300 million DM in development funds as almost exclusively been to the benefit of U.S. industry.

While I believe that the actions of the subcommittees are not final, this negative signal is already now having consequences for the public debate in the Federal Republic. Until now the U.S. Congress has been perceived as a proponent of Trans-Atlantic armaments cooperation. I, therefore, implore that you exercise your influence for a repeal of the actions of the subcommittee. I sincerely thank you for your efforts.

Yours truly,

MANFRED WORNER.

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JUNE 6, 1986.

Adm. M.E. CHANG,

*Deputy Commander, Weapons Combat Systems Directorate, Naval Sea Systems Command, National Center Building 2, Jefferson Davis Highway, Arlington, VA*

DEAR ADMIRAL CHANG: On 11 June 1986. I attended meetings with various U.S. Government officials regarding the Navy's RAM program. I was informed that the RAM program budget decisions were being made at this time and the key factor for a favorable release of funding is the missile production unit cost. After a discussion with Tony Battista. I agreed to provide an estimate of missile production cost by 1 July 1986. I briefed Admiral Meinig on my meetings with Mr. Battista and other Government officials on 12 June.

At this time there is no official Navy request for production quantities, cost, and schedules. Therefore, I selected production quantities I believe would be useful and cost effective. These selected production quantities, built to the current General Dynamics' tested configuration and deliverable to the Navy assembly depot, are a first year quantity of 50 pilot proofing missiles and a second year buy of 500 missiles for initial production.

The 50 proofing missile unit cost is consistent with the FY'87 budget request for production start-up as we understand it. The 500 missile quantity unit cost will be in the $125,000 to $145,000 range. These costs are in constant 1986 dollars and includes the cost for Government furnished items, based on the current tested configuration.

Admiral, as you know, I have initiated a cost reduction study. To be effective, this cost reduction study will take an appreciable time, perhaps six to eight months. While I had planned to provide information on approximate cost of the missile unit quantities to Congress by 1 July, I have been overtaken by Congressional urgency and other events and this information will now be presented on Tuesday, 17 June.

I have scheduled a meeting with Admiral Meinig on Tuesday, 17 June, to review the entire cost, schedule, and production status.

Sincerely,

F.O. CHESUS.

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JUNE 18, 1986.

Hon. LES ASPIN,

*Chairman, Committee on Armed Services, House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN, over the past several months, the Navy has informed Congress of the plan to restructure the Rolling Airframe Missile (RAM) program, cap development costs, and significantly reduce production unit cost.

As part of the continuing review of the RAM program, both development partners (the U.S. and Germany) have confirmed the urgent requirement for this high firepower, self-defense missile. No alternative has been identified which meets the current and projected threat in the time period RAM can be fielded and includes the attractive tactical feature of homing on energy generated by the target vice being dependent on a radio-frequency source from the firing ship.

The Navy's intention is to complete the development program with a capped, jointly funded (50/50 US/German) contract. The prime contractor has been informed of my limitations on the average missile unit production flyaway cost. If, after completion of the development program, the average unit flyaway cost for the first three years of full rate production exceeds $125K per unit (including GFE), the program will be terminated. These production unit costs will be contractor commitments expressed in yearly not-to-exceed prices.

We are fully committed to the RAM program. Your assistance in providing the required fiscal support is critical. Not only does this program support an urgent US and German requirement, but its continuation also bears directly on our credibility to embark on future cooperative development/production programs.

JAMES F. GOODRICH,
*Acting Secretary of the Navy.*

Mr. WILSON. Mr. President, the messages I have inserted in the RECORD, I think, are a testament to the importance that officials of both nations and officials of NATO attach to this program. It has not been without problems. I think our amendment sees to it that those problems will be dealt with adequately in terms of cost and performance.

Mr. President, I want to take a moment to commend my colleague, the distinguished ranking member of the committee, Senator NUNN. Last year, Senators will recall, Senator NUNN urged upon us an amendment that we very wisely adopted. It was one that went a long way toward improving the status of collaboration between the United States and our NATO allies. It developed a program for NATO cooperative research and development. That program proposed funding for collaborative weapons development with the NATO allies, and to date the responses have been excellent.

□ 2200

Progress has been more than encouraging and it is precisely because of the success of that program that the proposed termination of the RAM Missile Program has cast a shadow over this cooperative development program.

In short, our NATO allies are questioning our commitment to the cooperation enunciated under the Nunn amendment.

So in short, Mr. President, I feel that we have in this amendment cured the defects. The information that we sought was not available to the committee or to the subcommittee at the time of consideration.

Senator NUNN and I contacted Secretary Hicks, whose letter is included in those that I have inserted into the RECORD.

We have been given assurance by him and other sources that the problems with the program stand to be corrected, and again I will simply state that the importance of the program both in terms of its merit in responding to the need of our Navy and that of the German navy and its importance symbolic in terms of making good on a program that we initiated last year under the Nunn amendment argue very strongly for the adoption of this amendment so that we may get on with the RAM Program.

I believe my colleague, the distinguished chairman of the Subcommittee on Seapower has a comment to make, and I yield the floor to him at this time.

Mr. COHEN. Mr. President, I am going to recommend that we accept the amendment pending other Members coming to the floor perhaps voicing some concerns and objections.

But let me say that my acceptance and recommendation of acceptance is not without some reservation.

The reason the subcommittee originally took the position that we should cancel our participation in this particular missile system was generated by several things, most of all the budget.

Senator GOLDWATER has spoken many times during the past several days in the past week about what has happened to the size of the defense

budget which is now driving the kind of reductions we have been looking at.

This is one of the programs that fell out, and it fell out for several reasons. No. 1, the costs of this particular missile have gotten out of control.

There was no control on the NATO side and there was very little control on the U.S. side.

So in looking at systems that have to be reduced or canceled we look at those that are cost effective. This system has not been cost effective in its development.

Second, we have to look at its effectiveness as a war fighting piece of equipment, and here again the future in my judgment is not particularly promising.

This system is effective currently against about 75 percent of the Soviet force. That will be reduced in the coming year to perhaps 50 percent or less as the Soviets move to a different type of antiship missile system. So we are spending a great deal of money upon a system which is going to become rather if not obsolete at least reduced in its effectiveness against the Soviet threat.

It will still be effective against perhaps a Libyan threat or some other third world country. But in terms of combating the major systems to be produced by the Soviet Union, its effectiveness is going to be reduced in the future.

There is another dimension of this particular problem that is the one of NATO cooperation, and Senator NUNN certainly has been a leading voice in this regard along with Senator WILSON, and others.

But the message has to go forth to our NATO allies that it is not an endless pit of money in the United States that we are going to fund systems that are not properly managed in which the cost is out of control and may be of limited utility in the future.

In fact, the reliability of this particular system is no better than 50 percent to date. So, for these reasons the committee took the really serious action. We were not unaware of the political consequences. We are friends with our NATO partners. We want to have a two-way street. We want to show to them, yes, we want them to buy our systems. We are willing to buy theirs. We are willing to enter into joint programs. But we are not prepared to commit ourselves in the future indefinitely to systems that simply have gotten out of control in terms of their cost and are of marginal or reduced significance in defeating the enemy force in the future.

It is for these reasons we recommend cancellation of the system.

We have provoked a rather vigorous response, and I think there is some merit to that response in terms of the two-way street.

So I would reluctantly agree to the amendment offered by my friend from California with the kind of constraints that he has placed in his amendment.

We are going to start setting some limitations on how much can be spent on this particular system.

In fact, tomorrow morning I may want to review this issue again in terms of what contact we have had in communication with the German manufacturers in terms of what kind of cost constraints they can live with. But I am not satisfied at this point that we should simply give carte blanche on this particular system.

I think the Senator from California has offered an important restriction on the spending side, and for that reason I am going to recommend to our chairman that we accept the amendment subject to being revisited again tomorrow after we have had more contact with the German manufacturer.

The PRESIDING OFFICER. Is there further debate?

Mr. LUGAR. Mr. President, as a cosponsor of the Wilson-Nunn amendment, I would like to make a few points from the foreign policy perspective. In doing this, I do not wish to imply that we should proceed with the rolling airframe missile [RAM] solely for foreign policy reasons. RAM must meet a real military requirement and perform as it is supposed to. The Armed Services Committee is right to consider it against these criteria. However, we must also consider the foreign policy implications of our actions.

RAM has been a joint cooperative project between the United States and the Federal Republic of Germany. Denmark is also expected to have a small participation. Unlike most cooperative programs, RAM has been a joint project from the initial research and development stage right through procurement. Thus we may regard it as a bellwether of U.S./NATO cooperation. Furthermore, U.S. officials involved with the program all say that RAM has contributed significantly to our ability to manage multinational programs. While this sort of progress is difficult to measure, it is vital if we are to proceed with collaborative projects which will rationalize NATO's production base and make alliance forces more compatible.

This progress which we have achieved with the RAM project has not been without its costs. There have been delays, and the program has cost more than anticipated. At a time in which we must be so careful in spending, these are considerations which must weigh heavily in our decision. If these problems cannot be corrected, cancellation is an option we should consider.

However, the officials responsible for the program tell us that RAM has turned the corner, that the problems have been solved. If this is so, then we must consider the foreign policy implications of acting too hastily.

RAM has been a partnership. Our partners, the Germans, have suffered the same costs and delays we have. No doubt each side has sometimes wished that things had been done differently. Each side might have done those things differently if it had been alone. But neither was alone. Whether in business or interallied defense projects, each partner must consider the consequences of his actions for the other. We cannot simply cancel RAM and leave Germany holding the bag. Such an action would have repercussions throughout NATO. Other, and future cooperative efforts would be called into question. Surely our allies would think long and hard before taking us on as a partner again. In fact, they would probably seek more intra-European cooperation to the exclusion of U.S. industry.

If there is light at the end of the tunnel for RAM, it seems to me we should give it one more chance. This is not a chance to go along unnoticed for another year while costs and delays increase. The Wilson-Nunn amendment places strict conditions which must be met if RAM is to continue. Costs are capped for research and development and procurement, and RAM must perform as the original specifications called for. This is a responsible approach. Our Department of Defense and the German Ministry of Defense will know the conditions. So will United States and German contractors. There will be no alliance-damaging, precipitous cancellation, but there will be fair warning that RAM must perform. I believe that this is a situation which we can all live with, and one which our allies will understand and support. Therefore, I urge the Senate to adopt the amendment.

Mr. NUNN. Mr. President, I support the amendment of the Senator from California. I am a cosponsor of it.

I understand the committee's position. There were new facts that have come in since we took our position in the committee to cancel this program. This is of importance in Europe. It is a key in terms of overall cooperation in NATO. So I support the amendment.

Having said that, I must ask that we delay it for just a few moments. Hopefully maybe it can be set-aside temporarily.

I think the Senator from Virginia has a couple of amendments. The Senator from Nebraska who is a member of the committee has asked to come over before we vote on this particular amendment.

So I ask the Senator from California if he would be willing to temporarily lay this amendment aside with the hope that we can complete it as soon

as the Senator from Nebraska has taken a look at it.

Mr. WILSON. I am pleased to do so.

The PRESIDING OFFICER. Without objection, the amendment is temporarily set-aside.

The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the pending amendments be set-aside for the purpose of considering an amendment that has, as I understand, been cleared on both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2596

(Purpose: To require a report from the Secretary of Defense, in conjunction with other agencies, regarding the current efforts to educate youth of military personnel in schools operated by the Department of Defense concerning drug and substance abuse, and to further require that the Secretary report on the feasibility of schools from grades K through 12)

Mr. MURKOWSKI. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI] proposes an amendment numbered 2596.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 228, between lines 17 and 18, insert the following new subsection:

(b) Drug Educational and Counseling Report: The Secretary of Defense, in consultation with the National Drug Enforcement Policy Board and the Department of Education, shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report, not later than December 1, 1986, discussing (i) the extent to which youth in schools operated by the Department of Defense for dependent members of the Armed Forces are receiving education on drug and substance abuse, (ii) the types of drug education programs that are currently being provided, (iii) whether additional drug education programs are needed, and (iv) the extent to which drug education programs for youth in grades K through 12 include or should include preventative peer counseling classes.

Redesignate subsection (b) as subsection (c).

Mr. MURKOWSKI. Mr. President, this has been cleared by both sides. The purpose of the amendment is to require a report from the Secretary of Defense in conjunction with other agencies regarding the current efforts to educate youth of military personnel in schools operated by the Department of Defense concerning drug and substance abuse and to further require that the Secretary report on the feasibility requiring drug prevention peer counseling to youth in such schools from grade K through grade 12.

Mr. President, my amendment requires the Department of Defense in conjunction with the Department of Education to report to Congress on the extent to which Department of Defense operated schools provide substance abuse education in kindergarten through 12th grade. It also requires an assessment of whether further programs are needed. This report augments section 1219 of the bill which requires the National Drug Enforcement Policy Board to report on the manner and extent to which the Department of Defense should be involved in drug enforcement activities. My amendment will give the Congress the opportunity to review the Department of Defense's role in both the supply and demand side of the drug equation.

The Department of Defense operates two separate dependent school programs—the Department of Defense Dependents Schools [DODDS] Program and section 6 schools. DODDS schools provide education to military students overseas and section 6 schools are located in the United States. There are 270 DODDS schools and 67 section 6 schools. Alabama, Georgia, Kentucky, Louisiana, New York, North Carolina, South Carolina, Virginia, and Puerto Rico all have DOD schools.

As President Reagan stated in announcing his new national crusade to eliminate the demand for drugs, the main thrust of our war against drugs is "to be to get the people themselves to turn off on it." My amendment will provide an important tool to assess whether the Department of Defense's programs are addressing the drug abuse issue to stop children before they become involved in drugs. The Department of Defense may also have model educational programs which can be applied to school districts across the country.

An additional requirement of my amendment will be to assess the need for peer counseling classes. As reported in the August 11 edition of Newsweek educators now believe that the focus of our prevention programs should be through peer and parental pressure to teach children that drug use is uncool. Research has shown that peer teaching and positive peer pressure are the most promising and effective approaches in drug use prevention today. These programs encourage children to think for themselves and say "no" to activities that might harm them. Through role playing and other activities children are able to cope more easily when they are pressured to try alcohol or drugs. They also have the support of their peers who are also participating in the activities.

Mr. President, my amendment will not cost money, and will serve to focus the attention of the Department of Defense on the drug education of the dependents of military personnel. I urge the floor managers and my colleagues to support my amendment.

Mr. President, I defer to the chairman of the Armed Services Committee and the majority and minority who I believe have cleared this.

Mr. GOLDWATER. Mr. President, we have looked at this amendment. We think it is a worthwhile amendment.

We will accept it on this side.

Mr. NUNN. Mr. President, I recommend that we approve the amendment.

The PRESIDING OFFICER. Is there further debate?

Mr. MURKOWSKI. Mr. President, I ask the amendment be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alaska.

The amendment (No. 2596) was agreed to.

Mr. MURKOWSKI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MOYNIHAN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, is there an amendment pending?

The PRESIDING OFFICER. The Senator is correct, there is an amendment pending.

Mr. BYRD. Mr. President, I ask unanimous consent that the pending amendment be temporarily laid aside that I may call up an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2597

(Purpose: To ensure a secure source of critical material and to ensure the survival of the ferroalloy industry)

Mr. BYRD. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 2597.

Mr. BYRD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 197, between lines 12 and 13, insert the following new section:

SEC. 1106. CONVERSION OF CHROMIUM AND MANGANESE ORE TO HIGH CARBON FERROCHROMIUM AND HIGH CARBON FERROMANGANESE.

(a) IN GENERAL.—During fiscal year 1987 and during each of the six succeeding fiscal years, the Administrator of General Services shall obtain bids from domestic producers of high carbon ferrochromimum and of high carbon ferromanganese and award contracts for the conversion of chromium and

manganese ores held in the National Defense Stockpile into high carbon ferrochromium and high carbon ferromanganese, respectively.

(b) STOCKPILE GOALS.—(1) Contracts awarded under subsection (a) shall provide for the addition of not less than 53,500 short tons of high carbon ferrochromium and 67,500 short tons of high carbon ferromanganese to the National Defense Stockpile in each of the fiscal years referred to in the preceding sentence.

(2) If, in any fiscal year referred to in subsection (a), the minimum quantity of high carbon ferrochromium or high carbon ferromanganese to be added to the National Defense Stockpile, as prescribed in paragraph (1), is not met, the quantity of such material to be added to such stockpile in the succeeding fiscal year shall be increased by the quantity of the deficiency.

(c) SEVEN-YEAR MINIMUM QUANTITIES.—The total quantities of carbon ferrochromium and high carbon ferromanganese in the National Defense Stockpile at the end of the seven fiscal years referred to in subsection (a) shall be as follows:

(1) Carbon ferrochromium, 374,000 short tons.

(2) High carbon ferromanganese, 472,000 short tons.

(d) In this section, the term "National Defense Stockpile" means the stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c).

Mr. BYRD. Mr. President, some of my colleagues may not be familiar with ferroalloys. These metals impart special qualities to steel and are absolutely essential to a modern society. They make steel corrosion and temperature resistant, and are essential to products as diverse as electronic components and jet engine parts.

In May 1984, the President turned down a petition brought by American ferroalloy producers under section 232 of the Trade Expansion Act, the national security provision of our trade law. Imports have taken over 60 percent of the U.S. market for ferroalloys and were putting American producers of these strategic materials out of business more and more.

The administration did take some action to help American ferroalloy producers survive—and it is only barebones survival at this point. The President said he would continue a program begun in 1982 to process chromium and manganese ores currently in the national strategic stockpile into high-carbon ferrochromium and high-carbon ferromanganese. In the Federal Register of May 21, 1984, the administration announced its commitment to a 10 year program of ore processing—8 years beyond the date of the announcement plus the 2 years during which the program had been in operation. This would keep two American ferrochrome and ferromanganese producers in business—just barely—over the duration of the program. In so doing, it would make a modest contribution to the survival of this vital industry here within our borders.

The administration has actually obligated the necessary funding and other support to the program in 3-year increments. After the expiration of the first 3-year segment, the administration recently obligated itself to keep the program alive for a second 3-year period. However, the companies involved are left with a strong impression that the administration's commitment to the program is fainthearted at best. It has been approving the program in fits and starts, and the future of the companies involved—and that of the people who work there—has been dangling from a string.

I believe the Congress should demonstrate its support for this program, and provide some predictability to this crucial industry.

The amendment I offer today requires the General Services Administration to seek bids from domestic ferroalloy producers to add to the national defense stockpile at least the 374,000 short tons of high-carbon ferrochromium and 472,000 short tons of high-carbon ferromanganese which it had promised to have processed in the May 1984 decision. This will involve continuing the program begun in 1982 for the full 7 years that remain of the 10-year commitment.

This is nothing beyond what the administration previously said it was committed to do. But a congressional mandate could make all the difference.

I urge support for the amendment by all my colleagues on both sides of the aisle.

Mr. GOLDWATER. Mr. President, I would like to ask a question. Does the United States produce a lot of that type steel?

Mr. BYRD. We are talking about ferroalloys and a great deal of these ores come from South Africa. And, of course, we can always fall back on the second producer, and that is the Soviet Union.

These are matters that are very vital. These are ores, these are ferroalloys, not only vital to the economy of this country, but they are vital to the national security of the country. We had three facilities in West Virginia. This is not a labor-intensive industry. I think that nationwide we probably have about 3,600 people left working across the Nation; in West Virginia, probably less than 600.

I am talking about something that is absolutely vital to the national security of this country.

I have never been able to understand why the administration would not listen to the pleas of those of us who have said time and time and time again—I said to the President one day down at the White House in the Cabinet Room, I told him about this situation and how these companies were going out of business all over the country, three small companies in my own State going on the rocks, and that if we get into a war, these ferroalloys are going to be absolutely necessary to our national defense.

If we do not have these ferroalloys, we cannot have jet engines, we cannot make the cannons, the tanks, the ships, and the guns. We cannot produce the steel for steel girders. We cannot produce the stainless steel for medical instruments.

I have been at a loss to understand why we let a vital industry of this kind perish on the vine. But perhaps if we can adopt this amendment, this will give these few remaining employees and these already anemic companies a little hope for the next 7 years, that they can continue operating.

Mr. GOLDWATER. Mr. President, having been chairman of the Stockpile Committee and having served on it for a long time, I recognize what the Senator from West Virginia is saying is absolutely true. One of the great fears that I have in the coming months is the threat to our stockpile at a time when we should have no threats to it.

This side has no objection to taking this amendment.

Mr. BYRD. I thank the distinguished manager.

The PRESIDING OFFICER. Is there further debate?

Mr. NUNN. Mr. President, I recommend we accept the amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 2597) was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GOLDWATER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I thank both managers for their patience at this very late hour and for according me the courtesy of calling up this amendment at this hour and also for supporting it and accepting it.

Mr. NUNN. I thank the Senator from West Virginia.

The Senator from West Virginia and the majority leader I think would be interested in the progress we made today. I do not have an exact count of amendments, but I believe we have handled about 25 amendments, and a lot of it has happened in the last 3 or 4 hours. So we have gotten over the hurdle with two or three big matters and we have three or four other big matters that are going to come up, but we have time agreements tomorrow morning on three of those. So, with some luck, we are going to make an awful lot of progress between now and the end of the day tomorrow.

I would urge Senators who have amendments to come over early in the

morning and to work with us during the day to get time agreements on those amendments. There is even a possibility we can complete this bill, if we stay in very late, tomorrow night, or certainly by Friday.

I hope we can finish it tomorrow night.

Mr. BYRD. The distinguished majority leader is not on the floor, but I am sure he joins with me in complimenting the managers of the bill on the progress that has been made and also complimenting the Senators who have come to the floor and called up their amendments. I think the record of work that these two fine managers have done indicates that several amendments have been disposed of and progress has been made. I, too, hope that action can be completed on this bill shortly.

Mr. NUNN. Senators have been very cooperative, I would agree with the Senator from West Virginia, and I see no hint that there is anyone trying to delay this bill. I think everyone is acting in good faith. I think the amendments are being presented as rapidly as we can handle them. I see no prolonged debate. We may have to retract those words tomorrow, but I hope we can keep making progress.

Mr. GOLDWATER. I agree with my friend from Georgia. The progress we have made this afternoon and evening has been very remarkable. I just hope we can keep the Members on their toes tomorrow in offering amendments as the time comes up.

Mr. President, that will be the last vote as far as I am concerned.

□ 1120

AMENDMENT NO. 2595, AS MODIFIED

Mr. COHEN. Will the chairman yield? I believe we have yet to resolve the Wilson amendment. I think Senator EXON is still conferring with counsel on that issue. We should be able to resolve that momentarily.

Mr. WILSON addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Arizona yield the floor?

Mr. GOLDWATER. I do not have the floor. It is all yours.

The PRESIDING OFFICER. The Senator from California.

Mr. WILSON. I thank the distinguished manager.

Mr. President, while we are waiting, I want to modify the amendment at the desk to include at lines 7 and 8 of the third page, the following language: "On page 11, line 2, strike out $9,265,378,000 and insert in lieu thereof,"—and the figure that presently is in that amendment should be changed to read "$9,289,678,000," that figure representing the total Navy R&D figure.

The PRESIDING OFFICER. The Senator has the right to modify his amendment. The amendment is so modified.

The amendment (No. 2595), as modified, is as follows:

On page 4, line 11, strike out "$5,557,490,000" and insert in lieu thereof "5,597,490,000".

On page 6, between lines 12 and 13, insert the following new subsection:

(g) ROLLING AIRFRAME MISSILE PROGRAM.—(1) None of the funds appropriated pursuant to an authorization in this title may be obligated or expended in connection with procurement of the Rolling Airframe Missile program until the Secretary of Defense has certified in writing to the Committees on Armed Services of the Senate and the House of Representatives that—

(A) the total Navy research and development cost of the Rolling Airframe Missile program will not exceed $219,700,000; and

(B) the Secretary will terminate the program if at any time he determines that the total Navy research and development cost will exceed the amount specified in subparagraph (A); and

(C) the recurring missile unit flyaway cost for a minimum of 4,900 missiles will not exceed $100,000 per missile (using fiscal year 1986 dollars as the base year); and

(D) the design of the Rolling Airframe Missile and its unique support equipment are complete and that the system performance has not been degraded from the original development specifications (as contained in Navy Decision Coordinating Paper No. SO-167-AA); and

(E) the Director of Operational Test and Evaluation has approved a test and evaluation master plan for the Rolling Airframe Missile.

(2) If the Secretary of Defense fails to make the certification described in paragraph (1) by March 30, 1987, he shall cause the Rolling Airframe Missile program to be terminated effective on that date.

(3) Subsection (d) of section 205 of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 608), is repealed.

(4) Department of Defense reprogramming request 85-91PA is approved.

On page 11, line 2, strike out "$9,265,378,000" and insert in lieu thereof "$9,289,678,000".

Mr. NUNN. Mr. President, I say as cosponsor of this amendment to my friend and colleague from California, and to my colleague and friend from Maine, that I believe we should hold this amendment over until tomorrow. There are a couple of Senators who would like to think about it and have a chance to study it more. I think we would be better served to hold it until tomorrow.

Mr. WILSON. Mr. President, I have no desire to rush Senators who have questions. I am agreeable to laying this matter aside temporarily.

The PRESIDING OFFICER. Is there objection?

Mr. COHEN. Reserving the right to object, can I inquire as to what the order of procedure would be with respect to the consideration of this amendment tomorrow? As I understand it, there has been a unanimous-consent request that we deal with an amendment of the Senator from Arizona and following the completion of that, we have the amendment offered by the Senator from Oregon, Senator HATFIELD, followed by the amendment offered by the Senator from Arkansas. Is that correct?

The PRESIDING OFFICER. The consideration of the amendments tomorrow will be determined by whether cloture is invoked.

Mr. COHEN. Would it be in order to ask unanimous consent that this matter be considered at the conclusion of the disposition of the matter by the Senator from Arkansas, Senator PRYOR?

The PRESIDING OFFICER. That would automatically occur.

Mr. NUNN. Parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. NUNN. What time is the cloture vote based on the current schedule?

The PRESIDING OFFICER. The cloture vote will occur 1 hour after the Senate convenes following a live quorum.

Mr. NUNN. What will be the fate of this bill should cloture be invoked?

The PRESIDING OFFICER. All of the amendments which are nongermane that are pending will fall. Only germane amendments will be subject to be called up.

Mr. NUNN. Parliamentary inquiry, Mr. President. It is my understanding that the cloture vote was not on the bill but rather on an amendment dealing with South Africa.

The PRESIDING OFFICER. Amendments which are not germane to the bill or the Byrd amendment will fall.

Mr. NUNN. Further parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. NUNN. As I understand what the Chair is saying, if cloture is invoked on the Byrd, South Africa amendment, then amendments that are not germane to that amendment and amendments that are not germane to the bill will fall.

The PRESIDING OFFICER. The Senator is correct.

Mr. NUNN. So the effect of the cloture if it is invoked on that amendment would have the same effect as if cloture were invoked on the bill itself as far as amendments to the bill?

The PRESIDING OFFICER. For the duration of the time on the Byrd amendment, that is correct.

Mr. NUNN. Further parlimentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. NUNN. After the Byrd amendment has been disposed of if cloture is invoked tomorrow then we would return to the regular order on the bill,

and germaneness would not apply to amendments at that stage to the bill.

The PRESIDING OFFICER. The Senator is correct.

Mr. NUNN. I thank the Chair.

Mr. President, I would certainly hope based on the time agreements we have in the morning and the chances of considerable progress that we would be able to postpone that cloture vote, but that, of course, is not my call. But we could get considerable progress on this bill on major amendments in the first 2 hours tomorrow morning. It would help us see the daylight at the end of the tunnel as far as the bill itself is concerned.

## ROUTINE MORNING BUSINESS

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Mr. COHEN. I ask unanimous consent that we go into morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 10:18 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 1740. An act to direct the Secretary of the Interior to release a reversionary interest in certain lands in Orange County, Florida which were previously conveyed to Orange County, Florida; and

H.R. 1795. An act to exempt certain lands in the State of Mississippi from a restriction set forth in the Act of April 21, 1806.

The enrolled bills were subsequently signed by the President pro tempore (Mr. THURMOND).

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At 11:20 a.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House agrees to the amendment of the Senate numbered 1 to the bill [H.R. 2478] to amend the Revised Organic Act of the Virgin Islands, to amend the Covenant to Establish a Commonwealth of the Northern Mariana Islands, to amend the Organic Act of Guam, to provide for the governance of the insular areas of the United States, and for other purposes; it agrees to the amendments of the amendments of the Senate numbered 2 and 4 of the bill, each with an amendment in which it requests the concurrence of the Senate; and insists upon its disagreement to the amendment of the Senate numbered 3 to the bill.

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At 3:17 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that having proceeded to reconsider the bill [H.R. 1562] entitled "An Act to achieve the objectives of the Multi-Fiber Arrangement and to promote the economic recovery of the United States textile and apparel industry and its workers", returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was:

*Resolved*, That the said bill do not pass, two-thirds of the House of Representatives not agreeing to pass the same.

The message also announced that the House agrees to the amendment of the Senate to the bill [H.R. 4184] to authorize appropriations to the National Science Foundation for the fiscal year 1987, and for other purposes.

The message further announced that the House disagrees to the amendment of the Senate to the bill [H.R. 4151] to provide enhanced diplomatic security and combat international terrorism, and for other purposes; it asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and that the following are appointed as conferees for consideration of all matters: Mr. FASCELL, Mr. YATRON, Mr. MICA, Mr. KOSTMAYER, Mr. SMITH of Florida, Mr. WEISS, Mr. MACKAY, Mr. BROOMFIELD, Mr. GILMAN, Ms. SNOWE, Mr. MACK, and Mr. MCCAIN.

Appointed as additional conferees, for consideration of title IX of the House bill and modifications thereof committed to conference: Mr. JONES of North Carolina, Mr. BIAGGI, Mr. STUDDS, Mr. DAVIS, and Mr. SNYDER.

Appointed as additional conferees, for consideration of titles III, VIII, XI, and section 603 of the House bill and modifications thereof committed to conference: Mr. ASPIN, Mr. PRICE, and Mr. DICKINSON.

Appointed as additional conferees, for consideration of sections 702, 703, 711, 713, and 714 of the Senate amendment, and modifications thereof committed to conference: Mr. RODINO, Mr. HUGHES, Mr. EDWARDS of California, Mr. CONYERS, Mr. MCCOLLUM, Mr. LUNGREN, and Mr. GEKAS.

Appointed as additional conferees, for consideration of title III and title VIII of the House bill and modifications thereof committed to conference: Mr. FORD of Michigan, Mrs. SCHROEDER, Ms. OAKAR, Mr. HORTON, and Mr. YOUNG of Alaska.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 5047. An Act to amend title 38, United States Code, to eliminate gender-based language distinctions in title 38, United States Code, and to make technical corrections in that title;

H.R. 5288. An Act to provide emergency assistance to farmers and ranchers adversely affected by natural disasters in 1986; and

H.R. 5299. An Act to amend title 38, United States Code, to provide a 2.0 percent increase in the rates of compensation and of dependency and indemnity compensation (DIC) paid by the Veterans' Administration, and for other purposes.

## MEASURES REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 5047. An act to amend title 38, United States Code, to eliminate gender-based language distinctions in title 38, United States Code, and to make technical corrections in that title; to the Committee on Veterans' Affairs.

## MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 5299. An act to amend title 38, United States Code, to provide a 2.0 percent increase in the rates of compensation and of dependency and indemnity compensation (DIC) paid by the Veterans' Administration, and for other purposes.

## MEASURE READ THE FIRST TIME

The following bill was read the first time:

H.R. 5288. An act to provide emergency assistance to farmers and ranchers adversely affected by natural disasters in 1986;

## ENROLLED BILL AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on August 5, 1987, she had presented to the President of the United States the following enrolled bill and joint resolution:

S. 1073. An act to amend the Stevenson-Wydler Technology Innovation Act of 1980 for the purpose of improving the availability of Japanese science and engineering literature in the United States; and

S.J. Res. 371. Joint resolution to designate August 1, 1986, as "Helsinki Human Rights Day".

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LUGAR, from the Committee on Foreign Relations, with an amendment in the nature of a substitute:

S. 2701: A bill to provide a comprehensive policy for the United States in opposition to the system of apartheid in South Africa, and for other purposes (Rept. No. 99-370).

By Mr. THURMOND, from the Committee on the Judiciary, without amendment:

S. 306: A bill for the relief of Shyh-Fann Tyan-Norem and Bin-Ti Yao Tyan-Norem (Rept. No. 99-371).

By Mr. THURMOND, from the Committee on the Judiciary, with an amendment:

S. 330: A bill for the relief of Bhaskarbhai S. Patel (Rept. No. 99-372).

By Mr. THURMOND, from the Committee on the Judiciary, without amendment:

S. 363: A bill for the relief of Mary Patricia McLaughlin (Rept. No. 99-373).

S. 527: A bill for the relief of Pravinchandra and Kamala Bhuva (Rept. No. 99-374).

S. 773: A bill for the relief of Doctor Oscar Raul Espinoza Madariaga, his wife, Maria Inez, his son Felipe Andres, and daughter Claudia Paola (Rept. No. 99-375).

S. 1708: A bill for the relief of Fernando Esquivel, Marcos Antonio Esquivel, and Nieves Julio Esquivel (Rept. No. 99-376).

By Mr. THURMOND, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1878: A bill for the relief of Kil Joon Yu Callahan (Rept. No. 99-377).

By Mr. THURMOND, from the Committee on the Judiciary, without amendment:

S. 1957: A bill for the relief of Lynne Cleaver and her child Leigh Alison Cleaver (Rept. No. 99-378).

S. 2271: A bill for the relief of Jens-Peter Berndt (Rept. No. 99-379).

By Mr. HATCH, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute:

S. 1744: A bill to require States to develop, establish, and implement State comprehensive mental health plans (Rept. No. 99-380).

By Mr. THURMOND, from the Committee on the Judiciary, without amendment:

H.R. 483: A bill for the relief of Edwin Rios and Geovanna Rios.

H.R. 1693: A bill for the relief of Enrique Montano Ugarte.

H.R. 1757: A bill for the relief of Leonard Leslie Gambie.

H.R. 3093: A bill for the relief of Juan Ricardo McRae.

H.R. 3154: A bill for the relief of John Patrick Brady, Ann M. Brady, and Mark P. Brady.

H.R. 3323: A bill for the relief of Alexander Lockwood.

H.R. 3365: A bill for the relief of Mountaha Bou-Assali Saad.

H.R. 3577: A bill for the relief of Milanie C. Escobal Norman and Angela Dawn Norman.

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. STAFFORD, from the Committee on Environment and Public Works:

Thomas Lynch Adams, Jr., of Kentucky, to be an Assistant Administrator of the Environmental Protection Agency; and

Kenneth M. Carr, of California, to be a Member of the Nuclear Regulatory Commission for the term of five years expiring June 30, 1991.

(The above nominations were reported from the Committee on Environment and Public Works with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. HATCH, from the Committee on Labor and Human Resources:

Mary McNally Rose, of Maryland, to be Deputy Under Secretary for Management, Department of Education;

Carol Fraser Fisk, of Virginia, to be Commissioner on Aging;

Justin W. Dart, Jr., of Texas, to be Commissioner of the Rehabilitation Services Administration; and

Clarence Thomas, of Missouri, to be a Member of the Equal Employment Opportunity Commission for the term expiring July 1, 1991.

(The above nominations were reported from the Committee on Labor and Human Resources with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. COCHRAN (for himself, Mr. GRAMM, Mr. BENTSEN, Mr. DOMENICI, Mr. BINGAMAN, Mr. GOLDWATER, and Mr. DECONCINI):

S. 2721. A bill to amend the Agricultural Act of 1949 to modify cross compliance requirements for producers of extra long staple cotton, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. KERRY (for himself and Mr. KENNEDY):

S. 2722. A bill to waive the required congressional review period for a natural gas pipeline to be built by Tennessee Gas Pipeline Company across certain Army Corps of Engineers lands in Massachusetts; to the Committee on Commerce, Science, and Transportation.

By Mr. STEVENS (for himself, Mr. ABDNOR, Mr. ANDREWS, Mr. BURDICK, Mr. GRASSLEY, Mrs. HAWKINS, and Mr. MURKOWSKI):

S. 2723. A bill to amend title 39 of the United States Code to restore limited circulation second-class rates of postage for copies of a publication mailed to counties adjacent to the county of publication, and for other purposes; to the Committee on Governmental Affairs.

By Mr. LEVIN:

S.J. Res. 388. Joint resolution designating the week beginning January 4, 1987, as "National Bowling Week"; to the Committee on the Judiciary.

By Mr. HATCH (for himself, Mr. WEICKER, Mr. DOLE, Mr. KENNEDY, Mr. KERRY, Mr. HOLLINGS, Mr. FORD, Mr. WARNER, Mr. DENTON, Mr. ANDREWS, Mr. CHAFEE, Mr. INOUYE, Mr. NUNN, Mr. SARBANES, Mr. SIMON, Mrs. HAWKINS, Mr. EAGLETON, Mr. CHILES, Mr. THURMOND, Mr. HUMPHREY, Mr. BOSCHWITZ, Mr. EXON, Mr. NICKLES, Mr. GARN, Mr. RIEGLE, Mr. STAFFORD and Mr. METZENBAUM):

S.J. Res. 389. A joint resolution to designate March 1987 as the "Month of Developmentally Disabled Persons"; to the Committee on the Judiciary.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SIMPSON (for Mr. DOLE (for himself and Mr. BYRD)):

S. Res. 460. A resolution to direct the Senate Legal Counsel to represent Senator Wilson and Robert White and to authorize testimony in the matter of Smith v. Ellis, et al.; considered and agreed to.

By Mr. SIMPSON:

S. Res. 461. A resolution relative to Rule XXXIX; considered and agreed to.

By Mr. DECONCINI (for himself, Mr. WILSON, Mr. DOMENICI, Mrs. HAWKINS and Mr. GRAMM):

S. Con. Res. 158. A concurrent resolution expressing the sense of the Congress that the Government of Mexico should condemn the recent fraud in the July 1986 elections and initiate steps to preserve the integrity of the electoral process; to the Committee on Foreign Relations.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. COCHRAN (for himself, Mr. GRAMM, Mr. BENTSEN, Mr. DOMENICI, Mr. BINGAMAN, Mr. GOLDWATER, and Mr. DECONCINI):

S. 2721. A bill to amend the Agricultural Act of 1949 to modify cross compliance requirements for producers of extra-long staple cotton, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

CROSS COMPLIANCE FOR EXTRA-LONG STAPLE COTTON PRODUCERS

● Mr. COCHRAN. Mr. President, I am today introducing a bill to amend the Agricultural Act of 1949 by exempting the producers of extra-long staple cotton from cross compliance requirements for the 1987 and 1988 crops. The purpose of this bill is to give producers of extra-long staple cotton an opportunity to plant acreage needed to fully supply all markets, domestic and foreign. Otherwise, the decision by the Secretary of Agriculture to require limited cross compliance across the board for all program crops will actually reduce exports, specifically exports of extra-long staple cotton. I do not believe Congress or this administration supports reductions in agricultural exports. I know this Senator surely does not. The bill I am introducing today is necessary to prevent the unintended and, I am sure, the unsupported outcome of a Federal program directly causing a reduction in exports.

On May 30, 1986, the Secretary of Agriculture opted to exercise his discretionary authority granted in the Food Security Act of 1985 (Public Law 99-198) and announced that limited cross compliance requirements will be in effect for the 1987 crops of wheat, feed grains, cotton, and rice.

Under the limited cross compliance provision, as a condition of eligibility for loans, purchase or payments for a wheat, feed grain, upland cotton, or rice crop, the acreage planted for harvest on a farm in other commodities, including extra-long staple cotton, may not exceed the crop acreage base of such commodities.

Mr. President, the Secretary's decision to implement limited cross compliance under the provision in current law will have a disastrous impact on the U.S. extra-long staple cotton industry by drastically reducing production in the face of rapidly expanding domestic and export demand. Also, a very successful, producer-financed, export development program will be virtually destroyed.

Objective management of agricultural commodity programs, in light of current supply-demand statistics and concern over reducing the Federal budget deficit, may dictate the Secretary's decision to require limited cross compliance. I will reserve judgment on that question until additional information is available. However, what concerns me is an "across-the-board" decision, as this one clearly is, affecting all program crops, that produces an obviously unwarranted and indefensible result. Specifically, if this decision is fully implemented, extra-long staple cotton exports will be reduced. I certainly do not think the Secretary of Agriculture is intentially trying to lower exports of extra-long staple cotton. But that will be the practical result of his decision, because it does not allow for differences that can and do exist among commodities.

Mr. President, I believe the Reagan administration understands the importance of trade to all U.S. industries, especially agriculture. And I believe every effort is being made to sort out the issues regarding U.S. access to foreign markets. That is why I do not believe this administration supports the implementation of programs resulting in the reduction of exports. I believe the situation with extra-long staple cotton and limited cross compliance is simply a combination of conditions not specifically examined in 1985 during the most comprehensive overhaul of farm legislation in more than 50 years. To avoid this outcome legislation is needed to exempt producers of extra-long staple cotton from limited cross compliance rules.

The extra-long staple cotton situation is unique in contemporary U.S. agriculture. Domestic consumption is up and exports have increased markedly in each of the past 3 years. Fueled by competitive prices and a producer-financed development program, exports of extra-long staple cotton increased from 12,500 bales in 1982 to 85,000 bales in 1984. Export commitments for the 1985 marketing year have already reached 99,500 bales. At this time in the 1984 marketing year export commitments were only 77,400 bales. And exports for the 1986 will be even higher. At this time last year outstanding sales for the 1985 crop were 19,000 bales, but for the 1986 crop outstanding sales today are 25,300 bales, a 33 percent increase.

One of the primary factors in this successful export effort has been the significant increase in the production and availability of high quality extra-long staple cotton in the United States. Prior to 1983, foreign mills were reluctant to buy U.S. extra-long staple cotton because of limited supplies. U.S. production averaged only 87,000 bales per year in the 10 years preceding 1983 and, after deducting 45,000 to 55,000 bales for domestic use, supplies available for export were severely limited. The increases in production in 1984 and 1985 gave credibility to U.S. producers' commitment to be reliable suppliers.

The 1985 National Base Acreage for extra-long staple cotton was 65,872 acres. However, producers responding to expanding export demand planted 83,000 acres, of which only 31,216 acres or 35.4 percent were enrolled in the price support program. The Department of Agriculture estimates 98,000 acres have been planted in 1986. The National base acreage for 1986 is approximately 75,000 acres, and the proportion of nonprogram acres is expected to be about the same as in 1985.

About 95 percent of extra-long staple cotton is grown by producers with much larger established upland cotton acreage bases. Since the current state of the farm economy dictates a very high percentage of the major-crop producing farmers—including upland cotton producers—will participate in Federal support programs, limited cross compliance rules will prevent extra-long staple cotton producers from planting the acreage they otherwise would and acreage needed to supply current and expected foreign demand. Due to the difference between "program base acres" and "acres actually planted," a limited cross compliance rule this year would have prevented nearly one-fourth of the extra-long staple cotton crop from being planted. Consequently, export markets for U.S. extra-long staple cotton, that have been developed at great cost to the industry, would be lost because foreign buyers would turn to more dependable sources in Egypt and Latin America.

Mr. President, such an outcome must be prevented. The bill I am introducing today will avoid such an impact on the extra-long staple cotton industry and I ask my colleagues to support it.●

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By Mr. STEVENS (for himself, Mr. ABDNOR, Mr. ANDREWS, Mr. BURDICK, Mr. GRASSLEY, Mrs. HAWKINS, and Mr. MURKOWSKI):

S. 2723. A bill to amend title 39 of the United States Code to restore limited circulation second-class rates of postage for copies of a publication mailed to counties adjacent to the county of publication, and for other purposes; to the Committee on Governmental Affairs.

RURAL NEWSPAPER PRESERVATION ACT

● Mr. STEVENS. Mr. President, today I am introducing a bill which would partially restore the limited circulation postal rate which was recently eliminated in the consolidated Omnibus Budget Reconciliation Act of 1985. That rate allowed newspapers and other publications to mail at a less expensive postal rate if and only if they circulated less than 5,000 copies of their publication out of the county of publication. The act repealed section 4358(g) of title 39 of the United States Code.

This elimination has caused unintended havoc to community newspapers not only in Alaska but throughout the United States, particularly those located on or near county lines. As we all know well, these small newspapers play a crucial role in the rural areas of America, and in many areas are the sole source of local news and essential information. As such, they are the bedrock upon which our information system rests, and their importance to their communities and to the Nation is without question.

Although the National Newspaper Association and its members understand the need for and support our effort to balance the budget, they have asked for relief from the unintended devastation that has hit the many small newspapers that cover more than one county. The elimination of the limited circulation rate totally by the Omnibus Reconciliation Act was the vehicle which caused this unintended negative impact.

According to press reports, a number of local newspapers have already ceased publication because of the lack of ability of rural newspapers to provide outside-of-county papers. For instance, according to the June 18 issue of the Louisville Courier-Journal, the Robertson County Review folded on June 5, 1986. Although a number of reasons were given for the paper's demise—as is always the case in these situations—first on the list was the high cost of mailing. The paper's demise has left Robertson County, KY, without a local newspaper. We cannot afford to have this repeated in other parts of the country.

While our concern was and has been to see that large commercial publications are not subsidized by the taxpayers during these times of massive budget deficits, the rural press should not be included among that group. Their key role in disseminating local information is simply too important to tamper with. This role has historically been recognized by Congress and is a cornerstone of this Nation's postal policies.

Indeed, a recent study of preferred rates by the Postal Rate Commission

has shown that low postal rates for small-town newspapers—specifically the in-county rate—is one of the Nation's oldest programs, and was designed, and I quote from the study, to give "local media outlets a slight competitive boost in a communications system with strong nationalizing tendencies." It is also a policy, and again I quote from the study, "designed to protect rural culture from annihilation by urban institutions and values."

This bill would restore the rate, but only for copies destined for counties adjacent to the county of publication. This, I believe, would correct the unforeseen result of that Reconciliation Act action on the small yet significant number of rural papers that serve residents in multiple counties the Reconciliation Act will still result in a savings of roughly $30 million a year beginning in fiscal year 1986.

I want everyone to be aware, however, that the reauthorization will add approximately $9.3 million to the obligation of General Treasury. However, knowing our responsibility to achieving a balanced budget my bill will put a cap on the number of publications that can be sent at the subsidized "in-county" rate. This would mean that the wealthy newspapers and magazines of the metropolitan areas would no longer receive the lucrative but not essential Government largess. According to the Postal Rate Commission, this will save $14 million in the second-class rate category.

Mr. President, this is a modest proposal which would give needed relief to one of this country's treasures. I call it The Rural Newspaper Preservation Act.●

● Mr. ANDREWS. Mr. President, I rise today in support of the bill introduced by Senator STEVENS.

This is a matter of great concern to rural Americans.

Affordable newspaper postal rates are important for the rural newspapers, but more importantly they're vital for the readers of those papers.

While city papers are able to offer door to door delivery, the majority of rural newspaper subscribers receive their papers through the mail.

In recent years, newspaper subscribers in rural areas have been subjected to more than their share of postal increases.

These small journals cannot continue to absorb further postal increases and remain in business.

This would be a great loss for those living in the rural sections of our Nation.

While we were able to retain the revenue foregone postal funding at present levels in the fiscal year 1987 budget, the out of county limited circulation rates for newspapers was eliminated in the Omnibus Budget Reconciliation Act adopted earlier this year.

Senator STEVENS added an amendment to the supplemental appropriations bill to restore special adjoining county rates.

Unfortunately the House objected and it was dropped from the bill.

It is vital that these adjoining country postal rates be—restored to assure continuing and reliable newspaper service our neighbors in rural America.

Our rural citizens have the same right to know what is happening in their communities, their State, their Nation and around the world as their urban counterparts. Local newspapers also bind a community together. They are the voice of the people closest to the people and represent the earliest, and some would argue the most representative example of our first amendment freedom of speech.

By' assuring reasonable postal rates for these newspapers, we assure the continuation of a vital and historically important force in our national life—the community press.

This bill Mr. President, would restore special postal rates for newspaper delivery to adjoining counties for papers with up to 5,000 subscribers.

This bill returns these postal rates to their prebudget reconciliation numbers. It quite simply restores the needed and necessary status quo.

Mr. President, this not only a matter of fairness to rural newspapers, it is a reaffirmation of the commitment of this body to the people's fundamental right to know.●

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By Mr. LEVIN:

S.J. Res. 388. Joint resolution designating the week beginning January 4, 1987, as "National Bowling Week"; to the Committee on the Judiciary.

NATIONAL BOWLING WEEK

● Mr. LEVIN. Mr. President, today I am introducing legislation which proclaims the week beginning January 4, 1987 as "National Bowling Week."

Since becoming part of our American recreational life, bowling has become one of the most popular sports. It enjoys widespread public participation.

What is particularly impressive about bowling is that it reflects that we are a Nation made up of a mosaic of nationalities. Many immigrants brought from their home country to America forms of bowling. From the British contribution of skittles or nine pins to the Italian contribution of bocci ball, bowling has become a virtual melting pot of cultures.

With participation by several millions each year, bowling has no prejudice with respect to size or shape. It can be enjoyed by everyone, in big cities as well as small towns. It can be an individual activity, a family outing or an organized community effort. Furthermore, not only does bowling have a recreational value, but it is also a very useful form of exercise.

I invite my colleagues in the Senate to join me as a cosponsor of this joint resolution.●

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By Mr. HATCH (for himself, Mr. WEICKER, Mr. DOLE, Mr. KENNEDY, Mr. KERRY, Mr. HOLLINGS, Mr. FORD, Mr. WARNER, Mr. DENTON, Mr. ANDREWS, Mr. CHAFEE, Mr. INOUYE, Mr. NUNN, Mr. SARBANES, Mr. SIMON, Mrs. HAWKINS, Mr. EAGLETON, Mr. CHILES, Mr. THURMOND, Mr. HUMPHREY, Mr. BOSCHWITZ, Mr. EXON, Mr. NICKLES, Mr. GARN, Mr. RIEGLE, Mr. STAFFORD, and Mr. METZENBAUM):

S.J. Res. 389. Joint resolution to designate March 1987 as the "Month of Developmentally Disabled Persons;" to the Committee on the Judiciary.

MONTH OF DEVELOPMENTALLY DISABLED PERSONS

Mr. HATCH. Mr. President, today I am introducing a joint resolution calling for the recognition of the month of March 1987 as the "Month of Developmentally Disabled Persons." I am joined by 26 other Senators, including our majority leader, Senator DOLE, and both the chairman and the ranking minority member of the Subcommittee on the Handicapped, Mr. WEICKER and Mr. KENNEDY.

Developmental disabilities affect nearly 4 million children and adults in the United States. These disabilities result in lifelong substantial limitations of major activities such as self-care, mobility, self-direction, the capacity for independent living, and economic self-sufficiency. Developmental disabilities are attributed to chronic mental and/or physical impairments manifested before the age of 22.

Persons with developmental disabilities require a combination and sequence of special interdisciplinary or generic services and treatment for their entire lives. Due to the severity of their disabilities, developmentally disabled persons need to have individually planned and coordinated services.

We are introducing this resolution in order to educate the general public about the potential and special needs of persons with developmental disabilities. In addition, professional personnel, parents, and concerned citizens deserve to be recognized for their contribution in serving this population. It is our hope that commemoration of a "Month of Developmentally Disabled Persons" will serve as a vehicle to achieve both goals.

Mr. President, I ask unanimous consent that the joint resolution be printed in the RECORD at the conclusion of my remarks, and I urge the prompt approval of this resolution.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 389

Whereas there are 3,900,000 children and adults with developmental disabilities in the United States;

Whereas such persons have severe chronic disabilities attributed to mental or physical impairment which begin early in life and result in substantial limitations in major life activities such as self care, mobility, language, learning, and self direction;

Whereas persons with developmental disabilities need interdisciplinary or generic service and treatment for extended periods or their lives;

Whereas persons with developmental disabilities have the capability to become more independent and economically self sufficient;

Whereas the services and expertise provided by professional personnel, parents, and concerned citizens enable persons with developmental disabilities to participate more freely in education, employment and community living;

Whereas increasingly more persons with developmental disabilities are living in the community enabling them to live less restricted lives; and

Whereas through increased national awareness of such programs, the public will better understand the potential and needs of persons with developmental disabilities: Now, therefore, be it:

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That May 1987 is designated as the "Month of Developmentally Disabled Persons" and the President is authorized and requested to issue a proclamation calling upon the people of the United States and all Federal, State, and local government officials to observe the month with appropriate programs and activities.

## ADDITIONAL COSPONSORS

S. 725

At the request of Mr. CHAFEE, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 725, a bill to authorize appropriations to carry out the Endangered Species Act of 1973 during fiscal years 1986, 1987, 1988, 1989, and 1990.

S. 812

At the request of Mr. GARN, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 812, a bill to amend the Export Administration Act of 1979 to authorize controls on the export of capital from the United States.

S. 1322

At the request of Mr. HECHT, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 1322, a bill to amend the Geothermal Steam Act of 1970.

S. 1486

At the request of Mr. DOLE, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 1486, a bill to amend the Equal Credit Opportunity Act.

S. 2345

At the request of Mr. D'AMATO, his name was added as a cosponsor of S. 2345, a bill to improve counseling, education, and services relating to acquired immune deficiency syndrome.

S. 2446

At the request of Mr. CHAFEE, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 2446, a bill to require the Secretaries of Agriculture and Health and Human Services to enforce certain food labeling requirements for packaged foods sold by certain restaurants.

S. 2455

At the request of Mr. MITCHELL, the name of the Senator from Nevada [Mr. HECHT] was added as a cosponsor of S. 2455, a bill entitled the "National Organ and Tissue Donor Act."

S. 2479

At the request of Mr. TRIBLE, the names of the Senator from Nevada [Mr. HECHT], and the Senator from Wyoming [Mr. WALLOP] were added as cosponsors of S. 2497, a bill to amend chapter 39 of title 31, United States Code, to require the Federal Government to pay interest on overdue payments, and for other purposes.

S. 2630

At the request of Mr. ROTH, the name of the Senator from New Hampshire [Mr. HUMPHREY] was added as a cosponsor of S. 2630, a bill to increase Government economy and efficiency and to reduce the deficit by implementing certain recommendations of the President's Private Sector Survey on Cost Control to strengthen the auditing of Department of Defense transportation bills, and for other purposes.

S. 2730

At the request of Mr. DOLE, the names of the Senator from Arizona [Mr. DECONCINI], and the Senator from Oregon [Mr. PACKWOOD] were added as cosponsors of S. 2730, a bill to amend the Federal Aviation Act of 1958 to provide that prohibition of discrimination against handicapped individuals shall apply to air carriers.

SENATE JOINT RESOLUTION 352

At the request of Mr. METZENBAUM, the names of the Senator from Ohio [Mr. GLENN], the Senator from California [Mr. CRANSTON], and the Senator from Maryland [Mr. MATHIAS] were added as cosponsors of Senate Joint Resolution 352, a joint resolution to designate the week beginning September 7, 1986, as "Gaucher's Disease Awareness Week."

SENATE JOINT RESOLUTION 367

At the request of Mr. HEINZ, the names of the Senator from Maryland [Mr. MATHIAS], and the Senator from Wisconsin [Mr. KASTEN] were added as cosponsors of Senate Joint Resolution 367, a joint resolution to designate July 31, 1986, as "National Kidney Program Day."

SENATE JOINT RESOLUTION 386

At the request of Mr. DODD, the names of the Senator from Tennessee [Mr. SASSER], the Senator from Maine [Mr. MITCHELL], the Senator from Massachusetts [Mr. KERRY], the Senator from Wyoming [Mr. SIMPSON], the Senator from Illinois [Mr. SIMON], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Connecticut [Mr. WEICKER], the Senator from Rhode Island [Mr. CHAFEE], the Senator from New Hampshire [Mr. RUDMAN], the Senator from Utah [Mr. GARN], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from New Mexico [Mr. DOMENICI], the Senator from Virginia [Mr. TRIBLE], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Washington [Mr. EVANS], and the Senator from Hawaii [Mr. MATSUNAGA] were added as cosponsors of Senate Joint Resolution 386, a joint resolution to designate October 6, 1986, as "National Drug Abuse Education Day."

SENATE CONCURRENT RESOLUTION 145

At the request of Mr. STEVENS, the name of the Senator from Connecticut [Mr. WEICKER] was added as a cosponsor of Senate Concurrent Resolution 5, a concurrent resolution to encourage State and local governments and local educational agencies to require quality daily physical education programs for all children from kindergarten through grade 12.

SENATE CONCURRENT RESOLUTION 147

At the request of Mr. CRANSTON, the name of the Senator from Wyoming [Mr. WALLOP] was added as a cosponsor of Senate Concurrent Resolution 147, a concurrent resolution to express the sense of the Congress that the monkeys known as the Silver Spring Monkeys should be transferred from the National Institutes of Health to the custody of Primarily Primates, Inc., animal sanctuary in San Antonio, TX.

SENATE CONCURRENT RESOLUTION 154

At the request of Mr. D'AMATO, the names of the Senator from Utah [Mr. HATCH], and the Senator from Kansas [Mr. DOLE] were added as cosponsors of Senate Concurrent Resolution 154, a concurrent resolution concerning the Soviet Union's persecution of members of the Ukrainian and other public Helsinki Monitoring Groups.

SENATE RESOLUTION 435

At the request of Mr. MOYNIHAN, the names of the Senator from Rhode Island [Mr. CHAFEE], the Senator from Pennsylvania [Mr. SPECTER], the Senator from California [Mr. WILSON], the Senator from Massachusetts [Mr. KERRY], and the Senator from Missouri [Mr. EAGLETON] were added as cosponsors of Senate Resolution 435, a resolution to recognize Mr. Eugene Lang for his contributions to the education and the lives of disadvantaged young people.

AMENDMENT NO. 2240

At the request of Mr. DURENBERGER, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of amendment No. 2240 intended to be proposed to S. 2701, a bill to provide a comprehensive policy for the United States in opposition to the system of apartheid in South Africa, and for other purposes.

AMENDMENT NO. 2275

At the request of Mr. MITCHELL, the names of the Senator from Maine [Mr. COHEN], the Senator from Wisconsin [Mr. KASTEN], and the Senator from Maryland [Mr. SARBANES] were added as cosponsors of amendment No. 2275 proposed to S. 2638, a bill to authorize appropriations for military functions of the Department of Defense and to prescribe military personnel levels for such Department for fiscal year 1987, to revise and improve military compensation programs, to improve defense procurement procedures, to authorize certain construction at military installations for fiscal year 1987, to authorize appropriations for national security programs of the Department of Energy for fiscal year 1987, and for other purposes.

AMENDMENT NO. 2400

At the request of Mr. HUMPHREY, his name was added as a cosponsor of amendment No. 2400 proposed to S. 2638, a bill to authorize appropriations for military functions of the Department of Defense and to prescribe military personnel levels for such Department for fiscal year 1987, to revise and improve military compensation programs, to improve defense procurement procedures, to authorize certain construction at military installations for fiscal year 1987, to authorize appropriations for national security programs of the Department of Energy for fiscal year 1987, and for other purposes.

At the request of Mr. QUAYLE, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of amendment No. 2400 proposed to S. 2638, supra.

## SENATE CONCURRENT RESOLUTION 158—RELATING TO RECENT ELECTION FRAUD IN MEXICO

Mr. DECONCINI (for himself, Mr. WILSON, Mr. DOMENICI, Mrs. HAWKINS, and Mr. GRAMM) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 158

Whereas the great nation of Mexico has been pursuing its long-range commitment to popular democracy since the revolution between 1910 and 1929;

Whereas the United States understands and supports the Mexican efforts to modernize its political party system;

Whereas the municipal and gubernatorial elections, throughout Mexico beginning with the July 6, 1986, elections in Chihuahua and lasting until December 1986 provide an opportunity to reflect the Mexican people's desire for, and the commitment of the Government of Mexico to, fostering the growth of democratic institutions;

Whereas 1226 gubernatorial, deputy, and city council seats between August 3, 1986, and December 7, 1986, will be decided by national and popular self-determination and democracy;

Whereas President de la Madrid has pledged that elections in Mexico should be clean and "morally renovated" and has announced a top-level review of charges of fraud in the July 1986 elections in Chihuahua;

Whereas the mid-term municipal elections in December 1984 led to Mexican and international accusations of massive fraud and bribery and resulted in damaging this proud nation's status as a democratic leader in Latin American countries that claim that their political systems are responding to social pressures through democratic change;

Whereas at least three people and possibly as many as eleven were killed and scores injured in January 1986 when protests against alleged fraud in municipal elections forced police to move against demonstrators;

Whereas it has been documented that over 1,000 incidents of fraud in 14 hours—from ballot box stuffing to disappearances of election officials have been reported;

Whereas the Mexican and international press has widely reported the July 6th elections in Chihuahua as replete with ballot-stuffing, fraudulent voter lists, and ejecting judges from the polling places;

Whereas the Catholic Church has issued a homily stating that "we denounce the lies, fraud, the deliberate delaying of voting, the predominance of public force, the supplanting of individuals, the blackmail, and the threats and all the arbitrary acts that took place" on July 6, 1986;

Whereas the people of Chihuahua have filled the streets, attended rallies, participated in hunger strikes, and actively demonstrated their attempts to nullify the fraudulent elections;

Whereas American tourists and citizens have been warned to be careful in traveling through Juarez as Mexican troops have marched into this city to quell the demonstrations protesting election fraud;

Whereas opening the predominantly one-party system in Mexico to greater democratic freedoms can only increase the international support for addressing serious trade and debt problems; and

Whereas the political, social, and economic stability of Mexico is inextricably intertwined with the United States as events in one country increasingly influence the other: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring),* That (a) it is the sense of the Congress that the longstanding friendship between Mexico and the United States is best served by the commitment of these countries to condemning electoral fraud, preserving democratic freedoms, and openly discussing the issues of importance to both countries.

(b) Placing the highest priority on this commitment, the Congress hereby—

(1) stresses that President Reagan and President de la Madrid should discuss at their meeting in August the progress of Mexico in opening up its predominantly one-party system to greater democratic freedoms, address the need to cooperate on the growing drug problem, and directly discuss the July 6th election in Chihuahua;

(2) urges the President of Mexico to live up to his pledge to achieve "morally renovated" elections in the remaining 1,226 seats scheduled for State and municipal elections from August until December;

(3) encourages President de la Madrid to nullify the fraudulent elections in Chihuahua which took place on July 6, 1986, and to schedule new elections monitored by a newly created internal nonpartisan committee to demonstrate his commitment to a free and fair vote.

SEC. 2. The Secretary shall transmit a copy of this concurrent resolution to the President.

Mr. DECONCINI. Mr. President, I would like to read a few statements made by the Catholic Church discussing a specific political situation in an unnamed country:

The churches will remain closed today "as a sign of protest, as a loud cry on our part for those whose eyes remain blindfolded or who have been blinded by their own guilt."

"We energetically denounce the shameful acts that took place on election day . . . we denounce the lies, fraud, the deliberate delaying of voting, the predominance of public force, the supplanting of individuals, the blackmail, the threats and all arbitrary acts that took place on that day."

Where is the Catholic Church making these statements? A student of history might guess El Salvador. Recent world events might point toward the Philippines. Current newspaper accounts might implicate a Central American country struggling for democracy. Future newspapers could carry this scenario for South Africa or Chile. Where is this, you might ask? This is in the border state of Chihuahua, located in the north of Mexico. Independent civic groups and hundreds of volunteers have documented fraud in what they claim to be more than one-third of the polling places in Jaurez. The Catholic Church, from which I just quoted, has been increasingly critical of the Mexican Government. They have bluntly told Catholics they have a moral duty to demand clean government. They have candidly told the government that the cheating in Chihuahua constitutes a "social sin." They have threatened to close the churches in protest.

Mr. President, I have previously attempted to address this problem. On June 26, I introduced a resolution asking President de la Madrid to appoint a nonpartisan commission comprised of Mexicans of all political parties to monitor the elections in Mexico. On July 6, the elections in Chihuahua were marred by fraud in the most bitterly fought state election in recent Mexican history. The Mexican press reported my resolution to be meddling with the internal affairs of Mexico by sending Members of Congress to monitor the elections. This is simply inaccurate. I have written Sen-

ator Riva Palacio, leader of the Mexican Senate, to explain this issue.

I rise today to articulate three important goals. First of all, to establish more effective and constructive diplomatic channels with the Mexican Government. I have written to my good friend, Senator Riva Palacio in the Mexican Senate) to explain and clarify my first resolution. I believe he mistakenly thought it included international observers. Sharing a 2,000 mile border, 400 miles along Arizona, requires honest and constructive diplomacy. We need to continually discuss, debate, compromise, cooperate, and collaborate in formulating policy between our two countries. We will occasionally disagree, but we must work together. Our two countries are increasingly effected by social, political, and economic factors.

Second by resorting to fraudulent activities witnessed by thousands of voters and hundreds of reporters the Mexican Government risks heightened dissent at home. Furthermore, they risk criticism from abroad. And they risk eroding support from the U.S. Congress. Erosion of domestic support and international confidence complicates Mexico's efforts to solve its worsening economic problems. This hurts Mexico's ability to obtain relief from foreign debt. This erodes their efforts to bolster trade. I am hopeful that fair and free elections will demonstrate their courage and conviction in the Mexican system. This can only assist our neighbors in solving their domestic and international economic problems. Cheating only undermines international confidence precisely when it is most needed.

Third, this is not an endorsement of one party over another, as some reporters in the Mexican press might claim. This is an attempt to support fair and honest elections and condemn fraud. Regardless of who wins, the Mexican people will benefit by ensuring that their political will is reflected by elected leaders.

As a matter of foreign policy, the stability of Mexico ranks second only to the Soviet strategic balance in significance to Americans in the next decade. American foreign policy must remain true, consistent and fair. When we discuss fair elections, we must encourage all our friends to be accountable. That is why this resolution is both constructive and timely. President de la Madrid will meet in mid-August with President Reagan. As Mexico discusses its international trade and foreign debt problems, we must ensure that fair elections are discussed in an open and frank manner. Congress can send a very important message to both Presidents. This resolution recognizes the great nation of Mexico as a longstanding friend and ally. But it would be a mistake to ignore their recent electoral fraud and corruption with silent diplomacy. This resolution supports democratic principles and fair elections in Mexico for all of its citizens.

## SENATE RESOLUTION 460—AUTHORIZING REPRESENTATION BY THE SENATE LEGAL COUNSEL

Mr. SIMPSON (for Mr. DOLE, for himself and Mr. BYRD) submitted the following resolution; which was considered and agreed to:

S. RES. 460

Whereas, in the matter of Smith v. Ellis, et al., miscellaneous numbered 175-86, pending in the Superior Court of the District of Columbia, one of the parties has obtained a subpoena for the deposition testimony of Robert White, Administrative Assistant to Senator Pete Wilson, and for the production of documents by him at the deposition, and another of the parties has stated an intention to request a subpoena for the deposition testimony of Senator Wilson;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(a) and 288c(a)(2) (1982), the Senate may dirct its counsel to represent Members and employees of the Senate with respect to subpoenas issued to them in their official capacities;

Whereas, by the privileges of the United States Senate and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, by Rule VI of the Standing Rules of the Senate, no Senator shall absent himself from the service of the Senate without leave;

Whereas, when it appears that testimony of Members or employees of the Senate is or may be needful for use in any court for the promotion of justice, the Senate will take such action as will promote the end of justice consistent with the privileges and rights of the Senate: Now, therefore, be it

*Resolved*, That the Senate Legal Counsel is directed to represent Senator Pete Wilson, Robert White and any other employee of the Senate who may be asked to testify or to produce documents in the case of Smith v. Ellis, et al.

(2) That Senator Wilson is authorized to testify in the case of Smith v. Ellis, et al., except when his attendance at the Senate is necessary for the performance of his legislative duties and except concerning matters about which a privilege against disclosure should be asserted.

(3) That Robert White and any other employee of the Senate to whom a subpoena may be issued are authorized to testify and to produce documents in the case of Smith v. Ellis, et al., except concerning matters about which a privilege against disclosure should be asserted.

## SENATE RESOLUTION 461—RELATIVE TO RULE 39 OF THE STANDING RULES OF THE SENATE

Mr. SIMPSON (for Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 461

*Resolved*, That if a Member who is precluded from foreign travel by the provisions of Rule 39 is appointed as delegate to an official conference to be attended by Members of the Senate, then the appointment of that individual shall constitute an authorization by the Senate and the individual will not be deemed in violation of Rule 39.

SEC. 2. This resolution shall be applicable only until November 30, 1986.

## AMENDMENTS SUBMITTED

### DEPARTMENT OF DEFENSE AUTHORIZATION ACT, FISCAL YEAR 1987

#### SPECTER (AND HEINZ) AMENDMENT NO. 2555

(Ordered to lie on the table.)

Mr. SPECTER (for himself and Mr. HEINZ) submitted an amendment intended to be proposed by them to the bill (S. 2638) to authorize appropriations for military functions of the Department of Defense and to prescribe military personnel levels for such Department for fiscal year 1987, to revise and improve defense procurement procedures, to authorize certain construction at military installations for fiscal year 1987, to authorize appropriations for national security programs of the Department of Energy for fiscal year 1987, and for other purposes; as follows:

At the end of the amendment insert the following:

None of the provisions of this Act shall be effective unless the Secretary of Defense makes available, under current authority, from the funds available in the Army Industrial Fund, $25,000,000 which shall be available to be used to implement immediately, or to transfer to another appropriation account in this Act to be used to implement immediately, the program proposed by the Department in its letter of August 30, 1985, from the Assistant Secretary of Defense for Acquisition and Logistics, to rehabilitate and convert current steam generating plants at defense facilities in the United States to coal burning facilities in order to achieve a coal consumption target of 1,600,000 short tons of coal per year above current consumption levels at Department of Defense facilities in the United States by fiscal year 1994: *Provided*, That anthracite or bituminous coal shall be the source of energy at such installations: *Provided further*, That during the implementation of this proposal, the amount of anthracite coal purchased by the Department shall remain at least at the current purchase level, 302,000 short tons.

#### LEAHY AMENDMENT NO. 2556

(Ordered to lie on the table.)

Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 2638, supra, as follows:

At the appropriate place in the amendment add the following section:

SEC. . No funds made available for expenditure through Section 6 of this Title for

assistance for the Nicaraguan Democratic Resistance may be obligated or expended by the Central Intelligence Agency or any other intelligence agency or entity of the United States.

## BENTSEN AMENDMENT NO. 2557

(Ordered to lie on the table.)

Mr. BENTSEN submitted an amendment intended to be proposed by him to the bill S. 2638, supra, as follows:

At the appropriate point in the bill, add a new section as follows:

SEC. . Community Planning Assistance. The Secretary of Defense may use funds appropriated to the Department of Defense for fiscal year 1987 to provide planning assistance to local communities if the Secretary determines that the financial resources available to the community (by grant or otherwise) are inadequate. The Secretary may use such funds to assist communities located near newly established homeports under the Naval Strategic Dispersal Program at Ingleside, Texas and other Gulf Coast sites. For fiscal year 1987, not to exceed $200,000 may be used for this purpose at Gulf Coast sites.

## BYRD AMENDMENT NO. 2558

Mr. BYRD proposed an amendment, which was subsequently modified, to the bill S. 2638, supra, as modified:

At the appropriate point in the bill, add the following new section:

SECTION . MILITARY IMPACT STATEMENT BY THE JOINT CHIEFS OF STAFF ON U.S. NONCOMPLIANCE WITH EXISTING STRATEGIC OFFENSIVE ARMS AGREEMENTS.

(a) Not later than October 1, 1986; the Chairman of the Joint Chiefs of Staff of the armed forces of the United States shall submit to Congress a report, in both classified and unclassified versions, containing a detailed assessment, including the individual views of each of the chiefs, of the military impacts on the national security of the United States, of the possible military responses of the Soviet Union to an American decision to no longer comply with major provisions of existing strategic offensive arms limitation agreements, including the central numerical sublimits on strategic nuclear delivery vehicles contained in the SALT II accord. This assessment shall concentrate on possible Soviet military responses during the period between fiscal year 1987 and fiscal year 1996, inclusive, and shall address, among other considerations, the following:

(1) the impact on the ability of U.S. strategic forces to accomplish their nuclear deterrent mission, including the impacts on the survivability of U.S. strategic forces and on the ability of U.S. strategic forces to achieve required damage expectancies against Soviet targets, of any expansion of Soviet military capabilities undertaken in response to a U.S. decision to abandon compliance with existing strategic offensive arms agreements;

(2) the additional cost to the United States, above currently projected military expenditures for those periods for which such budget projections are available, of research, development, production, deployment, and annual operations and support for any additional strategic forces required to counter any expansion in Soviet military capabilities undertaken in response to a U.S. decision to abandon compliance with existing strategic offensive arms agreements;

(3) under average annual real growth projections in defense spending of 0%, 1%, 2%, and 3%, the percent of the annual defense budget in each year between FY 1987 and FY 1996 which would be consumed by increased U.S. strategic forces needed to counter the Soviet force expansions;

(4) the military impacts on U.S. national security of the diversion the funds indentified in subsection (a)(2) away from non-strategic defense programs and to strategic programs to counter expanded Soviet strategic capabilities, including the military impacts of such a diversion on the ability of U.S. conventional forces to meet the nation's specific non-nuclear defense commitments as a member of the North Atlantic Treaty Organization, and under the 1960 Treaty of Mutual Cooperation and Security with Japan;

(5) in addition, this report shall address the military implications for the U.S. of determined Soviet violations of offensive arms control agreements.

(b) Notwithstanding any other provision of law none of the funds authorized or appropriated by this or any other act may be obligated or expended, directly or indirectly, by the Organization of the Joint Chiefs of Staff for prospective studies and analyses to be accomplished by individual civilian contractors or civilian contractor entities, after October 1, 1986, if the report mandated in subsection (a) has not been received by the Congress; and,

(c) The prohibition contained in subsection (b) on the obligation or expenditure of funds after October 1, 1986, shall cease to have effect upon the receipt by Congress of the report mandated in subsection (a).

## GOLDWATER AMENDMENT NOS. 2559 THROUGH 2561

(Ordered to lie on the table.)

Mr. GOLDWATER submitted three amendments intended to be proposed by him to amendment No. 2341 to the bill S. 2638, supra, as follows:

AMENDMENT No. 2559

Strike out clause (1) of the matter to be inserted and renumber the remaining clauses appropriately.

AMENDMENT No. 2560

Strike out clause (2) of the matter to be inserted and renumber clause (3) of such matter as clause (2).

AMENDMENT No. 2561

Strike out clause (3) of the matter to be inserted.

## MATHIAS AMENDMENT NO. 2562

(Ordered to lie on the table.)

Mr. MATHIAS submitted an amendment intended to be proposed by him to the bill S. 2638, supra, as follows:

Notwithstanding any section of this bill, section 203 of this bill shall not be effective unless the President:

(1) requests the advice and consent of the Senate to ratification (with a report containing any plans the President may have to negotiate supplemental verification procedures, or if the President believes it necessary, any understanding or reservation on the subject of verification which should be attached to the treaty) of the Threshold Test Ban and Peaceful Nuclear Explosions Treaties, signed in 1974 and 1976, respectively; and

(2) proposes to the Soviet Union the immediate resumption of negotiations toward conclusion of a verifiable comprehensive test ban treaty.

## BINGAMAN (AND BOREN) AMENDMENT NO. 2563

Mr. BINGAMAN (for himself and Mr. BOREN) proposed an amendment to the bill S. 2638, supra; as follows:

On page 229, between lines 14 and 15, insert the following:

SEC. 1221. SALE OF TOBACCO PRODUCTS IN COMMISSARIES, EXCHANGES, AND SHIPS' STORES

(a) IN GENERAL.—(1) Chapter 147 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 2486. Sale of tobacco products in commissaries, exchanges, and ships' stores; use of proceeds

"(a) Tobacco products may be sold in commissary stores, military exchanges, or ships' stores subject to the requirements prescribed in subsections (b) and (c).

"(b)(1) In the case of a commissary store, military exchange, or ship's store located in the United States, the price charged for any tobacco product shall be the prevailing price charged by private commercial businesses for the retail sale of such tobacco product in the retail market area in which the exchange or ship's store is located.

"(2) In the case of a commissary store, military exchange, or ship's store located outside the United States, the price charged for any tobacco product shall be the average amount charged by private commercial businesses for the retail sale of such product in the United States.

"(3)(A) In determining the prevailing price charged or the average price charged by a commercial business, applicable State and local taxes shall be included.

"(B) The prevailing price or the average price may be determined under an appropriate sampling procedure.

"(c)(1) The Secretary of a military department may use the profits from the sale of tobacco products by commissary stores under the Secretary's jurisdiction to promote health and fitness for members of the armed forces and their dependents.

"(2) Amounts made available under paragraph (1) shall remain available for obligation without fiscal year limitation.

"(d) The Secretary of Defense shall prescribe regulations to carry out this section.

"(e) In this section:

"(1) The term 'profits' means the amount which represents the difference between the price charged by commissary stores for the sale of tobacco products and the cost incurred by such commissary stores for such products.

"(2) The term 'tobacco product' includes cigarettes, cigars, tobacco processed for cigarette or pipe smoking, and tobacco processed for oral use.

"(3) The term 'United States' includes the Commonwealth of Puerto Rico and the territories and possessions of the United States.".

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new section:

"2486. Sale of tobacco products in commis-

saries, exchanges, and ships' stores; use of proceeds.".

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect October 1, 1986.

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## McCONNELL (AND FORD) AMENDMENT NO. 2564

Mr. McCONNELL (for himself and Mr. FORD) proposed an amendment to the bill S. 2638, supra, as follows:

On page 229, between lines 14 and 15, insert the following new section;

(1) No chemical weapons, agents, or components used in chemical weapons may be shipped by any means into the Lexington-Bluegrass Depot in Richmond, Kentucky, for any purpose, including disposal;

(2) Following disposal of the chemical weapons stockpile stored at the Lexington-Bluegrass Depot, as required by PL 99-145, the facility may not be used for assembly, construction, testing, storage, or disposal of any chemical or biological weapon;

(3) The Secretary of Defense shall have the authority to waive these provisions in the event that he determines it is in the national security interest.

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## STEVENS (AND OTHERS) AMENDMENT NO. 2565

Mr. STEVENS (for himself, Mr. D'AMATO, and Mr. DODD) proposed an amendment to the bill S. 2638, supra, as follows:

On page 229, insert the following after line 14:

SEC. 1221. COAST GUARD.

(a) Of the amounts authorized to be appropriated for the Department of Defense in fiscal year 1987:

(1) $200,000,000 shall be for the acquisition and maintenance of United States Coast Guard investories related to the national defense; and

(2) $100,000,000 in operating funds for the performance of defense readiness responsibilities of the United States Coast Guard. Funds made available pursuant to the authorizations specified in this section shall be attributed to functional category 050 (National Defense) of the Budget of the Government of the United States.

(3) Of these amounts authorized, $15,000,000 shall be available for transfer to the Secretary of Transportation and shall be available only for the program described in paragraph (b).

(b) ENHANCED DRUG-INTERDICTION ASSISTANCE.—

(1) ASSIGNMENT OF COAST GUARD PERSONNEL ON NAVAL VESSELS.—Chapter 18 of title 10, United States Code, is amended by adding after section 378 the following new section:

"SEC. 379. ASSIGNMENT OF PERSONNEL TO NAVAL VESSELS FOR DRUG ENFORCEMENT PURPOSES.

"(a) The Secretary of Defense and the Secretary of Transportation may provide that there be assigned on board surface naval vessels at sea in a drug-interdiction area members of the Coast Guard who are trained in law enforcement and have power to arrest, search, and seize property and persons suspected of violations of law.

"(b) Members of the Coast Guard assigned to duty on board naval vessels under this section shall perform such law enforcement functions (including drug-interdiction functions—

"(1) as may be agreed upon by the Secretary of Defense and the Secretary of Transportation; and

"(2) as are otherwise within the jurisdiction of the Coast Guard.

"(c) No fewer than 500 active duty personnel of the Coast Guard shall be assigned each fiscal year to duty as provided in subsection (a).

"(d) As used in this section, the term 'drug-interdiction area' means an area outside the land area of the United States in which the Secretary of Defense (in consultation with the Attorney General) determines that activities involving smuggling of drugs into the United States are ongoing."

(c) CONFORMING AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting immediately below the item relating to section 378 the following new item: "378. Assignment of personnel to naval vessels for drug enforcement purposes."

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## D'AMATO (AND OTHERS) AMENDMENT NO. 2566

Mr. D'AMATO (for himself, Mr. CHILES, Mrs. HAWKINS, and Mr. MURKOWSKI) proposed an amendment to the bill S. 2638, supra, as follows:

On page 229, between lines 14 and 15, insert the following new section:

SEC. 1221. FACILITIES FOR THE DETENTION OF CERTAIN ALIENS.

Not later than 60 days after the date of the enactement of this Act, the Secretary of Defense shall transmit to the Attorney General of the United States—

(1) a list of facilities under the jurisdiction of the Department of Defense which are suitable for use for the detention of Marielito criminal aliens;

(2) a statement of the estimated costs of using such facilities for the detention of such aliens; and

(3) a statement identifying the agencies of the Federal Government which would bear such costs.

A copy of this report shall be made available, upon request to the Attorney General, to Members of the United States Senate and the United States House of Representatives.

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## COHEN (AND OTHERS) AMENDMENT NO. 2567

Mr. COHEN (for himself, Mr. NUNN, Mr. CHILES, Mr. DIXON, Mr. DURENBERGER, Mr. HATCH, Mr. THURMOND, Mr. ANDREWS, Mr. BOREN, Mr. BRADLEY, Mr. FORD, Mr. JOHNSTON, Mr. BENTSEN, Mr. EXON, Mr. DANFORTH, Mr. HOLLINGS, Mr. RUDMAN, Mr. SIMON, Mr. GOLDWATER, Mr. GRAMM, Mr. KASTEN, Mr. MITCHELL, Mr. STEVENS, Mr. WILSON, Mr. BUMPERS, Mr. DECONCINI, Mr. GORE, and Mr. LAXALT) proposed an amendment to the bill S. 2638, supra, as follows:

On page 229, between lines 14 and 15, insert the following new section:

SEC. 1221. SPECIAL OPERATIONS FORCES.

(a) CONGRESSIONAL FINDINGS.—The Congress finds—

(1) that the threat to the United States and its allies from unconventional warfare, including terrorism and insurgency, continues to increase at an alarming rate;

(2) that, although the United States must continue to maintain and improve its strategic and conventional force capabilities in order to deter aggression and to protect the security of the United States and its allies, the use of armed force by the United States since the end of the Korean conflict has principally been in response to insurgencies against allies of the United States and to terrorist attacks directed at the United States and American citizens;

(3) that the most likely use of armed force by the United States in the foreseeable future will be counterterrorist, counterinsurgency, and other unconventional operations;

(4) that the capabilities needed to response to threats from unconventional warfare are not those traditionally fostered by the armed forces of the United States;

(5) that the Department of Defense has failed to recognize that conventional force capabilities can seldom be effectively employed in unconventional warfare missions;

(6) that conventional force commanders have a limited understanding of special operations forces capabilities and have misemployed such forces;

(7) that the Department of Defense has not given sufficient emphasis to the planning and preparation for unconventional warfare missions or to the appropriate integration of special operations forces capabilities into the national security strategy of the United States;

(8) that the National Security Council and the Office of the Secretary of Defense have not given sufficient attention to the formulation of policies to guide the development of special operations forces capabilities;

(9) that the Department of Defense has not provided adequate resources or support for special operations forces, particularly in airlift capability;

(10) that the Department of Defense has not given sufficient attention to ensuring the provision of adequate intelligence support for unconventional warfare missions;

(11) that the Department of Defense has not given sufficient attention to the tactics, doctrines, and training associated with unconventional warfare missions;

(12) that problems of command and control have repeatedly beset military forces of the United States engaged in unconventional warfare operations;

(13) that such problems were evident during the Mayaguez incident, the Iranian hostage rescue mission, the Grenada operation, and the Beirut peacekeeping mission;

(14) that the cooperation and coordination among the special operations forces of the Army, Navy, and Air Force are seriously deficient; and

(15) that the Department of Defense has not given sufficient attention to personnel policies, practices, and procedures to ensure the availability of sufficent numbers of officers with the skills required for unconventional warfare.

(b) ESTABLISHMENT OF SPECIAL OPERATIONS FORCES.—(1) The President shall establish, not later than 180 days after the date of the enactment of this Act, a unified combatant command for special operations forces.

(2)(A) The commander of the unified combatant command established pursuant to paragraph (1) shall hold the grade of general or, in the case of an officer of the Navy, admiral if appointed to that grade by the President, by and with the advice and consent of the Senate.

(B) The commander of such command shall be responsible for and shall have the authority necessary to conduct all affairs of

such command relating to special operations forces, including the following matters:

(i) Developing strategy, doctrine, and tactics.

(ii) Training of assigned forces.

(iii) Prescribing professional military education.

(iv) Planning resources (including validating requirements).

(v) Ensuring combat readiness.

(vi) Developing special equipment.

(vii) Ensuring the interoperability of equipment and forces.

(viii) Tasking of intelligence support.

(ix) Monitoring the promotions, assignments, retention, training, and professional military education of special operations forces officers.

(C) The commander of such command shall be fully prepared to assume operational command of selected special operations missions if directed to do so by the National Command Authority.

(3) The President shall assign to the unified combatant command established pursuant to paragraph (1) all active and reserve special operations forces of the Army, Navy, and Air Force based in the United States.

(4) The President shall assign special operations forces located outside the United States to the unified combatant command in whose geographic area such forces are stationed.

(5) Except in special cases determined by the Chairman of the Joint Chiefs of Staff, special operations missions shall be conducted under the operational command of the unified combatant commanders in whose geographic areas such missions are to be conducted.

(6) The Secretary of Defense shall create for the special operations forces a major force program category for the Five-Year Defense Plan of the Department of Defense.

(7) The Secretary of Defense shall substantially augment the capabilities of the Office of the Secretary of Defense to provide effective policy and resource oversight of special operations forces.

(c) MINIMUM GRADE FOR COMMANDERS OF SPECIAL OPERATIONS COMMANDS.—Commanders of the special operations command assigned to the United States European Command and the United States Pacific Command shall hold the grade of general or, in the case of an officer of the Navy, admiral if appointed to that grade by the President, by and with the advice and consent of the Senate.

(d) BOARD FOR UNCONVENTIONAL WARFARE.—The President shall establish within the National Security Council a board to be known as the "Board for Unconventional Warfare". The principal duty of such board shall be to coordinate the unconventional warfare policies of the United States.

(e) DEPUTY ASSISTANT TO THE PRESIDENT FOR NATIONAL SECURITY AFFAIRS FOR UNCONVENTIONAL WARFARE.—The President shall designate within the Office of the President a Deputy Assistant to the President for National Security Affairs for Unconventional Warfare.

(f) FUNDING.—Programs and activities under the Special Operations Forces Master Plan shall be paid for with funds appropriated to the Department of Defense for such purposes.

(g) REPORT.—(1) The President shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the actions that the President and the Secretary of Defense have taken to correct the deficiencies identified in subsection (a) and to implement the provisions of subsections (b) through (e).

(2) Such report shall be submitted not later than March 1, 1987.

## WILSON AMENDMENT NO. 2568

Mr. WILSON proposed an amendment to the bill S. 2638, supra; as follows:

On page 118, after line 16, add the following new section:

SEC. 705. ACQUISITION OF COMPOSITE HEALTH CARE SYSTEM.

(a) Section 1203 of the Department of Defense Authorization Act, 1986 (Public Law 99-145) is repealed.

(b) The Secretary of Defense shall immediately undertake the acquisition of the Composite Health Care System utilizing the acquisition strategy described in Department of the Army Request for Proposal Number DAH 26-85-R-0009.

## PRYOR AMENDMENT NO. 2569

Mr. PRYOR proposed an amendment to the bill S. 2638, supra; as follows:

At the appropriate point in the bill add the following new section:

SEC. . It is the sense of the Senate that no reprogramming of funds shall occur in any federal agency unless a notification of such reprogramming has appeared in the Congressional Record and has been approved through procedures approved by the Senate.

# COMPREHENSIVE ANTI-APARTHEID ACT

## PRESSLER AMENDMENT NO. 2570

(Ordered to lie on the table.)

Mr. PRESSLER submitted an amendment intended to be proposed by him to the bill (S. 2701) to provide a comprehensive policy for the United States in opposition to the system of apartheid in South Africa, and for other purposes; as follows:

Delete Section 309.

# DEPARTMENT OF DEFENSE AUTHORIZATION ACT, FISCAL YEAR 1987

## BINGAMAN (AND OTHERS) AMENDMENT NO. 2571

Mr. BINGAMAN (for himself, Mr. EXON, Mr. GLENN, Mr. DIXON, and Mr. GOLDWATER), proposed an amendment to the bill S. 2638, supra; as follows:

On page 317, after line 22, insert the following new section:

SEC. 2191. STRATEGIC HOMEPORTING.

Notwithstanding any other provision of law, funds appropriated pursuant to an authorization in this or any other Act may not be used to construct homeporting facilities at Staten Island, New York, or Everett, Washington, and funds authorized to be appropriated for such purpose in this Act are instead authorized to be appropriated for Navy munitions procurement.

## WILSON (AND OTHERS) AMENDMENT NO. 2572

(Ordered to lie on the table.)

Mr. WILSON (for himself, Mr. NUNN, Mr. QUAYLE, and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill S. 2638, supra; as follows:

On page 4, line 11, strike out "$5,557,490,000" and insert in lieu thereof "5,597,490,000".

On page 6, between lines 12 and 13, insert the following new subsection:

(g) Rolling Airframe Missile Program.—(1) None of the funds appropriated pursuant to an authorization in this title may be obligated or expended in connection with procurement of the Rolling Airframe Missile program until the Secretary of Defense has certified in writing to the Committees on Armed Services of the Senate and the House of Representatives that—

(A) the total Navy research and development cost of the Rolling Airframe Missile program will not exceed $219,700,000; and

(B) the Secretary will terminate the program if at any time he determines that the total Navy research and development cost will exceed the amount specified in subparagraph (A); and

(C) the recurring missile unit flyaway cost for a minimum of 4,900 missiles will not exceed $100,000 per missile (using fiscal year 1986 dollars as the base year); and

(D) the design of the Rolling Airframe Missile and its unique support equipment are complete and that the system performance has not been degraded from the original development specifications (as contained in Navy Decision Coordinating Paper No. SO-167-AA); and

(E) the Director of Operational Test and Evaluation has approved a test and evaluation master plan for the Rolling Airframe Missile.

(2) If the Secretary of Defense fails to make the certification described in paragraph (1) by March 30, 1987, he shall cause the Rolling Airframe Missile program to be terminated effective on that date.

(3) Subsection (d) of section 205 of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 608), is repealed.

(4) Department of Defense reprogramming request 85-91PA is approved.

On page 11, line 2, strike out "$9,265,378,000" and insert in lieu thereof "$9,305,306,000".

On page 13, between lines 5 and 6, insert the following new subsection:

(f) Penquin Missile Program.—Funds appropriated pursuant to authorization in this title may not be obligated or expended for development of the Penguin Missile, to include integration of such missile with LAMPS Mark III, until the Secretary of Defense submits a report to the Committees on Armed Services of the Senate and the House of Representatives which—

(1) identifies all funding, by year, required for completion of research, development, test and evaluation of the Penguin missile; and

(2) certifies that the total procurement and research and development cost of the Penguin missile program will not exceed $200,000,000.

## GRAMM AMENDMENT NO. 2573

(Ordered to lie on the table.)

Mr. GRAMM submitted an amendment intended to be proposed by him to amendment No. 2405 proposed by Mr. KENNEDY to the bill S. 2638, supra; as follows:

Before the period at the end of the amendment: "and insert in lieu thereof the following:

SEC. 1002. APPLICATION OF SERVICE CONTRACT ACT OF 1965 TO DEPARTMENT OF DEFENSE SERVICE CONTRACTS

(a) MINIMUM CONTRACT SIZE.—The matter preceding paragraph (1) of section 2(a) of the Service Contract Act of 1965 (41 U.S.C. 351(a)) is amended by inserting "or, in the case of a contract entered into by the Department of Defense, $1,000,000" after "$2,500".

(b) PRINCIPAL PURPOSE RULE.—Section 2 of such Act (41 U.S.C. 351) is amended—

(1) in subsection (a), by striking out "Every" and inserting in lieu thereof "Subject to subsection (c), every"; and

(2) by adding at the end the folowing new subsection:

"(c) In the case of a contract entered into by the Department of Defense, this Act shall apply only to a contract the principal purpose of which is to furnish services and shall not apply to a contract which requires the provision of services if the principal purpose of the contract is not to furnish services.".

(c) PREDECESSOR CONTRACTS.—Section 4(c) of such Act (41 U.S.C. 353(c)) is amended—

(1) by striking out "No" and inserting in lieu thereof "(1) Subject to paragraph (2), no"; and

(2) by adding at the end the following new paragraph:

"(2)(A) Paragraph (1) shall not apply in the case of a contract that succeeds a contract (that is subject to this Act) entered into by the Department of Defense unless the Secretary concerned determines on the record after opportunity for an agency hearing (notwithstanding section 554(a)(4) of title 5, United States Code) that the wages and fringe benefits under the successor contract are less than the prevailing wages and fringe benefits in the locality in which the work is to be performed.

"(B) As used in this paragraph, 'Secretary concerned' means—

"(i) the Secretary of a military department, in the case of a contract awarded by such department; or

"(ii) the Secretary of Defense, in the case of a contract awarded by a Defense Agency of the Department of Defense.".

(d) DEFINITIONS.—Section 8 of such Act (41 U.S.C. 357) is amended—

(1) By redesignating subsections (a), (b), (c), and (d) as subsections (d), (e), (a), and (f), respectively; and

(2) by inserting after subsection (a) (as so redesignated) the following new subsections:

"(b) The term 'locality', as used with respect to a contract entered into by the Department of Defense, means the particular urban or rural subdivision of a State in which work is to be performed.

"(c) The term 'prevailing rates', as used in paragraphs (1) and (2) of section 2(a) with respect to a contract entered into by the Department of Defense, includes the rate of the entire range of wages and benefits paid to corresponding classes of service employees in the locality in which work is to be performed.".

(e) WAGE AND FRINGE BENEFIT DETERMINATIONS OF SECRETARY.—(1) Section 10 of such Act (41 U.S.C. 358) is amended—

(A) by striking out "It" and inserting in lieu thereof "(a) Subject to subsection (b), it"; and

(B) by adding at the end the following new subsection:

"(b) In the case of a contract entered into by the Department of Defense, the Secretary shall make determinations of minimum monetary wages and fringe benefits for the various classes or service employees under paragraphs (1) and (2) of section 2(a) with respect to a service contract under which more than 25 service employees are to be employed.".

(2) The amendment made by paragraph (1) shall apply with respect to contracts entered into after September 30, 1986.

SEC. 1003. APPLICATION OF THE DAVIS-BACON ACT TO MILITARY CONSTRUCTION CONTRACTS

(a) IN GENERAL.—Subsection (a) of the first section of the Act entitled "An Act relating to the rate of wages for laborers and mechanics employed on public buildings of the United States and the District of Columbia by contractors and subcontractors, and for other purposes", approved March 3, 1931 (40 U.S.C. 276a(a)), commonly known as the Davis-Bacon Act, is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by inserting "or, in the case of contracts awarded by the Department of Defense, every contract in excess of $250,000" after "$2,000" in the first sentence.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to solicitations for bids or proposals made on and after the date of the enactment of this Act.

SEC. 1004. NONAPPLICABILITY OF THE SERVICE CONTRACT ACT OF 1965 TO CERTAIN MARINER SERVICE CONTRACTS

(a) IN GENERAL.—Chapter 141 of title 10, United States Code (as amended by section 962 of this Act), is amended by adding at the end thereof the following new section:

"§ 2409. Nonapplicability of the Service Contract Act of 1965 to certain mariner service contracts

"The Service Contract Act of 1965 (41 U.S.C. 351 et seq.) shall not apply to any contract for services furnished on a vessel owned or chartered by an agency named in section 2303(a) of this title.".

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of such chapter (as amended by section 962 of this Act) is amended by adding at the end thereof the following new item:

"2409. Nonapplicability of the Service Contract Act of 1965 to certain mariner service contracts.".

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect with respect to solicitations for bids or proposals issued on or after the date of enactment of this Act.

SEC. 1005. INCREASE IN THRESHOLD APPLICABLE TO STATUTORY CONTRACTING-OUT PROCEDURES

(a) IN GENERAL.—Section 502(d) of the Department of Defense Authorization Act, 1981 (10 U.S.C. 2304 note) is amended by striking out "40 or fewer" and inserting in lieu hereof "50 or fewer".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 1987.

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## GRAMM AMENDMENT NO. 2574

(Ordered to lie on the table.)

Mr. GRAMM submitted an amendment intended to be proposed by him to amendment No. 2403 proposed by Mr. KENNEDY to the bill S. 2638, supra; as follows:

Before the period at the end of the amendment: "and insert in lieu thereof the following:

SEC. 1002. APPLICATION OF SERVICE CONTRACT ACT OF 1965 TO DEPARTMENT OF DEFENSE SERVICE CONTRACTS

(a) MINIMUM CONTRACT SIZE.—The matter preceding paragraph (1) of section 2(a) of the Service Contract Act of 1965 (41 U.S.C. 351(a)) is amended by inserting "or, in the case of a contract entered into by the Department of Defense, $1,000,000" after "$2,500".

(b) PRINCIPAL PURPOSE RULE.—Section 2 of such Act (41 U.S.C. 351) is amended—

(1) in subsection (a), by striking out "Every" and inserting in lieu thereof "Subject to subsection (c), every"; and

(2) by adding at the end the following new subsection:

"(c) In the case of a contract entered into by the Department of Defense, this Act shall apply only to a contract the principal purpose of which is to furnish services and shall not apply to a contract which requires the provision of services if the principal purpose of the contract is not to furnish services.".

(c) PREDECESSOR CONTRACTS.—Section 4(c) of such Act (41 U.S.C. 353(c)) is amended—

(1) by striking out "No" and inserting in lieu thereof "(1) Subject to paragraph (2), no"; and

(2) by adding at the end the following new paragraph:

"(2)(A) Paragraph (1) shall not apply in the case of a contract that succeeds a contract (that is subject to this Act) entered into by the Department of Defense unless the Secretary concerned determines on the record after opportunity for an agency hearing (notwithstanding section 554(a)(4) of title 5, United States Code)that the wages and fringe benefits under the successor contract are less than the prevailing wages and fringe benefits in the locality in which the work is to be performed.

"(B) As used in this paragraph, 'Secretary concerned' means—

"(i) the Secretary of a military department, in the case of a contract awarded by such department; or

"(ii) the Secretary of Defense, in the case of a contract awarded by a Defense Agency of the Department of Defense.".

(d) DEFINITIONS.—Section 8 of such Act (41 U.S.C. 357) is amended—

(1) by redesignating subsections (a), (b), (c), and (d) as subsections (d), (e), (a), and (f), respectively; and

(2) by inserting after subsection (a) (as so designated) the following new subsections:

"(b) The term 'locality', as used with respect to a contract entered into by the Department of Defense, means the particular urban or rural subdivision of a State in which work is to be performed.

"(c) The term 'prevailing rates', as used in paragraphs (1) and (2) of section 2(a) with respect to a contract entered into by the Department of Defense, includes the rate of the entire range of wages and benefits paid to corresponding classes of service employees in the locality in which work is to be performed.".

(e) WAGE AND FRINGE BENEFIT DETERMINATIONS OF SECRETARY.—(1) Section 10 of such Act (41 U.S.C. 358) is amended—

(A) by striking out "It" and inserting in lieu thereof "(a) Subject to subsection (b), it"; and

(B) by adding at the end the following new subsection:

"(b) In the case of a contract entered into by the Department of Defense, the Secretary shall make determinations of minimum monetary wages and fringe benefits for the various classes or service employees under paragraphs (1) and (2) of section 2(a) with respect to a service contract under which more than 25 service employees are to be employed.".

(2) The amendment made by paragraph (1) shall apply with respect to contracts entered into after September 30, 1986.

SEC. 1003. APPLICATION OF THE DAVIS-BACON ACT TO MILITARY CONSTRUCTION CONTRACTS.

(a) IN GENERAL.—Subsection (a) of the first section of the Act entitled "An Act relating to the rate of wages for laborers and mechanics employed on public buildings of the United States and the District of Columbia by contractors and subcontractors, and for other purposes", approved March 3, 1931 (40 U.S.C. 276a(a)), commonly known as the Davis-Bacon Act, is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by inserting "or, in the case of contracts awarded by the Department of Defense, every contract in excess of $250,000" after "$2,000" in the first sentence.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to solicitations for bids or proposals made on and after the date of the enactment of this Act.

SEC. 1004. NONAPPLICABILITY OF THE SERVICE CONTRACT ACT OF 1965 TO CERTAIN MARINER SERVICE CONTRACTS.

(a) IN GENERAL.—Chapter 141 of title 10, United States Code (as amended by section 962 of this Act), is amended by adding at the end thereof the following new section:

"§ 2409. Nonapplicability of the Service Contract Act of 1965 to certain mariner service contracts

"The Service Contract Act of 1965 (41 U.S.C. 351 et seq.) shall not apply to any contract for services furnished on a vessel owned or chartered by an agency named in section 2303(a) of this title."

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of such chapter (as amended by section 962 of this Act) is amended by adding at the end thereof the following new item:

"2409. Nonapplicability of the Service Contract Act of 1965 to certain mariner service contracts.".

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect with respect to solicitations for bids or proposals issued on or after the date of enactment of this Act.

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## GRAMM AMENDMENT NO. 2575

(Ordered to lie on the table.)

Mr. GRAMM submitted an amendment intended to be proposed by him to amendment No. 2402 proposed by Mr. KENNEDY to the bill S. 2638, supra, as follows:

Before the period at the end of the amendment: "and insert in lieu thereof the following:

SEC. 1002. APPLICATION OF SERVICE CONTRACT ACT OF 1965 TO DEPARTMENT OF DEFENSE SERVICE CONTRACTS

(a) MINIMUM CONTRACT SIZE.—The matter preceding paragraph (1) of section 2(a) of the Service Contract Act of 1966 (41 U.S.C. 351(a)) is amended by inserting "or, in the case of a contract entered into by the Department of Defense, $1,000,000" after "$2,500".

(b) PRINCIPAL PURPOSE RULE.—Section 2 of such Act (41 U.S.C. 351) is amended—

(1) in subsection (a), by striking out "Every" and inserting in lieu thereof "Subject to subsection (c), every"; and

(2) by adding at the end the following new subsection:

"(c) In the case of a contract entered into by the Department of Defense, this Act shall apply only to a contract the principal purpose of which is to furnish services and shall not apply to a contract which requires the provision of services if the principal purpose of the contract is not to furnish services.".

(c) PREDECESSOR CONTRACTS.—Section 4(c) of such Act (41 U.S.C. 353(c)) is amended—

(1) by sriking out "No" and inserting in lieu thereof "(1) Subject to paragraph (2), no"; and

(2) by adding at the end the following new paragraph:

"(2)(A) Paragraph (1) shall not apply in the case of a contract that succeeds a contract (that is subject to this Act) entered into by the Department of Defense unless the Secretary concerned determines on the record after opportunity for an agency hearing (notwithstanding section 554(a)(4) of title 5, United States Code) that the wages and fringe benefits under the successor contract are less than the prevailing wages and fringe benefits in the locality in which the work is to be performed.

"(B) As used in this paragraph, 'Secretary concerned' means—

"(i) the Secretary of a military department, in the case of a contract awarded by such department; or

"(ii) the Secretary of Defense, in the case of a contract awarded by a Defense Agency of the Department of Defense.".

(d) DEFINITIONS.—Section 8 of such Act (41 U.S.C. 357) is amended—

(1) by redesignating subsections (a), (b), (c), and (d) as subsections (d), (e), (a), and (f), respectively; and

(2) by inserting after subsection (a) (as so redesignated) the following new subsections:

"(b) The term 'locality', as used with respect to a contract entered into by the Department of Defense, means the particular urban or rural subdivision of a State in which work is to be performed.

"(c) The term 'prevailing rates', as used in paragraphs (1) and (2) of section 2(a) with respect to a contract entered into by the Department of Defense, includes the rate of the entire range of wages and benefits paid to corresponding classes of service employees in the locality in which work is to be performed.".

(e) WAGE AND FRINGE BENEFIT DETERMINATIONS OF SECRETARY.—(1) Section 10 of such Act (41 U.S.C. 358) is amended—

(A) by striking out "It" and inserting in lieu thereof "(a) Subject to subsection (b), it"; and

(B) by adding at the end the following new subsection:

"(b) In the case of a contract entered into by the Department of Defense, the Secretary shall make determinations of minimum monetary wages and fringe benefits for the various classes or service employees under paragraphs (1) and (2) of section 2(a) with respect to a service contract under which more than 25 service employees are to be employed.".

(2) The amendment made by paragraph (1) shall apply with respect to contracts entered into after September 30, 1986.

SEC. 1003. APPLICATION OF THE DAVIS-BACON ACT TO MILITARY CONSTRUCTION CONTRACTS

(a) IN GENERAL.—Subsection (a) of the first section of the Act entitled "An Act relating to the rate of wages for laborers and mechanics employed on public buildings of the United States and the District of Columbia by contractors and subcontractors, and for other purposes", approved March 3, 1931 (40 U.S.C. 276a(a)), commonly known as the Davis-Bacon Act, is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by inserting "or, in the case of contracts awarded by the Department of Defense, every contract in excess of $250,000" after "$2,000" in the first sentence.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to solicitations for bids or proposals made on and after the date of the enactment of this Act.

SEC. 1004. NONAPPLICABILITY OF THE SERVICE CONTRACT ACT OF 1965 TO CERTAIN MARINER SERVICE CONTRACTS

(a) IN GENERAL.—Chapter 141 of title 10, United States Code (as amended by section 962 of this Act), is amended by adding at the end thereof the following new section:

"§ 2409. Nonapplicability of the Service Contract Act of 1965 to certain mariner service contracts

"The Service Contract Act of 1965 (41 U.S.C. 351 et seq.) shall not apply to any contract for services furnished on a vessel owned or chartered by an agency named in section 2303(a) of this title.".

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of such chapter (as amended by section 962 of this Act) is amended by adding at the end thereof the following new item:

"2409. Nonapplicability of the Service Contract Act of 1965 to certain mariner service contracts.".

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect with respect to solicitations for bids or proposals issued on or after the date of enactment of this Act.

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## WILSON AMENDMENT NO. 2576

(Ordered to lie on the table.)

Mr. WILSON submitted an amendment intended to be proposed by him to amendment No. 2413 proposed by Mr. WILSON (and others) to the bill S. 2638, supra, as follows:

On page 2, strike lines 4 through 24 and insert in lieu thereof:

(A) the total Navy research and development cost of the Rolling Airframe Missile program will not exceed $219,700,000; and

(B) the Secretary will terminate the program if at any time he determines that the total Navy research and development cost will exceed the amount specified in subparagraph (A); and

(C) the recurring missile unit flyaway cost for a minimum of 4,900 missiles will not exceed $100,000 per missile (using fiscal year 1986 dollars as the base year); and

(D) the design of the Rolling Airframe Missile and its unique support equipment are complete and that the system performance has not been degraded from the original development specifications (as contained in Navy Decision Coordinating Paper No. SO-167-AA); and

(E) the Director of Operational Test and Evaluation has approved a test and evaluation master plan for the Rolling Airframe Missile.

On page 3, between lines 6 and 7, insert the following:

(4) Department of Defense reprogramming request 85-91PA is approved.

On page 3, strike all after line 10 and insert in lieu thereof:

(f) PENGUIN MISSILE PROGRAM.—Funds appropriated pursuant to authorization in this title may not be obligated or expended for development of the Penguin Missile, to include integration of such missile with LAMPS Mark III, until the Secretary of Defense submits a report to the Committees on Armed Services of the Senate and the House of Representatives which—

(1) identifies all funding, by year, required for completion of research, development, test and evaluation of the Penguin missile; and

(2) certifies that the total procurement and research and development cost of the Penguin missile program will not exceed $200,000,000.

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## HUMPHREY AMENDMENT NOS. 2577 AND 2578

(Ordered to lie on the table.)

Mr. HUMPHREY submitted two amendments intended to be proposed by him to amendment No. 2404 proposed by Mr. KENNEDY to the bill S. 2638, supra, as follows:

AMENDMENT No. 2577

Strike out "not" before "apply".

AMENDMENT No. 2578

Strike out "shall not apply" and insert in lieu thereof "shall apply and, notwithstanding the amendment made by section 1002(a) to section 2(a)(1) of the Service Contract Act of 1965 (41 U.S.C. 351(a)(1)), section 2(a)(1) of such Act is amended by inserting "or, in the case of a contract entered into by the Department of Defense, $500,000" after "$2,500".

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## WILSON AMENDMENT NO. 2579

(Ordered to lie on the table.)

Mr. WILSON submitted an amendment intended to be proposed by him to amendment No. 2362 to the bill S. 2638, supra; as follows:

By striking out of the matter to be inserted those clauses designated as (A), (B), and (C) and inserting in lieu thereof the following:

(A) identifies all funding, by year, required for completion of research, development, test and evaluation of the Penguin missile; and

(B) certifies that the total procurement and research and development cost of the Penguin missile program will not exceed $200,000,000.

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## WILSON AMENDMENT NO. 2580

(Ordered to lie on the table.)

Mr. WILSON submitted an amendment intended to be proposed by him to amendment 2363 to the bill S. 2638, supra; as follows:

By striking out of the matter to be inserted those clauses designated as (A), (B), (C), (D), (E), and (F) and inserting in lieu thereof:

(A) the total Navy research and development cost of the Rolling Airframe Missile program will not exceed $219,700,000; and

(B) the Secretary will terminate the program if at any time he determines that the total Navy research and development cost will exceed the amount specified in subparagraph (A); and

(C) the recurring missile unit flyaway cost for a minimum of 4,900 missiles will not exceed $100,000 per missile (using fiscal year 1986 dollars as the base year); and

(D) the design of the Rolling Airframe Missile and its unique support equipment are complete and that the system performance has not been degraded from the original development specifications (as contained in Navy Decision Coordinating Paper No. SO-167-AA); and

(E) the Director of Operational Test and Evaluation has approved a test and evaluation master plan for the Rolling Airframe Missile.

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## MURKOWSKI (AND OTHERS) AMENDMENT NO. 2581

(Ordered to lie on the table.)

Mr. MURKOWSKI (for himself, Mr. CRANSTON, Mr. WARNER, and Mr. DECONCINI) submitted an amendment intended to be proposed by them to the bill S. 2638, supra; as follows:

On page 229, between lines 14 and 15, insert the following:

SEC. 1221. REPEAL RELATING TO ATOMIC WEAPONS TESTING LIABILITY.

(a) IN GENERAL.—Section 1631 of the Department of Defense Authorization Act, 1985 (Public Law 98-525; 98 Stat. 2646) is repealed effective on June 1, 1987.

(b) EFFECT ON STATUTES OF LIMITATIONS.—(1) The period during which section 1631 of the Department of Defense Authorization Act, 1985, was in effect shall not be taken into account in computing the period provided in any Federal or State statute of limitations applicable to any civil action for an injury, loss of property, personal injury or death described in subsection (a)(1) of such section.

(2) In any case in which the period provided in any Federal or State statute of limitations applicable to such an action expires within the one-year period beginning on June 1, 1987 (after the application of paragraph (1) in such case), the action shall not be barred in such case by such statute if the action is commenced within that one-year period.

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## HAWKINS AMENDMENT NO. 2582

(Ordered to lie on the table.)

Mrs. HAWKINS submitted an amendment intended to be proposed by them to the bill S. 2638, supra; as follows:

On page 229, between lines 14 and 15, insert the following new section:

SEC. . DENIAL OF TRADE BENEFITS TO MEXICO.

(a) IN GENERAL.—Notwithstanding any other provision of law, the President may not increase, on or after the date of enactment of this Act, the quantity of products of Mexico that may be entered under any limitation imposed by Federal law, or by any international agreement, on the total quantity of any article that may be entered.

(b) DEFINITIONS.—For purposes of this Act—

(1) The term "products of Mexico" means any article that is grown, produced, or manufactured (in whole or in part) in Mexico.

(2) The term "entered" means entered, or withdrawn from warehouse, for consumption in the customs territory of the United States.

(3) The term "customs territory of the United States" means the States, the District of Columbia, and the Commonwealth of Puerto Rico.

(c) EFFECTIVE PERIOD.—

(1) The provisions of this Act shall apply with respect to articles entered—

(A) after the date that is 15 days after the date of enactment of this Act, and

(B) before the date that is 15 days after the date on which the President submits to the Congress the certification described in paragraph (2).

(2) If the President determines that—

(A) Mexico—

(i) has successfully prosecuted the murderer, or murderers, of Enrique Camarena, or

(ii) has made satisfactory efforts to apprehend and prosecute the murder, or murderers, of Enrique Camarena in an expeditious manner, and

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## DOMENICI (AND CHILES) AMENDMENT NO. 2583

(Ordered to lie on the table.)

Mr. DOMENICI (for himself and Mr. CHILES) submitted an amendment intended to be proposed by them to the bill S. 2638, supra; as follows:

At the appropriate place in the bill, add the following new section:

SEC.—. LIMITATION ON NEW SPENDING AUTHORITY.

(a) IN GENERAL.—Any new spending authority (as defined in section 401(c)(2) of the Congressional Budget Act of 1974) provided by—

(1) any of the sections of this Act specified in subsection (b), or

(2) any amendment made by any such section, shall be effective for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts.

(b) SECTIONS SPECIFIED.—The sections to which subsection (a) applies are sections 611, 625, 631, 635, 636(f), 931, 1006, 2175, and 2183 of this Act.

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## WARNER AMENDMENT NOS. 2584 AND 2585

(Ordered to lie on the table.)

Mr. WARNER submitted two amendments intended to be proposed by him to the bill S. 2638, supra; as follows:

At the appropriate place, insert the following:

It is the sense of the Senate with respect to the tax treatment of Military Benefits, that for purposes of paragraph (1) of section 61(a) of the Internal Revenue Code of 1954 (defining gross income), the term "fringe benefits" does not include the following military benefits:

(a) Subsistence and uniform allowances granted a member of the uniformed services (as defined in title 37) and amounts received by them as commutation of quarters.

(b) Any in-kind benefit received by a member or former member of the uniformed services and his family resulting from his status or service as a member of the Armed Forces of the United States other than those received as a result of such status or service being considered that of an "officer" or "employee" of the government.

AMENDMENT No. 2585

At the appropriate place in Title II, Sec. 202, add the following new subsection:

( ) DoD SOFTWARE ENGINEERING INSTITUTE AND VERY HIGH SPEED INTEGRATED CIRCUITS, AIR FORCE.—Of the funds appropriated pursuant to an authorization in this Act, not more than $14,541,000 may be obligated and expended for the DoD Software Engineering Institute and not more than $127,897,000 may be obligated and expended for the Very High Speed Integrated Circuits program.

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## DANFORTH (AND OTHERS) AMENDMENT NO. 2586

(Ordered to lie on the table.)

Mr. DANFORTH (for himself, Mr. GORTON, Mr. GARN, and Mr. RIEGLE) submitted an amendment intended to be proposed by them to the bill S. 2638, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . AUTHORIZATION OF APPROPRIATIONS FOR THE AIR FORCE.

Notwithstanding any other provision of this Act, funds are hereby authorized to be appropriated for fiscal year 1987 for the Air Force as follows:

For missiles, $8,866,000,000.

For research, development, test, and evaluation, $15,334,573,000.

For expenses, not otherwise provided for, for operation and maintenance, $19,687,171,000.

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## BENTSEN AMENDMENT NO. 2587

Mr. BENTSEN proposed an amendment to the bill S. 2638, supra; as follows:

At the appropriate point in the bill, add a new section as follows:

SEC. . COMMUNITY PLANNING ASSISTANCE.

The Secretary of Defense may use funds appropriated to the Department of Defense for fiscal year 1987 to provide planning assistance to local communities if the Secretary determines that the financial resources available to the community (by grant or otherwise) are inadequate. The Secretary may use such funds to assist communities located near homeports proposed under the Naval Strategic Dispersal Program at Ingleside, Texas and other Gulf Coast sites. For fiscal year 1987, not to exceed $200,000 may be used for this purpose at Gulf Coast sites.

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## DeCONCINI (AND D'AMATO) AMENDMENT NO. 2588

(Ordered to lie on the table.)

Mr. DeCONCINI (for himself and Mr. D'AMATO) submitted an amendment intended to be proposed by them to the bill S. 2638, supra, as follows:

On page 229, between lines 14 and 15, insert the following new section:

SEC. 2121. AUTHORIZATION OF APPROPRIATIONS FOR ENHANCED DRUG INTERDICTION ACTIVITIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated to the Department of Defense for fiscal year 1987 for enhancement of drug interdiction assistance activities of the Department as follows:

(1) For procurement of aircraft for the Navy—

(A) $83,000,000 to be available for modification of four P-3 aircraft by the addition of APS-138 radar, including the purchase of four APS-138 radar sets; and

(B) $138,000,000 to be available for refurbishment and upgrading of four existing E2C Hawkeye surveillance aircraft for drug interdiction purposes, and the procurement of four replacement E2C Hawkeye aircraft and related spares for the Navy.

(2) For procurement for the Air Force, $49,500,000, to be available for procurement of 3 aerostat radar systems, 3 aerostat radar spaces for such system, and 1 aerostat radar spare for an aerostat radar system authorized and funded for location in the Bahamas by section 5(b) of the Urgent Supplemental Appropriations Act, 1986 (Public Law 99-349; 100 Stat. 723).

(3) For operation and maintenance for the Air Force, $12,615,000 to be available for the transfer of 6 Air Force helicopters to Davis Montahn Air Force Base for use in carrying out drug interdiction missions.

(4) For the Secretary of Defense, $12,000,000 for enhanced intelligence collection activities concerning illegal importation into the United States of drugs originating in South America.

(b) LOANS TO THE UNITED STATES CUSTOMS SERVICE.—The Secretary of Defense shall make available the refurbished, upgraded, and modified aircraft, using funds appropriated pursuant to authorizations in subsection (a)(1) to the United States Customs Service in accordance with chapter 18 of title 10, United States Code, except that the four replacement E2C Hawkeye aircraft procured using funds appropriated pursuant to authorizations in subsection (a)(1) shall be delivered to the Navy.

(c) RESPONSIBILITIES OF THE UNITED STATES CUSTOMS SERVICE.—(1) The United States Customs Service shall have the responsibility for operation and maintenance costs attributable to the aircraft refurbished, upgraded, or modified using funds appropriated pursuant to authorizations in subsection (a)(1) and the aerostat radar systems using funds appropriated pursuant to authorizations in subsection (a)(2), except that responsibility for the operation and maintenance costs by the United States Customs Service shall commence upon receipt of the modified, refurbished, and upgraded aircraft authorized in subsection (a)(1) and upon completion of the installation of the aerostat radar systems authorized in subsection (a)(2).

(2) Upon enactment of this Act, the Commissioner of Customs shall immediately commence consultations with the Commandant of the United States Coast Guard regarding coordination of the deployment of the aircraft authorized in subsection (a)(1) and on loan to the United States Customs Service under subsection (b) in order to maximize the detection, surveillance, and intelligence gathering capabilities of the drug surveillance aircraft on loan to the United States Customs Service. The Commissioner of Customs shall make quarterly reports to the Committees on Appropriations and the Committees on Armed Services of the Senate and the House of Representatives regarding drug interdiction plans developed under this paragraph.

(d) AMOUNTS IN ADDITION TO OTHER AMOUNTS.—The amounts authorized by subsection (a) are in addition to any other amounts authorized to be appropriated to the Department of Defense in this Act for fiscal year 1987.

## WARNER AMENDMENT NO. 2589

Mr. WARNER proposed an amendment to the bill S. 2638, supra, as follows:

It is the sense of the Senate with respect to the tax treatment of Military Benefits, that for purposes of paragraph (1) of section 61(a) of the Internal Revenue Code of 1954 (defining gross income), the term "fringe benefits" does not include the following military benefits:

(a) Subsistence and uniform allowances granted a member of the uniformed services (as defined in title 37) and amounts received by them as commutation of quarters

(b) Any in-kind benefit received by a member or former member of the uniformed services and his family resulting from his status or service as a member of the Armed Forces of the United States other than those received as a result of such status or service being considered that of an "officer" or "employee" of the government.

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## DANFORTH (AND OTHERS) AMENDMENT NO. 2590

Mr. DANFORTH (for himself, Mr. BINGAMAN, Mr. CHAFEE, and Mr. LEVIN), proposed an amendment to the bill S. 2638, supra, as follows:

On page 19, between lines 18 and 19, insert the following new section:

SEC. . RESTRICTIONS ON USE OF RESEARCH AND DEVELOPMENT FUNDS OF THE DEPARTMENT OF DEFENSE.

This Act does not authorize any research, development, test, and evaluation funds to or for the use of the Department of Defense for the purpose of making any grant or contribution to any educational institution unless the Secretary of Defense, using existing authority, determines—

(1) that the purpose of such grant or contribution has a potential relationship to a military function or operation; and

(2) that the grant or contribution is based on the technical merit of the proposed research that best satisfies the requirements of the Department of Defense.

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## LEVIN AND (WARNER) AMENDMENT NO. 2591

Mr. LEVIN (for himself and Mr. WARNER) proposed an amendment to the bill S. 2638, supra, as follows:

On page 220, line 10, beginning with "report", strike out all that follows through line 19, and insert in lieu thereof "reports described in subsection (b) and thirty (30) legislative days have elapsed following the date on which the Congress has received both reports.

"(b) REPORT REQUIREMENTS.—In order for Congress to make an informed decision on the need for the establishment of a Federally Funded Research and Development Center for the support of the Strategic Defense Initiative Organization and on the ability of such an entity to function as an independent and objective source of technical support, the Secretary of Defense and the Comptroller General of the United States shall each submit to Congress a report that includes the following:".

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## DODD AMENDMENT NO. 2592

Mr. DODD proposed an amendment to the bill S. 2638, supra, as follows:

On page 186, between lines 9 and 10, insert the following:

SEC. 963. LIMITATIONS ON THE PROCUREMENT OF BALL BEARINGS AND ROLLER BEARINGS; EXPEDITED CONSIDERATION UNDER CERTAIN TRADE LAWS.

(a) FINDINGS.—The Congress finds that—

(1) a healthy domestic ball and roller bearing industry (hereafter in this subsection referred to as the "industry") is of critical importance to a sound domestic industrial base in the United States;

(2) the industry has a broad role in the supply of essential components to other industries representing the core of a modern industrial economy;

(3) the Federal Government has previously recognized the importance of the industry to the defense-related industrial base of the United States by requiring that certain bearings purchased by the Department of Defense be manufactured in the United States or Canada;

(4) the United States market for this industry has been increasingly penetrated by imports over the past decade, which has resulted in reductions in capacity, employment, and abandonment of certain markets by domestic producers in the industry; and

(5) the industry is under a state of siege, caught between an eroding share of the domestic market and rising imports of bearings that compete with the industry's domestic customers.

(b) LIMITATIONS ON PROCUREMENT.—(1) Except as provided in paragraph (2), the Department of Defense may not procure ball bearings or roller bearings which have been manufactured outside the United States (including the Commonwealth of Puerto Rico, the Virgin Islands of the United States, and the territories and possessions of the United States).

(2)(A) If the Secretary of Defense certifies in writing to the Secretary of Commerce that—

(i) any kind of ball or roller bearings needed by the Department of Defense is not manufactured in the United States; or

(ii) any kind of ball or roller bearings manufactured in the United States is not available in sufficient quantities to meet the needs of the Department of Defense,

the prohibition prescribed in paragraph (1) shall not apply in the case of any contract for the procurement of such kind of ball or roller bearings which is awarded pursuant to a procurement solicitation issued during the period beginning 30 days after the date on which the certification is received by the Secretary of Commerce and ending on the date on which the Secretary of Defense or the Secretary of Commerce determines that the certified condition has terminated.

(B) Notwithstanding subparagraph (A), the Department of Defense may not conduct a procurement with respect to which a certification has been made under such subparagraph if the Secretary of Commerce disagrees with the findings of the Secretary of Defense (with respect to a condition described in such subparagraph) contained in the certification and notifies the Secretary of Defense, in writing, of the disagreement within 30 days after the date on which the certification is received by the Secretary of Commerce.

(3) The Secretary of Defense shall prescribe regulations to carry out this subsection.

(4) This subsection shall apply to procurement solicitations issued by the Department of Defense during the 5-year period beginning on January 1, 1987.

(d) AMENDMENTS TO THE TRADE EXPANSION ACT OF 1962.—Subsection (b) of section 232 of the Trade Expansion Act of 1962 (19 U.S.C. 1862(b)) is amended—

(1) by striking out "Upon request" and inserting in lieu thereof "(1) Upon request", and

(2) by adding at the end thereof the following new paragraph:

"(2)(A) The President and the Secretary shall give expedited consideration to any application submitted under this section with respect to imports of ball bearings or roller bearings.

"(B) The Secretary shall provide notice to the Secretary of Labor of any determination made by the Secretary under paragraph (1) that imports of ball bearings or roller bearings threaten to impair the national security.".

(e) AMENDMENTS TO THE TRADE ACT OF 1974.—(1) Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) is amended by adding at the end thereof the following new subsection:

"(e) The Secretary shall give expedited consideration to any petition filed under section 221 on behalf of workers of a firm, or subdivision of a firm, that produces ball bearings or roller bearings if the Secretary of Commerce has determined under section 232 of the Trade Expansion Act of 1962, at any time during the 3-year period preceding the date of the determination of the Secretary under subsection (a), that imports of ball bearings or roller bearings threaten to impair the national security.".

(2) Section 251 of the Trade Act of 1974 (19 U.S.C. 2341) is amended by adding at the end thereof the following new subsection:

"(e) The Secretary shall give expedited consideration to any petition filed under subsection (a) on behalf of a firm that produces ball bearings or roller bearings if the Secretary has determined under section 232 of the Trade Expansion Act of 1962, at any time during the 3-year period preceding the date of the determination of the Secretary under subsection (c), that imports of ball bearings or roller bearings threaten to impair the national security.".

## DODD (AND BOREN) AMENDMENT NO. 2593

Mr. DODD (for himself and Mr. BOREN) proposed an amendment, which was subsequently modified, to the bill S. 2638, supra; as follows:

On page 147, after line 22, insert the following new section:

SEC. 933. PROHIBITION ON FELONS CONVICTED OF DEFENSE CONTRACT RELATED FELONIES AND PENALTY ON EMPLOYMENT OF SUCH PERSONS BY DEFENSE CONTRACTORS.

Subsection (a) of section 932 of the Department of Defense Authorization Act, 1986 (Public Law 99-145) is amended by—

(1) inserting after "management of supervisory capacity" the following ", including the capacity of service on the board of directors,"; and

(2) striking out "one year" and inserting in lieu thereof "three years".

## WARNER AMENDMENT NO. 2594

Mr. WARNER proposed an amendment to the bill S. 2638, supra; as follows:

At the appropriate place in Title II, Sec. 202, add the following new subsection:

( ) DOD SOFTWARE ENGINEERING INSTITUTE AND VERY HIGH SPEED INTEGRATED CIRCUITS, AIR FORCE.—Of the funds appropriated pursuant to an authorization in this act, not more than $14,541,000 may be obligated and expended for the DoD Software Engineering Institute and not more than $127,897,000 may be obligated and expended for the Very High Speed Integrated Circuits program.

## WILSON (AND OTHERS) AMENDMENT NO. 2595

Mr. WILSON (for himself, Mr. NUNN, Mr. QUAYLE, and Mr. LUGAR) proposed an amendment, which was subsequently modified, to the bill S. 2638, supra; as follows:

On page 4, line 11, strike out "$5,557,490,000" and insert in lieu thereof "5,597,490,000".

On page 6, between lines 12 and 13, insert the following new subsection:

(g) ROLLING AIRFRAME MISSILE PROGRAM.—(1) None of the funds appropriated pursuant to an authorization in this title may be obligated or expended in connection with procurement of the Rolling Airframe Missile program until the Secretary of Defense has certified in writing to the Committees on Armed Services of the Senate and the House of Representatives that—

(A) the total Navy research and development cost of the Rolling Airframe Missile program will not exceed $219,700,000; and

(B) the Secretary will terminate the program if at any time he determines that the total Navy research and development cost will exceed the amount specified in subparagraph (A); and

(C) the recurring missile unit flyaway cost for a minimum of 4,900 missiles will not exceed $100,000 per missile (using fiscal year 1986 dollars as the base year); and

(D) the design of the Rolling Airframe Missile and its unique support equipment are complete and that the system performance has not been degraded from the original development specifications (as contained in Navy Decision Coordinating Paper No. SO-167-AA); and

(E) the Director of Operational Test and Evaluation has approved a test and evaluation master plan for the Rolling Airframe Missile.

(2) If the Secretary of Defense fails to make the certification described in paragraph (1) by March 30, 1987, he shall cause the Rolling Airframe Missile program to be terminated effective on that date.

(3) Subsection (d) of section 205 of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 608), is repealed.

(4) Department of Defense reprogramming request 85-91PA is approved.

On page 11, line 2, strike out "$9,265,378,000" and insert in lieu thereof "$9,289,678,000",.

## MURKOWSKI (AND NUNN) AMENDMENT NO. 2596

Mr. MURKOWSKI (for himself and Mr. NUNN) proposed an amendment to the bill S. 2638, supra; as follows:

On page 228, between lines 17 and 18, insert the following new subsection:

(b) Drug Educational and Counseling Report: The Secretary of Defense, in consultation with the National Drug Enforce-

ment Policy Board and the Department of Education, shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report, not later than December 1, 1986, discussing (i) the extent to which youth in schools operated by the Department of Defense for dependent members of the Armed Forces are receiving education on drug and substance abuse, (ii) the types of drug education programs that are currently being provided, (iii) whether additional drug education programs are needed, and (iv) the extent to which drug education programs for youth in grades K through 12 include or should include preventative peer counseling classes.

Redesignate subsection (b) as subsection (c).

## BYRD AMENDMENT NO. 2597

Mr. BYRD proposed an amendment to the bill S. 2638, supra; as follows:

On page 197, between lines 12 and 13, insert the following new section:

SEC. 1106. CONVERSION OF CHROMIUM AND MANGANESE ORE TO HIGH CARBON FERROCHROMIUM AND HIGH CARBON FERROMANGANESE.

(a) IN GENERAL.—During fiscal year 1987 and during each of the six succeeding fiscal years, the Administrator of General Services shall obtain bids from domestic producers of high carbon ferrochromium and of high carbon ferromanganese and award contracts for the conversion of chromium and manganese ores held in the National Defense Stockpile into high carbon ferrochromium and high carbon ferromanganese, respectively.

(b) STOCKPILE GOALS.—(1) Contracts awarded under subsection (a) shall provide for the addition of not less than 53,500 short tons of high carbon ferrochromium and 67,500 short tons of high carbon ferromanganese to the National Defense Stockpile in each of the fiscal years referred to in the preceding sentence.

(2) If, in any fiscal year referred to in subsection (a), the minimum quantity of high carbon ferrochromium or high carbon ferromanganese to be added to the National Defense Stockpile, as prescribed in paragraph (1), is not met, the quantity of such material to be added to such stockpile in the succeeding fiscal year shall be increased by the quantity of the deficiency.

(c) SEVEN-YEAR MINIMUM QUANTITIES.—The total quantities of carbon ferrochromium and high carbon ferromanganese in the National Defense Stockpile at the end of the seven fiscal years referred to in subsection (a) shall be as follows:

(1) Carbon ferrochromium, 374,000 short tons.

(2) High carbon ferromanganese, 472,000 short tons.

(d) In this section, the term "National Defense Stockpile" means the stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c).

## NOTICES OF HEARINGS

COMMITTEE ON RULES AND ADMINISTRATION

Mr. MATHIAS. Mr. President, I wish to announce that the Committee on Rules and Administration will meet in SR-301, Russell Senate Office Building, on Tuesday, August 12, 1986, at 3:30 p.m., to conduct a business meeting.

On its legislative agenda, the committee will be considering the following items: Senate Resolution 438, directing the Senate Committee on Rules and Administration to study the Senate rules and precedents applicable to impeachment trials; Senate Resolution 439, to authorize the reprinting of a Senate document from the 93d Congress entitled "Procedures and Guidelines for Impeachment Trials in the United States Senate"; an original bill to authorize appropriations for the Federal Election Commission for fiscal year 1987; an original bill that would amend 2 U.S.C. 58a in order to authorize the Senate Sergeant at Arms to pay for State long distance telephone charges based on the amount of time the service is used; two printing resolutions for the House of Representatives—House Concurrent Resolution 288 and House Concurrent Resolution 301; an original resolution to amend rule XXXV of the Standing Rules of the Senate so that the chairman of the Ethics Committee can give notice in the CONGRESSIONAL RECORD of approval of foreign travel by a Member, officer, or employee after the foreign travel has concluded; an original resolution to authorize the purchase of U.S. Capitol Historical Society wall calendars for the use of the Senate; and several original resolutions to pay gratuities to survivors of deceased Senate employees.

Administrative business scheduled to be considered are the results of the test period of the Dole proposal for subway service to the Hart Building during rollcall votes.

For further information concerning this meeting, please contact Carole Blessington of the Rules Committee staff on x40278.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. ANDREWS. Mr. President, I would like to announce for the information of the public that the Select Committee on Indian Affairs will be holding a business meeting on Wednesday, August 13, 1986, at 2 p.m. in S-205 of the Capitol, on the following bills:

S. 1452, a bill to settle Indian land claims in the Town of Gay Head, Massachusetts;

S. 2118, a bill to provide for the distribution of funds appropriated to pay a judgment awarded to the Sisseton and Wahpeton Tribes of Sioux Indians;

S. 2564, a bill to provide for the proper administration of justice within the Salt River Pima-Maricopa Indian Reservation by granting jurisdiction to the Salt River Pima-Maricopa Indian Community Court over certain criminal misdemeanor offenses;

H.R. 1344, a bill to provide for the restoration of Federal recognition to the Ysleta del Sur Pueblo and the Alabama and Coushatta Indian Tribes of Texas;

H.R. 1920, a bill to establish Federal standards and regulations for the conduct of gaming activities on Indian reservations and lands; and

H.R. 3554, a bill to provide for the restoration of the Federal trust relationship with, and Federal services and assistance to, the Klamath Tribe of Indians and the individual members thereof consisting of the Klamath and Modoc Tribes and the Yahooskin Band of Snake Indians, and for other purposes.

Those wishing additional information should call the committee at 224-2251.

## AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, August 6, 1986, in order to consider the nominations of: James Colvard to be Deputy Director of OPM; Mary Wieseman to be special council, to MSPB; and Janet Steiger to be Commissioner of the Postal Rate Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ADDITIONAL STATEMENTS

## REMARKS OF DONNA ALVARADO AT LIBERTY WEEKEND NATURALIZATION CEREMONY

● Mrs. HAWKINS. Mr. President, I was privileged to take part in the Liberty Weekend naturalization ceremony in Miami, FL in which 14,200 immigrants took the oath of citizenship. This was the largest naturalization ceremony ever held in the United States, surpassing the record previously set by Miami in 1984. During that ceremony, Donna Alvarado, Director of the ACTION agency gave a stirring speech that I would like to share with the rest of my congressional colleagues.

Mr. President I ask that the text of Donna Alvarado's speech be printed in the RECORD.

The speech follows:

AN ADDRESS BY DONNA M. ALVARADO, DIRECTOR OF ACTION, TO THE "LIBERTY WEEKEND" NATURALIZATION CEREMONY

Senator HAWKINS, distinguished legislators and personal representatives of President Ronald Reagan; Governor Graham, chief executive of the great State of Florida, honored guests and friends, Hermanos and Hermanas.

It is an honor and a privilege to share this evening with you. You have studied about U.S. Government—about the balance of powers. I just have to tell you that Senator HAWKINS is my boss in the Congress, and we are thankful for her strong leadership.

Today will live in history. This is one of the most important moments of our lives. Many of you have just taken the most solemn oath possible—total allegiance to your adopted homeland—the USA. You have spent many long years getting ready for this occasion. We honor you and we welcome you.

Our Nation rejoices as our newest citizens take your rightful place among the people. You will add your strength, your traditions and your dreams to the American vision. You have come here tonite from 68 different lands. You have chosen America, and freedom—chosen to share the rights, and with them the duties, of all American citizens.

It has not been an easy road to get here. You have overcome great obstacles and undergone hardships and sacrifices to share this moment in American history.

Many of you escaped to America from communism. From countries in which the state reigns supreme, where one individual is interchangeable for another, and all are expendable to the supremacy of the state. Our Constitution gives America a very different philosophy—in America the rights of the individual are paramount and cannot be trampled by the power of the state. That fundamental belief defines our national character, and carries with it grave responsibility.

This oath of allegiance is much more than well-spoken words. The true meaning lies in your hearts, and most importantly, in your future actions on behalf of this Nation. These acts will truly be the measure of your loyalty. You see, our Government is not merely the Congress, the States, the Governor, the country or even the President. We are the Government—and you and I, our neighbors and our coworkers. Not just the intellectuals, the prosperous, the famous and the powerful—but each one of us with all our strengths and weaknesses. We are the Government—for better or worse. Our country has bestowed a most precious gift on us—citizenship. In return we must give of ourselves—we must vote, and pay our fair share of taxes. But we must do even more if our communities are to prosper and grow. We must give ourselves to America.

When the interests of freedom are threatened, we must be prepared to give even of our life's blood in defense of the Nation. Indeed, this country's immigrants have always been among the first in battle when the call has been given.

And now, as we enjoy the peace and prosperity of years to come, it is just as important to serve the national interest by giving of ourselves in our communities. In this way, can truly repay the debt of gratitude we all owe this great Nation—by making this the land of opportunity for all our citizens. What our country demands is not complicated—it can be as simple as tutoring a child who cannot read; encouraging a teenager to say "no" to drugs; comforting the lonely, sick and the dying; lending a helping hand to help the destitute get back on their feet; sharing an open heart and a tolerant spirit with citizens who must overcome physical and mental disabilities. By volunteering a few hours a week you can make a major difference, and enrich your community; you can assure the future of America and the best of all like all that is good, noble and true—you will benefit most of all. As our constitution declares, only in this way can we "secure the blessings of liberty to ourselves and our posterity" we the people are the Government. The Government must respect the rights of individuals. And if we, as individuals, don't accept the responsibility for the well-being of our families, our neighborhoods, and the continuing strength of this great Nation into the 21st century, I can promise you this: There is no one else who will. You are our newest citizens. You are also citizens of Miami and of the Nation, part of the great miracle of American pluralism. Our national motto, "e pluribus unum," says it all. We are all Americans.

I love this country and I believe in the brightness of her future with every breath in my body. After the years you have spent here, the risks you have taken, the spiritual and material investments you have made, and the commitment you have demonstrated tonight, I know you share that love.

With all our imperfections and unrealized dreams, the United States is still the last, best hope for freedom and democracy in the world.

Finally, I want to say how honored I am to be here on this historic day. How very proud of you I feel. My grandfather was an immigrant to America. Many of my relatives remain in Mexico. Our American family takes special pride and joy in retaining our ties to Mexico. For wherever we live, we are still a family. We all take pride in our roots, in the rich heritage that we have brought to strengthen America. No treasures are greater than an individual's family history and cultural ties. Unique and independent, we are all threads of the American fabric. You have studied the history of these States. You have learned the duties of citizenship. Remember, if you will, how many millions of people the world over dream of coming here, of taking the oath you took tonight. You have pulled up roots and merged your future with that of this great Nation.

I ask you to remember this historic hour. Every July 3, on the eve of Independence Day, look back to this night. Recall your great joy, the centennial of Lady Liberty, the words of President Reagan, the oath given by the Chief Justice—remember the great pride you now feel, and ask yourselves—in each year to come, "what have I done this past year to make America a better place for my family, my friends and my neighbors?"

We have a saying in Spanish—"si se puede, se debe." If you have the right, you have the duty. Fourteen years from now, in the year 2000, may you be able to recall this great evening, to look back at everything you have done since, and say, "Yes, I have done my part. I have kept my trust. I have helped carry my country into the 21st century."

God bless you one and all—our newest citizens . . . and may God forever bless America.●

## RECOGNIZING C&P OF WEST VIRGINIA

● Mr. ROCKEFELLER. Mr. President, on June 2 a major honor was bestowed upon the Chesapeake and Potomac Telephone Co. of West Virginia. C&P received the President's Volunteer Action Award, the most prestigious award given in our country in recognition of volunteer service. Moreover, C&P of West Virginia was one of only three corporations granted the award this year and is the first West Virginia organization to be so honored since the award was established in 1982.

The President's Volunteer Action Award was granted to C&P of West Virginia in appreciation of its outstanding programs in two related areas which are both critical to West Virginia—education and economic development. C&P of West Virginia has played a pivotal role in creating one of the most significant initiatives taken in recent years to improve West Virginia's schools. Called Partners in Education, the program is an effort to develop close linkages between individual schools and local businesses. Over 150 of C&P's dedicated employees are participating in 15 individual business/school partnerships, each of which entail activities to benefit students, faculty, employers and employees. After leading the effort to get the statewide "Partners in Education" program underway, C&P of West Virginia is now actively involved at the local level in encouraging other businesses to establish partnerships with schools. School/business partnerships have now been developed with 47 schools throughout the State.

C&P of West Virginia has made this commitment to education in recognition of the role education plays in the State's economic future. "Partners in Education" is an innovative, effective initiative which is truly deserving of national attention.

The second program honored by the President's Volunteer Action Award focuses on assisting individual communities in developing their local economies. C&P of West Virginia's Business Retention and Expansion Program works with municipalities in assessing their strengths and targeting areas for development. The program has sponsored development seminars which have attracted hundreds of interested local leaders and citizens. Through this effort, C&P is benefiting the economic well-being of the State as a whole.

Mr. President, our country needs the private sector to assist in strengthening our schools and pursuing other opportunities for economic growth. C&P of West Virginia is a model in this area. I am grateful to President Reagan for drawing attention to this company's efforts, and hope that the award will inspire many more businesses to pursue similar goals. I join West Virginia's citizens in thanking C&P for its immense contribution. Our country has honored C&P's commitment to the American volunteer spirit—it serves as an example to us all.●

## PREVENTING ILLITERACY

● Mr. ZORINSKY. Mr. President, on July 14, during consideration of the Head Start reauthorization bill, the Senate passed by unanimous consent my amendment to require the Secretary of Education to conduct a study of beginning reading instruction. This amendment follows up on last year's report of the Commission on Reading, "Becoming a Nation of Readers." This Commission was made up of the top

U.S. reading experts, and their report was based on 20 years of research. It recommended that "well-designed" phonics instruction be used through the second grade, but it did not indicate which beginning reading programs provide such instruction. My amendment directed the Department of Education to compile this information and make it available nationally so that parents as well as educators will have specific information to determine whether their schools are using the most effective reading programs.

This legislation is now in conference, and I would like to share with the conferees as well as all Members of the Senate and House one of the many letters I have received which reflect the need for the type of information my legislation calls for.

The letter follows:

LINCOLN, NE,
*July 18, 1986.*

Hon. Sen. EDWARD ZORINSKY,
*U.S. Senate,*
*Washington, DC.*

DEAR SIR: I applaud you on the recent amendment you sponsored regarding the directive to have the U.S. Education Dept. study our methods for teaching reading to our children. I have just completed reading the books, *Why Johnny Can't Read* and *Why Johnny STILL Can't Read* by Rufolf Flesch. I am appalled, frustrated, and angry, particularly because any changes may be too late for my children.

I am the mother of a girl, 13, and a boy, 9, who have been schooled in the whole word reading method. The older child is very bright, an excellent reader but cannot spell. I expressed concern about a phonics-based program when she was in first grade and was assured the school included "some" phonics in their whole word approach.

Now my 9-year-old is having difficulties with reading and has been tested out as "Learning Disabled." He scored 121 on a gifted screening exam (130 or above is required to be placed in the program) and was in the 99th percentile in math on the California Achievement test. This past year, he has been taught reading in a small group primarily by the Orton-Gillingham Method (phonics based). He had a very successful year in both areas of reading and spelling and needs improvement in only one area for his grade level: fluency and accuracy. It certainly has made me wonder if it is the child with a problem or the method.

Perhaps the whole word method is an acceptable way to teach reading for some students, but if the phonics-based method works better for teaching reading and spelling to all students, let's get it back into our school systems!

Thank you for your continued support and assistance in this area.

Very sincerely,

MARY R. MARTIN.●

## STATE LOTTERIES—A LOSING GAME

● Mr. DURENBERGER. Mr. President, I would like to take a few minutes to draw attention to a growing trend in financing State governments: the establishment of Government sponsored lotteries. Over the past few years, these betting games have expanded in number to include 22 States and the District of Columbia. Other State governments are currently considering the possibility of jumping on the lottery bandwagon. Lottery interest is not restricted to State officials but includes eager game players who in many cases have taken the initiative to encourage their representatives to pass lottery legislation. In my State of Minnesota, the legislature recently voted against lotteries, but the issue is certain to come up again.

I have serious reservations about this trend and have spoken out repeatedly against the spreading use of State lotteries and, more recently, against creating a national lottery to finance the Federal deficit. The reason is simple. Lotteries are not fair. You cannot run a successful lottery by telling the whole truth. You need a hard-sell promotional campaign which is often vague and deceptive about the odds and prizes. In addition, lottery advertising tends to be targeted to lower income individuals, who statistically spend an above average proportion of their income on lottery games. In short, lotteries are a regressive tax on low-income individuals who can least afford to pay.

Neither State governments nor the Federal Government should be in the business of running these deceptive betting games. Rather, a government's responsibility is to serve and protect its people. I hope that State governments currently considering lottery proposals will carefully explore their negative effects on American citizens and governmental integrity.

Mr. President, I would ask that three articles on State lotteries be printed in the RECORD.

The articles follow:

THE ODDS ON GAMBLING TELL US WHO AND WHY

(Brad Edmondson)

Americans spend more money on gambling than they give to their churches or invest in their colleges. Gross wagering—the handle—amounted to $177 billion in 1984, more than 15 times the amount American donate to churches, twice as much as they spend on higher education and over half of what they spend on food.

The gambling industry's revenues—the handle minus the payout, before expenses—were $18.8 billion in 1984, according to Gaming and Wagering Business Magazine. It calculates that illegal gambling had the greatest market share, at $5.2 billion or 28 percent, followed by state lotteries with 22 percent, race tracks and offtrack betting with 16 percent and bingo and charitable games at 7 percent.

Legalized gambling is increasingly popular with voters and legislators because it promises revenues without raising taxes. Advocates often quote Thomas Jefferson, who called the lottery "a wondering thing; it lays taxation only on the willing." Twenty-two states and the District of Columbia have lotteries now, 15 other states have lottery proposals before their legislatures, and eight bills for a national lottery are before Congress. LaFleur estimates that a national lottery could cut $5 billion from the federal deficit.

But despite its political popularity, not everyone gambles. The urge to bet, favorite games and the amount people are willing to risk are all strongly influenced by age, sex, income, education and religion. For decades casinos have used demographic research to identify their best customers, design gaming rooms and create new contests. Government officials now use consumer research to persuade people to play the numbers.

In the gambling industry, lotteries, bingo and slot machines are known as "shallow play" because they don't require much money or time. Yet they are the most profitable games because the odds are much more against the player than in the more complex card, dice and roulette games. At Central Michigan University, Dr. Gary Shapiro used data from a 1975 University of Michigan survey to explore the demographic differences between "shallow" and "deep-play" gamblers.

Religious preferences have a strong effect on one's favorite games and the overall urge to gamble. Shapiro found that slot and keno (casino bingo) players were most likely to be Protestant and to attend church once a week or more. Craps players were most likely to be Catholic, but three-quarters attended church less than once a month. Overall, Catholics are most likely to gamble; 80 percent of those surveyed in 1975 were bettors. Fundamentalist Christians and atheists are least likely to gamble. Only 33 percent of fundamentalists and 40 percent of atheists said they gambled in the 1975 survey.

Race may also play a role. In a February 1986 ABC News/Washington Post poll, 18 percent said that buying a lottery ticket was "wrong," but only 5 percent of Catholics said this, compared to 28 percent of white Protestants and 51 percent of black Protestants.

Craps players enjoy life in the fast lane, according to the Shapiro study. They were willing to risk five times as much money as keno or slots players, and they were three times more likely than other players to agree with the statement, "I put on a show to impress others, and I know I am not the person I pretend to be."

Craps players were also the oldest (average age: 48) and had the highest incomes. Blackjacks were youngest (average age: 40), most educated and had the second-highest incomes. People who said they enjoyed risk were most likely to play craps, but the enjoyment of risk was less among the three other groups and it was lowest for slots players. All the groups said they gambled primarily for enjoyment and excitement, but craps and blackjacks players were most likely to say that they played to make money.

Men were the majority of players for all games, but their dominance increased toward the deep end; 40 percent of those who said they preferred slot machines were women, followed by bingo (33 percent), blackjack (17 percent) and craps (6 percent).

People who play bingo games and keno are the most sociable and fun-loving of all gamblers, according to Roger Snowden, publisher of the Bingo Bugle, a chain of weekly newspapers for bingo players. Among the 50 million Americans who have played bingo, 57 percent are women. Two-thirds are under age 45, and 40 percent have annual incomes below $16,500. "Heavy" bingo players (once

a week or more) are likely to be women aged 65 or over.

Lotteries are an American tradition—their revenues supported the Revolutionary War and helped build Harvard, Princeton and Yale. But they do not have universal appeal. "The lottery is a middle-class game," said Dr. Stephen Crocker, vice president for research at Scientific Games, Inc., a leading supplier of lottery equipment. Four out of five lottery players are aged 35 or older. Most players are men, with annual incomes between $18,000 and $36,000 and some college education. Missouri State Lottery researchers estimate that about 20 percent of men and women with incomes under $35,000 buy lottery tickets, 17 percent of those with income between $35,000 and $50,000 and less than 1 percent of those with incomes of $50,000 and over.

Seven out of 10 adults in a typical lottery state have purchased a ticket at least once, but the appearance of universal appeal is deceiving. California sold 800 million tickets at $1 apiece during the first 90 days of its lottery last year, or about $30 in tickets for every man, woman, and child in the state. Yet according to the Field Institute's California Poll, 18 percent of the state's adults bought 71 percent of the tickets. These are the heavy lottery players, who bought more than 20 tickets in the contest's first 45 days. They are more likely than others to be black, Hispanic or Asian, and they are poorer and less educated than the average Californian.

For that matter, different people play different lotteries. "Most of the people who play our basic three-digit numbers game make less than $15,000," said David Gale, marketing director for the 12-year-old Ohio lottery. "Lotto's higher jackpots capture the middle-class market. It's a question of one's attitudes toward money. The lottery is a cheap form of entertainment that allows you to dream about having wealth. To a person making less than $15,000, a $50 prize is a lot of money. To the breadwinner in a middle-class family, it doesn't even pay for groceries. But anyone responds to the chance for $5 million."

Ohio's $5 million Super-Lotto game began in February. "Eventually the market for any game is going to max out," Gale said. "We have to keep topping ourselves and introducing new games to keep the sales growing, and we have to advertise aggressively all the time. But nothing beats the media attention we get from a huge jackpot, and that's strictly a matter of chance."

To pull out of a 1985 sales slump, officials of the New York Lottery lengthened the chances of winning to one in 6.1 million, amassed a $41 million lotto jackpot, and set off a two-week buying frenzy. Television ads once showed a lotto winner promising gifts to her family gathered around the dinner table, but now the ad shows a shopkeeper mesmerizing a potential ticket buyer by shouting, "We're talking gobs of greenbacks . . . We're talking multitudinous moolah."

Stephen Crocker likes to tell the story of a man in a three-piece suit who was standing in line to buy tickets for the $41 million jackpot. "A reporter asked him why he was buying tickets, because he didn't look like he needed the money," Crocker said. "The man said, 'Everyone has their own greed level—you just hit mine.' "

Serious gamblers thrive in Nevada, where 63 percent of the state's jobs and 81 cents of every tax dollar are directly related to gambling, according to Economics Research Associates Inc. of San Francisco. For that matter, the 1975 Michigan survey found that three-quarters of Nevadans were active gamblers.

In Nevada, tourism means gambling, and Las Vegas visitors (12.8 million people in 1984) are profiled every year by the city's visitors bureau. It estimates that half are men and half are women. But the visitors are more likely to be aged 35 or older and married than are all U.S. adults. Sixty-three percent of Las Vegas' tourists come from the West, and 54 percent live within 400 miles of the city.

Vegas visitors are more educated and wealthier than the general population. The bureau estimates that one-third are college graduates, 61 percent have gone to college for at least a year and 98 percent are high school graduates. One in four visitors had annual household incomes of $50,000 or more.

Las Vegas high rollers had a trip gambling budget of $1,255 in 1984, compared to an average of $737 for all gamblers, according to the visitors bureau. They also attended more shows and spent more on non-gambling activities. On average, high rollers visit Las Vegas more frequently and prefer the "deeper" card, dice and roulette games.

Surveys of Atlantic City casino gamblers reveal a similar split between high rollers, who play table games, and low rollers, who play slot machines. Arbor, Inc.'s continuous survey taken at Atlantic City casinos shows that tablegame players average 3.9 gambling trips a year, with an average gambling budget of $360 per trip; slot players average 2.5 trips a year with a gambling budget of $105. Slot players are more likely to be 55 or older, while table players are more likely to be under 35.

Although both rake in revenues of over $2 billion, there are important differences between the two gambling centers, Atlantic City gamblers, of which there were 28.5 million in 1985, arrive in cars or buses, stay an average of eight hours in the city and spend $300 or less. In isolated Las Vegas, by contrast, there were only 12.8 million visitors, but the average one flies in, stays four days, and spends $735 on gambling alone. Because Las Vegas' visitors are more upscale, analysts consider it to have a brighter future than Atlantic City. But both could be hurt if either West Virginia or Louisiana legalizes casino gambling—as both might in this fall's elections.

High rollers are the self described audience of Gambling Times magazine (circulation 100,000). Ninety-six percent of its readers are men, with a median age of 56.5 and an average household income of $75,000. They spend an average of 11 days on gambling trips a year, with a gambling budget of $3,605 per trip and $1,903 for expenses. They prefer blackjack and craps to other games by a wide margin. One-third are smokers and three-quarters are regular drinkers.

WHO BUYS LOTTERY TICKETS?

*Surveys from around the country*

4 out of 5 lottery players are 35 or older.

Most players are men with some college education and an annual income between $18,000 and $36,000.[1]

20% of men and women with incomes under $35,000 buy lottery tickets.

17% of those with incomes of $35,000–$50,000 buy tickets.

1% of those with incomes over $50,000 buy tickets.

18% of California's adult residents bought 71% of tickets sold in the first 90 days of the state's 1985 lottery; they were more likely to be minorities, poorer and less educated than the average Californian.[2]

In a 1986 survey 18% of respondents felt that buying a lottery ticket was wrong.[3]

5% of these were Catholic.

28% were white Protestants.

51% were black Protestants.

EAST V. WEST

*Atlantic City is different than Las Vegas*

28.5 million gamblers came to Atlantic City in 1985.

12.8 million gamblers came to Las Vegas.

Gamblers came to Atlantic City in cars and buses and stayed an average of 8 hours.

Gamblers came to Las Vegas by plane and stayed an average of 4 days.

In Atlantic City gamblers spent $300 or less.

In Las Vegas they spent an average of $735 on gambling alone.

Jerome Skolnick spent three years interviewing casino executives, vice cops and gamblers in Las Vegas. In his book "House of Cards," Skolnick says that the large sums risked by high rollers come either from personal wealth or from income unreported to the IRS. He also says that proprietors of high cash-flow businesses—such as restaurateurs, musicians and retailers—are likely to take high-stakes gambling trips after skimming cash from their gross revenues.

Shapiro and the Gambling Times survey support this view. Shapiro found that craps and blackjack players were far more likely than bingo or slots players to be self-employed, and eight in 10 Gambling Times readers are professionals, managers, proprietors or retirees.

Why do people gamble? Nine out of 10 gamblers said they gambled for "play, leisure and recreation," according to a survey by Ronald Smith and Frederick Preston of the University of Nevada-Las Vegas. In second place was "to relieve boredom and generate excitement," with "monetary profit" a distant third. But professionals and people who had gone to college were more likely to choose "play, leisure and recreation," while less-educated, blue-collar and unemployed people were more likely to choose "monetary profit." When asked why other people gambled, all groups cited "monetary profit" as the primary reason.

Federal Communications Commission regulations forbid casinos from mentioning games of chance in their broadcast advertising, but an ad for the Trump Casino in Atlantic City that is now famous in the industry came too close to the line. The ad showed a succession of nervous faces and other scenes of gaming-table drama without ever showing the games.

"Why do thousands of people come here every day?" says the announcer. "Chances are it's not the ocean. Trump Casino Hotel. We know why you're really here."

Adweek gave the ad high marks for creativity and humor, saying that it shows serious gamblers that Trump "understands a gambler's dirty little secret and is ready to stroke it." Unfortunately, the FCC agreed and demanded that the ads be pulled.

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[1] Missouri State Lottery.

[2] Field Institute's California Poll.

[3] ABC News/Washington Post Poll.

[From the Boston Globe, July 7, 1986]

STATES DISCUSS LOTTERY THAT COULD PAY $100M

CONCORD, N.H.—Eleven states and the District of Columbia are considering launching a weekly lottery whose jackpots could hit an unprecedented $100 million, a participant in the talks said yesterday.

George Jones, director of the New Hampshire Sweepstakes Commission, rated chances of the multistate lottery becoming a reality at better than 50-50. He said the target starting date is Jan. 1.

"We've had a number of meetings," Jones said of officials studying the proposed megalottery. "There's been a board put together. There's been some bylaws drafted, the financial aspects of it have been roughly laid out . . . It's moving along fairly rapidly."

Though the project requires numerous approvals, Jones said six states and the District of Columbia "are pretty solid on this." In addition to New Hampshire, he cited New York, New Jersey, Rhode Island, Washington and Oregon.

New Hampshire pioneered the first modern state lottery in the early 1960s. Several years ago however, the state's games began losing ground rapidly to the immensely popular Megabucks lottery in Massachusetts, a game with multimillion-dollar jackpots never seen in the New Hampshire games.

Jones opposes a national lottery, saying it would undercut state lotteries and be difficult to run efficiently.

Though various approvals would be required for other states to participate, Jones said a new state law sets the stage for New Hampshire's involvement. Only the governor, Executive Council and a special legislative committee still must approve, he said, "which I can't imagine would be any problem."

(David Ellis, a spokesman for the Massachusetts Lottery Commission, said last night. "I never heard anything that is realistic talking about a large regional lottery.

("I think you would find it a tough go in the Legislature because of the success of the lottery in Massachusetts." Ellis said "Someone would have to make a very convincing case on how it would benefit us [and] we haven't heard that yet."

(Ellis said he did not believe Massachusetts residents would drop the local games for the multistate lottery. "When the Tristate went to $9.6 million we didn't lose any business. This is an industry that hasn't reached its potential yet.")

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STATE LOTTERIES AS FISCAL SAVIOR OR FISCAL FRAUD: A LOOK AT THE EVIDENCE

(John L. Mikesell and C. Kurt Zorn)

As early as 1966, the lottery was characterized as "a fickle form of finance."[1] At that time, only New Hampshire had a state lottery. In 1986, the number of lottery states will reach 22 plus the District of Columbia, including almost 60 percent of the nation's population. This increase in the number of lotteries reflects a popularity rare among public revenue sources. For example, 1984 lottery referenda in California, Missouri, Oregon, and West Virginia all passed by substantial margins; in only 10 of the 274 counties involved did the question receive less than half the votes cast. In the present environment, which is clearly prolottery, it is reasonable to examine lotteries as means of government finance. Has something changed to make them productive and acceptable sources of revenue, or does the growth ot the state lotteries across the United States represent the expansion of a bad idea?

SOME LOTTERY BACKGROUND

The Commission on the Review of National Policy Toward Gambling defines a lottery to be "a form of gambling in which chances to share in a distribution of prizes are sold."[2] Most of the prizes are cash. Winners are picked by lot, according to a selection scheme established by the state. Because of chance selection, no player skills are involved. The lottery is operated by the state, although many functions of a lottery may be contracted to private suppliers or dealers. Public, private, and charitable lotteries thrived from colonial times to the late nineteenth century in the United States, financing major universities, public buildings, and many public services, but scandals and unethical practices culminated in federal and state controls and prohibitions. The last legal operation of that earlier era, the Louisiana lottery, ended in 1894 when federal regulations dramatically inhibited interstate lottery transactions.

No government lottery existed from then until 1964, when the New Hampshire legislature authorized a lottery to finance local education, part of its continuing effort to avoid the levy of general sales and individual income taxes. New York followed with a lottery in 1967. In neither case did proceeds from the lottery meet expectations.

The lottery seemed likely to be a fiscal dud until the New Jersey lottery, started in January 1971, broke new ground by marketing its games as entertainment and using techniques designed to serve the customers.[3] Proceeds exceeded expectations. Largely because of the New Jersey success, 13 states were operating lotteries by the end of 1975. At that time, adoptions included all states north of the Mason-Dixon line from Illinois to the Atlantic, excluding Indiana and Vermont. Maryland was the only other lottery state.

Motives behind state adoption varied. Some states implemented lotteries because of the revenue they feared lost to their lottery neighbors, but more compelling was the lure of revenue without new or increased taxes. In addition, the lottery offered substantial prizes for a few, entertainment for even more people, and the possibility of reducing illegal gambling. In the aftermath of the taxpayer revolt and in the era of reduced federal assistance, the continued attractiveness of lotteries to states is not surprising.

Table 1 charts the course of state adoptions. In 1980, thirteen states had instituted lotteries. The number increased to 17 states plus the District of Columbia in 1983. By 1986, twenty-two states plus the District of Columbia had lotteries. Eleven other states could enact a lottery with only legislative action; the remaining 17 would require constitutional action to remove prohibitions before instituting a lottery. As the table notes, several states earmark at least a portion of lottery proceeds to specific uses; education is one of the more frequent purposes, although more states place revenue in the general fund than direct it to an identified use.

LOTTERIES AS A REVENUE SOURCE

State lotteries collect large amounts of money. Receipts in fiscal year 1984 ranged from approximately $4.5 million in Vermont to almost $1.2 billion in Pennsylvania. The national total exceeded $6.4 billion.[4] Of course, total ticket sales represent only the magnitude of customer participation, not the contribution the lottery makes to state finances. Net proceeds, the amount left after prizes and administrative costs have been deducted, is the important amount in terms of revenue generation. In fiscal year 1984, net proceeds ranged from approximately $1.2 million in Vermont to $514.8 million in Pennsylvania or more than $2.6 billion nationwide. While less than total sales, the proceed figures remain absolutely large; states collect a lot of money through their lotteries.

Proponents of the lottery contend that it is an outstanding state revenue source. The argument involves both pragmatic and theoretical elements. In the first place, participation in the lottery, unlike payment of taxes, is strictly voluntary. Lotteries are popular and widely approved by the public; the 1984 referenda results previously noted are striking evidence of that. Taxes do not enjoy the popularity of the lottery. Thus, the lottery is an attractive option; it is both popular and voluntary. Furthermore, lotteries entertain participants; few enjoy filling out tax forms.

Second, the lottery generates enough revenue to relieve pressure on the fiscal system. The absolute revenue performance has been noted: more than $2.6 billion was generated for state use in fiscal year 1984, and, with both new adoptions and sales growth, the proceeds would be much larger for 1986 and beyond. On a per capita basis, 1984 net yields ranged from $49.87 in Maryland to $2.21 in Vermont. The median across the states, however, was a robust $21.19. In some states, notably Maryland, New Jersey, and Pennsylvania, the lottery nets about as much revenue as would an increase in the state sales tax of one percentage point, a considerable yield at the fiscal margin. Even more important than the substantial revenue is the fact that revenues are often earmarked for certain important state functions (see Table 1). For example, in fiscal year 1984 Massachusetts allocated over $240.0 million to cities and towns and the arts; Michigan's primary and secondary schools benefited from a $236.3 million influx of funds; New Hampshire transferred over $5.6 million to education; New Jersey allocated over $358.3 million to education and state institutions; New York's schools received over $392.0 million; Ohio transferred $250.0 million to education; and Pennsylvania's senior citizens benefited from over $431.2 million in funds. That earmarking serves to stimulate provision of those services as well as to guarantee financial support for them in difficult budgetary periods.

Third, state operation of a game of chance provides a gambling alternative outside the possibly unsavory and certainly dishonest elements associated with illegal gambling. The state games promise above-board operation and, through their open availability, may reduce the market captured by illegal operations. Modern lotteries have, in fact, been remarkably free of scandals—a major exception being an embarrassing manipulation of a lottery game in Pennsylvania—so the promise of a clean option has been met.

Opponents of state lotteries emphasize the problems with lotteries, normally within the context of standard tax analysis. In the first place, lotteries do not do well on the revenue adequacy or yield standard. As Table 2 shows, net revenue generated by state operated lotteries averaged 1.5 percent of own-source revenues across states in 1978 and only increased to more than 1.95 per-

cent by 1984. By no means do these figures indicate that lotteries provide significant amounts of own-source revenue for states on average, but the data indicate that by 1984 seven states were receiving more than two percent of their own-source revenue from lotteries. Pennsylvania led the pack, raising over 4.4 percent of its own-source revenue in 1984 from its lottery while Illinois, New Jersey, and Pennsylvania raised more than three percent of their revenues through the operation of lotteries.[5] Overall, even at its best the lottery is a relatively small source of revenue generated by a state.

Of course, in comparison to total state revenue, intergovernmental assistance included, the share is even less.

Further indications of the relative insignificance of lotteries as a source of revenue are documented in Table 3. Lottery proceeds tend to be a small portion (averaging 9.2 percent in lottery states in 1984) even of the small charge and miscellaneous revenue category of state revenue, a category roughly including the nonutility "commercial" functions of the state. The relatively large percentages in Pennsylvania, Maryland, New Jersey, and Illinois are the exceptions, and, even in that group, the highest share is only 25 percent of charge and miscellaneous revenue. When the lottery is included with 22 identifiable tax sources, its proceeds ranked ninth or higher (a weak test of importance) in significance in only 12 of the 17 states in 1984. In Maryland the lottery was the fourth largest source of such revenue behind the individual income tax, gross sales and gross receipts taxes, and motor fuel tax. At the other exteme, net revenue from lotteries was the 15th largest source of revenue in the state of Vermont in 1984. The taxes it most frequently ranks immediately behind—motor vehicle license—are generally regarded as so insignificant as to be outside normal fiscal analysis. Thus, the absolute revenue importance of the lottery is small.

There is, however, another aspect of revenue yield, and that is the performance of lottery yield over time. At first glance it appears that lotteries provide a reliable and growing source of revenue for state governments. Table 4 indicates that total net revenue generated by state lotteries grew at relatively robust rates throughout the 1978–84 period. Even during the recession of 1980–81 lottery net revenues continued to grow at a 9.7 percent rate. Closer analysis, however, reveals a basic instability of that revenue. The track record of lottery net revenues on a state-by-state basis is checkered at best. Thirteen of the 17 states which operated lotteries during the 1978–84 period experienced decline in at least one year. These declines were as small as 0.8 percent in Massachusetts and as large as 50.0 percent in Maine. Even the range of percentage increases raises concern about the stability of lottery revenue. Increases ranged from 0.8 percent in Michigan to 214.3 percent in Ohio. Most states experiencing increases had sizable fluctuations in the magnitude of increases. For example, Pennsylvania has a 97.8 percent increase between 1977 and 1978, a modest increase of 6.9 percent between 1980 and 1981, and a 45.1 percent increase between 1983 and 1984.

Clearly, a state cannot rely on its lottery to be a stable, reliable source of net revenue. Lottery revenue is affected by a changing consumer preferences, introduction of new games, marketing efforts, competition from neighboring states' games and illegal games, and other factors outside the states' control.

Because lottery proponents support the activity partly on the basis of the support it provides for selected expenditure categories, some attention must be given the effect which lottery revenue has on those functions. In particular, attention must be given to whether lottery revenue directed to the earmarked function supports additional expenditure or whether it simply substitutes for other revenue which would have been appropriated for the function. This fungibility question is as difficult to answer here as it is in other areas of government finance. If lottery revenues are in practice fungible, regardless of their legal earmarking, expenditures in functional categories to which the revenues are directed would not increase beyond their expected patterns once the lottery begins operation. Instead, legislators would use lottery revenue to replace other general revenue that would otherwise have been appropriated for the function. Conversely, if lottery revenues are not fungible, expenditures in earmarked functional categories would be expected to increase due to the additional revenues being generated by a lottery.

A test of effect is difficult because the majority of states do not earmark lottery revenues; in several other instances, the lottery is too recent or the earmarking too amorphous to allow analysis. Four states with older lotteries, Michigan, New Hampshire, New Jersey, and New York, earmark lottery revenues for education. Table 5 provides information about state and local direct general education expenditure as a percent of total state and local direct expenditure for Michigan, New Hampshire, and New Jersey in an attempt to highlight the fungibility question.[6] Data are provided for a ten-year span surrounding the start date of the lottery in each state. If lottery revenues are fungible, it is expected that the percent of total direct general expenditure accounted for by education would increase, *ceteris paribus.*

The mixed results in Table 5 indicate the difficulty surrounding the fungibility question. In only one case, New Hampshire, did the percentage of direct general expenditure accounted for by education increase. In the New Jersey case, a decline occurred in the years immediately following adoption of the lottery. A decline also followed the earmarking of funds in Michigan. While it might be tempting to conclude that lottery revenues are indeed fungible in Michigan and New Jersey, this may not be the case. Without other information, one cannot be sure whether, for example, lottery revenues kept the ratio at 37.6 percent in 1972 in New Jersey when other factors would otherwise have caused greater reductions in the ratio. Thus, one can conclude that the claims made by lottery proponents that the net revenue contributes to the expansion of functional areas are not provable.

NON REVENUE ISSUES IN LOTTERY ADOPTION

One criticism against the lottery deals with its fairness as a method for distributing the cost of government. Proponents argue that the lottery is nearly ideal because it is voluntary and participation is broad. They often note evidence that lottery participation rates are highest in the middle to upper income levels.[7] To them, those attributes demonstrate that the lottery is, indeed, a fair and appropriate source of revenue.

Public finance scholars, however, reject that conclusion. They employ the standard analysis of vertical equity and conclude that state lotteries place a greater relative burden on low income families than on high income families and that the use of state lotteries reduces the net income of low income groups relative to that of high income groups. This regressivity of state lotteries has been demonstrated frequently and decisively.[8] The pattern is strong, even leading to the conclusion that, by some measures, lottery regressivity is double that of a state sales tax.[9] From the position of government finance, there is no doubt that state lotteries violate the standard of vertical equity.

That equity indictment is weakened if the lottery is viewed as a state business enterprise selling an entertainment service. The lottery revenues are not transfers, as is the case with a tax; they are the outcome of a voluntary exchange. The exchange is no less voluntary than the purchase of alcoholic beverages, a purchase subjected to heavy excise taxation with accompanying criticism for regressivity. Just as the regressive nature of user charges for other public products does not cause rejection of charges as an appropriate means of finance, so too, lotteries might be considered an appropriate state enterprise. The net revenue produced by the lottery is an important extra contribution, above its basic value as a service to the public.

Is there a value inherent in lotteries that is worthy of state production and promotion? States restrain or prohibit private production of gambling, presumably because of social ills creatd by gambling. In this vein, it is certainly unclear that sales of this service merit state support and promotion. As Suits noted a decade ago, "The government has become a pusher. And they're not pushing fire or police protection—only dreams."[10] A review of lottery annual reports shows that the merchandising of lotteries has intensified since then. Blakely notes that lottery bureaucracies develop a keen interest in expanding to new bettors. That concern subverts the reason for having state run games. "The games' worth can only be assayed by a careful and thoughtful balancing of all its economic, political, social, and moral implications. This is what the lottery bureaucracy is supposed to do. Unfortunately, with its stake in the venture, it cannot be counted on to do this balancing well, or even to do it at all."[11] Furthermore, most lotteries seldom advertise critical details of their operations. Not only are the odds of winning not clearly advertised, but prizes distributed over several years are not quoted in present values. Such marketing practices by a private firm would not be permitted. Whether state enterprise should operate at this ethical level is doubtful.

Even though gambling may be entertaining and not irrational, even for an unfair game, why should a government be in such a business?[12] Why should this activity be the government service most heavily marketed? Although the lottery may not be eligible for attack as a regressive tax, because it is voluntary and is the voluntary sale of a service, it certainly may be attacked as an improper business for government provision and production.

Another issued related to the adoption of a lottery is the cost of raising the revenue. The collection cost per dollar of net revenue from any revenue source includes both administrative cost and compliance cost. Lotteries have minimal compliance cost, but they compare most unfavorably to other revenue sources in terms of administrative cost rates. Some lottery costs involve marketing as well as ordinarly administration,

but when considering lotteries as a producer of revenue, the distinction between types of costs necessary for revenue production is not important. Table 6 displays the cost of administering state lotteries as a percent of net lottery revenue for the 1978 through 1984 period. The striking feature of the data presented is the wide variation in administrative costs as percentage of revenues across states. In 1978 it took 5.7 cents to raise every dollar of lottery revenue in Michigan, while it took more than one dollar in administrative costs to raise one dollar of revenue in Maine. In 1980 Connecticut spent 6.4 cents to raise a dollar of lottery revenue, while Maine spent $3.51 for every dollar raised. By 1984 no state was spending more on administration than it was raising in lottery revenue, but a wide variation still existed in administrative costs—from 4.8 percent in Illinois to 76.8 percent in Maine. These costs are all understatements of full administrative cost, because commissions paid to vendors are uniformly excluded. These costs are often around 5 or 6 percent of total sales.

Because reported state tax collections do not exclude the costs of administering each tax, the percentages of net lottery proceeds going to lottery administration previously detailed does not directly compare with administrative cost ratios reported for state taxes. To make a theoretically accurate comparison, lottery administrative cost is divided by the total proceeds collected by the state, excluding only those proceeds simply transferred from lottery losers to lottery winners. In other words, the computation is administrative cost as a percentage of net proceeds plus administrative cost. The denominator, gross collection by the state, is logically comparable with gross state tax collections, so that the administrative cost percentages reported in Table 7 are comparable with the cost of collecting taxes. There is a substantial range in costs, from 4.6 percent in Illinois to 43.4 percent in Maine in 1984. The mean has been around 20 percent, although that level has declined slightly in more recent experience.

These percentages may be directly compared with administrative costs associated with other revenues, a comparison that highlights the inefficiency of lotteries as sources of revenue. Estimates of the administrative costs associated with raising broad-based taxes at the state level range from less than 1.0 percent of net revenue [13] to 1.6 percent to 4.4 percent of total tax revenue.[14] Thus, lotteries are substantially less efficient vehicles of revenue generation than more traditional sources. A lottery normally does cover its full operating cost, so it does better than most user-charge financed state services. Of course, most user-charge financed services have a more substantial public finance justification for their provision than does a lottery.

Although they are outside the standards normally applied in the analysis of revenue sources, two other arguments sometimes made by lottery supporters should be examined. These are the arguments that lotteries divert gambling from illegal forms to the state enterprise and that lotteries stimulate state business activity.

The first argument suggests that the lottery can reduce the profit of crime, organized and independent, by providing an attractive substitute for illegal games. Evidence on this assertion appears in a national study of gambling patterns. That study found that "legalization of the lottery tends to reduce the volume of illegal betting as a whole by reducing the participation in horse books, and sports cards. . . . [T]he presence of a state lottery appears to encourage, rather than discourage, gambling on numbers. . . . [R]eduction in illegal participation is accompanied by a substantial increase in the number of dollars wagered by those who bet illegally." [15] On the basis of this evidence, state lotteries seems unlikely to make dramatic reductions in total gambling, although it may change those patterns.

The second argument supports the lottery as a mechanism for stimulating state business activity. Proponents note the sizable commissions paid vendors of lottery tickets and argue that his volume represents stimulated state economic development. Critics note that these revenues are simply economic transfers, expenditures not made at other stores for other goods or services. While these revenues may provide the margin needed to keep some businesses open, it is equally possible that altered spending patterns may have forced other firms to close. The likelihood is that the lottery has no aggregate impact on activity, simply transferring some business activity from one set of vendors to another.[16]

Two tests are employed to gain some indication of the impact of lottery adoption on state economic activity. Both approaches compare the three years before the lottery was adopted. Both approaches employ per capital personal income in the state, the single best indicator of net economic activity. Both tests standardize state per capita income in reference to the Census region in which the state is locate. [17] To restrict the analysis to modern lotteries, only those initiated since 1969 were included. Data availability prevented inclusion of lottery adoptions since 1982. Thus, 15 states are included in the analysis.

The first test considered whether real growth in per capita income in the lottery state exceeded the growth in per capita income in its Census region by a larger percentage in the post-lottery years than in the pre-lottery years, a finding that would be consistent with the argument that lotteries create economic activity in the adopting state. The data showed that state per capita income growth was typically less than that in the region before lottery adoption (0.11 percentage points less) and was more after adoption (by 0.17 percentage points). The difference, however, is not statistically significant at the 0.05 level; real growth rates appear to be unaffected by the adoption of the lottery.

The second test compares per capita income in the lottery state relative to per capita income in the Census region, for the three years before and after the lottery. The mean ratio is higher in the pre-lottery period (although not by a statistically significant amount), so it is not possible to argue that the lottery makes significant improvements in the economic position of lottery state residents.

The overall evidence is consistent with the idea that lottery activity in a state simply transfers business among store categories, with no discernible difference from normal patterns in the region, the pattern which would have been expected without the lottery. Although not tested here, lottery states bordering jurisdictions without lotteries may extract sales from nonresidents. The extent to which this occurs is again uncertain, but no aggregate effect is discernible.

CONCLUSION

A pragmatic observer could conclude that state lotteries are a useful fiscal tool because they produce state revenue without major public complaint, and additional revenue without large political hassles is generally to the good. On balance, several conclusions about the lottery seem in order:

1. Lotteries represent a relatively small source of state government revenues. They must be aggressively marketed and packaged as entertainment sources to produce that revenue.

2. Lottery revenues are not stable. They fluctuate substantially from year to year; revenue yields are difficult to forecast.

3. Costs of administering lotteries as percentage of net revenues are dramatically greater than the costs of administering state taxes.

4. When state lottery net proceeds are analyzed as a selective excise tax on the voluntary purchase of a state-provided entertainment service, much in the fashion of state excises on equally voluntary purchases of cigarettes or alcoholic beverages, the lottery is a regressive source of revenue. All studies show that low income people spend a substantially greater share of their income on lotteries than do higher income people, a pattern consistent through the income classes. By some indices, the lottery is twice as regressive as a state sales tax.

5. The lottery reduces participation in some forms of illegal gambling, but, based on limited research, indications are that it may increase it in others. Wagering volume probably increases.

6. Lottery bureaucracies in some states develop marketing strategies that emphasize prizes and the road to personal riches, not the role of the lottery as an entertainment form which produces state revenue. Odds of winning in some states are seldom easily accessible, and large prizes are seldom stated in true present value terms. Furthermore, lottery administrators make claims about uses of lottery funds to enhance certain programs and services that, in light of fungibility, cannot be supported by expenditure patterns.

The pattern of lottery adoptions suggest that more states may add lotteries in the next couple of years. It would be wrong, however, to believe that a lottery is a remedy for fundamental fiscal troubles of a state.[18]

* * * * *

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FOOTNOTES

[1] Sam Rosen and Desmond Norton, "The Lottery as a Source of Public Revenue," *Taxes*, vol. 44 (September 1966), p. 619.

[2] Commission on the Review of the National Policy Toward Gambling, *Gambling in America* (Washington: Government Printing Office, 1976), p. 143.

[3] Stocker attributes the New Jersey success to "(a) lower priced tickets; (b) more frequent drawings; (c) more numerous outlets; (d) numbered tickets in lieu of recording purchaser's names and addresses; (e) somewhat better odds; and (f) energetic promotion." Frederick D. Stocker, "State Sponsored Gambling as a Source of Public Revenue," *National Tax Journal*, vol. 25 (September 1972), p. 437.

[4] Lottery data are from individual state lottery reports, either published or collected by telephone, and from the U.S. Bureau of Census report, *State Government Finances* for various fiscal years.

[5] The California lottery, started on October 3, 1985, with an instant game, has had remarkable early success. Its first month of sales, extrapolated through the whole year, would produce net revenues that would approximate five percent of California's fiscal year 1983 own-source revenue.

[6] New York is excluded from this estimation because of data pecularities related to its revamping of the lottery system in 1976.

[7] Commission on the Review of the National Policy Toward Gambling, *Gambling in America* (Washington: Government Printing Office, 1976).

[8] See Daniel B. Suits, "Gambling Taxes: Regressivity and Revenue Potential," *National Tax Journal*, vol. 30 (March 1977), pp. 25-33; Daniel B. Suits, "Gambling Taxation in the District of Columbia," *Technical Aspects of the District's Tax System* (Washington: Government Printing Office, 1978); Daniel B. Suits, "Economic Background for Gambling Policy, The Elasticity of Demand for Gambling," *Quarterly Journal of Economics*, vol. 93 (February 1979), pp. 155-162; Daniel B. Suits, "Gambling as a Source of Revenue," *Michigan's Fiscal and Economic Structure*, edited by Harvey Brazer (Ann Arbor: University of Michigan Press, 1982); Jerome F. Heavey, "The Incidence of State Lottery Taxes," *Public Finance Quarterly*, vol. 6 (October 1978), pp. 415-426; M.H. Spiro, "On the Tax Incidence of the Pennsylvania Lottery," *National Tax Journal*, vol. 27 (March 1974), pp. 57-61; Charles T. Clotfelter, "On the Regressivity of State Operated 'Number' Games" *National Tax Journal*, vol. 32 (December 1979), pp. 543-548; and Roger E. Brinner and Charles T. Clotfelter, "An Economic Appraisal of State Lotteries," *National Tax Journal*, vol. 28 (December 1975), p. 395-404.

[9] It should be noted that the excise tax rate equivalent for state lotteries is remarkably high. Using the Brinner-Clotfelter rate equivalent method to 1984 lottery data, including its assumptions of constant cost and competitive equilibrium, the national average excise rate on state lotteries was 64 percent, with a high rate of 91 percent in New York and a low of 35 percent in Vermont. Brinner and Clotfelter, *op. cit.*, pp. 395-404.

[10] "The Economic Case Against State-Run Gambling," *Business Week* (August 4, 1975), pp. 67-68.

[11] Robert Blakey, "State Conducted Lottery: History, Problems, and Promises," *Journal of Social Issues*, vol. 35 (Summer 1979), p. 80.

[12] Some lottery games called lotto have produced prize pools so large that betting may become "rational" in an expected value sense. One New York lotto, for instance, offered odds of one in six million that a one dollar bet could win $41 million, or a portion thereof depending on the number of winners.

[13] John L. Mikesell, *Fiscal Administration* (Homewood, IL: Dorsey Press, 1982), p. 28.

[14] Allen D. Manvel, "State Lotteries—A Source of High-Cost Revenue," *Tax Notes*, vol. 6 (January 7, 1985), p. 98.

[15] Judith H. Hybels, "The Impact of Legalization on Illegal Gambling Participation," *Journal of Social Issues*, vol. 35 (Summer 1979), p. 32.

[16] Convenience stores appear to be a winner in the transfer. Of nine states reporting sales by store category, convenience stores are in the top three rankings in four states. Only liquor stores appear more frequently as a top seller. Congressional Research Service, *Overview of State Lottery Operations*, Committee Print for Subcommittee on Intergovernmental Affairs, House Committee on Government Affairs (September 25, 1984).

[17] Data were obtained from the U.S. Department of Commerce, Bureau of Economic Analysis, *State Personal Income: Estimates for 1929-82 and a Statement of Sources and Methods* (Washington: U.S. Government Printing Office, 1984) and U.S. Department of Commerce, Bureau of Economic Analysis, *Survey of Current Business* (Washington: U.S. Government Printing Office, assorted years). Deflation employs the implicit gross national product deflator.

[18] It should be noted that no compelling reason exists why the state should actually operate a lottery itself. The lottery could be privately owned, regulated, and taxed in the manner of a race track. The question of appropriate production is relevant but beyond the scope of this analysis.

TABLE 1.—STATE LOTTERIES: AUTHORIZATION, INITIAL OPERATION, AND USE OF NET REVENUES

| State [1] | Authorization | Initial operation | Use of net revenues |
|---|---|---|---|
| Arizona | Intiative | July 1981 | Yearly minimum set by legislature for local transportation assistance fund. Balance to general fund. |
| California | Initiative (November 1984) | September 1985 | Public education. |
| Colorado | Referendum | January 1983 | Fifty percent for capital construction, 40 percent for conservation trust fund, 10 percent for parks and recreation. |
| Connecticut | Legislation | February 1972 | General fund. |
| Delaware | ...do | November 1975 | Do. |
| District of Columbia | Initiative | August 1982 | Do. |
| Illinois | Legislation | July 1974 | Do. |
| Iowa | ...do | August 1985 | Economic betterment, education, agricultural projects, and roads. |
| Maine | Referendum | June 1974 | General fund. |
| Maryland | Initiative, legislation, and a referendum | May 1973 | General fund. Effective 10/3/83, lotto profits allocated to 24 political subdivisions, to expire 10/84. Legislation pending. |
| Massachusetts | Legislation | March 1972 | Distributed to 351 cities and towns for discretionary use. The first $3 million of lotto is alloted for the arts. |
| Michigan | ...do | November 1972 | Primary and secondary education (earmarked in 1981). |
| Missouri | Referendum (November 1984) | Early 1986 | General fund. |
| New Hampshire | Legislation | March 1964 | Education. |
| New Jersey | Referendum | January 1971 | Education and state institutions. $75,000 per year for compulsive gambling studies. |
| New York [2] | ...do | September 1976 | Elementary and secondary education. |
| Ohio | Legislation | August 1974 | General fund, until 1983; education since 1983. |
| Oregon | Initiative (November 1984) | April 1985 | Economic development. |
| Pennsylvania | Legislation | March 1972 | Senior citizens. |
| Rhode Island | Referendum | May 1974 | General fund. |
| Vermont | ...do | February 1978 | General fund (debt retirement and capital construction). |
| Washington | ...do | November 1982 | General fund. |
| West Virginia | Referendum (November 1984) | November 1985 | Do. |
| TriState Lottery | Legislation | September 1985 | To respective states (Maine, New Hampshire, and Vermont). |

[1] Nebraska: experimental video lottery.
[2] New York: initial lottery, 1967-1975.

Source: Assorted Annual Reports, Financial Reports, and "The Book of States" (Lexington: Council of State Governments).

TABLE 2.—NET REVENUE FROM LOTTERIES AS A PERCENT OF STATE GENERAL REVENUE FROM OWN SOURCES [1] BY STATE, FISCAL YEAR 1978-84

| | 1978 | 1979 | 1980 | 1981 | 1982 | 1983 | 1984 |
|---|---|---|---|---|---|---|---|
| Arizona | | | | | 1.94 | 0.91 | 0.65 |
| Colorado | | | | | | 1.92 | 1.30 |
| Connecticut | 2.12 | 1.96 | 2.65 | 2.12 | 2.09 | 2.24 | 2.44 |
| Delaware | 0.33 | 0.76 | 0.92 | 1.01 | 1.00 | 1.05 | 1.19 |
| Illinois | 0.56 | 0.39 | 0.44 | 1.01 | 1.59 | 2.40 | 3.54 |
| Maine | 0.27 | 0.20 | 0.09 | 0.13 | 0.26 | 0.37 | 0.39 |
| Maryland | 3.71 | 3.79 | 5.05 | 4.41 | 4.86 | 4.33 | 4.21 |
| Massachusetts | 1.99 | 1.79 | 1.99 | 1.26 | 1.20 | 1.34 | 1.51 |
| Michigan | 2.49 | 2.76 | 3.16 | 2.49 | 2.41 | 2.38 | 2.14 |
| New Hampshire | 0.88 | 0.71 | 0.88 | 0.89 | 0.99 | 0.97 | 0.78 |
| New Jersey | 2.16 | 2.50 | 2.69 | 2.90 | 3.02 | 3.65 | 3.76 |
| New York | 0.74 | 0.64 | 0.57 | 0.61 | 0.99 | 1.39 | 1.69 |
| Ohio | 0.75 | 0.67 | 0.60 | 1.67 | 1.96 | 1.69 | 2.36 |
| Pennsylvania | 1.50 | 1.82 | 1.88 | 1.90 | 2.35 | 3.48 | 4.43 |
| Rhode Island | 1.78 | 2.03 | 2.01 | 1.30 | 1.24 | 0.24 | 1.38 |
| Vermont | | | 0.04 | 0.11 | 0.20 | 0.20 | 0.19 |
| Washington | | | | | | 1.40 | 1.13 |
| District of Columbia | | | | | 0.50 | 1.44 | NA |

[1] Own source general revenue includes all tax revenue, all current change revenue (including lottery proceeds), and all miscellaneous revenue (interest, special assessments, property sales, etc.). It does not include intergovernmental assistance received, utility or liquor store sales, or insurance trust revenue.

Source: U.S. Department of Commerce, Bureau of the Census, "State Government Finances," assorted years.

TABLE 3.—LOTTERY REVENUE SIGNIFICANCE IN FISCAL 1984

| State | Rank of lottery among State tax sources [1] | State tax immediately ahead of lottery | Net lottery proceed as percent of State charge and miscellaneous revenue [2] |
|---|---|---|---|
| Arizona | 11 | Alcoholic Beverage | 3.6 |
| Colorado | 8 | Insurance Excise | 4.9 |
| Connecticut | 7 | Death | 10.9 |
| Delaware | 10 | Insurance Excise | 3.4 |
| Illinois | 7 | Motor Vehicle License | 19.2 |
| Maine | 15 | Motor Vehicle Operators License | 1.8 |
| Maryland | 4 | Motor Fuel | 18.0 |
| Massachusetts | 8 | Death | 8.9 |
| Michigan | 6 | Motor Vehicle License | 10.7 |
| New Hampshire | 14 | Public Utility Excise | 1.9 |
| New Jersey | 5 | Corporate Income | 15.2 |
| New York | 8 | Motor Fuel | 10.3 |
| Ohio | 7 | Motor Vehicle License | 10.3 |
| Pennsylvania | 5 | Motor Fuel | 25.4 |
| Rhode Island | 8 | Motor Vehicle License | 3.9 |
| Vermont | 15 | Death and Gift | 0.6 |
| Washington | 9 | Tobacco Excise | 7.3 |

[1] The 22 separate taxes: general sales and gross receipts taxes; motor fuels taxes; taxes on tobacco products; public utilities taxes; insurance taxes; alcoholic beverage taxes; parimutuels; amusements taxes; individual income taxes; corporation net income taxes; motor vehicles licenses; licenses for corporations in general; occupations and businesses licenses; motor vehicle operators licenses; hunting and fishing licenses; alcoholic beverages licenses; public utilities licenses; amusements licenses; property taxes; severance taxes; death and gift taxes; document and stock transfer taxes.

[2] In keeping with Census definitions, charge and miscellaneous revenue excludes revenue from utilities and state liquor stores.

Source: U.S. Bureau of Census, "State Government Finances in 1984" (GF84 No. 3) (Washington: U.S. Government Printing Office, 1985).

TABLE 4.—GROWTH OF NET REVENUE FOR STATE LOTTERIES BY STATE, 1977–84

[Percent change]

| State | 1977–78 | 1978–79 | 1979–80 | 1980–81 | 1981–82 | 1982–83 | 1983–84 |
|---|---|---|---|---|---|---|---|
| Arizona | | | | | | −49.7 | −13.4 |
| Colorado | | | | | | | −19.8 |
| Connecticut | 50.4 | 2.2 | 47.6 | −8.7 | 12.6 | 18.1 | 31.4 |
| Delaware | 72.7 | 152.6 | 31.3 | 22.2 | 10.4 | 17.7 | 30.0 |
| Illinois | −28.9 | −24.8 | 28.3 | 143.0 | 62.6 | 51.9 | 75.9 |
| Maine | 12.5 | −22.2 | −50.0 | 57.1 | 118.2 | 58.3 | 21.1 |
| Maryland | 64.7 | 16.2 | 42.5 | −7.6 | 21.5 | −4.9 | 9.4 |
| Massachusetts | 15.3 | −0.8 | 21.4 | −29.9 | 7.1 | 21.5 | 26.3 |
| Michigan | 48.3 | 23.4 | 17.0 | −16.6 | 0.8 | 8.3 | 7.0 |
| New Hampshire | 20.0 | −6.7 | 32.1 | 5.4 | 35.9 | 7.6 | −3.5 |
| New Jersey | 18.4 | 26.8 | 21.8 | 27.4 | 18.5 | 37.5 | 20.6 |
| New York | | −9.5 | −2.5 | 16.5 | 84.5 | 50.2 | 41.7 |
| Ohio | −37.4 | 0.0 | −6.3 | 214.3 | 33.3 | −2.1 | 67.0 |
| Pennsylvania | 97.8 | 32.1 | 11.9 | 6.9 | 34.3 | 56.5 | 45.1 |
| Rhode Island | 33.7 | 33.3 | 12.2 | −28.9 | 8.5 | 12.5 | 20.8 |
| Vermont | | | | 150.0 | 100.0 | 10.0 | 9.1 |
| Washington | | | | | | | −12.9 |
| Total | 46.9 | 13.3 | 19.8 | 9.7 | 31.6 | 32.8 | 32.5 |
| District of Columbia | | | | | | 215.8 | 21.3 |

Source: U.S. Department of Commerce, Bureau of the Census, "State Government Finances" assorted years.

TABLE 5.—STATE AND LOCAL DIRECT EDUCATION EXPENDITURES AS A PERCENT OF STATE AND LOCAL TOTAL DIRECT GENERAL EXPENDITURES

| Michigan | | New Hampshire | | New Jersey | |
|---|---|---|---|---|---|
| Year | Percent | Year | Percent | Year | Percent |
| 1978 | 39.4 | 1960 | 31.3 | 1967 | 38.5 |
| 1979 | 37.9 | 1961 | 31.6 | 1968 | 38.1 |
| 1980 | 37.0 | 1962 | 33.1 | 1969 | 40.0 |
| 1981 | 38.1 | 1963 | 33.2 | 1970 | 39.2 |
| 1982 [2] | 37.5 | 1964 [2] | 32.9 | 1971 [2] | 39.5 |
| 1983 | 35.5 | 1965 | 35.1 | 1972 | 37.6 |
| 1984 | NA | 1966 | 36.1 | 1973 | 37.7 |
| | | 1967 | 42.8 | 1974 | 38.7 |
| | | 1968 | 39.9 | 1975 | 39.1 |
| | | 1968 | 41.4 | 1976 | 36.8 |

[1] Year Michigan began earmarking net lottery revenues for education. Lottery began in 1972.

[2] Year lottery began in state.

Source: U.S. Department of Commerce, Bureau of the Census, "Government Finances," assorted years.

TABLE 6.—ADMINISTRATIVE COSTS AS PERCENT OF NET LOTTERY REVENUE, BY STATE FISCAL YEAR 1978–83

| | 1978 | 1979 | 1980 | 1981 | 1982 | 1983 | 1984 |
|---|---|---|---|---|---|---|---|
| Arizona | | | | | 36.5 | 66.9 | 66.3 |
| Colorado | | | | | | 23.8 | 33.3 |
| Connecticut | 13.8 | 15.8 | 6.4 | 14.8 | 14.9 | 14.1 | 11.5 |
| Delaware | 44.2 | 28.8 | 23.8 | 17.9 | 20.5 | 20.3 | 15.3 |
| Illinois | 19.5 | 28.0 | 26.5 | 11.5 | 7.7 | 7.1 | 4.8 |
| Maine | 109.7 | 159.7 | 351.4 | 136.9 | 105.5 | 76.9 | 76.8 |
| Maryland | 15.5 | 15.3 | 6.8 | 7.2 | 7.1 | 9.3 | 10.0 |
| Massachusetts | 10.7 | 10.9 | 10.1 | 24.3 | 28.0 | 26.7 | 25.8 |
| Michigan | 5.7 | 5.0 | 4.6 | 6.9 | 7.4 | 13.3 | 11.1 |
| New Hampshire | 58.1 | 65.6 | 52.1 | 46.6 | 39.3 | 38.4 | 63.1 |
| New Jersey | 15.8 | 16.1 | 11.1 | 3.7 | 3.5 | 6.3 | 7.2 |
| New York | 30.9 | 35.8 | 32.0 | 21.6 | 9.4 | 9.4 | 6.5 |
| Ohio | 30.9 | 27.7 | 31.4 | 15.9 | 14.1 | 18.6 | 15.0 |
| Pennsylvania | 17.8 | 13.8 | 13.3 | 11.4 | 10.2 | 8.5 | 6.0 |
| Rhode Island | 18.4 | 12.5 | 125.0 | 19.9 | 18.1 | 14.4 | 14.2 |
| Vermont | | | 864.3 | 127.9 | 71.1 | 68.2 | 76.2 |
| Washington | | | | | | 31.6 | 39.5 |

TABLE 6.—ADMINISTRATIVE COSTS AS PERCENT OF NET LOTTERY REVENUE, BY STATE FISCAL YEAR 1978–83—Continued

| | 1978 | 1979 | 1980 | 1981 | 1982 | 1983 | 1984 |
|---|---|---|---|---|---|---|---|
| District of Columbia | | | | | 22.6 | 24.5 | 41.8 |

Source: U.S. Department of Commerce, Bureau of the Census, "State Government Finances," assorted years.

TABLE 7.—ADMINISTRATIVE COST AS PERCENTAGE OF RESOURCES TO STATE [1]

| | 1978 | 1979 | 1980 | 1981 | 1982 | 1983 | 1984 |
|---|---|---|---|---|---|---|---|
| Arizona | | | | | 26.7 | 40.1 | 39.9 |
| Colorado | | | | | | 19.2 | 25.0 |
| Connecticut | 12.1 | 13.6 | 6.0 | 12.9 | 12.9 | 12.3 | 10.3 |
| Delaware | 30.7 | 22.3 | 19.2 | 15.2 | 16.7 | 16.9 | 13.3 |
| Illinois | 16.3 | 21.9 | 20.9 | 10.3 | 7.2 | 6.6 | 4.6 |
| Maine | 52.3 | 61.5 | 77.8 | 57.8 | 51.3 | 43.5 | 43.4 |
| Maryland | 13.4 | 13.2 | 6.4 | 6.7 | 6.6 | 8.5 | 9.1 |
| Massachusetts | 9.7 | 9.8 | 9.2 | 19.5 | 21.9 | 21.1 | 20.5 |
| Michigan | 5.4 | 4.8 | 4.4 | 6.5 | 6.9 | 11.7 | 10.0 |
| New Hampshire | 36.7 | 39.6 | 34.2 | 31.8 | 28.2 | 27.8 | 38.7 |
| New Jersey | 13.7 | 13.9 | 10.0 | 3.6 | 3.3 | 5.9 | 6.7 |
| New York | 23.6 | 26.4 | 24.2 | 17.8 | 8.6 | 8.6 | 6.1 |
| Ohio | 23.6 | 21.7 | 23.9 | 13.7 | 12.4 | 15.7 | 13.1 |
| Pennsylvania | 15.1 | 12.1 | 11.8 | 10.3 | 9.3 | 7.9 | 5.7 |
| Rhode Island | 15.5 | 11.1 | 11.1 | 16.6 | 15.4 | 12.5 | 12.4 |
| Vermont | | | 89.6 | 56.1 | 41.5 | 40.5 | 43.3 |
| Washington | | | | | | 24.0 | 28.3 |
| Mean | 20.6 | 20.9 | 24.9 | 19.9 | 17.9 | 19.0 | 19.4 |
| Mean, excluding new lotteries | 20.6 | 20.9 | 19.9 | 19.9 | 17.3 | 18.6 | 19.4 |

[1] Lottery administration expenditure plus net proceeds available for state use equal resources to the state.

Source: U.S. Government of Commerce, Bureau of the Census, "State Government Finances," assorted years.

## SONIA MELNIKOVA-EICHENVALD CALL TO CONSCIENCE

● Mr. CRANSTON. Mr. President, today I am once again participating in the Congressional Call to Conscience as part of the continuing congressional effort to draw attention to the deplorable human rights situation in the Soviet Union.

In these last few weeks our attentions have been focused on the country of South Africa and its heinous apartheid regime which cruelly denies its own citizens the most fundamental human rights. But the abuses of Pretoria, horrible as they are, should not cause us to forget the inhumanity systematically perpetrated by Moscow against religious believers of every denomination, against dissidents, against human rights activists, against families who merely want to be together.

On November 4, United States and European negotiators will once again meet to review the Conference on Security and Cooperation in Europe, to continue what has been known as the Helsinki process. In the 11 years since the Helsinki Accords were signed, the Soviet Union has shown no improvement in its human rights record.

One of the most painful abuses is the continued reluctance on the part of the Soviets to reunite families, and even married couples, even though the Helsinki Accords clearly obligate them to do so.

We have recently received word that Anatoly Scharansky's family will be allowed to emigrate to join him in Israel. I commend the Soviet Government for this action and I am hopeful that this move indicates a change in policy which will result in the reunification of many more families.

One such case of a divided couple which has been brought to my attention is that of Sonia Melnikova-Eichenvald. Sonia is married to a constituents of mine, Michael Lavigne from San Francisco. Michael and Sonia first met in November 1983 and were married in Moscow in April 1985. Before her marriage to Michael, Sonia has been refused 12 times since 1979 to join her sister in the West. No reasonable explanation was ever given. As Michael's wife, Sonia was refused permission to go to the United States twice. She was also refused twice on appeal. The reason: "It is undesirable for you to join your husband in the United States."

Sonia had been an architect, but lost her job upon her first application to emmigrate. Michael was able to stay in Moscow for almost 3 years, first as a nanny for a family in the American Embassy and then as an administrative assistant at the New Zealand Embassy. When, on May 10, 1986, he had to travel to America for family reasons, his visa was considered expired, and he was not allowed to return.

Sonia and six other Soviet citizens who are married to Americans recently sent a letter to 100 Soviet organizations, including newspapers, magazines, and Government agencies. The letter concluded with their fervent request: "You who read this letter will go home tonight, you will kiss your husband or wife, you will play with your children and sit down to supper in the circle of your family. Think about us and do everything in your power to help us."

Sonia will reapply to emigrate in September 1986. I implore the Soviet authorities to allow Sonia to join her husband in California without further delay.●

## PHYSIOLOGICAL BASIS FOR MENTAL DISORDERS

● Mr. INOUYE. Mr. President, I wish to submit for the RECORD, an article written by Drs. Paul H. Wender and Donald F. Klein entitled "Psychiatry Returns to Biology: Evidence Mounts for Physiological Basis of Mental Disorders."

These two distinguished scientists are well known within the mental health community. Dr. Wender is currently Professor of Psychiatry and Director of Psychiatric Research at the University of Utah, College of Medicine. Dr. Klein is Professor of Psychiatry at Columbia University and Director of Psychiatric Research at the New York State Psychiatric Institute. Both Dr. Wender and Dr. Klein have been active in the American Psychiatric Association for a number of years.

In my judgment, the issues which they raise in this paper are extraordinarily important ones and should be seriously considered by every one of us. Mr. President, I ask that their article be printed in the RECORD.

The article follows:

PSYCHIATRY RETURNS TO BIOLOGY: EVIDENCE MOUNTS FOR PHYSIOLOGICAL BASIS OF MENTAL DISORDERS

(By Paul H. Wender and Donald F. Klein)

Ideas about mental illness have fluctuated erratically during the past few centuries. Possession by demons is no longer a serious contender for explanatory honors in Western cultures, but the long dispute among biological, psychological and social explanations continues. Mounting evidence points to the biological basis of mental disorders and to the usefulness of psychotropic drugs, seriously challenging psychosocial theories.

Freudian theories postulated that internal psychological conflict was the basis of neurotic and even psychotic disturbances. Although the "talking cure" fought an uphill fight against "mind disease" theories for

decades, it progressed steadily, spawning numerous kinds of psychotherapy as it gained dominance. In the 1940's, Freudian ideas became entrenched in popular culture, as in the musical "Lady in the Dark" and the Gregory Peck-Ingrid Bergman movie "Spellbound." The success of D.M. Thomas's psychoanalytic novel "The White Hotel" reflects the continuing belief that repression causes mental malfunction.

The public is in the midst of a cultural lag, despite some awareness of the usefulness of tranquilizers, antidepressants and antipsychotic drugs. What is not widely known is that persuasive scientific data are implicating biological factors not only in major mental illnesses but also in numerous less severe mental disturbances, usually considered psychological. Although mental health professionals know about some of these developments, many with years of experience in psychological therapy find it difficult to switch to new treatment approaches.

The major discoveries of biological contributions to mental illness have occurred in three areas: (1) the role of inheritance in mental illness—the nature vs. nurture controversy; (2) the use of medication as treatment; (3) basic knowledge about the brain.

NATURE OR NURTURE?

The nature/nurture dilemma is being resolved through the use of a relatively new research strategy that studies comparison groups of adopted persons. The ancients, of course, noticed that mental illness tends to run in families. By the 17th century, Thomas Willis wrote in *The London Practice of Physick*, ". . . men born of parents that are sometimes wont to be mad will be obnoxious to the same disease." In the early 20th century, scientists clearly documented that psychiatric disorders "ran" in families but were not sure whether the illness was transmitted by genes or through learning.

In the 1960's, the U.S. National Institute of Mental Health sponsored an American-Danish adoption study in Denmark, designed to measure the influences of nature and nurture in schizophrenia. In adoptees, the biological parents supply the genes while the adoptive parents provide the environment. In one study, the researchers studied the nature of psychiatric illness in the biological and adoptive relatives of adopted schizophrenic adults and adopted normal adults. They found an increased frequency of schizophrenia and related illnesses only among biological relatives of the adopted schizophrenics. Thus, the study revealed genetic contributions to the disorder but did not find that family environment played a significant role in the genesis of schizophrenia. In another study, the researchers investigated the adult fate of persons adopted at an early age and raised by either normal or schizophrenic adopting parents. Even though being raised by a schizophrenic may be a very disturbing experience, the researchers found no difference between the two groups in the rate of schizophrenia and related disorders. Contrary to conventional wisdom, there was no evidence of social or cultural transmission of schizophrenia.

Similar strategies have been used to investigate the role of genetic factors in depression, suicide, antisocial disorder, hyperactivity, alcoholism, and even criminality. All, surprisingly, demonstrate a substantial genetic component.

One of the most important findings of the adoption studies is that mental disorders occur along a continuum of severity, with minor forms more common than severe ones. Although less than 1 percent of the population will ever become schizophrenic, 3 to 4 percent will develop less marked but frequently incapacitating disorders related to schizophrenia. Schizophrenia affects about two million people in the United States. Its mild forms could affect as many as eight million people.

The lifetime risk of developing major biological depression is 15 percent (20 percent of women and 10 percent of men). Of every seven people, one is likely sometime to develop a serious depression that includes such physiological attributes as changes in sleep patterns, diurnal variation in mood, loss of sexual interest, dry mouth and skin, and hypothalamic dysfunction. Many moderate depressions that were formerly considered "neurotic" are now recognized as less severe biological depressions.

When one includes alcoholism, which is sometimes genetic, the U.S. prevalence of mental illnesses having biological components increases by about 10 million. Taken together, the major and minor forms of biologically produced psychiatric illnesses may afflict up to 30 percent of the general adult population.

MIND, MOOD, AND MEDICINE

The remarkable effectiveness of a variety of new psychotropic drugs has also implied that mental illnesses are due to underlying physiological malfunctions. Obviously, the effectiveness of medication does not prove biological causation—the effectiveness of aspirin for a headache does not mean that lack of aspirin caused the headache. However, because the major psychotropic drugs have no effect on normal people, researchers have postulated that the medications work by normalizing defective brain regulators.

The beneficial effects of antipsychotic medications have enabled mental hospitals to reduce drastically the number of chronic inpatients, returning many of them to a productive life (for others, the need for sheltered situations in the community of course remains a pressing social problem). Hospital treatment of patients suffering from acute pyschotic episodes has become so effective that discharge is possible in a few weeks. The drugs have also made psychotic patients much more readily accessible to the psychosocial treatments that might help them adjust to environmental stresses.

The availability of powerful antidepressants and lithium is changing treatment approaches to depression, especially in severe melancholic episodes, where psychotherapy may be less effective. However, many patients (and therapists) do not realize that some less severe depressions are also biologically produced and may respond to antidepressants. Medication should also be tried more in patients with panic disorder and generalized anxiety disorder.

Medications are particularly important in preventing the suicides that frequently result from depression, schizophrenia, and alcoholism. Without adequate therapy, approximately 10 percent of severe depressives will commit suicide (about 3,000,000 of the current U.S. population). This estimate may greatly understate the problem because of the possibility of suicide in "accidental" deaths, includng those of 25,000 drunken drivers each year. Suicide is also the second most common cause of death in children and adolescents. Because of the effectiveness of drugs in shortening many depressive episodes, they should routinely be tried in severe depression.

THE BIOPHYSIOLOGY OF THE BRAIN

Increasing knowledge of the brain's role in governing emotions and behavior is helping to identify the physiological factors that seem to be implicated in mental illness.

The part of the brain that governs sensing, thinking, and feeling consists of at least 10 billion cells. Researchers hypothesize that in coordinated brain activity, impulses are transmitted from cell to cell electrochemically. Minuscule amounts of chemicals known as neurotransmitters are discharged from one cell into another, stimulating or inhibiting cell action. People differ constitutionally in the production and processing of neurotransmitters, and psychiatric drugs seem to act by influencing such differential chemical functioning. Animal research has been the basis of much of the progress in brain investigation, demonstrating how different amounts of various neurotransmitters in the brain can be related to changes in appetite, sleep patterns, sexual activity, and mood.

Generally, cells will respond only to those chemicals for which they have specific "receptor sites." Recently, a procedure was developed at Johns Hopkins University that can demonstrate whether there are cell receptor sites for any given chemical. The first important breakthrough in studies of this kind came with the unexpected discovery that the pain-relieving properties of morphine and related agents resulted from imitation of the function of an entirely unknown set of neurotransmitters—the endorphines and enkephalines. Similarly, the discovery of receptors for agents such as Valium and dextro-amphetamine suggested that the brain has systems for tranquilizing us against anxiety and for stimulating us when we are fatigued. Astonishingly, brain receptor sites have even been found specifically for PCP, the psychosis-producing drug often called "angel dust."

The refinement of the technique for receptor identification opens the way for the development of drugs that can act with greater precision. The major problem with active drugs is that they produce a broad array of effects. For instance, drugs that decrease anxiety often produce sleepiness. Clearly, drugs that are more like the specific chemicals that affect receptor sites are likely to act within a narrower range and to have fewer side effects. Eventually, pharmacologists may become less dependent on trial and error in their search for useful drugs and may be able to design specific new therapeutic agents.

Putting together the genetic and chemical evidence, we hypothesize that in some people genetic factors (or such biological factors as birth accidents and viruses) produce congenital dysfunctional brain chemistry that affects mental functioning; in others, genetic factors may produce constitutional vulnerability to particular life events—such as separations, failure, losses, and rejection.

IMPLICATIONS

The large-circulation newspapers and magazines have begun to report these biological discoveries, but on the whole, Freudian thinking still dominates ideas about mental illness. Persons afflicted with mental problems tend to think of medications as second-class therapy. Many psychoanalysts, psychologists and social workers remain unimpressed by the flood of biological data, and some psychiatrists have not yet received sufficient training to employ the new medications or to deal with their

side effects. Understandably, professionals who have spent years learning psychoanalysis and psychotherapy believe that they have effective methods for treating a large number of mental problems. Some mistakenly assume that medication is merely a palliative, insisting that only insight can lead to cure. Psychologists and social workers face the additional obstacle of being unable to dispense prescription medicine, and many are unwilling to adapt their practices by working with physicians or by restricting their case loads to problems that do not require medication.

Another factor that prevents adequate use of the biological treatments is the tendency of some people to consider depression, alcoholism, and other mental illnesses as signs of weak will rather than as symptoms of physiological defects. They do not want to recognize that human beings are not in complete control of their own lives.

Historians have described three major blows to human vanity: Copernicus' discovery that the earth went around the sun rather than vice versa; Darwin's evidence that we descended from apelike creatures; and Freud's argument that unconscious factors kept us from being fully in control of our behavior. Biological theories of mental illness seem to some people to be reducing man's dignity still further because they demonstrate that sometimes one cannot by oneself control moods and behavior through will and self-discipline. But those who remain suspicious of drug treatment ignore the possibility that biological advances may grant us the power to reestablish control over ourselves in some areas where psychological means have been inadequate.●

## CRUCIAL BANKING LEGISLATION MUST NOT BE HELD HOSTAGE TO EXPANDED BANK POWERS

● Mr. HEINZ. Mr. President, there is a mountain of critical financial issues pending before the Senate Banking Committee which, if left unresolved, threatens to become a mudslide of competitive imbalance, regulatory chaos, and financial instability and bury the financial services industry. These matters can—indeed, they must—be addressed immediately in the limited time remaining in the 99th Congress. Unfortunately, the most critical issues demanding legislative remedies are trapped in the web of a large, complex measure which calls for a complete overhaul of the current financial services industry without adequate time to assess its impact on the banking system in the few legislative days remaining in this Congress.

The Banking Committee, under the able leadership of Chairman GARN, will soon consider S. 2592, the Deposit Insurance Reform and Competitive Enhancement Act, or a variation of that bill. Chairman GARN is to be commended for his Herculean efforts in attempting to address the major issues confronting the financial services industry today. Given the rapid and revolutionary forces that have buffeted the industry in recent years, it is our responsibility to reexamine the statutory framework. However, now is not the time to conduct this type of review, particularly if it entails sacrificing other provisions which are vital to the continued viability of the banking system.

I believe that three components of S. 2592 must be excised and moved as expeditiously as possible.

First, the Federal regulators' authority to arrange emergency interstate acquisitions of failing financial institutions must be extended. This title was first approved as part of the Garn-St Germain Depository Institutions Act of 1982, to enable Federal regulators to deal with financially distressed institutions in the most effective and orderly fashion in order to ensure absolute protection for deposits and full confidence in the marketplace.

These authorities were absolutely essential in 1982 to stanch the hemorrhage and ensure the survivability of our financial industry during a period of tumultuous economic conditions. They are equally important today to facilitate the industry's transition through an economy undermined by falling oil and commodities prices.

The emergency acquisition and capital assistance programs have been extended twice since they originally expired on October 15 of last year; the latest extension expired on July 15, 1986. Since that time, the Federal Deposit Insurance Corporation and the Federal Savings and Loan Insurance Corporation's hands have been tied. They cannot arrange any additional mergers of failing institutions, a situation which, in my mind, is absolutely untenable given the rising number of institutions tottering on the brink of insolvency, the potential increased cost to be borne by the Federal deposit insurance funds in the absence of this authority and the very real possibility of undermining public confidence in the system.

Second, it is incontrovertible that the Federal Savings and Loan Insurance Corporation is a ticking time bomb. It is being pushed beyond its capacity and faces potential bankruptcy in the absence of any remedial action. Losses at insured institutions have been mounting in recent years. The ratio of FSLIC reserves to deposits had been steadily declining since 1983, to levels that have caused increasing concern to the Federal Home Loan Bank Board. Unfortunately, the number of problem institutions continues to grow at an inordinate rate and, I might add, at a rate which cannot be successfully handled by the insurance fund. It is evident that the Federal Home Loan Bank Board cannot effectively manage the number of problem cases now facing it because the FSLIC's resources are, in a word, inadequate.

Although the Bank Board recently imposed a special insurance assessment on individual FSLIC-insured institutions, this measure has not produced enough income to offset the costs associated with the resolution of a growing number of very expensive FSLIC cases. More importantly, it has not been enough to replenish the real reserves of FSLIC and bolster the needed long-term recapitalization of the fund.

The dire straits of the FSLIC and the urgency underlying its recapitalization efforts are not new. In fact, in a speech given nearly a year ago, Ed Gray, Chairman of the Home Loan Bank Board stated:

> The continuing strains on the FSLIC require a forthright recognition of the need by the leaders of the thrift industry to recapitalize the FSLIC. . . . [R]ecapitalization of the FSLIC is what is most necessary to ensure that our insurance corporation will always be able to meet its obligation.

The Treasury Department, working in conjunction with the Bank Board and OMB, has designated a proposal to recapitalize the FSLIC. This plan is incorporated in S. 2592. While it may still have some technical problems, the proposal should provide the FSLIC with sufficient financial and organizational resources as well as the flexibility to deal with its caseload, ensure the long-term viability of the insurance fund and bolster depositor confidence in the system.

Finally, closing the so-called nonbank bank loophole—under which a firm that only takes deposits or only makes loans can escape regulation under the Bank Holding Company Act—is a crucial complement to this legislation. Right now, nonbanking firms can own these limited service banks and can operate outside the parameters of Federal law regulating geographic and product expansion of bank holding companies.

While these entities profess to be "regulated," they are not subject to the same rules as other companies which own banks, as that term is currently defined. As such, they offer, in the words of Paul Volcker, Chairman of the Federal Reserve, "the potential for abuse" and the potential for "creating a situation fraught with adverse consequences for the system as a whole."

In addition to being free of current regulatory oversight, the loophole could exacerbate the crisis within the thrift industry. As I have previously noted, the currently high projected cost of resolving failures is sapping the FSLIC. As a practical matter, the loophole gives commercial banks and other enterprises a simple and inexpensive way to acquire interstate franchise rights. A very serious result has been the virtual elimination of serious bids for severely troubled thrifts. This trend threatens to nullify the intended benefits of one of the most important powers granted to FSLIC by the Garn-St Germain Act, that is, the au-

thority to arrange interstate acquisitions for failing institutions.

Mr. President, this situation cannot continue. It is making a mockery of our existing laws and a shambles of our system. The loophole must be closed so that if an entity wants the benefits of the banking system, particularly those provided by the bank holding company structure, it must play by the same rules.

There are a number of other provisions in S. 2592, many of which have merit, but most are fairly controversial. I certainly do not think, Mr. President, in the waning days of this Congress, that the critically important measures discussed above should be held hostage pending action on the more controversial provisions. That alone calls for jettisoning many provisions of S. 2592 in order to enact immediately what I consider to be the core of Chairman GARN's bill.

Beyond that somewhat pragmatic and procedural point, Mr. President, I feel compelled to speak to the merits of one additional portion of S. 2592—that which would permit commercial banks to expand into previously prohibited activities of investment banking, otherwise known as the securities business. I have spoken on this floor, in committee, and elsewhere on this subject many times, but it needs to be said again: It simply is not in our national interest to undertake a piecemeal dismantling of the wall between commercial and investment banking at this time.

There is much to be said on this subject, and I would refer those interested in greater detail to my remarks during the debate on the 1984 banking bill, during which I discussed the history and continuing relevance of the Glass-Steagall Act which separates commercial from investment banking, as well as the complete range of arguments against bank expansion into the securities business. At this time, I will make just three points on this issue.

First, there has been absolutely no conclusive demonstration that expanded securities powers would either strengthen the financial system or enable that system to better serve the needs of American consumers and business. It is indisputable that some segments of the American banking system have had their problems, but they have been due to a wide range of problems—including mismanagement, fraud, and deviation from basic principles of sound banking—which have nothing whatsoever to do with the array of products and services available to banks. Not only has there been no demonstration that expanded powers would cure current banking problems, but I have heard, Mr. President, from many bankers who tell me that banks are doing and can do very well in the traditional banking business as long as prudence is exercised. Furthermore, leading representatives of American consumer and business groups, including the National Federation of Independent Businesses, the American Association of Retired Persons and the Consumer Federation of America have strongly and consistently opposed expanded securities powers for banks.

My second point, Mr. President, is that beyond the absence of compelling evidence in favor of expanded powers, there is considerable evidence that such expansion could, in fact, undermine the safety and soundness of our banking system. That point has been made many times, but I want to assure my colleagues that it is neither remote nor hypothetical. The dangers and riskiness of the securities business were demonstrated forcefully just last week when the New York Times reported that Wall Street investment firms lost hundreds of millions of dollars in the mortgage-backed securities market, which is precisely one of the new powers which S. 2592 would give to commercial banks. I ask that the New York Times article on this subject be printed in the RECORD at the end of my remarks.

The point, Mr. President, is that it is acceptable for a private firm to sustain such losses in risky enterprises, but is entirely unacceptable to have such risks underwritten by American taxpayers through the Federal deposit insurance system.

Finally, I would like to respond to those who say that the financial marketplace and regulatory responses have evolved so much in recent years that the Glass-Steagall Act's separation of commercial from investment banking has become outmoded. I would say to those people, if the Wall of Jericho needs to come tumbling down, do it with a full-blown sounding of the trumpet, and not with a few half-hearted toots. If you want to review and reevaluate the legal structure of the American financial system, including the barrier established by Glass-Steagall, then let's get to it. Let us not, however, forestall such a comprehensive review while eroding that structure in a piecemeal fashion. If, after such review, the Congress were to revise or repeal the Glass-Steagall barrier, then many other changes would be required beginning, for example, with the system of Federal deposit insurance.

I will close, Mr. President, by noting that the American financial system has functioned extremely well as the underpinning of the strongest economy in the world for the past 50 years. The separation of commercial from investment banking has helped foster not only a stable banking system, but also a system of capital formation which is second to none. Significant modifications to the American financial structure should not be undertaken lightly; in fact, proposals to erode Glass-Steagall pose a very serious threat to the strength of the American financial services industry and to the safety and soundness of the American banking system.

The article follows:

TURBULENCE IN PASS-THROUGHS

(By James Sterngold)

On the trading floor of Dillon, Read & Company is a pot sprouting a vigorous green plant, labeled with a brass plaque: "The Perfect Hedge." It is an amusing reminder that, despite an array of sophisticated market techniques, there is no hedge, or foolproof protection, against a steep decline in the value of a security.

That painful lesson was driven home anew in the past few months, when the market for mortgage-backed securities was sharply affected by an unusual shift in interest rates that caught even the savviest of professionals off guard.

Top firms such as Salomon Brothers, the First Boston Corporation and Goldman, Sachs & Company, among others, are believed to have lost hundreds of millions of dollars when the hedges they had relied upon to protect their huge holdings of mortgage-backed securities plunged them deeper into the red rather than keeping them afloat.

For many investment bankers and traders who had earned fortunes from this booming business, it was a sobering episode. The lingering memory may change the way many large securities firms operate.

"You take your worst-case scenario, and it came true," said Stephen L. Joseph, a senior vice president and head of the mortgage-backed securities department at Drexel Burnham Lambert Inc. "Before you could only imagine we might have those conditions. Now you know that it really does happen."

Lewis S. Ranieri, who helped create the market and is head of the mortgage-backed securities department at Salomon Brothers, the industry powerhouse, said he saw some long-term benefits from the experience.

"Objectively, you have to be pleased simply by the fact that the system didn't collapse," he said. "But we learned a very expensive lesson: that we're not as smart as we thought we were. We'd had five great years, and maybe the gods resented our hubris, so they got back."

Mortgage-backed securities were created 16 years ago as a way of making home mortgage more accessible and affordable. Thrift institutions, banks and insurance companies can sell their outstanding mortgages to one of several Government agencies, which then bundle them into large pools and, in effect, sell off pieces in the form of bonds to major institutional investors and individuals. The money that the lenders receive from selling their old mortgage can be used for making new mortgage loans.

Wall Street has mined this rapidly expanding market and the amount of mortgage securities outstanding has grown to more than $600 billion, of which $116 billion has been issued this year alone, according to Salomon Brothers. By comparison, less than $300 billion was outstanding at the end of 1983.

Substantial fees are generated by these underwritings, and the increased volume of securities provides grist for extremely lucrative trading operations, the most profitable side of this business.

THEN CALAMITY STRUCK

But "too much of a good thing" might well describe the calamity that hit the market in the second quarter.

First, the volume of new mortgage backed securities being issued swelled to unheard-of levels.

Then—and this was the catch—because of an unusual twist in the structure of these securities, their price began to fall slightly as the price soared of other Government securities often used to hedge portfolios of the mortgage-backed bonds.

It was an incendiary combination. Known technically as "negative convexity," it has also been dubbed "the double whammy." Here is the story of what happened in the market's springtime blood-letting.

The basic type of mortgage-backed security is known as a pass-through. These are mainly issued by the Government National Mortgage Association (often called Ginnie Mae), the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation, although some types of mortgage securities are issued by Wall Street firms.

Pass-throughs consist of a pool of mortgages, carrying a like interest rate, which are bundled together and resold as bonds. The monthly payments of interest and principal made by all the individual mortgage borrowers are passed through to the bondholders, and the agency collects a fee for handling this chore.

Overhanging the value of these bonds is a huge variable: how many of the homeowners will prepay their mortgages, either by refinancing at lower rates when they are available or by selling their houses. Corporate and Government bonds often have some guarantee that they will not be called, or prepaid, before a specified date. But mortgage-backed securities generally offer no call protection. The recent problems, in fact, resulted from prepayment activity never before witnessed.

Interest rates in general, after having fallen for months, led throngs of homeowners to take out new low-rate mortgages and use the proceeds to pay off their old high-rate mortgages.

PREPAYMENTS TRIM YIELD

Such prepayments of principal reduce the overall yield on mortgage-backed securities and thus make them less attractive to investors. This held the prices of the securities down.

"There was an amazing acceleration of prepayments," said Mr. Joseph of Drexel Burnham Lambert. "It was shocking."

That created two additional problems. First, major institutional investors—such as insurance companies, pension funds and certain mutual funds—that buy billions of dollars of mortgage-backed securities sold them as fast as they could, often back to the Wall Street firms they had been bought from."It was almost panic selling," said one trader. The heavy selling helped keep a lid on mortgage-backed security prices.

Second, with so high a level of refinancings, more and more new mortgage-backed securities were issued, leaving the securities dealers with rising inventories, few buyers and mounting losses, particularly in the middle of the quarter.

UNEXPECTED FLOW OF ISSUES

The volume of new issues was "mind-boggling," said Mr. Ranieri of Salomon Brothers. "To give you some perspective, the market grew about 25 percent last year, which all of us thought was astounding," he commented. "But it could grow from 60 to 100 percent this year. The market never anticipated, and has never handled, this kind of volume, ever."

Worse was in store. To protect the value of their inventories against unexpected market swings, Wall Street firms generally adopt a hedging strategy that uses Treasury securities as a kind of counterbalance because of the liquidity in that market.

If a firm owns, say, $10 million worth of mortgage-backed securities (known as a long position) it might make a commitment to sell about $6 million of Treasury bonds or bond futures (a short position). Historically, the two securities have moved more or less in tandem, so any decline in the value of the long position in mortgage-backed securities is countered by a gain in the value of the short position in Treasury bonds.

That is the theory. What happened is that the Treasury bonds rose in price because interest rates fell during most of the spring (the price of a bond with a fixed interest rate moves inversely to market interest rates). At the same time, the price of mortgage-backed securities was steady or falling as a result of the heavy mortgage prepayments.

For instance, the price of a Ginnie Mae bond with a 12½ percent interest rate dropped steadily from a price of $109.125 in mid-December to $107.625 at the end of February and $105.35 toward the end of June. Meanwhile, a 10-year Treasury security, paying a 9½ percent fixed interest rate, rose from a price of $101.875 in mid-December to $108.531 at the end of February to $112.844 at the end of June. In other words, dealers lost money both on their holdings of mortgage-backed securities and on their artfully crafted hedges.

"You could have gotten killed on both sides," said Robert P. Andres, the president of the Merrill, Lynch Mortgage Capital Corporation.

Merrill avoided much of the problem by hedging with other mortgage-backed securities, Mr. Andres added. "It was devastating for some people, but I don't think they believed it," he said. "They said it had to turn around. But it didn't. It got worse."

Yet dealers were not willing to pull out because they feared that by doing so they would give up a share of the market to their competitors. In this game of chicken, Wall Street style, most major firms stood their ground and took their losses.

"You don't walk away from a market you spent much of your working life creating," said Mr. Ranieri: "You had to preserve your market position, just grin and bear it."

The customers of many of these firms benefited by being offered mortgage-backed bonds at a low price just so the securities dealers could get them out of their portfolios.

"We have become more aggressive in marketing our positions so they don't sit around," said Mr. Joseph: "Before, we might have bought a $100 million issue, sold one-half to two-thirds in a couple of days, then stuck the rest away for a while. Now we reduce prices and get the product out of the door faster."

Mr. Andres described the episode as a watershed for a market that had made so much money so easily that it had never prepared for tough times. "This will probably make people more disciplined and more reflective on what they're doing and where they're heading," he remarked.

Mr. Ranieri said he would consider another hedging technique: options on mortgage-backed securities rather than the Treasury market. An option is the right, but not the obligation, to buy or sell a set amount of securities at a set price on a future date. They can be used as an insurance policy with an up-front premium paying for the protection.

Options which are more conservative, are more expensive to use, but "they let you sleep at night," as one trader put it.

"People realize after this that securitization is not a panacea," Mr. Renieri said. "We'll be more careful. However, I have to say that if you get another strong rally like we had in Treasuries, we could find ourselves back in the soup."●

## AIDS DEMONSTRATION PROJECTS

● Mr. D'AMATO. Mr. President, I rise today to cosponsor legislation addressing one of the most critical diseases facing our Nation—aquired immune deficiency syndrome. I commend my colleagues, Senators HATCH and KENNEDY, for recognizing the critical nature of AIDS and for proposing legislation to remedy many of the flaws in our health care treatment which affect those individuals who have AIDS.

As of June 1986, over 21,500 cases of AIDS had been reported. This figure is expected to rise steadily—and tragically. Estimates indicate that by 1991 there may be 196,000 cases of AIDS and 125,000 deaths resulting from AIDS. The number of Americans currently infected with the disease is estimated to be between 1 million and 1,500,000 individuals.

AIDS has proven to be a costly disease to treat. In 1986, it is estimated that the United States will spend between $870 million and $1.3 billion for health care for individuals with AIDS. The public health service estimates that by 1991 the direct costs to provide health care for individuals who have AIDS will be between $8 billion and $16 billion a year. Clearly, the high incidence and cost of this disease calls for immediate action on the part of the Federal Government.

Last year during the fiscal year 1986 appropriations process, the chairman of the Subcommittee on Labor, Health and Human Services, and Education appropriated $16 million for the care and treatment of AIDS patients in four metropolitan areas in the country. As a member of the Senate Appropriations Committee, I was pleased to support this funding.

However, because of the rapidly increasing incidence of AIDS, additional assistance is required to meet the health care needs of AIDS patients. S. 2345 aims to meet these growing needs and, consequently, I am pleased to lend my support to this legislation.

Specifically, the legislation finances demonstration projects to establish cost-effective networks of outpatient medical services. In addition, the bill

provides for counseling and mental health services for AIDS patients and for those individuals who have a positive test for the AIDS virus. Case-management services also will be provided to ensure that such individuals are aware of, and are provided with the full range of, health care services. I commend my colleagues on the Senate Committee on Labor and Human Resources for solidifying and expanding this Nation's commitment to those who are in such serious need of health care. I urge my colleagues to join me in affirming this commitment.●

## "ADOPT AN EAGLE NEST:" SAVING AN ENDANGERED SPECIES

● Mr. KASTEN. Mr. President, the protection of endangered species is one of the most honorable tasks a person or organization can undertake. Saving unique animals and plants from extinction is a responsibility that no one can afford to ignore.

Over the past decades, concerned citizens have banned together to form such groups as the National Wildlife Federation, the Wilderness Society, the Audubon Society, and others. These groups have worked hard to heighten public awareness of the responsibility we share to protect endangered species.

But, Mr. President, sometimes it is the small voices that energize the actions of many. I offer as an example a program in my home State of Wisconsin working to preserve the bald eagle.

It is ironic, and very sad, that the bald eagle, our national emblem since 1782, is in danger. The bald eagle was placed on the Federal endangered species list in 1972. In 1976, 43 States listed the bird as endangered, and five other States, including Wisconsin, identified the bald eagle as "threatened."

This magnificent bird of prey, once so plentiful along Wisconsin's waterways, had fallen victim to logging, agriculture, and summer resorts—activities that provide work and recreation for the people of the State.

Today there is a movement afoot to help bald eagles and humans coexist in Wisconsin. Called the Adopt an Eagle Nest Program, this movement to save the bald eagle is growing in Wisconsin and could go a long way toward preserving this special and historically significant species.

Adopt an eagle nest was developed by a seventh grade English teacher from Burlington, WI, a town of 8,500 in the southeast part of the State, who spends his summer in Winchester, a small town in the lakes region just south of the Wisconsin-Michigan border.

Gary Humphrey saw a picture in the Lakeland Times showing Wisconsin Department of Natural Resources workers putting osprey nests in trees. He thought it would be a good idea for his students to learn about endangered species.

What began as a classroom assignment has developed into a statewide project to save the bald eagle. Humphrey and his students campaigned for the school to spend $100 to "adopt" an eagles' nest. When the DNR received the $100 voted by the Burlington Junior High student council, Ron Nicotera, who heads the DNR's endangered species division, visited the school to offer his thanks.

The $100, he told the students, would help pay for surveys, the banding of young birds, the collection of specimens for contaminant analysis, care, and rehabilitation.

Inspired by what their donation meant to the survival of bald eagles in Wisconsin, the students then challenged other schools to match the Burlington offer.

Mr. President, more than $17,900 has been received by the Wisconsin DNR through the Adopt An Eagle Nest Program, and interest continues to grow. To help promote the campaign, the DNR has offered a special print of two adult eagles by Wisconsin nature artist, Richard Van Order, entitled "The Call of Freedom."

Participants in the Adopt An Eagle Nest Program receive a certificate of adoption, a status report, and a photograph of young eagles in a nest. The goal is to see 400 pairs of eagles nesting and producing young. This would represent a healthy population and would remove the bald eagle from Wisconsin's endangered list.

This is an important program for Wisconsin, an important program for the protection of an endangered species, and a wonderful example of how the interest, concern, and initiative of private citizens can help preserve the best of America.

I commend Mr. Humphrey, the students of Burlington Junior High School, and Wisconsin's Department of Natural Resources for their creative concern in protecting America's bald eagle.●

## A LIBERAL FOR REHNQUIST

● Mr. HECHT. Mr. President, a good friend of mine, Mr. Northcutt Ely of Redlands, CA., has brought to my attention an editorial by California Supreme Court Justice Stanley Mosk. I agree wholeheartedly with Mr. Northcutt that this article, which appeared in the July 30, 1986 edition of the Los Angeles Times, is a fine statement in support of the nomination of Justice William Rehnquist for the position of Chief Justice of the United States. Accordingly, I ask that the article be included in the RECORD.

The article follows:

### A LIBERAL FOR REHNQUIST: HIS FEDERALISM SERVED THE CAUSE OF INDIVIDUAL RIGHTS

(By Stanley Mosk)

My good friend Pat Brown, for whom I have the utmost respect and affection, put his foot in his mouth the other day. While advocating retention of all justices on the California Supreme Court regardless of their philosophy or political origin, the former governor confessed that he would oppose William H. Rehnquist's nomination as chief justice of the United States. Why? Because Rehnquist is too conservative. Inconsistent? Well, yes, Pat conceded with his characteristic and lovable candor.

I must respectfully disagree. If I were in the Senate, I would vote to confirm the nomination of Justice Rehnquist. Though I have often found fault with his conclusions, in my view he is a thoroughly competent craftsman and a thoughtful legal scholar. The concepts that he advances, though often not to my taste, deserve to be ventilated and discussed.

It is assumed that Rehnquist is a diehard reactionary whose philosophy is totally out of step with modern reality. A thoughtful appraisal of his opinions does not confirm that assumption, at least not all of the time.

The Warren court, perhaps encouraged by the civil-rights movement of the 1950s and '60s, abandoned the previous pathetic approach to overt injustice in our society and elected to employ the federal Constitution to achieve a liberating effect in the areas of political opportunity, criminal justice and racial equality. The states were compelled to fall in line, often reluctantly.

The Burger court, however, appears to have abandoned the role of keeper of the nation's conscience. There have been numerous retreats in the use of the Constitution to advance individual rights.

As a result, states have faced a difficult choice. They could react to the ebb and flow of the tide on the Potomac, and also reduce protection of individual rights. Or they could abandon dependence on the federal Constitution, and employ state constitutions as authority for preserving expanded rights. Many states, including California, opted for the latter. Indeed, the California Constitution provides that "Rights guaranteed by this Constitution are not dependent on those guaranteed by the United States Constitution."

Some conservative politicians, disturbed at the use of the state Constitution to provide greater individual rights than the high court required, used the initiative process to compel California courts to employ only the federal charter in criminal cases. Nevertheless, the principle of federalism is still adopted whenever possible, so that the federal Constitution sets the floor below which individual rights may not fall, but the state establishes the ceiling.

This problem came to the attention of Rehnquist and his colleagues in a significant context. Where two constitutional rights conflict, which is to prevail? If a few orderly persons seek signatures on political petitions in a privately owned shopping center and the owner seeks to bar them, this conflict arises. The citizens are asserting their freedom of speech and their right to petition the government for a redress of grievances. The shopping center's owner is defending his right to determine the use of his private property.

In the case of Robin vs. Pruneyard, the state Supreme Court said that the right of the petition circulators should prevail as

long as there was no interference with the business of the shopping center. The case went up to the Federal Supreme Court.

In this conflict between free speech and private property rights, where was Rehnquist? Forthrightly on the side of free speech and, more significantly, in defense of the right of the states to define the limits, if any, one speech and related activity. His court, he wrote, "does not limit the authority of the state to exercise its police power or its sovereign right to adopt in its own Constitution individual liberties more expansive than those conferred by the federal Constitution." This was true federalism.

It was interesting that some of his colleagues took a more conservative approach. Justices Lewis F. Powell, Jr. and Byron R. White asked: What if the speakers advocated views seriously antithetical to the owner, as, for example, Ku Klux Klan spokesman invading a shopping center owned by a black? A provocative question, but fortunately that issue was not involved in the Pruneyard case.

In the recent session of the court, Rehnquist demonstrated his concern for the environment. In Japan Whaling Assn. vs. Baldridge, he joined with Justices Thurgood Marshall, William J. Brennan, Jr. and Harry A. Blackmun in a dissent that excoriated President Reagan's secretary of commerce for not enforcing congressional regulations concerning the protection of whales.

I could cite other examples of Rehnquist opinions that would satisfy, or at least not offend, traditional liberals like Pat Brown. But, if I did, I would be falling into his error of weighing competence on the basis of agreement with case results.

The bottom line is that William Rehnquist has the academic background and the judicial experience to justify his elevation to chief justice. The quality of his opinions amply demonstrates judicial competence.

Yes, Pat Brown, you were wrong. Liberals can support the confirmation of Justice Rehnquist.●

## NAUM & INNA MEIMAN: PERSISTENTLY PERSECUTED

● Mr. SIMON. Mr. President, Naum and Inna Meiman are Soviet Jews who desperately want to emigrate to Israel. The Meimans have applied for exit visas several times, but the Soviet Government repeatedly refuses their requests.

The Soviets claim that because of classified work he once performed, Naum was privy to state secrets. Naum's calculations, however, were completed over 30 years ago. They are, in fact, long since outdated and well publicized. Even more ridiculous is the Soviets's denial to emigrate to Inna so she may obtain medical treatment for cancer.

The Meimans are good and caring people whose basic human rights have been denied by the Soviet Government based on trumped up charges. The Meimans have not committed any crime, yet the Soviets treat them like criminals and hold them captive in Moscow.

The Soviet Government has persistently persecuted the Meimans since they first filed emigration papers. Naum and Inna have been subjected to constant harassment and torment by the secret police. The Meimans home has been ransacked, their telephone has been disconnected, and much of their mail has been confiscated.

The Soviets must recognize that their harassment and denial of human rights will not be tolerated, and we shall never relent in our efforts on behalf of the refuseniks. As persistently as the Soviets deny the Meimans' basic rights, the more determined their friends around the world are in seeing them released.

I strongly urge the Soviet Government to allow Naum and Inna Meiman to emigrate to Israel.●

## RETIREMENT OF BATES ELLIS: A DEDICATED PUBLIC SERVANT

● Mr. SASSER. Mr. President, I wish to pay tribute to Bates Ellis, who is retiring this year after 32 years of outstanding service as register of deeds for Robertson County, TN. Bates' commitment to his job and his community is a shining example that all public servants should look to for guidance.

In addition to serving his community for over three decades as an elected official, Bates has taken an active role in volunteer organizations. He has served with distinction as the president of the Tennessee Registers' Association for the past year. He has served as a member of the board of directors of the Senior Citizens of Springfield, worked as a member of his local Lion's Club for 23 years and been an active supporter of amateur sports in his community.

Bates' service to his community extends to his life in church as well. He has been a member of the First Baptist Church of Springfield since 1945. He has served the church as deacon since 1958 and secretary for 6 years.

Mr. President, the highest compliment that can be paid an individual is the respect of one's neighbors. Bates Ellis' lengthy tenure in public office speaks volumes about the respect he generated. Being elected to the same public office for eight terms is a tribute to his professional ability and an acknowledgment of the high esteem he is accorded by his neighbors.

Bates Ellis has done more than serve his community well. He has set a fine example for all of us who hold public office. I pay tribute to his outstanding service to his community and wish him well.●

□ 2330

## NATIONAL DEFENSE AUTHORIZATION

Mr. SIMPSON. Mr. President, I want to commend the managers of the bill we are working on, Senators GOLDWATER and NUNN, and all Senators for the progress made today. I do hope, indeed, we can continue the good progress tomorrow. It is a necessary thing for us.

In the morning the leader will be inquiring of the Democratic leader to discuss delaying or vitiating tomorrow's cloture votes. He will be discussing that with the minority leader.

## PROVIDING EMERGENCY ASSISTANCE TO FARMERS AND RANCHERS IN 1986

Mr. SIMPSON. Mr. President, after conferring with the Democratic leader, I ask that H.R. 5288, a bill to provide emergency assistance to farmers and ranchers adversely affected by natural disasters in 1986, which is at the desk, be read the first time.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 5288) to provide emergency assistance to farmers and ranchers adversely affected by natural disasters in 1986.

## AUTHORIZING REPRESENTATION BY SENATE LEGAL COUNSEL

Mr. SIMPSON. Mr. President, I send a legal counsel resolution to the desk on behalf of Senator DOLE and Senator BYRD and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 460) to direct the Senate legal counsel to represent Senator WILSON and Robert White and to authorize testimony in the matter of *Smith* v. *Ellis, et al.*

The PRESIDING OFFICER. Without objection, the Senate will proceed to its immediate consideration.

The Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 460) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 460

Whereas, in the matter of *Smith* v. *Ellis, et al.*, Misc. No. 175-86, pending in the Superior Court of the District of Columbia, one of the parties has obtained a subpoena for the deposition of testimony of Robert White, Administrative Assistant to Senator Pete Wilson, and for the production of documents by him at the deposition, and another of the parties has stated an intention to request a subpoena for the deposition testimony of Senator Wilson;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(a) and 288c(a)(2) (1982), the Senate may direct its counsel to represent Members and employees of the

Senate with respect to subpoenas issued to them in their official capacities;

Whereas, by the privileges of the United States Senate and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, by Rule VI of the Standing Rules of the Senate, no Senator shall absent himself from the service of the Senate without leave;

Whereas, when it appears that testimony of Members or employees of the Senate is or may be needful for use in any court for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges and rights of the Senate: Now, therefore, be it

*Resolved*, That the Senate Legal Counsel is directed to represent Senator Pete Wilson, Robert White and any other employee of the Senate who may be asked to testify or to produce documents in the case of *Smith* v. *Ellis, et al.*

2. That Senator Wilson is authorized to testify in the case of *Smith* v. *Ellis, et al.*, except when his attendance at the Senate is necessary for the performance of his legislative duties and except concerning matters about which a privilege against disclosure should be asserted.

3. That Robert White and any other employee of the Senate to whom a subpoena may be issued are authorized to testify and to produce documents in the case of *Smith* v. *Ellis, et al.*, except concerning matters about which a privilege against disclosure should be asserted.

Mr. SIMPSON. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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□ 2340

## FOREIGN TRAVEL

Mr. SIMPSON. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

A Senate resolution (S. Res. 461) relative to rule XXXIX.

Mr. SIMPSON. I move the adoption of the resolution.

The PRESIDING OFFICER. Is there objection?

Without objection, the resolution was considered and agreed to as follows:

S. RES. 461

*Resolved*, That if a Member who is precluded from foreign travel by the provisions of Rule 39 is appointed as a delegate to an official conference to be attended by Members of the Senate, then the appointment of that individual shall constitute an authorization by the Senate and the individual will not be deemed in violation of Rule 39.

SEC. 2. This resolution shall be applicable only until November 30, 1986.

Mr. SIMPSON. I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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## ORDERS FOR THURSDAY

RECESS UNTIL 10:15 A.M.

Mr. SIMPSON. Mr. President, after conferring with the Democratic leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 10:15 a.m. on Thursday, August 7, 1986.

RECOGNITION OF CERTAIN SENATORS

Following the recognition of the two leaders under the standing order, I ask unanimous consent that the following Senators be recognized for special orders for not to exceed 5 minutes each: Senators HAWKINS, DOLE, PROXMIRE, HUMPHREY, MELCHER, DIXON, BENTSEN, BAUCUS, SASSER, and DECONCINI.

ROUTINE MORNING BUSINESS

Following the special orders just identified, I ask unanimous consent that there be a period for the transaction of routine morning business not to extend beyond the hour of 11:30 a.m., with Senators permitted to speak therein for not more than 5 minutes each.

LIVE QUORUM AT 11:30 A.M.

I further ask unamimous consent that at 11:30 a.m., under the provisions of rule XXII, a live quorum begin, to be followed by a cloture vote on the Byrd Amendment No. 2414.

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The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

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## PROGRAM

Mr. SIMPSON. Mr. President, if cloture is not invoked on the Byrd amendment, the Senate will vote immediately on cloture on the Dole Amendment No. 2417. If cloture is not invoked on the Dole amendment, the Senate will resume consideration of the DOD bill S. 2638. Pending is the DeConcini amendment under a 40-minute time limitation.

If cloture is invoked on the Byrd amendment the Dole amendment would fall.

Mr. BYRD. Mr. President, would the distinguished acting Republican leader state for the RECORD also what will happen in the event the cloture motion on the Byrd amendment fails and a cloture motion on the Dole amendment is adopted?

Mr. SIMPSON. Mr. President, I inquire of the Chair what the situation would be in the event of that occurrence?

The PRESIDING OFFICER. The Senator is asking what the Chair understands the situation to be if the cloture motion on the Byrd amendment fails and the cloture motion on the bill is adopted.

Mr. BYRD. The cloture motion on the Dole amendment.

The PRESIDING OFFICER. If the cloture motion on the Dole amendment is adopted.

No amendment would be in order at that point and the Senate would stay on the Dole amendment until it was disposed of.

Mr. BYRD. To the exclusion of all other business and all other amendments to the DOD bill. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. SIMPSON. Mr. President, I indicate that the time for special orders tomorrow will be tight because of the impending cloture vote, and all Senators with special orders are encouraged to be prompt in the morning, so that they may have their full time.

I inquire of the Democratic leader if he has any further business.

Mr. BYRD. I thank the acting Republican leader. I have no further business.

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## RECESS UNTIL 10:15 A.M. TOMORROW

Mr. SIMPSON. Mr. President, in accordance with the previous order, I ask unanimous consent that the Senate stand in recess until 10:15 a.m. on Thursday, August 7, 1986.

There being no objection, the Senate, at 11:49 p.m., recessed until tomorrow, Thursday, August 7, 1986, at 10:15 a.m.

# EXTENSIONS OF REMARKS

## ALBERTA HARDY PERRY, OUTSTANDING EDUCATOR

### HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, August 5, 1986*

Mr. FLORIO. Mr. Speaker, I would like to pay tribute to a highly respected community leader residing in the First Congressional District, Alberta Hardy Perry.

Alberta Hardy Perry is a native of Mickleton, Gloucester County, NJ. She began her education at the historic Little Red School, Mickleton, and graduated as valedictorian from Swedesboro High School. Two years of higher education was completed at Glassboro Normal School. She received a bachelor of science degree in elementary education later from Glassboro State College.

In 1955, Mrs. Perry graduated with a master of education degree from Temple University with a major in speech pathology and secondary education.

In pursuit of further learning, she studied at the University of Pennsylvania, Rutgers of New Brunswick, and Trenton State College. From the U.S. Department of Education, she received grants to continue in the specialized field of speech pathology at Adelphi University, Long Island, NY and esophogeal speech at the University School of Medicine, Miami, FL.

Alberta Perry was awarded the Certificate of Clinical Competency in Speech Pathology by the American Speech and Hearing Association, Washington, DC, which is the highest achievable certificate.

During World War II, she went to Los Angeles, CA, with her husband, John Perry. Because of her background in physics, she was employed by the U.S. Signal Corps and was sent to the University of California, Los Angeles, to complete training as an electrician, grade 11.

For 45 years, Mrs. Perry has worked with children from kindergarten through 12th grades. She taught in Woodbury, Deptford Township, and Swedesboro, where she was an elementary teaching principal. Mrs. Perry retired from the West Deptford School System after serving 13 years there as a speech pathologist.

Her community service affiliations are extensive. She has served as a Girl Scout leader, been associated with Campfire Girls and also the YWCA in Camden, NJ. Mrs. Perry has served on the evaluation review committee of the Visiting Nurse Home Care and Health Service of Gloucester County.

Mrs. Perry was appointed by the Gloucester County Board of Freeholders to the feasibility study committee for Gloucester County College. After concluding the county needed a community college, and the voters approved the concept in a nonbinding referendum, the freeholders named Mrs. Perry one of the charter members to the board of trustees, a position she held for 12 years. Upon serving as vice chairperson for 7 years, Mrs. Perry was elected chairperson. At that time, Mrs. Perry was the only woman chairperson of either a 2- or 4-year public college board of trustees in the State of New Jersey.

She has conducted workshops for the American Association of College Trustees (AACT) in Washington, DC, in Atlanta, and New Orleans. Additionally, Mrs. Perry served in numerous capacities at the AACT national convention at Miami, Portland, St. Louis, and Vancouver, Canada.

Among the honors bestowed on her are: Honorary member of the American Speech and Hearing Association, Washington, DC; 1978—Distinguished Alumni Award, Gloucester State College; 1975—South Jersey Woman of the Year, Gloucester County Branch NAACP; 1977—Medallion Award for Community Service, Gloucester County College; 1976—Outstanding Community Service Award from the Women's Progressive Club of Swedesboro; 1976—Certificate of Honor from the New Jersey Federation of Women's Clubs; 1976—Centennial Medallion Carter Woodson Association for Study of Afro-American Life and History. On July 16, 1986, the New Jersey Federation of Colored Women's Clubs presented her with the Outstanding Citizen Award for Education. She was also selected as the outstanding woman of Gloucester County during National Women's History Week by Glassboro State College. Prof. Richard Ambacher, head of the communications department of Glassboro State College, submitted her biographical sketch for National Women's Week, and was awarded first place.

Mrs. Perry was one of the founders of Links, Inc., a service group that has grown into a national organization helping blacks through scholarship programs, farm labor support, and affirmative action efforts. She has held every office of Links, Inc., except treasurer. As a tribute to her contributions, her fellow members have established a scholarship in her name at Gloucester County College.

Listed among her organization affiliations are: Membership in th NEA; New Jersey Retired Teachers; Gloucester County Retired Teachers; New Jersey Speech and Hearing Association; Gloucester County Historical Society; the First Baptist Church of Deptford Township; and the Woodbury Old City Restoration Committee.

Mrs. Perry is a former member of the AAUW of Gloucester County and the National Sorority, Phi Delta Kappa, ETA Chapter, Camden.

Her husband, John Perry, Sr., and son, John Perry, Jr., are owners of John's Auto Transmission Service, Inc., located in Woodbury. She has four grandchildren.

I salute Alberta Hardy Perry for her contribution to the quality of life for the people of the First Congressional District, the State, and the Nation.

## HISPANIC LITERACY: IN THE NATIONAL INTEREST

### HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, August 5, 1986*

Mr. TORRES. Mr. Speaker, I want to share an article with my colleagues on literacy problems facing Hispanic Americans. This article titled "Hispanic Literacy: In the National Interest" was written by Raul Yzaguirre, president of the National Council of La Raza. Mr. Yzaguirre has been working to provide a positive response to the very real problems of adult English illiteracy. I believe the information contained in the article is important and I want to make this material available to other Members of Congress.

The article follows:

HISPANIC LITERACY: IN THE NATIONAL INTEREST

(By Raul Yzaguirre)

Most Hispanic adults cannot read and understand the newspaper in which this column is printed. National research studies suggest that 56% of Hispanic adults are functionally illiterate. They can't address a letter well enough to have it reach its destination, can't decipher rental agreements or credit card agreements, and can't read and understand ballot propositions or newspaper editorials. English literacy levels are also low among our young people. Approximately 80% of Hispanic high school students cannot read well enough to fully understand their textbooks.

Some Hispanics counted as "illiterate" do read and write Spanish but have not yet mastered English. However, data from San Antonio suggest that 60% of those who cannot read this editorial in English could not read it in Spanish either. These statistics are an indication of an alarming problem in our community—functional illiteracy English.

The days are long gone when all one needed to "get ahead" or "get by" was the ability to speak English. In our increasingly technological society, Hispanics must be able to read and write English well to be competitive in schools and the labor market, and to be informed participants in our society.

Most Hispanics recognize this fact. In fact, studies from Dade County, Florida, indicate that Hispanics, even more than Blacks and Whites, place high importance on the ability to speak, read and write English correctly. The problem in many communities is not a lack of desire to increase English literacy, it is lack of opportunity to do so.

Improving and expanding literacy services for Hispanic adults are critical for a variety of reasons: to improve employment opportunities; to break intergenerational cycles of

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

illiteracy; to meet the literacy needs of Hispanic dropouts; and to assist those who must meet literacy requirements to become U.S. citizens.

Current efforts to reduce illiteracy among Hispanics are grossly inadequate. Federal programs such as the Adult Education Act and the Job Training Partnership Act (JTPA) are not targeted to serve the Hispanic and limited-English proficient communities. These programs underserve those who are most undereducated and thus most in need; providing English literacy services is not a priority activity.

Only one current federal program specifically addresses the literacy of Hispanic adults. The Family English Literacy Program created by the 1984 Bilingual Education Act provides English literacy services to parents of children in bilingual programs, both to increase parents' literacy skills and to help them assist their children in school. Only four programs nationwide were funded this year.

It is inherently obvious why Hispanics are concerned with the high rate of English illiteracy: limited ability to read and write English diminishes the life opportunities for over half the members of our community. However, all Americans would be well advised to consider the cost to our country of these high rates of illiteracy.

Hispanics represent a growing and increasingly important segment of the U.S. work force and citizenry. An inadequately prepared work force threatens productivity and international competitiveness. The next century will bring a growing population of retired White workers increasingly dependent on the earnings of minority workers to support the Social Security system. The nation's work force must be continuously replenished by adequately trained and functionally literate workers. Illiterate citizens have difficulty casting an informed vote, and illiterate non-citizens are foreclosed from seeking citizenship and participating in our political process.

Perhaps the greatest threat to our democratic society comes from the inability to pass on our common culture. Our democratic values and national ideals, the basic tie which binds all Americans together, must be shared by all communities. Civics, U.S. history and government courses are core requirements in all our public schools. However, if students have already dropped out before they take these courses, if they cannot understand the language of instruction in these important subjects, or lack the skills to read the textbooks, the schools cannot impart our common culture.

Despite the rhetoric about the need to protect English as our common language, I don't hear its proponents urging increased funds to teach English to illiterates and non-English speakers. Congress should enact a program to provide increased English literacy services to Hispanic and other limited-English-proficient adults. Such a program represents an investment in human capital which will lead to increased employability and decreased need for public assistance and services in the long run. English literacy programs can also provide parents with training to help their children succeed in school and help people to move from permanent residency to citizenship status.

Illiteracy within the Hispanic community is not solely an Hispanic concern: it is a national concern. Efforts to assure full English literacy on the part of all Americans are essential to assure an economically and politically strong nation in the 21st century.

## DISASTER LOAN EFFICIENCY ACT BADLY NEEDED

### HON. JIM OLIN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, August 5, 1986*

Mr. OLIN. Mr. Speaker, under the proposed Disaster Loan Efficiency Act, SBA authority to make disaster loans is terminated and other laws are changed to conform to the termination. SBA oversight of lender and borrower eligibility continues.

Federally insured institutions including banks, credit unions, and savings and loans will make the loans to small businesses, agricultural cooperatives, and individuals.

The SBA will continue to administer the disaster loan program. Specifically, the SBA will be allowed to guarantee loans and give interest subsidies to qualified borrowers. Two kinds of loans will be permitted: guaranteed loans that have interest subsidies and guaranteed loans with no interest subsidy. The Government guarantee for all loans will be 90 percent.

Currently the SBA certifies that the borrower is a good credit risk and that the loan is of sound value as reasonably to assure payment. Financial institutions will assume responsibility for making this certification before approving disaster loans. The financial institutions will also assume the SBA's present duty to certify that the borrower requires the Government guarantee and/or subsidy and would not be eligible for an nonguaranteed and/or unsubsidized loan. Simply stated, borrowers taking part in the disaster program will be people who intend to pay back their loans but need the Government to guarantee and/or provide an interest subsidy to make the loan repayment terms manageable. The SBA's oversight role will include reviewing the financial institution's certifications.

As under current law, the term of the loan will be not more than 30 years.

Interest rates for disaster loans under this proposal will be tied to the 6-month Treasury bill rate on the date the loan is approved.

The interest rate paid under this program will be the 6-month Treasury bill rate plus 4½ percent. Borrowers qualifying for the interest subsidy will pay a 4 percent interest rate while the Government pays T-bill plus 4½ percent minus the 4 percent paid by the borrower. A borrower may qualify for the 4 percent interest rate when the financial institution determines that the borrower cannot pay the market interest rate and that credit is not available elsewhere. Borrowers who do not qualify for the interest subsidy will pay an interest rate of T-bill plus 4½ percent. If the total rate exceeds 10 percent, borrowers and the Government will split the amount of interest over 10 percent.

In another SBA loan program, the business loan guarantee program, the SBA ties the ceiling for interest rates to the prime rate. It is important to note that under regulation Z which governs the Federal Reserve, interest rates for loans going to individuals may not be tied to the prime rate.

The SBA shall set up a system under which financial institutions making loans under $100,000 may apply for reimbursement for administrative expenses. The guidelines should be flexible enough to accommodate regional business customs.

The SBA Administrator may sell existing disaster loans. At least 90 days before such a sale, the SBA Administrator shall report to the House and Senate Small Business Committees providing evidence of how selling the loans will be to the Government's economic advantage.

The maximum loan amounts for homeowners and businesses will track present law. Specifically, homeowners and renters may borrow up to $100,000 for real property and $20,000 for personal property. Business owners may borrow up to $500,000 for physical damage or economic injury. The SBA Administrator may waive the $500,000 business borrowing cap for major sources of employment.

OMB indicates that up to $1 million may be saved in the first year private financial institutions handle disaster loans. The first year savings will be lower than in subsequent years because of severance payments to SBA workers and administrative costs connected with selling existing loans in the secondary market. Savings as high as $4 million may be realized in subsequent years.

The need for regional office employees who currently make and service SBA disaster loans will be all but eliminated under this proposal. For example, in 1985, $13.1 million was allocated for disaster loanmaking and $6.3 million was allocated for disaster loan-servicing. Savings will be derived from transferring the major portion of these responsibilities to private financial institutions.

Declared disaster: same as under existing law. The President or the SBA Administrator continue to make the declaration.

Eligible lenders: federally insured commercial banks, credit unions, and savings and loans.

This act is badly needed. I hope all my colleagues will join in supporting the Disaster Loan Efficiency Act.

## STATE DEPARTMENT VISA POLICY RE NORTHERN IRELAND NEEDS REVISIONS

### HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, August 5, 1986*

Mr. BIAGGI. Mr. Speaker, as chairman of the bipartisan 114-member Ad Hoc Congressional Committee for Irish Affairs, I have had a longstanding and deep concern about the Department of State's visa policies with respect to political figures from Northern Ireland seeking to enter and visit in the United States.

It has been a policy of selectivity which has served to exclude certain segments of political thought entirely while permitting others carte blanche privileges to come and go in our Nation.

In the past several weeks, the State Department approved the visa application of Rev. Ian Paisley, a militant leader of the Democratic Unionist Party in Northern Ireland. Reverend

Paisley was allowed to come to the United States to participate in a special religious conference at the Bob Jones University in South Carolina. This is one of a host of visas granted to Reverend Paisley by the Department of State.

Meanwhile, just 3 weeks earlier, the Department of State denied the visa application of Hon. Gerry Adams, an elected member of the British Parliament, who was invited to address the National Convention of the Ancient Order of Hibernians in Buffalo. This organization is the Nation's oldest and largest Irish American group and was celebrating its 150th anniversary this year.

The policy, as it is applied now, is in fact censorship masquerading as a policy. When one segment of political thought is totally excluded, it is entirely inconsistent with the principle of free speech so central to our democracy. One does not have to agree with a political philosophy as much as one should accept the principle that it has a right to be heard and presented in this Nation. The Northern Ireland issue is a controversial and emotional issue. Different sides have different perspectives. Yet, by the fashion in which our visa policy is presently constructed, the American public knows the British Government position, the Irish Government position, and the militant Protestant position. Yet the views of the Nationalist side in Northern Ireland are denied access to this Nation because none of their leaders are permitted to travel into the United States.

To add further irony to the situation, the Department denied Mr. Adams' visa because of alleged statements he made which they felt were advocating for the overthrow of a government. Meanwhile, Reverend Paisley, in a series of statements issued in opposition to the recent Anglo-Irish agreement, endorsed by the State Department, threatened to make Northern Ireland "ungovernable."

I reiterate the position I have subscribed to for the past decade. The United States must adopt an open visa policy with respect to Northern Ireland. It is vital that there be a full, fair, and free exchange to views on this issue of importance to the 40 million Irish Americans in this Nation. This exchange of views can never be accomplished when we close our doors on segments of political thought.

I have sent letters today to Chairmen FASCELL and LUGAR of the House and Senate Foreign Relations Committees to urge that they convene an immediate investigation into the visa policy and work for reforms to ensure it be less selective and more responsive to all views.

At this point in the RECORD, I am inserting a statement from Nicholas Murphy, the new national president of the Ancient Order of Hibernians, opposing the visa policy.

A.O.H. PROTESTS U.S. STATE DEPARTMENT TWO-FACED VISA POLICY: "YES" TO PAISLEY, "NO" TO GERRY ADAMS

Statement of Nicholas Murphy, National President of the Ancient Order of Hibernians (A.O.H.) in America:

"The Ancient Order of Hibernians protests and condemns the two-faced visa policy of the U.S. State Department. The duly-elected Nationalist Member of Parliament from Belfast, Gerry Adams, was invited by the Ancient Order of Hibernians to address their recent national convention. But the U.S. State Department denied Adams a visa to enter this country.

"Now, I have just learned that the U.S. State Department has allowed Ian Paisley to enter this country and spew his message of hatred and violence. Why is it that Nationalist Gerry Adams is not allowed to talk to Americans, while the vehemently anti-catholic demagogue, Ian Paisley, is allowed to freely travel in the United States spouting religious hatred and vilifying all who would have the island of Ireland one nation, undivided?

"The Ancient Order of Hibernians asks our elected representatives to identify and call to task those persons in the U.S. State Department who formulate and carry out this despicable, two-faced, discriminatory visa policy."

## MARY SPOOR WILSON HONORED

### HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, August 5, 1986*

Mr. LEWIS of California. Mr. Speaker, I would like to take this opportunity to pay tribute to a truly remarkable woman, Mary Spoor Wilson. Mary will be honored with the Distinguished Citizen Award by the council and district of the Boy Scouts of America at a testimonial dinner on September 9 of this year.

It is most appropriate that Mary should receive this award as it is designed to recognize outstanding citizenship of those who strive to make the community a better place in which to live. Recipients of this award are truly role models to the youth of the community, as they must have a solid record of leadership and service in his or her profession or avocation and a dedication to the young people in the community.

Mary exemplifies the very attributes deemed necessary for the Distinguished Citizen Award. At a very early age she began her life of service to the community and was launched into a life of community service. Her family background is one framed in patriotism, love, and devotion to country. As a young bride during World War II, she was a member of the Red Cross Canteen and served on the board of the Serviceman Wives Organization.

With a growing family, Mary became active in the PTA, holding many offices in that organization at the local and county levels of the Girl Scouts and Boy Scouts of America.

Having grown up in a home where political activism was a part of one's responsibility as a good citizen, Mary Spoor Wilson became just that, a true activist. In 1946, she gathered a group of 100 young people for a dinner that launched the birth of the Young Republicans in the area. Mary represented San Bernardino County and was chosen to represent the Young Republicans on the southern division board of the California Federation of Republican Women.

To list her credits and accomplishments in the political world would be a tremendous task, but it can be said that she launched the careers and contributed to the success of many great names in California politics.

There are many other facets to Mary's life. She is a charter member of the Associates of the Redlands Bowl—nationally famous for its summer concerts with internationally famous musicians and symphony orchestras—charter member of Junior Woman of the Contemporary Club board of directors and holder of many offices on the Assistance League of Redlands, long time member and past president of the Contemporary Club, board of directors and officer of the YMCA, board of directors Kimberly-Shirk Association and served on the San Bernardino County Grand Jury. The list of her accomplishments could go on and on, covering a span of 46 years. Needless to say, the life of Mary Spoor Wilson has been, and continues to be, a life of service to her community, her county, her state, and her nation.

Mr. Speaker, I ask that you join me in saluting Mary Spoor Wilson. Her selfless contributions and fine accomplishments make her an outstanding community leader and a most deserving recipient of the Distinguished Citizen Award.

## NATIONAL LOTTERY ACT OF 1986

### HON. WILLIAM CARNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, August 5, 1986*

Mr. CARNEY. Mr. Speaker, I am pleased to announce that last Tuesday, July 29, I introduced H.R. 5273, entitled the "National Lottery Act of 1986."

This is far from a novel idea. The Continental Congress approved a lottery to raise $10 million to support the colonial troops in the Revolutionary War. Three Ivy League institutions—Harvard, Dartmouth, and Columbia—were funded in part by lotteries. In 1934, Congressman Edward A. Kenney introduced a bill to authorize the raising of funds by lottery for the purpose of providing additional means of defraying the cost of Government, including expenditures authorized for veterans and their dependents. A poll commissioned in mid-1984 found that 62 percent of those polled in the United States would approve of a national lottery.

The purpose of this bill H.R. 5273, is to establish a National Lottery Commission which would be charged with the formation of and regulation of a national lottery. It would function to create a surplus revenue fund to be used to reduce the Federal debt. A trust fund for the revenue generated by the lottery shall be set up within the Treasury under chapter 98 of the IRS Code of 1954. Expenditures from the trust fund will be divided as follows to ensure their proper usage: At least 50 percent will be used for the reduction of the Federal debt, and not more than 50 percent will be used for the payment of lottery prizes, administrative expenses, a minimum State sales tax on ticket sales, and for certain social welfare programs under the Department of Health and Human Services. In addition, all prizes awarded through the national lottery will be exempt from Federal income taxation.

The Commission members would act to establish a monthly lottery, issue regulations, define procedures such as the licensing of ticket agents, determine how winners shall be selected and prizes paid, and facilitate consultation with State and local agencies to minimize the potential for conflict between these bodies and the functioning of a national lottery.

Several of my distinguished colleagues have proposed lottery legislation in the past, unfortunately, without much success. Mr. Speaker, I hope that my colleagues will join me in supporting this particular piece of legislation which I feel is a creative, highly beneficial, and manageable way in which we can bring the Federal debt under control and work toward its reduction without increasing the tax burden on the American people. H.R. 5273 would also facilitate closer cooperation between Federal, State, and local authorities, benefit State revenues through a tax on ticket sales, and provide excess revenue for various social welfare programs. We surely need to control the rate of Government spending, and we must also attempt to reduce the deficit we have already accumulated. I believe that through the establishment of a national lottery we can constructively generate surplus revenue while providing more jobs and reducing the Federal debt.

## WESTPORT UNITED METHODIST CHURCH CELEBRATES ITS 150TH ANNIVERSARY

### HON. ALAN WHEAT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, August 5, 1986*

Mr. WHEAT. Mr. Speaker, on Sunday, October 26, Westport United Methodist Church will celebrate its 150th anniversary. I would like to congratulate Rev. Gene E. Cole and the members of his congregation on this historic occasion.

The church, one of the oldest in Kansas City, has maintained a long tradition of dedication to charitable works and community service since its founding in 1836 by Rev. James Porter. The Reverend Porter came to Kansas City from Tennessee to preach "under brush arbors, trees, and in homes." He first held services in a private home and then in an old schoolhouse at the corner of Archibald and Central Streets. In 1846, the local Baptist, Christian, and Presbyterian churches joined with the Methodists to create the Union Church, a building that would serve all four denominations.

Seven years later, the Methodists withdrew from the Union Church to construct a church at Westport United Methodist Church's present site of 40th and Washington Streets in Kansas City's historic Westport region. The lower level of the two-story wooden church served as Kansas City's first public school, which later became known as Allen Elementary School and Westport High School.

During the Civil War Battle of Westport in 1864, the church's leaders converted the church into a hospital and the members bravely ministered aid to wounded and dying soldiers of both the Union and Confederate Armies.

As the congregation grew, the church was rebuilt, enlarged and remodeled several times before becoming the beautiful building it is today. The stone structure, remaining intact from 1896, is characterized by huge, rounded archways and towering columns. The interior contains elegant stained glass windows, a pipe organ, cushioned oak pews, a cross shape in the ceiling and a large cross below the words of Psalm 100: 4.

The congregation that assembles in Westport United Methodist Church consists of a variety of people from various social, economic and ethnic backgrounds, all gathering to worship and pay homage in their esteemed and tradition-filled church.

Mr. Speaker, it is with pleasure that I bring Westport United Methodist Church's 150th anniversary to the attention of my colleagues in the House of Representatives and invite them to join with me in wishing the congregation many more years of outstanding community service in Kansas City. May they continue to feel pride for their noteworthy past, while working toward the future with vision, faith and love.

## DISCRIMINATION AGAINST ARAB-AMERICANS

### HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, August 5, 1986*

Mr. KANJORSKI. Mr. Speaker, I rise today to bring to your attention a problem which has become increasingly worrisome for those of us who are concerned about the terrible effects of racism in our Nation. For many years we have all been aware of discriminatory attitudes and practices directed against blacks, Hispanics, Jews, and other ethnic groups. While these problems have been, and continue to be serious and deserving of our attention, there has been precious little attention paid to a new racist attitude which has spread throughout our Nation in recent years.

I am referring to racism directed at Arab-Americans. Some small-minded people have discriminated against Arab-Americans simply because leaders of certain Arab nations, such as Libya's Col. Mu'ammar Qadhafi, have taken militant anti-American stances.

This is, of course, a reprehensible attitude. Arab-Americans should not be judged any less patriotic Americans than any other group simply because a foreign government currently in power opposes the United States.

To date, not one Arab-American has been accused of acts of terrorism or treason in this country. Yet unsubstantiated prejudices and ethnic slurs continue. This kind of harassment unfairly victimizes many loyal Americans because of the actions of a few desperate individuals 6,000 miles away from our shores.

In the last year, more than 50 cases of violence have been reported against Arab-Americans for no other reason than their ethnic background. Among the most dastardly of these acts were three separate bombings in three American cities which killed a Arab-American leader and injured two Boston policemen.

Violence of this kind is not political. It is criminal. American citizens have the right to live without fear for their lives, especially when the fear is based on someone else's misguided ideas about the meaning of one's ethnic background.

Mr. Speaker, I call on all of my colleagues to stand up against discrimination against Arab-Americans, just as this body has stood against other kinds of discrimination in the past.

## WORKER RIGHT TO KNOW ABOUT OCCUPATIONAL DISEASE RISK

### HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, August 5, 1986*

Mr. FLORIO. Mr. Speaker, we will soon be debating an important piece of legislation that addresses the fundamental right of workers involved in occupations that put them at high risk of contracting diseases to be aware of the risks they face. I recently received an insightful letter in support of H.R. 1309, the High Risk Occupational Disease Notification and Prevention Act, from Dr. Irving Selikoff, professor emeritus of the Mount Sinai School of Medicine of the City University of New York. Dr. Selikoff, a leader in the fields of epidemiology and biostatistics, raises the point that most cancers are environmental in origin and that the 400,000 annual cancer deaths can be reduced through an increased effort in prevention.

As chairman of the House Subcommittee on Commerce, Transportation and Tourism with jurisdiction over toxic substances, I have worked to call attention to the need for firm standards for exposure to toxic substances as well as community right to know provisions that would enable workers and residents to be aware of what types of substances are being manufactured in their communities. In particular, I have focused on the need for action relating to asbestos exposure, one of the most serious occupational carcinogens. I support H.R. 1309 and am pleased that this legislation creates a much needed mechanism for informing employees of the risks they face when exposed to toxic substances.

There are two components to preventing the spead of disease and hardship due to occupational exposure to toxic substances. The first—an established regulatory framework for preventing exposure by informing workers and residents of the hazards of existing chemicals in the workplace and community—is being shaped through regulations such as the OSHA hazard communication standard and community-right-to-know provisions in the Superfund reauthorization bill.

The second component deals with workers that have already been exposed to these dangerous substances and currently face a high risk of contracting diseases as a result. It is morally important that these workers be informed of their risk and that they be directed to appropriate resources for medical assist-

ance and counseling. If the disease is detected early enough, suffering can be reduced and life can be prolonged.

H.R. 1309 provides for the creation of a Risk Assessment Board within the Department of Health and Human Services which will identify and isolate worker groups that run a 30-percent risk of disease. The Board would then notify these individuals and recommend that they place themselves under medical surveillance. The legislation also designated existing health care and research facilities as occupational and environmental health centers and provides for further research in this field. This legislation is a necessary supplement to regulations dealing with exposure of individuals to dangerous substances in the workplace. I urge my colleagues to lend their support to this bill and direct their attention to the text of the letter I received from Dr. Selikoff:

MOUNT SINAI SCHOOL OF MEDICINE,
THE MOUNT SINAI HOSPITAL,
*New York, NY, July 23, 1986.*

Hon. JAMES J. FLORIO,
*U.S. House of Representatives,*
*Washington, DC.*

DEAR REPRESENTATIVE FLORIO: I am writing to seek your support for major legislation to prevent cancer and other occupational diseases: H.R. 1309/S. 2050—The High Risk Occupational Disease Notification and Prevention Act. I believe enactment of the legislation is critical to the goal of disease prevention.

A recent well-publicized study published on May 8, 1986 in the New England Journal of Medicine confirmed what many scientists and physicians have been saying: that cancer is caused, by and large, by agents in our environment, and that to reduce the number of cancer deaths (more than 400,000 this year) we must direct our efforts and resources toward prevention rather than the almost total reliance on treatment of cancer once it appears.

Until 1960 cancer was viewed by many as one among a number of diseases of life which occurred inevitably with age. Two concurrent experiences changed that perspective. First, statistics from different countries showed varying cancer rates. For example, higher levels of stomach cancer existed in Japan than in our country. Colon cancer was found to be high in the U.S. uncommon in Rumania. There were many more examples all of which had two possible explanations. Either there was something different about the populations in these countries, or there was something different about the way they lived.

Secondly, in a series of occupational circumstances, various chemicals, dusts and radiation were found to cause cancer. Liver cancer was found in Louisville, Niagara Falls, Midland and South Charleston from exposure to vinyl chloride; benzidine in dye plants produced bladder cancer; mesothlioma followed asbestos exposures; benzene, chromium, bischloromethyl ether, betanapthylamine, arsenic, and others were found to cause cancer in mine factory and refinery workers.

Thus, as early as 1965, there was growing appreciation that most cancers were environmental in origin. More than 20 years later this realization has been confirmed and reconfirmed a thousand times. To reiterate what has become a virtual truism—cancer is a disease more easily prevented than cured. The question is how?

The Congress has taken the first steps: the regulatory apparatus to prevent environmental disease by preventing exposure is in place. The laws, and the agenices to implement these laws, exist. Only the will is needed to put them to use.

The second step has not been taken and is long overdue. When our regulatory efforts are too little or too late, and exposure has unhappily occurred, there is still often time to prevent the disease. Even before disease actually appears, a chain of events takes place during the incubation ("latency") period that can often be broken. And, if disease does occur, if we detect it early enough, we often are able to reduce suffering and prolong life.

To take that second step requires that those exposed (workers) be informed that they are at risk, and directed to appropriate resources for medical assistance and counseling. Also, there needs to be adequate resources in place that are prepared to accept a responsibility that may extend over the entire life of the worker (and sometimes his family).

Congress now has the opportunity to take action on behalf of millions of workers already known by the government to be at serious risk of cancer and other occupational diseases. The necessary elements for intelligently, efficiently and cost effectively preventing disease are embodied in the High Risk Occupational Disease Notification and Prevention Act, currently pending before the House of Representatives and the United States Senate.

We can prevent much (although unfortunately, not all) cancer if we identify, notify and assist these American workers who have been exposed to carcinogens and other toxic agents in the past and who in, the coming 5, 10, or 15 years, are at risk of occupational disease. This is the crux of the High Risk legislation. At present, there is no established national program to notify current and former employees at identified risk from toxic exposures so that appropriate counseling and medical surveillance can begin to protect their health. In addition to identification, notifcation and counseling, the High Risk bill calls for expanded federal research, training and education to further identify and define worker populations at risk and to improve the means of medical surveillance.

The bill also authorizes and directs certification of occupational and environmental health centers among existing health-care facilities to provide technical support to local medical communities for ongoing medical surveillance of workers at risk. It creates an insurance incentive for the early detection and treatment of occupational disease while establishing a set of protections for workers against discrimination on the basis of their identification and notification status.

With respect to this sizable share of cancers and other diseases arising from workplace hazards, the prospects for successful intervention are promising. It is all the more disconcerting, therefore, that people at high risk are not being sought out, informed and helped to help themselves. The cancers of the 1990s and the 21st Century are being initiated now and we are doing very little to prevent them. We should not abandon to unnecessary death and disease thousands of working men and women—and sometimes their children.

Your support for the High Risk Occupational Disease Notification and Prevention Act can make a tremendous advance toward the prevention of cancer and other work-related diseases.

Respectfully yours,

IRVING J. SELIKOFF,
*Professor Emeritus, Mt. Sinai School of Medicine of the City University of New York.*

## IS BIPARTISANSHIP IN FOREIGN POLICY MAKING A COMEBACK?

### HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, August 5, 1986*

Mr. RICHARDSON. Mr. Speaker, one of the leaders of the House on foreign policy, our colleague, IKE SKELTON, has contributed an outstanding piece that I commend to my colleagues.

It is positive, insightful, and a presentation for the future.

IS BIPARTISANSHIP IN FOREIGN POLICY MAKING A COMEBACK?

(By Ike Skelton)

Recently, the House of Representatives voted 221-209 to provide $100 million in military and humanitarian aid to the Nicaraguan democratic resistance, the contras. At the same time it voted to provide $300 million in extra economic assistance to the four democracies of Central America—Costa Rica, Honduras, El Salvador and Guatemala.

Fifty-one Democratic members supported the Bipartisan Edwards-Skelton amendment, including a number of members who had voted against aiding the contras in March. The bipartisan support for a strong Central American policy was not limited to the 51 Democrats but also included other Democrats, many of whom supported the proposal of my Democratic colleague from Oklahoma, Dave McCurdy, which was similar in important respects to the measure which passed. An indication of this broader support was a subsequent amendment that sought to provide only refugee assistance of $27 million. Seventy-two Democrats opposed that amendment.

This last debate on Nicaragua indicated an important development—the re-emergence of a bipartisan consensus on foreign policy. Like the first buds hinting at the coming of spring, this vote on aid to the contras might herald the restoration of the bipartisan consensus that existed prior to Vietnam.

It is a development that we—in the Congress and in the administration—would do well to encourage for the benefit of the nation and those around the world who hope to live in peace and freedom.

On March 12, 1947, President Harry Truman addressed a joint session of Congress and declared "that it must be the policy of the United States to support free peoples who are resisting attempted subjugation by armed minorities or by outside pressures." The policy of containment enunciated in this speech served this country well over the course of the next two decades.

Western Europe and Japan, devastated by the Second World War, prospered both economically and politically under U.S. protection. A large peacetime military, the creation of the CIA, a unified Department of Defense, NATO, the Marshall Plan, were

just some of the dramatic changes that came about as a result of a bipartisan consensus that fought isolationists of the left and right. The United States decided to assume the responsibilities and burdens of its status as a world power. The leaders of that era had learned the hard and bitter lessons of an earlier generation: Isolationism did not guarantee peace; appeasement only encouraged dictators.

In Vietnam, however, we misapplied the policy of containment. Europe was, and remains, vital to the security of the United States; Vietnam never was. President Kennedy was right when he said that in the final analysis it was their war to win or lose. Our efforts in Vietnam should have been confined to providing support, but not taking on the fight ourselves. The years after 1965 witnessed the progressive unraveling of the consensus on foreign policy that had existed between the two parties. We all know the tragic outcome—58,000 Americans killed, South Vietnam and Laos brought under communist rule, and a holocaust perpetrated on the people of Cambodia.

Our frustrating experience in Vietnam resulted in an important transformation at home—the loss of self-confidence, of national purpose, by Americans about their country's role in the world. This loss of self-confidence was followed by communist victories in Angola, Ethiopia, Mozambique and Nicaragua. The dramatic successes of the 1940s and '50s in Europe and Japan were followed by setbacks in the Third World in the 1960s and '70s.

Today, a number of us in the Democratic Party are involved in an effort to re-establish that bipartisan consensus on matters of foreign policy that existed prior to Vietnam. This is mostly a matter for Democrats to hash out. It was in the Democratic Party that the great debate over Vietnam was fought, pitting those sharing George McGovern's world outlook against those sharing the outlook of Truman, Kennedy and Johnson.

We are making headway. The recent vote in the House is an example of the progress. It was at the insistence of House Democrats that the administration found $300 million in unobligated foreign aid appropriations for the four democracies of Central America. Our Republican colleagues in the House supported us on this matter. It was House Democrats who wanted tough language that would expel any resistance group found violating human rights, smuggling drugs or misappropriating funds. Once again, our Republican colleagues supported us on this matter. It was House Democrats who insisted that groups left out in the last year's humanitarian aid effort, the Indians and the Southern Opposition Bloc, be included this year. Once again, our Republican colleagues supported us.

While we are not completely over the Vietnam syndrome of the 1970s, we are making progress. Putting together a workable plan to promote democracy in all the countries of Central America will help us put together the bipartisan coalition on foreign policy that proved so successful in the 20 years after World War II. Until we put that coalition back together, sustaining any long-term policy on Central America will be difficult, if not impossible.

## AFRICA MOVES TO HELP ITSELF


### HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES


*Tuesday, August 5, 1986*

Mr. SCHEUER. Mr. Speaker, we are all aware of the terrible plight of sub-Saharan Africa.

Besides the recent and tragic famine, today's Africa is beset by many serious problems: overpopulation, deteriorating infrastructures, lagging economic development, intermittent warfare, and widespread environmental despoilation.

However, I speak today with a degree of renewed hope and optimism based on my experience at the first All-African Conference on Population and Development, which was held in Harare, Zimbabwe, from May 11 to 16.

At this conference, parliamentarians from 31 African countries and representatives from another 10 African nations which lack parliaments, came together to discuss the implications of uncontrolled population growth to development hopes and aspirations of all kinds. This was the first conference held by Africans to discuss the critical problem of the population explosion in Africa. It demonstrates that African leadership finally appears ready to take responsibility for its excessive rate of population growth.

Over the next several days, I plan to introduce into the record several of the statements made at this conference. Today, I am including the resolutions and declarations that were unanimously adopted by the conference.

ALL-AFRICA PARLIAMENTARY CONFERENCE ON POPULATION AND DEVELOPMENT

DECLARATION

1. We, the Parliamentarians from 29 African countries, having met in Harare, Zimbabwe from 12-16 May 1986 to address ourselves to the inter relationships between Population and Development in Africa;

Having reviewed and endorsed the different recommendations arising from various conferences, including the 1984 Kilimanjaro Programme of Action for African Population and Self Reliant Development, the Mexico City Declaration of Population and Development, and the Action Plan adopted at the International Parliamentary Assembly on Population and Development in Mexico, 1984;

Having taken stock of Africa's development needs and resources in relation to its population and having analyzed and discussed our continent's food and agriculture; environment; health, mortality and fertility; education; employment, and migration;

Aware that current and projected population growth rates frustrate the achievement of our economic and social goals in these areas;

Aware also that as elected representatives of the people, we have a unique role to play in the population and development process, which includes not only our responsibilities as law makers but also our role as leaders of public opinion at the national and at the local level.

2. Pledge ourselves to provide leadership, and to support our governments and people in efforts to improve the quality of life to our citizens. We dedicate ourselves specifically to introducing legislation, educating and promoting programmes to:

Improve health care, utilizing the primary health care strategy with emphasis on services for women and children and with particular attention to implementing rapidly the child survival strategy consisting of: growth monitoring, oral rehydration, breast feeding, immunization, female education, food supplementation, and family planning;

Introduce and strengthen programmes of family planning information and services, including those of government, non government organisations, and the private sector;

Provide realistic and relevant approaches to education that will impart skills especially in agriculture and rural development and emphasize the dignity of labour. This should include population and family life education within and at all stages of the formal school system and outside of it.

Improve the status of women through increased educational and employment opportunities, elimination of laws (and social practices) that discriminate against women, and, where it is not already the case, ratification of the U.N. Convention on the Elimination of All Forms of Discrimination Against Women.

Adopt realistic migration policies that respect the human rights of migrants and recognise the contributions of migrants to both sending and receiving areas. Refugees, as one category of migrants, deserve special attention, and governments should consult each other to find solutions to the refugee problem.

Strive to achieve self sufficiency in food production in Africa by improved land management and increased financial and technical investments in the agricultural sector, and improvement in intra African trade.

Protest and restore the environment and adopt national conservation strategies that endeavour to maintain a balance between natural resources and the demands of current and future generations.

Formulate and implement national population policies and programmes that attempt to decrease the high rates of population growth in Africa in order to help attain a balance between the needs and opportunities of our people on the one hand and the available resources on the other.

3. To continue the work begun at this All Africa Parliamentary Conference on Population and Development and to ensure that the articles of this Declaration are carried out, we further pledge ourselves:

To establish a permanent African Council of Parliamentarians on Population and Development to continue to mobilize national, continental, and global support for population and development issues in Africa, to coordinate the activities of national parliamentary groups and to promote collaboration and exchange of experience among them, and to monitor implementation of the declaration adopted at this conference.

To establish in those countries with operating parliaments, national parliamentary groups on population and development which will be affiliated with the African Parliamentary Council on Population and Development.

The Conference also expresses thanks to the International Community (U.N. and its related Agencies, bilateral government agencies, International N.G.O.S.) for their sustained interest and help in the field of Population and Development in Africa which we hope will continue and increase.

The Conference expresses its special gratitude to the Global Committee of Parliamentarians on Population and Development for

co-sponsoring the Conference and for providing the technical and financial support.

RESOLUTION

We the All Africa Parliamentarians, having met in Harare, Zimbabwe from 12-16 May 1986 to address ourselves to the inter relationships between Population and Development in Africa, having reviewed the different recommendations arising from various conferences, including the 1984 Kilimanjaro Programme of Action for African Population and Self Reliant Development, the Mexico City Declaration of Population and Development, and the action plan adopted at the International Parliamentary Assembly on Population and Development in Mexico, 1984, being desirous that policy makers and legislators in Africa continue to hold the issues of Population and Development in the forefront resolve that:

1. There be instituted a permanent Council of African Parliamentarians, on Population and Development to continue to mobilise national, continental and global support for population and development issues in Africa and to monitor implementation of the Declarations adopted at this and other conferences on Population and Development held within and outside Africa.

2. An Interim Committee be constituted at this Conference to formulate a constitution and rules of procedures and take other steps necessary for the establishment of the said Council of African Parliamentarians on Population and Development.

3. * * * for this Conference be elected as Interim Committee for a period of twelve months or up to the adoption of the constitution for the proposed permanent council of African parliamentarians on Population and Development which ever is the earlier.

4. For the purpose of continuity and efficiency, the Secretary General elected at the Harare All Africa Parliamentary Conference (1986) continue to hold this office as the Secretary General of the interim Committee.

5. All countries in Africa with Parliaments, be requested to establish National Parliamentary groups on Population and Development, as a matter of urgency, which will be affiliated to the proposed African Parliamentary Council on Population and Develoment.

6. The Global Committee of Parliamentarians on Population and Develoment provides the Interim Committee with the necessary assistance for the implementation of this resolution.

7. Cooperating agencies such as UNDP, UNFPA, UNICEF, WHO, UNCR, HABITANT, World Band and IPPF continue to provide technical and financial support both at the national and regional level.

8. All governments and private donors be requested to continue to support parliamentary activities in each country and through the African Parliamentary Council on Population and Development.

The following African Parliamentarians are hereby elected to constitute themselves into an Interim Committee of the African Parliamentary Council on Population and Development:

Angola, Mr. Gelim Paim.
Botswana, Mr. P. Balopi.
Cote D'Ivoir, Mrs. M. Achi Ahou Ya.
Gambia, Mr. Sadjo Touray.
Kenya, Mr. Kimani wa Nyoike (Secretary General).
Liberia, Mr. Tuan Wreh.
Madagascar, Mr. J.L. Ramandriarisoa.
Mali, Mr. Moussa Touré.
Rwanda, Mr. Fidele Ntuyenabo.
Senegal, Dr. Moustapha Touré.
Swaziland, Mr. E.G.F. Magagula.
Tanzania, Mr. A.C. Tandau.
Togo, Mr. Adja Bandja.
Tunisia, Mrs. Fathia Mzali.
Zaire, Mr. Maneng Ma Kong.
Zambia, Mr. L. Mulimba.
Zimbabwe, Mr. P.A. Chinamasa.

## JUSTICE HERE AND ABROAD

### HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, August 5, 1986*

Mr. LELAND. Mr. Speaker, I encourage my colleagues to read the following address by Paul Kirk, the Democratic National Chairman, which he gave before the National Bar Association on July 28, 1986.

In his address Mr. Kirk reiterates the strong commitment that the Democratic Party has had—and will continue to have—for justice here in the United States and abroad, including South Africa.

If we, as Members of Congress, are sincere in our desire to achieve justice and equality, we have to be able to go beyond rhetoric into legislative action. Mr. Kirk's words concisely and truthfully address this necessity. I urge all my colleagues to read this important address.

ADDRESS BY DEMOCRATIC NATIONAL CHAIRMAN, PAUL G. KIRK, JR.

I want to thank President Gray for his generous introduction. And I also commend your President-Elect Tom Broome.

As I travel the country, people ask, "Isn't it tough to be a Democrat these days?" But, each day that goes by, my response comes a little easier. You and I were schooled to understand and practice justice in its true meaning.

Last week in the nation's capital, the Republican President and the Republican Attorney General rejoiced as the Republican Vice President cast the deciding vote with the majority of the Republican Senate to support, through a public display of bargain basement judge-swapping, the appointment of their nominee to the Seventh Circuit Court of Appeals.

Last week as well, the government in Pretoria applauded as the same Republican Administration, by its passive and pathetic response, condoned the continued racial repression of a majority of citizens in South Africa.

Last week, your definition, my definition, America's definition of true justice was stained here at home and around the globe by the Republican Party.

So to those who ask if it is tough to be a Democrat these days, my reply it, "It is not tough to be a Democrat—it is essential to be a Democrat if America's definition of true justice is to be restored."

And it is essential to elect more men and women who share our understanding of justice. And so last week, it was my pleasure to be in the Second Congressional District of Mississippi, campaigning for Mike Espy whose election will make history for that State. We need Mike Espy's voice in the Congress, and he needs your help in order to be elected. so I ask you to be generous with your resources on Mike Espy's important campaign.

It is a special pleasure for me to be here this week as a guest of the organization which for over 60 years has been America's legal conscience. From the very beginning, the National Bar Association has been at the forefront of America's struggle for civil rights, equal justice under law, and human rights around the world. More than ever today, we need you in that battle—we need your conscience, your commitment, and your leadership.

For the progress we have made together in the past three great decades of action on civil rights is now at greater risk than at any time in those extraordinary years of hope and action. To a large extent, that progress was bipartisan. But when the going got tough on school desegregation in the 1950's, on voting rights in the 1960's, and on social and economic justice in the 1970's, it was the Democratic Party that heeded the call to a just society and advanced the greatest dream of all—one America for all Americans, regardless of their race or sex or the country of their birth.

But the 1980's have been different. These years have become a decade of retreat on civil rights. A Republican Administration and a Republican United States Senate are rolling back the clock on the brilliant initiatives and majestic achievements of Martin Luther King, Roy Wilkins, Fannie Lou Hamer, and Whitney Young. Instead of advancing the cause of economic equity central to the lives and the very future of America's working men and women, the Democratic Party is struggling to hold the line, and to halt the unconscionable attempts of those who should know better in high places, yet who seek to reverse the hard-won successes of the past.

I am here today to urge your strongest possible support for the election of a Democratic Majority in the Senate in 1986 and a Democratic President in 1988. We need a Senate that stands for equal justice in America and throughout the world. Instead we have a Republican Senate that is wrong on civil rights in this country, wrong on apartheid in South Africa, and wrong on all the other issues of social justice where America can and should be doing better. And we need a President who will help us lead that fight, instead of urging us to sound retreat.

We should not have to refight in the 1980's the famous battles that were won with so much difficulty in the 1960's and 1970's. We should not have a Senate that attempts to undermine the Voting Rights Act. We should not have a Justice Department that believes affirmative action is unconstitutional. And why should we have to settle for a nominee as Chief Justice of the United States a man who defends tax credits for segregated schools, who thought *Brown* v. *Board of Education* was wrongly decided in 1954, and who did his best to intimidate Black and Hispanic American voters in Arizona in 1960?

I share the concern of the NBA about the failure of the House and Senate to pass legislation to remedy the Supreme Court's unforuante decision in the Grove City College Case. When a school or hospital or any other public or private institution receives federal funds and engages in discrimination because of sex or race or age or disability, all federal aid to that institution should be cut off—not just funds for the narrow program involved in the discrimination. The House of Representatives passed far-reaching legislation to reinstate that fundamental principle—and it should never have been permitted to die at the hands of a Republican filibuster in the Republican Senate.

With the Democratic Senate we elect in 1986, we will break that filibuster next time and pass the Civil Rights Restoration Act. The use of federal aid to subsidize discrimination in any way, shape, or form is wrong, and it is time we had a Democratic Senate again to put that issue right once and for all.

We also need a Congress able and willing to challenge this Administration's unacceptance retreat on affirmative action. Every President since Franklin Roosevelt, Republicans and Democrats alike, have supported these requirements for equal employment opportunity—but not this Republican President and not this Republican Administration. The current standards for affirmative action recommended in the late 1960's to the Nixon Administration by a group of 350 corporations. Their proposals, including the "management by objectives" concept of goals and timetables, were included in the historic Department of Labor regulations in 1970, and they have remained substantially unchanged since that time. They are widely accepted—and widely effective—and they deserve to be continued.

Contrary to the distortions of Ed Meese and Brad Reynolds, the Executive Order on affirmative action explicitly prohibits the use of quotas. Department of Labor studies published during the Reagan Administration demonstrate conclusively that goals and timetables have not led to quotas. If isolated incidents are found involving quotas, all the Administration has to do is enforce the law and punish the offenders. But that is not excuse for their unseemly effort to emasculate the current order.

The debate over quotas is nothing more than a right-wing smokescreen to mislead the public. The Exeuctive Order enjoys overwhelming bipartisan approval in Congress; it also has the broad support of the National Association of Manufacturers, the Business Roundtable, the civil rights community—and most of all, the American public.

Last year, a Harris Poll reported that by a record margin of 75 to 21 percent, the American people support federal affirmative action programs for minorities, and women, provided there are no rigid quotas. And if Ed Meese does not understand the message, the Democratic Senate we elect in 1986 will send it to him in a new form he can't mistake—tough new civil rights legislation that makes affirmative action not just an executive order, but a public law binding on the Executive Branch of Government.

I am also proud to know that the NBA supports the current effort in the House of Representatives to defund the Civil Rights Commission. Sometimes I think we just ought to go ahead and defund the Justice Department, too—or at least apply a little truth in labeling, and change its name from the Department of Justice to the Department of Injustice.

For over 25 years, the U.S. Commission on Civil Rights, founded by President Eisenhower, served as a distinguished independent watchdog on civil rights. But the Commission as we knew it no longer exists today.

Since 1983, when the Commission was reconstituted by this Administration, it has abandoned the historic mission mandated by Congress. Instead of finding facts impartially, it has become a trojan horse in the temple of civil rights, undermining progress from within and advancing the cause of the enemies of equal justice. Today, the Leadership Conference on Civil Rights calls the Commission "the propaganda arm of the Department of Justice." In this time of fiscal austerity, it is a waste of taxpayers' money to fund an agency which has become a "sham and a national disgrace."

But most of all, this Administration displays its true colors on civil rights in appalling position on the great moral issue of our time—ending apartheid in South Africa. Apartheid is 20th century slavery. It cannot be condoned; it must be condemned. This Administration was quick to resort to tough economic sanctions against Poland, Nicaragua, and Libya—and it ought to be equally quick to invoke tough sanctions against South Africa.

I am proud of the Democratic Party and our record on South Africa. The Democratic majority in the House of Representatives, led by Congressmen Ron Dellums and Bill Gray, has already led the way in adopting legislation imposing far-reaching economic sanctions against South Africa. This week, Democratic Senators Ted Kennedy and Alan Cranston will take that legislation before the Republican Senate.

Win or lose this week, the Democratic Party will not rest until apartheid is abolished. America has fought too hard against racism in our land to turn our backs on those who struggle against apartheid in South Africa. Their cause is our cause, and we must demonstrate to all the world that America is a friend, not of apartheid, but of a free South Africa.

In other areas as well, we have unfinished business to advance. Above all, we have an economic agenda of equity and opportunity that builds on achievements of the past, and will lead us to the future with a strong and vital economy.

The economy has become a major issue in 1986, because nothing is more damaging to our dream of a just society than the faltering, deficit-ridden, no-growth economy that the Republican Administration has given us. The pigeons of Kemp-Roth are coming home to roost. The damage is measured every day in rising unemployment, declining growth, recession in basic industry, and depression in ariculture. We cannot and we must not accept a national economic policy that produces harsh results like that and denies the hope of a better life for tens of millions of our people.

The principles at the core of our Democratic alternative on the economy are clear. First, there must truly be genuine opportunity for every American now, tomorrow, and in the future.

Second, every American, not just the economic elite who are rich and powerful, must truly have the chance to share in the American dream.

Third, we must invest in the fundamental areas of national life that offer the truest hope for our country's future. We will not default on our commitment to insist on a secure America. But we will also never default on the equally essential commitment to invest in education, in technology and infrastructure, housing and health care—so that all Americans will have a future of rising opportunity, instead of shrinking hopes and diminished dreams.

The Democratic Party is committed to an American economy that offers a fair chance for every citizen—a genuine opportunity for every American in every state and region of the country to fulfill his or her potential in this land.

We want leaders who will create new partnerships between the public and private sector—with new mechanisms of cooperation to address family, business and community needs. I categorically reject the ideology that regards government as the enemy. Instead, in the New America I see, government will be the catalyst that brings together the rich diversity of our society—business and labor, churches and community organizations, neighborhoods and citizens.

In the New America I see, the public and private sectors will work in partnership for a brighter future of growth and opportunity. This era of reaction and retreat has run its course. The New America I see is waiting in the wings ready for us to begin a new burst of progress and achievement.

In such periods in the past, this country has always turned to the Democratic Party as the engine for progress and constructive change. So I am here to tell you day, "Start your engines, Democrats—the future belongs to us."

We know, of course, that our enduring values will never change. As Chairman of the Democratic Party, I know that we cannot win unless we broaden our base. But, I also know that we will not win if we abandon our base. I know that the Democratic Party cannot sustain itself as the majority party in America if it takes the minorities of America for granted.

To those who see that as the dilemma of the Democratic Party, I reply that talk of any such dilemma is nonsense. At its greatest momements in the past, the Democratic Party has earned your support—and we intend to keep on earning it in the years to come, as we work together for the New America that is now within our reach.

## HOUSE SHOULD VOTE FOR THE TEXTILE WORKER

### HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, August 5, 1986*

Mr. STUDDS. Mr. Speaker, the House of Representatives tomorrow will have the opportunity to extend a lifeline to thousands of American workers whose jobs in the textile and apparel industry are threatened by a flood of cheap imports. By voting to override President Reagan's veto of the Textile and Apparel Trade Enforcement Act, the House will vote in favor of an industry that is forced to compete more and more against goods produced in countries that subsidize textile and apparel production, ban American-made goods, and deny their people basic workers' rights. Should we fail to act forcefullly, and if the current trend of imports continues for 4 more years, some $1.8 million jobs will be lost nationwide.

Edward W. Clark, Jr., of New Bedford, MA—a city I have the privilege to represent—described the choice facing the Congress in this morning's Boston Globe. I commend Mr. Clark's comments to my colleagues as we approach this important vote.

The article follows:

HOUSE SHOULD VOTE FOR THE TEXTILE WORKER

(Edward W. Clark, Jr.)

For eight years Nelson Tabares worked at Berkshire Hathaway, a New Bedford textile company. Last August the company shut its doors, saying it could no longer compete with cheaper imports. For Nelson Tabares

and other immigrants who have come here in search of the American dream, that dream is fast fading.

Tomorrow Nelson and 100,000 New England garment workers will be watching Congress. They will be joined by millions of workers in Southern textile mills. Texas border towns and New York City sweat shops who comprise a $45 billion industry that accounts for one of every eight manufacturing jobs in the United States.

The fate of the industry and the cities of New Bedford, Fall River and others will be determined by a vote of the US House of Representatives to override President Ronald Reagan's veto of the Textile and Apparel Trade Enforcement Act. Congress passed the act, 282-159, on Dec. 3, 1985. Despite strong bipartisan support Reagan vetoed the legislation.

Today the textile industry is in trouble. More and more clothing is produced offshore. Foreign governments offer preferential loans, grants, tax breaks and other subsidies to attract US and other foreign firms. At the same time these countries ban American made products. Some countries have established separate areas for the sole use of foreign firms. Wages paid to foreign workers average one-tenth of those paid to US workers. Repressive governments pass laws outlawing the right to organize unions and the right to strike. Policies such as these guarantee a cheap source of labor to foreign companies in search of a large profit.

Textile imports today comprise 50 percent of the American market, a far greater percentage than imported autos or steel. A Commerce Department paper shows that if the trend of imports continues for four more years, 1.8 million US jobs, $40 billion of the GNP and $8 billion in consumer income will be lost.

Since 1980 more than 10,000 Massachusetts residents employed in the textile industry have lost their jobs. They have not moved on to better-paying jobs. Most have taken lower-paying service-sector jobs. Without strong congressional action, Massachusetts is in danger of losing the more than $770 million payroll the textile industry provides.

American manufacturing is already in trouble as the nation moves to a more service-oriented economy. This struggle to save jobs is a major test in an ongoing political debate over the future of America's industrial base. For union members it is not an idle debate, but a struggle for survival.

The Amalgamated Clothing and Textile Workers Union, other unions and industry are working to save these jobs. Joining the cause is the National Organization for Women, the National Association for the Advancement of Colored People and the National Consumers Union. A June poll conducted by Government Research Corp. indicates 78 percent of the public supports "some sort of action to protect the nation's [textile] industry from unfair trade practices."

The legislation vetoed by Reagan is not a departure from current policy. The act would require the administration to enforce the objectives of the Multi-Fiber Agreement (MFA), the multilateral agreement renegotiated last week under the General Agreement on Tariffs and Trade (GATT).

A Feb. 14 report submitted by Treasury Secretary James Baker admits the failure of the current textile import program. The MFA allows countries to increase their imports to the United States by an annual rate of 6 percent. The Reagan administration has not enforced the MFA. Last week the administration continued to increase South African textile imports, which last year increased by 139 percent from the year before.

Critics say passage will invite retaliation, further endangering our balance of trade. The recent experience of the European Economic Community proves tough restrictions can work without retaliation. A recent study by a Washington law firm found the EEC was able to operate under the MFA and dramatically reduce its level of imports without retaliation. EEC strategy was based on the notion that survival of the basic industry is paramount. Not one nation retaliated. The EEC won an 8 percent rollback of import levels from Hong Kong. In contrast the recent US Hong Kong agreement allows for an increase in imports. The new agreement displaces an estimated 25,000 US jobs.

Consumers have not benefited from imports. Products bought overseas from factories where workers earn as little as 16 cents an hour under intolerable labor conditions are sold for exactly the same price as an equivalent US-produced product.

As US manufacturers cease production foreign manufacturers increase their prices for the same products. Within hours of the last US velveteen manufacturer declaring bankruptcy, Japan announced a substantial increase in its prices for the same product.

Union members are looking to Washington for action. Eight years ago Congress invested in the future of US automakers when it worked to help Chrysler Corp. Although critics cried it was interference in the free market, several hundred thousand jobs were saved. Every other textile manufacturing country in the world has taken some sort of action to protect its workers and jobs. Our country needs to develop a long-range plan to save jobs through balanced trade policies and economic planning so we can guarantee US workers the ability to feed and clothe their families.

## STEVE SOLARZ REPLY TO PRESIDENT REAGAN

### HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, August 5, 1986*

Mr. FRANK. Mr. Speaker, our colleague down from New York [Mr. SOLARZ] is one of the most thoughtful participants in the foreign policymaking process at the national level. He has developed an expertise in international policy which is equalled by few Members of Congress. And he has drawn on that expertise to become a widely respected spokesperson for a sensible foreign policy which genuinely reflects American values.

On July 12, Mr. SOLARZ was selected by the Demorcatic leadership of the House to respond to President Reagan's weekly radio address. Mr. SOLARZ did an excellent job of articulating democratic responses on several of the points at issue and his remarks in response to the President's July 12 radio address follow:

STEVE SOLARZ REPLY TO PRESIDENT REAGAN

[As delivered]

This is Congressman STEVE SOLARZ from Brooklyn. A short while ago, President Reagan eloquently addressed the Nation about the fate of the 2,500 Americans who are still missing in action more than a decade after the end of the war in Vietnam.

I want to assure the President that the Democartic Party stands with him in his determination to achieve the fullest possible accounting of the tragic fate that has befallen our fellow Americans. As much as we would like to put the bitter memories of Vietnam behind us, we cannot write the final chapter in our involvement in Indochina until this issue is resolved.

The return of our MIA's—whether it be the remains of the dead or the bodies of the living—is not a partisan issue, but an American issue. The President deserves credit for making the MIA question a matter of the highest national priority and he can count on our support in this essential effort.

At the same time that we do everyhing possible to bring back those Americans who died and disappeared in Vietnam, we must make equally sure never to send any more Americans to die and disappear in needless and hopeless wars in other foreign lands in the future.

There have, of course, been times in the past, and there may well be situations in the future, where we have no alternative but to use force in defense of our Nation.

For two centuries, we have maintained our independence, and protected our most cherished values, because millions of young Americans were willing to lay their lives on the line for democarcy. And the day may come again when the future of freedom depends on our willingness to take up arms in defense of our most vital national interests.

Yet, by seeking a militay solution to the conflict of Central America, and by failing to address the causes of conflict in Southern Africa, the administration is pursuing policies that make more likely the eventual involvement of American troops in foreign wars that bear no relationship to our most vital interests.

By defining the Sandinistas as a major threat to American security, the President is setting the stage for the introduction of American combat forces into Nicaragua.

For now, the administration is content to arm the Contras. But what will happen when it becomes clear—as it surely will—that the Contras cannot overthrow the Sandinista regime?

Will we then be trapped by our overheated rhetoric?

Will the President tell us than that our only options are to send in the marines or to surrender to a Marxist takeover of Central America?

These are the questions we must confront now—before Americans begin to die and disappear in the jungles of Central America.

The best way of preventing the spread of communism south of our border is not by arming the Contras, but by supporting the democracies of Latin America in their effort to solve the problem at the negotiating table rather than on the battlefield.

In South Africa, the hostility produced by the apartheid system could ignite a cataclysmic confrontation that might easily engulf the entire region. If the flames of war should spread throughout Southern Africa, the United States might well find itself being drawn into an unnecessary and unwanted conflict.

The best way to avoid such a confrontation is to abolish apartheid. Yet, the President's chief of staff, Don Regan, has said that if we impose sanctions against South Africa, American women would no longer be able to buy diamonds. This is an insult to the women of our country who are surely

more interested in removing the shackles of racism than putting on the jewels of repression.

The only way of abolishing apartheid is by putting pressure on the Government of South Africa to negotiate a peaceful solution with the black leadership of their country. Yet, Mr. Regan's statement on diamonds makes clear, the administration's policy is comprised of all carats and no sticks.

Likewise, in arms control, the administration's policy is endangering our interests and jeopardizing our lives. Every President since Dwight Eisenhower, except Ronald Reagan, has concluded an arms control agreement advancing American security.

Surely the Soviets bear a measure of responsibility for the impasse at Geneva. Yet the fact is that President Reagan alone has been unable to achieve an arms control agreement with the Soviet Union. Sooner or later, unless we end the arms race in nuclear weapons, the arms race will end us—and our entire Nation may be missing in action.

And so, on this summer weekend, as we enjoy the beauty of our country and the blessings of freedom, we should pause to remember those—like the brave Americans still missing in action in Southeast Asia—who have sacrificed so much on our behalf. But let us remember as well the need to peacefully resolve those crisis and conflicts abroad that could plunge our Nation into war and lead to even more American dead and missing in the future.

This is Congressman STEVE SOLARZ. Thank you for listening.

## CASTRO, FAIR GAME

### HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, August 5, 1986*

Mr. RICHARDSON. Mr. Speaker, Fidel Castro's atrocities often go unnoticed. Here is an illustration that should rate Mr. Castro alongside Mr. Pinochet and Botha as one of the top despots.

CASTRO, FAIR GAME

(By Stephen S. Rosenfeld)

Each year on July 26, Fidel Castro celebrates the anniversary of the launching of his revolution in Cuba. This year the festivities can be seen in a different light. The price paid by Cuba's legions of political prisoners, who have made Castro the leading jailer in the world, is finally becoming clear.

The person most responsible for this change is Armando Valladares, whose memoir of his 22 years as Castro's prisoner came out here in May, following publication in Europe. "Against All Hope" is a book and a political event. For Valladares is the Cuban Solzhenitsyn, another writer whose report from a revolution's heart of darkness burst through the haze of propaganda, inattention and state debate and brought the West's consciousness to a new place.

As happens, "Against All Hope" has provoked reviews extending beyond the book into the political culture. Many ask how the phenomenon of innocents held in bestial prisons could have existed into the third decade of Cuban communism, yet only now does the general political community start to see it truly.

And only now does the mass of Cubans become concretely aware of the unjust incarceration and inhuman torture of their fellow citizens, thanks to the 10 programs based on the book broadcast to Cuba earlier this year by the American government's Radio Marti.

The American right, to account for the broader public's ignorance of Cuban prisons, pounces on what it sees as the propensity of American liberals to view Castro through rose-colored glasses—for considerations of sympathy, "peace," guilt, radical chic or whatever.

The left, which is embarrassed but perhaps not as much as it ought to be, cites circumstances. For instance, it is suggested apologetically that when the American human rights movement got up steam in the 1970s, its necessary priority was the immediate and gory outrages of right-wing regimes. Others suggest that the few releases of prisoners Castro has recently made, and the current possibilities of negotiating the emigration of other Cuban prisoners, finally sensitized our public to the issue.

It is evident that Ronald Reagan has presided over changes in the political atmosphere that have finally made Castro's crimes both fair and necessary game—and not only for Americans concerned with human rights but perhaps increasingly for Latins, whom Castro is otherwise so ready to instruct in anti-Yankee ways. But there is another consideration, one that goes to the peculiar relationship between politics and literature.

I had lunch with Armando Valladares in 1982 a few weeks after Castro released him in response to an appeal by French President Francois Mitterand. Valladares had written prison poems; the French are good about appealing for poets. Valladares was thin and gaunt, a man of sad eyes and halting speech, quiet and rather calm, strangely dispassionate: a victim of a terrible system, but—how unfair it is to say this about him—not a compelling figure or one with what seemed to me a compelling story. I recall thinking he was still sick and tired and in a strange place; translation added another veil.

Only his book made plain that here was one of the enduring works of prison literature, the century's distinguishing genre: a record of state violence and individual resistance, authentically told, inspiring, unforgettable. Television may be the medium of contemporary politics, but literature conveys the dimension of individual character. The one creates celebrities, the other heroes, like Armando Valladares.

Some in the West still regard Castro as the fun dictator, bask in the glow of six-hour talks with him, consider him someone we all need to understand better. Valladares seems to me to understand him perfectly, and closes his book with a lie Castro told in 1983, while Valladares was rotting: "From our point of view, we have no human-rights problem—there have been no 'disappeareds' here, there have been no tortures here, there have been no murders here. In 25 years of revolution, in site of the difficulties and dangers we have passed through, torture has never been committed, a crime has never been committed."

## EMERGENCY DROUGHT RELIEF BILL

### HON. BUTLER DERRICK

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, August 5, 1986*

Mr. DERRICK. Mr. Speaker, tomorrow the House of Representatives will vote on the emergency drought relief legislation. I rise in strong support of H.R. 5288, and would like to take this opportunity to commend the chairman of the Agriculture Committee as well as the other committee members for their fine leadership in bringing this measure to the floor in such an expeditious manner. I would also like to express my appreciation to Chairman DE LA GARZA for allowing me to have input into the recommendations reported by the committee.

The Southeast is experiencing its worst drought in 100 years. Rainfall in my home State of South Carolina is some 15 to 20 inches below normal since the first of the year. Compounding this situation are the recordbreaking temperatures.

These conditions are expected to cause $200 million in crop losses in South Carolina alone. Our cattle and dairy producers are facing a very critical time. Pastures have dried up, feed is scarce, and the livestock is starving. As a result, the State's livestock markets are being flooded with cattle as farmers take to slaugther those animals they can no longer feed.

The Southeast is truly suffering, and it is heartwarming to note the voluntary assistance that is being offered. Over the last several weeks, our farmers have seen and felt the generosity of others all across the country through donations of hay, money, and manpower. Governors, State agriculture departments, and transportation companies have all joined together in the relief effort. This help is greatly appreciated.

Just last week the Secretary of Agriculture declared that all but two counties in South Carolina have sustained sufficient losses to warrant a disaster designation, triggering the general disaster relief laws. While low-interest FmHA loans will help, the fact of the matter is many of our farmers are in such dire straits that they just can't afford to take on any more debt. The Secretary has also announced that USDA will take some additional steps to aid the drought-stricken farmers, but it is my firm belief that we can do more.

H.R. 5288 will expand on existing authorities to meet the needs of our farmers. The bill will provide for an emergency livestock and poultry feed program, disaster payments and a delay in payments of the dairy assessment program. This measure will go a long way in addressing this desperate situation. In addition, it will insure that we have in place emergency steps should other areas be hit by similar drought conditions or by floods.

I wish to stress to my colleagues the seriousness of this matter in my region of the country. H.R. 5288 is vital to the livelihood of all of our Nation's farmers, and I urge my colleagues to join me in the bipartisan adoption of this legislation.

## AMERICAN SEATING CO. CELEBRATES CENTENNIAL ANNIVERSARY

### HON. PAUL B. HENRY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, August 5, 1986*

Mr. HENRY. Mr. Speaker, it is a pleasure today for me to offer special congratulations to one of the largest manufacturers of public seating in the world, the American Seating Co., of Grand Rapids, MI, as it celebrates its centennial anniversary on September 6, 1986.

The company had its beginnings 100 years ago as the Grand Rapids School Furniture Co., founded by Gaius Perkins, who was at that time the president of the Grand Rapids School Board. Concerned about the comfort of the public seating in schools, the company made its start with school desks and chairs. By 1888, the Grand Rapids School Furniture Co. had multiplied sevenfold employing 350 workers, and by 1892 it ranked as the top seating manufacturer in the world. By 1899, the company merged with 18 of the largest manufacturers of seating in the United States and was renamed the American Furniture Co. A consolidation in 1920 resulted in changing the company name to the American Seating Co.

Most recently, American Seating has concentrated its efforts on its rapid expansion in the office furniture business, and is now a leading supplier of interior systems furniture for the office and technical markets.

Over the past century American Seating has experienced tremendous growth, and has created employment opportunities for a great number of people. In 1886, the company employed approximately 50 workers in the Grand Rapids area, and today it employs over a thousand people distributed over most of the 50 States, Canada, and other foreign countries.

The philosophy of the American Seating Co. was developed in 1920, and is still valid today.

Superiority in products and in service, absolute dependability in every article sold and in every statement made in selling it: these are the foundations on which American Seating is built . . . The highest loyalty of every member of the organization lies in faithfully guarding these foundations.

American Seating is a company which has developed a reputation for serving its customers, shareholders, and employees with high commitment. Mr. Speaker, and colleagues, I ask you to join with me in congratulating the American Seating Co. for its success over the past 100 years, and in wishing them another 100 years of good fortune.

## WALTER MALICKI, OF HOLLYWOOD, FL, RESCUES TWO PERSONS INVOLVED IN A POTENTIAL EXPLOSIVE COLLISION

### HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, August 5, 1986*

Mr. SMITH of Florida. Mr. Speaker, today I want to pay a special tribute to Walter Malicki, of Hollywood, FL, in recognition of the heroic act he performed on June 26, 1986.

In a country where people often forget about helping others, it is important to recognize those who risk their lives for the safety and health of others. I, therefore, would like to commend Mr. Malicki for his brave and courageous actions.

Mr. Malicki, a resident of my district, exhibited true bravery by rescuing two people involved in a potentially explosive car and truck collision. After sighting the collision and recognizing the emergency, Mr. Malicki used proper judgment and awareness in rescuing a truck driver, who was trapped inside his vehicle, after the truck collided with the car and proceeded to careen into an electric pole. Mr. Malicki then went to the second vehicle and decided to not make any attempt to remove a woman from her car fearing any action might result in additional injuries to the driver. Instead, he quickly removed the battery cables in order to eliminate a possible electrical short which might result in an ignition spark. Hollywood Fire Rescue arrived and removed the victim from the vehicle. Hollywood Fire Chief Jim Ward praised Malicki for acting with intelligence and sensitivity. Mr. Ward also said that:

A hero isn't someone who happens to be at the right place at the right time. A hero is someone who performs an act of courage by doing the right thing at the right time.

I feel Mr. Malicki deserves special recognition for his actions. The quick, clear, and precise actions taken by Walter Malicki are exceptional. Mr. Malicki demonstrated true bravery and has merited all the heroic adjectives for his actions.

## CRISIS WITH OUR TRADE IMBALANCE

### HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, August 5, 1986*

Mr. GALLO. Mr. Speaker, I would like to address my colleagues who will be voting tomorrow to sustain the President's veto of H.R. 1562, the Textile and Apparel Trade Enforcement Act of 1985.

We are all fully aware that this country is facing a crisis with out trade imbalance and it is clear that action must be taken to reduce this damaging deficit. The uncertainty arises over what should be done in order to reduce this imbalance.

I do not believe that H.R. 1562 is the answer. I believe that this bill is a short-term measure that would invite retaliation from our trading partners.

I believe that an aggressive approach is needed on the part of the U.S. Government to enforce America's rights under the existing and future trade agreements. The recent textile trade agreements between the United States, Hong Kong and Taiwan and the renegotiation of the Multi-Fiber Arrangement in Geneva, Switzerland, represent an opportunity for the administration to start over with a clean slate. If the provisions in these agreements are strictly enforced by the administration, then I believe that we can get the trade deficit under control.

Agreements are only as good as their enforcement. Those of us who are voting to sustain the President's veto of H.R. 1562 are doing so with the hopes that these new agreements will be strictly enforced.

It is my belief that the trade imbalance, if not corrected, could be the Achilles' heel with regard to our economic future and manufacturing capability. I have sent a letter to the President stating the above and I ask that my colleagues urge the administration to strictly enforce our rights to fair and open trade as well.

## I'M THE SAME OLD FLAG

### HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, August 5, 1986*

Mr. RICHARDSON. Mr. Speaker, recently I attended an inspirational service at the Temple Baptist Church in Santa Fe, NM, at which our patriotic spirit as a nation was extrolled.

This outstanding service contained a recitation of "I'm the Same Old Flag" which brought tears to the eyes of many in the audience. The organizers and parishioners of the church should be commended for putting together such an outstanding service.

I'M THE SAME OLD FLAG

Hello! Remember me? Some people call me Old Glory, others call me the Stars and Stripes; I have also been referred to as the Star Spangled Banner. But, whatever they call me, I am your Flag, or, as I proudly state . . . the Flag of the United States of America. There is something that has been bothering me, so I thought I might talk it over with you . . . because it's about you and me.

I remember some time ago, I think it was Memorial Day, people were lined up on both sides of the street to watch the parade. The town's high school band was behind me, and naturally, I was leading the parade. When your daddy saw me coming along, waving in the breeze, he immediately removed his hat and placed it against his left shoulder so that his right hand was directly over his heart. Remember?

And you. Yes, I remember you. Standing there straight as a soldier. You didn't have a hat, but you were giving the correct salute. They taught you in school to place your right hand over your heart. Remember little sister? Not to be outdone, she was saluting the same as you. Oh, I was very proud as I came down your street. There were some soldiers home on leave and they were standing at attention giving the military salute. Also, some V.F.W. veterans with

their caps at jaunty angles were saluting smartly. Ladies as well as the men, paid me the reverence I deserve.

Now I may sound a little conceited. Well, I am. I have a right to be, because I represent the finest country in the world . . . The United States of America. More than one aggressive nation has tried to haul me down, but they all felt the fury of this freedom loving country. Remember . . . many of you had to go overseas to defend me.

What has happened? I'm still the same old Flag. Oh, I've had a couple more stars added since you were a boy. A lot more blood has been shed since that Memorial Day parade long ago. Dad is gone now. The home town has a new look. The last time I came down your street, I saw that some of the old landmarks were gone, but in their place, shining majestically in the Sun, were a number of new buildings and homes. Yessir, the old home town sure has changed.

But now . . . I don't feel as proud as I used to. When I come down your street, you just stand there with your hands in your pockets and give me a small glance, then look or turn away.

When I think of all the places I've been . . . Anzio, Guadalcanal, the Battle of the Bulge, Korea, and Vietnam; I wonder what's happened? I'm the same old flag. But now I see children running around and shouting as I pass by. They don't seem to know who I am. I saw an old man take his hat off, and then look around. He didn't see anybody else with theirs off, so he quickly put his back on.

Is it a sin to be an American partriot anymore? Have you forgotten what I stand for? Have you forgotten all the battlefields where men fought and died to keep this Nation, your Nation, free? When you salute me, you are actually saluting them.

Take a look at the memorial honor rolls sometime. Look at the names of those who never came back, and are resting 'neath white crosses on a far away shore. Some of them were friends or relatives of yours . . . maybe even went to school with you. That's who you're saluting . . . when you revere me.

Well, it won't be long until I come down your street again. So when you see me, stand straight, place your hand over your heart, and you'll see me waving back. My salute to you. I'll show you that I, too, remember!

## A TRIBUTE TO SYBIL N. CROOKHAM

### HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, August 5, 1986*

Mr. COELHO. Mr. Speaker, I would like to take this opportunity to honor one of my constituents, Sybil N. Crookham, whose life of leadership and public service is regarded in the highest esteem by her community.

Sybil Crookham taught at Winton School in Winton, CA, from 1934 until 1974, serving as principal from 1948 until 1974. Mrs. Crookham is the founder of the Winton kindergarten system. Although she has retired, she has remained active in school affairs as a current member of the school site committee.

Her former students and colleagues have nothing but the most laudatory comments about Mrs. Crookham, saying she has "amazing energy" and is "one who will never grow old." Her concern for her students extended beyond the classroom. She would provide shoes and other necessities when her students could not afford them.

Now, as the community of Winton honors Mrs. Crookham by renaming Winton School as the Sybil N. Crookham School, I would like to join the community of Winton in saluting her life of public service and her commitment to our Nation's most special resource—our children. Sybil Crookham is certainly a special individual.

## A COMMONSENSE APPROACH TO PORNOGRAPHY

### HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, August 5, 1986*

Mr. BENNETT. Mr. Speaker, I include in the CONGRESSIONAL RECORD at this point, a stimulating and helpful article from a recent edition of the Washington Post written by Representative JIM COURTER, one of the most able Members of Congress, in my opinion. I particularly congratulate him on dealing so thoughtfully with the difficult question of pornography. He puts his finger on the heart of a problem in pointing out that the real harm is not to the body, but to the character of human beings. He echoes the concern of every parent that the children of the next generation may have a reasonable chance to live as normal and joyful individuals with clean and wholesome lifestyles. There are people who for personal financial gain, attempt to destroy that opportunity. That is a real tragedy. As Representative COURTER so ably states, the real tragedy is in the destruction of character. His article reads as follows:

[From the Washington Post, July 13, 1986]

A COMMON-SENSE APPROACH TO PORNOGRAPHY

(By Jim Courter)

The Meese commission's lengthy report on pornography is disappointing in the most important respect. Convinced that its findings would be less controversial if it focused on physical danger, the commission attempted to connect pornography with personal violence.

This is unfortunate because sociological evidence is always ambiguous. A 1970 pornography commission found no connection. "As we in 1986 reexamine what was done in 1970," the report says, "so to do we expect that in 2002 our work will similarly be reexamined." Building their case on the sands of social science, the commissioners will not complain if their proposed solutions are repealed in 15 years.

Right-wing extremists think you can end personal violence by bankrupting Hugh Hefner. Left-wing fanatics think democracy means anarchy and everyone doing his or her "thing." But the real case against pornography is not harm to the body, it is harm to character.

Most Americans show a solid common sense on the problem. They worry about their families—how their children grow up, learn to behave and what their character will be. Although parents have influence, their children are mostly watching television or out of the home.

No family can entirely control the forms of entertainment the children are subject to. It is as reasonable to call on the community to help protect the family from pornographers as it is to ask for help against toxic waste polluters or drug dealers. Government exists to secure the conditions for improving the quality of life, and most people recognize that pornography degrades the quality of life.

Government has no place in the bedroom. The bonds of intimacy between two people are delicate; intimacy needs privacy in order to flourish.

The privacy of the bedroom, however, needs to be defended not only against would-be totalitarians—but also against the Larry Flynts; that is, against the threat to intimacy from pornography itself.

Irving Kristol has written that pornography's "whole purpose is to treat human beings obscenely, to deprive human beings of their specifically human dimension." It encourages men and women to look at and treat each other as objects to be used, not persons to be loved. Kristol cites D. H. Lawrence, author of "Lady Chatterley's Lover," who wrote that pornography attempts "to do dirt on [sex]. . . . [It is an] insult to a vital human relationship." By invading the bedroom, pornography, like intrusive government, weakens the ties of love.

What do we mean by the privacy of the bedroom? We mean the ability to express desire and affection out of the sight of anyone else. But pornography makes desire a public spectacle, carried out in sight of the whole world. Those who are concerned about the right to privacy really cannot defend publication ("making public") of the grossly erotic.

Pornography is said to be hard to define. But if so, why do the media have so little difficulty keeping obscene statements out of print and pornographic photos off the airwaves? While the commission's report is ridiculed, no TV network dares broadcast the Meese commission's evidence, even though it is on public record. Like Justice Clark, they know pornography when they see it.

Courts have developed reasonably applicable definitions of "pornography" over many years; it is hard to imagine that anyone ever committed a porn-related crime by mistaking the nature of the material. As Prof. Francis Canavan writes, pornography is no more difficult to define than "negligence" is in the thousands of tort cases juries routinely dispose of.

Constitutional freedom of expression protects the expression of ideas, especially political expression. The First Amendment even protects the individual's right to argue for a different morality, or for no morality at all. But pornography does not present "ideas." According to Prof. Harry Clor, obscene publications "are primarily addressed to the passions, to appetites and probably, to primitive symbolic processes." That's why no Supreme Court majority has ever extended First Amendment protection to pornography.

Can the law uphold standards of behavior? Censorship enthusiasts suppose that morality can be imposed by law. Liberals seem to argue that the law can't accomplish anything at all (contradicting the opinion that the law should eliminate the immorality of racism). The sober view is that the law can support standards, not of sanctity, but of decency.

The Supreme Court's 1973 decisions in *Miller* v. *California* properly point toward

local community control under the states' traditional police powers. Tolerance levels vary, and not every community in the United States will apply the same standard in the same way—Piscataway, N.J., is very different from Greenwich Village or Haight-Ashbury.

While the Meese commission proposes some worthwhile legislative initiatives, legally imposed national standards are virtually unenforceable. Far better than legal restraints, community opinion is the strongest force for decent public entertainment. Retailers and movie theaters are too concerned about their profits to force salacious entertainment on an indignant public.

Indecent cable TV broadcasts are more of a problem. I'm inclined to believe that sponsor boycotts are very effective. There is nothing undemocratic about voluntary economic sanctions against those who pay for junk broadcasts invading the privacy of your home. Civil rights protesters have practiced such sanctions for decades. The matrix of democracy is public opinion, and its expression is what the First Amendment was designed to protect.

Because the family is central to self-government, democracies have an obligation to protect family affection. Discouraging pornographic publications is part of a self-governing people's natural right to sustain their civic character and keep their government free.

## ALPA

### HON. KENNETH J. GRAY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, August 5, 1986*

Mr. GRAY of Illinois. Mr. Speaker, it pleases me to be able to rise and acknowledge a group of men and women who continually provide this Nation and the international community with a dedicated and professional service: our airline pilots. These men and women are constantly engaged in transporting the public safely throughout the world.

The Air Line Pilots Association is recognizing seven of their members for outstanding performance in the face of hazardous circumstances. These men, when faced with danger to their aircraft, their passengers, and the safety of those on the ground responded calmly and professionally to avert disaster and provide for the safe return of their passengers, crew and equipment. Their ability to perform so admirably is a testimony to the high caliber of the individual responsible for American aircraft and to the dedication and training which these men and women possess. The accomplishment of these men is representative of our pilots. I would like to join the Air Line Pilots Association and recognize these men before our August body. As a Member of Congress, I would like to ask that we join in recognizing these men and all the pilots they represent for their courage and professionalism they showed in overcoming a potentially disastrous situation.

Mr. Speaker, I ask all of the Members to join me in saluting: Capt. Jim Robertson, Eastern Airlines; First Officer Gerry Bellmer, Eastern Airlines; Capt. Carl Simmons, Northwest Airlines; First Officer Michael Gadient, Northwest Airlines; Second Officer William Reagan, Northwest Airlines; Capt. Dale Buss, Frontier Airlines; and Capt. Jim McIntyre, TWA.

## CARING ABOUT CHILDREN

### HON. FRED J. ECKERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 6, 1986*

Mr. ECKERT of New York. Mr. Speaker, on August 4, the House of Representatives passed, with my support, S. 140, the Children's Justice Act. This important legislation amends the Child Abuse Prevention and Treatment Act to establish a program to encourage States to enact child protection reforms which are designed to improve legal and administrative proceedings regarding the investigation and prosecution of child abuse cases, especially child sexual abuse cases.

Reforms in the area of child protection are desperately needed as indicated by the fact that 90 percent of all persons accused of child sexual abuse will get off scot-free and of the 10 percent who are convicted, less than 5 percent will serve time in prison. Such a record must be improved as soon as possible.

S. 140 would provide needed protection to our Nation's children. It would establish grants to States to facilitate prosecution and enhance law enforcement efforts at the State and Federal level to prosecute child abuse offenders. The FBI would be required to modify its crime reporting to assist States in the collection of statistics. Funds would also be set-aside to help reduce trauma to children and to establish crisis child care nurseries to provide assistance to parents dealing with child abuse cases.

Mr. Speaker, I insert a copy of my Washington Report for the week of August 3 concering childhood vaccines in the RECORD at this time for the information of my colleagues and others concerned about the childhood immunization program:

[From the Washington Report, Aug. 3, 1986]

CARING FOR CHILDREN

If you care about our country's children, if you are concerned about things that threaten their health and happiness, here's something to think about: the future availability of certain critical childhood vaccines may be in jeopardy.

Congress needs to act to prevent a serious public health crisis. A subcommittee on which I serve—the Subcommittee on Health and the Environment, the subcommittee which recently achieved a major breakthrough in advancing a much-heralded acid rain control bill—is now moving to protect children by insuring adequate availability of life-protecting vaccines.

The prices of many essential childhood vaccines are soaring and the number of companies producing these vaccines is shrinking. For example, the price of critically important DTP vaccine (D=diphtheria; T=tetanus; P=pertussis) has jumped 1300% in the past five years and only two companies make and distribute it.

It's a problem you don't hear much about in the news, but I think it's a serious problem. I think it's a problem that needs to be better understood and that needs to be addressed by Congress sooner rather than later.

What's going on? Some background:

America has the best national childhood immunization program in the world. Over the past forty years, the occurrence of childhood diseases that are preventable through vaccine inoculations has decreased dramatically, principally because of the widespread use and acceptance of vaccines.

There were 57,000 cases of paralytic poliomyelitis in 1952—versus 4 cases in 1984. Measles dropped from 894,134 reported cases in 1941 to 1,497 in 1983. In 1941 measles caused the death of 2,250—versus 2 in 1983. Diphtheria has been virtually eliminated.

These facts do not mean that these diseases are no longer a threat. What the facts prove is that the vaccines are effective and their continued use is essential.

If we permit immunization levels to fall—and some argue that is starting to happen—infectious diseases such as polio, measles, diphtheria and pertussis could reappear. Farfetched? Exaggeration? No. Great Britain relaxed its immunization efforts and over the last several years paid the price with repeated outbreaks of pertussis.

So what's the problem? The problem is that however wonderful the marvels of medicine may be, none of our vaccines is perfect; sometimes there are adverse reactions.

For example, oral polio vaccine has virtually eliminated paralysis due to wild polio virus—but each year we experience 5 to 10 cases of paralysis caused by reacton to the vaccine itself. The DTP vaccine may work wonders, but studies show that once in every 310,000 doses given, the pertussis component to the DPT vaccine causes permanent brain damage. Other vaccines commonly used to protect children against measles, mumps, rubella, etc. may also on rare occasions cause serious adverse health problems.

Parents whose children suffer serious adverse reactions from vaccines are not going to take any consolation from the knowledge that, overall, the benefits associated with immunizing our children vastly—vastly—outweigh the risks.

They will derive little solace from the evidence of the past decades which conclusively shows that for every child harmed by a vaccine, hundreds, perhaps thousands, are spared illness or death. No, those unfortunate few are going to sue. That's perfectly understandable.

The lawsuits are mounting. Huge settlements are leading insurance companies to review their liability policies. Premiums are increasing. Coverage is being reduced. Policies are being cancelled altogether. Some vaccine manufacturers have already ceased producing their products because they concluded the liability risk is too great.

I am not suggesting that we are facing an immediate public health crisis. What I am suggesting is that there are danger signs on the horizon and now is the time to take action to prevent a future serious public health crisis. I am not suggesting that the outlook is bleak and we are going to be seeing recurrence of diseases that we thought were under control. What I am suggesting is that there is a clear need for vigilance. The problem needs some preventive medicine from Congress.

Congress needs to deal with the problem of vaccine liability to help insure that there will be a stable supply of childhood vaccines. The way to do that is to help the children and their families who are the unfortunate victims of childhood vaccine-related

injury by making it easier for them to bear the burden of medical, rehabilitative and other expenses resulting from such rare and unavoidable injury.

To help those children and their families—and to help protect all children by insuring a stable supply of essential childhood vaccines—I have joined in cosponsoring "The National Childhood Vaccine Injury Act of 1986" and recently helped conduct a special Congressional hearing on this important issue.

Our bill is an attempt to curb the litigation explosion, and by so doing ease the price pressure on vaccines, through the establishment of a National Vaccine Injury Compensation Program. It helps insure prompt and adequate compensation for those unfortunate few who are injured by rare unpreventable reaction to vaccines.

A Master appointed by a Federal Court would determine causation and damages of a claim for vaccine injury. The determination would be based on a pre-established table of injuries prepared by medical experts. The fund would be financed by a per-dose excise tax and there would be quarter of a million dollar cap for non-economic damages. A family dissatisfied with the disposition at this level would be free to file suit in court, where damages would not be capped, but where certain product liability defenses would be afforded the defendants.

This whole issue of dealing with vaccine liability and trying to insure an adequate supply of essential vaccines at reasonable costs and provide just compensation for the injured is not one of those issues that you and I read about as we scan the daily news. But if we care about children, if you are concerned about their health and happiness, if you have compassion for the families of the vaccine-injured children, this is an important issue that Congress should face. Don't you think?

## THE PLIGHT OF IDA NUDEL

### HON. WYCHE FOWLER, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 6, 1986*

Mr. FOWLER. Mr. Speaker, along with many of my colleagues I had the privilege earlier this year of meeting with Ilana Friedman. Mrs. Friedman has spent the last 14 years trying to get her sister, Ida Nudel, a visa to emigrate from the Soviet Union to Israel. Mrs. Friedman's attempts have been constantly blocked and in the meantime her sister has suffered greatly. Ida has repeatedly been subjected to severe harassments and deprivations because of her desire to emigrate and the extraordinary humanitarian assistance she has given to other refuseniks.

I recently came across a moving article in the Southern Israelite which details Ms. Nudel's plight and her sister's efforts. I hope that my colleagues will all take the time to read this informative article and I am presenting it for inclusion in the RECORD.

Finally, let me say that this tragic situation reinforces my firm conviction that the United States must use all of its resources in pressing the Soviets to treat Soviet Jews more fairly and humanely and to improve their overall abysmal human rights record.

The article follows:

SISTER WAGES 14-YEAR BATTLE TO WIN IDA NUDEL'S FREEDOM

(By Carol Green)

For Ilana Friedman, there is neither day or night. After she returns home from her job as a bookkeeper at Na'amat/Pioneer women, she goes on to her next job—waging a one-woman crusade for the release of her sister, Soviet Prisoner of Conscience Ida Nudel. For the past 14 years, Friedman has been working ceaselessly on behalf of her sister, who is in exile in a distant region of the Soviet Union.

Friedman has corresponded with most of the world's major heads of state on her sister's behalf: the Red Cross, the Socialist Party, the Communist Party, Amnesty International. An entire room in Friedman's Rehovot apartment is filled with letters and documents related to Ida's case.

Though she is a pleasant woman who enjoys people and laughter, Friedman has little time for either. "They didn't only destroy Ida's life," she remarks with bitterness.

The sisters' ordeal began in 1971 when they applied for permission to leave the Soviet Union. Although neither sister was an active Zionist, both intuitively felt that Israel was their homeland. "In the Soviet Union they don't let you forget that you are a Jew," observes Friedman.

As the only members of their family to survive the Holocaust, the sisters were very close. Nudal lived with Ilana and her husband and young son in one Moscow apartment. "My son is Ida's son; my family is Ida's family," says Friedman.

When Ida was refused an exit visa, both sisters were puzzled. They had never been involved with politics or in any illegal activities. "We were so naive. We both thought it was a bureaucratic slip," recalls Friedman.

The sisters decided that Friedman and her family would go and that Ida would remain in Moscow and join the family later. "If I would have known that it would be years until I'd see Ida again, I wouldn't have left," says Friedman.

With Ilana gone, Ida was left alone. "That was when she started to help people," explains her sister. Ida got to know other refusniks. She helped them prepare requests to leave and accompanied them to government offices to secure exit visas. She hosted them in her apartment. Sometimes the place would get so full that Ida could not find a place to sleep. In her circle of activists Ida became known as the "angel."

Ida also adopted the prisoners of conscience who were languishing in Soviet prison camps. She wrote to them and sent them care packages. She called them "her boys." Ida knew that the KGB was spying on her. In her apartment she left notes to her KGB "visitors." "You can take everything except the care packages for the boys."

Ida also began to participate in political activities and demonstrations. On June 1, 1978, a group of refusnik women staged a legal public demonstration to coincide with official festivities marking the International Day of the Child. "The idea was to show that the Soviet Union is not a paradise for children," explains her sister. Ida objected to using children in a demonstration and only reluctantly agreed to participate. That morning, Ida tried to leave her apartment to go to the demonstration. KGB agents blocked the door. Without court authorization, they placed her under house arrest. From her fourth floor balcony, Ida hung out a banner saying: "KGB, Give Me My Visa." For this act she was charged with the crime of "hooliganism" and sentenced to four years of exile in Siberia. "Ida was punished like a man; no other woman was ever punished this way," explains her sister.

Ida lived in a barrack-like hut without running water and had to tramp long distances in the snow, in below-freezing temperatures, for firewood and other basic provisions. Her barracks-mates were 60 hardened criminals, she was the only woman. More than once she was physically attacked, so to protect herself she slept with a knife under her pillow. Nonetheless she persevered confident that after four years she would be free.

"All the time she was in Siberia, she didn't complain," recalls her sister. When people asked her where she got strength to carry on, she answered, "I feel as though three million Soviet Jews are standing behind me."

In March 1982, Ida Nudel was officially released from exile. But when she returned to her Moscow apartment, KGB agents welcomed her. They told her that she had 72 hours to leave Moscow. "Ida had no place to go. We have no family in the Soviet Union," explains her sister. Ida became a wandering Jew. For eight months she traveled from city to city seeking a haven. More than once, she spent the night on a bench in the railway station. With neither a steady job or a permanent address, Ida lived in fear of being arrested for the crime of "parasitism."

In November 1982, Ida reached the town of Bendary in Moldavia and for some reason, the authorities allowed her to settle there. However, Bendary is hardly a home for Ida. She is an outcast; the townspeople shun her, fearful of KGB warnings that they will face severe recriminations if they approach her. Ida lives in isolation. Her dog is her only companion.

Yet even in distant Bendary, Ida remains the "angel." She continues to correspond with her boys, the prisoners, and sends them care packages of food and vitamins whenever she can. She is visited occasionally by refusnik families and she does receive some mail from the west although none of her letters are allowed to go out.

Ida's sister spoke with her recently by telephone. She reports that her sister is ill and broken in spirit. "When I left, my sister was a strong healthy woman," recalls Friedman. "Now she suffers from chronic heart, liver and kidney ailments and her eyesight has badly deteriorated". Friedman points to the most recent photograph of her sister as proof of this deterioration.

Meanwhile, the authorities continue to refuse the sisters' requests to be reunited, although according to Obir, the Soviet emigration authority, Ida's visa refusal expired in 1977. Still the government holds on to her claiming that they cannot release her because she knows state secrets from the days when she worked as a government economist.

Friedman says that this is ludicrous. "First of all, she worked in an open public agency and never had access to classified information and even if she had, what could she possibly remember after 15 years?" asks Friedman.

Back in Rehovot, Friedman continues her letter-writing campaign. She has gathered a small group of supporters called "Israel Women for Ida Nudel," who some years ago published a book about Ida. She has other supporters as well. Recently, World Jewish Congress President Edgar Bronfman ap-

proached the Soviet government on Ida's behalf.

But mostly Friedman fights her battle alone, composing her letters in Hebrew or Russian. An American man from nearby Ra'anana translates them. "My husband met him on miluim (reserve army duty). One night they were doing guard duty and my husband told him our story. He wanted to help," Friedman explains.

After 14 years, Ilana Friedman is tired of fighting. She would like to have more free time to spend with her husband and son. But more than anything, she would like Ida back.

The release of Anatoly Shcharansky has given the sisters renewed hope. Shcharansky was one of Ida's "boys." He has vowed to work for the release of Ida and other Soviet POCs. Other close friends of Ida's, the Goldstein family, have recently arrived in Israel and have promised to work for her release.

Despite the release of Shcharansky and the Goldsteins. Friedman restrains herself from building up hope for the release of her sister. She has had her hopes dashed before. Two years ago, when actress Jane Fonda visited Ida in Bendary, Kremlin watchers predicted that Ida's release would be imminent. It was not.

Still Friedman carries on, each day writing another letter or pestering another official. "I cannot rest until I have Ida back," she explains. "Perhaps it will be some day soon," she says longingly, her large eyes filling with tears.

## SOVIET JEWRY

### HON. THOMAS N. KINDNESS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 6, 1986*

Mr. KINDNESS. Mr. Speaker, as chairman of the 1986 Congressional Call to Conscience Vigil for Soviet Jewry I commend the following statement by Hon. THOMAS CARPER to the Members for their perusal.

STATEMENT OF HON. THOMAS R. CARPER, ON SOVIET JEWRY—AUGUST 5, 1986

Mr. Speaker, I am joining today with many of my colleagues to protest the mounting anti-Semitism campaign in the Soviet Union. Jewish emigration has declined by 98 percent since 1979 to extremely low levels, reaching the lowest point last year of only 896 persons.

Only 31, Jews were allowed to emigrate from the Soviet Union during the month of July 1986—the lowest number of refusniks permitted to leave in 20 years. Presently there are over 400,000 Jews in that country who have applied for an exit visa and have been refused. Paralleling this decline has been a sharp increase in officially sanctioned anti-Semitic campaigns directed at Soviet Jewish refuseniks (those who have been refused emigration visas). Anti-Semitic campaigns have been led by the "Anti-Zionist Committee of Soviet citizens," founded in 1983 by Gen. D. A. Dragunsky, a military commander. The Committee contends that the Jewish emigration problem has been solved since any Jews who wanted to leave the Soviet Union have already done so. In addition, the Committee often links Zionism to Nazism.

Other forms of discrimination include the loss of jobs for those applying to emigrate, restrictions on Jewish university enrollment, and arrests of Jewish activists. In 1984, many refuseniks were arrested and/or put on trial, and a major crackdown began on Hebrew teachers.

The problems and difficulties that these people face were highlighted to me recently when I received information about my adopted refusenik, Stanislav Zubko. Mr. Zubko, a candidate of sciences in Chemistry, worked as a senior researcher in one of the scientific research institutes in Kiev. In 1979, Stanislav Zubko, together with his mother—Anna Levitskaya—applied for permission to emigrate to Israel. His request to emigrate was turned down, after which there followed constant persecution by Soviet authorities. He was fired from his job, and was completely denied any chance to engage in professional work as a scientist. He was forced to work as a stockman in a store.

Mr. Zubko continued, nevertheless, to seek permission to emigrate to Israel and started helping a number of refuseniks. In less than two years, he was subjected to groundless administrative arrest six times. As a sign of protest against the most recent arrest, Zubko declared a hunger strike for ten days.

On May 16, 1981, the Zubko's apartment was searched, allegedly in connection with an apartment robbery that had supposedly occurred earlier that year. In his mother's apartment, authorities found some hashish and a pistol.

Zubko denied charges levied against him, and categorically stated that these items has been planted in his apartment. His assertion that the drugs and pistol did not belong to him was not even investigated by the authorities. Ironically, it had been established that the fingerprints of the accused could not be found on the objects that had been uncovered during the search.

In violation of the law, the objects that were confiscated during the search had not been wrapped and sealed in the proper manner, which raises doubts as to the validity of the most telling evidence—the only evidence upon which the prosecution based its case.

The prosecuting attorney in Mr. Zubko's trial supported the unsubstantiated accusations, and the court found Zubko guilty on both counts. Zubko was sentenced to four years imprisonment in a general regime camp.

According to Stanislav Zubko's mother, his state of health is deteriorating. He suffers from severe arthritis and from hunger, but fortunately he does not have to perform any hard physical work. Because he is in a camp with criminals, he is completely isolated.

Stanislav Zubko is only one of at least 400,000 Soviet Jews who are still imprisoned in their own country. Refusing to allow Mr. Zubko to emigrate is in direct violation of international law as expressed in Article 13, Section 2 of the Universal Declaration of Human Rights which states: "Everyone has the right to leave any country, including his own, and to return to his country."

Most of the imprisoned refuseniks are accused on such immaterial grounds as "defaming the Soviet state and social system," when in fact the only crime is, in most cases, the desire to maintain their Jewish identity and heritage as well as the desire for the fundamental right of emigration. I hope we, as free Americans, never forget the plight of these Soviet Jews who long for a taste of the freedom we cherish.

## PRIVILEGE OF KNOWING JANET COWAN

### HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 6, 1986*

Mr. KOLTER. Mr. Speaker, I rise today to recognize one of the most generous, giving persons that I have ever had the privilege of knowing. Janet Cowan, a resident of Ford Cliff Boro in the great State of Pennsylvania, has enhanced the lives of her family, friends and coworkers since March 11, 1938—the very day on which she was born.

She is a person who has put her heart and soul into the task of enriching the lives of others in her community, her profession and her personal endeavors.

For the past 27 years she has, through her own innovative contributions, provided some 5,000 or more students in her elementary classrooms with the ultimate opportunity to prepare themselves for the challenges of today's world. She makes learning a pleasure and an adventure and provides instruction above and beyond the prescribed parameters of quality education.

She has served her community as president of Boro Council, and for many years has been actively involved in a variety of service organizations. Presently she unselfishly devotes her time to performing outstanding duties as legislative and political committee member of the business and professional women's group in her area; legislative chairperson for her local teacher's association; secretary of the Manor Township Lioness Organization; vice-president of the Armstrong County Democratic Women's Organization; and registration chairman of the Armstrong County Democratic Association.

Janet is unique in her endeavors, for she does her jobs well in each area in which she serves, and she does so in such an unobtrusive way that most people do not realize how much she gives in the way of time, energy and assistance in accomplishing her goals and assisting everyone with whom she comes in contact.

To her family and her many friends and acquaintances, she has given herself and continues to do so without a thought of gaining anything in return except the satisfaction of doing her best for those whose lives she touches.

She has earned this tribute by her untiring, unselfish style of life which endears her to all who know her. Thank you Janet for all that you do to bring happiness to others in a world in which people like you are one in a million.

## CONGRATULATIONS TO NEVADA CITY, CA

### HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 6, 1986*

Mr. SHUMWAY. Mr. Speaker, it is with great pleasure that I ask my colleagues to join with

me in paying tribute to Nevada City, CA, which has been named one of the first 15 "Designated Bicentennial Communities" in the Nation by the Commission on the Bicentennial of the U.S. Constitution. Only four cities in the Western States have received this honor.

Nevada City, a national historic district, remains one of the most outstanding examples of gold mining towns in California. Its carefully preserved Victorian and early mining town architecture make it a living reminder of the colorful Gold Rush days which hastened the colonization of the West and changed the face of American history. Situated near the northern end of the Mother Lode, Nevada City for years was the heart of the rich northern mines in the lode. It remains surrounded by the largest, richest, and longest-operating gold-quartz mining field in California.

Nevada City's birth as a small mining community in 1849 was spontaneous, following fast on the heels of word that gold had been found in California. Miners poured into the area and, by 1850, it was not only one of the first gold mining communities, but one of the largest. Many such communities had brief "flash in the pan" existences, literally. By 1853, the California Gold Rush was essentially over, as most of the placer, or surface, mines had been worked dry. Nevada City, however, continued to grow. With the discovery and development of hard-rock, hydraulic, and other modern mining techniques, Nevada City retained an important place in mining history. And, when J.J. Ott's now-famous assay office in Nevada City confirmed in 1859 that an ore sample was rich in silver as well as gold, a renewed rush was on.

The gold and silver taken from the Comstock Lode which had yielded that revealing sample had significant results. It financed much of the Civil War for the North, brought the State of Nevada into the Union, and made millionaires of many—millionaires who, in turn, went on to contribute to the Nation. The first long-distance telephone cable was a result, as were cables under the seas, and some of today's splendid structures in such cities as San Francisco.

The first town was largely comprised of canvas-wood construction, easy prey to both fire and flood. Despite many such tragedies, Nevada City's stoic and pioneering citizens prevailed, rebuilding, progressing, and continuing to contribute to the area's rich heritage. Preoccupation with the peril imposed by fire resulted in the organization of fire companies and construction of extravagant firehouses, one of which is considered the finest surviving example of such architecture in the region. The Main Street Fire House now serves as the Nevada County Historical Society's museum, and is one of the best known historical buildings in the Mother Lode.

Nevada City had its share of famous residents and was the site of the founding of various respected organizations. Herbert Hoover lived in Nevada City, working as a hard-rock miner while studying engineering at Stanford. The University of California at Berkeley had its foundation here, when Prof. Henry Durant, transplanted from Yale University, met with a committee to form an academy which was incorporated as the College of California.

The residents of Nevada City are very proud of their heritage, and have worked diligently to preserve this important chapter in Western history. However, their efforts reach much further back than the gold rush. Each year, Nevada City is known for its September Constitution Day Parade, and the residents truly go out of their way to pay homage and tribute to that most revered document.

Thus, it is especially appropriate for this colorful and critical link in America's development to have been selected as a designated bicentennial community. The city's efforts will focus America's attention on our precious and historic Constitution, which is the goal of the Commisison. I will look forward to working with Nevada City in the days ahead, to commending the city's residents for their success, and to knowing that my colleagues join with me in acknowledging this very special and well-deserved designation.

## A TRIBUTE TO THE LIA'S 60TH ANNIVERSARY

### HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 6, 1986*

Mr. LENT. Mr. Speaker, the Long Island Association [LIA] has done more than perhaps any single organization to improve Long Island, NY, as a place to live, work and do business. The LIA is celebrating its 60th anniversary this year, and I'd like to take this opportunity to recognize the LIA's outstanding commitment and many years of service to our communities.

The LIA is the region's largest business and civic organization, bringing together business, labor, government and academia. It represents over 2,000 small businesses, local chambers of commerce, colleges and universities, and trade associations. It was first established in 1922 by a group of businessmen from Kings, Queens, Nassau and Suffolk Counties who formed a regional chamber of commerce with offices in Manhattan. The group was incorporated as the Long Island Chamber of Commerce on July 1, 1926, and over the years evolved into the LIA as we know it today.

I'm proud to be able to say that Long Island is in the midst of unprecedented economic growth and prosperity. Disposable household income is among the highest in the Nation, and our unemployment is the lowest. That is quite an accomplishment, and all Long Islanders can share in the benefits.

The LIA has worked to help create an atmosphere where business can thrive and prosper. More important, this organization has strived to balance this booming economy and at the same time enhance the quality of life Long Islanders cherish.

In addition the LIA has been an advocacy organization at local, State and Federal levels of government. It worked directly with Long Island Members of Congress to protect the deductibility of State and local taxes while improving Federal tax reform legislation for individuals and business.

The LIA has successfully worked to involve all segments of business and the community, bringing the many interests of the region together in a common voice. Those of us who live there appreciate what a unique and special place Long Island is, and we are grateful to the LIA for its dedicated efforts to preserve those qualities and values that make Long Island so desirable.

On behalf of my Fourth District constituents, I'd like to personally thank the LIA and all its members for their many years of dedicated service to our communities and wish them another 60 years of continued success. Thank you.

## A TRIBUTE TO CAPT. WILLIAM GENTLEMAN

### HON. HAL DAUB

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 6, 1986*

Mr. DAUB. Mr. Speaker, I appreciate this opportunity to commend a citizen from Nebraska's Second Congressional District for his exemplary efforts as a paramedic. Capt. William Gentleman, a fire captain from Omaha, NE, has been honored as the top paramedic in the Nation by the National Association of Emergency Medical Technicians. I congratulate Captain Gentleman for his accomplishments, and I want to take this time to inset in the RECORD an article that recently appeared in the Omaha World Herald outlining his contributions.

[From The Omaha World Herald, July 25, 1986]

NATION'S TOP PARAMEDIC, AN OMAHAN, IS SURPRISED

An Omaha fire captain honored as the top paramedic in the nation said Thursday that he was surprised to learn he was even in the running.

"It was quite a shock," said Capt. William Gentleman, who has been a paramedic for seven of his 17 years with the Omaha Fire Department. "By the time this all came about, I thought this was all over."

Gentleman, 38, of 10027 R St., was honored by the National Association of Emergency Medical Technicians. He received the Asmund S. Laerdal Award for Excellence July 12 at a conference in Orlando, Fla. Mayor Boyle announced the presentation of the award during his Thursday press conference.

STILL NOT OVER IT

Gentleman said he knew his name had been submitted as a candidate earlier this year. He said he dismissed the possibility of winning when he learned that the application might have been sent in too late.

He said he did not know he was to receive the award until his name was announced during a banquet at the Orlando conference.

"I still haven't gotten over it," he said. "I don't think anyone thinks they're a winner or even in the running in a national competition."

Gentleman received an engraved crystal disc and $1,000. He said he would use the money to finance his research on improving patient ventillation techniques.

Boyle said the award is presented each year in recognition of a paramedic's contributions to community relations, local involvement in emergency medical service, national contributions, past commendations and letters of support.

Gentleman is a field supervisor for paramedics at the department's station at 35th Street and Ames Avenue.

He instructs new paramedics and teaches cardiopulmonary resuscitation to Omaha firefighters and members of rural and volunteer fire departments throughout eastern Nebraska. He also provides public CPR instruction at community colleges and is an advanced cardiac life support instructor.

ARTICLES PUBLISHED

Gentleman, who has had articles on paramedic and emergency medical techniques printed in national publications, said he traces his desire to be a firefighter back to his family's involvement in public service. His father, John Meecham, is retired Omaha police officer, and his mother, Connie, worked as an administrative supervisor in the city's Law Department.

A brother and sister are Omaha police officers.

"I'm really proud to be a fireman," he said. "I know from being around that we have some of the best people in the nation."

## NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1987

### HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, August 5, 1986*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4428) to authorize appropriations for fiscal year 1987 for the Armed Forces for procurement, for research, development, test, and evaluation, for operation and maintenance, and for working capital funds, to prescribe personnel strength for such fiscal year for the Armed Forces, and for other purposes.

Mr. EVANS of Illinois. Mr. Chairman, I rise in support of the amendment offered by Representatives BOXER, BRYANT, and SCHROEDER to provide judicial review de novo for military whistleblowers.

Military whistleblowers have played a vital role in uncovering egregious examples of waste, fraud, and mismanagement in the defense establishment. But they constantly face the threat of reprisal and retaliation. While the bill currently permits an investigation of reported retaliations, these investigations are totally "in house." What this means is that the Department that has been accused of misdeeds is the same Department that decides whether or not retaliation has taken place. It acts as defendant, prosecutor, judge, and jury.

Amending this bill to provide for judicial review de novo will allow the military whistleblower who has gone through the "in house" system to petition for court review. The appeals court would then decide whether the whistleblower's complaint of retaliation merited further investigation.

The de novo review is necessary because without it, any court review would have to rely on the record created by the same department whose actions are in question to begin with.

Allowing specified military personnel access to the courts is not unprecedented. Decisions by the Board of Correction of Military Records are already, in certain cases, justiciable before the Federal courts.

Experience has shown us that military whistleblowers provide a needed and unique service. We should not take action which will in reality shut the door on this fruitful channel of information.

I urge our colleagues to pass this amendment.

## FAIRNESS IN COMPETITION ACT OF 1986

### HON. THOMAS N. KINDNESS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 6, 1986*

Mr. KINDNESS. Mr. Speaker, last week I introduced H.R. 5304, the Fairness in Competition Act of 1986, as a means of addressing the extreme vulnerability American producers experience in the face of unfair foreign competition. No incident highlights this vulnerability more than LTV Corp.'s filing last week for reorganization in bankruptcy.

Foreign governments are in the practice of subsidizing products for export to the United States and our producers are at a distinct disadvantage in the market. My bill would give U.S. industry and labor the right to seek injunctive relief and treble damages against the foreign government, foreign corporation, or other relevant defendant covered under the bill.

The test under a new section 27(a)(2) of the Clayton Act, would be whether the subsidy, first, causes or threatens material injury to an industry or to labor in the United States, second, prevents the establishment or modernization of any industry inside the United States or third, results in monopoly or restraint of trade.

The bill contains language in section 27(b)(1) making it clear that a subsidy by a foreign government is to be considered a commercial activity under the Foreign Sovereign Immunities Act of 1976 (28 U.S.C. sections 1602-1611), so that a foreign government would be unable to avoid U.S. court jurisdiction by arguing that a subsidy was an act of state; that is, a political rather than a commercial decision.

In addition, the definition of subsidy would be amended to include any rebate, repayment or, offset of, or credit against, any tax or tax liability levied or assessed on the value of articles, if such rebate, repayment, offset, or credit is made by reason of the exportation of those articles. This section would address the common practice of rebating the value added tax on products for export.

In this time of large trade deficits and repeated allegations of unfair trade practices for which there are inadequate remedies, I believe workers and unions should have a mechanism, in addition to that used by corporations, which will enable them to assert their right to a level trading plane.

I urge my colleagues to carefully consider this important piece of legislation which will not only provide a genuine enforcement remedy against unfair trade practices, but will send a clear signal to our trading partners that we will not tolerate illegal subsidization of products for export to the United States.

## THE 25TH ANNIVERSARY OF THE ALLEGHENY COUNTY LABOR COUNCIL

### HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 6, 1986*

Mr. KOLTER. Mr. Speaker, I rise today to call your attention to an important anniversary that will take place in September 1986.

This year marks the 25th anniversary of the founding of the Allegheny County Labor Council. For 25 years, the labor council has served the needs of working men and women in Pittsburgh and Allegheny County. In particular, I would like to commend the labor council leadership for the their fine work in sheparding the council through these very difficult economic times in Western Pennsylvania. Their efforts are to be commended.

Once again, Mr. Speaker, let us recognize the 25th anniversary of the formation of the Allegheny County Labor Council, and wish its members much success in the future.

## PROTECTING THE RIGHTS OF MEDICAID RECIPIENTS SEEKING ADMISSION TO LONG-TERM CARE FACILITIES

### HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 6, 1986*

Mr. GALLO. Mr. Speaker, today I am introducing legislation to protect the rights of Medicaid recipients seeking admission to long-term care facilities.

This legislation is aimed at protecting Medicaid eligible patients from having to sign private pay contracts as a precondition of admission to a skilled nursing facility and, further, from being denied admission to such a facility if they do not sign the contract.

While serving in the New Jersey State Assembly, I became aware of a problem where some New Jersey nursing homes had been refusing to accept Medicaid or potential Medicaid-eligible patients unless the patient paid at the private pay level for a specific time period under contract with the nursing home.

In response, I introduced legislation, which subsequently became State Law, to prohibit administrators and operators of skilled nursing or intermediate care facilities from requiring incoming patients or their families to sign private pay contracts prior to being accepted as Medicaid patients.

While the prohibition of private pay contracts may well be covered under section 1909(d) (42 U.S.C. 1396h), the State of New Jersey has included an additional provision

which, I believe, is equally important in protecting Medicaid patients from being denied admission to skilled nursing or intermediate care facilities. Specifically, New Jersey Medicaid law prohibits nursing homes from denying admission to Medicaid recipients if that nursing home has a Medicaid occupancy rate below the statewide average. Under these circumstances, the skilled nursing facility is required to accept patients on a first-come-first-served basis. The State Medicaid agency may make individual exceptions to this provision based on the licensed bed capacity of a nursing home or the financial condition of a nursing home.

The legislation I have introduced today will make this latter provision a Federal requirement.

Since the enactment of this legislation in New Jersey, there has been a reduction in the monthly waiting list from 2,303 in September, 1985, to 1,981 in February, 1986. Although the New Jersey Department of Human Services has cautioned that a fuller analysis of the effect of the legislation on the waiting list needs to be made because of a number of interrelated factors, the department has also stated that it is significant that the waiting list dropped below 2,000 persons for the first time since July 1985 and is now at the lowest point in many years.

First and foremost, this bill will increase our Federal efforts to require that admissions policies at certified extended care facilities are fair to Medicaid patients. It will also provide for greater enforcement of the current Federal law that prohibits administrators and operators of extended care facilities from requiring incoming patients and their families to sign private pay contracts as a precondition for admission.

By requiring payment of private rates or denying admission to nursing homes, our senior citizens, poor and disabled individuals and their families have been placed in a tough position at a time when they are already under pressure to make a decision regarding the future of a loved one.

## STETSON F. BENNETT, A GREAT AMERICAN

### HON. ROBERT LINDSAY THOMAS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 6, 1986*

Mr. THOMAS of Georgia. Mr. Speaker, it gives me great pleasure today to introduce to this body a great Georgian and a great American, Mr. Stetson F. Bennett. Mr. Bennett was born and still lives today in the southeast Georgia community of Jesup. Since his birth more than 57 years ago, he has exemplified those beliefs and virtues that have made this country great.

This year, the State of Georgia recognized the leadership, service, and dedication of Mr. Bennett by presenting him with the first-ever award for a clerk of superior court in the State of Georgia. So great is the esteem in which his peers and colleagues hold him, that they have named this new award the Stetson F. Bennett award, which will be presented to the outstanding superior court clerk each year. Mr. Bennett was recognized for the 22 years he has honorably and ably conducted the office of clerk of superior court of Wayne County. He further served an additional 16 years in that office as deputy clerk, for a total of 38 years of public service.

In all those years, Mr. Bennett has been unswerving in his dedication to the people of the State of Georgia. Many lives have been turned around and saved from becoming burdens to themselves, their families, and the State, because of the influence and efforts of Mr. Bennett. He has endured chronic illness and severe pain, but never once has he failed to conduct the service of the court in the most professional and ethical manner.

Mr. Bennett has served his community as president of the Wayne County Chamber of Commerce, secretary and treasurer of the Wayne County Hospital Authority, and as a member of many other boards and civic organizations. He has served his State as president of the Clerks of Superior Court Association of Georgia and as a member and secretary of the State of Georgia Board of Corrections.

He has been an exemplary husband and father and a strong and ardent representative of his religious faith, and he has been a beacon of community leadership. He has dedicated his life to serving his God, his family, and his fellow man.

Mr. Speaker, it is my great pleasure to recognize this great American and to place this tribute to him in the CONGRESSIONAL RECORD.

## AFRICAN DEVELOPMENT

### HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 6, 1986*

Mr. SCHEUER. Mr. Speaker, the first-ever All-African Conference of Parliamentarians on Population and Development, held in Zimbabwe in May, was cause for great optimism because it demonstrated the growing desire of African leaders to address Africa's excessive rate of population growth.

Another aspect of African development was addressed by Abdou Diouf, President of Senegal and chairman of the Organization of African Unity in late May at a special session of the United Nations devoted to the programs of African development.

Mr. Diouf's speech recounted Africa's woes, acknowledged the mistakes of previous policies, and asked for an additional $100 billion in aid for African over the next 5 years. Mr. Diouf promised that African governments would more wisely spend this aid that has frequently been the practice in the past, and would introduce sound economic policies aimed at successfully promoting private enterprise and development in Africa.

While I found much to admire about Mr. Diouf's speech, I was troubled by two aspects of his statement. First and foremost, we donor nations need to see more than rhetoric and good intentions. In the past, Africa has promised reforms, but failed to deliver. As a proponent of aid to Africa, I could work much more effectively if Africans asked for help after these policies were enacted and after this rhetoric had been translated into action. I think the African people, as well as Members of Congress, feel better about giving money to projects in progress rather than to those that remain continually on the drawing board.

Second, after the optimism fostered by the African conference in Zimbabwe, I was disappointed that Mr. Diouf omitted any reference to population control in his list of goals. Speaker after speaker at the All-African conference documented the premise that rapid population growth exacerbates or causes most of Africa's severest problems.

Population control is a necessary prerequisite to solving the problems that Mr. Diouf plans to address with this new aid. If Africa is, as Mr. Diouf claims, ready to make the hard choices needed to solve its ills, the first should be the politically unpopular, but necessary, resolve to limit its excessive rate of population growth.

Mr. Speaker, today I would like to include in the record a speech given by Edward Jaycox of the World Bank documenting the problems produced by Africa's excessive rate of population growth:

ECONOMIC DEVELOPMENT IN SUB-SAHARAN AFRICA: THE POPULATION DIMENSION

(By Edward V.K. Jaycox)

Mr. Chairman, Your Excellencies and Distinguished Delegates, it is always a pleasure to return to this lovely country and I am particularly honored to have been invited to address this distinguished gathering.

We meet at an especially opportune moment for Sub-Saharan Africa. The region is emerging from one of the worst famines in recent history. Good rains have come to much of the region. Many African governments are now making significant progress in economic reform efforts. Per capita incomes should rise this year for the first time since 1980.

All of this makes 1986 a year of opportunity for Sub-Saharan Africa. Yet it is also a time of enormous challenge because the agenda of unfinished business is formidable indeed.

Low-income Africa is poorer than it was a generation ago in 1960. And though the recent good news interrupts the trend of chronic economic decline, it will not be enough to reverse it. Productivity is stagnant, commodity prices are still very low, the debt burden is serious and growing, and if present trends continue the human disaster of 1983-84 in Sub-Saharan Africa will inevitably return to haunt the world community.

This afternoon I would like to discuss briefly the most important long-term social and economic issue confronting Sub-Saharan Africa: the rampant growth of population. For many countries this issue is the number one problem on the agenda.

How serious is this issue? What are the implications for Africa's economies, for the general well being of your people—those living today and those yet to come? What can be done to deal with the situation?

Numbers can be boring but let me try to put the problem into perspective. First of all, let me emphasize that when we speak of the population problem in Sub-Saharan Africa, we do not mean there are now too many people in the region. In most parts of the region there are not. With about 20 per-

cent of the world's cultivable land but only about 9 percent of its people, density is not the problem in Sub-Saharan Africa either. The problem is that the population growth rate is explosively high in relation to economic growth. It is, in a word, phenomenal—the fastest growth rate of any continent in history in relation to a low rate of GDP growth. In fact, population growth has been more dynamic than the economic development. If the process has been reversed, Africa would be able to absorb a growing population more easily, but it has not.

The introduction of public health measures and vaccinations has reduced death rates, but without parallel efforts to reduce birth rates, overall population growth has accelerated. As a result, Africa's population is now expanding at about 3.1 percent a year.

If this growth rate continues, population would double in 22 years, quadruple in 44 years, and increase eightfold in 66 years.

In the case of Sub-Saharan Africa, the assumptions underlying the standard population projections of the Bank are quite optimistic. For example, it is assumed that the move from high fertility to replacement-level fertility—which took about a century and a half in the United States—will be completed within a much shorter time space in Africa, perhaps 50 to 60 years.

Even if we take these assumptions at face value, despite their optimism, the projections are frankly frightening. By the year 2025—less than 40 years from now—Kenya's population will be four times the size it was in 1980; Nigeria's and Ghana's will have grown more than threefold; the population of Sub-Saharan Africa as a whole will have risen from about 460 million to 1.3 billion. That is, one thousand, three hundred million. And if the assumptions are less optimistic—if fertility falls less rapidly—then the consequences can be catastrophic.

The poor economic performance of Sub-Saharan Africa cannot be blamed on rapid population growth alone, nor will slower population growth solve all its economic problems. External economic shocks, as well as in appropriate domestic policies, have contributed to the region's economic crisis. But rapid population growth is creating severe strains in some countries and, throughout the region as a whole, it is causing a decline in living standards. Thus continuing rapid population growth is a central development problem and the absence, until recently, of specific national plans and programs to deal with the problem has aggravated it.

Allow me to elaborate a bit on just four reasons why rapid population growth is a major development problem.

First, it aggravates the difficult choice between higher consumption now and the investment needed to bring higher consumption in the future. As population grows more rapidly, larger investments are needed just to maintain current levels of both physical and human capital—that is, a person's health, education, and skills. For example, African populations, in addition to growing rapidly, are young. Children less than 15 years of age now constitute about 46 percent of the total population, compared to 37 percent in Asia and 40 percent in Latin America; children under 5 years of age make up nearly 19 percent of the total.

Higher fertility countries also face large increaes in their labor forces and the prospect of mounting unemployment. Between now and the end of the century, industry and agriculture combined will be able to absorb only about half of the projected increase in the labor force. The other half will either have to subsist on marginal land, or be jobless.

A second reason why population growth is a central development problem is the impact on the health of mothers and children. Mothers . . . women represent a seriously undervalued potential in the entire development process. Children, of course, represent the future of that process.

An African mother's chance of illness or death during pregnancy and childbirth are high. Infant and maternal mortality is also high compared to other developing country regions. The reasons are associated with poor health generally and the shortage of medical facilities. However, the mother's age and the number of children she has are also important.

Better spacing and timing of births and reduction in the number of births would help reduce these risks and reduce infant and child mortality as well. In Africa and elsewhere, infant mortality is strongly affected by birth spacing.

Large potential health gains from family planning, now better understood than they were 20 years ago, provide a natural appeal to policy makers and people. Spacing births by two years or more would alone reduce infant mortality by 12-20 percent in much of Africa.

A third reason why rapid population growth is a central development issue is the threat it poses to the natural resource base. Throughout the continent, natural support systems are under growing strain. In country after country sustainable-yield thresholds of forests and grasslands are being breached. The destruction of tree cover in Africa represents one of the most dramatic human alterations of the environment. Nearly every country is affected. One consequence is the severe fuel shortages because of declining wood resources. In Addis Ababa the price of increasingly scarce wood for fuel has risen tenfold during the 1970s and now claims up to 20 percent of household incomes. Soil erosion, the loss of soil organic matter, and the depletion of soil nutrients are diminishing land productivity over much of Africa.

Even where harvests seem to belie erosion problems, soil loss can be serious. Zimbabwe has achieved a remarkable recovery from drought, with last year's harvest estimated to be double the country's requirements. Yet the country's Natural Resources Board estimates that half the communal land farmed by peasants is already severely eroded. By early in the next century, lands now considered good may be unable to produce even subsistence yields. In Ethiopia, Kenya, and in many other countries the stroy is the same.

It points up the failure of Africa to modernize agriculture at a time of rapid population growth. According to an FAD study, Africa's land could in theory support several times the present population at adequate nutritional levels. However, that would entail substantial migration within countries and across borders. It would also require investments in irrigation, new technology, and assistance to small farmers on a scale that is unlikely to be achieved soon. Just to sustain current and inadequate standards of nutrition, agricultural production in Africa should grow at a sustained rate above 3 percent a year for the next 20 years. Improving agricultural policies will help: in some countries that rate of agricultural growth is not impossible. But for the region as a whole, such growth is unlikely. Only a few countries—all outside Africa—have achieved growth rates in agriculture above 3 percent a year for sustained periods.

Each year, Africa's farmers attempt to feed 16 million additional people, roughly 10 times the annual addition of North America or Europe. And they must attempt to do this on a vulnerable land base. But while the yields of wheat, maize and rice have risen modestly, the yields of subsistence staples, including sorghum and millet, have been stagnant or even declining. Food production on the continent has increased primarily by expanding the cultivated area—often unto steep land with unstable soils or into forests whose thin soils are quickly depleted after a few seasons of plowing.

Although essentially agrarian, African countries are losing the ability to feed themselves. In 1984, approximately 140 million of its 546 million people were fed entirely with grain from abroad.

A fourth reason why rapid population growth is an economic problem has to do with the fact that it is creating urban economic and social difficulties that threaten to become unmanageable. By the year 2000 there are expected to be more than 60 cities in Africa with populations of more than one million people—in contrast to only one in 1950 in the continent. Let me provide a few more graphic statistics about the scale of this problem:

Between 1960 and 1980, the populations of Nairobi, Dar-es-Salaam, Lusaka, Lagos, and Kinshasa—to name a few—increased more than sevenfold. Most of the new arrivals moved into shanties. In 1981, Lusaka had 540,000 people, 250,000 of them in squatter settlements or illegal developments. Three quarters of the population of Bangui are estimated to live in spontaneous settlements.

This unprecedented rise in the urban population poses formidable problems of management even to maintain, let alone improve, the living conditions of city dwellers.

In summary, excessively rapid population growth strains every facet of a developing society. It expands the labor force faster than new jobs. It produces burgeoning cities and rings them with slums. It overstrains the food supply and the natural resource base on which food growing depends. It aggravates illiteracy, malnourishment and poor health and it perpetuates poverty.

Even in a vigorously prosperous environment, dealing with such intense demographic pressures is difficult. In the poor, weak economies of Sub-Saharan Africa the task is overwhelming.

What can be done? What is being done?

Fortunately, at least on the surface, the attitudes of Sub-Saharan governments are beginning to change. Almost 40 governments have adopted the Kilimanjaro Program of Action on population. It called on them to ensure the availability of family planning services to all couples and individuals, compared with the mere 5 percent who are actually utilizing such services today.

Most governments in Africa now support slowing population growth, either to achieve demographic targets or for health reasons. But the sad fact remains that health programs are generally weak. Little effort has gone into increasing demand for family planning and the existing demand for family planning information has hardly been tapped. Meanwhile, there is a conspicuous absence of firm political and financial support for specific programs, especially for programs in the Ministries of Agriculture, Education, Youth, and Recreation.

In an environment where the idea of birth limitations is still new, governments must take the lead in encouraging provisions of services, in the private sector as well as by government itself. Equally important, governments must take the lead in promoting the dissemination of information about family planning and developing a social consensus on its legitimacy. In fact, no intervention in this sensitive area is likely to succeed unless it is locally designed and managed in ways which fit with local cultural values.

At the same time, governments need to deliberately avoid monopolizing the actual provisions of family planning services. Heavy government involvement in delivering those services is likely to impose extended demands on strained administrative and financial resources. Governments, therefore, need to develop a distinct African approach, probably involving a deliberate fostering of pluralism. Local governments, communities and private sector initiatives to extend access to family planning services should all be encouraged.

It should note here the significant effort underway by the Government of Zimbabwe—a leader in this area in Sub-Saharan Africa. It has done exceptionally well in the relatively short period since independence. More than one quarter of married women in reproductive age in Zimbabwe are using a modern method of contraception (and over two-thirds of mothers have knowledge of oral contraceptive). Although the detailed results of the 1982 census are not yet available, it is clear that the fertility rate has declined significantly since the previous census of 1969. What are the main reasons for the success in Zimbabwe?

First, increasing female education, urbanization, high per capital income ($740) by African standards, and the high cost of raising a large family have probably increased demand for family planning. Health has also improved; life expectancy at birth is now about 56 years and the infant mortality rate has reportedly fallen significantly.

Second, and most importantly, the Government of Zimbabwe has taken leadership to build a consensus about the legitimacy of family planning. It has frequently expressed its concern about the damage done by rapid population growth. It has maintained and strengthened its programs to deliver family planning services and further strengthening is planned. Unfortunately, most African governments have not been so supportive of family planning. Political support should be continuous.

The cost of providing family planning in Africa is not great in absolute terms, but will not be easily met by domestic resources alone. Including some basic maternal and child health care, the cost ranges between $20 and $50 a year per active user, with average costs falling as services improve and contraceptive prevalence rises toward 20 percent of couples of reproductive age.

A long-run figure of $20 per user implies about $0.75 per capita spending over the population as a whole, assuming about 25 percent of eligible couples use family planning. On health services as a whole, African governments now spend between $3 and $15 per capita. In this context, to achieve spending of $0.75 per capita specifically on family planning within the next decade seems a reasonable goal.

Simultaneously, an increase in donor assistance, not only for family planning but for policy planning, data collection and analysis, census support, and training is necessary for several decades in Africa if family planning is to be a realistic option.

The most important single step that any nation can take to reduce its rate of population growth is to establish a framework—a national plan—within which all of these measures—effective public information programs, dependable delivery systems for contraceptive techniques and services—can be formulated, and against which progress can be evaluated.

The World Bank also has an active role to play in helping address the problem of rapid population growth. The Bank attaches major importance to this key development issue and offers its support in four ways:

First, by helping improve understanding, through its economic and section work and through policy dialogue with member countries, of the consequences for development of faster or slower population growth;

Second, by helping support development strategies that naturally build demand for smaller families, especially by improving womens' opportunities in education and income generation.

Third, by helping supply safe, effective, and affordable family planning and other basic health services focused particularly on the poor in both urban and rural areas; and

Fourth, by responding to growing demand for family planning services, especially in urban areas.

Fifth, by supporting the activities of NGOs in the field of family health.

The Bank views population assistance as a top priority in Africa. Nevertheless, the Bank had by 1982 committed only $35 million in population and health assistance to Sub-Saharan Africa in two population projects in Kenya. In 1983 and 1984, the Bank; however, committed more than $52 million to health projects in Senegal, Malawi, Comoros, Mali, and Botswana; and by early 1986, the Bank had committed an additional $71 million in population and health lending in Lesotho, Nigeria, Rwanda, and Ivory Coast. In the next four years, the Bank intends to begin or expend project in over 20 African countries, amounting to roughly $500 million.

But even this increased level of commitment on the part of the World Bank will not be enough. Given the magnitude of the problem, the increasing requests for population assistance in Sub-Saharan Africa, much more needs to be done—by the Bank, by the African countries themselves, and by the donor community generally. Africans, public and private authorities and NGOs must support and in fact design any specific interventions so that they conform to local cultural and moral values.

The entire donor community must help. And its experience has shown that such services cost relatively little. If more donors and more African countries were each to make minimal adjustments in their budget allocations, the resources would be there to make such services available to more people who want them and need them.

Mr. Chairman, all of us in this chamber today—African parliamentarians and national and international civil servants such as myself—occupy positions of privileged, yet crucial, public trust. In the final analysis our obligation, our duty, is to help lift the yoke of deprivation and poverty that grips far too many people in this part of the world. Excessive population growth makes the task horrendous, if not impossible.

Let us renew our commitment to work together to deal with this awesome problem. It is of human origin and can yield to human remedy. The people have hope but they look to you for leadership and help. Let us work together to provide it.

Thank you.

## WESTLANDS WATER DISTRICT AND DEPARTMENT OF THE INTERIOR SETTLEMENT

### HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 6, 1986*

Mr. COELHO. Mr. Speaker, I rise today to address a matter which has received considerable press attention and comment in recent days. This matter is the proposed settlement of litigation which is pending before the Federal district court between the United States and the Westlands Water District, which lies within my congressional district.

As many of the Members of the House, and the Senate, will no doubt recall, an agreement was reached during the consideration and formulation of the Continuing Resolution during the first session of this Congress which assured congressional oversight of any settlement. The provision within that Act required that Congress, prior to the submission of the proposed settlement to the Court, have the opportunity to full review the settlement for 30 days. A tremendous amount of negotiation and compromise took place regarding this provision, and I believe that we are now upholding the position of Congress.

In particular, the proposed settlement which was sent to Congress on Thursday, July 24, 1986, by Secretary of the Interior Donald Hodel, is the result of the Court's direction to the parties to attempt to resolve the legal disputes and prevent further lengthy court proceedings, which are costly to the taxpayers, as well as to the other parties in such lawsuits. The proposed settlement, after 30 days before Congress, as required by law, must be submitted to, reiewed by, and approved by the Court. My constituents clearly acted in response to the specific directions of the Court. At the same time, Congress does have the opportunity to fully review the impact and intent of this proposed agreement.

The past several days have been filled with a flurry of newspaper articles and editorials concerning the proposed settlement, as well as an intense lobbying campaign against approval of the proposed settlement. Unfortunately, many of these press accounts and the related statements have either distorted or omitted relevant facts as to the background of this complicated dispute, the legal issues involved, the applicable law, the realities of litigation, and the proper legal process in which to settle such disputes. It is apparent that many have misinterpreted the substance of the proposed settlement. Therefore, Mr. Speaker, I feel compelled to set the record straight.

It should first be noted that this proposed settlement is only a recommendation to the Court to resolve the pending litigation. It still must be accepted by the Court, after additional public input is allowed in the court proceedings. After the determination on the ultimate

settlement and the final decree, as issued by the Court, Congress will again have the opportunity to review the court ruling, just like it would on any other court case. I believe it is appropriate for Congress to review such settlements; however, at the same time, I believe it to be inappropriate to interfere in the judicial process by not allowing a settlement negotiated between two parties to be presented to a judge. In particular, I feel that such legislative directives raise a number of questions regarding separation of powers. It is unjust to mandate that an individual be prohibited from following a court directive. More importantly, such action would result in denying an individual the same rights that are available to any American citizen. The arguments on the proposed settlement should be on the merits of this settlement, which I believe are sound for U.S. taxpayers. But, consideration of this case should also be on the merits for the U.S. Constitution, and the rights of American citizens to use the system of checks and balances between the branches of government.

Mr. Speaker, the proposed settlement which resolves this complex litigation is actually quite straightforward, and more importantly is a benefit to the U.S. Treasury, not the boondoggle, as some proclaim it to be. The proposed settlement contains the following six major terms:

The United States would agree to perform the water service contract that it has had with Westlands since 1963, a contract whose validity has not been challenged. This contract has been approved by the President, by Congress, and by the Court. This contract requires the United States to deliver 900,000 acre-feet of firm water supply at a rate of $7.50 per acre-foot plus the additional drainage service change of 50 cents per acre-foot.

The Interior Department, subject to all requirements of the law, would agree to negotiate a contract with an improvement district created within Westlands, as allowed by the Reclamation Reform Act. This contract will address one of the issues included in the lawsuit and requires that 250,000 acre-feet of water supply be paid for at the current cost of service rate. This provision in the settlement will result in the U.S. Treasury recovering both capital as well as operation and maintenance costs. As a result of this provision in the settement, Westlands agreed to drop its claim within their countersuit that it has a contractual right to this water at the lower fixed price within the 1983 contract.

The method provided for in the 1963 contract for repaying Federal costs for building the San Luis Drain, namely, the 50 cents per acre-feet drainage service charge paid on all water delivered would continue, despite the fact that the United States has not provided such services. This method of repayment was approved in 1963 by President Kennedy, and Secretary of Interior Udall. The Department of Interior Solicitor in mid 1978, however, suddenly reversed Interior's long standing policy and legal position on repayment, thus, changing a 15-year policy. The settlement reaffirms the previous longstanding policy.

As a result of the proposed settlement, Westlands will immediately create a $100 million fund to cost share in future drainage facilities if they are built. In addition, the district is required to put $5 million annually into this fund. More significantly, the proposed settlement in no way obligates the U.S. to build drainage facilities. The settlement only requires the Department of the Interior to prepare a plan for such drainage facilities.

The proposed settlement defines Westlands contractual obligation (which arose well before the enactment of the Reclamation Reform Act of 1982) to fulfill its financial obligations to the United States on moneys spent on the San Luis Unit authorized by Congress in 1977. The settlement requires Westlands to repay this expenditure over a 20-year period, rather than the traditional 40-year repayment period for facilities of this type.

Although I have provided a review of the major provisions of the settlement, I also would like to clarify and correct the incorrect statements that have been made on the settlement and assure that the record is set straight. Opponents of the settlement have maintained that the proposal is a bad bargin for the U.S. Treasury, taxpayers, water and power users. This is a complete misrepresentation of the facts on the settlement, and nothing could be further from the truth.

The Interior Secretary has released economic data clearly indicating that the U.S. Treasury benefits by hundreds of millions of dollars through the adoption of the proposed settlement. In particular, the settlement will produce more revenue for the Treasury than would be generated if the Court ruled in favor of the Department of the Interior on every provision in the pending litigation. This is due to the fact that the settlement results in the Department of the Interior selling water at the full cost of service, therefore assuring the Treasury not only of receiving all operation and maintenance costs associated with the San Luis Unit, but also increased and accelerated recovery of capital costs. It is the result of the proposed settlement that the finanical benefit has been achieved.

The other benefits which favor the Department of Treasury include the requirement that Westlands give up its contractual right to water at $7.50 per acre-foot, and as a result, pay the cost of service (now $16.07) for such water. Westlands also surrendered any claim to an additional water supply at the 1963 contract rate. As outlined in the six major provisions, Westlands is committed to cost sharing for future drainage facilities. This commitment was made despite the fact that there is no legal, binding obligation for Interior to build any additional drainage facilities. Furthermore, the settlement requires Westlands to pay full operation and maintenance costs, if any drainage facilities are eventually constructed. Most importantly to the taxpayer, after long and tedious negotiations, Westlands will be required to continue to pay the drainage service charge even though the San Luis Drain is useless and the United States is not supplying Westlands with any drainage service whatsoever.

Mr. Speaker, in my view, the proposed settlement is an excellent deal for the United States. If there is any objection, it should be from the farmers who have paid for drainage service that no longer exists. The Department of the Interior has failed to provide such drainage facilities, and most recently, prohibited the use of the existing facilities without providing any drainage alternative. Unfortunately, you do not hear the opponents of this proposal citing these facts.

Let me assure my colleagues that nothing in the proposed settlement would violate the Reclamation Reform Act. The facts are that the settlement fully conforms with both the letter and spirit of this act. As a Member of Congress who was a conferee during the formulation of this law, I can report to you that as the law intended, those persons who will receive new benefits, will now be compelled to come under the Reclamation Reform Act, when they receive such benefits.

Mr. Speaker, it has also been contended that the proposed settlement would shift the payment of drainage costs to other water and power users within the State of California. I can fully assure my colleagues that this is not the case. The classification of a project facility as a major project feature or otherwise has nothing whatsoever to do with who bears the burden of paying for it. The features that serve irrigation are paid for by irrigation users who benefit by them. Therefore, Central Valley Project facilities which benefit all water users, such as Shasta Dam, are repaid by all users. Those facilities that benefit only a portion of CVP water users are repaid by those users alone. It is for this reason that the San Luis Unit within the CVP (which includes Westlands Water District, as well as other irrigation districts) has one of the highest water rates in the Central Valley Project. These facilities are costly, and include the cost of the San Luis Drain. However, they only benefit those districts within the San Luis Unit and must be paid for exclusively by those districts. Under long established reclamation law, the costs of those facilities can only be shifted to other water or power users only if the users in the San Luis Unit do not have the ability to repay such costs. Without a doubt this scenario will not occur, Westlands has the ample repayment ability and is able to cover all costs assigned to it.

Mr. Speaker, I know that some of my colleagues have expressed their particular concern that the proposed settlement would result in providing for preferential treatment to the Westlands Water District for the allocation of additional CVP project water. Again, this is not true. The proposed settlement does not recognize any additional water right for Westlands. Consistent with law and prevailing Bureau of Reclamation water marketing policy, the settlement only acknowledges that the Bureau may negotiate for additional water service at full cost of service rates, in the same manner that they would for any other water district.

Recently, newspaper editorials criticizing the settlement were circulated to House Members. I think it is important that we recognize that there are two sides to this story. I believe my comments will clarify the provisions of the settlement. However, I would also like to provide the response to those editorials for your additional information, and have them reprinted in the RECORD.

Finally, as I am sure my colleagues will agree, a settlement by its very nature cannot be an all or nothing proposition. If either side received all that they wanted, there would be

little incentive to reach an agreement. Such is the case with this litigation. Neither the United States nor Westlands will get all that they want through this settlement, but both parties will receive far more than they would if the litigation continued. The settlement is a good deal for all concerned, and it should be approved.

WESTLANDS WATER DISTRICT
*Fresno, California, August 2, 1986.*

Editor,
*The Washington Post,*
*1150 15th St. N.W.,*
*Washington, DC 20006.*

SIR: Your editorial "Carrying Water" (July 30, 1986), simply doesn't hold water. It ignores a number of salient facts, and even contradicts itself. It's small wonder your conclusions are so far off base.

You acknowledge, correctly, in the first paragraph that Westlands "was long ago given the right to buy 900,000 acre-feet of federal water a year at a low price." Moreover, the validity of that 1963 water contract has never been disputed in this litigation.

In view of this long-standing contractual right, how can you logically complain that the proposed settlement would require Westlands to pay "a higher price only for the rest" of its water? As a matter of fact, if this issue had to be settled in a lengthy and costly court trial, it is entirely possible that Westlands would pay that same "low" price for all its water. This leads to a second fallacy in your editorial.

Westlands did not simply expand and "claim" the right to buy additional water at the same price of $7.50 per acre-foot plus 50-cents for drainage service. In 1964, former Assistant Interior Secretary Kenneth Holum, in a memorandum approved by then Secretary Stewart Udall, proposed that Westlands, which consisted of about 400,000 acres, merge with an adjoining district, the 200,000-acre Westplains Water Storage District. This memorandum became the blueprint for actions by both Westlands and Interior over a 14-year period, from 1964 to 1978.

The Holum memorandum said that if the two districts merged and took over the costs of operating and maintaining the Pleasant Valley Pumping Plant and Canal, the United States would commit the remaining yield of the San Luis Unit of the Central Valley Project to serve the former Westplains area and provide that additional water at the same price charged in the 1963 contract.

The two districts were merged in 1965, the United States proceeded to build water distribution facilities throughout the 600,000-acre area and deliver water on those terms. Landowners with holdings in excess of the federal acreage limitations entered into formal contracts with the United States to sell their excess acreage under the requirements of the law in return for the right to use project water. However, the terms of the Holum memorandum were never formalized in a specific contract.

In 1978, the United States for the first time repudiated the commitments of the Holum memorandum and began to demand higher prices for water based on two novel legal theories by the Interior Solicitor at that time, Leo Krulitz: First, he said that only the area designated on a map attached to the 1955 feasibility report on the San Luis Unit could receive project water, despite the fact that the 1962 definite plan report and the 1963 contract provided otherwise, and despite the fact that the United States itself had constructed water distribution facilities, delivered water and entered into excess land contracts throughout the larger area. (The 156,000 acres Krulitz would have eliminated is not the former Westplains area; it consisted of land along the eastern and western portions of Westlands.)

Second, Krulitz said that the method of repaying the costs of the San Luis Drain was not valid, despite the fact that it had been approved by his predecessors. (It was not a matter of *whether* Westlands repaid its share of Drain costs, but only *how*.) Consequently, Interior took the position that the 1963 contract, while valid, could not be implemented until it was amended in these two respects, and demanded a higher price for all the water delivered to Westlands. Where was the "fairness" in all this? Needless to say, these actions led to litigation, commencing in 1979.

It's easy to sneer at a price of $7.50 per acre-foot, but it's a fact that this is among the half dozen highest agricultural water rates in the entire Central Valley Project. A handful of contracts have a price of $8.10. By way of contrast, the Contra Costa Water District pays only 50-cents to $2.00 for its agricultural water. (Some 220 CVP contracts covering nearly 5.5 million acre-feet specify rates of $3.50 or less.)

Furthermore, Westlands has accounted for better than 90 percent of the total capital repayment of the entire CVP ($36 million out of $39 million) as of the end of the last fiscal year, even though Westlands receives only 25 percent of the CVP water. Again by way of contrast, the Contra Costa Water district has accumulated a capital repayment deficit of more than $750,000 and is adding to that deficit at the rate of $5.32 on each acre-foot it receives. Would you like to comment on the "fairness" of this situation?

In regard to application of the 1982 Reclamation Reform Act, your editorial fails to distinguish between future or renegotiated water contracts, on the one hand, and settlement of disputes over existing contracts, on the other. The 1982 Act specifically provides that the new pricing requirements do not apply to existing contracts. This isn't language invented by Westlands, this was the collective judgment of Congress. Isn't it a little unfair for you to insinuate that the proposed settlement, by some convoluted reasoning, is a new contract? Or have you adopted the rationale of some of Westland's critics that regardless of the facts, the law and "fairness," a way must be found to punish Westlands for its alleged misdeeds?

You may be interested to know that some 120 farmers and landowners in Westlands already have made individual elections to become subject to the acreage and pricing provisions of the 1982 Act. This means that more than 90,000 acres are subject to the higher prices required by that law, including about 9,000 acres for which the subsidy is removed by the "full cost" formula. We expect, based on our contracts with farmers, that 70 percent of the District will be subject to the 1982 Act within the next year. This would mean that about a third of the 900,000 acre-feet of 1963 contract water would be subject to a rate sufficient to cover full operation and maintenance costs.

Speaking of fairness, Congress in 1982 also decided that the "large commercial users" who you feel do not need or deserve a subsidy, should be treated the same as others; that is, that they are entitled to the subsidy on water for the first 960 (in some cases, 320) acres. Bear in mind that the U.S. Supreme Court, in its landmark decision on the constitutionality of acreage limitations, justified acreage limitations because of the subsidy.

Your editorial also makes the sweeping generalization that "among agricultural water users particularly, a lot of water is also wasted." We can agree this is the case in specific instances, but we resent the implication this is the case in Westlands. For your information, the average irrigation efficiency (a comparison of the amount of water required by the crops with the amount applied) ranges from 80 to 88 percent in Westlands, depending upon the vagaries of weather. This is considerably above the 50 to 70 percent considered normal for agriculture.

Finally, is it really "fair" to complain that the proposed settlement does not address specific solutions to the drainage problems? If you had done your homework, you would know that there are no ready-made answers, but both Westlands and the Interior Department, as well as other agencies, are devoting an immense amount of time, effort and money to find solutions which are both environmentally acceptable and economically feasible. Since there are no pat answers, how can the subject be addressed in the proposed settlement?

By asking a few simple questions you also would have learned that in addition to the $5 million per year contribution to the trust fund for upfront cost-sharing for any future federal drainage projects, Westlands is developing its own $6.6 million program to construct and operate prototype facilities for drainage water treatment and disposal.

We would have preferred to give you all this information before you published your editorial. We hope, in all fairness, that you will give us an opportunity to discuss your questions and concerns before you do any further editorializing.

Sincerely,

JERALD R. BUTCHERT,
*Manager.*

## SAVED BY THE BELT

### HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 6, 1986*

Mr. DINGELL. Mr. Speaker, there is no doubt that increased use of seatbelts by the driving public has prevented thousands of fatalities and injuries on our Nation's highways. The rate of highway fatalities per 100 million vehicle miles traveled appears to be the lowest in history. Had highway deaths occurred in 1985 at the rate as in 1966, when the U.S. Department of Transportation was established, more than 97,000 lives would have been lost in 1985, instead of the estimated 43,800.

A significant factor contributing to reducing highway deaths and injuries is increased seatbelt use. More people are buckling up than ever before. This is because of a growing public awareness of the benefits of seatbelt use and the fact that 26 States, plus the District of Columbia, have passed mandatory seatbelt use laws.

The State of Michigan approved a mandatory seatbelt law a little over a year ago. As a result, more Michigan citizens are wearing seatbelts and fewer people are dying on roads and highways. Because of the success of Michigan's seatbelt use program, the Detroit Free Press initiated a "Saved by the Belt" contest to encourage individuals saved by seatbelts to let the public know the circumstances of how seatbelts have saved their lives. The five most inspiring of these accounts were published in the July 28 edition of the Free Press. In fact, the Free Press includes a "saved by the belt" story submitted by one of my constituents, David Shrewsbury, of Trenton, MI, who—because he was wearing seatbelts—lived through a collision where his vehicle was rear-ended by another car traveling over 100 miles per hour. I urge my colleagues to review these revealing accounts and to consider the critical need to "buckle up" and to encourage others to do the same.

GRATEFUL TALES OF SURVIVAL—FOR MANY, "SAVED BY THE BELT" REPRESENTS ADVICE THEY LIVE BY

"Saved by the belt."

The phrase has been used so many times for traffic safety campaigns that some people believe it is worn out.

No doubt it's a tired line to the 56 percent of Michiganders who refuse to buckle up.

But for the 102 people who sent seat belt stories to our "Saved by the Belt" contest this month, those words are anything but trite. Instead, the words have taken on an unforgettably visceral meaning, tinged with remembered fear, shock, and eventual relief, after the letter writers were saved from death or serious injury is some truly horrendous traffic accidents.

In each case, writers gained life-long respect for seat belts—and in many cases, lifelong memories of others involved who weren't wearing belts, and weren't so lucky.

This month marks the one-year anniversary of Michigan's seat-belt law, a fitting time to approach those who continue to ignore it, not with cold statistics or safety cliches, but with real-life experiences of readers across the state. Here's hoping their words will inspire all of us to drive safely and to buckle up kids, companions and ourselves.

It was a tough job choosing the best from among so many gripping tales, many with police reports, news stories and dramatic photos attached. My cojudge was Connie Soma, executive director of the Lansing-based Michigan Coalition for Safety Belt Use, which led the drive for passage of Michigan's seat-belt law.

Soma's group is awarding $100 to the first-place winner, $50 to second-place. The Free Press is providing third, fourth, and fifth-place plaques. And we're mailing to every entrant a "Saved by the Belt" certificate signed by Secretary of State Richard Austin.

Did Austin really sit down and sign all those certificates? "Oh, yes I did," he told me last week, adding, "I don't send this type of thing over to the signature machine. I take it very seriously. I've believed in belts as long as I've been in office. It's just what you do in an airplane. Why not in your car?"

Why not, indeed? The following winning stories, edited for space and clarity, answer the question well.

FIRST PLACE

Janice Davies, 36, Utica

Buckling up in our household is automatic. We hope that by this testimony, it becomes so in yours.

On a sunny autumn day, Oct. 2, I had worked in the morning and picked up Matthew, age 5½, from kindergarten. Matthew kept undoing his seat belt so that he could stand up behind me and talk from the back seat as we drove to a friend's home to drop off a basket. At our stop, the lady gave Matthew a small bag of cookies. We set off for home to get our lunch, both wearing seat belts. Matthew was now sitting quietly, munching away.

I was driving my first new car, which I'd received for my birthday the previous spring. A mile from home, I entered an intersection. I had a green light but slowed down a bit, so I must have been traveling 35 or 40 miles an hour. Out of the corner of my eye, I saw a car picking up speed and coming right at me. I tried to hit the brakes, but I don't know if I ever did. I remember thinking, "Oh, no! This can't be happening to me!" I never lost consciousness, but the next thing I remember was looking out the shattered windshield with the hood of our car right up against it.

Matthew was screaming. My door wouldn't work, so I crawled across to the passenger side and we managed to get out. We sat down in the dirt on the curb and I checked Matthew over: no blood and nothing obviously broken, but a very hysterical child.

Matthew was crying and pointing to our car, saying, "Mommy, it's all broken." The impact had moved the entire engine over to the passenger side. The back end was smashed up where we were hit a second time. Even the roof above my seat was dented in.

Within minutes a police car and ambulance arrived. I watched a paramedic look into the other car. When he opened the door, Matthew and I could see a white-haired lady lying on the floor. She was taken to Crittenton Hospital in Rochester and died shortly afterward. She had not been wearing a seat belt.

The paramedics came over to us next. My left arm was sore but moving. There was a raw, red mark on Matthew's stomach where the seat belt had held him. I had raw marks on my neck and across both hips, and a bit of a shiner in the corner of my left eye—Matthew said he remembered seeing me fly forward and just catch the edge of the rear-view mirror.

I'd had a coffee cup sitting on the floor. We later found it jammed up under the dash. My husband had to pry it out, but it came free in one piece.

If that had been Matthew or me, I don't believe we would've come out in one piece. My husband and I thank God and believe that without seat belts my accident would have resulted in death or very serious injuries to Matthew or myself.

SECOND PLACE

David Shrewsbury, 23, Trenton

On April 2, while traveling near Wyandotte, I was hit in the rear by a car traveling about 100 m.p.h. (verified by police).

I heard the crash and realized I had been hit. My car, which was so new I hadn't even gotten the payment book for it, began to spin and left the ground. I was buckled up, so I gripped the steering wheel and held on.

Witnesses said I was four to five feet off the ground, flipping end over end. The car came down on the top, still spinning and sliding.

About a block from the initial impact, it hit the curb and began flipping over again, coming down this time on the grass and across the sidewalk.

I opened my eyes to see all the glass shattered, the dash collapsed and my space very restricted. I unbuckled my seat belt and forced the driver's door open with my shoulder. I fell out face down, trying to get away in case there was an explosion.

People who had gathered advised me not to move. The police took a report, then I was taken by ambulance to Riverside Hospital in Trenton, where I was treated for a concussion, minor cuts and bruises, and released. The next day, the doctors determined that I had neck, back and wrist injuries for which I am still being treated, and I expect to fully recover.

My new car was totaled. Had I not been wearing my safety belt, there is little doubt it would have been a fatal accident. It's a good law!

THIRD PLACE

Kristin Long, 17, Midland

On March 8, I swerved to miss a car which stopped suddenly in front of me. I hit the curb, lost control of my dad's car and hit another vehicle head-on.

At first, I didn't know what was going on. I thought I was bleeding, because I could feel liquid running down my face. The "blood" turned out to be tears. I can hardly recall what went on, but I figured that people in the other car must have been hurt badly.

(In fact, the other car held two other teenagers, both wearing seat belts. Both walked away from the accident.)

Several witnesses stopped to help us. Soon, the police and an ambulance arrived. On the way to the hospital, a paramedic said the only reason I wasn't dead was the seat belt I had been wearing.

Doctors found no serious injuries, so I was released from the hospital. For several days, every bone in my body hurt, and the same message kept coming back to me—if my parents hadn't been kind of fanatical about seat belts, I probably wouldn't have worn them.

My parents come up with some pretty strange ideas sometimes . . . but I know that their insistence on seat belts saved my life.

FOURTH PLACE

Miriam Duffy, 37, Romulus

Several weeks before the state law went into effect, my husband, Joseph (57), and I decided to start wearing our belts, to "get used" to the feel.

On Aug. 20, wearing belts saved our lives. It was only 12 days after my husband's release from Oakwood Hospital after suffering a heart attack. He wasn't allowed to drive, so I was driving at the time.

We were less than a mile from our destination. As we approached (an intersection), I observed the light turning green and three vehicles ahead going through the intersection. I continued through.

Suddenly I heard the most horrible sound I've ever heard. I never even saw the car that hit us until it was over. I remember hitting the steering wheel and then being pulled back as the seat belt locked. I remember the car being moved around like a bumpy carnival ride.

When we finally came to a stop, I noticed there were two other cars besides mine in-

volved. I remember the driver of the car that hit us climbing out of his sunroof (opening). The cover had flown off.

To my surprise, he picked up the sunroof and started coming at me, calling me names that are unprintable. From somewhere else came a man who was yelling for him to stop—that he was the one who ran the red light. At this point, the driver turned to his girlfriend, who was lying on what was left of the front seat. She was bleeding from her forehead. She had hit the windshield. Neither of them had been wearing a belt.

The young girlfriend (age 18) was taken to the hospital, where she died from a closed-head injury. The driver and passenger of the third car were both wearing belts and had no visible injuries. My husband and I had no visible injuries either.

The police verified that the driver who hit us was traveling 50 m.p.h., and we were traveling 35 at impact.

That night, my husband was seen by a physician who pronounced him "fine and damn lucky." After many tests, I learned that I had ruptured a disc in my back—a painful reminder but very small price for wearing the belt that saved my life!

FIFTH PLACE

Rheuby Carmichael, 58, Detroit

I'm (a) 58-year-old grandmother who did not wear a seat belt until it became law. I hated the idea. But I am a law-abiding citizen, so when it became law I started buckling up.

On Nov. 8, I was in an accident involving two other cars that totaled my car. One car ran a stop sign, hit another car and knocked it head-on into me, as I had come to a complete stop at the intersection. Two people were injured, including myself.

The assisting officers said if I had not had my seat belt on, I would have been thrown through the windshield. I only received a fractured left wrist, shoulder and side bruises.

God is so good to touch my mind to wear the seat belt. It has become as important to me as turning on the ignition or buying gas for the car.

## THEODORE ROOSEVELT MESSAGE ON FEDERAL RESPONSIBILITY RECALLED

### HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 6, 1986*

Mr. FLORIO. Mr. Speaker, occasionally it is desirable to step back from the turmoil of current events and view them in historical perspective.

Some 80 years ago, in his fifth annual message to Congress, President Theodore Roosevelt set forth a philosophy regarding the responsibility of private economic power to the public that still deserves study. He was particularly forceful in advocating the responsibility of the Federal Government because, he said, "Experience has shown conclusively that it is useless to try to get any adequate regulation and supervision of these great corporations," operating on an interstate basis, "by State action." Later in his message, the President elaborated this point in the context of the insurance business. In light of the current crisis in the availability of insurance and the renewed debate regarding the adequacy of State regulation to deal with the crisis, President Roosevelt's comments take on renewed relevance.

Mr. Speaker, while today's problems are not the same as yesterday's and while there are few today in positions of authority who would deal with this subject in the manner of Theodore Roosevelt, his approach provides food for thought and I commend it to the attention of the House.

FIFTH ANNUAL MESSAGE

WHITE HOUSE, *December 5, 1905.*

The great insurance companies afford striking examples of corporations whose business has extended so far beyond the jurisdiction of the States which created them as to preclude strict enforcement of supervision and regulation by the parent States. In my last annual message I recommended "that the Congress carefully consider whether the power of the Bureau of Corporations cannot constitutionally be extended to cover interstate transactions in insurance."

Recent events have emphasized the importance of an early and exhaustive consideration of this question, to see whether it is not possible to furnish better safeguards that the several States have been able to furnish against corruption of the flagrant kind which has been exposed. It has been only too clearly shown that certain of the men at the head of these large corporations take but small note of the ethical distinction between honesty and dishonesty; they draw the line only this side of what may be called law-honesty, the kind of honesty necessary in order to avoid falling into the clutches of the law. Of course the only complete remedy for this condition must be found in an aroused public conscience, a higher sense of ethical conduct in the community at large, and especially among business men and in the great profession of the law, and in the growth of a spirit which condemns all dishonesty, whether in rich man or in poor man, whether it takes the shape of bribery or of blackmail. But much can be done by legislation which is not only drastic but practical. There is need of a far stricter and more uniform regulation of the vast insurance interests of this country. The United States should in this respect follow the policy of other nations by providing adequate national supervision of commercial interests which are clearly national in character. My predecessors have repeatedly recognized that the foreign business of these companies is an important part of our foreign commercial relations. During the administrations of Presidents Cleveland, Harrison, and McKinley the State Department exercised its influence, through diplomatic channels, to prevent unjust discrimination by foreign countries against American insurance companies. These negotiations illustrated the propriety of the Congress recognizing the National character of insurance, for in the absence of Federal legislation the State Department could only give expression to the wishes of the authorities of the several States, whose policy was ineffective through want of uniformity.

I repeat my previous recommendation that the Congress should also consider whether the Federal Government has any power or owes any duty with respect to domestic transactions in insurance of an interstate character. That State supervision has proved inadequate is generally conceded. The burden upon insurance companies, and therefore their policy holders, of conflicting regulations of many States, is unquestioned, while but little effective check is imposed upon any able and unscrupulous man who desires to exploit the company in his own interest at the expense of the policy holders and of the public. The inability of a State to regulate effectively insurance corporations created under the laws of other States and transacting the larger part of their business elsewhere is also clear. As a remedy for this evil of conflicting, ineffective, and yet burdensome regulations there has been for many years a widespread demand for Federal supervision. The Congress has already recognized that interstate insurance may be a proper subject for Federal legislation, for in creating the Bureau of Corporations it authorized it to publish and supply useful information concerning interstate corporations, "including corporations engaged in insurance." It is obvious that if the compilation of statistics be the limit of the Federal power it is wholly ineffective to regulate this form of commercial intercourse between the States, and as the insurance business has outgrown in magnitude the possibility of adequate State supervision, the Congress should carefully consider whether further legislation can be had. What is said above applies with equal force to fraternal and benevolent organizations which contract for life insurance.

## DISTRIBUTION OF SURPLUS CHEESE

### HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 6, 1986*

Mr. VENTO. Mr. Speaker, I would like to call the attention of my colleagues to a bill which I introduced the last week of June, H.R. 5145. This legislation would provide for a substantial reduction in Government storage costs while at the same time, release cheese to feed hungry people.

Currently there are approximately 600 million pounds of surplus cheese being stored, transported, and reprocessed, all at the expense of the U.S. taxpayer. For storage alone, this amount nears the $50 million mark. In April, along with over 60 of my colleagues, I sent a letter to Secretary of Agriculture Richard Lyng requesting that he increase the distribution of surplus cheese to needy individuals. I received a response from the Department stating that the current distribution level is balancing the needs of the hungry with the possible occurrence of commercial displacement.

Mr. Speaker, the fact of the matter is, that in Minnesota as well as in a number of other States, the needs of the hungry are simply not being met under the current distribution level. When we have 600 million pounds of surplus cheese sitting in Government warehouses, we should not be turning away hungry people from empty commodity distribution sites.

We have before us an opportunity to accomplish a dual good. In adopting my legislation, we assure struggling dairy farmers a market for their product, and at the same time, we assure struggling poor families of a quality source of protein. The Commodity

Credit Corporation [CCC] has received strong support in the past from both rural and urban Members of Congress because of the dual purpose it serves—providing a guaranteed market for the farmer's product, while at the same time, generating commodities for schools, institutions, food banks and food shelves.

I understand the need to spend Federal dollars to purchase these commodities. What I do not understand is spending taxpayer dollars to store 600 million pounds of cheese for a number of years and I do not understand spending taxpayer dollars to reprocess the cheese to prevent it from rotting because it is stored for an average of 2.5 years. All of this, while food banks and commodity distribution sites run out of cheese by month's end as the long lines continue at food banks across the Nation.

H.R. 5145 would amend the Temporary Emergency Food Assistance Act by requiring that excess cheese held by the CCC be made available to States at the request of the Governor of that State. There is general agreement that if the individuals receiving these commodities are truly in need, commercial sales will not be displaced. This legislation requires that this need be documented before the commodities are released.

Under the Food Security Act of 1985, it is hoped that CCC inventories will be reduced. However, the advent of bovine somatotropen, or bovine growth hormone, means that the Nation's already overproductive cows will soon be able to produce from 10 percent to 40 percent more milk at little extra cost to the farmer. Until dairy production is brought into line with demand, let us reduce Government storage costs and feed hungry people.

In these days of ever tightening Federal budgets, it is mandatory that we carefully spend every Federal dollar. This should include reducing Government storage costs and supplementing our food assistance programs by releasing cheese that by law must be purchased by the Federal Government.

I invite your cosponsorship of H.R. 5145. The text of the bill follows:

H.R. 5145

A bill to amend the Temporary Emergency Food Assistance Act of 1983 to require that excess cheese held by the Commodity Credit Corporation be made available, at the request of the chief executive officer of a State, upon a showing of need, and without charge, for distribution by eligible agencies in the State

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) is amended by inserting after section 202 the following new section:

"AVAILABILITY OF CCC CHEESE

"SEC. 202A. Notwithstanding any other provision of law, cheese acquired by the Commodity Credit Corporation that is in excess of quantities needed for the fiscal year to carry out a payment-in-kind acreage diversion program, maintain United States share of world markets, and meet international market development and food aid commitments, shall be made available by the Secretary of Agriculture (hereinafter in this Act referred to as the 'Secretary'), at the request of the chief executive officers of the various States, upon a showing of need by such officers, and without charge or credit in such fiscal year, in a useable form, for use by eligible recipient agencies in such States.".

## DR. JOHNNIE MAE BROWN HONORED FOR COMMUNITY SERVICE

### HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 6, 1986*

Mr. CONYERS. Mr. Speaker, I would like to call my colleagues attention to the work Dr. Johnnie Mae Brown, ordained minister of the Joseph Compeau Avenue Church of God in Detroit, MI, where she serves as associate pastor alongside her husband, Rev. Otis F. Brown. I had the occasion to present her with a proclamation on Sunday the third of August 1986, during a service at the church, at which time, Dr. Brown was recognized for her many accomplishments as both a religious and community leader. I would like the text of that proclamation to be included in the RECORD.

U.S. HOUSE OF REPRESENTATIVES, FIRST CONGRESSIONAL DISTRICT OF MICHIGAN, PROCLAMATION IN RECOGNITION OF DR. JOHNNIE MAE BROWN

Whereas, Dr. Johnnie Mae Brown is honored today for her untiring dedication to the Church community and the community-at-large; and

Whereas, Dr. Brown began her ministry in 1953, was ordained ten years later, and with her husband the Reverend Otis F. Brown organized the first black Churches of God in the states of Washington and Oregon; and

Whereas, Dr. Brown currently serves as the Associate Pastor of the Joseph Campau Avenue Church of God in Detroit but is also in great demand as an evangelist throughout the United States and Canada; and

Whereas, Dr. Brown has broken new ground in the Church of God by being elected to the Presidency of the Detroit Metropolitan Area Ministerial Fellowship in 1985, the first woman to serve the Church in this position; and

Whereas, Dr. Brown's work has emphasized the education of young people in the Church, leading her to participate in numerous youth camps and conventions, as well as rearing five children of her own; and

Whereas, Dr. Brown strongly believes in the importance of the family unit, not only with her children but in doing God's work alongside of her husband, who is the Pastor of the Joseph Campau Avenue Church of God.

Therefore, be it resolved, that Dr. Johnnie Mae Brown be commended this third day of August, 1986 for her devotion to her family, her Church, and her world.

JOHN CONYERS, Jr.,
*Member of Congress.*

## THE TEXTILE AND TRADE ENFORCEMENT ACT

### HON. MIKE SYNAR

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 6, 1986*

Mr. SYNAR. Mr. Speaker, I have tried my best to stay out of the fight over the Textile and Trade Enforcement Act. But I'm afraid my best just wasn't good enough.

I voted today to override President Reagan's veto of H.R. 1562 because empty rhetoric will not solve our trade deficits. I regret that we fell a few votes short of the two-thirds majority that is necessary for a veto override.

I'll be honest: This is bad legislation. But the alternative is worse. What is the alternative? It is more of the rollover-and-die trade policy of the Reagan administration.

I voted against H.R. 1562 when the House approved it in October 1985. Free trade is the best trade policy. I believed the administration when they assured us that we'd see improvements in the trade deficit.

As early as 1980 President Reagan told us he would "pursue a vigorous export promotion policy, remove barriers to U.S. investment, provide expanded incentives for export, and renegotiate outmoded and obsolete trade agreements."

On Tuesday—6 years after the President promised action—U.S. Trade Representative Clayton Yeutter called and promised essentially the same.

We can't wait any longer. We face the largest trade deficits in history. The administration has talked a good game, but the results aren't there.

Textile imports have doubled since 1981 and now comprise more than 50 percent of the market. Nearly 400,000 jobs have been lost—equivalent to the population of Tulsa, the largest city in northeastern Oklahoma—280 textile plants have closed as a result of foreign imports.

These numbers paint a picture that is disturbingly similar to my district. Plants have closed because of imports in the tire and glasswares industries; oil industry workers are unemployed and unable to find work.

Mr. Speaker, I cannot continue to rely on the empty rhetoric of the administration. We need action. And it's important to stress that the textile industry is only one of many that is hurting. In Oklahoma, the world economy has severely undercut our two major industries, agriculture and oil and gas.

We can no longer pretend there is no trade problem. American industry needs immediate relief.

## ROB SCRIBNER'S "WORKING TOGETHER IN CALIFORNIA"

### HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 6, 1986*

Mr. DANNEMEYER. Mr. Speaker, one of the most heartening new developments that I

have seen in a long time has been underway all this year in southern California. It is a practical program that meets community needs without raising taxes and it sets a precedent that could be profitably emulated elsewhere.

In the fall of 1984, Rob Scribner, a man experienced in tackling tough problems as a former Los Angeles Rams player, and a successful businessman, decided it was time to demonstrate the practicality of private alternatives to costly government programs. He set up Working Together in California as a private nonprofit corporation, gathered around him a core group of enthusiastic volunteers, and set out to show what can be accomplished by organized voluntary action.

Within a few months, Working Together volunteers were reaching out from suburbs such as Pacific Palisades and Santa Monica and pouring into Los Angeles innercity teaching literacy skills, feeding the hungry, and recruiting people to serve the whole array of innercity nonprofit human care agencies. Mr. Scribner has the energy to undertake this enormous effort because of his conviction that America must rely less on government programs and more on volunteer action to cope with social problems.

WORKING TOGETHER LITERACY WORKSHOPS

The Working Together literacy workshops focus on the need to reemphasize the teaching of basic literacy skills, reemphasize parental responsibility in this process, and return to a truly phonetic teaching method. They have done this with a remarkably effective method called sing, spell, read, and write, which was developed by a talented school teacher named Sue Dickson, and promoted by Pat Robertson of the 700 Club and CBN University. The sing, spell method makes phonics fun with songs and games and teaches independent reading ability in 36 beautifully coordinated steps.

Working Together is offering a 3-hour videotaped "Literacy Training Workshop" to teachers, parents, and would be volunteer tutors at schools, churches, and social agencies all over southern California. It's always presented free of charge, always accompanied by a Working Together volunteer, and often promoted via flyers which are printed in both English and Spanish. The program has proven to be successful. By the time students from Selma, CA, had completed the 36 steps in the Sing, Spell Program, average student scores shot from 84 percent below the national norm in reading to an astonishing 96 percent on or above it.

FEEDING THE HUNGRY

Since 20 percent of all food produced in this country is wasted—enough to feed 49 million people, there is enough food already being produced to eliminate hunger in the U.S.A. This nutritious food, however, cannot find its way from the farmer to the hungry without an effective food bank organization staffed by volunteers. Working Together is seeking to speed up the process to mobilize and organize more people to get involved in food distribution. The Working Together Program asks recipients to pay $15 a week, which covers the actual costs of operating the food bank, for $60 to $70 worth of food. Rob Scribner is helping to build a network of southern California pastors who believe the church should assume responsibility for helping to feed the poor in their communities.

RECRUITING 5,000 VOLUNTEERS

While Working Together has attracted the most attention for its feeding and literacy programs, it is just as committed to stepping up the recruiting of volunteers for the whole array of some 3,000 nonprofit human care agencies in southern California. While working with other volunteer organizations in the southern California area to disseminate information about volunteer job opportunities, Working Together has set a goal of recruiting 5,000 new volunteers to serve the nonprofit agencies in southern California.

Rob Scribner, as president of Working Together, should be enthusiastically commended for all that he has done to increase human services without cost to the taxpayer. In addition, Charles Hull Wolfe and Rev. Luther B. Keith, the cofounders of Working Together, and Working Together's administrator, Monique Schmidt, deserve recognition for their outstanding contribution. But most of all, the hundreds of Working Together volunteers deserve special thanks for their commitment to the tradition of voluntarism that made this country great.

## ADMIRAL ALAN SHEPARD: A SPACE PIONEER

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 6, 1986*

Mr. KEMP. Mr. Speaker, I want to call attention to the accomplishments of a man who helped catapult the United States into the space age 25 years ago, Adm. Alan B. Shepard, Jr. As the first American in space, he proved that the United States could send a man into space and bring him back to Earth safely. Ten years later, Alan Shepard, as commander of the Apollo 14 mission, became only the fifth man to walk on the Moon.

Since his retirement from NASA in 1974, Alan has staunchly supported America's space program and our efforts to generate new technological breakthroughs, such as SDI. I applaud and support his hard work and commitment to space exploration, so vital to our Nation and the free world.

The following article deserves the attention of the Congress and I ask that it be included in today's RECORD for all Members to see. We owe Admiral Shepard and all our astronauts a great deal of gratitude.

Mr. Speaker, I'm proud to be a friend of Alan, his dear wife Louise, and their wonderful family.

SHEPARD SKY HIGH ON NASA

(By Jim Watson)

Adm. Alan B. Shepard Jr., sporting a braided gold necklace and a golfer's tan, leans back in his chair and takes another gulp from a bottle of St. Pauli Girl beer. Then he remembers the camera. "Oops, better hide this," he says, flashing a half-grin and sliding the bottle under the table. Wouldn't look good, he explains, for a former Coors distributor to be sipping on the competition. An import at that.

It's a sweltering summer afternoon, and the hospitality suite at the Wyndham Bristol Hotel is abuzz with former Apollo astronauts, 18 veterans of the program that landed a dozen men on the moon from July 1969 to December 1972. They have come to Washington to join their fellow "Apollonauts" in what is billed as their first-ever reunion—itself a remarkable feat, according to ex-astronaut and former Sen. Harrison "Jack" Schmitt.

"I'll tell ya," says Mr. Schmitt, scientist for Apollo 17 and the last man to walk on the moon. "I've never met a bunch of guys who were harder to get to do anything together. We are not organizable."

Voices booming, they stream in and out in various stages of preparation for the evening's reception, some in tuxedos, some in suits, some more casually attired. As they filter in, they take a few minutes to slap each other on the back, swap tall tales and autograph a stack of posters commemorating the 17th anniversary of the July 1969 moon landing. None lingers long. None, that is, except Alan Shepard, who is enjoying the parade.

Dressed in a bright-pink knit shirt and tassel loafers, he sits back and watches as the former spacemen file by. "I'm the old man of the bunch, he says, acknowledging his age, 62, with a pained expression.

He looks up as a tall, sturdily built, gray-haired man walks through the door.

"There's Duke!" he shouts. Pausing for a moment, he exchanges a few friendly insults with Charles Duke, lunar module pilot for Apollo 16 and the 10th man on the moon.

Enter a group of other former flyboys—all square jaws, chiseled cheekbones and firm handshakes, It's the first time many of them have seen each other in years. Automatically they lapse into the fraternal ribbing common among astronauts and athletes. "Hey, Al, what'cha doooin' over there?" hollers one playfully.

"Tryin' to tell this fella here everything I know," he says, nodding toward an earthling with a notepad. Says the other, looking at his watch, "Oooo, that oughta take a coupla minutes, at least."

Another one shouts from across the room something about Mr. Shepard being late for the party if he doesn't hurry up and dress. But the man who ushered the United States into the space age, the man who started it all, merely shrugs his shoulders and takes another sip. "I got plenty of time," he says.

Twenty-five years ago, a Redstone rocket catapulted Mr. Shepard and his Mercury capsule, Friendship 7, 115 miles into the black void of space high over Cape Canaveral, Fla. Fifteen minutes later he plunged into the Atlantic 302 miles away. Although he didn't orbit the Earth—John Glenn did that a year later—Mr. Shepard proved that America could put a man in space and bring him down alive.

His May 5, 1961 flight came just 23 days after Soviet cosmonaut Maj. Yuri Gagarin became the first man to orbit Earth, a fact that still nags the American to this day.

"It was disappointing, yeah, sure," says Mr. Shepard, with a slow nod. But, he reasons, "you don't make engineering decisions based on emotion." He finds some consolation knowing that the Soviet was essentially a passenger aboard his spacecraft—just so much living baggage—while Mr. Shepard actually controlled the flight of his capsule.

After his first flight Mr. Shepard was grounded because of an ear problem which required corrective surgery. "I hung around

and trained and everything," he says. But by the time he was assigned another mission, so much time had passed "they were calling me a rookie."

Tne years after his first flight, he commanded the Apollo 14 mission to the lunar highlands. On that flight he became the fifth man to walk on the moon and the only one to play golf there.

That he was not the first man in space never seemed to diminish America's regard for Mr. Shepard, the wholesome, hardworking and likable kid from East Derry, N.H., who helped shape the image of the modern space hero. Three days after his first flight, 250,000 people lined Pennsylvania Avenue in Washington to welcome the man whose feat helped restore American self confidence after the Russian venture.

Now, no longer officially associated with the Navy or with the National Aeronautics and Space Administration, Mr. Shepard is scarcely the public personality he once was. But in many ways he's still the quintessential astronaut. The buzz-cut hair, toothy grin and baggy space suit of his glory days stand in the minds of many as the image of the modern American hero, the embodiment of the American spirit.

A quarter-century after his record-breaking flight and 12 years after his retirement as a rear admiral, he still seems to have a full measure of what author Tom Wolfe called "The Right Stuff."

The severe crew cut has given way to soft waves of sand-colored hair which swoop down from his high forehead and flow over the tops of his long ears. His eyes are a deep, piercing blue, his physique hardly the worse for the passage of time. In fact, the living symbol of the American space program is only beginning to show signs of mortality, a reminder that the space age itself is still in its infancy.

In 1974, when he retired from NASA and the Navy, Mr. Shepard launched a new career as a beer distributor and real estate investor. Now he owns his own real estate company, is a commissioner for the Port of Houston and has a hand in a number of other business ventures. He is also president of the Mercury 7 Foundation, a scholarship organization set up two years ago by six of the original seven astronauts and the widow of Lt. Col. Virgil Ivan (Gus) Grissom, who died in a launchpad fire 19 years ago.

He didn't follow now-Sen. John Glenn, an Ohio Democrat, into politics because, as he puts it, "I'm just not a political animal."

While it seems an odd departure for someone who devoted most of his life to more lofty pursuits, he says his entry into the business world was natural, just another in a lifelong series of challenges.

"I've been the world's greatest test pilot. I've been to the moon. I mean, what else is there?" he says, pulling the corner of his mouth into a quizzical grin. "I wanted to change and try something I've never done before." He adds, "When you've been to the moon, where else are you going to go?"

Mr. Shepard and the other six Mercury astronauts, including Mr. Glenn, were among the main characters in Mr. Wolfe's novel "The Right Stuff' and a movie by the same name.

When the subject of the movie comes up, a group of eavesdropping astronauts suddenly breaks into loud laughter, as if reminded of an inside joke.

"What movie?" says Mr. Shepard, trying to squirm out of the question. Then he explains that the film, though entertaining, was littered with inaccuracies. One example, he jokes, was the casting of actor Scott Glenn in the role of Alan Shepard.

"Yeah, he played a pretty tough character, but he was nowhere near as tough as I was. And he was nowhere near as good-looking as I am," he adds, to the whoops and howls of his impromptu audience.

Now a Houston resident, Mr. Shepard says he frequently visits NASA to track the progress of the space program—"and to tell them how tough it was in the old days."

Since his retirement, he has lost none of his interest in America's place in the space race. Over the years he, like most of the former astronauts assembled here, has not wavered from his belief that the country should do everything in its power to hang onto the lead.

For one thing, the country needs the technological fallout that comes from advances in the space program and that would come from development of programs such as the Strategic Defense Initiative, the proposed "star wars" missile defense system.

"We need that kind of technology for transmission of energy, intelligence and so on," he says. "That level of technology has to be generated and has to continue to be generated. Otherwise we can't be world leaders anymore."

Mr. Schmitt, long an outspoken advocate of strong congressional support for manned spaceflight, agrees. Beginning with the demise of Apollo during the Nixon administration, he says, NASA has not been given the funding necessary to carry out the government's goals, among them a permanent, manned space station such as the Soviets already have.

"Commitment!" shouts Mr. Schmitt from across the room. "If we'd had commitment, we wouldn't have killed those astronauts," referring to the Jan. 28 explosion of the shuttle Challenger which killed its crew of seven. He adds, "Anybody with any sense predicted that [the shuttle program] was underfunded by a factor of three or four and that you were going to run into these kinds of risks."

Edwin E. "Buzz" Aldrin Jr., who flew with Neil Armstrong on Apollo 11 and was the second man to set foot on the moon, laments that America has lost ground in the race for a permanent presence in space, and that the whole program is under such intense scrutiny.

"We have another challenge before us right now," he says. "If the people, the Congress, do not choose to follow this challenge and put us on the right track for the second time, all of what I did by being an astronaut was really a waste of time."

Despite the recent attacks on the space agency following the shuttle explosion, Mr. Shepard remains a loyal son. "NASA has been one of the best government agencies to come down the road in many, many years," he says.

He strongly rejects the notion that the agency has fallen from grace in the eyes of the public. In fact, he points out, NASA has weathered other disasters, including the January 1967 flash fire that killed Mr. Grissom and two other astronauts designated to fly the first Apollo mission.

Moreover, even from the beginning NASA has had image problems. "Going back to day one, when I was involved, NASA was not a popular organization," says Mr. Shepard. "Half the people thought we were crazy and the other half thought that man should not go into space."

That skepticism even found its way into his home, he recalls. In 1959, when he phoned his parents to tell them he had been chosen from 110 military test pilots to become one of the first seven astronauts, "My mother was delighted and my father thought I had made a bad decision. It was even splittin' up the family!

"I'm tellin' ya, I'm tellin' ya," he says, "A lot of folks looked at us like Evel Knievel and the Snake River Canyon deal: 'Man's not supposed to fly in space!' "

Nevertheless, he did, and "NASA survived with flying colors." It will take some time, but he predicts that the agency will overcome its current crisis and get on with its job.

Since the shuttle disaster, the agency has come under fire from several fronts, including Congress, the Reagan administration and a special presidential commission investigating the accident. Poor communication, negligence, mismanagement, arrogance and overall "system failure" are among the causes cited, leading some lawmakers to push for privatization of the space program and tightening NASA's purse strings.

"I don't think they need to change a thing," argues Mr. Shepard. "I think they just need to kick 'em . . . tell them that they were laid-back and to get back to work. . . . Say, 'Look, you guys. You're laid-back. Get off your heels, get back on your toes and go for it.' "

The culprit? Years of outstanding performance. "I think basically the problem is that there's a sense of complacency which has permeated not only NASA but also the major contractors who supply hardware for them," he says. "It's a very insidious thing, and it happens in any business where a person has a number of successes and feels he is sort of infallible.

"It's just that hidden, and that's tough for people to realize . . . I don't see any need to reorganize NASA. I think the people are still good and still dedicated."

He continues, "People don't make bad decisions deliberately. There's a lot of Monday-morning quarterbacking, a lot of finger-pointing going on, which is very unfortunate. . . I was there. I feel sorry for them." Once the smoke clears—"once they clean up their act," he adds hopefully—"they're going to be better than ever."

Throughout the history of manned flight, accidents have claimed the lives of aviation pioneers. The Challenger, for all its sophisticated technology and the previous successes of the shuttle program, was still an experimental craft, its crew well aware of the danger, these ex-astronauts say.

The reason the explosion has drawn so much attention, says Mr. Shepard, is not that it represents a breakdown within NASA, or that public opinion of the space agency has soured. Rather, it is because of the heightened fascination with space, and increasing awareness that the era of space travel has dawned.

For today's young people, he says, "Television is ho-hum, computers are ho-hum, radio is ho-hum, automobiles ho-hum. [Space] is their excitement, their challenge. Their future."

## REFORMING THE BUDGET PROCESS

### HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 6, 1986*

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, August 6, 1986, into the CONGRESSIONAL RECORD:

REFORMING THE BUDGET PROCESS

The Congressional budget process is not working well. I refer not only to our well-publicized difficulties in failing to reduce the federal deficit, but also to the way that the budget process itself has become so unwieldy and complex that consideration of the budget now dominates and upsets the Congressional agenda. This equally serious problem is getting much less attention by policymakers.

The problems are several. The percentage of budget-related votes in the House and Senate has doubled in recent years, comprising almost half of all recorded votes. Congress sometimes takes six months to pass the budget resolution, which is only a guideline and is often ignored by the appropriations and authorization committees. Congress increasingly engages in budget "micromanagement", immersing itself in the details of programs instead of using the resolution to deal with major policy issues. Budget rules are frequently waived and deadlines are missed, often leading to enormous and incomprehensible spending packages at the end of the fiscal year. Significant duplication of effort occurs as the same issue, such as funding for the MX missile, might come before various budget, authorization, and appropriations committees. Budget calculations are routinely based upon overly-optimistic economic assumptions, making reconsideration of program funding at year's end almost certain. The budget process has become such an overriding preoccupation for the Congress that it has become difficult to consider other major legislation. We end up debating numbers rather than policy. For example, we debate exhaustively how much should be spent on defense, rather than what is purchased, why it is needed, and how well funds are spent. To a large extent, numbers are driving policy.

Certainly there are many positive aspects to the budget process. People are better informed about the budget than they were a few years ago, and Members are more aware of the fiscal impact of their decisions. Congress now gives more attention to the relative merits of different programs, and takes a more comprehensive overview of its spending and taxing decisions, rather than haphazardly approving programs one by one as they happen to come up. The Congressional Budget Office helps Congress to base its budget decisions on more realistic economic assumptions than those used in presidential budgets. Unprecedented budget "reconciliation" procedures make it easier to curb entitlements and other programs. The scope of the budget resolution was recently broadened to include federal lending activities, and the budget timetable was advanced in an attempt to get the budget settled earlier. Yet despite improvements the budget process has become cumbersome under normal circumstances, and almost paralyzed under stress. The time has come for drastic simplification and reform.

Complexity in the process is to be expected. Setting out the trillion-dollar federal budget each year is inherently difficult for the Congress, as budgeting is for any other enterprise. There are never enough resources to carry out all the desired activities, and tough choices must be made on the most controversial issues of the day. Moreover, developing a consensus on how to reach various budget goals is a slow and painful process. If wide divisions exist over basic spending and taxing decisions, no process will make them magically disappear. Under the new procedures of the complex Gramm-Rudman-Hollings deficit reduction law, some confusion and delay can be expected. Yet my strong sense is that the process has become more complex and burdensome than necessary.

Those dissatisfied with the process take either of two approaches. Some suggest revising the budget mechanism and instituting various Congressional reforms, including shifting the budget to a two-year cycle (a system used successfully by many states); making the budget resolution have the force of law rather than be only a general guideline for future decisions; drastically reducing the number of budget accounts and items; making it more difficult to miss deadlines; and simplifying the Congressional committee system, such as by combining authorization and appropriations committees or replacing the House and Budget Committees with a joint House-Senate committee. Such suggestions deserve consideration.

Others say that the fault lies more with political will than with the process. They say that all the reforms in the world do not guarantee success, since deadlines can be waived, figures can be manipulated, and painful decisions can be finessed. Instead, they feel that almost any system could be made to work if Members really want it to work, and if Congress and the White House begin serious negotiations on the budget right away, rather than engage in drawn-out political posturing. They feel that overhaul of the process is unnecessary.

There is some truth on both sides. We clearly must strengthen our political will to move the budget through more quickly, but we also need to simplify and improve the basic budget mechanism. We need to look at the minor changes that can be made right away, to make the process now dominated by Gramm-Rudman-Hollings less of a burden. But we must also begin to systematically evaluate the more substantial and more politically-charged proposals for longer-term reform, such as switching to a two-year budget cycle or simplifying our committee system. At the least, we should set up a joint House-Senate task force on the budget process to propose simplifications and improvements.

Reform cannot save us from making the tough policy decisions, but it can help ensure that we are focusing our major attention on the key policy issues, are not bringing up the same issues over and over again, and are no longer forced into making major decisions in the last few frantic hours of the session. Reforming the onerous budget process will be hard, unglamorous work, but it is essential to improve the functioning of Congress.

## BIKE-AID: PEDALING FOR PROGRESS

### HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 6, 1986*

Mr. DORGAN of North Dakota. Mr. Speaker, the U.S. Congress today hosted an extraordinary delegation of young people: riders in the cross-country Bike-Aid project.

This dedicated group of students committed their summers for the purpose of raising funds for self-help projects in developing nations and Appalachia. The proceeds from pledges will enable the Overseas Development Network—a coalition of college students working to end world hunger—to fund projects in poor nations. These local projects target food self-reliance, village education, and small enterprise.

I join with such Bike-Aid patrons as Senators BILL BRADLEY, PAUL SIMON, and EDWARD KENNEDY, Representative MICKEY LELAND, and Tour de France champion, Greg LeMond, in commending these outstanding young Americans for pedaling from 1,900 to 3,000 miles on behalf of the poor, the hungry, and the illiterate.

HOW WILL BIKE-AID PROCEEDS BENEFIT DEVELOPMENT?

Funds raised by Bike-Aid '86 will benefit development in three ways:

First, Bike-Aid proceeds will be used to create a special fund from which ODN will award grants to small-scale organizations who themselves sponsor locally-initiated self-help development projects. Four examples of such organizations are described below.

*Ashoka Society*—is an organization devoted to supporting entrepreneurs in Third World development. The Society awards fellowships to imaginative and committed individuals in the Third World who might not otherwise have the resources to try new approaches to solving critical social problems. Presently, Ashoka Fellows work in India and Indonesia. They have been credited for breakthrough achievements in addressing problems of illiteracy, environmental decline, food production, and small-scale industry.

*International Development Exchange (IDEX)*—links U.S. communities and civic organizations with small-scale self-help projects in developing countries. The projects are modest in scale and goal, and are characterized by a high degree of local initiative. IDEX serves as the intermediary organization. Any portion of Bike-Aid proceeds allocated to IDEX will be used to supplement and leverage additional community support.

*Bikes Not Bombs*—is a constructive response to the current disruption of education and medical care caused by war in Central America. Bikes Not Bombs sends used and new bicycles, spare parts and tools to health workers and teachers who might otherwise have no means of transportation in these war-torn countries.

*Trickle Up*—is a small organization which serves as a resource and a catalyst for Third

World groups to develop their own economic development programs. Trickle Up supports enterprises that demonstrate creativity and realistic planning. Trickle Up awards grants in two stages. The first installment is awarded to the recipient group after it has completed and presented a detailed plan of its progress; the second installment is awarded after the recipient group has invested at least 1,000 man-hours in the project itself. Projects "catalyzed" by Trickle Up are marked by their near complete reliance on local initiative and resources.

Second, a portion of the Bike-Aid proceeds will be added to ODN's Partnership in Development "Revolving Fund," which has been established to expedite the implementation of ODN-sponsored projects. ODN chapters borrow money from this fund as start-up money for the projects they have chosen to support. As the chapters conduct their own fundraising progress for the projects, they reimburse the Revolving Fund for the earlier loan. Three of the typical projects are listed below.

*Nyafaru Boarding School Food Production Project, Zimbabwe.* This school in the rural Tangwena region services 1,200 square miles of villages consisting of 3,000 residents. Project leaders hope to eliminate their food shortage and to raise money for essential educational materials by establishing a self-sufficient chicken cooperative and vegetable garden.

*Project for the Small Enterprise of Tricycle Making, Dominican Republic.* The organizers of this project hope to create jobs and stimulate the local economy by establishing a tricycle shop in this marginal neighborhood in Santo Domingo. Tricycles will be used for transportation and by traveling vendors, who will be able to cover a larger area. Initially, the shop will manufacture the tricycles and sell them for a profit. After six months, the shop will sell the tricycles to members of the community on credit. With new tricycles, villagers will be able to start or improve their own businesses and eventually repay the shop.

*The Sudhiranjan Lahiri College, India.* This school, founded in 1967, serves the extremely poor and often illiterate agricultural workers of India's Harijan (Untouchable) caste, whom tradition has long denied a decent living and an education. ODN support will help the college expand and obtain essential materials for its 600 students who now share only 8 classrooms.

Third, ODN will use the remainder of the Bike-Aid proceeds to strengthen the ongoing projects it sponsors under the Development Education Program and the Development Opportunities Program.

One of these, the *Appalachia Project,* is planned to begin this summer at ODN's summer leadership training center located in Dungannon, Virginia. This program offers thirty students from the U.S. and the Third World an opportunity to learn about development issues first-hand. The students will work together with local volunteer agencies on literacy programs, farming cooperatives and other development projects in Appalachia. This experience will help students to better understand the everyday aspects of development. With direct experience and new insight, these students will return to their campuses as more effective and more knowledgeable organizers.

## PAUL J. BURNSKY AND BILL PHILLIPS FIGHT FOR A STRONGER MERCHANT MARINE

### HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 6, 1986*

Mr. DYSON. Mr. Speaker, I rise today in tribute of two men who have remained passionately committed to the revitalization of our Nation's merchant marine. I speak of Paul J. Burnsky, president of the AFL–CIO Metal Trades Department, and Bill Phillips, legislative consultant for the AFL–CIO Metal Trades Department, who have eloquently and repeatedly defended the rebirth of our merchant marine in the name of national security and improved domestic economic conditions.

Indeed, it would be prudent to listen closely to Paul Burnsky's plea that we not foresake domestic shipbuilders in favor of cheaper foreign competition. While free-market principles suggest the advantages of competition, it is imperative that we must first acknowledge, in Paul Burnsky's words, "that the overriding national interest of the United States should determine our shipbuilding and maritime policies." What is clearly in the long-range interest of our Nation is a policy that protects the domestic shipbuilding industry and not, as the present administration proposes, one that promotes incentives for the acquisition and maintenance of ships from foreign nations.

Historically, two criteria have served for assessing the value of our merchant marine. In general terms, these are the industry's commercial viability and its capability for serving as a naval or military auxiliary in times of emergency. However, the Reagan administration's maritime strategy, as embodied in the Merchant Marine Act Amendments of 1986 (H.R. 4024 and H.R. 3141), disregards national security and domestic economic concerns.

There should be no doubt that attainment of President Reagan's proposed 600 ship Navy is essential if we are to have a Navy that can carry out the missions assigned to it. There is certainly no question that achieving this goal will require continuing large shipbuilding programs. But support for naval ship construction programs is not in itself sufficient to maintain a strong national maritime posture. The maritime interests of our country require that we maintain a strong merchant marine, with modern ships manned by skilled American crews, and a strong shipbuilding and repair industry to support both the Navy and the merchant marine.

Accordingly, it is important that we ask ourselves whether the United States could furnish the requisite number and variety of ships to sustain a long term sealift should a protracted conflict occur. The answer to that is, firmly, no. The inescapable conclusion of any survey of our present sealift resources is that there exists no surplus of militarily useful vessels. This is not any less true after taking into account the addition to these resources that may come from encouraging the repatriation of foreign-flag vessels. Given this situation, any policy threatening to liquidate our shipyards takes on the appearance of the absurd. Should such a policy in fact have this effect, the Department of Defense may soon add ships and components to its list of strategic imports. Not only will we not be a reliable military ally, we will not even be militarily self-sufficient.

I share with Paul Burnsky and Bill Phillips an unwillingness to concede the commercial viability of a U.S. merchant marine. Clearly, it's possible and desirable that a way be found to bring a greater percentage of our cargo under our own flag. This must be the foundation of any plan that will preserve the shipbuilding components of our merchant marine. But this alone will not assure the prosperity of U.S. shipyards and their suppliers. Mr. Speaker, beyond cargo preference legislation, two additional elements are essential to a revitalized merchant marine: One, a thoughtful and effective alternative upon which a comprehensive, long-range policy can be constructed that comes from the industries themselves; and two, and perhaps most significantly, their message must find a safe harbor in the Congress where it may be delivered time and time again.

So, Mr. Speaker, I proudly salute Paul J. Burnsky and Bill Phillips, for their contributions toward the revitalization and, indeed, the survival of America's merchant marine.

## A SALUTE TO BRUCE P. FOSTER

### HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 6, 1986*

Mr. STOKES. Mr. Speaker, I rise today to pay tribute to Bruce P. Foster, on the occasion of his retirement after 42 years of public service and labor affiliation.

Bruce is a veteran of the U.S. Air Force, and for 24 years was a bus operator with the Cleveland Transit System. For 3 years he served as president of the Amalgamated Transit Union Local 268 and was then elected international vice president of the Amalgamated Transit Union.

Mr. Speaker, through his untiring efforts in civic involvements and as a labor leader, Bruce Foster has improved the quality of life for many citizens in Cleveland and throughout the Nation. In recognition of his many contributions and accomplishments, Bruce has received many awards and in addition, will be saluted at a dinner in his honor on August 23, 1986, hosted by his coworkers and superiors who have held him in high esteem for many years.

In addition to his work as a labor leader, Bruce Foster has served on a number of different boards, commissions, and organizations including: The Ohio Lottery Commission; member of P.I.C.K. Council; Advisory Commission on Cleveland City School Finances; member of Work in Northeast Ohio Council; Cleveland Community Relations Board; president of Black Labor Leaders Caucus; Advisory Commission Federation of Family Planning; president and vice president of Cleveland Federation of Labor, and past president of city of Cleveland Civil Service Commission. He is currently serving as: executive board member,

NAACP; member of Greater Cleveland Roundtable; member of Operation Alert; executive board of Cuyahoga County Republican Party; member of National Labor Advisory Council; alumnus of Leadership Cleveland Class of 1982 of the Greater Cleveland Growth Association; trustee of United Way Services; member of City Wide Development Corp.; member of Dome Corp.; member of U.S. Department of Transportation section 15; president of F.H.R. Services Inc.; vice president and secretary to board of North Coast Cable Co.; president of Bruce P. Foster Construction Co.

On behalf of the residents of the 21st Congressional District of Ohio, I would like to offer my most sincere congratulations to Bruce on his retirement, with best wishes for continued health and happiness in the many more productive years to come.

## VETERANS' HEALTH CARE AMENDMENTS OF 1986

### HON. BUTLER DERRICK

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 6, 1986*

Mr. DERRICK. Mr. Speaker, earlier today under suspension of the rules, the House of Representatives approved the Veterans' Health Care Amendments of 1986 (H.R. 4623). I strongly support this measure and wish to take this opportunity to commend the Chairman of the Veterans' Affairs Committee for his outstanding leadership in bringing the bill to the floor.

I am particularly interested in section 8 of the legislation which makes revisions in the State veterans' home program. Over the past year and a half, I have discussed with Chairman MONTGOMERY the need for a change in the law and have urged the committee's attention to this matter. I am grateful that the chairman has allowed me to work with him and his fine staff on addressing this specific provision.

Under the amendment, priority will be given for the construction of State veterans' homes to States that have already appropriated their share of the funding. The State veterans' home program represents a joint effort between Federal and State Governments, and has long been regarded as a cost-effective way of providing care for our veterans.

In light of limited construction grant funds, this provision would offer a fair and equitable solution to the problems we face in addressing the health care needs of these men and women. Our Nation's veteran population is rapidly aging. While every State will be affected to some degree, those States with the larger veteran populations will certainly feel the strain of caring for the aged veteran.

To put this situation in a local perspective, South Carolina has over 350,000 veterans residing in the State. Approximately 53,000 of them are now over 65 years old. However, by the year 2000 this number is expected to more than double. The State's sole veterans' nursing home is a 150-bed facility which continuously operates at full capacity.

An application is currently pending before the Veterans' Administration for a 210-bed State veterans' home to be built in Anderson County, located in my district. This nursing home will serve all of western South Carolina and relieve the pressure being felt at the present facility. I would note that 50 percent of all South Carolina veterans reside in the 8 counties adjacent to the Piedmont area of Anderson.

Because the State shares in the cost of construction of these homes, it is only fair that we give them this chance to compete for the limited Federal moneys. By appropriating their share of the funds, the States are demonstrating their need for and commitment to the project. Earlier this year, the Governor of South Carolina aproved the money for the construction of the Anderson nursing home, and I can attest that this project is being given top priority on the State level. I believe that the Federal Government should demonstrate this same commitment.

I appreciate the support given to this measure today by my colleagues. This legislation goes a long way in insuring that the health care needs of our veterans who so ably served our country will be adequately met in my district and all across the Nation.

## LEGISLATION TO REINSTATE THE LIMITED CIRCULATION RATE POSTAL SUBSIDY

### HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 6, 1986*

Mr. SKELTON. Mr. Speaker, today along with my colleague from Iowa, [Mr. TAUKE], I am introducing a bill which would reinstate the limited circulation rate postal subsidy for small publications which mail their publications to adjoining counties. As chairman of the Congressional Rural Caucus and chairman of a Small Business Subcommittee I am extremely concerned about the hardships our rural businesses are facing; one group in particular is our small rural newspapers. The purpose of our bill is to provide postal rate relief for small rural newspapers with an out-of-county circulation of less than 5,000.

In April, this body passed the Budget Reconciliation Act which eliminated the limited circulation rate—limited circulation rate is the subsidy newspapers receive to defray mailing costs if they have less than 5,000 out-of-county subscribers. The elimination of this subsidy has imposed financial burdens on our small rural newspapers that I am sure the conferees to the Reconciliation Act did not foresee. I am certain, they too have heard from newspapers owners in their districts describing the dismal financial conditions the owners face.

Since 1970 small newspapers have seen their in-county rates skyrocket up to 1,600 percent, and their limited circulation rates up to 822 percent. Since December of last year alone, in-county rates have increased by up to 80 percent and limited circulation rates by up to 180 percent.

It is important to remember that rural newspapers provide the most significant source of local information, and perhaps more importantly, unite the community and provide a firm sense of identity—which oftentimes extends beyond county lines. That is why the limited circulation rate subsidy is so important. This bill restores the subsidy for mailings to adjoining counties only. It provides targeted relief yet does not require additional appropriations to the revenue forgone fund. All that is needed is a shift within the fund of $7.3 million of the $9.3 million currently estimated to be required. The difference is made up due to the cap that our proposal would place on the in-county rate subsidy at 20,000 pieces, which results in a net savings of $2 million.

Preserving these small rural newspapers is important to the fabric of these rural communities and deserves our attention and support.

## RURAL NEWSPAPER PRESERVATION ACT

### HON. THOMAS J. TAUKE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 6, 1986*

Mr. TAUKE. Mr. Speaker, I am today introducing with my colleagues Congressmen GENE TAYLOR, FRANK HORTON, DON YOUNG, BERKLEY BEDELL, COOPER EVANS, JIM LEACH, JIM LIGHTFOOT, NEAL SMITH, HAROLD VOLKMER, BOB WHITTAKER, DOUG BEREUTER, PAT ROBERTS, ARLAN STANGELAND, CHARLIE STENHOLM, GEORGE WORTLEY, and IKE SKELTON legislation to aid many rural newspapers struggling to survive under the burdens of a depressed rural economy and sharp increases in postal rates.

A provision of the Consolidated Omnibus Budget Reconciliation Act eliminating the limited circulation rate revenue foregone postal subsidy for out-of-county mailings under 5,000 has had an unintended, disproportionately hard impact upon rural newspapers located near county lines, jeopardizing the free flow of information in rural areas. The depressed rural economy rules out the ability of many smaller newspapers to offset the significant increase in their postal rates by attracting more advertising or by raising subscription rates.

To ensure and support the free flow of information in rural areas, Congress established an in-county subsidized mail rate 135 years ago. Congress added the limited circulation rate in 1962 in recognition of the impact upon smaller newspapers, and particularly newspapers located near county lines, of increases in postal rates. These newspapers serve the public through subscriptions, as opposed to direct delivery.

The Rural Newspaper Preservation Act will restore the limited circulation rate subsidy for mailings of under 5,000 to adjacent counties (as established, the limited circulation rate subsidy had no adjacent county requirement). In addition, the act caps the in-county postal subsidy at 20,000 copies of each issue of an eligible publication, refocusing this subsidy on its original purpose of assisting smaller rural newspapers.

The Rural Newspaper Preservation Act neither authorizes nor requires an appropriation. The National Newspaper Association has indicated that this modest proposal will provide

substantial relief to struggling small newspapers. Please join my colleagues and me in supporting this proposal to ensure the continuing free flow of information in rural areas.

A companion bill is being introduced in the other body by the Honorable TED STEVENS.

## PRESERVING OCEAN WILDERNESS AREAS

### HON. BARBARA A. MIKULSKI

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 6, 1986*

Ms. MIKULSKI. Mr. Speaker, today I am introducing a bill to provide for the establishment of national ocean wilderness areas in order to protect and preserve parts of the vast expanse of ocean waters under the jurisdiction of the United States.

As chairwoman of the Oceanography Subcommittee, I have become alarmed at the lack of planning in this country concerning the appropriate use of the oceans.

The U.S. ocean area is 1½ times as large as its landmass. We already know it contains large deposits of mineral and energy resources, productive fisheries, and habitats for great populations of marine mammals and seabirds. It provides wonderful recreational opportunities, but is also beginning to be used as a site for waste disposal.

A significant portion of our food and energy resources already come from the ocean. Without a doubt, we will make greater use of these ocean resources in the future, especially as we deplete those on the land.

At the same time, we are beginning a journey in the scientific exploration of the oceans. New technologies using satellites, sonar devices and remote-operated vehicles are surveying large ocean areas and revealing the existence of remarkable geologic features such as thermal vents and new mineral deposits.

Yet for all we know and are learning about the ocean, its resources and dynamics, our ignorance is still greater than our knowledge.

This is the reason I have introduced the "Ocean Wilderness Act". We need to discuss whether, and by what method, we can protect and preserve specific ocean areas. We need to consider how we can safeguard the ocean from often competing and contradictory purposes.

We have established programs for preserving land areas, and I believe that we have the responsibility to do so for ocean areas.

This bill would accomplish this goal by requiring the President to recommend to Congress that certain ocean areas under U.S. jurisdiction be protected as ocean wilderness areas. This would require an act of Congress, specifically addressing an area of the ocean and the resources it contains.

This bill is not intended to promote or restrict any particular use of ocean space or resources. It is premised on the recognition of the need for multiple uses of the oceans, including fishing, and on a recognition of the principles of international law, including the freedom of navigation.

I hope that this bill is the beginning of thoughtful consideration of how we can preserve our oceans so that future generations may benefit from their many resources and enjoy their recreational opportunities.

## THE TEXTILE AND APPAREL TRADE ENFORCEMENT ACT

### HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 6, 1986*

Mr. GEKAS. Mr. Speaker, today the House of Representatives attempted to override the President's veto of H.R. 1562, the Textile and Apparel Trade Enforcement Act. In deciding on how to vote on this attempt, it seemed to be necessary to choose between two groups of fellow Americans who both have valid points in favor of their position. I concluded that the wise course of action to follow is to take that action which would ultimately prove to help both groups. I believe that my vote to sustain the President's veto of H.R. 1562, the Textile and Apparel Trade Enforcement Act, signaled support for the textile industry through the enforcement of the multifiber arrangement and bilateral agreements just reached while at the same time protecting the farmer, the retailer, and the consumer who would have suffered damage by enactment of this legislation.

By voting to sustain the President's veto I was in essence supporting the absolute enforcement and implementation of the new multifiber arrangement and the bilateral textile agreements which were just recently negotiated. Although I as well as many others are subject to some reservations about the enforcement of these agreements in the past, I believe that every effort must and will be made to see that the trade agreements are enforced to the maximum. This tough new agreement will benefit our textile and apparel industry without incurring reprisals against U.S. exports abroad. Negotiations will continue to work toward opening up markets, protecting against import surges and providing for additional fiber coverage.

This vote was one of the more difficult ones that I have made, but I am confident that the textile industry and its workers will ultimately fare better under what has taken place in these trade negotiations. Over 60 percent of my constituents, in a recent congressional poll conducted by my office, indicated to me that they also believe that the foreign trade policy of the United States should include a promotion of a higher level of exports in a free international marketplace. I do regret, however, that the shoe industry got caught up in this issue and did not receive the attention that they deserve and am hopeful that this issue will soon be addressed in Congress.

## ASAT: WE NEED TO PRESERVE THE ABILITY TO NEGOTIATE CONTROLS

### HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 6, 1986*

Mr. COUGHLIN. Mr. Speaker, as the House debates the amendment to preserve the current moratorium on the testing of anti-satellite [ASAT] weapons against targets in space next week, I hope my colleagues will consider the importance the extension of this ban might have on negotiations toward a permanent ASAT moratorium.

There is no question that the United States is more heavily dependent on the intelligence we collect from our satellites than the Soviet Union is on the intelligence they obtain from theirs. Because of our superior technology, our satellites can tell us more than the Soviets' satellites can tell them. Because U.S. forces are more widely dispersed overseas, our communications and intelligence satellites are more important for ensuring our security and integrating military operations. Because of the closed nature of the U.S.S.R., we must rely upon our systems more heavily. Finally, because of the reliability of our satellites, the United States can afford to depend on them to a greater degree.

These facts were recognized even back in 1978 and 1979, when the United States sought to forestall the enhancement of Soviet ASAT technology through negotiations with the U.S.S.R. to control ASAT weapons. American officials understood that then-ongoing Soviet efforts to perfect a more "advanced" version of their ASAT weapon would put United States satellites in greater jeopardy. These ASAT talks were broken off in protest of the Soviet invasion of Afghanistan.

Through 1982, the Soviets continued tests of their so-called "advanced" heat-seeking ASAT, but the tests consistently demonstrated their system would not work. Out of six total tests of their "advanced" version, none were successful. Meanwhile, we continued our effort to develop the F-15 launched ASAT device, the miniature homing vehicle.

Finally, after 9 successes out of 20 test shots—a success rate of 45 percent—the Soviets announced they were abiding by a unilateral moratorium on ASAT testing. It would appear that the reality of a 45-percent success rate with their very limited capability system, coupled with the threat of an operational U.S. MHV ASAT device, persuaded them that it was in their best interest to try to prevent a runaway ASAT arms race they might not win.

Now we have the opportunity to enhance the security of America's deployed satellite technology by continuing the current moratorium on testing and providing time for a reassessment of current policies opposing negotiations to ban ASAT's. If we press on with the MHV to the point it is an operational weapon, we will never achieve a lasting ASAT moratorium. The Soviets will respond by developing their own more sophisticated ASAT hardware, which will put U.S. satellites at far greater risk.

Complicating the situation is the relatively small size of the MHV—only 18 feet long—which will create a verification problem for the Soviets now and for the United States later if the Soviets decide to proceed with a similar weapon. In fact, the United States is in the best position to achieve a negotiated ASAT test moratorium with the Soviets now—further testing of the MHV will only reduce our ability to reach an agreement to control this costly and dangerous aspect of the arms race.

If the Congress does not preserve the current ban, the Air Force may be free to resume tests of the F-15 launched ASAT after October 1, 1986. The chance for protecting our satellites and avoiding an expensive new round of the arms spiral through United States-Soviet negotiations on ASAT controls will be lost. I hope my colleagues will consider this as well as the many other reasons for extending the ASAT test ban when the Brown-Coughlin ASAT amendment comes before this body next week.

## PERSONAL EXPLANATION

### HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 6, 1986*

Mr. WALGREN. Mr. Speaker, because of a commitment as chairman of the Subcommittee on Science, Research and Technology, I was unable to be present yesterday during the vote on the Courter amendment to H.R. 4428. Had I been able to be present, I would have voted "no" on rollcall No. 282.

## THE LASSITER HIGH SCHOOL TROJAN BAND

### HON. GEORGE (BUDDY) DARDEN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 6, 1986*

Mr. DARDEN. Mr. Speaker, in only 5 years the Lassiter High School Trojan Band in Marietta, GA, has established a record of excellence both as a marching ensemble and for its symphonic and jazz performances. I would like to call the attention of my colleagues to the achievements of these outstanding young musicians.

In its first year, 1981, the Lassiter Band was under the direction of George Hattendorf. The concert band earned an excellent rating at the district XII Georgia Music Educators Association Large Group Festival, class IV. Also, the jazz band was rated excellent at the G.M.E.A. Jazz Festival, Cobb County.

That tradition of excellence has continued under Alfred L. Watkins, who became director of bands at Lassiter in 1982. The band has performed all over the Nation, from the Old South Marching Festival in Newnan, GA, to the steps of the Lincoln Memorial here in Washington. The band was invited by the British Olympic Association to perform at the opening ceremonies of the visitors center for the XXIII Olympic Games at Los Angeles.

In 1984, Lassiter's Marching Band participated in the Southern Invitational Field Show Championships and was acclaimed grand champions.

In 1985, the marching band earned all superior ratings and was named grand champions at the Music Bowl VII, Spirit of the South Marching Championships and the Greater Atlanta Marching Festival. The Trojan Band has won sweepstakes awards at its last seven competitions.

Lassiter's three concert bands also are first-class performers. The symphonic I band last year earned a superior rating in performance and sightreading at the district XII G.M.E.A. Music Festival. The symphonic II band also received a superior in performance and sightreading at that G.M.E.A. Festival, and the concert band received a superior rating.

The Lassiter Jazz Band was the Georgia State University Jazz Festival winner in the high school division during 1982-83.

Mr. Speaker, I urge my colleagues to join me in saluting the bands of Lassiter High School, their director, Alfred Watkins; assistant director of bands, Gary Gribble; and orchestra director, Anna Johnson, for their achievement in bringing the joy of music to their community, State, and Nation.

## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, August 7, 1986, may be found in the Daily Digest of today's RECORD.

### MEETINGS SCHEDULED

#### AUGUST 11

9:30 a.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 2635, to protect the integrity and quality of certain reaches of the Henry's Fork of the Snake River, Idaho.
SD-366

10:00 a.m.
Energy and Natural Resources
To hold joint hearings with the Select Committee on Indian Affairs on S. 2676, to provide for the settlement of water rights claims of the La Jolla, Rincon, San Pasqual, Puama, and Pala Bands of Mission Indians in San Diego County, California.
SD-562

Foreign Relations
International Economic Policy, Oceans, and Environment Subcommittee
To hold hearings on certain provisions with regard to foreign policy of S. 2263, to protect the public's right to receive and communicate information freely beyond the American border, and to ensure the right of international travel.
SD-419

Judiciary
Juvenile Justice Subcommittee
To hold hearings on S. 2398, to make it a Federal offense with regard to the sexual exploitation of children.
SD-226

Select on Indian Affairs
To hold joint hearings with the Committee on Energy and Natural Resources on S. 2676, to provide for the settlement of water rights claims of the La Jolla, Rincon, San Pasqual Puama, and Pala Bands of Mission Indians in San Diego County, California.
SD-562

10:30 a.m.
Judiciary
To hold hearings on certain provisions of S. 1999, to provide for a uniform product liability law.
SD-106

2:00 p.m.
Foreign Relations
To hold hearings on certain treaties concerning reciprocal encouragement and protection of investments.
SD-419

#### AUGUST 12

9:00 a.m.
Armed Services
Closed business meeting, to consider pending nominations, and to review the committee's agenda for the remainder of the 99th Congress.
SR-222

Judiciary
Patents, Copyrights and Trademarks Subcommittee Business meeting, to mark up S. 2575, Electronics Communications Privacy Act.
SD-628

Veterans' Affairs
To resume hearings on the reported sightings of live military personnel missing in action in Southeast Asia.
SR-325

9:45 a.m.
Agriculture, Nutrition, and Forestry
Foreign Agricultural Policy Subcommittee
To resume hearings to review United States food aid programs and world hunger.
SR-332

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Environment and Public Works
Business meeting, to consider S. 2083, to promulgate regulations for asbestos hazard abatement in the Nation's schools, S. 1696, to establish a Federally-declared floodway for the Colorado River, S. 740, to authorize funds through fiscal year 1995 to promote the conservation of migratory water-

fowl and to offset or prevent the serious loss of wetlands and other essential habitat, and other pending calendar business.
SD-406

Foreign Relations
To hold hearings on the nomination of Lynn Marvin Hansen, of Idaho, to be an Assistant Director of the U.S. Arms Control and Disarmament Agency.
SD-419

Judiciary
Constitution Subcommittee
Business meeting, to mark up S. 2457, to grant the consent of Congress to the California-Nevada Interstate Compact which provides for equitable apportionment of water between the two States, and S. 1580, to revise federally mandated attorneys fees applicable to civil, criminal, and administrative proceedings involving the United States and civil proceedings involving State and local governments.
SD-226

Labor and Human Resources
Aging Subcommittee
To hold hearings to review certain reauthorization provisions of the Older Americans Act.
SD-430

10:30 a.m.
Judiciary
Constitution Subcommittee
To hold hearings on Senate Joint Resolution 370, and Senate Joint Resolution 364, measures proposing an amendment to the U.S. Constitution requiring the removal from office of any Federal official convicted of a felony.
SD-226

3:30 p.m.
Rules and Administration
Business meeting, to consider Senate Resolution 438, to direct the Senate Committee on Rules and Administration to study the Senate rules and precedents applicable to impeachment trials, Senate Resolution 439, to authorize the reprinting of a Senate document from the 93d Congress entitled "Procedures and Guidelines for Impeachment Trials in the United States Senate," proposed legislation to authorize funds for fiscal year 1987 for the Federal Election Commission, and other pending legislative and administrative business.
SR-301

11:00 p.m.
Foreign Relations
Business meeting, to consider pending calendar business.
SD-419

## AUGUST 13

9:30 a.m.
Energy and Natural Resources
To hold hearings on House Joint Resolution 17, to consent to an amendment enacted by the legislature of the State of Hawaii to the Hawaiian Home Commission Act, 1920.
SD-366

*Finance
To hold hearings on S. 1871, relating to imports which threaten to impair the national security (incorporated in S. 1860 as title X).
SD-215

Select on Intelligence
To hold closed hearings on intelligence matters.
SH-219

10:00 a.m.
Governmental Affairs
To hold hearings on the nomination of John Agresto, of the District of Columbia, to be Archivist of the United States.
SD-342

Judiciary
Security and Terrorism Subcommittee
To resume hearings on S. 2044, to establish the United States Marshals Service as a bureau within the Department of Justice.
SD-226

Labor and Human Resources
To resume hearings on S. 1804, to establish a program to provide development and incentive grants to States for enacting medical malpractice liability reforms.
SD-430

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
SD-226

## AUGUST 14

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Judiciary
Business meeting, to consider the nominations of William H. Rehnquist, of Virginia, to be Chief Justice of the United States, Antonin Scalia, of Virginia, to be an Associate Justice of the Supreme Court of the United States, and other pending calendar business.
SD-226

## SEPTEMBER 9

9:30 a.m.
Labor and Human Resources
Employment and Productivity Subcommittee
To hold hearings to review graduate medical education in ambulatory settings.
SD-430

## SEPTEMBER 10

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Labor and Human Resources
To hold hearings to review the human resources impact on drug research and space technology
SD-430

## SEPTEMBER 11

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

## SEPTEMBER 16

10:00 a.m.
Labor and Human Resources
To hold hearings on pending nominations.
SD-430

## SEPTEMBER 17

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

## SEPTEMBER 18

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

## SEPTEMBER 24

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

## SEPTEMBER 25

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

## OCTOBER 1

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

## OCTOBER 2

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

# CANCELLATIONS

## AUGUST 7

4:00 p.m.
Select on Intelligence
Closed briefing on intelligence matters.
SH-219

# HOUSE OF REPRESENTATIVES—*Thursday, August 7, 1986*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

You have told us, O God, that we ought to build our spiritual lives upon firm ground in order to withstand the trials of the day. May we seek to know Your Word and Commandments, Your design for justice, and Your way of truth. May our lives be fruitful and full of grace and may our deeds reflect that strong spiritual foundation that is Your gift to us. Amen.

## THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## HOUSE-PASSED TRADE BILL AWAITS ACTION IN OTHER BODY

(Mr. WRIGHT asked and was given permission to address the House for 1 minute.)

Mr. WRIGHT. Mr. Speaker, yesterday a preponderant majority of the Members of the House of Representatives recorded our deep dissatisfaction with the lackadaisical nonpolicy of the Reagan administration on the growing trade deficit.

Two hundred and seventy-six Members of Congress—only eight votes short of the number that is necessary to override the President's veto—demonstrated our displeasure with the insensitivity in administration circles toward the closing of American factories and the systematic exporting of American jobs.

If there are those in the Senate who would do something to stop this headlong flight of American capital and American payrolls, we remind them that there is a major trade bill on the Senate Calendar, H.R. 4800, which passed the House 10 weeks ago by the overwhelming vote of 295 to 115, amply more than enough to override a veto.

Today we renew our call upon the Senate to get a sense of urgency about this debilitating trade deficit and take action on this bill. The problem is urgent. Time is wasting. The American people expect us to have iron in our blood, not lead in our posteriors.

## OUR DEFICIT IS RESPONSIBLE FOR NEGATIVE TRADE BALANCE

(Mr. DANNEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANNEMEYER. Mr. Speaker, we just heard an eloquent appeal for action to the other body by the distinguished majority leader. The gentleman forgot to add one very indispensable element to the entire equation of what must happen in this Nation in order to bring this negative trade balance under control, and that is action by this body, the House of Representatives, in order to bring runaway Federal spending under control.

The deficit of $230 billion in this fiscal year is responsible for this negative trade balance because it results in high interest rates that are choking off economic growth in this country and abroad and are responsible for the inability of American exporters to sell our goods in international commerce because of the still high valued U.S. dollar.

If the Democratic Party which leads this House truly wants to do something about the negative trade balance, it would be well served to stop posturing in 1-minute speeches and begin to exercise the discipline to bring runaway spending under control. When that happens, the American people will then begin to see the benefits of, hopefully, a balanced budget, lower interest rates, the ability of exporters to sell in international commerce, and all of us will breathe a sigh of relief.

## A LONG JOURNEY OF 1,000 MILES BEGINS WITH A SINGLE STEP

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALEXANDER. Mr. Speaker, in responding to the statement of the gentleman from California who just addressed the body from the well, I responed that I, like all of my colleagues, have heard these speeches about a balanced budget before. I, like my colleagues, have heard the President's speech about a balanced budget. I, like my colleagues and the American people, are still awaiting the President to submit to the Congress a plan for a balanced budget.

To achieve a balanced budget for our Nation would be a difficult task, but the first step toward that laudable goal is for the President to submit a plan to the Congress; then call upon the Congress to enact a budget that was in balance. If Congress failed, Congress should be condemned for its failure.

As Confucius is reported to have said: "A long journey of a thousand miles begins with a single step." I call on the President to stop talking and start walking.

## ELECTION AS MEMBER TO CERTAIN STANDING COMMITTEES

Mr. GEPHARDT. Mr. Speaker, as chairman of the Democratic caucus and by direction of the Democratic caucus, I offer a privileged resolution (H. Res. 530) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 530

*Resolved*, That Alton R. Waldon, Jr., be, and he is hereby, elected to the following standing committees of the House of Representatives:

Committee on Education and Labor, to rank following Representative Bruce; and

Committee on Small Business.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## OUT OF THE MOUTHS OF BABES

(Mr. HANSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HANSEN. Mr. Speaker, I was recently vividly reminded that common sense is not restricted to the older segment of our population.

I ask you to listen to a simply worded letter I received from Daniel Penrod, a 12-year-old constituent of mine from Ogden, UT, on why the deficit matters.

Please take a minute to listen to Danny's words:

I recently worked myself a budget. I found that I wanted more things than I had money to buy. I understand the government has more projects to fund than it has income to do it with. It gets much of its revenue from taxes. Taxes are already so high that many people cannot or will not pay them. I suggest that the government learn to reduce its spending rather than increasing taxes. I need to live within my income; please help the government live with theirs.

All I can say is amen to my 12-year-old constituent. Danny demonstrates an excellent grasp of the magnitude of this problem and I commend him for

taking the time to write to his Congressman.

## NATIONAL BACK TO SCHOOL—BACK OFF DRUGS MONTH

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, there is a deadly cancer spreading through our schools, and it's called drug abuse.

As a body, we are collectively working toward a comprehensive solution to our Nation's drug abuse crisis, thanks largely to your leadership, Mr. Speaker.

But even with such a determined spirit, the omnibus drug bill will not be ready for enactment until after the new school year begins.

In the meantime, we will miss a valuable opportunity to educate our young people about drug abuse. If we want them to take us seriously, we must start driving home the message as soon as they walk through the doors in September.

That is why I am introducing a resolution today to designate the month of September as "National Back to School—Back Off Drugs Month."

This resolution suggests a number of activities that should be planned in the area of drug abuse education during the month of September—activities that have been proven very effective in combating drug abuse among young people.

With such a declaration, it would be difficult for any school system to ignore the challenge of attacking the drug abuse problem headon with a full-fledged education and prevention campaign—a campaign that hopefully will set the tone for the rest of the school year and beyond.

## ONLY CONGRESS HAS THE POWER TO OVERCOME THE DEFICIT

(Mr. GOODLING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOODLING. Mr. Speaker, I did not plan to take a 1-minute speech, but since we are responding to what each other has to say, I would say to the gentleman from Arkansas that we may fool a few of our constituents when we talk about the importance of the President's budget, but the masses understand that the only budget that counts is the budget that is passed by the Congress of the United States. Even the congressional budget is not very important unless the very same Congress authorizes and appropriates and spends according to the budget.

So, again, we may fool a few people, but the masses now understand the power is in the Congress of the United States, and only the Congress of the United States can do anything about the deficit.

□ 1010

## THE CLOCK IS GOING TO RUN OUT ON IMMIGRATION REFORM

(Mr. LUNGREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUNGREN. Mr. Speaker, I have taken this well before to describe the need in the United States for comprehensive immigration reform. Last year, I referred to a trip I made down to the border in the San Diego area in which I was able to see the unfortunate circumstances under which many of the illegal aliens live. They live in the so-called spider holes, burrows in the ground, several feet deep. In some locations, hundreds of people live in these communities.

Some people thought, "Well, that was just a problem of agriculture," and in fact wanted to point the finger at the owners of the land until it was revealed in some circumstances we think we have found them on U.S. Marine Corps bases.

Yesterday it was announced by the INS that they found 119 illegal aliens living in spider holes not down in San Diego, not along the border, but in the middle of Los Angeles under our freeways. The Government agents arrested 119 illegal aliens. They found 40 mattresses hidden under bushes, kerosene stoves, radios, 2 television sets plugged into a municipal power cable running under the interchange.

The illegal immigrants had dug adobes, many of them less than 4 feet high, and were living in jungle conditions according to the INS Commissioner.

How can we allow that to happen in this society? How can we year after year after year put off all the things that we have to do on this particular subject in order to take care of other things that we consider important?

I think it is a disgrace; I think it is a tragedy. I think it is something that the Congress has the obligation to turn its attention to. I hope we will do that in the remaining days left in this Congress. But, the clock is ticking and, unfortunately, it looks more and more like the clock is going to run out as it has in the last two Congresses.

## THIS ADMINISTRATION IS TOTALLY RESPONSIBLE FOR LOSS OF JOBS IN AMERICA

(Mr. COELHO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COELHO. Mr. Speaker, I did not intend to speak today, but I was intrigued with some of the comments from my colleagues from the other side about the deficit situation and what is happening.

I think the American public really knows what is going on, contrary to what one of my colleagues said. What the American public really knows is going on is that this administration is artificially manufacturing deficit numbers, artificially manufacturing what is going on with this economy and is misleading, deliberately, the American public as to what we can or cannot do in regards to budget or revenue figures.

People know that; people understand that. To have some of my colleagues stand up here and say it is this House or it is this Congress that is doing the misleading is a disservice to all of us in the Congress and a disservice to our country.

Let me tell you this: It is in the last 6 years that we have seen the debt for this country double under this administration. We have seen in the same 6-year period the trade deficit increase to figures that are disgraceful, that are causing us, as a country, to be stalemated. I find it intriguing that this administration with its Reaganomics agenda may be in effect destroying their ability to prove once and for all whether or not supply side economics can work by, in effect, practicing a free trade policy that is destroying not only us as a Nation and our ability to compete, but destroying us in regards to our economic ability to perform.

The bottom line is, is that Americans are losing jobs all over this country, and this administration is totally responsible for it.

## IT IS TIME FOR ROMANIA TO CLEAN UP ITS ACT

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, let me bring you up to date on something. Last week, by a very close vote, we failed to do anything about the persecution of Christians and Jews in Romania. Some of my colleagues said, "Well, the Romanians are making great progress; let us give them a little more time."

I want to announce that yesterday, 5 days after the vote, the Romanian repressive Government bulldozed a Seventh-day Adventists Church, forcing the parishioners to be removed from the premises. This demolition or partial demolition, and it has been hard to get the word back and forth, follows the July 21 destruction of the only Spanish synagogue in Bucharest against the agreement that they had with the Jewish community.

We did not know during the debate that they had bulldozed a Jewish syn-

agogue. I wish we did; we could have perhaps made a difference. But here we come the second time. We give them MFN and they stick it in our face by bulldozing the Seventh-day Adventists Church.

Yesterday, there were a lot of statements here on the floor of the House about trade. They have a 5-to-1 ratio benefit. They are sending petroleum products to this country. Textiles, listen to this in the South, textiles. Steel, in the Midwest, steel and shoes.

Mr. Speaker, I hope when we get another chance that we stand up and do the right thing for the Christian community and the Jewish community in Romania and we send a message and knock out that MFN.

I want to tell the Romanian Government: We are coming and we are going to get you unless you clean up your act.

## RESTORING THE PROMISES OF MEDICARE

(Mr. BONKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONKER. Mr. Speaker, last evening NBC nightly news carried a special report on medical insurance for the elderly. It found that the American elderly are not getting the kind of insurance they need. Indeed, they are paying dearly for the wrong coverage.

Last week the Department of Health and Human Services said total spending for health care in the United States rose 8.9 percent—5 percent higher than the overall Consumer Price Index of 3.9 percent. Benefit payments under the Medicare Program increased even faster than overall health spending—12.2 percent.

By 1984, health spending not paid by Medicare again equaled 15 percent of the average old person's income—almost equal to the share by the elderly prior to the enactment of the Medicare Program.

For all too many Medicare beneficiaries, the cost of an acute and serious illness has once again become catastrophic.

Mr. Speaker, last week I introduced legislation to expand Medicare by offering its beneficiaries two additional supplementary medical insurance options. The bill is primarily designed to protect the elderly from rising cost sharing requirements that have increased rapidly over the past decade. The proposal will reduce out-of-pocket costs for the elderly and eliminate much of the confusion for both consumers and providers. And it will not result in any additional costs to the Federal Government.

The time has come for Congress to address this problem and restore the health benefits they were promised under Medicare.

## SUPPORT A DELAY IN THE PRODUCTION OF THE BIGEYE BOMB

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, last month the GAO released its most complete report ever on the Bigeye nerve gas bomb. After 25 years of work, they clearly state that the Bigeye simply does not work.

After the Bigeye unexpectedly exploded in 1982, many changes were made to the bomb and its delivery tactics. After a year of analysis, the GAO stated:

> What changes in bomb design and operational tactics have done is to shift the burden * * * to the pilot by adding constraints, reducing his safety, increasing the speed of calculations * * * (he has) little assurance that the bomb, once delivered, will be effective.

I urge you to support the Fascell-Porter-Roukema-Hoyer amendment to the authorization bill to allow another year's work on the Bigeye and better alternatives. Rather than spend the billion dollars Bigeye is projected to cost, lets get to work on alternatives that do not threaten the pilot and actually work.

Mr. Speaker, the GAO says it doesn't work and the Europeans say they do not want it; let's send it back for improvements.

## NEW SCREENING AVAILABLE FOR BREAST CANCER

(Ms. OAKAR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. OAKAR. Mr. Speaker, the No. 1 or No. 2 killer of women is still breast cancer. One out of 7 to 10 women in this country will acquire breast cancer this year. I have introduced legislation in Medicare to deal with prevention. We do not have cancer screening, let alone free physicals as part of the Medicare Program. I want to join my colleague, Mr. BONKER, in addressing this problem.

This week we have a unique opportunity in Washington to bring attention to the situation. The Benjamin Franklin Literary and Medical Society will sponsor a mammobile which will provide free breast cancer screening by mammography for women over 35 years of age.

□ 1020

This mobile unit will be parked at the Senate trolley car stop at the north end of the Capitol Plaza all this week from 8:30 to 5:30 and at the House trolley car stop at the south end of the Capitol Plaza during the week of August 11 from 8:30 to 5:30.

Mr. Speaker, I urge all women who work on the Capitol grounds and all women who are visiting Washington to take advantage of this mammography. We need to know that it is free, it is a simple treatment, and it can detect cancer at its earliest stages and save your lives.

## PROPOSED LEGISLATION WOULD COST JOBS, CRIPPLE INDUSTRY

(Mr. KINDNESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINDNESS. Mr. Speaker, legislation which would take another step in the crippling of U.S. industry and threaten the jobs of American workers is expected to be considered on the floor of this House soon.

H.R. 1309, the High Risk Occupational Disease Notification and Prevention Act of 1986, would create a complicated, duplicative system of notifying workers of occupational risks. The subject is already regulated by OSHA.

There are many provisions in the legislation which cause great concern, but a potential increase in tort litigation is a certain result of enactment of such legislation. The U.S. Department of Justice has estimated that the cost to the Federal Government of such additional litigation could swell into hundreds of millions and perhaps even billions of taxpayer dollars, in addition to higher costs to produce U.S. goods to compete with cheaper imports.

Our U.S. courts cannot readily absorb this additional litigation burden, and U.S. taxpayers and consumers should not be burdened by this added expense.

Mr. Speaker, I want to stress that if H.R. 1309 is enacted, we are talking about a potential tidal wave of litigation, which threatens the livelihood of U.S. employers and workers. In the State of Ohio, we simply cannot afford to lose any more jobs or businesses.

The U.S. steel industry is fighting for its life against intense competition worldwide. By imposing burdensome requirements and increased costs on employers, H.R. 1309 further erodes the competitive position of steel and related industries. Given the mammoth trade deficits we are experiencing, where would this bill leave us down the road?

And the steel industry is just one example. I would encourage my colleagues to check with manufacturing businesses in their own districts to find out how H.R. 1309 will impact jobs in their areas.

Worker risk notification is a proper requirement, as already recognized by OSHA in its "Hazard Communication Standard," but this is a bad bill which

desperately needs to be ignored and forgotten.

We are under serious time constraints in this session of the Congress, Mr. Speaker, with too many important matters deserving of our careful attention to spend precious time considering this poor excuse for legislation.

I would encourage the House Democratic leadership to carefully weigh our workload and our legislative priorities, and to, at a minimum, postpone consideration of the legislation.

It would be a great mistake to assume that H.R. 1309 will pass by without significant notice, opposition, or debate.

## INCREASED WORKLOADS STRAIN VETERANS' ADMINISTRATION

(Mr. SHELBY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SHELBY. Mr. Speaker, earlier this year, the Veterans' Administration Home Loan Guaranty Program experienced a tremendous surge of activity due to the decline in interest rates to 9½ percent—their lowest point in the last 7 years.

As a result of budget cuts, however, VA regional offices lost 73 loan guaranty personnel. This workload strain on fewer personnel resulted in tremendous backlogs and lengthy processing periods.

As a result of a hearing I held on May 7 on the VA's workloads, the Administrator lifted the hiring freeze for the loan guaranty operation. In addition, S. 2416 (Public Law 99-322), which the Congress passed on May 21 and which the President signed on May 23, was amended to contain one of my provisions in H.R. 4775 to provide that fees for appraisals performed in connection with foreclosures be paid from the loan guaranty revolving fund. This made available approximately $4.2 million in the general operating expenses account to provide for additional personnel in regional offices in order to process the voluminous paperwork.

I am pleased to advise my colleagues that the VA's loan guaranty division has made significant progress in reducing backlogs since that time. Certificates of reasonable value [CRV's] pending have decreased from a high of 31,594 to the present level of 8,051. This is a reduction of 75 percent over an 11-week period. In addition, pending prior approval loan applications have declined 34 percent—from a high of 5,146 to the current 3,386 pending level.

Mr. Speaker, I am including with my remarks a status report, as follows:

LOAN GUARANTY WORKLOAD STATUS REPORT

| | Certificates of reasonable value pending | Prior approval loan applications pending |
|---|---|---|
| April 28 | 29,671 | 4,754 |
| May 5 | 30,085 | 4,509 |
| May 12 | 31,594 | 4,970 |
| May 19 | 21,593 | 5,110 |
| May 27 | 19,621 | 5,146 |
| June 2 | 15,667 | 4,293 |
| June 9 | 11,697 | 4,126 |
| June 16 | 12,146 | 4,072 |
| June 23 | 10,407 | 3,931 |
| June 30 | 9,519 | 3,855 |
| July 7 | 8,338 | 3,728 |
| July 14 | 8,565 | 3,661 |
| July 21 | 8,186 | 4,096 |
| July 28 | 8,051 | 3,386 |

As indicated in the above chart, Loan Guaranty has made significant progress in reducing backlogs in pending work. Certificates of Reasonable Value [CRV's] Pending have decreased from a high of 31,594 to the present level of 8,051, or a reduction of 75 percent over an 11-week period. Prior Approval Loan Applications Pending have declined 34 percent, from a high of 5,146 to the current 3,386 pending level.

Regional offices are making every effort to reduce backlogs and meet the needs of veterans.

## REPEAL THE 22D AMENDMENT

(Mr. DORNAN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN of California. Mr. Speaker, the head of the Democratic Congressional Campaign Committee made a stirring speech today attacking the President and blaming the loss of jobs on him. I guess the creation of almost 10 million jobs since 1982 is not good enough.

When we talk about Government spending and try to blame the President of the United States, we should remember that there is a nonpartisan group called the National Taxpayers Union, which rates all of us in this House on every single solitary vote—all of them. According to their rating even I can do better. But at least I am in the top good category.

All 21 of the biggest spenders in this House are Democrats—all 21. No. 21 is our distinguished majority leader, Mr. JIM WRIGHT. All of the best 20 happen to be on my side of the aisle. Thanks, fellows. Most are doing a little better than I am.

The gentleman from California [Mr. COELHO], who lays the blame of a budget deficit on the door of the President, spends more than all but about 12 percent in this House. What kind of double standard is this? I have a suggestion for Mr. COELHO. Come to the rally at Lafayette Park today. Help the Republicans get President Reagan 4 more years on top of the 2 years and 4 months he has left, and then he can create another 10 million jobs. We can do something about the big-spending Democrats in this House. We can, together with Mr. COELHO and the California delegation of Republicans, work to reward Ronald Reagan for 5½ great years of economic prosperity by giving him a total of 12 years in office.

Repeal the 22d amendment. I am with you, buddy.

## VOTE ON TEXTILE BILL VETO OVERRIDE NOT A VICTORY BUT A WARNING

(Mr. LEVIN of Michigan asked and was given permission to address the House for 1 minute and to revise and exend his remarks.)

Mr. LEVIN of Michigan. Mr. Speaker, the vote yesterday on the textile bill override is being hailed as a victory for the President, but what needs to be asked is this: How strong is a policy that can garner, despite all the Presidential pressure, only 35 percent of this House and only 60 percent of the Members of his own party?

The answer is that this Nation really has had no coherent trade policy, unless you call running from fire to fire, a policy.

Yesterday we heard the argument that we should not be too disturbed because textiles are in the same boat as everyone else, that all industry is "in transition." But the question is this: transition to what? To extinction, as is true for hundreds of industrial businesses and shops? To permanent layoff, as is true for millions of industrial workers?

There is a definite need for our Nation to craft a bipartisan trade policy which is more than reacting to the latest pressure and using Congress as a bogeyman to extract last-minute concessions from other nations.

Mr. Speaker, yesterday's vote was not a victory; it was a warning.

## RECONCILIATION LANGUISHES, LEADERSHIP FAILS TO ACT

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, I understand that a few moments ago the head of the Democratic Congressional Campaign Committee came out here on the floor and talked to us about deficits. That is very interesting because this House has failed to meet its obligations on the Budget Act on every single occasion so far this year.

We have not met one target date thus far this year, and now we are up against a target date on reconciliation. And guess what? The Democrats, the liberals in this House, do not want to do anything about reconciliation either and save the money, the $9.1 billion, we were supposed to save on reconciliation.

Why? Because when they sent reconciliation to their committees, it had nothing to do with the administration, and it has nothing to do with the other body; when they sent reconciliation to their committees, they did not meet the target.

Now we have an amendment to add an additional $6 billion of savings if they would simply bring the bill to the floor and allow us to vote. I wonder if that bill will get to the floor. I wonder if we will get a chance to offer the additional $6 billion in savings. I wonder if it will ever get out here when the liberals control the process that gets it here. I doubt it.

The gentleman from California [Mr. COELHO] is one of the Members who will not allow it to move, and yet he comes out here and talks about deficits. My guess is that it was more a political speech than a speech dealing with reality because the facts are that the Democrats are the deficit.

## THE OPTIMAL GRAIN GRADING ACT OF 1986

(Mr. BRUCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRUCE. Mr. Speaker, today I am introducing a bill to improve the quality of grain sold in the United States: "The Optimal Grain Grading Act of 1986." Our current grain standards need to be more quality-sensitive. The standards, which were designed in 1916 to facilitate marketing, have not kept pace with the demands of today's competitive markets.

The consensus for change is growing. Articles in Farm Journal, Prairie Farmer, and other publications have identified some of the key issues. Several conferences in the past year have addressed farmers' concerns about quality. In a notable series of workshops held over the last 6 months, farmers and shippers have made great strides on a broad range of quality issues. I am particularly encouraged by the fact that the workshop recommendations hinge on a new philosophy about the grain standards. The participants agreed that a major objective of the standards should be to "create the tools for the market to establish quality improvement incentives."

My concern is this. I've read those grain standards. I've read them several times. And I have to say that until there is a shift in basic policy, any tools that are created for quality improvement will be blunted by the barriers the law itself erects against quality improvement.

Current standards specify maximum levels of flawed materials permitted in each grade. This system virtually assures that all grain will be blended to maximum levels of inferior material, because farmers receive the same price for a certain amount of weeds, seeds, and broken kernels as they get for good grain. Farmers who don't blend stand to lose several cents on every bushel.

No matter what kind of moral or ethical appeals we make to improve quality, as long as our standards make it economically infeasible to provide a high-quality product, we will continue to see shipments of less-than-clean grain. Only by treating the first percentage point of damage the same as the last percentage point will we remove the economic incentive to blend low-quality grain.

With this basic economic principle in mind, I have drafted legislation to make our grain standards consistent with a focus on quality. The Optimal Grading Act has two main parts. First, it would establish a single, optimal grade containing only three pieces of information: the damage to the grain, the amount of foreign material, and the quantity of broken grain. Grain would meet the optimal grade if it had a minimal amount of any of these flaws. All other grain would be measured by its deviation from the optimal grade. Second, the bill would require the Federal Grain Inspection Service, in response to a survey of buyers, to expand the availability of information about how grain will perform for the end user—such things as soybean oil and protein content, wheat gluten quality, and corn starch content.

The emphasis in both of these changes is on more accurate and complete measurement of grain. If we are to be competitive, we must be responsive to what buyers want and need. Our current system of tolerances of a certain amount of poor-quality material—or any attempt to set rigid limits on grain trading practices—will simply reinforce the practice of blending grain until it meets those limits. Only by removing the disincentives to quality shipping can we give the market an opportunity to determine the true value of high-quality grain.

In the long run, I believe the approach in the Optimal Grading Act is the one we must take if the United States is to be a leader in quality production. I have heard it said that foreign buyers already have the option to purchase high-quality U.S. grain, but they don't want to pay the price. This statement may be true, but it addresses only one side of the issue—the foreign buyer. Our concern should be with the U.S. seller. Because our system has never encouraged quality improvements, we simply don't know if we're providing the best quality we could at a given price. Improving grain quality will be a long-term project, involving farmers, grain handlers, researchers, and even geneticists. This bill, to ensure that U.S. standards reflect our commitment to quality, is the first step.

□ 1030

## PROVIDING FOR CONSIDERATION OF H.R. 3042, DROPOUT PREVENTION AND REENTRY ACT OF 1986

Mr. BONIOR of Michigan. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 511 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 511

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3042) to amend the Elementary and Secondary Education Act of 1965 to provide grants to local educational agencies for dropout prevention demonstration projects, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, and each section of said substitute shall be considered as having been read. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. WILLIAMS). The gentleman from Michigan [Mr. BONIOR] is recognized for 1 hour.

Mr. BONIOR of Michigan. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Missouri [Mr. TAYLOR], pending which I yield to myself such time as I may consume.

House Resolution 511 is an open rule providing for consideration of H.R. 3042, the "Dropout Prevention and Reentry Act." The rule provides for 1 hour of general debate, to be divided equally between the chairman and ranking minority member of the Committee on Education and Labor.

After general debate, the bill shall be considered for amendment under the 5-minute rule. The rule provides that it shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Education and Labor, which is now

printed in the bill, as an original bill for the purpose of amendment under the 5-minute rule. Each section shall be considered as having been read.

The rule provides for one motion to recommit, with or without instructions.

Mr. Speaker, H.R. 3042 amends the Elementary and Secondary Education Act of 1965 to provide grants to local educational agencies for dropout prevention demonstration projects. It addresses an urgent, and growing problem faced by every community in this Nation—the problem of the high school dropouts.

At present, there is no reliable source of data on the exact number of students who leave school before graduation, but our best estimates put the figure at about one out of every four. Without a high school diploma, these students lack the credentials to earn a decent wage, support a family, and become productive members of society. If we are ever to get a handle on the problems of crime and welfare dependency, it is important that we address head on the problem of school dropouts.

This legislation takes an important step forward. It provides Federal support for local school districts to develop effective programs to prevent student from dropping out, and to encourage students who have left school to return. Assistance will initially go to localities with the most severe dropout problems. The program will, however, benefit every area of the country by providing better information and better evaluation of dropout prevention projects that can be used in other areas.

Mr. Speaker, I would like to commend the chairman and members of the Committee on Education and Labor, especially the gentleman from Illinois [Mr. HAYES] for their careful work in preparing the bill. The rule is an open rule, which will allow Members to fully debate this important issue. I urge adoption of this rule.

Mr. TAYLOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 511 is an open rule under which the House will consider legislation creating a new $50 million grant program in an attempt to keep students from dropping out of school and to encourage dropouts to complete school.

The rule makes the amendment in the nature of a substitute reported from the Committee on Education and Labor, now printed in H.R. 3042, in order as original text for the purpose of amendment under the 5-minute rule.

The rule also provides one motion to recommit, with or without instructions.

Mr. Speaker, the proposal made in order by this rule is fairly controversial, but I want to point out that the rule is a straightforward open rule and germane amendments will be allowed.

The bill made in order by this rule establishes a new Federal aid program to help school districts, especially those with very high dropout rates, demonstrate techniques to prevent students from dropping out and to encourage those who have dropped out to return to school

Mr. Speaker, the administration is opposed to this bill. They indicate that the bill's proposed programs duplicate existing programs already authorized under chapters 1 and 2 of the Education Consolidation and Improvement Act and the Carl Perkins Vocational Education Act.

Mr. Speaker, since this is an open rule, I can see no reason to oppose its adoption.

Mr. Speaker, I have no further requests for time and I yield back the balance of my time.

Mr. BONIOR of Michigan. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

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## PROVIDING FOR CONSIDERATION OF H.R. 3263—GIFTED AND TALENTED CHILDREN AND YOUTH EDUCATION ACT OF 1986

Mr. BONIOR of Michigan. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 512 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 512

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3263) to establish a Federal program to strengthen and improve the capability of State and local educational agencies and private nonprofit schools to identify gifted and talented children and youth and to provide those children and youth with appropriate educational opportunities, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, and each section of said substitute shall be considered as having been read. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. BONIOR] is recognized for 1 hour.

Mr. BONIOR of Michigan. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Ohio [Mr. LATTA], for purposes of debate only, pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 512 is an open rule providing for the consideration of H.R. 3263, the Gifted and Talented Children and Youth Education Act of 1986.

The rule provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor.

The rule makes in order the Education and Labor Committee amendment in the nature of a substitute now printed in the bill as original text for the purpose of amendment under the 5-minute rule. Each section of the substitute shall be considered as having been read.

Finally, the rule provides for one motion to recommit with or without instructions.

Mr. Speaker, I am pleased to be a cosponsor of H.R. 3263, a bill which seeks to ensure that the best and brightest of our Nation's students are effectively served and challenged by our educational system. The bill would establish a program to improve the capability of State and local educational agencies and private nonprofit schools to identify gifted and talented children and to provide them with appropriate educational opportunities.

The bill defines gifted and talented children and youth as those who show signs of high performance in areas such as intellectual, creative, artistic, or leadership capacity, or in specific academic fields, and who require services or activities not ordinarily provided by the school in order to fully develop such capabilities. About 2.5 million children have been identified as gifted and talented, but another 2 million are believed to be unidentified as being gifted and talented. This bill will provide needed Federal support for programs to identify gifted and talented children and to respond as effectively as possible to their special educational needs.

Mr. Speaker, I am not aware of any opposition to this open rule, and I urge my colleagues to adopt it.

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in the Rules Committee hearing on this rule, both the Democrat and the Republican representing the Committee on Education and Labor requested an open rule.

The Rules Committee provided exactly what they requested. There are no waivers of House Rules, no waivers of the Budget Act and no restrictions on amendments in this rule, this is the kind of rule we should use more frequently.

The bill made in order by this rule the Gifted and Talented Children and Youth Education Act of 1986, was reported from the Committee on Education and Labor by a voice vote. In the Rules Committee, it recevied bipartisan support from the representatives of the Education and Labor Committee.

However, Members should be aware that there is opposition. The administration opposes this bill because the bill, the new grant program proposed by the bill, duplicates program authority already existing under the chapter 2 State Block Grant Program of the Education Consolidation and Improvement Act.

Mr. Speaker, under this open rule procedure, any necessary changes may be made in the bill. I support the rule so that the House may proceed to work its will on this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. BONIOR of Michigan. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## DROPOUT PREVENTION AND REENTRY ACT OF 1986

The SPEAKER pro tempore. Pursuant to House Resolution 511 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3042.

□ 1043

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3042) to amend the Elementary and Secondary Education Act of 1965 to provide grants to local educational agencies for dropout prevention demonstration projects, with Mr. LEVIN of Michigan in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from California [Mr. HAWKINS] will be recognized for 30 minutes and the gentleman from Pennsylvania [Mr. GOODLING] will be recognized for 30 minutes.

The Chair recognizes the distinguished gentleman from California [Mr. HAWKINS].

Mr. HAWKINS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 3042, the Dropout Prevention and Reentry Act. I commend Congressman HAYES from Illinois for having the foresight to write this bill and to help move it through the committee. He has done a great service for the children of this country.

The Federal Government does not presently have consistent data showing the extent of the school dropout problem. The U.S. Department of Education estimates a dropout rate of 29.1 percent.

Regardless of what estimate we use, nearly 30 percent or less, we clearly have a major problem in this country with school dropouts. A high school diploma means money in the pocket for youths. Those who drop out are destined to make less money and to make less of a contribution to society.

School dropouts also cost all of us an enormous amount of money. According to a study at Stanford University, school dropouts cost the Government $77 billion a year, every year and this estimate is only based upon people who were between the ages of 25 and 34 years old. The real costs are much greater if we were able to survey all youths who have dropped out of school.

Let me explain what this loss of $77 billion a year means. It means that the Government is receiving $71 billion less in tax revenues. It means that we are spending $3 billion more than we should for welfare and unemployment, and it means that we are spending an extra $3 billion every year for crime prevention.

These costs are handed on to all the taxpayers of this country because we as a nation are not dealing adequately with the problems of school dropouts.

These problems will become greater in the future because the demographics of our society are changing. White youngsters have a dropout rate of about 12 percent, black youth have a dropout rate of 23 percent and Hispanics are 36 percent. And most of us know that the birth rate for whites is declining in this country, while it is increasing for other groups. We will have more and more minority children in our schools and these are precisely the children who are experiencing the highest dropout rate.

We must deal with this problem today or we will deal with its consequences in the years to come. This bill proposes a modest expenditure of funds to address the problem.

The bill authorizes the Secretary of Education to make grants to local school districts for demonstration programs on preventing and correcting the school dropout problem. Thirty percent of each local grant must be used for prevention and 30 percent must be used to help youth who have already dropped out. School districts are required to match these grants with 10 percent of their own funds in the 1 year and this match grows to 40 percent of local funding in the third year.

A very important feature of this bill is that it requires any school district receiving money to begin to collect and publicize the extent of the dropout problem in that school district. We should not sweep this problem under the rug any longer. We should make local citizens aware of it and have local school districts begin to address this problem.

This bill is long overdue and it is a wise expenditure of a modest amount of Federal money. I urge its approval.

□ 1045

Mr. GOODLING. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to begin by congratulating my good friend and colleague on the Education and Labor Committee, Congressman HAYES, for his concern and involvement in addressing the dropout problem. Certainly by any estimate, students leaving school without a high school diploma is one of the major educational problems facing the Nation. In Mr. HAYES' own city of Chicago, there are schools in which less than half of those students who begin high school finish with a diploma 4 years later. I myself have become very concerned about the rate of illiteracy in America. It seems to me that the high rates of illiteracy and leaving school are not unrelated.

While I share Mr. HAYES' concern about the dropout problem, I am unable at this time to lend my full support to H.R. 3042, the Dropout Prevention and Reentry Act. Let me explain why.

I am sure that we have all been reading with great interest and concern about the projected deficits for fiscal years 1986 and 1987. It appears that the economic outlook is not as positive as it looked only months ago. There is a good chance that when CBO and OMB take their "smapshots" on August 15, the projected fiscal year 1987 deficit will be well above the allowable $144 billion. My greatest concern for educational funding is that proven programs not be subjected to

the sequestration process. Programs of proven effectiveness such as chapter 1 and Head Start would suffer serious cutbacks under this scenario.

As a member of the Budget Committee, I have worked hard to provide sufficient funding to maintain these existing programs. In my view, enacting new legislation such as H.R. 3042 not only would exacerbate the overall deficit situation making sequestration more likely, but could possibly damage those educational programs already in place.

I was unsuccessful at the committee level in amending this legislation to provide funding from an existing appropriation. It is my understanding, however, that amendments to the Job Training Partnership Act will allow for the educational set-aside each State receives to be used for dropout prevention and reentry activities.

Again, I would like to commend Mr. HAYES for his deep-felt concern, but must withhold my full-fledged support from this legislation at this time.

Mr. HAWKINS. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. HAYES], the author of this bill.

Mr. HAYES. Mr. Chairman, I rise in support of H.R. 3042, the Dropout Prevention and Reentry Act. I am pleased to have been the author of that bill and wish to thank Congressman HAWKINS for helping me move it through the Education and Labor Committee.

In my city of Chicago we have a dropout rate of 43 percent. This is disastrous for those children. In our inner city schools, including many schools in my district, we have a dropout rate of over 50 percent.

A study by the Chicago Panel on Public School Finances concludes that the lifetime costs of the 12,804 dropouts from the Chicago class of 1982 are over $2.5 billion in transfer payments, crime costs and lost taxes.

Mr. Chairman, I plead with my colleagues to consider the social costs to these people and also to consider the economic loss to our society.

H.R. 3042 is a modest bill, nonpartisan and certainly noncontroversial. It urges school districts to begin to address this national problem. Demonstration programs are authorized so that the best methods can be found to prevent school dropouts and to bring students back into school.

The General Accounting Office testified before our committee that it is not generally known what works in terms of preventing that problem. To quote the GAO: "The identification of programs that work would be very useful to local school districts, and this is called for in the Dropout Prevention and Reentry Act of 1985."

Mr. Chairman, my fellow colleagues, the greatest security our Nation can have is to have our children properly educated. We must follow the GAO's advice and enact this bill. We must also follow common sense that says that if we don't prevent school dropouts today we all will pay higher taxes to address the problem in the future.

□ 1055

Mr. GOODLING. Mr. Chairman, I yield such time as he may consume to the gentleman from Vermont [Mr. JEFFORDS] our ranking member on the Education and Labor Committee.

Mr. JEFFORDS. Mr. Chairman, I rise in support of H.R. 3042, the Dropout Prevention and Reentry Act.

A number of problems confronting the schools of this Nation were brought to the attention of the Education and Labor Committee during the 99th Congress. Perhaps none of them posed such a great threat as that of school dropouts. During this period of educational reform and renewal, nearly a quarter of all students fail to complete high school. Even more alarming is the dropout rate among minority students and students in large urban areas, the very same student groups whose numbers are expected to grow in the next decades.

It may seem unusual for me to be standing here in support of a bill which calls for new money. Now is a time when we are facing large budget deficits, when we must face the task of reordering our priorities. However, the bill, H.R. 3042, can have an important effect on our economic competitiveness. Unless we can bring dropouts back into school in order to provide them with the basic and technical skills they need, they face the likelihood of an adult life of dependency and unemployment. We have to provide a means by which these youths can become productive adults.

My interest in the issues addressed in this bill is longstanding. During my tenure as the ranking Republican of the Employment Opportunities Subcommittee, I worked hard to assure that the training programs we proposed addressed the needs of at-risk youth and dropouts. Of particular concern was that each community, education and training, could learn from the successes of the other. I think that we have barely scratched the surface regarding the issue of dropouts. That is why it is particularly gratifying to have H.R. 3042, the Dropout Prevention and Reentry Act, before us today.

I am especially appreciative of Mr. HAYES' willingness to work with those of us who represent smaller school districts and rural areas to assure that their opportunity to compete for the demonstration grants under the bill is not unnecessarily restricted. An amendment that I offered during consideration of the bill expands the base of funds within which small and rural school districts can compete for funds. Albeit, even with my amendment, over 15,000 school districts, representing over two-thirds of this Nation's students, will remain in the fourth funding tier. Additionally, there were amendments which addressed further concerns surrounding small and rural schools. These amendments provide recognition that the concern regarding dropouts is not only an inner city, urban problem.

This bill has an economic impact we cannot ignore. We know that nearly 4 out of 10 youths who drop out of school are unemployed. Even when employed, workers with less than a high school education lose twice as much work time as workers with college educations. Students who drop out have higher crime and delinquency rates, pay little in taxes, and more often become dependent on Government income maintenance programs. For corporate America, and for State and local governments, dropouts represent a $20 billion-a-year loss. It is again hard to believe that we can afford not addressing the problem. With this bill, we will begin to "define" the problem more consistently and develop methods by which the diversity of the problem can be addressed.

I urge my colleagues to support passage of this bill.

Mr. HAWKINS. Mr. Chairman, I yield 3 minutes to the gentlemam from Michigan [Mr. KILDEE].

Mr. KILDEE. Mr. Chairman, I rise in support of H.R. 3042, the Dropout Prevention and Reentry Act. We are all aware of the fact that the school reform movement has swept across the country within the last 8 to 10 years. Almost every State has increased its requirements for the attainment of a high school diploma. Additional English and math courses have been added to the curriculum and increased testing has been mandated.

I applaud all of these efforts to help young people attain a better education. But, unfortunately, there is a negative side effect to these efforts. The problem of school dropouts has not been addressed in most of these reform laws. In fact, the problem, may have been aggravated. In Texas, one of the States with a major school reform effort, 43 percent of the principals have said that the dropout rate in their schools has risen since the school reform legislation took effect.

We must address this problem of school dropouts. When a student does not attain a high school degree, many doors of opportunity are closed to him or her. Put simply, a high school diploma means economic and social improvement.

The lack of a high school diploma for millions of our youths also means a cost to our society. A study conducted by the Universiity of California, Los Angeles, estimates a loss of $200,000

per dropout and a loss of $200 billion for all dropouts from every school class in the country. This $200 billion is what both citizens and society lose in lower taxes being paid and increased Government expenditures being made for welfare and unemployment.

This bill makes sense. It helps to address a major shortcoming reform movement in this country and it also will add to the tax resources of our Government. I urge its adoption.

Mr. GOODLING. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. Mr. Chairman, let me begin by complimenting our good friend and colleague from Illinois for this particular legislation.

These are tough times fiscally in this country, and these are tough times educationally in this country. Yet I think that the legislation before us has a great deal of merit and is something that ought to be approved by this Congress.

I would suggest, and I know many education leaders in this country would suggest that the greatest challenge facing this country educationwise today is the problem of illiteracy. We are looking at probably 24 million Americans in our work force today who are in some form functionally illiterate.

It used to be that a student could drop out of school and could get a blue collar, labor type of job in our society. But in the high technology age upon which we are embarking, to be very frank about it, in an assembly line, a machine can do a heck of a lot better job of producing a good than an illiterate worker, and they can do it a heck of a lot cheaper. We do not have the luxury in American society today and into the future to tolerate an illiterate work force.

If we are going to wage a war on illiteracy, we are going to have to begin at the problem, which is those who drop out of school and decide at an early age that they do not want an education. I would suggest that the bill before us serves a vital function in that regard, because it allows us to, through the use of competitive grants, set up some pilot project.

I will suggest that we do not have $50 million to spend for this program. I think we would perhaps be wise and would have a good chance of getting this bill passed if we would reduce that $50 million rather significantly, down to perhaps a $15-million level, which is a more than credible pilot project across this country to allow us to try some pilot projects and see what works.

□ 1105

I think it is essential that we do something in this area if we are at all concerned about the question of illiteracy. The Department of Education has suggested that a number of their present programs deal with the problem of dropout prevention and reentry; but looking at their particular summary, I would suggest that it is woefully inadequate.

Chapter 1 has apparently $770 million targeted toward secondary students who are at risk of dropping out. I would suggest that those funds in chapter 1 are not for the most part geared at that local education agency at dropout prevention; they are geared at basic skills, as chapter 1 is intended for.

The Adult Education Program tries to, for the most part, deal with those who have already dropped out and are trying to come back in to the work force. A good program. It does not solve the problem of dropouts in our society; and certainly within the discretionary money which is presently available in chapter 2, there are a whole host of different uses for that money; but the fact is if you go to most of your local school districts, that money is used for computers and equipment. It is not used for dropout prevention, because there is no other program.

We at the Federal level debate often: What is the Federal role in education? I think traditionally it has been one of access to education, and it has been one of the quality in education.

In the last few years, I think we have seen the development of a third role, which is special needs. It would suggest the issue of illiteracy and the issue of dropout prevention as one of those special needs.

So I call in particular upon my Republican colleagues today. I know that we all are concerned about fiscal responsibility and budget deficits. I would suggest, however, that if we are concerned about investment and wise use of our tax dollars, that we take a good, hard look at this program. Probably not at $50 million; but certainly authorizing a program like this so that when we pass increases in education appropriations as we have done this year, that we are able to target some of that money toward this type of initiative.

Mr. HAWKINS. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. BIAGGI].

Mr. BIAGGI. Mr. Chairman, I rise today in strong support of H.R. 3042, the Dropout Prevention and Reentry Act. This crucial education bill addresses a problem reaching crisis proportions in this Nation.

The dropout problem is particularly severe in New York City, where my own district is located. The graduation rate in New York City over a 4-year period is only 56.4 percent. Urban students are 60 percent more likely to drop out than rural students and 48 percent more likely to drop cut than rural students. As you can judge from these statistics, this bill is of critical importance to my own district and New York City as a whole.

H.R. 3042 addresses the problem of dropouts head on. It places a priority on those school districts with the most significant dropout problem. Not only does this legislation provide assistance to those students at risk of dropping out, it also helps those who have already dropped out to reenter school. It will attack the growing tragedy of illiteracy now plaguing this Nation, and work to prevent students from dropping out of school, and subsequently out of society.

The dropout rate affects children, their family, and society as a whole. Once students drop out, they are unable to find jobs, must accept a lower income, and ultimately, dig themselves deeper into the realm of poverty.

Another tragedy associated with illiteracy is the corresponding increase in crime. The majority of the incarcerated in this Nation do not have a high school diploma. Yet we, as taxpayers, spend approximately $15,000 per year to keep these dropouts incarcerated. That is more than a single year of tuition at our Nation's Ivy League schools. In addition, society must pick up the costs of welfare, unemployment, and other Government assistance programs. As you have already heard this morning, for every $1 spent on a dropout program, we are provided a return of $12—a return on the many social service programs used to support these students once they drop out.

And finally, I wish to note the correlation between the dropout rate, and another bill we will consider this morning—the need for effective programs to serve this Nation's gifted and talented children and youth. It is estimated that a large number of our high school dropouts are gifted students who were not properly identified and nurtured in school. Gifted students in this country are in classrooms approximately four grades below the level they are capable of competing in. At a hearing earlier in the year, I had students tell me they were bored, so they dropped out. That is a dangerous trend that can not that must not be allowed to continue.

As a nation, nearly 27 percent of our ninth graders will fail to receive their high school diploma. Quite simply, the dropout rate in this country is not acceptable. It should not be tolerated. It is time we address this national tragedy and work to provide an education for all. H.R. 3042 represents an investment in the future of this Nation and that of the world. It is a vehicle that will permit dropout, to re-enter the mainstream of society and give us the

contributions this Nation so desperately needs. As a cosponsor and strong supporter of this legislation, I urge my colleagues to vote in support.

At this time, I want to commend my friend and colleague from Illinois [Mr. HAYES] for his dedicated and untiring efforts on behalf of H.R. 3042. He has crafted a vehicle to address the most serious educational crisis facing this Nation. Mr. HAYES, I thank you for your work on this measure.

Mr. GOODLING. Mr. Chairman, I reserve the balance of my time.

Mr. HAWKINS. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. OWENS].

Mr. OWENS. Mr. Chairman, I want to congratulate my colleague from Illinois [Mr. HAYES] on the introduction of this dropout prevention bill.

Congressman HAYES represents the poorest congressional district in America; the congressional district which is poorest in America is the First District in Illinois, and the correlation between poverty and the dropout rate can definitely be established.

I represent the 12th Congressional District in Brooklyn, which is the 10th poorest district in America. In New York City, the second poorest district, the fourth poorest district, and the seventh poorest district can be found. So in New York City, we have four of the poorest congressional districts in the country, and in New York City we also have the highest dropout rate in the country.

There is a definite correlation, Mr. Chairman. Unfortunately, if you read the New York City statistics on dropouts, you would think our problem was not that great. They officially give a figure of between 35 and 40 percent as the high school dropout rate; but if you take it by congressional district, you will find that in my congressional district, the rate is something like between 65 and 70 percent, because there are some districts in New York where the dropout rate is between 0 and 5 percent.

So it is concentrated, just as unemployment is concentrated, just as illiteracy is concentrated. All the ills are concentrated in the areas of greatest poverty. We need this bill if for nothing else except to break out these comparisons and understand what the problem is, to get some honest statistics, to get some objective statistics.

I want to congratulate my colleagues in the New York State Legislature, because they have taken the intitiative. There have been some bills passed which provided money for a dropout prevention program.

One of the problems immediately encountered, however, was that the bureaucracy at the board of education found a way in a formula to channel the money in such a way that we ended up with a scandal. Staten Island, the area which is a predominatly middle-class area and definitely is not one of the congressional districts that is among the poorer ones in the country, received a higher amount per capita than any other district. It just so happened that the president of the board of education happened to be from Staten Island.

That kind of nonsense, that kind of local favoritism, will be lessened if there is a Federal participation. Somehow there must be an objective Federal participation; some way to compare statistics from one area to another, some way to document and compare attempted solutions and projects that are aimed at dealing with the problem from one area to another.

This is a very small amount of money we are talking about. We are talking about doing something to establish some prototypes as to how to deal with the problem?

Unfortunately, this administration does not recognize the seriousness of the problem; but when the time comes when we do recognize the seriousness of the problem we need these prototypes. We have a problem right now: Our whole education infrastructure is crumbling; from one end to the other it is crumbling, and we do not recognize that. We ought to start getting ready, at least, by having some prototypes to deal with some part of it.

Mr. Chairman, I urge all Members to vote for this very important, although tiny effort on behalf of dropouts.

Mr. HAWKINS. Mr. Chairman, I yield 2 minutes to the gentleman from Kentucky [Mr. PERKINS].

Mr. PERKINS. Mr. Chairman, my colleagues, I take this time to say that the gentleman from Illinois, my dear friend and compatriot, CHARLIE HAYES, has done a fine job of bringing a bill to the floor of the Congress of the United States that deals with one of the largest issues and most least-talked about issues that we have in this country today.

You know, we have a 29-percent average dropout rate across this country, but at the same time we do not have any adequate way of trying to deal with this problem.

What happens if we do not deal with the dropouts? They go on welfare. They go into other areas. They do not, most of the time, become productive, taxpaying citizens. You can turn your back on it, you can look at it any way you want, but that is a simple fact.

You look at the studies. What do they show you? We have one study in Chicago; that indicates that for every dollar you spend on dropout prevention you get $12 back. You look and see, do these programs work?

There are several gentleman here from New York. They had a dropout prevention program of some degree up there. You saw the rate of dropouts fall from 50 percent right on down to 35 percent. These programs work. What are the costs? You have seen the costs talked about: $77 billion, $71 in lost taxes; $3 billion in unemployment, $3 billion in welfare payments. That was a 1972 study.

What does it say today? We have a UCLA study that indicates there is a $200 billion a year cost to this country, caused by the lack of dropout prevention, and you are going to tell me that we are going to turn our backs on this problem?

□ 1115

We cannot afford to. This is something that when you talk about basic finance, the basic long-term interest of this country, my colleagues, we look at the problems; you do not look at the good side, you have to look at the problems. This one is a problem. This is a situation that we have got to move to correct. This bill goes not just into the inner cities, but it goes out to the rural areas, areas like Appalachia, which I come from, and it ensures that we are going to be able to get an informational network that we can put together that is going to try to address this most serious of problems.

I ask your support for this legislation.

I again thank the distinguished sponsor for this fine piece of legislation that he has brought to the floor today.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. I thank the minority side for the time afforded to me insofar as I am proponent of this measure. I appreciate this chance.

I have come to know CHARLES HAYES since I have been here in Congress, and I know of no other Representative of a hard-pressed area that is making an effort to overcome the problems by a wholistic, comprehensive approach. We are not going to stamp out poverty, we are not going to address ourselves to unemployment until we deal with the basic fiber and the root causes of much of this, and that is under-education, the lack of educational mobility and opportunity to gain a job in our marketplace. Our young people have to be educated, they ought to have that opportunity. We cannot afford to let them continuously drop out of school while we passively sit back and watch this happen before our eyes.

I believe this is a modest measure which has been brought before the House, $50 million has been jumped on so fast as a very modest measure to attack the basic root problems. If you average it out at $1 million a year, the end result is tremendous rewards for our economy to reverse this trend of high dropout rates.

So I am just basically here today to say that a pound of prevention is

worth 10 pounds of cure, and this modest measure by Mr. HAYES should be endorsed by this House with a resounding strong voice so that in any other body it cannot be defeated or denied and it will be passed into law.

I commend the chairman of this committee, Mr. HAWKINS, for his continuous efforts to try to reverse some of the trends that are contributing to the problems that we face in districts like mine. And I again take my hat off to Mr. HAYES and hope that all the Members of this body will heed the words of Mr. PERKINS and others and pass and enact this into law.

Mr. GOODLING. Mr. Chairman, I reserve the balance of my time.

Mr. HAWKINS. Mr. Chairman, I yield 4 minutes to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. I thank the chairman for this time.

I particularly want to commend my good colleague, Mr. HAYES, for his foresight in developing this legislation and the hard work that he has put into it along the way.

In America our freedoms cost us something, and we have such a unique view of universal freedom in America that sometimes we allow our people to be free in ways perhaps not good for them.

For example, our students at a certain age are free to drop out. Somehow we almost seem to commend ourselves for that. If our students want to drop out, so be it. And because we have extended that type of freedom to all of our citizens, we have often forgotten that we need to apply some solutions to the problems that those freedoms create.

You know, in Japan—and by the way, our educational system in America is better than that of our friends in Japan—but in Japan they do not allow their students, once having dropped out, to go without any specific help. They move immediately to capture those students and to provide them with additional counseling, social and educational assistance.

In West Germany young people are free to drop out, but then they move those young people who have dropped out immediately into an apprenticeship system that provides positive work experience which assists in their skilled labor force.

But in this country we have not yet really come to grips with this problem of our dropouts. It is a cancer, it is a social cancer and it does threaten this Nation today in ways that it has not threatened us before.

Stanford University recently did a study and estimates the costs of high school dropouts to this country, and this is just the dollar cost, not the social cost, by the time those dropouts reach the age of 25 and until they are 34 years old, they cost this Nation $77 billion, with a "b," billion dollars, $71 billion in lost taxes, $3 billion in welfare and unemployment and $3 billion for crime prevention.

Our young people should drop out into something besides our unemployment lines, our welfare rolls and our jails. This bill tries to provide a soft landing and some additional assistance to those people. Yes, it is fairly expensive. It is going to cost $50 million, with an "m," $50 million. But think of the payback because of the billions it is costing us.

If we consider the cost benefit of spending $50 million now to protect $77 billion a year in the next decade, it is a pretty good deal.

By the way, we opened the House this morning at 10 o'clock. It is now 20 after 11. If we had started the Pentagon spending clock ticking when the House went into session, we would find that the Pentagon has already spent in just this hour and 20 minutes all the money that we are talking about putting into this bill.

So let us reset America's spending clock and compass, do things that are going to pay back to this society in the coming decade so that, yes, we can reduce the deficit, but more importantly, we can continue to smooth the dropout rate and assist those who insist on dropping out because they have the freedom to do so.

I also want to note that in marking up the bill, the full committee adopted my amendment to increase opportunities for rural States and communities to benefit from the Federal assistance.

My amendment provides that the Secretary must ensure that not less than 20 percent of the amount allocated under the bottom tier, which includes school districts with an enrollment of fewer than 20,000 students, must be awarded to districts with enrollments of fewer than 2,000 students. Of course, the awards must be made to districts which propose programs of sufficient size and scope to be of value as a demonstration to other similarly situated districts.

H.R. 3042 is first and foremost a program providing assistance to districts to develop model demonstration programs designed to reduce the dropout rate. Thus, it is essential that demonstrations be funded in small rural as well as large urban districts because the problem of dropouts is not limited to urban areas. My amendment, along with the other amendments to the tier system adopted by the committee, will ensure that an adequate number of demonstrations are funded from which the smallest districts may learn how to reduce their dropout rate.

As you know, approximately 16,000 school districts fit within the bottom tier. In Montana, we have 551 school districts. Our largest district is Billings with 12,000 students; our smallest district has 2 students. Seventy percent of our districts are one-, two-, or three-room schools. Ninety-eight percent of the districts have less than 2,000 students.

The dropout rate in districts in Montana is difficult to ascertain because statewide data no longer exists. However, estimates are that in some districts, particularly those with large populations of Indian children, the dropout rate is as high as 40 percent.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. I thank the gentleman from Pennsylvania for yielding.

I want to commend the chairman of the committee, Mr. HAWKINS, and particularly the sponsor of this legislation, my colleague from Illinois, CHARLES HAYES. Illinois has a school dropout problem from one end of the State to the other, not just in Mr. HAYES' district in Chicago but across the State, downstate, in rural areas, and in small towns and villages. It is a national problem as well.

It is ironic to consider that we will probably leave our discussion of educational issues on this measure to return to our debate on the Department of Defense authorization, and I would ask all of my colleagues to listen closely as we consider some 160 amendments to the Department of Defense bill. Try to find one of them which address a question of spending as low as $50 million. In the context of a $280 billion defense bill, a $50 million amendment is considered virtually insignificant. Unless someone can address billions of dollars in defense spending they usually do not have the nerve to take to the floor when it comes to the Department of Defense.

Why is it when we come to education that the only way to initiate a valuable program like this is to reduce the expenditure to such a low level that it will incur no wrath, no controversy and no competition from other people?

I want to commend my colleague for taking this initial step. Those of us who pay lipservice to the Carnegie Report and other reports about education have a chance here to put our money where our mouth is.

And there is another aspect to this as well: Over the last several weeks we have had a heightened consciousness in America about drug abuse. Let us face it, ladies and gentlemen, we not only have to go after the supply side on drugs, interdiction and arrest, but we have to go to the demand side. The demand side suggests that many young people drop out of school, become despondent, have no job and turn to a street life that unfortunately many times involves drugs.

If those folks are arrested, we will certainly appropriate the money to build the new jails, there is no question about it. But what Mr. HAYES is

doing with this legislation is trying to prevent that problem before it occurs.

I commend him for this approach. I think it is excellent. It has a local match involved. It is a step in the right direction.

Mr. GOODLING. Mr. Chairman, I reserve the balance of my time.

Mr. HAWKINS. Mr. Chairman, I yield 2 minutes to the gentlewoman from Illinois [Mrs. COLLINS].

Mrs. COLLINS. I thank the gentleman very much for yielding.

Mr. Chairman, I want to commend the gentleman from the State of Illinois for this very fine piece of legislation. It is something that has been needed for quite a while.

What concerns me about the dropout rate in our Nation is that it seems to be increasing very rapidly rather than decreasing.

Not only that, but when we see the number of students who are dropping out, we must realize there is a developing crisis that could sap the mental strength of our Nation. The appallingly high dropout rate in our schools means that our Nation as a whole is not going to have the level of educational attainment we need to compete industrially or technologically in the future.

The really sad part about this is that many of the students who drop out have very, very good minds. For those of you who live in the inner city, you may have observed that some of these young people have all kinds of ingenius ideas and are often creative in a number of ways, some of which are accepted by society and some of which are not.

However, if given the opportunity to go back to school, to further their educational goals they can become very productive citizens. If not given the opportunity to get back into the school system, what will happen to these dropouts? Will they simply move into jobs that do not require a high school diploma? Unfortunately no. For the vast majority, the future will bring only poverty, misery, and destitution. They will become dependent on Government subsidies and will never take their proper place as taxpaying citizens. In the past, an individual who did not have an education could always find jobs in our economy, by simply using their musclebound skills, but today, in America, we are no longer musclebound. Those jobs are not there anymore. We are rapidly becoming a nation which will have to depend upon its brain in order to be productive. In fact, the new technologies demand that our students have at least a high school education and, hopefully, a college degree that they can fall back on. Therefore, the dropouts of today will be helpless in tomorrow's technological world.

The future dependence of these dropouts on the Government for their support is bad enough. There is, however, an even graver effect. America is losing the brain power of these people. As educated citizens, their minds would become a resource for the Nation. They would take their place as physicists, doctors, and lawyers. Some would become engineers, others might open small businesses. Whatever their positions, they would add their mental power, their intelligence, their knowledge to the common pool that is America. The dropout crisis is stealing this resource from the Nation. Our society is losing because young people are not receiving the proper counseling and help needed to enable them to stay in school.

Education is the vehicle by which those in poverty can break the chains that bind them and take their rightful place in our society.

I, again, commend my friend and colleague from Illinois for authorizing this bill and hope that this legislation will be passed by all of us here in the House of Representatives.

Mr. HAWKINS. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. GAYDOS].

Mr. GAYDOS. I thank the chairman for yielding.

I take this time to spread on the RECORD my sincere appreciation, and I know I speak on behalf of my colleagues, to the sponsors or the maker of this bill, the gentleman from Illinois [Mr. HAYES]. This has always been a nagging problem. In my childhood I remember it. It has always been a problem. I think this is a very timely bill, I think it is a practical approach, and I think it is going to bring us many benefits as a nation and as a population.

I want to congratulate the gentleman on his foresight at this time.

Mr. HAWKINS. Mr. Chairman, I yield myself as much time as I may consume.

In closing, Mr. Chairman, let me merely make two points: One, I think we must face the concern expressed by the gentleman from Pennsylvania [Mr. GOODLING], the ranking minority member of the subcommittee, as to the cost of this bill. I share that concern with him and will try to work with him to meet that rather serious concern.

I think it is the overshadowing gravity of the situation, however, that makes many of us believe that this problem should be, must be faced, and it must be faced head on. And if that leads to outlays which are estimated in this bill, I think that it is a very, very insignificant amount of investment that we are making in the problem itself. The outlays are estimated to be only $4 million in 1987 fiscal year, $38 million in 1988 and by 1989 $52 million and thereafter a declining amount that it seems to me is a very, very modest amount and perhaps, I think, it includes the concern of the ranking minority member of the committee.

The other point that I would like to bring out which has not been brought out in this debate has been that during consideration of H.R. 3024 the committee took into account the findings of the Select Committee on Narcotics Abuse and Control. Therefore, we have included in this proposal an amendment which authorizes funds to be used by grantees to study the relationship between drugs and dropouts and young gangs and dropouts and to coordinate the programs under this bill with drug prevention and youth gang prevention community organizations. If that coordination takes place, it seems to me this modest outlay will be more than deserved.

Mr. RAHALL. Mr. Chairman, I rise today in support of H.R. 3042, the Dropout Prevention and Reentry Act, and commend the work of my colleague from Illinois, Mr. HAYES, in introducing this fine piece of legislation. I would also like to note the efforts of my colleagues on the Education and Labor Committee, and especially those members of the Subcommittee on Elementary, Secondary, and Vocational Education, to bring this measure to the floor of the House for a vote.

This bill, which authorizes $50 million for demonstration projects in school districts of all sizes across the Nation, addresses a critical issue of paramount concern to all communities. The national dropout rate of 26 percent is far too high to allow further delay in dealing with this problem. Indeed, the problem will grow worse as more disadvantaged youth with historically higher-than-average dropout rates enter the public schools in the coming years. Research has indicated that the dropout problem costs our Nation billions of dollars as a result of lower productivity of workers who are deficient in the basic educational and job skills needed in our economy. In addition, dropouts are greatly overrepresented in the numbers of welfare recipients, the unemployed, those in jail, and other costly social programs. H.R. 3042 will attack these problems in the early stage through a broad array of authorized program activities designed to prevent dropouts and recover those who have dropped out.

H.R. 3042 is also noteworthy because its funding allocation provisions which ensure that any school district with a serious dropout problem, whether its enrollment is 250,000 or more or 2,000 or under, has a competitive chance to obtain funding for a demonstration grant for up to 3 years. This approach gives promise that a variety of successful demonstration and pilot programs will result from the legislation with wide applicability to the differing local situations facing school boards across the Nation.

Perhaps most significantly, H.R. 3042 will offer new hope and opportunity to the millions of young people who have left school without finishing. This bill will give these young people another chance to succeed in life.

As a representative of the Fourth Congressional District of West Virginia, I have very specific reasons to be concerned with this issue. In my home State of West Virginia

101,049 students dropped out over a period of 13 years—1972–85. Overall, 45 percent of the Mountain State's adults—those over 18—have less than a 12th-grade education. That is about 570,000 persons. And, 25 percent of the State's adults have less than an eighth-grade education. That is about 321,000 persons. While efforts are being made to combat this trend, without a combined Federal, State, and local effort, we cannot successfully address this problem.

At this point, I would like to update my colleagues on a dropout prevention program in my congressional district, the Cabell County Dropout Prevention Program, which has made such an effort.

In March 1982, a task force committee was established to review the problem of students leaving school prior to the completion of their school program. The results indicated that approximately 21 percent of students in Cabell County were leaving school before the completion of their school program.

Therefore, a county educational decision was reached to address this particular problem through the utilization of ECIA chapter 2 funds for the 1982–83 school year. A preventive program was established.

The Dropout Prevention Program, initiated by Cabell County schools in 1982, involves teachers, students, parents, and other citizens in its quest to reduce the dropout rate and even to bring dropouts back to school.

The program targets potential student dropouts as early as the elementary level and attempts to instill into those students the proper habits which make school a turn-on rather than a turn-off.

It reaches out to junior high students with low grades and/or low interest in school activities by offering alternate courses of study such as prevocational courses.

The Cabell County Public School's Dropout Prevention Program zeroes in on those students who have reached the legal age 16 to leave school. JROTC, alternative vocational programs, tutor/advisers, the opening of school libraries after school hours and an overall concern from teachers, fellow students and others show the potential dropout that there are those who do care and want that student to get an education.

Each school has a parent advisory committee which offers suggestions and help in providing alternatives and added interests to students. At one school, a successful experiment was conducted with an automatic calling machine to contact homes of students who were habitually absent or tardy.

The tutor/adviser at each school is particularly helpful in getting low achievers back on track with their studies and involved with extracurricular school activities.

All teachers have been asked to join the dropout prevention team by offering suggestions or passing on information to the tutor/adviser on students they feel are leaning toward leaving school before graduation.

The overall project is funded through ECIA chapter 2 and includes staff members with assignments directly connected with the program. They include the project coordinator, tutor/advisers, an educational ombudsman and part-time tutors in libraries.

But, the success of the program also signifies the community support it receives and the overall awareness that the school system in Cabell County does care about its students and wants to go the extra mile for a student in providing a strong educational foundation.

I believe that the statistics show the success of the Cabell County Dropout Prevention Program. Tracking the number of high school and junior high school dropouts chronologically, the records show that the number of dropouts has declined from 276—20.23 percent—in 1980–81, 307—21.19 percent—in 1981–82, 197—15.15 percent—in 1982–83, and 235—19.37 percent—in 1983–84, to 192—15.14 percent—in 1984–85. Furthermore, one aspect of the program is designed to encourage dropouts to return to school. This accompanied by the above declining dropout rate, exemplifies the effort put into and the progress made by my fellow West Virginians in Cabell County.

These people care, and with the help of Federal funding, they are able to work together to do something about the dropout problem. We in Congress must not ignore this problem or the success that this type of program can achieve. We have to face the fact that 85 percent of all jobs in the next decade will require vocational or technical training. Furthermore, we must face the realization that a teen dropout has little to no chance of success in the complex world of the 1990's. As representatives of the people of this Nation, we have a responsibility to address this problem. We must not shirk this responsibility. I urge my colleagues to support the passage of H.R. 3042.

□ 1130

Mr. HAWKINS. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. GOODLING. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. Pursuant to the rule, the committee amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the reported bill is considered as an original bill for the purpose of amendment, and each section shall be considered as having been read.

The Clerk will designate section 1.

Mr. HAWKINS. Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there any objection to the request of the gentleman from California?

There was no objection.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 3042

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the "Dropout Prevention and Reentry Act of 1986".

SEC. 2. PURPOSE.

The purpose of this Act is to reduce the number of children who do not complete their elementary and secondary education by providing grants to local educational agencies to establish and demonstrate—

(1) effective programs to identify potential dropouts and prevent them from dropping out;

(2) effective programs to identify and encourage children who have already dropped out to reenter school and complete their elementary and secondary education; and

(3) model systems for collecting and reporting information to local school officials on the number, ages, and grade levels of the children not completing their elementary and secondary education and the reasons why such children have dropped out of schools.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act $50,000,000 for fiscal year 1987 and such sums as may be necessary for fiscal years 1988 and 1989.

SEC. 4. GRANTS TO LOCAL EDUCATIONAL AGENCIES.

(a) ALLOTMENT TO CATEGORIES OF LOCAL EDUCATIONAL AGENCIES.—From the amount appropriated under section 3 for any fiscal year, the Secretary shall allot the following percentages to each of the following categories of local educational agencies:

(1) Local educational agencies administering schools with a total enrollment of 250,000 or more elementary and secondary school students shall be allotted 20 percent of the amount appropriated.

(2) Local educational agencies administering schools with a total enrollment of at least 50,000 but less than 250,000 elementary and secondary school students shall be allotted 25 percent of the amount appropriated.

(3) Local educational agencies administering schools with a total enrollment of at least 20,000 but less than 50,000 elementary and secondary school students shall be alloted 25 percent of the amount appropriated.

(4) Local educational agencies administering schools with a total enrollment of less than 20,000 elementary and secondary school students shall be allotted 30 percent of the amount appropriated. Grants may be made under this paragraph to intermediate educational units and consortia of not more than 5 local educational agencies with a total enrollment of less than 20,000 elementary and secondary students. Such units and consortia may apply in conjunction with the State educational agency. Not less than 20 percent of funds available under this paragraph shall be awarded to local educational agencies administering schools with a total enrollment of less than 2,000 elementary and secondary school students.

(b) AWARD OF GRANT.—From the amount allotted for any fiscal year to a category of local educational agencies under subsection (a), the Secretary shall award as many grants as practicable within each such category to local educational agencies whose applications have been approved by the Secretary for such fiscal year under section 5 and whose applications propose a program of sufficient size and scope to be of value as a demonstration. The grants shall be made under such terms and conditions as the Secretary shall prescribe consistent with the provisions of this Act.

(c) MAXIMUM NUMBER OF GRANTS.—A local educational agency may receive no more

than one grant for each of three fiscal years under this title.

(d) AMOUNT.—The amount of a grant awarded under this section to a local educational agency for any fiscal year, to the extent practicable, shall be proportionate to the extent and severity of the local dropout problem.

(e) MATCHING REQUIREMENT.—

(1) For the first fiscal year of assistance under this Act, a local educational agency shall provide, from other Federal, State, or local public or private sources, a cash amount which is not less than 10 percent of such grant for the purposes of projects under this Act.

(2) A local educational agency shall provide 25 percent of such grant for the second year and 40 percent for the third and each subsequent year for the purposes of projects under this Act. Such matching assistance under this paragraph shall be from other Federal, State, or local public or private sources and may be in the form of cash or of in-kind contributions (such as facilities, overhead, personnel, and equipment) fairly valued.

SEC. 5. APPLICATION.

(a) IN GENERAL.—A grant under this Act may be made only to a local educational agency which submits an application to the Secretary. Such application shall—

(1) be developed in consultation with any appropriate community-based organizations of demonstrated performance;

(2) provide the best available information concerning (A) the number of childern formerly enrolled in the applicant's schools who have not completed their elementary or secondary education, and (B) the percentage of such children in the total school-age population in the applicant's schools;

(3) include a plan for the development and implementation of a dropout information collection and reporting system for documenting the extent and nature of the dropout problem, in accordance with requirements for data collection, reporting, and evaluation established by the Secretary;

(4) include a plan for the development and implementation of a project which will—

(A) implement comprehensive identification, prevention, outreach, and reentry programs for dropouts and potential dropouts,

(B) address the special needs of pregnant minors, school-age parents, Indians, migrants, and other identified high-risk populations,

(C) disseminate information to students, parents, and the community related to the dropout problem,

(D) include coordinated activities involving at least one high school and its feeder junior high or middle schools and elementary schools for those local educational agencies having such feeder systems,

(E) as appropriate, include coordinated services and activities with programs of vocational education, adult basic education, and programs under the Job Training Partnership Act,

(F) as appropriate, provide mechanisms which focus on the importance of developing occupational competencies which link job skill preparation and training with other employee training programs and genuine job opportunities,

(G) establish annual procedures for (i) evaluating the effectiveness of the project, and (ii) where possible, determining the cost-effectiveness of the particular dropout prevention and reentry methods used and the potential for reproducing such methods in other areas of the country,

(H) establish an advisory council which is broadly representative of the entire community and the dropout populations to be served, and

(I) use the resources of the community and parents to help develop and implement solutions to the local dropout problem; and

(5) describe the objectives of the project; and

(6) contain such other information as the Secretary considers necessary to determine the nature of the local needs, the quality of the proposed project, and the capability of the applicant to carry out the project.

(b) SPECIAL CONSIDERATIONS.—For the purpose of approving applications under this section, the Secretary shall give first priority within each category under section 4(a) to applicants that have either very high numbers or very high percentages of school dropouts.

(c) REVIEW OF PROJECT.—In any application from a local educational agency for a grant to continue a project for the second or third fiscal year following the first fiscal year in which a grant was awarded to such local educational agency, the Secretary shall review the progress being made toward meeting the objectives of the project under subsection (a)(5). The Secretary may refuse to award a grant if the Secretary finds that sufficient progress has not been made toward meeting such objectives, but only after affording the applicant notice and an opportunity for a hearing.

SEC. 6. AUTHORIZED ACTIVITIES.

Grants under this Act shall be used to carry out plans in applications approved under section 5. In addition, grants may be used for the following activities:

(1) to establish systemwide or school-level policies, procedures, and plans for dropout prevention and school reentry;

(2) to provide guidance, counseling, and social work services (including peer interaction activities);

(3) to provide ombudsman or mentor services;

(4) to develop and implement activities, including extended day or summer programs, to address poor achievement, language deficiencies, or course failures, in order to assist students at risk of dropping out of school and students reentering school;

(5) to establish or expand work-study, apprentice, or internship programs;

(6) to use the resources of the community, including contracting with public or private entities or community-based organizations of demonstrated performance, to provide services to the grant recipient or the target population;

(7) to evaluate and revise program placement of students at risk;

(8) to review curriculum relevancy;

(9) to implement activities which will improve student motivation and the school learning environment;

(10) to provide training for school staff on strategies and techniques to identify children at risk of dropping out, to intervene in the instructional program with support and remedial services, to develop realistic expectations for student performance, and to improve student-staff interactions;

(11) to study the relationship between drugs and dropouts and between youth gangs and dropouts, and to coordinate dropout prevention and re-entry programs with appropriate drug prevention and youth gang prevention community organizations; and

(12) to provide other services and implement other activities which directly relate to the purpose of this Act.

SEC. 7. PROGRAM LIMITATIONS.

(a) ACTIVITIES.—Not less than 30 percent of each grant shall be used for activities related to dropout prevention, and not less than 30 percent of each grant shall be used for activities related to presuading dropouts to return to school and assisting former dropouts with specialized services once they return to school.

(b) ADMINISTRATIVE COSTS.—Not more than 15 percent of any grant may be used for administrative costs.

SEC. 8. GENERAL PROVISIONS.

(a) TIMELY AWARD OF GRANTS.—To the extent possible, for any fiscal year the Secretary shall award grants to local educational agencies under this Act not later than July 1 preceding such fiscal year.

(b) GRANTS MUST SUPPLEMENT OTHER FUNDS.—A local educational agency receiving funds under this Act shall use the Federal funds only to supplement the funds that would, in the absence of such Federal funds, be made available from non-Federal sources for activities to prevent students from dropping out of elementary and secondary school and to persuade dropouts to reenter school and complete their education.

(c) COORDINATION AND DISSEMINATION.—The Secretary shall require local educational agencies receiving grants under this Act to cooperate with the coordination and dissemination efforts of the National Diffusion Network and State educational agencies.

(d) REPORTING REQUIREMENTS.—The Secretary shall establish uniform requirements for applications, data collection, reporting, and evaluation under this Act. In developing such requirements, the Secretary shall consult with representatives of State and local educational agencies and with the General Accounting Office. The Secretary shall give special consideration to the interim and final findings of the studies concerning school dropouts of the General Accounting Office.

(e) ANNUAL REPORT.—No later than March 1 of each year, the Secretary shall submit to the appropriate committees of the Congress an annual report concerning activities under this Act during the preceding fiscal year.

(f) AUDIT.—The Comptroller General shall have access for the purpose of audit and examination to any books, documents, papers, and records of any local educational agency receiving assistance under this Act that are pertinent to the sums received and disbursed under this title.

(g) WITHHOLDING PAYMENTS.—Whenever the Secretary, after reasonable notice and opportunity for a hearing to any local educational agency, finds that the local educational agency has failed to comply substantially with the provisions set forth in its application approved under section 5, the Secretary shall withhold payments under this Act in accordance with section 453 of the General Education Provisions Act until the Secretary is satisfied that there is no longer any failure to comply.

SEC. 9. DEFINITIONS.

As used in this Act—

(1) the term "community-based organization" means a private nonprofit organization which is representative of a community or significant segments of a community and which provides educational or related services to individuals in the community;

(2) the term "Secretary" means the Secretary of Education; and

(3) the terms "State educational agency", "local educational agency", "elementary school", and "secondary school" have the same meanings given those terms in section 198 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3381).

AMENDMENTS OFFERED BY MR. HAWKINS

Mr. HAWKINS. Mr. Chairman, I offer several amendments.

The Clerk read as follows:

Amendments offered by Mr. HAWKINS: Page 6, line 23: debate "which will" and insert in lieu thereof "which, through the provision of educational, occupational, and guidance, counseling and testing services and activities, will".

Page 9, line 9: delete "the following activities" and insert in lieu thereof "educational, occupational, and guidance, counseling and testing services and activities, including the following".

Page 10, line 20: delete "services" and all that follows on line 20 and insert in lieu thereof "educational, occupational, and guidance, counseling and testing services and".

Page 10, line 25: insert after "activities" the phrase "(authorized in section 6)".

Page 11, line 25: insert after "activities" the phrase "(authorized in section 6)".

Mr. HAWKINS (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HAWKINS. Mr. Chairman, I ask unanimous consent the amendments be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HAWKINS. Mr. Chairman, these amendments are really clarifying amendments. They simply focus the proposal more closely on educational and instructional programs for school dropouts.

During the last few days, some Members have indicated that the bill may be too open. Therefore, we are offering these amendments to tie it strictly to educational activities and instructional programs. That is all the amendments do.

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. HAWKINS. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. Mr. Chairman, we have examined the amendments and we believe they are necessary amendments and good amendments.

The CHAIRMAN. The question is on the amendments offered by the gentleman from California [Mr. HAWKINS].

The amendments were agreed to.

The CHAIRMAN. Are there any further amendments? If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. GRAY of Illinois) having assumed the chair, Mr. LEVIN of Michigan, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration (H.R. 3042) to amend the Elementary and Secondary Education Act of 1965 to provide grants to local educational agencies for dropout prevention demonstration projects, pursuant to House Resolution 511, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title of the bill was amended so as to read: "A bill to authorize the Secretary of Education to make grants to local educational agencies for dropout prevention and reentry demonstration projects.".

A motion to reconsider was laid on the table.

## MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mrs. Emery, one of his secretaries, who also informed the House that on the following dates, the President approved and signed bills and joint resolutions of the House of the following titles:

On July 31, 1986:

H.J. Res. 672. Joint resolution to ratify the February 1, 1986, sequestration order of the President for fiscal year 1986 issued under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985.

On August 1, 1986:

H.R. 4409. An act to authorize appropriations for fiscal year 1987 for the operation and maintenance of the Panama Canal, and for other purposes; and

H.R. 4985. An act to authorize the distribution within the United States of the USIA film entitled "The March."

On August 4, 1986:

H.R. 3511. An act to amend title 18, United States Code, with respect to certain bribery and related offenses.

On August 6, 1986:

H.J. Res. 623. Joint resolution to authorize the designation of a calendar week in 1986 and 1987 as National Infection Control Week.

## GIFTED AND TALENTED CHILDREN AND YOUTH EDUCATION ACT OF 1986

The SPEAKER pro tempore. Pursuant to House Resolution 512 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3263.

□ 1125

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3263) to establish a Federal program to strengthen and improve the capability of State and local educational agencies and private nonprofit schools to identify gifted and talented children and youth and to provide those children and youth with appropriate educational opportunities, and for other purposes, with Mr. LEVIN of Michigan in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from Michigan [Mr. KILDEE] will be recognized for 30 minutes and the gentleman from Pennsylvania [Mr. GOODLING] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Michigan [Mr. KILDEE].

Mr. KILDEE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of the Gifted and Talented Children's Act, H.R. 3263. This bill was written by Congressman BIAGGI and has the strong support of Congressman JEFFORDS. Both of these gentlemen are to be highly commended for bringing this bill to our attention and helping to move it through our committee.

The gifted are the yeast of a society. They are the ones who provide the ideas, who create the art, and who fashion the politics of a people. They are also the ones who determine, to a large degree, whether a country is prosperous or not. The gifted are clearly a national treasure.

It is estimated that we have 2.5 million gifted and talented students in this country, and yet it is also estimated that 2 million of them will not be identified by educators and given the encouragement to develop their full abilities.

This bill is a modest step to rectify that problem. The Secretary of Education is being authorized to make grants to local school districts to help identify and serve gifted and talented children.

Federal funding would not be massive, but it would be enough to leverage State and local money so that

greater attention is paid to realizing the potential of gifted children.

I urge the adoption of the bill and again commend Mr. BIAGGI and Mr. JEFFORDS for their help in bringing it before the House.

Mr. GOODLING. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to commend my colleague, the gentleman from New York [Mr. BIAGGI], for his work on behalf of the gifted and talented students. As the gentleman so eloquently stated, these youngsters will transform and invigorate our culture and economy.

In the sixties, our emphasis was on those who were not receiving an equal opportunity for a good education in these United States. I think the major responsibility of the Federal Government is to make sure that each youngster, no matter where they live, what their name is, what their color may be or their language, have an opportunity for a good education. I think we were quite effective. We have a long way to go, but I think that momentum is continuing to carry forth.

In the seventies, we did shift, temporarily at any rate and in a small manner, our efforts toward the gifted and talented. In the more affluent school districts, of course, this issue is being handled and being handled very well. Unfortunately, in many districts with less ability to finance their educational programs, it is not going forth as it should.

Like the last bill, I wish I could jump wholeheartedly in support of the legislation, because the intention is good and the need is there.

□ 1140

Like the last bill, I really do not need any demonstration projects, I know what to do in relationship to dropouts. If you give me $4 billion a year, as a matter of fact, I can take care of that working with 3- and 4-year-olds and their parents at the same time, because unless we work with both, we will not succeed in that area.

Unfortunately, I must repeat what I said the last time which I said I would play that record over again. My concern is twofold: If this legislation does not get appropriated, then we have sent out false hope again. If it does get appropriated, then I have that concern of which existing programs will be cut because of that $30 billion or more that we are apparently going to be over when that snapshot is taken in this month of August.

In fact, we have been told by OMB it is over. We have been told by CBO that it is dramatically above the $144 billion. I support Mr. BIAGGI's efforts. Unfortunately, again, I had hoped we could take this money from the Secretary's discretionary fund. One of the gentlemen in the committee from Michigan always says that we want to make sure that we use all that discretionary fund and that the Secretary does not get an opportunity to use any of it. The last one I had hoped we would take from JTPA so that as a matter of fact it could go forward. This, I had hoped, would come from the Secretary's discretionary fund. Unfortunately, we are asking for new money and a new program.

The idea is proper; the idea is good; the idea is necessary. Will we be sending a false signal?

Mr. Chairman, I would like to commend my colleague from New York, Mr. BIAGGI, for his work on behalf of the gifted and talented students. As he has so eloquently stated, these youngsters will transform and invigorate our culture and economy.

The Education and Labor Committee held a number of hearings which raised Member's awareness on important educational problems. These included illiteracy, school dropouts, drug abuse, youth suicide, gifted and talented, and technology education. While all of these are important issues facing the Nation's schools, I don't feel Congress is in the position to create a new categorical program for each of these concerns. In fact, because of my role on the Budget Committee, I stated at the beginning of this fiscal year that I would not support any new program which was not contained in the budget or received its funding from an existing appropriation. In light of the projected increase in the fiscal year 1987 deficit, I feel more strongly about this now more than ever. The worst thing that could happen to Federal support for education is to allow the sequestration process to unthinkingly cut our finest programs.

So while I would like to again commend Mr. BIAGGI for his hard work and concern, I will have to withhold my wholehearted support for H.R. 3263 and work to maintain funding for existing educational programs.

Mr. KILDEE. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. BIAGGI].

Mr. BIAGGI. I thank the gentleman for yielding time to me.

Mr. Chairman, I would first like to thank the ranking minority member, the gentleman from Pennsylvania [Mr. GOODLING] for his kind remarks with relation to this legislation.

Mr. Chairman, as author of H.R. 3263, the Gifted and Talented Children and Youth Education Act, I rise today in strong support of this important education legislation.

I am pleased to note that I am joined in this effort by 89 of my colleagues on a strong, bipartisan basis. They have joined me in this effort for they beleive, as I strongly do, that the Federal Government has a responsibility to ensure that the best and brightest of our Nation's students are adequately, effetively, and more specifically served by our educational system.

This legislation will target Federal assistance to support State and local programs that address the unique and pressing needs of gifted and talented children and youth. It is certainly legislation that is long overdue.

A report issued in 1983, "a Nation at Risk," by the National Commission on Excellence in Education, noted, "over half the population of gifted students do not match their tested ability with comparable achievement in school" and "both the number and proportion of students demonstrating superior achievement in the scholastic aptitude test have also dramatically declined."

One clear recommendation emerged: "The Federal Government in cooperation with States and localities, should help meet the needs of key groups of students such as the grifed and talented."

Until 1981, the Federal Government provided for gifted and talented programs under the Gifted and Talented Children's Education Act, authorized by my distinguished former colleague from New York, Senator Jacob Javits. Until its demise, this program annually provided $6 million for these educational efforts. Today, programs for the gifted and talented can be operated by States through the chapter 2 education block grant, funding this and 29 other programs, But it is clear that under this funding method, gifted and talented programming is suffering from acute educational neglect.

Consider for example, that only 13 percent of the school districts currently receiving funds under chapter 2 allocate any money at all for gifted education.

Consider that 36 States require no certification or special coursework of any kind for teachers of gifted and talented children.

Consider that there are only 56 full-time gifted and talented consultants employed by State education agencies across the entire Nation; 56 people to serve 2.5 million of this Nation's most promising students.

And consider that at this time, we spend only $5 per child in Federal funds to support the best and brightest of our Nation's students. In addition, we are unable to serve 1½ million of these students who have been identified as gifted, but receive no special education at all.

We must provide a national program to specifically serve these particular students in need. If there is to be a reasonable response to promote quality in the classroom, we must adopt H.R. 3263.

This legislation will authorize $10 million in fiscal year 1987, and such

sums as necessary in subsequent years, to support programs at the State and local level that are designed to meet the educational needs of gifted and talented children and youth. Both identification and education of these students is emphasized. In addition, priority will be given to those students who are not easily identified and served through traditional assessment methods such as the handicapped, the economically disadvantaged, the limited English proficient, and others.

These funds will also be used for preservice and in-service training and professional development activities for teachers. If we are to continue our crusade for excellence in the classroom, then we must provide our Nation's teachers with the training, the tools, and the resources essential to any qualify gifted and talented program.

And finally, H.R. 3263 establishes a national center for research and development in the education of gifted and talented youth. The purpose of the center is to stimulate high-quality research that will assist in identifying and serving gifted students in innovative ways. The center will be a national focal point, a base for information about gifted education.

Gifted and talented children face many problems as schools fail to address their special needs. Schools have failed to provide the attention and resources these students need in order to fulfill their potential. We must dispel the myth that a gifted child will do fine on their own without the nurturing and attention received by other students. After all, we do not ask any other student in the entire school population to make it on their own in the educational system. Why do we continue to expect this of the gifted child?

I contend that every dollar we invest in a gifted and talented child will provide a return of a stronger future for our Nation. We, as a society, desperately need the contributions these children can give us. We must never ignore or forget the possibility that these gifted programs can transform and invigorate our culture by producing a supply of Mark Twains, Thomas Edisons, and Lee Iacoccas. They could build the reservoir of intellectual and creative talent that would assure the growth and fulfillment of individuals, and of the United States. Gifted and talented children are our Nation's "untapped resource," "lost treasure," and "key to the future." They represent the future of this Nation and that of the world.

This Nation is struggling with many problems—the budget deficit, the trade deficit, and the "brain drain" deficit. We must not be shortsighted in our search for solutions to these problems. Our Nation's gifted and talented children offer us the tools by which to forge a permanent solution: advanced intelligence: creative thinking: and a bold curiosity about the world in which we live.

A quality education for our best and most promising students is clearly at the very core of this legislation. But H.R. 3263 does much more than that. It gives us hope—hope that by more fully developing and utilizing the vast educational resources of this Nation, specifically its gifted and talented youth, we can overcome the present crisis that exists in this Nation and move on to gain our once undisputed preeminence in the world.

I would like to thank Chairman HAWKINS for his support and efforts to move this bill through the committee process in an expeditious manner. I would also like to thank my colleague from Michigan, Mr. KILDEE, for his long and untiring efforts on behalf of this legislation. And finally, I wish to commend my good friend and colleague from Vermont, the ranking minority member of the Education and Labor Committee, Mr. JEFFORDS, for his leadership role in the area of gifted education.

I urge all of my colleagues to vote in support of H.R. 3263, the Gifted and Talented Children and Youth Education Act.

□ 1150

Mr. GOODLING. Mr. Chairman, I yield such time as he may consume to the ranking member of the committee, the gentleman from Vermont [Mr. JEFFORDS].

Mr. JEFFORDS. Mr. Chairman, I rise in strong support of this bill, and I certainly thank the gentleman from New York [Mr. BIAGGI] for his very kind words.

Mr. Chairman, as an original cosponsor of H.R. 3263, the Gifted and Talented Children's Education Act, I want to congratulate Mr. BIAGGI for initiating this legislation. His interest and persistence in seeing this bill through is a credit to his abilities as a person committed to seeing that our youth are educated to the best of their capabilities.

In 1981, we did not continue the separate, albeit modest, gifted and talented program that we had at the time. At that time, the program was consolidated into chapter 2 of the Education Consolidation and Improvement Act. Through this consolidation, the emphasis that was placed on programs for our gifted and talented youth diminished.

Without a Federal commitment to gifted and talented program, efforts to meet the special needs of these youth are diminished. Because these children will succeed in school without special attention, it is easy to ignore or bypass their need for special programs. Instead of flourishing, instead of stimulating them to reach their full potential, we are allowing our best and brightest students to move through our educational system, bored and unmotivated. We can ill afford to allow over 2 million children to fall victim to classroom boredom and a debilitating sense of estrangement from their peers. Estimates are that up to 18 percent of all high school dropouts are gifted students. As a nation considered as a world leader, we are distinct among our colleague nations in not providing programs for our gifted and talented students.

I became particularly aware of the void we have in this area when I started working on a trade bill that I introduced earlier this year. The United States is experiencing recordbreaking trade deficits which do not seem to improve. The trade deficits are related to low productivity and our failure as a nation to fully develop and utilize our human resources. To be successful and competitive in the world economy means staying a step ahead of other nations with innovation and invention. Ideas, concepts, and systems are the raw materials by which economies grow and prosper.

The nations that are succeeding today in our world marketplace, are those nations that direct resources not only to those at a disadvantage, but also to those with special talents. We must be able to identify, nurture, and allow the special talents of our gifted and talented youth to grow. A modest investment in these youth today, will provide long-term benefits. It is my belief that this bill is necessary to indicate that education of our gifted and talented youth is a national priority.

My support for this proposal stems not only from my concern that we should be providing services to our gifted and talented students, but also from an economic standpoint. Providing appropriate education for these students is one means by which we can meet the challenge of reducing our trade deficit. I urge my colleagues to support this bill.

Mr. KILDEE. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. OWENS].

Mr. OWENS. Mr. Chairman, I want to congratulate my colleague, the gentleman from New York [Mr. BIAGGI] for this very necessary piece of legislation.

There is no conflict between excellence and equity in our society. There is no reason why our Government cannot take care of both equity and excellence. We must dedicate ourselves and we must use our resources and set our priorities in such a way that everybody is educated, and particularly those at the top must also get special attention.

We should subscribe to the value-added theory of education. That theory is that everybody has their value increased as they receive education. Everybody at every level can be

improved. In a complex society such as ours we need to have everybody at every level to have the maximum amount of education that they can absorb. We need good mechanics, we need good technicians, and we need good scientists and engineers. At every level we need the best that we can produce.

Whenever we get on an airplane, I am sure we are concerned about what went into that effort at every level. We know that the airline pilots get the best training in the world. They are very well trained, and I think nobody really needs to worry about them. What we must worry about is the people who do the lubrication job, the people who put the oil and gasoline in, and a few other people at various levels. Let us hope that they also got the maximum training necessary.

In our complex society we need people at every level who have the maximum amount of competence. We certainly need a pool of people at every level so that as we use up the most experienced people, there are always people to replace them. That is needed at the technician level and at the mechanics level, and it is also needed, of course, at the level of scientists and engineers.

We also need linguists. We are not just talking about scientists and engineers; we are talking about gifted youngsters in every area. If we look at the performance of some of the Soviet Union's linguists and some of their journalists and scientists and witness their knowledge of English as they perform on American television, we realize that we do not seem to have the people who are comparable at certain levels in government, the people who are scientists and who can also speak Russian as well as they speak English.

There are a number of deficiencies which can be identified in every aspect of our total national effort and which could be taken care of if we would cease doing what we are doing now. We are always on this floor talking about education as if it were a luxury. We speak about education as if it were something we can keep off to one side, as if it were not part of our national security effort or not a priority.

We cannot separate education from defense. Our defense effort is suffering greatly because of our inability to understand that first our priority must go to education. Our best line of defense is to have a population which receives the best possible education at every level.

I would ask that we examine the fact that certain arguments have been made that the money is not available to take care of the needs of a bill like this? We are asking for a fairly small amount of money, but the argument is made that we cannot afford it. But can we afford not to?

We are going to find money somehow to take care of the revitalization of our space program. We are going to find the money to build new *Challenger*, to improve our space vehicles. We are going to find money to stop our rockets from blowing up so that our satellites can be put up into space. We are going to find that money because we consider it necessary.

But what is the cost involved in a new *Challenger* program? What is the cost involved in producing rockets that do not blow up, rockets that really will produce the satellites? The highest cost is the personnel cost. The other costs are fixed. The cost of the aluminum and the various metals that are used in production, that is going to be pretty much the same, and it may even go down because the prices on the world markets are going down. The cost that is going to go up is the personnel cost.

The scientists and the engineers and the technicians are in high demand, and the supply is shrinking. One of the things that the President's Commission investigating the shuttle disaster has put a finger on is that we have a disturbing situation in our space program. In the space program, which was given the highest priority, in the space program which got our best and our brightest, we have a problem because there are not enough people there. The cost is so great that they have been skimping on personnel. One of the problems that was pointed out recently was that another *Challenger* almost blew up because a technician did not put in the right amount of fuel, and when they pinpointed why he did not put in the right amount of fuel, the answer was that he was suffering from fatigue. Fatigue? Why in a nation as great as this, in a program which has the highest priority, when lives are at stake, why should anybody suffering from fatigue in a key position like that?

Why are there not enough people? The pool of people available to deal with the space program is not being replenished, is not being replaced rapidly enough. We do not have enough people. Those are our best and brightest when it comes to scientists and engineers. That is a high priority program. We do not have the scientists and engineers and technicians and mechanics to replenish that pool, and that is a problem that a bill like this would begin to address.

Mr. Chairman, I hope that the Members will see this as a major, urgent necessity and will vote for this very important piece of legislation.

Mr. GOODLING. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Washington [Mr. CHANDLER].

Mr. CHANDLER. Mr. Chairman, I want to congratulate my friend, the gentleman from New York [Mr. BIAGGI], not only for his sponsorship and leadership in this piece of legislation but for his determination and the energy he has put into it. I have never seen anybody work as hard on behalf of a bill. He obviously believes in the bill, and I thank him for that effort.

When we talked earlier about the dropout legislation, it occurred to me, as it did to my friend, the gentleman from New York, that these bills are very much related. We all as Members of Congress have the opportunity to sponsor and to nominate young men and young women to the military academies, and that to me is, I think, probably the happiest experience I have as a Member of the U.S. Congress, to see young men and young women who are incredibly bright, highly motivated, determined, with a goal in mind, setting their sights on something they badly want and doing exceptionally well to get it. Their grade points are at the four point level, or nearly so, they are always involved in leadership activities, they are athletic, and so forth.

□ 1200

Well, those are the happy situations among the gifted and talented in this country. The unfortunate thing is, if you also went to the Washington State Prison at Walla Walla or any other facility of its kind in the country and went through the halls of that place, you will find people who are every bit as bright as those young people who we nominate and appoint to the military academy sitting in cells for whatever reason, God only knows.

Well, I know this, they are the failures, not just of our educational system, but of our entire society. For some reason, these young people go to school and instead of accepting the challenge that they have and the opportunity that is presented to them, they turn instead in a sense to the easy way out. School is not a challenge. It is easy. It is boring. It is uninteresting and they become lazy and a set of behavior pattern sets in that may not necessarily lead to prison, but certainly leads to problems in their lives. And this great potential is lost.

Now, a lot of people will tell you, "Don't worry about the gifted and talented. They will make it on their own."

Well, many of them will. Those are the kids that we are nominating to the military academies, but many of them will not make it and it is a tremendous waste and a great national tragedy that we allow that to happen in this country.

I am not sure what the answer to this is. My guess is that there probably are not a lot of educators who are not sure either; but the thing I am hoping is that legislation like this, the leadership that the gentleman from New

York [Mr. BIAGGI] has offered, is going to provide us an opportunity to study in depth on a nationwide basis the best possible ideas for taking our brightest youth, this talent, and turning it in the direction that it should naturally go.

I am very supportive of this legislation. I only wish that we had greater resources to do a greater job in behalf of these students who all over the country badly need the assistance of this kind of legislation.

Mr. Chairman, I thank the gentleman for yielding.

Mr. KILDEE. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. HAYES].

Mr. HAYES. Mr. Chairman, I, too, want to commend my colleague, the gentleman from New York [Mr. BIAGGI], for bringing this bill to the House of Representatives in regard to the problem of the gifted and talented students.

The two bills, H.R. 3042 and H.R. 3263, complement each other, for many of our high school dropouts are gifted and talented students and are being lost to our society.

Most often talented children are from families of meager means and are completely ignored and forgotten and left to become a part of that increasing number of unemployed, victims of mind-destroying and sometimes life-destroying drugs.

The suicide rate among our kids is growing.

The large number of our high school dropouts is reaching epidemic proportions across the Nation. They are gifted children who are not properly identified and nurtured in school.

Approximately 50 percent of gifted children are working at least 4 grades below the level at which they could be working if they were fortunate enough to have a job. Just over 1 million gifted and talented students are currently being served by any type of special education program. An additional 1.5 million have been identified, but are unaole to be served.

Finally, it is estimated that approximately 2 million of these students have not even been identified.

I think it is a tragic situatiion and certainly H.R. 3263 seeks to address our attention to this problem. I do hope it passes this House of Representatives.

Mr. GOODLING. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan [Mr. PURSELL].

Mr. PURSELL. Mr. Chairman, I, too, want to congratulate the sponsors of this legislation and the great leaders on the Democratic and Republican sides who worked so hard for this beginning start, all over again.

When I was on the committee under President Carter, I wrote the legislation at that time and got some modest funding. I think it was about $8.5 million. Senator CHILES helped me in the Senate and we proceeded with an attempt to begin to stimulate the encouragement of State and local school boards to develop programs.

You cannot begin to realize what that fund did in terms of triggering across the country local interest in the development of a creative program for talented and gifted children across the United States; so I think this is another start that is welcomed by me as a member of the Labor-HEW Subcommittee on Appropriations. I will make every effort to help with scarce resources, whether they are lateral transfers from other programs of lower priority or discretionary programs, as Chairman GOODLING suggests. I think we should fund this program.

Now, as a former teacher many years ago before I was in the business community, I just want to sort of give a little warning signal here. I personally differ with some people in the gifted community that say we should segregate these children who are supposedly gifted and talented. I frankly believe that the gifted and talented children of America, everyone, every child, rich or poor, and I worked with former Congresswoman Shirley Chisholm on this bill, in which she helped cosponsor my legislation with CARL PERKINS and others, that every child in America has some gift and some talent.

I just would encourage the teachers of America to recognize that everyone in the classroom, whether it is music, science, mathematics, or making model airplanes, or whatever, that there is some talent and a gift in those individual children; so we should be very careful.

There is a great debate in the gifted and talented community whether we should pull those kids out and segregate them from the mainstream children. I am not going to debate that issue today. I just want us to realize that every child in American is gifted and has some talent. If we can recognize that, this Nation can be the most creative in the world in the scientific, in the mathematic field and music and competitive fields and in the international competitive mode, as the gentleman from Vermont [Mr. JEFFORDS] indicated earlier, with our trade war going on throughout the world.

So as a member of the committee, I highly commend this bill to all the Members of Congress. I will work toward helping to assist in the funding.

Again I want to thank the subcommittee on both sides for their bipartisan effort to lead their fight for the gifted and talented. Every child in America has that gift. Let us try to bring it out and this Nation will be secure.

Mr. KILDEE. Mr. Chairman. I yield 2 minutes to the gentleman from Illinois [Mr. GRAY].

Mr. GRAY of Illinois. Mr. Chairman, I thank my distinguished friend from Michigan for yielding me time.

Mr. Chairman, I stood in this well in 1961 when just outside the Chambers here President John F. Kennedy said, "Let us go forward to lead the land we love, knowing that here on Earth God's work is truly our own."

I stood here just a few short years later when President Lyndon Johnson signed the Elementary and Secondary Education Act and said, "The only valid passport from poverty is a good education."

When you look at these two bills, Mr. Chairman, that we are considering today, this fulfills the dreams and the aspirations of John F. Kennedy and President Lyndon Johnson, as it relates to helping those who need help because if we do not take our gifted children, if we do not take those people who go through grade school and because they get distracted or for some other reason drop out, they are not going to be able to lead the land we love. They are not going to be able to give their brain power.

Mr. Chairman, the brain is like a bank account. You can only draw out what you put in.

So I want to congratulate my dear friend, the gentleman from Illinois [Mr. HAYES] for his bill and, incidentally, the reason he is so smart, he was born in Cairo, IL, in my congressional district, and I also want to congratulate the distinguished gentleman from New York [Mr. BIAGGI] for bringing out the gifted children and youth bill, the gentleman from Michigan [Mr. KILDEE], Chairman HAWKINS, and the gentleman from Pennsylvania [Mr. GOODLING] and others who recognize that this country must have the 235 million people working strong for good education, because this country is like a chain. It is no stronger than its weakest link. If we are not pulling together from Head Start and kindergarten on up through higher education, we are not going to be able to leave a legacy to our children and generations yet unborn that we have been able to enjoy for ourselves and thereby preserve the greatest country on the face of the Earth. Thank you.

Mr. GOODLING. Mr. Chairman, I will summarize in the few minutes remaining this morning's proceedings.

It has been lonely, of course. There is no question about that.

I want to make sure that I heard one of my colleagues on the other side, I thought he was indicating that someone over here said that we could not afford it. I want to make sure that no one on this side is accused of that, because I got the impression from my colleagues on this side of the aisle that

money is no problem whatsoever, and I certainly have not indicated that we cannot afford it.

What I am trying to point out, of course, is that I do not want to send a false signal if we are not going to get an appropriation, and if we do get an appropriation, I do not want some existing programs cut when we have to make that $30 billion out.

We mentioned Head Start in the discussion. We need much more money than we presently have for Head Start. We do not serve in my area one-tenth of the youngsters who probably need service in Head Start.

We talked about chapter 1. We do not serve 50 percent of the people in need in chapter 1.

We have a problem because we do not have the appropriations to do that.

In adult education, we merely scratch the surface.

Mention was made of concern with educational reform. I have real concerns with educational reform. For all the good things they are doing, let me tell you, I always have had two problems in the business of education. One was to make teachers understand that you cannot get a quart out of a pint, and when you talk about dropouts and you try to get a quart out of a pint, I will guarantee that you will have dropouts.

The other problem I always had with teachers was on the other extreme, getting the most that that child could possibly produce.

Along with gifted and talented children, we have to get gifted and talented teachers in the field and administrators in the field. I had an algebra teacher who could take students in the same classroom through algebra 1, algebra 2, and part of geometry, at the same time that she was taking those less talented through algebra 1. She was a gifted and a talented teacher.

On the other hand, I had an administrator that told my wife that as a matter of fact she is not following the rules and regulations because she is moving her children through too many books in grade 1, and she thought she was supposed to get those who could go the extra mile to do that and those that could not, to work and reinforce their skills.

So there is no one who supports the concepts that were presented this morning any more than I do, but to get those gifted and talented teachers into the profession, and administrators, we are going to have to make it worthwhile on their part and it is going to have to be more worthwhile than the increased amount of money that they can get in the private sector or in the Congress of the United States, as a matter of fact. I have heard a lot of people saying they were teachers, who are now here.

In order to keep those young people in school, we are going to have to deal with their parents and the children themselves long before they come to a formal setting in the first grade in the school system.

In many areas throughout this country, there are no kindergarten programs. As I indicated, in my area there are very few Head Start programs. Chapter 1 only covers a small percentage.

□ 1215

So the concept of both are laudable, and I would like to have much more money so that as a matter of fact we could get beyond the demonstration process. We do that over and over and over again. I would like to get to the point where we put what we really already know into practice and bring about a better educational opportunity for all youngsters.

Education reform is moving in that direction, but as I said, I also have fears with education reform. When you set a grade average that someone must attain and you equate that youngster's ability to attain that with the person who is much more talented sitting right beside, you are looking not for young people to write on the bathroom walls, you are looking for them to burn down the bathrooms, because that is probably the only way that they will get out of that school setting.

Again let me repeat that the concepts are laudable. I congratulate all those who brought them forth. Again, my only concerns are, first, if we do not get appropriation, we have sent a false signal, and if we do get appropriation, we are going to have to deal with this priority issue in our area of Education and Labor when we start tackling that $30 billion amount that apparently we will be over the $144 billion. As I indicated before, some of our very important programs are not protected. Some are; some are not.

So again, it is not a case of whether we can afford it or whether we cannot. We should set our priorities, and if they watch my voting record, I think that they will notice that my priorities are usually in the right direction, and that direction is to, as a matter of fact, create a better way of life, not to destroy life.

So again I commend those who offered the bill. Both are very important members on the Education and Labor Committee. I hope that the day will come when jointly we can really attack the program, because we will have the private-sector funds and the public-sector funds that are needed to do this kind of job.

Mr. KILDEE. Mr. Chairman, I want to thank and commend the chairman of this committee, the gentleman from California [Mr. HAWKINS], for his tremendous and very sensitive work on this bill and on this issue.

Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Chairman, I just want to take my hat off to the sponsor of the bill, the gentleman from New York [Mr. BIAGGI] and his insight into trying to make America more competitive and accentuate the great natural resources that we have and the brilliance in the minds of our children.

You know, in the last year we have talked about trade deficits, competition, America being the great marketplace, and the technology, new initiatives, and new ideas which will make America competitive in the future.

I can look back at a time years ago when a young President by the name of John Kennedy made a statement. He said if America is going to conquer space and go to the Moon, we can't just talk about it and dream about it as a goal, we must train our children. And the President at that time, Mr. Kennedy, put money into education so that the young, brilliant minds of our children could in fact at some particular point reach those goals. And we did.

I think we talk about competition and the greatness of America, but it seems in the last 10 years that there has been somewhat of a slowing down of the commitments of priority dollar fundings toward the education of our children.

I think that this goes a step toward that direction, and I am not surprised that the sponsor of the bill is Mr. BIAGGI. I think that his bill here will nurture the brilliance of the minds of American youth and give us an opportunity as a country to move forward in the new technologies of the world marketplace and make America a better world.

I wholeheartedly endorse it. It is not even to mention the word modest; it is a play on words. I think that it should have even more money, but I commend that initiative and the Education and Labor Committee, which has given the opportunity for it to happen.

Mr. RAHALL. Mr. Chairman, I rise today in support of H.R. 3263, the Gifted and Talented Children and Youth Education Act of 1985. As an original cosponsor of this bill, I would like to commend the work of my colleague from New York [Mr. BIAGGI] in introducing this fine piece of legislation. I would also like to note the efforts of my colleagues on the Education and Labor Committee, and especially those members of the Subcommittee on Elementary, Secondary and Vocational Education, in bringing this measure to the floor of the House for a vote. As the sponsor of similar legislation, H.R. 2364, I had the privilege of submitting

testimony to the subcommittee on this issue, and of working with them in an effort to address this matter properly.

I urge my colleagues to support the passage of H.R. 3263. Furthermore, I am including in the RECORD a copy of my testimony before the Elementary, Secondary and Vocational Subcommittee earlier this year to outline the need for Federal legislative initiative in this area.

I would like to thank the distinguished chairman of the Committee on Education and Labor, and the other members of the Subcommittee on Elementary, Secondary and Vocational Education for inviting me to testify before the subcommittee with regard to H.R. 2364, a bill I introduced to address the special needs of gifted and talented students across the Nation.

The federally supported gifted and talented education program has experienced three distinct junctures in its history: First, national recognition of the special educational needs of gifted and talented children; second, development of Federal categorical programs for the education of the gifted and talented; and third, withdrawal of explicit Federal education support for the gifted and talented. H.R. 2364 would amend the Elementary and Secondary Act of 1965 to once again establish targeted programs for these individuals. It would reestablish the Office of Gifted and Talented in the Department of Education, and would authorize the Secretary of the Department of Education to begin a modest discretionary grant program which would include demonstration projects.

The special needs of the gifted and talented have been recognized for decades. In 1958, a national conference on academically talented secondary school students, sponsored by the National Education Association, drew national attention to these needs which resulted in a number of recommendations for initiating gifted and talented education programs in the public schools. However, Federal measures to address these needs have been scattered at best, and for the most part, inadequate.

Prior to the 1970's there is no evidence of any continued Federal interest or commitment to the education of gifted and talented children. In 1971, however, Sidney Marland, the U.S. Commissioner of Education, completed a congressionally mandated study on the status of the education of gifted and talented children in the United States. The report helped to stimulate Federal interest in the 1970's to develop a Federal education program for gifted and talented children culminating in the passage of a separate categorical program authorized under the Gifted and Talented Children's Education Act of 1978. However, this effort was short lived and a significant level of Federal funding has never been directed toward the education of gifted and talented children.

In 1981, with the enactment of the Educational Consolidation and Improvement Act (Public Law 97-35), the authorizations of appropriations for the gifted and talented education program, as well as 40 other categorical education programs, were repealed and consolidated into a block grant to State educational agencies. States were then authorized to use the new block grant funds for any of a number of purposes including, but not limited to, the education of gifted and talented children.

Mr. Chairman, gifted and talented students have been a neglected group within our educational system, the diversity of their abilities defy definition. Currently, they are not well served by standard educational programs. Like educationally disadvantaged and handicapped students, if responsibility for their education were left solely to State and local governments, these students would continue to be overlooked for reasons ranging from fiscal constraints to lack of interest. Until there is renewed Federal interest and specified financial support, the condition of education for the gifted and talented will remain inadequate.

The gifted and talented have special educational needs even though many do not recognize or address these needs. The Federal role in financing educational programs has generally been to direct resources to special groups of students—that is, physically and mentally handicapped, financially or underprivileged—who would otherwise be educated under a circumstance where severe disadvantage exists. The Federal role is to enhance the opportunity of these students in a public school setting. We as a nation are committed to providing the opportunity for a student to develop to the maximum of his/her abilities through a quality education. A gifted child in a regular classroom has no opportunity to develop this maximum ability level.

Someone with a 140 IQ is as different from the average student as someone with a 60 IQ. No one should ever dream of putting either person in a regular class, or at least not without a revised plan of study for that particular student. The Federal Government recognizes and authorizes funding to address the special needs of the below average student. Reason dictates that we also address the special needs of the above average student. These students must be allowed to progress at their own rate, regardless of chronological age or grade placement.

They need to be valued, challenged, and stimulated in an environment that allows children of like ability to learn with and from one another. They must have access to counseling, so they may better understand themselves and make appropriate school and career decisions. And they need a diversity of learning experiences, including instructional methods, materials, activities, and higher levels of conceptual complexity. We must provide funding and direction so that all States can identify and address these needs.

In my home State of West Virginia, there were 4,410 students enrolled in gifted and talented programs in 1980. This constituted 1.15 percent of the school-age population. These numbers increased to 8,751 students in 1985 and 2.41 percent of the school-age population. State funding for this endeavor has increased from $225,000 in 1976 to $5,670,000 in 1985. This is a growing program, however, the funds are limited. It is fortunate for West Virginia's students that our State government recognizes the needs of the gifted and talented and utilizes limited resources to address these needs. However, there are many States that do not address the needs of gifted and talented children.

A 1984 survey by the Council for Exceptional Children [CEC] revealed the following nationwide data. Thirty-eight States and the District of Columbia reported that there were 1,022,108 students participating in programs for the gifted and talented. A total of 36 States reported that $196,056,504 of State funds were spent on these programs, and 32 States and the District of Columbia reported the use of $10,419,763 of chapter 2 funds for the purpose of gifted and talented programs.

This is a national issue and the numbers are far from insignificant. I believe it is important that we address the needs of the gifted and talented. Therefore, I introduced H.R. 2364 and cosponsored, H.R. 3263, introduced by our respected colleague from New York [Mr. BIAGGI]. As you may know, Congressman BIAGGI has also cosponsored my bill, H.R. 2364. We share a common interest and commitment to this legislative effort, and I look forward to working with the gentleman further on this issue.

Mr. Chairman, gifted and talented children are among our Nation's most valuable resources, the potential leaders in our social, scientific, artistic, and humanitarian development. The Federal Government should play a role in financing an appropriate education for these students. The return on this investment to the Nation would come when these students develop their potential and use their abilities to contribute to the continued economic and social development of the Nation, and the capacity of this Nation to respond to future world needs. The appropriate target for limited resources can be determined on the basis not only of the greatest needs, but also of which programs might offer the greatest returns for educational investments. Special attention to the development of gifted and talented students cannot be neglected if we are to improve, or even maintain, our position in an increasingly competitive and technologically sophisticated world economy.

I appreciate your continued efforts in this vein, Mr. Chairman, and commend the willingness of the Education and Labor Committee to address this important issue. I look forward to working with you and the committee further on behalf of this Nation's gifted and talented students.

Mr. HAWKINS. Mr. Chairman, H.R. 3263, the Gifted and Talented Children and Youth Education Act, will ensure that the best and brightest of the Nation's students are effectively served by our educational system.

It is ironic that at a time when our country is grappling with ways to compete internationally, expand our economy, and strengthen our scientific and technological capabilities, we are neglecting a precious resource that holds the key to our preeminence in all those areas: our gifted and talented youth.

Gifted and talented children often face special barriers to quality education. Too often these children—particularly those who are disadvantaged or minority children—are not identified as being gifted and are not encouraged to fulfill their potential. Of those who are identified, over half do not match their tested abilities with comparable achievement in school.

Existing gifted programs are often insubstantial, with the average program providing 2

to 3 hours enrichment a week and no modification in the child's regular school program.

The legislation before the House will address these problems by authorizing grants to State and local education agencies, institutions of higher education, and other public and private agencies and organizations to build the capacity to serve these children. The Federal funds will be used to stimulate research, train personnel to serve gifted and talented students, demonstrate effective instructional techniques, and provide a national focal point for information and technical assistance.

The bill authorizes a modest sum of $10 million for fiscal year 1987 and such sums as necessary for the 4 succeeding fiscal years.

H.R. 3263 was authored by Congressman BIAGGI and has the support of Congressman JEFFORDS. Both of these gentlemen are to be highly commended for bringing this need to our attention and helping to move it through the committee. This is a worthy measure that deserves the support of the full House.

Mr. KILDEE. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. Pursuant to the rule, the committee amendment in the nature of a substitute now printed in the reported bill shall be considered as an original bill for the purpose of amendment, and each section shall be considered as having been read.

The Clerk will designate section 1.

Mr. KILDEE. Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 3263

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be referred to as the "Gifted and Talented Children and Youth Education Act of 1986".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds and declares that—

(1) gifted and talented children and youth are a national resource vital to the future of the Nation and its security and well-being;

(2) unless the special abilities of gifted and talented children and youth are recognized and developed during their elementary and secondary school years, much of their special potential for contributing to the national interest is likely to be lost;

(3) gifted and talented children and youth from economically disadvantaged families and areas are at greatest risk of being unrecognized and of not being provided adequate or appropriate educational services;

(4) State and local educational agencies and private nonprofit schools often lack the necessary specialized resources to plan and implement effective programs for the early identification of gifted and talented children and youth for the provision of educational services and programs appropriate to their special needs; and

(5) the Federal Government can best carry out the limited but essential role of stimulating research and development and personnel training, and providing a national focal point of information and technical assistance, that is necessary to ensure that our Nation's schools are able to meet the special educational needs of gifted and talented children and youth, and thereby serve a profound national interest.

(b) STATEMENT OF PURPOSE.—It is the purpose of this Act to provide financial assistance to State and local educational agencies, institutions of higher education, and other public and private agencies and organizations, to initiate a coordinated program of research, demonstration projects, personnel training, and similar activities designed to build a nationwide capability in our elementary and secondary schools to identify and meet the special educational needs of gifted and talented children and youth. It is also the purpose of this Act to supplement and make more effective the expenditure of State and local funds, and of Federal funds expended under chapter 2 of the Education Consolidation and Improvement Act of 1981 and the Education for Economic Security Act of 1984, for the education of gifted and talented children and youth.

SEC. 3. DEFINITIONS.

(a) DEFINITIONS.—For the purposes of this Act the following terms have the following meanings:

(1) The term "gifted and talented children and youth" means children and youth who give evidence of high performance capability in areas such as intellectual, creative, artistic, or leadership capacity, or in specific academic fields, and who require services or activities not ordinarily provided by the school in order to fully develop such capabilities.

(2) The term "Secretary" means the Secretary of Education.

(3) The term "institution of higher education" has the same meaning given such term in section 435(b) of the Higher Education Act of 1965.

(b) DEFINITION BY REFERENCE.—Any term used in this Act and not defined by subsection (a) shall have the same meaning as that term is given under chapter 3 of the Education Consolidation and Improvement Act of 1981.

SEC. 4. AUTHORIZED PROGRAMS.

(a) ESTABLISHMENT OF PROGRAM.—From the sums appropriated under section 9 in any fiscal year the Secretary (after consultation with the advisory committee established pursuant to section 7) shall make grants to or contracts with State educational agencies, local educational agencies, institutions of higher education, or other public and private agencies and organizations (including Indian tribes and organizations as defined by the Indian Self-Determination and Education Assistance Act) which submit applications to assist them in carrying out programs or projects authorized by this section that are designed to meet the educational needs of gifted and talented children and youth, including the training of personnel in the education of gifted and talented children and youth or in supervising such personnel.

(b) USES OF FUNDS.—Programs and projects funded under this section may include—

(1) preservice and inservice training (including fellowships) for personnel (including leadership personnel) involved in the education of gifted and talented children and youth;

(2) establishment and operation of model projects and exemplary programs for the identification and education of gifted and talented children and youth, including summer programs and cooperative programs involving business, industry, and education;

(3) strengthening the capability of State educational agencies and institutions of higher education to provide leadership and assistance to local educational agencies and nonprofit private schools in the planning, operation, and improvement of programs for the identification and education of gifted and talented children and youth;

(4) programs of technical assistance and information dissemination; and

(5) carrying out (through the National Center for Research and Development in the Education of Gifted and Talented Children and Youth established pursuant to subsection (c))—

(A) research on methods and techniques for identifying and teaching gifted and talented children and youth, and

(B) program evaluations, surveys, and the collection, analysis, and development of information needed to accomplish the purposes of this Act.

(c) ESTABLISHMENT OF NATIONAL CENTER.—The Secretary shall establish a National Center for Research and Development in the Education of Gifted and Talented Children and Youth through grants to or contracts with one or more institutions of higher education or State educational agencies, or a combination or consortium of such institutions and agencies, for the purpose of carrying out clause (5) of subsection (b). Such National Center shall have a Director. The Director shall consult with the advisory committee appointed by the Secretary pursuant to section 7 with respect to the agenda of the National Center. The Secretary may authorize the Director to carry out such functions of the National Center as may be agreed upon through arrangements with other institutions of higher education, State or local educational agencies, or other public or private agencies and organizations.

(d) LIMITATION.—Not more than 30 percent of the funds available in any fiscal year to carry out the programs and projects authorized by this section may be used for the conduct of activities pursuant to subsections (b)(5) or (c).

SEC. 5. PROGRAM PRIORITIES.

In the administration of this Act the Secretary (and the advisory committee established pursuant to section 7) shall give highest priority—

(1) to the identification of gifted and talented children and youth who may not be identified through traditional assessment methods (including individuals of limited English proficiency, the economically disadvantaged, individuals with handicaps, and females) and to education programs designed to include gifted and talented children and youth from such groups; and

(2) to programs and projects designed to develop or improve the capability of schools in an entire State or region of the Nation through cooperative efforts and participation of State and local educational agencies, institutions of higher education, and other public and private agencies and organizations (including business, industry, and labor), to plan, conduct, and improve programs for the identification and education of gifted and talented children and youth.

SEC. 6. PARTICIPATION OF PRIVATE SCHOOL CHILDREN AND TEACHERS.

In making grants and contracts under this Act, the Secretary shall ensure, where appropriate, that provision is made for the equitable participation of children and teachers in private nonprofit elementary and secondary schools, including the participation of teachers and other personnel serving such children in preservice and inservice training programs.

SEC. 7 SECETARY'S ADVISORY COMMITTEE.

(a) APPOINTMENT AND MEMBERSHIP.—The Secretary shall appoint a committee composed of at least five persons who are not Federal employees to advise on the administration of this Act, including the content of regulations governing the administration of the Act. The committee shall have as members at least one person who is a director of programs for gifted and talented children and youth in a State educational agency, one person who has substantial responsibility in an institution of higher education for preparing teachers of such children and youth, one person who is nationally recognized as an authority on research in the field of special education of such children and youth, one person who is engaged as a teacher in a special program for such children and youth, and one person who is a parent of a child enrolled in an elementary or secondary school program for such children and youth.

(b) DUTIES.—The Secretary shall meet with the advisory committee at least twice during each fiscal year for which appropriations are made to carry out this Act, and shall seek the advice and counsel of the committee with respect to—

(1) identification of the most urgent needs for strengthening the capability of elementary and secondary schools nationwide to plan and operate effective programs for the identification and education for gifted and talented children and youth, and for addressing the program priorities set forth in section 5;

(2) the kinds of programs and projects authorized by this Act that are best calculated to help meet the needs identified by the Secretary and the committee pursuant to clause (1);

(3) the assessment of the effectiveness of programs and projects funded under this Act, and of progress under the Act in expanding and improving educational opportunities and programs for gifted and talented children and youth; and

(4) such other matters relating to the administration of this Act as the Secretary may find useful.

SEC. 8. ADMINISTRATION.

The Secretary shall establish or designate an administrative unit within the Department of Education to administer the programs authorized by this Act, to coordinate all programs for gifted and talented children and youth administered by the Department, and to serve as a focal point of national leadership and information on the educational needs of gifted and talented children and youth and the availability of educational services and programs designed to meet those needs. The administrative unit established or designated pursuant to this section shall be headed by a person of recognized professional qualifications and experience in the field of the education of gifted and talented children and youth.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are hereby authorized to be appropriated $10,000,000 for fiscal year 1987, and such sums as may be necessary for each of the four succeeding fiscal years, for the purpose of carrying out this Act.

The CHAIRMAN (Mr. LEVIN of Michigan). Are there any amendments?

AMENDMENT OFFERED BY MR. AKAKA

Mr. AKAKA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. AKAKA: Page 5, after line 3, insert the following:

(4) The term "Hawaiian native" means any individual any of whose ancestors were natives prior to 1778 in the area which now comprises the State of Hawaii.

(5) The term "Hawaiian native organization" means any organization recognized by the Governor of the State of Hawaii primarily serving and representing Hawaiian natives.

Page 5, line 17, strike "Act)" and insert "Act and Hawaiian native organizations).

Mr. AKAKA (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

Mr. AKAKA. Mr. Chairman, I rise in support of this most worthwhile measure. As a former educator, I would like to take this opportunity to commend the chairman of the Education and Labor Committee, Mr. HAWKINS, the ranking minority member, Mr. JEFFORDS, Mr. KILDEE and Mr. GOODLING, the members of the Elementary, Secondary, and Vocational Education Subcommittee, and especially the gentleman from New York [Mr. BIAGGI], for their dedication and sensitivity to the needs of our country's gifted and talented youth.

Under this bill, Mr. Chairman, the Secretary of Education will make grants to or contracts with State and local educational agencies, institutions of higher education, and other public and private organizations, including Indian tribes and organizations.

My amendment would simply expand that authority to include organizations primarily serving or representing native Hawaiians.

I introduce this amendment, Mr. Chairman, because I am concerned about the educational status of native Hawaiians. Extensive study of the overall educational achievement of native Hawaiians in the State of Hawaii reveals that, as a group, they have substantial needs in the educational arena.

For example, Hawaiian students, overall, score below parity with national norms on standardized achievement tests. In fact, of the four major ethnic groups in Hawaii's schools, two of which score consistently well above national norms on standardized tests, Hawaiian students score lowest.

Hawaiian students, likewise, are disproportionately represented in many negative social and physical statistics, indicative of special educational needs.

Further, Hawaiian students are generally strongly overrepresented in Hawaii's special education population, and quite underrepresented in the programs for gifted and talented. Specifically, in 1980 they accounted for about 20.4 percent of the school population, but 31.8 percent of the special education group and only 6.8 percent of the gifted and talented students.

Significantly, while public and private schools both show a pattern of low percentages of Hawaiian students in the uppermost stanines of achievement tests, scores of Hawaiian students who attend private schools in Hawaii are consistently at or above national norms.

Judging from these, and a variety of other findings on Hawaiian students, it can be clearly ascertained that Hawaiian youth with special educational needs, including the gifted and talented, often fail to receive optimal educational programming.

Mr. Chairman, we can make a difference. We can, today, adopt this amendment to ensure that native Hawaiians too may benefit from the programs envisioned in this bill.

Certainly, they are in desperate need of our assistance. Indeed, we need only give them a chance.

I urge the adoption of this amendment.

Mr. KILDEE. Mr. Chairman, will the gentleman yield?

Mr. AKAKA. I yield to the gentleman from Michigan.

Mr. KILDEE. Mr. Chairman, we have looked over the gentleman's amendment, and we have no objections to the amendment. It merely makes native Hawaiian organizations eligible grantees.

Mr. BIAGGI. Mr. Chairman, will the gentleman yield?

Mr. AKAKA. I yield to the gentleman from New York.

Mr. BIAGGI. Mr. Chairman, I thank the gentleman for supporting the bill, and I commend the gentleman for his amendment. I have no quarrel with it. It clearly reflects a concern that is consistent with the objective of the legislation.

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. AKAKA. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. Mr. Chairman, we have examined the amendment and have no problems with it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Hawaii [Mr. AKAKA].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments? If not, the question is on the committee amendment on the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. GRAY of Illinois] having assumed the chair, Mr. LEVIN of Michigan, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3263) to establish a Federal program to strengthen and improve the capability of State and local educational agencies and private nonprofit schools to identify gifted and talented children and youth and to provide those children and youth with appropriate educational opportunities, and for other purposes, pursuant to House Resolution 512, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. KILDEE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the two bills just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

## REGULATORY PROGRAM OF THE UNITED STATES GOVERNMENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Government Operations.

(For message, see proceedings of the Senate of today, Thursday, August 7, 1986.)

## CALL OF THE HOUSE

Mr. TRAFICANT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members responded to their names:

[Roll No. 300]

| | | |
|---|---|---|
| Ackerman | Downey | Kildee |
| Akaka | Dreier | Kindness |
| Alexander | Duncan | Kleczka |
| Anderson | Durbin | Kolbe |
| Andrews | Dwyer | Kolter |
| Annunzio | Dymally | Kostmayer |
| Applegate | Dyson | Kramer |
| Armey | Early | LaFalce |
| Aspin | Eckart (OH) | Lagomarsino |
| Atkins | Eckert (NY) | Lantos |
| AuCoin | Edgar | Latta |
| Badham | Edwards (CA) | Leach (IA) |
| Barnard | Edwards (OK) | Leath (TX) |
| Bartlett | Emerson | Lehman (CA) |
| Barton | English | Lehman (FL) |
| Bateman | Erdreich | Leland |
| Bates | Evans (IA) | Lent |
| Bedell | Evans (IL) | Levin (MI) |
| Beilenson | Fascell | Levine (CA) |
| Bennett | Fazio | Lewis (CA) |
| Bentley | Feighan | Lewis (FL) |
| Bereuter | Fiedler | Lightfoot |
| Berman | Fields | Lipinski |
| Bevill | Fish | Livingston |
| Biaggi | Flippo | Lloyd |
| Bilirakis | Florio | Loeffler |
| Bliley | Foglietta | Lott |
| Boehlert | Foley | Lowery (CA) |
| Boggs | Frank | Lowry (WA) |
| Bonior (MI) | Franklin | Lujan |
| Bonker | Frenzel | Luken |
| Borski | Fuqua | Lundine |
| Bosco | Gallo | Lungren |
| Boucher | Garcia | Mack |
| Boulter | Gaydos | MacKay |
| Boxer | Gejdenson | Madigan |
| Brooks | Gekas | Manton |
| Broomfield | Gephardt | Markey |
| Brown (CO) | Gibbons | Marlenee |
| Bruce | Gilman | Martin (IL) |
| Bryant | Gingrich | Martin (NY) |
| Burton (CA) | Glickman | Matsui |
| Burton (IN) | Gonzalez | Mavroules |
| Bustamante | Goodling | Mazzoli |
| Byron | Gordon | McCain |
| Callahan | Gradison | McCandless |
| Campbell | Gray (IL) | McCloskey |
| Carney | Gray (PA) | McCollum |
| Carper | Green | McCurdy |
| Chandler | Gregg | McDade |
| Chapman | Guarini | McEwen |
| Chappell | Gunderson | McGrath |
| Chappie | Hall (OH) | McHugh |
| Cheney | Hall, Ralph | McKernan |
| Clay | Hamilton | McMillan |
| Clinger | Hammerschmidt | Meyers |
| Coats | Hansen | Mica |
| Cobey | Hatcher | Michel |
| Coble | Hawkins | Mikulski |
| Coelho | Hayes | Miller (CA) |
| Coleman (MO) | Hefner | Miller (OH) |
| Coleman (TX) | Hendon | Miller (WA) |
| Collins | Henry | Mineta |
| Combest | Hertel | Moakley |
| Conyers | Hiler | Molinari |
| Cooper | Hopkins | Mollohan |
| Coughlin | Horton | Monson |
| Courter | Howard | Montgomery |
| Coyne | Hoyer | Moody |
| Craig | Hubbard | Moorhead |
| Crane | Huckaby | Morrison (CT) |
| Dannemeyer | Hughes | Morrison (WA) |
| Darden | Hunter | Mrazek |
| Daub | Hutto | Murphy |
| Davis | Hyde | Murtha |
| de la Garza | Ireland | Myers |
| DeLay | Jacobs | Natcher |
| Dellums | Jeffords | Neal |
| Derrick | Jenkins | Nelson |
| DeWine | Johnson | Nichols |
| Dickinson | Jones (NC) | Nielson |
| Dicks | Jones (OK) | Nowak |
| Dingell | Jones (TN) | Oakar |
| DioGuardi | Kanjorski | Oberstar |
| Dixon | Kaptur | Obey |
| Donnelly | Kasich | Olin |
| Dorgan (ND) | Kastenmeier | Ortiz |
| Dornan (CA) | Kemp | Owens |
| Dowdy | Kennelly | Oxley |
| Packard | Schulze | Swift |
| Panetta | Schumer | Swindall |
| Parris | Seiberling | Synar |
| Pashayan | Sensenbrenner | Tallon |
| Pease | Sharp | Tauke |
| Penny | Shaw | Tauzin |
| Pepper | Shelby | Taylor |
| Perkins | Shumway | Thomas (CA) |
| Petri | Shuster | Thomas (GA) |
| Pickle | Sikorski | Torres |
| Porter | Siljander | Torricelli |
| Price | Sisisky | Towns |
| Pursell | Skeen | Traficant |
| Quillen | Skelton | Traxler |
| Rahall | Slattery | Valentine |
| Rangel | Slaughter | Vander Jagt |
| Ray | Smith (FL) | Vento |
| Regula | Smith (IA) | Visclosky |
| Reid | Smith (NE) | Volkmer |
| Richardson | Smith (NJ) | Vucanovich |
| Ridge | Smith, Denny (OR) | Waldon |
| Rinaldo | Smith, Robert (NH) | Walgren |
| Ritter | Smith, Robert (OR) | Walker |
| Roberts | Snowe | Watkins |
| Robinson | Snyder | Waxman |
| Rodino | Solarz | Weaver |
| Roe | Solomon | Weber |
| Roemer | Spence | Wheat |
| Rogers | Spratt | Whitehurst |
| Rostenkowski | St Germain | Whitley |
| Roth | Staggers | Whittaker |
| Roukema | Stallings | Wirth |
| Rowland (CT) | Stangeland | Wise |
| Rowland (GA) | Stenholm | Wolf |
| Roybal | Stokes | Wolpe |
| Rudd | Strang | Wortley |
| Russo | Stratton | Wright |
| Sabo | Studds | Wyden |
| Savage | Stump | Wylie |
| Saxton | Sundquist | Yates |
| Schaefer | Sweeney | Yatron |
| Schneider | | Young (FL) |
| Schroeder | | Young (MO) |
| Schuette | | Zschau |

□ 1245

The SPEAKER pro tempore (Mr. GRAY of Illinois). On this rollcall, 396 Members have recorded their presence by electronic device, a quorum. Under the rule, further proceedings under the call were dispensed with.

## SURFACE TRANSPORTATION AND UNIFORM RELOCATION ASSISTANCE ACT OF 1986

The SPEAKER pro tempore. Pursuant to House Resolution 513 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3129.

□ 1247

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3129) to authorize funds for construction of highways, for highway safety programs, and for mass transportation programs, to expand and improve the relocation assistance program, and for other purposes, with Mr. TRAXLER [Chairman pro tempore] in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Wednesday, August 6, 1986, titles I, II, III, and IV of the commit-

tee amendment in the nature of a substitute recommended by the Committee on Public Works and Transportation, which is considered as an original bill for the purpose of amendment, were open to amendment at any point.

Pending was an amendment offered by the gentleman from Florida [Mr. SHAW].

The Chair recognizes the gentleman from Florida [Mr. SHAW] for 5 minutes in support of his amendment.

ADDITIONAL AMENDMENTS OFFERED BY MR. SHAW

Mr. SHAW. Mr. Chairman, I offer three additional amendments, and I ask unanimous consent that they be considered en bloc with the pending amendment, and that the additional amendments be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the requests of the gentleman from Florida?

Mr. SHUSTER. Mr. Chairman, reserving the right to object, I would say to my friend that the leadership of our committee on both sides of the aisle is willing to accept this unanimous-consent request.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

For the text of the original amendment offered by Mr. SHAW, refer to pages H5609 and H5610 of the RECORD of Wednesday, August 6, 1986.

The text of the additional amendments offered by Mr. SHAW is as follows:

Amendments offered by Mr. SHAW: Page 255, strike out lines 16 through 18. Page 200, strike out line 10 and all that follows through line 13 on page 201.

Redesignate subsequent sections of title III of the bill accordingly. Conform the table of contents accordingly.

Page 33, strike out lines 1 through 23.

Redesignate subsequent sections of title I of the bill accordingly. Conform the table of contents accordingly.

Page 57, strike out line 16 and all that follows through line 4 on page 56 and insert in lieu thereof the following:

SEC. 123. HIGHWAY BEAUTIFICATION.

(a) IN GENERAL.—Title 23 of the United States Code is amended by inserting after section 131 the following new section:

"§ 131A. Control of outdoor advertising

"(a) FINDINGS.—The Congress hereby finds and declares that outdoor advertising signs, displays, and devices in rural areas adjacent to the Federal-aid primary system and the Interstate System should be controlled in order to protect the public investment in such highways, to promote the safety and recreational value of public travel, and to preserve natural beauty.

"(b) EFFECTIVE CONTROL REQUIREMENT.—The States and Federal agencies shall effectively control the erection and maintenance of outdoor advertising signs, displays, and devices in rural areas adjacent to the Federal-aid primary system and the Interstate System.

"(c) EFFECTIVE CONTROL DEFINED.—For purposes of this section, the term 'effective control' means that the States and Federal agencies shall limit signs, displays, and devices that are visible from the main traveled way of the Federal-aid primary system and the Interstate System in rural areas and erected with the purpose of their being read from such main traveled way to the following types of signs, displays, and devices:

"(1) DIRECTIONAL.—Directional and official signs, displays, and devices as permitted by such regulations as the Secretary may issue.

"(2) PROPERTY SALE.—Signs, displays, and devices advertising the sale or lease of property upon which they are located.

"(3) ON-PREMISE.—On-premise signs, displays, and devices, including those which may be changed at reasonable intervals by electronics process, advertising activities conducted on the property on which they are located.

"(4) LANDMARK.—Signs lawfully in existence on October 22, 1965, and determined by the State or Federal agency, subject to the approval of the Secretary, to be landmark signs. Such signs may include signs of historic or artistic significance on farm structures or natural surfaces the preservation of which would be consistent with the purposes of this section.

"(5) COMMERCIAL AREA.—Signs, displays, and devices in areas actually used primarily for commercial and industrial purposes. Not later than 180 days after the date of the enactment of this section, the Secretary shall issue regulations defining 'actual use' and 'commercial and industrial purposes' for purposes of this paragraph. Before allowing the erection of any sign, display, and device in any area used primarily for commercial and industrial purposes, each State, in consultation with the Secretary, shall issue statewide criteria which are consistent with such regulations and define such areas and the signs, displays, and devices to be allowed in such areas.

"(6) TOURIST-ORIENTED.—Tourist-oriented directional signs, displays, and devices in areas specifically identified by a State or Federal agency, and approved by the Secretary, as appropriate for this type of sign, display, or device and consistent with the purposes of this section. Not later than 180 days after the date of the enactment of this section, the Secretary shall issue regulations defining 'tourist-oriented directional signs, displays, and devices' for purposes of this paragraph. Each State shall control the erection and maintenance of such signs, displays, and devices by a permit system. Any such permit system must provide that no permits will be granted to any applicant owning signs in rural areas adjacent to the Federal-aid primary system or the Interstate System which do not conform to this section unless such applicant demonstrates that it has volutarily removed, without compensation or other cost to the State, at least as many nonconforming signs in such rural areas as the number of signs for which it seeks permits.

"(7) FREE COFFEE.—Signs, displays, and devices advertising the distribution by nonprofit organizations of free coffee to individuals traveling on the Federal-aid primary system and the Interstate System. For the purposes of this paragraph, the term 'free coffee' included coffee for which a donation may be made, but is not required.

"(8) FARM PRODUCE.—Temporary or seasonal signs, displays, and devices advertising locations at which consumers may harvest and purchase agricultural commodities from farmers producing such commodities which signs, displays, and devices do not exceed 150 square feet.

"(d) LIMITATION ON VEGETATION REMOVAL—For purposes of this section, a State shall be treated as failing to provide effective control of the erection and maintenance of outdoor advertising signs, displays, and devices if the State allows vegetation located on any land on which the State (or any political subdivision of the State) owns a right-of-way for any highway on the Federal-aid primary system or the Interstate System to be cut, altered, or removed for the purpose of improving the visibility of any outdoor advertising sign, display, or device which is described in paragraph (2), (5), or (7) of subsection (c).

"(e) INFORMATIONAL SIGNS.—The Secretary shall, in consultation with the States and Federal agencies, provide—

"(1) within the rights-of-way on the Federal-aid primary system, and

"(2) within the rights-of-way at appropriate distances from interchanges on the Interstate System,

for areas in which signs, displays, or devices giving specific information in the interest of the traveling public may be erected and maintained. Such signs, displays, or devices shall conform to national standards promulgated by the Secretary.

"(f) TRAVEL INFORMATION.—In order to provide information in the specific interest of the traveling public, the State highway departments and Federal agencies are authorized to maintain maps and to permit information directories and advertising pamphlets to be made available at safety rest areas. Subject to the approval of the Secretary, a State may also establish information centers at safety rest areas and other travel information systems within the rights-of-way for the purpose of informing the public of places of interest within the State and providing such other information as a State may consider desirable. The Federal share of the cost of establishing such an information center or travel information system shall be that which is provided in section 120 of this title for a highway project on that Federal-aid system to be served by such center or system.

"(g) REMOVAL OF NONCONFORMING SIGNS.—Any lawfully erected and maintained sign, display, or device in a rural area adjacent to the Federal-aid primary system or the Interstate System which does not conform to the requirements of this section on October 1, 1988, shall be removed no later than September 30, 1991. Any such sign, display, or device which becomes nonconforming after October 1, 1988, shall be removed no later than the end of the fifth calendar year after it becomes nonconforming.

"(h) REMOVAL OF ILLEGAL SIGNS.—Any illegally erected sign, display, or device adjacent to the Federal-aid primary system or the Interstate System in a State shall be removed no later than 90 days after the date on which this section takes effect with respect to such State.

"(i) STRICTER STATE AND FEDERAL CONTROLS.—Nothing in this section shall prohibit a State or Federal agency from imposing stricter controls than those set forth in this section.

"(j) FEDERAL RESPONSIBILITY.—Outdoor advertising signs, displays, and devices on all public lands and reservations of the United States, including Indian lands and reservations, in rural areas adjacent to the Federal-aid primary system and Interstate System

shall be controlled in accordance with the provisions of this section by the Federal agency with jurisdiction over, or responsibility for, such land or reservation pursuant to procedures developed by such agency in consultation with the Secretary. Procedures required by this subsection shall be in effect within 90 days after the effective date of this section.

"(k) CONTINUING REQUIREMENT.—Any State highway department which, under section 131 of this title as in effect on June 30, 1965, entered into an agreement with the Secretary to control the erection and maintenance of outdoor advertising signs, displays, and devices in areas adjacent to the Interstate System must continue to comply with such agreement. If a State fails to continue to comply with such an agreement, such State shall return to the United States any payments received pursuant to such agreement.

"(l) ENFORCEMENT AUTHORITY.—The Secretary may withhold approvals under this chapter and take such other actions as are necessary to obtain compliance with this section.

"(m) FEDERAL PAYMENTS FOR REMOVAL.—Beginning with funds apportioned for fiscal year 1987 and for each of the fiscal years 1988, 1989, and 1990, the Secretary may approve the payment to a State out of funds apportioned to such State under section 104(b)(5)(B) of this title for costs incurred by the State for the following:

"(1) Physically removing signs, displays, and devices which are located in any area required to be effectively controlled by this section and are illegal under State law or do not conform to the requirements of this section.

"(2) Acquiring signs, displays, and devices which are located in any such area and required by this section to be removed and were lawfully erected and have been lawfully maintained under State law.

The Federal share of such costs shall be the same as that which is provided in section 120 of this title for projects on the Federal-aid system which is adjacent to such area.".

(b) CONFORMING AMENDMENTS.—(1) The analysis for chapter 1 of title 23, United States Code, is amended by inserting

"131A. Control of outdoor advertising."

after

"131. Control of outdoor advertising.".

(2) Effective September 30, 1988, section 131 of title 23, United States Code, is repealed.

(c) PENDING BONUS PAYMENTS.—Any claim for a bonus payment submitted by a State under section 131(j) of title 23, United States Code, before October 1, 1988, shall be paid in accordance with the provisions of such section as such section was in effect before such date.

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the 365th day following the date of the enactment of this Act, except that the Secretary shall issue regulations required to be issued by section 131A of title 23, United States Code, on or before such date, and such section 131A shall, before October 1, 1988, only apply with respect to a State if such State has in effect a law which the Secretary determines provides for effective control of outdoor advertising, signs, and displays in accordance with such section.

(e) LIMITATION ON APPLICABILITY OF EXISTING LAW.—Section 131 of title 23, United States Code, shall not apply to any State with respect to which the provisions of section 131A of such title apply.

Mr. SHAW. Mr. Chairman, it is indeed rare when one in this body has the opportunity to vote on any amendment or any bill that has been endorsed by the Sierra Club, the Audubon Society, and the Reagan administration, but that is precisely what is before us today. This amendment has been endorsed by just about everybody except the Committee on Public Works and Transportation and the Outdoor Advertising Association of America.

Mr. Chairman, as many of you know, I have long been an advocate of reforming the existing Federal highway beautification statute.

I regret the manner in which we had to deal with this issue last night. It was unfortunate but this is an important issue and one which must be addressed.

My interest and involvement in this matter stems from my tenure as mayor of Fort Lauderdale during which time we made comprehensive reforms in the city's billboard ordinances.

At that time, like today, our chief rival was, as you might expect, the outdoor advertisers.

For many months, now, you have heard many of the problems associated with our Federal beautification law, but the words that most aptly describe this law were those scribed by the Reader's Digest, who termed the Highway Beautification Act of 1965 "the great billboard double-cross."

What was originally enacted to visually improve the scenic beauty along our Nation's highway by controlling the erection of billboards, has created a visual blight that is now worse than ever.

The program isn't working—it just is not working.

Reports recently released by the Transportation Department's, Inspector General and the General Accounting Office have both reached similar conclusions—the program is a complete flop.

GAO has cited the failure of this program on slackening Federal enforcement, the weaknesses of the existing Federal statute, and the decline in Federal funding.

The amendment I have offered will correct these problems.

We have heard repeatedly of the committee's intent to make the beautification law tougher but I would ask tougher for who?

Certainly not the outdoor advertisers.

Let me give you an example of what is meant by tougher.

In 1965, the States were told they could no longer use amortization to remove nonconforming signs—instead the States were told that they had to pay cash.

In 1986, the States were told that if they would like to pay the full cost for removing nonconforming signs they still could not do it unless Federal funds were first made available.

In 1978, we weren't satisfied with the number of signs we had to pay to remove so we broadened the Federal statute to include even more signs for which we had to pay to take down.

Now to me, that sounds like anything but making the Federal law tougher.

I would like to give you a few arguments that have been made by the opponents of my bill.

They claim that billboard owners won't be paid compensation by the States to remove their nonconforming signs.

Now that is nothing but poppycock.

All along the only thing billboard owners have been concerned about is being paid cash for their signs.

The billboard owners know that as long as we have to pay cash to take the signs down they won't come down.

The signs will not come down because with our deficits, the States deficits, the money is just not available.

My amendment turns this program back to the States and allows them to determine the type of compensation to be paid.

It will allow the States to use their police powers and amortization if they wish.

But in every respect, the States would have to pay compensation because if they do not the billboard owners have every right and just cause to take the State to their own State supreme court.

By allowing the States to run this program and to determine the compensation to be paid will save the Federal taxpayers almost a billion dollars.

Hard to believe isn't it?

So lets give it to the States.

The administration supports doing that and they support my bill from which this amendment is taken.

The Secretary has commented that this will "simplify the complex and often unworkable highway beautification program."

Quickly, my amendment will prohibit the cutting of trees in a public right-of-way simply for the purposes of making a billboard visible.

Vegetation can continue to be cut for safety and other purposes.

In this picture I have here you can see some of the abuses that take place because of the lack of controls in this area.

My amendment allows the States 2 years in which to enact appropriate State laws which provide effective control of outdoor advertising and conform with this new Federal law.

My amendment requires that any nonconforming signs be removed in 5 years and all the current illegal signs

within 90 days of enactment of the bill.

My amendment provides the Secretary of Transporation with the flexibility to ensure the States are enforcing and providing effective control of outdoor advertising.

Members of the House, there is a great deal more I can say, I would urge you though to support this amendment, and to vote for what is right and to clean up our Nation's highways.

Mr. HUTTO. Mr. Chairman, will the gentleman yield?

Mr. SHAW. I yield to my colleague from Florida.

Mr. HUTTO. I thank the gentleman for yielding.

Mr. Chairman, I commend my colleague from Florida for his diligent efforts in this direction. I know he has been working on highway beautification, and as a cosponsor of his bill, I want to continue to say that I believe he is on the right track.

As I understand it, his amendment would give this responsibility to the States, where I think it rightfully should go. Is that not correct?

Mr. SHAW. The gentleman is correct.

Mr. HUTTO. Again I commend the gentleman and rise in support of his amendment.

Mr. SHAW. I thank the gentleman for his comments. I know of his interest, and I very much appreciate not only his comments but his cosponsoring the bill, the original bill from which this amendment is taken.

Mr. UDALL. Mr. Chairman, in 1965, the Congress passed the Highway Beautification Act to curb the proliferation of billboards along Federal highways. This new law required the Government to compensate billboard owners for the removal of signs along our highway system. Despite our good intentions, that law is so riddled with loopholes that billboards continue to go up at an astounding rate. In 1983, the Government paid for the removal of 2,235 old billboards; that same year, the billboard industry erected 18,000 new signs on the same Federal roads. So far, the Government has spent over $200 million for the removal of signs. The General Accounting Office estimates that 124,000 signs qualify for the removal program and the Federal Highway Administration claims it will cost $750 million to remove them.

It is time to put an end to this wasteful program. The Shaw amendment would ban the construction of new billboards along Federal highways, prohibit the removal of trees on public lands for billboard visibility and permit amortization so that communities can remove nonconforming signs without the need for federally appropriated funds. This is a sorely needed change to current law and I urge my colleagues to support the amendment.

Mr. ANDREWS. Mr. Chairman, I rise in strong support of the amendment of the gentleman from Florida. We have all seen the unfortunate result of the proliferation of billboards along our Nation's highways in recent years.

Clearly, billboard proliferation erodes rather than enhances the quality of life in our society. Billboards are an eyesore for all. They ruin the scenery on our highways, and detract from the beauty of our country. Columnist William F. Buckley called billboards "acts of aggression against the American landscape." Truly, they are.

At the same time, whether the number of billboards are controlled or not can affect the degree of business investment made in our communities. An overabundance of billboards discourages business investment. We know that businesses, as well as new residents, are attracted or repelled in part by a community's appearance. Attractive communities generate business, jobs, and attract homeowners. Communities which reduce the number of billboards will benefit greatly.

Presently, however, cities and States are locked in, they are unable to reduce the number of billboards along their highways to the degree many would like. Current law permits removal of "nonconforming" billboards only if cash compensation is paid. But Congress has appropriated no funds for this since 1982.

In addition, current law ties the hands of State governments. In 1978, State controls were effectively removed by disallowing the use of amortization—requiring billboards to be removed without cash compensation after allowing them to remain standing for a set number of years. Removal of nonconforming billboards along Federal highways has virtually ground to a halt. We have stopped taking nonconforming billboards down along our interstates.

According to the General Accounting Office, 197,000 billboards are currently not in compliance and require removal. The GAO has stated that this will require "either additional Federal funding, or a change in the compensation requirement of the law."

In the Houston area, there are fully 4,700 nonconforming signs. It is estimated that up to 75 percent of these line Federal highways. This amendment, if enacted, could have a dramatic and positive impact on the Houston area. It would allow the State of Texas and the city of Houston to solve the problem of billboard proliferation as they saw fit.

The GAO estimates that it would cost $760 million to comply with current law. This is in addition to the $160 million in Federal dollars which has already been spent.

As important Federal programs face cuts today, it is absurd to pay $1 billion to billboard owners when there are legally acceptable alternatives to cash compensation.

This amendment offers such an alternative. It would return the power to regulate billboards back to the States and localities that face the problem daily. Removal of nonconforming billboards could be effected by whatever means available under State and local law, including amortization.

The use of amortization is vital! Clearly, Congress is not going to appropriate money for compensation for billboard removal. Adoption of this amendment, Mr. Chairman, would save the Federal Government nearly $1 billion.

To insist on cash compensation in this time of budget austerity is to insist on inaction. But what is needed is action, not inaction. If we want to start changing direction, to start removing the thousands of billboards lining our interstate and primary highways that should properly be removed, then the amendment of the gentleman from Florida should be adopted. The amendment is a careful, studied, and forceful approach to the problem of billboard proliferation, and I urge its passage.

AMENDMENT OFFERED BY MR. SHUSTER AS A SUBSTITUTE FOR THE AMENDMENTS OFFERED BY MR. SHAW

Mr. SHUSTER. Mr. Chairman, I offer an amendment as a substitute for the amendments.

The Clerk read as follows:

Amendment offered by Mr. SHUSTER as a substitute for the amendments offered by Mr. SHAW: Page 33, strike out lines 1 through 23. Redesignate the subsequent sections of title I accordingly. Conform the table of contents accordingly.

Page 57, strike out line 17 and all that follows through line 4 on page 58 and insert in lieu thereof the following:

(a) NEW PROGRAM.—

(1) GENERAL RULES.—Section 131 of title 23, United States Code, as amended by subsections (b) and (c) of this section, is amended by striking out subsections (a) through (q) and inserting in lieu thereof the following:

"(a) FINDINGS.—The Congress hereby finds and declares that the erection and maintenance of outdoor advertising signs, displays, and devices in areas adjacent to the Interstate System and the Federal-aid primary system should be controlled in order to protect the public investment in such highways, to promote the safety and recreational value of public travel, and to preserve natural beauty.

"(b) REDUCTION IN APPORTIONMENTS.—Federal-aid highway funds apportioned on or after January 1, 1968, to any State which the Secretary determines has not made provision for effective control of the erection and maintenance along the Interstate System and the Federal-aid primary system of outdoor advertising signs, displays, and devices which are within 660 feet of the nearest edge of the right-of-way and visible from the main traveled way of such system, and Federal-aid highway funds apportioned on or after January 1, 1975, or after the expiration of the next regular session of the State legislature, whichever is later, to any State which the Secretary determines has not made provision for effective control of the erection and maintenance along the Interstate System and the Federal-aid primary system of those additional outdoor advertising signs, displays, and devices which are more than 660 feet off the nearest edge of the right-of-way, located outside of urban areas, visible from the main traveled way of such system, and erected with the purpose of their message being read from such main traveled way shall be reduced by such amount as the Secretary determines appropriate but not less than 5 percent, and not more than 10 percent, of the amounts which would otherwise be apportioned to such State under section 104 of this title, until such time as such State shall provide for such effective control. Any amount which is withheld from apportionment to any State under this subsection shall be reapportioned to the other States.

"(c) EFFECTIVE CONTROL.—

"(1) GENERAL RULE.—Effective control means that such signs, displays, or devices after January 1, 1968, if located within 660 feet of the right-of-way, and on or after July 1, 1975, or after expiration of the next regular session of the State legislature, whichever is later, if located beyond 660 feet of the right-of-way, located outside of urban areas, visible from the main traveled way of such system, and erected with the purpose of their message being read from such main traveled way, shall, pursuant to this section, be limited to–

"(A) directional and official signs and notices which signs and notices shall include, but not be limited to, signs and notices pertaining to natural wonders, scenic and historical attractions, which are required or authorized by law, which shall conform to national standards hereby authorized to be promulgated by the Secretary under this section, which standards shall contain provisions concerning lighting, size, number, and spacing of signs, and such other requirements as may be appropriate to implement this section;

"(B) signs, displays, and devices advertising the sale or lease of property upon which they are located;

"(C) signs, displays, and devices, including those which may be changed at reasonable intervals by electronic process or by remote control, advertising activities conducted on the property on which they are located;

"(D) signs lawfully in existence on October 22, 1965, determined by the State, subject to the approval of the Secretary, to be landmark signs, including signs on farm structures or natural surfaces, of historic or artistic significance the preservation of which would be consistent with the purposes of this section;

"(E) signs, displays, and devices advertising the distribution by nonprofit organizations of free coffee to individuals traveling on the Interstate System or the Federal-aid primary system; and

"(F) temporary or seasonal signs, displays, and devices advertising locations at which consumers may harvest and purchase agricultural commodities from farmers producing such commodities which signs, displays, and devices do not exceed 150 square feet.

For the purposes of this subsection, the term 'free coffee' shall include coffee for which a donation may be made, but is not required.

"(2) ANNUAL INVENTORY.—As part of effective control, each State shall maintain an annual inventory of all outdoor advertising signs, displays and devices required to be controlled pursuant to this section. Such inventory shall identify all such signs which are illegal, which are nonconforming, and which are conforming under State law. An inventory shall not be required in States which the Secretary determines have a permit and enforcement system which requires a permit for all lawful signs required to be controlled by this section and has the capability of promptly identifying all unlawful signs.

"(3) REMOVAL DATE.—As part of effective control, each State shall assure that signs, displays and devices required to be removed by this section shall be removed within 90 days of—

"(A) if not entitled to receive just compensation pursuant to this section, the date upon which they become unlawful or October 1, 1988, whichever is later; or

"(B) if entitled to receive just compensation pursuant to this section, the date upon which such compensation is paid.

"(4) EFFECT OF UNLAWFUL ALTERATIONS.—Except as provided under guidelines issued by the Secretary, no State, as part of effective control, may allow or undertake any vegetation removal or other alteration of the highway right-of-way if the purpose of such removal or alteration is improving the visibility of any outdoor advertising sign, display, or device located outside the right-of-way. If the owner of a sign, display, or device undertakes or has undertaken vegetation removal or other alteration of the right-of-way not in accordance with such guidelines, the sign, display, or device shall, for purposes of this section, be treated as unlawful as of the date of such removal or alteration.

"(5) LIMITATION ON PERMITTING.—As part of effective control, no State may permit any person to modify any outdoor advertising sign, display, or device which does not conform with this subsection or subsection (d) of this section to improve its visibility or its useful life. Nothing in this paragraph shall be construed to prevent the owner of a sign, display, or device or a person employed by such owner from performing routine maintenance of such sign, display, or device.

"(d) COMMERCIAL INDUSTRIAL AREAS.—

"(1) GENERAL RULE.—In order to promote the reasonable, orderly, and effective display of outdoor advertising while remaining consistent with the purposes of this section, signs, displays, or devices whose size, lighting, and spacing, consistent with customary use is determined by agreement between the several States and the Secretary may be erected and maintained within 660 feet of the nearest edge of the right-of-way within areas adjacent to the Interstate System and Federal-aid primary system which are zoned industrial or commercial under the authority of State law, or in unzoned commercial or industrial areas as may be determined by the agreement between the several States and the Secretary. The States shall have full authority under their own zoning laws to zone areas for commercial or industrial purposes, and the actions of the States in this regard will be accepted for the purposes of this section. Whenever a bona fide State, county, or local zoning authority has made a determination of customary use, such determination will be accepted in lieu of controls by agreements in the zoned commercial or industrial areas within the geographical jurisdiction of such authority. Nothing in this subsection shall apply to signs, displays, or devices referred to in subparagraphs (B) and (C) of subsection (c)(1) of this section.

"(2) LIMITATION ON NEW SIGNS.—

"(A) GENERAL RULE.—Subject to the provisions of this paragraph, after January 1, 1987, no new sign, display, or device may be erected pursuant to the authority of this subsection.

"(B) APPLICABILITY OF JUST COMPENSATION REQUIREMENTS.—Except as provided in subparagraph (C), any sign, display, or device lawfully erected under State law after January 1, 1987, shall not be subject to the provisions of subsection (g), relating to just compensation.

"(C) EXCEPTION.—A State may permit a person, at his or her option, to erect in such State a sign, display, or device in accordance with the requirements of paragraph (1) upon removal without payment of just compensation under subsection (g) of a sign, display, or device lawfully erected under this subsection; except that the total number of signs, displays, and devices erected and maintained under this subsection shall not exceed the number of signs, displays, and devices lawfully erected before Janauary 1, 1987, pursuant to the authority of this subsection in such State and in existence on January 1, 1987.

"(3) LIMITATION ON UNZONED COMMERCIAL AREAS.—After January 1, 1987, no area which on such date is not designated as an unzoned commercial and industrial area for purposes of paragraph (1) may be established in such State for purposes of paragraph (1).

"(e) LIMITATION ON REMOVALS.—The Secretary shall not require a State to remove any sign, display, or device lawfully erected which does not conform to this section. Nothing in this subsection shall prevent a State from removing any sign, display, or device.

"(f) PUBLIC INTEREST SIGNS.—The Secretary shall, in consultation with the States, provide within the rights-of-way for areas at appropriate distances from interchanges on the Interstate System, on which signs, displays, and devices giving specific information in the interest of the traveling public may be erected and maintained. The Secretary may also, in consultation with the States, provide within the rights-of-way of the Federal-aid primary system for areas in which signs, displays, and devices giving specific information in the interest of the traveling public may be erected and maintained. Such signs shall conform to national standard to be promulgated by the Secretary.

"(g) JUST COMPENSATION.—

"(1) GENERAL RULE.—Just compensation shall be paid upon the removal of any outdoor advertising sign, display, or device lawfully erected under State law and not permitted under subsection (c) of this section, whether or not removed pursuant to or because of this section. The Federal share of such compensation shall be 75 percent or such lesser percentage as may be agreed upon by the Secretary and the State. Such compensation shall be paid for the following:

"(A) The taking from the owner of such sign, display, or device of all right, title, leasehold, and interest in such sign, display, or device.

"(B) The taking from the owner of the real property on which the sign, display, or device is located, of the right to erect and maintain such signs, displays, and devices thereon.

"(2) LIMITATION ON USE OF MATERIALS.—A sign, display, or device acquired with funds made available pursuant to this section may be disposed of by sale or other means to a private party only if the State receives satisfactory written assurances that the material out of which such sign, display, or device is constructed will not be used to construct or reconstruct an outdoor advertising sign, display, or device.

"(h) PUBLIC LANDS.—

"(1) GENERAL RULE.—All public lands or reservations of the United States (other than lands held in trust for Indian nations, reservations, or allotted tribal members) which are adjacent to any portion of the Interstate System and the Federal-aid primary system shall be controlled in accordance with the provisions of this section and the national standards promulgated by the Secretary.

"(2) REGULATIONS.—No outdoor advertising sign, display, or device shall be permitted on land owned or controlled by the United States (other than land held in trust for Indian nations, reservations, or allotted tribal members), unless such sign, display,

or device conforms to regulations issued by the Federal agency with jurisdiction over, or responsibility for, such land. Such regulations shall be at least as stringent as the requirements of this section and the requirements of the State in which the land is located. The regulations required by this paragraph shall be developed in consultation with the Secretary of Transportation and shall be promulgated within 12 months after the date of the enactment of the Federal-Aid Highway Act of 1986.

"(i) REST AREAS.—In order to provide information in the specific interest of the traveling public, the State highway departments are authorized to maintain maps and to permit information directories and advertising pamphlets to be made available at safety rest areas. Subject to the approval of the Secretary, a State may also establish information centers at safety rest areas and other travel information systems within the rights-of-way for the purpose of informing the public of places of interest within the State and providing such other information as a State may consider desirable. The Federal share of the cost of establishing such an information center or travel information system shall be that which is provided in section 120 for a highway project on that Federal-aid system to be served by such center or system.

"(j) BONUS PAYMENTS.—Any State highway department which has, under this section as in effect on June 30, 1965, entered into an agreement with the Secretary to control the erection and maintenance of outdoor advertising signs, displays, and devices in areas adjacent to the Interstate System shall be entitled to receive the bonus payments as set forth in the agreement, but no such State highway department shall be entitled to such payments unless the State maintains the control required under such agreement. Permission by a State to erect and maintain information displays which may be changed at reasonable intervals by electronic process or remote control and which provides public service information or advertising activities conducted on the property on which they are located should not be considered a breach of such agreement or the control required thereunder. Such payments shall be paid only from appropriations made available to carry out this section. The provisions of this subsection shall not be construed to exempt any State from controlling outdoor adertising as otherwise provided in this section.

"(k) STRICTER STATE LAWS.—Subject to compliance with subsection (g) of this section for the payment of just compensation, nothing in this section shall prohibit a State from establishing standards imposing stricter limitations with respect to signs, displays, and devices on the Federalaid highway system and those established under this section.

"(l) PROCEDURES.—Not less than 60 days before making a final determination to withhold funds from a State under subsection (b) of this section, or to do so under subsection (b) of section 136, or with respect to failing to agree as to the size, lighting, and spacing of signs, displays, and devices or as to unzoned commercial or industrial areas which signs, displays, and devices may be erected and maintained under subsection (d) of this section, or with respect to failure to approve under subsection (g) of section 136, the Secretary shall give written notice to the State of his proposed determination and a statement of the reasons therefor, and during such period shall give the State an opportunity for a hearing on such determination. Following such hearing, the Secretary shall issue a written order setting forth his final determination and shall furnish a copy of such order to the State. Within 45 days of receipt of such order, the State may appeal such order to any United States district court for such State, and upon the filing of such appeal, such order shall be stayed until final judgment has been entered on such appeal. Summons may be served at any place in the United States. The court shall have jurisdiction to affirm the determination of the Secretary or to set aside, in whole or in part. The judgment of the court shall be subject to review by the United States court of appeals for the circuit in which the State is located and to the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. If any part of an apportionment to a State is withheld by the Secretary under subsection (b) of this section or subsection (b) of section 136, the amount so withheld shall not be reapportioned to the other States as long as a suit brought by such State under this subsection is pending. Such amount shall remain available for apportionment in accordance with the final judgment and this subsection. Funds withheld from apportionment and subsequently apportioned or reapportioned under this section shall be available for expenditure for three fiscal years after the date of such apportionment or reapportionment, as the case may be.

"(m) FUNDING.—A State may use to carry out this section in any fiscal year beginning after September 30, 1988, not to exceed ¼ of 1 percent of—

"(1) funds apportioned in such fiscal year to such State for the Federal-aid primary system under section 104(b)(1) of this title or section 108 of the Surface Transportation Assistance Act of 1982; and

"(2) funds apportioned in such fiscal year to such State for resurfacing, restoring, rehabilitating, and reconstructing the Interstate System under section 104(b)(5)(B) of this title.

"(n) RETENTION OF DIRECTIONAL SIGNS.—The Secretary may approve the request of a State to permit retention in specific areas defined by such State of directional signs, displays, and devices lawfully erected under State law in force at the time of their erection which do not conform to the requirements of subsection (c)—

"(1) where such signs, displays, and devices are in existence on the date of the enactment of subsection (o) of this section as this section was in effect on the day before the date of the enactment of the Federal-Aid Highway Act of 1986; and

"(2) where the State demonstrates that such signs, displays, and devices—

"(A) provide directional information about goods and services in the interest of the traveling public; and

"(B) are such that removal would work a substantial economic hardship in such defined area.

"(o) DIRECTIONAL INFORMATION PROGRAM.—

"(1) DEVELOPMENT ASSISTANCE.—During the implementation of State laws enacted to comply with this section, the Secretary shall encourage and assist the States to develop sign controls and programs which will assure that necessary directional information about facilities providing goods and services in the interest of the traveling public will continue to be available to motorists. To this end, the Secretary shall restudy and revise as appropriate existing standards for directional signs authorized under subsections (c)(1)(A) and (f) to develop signs which are functional and esthetically compatible with their surroundings. The Secretary shall employ the resources of other Federal departments and agencies, including the National Endowment for the Arts, and employ maximum participation of private industry in the development of standards and systems of signs developed for those purposes.

"(2) REMOVAL.—Among other things, the Secretary shall encourage States to adopt programs to assure that removal of signs providing necessary directional information, which also were providing directional information on June 1, 1972, about facilities in the interest of the traveling public, be deferred until all nonconforming signs are removed.".

(2) CONFORMING AMENDMENT.—Subsection (r) of section 131 of title 23, United States Code, as added by subsection (c) of this section, is redesignated as subsection (p).

(3) EFFECTIVE DATE.—The amendments made by paragraphs (1) and (2) of this subsection shall take effect October 1, 1988; except that the regulations required by subsection (h)(2) of section 131, as to be inserted by such paragraph (1), shall be promulgated within 12 months after the date of the enactment of this Act.

(b) INTERIM AMENDMENTS.—

(1) LIMITATION ON NEW COMMERCIAL ZONE SIGNS.—Section 131(d) of title 23, United States Code, is amended by inserting "(1)" before "In order to promote" and by adding at the end thereof the following new paragraphs:

"(2)(A) Subject to the provisions of this paragraph, after January 1, 1987, no new sign, display, or device may be erected pursuant to the authority of this subsection.

"(B) Except as provided in subparagraph (C), any sign, display, or device lawfully erected under State law after January 1, 1987, shall not be subject to the provisions of subsection (g), relating to just compensation.

"(C) A State may permit a person, at his or her option, to erect in such State a sign, display, or device in accordance with the requirements of paragraph (1) upon removal without payment of just compensation under subsection (g) of a sign, display, or device lawfully erected under this subsection; except that the total number of signs, displays, and devices erected and maintained under this subsection shall not exceed the number of signs, displays, and devices lawfully erected before January 1, 1987, pursuant to the authority of this subsection in such State and in existence on January 1, 1987.

"(3) After January 1, 1987, no area which on such date is not designated as an unzoned commercial and industrial area for purposes of paragraph (1) may be established in such State for purposes of paragraph (1).".

(2) FUNDING.—Section 131(m) of title 23, United States Code, is amended to read as follows:

"(m) A State may use to carry out this section in any fiscal year beginning after September 30, 1986, not to exceed ¼ of 1 percent of—

"(1) funds apportioned in such fiscal year to such State for the Federal-aid primary system under section 104(b)(1) of this title or section 108 of the Surface Transportation Assistance Act of 1982; and

"(2) funds apportioned in such fiscal year to such State for resurfacing, restoring, re-

habilitating, and reconstructing the Interstate System under section 104(b)(5)(B) of this title.".

Page 58, line 5, strike out "(b)" and insert in lieu thereof "(3)"; and page 58, line 14, strike out "(c)" and insert in lieu thereof "(4)". Conform the margins of the material on such lines accordingly.

Page 58, line 18, strike out "(d)" and insert in lieu thereof "(c)".

Page 200, strike out line 10 and all that follows through line 13 on page 201. Redesignate the subsequent sections of title III accordingly. Conform the table of contents accordingly.

Mr. SHUSTER (during the reading). Mr. Chairman, I ask unanimous consent that the substitute amendment be considered as read and printed in the RECORD so that I may explain it.

Mr. SHAW. Reserving the right to object, Mr. Chairman, I cannot help but remember what transpired in this Committee last night when the Committee rose because they said they were not prepared to go forward on my amendment. The truth was that the amendment that was being considered was the exact amendment that was put forth in the Public Works and Transportation Committee, and which has already been debated in that committee.

Now, just now, and just at this precise second I have been supplied with a copy of the amendment in the way of a substitute, and we are being asked to debate in the same manner the Committee was opposed to last night.

I will not take the time of this House in order to delay the proceedings to have a complete reading of this amendment by way of a substitute; however, I would hope that the Committee would give to the Members of this House the same courtesy as the procedures of the House allow them to impose upon us.

Mr. Chairman, I withdraw my reservation of objection.

□ 1300

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SHUSTER. Mr. Chairman, I would say to my good friend, the gentleman from Florida [Mr. SHAW], that the final draft of this was just put in my hands as well. We sat and worked and crafted it last night. In fact, the copy the gentleman has is the copy which was handed to me. So this was not a matter of withholding anything from anybody, but rather taking the information which we debated in committee and in subcommittee over many months of hearings and putting it into final form.

Mr. Chairman, our substitute that we offer we believe is a tough but fair substitute. We believe that billboards should be controlled. Indeed, it was out of our committee that the fundamental legislation came to provide for the Beautification Act, to provide for the control of billboards, and, yes, to provide for the elimination of illegal and nonconforming billboards.

In our committee on a bipartisan basis, and I speak for the leadership of our committee on both sides of the aisle now, because the substitute which we have before us has been crafted by the bipartisan leadership of our committee, we support tough, fair control of billboards. And, yes, we support the elimination of nonconforming and illegal billboards.

Indeed, both the Congressional Research Service and the GAO indicate that as a result of the Highway Beautification Act, nearly 80 percent of all of the nonconforming and illegal billboards in America have been torn down. I suggest that that is a record to be proud of when you consider the unmet goals of other programs with which we have grappled in this Congress for many, many years.

But our committee also believes, Mr. Chairman, first there is a place for legal conforming billboards; and second, where they are to be taken down, there must be just compensation paid to the owner. That is not just compensation for his loss of business, but just compensation because of the property which is taken.

I think it is very significant, Mr. Chairman, that the amendment placed before this body by my good friend, the gentleman from Florida [Mr. SHAW], only deals with billboards in rural areas.

Now, get this, it only deals with billboards in rural areas. It does not touch billboards in urban areas.

I certainly would not be one to suggest that because Mr. SHAW comes from an urban area and not a rural area the gentleman is taking this approach. Nor would I be one to suggest and question that, for the first time ever, in the amendment put before this committee by Mr. SHAW there is a new category of billboards. Do you know what that new category is? A tourist category of billboard.

Mr. SHAW. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from Florida.

Mr. SHAW. Mr. Chairman, I would like to correct the gentleman on a statement just made. Tourist billboards are already in there. I did not create a new category in that area. It is already in the existing law.

Mr. SHUSTER. Mr. Chairman, I understand the gentleman has put new language in regarding tourist.

Is it true that the gentleman supports tourist billboards?

Mr. SHAW. That is not true.

Mr. SHUSTER. The gentleman has it in his amendment.

Mr. SHAW. I do not.

Mr. SHUSTER. The gentleman does not have in his amendment language that supports tourist billboards?

Mr. SHAW. These are the type that I support, the type on exits to the interstate highway and are already on the property of the State.

Mr. SHUSTER. I thank the gentleman. The gentleman has made my point. The gentleman supports tourist billboards. We know that places like Fort Lauderdale have a tremendous influx of tourists. Places like Florida have a tremendous influx of tourists. So I can understand the gentleman's interest in protecing this special category of billboards. I do not question that at all. In fact, I support that particular part of the gentleman's amendment.

But beyond that, the fundamental flaw which our committee sees with the gentleman's amendment is that it eliminates just compensation for the removal of billboards.

Now what does our substitute do? First of all, our substitute provides that signs in urban and rural areas are subject to control. Second, our substitute freezes all new construction in rural and urban areas throughout the United States.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. SHUSTER] has expired.

(By unanimous consent, Mr. SHUSTER was allowed to proceed for 5 additional minutes.)

Mr. SHUSTER. Talk about being tough on billboards, what about a substitute, our substitute, that provides for a freeze on all new construction in rural and urban areas throughout the United States?

Beyond that, our substitute provides for mandatory State vegetation control regulations with a penalty of loss of sign for violation.

Beyond that, our substitute provides that signs are permitted only in commercial and industrial zones and bona fide commercial and industrial areas.

Beyond that, our substitute provides for rural signs, identification of bona fide unzoned rural and commercial and industrial areas, and freeze on new construction.

Beyond that, Mr. Chairman, our substitute provides for a mandatory 5- to 10-percent reduction of a State's highway apportionment for violation of a billboard law.

Lastly, our substitute provides for mandatory removal of illegal and compensated signs within 90 days. You find an illegal sign, and it has got to be torn down.

That is tough billboard legislation. And we think we should have tough billboard legislation, but it should be fair legislation as well.

What is the bottom line? The bottom line on fairness is just compensation. If we are going to take somebody's property away from them, they should be compensated under the Constitution, just compensation. As the

GAO has already said, since the passage of the Beautification Act, nearly 80 percent of all the illegal and nonconforming signs in America have been torn down.

This is a program that is working, so let us be fair about it.

Indeed our bill provides for a quarter of a percent takedown from the 4R and primary program for the continued removal of illegal and nonconforming signs.

So, Mr. Chairman, we have a tough substitute, but we believe it is a fair substitute. On a bipartisan basis, speaking on behalf of the leadership of the Public Works and Transportation Committee, we would urge that this substitute be adopted.

Mr. ANDERSON. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from California.

Mr. ANDERSON. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, did the gentleman say that his substitute requires a freeze on the number of regulated billboards?

Mr. SHUSTER. It is a freeze on construction of all new billboards.

Mr. ANDERSON. That sounds like pretty strict and good control to me.

Mr. McEWEN. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from Ohio.

Mr. McEWEN. Mr. Chairman, as I understand the gentleman's explanation of the amendment that is now before us, the Shaw amendment, it requires the removal of signs that are already built, paid for, are a source of revenue for small businesses across the country, with no guarantee, having been wiped out of business, having lost their source of doing business, there is no compensation for that?

Mr. SHUSTER. That is what the gentleman's amendment does. The substitute provides for just compensation.

Mr. BOSCO. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the substitute and in opposition to the Shaw amendment.

Mr. Chairman, this certainly is not the first time that billboards have been discussed, and I do not want to discuss whether they are good or bad or whether they should be removed faster or slower. But the Public Works Committee has considered this fully. We voted on it many times. Most of us are reasonable people. I can tell you that in my district in California, which is the redwood region of the State, we do not want trees cut down in order for people to see billboards.

□ 1310

In fact, there are a lot of people in my district that do not want billboards at all. But we have to deal with some fundamental principles of fairness. One of which is that people should be compensated when the Government literally takes their property. Our committee has offered, in the form of a substitute, a bill which will maintain the Federal Government's policy of compensating billboard owners and yet at the same time freeze the construction of new billboards and provide for orderly management of those that exist.

I think for the purposes of most Members of Congress who believe in principles of fairness, this substitute is a better provision. In fact, the Beautification Act of 1965 has caused the removal of 620,000 billboards in the Federal system. This is an extraordinary achievement. For many people it did not go fast enough; many groups around the country want it to go faster, but 620,000 billboards have been removed from the Federal system, and the substitute that we have before us today would not allow any new billboards to be constructed.

In addition, the bill would eliminate current abuses by imposing tough new limits on the cutting of trees and shrubs in order simply that people would be able to see billboards.

Finally, the bill would ensure that controls on non-Indian Federal lands are at least as strong as those required by zoning. The bill achieves all of this while still preserving the mandatory regulation on signs adjacent to the interstates and still preserving the principle of just compensation.

I feel that the substitute offered by our ranking member, Mr. SHUSTER, is a fair one. It provides for orderly management and principles of fairness. I rise in support of the substitute and against the Shaw amendment.

Mr. SHAW. Mr. Chairman, will the gentleman yield?

Mr. BOSCO. I yield to the gentleman from Florida.

Mr. SHAW. The gentleman makes a good point. There is a statistic that I have seen before and that is that under existing law over 600,000 billboards did come down, but did the gentleman know that during that same period of time, 1,800,000 went up?

Mr. BOSCO. One of the abuses that we are eradicating in the committee substitute is to put a freeze on the construction of new billboards and I think that that will resolve the very problem that the gentleman is concerned about.

Mr. SHAW. If the gentleman will yield further, that certainly is a commendable goal, and I would compliment the gentleman frm Pennsylvania and the gentleman from California on making that observation. That certainly is a step forward.

I am very confused by the language in a bill which says, "The Secretary shall not require a State to remove any sign, display or device lawfully erected which does not conform to this section." It simply means that you may have a freeze, but it is going to work both ways because under the highway beautification law, the Secretary is prohibited from requiring the billboards to come down.

This is the biggest bunch of protectionism for the outdoor advertising that I have ever seen in my life.

Mr. BOSCO. I think a mistake can be made from reading one small part of the substitute as opposed to others. The principle that we are trying to achieve is that signs will not be required to be taken down unless just compensation is paid for them. I do not think there could be any principle more fair than that.

Mr. ANDERSON. Mr. Chairman, I move to the strike the requisite number of words.

Mr. Chairman, I rise in support of the Shuster substitute.

As I read Mr. Shaw's amendment, it would add a new section 131A to title XXIII immediately following current section 131. Section 131A would only apply in rural areas adjacent to the interstate and primary system. Generally, many of the current controls and exemptions would apply. There are, however, several major changes. There is no requirement that compensation must be paid for the removal of nonconforming signs, a mandate that we in the Congress have upheld for 21 years. Federal funds would be available for physically removing illegal signs or acquiring nonconforming signs, but these funds would come from 4-R funds, already a badly overworked source of Federal funds available to the States. The most significant change is that, if section 131 is repealed, as stated on line 22, page 8, there would be unlimited secretarial power to totally suspend the State's highway programs for failure to comply with the act's provisions. This appears to give the Secretary overly broad powers in this respect.

One final point. The Shaw amendment would abandon the control of outdoor advertising in urban areas. Millions of dollars of Federal and State funds have been spent in removing signs in urban areas, such as those located in residential zones. With the lack of control in urban areas, this money will have been wasted. We should continue the controls we now have.

Therefore, I urge support of the Shuster substitute.

Mr. SHAW. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the substitute. There are a couple of points that have been made that I think need to be clarified here in this Chamber today. The gentleman from Pennsylvania and the gentleman from California and the gentleman from Ohio have raised the point of just compensation.

I would say to the gentleman from Pennsylvania that the Constitution of the United States does apply in Pennsylvania. It applies in Ohio; it applies in California; it applies in New Jersey; it applies in New York, and it even applies in Washington, DC. The Constitution very clearly provides that the Federal Government shall not take away private property without just compensation.

Just compensation is in the Constitution, and I can assure every Member here that I am in no way trying to amend the Constitution by this particular law and this particular amendment that I have offered. The substitute itself I think is very bad law; it not only will freeze the existing level, but I think it may very well make it worse because the Secretary at that point cannot require the States to remove these nonconforming signs.

It freezes in the billboard proliferation that we have today. Yes, it is a freeze all right, and if you are pleased with the amount of billboards that we have across the country and you think it is a good level, then support the substitute. I just do not think it is.

The gentleman from Pennsylvania made a point, he called them "tourist signs"; in my bill they are called "travel information signs." They do not have, they are not big billboards advertising a hotel in Fort Lauderdale. They are small billboards that you have seen along the highways in Virginia which simply give direction at the exit points to the traveling public.

Signs for information purposes are in no way objectionable. They are needed. That is why we have provided for them. That is the type of sign that I think all of us like to see when we travel across the interstates of this country and are looking for information as to where to buy gasoline, food, or other types of things.

Another type of travel information sign is this. I do not outlaw them; I do not outlaw them at all. What I do outlaw and require to come down is this. What I preserve are the trees that have fallen down along the right-of-way. I do commend the drafters of the substitute for paying attention to the question of vegetation, but I would have to be most critical of the freeze that is actually in the substitute at this point because the freeze itself freezes both ways. It freezes the hands of the Secretary of Transportation and says that she cannot go forward in requiring the billboards to come down.

Again, I would alert this body that the amendment that I have proposed has widespread endorsement. The National League of Cities endorses it, as does the Audubon Society, as does the Sierra Club. If you think this is not an environmental vote that is going down on your scoreboard, you are sadly mistaken.

It is also endorsed by the administration, the Department of Transportation. I would urge defeat of the substitute and the passage of my amendment.

□ 1320

Mr. SNYDER. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the substitute.

Mr. Chairman, if I could have the attention of the gentleman from Florida [Mr. SHAW] briefly, I want to respond to his earlier remarks, since I was the one who objected last night to his unanimous-consent request. Not having seen his amendments last night and having seen them now and having told him to renew it, that it was all right, that I thought it was a valid objection on my part. The gentleman raised that same issue today; that he just got the substitute as we convened on this bill, which, of course, was accurate. I say to the gentleman that I think it is very unfortunate to all of us that this bill is being called up under these circumstances.

We were advised as early as yesterday morning that this bill was going to come up after the recess, which is next week, so it caught all of us unprepared. To some extent I think the gentleman from Florida has expressed that feeling to me also.

Mr. SHAW. Mr. Chairman, will the gentleman yield?

Mr. SNYDER. In just a second, after I have finished, I certainly will.

I think it is a terrible way to legislate, to force us to legislate upon a piece of legislation that is so important to our country and to the transportation needs of our country. But we have no control over that, and neither does the gentleman from Florida nor the gentleman from Kentucky, and apparently not too many other members of this committee have any control over it.

The gentleman's observation in regard to just getting a copy of our substitute is certainly in order. I apologize for that, but I do not know how we could have any control over that at this point in time. The legislative counsel and our staff worked virtually all night, and it was just delivered to us from the legislative counsel at the beginning of this debate.

Mr. Chairman, I will certainly yield now to the gentleman from Florida.

Mr. SHAW. Mr. Chairman, I thank the gentleman for his comments.

By saying that I had just received a copy of this substitute, I certainly was not in any way indicating that there was sleight of hand involved in this, because having been here for a number of years, I know that very often we have to not only debate but try to amend what is immediately handed to us, and it is hard to argue legislation off the seat of your pants in this way and do it in a quality manner.

If I had had extra time and had received this substitute ahead of time, I would have attempted to reform it. However, at this particular late date I think the problems of amending it are so great and the amendment offered by way of a substitute is so bad that the only thing left to us to do is just to vote it down.

Mr. Chairman, I thank the gentleman for yielding.

Mr. SNYDER. Mr. Chairman, I appreciate the gentleman's concern, and I think it is unfortunate that we did not have his amendment until late last night, and that he did not have ours until today at noon.

Mr. SHAW. You had mine in committee.

Mr. SNYDER. But we did not know until last night that it was the same amendment.

Mr. McEWEN. Mr. Chairman, will the gentleman yield?

Mr. SNYDER. I yield to the gentleman from Ohio, and after that I will proceed to speak on this amendment.

Mr. McEWEN. Mr. Chairman, is it the gentleman's understanding that States have the option of enforcing regulations such as this, that they can deny any further outdoor advertising within the limits of their States or they can demand removal, and if the States choose to go down this road, they go on their own?

I have before me a General Accounting Office study in which, when that proposition was proposed to the various States as to whether or not they wanted to limit the repeal of the compensation requirements of the Beautification Act, more than one-half of them said, "Absolutely not," that they think we should continue this program of compensation. But if a State wanted to go further, say Florida or any other State, they have that power within their State legislatures, do they not, and do they need Washington telling them how to run the beautification program within their States?

Mr. SNYDER. Mr. Chairman, the gentleman is correct in his observatins, and the GAO report is correct.

Mr. Chairman, I rise in strong support of the committee substitute to the Shaw amendment. The committee substitute is far preferable to the Shaw amendment. Let me explain why.

First, the committee substitute retains the requirement that just compensation be paid when signs which were lawfully erected under State law are removed. The Shaw amendment would eliminate this requirement.

Second, the committee substitute would continue to control signs in urban and rural areas. The Shaw amendment would only control signs in rural areas. Thus, under the Shaw amendment, some States could have no problem in urban areas, and plaster the highways with billboards in these areas.

Third, the committee amendment would freeze all new construction in rural and urban areas throughout the United States. The Shaw amendment does not contain a comparable provision.

Fourth, the committee amendment does not include the provision in the Shaw amendment which could result in a proliferation of new "tourist-oriented" signs in rural areas.

Fifth, the committee amendment puts a cap on the amount of highway construction money which can be used for billboard removal. The Shaw amendment has no such cap and thus could result in a significant reduction in highway construction.

Sixth, the Shaw amendment gives the Secretary of Transportation unfettered discretion to take "such actions as are necessary to obtain compliance." It is unwise to give this much discretion to the Secretary. The committee substitute takes a much more reasonable approach. Each state would be subject to a mandatory 5 to 10 percent reduction of its highway apportionments. This approach should be sufficient to bring States into compliance, without running the risk of agency abuses.

And seventh, the committee substitute keeps the Federal share for billboard removal at 75 percent. The Shaw amendment would allow the Federal share to go as high as 90 or 95 percent. I see no justification for this increase.

I could go on, Mr. Chairman, but I think I have made my point.

The committee substitute is a vast improvement over the Shaw amendment.

I urge my colleagues to vote in favor of the committee substitute.

Mr. RAHALL. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the committee substitute and in opposition to the Shaw amendment.

Mr. Chairman, the gentleman from Florida [Mr. SHAW] has an amendment pending before us to which we are attempting to attach a committee substitute. The committee substitute is a very strong, very effective, and very fair piece of legislation.

The Committee on Public Works and Transportation has worked for many years on the Highway Beautification Act. The major provisions of that act are just and fair provisions. They should be allowed to continue, and indeed today by this committee substitute we are reinforcing what the Congress has done for many years through the Highway Beautification Act. We are reaffirming a 21-year commitment to just compensation.

Just as any individual who has his home removed to allow a highway to be built through his property receives just compensation, so should a private individual who has his signs removed for public purposes be allowed just compensation. This committee substitute is fair in that regard.

The committee substitute is strong. It puts back in the teeth of the enforcement provisions of the Highway Beautification Act. It does not weaken those provisions in any manner whatsoever. This committee substitute, then, is very strong, and in many regards it is a bitter pill for the billboard industry to have to suffer through the provisions of this substitute amendment. But again, Mr. Chairman, that is one of the prices that we pay in this society to ensure that individuals are served and to ensure that the beauty of our environment and the beauty of our highways are maintained.

This amendment is a very environmentally sound amendment. The substitute committee amendment is environmentally sound, for it requires the expeditious removal of illegal signs and nonconforming signs for which compensation has already been paid.

Mr. Chairman, in many parts of Appalachia today, in the heartlands of America, there is an economic slump taking place. There is no economic recovery occurring in the heartlands of America today. Industrial bases are being eroded, unemployment is higher, and indeed one of the bright rays of hope for the heartlands of America today is the tourism industry.

Let no one think that the actual outcome of the amendment offered by the gentleman from Florida down the road many years from now would be the abolition of billboards and the abolition of just compensation. Tourism is on the rise in this country. It is on the rise in my home State of West Virginia. Our rugged beauty, our beautiful mountains, our whitewater rivers, our State parks, all of these are examples of our almost Heaven and wild and wonderful environment.

It is necessary that we let other people know and let all Americans know of this beauty. There is no other way that Americans can discover America's best-kept secret, and that is tourism, without the advantage of billboards to direct individuals to the campsites, to the State parks, to the ski resorts, and to the other environmentally attractive jewels that this country has to offer.

So I say, Mr. Chairman, in conclusion that the committee substitute keeps the highway beautification provisions intact, and it enforces those provisos that the Congress has agreed to over many years. The substitute is just, it is fair, and it is environmentally sound. I urge my colleagues in the House to adopt this proposal.

□ 1330

Mr. ANDREWS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the amendment of the gentleman from Florida [Mr. SHAW] and opposition to the committee substitute. We have all seen the unfortunate misuse and proliferation of billboards along our country's highways.

Clearly, billboard proliferation erodes rather than enhances the beauty and landscape of our country. They are an eyesore for all.

Columnist William F. Buckley called billboards "acts of aggression against the American landscape." Truly, they are.

At the same time, whether the number of billboards are controlled or not can affect to a large degree the ability of our urban centers and communities to attract business, to attract tourists, to attract new citizens. Attractive communities generate business and attract homeowners. Most great cities in this world are also beautiful cities. Communities which reduce the number of billboards will greatly enhance their ability to attract jobs.

Presently, however, cities and States are locked, they are unable to reduce the number of billboards along their highways and freeways to the degree that many would like. Current law permits the removal of nonconforming billboards only if cash compensation is paid; but Congress has not appropriated funds for this since 1982.

In addition, current law ties the hands of State governments. In 1978 State controls were effectively removed by disallowing the use of amortization, requiring billboards to be removed without cash compensation after allowing them to remain standing for a set number of years. Removal of nonconforming billboards along Federal highways has virtually ground to a halt. We stopped taking billboards down along our interstates.

According to the General Accounting Office, 197,000 billboards are currently not in compliance and require removal. The GAO has stated that this will require "either additional Federal funding, or a change in the compensation requirement of the law."

In my area, the city of Houston, there are fully 4,700 nonconforming billboards along our city's freeways. It is estimated that up to 75 percent of

these line Federal highways. This amendment, if enacted, would have a dramatic and positive impact on large cities like Houston.

The GAO estimates that it would cost $760 million to comply with current law. This is in addition to the $160 million in Federal funds which has already been spent.

As important Federal programs face cuts today, it is absurd to pay an additional $1 billion to billboard owners, when there are legally acceptable alternatives to cash compensation.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield on one point he made?

Mr. ANDREWS. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, as I understood, the gentleman said the Shaw amendment would enable the eliminating of 40,000, or whatever number of billboards there are in Houston. I wonder if the gentleman knows that the Shaw amendment does not deal with urban areas. It only deals with rural areas.

Mr. SHAW. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS. I am happy to yield to the gentleman from Florida.

Mr. SHAW. Mr. Chairman, I think the gentleman was about ready to answer the question, but I will be delighted to address it.

The Shaw amendment, and I meant to do this right after the gentleman from Pennsylvania made his earlier comments with regard to urban areas, back when I was mayor of the city of Fort Lauderdale, as I did point out in my earlier remarks, we did limit the number of signs. We cut down on the number of them, but we had problems in areas next to Federal highways.

Under the Shaw amendment, cities can deal with the problem themselves and that is exactly the way I think it ought to be handled. It is a question of both States' rights and city rights, and cities do have rights in this country.

Mr. SHUSTER. Mr. Chairman, if the gentleman will yield further, the Shaw amendment changes the Federal Government's role in restricting billboards. It does not deal with the issue of billboards in urban areas.

Mr. ANDREWS. Mr. Chairman, if I may reclaim my time, what I believe it does, as the gentleman from Florida [Mr. SHAW] has stated, it unlocks the loggerhead that we are in and allows cities and local governments to handle this issue in their own way.

If we want to start changing this direction and removing some of these big billboards along our interstate Federal highways in our urban areas, then the substitute amendment should be defeated and the amendment that has been presented by the gentleman from Florida [Mr. SHAW] should be approved.

There is no doubt about it; the environmental vote on this issue is in favor of the amendment of the gentleman from Florida [Mr. SHAW] and in opposition to the substitute offered by the committee.

Mr. SHAW. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS. I am happy to yield to the gentleman from Florida.

Mr. SHAW. Mr. Chairman, the gentleman from Ohio stated some statistics a while ago from the General Accounting Office. If the gentleman had gone one step further in the statistics, he would have found that 27 of our 50 States favor the repeal of the compensation clause of the 1978 amendment.

The CHAIRMAN. The time of the gentleman from Texas has expired.

(At the request of Mr. MCEWEN, and by unanimous consent, Mr. ANDREWS was allowed to proceed for 2 additional minutes.)

Mr. McEWEN. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS. I am happy to yield to the gentleman from Ohio.

Mr. McEWEN. Mr. Chairman, on this question of urban and rural, I would like to get it straight. Presently, there is no prohibition against the city of Houston removing all of the billboards if they choose to do so. The only requirement is that if they take a small business enterprise and destroy it, confiscate their property, under the Constitution and the provisions of the law as it now stands, they must compensate the person from whom they have destroyed the property.

Under the amendment that the gentleman from Florida [Mr. SHAW] has offered, they could wipe out the business. They could destroy the boards and give no compensation at all. Is that correct?

Mr. ANDREWS. The cities and the local communities will have the option of utilizing their discretion in disposing these billboards along the freeways.

Mr. SHAW. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS. I am happy to yield to the gentleman from Florida.

Mr. SHAW. Mr. Chairman, the gentleman from Texas does know and the gentleman from Ohio, I am sure, knows that the Constitution of the United States again applies and does govern the laws of the State of Texas, as it does in Ohio, and that simply requires that compensation has to be paid.

But the problem that we have and that we are trying to get away from is, the Federal law mandates cash compensation. If there is no money in the kitty as far as the Federal Government, it is not going to happen, and it does not allow for amortization of the signs, and that is exactly what we are trying to do. We are not trying to take the legal billboards down tomorrow or the next day, next year or even the year thereafter. It is phased out over a period of time, which is a just and a fair way of handling it.

Even in that regard in the city of Houston and in Ohio, compensation will have to be determined by the State courts and that will apply. There will be compensation paid in instances where there are damages and where properties are taken.

Mr. McEWEN. If the gentleman will yield further, I believe the gentleman's statement is either a non sequitur or he supports the present law.

I thank the gentleman very much.

Miss SCHNEIDER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the Highway Beautification Act of 1965 enabled Americans to look forward to an improvement in safety, recreation, and the esthetic quality of our highways, very admirable purposes; however, we are finding now that there are considerable loopholes and I think that we have the potential here by supporting the Shaw amendment of recapturing the spirit of the original bill.

I am very distressed by some of the misperceptions that were articulated on the floor here today and I would very much like to make clear once and for all the provisions that we are discussing.

The 1965 act placed restrictions on the use of billboards on Federal highways in nonurban, noncommercial areas. There were three classes of billboards: Legal, illegal, and nonconforming. The nonconforming billboards were those which were legal when built, but due to the act or changes in zoning, were no longer in compliance with the law. Illegal billboards, however, could simply be torn down, but nonconforming ones required cash compensation, even though the courts had long held that there was no right to use our highways as corridors for advertising. Indeed, courts have long held that billboards do not derive their value from the private land they stand on, but rather from the public roads that they stand next to. This is a legal court decision. Today, the Federal Highway Beautification Act is a law which requires the Federal Government to pay polluters to stop polluting.

Now, in 1978, the billboard industry successfully pushed through an amendment to the original act, and this amendment required that cash compensation be paid whenever a billboard was removed anywhere along Federal highways, including those inside cities. The amendment has had drastic consequences, which have already been articulated, because in the past, the cities and towns were able to take their own city and local initiatives in billboard action. In particular,

they were able to use the traditional zoning method of amortization to provide compensation. However, now their activities are hampered by the amount of funding available to supply for billboard removal. As Federal funding for billboard removal has dried up, the cities and towns have been hamstrung. It is no wonder that the billboard industry supports the Highway Beautification Act as it is, because States are prevented from using their own laws, which makes them to be caught in a bind.

Mr. Chairman, this does not mean that our problem could be solved by once again pouring more Federal funds into the program, because current estimates suggest that it would cost over $750 million per year to remove all of the existing nonconforming billboards.

I firmly believe that given the current state of the Federal budget deficit, it would be completely irresponsible to continue subsidizing the billboard industry. Even if we had unlimited funds, this would be a very unwise course, because when billboards are to be removed, they are selected from lists that are submitted by the industry itself. The companies typically, and very wisely, list their least profitable billboards. They are paid cash for these signs, which they then reinvest in new signs.

The U.S. General Accounting Office told us that taxpayers' dollars had been used to remove 2,235 billboards along Federal highways that then were replaced with 13,522 new billboards.

This is a blatant waste of taxpayers' dollars. There are other loopholes also in the law, Mr. Chairman. But I think that any law which allows thousands of new billboards to go up while asking taxpayers to pay for the removal of any others completely offends common sense.

Now, Mr. Chairman, I would also like to make very clear that the Shaw amendment will make highway beautification a workable system once again. Not only am I of that opinion, but I would like to amplify the fact that there have been editorials throughout the United States that support the Shaw amendment, such as the Hartford Courant, the Dallas Times Herald, the Los Angeles Times, the Portland Press Herald, the Commercial Appeal from Memphis, TN, the St. Louis Post-Dispatch, the Herald from Durham, NC, the Washington Times, and the Miami Herald.

The other point I would like to make, Mr. Chairman, is that the Senate committee has already voted in support of legislation similar to the Shaw amendment.

Finally, I would like to make very clear that the administration wholeheartedly support the Shaw amendment.

I would like to be more specific in the support of the administration's indication in a letter from Elizabeth Dole to myself, and it says:

The Department supports your efforts to gain enactment of these provisions, as well as other provisions consistent with our approach. Your efforts are even more important in light of changes included in the House-reported version of H.R. 3129 which would place additional financial burdens on taxpayers and perpetuate the current unworkable program.

Mr. Chairman, I would submit that this is an issue placing taxpayers' dollars and I take issue with my colleague, the gentleman from West Virginia, who said that the substitute from the committee is environmentally sound. I would like to share with my colleague that not only does the Reagan administration and Secretary Dole support this legislation, but it is also supported by other organizations.

The CHAIRMAN. The time of the gentlewoman from Rhode Island has expired.

(By unanimous consent, Miss SCHNEIDER was allowed to proceed for 3 additional minutes.)

Miss SCHNEIDER. Mr. Chairman, it is also supported by the National Wildlife Federation, the American Institute of Architects, the National Trust for Historic Preservation, the Sierra Club, the American Planning Association, the American Farmland Trust.

I will remind my colleagues, as has already been stated, that this is a key vote on the scorecard of the League of Conservation Voters, which is a coalition of all environmental groups.

So if one is to say here on the floor of the House here that you are a fiscal conservative or that you vote in support of the environment, then there is no question that you must defeat the committee substitute and vote for the Shaw amendment.

□ 1345

Mr. RAHALL. Mr. Chairman, will the gentlewoman yield?

Miss SCHNEIDER. I am happy to yield to the gentleman from West Virginia.

Mr. RAHALL. Mr. Chairman, I appreciate the gentlewoman's yielding.

Mr. Chairman, let me say that in regard to the fact that billboard owners receive compensation and that then just use it to build new billboards, I see nothing wrong with that. These new billboards are conforming billboards that are built in line with the Highway Beautification Act as the Congress has passed it, and they are built in environmentally sound manners. The committee substitute would ensure that that practice continues.

I might say also that the impressive list of newspaper editorial support that she has read in favor of the Shaw substitute is another economic-sense matter. After all, billboard advertising competes with newspaper advertising. Why should these newspapers not take a position that is in their best economic sense?

So I say to the gentlewoman that the committee substitute is an environmentally sound substitute. It puts a freeze on, it puts back into law the enforcement provisions of the Highway Beautification Act, and the just compensation issue has been debated.

Mr. SHUSTER. Mr. Chairman, will the gentlewoman yield?

Miss SCHNEIDER. Not at this moment. I would like to respond to my colleague.

Mr. Chairman, what it still does is burden the taxpayers with a burden that they have no responsibility to be carrying. They are not willing to carry that responsibility, No. 1. So it is a fiscal imposition.

In addition to that, we are not enabling through the substitute the opportunity for State and local rights to say whether they want the billboards or not. I think that it is ludicrous for us to say here in this body that we support the New Federalism, or the opportunity for local government to have jurisdiction over their own environment.

If we support the committee substitute, we are saying, "Sorry, folks, tough luck, the Federal Government is still going to play guardian angel to the whole billboard industry; we will call the shots."

I think that that is completely inappropriate, and I think that we must understand that this is a fiscal issue—$200 million a year is a significant amount when we are talking about a $230 billion deficit this morning, States' rights is critical, and that in part it is an esthetic issue. Certainly there are no environmentalists that are supporting the committee substitute.

Mr. RAHALL. Mr. Chairman, will the gentlewoman yield?

Miss SCHNEIDER. I yield to the gentleman from West Virginia.

Mr. RAHALL. Would the gentlewoman not agree that an individual who has his private home taken for the purposes of the building of an interstate highway is due just compensation for the taking of his private property?

Miss SCHNEIDER. Absolutely, and I think that it is very misleading for the gentleman to imply otherwise, because the gentleman from Florida [Mr. SHAW], the sponsor of the amendment, has made it very clear that through amortization there will be just compensation.

Mr. Chairman, I yield back the balance of my time.

Mr. UDALL. Mr. Chairman, in 1965, the Congress passed the Highway Beautification Act to curb the proliferation of billboards along Federal highways. This new law required the

Government to compensate billboard owners for the removal of signs along our highway system. Despite our good intentions, that law is so riddled with loopholes that billboards continue to go up at an astounding rate. In 1983, the Government paid for the removal of 2,235 old billboards; that same year, the billboard industry erected 18,000 new signs on the same Federal roads. So far, the Government has spent over $200 million for the removal of signs. The General Accounting Office estimates that 124,000 signs qualify for the removal program and the Federal Highway Administration claims it will cost $750 million to remove them.

It is time to put an end to this wasteful program. The Shaw amendment would ban the construction of new billboards along stretches of rural roads, prohibit the removal of trees on public lands for billboard visibility and permit amortization so that communities can remove nonconforming signs without the need for federally appropriated funds. This is a sorely needed change to current law and I urge my colleagues to support the amendment.

Mr. BONKER. Mr. Chairman, the Highway Beautification Act of 1965 was intended to preserve the beauty of our Nation's landscape by forcing the removal of nonconforming billboards along our Federal highways. Instead, because of a number of amendments to the original act, we have come to a point where, by law, it cost the Government more to remove billboards than it does to erect new ones.

Twenty years after passage of the Highway Beautification Act, our effort to improve the scenic quality of our Nation's highways is a costly failure. The billboard industry exploited a good law and continues to plague our rural landscape with unwanted advertising that spoils the scenery and endangers motorists by distracting them from their driving.

Because of loopholes, the Federal Government actually promotes the erection of billboards. As a result, our cities and large segments of our rural areas have become dumping grounds for the billboard industry. Twenty years after passage of this legislation there are now 14 signs for every 10 miles of Federal highway. Furthermore, current law fails to protect publicly-owned trees on highway rights-of-way from destruction by billboard companies. Lastly, it mandates Federal-State cash payments to billboard owners for removal of nonconforming signs, an obligation that today amounts to almost a billion dollars.

Earlier this year, I became a cosponsor of Representatives UDALL and SCHNEIDER's bill, H.R. 5043, which addressed the major problems with the Highway Beautification Act as it exists today. Many of these key points have become part of the amendment to the surface transportation bill offered today by Representative SHAW. Among other things, it would put a hold on new billboard construction on Federal highways. It would also drop the requirement that States and the Federal Government pay cash compensation, thereby enabling States to choose the form of just compensation for removal of nonconforming signs. Lastly, the legislation prohibits the cutting of vegetation in the interstate and primary highway right-of-way strictly for the purpose of making a billboard visible.

Since the act of 1965 was passed, taxpayers have paid the billboard industry over $200 million to take down old billboards. In many cases this money was used to replace outdated signs with new ones—in effect a direct subsidy of the industry. This is a terrible waste of the taxpayers' money. In my view, a far more responsible solution would be to permit nonconforming signs to depreciate over a set period of time at which point they will be torn down at no direct expense to the Federal Government and for the considerable benefit of our Nation's highways.

In my own State of Washington, we have adopted tight restrictions on billboards without suffering the dire consequences to small businesses predicted by many of my colleagues on the floor today. Instead, these laws have enhanced the special beauty of the State which is one of the major lures for tourists and the economic activity they bring.

It is time to put an end to these loopholes, which make a mockery of the concept of highway beautification and have proved a tremendous drain on our Federal budget. I urge my colleagues to support Representative SHAW's amendment that will fulfill the original intent of the Highway Beautification Act by once and for all removing billboards from our interstate highways.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. SHUSTER] as a substitute for the amendments offered by the gentleman from Florida [Mr. SHAW].

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SHAW. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 251, noes 159, answered "present" 1, not voting 20, as follows:

[Roll No. 301]

AYES—251

| | | |
|---|---|---|
| Ackerman | Cobey | Fish |
| Akaka | Coble | Flippo |
| Alexander | Coleman (MO) | Florio |
| Anderson | Coleman (TX) | Foglietta |
| Annunzio | Collins | Franklin |
| Anthony | Courter | Frenzel |
| Archer | Coyne | Frost |
| Badham | Craig | Fuqua |
| Barnard | Crane | Gallo |
| Bateman | Crockett | Gaydos |
| Bedell | Daniel | Gekas |
| Bentley | Darden | Gephardt |
| Bevill | Daschle | Gibbons |
| Bliley | de la Garza | Gingrich |
| Boehlert | DeLay | Glickman |
| Boggs | Dickinson | Gonzalez |
| Borski | Dicks | Goodling |
| Bosco | Dingell | Gradison |
| Boucher | Dixon | Gray (IL) |
| Boulter | Dornan (CA) | Gray (PA) |
| Brooks | Dowdy | Guarini |
| Brown (CO) | Dreier | Hall (OH) |
| Bryant | Dwyer | Hamilton |
| Burton (IN) | Eckart (OH) | Hammerschmidt |
| Bustamante | Eckert (NY) | Hansen |
| Callahan | Edgar | Hartnett |
| Carney | Edwards (OK) | Hatcher |
| Carr | Emerson | Hawkins |
| Chapman | English | Hayes |
| Chappie | Erdreich | Hefner |
| Clinger | Fazio | Hendon |
| Coats | Feighan | Hiler |
| Hopkins | Moody | Siljander |
| Horton | Moorhead | Sisisky |
| Howard | Morrison (CT) | Skeen |
| Hubbard | Murphy | Skelton |
| Huckaby | Murtha | Slattery |
| Hughes | Myers | Slaughter |
| Jenkins | Natcher | Smith (IA) |
| Johnson | Neal | Smith (NJ) |
| Jones (NC) | Nichols | Smith, Denny (OR) |
| Jones (OK) | Nielson | Smith, Robert (OR) |
| Jones (TN) | Nowak | Snyder |
| Kanjorski | Oberstar | Solomon |
| Kaptur | Obey | Spratt |
| Kemp | Ortiz | Staggers |
| Kleczka | Oxley | Stallings |
| Kolter | Packard | Stangeland |
| LaFalce | Parris | Stenholm |
| Lantos | Pashayan | Stratton |
| Latta | Penny | Stump |
| Leath (TX) | Pepper | Sundquist |
| Lehman (CA) | Perkins | Swift |
| Lehman (FL) | Pursell | Swindall |
| Leland | Quillen | Tallon |
| Lent | Rahall | Tauke |
| Lewis (CA) | Ray | Tauzin |
| Lightfoot | Reid | Taylor |
| Lipinski | Richardson | Thomas (CA) |
| Livingston | Ridge | Thomas (GA) |
| Lloyd | Rinaldo | Torres |
| Loeffler | Ritter | Torricelli |
| Lott | Robinson | Towns |
| Lujan | Rodino | Traficant |
| Luken | Roe | Visclosky |
| Lundine | Roemer | Volkmer |
| Mack | Rogers | Vucanovich |
| Madigan | Rose | Waldon |
| Manton | Rostenkowski | Watkins |
| Martin (NY) | Roukema | Weber |
| Martinez | Rowland (CT) | Whitehurst |
| Mazzoli | Rowland (GA) | Whitley |
| McCain | Roybal | Whitten |
| McCandless | Rudd | Williams |
| McCloskey | Russo | Wilson |
| McCurdy | Sabo | Wise |
| McDade | Savage | Wortley |
| McEwen | Saxton | Wright |
| McGrath | Schaefer | Yatron |
| McHugh | Schuette | Young (AK) |
| McMillan | Schulze | Young (MO) |
| Mikulski | Shelby | |
| Mineta | Shumway | |
| Monson | Shuster | |
| Montgomery | Sikorski | |

NOES—159

| | | |
|---|---|---|
| Andrews | Duncan | Levin (MI) |
| Armey | Durbin | Levine (CA) |
| Aspin | Dymally | Lewis (FL) |
| Atkins | Dyson | Lowery (CA) |
| AuCoin | Early | Lowry (WA) |
| Bartlett | Edwards (CA) | Lungren |
| Barton | Evans (IA) | MacKay |
| Bates | Evans (IL) | Markey |
| Beilenson | Fascell | Marlenee |
| Bennett | Fawell | Martin (IL) |
| Bereuter | Fiedler | Matsui |
| Berman | Foley | Mavroules |
| Biaggi | Ford (MI) | McCollum |
| Bilirakis | Frank | McKernan |
| Boland | Garcia | McKinney |
| Bonior (MI) | Gejdenson | Meyers |
| Bonker | Gilman | Mica |
| Boxer | Green | Miller (CA) |
| Broomfield | Gregg | Miller (OH) |
| Bruce | Gunderson | Miller (WA) |
| Burton (CA) | Hall, Ralph | Moakley |
| Byron | Henry | Molinari |
| Carper | Hertel | Mollohan |
| Chandler | Hoyer | Morrison (WA) |
| Cheney | Hunter | Mrazek |
| Clay | Hutto | Nelson |
| Combest | Hyde | Oakar |
| Conte | Ireland | Olin |
| Conyers | Jacobs | Owens |
| Cooper | Jeffords | Panetta |
| Coughlin | Kasich | Pease |
| Dannemeyer | Kastenmeier | Petri |
| Daub | Kennelly | Pickle |
| Dellums | Kildee | Porter |
| Derrick | Kindness | Price |
| DeWine | Kolbe | Rangel |
| DioGuardi | Kostmayer | Regula |
| Donnelly | Kramer | Roberts |
| Dorgan (ND) | Lagomarsino | Roth |
| Downey | Leach (IA) | Scheuer |

Schneider
Schroeder
Schumer
Seiberling
Sensenbrenner
Sharp
Shaw
Smith (FL)
Smith (NE)
Smith, Robert (NH)
Snowe
Solarz
Spence
St Germain
Stokes
Strang
Studds
Sweeney
Synar
Traxler
Udall
Valentine
Vander Jagt
Vento
Walgren
Walker
Waxman
Weaver
Weiss
Wheat
Whittaker
Wirth
Wolf
Wolpe
Wyden
Wylie
Yates
Young (FL)
Zschau

ANSWERED "PRESENT"—1

Fields

NOT VOTING—20

Applegate
Barnes
Boner (TN)
Breaux
Brown (CA)
Campbell
Chappell
Coelho
Davis
Ford (TN)
Fowler
Gordon
Grotberg
Hillis
Holt
Long
Michel
Mitchell
Moore
Stark

□ 1405

Messrs. PRICE, MOAKLEY, DONNELLY, WHITTAKER, ACKERMAN, GILMAN, and EVANS of Iowa changed their votes from "aye" to "no."

Messrs. MOORHEAD, MORRISON of Connecticut, LENT, MADIGAN, ACKERMAN, and WEBER changed their votes from "no" to "aye."

So the amendment offered as a substitute for the amendments was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Florida [Mr. SHAW], as amended.

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CHANDLER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

Ms. FIEDLER. I have a point of order, Mr. Chairman.

The CHAIRMAN pro tempore. The gentlewoman will state her point of order.

Ms. FIEDLER. Mr. Chairman, I would like to ask whether or not a vote in favor of this particular amendment would require the elimination of such signs along a route for hospitals or other urgent or emergency care.

The CHAIRMAN pro tempore. The Chair would like to state to the gentlewoman that that is not a point of order.

A recorded vote has been ordered.

The vote was taken by electronic device, and there were—ayes 385, noes 28, answered "present" 1, not voting 17, as follows:

[Roll No. 302]

AYES—385

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Aspin
Atkins
AuCoin
Badham
Barnard
Bateman
Bates
Bedell
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Biaggi
Bilirakis
Boehlert
Boggs
Boland
Bonior (MI)
Bonker
Borski
Boucher
Boxer
Brooks
Broomfield
Brown (CO)
Bruce
Bryant
Burton (CA)
Bustamante
Byron
Callahan
Carper
Carr
Chandler
Chapman
Chappell
Chappie
Clay
Clinger
Coats
Cobey
Coble
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Crockett
Dannemeyer
Darden
Daschle
Daub
Davis
de la Garza
Dellums
DeWine
Dickinson
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Dowdy
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart (OH)
Eckert (NY)
Edgar
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Evans (IL)
Fascell
Fawell
Fazio
Feighan
Fish
Flippo
Florio
Foglietta
Foley
Ford (MI)
Frank
Franklin
Frenzel
Frost
Fuqua
Gallo
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gradison
Gray (IL)
Gray (PA)
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hamilton
Hammerschmidt
Hartnett
Hatcher
Hawkins
Hayes
Hefner
Hendon
Henry
Hertel
Hiler
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jacobs
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kanjorski
Kaptur
Kasich
Kastenmeier
Kemp
Kennelly
Kildee
Kindness
Kleczka
Kolbe
Kolter
Kostmayer
Kramer
LaFalce
Lagomarsino
Lantos
Latta
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Loeffler
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken
Lundine
Lungren
Mack
MacKay
Madigan
Manton
Markey
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCain
McCandless
McCloskey
McCollum
McCurdy
McDade
McEwen
McGrath
McHugh
McKernan
McKinney
McMillan
Meyers
Mica
Michel
Mikulski
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Natcher
Neal
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens
Oxley
Packard
Panetta
Parris
Pease
Penny
Pepper
Perkins
Pickle
Porter
Price
Pursell
Quillen
Rahall
Rangel
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roe
Roemer
Rogers
Rose
Rostenkowski
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Rudd
Russo
Sabo
Savage
Saxton
Schaefer
Scheuer
Schneider
Schroeder
Schuette
Schulze
Schumer
Seiberling
Sensenbrenner
Sharp
Shaw
Shelby
Shumway
Shuster
Sikorski
Siljander
Sisisky
Skeen
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Snyder
Solarz
Solomon
Spratt
St Germain
Staggers
Stallings
Stangeland
Stark
Stenholm
Stokes
Strang
Stratton
Studds
Sundquist
Sweeney
Swift
Swindall
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Waldon
Walgren
Walker
Watkins
Waxman
Weaver
Weber
Weiss
Wheat
Whitehurst
Whitley
Whittaker
Whitten
Williams
Wilson
Wirth
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Young (MO)
Zschau

NOES—28

Armey
Bartlett
Barton
Bliley
Boulter
Burton (IN)
Carney
Cheney
Combest
Craig
Crane
Daniel
DeLay
Derrick
Evans (IA)
Fiedler
Hall, Ralph
Hansen
Marlenee
Monson
Myers
Nielson
Pashayan
Petri
Roth
Smith, Denny (OR)
Spence
Stump

ANSWERED "PRESENT"—1

Fields

NOT VOTING—17

Barnes
Boner (TN)
Bosco
Breaux
Brown (CA)
Campbell
Ford (TN)
Fowler
Gordon
Grotberg
Hillis
Holt
Long
Mitchell
Moody
Moore
Rodino

□ 1415

Mr. BURTON of Indiana and Mr. MONSON changed their votes from "aye" to "no."

Mr. DORNAN of California changed his vote from "no" to "aye."

So the amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. FIELDS. Mr. Chairman, pursuant to rule VIII, clause 1, I voted "present" on the last two votes.

Mr. Chairman, I voted "present" on the proceeding Shaw amendment and the Shuster substitute to the Shaw amendment. Both the amendment and the substitute concern the removal of billboards along Federal highways.

My family has a financial interest in several billboards. To avoid any possible conflict of interest, I voted neither "aye" nor "no." I did, however, record my presence in the House of Representatives at the time the vote was taken.

Mr. KOSTMAYER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I take this time to thank the gentleman from New Jersey [Mr. HOWARD], chairman of the Committee on Public Works and Transpor-

tation and the ranking minority member of that committee, Mr. SHUSTER, for their support and assistance in incorporating into H.R. 3129, the Surface Transportation and Uniform Relocation Assistance Act of 1986, the provisions of H.R. 4408, legislation I introduced on March 13, 1986.

Basically, this section would amend the Interstate Compact existing between the State of New Jersey and the Commonwealth of Pennsylvania to allow the Delaware River Joint Toll Bridge Commission to use the tolls collected on its revenue generating bridges for expenses incurred on other bridges under its jurisdiction. In other words, the commission would assume full financial responsibility for the operation and maintenance of all bridges under its control, including a group of bridges which previously have been supported by State appropriations. The net effect of this legislation will be to relieve the States of a financial burden thereby making the commission the single agency responsible for these bridges.

In addition, this section would allow the Delaware River Joint Gap Bridge on Interstate 80 to impose tolls on the yet uncompleted bridge under construction on I-78. The imposition of tolls on this new bridge would only last until the commission is able to recover the funds it expends on this bridge.

Mr. Chairman, these provisions have been approved by the New Jersey Department of Transportation, Penn DOT and U.S. DOT. This legislation is extremely important to both New Jersey and Pennsylvania and again, I want to thank Mr. HOWARD and Mr. SHUSTER for their support.

PERSONAL EXPLANATION

Mr. McCAIN. Mr. Chairman, because of a longstanding previous commitment I had to address the convocation of the Industrial College of the Armed Forces, I was not able to cast my vote on the McCurdy amendment to H.R. 3129 (rollcall) No. 298) regarding the granting of flexibility to the States on the 55-mile-per-hour speed limit. Had I been present, I would have voted "yes." I ask unanimous consent that my statement appear in the permanent record immediately following that vote.

The CHAIRMAN pro tempore (Mr. TRAXLER). Is there objection to the request of the gentleman from Arizona?

There was no objection.

AMENDMENT OFFERED BY MR. DE LAY

Mr. DELAY. Mr. Chairman, I offer an amendment.

The clerk read as follows:

Amendment offered by Mr. DELAY: Page 231, after line 4, insert the following new section:

SEC. 319. PROTECTION OF PRIVATE CONTRACTING RIGHTS

Section 13(c) of the Urban Mass Transportation Act of 1964 is amended by inserting after the third sentence the following new sentence: "Such arrangements may not restrict or limit the rights of the recipient of such assistance to enter into a contract or other arrangements for the provision of mass transportation services by private entities."

Conform the table of contents of the bill accordingly.

Mr. DELAY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. DELAY. Mr. Chairman, this is an amendment that is just a clarifying-language amendment, which in no way attacks the intent of this Congress on section 13(c) as it provides for labor protection under the Urban Mass Transportation Act. I understand it is agreeable to both side.

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. DELAY. I yield to the chairman of the committee, the gentleman from New Jersey [Mr. HOWARD].

Mr. HOWARD. I thank the gentleman for yielding.

I understand, Mr. Chairman, that this merely is prohibiting the application of this section in order to prevent, specifically prevent privatization of bus service, is that correct?

Mr. DELAY. That is correct.

Mr. HOWARD. And that is all the amendment does?

Mr. DELAY. That is absolutely correct.

Mr. HOWARD. It is agreeable on this side.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. DELAY. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. I thank the gentleman for yielding.

Mr. Chairman, we are agreeable to the amendment also.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Texas [Mr. DELAY].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. DONNELLY

Mr. DONNELLY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DONNELLY: Add to the end of section 412 the following new provision:

Notwithstanding any other provision of law, the Commonwealth of Massachusetts is required to assist and coordinate the salvaging of the foundation and associated structures of the historic Great House in City Square, Charlestown, Massachusetts; to store the salvaged material during the suppression and reconstruction of the interstate at Charlestown, Massachusetts; and to assist and coordinate the incorporation of the Great House's foundation and related structures into the reconstruction of City Square at Charlestown, Massachusetts.

Mr. DONNELLY (during the reading). Mr. Chairman, I ask unanimous consent the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. DONNELLY. Mr. Chairman, I am offering an amendment that will help preserve a vital archeological find in the Boston area that dates back to the early years of the 17th century, and has a direct connection to several of the key events in America's early political, religious, and social history.

The Great House was built in Charlestown, MA, in 1629 as the home of John Winthrop, the first Governor of the Massachusetts Bay Colony. In the Great House, Governor Winthrop met with the Court of Assistants, the first formal legislature in the New World. The covenants of the First Congregational Church were signed in the Great House. Tragically, on the day of the Battle of Bunker Hill on June 16, 1775, the Great House and the surrounding community were burned to the ground by the British occupying army. The archeological remains of the Great House were only recently discovered by surveyors preparing plans for the construction of a tunnel through Charlestown's City Square. Construction on the tunnel is expected to begin in the next few months. A private historic preservation organization, the Great House Foundation, Inc., has devised a plan in conjunction with the National Park Service and the Boston Landmarks Commission to salvage and preserve as much of the Great House's buried foundation and related artifacts as possible without seriously disrupting or increasing the costs of the tunnel construction.

I offer my amendment today with my Massachusetts colleague, Mr. ATKINS, to demonstrate congressional support for the salvaging of this important remnant of America's early chapter of history. My amendment is a commonsense solution that directs the agencies of the Commonwealth of Massachusetts to assist the Great House Foundation in its efforts to excavate the buried remnants of the Great House and to rebuild the site upon the completion of the traffic tunnel as a historic landmark in the newly constructed City Square. Let me point out, Mr. Chairman, that the amendment involves absolutely no cost to the Federal Government. The entire cost shall be borne by the Commonwealth of Massachusetts.

□ 1430

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. DONNELLY. I yield to the gentleman from New Jersey.

Mr. HOWARD. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I just want to make it very clear, and we know it is not the intent of the gentleman's amendment to circumvent in any way the National Historical Preservation Act or section 4(f) of the Department of Transportation Act; am I correct on that?

Mr. DONNELLY. This amendment does not violate either of those acts.

Mr. HOWARD. Mr. Chairman, under those circumstances, we certainly will support the amendment.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. DONNELLY. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, we support the gentleman's amendment.

Mr. ATKINS. Mr. Chairman, will the gentleman yield?

Mr. DONNELLY. I yield to the gentleman from Massachusetts.

Mr. ATKINS. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I am proud to join the gentleman from Massachusetts [Mr. DONNELLY] as a cosponsor of this amendment to protect one of the most important historical finds in New England.

The amendment is needed to avoid a collision between Boston's economic future and the city's historic past. Later this fall, construction is scheduled to begin on the segment of the central artery that goes through Charlestown. The project is vital to relieving some of the most heavily congested traffic in the country.

Unfortunately, the project's design calls for it to be routed directly through the archeological site of the first governmental building in New England. Gov. John Winthrop's Great House, built in 1629, was the original seat of government for the Massachusetts Bay Colony, and the cradle of democracy in the English colonies in the New World.

This matter was brought to our attention by the members of the Great House Foundation, a private, nonprofit research and educational foundation committed to protecting America's archeological and historical heritage. After careful review and consideration, they have recommended a proposal for preserving the site and the historic value of the Great House. That recommendation forms the basis for this amendment.

The amendment, which adds no new costs to the bill, directs the Commonwealth of Massachusetts to preserve this outstanding historical monument. The State would be required to assist in salvaging the foundation of the Great House, storing the salvaged materials during highway construction, and then incorporating the Great House into the reconstruction of City Square in Charlestown after the highway project has been completed.

Restoring the Great House on its existing site will permit it to become a part of the Freedom Trail through the Boston historic park. It is an appropriate, prudent proposal that will preserve this historic landmark without imposing any undue or excessive delays in the highway construction schedule.

Mr. Chairman, as we build the future, we don't need to bulldoze the past. I urge the approval of this amendment.

The question is on the amendment offered by the gentleman from Massachusetts [Mr. DONNELLY].

The amendment was agreed to.

Mr. MONSON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to take this opportunity to congratulate the committee for bringing this bill to the floor. The work done by the committee and the leadership in particular has been outstanding. Their dedication to improving the conditions of our Nation's highways is evident in this bill. I am very pleased to have participated in this multiyear reauthorization of the vital Federal Highway Program. I must, however, express opposition to section 107 of this bill which changes the allocation formula for 4R interstate repair funds. The current formula equitably allocates funds based on the two most important factors: lane miles and vehicle miles traveled. This allows both States with large usage and those with large lane miles to receive adequate funding to maintain essential highways.

The bill we are debating today dramatically changes the 4R formula. The new formula removes lane miles from consideration and replaces it with fuel—gas and diesel—usage. This means that the entire allocation is based on usage. With this formula large States with small populations will be forced to maintain enormous levels of highway miles with a greatly reduced level of funding. Many States are cut by this change by 50 percent or more. In all 28 States and the District of Columbia receive reduced funding.

It is absolutely essential to the economies of the large Western States that the interstate system be adequately maintained and in safe conditions. Reducing the level of funding to these States will make it nearly impossible for many of them to maintain the highway system in an adequate manner. The Interstate Highway System is a national system. It defeats the purpose to treat it as a regional concern. If the system does not allow for safe, efficient travel throughout the Nation then the system is not achieving one of the primary goals of the Interstate System. Reducing the funding to these States will adversely effect the usefulness of the of the whole system.

I would also like to remind the Members of the findings of the study completed pursuant to the Surface Transportation Act of 1982 which was released in December 1983 by the Federal Highway Administration. That report made three critical findings:

(T)he principle finding is that dramatic improvement over the current formula is not likely to be achieved.

In short, no compelling case could be made for endorsing any specific change in the current formula at this time."

"Statewide fuel consumption does not necessarily reflect interstate use. Often diesel bought in one State is used by trucks traveling through another State." "Reporting systems are not uniform among States (for determining fuel usage)" and "statewide consumption of gasoline does not necessarily reflect use, condition or need."

Secretary Dole stated similar concerns with the gasoline and diesel fuel factors in a letter dated September 10, 1985. It is clear that the conditions have not changed markedly since the release of the 1983 study and it would be unwise to effect a change in the formula at this time. The current formula is equitable and should be retained.

While the rest of the bill is good and necessary and should be passed, I am hopeful that before this important legislation is approved by the Congress section 107 will be changed so the current allocation formula can be maintained.

Mr. Chairman, I would like to have the attention of the gentleman from New Jersey for the purpose of entering into a colloquy.

Mr. HOWARD, I am deeply concerned about section 107 of this legislation which revises the formula for the distribution of funds for restoration, resurfacing, rehabilitating, and reconstructing the Interstate System. My State and 28 others will lose a significant amount of funding under this change. We strongly oppose this revision. But, I recognize that the votes are not favorable in the House to changing this provision. However, I also note that the Senate bill makes no change in the 4R formula. Is that the gentleman's understanding?

Mr. HOWARD. If the gentleman will yield, the gentleman from Utah is correct. The bill reported from the Senate committee does not change the formula.

Mr. MONSON. I would ask the gentleman if he would look favorably on the Senate approach when this bill goes to conference?

Mr. HOWARD. We know that compromise is always necessary in the legislative process. I assure the gentleman we will look at his concerns.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. MONSON. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I would say that while our committee strongly supported the formula change, we recognize there is going to have to be compromise with the other body, and we will

approach this issue in the spirit of compromise.

Mr. MONSON. Mr. Chairman, I thank the gentleman from Pennsylvania, and I appreciate very much their willingness to consider this important matter, because it does affect so many States in our country and their ability to maintain the Interstate Highway System.

Mr. OBERSTAR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I take this time to discuss with the chairman of the Subcommittee on Surface Transportation and the ranking member a matter involving the study required in section 153 of the Surface Transportation Act, for a study of the bridge formula.

I just want to make it clear that as the Transportation Research Board goes forward with the study required under this legislation, that the board will consult with truck manufacturers in a very important matter that our Subcommittee on Investigations and Oversight has had under review for some time, and that is the location of the front steering axle.

I feel it is very important, and I hope the chairman and the ranking member will concur, that the report should address whether there are influences restricting vehicle maneuverability, ride quality of the truck, safe entry and exit access by operators and other related matters, rideability, and so forth.

Would it be the chairman's view that the Transportation Research Board should consult, should bring those factors into this report, so that they could be fully evaluated by the Public Works and Transportation Committee at the appropriate time.

Mr. ANDERSON. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from California.

Mr. ANDERSON. Mr. Chairman, in listening to the gentleman's remarks and the notes I have here on the gentleman's remarks, it is certainly a possibility, what the gentleman is suggesting. I suppose I could almost say yes, but it is surely a possibility.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, I certainly concur with my good friend, the gentleman from Minnesota.

AMENDMENTS OFFERED BY MR. PETRI

Mr. PETRI. Mr. Chairman, I offer several amendments.

The Clerk read as follows:

Amendments offered by Mr. PETRI: Page 223, line 9, strike out "architectural".

Page 223, line 10, strike out "and" and insert in lieu thereof ", or architectural".

Page 148, strike out line 20 and all that follows through line 13 on page 149.

Redesignate the subsequent sections of title I accordingly. Conform the table of contents accordingly.

Page 34, line 11, strike out "architectural".

Page 34, line 12, strike out "and" and insert in lieu thereof ", or architectural".

Mr. PETRI (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD, and that they be considered en bloc.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Wisconsin?

Mr. SHUSTER. Mr. Chairman, reserving the right to object, and I shall not object, I would simply say that these are simply technical amendments which bring the bill in conformity, correcting some typographical errors. I understand there is no problem with them.

Mr. Chairman, I withdraw by reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. PETRI. Mr. Chairman, these are technical amendments, and I believe they are acceptable to both sides.

Mr. ANDERSON. Mr. Chairman, if the gentleman will yield, we accept the amendments.

The CHAIRMAN pro tempore. The question is on the amendments offered by the gentleman from Wisconsin [Mr. PETRI].

The amendments were agreed to.

AMENDMENT OFFERED BY MR. WAXMAN

Mr. WAXMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WAXMAN: Page 240, strike line 8 and all that follows through line 3 on page 241 and insert:

Notwithstanding any other provision of law, the Secretary shall not enter into any contract with the Southern California Rapid Transit District to fund construction of the Minimum Operable Segment 1 until completion of a supplemental environmental impact statement for the entire Downtown Los Angeles to the San Fernando Valley Metro Rail Project and until such construction is authorized by an Act of Congress enacted after the date of enactment of this Act.

Mr. WAXMAN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. WAXMAN. Mr. Chairman and my colleagues, I have a very unusual request to make. I am offering an amendment to strike the funds for a metrorail subway system that is 90 percent within my district.

I come to you as a former supporter of this system, because I know that a city like Los Angeles, with all the congestion and traffic we have, needs something other than relying on automobiles to get us around. We need a rapid transit system.

But I supported this subway system until one day an explosion took place in the Fairfax area of Los Angeles. And when the city looked at the reason for that explosion, they said there was a methane gas pocket, and when the methane gas got to a certain level, it became explosive.

We turned to the metrorail people and said, how can you plan a tunnel through a methane gas area? They came back and said they thought they could do it safely.

We set up a commission to look at the problems in one part of the system. We looked at the problems in others. There are some experts who say do not worry. A lot of technicians will say, we can handle it. Some of the technical people have said to us, this whole system is fraught with peril.

Now the metrorail system in Los Angeles has taken on a life of its own. People are not asking is it safe. They want to assume it is safe because they want to get started. What they are asking to do is to get started by the end of this year on the first segment, the first 4 miles of the subway. They want to start tunneling, notwithstanding they may tunnel into an earthquake fault, a methane gas pocket, an abandoned oil well, and kill the workers on that project. They want to get started.

Why do they want to get started? They want to get started so that they can come back and say, "We have already started. Continue to put money into the system."

□ 1440

That does not strike me as a responsible way for the rapid transit people in Los Angeles to act or for Members of Congress in supporting the needed authorization and appropriation for money for the project.

What we are seeking to do is to have UMTA stop moving forward with this system. It does not make sense to start a system when we do not know where it is going; they have not even completed the route. They have not done the environmental impact statement on the rest of the route. They are looking at several options.

We insisted, by the way, in the appropriations bill last year that they avoid that area where there was the explosion. So now they are avoiding that area, but they are planning to tunnel through areas that are equally as dangerous as that area. Three of the four routes they are looking at would tunnel through earthquake faults, methane gas pockets, and so forth.

Let us not throw a billion dollars into this thing and start a construc-

tion that will then take on even more of a life of its own until we have established that they have done all the environmental studies, that the whole thing makes sense and that it is going to be economically feasible.

My concerns at first were about the safety because of the explosion. Because of the earthquake faults and the methane gas. But I must tell you I have very deep misgivings about the whole system and whether they ought to go forward at all on the route they have selected in their transportation patterns, whether they are going to have the ridership to justify it.

I want to point out this system they envision is the most expensive subway system in the world. There is nothing that has been built that is as expensive as this one is projected to be. I also want to point out there has never been a subway system in as dangerous an area as they would have us tunnel if they can get these funds to go forward.

We have appropriated money for the first segment; they can continue doing their research on alternative routes; they can continue to look for safer ways and safer alternatives to what they are planning. But this bill would mandate that there must be a contract between the Urban Mass Transit Authority and the Los Angeles people, not after their environmental impact study has been approved, but only after it is filed. Six months later, no matter what the circumstances were, we would have to have a contract already signed. This bill would insist upon it and demand it of the Urban Mass Transit Authority.

I think this is premature to have a contract for the remaining part of this subway and they have not even figured out where they are going. My message to the Members is: Do not spend a billion dollars digging a hole for a subway system where we do not know where it is going, we do not know if it is going to make any sense when it is completed, and we may end up blowing up the workers and the riders in the subway system.

Many of my friends, good friends, in the Los Angeles delegation are going to come here and oppose this amendment because they are committed to it; we have a difference of views. But I do want to point out that this subway system, except for that first segment, which is Congressman ROYBAL'S district, is 90 percent in my congressional district. The people in my district are telling me: "Do not do it. Do not start it." They do not have confidence in the RTD and they do not have confidence in this metro system itself. They do not want to have the communities and neighborhoods disrupted and they are urging me to urge the Members not to start something until we know it makes sense to go forward and finish.

Mr. Chairman, I urge the adoption of this amendment.

Mr. ANDERSON. Mr. Chairman, I rise in strong opposition to the gentleman's amendment.

Mr. Chairman, Los Angeles is the only city of its size in the world that does not have a rail transit system. Yet this city has a demonstrated need for efficient rail transit.

Los Angeles, has an urbanized population of 9.4 million and is the second most populous urban area in the country. Population projections indicate that it will increase by another 2 to 3.5 million people by the year 2000. So, if you take the city of Houston, and set it on top of what we already have in Los Angeles, you'd have an idea of what the Los Angeles area is going to look like in 15 years. And a large proportion of the growing population is composed of elderly people and minority groups who are generally transit dependent.

The Wilshire corridor, where the 18.6 mile metrorail project is to be constructed, is the most densely developed corridor west of New York City in the United States. New York City has over 200 miles of subway to service its densely developed areas. Los Angeles, however, has no rail transit. And future growth in the corridor will increase densities considerably. The 15 to 20 million square feet of commercial development that is scheduled for completion by 1990 alone will bring an additional 120,000 people downtown everyday.

This concentration of population and employment has produced such severe congestion that during peak commuter periods traffic on freeways signed at 55 miles per hour travels at 15 to 25 miles per hour. By the year 2000 these speeds will be reduced to between 5 to 10 miles per hour. Three 8-lane highways would be required to handle the amount of travel that has been projected.

Phenomenal increases in the use of public transportation over the last 10 years reflect a strong demand for transit service and a willingness on the part of people to use public transportation. Annual increases of between 30,000 to 40,000 additional daily riders in recent years have resulted in a total of 200,000 daily transit riders in the Wilshire corridor today.

The Los Angeles Metrorail project provides one part of the only realistic solution to the serious transportation problems in this corridor and the demand that exists for transit service. Once metrorail is constructed 100,000 fewer cars will be required on the streets of the Wilshire corridor. The rail system will provide 275,000 rides a day with a means of transportation.

The Metrorail project has consistently been judged by the administration to be the most cost-effective rail project in the entire Nation. The project meets all the rigorous transportation and financial standards established by administration transit experts. In terms of ridership, local fiscal commitment and private sector participation, the Metrorail is superior to every other project in the country.

The consistent and widespread support that the Los Angeles Metrorail has received over the years, and throughout the continued and detailed scrutiny that it has undergone, cannot and should not be ignored. The Governor of California, George Deukmejian (see attached telegram), supports the project and remains strong in his commitment of $400 million in State funds for it. Senator CRANSTON, Senator WILSON, Mayor Tom Bradley, and most of us in our very diverse congressional delegation enthusiastically support the metrorail.

And the people in the area showed their support by voting for a special one-half cent increase in the county sales tax, a portion of which was dedicated to funding a rail transit system. Even the Reagan administration recognizes the merits of this project. On July 11 the Department of Transportation announced that an agreement had been reached to sign a full funding contract with SCRTD to begin construction of this first segment of metrorail.

Can we ignore the support of so many and well-informed groups and individuals? I urge defeat of the amendment.

Ms. FIEDLER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the gentleman's amendment. As my colleagues will recall, over the past 4 years or so I have been coming to the floor with similar amendments to oppose this project. Initially I was alone; there was no other local public official who supported my position. But the reason that I opposed it was because I had studied the route, I had taken a look at the Department of Interior maps, I had seen the underground oil wells and methane pockets, I had taken a look at the studies regarding the numbers of people that were going to be riding this route and determined along with a number of independent exports who specialize in this field that this project simply should not be built.

□ 1450

Now, initially we are talking about a project that supposedly, for an 18½-mile system, was going to cost $1.1 billion. Even though construction has not even started, over the past few years that estimate has changed radically. Today we are told the first 4 miles will cost $1.1 billion, and who knows what the balance of it is going to cost, because, very frankly, nobody knows where the system is going.

That is part of the reason why the supporters of this system believe they have got to ramrod this thing through. They have got to guarantee that millions of taxpayer dollars are being funneled into this system because they do not know what they are going to actually end up having and whether or not they are actually going to be able to persuade logical Members of the House who have to make decisions based upon Gramm-Rudman in the fiscal reality of today to support it. So they are trying to jam the entire project through, forcing approval of environmental impact reports, because they do not even have any idea of where it is going to go.

There has been some discussion about some of the additional costs that would occur as a result of the safety recommendations of the special investigative study done by a panel of experts which was put together not before the project was approved by the Congress but after the methane gas explosion, which injured 22 people. The question was asked as to what the cost of these construction changes was going to be, and I would like to quote from a colloquy that went on between one of my colleagues, the gentleman from Pennsylvania [Mr. COUGHLIN], in committee and the general manager of the RTD who was responding to a question about what some of these costs may be, and he said this: "The total estimated cost is not more than $5 to $6 million." Now, we are talking about major structural requirements.

He is saying that it is only going to cost $5 to $6 million, and that it could be less than that.

I continue to quote: "The difficulty is we don't know exactly what the cost of some of the construction ones are until we get into it."

In response to that, I talked with one of the experts who served on the panel because that seemed like an extremely low level of expenditure given the enormous challenge since they were going to go from a plastic liner to perhaps a steel liner to try to prevent any penetration of gas while the tunneling and subsequent operation of the subway was taking place.

And he said this: "While we were prohibited by mandate from discussing any questions of subway cost * * *."—they did not have the courage to let the discussion of the actual costs go on in this committee because they knew they would be prohibitive; now, they go on to say, and I quote:

> Our attention was directed to the issue of expense a number of times because of the recognition by individual committee members that our recommendations as well as those of the in house committee would have a substantial impact on the overall cost of the project, if they were implemented in the serious way we contemplated.
>
> It is therefore with some sense of surprise and chagrin that I have been informed that John Dyer, general manager of the SCRTD, testified before your committee that complete implementation of all recommendations would not exceed $6 million.
>
> That figure indicates that either the SCRTD does not take seriously our findings or that they have no intention of implementing these findings in the manner contemplated. The committee findings include several items which could affect the entire project.

In addition to that, the President has consistently opposed this project and recently was quoted on the air saying this:

> Let's face it, there's a ton of fat in this trillion dollar government. I'm talking about government spending over $2 billion for a Los Angeles transit system, about as much as government collects in revenues from all the individual income taxpayers from the State of Mississippi alone.

As far as the route itself is concerned, not only is there not agreement on where they are headed, but in the Los Angeles Times recently, on May 21, they talked about what kind of a route might go from one end of this 4-mile system to the other, and the Times heads a statement in the newspaper: "Favored Metro Rail path most attacked."

The CHAIRMAN pro tempore (Mr. TRAXLER). The time of the gentlewoman from California [Ms. FIEDLER] has expired.

(On request of Mr. WAXMAN, and by unanimous consent, Ms. FIEDLER was allowed to proceed for 3 additional minutes.)

Ms. FIEDLER. Mr. Chairman, in addition to these points, there is the fact that they do not know where they are going, and they do not really know what it is going to cost if they do not know where they are going because they are talking about its being possibly underground for part of the way and possibly above ground for part of the way, and they will find out when they get there.

In addition to that, they have already begun to waste some of our taxpayers' money on this project. I reference another article in the Los Angeles Times this week about the metrorail system. Now, remember, this project has not been finally funded and an agreement has not been made. They are talking about spending a half million dollars alone on art work for the subway system. It seems to me that if they cannot figure out what the cost is going to be for the actual construction and safety requirements that have been suggested by the special technical committee but they can spend their time figuring out how to waste a half million dollars on art work, they are really running in the wrong direction and it would be very unwise of this House to approve this system today without adopting the Waxman amendment, which, I believe, will provide the necessary protections for future approval if the House should deem it necessary.

Mr. WAXMAN. Mr. Chairman, will the gentlewoman yield to me?

Ms. FIEDLER. Yes, I yield to the gentleman from California.

Mr. WAXMAN. I thank the gentlewoman for yielding.

The gentlewoman does speak correctly when she indicates that she alone opposed this Metrorail system several years ago and the rest of us supported it. I am pleased now that she is supporting my amendment, and perhaps she is pleased that I have come to agree with her.

Ms. FIEDLER. Absolutely.

Mr. WAXMAN. We are in agreement that there are serious questions about this whole system, enough so that we ought not to go forward.

We had a technical committee look at the first 4.4 miles. They are ready to start digging for that first 4.4 miles. The technical committee talked about abandoned oil wells. There used to be a lot of oil in the Los Angeles area. They had a lot of oil wells, and the oil was pumped out. They asked what would happen if they would hit an oil well. Well, there would be a potential explosion.

So they said, "Well, they have got to get some sensing devices."

There is no such thing as a sensing device that will alert them until they hit one of those abandoned oil wells. They are going to have to feel their way through, put bells and whistles on all the equipment and hope that they are lucky.

It is a tenet of my liberal faith to be for rapid transit, and I speak to my Democratic colleagues who heard the gentleman from California [Mr. ANDERSON] talk about why Los Angeles needs rapid transit.

We need something desperately. We have congestion, we have too much traffic and we have too much pollution from automobiles, but because we want something does not mean that this is what we ought to vote for and ram through when it does not make sense. We have got to reevaluate it even though the RTD people are not willing to step back and reevaluate their own mistakes.

I just want to point out to my colleagues that there have been times when we have voted for things that did not turn out to be what the most optimistic supporters indicated they should be. We should not repeat the mistakes of other cities.

New York City is just completing a $1 billion subway tunnel that has a leaking roof and no connection points to the subway system. Pittsburgh suffered through many years of embarrassment with a multimillion dollar bridge that went nowhere.

We do not need a tunnel in Los Angeles that is going to explode and is

going to cost more money than we can afford.

The CHAIRMAN pro tempore. The time of the gentlewoman from California [Ms. FIEDLER] has again expired.

(By unanimous consent, Ms. FIEDLER was allowed to proceed for 3 additional minutes.)

Ms. FIEDLER. Mr. Chairman, I would like to respond to a couple of the arguments that were made earlier by the gentleman from California [Mr. ANDERSON]. He talked about this city being the largest city in the entire world without a rapid mass transit system.

If you take a look at some of the projections for this particular project—and remember those projections indicated that they were going to go along a specific 18½-mile route, and we do not have that 18½-mile route any longer—you will see that they expect to have a ridership 25 percent higher than New York City. Now, right now in New York they have about 50 percent of the population using public transportation. In Los Angeles they expect to have now 2½ percent of the population using public transit and an increase of one-half of 1 percent as a result of this subway system. So they are not going to take masses of people off the road, even if every single person they project rides on the system, so I believe that the estimates are grossly inaccurate.

As far as the support of the Governor is concerned, we received in our office just today a letter from the Governor talking about this bill, and it listed about 4 provisions of this bill that the Governor thought were important. However, there was no mention whatsoever of the subway in this particular memorandum which just came in today dealing with this particular bill, which I think shows that there is not the kind of enthusiastic support from the State leadership that they are trying to project.

Mr. DREIER of California. Mr. Chairman, will the gentlewoman yield?

Ms. FIEDLER. Yes, I am happy to yield to the gentleman from California.

Mr. DREIER of California. Mr. Chairman, I just wanted to ask the gentlewoman if she believes that because the Governor did not have the subject mentioned in that interoffice memorandum, he is no longer supporting the system?

Ms. FIEDLER. No; I do not mean to say that he is no longer supporting it, but I do recall that there was an article in the Daily News which indicated that he did have some questions about the economic aspects of it.

□ 1500

I know from the beginning he has not been overly enthusiastic because of the economic implications. I am not trying to speak for him. I am simply mentioning the fact in a memorandum sent to us today on this particular bill that they do not deem the Metrorail system to be sufficiently important to them from that standpoint.

Mr. DREIER of California. Was this a memorandum that he distributed?

Ms. FIEDLER. No; this was sent by Karen Spencer. Her father is one of the lobbyists on the Metrorail, so it was rather unusual that it was not mentioned, given the amount of efforts that her family had put into it, but she is representing the administration's concern at the gubernatorial level and it was not mentioned in this memo.

Mr. ANDERSON. Mr. Chairman, will the gentlelady yield?

Ms. FIEDLER. I am happy to yield to the gentleman from California.

Mr. ANDERSON. Mr. Chairman, the gentlelady earlier asked me to yield about the Governor's office. The Governor's office today, contacted us and reassured us that they fully support this project. That is just today from the Governor's office.

Ms. FIEDLER. Well, I am glad the gentleman received that communication from the Governor's office, because I, too, had communication with an important office, that of the OMB and spoke to the director, Mr. Miller, on the issue, and they continue to strongly oppose it, as the administration has consistently, in spite of the fact that they have been pushed by the House committees to come to an agreement based upon the legislative effort of the Congress.

The CHAIRMAN. The time of the gentlewoman from California has again expired.

(At the request of Mr. WAXMAN, and by unanimous consent, Ms. FIEDLER was allowed to proceed for 3 additional minutes.)

Mr. WAXMAN. Will the gentlewoman yield?

Ms. FIEDLER. I yield to the gentleman from California.

Mr. WAXMAN. Mr. Chairman, I just want to point out that while my Democratic friend, the gentleman from California [Mr. ANDERSON] appeals to the position of Republican Governor Deukmejian, I will appeal on the basis of the statement of the President of the United States when he singled this program out as one of the biggest wastes of money that he could imagine, and in one of his radio addresses condemned the whole idea of the L.A. Metrorail system.

Look, many people supported this thing, as did I, and locked themselves into it, and they are not in a position to reevaluate it.

I would be here supporting it, except for the fact that through a real explosion I started to pay attention to the matter to look at some of the details and the more I looked at some of these details, the more I am convinced that you cannot write a blank check for the RTD people in Los Angeles and tell them to go forward, here is $1 billion, add some more to it, get started. I think that is a naive way for us to proceed.

I have lost confidence in this and I urge you if you have any doubts to hold back on funding this thing until we find out and we can decide whether the whole thing makes sense for us to fund in the future.

Mr. DIXON. Mr. Chairman, will the gentlewoman yield?

Ms. FIEDLER. I am happy to yield to my colleague, the gentleman from California.

Mr. DIXON. Mr. Chairman, I was not really clear whether the memo the gentlewoman mentioned is from the Governor or is an internal memo of the office and is the opinion of some of the Governor's staff. I wonder if the gentlewoman could clarify that.

Ms. FIEDLER. No; I said very specifically that it was a memo from Karen Spencer to the California delegation.

Mr. DIXON. To the gentlewoman's knowledge, does she know if the Governor has a position on this matter?

Ms. FIEDLER. Well, I would not imagine that his staff would be taking a position on specific issues; without his authority. I do not know if he is aware of it.

Mr. DIXON. Mr. Chairman, will the gentlewoman yield further?

Miss. FIEDLER. Not at this moment, I would like to respond to the gentleman.

Mr. DIXON. The gentlewoman does not know whether the Governor has a position on this or not?

Miss. FIEDLER. No; I do understand that the Governor does have a position in support of the project, but the point that I was making, is not that he did not support it, the point I was making was that he did not deem it sufficiently important, nor did his staff deem it sufficiently important, to mention it as one or four important areas in this bill to support.

Mr. ROYBAL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to assure the Members of the House that no one wants to force this project through. I have heard that statement made several times. No one wants to force this project through because we want the project to continue because of the great need we find in Los Angeles and the surrounding areas.

We also want to make it clear that no one wants to proceed with a project that is not safe. That is as clear as it possibly can be.

The truth of the matter is just yesterday a letter was received by the gentleman from California [Mr. WAXMAN] and others that says in part:

Certainly the studies conducted in response to the March 1985, explosion and fire in the Wilshire-Fairfax area provide new information pertinent to the project. While this information prompted our careful review or reevaluation of the environmental record, it is not so significant that would find it necessary to invoke the more formal procedures associated with the filing of a supplemental EIS.

Now, let us say that is not correct. Let us go along with the request that the gentleman from California [Mr. WAXMAN] is making, but there is no need to go to the point where we delete all the funds for this project.

The truth of the matter is that the moneys that are now available for the construction of MOS-1 are moneys that will be spent for a project that is all in my district, not in the district of the gentleman from California [Mr. WAXMAN] or anyone else's district. All of that is in the district that I represent.

Now, if after that is done they do not want it to go west, I will support that contention. I will present to this House later on an amendment that will definitely, if it does pass, make it possible for a survey to be made to find out whether or not it is practical to extend this program to the east. In the eastern section of the city, we find a tremendous population that is unserved by mass transportation or any transportation at all practically, a group of people who come into the city of Los Angeles almost on a daily basis, who drive from 40 to 50 miles a day, that would need something like this. That I will do, but to strike out these funds I believe is irresponsible.

Mr. WAXMAN. Mr. Chairman, will the gentleman yield to me?

Mr. ROYBAL. I yield to my colleague, the gentleman from California.

Mr. WAXMAN. Mr. Chairman, I thank the gentleman for yielding.

The first segment is 4.4 miles. The whole system is supposed to be 18 miles. After the first 4.4 miles, which is in the district of the gentleman from California [Mr. ROYBAL], the present plan is to have it all go through my district for the remainder.

Now, the gentleman from California [Mr. ROYBAL] indicated that he is going to offer an amendment in a few minutes, after this one is disposed of, that would have them do a feasibility study by going east. Now, I am going to support that amendment, because one of the reasons we need rapid transit in Los Angeles is to get some of the people from the minority communities to work; but this whole system is not going through some of the communities that need the transportation the most.

I do not know whether it makes sense or not, but we ought to look at it.

The point I would make is this. We may not have anything more than a 4.4-mile subway system, at the cost of millions of dollars, and someone will pull to the east and someone else will pull to the west and we may decide to do nothing. Well, that is a tremendous waste of money to do that without knowing where the rest of it is going. If we decide to go east, that will be the decision. Then we will go with the money and then fund the whole system.

Mr. ROYBAL. The gentleman is drawing a conclusion that is not based on fact and is not based on study. The gentleman is asking for a study to the west and then deleting the money, regardless of which way that study goes.

Now, if that money is kept in place and a study is made, then whatever decision is made would be made on fact, not on fantasy. What I hear today are just merely opinions of individuals who have been against this project, no matter how good it was.

We need that project, I say to the gentleman from California [Mr. WAXMAN] in Los Angeles. The gentleman himself said that the city of Los Angeles needs transportation. Let us give it a chance. Let us leave the money in there and let us have an opportunity to get the survey the gentleman wants and have it done and then reach a conclusion.

The CHAIRMAN. The time of the gentleman from California has expired.

(At the request of Mr. WAXMAN, and by unanimous consent, Mr. ROYBAL was allowed to proceed for 1 additional minute.)

Mr. WAXMAN. Mr. Chairman, will the gentleman yield?

Mr. ROYBAL. I yield to the gentleman from California.

Mr. WAXMAN. Mr. Chairman, I think we need a rapid transit system in Los Angeles. I once supported this system until I saw that there are so many problems inherent in terms of safety, feasibility, and whether it makes financial sense to go forward with it.

Mr. ROYBAL. That is on the gentleman's side of the town.

Mr. WAXMAN. But let us not spend money on something until we know that there is going to be a whole system there. The gentleman would have us go to the east. It may make sense, it may not. The RTD people want it to go to the west.

Do we want to dig a hole and spend a billion dollars doing it, while we in Los Angeles decide whether we are going to have a rapid transit system or not and decide whether it is going to go east or west? It seems to me we should wait until we decide that and then spend the money on the system.

Ms. FIEDLER. Mr. Chairman, will the gentleman yield?

Mr. ROYBAL. Mr. Chairman, I will not yield at this moment, because I think this deserves a response.

What the gentleman is saying again, sticking to his original premise, that what the gentleman wants is to delete the funds and then make a decision.

I say to the gentleman that the prudent and the smart thing to do is to leave the money in there, conduct those plans and studies and then make a recommendation and a finding based on those studies. I think that is the proper thing to do, and I urge my colleagues to vote against this amendment.

The CHAIRMAN. The time of the gentleman from California has again expired.

(At the request of Ms. FIEDLER, and by unanimous consent, Mr. ROYBAL was allowed to proceed for 1 additional minute.)

Ms. FIEDLER. Mr. Chairman, will the gentleman yield?

Mr. ROYBAL. I yield to the gentlewoman from California.

Ms. FIEDLER. Mr. Chairman, the gentleman read initially a letter which had been sent to my colleague and myself regarding the environmental impact study and said that there was not much relevance, given what was stated; but the truth is that from the time the explosion took place, Congressman WAXMAN held hearings regarding it. The concern was so great that they went from a fixed 18.6-mile route to a 4.4-mile route and they do not know where the balance of it is going, so the concern was rather great.

I would like to say also that I think the gentleman is right to ask for a study. The east Los Angeles area as well as other areas of the city have a very high level of need. In fact, I believe a need which is well in excess of the Wilshire quarter and ought to be first or second, rather than last, which is what is going to happen when this money has funneled down Wilshire Boulevard. It is not going to end up in east LA or in the south-central part where there is the largest group of population that needs transit the most.

Mr. ROYBAL. Mr. Chairman, I would suggest to the gentlewoman the thing to do is not to throw out the baby with the bath water, but let it live and breathe. Let us find out whether it has a future.

I do not know whether the route to the east side is feasible, I really do not. It may not be. Let us get a study and base our conclusion on that study.

The CHAIRMAN. The time of the gentleman from California has again expired.

(At the request of Mr. DREIER of California, and by unanimous consent, Mr. ROYBAL was allowed to proceed for 3 additional minutes.)

Ms. FIEDLER. Mr. Chairman, with the gentleman yield?

Mr. ROYBAL. I yield to the gentlewoman from California.

Ms. FIEDLER. Mr. Chairman, just for a final closing comment, you will find I believe as you investigate the possibility of a route into east Los Angeles that there are a large number of above-ground lines in place and that for a relatively small amount of money, comparatively, and I have been told the estimates are about $8 million a mile, that it is feasible to take a route of that kind. To drain very important public transit resources on a $300-million-a-mile system is going to take away the resources that could reach a broad segment of the community, instead of funneling it into a very narrow segment with a very tiny population to be served. That is one of the reasons I opposed this project, and also would expect to support the amendment of the gentleman from California [Mr. ROYBAL] when the time comes.

Mr. DREIER of California. Mr. Chairman, will the gentleman yield?

Mr. ROYBAL. I yield to the gentleman from California.

Mr. DREIER of California. Mr. Chairman, I thank my friend for yielding.

I think it is important for us to realize that there is no possibility whatsoever that this could only become a 4.4-mile system. The fact of the matter is that there are tremendous packages along the New Century Freeway and other areas where light rail is being installed and it is an integral part of this whole overall package. So some who fear that it might become only a 4.4-mile system, I believe are wrong because of local funding which has continued to proceed.

Mr. ROYBAL. Mr. Chairman, just again in conclusion, my position is not set in concrete. I do not say that the only way to go is east. What I say is that a study should be made that would include the study that the gentleman from California [Mr. WAXMAN] wants and that a determination be made on those studies.

It could well be that the study will indicate that it is feasible to go both ways, but I do not know. I am not an engineer and I am not an expert in this field at all; however, there are people who are experts who can conduct these studies. We in the Congress who are not experts I think can go along with those experts who make these recommendations.

What I am asking today is that we just do not throw out the entire project simply because we have some misconceived idea that it is no good and that it cannot go any place, but let us do it right, let us do what we can to accommodate the gentleman from California [Mr. WAXMAN], as far as his study is concerned.

Let us do the same thing so far as my recommendations and let us come up with a recommendation, but let us not delete the money that is being deleted by this amendment.

Mr. WAXMAN. Mr. Chairman, will the gentleman yield to me?

Mr. ROYBAL. I yield to the gentleman from California.

Mr. WAXMAN. Mr. Chairman, I do want the Members to know that this amendment provides for environmental impact studies to go on. We would have funds still available for them to do these other activities, to see where they want to go. We are not deleting the funds for that. We are deleting funds for them to start until we know where it is going.

I appreciate the genuine differences that I have with my good friend.

Mr. ROYBAL. Mr. Chairman, what the gentleman is doing is deleting all the funds for my district.

Mr. WAXMAN. And the rest of the program as well.

Mr. ROYBAL. No, only my district.

Mr. WAXMAN. No, all of it. The gentleman has already admitted, this is the rest of the bill.

□ 1515

Mr. DIXON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it is certainly with great reluctance that I rise in opposition to this amendment, primarily because the gentleman from California, Mr. HENRY WAXMAN, and I have joined a long time ago in political alliances, and in a close friendship. I served with him not only in the Congress but in the State legislature.

But HENRY WAXMAN is wrong on this issue, and he is wrong on this issue because he keeps repeating the same thing to himself, "It is unsafe," and he refuses to acknowledge any expertise in this matter that says that it is safe. That is the reason that he is wrong.

Let me review what happened last year. Some statements have been made here on the floor that we do not know where it is going. We know where it is going. It is going from downtown Los Angeles to the valley. But there is a gap at the present time, and that is called MOS-2. That gap was brought about by an agreement between JULIAN DIXON and HENRY WAXMAN. What did we do? We acted reasonably. Despite the preponderance of the expert testimony that it was reasonably safe—reasonably safe—to drill through the high-potential area, we said, "HENRY WAXMAN, you have a point. We'll take it out of that area," and we are now investigating three or four alternatives.

We said, "We'll go one further, HENRY WAXMAN. We'll appoint another technical committee. After the State OSHA looked at this, after RTD experts have looked at it, we'll go you one better. We'll appoint a technical committee."

We said, "We'll do better than that. This will be a committee appointed by the transportation chairman of the city council. We'll allow you two experts. Name your two experts."

HENRY WAXMAN named them. Yes, they came back with some recommendations, 12 in nature. About seven of those had already been addressed, but it is always best to dot the "i" and cross the "t" twice. The city council took a look at the recommendation.

What was the recommendation? The recommendation was, "Follow these safety guidelines, and it's safe to build."

So the State of California has looked at it, RTD has looked at it, a number of people have looked at it.

What did Mr. WAXMAN do next?

Mr. WAXMAN. Mr. Chairman, will the gentleman yield?

Mr. DIXON. I will yield to the gentleman after I make my entire statement. I will ask for unanimous consent and I will yield to him at that point.

What did Mr. WAXMAN do next? As Mr. ROYBAL says, he wrote and talked to the U.S. Department of Transportation, the Urban Mass Transportation Agency. On August 5, once again he received a letter. Let me read part of it:

> In our reevaluation we had the opportunity to consider the expert opinions of two independent panels who examined the safety aspects of this project. As you know—

Meaning Mr. WAXMAN—

> these reviews involve both the areas of concern which you noted in your letter and your earlier comments on the environmental documents. It is accurate to say that both panels found ways to improve the project but that they felt the project could be constructed and operated safely if the recommended precautionary measures were followed.

Now what does Mr. WAXMAN say in his "Dear Colleague"? He says that there are uncharted, abandoned oil wells. I assume that he is referring to MOS-1.

There are no uncharted abandoned oil wells in Mr. ROYBAL's district as it relates to the course of MOS-1. There is not one demographic map that shows any of them in that spot. Even if there were——

Mr. WAXMAN. Mr. Chairman, will the gentleman yield?

Mr. DIXON. I explained to the gentleman when I would yield. Then I will be glad to yield to him. I am going to ask unanimous consent for additional time, and at that point in time I will yield to him.

Even if there were abandoned oil wells that we are unaware of that are not on any maps, we now have the technology to discover them before we get to them.

He talks about methane gas.

The CHAIRMAN pro tempore (Mr. TRAXLER). The time of the gentleman

from California [Mr. DIXON] has expired.

(On request of Mr. DREIER of California and by unanimous consent, Mr. DIXON was allowed to proceed for 5 additional minutes.)

Mr. DIXON. He relates his concern—and a justifiable one—for an explosion that occurred in his district, and there was an explosion at a Ross Dress for Less store. But I submit that the explosion had nothing to do with the building of a subway. The explosion did have something to do with methane gas. In the foundation of that building was a gas leak. It exploded because there was no ventilation to allow the pressure to be removed. It was a lack of knowledge that the gas was leaking and there was no ventilation to allow it to escape.

It is like seeing a major accident at an intersection and saying that the intersection is unsafe. That explosion had nothing to do with technology that is available to tunnel.

The city council of Los Angeles, and in particular the same area that Mr. WAXMAN represents, the city councilman who represents that area supports this. I dare say a large number of the California delegation support it, the State legislature supports it, the mayor supports it, and the Governor supports it.

We have bent over three times to give Mr. WAXMAN every consideration on the safety issue, but Mr. WAXMAN does not want to believe any expert except his own. That is his right, but certainly we should move forward on this project.

Mr. WAXMAN. Mr. Chairman, will the gentleman yield?

Mr. DIXON. I am glad to yield to the gentleman from California.

Mr. WAXMAN. I thank the gentleman for yielding to me.

Mr. Chairman, I do want to confirm the fact that we have been friends for many years, and I hope that we will continue to be for many years more. We have a difference of opinion on this question, which grieves me, because we have so few differences of opinion in most of the day-to-day activities before the Congress and back home in Los Angeles.

The report of the technical people who looked at this thing said, "This is a dangerous project, but we think that we can minimize the danger," and they gave 12 recommendations for the first segment to minimize the danger. That minimization is based on bells and whistles with the expectation that people will be alerted to a likely explosion, hopefully before it takes place.

There is a fellow named Wagner, who was not one of my appointees to this technical committee, who talked about the place being filled with abandoned oil wells, oil gas fields. And he said, "If you hit that metal pipe with your boring equipment, I'll guarantee you'll have a big fire down there."

I have seen gas pipes struck by construction equipment a number of times, and it starts right off. It is a point of considerable concern to me.

These people expressed their concern. We were told a year ago by Mr. DIXON, "This is the most studied project ever in terms of safety," and then we had a technical committee come up with 12 major recommendations to minimize the dangers that those people that had studied it never saw before.

One of the members of the technical committee wrote a letter to the Los Angeles Times. Unfortunately it has not yet been printed. But he talked about the tragic *Challenger* flight and compared this subway system to that.

We think in terms of progress, sending people into space, tunneling through the Earth for mass transit systems. But let us also think about the potential risks, and let us minimize those risks and minimize the expenditure of money wastefully by making sure that the project is sound.

That is all that I ask, that we make sure that this is sound in all ways before we start throwing money into it.

Mr. ANDERSON. Mr. Chairman, will the gentleman yield?

Mr. DIXON. I yield to the gentleman from California.

Mr. ANDERSON. I thank the gentleman for yielding.

Mr. Chairman, I just want to follow up on a remark that the gentleman made a while ago about abandoned oil well casings and MOS-1. I wanted to expand on it a little bit.

It is my understanding that there is no direct evidence of any abandoned oil well casings to be encountered in the MOS-1 portion of the Metrorail project. This conclusion results from a review of all available records, including photographs of the affected area from earliest times available.

The CHAIRMAN pro tempore. The time of the gentleman from California [Mr. DIXON] has again expired.

(By unanimous consent, Mr. DIXON was allowed to proceed for 3 additional minutes.)

Mr. ANDERSON. Mr. Chairman, will the gentleman yield further?

Mr. DIXON. I yield to the gentleman from California.

Mr. ANDERSON. Nonetheless, recognizing that there could be an undetermined oil well casing in MOS-1 or elsewhere along the alignment, it has been considered prudent to provide for the unexpected. To this end, SCRTD has been studying oil well casing location techniques since 1984. More recently, SCRTD has become knowledgeable of the state-of-the-art in oil fields for locating oil well casings. These techniques have been reviewed in detail and, as a result, a similar procedure was developed to be used in the L.A. Metrorail tunnel construction.

The applied technique will require all tunnel contractors to use a magnetometer survey in advance of tunneling operations. A bored hole will be placed in advance of tunnel excavation and magnetometer readings maintained a minimum of 50 feet in front of the tunnel face to ascertain any anomalies indicating metal. The contractor will be required to mine by hand from a point 5 feet before and until 5 feet after the indicated location of the anomaly, thereby preventing the unexpected penetration of an oil well casing by a tunneling machine. Any casing could then be safely removed and tunneling would resume.

□ 1525

They have taken every precaution and they are studying this further. I think it is probably the most studied, one of the best, and will be the most safely constructed project in the country.

Mr. DIXON. I would agree.

Let me just make two points.

Whatever the gentleman from California [Mr. WAXMAN] says about the technical committee, it is a fact that all of them signed the report saying that it would be safe if, in fact, these 12 issues were addressed. RTD addressed some of these issues.

I just want to point to the kind of emotion that the gentleman from California [Mr. WAXMAN] uses in this. He talks about whistles and alarms or bells, as he calls them. I am sure that there is nothing in there that says that they are going to use whistles or bells to detect methane, but only that once it is detected by more sophisticated equipment, whistles or bells may be used to send an alarm.

Finally, the gentleman from California [Mr. ROYBAL] has handed me a note that he just received from his staff at 3:18 that the Governor's office called and said the Governor is in full support of what you are doing and wanted you to know that.

Ladies and gentleman of this House, I am saying that in this rare instance, the gentleman from California [Mr. WAXMAN] is not going to be satisfied with any safety reports by any experts except his own. We have given consideration in every form to reasonable requests of the gentleman. It is time for us to move on, on this issue.

Ms. FIEDLER. Mr. Chairman, will the gentleman yield?

Mr. DIXON. I yield to the gentlewoman from California.

Ms. FIEDLER. Mr. Chairman, I thank the gentleman for yielding.

Previously the gentleman made the comment that there were no oil wells running through the middle of that area. I asked my staff to bring back to the floor a map which I had brought

to the floor on a previous debate which in yellow marks the route, in black marks all of the underground oil wells which have been specifically charted which they know about.

But I would like to make a comment in addition to that from the technical review committee report. It says in the first item:

A rush of methane gas at higher pressures than found during the Ross explosion could be encountered during construction if an abandoned oil well is struck. Neither Metro rail nor Cal-OSHA has adequately planned for drilling into abandoned oil wells along the tunnel path. According to panel members such an event has a high probability of occurring because of the unusual number of unchartered oil wells in the area.

I thank my colleague for yielding.

The CHAIRMAN pro tempore. (Mr. COLEMAN of Texas). The time of the gentleman from California [Mr. DIXON] has again expired.

(By unanimous consent, Mr. DIXON was allowed to proceed for 3 additional minutes.)

Mr. DIXON. Mr. Chairman, I would like to respond to the gentlewoman from California [Ms. FIEDLER]. This is the kind of expertise that I am talking about. The gentlewoman brings a map onto this floor as if we are experts. The expert reports say that there are no oil wells in MOS-1's path.

As it relates to methane gas, certainly a rush of gas like that in Ross Dress for Less Stores could be a danger, and that is if it is not mitigated. This is 1986. We know there is gas there. We have the technology to mitigate that gas. So there is no question that if that gas went unmitigated, it would cause tremendous damage. We know the gas is there. We know how to correct it, or at least the scientists do, and that is the reason it is safe.

However, we are not going into that area. That was the agreement between the gentleman from California [Mr. WAXMAN] and myself.

Mr. WAXMAN. Mr. Chairman, will the gentleman yield?

Mr. DIXON. I will be happy to yield to the gentleman from California.

Mr. WAXMAN. Mr. Chairman, I just must say the gentleman is incorrect in his statement.

The head of the Office of Occupational safety and Health for the State of California, Mr. Byron Iskanian was asked about this tunneling, and he was asked in the first segment: "Do you expect to hit gas oils, oil wells?"

He replied, "Yes, I think we probably will. Mr. Waggoner addressed the cutting head that's rotating—you are not going to get much warning. I don't know what we will do about that."

All of the members of the Commission signed the report, but two members indicated that they were objecting to the general conclusion of the report dealing with the project feasibility in any wording that appeared to give the project an overall stamp of approval from the committee.

The best we can say is that this thing now that has been restudied is still unsafe, and my first concern was when I read what the Metrorail's own engineers said. They said it is unsafe. They thought they could mitigate some of the damage. They thought they could handle, it, but they did not look at the alternatives.

Let us make them look at the alternatives. Why should we be committed to something that is not something minor or trivial, but an explosion that could kill people? Why do we have to go forward with that?

I beg you, let us not close our eyes to the fact that there is genuine danger.

Mr. DIXON. Mr. Chairman, first the gentleman started talking about it was unsafe. He has not proved that. Now he is talking about going to alternatives.

We have given the gentleman every reasonable doubt and more. It is time for us to move on.

Mr. CONTE. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment, which would prohibit the Secretary of Transportation from entering into any contract with the Southern California Rapid Transit District until a supplemental EIS is completed.

In last year's continuing resolution, the Congress approved and the President signed into law language directing the Secretary to negotiate a full-funding agreement for the initial minimum operable segment of the Metrorail project. In response to that directive, negotiations were held, and on July 11, Secretary Dole announced that agreement had been reached to proceed with Metrorail construction. Groundbreaking for the project is scheduled for this fall.

Mr. Chairman, this is one of the most cost-beneficial of the various new start transit projects currently under consideration. Approximately 45 percent of Metrorail's cost will come from non-Federal sources—a clear demonstration of the local support for this project.

In 1980, Los Angeles County taxpayers approved a sales tax increase to help fund the Metrorail project. And California Gov. George Deukmejian has pledged $400 million in State funds toward the completion of this vital transportation link.

Mr. Chairman, this project will allow Los Angeles to begin to address the intolerable traffic congestion and poor air quality that have become common in that city. Clearly when a problem has become so serious that it is the constant subject of comment in Johnny Carson's nightly monolog, something needs to be done.

This project has a long history of widespread, bipartisan support from this House. The various safety issues that were raised by the gentleman from California [Mr. WAXMAN] during last year's debate on the transportation appropriation bill, are being addressed by the blue ribbon study panel. Further delays, of the type contemplated by this amendment, would only serve to increase the ultimate cost of completing this project.

Mr. Chairman, I urge the defeat of this amendment.

□ 1535

Mr. DREIER of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment. I think it is important for us to look at the history of this entire issue. Over the past several years, the nearly 6 since I have been here, we have consistently, on the floor of the House of Representatives, been debating this issue.

To me, I am sure many of our colleagues are tired of the continued discussion about the Los Angeles Metro rail. I have to tell you that when I first went to California to go to college, and that was nearly 15 years ago, we had talk about how we were going to address the problem of turning the corner on the transportation crisis that we faced.

Here we are today, 15 years later, still debating that question. I am not one who has consistently believed that every commission that looks into safety questions should be trusted. In fact, there are many examples of that in my district, where I have challenged many so-called authorities on the issue of toxic waste disposal and other items.

There is no doubt in my mind whatsoever that this issue has been discussed and discussed and discussed and studied and studied and studied and, as we have seen, our Governor calling the Democratic cloakroom, there is true bipartisan support for this issue. Now, the Governor is welcome to call us in the Republican cloakroom at any time, too, I would be happy to say, and his name is George Deukmejian.

Mr. Chairman, I also think it is important for us to realize, again, as has been said, this is the most cost-effective use of Federal taxpayer dollars. Fully 45 percent, twice the required amount, happens to be coming from non-Federal sources.

We have discussed this issue. I happen to believe that the air pollution problem which exists in my part of Los Angeles County can be benefited if we begin to get people into this kind of mass transit. It is the only game in town. We are having our taxpayers in California pay a disproportionate share into that highway commission trust fund because we certain-

ly consume a great deal of gasoline in Los Angeles.

So for that reason, this is what we are working on. UMTA has said this project has undergone a more thorough environmental review than any previous project receiving UMTA funds. We have gone back and forth.

There are certainly 12 issues which have been raised, I think. There will continue to be some questions, but that does not mean that we should not proceed; and we have voted on this continually in the House of Representatives and in the other body, and I am convinced that we will be able to defeat the amendment; and I urge my colleagues to join with us in doing just that.

Mr. ANDERSON. Mr. Chairman, I ask unanimous consent to address the Committee for 3 minutes.

The CHAIRMAN pro tempore. Without objection, the gentleman is recognized for 3 minutes.

There was no objection.

Mr. ANDERSON. Mr. Chairman, I asked for this time because I wanted to discuss the question of safety. In dicussing Metrorail's design and construction, I think it is important to note that the subway tunnels we are talking about, will be constructed in relatively short segments.

These tunnels will then connect previously constructed, open station excavations, ranging from 600 to 1,000 feet in length; and similar open excavations that may be dug for construction access. So it is not one long tunnel; it is a series of tunnels.

The construction techniques employed for these open cut excavations would be similar to the construction required for office buildings basements in this area. Remember, there are office building with basements dug into these same areas.

The open excavations will allow the construction managers, the technical engineering and regulatory persons and other experts to examine the ground in the area prior to the start of the tunnel construction, and to identify any gas concentrations at the depth of the tunnels.

The open excavations would also allow for the gas in the surrounding area to vent naturally, thus reducing the potential hazard of fire or explosion.

Mr. Chairman, there is every indication that with the information already known by the SCRDT and its engineers, plus the elaborate mitigation measures to be taken by the district, the project will be built safely. Some of these mitigation measures will include: First, installing probes to measure the gas in the field; second, providing concrete or steel lining for the tunnels; third, providing a membrane or coating to back up the concrete lining; fourth, providing ventilation to dilute and exhaust residual gas; and fifth, providing sensors to monitor gas concentrations in the tunnels.

The concentration in Metrorail tunnels and other underground facilities will involve no unprecedented hazards for either the general public or those engaged in its construction.

Mr. Chairman, I want to read from a letter written just 2 days ago by UMTA, the administration's transit agency. They said:

"In summary this project"—referring to the one we are talking about there today—"this project has undergone a more thorough environmental review than any previous project receiving UMTA funds."

Mr. DREIER of California. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. I yield to the gentleman.

Mr. DREIER of California. Mr. Chairman, I would like to ask the gentleman from California a question and reaffirm a point that I think he made.

Is the gentleman saying that actually tunneling is going to release the gas which otherwise might explode?

Mr. ANDERSON. Well, there is no question that open excavations will allow natural ventings and we will have precautions and practices in this tunneling where there will be all kinds of sensors to detect latent dangers so if anything comes up even to I think it is one twentieth of the amount where it might explode——

Mr. DREIER of California. So it actually releases——

The CHAIRMAN. The time of the gentleman from California [Mr. ANDERSON] has expired.

Mr. SNYDER. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. SNYDER. Mr. Chairman, it seems to me the great California debate has gone on for quite some time here. I think that most of us have enjoyed about all of it that we can stand. Therefore, I ask unanimous consent to conclude the debate on this amendment and all amendments thereto in 10 minutes.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Kentucky?

Ms. FIEDLER. Mr. Chairman, I object.

I will accept 20 minutes.

Mr. SNYDER. I will take whatever I can get. How about 15 minutes?

Ms. FIEDLER. All right.

Mr. SNYDER. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto conclude in 15 minutes.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. SNYDER. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from California. [Mr. WAXMAN] That amendment would prevent the timely completion of a vitally needed transit system for the greater Los Angeles area.

I understand that the gentleman from California [Mr. WAXMAN] may be reacting to some concerns of his constitutents regarding safety. They are, I understand, particularly concerned about methane gas explosions during construction and potential earthquakes after the Metrorail is in operation. It is also my understanding that these concerns may be unwarranted.

The engineers who have been engaged in the design of the Metrorail system have thoroughly investigated both potential problems.

With respect to earthquakes, engineers have examined geologic formations to determine the best design of the system. Underground structures such as subway tunnels are among the safest in an earthquake situation. It is interesting to note that during the recent Mexico City earthquake the subway shut down briefly, but only because the electrical power went off. The tunnels and stations sustained no serious damage from the quake.

The engineers also conducted a survey of available records on oil wells to ensure that the Metrorail construction will not intrude into abandoned oil wells and perhaps cause a catastrophic explosion. Furthermore, they have become knowledgeable in state-of-the-art techniques in oil fields for locating oil well casings. They have developed similar techniques to be used in the L.A. Metrorail construction. These techniques should effectively ensure that unexpected penetration of an oil well casing by a tunneling machine is avoided.

The voters of L.A. County have endorsed this project and, therefore, I urge my collagues to reject this amendment which would effectively prevent construction from proceeding on this necessary mass transit system.

The CHAIRMAN pro tempore. The Chair desires to advise the Members that the Chair intends to divide the time between the gentleman from California [Mr. WAXMAN] for 7½ minutes, and the gentleman from California [Mr. ANDERSON], the chairman of the subcommittee for 7½ minutes.

The Chair now recognizes the author of the amendment, the gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. Mr. Chairman, I yield myself 3½ minutes.

Mr. Chairman, I think we have heard a lot about this debate already. I just want to conclude with some things that I think are pertinent. We have been told that this is the most studied project ever; and yet when they are under greater scrutiny, they come up with 12 major problems they have never even thought about.

I think there is serious danger in construction of this subway system, and let me just give you one example: You do not have to be an expert to evaluate this.

One of the ways they want to deal with methane gas is to have the cars speeding through, and that will dissipate the accumulation of the methane gas.

Now, furthermore, there are objections to this whole system. We have an Office of Management and Budget evaluation of the cost of this system, and they talk about ridership projections overstated by at least 30 to 50 percent; costs are excessive and likely understated.

Let me point out to my friend, the gentleman from Massachusetts [Mr. CONTE], if those costs are excessive and likely understated, it is my taxpayers who are going to pay for it, and they do not want to pay for something that does not add up to a real subway system that is going to be effective for them.

I do not know whether these figures are correct or not; or these conclusions, but I must tell you: They say the demand for Federal funding is excessive, and they have other negative features of the Los Angeles proposal.

From a transportation point of view, from a safety point of view, from a cost point of view, let us hold off before we start digging a hole to find out if the system makes sense.

Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. COUGHLIN].

□ 1545

Mr. COUGHLIN. Mr. Chairman, as the ranking member of the Transportation Appropriations Subcommittee, I certainly have been a strong supporter over the years of mass transportation. I support that for California, and I support it for Los Angeles. But I must say that over the years I have had very serious reservations about this project. Much has been said here about safety but let me just come back to cost-effectiveness for just one moment. Listen to this: these are figures from a couple of years back. Los Angeles has approximately 6,073 persons per square mile. With 6,073 persons per square mile, they project ridership of 15,278 riders per day.

In Washington, DC, with our Metro, we have 12,000 people per square mile, almost twice as many people per square mile as Los Angeles, and yet we only get 9,700 riders per day per mile. So Los Angeles is saying with half the number of people per square mile they are going to get almost twice the ridership per mile. That just is fantasy. That is absolute fantasy. We are taking money that Los Angeles could well use in other areas and putting it into something that is not going to work, it is not going to work.

The gentlewoman from California has for some time and again today called attention to the fact that the ridership projection for this project would call for a higher ridership than in New York City itself with a population density of 70,000 people per square mile. It is saying that Los Angeles, with a population of 6,000 people per square mile, would have a higher ridership on this project than New York City, with 70,000 people per square mile. It defies belief, it defies credibility; it would be a waste of taxpayers money not just in California, not just in Los Angeles but all across the United States.

I support the many new starts in the number of projects that come before us in the Transportation Appropriations Subcommittee. I support the funding for Los Angeles and funding for other cities. But this project is not a good project. On a straight cost basis Los Angeles can take this kind of money and spend it much more efficiently, much better in other forms of transportation.

Mr. ANDERSON. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. SHUSTER].

Mr. SHUSTER. I thank the chairman.

Mr. Chairman, I started out with reservations about this project. I have no ax to grind other than my interest in sound transportation, but our committee has looked into this carefully, and we have been very much impressed with two things: first of all, that the safety investigations have been exhausted, and that they have been independent. I am persuaded that indeed, this can be built safely.

Second, I have been very much impressed with the broad range of support in California for this project, ranging from the people voting in favor of a tax to the Los Angeles City Council, to the mayor, to the Governor of the State, to both Senators and to a majority of the Members of Congress from the area.

So looking at the tremendous support and looking at what I believe are satisfactory answers to safety, I have come to the conclusion that we should support this project particularly when the Secretary of Transportation, Elizabeth Dole, announced that the administration has reached agreement on a full-funding contract for the first phase of metrorail.

Mr. ANDERSON. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. DREIER].

Mr. DREIER of California. I thank the gentleman for yielding.

Mr. Chairman, we are coming to the close here. I hope very much we will not have to consider this issue on the floor of the Congress any longer after today's debate, Mr. Chairman.

But I think it is important for us to reaffirm a few items which have come out. My friend from California, Mr. DIXON, talked about the fact that Mr. WAXMAN's concerns have been addressed over and over and over again. And I think the best thing for us to realize is the statement made by the Urban Mass Transit Agency that has been said here before: this project has undergone a more thorough environmental review than any previous project receiving UMTA funds. And there are a great many projects which have received UMTA funds which are incredibly safe.

So I can only infer from that that the safety of this, because of this letter, because of the exhaustive studies that they have done, would be greater than any system presently receiving UMTA funds. I think we should proceed with this project as expeditiously as possible, and I urge my colleagues to oppose the amendment.

Mr. ANDERSON. I yield myself such time as I may consume.

Mr. Chairman, a moment ago there was a question raised about the cost-effectiveness of this project. I wanted to answer that. UMTA studies, now these are not my studies or JULIAN DIXON's studies, this is UMTA's study, they say this is the single most cost-effective proposed subway in the country. And now if this project is not funded, the money will be spent, according to the administration, obviously then on less cost-effective projects. It is a waste of money if we do not fund this project unless we want to waste taxpayers money. I oppose the gentleman's amendment.

Mr. WAXMAN. Mr. Chairman, I yield the balance of my time to the gentlewoman from California [Ms. FIEDLER].

Ms. FIEDLER. I thank the gentleman very much.

Mr. Chairman, there have been a number of statements made here today about the cost effectiveness of this project. When my colleagues reference the cost effectiveness of the project, they are talking about what was to be a 18.6-mile system. We are not talking about the same system today. Today we are talking about a 4.4-mile system that does not have the ridership that is projected for the 18.5-mile system and therefore those comments previously made by the administration do not apply to this specific 4.4-mile system.

As far as the environmental issues are concerned, were it not for the fact that there was an underground explosion along the route of the original 18.6-mile system, there would have no further environmental investigation. The truth is, I raised many of these issues prior to that explosion, during the course of the environmental impact study, and they were simply sloughed off as nonexistent. Unfortunately, 22 people had to be injured before they began to take a second look at it and only after Congressman WAXMAN pressed the issue with a hearing on the safety of the methane gas danger.

As far as the ridership is concerned, if you do not know where the project is going, you cannot predict the ridership. But I would like to leave the Congress with this one thought on the

ridership, the same people who predicted the ridership in Miami, 90 percent of the people in the Miami system did not show up, meaning that there was only 10 percent of the ridership that actually was predicted, are the same people making the predictions in the Los Angeles system. And I believe that in Los Angeles, while it might not be 90 percent who do not show up, I think the estimates on the part of a number of important independent experts show that this project's ridership will not be what they have predicted, and they are going to be back here year after year after year asking for subsidies on the project.

Mr. WAXMAN. Mr. Chairman, will the gentlewoman yield to me?

Ms. FIEDLER. I would be happy to yield to the gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. I thank the gentlewoman for yielding.

Mr. Chairman, I do want to point out to the Members that what is before us is not just that first-four segment but the bill that says notwithstanding any other provision of law after they published the environmental impact statement for the rest of the alignment, which they have not even figured out yet. This would compel UMTA to agree to it and compel us to spend $110 million for the first segment and $190 million in each fiscal year 1988, 1989, 1990, and 1991.

Do we want to commit ourselves to that kind of money before we know where this thing is going?

I thank the gentlewoman for yielding.

Mr. FIEDLER. I thank the gentleman.

Mr. Chairman, it has been repeatedly stated on the floor today that the people of the city and county of Los Angeles voted for this project. That simply is not true. What the people did do was vote to support a half-cent sales tax to be put into a fund for transportation purposes, among them rail projects but not specifically this project. In fact, every effort that I have made to bring it to the voters, through the elected bodies, has been thwarted by those people who are part of the lobby, the million-dollar-plus lobby trying to push this through the Congress.

I hope my colleagues will support the Waxman amendment.

The CHAIRMAN pro tempore (Mr. COLEMAN of Texas). The time of the gentlewoman from California [Ms. FIEDLER] has expired.

The gentleman from California [Mr. ANDERSON] has 4½ minutes remaining.

Mr. ANDERSON. I yield myself such time as I may consume.

The gentlelady said we were discussing today not an 18-mile but a 4.4-mile section. We are not. We are discussing actually a 9-mile section of what would be connected to a longer light rail system. This is a 9-mile section we are talking about today. And it will eventually be part of an 18-mile system.

But we are talking not about 4.4 miles today but actually 9 miles.

Ms. FIEDLER. Will my colleague yield?

Mr. ANDERSON. I yield to the gentlelady from California.

Ms. FIEDLER. I thank the gentleman for yielding.

Would the gentleman please tell me where those 9 miles are going?

Mr. ANDERSON. From downtown Los Angeles out 9 miles.

Ms. FIEDLER. Where? You have only a 4.4-mile system.

Mr. ANDERSON. That is the first one, we are actually in a sense almost ready for building now.

Ms. FIEDLER. What you are saying is you really do not know where it is going beyond the 4.4 miles.

Mr. ANDERSON. It is going west, we are going west following on Wilshire, yes.

Ms. FIEDLER. You would like to finance it even though you are not certain at this point whether it is going to go east, west, or through the San Fernando Valley.

Mr. DREIER of California. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. Yes; I yield to the gentleman from California.

Mr. DREIER of California. I thank the gentleman for yielding. I think it is important to point out that with local funds, private sector funds, and State funds there is light rail which is going to continue to proceed along the Century Freeway. It is all designed to connect into and throughout the southern part of Los Angeles County. I think it is important for us to remember that the cost effectiveness of this system is only one aspect. But all of the proposed light rail which is going to be built with local funds and State funds and private sector funds feeds into this initial trunk of the tree which is a very important aspect of it.

Mr. ANDERSON. Yes; I want to congratulate the gentleman for focusing on the whole system. That is true, we are hopefully building a system in Los Angeles. I know the gentleman referred to the Century Freeway that is under construction now that will have light rails from almost Orange County, Norwalk actually, all the way to the Los Angeles Airport. The Long Beach/Los Angeles light rail will be going from downtown Los Angeles down to the Long Beach area. So we will have that much.

Hopefully then, we will be at that time connecting to a system, the Metrorail, which will be taking us over the valley and maybe even out west to Santa Monica and someday east, into the area that ED ROYBAL is talking about and even further than ED ROYBAL's district.

We hope to have a system so that someone in Long Beach can get on the rails to go to, say, downtown Los Angeles, transfer to someplace else, and so we will have a real system in Los Angeles. And so this is all .part of a big system that we all hope to see built.

Mr. DREIER of California. So what the gentleman is saying is there is in fact an overall plan and we do not have a system, that we do not know where it is going, is that correct?

Mr. ANDERSON. If the gentleman will come to my office, you will see a nice big map showing the whole system.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from California [Mr. WAXMAN].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. WAXMAN. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore (Mr. COLEMAN of Texas). Evidently a quorum is not present. Pursuant to the provisions of clause 2 of rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 303]

| | | |
|---|---|---|
| Ackerman | Bonker | Combest |
| Akaka | Borski | Conte |
| Alexander | Boucher | Conyers |
| Anderson | Boulter | Cooper |
| Andrews | Boxer | Coughlin |
| Annunzio | Brooks | Courter |
| Anthony | Broomfield | Coyne |
| Applegate | Brown (CO) | Craig |
| Archer | Bruce | Crane |
| Armey | Bryant | Crockett |
| Aspin | Burton (CA) | Daniel |
| Atkins | Burton (IN) | Dannemeyer |
| AuCoin | Bustamante | Darden |
| Badham | Byron | Daschle |
| Barnard | Callahan | Daub |
| Bartlett | Campbell | Davis |
| Barton | Carney | de la Garza |
| Bateman | Carper | DeLay |
| Bates | Carr | Dellums |
| Bedell | Chandler | Derrick |
| Beilenson | Chapman | DeWine |
| Bennett | Chappell | Dickinson |
| Bentley | Chappie | Dicks |
| Bereuter | Cheney | Dingell |
| Berman | Clay | DioGuardi |
| Bevill | Clinger | Dixon |
| Biaggi | Coats | Donnelly |
| Billirakis | Cobey | Dorgan (ND) |
| Billey | Coble | Dornan (CA) |
| Boehlert | Coelho | Dowdy |
| Boggs | Coleman (MO) | Downey |
| Boland | Coleman (TX) | Dreier |
| Bonior (MI) | Collins | Duncan |

Durbin
Dwyer
Dymally
Dyson
Early
Eckart (OH)
Eckert (NY)
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Evans (IA)
Evans (IL)
Fascell
Fawell
Fazio
Feighan
Fiedler
Fields
Fish
Flippo
Florio
Foglietta
Foley
Ford (MI)
Frank
Franklin
Frenzel
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gradison
Gray (IL)
Gray (PA)
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hall, Ralph
Hamilton
Hammerschmidt
Hansen
Hartnett
Hatcher
Hawkins
Hayes
Hefner
Hendon
Henry
Hertel
Hiler
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jacobs
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (TN)
Kanjorski
Kaptur
Kasich
Kastenmeier
Kemp
Kennelly
Kildee
Kindness
Kleczka
Kolbe
Kolter
Kostmayer
Kramer
LaFalce
Lagomarsino
Lantos
Latta
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Loeffler
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken
Lungren
Mack
MacKay
Madigan
Manton
Markey
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCain
McCandless
McCloskey
McCollum
McCurdy
McDade
McEwen
McGrath
McHugh
McKernan
McKinney
McMillan
Meyers
Mica
Michel
Mikulski
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mitchell
Moakley
Molinari
Mollohan
Monson
Montgomery
Moody
Moorhead
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens
Oxley
Packard
Panetta
Parris
Pashayan
Pease
Penny
Pepper
Perkins
Petri
Pickle
Porter
Price
Pursell
Quillen
Rahall
Rangel
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Roemer
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Rudd
Russo
Sabo
Savage
Saxton
Schaefer
Scheuer
Schneider
Schroeder
Schuette
Schulze
Schumer
Seiberling
Sensenbrenner
Sharp
Shaw
Shelby
Shumway
Shuster
Sikorski
Siljander
Sisisky
Skeen
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Snyder
Solarz
Solomon
Spence
Spratt
St Germain
Staggers
Stallings
Stangeland
Stark
Stenholm
Stokes
Strang
Stratton
Studds
Stump
Sundquist
Sweeney
Swift
Swindall
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Waldon
Walgren
Walker
Watkins
Waxman
Weaver
Weber
Weiss
Wheat
Whitehurst
Whitley
Whittaker
Whitten
Williams
Wilson
Wirth
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Young (MO)
Zschau

□ 1610

The CHAIRMAN pro tempore (Mr. COLEMAN of Texas). Four hundred and thirteen Members have answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN pro tempore. The pending business is the demand of the gentleman from California [Mr. WAXMAN] for a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 210, noes 201, answered "present" 1, not voting 19, as follows:

[Roll No. 304]

AYES—210

Andrews
Armey
Aspin
Atkins
AuCoin
Badham
Bartlett
Barton
Bedell
Bentley
Bereuter
Berman
Bevill
Biaggi
Bilirakis
Billey
Boehlert
Boggs
Broomfield
Brown (CO)
Bruce
Bryant
Burton (IN)
Campbell
Carney
Carper
Chandler
Cheney
Coats
Cobey
Coble
Coleman (MO)
Combest
Cooper
Coughlin
Courter
Craig
Crane
Daniel
Daub
DeWine
Dickinson
DioGuardi
Dorgan (ND)
Dowdy
Downey
Duncan
Eckart (OH)
Eckert (NY)
Edwards (OK)
Emerson
English
Erdreich
Evans (IA)
Evans (IL)
Feighan
Fiedler
Florio
Foglietta
Frank
Franklin
Frenzel
Gejdenson
Gekas
Gibbons
Gingrich
Glickman
Goodling
Gradison
Green
Gregg
Gunderson
Hall (OH)
Hall, Ralph
Hamilton
Hansen
Hendon
Henry
Hertel
Hiler
Hopkins
Hubbard
Huckaby
Hutto
Ireland
Jacobs
Jeffords
Johnson
Jones (OK)
Kasich
Kemp
Kennelly
Kindness
Kleczka
Kostmayer
Kramer
Lagomarsino
Lantos
Latta
Leach (IA)
Levin (MI)
Levine (CA)
Lewis (FL)
Livingston
Loeffler
Lott
Lujan
Luken
Lungren
Mack
MacKay
Madigan
Markey
Marlenee
Martinez
Matsui
Mazzoli
McCain
McCloskey
McCurdy
McGrath
McKernan
McKinney
McMillan
Meyers
Michel
Mikulski
Miller (OH)
Miller (WA)
Molinari
Montgomery
Moody
Morrison (CT)
Morrison (WA)
Neal
Nelson
Nichols
Nielson
Olin
Oxley
Penny
Petri
Porter
Pursell
Regula
Reid
Ridge
Rinaldo
Ritter
Roberts
Roemer
Roth
Rowland (CT)
Rudd
Russo
Saxton
Schaefer
Scheuer
Schneider
Schroeder
Schuette
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shelby
Shumway
Sikorski
Siljander
Sisisky
Slattery
Smith (FL)
Smith (NE)
Smith (NJ)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Spratt
Stallings
Stenholm
Strang
Studds
Stump
Sweeney
Swift
Swindall
Synar
Tallon
Tauke
Tauzin
Vander Jagt
Vucanovich
Walgren
Walker
Watkins
Waxman
Weaver
Weber
Weiss
Whitehurst
Whittaker
Wirth
Wolpe
Wyden
Wylie
Yatron
Young (FL)

NOES—201

Ackerman
Akaka
Alexander
Anderson
Annunzio
Anthony
Applegate
Archer
Barnard
Bateman
Bates
Beilenson
Bennett
Boland
Bonior (MI)
Bonker
Borski
Boulter
Boxer
Brooks
Brown (CA)
Burton (CA)
Bustamante
Byron
Callahan
Carr
Chapman
Chappell
Chappie
Clay
Clinger
Coelho
Coleman (TX)
Collins
Conte
Conyers
Coyne
Crockett
Dannemeyer
Darden
Daschle
Davis
de la Garza
DeLay
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dornan (CA)
Dreier
Durbin
Dwyer
Dymally
Dyson
Early
Edwards (CA)
Fascell
Fawell
Fazio
Fields
Fish
Flippo
Ford (MI)
Frost
Fuqua
Gallo
Garcia
Gaydos
Gephardt
Gilman
Gonzalez
Gray (IL)
Gray (PA)
Guarini
Hammerschmidt
Hartnett
Hatcher
Hawkins
Hayes
Hefner
Horton
Howard
Hoyer
Hughes
Hunter
Hyde
Jenkins
Jones (NC)
Jones (TN)
Kanjorski
Kaptur
Kastenmeier
Kildee
Kolbe
Kolter
LaFalce
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Lightfoot
Lipinski
Lowery (CA)
Lowry (WA)
Manton
Martin (NY)
Mavroules
McCandless
McCollum
McDade
McEwen
McHugh
Mica
Miller (CA)
Mineta
Mitchell
Moakley
Mollohan
Monson
Moorhead
Mrazek
Murphy
Murtha
Myers
Natcher
Nowak
Oakar
Oberstar
Obey
Ortiz
Owens
Packard
Panetta
Parris
Pashayan
Pease
Pepper
Perkins
Pickle
Price
Quillen
Rahall
Rangel
Ray
Richardson
Robinson
Rodino
Roe
Rogers
Rose
Rostenkowski
Roukema
Rowland (GA)
Roybal
Sabo
Savage
Seiberling
Shuster
Skeen
Skelton
Slaughter
Smith (IA)
Snyder
Spence
St Germain
Staggers
Stangeland
Stark
Stokes
Stratton
Sundquist
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Valentine
Vento
Visclosky
Volkmer
Waldon
Wheat
Whitley
Whitten
Williams
Wilson
Wise
Wolf
Wortley
Wright
Yates
Young (AK)
Young (MO)
Zschau

ANSWERED "PRESENT"—1

Martin (IL)

NOT VOTING—19

Barnes
Boner (TN)
Bosco
Boucher
Breaux
Edgar
Foley
Ford (TN)
Fowler
Gordon
Grotberg
Hillis
Holt
Lewis (CA)
Lloyd
Long
Lundine
Moore
Solomon

□ 1620

The Clerk announced the following pair:

On this vote:

Mrs. Martin of Illinois for, with Mr. Lewis of (California) against.

Messrs. HEFNER, SPENCE, LEHMAN of California, KASTENMEIER, MRAZEK, and FLIPPO changed their votes from "aye" to "no."

Mrs. MARTIN of Illinois. Mr. Chairman, I have a live pair with the gentleman from California [Mr. LEWIS]. If he were present, he would have voted "no." I voted "aye." I withdraw my vote and vote "present."

Mrs. MARTIN of Illinois changed her vote from "aye" to "present."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 1630

Mr. YOUNG of Missouri. Mr. Chairman, I move to strike the last word.

Mr. Chairman, will the distinguished chairman of the Subcommittee on Surface Transportation engage in a brief colloquy with me?

Mr. ANDERSON. I am pleased to respond to the gentleman from Missouri.

Mr. YOUNG of Missouri. Mr. Chairman, I thank the gentleman from California.

Mr. Chairman, as we have discussed in the past, I have serious concerns about the willingness of the Urban Mass Transit Administration, which clearly opposes new fixed guideway investments, to develop fair and objective new start criteria and to apply those criteria fairly, objectively, and to the benefit of a strong, effective mass transit program for this country. As you are aware, the St. Louis light rail project which, at less than $14 million per mile is one of the least costly projects currently proposed for funding, has encountered many obstacles from the administration in the alternatives analysis and preliminary engineering phases. In particular, I have been very disturbed by the apparent application, in the case of the St. Louis project, of different standards than other projects were required to meet.

For example, in developing comparative ridership figures, the St. Louis project was not permitted to include projections of increased ridership from such well-known sources as increased density of development along transit lines. I am told that other applicants were not held to such standards.

As a result of our experience thus far, I am naturally concerned that a bias on the part of UMTA against new starts may lead to the development of criteria which will ensure that there are no further fixed guideway new starts in this country, or to the discriminator application of criteria to the disadvantage of some projects which the administration does not want to be built.

Mr. Chairman, I will ask the gentleman, is it correct that the committee intends to exercise stringent oversight over the Urban Mass Transit Administration in the development and application of new fixed guideway criteria?

Mr. ANDERSON. Mr. Chairman, will the gentlemen yield?

Mr. YOUNG of Missouri. I yield to the gentleman from California.

Mr. ANDERSON. That is correct, I will inform the gentleman.

Mr. YOUNG of Missouri. It is my further understanding that it is the intent of the committee to ensure that criteria are developed and applied fairly, objectively, equally, and to advance the goal of an effective mass transit program for this country. Therefore, the committee intends to ensure, through the oversight process, that all mass transit new start applicants are held to the same standards and treated equally in the application of the standards. Is that correct?

Mr. ANDERSON. That is correct.

Mr. YOUNG of Missouri. I thank the gentleman.

Mr. PARRIS. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Missouri. I yield to the gentleman from Virginia.

Mr. PARRIS. Mr. Chairman, I thank the gentleman for yielding.

I just want to express my appreciation to the gentleman from Missouri [Mr. YOUNG] and to the chairman of the subcommittee for the various aspects of this bill which are very important. I thank the gentleman for his cooperation.

AMENDMENT OFFERED BY MR. KOLBE

Mr. KOLBE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KOLBE: To amend section 118(b) of title 23:

"(5) Notwithstanding any other provision of law, the value of unused right-of-way funded under Section 104(b)(5)(A) or Section 118(b)(2) of this title in the State of Arizona may be credited to the unobligated balance of funds apportioned under Section 104(b)(5)(B) if requested by the State and approved by the Secretary."

Mr. KOLBE. Mr. Chairman, my amendment is intended to solve a particular problem in my district, and to generally enhance the ability of State and Federal highway departments to make safety improvements on existing interstate highways in Arizona. Let me describe how this issue came to my attention, and how this change would actually work.

At the junction of Interstate 10 and Palo Verde Road in Tucson, there is an on-ramp which is considered by all highway authorities to be unsafe. The interchange requires high-speed merges in heavy traffic for vehicles leaving the interstate to travel on the city maintained road. The Arizona State Department of Transportation would like to be able to reconstruct this interchange in line with modern engineering plans that will make this interchange substantially safer by terminating the off-ramp at an intersection rather than a merge. The effect of this modification would be to make a fairly substantial plot of the right-of-way excess to the needs of the interstate. This excess right-of-way is State land that was purchased with Federal interstate construction funds, so the State is obliged to rededicate money back to the interstate construction fund should this excess land be sold.

Here's where we have a problem. Safety modifications such as this are funded through a Federal 4R modification fund. Arizona does not currently have funds available in their 4R to be able to make this particular safety modification, which is desperately needed. What they would like to do is to take the funds derived from a competitive sale of this excess land, and instead of rededicating the money to the interstate construction fund, they would transfer it to the 4R fund, which would be sufficient to allow for this important safety improvement. Current law does not allow for this sort of transfer from interstate construction funds to interstate 4R funds.

This amendment would not result in the expenditure of any new money. It does not take money away from the interstate construction funds. The land could not be sold, and the money repaid to the ICE unless sufficient funds existed for the modification. Under current law, the State would have to wait anywhere from 5 to 10 more years before they could get sufficient 4R money to even begin the reconstruction. With this amendment, such life saving changes can begin now. Therefore, the modification is dependent upon the sale of the excess right-of-way, and the sale of the right-of-way depends on the availability of sufficient money to reconstruct the interchange in order to make the land excess.

I believe this amendment represents an important improvement in the way such modifications could be funded, thus speeding the completion of necessary safety design modifications without causing harm to the progress of our interstate construction program. I urge this body to accept this amendment.

Mr. ANDERSON. Mr. Chairman, will the gentleman yield?

Mr. KOLBE. I yield to the gentleman from California.

Mr. ANDERSON. Mr. Chairman, we have looked at the gentleman's amendment, and we are willing to accept it.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield,

Mr. KOLBE. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, we support the gentleman's amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona [Mr. KOLBE].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BOUCHER

Mr. BOUCHER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BOUCHER: Page 141, after line 2, insert the following new section:

SEC. 147. CUMBERLAND GAP NATIONAL HISTORICAL PARK, VIRGINIA.

(a) Section 160(a) of the Federal-Aid Highway Act of 1973 (87 Stat. 278) is amended by adding the following new sentences at the end thereof: "After completion of the reconstruction and relocation of Route 25E through the Cumberland Gap National Historical Park (including construction of a tunnel and the approaches thereto), funds available for parkways, notwithstanding the definition of parkways in subsection (a) of section 101, title 23, United States Code, shall be available to finance the cost of upgrading from 2 lanes to 4 lanes a highway providing access from such route through that portion of the Cumberland Gap National Historical Park which lies within the State of Virginia. The project referred to in the preceding sentence shall not delay or affect in any way the reconstruction and relocation of Route 25E (including construction of a tunnel and approaches thereto).".

(b) Subsection (b) of section 160 of such Act is amended by inserting after "rights-of-way" the following: "including approaches in the State of Virginia".

Redesignate succeeding sections of title I accordingly and conform the table of contents accordingly.

Mr. BOUCHER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. BOUCHER. Mr. Chairman, present law authorizes a reconstruction of the highway system in proximity to the Cumberland Gap National Historical Park in the States of Tennessee, Kentucky, and Virginia for this is a very significant project which results in a relocation of the principal east-west highway in the area outside the State of Virginia into the State of Tennessee.

The project foresees a two-lane access road from the reconstructed route in Tennessee to those portions of the national park which lie within the State of Virginia.

The Virginia Highway Commission is of the opinion that a two-lane access will not be adequate to handle the volume of traffic that is expected once this project is completed.

My amendment very simply authorizes the reconstruction project to provide a four-lane access within the State of Virginia once the other elements of the project have been completed.

Mr. Chairman, this amendment has been constructed in cooperation with the other Members who are affected by it and in cooperation with the minority.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. BOUCHER. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, may I be assured by the gentleman that the amendment that he offers and the project that it foresees would in no way be in competition for funds for the present project now under way for digging the tunnel through the mountain to Cumberland Gap and the approaches thereto?

Mr. BOUCHER. The gentleman is correct. This amendment would in no way compete for funds for the balance of the contract, including the elements the gentleman has described.

Mr. ROGERS. And may I further be assured, if the gentleman continues to yield, that his intent is that this project that he is amending, the subject of his amendment, would not be begun until after the completion of the present project now underway, the tunnel digging under the Cumberland Gap National Park and the approaches thereto?

Mr. BOUCHER. The gentleman is correct.

Mr. ROGERS. May I further be assured by the gentleman, if he continues to yield, that his intention in this amendment would not require any delay or allow any delay under the present project of the tunnel?

Mr. BOUCHER. That is my understanding. The gentleman is correct.

Mr. ROGERS. And that there would be a separate environmental impact statement for the gentleman's project which would not in any way require any further environmental statements on the tunnel project now under way?

Mr. BOUCHER. The gentleman is correct. To the extent that an environmental impact statement would be required pursuant to this amendment, it would be separate and totally apart from any EIS that has been prepared for the balance of the project.

Mr. ROGERS. And finally, may I be assured that the gentleman's amendment would in no way delay in any fashion whatsoever under any circumstances the project now under way?

Mr. BOUCHER. That is correct.

Mr. ROGERS. Mr. Chairman, I thank the gentleman for yielding.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. BOUCHER. I am glad to yield to the distinguished minority Member, the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, I thank the gentleman.

It is my understanding that the gentleman from Tennessee [Mr. QUILLEN] had worked this out with the gentleman and he supports this amendment.

Mr. BOUCHER. That is correct.

Mr. SHUSTER. Mr. Chairman, we are happy to support it also.

Mr. ANDERSON. Mr. Chairman, will the gentleman yield?

Mr. BOUCHER. I yield to the gentleman from California.

Mr. ANDERSON. Mr. Chairman, we have looked at the gentleman's amendment and are willing to accept it.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Virginia [Mr. BOUCHER].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. MORRISON OF CONNECTICUT

Mr. MORRISON of Connecticut. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MORRISON of Connecticut: Page 75, lines 15 through 18 and insert the following in lieu thereof:

(2) LIMITATION ON APPLICATION.—The amendment made by paragraph (1) shall—

(A) only apply to the procurement of buses and other rolling stock manufactured or assembled at a facility at which buses or other rolling stock were not being manufactured or assembled during the first half of calendar year 1984; and

(B) not apply to procurements made pursuant to contracts entered into before June 1, 1986.

Mr. MORRISON of Connecticut (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. MORRISON of Connecticut. Mr. Chairman, this legislation includes an amendment to the Buy American provision, a strong amendment. It is an amendment that I favor. It would increase Buy American percentage from 50 percent to 85 percent. I think that is the direction in which we ought to try to move; however, I have in my district and also in North Carolina there are factories that were established by foreign manufacturers specifically to comply with the 50-percent requirement that is in current law. If we do not in some fashion make an exception for these factories which are in operation and have been providing buses in the United States, we will create some very serious problems. Those problems have to do with loss of jobs for American workers who are currently employed and the loss of ability to service buses that are currently in use in the United States.

Now, I have crafted an amendment which I think will take care of this problem on the narrowest possible

basis, but I understand from the committee, from the chairman, and the ranking member, that they prefer to proceed in a slightly different way.

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. MORRISON of Connecticut. I yield to the gentleman from New Jersey to discuss this.

Mr. HOWARD. Mr. Chairman, I just would like to say that this discussion did come up in our committee. We certainly want to protect our American jobs. We hope that foreign manufacturers will locate in this area and do their construction at this time.

We do realize that what we put in the bill is strong language; however, the history of this legislation and our conferences with the other body show that there are some Members of the other body who are very strongly opposed to any kind of Buy American provision, so we do feel that we want to go with a very strong position into the conference. We certainly are going to compromise in the conference.

As we said in the committee, and in the RECORD, we will not come out of that conference on this Buy American issue that will in any way—and we specifically mentioned Connecticut and North Carolina and other similar areas—that will cost any jobs or deny any expansion of jobs due to what we do on Buy American. We are going in with a good negotiating position. I just wish now publicly on the record to assure the gentleman that what we said in the committee in public on this issue is what we are saying here today.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. MORRISON of Connecticut. I yield to the gentleman from Connecticut.

Mr. SHUSTER. Mr. Chairman, I thank my friend. I would say to the gentleman, as the author of the Buy American language in our bill, that we indeed want to go in with a strong position to the Senate, but I recognize completely that we are going to compromise. We are very mindful of the problem in the gentleman's district and indeed in North Carolina as well. So it would be our objective to have stong Buy American language, but to do it in such a way as to compromise to protect the jobs of the industries located in the gentleman's district, in North Carolina, and all across America.

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. MORRISON of Connecticut. I yield to the gentleman from New Jersey.

Mr. HOWARD. Mr. Chairman, I would also like to say that we are aware of the business in the gentleman's district and in his State and any effort they are making, and they are making progress in complying with what we have, and we want to encourage, and not discourage, that effort.

Mr. MORRISON of Connecticut. Mr. Chairman, I thank both the chairman and the ranking member.

I would also like to thank my colleague, the gentlewoman from Connecticut [Mrs. JOHNSON] who worked with me and worked in the committee very strongly on this, and the gentleman from North Carolina [Mr. HEFNER] who also helped to work out this understanding.

I think it is a commendable understanding. I appreciate the commitments I have received.

Mr. Chairman, on that basis, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Connecticut to withdraw his amendment?

There was no objection.

The CHAIRMAN pro tempore. The amendment is withdrawn.

AMENDMENT OFFERED BY MR. VISCLOSKY

Mr. VISCLOSKY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. VISCLOSKY: At the end of title I add the following:

SEC. 163. URBAN HIGH DENSITY PROGRAM.

Of amounts available under the urban high density program, $2,806,675 is rescinded. $2,806,675 shall be made available out of the highway trust fund by the Secretary for reconstruction of an interchange on an urban high density project designated in the State of Indiana in accordance with section 146 of title 23, United States Code (as such section was in effect on August 13, 1973).

Mr. VISCLOSKY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. VISCLOSKY. Mr. Chairman, in August 1973, three urban high-density programs were authorized. One was on Cline Avenue in East Chicago, IN. It connected I-80 and I-90. Because of a certain ambiguity in the House report language in 1973, the Federal Highway Administration has not been willing to release an unobligated balance of $2.8 million for the reconstruction of an interchange at the intersection of Cline Avenue and I-80 and I-94. The amendment would allow in statute this transfer of money to take place.

Mr. ANDERSON. Mr. Chairman, will the gentleman yield?

Mr. VISCLOSKY. I yield to the gentleman from California.

Mr. ANDERSON. Mr. Chairman, we have looked at the amendment. It does not bring about any new budget authority and we are willing to accept the amendment.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. VISCLOSKY. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, we accept the amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Indiana [Mr. VISCLOSKY].

The amendment was agreed to.

Mr. GEJDENSON. Mr. Chairman, I would first like to congratulate my colleagues on the House Public Works and Transportation Committee for drafting a fine piece of legislation to reauthorize our Nation's highway transportation programs.

I am especially proud to support the passage of this legislation as it contains a provision which is derived from legislation I introduced this session of Congress. This provision seeks to ease the burdens and barriers many disabled people face everyday—finding handicapped parking spaces.

Too many handicapped drivers around the Nation find that interstate transportation is a nightmare. Many States refuse to recognize the handicapped parking stickers of other States. Thousands of handicapped persons are ticketed each year because they park in a handicapped parking place in a State in which they do not reside.

Ruby DeGiovanni, a constituent of mine from Middletown, CT, originally brought this difficulty to my attention when she and other handicapped persons in eastern Connecticut received parking tickets when they went to the doctor or went shopping in neighboring Massachusetts. As I looked into this problem further, I discovered that Ruby DeGiovanni's parking tickets were not an isolated incident: Thousands of handicapped persons nationwide receive tickets when they travel to another State and attempt to park in a specially designated parking space.

If an individual is handicapped in one State, he or she is handicapped in all States. States that deny out-of-State handicapped persons the privilege of parking close to a building need to be told that this harassment of handicapped persons is unacceptable. Our Nation has made tremendous strides in recent years to tear down the barriers to the free travel of handicapped persons, and I feel that my legislation will ensure that this progress continues.

This amendment not only asks the Secretary of Transportation to study the question of establishing parking privileges for handicapped persons which are granted to all handicapped persons regardless of State residency, but also requires the Secretary, upon determination of the extent of this problem, to draft a uniform State law to rectify this inequitable situation. This law will be submitted to all States and to Congress for consideration and action.

By further requiring the Secretary to annually report to Congress on the extent to which each State has adopted the proposed uniform State law, Congress will be able to monitor the effectiveness of this amendment and determine whether further, more stringent, action is required.

Reciprocal recognition of handicapped parking stickers is long overdue. I am pleased that my colleagues on the Public Works and Transportation Committee took action on my legislation and moved to put an end to this senseless situation.

Mr. HAMMERSCHMIDT. Mr. Chairman, I rise in strong support of H.R. 3129, the Surface Transportation and Uniform Relocation Assistance Act of 1986. Passage of the bill will provide for a 5-year continuation of the Nation's highway and transit programs.

The bill, as reported out of committee, will provide Arkansas over $100.4 million in fiscal year 1987 for highway formula programs which include the interstate resurfacing, restoration, rehabilitation, and reconstruction [4R], primary, secondary, urban, bridge, hazard elimination, and railroad highway crossing programs. The State would also get $28.8 million under the minimum allocation program, which provides States with at least 85 percent of the amounts they contribute to the highway trust fund.

This means that Arkansas would receive a total of about $129.2 million under the basic Federal-Aid Program, exclusive of demonstration projects and any discretionary grants the State may receive. Funding in each of fiscal years 1988–91 would be roughly the same.

The bill contains a provision, authorizing $45 million over the next 5 years to accelerate construction of Highway 71 as a four-lane highway, with another $45 million provided for U.S. 71 in Missouri. About one-half of the funding for the Arkansas portion would go for design and preliminary right-of-way acquisition, while the other half would go for construction.

The State would receive $5 million for the project in fiscal year 1987; $5 million in fiscal year 1988; $10 million in fiscal year 1989; $10 million in fiscal year 1990; and $15 million in 1991. The $45 million total is over and above what Arkansas received under the formula and minimum allocation programs.

Another provision would allow Arkansas to use interstate construction funds for planning, design, and construction of Highway 71. Although the State's interstate segment is complete and normally interstate funds must be used for 4–R work, the bill gives Arkansas the option of using its interstate funds for Highway 71.

Also provided in the bill is $8.5 million in fiscal year 1987 for a highway demonstration project at Fort Smith, which involves widening a segment of the highway connecting Westark Community College and the New Central Mall and improving signalization on the segment.

The bill approves $13.3 million funding for construction of four grade separations on a four-lane bypass route at Jonesboro to demonstrate methods of improving highway safety. The project would receive $2.5 million in fiscal year 1987; $3.2 million in fiscal year 1989; $2.6 million in fiscal year 1990; and $3.2 million in fiscal year 1991.

It should be noted that all of these funds come out of the highway trust fund and therefore do not add to the Federal deficit.

The legislation also directs the Secretary of Transportation, in cooperation with Louisiana, Arkansas, and Missouri, to study the feasibility of constructing a highway from Shreveport, LA, to Texarkana, Fort Smith, and Fayetteville, AR, and Carthage and Kansas City, MO. A report on the study's results is to be submitted to Congress within a year after the bill's enactment.

Arkansas would also be given the option, under the bill's provision, to utilize part of its bridge replacement funds to replace existing ferryboat service with a highway bridge, and the Federal share for the cost of that replacement would be 80 percent.

Mr. DREIER of California. Mr. Chairman, any of us who has had occasion to use Washington's Dulles Airport in the 2 years since the Dulles access road was completed, knows that the most modern airport is of little use unless passengers can reach it easily. Before Dulles had a fast, direct access road, it was an empty barn virtually ignored by most major airlines and passengers. Since then, it has quickly become the air travel hub it was first envisioned to be two decades ago.

As quickly as Dulles is expected to grow, it will not even come close to the explosion in passengers which will be experienced by Ontario International Airport near Los Angeles. The airport is expected to grow from a current 3 million passengers per year to 11 million by the year 2000. To accommodate this increase, Ontario is undergoing a $300 million facelift which will give it the capacity to handle double that number.

Unfortunately, Ontario faces the same problem which once plagued Dulles: space age airport facilities coupled with stone age access. We are fortunate that the land surrounding the airport is still relatively inexpensive; it will not always be so. That is why the $4 million contained in this bill is so crucial. If we do not begin to solve Ontario's access problem, we will soon be talking about sums far in excess of the current cost estimate.

Despite having the second largest population and the greatest surface area of any major metropolitan area, Los Angeles is still basically served by one major airport, Los Angeles International. Meanwhile, those who travel to New York have a choice of three major airports, as do travelers to the Nation's Capital. Ontario International will soon be able to provide the much needed alternative for those who fly to Los Angeles, but only if ground access is improved. This provision in this bill is the first step in this important project, and I am delighted to see it moving ahead.

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AMENDMENT OFFERED BY MR. STENHOLM

Mr. STENHOLM. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STENHOLM: Page 163, after line 12, insert the following new section:

SEC. 163. APPLICATION OF MODIFIED DAVIS-BACON AND COPELAND ACT EQUIVALENCY REQUIREMENTS TO HIGHWAY CONSTRUCTION CONTRACTS.

(a) GENERAL RULE.—Section 113 of title 23, United States Code, is amended by redesignating subsections (b) and (c) (and any reference thereto) as subsections (c) and (d), respectively and striking out subsection (a) and inserting in lieu thereof the following new subsections:

"(a) APPLICATION OF MODIFIED DAVIS-BACON REQUIREMENTS.—

"(1) GENERAL RULE.—The Secretary shall take such action as may be necessary to insure that all laborers, mechanics, and helpers employed by contractors or subcontractors on the construction work performed on highway projects on the Federal-aid systems, the primary and secondary, as well as their extensions in urban areas, and the Interstate System, authorized under the highway laws providing for the expenditure of Federal funds upon the Federal-aid systems, shall be paid wages at rates not less than those prevailing on the same type of work on similar construction in the immediate locality as determined in accordance with the Act entitled 'An Act relating to the rate of wages for laborers and mechanics employed on public buildings of the United States and the District of Columbia by contractors and subcontractors, and for other purposes', approved March 3, 1931 (commonly referred to as the 'Davis-Bacon Act') (46 Stat. 1494; 40 U.S.C. 276a—276a-5), with the modifications described in paragraph (2) of this subsection.

"(2) MODIFICATIONS.—The modifications referred to in paragraph (1) are as follows:

"(A) This section shall be applied to contracts with advertised specifications in excess of $1,000,000 rather than in excess of $2,000.

"(B) The area for which the prevailing wage is to be determined shall be the particular urban or rural subdivision (of the State) in which the work is to be performed rather than the city, town, village, or other civil subdivision of the State.

"(C) Helpers of a class of laborers or mechanics shall be considered as a separate class and prevailing wages for such helpers shall be determined on the basis of the corresponding class of helpers.

"(D) For purposes of this paragraph, the term 'helper' means a semi-skilled worker (rather than a skilled journeyman mechanic) who—

"(i) works under the direction of and assists a journeyman;

"(ii) under the direction and supervision of the journeyman, performs a variety of duties to assist the journeyman, such as—

"(I) preparing, carrying, and furnishing materials, tools, equipment, and supplies and maintaining them in order;

"(II) cleaning and preparing work areas;

"(III) lifting, positioning, and holding materials or tools; and

"(IV) other related semi-skilled tasks as directed by the journeyman; and

"(iii) may use tools of the trade which are under the direction and supervision of the journeyman.

"(E) In determining the prevailing wage for a class of laborers, mechanics, or helpers where more than a single wage is being paid to the corresponding class of laborers, mechanics, or helpers, the prevailing wage shall be established as—

"(i) the wage paid to 50 percent or more of the corresponding class of laborers, mechanics, or helpers employed on private industry projects of a character similar to the contract work in the urban and rural subdivision of the State in which work is to be performed, or in the District of Columbia if the work is being performed there; or

"(ii) if the same wage is not paid to 50 percent or more of the laborers, mechanics, or helpers in the corresponding class, the weighted average of the wages paid to the corresponding class of laborers, mechanics, or helpers employed on private industry projects of a character similar to the contract work in the urban or rural subdivision

of the State in which the work is to be performed, or in the District of Columbia if the work is to be performed there.

"(F) In determining the basic hourly rate of pay, data from Federal or federally assisted projects subject to the prevailing wage requirements of the Davis-Bacon Act or another Act incorporating such Act by reference shall be excluded, unless it is determined that there is insufficient wage data to determine the prevailing wages in the absence of data from such Federal or federally assisted projects. Data from Federal or federally assisted projects may be used in compiling wage rate data for heavy and highway wage determinations.

"(b) PAPERWORK REDUCTION.—Section 2 of the Act entitled 'An Act to effectuate the purpose of certain statutes concerning rates of pay for labor, by making it unlawful to prevent anyone from receiving the compensation contracted for thereunder, and for other purposes', approved June 13, 1934 (commonly referred to as the 'Copeland Act') (48 Stat. 948; 40 U.S.C. 276c), shall be applied to highway projects on the Federal-aid systems, the primary and secondary, as well as their extensions in urban areas, and the Interstate System, authorized under the highway laws providing for the expenditure for Federal funds upon the Federal-aid systems, in a manner which requires that a statement concerning the weekly wages paid each employee, pursuant to a contract entered into with respect to such a project, be made only at the beginning and at the conclusion of the period covered by the contract rather than on a weekly basis.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to contracts entered into with respect to highway projects on the Federal-aid systems, the primary and secondary, as well as their extensions in urban areas, and the Interstate System, authorized on or after the date of the enactment of this Act under the highway laws (including this Act) providing for the expenditure of Federal funds upon the Federal-aid systems.

Mr. FAWELL. Mr. Chairman, I urge my colleagues to support the Stenholm-Valentine-Stangeland-DeLay Davis-Bacon amendment to H.R. 3129, the Surface Transportation and Uniform Relocation Assistance Act of 1986.

This amendment is similar to the provisions of H.R. 472, the Davis-Bacon Reform Act. This amendment only applies, however, to Federal-aid highway construction and repair. Specifically, the amendment raises the contract "threshold" from $2,000—set in 1934—to $1 million. Even if Congress approves this amendment, only 12 percent of the total dollar volume for highway construction would be excluded from Davis-Bacon coverage.

In addition, the amendment makes other much needed reforms to Davis-Bacon. It codifies existing administrative regulations that make Davis-Bacon wage determinations more accurately reflect actual local prevailing wages. Thus, the minimum construction wage paid to each category of workers would be the average going private sector wage rate, and antiquated Davis-Bacon data could not be counted as part of the going private sector wage rates in that area.

Furthermore, the amendment expands the use of "helpers," such as semiskilled and unskilled workers, providing job opportunities for disadvantaged job-seekers. The amendment includes a special provision that prevents the payment of helper wages to workers performing skilled jobs.

The reforms sought by this amendment serve numerous purposes. First, a vote for this amendment is a vote for commonsense deficit reduction. The Congressional Budget Office [CBO] estimates these reforms will save $45 million in outlays in 1987 and $1 billion over the 5-year period from 1987–91. In light of the recent projections that the deficit will exceed at least $230 billion this year, this amendment provides us with the opportunity to make significant budgetary savings.

Second, Davis-Bacon is antismall business. The act pays wages to workers on Federal construction projects above those which would prevail under free market competition. This has the effect of limiting the bidding opportunities of nonunion contractors on public projects, discriminating against small businesses, and needlessly raising the cost of Federal construction. The act also has onerous paperwork and reporting requirements which preclude small businesses from bidding on Federal construction projects because they cannot meet the costs of such requirements. These inhibitions have compelled two-thirds of the 1985–86 State White House Conferences on Small Businesses to recommend the repeal of Davis-Bacon.

Third, the reforms sought by this amendment will open up job opportunities to disadvantaged adults. Semiskilled workers could be trained to perform a particular task within a craft without being qualified in all skills of a fully qualified journeyman. Contractors would be urged to utilize any classification of workers to perform tasks within their attained skill level. This provides employment opportunities for underutilized minority, female, handicapped, and young workers traditionally excluded in the construction working force.

The inability to utilize helpers on Federal projects in a manner comparable to private sector work tremendously increases Federal construction costs. CBO has estimated that insertion of a helper classification in the Davis-Bacon Act could provide Government-wide budget savings of approximately $3 billion over 5 years.

Finally, this amendment brings Davis-Bacon back to its original intent. Passed in 1931, Davis-Bacon was originally intended to place a floor under steadily falling wage rates and prevent contractors with nonlocal labor from bidding on Federal projects and undercutting local wage rates. While the original intent was laudable, the act now needs to be modified in tune with the economic realities of the 1980's. The $2,000 threshold set in 1934 is unrealistic. The prevailing wage has remained undefined since 1931, although in practice, Davis-Bacon wages tend to be at the top of industry ranges for each job classification. The amendment's reforms uphold the basic wage protection originally intended and accurately reflect the local prevailing wages.

The time for Bacon-Davis reform is now. Although this amendment does not cover Governmentwide contracts, it is a step in the right direction. Ideally, the act should be repealed. But since repeal is politically unlikely in the House, the least Congress can do is to reform this budget-busting law.

As a cosponsor of H.R. 472 and a member of the Congressional Grace Caucus, I enthusiastically support this amendment. I urge my colleagues who want to inject some fiscal responsibility into our Federal wage-setting laws to support these reforms.

Mr. PACKARD. Mr. Chairman, I rise in strong support of H.R. 3129, the Surface Transportation Act of 1986. I believe that this bill is critical to improving the surface transportation infrastructure of America. I would like to commend my colleagues on the Public Works and Transportation Committee for crafting this legislation and in particular, I wish to commend the leadership of the committee.

While there are many aspects of this bill I could comment on, I will limit my remarks to a section of the bill which is of extreme importance to my constituents. This section authorizes funding for a demonstration project in northern San Diego County, CA.

Northern San Diego County has seen a tremendous population explosion over the past decade. Unfortunately, improvements in the infrastructure have not occurred at a similar rate. The end result has been virtual rush hour gridlock along Highway 78 from sunrise to sunset.

This particular project would expand Highway 78 for the purpose of demonstrating methods of reducing traffic congestion and accidents. Another very important aspect of this project concerns the method of funding to be used. This demonstration project is unique in that the cost of this project will be shared by Federal, State, and local government entities. I believe this is an important step that needs to be taken and that this project will serve as a model for future cost-sharing efforts in improving the highways of America.

While H.R. 3129 is not a flawless bill, it has much good in it and I urge my colleagues to support this legislation. This legislation is a step in the right direction in addressing the critical infrastructure needs present in America today. Mr. Chairman, I strongly urge the House to pass H.R. 3129 as reported from committee.

Mr. HOWARD (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. HOWARD. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. GRAY of Illinois] having assumed the chair, Mr. TRAXLER, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3129) to authorize funds for construction of highways, for highway safety programs, and for mass transportation programs, to expand and improve the relocation assistance pro-

gram, and for other purposes, had come to no resolution thereon.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GRAY of Illinois). The Chair is awaiting the arrival of the Committee on Rules. At this time, the Chair will be glad to entertain 1-minute speeches.

PARLIAMENTARY INQUIRIES

Mr. WALKER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WALKER. Mr. Speaker, can the Chair inform us what might be the business that is planned for the rest of the day? I see the distinguished majority whip; I wonder if we could get some idea as to what the schedule for the rest of the day is going to be.

The SPEAKER pro tempore. The Chair will state to the gentleman from Pennsylvania that the Committee on Rules is now in place, prepared to call up a rule.

Mr. STRATTON. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. STRATTON. Mr. Speaker, would the Chair advise the membership as to when we will take up the Defense bill, which has been pending since the day before yesterday?

The SPEAKER pro tempore. If the gentleman would ask unanimous consent to proceed for 1 minute, he could yield to the distinguished acting majority leader, and he can answer that question.

## LEGISLATIVE PROGRAM

(By unanimous consent, Mr. STRATTON was allowed to address the House for 1 minute.)

Mr. STRATTON. Mr. Speaker, I take this time so that I might yield to the distinguished majority leader to advise us on the very significant issue of the Defense bill. There have been 45 members of the committee who have been waiting breathlessly for the last 2 days to save the country from outside military influences, and I do not think that we can carry on much longer. I hope that the gentleman will give us some encouraging news.

Mr. FOLEY. Mr. Speaker, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from Washington.

Mr. FOLEY. Mr. Speaker, I hope that I can relieve the gentleman, at least psychologically if not in his sentry duty, by telling him that I think we have reached a substantial agreement between the majority and the minority with respect to one of the contested elements of the bill, that dealing with the Davis-Bacon amendment.

It is now, I understand, the intention of the chairman of the committee and the ranking minority member, the gentleman from Alabama [Mr. DICKINSON], to further consult on the terms of the rule which they intend to request from the Committee on Rules.

It is our hope that the Rules Committee can meet tonight and by agreement between the two parties adopt the text of a rule which would be eligible for consideration tonight.

In the meantime we intend to take up the rule and the bill on Philippine relief.

I cannot advise the gentleman at this time exactly how far we will go into the rule on DOD, but I would suggest that Members ought to assume that the session of the House will go at least until 9 o'clock tonight.

We are interested in proceeding as far as we can. The Department of Defense authorization bill is complicated and long, as the gentleman who is one of the senior experts in the House on the subject of defense is aware, and I know that he is deeply interested in the bill, as others are. I can report to him that I believe that things are moving toward an amicable resolution of the difficulties over the rule, and we hope to be able to move even further.

Mr. STRATTON. Do I understand the gentleman to say that there is going to be debate on the Philippines bill? Is that going to precede the debate getting back onto the defense bill?

Mr. FOLEY. The gentleman is correct. In order for the chairman of the Committee on Armed Services and the ranking Republican member, the gentleman from Alabama [Mr. DICKINSON] to further consult about the order of amendments and other matters, having resolved I think in principle the matter that was creating some difficulty, and for the Rules Committee to consider the rule, we have to provide some time. In the meantime, to facilitate the work of the House, we intend to bring up the rule and the bill on Philippine relief immediately.

Mr. STRATTON. I thank the gentleman.

## THE NEW GI BILL

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute.)

Mr. MONTGOMERY. Mr. Speaker, I am not sure that we are going to be able to get any type of defense bill, so I thought that I would talk about the new GI bill. All the Members voted for it, so I am glad that they recognize how well it is working for our military.

It is the same type of educational bill that we had after World War II, Korea, and Vietnam. Eighty-five percent of the Army's new recruits coming into the service now are signing up for the GI educational bill. It is the bread and the butter for the Army, and we hope that the other services will take advantage of this bill.

Because of the cost of education in college, because college education has increased 6 percent for this new fall year, people who go into the service and then come out find that the only way that they are ever going to get any type of education is to sign up for the GI bill. It is a test program. It is very important after this test period runs out, which will be in 1988, that the GI bill is renewed and carried on.

Quite frankly, having the GI bill saved the all-volunteer system. I thought that my colleagues would like to know that, and I appreciate their concern.

## PROVIDING FOR CONSIDERATION OF H.R. 5081, ASSISTANCE FOR DEMOCRACY ACT OF 1986

Mr. HALL of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 526, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 526

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5081) to authorize additional economic and military assistance for the Philippines, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Foreign Affairs now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, said substitute shall be considered for amendment by titles instead of by sections, each title shall be considered as having been read, and all points of order against said substitute for failure to comply with the provisions of clause 7 of rule XVI are hereby waive. No amendment to title I or II of said substitute shall be in order except germane amendments printed in the Congressional Record by August 5, 1986. No amendment which changes, affects, or modifies title III of said substitute shall be in order. After title II has been considered for amendment in its entirety, title III shall be considered as having been read, and no further amendment to title III or to said substitute shall be in order, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute. The previous

question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1655

The SPEAKER pro tempore (Mr. GRAY of Illinois). The gentleman from Ohio [Mr. HALL] is recognized for one hour.

Mr. HALL of Ohio. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Tennessee [Mr. QUILLEN], for purposes of debate only, pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 526 is a modified open rule providing for the consideration of H.R. 5081, the Assistance for Democracy Act of 1986.

The rule provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs. The bill shall be considered for amendment under the 5-minute rule.

The rule makes in order the committee amendment in the nature of a substitute now printed in the bill as original text for the purpose of amendment under the 5-minute rule. To expedite consideration, the rule further provides that the substitute shall be considered by titles, instead of by sections, and each title shall be considered as read.

It should be noted that the rule waives clause 7 of rule XVI, the prohibition against nongermane amendments, against the substitute. As introduced, H.R. 5081 provided authorization for additional economic and military assistance for the Philippines for fiscal year 1986. The substitute, however, contains other issues and amendments to the Foreign Assistance Act for fiscal year 1987. Therefore, a technical waiver of clause 7 of rule XVI is needed.

The rule further provides that amendments to titles I and II must have been printed in the CONGRESSIONAL RECORD by August 5, 1986. The rule also provides that no amendment to title III is in order.

The chairman of the Foreign Affairs Committee informed the House on the floor on July 31, 1986, that he would be requesting this modified open rule. His request was developed with the consultation and support of the minority.

Title III of the substitute is closed to amendments because opening it up to amendments could bring before the House numerous issues that are not addressed in this legislation. The chairman of the Foreign Affairs Committee advised the Rules Committee that such additional issues will be considered early in the next session when the Foreign Affairs Committee brings to the floor a reauthorization of all foreign assistance programs under its jurisdiciton.

Finally, Mr. Speaker, the rule provides for one motion to recommit with or without instructions.

The principal purpose of H.R. 5081 as reported by committee is to provide assistance to promote democracy in the Philippines and in Haiti. Title I of the committee amendment authorizes an additional $250 million in economic support fund assistance for the Philippines in fiscal year 1986. Title II earmarks $108 million in economic assistance for Haiti in fiscal year 1987 and places limitations on the provision of military assistance to that country pending the reform of Haiti's military establishment.

Since 1979, I have been actively concerned about relations between the United States and the Philippines. Under the administration of President Corazon Aquino, the Philippines are in the process of restoring democracy. The Philippines are facing tremendous economic and developmental challenges. We need to work with the new government in the Philippines to help them respond to these challenges. The funding authorized by this legislation will help contribute to this process of recovery, and begin a partnership in development between our two countries.

Mr. Speaker, I commend the Foreign Affairs Committee for including in the substitute the amendment offered by the gentleman from New Jersey [Mr. SMITH] to increase the fiscal 1987 authorization for the child survival fund to $75 million. His amendment reflects the concerns and priorities of H.R. 3894, the universal child immunization bill, of which I am the principal sponsor. It is only through such modest increases in funding that the goal of immunizing the world's children by 1990 can be met.

Mr. Speaker, I am not aware of opposition to this bipartisan rule. I urge my colleagues to adopt it.

Mr. QUILLEN. Mr. Speaker, I yield myself as much time as I may use.

Mr. Speaker, this rule was reported out of the Rules Committee some time ago. The bill provides an additional $250 million authorization for the Philippines, an additional amount of foreign aid, and $108 million for Haiti.

This is a way to get under the fence to increase our foreign assistance to these countries. I think we should hit it head on.

What happened in the Philippines can be blamed partly on America itself for not monitoring the foreign assistance to that nation. I know that it is in a very critical situation now with the changeover in administration. But nevertheless we should act with caution.

However, we know both situations are critical. The rule was reported out. It is a rule which is a modified closed rule, and I urge the passage of the rule.

Mr. HALL of Ohio. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. QUILLEN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 303, nays 96, not voting 32, as follows:

[Roll No. 305]

YEAS—303

| | | |
|---|---|---|
| Ackerman | Dicks | Hertel |
| Akaka | Dingell | Hiler |
| Alexander | DioGuardi | Horton |
| Anderson | Dixon | Howard |
| Andrews | Donnelly | Hoyer |
| Annunzio | Dorgan (ND) | Huckaby |
| Anthony | Dornan (CA) | Hughes |
| Applegate | Dowdy | Hutto |
| Aspin | Downey | Hyde |
| Atkins | Duncan | Jacobs |
| AuCoin | Durbin | Jeffords |
| Bateman | Dwyer | Jenkins |
| Bedell | Dymally | Johnson |
| Beilenson | Dyson | Jones (NC) |
| Bennett | Early | Jones (OK) |
| Bentley | Eckart (OH) | Jones (TN) |
| Berman | Eckert (NY) | Kanjorski |
| Bevill | Edwards (CA) | Kaptur |
| Biaggi | Edwards (OK) | Kasich |
| Bliley | English | Kastenmeier |
| Boehlert | Erdreich | Kemp |
| Boggs | Evans (IL) | Kennelly |
| Boland | Fascell | Kildee |
| Bonior (MI) | Fawell | Kleczka |
| Bonker | Fazio | Kolter |
| Borski | Feighan | Kostmayer |
| Boucher | Fish | Kramer |
| Boxer | Flippo | LaFalce |
| Brooks | Florio | Lantos |
| Broomfield | Foglietta | Leach (IA) |
| Brown (CA) | Foley | Leath (TX) |
| Bruce | Ford (MI) | Lehman (CA) |
| Bryant | Frank | Lehman (FL) |
| Burton (CA) | Franklin | Leland |
| Bustamante | Frost | Levin (MI) |
| Byron | Fuqua | Levine (CA) |
| Callahan | Garcia | Lipinski |
| Carper | Gejdenson | Livingston |
| Chapman | Gekas | Lott |
| Chappell | Gephardt | Lowery (CA) |
| Clay | Gibbons | Lowry (WA) |
| Clinger | Gilman | Lujan |
| Coelho | Gingrich | Luken |
| Coleman (TX) | Glickman | MacKay |
| Collins | Gonzalez | Manton |
| Conte | Goodling | Markey |
| Conyers | Gradison | Martin (NY) |
| Cooper | Gray (IL) | Martinez |
| Coughlin | Gray (PA) | Matsui |
| Coyne | Gregg | Mavroules |
| Crockett | Guarini | Mazzoli |
| Daniel | Hall (OH) | McCain |
| Darden | Hamilton | McCloskey |
| Daschle | Hatcher | McCurdy |
| de la Garza | Hawkins | McDade |
| Dellums | Hayes | McHugh |
| Derrick | Hefner | McKinney |
| DeWine | Henry | McMillan |

| | | |
|---|---|---|
| Meyers | Rinaldo | Stokes |
| Mica | Ritter | Studds |
| Mikulski | Robinson | Sundquist |
| Miller (CA) | Rodino | Swift |
| Miller (OH) | Roe | Synar |
| Miller (WA) | Rose | Tallon |
| Mineta | Rostenkowski | Thomas (GA) |
| Mitchell | Roukema | Torres |
| Moakley | Rowland (GA) | Torricelli |
| Mollohan | Roybal | Towns |
| Montgomery | Rudd | Traficant |
| Moody | Russo | Traxler |
| Morrison (CT) | Savage | Udall |
| Mrazek | Saxton | Valentine |
| Murtha | Scheuer | Vander Jagt |
| Myers | Schneider | Vento |
| Natcher | Schroeder | Visclosky |
| Neal | Schuette | Volkmer |
| Nelson | Schulze | Waldon |
| Nichols | Schumer | Walgren |
| Nowak | Seiberling | Walker |
| Oakar | Sensenbrenner | Watkins |
| Oberstar | Sharp | Weaver |
| Obey | Shelby | Weber |
| Olin | Shumway | Weiss |
| Ortiz | Sikorski | Wheat |
| Owens | Siljander | Whitley |
| Packard | Sisisky | Whittaker |
| Panetta | Skeen | Whitten |
| Parris | Skelton | Williams |
| Pashayan | Slattery | Wilson |
| Pease | Slaughter | Wirth |
| Penny | Smith (FL) | Wise |
| Pepper | Smith (IA) | Wolf |
| Perkins | Smith (NE) | Wolpe |
| Pickle | Smith (NJ) | Wortley |
| Price | Smith, Denny (OR) | Wyden |
| Pursell | Snowe | Yates |
| Quillen | Solarz | Yatron |
| Rahall | Spratt | Young (FL) |
| Rangel | St Germain | Young (MO) |
| Ray | Stallings | Zschau |
| Reid | Stark | |
| Richardson | | |

NAYS—96

| | | |
|---|---|---|
| Archer | Hall, Ralph | Petri |
| Armey | Hammerschmidt | Porter |
| Badham | Hansen | Regula |
| Bartlett | Hartnett | Ridge |
| Barton | Hendon | Roemer |
| Bereuter | Hopkins | Rogers |
| Bilirakis | Hubbard | Roth |
| Boulter | Hunter | Rowland (CT) |
| Brown (CO) | Ireland | Schaefer |
| Burton (IN) | Kindness | Shaw |
| Carney | Kolbe | Shuster |
| Chappie | Lagomarsino | Smith, Robert (NH) |
| Cheney | Latta | |
| Coats | Lent | Snyder |
| Cobey | Lewis (FL) | Solomon |
| Coble | Lightfoot | Spence |
| Coleman (MO) | Loeffler | Stangeland |
| Combest | Lungren | Stenholm |
| Courter | Mack | Strang |
| Craig | Madigan | Stratton |
| Crane | Marlenee | Stump |
| Dannemeyer | Martin (IL) | Sweeney |
| Daub | McCandless | Swindall |
| DeLay | McCollum | Tauke |
| Dickinson | McEwen | Tauzin |
| Dreier | McGrath | Taylor |
| Emerson | Michel | Thomas (CA) |
| Evans (IA) | Molinari | Vucanovich |
| Fiedler | Monson | Whitehurst |
| Frenzel | Moorhead | Wylie |
| Gallo | Murphy | Young (AK) |
| Gaydos | Nielson | |
| Gunderson | Oxley | |

NOT VOTING—32

| | | |
|---|---|---|
| Barnard | Fields | Lundine |
| Barnes | Ford (TN) | McKernan |
| Bates | Fowler | Moore |
| Boner (TN) | Gordon | Morrison (WA) |
| Bosco | Green | Roberts |
| Breaux | Grotberg | Sabo |
| Campbell | Hillis | Smith, Robert (OR) |
| Carr | Holt | |
| Chandler | Lewis (CA) | Staggers |
| Davis | Lloyd | Waxman |
| Edgar | Long | Wright |

□ 1715

Mrs. VUCANOVICH changed her vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## LEGISLATIVE PROGRAM

(Mr. LOTT asked and was given permission to address the House for 1 minute.)

Mr. LOTT. Mr. Speaker, I have asked for permission to address the House for 1 minute in order to learn further from the distinguished majority whip what the schedule will be for the balance of the evening and tomorrow.

Mr. Speaker, there have been a number of changes under way in the last few minutes as applies to tonight, and also the Members are very interested in knowing what the schedule will be tomorrow. I would be pleased to yield to the distinguished majority whip to give us information on that.

Mr. FOLEY. I thank the distinguished Republican whip for yielding.

As I indicated to the House before, Mr. Speaker, we are hopeful that the chairman of the Committee on Armed Services and its distinguished ranking minority member, Mr. DICKINSON, will shortly resolve all remaining differences over the proposed rule on the Department of Defense authorization bill.

The essential decisions, compromises have been agreed to in principle. What I think the two distinguished Members are now discussing are some of the finer points of the scheduling of the bill. It is anticipated that this probably can be concluded by 6 or 6:30 and that the Rules Committee—and I know I am imposing on the distinguished chairman—might meet around 7 o'clock tonight, and, if possible, conclude a rule by 8 o'clock tonight. Should that occur, this evening, we would then proceed to the first item agreed to between the chairman and the ranking minority member, which would probably deal with money levels, the levels of funding under the bill.

We would hope to conclude that debate by 11 o'clock for the evening.

Mr. LOTT. Mr. Speaker, the gentleman would expect, of course, on that rule that would require a two-thirds vote but the gentleman is assuming that that could be accomplished.

Mr. FOLEY. What I would assume is that it might be hoped unanimous consent could be obtained for the consideration of the rule tonight, and if not that a two-thirds vote could be obtained.

Mr. LOTT. And tomorrow?

Mr. FOLEY. Tomorrow the House would not meet until 10 o'clock, and subject to the agreement between the chairman and the ranking minority member, we would propose to take up the test ban issue and only that issue tomorrow, with the hope that the House would be able to conclude that business before 3 o'clock.

Mr. LOTT. It is still intended, I hate to take it 1 day further, but as long as we are having this colloquy, it is still anticipated that there would be votes on Monday and amendments to the DOD bill, is that correct?

Mr. FOLEY. The gentleman is correct. On Monday, subject again to the agreement between the chairman and the ranking minority member, and the rule—and I do not want to anticipate what that is—I assume it might be possible after suspensions that the bill would be read under the normal title I provisions. The gentleman from Alabama and the chairman can clarify that.

After that I think we should let the two principals conclude their discussions about the order, but Members should be aware if we proceed in this manner that there will be votes tomorrow, that there will be votes on Monday, we would hope to adjourn the House before 3 o'clock tomorrow. On that day we are taking up only this one matter in order to allow Members, as many have suggested, to obtain transportation to their districts before late in the afternoon.

The House would meet at noon on Monday and proceed to, probably again, late that evening.

Mr. LOTT. I would be glad to yield to the distinguished gentleman from Alabama if he has some information.

Mr. DICKINSON. I thank the gentleman for yielding.

Mr. Speaker, this is not to contradict anything that the distinguished whip has said. I would just like for the amplification and edification of the Members to try to put in perspective some of the problems that we are wrestling with. We had a loose agreement as to the rule that would be presented. The first item of business after we started would be money matters, setting the parameters, what would be the budget authority, what would be the spending outlays. That had to come first, we felt, because all else is very largely hinged on that. That would have been yesterday.

Today it was anticipated we would start off with nonmoney matters and would be principally policy matters dealing first with the test ban treaty and then with SALT, and then if we could get to it, dealing with what I would call chemical weapons.

Tomorrow, it would have been the next day, on Friday we would start with title I. As the amendments are filed, then we are open to title I, all

amendments are filed to title I, we would go through them. All the way through Friday, through Monday, working through the bill by title according to the amendments as they have been filed, on Tuesday we would get back to other policy issues such as SDI and Asat.

Then, after that was concluded, if there were any amendments not yet resolved to the regular bill under general provisions or otherwise, we would go back to that and stay with it until we concluded the bill. That was the normal procedure that we had tentatively agreed to.

Well now, yesterday, the first day, is gone; the second day has gone.

So, assuming that the impasse has been resolved to the satisfaction of this side, we still, the chairman and I still must get together now and see how much of the original agreement as to the sequencing we can salvage and go to the Rules Committee tonight and agree this is what we would suggest to be approved by way of a rule dealing with the sequence of events to occur.

I see the chairman is on the floor now. Perhaps he might want to correct any part that I have said.

Mr. LOTT. I yield to the gentleman from Wisconsin.

Mr. ASPIN. Let me just say that I agree entirely with what the gentleman from Alabama said, and I think the situation is as he explained it.

Mr. FOLEY. If the gentleman from Mississippi would yield to me further.

Mr. LOTT. I do not think I want to know any more about this schedule. I yield to the gentleman.

Mr. FOLEY. I do not intend to burden the gentleman with any more details on that matter but to say that awaiting the conclusion of the discussions of the gentleman from Wisconsin and the gentleman from Alabama and the Rules Committee action, it is our intention to proceed with the Philippine Relief Act to passage which we think will probably take until about 8 o'clock tonight.

Mr. LOTT. Mr. Speaker, I yield back the balance of my time.

## ASSISTANCE FOR DEMOCRACY ACT OF 1986

The SPEAKER pro tempore (Mr. GRAY of Illinois). Pursuant to House Resolution 526 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 5081.

□ 1727

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5081) to authorize additional economic and military assistance for the Philippines, with Mr. ATKINS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from Florida [Mr. FASCELL] will be recognized for 30 minutes and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida [Mr. FASCELL].

Mr. FASCELL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 5081, as amended, the Assistance for Democracy Act of 1986.

This legislation was approved by the Committee on Foreign Affairs by a recorded vote of 27 to 2, with one member voting present on July 23, 1986.

The principal purpose of the bill as reported by the committee is to provide much needed assistance to promote democracy in two countries which are extremely important to the national interest of the United States—the Philippines and Haiti.

Specifically, title I of the committee amendment authorizes an additional $250 million in ESF budget support assistance for the Philippine Government in fiscal year 1986. I would like to emphasize that the bill as reported mandates that the assistance for the Philippines be obligated before the end of this fiscal year so that it will not impact on the deficit in fiscal year 1987.

Title II earmarks $108 million in economic assistance funds for the Government of Haiti and places limitations on the provision of military assistance to that country pending the reform of Haiti's military establishment.

Specifically, title II earmarks the following amounts for fiscal year 1987: $36 million in economic support funds; $37 million in development assistance funds; $35 million in Public Law 480 (Food for Peace); and $1 million for inter-American foundation programs in Haiti.

In addition, title II sets a limit of $4 million which may be available in fiscal year 1987 for grant military assistance and military education and training. Such funds may be made available to Haiti for education, training, and other nonlethal assistance. These funds may be obligated only if:

The President certifies to the Congress that Haiti has submitted a formal request specifying a comprehensive plan to reform the Haitian armed forces consistent with the transition to democracy, the rule of law, and an elected civilian government;

The Committees on Appropriations and Foreign Affairs are notified 15 days in advance of the obligation;

Substantial efforts are being made by the Government of Haiti: to prevent human rights abuses and corruption by or in the Haitian armed forces; to insure that such assistance is not used to suppress freedom of speech and assembly; to investigate the killing of civilians in certain Haitian towns and to prosecute those responsible; to train the Haitian armed forces with respect to internationally recognized human rights and the civil and political rights essential to democracy; and to take steps to implement the policy of the Government of Haiti requiring former members of the VSN to turn in their weapons and to take the necessary actions to enforce this requirement.

Finally, with respect to Haiti, the President is required to submit a report to Congress 3 months after the date of enactment of this act, and every 3 months thereafter, on the extent to which the actions of the Government of Haiti are consistent with these conditions.

Title III of the bill contains the following fiscal year 1987 authorizations: $65,445,000 for international narcotics control as requested by the President; $75,000,000 for the child survival fund; and $18,189,000 for the operations of the Inspector General of the Agency for International Development.

The increases in authorization for international narcotics control and the child survival fund are offset by excess authorizations in the accounts for health and international organizations and programs. We have discussed these offsets and earmarkings for Haiti with the chairman of the Foreign Operations Appropriations Subcommittee, who is in agreement with the provisions in the bill which are consistent with his mark for fiscal year 1987. As such, the fiscal year 1987 authorizations contained in the substitute are within the budget authority and outlay ceilings set by the budget resolution.

Mr. Chairman, this legislation addresses important, high priority foreign policy issues for the United States—the development of democracy in the strategic Philippine Islands and in our Caribbean neighbor, Haiti. It also increases our capability to combat illegal narcotics production and trafficking, and devotes more resources to improve the well-being of the world's children. We do this by setting priorities, not by increasing the deficit in fiscal year 1987.

Mr. Chairman, I urge the unanimous adoption of this vital initiative.

Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from New York [Mr.

KEMP], who is a principal cosponsor of the legislation.

Mr. KEMP. I thank my chairman.

Mr. Chairman, I thank the gentleman for his extraordinary courtesy, and also my own ranking member from Michigan [Mr. BROOMFIELD].

Mr. Chairman, I join with our colleague from New York, Mr. SOLARZ, and others in supporting this very important project for foreign assistance to the Philippines and to Haiti in the hopes that we could at this very key moment in the life of those two countries encourage their experiment in democracy.

□ 1730

My colleagues, one of the most important areas of the world to the United States of America is the South Pacific. You cannot visit the Philippines and come away with any other conclusion than that their security and prosperity is absolutely critical to our own future and even more importantly to the future of our allies in the Pacific Basin.

Mr. SOLARZ and I, and many other Members, some conservative and some liberal but all concerned deeply about the democratic experiment in the Philippines, have wanted to express at this early time when Mrs. Aquino has become the legitimate democratic leader of the Philippines, support for the effort that she trying to make to further democratize the Philippines. Support for her effort to preserve the bases that this country has for our own strategic interests in the western Pacific.

I think the Solarz amendment helps make up for the cuts in assistance to the Philippines last year. I think it will help make up for the drop in foreign military sales and security assistance and ESF that is coming in the 1987 appropriation. I serve on the appropriation subcommittee which deals with foreign assistance, and I can tell you there is a 40- to 50-percent cut coming in security and economic assistance in those basing right countries the Philippines, Portugal, Spain, Greece, and Turkey. These countries clearly are very integral to the alliance that we are trying to build and the friendships we hope to build around the world.

Mrs. Aquino is undertaking key economic reforms. Mr. SOLARZ pointed out that Jaimi Ongpin, the new Finance Minister, is helping to privatize the economy and provide for market-oriented solutions. Mrs. Aquino herself is a true democrat in the tradition that this country needs to be supportive of.

In the Philippines they are fighting an insurgency. If this Communist insurgency were to prevail, the effect on the Filipino people would be devastating.

I would urge my colleagues to listen to the debate. I would suggest that they resist the temptation to cut. I hope that we can come out of this debate with a strong support of the bill.

I would suggest that Members who are concerned on our side of the aisle about the State Department position, should read the testimony of Secretary of State Shultz in support of providing assistance to the Philippines.

Further economic reforms are needed in the Philippines. We will be watching the new government to see whether or not it implements the economic reforms that provide incentives for entrepreneurship and growth.

Our military assistance to the Philippines is equally vital. The security of our bases depends upon the stability of the Philippines as much as on their continued prosperity of the Philippine people. Only adequate security assistance will assure security from external and internal threats. We must meet our obligations to the Philippines so that they can meet their security requirements.

I want to say to my colleague from New York that I hope we can work together to fashion a bipartisan fiscal year 1987 foreign assistance appropriation bill that is not compromised in terms of the support we want for security in the basing rights countries, our commitments in Central America and for the Camp David countries and other nations.

In short our assistance to the Philippines, as vital as it is, must not come at the expense of our other base rights countries, and our friends and allies elsewhere in the world.

I congratulate the gentleman on his efforts on behalf of this cause, and I join with all of those Members on both sides of the aisle who strongly support this urgent authorization.

□ 1740

Mr. FASCELL. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. SOLARZ].

Mr. SOLARZ. I thank the gentleman for yielding to me.

Mr. Chairman, I will be relatively brief. What I would like to do is explain exactly what is in title I of this legislation. Title I, which authorizes supplemental assistance to the Philippines, would provide an authorization for $100 million in ESF funds, and $50 million in military assistance funds to the Philippines which has already been requested by the administration and actually has already been appropriated. There has not yet been an authorization for it, and we thought it would be appropriate, even subsequent to the appropriation, to legitimize it by authorizing the monies as well.

The supplemental, more importantly, contains an additional $250 million in authorization for the Philippines; as budgetary assistance for the 1986 fiscal year. I am pleased to say that that is strongly supported by the Secretary of State and the Department of State who feel as we do that the new government in the Philippines very much needs this additional assistance.

Mr. SOLOMON. Mr. Chairman, will the gentleman yield?

Mr. SOLARZ. I yield to the gentleman from New York.

Mr. SOLOMON. I thank the gentleman for yielding to me.

Mr. Chairman, I really appreciate the strong and sincere effort of the gentleman on this issue even though we may disagree. During your comments, if you would just produce the written proof that the State Department, Secretary Shultz and the White House are in favor of this I think it will put a lot of us at ease.

Mr. SOLARZ. I thank the gentleman for that observation. I can only tell him that I do not have a written document in front of me, but I have been told by highest level——

Mr. SOLOMON. Is there one? That is all I am asking.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. SOLARZ. I yield to the gentleman from Florida.

Mr. FASCELL. I thank the gentleman.

Mr. Chairman, let me say that the only written document we have other than the oral assurances that have been made is simply the testimony of the Secretary of State before the committee.

Mr. SOLARZ. When I am informed by the Under Secretary of State that he and the Secretary would very much like to see this legislation approved, I take it to mean that in fact that is the Secretary's position. Because I have confidence in him, I do not demand it in writing or notarized by a notary public.

If the gentleman has some reservations about the accuracy of these representations, we will try to get a document up here before the——

Mr. SOLOMON. If the gentleman will yield, I would say that we have just gone through this over a Soviet grain sale where we thought Secretary Shultz was opposed to this and later on we found out he was in favor of it. I have called the White House and I have called the State Department and I cannot find out who is in favor of what, and that is why I asked the gentleman; I was not trying to put you on the spot.

Mr. SOLARZ. If the gentleman will stay on his feet, if we can give you credible and convincing assurances that the Secretary of State would like this legislation adopted as it is, would you then be prepared to support it?

Mr. SOLOMON. If the gentleman will yield, if he speaks for the adminis-

tration, I might give it some consideration, but let us make sure he does.

Mr. SOLARZ. Of course, I know the gentleman would not want us to be in a posture where I was more supportive of the administration than he was.

Mr. BEREUTER. Mr. Chairman, will the gentleman yield?

Mr. SOLARZ. I yield to the gentleman from Nebraska.

Mr. BEREUTER. I thank the gentleman for yielding.

Mr. Chairman, one statement that has been made in the course of the Foreign Affairs Committee debate and hearings on this subject. The administration responded, in effect: "Well, of course we could spend the money in the Philippines, but we want you to know that we are not asking for it."

I think if the gentleman or others have some disagreement with that construction of their statement, it is important to establish that distinction here. If in fact that is what the gentleman or anyone is construing as an endorsement of this legislation by the administration such a construction would be inappropriate. Would the gentleman agree?

Mr. SOLARZ. I would agree, but that is not what I am saying. I perhaps did not make myself clear. It is my very firm impression, based on what I have been told by representatives of the State Department, including some of the highest officials in the Department, they would like to see this legislation approved. They think the money would be well spent and that it would serve America's national interests.

Mr. BEREUTER. If the gentleman would yield? So the gentleman is suggesting that in fact there has been a change from their statement in the hearing?

Mr. SOLARZ. I do not have the record of the hearing in front of me, but I am giving you what I understand that position to be now. It may be that other agencies of the Government have a different view of the matter, but that is the view of the State Department.

Mr. LEACH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. SOLARZ. I yield to the gentleman from Iowa.

Mr. LEACH of Iowa. I thank the gentleman.

Mr. Chairman, as someone who thinks this authorization is too high, I do think it fair to say that I also have been in personal contact with senior members of the Department of State, and it is the position of senior members of the Department of State that they strongly favor this legislation.

The position reflected at the hearings on the subject was that they welcomed the initiative but they had no formal position. I have been told that the Secretary of State himself does favor this. On the other hand, as we all know, governments sometimes have a hard time getting consensus administration positions, so we are talking about one Department and one Department only.

Mr. SOLARZ. I thank the gentleman for his clarification and observations. Of the $250 million in new money which this would authorize for the Philippines for fiscal year 1986, as a result of an amendment offered in the committee by the gentleman from Iowa [Mr. LEACH], $1,050,000 of it is to be provided to Peace Corps programs in the Philippines. The remainder would be provided to the Government of the Philippines for budgetary assistance.

The legislation would also repeal various earmarks in the current legislation which would be exceeded once the supplemental went into effect and which therefore needs to be removed. Finally, the bill would repeal the prohibition in current law against the sale of lethal military equipment to the military in the Philippines. That was deemed desirable at any earlier point, but now that fundamental military reforms have taken place, it no longer seems either necessary or wise.

Mr. Chairman, I just want to say in conclusion that this is a country, the Philippines where we have enormous strategic interests at stake, they have our most important military facilities anywhere in the world outside of the continental United States. The success of democracy in the Philippines is by no means assured. Communist insurgency continues to operate. This money is clearly needed. It can be put to very good use, and I have no doubt if we do authorize it and ultimately appropriate it, that it will generate enormous good will for the United States.

We have base renegotiations coming up there. This is an investment in the future. I believe that at this critical moment, if the Congress of the United States, with the support of the administration were to make this kind of gesture, it would greatly facilitate the successful conclusion of the base negotiations when they begin in 1989, and they would go a long way toward enabling the new government of the Philippines to contain the continuing Communist insurgency.

The success or failure of democracy in the Philippines will depend more than anything else on the ability of the new government to reverse the economic deterioration which has been going on there for the last several years. In order to do that, they need to deal with the short-term economic crisis.

As the gentleman from New York [Mr. KEMP] pointed out, and as our Ambassador to the Philippines, Steve Bosworth, has said, "The agenda of the new government in the Philippines is our agenda. They have broken up the economic monopolies in sugar and coconuts and other critical sectors. They have begun to sell off inefficient, state-owned enterprises to the private sector. They have begun a massive process of trade liberalization of 1,200 barriers to trade; 600 have already been altered. Tariffs have been reduced, quotas have been removed and import licenses have been eliminated. They are making progress in other fronts also."

In the final analysis, the future of the Philippine economy will depend on the reforms made by the Philippine Government, but it is going to take time for those reforms to have an effect. In the meantime, they face a short-term budget crunch. They have got a $26 billion foreign debt, they have got a budget deficit of over $1 billion. They have got 70 percent of the people living in abject poverty. They are about to conclude a new agreement with the IMF, but they have got to further reduce that $1 billion deficit.

If they engage in additional austerity measures, they are only going to add to the political destabilization of the country given the massive degree of poverty, and it is going to be very difficult for them to borrow additional money with a $26 billion debt hanging over their heads.

So this authorization, and that is all we are talking about at this point, an authorization, is very well timed. With Mrs. Aquino scheduled to come here in September to address a joint session on September 18, I think this would be a very well-appreciated gesture on the part of the Congress and I urge my colleagues to support it. I have a little bit more to say when my very dear friend from New York [Mr. SOLOMON], offers his amendment to snatch away this money from Cory Aquino's treasury.

□ 1750

Mr. SCHEUER. Mr. Chairman, will my colleague yield?

Mr. SOLARZ. I yield to the gentleman from New York.

Mr. SCHEUER. Mr. Chairman, I congratulate my colleague, the gentleman from New York, the chairman of the Asian and Pacific Affairs Subcommittee, and I congratulate the chairman of the full committee, the gentleman from Florida, for their leadership in bringing this important bill to the floor, which I support very much.

I do have a bit of concern, not only about the short-term economic crunch in which the Philippines finds itself, but what about its long term?

Too frequently in our efforts to play the short-term game, we forget about the long-term game and never really address it properly.

The Philippines has the highest rate of population growth in Asia. From

1975 to 1980, the Philippines expanded their population at the rate of slightly over 3 percent a year, which gives them a doubling in about 17 or 18 years.

They have moderated that slightly. Whatever the faults of the Marcos regime, they did take some tentative steps toward distributing family planning information and services. From 1980 to 1985 that rate of population growth went down from a little over 3 percent to about 2½ percent.

It is essential that it be controlled further, especially in terms of employment opportunities. There is no way that the Philippines or any other country can double their jobs in the 20 or 22 years that a 2½-percent rate of population growth gives them when they are on that kind of a doubling curve.

May I ask the gentlemen whether it would be the policy of the Congress and the policy of our Government that some of the wriggle room that they are getting from this economic aid that gives them a little bit of resources to support domestic programs, whether it is our intention to work with them and pressure them and counsel with them to support a higher and more effective level of family planning services, as part of their health services and family planning education in the schools?

Mr. SOLARZ. Well, that, of course, would be a matter for the Filipino government to determine, since the money is being provided as budgetary assistance, although under the procedures under which this is handled, they would have to set aside a peso account which then presumably would be used for developmental purposes. This would certainly be an appropriate use of those peso funds. Given the problems the gentleman has referred to, I certainly hope we would encourage them to use some of it for these reasons.

Mr. SCHEUER. Mr. Chairman, I am going to put in the RECORD a letter that was addressed to the Secretary of State by myself and 17 or 18 other Members of Congress, addressed to exactly this question, the importance of family planning in the Philippines and the response that we received from his office.

Mr. Chairman, I include the following correspondence:

CONGRESS OF THE UNITED STATES,
*Washington, DC, May 9, 1986.*

Hon. GEORGE P. SHULTZ,
*Secretary of State, U.S. Department of State, Washington, DC.*

DEAR MR. SECRETARY: The Administration is to be commended for the constructive role it has played, especially during the last few critical months, in support of the peoples of Haiti and the Philippines. Attention is now directed to the enormous problems these countries face in bringing order out of chaos; and, understandably, they are looking for outside assistance, especially from the United States. But in order for any long term assistance strategy to succeed, an early examination of the fundamental problems hindering reconstruction and development is imperative.

In Haiti, catastrophic environmental devastation must be reversed. With a population growth rate of 2.3% (which means a doubling of the population in 30 years) and a predominantly rural work force, Haiti's hungry and unemployed have ravaged the land in desperate efforts to sustain themselves. The legacy of this is barren hills and an eroded landscape which have replaced once verdant forests and rich valleys. Any effort undertaken to restore Haiti's agriculture, feed its starving population, and create a viable economic resource base, must include efforts to restore the fertility of the land and to address population issues realistically and humanely. Otherwise, there can be no long term solutions to Haiti's problems; indeed they will intensify, accompanied no doubt by rising pressures for illegal immigration to our shores.

In the Philippines, rapid population growth, by far the highest in the ASEAN area, has deeply aggravated conditions of landlessness, unemployment, and extreme poverty which constitute major factors in fueling the communist insurgency. The provincial heart of the insurgency, Mindanao, is one of the poorest regions in the archipelago and, not coincidentally, one with the highest birth rate. If it is to serve as more than a bandaid, foreign aid must include population assistance as a major component of maternal and child health care programs as well as employment, education, industrial growth and agricultural development programs.

These two countries have been close to the U.S. for many years, Haiti by physical proximity and the Philippines by historical ties. The U.S. must now assist the new governments' earnest desires for development and stability. Although underdevelopment and political instability have many causes, it has been recognized that rapid population growth often impedes the best intentioned development efforts. Particularly in an era of budgetary restraint, it is more essential now than ever that scarce foreign aid dollars be spent wisely on projects that look to a sound future and foster long term growth and stability.

One final aspect deserving consideration is that of coordination with non-governmental development organizations. Care must be taken to insure that aid provided by entities such as the World Bank, the Asian Development Bank, the Inter-American Development Bank, the Organization of Economic Cooperation and Development, and various agencies of the United Nations is delivered in a coordinate fashion to avoid duplication and overlap in some sectors and large gaps and fissures in others. Given our close relationship with Haiti and the Philippines, the United States is in an ideal position to provide international leadership in the delivery of reconstruction and development assistance.

We therefore urge that population growth and other basic long term problems receive careful and coordinated attention in any program strategies to assist Haiti and the Philippines.

Sincerely,

James H. Scheuer, Jim Moody, Robert J. Mrazek, John F. Seiberling, John E. Porter, Peter H. Kostmayer, George W. Crockett, Anthony C. Beilenson, Jan Meyers, Frank Horton, Bill Green, Sander M. Levin, Patricia Schroeder, Bill Richardson, Stewart B. McKinney, Michael D. Barnes, Richard J. Durbin, and Buddy MacKay.

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U.S. DEPARTMENT OF STATE,
*Washington, DC,*

Hon. JAMES H. SCHEUER,
*House of Representatives.*

DEAR CONGRESSMAN SCHEUER: Secretary Shultz has asked me to thank you for the positive and thoughtful letter about our policies in Haiti and the Philippines that you and your colleagues in the House sent him on May 9.

As you know, U.S. development assistance to Haiti and the Philippines, administered by the Agency for International Development (A.I.D.) has been substantial in past years. We expect to continue providing development assistance in the future and during this critical period in which important policy decisions are being made in both of these countries.

There is a need for long term assistance which addresses fundamental issues you cite, including family planning, restoration of agricultural resources, employment creation, industrial growth, and agricultural development. I want to assure you that we will place appropriate emphasis on these issues in our development assistance strategy.

Through A.I.D., the United States has strongly supported the development and institutionalization of family planning in both Haiti and the Philippines. Despite concerted efforts by many people, programs in both countries have room for improvement. A.I.D. is currently working with other donors to ensure that opportunities presented by political change are utilized to strengthen and revitalize family planning programs in these countries. U.S. population policy emphasizes the right of all couples to plan the number and spacing of their children and the importance of family planning for child survival and maternal health. Based on these principles, our population assistance can make a strong contribution to economic growth and development in Haiti and the Philippines.

Sincerely,

JAMES W. DYER,
*Acting Assistant Secretary, Legislative and Intergovernmental Affairs.*

Mr. BROOMFIELD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to join the chairman of our committee, the gentleman from Florida [Mr. FASCELL] as well as the chairman of the Subcommittee on Asian and Pacific Affairs, the gentleman from New York [Mr. SOLARZ] in support of this legislation. I think it is an extremely important piece of legislation. I think it has been very well explained by the gentleman from New York [Mr. KEMP] and the chairman of our full committee and of the subcommittee.

I would like to say that H.R. 5081, the proposed Assistance for Democracy Act of 1986 deserves the support of this House.

Its main purpose is to provide needed support for fledgling democratic governments which have come to

power in the Philippines and Haiti in the last year.

In the case of Haiti, it earmarks economic, development and food aid for fiscal year 1987, as well as a small amount of nonlethal military aid. No increase in existing authorizations for fiscal year 1987 are required, and the aid is subject to significant human rights conditions.

The bill also authorizes further economic and military assistance for the Philippines, a friendly country in which the United States has very significant long-term security interests, not the least of which are Clark Air Force Base and Subic Naval Base.

As has been noted already, H.R. 5081 authorizes $100 million in economic support funds [ESF] and $50 million in grant military assistance [MAP] already appropriated in legislation enacted last month.

More importantly, perhaps, the bill authorizes an additional $250 million in ESF for the Philippines for budget support to the new democratic government of President Aquino for fiscal year 1986. The $250 million would all outlay in fiscal year 1986, and therefore, not adversely affect the tight outlay situation anticipated in the foreign aid budget for fiscal year 1987.

As has been mentioned, democracy is trying to take firmer root in the Philippines. However, as the gentleman from New York has pointed out, the economic, security, and political situation in the Philippines is still unstable. Our economic aid, proposed in this bill, will help President Aquino's government deal with a difficult and disruptive economic situation, inherited in large part from her predecessor.

The Philippines has a staggering external debt burden, significant unemployment, and certainly as we all know, widespread poverty. Nevertheless, there is certainly hope for strengthening the democratic process, the level of prosperity, and the security situation.

For example, President Aquino's administration has a number of high-caliber people working on her economic team. They appear committed to removing stifling government controls on the economy and increasing reliance on market forces to promote economic recovery. Our assistance, together with that of multilateral and other bilateral donors, will help our Filipino friends chances of succeeding in these important reforms. In fact, as I understand from the gentleman from New York [Mr. SOLARZ], what they really need is about a billion dollars.

Another important American contribution to the growth of democratic institutions in the Philippines is the support, with United States Government assistance, which the AFL-CIO's Asian American Free Labor Institute [AAFLI] is providing to the Trade Union Congress of the Philippines [TUCP]. With that support the trade union has been able to establish innovative, income-generating projects which help demonstrate the vitality of Democratic institutions, such as a free labor movement, even in these difficult times.

Last, the bill adjusts the fiscal year 1987 authorization levels to cover proposed fiscal year 1987 foreign-aid appropriations, but there is no net increase in the overall authorization level for these programs.

I urge my colleagues to support this modest and carefully targeted legislation.

Briefly, I want to say in conclusion, Mr. Chairman, and I know there are a number of amendments being proposed on this bill, but I would hope that in the final analysis, the bill we approve tonight would be essentially the same as the bill that was reported out of our committee by a vote of 27 to 2.

Mr. Chairman, I yield 6 minutes to the gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH. Mr. Chairman, I thank the gentleman from Michigan for yielding. I would hope the gentleman would see fit to give me some additional time.

I oppose this legislation. Since February, we have given the Philippines over half-billion dollars. How much more can they swallow? Now we are asking that the American taxpayer given them an additional $250 million, a quarter-billion more. The Philippines Government has some responsibility, too. The American Government as I see it, is not a dairy cow to be milked, but a strong horse pulling a heavy load.

This legislation brings to mind an incident that happened here on the floor this morning. Yesterday the White House predicted that the Federal budget deficit this fiscal year is going to be $230.2 billion. I think it is an important point to make. The fiscal deficit this year is $230.2 billion.

This morning when we were talking about this on the floor, the chairman of the Democrat Congressional Campaign Committee said that it was Ronald Reagan's fault that we had the $230 billion deficit. It is not Reagan's fault. It is not the American taxpayer's fault. It is the people who vote on the floor here. The people who vote for legislation like this. That is where the fault lies. That is where the resposnsiblity lies.

Now, how much more and how many more times are we going to raid the American taxpayers? It is not the American taxapayer's fault, but the American taxpayer is going to be propagandized in these next 90 days about this huge national deficit.

We have given the Philippines over half a billion dollars. We are asked now to increase our deficit by another quarter-billion dollars so that the Philippine deficit can be less by a quarter-billion dollars. Does that make sense to you? It does not to me.

Did you ever hear of Gramm-Rudman? Gramm-Rudman says that within less than 60 days we have to find $86 billion. By spending an additional quarter-billion dollars here tonight, are we helping in that goal? I do not think so.

We've got problems right here at home with drugs, with agriculture, with trade. Let us take care of our own problems and our own people first for a change. That is something we have not done in the last 40 years.

Now, $250 million more—no, it is not the American people's fault. It is not President Reagan's fault. It is not the Defense Department. It is not the bureaucracy this time. No, it is right here in Congress, but it is not the entire Congress. It is only, those people who vote for this additional funding. Those are the people who have the onus and the responsibility.

Of all the billions of dollars we have given away since the end of the Second World War, how many friends have we bought? Where have American dollars really stopped communism?

We have these people get up here on the floor and say, "We have got to give a few billion more to stop communism."

Where has the American dollar stopped communism?

Here we have $230.2 billion in deficits and we have to find $86 billion in the next 60 days.

I will predict that 435 Congressmen are going home to their precincts within the next 90 days sayings, "We've got a terrible deficit."

A vote like this should be taken from one end of the country to the other. Let the people look at the record. Let the people know the truth about these horrendous deficits. Too many Congressmen like to play Santa Claus, with the taxpayers money. When are we going to learn that we can't buy our friends.

Now, what is one of the solutions? Well, we have had many hearings in our subcommittee. Marcos, we are told and I read in the New York Times that some people in the committee said that he absconded with $2 billion. Well, let us help the Philippines get that money back from Marcos.

But why take it out of the hides of the American taxpayer? That is what we are being asked to do here tonight.

I say, stand up for America and vote against this give away. Members do your own thinking. Read the bill and analyze it.

I heard my good friend, and friends on this floor ask you to do your own thinking, because with a bill like this

there is a lot of smoke. My good friend, the gentleman from New York [Mr. KEMP] said, "Do not cut."

Well, we are not cutting. We already gave the Philippines half a billion. Now we are asked to give them another quarter billion.

My good friend, the gentleman from New York [Mr. SOLARZ] said that the Secretary of State wants this legislation. The gentleman from New York [Mr. SOLARZ], and Mrs. Aquino wants it. We have got to give it to her. She is coming. She is going to pay us a visit.

I say to you, who do you represent, Secretary Shultz? Who do you represent? You represent the American people. Do you think the American people want to go into hock for another quarter-billion dollars? I do not think so.

I wish some of the speakers would address this issue of $86 billion deficit. I wish the speakers would address the issue of Gramm-Rudman and our deficits.

What country is going to come and help us in the next 60 days? We are looking for $86 billion. Can any of you tell me what country is going to come to us and say, "Here, you need money? We have $86 billion here for you to keep you deficits in order." What country is going to do that? What nation will give us the billions we need? What nation will come to our aid?

Let us start taking care of our own American people for a change and attend to our problems right here in our own country.

Mr. BROOMFIELD. Mr. Chairman, I yield 9 minutes to the gentleman from New York [Mr. SOLOMON], a member of our committee.

Mr. SOLOMON. Mr. Chairman, when I was just a little boy I can recall—and I can recall seeing it time and again on old news reels—that there was a fellow in the Congress, his name was Everett Dirksen, and he said, "A billion dollars here, a billion there, pretty soon you are talking about a lot of money." I have heard people stand up here today and say, "Don't worry, this $250 million we are talking about does not increase the deficit in 1987 because it is in 1986." What does it do to 1986, I would ask anybody that is here?

Mr. Chairman, a little bit later on I will be offering an amendment.

The amendment I will be offering with the gentleman from Nebraska [Mr. BEREUTER] is very straightforward. It would simply eliminate the authorization for this fiscal year of $250 million in economic support funds for the Philippines. I am convinced that authorization of additional assistance of this magnitude—for this fiscal year—is totally unwarranted. Moreover, I believe the proposal for the this additional assistance represents an attempt to make an end run around the Gramm-Rudman-Hollings process.

As I said, this bill would authorize an additional $250 million in ESF for the Philippines for the current fiscal year. But, Mr. Chairman, the House has already passed a conference report on supplemental appropriations that contained in full the administration's request for an additional $100 million in ESF and $50 million in military grants for the Philippines. On top of this amount, the administration has accelerated the flow of $200 million in ESF already in the pipeline. And another $100 million in development loans have been converted into grants.

If you add up these and all of the other initiatives launched by the administration, you get a figure of more than $500 million. We have provided the Philippines with more than $500 million this fiscal year—just since February. Given this extraordinary demonstration of American generosity over the pst 6 months—extraordinary generosity during a time of severe budgetary stringency in our own country—can we really justify another $250 million for the Philippines between now and October 1? Must we rush in with another $250 million before the International Monetary Fund has completed its study of the Philippines' budget and come to terms with that government on a stabilization program?

I am also deeply concerned about the nature of this additional assistance. This bill proposes essentially a cash transfer of $250 million from our Treasury to the Government of the Philippines. Not only does this represent the novel idea of increasing our own deficit in order to lower the Philippines' deficit, the size and timing of this additional assistance raise serious questions about the capacity of the Philippines to absorb it effectively.

Section 103 of the bill admits as much by requiring that the funds to be made available under this bill be kept by the Government of the Philippines in a separate account, not to be commingled with any other funds. I am pleased with this provision—and I believe that such a provision implicitly recognizes the unusual nature of this aid proposal. Frankly, we would be well advised to hold off on any further assistance until we can at least study how they are using the aid they are already receiving.

Finally, Mr. Chairman, I would like to make a couple of observations.

I suggested a moment ago that this aid proposal for the Philippines represents an end run around the Gramm-Rudman-Hollings process. Let me just elaborate on that to say that the extra $250 million in this bill will have to come from somewhere. In the zero-sum game that Congress is now playing, these $250 million will have to be taken from some other account somewhere—or, we can take the easy way out and just add it on to the deficit. My point is, Mr. Chairman, where and when does it all stop? Do our efforts at deficit reduction really mean something? Or have we just gone back to business as usual, throwing money at any and every problem that comes along?

We will soon have to consider a foreign assistance appropriations bill—a bill that, as every Member knows, exempts four countries from mandatory reductions in their aid programs. The Philippines is not one of those countries. Whatever may be the merits or demerits of what the Appropriations Committee is recommending, at least the members are being straightforward as to where they believe America's foreign aid priorities are. I find that approach to be much more preferable than the back-door method in this bill, which is just one more attempt to nickel and dime to death all of our attempts to get the budget under control.

One concluding observation, Mr. Chairman, would be this: We cannot do for the Philippines what the Philippines can and must do for itself. Money does not grow on trees—and the days when America can deal with any problem at home or abroad by simply writing a blank check are long gone. But getting back to the Philippines, I was interested to read in the July 22 edition of the New York Times the following news item from Manila:

> President Corazon C. Aquino castigated private enterprise today for what she said was a wait-and-see attitude that has slowed the economic recovery of the Philippines.
>
> Speaking to Philippine and foreign business leaders, who were among her strongest backers during the election last February, she said the support they had pledged to her new administration "has not been forthcoming."

Why is private enterprise, foreign and domestic, hesitating to invest in the new Philippines because the new government is making the same mistakes that the Marcos government made. They are not expeditiously making the political, military, and especially economic reforms necessary to instill confidence from the private sector, specifically, they are not strongly guaranteeing that future investments will not be nationalized, and who in their right mind would invest without that guarantee?

Second, the new government continues to refuse to say whether they will renew our base agreements and should they force us out, who in their right mind will invest without that guarantee?

Last, where are the guarantees that any of the $750 million will be spent in the United States—have you been to the Philippines lately? Did you see any American goods there? Did you see one American car there? No, but

you did see thousands and thousands of Japanese cars there.

Yes; we are about to increase our gift by $250 million totaling about $1 billion which we don't have to give and most of that money will probably end up in Japan. And if so, why isn't Japan offering to shoulder half of this gift instead of zero.

Finally, let me just ask why is this extra cash gift of $250 million being rushed through the Congress in this manner? It's because our fiscal year ends in less than 60 days and if we pass this now, the Congress can come back 60 days from now after the new year starts and give them another $250 million.

Mr. Chairman, I will say it again: We cannot do for the Philippines what the Philippines can and must do for itself. Aid is not enough. Trade and investment are equally as important. And if the Philippine economic establishment does not have enough confidence in the future of the country to be willing to put their money where their mouth is, no amount of American largesse will be sufficient to bail out the country.

□ 1805

Mr. BROOMFIELD. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Nebraska [Mr. BEREUTER], a member of the Committee on Foreign Affairs.

Mr. BEREUTER. Mr. Chairman, I thank the ranking minority member of our committee for yielding me this time.

Mr. Chairman, I want to remind my colleagues who are watching this debate that this bill has three titles. The third title is one that has several provisions which are very important and quite commendable.

Title II is related to the country of Haiti.

I find title II to be extraordinarily helpful, well-constructed, and needed legislation, and I want to commend in particular Chairman FASCELL for his effort in pulling together the concerns and interests regarding Haiti and moving it into legislative form.

I think, based upon some meetings, discussions that I was involved in, that Chairman FASCELL probably also had substantial help from Members of this body like the gentleman from the District of Columbia [Mr. FAUNTROY], the gentleman from Minnesota [Mr. OBERSTAR], and others. Certainly, I am totally supportive of what title II contains.

Indeed, I am the only member of the Foreign Affairs Committee who voted "present" when this came up the three-title substitute before the Foreign Affairs Committee on very short notice because I felt so strongly that it was difficult for me to cast a vote against the aid to Haiti. That aid is desperately needed. I vote present at that stage after arguing for a cut in the increased aid for the Philippines in the hope that it might have some influence on the managers of the legislation as they considered the preparation of floor amendments.

Let us move to title I. I cannot support the legislation in its current form only because of title I. The additional $250 million "to be paid before October 1, 1986, on a grant basis for budget support" to the Philippines seems to me can only be regarded as an excessive amount of authorization.

In expressing their opposition to this additional authorization above the Administration's request I would mention that I am not a Johnny-comelately in supporting President Aquino. I have for a number of years been working in some small areas trying to move us away from the kind of bargaining position that we found ourselves in on bare rights with the Marcos regime. I am totally supportive of the effort to restore democracy to the Philippines.

□ 1815

But a cool $250 million delivered, and "to be paid before October 1, 1986," on top of the generosity of the authorizations and appropriations which we have already seen this body approve the executive branch implement, is truly excessive. It is $250 million that we cannot afford to so generously give to President Aquino and the Philippines on a silver platter at this time.

The gentleman from New York [Mr. SOLOMON] my colleague as a Member of the Foreign Affairs Committee, will be offering an amendment to eliminate that additional $250 million. I believe that the Solomon amendment is an amendment that responsible Members of this body can readily support. Members who support the presidency of President Aquino and who support a movement toward democracy in the Philippines, can also support the Solomon amendment in good conscience and thus be fair and responsible to the taxpayers, and accordingly demonstrate their concern about the deficit of this country.

We the American people have been generous to the Phillippines. We are generous. We intend to be generous. Supporting the Solomon amendment will change this legislation, all three titles, into a form that all of us can support. I urge adoption of the Solomon amendment when it is offered.

Mr. BROOMFIELD. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from New York [Mr. GILMAN] a member of the committee.

Mr. GILMAN. Mr. Chairman, I rise in support of H.R. 5081, the Assistance for Democracy Act of 1986, which provides additional assistance to the Philippines and Haiti, and which increases funding levels for the international narcotics assistance programs of the United States.

Mr. Chairman, I cannot think of more deserving objects of U.S. assistance then the fledgling democracies of Haiti and the Philippines and our efforts to combat drug cultivation and trafficking abroad.

This legislation was crafted in a bipartisan fashion in our Committee on Foreign Affairs—with special participation by the Haiti Task Force, which includes members with a special concern for Haiti even though they are not on our committee. In this connection, I would like to pay special tribute to the gentleman from the District of Columbia [Mr. FAUNTROY], who has shown special leadership in this effort. I would also like to thank the distinguished chairman of the committee the gentleman from Florida [Mr. FASCELL], and our ranking minority member, the gentleman from Michigan [Mr. BROOMFIELD], each of whom have been supportive of the move to provide new funding for these important programs. This legislation includes special provisions, recognizing the changed nature of the goverments of Haiti and the Philippines which, for example, modify or repeal some of the special strictures which we had imposed on our aid.

Both governments are facing difficult moments in the months ahead. Haiti is suffering badly from economic stagnation and erosion of its natural resources. It has almost no experience with democracy, and is now engaged in an attempt to build democratic structures so that the people can, at last, govern themselves. The transition to democracy will not be easy, and we have to be both tolerant and helpful, where ever we can, as the new government finds its way.

This bill provides $109 million in economic aid; $36 million in economic support funds, $37 million in development assistance, $35 million in Public Law 480 food aid, and $1 million for the Inter-American Foundation's program in Haiti. The bill contains conditions so that we can monitor the actions of the present provisional government in human rights, a transition for free and open elections, cooperation with the United States in establishing a development assistance program, and the like. Four million dollars will be available in grant military assistance, restricted to nonlethal items only, and subject to appropirate human rights conditions.

Our relationship with the Philippines is a strong one that goes back many years. We were deeply troubled by the actions of the former government, especially in its later years, as it increasingly showed that it was willing to ignore the wishes of the majority of the people. A revolutionary government—representing, however, the will

of the majority, as expressed in the last election—has now come to power. We have close relations with the Aquino government, and we hope those relations will continue to improve over the next months and years. We have crucial security interests in the Far East, which necessitate the continuation of our basing rights in Subic Bay and Clark Air Base. We should support today's legislation so that we can help the Philippines begin the difficult job of reconstructing its economy.

This legislation provides $150 million in economic support fund assistance and $100 million in grant military assistance already appropriated in the recently enacted supplemental appropriation. An additional $250 million in economic support fund are also authorized.

Finally, Mr. Chairman, the committee increased funding for international narcotics control to the executive branch request level. Additional resources are sorely needed to combat the rising tide of drugs from abroad that are literally drowning us. These funds will be used for narcotics interdiction and eradication efforts abroad.

This measure also increases by $50 million the budget authority for the child survival fund. That program is used, for example, for the distribution of vaccines and salts for oral rehydration.

Mr. Chairman, this is sound legislation, addressing important needs, and deserving of our votes. Accordingly, I urge my colleagues to support it.

Mr. SOLARZ. Mr. Chairman, to do battle on behalf of the legions of truth against the hosts of error, I yield 5 minutes to the very distinguished gentleman from New Jersey [Mr. TORRICELLI].

Mr. TORRICELLI. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, let me first offer my congratulations, because I see just as certainly as the miracle of Manila was a victory for the Philippine people in the struggle for their own freedom, under the leadership of the gentleman from Flordia [Mr. FASCELL], and the gentleman from New York [Mr. SOLARZ], it can be said that this Congress in formulating a foreign policy and in protecting the interests of our country has never had a prouder moment. To them we all owe our thanks and congratulations.

Before considering this bill today, however, it is important to understand just what it is that happened in Manila. You see, there was no final victory. Democracy in the Philippines was not restored for all time.

What Mrs. Aquino, what the victory of her people have given their people is a chance, a brief opportunity in time to build institutions, a belief in democracy, to restore a civil life to an embattled people. That is their chance.

No final victory over poverty. It has not ended. But a chance to reform an economy, to build a belief in a democratic system, a chance.

Finally, and most certainly, no victory in a cruel and devastating civil war where Communist insurgency threatens the future of a people and their nation. Only a chance, only a brief opportunity to win that struggle and hold democracy for another generation.

Today, perhaps, if the legislation is accepted, America joins that struggle. The people of the Philippines did their part. It was their fight on the streets of Manila, with enormous sacrifice. Today they look to us to make that democracy, prosperity and an end of war more than just a chance.

I heard the gentleman from Wisconsin [Mr. ROTH], and I know his point. This is not an American struggle.

But it is. Only a generation ago in this Congress we decided to send a quarter of a million Americans to their deaths in the Pacific in part, indeed in large part that the Philippines would be free, to end a war. Today is that struggle any less important? Would you rise any less to the challenge?

I know the sacrifices have already been great, $400 million in assistance. Much of it will not be spent for years. Most of it was committed previously to the Marcos government. That is a measure of our commitment to bases, and it is a measure of our commitment to the Marcos government. It does not begin to put Americans shoulder to shoulder with the Philippine people in their new struggle for democracy.

□ 1825

I know in a time of deficit it is a sacrifice; takes some measure of it. This bill, if taken to its full measure, is one-tenth of 1 percent of our deficit. That, for the Philippines, a nation on the very front lines of the struggle for freedom, the first nation in the Pacific confronting the Soviet fleet and air force, the only nation that can claim a colonial heritage to America, the nation that represents the greatest victory in American foreign policy in this decade. One-tenth of 1 percent.

Mr. Chairman, the people of the Philippines have met the challenge. I ask that our colleagues, that our country meet that challenge today. Claiming to be the leader of the free world is more than a title, it is a responsibility. Defense is more than weapons. Occasionally, it is a sacrifice. That is what we are called upon here today.

I urge an affirmative vote to follow the leadership of Mr. FASCELL and Mr. SOLARZ, and complement the victory of the Philippine people.

Mr. LEACH of Iowa. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey [Mr. SMITH], who has played such a crucial role in crafting out one section of this bill.

Mr. SMITH of New Jersey. Mr. Chairman, I would like to focus just for a few moments on title III, section 302 of the bill.

Mr. Chairman, one of the most heartbreaking tragedies of our time is the prevalence of sickness, malnutrition, and death of the world's children. In the developing world, more than 20 million children die each year from malnutrition and preventable, curable diseases. Looked at another way, more than 54,000 children die each day, the victims of such treatable and preventable ailments as measles, polio, diphtheria, tetanus, pertussis, and diarrheal dehydration.

But, Mr. Chairman, there is reason to have great hope that we can alleviate a tremendous amount of this suffering in the immediate future. Title III of the bill pushes the budget authority for the child survival fund to $75 million in fiscal year 1987. This increase will save thousands of lives and is totally justified.

Mr. Chairman, there can be no doubt that the work financed through the child survival fund is today helping to advance the so-called child survival revolution. For the child survival fund promotes low-cost, extremely effective health care techniques like massive immunizations and oral rehydration therapy [ORT] which help battle these debilitating diseases.

Mr. Chairman, as you may know, a feature component of the child survival fund is the promotion of immunization programs to prevent such devastating diseases as pertussis, tetanus, polio, diphtheria, and measles. Immunizations are often taken for granted by Americans. Protection from these crippling diseases, in the developing world, however, is a relatively recent phenomenon. In the last several years, many developing nations have embarked on comprehensive programs to immunize their child populations.

Mr. Chairman, another feature component of the child survival fund is the oral rehydration therapy [ORT], a revolutionary health technique which treats children who suffer from diarrheal dehydration.

Mr. Chairman, as incredible as it may sound, diarrheal dehydration is the main cause of child death—and a major cause of child malnutrition in developing countries. According to UNICEF, the average child living in a poor community in the developing world will suffer an attack of diarreal infection somewhere between two and six times per year. Every episode of diarrhea lowers the child's nutritional level and every occurrence carries with it the risk of death from dehydration. UNICEF points out that in a country like Bangladesh, diarrheal dehydra-

tion kills almost 10 percent of all children.

Mr. Chairman, oral rehydration is perhaps the simplist and most dramatic lifesaving technique promoted by the child survival fund. Previously, the only cure for children suffering from diarrheal dehydration was costly and often unavailable intraveneous therapy. Now, however, it can be treated, successfully, by orally taking a simple formula of salt and glucose with water. The mixture cost only pennies each dose and according to UNICEF, an estimated half million children were saved by oral rehydration therapy in 1984.

Mr. Chairman, other simple techniques including breast feeding and growth monitoring enhance and preserve the lives of children and are featured and promoted by the child survival fund. Boosting the child survival fund to $75 will help us better meet the needs of the world's children.

Mr. Chairman, in more than 75 countries around the world, young and helpless children have benefited from the child survival fund's support of the ORT, immunizations, growth monitoring, and breast feeding. And while so many lives have been saved, countless more are in need of our help.

Mr. Chairman, at present, only 15 percent of the world's families whose children could be saved by child survival fund methods are aware of these lifesaving procedures. UNICEF has estimated that we could bring all four phases of the child survival fund/revolution to the world's children at the low cost of $10 per child.

In closing, Mr. Chairman, I would like to remind my colleagues that there are millions of children who suffer needlessly, who daily endure nightmarish pains and physical deterioration which accompany diarrheal dehydration and malnutrition. And while we must all be mindful of our budget responsibilities and limitations, the costs of this program is modest in comparison to the benefits.

Mr. FAUNTROY. Mr. Chairman, I rise in strong support of H.R. 5081, the Assistance for Democracy Act of 1986. As chairman of the Congressional Task Force of Haiti I will confine my statement to title II—promoting democracy in Haiti. I do, however, want to congratulate our distinguished colleague, Chairman STEPHEN J. SOLARZ, whose leadership on the Subcommittee on Asian and Pacific Affairs and on our relations with the Philippines is so well reflected in title I of this bill. I enthusiastically support the authorizations provided for in title I—promoting democracy in the Philippines and the aspirations of the people of that nation for a democratic future.

I want to express my appreciation to the chairman of the Committee on Foreign Affairs, DANTE FASCELL, for the care and cooperative spirit given and tended during the process of crafting the sections of this legislation which have as their purpose assisting the courageous Haitian people in a transition to democracy. I also want to commend the staff representing the members of the Congressional Task Force on Haiti who put in many hours and proceeded carefully and artfully in their work on title II.

Section 202 earmarks $109 million in economic assistance for Haiti in fiscal year 1987, not less than $36 million in economic support funds, not less than $37 million in development assistance, not less than $35 million in Public Law 480 food assistance, and not less than $1 million for the inter-American foundation for programs in Haiti. The funds authorized in section 202 are to be used to support job creation, rural development, health care and sanitation, small scale irrigation, reforestation and land conservation, and literacy education.

I am very pleased also that the committee in its report recognizes the efforts of the interim Government of Haiti to take legal actions throughout the globe attempting to recoup funds and other properties allegedly stolen by those associated with the Duvalier dictatorship. The return of such resources in significant amounts could have a major impact on the Government of Haiti's fiscal position and on efforts to promote economic recovery and national reconstruction. With this in mind, the committee report notes that Haiti has experienced difficulty in accumulating the collateral required to attain court adjudication of its claims. Therefore, the committee in its wisdom believes that our Government should seek every appropriate method to assist Haiti with this problem including providing economic support funds to Haiti for meeting this objective.

Section 202 also reflects a proper and necessary concern for a democratic transition and human rights in Haiti by stipulating a number of important benchmarks. Funds earmarked for Haiti in economic support and development assistance may be obligated only if the President determines that the interim Government of Haiti is:

Implementing its timetable for completion of a new constitution that promotes genuine democratic reforms and guarantees the fundamental principles of democracy;

Establishing a framework for free and open elections leading to a democratically elected civilian government, which would include free and functioning political parties and associations, free labor unions, and freedom of the press;

Continuing its investigation of alleged human rights abuses and corruption by the Duvalier government and is prosecuting, in accordance with due process, those responsible for human rights abuses and corruption; and

Maintaining a free and independent judiciary system.

Additional, conditionality seeks to insure that the resources authorized in this section are used efficiently. Specifically, the President must also determine that the interim Government of Haiti is:

Cooperating fully in implementing United States development, food and other economic assistance programs in Haiti (including programs for prior fiscal years); and

Maintaining a system of fiscal accountability to ensure that all resources allocated to the development of Haiti are used in the most effective and efficient manner.

Economic support funds authorized under section 202 and provided to the Government of Haiti are required to be deposited in a segregated account and maintained separately from other financial resources of the Government of Haiti.

Section 203 seeks to promote a dramatic transformation of the Haitian Armed Forces, to define through this authorization the purposes and delineate with strict and tight conditionality the provision of any appropriations for military assistance to Haiti. Section 203 sets a ceiling of $4 million in such assistance, and restricts this assistance to international military education and training and nonlethal forms such as transportation equipment, communications equipment, and uniforms. The Congressional Task Force on Haiti's concern that such assistance only be used to reform and reorganize the security forces in a manner congruent to democratic and constitutional government is reflected in the conditions that must be satisfied prior to the allocation of such assistance.

Under these provisions assistance can be provided only if the President certifies that:

The Government of Haiti has submitted a formal request specifying a comprehensive plan for the reform and reorganization of the mission, command, and control structures of the Haitian Armed Forces consistent with a transition to democracy, the rule of law, constitutional law, and an elected civilian government. It should be noted that a considerable effort has been made by the Congressional Task Force on Haiti to analyze the Haitian Armed Forces. It has been concluded that it is imperative that such units as the Dessalines Tactical Battalion, the Leopards, the Presidential Guard, and the Service Detective be restructured to perform functions other than internal security, such as securing the borders of Haiti, and civic action, such as rebuilding the physical infrastructure of Haiti. It is also clear that such a restructuring will require new command and control and the dispersal or dismantling of these units into other newly formed units. We don't want this assistance in the wrong hands.

Additionally, and also prior to the allocation of any appropriations under section 203 the President must certify to the Congress that the Government of Haiti is making substantial effort:

To prevent the involvement of the Haitian Armed Forces in human rights abuses and corruption by removing from those forces and prosecuting, in accordance with due process, those military personnel responsible for the human rights abuses and corruption;

To ensure that freedom of speech and assembly are respected;

To conduct investigations into the killings of unarmed civilians in Gonaives, Martissant, and Fort Dimanche, to prosecute, in accordance with due process, those responsible for those killings and to prevent any similar occurrences in the future;

To provide education and training to the Haitian Armed Forces with respect to internationally recognized human rights and the political and civil rights essential to democracy, in

order to enable those forces to function consistent with those rights; and

To take steps to implement the policy of the Government of Haiti requiring former members of the Volunteers for National Security [VSN] to turn in their weapons and to take the necessary actions to enforce this requirement.

Section 203 also specifies that no allocations may be made for military assistance until the President certifies to Congress that Haiti has taken the required actions. This provision also requires that following certification, the Committee on Appropriations and the Committee on Foreign Affairs of this body and the Committee on Appropriations and the Committee on Foreign Affairs of the Senate must be notified 15 days in advance of an obligation of funds. The bill further provides that half of the assistance in section 203 be withheld from delivery until the President submits the first of a required series of reports on the Government of Haiti's compliance with the conditionality legislated in this section.

In laying down these conditions the committee reflects the view of the Congressional Task Force on Haiti that any allocation of military assistance by our Government be provided in a very cautious and careful manner that does not undermine but supports a transition to democracy. It is clearly the intent of all who worked on title II that this nonlethal assistance be disbursed only in a phased manner to encourage reform and reorganization of the security forces as set out in section 203.

It is the intent of this legislation that should the Government of Haiti fail to act in a manner consistent with the conditions on assistance to which the President has certified, military assistance will cease.

Mr. Chairman, this legislation in its authorization level of $109 million for economic assistance, in its priorities, purposes, and conditionality establishes the correct framework for our Nation's policy toward Haiti at this moment of historical significance. We all wish the Haitian people a better future, one of democratic participation, respect for human rights, economic justice, and national recovery. This legislation can help in the attainment of those objectives.

Haiti and the Philippines need our assistance, now, not later. I urge my colleagues to support this legislation, the Assistance for Democracy Act of 1986.

Mr. JEFFORDS. Mr. Chairman, as one with a longtime interest in Philippine affairs, I am very pleased that legislation was requested by the administration and swiftly acted upon by the Committee on Foreign Affairs. There was tremendous euphoria in this House and all over America when Corazon Aquino became the President of the Philippines. We must now follow through to provide the assistance that the Philippines so badly needs to help carry out her policies and reforms.

During her first 5 months in office, President Aquino has faced challenges from many sides. The broad coalition that supports Cory Aquino made her election possible, but also makes governing very complicated. The President must spend a great deal of time and energy preserving consensus and developing a unified set of goals for the future.

The Aquino government is attempting to revive the economy while providing some relief from the grave poverty in which many Filipinos live. Mrs. Aquino faces challenges from Marcos supporters on the right and communist guerrillas on the left. Fortunately, the President seems to have withstood the most serious threat to her government from the Marcos group. Not only did she handle the coup attempt with appropriate skill and calm, but the obvious disintegration of support for the Marcos group considerably strengthened her position. Developing a successful policy to curtail the Communist guerrillas will take more time, but there are promising developments already. Most importantly, the Aquino government is genuinely committed to bringing about national reconciliation and ending the strife that has plagued the nation in recent years.

America lavished its congratulations upon the Philippines when it successfully returned to democracy. Now we must back up those words with the economic aid that the nation so badly needs and the government has so urgently requested.

This legislation authorized $100 million in economic support funds and $50 million in military assistance for fiscal year 1986. These funds already have been appropriated as part of the urgent supplemental appropriations package. In addition, H.R. 5081 contains new budget authority of $250 million for budget and economic support for the Aquino government. Of these funds, $100 million would be converted from loans to grant aid.

I would also like to point out that the Aquino government has available to it $400 million in economic assistance and $50 million in military aid appropriated in prior years. Earlier this year, these funds were held back by the administration until there was a successful transfer of power to a democratic government. The Aquino government has applied for most of this funding, which is expected to be obligated in the near future. However, we are already at the end of fiscal year 1986, and little time remains for dispensing these funds.

Unfortunately, the current financial situation of our own Government prevents us from being as generous with the Philippines as we would like to be. The deficit requires cutbacks in all Federal spending and there is a growing possibility that Gramm-Rudman may force a painful sequestration order in a couple of months. Therefore, I feel compelled to support the amendment of my colleague, Mr. LEACH, which sets the new budget authority for fiscal year 1986 at $200 million and requests that $180 million for economic assistance be earmarked in fiscal year 1987. Realistically, $200 million is still more than the Aquino government will be able to assume before the end of the fiscal year. By requesting that fiscal year 1987 funds be earmarked, Mr. LEACH provides a clear assurance of continued support next year. In view of the circumstances, I believe that the gentleman's amendment is the proper course to follow.

In closing, let me briefly touch on title III of the bill, which provides for the transfer of $50 million in budget authority to the Child Survival Fund. As my colleagues know, this fund provides assistance to AID, UNICEF, and private voluntary organizations for effective health assistance to mothers and children. Through such simple measures as vaccination against common childhood diseases and oral rehydration therapy, major causes of death among Third World children can be eliminated. I am very pleased that this legislation provides much-needed funding for this very vital program.

I urge all my colleagues to support this legislation.

Mr. LEACH of Iowa. Mr. Chairman, I yield back the balance of my time.

Mr. FASCELL. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute, now printed in the reported bill as an original bill for the purpose of amendment, shall be considered by titles, and each title shall be considered as having been read. No amendments to title I or title II are in order except germane amendments printed in the CONGRESSIONAL RECORD by August 5, 1986.

The Clerk will designate section 1.

The text of section 1 is as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE

This Act may be cited as the "Assistance for Democracy Act of 1986".

The CHAIRMAN. The Clerk will designate title I.

The text of title I is as follows:

TITLE I—PROMOTING DEMOCRACY IN THE PHILIPPINES

SEC. 101. FINDINGS CONCERNING THE PHILIPPINES.

The Congress finds that—

(1) the restoration of democracy through the inauguration of President Corazon Aquino provides the Philippines with an opportunity to rebuild the social and economic institutions necessary to achieve growth, prosperity, and stability for the benefit of the people of the Philippines and the countries of the entire region; and

(2) the economic security issues confronting the Philippines make the task of achieving these objectives extremely difficult, depending in significant measure on—

(A) the ability of the Government of the Philippines to undertake significant economic and military reforms, and

(B) the willingness of the United States and other supporters of democracy to assist the Government of the Philippines in those efforts.

SEC. 102. AUTHORIZATIONS OF ADDITIONAL ECONOMIC AND MILITARY ASSISTANCE FOR THE PHILIPPINES.

In addition to amounts otherwise authorized to be appropriated for such purposes, the following amounts are authorized to be appropriated to the President for the fiscal year 1986 for assistance for the Philippines:

(1) ECONOMIC SUPPORT FUND: Assistance under chapter 4 of part II of the Foreign Assistance Act of 1961—

(A) $100,000,000, plus

(B) an additional $250,000,000 to be paid before October 1, 1986, to the Government of the Philippines on a grant basis for budget support, except that $1,050,000 of this amount shall be transferred to the Peace Corps for programs in the Philippines under the Peace Corps Act.

(2) GRANT MILITARY ASSISTANCE: Assistance under chapter 2 of part II of the Foreign Assistance Act of 1961, $50,000,000.

SEC. 103. REQUIREMENT FOR SEGREGATED ACCOUNT FOR ECONOMIC ASSISTANCE FUNDS.

Economic assistance funds authorized to be appropriated by paragraph (1) of section 102 of this Act may be paid to the Government of the Philippines only if the Government of the Philippines will maintain those funds in a separate account and not commingle them with other funds.

SEC. 104 PROHIBITION ON USE OF PREVIOUSLY APPROPRIATED FUNDS TO PROVIDE ADDITIONAL ECONOMIC ASSISTANCE FOR THE PHILIPPINES.

The additional appropriations for economic assistance for the Philippines authorized by paragraph (1)(B) of section 102 may not be derived (by transfer or other means) from funds previously appropriated for other purposes.

SEC. 105. REPEAL OF LIMITATIONS.

Subsections (d) and (e) of section 901 of the International Security and Development Cooperation Act of 1985 (relating to amounts of assistance and prohibiting lethal assistance for the Philippines) are repealed.

SEC. 106. FILIPINO-AMERICAN CONTRIBUTIONS OF PROFESSIONAL SERVICES TO ASSIST DEVELOPMENT EFFORTS IN THE PHILIPPINES.

The Congress urges the Administrator of the Agency for International Development to use funds allocated for development assistance purposes in the Philippines to support programs of private and voluntary organizations pursuant to which Filipino-Americans with appropriate professional expertise serve in the Philippines on a volunteer basis, using their expertise to assist economic and social development efforts in areas of the greatest need.

The CHAIRMAN. Are there any amendments to title I?

AMENDMENT OFFERED BY MR. LEACH OF IOWA

Mr. LEACH of Iowa. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LEACH of Iowa: Page 5, beginning in line 1, strike out "$250,000,000 to be paid before October 1, 1986, to the Government of the Philippines on a grant basis for budget support," and insert in lieu thereof "$200,000,000 to be paid to the Government of the Philippines before October 1, 1986,"; and page 6, after line 16, add the following:

SEC. 107. EARMARKING ASSISTANCE FOR THE PHILIPPINES FOR FISCAL YEAR 1987.

Of the aggregate amounts made available for the fiscal year 1987 for assistance under chapter 2 of part II of the Foreign Assistance Act of 1961 (relating to grant military assistance), under chapter 4 of part II of that Act (relating to the economic support fund), or under the Arms Export Control Act (relating to foreign military sales financing), not less than $180,000,000 shall be available only for the Philippines.

Mr. LEACH of Iowa (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. LEACH of Iowa. Mr. Chairman, the amendment I am offering does three things. First, it would reduce the authorization for $250 million in economic support funds [ESF] for the Philippines by 20 percent—or $50 million—to $200 million. Second, it would strike the requirement from the bill that the additional ESF funds for the Philippines be used exclusively for budget support. Finally, it would add a new section to the bill to earmark certain fiscal year 1987 foreign aid funds to make clear Congress intent to abide by U.S. obligations with respect to our base rights in the Philippines.

There is no question the American people stand in awe of what the Filipino people, under the leadership of Mrs. Aquino, have done to bring about the peaceful restoration of democracy in the Philippines. Both the administration and the Congress have demonstrated strong support for the new government of this crucial ally.

By perspective, however, it should be stressed as the gentleman from New York [Mr. SOLOMON] has, that on April 23, 1986, the President announced a comprehensive package of U.S. economic and military assistance to the Aquino government, including a request to Congress for a fiscal year 1986 supplemental appropriation of $150 million—$100 million in ESF and $50 million in grant military aid [MAP]—an 83-percent increase over the average United States annual payment of ESF and military assistance to the Philippines. The President's package also included the accelerated disbursement of $200 million in already available ESF funds, the conversion of $100 million in development assistance loans to grants, an increase in Public Law 480 food assistance, and a number of other measures, including some intended to be responsive to the trade and investment problems of the Philippines.

The entire package proposed by the President represents nearly $600 million in benefits, apart from the other nonmonetary trade and investment initiatives. Of that total, over $500 million is in the form of economic-related assistance.

Subsequent to the administration's initiative, a proposal for a second fiscal year 1986 supplemental of $250 million in ESF emerged in this bill. My most serious reservations about this approach relate to the size of the new authorization as well as the manner in which U.S. assistance is mandated to be provided by H.R. 5081.

Given the budget constraints in Washington, I am particularly concerned that the prospect of House and Senate approval of an appropriation to match an authorization of this magnitude is slim. Thus, holding out the promise to the Philippines of such a substantial grant without following through with delivery, runs the risk of undercutting United States-Philippine relations by unnecessarily raising false expectations and unnecessarily causing a legislative-executive rift in foreign policy.

Unlike the President's supplemental request, for which there were offsetting rescissions in the Defense Department's budget, H.R. 5081 is explicitly intended to add $250 million to the Federal budget deficit with no offsetting rescissions. By perspective, the Philippine debt is smaller in relation to its GNP than ours is to the United States GNP. The concerns expressed earlier in the debate by the gentleman from Wisconsin [Mr. ROTH] cannot be taken lightly. Creating U.S. debt simply to reduce foreign debt is dubious monetary policy.

Furthermore, according to figures provided to the House by the Budget Committee on July 17, the Appropriations Committee is only $226 million below its allocation for budget authority for fiscal year 1986. It is doubtful the Appropriations Committee would approve the addition of a full $250 million more for the Philippines knowing it would put the House over the budget resolution ceiling. Adoption of this amendment brings proposed spending back under budget resolution guidelines.

My amendment also strikes language from section 102 which requires the administration to simply turn over this additional ESF to the Philippines as general budget support. The administration should be given the flexibility and leverage it needs to channel U.S. aid resources in the right direction and under the right terms.

Finally, the amendment I am offering would earmark, from fiscal year 1987 funds, $180 million for the Philippines in combined ESF, grant military aid, and foreign military sales financing.

This earmarking is designed to demonstrate to the Philippines at this crucial time that we will not renege on our base rights commitments.

In closing, I believe the Philippines deserves as generous support as we can afford. However, I think this bill exceeds practical limits and would urge my colleagues to support this middle ground amendment to put reasonable restraints on our foreign aid.

□ 1835

AMENDMENT OFFERED BY MR. SOLOMON TO THE AMENDMENT OFFERED BY MR. LEACH OF IOWA

Mr. SOLOMON. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. SOLOMON to the amendment offered by Mr. LEACH of Iowa: Strike out paragraph (1) of section 102 of the committee amendment and insert in lieu thereof the following:

(1) ECONOMIC SUPPORT FUNDS.—Assistance under chapter 4 of part II of the Foreign Assistance Act of 1961, $100,000,000.

Mr. SOLOMON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SOLOMON. Mr. Chairman, the amendment that I am offering amends the amendment of the gentleman from Iowa [Mr. LEACH] by reducing—let me digress for a moment. The amendment of the gentleman from Iowa reduces the amount from $250 million down to $200 million. My amendment to his amendment would reduce the figure from $250 million down to zero but would maintain all of the other language in his amendment.

Mr. Chairman, earlier we spent a great deal of time discussing the merits of the legislation. I would just like to point out a couple of things. Just to the north of my district this week, with 1 hour's notice, we were notified a General Motors plant was closing which would put 1,000 people out of work.

The CHAIRMAN. Would the gentleman withhold his amendment and move to strike out the last word until we have the correct draft of the amendment at the desk?

Mr. SOLOMON. Mr. Chairman, I ask unanimous consent that I be allowed to withdraw my amendment, and I move to strike the last word.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. The gentleman withdraws his amendment and is recognized for 5 minutes to strike the last word.

Mr. SOLOMON. Mr. Chairman, as I was saying, we were notified with about 1 hour's notice that a General Motors plant was closing which would put 1,000 people out of work.

In my own district we have a Ford Motor Co. plant which is phasing out its operation. Just the other day, we had a notification from the General Electric Co. in the district next to mine, all of these being contiguous, as a matter of fact, in Congressman STRATTON's district, where they were going to lay off 1,400 employees because they had no market for their steam turbines and their gas turbines.

When I was in the Philippines not too long ago, I could not believe what I saw because I know I did not see one American car in all of Manila or anywhere else I went, I did not see any American goods on the shelves. And it bothers me that we are giving not only $500 million, which is the administration's request, but we now are going to give them an additional $250 million with no guarantees that they are going to spend any of that money on U.S. goods or with trade to the United States to help with these unbearable trade deficits that we have. I think that is wrong.

I can foresee we giving this three-quarters of a billion dollars in cash all prior to the new fiscal year starting October 1 and all of that money being spent in Japan or elsewhere. Where is Japan, and other industrialized nations with huge trade surpluses, where are they shouldering any of these loans and grants to the Philippines? They are not giving 5 cents. Why? Because the Philippine Government has not come to terms with the IMF, they have not put their house in order or agreed to put their house in order. So why are we rushing hell-bent for leather to give them this additional $250 million which they cannot even absorb in the next 45 days when we have these huge deficits?

Here we are going to give them money which is going to increase our trade deficit, increase our own deficit here in this country, push interest rates up. Is that going to help the Philippines? The answer is no. That is why I am offering this amendment today, which would reduce the three-quarters of a billion dollars down to what the administration has asked this Congress to give and what the Appropriations Committee has already appropriated to give. Then let us consider their efforts to put their house in order, and let us see if they really mean to sit down with us and negotiate those bases which mean so much to all of the free world. That is all I am asking you to do, to wait 45 days, wait for the new budget. They cannot spend this money in the next 45 days anyway. So why appropriate it?

I think all of you understand that we cannot afford to do this and therefore I would ask you support the amendment that I have at the desk which very simply reduces the three-quarters of a billion dollars down to what the administration originally asked for, the $500 million. There is $100 million in new money for the Philippines, above our treaty agreements, for economic funds; there is $50 million for military funds in new money. So why go ahead with this additional money? Let us wait, let us put our own house in order before we turn around to do this.

Mr. MURTHA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendments. I want to relate some of the experiences that I had as cochairman of the delegation to oversee the election in the Philippines. I remember flying into the Philippines and being concerned about the reception that we might receive because of the reports on television and in the newspapers that many of the people in the Philippines, many of the Filipino citizens themselves wanted to get rid of the bases, that they were holding that over our head; that President Marcos was using that as leverage; if the election went the other way, we were not sure what President Aquino was going to do with the bases. All this trepidation dissipated as soon as I got into the Philippines. The people could not have been any more friendly. I remember going out to observe various election polling places, and the people clamored to show how friendly they were, to talk about how important the support of the United States was.

They talked about the Communist insurgency, they talked about the problems they were having, and it was immediately apparent to all of us on this observation team that then-President Marcos did not have the support of the Filipino people, he did not have the support of the business people, he did not have the support of most of the officers in the armed forces, and it was obvious to us he did not have the support of the ordinary people. This stemmed from the economic situation, at least the way I saw it, the situation with sugar, for example. The people who lived out in the countryside were in absolutely desperate shape. They made something like $1 per day or $1.50 per day with the wages they received. Some of them said, "If you would increase our sugar quota, we need economic help." There was never any question in my mind in talking to military leaders, talking to the ordinary persons, talking to business people, that those bases were going to remain in the Philippines.

Mr. ROTH. Mr. Chairman, will the gentleman yield?

Mr. MURTHA. I yield to the gentleman from Wisconsin.

Mr. ROTH. I thank the gentleman for yielding.

Maybe my good friend from Pennsylvania will have to go back to the Philippines because, I think today is Thursday, August 7, 1986, and I see in the paper here where "mass students clench fist in front of the American Embassy in Manila yesterday to protest the presence of U.S. bases." So maybe things have changed a little bit since the gentleman was there.

Mr. MURTHA. Mr. Chairman, I appreciate what the gentleman is saying. I think it is important to understand: I remember seeing a demonstration displayed in the news media—and you know how accurate the news media are about a lot of reports that we see back here in the United States—I remember seeing a demonstration after I got back which I had actually seen. And they told us they tried to hire, the Marcos people in this case, hired in order to show there were anti-Amer-

ican demonstrations. They found 25 people to demonstrate against the United States. Yet on the television and in the newspapers that appeared to be a massive demonstration.

Now I do not say that there are no people in the Philippines who want to disassociate themselves from the United States or want to castigate or be against the United States.

What I am saying is the massive number of people that I talked to appreciate the Americans and what we have done, the fact that we have liberated the Philippines during World War II, and they are anti-Communist.

There was never any concern in my mind about Mrs. Aquino. One of the assurances we received when we were over there, one of the things we told President Reagan, when Senator LUGAR and I met with him the day after we returned, was the fact that she was anti-Communist and we did not have to worry about that or about the bases.

Now obviously the Philippines have to be concerned about their own national security as well as the security of the United States. Those bases are essential to the United States, but they are also essential to the security and the economic stability of the Philippines. Thousands of Filipinos work on those bases, and that economic stability of the bases is essential to the Filipino national security and their economic stability.

So I believe we make a mistake in sending a signal to cut down the amount of money that we are willing to send to them at this point.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

(By unanimous consent, Mr. MURTHA was allowed to proceed for 3 additional minutes.)

Mr. MURTHA. My personal experience and the personal experiences of all of us on that delegation, and you had people like Admiral Long, a retired four-star admiral, a CINCPAC commander, you had five House Members and five Senators on that delegation, and a cross-section of people picked by the White House.

All of us came to the ultimate conclusion that the Filipino people held the United States in the highest regard and that there were elements in the Philippines that were trying to force a wedge between the Filipino people and the United States.

But I could not have received any better reception, could not have received any warmer applause from those folks over there, and nobody wants a closer association, in my estimation, than the Filipino people.

I felt I was in the Philippines at a time when that nation was being born. It was the birth of democracy in the Philippines, and it was really something that I will never forget. But one thing, it is better for us to make this money available to them today than to let the situation get worse and then when it really becomes a problem or it gets worse than it is, if we do not make the money available, then we put ourselves in the position where we may have to spend so much more money than we are willing to spend today.

I agree with the gentleman from New York, we cannot afford some expenditures, no question about it.

I am not a person who gets up and wants to support foreign aid in many cases. Many countries, I think, should not be receiving the amount of foreign aid that they do. But the Philippines, in my estimation, need help, they are as good an ally as we can possibly have and I think we make a mistake by not authorizing the money at this point. It certainly does not appropriate the money, but authorize the money at this point so that they get a signal before Mrs. Aquino comes over here that we support them strongly.

I remember the mistake that the Soviet Union made. I remember when President Marcos was sworn in and the Soviet Union was the only country in the world that shook his hand and congratulated him openly. The United States held back and, of course, worked things out with the distinguished Senator from Nevada and the Secretary of State and the President of the United States, worked things out and Marcos finally decided that he would leave that country.

□ 1850

And certainly, in my estimation, he was not the legitimately elected President of the Philippines. Mrs. Aquino was.

But we cannot afford to allow them to get the wrong signal. With her coming to the United States, it just seems to me that now is the time for us to authorize the money and make it available, whatever amount we need, in the appropriation process when that time comes, in the continuing resolution or as the Appropriations Committee bill comes up.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. MURTHA] has again expired.

(On request of Mr. SOLOMON, and by unanimous request, Mr. MURTHA was allowed to proceed for 2 additional minutes.)

Mr. SOLOMON. Mr. Chairman, will the gentleman yield?

Mr. MURTHA. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Chairman, I just want to say that there is no one in this body whom I respect more who is on feet, the gentleman from Pennsylvania. I agree with everything the gentleman said, every word of it. The Filipino people have been our longest and strongest allies since World War II.

But my point is this, and the gentleman has made the point for us, that the Appropriations Committee, at the request of the administration appropriated $100 million in addition to all of the other moneys that are in the pipeline, which total about a half a billion dollars right now. They appropriated $100 million in economic support funds, new money. They appropriated $50 million in military assistance, new money.

I am not arguing that point. That is $650 million that they might be able to absorb into their economy.

But the argument in the committee was that we should not be sending this signal. We should not be having the Foreign Affairs Committee pulling a one-upsmanship on the Appropriations Committee. Now that the Appropriations Committee has gone ahead and appropriated the additional $150 million requested by the administration, now we come in and we authorize the $150 million and we add to it $250 million. That is wrong.

So I agree with everything the gentleman has said. The gentleman is a great American, one of my favorites. But we should not go ahead and increase this by $250 million. Let us live up to what the Appropriations Committee did. That is all that has been asked for by either the Philippines or the administration, and that is all that we should be giving at this time.

AMENDMENT OFFERED BY MR. SOLOMON TO THE AMENDMENT OFFERED BY MR. LEACH OF IOWA

Mr. SOLOMON. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. SOLOMON to the amendment offered by Mr. LEACH of Iowa: Strike out all that follows "Page" at the beginning of the amendment and insert in lieu thereof the following: "4, strike out line 22 and all that follows through line 6 on page 5 and insert in lieu thereof the following:

"(1) Economic Support Fund: Assistance under chapter 4 of part II of the Foreign Assistance Act of 1961, $100,000,000.".

Page 6, after line 16, add the following:

SEC. 107. EARMARKING ASSISTANCE FOR THE PHILIPPINES FOR FISCAL YEAR 1987.

Of the aggregate amounts made available for the fiscal year 1987 for assistance under chapter 2 of part II of the Foreign Assistance Act of 1961 (relating to grant military assistance), under chapter 4 of part II of that Act (relating to the economic support fund), or under the Arms Export Control Act (relating to foreign military sales financing), not less than $180,000,000 shall be available only for the Philippines.

Mr. SOLOMON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SOLOMON. Mr. Chairman, so that everyone knows, the amendment is the same as the Leach amendment. It has all of the earmarking language, except that it reduces the $250 million down to zero and leaves the $150 million requested by the Appropriations Committee and by the administration intact.

Mr. McHUGH. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment. But in doing so, I want to say that the gentleman from New York [Mr. SOLOMON] with his amendment raises obviously a very legitimate question. We are facing an enormous budget problem at home, and every expenditure that we consider, whether it is domestic or international, should be considered really very, very carefully. We cannot be cavalier about our budget problem.

I serve on the Appropriations Committee, and specifically as one of my subcommittees, I serve on the Foreign Operations Subcommittee. We have just recently completed writing our foreign aid bill for fiscal year 1987. That bill has been approved as we recommended it by the full Appropriations Committee, and that bill may come up on the floor shortly or may be included in the continuing resolution.

In either case, it is important for the Members to know that that foreign aid bill substantially cuts back on both the administration's request for foreign assistance next year and cuts back on the amount of money as compared with what we are doing this year in fiscal year 1986.

Specifically, our bill cuts $2.5 billion in budget authority from the President's request. It cuts $1.5 billion in budget authority as compared to the figures for fiscal year 1986, the existing fiscal year. That is in budget authority about a 10-percent cut.

If you look at the outlay ceiling with which we have to live, the cut is really much more dramatic than 10 percent. There is a substantially lower ceiling than that.

So the basic point is that in fiscal year 1987, foreign assistance is going to be substantially constricted, and many of the legitimate interests of the United States in foreign policy terms will be strained significantly. Whether you accept the President's vision of American interests or a vision which is different, perhaps shared by some of us on the Democratic side, no matter how you look at it, the financial resources available in fiscal year 1987 are going to be severely constricted and constrained.

So I think it is important to understand that if we believe that the United States interests require some additional assistance to the Philippines at a critical moment, we have a very narrow window in fiscal year 1986 in which to act, because the truth is that in fiscal year 1987, the probability is that aid to the Philippines will be cut.

The reason for that is not only the aggregate numbers which I have referred to, but as I think my friend from New York indicated earlier, within the economic support fund account, there are a number of exemptions from cuts which will impose much deeper reductions on those countries not exempted.

The most important kind of economic assistance for the Philippines, given its current economic problems, is economic support funds, because they are fast dispersing. So we are looking in fiscal year 1987 at a problem not only for the Philippines, but other countries not exempt from these cuts, which will impose upon those countries, including the Philippines, much deeper reductions than even that 10-percent figure I mentioned.

Mr. SOLOMON. Mr. Chairman, will the gentleman yield?

Mr. McHUGH. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Chairman, I have a great deal of respect for the gentleman in the well, but it brings up the question that I have had in my mind since I saw the action taken by the Appropriations Committee. If the gentleman and the Appropriations Committee as a whole feels that way about the Philippines, then why did you not exempt the Philippines along with Egypt, Israel, Pakistan, and Ireland? Why did you not exempt the Philippines along with them? That would be the same logic, and that is what should have been done if that in effect was really what you wanted to do, and which we are doing with this action today. We are exempting the Philippines.

Mr. McHUGH. Mr. Chairman, I will respond to the gentleman this way. Even if the assistance provided for in this authorization bill is enacted, and even if the Appropriations Committee follows suit and appropriates the funds as authorized, the Philippines will still be constricted looking at that 1987 appropriations bill.

The fact of the matter is that our fundamental problem in fiscal year 1987 is the Gramm-Rudman Budget Control Act. The budget resolution which we passed, which the Senate passed, and which we finally adopted in conference imposes on the foreign assistance account very substantial cuts within which we have to live in writing our appropriation bill for next year.

The CHAIRMAN. The time of the gentleman from New York [Mr. McHUGH] has expired.

(By unanimous consent, Mr. HcHUGH was allowed to proceed for 3 additional minutes.)

Mr. McHUGH. We exempted those particular countries, I would say to the gentleman, because in the judgment of the subcommittee and the full committee, these were countries which historically and in terms of current priorities, the members as a whole would want to protect.

Now if we went further and exempted the Philippines, it would simply impose even starker reductions on other accounts, other countries, where we have interests. For example, in Central America, those countries would be squeezed even more than they will otherwise be.

So I think our fundamental problem is the Gramm-Rudman Reduction Act within which we had to write our bill. And I must say as someone who is concerned about our interests abroad that we do not have a bill which reflects all of our interests satisfactorily.

The fact of the matter is we have to deal with that reality. I must say that I see no way in which we can improve the situation for fiscal year 1987 in the absence of a major change in budget policy in macroeconomic terms.

Therefore, if we think the Philippines is important to United States interests, if we think stability in that country at this particular time is critical to us, we have no alternative but to use this opportunity to provide some additional help. Now whether you think we should do it or not is, of course, a judgment each of us has to make.

I personally think that we are at a critical moment in the Philippines, that we must respond in a way which we cannot do next year, and that therefore we should support the committee authorization.

I think it is also important to emphasize that we should not unreasonably raise expectations. I think the point made by the gentleman from Iowa is important. Simply passing this authorization is not enough. We also have to follow through with an appropriation, and it will not be easy. We do not have much time left in fiscal year 1986.

So I would hope Members who vote for this authorization will be prepared when the appropriation vehicle comes along to follow suit, because it will not do us any good, and certainly will not do Mrs. Aquino any good, to vote for this authorization, say we are helping the Philippines, and then fail to pass an appropriation and make good on our promise.

□ 1900

I, of course, believe that we do have vital interests for the reasons which my friend from New York [Mr. SOLARZ] and others have mentioned. We have our most important bases in Asia in the Philippines. We have a critical test for democracy in the Phil-

ippines which is important not just to the Filipino people and us, but for democracy around the world. This is looked to as a major test of the threats to stability in the Philippines are obvious in terms of the economy, in terms of the Communist insurgency, in terms of the leftover followers from Mr. Marcos who almost daily are trying to destabilize the Aquino government.

This is a critical moment. If we believe our interests are vitally involved, now is the only time we have to follow through on our interests.

The CHAIRMAN. The time of the gentleman from New York [Mr. McHUGH] has expired.

(On request of Mr. SOLOMON and by unanimous consent, Mr. McHUGH was allowed to proceed for 2 additional minutes.)

Mr. SOLOMON. Mr. Chairman, will the gentleman yield?

Mr. McHUGH. I yield to the gentleman from New York.

Mr. SOLOMON. I thank the gentleman and I may be arguing against my amendment, but could you just answer the question: Suppose we defeat the Solomon amendment and the bill passes and the Appropriations Committee subsequently fails to appropriate the $250 million. We, in this bill, are appropriating more than the $150 million that your committee has already appropriated.

Where does that leave us? Does that kill the $150 million? It seems to me that if we pass this bill which has the $400 million in it and your committee fails to appropriate up to the $250 million, it seems to me that we lose the $150 million.

Perhaps Mr. OBEY might be able to comment on this too, as to whether or not he would intend to approve this $250 million increase.

Mr. McHUGH. I will respond first, and if Mr. OBEY wants to address that, certainly he should.

We have in the Appropriations Committee, as you indicated earlier, already acted on the $150 million. I do not think that as an appropriation that is in any question. Indeed, it is not in question in this authorization.

The only issue that we are concerned with here relates to the additional $250 million. My point is not only is it critical to us in terms of interests in Asia, but that we should understand that if we vote today to approve that $250 million, I think it is important for us to follow through with an appropriation.

That will not be easy; we have a very limited opportunity, which Mr. OBEY may be able to elaborate on to deal with that. Specifically, we only have two vehicles. One vehicle is the bill that I referred to that we have reported out of the Appropriations Committee, if it comes separately on the floor, we can adopt an amendment that the Rules Committee permits to follow through on this authorization or we can add it to the continuing resolution.

It is important if we adopt the authorization to be consistent with the appropriation or we will comprise our promise.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I did not understand the comments of the gentleman from New York when I heard them on television in my office and I do not understand them any better since I came onto the floor. That is probably my fault and not his.

I want to make one thing clear: I have no problem with the House proceeding to authorize additional funds for this fiscal year for any of the countries in question because I think that they do represent important priorities. But I want it clearly understood that I at least am not making any commitment to support additional appropriations at this time because I frankly have difficulty figuring out how additional appropriations for fiscal year 1986 are going to get plugged into a fiscal year 1987 appropriations bill.

Our committee is dealing with a 1987 appropriation bill, not a 1986 bill. If we can find some way within the confines of Gramm-Rudman to meet the needs of the Philippines or any other country for this fiscal year, I do not have a real objection to doing that. But I do want to respond, in light of the gentleman's earlier comments, about the four countries that were earmarked in the 1987 appropriation bill.

I do want to respond to the gentleman's question. We earmarked Israel, Egypt, Pakistan, and Ireland for one very simple reason. They were the same four countries that were earmarked in this existing fiscal year. We on the Appropriations Committee did not want to make any policy changes because frankly, in my judgment, the one thing Gramm-Rudman has succeeded in doing is removing the ability of many of the committees to deal with substance on this floor. We are stuck in a mindless numbers game. We have determined that the number 144 is more important than any other policy consideration, whether it be economic growth at home or dealing with America's interests abroad. I think that is a crazy judgment that we arrived at under Gramm-Rudman, but nonetheless it is the judgment that the President imposed upon the Congress and the Congress unwisely acquiesced to.

I want to make it clear that while, in contrast to the gentleman who just spoke, who indicated that if we authorize this money we had an obligation to follow through, I want to make it clear that I do not feel any commitment one way or the other on this issue. I would like to provide greater assistance to the Philippines or to Haiti if we can, but in the context of the situation in which the administration is requiring us to meet Gramm-Rudman targets, and therefore being in a situation where we have to cut $1.4 billion from last year's level just to get down to budget authority, I am not in any position to say that I can clearly commit to support or oppose appropriations for any of these items at this time.

Mr. SOLOMON. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from New York.

Mr. SOLOMON. Really, what the gentleman in the well has said is exactly how I feel. Because philosophically, I want to support the Philippines. Philosophically, I want to give them the $250 million. But, as the gentleman in the well has said, as a practical matter, it is not possible, and he is not in a position nor are many others. Therefore, I think we are sending the wrong signal. What we are doing is we are saying to the Aquino government, "Sure, we agree with you but we are not going to give you the money." We are going to make some kind of a symbolic gesture here, and that is wrong because that is not dealing in reality.

I appreciate the gentleman's position.

Mr. OBEY. Let me simply say that I would dissent from the gentleman's opinion in this respect: I do not think it does any policy harm to indicate to the Philippines or to Haiti that we have a policy orientation toward trying to help them. I do think it is important in conveying that message, however, that we get across the point that we are not necessarily in a position economically to perform at this time because of the impositions that we are all experiencing because of Gramm-Rudman. So I do not see any harm with this legislation proceeding. I just do not want to be put in the box of having to make a commitment one way or another on actually financing it.

Mr. BEREUTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do rise in support of the Solomon amendment. The Solomon amendment, of course, affects only title I, and it would strike the $250 million of additional authorization for aid to the Philippines for the purpose of, and I quote the legislation: "To be paid before October 1, 1986 on a grant basis for budget support."

□ 1910

The gentleman from New York has also made conforming changes in his amendment to match the other aspects of the original amendment of the gentleman from Iowa [Mr. LEACH].

I certainly count myself as a strong supporter of the Philippines and the Filipino people. I felt that the exchange that took place in the well of the House just a few minutes ago was very helpful in that the gentleman from Wisconsin [Mr. OBEY], the Appropriations Subcommittee chairman, distinguished his position from that of the gentleman from New York [Mr. MCHUGH] by saying that he was making no commitment on an appropriation of this additional quarter-billion dollars in the bill for fiscal year 1986, this fiscal year I emphasize, by his support for the authorization that is contained in this legislation.

I have a very difficult time understanding, too as the gentleman from Wisconsin noted, how we can at this point plug this quarter-billion dollars into a fiscal year 1986 budget. I am concerned that it does create false expectations in the Philippines—a land where obviously we have great volatility today.

I think in fact these expectations if dashed can cause some difficulties or harm.

The gentleman from New York [Mr. MCHUGH] pointed out how our financial resources are severely restricted or restrained, and I believe he is referring specifically to the fiscal year 1987. Indeed, that seems to be the case.

I would accordingly raise two points. First, not only do I believe that the amount of authorization for the Philpines is excessive, it would bring, if appropriated, the total assistance package for the Philippines for fiscal year 1986 to approximately $641 million. That amount does not even include approximately $200 million in the prefiscal year 1986 funds still in the pipeline.

A second reason that concerns me about this authorization is the fact that it further skews our priorities. At a time when we seem to be headed for an absolute constriction in foreign assistance funds and at a time when we are protecting certain countries in a hold-harmless type of status that has been mentioned before in this debate, I am concerned that we are in reality further limiting in the amount of appropriations that the United States will be able to provide to many other important parts of this world where we have allies and other nations moving toward democracy and where we find fledgling democracies that need our assistance, I refer specifically to this hemisphere, to many parts of Africa, as well as parts of Asia, particularly Southeast Asia.

I am concerned that if we provide this authorization, indeed it will somehow result in an actual additional appropriation yet this year. Or if that does not happen it would result in additional priority for fiscal year 1987 and beyond being given to the Philippines—a higher priority we have than the one already generously assigned to the Philippines.

I have been concerned for a long period of time that former President Marcos was blackmailing this country by holding over our heads for appropriation the renewal of the base rights for the Subic Bay Naval Base and Clark Air Force Base.

Now I hear, if I can believe the press accounts, that President Aquino seems to be following that same process. I think that is very unfortunate and not a way in which to build a good relationship between our two countries.

Fortunately, we are beginning to take a few steps, and did even during the Marcos regime, to reduce our vulnerability to that kind of pressure. That kind of pressure also creates all kinds of concerns, volatility and anti-Americanism in the Philippines.

Mr. Chairman, I do not enjoy arguing against money for foreign assistance, for the Philippines, particularly for a country with which we truly have a unique and long favorable association, a nation that could obviously use the money, a country that has some desperate needs, a nation which we are trying to assist in the reestablishment of democratic institutions. It is not a pleasant task to support an amendment to reduce this proposed appropriation, but this money to be delivered, on a silver platter, if we appropriate it, one-quarter billion dollars, is excessive. I urge you to support the Solomon amendment to the Leach amendment.

Mr. FAZIO. Mr. Chairman, I move to strike the requisite number of words.

I rise in opposition to the amendment and in support of the bill of the committee.

Mr. Chairman, the gentleman from Nebraska is a man I respect greatly. He accepted this onerous task and performed it well. I sensed his heart was not in it as he indicated in his closing remarks in the sense that I think he knows as well as anyone on the floor how desperate the situation in the Philippines is at the moment.

The gentleman in the Chair [Mr. ATKINS] and the gentlewoman from California [Mrs. BOXER] and I had the privilege of meeting with Mrs. Aquino a month ago in a brief trip to the Philippines. I stand here as no expert on that country or that region of the world, but I do want to say that we were very impressed by the character and the self-confidence and the political ability of this individual, whom I am sure we will all find particularly attractive and compelling upon her appearance here in this chamber on September 18, but I think we were also impressed by the very short time frame in which she finds herself and her government in terms of turning the economy around and establishing democratic institutions.

All of us who have studied the politics of the Third World have heard about the evolution of rising expectations. If there has ever been a situation where expectations perhaps exceed all potential possibilities, it is in the Philippines today. There is no question that the economic conditions of the commodities that are indigenous to that area are in terrible shape worldwide. There is no question that no matter what we do on this floor tonight in regard to this authorization or at some future point in regard to the appropriations, we are not going to make a major dent in the lives of the 70 percent of the Filipino people who live in poverty, but if we are to do our best to further instill a very positive interrelationship between the Philippines and this country, one that goes back many years and has been reaffirmed many times, if we are going to do our best to help erase the legacy of our complicit involvement with Ferdinand Marcos, and if we are to do all we can possibly do to make the Filipino democracy live again and to help in the process of recreating a constitutional government that will have the support of the people in that country, I think we cannot fail but to vote this assistance.

I think as we look forward to the renegotiation of our bases in that area, we must be realistic. Mrs. Aquino sits on a very tightly, equally balanced cabinet. She is not in a position to move abruptly in one direction or another or she will destabilize the government that she has inherited. Hers is a coalition government. I know her position on the bases is not something that would be used in terms of blackmail against this country. I think she understands the benefits of the bases economically and militarily to both countries. I know that we will be able to bargain in good faith with the Filipino government that she heads.

We are talking about a country of over 44 million people, not the 3.5 million people who live in Nicaragua whom we have discussed in such great length on this floor over the last several years. She is in fact in a very important position for us in a very significant region of the world. I think she is counting on this Congress and this administration to put behind us our very difficult economic problems that I think have been amply debated on the floor tonight by Members on both sides of the aisle and to reassert our interest in world leadership, in having an impact on the course of events in Third World countries and reasserting our belief in democratic principles, pluralistic governments and free economies.

I am confident that this Congress will not shrink from that responsibility despite the difficulty of the economic times we find ourselves in.

So I am strongly in support of the comments made by the gentleman from New York [Mr. SOLARZ], and by the gentleman from New York [Mr. MCHUGH] and others who have spoken here tonight. I hope this Congress will live up to its responsibilities in this area of the world, as we have so often in the past.

Mr. BURTON of Indiana. Mr. Chairman, I move to strike the requisite number of words. I rise in support of the amendment.

Mr. Chairman, I believe, as do my colleagues, that we must do what is necessary to help the Aquino government in the Philippines. Like many of my colleagues, I have been over there and had a chance to see firsthand some of the problems.

I do believe, however, that my colleague, the gentleman from New York [Mr. SOLOMON] is on the right track in supporting what the President has advocated as a reasonable amount of money to give to the Filipino government in foreign aid at this time.

One thing that I think ought to be considered when we start talking about foreign aid, though, in general, is how these people deal with us on a day-to-day basis and year-to-year basis. One of the best gauges of this is the United Nations. Recently the State Department prepared a report that they are required to prepare once a year on how our colleagues in the United Nations support us on the critical issues facing this world.

I would like to read just a little bit of an article that was written by former Ambassador to the United Nations Jeanne Kirkpatrick:

Only 19 of the United Nations' 159 members voted on the same side as the United States even half the time. Most of the time those countries voted against the position we supported. The State Department legislatively required to prepare the report has traditionally paid little attention to U.N. votes, believing that what happened there has little or no relation to the world outside, but in fact the U.N. is a microcosm of global politics and U.N. votes reflect the real decisions of real governments about whom to stand with and against. Diplomats do not like such forced public choices. They prefer to deal in ambiguous declarations, such as, "It is not impossible," they say, or such as, "At some future time." Sometimes, however, governments must make clear decisions in public view. Italy could not avoid responding yes or no to a U.S. request to land a plane carrying the Achille Lauro hijackers, nor to our request that they hold terrorist Abu Abbas for extradition. NATO allies could not avoid responding to the U.S. request that they join in economic sanctions against Libya. Prime Minister Thatcher could not avoid granting or refusing the U.S. request to use British-stationed planes to attack Libya. The French and Spanish governments could not avoid answering U.S. requests to overfly their countries and so forth, but in relations among governments such clear questions and unequivocal answers are relatively rare, except in the United Nations.

Now, the Aquino government does not have a real track record, but in the past, the Filipino Government last year received $269,767,000 and voted with us in the United Nations 22 percent of the time.

Now, I think there is room for improvement there. I would suggest to the Aquino government and to our friends around the world who receive a great deal in foreign assistance from us that they ought to consider our position at the U.N. occasionally. They are literally biting the hands that feed them in many cases.

I know there are a lot of other considerations. There are the bases in the Philippines and so forth, but if we are giving tax payer dollars to these governments and we are trying to promote democracy around the world and trying to help bring about freedom and equality, then when we give this money to these countries, I think we ought to also, right along in the discussion on how much to give them in foreign aid, ask them the question. "Why aren't you with us just a little bit more? Why aren't you with us when we really need you? If we are really friends and you are really asking us as a friend for foreign aid to your country, then don't you think it is right that you be a little bit more charitable to us in the United Nations?"

We are opposed by 140 countries more than 50 percent of the time and they are getting our foreign aid money. They are getting American taxpayers' dollars. I think we ought to take that into consideration.

I am going to support the Solomon amendment. I urge my colleagues to do likewise.

I hope in the future when we start talking about foreign aid in the Foreign Affairs Committee and on this floor that we will start taking into consideration how our friends around the world treat us in the United Nations and in other bodies when they ask for our foreign aid and assistance.

Mr. BENNETT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I just want to speak briefly. I have a feeling that I should, since I was once a guerrilla leader in the Philippines. I think that the Philippine people are wonderful people, good friends of America. A lot of things are misunderstood about the Philippines and about their relationship, particularly the way in which our history books are written and the way their history books are written. I think over all it is pretty wonderful the support the Philippine people have given America through the years.

□ 1925

I do not believe that you can challenge the Aquino government on the basis of things that happened in the Marcos government. It is a perilous time for anybody to take over under the circumstances in which she took over. There are not many cases in history where a thing like that has occurred. In fact, I do not know of any that occurred precisely that way.

It is a difficult thing for anybody. Even a strong man would have difficulty, but to have a sweet, lovely lady like her, a widow, in distress, and under the circumstances of her ascending to the Presidency, it is a very difficult situation. So I think that we should be very careful about what we do here.

I do not believe in my 38 years in Congress that I have ever spoken in favor of adding any money to the foreign aid bill. I have very seldom ever voted for the foreign aid bill. I am a very pragmatic man about foreign aid. I believe in feeding people who are hungry in Ethiopia, feeding people who have a tidal wave, taking care of people when something blows up, or something like that. I believe very strongly in that.

In this particular situation you have a peculiar situation with regard to the affinity of our country with the Philippines, and you have a peculiar historic event which is occurring, almost the birth of a nation; almost the birth of a nation in real democracy.

It would be such a mistake if we were to pick at this at this particular awkward time and try to make something out of nothing of any great importance.

This is a time when we ought to be generous, this is a time when we ought to be thoughful, and this is a time that we ought to extend our arms to other people and show our affection for them. So I hope that the committee position will be sustained.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. SOLOMON] to the amendment offered by the gentleman from Iowa [Mr. LEACH].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. SOLOMON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 195, noes 203, not voting 33, as follows:

[Roll No. 306]

AYES—195

| | | |
|---|---|---|
| Alexander | Bevill | Chappell |
| Andrews | Bilirakis | Chappie |
| Anthony | Bliley | Cheney |
| Applegate | Boehlert | Clinger |
| Archer | Boulter | Coats |
| Armey | Brooks | Cobey |
| Badham | Brown (CO) | Coble |
| Bartlett | Burton (IN) | Coleman (MO) |
| Barton | Callahan | Coleman (TX) |
| Bateman | Carper | Combest |
| Bellenson | Carr | Courter |
| Bereuter | Chapman | Craig |

Crane
Daniel
Dannemeyer
Darden
Daschle
Daub
Davis
DeLay
Dickinson
DioGuardi
Dorgan (ND)
Dowdy
Dreier
Duncan
Dyson
Early
Eckart (OH)
Edwards (OK)
Emerson
English
Erdreich
Fawell
Fiedler
Fields
Franklin
Gekas
Goodling
Gradison
Gray (IL)
Gregg
Gunderson
Hall, Ralph
Hammerschmidt
Hansen
Hendon
Henry
Hiler
Hopkins
Hubbard
Hunter
Hutto
Ireland
Jacobs
Jenkins
Jones (NC)
Jones (OK)
Kanjorski
Kasich
Kindness
Kleczka
Kolbe
Kramer
Latta
Lent
Lewis (FL)
Lightfoot
Livingston
Lloyd
Loeffler
Lott
Lujan
Mack
Madigan
Marlenee
Martin (IL)
Martin (NY)
Mazzoli
McCandless
McCollum
McDade
McEwen
McGrath
McMillan
Meyers
Michel
Miller (OH)
Molinari
Monson
Montgomery
Moorhead
Murphy
Myers
Neal
Nelson
Nichols
Nielson
Olin
Oxley
Parris
Pease
Perkins
Petri
Pickle
Porter
Pursell
Quillen
Ray
Regula
Ridge
Ritter
Roberts
Robinson
Roemer
Rogers
Roth
Roukema
Rowland (CT)
Rowland (GA)
Russo
Saxton
Schaefer
Schuette
Schulze
Sensenbrenner
Shaw
Shelby
Shumway
Shuster
Skeen
Skelton
Slattery
Slaughter
Smith (NE)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Solomon
Spence
Staggers
Stenholm
Strang
Stratton
Stump
Sundquist
Sweeney
Swindall
Tallon
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Traficant
Traxler
Valentine
Vander Jagt
Volkmer
Vucanovich
Walgren
Walker
Watkins
Whitehurst
Whittaker
Whitten
Wolf
Wortley
Wyden
Wylie
Young (AK)
Young (FL)

NOES—203

Ackerman
Akaka
Anderson
Annunzio
Aspin
Atkins
AuCoin
Bates
Bedell
Bennett
Berman
Biaggi
Boggs
Boland
Bonior (MI)
Borski
Boucher
Boxer
Broomfield
Brown (CA)
Bruce
Bryant
Burton (CA)
Bustamante
Byron
Carney
Chandler
Clay
Collins
Conte
Conyers
Coughlin
Coyne
Crockett
de la Garza
Dellums
Derrick
DeWine
Dicks
Dingell
Dixon
Donnelly
Dornan (CA)
Downey
Durbin
Dwyer
Dymally
Eckert (NY)
Evans (IL)
Fascell
Fazio
Feighan
Fish
Flippo
Florio
Foglietta
Foley
Ford (MI)
Frank
Frenzel
Frost
Fuqua
Gallo
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Gray (PA)
Green
Guarini
Hall (OH)
Hamilton
Hatcher
Hawkins
Hayes
Hefner
Hertel
Horton
Howard
Hoyer
Hughes
Hyde
Jeffords
Johnson
Kaptur
Kastenmeier
Kennelly
Kildee
Kolter
Kostmayer
LaFalce
Lagomarsino
Lantos
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lipinski
Lowery (CA)
Lowry (WA)
Luken
MacKay
Manton
Markey
Matsui
Mavroules
McCain
McCloskey
McCurdy
McHugh
McKernan
McKinney
Mica
Miller (CA)
Miller (WA)
Mineta
Mitchell
Moakley
Mollohan
Moody
Morrison (CT)
Morrison (WA)
Mrazek
Murtha
Natcher
Nowak
Oakar
Oberstar
Obey
Ortiz
Owens
Packard
Panetta
Pashayan
Penny
Pepper
Price
Rahall
Rangel
Reid
Richardson
Rinaldo
Rodino
Roe
Rose
Rostenkowski
Roybal
Sabo
Savage
Scheuer
Schneider
Schroeder
Schumer
Seiberling
Sharp
Sikorski
Siljander
Sisisky
Smith (FL)
Smith (IA)
Smith (NJ)
Snowe
Solarz
Spratt
St Germain
Stallings
Stangeland
Stark
Stokes
Studds
Swift
Synar
Tauke
Torres
Torricelli
Towns
Udall
Vento
Visclosky
Waldon
Waxman
Weaver
Weber
Weiss
Wheat
Whitley
Williams
Wilson
Wirth
Wise
Wolpe
Yates
Yatron
Young (MO)
Zschau

NOT VOTING—33

Barnard
Barnes
Bentley
Boner (TN)
Bonker
Bosco
Breaux
Campbell
Coelho
Cooper
Edgar
Edwards (CA)
Evans (IA)
Ford (TN)
Fowler
Gordon
Grotberg
Hartnett
Hillis
Holt
Huckaby
Jones (TN)
Kemp
Lewis (CA)
Long
Lundine
Lungren
Martinez
Mikulski
Moore
Rudd
Snyder
Wright

□ 1935

The Clerk announced the following pair:

On this vote:

Mr. Lungren, for, with Mrs. Bentley against.

Mrs. BOGGS, Messrs. GILMAN, DORNAN of California, and WEAVER, and Ms. KAPTUR, changed their votes from "aye" to "no."

Messrs. ALEXANDER, LIGHTFOOT, and LOTT, Ms. FIEDLER, Mr. RUSSO, Mr. CHAPPELL, and Ms. KAPTUR changed their votes from "no" to "aye."

So the amendment to the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1945

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. LEACH].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. LEACH of Iowa. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 320, noes 76, not voting 35, as follows:

[Roll No. 307]

AYES—320

Alexander
Andrews
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
AuCoin
Badham
Bartlett
Barton
Bateman
Bates
Bedell
Beilenson
Bereuter
Bevill
Biaggi
Bilirakis
Bliley
Boehlert
Boland
Borski
Boucher
Boulter
Broomfield
Brown (CO)
Bruce
Bryant
Burton (IN)
Bustamante
Byron
Callahan
Carney
Carper
Carr
Chandler
Chapman
Chappell
Chappie
Cheney
Clinger
Coats
Cobey
Coble
Coleman (MO)
Coleman (TX)
Collins
Combest
Conte
Coughlin
Courter
Craig
Crane
Daniel
Dannemeyer
Darden
Daschle
Daub
Davis
DeLay
DeWine
Dickinson
Dicks
Dingell
DioGuardi
Dorgan (ND)
Dornan (CA)
Dowdy
Downey
Dreier
Duncan
Durbin
Dyson
Early
Eckart (OH)
Eckert (NY)
Edwards (OK)
Emerson
English
Erdreich
Evans (IL)
Fawell
Fiedler
Fields
Fish
Flippo
Florio
Foley
Franklin
Frenzel
Frost
Fuqua
Gallo
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Goodling
Gradison
Gray (IL)
Green
Gregg
Gunderson
Hall, Ralph
Hamilton
Hansen
Hatcher
Hayes
Hefner
Hendon
Henry
Hertel
Hiler
Hopkins
Horton
Hubbard
Hughes
Hunter
Hutto
Hyde
Ireland
Jacobs
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (OK)
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennelly
Kildee
Kindness
Kleczka
Kolbe
Kolter
Kramer
LaFalce
Lagomarsino
Lantos
Latta
Leach (IA)
Lehman (CA)
Lent
Levin (MI)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Loeffler
Lott
Lowery (CA)
Lujan
Luken
Mack
MacKay
Madigan
Marlenee
Martin (IL)
Martin (NY)
Mazzoli
McCain
McCandless
McCloskey
McCollum
McDade
McEwen
McGrath
McKernan
McKinney
McMillan
Meyers
Mica
Michel
Miller (OH)
Moakley
Molinari
Mollohan
Monson
Montgomery
Moorhead
Morrison (WA)
Mrazek
Murphy
Myers
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
Oakar
Oberstar
Olin
Ortiz
Oxley
Packard
Panetta
Parris
Pashayan
Pease
Penny
Perkins
Petri
Pickle
Porter
Price
Pursell
Quillen
Rahall
Rangel
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roe
Roemer
Rogers
Rose
Roth
Roukema
Rowland (CT)
Rowland (GA)
Russo
Savage
Saxton
Schaefer
Schneider
Schroeder
Schuette
Schulze
Seiberling
Sensenbrenner
Sharp
Shaw
Shelby
Shumway
Shuster
Sikorski
Siljander
Sisisky
Skeen
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Spence
Staggers
Stallings
Stangeland
Stenholm
Strang
Stratton
Stump
Sundquist
Sweeney
Swift
Swindall
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Traficant
Traxler
Udall
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren

| | | |
|---|---|---|
| Walker | Whitten | Wyden |
| Watkins | Williams | Wylie |
| Weaver | Wilson | Yates |
| Weber | Wirth | Yatron |
| Wheat | Wise | Young (AK) |
| Whitehurst | Wolf | Young (FL) |
| Whitley | Wolpe | Zschau |
| Whittaker | Wortley | |

NOES—76

| | | |
|---|---|---|
| Ackerman | Foglietta | Morrison (CT) |
| Akaka | Ford (MI) | Murtha |
| Anderson | Frank | Obey |
| Atkins | Gonzalez | Owens |
| Bennett | Gray (PA) | Pepper |
| Berman | Guarini | Rodino |
| Boggs | Hall (OH) | Roybal |
| Bonior (MI) | Hawkins | Sabo |
| Boxer | Howard | Scheuer |
| Brown (CA) | Hoyer | Schumer |
| Burton (CA) | Kostmayer | Solarz |
| Clay | Leath (TX) | Spratt |
| Conyers | Lehman (FL) | St Germain |
| Coyne | Leland | Stark |
| Crockett | Levine (CA) | Stokes |
| de la Garza | Lowry (WA) | Studds |
| Dellums | Manton | Synar |
| Derrick | Markey | Torres |
| Dixon | Matsui | Torricelli |
| Donnelly | Mavroules | Towns |
| Dwyer | McCurdy | Waldon |
| Dymally | McHugh | Waxman |
| Edwards (CA) | Miller (CA) | Weiss |
| Fascell | Mineta | Young (MO) |
| Fazio | Mitchell | |
| Feighan | Moody | |

NOT VOTING—35

| | | |
|---|---|---|
| Barnard | Evans (IA) | Long |
| Barnes | Ford (TN) | Lundine |
| Bentley | Fowler | Lungren |
| Boner (TN) | Gordon | Martinez |
| Bonker | Grotberg | Mikulski |
| Bosco | Hartnett | Miller (WA) |
| Breaux | Hillis | Moore |
| Brooks | Holt | Rostenkowski |
| Campbell | Huckaby | Rudd |
| Coelho | Jones (TN) | Snyder |
| Cooper | Kemp | Wright |
| Edgar | Lewis (CA) | |

□ 1955

The Clerk announced the following pairs:

On this vote:

Mrs. Bentley for, with Mr. Miller of Washington against.

Mr. Lungren for, with Mr. Martinez against.

Mr. MATSUI and Mr. PEPPER changed their votes from "aye" to "no."

Messrs. YATES, SAVAGE, and HAYES and Mrs. COLLINS changed their votes from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. If there are no further amendments to title I, the Clerk will designate title II.

The text of title II is as follows:

TITLE II—PROMOTING DEMOCRACY IN HAITI

SEC. 201. FINDINGS CONCERNING HAITI.

The Congress finds that—

(1) the establishment of an interim government in Haiti committed to a resolution of democracy provides Haiti with an opportunity to build the political, social, and economic institutions necessary to promote Haiti's development, to provide a better future for the people of Haiti, and to provide the framework for more effective mutual cooperation with the United States, Haiti's neighbor in the Caribbean, and the other nations of the Hemisphere;

(2) the magnitude of the political, economic, and social tasks facing the people of Haiti will make the achievement of a better future a difficult task which will require a determined and sustained effort by the Haitian people over a long period of time and will require significant external assistance from the United States and other donors; and

(3) it is in the interest of the United States to provide appropriate support for the development of Haiti, a close neighbor which is one of the world's poorest nations and which is committed to the establishment of a democratic government.

SEC. 202. ECONOMIC ASSISTANCE FOR HAITI.

(a) EARMARKING OF FUNDS.—Of the amounts made available for economic assistance programs for fiscal year 1987, not less than $109,000,000 shall be available only for Haiti as follows:

(1) ECONOMIC SUPPORT FUND: Not less than $36,000,000 of the amount made available to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 shall be for Haiti.

(2) DEVELOPMENT ASSISTANCE: Not less than $37,000,000 of the amounts available to carry out sections 103 through 106 of the Foreign Assistance Act of 1961 shall be for Haiti. These funds shall be used to support a transition to democracy in Haiti, emphasizing job creation, rural development, health care and sanitation, small-scale irrigation, reforestation and land conservation, and literacy education. Assistance provided pursuant to this paragraph should reflect the need to distribute development assistance resources more equitably among the various regions in Haiti in order to support sustainable development in all of Haiti.

(3) FOOD FOR PEACE: Not less than $35,000,000 of the amounts available to carry out titles I and II of the Agricultural Trade Development and Assistance Act of 1954 shall be for Haiti.

(4) INTER-AMERICAN FOUNDATION.—Not less than $1,000,000 of the amount available for the Inter-American Foundation shall be for Haiti.

(b) CONDITIONS ON ECONOMIC SUPPORT AND DEVELOPMENT ASSISTANCE.—Funds may be obligated for assistance for Haiti pursuant to paragraph (1) and (2) of subsection (a) only if the President determines that the interim Government of Haiti—

(1) is improving the human rights situation in Haiti;

(2) is implementing its timetable for completion of a new constitution that promotes genuine democratic reforms and guarantees the fundamental principles of democracy;

(3) is establishing a framework for free and open elections leading to a democratically-elected civilian government, which would include free and functioning political parties and associations, free labor unions, and freedom of the press;

(4) is cooperating fully in implementing United States development, food, and other economic assistance programs in Haiti (including programs for prior fiscal years);

(5) is maintaining a system of fiscal accountability to ensure that all resources allocated to the development of Haiti are used in the most effective and efficient manner;

(6) is continuing its investigation of alleged human rights abuses and corruption by the Duvalier government and is prosecuting, in accordance with due process, those responsible for human rights abuses and corruption;

(7) is maintaining a free and independent judiciary system; and

(8) is continuing to cooperate with the United States in halting illegal emigration to the United States from Haiti.

(c) REQUIREMENT FOR SEGREGATED ACCOUNT FOR ECONOMIC SUPPORT ASSISTANCE FUNDS.—Economic assistance funds earmarked by subsection (a)(1) may be paid to the Government of Haiti only if the Government of Haiti will maintain those funds in a separate account and not commingle them with other funds.

(d) CONFORMING AMENDMENT INCREASING AUTHORIZATION FOR INTER-AMERICAN FOUNDATION.—Section 401(s)(2) of the Foreign Assistance Act of 1969 is amended by striking out "$11,969,000 for fiscal year 1987" and inserting in lieu thereof "$12,969,000 for fiscal year 1987".

SEC. 203. MILITARY TRAINING AND OTHER NONLETHAL ASSISTANCE FOR HAITI.

(a) AUTHORIZATION OF ASSISTANCE.—Up to $4,000,000 of the amounts available for fiscal year 1987 to carry out chapter 2 of part II of the Foreign Assistance Act of 1961 (relating to grant military assistance) and chapter 5 of part II of that Act (relating to international military education and training) may be made available for Haiti for education, training, and other nonlethal assistance (such as transportation equipment, communications equipment, and uniforms), notwithstanding section 705(e) of the International Security and Development Cooperation Act of 1985.

(b) CONDITIONS ON MILITARY ASSISTANCE.—Funds made available pursuant to subsection (a) may be obligated only if the President certifies to the congress the following:

(1) The Government of Haiti has submitted a formal request to the United States specifying a comprehensive plan for the reform and reorganization of the mission, command, and control structures of the Haitian armed forces consistent with a transition to democracy, the rule of law, constitutional government, and an elected civilian government. Such a plan should include a publicly announced commitment by the armed forces of Haiti to abide by international human rights standards and adoption of a code of conduct to assure adherance to these standards.

(2) The Government of Haiti is making substantial efforts—

(A) to prevent the involvement of the Haitian armed forces in human rights abuses and corruption by removing from those forces and prosecuting, in accordance with due process, those military personnel responsible for the human rights abuses and corruption;

(B) to ensure that freedom of speech and assembly are respected;

(C) to conduct investigations into the killings of unarmed civilians in Gonaives, Martissant, and Fort Dimanche, to prosecute, in accordance with due process, those responsible for those killings, and to prevent any similar occurrences in the future;

(D) to provide education and training to the Haitian armed forces with respect to internationally recognized human rights and the civil and political rights essential to democracy, in order to enable those forces to function consistent with those rights; and

(E) to take steps to implement the policy of the Government of Haiti requiring former members of the Volunteers for National Security (VNS) to turn in their weapons and to take the necessary actions to enforce this requirement.

(c) REPORTS.—Not later than three months after the President submits his certification

under subsection (b) and every three months thereafter, the President shall report to the Congress on the extent to which the actions of the Government of Haiti are consistent with each of objectives specified in subsection (b). Half of the assistance provided pursuant to subsection (a) shall be withheld from delivery until the President submits the first such report.

(d) NOTIFICATION TO CONGRESS.—Funds made available pursuant to subsection (a) may be obligated only if the Committee on Appropriations and the Committee on Foreign Affairs of the House of Representatives and the Committee on Appropriations and the Committee on Foreign Relations of the Senate are notified fifteen days in advance.

AMENDMENT OFFERED BY MR. LELAND

Mr. LELAND. Mr. Chairman, I offer an amendment which was printed in the CONGRESSIONAL RECORD on August 5.

The Clerk read as follows:

Amendment offered by Mr. LELAND: Page 10, after line 14, insert the following new subsection:

(e) ADDITIONAL ASSISTANCE FOR ECONOMIC DEVELOPMENT IN HAITI.—In order to assist economic development in Haiti, a Foreign Commercial Service officer shall be assigned to the United States embassy in Haiti.

Mr. LELAND (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. LELAND. Mr. Chairman, this is a very simple amendment which seeks to assist economic development in Haiti by assigning a foreign commercial service officer to the U.S. Embassy in Haiti.

This amendment will not add any additional cost to the taxpayers. It simply sets Haiti as a priority recipient for a foreign commercial service officer.

I am sure most of my colleagues will agree with me that Haiti is indeed a country that desperately needs help to improve its economic and social well-being. Requiring that a foreign commercial service officer be assigned to our embassy in Haiti, is a cost-effective means of enhancing Haiti's trade activities, leading to improved economic and social conditions for the Haitian people. Thank you.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. LELAND. I yield to the chairman of the Committee on Foreign Affairs, the gentleman from Florida [Mr. FASCELL]

Mr. FASCELL. I thank the gentleman for yielding.

I will say to the gentleman that we have examined the amendment, we think it is a good amendment, and we are prepared to accept it.

Mr. LEACH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. LELAND. I yield to the gentleman from Iowa.

Mr. LEACH of Iowa. I thank the gentleman for yielding.

Mr. Chairman, the minority has no objection to this amendment.

Mr. LELAND. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. LELAND].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. DIXON

Mr. DIXON. Mr. Chairman, I offer an amendment. This amendment was offered by Congressman FAUNTROY and printed in the Journal of August 5.

The Clerk read as follows:

Amendment offered by Mr. DIXON:

Page 13, after line 8, add the following:

SEC. 204. RECOVERY BY HAITI OF ASSETS STOLEN BY DUVALIER REGIME.

(a) FINDINGS.—The Congress finds that—

(1) the Government of Haiti believes that former president-for-life Jean Claude Duvalier and other individuals associated with the Duvalier regime illegally diverted to their own use substantial amounts of the assets of the Government of Haiti;

(2) the Government of Haiti is attempting to locate and recover those assets through legal means;

(3) virtually every relevant jurisdiction, both in the United States and abroad, requires the posting of some form of security to secure the issuance of orders of attachment or other judicial seizures of property;

(4) the Government of Haiti is unable, without outside assistance, to post the necessary security because of its lack of assets;

(5) Haiti's economic situation could be significantly improved, and the need for external resources reduced, if the Government of Haiti is able to pursue its legal remedies against those who are in large part responsible for the economic crisis in Haiti; and

(6) the United States has a substantial foreign policy interest in helping the Government of Haiti recover any assets which were illegally diverted by those associated with the Duvalier regime.

(b) ACTIONS TO ASSIST HAITI.—The President shall exercise the authorities granted by section 203 of the International Emergency Economic Powers Act (50 U.S.C. app. 1702) to assist the Government of Haiti in its efforts to recover, through legal proceedings, assets which the Government of Haiti alleges were stolen by former president-for-life Jean Claude Duvalier and other individuals associated with the Duvalier regime. This subsection shall be deemed to satify the requirements of section 202 of that Act.

Mr. DIXON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DIXON. Mr. Chairman, I offer an amendment today on behalf of myself and the amendment's original sponsor, Mr. FAUNTROY. (The amendment was printed in the RECORD of August 5.)

Last year, I would not have been able to stand before you today to express any optimism over the situation in Haiti. But today I rise in support of this bill that authorizes increased assistance for Haiti and to offer an amendment.

Haiti is the poorest country in the western hemisphere, and one of the poorest in the entire world. For nearly 30 years, the economy was mismanaged and Duvalier and his officials increasingly used political power to shape the economy for their own enrichment. Reversing this legacy will be a monumental task for the Haitian people and one which will require the help and understanding of people throughout the world.

When the Duvaliers fled Haiti in February, they not only left the country in millions of dollars of debt, but with less than $1 million in foreign reserves.

Without foreign exchange reserves to buy even the bare necessities, including food and fuel, the Government urgently must recover the money the Duvaliers siphoned off.

The Government of Haiti is attempting to locate and recover those assets through legal means.

But virtually every relevant jurisdiction, both in the United States and abroad, requires the posting of some form of bond to secure the issuance of orders of attachment or judicial seizures of property.

The Government of Haiti is unable, without assistance, to post the necessary security bond because of its lack of assets.

My amendment is simple and straightforward: To assist the new Government of Haiti to have its day in court in its attempt to reclaim wealth which was allegedly stolen by Haiti's former President and his associates.

The amendment would require the President to use authorities in the International Economic Powers Act to freeze assets of Duvalier and his associate so that these assets cannot be removed during the period which Haiti's claims are considered through regular legal processes.

I can understand that some do not like to see the emergency powers applied in a case such as this where the emergency is not one facing the United States but instead confronts a friend. If we can develop another way to be helpful in a timely manner, I would welcome it.

But if we wait, some of the wealth that belongs to the Haitian people may be irretrievably lost. I would hope that the Foreign Affairs Committee will look for a permanent way of providing authority to the President to help countries in Haiti's position in the future—but for Haiti the time is now.

71-059 O-87-13 (Pt. 14)

We do not know whether any of the funds skimmed off through years of corruption came from the U.S. Treasury. We should act to help assure that the moneys in the United States are given to their rightful owners and not lost forever because Haiti is too poor to press its claims effectively.

I believe that the interim Government of Haiti, under the Lieutenant General Namphy (Nam-phee), is seriously committed to a transition from a military council to a democratically elected civilian government.

A law firm—Stroock, Stroock & Lavan—has been retained by the Government of Haiti to assist in recovering these assets.

I hope you will support my amendment and help the Government of Haiti in recovering the funds.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. DIXON. I yield to the chairman of the Committee on Foreign Affairs, the gentleman from Florida [Mr. FASCELL].

Mr. FASCELL. I thank the gentleman for yielding.

Mr. Chairman, we have examined the amendment on this side, we think it is an excellent amendment, and we will accept it.

Mr. BROOMFIELD. Mr. Chairman, will the gentleman yield?

Mr. DIXON. I yield to the gentleman from Michigan.

Mr. BROOMFIELD. I thank the gentleman for yielding.

Mr. Chairman, we also accept it on this side.

Mr. DIXON. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. DIXON].

The amendment was agreed to.

The CHAIRMAN. Are there any other amendments to title II?

Pursuant to House Resolution 526, title III is considered as having been read for amendment.

The Clerk will designate title III.

The text of title III is as follows:

TITLE III—AUTHORIZATION LEVELS FOR CERTAIN FOREIGN ASSISTANCE PROGRAMS

SEC. 301. INTERNATIONAL NARCOTICS CONTROL.

Section 482(a)(1) of the Foreign Assistance Act of 1961 is amended by striking out "$57,529,000 for the fiscal year 1987" and inserting in lieu thereof "$65,445,000 for the fiscal year 1987".

SEC. 302. CHILD SURVIVAL FUND.

Section 104(c)(2)(B) of the Foreign Assistance Act of 1961 is amended by striking out "$25,000,000 for fiscal year 1987" and inserting in lieu thereof "$75,000,000 for fiscal year 1987".

SEC. 303. AUTHORIZING A SEPARATE LINE ITEM APPROPRIATION FOR THE INSPECTOR GENERAL OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT.

Section 667(a)(1) of the Foreign Assistance Act of 1961 is amended by inserting after "Act" the following: ", of which $18,189,000 for the fiscal year 1987 is authorized for the necessary operating expenses of the Office of the Inspector General of the Agency for International Development and the remaining amount for that fiscal year is authorized for other necessary operating expenses of that agency".

SEC. 304. OFFSETTING REDUCTIONS.

In order to provide the increased authorizations of appropriations contained in section 202(d), section 301, and section 302 without increasing the overall amount authorized to be appropriated for foreign assistance programs for fiscal year 1987—

(1) section 104(g)(1)(B) of the Foreign Assistance Act of 1961 (relating to development assistance for health programs) is amended by striking out "$205,000,000 for fiscal year 1987" and inserting in lieu thereof "$180,000,000 for fiscal year 1987"; and

(2) section 302(a)(1) of that Act (relating to international organizations and programs) is amended by striking out "$270,000,000 for fiscal year 1987" and inserting in lieu thereof "$236,084,000 for fiscal year 1987".

The CHAIRMAN. No amendments to title III are in order.

The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

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The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. MURTHA] having assumed the chair Mr. ATKINS, Chairman of the Committee on the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5081) to authorize additional economic and military assistance for the Philippines, pursuant to House Resolution 526, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. SOLOMON

Mr. SOLOMON. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. SOLOMON. I am, in its present form, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. SOLOMON moves to recommit the bill, H.R. 5081, to the Committee on Foreign Affairs.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SOLOMON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 219, noes 178, not voting 34, as follows:

[Roll No. 308]

AYES—219

| | | |
|---|---|---|
| Ackerman | Fish | Markey |
| Akaka | Florio | Martinez |
| Anderson | Foglietta | Matsui |
| Annunzio | Foley | Mavroules |
| Aspin | Ford (MI) | Mazzoli |
| Atkins | Frank | McCain |
| AuCoin | Frenzel | McCloskey |
| Bates | Frost | McCurdy |
| Bedell | Fuqua | McDade |
| Bennett | Gallo | McHugh |
| Berman | Garcia | McKernan |
| Biaggi | Gejdenson | McKinney |
| Boehlert | Gephardt | McMillan |
| Boggs | Gibbons | Meyers |
| Boland | Gilman | Mica |
| Bonior (MI) | Gingrich | Michel |
| Bonker | Glickman | Miller (CA) |
| Borski | Gonzalez | Mineta |
| Boucher | Gradison | Mitchell |
| Boxer | Gray (IL) | Moakley |
| Broomfield | Gray (PA) | Mollohan |
| Brown (CA) | Green | Moody |
| Bruce | Guarini | Morrison (CT) |
| Bryant | Hall (OH) | Morrison (WA) |
| Burton (CA) | Hamilton | Mrazek |
| Bustamante | Hatcher | Murtha |
| Byron | Hawkins | Natcher |
| Carney | Hayes | Nowak |
| Chandler | Hertel | Oakar |
| Chappell | Horton | Oberstar |
| Clay | Howard | Obey |
| Collins | Hoyer | Ortiz |
| Conte | Hyde | Owens |
| Coughlin | Jeffords | Packard |
| Coyne | Johnson | Panetta |
| Crockett | Kaptur | Pashayan |
| de la Garza | Kastenmeier | Penny |
| Dellums | Kennelly | Pepper |
| Derrick | Kildee | Pickle |
| DeWine | Kostmayer | Porter |
| Dicks | LaFalce | Price |
| Dingell | Lagomarsino | Rahall |
| DioGuardi | Lantos | Rangel |
| Dixon | Leach (IA) | Reid |
| Donnelly | Leath (TX) | Richardson |
| Dornan (CA) | Lehman (CA) | Rinaldo |
| Downey | Lehman (FL) | Rodino |
| Durbin | Leland | Roe |
| Dwyer | Levin (MI) | Rose |
| Dymally | Levine (CA) | Rostenkowski |
| Early | Lipinski | Roybal |
| Eckert (NY) | Livingston | Sabo |
| Edwards (CA) | Lowery (CA) | Savage |
| Evans (IL) | Lowry (WA) | Saxton |
| Fascell | Luken | Scheuer |
| Fazio | MacKay | Schneider |
| Feighan | Manton | Schroeder |

| | | |
|---|---|---|
| Schumer | Stangeland | Waxman |
| Seiberling | Stark | Weaver |
| Sharp | Stokes | Weber |
| Sikorski | Studds | Weiss |
| Siljander | Swift | Wheat |
| Sisisky | Synar | Whitley |
| Slattery | Tallon | Williams |
| Smith (FL) | Thomas (CA) | Wilson |
| Smith (IA) | Torres | Wirth |
| Smith (NJ) | Torricelli | Wise |
| Snowe | Towns | Wolpe |
| Solarz | Udall | Wyden |
| Spratt | Vento | Yates |
| St Germain | Visclosky | Yatron |
| Staggers | Waldon | Young (MO) |
| Stallings | Walgren | Zschau |

NOES—178

| | | |
|---|---|---|
| Alexander | Gregg | Regula |
| Andrews | Gunderson | Ridge |
| Anthony | Hall, Ralph | Ritter |
| Applegate | Hammerschmidt | Roberts |
| Archer | Hansen | Robinson |
| Armey | Hefner | Roemer |
| Badham | Hendon | Rogers |
| Bartlett | Henry | Roth |
| Barton | Hiler | Roukema |
| Bateman | Hopkins | Rowland (CT) |
| Bellenson | Hubbard | Rowland (GA) |
| Bereuter | Hughes | Russo |
| Bevill | Hunter | Schaefer |
| Bilirakis | Hutto | Schuette |
| Bliley | Ireland | Schulze |
| Boulter | Jacobs | Sensenbrenner |
| Brown (CO) | Jenkins | Shaw |
| Burton (IN) | Jones (NC) | Shelby |
| Callahan | Jones (OK) | Shumway |
| Carper | Kanjorski | Shuster |
| Carr | Kasich | Skeen |
| Chapman | Kindness | Skelton |
| Chappie | Kleczka | Slaughter |
| Cheney | Kolbe | Smith (NE) |
| Clinger | Kramer | Smith, Denny (OR) |
| Coats | Latta | |
| Cobey | Lent | Smith, Robert (NH) |
| Coble | Lewis (FL) | |
| Coleman (MO) | Lightfoot | Smith, Robert (OR) |
| Coleman (TX) | Lloyd | |
| Combest | Loeffler | Solomon |
| Courter | Lott | Spence |
| Craig | Lujan | Stenholm |
| Crane | Mack | Strang |
| Daniel | Madigan | Stratton |
| Dannemeyer | Martin (IL) | Stump |
| Darden | Martin (NY) | Sundquist |
| Daschle | McCandless | Sweeney |
| Daub | McCollum | Swindall |
| Davis | McEwen | Tauke |
| DeLay | McGrath | Tauzin |
| Dickinson | Miller (OH) | Taylor |
| Dorgan (ND) | Molinari | Thomas (GA) |
| Dowdy | Monson | Traficant |
| Dreier | Montgomery | Traxler |
| Duncan | Moorhead | Valentine |
| Dyson | Murphy | Vander Jagt |
| Eckart (OH) | Myers | Volkmer |
| Edwards (OK) | Neal | Vucanovich |
| Emerson | Nelson | Walker |
| English | Nichols | Watkins |
| Erdreich | Nielson | Whitehurst |
| Evans (IA) | Olin | Whittaker |
| Fawell | Oxley | Whitten |
| Fiedler | Parris | Wolf |
| Fields | Pease | Wortley |
| Flippo | Perkins | Wylie |
| Franklin | Petri | Young (AK) |
| Gaydos | Pursell | Young (FL) |
| Gekas | Quillen | |
| Goodling | Ray | |

NOT VOTING—34

| | | |
|---|---|---|
| Barnard | Ford (TN) | Long |
| Barnes | Fowler | Lundine |
| Bentley | Gordon | Lungren |
| Boner (TN) | Grotberg | Marlenee |
| Bosco | Hartnett | Mikulski |
| Breaux | Hillis | Miller (WA) |
| Brooks | Holt | Moore |
| Campbell | Huckaby | Rudd |
| Coelho | Jones (TN) | Snyder |
| Conyers | Kemp | Wright |
| Cooper | Kolter | |
| Edgar | Lewis (CA) | |

□ 2020

The Clerk announced the following pair:

On this vote:

Mr. Kemp for, with Mr. Lungren against.

Mr. SHELBY changed his vote from "aye" to "no."

So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to promote democracy in the Philippines and Haiti, and for other purposes.".

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. SOLARZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

□ 2030

## PROVIDING FOR FURTHER CONSIDERATION OF H.R. 4428, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1987

Mr. PEPPER, from the Committee on Rules, reported the following privileged resolution (H. Res. 531, Rept. No. 99-766) which was referred to the House Calendar and ordered to be printed:

H. RES. 531

*Resolved*, That during the further consideration of the bill (H.R. 4428) to authorize appropriations for fiscal year 1987 for the Armed Forces for procurement, for research, development, test, and evaluation, for operation and maintenance, and for working capital funds, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, no further amendment to the bill or to the committee amendment in the nature of a substitute, as modified, shall be in order except the amendments designated in section two of this resolution, and said amendments shall be considered only in order and in the manner specified. The amendments designated in this resolution which are available in a printed report by the Committee on Rules shall be considered as having been read when offered.

SEC. 2. The amendments made in order to the committee amendment in the nature of a substitute, as modified, and their order of consideration, are as follows.

(1) Before the committee substitute, as modified, is considered for amendment, it shall be in order to debate the funding levels contained in the committee substitute, as modified, for not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services. It shall then be in order to consider an amendment, if offered by Representatives Spratt of South Carolina or his designee contained in the report of the Committee on Rules on this resolution, relating to funding levels in the committee substitute, as modified. No amendment to said amendment shall be in order and said amendment shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole, but said amendment shall be debatable for not to exeed 30 minutes, to be equally divided and controlled by the proponent of the amendment and a Member opposed thereto. Following the disposition of said amendment, it shall be in order to consider an amendment, if offered by Representative Dickinson of Alabama or his designee contained in the report of the Committee on Rules on this resolution relating to funding levels in the committee substitute, as modified. No amendment to said amendment shall be in order and said amendment shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole, but said amendment shall be debatable for not to exceed 30 minutes, to be equally divided and controlled by the proponent of the amendment and a Member opposed thereto. If both of said amendments are adopted, only the last such amendment shall be considered to have been finally adopted and reported back to the House.

(2) After the disposition of the amendments designated in paragraph (1) above, it shall be in order to debate the topic of limitations on nuclear testing for not to exceed one and one-half hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services. It shall then be in order to consider an amendment, if offered by Representative Dickinson of Alabama or his designee contained in the report of the Committee on this resolution, relating to such limitations. No amendment to said amendment shall be in order and said amendment shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole, but said amendment shall be debatable for not to exceed 20 minutes, to be equally divided and controlled by the proponent of the amendment and a Member opposed thereto. Following the disposition of said amendment, it shall be in order to consider an amendment if offered by the chairman of the Committee on Armed Services or his designee printed in the report of the Committee on Rules on this resolution relating to such limitations. No amendment to said amendment shall be in order and said amendment shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole, but said amendment shall be debatable for not to exceed 20 minutes, to be equally divided and controlled by the proponent of the amendment and a Member opposed thereto. If both of said amendments are adopted, only the last such amendment shall be considered to have been finally adopted and reported back to the House.

(3) After the disposition of the amendments designated in paragraph (2) above, it shall be in order to consider amendments pursuant to this paragraph. The committee amendment in the nature of a substitute, as modified, made in order as original text for the purpose of amendment by House Resolution 523, shall be considered as having been read for amendment under the five-minute rule. It shall be in order to begin consideration of the amendments contained in the report of the Committee on Rules on

this resolution. Said amendments shall be considered only in the order listed, and said amendments may only be offered by the Members designated for each amendment in the Report of the Committee on Rules on this Resolution. Debate on each of said amendments shall not exceed the time designated in the report of the Committee on Rules on this resolution, to be equally divided and controlled by the proponent of the amendment and a Member opposed thereto. Debate on any amendment offered to one of said amendments, or on any amendment offered to a substitute for one of said amendments, shall be limited to ten minutes, equally divided and controlled by the proponent of the amendment and a Member opposed thereto. During the consideration of such amendments, pro forma amendments for the purpose of debate shall be in order only if offered by the chairman or ranking minority member of the Committee on Armed Services. With respect to amendment number 114 in the category of amendments under this paragraph (the amendment by Representative Dickinson of Alabama on the application of the Davis-Bacon Act as so numbered in the report of the Committee on Rules on this resolution), it shall not be in order to consider said amendment if Representative Hawkins of California offers, at that point in the consideration of amendments under this paragraph, an amendment relating to the same subject. Before the consideration of any amendments to said amendment, it shall be in order to debate said amendment for not to exceed one hour, to be equally divided and controlled by Representative Hawkins and a Member opposed thereto. No amendment to said amendment shall be in order except a substitute if offered by Representative Dickinson consisting of the text of amendment number 114 as so numbered in the report of the Committee on Rules. Said substitute shall not be subject to amendment but shall be debatable for not to exceed one hour, to be equally divided and controlled by Representative Dickinson and a Member opposed thereto, and all points of order against said amendment for failure to comply with the provisions of clause 7 of Rule XVI are hereby waived. If Representative Hawkins does not offer such amendment, it shall be in order for Representative Dickinson to offer amendment number 114, and said amendment shall not be subject to amendment but shall be debatable for not to exceed one hour, to be equally divided and controlled by Representative Dickinson and a Member opposed thereto.

(4) After the Committee of the Whole rises on the legislative day of Monday, August 11, 1986, and resumes its sitting on H.R. 4428 on Tuesday, August 12, 1986, further consideration of the amendments provided for in paragraph (3) shall be suspended. It shall then be in order to debate the levels of funding for the Strategic Defense Initiative contained in the committee substitute for not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services. It shall then be in order to consider the amendments relating to such funding contained in the report of the Committee on Rules on this resolution, only in the following order: (A) by Representative Dornan of California or his designee; (B) by Representative Dellums of California or his designee; (C) by Representative Badham of California or his designee; and (D) by Representative Bennett of Florida or his designee. Each of said amendments shall not be subject to amendment or to a demand for a division of the question in the House or in the Committee of the Whole but shall be debatable for not to exceed 20 minutes, to be equally divided and controlled by the proponent of the amendment and a Member opposed thereto and each of said amendments shall be in order even if changing portions of the committee substitute already changed by amendment. If more than one of said amendments is adopted, only the last such amendment which is adopted shall be considered to have been fully adopted and reported back to the House.

(5) After the disposition of the amendments designated in paragraph (4) above, it shall be in order to debate the topic of strategic nuclear arms limitations for not to exceed one and one-half hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services. It shall then be in order to consider an amendment relating to such limitations contained in the report of the Committee on Rules on this resolution if offered by Representative Dickinson of Alabama or his designee. Said amendment shall not be subject to amendment or to a demand for a division of the question in the House or in the Committee of the Whole, but shall be debatable for not to exceed 20 minutes, to be equally divided and controlled by the proponent of the amendment and a Member opposed thereto. It shall then be in order to consider an amendment relating to such limitations contained in the report of the Committee on Rules on this resolution if offered by Representative Dicks of Washington or his designee. Said amendment shall not be subject to amendment or to a demand for a division of the question in the House or in the Committee of the Whole, but shall be debatable for not to exceed 20 minutes, to be equally divided and controlled by the proponent of the amendment and a Member opposed thereto. If both of said amendments are adopted, only the last such amendment shall be considered to have been finally adopted and reported back to the House.

(6) After the disposition of the amendments designated in paragraph (5) above, it shall be in order to consider an amendment contained in the report of the Committee on Rules on this resolution relating to antisatellite weapons if offered by Representative Brown of California or his designee. Said amendment shall not be subject to amendment or to a demand for a division of the question in the House or in the Committee of the Whole, but shall be debatable for not to exceed one hour, to be equally divided and controlled by the proponent of the amendment and a Member opposed thereto.

(7) If the Committee of the Whole does not rise on the legislative day of Tuesday, August 12, 1986, immediately after the disposition of the amendment designated in paragraph (6) above, it shall be in order to continue consideration of the amendments provided for in paragraph (3) of this section, in the manner provided for in such paragraph.

(8) After the Committee of the Whole rises on the legislative day of Tuesday, August 12, 1986, and resumes its sitting on H.R. 4428 on Wedenesday, August 13, 1986, further consideration of the amendments provided for in paragraph (7) above shall be suspended. It shall then be in order to consider the amendment relating to funding levels in the committee substitute contained in the report of the Committee on Rules on this reoslution if offered by Representative Dellums of California or his designee and said amendment shall not be subject to amendment or to a demand for a division of the question in the House or in the Committee of the Whole but shall be debatable for not to exceed one hour, to be equally divided and controlled by the proponent of the amendment and a Member opposed thereto.

(9) After the disposition of the amendment designated in paragaph (8) above, it shall be in order to consider the amendment relating to chemical weapons contained in the report of the Committee on Rules on this resolution if offered by Representative Porter of Illinois or his designee, and said amendment shall not be subject to amendment or to a demand for a division of the question in the House or in the Committee of the Whole but shall be debatable for not to exceed one hour, to be equally divided and controlled by the proponent of the amendment and a Member opposed thereto.

(10) After the disposition of the amendment designated in paragraph (9) above, it shall be in order to continue consideration of the amendments provided for in paragraph (3) of this section in the manner provided for in such paragraph.

SEC. 3. At the conclusion of the consideration of the last amendment designated pursuant to paragraph (3) of section two, no further amendment to the bill or to the committee substitute, as modified, shall be in order, and the question shall occur on the committee amendment in the nature of a substitute, as modified and as amended. The Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute, as modified, subject to preceding provisions of this resolution. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. After the passage of H.R. 4428, it shall be in order to consider the following motions if offered by the chairman of the Committee on Armed Services: (1) to take from the Speaker's table the bill H.R. 3622, with the Senate amendments thereto, to concur in the Senate amendment to the title with an amendment inserting in lieu thereof "An act to amend title 10, United States Code, to reorganize the Department of Defense", and to concur in the Senate amendment to the text with an amendment inserting in lieu thereof the provisions contained in H.R. 3622 as passed by the House, and the provisions contained in the amendment designated in paragraph (1) of section two of House Resolution 523 offered by Representative Nichols of Alabama, as finally adopted in the Committee of the Whole during the consideration of H.R. 4428; (2) to insist on said amendments to the Senate amendments to H.R. 3622 and to request a conference with the Senate thereon; (3) to discharge the Committee on Armed Services from the further consideration of the bill (H.R. 4181) to authorize certain construction at military installations for fiscal year 1987, and for other purposes, and to consider said bill in the House; and (4) to strike out all after the enacting clause of the said bill and to insert in lieu thereof the provisions contained in Division B of H.R. 4428 as passed by the House.

Mr. PEPPER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 531 and ask for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read the resolution.

□ 2045

PARLIAMENTARY INQUIRY

Mr. DICKINSON. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. MURTHA). The gentleman will state it.

Mr. DICKINSON. Mr. Speaker, now that we have heard the reading of the rule, which I approve and which we worked through, would it be possible that it be passed by unanimous consent, or must there be a record vote?

The SPEAKER pro tempore. There does not necessarily have to be a record vote.

Mr. DICKINSON. Mr. Speaker, must there be a vote, and not by unanimous consent?

The SPEAKER pro tempore. The Chair will put the question on consideration.

Mr. DICKINSON. To put it another way, is it possible that it could pass by unanimous consent?

The SPEAKER pro tempore. Does the gentleman ask unanimous consent that the resolution be considered?

Mr. DICKINSON. Mr. Speaker, I do.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama [Mr. DICKINSON]?

Mr. WALKER. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

The question is, Will the House now consider House Resolution 531?

The question was taken.

RECORDED VOTE

Mr. WALKER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 276, noes 118, not voting 37, as follows:

[Roll No. 309]

AYES—276

| | | |
|---|---|---|
| Ackerman | Boucher | Darden |
| Akaka | Boxer | Daschle |
| Alexander | Brown (CA) | Davis |
| Anderson | Bruce | de la Garza |
| Andrews | Bryant | Dellums |
| Annunzio | Burton (CA) | Derrick |
| Anthony | Bustamante | Dickinson |
| Aspin | Byron | Dicks |
| Atkins | Carper | Dingell |
| AuCoin | Carr | Dixon |
| Badham | Chandler | Donnelly |
| Bates | Chapman | Dorgan (ND) |
| Bedell | Chappell | Dornan (CA) |
| Beilenson | Cheney | Dowdy |
| Bennett | Clay | Downey |
| Berman | Coelho | Duncan |
| Bevill | Coleman (MO) | Durbin |
| Bilirakis | Coleman (TX) | Dwyer |
| Boggs | Collins | Dymally |
| Boland | Conte | Dyson |
| Bonior (MI) | Crane | Early |
| Bonker | Crockett | Eckart (OH) |
| Borski | Daniel | Edwards (CA) |
| Edwards (OK) | Loeffler | Roukema |
| Emerson | Lott | Rowland (CT) |
| English | Lowery (CA) | Rowland (GA) |
| Erdreich | Lowry (WA) | Roybal |
| Evans (IL) | Lujan | Russo |
| Fascell | Luken | Sabo |
| Fazio | MacKay | Savage |
| Feighan | Manton | Scheuer |
| Flippo | Markey | Schneider |
| Florio | Martin (NY) | Schroeder |
| Foglietta | Martinez | Schumer |
| Foley | Matsui | Seiberling |
| Ford (MI) | Mavroules | Sharp |
| Frank | Mazzoli | Shelby |
| Frenzel | McCandless | Sikorski |
| Frost | McCloskey | Sisisky |
| Garcia | McCurdy | Skeen |
| Gejdenson | McDade | Skelton |
| Gephardt | McHugh | Slattery |
| Gibbons | McMillan | Slaughter |
| Gilman | Mica | Smith (FL) |
| Glickman | Michel | Smith (NJ) |
| Gonzalez | Miller (CA) | Smith, Denny (OR) |
| Goodling | Miller (OH) | Solarz |
| Guarini | Mineta | Spence |
| Gunderson | Mitchell | Spratt |
| Hall (OH) | Moakley | St Germain |
| Hall, Ralph | Mollohan | Staggers |
| Hamilton | Montgomery | Stallings |
| Hatcher | Moody | Stark |
| Hawkins | Moorhead | Stokes |
| Hayes | Morrison (CT) | Strang |
| Hefner | Mrazek | Studds |
| Hendon | Murtha | Swift |
| Hertel | Natcher | Synar |
| Hopkins | Neal | Tallon |
| Horton | Nelson | Tauzin |
| Howard | Nichols | Taylor |
| Hoyer | Nowak | Thomas (GA) |
| Hubbard | Oakar | Torres |
| Hutto | Oberstar | Towns |
| Hyde | Obey | Traxler |
| Jacobs | Olin | Udall |
| Jeffords | Ortiz | Valentine |
| Jenkins | Owens | Vento |
| Johnson | Packard | Visclosky |
| Jones (NC) | Panetta | Volkmer |
| Jones (OK) | Pashayan | Vucanovich |
| Kaptur | Pease | Waldon |
| Kasich | Penny | Walgren |
| Kastenmeier | Pepper | Watkins |
| Kennelly | Perkins | Weaver |
| Kildee | Petri | Weiss |
| Kleczka | Pickle | Wheat |
| Kostmayer | Porter | Whitley |
| LaFalce | Price | Whitten |
| Lagomarsino | Quillen | Williams |
| Lantos | Rahall | Wilson |
| Latta | Rangel | Wirth |
| Leach (IA) | Ray | Wise |
| Leath (TX) | Reid | Wolpe |
| Lehman (CA) | Richardson | Wyden |
| Lehman (FL) | Rinaldo | Wylie |
| Leland | Ritter | Yates |
| Levin (MI) | Rodino | Yatron |
| Levine (CA) | Roe | Young (MO) |
| Lewis (FL) | Roemer | Zschau |
| Lipinski | Rogers | |
| Livingston | Rose | |
| Lloyd | Rostenkowski | |

NOES—118

| | | |
|---|---|---|
| Applegate | Coyne | Henry |
| Archer | Craig | Hiler |
| Armey | Dannemeyer | Hughes |
| Bartlett | Daub | Hunter |
| Barton | DeLay | Ireland |
| Bateman | DeWine | Kanjorski |
| Bereuter | DioGuardi | Kindness |
| Bliley | Dreier | Kolbe |
| Boehlert | Eckert (NY) | Kolter |
| Boulter | Evans (IA) | Kramer |
| Broomfield | Fawell | Lent |
| Brown (CO) | Fiedler | Lightfoot |
| Burton (IN) | Fields | Mack |
| Callahan | Franklin | Madigan |
| Carney | Gallo | Marlenee |
| Chappie | Gaydos | Martin (IL) |
| Clinger | Gekas | McCain |
| Coats | Gingrich | McCollum |
| Cobey | Gradison | McEwen |
| Coble | Green | McGrath |
| Combest | Gregg | McKernan |
| Coughlin | Hammerschmidt | McKinney |
| Courter | Hansen | Meyers |
| Molinari | Schulze | Stump |
| Monson | Sensenbrenner | Sundquist |
| Morrison (WA) | Shaw | Sweeney |
| Murphy | Shumway | Swindall |
| Myers | Shuster | Tauke |
| Nielson | Siljander | Thomas (CA) |
| Oxley | Smith (IA) | Torricelli |
| Parris | Smith (NE) | Traficant |
| Pursell | Smith, Robert (NH) | Vander Jagt |
| Regula | Smith, Robert (OR) | Walker |
| Ridge | Snowe | Weber |
| Roberts | Solomon | Whitehurst |
| Robinson | Stangeland | Whittaker |
| Roth | Stenholm | Wolf |
| Saxton | Stratton | Wortley |
| Schaefer | | Young (AK) |
| Schuette | | Young (FL) |

NOT VOTING—37

| | | |
|---|---|---|
| Barnard | Ford (TN) | Lewis (CA) |
| Barnes | Fowler | Long |
| Bentley | Fuqua | Lundine |
| Biaggi | Gordon | Lungren |
| Boner (TN) | Gray (IL) | Mikulski |
| Bosco | Gray (PA) | Miller (WA) |
| Breaux | Grotberg | Moore |
| Brooks | Hartnett | Rudd |
| Campbell | Hillis | Snyder |
| Conyers | Holt | Waxman |
| Cooper | Huckaby | Wright |
| Edgar | Jones (TN) | |
| Fish | Kemp | |

□ 2105

Messrs. HENDON, ROWLAND of Connecticut, PACKARD, JEFFORDS, CHENEY, LOEFFLER, SKEEN, BILIRAKIS, McCANDLESS, FRENZEL, LAGOMARSINO, HYDE, MOORHEAD, CHANDLER, SLAUGHTER, DENNY SMITH, and LUJAN, Mrs. VUCANOVICH, and Messrs. LEWIS of Florida, SPENCE, ROGERS, WYLIE, RITTER, LIVINGSTON, TAYLOR, EMERSON, HOPKINS, ZSCHAU, EDWARDS of Oklahoma, DORNAN of California, PORTER, and TAUZIN changed their votes from "no" to "aye."

So (two-thirds having voted in favor thereof) the House agreed to consider House Resolution 531.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. MURTHA). The gentleman from Florida [Mr. PEPPER] is recognized for 1 hour.

Mr. PEPPER. Mr. Speaker, for the purposes of debate only I yield the customary 30 minutes to the gentleman from Ohio [Mr. LATTA], pending which I yield myself such time as I may consume.

Mr. Speaker, I want to assure the membership that I am going to present a very abbreviated form of this rule, because the rule has already been read from the chair, and the Members therefore are familiar with it.

The gist of it is, the first thing I want to say, is to compliment the leadership on both sides of the aisle, the chairman and the minority of the Committee on Armed Services, the chairman of the Committee on Education and Labor, and many other Members who cooperated to come to a reconciliation of differences on this bill and who helped the Rules Committee promulgate this rule.

Basically, what this rule does is to classify the amendments that are in order and the time they are to be brought up and the time that they are to be debated. All of that will be before the membership tomorrow, so you can follow the debate as the various amendments are considered.

Mr. Speaker, this is a good rule, it is a fair rule, it is worked out on the basis of compromise, and I want to say I hope the rule will be adopted.

Mr. Speaker, this rule provides for the further consideration of H.R. 4428, the Defense Department authorization for fiscal year 1987. As my colleagues are aware, the House adopted a rule last Friday that provided for general debate on the bill and for the disposition of amendments relating to the Defense Department reorganization and procurement reform.

The rule we consider today makes special provision for the consideration of major issues and provides an orderly but complete procedure for consideration of amendments to all of the bill's titles. The rule provides that amendments to be offered to the bill must be those printed in the report of the Committee on Rules. The amendments printed in the report are essentially divided into two classes. The first class consists of those amendments pertaining to certain major issues which are to be debated under specific terms described in the rule on specific days during consideration of the bill. The second class consists of 130 amendments which were submitted by Members to the Committee on Rules.

Amendments are to be considered in a specific order. The House will conduct 1 hour of debate on funding levels contained in the bill. Mr. SPRATT of South Carolina or his designee may offer an amendment relating to the funding levels. The amendment will be debatable for 30 minutes. After the Spratt amendment is disposed of, Mr. DICKINSON of Alabama or his designee may offer an alternative relating to funding levels. The Dickinson alternative shall be debatable for 30 minutes. If both are adopted, only the Dickinson amendment shall be considered to have been finally adopted. No amendments may be offered to either of those alternatives.

Debate will then take place on the issue of nuclear testing for 1½ hours after which it will be in order to consider two amendments on that subject, one to be offered by Mr. DICKINSON and one to be offered by Mr. ASPIN. Each is debatable for an additional 20 minutes. If both are adopted by the committee, only the Aspin amendment will be considered to have been finally adopted.

On Monday of next week, the Committee of the Whole will begin its consideration of other amendments in the order of the bill's titles. The amendments may only be offered in the order listed and debate time for each is specified in the report. Some of these amendments are to be debatable for 40 minutes and some for 10 minutes. In each case the time is to be equally divided between the amendment's proponent and an opponent. Amendments may be offered to these amendments but are debatable for no more than 10 minutes. The rule states that pro forma amendments for the purposes of obtaining additional time for debate are to be in order only if offered by the chairman or ranking minority member of the Committee on Armed Services. On Monday, the amendment process will continue from where it left off on Friday.

Specific procedures are included in the rule that will allow for the consideration of two alternatives on the issue of wage level determinations for some military construction projects. Representatives HAWKINS and DICKINSON will each be allowed to offer an alternative on the issue and each of their amendments shall be debatable for 1 hour. It cannot be said on what day this debate will occur since it will come up in the normal course of the reading of the bill for amendment.

At the beginning of the bill's consideration on next Tuesday, the rule provides for 1 hour of debate on the Strategic Defense Initiative—on which four alternative amendments are to be considered. The amendments are not to be subject to amendment and each is to be debatable for an additional 20 minutes. Only the last of the four adopted by the committee will be considered to have been finally adopted.

After SDI amendments are disposed of, 1½ hours of debate will ensue on the subject of strategic nuclear arms limitations. The committee will consider a Dickinson amendment on that subject for 20 minutes, and, after disposing of the Dickinson amendment, will consider a Dicks amendment on that subject for another 20 minutes. Neither of those amendments is to be subject to amendment. If both the Dicks and the Dickinson amendments are agreed to, only the Dicks amendment will be considered to have been finally adopted.

After deliberation has concluded on the strategic nuclear arms limitation issue on Tuesday, the rule makes in order an amendment by Mr. BROWN of California relating to antisatellite weapons. The Brown amendment is to be debatable for 1 hour and is not subject to amendment.

After completion of action on the Brown amendment, the Committee of the Whole will continue from where it left off on Monday on consideration of amendments in order to the bill.

The rule then provides that when the Committee of the Whole resumes its consideration of the bill on next Wednesday, the Committee shall consider the amendment of Mr. DELLUMS of California regarding the spending priorities contained in the bill. His amendment shall be debatable for 1 hour and shall not be subject to amendment.

Once the Dellums amendment is disposed of, it shall be in order to consider an amendment by Mr. PORTER relating to chemical weapons production and deployment. The Porter amendment is to be debatable for 1 hour and shall not be subject to further amendment.

After discussion of the Porter amendment, the Committee is to proceed to consider the remaining amendments printed in the report until they have been disposed of.

Mr. Speaker, the rule also provides for one motion to recommit with or without instructions and includes a detailed procedure designed to facilitate a conference with the other body on the issue of Defense Department reorganization.

The rule provides for the discharge of the Armed Services Committee from the further consideration of H.R. 4181, the military construction Authorization for fiscal year 1987, and makes in order a motion to amend the bill to consist of the text of division B of H.R. 4288 as passed by the House. The effect of this provision would be to permit the House to pass a military construction authorization in a free-standing form.

Mr. Speaker, at this time I yield to the gentleman from Ohio [Mr. LATTA] for the purposes of debate only.

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me say that I listened to every single word my chairman said, and I agree with every one of them.

Let me further say, Mr. Speaker, that believe it or not, this rule was designed to save time. The last time we debated an authorization bill on defense it took 3 weeks. We do not have 3 weeks. So this bill was designed to expedite the passage of this bill before we quit on August 15.

Mr. Speaker, I think the gentleman from Florida [Mr. PEPPER] has adequately described the rule. It has been read; everybody was listening to those four pages that were read up there, and I have one request for time.

Mr. DICKINSON. If the gentleman would yield, just let me say the rule that has been fashioned is done with the joint efforts of the chairman of the committee and myself. After reconciling some differences, this is what we agreed to. It is fair; it is the fairest rule we could make. I am pleased with it. I would urge the Members to accept it, and let us get out of here tonight and come in fresh tomorrow.

Mr. COURTER. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I yield to the gentleman.

Mr. COURTER. Mr. Speaker, I disagree with what was said. I do not think it is a fair rule. I know that probably it is the best one we are going to get, but I want to let you know why I do not think it is a fair rule.

It is not a fair rule for two major reasons. No. 1, there are two very important amendments that are highlighted by virtue of their placement in the rule. They really do not have a great deal to do with the arms area; they do not have a great deal to do with the work of the Armed Services Committee; they are really more germane to the Foreign Affairs Committee. They have to do with arms control issues.

One is a SALT II amendment, and the other is a test ban amendment. That is No. 1, No. 2, the way those two amendments are configured, it changes the open rule that has been the policy of arms control debates ever since I have been a Member of Congress.

What I mean by that is that normally when you have an amendment to the bill when the rule is open, a substitute or an amendment thereto is voted on, and then takes the place of the original amendment.

This, however, is done much differently. If the Republican substitute to the test ban amendments prevails, then there is a vote on the original test ban amendment as proffered by the majority party; it is kind of a "king of the mountain."

So in that respect it is a bad rule, it sets a bad precedent, it has never been done before on a bill coming from the Armed Services Committee, and although it might be the best we can get, it is certainly not fair. It is not right. The two issues really do not pertain to the work of our committee, and I am against it.

□ 2115

Mr. LATTA. Mr. Speaker, let me reclaim my time by saying that I quite agree with the gentleman that those subjects will be more appropriately taken up in the Committee on Foreign Affairs, but they are in this rule. There is no question about it. You will have adequate time for debate. You can vote your pleasure.

Mr. BADHAM. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I yield to the gentleman from California.

Mr. BADHAM. I thank the gentleman for yielding.

In partial response to the gentleman from New Jersey, my good friend and a distinguished member of the committee, and to the rest of the Members of the House, I will simply say this, that we the members of the committee on both sides of the aisle, members of the Committee on Rules on both sides of the aisle have worked long and hard because we have a compressed amount of time in which to consider this bill.

It is an important bill. We were talking about almost $300 billion for the defense of this country.

Now having said that, it is an unusual rule, there is no question about that. But 2 years ago we had 60 amendments on the floor. Last year we had 120 amendments on the floor to this bill. This year because of time constraints, because of budget constraints we felt that it would be proper to try to craft within the rules of this House a system whereby we could have an orderly consideration of this very important legislation and we, through great cooperation, have done it.

It could be considered, I would say to the gentleman, by some degree unfair. Well, that is the way it goes because either we are going to have a bill or we are not going to have a bill. I would prefer that we did not discuss foreign affairs, arms limitations and so forth.

Mr. Speaker, I yield back.

Mr. FOLEY. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I yield to the majority whip, the gentleman from Washington [Mr. FOLEY].

Mr. FOLEY. I thank the gentleman for yielding.

Mr. Speaker, I just take this time not to debate the rule but to see if we have an understanding on the procedure for the remainder of the evening and for tomorrow morning.

It is my understanding that if the rule is adopted, we will rise and there will be no further business tonight, and the House will reconvene tomorrow at 10 o'clock and begin debate on the money portion of the bill. Following the consideration of the two issues and votes on those two issues, we will proceed to the testing issue. Is that the understanding of the gentleman from Alabama?

Mr. DICKINSON. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I yield to the gentleman from Alabama [Mr. DICKINSON].

Mr. DICKINSON. I thank the gentleman for yielding.

Mr. Speaker, that is the agreement between the chairman of the full committee and myself, and we certainly want to adhere to it. We urge all the Members to approve the rule and let us rise.

Mr. FOLEY. I will only say this, Mr. Speaker, if time permits: I have been present during a great deal of discussions, and I found that everyone on both sides of the aisle has striven to be constructive in bringing forth this bill in the most effective and expeditious way, and I would particularly say that is true of the gentleman from Alabama [Mr. DICKINSON] and certainly the committee chairmen on our side who have been involved in this, the gentleman from California [Mr. HAWKINS], the distinguished chairman of the Committee on Rules [Mr. PEPPER], and the chairman of the Committee on Armed Services [Mr. ASPIN] and others. And I hope that that spirit of comity can continue, as we have, in the difficult days ahead to resolve the issues in this bill.

I thank the Speaker.

Mr. LATTA. Mr. Speaker, I yield back the balance of my time.

Mr. PEPPER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. MURTHA). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. COURTER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 261, noes 117, not voting 53, as follows:

[Roll No. 310]

AYES—261

| | | |
|---|---|---|
| Ackerman | Dellums | Hoyer |
| Akaka | Derrick | Hubbard |
| Alexander | Dickinson | Hutto |
| Anderson | Dicks | Jeffords |
| Anthony | Dingell | Jenkins |
| Applegate | Dixon | Johnson |
| Aspin | Dorgan (ND) | Jones (OK) |
| Atkins | Dowdy | Kanjorski |
| AuCoin | Downey | Kaptur |
| Badham | Duncan | Kasich |
| Bates | Durbin | Kastenmeier |
| Bedell | Dwyer | Kennelly |
| Beilenson | Dymally | Kildee |
| Bennett | Dyson | Kleczka |
| Berman | Early | Kostmayer |
| Bevill | Eckart (OH) | LaFalce |
| Biaggi | Edwards (CA) | Lagomarsino |
| Bliley | Edwards (OK) | Lantos |
| Boggs | English | Latta |
| Boland | Erdreich | Leach (IA) |
| Bonior (MI) | Evans (IL) | Leath (TX) |
| Bonker | Fascell | Lehman (CA) |
| Borski | Fawell | Lehman (FL) |
| Boxer | Fazio | Leland |
| Brooks | Feighan | Lent |
| Brown (CA) | Flippo | Levin (MI) |
| Bruce | Florio | Lipinski |
| Bryant | Foglietta | Lloyd |
| Burton (CA) | Foley | Lowery (CA) |
| Bustamante | Ford (MI) | Lowry (WA) |
| Byron | Frank | Luken |
| Callahan | Frenzel | MacKay |
| Carper | Garcia | Madigan |
| Carr | Gejdenson | Manton |
| Chapman | Gephardt | Markey |
| Chappell | Gibbons | Martin (NY) |
| Clay | Gilman | Matsui |
| Coats | Glickman | Mavroules |
| Coble | Gonzalez | Mazzoli |
| Coelho | Goodling | McCloskey |
| Coleman (TX) | Guarini | McCurdy |
| Collins | Gunderson | McDade |
| Conte | Hall, Ralph | McGrath |
| Coughlin | Hamilton | McKinney |
| Coyne | Hatcher | McMillan |
| Crockett | Hawkins | Mica |
| Daniel | Hayes | Michel |
| Dannemeyer | Hefner | Miller (CA) |
| Darden | Hendon | Miller (OH) |
| Daschle | Hertel | Mineta |
| Davis | Horton | Mitchell |
| de la Garza | Howard | Moakley |

| | | |
|---|---|---|
| Mollohan | Robinson | Stark |
| Monson | Rodino | Stokes |
| Montgomery | Roe | Studds |
| Moody | Roemer | Swift |
| Moorhead | Rogers | Synar |
| Morrison (CT) | Rose | Tallon |
| Murtha | Rostenkowski | Tauzin |
| Natcher | Roukema | Thomas (GA) |
| Neal | Rowland (CT) | Torres |
| Nelson | Rowland (GA) | Torricelli |
| Nowak | Roybal | Towns |
| Oakar | Russo | Traxler |
| Oberstar | Sabo | Udall |
| Obey | Savage | Valentine |
| Olin | Scheuer | Vander Jagt |
| Ortiz | Schneider | Vento |
| Owens | Schroeder | Visclosky |
| Panetta | Schulze | Volkmer |
| Pashayan | Schumer | Waldon |
| Pease | Seiberling | Walgren |
| Penny | Sharp | Watkins |
| Pepper | Shelby | Weiss |
| Perkins | Sikorski | Wheat |
| Petri | Sisisky | Whitehurst |
| Pickle | Skelton | Whitley |
| Price | Slattery | Whitten |
| Quillen | Slaughter | Williams |
| Rahall | Smith (FL) | Wilson |
| Rangel | Smith (NE) | Wirth |
| Ray | Smith (NJ) | Wise |
| Regula | Snowe | Wolpe |
| Reid | Spratt | Wyden |
| Richardson | St Germain | Wylie |
| Rinaldo | Staggers | Yatron |
| Ritter | Stallings | Zschau |

NOES—117

| | | |
|---|---|---|
| Archer | Gregg | Roberts |
| Armey | Hammerschmidt | Roth |
| Bartlett | Hansen | Rudd |
| Barton | Henry | Saxton |
| Bateman | Hiler | Schaefer |
| Bereuter | Hopkins | Schuette |
| Bilirakis | Hughes | Sensenbrenner |
| Boehlert | Hunter | Shaw |
| Boulter | Hyde | Shumway |
| Broomfield | Ireland | Siljander |
| Brown (CO) | Jacobs | Skeen |
| Burton (IN) | Kindness | Smith (IA) |
| Carney | Kolbe | Smith, Denny (OR) |
| Chandler | Kolter | Smith, Robert (NH) |
| Chappie | Kramer | Smith, Robert (OR) |
| Cheney | Lewis (FL) | Solomon |
| Clinger | Lightfoot | Spence |
| Cobey | Livingston | Stangeland |
| Coleman (MO) | Loeffler | Stenholm |
| Combest | Lott | Strang |
| Courter | Lujan | Stratton |
| Craig | Mack | Stump |
| Crane | Marlenee | Sundquist |
| Daub | Martin (IL) | Sweeney |
| DeLay | McCain | Swindall |
| DeWine | McCandless | Tauke |
| DioGuardi | McCollum | Taylor |
| Dornan (CA) | McEwen | Thomas (CA) |
| Dreier | McKernan | Traficant |
| Eckert (NY) | Meyers | Vucanovich |
| Emerson | Molinari | Walker |
| Evans (IA) | Morrison (WA) | Weber |
| Fields | Murphy | Whittaker |
| Franklin | Myers | Wolf |
| Gallo | Nielson | Wortley |
| Gaydos | Oxley | Young (AK) |
| Gekas | Packard | Young (FL) |
| Gingrich | Porter | |
| Gradison | Pursell | |
| Green | Ridge | |

NOT VOTING—53

| | | |
|---|---|---|
| Andrews | Frost | Lungren |
| Annunzio | Fuqua | Martinez |
| Barnard | Gordon | McHugh |
| Barnes | Gray (IL) | Mikulski |
| Bentley | Gray (PA) | Miller (WA) |
| Boner (TN) | Grotberg | Moore |
| Bosco | Hall (OH) | Mrazek |
| Boucher | Hartnett | Nichols |
| Breaux | Hillis | Parris |
| Campbell | Holt | Shuster |
| Conyers | Huckaby | Snyder |
| Cooper | Jones (NC) | Solarz |
| Donnelly | Jones (TN) | Waxman |
| Edgar | Kemp | Weaver |
| Fiedler | Levine (CA) | Wright |
| Fish | Lewis (CA) | Yates |
| Ford (TN) | Long | Young (MO) |
| Fowler | Lundine | |

□ 2130

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. PEPPER, from the Committee on Rules, submitted a privileged report (Rept. No. 99-768) on the resolution (H. Res. 532) waiving certain points of order against consideration of the bill (H.R. 5313) making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1987, and for other purposes, which was referred to the House Calendar and ordered to be printed.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4430, MINIMUM ALTITUDE REQUIREMENTS FOR AIRCRAFT OVER NATIONAL PARKS

Mr. PEPPER, from the Committee on Rules, submitted a privileged report (Rept. No. 99-769) on the resolution (H. Res. 533) providing for the consideration of the bill (H.R. 4430) to require the Secretary of the Interior to conduct a study to determine the appropriate minimum altitude for aircraft flying over national park system units, which was referred to the House Calendar and ordered to be printed.

□ 2140

## HOUSE RESOLUTION 531

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. HUNTER] is recognized for 5 minutes.

Mr. HUNTER. Mr. Speaker, I rise to spend just a couple of minutes to say why I have voted against the rule tonight, the rule on the Department of Defense bill, and to lodge my protest to the leadership of the House, to the Speaker of the House and the Rules Committee for the exclusion of what I thought was a very important, germane amendment to the Department of Defense authorization bill.

I had an amendment with Mr. ROBINSON of Arkansas that mandated that the President of the United States, within 30 days after enactment of the DOD authorization bill, deploy sufficient resources and personnel and particularly aircraft to the borders of the United States to substantially interdict the narcotics-carrying aircraft and vessels that are presently penetrating our border. Let me just tell my colleagues that as we sit here tonight, 1,000 pounds of cocaine will be illegally imported into the United States by these smugglers.

In my own area in California, in the California-Mexican border in the last year we have had some 588 aircraft that we know of enter the country illegally importing narcotics for our children. We have only been able to interdict 3 to 4 percent of those aircraft.

In fact, in California, we have been unable to interdict successfully by interdicting aircraft in the air only one or two. That means that about 98 percent of all the planes that are trying to get into this country with narcotics for our children are successful. The reason they are successful is because we are not deploying the one resource that we have that can stop these aircraft, and that is the U.S. military.

The posse comitatus alteration that we propose, that is altering the law that allows the President to use military forces to interdict people who are penetrating American airspace is only a modification of that same posse comitatus law that the Armed Services Committee has worked in previous DOD bills. It was well within the jurisdiction of the Armed Services markup; it was within the jurisdiction of this particular bill, and it is a travesty that the House leadership and the Speaker and the Rules Committee did not allow us to have this very important amendment before the Members of the House.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Do I understand that the gentleman is telling us that he took before the Rules Committee an amendment that was designed to stop drug trafficking by allowing our military to participate in interdiction and the Rules Committee said that he could not offer that amendment, and that the rule that was just approved was in fact a confirmation of the fact that they would not allow that drug amendment to come to the floor?

Mr. HUNTER. The gentleman is absolutely right in what he has said. They did not allow it to come to the floor, and the reason that they gave was, well, the Speaker wants to have all the so-called drug bills in a single package that will come up and be before the House before September 12.

The reason that that is not applicable to this particular amendment is because this amendment touches not only on narcotics interdiction but also on terrorism. You do not know if one of those aircraft coming in has narcot-

ics for our children or perhaps explosives. It is a terrible situation, and this amendment would have mandated that the President deploy the forces necessary to stop within 45 days this tide of illicit craft, both aircraft and vessels, coming into the U.S. territory.

Mr. GINGRICH. Mr. Speaker, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Georgia.

Mr. GINGRICH. I just wanted to make the point, as I understand it, there were in fact 150 amendments that were made in order so it was not that this bill was not going to have amendments, it was just that the antidrug, antinarcotic amendment that you would have offered was the one that they could not get to. So the first 150 amendments were all right, but when it got to an amendment that would have helped stop drug trafficking and helped stop cocaine and heroin, that was not acceptable?

Mr. HUNTER. That is right. We have amendments on Nicaragua, on all sorts of areas that really should not have been discussed in this particular DOD bill; they were all ruled in order. This particular amendment was one of the very few that was not ruled in order.

Mr. GINGRICH. If the gentleman will yield, I just wanted to say that I think it is interesting that we have gone for a year and a half without any bipartisan effort. We have had several press conferences by the Democratic leadership about bipartisanship. We had a story in the morning paper about Mr. SCHULZE of Pennsylvania, I believe, saying flatly that there was not bipartisanship in the way that the Ways and Means Committee was drawing up. I take it the gentleman did not get bipartisan treatment in the Rules Committee for his amendment, I think it is just wrong to have all this public relations effort by the Democrats and then the Democrats and the Rules Committee block us being able to bring an antidrug amendment to the floor.

I thank the gentleman for his effort and I hope he will continue.

Mr. GEKAS. Mr. Speaker, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. I just wanted to report to the gentleman who has been in the forefront on this war on drugs that today I offered an amendment in the Crime Subcommittee of the Judiciary Committee which would append the death penalty to a drug dealer or to anyone involved in the continuing enterprise involving the sale and trafficking of drugs, was defeated in the Crime Subcommittee, not on the merits, but rather, ironically enough, because the votes that were cast were votes not against the death penalty it was said, but because they knew that it could not pass the Judiciary Committee and because of the opposition of the chairman of the Judiciary Committee, PETER RODINO.

## PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. PEPPER] is recognized for 5 minutes.

Mr. PEPPER. Mr. Speaker, I was unavoidably absent Tuesday evening, August 5, 1986, and again on August 6, 1986, until late afternoon.

In my absence for rollcall 282 on August 5, 1986, I was paired against the Courter amendment to H.R. 4428, the Defense Department authorization for fiscal year 1987. Had I been present for rollcall 283, I would have voted "aye" for the modified Traficant amendment and "no" for rollcall 284, the amended Courter amendment. I was paired for the amended Mavroules amendment for rollcall 285.

On Wednesday, August 6, 1986, I was absent for rollcall 286, a motion to suspend the rules and pass H.R. 4333, to improve veterans' benefits for former prisoners of war. Had I been present, I would have voted "aye." I would have voted "aye" as well for rollcall 287, to improve readjustment counseling for Vietnam-era veterans. I would have voted "aye" for rollcall 288, to provide emergency assistance to farmers and ranchers adversely affected by this year's drought. Had I been present, of course I would have responded to the quorum call on rollcall 289. On rollcall 290, I was paired for passage of H.R. 1562. I would have voted "aye" on agreeing to the Skeen amendment, rollcall 291; "aye" for rollcall 292, on agreeing to the amended Jacobs amendment; "no" for rollcall 293, on agreeing to the Morrison amendment; "aye" for rollcall 294, on motion to rise and report H.R. 5294; "aye" for rollcall 295, on agreeing to the Walker amendment and "aye" for rollcall 296, on passage of H.R. 5294.

## THE DRUG CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. LUNDINE] is recognized for 5 minutes.

Mr. LUNDINE. Mr. Speaker, today, in America, we are facing a drug crisis which will not go away until important steps are taken in all aspects of our society including all levels of government. These are three areas where government can make a difference in the war against drugs: interdiction, education, and law enforcement.

Interdiction is the key to ending the flow of illegal drugs into this country. I believe we must use our Air Force, Army, Navy and Coast Guard, to assist our drug enforcement agents in their efforts to keep drugs out of this country.

Congress took an important step last year toward this goal when it agreed to an amendment to the Department of Defense authorization bill to provide for the hiring and deployment of 500 narcotics investigators for the Coast Guard. These investigators are to be deployed aboard naval vessels to assist drug enforcement officials in their efforts to stop drug trafficking. Fifteen million dollars was appropriated last year to fill these positions. I am disturbed, however, that none of these positions have yet been filled. The Coast Guard plans to fill these positions by the end of the next fiscal year.

As interdiction is the most important part of our three-pronged effort to combat drug abuse, I intend to offer an amendment to the 1987 Department of Defense authorization bill which calls upon the Secretary of Defense to work with the Coast Guard to facilitate its tactical law enforcement teams' interdiction efforts. The success of the TACLET's, which are deployed on Navy ships, has been limited. The Navy simply does not have the luxury to intercept great numbers of potential drug smugglers because of the other national security roles it must play and strict timetables it must meet. If my amendment is accepted, the Navy will be given the authority to assist the TACLET's, to the best of its ability, in intercepting drug smugglers.

Another way in which we can make a dent in the international drug trade is to conduction our foreign aid to countries with drug-dependent economies, on that country's drug eradication efforts. To help reach this goal, I am introducing the Drug Eradication Act of 1986. This legislation is aimed at using U.S. economic leverage through international lending institutions to achieve the eradication of drug crops in developing countries. My bill would require that drug eradication plans be developed within 1 year, and implemented by drug producing countries as a prerequisite for U.S. support for assistance from the multilateral development banks [MDB's].

I believe that to stem the tide of drugs into this country we need to recognize that those countries which are large drug producers, are also large debtors. These countries depend very heavily upon assistance from the World Bank, and other international lending institutions. For example, five of the largest drug producing countries received over $11.5 billion from the World Bank between June 1984 and June 1985. What my legislation will provide is a program to enable these countries to use these funds to develop nondrug related economic pursuits.

Under current law, the President has authority to use MDB's as leverage in fighting the drug problem. He has never exercised that authority. My bill will shift responsibility for certification from the President to the Drug Enforcement Agency and the State Department, thereby moving the authority to an agency of Government more likely to use it to insure that a strong drug program is carried out.

My bill will also ensure the MDB's fund crop substitution projects. As part of this effort, the U.S. executive directors of the MDB's will see that these crop substitution projects are enforced by the host country.

It is my plan to work very closely with the House leadership in the coming weeks and months in putting together a comprehensive bill to address the drug problem in this country. I feel it is important that this bill include the provisions in the legislation which I am introducing today. We need to get at the source

of the drug problem. I can think of no better way to do so than to fund projects which will help developing countries foster nondrug related economies.

I am also confident that the Speaker's drug initiative will include funding for programs to educate our Nation's young people about the horrors of drug dependency. I have two sons who will soon be teenagers so I am personally aware of the danger that youngsters can be exposed to drugs before they know enough to turn them down. We all know how powerful peer pressure can be at that age. We also know that drug dealers tend to congregate near our schools in hopes of hooking children into lives of drug dependency. It should be a top priority of the Congress to see that primary and secondary schools receive funding to include drug education classes in their curriculum before more innocent children fall victim to drugs.

To educate the general populace about drug abuse, as well as our children, it may be necessary to introduce legislation which will require the Federal Communications Commission to include in its licensing requirements, that radio and television stations devote free air time to drug education programs. In the case of drunk driving and cigarette smoking, radio and television public service announcements have proven themselves to be a very effective way to educate a great number of people. If the television and radio networks do not respond to a call for a voluntary program of drug education, it may be necessary to require it.

In addition to our educational efforts aimed at preventing drug abuse, we must provide treatment facilities for those individuals who desire it, or are susceptible to addiction. An editorial in yesterday's New York Times, reveals information which is very disturbing to me. It states that New York City's treatment programs are operating at 110 percent of capacity." In fact, the situation in New York City is so bad that these programs must wait-list volunteers for treatment.

Currently, the Federal Government spends almost eight times as much on law enforcement as on drug treatment and education. I feel it is time to review our spending priorities, and increase our commitment to durg treatment and education.

Under the broad heading of law enforcement, I feel that the Federal Government can do several things to fight a war on drugs. First, I am pleased to be a cosponsor of legislation that would make money laundering a crime and greatly expand the Federal Government's powers to fight it.

"Money laundering" is the term which is used to describe the practices through which criminals disguise the origin of money obtained through illegal activities such as drug dealing, prostitution, gambling, racketeering, or investment fraud. According to the President's Commission on Organized Crime, literally tens of billions of dollars in illegal funds are laundered through U.S. financial institutions every year. The largest portion of this money comes from drug dealing.

One of the most common ways to launder money is to simply deposit cash in a financial institution from which the money can be funneled via checks, travellers' checks, money orders or wire transfers to other financial institutions. Much of this money is channeled to foreign banking institutions that do not share financial information with the United States. In several instances, organized crime figures have attempted to buy their own banks.

Congressman FERNAND ST GERMAIN of Rhode Island, chairman of the Committee on Banking, Finance and Urban Affairs, has introduced legislation designed to prohibit both individuals and institutions from knowingly engaging in financial transactions that involve money generated by criminal activity. I am a cosponsor of this legislation, which has been reported out of the Banking Committee and is currently awaiting floor consideration.

This legislation will make it very difficult for those who deal and traffic in drugs to funnel their profits from these illegal activities into the payments system. The Banking Committee bill is an important component in our war against drugs.

A Federal money laundering bill came one step closer into being when the Senate passed its version on July 31 by an overwhelming majority of 93–0.

Second, in an effort to expedite law enforcement efforts aimed at prosecuting Federal narcotics offenses, I am introducing the Emergency Drug Control Judicial Resources Act of 1986. My bill calls on the President to appoint 2 additional district judges to each of the 10 Federal districts which have the greatest backlog of criminal cases. It is my intention that these judges be used to reduce this backlog of criminal prosecutions for offenses, under the Controlled Substances Act and other drug control laws, awaiting trial in these districts. These 10 districts include 2 in my own State of New York, three in California, two in Texas, one in Florida, one in Illinois, and one in Arizona. These are all areas of the country where the need to prosecute drug offenders is very great. I am hopeful that my legislation will help these areas of the country deal with this great problem.

Third, I am the sponsor of a concurrent resolution which encourages the Judiciary to assign Federal judges to courts in districts with large backlogs of pending criminal cases arising out of drug enforcement efforts. There are several Federal districts including the southern and eastern districts of New York, the southern district of Florida, the southern district of Texas, and southern and central districts of California where there are over 1,000 backlogged criminal cases. It is my intention in offering this resolution to inform the judiciary that Congress places a high priority on alloting judicial resources to areas where narcotics cases are backlogged.

Fourth, I am a cosponsor of my colleague from New York, Mr. RANGEL'S bill, H.R. 526, the State and Local Narcotics Control Assistance Act of 1985. I commend my colleague and friend for introducing this legislation as it is very important to provide State and local governments with the means to increase their drug enforcement activities, and to develop more effective drug abuse prevention, treatment, and rehabilitation programs. It is my hope that the substance of this bill is included in the Speaker's initiative.

Lastly, I want to express my desire to work closely with my colleagues in the remaining weeks of this session to put together a bill which will direct the Federal Government to use its resources to fight drugs in the most effective ways it can—through interdiction, education, and law enforcement.

## MEDICARE HMO/CMP QUALITY IMPROVEMENT ACT OF 1986

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. MICA] is recognized for 5 minutes.

Mr. MICA. Mr. Speaker, today I am very pleased to introduce legislation which addresses an issue with which I have been very concerned for some time now. My bill, the Medicare Health Maintenance Organization Quality Improvement Act, is a collection of reforms to improve Federal regulation of health maintenance organizations.

I have long been an advocate of HMO concept. HMO's are very popular in my home State. When, in 1982, the Health Care Financing Administration awarded demonstration project contracts to HMO's nationwide, more than half the subscribers at that time were in the State of Florida. Since that time, HMO enrollment has exploded: In one year alone, from the spring of 1984 to the spring of 1985, nearly 3.8 million were added to the national enrollment figures. HMO's now operate nationwide, often providing efficient care and a variety of services not available under other health plans at a lower cost.

At a time of escalating health care costs, the HMO concept would seem to be the answer. However, in the last few years event in Florida—particularly southern Florida, where the unique character of the population complexifies the issue of health care—have convinced me that HMO's can no longer operate under their present agreements with the Federal Government. Quite simply, the 700,000 Medicare beneficiaries who are enrolled in HMO's deserve to be better protected than they have been in the past. And the Federal investment in HMO's—$1 billion in 1985—must be safeguarded.

Therefore, I am introducing legislation to enhance Federal oversight of HMO's 13 key provisons. This bill will allow regulatory agencies to impose fines for depriving beneficiaries of medically necessary services, require annual audits of HMO's and full disclosure of the financial status of specific affiliates, restrict waivers of the requirement that HMO's maintain an equal balance of Medicare to non-Medicare enrollees, and grant the Secretary of Health and Human Services the ability to freeze further Medicare enrollment if the HMO does not make progress in meeting the requirement.

The bill would also require prompt payment of claims to service providers

outside of the system, require HMO's to fully explain patient rights and benefits, and require HMO's to contract with independent peer review organizations to monitor quality of care. I have also commissioned the Health Care Financing Administration to study both the way in which the Government reimburses HMO's for Medicare enrollees, and the quality of care and quantity of services provided by HMO's as compared to other health care provisions.

I believe that HMO's are valuable health care systems, and expect that the provisions of this legislation will shore up the cracks in Federal management of HMO operations.

First, requires that service providers who demand payment for services from HMO members they know to be under contract with the HMO will be subject to civil penalties of up to $2,000 and/or will be removed from serving Medicare beneficiaries.

Second, requires that HMO's fully explain to enrollers their rights and benefits and what services are due to them under their contract. Requires HMO's to fully inform their enrollees of their rights to air grievances.

Third, gives the Secretary of HHS the ability to freeze Medicare enrollment in HMO's. Prohibits new waivers of the requirement that 50 percent of enrollees be non-Medicare, unless the potential enrollee population is constitued of a majority of Medicare beneficiaries. Current waivers will be continued only if Department of Health and Human Services establishes a schedule to increase non-Medicare enrollment and the HMO meets the schedule.

Fourth, requires HMO's to pay properly submitted claims within 22 days of receipt. Slow payment of claims can limit enrollee's access to services and jeopardize their credit.

Fifth, authorizes the Secretary to penalize HMO's for not providing medically necessary services to enrollees. For each service or medically necessary item not provided, the HMO can be fined up to $5,000. Under current law, Federal authorities have no choice in the face of an HMO's wrongdoing other than to revoke their Federal qualification or ignore the infractions.

Sixth, require HMO's to contract and pay for independent quality review by peer review organizations. Enrollees could petition PRO's with individual grievances.

Seventh, will establish a means for State and Federal authorities to cooperate in monitoring HMO compliance with requirements, share information, and coordinate joint sanctions.

Eighth, require that HMO's give the Secretary free access to their financial records and notify the Secretary of any internal loans made to subsidiaries, affiliates, and related parties.

Ninth, the Secretary will conduct an annual audit of the finances of HMO's.

Tenth, if the HMO contracts with affiliates to provide all primary care to their members, as well as pay for specialist's services, the Secretary will require that the affiliate maintain an agreement with the parent HMO to insure that it will provide sound health care and that it is fiscally solvent.

Eleventh, the HMO must make adequate provisions against the risk of fiscal insolvency of the affiliate, provisions which are satisfactory to the Secretary.

Twelth, the debts and assets of affiliates may be taken into account in determining the financial status of an HMO.

Thirteenth, require the Secretary to study the adjusted community rates [ACR] and adjusted average per capita cost [AAPCC] in order to see if reimbursement is too low as to cause HMO members to be deprived of services, or so high as to overcharge the Government.

Fourteenth, require the Secretary to study the quality and quantity of services offered by HMO's compared to care offered by other service providers. IMC would be included in this country.

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□ 2150

## TRIBUTE TO HON. BERKLEY BEDELL AND HON. COOPER EVANS ON THEIR RETIREMENT

The SPEAKER pro tempore (Mr. HOYER). Under a previous order of the House, the gentleman from Iowa [Mr. SMITH] is recognized for 60 minutes.

GENERAL LEAVE

Mr. SMITH of Iowa. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of this special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. SMITH of Iowa. Mr. Speaker, the gentleman from Iowa [Mr. LEACH] and I have asked for these special orders to show our appreciation for the distinguished service of two of our colleagues from the Iowa delegation who are retiring at the end of this year.

These Members, BERKLEY BEDELL and COOPER EVANS, have both made distinctive contributions to the Congress over several terms and their presence will be solely missed in the sessions ahead.

BERKLEY was first sworn into office in 1975 and COOPER followed 6 years later. Both were reelected to subsequent sessions by increasing margins and surprised both their constituents and their congressional colleagues when they announced their retirement plans.

After a legendary career as an independent businessman in Iowa, BERKLEY, desiring to make some contribution of public service decided in 1972 to run for Congress. Iowa's Sixth Congressional District is a large, sprawling region of northwest Iowa. That year, he was nearly elected, with 48 percent of the vote, and was elected 2 years later. He loved the grassroots organization and commuications of campaigning and when he became an incumbent, he carried on this tradition with frequent local meetings throughout his district and well-organized seminars in Washington at which his constituents had the opportunity to be briefed on their problems by high-ranking Government officials.

While BERKLEY has served actively on the Agriculture and Small Business Committees, reflecting his keen understanding of the fact that the economy of Iowa is based on farms and small businesses, his interests have included other important areas, including military procurement, arms control, and problems of the elderly. BERKLEY's approach to government, like his approach to business, is refreshingly direct, frank, and practical and he has shown independence and intensity. His independent business career began when he was 15 and used $50 he had saved from a newspaper route to start a business tying flies for fishermen. He ran an ad in a sports magazine and soon had a flourishing business going. By the time he was graduated from high school, he had seven persons working for him and moved to a downtown location. Out of these beginnings, Berkley & Co., Inc. grew—a $25 million manufacturing business, employing a 10th of the population of Spirit Lake, and producing fishing line and tackle, known worldwide, as well as marine cables and cordage.

In 1964, BERKLEY was named the Nation's "Small Businessman of the Year," and was awarded a bronze plaque by President Lyndon Johnson in a White House Rose Garden ceremony.

While still running his business, BERKLEY attended Iowa State University. However, his business was suspended during World War II when he served as an Air Force pilot.

BERKLEY and his wife, Elinor, have three grown children—Ken, Joanne, and Tom. BERKLEY has been active in innumberable community organizations and is a lay leader of the United Methodist Church.

In his three terms in Congress, COOPER EVANS has won the respect of colleagues on both sides of the aisle for his thoroughness and command of complex subjects. COOPER has brought

unique qualifications to his job as a dirt farmer and farm manager and with degrees from Iowa State University in mechanical and civil engineering and a degree in nuclear engineering from the Oak Ridge School of Reactor Technology.

In his work on the Agriculture Committee, he has influenced the language in bills adopted into law, and he has earned a reputation as a leading congressional expert on farm credit issues and commodity markets.

COOPER has been most active on the Agriculture Committee but he has also served as a member of the Technology Assessment Board of the Office of Technology Assessment, where his professional training and experience as a nuclear engineer have been unique and invaluable, and also served as a member of the Select Committee on Aging and the Select Committee on Hunger.

Prior to his election to Congress from Iowa's Third District in 1980, COOPER had served for 5 years in the Iowa State House of Representatives.

He served in the U.S. Army infantry, 1943-46, and then for years served as a lieutenant colonel in the Army Corps of Engineers with tours of duty also with the Atomic Energy Commission and NASA.

COOPER has been and remains a managing partner and active farmer. He and his wife, Jean Marie, have two sons.

Since his intention to retire was announced, COOPER has been mentioned as a possibility for a high appointment in Government, probably the Agriculture Department, and all of us feel that the Department of Agriculture would gain from securing his services.

We salute these two esteemed colleagues and good friends who are retiring from Congress at the height of their creative powers and political strength. But it is a matter of choice for them and we respect their right to make that decision that no one else can make for them. We want to say to both of them: Thanks for a job well done. We wish you and your families health and happiness in the good years ahead.

Mr. Speaker, I yield to the gentleman from Iowa [Mr. LEACH].

Mr. LEACH of Iowa. Mr. Speaker, it is with great pride as an Iowan that I rise. Two of my State's most distinguished native sons have announced their retirement from this body. Although from different sides of the aisle, they are friends who have earned the profoundest admiration and the respect of their colleagues from all philosophical persuasions.

BERKLEY BEDELL showed his mettle early. At the age of 15 he founded Berkley & Co. with money earned from a newspaper route. From this modest start, the country's most respected fishing tackle emerged.

In 1964, BERKLEY was named the small businessman of the year.

In Congress he has translated that experience into distinguished service on the Small Business and Agricultural Committees.

The citizens of Iowa's Sixth District could not have benefited more from the sound judgment and compassionate sense of problems in our agricultural economy; but what has really distinguished BERK's service in this body, its caucuses and associated institutions, like Parliamentarians for Global Action, is his capacity to rise above the hurly-burly of ordinary politics and focus on the larger issues of our times, arms control, the environment, the rule of law.

No individual has displayed more passionate or thoughtful leadership on issues of peace and environmentalism than BERKLEY BEDELL. As an environmentalist, he has led congressional efforts to reform pesticide regulations so that rural families can be assured a safer and saner life.

As an arms control advocate, he has led congressional, indeed, American efforts, to restart negotiations on a comprehensive test ban. His persistence and patience led to House passage of one of the landmark pieces of arms control legislation ever considered in this body, H.R. 3.

Like BERKLEY BEDELL, COOPER EVANS has been well prepared to deal with the real world because he cares about the ideal. Like BERK, COOP has brought to this body professional expertise in a career outside the area of politics that is of the highest distinction. An engineer and a nuclear expert in the Army, COOP retired from active service as a colonel to embark on one of the most successful farming and community service careers in our State's history.

Like BERK, COOP is an internationalist. No Member of this body has brought more expertise to international trade, especially as it relates to agricultural experts. No Member has brought more expertise to problems of our beleaguered farm credit system. No Member, it might be said, is a more careful or committed legislator than COOPER EVANS.

I am sure that BERK's wife, Eleanor, his three children, six grandchildren, COOP's wife, Jeanne, and two sons will welcome the added time with them that his leaving this House will provide.

For ourselves, we in this body will miss them and speaking personally, I will particularly.

As a State delegation, we now and again have philosophical, but never personal differences.

BERK and COOP stand out among those who stand out. I know of no individuals to whom the appellation "honorable" more truly apply. They are leaders because of commitment and moral stature, nothing more, nothing less. They have been ornaments to this body, exemplars of what being a public servant is all about.

The State of Iowa, indeed, this great country is in their debt.

Mr. SMITH of Iowa. Mr. Speaker, I yield to the gentleman from Iowa [Mr. TAUKE].

Mr. TAUKE. Mr. Speaker, I thank the distinguished gentleman for yielding.

I would take advantage, Mr. Speaker, of the request the gentleman made earlier that we have an opportunity to revise and extend our remarks, so as not to be duplicative of what my two colleagues from the State of Iowa have already said about our retiring colleague.

I have to tell you, Mr. Speaker, and Members, that I come here tonight with really mixed emotions. On the one hand, I greatly appreciate the opportunity to say thank you, I think on behalf of the people of Iowa to our colleagues who are retiring, and I certainly want to welcome the opportunity also to praise them for the outstanding work that they have done in public service.

But I am also very saddened because they are two outstanding public servants who have decided to leave this institution. I am saddened because the institution is losing two very special people, but I am also saddened because of the loss that I will personally feel by not having the friendship of COOPER EVANS and BERKLEY BEDELL so close by.

Obviously, my home State of Iowa is something that is common to all of us who represent the State of Iowa in the U.S. House of Representatives, but there is something more that we have in common than just our home State. It is almost as if this delegation has at times been something of a family. We have had our differences. We fight some fairly pitched battles occasionally, but I think that we share a commitment that is exemplified by BERKLEY BEDELL and COOPER EVANS. They are solid. They are hard working. They are committed people. They get the strengths that they bring to the House of Representatives from the people of our fine State. They were very successful men outside of Congress by whatever standard you measure success and they brought the great experience that they had acquired outside of Congress to this body. That experience gave them great insight into the issues that we face here and when matched with their giant intellects, it brought to this House a great contribution that I suspect few others can match.

I recall very well when I first came to this body in 1979. I was fortunate enough to be appointed to the subcommittee that BERKLEY BEDELL chaired in the Small Business Committee. I can

tell you that there was no one in this body who was kinder to me in those first months that I served in office than BERKLEY BEDELL. We spent a lot of time investigating the oil industry. That was the time when we had an oil crisis and the marketing practices of the major oil companies were a matter of considerable concern. The probe resulted in the drafting of "divorcement" legislation designated to prohibit the major oil companies from owning and operating retail service stations.

As is the case with much legislation that we launch around here, that bill did not come up for a vote in the House, but it did lend support in two subcommittees and in the full Small Business Committee and it made me feel as if perhaps we had some impact. That feeling was something that I received in large part because Berkley was willing to share it.

In northwest Iowa, BERKLEY BEDELL is known as the bureaucrat buster, because of his sojourns down to the halls of the halls of the various bureaucracies in and around Washington where he stops by and asks people who work for the Government, "And just what do you do?"

Of course, in doing that, he not only does what many people in Iowa and across the country would like to do, but he also finds out a great deal that I think says a great deal that helps him and all of us in formulating policy.

But if I were going to point to any area of legislative accomplishment for BERKLEY BEDELL, I would point to two. First is in the area of agriculture. Although there are philosophical differences on occasion between Congressman BEDELL and I on agricultural issues, I can think of no one who is a more committed advocate for farmers than he is. He has worked hard to advance his policies in which he believes, especially that he believes that would benefit the family farmer in Iowa, and all farmers across the Nation will miss his leadership.

□ 2205

But I also have to point to another issue: his commitment to peace. I have been struck, particularly in the last 3 or 4 years, with his dogged determination to provide leadership in this Congress and in my home State for our Nation to try to pursue peace in this world, and for that I greatly respect him.

My colleague, COOPER EVANS, I have known for a very long time, because COOPER and I did some work in Iowa politics, and then we ended up together in the Iowa legislature. We were elected in the same year to the Iowa General Assembly, and I found when I went to the Iowa General Assembly that one of the persons with whom I associated most was COOPER EVANS.

He is not an easy person to get to know, because COOPER EVANS never says much about himself. But if you probe a little bit, you find out that COOPER EVANS is more than just an Iowa farmer. He is an engineer, he is a scientist, and he is an intellectual, in the real sense of the word. I think that you find out a lot about COOPER EVANS by what he does not tell you, but you also find out quite a bit about him by what he does.

One of the things that I have found most interesting about him is that when he goes home and is not shaking hands or visiting with constituents or listening to people in the Third District of Iowa, he plants walnut trees on his farm. He plants walnut trees because that is his commitment to the next generation.

COOPER EVANS thinks in the long term. He thinks about the big picture. He thinks about the future. I think around here that he has proven that old adage that it is amazing what you can do if you do not care who gets credit for it, and he has never tried to get credit for anything. Yet he clearly has been one of the people who has been a real mover and shaker, particularly in the area of agriculture, and it is in large part because of his intellect, his towering intellect, and his experience, and also because of his perseverance. On agricultural issues ranging from commodities regulation and the farm credit problem to ensuring high-quality U.S. grain on the world market, COOPER's knowledge and leadership are second to none.

And it is not just because COOPER is a farmer and understands the needs of American agriculture. I think it is because he has an undying desire to help to make laws which truly help the agriculture community.

At any given time you can find COOPER EVANS at his desk reading reports and dissecting information that he uses to personally—not through legislative services, but personally—write legislation. He has an uncanny ability of being able to precisely draft legislation down to the last comma and final period, and as far as I know, although he has lots of titles behind his name, he has never been a lawyer.

It is this very hard work and commitment that has led COOPER to become something of the "E.F. Hutton" of this Congress on agricultural issues. When COOPER speaks, people listen.

I tell the gentleman from Iowa [Mr. SMITH] that the people not only of Iowa but the people of America, I think, will miss COOPER EVANS and BERKLEY BEDELL. I know that I personally will miss their friendship. It is always difficult to say goodbye to friends. I hope that this is not a goodbye, but a time when they will leave here to a future that will be filled with rewarding and enriching opportunities and challenges. We both wish them good health and God's blessings.

Mr. LIGHTFOOT. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Iowa.

Mr. LIGHTFOOT. Mr. Speaker, I wish to thank the gentleman from Iowa [Mr. SMITH] for having this special order this evening, and JIM also.

We prettly much, I think, touched on a lot of the academic background of our two friends who are leaving, and I would like to take a moment or two to reflect maybe upon some of the softer-type things. As the gentleman and I stand here together, we represent both ends of our delegation, he being the senior member, and I being the junior member of this group. Maybe I can offer some perspective from that point of view.

With our two friends retiring, that is one-third of our delegation, or one-third of our family, that will be leaving us here, and as I think back across the past nearly 2 years, I have to go back further than that, because the first time that I met both of these gentlemen, and I use the term "met" as symbolic, was when I was a farm reporter, and covering agricultural events and so on, and of course when we talk about agriculture in Iowa, BERKLEY BEDELL and COOPER EVANS were two people that were always in the forefront as far as agricultural issues were concerned. In that capacity I had followed both of their careers to some extent.

When I finally made the decision to get involved in this process, of course, BERKLEY is my next-door neighbor as far as his district is concerned, and COOPER is over on the other side of the State. As we were laboring over making the decision of whether to enter the realm of politics or not, one of the meetings that I happened to attend was in Winterset, and COOPER happened to be there that particular night. As TOM was saying, COOPER is a little bit difficult to get to know, but I found out that he likes a good joke, and from that point on, I think we kind of struck a note.

Mr. SMITH of Iowa. You told a good joke?

Mr. LIGHTFOOT. Well, it was not good, but COOPER thought that it was.

You see, you kind of have to go to his military background, and if you can get something between a couple different branches of the service going, why you can get a pretty good yuck out of him from time to time.

I guess the thing that struck me really about our entire delegation, and these two gentlemen in particular, was that upon arriving here as the new kid on the block, everyone in this delegation held out his hand in one shape or form and said, "Welcome, is there any-

thing that we can do to help?" And they really meant it.

As has been pointed out before, there have been some ideological differences, but I do not remember ever detecting any kind of a personal indifference amongst our group, and that I think is probably rare in this body, if not in any others.

Both of them have been a great deal of help to me. They have advised me from time to time. I have bounced ideas off of both of them from time to time, and it has always met with a great deal of cheer and a great deal of honesty, and I certainly appreciate that.

I would hope that retirement does not mean goodbye; that they will still be out there if we need to call them from time to time and ask for a piece of advice or their opinion on something, because the years of experience that they have combined together is a treasure trough that is pretty hard to put a price tag on.

I guess in conclusion that I just really—as TOM said a moment ago, it is hard to say goodbye to good friends, and we will not do that. We will just bid them Godspeed on whatever they do. I suspect that BERKLEY might have an opportunity to try out a little of that fishing line, and I am not too sure that he might not have sold a spool or two of it to COOPER, because I think that he kind of likes to go fishing as well. But to the two of them, it has been not only a great pleasure, but a great honor to have spent a term in this body with that third of our Iowa family. As far as I am concerned, you guys are still part of it, wherever you may be.

NEIL, thank you very much.

Mr. ROBERTS. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Kansas.

Mr. ROBERTS. I thank the gentleman for yielding.

Mr. Speaker, I want to thank Mr. SMITH and also Mr. LEACH for this time for all the friends and colleagues of Mr. EVANS and Mr. BEDELL, or "COOP" and BERKLEY, for all of us to pay tribute.

I will take COOPER first, if I might, I will take my Republican colleague. He is many things, as TOM TAUKE has pointed out. He is a civil engineer, and he is a scholar deluxe. My goodness, I looked at his laundry list that I got from his office today. He has been awarded every award possible by any scholastic fraternity that has been in existence.

He is a former lieutenant colonel. He was so doggone smart that they loaned him to the Atomic Energy Commission and to NASA. He is an expert on nuclear energy. At home he has run hospitals, he has been chairman of a property tax board, he ran the county soil conservation district, was in charge of the Grundy Center Development Corp., and he has been active for years in the Iowa GOP.

Others have gone down the laundry list of his legislative achievements, but that does not tell the whole story. You know, we all come here to the Congress with different roles to play. Some of us are the back-rail troops; some of us are committee people; some of us get into legislation; and some of us are fine orators and speakers on the floor of the House.

□ 2215

COOPER EVANS is the reserve utility legislative infielder of the House Agriculture Committee. He has had so many amendments passed in the House Agriculture Committee that it is hard to keep track of them, and he does it in a very low-key manner.

We were just meeting with Secretary Lyng, and we were saying, Mr. Secretary, what you ought to do is this and that to raise the income of the farmer, and to get us out of this mess and make the farm bill work in farm country, and implement it in a way that it makes some common sense in corn country, and in wheat country, I might add. Add he said, "I just don't think I have the authority to do that." And we said, "No, Mr. Secretary. You have this animal here and it is called a three-pronged antelope."

I remember the time when he put it in. We were meeting in the House Agriculture Committee, and everybody was getting tired, and he slipped in his amendment. You know, the three things that could be of the most benefit to our farmers today were the amendments offered by COOPER.

It is rare, I think, for a third-term Member of Congress to have his tracks, and very good ones indeed, on that kind of major piece of legislation.

That does not tell the whole story either. We were in subcommittee, it was BERKLEY's subcommittee, and it is called DORFA. That is the Department Operations, Research, and Foreign Agriculture Subcommittee. Everything has to have an acronym around here. We had testimony, and my chairman will remember that. We had the administration down, and they were testifying on section 416. That is the Food Assistance Program. COOPER wanted to know why we were not getting that assistance to the troubled African nations, and they were giving some testimony, and COOPER very kindly interrupted and said, "I'm sorry, that is just not the case." And do you know why he knew that was not the case? Because he had been there. He has been down all those difficult roads to travel and looked at the whole infrastructure, and looked at the whole problem, and he had come up with specific answers.

It is a little embarrassing, I can say, to say the least, when you have a legislative taskmaster that not only introduces the legislation, but he does his homework. And it is a little embarrassing to find out someone is doing the questioning who knows more than you do.

Not that COOPER EVANS would embarrass anyone. If there ever was a kind soul, a gentleman in the Congress, who persevered in trying to do the right thing, it has been COOPER EVANS, and he has done the right thing.

If we ever have the personification of Jimmy Stewart in Mr. Smith Goes to Washington, it is COOPER EVANS. He is the darndest successful nonpolitician I have ever met.

He invited me out in 1982 to Grundy Center in the dead of winter, 16 degrees below zero, to have a hearing on Federal crop insurance. Now, you go out to these hearings, and I do not think I am telling tales out of school here, but when you go out you expect to go up and down Main Street with that Congressman, and talk to the editor, and maybe you issue a press release, and you know, pat him on the back. I said, "Coop, where is the press?" He said, "Well, they will be here if they think it's worthwhile." And even then he sort of chuckled. He is the politician who is not the politician, if you will.

Instinctively people like, like COOPER EVANS, and they trust him, and I think perhaps his greatest contribution is that I believe through his example, and more important because of the man or because of the kind of man he is, he has helped to restore the trust and the faith of our people in our Government. And my colleagues, as of today, that is a mighty tall order.

But in this regard, COOP is a very tall man indeed and I am going to miss him. I associate myself with the remarks of my colleagues in this regard.

I always said he was a great legislative assistant, and I was a pretty good press assistant, and if we could just find a Congressman to work for, by golly, we would be a dynamic duo.

Maybe that Congressman should have been BERKLEY BEDELL. And I rise also to pay real tribute to BERKLEY.

Here is the personification of the American success story, 15 years old as a newspaper boy saving all of those nickels and dimes, and found Berkley & Co. of Spirit Lake, and ended up, as my colleagues have said, with the Small-Businessman-of-the-Year Award in 1964.

I have had the privilege of knowing BERK as a staffer to my predecessor, Keith Sebelius. He and Keith were great friends.

NOW BERKLEY is pattern in the finest sense of the word, and he is a fighter. I am his ranking member on DORFA, Department Operations, Research, and Foreign Agriculture Subcommit-

tee. He is my chairman, and yet he is indeed a true friend.

You know, one of the most valuable lessons I think a Member of this body can learn is that no individual, no party has an exclusive patent on right and common sense. And if you take the time to extend the hand of friendship and understanding, you will find the judgment of the American people is very sound. They send quality people to the Congress.

BERKLEY BEDELL and I vote about 140 degrees apart—well, maybe 120 degrees, BERKLEY. But in our many talks and visits and discussions we find we both want the same things, and we respect each other's points of view.

As chairman, BERK has this great saying, especially when he gets his way, which is most of the time. He says, "Pat, it's great to work with you."

BERKLEY, it has indeed been great. I do appreciate so much your friendship. Chairman KIKA DE LA GARZA of the full committee has described BERKLEY as the conscience of the House Agriculture Committee, warting to do the right thing. I think KIKA said, if my memory serves me correct now, and I am going to use an allegory if I might, BERKLEY is, indeed, the Jimminy Cricket of the House Agriculture Committee. Now I am not going to say who is Gepetto or who is Pinocchio. That might get a little bit embarrassing, I guess. But when you are about the business of doing the right thing, you naturally have the right to change your mind from time to time, and BERKLEY does do that from time to time.

In that respect, he is a Jimminy Cricket, and somewhat like a cricket, always heard, always optimistic, difficult to locate and find on occasion, but always letting you know he is there. As a matter of fact, I suppose one could get somewhat out of sorts trying to corner a cricket, as I have had to do in the past, but it has been my experience, you know, once a cricket stops you really miss him. And BERK, I am going to miss you so much. You have persevered, you have fought for your Iowa farmers and my Kansas farmers, and during a time of real adversity you carried the fight. In doing so, you have served as such a fine and splendid example, always in good spirits, never complaining, always with good humor.

Thank you, BERKLEY. It has been a privilege. And thank you, COOPER. It has been a privilege. I will truly miss both of you, both outstanding men, both fine friends, both outstanding Congressmen.

Thank you on behalf of my farmers and ranchers.

Mr. SMITH of Iowa. Mr. Speaker, I yield to the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Speaker, I thank my colleague from Iowa for giving us this opportunity to speak about two of our friends, Members of their delegation.

As Members of a body that works together on a daily basis, we are in very many ways like a family. I think it is always sad to say goodbye for substantial periods of time perhaps to a family member, and that is indeed the case with two Members of our family who are leaving us this year. It is doubly difficult when these two Members are from a neighbor State, Members with whom one works so closely on so many issues.

Nebraskans do not always say kind things about Iowans, particularly on a couple of days a year. But I want to say that these are extraordinarily fine gentlemen and Representatives for the people of the State of Iowa.

First, about BERKLEY BEDELL, because we have adjacent districts. We share, for example, parts of the Sioux City metropolitan area, and always, without exception, BERKLEY BEDELL has been a good neighbor to Nebraskans, and especially to his colleague, this Member. The people of Iowa's Sixth Congressional District sent a good and an able Representative to the Congress in 1974. BERK has very ably represented and served his constituents and his State and the Nation.

BERK is a kind man, a man of strong convictions, and a man who acts on those convictions. You have seen it again and again here on the floor, and I saw it when I served with him on the Small Business Committee.

He is a man of seemingly limitless interests in the pressing issues before the Congress, a wide diversity of issues, and his tireless efforts on behalf of his constituents are really very well known to all who have had the privilege of working with BERKLEY BEDELL.

□ 2225

I think that his record for the six terms that he served here speaks for itself. He is an extraordinarily decent person, and an energetic advocate for the people he represents and for their interests.

His service on the Agriculture and the Small Business Committee has been dedicated to the well-being of his Corn Belt constituents and to people like them all over the world.

Many of us will long remember his tireless efforts during the 99th Congress, for example, for the referendum on wheat and feed grain commodity programs. His fight for countervailing duties on the Canadian pork imports as another example, was important to all of us that have concerns and constituents in that industry.

BERKLEY BEDELL is certainly a capable and conscientious Member. He can leave this body with the satisfaction of having done his job very well, and with many accomplishments to his credit.

His service will be missed by us, by the people of Iowa, by the country and especially by his neighbor, me, as far as I am concerned. We are confident, however, of his continued service to the community, to the State, and to the Nation for years to come.

Now for the second of our Iowa colleagues that is leaving us, COOPER EVANS. COOPER has established a distinguished record that has already been well documented here, outside the Congress long before he came here. It is very diverse. I have learned things about it here tonight that I certainly did not know. I knew it was distinguished, but it is more diverse than I had known. He has served very well the people of the Third District of Iowa.

In the Congress, he very quickly established a reputation as an extraordinarily innovative legislator with the capacity for hard work. It has truly been a privilege and a pleasure to serve with him and to work with him on a day-to-day basis. He probably knows, as but one example, more than anyone else in this Congress about agricultural credit, and I have relied on him because of that.

We have seen his work, extensive and excellent work on the Farm Credit Relief Act and on provisions of the farm bill that address the credit crisis.

He has lately worked on secondary mortgage market proposals for agriculture loans that should be a big help to us.

I thought earlier how PAT ROBERTS had frequently referred to him as "everybody's idea man" or "everybody's legislative assistant" when it came to the Agriculture Committee.

I do not serve directly on that committee, but I think that is a very apt discussion and description of COOPER. We are all going to miss his wisdom, his judgment, and his unfailing good humor and his expertise as this body tackles a very wide range of problems that face us in the future.

COOPER EVANS is a remarkable man. I have enormous respect for him, and I have personally continuously benefited from his intellect, his knowledge and his attitudes.

I think if you looked at BERK and at COOPER together, you would have prototypically the best in Iowans; and they have got some great people. He has been referred to as E.F. Hutton—with respect to COOPER EVANS. I thought about Jimmy Stewart, the analogy as PAT ROBERTS brought up.

Now speaking about the two in closing together, they are two outstanding men from the Great Plains State of Iowa that have chosen to retire at the end of this Congress. They will be greatly missed here, not only for their loyal—not only will their loyal con-

stituents miss them, but this colleague in Congress will greatly miss them as well.

To COOPER EVANS and BERKLEY BEDELL I express my wholehearted wishes for well-deserved and happy retirement. I guess make that retirement to other kinds of beneficial activities and to more time with their families, because they will not retire.

COOPER and Berk, I will greatly miss the stimulating and pleasant day-to-day contact with you. Thank you for your exceptional service to the Nation through your congressional service.

Best wishes to you and your families. My thanks to my colleagues from Iowa [Mr. SMITH and Mr. LEACH] for taking out this special order.

Mr. SMITH of Iowa. Mr. Speaker, I yield to the gentleman from Michigan [Mr. SCHUETTE].

Mr. SCHUETTE. Mr. Speaker, I, too, wish to rise to pay tribute to BERK and COOP and I wish to commend the gentlemen from Iowa [Mr. SMITH and Mr. LEACH], plus the Iowa family that has spoken in appreciation and praise of the work and leadership that these two giants of Iowa—and that is what BERKLEY BEDELL and COOPER EVANS are, not just to me, a member of the House Agriculture Committee, but I think to this Congress.

These are two giants from Iowa that are leaving us, and I have had the privilege to serve with these two gentlemen on the House Agriculture Committee, and I believe that COOPER EVANS and BERKLEY BEDELL have not just served farmers and their respective districts, but I feel that COOPER and BERKLEY have served farmers throughout the State of Iowa.

COOPER EVANS and BERKLEY BEDELL frankly have served production agriculture in America and across America, because of the giants they are.

Now, the time that I have had to spend with these two gentlemen has been brief; it has just been one term. Not the years and years that others who proceeded me have talked about, but even though the time may be brief, these gentlemen have given me years of advice, and these gentlemen have given me years of assistance. Most important of all, these gentlemen have given me years of friendship.

BERKLEY and COOP, we are going to miss you. I wish you the best of luck in everything that you do, which I am sure will be successful. I thank you two gentlemen for the help you have given me.

Mr. SMITH of Iowa. Mr. Speaker, I yield to the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. Mr. Speaker, it is difficult to follow all those people who have made these wonderful statements, but I want to thank my colleague for this opportunity to join in this grand occasion of not only paying respect, but I guess saying a heartfelt "Thank you" to two very distinguished Members of this body.

There is a card that I think every one of us has either looked at in the Hallmark shops; we have purchased it, we have given it or we have received it. It starts out to a man or to a lady and one opens the card and on the inside it says, "who is out standing in his field" and it has this lonely person in this wide field of oats or hay or whatever the case may be.

You think of the sprawling fields of Iowa. You think of these two men. You quickly think of these two men, you quickly think of two gentlemen who are truly outstanding in their many fields; in the fields of Iowa and in the fields of government.

I have had the unique opportunity, like so many of those who preceded me, to work with these gentlemen on a very close professional basis.

I came to the Congress with COOPER EVANS and had the opportunity to sit next to him in the House Agriculture Committee. So unlike anyone who has spoken thus far, I have been right there; through the 1981 farm bill, through the 1985 farm bill, through all of the legislation in between, to sit and listen to COOPER and his anecdotes, his insights, his perspectives, his mountains of amendments.

The chairman of the Ag Committee would want to know how long it was going to take to finish a bill, and the first thing you would do is look at COOPER EVANS to figure out how many amendments he had today, and that would probably give him the signal of exactly what was going to occur.

COOPER, I think, will be remembered, as my distinguished colleague Mr. ROBERTS said, for probably his legislative expertise, and the guy who says it does not matter who gets the credit as long as we do it correctly. He was the guy who, time and time again, would tell us how we could implement what we wanted to do.

In particular, I think we are going to look at him in the area of the agriculture budget, because he loved to serve on that budget task force of the House Agriculture Committee, and go over the minute details of those numbers and make recommendations.

Then I think we are going to remember him for his absolute commitment to conservation, which was such an overriding concern with him, that many have mentioned before, and I think is indicative of his long insight into where we want to go as a society.

Third, I think we are going to remember him in the area of Farm Credit Administration, for his expertise in financial matters for that legislation and what was involved in it; and

Fourth, I think we are going to remember him not only for those three areas, but we are going to remember him for the commodity futures legislation; something which is very complicated and has only probably three or four people in the entire House who can be considered experts on that. COOPER is one of them.

COOPER was able to, constantly back in 1981 and again this year when we reauthorized the futures trading legislation, to provide the kind of expertise and insight our committee needed.

COOPER also is very special in the fact that for me, unlike the rest of you, he has family as his constituents. My sister and brother-in-law and their family happen to be constituents of COOPER.

I think they put it best. It was my sister who said, "You know, COOPER grows on you. You get to know him initially and you say he's a rather quiet, reserved man. The next time you talk to him you realize there's some depth there and as you talk to him, your appreciation, your respect and your good will to this guy only continues to grow and grow."

That is really what COOPER is all about.

He has been there, he has been outstanding, he has been credible to each and every one of us, and I am going to miss that guy just to the left of me on the Ag Committee; I am going to miss his expertise; I am going to miss his counsel.

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The other gentleman that we are saying "thank you" to and "good-bye" to today is everybody's friend, BERKLEY BEDELL. BERKLEY, if he has any enemies, I do not know who they are. He may have some opponents but I do not think he ever had an enemy.

PAT ROBERTS suggested, and I think "TOM" TAUKE suggested as well, that we know BERKLEY for his efforts first and foremost in the plight of the farmer. Whether you agree or disagree with BERKLEY'S commitment as to how you are going to raise that money, this guy and I wish the rest of you, and I wish every farmer in this country had been in that Agriculture Committee not just in 1981 but since then, last year as we fought and agonized over the 1985 farm bill, to watch the absolute total commitment of mind, body, and soul to the plight of the American farmer which BERKLEY BEDELL expressed and articulated so eloquently.

Somehow or another the farmers of this country would feel a lot better of what this Government was trying to do if they knew and realized the commitment that people like BERKLEY bring to that.

Second, though, I, too, remember BERKLEY not only for his work on the Agriculture Committee because we all have districts with particular parochial needs and we try to represent those to the best of our ability. BERKLEY went well above and beyond his com-

mittee assignments and became an expert in the area of world peace.

Time and time again in our test ban treaties, in our efforts toward moratoria, those types of issues, here was the Representative of the Iowa farmer who spent the time and became knowledgeable enough to become not only an advocate but an articulate and knowledgeable advocate in the issues of peace that come before this Congress.

Some people would tell you that peace issues and even the farm bill are kind of glorified issues. But, you know, earlier this session BERKLEY became our "Mr. Chairman" of the DORFA Subcommittee. I am honored to be on that subcommittee.

I remember that first organizational meeting that we had, and we were going through the different issues that we were going to deal with in this the 99th Congress. We got to the issue that we deliberated on every session that I have been here, which is called FIFRA, the Federal Insecticide, Fungicide, and Rodenticide Act, which means a lot of agricultural chemicals and pesticides, to put it bluntly.

We have been unable to bring the agricultural chemical industry in this country, the farm organizations, the farmers and the environmental community together in support of legislation to reauthorize the whole FIFRA act.

The question is whether or not we ought to even make the attempt this year. BERKLEY decided to take clearly one of the five most, if not the most, complicated pieces of legislation that this Congress will ever consider and one of the most controversial, and one of the most unglamorous pieces of legislation that anyone can be sentenced to deal with, and he decided as chairman of that subcommittee to undertake that as his major effort in this, the 99th Congress. While we have not completed that process, I am absolutely convinced it will be completed because we in the House Agriculture Committee have completed it, and we have sent it on its way here to the floor and we have all but brought together the kind of consensus which is necessary to pass that legislation here, and if we pass it, as a consensus bill in the House, will result in its passage in the other body.

That is the only way they will take it up.

I think that this Congress and this country and young people for generations and generations to come are going to remember BERKLEY BEDELL not only for what his efforts were to save the family farm and not only for his efforts to provide for peace among all mankind, but they are also going to remember that there was a man from Iowa who years and years ago committed himself to the proper use and regulation of pesticides and agricultural chemicals in this country and as a result has kept our soils cleaner, our waters cleaner, our air cleaner, and our lives richer.

Every once in a while we ask the question of whether or not there are good and decent men and women who serve in the Congress of the United States. I think those of us in the institution ask that question a lot less than our colleagues and friends on the outside.

I would think that the best thing we could do in 1987, which will be the anniversary of the centennial of the 100th Congress of the United States, is to take BERKLEY BEDELL and COOPER EVANS and put them on a roadshow across this country, use those two gentlemen as the examples of the men and women of this country who have risen up, who believed in their country, who have seen a problem, who have said "I will give of my time, my talent and my resources to help solve that problem."

They are Members of Congress, public servants in the highest sense of the word, as it has ever been used.

And is it not wonderful that we have an opportunity like this tonight, when they decided on their own to voluntarily retire from this body, that we have the opportunity to say "thank you."

So BERKLEY, to you and to COOPER, from all of us across this country, not just Iowa, all of us in agriculture and all of us who want the American people to believe in the American system, thank you to two men who have given them reasons to do just that.

Mr. HAMMERSCHMIDT. Mr. Speaker, I would like to add my own thanks and best wishes to the others being offered to our respected colleague, BERKLEY BEDELL, who is retiring from the House of Representatives after 12 years of dedicated service. BERKLEY has served the people of the Sixth Congressional District of Iowa since 1974, with the utmost sincerity and will be missed by all of us.

From the start of his congressional service, BERKLEY has served on both the Agriculture and Small Business Committees. As he is a respected member of the Agriculture Committee, BERKLEY was responsible for fashioning the compromise that held together a fragile coalition in support of a 4-year farm bill in 1981. His colleagues from the farming States will miss his talents as a negotiator.

In the 98th Congress, as chairman of the Small Business Committee's Subcommittee on General Oversight and the Economy, BERKLEY crusaded to open the Pentagon's spare parts procurement system to small businesses by forcing the military to stop using a "qualified bidders" list to restrict competition. Some of us may remember his tool kit, which was his companion for several weeks, as he crusaded against the spare parts procurement system.

BERKLEY BEDELL will be missed in the House as he leaves us this year. However, he will be remembered by all of us for his mild manner and willingness to challenge issues that he felt were questionable; he is not afraid to make his views known, even though he may stand alone. BERKLEY, I wish you luck and happiness for the future.

IOWA—6TH DISTRICT: BERKLEY BEDELL OF SPIRIT LAKE—ELECTED 1974

Born: March 5, 1921, Spirit Lake, Iowa.

Education: Attended Iowa State U., 1940–42.

Military Career: Air Force, 1942–45.

Occupation: Fishing tackle manufacturer.

Family: Wife, Elinor Healy; three children.

Religion: Methodist.

Political Career: Democratic nominee for U.S. House, 1972.

Capitol Office: 2459 Rayburn Bldg. 20515; 225–5476.

In Washington: Cynicism develops easily in members of Congress, but it has never taken root in Bedell, who after five terms still offers a sincerity so genuine it sometimes seems naive.

Bedell has changed little since the day in 1975 when he walked up to Wayne Hays of Ohio, the bullying House Administration chairman, and said, "Everybody tells me you're an S.O.B. Are you? But nowadays he is likely to show his personal concerns in other ways, such as visiting Agriculture Department officials to discuss crop insurance programs without mentioning that he is a member of Agriculture.

Bedell was responsible for fashioning the compromise that held together a fragile coalition in support of a four-year farm bill in 1981. His compromise brought the bill under budget mostly by cutting dairy support prices, but it still was supported by the dairy industry because it assured votes from other commodity interests. Bedell's plan passed the House overwhelmingly, and attempts to alter his dairy structure were defeated.

In 1984, Bedell found himself in a losing position in a Senate conference. He had attached language to a House farm bill calling for advance price support payments to corn growers in certain cases. But Senate Agriculture Chairman Jesse Helms opposed the amendment, and had the votes to prevail in conference. In a heated exchange, Bedell accused Helms of caving in to Agriculture Department pressure. Still, the amendment was dropped.

Bedell's major project in the 98th Congress was much different—he crusaded to open the Pentagon's spare parts procurement system to small businesses by forcing the military to stop using a "qualified bidders" list to restrict competition. As chairman of the Small Business oversight subcommittee, Bedell pursued his measure despite strong opposition from the Defense Department and House Armed Services and Government Operations.

Bedell was helped immensely by revelations of defense procurement "horror stories," such as the famous $7 hammer bought by the Navy for $436. To dramatize procurement problems, he took a repair kit that cost the Pentagon more than $10,000 and bought the 21 identical items from two local hardware stores for $92. For several weeks, Bedell could be seen lugging his tool kit through the halls of Congress, brandishing a hammer or screwdriver. Ultimately, the law was changed.

In the 99th Congress, with the procurement battle over, Bedell gave up the chairmanship of his Small Business subcommit-

tee and took over as head of the Agriculture subcommittee on Agriculture Department operations.

Mild-mannered as he often seems, Bedell has been willing to challenge the conventional wisdom on issues that most members handle simply by following the crowd. Early in his House career he chose to fight the Public Works Committee in its zeal for new water projects, siding with President Carter against new dams favored by most members.

In 1984, when President Reagan bowed to pressure from Western states and rejected a formula that would force them to share more of the cost of water projects, Bedell decried the decision. The water program, he said, "must bear its fair share" of spending cuts.

"If it came down to a vote for a flood control project for Sioux City or a vote for good government," he said in 1978, "I'd have to vote for good government." In 1980, when most colleagues were berating Democrat Bob Edgar for trying to cut money for new water projects, Bedell lectured them on courtesy and of impugning the motives of a colleague "because he has an opinion different from yours."

This kind of moralizing did not earn Bedell any chits from his fellow House members. Neither did his decision to put friendship over partisan politics by endorsing Delaware Republican Thomas B. Evans Jr.'s re-election. As a result, when Bedell tried for a seat on the Democratic Steering and Policy Committee in late 1982, his bid was defeated, 4-16.

On the Small Business Committee, Bedell has crusaded for reforms in the Small Business Administration (SBA) Disaster Loan program, arguing that too many of the loans go to businesses that are not small and whose proprietors are not poor. Many of those changes were written into an SBA bill as it cleared the House in 1979, and though some later died in conference, Bedell supported the final package.

While legislating on Agriculture and Small Business, Bedell has become enamored of foreign policy, and looked for ways to become involved in it. He was a participant in the Law of the Sea conference, and in 1978, when the House approved a bill allowing American companies to search for minerals on the ocean floor, he fought it, implying it was imperialistic. Bedell served on Foreign Affairs in 1979 and 1980 and tried to get a permanment seat the next year, but could not without giving up his Agriculture seat, which he would not do.

At Home: Bedell has enjoyed bipartisan support and five easy re-elections in a traditionally Republican area.

His quiet political style has brought him good rapport with the farmers and small-business men in a district where he grew up and started the fishing tackle business that made him wealthy. He invented and marketed a more durable, flexible fishing line, a business he sold to his children in 1984.

He said that he entered politics because "I couldn't get the satisfaction I wanted from building a bigger and bigger fishing tackle business. . . . We should concern ourselves with our fellow men and put away worship of material goods." Bedell was once a Republican himself, and the personal ties he built in the GOP were not broken after he switched to the Democratic Party to work actively in the gubernatorial and senatorial campaigns of Harold E. Hughes. Bedell's Methodist Church contacts also cut across partisan lines.

He made his first bid for office in 1972, when he took on incumbent Republican Wiley Mayne. Though Bedell's status as a political novice led many onlookers to write him off, he ended up trailing Mayne by only 9,710 votes.

Events caught up with Mayne two years later. Bedell had spent the intervening time preparing for another bid, and he used his 1972 showing to garner both financial support and attention in the small towns spread through the district. Mayne, a member of the Judiciary Committee, was hurt by his defense of President Nixon during impeachment hearings. Bedell wound up with 55 percent of the vote.

The GOP fielded credible challengers in 1976 and 1978, but neither drew more than a third of the total vote. Prior to the 1980 election, there was speculation that Bedell might be weakened by a controversy involving his fishing tackle business. A federal grand jury was investigating allegations that the company imported products from its Taiwan subsidiary at artificially low prices to avoid customs.

Bedell denied any wrongdoing and said the allegations were made by a disgruntled former employee. His constituents gave him the benefit of the doubt and a 57,594-vote plurality over state Sen. Clarence S. Carney.

Bedell never became a target of the investigation, and the matter faded from view in 1982. Charges agaist four other company officials were dropped for lack of evidence.

Republicans were convinced in 1984 that they had their best candidate yet against Bedell. Darrel Rensink, the city manager of Sioux Center, in the northwest corner of the 6th united local GOP leaders behind him, a task that his predecessors were unable to do.

But Rensink's campaign never jelled outside party circles. He could not convince many voters that Bedell was a big-spending liberal in Washington who only talked like a skinflint back home. Bedell's high profile and "just folks" personality got him 62 percent.

Mr. GILMAN. Mr. Speaker, it is a distinct pleasure to join tonight in honoring two distinguished Members of this body who have chosen to leave us at the end of this year, COOPER EVANS and BERKLEY BEDELL, both of Iowa.

Although COOPER has been one of the most respected Members on this side of the aisle, the respect for him, he has earned has been bipartisan, both in his Chamber and in his home Third District of Iowa.

COOPER EVANS is one of the few among us who have been successful not at one or two careers, but three. During 20 years of outstanding service in the Army, COOPER EVANS became conversant with the operations of the Pentagon and with matters of national defense. As an Iowan who was born and raised on a farm, and who operated his own 1,400-acre spread after his retirement from the Army, COOPER EVANS is one of this Chamber's leading specialists on agricultural matters. The Agriculture Committee, on which he has served admirably since first being elected to Congress in 1980, has been well served by his expertise.

COOPER EVANS, has been a credit to our armed services, to the farmers of our Nation and to this chamber.

COOPER still operates his fine Iowa farm. We will miss him sorely when he retires to it at the end of this year.

I have had the pleasure of serving with COOPER EVANS on our Select Committee on Hunger, where he contributed thoughtful analysis of agriculture matters. We are going to miss him greatly.

BERKLEY BEDELL, a distinguished colleague on the other side of the aisle, is highly respected by all of us because of his outspoken and dedicated expertise on a number of issues. Having operated his own manufacturing business in Iowa, BERKLEY has been an outstanding member of the Small Business Committee, on, which he has become known as the premier watchdog of the SBA, ever since his first election in 1974.

BERKLEY, like COOPER EVANS, brought a great deal of expertise and panache to the Agriculture Committee, always taking care to represent the interests of his home district.

It is a tribute to BERKLEY BEDELL that he achieved election to the House in the past six consecutive elections, despite the fact that his Sixth District of Iowa has traditionally been Republican. It can truly be said that the Iowan voters of the Sixth District are discriminating when presented with genuine talent.

I had the honor of serving with BERKLEY on the law of the sea conference in the mid-1970's and was deeply impressed with his knowledgable views on international affairs and his concern for American interests. Having been a dedicated member of the House Foreign Affairs Committee for one session of the Congress, we were disappointed that BERKLEY did not stay with us on that committee. We could have often made good use of his commonsense approach to international affairs.

Mr. Speaker, the 100th Congress is going to sorely miss the talents of our colleagues COOPER EVANS and BERKLEY BEDELL. I am pleased to join with all of our colleagues in wishing them, and their families, the best of luck, happiness, and good health, in all their future endeavors.

Mr. FORD of Michigan. Mr. Speaker, I rise today to commend my distinguished colleague from Iowa, BERKLEY BEDELL, for his fine career in Congress. BERKLEY will be retiring from the Congress at the end of this session and his presence will be sorely missed by those of us who have had the opportunity and good fortune to serve with him over the past 12 years.

When BERKLEY BEDELL first joined this body in 1974 he wisely sought and won assignments on both the Agriculture and Small Business Committees. These assignments allowed him the opportunity to work daily on the issues which impact most dramatically on his constituents. In 1981 BERKLEY was responsible for fashioning the compromise that held together a fragile coalition in support of a 4-year farm bill. In the 98th Congress he crusaded to open the Pentagon's spare parts procurement system to small businesses by forcing the military to stop using a qualified bidders list to restrict competition. In the 99th Congress, as agriculture is facing the greatest crisis since the great depression, BEDELL gave up the chairmanship of the Small Business Subcommittee and took over the agriculture Subcommittee on Agriculture department operations.

BERKLEY BEDELL has represented the people of Iowa well. I wish him well in his future and feel confident that he will use the benefits of his experience and expertise to continue to serve the public as he enters the private sector.

Mr. BOLAND. Mr. Speaker, I would like to thank NEAL SMITH and JIM LEACH for sponsoring this special order to mark the retirement from the House of Representatives of COOPER EVANS and BERKLEY BEDELL.

COOPER EVANS was first elected to the House back in 1980, following what had already been a distinguished career in public service. He served his country as an officer in the U.S. Army, as a member of the Army Corps of Engineers, the Atomic Energy Commission, and as Director of Advanced Manned Lunar Missions for NASA. He has served with honor and distinction in all those posts, and has been a source of pride to the citizens of the Third District of Iowa. We will miss his intellect and insight, and wish he and wife Jean the best of luck in their future endeavors.

Mr. Speaker, for the past 12 years the people of the Sixth District of Iowa have been fortunate to have as their Representative in Congress BERKLEY BEDELL—a man who, in his every word and deed, exemplified the qualities of a citizen legislator. He was as quiet and unassuming as he was effective and respected. BERK BEDELL shunned the limelight, preferring to work behind the scenes with his colleagues, rather than in front of the cameras. He first came to Congress as a Democrat from a district that was said to be "unwinnable" by any member of his party. Since that first election in 1974, the voters of that district have wisely returned him every term. BERK BEDELL often chose to exercise his responsibility as a Member of Congress in an usual, but effective, manner. He was known to march into the Federal agencies and departments off the Hill unannounced, for a first hand look at how they functioned. It was often an eye-opening experience for both the employees and BERK.

During his time on the Agricultural Committee, BERK always carefully weighed the needs of his constituents and that of the industry. He was recently instrumental in moving the long-stalled reformation of the Federal Insecticide, Fungicide, and Rodenticide Act. Apart from his agricultural interests, BERK has been a leading advocate of more conscientious defense spending and reducing the level of tension between the United States and Soviet Union by endorsing a nuclear test ban treaty. Regardless of the issue, BERK always cast his vote based on the most simple, but most important, criteria—whether it was the right thing to do or not.

All of us who have the good fortune to be married know how important it is to have a supportive spouse. BERK's wife, Jean, has been all that and more. She has been a constant companion throughout their 43 years of marriage, and has been a partner with BERK in his duties as Representative, to the benefit of the people of Iowa. They were, and continue to be, a great team.

Mr. Speaker, I know that COOPER EVANS and BERKLEY BEDELL will be missed, because of the concern for their Nation they exhibited daily in their work, and also because they were just good people. At this time I would like to offer these two men my congratulations and my best wishes for a long and happy retirement.

Mr. HORTON. Mr. Speaker, this body will lose a number of Members at the close of the 99th Congress. The two we are here to honor this evening are among the finest I have had the honor and privilege of working with during my 24 years in Congress. These two men, COOPER EVANS and BERKLEY BEDELL, will not be soon forgotten by those of us who know them.

COOPER joined this body in 1980, and successfully obtained a position on the Agriculture Committee. Though in the minority, his leadership role in guiding legislation through that committee was clear to all who followed his work and that committee.

In this Congress, COOPER has left his mark on such important issues as the Agriculture Credit Reserve, the Farm Credit Administration Act and the Grain Standards Act. His efforts to avoid foreclosures against family farmers and to ensure mortgage guarantees for those ailing in the agriculture sector are noteworthy. He also has helped lead the charge to improve the quality and the accuracy of Federal grain standards.

COOPER's colleague in the Iowa delegation, BERK BEDELL, will always be considered a close, personal friend. I have worked with him a great deal in the Northeast-Midwest Congressional Coalition over the past decade.

BERK, too, has been a leader in the agricultural field. Among the issues he has championed this Congress are: greater Federal assistance for farm banks; a land diversion program for feed grains; the labeling of imported meats; programs to encourage the production of ethanol; and efforts to ensure that no Federal assistance—such as subsidized irrigation loans—is provided to those who produce surplus crops.

But his efforts are not confined solely to agriculture. BERK was the prime sponsor of two noteworthy pieces of legislation this Congress. The first was a proposed constitutional amendment which lengthened the term for Members of the House from 2 to 4 years. The second was House Joint Resolution 3, which called upon the President to support a comprehensive test ban treaty between the United States and the Soviet Union. This measure, which I strongly supported, eventually passed the House by a wide margin.

Mr. Speaker, a wise man once said that "a good time to retire is before it's too late to have a good time." COOPER and BERK have chosen an ideal time. They will be sorely missed, and fondly remembered. My wife Nancy and I wish all our best to our good friends COOPER EVANS and BERKLEY BEDELL.

Mr. WOLF. Mr. Speaker, I am pleased to join with my colleagues in this special order to honor two of our outstanding colleagues in the Iowa delegation, COOPER EVANS and BERKLEY BEDELL, who will be retiring at the end of the 99th Congress.

These two Members are nearing the end of distinguished careers in Congress and will leave a void in the Iowa delegation which will be difficult to fill. It has been a pleasure to serve in this House with COOPER EVANS and BERKLEY BEDELL. Both are men of principle, integrity and sincerity and have served their Iowa constituencies and this Nation with distinction.

I came to Congress 6 years ago in the same freshman class as COOPER EVANS, a man of many talents whose work in Congress as the Representative of the Third District of Iowa is the third career for him. He's an engineer—he holds a nuclear engineering degree; he's a former Army officer—serving 20 years in the U.S. Army; and he's a farmer—after retiring from his Army career, he returned to Iowa to farm. Before launching his congressional campaign, he entered public service as a member of the Iowa House. His busy careers prior to Congress helped to establish him as an expert in agriculture and nuclear power and he has left his mark as a leader on these issues in the House.

BERKLEY BEDELL, who has served the Sixth District of Iowa for 12 years, has also established himself as an expert in agriculture issues and has well represented the interests of his agriculturally productive district and State. When we recall BERKLEY BEDELL's career in Congress, we must also include his crusading drive and fighting spirit to reform the spare parts procurement system at the Pentagon and open that system to the small businessses in our Nation. He's never been afraid to tackle an issue he believes in and work for changes to make government better, no matter what the odds. And more often than not, he's been successful and good government has been the winner.

I salute COOPER EVANS and BERKLEY BEDELL, two valued colleagues and outstanding public servants. I know I speak for all my colleagues in saying that we greatly appreciate their contributions to our Nation. My best wishes to them both in their future endeavors.

Mr. FUSTER. Mr. Speaker, I would like to join many of my colleagues this evening to express my appreciation and admiration for my colleague, BERKLEY BEDELL from Iowa, who will be retiring at the end of the year.

Although I have not known Mr. BEDELL long—just one term—I have come to appreciate his wisdom and consistency in dealing with issues that are of the essence in terms of alleviating human need, protecting the environment and enjoying the outstanding natural resources of our planet.

We will sorely miss his support for Puerto Rican issues and his untiring efforts on behalf of his constituents and these United States. Our best wishes go with him and we hope we can continue to count on his support for the causes he has long cherished.

Mr. RUSSO. Mr. Speaker, I want to join with my colleagues today in showing our appreciation and commending retiring Member Mr. BERKLEY BEDELL for the outstanding job he has done as a U.S. Congressman. I am especially pleased to have the opportunity to do this because BERKLEY and I came into the Congress at the same time, and I have enjoyed his friendship and have had great respect for his work for our 12 years here together.

It is the nature of the Congress that such interesting friendships develop—when a city boy from Chicago and an Iowa gentleman find common ground. And I can't help but feel that

in this instance—admitting to a possible bias—that the 94th Congress freshmen included some very special people, people like BERKLEY whose capacity for friendship was exceeded only by their capacity for hard work, courage, and commitment.

This commitment has been reflected in BERKLEY's work both here in the Congress and back home. With an unwavering belief in participatory democracy, he went well beyond lipservice to the cause of democracy and conducted town meetings in his 6th District to offer the people every opportunity to be a part of the effort to bring representation of their views to the Congress. This is a reflection of Berkley's humility, that despite his position, he emphasized that he was merely a member of the team, working with his constituents.

His courage has been demonstrated by his unwillingness to put special interests above the individual. His votes have reflected his conscience and you could trust that BERKLEY's actions were true and honest ones, that they were for the people and served no narrow interest or viewpoint.

His hard work has brought victories, and one achievement that stands out is the passage of House Joint Resolution 3 on the ratification of the Threshold Test Ban and Peaceful Nuclear Explosions Treaties and the resumption of negotiations for a verifiable comprehensive test ban treaty. BERKLEY has helped educate the public to the dangers of the continuing arms race and this country and the planet have benefited from his dedication to the cause of arms control and peaceful cooperation among nations.

I admire BERKLEY. He has won the respect of those of us privileged to work with him and to call him friend. A man of honor and dignity, he will be greatly missed here in the Halls of Congress. It has been a pleasure to serve with him and I wish him all the best in the future. He well deserves it.

Mr. LATTA. Mr. Speaker it is my privilege to join today in this tribute to our colleague, the gentleman from Iowa, BERKLEY BEDELL, on the occasion of his retirement from the Congress.

BERKLEY's departure will be a significant loss for the House of Representatives which he has so ably served since January 1975. He is a man of many achievements and abilities most notably as chairman of the Subcommittee on Agriculture Department Operations, Research and Foreign Agriculture. As a member of the House Agriculture Committee and the House Small Business Committee, BERKLEY has been unfailingly attentive to the interests and concerns of our Nation's farmers and the needs of the small business communities.

He has been a true servant, using his position in this institution to serve his constitutents so faithfully. BERKLEY will be sorely missed by his colleagues, and I wish him success and happiness in all his future endeavors.

Mr. Speaker, I would like to take this opportunity today to pay tribute to our respected colleague, COOPER EVANS, who is leaving the House of Representatives after 6 faithful years of service.

COOPER is extremely knowledgeable especially on agriculture matters and as one of the outstanding members on the House Agriculture Committee, he has proven to be a capable and eloquent spokesman for agriculture and a strong and effective advocate of tending to the needs of the Nation's farmers. The American farmer has never had a better friend than the one it has in COOPER EVANS.

COOPER has been a loyal member of the Republican Party and has time and again stood up for what he believed was right. As a Member of Congress, COOPER represents the qualities which serve to enhance the image and reputation of the House of Representatives. His positions on legislative matters have been remarkably consistent, reflecting his sincere integrity and honesty.

Even though COOPER will be returning to his beloved Iowa and to private life, he leaves with us the legacy of a gentleman, a friend and a distinguished Member of Congress.

Mr. DWYER of New Jersey. Mr. Speaker, it is a distinct honor and privilege to join my colleague Mr. SMITH and other members of the Iowa delegation in paying tribute to two distinguished members of this body who are retiring at the end of this session, BERKLEY BEDELL and COOPER EVANS.

The commitment shown by both men to their districts and their constituents is unmatched, and the people of Iowa have been exceptionally well-served by their dedicated leadership and solid, working knowledge of the issues.

BERKLEY BEDELL has been a champion in this House for good government, and was instrumental in passing for more accountability and efficiency at the Pentagon. By opening up the procurement process, he achieved important inroads for the small business community and helped establish a more competitive, fair, and efficient spare parts procurement system.

One of BERKLEY's most enduring contributions is certainly his commitment to a more peaceful world through arms control. His successful effort toward House passage of a ban on nuclear explosive testing stands as a compelling reminder of his commitment to a safer future for all of us.

On the homefront, he has been tireless in his work on the Agriculture Committee in behalf of American farmers and has proven to be one of the heartland's most ardent advocates in Congress.

Representative EVANS has been equally vigorous in his support for the American farmer. Although like myself, he is a relative newcomer to this body, he has quickly established himself as one of this Chamber's foremost experts on farm policy.

He has been firm and outspoken in his support for more equitable farm policies, backed by his own experience as a farmer and engineer, and breadth of knowledge on often complex agricultural issues. He has been distinguished by his courage and tenacity in protecting the interests of farmers and has earned the respect of his colleagues on both sides of the aisle as a result.

Mr. Speaker, in their tenure here, both of these members have embodied the statesmanship that we all strive for in this body. Their knowledge and spirit of dedication will be sorely missed, but I certainly want to offer my most sincere best wishes and warmest regards as they move on to new pursuits.

Mr. FUQUA. Mr. Speaker, I appreciate this opportunity to say a few words in tribute to our colleague, BERKLEY BEDELL, who is retiring at the end of this Congress. BERKLEY, through his work on the Small Business and Agriculture Committees, has made a lasting contribution to our Nation.

Both his district and mine are predominately agricultural and he has been a staunch defender of American agriculture. I always felt I could rely on BERKLEY for sound advice on matters affecting our Nation's farmers.

BERKLEY is a dedicated and hard working individual who has served well the needs and views of the people of Iowa's Sixth Congressional District. He will be a hard act for anyone to follow.

We honor BERKLEY for his 12 years of devotion to our Nation and his outstanding contributions. My wife, Nancy, and I wish him the best of success in the future.

Mr. YATRON. Mr. Speaker, I rise today to pay tribute to our distinguished colleague from Iowa, Mr. BERKLEY BEDELL. As you know, BERKLEY will be retiring this year after serving 12 distinguished years in this Chamber. I know that BERKLEY will be sorely missed.

BERKLEY first entered the House in 1974 and was reelected each succeeding year with more than 60 percent of the vote. He currently serves on the Agirculture and Small Business Committees. As agriculture and small business form the economic base of Iowa's Sixth District, these committee assignments have provided BERKLEY an excellent opportunity to best represent the interests of his constituents. He is especially well-respected for his work on the Argriculture Committee, where he serves as chairman of the Subcommittee on Department Operations, Research, and Foreign Agriculture. He is also a member of the Subcommittees on Wheat, Soybeans and Feed Grains; and Livestock, Dairy and Poultary. Throughout his tenure on the committee, BERKLEY has worked to support the family farmer and to stimulate the further growth and development of American agriculture.

BERKLEY is also a family man. He and his wife, Elinor, have three children and six grandchildren. I know that BERKLEY is looking forward to spending more time with his family after his retirement. At the same time, I am sure that his commitment to public service will continue unabated.

BERKLEY BEDELL leaves a record of many lasting and important achievements in the House of Representatives. BERKLEY will be remembered as an outstanding Congressman and I know that he will be missed by all of his colleagues. I salute BERKLEY BEDELL for his many years of dedicated public serive and I wish him continued success and good fortune in the years to come.

Mr. MICA. Mr. Speaker, it is with mixed emotions that I come before you tonight. On one hand, I am filled with sadness at the thought of saying farewell to my esteemed colleague from Iowa, a man whose kindness and friendship has earned him bipartisan support for over a decade. On the other hand, I am honored to be given the opportunity to acknowledge his achievements.

BERKLEY BEDELL has made a visible imprint on the Nation's political scene, since his en-

trance to Congress in 1974. This mark was not only recognized by the Members of Congress, but by a district of over 400,000 American citizens, who elected him to 6 consecutive terms. In 1981, he was instrumental in the passage of the 4-year farm bill by authorizing a compromise that kept the bill within the budget. BERKLEY has served on the Agriculture Committee and several others for a number of years, most recently giving up his position as chairman of the Small Business Oversight Subcommittee in order to head the Agriculture Subcommittee on Department Operations.

Throughout his 12 years in Congress, BERKLEY BEDELL has demonstrated the type of genuine sincerity that few persons actually posess. It is this sincerity in addition to his friendship that we all shall dearly miss. I know you all join me in wishing BERKLEY a long and happy retirement. He richly deserves it.

Mr. LOWRY of Washington. Mr. Speaker, I have mixed emotions about this chance to express appreciation to our friend and colleague BERKLEY BEDELL. I always enjoy the opportunity to say nice things about someone, but I am sad that we are losing a colleague of BERKLEY's dedication and stature.

All too often, people spend some time in this city and it changes them for the worse. Not BERKLEY BEDELL. You do not have to know him for long to realize that he came here with a firmness of character that is unshakable. Throughout his service in this body, he has retained a determination to demand that our Government exhibit the qualities of honesty and integrity and decency that people in northwestern Iowa and the rest of our Nation's heartland take for granted. As a result, he had changed this town for the better.

I admire BERKLEY because he is a successful businessman who has never forgotten that Government exists to help all people, not just the wealthiest. He is a very religious person who has never forgotten that our Nation has succeeded because we respect all religious beliefs. And he is a representative who served his district thoroughly and wholeheartedly but has never forgotten that we are also here to work for the national well-being.

During my service in Congress, I have become convinced that our most important priority must be to control the nuclear arms race. Thus, while I highly respect BERKLEY's determined work on behalf of our Nation's farmers, and his equally persistent efforts to reform the Defense Department's spare parts buying process, it is his work on the arms race for which I have the deepest respect. His leadership in sponsoring the securing House passage of House Joint Resolution 3, the comprehensive test ban resolution, is just the most visible of his many efforts on this issue.

The State of Iowa has done more than its share in the cause of arms control. Many of its past and present Members of Congress have contributed much on this issue. The State is also home to the Stanley Foundation, which has done so much to work for a better world. In this company, BERKLEY BEDELL has a place of honor. I am sure that he will continue to contribute much to our Nation in the future. I wish him the best in his future endeavors.

Mr. ASPIN. Mr. Speaker, I would like to take a moment to pay tribute to Mr. BERKLEY BEDELL, our respected colleague who is retiring after six distinguished terms in Congress.

In a desperate period for the American farmer, Mr. BEDELL has been one of this group's biggest allies. He has worked tirelessly to make compromises and build coalitions in efforts to gather support for measures that have aided rural America. These efforts were instrumental in gaining passage of the farm bill in 1981. In 1984 and 1985, he was in the forefront of the action on the 1981 bill's successor.

Mr. BEDELL also has been a leading advocate of arms control. He has sponsored and won passage of legislation that calls for President Reagan to resume negotiations with the Soviet Union in order to achieve a comprehensive test ban treaty. This should be a major goal for all of us in Congress.

During his 12 years in the House, Mr. BEDELL has been an effective legislator and a good friend. I wish him the best of luck in his future endeavors.

Mr. ANNUNZIO. Mr. Speaker, I rise to join with my colleagues in paying tribute to the Honorable BERKLEY BEDELL, who is leaving the House of Representatives after 12 years of dedicated service. His efforts on behalf of his constituents of the Sixth Congressional District of Iowa, which he ably represented, and on behalf of the citizens of the United States, are most worthy of recognition.

Before coming to Congress, BERKLEY BEDELL served our country with distinction as a first lieutenant in the U.S. Army Air Force during World War II from 1942 to 1945.

Elected to the 94th Congress in 1974, BERKLEY BEDELL has served in the House of Representatives with diligence, and has distinguished himself as chairman of the Subcommittee on Department Operations, Research, and Foreign Agriculture of the House Agriculture Committee; as a member of the Subcommittee on Wheat, Soybeans, and Feed Grains, and the Subcommittee on Livestock, Dairy, and Poultry; and as a member of the Subcommittee on General Oversight and the Economy of the House Small Business Committee.

BERKLEY is a fine legislator, a dedicated and devoted American, and a Congressman of great ability and skill. He will be missed by all of us in the Congress who had the opportunity to serve with him.

Mr. Speaker, I extend to BERKLEY BEDELL my best wishes for success in all of his future endeavors.

Mr. THOMAS of Georgia. Mr. Speaker, I am pleased to have the opportunity to recognize the achievements of two of my distinguished colleagues from Iowa on the eve of their retirement from public service.

I have had the honor of serving with both the Honorable BERKLEY BEDELL and the Honorable COOPER EVANS on the House Agriculture Committee. Both gentlemen have a strong commitment to agriculture in this country and have served the committee with wisdom and integrity. Junior committee members like myself have greatly benefited from their expertise in the area of agriculture.

BERKLEY's leadership in the committee includes his chairmanship of the Subcommittee on Agriculture Department Operations, Research and Foreign Agriculture. He also serves as a member of the Subcommittees on Wheat, Soybeans and Feed Grains; and Livestock, Dairy and Poultry.

BERKLEY has also served his community with his involvement in the Spirit Lake Kiwanis Club, the Iowa United Methodist Church, the American Legion, and the Spirit Lake Board of Education.

COOPER has had a diversified tenure while serving on the House Agriculture Committee. His committee memberships have included the Subcommittees on Wheat, Soybeans and Feed Grains; Conservation, Credit and Rural Development; and Department Operations, Research and Foreign Agriculture. Additionally, COOPER has served as a member of both the Select Committees on Aging and Hunger.

In addition to his public service in Washington, COOPER served in the Iowa General Assembly for 6 years. His involvement with the community includes serving as commissioner and treasurer of the Grundy County Memorial Hospital, assistant commissioner of the Grundy County Soil Conservation District, and president of the Community Development Corporation.

Those are the facts—the record of service—for BERKLEY and COOPER. But the heart and soul of their service goes far beyond that. They are men with a deep abiding love of their state and this Nation. They know their people and their needs. They know the Congress and its mechanism.

As a result, their contribution to this Chamber is far greater than the tributes we can speak of today. They have a gift for public service, a compassion for their fellow citizens, and deep commitment to the Nation as a whole.

We do not replace men like BERKLEY BEDELL and COOPER EVANS. We use them as the benchmarks of what constitutes the highest traditions of service in the U.S. Congress.

Our loss is great, but our loss is eased somewhat by the knowledge that they will always remain leaders in this Nation. They will remain resources that we can call on when we need advice. They will remain active in their communities. Perhaps most important, they will always be our friends.

Mr. HAMMERSCHMIDT. Mr. Speaker, it is my pleasure to join my colleagues today in adding my own thanks and best wishes to our respected colleague, COOPER EVANS, who is retiring from the House of Representatives after 6 years of devoted service. COOPER has served the Third Congressional District of Iowa since 1980 and will be missed by all of us.

COOPER served in the Army for 20 years, working at the Pentagon for the Atomic Energy Commission and then with NASA. After returning to Iowa to farm he was elected to the Iowa State House of Representatives in 1975 and served there for 4 years. Then in 1980, COOPER was elected to U.S. House of Representatives.

Bringing his experience as a farmer in Iowa to the Agriculture Committee, of which he has been a member since the beginning of his congressional career, COOPER is listened to and respected by the committee as he is both precise and detailed in his expertise on agri-

culture issues. In mid-1984, he offered his own farm debt restructuring proposal to respond to the serious credit crisis.

COOPER is also a member of the Select Committee on Hunger, however, his interest and activeness are not limted to those two areas. He is outspoken in favor of educational aid programs and takes a firm stand on defense and nuclear issues as well. COOPER is the only Member of Congress with extensive practical experience in the design and construction of nuclear power plants.

After your endless contributions to the House, you will most certainly be missed. However, I wish you good fortune and much happiness.

IOWA—THIRD DISTRICT: COOPER EVANS OF GRUNDY CENTER—ELECTED 1980

Born: May 26, 1924, Cedar Rapids, Iowa.

Education: Iowa State U., B.S. 1949, M.S. 1955; Oak Ridge School of Reactor Technology, nuclear engineering degree, 1956.

Military Career: Army 1943-46, 1949-65.

Occupation: Army officer; farmer; engineer.

Family: Wife, Jean Marie Ruppelt; two children.

Religion: Methodist.

Political Career: Iowa House, 1975-79.

Capitol Office: 127 Cannon Bldg. 20515; 225-3301.

In Washington: Precision, not charm, is the basis of Evans' career. No one will accuse this tight-lipped former Army officer of being a charismatic politician or a mellifluous speaker. But on complicated issues ranging from commodities regulation to the farm credit problem, the Agriculture Committee listens to him because he is precise and detailed—qualities one would expect of someone who is not only a military man but also a farmer and an engineer.

As more and more farmers went bankrupt in Iowa in 1983 and 1984, Evans made it plain he thought the Reagan administration was lackadaisical in responding to a serious credit crisis. Evans offered his own debt restructuring proposal in mid-1984, and in September he was among the Iowans advising Reagan to postpone a planned campaign visit to their state until he announced a restructuring plan of his own. The administration cooled tensions by producing a plan before the Iowa trip, but the debt issue reheated after the election.

In the previous Congress, Evans had made a name for himself in debate on reauthorizing the Commodity Futures Trading Commission. He argued for Reagan's proposal to allow the CFTC to raise its $23 million annual budget by charging fees on individual commodities transactions. Industry objections forced the administration to settle for a more modest fee-charging authority, but Evans impressed colleagues with his detailed knowledge of the complex commodities field.

As the 99th Congress began in 1985, Evans attracted attention by lashing out at a group that normally sees eye-to-eye with the GOP—the American Farm Bureau Federation. At the federation's convention in Hawaii, the group's president said, "If you look overall at agriculture, I don't think there is any crisis." Evans shot back, "Maybe they should hold their conventions in Omaha or Des Moines. They are quite out of touch with the situation." He said the remark from Hawaii reinforced the federation's image as representing wealthy, large-scale farmers, and he said it would make it more difficult to convince Washington of the serious problems many farmers face.

Evans' willingness to criticize the Reagan administration symbolizes the remarkable ideological transformation he accomplished during his first term. Almost overnight, Evans changed from a consistent Reagan loyalist into a Midwestern "Gypsy Moth." His shift was prompted by redistricting in August 1981, which gave heavily Democractic Johnson County (Iowa City), where the University of Iowa is located.

In 1981, Evans voted with the conservative coalition of Republicans and Southern Democrats nearly 80 percent of the time. In 1982, his coalition support score plummeted to 55 percent, and it has stayed in that range ever since.

At times, it seems hard to believe that the Evans who voted for Reagan's budget and spending reductions in 1981 is the same Evans who now chafes at most of the administration's domestic priorities and foreign policy stands. In the 1984 House votes on which Reagan took a position, Evans voted against the president's wishes 49 percent of the time.

He has been a staunch critic of Reagan's attempts to trim back guaranteed student loans and other educational aid programs. He also has adopted a skeptical outlook on the defense buildup. In the 98th Congress, he voted at key junctures against the MX missile, against nerve gas production, against aid to anti-communist Nicaraguan rebels, for a nuclear weapons freeze and for a moratorium on testing of anti-satellite missiles in space. He opposed the MX again in early 1985.

Evans freely admits to having shifted to a less conservative stance on a variety of issues since redistricting. "You pay attention to your constituents," he has said. "I have different constituents."

In addition to his expertise in agriculture, Evans has a unique perspective on another technical subject—nuclear power. He is the only member of Congress with extensive practical experience in the design and construction of nuclear power plants. Evans was trained in reactor technology at Oak Ridge, Tenn., and worked for the Atomic Energy Commission.

That experience has led him to argue for nuclear power. In his first term, he supported the controversial Clinch River Breeder Reactor, saying it had been maligned by people who did not understand breeder technology. But soaring construction costs finally soured even Clinch River's staunchest defenders, and in 1983 Evans voted with a near-unanimous House to kill the project.

At Home: Politics is a third career for Evans. He served 20 years in the Army, working at the Pentagon, for the Atomic Energy Commission and with NASA. After retiring from the military in 1965, he returned to Iowa to farm, then in 1974 won a seat in the Iowa House, where he served until launching his 1980 congressional campaign. In the GOP primary that year, Evans finished comfortably ahead of three other Republicans vying for the nomination.

But in his general election campaign against Democrat Lynn Cutler, Evans often came across as stiff and aloof. His narrow victory was due mainly to the carrying power of Ronald Reagan and GOP Senate candidate Charles E. Grassley.

So when Cutler announced she would try again in 1982, prospects for Democratic victory seemed bright. Unemployment and low farm prices were worrying many of Evans' constituents, and the addition of Johnson County to the 3rd significantly increased Democratic strength.

Evans shored up his position by turning to the left. Cutler called him a devious opportunist willing to jettison principles to cling to his job, but Evans convinced voters that his shift reflected the views of his new district.

Evans also strengthened his political network, bringing in staffers who ran Grassley's successful 1980 Senate campaign, which was a model of grass-roots organizing. He accepted contributions from political action committees, a reversal of his policy in 1980, when he used his personal fortune to finance his campaign.

Evans' firsthand experience with farming gave him an important advantage over Cutler, a Chicago native who moved to Waterloo as an adult. Cutler was conversant on agricultural issues, but Evans grew up on farm and still operates 1,400 acres of Iowa farm land.

As in 1980, Evans sometimes sounded more like the former army officer he is than a congressional candidate, but his serious manner wore better over time than did Cutler's personality. Supporters saw her as eager and exuberant, but others described her as pushy and sharp-tongued, "the Bella Abzug of the Plains." The GOP insisted that Cutler's position as vice chair of the Democratic National Committee would lead her to speak in Congress for the party's liberal establishment instead of for Iowa.

Evans won by more than 20,000 votes. He took 41 percent in Johnson County—a good showing there for a Republican—and won every other county in the district, including Cutler's home base of Black Hawk County (Waterloo), which he had lost in 1980. Evans cleaned up in the farming counties, scoring better than 60 percent in most of them.

That showing guaranteed him an easier time in 1984. His opponent, lawyer and former state Rep. Joe Johnston, was unable to find much financial support for his effort, and lacked the kind of grass-roots network that Cutler had been able to draw on. Evans ended up carrying even Johnson County—although by only 660 votes.

Mr. DOWNEY of New York. Mr. Speaker. It is with a certain degree of sadness that I take this opportunity to join my colleagues in honoring BERKLEY BEDELL, a good friend and a tireless campaigner in the effort to develop a comprehensive and sane approach to arms control. I will greatly miss BERKLEY. The House of Representatives will greatly miss him. The people of Iowa's Sixth Congressional District have had a great representative here in Washington for the past 12 years.

BERKLEY BEDELL comes from the great Midwestern populist tradition which has so enriched our political life. He and I came to Congress together in 1975, a year of great change for the Congress and the country.

We have worked closely together to restore some sanity to American arms control policy. BERKLEY has served as a member of the executive board and treasurer of Parliamentarians Global Action, an international organization of legislators devoted to promoting arms control and development reforms. BERKLEY has been instrumental in promoting the Five Continent Peace Initiative—an attempt by the leaders of Argentina, Mexico, Sweden, India, Tanzania, and Greece to facilitate an arms control agreement among nuclear powers.

This year, BERKLEY's efforts culminated in the passage of House Joint Resolution 3 by the House. This important resolution urged the President to negotiate a verifiable comprehensive test ban treaty and placed the House clearly on record as supporting a breakthrough in the arms control impasse.

All of us who have served with BERKLEY over the years have benefited from his commonsense approach to the issues, from his hard work and his dedication. I wish him well.

Mr. FUQUA. Mr. Speaker, I appreciate this opporutnity to pay tribute to my colleague, COOPER EVANS, who will be retiring at the end of this Congress. COOPER is a fine gentleman who has made a lasting impression on this Nation through his hard work and dedication on the Agriculture Committee and the Select Committee on Hunger.

COOPER's interest in space as director of advanced manned lunar missions for NASA during 1963–65 is shared by myself and many of my colleagues. His knowledge in this area has been a great asset to this body and this will be sorely missed in the future.

We honor COOPER for his 6 years of dedicated service to the Third Congressional District of Iowa and to the Nation. My wife, Nancy, and I wish him the very best in all his future endeavors.

Mr. HUGHES. Mr. Speaker, I am happy to have this opportunity to pay tribute to our colleagues from Iowa, BERKLEY BEDELL and COOPER EVANS, for their outstanding service in the House of Representatives.

The 100th Congress will sorely miss the able leadership of these two gentlemen when it convenes next year, just as the farmers and small businessmen that they have served will miss their dedicated representation.

Since coming to Congress in 1975, BERK BEDELL has been one of our strongest voices for good and effective government. Whether the issue be commodity price supports, small business loans, or Defense Department spare parts procurement, BERK has consistently proved willing to challenge the conventional wisdom in the interest of his constituents, and of sanity and fariness in Federal programs. His unfailing respect for the views of others has won him many friends here in Congress and allowed him to maintain close ties with the people of Iowa's Sixth District.

COOPER, too, has remained close to the Iowans he represents since coming to Congress in 1981. He has worked diligently to assist the small farmers in his district with the credit problems that they are experiencing, and has consistently refused to bow to pressure from others when the interests of his constituents are at stake. The House will miss his precise and thoughtful analysis of issues ranging from responsible defense spending to higher education, as well as his expertise on questions regarding nuclear power.

I join my colleagues in wishing both BERK and COOPER much success and happiness in their future endeavors.

Mr. MAZZOLI. Mr. Speaker, I am pleased to join my colleagues today in paying tribute to two Members of the Iowa Congressional Delegation—Mr. BERKLEY BEDELL and Mr. COOPER EVANS—who are retiring at the adjournment of the 99th Congress.

Throughout his career in the House, BERKLEY BEDELL has been a staunch advocate for agriculture and always one to be fighting in the corner of America's small businesses. His roots are embedded in that American tradition—a successful, self-made businessman—whose ingenuity, hard work and just folks style have been hallmarks of his service here in the House of Representatives.

COOPER EVANS has provided the House the benefit of his considerable technical training and experience in addressing agriculture interests in the Midwest and across the Nation and the world.

Though retiring from their duties in the House, I know BERKLEY BEDELL and COOPER EVANS will continue, perhaps from different venues, to be active members of society and to enlarge upon the distinguished record they have both achieved in public service.

I join their many Iowa friends, this House, and the Nation in congratulating them for their distinguished service and in wishing them both all the best in the future.

Mr. CONYERS. Mr. Speaker, I rise today along with my colleagues to pay tribute to a very distinguished Member of the House who will be leaving us at the end of the 99th Congress—BERKLEY BEDELL from the "Buckeye" State of Iowa.

It has been a privilege and a pleasure to work with him and we will certainly miss his presence here in the Congress. I have been especially fortunate to have the opportunity to work very closely with BERKLEY BEDELL on a number of issues during his 12 years as representative of the Sixth District. He has been in the vanguard of the American Agriculture Movement and has worked diligently on behalf of America's family farmers. A look at his legislative record will show that a large number of the bills he introduced in the 99th Congress was on behalf of farmers. We also share efforts on another very important issue, and that is banning the testing of nuclear explosives. He was one of the persons upon whom I counted when we were seeking support for legislation to establish Dr. Martin Luther King, Jr.'s, birthday as a national holiday. I want to take this opportunity to again let him know how much I appreciated that support.

I wish this gentleman the very best in his future endeavors and we will certainly miss his presence in the House of Representatives.

Mr. WHITLEY. Mr. Speaker, during the past 10 years, it has been my privilege to serve with two truly outstanding representatives from Iowa, both members of the House Agriculture Committee, one a Democrat and the other a Republican. Both, however, were totally nonpartisan in their approach to issues and their commitment to what they believed was best for American agriculture.

BERKLEY BEDELL is, in my opinion, an outstanding Christian gentleman. If he has a fault, it is that he becomes too concerned about the plight of the farmers and farm families in his district. I have never seen anyone who tried harder or was more determined to do something useful and effective for those he represents and for whose welfare he feels responsible. "BERK," as he is fondly known to those of us who are close to him, has been a model of honesty, sincerity, and concern. He will be deeply missed, and his district and the Nation will be better for his service and poorer for his departure.

COOPER EVANS is a model of quiet effectiveness. His wise, carefully crafted amendments have become a significant part of all agriculture legislation that has passed through the House Agriculture Committee during his tenure as a member. There is not a member of the committee on either side of the political aisle who is more highly regarded as a skilled legislator and thoughtful advocate.

Always mild-mannered and courteous, he succeeds by the logic and simplicity of his approach.

The State of Iowa will be hard-pressed indeed to elect successors to these two gentlemen who can match BERKLEY BEDELL and COOPER EVANS in being respected by their colleagues and in their effectiveness as legislators.

I personally wish both of them Godspeed and fair winds in whatever may lie ahead of them. It has been highly rewarding for me to know and work with them both.

Mr. SMITH of Iowa. I want to thank all the Members who have come forth here at this late hour of the night to express their appreciation for these two colleagues of ours who have decided to retire. I think the number of Members who have come forward and the accolades that we have heard in and of themselves show the great measure of appreciation that we have for both of these gentlemen.

I do not know in my 28 years in the Congress when I have heard more good things said when I did not feel one of them was an exaggeration about anybody.

So I thank all of you.

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## 1986 CONGRESSIONAL CALL TO CONSCIENCE VIGIL FOR A SOVIET REFUSENIK FAMILY, THE MICHAEL A. FAINBERGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. FIELDS] is recognized for 60 minutes.

Mr. FIELDS. Mr. Speaker, I would like to share with you tonight the plight of a family who has been refused emigration from the Soviet Union to join their relatives in Israel. The Fainbergs are a family of four whose lives are wasting away simply because they want to be reunited with their relatives and live in freedom.

Because of their status as Soviet Refuseniks, Michael and Faena Fainberg have been prohibited from pursuing what had been promising careers. Michael is a computer scientist who holds a doctorate degree. He had been one of the Soviet Union's most respected mathematicians before he applied to emigrate. Faena is a graduate of Moscow University, a school which for the most part, accepts no Jews. Although she was originally interested in acting, a field which is closed to

Jews, Faena majored in English and became a high school English teacher.

When they applied to emigrate, the Fainbergs lost their jobs. This placed them in an extremely difficult situation since unemployment in the Soviet Union is a crime, punishable by imprisonment.

Michael, Jr., was such an exceptional student that he was accepted into a college, despite his Refusenik status.

Andrew, the younger son, is ranked first in his class at Moscow's top rated high school. Despite this fact, the family worries about his future because it has become almost impossible for Refusenik children to gain admission to universities.

Because Andrew and Michael refuse to join the Communist youth groups in their schools, the boys are frequently harassed. They have been physically assaulted by other students who were encouraged to do so by the faculty.

The Fainbergs' case is becoming increasing urgent. Next year Andrew will graduate from high school. If he is not accepted into the Railroad Institute, he will be conscripted into the Soviet Army. In 2 years Michael, Jr. will graduate from college and likewise be forced to join the army. Once an individual enters the army, his wait for an exit visa will be extended to 10 to 15 years on the basis that he has had access to state secrets.

In addition, Faena suffers from acute asthma and has come perilously close to death on two occasions. Her Refusenik status has left her unable to receive adequate medical attention.

Last September, Michael was held and interrogated by the KGB. He now lives in constant fear of fabricated crimes being levied against him.

Sometimes the story of a single person or family can tell more about a system of government than all the statistics in the world. The Fainberg family is only one of thousands of families who have been the victims of anti-Semitism in the Soviet Union.

Since the start of 1980, the number of Soviet Jews permitted to leave the Soviet Union has fallen drastically. In 1979, over 51,000 emigration visas were issued, but since then the exit visas given have dropped to less than 100 a month—virtually a complete stoppage—while between 400,000 and half a million Jews are still waiting.

In order to stem the flow of new applications, the Soviet authorities have produced one restriction after another. For example, in Leningrad, only one application a day is processed. In some towns, a Jewish family must receive an invitation to immigrate to Israel from a relative of the first degree; namely, father, mother, brother, sister, son or daughter. If the entire family is in the Soviet Union, this makes it almost impossible for their emigration request to be accepted.

Since 1981, the Soviet Post Office has delivered very few of the invitations sent to Soviet Jews by their relatives in Israel. Thus, hundreds, probably thousands, of Soviet Jews are waiting for the necessary papers to apply for exit visas.

General anti-Semitism continues to increase. The anti-Zionist committee of the Soviet public was established on March 31, 1983 and since then has encouraged meetings in schools, factories and institutes throughout the country of the theme of "Jewish traitors' denouncing Jews and their desire to immigrate to Israel. Individual Refuseniks are shown and named on TV where they are accused of betraying their motherland.

The "army trap" continues to threaten many young Jews who have waited for exit visas and are now approaching military age. Any Jewish boy who serves in the Soviet Army is classified as a "security risk" and may be refused an exit visa on those grounds alone. Some Soviet Jews have waited more than 20 years after being released from the army and are still being refused visas on this pretext.

Due to the growing difficulty any Soviet Jew has in obtaining a place at a university, parents with young children are now faced with the choice of applying to leave and possibly condemning their sons to the "catch-22" situation or seeing them grow up without any chance of further education.

The Fainberg family represents 15,000 refuseniks and 400,000 Jews who are not activists or dissidents, but rather just want their basic right to emigrate. The Fainbergs represent thousands of Jewish families who have been so unjustly treated.

Now with some movement in the international scene, Soviet Jews are waiting to see whether they can hope for more emigration and a brighter future or whether they must withstand more attacks, more intimidation with little chance of freedom for themselves or their children.

At this time it is especially important that we demonstrate our continued concern for human rights in the Soviet Union. In the anticipation of another meeting between President Reagan and General Secretary Gorbachev, I hope our efforts will contribute significantly to the outcome of talks on human rights. For many Soviet refuseniks, especially the Fainberg family, we are their only hope.

In closing, I would like to take a moment to mention two individuals who brought the Fainbergs' situation to my attention—David Harberg and Sylvia Mayer. Two weeks ago, David and Sylvia traveled to Washington from Houston, to meet with myself and several of my colleagues, to urge our participation in their campaign to free the Fainbergs from the Soviet Union.

It is bright and ambitious individuals like David and Sylvia who will continue to increase public awareness and concern about human rights abuses in the Soviet Union. I would personally like to commend them on their initiative and dedication to a very important cause.

□ 2250

Mr. Speaker, I yield to the gentleman from Texas [Mr. BARTLETT].

Mr. BARTLETT. Mr. Speaker, I thank the gentleman for yielding to me. I want to thank the gentleman from Houston, TX, for his leadership on this and other issues in the Congress. The gentleman from Texas displays a great deal of leadership on issues in Congress. The gentleman is particularly noted for his leadership in energy issues and in issues that affect jobs in Houston. But JACK FIELDS is taking out the time tonight to speak of some human beings whom we have never met, but we hope to one night, the Fainberg family.

So it is the leadership of people like JACK FIELDS and the Houston Action for Soviet Jewry that in fact provides that home that Soviet refuseniks have.

This is an especially timely evening to call out this special order, because it has been almost a year after the first summit meeting between President Reagan and Premier Gorbachev, and it was at that summit meeting that we all had a lot of hope, perhaps hope that turned out to be unfulfilled. Many people around the country assumed that somehow because of Gorbachev and because of the summit and other things and celebrated cases, the situation has improved for Soviet Jews.

Well, there have been some celebrated cases, but the situtation has not improved. In fact, under General Secretary Gorbachev, the situation has worsened.

Consider that over one-half of all prisoners of conscience who are in jail today have been sentenced since Gorbachev came to office.

I would say to the gentleman from Houston my wife Gail and I went to the Soviet Union on a human rights trip last summer. It was the most emotional journey and experience that we ever had in our lives, because we met people face to face who have in fact experienced that loss of freedom, that loss of everything, for the hope that they can get their children out.

The people who we met in the Soviet Union are people who we will never, ever forget.

I think of the prisoners of conscience that have been in prison since Gorbachev came to power, and I think of meeting Tatanya Zunshine, whose

husband, Zachary Zunshine—they live in Latvia. But today Zachary Zunshine lives in Siberia. He was sentenced three years to Siberia. He has been forced into solitary confinement. His clothes were taken away. He is in solitary confinement 15 days at a time. The temperatures are as low as 56 degrees below zero with no heat.

What was his crime to earn him 3 years in solitary? He asked permission to be reunited with his family and repatriated with his homeland. He wrote a letter asking the Soviet officials why his exit visa was denied.

Tatanya Zunshine told us that she worried for the life of her husband. She told us she travels to Siberia on those few times a year that she was supposed to be allowed to meet her husband and visit with him in prison, and three out of five of those times, she was denied the right even to meet him for 1 hour at a time during visiting hours, and that was after a 3-day journey from Latvia to Siberia.

There have been some celebrated cases. I think we are all grateful, of course, for Anatoly Shcharansky, and he came to Washington and to Israel and to America, for Shcharansky to be freed and Shcharansky's family.

That is not enough. One Shcharansky is still the equivalent of a Learner and a Slepak and a Pison family and a Yelkon, and 250,000 or more others that are still trapped and still have the right under international law to leave and to repatriate.

I would say to the gentleman from Houston, Texas, the Soviet Government has to learn that the United States Government and this Congress expect them to abide by their formal and informal agreements under international law. That is what they are not doing, regardless of whatever celebrated cases may get out.

Consider for a moment just last month, the latest emigration figures for Soviet Jews, July 1986, 31 refuseniks, 31 Jews, are allowed to leave the Soviet Union. That is the second lowest number since they started compiling those statistics. That is against a number that have applied for invitations to leave to 250,000 that we know about, and perhaps more. So, for this year, 1986, only 417 Jews have been allowed to Soviet Union, and that is down from 51,320 in 1979.

The question that one poses, is Gorbachev different. When you pose that question in the apartment of a Soviet refusenik family, they almost laugh, although the politely chuckle, and the answer comes back, this was the answer I got, is we will believe that Gorbachev is different when Gorbachev acts different.

There is a meeting next month between Secretary of State Shultz and Foreign Minister Shevardnadze. That is in September. I think we are all hopeful that human rights will be discussed. We know that it will be discussed from our point of view.

But refuseniks tell us from the Soviet Union that their only hope is the West. That is what they told Gail and myself when we were there. We would sit down and we would say what could we do. They would say that the West, America, that spotlight of public opinion, is the only thing that gives us any hope for the future, because it is only American public opinion that gives us any prospect to be treated perhaps one day in one generation as human beings.

Gail and I went to the consulate in Leningrad. There we met a number of Soviet officials and American officials and the diplomatic corps and a large number of refuseniks that had been invited. What was interesting about that was that it was the day that the new announcement for the summit was announced, and it was the refuseniks that came to that reception in Leningrad who knew all the news. They had listened to it on the Voice of America. They were the ones that came with the news that the United States, they said with a great deal of pride, had placed human rights on the agenda and at an important place on the agenda for the summit.

We met with Soviet officials. Government officials, water department officials, with mayors, with information officials and with youth officials. And every place we met we would raise the issue of refuseniks. And every place that we raised that issue of the refuseniks, those officials knew exactly what we were talking about, and they listened attentively, and they knew it was coming.

We were told later that that did have a difference, that in fact by raising the issue, whether it is here on the floor of Congress or in a rally in Houston or an event in Dallas or in California or anywhere around this world, that the Soviet officials do pay attention.

Mr. FIELDS. Let me reclaim my time for just a moment, because I think the gentleman makes an extremely important point. That is raising the level of consciousness of this Nation about the refusenik situation in the Soviet Union, and how important it is not only for us as Members of Congress, but average men and women around this country, to contact the Soviet Embassy here in Washington and to contact the Soviet consulates in different cities within America and let them know that the American people are watching and that we do care. That is how a difference is made.

Mr. Speaker, I will continue to yield to the gentleman.

Mr. BARTLETT. I thank the gentleman for yielding, because in fact it is that person-to-person contact, whether it is adopting a family, writing to a family, thinking of a family, writing to the Soviet Government, that counts.

In addition to that, it is that understanding by the United States Congress, which we have, it is that understanding that really makes a difference, in which we say to the Soviet Government, as we do in so many ways, that we as Members of Congress and as American officials, we have a great deal of difficulty believing that the Soviet Government will abide by any future agreements that we may sign with them on any issue, whether they are regional issues or trade issues or arms issues, until the Soviets begin abiding by those elements of international law which they have previously agreed to. International law in the broad sense and the Helsinki agreements in the specifics provides that every nation must agree to allow their people to emigrate out to rejoin their homeland or to rejoin their families.

I want to take a few minutes, if the gentleman will permit, to share with this body some of the individual families that we met while in the Soviet Union.

Elie Wiesel in 1955 wrote the book, "The Jews of Silence." In that book, he talked about, he started the book, one could never forget the eyes, that it is in the eyes of the refuseniks that the issues of repatriation and family reunification find their focus and they become real.

I want to say that it was in those eyes of some very real people that we met and became friends with that we began to understand those issues.

Before I do that, I wonder if the gentleman from California is waiting for the gentleman to yield.

Mr. FIELDS. Mr. Speaker, I yield to the gentleman from California [Mr. HUNTER].

□ 2300

Mr. HUNTER. I want to thank both the gentlemen from Texas for this advocacy for the refuseniks and simply say that we have right now a great competition going on and a propaganda battle really. When you see Phil Donahue hosting these international talk shows with talk show hosts from the Soviet Union and you see the battle for the world's attention, you see both sides attemping to advocate their form of government, our democracy and for the Soviet Union their totalitarian system.

You see that the refuseniks provide a great service to the world because they show with their actions and with the terrible repression that they suffer and sometimes it is great pain as both gentlemen have pointed out, the real difference between our two countries. I think also, as Mr. BARTLETT has pointed out, they show the real character of Soviet leadership, whether it is the former leadership of

Mr. Andropov or the present leadership of Mr. Gorbachev. Through all the talk and through all the promises, through all of the offerings in the arena of arms control, we see sadly the same lack of movement in the refusenik area that we saw last year and the year before that.

It is sad that the refuseniks have to evidence to the world the real character of the Soviet Union, but they do that. They do it at great sacrifice. We would be remiss if we did not take their lesson to heart and remind ourselves, when you go through the Defense bill that is coming up and through a number of other pieces of legislation, that it is important for America to stay strong; that it is important for America to continue to speak out and to be the advocate for people who cannot carry that message very far because of the totalitarian systems that they live under.

I want to thank both gentlemen. I think Mr. BARTLETT from Dallas and my good friend, Mr. FIELDS from Houston, that great champion of jobs and energy, from the State of Texas. I want to thank both of you for giving visibility to this issue. I want to tell you that I will be out here in the future because you have inspired me with some descriptions of my refuseniks in the San Diego area, the people that we are working with and have not done enough for. I want to tell you that I will redouble my efforts because of what you have done.

Mr. FIELDS. I want to say I appreciate the gentleman coming at this late hour and making such a well-reasoned argument. I know through your work on the Armed Services Committee that you are looked at as being one of the experts in the House, not only on military systems but what is happening in the world, geostrategically, and the different government institutions in the world that we have to deal with. So I appreciate taking your time away from your family to come to this floor tonight and to share with all of us your insight.

Let me continue to yield to the gentleman from Dallas.

Mr. BARTLETT. I thank the gentleman from Texas for the additional time.

I would say to the gentleman from California that I posed a question in an apartment in Leningrad. I posed the question, as we were sitting there grappling with the problems of war and peace and world politics and Refusniks and exit visas and so I posed a question to a group of oh, I suppose 10 or 15 refusniks, some of whom had been waiting to get out of the Soviet Union since the mid-1970's, and after they had described the horrors they had gone through since applying to leave, I then said, "What should the United States do? Should we consider a trade off at the arms control table so that we would trade missiles in exchange for visas?" The shock in that room was overwhelming. I thought they were going to throw me out. Everyone at once began shouting, "No, no, no." Once the excitement died down, as one refusenik looked at me and he said, "Because you see, if you trade our lives for America's defense, then the whole world, what will it pay? The whole world will be enslaved within a generation anyway."

So they said, "Keep America strong, but keep that spotlight of Western public opinion on our plight. Then the Soviet Government will one day hear and they will understand that the U.S. Government is not going to trust agreements with the Soviet Union on other issues until we can trust agreements with the Soviet Union on human rights that they have already signed."

We met a number of families while we were there. I remember that we met the Passon family in Leningrad. There are 10 members of the family and they came to this very tiny apartment to see if there was some news that we had. The Passon family's wife's sister is in Israel. Their son is a professor; the son-in-law is a doctor, and this family has given up everything. When you apply to leave, when you fill out that visa form, when you say "I have the right to exit and I am applying for an exit visa what that means is not just that send in a visa request to some bureaucrat somewhere, what that means is that you become a noncitizen. It means that you give up everything. You give up your job, you give up your prospects for an education. You give up your friends because no one will talk with you because you have become a nonperson.

I remember Mr. Passon came to the meeting. He was a veteran of World War II, and he wore his ribbons on his coat. I asked him about his ribbons and he said, "Yes, but in Russia now our name is 'traitor.' "

I met Boris Yelkin who is a radio engineer and was a very successful one, he is today a night watchman trying to support his family on a few rubles a month working from midnight to 6 o'clock and believes he is lucky to have that job.

I remember Mikhail Kazanevich. He applied in 1973. He was immediately fired from his job as a radio technician and he is now a free-lance photographer; that is all that he can do. I think he lists that to avoid having the Soviets declare that he does not have a job. We asked Tatjana Kodner, she is very well educated. She is young, she is about our age. She is a translator, she had a good job. Her husband is a physician. Neither are allowed to work now. She is 36 years old and he is 37. They both lost their jobs and I asked "Can you be a Jew in the Soviet Union?" She said, "You cannot be a human being in the Soviet Union."

I will never forget Jacov Rabinowitz of Leningrad, perhaps the cruelest of all. He was a shipbuilding engineer. He had a very good job. He applied to leave in 1977 so his children can get out. He was told in 1980 that all he had to do to get the exit visa in sort of this cruel hoax was to get a divorce and to leave his wife and children and then they could get out and he would have to stay. He did not know if it was true or not, but he would try anything. So he and his wife got divorced and sure enough, 8 months later, in that sort of macabre cruelty that only the Soviet Government could do they did allow his wife and family an exit visa, but they kept him. They hold his mail and his phone calls. Sometimes he hears from his wife and his children; sometimes not. His son Igor graduated last year from Brandeis University.

I remember Gregory Genusov. He applied in 1976 with his brother. He and his brother had identical circumstances without exception. Identical careers, identical education, almost the same age. His brother was allowed to leave in 1981 but Gregory was required to stay almost as a hostage. What reason was he given? Oh, no reason. It is all verbal and delivered with a chuckle.

We met a number of the divided spouses. I remember Tamara Tretyakova. Her 7-year-old son who we met was quite a poignant sight. The 7-year-old son had never met his father you see because the father, some 6 months before the young boy was born was given an exit visa and an order to leave and was told that his wife and child would be along shortly. Eight years later the son has never met his father. The reason? Every 6 months the reason comes back. The latest reason was just a verbal reason, he was called an undesirable.

We met Prof. Alexander Lerner, one of the celebrated cases in Moscow. You see, when he applied to leave he was on top of the world in 1972. He was the head of an academic department in Moscow University. He was allowed to travel; he was allowed to publish. He was immediately fired from his job and was lucky to become a night watchman. He fell from Soviet society. But over the course of the 1970's many of his family have been able to leave but he has been required to stay as a hostage. I remember the Zlepaks and many people have met the Zlepaks. The Zlepaks are happy now because everyone in their family was allowed to go.

The Zlepaks spent 5 years in a Soviet prison camp because they asked one time too many for permission to emigrate and join their sons in America. Oh, there were so many more. I

asked at the end of every meeting. I would ask "why."

□ 2310

Why would you give up everything, whatever life there is in the Soviet Union, you would give it all up, you would lose your job, you would subject yourself to being put in prison, to being harassed, to being followed by the KGB, not allowed to follow your faith, to become a nonperson, on the off-chance that maybe you will get 1 of these 31 exit visas a month.

Why? Well, two reasons. One stands out stronger than the other. The first reason I guess was best summed up by the Peisin family when I asked and they said, "We are Jews."

Then they told us that one cannot believe the anti-Semitism in the Soviet Union. It is getting worse. There are no Jews at Leningrad University. Of the 23,000 students, the brilliant students are stopped and openly denied permission to continue their education.

They said that the second line on every piece of paper on every job application, on every internal passport has one word, "Jew."

So it is the love of Israel, it is the repatriation of the homeland and it is a sense of the right to be Jewish.

But the more important reason that came through with every refusenik we met was the most important and it is related to the first. That reason was the next generation. You see, each of the adults figured that they could handle it for themselves, but they were not willing to impose that life on their children.

Boris Elkin, when I said "why?" he said, "Why? So I can raise my children as Jews."

Mikhail Kazanevich said, "Two reasons. First I am a Jew. I look like a Jew, I feel like a Jew, and I cannot live without Jewish traditions and nothing is left in this country that is Jewish."

Second, and then he smiled and said, "Actually, first, most important, to give my childen a chance, my 15-year-old and my 4-year-old."

Prof. Alexander Lerner said, "Oh, I am successful, but my children have no future here. I had it all."

He said, "Also, remember my grandfather's prayer, next year, next year in Jerusalem."

Yuri Chernyak said, "The main reason is my children and their future."

Among the refuseniks, that we met, there was a simple courage to try to allow their children to be free.

The Soviets must understand that the Congress and the American Government will find it increasingly difficult, as it is today, to enter into new agreements on other issues when the Soviets refuse flat out to abide by their existing agreements with international law and with their own citizens.

Refusenik after refusenik told us that the only hope came from the United States, from the American people and the American Government and they said, "Keep the pressure on, keep the spotlight on. Americans are our only hope."

The issues of repatriation and reunification will not go away. The trip that Gail and I took and others have taken provided us with a close-up picture of the day-to-day lives of the refuseniks who have been denied their rights as human beings. We will not forget them. Congress will not forget these Soviet refuseniks. President Reagan will not forget and the American people will not forget.

It is people like the gentleman from Texas [Mr. FIELDS] who are willing to shine that spotlight that makes a difference.

I thank the gentleman for his time.

Mr. FIELDS. Mr. Speaker, I want to thank the gentleman from Texas [Mr. BARTLETT] and the gentleman from California [Mr. HUNTER] for being here tonight.

We are concerned. I am not a Jew. I do not believe the gentleman from Texas [Mr. BARTLETT] nor the gentleman from California [Mr. HUNTER] are Jewish. I am a Southern Baptist, but I find it horrendous to think that people are still being persecuted because of their religion, because of their heritage, because of their tradition. It is hard for me to believe that we have those situations occurring in the Soviet Union, but the opportunity for change is for people to be involved.

Tonight it is late. It is very late. It is 11:15 eastern time, but we are standing here because of the Fainberg family, a family that represents refuseniks in the Soviet Union.

I have got to compliment 2 people, David Harberg and Sylvia Mayer. If it had not been for these 2 students who came to my office 2 weeks ago, I would not have been aware of the Fainberg family. I think those 2 people, David and Sylvia, are representative and indicative of what all Americans should do. They should become involved in this issue and participate and let the Soviet Union know that we are watching and that we care and that we are concerned and that we are not going to stop watching until they allow people like the Fainbergs to emigrate and give people like the Fainbergs more freedom, things that we take for granted in this country.

Mr. Speaker, I am very moved by the things I have heard tonight from the gentleman from Texas [Mr. BARTLETT], close friend, and [Mr. HUNTER] close friend. I appreciate greatly what they have had to say.

This is a cause whose time has come, but as Andrew Jackson said, "One person with courage makes a majority."

We need people in this country to have the same courage that has been exhibited by families like the Fainbergs in the Soviet Union. If we have courage in this country and we combine with that courage a commitment to see a change, I am convinced that change will come.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. HOLT (at the request of Mr. MICHEL), for today and tomorrow, August 8, on account of necessary absence.

Mr. DONNELLY (at his own request), for tomorrow, August 8, on account of a funeral.

Mr. MILLER of Washington (at the request of Mr. MICHEL), for today and tomorrow, August 8, on account of attending a funeral.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. FIELDS) to revise and extend their remarks and include extraneous material:)

Mr. FIELDS, for 60 minutes, today.

Mr. HUNTER, for 5 minutes, today.

(The following Members (at the request of Mr. WILLIAMS) and to include extraneous matter:)

Mr. STARK, for 5 minutes, today.

Mr. LUNDINE, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. MICA, for 5 minutes, today.

Mr. PANETTA, for 30 minutes, today.

Mr. LUNDINE, for 15 minutes, on August 12.

Mr. VALENTINE, for 60 minutes, on September 16.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. SCHEUER, and to include extraneous matter on H.R. 5081, in the Committee of the Whole, today.

(The following Members (at the request of Mr. FIELDS) and to include extraneous matter.)

Mr. JEFFORDS.

Mr. PARRIS.

Mr. CLINGER.

Mr. FRENZEL in five instances.

Mr. LEWIS of California in two instances.

Mr. MICHEL.

Mr. KEMP.

Mr. MCGRATH.

Mr. COUGHLIN.

Mr. SENSENBRENNER.

Mr. COBEY.

Mr. HENDON.

(The following Members (at the request of Mr. WILLIAMS) and to include extraneous matter.)

Mr. HOYER.
Mr. FASCELL in two instances.
Mr. FLORIO.
Mr. DWYER of New Jersey.
Mr. PEPPER.
Mr. DE LUGO.
Mr. NOWAK.
Mr. LEHMAN of Florida.
Mr. UDALL.
Mr. MARTINEZ.
Mr. STARK.
Mr. YOUNG of Missouri.
Mr. FORD of Michigan.
Mr. FOWLER.
Mr. OBEY.
Mr. WEISS.
Mr. CONYERS.
Mr. BONKER.
Mr. MATSUI.
Mr. FAUNTROY.
Mr. GARCIA.
Mr. DANIEL.

## ADJOURNMENT

Mr. FIELDS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 16 minutes p.m.), the House adjourned until tomorrow, Friday, August 8, 1986, at 10:00 a.m.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4021. A letter from the Executive Director, Presidential Commission on the Space Shuttle Challenger Accident, transmitting volumes II through V of the Commission's report on the space shuttle *Challenger* accident; to the Committee on Science and Technology.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FUQUA: Committee on Science and Technology. Report on Centaur cost, schedule, and performance review (Rept. 99-757). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. Report on subdivision among programs of budget allocation for fiscal year 1987 (Rept. 99-758). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 4645. A bill to modify the boundaries of the Cuyahoga Valley National Recreation Area; with an amendment (Rept. 99-759). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 4971. A bill to direct the Secretary of the Interior to convey certain interests in lands in Socorro County, New Mexico, to the New Mexico Institute of Mining and Technology; with amendments (Rept. 99-760). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 4174. A bill to amend the Indian Self-Determination Act of 1974, and for other purposes; with an amendment (Rept. 99-761). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 4037. A bill relating to the Indiana Dunes National Lakeshore, and for other purposes; with an amendment (Rept. 99-762). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 5073. A bill to amend the Toxic Substances Control Act to require the Environmental Protection Agency to promulgate regulations requiring inspection for asbestos-containing material in the Nation's schools, development of asbestos management plans for such schools, response actions with respect to friable asbestos-containing material in such schools, and for other purposes; with an amendment (Rept. 99-763). Referred to the Committee of the Whole House on the State of the Union.

Mr. RODINO: Committee on the Judiciary. H.R. 5316. A bill to amend title 28 of the United States Code to provide for the appointment of additional bankruptcy judges, to provide for the appointment of United States trustees to serve in bankruptcy cases in judicial districts throughout the United States, to make certain changes with respect to the role of United States trustees in such cases, and for other purposes; with an amendment (Rept. 99-764). Referred to the Committee of the Whole House on the State of the Union.

Mr. SWIFT: Committee on House Administration. H.R. 4393. A bill to consolidate and improve provisions of law relating to absentee registration and voting in elections for Federal office by members of uniformed services and persons who reside overseas; with an amendment (Rept. 99-765). Referred to the Committee of the Whole House on the State of the Union.

Mr. PEPPER: Committee on Rules. H. Res. 531. Resolution providing for the further consideration of H.R. 4428, to authorize appropriations for fiscal year 1987 for the Armed Forces for procurement, for research, development, test, and evaluation, for operation and maintenance, and for working capital funds, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes (Rept. 99-766). Referred to the House Calendar.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 5013. A bill to establish guidelines for damage awards in actions for personal injury incurred by seamen on fishing industry vessels and to require additional safety regulations for fishing industry vessels; with an amendment (Rept. 99-767). Referred to the Committee of the Whole House on the State of the Union.

Mr. MOAKLEY: Committee on Rules. H. Res. 532. Resolution waiving certain points of order against consideration of H.R. 5313, a bill making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1987, and for other purposes (Rept. 99-768). Referred to the House Calendar.

Mr. BEILENSON: Committee on Rules. H. Res. 533. Resolution providing for the consideration of H.R. 4430, a bill to require the Secretary of the Interior to conduct a study to determine the appropriate minimum altitude for aircraft flying over national park system units (Rept. 99-769). Referred to the House Calendar.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FASCELL (for himself, Mr. HAMILTON, Mr. YATRON, Mr. SOLARZ, Mr. BONKER, Mr. STUDDS, Mr. MICA, Mr. BARNES, Mr. WOLPE, Mr. GEJDENSON, Mr. DYMALLY, Mr. LANTOS, Mr. KOSTMAYER, Mr. TORRICELLI, Mr. SMITH of Florida, Mr. BERMAN, Mr. REID, Mr. LEVINE of California, Mr. FEIGHAN, Mr. ACKERMAN, Mr. MACKAY, Mr. UDALL, Mr. GARCIA, Mr. BROOMFIELD, Mr. GILMAN, Mr. LAGOMARSINO, Mr. LEACH of Iowa, Mr. ROTH, Ms. SNOWE, Mr. HYDE, Mr. SOLOMON, Mr. BEREUTER, Mr. SILJANDER, Mr. ZSCHAU, Mr. DORNAN of California, Mr. SMITH of New Jersey, Mr. MACK, Mr. DEWINE, Mr. BURTON of Indiana, and Mr. MCCAIN):

H.R. 5352. A bill to combat international narcotics trafficking; to the Committee on Foreign Affairs.

By Mr. YOUNG of Alaska:

H.R. 5353. A bill to provide for a land exchange in the State of Alaska; to the Committee on Interior and Insular Affairs.

By Mr. BRUCE (for himself, Mr. GLICKMAN, Mr. DASCHLE, Mr. EVANS of Iowa, and Mr. DORGAN of North Dakota):

H.R. 5354. A bill to amend the United States Grain Standards Act to provide for optimal grain grading and for the measurement of deviations from the optimal grade designation, and for other purposes; to the Committee on Agriculture.

By Mr. CAMPBELL (for himself, Mr. EMERSON, Mr. MCMILLAN, Mr. ROGERS, Mr. HENDON, and Mr. HARTNETT):

H.R. 5355. A bill to establish limitations on the quantities of textiles and apparel that may be imported into the United States and providing for an Import Licensing System; to the Committee on Ways and Means.

By Mr. HUCKABY:

H.R. 5356. A bill to amend the Agricultural Act of 1949 to modify cross compliance requirements for producers of extra-long-staple cotton; to the Committee on Agriculture.

By Mr. LUNDINE:

H.R. 5357. A bill to provide temporary additional judicial resources to conduct trials of criminal drug cases; to the Committee on the Judiciary.

By Mr. LUNDINE (for himself, Mr. GARCIA, Mr. LEVIN of Michigan, and Mr. RANGEL):

H.R. 5358. A bill to facilitate the interdiction of narcotic drugs, controlled substances, and material for their manufacture from entry into the United States, reduce or eliminate the original production of narcotic drugs, controlled substances and material for their manufacture in other countries, to ensure the development and implementation of eradication programs in countries cultivating, producing, and exporting controlled substance, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. MATSUI:

H.R. 5359. A bill relating to the tariff treatment of Chinese gooseberries (kiwifruit); to the Committee on Ways and Means.

By Mr. MICA:

H.R. 5360. A bill to amend title XVIII of the Social Security Act to improve the quality of services furnished by health maintenance organizations and competitive medical plans to Medicare beneficiaries, and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. STARK (for himself, Mrs. BYRON, Mr. STENHOLM, Ms. KAPTUR, and Mr. WISE):

H.R. 5361. A bill to amend the Internal Revenue Code of 1954 to require certain charities which solicit contributions from the public to use at least half of their gross revenues for charitable activities within a year after receipt and to require persons who solicit charitable contributions by mail to disclose certain information in such solicitations; jointly, to the Committees on Ways and Means and Post Office and Civil Service.

By Mr. BIAGGI (for himself, Mr. WRIGHT, Mr. HAWKINS, Mr. JEFFORDS, Mr. RANGEL, Mr. GILMAN, Mr. KILDEE, Mr. GOODLING, Mr. RUSSO, Mr. CHANDLER, Mr. TRAFICANT, and Mrs. BURTON of California):

H.J. Res. 698. Joint resolution designating the month of September 1986 as "National Back to School—Back Off Drugs Month"; to the Committee on Post Office and Civil Service.

By Mr. RICHARDSON (for himself, Mr. STRANG, Mr. MARKEY, Mr. SIKORSKI, Mr. SKEEN, Mr. LUJAN, Mr. WIRTH, Mr. MURPHY, and Mr. SYNAR):

H.J. Res. 699. Joint resolution to prohibit the Secretary of Energy from providing uranium enrichment services under certain criteria submitted to the Congress pursuant to the Atomic Energy Act of 1954; jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

By Mr. LUNDINE:

H. Con. Res. 377. Concurrent resolution expressing the sense of Congress that the judicial branch of the Government should increase the exercise of its authority to assign judges temporarily to district courts in districts with large backlogs of pending criminal cases arising out of drug enforcement efforts; to the Committee on the Judiciary.

By Mr. GEPHARDT:

H. Res. 530. Resolution designating membership on certain standing committees of the House; considered and agreed to.

## MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

447. The SPEAKER presented a memorial of the Senate of the State of Illinois, relative to new technologies and commercial applications of coal; jointly, to the Committees on Energy and Commerce and Science and Technology.

## ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 1213: Mr. WISE, Mrs. MARTIN of Illinois, and Mr. ANTHONY.

H.R. 1398: Mr. MCCLOSKEY.

H.R. 1625: Mr. FUSTER.

H.R. 1946: Mr. CLINGER.

H.R. 2365: Mr. PEPPER.

H.R. 3040: Mr. EDWARDS of California.

H.R. 3099: Mr. STAGGERS, Mr. DAVIS, Mr. BUSTAMANTE, Mr. WHITNEY, Mr. VOLKMER, Mr. GEKAS, Mr. BONKER, Mr. GARCIA, and Mr. SMITH of Florida.

H.R. 3747: Mr. MICA, Mr. WYLIE, Mr. ROBINSON, Mr. BURTON of Indiana, Mr. MCCLOSKEY, and Mr. RIDGE.

H.R. 3842: Mr. SEIBERLING, Mr. LOWRY of Washington, and Mr. WILSON.

H.R. 3872: Mr. RITTER and Mr. NIELSON of Utah.

H.R. 4057: Mr. TORRICELLI.

H.R. 4183: Mrs. BOGGS, Mr. PERKINS, Mr. MOLLOHAN, Mr. MORRISON of Washington, Mr. MCDADE, Mr. IRELAND, Mr. RITTER, Mrs. VUCANOVICH, Mr. TOWNS, Mr. VENTO, Mr. DICKINSON, and Mr. MARTINEZ.

H.R. 4223: Mr. SOLARZ.

H.R. 4299: Mr. KANJORSKI and Mr. DIOGUARDI.

H.R. 4424: Mr. CONYERS.

H.R. 4625: Mr. BARNARD.

H.R. 4635: Mr. HUTTO.

H.R. 4636: Mr. WHITLEY.

H.R. 4711: Mr. ROBERTS, Mr. SCHEUER, Mr. RUSSO, Mr. HUTTO, Mr. JACOBS, Mr. MILLER of Ohio, Mr. SENSENBRENNER, Mr. HOWARD, and Mr. TOWNS.

H.R. 4787: Mr. MCCAIN.

H.R. 4889: Mrs. BENTLEY and Mr. LOWRY of Washington.

H.R. 4913: Mr. CLINGER and Mr. TALLON.

H.R. 4950: Mr. NELSON of Florida, Mr. MACKAY, and Mr. SMITH of Florida.

H.R. 4981: Mr. BARNARD.

H.R. 5056: Mr. RALPH M. HALL.

H.R. 5066: Mr. BERMAN and Mr. TOWNS.

H.R. 5103: Mr. PORTER and Mr. WALDON.

H.R. 5142: Mr. SMITH of Florida, Mr. FEIGHAN, Mr. UDALL, Mr. MCKERNAN, Mr. FAUNTROY, Mr. STUDDS, Mr. BERMAN, Mr. FRANK, Mr. KILDEE, Mr. GRAY of Pennsylvania, Mr. KASTENMEIER, Mr. PENNY, Mr. WOLPE, Mr. RODINO, Mrs. BENTLEY, Mr. GARCIA, MR. OWENS, Mr. VENTO, Mr. SCHEUER, Mr. OBERSTAR, Mr. ATKINS, and Mr. ANDERSON.

H.R. 5192: Mr. CRAIG and Mr. GEJDENSON.

H.R. 5202: Mr. VENTO, Mr. FASCELL, and Mr. DELLUMS.

H.R. 5238: Mr. FROST, Mr. RANGEL, and Mrs. BENTLEY.

H.R. 5248: Mr. SMITH of New Hampshire, Mr. MOORHEAD, Mrs. ROUKEMA, Mr. MONSON, and Mr. SOLOMON.

H.R. 5257: Mr. LIGHTFOOT and Mr. BEREUTER.

H.R. 5301: Mr. HORTON, Mr. FOWLER, Mr. CONTE, Mr. DERRICK, Mr. MCDADE, Mr. BATEMAN, Mr. DANIEL, Mr. YATRON, Mr. EVANS of Iowa, Mr. DAUB, Mr. THOMAS of Georgia, Mr. LIPINSKI, Mr. TOWNS, and Mr. MITCHELL.

H.R. 5327: Mr. MURPHY, Mr. PEASE, Mr. MCEWEN, Mr. DE LA GARZA, Mr. KOLTER, Mr. ECKART of Ohio, Mr. GEJDENSON, Mr. FAZIO, Mr. BORSKI, Mr. LIPINSKI, Mr. TOWNS, Mr. APPLEGATE, Mr. DAVIS, Mr. KOSTMAYER, Mr. CONYERS, Mr. HAYES, Mr. ROYBAL, and Mr. FRANK.

H.J. Res. 379: Mr. RANGEL, Mr. WEAVER, and Mr. REGULA.

H.J. Res. 385: Mr. LEHMAN of California and Mr. VOLKMER.

H.J. Res. 438: Mr. ANTHONY, Mr. LANTOS, Mr. CONYERS, Mr. COUGHLIN, Mr. LEVIN of Michigan, Mr. HOYER, Mr. APPLEGATE, Mr. DE LUGO , Mr. FUSTER, Mr. GALLO, Mr. CHENEY, and Mr. MCDADE.

H.J. Res. 511: Mr. EMERSON, Mr. JONES of North Carolina, Mr. MOODY, Mr. BIAGGI, Mr. HAMMERSCHMIDT, Mr. KEMP, Mr. HAMILTON, Mr. DYMALLY, Mr. LUNGREN, Mr. MCMILLAN, Mr. BLILEY, Mr. STRANG, Mr. JONES of Tennessee, Mr. STALLINGS, Mr. TRAXLER, Mr. SUNDQUIST, Mr. SPENCE, Mr. BARNARD, Mr. KOLTER, Ms. OAKAR, Mr. BONIOR of Michigan, Mrs. BENTLEY, Mr. MITCHELL, and Mrs. KENNELLY.

H.J. Res. 512: Mr. BLILEY, Mr. KEMP, Mr. LATTA, Mr. MARTIN of New York, Mr. BROWN of California, Mr. PRICE, Mr. LEWIS of California, Mr. BRYANT, and Mr. MCKINNEY.

H.J. Res. 516: Mr. HYDE.

H.J. Res. 555: Mr. SILJANDER, Mr. FOGLIETTA, Mr. PRICE, Ms. OAKAR, Mr. BONER of Tennessee, Mr. BARNES, Mr. HOWARD, Mr. MAVROULES, Mr. MOORHEAD, Mr. MORRISON of Connecticut, Mr. DE LUGO, Mr. SUNDQUIST, Mr. MORRISON of Washington, Mr. FOLEY, Mr. JENKINS, Mr. ROWLAND of Georgia, Mr. FROST, Mr. ROSE, Mr. ECKART of New York, Mr. MURPHY, Mrs. ROUKEMA, Mr. ANTHONY, Mr. RAHALL, Mr. SHUMWAY, Mr. BUSTAMANTE, Mr. CHAPMAN, Mr. COURTER, Mr. GEPHARDT, Mr. FUSTER, Mr. GUNDERSON, Mr. LEWIS of California, Mr. MCCLOSKEY, Mr. MCGRATH, Mr. GEJDENSON, Mrs. BYRON, Mrs. LLOYD, Mr. LELAND, Mr. WEAVER, Mr. VALENTINE, Mr. DIXON, and Mr. JONES of Tennessee.

H.J. Res. 649: Mr. HAYES.

H.J. Res. 660: Mrs. BURTON of California, Mr. LUNDINE, Mr. FUSTER, Mr. CHAPPIE, Mr. BOLAND, Mr. LAGOMARSINO, Mr. REID, Mr. MRAZEK, Mr. FAZIO, Mr. SCHEUER, Mr. TOWNS, Mr. VENTO, Mr. OWENS, Mr. BIAGGI, Ms. MIKULSKI, Mr. MONSON, Mr. LEWIS of Florida, Mr. BORSKI, Mr. CROCKETT, Mr. DIOGUARDI, Mr. SMITH of Florida, Mr. FAUNTROY, Mr. DARDEN, Mr. HAYES, Mr. ROE, Mr. WORTLEY, Mr. DAUB, Mr. DOWNEY of New York, Mr. MCDADE, and Mr. GEJDENSON.

H.J. Res. 673: Mr. LEACH of Iowa, Mr. KOLBE, Mrs. ROUKEMA, Mr. MORRISON of Connecticut, Mr. FAUNTROY, Mr. TORRES, Mr. MCKINNEY, Mr. GARCIA, Mr. UDALL, Mr. DE LUGO, Mr. GEJDENSON, Mr. BARNES, Mr. STARK, Mr. LEVINE of California, Mr. RIDGE, Mr. TORRICELLI, Mr. WOLPE, Mr. MRAZEK, Mr. CARPER, Mr. STUDDS, Mr. GILMAN, Mr. GRAY of Pennsylvania, Mr. BERMAN, Mr. DORGAN of North Dakota, and Mr. BEILENSON.

H.J. Res. 681: Mr. EDWARDS of Oklahoma.

H.J. Res. 686: Mr. BROOKS, Mr. DOWNEY of New York, Mr. ASPIN, Mr. FOLEY, Mr. SISISKY, Mr. DONNELLY, Mr. ROEMER, Mr. TRAXLER, Mr. ROBINSON, Mr. BONER of Tennessee, Mr. HALL of Ohio, Mr. DANNEMEYER, Mr. ALEXANDER, Mr. MOLLOHAN, Mr. WALGREN, Mr. WRIGHT, Mr. CHAPPIE, Mr. SPRATT, Mr. KOLTER, Mr. BORSKI, Mr. FLORIO, Mr. MOAKLEY, Mrs. BOGGS, Mr. MURTHA, Mr. WILSON, Mr. DORGAN of North Dakota, Mr. ROYBAL, Mr. CONTE, Mr. GEKAS, Mr. BEVILL, Mr. BARNES, Mr. ANDREWS, Mr. HENRY, Mr. DINGELL, Mr. LIVINGSTON, Mrs. LLOYD, Mr.

HATCHER, Mr. RUSSO, Mr. HILLIS, Mr. VOLKMER, Mr. REGULA, Mr. HAWKINS, Mr. EDGAR, Mr. KINDNESS, Mr. DERRICK, and Mr. COLEMAN of Texas.

H. Con. Res. 244: Mr. WILLIAMS.

H. Con. Res. 321: Mr. KANJORSKI and Mr. UDALL.

H. Con. Res. 351: Mr. BONER of Tennessee, Mr. FAUNTROY, Mr. SHUSTER, Mr. STUDDS, Mr. ANDERSON, Mr. FUSTER, Mr. STALLINGS, and Mr. SCHUETTE.

H. Res. 412: Mr. EDWARDS of Oklahoma.

H. Res. 451: Mr. MINETA and Mr. EDWARDS of Oklahoma.

H. Res. 468: Mr. WISE.

H. Res. 469: Mr. MARTINEZ, Mr. ECKART of Ohio, and Mr. VENTO.

## AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3129

By Mr. DYMALLY:

—Page 148, after line 19, insert the following:

SEC. 148. DESIGNATION OF INTERSTATE ROUTE.

(a) Notwithstanding section 103(e)(4) of title 23, United States Code, the Secretary of Transportation shall, not later than 60 days after the date of the enactment of this Act, designate, as a route on the National System of Interstate and Defense Highways, a State route connecting an interstate route in Los Angeles County, California, and an interstate route near Riverside, California.

(b) The costs of construction or reconstruction of any route designated under subsection (a) of this section as part of the National System of Interstate and Defense Highways shall be eligible for funds authorized under section 108(b) of the Federal-Aid Highway Act of 1956, as amended, as if such route were included in the 1981 interstate cost estimate and shall be included as an eligible project in any future interstate cost estimate.

(c) For purposes of section 119 of title 23, United States Code, any route designated under subsection (a) shall be considered to have been designated under section 103 of such title.

(d) The mileage of any route designated under subsection (a) as part of the National System of Interstate and Defense Highways shall not be charged against the limitation established by the first sentence of section 103(e)(1) of title 23, United States Code.

H.R. 4428

By Mr. Richardson:

[48]—Page 259, insert the following new section after line 19:

SEC. 2112. LAND EXCHANGE, SANTA FE, NEW MEXICO

(a) AUTHORITY TO CONVEY.—(1) Subject to subsections (b) through (f), the Secretary of the Army may make the conveyances described in paragraphs (2) and (3).

(2) The Secretary may convey, without reimbursement, to the City of Santa Fe, New Mexico (hereinafter in this section referred to as the "City"), all right, title, and interest of the United States in and to the southernmost 27.88 acres, more or less, of the parcel of land conveyed to the State of New Mexico in accordance with the Act of June 19, 1956 (70 Stat. 296) and currently being leased to the City as a public park.

(3) The Secretary may convey, without reimbursement, to the New Mexico State Armory Board (hereinafter in this section referred to as the "Board"), all right, title, and interest of the United States in and to the northernmost 21.61 acres, more or less, of the parcel of land conveyed to the State of New Mexico in accordance with the Act of June 19, 1956 (70 Stat. 296), and currently the location of the State headquarters and other facilities of the New Mexico National Guard.

(b) CONDITIONS.—The lands conveyed by the Secretary under subsection (a) shall be subject to the following conditions:

(1) The City shall, in accordance with the agreement entered into under subsection (d), provide to the Board a site of not less than 250 acres determined by the Board to be acceptable for the construction of—

(A) an armory for all New Mexico National Guard units located in Santa Fe, New Mexico;

(B) an organizational maintenance shop;

(C) a United States property and fiscal office building and warehouse;

(D) a headquarters complex for the New Mexico National Guard;

(E) a local training area for the New Mexico National Guard units;

(F) a complex for the New Mexico Army National Guard officer candidate school and noncommissioned officer academy; and

(G) additional facilities specified by the National Guard Bureau or the New Mexico State Armory Board.

(2) The Board shall use the land provided to it by the City pursuant to paragraph (1) for the training and support of the National Guard of New Mexico, and for other military purposes, and if the site ever ceases to be used for such purposes, all right, title, and interest in and to such property shall revert to and become the property of the United States which shall have the immediate right of entry thereon.

(c) MINERAL RIGHTS.—The conveyances made by the Secretary under subsection (a) shall reserve all mineral rights, including oil and gas, to the United States in accordance with the Act of June 19, 1956 (70 Stat. 296).

(d) GENERAL AUTHORITY.—To implement the land exchange authorized by this section, the Secretary may enter into agreements with the City, the Board, and such other parties the Secretary determines are necessary to effectuate the purpose of this section.

(e) LEGAL DESCRIPTION OF LANDS.—The exact acreage and legal description of the site provided by the City to the Board in accordance with subsection (b) shall be determined by surveys that are satisfactory to the Secretary. The cost of any such surveys shall be borne by the City or the Board.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such other terms and conditions with respect to the transaction authorized by this section as the Secretary considers appropriate to protect the interests of the United States. Such conditions may include a requirement for payment to the United States by the City or the Board, or both, to the extent, if any, that the value of the property conveyed by the United States pursuant to subsection (a) exceeds the value of the property conveyed to the Board pursuant to subsection (b).

# SENATE—*Thursday, August 7, 1986*

*(Legislative day of Monday, August 4, 1986)*

The Senate met at 10:15 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Gracious God, our Lord and Savior, Senators are not superhuman. They are leaders or they would not be here—but they are subject to all of the human frailties: nerves, emotions, egos, bodies that can feel pain and be injured. They can grow weary, exhausted, discouraged, frustrated, depressed, they are not impervious to burnout * * * they are not infallible. And the needs of the world with all its problems weigh heavy on them. Weeks like this expose all the vulnerability of their humanness: late hours, recess deadlines, impending elections, an avalanche of amendments, challenging cosmic issues of monumental importance. They need Your grace, wisdom, and strength, Lord. Help them to realize this, seek it, accept it. For the sake of the Nation and the world at this critical, dangerous hour, and for Your honor, Lord. Amen.

## RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able and distinguished majority leader, Senator ROBERT DOLE, of Kansas, is recognized.

Mr. DOLE. Mr. President, I thank the distinguished Presiding Officer, Senator THURMOND of South Carolina.

## SCHEDULE

Mr. DOLE. Mr. President, we have leaders' time of 10 minutes each, and then we have a flock of special orders, 10 to be precise, and then routine morning business not to extend beyond the hour of 11:30 a.m.

SPECIAL ORDERS VITIATION

I ask unanimous consent that the special orders in favor of Senator HAWKINS and myself be vitiated so that would be of some help.

The PRESIDING OFFICER (Mr. DURENBERGER). Without objection, it is so ordered.

CLOTURE VOTES

Mr. DOLE. Mr. President, I also ask unanimous consent that the cloture votes scheduled to begin at 11:30 a.m., be postponed until—4 p.m.?

Mr. BYRD. Mr. President, if the distinguished majority leader will yield, I would propose that he may wish to ask that both cloture votes—the cloture vote on the Byrd amendment, the cloture vote on the Dole amendment to the Byrd amendment—be postponed, the first to occur at whatever time the distinguished majority leader would suggest. I think that would be all right.

□ 1020

Mr. DOLE. I would think by noon we should have from our side all the "proposed amendments" to either Contra aid or South Africa. Then we would need some time to put those in form. I would say maybe 4 o'clock would give us ample time.

Mr. BYRD. Very well.

Mr. DOLE. We will have an opportunity to meet this afternoon, maybe about 2.

Mr. BYRD. Very well.

The PRESIDING OFFICER. Is there objection? Is the Senator proposing that the quorum be dispensed with?

Mr. DOLE. Yes. Do you have any objection to that?

Mr. BYRD. Mr. President, I personally do not see any reason why that should be included at this point. I would just hope the leader would postpone——

Mr. DOLE. We will just postpone the cloture.

Mr. BYRD. All the operations under rule XXII regarding both of those cloture motions.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. And that will give us time. We are in the process on both sides of getting together amendments. We are not trying to encourage amendments.

So I say to my colleagues who may be listening, particularly on this side, the fewer amendments on either Contra aid or South Africa, the better, as far as we are concerned. We know there will be amendments. We know there may be amendments from the committee and there will probably be significant amendments from other Members. But we are hoping to put this agreement together and one thing that could sink it would be a raft of amendments that would take us the rest of the day to sort through and identify, because both the majority leader and the minority leader would like to know as specifically as we can just what the amendment does. We do not want to be trying to find out the rest of the day what the amendment may do.

## MAKING SENSE ON SOUTH AFRICA

AGREEMENT ON FLOOR ACTION FOR SOUTH AFRICA

Mr. DOLE. Mr. President, as the Senate is well aware, we have been working hard over the past few days to schedule floor action on the South African legislation reported out of the Foreign Relations Committee last week by a strong, bipartisan 15-to-2 vote. I hope that in the course of today we can pin down an agreement which will allow us to move on this important legislation. Like Contra aid and some other things, it is really too big an issue to be bogged down in partisan or personal disputes. It is an issue on which the Senate should, and ultimately will, speak.

Meanwhile, the debate over South Africa continues, in the Senate and in the country at large. As with any issue as important and emotional as South Africa, the debate is likely to be marked more often by heat than light. For that reason, especially, I want to bring to the attention of the Senate two items which appeared in the press last weekend, which together make a valuable contribution to our consideration of this issue.

ARTICLE ON OPINIONS OF SOUTH AFRICA'S BLACKS

The first article I want to cite is a UPI story in last Sunday's Washington Post, entitled "Poll Says South African Blacks Split Over Sanctions." The article reports on the results of a poll conducted by the London Sunday Times on the attitudes of South Africa's blacks toward the question of economic sanctions. The poll, which the Times reports as the first ever national survey of South Africa's blacks, concludes that 39 percent of the blacks surveyed had never heard of sanctions or had no opinion on their impact; 32 percent opposed sanctions; and 29 percent favored them.

Obviously the results of a single poll will not be—and should not be—decisive on our own judgment on U.S. policy in this area. But it does strike me that the opinions of those who suffer under apartheid and who are going to feel the brunt of any sanctions we impose ought to weigh rather heavily in our calculations on what we should do. To some in Washington it

seems to be an easy call to pick up our marbles and go home. But it apparently is not such an easy call of South Africa's blacks.

HELEN SUZMAN ON DISINVESTMENT

The other article I want to mention is an excellent piece by one of South Africa's most outspoken opponents of apartheid, Helen Suzman, which appeared in the August 3 New York Times Magazine. The article makes a compelling case against disinvestment and the kind of punitive sanctions that some are advocating. Let me quote briefly from Ms. Suzman's article:

Those who believe that a quick fix is likely to follow the imposition of sanctions, and that the Pretoria, regime will collapse within a short time thereafter, are sadly misinformed * * * far more likely is a retreat into siege economy, more repression and more violence.

Ms. Suzman then goes on to say:

While realizing I may lay myself open to the accusation of paternalism, I have to say that I have more respect for the American companies that have, so far anyway, remained in South Africa (and have set aside millions of dollars for the education, training and housing of their black employees) than for those who have left the country. The companies that have left have taken with them what influence they could have had inside South Africa, thereby . . .

And let me underscore this quote from the article:

. . . Thereby abandoning desperate, jobless bread-winners in a country with no Social Security safety net, no dole and no food stamps.

Mr. President, Helen Suzman's credentials as an opponent of apartheid are beyond question. Her thoughts on how best to accomplish the end of apartheid deserve our most serious attention.

I strongly urge any of my colleagues who have not read these articles from the Washington Post and the New York Times Magazine to do so immediately, and I ask unanimous consent that the full text of both articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From The Washington Post, Aug. 3, 1986]

POLL SAYS S. AFRICAN BLACKS SPLIT OVER SANCTIONS

LONDON, Aug. 2.—A public opinion poll of 615 blacks in South Africa shows 32 percent oppose economic sanctions and 29 percent favor them, the Sunday Times said in what it called the first national survey of South Africa's blacks.

The poll, conducted for the Sunday Times by Market and Opinion Research International and the South African company Markinor, was taken July 18-27 at 123 points throughout the country, both rural and urban, visited by black interviewers.

The results were published in the Sunday Times, which called the poll "the first country-wide survey of blacks in South Africa."

The 615 blacks who were polled were asked, "Are you in favor of economic sanctions against South Africa or not?"

Thirty-nine percent had never heard of sanctions or had no opinion, while 32 percent opposed them and 29 percent favored them.

Forty-four percent of those polled thought they would be hurt personally by economic sanctions, the newspaper said.

Nearly two thirds of those polled—63 percent—said they do not believe violence is justified to end apartheid, although 88 percent are unhappy with the racial system in South Africa.

Fifty percent of those polled said they thought South Africa's problems would be solved peacefully, against 42 percent who said the problems would be solved by civil war.

Of the blacks polled, 59 percent said they do not believe apartheid will exist in South Africa in 10 years, while 25 percent believe it will exist and 16 percent had no opinion.

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[From The New York Times Magazine, Aug. 3, 1986]

HELEN SUZMAN ON DISINVESTMENT

(By Helen Suzman)

What should the United States do about South Africa? This is a simple question to which there is no simple answer, if there is an answer at all. Of course, if the desire to distance the United States from a morally repugnant system is paramount and if the objective is to punish South Africa for its glaring sins of omission and commission, regardless of the consequences, then sanctions and disinvestment spring readily to mind. And if political expediency is also part of the picture, then calling for economic sanctions must surely be irresistible.

I realized this in November 1984 when I was in the United States and watched on television the landslide victory of Ronald Reagan in the elections. The following morning, I received a call from the New York correspondent of the South African evening newspapers. He asked for my reaction to the election, and I told him I had no doubt that champagne corks were popping in Pretoria. I also said the celebrants were making a great mistake because I believed that the Democrats would seek a rallying cause—and South Africa was going to be it.

I did not need a crystal ball to make that prediction. During visits to the United States over the past seven years, I had observed the buildup of the anti-apartheid campaign in the United States, on campuses in particular. Year after year in the South African Parliament, I had warned that unless the government began to dismantle apartheid, which is legally sanctioned racial discrimination, and to desist from some of its more abhorrent practices—such as detention without trial and the forced removal of helpless black communities—South Africa would be faced with severe punitive measures. My warnings fell on deaf ears. Events in South Africa throughout 1985 triggered an anti-apartheid explosion in the West.

Day after day, scenes of ugly police brutality, of mass funerals of victims of police shootings in black townships, appeared before horrified American and European television viewers. (Such scenes were not shown on South African television, which is state controlled, although the horrendous black-on-black violence frequently appeared on the screen.) With relentless regularity, newspaper headlines abroad proclaimed the rising death rate, the enormous number of people detained without trial, torture at the hands of the security police, the hordes of children arrested and imprisoned.

By mid-1985, the South African issue had been reduced to a simple equation in the United States: "If you are against sanctions and disinvestment, you must be a racist—Q.E.D." The response was of tidal-wave proportions. In July 1985, Chase Manhattan, followed by other banks, pulled the rug from under South Africa's financial system by refusing to roll over loans; as a result, the value of the rand plummeted. Many colleges and universities divested themselves of stocks in companies doing business in South Africa. Cities and states "cleansed" their pension-fund investments of South African connections.

Last year, unable to withstand and hassle factor at home, fearful of boycotts of their products in the United States and nervous about political and economic instability in South Africa, 28 American companies (according to the American Chamber of Commerce in Johannesburg) withdrew from South Africa. Others have followed suit this year.

In September 1985, hoping to forestall more severe Congressional action, President Reagan, long an opponent of sanctions, signed an executive order that prohibited most new loans to South African businesses. The order also banned the sale of most nuclear-related technology to South Africa and the sale of the Krugerrand, the South African gold coin, in the United States.

Across the Atlantic, the other stalwart opponent of sanctions, Prime Minister Margaret Thatcher of Britain, was experiencing even greater pressures. She was forced to agree to limited measures against Pretoria at the Commonwealth conference in the Bahamas in October 1985. The final report of the Eminent Persons Group—a seven-member mission appointed at the Bahamian conference to conduct an in-depth investigation in South Africa—brought no comfort. The mission originally put forward a "possible negotiating concept" to the South African Government, one calling for steps toward ending apartheid. They included the suspension of violence by both the Government and the African National Congress (A.N.C., the most prominent of exiled groups against apartheid); the release of Nelson Mandela, the black leader who has been in prison for 24 years, and other political prisoners; the removal of the Government's military forces from black townships; the legalization of the A.N.C. and Pan African Congress, another black political organization, and a ban on detention without trial.

Instead of accepting these very reasonable proposals, which have long been advocated by myself and by other opposition politicians in South Africa, the Pretoria regime, as is its wont, embarked on a course of action that could only strengthen the sanctions lobby. Last May, while the Commonwealth mission was still in South Africa and was in the process of preparing its final report, the South African Defense Force carried out raids on Lusaka, Gaberone and Harare, the capitals of three neighboring Commonwealth countries. The official reason given was "to take out" A.N.C. bases. But the gains appeared to be minimal. Politically aware South Africans ascribed the raids to a Government attempt to prove to militant right-wing elements inside the country that the Government had not "gone soft" on the A.N.C. and was not succumbing to outside pressures.

Not surprisingly, diplomatic reaction abroad was totally hostile. The Commonwealth mission was understandably outraged, and its final report made this clear.

Shortly afterward, negotiations broke down and the group reported to the Commonwealth heads of government their "reluctant but unequivocal judgment that further talks would not lead anywhere in the current circumstances."

Paradoxically, it was during this tumultuous time that the most far-reaching reforms yet introduced by the South African Government in the direction of dismantling apartheid were enacted. As a result of pressures from inside and outside the country, during the recent Parliamentary session, the Government offered to restore citizenship to those permanent residents in the republic who ceased to be South African citizens when the four black homelands became "independent." (Even with citizenship, however, the blacks in South Africa will not have Parliamentary voting rights.)

The Government also opened the central business districts in major cities to all races. It made property ownership available to blacks in the townships. Most significant of all, it abolished the hated pass laws and influx control, and replaced the old pass book with a common nonracial identity document. (The pass laws have for many decades inhibited the moblity of blacks and their right to lead family lives. Millions of people have been arrested for infractions of these laws, which have bedeviled the relationship between the police and the black community.)

Although many vital issues remain to be addressed—redistribution of land and the disproportionate living standards of white and black South Africans—there is no doubt that the reforms signify a change of direction: away from apartheid. The recent reforms will undoubtedly have a positive effect on the future well-being of black South Africans. In fact, had these changes taken place five years earlier, the impact would have been far greater among blacks. As it is, they have been totally overshadowed by the reimposition of a state of emergency, the detention of thousands of people and the ongoing violence in the black townships.

The reforms have evoked little reaction in decision-making circles in the United States and Europe. (Ten years ago, they would probably have been considered significant, particularly in the United States, which at the time might still have been harboring vivid recollections of its own civil-rights struggle of the 1960's.)

This responsee—or lack of it—to changes the South African Government considers to be of major importance has not only increased its intransigence, but confirmed what it has long suspected: that the failure of the West to define precisely what it means by "dismantling apartheid" is part of a ploy to move the goal posts as each demand is met; ultimately, the Government fears, the West will insist on the total transfer of power to the black majority. This is simply not under consideration by the South African Government.

Those who believe that a quick fix is likely to follow the imposition of sanctions, and that the Pretoria regime will collapse within a short time thereafter, are sadly misinformed. Certainly, if I believed in such a possibility, I would back sanctions to the hilt. Far more likely is a retreat into a siege economy, more oppression and more violence. There will be a long drawn-out confrontation between a well-armed military force shoring up the Government and a popular movement backed by the masses and using Irish Republican Army-type tactics in urban and rural areas. The latter strategy has already been put into effect.

The Reagan Administration's policy of "constructive engagement" may well be dismissed in a great many circles in the United States and elsewhere. It has, at least, aimed for attainable objectives: to prevent forced removals of black communities; to extend funds from the Agency for International Development (A.I.D.) to civil-rights organizations and drought-stricken areas; to press for the release of anti-apartheid detainees. Moreover, together with the Sullivan principles, it encouraged American businessmen and, by example, their South African and European counterparts, to be socially responsible.

Nowadays, the Sullivan principles are also in the doghouse. Drafted almost a decade ago by the Rev. Leon Sullivan, a black Baptist minister from Philadelphia, the code calls for the desegregation of workplaces, equal employment practices, training for nonwhites, social services for black workers and the promotion of trade unionism. The code has been adopted by about 65 percent of the 260 or so American companies now doing business in South Africa. But many black South Africans feel that too much lip service has been paid to the code and not enough action taken.

While realizing that I lay myself open to the accusation of paternalism, I have to say that I have more respect for the American companies that have, so far anyway, remained in South Africa (and have set aside millions of dollars for the education, training and housing of their black employees) than for those that have left the country. The companies that have left have taken with them what influence they could have had inside South Africa, thereby abandoning desperate, jobless breadwinners in a country with no social security safety net, no dole and no food stamps.

The moral outrage and desire for punitive action is something I understand very well, but the reality that will come as a result of a grievously afflicted economy will not be seen by those living thousands of miles away. That reality, compounded by decades of unequal employment opportunities and oppression, is bleak beyond belief. True, many black South Africans say they approve of disinvestment and sanctions, despite the additional hardships they will endure as a result. They fall into four categories: those who have no jobs and nothing to lose; those who have jobs in "sheltered" employment and will lose nothing; those who want everyone to lose everything (therefor, "roll on the revolution"), and, finally, those who believe that the South African Government will crack at the first (or, at worst, second) sign of sanctions. The last category brings to mind a former British prime minister who predicted that it would take "weeks rather than months" to bring down Ian Smith's Unilateral Declaration of Independence in Rhodesia. In the event, it took another 15 years and 30,000 dead.

There are also leaders of the neighboring black states who advocate sanctions against South Africa, despite the fact that southern Africa is one economic unit. Whatever harm is done to South Africa's economy will certainly harm the economies of the country's neighbors, which are dependent on South Africa for jobs, markets and transportation.

The former High Commission territories of Botswana, Lesotho and Swaziland are part of a customs union with South Africa from which they derive substantial revenues; Botswana and Lesotho also belong to the rand monetary area. South Africa's Electricity Supply Commission is an important source of power for these countries, which also depend entirely on routes through South Africa for trade. Zaire, Zambia and Zimbabwe are heavily dependent on South African transport and ports for their imports and exports.

More than 250,000 foreign blacks work in South African mines alone, earning almost 1 billion rand (about $400 million) a year, at least half of which is repatriated. A further 170,000 foreign blacks are employed in other occupations in South Africa, not to mention an estimated one million "illegals." The neighboring states cherish the hope that the Western nations will pick up the tab to make good the substantial losses they will sustain after they cut their links with South Africa. Unfortunately, this hope is probably unfounded.

Unpalatable as it may seem to the sanctions lobby, the most practicable way to get rid of apartheid and to achieve a nonracial democratic society in South Africa is through an expanding, flourishing economy. The process of integrating blacks as skilled workers into such an economy would be expedited. Their economic muscle would then, through increased trade-union action, be a potent force not only in the workplace but also in the sociopolitical sphere. Strike action and consumer boycotts—both of which can be used as temporary expedients, unlike disinvestment and mandatory sanctions—are the most powerful weapons for blacks to use to resolve important issues like political power-sharing.

Indeed, consumer boycotts have already been used to great effect in some parts of the country, such as the eastern Cape Province, where many white-owned shops were brought to the brink of bankruptcy. Conversely, if blacks are unemployed and have nothing to spend, such boycotts would be meaningless. It is astonishing to me that those advocating punitive actions do not realize that, if successful, they will have undermined the most significant power base that blacks could acquire.

Certainly, this approach presupposes a long-term strategy and blacks, especially young blacks, want liberation now. No one should under-estimate the fierce spirit of resistance that pervades the black townships, but while incremental change is certainly attainable, the replacement of the white minority government by a black majority government is simply not within reach, even though many blacks believe that the era of white domination is about to end.

Those calling for sanctions and disinvestment often overlook two important factors.

First, while the present white minority Government in South Africa has no pretensions to democratic rule, there are also no guarantees that it would be replaced by a nonracial democracy respecting the rule of law, a free press, free association, free elections and an independent judiciary, not to mention an economy free of state control.

Second, South Africa does not consist only of an oppressed black majority and right-wing white oppressors. Indeed, 250,000 white voters (20 percent of the white electorate) in the last general election in 1981 cast their ballots for the official opposition in the House of Assembly—the Progressive Federal Party, which has for years advocated the ending of apartheid and the establishment of a truly representative govenment with protection for the legitimate rights of minorities. Although the percentage of those who voted against apartheid is

small, it is nonetheless significant. It may be well to remember that from 1961 to 1974 I was the only Member of Parliament elected on such a platform.

Indications of support for such an alternative government from powerful nations like the United States would certainly encourage many more white South Africans to cast their votes against the Pretoria regime at the next election, due at the latest in three years' time. At the very least, there could be a Parliamentary realignment.

It may well be that all such arguments fall on deaf ears, and that they are advanced in a lost cause. Nevertheless, they deserve to be made in the interest of millions of moderate South Africans of all races who abhor apartheid, who have long fought the abominable practices of race discrimination and who are striving for a peaceful transition to a nonracial democracy. For them, at least, it is surely not too much to ask that they be spared the violence and misery of a scorchedearth policy.

It is not at all certain whether President Reagan can stave off Congressional imposition of harsh punitive sanctions, as he tried to do in his recent speech on American policies toward South Africa. But if he does—and it is a big if—it is vital that the Pretoria Government use the time so won to accelerate the dismantling of apartheid, to provide better housing and education and, most important, to extend political rights to blacks. The release of Mandela as a prerequisite for negotiations is an obvious first step, as are the release of all persons detained without trial and an end to the state of emergency.

The United States should keep up its condemnation of apartheid. The system of apartheid is an affront to people concerned with civilized values throughout the world. Its eradication would be an important gain for the civil-rights movement and would increase the sum of human freedom worldwide. The United States should exert pressure on apartheid, but not impose punitive measures that will wreck the South African economy. That is the strategy of despair that will destroy the inheritance which blacks will inevitably share.

## RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

## PROPOSED AGREEMENTS AND SCHEDULES

Mr. BYRD. Mr. President, the proposed unanimous-consent agreement that was handed to me last evening by staff, I believe, that was prepared by the distinguished majority leader or at his direction, which came as a result of our meetings yesterday in his office, has some very strange language in it.

I would like to inquire as to what the words—let me read the first paragraph:

I ask unanimous consent that, notwithstanding the provisions of rule XXII, H.R. 5052 be laid before the Senate at the close of morning business on Monday, August 11.

Why are those words "notwithstanding the provisions of rule XXII" in the request? Is it contemplated that the debate might be shut off on the DOD bill and that on Monday that bill would still be before the Senate by virtue of the cloture motion having been invoked to shut off debate?

Mr. DOLE. That was my thought, that if we did not finish DOD—though I am getting some heartening news from the managers, as of last night at about 11 o'clock, that they are really making progress. So I suggest there could be another cloture vote on DOD tomorrow. If they can take care of most of these amendments, they felt fairly confident they could finish at a decent hour tomorrow.

But, in any event, yes, that is the reason for that language. The distinguished minority leader raised the possibility the other evening that if we did get hung up—I guess last evening—if we get hung up on DOD, we could be on it all next week. So I understand from the Parliamentarian that that would take care of that problem.

Mr. BYRD. Yes, that is one good reason why Senators should not vote for the cloture motion on DOD tomorrow because, as I indicated last night, if cloture is invoked tomorrow on DOD, then the distinguished majority leader may find it difficult, because of time constraints, to work in legislation on South Africa and on Contra aid, the military construction appropriation bill, and on the Boren campaign reform measure. I contemplated that that was probably the reason why the language was in the paragraph. The distinguished majority leader has stated that that is correct.

Mr. DOLE. If the Senator will yield.

Mr. BYRD. Yes.

Mr. DOLE. On the other side, it appears to me that—and I hope to discuss this with Senator GOLDWATER today—if, in fact, they are having the success they indicate, and they disposed of 20-some amendments in a couple of hours last evening and have about 16 more of those which are acceptable and they have been able to get time agreements on, I understand, 4 other fairly major amendments, it is getting down to the point where it occurred to me that if cloture were invoked, it might speed up the process.

□ 1030

Mr. BYRD. I think it could be just the opposite.

Another bit of verbiage, in the first paragraph, I think, needs explanation. Reference is made to amendments. The language states amendments be dealt with "in the usual fashion." "In the usual fashion" may appear to the layman to be very correct verbiage, nothing to be concerned about. But to me that is strange language indeed in a consent agreement. I have been the party to hundreds of consent agreements over my 20 years working within the Senate leadership of the Democratic Party, and almost all of that time being spent on the floor. That is a very strange phrase. I think before we go further in any attempt to develop a unanimous-consent agreement that will be very clear and could be understood by Senators who know not quite as much about the rules and procedures as some may know, I would like to know what that means. Why is that language in that paragraph?

Mr. DOLE. As I understand again, we were trying to provide for amendments being dealt with in our agreement as we normally do, the usual form or the usual fashion. They could be specified in the agreement. Beyond that, I do not know of any other hidden meaning. Again, what might expedite it is if the Senator from West Virginia would make his suggestions in writing.

Mr. BYRD. I will be happy to do that.

Mr. DOLE. If the Senator will yield, as far as the majority leader is concerned, I would like to get an agreement that both sides are comfortable with, if the Senator has reservations, if I have reservations, or if other people have reservations.

Mr. BYRD. My reservations go to this rather weird language. In "the ususal form" are words of art in Senate agreements. But "in the usual fashion" can mean a lot of things. "Usual fashion" of course means that the committee amendment or amendments have to be disposed of first before floor amendments are in order unless they are to the committee amendment.

So "in the usual fashion" could mean many things. This being an agreement that deals with at least two very highly controversial issues which have developed a lot of emotion on both sides of the aisle, it seems to me the agreement ought to be very clear, and ought to be very specific as to just what is meant. In my judgment, this kind of language in a unanimous-consent agreement is not conducive to that clear understanding.

I think both the majority leader and I want an agreement that will be so clear that it will be unmistakable and that it will provide for the carrying out of the proposals that were discussed in the office of the distinguished majority leader yesterday.

Mr. DOLE. If the Senator will yield, I think for the record I will indicate what I did following our meeting. With the written suggestions that the distinguished minority leader gave to me wherein he stated that the disposition of amendments or some arrangement will permit orderly consideration of amendments, I suggested the Parliamentarian take the recommendations that the Senator has made, along with the earlier proposal that I had given the Senator to see if there is some way we could blend the two. I assume that particular language may be an effort to do that. Again, we can

revisit that to make certain there is no misunderstanding about it.

Mr. BYRD. I think it might be a good idea if the Parliamentarian were in the next meeting so he could clearly understand everything that is said. The proposal that I submitted to the distinguished majority leader was a conceptual proposal. We discussed it and I think reached a rather good understanding. I believe the unanimous-consent agreement that the distinguished majority leader has presented to me through staff has come a long way toward meeting the proposals that we had on yesterday.

I cannot agree to this unanimous-consent agreement as it is written. But I think we can get an agreement the Senator from Kansas can understand, I can understand, all Senators can understand, and that will carry out the intentions of the parties on yesterday.

There is one final problem I have with this consent agreement. It does not give assurance that the South Africa matter will get consideration in this Senate prior to the August recess.

That is not the intention of the majority leader. I know it is not. But without taking further time on this floor to explain why it does not—I will be perfectly happy to do that—this agreement, if it were entered into right now, would not guarantee Senators who want to act on the South Africa matter, that opportunity.

I will be happy to respond further and to provide a unanimous-consent agreement that will lay out the details clearly, leave no questions about the rights of Senators who call up amendments on both sides, will provide not only for assurance that the South Africa matter will be taken up and disposed of, but also that the Contra aid matter will be taken up, also that the Boren measure will be taken up, will provide for the vitiation of the cloture motions today, and provide for action on the debt limit extension clearing it of both issues that are still available to be called up by way of amendments on that.

It can be written, in a way so that all Senators can read and understand the agreement.

Mr. DOLE. If the Senator will yield, I think it would be helpful particularly with reference to the debt ceiling. As I indicated yesterday, we had a visit with the chairman of the Budget Committee.

□ 1040

I have also had a call from the chairman of the Ways and Means Committee, the Honorable DAN ROSTENKOWSKI, who wondered if he should send us a short-term extension. I said, "Not yet. We would like to pass the debt ceiling."

It is my understanding that there will be an informal meeting with some of the probable House conferees and Senator DOMENICI and others to see if they can at least start some preliminary work on the so-called Gramm-Rudman-Hollings amendment to the debt ceiling. That would be most helpful.

Once we get the agreement, if we could vote on the debt ceiling extension and send that to conference, that would be one big obstacle out of the way.

I do want to accommodate the distinguished Senator from Oklahoma. He has been very patient. We have had good discussions. I think we can work that out. He even indicated, to my understanding, that perhaps we could do 3 hours on Monday and 2 hours on Tuesday. I would like to think we can carve out an agreement in some way.

I do want to complete action in the Senate on both Contra aid and South Africa next week.

I believe that is our understanding and I do not know why we cannot achieve that. I would guess that upon the disposition of H.R. 5052, it would give rise to the minority leader for concern if we did not dispose of Contra aid. The only potential problem there is whether or not cloture can be obtained. I believe it can. We now have 50-some Senators who signed a cloture petition. I know a number on the Democratic side, not who signed the petition but I think who will vote for cloture. Some do it as a matter of practice, to vote for cloture.

I believe that can be accomplished. With cloture, we are assured that that would come out. That will erase the problem.

Mr. BYRD. Mr. President, I am going to offer an agreement that will assure the distinguished majority leader that both issues will come before the Senate and it will not leave any room for doubt that South Africa will be called up and disposed of. It will even give the majority leader two bites at the Contra apple.

As a matter of fact, I have it in my pocket, but I want to polish it up a little bit.

I have the usual type of unanimous-consent agreement that has been entered into over the years when there are very difficult measures. This agreement will provide that both sides have their fair shots.

Again, as I say, if it is entered into, it will provide that Senators in the minority as well as Senators in the majority have a chance to call up their amendments and have them disposed of. There will be a time limit on each amendment.

Without going into the details, which are rather dull or not very inspiring to the average listener, I will simply sum it up by saying again that this agreement that I have here will provide the distinguished majority leader the rest of this week, if he wants it, to dispose of the DOD bill. With the kind of progress that has been made in the last day, especially on the DOD bill, and the prospects for further reasonably prompt action, he should be able to have that DOD bill out of the way if not today then tomorrow. If it is necessary to come in Saturday, that is fine. But DOD will be out of the way. Of course, I cannot guarantee that, but a cloture motion will not guarantee it either.

I think if we just let the DOD bill move along on its own, with Senators having the opportunity to call up their amendments and debate them, hopefully, action on that bill will be completed by the close of business tomorrow.

In any event, if cloture is invoked on that bill tomorrow that would knock everything into a cocked hat and leave undecided and in a rather indefinite status the other measures that I think can be disposed of.

Once again, I will offer the distinguished majority leader an agreement that will provide for action which I proposed yesterday, for South Africa to go first. If the distinguished majority leader wishes that Contra aid goes first, that is all right with me. It does not matter to me which side goes first, just so that Senators on both sides, in both parties, have the opportunity to call up their amendments and dispose of them.

I must say to the distinguished majority leader that if he wishes to, I will be glad to sit down with him. This is the way I have done before with the Senator's predecessor when I was majority leader. I can sit down with him and with the Parliamentarian so that the Parliamentarian has a clear understanding of what we want. The agreement can be prepared by the Parliamentarian if the majority leader wants it prepared by the Parliamentarian and it would carry out those intentions.

I have a proposal and I will be ready after I have worked on it just a bit more and gotten the names of other Senators who have amendments. Then I would like to get the names of the Republican Members, or the distinguished leader can fill those in when the agreement is proposed. I think we can get a lot of work done before we go out next week.

Mr. DOLE. I think that is a good suggestion, if the distinguished manager will give me that. I can then review it and I think at that time we can sit down together on any little problems we can work out. Also by that time it is my hope, and again I will say it so that Members or their staffs who are listening in the offices will know it, that if Members on this side have amendments, not just numbers but amendments, to either South

Africa or Contra aid, we have to specify those amendments. We would certainly like to have those no later than 12 o'clock today.

Mr. BYRD. Mr. President, I have to attend a meeting of the Appropriations Committee which is marking up the energy-water appropriations bill.

I ask unanimous consent that my time under the standing order be reserved for me throughout the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

## RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin [Mr. PROXMIRE] is recognized for not to exceed 5 minutes.

## CAN THE CONGRESS SAVE ARMS CONTROL?

Mr. PROXMIRE. Mr. President, recently, this Senator spoke here in the Senate about a tentative, hesitant suggestion made by an anonymous source in the Reagan administration to tie the proposal to reduce the number of nuclear weapons in the arsenal of both superpowers to a reduction in nuclear weapons test. Several weeks ago, the proposal became a 1-day newspaper story. Then it died. It has not been revived. Indeed, its prospect for revival appeared slim. It seemed slim for one reason. The administration—in fact, any Presidential administration—almost always has a firm hand on arms control and the arms control agenda. The President decides whether to negotiate. He decides when to negotiate. He decides who will negotiate on his behalf. He decides what will be negotiated. The role of the Congress has been, at best, secondary and peripheral. Congress has been a nosy but helpless kibitzer in the process. President Reagan has left no one in doubt. He opposes negotiating a superpower end to nuclear weapons testing. The American people and the Congress have disagreed with the President. Both have demonstrated again and again that they favor stopping nuclear weapons testing.

But so what? The President determines arms control policy. The Congress and the general public do not. The President has the power on this issue. So what has happened? So we have continued nuclear weapons testing. Except for the tentative suggestion of limiting the number of nuclear weapons tests—a suggestion that seems to have died aborning—the issue appeared to be settled.

But the House of Representatives has introduced a new power element into the situation. The leadership of the House majority has proposed a cutoff of funds for testing nuclear weapons with explosions over 1 kiloton after January 1, 1987. The cutoff would be conditioned on two actions by the Soviets. First, the Soviets will have to stop all testing of nuclear weapons above the 1-kiloton limit after January 1, 1987. Second, they will have to agree to the placement of enough monitoring stations with seismic devices in the Soviet Union to permit the United States to insure effective verification.

This action by the House might or might not have any real effect in limiting nuclear weapons testing. Passage in the Senate would be far more difficult. Even if the congressional limitation on nuclear weapons testing money did pass the Senate, the nuclear weapons tests might very possibly continue. It is true that the President would be hard put to veto the restriction because it would be part of an armed services funding bill that he would need to provide for the Nation's national security. But the President could probably find other money to continue at least some nuclear weapons tests.

Assume, however, that the House proposal passes the House but fails in the Senate. Senate-House conferees would then be mandated to seek a compromise between the House and Senate positions. In that event a partial reduction in the number of nuclear weapons tests, perhaps a 30 percent mutual reduction, combined with a mutual 30 percent reduction in offensive nuclear missiles, also with tight verification provisions, might emerge as a compromise. As this Senator has previously indicated, such a partial reduction in nuclear weapons tests would have little meaning, except as the beginning of a long-term process.

Actually, this process began way back in 1963. The 1963 limited test ban treaty specifically pledged both powers to negotiate a comprehensive end to nuclear weapons testing. Previous American Presidents have favored such negotiations. The partial reduction of these weapons explosions would resume the process. It would inch the two superpowers down the road that is most essential if arms control is to have any real significance. No arms control agreement, including the reduction of nuclear weapons, and no limitation on nuclear weapons, can have any real security significance in this nuclear age unless the two superpowers find a way to stop the onrush of nuclear weapons technology. The superpowers could slash their strategic nuclear warheads from 10,000 to 1,000 but the rush of nuclear technology flowing from testing could make the 1,000 warheads more devastating than the 10,000.

The dreams of President Reagan and Secretary Gorbachev to eliminate nuclear weapons from the face of the Earth are totally unrealistic. No weapons have ever become obsolete except by the invention of a more deadly and destructive weapon that took its place. The intelligence that enabled 20th century man to solve the problem of the atom and convert this fearsome energy into such devastating weapons can never be eradicated. Even if the superpowers succeeded in eliminating all their nuclear weapons, just one of the scores of countries on Earth with the economic and technological capacity to build nuclear weapons could become the top world power at any time in the future by building on the established technology. Nuclear weapons are here to stay. But there is nothing inevitable about their increasingly devastating power. If we stop testing, we stop the research that lies at the heart of the nuclear arms race. This Congress may have a historic chance this year to begin that process.

Mr. President, I yield the floor.

## RECOGNITION OF SENATOR MELCHER

The PRESIDING OFFICER. The Senator from Montana is recognized.

## REDUCING PENTAGON SLUSH FUND WILL REDUCE DEFICIT

Mr. MELCHER. Mr. President, the figures that are coming in on the deficit calculation for the end of this fiscal year are mounting. What that means to us is that our job here, in Congress, is not being prudently done. If we were more prudent, we would obviously be reducing the Federal deficit at a much faster pace.

The Gramm-Rudman procedure would set in motion the requirement that next year's fiscal responsibility would be under a tighter rein. We would have more prudence and more deliberate cuts made in spending so that we do not end up with the 1987 fiscal year figures not coming down. Gramm-Rudman tells us for this coming year—let me repeat that and make it clear—for this coming year, fiscal 1987, we should have the Federal deficit down below $154 billion. That does not seem likely at this point.

On the Senate floor, we have the Department of Defense authorization bill and I think it is appropriate at this moment for me to describe an amendment I shall offer to the bill that would reduce spending in the Pentagon by some $12 billion—$12 billion. The amendment would not cut out funds from readiness, would not take pay away from the Armed Forces personnel, would not cut down on operation and maintenance. The $12 billion reduction would come from the slush fund. That slush fund is estimated by the controller at the Defense Department to be $60 billion plus of unobligated funds.

Mr. President, let me make this clear. These funds have been appropriated for specific purposes, generally for procurement of new weapons, but have not been obligated. That $60 billion that will be unobligated at the close of this fiscal year, October 1, is the slush fund I am speaking of. My amendment would reduce that by $12 billion.

If we are going to have an amendment on that slush fund, it has to come on this bill, not on appropriations. Why? The reason for that is that this would be legislation on an appropriations bill and therefore, be out of order on an appropriations bill. It must be done on the authorization bill.

I caution my colleagues to seriously consider this amendment. I ask for approval of the amendment when it is offered because it is obvious that spending must be cut in the military this year. This is the logical point to make a cut of this magnitude. Twelve billion dollars of unobligated funds would be cut and be available for fiscal 1987.

It will help us meet the Gramm-Rudman targets. It will not reduce troop level nor take away from operation and maintenance. Therefore, readiness is protected. I believe it is a sound amendment. I hope we can have acceptance of it by the Senate when it is offered.

## RECOGNITION OF SENATOR DIXON

The PRESIDING OFFICER. The Senator from Illinois is recognized.

## WHAT ABOUT CORN?

Mr. DIXON. Mr. President, I have spoken on the Senate floor and in the Agriculture Committee in recent weeks about the worsening prospects for U.S. agricultural trade, and rise again today to discuss this issue of great importance to my home State of Illinois and the entire Nation.

For the second month in a row, foreign agricultural imports exceeded U.S. agricultural exports. Our agricultural trade deficit in May exceeded $348 million. The figure for June is approximately $72.1 million.

As ranking member of the Subcommittee on Foreign Agricultural Policy, I have attended a series of hearings on agricultural trade issues. During our hearing last week, I questioned our witnesses about the possibilities of expanding our agricultural exports. The answer they gave me was unanimous: While we work to expand our agricultural exports, our supplies will remain. We must take additional steps to alleviate the grain storage crisis.

I stood on this floor 2 weeks ago, Mr. President, and introduced a resolution supporting the expansion of the Export Enhancement Program to include all of our trading partners. The very next day, I cosponsored an amendment with Senator DOLE which would accomplish this same goal.

The response we have received since the Senate passed that amendment has been astounding. The New York Times has published several articles in the past few weeks highlighting the outrage of several U.S. trading partners over the Senate's action.

Many of our trading partners have long maintained aggressive marketing campaigns to sell their agricultural products in the world market.

Mr. President, while I believe we must maintain good relations with our allies, I also believe that the American farmer should not again be asked to bear the burden of our foreign policy problems. I led the fight on the Senate floor which prevented the President from using agricultural embargoes for foreign policy reasons without the consent of Congress. I am prepared to again lead the fight to protect the interests of the Illinois and the American family farmer. It is high time that we aggressively market our own agricultural exports.

Last Friday, the Secretary of Agriculture announced an export initiative which would permit the Soviet Union to purchase up to 4 million metric tons of wheat through the end of this fiscal year.

Mr. President, I would like to ask the administration: What about corn? In Illinois and the Midwest, we face a serious storage crisis. We have no place to store our corn. At this time, it is hard to believe that the Department would announce an export initiative on wheat and not on corn. Our trading partners can now just sit back and wait for the price of corn to drop before they make purchases.

We need to act now. Illinois has at least 120 million bushels of corn and no place to store it. What about corn, Mr. President? What about Illinois? What about Iowa? What about Indiana? The top three corn-producing States have no place to store their grain. Our farmers are suffering.

I urge the President to use all his authority provided in the 1985 farm bill to make corn available to all of our trading partners. I also urge him to continue these export initiatives beyond the current fiscal year. If we expect to expand our share of world agricultural markets, we must act immediately.

□ 1100

I yield back the remainder of my time, Mr. President.

## RECOGNITION OF SENATOR HUMPHREY

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. HUMPHREY. Mr. President, are we limited to 5 minutes?

The PRESIDING OFFICER. The Senator is correct.

Mr. HUMPHREY. I liked it better when it was 15.

## INFORMED CONSENT

Mr. HUMPHREY. Mr. President, several days ago I announced my intent to introduce legislation that would assure women contemplating abortion they would be provided with sufficient information that their consent to an abortion would truly be informed consent. I pointed out at that time that the recent Thornberg decision, which was read by many as prohibiting laws requiring informed consent, did nothing of the kind; that the Court was quite explicit in its decision and in the language of the decision indicating that laws requiring provision of information to assure informed consent surely are not unconstitutional, that instead the Court objected to certain provisions of the Pennsylvania law which it struck.

Mr. President, who can object to informed consent? Surely, no Senator, no Member of Congress, whatever his or her view might be on the fundamental subject of abortion. Whether a Member of Congress is for the so-called right to abortion or opposed, I think we can all agree that women contemplating abortion deserve to have the kind of information made available to them prior to the abortion such that their decision will be an informed decision. And yet, Mr. President, that is not the case today, I contend. I contend that too often women are not provided the information such that they can make an informed decision. Indeed, they are often provided with misinformation. As a way, I hope, of building support for my legislation, I intend to introduce into the RECORD every day in alphabetical order by State letters from women who have written to me who had abortions, who now regret having had the abortion, who say that if they had had information they believed they needed, they would probably not have had an abortion. As a part of that effort, today I will read into the RECORD a letter from a woman in Taylor, AZ. I am not going to state her name, but it is on the letter and it will be included in the RECORD. These are women, Mr. President, who are willing to come forward publicly and be known by name as being in favor of informed consent laws of the kind which I intend to introduce shortly.

I hope very much that the Senators from Arizona will read this letter in the RECORD and that other Senators will particularly read the letters from their own constituents.

TAYLOR, AZ,
*May 23, 1986.*

DEAR SENATOR HUMPHREY: I understand that you are in favor of an informed consent law on the national level. I too support this for very personal reasons which I will explain.

In 1980, I aborted my first child. I was told at Planned Parenthood that this "little blob of tissue" would be as easily removed as a wart. Terminating a pregnancy, I was told, is no more significant than removing a tiny blood clot in my uterus. "Sounds harmless," I reasoned. Exercising my right, I opted for abortion. At that time, no other options, such as adoption or single parenting were explained.

Had I been counselled properly concerning the pain and the development of my unborn child, I doubt that I would have chosen abortion. I was not forewarned of the health risks or the deep psychological after effects of abortion. As a bright college graduate, I had a promising future ahead of me. Following my abortion I became deeply depressed, suicidal and unable to hold a job. I never mourned the loss of my appendix, so why did I grieve over the passing of an enigmatic uterine blob? The answer is that it wasn't a mere "blob of tissue." It was a living baby. I realized it the moment I saw his dismembered body. I realized it too late.

I support this bill wholeheartedly and hope that this letter speaks to the hearts and minds of those who do not fully understand this issue.

Sincerely,

KAREN SULLIVAN ABLES.

Mr. President, here is a woman willing to be known by name in public, who states that she was not told anything about the child she was carrying, the object of the abortion. She realized, to use her own words, only too late when she saw his dismembered body that it was a living baby.

Now, it is not my purpose in introducing this legislation to debate the fundamental issue of abortion, but it is my purpose to point out that thousands and thousands of women are undergoing an abortion on the basis of misinformation, on the basis of propaganda, on the basis of euphemisms. It is shocking, it is disgusting, it is disgraceful, and it is degrading to women and to our society. I do not see how any Senator can oppose the concept—the concept—of requiring by Federal law informed consent. They might differ with the language and they are welcome to offer their suggestions and their amendments, but they surely cannot disagree with the concept. I urge all of my colleagues to support this effort.

Mr. President, I yield the floor.

## RECOGNITION OF SENATOR BENTSEN

The PRESIDING OFFICER. The Senator from Texas.

## A CONSISTENT TRADE POLICY

Mr. BENTSEN. Mr. President, at a time when the public and private sectors in countries like Germany and Japan are working hand in hand to conquer rapidly expanding world markets, we have recently seen dramatic evidence of how trade has become a divisive, partisan issue in the United States.

With the prospect of a $170 billion trade deficit this year, the acknowledged loss of over 2 million jobs to imports, and a currency devaluation of 30 percent that has done little to increase our competitiveness, it should be obvious to Congress, to the President, and to the American people that a comprehensive, consistent policy on trade must become an urgent national priority. The time for rhetoric and partisan politics has long since passed.

I would like to take a few moments of the Senate's time to suggest that the 99th Congress can still make a creative, constructive contribution to American trade policy. I know there are those who say time is so short and the agenda so full that there is simply no opportunity for Congress to act on trade this year.

Mr. President, I disagree, trade is as important and urgent as any issue on our agenda. To duck the tough challenge of trade is to concede the future to our competitors.

Is time running out? You bet it is—but not just for Congress. We'll be here into October, but in just a few weeks the U.S. Trade Representative will be leaving for Punta Del Este, Uruguay, for the opening of a new round of multilateral trade negotiations.

That round of talks could last 10 years: It will set the tone of world trade policies into the 21st century. It will deal with problems of debt in the developing countries, reducing market barriers to trade, and stabilizing the world monetary system.

Despite our enormous trade deficit, America remains the unquestioned leader of the international trading system. We have an obligation to help structure a regime of fairness and opportunity in which all nations—including our own—can enjoy the benefits of trade.

With our standard of living and future prosperity at stake, most people would assume that we have prepared carefully and thoroughly for the new round of trade talks. Unfortunately, that is not the case, we still lack an overall strategy for solving our trade problems. We have not enacted a trade bill and, as a result, we are sending our representative to Punta Del Este without the authority to enter into serious negotiations.

You can be sure that fact will not be lost on our competitors who will be armed to the teeth with strategy, policy, and authority. You can be sure that other industrialized democracies will not be treating the Punta Del Este talks as a photo opportunity.

The administration will argue that it does not need a trade bill to start the new round of talks, because they already have negotiating authority. Mr. President, I would respond to that argument with three points:

First, existing trade negotiating authority is not a mandate for a new round of trade talks.

Second, President Reagan has only 1 year of negotiating authority left; the new round will hardly begin before his authority expires.

Third, the negotiating authority our representative will take to Punta Del Este was written 12 years ago—in 1974, in 1974 the United States had a trade surplus—not a $170 billion deficit. We were the world's largest creditor nation, and we are the world's largest debtor nation. The negotiating authority our people take to Punta Del Este predates the OPEC oil shocks, floating international currency exchange rates, and the rise of the semiconductor and personal computer.

Can anyone, Mr. President, seriously suggest that the administration should use the trade policies of 1974 to negotiate the trade problems of the 1990's? How can we expect to negotiate tough, effective trade agreements when our partners in those talks are well aware that our representatives lack a mandate and the backing of the Congress?

Of course, Presidents may negotiate trade agreements without congressional permission, but that is a risky business at best.

Back in 1968 President Johnson's negotiators came home with an international dumping agreement that required changes in U.S. laws and procedures. The President had no authority to negotiate the agreement, so he had to ask Congress to change the law. The Finance Committee refused his request because the agreement did not accurately reflect U.S. trade policy at the time. So the agreement collapsed.

Ten years later, when President Carter completed the Tokyo round of trade negotiations, the situation was reversed. Bob Strauss had full access to the President and consulted regularly with the Congress. He had full statutory authority to negotiate. As a result Congress approved a whole package of trade agreements and changed the law to conform with those agreements by an overwhelming margin.

For almost a year, Congress has been trying to give the President the authority our representatives need to negotiate effectively in Punta Del Este. Last November all 47 Senate Democrats cosponsored S. 1837, which gave the President authority for the new round. In the same month 34 Republicans and Democrats cosponsored S. 1860, which also granted authority. In May the House of Representatives passed a trade bill with new round au-

thority by a 2 to 1, bipartisan majority.

But it seems that the administration will only accept negotiating authority if it comes in the form of a blank check, I reject that approach. Congress has a constitutional role in making trade policy, and we simply cannot abandon our legitimate concerns in one of the most important, complex issues of our time.

Congress—Republicans and Democrats, Senators and Representatives—is concerned about international monetary negotiations; we are concerned about unfair trade practices like dumping, targeting, and subsidies; we are concerned about the international debt problem and adjustment assistance for workers who become the victims of trade policies.

Those are legitimate concerns for all Americans. They should form an integral part of any comprehensive trade policy for the future. No one, Mr. President, is seeking to impose a set of preconditions on the administration as the price of new negotiating authority. We simply want to consult; we want the administration to listen, appreciate our concerns, and work with us to restore America's ability to compete for world markets.

The last thing we need is a test of wills between Congress and the President on trade policy. That kind of tension and bitterness could doom the Punta Del Este talks to failure before they even begin.

I am convinced Congress must move ahead with trade legislation this year—and I hope the administration will help us hammer out trade policies that make sense for America.

Mr. President, there is a very significant distinction between protectionism and legitimate concern about unfair practices in world trade. It's time to start separating the rhetoric from the reality. It's time we start working together to build widespread support here at home for trade policies that will serve America's enlightened self-interest.

At the conclusion of what has been a very contentious and sometimes partisan week on trade policy, I would like to ask the majority leader—and through him the President—to make trade legislation a priority item for the 99th Congress. We still have the time—if we have the will.

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□ 1110

## RECOGNITION OF SENATOR BAUCUS

The PRESIDING OFFICER. The Senator from Montana [Mr. BAUCUS] is recognized.

## THE NEED FOR TRADE LEGISLATION

Mr. BAUCUS. Mr. President, I join my colleague, the Senator from Texas [Mr. BENTSEN] in calling for trade legislation in this Congress, this year.

Before I go into detail, let me say that it is an honor for me to work with Senator BENTSEN. He has provided exemplary leadership in this area. He is one of the most forthright, prescient and persistently strong persons in this body in his analysis of the need for strong legislation. I commend him for his work. He has provided leadership not only on our side of the aisle but for the entire Senate and the country.

Mr. BENTSEN. Mr. President, if the Senator will yield, I appreciate his comments.

I know of the long and dedicated hours the Senator has devoted to working on trade legislation. He has made a very important contribution to our effort and the recognition of the problem we have today and how important it is for Congress to fulfill its role of responsibility, and the fact that we want to work with the administration in trying to have an effective trade round.

Mr. BAUCUS. I thank the Senator. That is exactly the point I want to make. We need legislation, in cooperation with the Members of the Senate on the other side of the aisle, in cooperation with other groups in our country, in order to pass a trade bill or a series of trade bills to help America fight our battles overseas.

I think it is appropriate, Mr. President, to review a little history.

From 1981 through much of 1985, the U.S. dollar skyrocketed to new heights. As a result, U.S. imports swamped our domestic markets, and our export markets dried up. We had very large trade deficits. Our American businessmen could not compete, and we were flooded by very inexpensive imports.

Throughout that period, many of us, particularly on our side of the aisle, explained that the U.S. dollar was too highly overvalued. It was killing our export industries, and we had to do something about it.

It will be recalled that President Reagan at that time said that the overvalued dollar is no problem whatsoever, that it is fine, that the United States should value a strong dollar because it makes us big and strong—it gives us a macho sense of being big and mighty.

However, it was not too long ago that Secretary of the Treasury Baker began to send signals that maybe the dollar was too highly valued. He met with various finance ministers around the world—the first meeting was held in the Plaza Hotel in New York City.

As a consequence, other countries have intervened and brought the dollar down to more appropriate levels.

Mr. President, now is the time to pass trade legislation. I do not think the President wants a trade bill. He does not want even a reasonable trade bill. He says that any trade bill is a protectionist bill. I do not know of any trade bill that the President has not labeled protectionist.

I think the time is now to pass trade legislation, since the President was sustained on the textile bill in the House yesterday. Since the President has been sustained, the need now is even greater for some kind of trade bill to begin to address our trade problems.

□ 1120

Various countries, Japan, for example, still dramatically deny access to American goods. Japan is a closed market. We ought to do something about that.

I think many countries peg their currencies to the U.S. dollar and take advantage of the United States. There are many ways foreign countries take advantage of the United States. Some have export subsidies. We do not have export subsidies. The list is endless.

I am not saying we should pass protectionist legislation. The United States cannot retreat into a shell. The United States has to live in the world but the United States has to take care of itself, has to stand tall and has to make sure that other countries do not take advantage of us.

We on our side of the aisle call upon the Members of the Senate on the other side of the aisle to call upon the President to work, cooperate, find a compromise, find some agreement, but at least let us pass some trade legislation that is going to help Americans, help Americans work, help Americans keep their work, help American workers find new jobs to help America.

Mr. President, I must say, on the other hand, the President has been worshipping at the altar of laissez faire, worshipping at the altar of free trade, and not recognizing in so doing there are other values that we also have to take account of, and those other values include taking care of America, making sure other countries do not take advantage of us.

Other countries do not worship at the altar of laissez faire. Other countries do not worship at the altar of free trade. Other countries rather proportionately worship at the altar of protecting themselves and passing legislation in their countries to help their workers, help their people at our expense.

I am only saying let us be pragmatic, let us not be blind to certain ideologies, let us rather be pragmatic, responsible, reasonable and work together and pass legislation.

There is still time for a trade bill, Mr. President, and I hope that President Reagan heeds our joint bipartisan call and does work with Congress.

Mr. President, I yield the floor.

## RECOGNITION OF SENATOR DURENBERGER

The PRESIDING OFFICER. (Mr. SYMMS). Under the previous order, the Senator from Minnesota is recognized.

## HOUSE-SENATE CONFERENCE ON H.R. 3838

Mr. DURENBERGER. Mr. President, I am not a member of the House-Senate conference on the tax reform bill H.R. 3838.

However, as one who worked for many months with my colleagues on the Senate Finance Committee to fashion a reform proposal, which was approved 20 to nothing by the members of the Finance Committee and 97 to 3 by our colleagues in the Senate, I want to express my strong concern over the approach that the House Democratic conferees are taking in regard to this bill. I have recently reviewed the so-called House offer to the Senate conferees and I am convinced that the Nation's economy would be far better off if we had no tax bill rather than the proposal submitted by the House of Representatives.

As we know all too well, the Nation's economy is in fragile condition. The gross national product grew a bare 1.1 percent in the last quarter and there are signs of a significant slowdown in the overall economy. Most discouraging, industrial production has declined in 5 of the first 6 months of the year and shows absolutely no sign of picking up. If tax reform is to have any meaning, it must ensure that the Nation's economy begins to grow at a more steady and measured pace. Yet the offer presented to the Senate conferees would threaten to choke the economy into a downward slide.

Yesterday, we were nearly forced to a vote on the President's veto of the Textile and Apparel Trade Enforcement Act. Proponents of that legislation believed that the Nation's horrendous trade deficit would be eased if Congress adopted this protectionist measure. I do not agree and am pleased that the House did not override the President's veto. I would suggest to my colleagues that the most effective way to help solve the trade deficit is to avoid imposing draconian new taxes on American business operations abroad.

Yet that is exactly what the House conferees have recommended to the Senate by proposing more than $12 billion in additional taxes on American companies doing business abroad.

How ironic that the members of the same House committee which drafted the most protectionist legislation since Smoot-Hawley, H.R. 4800, would hamstring American businesses trying to compete abroad through the Tax Code.

What about all of those calls for American business to replace obsolete plant and equipment and streamline operations to face down the industrial challenge of the Pacific basin and Western Europe? The House Democratic conferees' answer to this question is to scale back depreciation deductions by $18 billion. And on top of that, the House proposes cutting back on the special tax credit we adopted in 1981 to spur research and development. In the face of the continuing decline of manufacturing in America, it seems that this proposal just adds insult to injury.

The natural resource sector of our economy—mining, timber, oil and gas—which has been in a depression throughout the 1980's just cannot afford the additional billions in taxes that the House proposal would mandate. Iron ore miners and timber growers in my State of Minnesota, and oil field workers in States like Texas, Louisiana, and Oklahoma will surely never see their jobs again if the House proposals are adopted.

The Senate made a major step in the direction of putting responsible public policy into the Tax Code and they put it especially into the Federal/State relationship when we adopted the tax-exempt bond provisions of the tax reform bill. These provisions allow State and local governments a great deal of flexibility in meeting their important public responsibilities as partners with the Federal Government.

Yet, the most recent offer from the House Democratic conferees sends a devastating message to every State and local government in this country—the Federal Government will mandate hundreds of standards that you must comply with. But the House of Representatives will make it nearly impossible for you to finance those obligations.

I must also note that the House Democratic conferees would take away many of the most important features of the Senate bill that benefit our hard pressed farmers. The House would not allow these self-employed individuals to deduct a single cent of the cost of their health insurance. And the House would not allow farmers to renegotiate their uneconomic loans with their banks without incurring a tax penalty.

This is not an exhaustive list of my strong objections to the tax philosophy embodied in the House offer. We do not have time for that this morning. It merely identifies the stronger of the strongest objections. The list of bad public policy proposals in the House Democratic offer goes on for 16 pages.

Mr. President, I urge my colleagues on the conference committee to hold firm on the provisions of the Senate's tax reform bill. Our economy cannot afford a bill which arbitrarily damages the ability of American business to compete effectively in the world economy. That is exactly what the House Democratic offer would do.

And I would call on our colleagues in the House who are not tax conferees and on the White House to pull out the promises they made to America when they switched to support the House bill last December. In his December 16, 1985 letter to Representative JACK KEMP, President Reagan reiterated that one of his "minimum requirements for a tax reform bill" was that the bill provide "basic tax incentives for American industries, including those which depend upon heavy capital investment in equipment and machinery."

The Senate fulfilled all of the President's promises for tax reform and now the House Democratic conferees propose that the Senate accept the antigrowth measures included in the House bill.

It is time for President Reagan to keep his commitment to lend his full support to the progrowth Senate tax reform bill.

When tax reform advocate JACK KEMP voted to adopt the House bill, he did so in order to "keep the process alive of reforming our Tax Code." But he and others promised "to lead a fight against a bill" that undermines the Nation's economy. Now is the time for those Members of the House who made the Senate tax reform bill possible to send a clear and direct message to the House tax conferees: Do not tamper further with the financing provisions of the Senate bill, a bill which brings dramatic fairness to the individual and corporate Tax Code and encourages the expansion and growth of jobs and industry in America which make the income-based Federal revenue possible.

Mr. President, I yield the floor.

## RECOGNITION OF SENATOR DECONCINI

The PRESIDING OFFICER. Under the previous order, the Senator from Arizona [Mr. DECONCINI] is recognized for not to exceed 5 minutes.

Mr. DECONCINI. I thank the Chair.

## FAIR ELECTIONS IN MEXICO

Mr. DECONCINI. Mr. President, last night in the late hours, thanks to the indulgence of the ranking minority member and chairman of the Armed Services Committee, I submitted a concurrent resolution (S. Con. Res. 158) and I want to speak to it for just 5 minutes this morning.

Mr. President, I would like to read a few statements made by the Catholic Church discussing a specific political situation in an unnamed country:

The churches will remain closed today as a sign of protest, as a loud cry on our part for those whose eyes remain blindfolded or who have been blinded by their own guilt.

We energetically denounce the shameful acts that took place on election day . . . we denounce the lies, fraud, the deliberate delaying of voting, the predominance of public force, the supplanting of individual, the blackmail, the threats and all arbitrary acts that took place on that day.

Where is the Catholic Church making these statements? A student of history might guess El Salvador. Recent world events might point toward the Philippines. Current newspaper accounts might implicate a Central American country struggling for democracy. Future newspapers could carry this scenario for South Africa or perhaps Chile. Where is this, you might ask? This is in the border state of Chihuahua, located in the north of Mexico. Independent civic groups and hundreds of volunteers have documented fraud in what they claim to be more than one-third of the polling places in Juarez. The Catholic Church, from which I just quoted, has been increasingly critical of the Mexican Government. They have bluntly told Catholics they have a moral duty to demand clean government. They have candidly told the Government that the cheating in Chihuahua constitutes a "social sin." They have threatened to close the churches in protest.

Mr. President, I have previously attempted to address this problem. On June 26, I introduced a resolution asking President de la Madrid to appoint a nonpartisan commission comprised of Mexicans of all political parties to monitor the elections in Mexico. On July 6, the elections in Chihuahua were marred by fraud in the most bitterly fought state election in recent Mexican history. The Mexican press reported my resolution to be meddling with the internal affairs of Mexico by sending Members of Congress to monitor the elections. This is simply inaccurate.

□ 1130

I rise today to articulate three important goals. First of all, to establish more effective and constructive diplomatic channels with the Mexican Government. I have written to my good friend, Senator Riva Palacio in the Mexican Senate, to explain and clarify my first resolution introduced with the distinguished Senator from California, Mr. WILSON. I believe he mistakenly thought it included international observers from outside the country. Sharing a 2,000-mile border, miles along Arizona, requires honest and constructive diplomacy. We need to continually discuss, debate, compromise, cooperate, and collaborate in formulating policy between our two countries. We will occasionally disagree, but we must work together. Our two countries are increasingly effected by social, political, and economic factors.

Second, by resorting to fraudulent activities witnessed by thousands of voters and hundreds of reporters, the Mexican Government risks heightened dissent at home. Furthermore, they risk criticism from abroad. And, they risk eroding support from the U.S. Congress. Erosion of domestic support and international confidence complicates Mexico's efforts to solve its worsening economic problems. This hurts Mexico's ability to obtain relief from foreign debt. This erodes their efforts to bolster trade. I am hopeful that fair and free elections will demonstrate their courage and conviction in the Mexican system. This can only assist our neighbors in solving their domestic and international economic problems. Cheating only undermines international confidence precisely when it is most needed.

Third, this is not an endorsement of one party over another, as some reporters in the Mexican press might claim. This is an attempt to support fair and honest elections and condemn fraud. Regardless of who wins, the Mexican people will benefit by ensuring that their political will is reflected by elected leaders.

As a matter of foreign policy, the stability of Mexico ranks second only to the Soviet strategic balance in significance to Americans in the next decade. American foreign policy must remain true, consistent, and fair. When we discuss fair elections, we must encourage all our friends to be accountable. That is why this resolution is both constructive and timely. President de la Madrid will meet in mid-August with President Reagan. As Mexico discusses its international trade and foreign debt problems, we must ensure that fair elections are discussed in an open and frank manner. Congress can send a very important message to both Presidents. This resolution recognizes the great nation of Mexico as a longstanding friend and ally of the American people and the United States. But it would be a mistake to ignore their recent electoral fraud and corruption with silent diplomacy. This resolution supports democratic principles and fair elections in Mexico for all of its citizens.

Mr. President, cosponsors of this concurrent resolution are the Senator from California, Mr. WILSON: the Senator from New Mexico, Mr. DOMENICI; the Senator from Florida, Mrs. HAWKINS: and the Senator from Texas, Mr. GRAMM.

Mr. President, I yield back the balance of my time or, if anybody wants it, I will be glad to yield it during morning business.

Mr. SASSER addressed the Chair.

The PRESIDING OFFICER (Mr. DURENBERGER). The time of 11:30 having passed, under the previous order, there would now be a period for the transaction of routine morning business. However, the Senator from Tennessee, also under that order, has the right to a special order. If the Senator would request unanimous consent that the period for morning business be suspended for the purposes of his special order, the Chair would entertain that request.

Mr. SASSER. Mr. President, I ask unanimous consent that the period for the transaction of morning business be suspended.

The PRESIDING OFFICER. Without objection, it is or ordered.

## RECOGNITION OF SENATOR SASSER

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

## CRACK

Mr. SASSER. Mr. President, on Tuesday I joined with other members of the Democratic Working Group on Drugs in offering legislation to intensify our efforts to combat the deadly drug known as crack.

It is past time that we focus our efforts on this very serious problem. In just a short period, the use of crack has reached epidemic proportions. It threatens to scar an entire generation of our young people.

Statistics show that one of every six of teenagers will have experimented with cocaine before they graduate from high school. That is a truly frightening statistic. And the picture is getting worse. Surveys show that 61 percent of all high school seniors have tried an illegal drug at least once. The simple fact is that students are used to the presence of drugs in their life experience.

For students—as for adults—crack is a particularly dangerous drug. It is highly addictive. Some say that one use of crack and you are hooked. Crack is also cheap. A vial of crack costs as little as $10.

I see the distinguished Senator from New York (Mr. D'AMATO) on the floor. I was interested in seeing him purchase a vial of crack in one of the newspapers not too long ago in an effort to illustrate the pervasiveness of this problem.

So that puts it well within reach, at $10, of most high school students.

The legislation we introduced (S. 2715) addressed both enforcement and education—and both are vital if we are going to make any headway in the battle against crack.

First of all, we add crack to the list of schedule I drugs. This is where it

belongs. Crack is as dangerous as any drug on the street—and more addictive than almost any of them.

Second, we create a separate crime for employing minors in drug operations. Drug dealers often employ minors as runners on the street or as a safety measure to avoid arrest. They know that minors are usually not charged or if they are, they are placed on probation.

I believe we have to come down on dealers and come down on them hard for the use of minors in their drug operations. It brings youngsters into the seamy underworld of crime and exposes them to drugs—usually resulting in their own addiction.

Third, we make it a separate crime to manufacture illegal drugs near a school. Crack is so easy to manufacture that drug dealers can set up shop near a school and entice students to purchase drugs.

Incredible as it may seem, while it is a crime to sell drugs to minors, it is not a separate crime to employ minors in drug dealing. By the same token, while it is a crime to sell drugs near a school, it is not a separate crime to manufacture them near a school. By creating these new offenses we are offering law enforcement a new tool to prosecute these vicious drug dealers who would destroy our youth for profit.

That is a start, Mr. President, but it is only a start. The second part of our bill addresses the issue of drug education. We will never win the war on drugs until we convince our young people to avoid drugs. Drugs are not recreational, it is not smart to use them. They are lethal and they kill you.

First, we direct that October 5, the first day of "Drug Abuse Awareness Week," be designated as "National Drug Abuse Education Day." This will allow us to focus national attention on the need to educate our young people to the dangers of drugs.

Second, we direct the Secretary of Education to immediately provide States with available information on drug education strategies and on the nature and extent of crack.

Third, we direct the Director of the National Institute of Drug Abuse to produce and run public service announcements on the dangers of crack. Again, this is something we can do right now.

While long-term drug education efforts are needed, we also need to do something now—in this school year. This is an emergency program to respond to an emergency situation.

Fourth, we establish a grants program within the Department of Education to enable States to develop drug education programs, to train counselors and teachers in drug education, and to pool knowledge of the most promising programs.

These steps are just a beginning. I know my colleagues who serve with me on the Democratic Drug Working Group are committed to further action to combat this growing national problem. And our legislation marks a good start in our war on drugs. I urge my colleagues to join with us in this important endeavor.

□ 1140

## ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the time of transaction of routine morning business.

Is there morning business?

## DONALD REGAN RECEIVES IRON MIKE AWARD

Mr. THURMOND. Mr. President, I recently had the pleasure of attending a dinner at which White House Chief of Staff Donald T. Regan was presented with the coveted Iron Mike Award of the Marine Corps League. I know my colleagues join me in congratulating Mr. Regan on receiving this prestigious award. He has served with distinction in the Marine Corps, participating in five major battle campaigns, and retiring as a lieutenant colonel.

During his 5½ years of active duty, Mr. Regan was awarded five battle stars, a commendation ribbon, and a theatre ribbon. Following his active duty, he was in the Marine Reserves for 2 years. Donald Regan has continued his fine record of service to his country as the 66th Secretary of the Treasury and as the White House Chief of Staff.

I ask unanimous consent that the fine speech which Mr. Regan made before the Marine Corps League upon his acceptance of this award be included in the RECORD at the conclusion of my remarks.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

MARINE CORPS LEAGUE DINNER

(By Donald T. Regan)

We Marines have a saying: There is no such thing as an ex-Marine. And standing here, this evening—with people like yourselves and the members of this great Marine Corps League—I can assure you: The heart knows how true that saying is, as true as it was 40 years ago when a young recruit proudly wore his first globe and anchor.

It's a deeply humbling moment for me: to accept this award—a most coveted one. To stand here tonight is also to realize that in a world of confused allegiances and divided loyalties, some things never change, that some traditions like those embodied by the Marine Corps League live on; and that there are those who remain upright, who remain always faithful.

But if I feel as one with you tonight, I must act as one as well. So I must live up to the Marine code and tell the blunt truth. Ladies and gentlemen, I confess I am sorely tempted this evening—like any good Marine on such an occasion—to reminisce, to tell some stories.

Now I realize that to do so in such distinguished company runs a considerable risk, particularly as I look out and see some of the most prominent members of the defense establishment, not to mention so many medals, ribbons, and stars. Of course, I learned as a young Marine how to defer to rank. Well, not always. I remember a story that a great American, the late Admiral Rickover liked to tell about being an Admiral. You know, I don't know why the Navy is always coming up at Marine events, it's just one of the oddest things. But anyway Admiral Rickover liked to note that the day before he received his promotion to Vice Admiral, a horse named Rickover also won the 5th race at Belmont Park. And Admiral Rickover commented: no other Admiral in history has had a whole horse named for him. But as I say Marines are a little different. I remember seeing another naval officer break in a Marine who was doing his first duty on board a ship. And the officer of the deck asked what he would do if a man fell overboard. "'I would yell, Man overboard!'" the Marine said. The officer then asked what he would do if an officer fell overboard. The Marine was silent for a moment and then asked, "'Which one, sir?'"

So, with all the military experience out here tonight, I'll be careful of my chutzpah; I won't make the same kind of mistake. So I don't think I should tell any stories tonight: well, maybe one.

1943. New Georgia. It is hot. Captain Regan, sitting in his tent in a pair of field shoes and shorts, hears a huge commotion outside. His Sergeant Major ducks in and says, "Captain, you better come quick and bring your sidearm."

Outside a large group of troops have gathered; the commotion is about an iguana who has been driven high up a coconut tree. Some of the Marines are shouting, others are throwing rocks; some of the Marines are from Brooklyn and think they have treed a man-eating crocodile. There is a hue and cry to shoot the reptile.

At this point, it is important to explain that sometimes when troops were being moved or replaced in combat zones an order would go out restricting ammunition clips to only a few authorized individuals. This was to avoid the kind of jumpiness and accidental firings that occur in the jungle, especially in darkness. As good Marines, we took it as a matter of faith that this was the sort of thing that only Army troops did, but we also had to obey the orders.

So in a Marine company only one person was authorized to shoot. And, as you have guessed by now, only Captain Regan could use his weapon. Now, ladies and gentlemen, every officer has one such moment in his career—a moment of truth, a moment when it is all there, right on the line. See Captain Regan surrounded by his Sergeant Major, his first sergeants and his troops. See Captain Regan take out his 45 and begin to pray. See Captain Regan aim his 45 and begin to sweat. See Captain Regan fire and get lucky. Watch the iguana fall. Watch Captain Regan return to his tent and only then begin to breathe again.

Permit me to turn now from reminiscing to a subject of vital importance: the defense budget. As you know, in his first term the President expanded defense spending greatly. He did so in light of a pressing and obvious need to rebuild our Nation's defenses—and he did so with broad political support.

In this second term, some assert that political support has weakened. Certainly on Capital Hill there is no shortage of plans to cut Federal spending by gutting defense. So the question arises: Will the President be able to maintain defense spending at the needed levels? Pundits in this town say "no." I say "yes"—and here's why.

The President has demonstrated a remarkable, even historic, ability not only to win on specific issues but to reshape the thinking that underlies the issues, to provide new first principles, to replace the prevailing fundamental assumptions with his own. Consider the record. When the President took office, the idea of any major tax reform was considered outlandish, maverick. Today we have already seen the President's 1981 tax cut take effect, and we're moving toward what promises to be the most sweeping and thorough tax reform in some four decades. Indeed, a recent headline in the Washington Post told the story: "The Impossible Became Inevitable."

Or look at aid to anti-communist insurgencies. When the President took office, official opinion in Washington still centered on notions of containment, of attempting to slow the Soviet advance. The idea that we should assist those endeavoring to reverse that advance was scandalous, an affront to established and comfortable patterns of thought. Today the United States is providing aid to freedom fighters in Afghanistan, Africa, Cambodia—and, yes, Nicaragua. El Salvador is safely in the freedom family. And Grenada has been saved.

This reshaping of the established order is precisely the kind of change I believe we're witnessing with regard to defense spending. The President is maintaining the defense budget with guts and persistence. And by giving the people the facts—facts like these.

In 1962, defense spending represented some 46 percent of the Federal Budget, while 29 percent was devoted to social spending. By 1982, those proportions had almost exactly reversed: Defense had fallen to 29 percent of the budget, while social spending had risen to half.

The President knows that the reason for the Federal deficit is social spending that has increased enormously, not defense. And as he says it again and again and again, using the bully pulpit of the Presidency to bring the point home, he's effecting a deep and lasting change in the thinking of the electorate and hence in the character of American politics. Strong defenses and the spending to maintain them, including foreign aid, are coming to be seen not as a temporary aim but as a given, a permanent aspect of the role our Nation must play upon the world stage.

Of course maintaining strong defense involves sacrifice, never politically popular. But the President is able to draw upon the spirit of sacrifice because he offers the people hope—not containment, but the advance of human freedom; not an unending balance of nuclear terror, but the Strategic Defense Initiative and possibility of making nuclear missiles obsolete.

The importance of S.D.I. to our Nation's defenses is obvious; even if only partially successful, it could vastly increase the cost to the Soviets of attempting nuclear aggression. What is perhaps overlooked is S.D.I.'s political importance. S.D.I. represents a forward strategy based upon specific objectives. It marks the difference between thinking defensively and thinking creatively and actively, between accepting the status quo and working for a dramatic change in the interests of peace. If you'll permit me a football metaphor, S.D.I. adds up to the difference between never getting past the fifty-yard line and going for a touchdown. The American people understand all this instinctively. And S.D.I. thus helps the President to enlist their support for his defense strategy as a whole.

In his effort to maintain our defenses, then, the President has the arguments on his side. In S.D.I., he has a winning strategy. And as the polls indicate, he has the American people with him as few Presidents in history. His opponents have on their side only the failed policies of the past.

But this brings me back to this evening, to this award. You see, I learned loyalty in the Marine Corps, so I'm puzzled when I see the press refer to me as a Reagan "loyalist," almost as though it were a criticism. In the Marines, we all knew we were part of a great cause. We knew our officers, we knew our men—and we were loyal to both, up and down. In the West Wing, I feel much the same way. Of course the obvious drama of landing on an island under heavy fire is missing—except maybe when I go up to Capitol Hill. But the sense of urgency is there. The sense of an enormous conflict is there—if at no other time, then certainly every morning at the national security briefing, when we learn what America's adversaries have done or are planning. And the sense of service, the sense of greatness, even if I may say so, the sense of camaraderie—well, that's there every time you walk down the hall and go into the Oval Office.

Loyalty, service—these days my mind goes back to the Corps a great deal. I've told you the great adventure story of Captain Regan and the iguana.

Well, there are other memories, not so humorous. Many of those here today have such recollections. Fate throws us together with others we hardly know; what we have in common is only this: we are all Marines. We live together, fight together, sometimes die together. We see almost daily acts of heroism that are soon forgotten, that history will never record—I can still see in my mind's eye just after a bombing attack on the island of New Georgia a Marine sergeant, without a moment's hesitation, run into the wild flames and flying shrapnel of a burning ammunition dump to pick up a wounded Marine and just barely make it back to safety. We see all this, we become as close as mortal human beings can become and vow never to forget. And then, when it is over and peace has come, we go home, back to a different more settled way of life. We may never see each other again; but we never forget—each other or the Corps.

Nor—and this is the blessing of living in this Nation—does America forget. It is why we are here tonight—to commemorate an institution whose spirit in 210 years of service to country has never flagged: the United States Marine Corps, born on November 10, 1775 in Tun Tavern—some Marines like to say it was a fitting place for the Marine legend to begin.

The military historians have looked for the reasons to explain such legends, to understand why some troops fight well and others do not. British historian John Keegan has said it is simply the will to win—a pride in unit, a sense of comradeship; a simple refusal to let the other guy down. It is what the Marine Corps is all about, that is the pride it instills; it is the real meaning of "Semper Fi." In his memoir of the Pacific War, William Manchester explained why he left his hospital bed to return to his troops, his fellow Marines. "It was an act of love," he wrote. "Those men on the line were my family, my home. They were closer to me than I can say, closer than any friends had been or ever would be. They had never let me down, and I couldn't do it to them, I had to be with them rather than let them die and me live with the knowledge that I might have saved them."

"A man will not sell you his life at any price," Manchester also wrote about the Marines he knew, "but he will give it to you for a piece of colored ribbon." He meant that to be a Marine is to live for something far beyond the bottom line or narrow self-interest.

"They are better," Ernie Pyle wrote after covering the Marines for the first time in World War II. "They are better because they think they're better."

It is so today. Our enlisted Marines today are smarter, better-educated, better-trained, and just as tough as the Marines of any era. And let me say the Corps itself has never been stronger, better-equipped, or better-led than by its current officer corps and a smart, likeable and tough Commandant, P.X. Kelley.

We are fortunate it is so. Look around the world today and see where blood is being shed—Angola, Afghanistan, Nicaragua—listen to those who say our defense budget must be slashed—and who cannot feel grateful that we have to defend our Nation a striking force that is vigilant and ready, infused with the spirit of self-sacrifice and devotion to country.

Ladies and gentlemen, not only from the halls of Montezuma and shores of Tripoli but in France in World War I, in Guadalcanal, Tarawa, Iwo Jima, Okinawa, in Chosin, Korea, in Vietnam, and in Lebanon and other places too numerous to mention, Marines have been in action; and the memory of those Marines sustains and inspires. They haven't changed; if anything, in all the ways that I have mentioned, they are better. Let us be proud of them; let us give them all our support. Let us ever be grateful there are those who fight for right and freedom, who call themselves a band of brothers, who claim the title of United States Marine.

## SHOE AND TEXTILE WORKERS

Mr. SASSER. Mr. President, I deeply regret that we will not be able to provide assistance to our Nation's shoe and apparel workers. The administration's heavyhanded pressure tactics have worked—for now. Once again they have shown their insensitivity to the needs of our shoe and textile workers.

Yesterday was indeed a grim day for these hard-working Americans. For years, textile and apparel workers have seen their jobs disappear in the flood of imports while their Government stood by and refused to offer any assistance. While other countries erected trade barriers to protect a vast range of industries, U.S. workers were told that helping them would cause a trade war. In fact, the United States was not even enforcing the textile agreements we did have.

Finally, we in Congress said "Enough." Last year we passed the Textile and Apparel Trade Enforce-

ment Act. That bill promised some sanity in our textile and apparel import policy. It also promised our domestic industry that they would have a period of stability to modernize their facilities and compete with imports.

In what I think was a very ill-advised action, the President vetoed that bill. At the time, he said that in the series of bilateral textile agreements to be negotiated this year he would hold the level of import growth to the level of growth in the domestic industry. Well, Mr. President, I haven't seen much evidence of that in the agreements announced so far this year.

The recently announced treaties with Taiwan, Hong Kong, and with South Africa show that this administration has no intention of holding the line on import growth. What it does show is that they will continue their blind devotion to a concept of free trade that simply doesn't exist in the real world.

Textile and apparel imports rose 10.9 percent between May of this year and May of last year. In 1986 to date, they are up a staggering 23 percent. Between January and May of this year, our textile and apparel trade deficit was almost $8 billion. If that trend continues—and all the evidence is that it will—our textile and apparel deficit for this year will be $18,830 million.

But these figures are more than mere statistics. They represent real people and real jobs. Last year 4,000 Tennessee textile and apparel workers lost their jobs due to imports. The closing of a textile or apparel factory can be devastating to a local community. Many such facilities are located in rural areas. They are often the major employer in the area—areas which have few alternative employment opportunities.

As I travel around Tennessee, I continually see the effects of shoe imports on our citizens. I talk to individuals who have lost their jobs in the communities where they have lived and worked for years. They face the future with no prospects of new jobs.

Many textile and apparel workers are prevented by family obligations and ties from moving to a new area. Many are women—often single parents and the sole support of their children.

I am deeply distressed that the administration has chosen a head-in-the-sand approach to an issue that is literally shaping people's lives.

Sooner or later, Mr. President, we are going to have a trade debate in this body. And I want to put the administration on notice that when we do, those of us who represent shoe and textile workers will be supporting changes in our trade laws to assist these workers.

## DISINFORMATION WITH REGARD TO CHILE

Mr. HELMS. Mr. President, I am deeply concerned about the massive campaign of disinformation which is being coordinated against the people of Chile who yearn for an orderly transition to democracy. A coalition of the media, the Marxists, and the State Department is seeking to destablize the transition to a full fledged democracy in Chile.

I identify it as a campaign of disinformation because I have been to Chile, and I have seen with my own eyes what is going on. There is a concerted effort to frustrate and discredit the efforts of the Chilean people. The Chilean people want a fully functioning, representative democracy; but they also want a democracy that is not going to slide back into a totalitarian regime, such as they experienced under Allende.

What disturbs me about the disinformation campaign is that the State Department, the CIA, and the media so often, for whatever reasons, side with the Marxists and the totalitarians.

When I publicly criticized Ambassador Harry Barnes for planting the American flag in the midst of a Communist rally, I did so because the decent people of Chile were shocked, and because those Americans who work in Chile and who understand the political alternatives in Chile were outraged by his actions.

Mr. President, Ambassador Barnes admitted to me that he did not see any of the leaders of the democratic opposition present at the demonstration which accompanied the funeral of Rodrigo Rojas. What the Santiago newspaper pictures showed were hundreds of red flags, Communist banners featuring the hammer and sickle, and the slogans of the revolutionary left. This was not a demonstration by Chilean citizens seeking early elections; it was a bid for a Communist takeover by the totalitarian left.

Ambassador Barnes' attendance at the Communist demonstration was exactly as repugnant as if he were Ambassador to Germany and had attended an illegal neofascist brownshirt rally complete with swastikas. Like Germany, Chile knows what happens when totalitarian ideologies take over the democratic process. Just as in Germany today fascist parties, fascist emblems, and fascist slogans have been declared unconstitutional by the constitutional courts, so too in Chile the emblems and parties of Communist totalitarianism embraced by Ambassador Barnes have been declared unconstitutional by the constitutional courts of Chile.

It is clear that Ambassador Barnes' actions not only subversive of the constitutional process in Chile, but made common cause with the enemies of the United States.

The policy of President Reagan is to promote the democratic transition on an orderly schedule. The policy of Ambassador Barnes is to disrupt the orderly transition, to promote the totalitarian left that Chile once threw off just in the nick of time, and to defame the government that rescued Chile from the clutches of international socialism.

Mr. President, Ambassador Barnes and Secretary of State Elliot Abrams have tried to spread the myth that human rights is a major problem in Chile. I have no doubt that human rights problems do occur in Chile. A country that is beseiged by terrorist revolutionaries seeking to destroy freedom has a different problem in balancing the rights of the majority to be free from terrorism and the individual rights of insurrectionists trying to overthrow law and order. Israel, for example, has had to adopt a policy of tough justice to protect its citizens against the attacks of the PLO, and sometimes it has missed the mark. But nobody doubts the good will of Israel toward human rights over the long haul.

So too with Chile. The State Department Human Rights Report itself says that there have been no major cases of human rights violations, such as cases of "disappeared persons," in recent years. And recently a left-wing political science institute in Chile named FLACSO took a scientific survey of public opinion. It was so stunned by the outcome that it tried to suppress the results, but word leaked out and it was forced to publish its findings. The poll showed that more than 60 percent of the Chilean people believe the major problem facing Chile is the economic situation, not surprising in view of the world economic recession. Only 2 percent thought that human rights was a major problem in Chile. But not a word about this poll has appeared in the major media of the United States.

Ambassador Barnes and Secretary Abrams are trying to cater to that 2 percent with their support of the violent Communist left—at the expense of the democratic opposition and the parties that support President Pinochet. There is a democratic left in Chile, but Ambassador Barnes and Secretary Abrams are leaving them high and dry.

There is no doubt that politicians of all stripes would like to have their chance to try to rule the country, and it appears to serve their self-interest to have an early election. But President Pinochet is following the schedule set up in the democratic constitution adopted by 67 percent of the people in 1980. He has not deviated from that schedule; and, in my judgment, it would be a grave mistake to

attempt to try to force him to depart from that schedule.

What is really happening is that Chile has already begun to recover from the world recession, with a growth rate of 4 percent for 1985, and continuing at 4 percent for this year. The agricultural sector has made a strong recovery for the export market, particularly since the seasons are reversed in the Southern Hemisphere, and Chile is able to market seasonal produce in North America when our fields are dormant. Indeed, Chile has the highest growth rate in Latin America.

Mr. President, the resurgent economy is just beginning to have its impact upon the people. Such an impact is precisely what the Communists and Socialists fear most. If the growth rate continues, the economic disaffections of the Chilean people will have vanished by the time of the elections scheduled for 1989, and it is expected that there will be strong support for the political parties advocating social justice through the market economy.

Thus it is to the obvious advantage of the Communists and Socialists to force elections at an earlier date under the intimidating threats of terrorism and social unrest; it is to the advantage of the parties of freedom to keep to the established constitutional schedule. The desire of Ambassador Barnes and Secretary Abrams to attack the economic base of Chile is aimed directly at the partisans of freedom and against the interest of the United States.

Thus Ambassador Barnes has targeted Chile as an object of hostile penetration. Along with Secretary Abrams he has publicly assisted Mrs. Veronica de Negri as an aggrieved mother psychologically wounded by a supposedly brutal regime.

While we can all sympathize for a mother's grief, the intelligence capabilities of the State Department and the CIA evidently were too incompetent to understand another aspect of Mrs. de Negri's life. The view of the media and the Marxists must be tempered by the view of many Chileans who remember her years in Chile as a militant member of the Communist Party of Chile, skilled in psychological warfare.

Mr. President, the image of Rojas and Quintana as merely idealistic young reformers must be tempered by the findings of the special prosecutor that the pair were in fact part of a group of terrorists carrying gasoline, molotov cocktails, and rubber tires for erecting burning barricades, and that Quintana had been arrested for similar activities last April.

The image of brutal soldiers deliberately dousing the helpless pair with gasoline, must be balanced by the special prosecutor's finding that Quintana attempted to kick a molotov cocktail at the group of young soldiers arresting her, only to have it explode against her foot, and of the burned pair refusing to go to the hospital, and inexperienced soldiers making a fatal misjudgment by allowing them to go free. There will be those who prefer the Communist version of the story, but it is remarkable that neither the media nor the State Department have made the other version, based upon sworn testimony and findings by a distinguished judge.

This picture of Chile is admittedly different from the picture presented by the media, the Marxists, and the State Department. But it deserves to be examined disinterestedly by those seeking both truth and the transition of Chile to a stable democracy.

Mr. President, at this point let me outline parts II and III of this statement for those who may be interested in the details which I shall set forth.

There have been at least four themes of disinformation on the Rojas case spread by those seeking the transition of Chile to Marxism.

The first theme of disinformation is that the Chilean Government is somehow stalling on the road to democracy. This is a favorite theme of the State Department.

The second theme of disinformation is that the so-called democratic forces of the left are the best protection for Chile against communism. But the fact is that the same democratic forces of the left that took Chile down the road to totalitarian communism are the very same forces contending for power today.

The third theme of disinformation is that the military forces deliberately sought to torture and kill Rojas and his companion, and subsequently attempted to prevent them from receiving competent medical treatment. This is a theme repeated over and over again by Mr. Ariel Dorfman, a self-appointed spokesman for Chile, most famous for his book, "How to Read Donald Duck," a Marxist interpretation that condemned Walt Disney as an agent of cultural imperialism.

The fourth theme is that Rodrigo Rojas was an idealistic young man, struck down in the flower of his youth. But the fact is that his family, and the family of his companion, are both well known as Communist activists, whose clear motivation has been, and continues to be, to impose communism upon a hapless Chile.

In the last section of this statement, I will discuss the historical role of the Communist Party in Chile, the role of the Communist Party in the general strike of July 2 and 3, the factual incidents relating to the burning of Rojas and Quintana. In addition, at the appropriate time, I will put in the record a number of official documents relating to the Rojas case for the historical record.

PART II

THE ROJAS CASE

Mr. President, I am deeply concerned that the circumstances surrounding the tragic death of Rodrigo Andres Rojas Denegri and the investigation of his death and the burning of his companion, Carmen Gloria Quintana Arancibia, have been grossly distorted by the major media in this country.

I am also concerned that the process of transition to representative government as called for under the 1980 Chilean Constitution has been equally distorted by the media in this country.

Mr. President, as I said to the press in Chile and here in this Chamber, I am neither pro-Pinochet nor anti-Pinochet. What I am for is freedom in Chile. What I am against is communism whether it is in Chile, Cuba, Nicaragua, Surinam, or wherever it seeks to enslave nations and destroy civilization.

CHILEAN CONSTITUTIONAL TRADITION

Mr. President, Chile has been recognized as having one of the most democratic traditions in this hemisphere. It has lived under just three Constitutions since 1833, a remarkable feat within the context of Latin American history. Chile has had the Constitution of 1833, the Constitution of 1925, and the Constitution of 1980.

It is a fact that the Constitution of 1980 was approved in a plebiscite by 67 percent of the Chilean people. It is a fact that the Constitution of 1980 is composed of articles of a permanent character and articles of a transitory character. It is a fact that the transitory articles spell out the timetable and process for the restoration of representative government in Chile. It is a fact that the Constitution of 1980 calls for a plebiscite in 1989 to vote up or down on a Presidential nominee put forward by the junta. It is a fact that the Constitution provides that if this nominee is voted down by the people, then a process leading to open elections in 1990 will commence.

Mr. President, it is also a fact that laws regulating political parties, the registration process, and other electoral matters have been drafted, or are in the process of being drafted, as called for in the Constitution of 1980. It is also a fact that these laws have or will be submitted for final approval in order to set the stage for the political aspects of the transition process as spelled out in the Constitution of 1980.

Mr. President, it is certainly clear that the transition process in Chile is operating under the timetable and guidelines spelled out in the 1980 Constitution which, I will point out again, was approved in a plebiscite by 67 percent of the people of Chile. If anyone doubts this, it is a simple matter to read the Chilean Constitution of 1980 and to then check the actions of the

Government. Should any Senator wish a copy of the 1980 Constitution either in Spanish or in English, I am sure that the Library of Congress would be pleased to furnish it.

Mr. President, our own Constitution spells out a timetable for elections. How would we react if the Soviet Union, or Cuba, or Red China, or England, or France, or West Germany, or any other country in the world, tried to pressure us to hold our next Presidential election in 1987 or in 1989, and not in 1988, as called for by our Constitution? Would Senators in this Chamber like to have a foreign nation dictate when their next election would be? I think not. We all love and respect our Constitution too much for that. We all wish to defend our Nation's sovereignty from foreign interference.

Mr. President, I am apalled that there are those in the media, in Congress, and in this administration who would force the Chilean nation to tear up its Constitution in order to suit their fantasies or their election campaigns, or their news circulation, or their careers in the State Department. Are we, in the United States, going to launch a global campaign to draft constitutions for every country on the face of this Earth and then impose them on these sovereign nations? It would appear that this is what some have in mind.

THE RECORD OF THE DEMOCRATIC LEFT

I am also appalled that the discussion of the so-called democratic forces in Chile has been divorced from the facts about Chile's recent historical experience and political life. There appears to be a short memory in the media, in Congress, and in the administration about the facts of Chile's political evolution over the last two decades.

It is a fact that the Presidential elections of 1964 were bitterly contested and that the line was drawn between freedom and Marxism. The candidate of the Christian Democratic Party, Eduardo Frei, was no Marxist. He was a Christian Democrat in the tradition of reformist Catholic thought as expressed in particular by Jacques Maritain. Unfortunately, his economic programs were not well thought out and attempted to find a way around the free enterprise system. This did not lead to the kind of economic growth that he hoped for but I say again, Eduardo Frei, he was no Marxist.

The campaign of 1964 pitted Eduardo Frie against Salvador Allende, who was a long standing member of the Socialist Party of Chile, which was and is Marxist and even Marxist-Leninist in character. Frei's two campaign slogans were "Revolution in Liberty," which expressed his reformist but democratic outlook, and "Democracy or Marxism," which referred to Allende and his Marixist-Leninist Cuban style platform. Allende was backed by a coalition composed of the Socialist Party, the Communist Party, and other racial Marxist and Marxist-Leninist elements. Ultimately, center and right of center parties supported Frei.

To give an indication of the intensity of the campaign, the Christian Democrats, led by Frei, invited Fidel Castro's sister to Chile to campaign on Frie's behalf. She came and denounced her brother Fidel and his Communist destruction of Cuba. She warned the Chilean people against Allende and his program for a Cuban-style revolution in Chile. Frei won the election and the Communists bided their time.

In 1970, Allende was put forward by the same Socialist-Communist coalition as before. It was a three-way race because the Christian Democratic Party had fallen under Marxist leadership through its candidate, Radomiro Tomic. Tomic refused to align the Christian Democrats in a coalition with center and right parties. Allende was then elected with 36 percent of the vote, less than his coalition had polled in 1964. But with Tomic's assistance, he was able to obtain congressional certification of his "victory."

It is a historical fact that from 1970 to 1973, Allende's coalition of Socialists, Communists, and terrorist groups (such as the MIR) plunged Chile into a Cuban-style social and economic revolution. Allende never stopped quoting Marx or Engels to explain what he was doing. The Chilean Congress used every means at its disposal to block his Communist policies. The Supreme Court exhausted every effort to call into question his unconsitutional behavior.

It is a historical fact that the Chilean Congress and the Chilean Supreme Court called upon the Chilean military to intervene to save the country from Allende and his Communist program which was wreaking havoc on the country. It is a fact that the moderate Christian Democrats supported this request for military intervention to preserve Chile. It is a fact that Eduardo Frei wrote to the head of the Christian Democrat international headquarters to explain why he supported this military intervention.

Mr. President, this is the historical process that led to the establishment of the Government, headed by President Pinochet, that is now in transition to representative government as provided for in the 1980 Constitution. If there are those in this country who wish to create myths about Allende, if there are those who wish to stand up for the Allende policies which were destroying Chile, then they should plainly state their support for the Marxist and Marxist-Leninist road down which Allende was leading his country. Would these supporters of Allende wish to lead our own country down the same road?

THE MEDIA AND THE ROJAS CASE

There have been numerous disinformation themes introduced into the American news media about the Rojas case. It is alleged, without the slightest proof, that the military doused gasoline upon the burn victims. It is alleged that the Government prevented the transfer of the burn victims from the Central Emergency Hospital in Santiago to the Workers Hospital. It is alledged that every bone in the boy's body was broken by the military. It is alleged that the military broke the teeth of the young girl with rifle butts. The U.S. State Department, on several occasions, called on the Government of Chile to "investigate" the incident even though an investigation was already underway by the independent Chilean judiciary.

Mr. President, what has not been presented to the American people is the factual situation surrounding the incident. It is a fact that the massive outbreak of terrorist violence of July 2 and July 3 of this year was planned months in advance by the violent Communist-inspired leftists in Chile. The fact that the general strike and violent demonstrations were planned in advance and publicly announced by the Civilian Assembly, a Communist front organization, has scarcely been reported at all. The fact that these two young people were actively participating with other activists in preparing barricades, molotov cocktails, and other incendiary devices at the time that they were burned, has not been reported at all.

Mr. President, it is a fact that the two young people were receiving appropriate medical care at the main emergency hospital in Chile. Moreover, the Workers Hospital, which had sent a doctor to examine Rodrigo Rojas, found that he was receiving adequate medical care, that it would be highly dangerous to move him to the Workers hospital, and that the Workers Hospital was not equipped to handle a patient in his condition. It is a fact that there is absolutely no mention of any bones being broken in the Workers Hospital doctor's examination of Rodrigo Rojas. It is also a fact that the girl's front teeth were removed by a team of doctors at the Workers Hospital in an emergency procedure after she was transferred there from the central public emergency hospital.

Mr. President, before our plane landed on Chilean soil on July 9, I instructed my staff traveling with me that they should dedicate time while we were in Chile to get to the bottom of the Rojas case. While in Chile, I met with the Minister of the Interior, the President of the Supreme Court, the Minister of Foreign Affairs, and

other officials with knowledge about the case. During each of these interviews, I asked for information that these officials might be able to provide concerning the case without, of course, violating any legal procedures involved in the special investigation which is similar to a Federal grand jury in the United States. My staff contacted the special prosecutor by telephone and indicated my strong interest in the case and in the investigation. I personally indicated my strong interest in the case to every official with knowledge of the case that I met.

I would add that during my 25-minute conversation with the U.S. Ambassador to Chile, Mr. Barnes, on Saturday, July 12, I asked a number of questions about the Rojas case in order to ascertain the information that the Embassy had on it.

It is unfortunate that the American media spent so little time in research and analysis of this tragic incident (which, incidentally, occurred within the context of a 2-day general strike which was organized by the Communist-inspired antidemocratic political sector in Chile). During this 2-day period, there was violence in several cities in Chile which included the use of molotov cocktails and firebombings of stores, taxis, and buses by the Communist-inspired terrorists. Rather than dig for the facts, the U.S. media simply allowed itself to be misled by the propaganda of several extremist spokesmen for the radical left in Chile.

ARIEL DORFMAN

One of the prime disinformation agents of the radical Chilean left in our country, Vladimiro Ariel Dorfman Zelicovich, appeared on numerous television shows as well as in the New York Times, Washington Post, and the Village Voice, a weekly published in New York City.

Mr. Dorfman is a naturalized citizen of Chile born in Buenos Aires, Argentina, on May 6, 1942, and naturalized on December 29, 1967. On September 11, 1973, the day of the military intervention against the Communist Allende regime in Chile, Dorfman sought refuge in the Argentine Embassy. He later fled to Argentina. It is unclear as to why he immediately sought refuge in the Argentine Embassy on the day of the coup. In 1979, he applied for a temporary entrance to Chile but this was denied. He came to the United States in 1982 and participated in several conferences on Latin American literature. On October 3, 1983, he was granted official permission to return to Chile.

About his travels since 1983, the following facts are known. He entered Chile on September 2, 1983, from the United States, and returned to the United States on September 17, 1983. On May 14, 1984, he entered Chile from Ecuador, and departed Chile for Argentina on May 16, 1984. He returned to Chile from Argentina on December 22, 1984, and left for the United States on February 8, 1985.

During the spring semester and fall semester of 1985, Dorfman taught courses as a visiting lecturer at Duke University in North Carolina in the International Studies Department. He is scheduled to teach courses again at Duke in the fall semester of this year. On March 27, 1986, he left Chile for Italy and returned several weeks later to Chile via Argentina. He departed Chile on July 4, 1986, for the United States, and launched his disinformation campaign on the Rojas case. He is married to Maria Angelica Malinarich Saa and holds a degree in philosophy from the University of Chile.

Dorfman has claimed that he cannot express himself in Chile. It is interesting to note in this regard that he is a member of the editorial council of a radical leftist weekly magazine, APSI, which is published in Santiago and which is easily available on newsstands there. According to records in Chile, the name of the company owning the magazine is the Sociedad Agencias Publicitarios y de Servicos Informativos, Ltda. The name, APSI, is an acronym of this company. According to these records, the company was formed by Eduardo Araya Alemparte and Hilda Lopez Aguilar. Eduardo Araya apparently served under Allende in the Foreign Ministry in the capacity of a Third Secretary but was removed from his post on September 11, 1973, when the Allende regime was overthrown. It is further reported that Eduardo Araya is a member of the Communist Party of Chile. The legal representative of APSI is Marcelo Contreras, Nieto who is reported to be a member of the Socialist Party of Chile.

Dorfman's article, which appeared in the Village Voice of New York in its July 22 edition, was an exercise in deception by the author with respect to the Rojas case, particularly in the area of the medical attention that the two young people received. In fairness to the Village Voice, which is a colorful institution in New York, it can be said that the article was essentially an opinion piece and not portrayed as a straight news item.

RECORD OF MEDICAL TREATMENT

It is asserted by Mr. Dorfman that the Government prevented Rojas' transfer from the main emergency hospital to which he and Miss Quintana were taken to the Worker's Hospital several blocks away. The Washington Post on July 8 covered Dorfman's July 7 press conference at the Institute for Policy Studies in Washington when Mr. Dorfman declared that the police blocked the effort to transfer the boy. In an article for the Village Voice Mr. Dorfman paints a picture in which he is at the center of an epic struggle to secure medical treatment for the boy in the face of governmental resistance to medical treatment for the boy. He also includes his disinformation theme that the Government blocked efforts to transfer the boy to the Workers Hospital. The facts are quite the opposite.

Indeed, when I asked Ambassador Barnes to describe the Embassy's role in securing medical treatment for the boy and the girl, Ambassador Barnes admitted that the Chilean Government did not prevent the boy's transfer to the Workers Hospital. Mr. Barnes also indicated that as of that day, July 12, the Embassy had no exact information on the circumstances surrounding the burning of the boy and girl. Ambassador Barnes under questioning noted that he had talked with Dr. John Constable, an American doctor from the Massachusetts General Hospital who had flown to Chile at the Rojas family's request to assist in medical treatment.

According to a New York Times article of July 9, Dr. Constable's trip was sponsored by the American Committee for Human Rights and by the Working Group for Democracy. Dr. Constable indicated in this interview that the private hospital could not have helped under the circumstances. Dr. Constable had apparently examined the patient and conferred with local doctors involved in the case. Dr. Constable specializes in plastic and reconstructive surgery and on burns. Dr. Constable, in addition to this duties at Massachusetts General Hospital, is an Associate Clinical Professor at the Harvard University Hospital. Ambassador Barnes noted that approximately 60 percent of the boy's body had been burned and that these burns were above the waist.

Mr. President, on Wednesday, July 9, my first day in Chile, I met with the Minister of the Interior, Ricardo Garcia Rodriguez, at 6:30 in the evening. Our meeting, which my staff attended, lasted over 2 hours and covered many aspects of the situation in Chile including the Constitution of 1980 and the timetable which it spells out for the transition to representative Government. In order to be able to inform our distinguished colleagues on the Rojas case, I spent some 45 minutes asking questions and discussing the case with the Minister of the Interior. I requested that the Minister provide documentation about the case which I could present to the Senate. The Minister did not hesitate to make available important documents relating to the case and to the conduct of the investigation.

RODRIGO ROJAS

According to information provided by the Ministry of the Interior, Rojas entered Chile by land via the Peruvian town of Tacna, on May 9, 1986. He was

accompanied by an American citizen named Paul Goldstein about whom no further information was available.

Rodrigo Rojas is apparently the son of Veronica Denegri Quintana and Ramon Eduardo Rojas Ruiz Tagle. This marriage ended in divorce. It is unclear at this time whether or not there is a family relationship between Mrs. Denegri and her son's female companion during the rioting on July 2, Carmen Quintana. According to Chilean authorities, Mrs. Denegri is an active member of the Chilean Communist Party and has operated under the code name of Andrea. It is reported that she belonged to the Ho Chi Minh cell of the Communist Party of Chile and was active in the propaganda front of the clandestine Communist Party apparatus.

For this reason, she was arrested by Chilean authorities on March 8, 1976, for subversive activities. She was released on May 19, 1976. On April 14, 1977, she left Chile and came to the United States. On September 14, 1981, she was formally prohibited from entering Chile owing to her subversive activities against Chile.

Mrs. Denegri has a second, son, Pablo Salvador Oyarzo Denegri, who was born in May 1974 and inscribed in the public registry of Valparaiso, Chile on July 25, 1974.

According to Chilean authorities, Mrs. Denegri's sister, Amanda Liliana, is an active member of the Socialist Party of Chile in a Marxist-Leninist faction of the Party. Other members of the Denegri family, Nora Patricia, Domingo Antonio, and Claudio Andres, are all active militants of the Communist Party of Chile according to Chilean authorities.

According to Chilean authorities Carmen Quintana was arrested on April 16 of this year for her participation in violent activities at a university in Santiago.

PART III

COMMUNISM IN CHILE

Mr. President, the Communist Party of Chile was established in 1922 with the assistance of the already established Socialist Labor Party of Chile which took a Moscow line. The Communist Party of Chile was declared illegal in 1927 during the Administration of President Carlos Ibanez. The party later participated in the formation of Popular Front governments in Chile under three presidents drawn from the Radical Party: Petro Aguirre Cerda (1938–42); Juan Antonio Rosas (1942–46); and Gabriel Gonzalez Videla (1946–52). The party was again declared illegal in 1948 by President Gonzalez.

Mr. President, it is an interesting historical fact that Salvador Allende, as a member of the Socialist Party, was the Minister of Health during the Popular Front government of President Aguirre in 1938. Allende had decades of experience working with the Communist Party of Chile and was no babe in the woods idealist as some have portrayed him.

Senators will note that the tactic of Popular Front governments was devised by the COMINTERN and was implemented in Spain in 1936. France and Chile were also testing grounds for this tactic in the 1930's. In 1935, the Communist International recommended alliances of Communist Parties with "bougeois democratic parties." The General Secretary of the COMINTERN stated, and I quote,

> The formation of a joint People's Front providing for joint action with Social Democratic parties is a necessity. Cannot we endeavor to unite the Communist, Social Democratic, Catholic and other workers? Comrades, you will remember the ancient tale of the capture of Troy. The attacking army was unable to achieve victory until, with the aid of the Trojan Horse, it penetrated to the very heart of the enemy camp. We, revolutionary workers, should not be shy of using the same tactics.

Mr. President, I do not see how one could be any clearer in terms of strategy than was the General Secretary of the Communist International, Mr. Dmitrov. This is the same strategy that Moscow, and Communists around the world, are using in our own time. It is not some historical relic to be found in a dusty book of Dmitrov's speeches. It is a strategy which the international Communist conspiracy uses today in the service of the masters of the Kremlin.

Mr. President, we have heard and we will hear all manner of talk about working with supposedly democratic forces in Chile during the transition period. I have heard that our Government is already pouring United States taxpayer's money into the coffers of the Christian Democratic party in Chile in support of the so-called National Accord. The State Department has supported and undoubtedly will continue to support, the concept of a broad front of supposedly democratic leftist parties in Chile as an alternative to the current constitutional government in Chile—and as an alternative to the truly democratic parties of the opposition on the center and the right of the political spectrum.

A POSSIBLE COALITION?

I can foresee the State Department attempting to put together a coalition of the Socialist Party, the Marxist factions of the Christian Democrats, and the Marxist factions of the Radical Party linked to the Socialist International. I can see the State Department going so far as to try to split the center and center-right parties and incorporate sections of the National Party and its breakaway factions into this coalition. Money will pour in from all over the world from West Germany, from Italy, from the United States to intervene on behalf of this type of a coalition. In embryo form, this is what the so-called National Accord appears to be about.

Mr. President, all that I can say about this type of process is that it will inevitably lead to economic decline and lack of progress for Chile and its people. There is no clear cut commitment, and there will not be any clear cut commitment, on the part of this type of coalition with Marxists to free enterprise and to private property.

We will not see productive capitalism at work creating jobs and opportunity and raising the standard of living for the Chilean people. What we will see is the destructive face of the finance capitalism of the New York banks who profit so handsomely from lending to countries plunged into debt by Socialist regimes. Under a socialistic regime, Chile would go further into debt, the New York banks would lend money to the State and profit off of the accompanying interest. There is no risk to the banks in this kind of game.

SOCIALISTS AND BANKERS

Mr. President, in this kind of game, Socialist regimes are a New York banker's best friend because they create sovereign debt. After all, the IMF and the World Bank are right around the corner, and with U.S. taxpayer's money they stand ready at any time to bail the banks out of their bad loans to the State and to State-owned corporations. If either the IMF or the World Bank needs more money it is a simple matter to persuade the Congress of the United States to appropriate further billions of dollars to the international bureaucrats who themselves are exempt from taxation in the United States.

Look at the Mexican case. Isn't that just what has happened in the last few weeks? Didn't the same thing happen in 1982?

We are witnessing today in Central America the consequences of a State Department policy which has imposed socialism on the people of El Salvador, Guatemala, Costa Rica, and Panama. Economic disintegration is a fact in these countries. They are heading backward into the days of the 1930's and 1940's in terms of the economic development. Why? Because the State Department has imposed socialist governments on these countries and socialism never has and never will provide economic growth and prosperity.

It is essential that the exact nature of supposedly democratic parties in Chile be known.

It is a fact that in Chile supposedly democratic parties on the left are highly factionalized and that significant and powerful factions of these parties are Marxist and Marxist-Leninist in character. In no way can these parties and factions be considered democratic. I can predict that there

will be as much disinformation about the nature of these parties and factions as there has been about the Rojas case and the situation in Chile that we have seen in the press and heard from the State Department in recent days.

It is another historical fact that members of the Communist Party of Chile participated in the International Brigades of the Communist forces in Spain during its Civil War. The Communist Party of Chile, therefore, has had firsthand experience with this popular front tactic not only in Spain but also in Chile itself. It has steadfastly adhered to this tactic through the years as a way of penetrating government coalitions and influencing government policy in Chile.

Senators will recall that the Marxist-Leninist Sandinista elements joined in a so-called popular front operation to oust President Somoza of Nicaragua. Once this stage of the revolution was accomplished, the Marxist-Leninist Sandinista vanguard element purged its non-Communist rivals and consolidated its dictatorship in Nicaragua. This tactic of the two-stage revolution, of course, is based upon orthodox Soviet methods as developed by Lenin himself.

In 1958, the Communist Party of Chile was legalized and operated legally until 1973 when it again was declared outside the bounds of legal political activity. The Communist Party of Chile participated in the left-wing alliance during the national elections in 1958 and in 1964. The Communist Party participated in the popular unity coalition of Salvador Allende who was the candidate of the Socialist Party and who was approved by the Communist Party in the 1970 elections which brought him to power with 36 percent of the vote in a three-way race. Since 1980, the Communist Party of Chile has publicly emphasized the need for revolutionary violence to seize power in Chile. In recent months, the Communist Party of Chile has again been promoting its concept of a popular front tactic.

SOCIALIST PARTY OF CHILE

It is no secret that the Socialist Party of Chile, founded in 1933 from several existing socialist parties, has had a long standing relationship with the Communist Party of Chile. Major factions of the Socialist Party follow Marxist-Leninist ideology under Moscow's leadership and discipline. A key leader of one powerful faction, Clodomiro Almeyda, is an avowed Marxist-Leninist and lives in exile in East Germany.

It is also no secret in Chile that the Youth League of the Communist Party of Chile has a working relationship with the Youth League of the Christian Democratic Party which is supposedly democratic but which is heavily factionalized. This working relationship between the two youth groups was publicly announced by them and was reported in the local Chilean press.

Likewise, it is no secret that the Marxist factions of the Christian Democratic Party introduced the concept of the "noncapitalist road" as developed by Khrushchev into its party ideology. This addition of Soviet ideology into the Christian Democratic Party occasioned leading non-Communist members of the party to protest and leave the party. It is a fact that the radical Marxist factions of the Christian Democratic Party have yet to renounce this part of their platform.

COMMUNISM AND THE JULY 2 AND 3 GENERAL STRIKE

Rodrigo Rojas shortly after entering Chile in May of this year began working as a computer assistant at the computer center in the physiology department of the University of Chile.

The incident in which he and his companion were burned occurred within the context of a 2-day general strike which the radical antidemocratic left had been preparing for several months. The strike and violent demonstrations had been scheduled for July 2 and July 3. Throughout the city of Santiago and its suburbs, radical elements prepared for a campaign of violence which included the use of fire bombs, street barricades involving rubber tires soaked with flammable liquids and then set ablaze, firebombing of buses, and firebombing of stores and residences.

This violent activity was widely reported in the Chilean press and included many photographs of flaming barricades erected by the Communist inspired radicals, burned out stores and homes, and burned busses.

Terrorists planted major explosive charges which destroyed three key high tension electric power lines which cut power off in region III, IV, and V of the country. Several terrorist organizations publicly claimed credit for planting bombs around the country. As a result of terrorist violence hundreds of innocent private citizens were wounded or burned by terrorist firebombs and had to be hospitalized. Over 50 terrorist bombs went off throughout the country.

Mr. President, I would emphasive that all of this violence and destruction by the Communist inspired terrorists was widely reported in the Chilean press. Anyone glancing through the press clips for the first week of this July in any of the newspapers in Chile—as I did when I visited Chile—will find lengthy reporting on the damage and a variety of photographs revealing the damage. Was there even a hind in the United States press of the extent of the Communist inspired violence in Chile during the week? No. What was our Embassy in Chile reporting to Washington about conditions in the country? Frankly, I do not believe that either the major media nor the United States Embassy in Chile had the slightest interest in fair and balanced reports of the situation, either to the American people or to the administration.

THE ROJAS INCIDENT

At the site of the Rojas incident, radical elements were preparing street barricades of rubber tires soaked with flammable liquids. Also they were preparing firebombs of the molotov cocktail type and more sophisticated chemical blends which do not need to be ignited but which burst into flame on contact with oxygen.

The exact details of the tragic fate of Rojas and Quintana are not yet known in full.

The special investigating judge has conducted a preliminary investigation on the matter which concluded that the boy and girl were burned owing to an accidental explosion of the incendiary materials that their group of activist friends were carrying and preparing. The judge has also concluded that under Chilean law, which is based upon a Roman law tradition, the senior officer at the sight of the incident is guilty of negligent manslaughter for not immediately taking the burn victims to a hospital. This type of negligence would not be a crime under U.S. law which follows an English common law tradition in this type of situation. As further investigation proceeds in Chile, the details will presumably become available through the judicial process.

The military patrol at the demonstration site is said to have used blankets to smother the flames enveloping the boy and girl. They were then transported to a different section of Santiago and dropped off on a road leading to the small settlement of Quilicura.

On July 2, at approximately 10:30 a.m., owing to reports by motorists at the access control post for the Arturo Merino Benitez Airport, a police patrol went to the road to Quilicura at its intersection with La Boza street and confirmed that Rojas and Quintana were there and that they were severely burned. Apparently, the police after giving some preliminary first aid treatment took the boy and the girl to the main emergency hospital in Santiago.

On the same day, after the Government had been informed of this incident, the Minister of the Interior petitioned the First Court of Appeals of Santiago to designate a special judge to investigate the case. The first court of appeals named Alberto Echavarria Lorca as the special investigating judge for the case. Mr. Echavarria is well known in Chile as a distinguished professor of law at the University of Chile where he has taught for over

two decades. His academic and professional specialites include criminal procedure.

Mr. President, I would point out to Senators that this incident was reported in the Chilean press on July 3. The El Mercurio specifically reported the incident in its extensive coverage of the violence of the preceding day. El Mercurio also reported that the Minister of Justice had requested a special investigation of the incident. This newspaper, the leading newspaper in Chile, was certainly available to our Embassy on July 3.

Statements by the United States State Department in Washington, beginning on Monday July 7, called on Chile to investigate the incident. But this was 5 days after the Ministry of the Interior had requested a special investigation, and 4 days after it had been reported in El Mercurio. This indicates a lack of information—to say the least. Whether this was due to inept reporting by the Embassy, or to a specific design to grandstand on the part of some in the State Department is unclear.

The Government of Chile fully cooperated with the independent judiciary in its independent investigation and submitted several documents to the investigating judge providing information about potential witnesses as well as requesting certain steps to be taken with respect to the investigation. These steps included a request that the criminal laboratory of the investigation police of Chile prepare a report on the clothes that Rojas and Quintana were wearing in order to determine the origin and cause of the burns, a determination of the flammable agent that caused the burns, and the origin and date of the burns.

Mr. President, I am no lawyer but it was explained to me that under long established Chilean legal procedure, the outcome of the investigation by the special investigating judge can result in two actions. If the judge determines that there has been a crime and that there are grounds to proceed with a criminal prosecution and that only civilians are involved then the judge himself proceeds with the trial.

If, however, a military person is found to be involved, then the matter is turned over to the military court system for further investigation after which the military court system may determine that prosecution for criminal activity is required. However, actions of the military court system are under the supreme court which is the final focus of legal authority in Chile. Should the military courts fail to handle the case in a manner acceptable to the supreme court, or should an appeal be made over the military courts ruling and judgment, then the supreme court can take the matter before itself.

Mr. President, I request unanimous consent that an official aide-memoire of the Ministry of the Interior of Chile on the Rojas case as translated by the Congressional Research Service be entered in the RECORD at the conclusion of my remarks as exhibit 1.

Mr. President, I request unanimous consent that the formal petition of the Ministry of the Interior to the first court of appeals to appoint a special investigative judge to the Rojas case dated July 2, 1986, as translated by the Congressional Research Service, be entered in the RECORD at the end of my remarks as exhibit 2.

Mr. President, I ask unanimous consent that documents from the Ministry of the Interior to the special investigative judge of July 7, and July 8 as translated by the Congressional Research Service be entered in the RECORD at the end of my remarks as exhibit 3 and exhibit 4.

Mr. President, I ask unanimous consent that a letter dated July 3, 1986, as translated by the Congressional Research Service from Dr. Jorge Escobar Cousino, director of curative medical services at the Hospital del Trabajador to Dr. Raul Guzman, director of public assistance at the main emergency hospital in Santiago requesting permission for Dr. Guy Heiremans, chief physician of the intensive care unit at the Workers hospital, to examine the patient Rojas be entered in the RECORD at the end of my remarks as exhibit 5.

Mr. President, I ask unanimous consent that a medical report dated July 3, 1986, on the examination of Rojas on July 3 at 1 p.m. by Dr. Guy Heiremans to the director of his hospital as translated by the Congressional Research Service be entered in the RECORD at the end of my remarks as exhibit No. 6.

I would call to the attention of Senators the medical report of Dr. Guy Heiremans of the Workers Hospital. I am told that Dr. Guy Heiremans is the nephew of the chairman of the hospital, Mr. Eugenio Heiremans. In paragraph four of the report, Dr. Heiremans states that, and I quote:

> The above indicated makes the transfer to another hospital highly dangerous, keeping in mind that where he is currently, he has the necessary means for his care.

Mr. President, it is clear from this paragraph in Dr. Heiremans report that the myth created by Mr. Dorfman and others in the media, to which regretably some in this Chamber have fallen prey, that the Government interfered with the transfer of the patient, is simply without foundation.

I would draw the attention of Senators to the same medical report in paragraph six which states, and I quote:

> In view of this situation, it was felt that the patient would not benefit from a transfer and that our hospital is not in a position to receive a patient with these characteristics.

Mr. President, taken in conjunction with the earlier paragraph that I cited from the report, the following facts are quite clear: That the medical judgment of the second hospital—the one that the Rojas family sought too transfer the boy—said too that the boy was receiving proper care at the main emergency hospital; that the Government in no way interfered with his transfer; that his transfer would have been highly dangerous; and that the Workers Hospital itself was not in a position to receive Rojas. I would add that in the case of Miss Quintana, who was less severely injured, she was later transferred to the Workers Hospital.

Mr. President, I am appalled by the ease that disinformation on this case was spread by Mr. Dorfman and others of his ilk through the American media. I would note that it appears that Dorfman has used the Institute for Policy Studies here in Washington as a platform for his press comment. It is no secret that the IPS has, according to knowledgeable observers, functioned for over two decades as a conduit for Soviet and Soviet bloc disinformation efforts. It is a sad commentary that such an organization as the IPS and such specialists in disinformation as Dorfman can distort our public debates and discussions and mislead not only our own news media, but this adminstration and even the Congress.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXHIBIT 1.

SANTIAGO, *July 12, 1986.*

CASE: RODRIGO ANDRES ROJAS DENEGRI, CARMEN GLORIA QUINTANA ARANCIBIA

1. Events:

1.1 For July 2 and 3 the sectors of opposition to the government had called for a social mobilization with characteristics of protest and a stoppage of activities.

1.2 On July 2, 1986, at approximately 10:30 a.m., because of reports made by private motorists at the Access Control Post for Arturo Merino Benítez Airport, a Carabinero patrol went to the road to Quilicura and Lo Boza Street, and was able to confirm that at that place were, with critical burns, Rodrico Andres Rojas Denegri and Carmen Gloria Quintana Arancibia, both 19 years of age.

1.3 These persons were taken to the Carabinero post in Quilicura and then, because of the seriousness of their injuries, to the Central Public Assistant post of Santiago.

1.4 When at that time the two youths were questioned about the circumstances under which the events leading to such serious wounds had occurred, they refused to give any information.

2. Dissemination (of news):

2.1 The news of these events was disseminated immediately inside and outside of the country.

2.2 In the cables sent abroad, it was noteworthy that from the first instant "uni-

formed personnel" and "army patrols" were metioned as the perpetrators of the burns exhibited by said two youths.

3. Government Action:

3.1 In view of the seriousness of the event and the imputations mentioned, the Government, through the Ministry of the Interior, requested, the same day, July 2, of the First Court of Appeals of Santiago, the designation of an Extraordinary Visting Judge to be established as the special high-ranking investigator dedicated exclusively to the case, in order to fully clear up the events.

3.2 As a result of this request, the First Court of Appeals of Santiago named Minister Alberto Echavarría Lorca as the investigative judge in this case.

3.3 In addition, the Government cooperated with the Court immediately. With this end, on the 7th of this month, it requested a series of steps, all of them aimed at this purpose. (A photocopy of the corresponding documents with details on the procedures requested is attached.) Even more, with this same goal, on the 8th of this month, through another document, new steps were requested, which are considered important for the clearing up of the events being investigated. (A photocopy of that document with the details on these steps is also attached.)

4. Medical Care:

4.1 The initial care was given to the victims at the local medical post of the same site in which they had been found and when the gravity of their condition was confirmed, they were transferred, as has been said, to the Central Post of Santiago.

4.2 The mother of the youth Rojas Denegri, as well as some of the media, stated that the transfer of the youths from the Central Post to the Workers' Hospital, a place that would have greater resources for this type of emergency, had been prohibited.

4.3 It is clear from the certificates, photocopies of which are attached, that Dr. Escobar, Director of Curative Medical Services of the Workers' Hospital, designated Dr. Guy Heiremans, of the same hospital, to examine the "feasibility of making said transfer provided it does not mean a risk for the patient that is going to mean immediate or subsequent complications for him." After Dr. Heiremans had completed his examination, a photocopy of which is also attached, he resolved: "the above makes the transfer to another hospital highly dangerous, keeping in mind that where he currently is they have the necessary means for his care," and he ended by stating in his report that "in view of this situation it was felt that the patient would not benefit from a transfer and that our hospital is not in a position to receive a patient with these characteristics."

5. References of Victims:

5.1 Rodrigo Andres Rojas Denegri was a Chilean citizen with residence in the United States and he entered the country on May 9, 1986, from Peru via Tacna, in the company of an American citizen named PAUL GOLDSTEIN, about whom no more information is know.

5.2 Inturn, Carmen Gloria Quintana Arancibia is a student of Electronic Civil Engineering at the University of Santiago.

6. Current Situation:

6.1 The case is in the proceeding stage (the procedural stage established in ordinary laws for the clearing up of criminal acts).

6.2 The Visiting Judge is carrying out all the investigations of the case, for that purpose having the collaboration of the services that he may require.

6.3 Before the investigating judge, all persons who seem to have information on the matter are providing testimony.

6.4 The Government will remain attentive in order to foster attainment of that information with all the legal means in its reach in order to accelerate the total clearing up of the events and the determination of those who are guilty, who shall be deserving of the respective punishments.

6.5 It is not appropriate at this time in the case to prejudge or anticipate any final evaluation of the case, which will be the responsibility of the Court in charge of the investigation.

Attached to the document on the Rodrigo Andrés Rojas Denegri and Carmen Gloria Quintana Arancibia case are the following documents:

1. Photocopy of the document asking the First Court of Appeals to designate a Visiting Judge.

2. Photocopy of the document presented on July 7, 1986 to the Visiting Judge, asking for the steps indicated.

3. Photocopy of the document presented on July 8, 1986 to the Visiting Judge, asking for the steps indicated.

4. Certificates issued by the authorities of the Workers' Hospital.

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EXHIBIT 2

CONCERNING: REQUEST FOR DESIGNATION OF VISITING JUDGE

I, Ricardo Garcia Rodriguez, Minister of the Interior, with residence in this city, Palacio de la Moneda, respectfully say:

Today, July 2, 1986, at approximately 10:30 a.m., and in view of a report by private motorists made at the Access Control Post for Arturo Merino Benítez Airport, a Carabinero patrol gathered on route 70 (road to Quilicura) and Lo Boza Street; they were able to confirm that at that intersection were, with serious burns, Rodrigo Andres Rojas Denegri, 22, student at the University of Santiago, and Carmen Gloria Quintana Arancibia, 19, also a student at the same institution.

Both showed burns on their clothing and various parts of the body, so they were taken to the Quilicura station and from there to Central Public Assistance, where they are in critical condition.

When questioned by the Carabinero patrol that was present at the site, they refused to report on the circumstances that led to the facts described above.

In the opinion of the Minister of the Interior, they are [in] extremely critical [condition]. They show signs of aggravated brutality, the result of the crime of violence to which the promoters of today's events have led the citizenry.

Accordingly, it is a matter of events that have produced a justified public alarm and which require prompt repression because of their special gravity and harmful consequences.

Therefore:

I ask: that in view of the above and in keeping with what is provided in Article-560, No. 2, of the Organic Law of Tribunals, that it be ordered that a Judge of the First Court of Appeals of Santiago be designated on extraordinary visit in the Nineteenth Criminal Court, before which has been entered today document No. 405, which relates and reports the events previously described, and that the case be taken to the higher court for the investigation of and verdict on the same.

EXHIBIT 3

JULY 7, 1986.

REQUEST FOR CONDUCTING OF PROCEDURES INDICATED TO THE VISITING JUDGE

I, Ricardo Garcia Rodriguez, Minister of the Interior, because of the death of Rodrigo Rojas Denegri and injuries of Carmen Gloria Quintana Arancibia, state:

That, with the object of cooperating properly with the action of the Court, I request of that Visiting [Judge] that the following steps be carried out:

a) That Mr. Andrés Domínguez, attorney, who has made public statements through the press, stating that he has information related to the events which are the subject of this proceeding, be summoned to testify.

b) That Ariel Poblete, journalist, Secretary of the Editorial Staff of the magazine *Cauce*, be summoned to the tribunal on the records that he had in hand in order to include a feature article on the events being investigated in edition No. 82 of said weekly, on page 21.

c) That a summons be issued for a person named Pedro Martínez, whose identification data should be provided by Mr. Ariel Poblete, and who, according to what said article stated, witnessed the events.

d) That the Criminal Laboratory of the Investigation Police of Chile prepare an expert report on the following points:

1) Clothing of the persons Rojas and Quintana, in order to determine the origin and cause of the burns.

2) Determination of the heat-giving agent that caused the burns, for which purpose they will be authorized to report to Legal Medical Service in order to examine the corpse of Rojas and to the Workers' Hospital for the same purposes with respect to Miss Quintana; and

3) Possible origin and date of burns.

e) Summon the Director of Central Public Assistance, Dr. Raúl Guzmán, so that he will put at the disposal of that judge all medical files on the care provided to Rojas and Quintana.

f) Summon the medical doctor of American nationality named Constable, who supposedly treated the burned persons and reported on that to the U.S. Ambassador.

g) Summon Dr. Jorge Villegas of the Workers' Hospital, who examined the above-mentioned persons, and under whose care Miss Quintana is now.

I include the documents which justify the above requests.

Therefore, I ask that the above requests be granted.

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EXHIBIT 4

JULY 8, 1986.

REQUEST FOR CONDUCTING PROCEEDINGS—VISITING JUDGE

I, Ricardo Garcia Rodriguez, Minister of the Interior, in the proceedings related to the death of Redrigo Rojas Denegri and the injuries of Carmen Gloria Quintana Arancibia, state:

That with the object of cooperating properly with the action of the Court, I ask of that visiting [judge] that the following steps be taken:

(1) That Ramiro Gavilane Granja, journalist, Director of the EFE Information Agency, be summoned to testify; he states in the documents already presented on July 2, 1986 he sent abroad a cable in which he refers in detail to the events which are the subject of this proceeding.

(2) That Jose Aldunate, priest, be summoned to testify; as stated in the publication of the Magazine *Cauce*, included in the records of the case, he stated that he was an eye witness to the events and even gathered up some of the victims' belongings.

(3) That the Director of the Workers' Hospital, Dr. Escobar, who provided medical assistance to the injured Miss Quintana, be summoned to testify.

Therefore: I ask that what is requested be granted.

[Signature]

EXHIBIT 5

SANTIAGO, *July 3, 1986.*

Dr. RAÚL GUZMÁN,
*Director of Public Assistance, "Dr. Alejandro del Río" City.*

MR. DIRECTOR: This office has received the request from the U.S. Embassy that the possibility of transferring the critically burned patient Mr. Rodrigo Rojas Denegri to our hospital be examined.

In that matter, I have appointed Dr. G. Heiremans, Chief Physician of the Intensive Care Unit, to act as my representative and to go your establishment in order to determine, after examining the patient and conversing with the attending physician, the feasibility of making said transfer, provided it does not mean a risk for the patient that is going to mean immediate or subsequent complications for him.

Thanking you for the facilities you may grant us, with best wishes,

WORKERS' HOSPITAL,
Dr. JORGE ESCOBAR COUSINO,
*Director of Curative Medical Services.*

EXHIBIT 6

JULY 3, 1986.

From: Dr. Guy Heiremans, Director of Curative Services.

Re Rodrigo Rojas Denegri, 19 years of age.

In accordance with what you requested, I proceeded to visit the patient, Mr. Rodrigo Rojas Denegri, at Public Assistance (Central House).

In that respect I can report the following:

1. The visit was made at 1:00 p.m. on July 3, 1986.

2. I was received by Dr. Raúl Guzmán (Director), who got in touch with Dr. Garcés (Chief of Burn Services) and Dr. Fierro (Resident Physician of the Service).

3. The patient is hospitalized in the Burn Service and his condition is the following:

19 years of age. He has been suffering from burns for approximately 30 hours.

a) Surface burned, 62%.

b) Most of the surface affected is type AB.

c) The gravity index upon entry was 128 points, without considering respiratory burn. The current index and future one will decline greatly, according to what the doctors of the Service have reported.

d) For some hours he has been without pressure, without a palpable pulse, and without diuresis.

e) Gasometry indicates the presence of adult respiratory distress.

f) Metabolic acidosis, dehydration, and hypernatremia.

4. The above indicated makes the transfer to another hospital highly dangerous, keeping in mind that where he is currently, he has the necessary means for his care.

5. Because of his hemodynamic instability and distress, within a few hours he will need a mechanical respirator, orotracheal intubation, and extensive use of intensive technical instrumentation.

6. In view of this situation, it was felt that the patient would not benefit from a transfer and that our hospital is not in a position to receive a patient with these characteristics.

Sincerely,

Dr. GUY HEIREMANS E.,
*Chief, UCI.*

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

## NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1987

The PRESIDING OFFICER. The clerk will report the pending business.

The legislative clerk read as follows:

A bill (S. 2638) to authorize appropriations for military functions of the Department of Defense and to prescribe military personnel levels for such Department for fiscal year 1987, to revise and improve military compensation programs, to improve defense procurement procedures, to authorize certain construction at military installations for fiscal year 1987, to authorize appropriations for national security programs of the Department of Energy for fiscal year 1987, and for other purposes.

The Senate resumed consideration of the bill:

Pending:

(1) Byrd (for Kennedy and Weicker) Amendment No. 2414, to set forth a comprehensive and complete framework to guide the efforts of the United States in helping to bring an end to apartheid in South Africa and lead to the establishment of a nonracial, democratic form of government.

A motion was entered to close further debate on Amendment No. 2414 and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on the cloture motion would occur on Thursday, August 7.

(2) Dole Amendment No. 2417 (to Amendment No. 2414), of a perfecting nature, to promote economic and political development, peace, stability and democracy in Central America, to encourage a negotiated resolution of the conflict in the region, and toward these ends, to enable the President to provide additional economic assistance for the Central American democracies as well as assistance for the Nicaraguan democratic resistance, subject to certain terms and conditions.

A motion was entered to close further debate on Amendment No. 2417 and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on the cloture motion would occur on Thursday, August 7.

Mr. GOLDWATER addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. GOLDWATER. Mr. President, parliamentary inquiry. Am I correct in remembering that Senator DECONCINI has an amendment that is to be called up at this time?

The PRESIDING OFFICER. The Senator is correct, the DeConcini amendment No. 2588.

Mr. GOLDWATER. I thank the President.

Mr. President, I would like to remind my colleagues that we did a good job yesterday on amendments on this bill. We accomplished a lot. If we can accomplish as much today in the next, say, 12 hours, I feel rather certain that we can finish this legislation today.

Relative to the amendment that is coming up, I want to say that I am very, very well aware of the problem that his amendment addresses. Senator DECONCINI and I live on the Mexican border. It is 1,875 miles from Tijuana to Texas and we only have six airplanes to patrol that whole distance. I can tell you, Mr. President, that we probably find as many as three wrecked airplanes a week on the deserts along the Mexican border.

If all they want to do is land their nacotics and get away, they do not care what happens to the airplane. It is impossible for us to know how many tons of these narcotics come across that Mexican border. We do not have the means to surveil it. Because of that, I am very, very sympathetic to the purposes of the DeConcini amendment. However, it is like other amendments. They say get the money out of defense.

Mr. President, there is not any money in defense. I am looking around, we are all looking around for a place to cut another $10 billion out of defense, and here comes an amendment that says we will supply needed aircraft from the defense fund.

I just have to tell my friend, Senator DECONCINI, when he gets here, that we are broke. I would love to do it. But we cannot even buy those aircraft for the Air Force or the Navy or the Army, let alone for the very important task of drug interdiction.

I wonder if my friend from Maine would like to address himself to this because he has given a lot of thought to the problem and this specific problem.

Mr. COHEN. I thank the chairman for yielding.

Mr. President, last evening we spent a considerable amount of time talking about the deficiencies of our special forces, pointing out that we are no better prepared today than we were 6 years ago to conduct a rescue mission such as that in Iran. We do not have any more aircraft than we had 6 years ago. We are still 5 or 6 years away from having the kind of airlift necessary to deal with terrorists and insurgencies. Suddenly we have another amendment pending that would add another $200 million or $300 million on top of the $200 million added for the Coast Guard last night to the defense budget.

Frankly, I do not know. The Coast Guard is very important to drug inter-

diction. Certainly the Senator from Arizona, Senator DECONCINI, is really concerned about the influx of drugs coming into the country. His record is well established on that.

We have a problem in my own State of Maine with drugs coming in. We have a problem with the Coast Guard. We cannot get enough Coast Guard helicopters to rescue drowning fishermen, not to mention interdicting the flow of drugs coming into the State of Maine. It seems to me if we are now going to impose upon the Defense Department additional burdens requiring additional aircraft to be dedicated to this purpose, with the advice, and I assume consent of the Justice Department, the very least we should be willing to do is say Justice should pay for it.

So if the Senator from Arizona, Senator DECONCINI, were amenable to altering his amendment to say that the appropriated funds shall come from the Department of Justice and be transferred to the Department of Defense, I would have no objection. But it seems to me if we are going to start adding $200 million and $300 million and $500 million on top of what we are requesting, and take that out of the defense budget, we are making a mistake. I would have to actively oppose it.

I would be willing to support the amendment provided the Senator from Arizona would modify his amendment to say that any funds that are appropriated for the Justice Department would be transferred to DOD.

If he is willing to do that, then I think we would have a basis for accepting the amendment.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, I echo what the Senator from Maine has said so well. We have got a real budget squeeze in this bill. The Chair well knows we have tried to protect areas that are in this bill that involve crucial parts of our national security, not only the military itself but other components including some intelligence components. We have a real squeeze on the budget, not just this year. We have a squeeze on the budget for the next 3, 4, 5 years.

When I say squeeze I mean a squeeze of massive proportions.

I am very much in favor of what the Senator from Arizona, Senator DECONCINI, is trying to do. I would like to cosponsor his effort because he is doing what we need to do for our drug effort. But it is incumbent on the administration who is at least at this stage seemingly endorsing the program, backdoor, to come forward and show how we are going to fund this and ask for the request and the proper budget.

We cannot simply fund everybody's high priority project in the defense budget. We cannot do it.

So I know there are an awful lot of people who want to vote for this. It may very well be one of those votes where our committee position does not prevail, but it seems to me what the Senator from Maine is suggesting is perfectly in order.

I would suggest an amendment that would put this in the function at least that is carried under the budget resolution as the Justice Department function or the Treasury Department function or some category. We simply cannot afford to fund this out of the military budget.

We are funding the Coast Guard. We accepted the amendment of the Senator from Alaska. That is a unique set of circumstances because those Coast Guard personnel are going to be on Navy ships. One of the very sensitive areas is posse comitatus, the law that precluded military participation in law enforcement is on the books, beginning in the reconstruction days because of some of the abuses of military in enforcing the law back after the War Between the States.

And we have an amendment that was very carefully crafted about 4 years ago which was my amendment which permitted the military under certain circumstances to assist domestic law enforcement in drug enforcement. They are doing that now. We put the Coast Guard on the Navy ships because we did not want the military making arrests. Therefore, there is a unique set of circumstances for the amendment of the Senator from Alaska. But this amendment basically in spite of the purposes which I applaud is basically a shifting of resources from the Department of Defense to the Department of Justice. If we are going to start doing that on this bill, I do not know where we draw the line.

There are a lot of different departments that would like to get defense funds. If this was going to be justified, it should have been justified in a period of time when the defense budget was growing.

We are going down in real terms now. We are going to have a squeeze on personnel. The Members of this body are going to begin to understand what we are doing in the defense budget by the end of this year or early next year when they start hearing from military personnel who have gotten RIF's because that is the kind of action that is going to end up being taken under this outlay squeeze, particularly if we continue to have project after project that tends to be funded out of the defense budget.

Mr. COHEN. Is the amendment now pending before the body?

The PRESIDING OFFICER. The amendment is not pending.

Mr. PRYOR. Will the Senator from Maine yield to me?

Mr. COHEN. I would like to call up the amendment first, so we can start the time running.

AMENDMENT NO. 2588

(Purpose: To authorize funds for enhancement of drug interdiction assistance activities of the Department of Defense)

Mr. COHEN. Mr. President, I call the amendment up which is at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

Mr. PRYOR. Will the Senator yield from that?

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Maine [Mr. COHEN], for Mr. DECONCINI, proposes an amendment numbered 2588.

Mr. COHEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 229, between lines 14 and 15, insert the following new section:

SEC. 2121. AUTHORIZATION OF APPROPRIATIONS FOR ENHANCED DRUG INTERDICTION ACTIVITIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated to the Department of Defense for fiscal year 1987 for enhancement of drug interdiction assistance activities of the Department as follows:

(1) For procurement of aircraft for the Navy—

(A) $83,000,000 to be available for modification of four P-3 aircraft by the addition of APS-138 radar, including the purchase of four APS-138 radar sets; and

(B) $138,000,000 to be available for refurbishment and upgrading of four existing E2C Hawkeye surveillance aircraft for drug interdiction purposes, and the procurement of four replacement E2C Hawkeye aircraft and related spares for the Navy.

(2) For procurement for the Air Force, $49,500,000, to be available for procurement of 3 aerostat radar systems, 3 aerostat radar spares for such system, and 1 aerostat radar system authorized and funded for location in the Bahamas by section 5(b) of the Urgent Supplemental Appropriations Act, 1986 (Public Law 99-349; 100 Stat. 723).

(3) For operation and maintenance for the Air Force, $12,615,000 to be available for the transfer of 6 Air Force helicopters to Davis Montahn Air Force Base for use in carrying out drug interdiction missions.

(4) For the Secretary of Defense, $12,000,000 for enhanced intelligence collection activities concerning illegal importation into the United States of drugs originating in South America.

(b) LOANS TO THE UNITED STATES CUSTOMS SERVICE.—Secretary of Defense shall make available the refurbished, upgraded, and modified aircraft, using funds appropriated pursuant to authorizations in subsection (a)(1) to the United States Customs Service in accordance with chapter 18 of title 10, United States Code, except that the four replacement E2C Hawkeye aircraft procured

using funds appropriated pursuant to authorizations in subsection (a)(1) shall be delivered to the Navy.

(c) RESPONSIBILITIES OF THE UNITED STATES CUSTOMS SERVICE.—(1) The United States Customs Service shall have the responsibility for operation and maintenance costs attributable to the aircraft refurbished, upgraded, or modified using funds appropriated pursuant to authorizations in subsection (a)(1) and the aerostat radar systems using funds appropriated pursuant to authorizations in subsection (a)(2), except that responsibility for the operation and maintenance costs by the United States Customs Service shall commence upon receipt of the modified, refurbished, and upgraded aircraft authorized in subsection (a)(1) and upon completion of the installation of the aerostat radar systems authorized in subsection (a)(2).

(2) Upon enactment of this Act, the Commissioner of Customs shall immediately commence consultations with the Commandant of the United States Coast Guard regarding coordination of the deployment of the aircraft authorized in subsection (a)(1) and on loan to the United States Customs Service under subsection (b) in order to maximize the detection, surveillance, and intelligence gathering capabilities of the drug surveillance aircraft on loan to the United States Customs Service. The Commission of Customs shall make quarterly reports to the Committees on Appropriations and the Committees on Armed Services of the Senate and the House of Representatives regarding drug interdiction plans developed under this paragraph.

(d) AMOUNTS IN ADDITION TO OTHER AMOUNTS.—The amounts authorized by subsection (a) are in addition to any other amounts authorized to be appropriated to the Department of Defense in this Act for fiscal year 1987.

The PRESIDING OFFICER. Who yields time?

Mr. DECONCINI addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DECONCINI. Does the junior Senator from Arizona control half of the time?

The PRESIDING OFFICER. That is correct, 40 minutes equally divided.

Mr. NUNN. Parliamentary inquiry: How is the time divided? Who controls time?

The PRESIDING OFFICER. There are 40 minutes equally divided with no amendments thereto in order.

The Senator from Arizona [Mr. DECONCINI] has 20 minutes, the manager of the bill has the other 20 minutes, unless he is in favor of the amendment.

Is the manager in favor of the amendment?

Mr. NUNN. The managers of the bill are not in favor of the amendment. I think Senator GOLDWATER already made that clear.

Mr. GOLDWATER. We are not in favor of the amendment.

Mr. NUNN. I suggest Senator GOLDWATER manage the time in opposition.

Mr. GOLDWATER. I think it would be more comfortable, instead of having two Senators from Arizona running the time, to let the Senator from Georgia get in the action.

Mr. NUNN. I will be glad to manage the time in close consultation with the senior Senator from Arizona.

The PRESIDING OFFICER. Who yields time?

Mr. DECONCINI addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

□ 1150

Mr. DECONCINI. Mr. President, this amendment is cosponsored by the Senator from New York [Mr. D'AMATO], the Senator from Florida [Mr. CHILES], the Senator from New York [Mr. MOYNIHAN], the Senator from Tennessee [Mr. SASSER], the Senator from California [Mr. WILSON], and the Senator from New Mexico [Mr. DOMENICI].

Mr. President, last Monday, the President of the United States stated that he declared the war on drug abuse problems that plagues our Nation, which is poisoning our youth, and destroying the fabric of American society. On April 18, the President signed a national security decision directive which, among other things, called for the increased use of military resources to combat the narcotic traffickers.

On June 18, after nearly 4 years of congressional badgering, the administration finally concurred with the elements of the national drug interdiction strategy that Congressman ENGLISH, Senator NUNN, Senator STEVENS, Senator D'AMATO, Senator CHILES, myself, and many others, have supported in cooperation with the Department of Defense, the U.S. Customs Service, and other supporting agencies.

The amendment that we are offering will authorize funding for the second important phase of this drug interdiction plan and accelerate DOD's role in providing the sophisticated military resources to our civilian drug interdiction efforts.

The first phase of this program was authorized in the fiscal year 1986 DOD authorization bill, funded in the continuing resolution in 1986, Public Law 99-190, and reconfirmed in the urgent supplemental appropriations bill of 1986 signed into law by President Reagan on July 2.

Mr. President, this amendment authorizes a total of $295.1 million to fund five major proposals for enhanced Department of Defense drug interdiction assistance.

The Attorney General, as chairman of the Drug Policy Board, recommended four of these proposals in a letter to the Armed Services Committee of the House and Senate on June 18, while the Secretary of Defense recommended the fifth proposal to the Drug Policy Board in April.

Also, the elements addressed in my amendment today will form a major plank in an administration southwest border initiative that is scheduled to be announce next week.

Specifically, the amendment that we are offering will contribute the following drug interdiction assets to our war against the drug smuggler:

First, four existing E-2C Hawkeye surveillance aircraft will be refurbished by the Navy and turned over to the U.S. Customs Service; and the Navy, in return, will receive four replacement E-2C aircraft: Total cost, $138 million includes spare parts.

Second, four existing P-3 Navy aircraft be retrofitted with APS-138, 360-degree radar and turned over to the U.S. Customs Service for drug interdiction purposes: Total cost: $83 million, includes three APS-138 radars.

I have now agreed to one P-3 with APS-138 prototype at a cost of $27 million.

Third, three aerostat radar surveillance systems to be purchased by the Air Force for both national security and drug interdiction purposes: Total cost: $49,500,000, including spares for these aerostats and aerostat authorized in Public Law 99-349 for the Bahamas.

Fourth, transfer of six Air Force helicopters to Davis Monthan Air Force Base near Tucson, AZ to be co-located with the Tucson Customs Service Air Support Branch. These aircraft would be flown by Air Force pilots with Customs Service officers on-board: Total cost, $12,615,000.

Fifth, increased intelligence collection activities concerning illegal importation of drugs into the United States from South America: Total cost: $12 million.

Mr. President, this amendment offers a balanced, well-conceived, cost-effective strategy for combating the drug smuggler with sophisticated military resources.

It represents a culmination of vigorous, sometimes heated negotiations and compromise between myself, the Defense Department, the Administration, and other Members of the House and Senate.

My amendment will fund four proposals that have the support of OMB and the administration, plus a P-3 prototype that will offer an outstanding addition to this comprehensive plan for putting more sophisticated military assets into the war on drugs—at a price that the American taxpayers can afford.

Mr. President, last Monday, Attorney General Meese said in an editorial that—

The President's decision to sign the recent national security decision directive underscores our commitment to use military resources when appropriate against the insidious drug threat. (Washington Post, August 4, 1986.) Our plan is consistent with the

President's national security directive of April.

It is consistent with the original air wing concept originally authorized back in May of 1985.

It is consistent with the plan endorsed by the Secretary of Defense in April, in his report to Congress and the Drug Enforcement Policy Board.

It is consistent with our original concept of using existing DOD aircraft and sensors, whenever possible, and only purchasing those assets that are not already available for drug interdiction purposes.

And my amendment is consistent with our attempts to provide the most sophisticated DOD assets to meet the requirements of our drug interdiction agencies to detect, intercept, and arrest the drug trafficker.

My amendment will put our national drug interdiction effort into overdrive as we attempt to catch up with the narcotics trafficker, at a cost that the American taxpayers should be more than willing to pay.

Mr. President, let me finish by saying that, if we are willing to spend over $3 billion on a strategic defense initiative [SDI] that might not work, then we should be able to find $295 million for a program that will.

This amendment will go a long way toward meeting the President's goals and our own goals of attacking the drug smuggler that threatens our shores, our cities, and our children's futures.

I urge my colleagues to enthusiastically support this amendment and to turn up the heat on the narcotics trafficker.

Mr. President, I cannot think of a better investment that this Senate can make today with our defense funds. Most of this is going to be used in training with the defense capabilities intact. We have an opportunity to strike a blow, Mr. President, against drug interdiction. Sixty percent of the cocaine coming into this country comes by way of airplanes from outside our borders. We have to do something and we have to do it now. It is time that we use some of these assets.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DECONCINI. Mr. President, is my amendment at the desk at this time?

The PRESIDING OFFICER. The amendment is pending.

Mr. DECONCINI. Mr. President, I am glad to yield to the Senator from New York [Mr. D'AMATO].

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. D'AMATO. Mr. President, I rise not only to support this amendment, but to commend the Senator from Arizona, Senator DECONCINI, for his constant attempt to help utilize and mobilize resources of this country in the battle against drugs.

We talk about a drug war. The fact of the matter is there is no drug war. That is, we are not waging a war against those who bring drugs into this Nation. It is absolutely ludicrous to say that because we have undertaken some action, that we have begun to wage war that we have really mobilized, given the significance of what is taking place in our communities today.

This proposal is a logical next step in the comprehensive drug interdiction strategy that we have been working on—Senator STEVENS, Senator CHILES, Senator HAWKINS, Senator ABDNOR, and others—for years.

If we are serious about stopping more than 1 percent of the almost 19,000 flights that carry drugs into this country, then endorsing and supporting this initiative is the only logical step to do that.

Mr. President, I understand that there is a squeeze in resources on the defense side. I vote for those defense budgets. I am going to continue to do so.

However, I cannot think of a more important mission in the way of training, in the way of using our resources to interdict those 19,000 planes that carry their cargo of death and destruction into our neighborhoods and into our communities. It is about time that the Department of Defense understood that this is as important a mission as interdicting those who would spread alien philosophies and those who would come and pose a threat to our national security, whether it be the Qadhafi's or the Soviet Union with their KGB people.

If we cannot interdict the 19,000 planes that are carrying these drugs, then all of our wonderful defense systems go for naught.

This amendment, as Senator DECONCINI indicated, is in keeping with the national security decision directive signed by the President on April 18. It represents a plan agreed to by Attorney General Meese in the National Drug Enforcement Policy Board in June.

Senator DECONCINI has just set forth, in a very clear and detailed, manner, the history of bipartisan congressional support for an increased Department of Defense role in drug interdiction.

I think if we are going to do more than just give rhetoric to the so-called war against drugs, then we have to support the adoption of this legislative initiative to give to those who are in this battle the tools to see to it that we interdict the drug runners, to make it more than a slim possibility that they may be apprehended, to begin to say that, "If you are running drugs into this country, there is a good chance that we are going to interdict you, prosecute you, and put an end to this."

□ 1200

I hope that whatever difficulties do exist in terms of accepting this amendment could be worked out prior to a vote because I would like to see this amendment adopted unanimously, because we then show concrete proof that it is not just rhetoric, that we are prepared to mobilize nationally this war against drugs.

I urge my colleagues to give this amendment their full and overwhelming support.

I thank the Chair.

Mr. ABDNOR. Mr. President, I ask unanimous consent that my name be added as a cosponsor of the amendment offered by the Senator from Arizona.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ABDNOR. Mr. President, I want to take this opportunity to commend the distinguished junior Senator from Arizona for sponsoring this amendment. We have worked together very closely over the past 5 years to develop an air interdiction effort. He has been a key player in the effort and deserves much credit. We have made strides, but we have a long way to go. The assets provided by this amendment will help considerably.

Yesterday the President of the United States declared war on drug abuse. It is a major problem facing this Nation today. No one can deny that. We have tried as hard as we have to provide support to the men and women on this country's front lines of defense against the drug trafficker. Quite frankly the support we have given has been modest at best. I am sure my good friend, Senator DECONCINI, will agree with me when I say we are glad the administration is coming to our aid.

I am just sorry to say it has taken too long. We have a long way to go. The drug problem is epidemic in this country. There are many steps which must be taken. These steps include education of our people. We must cut down on the demand. That, however, is a long term process. In the meantime we must interrupt drug trafficking. Detection and interdiction provide the means to that end. The dopers have had the upper hand too long. They have been better financed and better equipped. The assets provided in this amendment will provide the state of the art equipment to the good guys. It will make an impact.

I am very happy to be a cosponsor of this amendment and urge my colleagues to join in its support.

● Mrs. HAWKINS. Mr. President, I rise to speak in favor of the amendment of the Senator from Arizona, Mr. DECONCINI. This amendment makes

military surveillance equipment available for use in various drug interdiction programs. I share the concern of the Senator from Arizona about how inadequate our Drug Interdiction Program is in the Southwest and other parts of the country. We must recognize in this country that drug trafficking is a matter of national security. We must make the most sophisticated resources available to fight the scourge of drug abuse. If we fail to take this forceful action more of our citizens will be put at risk.

While I understand that our defense programs are facing serious budget constraints, these interdiction programs are a very high priority in the fight against drug traffickers. Many in this body have talked the so-called war on drug abuse. But we can never prevail in this war if we do not use the weapons and equipment necessary to prevail. The equipment that would be made available to the Drug Interdiction Program by amendment of the Senator from Arizona will go a long way toward ensuring that we do prevail in the war against drug traffickers and drug abuse.

Mr. President, as a cosponsor of the amendment of the Senator from Arizona, I urge my colleagues to support this proposal and thereby make a significant contribution to our national effort to stop drug traffickers. Only by our strong collective action can we begin to bring the tragedy of drug abuse and drug addiction to a halt.●

● Mr. MOYNIHAN. Mr. President, I thank my good friend and distinguished colleague from Arizona. I am pleased to cosponsor this amendment to provide badly needed funds for use in surveillance and interception efforts against drug smuggling. This proposal will help us to deal effectively with at least one-half of the drug equation: supply.

There is no more insidious and pervasive threat to our Nation. The abusers of drugs bring about numerous dangers to themselves and those around them; a drug epidemic brings with it a crime epidemic of equal proportion. The most elemental of all civil rights—the right to move freely in your own society—is denied by the presence of drug dealers and pushers on our streets. Just last week, the New York City Police Department reported a marked surge in crime in the last 6 months directly attributable to drugs. The number of reported major crimes rose to 249,090, and that was just for the first 5 months of this year. Of the 653 murders which occurred during this time, 35 percent were drug related. Consider: more than one-third of all murders in New York City were due to the inability to successfully combat drugs.

Our focus now is on countries like Bolivia, Peru and Colombia, as they are the primary source of most of the drugs which end up on our streets. This amendment allocates funds for the collection of intelligence on the flow of drugs from countries such as these, and for the planes and equipment to stop shipments before they reach our shores. If we can cut off the flow of drugs, we will have addressed at least one part of the drug equation.

But intercepting drugs is only one aspect of dealing with supply. Another calls for destroying drugs where they are produced. That means assisting countries like Bolivia and Peru in changing their agricultural base from coca plants to legitimate crops. These types of programs can work: they worked with respect the poppy plant—from which heroin is made—in Turkey in the early 1970's.

Permit me to explain. In 1969, President Nixon asked me to be his assistant for urban affairs. I agreed. I proposed to the President that among the first things to be done about American cities was to place international drug traffic on the agenda of American foreign policy. He agreed, and in the course of 1969 this was done. To be precise, in August of that year I flew eastward to Calcutta, Istanbul, and lastly Paris. At each place, I talked with American and local officials, stating that the United States could no longer tolerate the extraordinary commerce in smuggled heroin then flooding our cities, especially on the east coast, and bringing with it a plague of death and crime.

I met with the Turkish Foreign Minister and explained to him that the heroin flowing into the United States began as poppies grown in Turkey then processed in Marseilles, France. There it was associated with bread and life, but here it meant a slow death in our cities. Afterward, I flew to Paris to meet with the head of the French "Securite," who wondered how we could ask him to clamp down on drugs when we couldn't enforce our own laws. As we parted, he looked me straight in the eye and asked, "What kind of people are you?" that we were now coming to them about a matter which we should have taken action upon much, much earlier.

Now, we are faced with a cocaine, and more recently crack, epidemic. Some say that we can't afford to allocate more money for drug interdiction: I say we can't afford not to. The costs of drug abuse to our society are enormous. According to a study commissioned by the Alcohol, Drug and Mental Health Administration, drug abuse costs society a total of $60 billion every year. Yet this Senate continues to cut drug enforcement and interdiction programs by invoking such measures as Gramm-Rudman. For example, in New York City, the Immigration and Naturalization Service cannot fill 50 staff positions because of Gramm-Rudman's cut in its budget. It is not reasonable to expect these agencies to do an adequate job with inadequate funding.

The time has come to provide sufficient ammunition to those who are on the front lines of the fight against drug abuse. We require sophisticated and powerful equipment to combat smugglers, and this amendment would provide it. In part, it calls for the conversion of the E-2C Hawkeye aircraft, made by the Grumman Co., on Long Island, to be used against those who dare to bring lethal drugs into this country. With sophisticated instruments such as these planes, we give ourselves a fighting chance in winning the war against drugs.●

The PRESIDING OFFICER. Who yields time? If neither side yields time, time runs equally against both sides.

Mr. NUNN. Mr. President, I suggest the absence of a quorum to be equally divided.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COHEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COHEN. Mr. President, if I could have the attention of the Senator from Arizona [Mr. DECONCINI]——

The PRESIDING OFFICER. Who yields time?

Mr. DECONCINI. Mr. President, I am glad to pay attention to the distinguished Senator from Maine.

Mr. COHEN. I wonder if he would be willing to modify his amendment to delete the P-3 aircraft out of his amendment. As the Senator knows, the Secretary of Defense felt very strongly in opposition to that in view of the cost that will be involved in that aircraft and that the developing cost will be excessive. He is trying to hold down that range.

Mr. DECONCINI. If the Senator from Maine will yield, I have talked with the Senator from California [Mr. WILSON], who serves on the committee. I am most reluctant to do that, because I think there is a lot of misinformation stemming from the Secretary of the Navy regarding the P-3's. We have those figures indicating that it is going to cost hundreds of millions of dollars to retrofit them; we have a firm commitment from one defense contractor to do four of them for $83 million. So I am very reluctant to do it.

However, let me say to my good friend from Georgia and my senior colleague from Arizona. I realize how far they have come to find some accommodation here. The answer to the question is, I shall reluctantly do that,

although I would like to yield to the Senator from California for his comments on it if he cares to get into this before we voluntarily give away the P-3.

The PRESIDING OFFICER. It will take unanimous consent to modify the amendment.

Mr. DECONCINI, I understand. I thank the Chair.

I shall be glad to yield back to the Senator from Maine.

The PRESIDING OFFICER. Who yields time?

Mr. NUNN. Mr. President, I yield to the Senator from California.

Mr. WILSON. I thank the Senator.

Mr. President, I think the Senator from Arizona has stated his reluctance, but I think it is probably a wise compromise. We are placed in this unfortunate position not through the fault of any member of the Armed Services Committee; very much to the contrary. The senior Senator from Arizona [Mr. GOLDWATER], the distinguished chairman of the Sea Power Subcommittee [Mr. COHEN], and the distinguished ranking member from Georgia [Mr. NUNN] are not in any way opposed to efforts to bring about more effective, more rigorous drug interdiction. Very much to the contrary. I dare say there is not a Member of this body that does not recognize the need for greater efforts to be made.

The reservations that are being expressed by the Senator from Georgia and the Senator from Arizona and the Senator from Maine have to do with money. They do not oppose the effort; they oppose its being funded from the defense budget.

Spending as many hours as I do with them agonizing about the allocation of too-scarce resources for our national security, I can well understand and entirely sympathize with their reluctance to see money that they have not authorized spent for purposes, however commendable, other than national security.

I support the junior Senator from Arizona. I think we have a compromise here that both sides can support. The point I am attempting to make, Mr. President, is that we are placed in the position of the junior Senator from Arizona having to take less than he feels is really required to make an adequate effort and the members of the Armed Services Committee, on the other hand, reluctantly granting some of their too-scarce resources for a purpose not contained in their bill.

I think what it means, very clearly and simply, is that this compromise may be the best that we can do this year. But there is an absolute necessity for the administration to recognize the need for new money for this effort, which I rank in many instances as being more important than a number of the expenditures we make even for national security. We are faced with a situation not just of growing concern; it is a growing crisis.

I say to my friend, the junior Senator from Arizona [Mr. DECONCINI] first, he has my support and my admiration for the steadfastness in the effort he has made.

Second, I extend thanks to my brothers on the Armed Services Committee. I think the pain of having to oppose a good program simply because you have inadequate resources to pay for what is in your own bill is something we can all understand and sympathize with.

What we need to do, I think, in this instance, is take this compromise, however reluctantly it is made by both sides, recognizing that we are placed in an untenable position because we have not accurately and adequately allocated, as a priority, what is necessary for us to discharge the obligation to interdict the flow of drugs into the United States, particularly the aerial interdiction of aerial smuggling.

So, to my friend from Arizona [Mr. DECONCINI], I say I think we should accept this and then make common cause with our colleagues on the Armed Services Committee so that new money and adequate money can be available to do this job properly in the future.

□ 1210

Mr. NUNN. Mr. President, will the Chair inform Senators what the remaining time and its allocation is?

The PRESIDING OFFICER. The Senator from Georgia has 13 minutes, the Senator from Arizona has 7 minutes.

Mr. NUNN. Mr. President, I believe this is a good compromise based on the information we now have. I must say I am not completely satisfied that the cost figures we have are entirely accurate. We have several estimates mostly on the telephone from the Department of Defense about various aircraft, but we are not going to be able to settle that on the floor now.

I believe that when we go to conference we should have much closer scrutiny of the figures which have been given us so we can make sure that not only are we doing something in the drug area but we are procuring the aircraft that are most effective and efficient for this purpose and also procuring aircraft for this purpose that are competitive and that meet the taxpayers' need to save money.

I am not satisfied on that aspect, but I know the Senator from Arizona has done the very best he can with this amendment. I think the Senator from California and the Senator from New York have made major contributions. I believe it is a very important program.

We still have a terrible dilemma of where we get the money. Nothing has changed. We are going to have to cut our bill very, very substantially in conference. We do not meet the budgetary figures—the numbers are going up on the floor, not down—and we do not meet the outlay figures.

So we will have a real problem in conference. The House is going to be debating probably today a couple amendments that will get their bill down to the budget authority and get their bill down to the outlays. We have closely coordinated our position with the Senate Budget Committee. They understand that we are over the ceilings. They understand that we are pledged to come back with a budget authority figure within the ceilings, and they understand that we are not pledged to come back in the outlay figure, although we are going to strive for that, because we have said over and over again those two numbers, budget authority and outlays, are totally incompatible; we cannot meet both. We can meet one of the other but not both.

So this amendment, worthy as it is, adds to our problems in conference. I serve notice to the Justice Department and Treasury Department we are for the drug problem, but we are also for honest accounting in executive budgets. And when they endorse a program they should endorse it in their budget; it should be sent up in their budget or it should be sent up here in a supplemental. It is rather frustrating to be handling the military budget and get other departments of the executive branch endorsing efforts to take money out of this budget and put it into other budgets.

That is just not the way to handle the accounting of the Federal Government. But I do applaud the program. We have a very serious problem with drugs in our Nation. I think drug affliction in our Nation does indeed affect our national security so I applaud the Senator and I believe the compromise should be accepted.

I yield whatever time the Senator from Maine may need.

Mr. COHEN. Just for the purpose of clarification, as I understand the proposed modification, it would still require the purchase of four new E-2C Hawkeye aircraft which would be transferred to the Navy; the Navy then would have the assets to dispose or divert for purposes of drug interdiction?

Mr. DECONCINI. If the Senator from Maine will yield, that is correct. There would be four new ones purchased for the Navy and four existing ones would be sent over to Customs obviously subject to recall for national security purposes.

Mr. COHEN. I thank the Senator.

Mr. DECONCINI. Mr. President, I will be glad to yield to my colleague from Arizona.

Mr. GOLDWATER. Mr. President, I think what is happening on this particular amendment is rather indicative of one of our major problems when we set out to provide legislation, particularly in the field of defense. The Senator from Georgia and I had an audience with the President just 2 days ago. We outlined in great depth the very, very dangerous situation that our Armed Forces face. We told him that we could not authorize more money because we did not have any more money. In the usual language, we are broke. Yet, Mr. President, this morning, August 7, the Secretary of Defense sends a letter over here saying that they support the DeConcini amendment. We do, too. I, like my colleague from Arizona, live on that border, and we know what we want. But we do not like to get an approval from the Secretary of Defense about an hour before we are going to work on this thing. And then, Mr. President, we have been thinking about this legislation, traveling under the assumption that the Attorney General did not want money specifically appropriated for this, and yet this morning we find the Attorney General backing this amendment.

Again, I say that I think both the Senator from Georgia and I would back this amendment without question provided we had the money.

So I wish, Mr. President, that the administration would learn how to operate a little better than they do, so that the committees are not left hanging in the air when important decisions have to be made.

I thank my colleague from Arizona for agreeing to delete the P-3's. I think that was a very wise move, and I think it will ensure the passage of the amendment and acceptance in the conference.

I yield the floor.

Mr. DECONCINI. Mr. President, I ask unanimous consent that the Senator from South Carolina [Mr. HOLLINGS] be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DECONCINI. I also want to thank the Senator from New York for his steadfastness in taking the time away from the Appropriations Committee that he is supposed to be at right now on defense I think to come over and talk to this, as well as my colleague, Senator WILSON, from California.

Mr. President, I will ask to insert in the RECORD a letter that is addressed to my senior colleague from Arizona, Senator GOLDWATER, from Attorney General Edwin Meese dated June 18, 1986, spelling out what is necessary under the National Drug Enforcement Policy Board. I note that all of the items that are in this original amendment with the exception of the P-3's are a part of this policy board's decision. I ask unanimous consent that that letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF JUSTICE,
NATIONAL DRUG ENFORCEMENT
POLICY BOARD,
*June 18, 1986.*

HON. BARRY M. GOLDWATER,
*Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The DOD Authorization Bill for FY 1986 called for the establishment of an Air Force Special Operations drug interdiction air wing to provide peacetime air interdiction surveillance and detection assistance to drug enforcement authorities.

The conference report accompanying the FY 1986 Appropriations Act (appended to the Continuing Resolution) required the Department of Defense to configure one AC-130H-30 stretched variant gunship for drug interdiction surveillance deliverable not later than January 31, 1987. Thirty-five million dollars were appropriated for this purpose. The Conference Report also suggested that DOD should consider budgeting for an additional nine AC-130H-30 gunships during FY 1988-89.

In my letter to you on February 12, 1986, I expressed the National Drug Enforcement Policy Board's concern that the C-130 gunship was not the most cost effective means of providing air surveillance and detection (Enclosure 1). Further, I suggested that the Policy Board would work with the Congress to identify appropriate resources best suited for drug surveillance and intelligence needs, consistent with DOD mission requirements.

In an April 18, 1986 letter to the Vice President, Senator DeConcini and Representative English proposed a plan to implement the DOD Air Wing (Enclosure 2). This plan provides for seven aerostat radar surveillance balloons (two in the Bahamas and five along the U.S. Southern tier); ten C-130 aircraft retrofitted with target acquisition radars (two for SOUTHCOM; remaining eight divided equally between Florida and Arizona); and four Customs P-3A aircraft (or suitable platform) retrofitted with 360° radar.

The National Narcotics Act of 1984 empowered the Policy Board to review, evaluate and develop United States Government policy, strategy and resources with respect to drug law enforcement efforts. Accordingly, on May 19, 1986, the Vice President asked the Policy Board to review the Congressional plan. The Policy Board analyzed the plan and agrees that certain parts of it would help address the problem along the Southern tier. Specifically, they are: placing five aerostats along the Southwest border, moving Air Force helicopter assets to Davis Monthan AFB, and providing two C-130's to SOUTHCOM to assist drug law enforcement on a not-to-interfere-with-mission basis. The Board believes that the location of the aerostats and other detection assets should be determined by those agencies responsible for their operation.

In addition to the above elements from the Congressional plan, the Policy Board proposes modifications which address interdiction needs and also provide an effective enhancement to the Government's overall anti-drug effort. The alternative proposal constitutes a Government-wide package that will initiate improvements in several of the critical components of the drug strategy. They are presented in Enclosure 3.

The total cost of our proposal is $232.9 million (plus one year O&M of $33M), compared with $309M (plus $61M O&M) for the Congressioanl plan. Not only would this alternative cost the taxpayers less, the Policy Board believes that it would also be more effective. Our proposal simultaneously addresses several of the key elements of the strategy in a balanced approach, rather than focusing solely on interdiction assets.

While I believe that our proposal fully addresses the needs along the Southwest border, the differences in terrain and threat along the Southeast border pose a more complex set of problems. As an interim solution, the Policy Board endorses the substitution of E-2C's for P-3A's as air surveillance platforms. The P-3A's would then be returned to DOD. (In our view, the E-2C is superior to the P-3A in terms of cost, effectiveness and availability.) However, the Policy Board must emphasize that it is prudent to study other air surveillance modalities before final determination is made for the Southeast border. We will forward to the Congress, following the Policy Board's expedited review, a complementary report for the Southeast border.

I know you share our concern over the adverse impact illicit drug trafficking has on our nation. On behalf of the Board, please be assured of our willingness to work with the Congress to effect measures to end this national scourge. I have sent identical letters to Chairmen Hatfield, Whitten, and Aspin.

Sincerely,

EDWIN MEESE III,
*Attorney General.*

*Policy Board's alternative proposal* [1]

| Interdiction: | *Million* |
|---|---|
| Items from Congressional plan: | |
| 5 Aerostats for Southwest border[2] | $62.5 |
| Transfer 6 Air Force Helicopters to Davis Monthan AFB in Arizona[3] | 15.0 |
| 2 C-130's to Southcom[4] | 79.4 |
| Other items: | |
| Customs Service Command, Control, Communication's Intelligence Center ($C^3I$) for the Southwest border | 10.0 |
| An All-Source Intelligence Center to modify or replace the existing El Paso Intelligence Center (EPIC) | 15.0 |
| 4 E-2C's for Southern border[2] | 14.0 |
| International/Intelligence: | |
| DEA foreign agents | 4.0 |
| Intelligence Community[2] | 12.0 |
| Investigations: DEA voice privacy radios | 7.0 |
| Drug Prosecution: U.S. Attorneys | 6.0 |
| Drug Abuse Prevention: | |
| National Institute of Drug Abuse | 3.0 |
| ACTION | 5.0 |
| Total | 232.9 |

[1] Additional O&M for full year operation is estimated at $33M.

[2] Acquisition funded by DOD; O&M funded by other agencies.

[3] Acquisition and O&M funded by DOD.

Mr. DECONCINI. Mr. President, I send to the desk a modification which is in accordance with the understanding and discussion we just had, which modifies my amendment, taking out the P-3's. I ask unanimous consent that the amendment be so modified.

The PRESIDING OFFICER. Is there objection to the modification? Without objection, it is so ordered.

The amendment, as modified, is as follows:

On page 229, between lines 14 and 15, insert the following new section:

SEC. 2121. AUTHORIZATION OF APPROPRIATIONS FOR ENHANCED DRUG INTERDICTION ACTIVITIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated to the Department of Defense for fiscal year 1987 for enhancement of drug interdiction assistance activities of the Department as follows:

(1) FOR PROCUREMENT OF AIRCRAFT FOR THE NAVY—$138,000,000 to be available for refurbishment and upgrading of four existing E2C Hawkeye surveillance aircraft for drug interdiction purposes, and the procurement of four replacement E2C Hawkeye aircraft and related spares for the Navy.

(2) For procurement for the Air Force, $49,500,000, to be available for procurement of 3 aerostat radar systems, 3 aerostat radar spares for such system, and 1 aerostat radar spare for an aerostat radar system authorized and funded for location in the Bahamas by section 5(b) of the Urgent Supplemental Appropriations Act, 1986 (Public Law 99-349; 100 Stat. 723).

(3) For operation and maintenance for the Air Force, $12,615,000 to be available for the transfer of 6 Air Force helicopters to Davis Montahn Air Force Base for use in carrying out drug interdiction missions.

(4) For the Secretary of Defense, $12,000,000 for enhanced intelligence collection activities concerning illegal importation into the United States of drugs originating in South America.

(b) LOANS TO THE UNITED STATES CUSTOMS SERVICE.—The Secretary of Defense shall make available the refurbished, upgraded, and modified aircraft, using funds appropriated pursuant to authorizations in subsection (a)(1) to the United States Customs Service in accordance with chapter 18 of title 10, United States Code, except that the four replacement E2C Hawkeye aircraft procured using funds appropriated pursuant to authorizations in subsection (a)(1) shall be delivered to the Navy.

(c) RESPONSIBILITIES OF THE UNITED STATES CUSTOMS SERVICE.—(1) The United States Customs Service shall have the responsibility for operation and maintenance costs attributable to the aircraft refurbished, upgraded, or modified using funds appropriated pursuant to authorizations in subsection (a)(1) and the aerostat radar systems using funds appropriated pursuant to authorizations in subsection (a)(2), except that responsibility for the operation and maintenance costs by the United States Customs Service shall commence upon receipt of the modified, refurbished, and upgraded aircraft authorized in subsection (a)(1) and upon completion of the installation of the aerostat radar systems authorized in subsection (a)(2).

(2) Upon enactment of this Act, the Commissioner of Customs shall immediately commence consultations with the Commandant of the United States Coast Guard regarding coordination of the deployment of the aircraft authorized in subsection (a)(1) and on loan to the United States Customs Service under subsection (b) in order to maximize the detection, surveillance, and intelligence gathering capabilities of the drug surveillance aircraft on loan to the United States Customs Service. The Commissioner of Customs shall make quarterly reports to the Committees on Appropriations and the Committees on Armed Services of the Senate and the House of Representatives regarding drug interdiction plans developed under this paragraph.

(d) AMOUNTS IN ADDITION TO OTHER AMOUNTS.—The amounts authorized by subsection (a) are in addition to any other amounts authorized to be appropriated to the Department of Defense in this Act for fiscal year 1987.

Mr. DECONCINI. Mr. President, I will be glad to yield to the Senator from Georgia.

Mr. NUNN. Mr. President, I am prepared to yield back the remainder of the time of the former opponents of the amendment.

Mr. COCHRAN. Mr. President, before all time is yielded back, let me just ask—I was on my way to the floor—of the Senator from Arizona whether or not this amendment would preclude the retrofitting of planes other than the P-3 for the drug interdiction efforts?

As I understand the modification, am I correct in the assumption that the planes are being taken out of the amendment?

Mr. NUNN. The P-3's have been taken out by the Senator from Arizona.

Mr. COCHRAN. So there would be no prohibition of the administration or the administrators of Customs or the Coast Guard retrofitting other aircraft such as the C-130 for surveillance purposes in the drug interdiction effort?

Mr. DECONCINI. If the Senator will yield, maybe the Senator from Georgia would care to discuss the Defense Department and Air Force position on using the C-130 but this modified amendment only takes out the P-3's.

It does not go to any other retrofitting or modification of any other airplanes. If the Drug Policy Board so ordered the Defense Department to do it and the Defense Department found the funds or decided to do it or in conference if they decided to do it with P-3's or the C-130, let me yield to the Senator from Georgia for the answer.

Mr. NUNN. I would agree with that assessment. I think the plan fact out here today, at least as one of the managers of the bill, I do not know which aircraft are better for this purpose and even though the P-3's have been eliminated in the amendment based on cost information from the Department of Defense, it seems to me what we want to do in this program like any other program is find the best airplane for the job and get it, whatever it happens to be, at the best cost, and I would say that would be our goal in conference. We do not have enough information here now—at least I do not—to be able to make that kind of judgment.

□ 1220

Mr. GOLDWATER. Mr. President, if the Senator will yield, I will try to help him a little.

The E-2C is a proven fleet aircraft with overwater and overland capability. The E-2C is a sort of miniature AWAC. It is used off the decks of carriers.

The trouble with the P-3 for this use is that it is a down-looking radar. It is a submarine detector. What we have to have is radar that can look forward or sideways.

We have a very fine, old Army airplane, the Mohawk, that is perfectly satisfactory for this type of operation, and we have been using them on the Mexican border. It has an infrared side-looking radar and standard radar for straight ahead.

I believe that the money necessary to modify a P-3 would be to exorbitant, and the money to buy AWACS would put it out of the question.

I think the decision that has been reached here this morning by the members of the Armed Services Committee is probably the least expensive one we can come up with.

Mr. COCHRAN. Mr. President, I appreciate very much having the explanation of the managers of the bill and the author of the amendment. I certainly have no objection to the amendment, and I join in applauding the Senator from this initiative.

Mr. DECONCINI. Mr. President, I thank Senator GOLDWATER and Senator NUNN and their staffs for their cooperation.

I yield back the remainder of my time.

Mr. NUNN. I yield back the remainder of my time.

Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. No.

Mr. NUNN. I think it would be preferable if we did not have a rollcall vote.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment, as modified.

The amendment (No. 2588), as modified, was agreed to.

Mr. DECONCINI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GOLDWATER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GOLDWATER. I believe there was a unanimous-consent agreement reached last night to accommodate another amendment at this point.

The PRESIDING OFFICER. The Senator is correct. The amendment would be offered by Senator HATFIELD.

Mr. GOLDWATER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

□ 1230

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oregon is recognized.

AMENDMENT NO. 2606

(Purpose: To prohibit the use of funds for the production of binary chemical munitions until certain conditions are met)

Mr. HATFIELD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oregon [Mr. HATFIELD] proposes an amendment numbered 2606.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 10, strike out lines 9 through 16 and insert in lieu thereof the following:

SEC. 109. BINARY CHEMICAL WEAPONS.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that the Presidential certification of July 29, 1986, transmitted to Congress pursuant to section 8093 of the Department of Defense Appropriations Act, 1986 (as contained in section 101(b) of Public Law 99-190 (99 Stat. 1217)), does not meet the requirements of such section and, therefore, the conditions necessary to begin production of binary chemical munitions pursuant to such section do not yet exist.

(b) PROHIBITION ON USE OF FUNDS.—None of the funds appropriated pursuant to an authorization contained in this or any other Act may be used—

(1) for the procurement or assembly of binary chemical munitions (or components of such munitons); or

(2) for establishment of production facilities necessary for procurement or assembly of binary chemical munitions (or components of such munitions),

until legislation has been enacted, after the date of the enactment of this Act, declaring that the certification requirements of section 8093 of the Act referred to in subsection (a) have been met.

(c) EXCEPTION.—The prohibition in subsection (b) does not apply to funds used exclusively for research, development, test, and evaluation of binary chemical munitions.

Mr. HATFIELD. Mr. President, this is a very simple amendment and yet I know that it carries with it many implications.

Mr. President, I allocate myself 5 minutes.

I would like to consider this amendment strictly on the wording and the intent of the amendment.

I will not make any efforts here today to hide my own personal feelings about the weapon involved in this amendment—nerve gas. I fought the idea of nerve gas production and sought to sustain the moratorium placed on it by President Nixon for many years.

But if we could but lift our eyes for just a few moments to the actual wording of the amendment, I would like to concentrate on its merit outside of the question of whether you are for or against nerve gas.

In the continuing resolution passed by this Senate last year, there was included the following wording—and I refer specifically to Public Law 99-190—there will not be any moneys expended for the binary chemical munitions for production purposes until "there has been submitted to the North Atlantic Treaty Organization a force goal stating the requirement for modernization of the United States proportional share of the NATO chemical deterrent with binary munitions and said force goal has been formally"—and let me emphasize "formally"—"adopted by the North Atlantic Council."

Mr. President, there are three groups within this whole NATO structure to which we refer: the Military Review Committee, the Defense Planning Committee, made up of the defense ministers of various member countries, and the North Atlantic Council, made up of the member nation's foreign ministers.

In effect what happened was this: the Military Review Committee (in which Ambassador Abshire represents the United States) approved of binary weapon production force goal, as part of the total force goal package. The Defense Planning Committee took note of that fact—did not act on it—but took note of that fact. Mr. President, the Council never took action on it in any form or in any shape.

□ 1240

The wording of our language has not been complied with. How did it happen?

Mr. Abshire, our permanent representative, was very much aware of the precise language of the requirement. Let me tell you the intent was very, very carefully crafted because we wanted to make sure that this was considered by both the military and the political groups within NATO. It is something more than a military question. It is a political question as well.

Mr. Abshire says, "Well, we should have used the words 'force plans' rather than 'force goals'," because force goals are considered by the military agency, not by the North Atlantic Council. Now, after the fact, that is a very interesting interpretation. But it still does not override the wording and the intent of the wording of the language in the appropriation bill.

Now, Mr. President, the committee that now has this authorization bill before us, the Armed Services Committee, is attempting, evidently, to try to undo the situation or to correct it after the fact. This bill will allow binary weapon program production money to be utilized after approval by the military group that has already acted upon it, the Defense Planning Council.

Mr. President, that does not change existing law. The existing law says very carefully that there shall be formal adoption given by the North Atlantic Council.

Now you might ask: Why should the Council do this, as well as the military arm of NATO? I have letters here, Mr. President, from three of the four countries that disapproved of this weapons system, written by their ambassadors. Their ambassadors are political appointees. Mr. President, you cannot have it both ways. You cannot have a military group saying, "Oh, this is approved," and then the political people of those countries going home and saying, "Oh, we didn't approve it. We didn't approve it, because it is too hot a political item to approve."

Now let us not get into all the arguments about whether this is a deterrent and all those other matters relating to the nerve gas weapon. Let us get to the essence of this amendment, which is simply to restate the language of existing law. That is all.

Not one NATO ally has agreed to bring this binary weapon to their land. Why should America take the brunt of all the political venom being expressed in the very countries where their own political people refuse to take a stand but then, backdoor, under the table, through their military people in a lower echelon of the NATO, say, "Oh, yes, we approve." It is a double standard. It is not honest. It is not forthright.

Not too long ago, I happened to be in the company of the head of government of one of our NATO allies. I raised the question to this head of government. He said, "Oh, please don't make us take a position on this. We will support you on it. We will support you through the Defense Planning Committee, but do not ask us in the political realm to take a position. It is to hot a potato for us to handle."

So America takes the full blame for this.

Mr. President, there is an integrity of Congress' instruction at stake here. That is the essence of this amendment. Does the Congress mean what it says? And is the agency that the instruction is directed to going to ignore

it, thumb its nose at us, and say, in effect, "Well, that means little," even though it is the law of the land and has been signed into law by the President as well as passing both Houses of Congress.

I say again, I very forthrightly say I am opposed to nerve gas production. I am all out opposed to it. But that is not the purpose of this amendment at this time. Instead, it is to sustain the integrity of the Congress. That is the essence of this amendment.

I reserve the remaining part of my time.

Mr. GOLDWATER. Mr. President, parliamentary inquiry. How much time do we have left?

The PRESIDING OFFICER. The Senator from Arizona has 23 minutes and the Senator from Oregon has 18 minutes.

Mr. GOLDWATER. Mr. President, I yield as much time as the Senator needs.

Mr. COHEN. I thank the chairman for yielding.

Mr. President, let me say at the beginning that I was opposed to the requirement that the NATO countries have a veto, in essence, over the question as to whether or not the United States would resume production of chemical weapons. It seemed to me that that was placing the United States in a rather untenable position, to in any way derogate our responsibilities to our NATO allies on this issue as to whether or not we should resume the production for possible deployment in other regions of the world.

But that is not the issue that is being debated here today, as the Senator from Oregon has correctly stated.

Senator GLENN and I spent a considerable amount of time on this issue in conference with the House of Representatives. It is not as clear as the Senator from Oregon would have us believe, that the language is so precise. As a matter of fact, even though the bill contains a reference to the North Atlantic Council in the bill itself, it is interesting to note that in the bill's report language the reference is to the North Atlantic Alliance. So there is a great deal of ambiguity on this very proposition.

I submit to my colleagues that the Senator from Oregon, who has correctly stated his long opposition to the program, has seized upon an ambiguity in order to strangle the program from being either initiated or indeed completed.

Now what has happened with respect to this particular issue? We have requested that the NATO allies be required to express some approval of a plan that has been proposed by the administration. A letter was sent to the Senator from Oregon from our permanent representative, Ambassador David Abshire, explaining exactly what took place with respect to the North Atlantic Council.

The fact of the matter is that, back in 1966, when France withdrew from the NATO integrated military command structure, the NATO countries had to formulate some mechanism whereby issues pertaining to force goals could be resolved and approved, without the approval of France. At that time, it was decided to give that authority for force goals to the DPC, the Defense Planning Committee, which was done. And it has been that policy since 1966.

Now I have a copy of a letter—and I hope the Ambassador will forgive my pronunciation of his name—from Andre De Staercke, who was the dean of the NATO permanent representatives at the time that the decision was made, when France withdrew from the NATO integrated military command structure, to establish a mechanism whereby these decisions pertaining to force goals could be dealt with.

Let me just read a portion of the letter he addressed to Ambassador Abshire. He said:

> Since France intended to cease participation in discussions and decisions on NATO's integrated defense structure, it became necessary to agree upon a way to reach final decisions on these matters at the highest level. A number of possibilities were considered, with French participation in the search for solutions. Fortunately, a body which could serve the purpose was already at hand—the Defense Planning Committee. In 1963 the Council had made a decision to constitute itself as a Defense Planning Committee for the purpose of carrying out the decisions of the 22-24 May 1963 Ministerial meeting * * * The DPC so established was open-ended and chaired by the Secretary General. All that was needed was a Council decision giving the DPC full competence in all matters pertaining to NATO's integrated defense structure. The North Atlantic Council, in which, of course, France is a member, took this decision, with French agreement, the 3rd of November 1966. Thus the DPC is, in effect, the Council when it deals with matters upon which it alone is competent.

□ 1350

So here we have the dean of the permanent representatives speaking on this particular issue, the DPC acting as the council on matters pertaining to force goals. That particular position is reinforced by Lord Carrington, I quote from Lord Carrington who had an interview, recently, May 28, 1986, on this particular issue because questions were raised by the European press as to whether or not they had complied with the United States position. Let me read just for a moment Lord Carrington's responses.

> And the Defense Planning Committee is in no way subordinate to the Council (North Atlantic Council—NAC). The Council doesn't bless what the Defense planning Committee does. How could it, when it has one nation which does not partake in those discussions: so there is no question whatever here of having a re-run of anything that we may have done in the DPC.

Later during the same interview he said:

> I think there really is no way in which that could be done. I mean, as I said, the DPC is not a subordinate body to the Council and there is no way that the Council could take cognizance of what happened in the DPC. Would it be prepared to.

I think it is clear with this letter, which I will also submit for the RECORD along with that of the former dean, Ambassador Staercke it is clear from the records of the Defense Planning Committee that that is the body of competent jurisdiction to handle issues dealing with force goals.

It somehow has been suggested here just because the DPC made the decision, not recognizing that it is the body of competent jurisdiction, it did not have the approval of its political leadership. I do not know of any particular permanent representative to the NATO alliance that acts without instructions from its very highest political officers and leaders. I would submit to my colleagues that no permanent representative is going to take action to approve anything without the approval of the cabinet level ministers and indeed the leadership of that country. For anyone to imply somehow these military type personnel are operating all on their own without any sort of accountability to higher political leadership I think is a clear misstatement of the facts.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point the letter to Ambassador Abshire dated May 28, 1986, and the letter to Senator GOLDWATER from Ambassador Abshire, along with the excerpt from Secretary General Carrington's press conference.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ANDRE DE STAERCKE,
*Brussels, May 28, 1986.*

Ambassador DAVID M. ABSHIRE,
*U.S. Permanent Representative on the North Atlantic Council.*

DEAR AMBASSADOR ABSHIRE: The purpose of this letter is to confirm the information I provided you in our chance conversation last week on the competence of the Defense Planning Committee. In that conversation, I reminded you that I was the Dean of the NATO Permanent Representatives before, during, and following the time when France withdrew from the Alliance's integrated defense structure. You might also wish to know that I chaired the group of "fourteen" charged with working out a basis for negotiations with France and which then conducted these negotiations with France to an agreement.

Since France intended to cease participation in discussions and decisions on NATO's integrated defense structure, it became necessary to agree upon a way to reach final decisions on these matters at the highest levels. A number of possibilities were considered, with French participation in the search for solutions. Fortunately, a body

which could serve the purpose was already at hand—the Defense Planning Committee. In 1963 the Council had made a decision to constitute itself as a Defense Planning Committee for the purpose of carrying out the decisions of the 22-24 May 1963 Ministerial meeting in Ottawa, which "directed the Council in Permanent Session to undertake . . . further studies of the inter-related questions of strategy, force requirements and the resources available to meet them." The DPC so established was open-ended and chaired by the Secretary General. All that was needed was a Council decision giving the DPC full competence in all matters pertaining to NATO's integrated defense structure. The North Atlantic Council, in which, of course, France is a member, took this decision, with French agreement, the 3rd of November 1966. Thus the DPC is, in effect, the Council when it deals with matters upon which it alone is competent.

Force goals have a long history within the Alliance. Council communiques from the very first years of the Alliance suggest that the Alliance expected member nations to bend their efforts to meet defense requirements in the most effective way. These suggestions find specific expression in the 20-25 February 1952 communique from Lisbon, which refers to decisions on the "building-up of balanced collective forces to meet the requirements of external security," and the 23-25 April 1953 communique from Paris explicitly mentions "force goals." I must add, however, that force goals ceased being a matter for the Council once the DPC became competent for the integrated defense structure.

Sincerely yours,

ANDRE DE STAERCKE,
*Honorary Ambassador for His Majesty, the King of the Belgians.*

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EXCERPT FROM SECRETARY GENERAL CARRINGTON'S PRESS CONFERENCE OPENING HALIFAX NORTH ATLANTIC COUNCIL MEETING, MAY 28, 1986

CHEMICAL WEAPONS MODERNIZATION NAC VERSUS DPC

Q: (A question was asked in French that did not pertain to chemical weapons. Secretary General Carrington apparently misunderstood the question and made the following statement.)

Carrington. "When the French left the integrated military structure of NATO in 1967, it was decided that the defense aspects of NATO would be hived off to the Defense Planning Committee (DPC). And the Defense Planning Committee is in no way subordinate to the Council (North Atlantic Council—NAC). The Council doesn't bless what the Defense planning Committee does. How could it, when it has one nation which does not partake in those discussions: so there is no question whatever here of having a re-run of anything that we may have done in the DPC. Oh, I'm sorry I misunderstood you. I thought you were talking about something a little bit different in the context of the DPC."

Q. (From Paul Taylor, Reuter) "Mr. Secretary General, last week the NATO Defense Planning Committee adopted force goals which included one from the United States on the production of binary chemical weapons. Some of the sticklers for detail in Congress are saying that their legislation actually required that this should be adopted by the North Atlantic Council. Is there any way that this could be done at this meeting and do you expect it to be discussed in any way?"

Carrington. "Is this your final, awkward appearance? It is, is it? This is your last one?"

Q. "I think you do have a news conference scheduled for Friday as well." (Outburst of laughter.)

Carrington. "I think there really is no way in which that could be done. I mean, as I said, the DPC is not a subordinate body to the Council and there is no way that the Council could take cognizance of what happened in the DPC. Nor, I think, would it be prepared to."

Q. "Lord Carrington, to return to the question of chemical weapons and resumed production by the U.S.: Given that the North Atlantic Council does not appear to be the competent body to approve force goals, could you say how you think this came to have been written into Congress conditionally (SIC) in the first place; and secondly, if Congressional opponents insist on this point, does it not suggest that it's going to be rather difficult to get it through Congress at all?"

Carrington. "Well, I've found it very difficult all my life to understand my own Parliamentary system and you really mustn't ask me how this got into Congress. I haven't the smallest idea how it got there. Perhaps it got there by mistake. I really don't know. But, to be frank, that isn't my business. My business is to operate this organization on the only basis on which it can operate, which is the legality of what it does, and there is no way, I think, in which the NATO Council can take cognizance of something which is the business of the DPC."

Q. "Getting back to chemical weapons, how would you characterize the deliberations on that issue last week in Brussels? Was that approval of the U.S. Force goals or was it merely recognition of it? And, getting back to your first answer on this question, are you saying that you do not expect any delegation here to raise the issue again, or, as chairman, would you rule them out of order?"

Carrington. "I don't think one would do that, but I don't think that there's anything that this body can do about it. The mechanics of these things are extremely difficult. What we did in the DPC last week was to adopt the American force goals, and adopt means adopt."

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U.S. DEPARTMENT OF STATE,
*Washington, DC, June 13, 1986.*

Hon. BARRY GOLDWATER,
*Chairman, Committee on Armed Services, U.S. Senate.*

DEAR MR. CHAIRMAN: I am pleased to report that NATO has adopted the U.S. chemical weapons force goal. Although a few nations expressed reservations about the force goal, the vast majority of NATO countries recognized the need for and supported the production of binary chemical weapons.

On May 15, the Defense Planning Committee (DPC) in Permanent Session, composed of the Permanent Representatives to NATO of the 15 countries participating in the Alliance's integrated military structure, adopted the NATO force goals for 1987 to 1992, including the binary chemical weapons (CW) modernization force goal addressed to the United States. Defense Ministers, meeting as the DPC in Ministerial Session on May 22, according to normal NATO procedures "noted" the Permanent Representatives' action.

The Defense Ministers' action completes the etablished NATO procedure for adopting force goals for the Alliance. Further, since all authority of the North Atlantic Council related to NATO's integrated military structure developed by agreement of the NAC to the DPC, and since force goals are a central element of defense planning for the integrated military structure, the DPC, not the NAC, is the competent Alliance authority for the adoption of force goals by NATO.

I would like to call to your attention that some critics have asserted that we at NATO have through procedural means sought to downplay the significance of NATO's decision. This is simply not correct. That would be impossible in the context of the free and open political debate customary in NATO nations. As I am sure you are aware, Allied Governments have expressed intense interest in this matter. NATO's decision has been the focus of parliamentary debate and government attention at the highest levels in NATO countries. The instructions to Permanent Representatives and Defense Ministers at the DPC were cabinet-level instructions.

In this context of free and open debate, and because representatives of Norway and Denmark asked that I relay personally the positions of their countries to the Congress, I want to report each of the dissenting views. I must, however, stress that there was no attempt to block the adoption of the CW modernization force goal.

Of the 15 nations represented in the DPC, the Netherlands, Norway, and Denmark made it clear that their positions could not be interpreted as meaning that they supported the production of chemical weapons. Although the only issue before the DPC for decision was adoption of force goals, these three nations took the opportunity to make statements on national positions concerning other chemical weapons issues. They stated that chemical weapons could not be stored or based on their territories. One other Ally, Greece, citing the Protocol of Geneva of 1925, said it is against the production, modernization and storage of chemical weapons.

A point that may not be well understood, however, is that unlike the United States, Denmark, Greece and Norway signed the Protocol of Geneva of 1925 without reservation. While the United States reserved the right to use chemical weapons in retaliation to a chemical attack, Denmark, Greece and Norway formally renounced the right to do so. Thus, their actions with regard to the CW force goal are consistent with long-standing national positions.

The Allies who support the CW force goal constitute an impressive majority of the Alliance, in sheer numbers and in terms of their population, size of military forces, and proportion of contribution to NATO's defense. A number of these nations made especially forceful statements in support of the CW force goal.

As compelling arguments for the production of binary munitions, they cited the large and growing Soviet CW threat and the need for NATO to maintain its CW retaliatory capability to deter Soviet CW attacks. Without an effective chemical retaliatory capability, NATO's only response to Soviet use of chemical weapons will be nuclear. Several nations pointed to the Soviets' continued production of CW in the face of U.S. unilateral restraint. Clearly, U.S. restraint has not produced corresponding Soviet restraint, and the decision to adopt the CW force goal may be a new incentive for the Soviets to conduct fruitful negotiations in Geneva. Secretary General Carrington aptly

concluded the discussion on the CW goal by describing the arguments made in favor of the force goal as weighty.

Sincerely yours,

DAVID M. ABSHIRE,
*Ambassador.*

Mr. COHEN. Let me conclude, Mr. President, to say that the Senator from Oregon has cited three countries that disapproved the action taken. Who were those countries that dissented? Norway, our great ally Greece and Denmark. Three countries who in fact decided long ago in their interpretation of Geneva protocol to not allow any chemical retaliation by their forces if they are attacked with chemical weapons. These are the same countries who have had a long history of opposing any placement of any chemical weapons on their territory. So these are the three countries who could have been expected to dissent.

It comes as no surprise, but the fact of the matter is that the overwhelming majority of those countries represented in the DPC have approved the force goals outlined in Ambassador Dave Abshire's letter to us.

So I submit, Mr. President, that what we are doing here is seizing upon an ambiguity in order to strangle this particular program. I would try to draw some sort of an analogy. If, for example, the NATO countries were to say, "We have a treaty in mind; we would like to have the U.S. Congress give its ratification. Let us have the U.S. Congress in this particular document give the ratification of this treaty." Everybody in this body would say that is a mistake. The U.S. Congress does not include for this purpose the House of Representatives. That is something that the U.S. Senate does under the Constitution. It is the U.S. Senate that ratifies treaties, not the U.S. Congress. I would say the same position applies here. It is the DPC which has the authority. It is the body of competent jurisdiction. It has in fact approved the force goals outlined by the United States and for anyone to challenge that now, it seems to me, is seizing upon this ambiguity in order to kill the program.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, I yield myself 3 minutes.

Mr. President, the only ambiguity that we are talking about is the ambiguity of the administration and the committee trying to cover the tracks of their mistakes. They did not really recognize the mistakes at the beginning, but this language was clearly understood by Mr. Abshire. He raised no objections against it at the time. Now Mr. Abshire says that it was probably a mistake on his part for not interpreting it. There is no ambiguity. The Committee on Appropriations knew precisely what it was doing.

If we are going to get into a debate here trying to define who is ambiguous, let me quote from a document published by the House of Representatives Committee on Foreign Affairs. They asked for a legal opinion on this issue in case a question of ambiguity arose. I quote from page 25 of that document:

A further difficulty with Ambassador Abshire's interpretation of the act is that according to his own testimony the type of action taken by the Defense Planning Committee on force goals is to note the force goals. The word "note" of course implies a perfunctory review.

While Congress instead required formal adoption on this point as well, the Ambassador's interpretation disregards the expressed language of the act and established NATO procedures.

Here is a legal opinion. There is no ambiguity about what the Congress intended or at least the Appropriations Committee approved. Where were the members of the Armed Services Committee? Why did they not object then if they had a different view? I assume they read those sections of the continuing resolution that had to deal with their particular area of responsibility. Why did they go to such pains to redraft the whole thing to comply with something after the fact? Because they knew very well that the administration is not in compliance now. No ambiguity in that. That is very straightforward. If they thought there had been ambiguity—they would have come in here, argued the ambiguity, and left it out of their bill.

Mr. President, this is pretty clear. The clarity is such that the committee has felt constrained to try to mend the situation after the fact.

Mr. President, I yield 3 minutes to my colleague from Arkansas.

Mr. PRYOR. Mr. President, I thank the distinguished Senator from Oregon for yielding. I am proud to be a cosponsor with him on this amendment.

I would like, Mr. President, to make reference to the comments my distinguished friend from Maine made a few moments ago about the attempted explanation of how this law has been actually, in my opinion, circumvented, and in my opinion, a raw circumvention of the intention of the Congress of the United States.

There is a quote from last year's appropriation bill adopted by this body, basically leading up to this point, saying that we could not produce the new binary chemical warfare "until said force goal has been formally adopted by the North Atlantic Council."

That is the law. That is not the committee report. And I do not know of one case in the history of this Republic when a committee report has superseded the law. I do not know of one case, Mr. President, when a letter from Lord Carrington in Great Britain has superseded a law passed by the Congress of the United States.

Mr. President, I do not know of one case where an interview or a letter with an Ambassador has superseded the law of the United States. It is clear. It is evident. It is right here on page 4 in the appropriations bill of last year, the North Atlantic Council. The President has now certified that we can go forward based on not the North Atlantic Council as this body explicitly informed and mandated the President to do, but something called the Defense Planning Committee. That is the basic issue in the Hatfield amendment. It is an issue about the integrity of the Congress of the United States mandating and putting requirements on a program that the President has circumvented.

Mr. COHEN. Will the Senator yield?

Mr. HATFIELD. Mr. President, will the Senator yield for just a moment for a matter of business that they have asked me to take care of? Mr. President, this should not be chalked against my time.

## IMPEACHMENT OF JUDGE HARRY E. CLAIBORNE

CONSIDERATION DATE TO BE SET LATER

Mr. HATFIELD. Mr. President, this is a unanimous-consent agreement cleared on both sides of the aisle.

I ask unanimous consent notwithstanding provisions of rule III of the Rules of Procedures and Practices of the Senate when sitting on an impeachment trial that the Senate not proceed to consideration of the articles of impeachment presented on Wednesday, August 6, 1986, until a time to be fixed later by the Senate.

Mr. BYRD. Mr. President, there is no objection on this side. I join with the distinguished Senator in presenting the request.

The PRESIDING OFFICER (Mr. SYMMS). Without objection, it is so ordered.

□ 1300

Mr. PRYOR. Mr. President, I ask unanimous consent if I have any time remaining from my 3 minutes, that the time may be yielded back to the distinguished Senator from Oregon, Senator HATFIELD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, I yield another 2 minutes for a colloquy, if the Senator wishes that, to the Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1987

Mr. COHEN. Mr. President, will the Senator tell me who are the representatives who serve on the North Atlantic Council?

Mr. PRYOR. The foreign ministers of all the 15-member NATO nations.

Mr. COHEN. Can the Senator tell me who are the members who serve on the Defense Planning Committee?

Mr. PRYOR. The defense ministers of the same countries.

Mr. COHEN. Mr. President, I might mention to the Senator that the DPC is the North Atlantic Council without France. The same permanent representatives serve on both bodies with the exception of the French representative to the NAC. We are talking about the same people, with the exception of France.

I do not want to be in the position, and I hope the Senator from Arkansas does not want to be in the position, of saying——

The PRESIDING OFFICER. The time of the Senator from Arkansas has expired. There are 11 minutes remaining to the Senator from Oregon and 15 minutes remaining to the chairman of the committee.

Mr. PRYOR. Mr. President, I am not arguing with what the Senator from Maine or the Senator from Arkansas says is the law. I am stating explicitly what the law is. The law says the North Atlantic Council. It has no mention of the Defense Planning Committee. That is the reason that Senator HATFIELD, myself, and others are bringing this matter to the attention of the Senate today, because it is an issue of the integrity of the U.S. Senate, the Congress of the United States.

Mr. COHEN. Mr. President, I will respond to my colleague that notwithstanding his denigration of the report language, there is inconsistency in the language by way of its reference to the North Atlantic Alliance. The fact of the matter is that the DPC is the body of competent jurisdiction which deals with these issues.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. COHEN. Mr. President, I ask if I may have 1 more minute.

Mr. GOLDWATER. Mr. President, I yield 1 additional minute.

Mr. COHEN. Second, it has been suggested that the DPC did not formally adopt the force goal but simply noted it. I will submit for the Record, Mr. President, a letter from Ambassador David Abshire, which I would like to read.

On May 15, the Defense Planning Committee in Permanent Session, composed of the Permanent Representatives to NATO of the 15 countries participating in the Alliance's integrated military structure, adopted the NATO force goals for 1987 to 1992, including the binary chemical weapons modernization force goal addressed to the United States.

That is very clear language. They adopted formally the force goals as proposed by the United States. Ambassador Abshire's letter continues:

Defense ministers, meeting at the DPC in Ministerial Session on May 22, according to normal NATO procedures "noted" the Permanent Representatives' action.

Mr. President, I ask unanimous consent that the letter be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF STATE,
*Washington, DC, June 13, 1986.*

Hon. BARRY GOLDWATER,
*Chairman, Committee on Armed Services, Washington, DC.*

DEAR MR. CHAIRMAN: I am pleased to report that NATO has adopted the U.S. chemical weapons force goal. Although a few nations expressed reservations about the force goal, the vast majority of NATO countries recognized the need for and supported the production of binary chemical weapons.

On May 15, the Defense Planning Committee (DPC) in Permanent Session, composed of the Permanent Representatives to NATO of the 15 countries participating in the Alliance's integrated military structure, adopted the NATO force goals for 1987 to 1992, including the binary chemical weapons (CW) modernization force goal addressed to the United States. Defense Ministers, meeting as the DPC in Ministerial Session on May 22, according to normal NATO Procedures "noted" the Permanent Representatives' action.

The Defense Ministers' action completes the established NATO Procedure for adopting force goals for the Alliance. Further, since all authority of the North Atlantic Council related to NATO's integrated military structure devolved by agreement of the NAC to the DPC, and since force goals are a central element of defense planning for the integrated military structure, the DPC, not the NAC, is the competent Alliance authority for the adoption of force goals by NATO.

I would like to call to your attention that some critics have asserted that we at NATO have through procedural means sought to downplay the significance of NATO's decision. This is simply not correct. That would be impossible in the context of the free and open political debate customary in NATO nations. As I am sure you are aware, Allied Governments have expressed intense interest in this matter. NATO's decision has been the focus of parliamentary debate and government attention at the highest levels in NATO countries. The instructions to Permanent Representatives and Defense Ministers at the DPC were cabinet-level instructions.

In this context of free and open debate, and because representatives of Norway and Denmark asked that I relay personally the positions of their countries to the Congress, I want to report each of the dissenting views. I must, however, stress that there was no attempt to block the adoption of the CW modernization force goal.

Of the 15 nations represented in the DPC, the Netherlands, Norway, and Denmark made it clear that their positions could not be interpreted as meaning that they supported the production of chemical weapons. Although the only issue before the DPC for decision was adoption of force goals, these three nations took the opportunity to make statements on the national positions concerning other chemical weapons issues. They stated that chemical weapons could not be stored or based on their territories. One other Ally, Greece, citing the Protocol of Geneva of 1925, said it is against the production, modernization and storage of chemical weapons.

A point that may not be well understood, however, is that unlike the United States, Demark, Greece and Norway signed the Protocol of Geneva of 1925 without reservation. While the United States reserved the right to use chemical weapons in retaliation to a chemical attack, Demark, Greece and Norway formally renounced the right to do so. Thus, their actions with regard to the CW force goal are consistent with longstanding national positions.

The Allies who support the CW force goal constitute an impressive majority of the Alliance, in sheer numbers and in terms of their population, size of military forces, and proportion of contribution to NATO's defense. A number of these nations made especially forceful statements in support of the CW force goal.

As compelling arguments for the production of binary munitions, they cited the large and growing Soviet CW threat and the need for NATO to maintain its CW retaliatory capability to deter Soviet CW attacks. Without an effective chemical retaliatory capability, NATO's only response to Soviet use of chemical weapons will be nuclear. Several nations pointed to the Soviets' continued production of CW in the face of U.S. unilateral restraint. Clearly, U.S. restraint has not produced corresponding Soviet restraint, and the decision to adopt the CW force goal may be a new incentive for the Soviets to conduct fruitful negotiations in Geneva. Secretary General Carrington aptly concluded the discussion on the CW force goal by describing the arguments made in favor of the force goal as weighty.

Sincerely yours,

DAVID M. ABSHIRE,
*Ambassador.*

Mr. GOLDWATER. Mr. President, what is the situation on time?

The PRESIDING OFFICER. The Senator from Arizona has 13 minutes remaining and the Senator from Oregon has 10 minutes remaining.

Mr. GOLDWATER. Mr. President, this has been a very interesting debate. We have had this debate for so many years that I forget the number.

Mr. President, I am not a lawyer and I do not want to stand here and argue a legal matter. I know it is very proper and easy to say that we cannot do anything on this floor that is construed to be illegal. But, Mr. President, as chairman of the Armed Services Committee, I feel a great responsibility to making sure that our troops have the necessary equipment to defend themselves and to act in aggression, if that is needed.

Gen. Bernard Rogers, the chief of forces in Europe, puts this at the very top of his list of what he wants us to provide him with. This and the airborne, forward-looking radar are the

things that he keeps calling me about, talking to me about, that he has to have them.

Why? The fact, Mr. President, is that we had chemical weapons in World War II, which prevented the Germans from using the weapons they also had. We recall in World War I chemical weapons were used because the allies did not have any.

One might say, are the Russians using chemical warfare in Afghanistan? Yes, our Intelligence Committee has ample proof of that.

But the thing that bothers, Mr. President, is raising an objection to this particular item that we are talking about that in no way endangers the lives of anyone except the enemy. It is not a dangerous weapon until it is fired or dropped as a bomb, whichever may be the case.

Mr. President, I would hate to see our forces in Europe be faced with a chemical threat from the Soviets and we not have a better defense than we now have. Many of us have seen the demonstration put on by the Air Force, the Army, and even the Navy, pointing out how weak we are in this area of chemical weapons.

I can well understand the interest of my friend from Oregon because he has a long reputation, a well-earned reputation, of being opposed to this type of weapon. This is not something you carry around in a bottle or something you carry around in a box. It is a weapon that, when fired, becomes a weapon of chemical warfare that can be used and would be used against the enemy.

I have to merely repeat to my friends in the Senate that the top of the list in the eyes of Gen. Bernard Rogers are chemical warfare items.

I would hope that the Senate would once again overrule what I understand to be a basic feeling against this type of weapon and provide our troops with the ability to prevent the Soviets, or any other enemy, from ever using this type of weapon against the United States.

Mr. HATFIELD. Mr. President, I yield myself 3 minutes.

Mr. President, I find the debate getting into some very interesting interpretations now. To say that the Defense Planning Committee is the North Atlantic Council when it comes to dealing with defense matters would be like saying that the House of Representatives taking certain action is equivalent to the Senate taking action because we are both part of the Congress.

I have here, Mr. President, a number of letters from members of the North Atlantic Council who are for and against nerve gas production. Each one says there was no action taken in the North Atlantic Council on that issue. I have here, as I say, letters from representatives of Italy, Belgium, West Germany, the Netherlands, Greece, and other countries.

So if we are getting confused on what constitutes the North Atlantic Council, certainly the members of that Council are not confused. They said very clearly: "Nerve gas was not considered in our Council."

The argument offered by the Senator from Maine—that the requirement was fulfilled—is odd. Why did the committee even take action by noting this in the bill? Why did they go to that extent to try to correct something if they were so convinced that it had already been complied with?

Mr. President, it still comes back to a simple understanding of the English language. There is nothing complex about it at all. The bill stated two things very clearly: formally adopting—not noting, not being aware, not observing—formally adopting. And it said who shall formally adopt it: the North Atlantic Council. Bill language is precise.

Mr. President, there is no ambiguity here. I think there may be an attempt to correct something. That is certainly legitimate. I do not fault that. But for the committee to come here and say there was a lack of clarity as to what the Appropriations Committee meant or what Congress meant is wrong. I think what we have here may be a whole series of errors, but not a question of ambiguity.

All my amendment attempts to do is restore the integrity of Congress; the law stated the requirement clearly enough that it ought to be observed.

Mr. President, again I emphasize that of which everyone is fully aware: I am opposed to production. But research and development are going to continue. We are going to continue the money for that, and we are going to continue the money to develop the protective devices for our military personnel against nerve gas if, God forbid, it were ever used.

Though I would like to delete all production money, the issue here is simply that production money shall not be made available until the language in the CR is complied with. We restate that language of the amendment: Once true compliance is certified, production money can go. I do not know why people are so fearful of the Council not adopting chemical weapons production. This does not end the bill; this does not end the argument. With certification on the basis of the bill language, production money can proceed. That is all. Production money can proceed. A vote for this amendment is a vote to sustain the integrity of a government of law and the integrity of the Senate as well.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GOLDWATER. Mr. President, I believe I have 9 minutes left.

The PRESIDING OFFICER. The Senator from Arizona has 9 minutes left, the Senator from Georgia has 5.

Mr. GOLDWATER. Mr. President, I yield to the Senator from South Carolina 5 minutes.

Mr. THURMOND. Mr President, I rise in opposition to the amendment offered by my distinguished friend from Oregon [Mr. HATFIELD]. The United States does not possess a credible deterrent to chemical attacks against United States and allied troops today. This lack of a credible chemical deterrent is probably the single most serious deficiency in our conventional defense posture.

According to the former Chief of Naval Operations, Adm. James Watkins:

> I no longer consider our 25-year old stockpile of unitary chemical weapons a credible deterrent. Today's stockpile is as much a liability as an asset. Were it not all that we had, I can not think of a single item in it I would wish to retain. In comparison to the Soviet's offensive chemical warfare capability, our posture almost invites the use of such weapons against us.

By undermining the multibillion dollar investment we are making to improve our conventional forces, the lack of a credible chemical deterrent increases the likelihood that we will be forced to resort to an early use of nuclear weapons.

According to Gen. Charles Donnelly, the Commander in Chief of the U.S. Air Forces in Europe:

> The gross imbalance that presently exists, in their favor, effectively negates our conventional force improvements, and places dangerously inappropriate reliance on our nuclear forces.

Mr. President, 72 percent of the administration's request for the Chemical Deterrent Program—$814 million—funds protective measures like defensive clothing. However, this is no substitute for an effective retaliatory capability. According to Gen. Fred Kroesen, the former Commander in Chief of the U.S. Army in Europe:

> There is no defense measure that alone can do anything more than delay the success of the enemy, not prevent it.

The United States has consistently taken a leading role in seeking effective chemical disarmament. In February 1984, Vice President BUSH tabled a U.S. draft proposal for a complete ban on chemical weapons before the Committee on Disarmament in Geneva.

The Soviets have been more serious in their approach to chemical disarmament as a result of last year's action by the Congress approving the Binary Chemical Modernization Program. To reverse this decision now would constitute a serious set-back to our negotiating efforts, and would eliminate the incentive that lead to this indication of seriousness on their part. Mr. President, I urge all of my colleagues to oppose this amendment.

71-059 O-87-15 (Pt. 14)

The PRESIDING OFFICER. Who yields time?

Mr. GOLDWATER. Mr. President, I yield myself 4 minutes.

The Senator form Oregon, my esteemed friend, has placed in the RECORD a number of letters from organizations, organizations that really do not have much to do with fighting wars—political organizations that we have many of in our country. I just wonder, Mr. President, standing here, what the GI in Europe must be thinking, if they are paying any attention at all to what we are attempting to do. I think he must be wondering whether it is more important for us to dot the "i" or allow him, a member of the service, to be able to fight for our freedom.

Mr. President, I can understand the noble intentions of anyone opposed to chemical warfare. It is a hideous type of weapon. But our potential enemy uses it today without any censure from anyone and the man who has the weapon always has one up on the man who does not have it.

I repeat that because we were equipped to retaliate with chemical weapons in World War II; there were none used. There were none used by the Japanese, although they were well prepared to use it, because we had the defense for it and we could have retaliated. So, Mr. President, I am not standing here on the floor today trying to argue a legal question, I am trying to argue the question of whether we are going to listen to the men's leader General Rogers in Europe, who says that this is the most needed weapon he has and he does not have anything over there now in the way of modern weaponry in chemical wartime.

We bring this up, Mr. President, every year. It has been up every year and it will go on and on in the years after I have gone. But I do not want to leave this body with the idea in my mind and other people's minds that I did not stand up and try to see that our uniformed man in service, wherever he is, is supplied with the proper weapons. That is what this amendment would do. It would deny him a weapon that he might be called upon to use and he does not have it.

□ 1320

Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

Mr. GOLDWATER. Mr. President, I am willing to yield back my time.

The PRESIDING OFFICER. The Senator from Oregon has 5 minutes remaining.

Mr. HATFIELD. Mr. President, does the Senator from Arizona yield the floor? I do not want to intrude.

Mr. GOLDWATER. Senator NUNN might come back and I am sure he would like to talk on this.

Mr. HATFIELD. Mr. President, just breifly I do not want the Senator from Arizona to misunderstand what I have introduced into the RECORD. Mr. President, what I did introduce in the RECORD was only the letters and statements of Ambassadors. I have not introduced any political organization letters. The letters I introduced express the political position of several governments on this issue and whether or not the issue raised in the North Atlantic Council.

Mr. President, I yield a minute to my colleague from Arkansas.

Mr. PRYOR. Mr. President, I thank my colleague for yielding. This debate has taken a very unique turn. It has taken a very unique turn because the name of the GI has been invoked, and if the name of the GI out there has been invoked, I wonder what our American GI in Europe thinks about unilaterally disarming ourselves pursuant to this force goal agreement which I think is not even valid, has not been approved by the right body. We are unilaterally disarming chemical warfare by removing our stockpiles from Europe while the Russians will have theirs in Europe. Now, how does that make our GI feel? What sort of transportation capabilities, Mr. President, are we going to have in a time of crisis when we have to call those foreign ministers or call those defense ministers and say, "We are in a situation we need to bring some nerve gas to your soil; will you let us?" And if so, maybe 16 days later, working 24 hours around the clock, we might get some of those munitions there.

Mr. President, I think we should certainly reexamine what we are doing today, and I very much hope the Hatfield amendment will pass.

● Mr. HATFIELD. Mr. President, I am pleased to be a cosponsor of the amendment by the distinguished Senator from Oregon.

Opponents of this amendment will remind the Senate of the Soviet's activities in the chemical weapons area. And they do so for good reason. In Afghanistan, and in South East Asia, we've seen repeated evidence of Soviet use of toxins. We've seen the appalling deaths and injuries those gases inflict. Soviet behavior in this area is repugnant; the Senate stands united in our condemnation.

Decisions on defense policy arise from a variety of factors including, but not limited to, the depths to which the other side sinks. But there is a higher standard, at least in the judgment of this Senator: our national interest.

But in at least four respects, the committee recommendation has failed that test.

First, it is not in our interests to build a weapon we don't need. The United States possesses a large and useable chemical stockpile sufficient to meet our requirements. In testimony, Secretary Weinberger has said that procurement of additional chemical artillery shells is not needed to redress existing military deficiencies. While the Defense Department states repeatedly that only a small portion of the stockpile is militarily useful, the current arsenal is so enormous that a small fraction could force Soviet soldiers into protective gear for 60 days of continual engagement.

Second, it is not in our interests to build a weapon which cannot be positioned effectively. The rationale for the new weapon assumes a Soviet attack against Europe. Many of our allies will not accept new deployments of chemical weapons on their soil. And while the Government of West Germany may be willing to accept binary chemical weapons, Chancellor Kohl adds that existing supplies of chemical weapons must be removed from German soil and, in peacetime, that binary chemical weapons must be stored elsewhere.

Third, binary chemical weapons have never been tested in the field. American combat forces should not be asked to stake their lives on untested munitions. The technical problems which have plagued the development of the Bigeye bomb since the program's inception have only exacerbated concerns about the reliability of these new weapons, and increasingly called into question the wisdom of basing our deterrent upon them.

Fourth, the production of binary chemical weapons will be expensive. Cost estimates run as high as $2 to $3 billion over the next decade. Unless a better case can be made suggesting this weapon is either necessary or justified, we'd do well to invest these scarce defense resources elsewhere.

Mr. President, the Soviet program in chemical warfare represents a serious threat because we are not prepared to face a chemical weapons attack or conduct military operations in a contaminated environment. So long as Soviet forces are better prepared to fight once chemical weapons have been used, our troops will be an inviting target on the field.

To meet this challenge, we must improve substantially our capabilities to defend our soldiers against a chemical attack. We can do so by meeting our existing goals for improvements in defensive measures, developing new and more effective protective equipment, enhancing early warning capabilities, and improving the training of our troops to cope with operations in a chemical environment. If the DOD pursued the advancement of defensive capabilities with the same dedication it applies to increasing our stockpile,

our forces would be better protected than they are today.

Mr. President, when we last addressed this issue, Congress conditioned the production of new chemical weapons on the formal approval of the North Atlantic Council. Senators were informed that the specific language which exacted that commitment was acceptable to Administration officials. But this spring, the administration ignored the law and instead consulted NATO's Defense Planning Committee, a body which regularly rubber stamps hundreds of recommendations at a time. We put that requirement in the law for a very important reason.

Our own military, and the military branches of our alliances, must not operate in a political vacuum, for the military itself is but a means to political ends. To ignore the political implications of the deployment of chemical weapons on European soil will surely lead us into a swamp of political debate.

The intent of Congress was not to ignore the debate that lingers beyond the horizon. The goal of Congress was to bring on that debate, to engage now in political discussions about chemical weapons—long before we commit ourselves to billions of dollars in expenditures. This administration should recognize that the development of new weapons systems is not just a military decision but a political decision as well. That is why Congress instructed the administration to handle the issue with sensitivity. But it failed to do so.

But fundamentally, this amendment is not offered in response to the administration's arrogance; it is offered with more important objectives in mind. Our security will be better protected by relying on existing stockpiles, by spending more on defensive capabilities, and by operating in concert with our allies. These policies are embodied in the Hatfield amendment. I urge its adoption.●

The PRESIDING OFFICER. Who yields time?

Mr. GOLDWATER. I will yield to the Senator from Georgia my remaining time.

The PRESIDING OFFICER. The Senator from Georgia is recognized for 2 minutes.

Mr. NUNN. Mr. President, I was unable to be here for the whole debate, but I do think I understand the dilemma. The Senator from Oregon is exactly right in saying that the words used last year in terms of the North Atlantic Council were what they intended. I think the question for us today is, is that the right choice? Because if we are going to use the North Atlantic Council to make decisions that are vital to the national security of the alliance on which we depend for our own frontline security in the world, NATO, we are going to be using the wrong council, because they are going to be people who do not participate in the military organization of NATO.

So the question is not in my view whether the Senator from Oregon is correct in what his intention was, and I regret I have not heard the debate. The real question is what do we intend now. I submit to the Senate that the North Atlantic Council is the inappropriate body to make military decisions for NATO because they are not the body that is represented in terms of the military command in NATO. That is the question. I think what we have to do is remedy the mistake that was made. It was not a mistake with some people because they certainly intended what they drew up and the words were chosen as to what they intended, but it is a mistake in terms of running NATO that way. I do not believe the U.S. Senate should impose on NATO a structure where the North Atlantic Council makes decisions when there are people who sit on that council who have nothing to do with the military structure of NATO.

So that is the long and short of what we have to decide today. I think it is an enormously important decision. It goes beyond just the question of chemicals. It goes to the question of what the U.S. Senate says about the structure that governs the military of NATO. That should not be the North Atlantic Council.

The PRESIDING OFFICER. All time of the opponents has expired. The Senator from Oregon.

Mr. HATFIELD. I have one more statement. Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator has 3 minutes.

Mr. HATFIELD. Mr. President, let me just say that this is not the question before us. I respectfully disagree with the Senator from Georgia. The question before us today, Mr. President, is very obviously whether or not the requirement this Congress enacted, what it enacted last year, was met by the President's certification. The Senator has in effect perhaps implied that maybe this was the wrong way to go, but it was before this body. No one raised the question then. It was considered by the committee. It was considered by this body. It was signed into law. Now after the game is started, we want to come back and change the law, change the rules.

Mr. President, I think it is very important to note that the Council, whether we agree with whether that is the right body or not, is the body that was established in law and it has not been complied with. That is the simple question. I would challenge the Senator from Georgia on that. He said the Defense Planning Council is the proper body. The Military Review Committee has already adopted it, and the Defense Planning Council has noted the adoption. But it is both a military and a political issue and the Council is therefore an appropriate body. We are just saying let us force the politicians to take a position. The United States is so often put in a situation in which we have to confront the anti-American demonstrations because the politicians are hiding, afraid to admit that they let the defense ministers and military people approve some new weapons system. They take a hands-off approach. We must force the politicians to take a stand. That is what I suggest and that is what this amendment will do. Moreover, it will restore the integrity of the Congress.

Mr. GOLDWATER. Mr. President, I have no time to yield back but I will yield something.

Mr. President, I ask for the yeas and nays.

Mr. HATFIELD. I know of no one else who wants to speak. I yield back my time.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Oregon. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 43, nays 57, as follows:

[Rollcall Vote No. 182 Leg.]

YEAS—43

| | | |
|---|---|---|
| Andrews | Harkin | Mitchell |
| Baucus | Hart | Moynihan |
| Biden | Hatfield | Packwood |
| Bradley | Heinz | Pell |
| Burdick | Inouye | Proxmire |
| Byrd | Kassebaum | Pryor |
| Chafee | Kennedy | Riegle |
| Cranston | Kerry | Sarbanes |
| Danforth | Lautenberg | Sasser |
| Dodd | Leahy | Simon |
| Durenberger | Levin | Specter |
| Eagleton | Mathias | Stafford |
| Evans | Matsunaga | Weicker |
| Ford | Melcher | |
| Grassley | Metzenbaum | |

NAYS—57

| | | |
|---|---|---|
| Abdnor | Glenn | McConnell |
| Armstrong | Goldwater | Murkowski |
| Bentsen | Gore | Nickles |
| Bingaman | Gorton | Nunn |
| Boren | Gramm | Pressler |
| Boschwitz | Hatch | Quayle |
| Broyhill | Hawkins | Rockefeller |
| Bumpers | Hecht | Roth |
| Chiles | Heflin | Rudman |
| Cochran | Helms | Simpson |
| Cohen | Hollings | Stennis |
| D'Amato | Humphrey | Stevens |
| DeConcini | Johnston | Symms |
| Denton | Kasten | Thurmond |
| Dixon | Laxalt | Trible |
| Dole | Long | Wallop |
| Domenici | Lugar | Warner |
| Exon | Mattingly | Wilson |
| Garn | McClure | Zorinsky |

So the amendment (No. 2606) was rejected.

□ 1340

Mr. GOLDWATER. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. DOLE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GOLDWATER. Mr. President, as I remarked earlier, the administrative branch of our Government does not get their things down here in time. I just received, about 5 minutes ago, a letter from the Secretary of State endorsing our position on chemical weapons.

I ask unanimous consent that it be printed in the RECORD.

Mr. NUNN. Mr. President, I ask my chairman, the Senator from Arizona, should we also stipulate that the letter made a profound difference in the outcome of the vote?

Mr. GOLDWATER. Oh, it made it.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF STATE,
*Washington, DC, August 6, 1986.*

Hon. BARRY GOLDWATER,
*U.S. Senate,*
*Washington, DC.*

DEAR BARRY: The United States faces a serious challenge to our national security and that of our allies on the issue of chemical weapons modernization. The threat is real and growing. The Soviet Union has persisted in its build-up of chemical weapons far beyond any defensive need. There are only two effective responses to this threat: arms control—a total and verifiable ban on chemical weapons—and, in the absence of such a ban, maintenance of an effective U.S. deterrent capability.

The foremost objective of this Administration remains a comprehensive, effectively verifiable, global ban on all chemical weapons. We have been pressing the Soviets since 1977 to negotiate a ban, without result, and the Soviets have not yet constructively addressed critical verification issues in response to our 1984 Draft Treaty in Geneva. The Soviets lack any real concrete incentive to negotiate seriously on a chemical weapons ban as long as they retain a vast superiority in chemical munitions and face an aging and deteriorating U.S. chemical weapons retaliatory capability. Unilateral restraint for the last 17 years has not been reciprocated.

After last year's authorization by Congress to begin the modernization of our retaliatory chemical weapons stockpile, the Soviets, in their characteristic manner, at first refused to participate in chemical weapons treaty negotiations and then immediately attacked the action with polemics and posturing. Since that initial reaction, however, the Soviets have negotiated more seriously, even though they have yet to address all relevant issues.

Until a comprehensive ban on chemical weapons is achieved, we must maintain deterrence through a strong defensive posture and a credible retaliatory capability. Our aging unitary chemical weapons stockpile is deteriorating. Only a small percentage is militarily useful. The production of new binary munitions will provide the U.S. with the strong and effective deterrent. The threat of chemical weapons attack against U.S. forces is not limited to a Soviet attack in NATO Europe; it is a world-wide threat. Binary munitions which are safer and easier to transport than unitary weapons will provide the United States with the flexibility necessary to deter the threat of chemical weapons attack against U.S. forces wherever that threat may occur.

As you know, the President has certified to Congress that certain conditions required by Congress for the release of Fiscal Year 1986 funds for the binary chemical weapons modernization program have been met. NATO adopted the chemical weapons modernization force goal addressed to the United States. The U.S. has also developed a contingency deployment plan for binary munitions, and we have consulted NATO Allies on that plan.

The unitary chemical munitions currently in Europe provide an extremely limited deterrent and retaliatory capability. These munitions and the rest of the current unitary CW stockpile will be destroyed in conjunction with the acquisition of binary munitions by September 30, 1994, as directed by the Congress. We appreciate the concerns some have expressed regarding a chemical retaliatory capability in Europe, and we have weighed such considerations carefully in proceeding with discussions with our NATO Allies. We are convinced that even without peacetime deployment in Europe, the new binary munitions will provide a CW deterrent clearly superior to what we now have. Binary munitions will effectively protect our forces and the forces of our allies not only in NATO but throughout the world.

The production of binary munitions is crucial to U.S. security, and supports our arms control efforts. On this issue, so critical to our Nation's safety, I sincerely welcome your support.

Sincerely yours,

GEORGE P. SHULTZ.

The PRESIDING OFFICER. Under the previous order, the Senator from Arkansas, Senator PRYOR, is recognized to offer an amendment on the Bigeye bomb, on which there shall be 30 minutes' debate equally divided with no amendments thereto in order.

Mr. PRYOR. Mr. President, before we start the time running could we have order in the Chamber?

The PRESIDING OFFICER. The Senator is correct. The clerk will not start the time.

Mr. GOLDWATER. Mr. President, will the Senator yield for an insertion charged to my time?

The PRESIDING OFFICER. The Senator from Arizona.

Mr. NUNN. Mr. President, may we have order, please?

The PRESIDING OFFICER. Will all Senators in the Chamber clear the aisle in back of the room and remain silent so we can hear the distinguished chairman of the committee?

□ 1350

The PRESIDING OFFICER. The Senator from Arkansas will suspend until we can maintain order in the Chamber.

Mr. NUNN. Will the Senator yield?

Mr. PRYOR. I am glad to yield, if it does not count against my time.

Mr. NUNN. Mr. President, before the Chairman leaves the floor, I am going to propound another unanimous-consent request on another amendment that I would like to make sure is acceptable to both sides.

Mr. President, I ask unanimous consent that, following disposition of the Pryor amendment on Bigeye, which I understand is or will be the pending amendment in a moment, that the recurring Wilson amendment be temporarily laid aside for the consideration of a DeConcini amendment on the Stinger missile; that 40 minutes of debate be held on the DeConcini amendment, equally divided; and that no amendment to the DeConcini amendment be in order.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

AMENDMENT NO. 2612

(Purpose: To restrict procurement in connection with the BIGEYE binary chemical bomb program.)

Mr. PRYOR. Mr. President, on behalf of myself, Senator GORTON and Senator HATFIELD, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. PRYOR], for himself, Mr. GORTON and Mr. HATFIELD, proposes amendment numbered 2612.

Mr. PRYOR. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment reads as follows:

On page 4, line 13, strike out "$6,121,657,000" and insert in lieu thereof "$6,093,124,000".

On page 6, line 20, strike out "$10,374,848,000" and insert in lieu thereof "$10,346,448,000".

On page 10, between lines 16 and 17, insert the following new section:

SEC. 110. RESTRICTIONS ON THE BIGEYE BOMB PROGRAM

(a) IN GENERAL.—Except as provided in subsection (b), none of the funds appropriated pursuant to an authorization contained in this or any other Act may be used for procurement or assembly of the BIGEYE binary chemical bomb, for the procurement of any component or subcomponent for such bomb, or for the procurement of any construction facilities or equipment associated with the production of such bomb until specific, subsequent legislation has been enacted authorizing the obligation and expenditure of funds for production of the BIGEYE binary chemical bomb.

(b) EXCEPTION FOR RESEARCH, DEVELOPMENT, TESTING, AND EVALUATION.—The requirements of this section shall not apply to funds obligated solely for the purpose of carrying out research, development, testing, and evaluation in connection with the BIGEYE binary chemical bomb program.

(c) LIMITATION ON FISCAL YEAR 1986 FUNDS.—Except as provided in subsection (b), the funds appropriated to carry out the BIGEYE binary chemical bomb program in fiscal year 1986, and which remain unexpended on the date of the enactment of this Act, may not be used to carry out such program.

Mr. PRYOR. Mr. President, this amendment is not, and I repeat, not another amendment just about chemical warfare nerve gas. In fact, the two sponsors of this amendment at the desk, myself and the Senator from Washington, have voted differently on the production of chemical weapons in the past. But today, on this particular amendment relative to taking that nerve gas ultimately to the target, the Senator from Washington and the Senator from Arkansas are in agreement.

We agree that we should not pay for the production of thousands of Bigeye bombs that do not work. We agree that we must not put our own pilots of those planes carrying that Bigeye bomb with the nerve gas in jeopardy. And we agree that we have consistently failed, in the Bigeye Test Program, the most elemental test of delivering nerve gas to its ultimate target. Therefore, Mr. President, we think, or at least the Senator from Arkansas thinks we are making a mockery of the theory of deterrence in this issue of chemical warfare.

We have before the Senate today, Mr. President, another Divad on our hands. We remember that debate last year. How in the world did we ever reach the point, when we had a gun that would not shoot, where we had spent billions of dollars on a weapon that would not work, how in the world did we ever get in the position of funding all of that money all of these years? The answer was simple. A procurement mentality. A procurement mentality that said to the Congress, "Go ahead and give us the money for the Divad and we will fix it later."

Mr. President, that is precisely the issue today. The Bigeye bomb has not met the test and we are here today to talk about authorizing the beginning of the production of Bigeye bombs that do not work.

Mr. President, this amendment has four parts. First, it removes from the bill the $57 million that has been requested for Bigeye production in 1987. Second, it prohibits expenditure for production of the $104 million that Congress appropriated last year, but which was fenced, and fenced for a good reason, but not spent. Third, Mr. President, our amendment allows research, development, and testing of Bigeye to continue. But, fourth, it prohibits any production of Bigeye bombs except solely for testing purposes until the Congress approves production by specific legislation.

Mr. President, this amendment would not terminate the Bigeye Program. It merely insists that we have a design and a bomb that works before we produce it and before we spend a billion dollars, ultimately to wake up someday and see that it does not work.

Mr. President, I am honored today to be joined in this amendment by the distinguished Senator from Washington, Senator GORTON. I notice he is on the floor. Mr. President, at this time, I yield the floor and I yield the Senator 4 minutes.

The PRESIDING OFFICER. The Senator from Washington is recognized for 4 minutes.

Mr. GORTON. Mr. President, I thank my distinguished colleague from the State of Arkansas. He has both eloquently and succinctly outlined the reasons for this amendment. He has also pointed out that we were on opposite sides of this issue 1 year ago.

The Senator from Arkansas has consistently opposed the production of this type of chemical weapon. I did, for my first several years as a Member of the Senate, on the ground that we should attempt to negotiate a prohibition against such weapons with the Soviet Union. I changed my mind last year because those negotiations seemed to have been unsuccessful and, because of Soviet production, that some kind of American counterforce was needed.

I must confess, Mr. President, that I probably differ from the Senator from Arkansas in that in each case on which I have voted on this issue, I regarded it as an extremely close question with very, very good arguments on both sides.

This year, I can enthusiastically join with the Senator from Arkansas, however, in connection with a crusade on his part which is certainly not limited to this weapon but simply is a demand that, before we go into production on expensive and controversial weapons systems, we have reasonable assurance that they will work and that they do not threaten those who use them more greatly than they deter aggression on the part of the other side, a potential aggressor. It is precisely for that reason that this amendment is proposed.

The General Accounting Office has indicated a wide range of problems with this weapon, a wide range of failures in the testing of the weapon, a very significant risk to those who deliver it by air and otherwise, so that it would be improvident, in my view, to go ahead with production until that set of problems is solved.

The Senator from Arkansas is not attempting to bar all work in this connection. The amendment continues to allow research, it continues to allow development, and it continues to allow testing and then say, simply, because of the attitude of the Department of Defense, before there is production, that the Department of Defense satisfy the Congress of the United States that those tests have been successful and that we have a weapon which provides a true deterrent.

It is obviously as a deterrent that this weapon was conceived in the first place. It is not something which we intend to use on a first-use basis by the wildest stretch of the imagination. But a deterrent is only a deterrent to the extent that it is believable, to the extent that it is operational, to the extent that it works.

The Defense Department has criticized the General Accounting Office tests and recommendations on the basis of being out of date, but has refused to the GAO the kind of information which would be necessary to completely bring that report up to date, and yet, in addition, internal memoranda within the services indicates the same kind of failures which the GAO report found.

So this is a cautious and simple amendment. It can be joined in by those who feel that this deterrent is appropriate as a part of our NATO defense, as well as those who, like the Senator from Arkansas, have not felt it to be appropriate at all, because it makes the most fundamental and simple demand, which we should make across the board with all weapons systems, that testing show that a weapon is effective and not an overweening danger to those who utilize it before it goes into production.

For that reason I join with the Senator from Arkansas and ask for the approval of the amendment.

□ 1400

Mr. PRYOR. Mr. President, I thank the very distinguished Senator from Washington for his very eloquent comments on this issue. I would like to just remind our colleagues of this point. Since 1963, the Bigeye bomb has been researched, developed, tested, and now 23 years later and six Presidents later the Bigeye bomb still does not work. Who says it does not work? The General Accounting Office, after years of study, says so. They said it does not work because of several areas: One, pilots and aircraft delivering Bigeye will be more vulnerable to air defenses than is desirable; two, the bomb fuse failed many times. Mr. President, some of these concerns and some of these findings are agreed on by the Department of Defense.

Third, the device to mix the binary chemicals have failed many times. The shelf life requirement has not yet been met. Five, at certain temperatures the Bigeye bomb is not usable.

Mr. President, this program is riddled with problems. But the Defense Department today still wants to go ahead with the production and the purchase of Bigeye bombs. They want

to do it now. They want to do it before the problem is fixed, not after the problems are fixed. They want their money now.

This is almost like going down to an automobile agency and buying an automobile and the dealer says this is a $20,000 automobile I am trying to sell you. You say, well, is there anything wrong with it?

"Yes. The drive shaft may come undone. It may break. It has two flat tires. It may blow up on you. But you buy it, you pay me cash, and we will fix it later."

That is precisely or very similarly, Mr. President, the situation we are in with the Bigeye bomb.

The DOD talks very little about the most serious problem involved. The technical nature makes pilots and aircraft trying to deliver extremely vulnerable to enemy air defense. And to deliver the Bigeye normal bomb delivery cannot be used. Instead, under computer control the pilot must come in low on the target, put his aircraft into a steep climb close to the target and then loft or lob the Bigeye bomb in an arching trajectory so the bomb's chemicals have time to mix.

Mr. President, unfortunately this whole scenario gets worse and worse. By exposing themselves to enemy defenses our own pilots delivering this bomb will probably deliver duds. In its chemicals and developmental test, the Bigeye has experienced numerous failures and the GAO has stated in other instances to allow for the illustration of test success criteria have been relaxed and removed altogether, and in still other instances no test whatsoever has been conducted on the Bigeye bomb.

In the most recent report, Mr. President, by the General Accounting Office of May 1986, the General Accounting Office made some very devastating statements relative to the production of the Bigeye bomb.

One, it is stated that the Bigeye bomb is not ready for production. It is that simple. It is that clear. And this amendment will simply fence those funds, Mr. President, until we have a bomb that works, and until the Congress is satisfied that the bomb works, and until the Congress has specifically appropriated and authorized the money for those bombs to be produced.

Mr. President, I reserve the balance of my time.

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER (Mr. PRESSLER). The Senator from Maine.

Mr. COHEN. Mr. President, I agree with almost every point the Senator from Arkansas and the Senator from Washington have made. I say almost, because there are some critical points of disagreement, plus the fact that I ultimately come to a different conclusion than the two distinguished Senators do. Let me point out some of the things that I agree with.

Number one, the statement by the Senator from Arkansas that we do not want to buy a Bigeye that does not work—I agree. That we do not want to put our pilots at risk, this Senator agrees with that as well. That we do not want to purchase a system that consistently fails, I agree with that as well. We do not want to produce another Divad. No one would want to dispute that particular proposition.

Then we come into something that diverges quite seriously from what the Senator is arguing. The Senator from Arkansas said we are about to produce thousands and thousands of these weapons. Wrong. This is a limited initial production for the purpose of continuing the testing itself. It is far less than a thousand bombs we are talking about, not thousands upon thousands, but a very low initial rate for the purpose of conducting even more tests to make sure we do not produce a system that does not work, that does not put pilots at risk, and that does not consistently fail.

The Senator from Arkansas has cited the GAO analysis. Again, I think he is at least partially correct. The GAO did make an analysis of the testing of the Bigeye bomb, but they made their analysis based upon old data. They made their analysis upon the initial research phase of the testing, which showed a number of deficiencies. They did not have access to the first phase of the developmental testing which corrected a number of those deficiencies. So this is something that GAO was not able to address. So, for that reason, the GAO study itself is somewhat deficient. It is no fault of GAO. They did not have that information available.

For example, there were some problems with the fusing of the Bigeye. That was a major deficiency. Since then, it was corrected so that in 14 out of 15 tests, the operational tests proved successful. So we have a substantial body of evidence that the fuse problem has been dealt with. That was one type of fuse, the so-called fuse 37 electrical generator. There was another fuse problem. That too had some failures. They corrected that during their operational testing. Now we have 39 out of 40 tests conducted successfully.

There was another problem which I believe the Senator from Arkansas addressed in terms of creating a problem for the pilots. There was in fact a problem created for the pilots. When they tested it to the extreme, they found out the pilots would be at risk under certain conditions. They changed the entire operational method so that now the pilots are not at risk. There is no mixing of the chemicals until such time as the bomb is actually released. It has a time of release to target of about 30 seconds. There is absolutely no way the structure can rupture at least until 5 minutes under the new testing standards.

So the tests that were conducted initially were designed to find out what the flaws were. Many of those flaws have been corrected to date.

I would also like to cite a statement from John Krings. I believe the Senator from Arkansas is familiar with John Krings, Director of Operational Test and Evaluation. As I recall—the Senator from Arkansas can correct me if I am wrong—the Senator was the primary motivating Senator behind establishing this office. And, as I recall, the Senator really wanted to put Congress in the position of having this kind of access to information. I want to commend the Senator for it. I think we all supported it. Let me read what John Krings said. He said:

> We do not totally agree with the recent GAO report on Bigeye. Bigeye has demonstrated feasibility but has not demonstrated satisfactory operational effectiveness. At this point in the procurement cycle only Low Rate Initial Production (LRIP) is being addressed. Bigeye has shown progress and capability warranting LRIP.

So we have the director of the very office the Senator from Arkansas helped to establish saying we should go forward at this point, that some of the deficiencies have been addressed. There may be more. We are addressing them, but it would warrant low-rate initial production.

Mr. PRYOR. Will the Senator yield for me to make a comment? I did support, and I hope I helped create the office. I did not support Mr. Krings. I really like Mr. Krings. I talk to him every now and then. But, in fact, I voted against his confirmation hearing in this body. I thought he was too close to the industry and I thought he would be on tap from the Department of Defense.

Mr. COHEN. I can only say to my good friend he was right in creating the office, and wrong in the assessment of the ability and objectivity of Mr. Krings.

Mr. President, the Senator from Arkansas has suggested we do not want another Divad. I agree with that. But we do want some more M-1's, HARM's, and Harpoons and those are the very systems which also had some initial problems that were resolved.

I would suggest that, rather than associating this particular system with the Divad, he ought to compare it to the M-1 tank, HARM, and Harpoon which have evolved through their operational tests to become very effective fighting systems.

So for all of the reasons I have indicated that the deficiencies have been addressed, most of them, and it would warrant a low rate of initial production, I urge my colleagues to reject the

amendment of the Senator from Arkansas.

□ 1410

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. COHEN. I yield such time as required to the Senator from Georgia.

Mr. NUNN. What time remains?

The PRESIDING OFFICER. Eleven minutes 20 seconds to the opponents and 3 minutes and 11 seconds to the proponents.

Mr. NUNN. Mr. President, I oppose this amendment but I oppose it reluctantly. I say reluctantly because in most circumstances, the problems with the Bigeye would be sufficient to warrant the steps that the Senator from Arkansas advocates. They are advocating we continue a test program, that we not go into what we call low-range or low-intensity production. The low-range intensity production is to avoid going into major production, to avoid committing to the system.

The committee's position is that the program has sufficient problems that we should not commit to major production lines.

The problem with the position of the Senator from Arkansas is this: The problem is, we have neglected updating our chemical capability for years and years and years. What would the pilot of an F-4 aircraft be charged with doing if we had to retaliate with chemical weapons now or if we had to get into some kind of chemical response to a chemical attack?

I am told that an F-4 aircraft pilot would have to fly directly over the target, just like a crop duster, and he would have to spray the chemicals on whatever the target was. Presumably, the target is going to be shooting back.

That is an outmoded delivery system. It is a suicide mission.

Most F-4 pilots I know of would not really relish that opportunity. Some of them are brave enough to probably do it.

What is our other alternative? Suppose we have a chemical attack. Our other alternative is to do what NATO hopefully will never have to do, and that is, to respond to a chemical offensive attack—the Soviets and Warsaw Pact have chemicals all over Europe—to respond with nuclear weapons. In other words, escalate up the nuclear ladder in response to a chemical attack.

That is not what we should be postured to do. We want nuclear weapons to be the absolutely last resort. To be in a position to have to use nuclear weapons in response to a chemical attack is an intolerable position.

That is why I support, with a great deal of reluctance, going into chemical production, going into binary production which is much safer.

What does the Bigeye do? The Bigeye bomb is not the most modern system. Technology goes back quite awhile. It is supposed to allow the pilot to come out of the low-flying pattern, to go up and to toss the weapon far enough so that it lands on the target. At least he has a chance. He is not having to come right in on top of whatever the target is.

That may seem somewhat hypothetical here on the floor of the Senate. It is not hypothetical if you are charged with flying those aircraft.

What is the justification for the Bigeye that has had a lot of problems? The Senator from Arkansas and the Senator from Washington have documented the problems. The General Accounting Office has. I think some of the information is based on out-of-date information but some is accurate. We know there are some real problems with it.

The problem with not going on with the committee position is that even if they ironed out the problems with the test, you are going to have probably 1½ to 2 years or maybe longer in delay. We are going to be in the continuing intolerable, untenable situation of having an outmoded delivery system for chemical weapons. We are going to continue to have a very weak deterrent and we are going to continue to rely, frankly, on having to escalate right up the nuclear ladder in response to a chemical attack. That, to me, is an intolerable position for NATO.

It is my opinion that the committee's position is not as safe a position as what the Senator from Arkansas is advocating in terms of wise use of the taxpayers' money.

If we were judging this simply on what is the safest way we can proceed with the taxpayers' money, I would vote for the amendment. But we have to look beyond that. We have to say, can we afford another year, 2 years, 3 years—I do not know how long it would be—to iron out all of these problems, or should we go ahead with a very low-range program on production, taking some risk, admittedly being willing to cancel if we cannot get the weapon to work properly, but then not having to restart and reinstitute a production line, thereby taking a lot of time?

What we are really asking our colleagues to do, as I see it, is to take a chance with this program. It might end up not being a bomb. It might end up being a bomb. We are not sure. I am not going to guarantee that on the floor of the Senate.

I believe in this case, taking a higher risk with the taxpayers' money that may not prove to be absolutely wise 2 years from now is worth the risk because the risk of continuing in a position where we do not have a credible deterrent with chemical weapons is a risk that I am not willing to take.

I am willing to explain to my constituents and the American people that we are paying a higher premium here of risk than we would like to pay in terms of purely looking at weapons procurement. But we are looking beyond simply the question of weapons procurement in this debate today.

I congratulate my friend for bringing this to the attention of the Senate. We have to continue to scrutinize this program. We may get to the point where it is a failure, where we have to start over. I would hope that would not happen because I believe the consequences would be adverse not only to our military posture but to our hopes for securing some type of arms control agreement on chemical weapons. That is the ultimate hope, to do that.

I would urge my colleagues to vote no on the Pryor amendment.

Mr. KERRY. Mr. President, last year, Secretary of State George Shultz affirmed that, and I quote, "The sad fact is that a half-century of widely accepted international restraint on the development of chemical weapons is in danger of breaking down." End quote.

The sad fact, Mr. President, is that the same administration which Mr. Shultz serves is in danger of unilaterally breaking down that restraint. Today, the possession of chemical weapons resides in only a handful of nations. Tomorrow, if the United States is to terminate its 17-year mortorium on nerve gas production we will set an example for all the world that nerve gas—in the form of the Bigeye bomb or other binary projectiles—is a critical weapon for every nation's arsenal. U.S. production may well directly encourage the same proliferation of chemical weapons over which Secretary Shultz expressed such deep remorse in his statement just 1 year ago.

There are an abundance of reasons to oppose the production of chemical weapons. I will be brief, and outline just three of the arguments: First, that the production of chemical weapons is destabilzing. Second, that the General Accounting Office report on the Bigeye bomb concludes incontestably that the weapon is inherently dangerous to its carriers and ineffective. And third, that many of our allies in NATO have expressed grave reservations about U.S. production of chemical weapons.

The rhetoric that chemical weapons form a credible deterrent is actually incredible—because the fallacy simply ignores so many basic and valid deterrence arguments.

First, the building of allegedly safer binary weapons will create a new conception that chemical weapons are acceptable, ordinary, and, in fact, conventional. The logical integration of

binaries into our conventional arsenal may then appear to the Soviets as a preparation for offensive first use.

Second, with the production of chemical weapons contingent upon storing binaries in the United States, and removing unitary chemical weapons from their bases in Europe, it is easy to see a logistical nightmare in store for this country. Where are these poison gases going to be kept? In what facilities? I must stress to my colleagues that the horrors of Bhopal and Chernobyl are fresh in the minds of the American people—and of Europeans as well. Regardless of the outcome of the Senate's vote on this amendment, opponents of binary weapons production will continue to remind the American people—including the men and women in this chamber—of the dangers which these inhuman weapons present—even under the ostensibly "safe" conditions of binary separation.

This storage proposal also creates a strategic nightmare for this country. It has been estimated that it would take the entire Air Force fleet of C-141 transports up to 6 weeks to move the binary arsenal from the United States to Europe. Try to picture what the Soviets would think of such an act, and how they would react to this destabilizing initiative. What the production of binaries is intended to prevent—Soviet first use of chemical weapons—may become more likely if this new policy is implemented.

The deterrence argument for renewed chemcial weapons production fails on a third count, Mr. President. The Department of Defense claims that the ability to retaliate with chemical weapons will raise the threshold of nuclear war as high as possible, when the contrary is true. The production and potential use of chemical weapons in fact lowers the threshold of mass devastation through lethal binary nerve gas. In the event of a chemical weapons exchange, there is no telling what the "losing side" might do to avoid a defeat of such magnitude. By hastening the deployment of destabilizing weapons of last resort—such as chemical or tactical nuclear weapons—we are escalating the arms race, killing real efforts toward arms control, and ensuring that the day of reckoning is drawing ever closer.

Mr. President, one of the principal means of employing nerve gas in the military's force structure is with the Bigeye bomb, which is supposed to be capable to spreading noxious gases deeper into enemy territory than ever before. Recently, the GAO evaluated the Defense Department's chemical and developmental tests of the Bigeye bomb and found it to be an ineffective and dangerous method of propelling binary artillery projectiles. According to the GAO report, not only were the Defense Department's tests "inconsistent," "skewed," and "ambiguous" in their results and methodology, but the data reveal that the Bigeye bomb just doesn't work.

The report also provides evidence that the testing "fails to demonstrate the feasibility and effectiveness of the Bigeye" and that "intractable problems" still exist. One of these intractable problems is that the aircraft's only means of delivering the bomb successfully is by lofting it and, in so doing, exposing the aircraft to ememy defenses. This is no way to conduct a military operation. an inherent danger is created for the pilot and crew because the Bigeye simply does not function properly. Finally, the GAO report concludes that "the Bigeye bomb is not ready for production."

Last year, Congress issued a directive specifying that authorization of funds for chemical weapons production was contingent upon approval of the program by the NATO political body. In May, NATO Defense Ministers—rather than the government leaders—halfheartedly approved resumed production of binary nerve gas weapons. The Reagan administration has presumed that the NATO Defense Ministers' approval satisfies the directive. As a result, opposition to NATO's quasi-approval has mounted. In late May, Dutch Foreign Minister Hans van der Broek stated that he "profoundly regretted" the development of chemical weapons, and that any suggestion—by the Reagan administration or others—that the program had received the "benediction" of the NATO alliance would be an "enormous embarrassment" to his and other governments.

In addition, many other officials from NATO countries—including Norway, Denmark, the Netherlands, Luxembourg, Iceland, and Greece—dissented from general NATO approval, expressing grave reservations about the production of binary nerve gas weapons. Clearly, the Reagan administration's twisting of congressional intent and the disapproval shown by many of the NATO governments casts a dark shadow of uncertainty over NATO's supposed approval of the chemical weapons program.

Mr. President, in 1969, 17 years ago, President Richard Nixon wisely imposed a voluntary moratorium on the production of chemical weapons. The strategic result was that the United States response to Soviet first use would be an effective conventional antipersonnel counterattack, but not one in kind. The political result was that the United States gained international prestige and was perceived as a nation committed to controlling arms which undermine strategic deterrence. If the U.S. Senate is to approve the renewed production of these Godawful weapons, then we are taking a great leap backward. It will be an irrevocable step—one which can only worsen America's image and destabilize Europe militarily. For 5 years now, the only major weapons system that this Congress has denied the Reagan administration is the binary nerve gas program, and for good reason. We must not alter our course now.

When I served in Vietnam nearly two decades ago, I witnessed the use of chemical weapons on our own troops—by our own troops. Today, we are still recording the costs of this human tragedy. It is my hope that we will never witness the use of such weapons again. I urge my colleagues to oppose funding chemical weapons and the Bigeye bomb.

The PRESIDING OFFICER. Who yields time?

Mr. PRYOR. Will the Chair state the amount of time remaining on this side?

The PRESIDING OFFICER. The proponents have 3 minutes and 11 seconds. The opponents have 2 minutes 28 seconds.

Mr. PRYOR. Mr. President, I will submit to my friend from Maine that we have been told on many, many occasions that this part has been fixed, this has been done, and now we are ready. Then we see when those areas do not quite get tested properly, they change the criteria for testing.

This is the deep concern I have, Mr. President, overall, and I say this respectfully.

In the Navy, their latest operational test says "In a high threat, well-defined target environment, all delivery modes would result in high aircraft vulnerability."

What does that mean, Mr. President? It simply means that our pilots have a great opportunity to get killed while delivering the Bigeye bomb to its target.

I am saying that we should keep the testing, we should keep the ongoing program of research, but we should not go into the production, because even the Director stated that the low rate of production we are talking about means 1988 when we will see the first production of Bigeye bombs come off the assembly line.

Another interesting development as a result of the vote on the Hatfield amendment a few moments ago is we have removed or will remove all of our chemicals in Europe, all of our nerve gas from Europe, while the Russians will keep theirs in Europe.

Now we are saying to the Soviets there is a great deterrent in the chemical warfare area. We are saying to the Soviet Union, "We are getting ready to put all of our eggs in one basket. That is the basket of delivering ultimately nerve gas to the target with a flawed and unworkable Bigeye bomb that the General Accounting Office has testi-

fied in a May 1986 report is not ready for production."

It is the procurement mentality, Mr. President. It is the buy now, test later mentality that concerns me that the amendment addresses.

At this point, Mr. President, I will reserve the remainder of my time.

Mr. COHEN. Mr. President, let me just respond briefly to the statement concerning the delivery profile of the Bigeye, the high risk.

Every mission flown by the Navy is high risk. The delivery profile for the Bigeye is no different than the delivery profile for any conventional type of system. As a matter of fact, the same delivery profiles were flown in Libya. We saw that as a high-risk environment. So I hope he would not cite the delivery profile as being a greater risk than the pilots currently encounter.

□ 1420

Mr. PRYOR. Mr. President, will the Senator from Maine yield for a question?

Mr. COHEN. On the Senator's time. I have limited time.

Mr. PRYOR. I do not think the Senator from Arkansas has any time, but the Senator from Maine brought up a very critical point.

Mr. COHEN. Mr. President, the critical question is the delivery time for the weapon. I would hope the new Bigeye would have a lower delivery risk. We do not want to have to fly directly over the target in order to lay these weapons onto a particular target.

John Krings agrees to some extent with the Senator from Arkansas. He said:

> Bigeye delivery profiles, survivability, and weapons effects remain a concern. Full production will not be recommended unless satisfactory results are achieved during upcoming Operational Tests.

So we do not want to go forward with full production yet. The Office of Operational Testing and Evaluation does not want to go forward with it. We will reserve that judgment until a later time.

I yield the remainder of my time to the distinguished Senator from South Carolina.

Mr. THURMOND. Mr. President, I thank the Senator very much.

First, I want to say that we do not have a deep-strike capability. That is important. This will allow the United States to deter chemical use by threatening to retaliate against targets at long-range airfields and supply depots.

Admiral Crowe, chairman of the Joint Chiefs of Staff, feels this is very important. He says one of the key elements in reestablishing a credible deterrent is the need for establishing a deep-strike credibility. This is what we are trying to get here.

Recent testing of the Bigeye binary bomb demonstrated it will meet this requirement.

Mr. President, the committee has approved the administration's plan to enter into a low-rate initial production. That is all this does. This low-rate initial production is designed to determine the adequacy of their production facilities and to produce additional test assets.

How can you do it other ways? It is the only possible way he can proceed.

The committee has not indulged and has not funded full-scale Bigeye production. Instead, it has made clear that it will decide whether full-scale production is warranted based on the results of the second phase of operational testing, which is scheduled for this summer.

So, Mr. President, we think it is important to go ahead. We need deep-strike capability and by testing this, we find out the situation. We can find out the adequacy of the production facilities and also the additional test assets.

I hope the amendment will be defeated. The chairman of the Joint Chiefs of Staff is extremely anxious for the bill to be passed, the administration wants it to be passed, and we should not delay.

The PRESIDING OFFICER. The time of the opponents has expired.

Mr. PRYOR. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. PRYOR. Mr. President, I appeal in the name of commonsense for the Members of this body to recognize that we have a flawed weapon that is dangerous to our pilots, that is not going to serve the purpose of acting as a deterrent until we get it fixed. If we get this weapon fixed, if it can prove or if they can prove that this weapon is fixed, then, Mr. President, maybe we should buy them. But, please, I urge my colleagues in the Senate not to go forward on a $1 billion procurement program until we have the assurances and the guarantees that this weapon will work.

I thank the Chair for recognizing me. I yield the floor.

The PRESIDING OFFICER. All time has expired. The yeas and nays have been ordered.

Mr. COHEN. Mr. President, I move to lay the amendment on the table. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment of the Senator from Arkansas. The motion is not debatable. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 49, nays 50, as follows:

[Rollcall Vote No. 183 Leg.]

YEAS—49

| | | |
|---|---|---|
| Abdnor | Goldwater | Nickles |
| Armstrong | Gramm | Nunn |
| Bingaman | Hatch | Pressler |
| Boren | Hawkins | Quayle |
| Boschwitz | Hecht | Roth |
| Broyhill | Heflin | Rudman |
| Chafee | Helms | Simpson |
| Chiles | Hollings | Stevens |
| Cochran | Humphrey | Symms |
| Cohen | Kasten | Thurmond |
| D'Amato | Laxalt | Trible |
| Denton | Long | Wallop |
| Dole | Lugar | Warner |
| Domenici | Mattingly | Wilson |
| Exon | McClure | Zorinsky |
| Garn | McConnell | |
| Glenn | Murkowski | |

NAYS—50

| | | |
|---|---|---|
| Andrews | Gore | Melcher |
| Baucus | Gorton | Metzenbaum |
| Bentsen | Grassley | Mitchell |
| Biden | Harkin | Moynihan |
| Bradley | Hart | Packwood |
| Bumpers | Hatfield | Pell |
| Burdick | Heinz | Proxmire |
| Byrd | Inouye | Pryor |
| Cranston | Johnston | Riegle |
| Danforth | Kassebaum | Rockefeller |
| DeConcini | Kennedy | Sarbanes |
| Dixon | Kerry | Sasser |
| Dodd | Lautenberg | Simon |
| Durenberger | Leahy | Specter |
| Eagleton | Levin | Stafford |
| Evans | Mathias | Weicker |
| Ford | Matsunaga | |

NOT VOTING—1

Stennis

So the motion to lay on the table was rejected.

□ 1440

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

□ 1500

Mr. GOLDWATER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GORTON). Is there objection? Without objection, it is so ordered.

ORDER THAT TIME TO VOTE ON CLOTURE BE POSTPONED UNTIL 7 P.M.

Mr. GOLDWATER. Mr. President, I ask unanimous consent that, notwithstanding the provisions of rule XXII, the cloture votes for today on the Byrd amendment No. 2414 and the Dole amendment No. 2417 be postponed until 7 p.m. in the hopes that an agreement can be reached for the Senate to consider both issues separately.

The PRESIDING OFFICER. Is there objection to the unanimous-con-

sent request? Hearing none, it is so ordered.

Mr. GOLDWATER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

□ 1510

Mr. GOLDWATER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

All time for debate has expired.

The question is on agreeing to the amendment of the Senator from Arkansas. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

The VICE PRESIDENT. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 50, nays 50, as follows:

[Rollcall Vote No. 184 Leg.]

YEAS—50

| | | |
|---|---|---|
| Andrews | Gore | Melcher |
| Baucus | Gorton | Metzenbaum |
| Bentsen | Grassley | Mitchell |
| Biden | Harkin | Moynihan |
| Bradley | Hart | Packwood |
| Bumpers | Hatfield | Pell |
| Burdick | Heinz | Proxmire |
| Byrd | Inouye | Pryor |
| Cranston | Johnston | Riegle |
| Danforth | Kassebaum | Rockefeller |
| DeConcini | Kennedy | Sarbanes |
| Dixon | Kerry | Sasser |
| Dodd | Lautenberg | Simon |
| Durenberger | Leahy | Specter |
| Eagleton | Levin | Stafford |
| Evans | Mathias | Weicker |
| Ford | Matsunaga | |

NAYS—50

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| Abdnor | Goldwater | Nickles |
| Armstrong | Gramm | Nunn |
| Bingaman | Hatch | Pressler |
| Boren | Hawkins | Quayle |
| Boschwitz | Hecht | Roth |
| Broyhill | Heflin | Rudman |
| Chafee | Helms | Simpson |
| Chiles | Hollings | Stennis |
| Cochran | Humphrey | Stevens |
| Cohen | Kasten | Symms |
| D'Amato | Laxalt | Thurmond |
| Denton | Long | Trible |
| Dole | Lugar | Wallop |
| Domenici | Mattingly | Warner |
| Exon | McClure | Wilson |
| Garn | McConnell | Zorinsky |
| Glenn | Murkowski | |

□ 1530

The VICE PRESIDENT. The Senate being equally divided, the Vice President votes in the negative and the amendment is rejected.

Mr. DOLE. I move to reconsider the vote by which the amendment was rejected.

Mr. GRAMM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

□ 1540

The VICE PRESIDENT. Under the previous order, the Senator from Arizona (Mr. DECONCINI) is to be recognized.

The Senate is not in order. The Senator is asked to suspend until the Senate is in order.

Mr. DECONCINI addressed the Chair.

The PRESIDING OFFICER (Mr. GORTON). The Senator will suspend. He cannot be heard at this point.

AMENDMENT NO. 2617

(Purpose: To prohibit the sale, donation, or other transfer of STINGER antiaircraft missiles to democratic resistance forces unless certain conditions are met)

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DECONCINI. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. DECONCINI] proposes an amendment numbered 2617.

Mr. DECONCINI. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following new section:

RESTRICTION ON THE SALE OF STINGER ANTIAIRCRAFT MISSILES

SEC. . Notwithstanding any other provision of law, no STINGER antiaircraft missiles may be sold, donated, or otherwise provided, directly or indirectly, to democratic resistance forces unless the President certifies to the Congress that the proposed recipient has agreed to the following conditions:

(1) Physical security of such missiles shall consist of the following:

(A) Magazines of reinforced concrete, arch-type, and earth-covered whose construction is at least equivalent in strength to the requirements of the Chief of Engineers (Department of the Army) drawings, 652-686 through 652-693, 27 Dec 1941 as revised 14 Mar 42, shall be provided.

(B) Lighting shall be provided for exterior doors and along perimeter barriers.

(C) Exterior doors shall be class 5 steel vault doors secured by two-key operated high security padlock and hasp (mil spec P-43607), and keys shall be secured separately to insure effective two-man control of access.

(D) Fencing shall be 6-foot (minimum) steel chain link on steel or reinforced concrete posts over firm base, and clear zones shall be established inside and outside fencing.

(E) A full-time guard force or combination guard force and intrusion detection system shall be provided.

(2) Such missiles shall be accounted for as follows:

(A) A 100 percent physical count shall be taken monthly with two-man verification, and records shall be available for United States inspection.

(B) A United States Military Training Mission shall conduct the United States inspection and inventory annually, and weapons expended outside of hostilities shall be accounted for.

(C) When missiles are deployed and assembled, the recipient shall be responsible for a daily accounting of such missiles. Records shall be maintained by the recipient and, upon request, shall be available for United States Government review, United States representatives, shall have the right, upon request, to inspect the missiles at the deployed sites.

(3) Movements shall meet United States standards for safeguarding classified material in transit.

(4) Access to such missiles and to classified information relating thereto shall be as follows:

(A) Access to hardware and related classified information shall be limited to military and civilian personnel who have the proper security clearance and who have an established need-to-know. Information released shall be limited to that necessary for assigned functions or operational responsibility and, where possible, shall be oral or visual only.

(B) No maintenance shall be authorized which required access to the interior of the operational system. Such maintenance shall be performed under United States control.

(5) The recipient shall report to the United States by the most expeditious means any instance of compromise, loss, or theft of any material or related information. This report shall be followed by prompt investigation and the results provided to the United States.

(6) The recipient shall agree that no information on Basic STINGER shall be released to a third government or any other party without United States approval.

(7) The security standards applied by the recipient to protection of Basic STINGER information and material shall be at least equivalent to those of the United States at the identified security classification.

(8) The recipient shall use the information on Basic STINGER only for the purpose for which it was given.

(9) United States officers shall be allowed to inspect and assess physicial security measures and procedures established for implementation of these security controls on an announced random access basis.

(10) Damaged launcher shall be returned to United States Armed Forces for repair or demilitarization prior to disposal by United States authorities.

(11) Two principal components of the STINGER system, the gripstock and the missile in its disposable launch tube, shall be stored in separate locations. Each location shall meet all physical security requirements applicable to the STINGER system as a whole. The two locations shall be physically separated sufficiently so that a penetration of the security at one site shall not place the second at risk.

(12) The principle components of the STINGER system, the gripstock, missile, and launch tube, may be brought together and assembled only under the following circumstances:

(A) In the event of hostilities or imminent hostilities.

(B) For firing as part of regularly scheduled training (only those rounds intended to be fired shall be withdrawn from storage and assembled).

(C) For lot testing (only proof round(s) shall be withdrawn and assembled).

(D) When STINGER systems are deployed as part of the point of defenses of high priority installations or activities.

(13) Field exercises or deployments where-in the use of STINGER system is simulated shall not create conditions for the assembly of the system.

Mr. GOLDWATER. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The junior Senator from Arizona has the floor.

Mr. GOLDWATER. I ask a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state the parliamentary inquiry.

Mr. GOLDWATER. Is there a time agreement on this amendment?

The PRESIDING OFFICER. There is a time agreement on this amendment of 40 minutes equally divided.

Mr. GOLDWATER. I thank the Chair.

Mr. DECONCINI. Mr. President, I ask unanimous consent that I may yield the floor to the senior Senator from South Carolina to take up a routine matter and that time not be charged on this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from South Carolina.

Mr. THURMOND. Mr. President, I thank the distinguished Senator from Arizona.

AMENDMENT NO. 2620

(Purpose: To provide funds for Air Force One maintenance facilities to support White House operations)

Mr. THURMOND. Mr. President, I send to the desk an amendment that has been agreed to on both sides and ask the clerk to report.

The PRESIDING OFFICER. The Senator will have to ask unanimous consent that the pending amendment be temporarily laid aside. Does the Senator make that request?

Mr. THURMOND. Mr. President, I ask unanimous consent that the pending amendment be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND] proposes an amendment No. 2620.

Mr. THURMOND. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 241, line 7, strike out "$2,950,806,000" and insert in lieu thereof "$2,949,746,000".

On page 241, line 24, strike out "$131,640,000" and insert in lieu thereof "$130,580,000".

On page 260, between lines 19 and 20, insert the following new item:

Andrews Air Force Base, Maryland, $25,000,000.

On page 263, strike out line 8.

On page 264, strike out "$12,800,000" and insert in lieu thereof "$9,400,000".

On page 268, line 12, strike out "$670,057,000" and insert in lieu thereof "$695,057,000".

On page 268, line 15, strike out "$329,543,000" and insert in lieu thereof "$321,243,000".

On page 268, line 17, strike out "$218,320,000" and insert in lieu thereof "$210,280,000".

On page 268, line 20, strike out "$124,860,000" and insert in lieu thereof "$117,260,000".

Mr. THURMOND. Mr. President, I rise to offer an amendment in support of a maintenance and support facility at Andrews Air Force Base in Maryland. This facility is needed to support the wide-bodied 747 which the Air Force has been authorized to procure for use as the new Air Force One. Mr. President, Members may recall that last year we appropriated money to purchase these new planes, subject to authorization. Earlier this year, when the Congress acted on the question of a supplemental authorization, we approved the authorization.

The planes have been bought and the first is scheduled for delivery in November 1988. This amendment would provide facilities to support these aircraft. The current facilities at Andrews are not large enough to support the 747 aircraft.

We need to provide the money now in order to have the facility when the aircraft arrives. When our committee originally acted on this issue, the design status of the project was too low. It is now close to 35 percent. I am advised that the Appropriations Committee has included $25 million to fund the first phase of this $45 million project. My amendment would authorize that same phase one.

This amendment will not add any additional funds to the bill as the Air Force has identified any equal amount in offsets, which are included in the amendment, and outlined in my statement. Mr. President, I urge adoption of the amendment.

Mr. President, the Defense Department approves the amendment. The Air Force approves the amendment. I believe we have acquiescence on it.

Mr. GOLDWATER. Mr. President, we have no objection to this amendment.

Mr. NUNN. Mr. President, we have talked to the Senator from South Carolina about the amendment. We urge its adoption.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 2620) was agreed to.

Mr. GOLDWATER. I move to reconsider the vote by which the amendment was agreed to.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2617

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Arizona, who is recognized.

Mr. DECONCINI. Mr. President, I thank the Chair.

Mr. President, the security measures on arms control which we establish today will determine the safety of Western democracies into the next century. My amendment seeks to protect, safeguard, and secure Stinger missiles from falling into the hands of terrorists. This amendment will hopefully prevent the Stinger from becoming a readily available shopping item on the black market. This legislation will limit the likelihood that Stingers, weapons of frightening power, could paralyze American airports or shoot down commercial and military aircraft.

In the book "Terrorism: How the West Can Win," Dr. Paul Johnson writes about a concern affecting all legislators, policymakers, and American citizens:

There is the danger, frighteningly obvious to all of us, that terrorists will eventually possess nuclear weapons. But a more immediate risk is that they will secure—perhaps already have secured—the devastating modern equipment now moving into the inventories of official armies: high speed machine pistols firing 1,200 rounds per minute and almost soundless lightweight grenade launchers and mortars, flamethrowers, short-range portable anti-tank weapons, shoulder-fired rocket launchers, and most alarming of all, the new generation of portable missiles which have long ranges, are highly accurate, and can be carried and fired by one man or woman.

This is a thoughtful and careful man not given to exaggeration. Yet he has a way of concentrating one's mind—and in this case, it is on the point that we in the Western democracies do not have forever to counter the problem of terrorism. His voice is urgent. His argument is compelling. His facts are conclusive.

Mr. President, the Stinger has been accurately labeled as the ideal terrorist weapon. It is now considered to be the crown jewel of democratic resistance efforts. It seems nonchalant and cavalier, almost automatic, that democratic resistance efforts ask for Stingers—and we provide them. We provide little thought as to safety and totally neglect foreign policy goals. How will these top-of-the-line items be protected from terrorists, Cubans, Libyans, Russians, and fanatics? How do these weapons influence regional politics; the possibility of escalation and heightened conflict; and do we then provide even more sophisticated weapons after the Stinger?

I take a back seat to no other Member of this Senate Chamber or

any Congressman as to my tenacious support for the Afghan rebel fighters. I deplore and condemn the Soviet invasion and their widespread combat which cripples Afghan children. I heartily endorse U.S. efforts to assist the Afghans in their efforts to preserve their religious safety and their political freedom.

I have met in my office with several Afghan people fighting in this effort. The United States reportedly provides close to $500 million in covert assistance to those resistance fighters. They already have sophisticated surface-to-air SA-7's and have told me that they would like the Stinger, but it will not win or lose the war by itself. They have told me that they would like our best technology, but they will carry on in their struggle and effectively use the SA-7's.

Mr. President, I am all for resistance efforts that sustain and promote freedom and safety for people of different political struggles. But we cannot afford to nonchalantly provide weapons which subequently endanger American freedom and safety. We cannot afford to let Qadhafi's and Khomeini's secure this weapon. We cannot afford to give terrorists the power to wipe out airplanes and paralyze airports. I do support resistance efforts but by their very definition they are meant to resist, retaliate, and rebuff the aggressor. By supplying our most sophisticated weapons cavalierly we endanger our own citizens. Americans traveling are not safe. Our allies' military planes are not safe. American airports are not safe. Reportedly, Stingers have been delivered to Angola and Afghanistan. This was leaked by a source in the Reagan administration, who was consequently fired.

The situation in Nicaragua might be the next sight for Stinger missiles. Mr. Calero, one of the Contra leaders, recently said after the House passed the administrations aid request, that all they needed now were Stingers. Mr. President, Stingers in Central America will severely escalate the involvement of all outside parties. Stingers could easily end up disrupting the fragile Central American democracies and wrecking havoc on the regional progress we have achieved. Stingers could easily find their way up through Mexico into California, Arizona, and Texas. This would only contribute to the drug and weapons running problem that already exists. Some of these Contra leaders are closer in philosophy to the drug runners and terrorists than to American democratic ideals.

Some argue that this issue should not be discussed on the Senate floor. The Reagan administration, in deciding recently to provide these missiles to guerrilla fighters, made two key assumptions. One, the news of the decision would not lead to the public and secondly, that none of the Stingers would fall into the hands of terrorists. The first assumption has already failed. It is with the second assumption in mind that I seek to address this issue. Ideally, I would not want to discuss this sensitive issue or legislate a solution. But we have no choice, now that the first assumption has failed, we must seek to prevent the second from happening.

President Reagan is very concerned about the implications of the Stinger. The administration removed the Stinger from the Saudi Arabia arms package due to congressional concern and fear that these would fall into the wrong hands. The President wrote to Majority Leader ROBERT DOLE discussing "the particular sensitivity of Stingers being transferred to any country." This legislation seeks to safeguard these missiles and prevent the terrorist scenario from happening. Supplying our best technology without safeguards is not in the national interest.

As a colleague of mine stated when the Stinger was to be transferred with safe security conditions; if the Stinger falls into the wrong hands, there will not be an airplane or airport in the civilized world that will be safe. I urge the adoption of this legislation to protect Americans and our allies. The rush of sophisticated technology without adequate safeguards, drastically changes the rules and boundaries for terrorists. It escalates the war effort on the part of outside parties, as it did in Afghanistan and Angola. After the reported introduction in Angola, the 6-year peace effort negotiated by the United States went out the window.

In Afghanistan, the Pakistani's are reportedly seeking to encourage a Soviet withdrawal and consequently prevent Stingers from exacerbating this conflict. We need to prevent this type of policy. Different support including less sophisticated surface-to-air weapons might be the answer. But right now we need to clarify our policy with wise and prudent safeguards.

Mr. President, imagine the scenario with one of these weapons systems that can be held on the shoulder, that can be fired a distance of 3 to 5 miles. And this is not classified information. It has been reported in the press. It is only 34 pounds in weight. It is only 5 feet long. It can be carried in a compact sense. It has an infrared heating device that homes on the target.

□ 1550

Put this scenario together: That it falls into the hands of terrorists like Qadhafi or Khomeini or Arafat and is used at one of our major international airports. What kind of chaos are we going to have?

What if it developed that it was given to the Contras, fighting the Nicaraguan Sandinistas? How safe would it be to have that weapon there? I question that.

The purpose of this amendment is not to outlaw by any means that these weapons go to democratic resistance groups. It only says that the President certifies to Congress that the proposed recipient has agreed to the following conditions—and they are listed in this amendment.

These conditions are the conditions we place on this missile now, that we have transferred to a number of countries, particularly Saudi Arabia. Why should we not impose the same type of conditions and ask the President to certify that they are being upheld?

Mr. President, this is a serious matter, and I hope the Senate will join me in putting on some restrictions, and yet not tying the hands of the President to use these weapons where he feels that certification can be made. Failing to do this, we are inviting the misuse of this weapon by international terrorists.

Mr. LUGAR. Mr. President, will the distinguished chairman of the Armed Services Committee yield me 5 minutes?

Mr. GOLDWATER. I am very happy to yield 5 minutes to my friend.

Mr. LUGAR. I thank the chairman.

Mr. President, the amendment before us is a foreign policy issue. It has arisen in different contexts before, but I simply say, once again, that it is a foreign policy issue and has to do with the success of our country in our ability to help freedom fighters. We are attempting to help freedom fighters in a number of places. The President of the United States and those who are attempting to work with the freedom fighters have to have the latitude to give the freedom fighters and equipment required to get the job done.

Mr. President, I note the descriptions from time to time of the Stinger missile. There are even pictures of a single individual of normal size carrying the missile, with the thought that almost any one of us—apart from such unusual persons as Arafat or Khomeini or what have you—could use a Stinger missile.

Mr. President, it is an effective weapon. The country is proud of the development of this kind of weapon. But it requires an extraordinary amount of training. The ordinary terrorist carrying a Stinger missile is not going to be any more effective than you or I would, without tens of hours of training and a very great deal of support in the use of this particular weapon.

The intent of this amendment is to kill the use of the Stinger missile in the foreign policy of our country, insofar as we help other countries. I say that advisedly, because the drafters of this amendment have listed an impossible set of conditions that literally render this particular option, the

Stinger missile, out of the question in helping freedom fighters in Angola or in the Nicaraguan situation and wherever else we may be trying to help people.

Mr. President, this is an option that we ought not deny in the course of an armed services authorization bill. This is a foreign policy option we ought to be able to retain in our country.

Beyond that, Mr. President, I suggest that it would be useful, before we got into these kinds of amendments—this is the second time around the track in this particular session. The same amendment was defeated by a vote of roughly 2 to 1, when it applies to certain instances before, and not what has been redrafted to apply to all instances.

We really ought to have an opportunity to discuss this in the Foreign Relations Committee, in the Intelligence Committee, and other forums which have something to do with the foreign policy of the country.

I know that the distinguished chairman of the Armed Services Committee, Senator GOLDWATER, has addressed himself pointedly to the subject. This is a foreign policy question, and the chairman is weary of seeing this appear again in this form, and so am I.

Mr. President, I think it is important to settle this issue once and for all. Let us simply defeat the amendment. Let us get it back into the foreign policy arena, back into a discussion of what is useful in the foreign policy of our country, without all the phobias usually attached, that somehow the Stinger, unlike all the other types of weapons we might provide people, is an exceptionally destructive weapon.

Conflict is always destructive. If one is going to argue philosophically, one could argue that we ought not provide anything to allies, whether they be freedom fighters, members of NATO, or what have you. There is always a risk in doing that. But I submit that it is no more with the Stinger than with a half-dozen other objects.

This is the wrong time and the wrong place to be discussing the issue.

Mr. DURENBERGER addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. GOLDWATER. I yield the Senator 2 minutes.

Mr. DURENBERGER. Mr. President, I appreciate the opportunity to speak on this issue and to speak in opposition to the amendment, particularly to speak in favor of the argument made by my colleagues, the chairman of the Senate Foreign Committee.

Basically, this is a foreign policy issue. In which committee it is to be resolved is not clear to me. I am convinced that it is not to be resolved on the Defense authorization bill, nor is it the kind of issue that lends itself to resolution on the floor of the Senate.

Sometime next week, we are going to be debating another foreign policy issue in which the elements of the implementation of an element of foreign policy are going to be openly debated on the floor of the Senate.

Today, we are offered the opportunity, though, to vote for or against one particular armament, committed to one broad category of indigenous forces. I urge my colleagues to consider the fact that this really is not a very good place for our country to make foreign policy, regardless of how we personally may feel about the weapon involved or the application of the weapons to a particular circumstance.

So I support the chairman of the Foreign Relations Committee and the chairman of the Armed Services Committee in opposition to this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. GOLDWATER. Mr. President, I yield myself such time as I may require.

Mr. President, unfortunately, I must rise in opposition to the amendment being offered by my colleague from Arizona. This subject was dealt with in May when a similar amendment was debated during the Senate's consideration of the DOD reorganization bill. At that time it was tabled by an almost 2 to 1 margin. I am hopeful that the pending amendment will also be defeated.

This amendment deals with the most sensitive of subjects—possible U.S. covert operations. The questions raised by this amendment can only be thoroughly examined and debated in a classified setting—most appropriately in the Intelligence Committee. The Senate floor is certainly not the proper forum for such a debate.

However, I will try to outline my opposition to this amendment as well as I can in an unclassified context.

□ 1400

First, and most importantly, the net effect of this amendment would be to prohibit even the possibility of our providing this vital equipment to freedom fighters throughout the world whose causes we have traditionally supported. The stringent conditions required by this amendment are clearly incompatible with the nature of guerrilla warfare and would be virtually impossible for rebel groups to meet. Therefore, a vote for this amendment is tantamount to a vote against freedom fighters throughout the world.

By adopting this amendment, we would be placing severe restrictions on the President's freedom of action in this very important and volatile arena. This is the type of micromanagement that I believe the Congress should avoid.

Second, one of the main goals of the proponents of this amendment is to prevent shoulder-fired antiaircraft weapons such as the Stinger from falling into terrorist hands. While this is a worthwhile goal, it will not be achieved by this amendment. The fact is that most terrorist organizations already have a wide variety of man-transportable SAM's. Soviet SA-7's are readily available on the world arms market and have been acquired by the vast majority of terrorist groups.

Mr. President, this type of weapon is made by almost countless countries and they can be purchased almost everyplace. I cannot tell you where, but you can buy them retail in the United States.

I am not saying that this is reason to let down our guard in the fight to keep sophisticated weaponry out of the reach of terrorists. But we should acknowledge the situation as it is and not get into the business of arbitrarily choosing to severely restrict the possible supply of one weapon system to specific groups.

I would suggest to my colleague from Arizona that the best way to proceed on this issue is to introduce this amendment as freestanding legislation and allow the relevant committees to fully examine its ramifications. This is the only way to ensure that the many important and complex issues raised by this amendment are given the careful and thorough consideration that they deserve.

The chairman of the Intelligence Committee and the chairman of the Foreign Relations Committee have spoken against this amendment.

Mr. President, I yield to the Senator from New Hampshire how much time he needs.

Mr. HUMPHREY. Three minutes I think will be sufficient.

Mr. GOLDWATER. Three minutes.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. HUMPHREY. Mr. President, others opposing the amendment covered the point I intended to address.

Let me point out to my colleagues before we have a vote on this matter just explicitly what it is the Senator from Arizona is proposing.

Let me just read from the amendment what he would require of recipients of this kind of weapon and my colleagues should think of this in the context of these freedom movements which are essentially guerrilla operations on whose mobility their survival depends.

Here are the physical requirements that the Senator from Arizona would require before these groups could possibly receive these weapons. The amendment reads:

Physical security of such missiles shall consist of the following:

Magazines of reinforced concrete, archtype, and earth-covered whose construction is at least equivalent in strength to the requirements of the Chief of Engineers (Department of the Army) drawings, 652-686 through 652-693, 27 Dec 1941 as revised 14 Mar 42, shall be provided.

Lighting shall be provided for exterior doors and along perimeter barriers.

Exterior doors shall be class 5 steel vault doors secured by two-key operated high security padlock and hasp (mil spec P-43607), and keys shall be secured separately to insure effective two-man control of access.

Fencing shall be 6-foot (minimum) steel chain link on steel or reinforced concrete posts over firm base, and clear zones shall be established inside and outside fencing.

These requirements might be OK and indeed are OK and necessary to require of our established allies, but for Heaven's sake, can you imagine the freedom fighters in various countries trying to produce these kinds of safeguards?

What the DeConcini amendment means bottom line is that these freedom movements could never be considered for this kind of assistance from the United States.

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. DECONCINI. Mr. President, I would like to respond to some of the arguments.

First, the distinguished chairman of the Foreign Relations Committee indicates that this affects foreign relations policy. It seems to me that that argument is indeed very appropriate for the defense authorization bill.

I do not know anybody who looks on close to $300 billion of defense authorization that does not affect our foreign policy.

In his committee, the Foreign Relations Committee, the last vote we had, though, we were defeated in this amendment. Nine members of the Foreign Relations Committee voted in support of this amendment, eight opposed it.

So there is already a good bellwether right there that the Foreign Relations Committee thinks something should be done.

I hope the Senator from Indiana intends to hold hearings. I think that is very, very good.

The Senator from New Hampshire just read the requirements. I am glad he did. I did not want to take all the time because of the limited time on this subject matter to read the requirements.

No better argument can be given than those requirements that we impose on allies, NATO allies, Saudi Arabia, countries that we now share this weapon with. Should we not require the same security for a guerrilla group out in the jungle, in the desert, in the mountains of Afghanistan?

It seems to me like that argument is clear that if we do not do this, we are asking for someone to abuse or lose or sell to the black market some of these weapons.

Our own military has great reservations about what we are doing, and I think everybody here who is involved in this argument, certainly the Intelligence Committee, certainly the Armed Services Committee, knows that so well.

I want to quote Gen. John Wickham, who is the Army Chief of Staff, on this subject matter of the Stinger missiles.

Wickham reported on June 21, in the Washington Post, saying on the subject matter in an interview with the Washington Post yesterday that "we anguish over decisions of which allies should get the weapon because of U.S. concern that it will fall into the wrong hands."

I am glad they anguish over it because they rightly should anguish.

What have they done? They have imposed some very, very severe security restrictions before we hand that weapon over, and I am glad they have done it.

The only thing that the amendment of the Senator from Arizona says is that those same restrictions be applied if you hand those weapons over to a democratic resistance group.

For the likes of me, I can see no reason not to impose those same conditions here because with failure to do that we are asking and we are inviting a disaster.

I am glad to yield to my colleague from Kansas.

Mrs. KASSEBAUM. Mr. President, I just briefly wish to comment why I am supporting the Senator from Arizona's [Mr. DECONCINI] amendment.

It has already been argued and debated here before and, as has been stated, I do not know whether this is the right place to have it as an amendment. Certainly before when it was offered on the military reform, it was not the right vehicle. Maybe the debt ceiling extension is a better one. But I think, frankly, it does fit into the whole question of defense.

It is to me and certainly in my mind not a vote against freedom figthers. It is in my mind a whole question of really how we do account for our highly sophisticated technologies.

We have taken such great precautions in the transfer of our technologies, but today with the Stinger missile, which is highly effective and has been a very successful antiaircraft missile, we more or less just say that we are going to turn it over to be used by those without the same conditions that we impose on our allies.

I think that this is something that is of importance for us to argue, whether it is today, or tomorrow, and I think it is something that for the success of our future transfer of technologies and our feeling of security in that transfer of technologies we should be willing to debate and be responsible in those transfers.

Mr. President, I find the reports about our Government's decision to send Stingers to rebel forces a very dangerous proposition. This decision runs directly counter to our vigorous efforts over the past several years to control technology transfer and to ensure that our advanced technology whether military or civilian does not fall into the hands of the Soviet Union.

Even more importantly, supplying Stingers to rebel forces also runs directly counter to our concern about curtailing terrorism. This Chamber has fully discussed the danger of sending Stingers to sovereign nations.

Only just a couple of months ago, there was overwhelming concern expressed on this floor about having Stingers as part of the arms package to Saudi Arabia, largely because of the fear that these weapons would fall into terrorists' hands.

Mr. President, the danger of this weapon system falling into terrorist hands or into the hands of unfriendly nations is only escalated in the case of sending these weapons to rebel groups.

There is no certainty that the Stingers will remain in the hands of the rebel forces. We have already seen that captured Soviet surface-to-air missiles have turned up in rebel hands in Angola and Central America. And we have also seen numerous reports that any arms sent to Afghan rebels end up in the black market in Pakistan.

Mr. President, it is paradoxical to me that we would require sovereign nations to have stringent security controls on sophisticated weapon systems such as the Stinger, and yet we would just transfer these systems to rebel forces with no precautions.

Mr. President, I believe that at a minimum, if this sophisticated technology is going to be transferred, we should require the same rigid security requirements that we have imposed on our sale and transfer of this technology to sovereign nations.

The PRESIDING OFFICER. Who yields time?

Mr. GOLDWATER. How much time does the Senator from Indiana want?

Mr. QUAYLE. Three minutes.

Mr. GOLDWATER. Go ahead.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. QUAYLE. Mr. President, I want to just very briefly state my opposition to this amendment.

I think the chairman of the Armed Services Committee, the chairman of the Foreign Relations Committee, and the chairman of the Senate Intelligence Committee have all brought out

that this is a very sensitive matter. It is a very sensitive matter because of certain classifications. We are not even going to be able to go into some of the discussions about what in fact is going on with any kind of these potential transfers.

I believe that the junior Senator from Arizona has a very valid concern, and that valid concern is that he is worried about, rightfully so, the Stinger missile being put into the hands of terrorists. I think that is a valid concern and, believe me, everybody that deals with this issue is certainly very sensitive to that possibility and equally as concerned as the junior Senator from Arizona.

□ 1610

Unfortunately, as the chairman of the Senate Armed Services Committee has already pointed out, terrorist organizations already have the SA-7. It is a very comparable weapon to the Stinger missile.

What I believe that this amendment would do, even though the sponors of the amendment do not want it to do so, is it would place a disadvantage, a great disadvantage on some of the freedom fighters around the world.

Terrorist organizations and those who would not like to see democracy survive have a very comparable weapon. If we place these restrictions, and they are not unreasonable restrictions for Saudi Arabia, for all of our allies who do not have the guerrilla-type environment, but it is really an unreasonable restriction in any kind of guerrilla, freedom fighter resistance type of movement. To have them comply with certain military specifications, a certain amount of Army Corps of Engineers specifications, is simply inappropriate.

Therefore, it would be a disadvantage out there. You have comparable military weapons on both sides, unfortunately. And the terrorists, the ones that are against freedom, already have the SA-7.

We need to put in some equilibrium and allow the President the flexibility. I think, to do this at this time, even though the sponsor of the amendment does not want to do that, it would unfortunately tie the hands of the President.

This is a very sensitive matter, as the chairman of the committees have pointed out. I believe, in my good judgment, that we should readily dispatch this amendment and go on to other things. But I do think that the junior Senator from Arizona has a legitimate concern. I just think that the amendment is way off base. I do not think it is appropriate here and I hope it is resoundingly defeated.

Mr. DECONCINI. Mr. President, how much time remains?

The PRESIDING OFFICER (Mr. EVANS). The junior Senator from Arizona has 9 minutes and 7 seconds, and the Senator from Arizona has 4 minutes and 47 seconds.

Mr. DECONCINI. Mr. President, let me wind up by saying that I appreciate the concern of the Senator from Indiana that this is a sensitive matter. We know that. There are subject matters that we cannot talk about on the floor.

The so-called Stinger missile is not sensitive. What is sensitive is where it has been deployed and how many and in what kind of action. That has already been disclosed, too, by Dr. Pillsbury, by the way, who lost his job for that disclosure in the Washington Post.

The fact of the Stinger missile and the requirements, that is not a sensitive disclosure or nondisclosure matter. What is really sensitive here is: Do we want to risk this missile in the hands of people who cannot provide the security?

My good friend just suggested—and I wish I had thought of it—how would you like to see, in equal size and proportion, a foreign airplane like the British Airways sitting right up here in relation to where this weapon could knock it down being in the hands of some terrorist? That is what we are talking about—at the Athens Airport, 2 or 3 miles from the airport; at the Leonardo da Vinci Airport, 2 or 3 miles from it, or one of our own airports, if one of these weapons come up through Mexico into Texas or Arizona and somebody sits 2 or 3 miles away and wants to take down an airplane. That is what we are talking about.

That weapon now is not in the hands, that we know of, of any terrorist. We do not think anybody has that weapon yet. And there is a great difference, as I am sure my senior colleague will agree, between this weapon and the SA-7, a great deal of difference for the freedom fighters. They want the advanced technology, but they will tell you that is not going to win or lose the war for them.

So I hope we will use some common sense and apply the same security to freedom fighters as we apply to other allies. By the way, once those Stingers are deployed, then you have a different set of security and you are not bound by the ones that are listed in this particular amendment. I think it is paramount that we apply the same standards here. I hope the Senate will support this amendment.

I thank the Senator from Kansas for her support.

Mr. THURMOND. Mr. President, I rise in opposition to the amendment offered by my distinguished colleague from Arizona. The net effect of this amendment would be to seriously hamper implementation of the Reagan doctrine. Without a doubt this amendment should be defeated.

In the first place, the amendment we are considering should not even be discussed in open session because it involves possible U.S. covert activities. The Senate floor is not the proper forum for this discussion.

The conditions set forth in the amendment are not compatible to guerrilla warfare. Guerrillas do not construct secure armories in the bush, nor should they, given the mobile nature of such conflicts. No rebel group could meet these restrictions.

I must ask my colleagues what would have happened to our forebears in their struggle against England had Lafayette's government imposed such restrictions on the transfer of arms to the colonists.

Mr. President, this amendment should be addressed in the Intelligence Committees and not here. The Senate should oppose the amendment.

Mr. LEVIN. Mr. President, I regret that I cannot support Senator DECONCINI, amendment to condition the sale or transfer of Stinger antiaircraft missiles to democratic resistance forces. As I stated May 7, 1986, in the CONGRESSIONAL RECORD, I share Senator DECONCINI's deep concern and fear that Stinger missiles may end up in the hands of terrorists and enemies of the United States. However, the conditions which would be established by this amendment would require U.S. servicemen to enter areas of hostilities to inspect and repair these missiles, a most unwelcome prospect. I also find this language too broad and inflexible. There may be circumstances where we would want to allow these missiles to be used where these stringent security conditions could not be met. The conditions for maintaining security over Stinger missiles in the amendment would be unachievable for virtually every situation in the world except our NATO allies, and therefore, the reach of this amendment is overly broad and I must oppose it.

Mr. MITCHELL. Mr. President, today I am pleased to support the DeConcini amendment prohibiting the sale, donation, or other transfer of Stinger anti-aircraft missiles to democratic resistance forces until and unless the President certifies in advance that the proposed recipient has agreed to a specified set of security conditions.

The Stinger has been called "the ultimate terrorist weapon," and rightly so. Accurate and highly portable, it is an ideal weapon for small, mobile guerrilla bands. Unfortunately, it can also be, in the wrong hands, an instrument of wanton destruction, easily capable of downing a civilian or military aircraft.

Even the remotest possibility of such a weapon falling into irresponsible hands impels us to take exceptional precautions. In making Stingers avail-

able to our NATO partners and to Saudi Arabia, we have always insisted on rigid security safeguards, including steel vaults, 24-hour armed guards, and separate storage of launchers and missiles. We have also required the right to conduct inspections of these safeguards at any time.

It appears perfectly obvious that comparable safeguards would not be possible were we to supply Stingers to the Afghan mujaheddin, Savimbi's UNITA forces, or the Contra rebels in Nicaragua. It appears equally obvious that in making Stinger missiles available to these or similar groups, we would be giving up virtually all control over these weapons. Lacking both adequate security and close American supervision, these weapons would then be highly vulnerable to theft, capture, or illegal diversion, and could end up in the hands of individuals or groups who might not hesitate to employ them in ways contrary to American interests. It is this concern that impels me to support the DeConcini amendment.

Earlier this year, during Senate debate on reorganization of the Defense Department, an amendment very similar to this one was brought to the floor. At that time I believed that this issue was an important one and deserved consideration on its own merits, not as an afterthought to a major bill on an altogether different issue. As a consequence I voted then to table the amendment, in the hope that the matter could subsequently receive full-scale committee hearings and be considered on its own merits.

Since then, alarming reports have surfaced to the effect that both UNITA and the mujaheddin have received covert Stinger shipments. As a consequence I will now support the DeConcini amendment, before further Stingers are sent overseas.

In addition, this amendment differs from the earlier one in that it also applies to the Contras. Keeping these dangerous weapons out of the hands of the Contras seems to me another compelling reason for supporting this amendment. I plan to do so and I urge my colleagues to do so as well.

### DR. MICHAEL PILLSBURY AND THE STINGER MISSILE

(Later the following occurred:)

Mr. HUMPHREY. Mr. President, earlier this evening during the debate on the DeConcini amendment relative to the Stinger missile, a Washington Post story based on anonymous sources was cited. In that connection, the name of Dr. Michael Pillsbury was raised. Certainly without any criticism intended for the Senator from Arizona, I want to point out that the story quoted was based on anonymous sources. Dr. Pillsbury has denied disclosing the information cited in that story. An investigation is under way to determine who really did leak the information.

I want to point out further that Dr. Pillsbury now works for four Senators, one of which is the Senator from New Hampshire. I would not like the comment of the Senator based on the Washington Post to pass without mentioning for the Record that there is another side of this story that is yet to be fully told.

(Conclusion of later proceedings.)

Mr. GOLDWATER. Mr. President, I know of no other Senator on this side who cares to speak. I am perfectly willing to yield back my time, if my colleague is, and we can proceed to a vote.

Does the Senator want a yea or nay vote?

Mr. DECONCINI. Yes.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. GOLDWATER. Mr. President, I yield back my time.

Mr. DECONCINI. I yield back my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Arizona [Mr. DECONCINI]. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 37, nays 63, as follows:

[Rollcall Vote No. 185 Leg.]

YEAS—37

| | | |
|---|---|---|
| Biden | Hatfield | Mitchell |
| Bingaman | Hollings | Packwood |
| Bradley | Inouye | Pell |
| Burdick | Johnston | Proxmire |
| Chafee | Kassebaum | Pryor |
| Cranston | Kennedy | Riegle |
| D'Amato | Kerry | Sarbanes |
| DeConcini | Lautenberg | Sasser |
| Eagleton | Leahy | Simon |
| Ford | Mathias | Specter |
| Gore | Matsunaga | Weicker |
| Harkin | Melcher | |
| Hart | Metzenbaum | |

NAYS—63

| | | |
|---|---|---|
| Abdnor | Exon | McConnell |
| Andrews | Garn | Moynihan |
| Armstrong | Glenn | Murkowski |
| Baucus | Goldwater | Nickles |
| Bentsen | Gorton | Nunn |
| Boren | Gramm | Pressler |
| Boschwitz | Grassley | Quayle |
| Broyhill | Hatch | Rockefeller |
| Bumpers | Hawkins | Roth |
| Byrd | Hecht | Rudman |
| Chiles | Heflin | Simpson |
| Cochran | Heinz | Stafford |
| Cohen | Helms | Stennis |
| Danforth | Humphrey | Stevens |
| Denton | Kasten | Symms |
| Dixon | Laxalt | Thurmond |
| Dodd | Levin | Trible |
| Dole | Long | Wallop |
| Domenici | Lugar | Warner |
| Durenberger | Mattingly | Wilson |
| Evans | McClure | Zorinsky |

So the amendment (No. 2617) was rejected.

□ 1630

Mr. GOLDWATER. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. DOLE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, I will just take a moment. I have been having a brief discussion with the chairman of the Appropriations Committee. I would like to yield to him for the purpose of his extending a parliamentary inquiry.

Mr. HATFIELD. Mr. President, I thank the majority leader.

I would like propound to the Chair a series of parliamentary inquiries relating to the bill that is now pending before the body.

Mr. President, I do not intend to make a point of order if these are valid points that could be made. I want to make that clear statement from the beginning. I merely want to raise the application of the Budget Act to the total legislative proceedings of this body. I suppose being extraordinarily sensitive to the fact that appropriations bills which have been frequently the target of points of order as they may violate or appear to violate the Budget Act.

I do want to make these inquiries of the Chair now, if I could.

Under section 302(c) of the Budget Act, as amended by Gramm-Rudman-Hollings, it is not in order for this body to consider legislation that provides new direct spending authority or new entitlement authority if reported by any committee which has received an allocation under 302(a) of the Budget Act with respect to the most recently agreed to budget resolution for the coming fiscal year and that committee has not filed the 302(b) report required by the Budget Act. That is, the committee's report subdividing its allocation among its subcommittees or programs over which it has jurisdiction.

Mr. President, is that correct?

The PRESIDING OFFICER. That is correct.

Mr. HATFIELD. Mr. President, is it not true that the Senate Armed Services Committee has received an allocation pursuant to section 302(a) of the Congressional Budget Act with respect to the budget resolution for fiscal year 1987, Senate Concurrent Resolution 120?

The PRESIDING OFFICER (Mr. QUAYLE). The Senator is correct.

Mr. HATFIELD. Mr. President, is it also correct to say that the Senate Armed Services has not yet filed the

report required by section 302(b) of the Budget Act? Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. HATFIELD. Now, Mr. President, the bill we are considering, S. 2638, the National Defense Authorization Act for fiscal year 1987, has been reported by the Senate Armed Services Committee. It is my understanding that the bill, as reported and further amended by the committee, provides new direct spending authority.

□ 1640

For example, section 1214 of the bill provides for an increase in capitalization of the special defense acquisition fund and affects direct spending in functions 050 and 150 according to the Congressional Budget Office. Am I correct in saying that this bill provides new direct spending authority?

The PRESIDING OFFICER. The Senator is correct.

Mr. HATFIELD. Given this, along with the fact that the Senate Armed Services Committee has not yet filed its required report under 302(b) of the Budget Act, this bill violates section 302(c) of the Budget Act which prohibits consideration of such legislation until the committee has filed its required 302(b) report. Am I correct that this bill is subject to a point of order under section 302(c) of the Budget Act?

The PRESIDING OFFICER. The Senator is correct.

Mr. HATFIELD. To take this one step further, Mr. President, section 302(f) of the Budget Act say that it is not in order to consider any bill that provides for budget outlays or new budget authority in excess of the appropriate allocation of such outlays or authority reported by any committee in its section 302(b) report in connection with the most recently agreed to concurrent resolution on the budget for such fiscal year. Can the Chair please advise this Senator how this body is to know if such a point of order is available to its Members under this provision of the Budget Act if a committee has not yet filed its required 302(b) report under that act?

The PRESIDING OFFICER. Under those circumstances, the point of order would not lie under section 302(f) because there is no way to measure whether any of the amounts provided are in excess of the calculations.

Mr. HATFIELD. I thank the Chair.

Can the Chair please advise this body which of the 16 Senate committees receiving a section 302(a) Budget Act allocation with respect to the fiscal year 1987 budget resolution have not filed their section 302(g) reports?

The PRESIDING OFFICER. The Chair announces the Chair does not have any such list.

Mr. HATFIELD. I thank the Chair.

Mr. President, another provision of the Budget Act, as amended—section 401(a)—prohibits the consideration of any measure providing new contract authority or new borrowing authority which is not limited by appropriations.

Is the legislation before us not also subject to a point of order under section 401(a) of the Budget Act?

The PRESIDING OFFICER. The Senator is correct.

Mr. HATFIELD. Mr. President, these are the points I wanted to raise relating to the particular application of the Budget Act to the defense authorization bill. As I indicated earlier, having been a Member of this body when the Budget Act passed and also when the Gramm-Rudman-Hollings provisions were passed, I have been on this floor trying to make certain that every appropriations bill measured up to the Budget Act requirements. We have gone through various exercises of tabling, referring, and all the other procedural motions members are quite familiar with. I merely want to point out that we are in violation here today of the Budget Act. I would like to know what the Budget Committee's views are on this.

Also, if the majority leader would permit me to do so, having yielded the floor merely for a parliamentary inquiry, the chairman of the Budget Committee has indicated that he has an amendment to correct one of this bill's provisions relating to contract authority that violates the Budget Act. I wonder if there are any thoughts that could be expressed at this moment or shared that could clarify the situation as to the other violations of the Budget Act this particular bill represents.

Mr. DOLE. Mr. President, I thank the distinguished Senator from Oregon, the chairman of the Appropriations Committee. I wonder if we might have an agreement that the Senator from New Mexico and the Senator from Florida might be recognized for 5 minutes each if they desire, not to exceed 5 minutes each.

The PRESIDING OFFICER. Is there objection? Hearing no objection, it is so ordered.

The Senator from New Mexico is recognized.

Mr. DOMENICI. I thank the distinguished majority leader. I do not need 5 minutes.

I say to my friend from Oregon the Senator from New Mexico is aware of what I consider to be a very serious violation of the Budget Act with reference to new spending authority as defined in section 401(c)(2) of the Congresssional Budget Act.

I am aware of the fact that provisions of the bill are out of order if indeed they are construed to be entitlements, contract authority, or direct spending. I have an amendment pending at the desk that I filed 2 days ago. I have not called it up because I would like to see more of the bill evolve, but basically, I have checked it through with the manager and the ranking minority member. I intend to offer it. They said they did not intend to object to it.

Basically, it provides that any new spending authority, as defined in section 401(c)(2) of the Budget Act, provided by specified sections of this bill, shall be effective for any fiscal year only to such extent or in such amounts as are provided in appropriation acts. My amendment lists the various sections of the bill which the amendment applies to—611, 625, 631, 635, 636(f), 931 1006, 1214, 2175, and 2183. Those are the sections where this Senator has found in this bill either direct spending authority or contract authority or entitlements.

If not amended, they would be construed to be direct expenditures in violation of the Budget Act. I am prepared to offer the amendment. The managers know it. I will furnish my friend, the chairman, with a copy of it.

As to the section 302(c) contention he made, it is true there are no crosswalks filed by this committee. I assume if someone desires to make a point of order under section 302(c) they could. I hope the committee would file a 302(b) allocation. I do not believe it is very difficult, not like the appropriations crosswalk.

I will assist the committee if they desire to comply on the technical matters. If they do not, I will consult with them. If it appears to the Senator from New Mexico as one Senator and chairman of the Budget Committee that they violate the Budget Act as it operates to get things under control, I shall raise appropriate points of order.

Mr. HATFIELD. I state again, Mr. President, that I raise these points at this time as the bill is under consideration so there will be opportunity to correct them. I wanted to make certain that, again, we do not go through the whole exercise up to third reading without some kind of action.

Again, I think if we are going to observe the Budget Act in any one area of legislation, it ought to be observed in all areas. Usually, the Budget Committee has been very helpful in reminding the rest of us where we have been in violation or potential violation of the Budget Act. I am glad to know the chairman has taken action on at least one of these violations. I am hopeful the committee will comply enough so that when we get to third reading, we will not have any technicalities on violations of the Budget Act.

If I had to vote for a question of waiving the Budget Act in order to get to this bill, I would even consider that. I want to point out that the Budget Act ought to be applied to every bit of

legislation we enact, not just the appropriations bill where the Budget Act has had so much careful scrutiny. I just wanted to point out there are also questions here.

Mr. DOMENICI. Let me add that I am prepared, at a point in time when I am informed by managers that we are getting close to the end of amendments that have real significance in point of dollars, to engage in an exchange with the managers with reference to the level of authorization in this bill versus the limitations on budget authority and outlays that are imposed under the appropriations process. Clearly, this is an authorizing bill and we will discuss thoroughly with the Senate before we leave the floor the fact that if those who are proponents of this bill expect that everything within it will indeed be funded by the appropriators in its present form—it has not gone to conference yet and we are not finished yet, but if it did, clearly there is more authority and more outlays than we can accommodate in the appropriation process.

□ 1650

But everyone knows that that is the case. The Armed Services Committee has discussed it with me and we will discuss it in detail so that everyone knows how much it is over. But that does not make it subject to a point of order. That merely means you can expect the appropriators to fund this much.

Mr. NUNN. Mr. President, I am trying to understand here whether we are talking about something really substantive or whether we are talking about a technicality. In either event, I think we ought to comply with the budget. I hope the Senator from New Mexico and the Senator from Oregon could give us a little more guidance on this. It is my understanding we have been working all week with the staffs of the Senator from New Mexico and the Senator from Florida to get the entitlement question, which I understand and believe is a substantive question, worked out.

Mr. DOMENICI. It is.

Mr. NUNN. My understanding is that that was one of the points of order that the Senator from Oregon pointed out. Is it not true that we had already basically agreed to accept that amendment? Will the Senator correct that?

Mr. DOMENICI. I indeed indicated and I will repeat, the floor managers indicated their willingness to accept an amendment which makes the entitlement and direct spending that is in this bill subject to appropriations. They had agreed to that.

Mr. NUNN. The second question I would ask on the 302(b), is that the form 302(b)?

Mr. DOMENICI. They are more than B's. He is referring to some others and I believe we can help the floor managers with that and we will do that before the day is out.

Mr. NUNN. I would be delighted from our side to do everything we could to make sure we are in technical compliance, but I have to raise the question, we brought our bill out, it was already out of committee long before we had a budget resolution. That meant that we had already gone through the subcommittee markups, the subcommittees had already reported to the full committee. The full committee had already acted. The full committee reported to the Senate. The bill is pending on the Senate floor. Now, what substantive sense would it make to go back after we got a budget resolution and give subcommittees direction when we had already gone through the whole process? That would have been a useless exercise. And again I want to comply technically, but I see that as no substantive meaning at all.

Mr. HATFIELD. Will the Senator yield at this point? The Senator is enunciating the very frustration that beset the Appropriations Committee from the very beginning and I am glad to welcome the frustration.

Let me just say we cannot draw a distinction between technical and substantive violations for the simple reason we had to go through the process——

The PRESIDING OFFICER. Under the unanimous-consent agreement, the time of the Senator from New Mexico has expired. The Senator from Florida is now recognized for 5 minutes.

Mr. GOLDWATER. Parliamentary inquiry.

Mr. CHILES. I yield back my time.

The PRESIDING OFFICER. The Senator from Florida yields back his time?

Mr. GOLDWATER addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. GOLDWATER. Under section 300 of the Budget Act, on what date is the action on the concurrent resolution due to be completed?

The PRESIDING OFFICER. April 15.

Mr. GOLDWATER. April 15. One more question, Mr. President. Let me write that down before I forget it. Under the Congressional Budget Act, what effect upon the points of order discussed here today does the failure to complete the concurrent resolution on the budget on April 15 of this year have?

The PRESIDING OFFICER. It has no effect.

Mr. GOLDWATER. It has what?

The PRESIDING OFFICER. It has no effect.

Mr. GOLDWATER. Well, Mr. President, I raise those points because I am getting a little bit tired, as the chairman of the committee, of year after year after year completing our work when we are supposed to complete it and the Budget Committee never is ready.

Now, I think we ought to change the budget setup because we are not getting anything done under it. We have been ready since May, late May. Then we had to change everything because the Budget Committee said we were wrong. We changed everything. Then we had to change it again because they said we were wrong again. We are either going to straighten this out or you are going to have the Budget Committee running the Senate. I just repeat I am getting a little tired of this committee working its tail off and other committees sitting down doing nothing.

AMENDMENT NO 2627

(Purpose: To provide for a report by the Secretary of Defense on the impact of the new interpretation of the Administration concerning the Anti-Ballistic Missile Treaty)

Mr. WALLOP addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. WALLOP. I send an amendment to the desk on behalf of myself, Mr. QUAYLE and Mr. WILSON and ask it be stated.

The PRESIDING OFFICER. Does the Senator ask unanimous consent to set aside the pending amendment?

Mr. WALLOP. The Senator regrets that oversight and does.

Mr. DANFORTH. Reserving the right to object——

The PRESIDING OFFICER. The Senator from Missouri reserves the right to object.

Mr. DANFORTH. Mr. President, I am not going to object but I was wondering, if I could have the attention of the managers of the bill, if they have any intention with respect to a unanimous-consent request perhaps putting in sequence some future amendments so that Senators could be alert when their time at bat will come.

I and several Senators will have an amendment relating to defense spending for the NASA Program, and I think there are about four or five Senators who would like to speak on behalf of the amendment. I was wondering if we could have some idea of a time agreement when they would be on the floor.

Mr. GOLDWATER. If the Senator will yield, the Senator can have the next opening for the amendment. As soon as the Senator from Wyoming is through, get your act on the road.

Mr. DANFORTH. All right. I wonder if the Senator would yield for a unanimous consent request?

Mr. NUNN. Mr. President, will the Senator yield? It really does not matter to me what amendment comes next, but I do think we have an opportunity—the Senator from Massachusetts talked to us a few minutes ago about bringing up the comprehensive nuclear test ban amendment that he has, and he has, I believe, advised that he would be willing to take 1 hour with equal division. Is it my understanding the Senator from Missouri would be willing to take 1 hour equally divided also on his amendment?

Mr. DANFORTH. That is correct. Would the Senators decide which one would go first because if we could set both of those up we would be able to move very rapidly.

Mr. DANFORTH. It would be fine with me if the Senator from Massachusetts would go next after the Wallop amendment and if we can be recognized after that.

Mr. LAUTENBERG. Mr. President, reserving the right to object to that unanimous-consent request, there are others of us waiting with amendments as well, and to stand here while time is divided between two Senators is in my view not an appropriate way to distribute the time. We are looking for recognition. People are waiting on the floor. I have been prepared, as the Senator from Georgia knows, since last night to claim my time. But I do not want to stand by here while it is divided by others.

Mr. NUNN. I understand the point of the Senator. That is why we have the Chair and every Senator will have to get recognition. We cannot recognize any Senators. We would like to get unanimous consent if it is possible on both of those. Does the Senator from New Jersey have any time in mind for a possible unanimous consent on his?

Mr. LAUTENBERG. I would be content to have a half an hour, 15 minutes on each side.

Mr. NUNN. I would say to the chairman, we have three possibilities of unanimous consent agreements here. If we can work them out, as far as I am concerned, the sooner the better.

Mr. DANFORTH. Mr. President, I would be prepared to go third in that sequence. That is fine with me. All I wanted to know is if we could get some idea of where we are in the sequence so that the Senators who are concerned with the NASA amendment could be prepared. If we could lock up a unanimous-consent request now, which would include the NASA amendment, I would be most appreciative. One hour equally divided would be sufficient.

Mr. NUNN. I would suggest while we have the Senators on the floor that we propound each unanimous consent request without regard to which one would take priority and the Chair will have to decide that matter or the Senators can decide themselves. The Senator from Missouri is at least willing to have unanimous consent for 1 hour equally divided.

Mr. DANFORTH. Yes.

Mr. NUNN. Mr. President, I ask unanimous consent that the amendment of the Senator from Missouri concerning NASA allocations——

The PRESIDING OFFICER. The Chair will announce that there is a unanimous-consent request from the Senator from Wyoming pending to lay aside the pending amendment so we can consider the amendment of the Senator from Wyoming.

Mr. NUNN. I have no objection to that.

The PRESIDING OFFICER. Is there objection to the unanimous consent request of the Senator from Wyoming?

The Chair hears none, and it is so ordered.

□ 1700

The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Wyoming [Mr. WALLOP] for himself, Mr. QUAYLE and Mr. WILSON, proposes an amendment numbered 2627.

Mr. WALLOP. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Mr. President, reserving the right to object, I might not object if the Senator could give us the basic substance of the amendment.

Mr. WALLOP. I will be happy to respond.

My amendment deals with asking the Defense Department to file a report with the Senate by the 1st of February of next year asking them to tell us——

Mr. KENNEDY. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end thereof, add the following:

SEC. . REPORT ON THE ANTI-BALLISTIC MISSILE TREATY.—The Secretary of Defense shall, not later than February 1, 1987, transmit to Congress a report concerning the impact of the less restrictive interpretation of the Anti-Ballistic Missile Treaty. Such report shall include, but not be limited to the following:

(1) an analysis of the ramifications of the less restrictive interpretation on the development under the Strategic Defense Initiative program, of strategic defenses, including comprehensive strategic defense systems, and more limited defenses designed to protect vital U.S. military and command and control assets, based on "other physical principles". This analysis should compare research and development programs pursued under both the restrictive and less restrictive interpretations of the ABM Treaty, including a comparative analysis of—

(A) the overall cost of the research and development programs

(B) the schedule of the research and development programs, and

(C) the level of confidence attained in the research and development progams with respect to supporting a full-scale engineering development decision in the early 1990's; and

(2) a list of options under the less restrictive interpretation of the ABM Treaty that meet one or more of the following objectives: (a) reduce the overall development cost, (b) to advance the schedule for full-scale engineering development decisions, or (c) to increase the level of confidence in the results of the research by the original full-scale development date.

Mr. WALLOP. Mr. President, I ask unanimous consent that it be in order that the unanimous-consent request on the three amendments that have been mentioned, if possible, be propounded now.

Mr. NUNN. I thank the Senator from Wyoming.

Mr. President, I ask unanimous consent that the amendment of the Senator from Missouri concerning NASA funding be given a 1-hour time limit, with the time equally divided.

Mr. DANFORTH. And no amendments.

Mr. NUNN. And no amendments thereto.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NUNN. Mr. President, I ask unanimous consent that the amendment of the Senator from New Jersey be allocated 30 minutes, 15 minutes on each side, equally divided, with no amendments thereto.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. WARNER. Mr. President, I may withdraw that objection if the Senator will tell us what the context of the amendment is.

Mr. LAUTENBERG. It has to do with the wearing of religious apparel in the military.

Mr. WARNER. Mr. President, would the Senator from New Jersey and the ranking minority member consider adding time? There are speakers on our side who wish to address this issue. I do not know how many there are and what time would be consumed. I would think an hour would adequately protect the interests on this side.

Mr. LAUTENBERG. I have no objection.

Mr. NUNN. Mr. President, I propound another unanimous-consent request; that the amendment of the Senator from New Jersey be allocated 1 hour, with time equally divided between the proponents and the opponents, with no amendments in order thereto.

The PRESIDING OFFICER (Mr. MCCONNELL). Is there objection?

Mr. LEVIN. Mr. President, reserving the right to object, will the Senator

modify that to allow for one germane amendment that I may wish to offer?

Mr. NUNN. I defer to the minority leader.

Mr. LEVIN. On the same subject.

Mr. BYRD. Mr. President, there is a little difference between germaneness and relevancy. I am just stepping into this. I do not know anything about the amendment, the identification of it. I simply want to be sure that the managers have some identification of the amendment, so that all Senators will realize what they are entering into.

I merely suggest to my distinguished friend that if we can get identification of the amendments and if he can continue, as he is doing, to get agreements that no amendments be in order, unless they are identified or germane, it would be fine.

Mr. LEVIN. The amendment I would offer would be on the same subject and would be germane.

Mr. NUNN. It would be about religious apparel?

Mr. LEVIN. Yes.

Mr. NUNN. Does the Senator from Virginia have any objection?

Mr. WARNER. No.

Mr. NUNN. Mr. President, I amend my request so that one amendment would be in order, and that would be the amendment by Senator LEVIN, which would be germane and on the same subject.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. NUNN. Mr. President, I seek the attention of the Senator from Virginia on the next request. There might be a problem with this request.

The Senator from Massachusetts has an amendment—and I understand the Senator from Massachusetts will confirm this—which has to do with the comprehensive test ban, ratification of the Threshold Test Ban Nuclear Explosion Treaty.

Mr. President, before I propound a request, it would be my intention to propound a unanimous-consent request for 1 hour, equally divided, with no amendments being in order.

Mr. WARNER. Mr. President, we would have to object. However, I wish to consult the distinguished chairman of the Foreign Relations Committee, who will handle the debate, instead of the Armed Services Committee. So we will endeavor to consult them. My understanding is that he would object to any time agreement.

Mr. NUNN. Perhaps we could find out what the content of the amendment would be; and if the Senator from Massachusetts would not object and there were no objections, we could agree on one amendment and specify what the amendment would be.

Mr. WARNER. My suggestion is that the staff work with the staff of the Foreign Relations Committee and see if they can contact the chairman.

Mr. KENNEDY. Mr. President, I hope we can work something out on this. I will be glad to enter into whatever time agreement we can.

I indicated to the ranking minority member last evening that we are prepared for an hour of consideration, evenly divided. At that time, there appeared to be no objection to it. But I understand that Members might want to be assured of adequate time to discuss the issue.

While unanimous-consent requests are being made, I hope the manager and the minority floor manager would recognize that on the amendment I will offer on Davis-Bacon and the service contract provisions that are in the bill, which have little if anything to do with the defense authorization, I also would be prepared to enter into a time agreement of an hour, so that we could expedite the whole consideration of the defense authorization bill. I want to make that public.

There may be some objection to it, but I want to indicate a willingness to work with the floor managers of this bill, to see if we can get this agreed to in a timely fashion.

Mr. NUNN. I think it would be very helpful if we could get a time agreement of an hour on both of those, and I will work toward that end. I will withhold any unanimous-consent request at this time.

Mr. GRAMM. Mr. President, will the Senator yield?

Mr. WALLOP. Mr. President, I believe the Senator from Wyoming has the floor and yielded——

Mr. NUNN. I yield the floor.

Mr. GRAMM. Mr. President, will the Senator from Wyoming yield to me briefly, to respond to the Senator from Massachusetts?

Mr. WALLOP. The Senator yields for the purpose of one response. The Senator from Wyoming does not wish it to take place over his amendment.

Mr. GRAMM. I thank the distinguished Senator from Wyoming.

I would be happy to enter into a unanimous-consent agreement on an amendment relating to Davis-Bacon and a separate unanimous-consent agreement on an amendment relating to the Service Contracting Act. I would be happy to allow the distinguished Senator from Massachusetts to set any time limit he sought.

I will not enter into a unanimous-consent agreement and will object to any unanimous-consent agreement with respect to a time limit on an amendment that considered both items at once.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. DANFORTH. Mr. President, will the Senator yield for about 15 seconds?

Mr. WALLOP. I yield 15 seconds to the Senator from Missouri, without losing my right to the floor.

Mr. DANFORTH. Mr. President, I ask the Senator from Georgia and the Senator from Virginia, with respect to the two amendments on which there are time agreements, is there any possibility of determining—I would have to come second. In other words, after the Wallop amendment is disposed of, would it then be in order to recognize the Senator from New Jersey, let him deal with his amendment, and then deal with the NASA amendment, in that sequence, so that we will not have to sit around the floor, scrambling for recognition?

Mr. NUNN. That is fine. I hesitated to propound that unanimous-consent request, because then we would have to see who was recognized. I hope the Senators can work that out.

Mr. DANFORTH. Mr. President, I ask unanimous consent that after the disposition of the Wallop amendment, Senator LAUTENBERG be recognized; that his amendment be disposed of; that subsequent to the disposition of the Lautenberg amendment, I be recognized, and that the NASA amendment be in order.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. We have no objection, except that I understand there may be an amendment to the amendment of the Senator from New Jersey, in which case that should be incorporated in this unanimous-consent request.

Mr. DANFORTH. I think it is incorporated. That is understood.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

□ 1710

The Senator from Wyoming.

Mr. WALLOP. Mr. President, the amendment which I sent to the desk is really simple and I believe noncontroversial. It has been cleared with the distinguished managers of the bill.

The amendment would simply require the administration to report to Congress by February 1, 1987, on how current SDI programs would be impacted by or reconstructed under the new interpretation of the ABM treaty.

My colleagues are all certainly aware that in October of last year, the administration announced that after a thorough review of the ABM Treaty negotiating history, their judgment was that a broader interpretation of what is permitted in the area of research and development and testing of ABM systems or their components was justified. They then decided that even though this new, broader interpretation was legally valid; the United States would adhere strictly to the narrow interpretation.

My amendment does not prejudice in any way the question of which interpretation is more valid or whether

the United States should be adhering to one or the other. It is simply informational, designed to see what we would do differently under the new interpretation, specifically, how the new interpretation might effect the cost and time schedule of and technical confidence in the SDI Program.

Mr. President, it seems to me that we in Congress need to know how this new interpretation effects the SDI Program, and more important, that the American people have a right to know. I expect that this amendment will not require a rollcall vote and I hope that all Senators will support it, particularly since we have had a letter at DOD since last October requesting precisely this information. If they have not examined the issue they should. How else can we make policy decisions if the consequences of choices remain unknown to us?

Mr. President, it is my understanding that the distinguished floor managers of the bill have reviewed and accepted this amendment and I would ask them if that understanding is correct, and, if so, I am prepared to ask for the question on the amendment.

Mr. WARNER. Mr. President, I apologize for being away from my desk momentarily.

I say to my distinguished friend from Wyoming that his amendment is acceptable to this side and I wish to commend him for it.

It is a subject which we have dealt with from time to time in the Armed Services Committee hearings and it is an important body of fact which should be brought to the attention of the Senate within the time frame as provided in the amendment.

Mr. WALLOP. I appreciate that.

It is my understanding that the distinguished minority floor manager is of the same view.

I thank him and his staff for working with me on the language of the amendment in addition to that of the majority.

Mr. WARNER. Mr. President, I apologize to my colleagues. I was looking for a copy of the amendment which I had not received.

Mr. NUNN. I intend to support the amendment. We have a couple of copies floating around here and I want to make sure that the one at the desk is the one we have.

The amendment in front of me has section (A) which reads "the overall cost of the program including the research program and future development programs."

Mr. WALLOP. The Senator is correct.

Mr. NUNN. That is the correct amendment.

Mr. WALLOP. It is the last one the manager and majority staff had.

Mr. NUNN. The cost is in there.

Mr. WALLOP. Yes.

Mr. WARNER. Again we indicate acceptance on this side.

Mr. NUNN. Mr. President, I am sure I have been given this amendment from the desk, and I believe that perhaps inadvertently, I am sure inadvertently the word "deployment" cost has been left out.

Mr. President, I am told the amendment at the desk is the amendment we have looked at and, therefore, I urge its adoption.

Mr. WALLOP. Mr. President, I call for the question on the amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment of the Senator from Wyoming.

The amendment (No. 2627) was agreed to.

Mr. WALLOP. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WARNER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WALLOP. Mr. President, I particularly thank the distinguished floor managers and their staff. They have been cooperative in trying to seek the information which the Senate approved.

AMENDMENT NO. 2628

(Purpose: To permit members of the Armed Forces to wear, under certain circumstances, items of apparel not part of the official uniform)

Mr. LAUTENBERG. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG] for himself, Mr. D'AMATO, Mr. KERRY, Mr. WILSON, Mr. SIMON, Mr. BOSCHWITZ, Mr. SPECTER and Mr. GRASSLEY proposes an amendment numbered 2628.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 229, between lines 14 and 15, insert the following new section:

SEC. 1221. WEARING RELIGIOUS APPAREL NOT PART OF THE OFFICIAL UNIFORM.

(a) IN GENERAL.—Chapter 45 of title 10, United States Code, is amended—

(1) by redesignating section 774 as section 775; and

(2) inserting after section 773 the following new section:

"§ 774. Wearing religious apparel

"(a) Except as provided in subsection (b), a member of the armed forces may wear an item of religious apparel if—

"(1) the wearing of that item of apparel is part of the religious observance of the religious faith practiced by the member; and

"(2) the item of apparel is neat and conservative.

"(b) The Secretary concerned may prohibit a member from wearing an item of religious apparel if the Secretary determines that the wearing of such item significantly interferes with the performance of that member's military duties.".

(b) CONFORMING AMENDMENTS.—The table of chapters at the beginning of such chapter is amended—

(1) by redesignating the item relating to section 774 as 775; and

(2) by inserting below the item relating to section 773 the following new item:

"774. Wearing religious apparel.".

Mr. LAUTENBERG. Mr. President, today I am offering an amendment to permit the wearing of neat and conservative religious apparel in the military. Under my amendment, such apparel would be permitted only if it does not significantly interfere with the performance of military duty.

This amendment tracks S. 2269, legislation I introduced earlier this year with Senator D'AMATO in response to the Supreme Court's 5 to 4 decision in Goldman versus Weinberger. Language identical to this amendment has already been incorporated into the House version of the Department of Defense authorization bill. In Goldman, the Court held that the military's perceived need for uniformity of dress, and for discipline, overrode the first amendment right of an Orthodox Jewish serviceman, Dr. Goldman, to fulfill his traditional Jewish obligation by wearing a skullcap. Our amendment would permit Dr. Goldman to serve his country while at the same time allowing him to remain true to his religion. And it would permit others like him, of whatever faith, to do the same.

This amendment, and this issue, is broader than any one religion. It concerns the right of people of all faiths to serve their country without having to forsake their religious beliefs and practices. It would affirm the religious and ethnic diversity that have made America strong, not weak.

The primary philosophical objection to this amendment has been that wearing visible items of religious apparel may threaten the military uniformity necessary in building unit cohesion. While I appreciate and agree with the importance of unit cohesion and esprit de corps in the Armed Forces, I do not believe that wearing neat, conservative and unobtrusive religious apparel threatens this principle.

To the contrary, it would strengthen morale by affirming that the military is a humane and tolerant institution. And as Justice Brennan made clear in his moving dissent to the majority opinion in Goldman, allowing religious apparel to be worn with a U.S. military uniform is an eloquent reminder that the shared and proud identity of U.S. servicemen embraces and unites religious and ethnic pluralism.

Although uniformity is claimed as an important value, the services easily permit other manifestations of reli-

gious diversity. Service members attend Christian, Islamic, Jewish and other religious services. Barracks mates see Mormons wearing temple garments and Catholics wearing crosses and scapulars. It is obvious that our services are made up of people from different faiths and ethnic backgrounds and that diversity is America's greatest asset. It is no secret, nor should it be.

Further, I should point out that the record here and abroad on the wearing of religious apparel support my position. In the Goldman case, for example, it was established that Captain Goldman himself, as well as many other members of the armed services, had worn skullcaps for many years in the military service without any apparent disruption, difficulty, or adverse impact on military effectiveness.

□ 1720

And the dissenting justices—and I remind you that there were four—pointed out there was no evidence in the record that the discipline of the Armed Forces would be subverted if Orthodox Jews are allowed to wear skullcaps with their uniforms, nor did the Air Force offer any basis for such a contention as a general proposition.

Further, for years, our Army accepted Sikhs and allowed them to wear their turbans for decades. It still allows them to reenlist under those conditions. Would an Army that believed that the wearing of turbans impaired morale permit these Sikhs to enlist year after year? Obviously, I think not.

The Army has stopped enlisting Sikhs since its lawyers voiced concern that if the Army tolerated Sikh turbans, it would have to allow saffron robes as well. So in changing its enlistment policy toward recruits who wear turbans as a matter of religious practice, the Army was objecting not to turbans, but to saffron robes. It is my position that the wearing of robes might interfere with the performance of military duty, and would therefore probably not be permitted under the terms of this amendment. However, that would be a decision left for the services to make in the first instance, as would all decisions under this amendment.

There is ample evidence from other countries that wearing religious apparel does not interfere with the fighting spirit of the military unit. The Israeli Defense Forces, for example, have many servicemen who go into battle, distinguishing themselves, wearing skullcaps. After successes in four separate wars, it is hard to argue that the yarmulke in any way interfered with their ability to wage successful war.

Furthermore, research by the Congressional Research Service indicates that in Canada, New Zealand, and India, Sikh and Jewish soldiers are permitted to wear their religious headwear and their religious artifacts with other standard items of clothing.

In the United Kingdom, Sikh members of the services are permitted to wear turbans, and to keep their hair long, if they choose. And we are not advocating that. And the Queen's Regulations for the Royal Air Force, which generally require all personnel to remove their headdress while on duty before a judge or magistrate, specifically exempt members of the Jewish faith or other religions which require the head to be covered on solemn occasions.

Our own experience, and that of other countries on this question speaks for itself. There is simply no evidence that the wearing of visible religious apparel interferes with uniformity or unit cohesion.

Our citizens in uniform should not be deprived of their basic constitutional rights, such as the free exercise of religion, the minute they enter the military. There must be a compelling and supportable argument justifying such a prohibition. None has been made.

Some of the services have argued that the neat and conservative standard will be hard to apply, forcing them to make delicate and difficult distinctions between religious garb. But the services have a successful record of using the neat and conservative standard to distinguish acceptable from unacceptable jewelry. If we can make this distinction for neat and conservative jewelry, why can't we make it for religious apparel.

Certainly, the wearing of apparel central to the practice of one's religious beliefs is more important and worthy of review than the wearing of jewelry. The Air Force permits the wearing of up to three rings and one identification bracelet of neat and conservative but nonuniform design. This jewelry is permitted even if, as if is often the case with rings, it associates the wearer with a denominational school or a religious or secular fraternal organization. These items are not deemed to be unacceptably divisive. I cannot see why religious apparel that is neat and conservative would be.

In closing, I want to emphasize, once again, that this amendment is not confined to the wearing of skullcaps, but addresses the wearing of any item of apparel that is part of the member's religious observance. The amendment states, "In order to preserve constitutional rights to the free exercise of religion, a member of the Army, Navy, Air Force or Marine Corps may wear any neat and conservative item of apparel if the wearing of such apparel is part of the religious observance of the member, unless the wearing of such apparel significantly interferes with the performance of the member's military duties."

I urge my colleagues to approve this amendment so that the practice of religion and service to one's country need not be in conflict.

Mr. President, I ask unanimous consent to add Senator GRASSLEY as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMON. Will the colleague yield?

Mr. LAUTENBERG. I yield to my distinguished colleague from Illinois.

Mr. SIMON. Mr. President, I simply want to rise and support this amendment. Back when I was in the Illinois general assembly, I found myself sponsoring the amendments that accommodated religious minorities—Seventh-Day Adventists, Christian Scientists, Jehovah's Witnesses. In the process, I learned a little more about the diversity that is America, that makes America rich.

One of the things we ought to do is to accommodate religious diversity and go out of the way to do that. I think this is a very, very small gesture in the right direction.

I strongly support the amendment. I commend my colleague from New Jersey for offering this amendment.

Mr. LAUTENBERG. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time?

Mr. GOLDWATER. Mr. President, this is something that should never be allowed by the Congress of the United States. Now, the purpose of this is to permit military members to wear religious apparel in uniform if it is part of a religious observance of a faith practiced by the member and is neat, conservative, and unobtrusive.

Well, let us stretch that a little bit. Let us say the man is a Moslem. Would he be allowed to wear all the dress and gear of the Moslems? Suppose he is a Hopi Indian? They like to wear a red band around their head. That is religion, too. It may not be our religion, but it is religion.

The headdress, the feather headdress of many of the Indians in this country, that is religious. It is not just on there for ornamentation.

And then, if you are stretching it far enough, you might see someday a man in kilts. It is hard to relate that to religion, but it probably could be done.

Mr. President, one of the great things about the service is the uniform. It is the pride of the man who is wearing that uniform that does more to create the strong morality of our Armed Forces than anything else.

I might say, Mr. President, that when we allow uniforms to become sloppy, when we allow the shoes to be

unshined, when we allow them to disregard the uniform dress codes, then we begin to see the breakdown of morality and we begin to see the breakdown of the Armed Forces.

The Supreme Court, of course, has held in Goldman versus Weinberger, that the Orthodox Jewish Air Force captain had no first amendment right to wear the yarmulke in military uniform and that military uniform regulations do not violate constitutionally guaranteed rights.

Military uniforms have that name because they are to be uniform. That is why each of the services has a different uniform. The Air Force wears blue. The Army wears green. The Navy wears blue. This has been done down through the 200-odd years of our history. Never before has there been suggested the idea that we could have a difference in the way different members of the armed services dress.

The military uniforms have that name because they are to be uniform. And, as I said earlier, studies have identified failure to enforce and require uniform dress and appearance in military as being a major source of discipline problems. And, Mr. President, I can tell you, as one who has served, along with many other Members of this body, in the military, that this is one of the first things we recognize. You look at an outfit where they allow sloppiness, then it is a bad outfit. I am not saying the same thing would apply if a man wore a religious object.

□ 1730

What I am getting at is if you allow men or women in the services to wear one type of differentiation in their uniform, it is not going to be long before they are wanting to get in on the act. I probably will be criticized very loudly. I happen to be half Jewish. But I do not go around wearing half of this and half of that. I want to wear the uniform of my country. That is what I am proud of. I am proud of my religion. I happen to be Episcopalian. I am also proud of being half Jewish. I do not think this is any time or place for us to be arguing whether or not we allow differences in the uniform. The amendment would require military commanders to become judges of appropriate military apparel such as caps, armlets, turbans, beards, hair tufts, daggers, face coverings for females.

I think it will lead to endless unnecessary litigation involving Armed Forces and their individual members. A survey as part of the study indicate there could be a substantial negative response among Armed Forces members if visible uniform exceptions were to be made.

Mr. President, I have to oppose this as strongly as I can. I do not think to vote no would indicate any antireligious feeling. I do not think voting for it is voting for a strengthening of our Armed Forces. If you are not happy in uniform, get out of the uniform. Join something else. If you are unhappy because you cannot wear a red button, get out, join something else. If you are unhappy because you cannot wear a religious item, you do not have to stay in the outfit. Get someplace where you can be happy. I feel very strongly about this, Mr. President.

I devoted too many years of my life to the military to idly stand by and watch something like this start the deterioration of our uniforms. I also consider myself to be a rather religious man. But I can see no connection between religion and the wearing of a uniform.

I yield the floor.

Mr. SPECTER addressed the Chair.

THE PRESIDING OFFICER. Who yields time?

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I support the amendment on the grounds that it sets forth a reasonable and limited standard under which there may be a limited wearing of a religious item like the yarmulke without unduly interfering in any way with the military function. When the Supreme Court of the United States decided in a 5-to-4 decision that the conduct was not covered under the first amendment, that in no way reached the issue whether it would be appropriate for the Congress of the United States to consider the matter as a matter of public policy for legislation in this body.

The distinguished Senator from Arizona comments that this is not the time or place to consider the matter, and I disagree respectfully, but I disagree. I think that the decision by the Supreme Court of the United States is not a correct decision. When those nine Justices decide a case, five come up on one side and four on the other. It is a hairline difference of opinion as to whether the first amendment properly accepted this conduct within the ambit of freedom of religious expression.

But that is not at all the same issue as whether it is a matter of public policy that the Congress ought to say that the wearing of an item like the yarmulke is acceptable. It is, after all, for the Congress of the United States to establish the rules governing the military course of the United States. That is our promise.

We are today considering the Department of Defense authorization bill. We decide what the Department of Defense should do, what its numbers should be, what its organization should be, what its weapons should be, and what its dress should be. So this is particularly and peculiarly a matter within the ambit of congressional decision.

When the distinguished Senator from Arizona talks about a breakdown of morality, Mr. President, I suggest exactly the contrary. Where you have people who are religious and who care sufficiently about a religion to undertake a certain kind of dress or garb, that is a firm showing of morality. I think the morality of that individual would be enhanced, and to the extent that it is a concern for the discharge of military responsibility, it would be a plus and not a minus.

Mr. President, I do not believe that there would be any undue trend toward very extreme situations if this legislation were to pass. If there were to be a head dress, if there were to be a turban, that might not be so bad. Certainly, when you consider what is meant by the yarmulke, a very small skullcap, that does not interfere with the ability of some of the military to perform their service.

The case at hand which led to the Supreme Court decision involved a doctor who chose to wear a yarmulke under those very limited circumstances.

Mr. President, I think there is a feel, a tone, a sense that arises from this Supreme Court decision which really goes beyond the items which we have talked about today. And that is a feeling that for a limited dress and a limited item a man or a woman ought to have the latitude to have that particular item of apparel. I think it is a sound approach, certainly within the purview of the Congress, to make a decision. I do believe it is an appropriate action for us to take. That is why I support the amendment as offered.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER and Mr. LAUTENBERG addressed the Chair.

Mr. WARNER. Mr. President, I am happy to yield.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. WARNER. At some point in time I would like to address this issue.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. LAUTENBERG. I yield time.

Mr. LEVIN. I ask for 5 minutes if the Senator from New Jersey will yield.

Mr. President, I rise in support of the amendment of the Senator from New Jersey, and ask unanimous consent that I be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, this is obviously an issue of a sense of vision, one I think all people of good will would like to try to resolve. But the facts are that very few of our military people are of the Orthodox Jewish faith. We have a proportionate per-

centage of our military that are Jewish, but most of the members of the Jewish faith are reformed and conservative Jews or reconstructionist Jews. They do not have this requirement of wearing the small skullcap when they are indoors. But those of the Orthodox Jewish faith have this religious requirement. What is important for all of us to remember is that this requirement has always been accommodated in the American military. And I say this again because it seems to me that this is the critical fact.

This religious need has always been accommodated in the services. Orthodox Jews died in World War II with their skullcaps on; that is, if they were killed indoors and if they were the victim of a shelling. There is no requirement to wear the skullcap when outdoors. It is only indoors that there is a requirement to have your head covered. This skullcap has been so unobtrusive that it has not even been noticed by most people. I have checked with Jewish chaplains, and have checked with my own military adviser on my staff who is a retired Army colonel. They all say Orthodox Jewish soldiers indoors have always worn skullcaps. They have been unobtrusive, never noticed, and accommodated in a pluralistic society.

What is changed is not a sudden desire to wear the skullcap. That has not changed. That is thousands of years old. What has changed is that we have a Supreme Court opinion which says that the abstract prohibition on wearing skullcaps is constitutional. That is not the issue. The issue is whether we can accommodate something which has been traditional, which has created no problem and do so without doing a disservice to what my friend from Arizona correctly states is a requirement of military discipline. There is no doubt that we have to have discipline in the military. There is no doubt that we have to have uniforms.

□ 1740

We allow for minor deviations with rings. We allow for minor deviations with bracelets. This would not be a deviation from practice. The practice has been to allow the skullcap indoors because it has been unobtrusive and has created no problem.

The Defense Department did a study on this. That study, I think, is about 100 pages long. The one thing that it does not do is to ask people the very simple question: Has the wearing of skullcaps been allowed and, if so, has it created a problem? The answer is that it has been allowed and it has created no problem.

There is not a word in the study about common sense, practice, practicality, accommodation.

Has this been allowed? Have orthodox Jews in World War II, Vietnam, Korea, and in between been allowed to wear a skullcap which is unobtrusive when they are indoors?

The answer is yes. There has not been any problem.

We are creating a problem for ourselves, not because there is a new practice which is being sought, but because there is an abstract regulation which the Supreme Court has said is constitutional.

This can be accommodated without any violation of custom in the military, which has allowed it, and without any violation of the need for uniformity and discipline.

Our military services fight for a lot of causes, a lot of American ideals. One of those ideals that they fight and die for is American pluralism. That is one of the things our military is all about and that is one of the reasons they are there.

If my time has been exhausted, I might ask for 2 additional minutes.

Mr. LAUTENBERG. I would agree to that.

Mr. LEVIN. Mr. President, in a speech of President Reagan to a Baptist convention in 1984, he read from a letter from a Jewish chaplain who was present at Beirut when over 200 marines were killed. The chaplain described his experience. This was a chaplain who was wearing a small skullcap, took off his skullcap and used it to mop the brow of a wounded marine, and of his Catholic brother, a chaplain, who tore off a piece of his clothing, the Catholic chaplain's clothing, to replace the skullcap of the Jewish chaplain's head because the Catholic chaplain, Father Butarelli, wanted everybody to know that American soldiers were fighting for American pluralism. This demonstrates the pluralism of this society, this is what we were protecting in Beirut, and this is what is so different from what exists in many parts of the world.

That was a plus in Lebanon where they kill each other for religious differences. In this country, we fight to accommodate religious differences. My point is that we have done this for decades in the military; we have allowed these skullcaps to be worn in an unobtrusive way.

We have accommodated it, we have defended it, we have protected it, because this practice has been no problem. There has never been a problem.

We are creating a problem. We are creating a problem if we do not allow it. If we return to the draft, if we ever do, what do we say; Orthodox Jews cannot serve in the military? Do we want to say that, that Orthodox Jews cannot serve in their country's service? Does anyone here want to say it? I do not think anyone does.

The only way an Orthodox Jew can serve is if he is allowed to wear a skullcap indoors. It is his religion. We should not be excluding people unless there is a mandatory reason to do so. We do not have to exclude these people. We never have. I repeat. We never have. We have accommodated this religious difference without any difficulty. I yield the floor.

Mr. WARNER. Mr. President, it is with a great sense of reluctance that I stand in opposition to the amendment.

I first would like to recognize my two colleagues for having brought up a subject which I respectfully believe they feel very strongly about.

I have had opportunities in our enjoyable careers in the Senate to talk with the distinguished Senator from New Jersey about his military career during World War II, in the closing stages of that conflict when he was in Europe with the U.S. Army. I know he speaks not only from a sense of conviction that also a sense of pride, having served in uniform. He understands full well the practical difficulties that have been pointed out here today.

I would ask my distinguished colleague from Michigan about one point. I am searching my memory. This has been a learning experience for some of us here in the past half hour. I cannot recall whether or not the orthodox members of his faith wear that skullcap aboard ship, which technically is an enclosed area. I cannot recall in my Navy experience of having seen that. Does the Senator know that regulation?

Mr. LEVIN. I believe the practice is that if they are indoors, they do wear their skullcap.

Let me again assure my friend, who I know is extremely sensitive, who has shown sensitivity all his life, that this has been so unobstrusive, such a nonproblem, that it has never been noticed until the Supreme Court opinion approved an abstract regulation. Until then it was never a problem.

The Orthodox Jews have, on ship, indoors, worn either a hat or a cap. It does not have to be a skullcap. If they were not allowed under their military regulations to wear their military cap indoors, they have had a small skullcap, which was unobtrusive. No one has ever noticed.

Mr. WARNER. I point out to my distinguished colleague that while great emphasis was placed on wearing this particular issue of religious faith during a military career, would the Senator from Michigan wish to address other issues which have been raised here; namely, that other forms of religious issue could well be disruptive? Would the Senator care to address that question?

Mr. LEVIN. I think the critical issue here is the obtrusiveness. As the Senator from Arizona pointed out, and others have pointed out, it is important that we have a uniform. That is clear. And that any deviations from that uniform, such as a ring or brace-

let, be allowed. We allow for rings with religious insignia on them and we allow for bracelets, which are unobtrusive. The skullcap is so unobtrusive that very few people have noticed that it has been worn. And it only has to be worn inside.

Mr. WARNER. Indeed, the skullcap is unobtrusive. In my brief tenure in active service in World War II and Korea, I do recall seeing, even in the combat zone, the apparel described by the Senator.

However, being unobtrusive in that particular case, the commanding officer could presumably be faced with a series of requests and some of the religious apparel might not only be obtrustive but interfere with the conduct of military duties.

I recall so well one time in my experience in Korea an officer who had not been up to the frontlines came up and he was wearing a red scarf. He did it because he was of a high rank and he thought that would single him out.

It sure did. It brought in an incredible amount of battery fire on a lot of innocent persons who, fortunately, in this instance, were not hurt. I remember that particular man being tackled and thrown into a bunker and covered up by his comrades very quickly. That scarf was interpreted by the enemy looking to it that perhaps he was a generalissimo and they wanted to get him fast.

I point out that there are complications.

Mr. LEVIN. That is always true, that inaction can interfere with military duties. That is why the amendment does provide that this unobtrusive skullcap could be prohibited if it interferes with one's military duties. If this should be the case, there is no doubt that the military need must come first. There is no question about that, and you have to be able to prohibit even an unobtrusive skullcap if it interferes with one's military duties.

My friend from Arizona is correct. The military obligation and military duty have to come first. We have always accommodated this skullcap; that is my point. If it is inconsistent with discipline and duty, the skullcap has to go.

□ 1750

Mr. WARNER. Mr. President, if I may ask another question of the proponents. I go back to the prolonged and passionate debates on school prayer. I recall that certain Senators brought up the issue of peer pressure. I must confess, that was the most difficult issue I found in the debate on school prayer; namely, that members, and I think a lot of emphasis was put on the Jewish faith—would feel that they had to do certain things and that they would be singled out. In this instance, there would be a certain amount of peer pressure among the members of a religious group to conform to whatever one or two might have done. As such, they might feel obligated as an entire group or unit to wear the manifestation of their religious faith, perhaps against their better judgment, because of peer pressure. Am I raising the subject fairly?

Mr. LAUTENBERG. Mr. President, if I may respond to my friend and colleague from Virginia, I think they are unrelated for the most part because we talk about school prayer. Of course, we do not want to open up a debate on that.

Are we talking about something that says that all or the majority of the attendees have to observe?

In this case, the peer pressure, if any, would be on the individual who has the courage to wear that skull cap or to wear that unique identification that says, "Look, I am as good an American as anyone else is, I am proud of my religion and I do not think that wearing this, that, or the other, as long as it does not interfere with my duty, in any way detracts from my being a good soldier, a good sailor, or a good airman."

Both the distinguished Senator from Virginia and the very distinguished Senator from Arizona have great experience and I have too much respect for their concerns to deny that their observations would be significant. But what we have tried to do is make certain that there is ultimately a commanders decision someplace along the line that says, "If this interferes in any way with the performance of your duty, you are prohibited." The amendment clearly states that.

I also do want to respond very briefly. I served in World War II; I got to the rank of corporal. It took me a long time to get there. But I do remember, for the benefit of the distinguished Senator from Arizona, that there was an allowance even then for store-bought additions to the uniform. I could not afford it. I wore GI issue. I kept it neat, I kept it pressed, I kept my shoes polished. I was afraid of incurring the wrath of the platoon commander if I did not. I was very reserved.

I am not an Orthodox person and do not wear manifestations of my religion. But I served with those who did and they served as well as anybody in the unit. So I do not think it in any way breaks down morale, breaks down pride, eliminates the ability to have a cohesive fighting unit that knows what its job is.

As a matter of fact, as has been said several times here now, I think rather it asserts once again that we in America are of different lots. We have our uniform, we have our pride in our Nation; yet it never suggests at any time that we have to sacrifice our particular ethnicity or our religion.

I hope that we do not make decisions here based on a breakdown in the structure of the military units that we might be able to maintain discipline. I used the examples of other countries where they have good fighting people and they permit the obvious manifestations of religious affiliation. I hope that our colleagues will see this, as the Senator from Michigan has said, as a practice that has taken place over many years. It has never interfered with the performance of duty to our knowledge.

We preserve the right, again, for the field commander, for the service commander, for the Secretary to make those decisions and hope that we will be able to move ahead with this and assert that we support uniformity, cohesiveness, high morale, et cetera. At the same time, we believe that people have the right to see that their religious observance is carefully supported.

Mr. WARNER. Mr. President, we are all aware of the fact that our men and women in the Armed Forces serve throughout the world.

Regrettably, there are certain parts of this world that practice religious intolerance. My concern would be if we were to write this into law—I happen to believe there would be a certain amount of peer pressure connected with this were it to be written into law. We may have a disagreement, but I feel that way.

If members of a certain religious faith felt they were obligated, now that this would be a matter of law, to wear that religious apparel, it might well jeopardize that individual in certain parts of the world to bodily harm and injury and might very well associate that individual in the proximity of wherever he or she may be serving his position.

Does the Senator see that as a problem?

Mr. LAUTENBERG. I do not see that as a problem. I see it as a problem of the past, when we reinforce our belief that every one of our citizens is entitled to serve wherever we send them. We have had some unhappy moments when some of our purportedly friendly countries have said, "We don't want any American Jews sent here, whether they are members of the military or members of the diplomatic corps." There were some shameful moments when the United States agreed. But we had second thoughts. We have said time and again, "An American is an American is an American, whether he is a Jew or black or whatever, we are proud of them. If you want our friendship, you will take our citizens as 100 percent American citizens."

Frankly, I do not think it is a problem.

Mr. WARNER. If my friend will yield, I did not suggest it as a policy; I suggested it might be a problem. We have had young people going to parts of this world where there is religious prejudice and they might be subject to attack.

Mr. LEVIN. There are places where black Americans are not welcome in this world and nobody would tolerate our not sending black soldiers with white soldiers anywhere just because they might be subject to attack. That is not what we are all about in this country. We stand for something and our fighting people die for something. That is really what it is all about.

What is ironic here is that this is one of the rights that we are fighting to protect, the right to religious pluralism.

Mr. WARNER. Mr. President, I agree with the Senator on that point. I was not suggesting in any way——

Mr. LEVIN. Let me quickly say that I know the Senator from Virginia very well. The Senator is an extraordinarily sensitive person on this issue and however we resolve this issue, he is still a very sensitive person on this issue, as is our friend from Arizona and our other colleagues who have spoken or may speak. That is not the issue.

Mr. WARNER. Mr. President, I am prepared to yield back my time. My colleague from Georgia may wish to address this matter.

Mr. THURMOND. Mr. President, I would like a few minutes.

The PRESIDING OFFICER (Mr. HECHT). The Senator from South Carolina.

Mr. THURMOND. Mr. President, I have the greatest respect for the proponents of this amendment. However, I cannot agree with them on it. I rise in opposition to it.

The goal of this amendment is to overturn a Supreme Court ruling through legislation. The case in question is Goldman versus Weinberger, a 1986 decision.

If this amendment is adopted, we will be placing military commanders in a position of deciding which religions will have the benefit of the statute and which will not. This is wholly inappropriate.

The Department of Defense should never be put in the position of endorsing or rejecting specific religions, and this is exactly what will happen if this amendment is adopted.

Justice Stevens concluded in the ruling on Goldman versus Weinberger that the military services have "no business drawing distinctions between such persons of different religions when enforcing commands of universal application."

Mr. President, we may be opening the door for numerous more court cases because of the subjective manner in which this amendment would have to be applied should it become law. The military does not favor certain religions and the Congress should not force the military to do so. I urge my colleagues to oppose this amendment.

● Mr. D'AMATO. Mr. President, I rise today in support of the amendment offered by my good friend, the junior Senator from New Jersey.

This amendment corrects an injustice affirmed by a Supreme Court ruling in March of this year. The Supreme Court, in a 5 to 4 decision, ruled that the Department of Defense was within its rights in disallowing the wearing of a yarmulke indoors by military personnel. The case, Goldman versus Weinberger, involved an Air Force officer who, though serving as a psychologist, was an ordained Rabbi. As an Orthodox Jew, Capt. S. Simcha Goldman wore his yarmulke at all times. The Air Force insisted that this was not within regulations. The case eventually reached the Supreme Court. On April 8, we introduced legislation, S. 2269, to correct this situation.

Mr. President, the amendment offered today is a reasonable solution to this problem. It will amend chapter 45 of title 10 of the United States Code to allow the wearing of neat and conservative religious apparel. Specifically, the bill allows members of the Armed Forces to wear any neat and conservative item of apparel, if the wearing of such apparel is part of the religious observance of the member, unless the wearing of such apparel interfers with the performance of the member's military duties.

I note that there is similar language for the wearing of jewelry in the military.

I believe the Air Force and the Department of Defense interpreted too strictly the regulations that prevented Captain Goldman from wearing his yarmulke indoors. Indeed, the Supreme Court's less-than-unanimous decision on this case left much room for debate.

It is uncertain whether the Supreme Court would have affirmed the lower court's decision if Goldman had not joined the Air Force of his own choice.

This legislation would not only resolve cases involving the wearing of the yarmulke, but also allow military personnel of any religion to wear, within reason, appropriate religious apparel. I question whether we can afford to preclude a certain group within our society from voluntary military service because of their centuries-old legitimate religious beliefs concerning the wearing of certain type of religious apparel.

For this reason, Mr. President, I believe it is necessary for us to pursue a legislative solution. Obtrusive and possibly interfering apparel should not be allowed, especially if such apparel would hinder the effectiveness of the service man or woman. In addition, religious apparel should not hinder the effectiveness of other military personnel. This is straightforward legislation that further strengthens the right of freedom of religion in this country. Our Armed Forces should not be in the position of completely dictating what religious behavior is acceptable.

Mr. President, I urge my colleagues to support this important amendment.●

□ 1800

The PRESIDING OFFICER (Mr. QUAYLE). Who yields time?

Mr. WARNER. Mr. President, I yield to the Senator from Georgia such time——

Mr. LEVIN. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The Senator from Michigan does not control the time. Is the Senator from Virginia yielding?

Mr. WARNER. I failed to hear the remarks.

The PRESIDING OFFICER. The Senator from Michigan does not control the time.

Mr. WARNER. The Senator from Virginia controls the time of the opposition.

Mr. LAUTENBERG. Mr. President, I think I have time left on our side, is that so?

The PRESIDING OFFICER. The Senator is correct.

Mr. LAUTENBERG. How much time is there?

The PRESIDING OFFICER. The Senator has 6 minutes 48 seconds.

Mr. WARNER. Mr. President, I would be happy to yield to the proponents of the amendment such time as they may need from the time remaining of those in opposition.

The PRESIDING OFFICER. The Senator from Virginia has the floor.

Mr. LAUTENBERG. The Senator from Virginia offered to yield time and if that is the case and the Senator from Michigan has asked for the floor——

The PRESIDING OFFICER. Who yields time?

Mr. LAUTENBERG. I will take a moment as long as I have the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. I ask unanimous consent that the senior Senator from New York [Mr. MOYNIHAN] be added as a cosponsor of this amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

□ 1810

Mr. LAUTENBERG. I ask unanimous consent, Mr. President, that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, it is my understanding that the Senator from Virginia has agreed to yield time to our side, from the side of the opponents to the side of the proponents. Can we clarify that?

The PRESIDING OFFICER. The Chair states that the time allotted to the Senator from New Jersey has expired.

Mr. WARNER. Mr. President, the opponents are happy to yield such time as the proponents desire, to accommodate them.

The PRESIDING OFFICER. The opponents have 7 minutes and 25 seconds.

Mr. WARNER. Mr. President, I understand that there is a desire on the part of the Senator from Nevada to address this issue, and I would like to make certain of the amount of time he desires.

I ask the Senator from Nevada how much time he desires.

Mr. HECHT. Two minutes.

Mr. WARNER. I understand that the Senator from Georgia would like some time. Let us say 2 minutes to each Senator, and the remainder of the time, as a matter of courtesy, we yield to the Senator from New Jersey.

The PRESIDING OFFICER. Does the Senator suggest that as a unanimous-consent request?

Mr. WARNER. I do.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILSON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. WILSON. May I hear the request that is being propounded? I did not hear it.

The PRESIDING OFFICER. The unanimous-consent agreement has been entered into that allots 2 minutes to the Senator from Nevada, 2 minutes to the Senator from Georgia, and the remaining time to the Senator from New Jersey.

The Senator from Nevada is recognized at this time under that order.

Mr. WILSON. I wonder if the Senator from New Jersey might offer some of that time to the Senator from California.

Mr. LAUTENBERG. Depending on how much time.

The PRESIDING OFFICER. The Senator from Nevada is recognized for 2 minutes, under the unanimous-consent agreement.

Mr. HECHT. Mr. President, I rise to speak in opposition to the amendment.

When one enters the Armed Forces of the United States, certain religious obligations are foregone—dietary laws, morning prayers, and the wearing of religious items. We adhere to the laws of our country and the Armed Forces. After duty, leave time, and so forth, are another situation.

I am Jewish. I served in the Army; I was proud to wear the uniform, which did not differentiate me from any other soldier of any other faith, and that is the way I always want it to be.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Georgia is recognized for 2 minutes.

Mr. NUNN. Mr. President, I appreciate what my colleagues from Michigan and New Jersey are trying to do here.

This is one of those matters that never should have gone to court. Once you go to court, you get lawyers involved. Once you get lawyers involved, you have to define every word. Once you get a court decision that you want to overrule, you have to come to the legislative process. When you get to the legislature, which is Congress, you have to define every word.

We have an amendment here that has been thought out carefully. We have a phrase that says that the Secretary determines that the wearing of such items significantly interferes with the performance of the person's military duties.

Well, as a lawyer—and that is sometimes a disadvantage—let us strike out the word "significantly," and let us say that it does not significantly interfere with the duties but interferes with the duties. Where are we then?

We have the words "neat and conservative" here. I know what "conservative" means in the political context, although that is changing a great deal these days, but what does it mean with apparel?

Every time I go out of the house, I am critiqued by my daughter about my apparel. She may say it is not her style. I am not always sure about what young people are wearing—whether it is neat and conservative. To me, it is not.

We are putting the military commanders in the position of trying to make those judgments, and what we are asking for with this amendment is a tremendous amount of litigation. I would like to be able to accommodate this amendment, but it is difficult to do. I know it is a sensitive and tough subject, but I do not know how we can solve it with this amendment, and I have to reluctantly oppose the amendment.

The PRESIDING OFFICER (Mr. HECHT). The Senator from New Jersey controls 3 minutes and 10 seconds.

Mr. LAUTENBERG. Mr. President, I wish to address comments that have been made.

There is permission to continue to observe one's religious needs while one does serve in the service, including, on many occasions, the opportunity to have a dietary program that satisfies one's religious concern.

I cannot believe that it was the intention of either the Founding Fathers or those who today are in the administration of the military, those who command the troops, that one has to sacrifice one's religious beliefs, however that is manifested, to serve as a diligent member of the armed services.

I want that to be reflected in the RECORD; because it is a deep belief of mine that one can be a good, loyal, determined soldier, sailor, or airman without at any time having to make a decision between his belief and loyalty to his country and his belief and loyalty to his religion. They are never, in my view, in conflict.

I would like to respond to the comments of the Senator from Georgia. We know what conservative politics is; we do not know what neat politics is. But in the manuals, the reference to neat and conservative is just with reference to attire or appearance. That is a common term, as I understand it, in the military manuals, and there should be no problem defining that.

I have no further comments to make.

The Senator from California asked for some time.

How much time remains, Mr. President?

The PRESIDING OFFICER. One minute and 5 seconds remain.

Mr. LAUTENBERG. I am happy to yield 1 minute and 4 seconds to the distinguished Senator from California.

Mr. WILSON. I thank the distinguished Senator from New Jersey.

Mr. President, I do not think this imposes an insuperable burden on the service Secretaries. I think the standards are clear. They do give discretion. It is workable, and I think it is worth whatever effort is necessary on their part to assure that the fighting men and women of this country are permitted to be reminded of what they are fighting for in addition to their country, and it is the freedom of religious expression. It seems to me that that is worth whatever small burden attaches.

Mr. WARNER. Mr. President, with great reluctance, I move to table the amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Mr. LAUTENBERG. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is the e a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The question is on agreeing to the motion to table the amendment. On this question the yeas and nays have

been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

□ 1820

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 51, nays 49, as follows:

[Rollcall Vote No. 186 Leg.]

YEAS—51

| | | |
|---|---|---|
| Abdnor | Evans | McClure |
| Andrews | Exon | Murkowski |
| Armstrong | Garn | Nunn |
| Baucus | Glenn | Quayle |
| Boschwitz | Goldwater | Rockefeller |
| Broyhill | Gorton | Rudman |
| Burdick | Gramm | Simpson |
| Chafee | Harkin | Stafford |
| Cochran | Hatfield | Stennis |
| Cohen | Hecht | Stevens |
| Danforth | Helms | Symms |
| Denton | Hollings | Thurmond |
| Dodd | Kassebaum | Trible |
| Dole | Laxalt | Wallop |
| Domenici | Long | Warner |
| Durenberger | Lugar | Weicker |
| Eagleton | Mattingly | Zorinsky |

NAYS—49

| | | |
|---|---|---|
| Bentsen | Hawkins | Mitchell |
| Biden | Heflin | Moynihan |
| Bingaman | Heinz | Nickles |
| Boren | Humphrey | Packwood |
| Bradley | Inouye | Pell |
| Bumpers | Johnston | Pressler |
| Byrd | Kasten | Proxmire |
| Chiles | Kennedy | Pryor |
| Cranston | Kerry | Riegle |
| D'Amato | Lautenberg | Roth |
| DeConcini | Leahy | Sarbanes |
| Dixon | Levin | Sasser |
| Ford | Mathias | Simon |
| Gore | Matsunaga | Specter |
| Grassley | McConnell | Wilson |
| Hart | Melcher | |
| Hatch | Metzenbaum | |

So, the motion to lay on the table amendment No. 2628 was agreed to.

□ 1840

Mr. GOLDWATER. Mr. President, I move to reconsider the vote by which the motion to table was agreed to.

Mr. GRAMM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GOLDWATER. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. The Senate is not in order.

The Senator from Arizona.

Mr. GOLDWATER. Mr. President, it is now nearly 7 o'clock.

Mr. NUNN. Mr. President, the Senate is still not in order, and the Senator from Arizona is about to indicate some of the schedule for the evening. I think the Members would be interested if they would be a little cooperative.

The PRESIDING OFFICER. The Senator is correct. The Senate is not in order. Will Senators please take their seats and staff take their seats in the back of the room?

The Senator from Arizona.

Mr. GOLDWATER. Some of those people in the back of the room ought to keep on moving back.

Mr. President, I want to try to help my colleagues decide about tonight. First of all, it is going to be a late night. It will be at least 11, and it will probably be past 12.

We had an opportunity to pass this bill today but once again, 1 more year, the military bill was made a catchall. We call it, out West, a hitching post for any rambunctious animal that wants to come along.

We have had today the Coast Guard, we have had drugs, and we still have labor provisions. We have not done much about the military of our country today. We do have, though, coming up next, an agreement to consider the NASA addition, which we only learned about this morning, and that has a 1-hour time limit. But that leaves us with antisatellite weapons, test ban treaty, labor provisions, independent director of operational tests and evaluation, and SDI-related amendments.

So, Mr. President, if we get to work, I think we might get through tonight. I would not bet a lot of money on it.

Let us move on to NASA.

□ 1850

Mr. NUNN. I concur. I think that we are making progress. We would like to get a very short unanimous-consent agreement on the remaining amendments. I have not talked to the junior Senator from Massachusetts about the antisatellite amendment, but I understand he is willing to enter into a time agreement. Perhaps during the next vote, we can make some arrangement on that one. That is one that could take a considerable amount of time. It would be very helpful if we can get a time agreement on that one.

I concur with the Senator from Arizona. I would hope that we could make a lot of progress tonight, if not finish.

Mr. DOMENICI. Mr. President, in light of the discussion that we had here on the floor about 1 hour ago with the distinguished chairman of the Appropriations Committee——

Mr. STENNIS. Mr. President, I am unable to hear the Senator. May we have order?

The PRESIDING OFFICER. The Senate will be in order. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, about 1 hour ago, we discussed here on the floor the pending bill and certain points of order under the Budget Act which might apply.

I would like to pose a parliamentary inquiry to the Presiding Officer about an amendment which I have filed.

Might I first ask, is the Chair familiar with the Domenici amendment which deals with limitations on new spending authority, entitlements, and direct spending in the Budget Act?

The PRESIDING OFFICER. The Chair is familiar with the amendment.

Mr. DOMENICI. Let me say to the Senate, the distinguished chairman of the Appropriations Committee quite appropriately asked about various points of order that might lie against this bill. At that point, I alluded to the amendment which the Chair indicated he was familiar with. I would like to pose a parliamentary inquiry to the Chair: If the amendment which the Chair is familiar with were adopted by the U.S. Senate, would there be any points of order under the Budget Act that lie against the pending measure?

The PRESIDING OFFICER. Since the amendment of the Senator from New Mexico would provide that direct spending authority provided in the bill be effective for any fiscal year only to such extent and in such amounts as are provided in an appropriations act, the adoption of that amendment would correct the defects under the Budget Act.

Mr. DOMENICI. I thank the Chair.

Let me say to the Senate that while I am certainly not the exclusive Senator in terms of making points of order, it is any Senator's privilege, I do intend at some point to offer an amendment to correct the Budget Act violations. It is my understanding that it would make the bill no longer subject to points of order. In the event the amendment is not adopted, I would clearly have to raise points of order.

While I have the floor, I want to insert one other thing in the RECORD.

We try our very best in the Budget Committee, and our staff does, to inform the various committees of a terribly complicated law requiring a lot of work by a lot of people.

I ask unanimous consent to insert into the RECORD a letter dated July 11, 1986, sent to the staff director of the Armed Services Committee by the director of the Budget Committee at my direction concerning sections 302(a) and 302(b). Attached to this letter was a committee printout to assist the committee in filing their 302(b) allocations.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON THE BUDGET,
*Washington, DC, July 11, 1986.*

MR. JAMES MCGOVERN,
*Staff Director, Armed Services Committee, U.S. Senate, Washington, DC.*

DEAR JIM: On Monday, July 14, the Budget Committee will file the allocations requried by section 302(a) of the Budget Act. These allocations are based on the budget resolution adopted on June 26, 1986. Generally, the section 302(a) allocations are included in the joint explanatory statement accompanying the conference report on the budget resolution. However, due to time constraints, the Committee obtained unani-

mous consent to file these allocations on July 14th.

As you know, the Budget Act also requires all Committees that receive an allocation under section 302(a) to file a section 302(b) allocation as soon as practicable after a resolution is agreed to. The purpose of this letter is to provide information that will help you prepare your section 302(b) allocations.

Section 302(b) requires Committees to subdivide their section 302(a) allocation for outlays, new budget authority, and new credit authority among subcommittees or programs within their jurisdiction. Under section 302(e), these allocations may be altered by the Committees at any time as long as the alterations are consistent with actions already taken by the Senate on legislation within the Committee's jurisdiction.

To assist you as you develop your section 302(b) allocation, I am enclosing a computer run that shows the conference agreement on the resolution for each budget account under your Committee's jurisdiction. These computer runs are provided for informational purposes only. Specific resolution assumptions regarding subcommittee or program allocations are not binding.

The Balanced Budget and Emergency Deficit Control Act of 1985 amended section 302 of the Budget Act with two new sections related to Committees' section 302(b) allocations.

Section 302(c) creates a point of order against any bill, resolution, or amendment that provides new budget authority, new spending authority, or new credit authority within the jurisdiction of a committee that has not filed its section 302(b) allocation. Section 302(f) creates another point of order against any bill, resolution, amendment of conference report that provides for budget outlays or new budget authority in excess of a committee's 302(b) allocation. A copy of section 302 as amended is enclosed along with the conference report on the FY 1987 budget resolution.

If you have any questions or if there is anything further we can do to assist you, please call me at 4-0769.

BILL HOAGLAND,
*Staff Director.*

Mr. DOMENICI. I do not make anything of this, other than I would like to have it in the RECORD so that at least my particular role would be shown here.

Having said that, I will not offer an amendment to cure the points of order until that point in time when the managers think it most appropriate. Then I will offer it and I hope they will support it.

Mr. NUNN. Mr. President, I want to respond briefly to the Senator from New Mexico. The Senator from New Mexico has been working very diligently with us trying to get these matters worked out under the Budget Act and we appreciate it very much. We think we are going to be able to work it out and we believe we are going to be able to accept the Senator's amendment which the Parliamentarian has acknowledged would eliminate the problems concerning the Budget Act and this bill.

We thank the Senator from New Mexico.

The PRESIDING OFFICER. Under the previous order, the Senator from Missouri is recognized.

Mr. GOLDWATER. Will the Senator yield for a unanimous consent request?

Mr. DANFORTH. I yield.

Mr. GOLDWATER. Mr. President, I ask unanimous consent that notwithstanding the provisions of rule XXII, that the cloture vote for today on the Byrd amendment 2413 and the vote on the Dole amendment 2417 be postponed until 9 p.m. in the hopes that an agreement can be reached for the Senate to consider both issues separately.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Missouri.

AMENDMENT NO. 2633

(Purpose: To make an amendment regarding authorizations of appropriations for activities of the Air Force)

Mr. DANFORTH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri [Mr. DANFORTH], for himself, Mr. GORTON, Mr. GARN, and Mr. RIEGLE, proposes an amendment numbered 2633.

Mr. DANFORTH. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. . AUTHORIZATION OF APPROPRIATIONS FOR THE AIR FORCE.

Notwithstanding any other provision of this Act, funds are hereby authorized to be appropriated for fiscal year 1987 for the Air Force as follows:

For missiles, $8,866,000,000.

For research, development, test, and evaluation, $15,334,573,000.

For expenses, not otherwise provided for, for operation and maintenance, $19,687,171,000. Of the funds authorized to be appropriated under this section, not less than $556,300,000 shall be available for the purpose of payment to the National Aeronautics and Space Administration to reimburse such agency for launch services and related expenses of the space shuttle system as agreed to between such agencies.

Mr. DANFORTH. Mr. President, this amendment is offered on behalf of myself and Senators GARN, RIEGLE, and GORTON.

The amendment is supported by the Department of Defense and more specifically by the Secretary of the Air Force. The amendment is also supported by OMB and the amendment is supported by NASA.

The thrust of the amendment is as follows:

Each year, the Department of Defense pays to NASA an amount which is necessary to pay for the space missions of the Department of Defense in the following year.

This payment a year in advance is factored into the total spending plans of NASA. Therefore, when the budget of NASA was prepared approximately a year ago, it was anticipated that in addition to the regular NASA budget, NASA would also be receiving $556.3 million from the Department of Defense in fiscal year 1987, which was the prepayment for the NASA flights for DOD which would take place in 1988.

As we were proceeding in the Budget Committee to work on the 1987 budget, the space shuttle disaster took place.

However, at the time that the disaster took place, the budget process was well along and it became impossible in the Budget Committee, even though a lot of us tried to do so, to increase the amount of the budget for NASA.

The administration originally proposed $7.7 billion for NASA for next year. In fact, the budget resolution gave NASA $7.3 billion, less than the administration asked for even before the space shuttle disaster.

It is clear to everyone, Mr. President, that $7.3 billion for next year is not adequate to do the job for NASA.

But all along it was anticipated by NASA that in addition to the $7.3 billion provided in the budget, NASA would also receive $556.3 million from the Department of Defense.

The Department of Defense agrees that that money should be paid to NASA. The Office of Management and Budget agrees that that money should be paid to NASA.

But our Armed Services Committee, in putting together this authorization bill, reasons that because the NASA program is being disrupted and the anticipated space launches will not take place, it could, in effect, renege on the payment of the over half billion dollars to NASA.

□ 1900

I understand the reasoning of the Armed Services Committee. That committee has its own problems with the budget. The chairman of the committee has pointed this out to me several times. But the fact of the matter is that NASA, which is already, even without the orbiter disaster, well under what the President asked for, given the fact of the space shuttle disaster, clearly NASA will incur additional costs. At the very time that NASA is being hard pressed, our Armed Services Committee decides that it is going to withhold the payment that everyone anticipated when the budget was being prepared; that it is going to withhold the payment that was anticipated by our Budget Committee, that was anticipated by the ad-

ministration, that was anticipated by NASA, that was anticipated by OMB and by the Department of Defense.

Mr. President, that, in a nutshell, is the issue. The issue is whether we are going to truly cripple our space program by cutting back by an amount of more than half a billion dollars what they anticipated receiving before the shuttle disaster took place.

Mr. President, if we do not accept this amendment, the effect of what we are doing is to put off further space launches by an additional half year or more. The effect of it really is to pull the props out from underneath the space program.

Despite the fact that the Armed Services Committee has its problems, it is my hope that the Senate will realize that this is not the time to cut back more than half a billion dollars what it was anticipated NASA would receive before the orbiter disaster took place.

Mr. GOLDWATER. Mr. President, I think I understand full well what the Senator from Missouri is talking about. I happen to have served on the first Space Committee of the Senate. I have great admiration and respect for and realize the extreme importance of space to the future of our country and the future of the world. But we have some problems, Mr. President.

We are talking about $556 million. The Armed Services Committee has already taken $30 billion in cuts and right now, we are trying to find another $10 billion to comply with the recent Budget Committee judgment. There is no question that when we get into conference with the House, we are going to be asked to take maybe another $6 to $8 million.

So what the Senator from Missouri is asking the Armed Services Committee to do, I have to say, is an absolute impossibility. We do not have the money.

Now, Mr. President, we could get the money by not buying some equipment, and I am not even going to refer to the Senator's hometown. We do not have to buy all the main battle tanks. We do not have to provide money for the Navy. We can cut some troop strength, which we do not want to do. But, Mr. President, the actions of the committee with respect to shuttle flight discharges we took for budgetary reasons. There was certainly no prejudice with respect to NASA's requirement for these funds, which constitute an important source of their operating revenues for 1987.

We cut the money out because we were told, and we are still being told, that there will be no flights so the money is not needed.

At issue in this bill is the tradeoff between valid military requirements on the one hand and an agreement between NASA and DOD that provides budget and program stability to our national Space Transportation System on the other. We know that NASA requires these funds to implement their shuttle recovery efforts. But we also know that the DOD has already transferred to NASA during fiscal year 1983-86 payments for more shuttle flights than NASA currently projects to fly in fiscal year 1986 and fiscal year 1988.

The committee is strongly committed to the recovery of our space launch posture at the earliest possible time and our recent actions with respect to expendable launch vehicles attest to this commitment. But under the current budget constraints on DOD funding and the increased funding requirements to meet DOD's military space launch requirements, I just don't see where we are going to get the money.

I keep saying that, Mr. President, because it is the God's truth. We are broke.

I do not see where we are going to get the money to keep DOD's commitment to NASA for shuttle launch charges for launches that unfortunately will not take place as scheduled.

In the fiscal year budget, the administration requested $268.8 million in Air Force O&M, $32.9 million in Air Force RDT&E, and $297.9 million in Air Force missile procurement to reimburse NASA for fiscal year 1988 DOD shuttle missions.

Mr. President, I do not want to go on on this but we have just talked to Mr. Aldridge, the Secretary of the Air Force, and he has told us he wants the money, but do not take it out of the defense budget. I know he has told the Senator from Missouri another tale. In fact, the last paragraph of the letter he has written to a large number of us says:

> In summary the Shuttle accident and the recent ELV failures have dealt a serious blow to this Country's capability for launching payloads into space. Recognizing that funding stability was necessary in order for NASA and the DOD to plan an expeditious recovery, we agreed to keep fiscal year 1986 and fiscal year 1987 reimbursements intact. This approach will permit appropriate preparation and planning for DOD missions to proceed in an orderly and efficient manner. It is our joint recommendation, therefore, that the Congress endorse the ongoing efforts of both DOD and NASA for the overall STS recovery, for the orderly and mutually beneficial reconstruction of the DOD STS flight planning, and for the application of credit adjustments for DOD reimbursements in the fiscal year 1988 budget.

Mr. President, I know there are others who want to talk on this, but as chairman of the Armed Services Committee, I just have to repeat: My heart is with them. I wish we had this money. I wish we had a lot more money than we have. If they insist on getting this out of this budget, as I say to my friend, we are going to have to take it out of equipment or take it out of personnel, and I know that the Senator does not want to do that. I know Colonel Garn does not want to do that, and neither do I.

So, Mr. President, we have our problems. I hope we can solve them.

I have said all I care to say on this. I yield to the Senator from Virginia.

Mr. WARNER. Mr. President before the distinguished chairman yields the floor, I listened carefully to his statement, and I am certain he meant that NASA does need the money. There is a very legitimate requirement for these funds, and his opposition is solely on budgetary considerations as it impacts on the DOD budget.

□ 1910

Mr. GOLDWATER. I could not declare in strong enough language how badly I know NASA needs the money, but at the same time I could not declare in strong enough language how broke we are.

Mr. COHEN. Will the chairman yield?

Mr. GOLDWATER. Yes.

Mr. COHEN. It is my understanding that the Department of Defense has already provided NASA reimbursements for 10 shuttle flights which have yet to be flown, and if we are to provide another half a billion dollars, it is the proposal that DOD get a credit for that amount of money.

The difficulty is that next year and the year after and the year after that we are going to be facing more constrained budgets than we have this year, and in all likelihood they will never be able to reimburse DOD for this half a billion dollars, not to mention the 10 flights which have yet to be flown.

So I would agree with the chairman that as much as we would like to fund this program, it seems to me it is incumbent upon the administration to clearly specify where they are going to come up with the money for the program itself. We all support it, but I do not know how we can come up with another half a billion dollars, on top of what we have added today and yesterday and the day before, and have any kind of a budget that is going to survive not only the budget conference but be subject to a point of order when we come back with the appropriation process.

Mr. GOLDWATER. The Senator is absolutely correct.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. I concur with what the chairman has said and what the Senator from Maine has said.

We are talking about a situation where we are going to decide with this vote whether we want the U.S. Air Force to be a customer of NASA or whether we want the U.S. Air Force to be the banker for NASA. That is the

question. This has been a customer relationship before. They have been prepaying NASA on an orderly basis because if you did have a delay of a flight at the end of a fiscal year, the payment was not made in advance, you would have a disaster in the NASA budget.

Now, what we have is tremendous delays, and the Senator from Maine put his finger right on it. You have 10 flights that the Air Force has already paid for. There is no possibility those flights can be completed by the end of fiscal year 1988, let alone 1987. What we are now being asked is for the Air Force to pay for seven more flights. What we are really saying is we are converting what was supposed to be an arrangement based within agencies but based on business, based on a business proposition, because the shuttle was supposed to be a business proposition. We hope it will be in the long run, but we are now going to convert that from a business proposition with transfers between two agencies to a banking proposition. The Air Force is being asked with this amendment to loan NASA the money. They have already got tremendous credits.

They have already in effect loaned a lot of money, hundreds of millions of dollars. They are being asked to loan more money. I am sympathetic to NASA's plights. I hope we can find a way to fund them but we have some very serious funding problems in the Department of Defense bill.

This budget request that we have been given by the Budget Committee and passed by the House and the Senate is not being met now by this bill. We have to go to conference and knock billions and billions and billions of dollars off this bill.

If we meet the outlay total and if we do it in an honest way and avoid gimmicks, we are very likely to have to either see an awful lot of people laid off in the military today, which could have devastating effects on the morale, or we are likely to see cancellations of an awful lot of weapons systems that no one on the floor I think wants to count.

That is the dilemma we face now. Next year is going to be worse. So I know why the amendment is being proposed. I know that NASA has a budgetary problem but I think it is time for the administration to face the fact and come over with the kind of request in the proper category so we keep a business relationship with the shuttle and not have it as a charitable endeavor from one agency to another.

Mr. DANFORTH. Mr. President, even before the space shuttle disaster, NASA was counting on a payment of over a half billion dollars in fiscal year 1987 for launches that would take place in 1988. The question now is whether the same payment will be made in 1987 for the same flights but they will take place in 1989. If that counted-on prepayment is not made, then NASA is in very serious trouble.

I would point out that NASA is not just a charity case or a ward of the Defense Department. It is a very important agency which is itself integral to our defense effort.

I yield 5 minutes to the Senator from Utah.

Mr. GARN. I thank the Senator from Missouri.

I served on the Armed Services Committee for 4 years with the distinguished Senator from Arizona. I have served for another 8 years on the Defense Appropriations Subcommittee. I do not think there is anyone who understands better than I the problems of this defense budget.

I think it is an irresponsible budget, entirely too low. We have been trapped into this Gramm-Rudman process that takes care of all of the social programs but, good heavens, do not fund defense adequately. So I understand what the chairman is saying.

The House of Representatives on their defense budget goes—I do not even have a word for their disregard for the defense of this country. For 12 years in this body I do not think anybody could accuse me of anything but being a supporter of defense and on this bill I have voted with the chairman on every single vote, on the 50-to-49 votes. I do not take a back seat to anybody on being a supporter of the defense of this country.

However, look at the record of what has taken place. The Senator from Missouri has outlined the 1987 budget. Let us talk about 1986. The administration requested $7.9 billion. We appropriated $7.7 billion with a real struggle. Gramm-Rudman took it down to $7.3 billion. This is without regard to the *Challenger* accident. And I can remember when the Senator from Arizona and I served on the original Space Committee and we promised NASA at that time, 12 years ago, that they would be kept whole for inflation. They have not been. We spend less than four-tenths of 1 percent of our entire national budget on space flight. That is hardly a very large effort when you consider that we get $8 or $9 back in the private sector in spinoffs for every taxpayer dollar we spend, and I do not know how you put a dollar value on human life from the Pacemaker and the 12,000 other medical devices and/or procedures that have resulted from space research and development or what was going on in the shuttle—electrophoresis in processing pharmaceuticals that will save thousands of lives because you can process pharmaceuticals a hundred times more efficiently and four times more pure in microgravity.

I do not have the time to go on and on, but as strongly as I support defense, there is no budget where the American taxpayer and all the people of this Earth get returns like they do from space research and development, save lives, and you cannot put a dollar value on that.

We get back to the 1986 budget; $1.3 billion and then we have a tragic accident. I think everybody in this body knows that no one can feel worse about that than I do. It was not just a national tragedy. That crew of seven were my friends. Mike Smith was my trainer. No one has ever had a more difficult task than to walk into the crew quarters at Kennedy Space Center with the Vice President and look those families in the eye 3 hours later—Mike Smith's son—and try and feel adequate to say something comforting to them.

So we spend four-tenths of 1 percent of our national budget on space flight with all the returns and then what do we see. We have a tragic accident. The administration cannot get its act together. Six months later it has not come up with a recommendation on whether they want a replacement orbiter, and we have so underfunded NASA that when *Challenger* crashed, no, it was not just *Challenger,* it was pieces of my orbiter, *Discovery II* and pieces of *Columbia* and parts of *Atlantis* because we have not had enough spares in NASA to fly a complete orbiter, so you do what is known as to cannibalize. You take parts of one to make the other one fly. We could not fly two orbiters at the same time because they are not fully put together. NASA was struggling along that way before we had the accident.

Then we get back to $7.3 billion. No administration request. You have a search and rescue, a recovery effort. We have got anomaly resolution, all of those additional costs. So I put in an emergency supplemental of $531 million for NASA and we were able to get it through to help with the problems of the accident, the redesign and all of the things that go with trying to get the orbiter back into space to carry primarily military cargoes to begin with, spy satellites for arms control verification, navigation and communications satellites; so if this succeeded in taking a half a billion dollars away, who is going to suffer the most is DOD. They have critical cargoes that need to be placed in space. If this half a billion dollars is taken away from NASA, this is not just a customer relationship. It is a matter of taking much longer.

I think the Senator from Missouri underestimates 6 months. He will be looking at 2½ or 3 years before you put another military cargo into orbit. So they are cutting off their nose to spite their face, I suppose.

□ 1920

The PRESIDING OFFICER. The Senator has used his 5 minutes.

Mr. GARN. I ask for 1 more minute.

This is a critical issue. We got back to $7.8 billion, $100 million less, absorbing the cost of the accident, and now what do we have? Armed services, admittedly with a lot of problems, wants to take another half-billion dollars away.

NASA cannot survive, and we are not going to have a fourth orbiter. We are not going to get the first three orbiters back into space. The military will suffer. The research and development will suffer.

I could go on and on talking about the difficulties we are going through, trying to get our space program in existence again. We are going to have another Sputnik if we are not careful. The Soviets will surprise us again, as they did before.

It is important for the United States to be back in space. With all the problems the armed services have, and much as I support this committee, this chairman, and this budget resolution, I wish there was a great deal more in it. It is a lot easier to take a half-billion out of the $291 billion than it is out of the $7.3 billion. We must transfer this back to NASA.

Mr. DANFORTH. Mr. President, how much time do I have?

The PRESIDING OFFICER. Sixteen minutes.

Mr. DANFORTH. I yield 5 minutes to the Senator from Washington.

Mr. GORTON. Mr. President, this amendment is not a small one. It involves over a half-billion dollars. The choice is relatively simple and easy to understand. One-half billion dollars is approximately two-tenths of 1 percent of the authorization for the Department of Defense. It is approximately 7 percent of what has been recommended for NASA—almost one-tenth.

This money was included as a reimbursement to NASA in the budget submission of the administration. The assumption that this money would be available to NASA was included in the budget resolution passed by the Senate Budget Committee, passed by the Senate of the United States, passed by the House of Representatives, and passed after a conference committee report.

Unilaterally, to remove it from NASA, to take this 7 percent of the money available for NASA next year, will be absolutely devastating to NASA. The Senator from Utah, in my view, is much more close to being accurate than even my distinguished chairman, the Senator from Missouri.

I am convinced that the loss of this amount of money may well postpone by an additional year the time in which NASA can once again put a shuttle into orbit. Because the largest single share of the work of the space shuttle is for the Air Force and for the Department of Defense, the Department of Defense simply will be cutting off its nose to spite its face if it succeeds in this unilateral repudiation of an obligation which it understands it has, an obligation which the administration understands it has, and an obligation which was assumed in all the budget debates we have had to this point on the floor of the Senate. It is as simple as that.

It will be difficult for the Department of Defense, and especially for the Air Force, to deal with this loss of $500 million. It can be done, as difficult as it is. It will be impossible for NASA to deal with it. NASA has already been subjected to a loss of over $400 million in its pre-*Challenger*-accident request by reason of the actions of this body and the House of Representatives in a budget resolution. NASA cannot keep its skilled employees together; NASA cannot recover at any reasonable rate from the disaster to the space shuttle *Challenger,* and NASA will not be able to conduct any of its new programs or begin any of its new research without this amount of money.

What is a difficult task for the Department of Defense and for the Air Force with the loss of an additional $500-plus million becomes literally an impossible task for NASA.

Mark my words: This is not a choice between whether or not we have an over-rich NASA appropriation for next year. This has to do with the life of NASA and the American space program. This has to do with whether or not we take at all seriously our responsibilities and our opportunities in space.

A Member of this body cannot vote against this amendment and claim with any degree of realism that he or she favors American leadership and excellence in space. That vote and that claim will be simply, completely, and totally inconsistent with one another.

This is not a request to be a banker. This money will be to the credit of the Air Force. By next year's budget submission from the administration, there will be no such reimbursement called for, because there will be a credit there, and the NASA budget submission will include whatever NASA needs directly. It is too late to do that for fiscal 1987.

So you simply have your choice of the last $500 million added on to a $291 billion defense budget on the one hand, or 7 percent or more of NASA's budget—a key 7 percent—the 7 percent which determines whether or not we have the remotest opportunity of retaining our leadership in space and getting back into orbit by early calendar year 1988. That is the choice. There is no other. To vote against this amendment is to vote for a second-rate or third-rate American space program.

Mr. DANFORTH. Mr. President, I yield 5 minutes to the Senator from Ohio.

Mr. GLENN. I thank the distinguished Senator.

Mr. President, this is not an easy vote, because it is in some respects robbing Peter to pay Paul.

From NASA's standpoint, there is little else we can do. NASA has made contracts and set up its budget on a certain basis, and because of its continuing difficulty, some of those expenses cannot be met.

I hate to call for money out of the defense budget when we are already cutting things we would perfer not to cut, but it is more onerous to let NASA languish even further in its difficult situation.

Unfortunately, NASA's experimental program remains mercilessly unforgiving of human error. While NASA corrects its errors and reviews its procedures, we have to support them.

I do not like the situation in which NASA finds itself, and I have discussed these problems repeatedly with NASA officials. Nevertheless, I would like the White House, in the name of Heaven, to give us a clear, unambiguous signal as to the direction in which they want NASA to go. We must not give lip service to the importance of our space program without giving it backing, and support.

Maybe we can give NASA some badly needed financial support tonight.

John F. Kennedy once said words to the effect that if any nation desires to be a world leader, it will have to be a leader in this important area of technology—space. If we want to lead in this field and have nations look up to us, we are going to have to support NASA in these difficult days and get them back on track.

I do not like voting to take money from one project and put it into another. But I think it is the lesser of two evils and so I support the amendment by the Senator from Missouri and urge my colleagues to do the same.

But I would only say once again that I implore the White House to give us a clear indication as to what it wants NASA to do. We want to work with the administration on that.

The American people have shown their support for NASA and we, in Congress, must take the lead in providing some of the funding that NASA so desperately needs right now.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DANFORTH. Mr. President, I know of no other speakers on this side.

□ 1935

Mr. WARNER. Mr. President, the chairman of the committee, the distinguished senior Senator from Arizona, has stated the case in opposition as eloquently as I know of anyone, together with the distinguished Senator from Maine.

The case has been made that we recognize the need for these funds, but at this time there is no place that we know of in the Armed Services Committee recommendation to the floor of the Senate in this bill that can be curtailed to provide for those funds.

Mr. DANFORTH. Mr. President, I want to just add about 1 minute's worth to say and to reiterate that this amendment is supported by the administration. This amendment is supported by the Department of Defense. This amendment is supported by the Office of Management and Budget.

It is understood by the Defense Department that this amendment is critical to the future of the Space Program which in turn is essential to the mission of the Defense Department.

I wanted to reiterate this because this is not a battle of NASA against the Defense Department. This is simply a matter of carrying out the wishes of the Department of Defense and providing those funds which were anticipated by NASA well before the NASA budget was put together and well before the space shuttle disaster.

The issue before us does not anticipate our answer to the question of whether or not there should be a fourth orbiter. This is not to be decided here. These funds are needed with or without a fourth orbiter.

This was anticipated in the budget well before the space shuttle disaster. It is absolutely necessary to the survival of NASA.

Mr. WARNER. Mr. President, I yield such time as the distinguished Senator from Nebraska may require.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I thank my colleague from Virginia.

Mr. President, this Senator served on the Armed Services Committee that has jurisdiction, the main jurisdiction, over the matter before us, the defense authorization budget. I also serve on the Commerce Committee, which has responsibility for the NASA budget primarily.

I just want to comment on the knot that the Senate finds itself in in this particular matter, and that knot simply is it is critically necessary to the defense of this country that we get satellites back up where they belong. Those of us who have been working with this program know that that is critically important. Yet what we are doing here today, I guess primarily because of the Gramm-Rudman-Hollings bind that we find ourselves in, we do not have any money, so we are going after the biggest part of our budget by and large expensewise and that is the defense budget.

It seems to me, first, we should realize that we are already well over $200 billion in excess of the budget that was assigned to the Armed Services Committee with regard to defense. Yet there have been a whole series of amendments and there are going to be some more as I understand it to add more spending to the budget.

I compliment the proponents of this amendment—they have at least specified and spelled out where the money that they wish to advance to NASA out of the defense budget is coming from but that is a separate argument. I simply want to say that we earlier today approved by voice vote some $300 million-plus for a fight against drugs. I do not really believe that that should have properly come out of the defense budget.

The Senator from Missouri just indicated that the Reagan administration supports taking this money out of the defense budget. The Reagan administration also supported taking the $300 million plus to fight drugs out of the defense budget.

The Reagan administration and its leader, the President of the United States, almost daily attacks the Congress of the United States for not providing enough money for the defense of this Nation.

I suggest that all of this is part and parcel of the knot that we have ourselves in, the box, if you will, with regard to Gramm-Rudman-Hollings.

Everybody is scurrying all over the place to find funds for projects, some of which are worthwhile, and I suggest some of them which are not.

I am for the launching of the shuttle as soon as possible. I am for, if that is what the President of the United States wants, building a shuttle to replace the one that we lost in the tragic accident. It is not clear yet whether or not the President of the United States wants another shuttle.

I realize that the expenses of NASA are going on, and I recognize that that agency is under extreme stress today. I simply say that I am not sure that a defense budget that is already squeezed, that has already been reduced by Congress from the some $320 billion for fiscal year 1987 that the President requested, down to about $294 billion according to the Senate figure, and on down below that to what the House is going to come forth with, can absorb this cut. I simply say that with all of these add ons that we are going through, and we are going to have another one I understand before the night is over, and that has to do with regard to the RAM missile, another $60 million or $70 million on top of what we have already authorized of which there is no money to pay for.

I would simply say that I believe that we are making a serious mistake by taking this out of the budget that is already squeezed. I would hope that we not do it.

I would hope, though, that most of us who recognize the importance of the program that the proponents are talking about here now would join together and come up with a separate bill if necessary to get the money that is tremendously important to keep NASA going, better put, to get NASA back on track, because we all know that it is critically important that we get many satellites up in space.

That we will not be talking about in any great detail for obvious reasons on the floor of the Senate.

Therefore, Mr. President, I hope we will not authorize this additional expenditure, as much as it is necessary, out of the defense funds.

The PRESIDING OFFICER. The Senator from Maine.

Mr. COHEN. Mr. President, if I might just add a word to what the Senator from Nebraska has said, he is precisely on target. The administration is for everything in this budget. They are for the Bigeye. They are for the M-1 tank. They are for the F-15. They are for the F-18, and on and on.

I do not know of anything that they are opposed to in our bill. Every time an amendment is offered they say the administration supports it. They would oppose, I assume, paying for a portion of it by increasing the cigarette tax. I am not suggesting that we do that. But where is the money going to come from?

The administration would oppose any effort to raise revenues to support these add ons. So it is wonderful to be able to say we want more and more and more, but someone has to pay for it.

The action taken by the Senate Armed Services Committee was consistent with a recommendation of the Intelligence Committee markup and if, in fact, we are going to add another one-half billion dollars on, we are going to be faced with reducing some other budget, thus far unspecified, perhaps equally as important as this particular program.

So I agree with the Senator from Nebraska on this, as much as we would like to add more money to take care of a program that is of vital interest to our national security, and no one is more aware of this than those members on the Intelligence Committee who know what the loss of the shuttle has meant, who know what the deficiencies in our Satellite Program are right now. No one is more in favor doing something to correct that. But they have now once again pointed to the Department of Defense budget and we simply do not have the money to pay for it.

When the time comes that we have to reconcile these figures with what the budget will allow, we are going to find a dramatic reduction, billions and billions of dollars in programs that are going to be eliminated across the board either in personnel preparedness or weapons, which I think will be a great disservice to the defense needs of this country.

□ 1940

So, reluctantly, I am opposing this amendment and hope an appropriate motion to table will be made by the Senator from Virginia.

Mr. DANFORTH. Mr. President, how much time do I have?

The PRESIDING OFFICER. Five minutes and twenty-nine seconds.

Mr. DANFORTH. Mr. President, I would just raise a question to those who are listening to this debate. Where are we going to get the money to make up for the shortfall of the NASA program if we in the Congress of the United States renege on the commitment that already has been made by the Department of Defense? If we renege on the agreement made by the Department of Defense, where is NASA going to get the money, not just to buy a new orbiter, but for the whole program?

Some people have suggestions. Some people suggest it should come out of Conrail on the theory that Conrail is awash with cash, having been loaned $3 billion-plus from the Federal Government. It has excess cash on hand and some people say, well, that is a source of funds for NASA. On the other hand, there are those who oppose that idea.

But if we cannot get the money from the Department of Defense, as the Department of Defense agrees it should be paid, then where is the money going to come from? I do not understand the answer to that question. This is essential to the mission of NASA, Mr. President. This is essential to the mission of NASA. You cannot tell me that, in the Defense Department authorization, you cannot find a half billion dollars so that the Defense Department can maintain its commitment to NASA. It is not credible.

Mr. President, I do not know if there is any further request for time on this side.

Mr. WARNER. Mr. President, before we vote on this matter, I think it should be made very clear to the Senate the dollar impact on other budgets that are within the DOD numbers. The distinguished chairman of the Intelligence Committee is now seeking recognition. I yield to him such time as he would require.

Mr. FORD. Will the distinguished Senator yield for a question?

Mr. WARNER. Yes.

Mr. FORD. Something is wrong with my mind. I do not quite understand it, because the Defense Department agrees that this is their obligation. We also understand that we had a disaster. The money was still expected to come on October 1. That is just 60 days from now. And with the Defense Department's agreeing to it, why is it so out of order to go ahead and fulfill that commitment under this budget?

Mr. WARNER. Mr. President, I say to my distinguished colleague from Kentucky, I have just been conferring with a representative of the Secretary of Defense just outside the Chamber, the Assistant Secretary of Defense. Regrettably, I do not have a piece of paper from the Secretary of Defense, who opposes this amendment, and the reason why he opposes it are about to be given by the distinguished chairman of the Intelligence Committee.

Mr. FORD. Let me ask just one further question. What was the $6.2 billion that the Secretary of Defense found earlier this year in the Defense Department so that the Armed Services Committee could meet its budget? Where did he get that $6.2 billion, or whatever it was?

Mr. WARNER. Mr. President, that was largely the result of recalculation——

Mr. FORD. Recalculation.

Mr. WARNER [continuing]. Of certain accounts that were budgeted to take care of inflation, primarily, in the fuel area and elsewhere.

Mr. FORD. But they did have a $6.2 billion surplus. Is that surplus growing over there now?

Mr. WARNER. I say to my distinguished colleague, Mr. President, that that surplus is computed on the basis of projected inflation. The question is put: Is it growing? We are talking about a future budget, the one beginning——

Mr. FORD. That is right. And the money assigned to the Department of Defense does not go into a general fund like all the other departments. So I suspect, if I look hard enough and we start digging deep enough, we will find billions of dollars uncommitted over there, and tonight we are arguing over a little over $500 million to save NASA.

Mr. WARNER. Mr. President, I say to my distinguished colleague, the chairman of the committee addressed the Senate just a half hour ago on this very amendment. He indicated that we have already come down $30 billion, we are coming down further, and after the conference in the House we expect the net sum to go to the Department of Defense to be reduced. We do not have these billions that the Senator from Kentucky represents.

Mr. FORD. I do not say I represented that. I said I bet I could find, and the opportunity will be mine to look for it. I think we will come back to this point tonight and find that there was sufficient money there for the Defense Department to keep its word out of approximately $300 billion or $295 billion, for a mere $500 million for NASA.

Mr. COHEN. Will the Senator yield?

Mr. WARNER. Yes, of course.

Mr. COHEN. I might point out, when the Department of Defense initially supported this particular program, we were talking about a much higher figure. Do not forget, it was the Congress who reduced the targets that the DOD had to meet. So we are talking about a much different set of figures when the Department of Defense gave us full endorsement for this procedure.

Second, it is not correct, as the Senator from Missouri has represented, that we are simply adding more money to the DOD budget. We are not adding more money to the DOD budget. The total obligational authority has not increased one penny. What we are doing is designating this amount of money for this program so that when our total obligation authority finally comes, the budget and everything else is reduced, and that means intelligence is cut, it means other programs across the board are going to be cut in order to accommodate this and other programs that have been added. So it is not a simple add-on to a little DOD budget. It is really a zero sum game in which DOD is going to be cut back by billions of dollars in the next few months.

Mr. WARNER. I thank the distinguished Senator from Maine. He has stated the factual case accurately.

I now yield to the Senator from Minnesota.

Mr. DURENBERGER. Mr. President, I thank my colleague from Virginia. I rise to add to this, if I can, given the strictures that are on me and were on the Senator from Maine when he tried to talk about the implications for the intelligence budget in this matter, but I think he has clearly stated the problem that you face when you try to make a decision on this.

The Senator from Missouri has made it look relatively simple. This is just a $556 million add-on. The problem is that this is an earmarked budget. And each of the items in this budget has a particular purpose. The $556 million add-on is earmarked only for NASA.

And when you earmark only for NASA, you get yourself into a variety of problems that all of use face in our relationship with the NASA budget, and that is that we have been making certain contributions to that budget over some period of time for some very specific purposes as customers, if you will, of a delivery system that has not been delivering a great deal against the money that we have paid.

So, throughout the armed services budget, you are going to find a variety

of moneys earmarked for a variety of purposes which include very specific purposes of an intelligence nature in many cases.

When the NASA money, the $556 million is earmarked for NASA only, there is nothing in there to accomplish the ends that are intelligence or may be intelligence in nature.

□ 1750

We have taken our cut not only from some of the failures to deliver on the products that we have tried to purchase from NASA, but we have also taken our cut for intelligence purposes out of the budget that is before us in this authorization bill here.

So I rise, Mr. President, to urge my colleagues, to urge the Senator from Missouri and anyone else who is advocating this amendment to specifically deal with the NASA problem in a very specific fashion somewhere else other than in the DOD authorization.

I regret, Mr. President, to have to apologize to all my colleagues. We have been at this 10 years now with this new intelligence arrangement and I cannot be more specific particularly in an area that is as crucial to our national security as this one. But we have debated this issue back and forth. And much as I would like to be able to support as a Senator the request to help NASA, this is not the place that either as a Senator or as specifically chairman of the Intelligence Committee that I can support the request. I urge all of my colleagues to vote against the amendment.

● Mr. ROCKEFELLER. Mr. President, I am prepared to support this amendment to enable the Air Force to provide funds that are urgently needed by NASA in fiscal 1987. But I am troubled by the way this issue has been framed, and would have preferred to deal with the requirements of the civilian space program in a more direct manner.

Normally, the Air Force reimburses NASA, in advance, for the costs of flying military payloads on the space shuttle. In fiscal year 1987, NASA was anticipating reimbursements of over $500 million. In the wake of the *Challenger* accident, with the shuttle grounded for at least 2 years, these military missions have been postponed. The problem, however, is that if NASA is deprived of the DOD funding, it would be forced to operate with a completely unrealistic budget—dashing any hopes of moving forward with a rebuilding of the space program.

The consequences of the *Challenger* accident are far-reaching—affecting virtually the entire NASA budget. In the Commerce Committee, we are trying to put together an authorization that addresses these changed circumstances—and reflects our beliefs about what space exploration can accomplish. I have cosponsored a bill (S. 2718) which would authorize $8.6 billion for NASA in fiscal 1987. I am not reluctant to recommend this commitment of resources for the civilian space program—and truly believe that society will benefit tremendously from investment in space exploration.

If we provide the resources, I'm convinced that the space program is capable of great achievements. This country should be striving for preeminence in space exploration: To expand our knowledge of the universe; to develop advanced technologies in robotics and other "cutting edge" fields; to produce medical and other discoveries that could have substantial benefits for people here on Earth. The amount of money represented by the DOD reimbursements is clearly an integral part of this effort. But, recognizing this, I would have preferred to authorize this money directly to NASA, instead of pursuing a somewhat circuitous process of having the Air Force pay now for launch services that are several years away.●

Mr. DANFORTH. Mr. President, I yield 1 minute to the Senator from Washington and then such time as remains to the Senator from Utah.

Mr. GORTON. Mr. President, the distinguished Senator from Maine has implied that the approval of the Department of Defense and the administration for these reimbursements was based solely upon the very large original submission of the administration for defense budget.

I ask unanimous consent that a letter to me from the Administrator of NASA and the Secretary of the Air Force jointly supporting these reimbursements dated July 10, 1986, be included in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JULY 10, 1986.

Hon. SLADE GORTON,
*Chairman, Subcommittee on Science, Technology and Space, Committee on Commerce, Science, and Transportation, U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The purpose of this letter is to outline, in view of pending Congressional action upon the FY 1987 Administration budget request for the Department of Defense, the importance of maintaining full funding within the DOD budget for FY 1987 Shuttle reimbursements to the National Aeronautics and Space Administration. We urge your support in maintaining the integrity of the ongoing resource requirements needed for the Space Transportation System (STS) and to preserve the STS recovery plan.

Since 1983, the NASA/USAF Memorandum of Agreement on Reimbursement of Launch and Associated Services for Uses of the Space Shuttle has been established as the primary protocol for interagency reimbursement policy for Space Shuttle Launch activity. A major objective of this agreement is to provide essential stability in budget and program planning in order to have an effective national Space Transportation System. The need for program stability is especially critical to an orderly resumption of Space Shuttle flights at the earliest possible time.

Consistent with current agreements, the President's FY 1987 budget funds a substantial share of FY 1987 Shuttle launch operations requirements from DOD payments to NASA. Following the 51-L accident, NASA and DOD, with OMB concurrence, have agreed that the most effective approach to the STS recovery plan would be to preserve the basic funding provisions of the President's budget and to implement the appropriate adjustments to credit the DOD past reimbursements in the FY 1988 budget. This agreed to approach recognized the reality that since hardware, launch, and mission contracts remain in effect (with some reduction in the hardware production effort), NASA will continue to incur substantial liability, particularly in flight planning, software development, etc., during the FY 1987 timeframe in preparation for future DOD missions.

The budgeted FY 1987 DOD reimbursements, in excess of $500M, along with the requested NASA funding for Shuttle operations, represent the total Government requirement for NASA and DOD Shuttle services. Therefore, if the Congress were to eliminate or substantially reduce the DOD funding budgeted for the FY 1987 Shuttle payment, NASA, in turn, would have to request an equivalent offsetting adjustment to the NASA budget for the lost revenue. A reduction or elimination of DOD reimbursements would therefore introduce inefficient budget adjustments for both NASA and DOD without benefit to the U.S. Government. If NASA's request for such additional funds from the Congress were denied, there would be several major impacts. The immediate effect would be the same as a major cut in the Space Shuttle budget and would directly impact both the timely return of shuttle to flight status and the efficient build up of flight rate required to reduce the backlog of critical national security and major science missions. Further, the entire cost base of the Shuttle would need to be rebaselined with the potential for substantial cost increases.

In summary the Shuttle accident and the recent ELV failures have dealt a serious blow to this Country's capability for launching payloads into space. Recognizing that funding stability was necessary in order for NASA and the DOD to plan an expeditious recovery, we agreed to keep FY 1986 and FY 1987 reimbursements intact. This approach will permit appropriate preparation and planning for DOD missions to proceed in an orderly and efficient manner. It is our joint recommendation, therefore, that the Congress endorse the ongoing efforts of both DOD and NASA for the overall STS recovery, for the orderly and mutually beneficial reconstruction of the DOD STS flight planning, and for the application of credit adjustments for DOD reimbursements in the FY 1988 budget.

Sincerely,

EDWARD C. ALDRIDGE, JR.,
*Secretary of the Air Force.*
JAMES C. FLETCHER,
*Administrator, NASA.*

Mr. GORTON. July 10 is after the Congress adopted the budget resolution by setting the limit of the amount for defense. I also ask unanimous consent that a letter from the Director of the Office of Management and Budget

supporting this amendment and its reimbursement dated today be included in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
*Washington, DC, August 7, 1986.*

Hon. JOHN C. DANFORTH,
*Chairman, Committee on Commerce, Science, and Transportation, U.S. Senate, Washington, DC.*

DEAR JACK: I am deeply concerned about a proposal pending before Congress that would eliminate funding planned in the President's FY 1987 Budget for Shuttle operations payments to NASA by the Department of Defense (DOD).

As you know, DOD and NASA had reached agreement on reimbursements for two years in advance of flights to assure stability in NASA program planning. The Challenger accident created the need for major additional expenditures to restore safely the operation of the existing three orbiter Shuttle fleet, including the unavoidable loss of planned receipts from commercial launches. These increased funding needs will be difficult to accommodate in the current severe fiscal environment, even without any loss by NASA of the $0.5 billion in planned reimbursements from DOD for FY 1987. The further loss of the FY 1987 reimbursements from DOD to NASA would introduce major inefficiencies in the space recovery program and could impact the pace of recovery and the Shuttle's capability to meet priority defense space launch needs in the future.

NASA and DOD have agreed that the most effective approach to U.S. space launch recovery would be for DOD to make the FY 1987 reimbursement payments to NASA as planned and to receive credit in FY 1988 for flights paid for but not flown. I urge strongly that the Congress support the approach agreed upon by NASA and DOD and approve the FY 1987 reimbursement funding as proposed in the President's FY 1987 Budget.

Sincerely yours,
JAMES C. MILLER III,
*Director.*

Mr. GORTON. I assume and I state that this is the purview of the administration. These reimbursements are vital for NASA. They remain administration policy.

Mr. GARN. Mr. President, I am puzzled by what I am hearing from some of the opponents of this amendment. It sounds as if we are trying to take money away from DOD to give to NASA. This was money committed in the budget by the President, by this administration supported by the Secretary of the Air Force, supported by the Secretary of Defense, unless he changed his mind on both sides of an issue again, which is not the first time that has been true. This is attempting to restore to NASA money that the Armed Services Committee took away.

Let us be very clear on that point. My good friend, the chairman of the Intelligence Committee from Minnesota—I served 10 years or 8 years on that Intelligence Committee, too. So I know what he is talking about. I am very familiar with the need for delivery of certain systems into space. It seems to me rather shortsighted of Armed Services tonight, and the Intelligence Committee, to talk about taking money away from NASA as if it were some civilian program because everybody should be well aware where the critical need will be: In spy satellites, in communications, military communications, and navigation satellites, and those will be the very first and probably 80 percent of a lot of the first missions for cargoes delivered into space.

What we are doing here tonight is not hurting NASA as much as we are DOD if this amendment is not approved because then DOD will be sitting back there 1½ years from now saying, "Why is there another 6 months or 1 year delay?" It is amazing.

I am surprised, having served on all three of the committees we are talking about and currently still on defense appropriations, that we are taking the shortsighted view of it. I will guarantee you, if this happens, and this $500 million stays within DOD, it will cost DOD a lot more. Then they will be scrambling around for ELV's, or some means, and there will be a hue and cry of why can we not get our satellites up, and we are trying to negotiate an arms control deal but we have no means of verifying it.

With all good due respect to my good friends who I serve with—and they know where I am coming from for the last 12 years on defense—we are cutting our noses off to spite our face. You have to be willing to put this back into NASA so that it will put defense satellites back into space sooner.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DURENBERGER. Mr. President, do we have time on this side?

Mr. WARNER. How much time remains?

The PRESIDING OFFICER. One-and-a-half minutes remains to the opponent.

Mr. WARNER. Mr. President, I yield at this time to my distinguished colleague.

Mr. DURENBERGER. I will be very brief.

I think the facts of this are—and I hesitate to disagree with my distinguished colleague from Utah that the Department of Defense has already provided to NASA reimbursement for 10 shuttle flights that have not been flown. There is no way that those flights could be flown until somewhere in 1989 or 1990.

If funds were restored by this amendment, they would not be used for future shuttle launches. All they would be used for is to help NASA offset the cost of fixing the shuttle. NASA indicates that it will give the Department of Defense a credit, they call it, for shuttle rides somewhere out there in the future if these funds are restored. These kind of shuttle rides, so-called, have to be paid for. And the cost to NASA providing this credit is going to have to be borne by NASA in the future.

So I have to disagree with my colleague from Utah. We have not gotten the money. We are not taking away money that is owed NASA in any way at the present time.

Mr. WARNER. Mr. President, I move to table the amendment of the Senator from Missouri and ask for the yeas and nays.

THE PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

THE PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Virginia to lay on the table the amendment of the Senator from Missouri. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from South Dakota [Mr. PRESSLER] is necessarily absent.

Mr. CRANSTON. I announce that the Senator from Florida [Mr. CHILES] is necessarily absent.

THE PRESIDING OFFICER (Mr. MATTINGLY). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 37, nays 61, as follows:

[Rollcall Vote No. 187 Leg.]

YEAS—37

| | | |
|---|---|---|
| Abdnor | Gore | Proxmire |
| Andrews | Hecht | Quayle |
| Baucus | Humphrey | Roth |
| Biden | Kennedy | Simon |
| Boren | Leahy | Simpson |
| Bradley | Levin | Specter |
| Broyhill | Lugar | Stafford |
| Burdick | McConnell | Stennis |
| Cohen | Melcher | Thurmond |
| DeConcini | Mitchell | Wallop |
| Durenberger | Moynihan | Warner |
| Exon | Murkowski | |
| Goldwater | Nunn | |

NAYS—61

| | | |
|---|---|---|
| Armstrong | Gorton | Matsunaga |
| Bentsen | Gramm | Mattingly |
| Bingaman | Grassley | McClure |
| Boschwitz | Harkin | Metzenbaum |
| Bumpers | Hart | Nickles |
| Byrd | Hatch | Packwood |
| Chafee | Hatfield | Pell |
| Cochran | Hawkins | Pryor |
| Cranston | Heflin | Riegle |
| D'Amato | Heinz | Rockefeller |
| Danforth | Helms | Rudman |
| Denton | Hollings | Sarbanes |
| Dixon | Inouye | Sasser |
| Dodd | Johnston | Stevens |
| Dole | Kassebaum | Symms |
| Domenici | Kasten | Trible |
| Eagleton | Kerry | Weicker |
| Evans | Lautenberg | Wilson |
| Ford | Laxalt | Zorinsky |
| Garn | Long | |
| Glenn | Mathias | |

NOT VOTING—2

| | |
|---|---|
| Chiles | Pressler |

So the motion to lay on the table amendment No. 2633 was rejected.

Mr. GARN. Mr. President, I move to reconsider the vote by which the motion was rejected.

Mr. DANFORTH. I move to lay that motion on the table. The motion to lay on the table was agreed to.

□ 2020

Mr. NUNN. Mr. President, the amendment has not been voted on, has it?

The PRESIDING OFFICER. It has not.

Mr. NUNN. Mr. President, what is the time agreement on this? How much time remains?

The PRESIDING OFFICER. All time on the amendment has expired. The question recurs on the amendment.

Mr. NUNN. Mr. President, I ask unanimous consent that I be granted 1 minute, or 1 minute on each side will be fair.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. NUNN. Mr. President, let me say I do not think Members understand what is happening here, and I want to be very careful about what I say. I have talked to the chairman of the Intelligence Committee, and he says that we are permitted to say this and it is the fact as we understand it. This is a direct transfer, if this amendment passes, of money out of intelligence to NASA. Now, the Intelligence Committee has gone through this whole area very closely, very carefully, and made certain recommendations to this body. I am not permitted to go into it further than that, but if you want to take money out of some of the most critical intelligence programs we have and transfer it to NASA, that is what this amendment is. I am not opposed to having the money for NASA. I know they need the money. But this administration now today has sent three different endorsements up here over $1½ billion asking us to shift DOD money to somewhere else. They spent Tuesday telling us they had already been decimated in the Department of Defense, but this money is not coming out of the Department of Defense in the final analysis. It is coming out of the intelligence community.

Mr. DANFORTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. DANFORTH. Mr. President, with all due respect to the Senator from Georgia, his statement is not true. It is not factually accurate. There is nothing in this amendment that transfers anything out of intelligence. This amendment adds to the total authorization for the Defense Department the amount from which the NASA funds are taken. And it adds it to specific categories. The increase goes for missiles, to research and development, for expenses not otherwise provided for, for operation and maintenance.

Those are categories to which additional funds are added. Nothing is transferred. I would invite Senators who have any doubt to simply look at the amendment. I am holding it in my hand. There is nothing that transfers anything from intelligence to NASA.

The PRESIDING OFFICER. The additional time has expired.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, there is nothing more I can say except that I stand by the facts. This amendment will do a great deal of damage to our intelligence.

The PRESIDING OFFICER. All time has expired. The question is on the amendment.

Mr. BOREN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. CRANSTON. I announce that the Senator from Florida [Mr. CHILES] and the Senator from Missouri [Mr. EAGLETON] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 58, nays 40, as follows:

[Rollcall Vote No. 188 Leg.]

YEAS—58

| | | |
|---|---|---|
| Armstrong | Grassley | Mattingly |
| Bentsen | Harkin | McClure |
| Bingaman | Hart | Metzenbaum |
| Boschwitz | Hatch | Packwood |
| Bumpers | Hatfield | Pell |
| Chafee | Hawkins | Pressler |
| Cranston | Heflin | Pryor |
| D'Amato | Heinz | Riegle |
| Danforth | Helms | Rockefeller |
| Denton | Hollings | Rudman |
| Dixon | Inouye | Sarbanes |
| Dodd | Johnston | Sasser |
| Dole | Kassebaum | Stevens |
| Domenici | Kasten | Symms |
| Evans | Kerry | Trible |
| Ford | Lautenberg | Weicker |
| Garn | Laxalt | Wilson |
| Glenn | Long | Zorinsky |
| Gorton | Mathias | |
| Gramm | Matsunaga | |

NAYS—40

| | | |
|---|---|---|
| Abdnor | Goldwater | Nunn |
| Andrews | Gore | Proxmire |
| Baucus | Hecht | Quayle |
| Biden | Humphrey | Roth |
| Boren | Kennedy | Simon |
| Bradley | Leahy | Simpson |
| Broyhill | Levin | Specter |
| Burdick | Lugar | Stafford |
| Byrd | McConnell | Stennis |
| Cochran | Melcher | Thurmond |
| Cohen | Mitchell | Wallop |
| DeConcini | Moynihan | Warner |
| Durenberger | Murkowski | |
| Exon | Nickles | |

NOT VOTING—2

| | |
|---|---|
| Chiles | Eagleton |

So the amendment (No. 2633) was agreed to.

□ 2050

Mr. DANFORTH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, it is my understanding that the distinguished Senator from Massachusetts, the distinguished Senator from Maryland, and the distinguished Senator from Indiana have had an opportunity to talk about the pending amendment.

At this point, I yield to the Senator from Indiana to hopefully——

Mr. KENNEDY. I ask for regular order, Mr. President. I ask for recognition, Mr. President.

Mr. WARNER. I yield the floor.

Mr. KENNEDY. Mr. President.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Thank you.

Mr. President, I send an amendment to the desk on behalf of Senator MATHIAS and myself and ask for its immediate consideration.

The PRESIDING OFFICER. The Wilson amendment is the pending amendment. It takes unanimous consent to set aside.

Mr. KENNEDY. I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Is there objection to setting the Wilson amendment aside?

Mr. LUGAR. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I reserve the right to object so I might have an opportunity to speak with the distinguished Senator from Massachusetts about a time agreement. Would the Senator be willing to enter into 1 hour, equally divided, with the Senator from Indiana having control of 30 minutes and the distinguished Senator from Massachusetts, or his designee, 30 minutes?

Mr. KENNEDY. Mr. President, if I could have the attention of the floor managers. We had indicated earlier that we were prepared to enter into a time limit. I would be happy to enter into a time limit. We would like to establish a process by which Senator MATHIAS, myself, and perhaps others would be able to address this issue. I know the chairman of the Foreign Relations Committee would like to do that, as well. I would be happy to enter into a time agreement. I understand that the Senator from Indiana will offer a substitute to our amendment.

I would be happy if we could receive ½ hour for the Senator from Maryland and myself and then ½ hour on the substitute. If that were to be proposed by the floor managers, I would not object to that.

The PRESIDING OFFICER. Does the Senator from Indiana withdraw his objection?

Mr. LUGAR. I withdraw my objection, if the floor managers will offer that type of an agreement so we might proceed expeditiously.

Mr. DOLE. Will the Senator from Massachusetts yield so I can move the cloture votes forward?

Mr. KENNEDY. Yes; I yield.

CLOTURE VOTE POSTPONED UNTIL 11 P.M.

Mr. DOLE. Mr. President, parliamentary inquiry. The cloture vote on the Dole-Byrd amendments are set for 9 o'clock?

The PRESIDING OFFICER. That is correct.

Mr. DOLE. I ask unanimous consent that that time be moved to 11 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. I thank the Senator from Massachusetts.

Mr. WARNER. Mr. President, may I suggest that the proposed time agreement be restated by the Senator from Massachusetts?

Mr. KENNEDY. Mr. President, with the understanding of the majority and minority leaders and the floor managers, I would propose that we have 1 hour time limitation on this amendment and the substitute to be offered by the Senator from Indiana; with that hour to be equally divided between the Senator from Indiana and the Senator from Maryland, and myself.

Mr. WARNER. Mr. President, I move that time agreement.

Mr. NUNN. Mr. President, I want to make it abundantly clear that we are talking about two amendments, as I understand it.

Mr. KENNEDY. Well, we are talking about the Kennedy-Mathias amendment and the Lugar substitute.

Mr. NUNN. Could the unanimous-consent request also include a specific provision that there would be no other amendments allowed to either amendment?

Mr. MATHIAS. Mr. President, I would object if that were the case. I want to have an opportunity to offer one amendment.

Mr. NUNN. We have to know what it is, so we would have to object.

Mr. KENNEDY. We were trying to ensure that we consider the Kennedy-Mathias amendment and then consider the substitute.

Mr. MATHIAS. It is basically a sense-of-the-Senate resolution on the test ban treaty.

Mr. NUNN. How many amendments are we likely to have? I guess that is the question.

Mr. MATHIAS. I have one amendment to the Kennedy amendment.

Mr. LUGAR. Mr. President, I say to the distinguished Senator from Georgia that there will be a substitute amendment offered by the Senator from Indiana to the Kennedy-Mathias amendment.

Mr. NUNN. Would it be correct to say there would be a maximum of three amendments and that all of them deal with this same subject matter, that is, the test ban area?

Mr. MATHIAS. As far as I know.

Mr. BYRD. What does the hour entail? Is that just on the first degree amendment or is that overall hour on all three amendments?

Mr. MATHIAS. All three.

Mr. LUGAR. All three.

Mr. KENNEDY. All three.

Mr. BYRD. If that is agreeable.

Mr. WARNER. That is agreeable to me.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? Without objection, it is so ordered.

Without objection, the Wilson amendment is set aside.

AMENDMENT NO. 2638

(Purpose: To express the sense of the Congress on nuclear explosive testing)

The PRESIDING OFFICER. The clerk will report the Kennedy amendment.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for himself and Mr. MATHIAS, proposes an amendment numbered 2638.

Mr. KENNEDY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment reads as follows:

On page 229, between line 14 and 15, insert the following:

SEC. 1221. SENSE OF THE CONGRESS ON NUCLEAR EXPLOSIVE TESTING.

(a) FINDINGS.—The Congress finds that—

(1) the United States is committed in the Limited Test Ban Treaty of 1963 and in the Non-Proliferation Treaty of 1968 to seek to achieve the discontinuance of all test explosions of nuclear weapons for all time;

(2) a comprehensive test ban treaty would promote the security of the United States by constraining the United States-Soviet nuclear arms competition and by strengthening efforts to prevent the proliferation of nuclear weapons.

(3) the Threshold Test Ban Treaty was signed in 1974 and the Peaceful Nuclear Explosions Treaty was signed in 1976, and both have yet to be considered by the full Senate for its advice and consent to ratification;

(4) the entry into force of the Peaceful Nuclear Explosions Treaty and the Threshold Test Ban Treaty will ensure full implementation of significant new verification procedures and so make completion of a comprehensive test ban treaty more probable;

(5) a comprehensive test ban treaty must be adequately verifiable, and significant progress has been made in methods for detection of underground nuclear explosions by seismological and other means;

(6) at present, negotiations are not being pursued by the United States and the Soviet Union toward completion of a comprehensive test ban treaty; and

(7) the past five administrations have supported the achievement of a comprehensive test ban treaty.

(b) SENSE OF CONGRESS.—It is the sense of Congress that at the earliest possible date, the President of the United States should—

(1) request advice and consent of the Senate to ratification (with a report containing any plans the President may have to negotiate supplemental verification procedures, or if the President believes it necessary, any understanding or reservation on the subject of verification which should be attached to the treaty) of the Threshold Test Ban and Peaceful Nuclear Explosions Treaties, signed in 1974 and 1976, respectively; and

(2) propose to the Soviet Union the immediate resumption of negotiations toward conclusion of a verifiable comprehensive test ban treaty.

In accordance with international law, the United States shall have no obligation to comply with any bilateral arms control agreement with the Soviet Union that the Soviet Union is violating.

AMENDMENT NO. 2639

(Purpose: To express the sense of the Congress on nuclear explosive testing)

Mr. MATHIAS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maryland [Mr. MATHIAS] proposes an amendment numbered 2639 to the amendment numbered 2638.

Mr. MATHIAS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment reads as follows:

At the end of the amendment add the following:

(2) a comprehensive test ban treaty would promote the security of the United States by constraining the United States-Soviet nuclear arms competition and by strengthening efforts to prevent the proliferation of nuclear weapons;

(3) the Threshold Test Ban Treaty was signed in 1974 and the Peaceful Nuclear Explosions Treaty was signed in 1976, and both have yet to be considered by the full Senate for its advice and consent to ratification;

(4) the entry into force of the Peaceful Nuclear Explosions Treaty and the Threshold Test Ban Treaty will ensure full implementation of significant new verification procedures and also make completion of a comprehensive test ban treaty more probable;

(5) a comprehensive test ban treaty must be adequately verifiable, and significant progress has been made in methods for detection of underground nuclear explosions by seismological and other means;

(6) at present, negotiations are not being pursued by the United States and the Soviet Union toward completion of a comprehensive test ban treaty; and

(7) the past five administrations have supported the achievement of a comprehensive test ban treaty.

(b) SENSE OF CONGRESS.—It is the sense of Congress that at the earliest possible date, the President of the United States should—

(1) request advice and consent of the Senate to ratification (with a report containing any plans the President may have to negotiate supplemental verification procedures, or if the President believes it necessary any understanding or reservation on the subject of verification which should be attached to the treaty) of the Threshold Test Ban and Peaceful Nuclear Explosions Treaties, signed in 1974 and 1976, respectively; and

(2) propose to the Soviet Union the immediate resumption of negotiations toward conclusion of a verifiable comprehensive test ban treaty.

In accordance with international law, the United States shall have no obligation to comply with any bilateral arms control agreement with the Soviet Union that the Soviet Union is violating.

Mr. KENNEDY. Mr. President, I understand that we have 1 hour of debate and that half of the hour is divided by myself and the Senator from Maryland. I yield myself 5 minutes.

Mr. President, I am pleased to join Senator MATHIAS in offering this amendment expressing the sense of the Senate that the President should propose to the Soviet Union an immediate resumption of negotiations to achieve a verifiable comprehensive ban on all nuclear tests and to submit the Threshold Test Ban and Peaceful Nuclear Explosions Treaties to the Senate for its advice on ratification. I also want to thank my colleagues, Senators PELL and DANFORTH, for throwing their support behind this measure. Both had previously offered their own resolution offering constructive suggestions on how we might break the logjam blocking a ban on nuclear testing.

I also want to acknowledge the work that has been done by the ranking minority member of the Foreign Relations Committee, Senator PELL, and also Senator DANFORTH, who has also been active in this area, as well as my other colleagues, Senators KERRY, LEAHY, CRANSTON, HATFIELD, and others for their support on this matter. All have previously offered constructive suggestions and their own resolutions on how we might break the logjam blocking a comprehensive nuclear test ban.

The world is waiting with anticipation and hope for the arms talks now taking place between the United States and the Soviet Union. All of us in Congress are united in our desire for successful negotiations that will end, once and for all time, the spectra of nuclear annihilation that shadows all the Earth.

For over 20 years, ever since the ratification of the Limited Test Ban Treaty negotiated by President Kennedy in 1963, one of the most important and most widely shared goals of arms control has been to halt all nuclear testing on both sides and thereby to prevent the development of even more dangerous generations of these weapons.

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The Threshold Test Ban Treaty was signed by President Nixon in 1974, and the Peaceful Nuclear Explosions Treaty was signed by President Ford in 1976. Together, the two treaties limit underground explosions to nuclear devices with an explosive power of 150 kilotons of TNT or less. The treaties have never been ratified by the Senate, but both the United States and the Soviet Union have agreed to abide by their terms.

In spite of a decade of delay, the two treaties are as current as the day they were signed. And ratification now would serve important purposes.

First, it would send a signal that the United States Senate is serious about arms control—that we are prepared to place the full weight of the legislative branch as well as the executive branch behind these arrangements. Currently, we exist in an arms control twilight zone—in fact, the last three major arms control treaties have been signed yet not ratified; two by Republican Presidents, one by a Democrat. We continue to abide by the TTBT and PNET, yet we are unwilling to act to make them binding.

Second, ratification will bring into being several verification and compliance provisions which have not been implemented due to our failure to ratify the treaties. In particular, the Threshold Test Ban Treaty provides for exchanges of geological data that will clarify ambiguities about the size and location of tests. And the Peaceful Nuclear Explosions Treaty sets an important precedent on verification, by providing for onsite inspection whenever it is unclear whether a test is peaceful. The Soviet's willingness to accept some form of onsite inspection was reiterated in the CTB negotiations.

Some have argued that we should not ratify the treaties because the Soviets are already violating them. But the vast weight of expert opinion has concluded that the data on Soviet testing are entirely consistent with compliance. Recently the CIA even revised its estimates of the yields of previous Soviet tests in a manner that reduces significantly the number of Soviet tests that may have exceeded the threshold.

Finally, ratification of these two treaties is the first step toward the goal of a Comprehensive Test Ban Treaty. We should neither over-estimate, nor under-estimate, the value of such an agreement. A CTBT will not end the arms race—it will not by itself lead to the dismantling of dangerous and destabilizing weapons systems. But it does play an important role in putting a brake on the unending proliferation of weapons systems, and it can lead to sharp reductions in nuclear weapons that will lessen the risk of nuclear war. A CTBT would limit the development of dangerous new—so called third generation—nuclear weapons, while preserving U.S. superiority in critical areas such as microcircuitry, safety and security, and command and control. I believe that we should resume real negotiations on a CTBT and that we should do it now.

The Kennedy-Mathias amendment is identical to one that passed several years ago by an overwhelming, bipartisan vote of 77 to 22. Since the Senate vote in 1984, there have been a number of positive developments that have helped to remove obstacles to a total test ban.

Earlier this year, the House of Representatives passed House Joint Resolution No. 3, language identical to Kennedy-Mathias, by a two-thirds majority.

For over a year, the Soviet Union has not conducted a single nuclear test. This unilateral moratorium was initiated and then extended twice without any reciprocal gesture by the Reagan administration. Most experts agree that suspended testing for this period has significantly affected the Soviets' Nuclear Weapons Development Program. The Soviet unilateral moratorium provides a strong indication that a comprehensive test ban is achievable.

There have also been significant recent advances in seismic verification techniques which could effectively remove verification as an obstacle. Most important is the technical breakthrough in the use of high-frequency filtering of seismic signals from nuclear tests. Already, we have practical experience using this technique at a site in Norway jointly manned by United States and Norwegian Government scientists. That site has achieved very good results and has detected Soviets tests with yields below 1 kiloton at considerable distances. The emplacement of such sophisticated monitoring equipment inside the Soviet Union, as they agreed to during test ban negotiations back in 1978–79, would remove any question that a comprehensive test ban can be effectively verified.

Another important development has been the recent action by a group of private United States scientists who, acting on their own, have persuaded the Soviet Government to establish three seismic monitoring stations near the principal Soviet nuclear test site. The stations will be jointly manned by American and Soviet scientists and will operate for at least 1 year. The data from the stations will be made available to both Governments and to the public.

This is the first time the Soviet Union has allowed foreign nationals on its soil to monitor for nuclear tests. With a number of such seismic stations in the Soviet Union, a nuclear test ban or moratorium could be verified with virtual certainty.

The first monitoring station became operational on July 9 and is collecting considerable geological data. Two more stations should be operational by mid-August. All three sites are within 200 kilometers of the Soviet nuclear weapons test site of Semipalatinsk and will be able to detect a nuclear explosion substantially less than 1 kiloton.

Given all these developments, we are looking at one of the best opportunities we have had in many years to move toward an agreement. We should not squander this opportunity.

Mr. President, yesterday marked the 41st anniversary of Hiroshima. It was also the day that the Soviet Union's unilateral moratorium was scheduled to end. But yesterday, the Soviet Deputy Foreign Minister stated that the Soviet leadership will not immediately announce its decision whether to resume testing or whether to continue the moratorium. I think it would be instructive for the Senate to hear what Deputy Foreign Minister Kaptisa had to say on this subject:

> Many foreign statesmen, political and public leaders are addressing the Soviet Government on the question of an extension of the unilateral moratorium on nuclear testing. This question will be decided with due consideration of both these appeals and how seriously the United States is prepared in our estimation to discuss the question of ending nuclear tests.

It is fair to conclude that this debate and this vote will carry some weight inside the Kremlin as to whether the moratorium on testing should be continued or whether it should end.

I do not say that the views of the Soviet leadership and what possible actions they might take as a result of this vote or this debate should guide the Senate as it makes its decision on this resolution. I do say, however, that a comprehensive test ban is strongly supported by the American people. In this vote today, we must give voice to the hopes of the American people—and of all humanity—that it is time to get time to get talks underway between the Soviets and the Americans on resolving our differences and achieving a comprehensive test ban treaty. It is time for us to speak clearly and forcefully to give voice to that message.

I have faith that President Reagan, once he understands the depth and breadth of the feelings, will himself embrace the challenge of ending nuclear testing.

Mr. President, Senator MATHIAS and I feel that the administration needs to get our message, again, that a comprehensive test ban should not be merely a "long-term objective" but we should start real talks now. We urge our colleagues to vote in favor of this amendment.

Given the action of the House of Representatives last spring, I would hope we would move toward support of this particular amendment.

I reserve the balance of my time.

Mr. MATHIAS addressed the Chair.

The PRESIDING OFFICER (Mr. STEVENS). The Senator from Maryland.

Mr. MATHIAS. Mr. President, I feel very deeply and personally about the subject of this amendment. We are this week observing the anniversary of the dropping of the bombs on Hiroshima and Nagasaki. A few weeks after V-J Day I visted Hiroshima and Nagasaki and I saw what a nuclear bomb could do to a city. I was there. I saw, I think, perhaps one of the most moving things as I walked down the street, a little tricycle, in the middle of the street, where obviously some child had been bicycling, tricycling down the street at the moment of impact. And it was a twisted wreckage of the tricycle there, but the child was not.

I could tell other stories of things I saw that day. But the point is that we have to put an end to the scourge of nuclear war. So I consider it an honor to join with Senator KENNEDY once again in offering this amendment, urging the President to take meaningful steps toward ending nuclear testing.

Senator KENNEDY has already said his amendment, which is now pending, is identical to the amendment that the Senate adopted to the defense authorization bill 2 years ago by an overwhelming vote of 77 to 22. Seventy-seven Members of this Senate thought this amendment was a good idea 2 years ago. It is still a good idea. I hope it still has the support of 77 Members of the Senate.

It calls upon the President to submit the Threshold Test Ban in the peaceful nuclear explosions treaties for ratification and to resume comprehensive test ban negotiations.

I might note that in the other body this past February there was an identical measure which passed by a bipartisan vote of 268 to 148.

So we are talking about a measure which has historically been supported in this Chamber, and supported in the other body which is right.

One of the objections that has been raised is that a test ban is unfair, but it is our belief and I think the belief of those who are far more expert than I that what needs to be done is to work out an acceptable onsite verification arrangement. There is also an objection that a test ban would reduce our stockpile reliability. But that ignores the fact that only a very small portion of the tests conducted for the purpose of testing reliability and nonexplosive means are available in those cases.

There is one argument which is raised, I think correctly, that a test ban could prevent the proliferation of nuclear weapons. That is not an undesirable end in itself.

So on the basis of the record that has already been established in the Senate, on the basis of the need to do something about the continued expansion and proliferation of nuclear weapons, I urge the Senate to adopt our amendment.

I yield 5 minutes to the distinguished Senator from Rhode Island.

Mr. PELL. Mr. President, I very much hope that the Senate will give a strong, clear endorsement of the amendment being offered by the Senators from Massachusetts and Maryland [Mr. KENNEDY and Mr. MATHIAS].

Earlier this year, the House of Representatives gave an overwhelming endorsement to comparable legislation, as did the Senate in 1974. It is time to put the whole Congress on record in support of ratification of the 1974 Threshold Test Ban Treaty and the 1976 Peaceful Nuclear Explosions Treaty, as well as resumption of negotiations on a comprehensive test ban.

Late last year, the Senator from Missouri [Mr. DANFORTH] and I introduced a new test ban resolution, Senate Joint Resolution 252, which endorsed the actions called for in this amendment, but which also introduced in legislation the concept of moving toward a total ban through a series of significant, intermediate steps.

Specifically, the Pell-Danforth resolution urges the President, at the earliest possible date, also to:

Call upon the Soviet Union to join in a further agreement reducing the permitted yields of explosions, as specified in the Threshold Test Ban Treaty and the Peaceful Nuclear Explosions Treaty, to the lowest possible verifiable levels which advances in seismic detection and other verification capabilities will allow; and

Seek Soviet agreement to facilitate negotiations by declaring at the earliest practicable date a mutual moratorium of finite duration on nuclear explosions.

Mr. President, in May and June, at my request, the Committee on Foreign Relations held three hearings on test ban issues. Those hearings reinforced my view, first, that there is no solid reason why we cannot proceed toward a complete ban, and, second, that intermediate steps may well be necessary to pave the way and to demonstrate to skeptics that we can move toward and achieve a test ban without in any way endangering our national security.

Accordingly, I fully intend to continue seeking steps which will move us toward a total ban. As ranking democratic member of the Committee on Foreign Relations, I expect to press

for steps which will gain strong bipartisan support and lead to significant progress. At this point, however, I believe a sound, intelligent course is for the Senate to reiterate its support for the concepts set forth in the amendment now under consideration.

I regret very much that the administration, to date, remains opposed to attainment of a comprehensive ban. At the same time, I am encouraged that administration officials have met with the Soviets in Geneva and will meet again soon with them in Moscow. I trust and hope that the two sides can find ways around the impasse over verification, which has stymied test ban progress during both terms of this administration. If we can reach mutual agreement on some significant moves during this administration, I believe the way will be open for truly significant steps. In any event, progress soon would reduce the terrible possibility that the sides would be so foolish and wrongheaded as to take steps which could destroy chances for real progress in the next few years.

Mr. President, it is clear that steadily improved controls on nuclear testing, culminating in a ban on all nuclear explosions, offer many critically important benefits:

Over time, confidence in the reliability of our warheads would erode, although there is no reason whatsoever that actual reliability should not remain high for some time. There is no doubt, however, that the reliance we and the Soviets place upon nuclear weapons would decline over time. That diminishing reliance would be to everyone's benefit.

Modernization of nuclear warheads in the arsenals of both sides would be curbed. This could well prevent the Soviets from developing new, smaller warheads with high weight-to-yield ratios to be proliferated on their missile forces. Early controls could also impede the development of new technologies, such as x-ray lasers driven by nuclear explosions, as well as other unwelcome, unneeded additions to the nuclear Pandora's box.

Pressure on the French and Chinese to halt their testing programs would be increased, as would the incentives for other nations not to start nuclear testing programs.

Finally, the resolve of the 127 nations which have foresworn nuclear weapons would be reinforced. Indeed, a nuclear test ban to which all nations would be welcome to become party, could give new and vitally needed vigor to efforts to stop the further spread of nuclear weapons.

Mr. President, I believe the case for early progress toward a comprehensive test ban is compelling. The case against such steps is simply not compelling. Unfortunately, the history of the test ban issue demonstrates once again that it is often akin to the labors of Hercules to push a good idea through various obstacles to success and substantially easier to thwart the good ideas of others.

We must recall that the idea of a test ban has stood the test of time. Beginning with the Eisenhower administration, every American administration until and except for this one has supported achievement of a ban. The objective has been set forth in treaties to which we are party.

Against this background, I find it simply outrageous that we have allowed the Soviets to appear to have the high road on a number of arms control issues, including test ban initiatives. Rather than spending our time thinking up reasons to justify claims that the Soviets are not serious, we should have been putting them to the test. I hope that recent developments indicate that we are smart enough to put them to the test now. We should make our adversaries put up or shut up. We should be doing our utmost to get their agreement to strong, verifiable arms contol agreements.

The amendment now under consideration would put the Congress on record on an issue central to arms control. If the advice contained in it were accepted and pursued by the administration, it would provide real proof that we are at last getting arms control back on track. I urge adoption of the amendment.

Thank you, Mr. President.

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Mr. GOLDWATER addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. GOLDWATER. Mr. President, I rise in opposition to the amendment by my colleagues from Maryland and Massachusetts on nuclear testing. On April 29, 1986, the Committee on Armed Services conducted a hearing on the military implications of nuclear testing limitations. The committee received testimony from administration officials and public witnesses on this important subject.

In these hearings, we discussed the implications of various proposals to limit the U.S. Underground Nuclear Test Program. These hearings demonstrated that constraints on our Nuclear Test Program like those contained in the pending amendment would have profound implications for U.S. national security.

In May, the Foreign Relations Committee conducted a separate hearing on this issue which was chaired by my colleague from Washington, Senator EVANS. I would like to commend the chairman and ranking minority member of that committee, Senators LUGAR and PELL, for their leadership in scheduling this hearing. Proposals to limit nuclear testing would have significant ramifications for U.S. foreign and arms control policies as well.

Adm. William J. Crowe, Jr., the Chairman of the Joint Chiefs of Staff, testified at the Foreign Relations Committee's hearing. As this Nation's senior military adviser, his views about the need for continued nuclear testing carry extraordinary weight. Admiral Crowe explicitly linked limitations on nuclear testing to the achievement of effective verification provisions. He stated that:

> Moscow continues to maintain that agreement on methods of verification and compliance will not be difficult if we ignore problems associated with the Threshold Test Ban Treaty and move on to a more comprehensive moratorium on nuclear testing, a maneuver that would completely ignore effective verification concerns in a regime where these factors are even more critical and demanding.

Mr. President, U.S. verification concerns must be addressed before we can proceed with ratification of the Threshold Test Ban Treaty. Likely Soviet violations of the treaty's 150-kiloton yield limit and violations of other important arms control agreements make effective verification and enforcement measures essential.

I would like to commend the President for the initiatives he has taken to encourage the Soviet Union to join us in resolving these concerns. The President's policy on nuclear testing limitations has begun to bear fruit. After rejecting several Presidential offers to exchange technical delegations, the Soviets recently agreed to such a meeting. During the week of July 28, 1986, United States and Soviet delegations met in Geneva to discuss nuclear testing issues. It is my understanding that these discussions went well, and that further meetings are planned. I hope these discussions will lead to Soviet agreement to improvements in verification provisions so that we may proceed with ratification of the TTBT and PNET agreements.

In this regard, it is important that any action taken by the Congress on this important subject be fully supportive of the President's efforts. In my considered judgment, adoption of the amendment before us would undermine U.S. efforts in this area. If we recommend ratification of these agreements before our verification concerns are resolved, little incentive would remain for the Soviets to be forthcoming in addressing our concerns if any.

In his testimony, Admiral Crowe relates nuclear testing limitations to U.S. arms control policies. He points out that due to asymmetries and potential instabilities in the evolving military balance between the United States and the Soviet Union, a comprehensive ban on nuclear testing should only take place following a radical reduction in strategic nuclear weapons. In his own words:

Overall, I believe we stand a better chance of achieving near-term progress in nuclear disarmament by approaching weapons reductions directly rather than obliquely through a comprehensive test ban.

Mr. President, I commend to my colleagues the full text of Admiral Crowe's statement before the Foreign Relations Committee on May 8, 1986, and request that it be included in the RECORD at this time.

There being no objection, the statement was ordered to be printed in the RECORD, as follow:

STATEMENT OF ADM. WILLIAM J. CROWE, Jr.

Mr. Chairman and members of the Committee, I appreciate this opportunity to contribute to your deliberations on various proposals to ban the testing of nuclear weapons.

You have asked me to address the issue of nuclear testing broadly and comprehensively, with emphasis on:

The relationship between nuclear testing and defense policy;

Linkages between testing and deterrence, the prime mission of our nuclear forces;

The military impact of nuclear arms reductions and associated proposals for a comprehensive test ban;

Safety, security, reliability, and effectiveness considerations embedded in the technical aspects of nuclear testing; and

Issues surrounding compliance with and verification of existing limits on nuclear testing.

NUCLEAR DETERRENCE

To begin, I share the view of many on this Committee that the world would be better off without nuclear weapons. But until that occurs, some of us have to mind the store, making sure that we have a nuclear deterrent as reliable and as credible as we can make it, with minimum risk to our national security. As Secretary Weinberger stated in his Fiscal Year 1987 report to the Congress:

"We seek to prevent war by persuading potential adversaries that the cost of attacking us will exceed any gain they could hope to achieve. This is the core of our defense strategy today, as it has been for most of the postwar period."

I am not sure that the Soviet military establishment looks at deterrence in exactly the same context. I do know that we and they approach the strategic balance in far different ways.

For their part, the Soviet Union takes a very robust and multifaceted approach toward this balance:

An unusually large mix of nuclear offensive forces: ten types of ICBMs, three classes of ballistic missile submarines, six types of SLBMs, six types of nuclear-capable bombers, five cruise missile variants, two types of long-range intermediate-range missiles, and a host of theater nuclear-capable weapons positioned to strike across the Warsaw Pact front with NATO;

An air defense system with extraordinary radar coverage and interceptor density around the nation's periphery;

The world's only operational ABM system featuring interceptor missiles with both conventional and nuclear warheads;

An antisatellite system operational for more than two decades, including missiles with a conventional warhead designed to blast satellites out of the sky;

A shield of earth, rock, concrete, and steel around many of their nuclear forces, coupled with a concurrent program hardening command, control, and communications facilities and equipment.

A heavy emphasis on damage limitation through civil defenses.

Thus, while the Soviet Union has pursued a comprehensive nuclear testing program over time, that program is only one component of a military strategy, forged around a massive array of offensive and defensive forces. These forces are composed of conventional and nuclear arms which support a doctrine concerned with the essence, purpose, and character of a possible future war and the preparation of the country and its armed forces for conducting such a war.

For our part, we have never tried to emulate the Soviet "fortress" mentality. Nor do we replace our strategic offensive forces at the same pace as one sees in the Soviet Union.

Instead, we have historically let our deterrent rely heavily on the incremental modernization of existing launch platforms with recurring emphasis on nuclear weapon technologies. To illustrate this point:

Over the years, we could have emphasized large ICBMs and megatonnages in warheads; instead, we leaned toward more accurate missiles and new warheads of lower yields.

We might have moved, more quickly, toward an entirely new design for our ballistic missile submarines, featuring larger tubes or more missiles per submarine, or a larger inventory of SSBNs; instead, we applied the multiple independently targetable reentry vehicle (MIRV) solution.

Similarly, in the mid 1970s, a decision not to replace the aging B-52s was accompanied by development of an entirely new weapon system centered around cruise missiles.

For better or worse, many of these decisions were made on the basis of fiscal constraints. Sometimes, they were accompanied by an illusion that nuclear disarmament was just around the corner. In any event, improvements to our systems placed proportionately greater emphasis on weapons rather than proliferation of basic platforms. This in turn led us to rely on a comprehensive nuclear testing program. We know it, and the Soviet know it. That is why they have pushed weapons and nuclear testing to the foreground in propaganda and in recent nuclear disarmament proposals.

Today, of course, we are forced to replace aging platforms with the new TRIDENT submarine, the B-1 bomber, and the PEACEKEEPER. We fully expect that these new platforms will be around for a long time—the mainstay of our nuclear deterrent force. In turn, we must retain the flexibility to make incremental improvements in weapon systems designs and validation of such designs through the nuclear testing program in order to ensure that these systems remain an effective and credible deterrent.

THE STRATEGIC BALANCE

Because the U.S. and Soviet Union approach the strategic balance in such different ways, we also find occasional confusion over where the two sides stand in that balance.

When one limits the discussion to offensive nuclear arms, it is possible to conclude that we lead the Soviets in some areas and they lead us in others, resulting in a situation perceived by some as rough nuclear parity.

But if we consider the totality of Soviet military forces and capabilities—offensive nuclear arms, together with other nuclear, conventional, chemical, and biological warfare components of their strategic posture—we find that the U.S. and its allies are considerably underpowered in comparison with the USSR.

To restore and stabilize the strategic balance—and in seeking to reduce our current reliance upon offensive nuclear arms—we are moving ahead with efforts to determine the technical feasibility of a strategic defense. In the interim, the need to maintain an effective Triad is clear. We must leave the door open for the incremental improvements necessary to ensure that effectiveness.

SOVIET NUCLEAR DISARMAMENT PROPOSALS

As you know—and might expect—nuclear testing figures prominantly in recent nuclear disarmament campaigns and proposals by the Soviet Union.

With respect to nuclear testing in general, the Soviet Union has been reaching for the high ground in political and social rhetoric, condemning in particular the U.S. program. In reality, however, the official Gorbachev proposals of mid-January do not contemplate a worldwide ban on nuclear testing until the late 1990s—more than a decade from now. In the interim, these proposals suggest only that the U.S. and Soviet Union join in a moratorium or delay in nuclear testing—an arrangement which can be broken and which, in fact, worked very much to our disadvantage in 1961 when the Soviets broke out of a three-year moratorium with the most intensive nuclear test program in history. Even their recent suspension of nuclear testing seems to have been a temporary expedient. They are now gearing up for a resumption of such tests.

NUCLEAR DISARMAMENT AND NATIONAL SECURITY

You also will find that the Soviet proposals of mid-January weave the whole issue of nuclear testing into a much broader package which, through the year 2000, would enhance their security and flexibility while undermining the foundations of U.S. and allied security.

We should not expect otherwise. But even if we are able to find a more equitable road to nuclear disarmament, that road will have its own asymmetries, uncertainties, and potential instabilities in the East-West military balance.

As the process evolves, both sides can be expected to place a premium on the survivability, reliability, and effectiveness of that last component of their nuclear capability. In this regard, General Secretary Gorbachev was correct when he noted, "the interrelationship between offensive and defensive arms is so obvious as to require no proof." What he did not mention are some very obvious efforts by the Soviet Union to strengthen such linkages within their own force structure, including but certainly not limited to an earth and space shield for many of their nuclear strike forces, national command structure, and communication assets. For deterrent purposes, it is absolutely essential that we be able to place such protected targets at risk. To do this we must be able to perfect our nuclear weapons, as necessary, and that in turn requires continuity within the nuclear testing program.

We also face major uncertainties surrounding the mix of launch vehicles apt to evolve from a nuclear disarmament process. We don't know whether the Soviets will emphasize mobile or hardened ICBMs, more dispersed and sheltered bombers, or ballistic missile submarines, some of which may be

berthed in coastal tunnels. In any event, uncertainties surrounding the evolving mix and location of Soviet offensive forces underscore the importance of remaining flexible in weapon system design and validation of such designs through testing.

Lastly, the whole process of eliminating nuclear weapons on a worldwide basis is fraught with extraordinary problems of compliance and verification. We do not know, in the first instance, whether nuclear disarmament is an achievable proposition by the year 2000. Further, we have no way of knowing whether a nuclear disarmament treaty, even one pursued diligently by the United States and the Soviet Union, will capture the last weapon on earth. Thus, we will have to maintain a deterrent to nuclear attack right down to the last moment and, from a U.S. and allied security perspective, we want that deterrent to be as effective and credible as possible. Nuclear testing is required to guarantee this.

To put all of this in perspective:

A comprehensive ban on nuclear testing, now or later, will contribute absolutely nothing to nuclear disarmament. It will not eliminate a single nuclear weapon.

Conversely, continuation of a comprehensive nuclear testing program can assure that we go down the road of nuclear disarmament with minimum degradation in the safety, security, survivability, reliability, and flexibility of our nuclear deterrent and, in turn, minimum risk to our national security and that of our allies.

TECHNICAL REQUIREMENTS

Thus far, I have focused upon the strategic and military requirements for nuclear testing. Let me now turn to the technical side.

In general, the design and development of a nuclear weapon represents a great extension beyond the usual engineering experience of any technology on which we depend:

Temperatures of 100 million degrees or hotter than the surface of the sun;

Pressures higher than in stars;

Operations measured in millionths of a second; and

Internal velocities of 100 kilometers per second.

*Safety and security*

These characteristics demand, first and foremost, the highest standards in safety and security. We can never rest on our oars. Similarly, we must ensure that all of the complex mechanisms of achieving safety and security do not, in some unexpected fashion, degrade the reliability of that weapon as part of our strategic nuclear deterrent. We can satisfy ourselves, on that score, only by maintaining a nuclear testing program.

A strong emphasis on safety and security also reinforces our concerns about nuclear arms control. We go to great lengths to minimize the possibility of unauthorized access or tampering, radiation exposure to troops engaged in weapon maintenance, and hazards associated with an accident during storage or transportation.

Further, the basic precept that American-built products should be put through a program of rigorous testing is deeply entrenched in our industrial culture and in laws of the land. We insist that a vast range of commercial goods possess a requisite degree of safety and reliability, and we ensure this through testing at the factory, by the National Bureau of Standards, or some other independent agency. Similarly, the Department of Defense is under constant pressure to assure that conventional weapon systems—tanks, fighting vehicles, aircraft, missiles, and so on—perform as designed and expected on the battlefield. In this context, I frankly do not understand why Congress would want to suspend testing on one of the most critical and sophisticated elements of our nuclear deterrent—namely, the warhead.

*Weapons reliability and effectiveness*

With respect to weapons reliability and effectiveness, we are dependent upon the testing program in five distinct ways:

It gives us confidence in our existing stockpile of nuclear weapons. Our hope is that we will never have to use such weapons, but like other systems not used over many years, we must be sure that they will perform as designed—and that our potential adversaries are aware of this fact. We require this same confidence of our conventional war reserves (ammunition, missiles, etc.). It is inconceivable that we would place weapons, constructed of the most exotic materials known to man and incorporating the most advanced physical principles, on the shelf for an indeterminate period of time without ascertaining the indiscriminate effects of aging.

It provides information essential to the effective employment of nuclear weapons—confidence that the right weapon is applied to the right target. The lethality of nuclear weapons, theirs and ours, against hardened targets is one of our major concerns. So too is the expected survival and performance of such weapons in a nuclear environment, featuring the synergistic effects of blast, high intensity radiation and electromagnetic pulse (EMP).

It enables us to determine critical nuclear effects on such non-nuclear systems as surveillance, command, control, and communications systems. For example, it is common knowledge that radiation can be a serious problem. We must continue to explore the nature of the entire spectrum of nuclear effects problems and develop fixes to deal with them.

It helps us to verify that a weapon modified for reliability, security or safety reasons, or a weapon tailor-made for a new delivery system, such as cruise missiles, the Peacekeeper, or the Trident D-5, will emerge as a reliable and effective component of our nuclear deterrent forces. At one time, for example, we had to recall all of the POLARIS warheads because of reliability problems which degraded inventory effectiveness by as much as 75 percent. Only nuclear testing allowed us to verify that Polaris modifications has solved the problem.

It helps us design entirely new weapons of smaller size and weight for a given yield. For years, the U.S. has led the world in this aspect of nuclear technology with considerable savings in the size and cost of delivery systems. But each new delivery system and associated weapon requires thorough testing before it can be counted as part of our strategic or tactical nuclear deterrent.

Overall, nuclear testing is a bargain in the maintenance and modernization of our nuclear forces. But the lack of testing can make this process more costly over the long haul. To illustrate this point, if we had to assess weapon reliability and survivability upon paper calculations, unsupported by empirical tests, we would encounter a number of unacceptable uncertainties and unknowns, the nature and extent of which we would be unable to determine. One could conceive of these unknowns translating into compensatory measures that could result in markedly different types of weapons or, possibly, a requirement for more weapons per target than we plan today. That's an expensive proposition no matter how you look at it.

In all of this, I would emphasize that we do not detonate a weapon underground simply for stockpile reliability, weapons development, or physics studies of new concepts. The Department of Energy and the Defense Nuclear Agency have a broad-based schedule of scientific and technical observations, supported by an extensive array of measuring devices, to study effects on the various non-nuclear components of our strategic deterrent forces as well as those incorporated in command, control, communications, and intelligence systems. While I do not want to go into details, it is not uncommon for these tests to produce technical surprises—something not predicted in either simulations or computer-based analyses.

I believe that the Soviet military has a similar range of technical requirements. Certainly, this was suggested by General Secretary Gorbachev's statement last March that "during seven months of nontesting the Soviets had paid a price militarily" and their subsequent decision to resume testing. Thus, on purely military grounds, I suspect both sides agree that nuclear testing is essential. In turn, this tends to push the whole issue of testing toward compliance with existing agreements.

VERIFICATION AND COMPLIANCE

As this Committee is aware, the U.S. Government has been trying for several years to get its arms around the verification and compliance problem. So far, objective results are not very assuring.

Most government experts agree that seismic techniques, used to estimate the yield of a Soviet nuclear test under the Threshold Test Ban Treaty, are inadequate to ensure effective verification and compliance.

Others have testified that, even with seismic sensors, it is possible to circumvent this technology by testing in cavities, thereby decoupling the energy of an explosion from the surrounding medium; or testing in outer space, in remote areas, or in the atmosphere above parts of the world, areas where attributing the test to a particular country would be extremely difficult.

In the interest of exploring the technical side of verification, the President has repeatedly sought an honest exchange of views with the Soviets. They have been invited, for example, to measure the yield of U.S. nuclear test using any instrumentation devices they deem necessary. But they have refused to participate in this relatively straight-forward approach to the problem.

Additionally, the President offered to demonstrate in the third week of April 1986, a new direct yield measurement technique, known as Corrtex, which U.S. scientists believe will enable both the U.S. and USSR to improve verification and ensure compliance with the current Threshold Test Ban Treaty.

The Corrtex method has a number of features important to understand. It does not replace remote sensing by seismic detectors; rather it would eliminate some of the uncertainties associated with remote sensing by on-site measurement of specific nuclear tests. The U.S. Government does not intend that such measuring be accomplished by a third party. Americans would monitor Soviet tests, and citizens of the Soviet Union would monitor our tests. The Soviet

Government turned aside the President's latest proposal.

Instead, Moscow continues to maintain that agreement on methods of verification and compliance will not be difficult if we ignore problems associated with the Threshold Test Ban Treaty and move on to a more comprehensive moratorium on nuclear a maneuver that would completely ignore effective verification concerns in a regime where these factors are even more critical and demanding. I have trouble with their "good faith" approach, particularly when other aspects of their nuclear disarmament package envision a continuing military struggle for world power and influence. I doubt the Soviet Union will ever be able to square this circle. Thus, we must assure that verification and compliance mechanisms, surrounding any nuclear testing arrangement, to as direct, straight-forward, and objective as possible.

SUMMARY

To sum it up:

I believe that the U.S. way of managing its nuclear deterrent and the strategic balance is far less burdensome on our society and our economy than the Soviet way. But you must recognize that our approach to nuclear deterrence puts a premium on high technology rather than brute force. So too does our effort to develop a strategic defense, unaccompanied by a government and a people digging in for survival.

In defense planning, we are drawn toward nuclear testing by one simple fact: we expect to achieve effective deterrence from a relatively small mix of strategic nuclear forces in service over a relative long period of time. To maintain that effectiveness and credibility over time, we must have a weapons modernization and maintenance program, supported by rigorous underground testing—the only environment left to us. We cannot assume, even in view of the Soviet proposals, that nuclear disarmament is just around the corner.

For something as exotic and potentially lethal as a nuclear weapon, such testing also is embedded in the highest standards of safety, security, and survivability, as well as reliability. We should regard with the utmost concern any suggestion that we could allow our nuclear weapons stockpile to "gracefully" degrade over time.

Further, virtually everything about the nuclear disarmament process—asymmetries, uncertainties, and potential instabilities in the evolving military balance—suggests that a comprehensive ban on nuclear testing should only occur toward the end, rather than at the beginning of this process. Certainly, this is the case for the U.S. and its allies, if not for the Soviet Union.

Overall, I believe we stand a better chance of achieving nearterm progress in nuclear disarmament by approaching weapons reductions directly rather than obliquely through a comprehensive test ban. The U.S. has formally proposed such reductions in both theater systems and strategic systems. The JCS fully support these proposals and would welcome a constructive response by the Soviets to them.

Mr. GOLDWATER. In conclusion, I again urge my colleagues to oppose the Kennedy/Mathias amendment.

Mr. LUGAR addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I rise in opposition to the Kennedy-Mathias amendment on nuclear testing. Nuclear testing is an issue in which various Senators have been interested throughout this Congress. I believe this interest springs from a genuine desire to see if there is some way to speed the arms control process along toward nuclear disarmament. The Committee on Foreign Relations has been actively involved in exploring the possibilities which some limits on nuclear testing might offer. This included a set of comprehensive hearings on the issue.

On May 8, and again on June 19 and 26 our committee heard from distinguished representatives of the administration, scientists, former diplomats and former Government officials. Adm. William Crowe, Chairman of the Joint Chiefs of Staff, our Nation's highest military officer, told us how important nuclear testing is for our national security. We also heard the testimony of Richard Perle, Allen Holmes and Robert Barker from the Departments of Defense, State and the Arms Control and Disarmament Agency. On the 19th and 26th of June we proceeded with testimony covering a wide range of experiences, political views and expertise. We heard from Ambassador Paul Warnke, former Director of ACDA. Dr. Carson Mark, a retired physicist from the Los Alamos National Laboratory shared his insights with us. Dr. Mark has been critical of the way we design our weapons, and advocates some type of test ban. We heard from Dr. Donald Kerr, former director of Los Alamos, and from Dr. Richard Wagner, former Assistant Secretary of Defense for Atomic Energy. I will not go on to name each witness, but I am sure my colleagues will agree that these hearings covered the full range of views and expertise available.

I regret to say that our hearings did not show that a test ban, or some other proposed restrictions on testing, would be viable paths toward nuclear disarmament. We rely on our nuclear weapons to maintain peace through deterrence. Therefore, we must maintain a reliable, safe and secure force which credibly meets the evolving challenges.

Dr. Robert Barker, Deputy Assistant Director of the Arms Control and Disarmament Agency, effectively outlined the purposes which our current, limited testing program serves. Let me summarize them briefly.

Reliability tests check to see that new weapons will perform as designed, or that older weapons still work as expected.

It is also important to test the effects of a nuclear environment on our own systems. This does not mean just weapons. To maintain a credible deterrence, we must believe, and the Soviets must believe, that our command, control and communications systems will work, even when subjected to radiation and electromagnetic impulse.

Then, we test to modernize our forces. We do this to proceed with programs such as the Trident D-5 missile and Midgetman. During our hearings I was struck by the fact that almost all witnesses agreed that a test ban would be tantamount to a qualitative freeze. No significant nuclear weapons development could take place under a ban.

Finally, Dr. Barker pointed out, testing has a role in improving the safety and security of our nuclear forces.

Mr. President, Dr. Barker's testimony is an excellent primer on nuclear testing issues and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

TESTIMONY BEFORE THE SENATE FOREIGN RELATIONS COMMITTEE

(By Dr. Robert B. Barker)

Good morning, I am happy to appear before this Committee for the purpose of providing an overview of the technical foundations for the Administration's views on nuclear test limitation treaties.

Careful study led us, over four years ago, to conclude that the Threshold Test Ban Treaty, in its current form, is not effectively before verification improvements can be negotiated, ratification of this tready before with the Soviet Union is not in the national security interest of the United States. The United States must stand by its standard of effective verification with respect to the Threshold Test Ban Treaty; anything less would undermine our ability to demand effective verification in this and other treaty areas, as well as being a disservice to the objectives of the TTBT.

The President has stated to Soviet General Secretary Gorbachev that he would be prepared to move forward on ratification of both the Threshold Test Ban Treaty and the Peaceful Nuclear Explosions Treaty as soon as agreement is reached on the use of an effective verification system. He has described to General Secretary Gorbachev a technical system, using a technique known as CORRTEX, which we believe will determine yield with an acceptable level of uncertainty.

Thorough evaluation has also led the Administration to reaffirm that a comprehensive test ban remains a long-term objective of the United States; an objective which we will seek to pursue within the context of broad, deep and verifiable arms reductions, substantially improve verification capabilities, a greater balance in conventional forces and at a time when a nuclear deterrent is no longer as essential an element as currently for international security and stability. There is much to be accomplished with respect to each of these objectives; it is not yet time to undertake negotiation of a Comprehensive Test Ban Treaty.

A nuclear-testing moratorium, such as that which was proposed by the Soviets, is an invitation to a comprehensive test ban with no semblance of verification. The lack of verification alone is sufficient basis for rejection of a moratorium. Moratoria are never acceptable substitutes for negotiated, effectively verifiable arms control agreements. Further, the reasons for rejecting a

moratorium are identical to those for rejecting the negotiation of a comprehensive test ban at this time.

President Kennedy's 1962 statement on a nuclear testing moratorium, on the heels of the bitter experience with the nuclear test moratorium of 1958–61, details his extensive appreciation of the threat which is posed by such a moratorium.

"We know enough about broken negotiations, secret preparations, and the advantages gained from a long test series never to offer again an uninspected moratorium. Some may urge us to try it again, keeping our preparations to test in a constant state of readiness. But in actual practice, particularly in a society of free choice, we cannot keep top-flight scientists concentrating on the preparation of an experiment which may or may not take place on an uncertain date in the undefined future. Nor can large technical laboratories be kept fully alert on a standby basis waiting for some other nation to break an agreement. This is not merely difficult or inconvenient—we have explored this alternative thoroughly, and found it impossible of execution."

With this country's experience with a nuclear-testing moratorium it is almost incredible that any, even the current Soviet leadership, could believe we would find a moratorium to be a serious alternative to real arms control.

Other variations on the nuclear test limitation theme which are sometimes heard include the possibility of quotas or nuclear test yield thresholds lower than the current 150 kiloton limit. Either of these concepts, if implemented, would adversely limit our ability to maintain a credible and effective nuclear deterrent. From a verification perspective, a quota presents all the problems associated with a comprehensive test ban; one cannot verify compliance with a quota unless one can detect and identify even the lowest yield nuclear test. Effective verification of a 150 kiloton threshold is not yet a reality; verification of a lower yield threshold will not be any easier.

In the remainder of my statement, I will go into some length in discussing the technical basis for the U.S. nuclear testing program, in order to make clear why nuclear testing is for the foreseeable future, critical to the maintenance of a credible and effective deterrent. I will also address the exent of U.S. efforts to establish a technically sound basis for effective verification of any future comprehensive test ban and describe the technical foundations for an effectively verifiable Threshold Test Ban Treaty.

NUCLEAR TESTING

In a recent letter to Senator Dole, the President stated:

"Any limitations on nuclear testing must be compatible with our security interests and must be effectively verifiable. Because of the continuing threat that we face now and for the foreseeable future, the security of the United States, its friends and its Allies must rely upon a credible and effective nuclear deterrent. A limited level of testing assures that our weapons are safe, effective, reliable and survivable and assures our capability to respond to the continued Soviet nuclear arms buildup. Such testing, which is conducted underground, is permitted under the existing agreements on nuclear test limitations, all of which the United States fully complies with—the TTBT, the PNET, and the Limited Test Ban Treaty (LTBT)."

The nuclear tests of the United States fall into four general categories: stockpile reliability/confidence tests; weapons effects tests; development tests; and tests designed to further understanding of the fundamental physical processes which occur in a nuclear explosion. Each category contributes to assuring that our deterrent is safe, effective, reliable, and survivable.

*Stockpile reliability/confidence tests*

Each year a small number of tests are directly conducted for stockpile reliability/confidence reasons. These tests can confirm that a recently produced nuclear weapon will perform properly or determine whether an older weapon is still performing as expected.

The use of the word "reliability", in conjunction with the need for nuclear testing, has confused many people. In every day usage, reliability is associated with a statement about probability—such as 99 out of 100 weapons will operate properly. Thus, apparently, many people assume that a concern about nuclear weapon reliability is a concern that today's possible reliability of 99 percent may degrade to 95 percent or 90 percent sometime in the future. This is not what concern for nuclear weapon reliability is about! What we must be concerned about is a fault in the design which dramatically reduces the expected yield or makes a nuclear weapon unsafe. Such faults could be accidently built into a weapon during the production process or could be a result of chemical changes that occur as weapons grow old.

Such problems are not imaginary nightmares; the actual cases are all too real. While much still remains classified about problems with the U.S. nuclear stockpile, a great deal is revealed in a 1983 paper produced for the Department of Energy, authored by Jack W. Rosengren, and entitled "Some Little-Publicized Difficulties with a Nuclear Freeze." The paper discusses a half-dozen significant stockpile problems which required nuclear testing for their identification and/or fixing. This paper revealed that one time 75 percent of one type of warhead designed for our Polaris submarines would have produced zero yield—no yield—if detonated. This is the kind of catastrophy that is the basis for our concern about nuclear weapon reliability, and, therefore, the reliability of our deterrent.

At the current time, a representative warhead, one of each new type produced, is tested to make sure that weapons from the production line will meet their design requirements. Every kind of military materiel, from boots to ammunition to tanks, planes, and submarines must be similarly "proof-tested", to ensure that the government is getting what it paid for—only in the case of nuclear weapons do some suggest such testing is unnecessary. While these critics of nuclear testing may believe that the computer calculations of nuclear weapon scientists are sufficient for a reliable nuclear deterrent, the Directors of the nation's nuclear weapon design laboratories are firmly on record stating that they cannot—in the absence of testing—retain confidence in the performance of weapons that their laboratories have designed.

In addition to tests of newly produced weapons, the category of stockpile reliability tests also includes the rare tests whose purpose it is to confirm that an older weapon from the U.S. inventory will still perform its function or to confirm a "fix" for a serious stockpile problem. Representative samples of older nuclear weapons are disassembled on a routine basis. Those parts of a weapon which can be fully tested in the laboratory—such as the electronic components—are so tested. The components which would produce nuclear yield are carefully examined by scientists and engineers from the nuclear weapons laboratory which was responsible for the initial design. Nuclear weapons are not immune from corrosion and decay. These scientists and engineers are asked to evaluate whether the changes wrought by time will adversely affect performance. Routinely their answer is that performance will not be compromised by the changes that have occurred.

But should changes be observed from which it is concluded that performance may be adversely affected, then a nuclear test will be devoted to determining the true situation. If there is a problem, a solution will be designed, tested in a nuclear test, and the entire inventory of that weapon will be recalled to install the design change.

What is unique about this process of stockpile evaluation is not that a test may be required—all military materiel is routinely tested to ensure that age has not unacceptably degraded its performance. What is unique is that testing for the effects of age is so rare. A nuclear weapon destroys itself in a test and each weapon and test are expensive items. Therefore, rather than conduct routine tests of the aging nuclear weapon, we depend upon the judgment of a very few nuclear weapon scientists and engineers to tell us whether everything is in order. Why should we trust the judgment of these people? Because, these same scientists and engineers are involved in the ongoing nuclear weapon design and testing program and are constantly having their judgments about design validated repeatedly by the results of undeground nuclear tests.

Thus we see that while we categorize only a very few nuclear tests as stockpile confidence or reliability tests, in reality every nuclear test is a reliability test—because every test contributes to the competence of those upon whom we ultimately depend for assurance that our deterrent is reliable.

*Weapons effects tests*

The second category of nuclear tests is weapons effects tests. Again this is a small number of tests in any given year but it is these tests which establish another critical aspect of a deterrent in which we can have confidence. For our deterrent to be real we must believe, and so must the Soviet Union, that we will achieve sufficient warning of an attack to maximize the survivability of our deterrent and to ensure a response unacceptable to the Soviet Union. This requires that we design our space-based advanced warning systems and our space-based communication systems to be sufficiently hardened against the effects of nuclear detonations so that they cannot be too easily disabled. We also protect our military equipment against nuclear radiations and electromagnetic impulse—again so that the Soviet Union cannot calculate that our forces would be easily destroyed in a nuclear attack.

We convince ourselves that we successfully achieved our hardness goals for our warning, communication, and all other relevant military materiel by exposing samples of these equipments to nuclear radiations in specially designed weapons "effects" tests managed by the Department of Defense's Defense Nuclear Agency. While small in number these tests are vital to ensuring the effectiveness of the U.S. deterrent.

*Development tests*

Development tests comprise a major part of the nuclear tests conducted by the

United States each year. Some of these tests contribute to the engineering of a specific new nuclear weapon for a specific new weapon system; other tests investigate concepts which might have utility in some future U.S. weapon system or which might be employed by the Soviet Union and, therefore, need to be protected against. Typical concepts under investigation include improved nuclear weapon safety and security features as well as concepts important to the evaluation of the Strategic Defense Initiative, such as the x-ray laser.

Modernization of U.S. nuclear weapons delivery systems has been an ongoing process. Weapons systems based on newer technology replace those that have lost effectiveness because of obsolescence; for example, air-launched cruise missile carriers and B-1 bombers are to replace penetrating B-52s. Weapons systems whose survivability may be threatened are replaced with less vulnerable systems; thus the Trident missile system is replacing the Polaris and Poseidon systems.

In every case to date, the replacement system has required a nuclear weapon different from the weapon in the system that was replaced. In some cases, physical dimensions alone preclude use of the older weapon. In other cases, existing warheads cannot survive the heat, acceleration, vibration and other environmental extremes that a new nuclear weapon will meet in the stockpile or during delivery. Even the yield requirement of the new system may be different from that of the system it replaces. As J. Carson Mark, retired head of the Theoretical Division of Los Alamos, has noted the *Bulletin of the Atomic Scientists*:

"The nuclear explosive and its carrier constitute a "weapon system" of which neither part is of much use without the other . . . The weapons, tailored for . . . [its] particular delivery mode, cannot easily be used in any other way."

The Navy designed its C-4 missile to have a longer flight range, thereby permitting the Poseidon and Trident submarines to operate in larger ocean areas. No existing Navy reentry body could survive the harsh reentry environments associated with the greater missile range: a new reentry body with a new warhead made the C-4 system possible. The B-1 bomber will replace the B-52 in its role as a penetrating bomber. For the new bomber to fulfill its mission of deterrence, it must credibly be able to penetrate Soviet air defense, deliver its weapons and escape. Accordingly, bombs delivered by the B-1 must be able to withstand release at greater speed, survive a more stressing ground impact, and delay detonation while the aircraft flies out of range of the bomb's explosion. The criteria are very different from those for bombs designed for delivery by the B-52. The weapons labs have developed new nuclear designs to enable the B-1 to fulfill its mission.

In the area of tactical nuclear weapons, new development work has established the survivability of nuclear weapons in long-range artillery. The original nuclear artillery shells were designed to withstand the acceleration associated with the range of the 8-inch and 155-mm howitzers of the 1960's. In the following decades, U.S. and Soviet artillery doubled in range. Without new nuclear shells, capable of withstanding the acceleration associated with the longer ranges, U.S. nuclear artillery would be "outranged" and therefore vulnerable to destruction by conventional weapon fire.

While concern for survivability is the primary motivation for modernizing nuclear weapons, systems, there are other important reasons for doing so. The military effectiveness of established systems has declined as the hardness of intended targets has increased. To reestablish past destructive capability requires new nuclear weapons systems. Another motivation for modernization comes directly from developments in the area of nuclear weapons design. In the last decade the nuclear weapons laboratories have developed the technology to increase dramatically the safety and security of nuclear weapons.

*Improved safety and security*

In the laboratories' work on nuclear weapons safety, the concern is not that of an accidental nuclear explosion. As Mark has stated:

"The high explosives which have been mostly used in connection with nuclear weapons . . . can reliably withstand the jolts and impacts encountered in normal handling, even if they should be dropped from modest heights, but they might detonate on falling on to a hard surface from a plane, for example. The concern is not that a full-scale nuclear explosion would result, since that requires a thoroughly symmetric detonation of the explosive which could not be induced by impact at one point."

In fact, two aircraft accidents have caused the high explosives in nuclear weapons to detonate: in 1966 at Palomares, Spain, and in 1968 in Thule, Greenland. In both cases there was no nuclear chain reaction, but the explosions dispersed plutonium, requiring extensive cleanup operations to eliminate the hazard to health.

As a result of developments at the nuclear weapons laboratories, it is now possible to preclude accidents that disperse plutonium. There are some relatively insensitive high-explosive mixtures that can survive quite violent impacts. The laboratories are now in the process of incorporating such explosives in new weapons systems as they are modernized. Due to the number of different nuclear weapons designed in the U.S. stockpile, it will be many years before all the weapons with insensitive explosives are based on new designs that differ substantially from those using older explosives, nuclear testing must be conducted before the features are incorporated in the U.S. stockpile.

Security is another area where recent developments in design are leading to dramatic improvements. Again, as weapons systems are modernized, features are being included that make it impossible for unauthorized persons to make use of a nuclear weapon. These features are an intimate part of the nuclear design and require nuclear tests to ensure that only authorized use would result in the expected performance.

*Technical surprise*

One long-standing mission of the nuclear weapons laboratories is to understand all means by which a nuclear explosion might be of military use. In part, this represents a desire to understand all the ways in which the U.S. might employ such explosives to enhance its security. It also represents a desire to avoid surprise from the advantages others might obtain from nuclear weapons developments.

The evolution of nuclear weapons design is not a one-dimensional process; there is no unique path that a nuclear weapons state must follow from its first nuclear explosion to subsequent developments. One cannot be confident that findings by the United States match those of the Soviet Union. With the maturity of the U.S. nuclear program, new concepts are less frequent, but they do occur. Nuclear testing is critical to determining whether a new concept will work.

Verification that a concept is feasible does not imply that it will be incorporated into weapons in the U.S. stockpile—far from it. But establishment of feasibility does permit the evaluation of the threat to this country should the Soviet Union have already incorporated it into its nuclear arsenal.

*Physics tests*

The fourth category of nuclear testing includes those tests which are devoted to improving the basic understanding of nuclear weapon performance. Despite the lengthy history of nuclear weapons testing in the United States, weapons scientists do not fully understand some fundamental phenomena that bear on the performance of nuclear explosives. The nuclear weapons laboratories possess the country's largest computer resources and a very impressive cadre of theoretical physicists. Yet, sometimes substantial discrepancies exist between calculation and experimental results; the mathematical models are just not yet adequate to predict reality. Economic considerations alone motivate the nuclear weapons laboratories to maximize the role of calculations in order to husband the scarce and expensive resource of nuclear tests. Thus, the objective of some nuclear tests is to improve calculations by exploring fundamental phenomena that are not yet understood, and which may be the cause of the discrepancies between calculation and experiment.

A further very real consideration since 1958 has been the recognition that a comprehensive test ban may some day preclude testing, leaving the laboratories with calculation as the sole tool for meeting their obligation to maintain confidence in the U.S. nuclear weapons stockpile. We are not now at the point where we can maintain current confidence requirements with calculation alone. Even in the last few years we have been surprised at the results of nuclear tests of weapons in production and have had to modify designs as a result of such tests.

VERIFICATION

*Comprehensive Test Ban Treaty*

Effective verification is also a necessary condition for a Comprehensive Test Ban Treaty (CTBT). Today it does not exist. The U.S. has spent hundreds of millions of dollars on research to establish the basis for verifiable nuclear test limitations. This Administration is continuing that search. As part of that effort we have actively supported multilateral involvement in nuclear test ban verification studies at the 40-Nation Conference on Disarmament in Geneva.

A specific example of this research effort is U.S. support for the Norwegian Regional Seismic Array (NRSA) which uses a cluster of seismometers to detect and locate the sources of seismic disturbances—even those so weak that background noise would normally obscure them. Many of the features of NRSA would be expected to be incorporated into the in-country seismic stations which would be required as part of any future CTBT verification regime. The data from this seismic array is shared with the international community. It was dedicated in 1985 in a ceremony with international participation following its development and installation with funding provided by the Department of Energy and the Department of Defense's Advanced Research Project Agency.

The geophysical characteristics of the Norwegian site are such that the array is particularly sensitive. The research effort that will be required before such stations could be meaningfully applied to CTBT verification include: evaluation of the reliability of the instruments at the NRSA site; determination that sufficiently sensitive sites for in-country location of such arrays exist within the boundaries of potential signatory countries; and much better understanding of the transmission of weak seismic signals within the boundaries of signatory countries.

While only one example, NRSA demonstrates our commitment to establish a basis for effective verification should the other conditions established by the President for Comprehensive Test Ban negotiations be achieved.

*Threshold Test Ban Treaty*

There is almost universal acceptance in this country that true treaty verification cannot be based upon trust. Yet the TTBT, in the name of verification, offers only an exchange of data which, while appearing extensive, contains not a single meaningful element that can be independently validated by the United States. There is no ability for us to independently measure any of the important parameters upon which our estimates of Soviet yield are based.

Those who negotiated and signed the TTBT, with today's hindsight, were optimistic. They believed that our understanding of the science of seismology was good enough for us to determine Soviet nuclear weapon test yields to an accuracy sufficient to protect U.S. security. They also expected that the Soviets would comply with the treaty. Since 1976, when the Soviet Union claimed that it would abide by the provisions of the TTBT, two things have happened to change that earlier perspective. First, we have had to recognize that we cannot determine Soviet nuclear yields with the accuracy required for effective verification. Secondly, we have had to conclude that it is likely that the Soviets have violated their legal obligation with respect to the TTBT. As reported by the President in 1984 and twice in 1985, in the Congressionally mandated reports on Soviet noncompliance with arms control agreements, while ambiguities in the pattern of Soviet testing and verification uncertainties continue to exist, evidence available leads to the conclusion that Soviet nuclear testing activities for a number of tests constitute a likely violation of the 150 kiloton limit.

The TTBT cannot now be effectively verified. The Soviets are in likely violation of their legal obligation to limit test yields to 150 kilotons and below. Verification must be improved before the President could in good faith determine that this treaty is in the national security interest of our nation and before he could thus seek the advice and consent of the Senate to its ratification.

The Administration has not been passive on this issue. In 1983 and 1984 we sought on a number of occasions to engage the USSR in discussions on verification improvements for the TTBT and PNET. In addition, in his address to the United Nations General Assembly on September 24, 1984, President Reagan proposed an exchange of visits to allow Soviet experts to come to the U.S. nuclear test site and U.S. experts to go to a Soviet nuclear test site to measure directly the yields of nuclear weapons tests. We recognize that any improvements to verification of the TTBT must be mutually arrived at—must be negotiated. They cannot be dictated by the United States and imposed upon the Soviet Union. For this reason we have not approached the Soviets with a unilateral, non-negotiable demand; we have instead sought an honest exchange of technical views on how verification can be improved.

In March of this year, the President made clear that he is prepared to move forward on ratification of both the TTBT and PNET as soon as we and the Soviets can reach agreement on the use of an effective verification system. We have described to the Soviets a technique that we call CORRTEX (Continuous Reflectometry for Radius Versus Time Experiment), which can provide acceptable uncertainty in estimating the yield of high yield nuclear tests consistent with the 150 kt threshold. CORRTEX will measure yield without compromising other potentially sensitive information about the performance of the nuclear explosion.

CORRTEX is a hydrodynamic yield measurement technique that measures the propagation of the underground shock wave from an explosion. This technique uses a coaxial cable which is shorted out by the shock wave as it propagates from the center of the explosion. The coaxial cable is emplaced in a hole parallel to the device emplacement hole. Precise measurements are made of the length of the cable by timing the return of low energy electrical pulses sent down to, and reflected from, the cable end. When the nuclear device is detonated, a shock wave emanates through the ground, crushing and shortening the cable. The rate by which the cable length changes is recorded via measurements of the changing pulse transit times. This rate is a measure of the propagation rate of the explosive shock wave through the ground which is, in turn, a measure of the yield of the nuclear explosion.

CORRTEX has been shown to be accurate to within 30 percent of more direct, radiochemical yield measurements for tests of yield greater than 50 kilotons and in the geological media of the U.S. test site. This is based on over 100 tests with the sensing cable in the device emplacement hole and four tests with cables in a satellite hole. The accuracy of the technique is believed to be relatively independent of the geological medium, provided the satellite hole measurements are made in the "strong shock" region near the nuclear device explosion. At greater separation distances, the properties of the medium become much more important factors. A satellite hole separation distance of 14 meters (46 feet) is appropriate for a test near 150 kt.

The electronic device that provides the timing signals is a battery-powered suitcase-sized unit that may be remotely controlled. All equipment for power, recording, and data reduction can be contained in a small trailer.

The President invited the Soviets to send technical experts to our Nevada Test Site to observe CORRTEX measurements with the hope that this could begin the process of agreeing to its implementation as a basis for an effectively verifiable TTBT.

The test to which we invited the Soviets has already occurred—without the presence of a Soviet technical team. We hope that the Soviets will ultimately respond positively and observe similar measurements on a future U.S. nuclear test.

Today the Soviets may perceive a lack of unanimity—a lack of commitment—within the American government on the issue of TTBT verification. They can have no doubt about the Administration's position—effective verification must precede ratification. But thus far the Soviets have not heard Congressional endorsement and support for the Administration position on the strengthening of verification of measures; S.J. Res. 252, S. 2220, H.J. Res. 3 do not now call upon the Soviets to join us in seeking verification improvements to the TTBT.

Congressional support for the Administration's position and the President's most recent proposal for verification can only enhance the prospects for a positive Soviet responsive which would lead to ratification of the TTBT and PNET. Your support for our efforts to enhance verification would be most helpful and most welcome.

Mr. LUGAR. Although our hearings brought out some wide divergences, I was struck by how much our witnesses agreed on certain things. First, most agreed that a test ban would put an end to significant weapons development. Some, like Dr. Mark, thought this desirable, but the point is inescapable: a test ban would be a qualitative freeze on our nuclear forces. They would become less reliable and less able to meet evolving challenges. We should bear in mind that our nuclear deterrent must be modernized in response to Soviet nuclear and nonnuclear developments. It is Soviet air defenses which have made the B-52 obsolete, not Soviet ICBM's. But to proceed with the B-1 and the advanced technology bomber, we must proceed with our limited testing program.

The second area of convergence seemed to be that a true comprehensive test ban would be unverifiable. Thus Dr. Mark said, "I do not think we should ban something we cannot lay our hands on."

He recommends a threshold of 3 kilotons. The point here is that expert proponents of further test limitations are talking about a lower threshold, not an outright ban. I do not know if lowering the threshold is a good idea for arms control or national security. My distinguished colleague, Senator PELL, has advanced the concept in his resolution. Perhaps it is an idea worth looking at. I believe he has done us a service by bringing this idea to our attention. We should study it, but I doubt any of us knows enough to endorse it today. If we lower the threshold, as what level would we damage national security? If we stay about it, what arms control purpose would be served? If we go below it, is that not the qualitative freeze we must avoid?

Finally, all seemed to agree that ratification of the Threshold Test Ban and Peaceful Nuclear Explosions Treaties would be a good first step. Some placed more emphasis on verification than others. I agree with President Reagan that effective verification is essential.

The President has offered to negotiate, and he invited the Soviets to observe one of our tests in Nevada. They

were told they could use their own equipment or use our Corrtex hydrodynamic system. These offers were to no avail until a few weeks ago. Then the Soviets agreed to meet in Geneva on nuclear testing issues without preconditions. We listened to their views and they exhibited much interest in ours. They asked many questions about the Corrtex system, and said they might even have some suggestions on TTBT verification. The Soviets are finally paying attention to our verification concerns, and the Geneva meetings will resume on September 4. If we succeed in negotiating effective verification, President Reagan is committed to moving forward on TTBT. I look forward to giving the Senate's advice and consent to ratification of TTBT under those circumstances. I believe that the Kennedy-Mathias amendment now would undermine this effort. The timing of it is unfortunate.

I also believe that many Senators are engaged in an earnest search for some nuclear testing limitations which would genuinely contribute to national security and arms control. Our hearings answered some questions, but also brought forth some ideas like that of my colleague from Rhode Island. Therefore, at the appropriate time, I will propose an amendment which encourages the President to pursue and expand the Geneva meetings so that we might soon ratify TTBT and PNET. It also would ask the President to explore with us some new ideas for nuclear testing limitations. Naturally, it also endorses what must be our main objective and that is a need for reductions of existing nuclear weapons.

Our months of work on the Foreign Relations Committee, and our extensive hearings lead me to believe this is the most responsible approach.

Mr. President, if I may have the attention of my colleagues, my understanding of the parliamentary situation is that the distinguished Senator from Massachusetts offered an amendment; the distinguished Senator from Maryland has offered a second-degree amendment, thus creating a tree, of sorts, which makes it impossible for me to offer a substitute at this juncture. My understanding, however, for the information of my colleagues, is that when the hour time limit runs out, three amendments are still in order under the unanimous-consent agreement.

I ask this parliamentary question of the Chair: Is it in order for me to submit my amendment at this time with knowledge that it will not be in order until an hour has elapsed and there has been some disposition of the two amendments now before the Senate?

The PRESIDING OFFICER. The Senator may submit his amendment to the desk. It would not be pending until the time has expired or is yielded back.

Mr. LUGAR. Mr. President, I send an amendment to the desk under the conditions the Chair has stated.

The PRESIDING OFFICER. The amendment will be received and will be stated when the conditions are proper to have it before us.

Mr. LUGAR. Mr. President, I yield the floor.

Mr. KENNEDY. How much time remains, Mr. President?

The PRESIDING OFFICER. The Senator from Massachusetts has 19 minutes. Senator Lugar has 14½ minutes.

Mr. KENNEDY. I yield 4 minutes to my colleague.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I thank the Chair and I thank my distinguished colleague. I rise in support of the amendment of Senator MATHIAS.

I have listened with interest to the distinguished chairman of the Foreign Relations Committee. As a member of that committee, I sat through those hearings and listened. I must say that I think that, at least for this Senator, this administration is without credibility on the issue of trying to find a means of verification for a test ban or really caring about verification as a legitimate stumbling block to the signing of a comprehensive test ban.

I think the truth is that when examining the current star wars program, the x-ray laser bomb, and other arms control questions, it is clear that there is a perception by this administration that it is better to build. They have turned their back on opportunity after opportunity to eliminate nuclear testing in a mutual fashion.

In December 1982, when given the opportunity, we had the chance to lead the world toward that kind of agreement. Instead, we were the lone nation to vote at the United Nations against a resolution which said that all testing should be outlawed. The final tally of that vote was 111 to 1, the United States being the 1.

Last summer, during the 40th anniversary of the Hiroshima explosion, opportunity knocked again when Secretary Gorbachev announced a unilateral moratorium on testing and offered to extend the moratorium indefinitely if the United States would only agree to follow suit. President Reagan chose to ignore the offer. Secretary Gorbachev extended the moratorium nonetheless, and opportunity is still knocking if only we were in a position to take advantage of it. If only we followed the courage of President Kennedy in his move on the test ban in the early 1960's.

Opportunity knocked in October, Mr. President, when six nonaligned nations offered to monitor a comprehensive ban on underground tests. India, Sweden, Argentina, Tanzania, Greece, and Mexico would all have worked for greater verification of testing agreements, if only we would agree to the basic principle of banning nuclear tests. Still we ignored the opportunity.

In May, 2 months ago, opportunity knocked when Secretary Gorbachev proposed to meet with President Reagan on the testing issue, and offered to begin a bilateral moratorium on underground testing. The administration rejected the offer.

Somehow we are pretending that by offering the Soviet Union the opportunity to come and watch one of our tests, that is a constructive move toward getting rid of tests.

Today, we are all fortunate enough to have opportunity knocking again. A mutual moratorium on nuclear testing represents yet another chance for this Nation to carry on the spirit of President John Kennedy's Limited Nuclear Test Ban Treaty which outlawed all nuclear testing in the atmosphere, underwater, and in outerspace. A comprehensive nuclear test ban is straightforward. There are no formulas on the size or capability of weapons. No formulas on throw weights. This amendment would simply allow this country to respect the wishes of 111 nations, to enhance the unilateral moratorium which the Soviets have upheld, and to ensure the safety of the world without reducing our nuclear stockpile. This is a risk-free opportunity. Because the Soviets have maintained the ban unilaterally, we have nothing to lose.

I listened very carefully at those hearings and I must say I heard different things from those who testified. Admiral Crowe, distinguished as he is, came before the committee and said he did not even support the limited test ban anymore and thought we could not verify that.

I listened carefully while more extraordinary statements were made. They testified that we cannot verify the Threshold Test Ban Treaty that we negotiated in 1974 but in the very next breath, they said, we know for a fact that the Soviets have violated it. How can you know for a fact they have violated it when you cannot verify it?

Then they said the comprehensive test ban would not prevent the creation of nuclear weapons. In the next breath they said, no, we cannot have a comprehensive test ban because if we do we are not going to be able to develop the x ray laser for star wars programs; that will be stopped. On the one hand, it will not stop the creation of new nuclear weapons; on the other hand it will stop the very new program they want.

When they talked about safety, they said our nuclear weapons today are reliable. They said no American is

threatened by the safety problem of our nuclear program today. The record will show that. They said our weapons will be reliable for the next 20 years yet in the next breath they say a nuclear test ban will make nuclear stockpiles unsafe. Everybody in the business knows you can adequately test every single component of a nuclear weapon right up to the point of firing without actually firing and know that you have adequately tested the safety of that weapon.

It has been more than 40 years now since we fired that first weapon and we have an opportunity to take an action which this administration clearly does not want to take, will not take, and which it has left to the Congress of the United States to take for it. I hope we, for once and all, do away with this myth, this illusion, this game, this chicanery, that somehow suggests that the administration is really worried about safety, that it is really worried about our ability to verify.

□ 2130

The Soviet Union has said it will talk about onsite inspection. The Soviet Union has said it will have in-ground implantation of seismic devices, but nothwithstanding that we are not even talking about it. I hope we will take this step toward moving us to a safer world. I yield.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I yield 4 minutes to the Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine.

Mr. MITCHELL. Mr. President, yesterday, August 6, we observed two important anniversaries in the history of atomic weaponry. One of these anniversaries served to remind us of the terrible consequences should we fail to regain control over these awesome agents of destruction we have created. The other bore testimony of our failure to date to do so, but also offered hope that we might yet escape the nuclear quandary in which we have placed ourselves.

Forty-one years ago, as the war in the Pacific reached its climatic stage, the world entered the atomic age with the sudden devastation of Hiroshima. What was immediately apparent was that never again could mankind accept the prospects of atomic warfare with anything other than horror. No more the equanimity with which our fathers and grandfathers viewed the outbreak of war in 1914. No more the clamor for battlefield glory which marked the weeks before the United States declaration of war against Spain in 1898.

Yesterday's other anniversary recorded a far less epochal event, but a potentially important milestone nonetheless. One year ago the Soviet Union began observing a unilateral moratorium on all nuclear explosions, including the testing of nuclear weapons. In the intervening months Moscow has repeatedly challenged the United States to match the Soviet ban with one of its own.

It is this latter anniversary about which I wish to speak tonight. Thus far the Reagan administration has steadfastly refused this Soviet challenge. A comprehensive test ban remains a long-term objective, administration spokesmen tell us. But then they quickly add that we're not yet ready for such a step. So while Moscow has refrained from testing for the past 12 months, and even extended its moratorium three times, the United States has conducted more than a dozen tests.

More and more this attitude is revealed as terribly shortsighted. It is clearly to our advantage that the Soviets not resume their testing. A test ban would inhibit the development of new Soviet weapons and maintain the current United States superiority in warhead design. A test ban would stabilize the nuclear balance between the United States and the Soviet Union. A test ban would help in slowing the arms race.

And a test ban would enhance deterrence by reducing the possibility of a sudden technological breakthrough that could conceivably lead one superpower or the other to fear for the safety of its retaliatory forces.

A comprehensive test ban would not free us from the threat of nuclear holocaust. But it could provide a significant impetus toward addressing many of the dangers of a nuclear world.

The American people and their elected representatives realize this. Opinion polls show impressive majorities of Americans favoring the negotiation of a test ban. Both Houses of Congress have produced overwhelming bipartisan votes in support of a test ban. Two years ago we in the Senate voted by a 77 to 22 margin in favor of resuming negotiations looking toward a verifiable ban at the earliest possible date. Every President since the early 1950's, Republican and Democrat, has endorsed such an accord. But this administration has repeatedly spurned opportunities to work for an agreement halting nuclear tests.

Those of us who disagree with this stance have tried to understand the reasons behind this stubborn opposition to an agreement. But frankly, we have not seen or heard much that makes the White House position more intelligible. Administration officials, for instance, speak of the impossibility of verifying a test ban. But their actions belie their words. Were the administration seriously concerned about verifiability questions, the Arms Control and Disarmament Agency would not now be spending on test ban research only one-tenth the amount it spent in 1979. In truth, the administration maintains that a test ban is unverifiable only because it wants a test ban to be unverifiable.

Other administration officials tell us that we need to continue testing in order to insure the reliability of our current nuclear stockpile. But we in the Senate have heard mountains of testimony to the effect that nuclear explosions are not needed in order to confirm stockpile realiability. Sample weapons can be disassembled and their components subjected to nonnuclear tests. Or weapons can be detonated without their nuclear components, while nonexplosive tests are available for determining whether the nuclear components have deteriorated during storage.

In the past these techniques have successfully identified reliability problems, and there is no reason why they cannot be used in the future. Questions about stockpile reliability, it turns out, are only a red herring.

To be fair, it should be noted that the administration has in recent weeks shown somewhat greater flexibility on the issue of a test ban. Perhaps this represents a sincere change of heart on the part of the White House, perhaps only a cynical acknowledgment of the overpowering demand in the country for a more forthcoming attitude. Last month, as we all know, United States experts met in Geneva with their Soviet counterparts to discuss, for the first time since President Reagan took office, issues relating to monitoring and eventually banning nuclear tests. All of us were encouraged by reports out of Geneva that the sessions had been largely free of the bitterness that has characterized many Soviet-American arms control exchanges in recent years. The announcement that the meetings are to resume in September can be viewed as another hopeful sign.

But sharp, even fundamental differences between the two sides remain. The Soviet Union gives every indication of wanting to arrange a total ban on nuclear testing, while United States negotiators insist that they wish to talk only about improved methods of monitoring the very tests the Soviets want to abolish. Whether this basic disagreement can be bridged remains to be seen.

Recently there has also been welcome new movement on another old sticking point—on-site monitoring. During the Geneva talks last month the Soviets reportedly displayed greater interest than ever before in United States proposals for on-site inspections. Equally intriguing is an arrangement Moscow recently negotiated with a private team of American scientists. Under the terms of this agreement the Americans have installed a dozen seis-

mic devices at a Soviet nuclear test site in Kazakhstan. This is the first time Soviet authorities have ever permitted foreign scientists to set up monitoring stations in Soviet territory.

Does this mean that Moscow is now willing to deal? Frankly, we don't know. But we should move expeditiously to explore just what the Soviets are prepared to accept.

And this gets us back to the amendment under consideration. I support that amendment, and I encourage my colleagues to support it. Its terms are perfectly straightforward. It calls upon the President to seek ratification of the Threshold Test Ban Treaty and the Peaceful Nuclear Explosions Treaty, and it urges the President to resume comprehensive test ban negotiations.

These are not radical requests. They do not seek to dictate the nature of negotiations with the Soviet Union, nor the outcome of those negotiations. They simply acknowledge the reality that Hiroshima made evident with such force: That in the nuclear age it is better to talk with our adversaries than to fight nuclear wars against them.

Unfortunately, time is running out. We have allowed an entire year to slip away since the Soviet ban on testing went into effect. Moscow has not announced whether it will continue its unilateral restraint now that its moratorium has expired. We must hope that it does. But we must equally insist that the Reagan administration awake to the advantages of negotiating a mutual and fully verifiable CTB.

Nearly a generation ago we faced an opportunity much like this one when, in the aftermath of the Cuban missile crisis, the leaders of both the United States and the Soviet Union concluded that they had better resolve their differences over the bargaining table. The result was the Limited Test Ban Treaty of 1963.

It is now time to build upon that agreement. The Limited Test Ban Treaty was a useful start, but it failed to go far enough. Had we banned all nuclear testing in 1963, instead of simply driving it underground, neither we nor the Soviets would ever have developed MIRV's or long-range cruise missiles. Nearly everyone agrees that the proliferation of these weapons in recent years has had a tremendously destabilizing impact upon the nuclear balance. We are all less secure today than if we had managed to forego their development.

We are now on the verge of a new generation of destabilizing weapons—the so-called third generation weapons. Now is the time to slow efforts to develop these even more destabilizing instruments of destruction. Now is the time to finish the work first begun with the Limited Test Ban in 1963.

Incredibly, we have allowed the Soviet Union to seize the high ground on this issue. American national interests—and world peace—require that Moscow not resume its nuclear testing. The President should declare an immediate halt to U.S. testing and initiate serious talks with Moscow on a comprehensive test ban treaty.

And Congress should do its part as well. Let us once more demonstrate our endorsement of a comprehensive test ban by supporting the amendment currently before us.

Mr. President, three decades ago President Eisenhower, one of the great military heroes in our history, and a man who knew war as few Americans ever have, established as our national policy the achieving of a comprehensive ban on nuclear activities. Five Presidents who followed him, Republicans and Democrats alike, endorsed that policy and took steps to move the United States toward that objective. The current President and the current administration are the first in the nuclear age to reject that policy and to seek to move the United States not toward that ojective but away from it.

A result is that we are engaged in an unrestrained nuclear arms race which has not enhanced our Nation's security and will not, so long as it is pursued, enhance that security.

It is an illusion to think that if both sides merely pile nuclear weapon on nuclear weapon either is more secure. The opposite is the sad reality. I urge the Senate to support this amendment—a modest step toward the beginning of what we all know must come, and that is the beginning of restraint in the nuclear arms race, to preserve our society, to preserve societies throughout the world.

Mr. KENNEDY. Mr. President, I yield a minute to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized for 1 minute.

Mr. CRANSTON. Mr. President, many issues are important, issues that we deal with constantly in this body, issues that confront people of our country—the environment, the economy, equal opportunity, and many others. But if we fail to prevent a nuclear war, none of those issues will matter. It is time for us in the United States to take a strong position of leadership on the vital issues of war and peace in the nuclear age and nothing is more important than moving toward a ban on the testing of weapons.

I strongly urge support for the Kennedy-Mathias approach which would put us strongly on record in favor of our country providing the leadership and taking the steps that can lead to a reduction and ultimately the end of the threat of nuclear annihilation that hangs over us and that, worse, hangs over our children, darkening their days and filling the nights of the youngest of them with fear.

The PRESIDING OFFICER. The Senator's time has expired. Who yields time? The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, it will be my intention to yield 4 minutes to the Senator from Illinois and then to yield back the time that I had with the idea that we would vote on our proposal, and, should it be successful, to use the remaining time to debate the proposal offered by the Senator from Indiana.

The PRESIDING OFFICER. Will the Senator suspend. The Chair wishes to inform the Senator from Massachusetts that neither side need yield back their time in order to dispose of the Mathias amendment.

The agreement which was entered into, the Chair is informed, would permit the vote on the Mathias amendment or the disposal of the Mathias amendment without having yielded back or utilized the time allocated to both sides.

Mr. KENNEDY. If I could have the attention of the Chair. The way we are constructed now, if we act and the Kennedy-Mathias amendment is accepted, under the existing parliamentary situation there would be no time for the Senator from Indiana. I would suggest that we work out a method of ensuring that the Senator from Indiana would have the time remaining on this particular amendment to argue for his substitute, and that I would have whatever time remains after that to express my views on the substitute.

The PRESIDING OFFICER. The Chair would inform the Senator from Massachusetts that the Senator from Indiana has 14½ minutes roughly and the Senator from Massachusetts 10½ minutes roughly. That time need not be yielded back in order to vote or dispose of the Mathias amendment.

Mr. KENNEDY. I understand that.

Mr. LUGAR. Mr. President, a parliamentary inquiry. Mr. President, is it not the case that after the Mathias amendment is disposed of, then a substitute is in order for the underlying Kennedy amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. I yield 4 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 4 minutes.

Mr. SIMON. Thank you, Mr. President.

I commend my colleagues, Senator MATHIAS and Senator KENNEDY, for this amendment. Two fundamental questions. One, if I may pose it in the negative, why not have it? One argument is verification. I was a delegate to the United Nations special session

on disarmament in 1978, 8 years ago. Eight years ago we had the technology to verify. I have had the Arms Control Disarmament Agency people in to tell me why we cannot do it now, and they come up with things like, "Well, maybe there is an earthquake somewhere and it will look like it is a nuclear explosion." We are straining at gnats to try and find a reason on verification. The reality is we can verify, and everyone who examines the question seriously knows that is the reality.

The second reason for not doing it is one that has been published in some newspapers and journals. I am not revealing any classified secrets. We want to test certain kinds of warheads, particularly laser warheads, and just as certain as I am standing in front of you if we go ahead with those warheads inevitably the Soviets are going to do the same. It just is not rational not to go ahead.

Now, why go ahead? We all know if we sit back and think about it a little we are on a collision course with history with this unbelievable power.

One of the interesting things for me is to talk to a Rotary Club and you may have a question about a nuclear explosion; Talk to a college group and you are likely to have one; talk to a high school group and you are much more likely to have one; talk to a group of fourth graders, my friends, and the question that is going to dominate the discussion is where we are going and whether we are going to blow up this world. That is the reality that these fourth graders somehow sense more than those of us who sit in this Senate, because we get so tied up in all the details of our day-to-day existence and day-to-day legislation.

One illustration. And some of you have heard me use this before over in the House. When I first understood what kind of a world we are living in was about 4½ years ago down in Arkansas, an Air Force sergeant was walking along, accidentally dropped a wrench, it fell through some boards, broke a little aluminum tube, a series of things happened, and a Titan II missile went up in the air and landed in a wooded field some miles away. The warhead did not explode, but the newspapers reported it was a 9 megaton warhead. I called the Congressional Research Service, and I said, "Tell me in terms I can understand what the heck 9 megatons is."

They gave me two answers. No. 1, if you take all the bombs of World War II, including Nagasaki and Hiroshima, they total 2 megatons. Or, No. 2, if you read in El Salvador or Lebanon or Northern Ireland or someplace about a car blowing up, ordinarily that is 1 or 2 or 3 pounds of TNT.

□ 2140

In TNT equivalency terms, a megaton is a railroad freight train loaded with TNT 300 miles long; 9 megatons, 2,700 miles long—almost from Washington, DC, to Los Angeles, CA.

As my friends on the Armed Services Committee know better than I, we have a lot of warheads a lot bigger than 9 megatons. The United States has roughly 10,000 strategic warheads, the large warheads; the Soviets have roughtly 9,500. We have between us, in addition, about 30,000 tactical, smaller nuclear warheads. We have the ability, in a matter of hours, to create a world in which never again is the laughter of a child going to be heard, never again is a deer going to run through a forest, never again is a blade of grass going to grow. Somehow, we have to move away from that. This amendment is a practical way of moving us in that direction.

We are like a car that has passed a detour sign that says: "Warning! Cliff Ahead;" and everybody is saying, "We're going all right now; we haven't passed over the cliff yet." I do not know where that cliff is, but it is down the road, and we have an opportunity, in a responsible way, to halt and say, "Let's move back." I hope we do the responsible thing.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LUGAR. Mr. President, for the benefit of Members, let me describe the situation currently. Senator KENNEDY has offered an amendment and Senator MATHIAS has offered an amendment to the Kennedy amendment which is virtually identical. In that way, they have blocked the substitute. However, the unanimous-consent agreement calls for the three amendments, so eventually my substitute will be heard. Whether the Mathias amendment is voted up or down, the three will be unblocked, and my amendment will be eligible.

I recommend defeating the Mathias amendment which is identical to the Kennedy amendment. In any event, because the time is limited, I want to give Members an idea of my substitute, so that they will have a good recollection as we come to voting on it.

The amendment I will propose reads as follows:

(1) Ratification of the Threshold Test Ban Treaty (TTBT) and Peaceful Nuclear Explosions Treaty (PNET) with effective verification would be in the national security interest of the United States;

(2) Resolution of compliance questions arising from current verification shortcomings is essential to creating a climate in which TTBT and PNET could contribute to national security and the furthering of arms control objectives;

(3) Technical experts on nuclear testing from the United States and USSR have met in Geneva to discuss each side's views, and Soviet delegations expressed interest in pursuing U.S. concerns on TTBT verification;

(4) The Geneva technical experts meetings will resume in early September of this year;

(5) These meetings represent the best opportunity for moving forward with limitations on nuclear testing;

(6) The President is committed to moving forward on ratification of TTBT with PNET, if effective verification provisions can be negotiated;

(7) The Congress remains interested in the possibilities which may be afforded by a Comprehensive Test Ban (CTB);

(8) In examining the CTB question, innovative ideas have been brought forth which merit the serious attention of the Congress and the Administration; and

(9) Achievement of effective verification and ratification of TTBT nd PNET would be a major breakthough in US-Soviet relations upon which the President should seek to conclude further arms control agreements, especially those for significant reductions in existing nuclear weapons.

B. Sense of Congresss. It is the sense of Congress that:

(1) The President should be commended for bringing about the recent Geneva meeting on nuclear testing issues;

(2) The President should do everything possible to further the current Geneva talks of nuclear testing experts, including taking into account Soviet views;

(3) The President should seek to expand the experts meeting to the political level as soon as possible in order to negotiate effective verification of TTBT and PNET;

(4) The President should raise this as an issue of high priority with General Secretary Gorbachev at the next summit; and

(5) If effective verification is agreed, the President should seek Senate advice and consent to ratification of TTBT and PNET immediately.

C. *Report.* By February 1, 1987 the President shall submit a report to the Chairman of the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives. This report shall detail:

(1) Whether a CTB, or a ban on tests above the lowest verifiable yield, would contribute to U.S. national security, including our arms control objectives. If the Administration reports that they cannot, the report shall explain why;

(2) Whether a CTB, or a very low permitted yield could ever contribute to U.S. national security, including our arms control objectives, and if so, under what conditions;

(3) Whether a permitted yield below 150 kilotons could contribute to U.S. national security and arms control objectives, and under what conditions; and

(4) Whether an annual quota on tests could contribute to U.S. national security and arms control objectives.

D. *Coordination of the Report.* The President's report will be coordinated by the Director of The Arms Control and Disarmament Agency, with the Secretary of Defense, Secretary of Energy, Secretary of State, Director of Central Intelligence and all other responsible officials.

Mr. President, that is the substitute that I look forward to offering at the appropriate time. I hope that all Members will carefully consider the fact that negotiations are about to proceed. The substitute I am prepared to offer gives encouragement to all who are involved in those talks because very genuine bipartisan basis for furthering

the aims of the talks was evident during the hearings of the Foreign Relations Committee.

Mr. KENNEDY. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 5 minutes and 4 seconds.

Mr. KENNEDY. I yield myself 4½ minutes.

Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. KENNEDY. Mr. President, the chairman of the Foreign Relations Committee described his substitute. I would like to do the same for the proposal that the Senator from Maryland and I offer. It reads as follows:

(a) FINDINGS.—The Congress finds that—

(1) the United States is committed in the Limited Test Ban Treaty of 1963 and in the Non-Proliferation Treaty of 1968 to seek to achieve the discontinuance of all test explosions of nuclear weapons for all time;

(2) a comprehensive test ban treaty would promote the security of the United States by constraining the United States-Soviet nuclear arms competition and by strengthening efforts to prevent the proliferation of nuclear weapons;

(3) the Threshold Test Ban Treaty was signed in 1974 and the Peaceful Nuclear Explosions Treaty was signed in 1976, and both have yet to be considered by the full Senate for its advice and consent to ratification;

(4) the entry into force of the Peaceful Nuclear Explosions Treaty and the Threshold Test Ban Treaty will ensure full implementation of significant new verification procedures and so make completion of a comprehensive test ban treaty more probable;

(5) a comprehensive test ban treaty must be adequately verifiable, and significant progress has been made in methods for detection of underground nuclear explosions by seismological and other means;

(6) at present, negotiations are not being pursued by the United States and the Soviet Union toward completion of a comprehensive test ban treaty; and

□ 2150

I would point out, here that the so-called expert negotiations that took place in Geneva last week are not on the subject of a comprehensive test ban. The administration is simply not interested in talk on a CTBT.

To continue:

(7) the past five administrations have supported the achievement of a comprehensive test ban treaty.

(b) SENSE OF CONGRESS.—It is the sense of Congress that at the earliest possible date, the President of the United States should—

(1) request advice and consent of the Senate to ratification (with a report containing any plans the President may have to negotiate supplemental verification procedures, or if the President believes it necessary, any understanding or reservation on the subject of verification which should be attached to the treaty) of the Threshold Test Ban and Peaceful Nuclear Explosions Treaties, signed in 1974 and 1976, respectively;

Let me point out that, if the President has concerns about verification of the TTBT or PNET and wants additional verification provisions, we invite him to submit those additional verification requirements to the Senate of the United States in the form of a report.

(2) propose to the Soviet Union the immediate resumption of negotiations toward conclusion of a verifiable comprehensive test ban treaty.

In accordance with international law, the United States shall have no obligation to comply with any bilateral arms control agreement with the Soviet Union that the Soviet Union is violating.

Mr. President, the immediate resumption of CTB negotiations is supported by a large number of distinguished American Nobel laureates in a number of fields. I ask unanimous consent that a letter of support for the CTBT dated April 6, 1986, from these distinguished Americans be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

APRIL 8, 1986.

President RONALD REAGAN,
*The White House, Washington, DC.*

DEAR MR. PRESIDENT: We are writing to urge you not to abandon the historic opportunity that now exists to end nuclear weapons testing for all time. We implore you to suspend all U.S. nuclear tests until the next summit meeting or until the Soviet Union resumes testing. We also urge you to resume trilateral negotiations with the Soviet Union and the United Kingdom, suspended since 1980, which could lead toward the swift completion of a Comprehensive Test Ban Treaty.

Nobel laureate signatories:

Philip W. Anderson, Physics Department, Princeton University.

C.B. Anfinsen, Department of Biology, Johns Hopkins University.

Baruj Benacerraf, Department of Pathology, Harvard Medical School.

Paul Berg, Willson Professor of Biochemistry, Stanford University School of Medicine.

Owen Chamberlain, Lawrence Berkeley Laboratory, University of California at Berkeley.

S. Chandrasekhar, Laboratory for Astrophysics and Space Research, Chicago, IL.

Sheldon Lee Glashow, Professor of Physics, Lyman Laboratory of Physics, Harvard University.

Walter Gilbert, Biology Department, Harvard University.

Roald Hoffman, Department of Chemistry, Cornell University.

Robert W. Holley, Salk Institute for Biological Studies.

David H. Hubel, Department of Neurology, Harvard Medical School.

Polykarp, Kusch, Professor Emeritus of Physics, University of Texas, Dallas.

Fritz Lipmann, Professor of Biochemistry, Rockefeller University.

William N. Lipscomb, Jr., Department of Chemistry, Harvard University.

S. E. Luria, Institute Professor of Biology, Massachusetts Institute of Technology.

Linus Pauling, Formerly Chair, Division of Chemistry and Chemical Engineering, California Institute of Technology.

Edward M. Purcell, Lyman Laboratory of Physics, Harvard University.

Glenn T. Seaborg, Lawrence Berkeley Laboratory, University of California at Berkeley.

Emilio Segre, Department of Physics, University of California at Berkeley.

Herbert A. Simon, Professor of Computer Science and Psychology, Carnegie-Mellon University.

James Tobin, Department of Economics, Yale University.

George Wald, Biological Laboratories, Harvard University.

Steven Weinberg, Department of Physics, University of Texas.

Kenneth G. Wilson, Laboratory of Nuclear Studies, Cornell University.

Robert W. Wilson, Head, Radio Physics Research Department, Bell Laboratories.

Mr. BIDEN. Mr. President, the Reagan administration is the first since the Presidency of Dwight Eisenhower to fail to make any effort to make progress in the domain of nuclear testing.

The administration's record is dismal. It has refused to resume comprehensive test ban negotiations. It has failed to request Senate approval of the still unratified Threshold Test Ban Treaty that was signed in 1974 and the Peaceful Nuclear Explosions Treaty that was signed in 1976. It has, in the face of strong public opposition, resumed nuclear testing just when the Soviets, however, cynically, appear to be demonstrating more interest in a testing agreement.

The fact is that the administration wishes to continue testing because, as I stated during the SDI debate on the floor several days ao, it intends to continue its arms buildup. And it specifically wants to preserve the right to test such exotic weapons as the x-ray laser which are critical to the development of its Star Wars Program.

There is now substantial consensus in the technical community that the administration's allegations about frequent Soviet violations of the 150 kiloton threshold limit on testing that is now in effect were due to measurement error. Both the Soviet Union and the United States have in fact tested several times over the threshold. But if the roof on your house is leaking, you do not tear down the house. You attempt to improve upon its construction. So too with arms control. We must strengthen the commitment not to test, not weaken it.

The amendment offered by Senators KENNEDY and MATHIAS calls on the administration to seek ratification of the two extant treaties and to resume negotiations toward a mutual and verifiable Comprehensive Test Ban Treaty. While a test ban is not a substitute for the limitations on offensive and defensive systems that I have repeatedly called for, a test ban would be an important component of a comprehensive arms control regime between the two superpowers.

COMPREHENSIVE TEST BAN

Mr. LEAHY. Mr. President, if President Reagan and Mr. Gorbachev are to succeed in devising a formula to reduce and ultimately eliminate nuclear weapons, they must take the fundamental step of making a commitment to negotiate a comprehensive test ban.

A verifiable CTB with onsite inspection could pave the way toward a freeze on the production and deployment of nuclear weapons. It could help put an end to the constant parade of destabilizing nuclear innovations which have failed to enhance our security. Combined with deep reductions in offensive forces and tight restraints on the development, testing, and deployment of defensive weapons, a halt in nuclear testing could be a major contribution toward halting and reversing the nuclear arms race.

As a first step, we should immediately ratify the Threshold Test Ban and Peaceful Nuclear Explosion Treaties. These treaties, negotiated by Presidents Nixon and Ford, ban nuclear tests above 150 kilotons and contain precedent-setting verification procedures, including Soviet acceptance of the principle of onsite inspection and the use of data exchanges to calibrate the size of Soviet tests. Though these treaties have not been ratified, both superpowers have agreed to informally observe them.

The administration has refused to allow the Senate to proceed with a ratification debate on these treaties, citing likely Soviet violations of the TTBT and the inadequacy of its accompanying verification protocol.

Let's take a moment to evaluate the basis of the administration's refusal to verify these treaties.

First, according to recent press reports, the Central Intelligence Agency has changed its procedures for estimating the yield of Soviet nuclear tests because its previous estimates were too high. Seismological experts outside the Government have long argued for such a change. As a result, on the basis of seismic information, the Soviet Union's likely violations may have never been violations at all. In fact, under the old methodology used by the administration to allege likely Soviet violations, it is entirely possible that some U.S. nuclear weapons tests may have themselves appeared to the Soviets to exceed the imposed 150 kiloton limit.

With regard to verification, there is no doubt that uncertainties involved with the monitoring of either a low yield arms control regime or a comprehensive test ban can today be reduced to acceptable levels with readily available technology for onsite monitoring at Soviet and United States test facilities. The question, then, is how to proceed to implement such a program of effective monitoring.

After ratifying the TTB and PNE Treaties, the second step is for both superpowers to join in a mutual moratorium on all nuclear testing. Such a moratorium could be imposed for a limited period of time, or as long as the Soviet Union continued to refrain from testing, while we negotiate and implement more rigorous nuclear testing verification procedures.

Mr. President, such an opportunity has been available to the United States since last August, when the Soviet Union began its moratorium on nuclear testing. The administration has refused to join the Soviets, citing the risks that a moratorium could pose for the reliability of our nuclear weapons stockpile. It argues that without testing, the United States could not diagnose and remedy potential problems in the safety of our nuclear stockpile or the reliability of our nuclear weapons.

The fact is, few U.S. nuclear tests have ever been dedicated specifically to identifying design flaws in nuclear weapons. Rather, the overwhelming majority of tests are for validating nuclear weapons designs and testing new concepts for future weapons development.

Certainly, the safety and reliability of the nuclear stockpile cannot be ignored. However, this issue can be adequately addressed through an arms control agreement which, for example, might permit a very small quota of low yield tests for the purpose of ensuring the safety and reliability of remaining weapons.

The final step would be to resume comprehensive test ban negotiations.

Prior to United States withdrawal from CTB negotiations in 1980, the Soviets had accepted a United States plan for onsite inspections to help resolve compliance questions. In another major breakthrough on verification, the Soviets also accepted a United States proposal for development of a network of sophisticated automatic seismic monitoring stations on their territory. Such seismic facilities inside of the Soviet Union, combined with our impressive existing national technical means of verification, would give us a very effective basis for verifying a CTB.

Mr. President, negotiating the elimination of nuclear testing is largely a matter of political will, and not of inadequate verification technology or procedures. Verification should not be used as an excuse by the administration to block CTB negotiations.

It is ironic that a group of U.S. scientists from the National Resources Defense Council have recently succeeded where our Government has failed. The NRDC has concluded an agreement to deserve Soviet tests which might actually enhance the prospects of verifying a comprehensive test ban.

On May 28, 1986, the NRDC and the Sovict Academy of Scientists entered into an unprecedented agreement to establish three seismic monitoring stations near the Soviet nuclear test site in Kazakhastan and our Nevada test site.

History's first private sector peace initiative could result in the collection of invaluable data on the seismological characteristics of the Soviet Union. It might help remove an important obstacle in the verification myth used by the administration in opposing a comprehensive test ban.

Finally, Mr. President, in recent days we have been encouraged by promising developments between Soviet and American negotiators in Geneva on the question of nuclear testing. They concluded their deliberations with the promise to meet again. But we have been encouraged in the past, only to be disappointed. The time for action is now in moving toward an end to all nuclear testing.

● Mr. LEVIN. Mr. President, my colleagues have discussed several important aspects of the Comprehensive Test Ban [CTB] Treaty issue. My remarks will concentrate on the relationship of a CTB Treaty and negotiations to the arms control treaty most of us seem to forget: The Nuclear Nonproliferation Treaty [NNPT]. In 1991, a short 5 years away, we may be rudely awakened to the continuing importance of the NNPT, for in that year the over 100 nations that have pledged not to develop their own nuclear arsenals will decide whether to renew their pledges. Obviously, the security of this small planet will be even more seriously threatened if the six nuclear nations we now know of are joined by the dozen other nations capable of developing a nuclear device, and another two dozen who might be able to develop one by the end of the century. The sole legal obstacle to such a dangerous future is the NNPT.

The NNPT, signed in 1968 right here in Washington, and ratified by the Senate in 1969, sealed a three way bargain. The nonnuclear signatories promised not to develop nuclear weapons. In exchange, they were promised access to peaceful nuclear technologies. All nations which signed it agreed to adopt International Atomic Energy Agency [IAEA] safeguards to prevent clandestine development of weapons and to set international standards of inspection and safety measures for their reactors. All this has come to pass. The third aspect of the bargain is contained in article six of the treaty: "Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measure relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disar-

mament under strict and effective international control." This is clearly an undertaking by the nuclear weapons states to negotiate an end to the arms race as their part of the bargain, at an early date. Seventeen years later, what progress can we point to in this regard? Five years from now, this is the question the patient, peaceful nonnuclear states will be asking us: Have you kept the NNPT bargain?

And, Mr. President, in 1969, disarmament had a very precise meaning. There were no SALT or START talks at the time. There was only the Atmospheric Test Ban Treaty. In fact, this treaty which is cited in the preamble of the NNPT, had as its ultimate goal "the discontinuance of all test explosions of nuclear weapons for all time." Clearly by this reference disarmament in the NNPT context has as one of its ultimate goals a comprehensive test ban. We signed this treaty understanding this. And for years, through the Threshold Test Ban Treaty of 1974 and the Peaceful Nuclear Explosions Treaty of 1976, we were good to our word. These modest steps toward a CTB were achieved. But this progress came completely to a halt with the Reagan administration.

Our current administration policy is that a CTB, regardless of our solemn international obligations, is not in the national interest. I'd like to examine the administration's arguments against a CTB one by one, remembering that weighty pledge we have made in the NNPT. Do any of these reasons justify our refusal to negotiate in good faith on a CTB? That is the question. First, verification. Due to advances in the technology of verification, it is now the consensus of experts in the field that nuclear explosions can be verified certainly at the 10 kiloton level and very probably at the 1 kiloton level. Yet Assistant Secretary Perle, as recently as this March, still maintains that the 150 kiloton limit of the Threshold Test Ban Treaty [TTBT] cannot be adequately verified. On a related issue, onsite inspection, a scientific team from the Natural Resources Defense Council has just visited the Soviet Union to begin a civilian monitoring effort of Soviet tests. It is no longer adequate for the administration to cite this as a realistic obstacle. The Soviets are willing to allow onsite inspection. We can verify the TTBT, and we should begin serious discussions of CTB verification procedures, beyond the low level expert contact recently begun in Geneva. This is a bare minimum effort.

A second argument against the CTB is the need to test a nuclear pumped x-ray laser, a third generation nuclear weapon, a test which clearly violates the spirit of the NPT. We are supposed to negotiate a cessation to the arms race, not invent an even more sophisticated weapon for its continuation. We've heard no solid strategic reason to develop the x-ray laser.

But let's get to the heart of the issue. Many Senators will be rightly alarmed by statements that continued testing is needed to maintain the reliability of our arsenal. This is the import of the annual arms control impact statement. And it is the basis for a recent letter from Deputy Assistant Secretary of Defense Frank Gaffney to Representative MARKEY. I'd like to refer to this letter in greater detail: It lists our current design criteria for nuclear weapons. These are: Safety; modifications for compatibility with new delivery vehicles—that is modernization—minimum probability of any plutonium dispersal in the event of accident; operational reliability; yield testing; conservation of nuclear materials; minimum maintenance costs; and simplicity.

Reading between the lines, these criteria mean that we want to modernize, and we want to continue producing different yields. These goals also clearly violate the spirit of the NPT and its call for cessation of the arms race. Moreover, two very feasible goals do not appear in these criteria. One is the design of nuclear weapons so they do not require further testing. This was our policy until the 1970's. A second criteria might be simple compatibility with our NPT obligations. They amount to the same idea: We can develop weapons that do not require proof testing of their reliability. In fact, a very small proportion of our nuclear tests today are conducted for this purpose. The individual nonnuclear components, including permissive action links, can be tested readily in the laboratory or with conventional explosions. All that is lacking is the policy guidance to require it. So don't be deceived by the often stated argument: We must test for reliability. That is not the reason for the vast majority of our tests.

Finally, let us examine the most contradictory argument of all. It is said that reduced confidence in our arsenal would lead to a decision to launch even more weapons in the event of a nuclear conflict. The whole rationale of an SDI is to reduce confidence in the opponent's ability to attack our silos. Gradual deterioration of both side's arsenals would in fact perform the same function as an SDI. The administration seems to want it both ways, depending on the context of the argument. They want SDI, they don't want a CTB. This completes the pattern of disregard for logic and the capabilities of the most modern technologies in verification and warhead design. I wish the administration would turn this skeptical scrutiny on SDI. If we can indeed develop an impenetrable shield to make these terrible weapons impotent and obsolete, we can certainly use the available technology to comply with a CTB!

The American people are indeed uncomfortable with the no-win theory of deterrence. We live in anxious and all too dangerous times. A CTB would serve as a valuable first step to a true cessation of the arms race; it would effectively prevent modernization on both sides. Over many years, 20, 30, 50, it would render our arsenals slowly impotent and obsolete without costing anyone a dime. The confidence that might be bred between our two nations as this slow and steady miracle occurred could materially change the climate of our relations with the Soviet Union. And we would be spared that looming danger on the horizon, that the many nonnuclear nations who signed and have compiled with the NPT would not be tempted to develop additional arsenals. The moment of truth for the NPT will occur in 1991. What will we say to them? What will they say to us?

At the recent NPT review conference, in August 1985, I was told over and over by representatives of our allies: "Keep your commitments to sit down and negotiate." And, "You hurt yourself and give the Soviet Union a great propaganda victory by refusing to talk to them about a comprehensive test ban." It is extremely hard to argue against that position. And the fact that the Soviets have suspended their testing for more than a year now just makes these remarks more urgent. Such a self-inflicted wound can be avoided, however, if the President will listen to our allies keep our commitments and promptly state a willingness to resume CTB negotiations. For this reason, I support the amendment.●

Mr. KENNEDY. Mr. President, I am prepared to vote.

The PRESIDING OFFICER. The Senator has 1 minute remaining.

The Lugar side has 26 minutes remaining.

The Senator from Maryland.

Mr. MATHIAS. Mr. President, I am also prepared to vote.

I just point out this has not only been supported by the past five administrations, including, as the Senator from Maine noted, President Eisenhower, but it is today supported by a majority of the American people. The Gallup Poll that was taken on June 8 showed that a clear majority of Americans favored the test ban.

It is an urgent subject. It is one on which I think the record is clear.

I urge the Senate to adopt this amendment, and I ask for the yeas and nays on the amendment.

Mr. KENNEDY. Yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, will the Senator yield me about 10 seconds?

Mr. KENNEDY. I yield.

Mr. NUNN. Mr. President, I support the amendment. It is identical to the amendment we adopted 2 years ago by something like a 77 to 22 vote. It gives the President the latitude that he needs both in terms of verification and in terms of seeking a comprehensive test ban. It does not mandate a complete comprehensive ban. It gives a lot of leeway and flexibility.

I think it is a good amendment. I urge my colleagues to support it.

Mr. GOLDWATER. Mr. President, I yield 3 minutes to the Senator from South Carolina.

Mr. THURMOND. Mr. President, on the surface, this amendment seems to be a rather simple statement in support of controlling nuclear testing. The amendment, however, raises some serious issues that the Senate should consider very carefully. This amendment would endorse Senate ratification of a Threshold Test Ban Treaty and the Peaceful Nuclear Explosions Treaty before U.S. verification concerns have been addressed and satisfied. In addition, the amendment calls for the immediate resumption of the Comprehensive Test Ban Treaty negotiations.

Mr. President, verification is the heart and soul of any arms control agreement between the two superpowers. The Threshold Test Ban Treaty in its current form cannot be effectively verified. The Soviets have clearly violated the Limited Test Ban Treaty and have probably violated the Threshold Test Ban Treaty. Therefore, it is essential that the United States be guaranteed sufficient verification and enforcement provisions in any treaty.

Mr. President, President Reagan has stated if agreement can be reached with the Soviet Union on verification of the Threshold Test Ban Treaty, he is prepared to seek ratification of the Threshold Test Ban Treaty and the Peaceful Nuclear Explosions Treaty.

Mr. President, we need to ensure that any treaty concerning limiting nuclear tests can be vertified fully and accurately. Until the United States is assured of adequate verification provisions, the Senate should take no steps to undermine the President's negotiations with the Soviets.

Mr. President, I urge all of my colleagues to oppose this amendment.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. LUGAR. Mr. President, following the vote on the amendment of the distinguished Senator from Maryland will my amendment automatically be in order, and by what procedure does it become the pending amendment?

The PRESIDING OFFICER. When the Mathias amendment is disposed of the amendment of the Senator from Indiana will be in order.

Mr. LUGAR. Mr. President, is it true that whether or not the Mathias amendment passes, in the event that my amendment passes, will it prevail over both the Kennedy amendment and the Mathias second degree amendment?

The PRESIDING OFFICER. The Senator's amendment is a complete substitute, and the Senator is correct.

Mr. LUGAR. Mr. President, I ask these questions for the benefit of Members. In the event that the vote on the Mathias amendment is adverse, as I hope it will be, my substitute will be available. In the event the Mathias amendment should pass, my substitute will be available. In either case, if voted favorably, it would prevail.

Mr. GOLDWATER. Mr. President, I yield 2 minutes to the Senator from Virginia.

Mr. WARNER. Mr. President, I rise to oppose the Kennedy-Mathias amendment on nuclear testing. I would like to take this opportunity to address the issue of underground nuclear testing and its relationship to U.S. national security. In view of the Soviet moratorium on such testing announced by General Secretary Gorbachev, and the administration's determination to proceed with the U.S. underground test program, this issue is receiving heightened attention.

On April 29, 1986, the Committee on Armed Services conducted a hearing on nuclear testing issues. At that hearing we heard from administration officials and public witnesses on this important subject. In addition, earlier in April, the Subcommittee on Strategic and Theater Nuclear Forces—which I chair—conducted a hearing on the Department of Energy's National Security Programs. During this hearing the subject of nuclear testing—which would have a significant impact on our nuclear weapons programs—was discussed in considerable detail. I would like to share with my colleagues the information that was brought out during these hearings.

Effective and verifiable limitations on nuclear testing remain an important element in a broad spectrum of U.S. arms control objectives. However, there are two subjects that I would like to focus on today, and these are the key provisions of the amendment by my colleagues from Maryland and Massachusetts. The first is the Threshold Test Ban Treaty [TTBT] and the verification issues associated with that treaty. The second issue is the Comprehensive Test Ban Treaty [CTBT] and the question of whether the resumption of negotiations on a CTBT is in our national security interest at this time.

The United States and the Soviet Union signed the Threshold Test Ban Treaty in 1974, and although this agreement has not been ratified, both parties stated in 1976 that they would observe the 150 kiloton limit that it established. Because that the United States cannot effectively verify Soviet compliance with the TTBT, it places the highest priority in the nuclear testing area to resolving these verification problems. The Reagan administration has made several proposals to the Soviets to resolve these verification problems, including the President's proposal of March 14, 1986.

In that proposal, the administration again invited the Soviet Union to send scientists to the Nevada test site later that month to monitor a U.S. nuclear test. For the purpose of beginning a dialog, President Reagan agreed to forego any conditions on his unilateral invitation. At this time, the Soviets would be able to examine a proven technical method—known as CORR-TEX—to monitor the yields of underground tests. This technology can accurately determine test yields—to within plus or minus 30 percent—by measuring the propagation of the underground shock wave created by the nuclear explosion.

While the Soviets have rejected previous U.S. offers in this regard, I had hoped that they would respond more positively to this proposal. This would have been a good opportunity for General Secretary Gorbachev to demonstrate that his expressed willingness to discuss verification issues is more than an exercise in propagandizing. I was disappointed by the Soviet rejection of the President's offer, because I felt that it offered some hope of progress on the subject of nuclear testing limitations.

President Reagan has made it clear that if there can be agreement on the use of an effective verification system incorporating such a method to verify the TTBT, he would be prepared to move forward and seek ratification of both the Threshold Test Ban and Peaceful Nuclear Explosions agreements.

This amendment expresses the sense of the Congress that the President should submit the Threshold Test Ban Treaty for ratification prior to the resolution of these verification issues. I think this would be highly ill-advised. U.S. concerns about verification are particularly serious in view of the Soviet record of noncompliance with its arms control commitments, including likely violations of the TTBT and unambiguous violations of the Limited Test Ban Treaty of 1963. To submit this agreement before resolving our concerns would reduce any incentive

the Soviets might have to address these verification problems seriously.

Mr. President, as my colleagues know, United States and Soviet technical delegations met in Geneva during the week of July 28, 1986, to discuss nuclear testing issues. While the details of these discussions are confidential, I understand that they went well. The Soviets apparently listened with great interest to our discussion of the CORRTEX verification technology, and I understand that these delegations will be meeting again next month.

It is my firm hope that these discussions will lead to a resolution of U.S. concerns about nuclear testing verification, so that we might move forward with ratification of the TTBT and PNET agreements as the President has indicated he is prepared to do under those circumstances. I believe that a Senate amendment calling for the ratification of the TTBT before our verification concerns have been resolved would undermine any incentive the Soviets might have to agree to improve verification provisions. Adoption of this amendment would thus run counter to our national security interests.

On the subject of the Comprehensive Test Ban Treaty [CTBT], this remains a long-term objective of the United States. The Reagan administration's position on this is similar to that of previous administrations. The last several administrations have supported the goal of an effective and verifiable CTBT, but none of them tried or were able to conclude such an agreement.

A CTBT must be viewed in the context of overall U.S. security requirements. As long as the security of the United States and our allies continues to rely on a credible and effective nuclear deterrent, we must be able to continue nuclear testing. The United States must maintain a credible nuclear deterrent until a better alternative is available. It is only through regular nuclear testing that the reliability of the U.S. nuclear stockpile can be maintained with confidence. Without such testing, there would be strong pressures to increase the size of our stockpile to compensate for the resulting loss of confidence in its reliability.

There are numerous examples in the past when actual nuclear tests have identified serious weapon design problems that were not uncovered through computer simulations. In these cases, actual nuclear tests were required to correct these problems. As the United States continues to incorporate modern safety and security features into its weapons designs, these weapons must be tested to insure that they work. It should be noted that the small ICBM warhead will require such features because of its mobility and potential interface with the public. Without nuclear testing, the U.S. could not incorporate these important safety and security features without some loss of confidence in the reliability of our stockpile.

In addition, an important aspect of nuclear testing is weapons effects testing whereby nonnuclear components, such as electronics, are subjected to the effects of a nuclear explosion to test their hardness to these effects. The United States could not with confidence provide for the survivability of our satellites and command, control, and communications systems without such nuclear testing.

Nuclear testing over the years has enabled the United States to modernize and improve its deterrent force in response to the dynamic requirements of deterrence. As United States targeting policy has evolved, and as the Soviet target base has changed, the weapons needed to support our deterrence requirements have changed as well. Because of these changes, the weapons in the United States stockpile have become smaller, more accurate, and therefore less destructive. They may also have to become more specialized in response to Soviet efforts to make their important targets more difficult to target, either through hardening, construction of facilities deep underground, or mobility. Nuclear testing will be necessary to respond to such Soviet actions.

As a result of weapons developments over the years, the U.S. nuclear stockpile today is one-third smaller than it was in 1967. The total destructive power of our stockpile has been reduced by three-quarters since 1960. As a result, we have been able to maintain a credible nuclear deterrent with a smaller, safer and more secure nuclear stockpile.

As I said earlier, a Comprehensive Test Ban Treaty remains a long term objective of the United States. However, it must be viewed in the context of achieving broad, deep and verifiable arms reductions; substantially improved verification capabilities; expanded confidence building measures; and a greater balance in conventional forces. In addition, there remain serious problems with verifying a CTBT that must be resolved. In the meantime, our highest priority in arms control remains significant, equitable and verifiable reductions in strategic offensive forces.

Mr. President, I will conclude by again urging my colleagues to oppose the Kennedy-Mathias amendment on nuclear testing. The Senate's actions should be supportive of the administration's arms control efforts. These efforts will take time, and they can only be successful if they enjoy the support of the Congress. In view of the actions of the House of Representatives, the burden of supporting the administration's efforts has fallen entirely on the Senate. I am hopeful that we can reach agreement with the Soviet Union on improved verification provisions for the TTBT and PNET agreements. A ban on nuclear testing will remain a long-term goal, but I continue to believe that nuclear testing is in our national security interest until those circumstances exist under which we no longer rely on offensive nuclear weapons for deterrence.

Mr. President, I associate myself with the positions stated by the distinguished chairman of the Foreign Relations Committee and oppose this amendment.

Recently, the Soviets have shown a great and indeed a greater willingness to discuss this very issue that is before us tonight. During the week of July 28, 1986, United States and Soviet technical delegations met in Geneva for bilateral talks on nuclear testing issues.

This change of heart by the Soviets is a vindication of the administration's approach to nuclear testing limitations.

These discussions with the Soviets apparently went quite well and according to the United States representative, the Soviets listened to our discussions of the CORRTEX verification technology.

I also understand that further discussions are scheduled to take place next month.

Senate adoption of this amendment would undermine the administration during these important discussions and eliminate any incentive for the Soviets to agree to improved verification measures.

For that reason and such additional reasons that I have stated, I strongly oppose the amendment.

The PRESIDING OFFICER. Who yields time?

No time is sought.

The question is on agreeing to the amendment of the Senator from Maryland. On this question the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Mississippi [Mr. STENNIS] is necessarily absent.

The PRESIDING OFFICER (Mr. SPECTER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 64, nays 35, as follows:

[Rollcall Vote No. 189 Leg.]

YEAS—64

| | | |
|---|---|---|
| Andrews | Chafee | Eagleton |
| Baucus | Chiles | Exon |
| Bentsen | Cohen | Ford |
| Biden | Cranston | Glenn |
| Bingaman | D'Amato | Gore |
| Boren | Danforth | Gorton |
| Bradley | DeConcini | Grassley |
| Bumpers | Dixon | Harkin |
| Burdick | Dodd | Hart |
| Byrd | Durenberger | Hatfield |

| | | |
|---|---|---|
| Heinz | Matsunaga | Rockefeller |
| Hollings | Melcher | Roth |
| Inouye | Metzenbaum | Sarbanes |
| Johnston | Mitchell | Sasser |
| Kassebaum | Moynihan | Simon |
| Kasten | Murkowski | Simpson |
| Kennedy | Nunn | Specter |
| Kerry | Packwood | Stafford |
| Lautenberg | Pell | Trible |
| Leahy | Proxmire | Weicker |
| Levin | Pryor | |
| Mathias | Riegle | |

NAYS—35

| | | |
|---|---|---|
| Abdnor | Hatch | Nickles |
| Armstrong | Hawkins | Pressler |
| Boschwitz | Hecht | Quayle |
| Broyhill | Heflin | Rudman |
| Cochran | Helms | Stevens |
| Denton | Humphrey | Symms |
| Dole | Laxalt | Thurmond |
| Domenici | Long | Wallop |
| Evans | Lugar | Warner |
| Garn | Mattingly | Wilson |
| Goldwater | McClure | Zorinsky |
| Gramm | McConnell | |

NOT VOTING—1

Stennis

So the amendment (No. 2639) was agreed to.

□ 2210

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LUGAR addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. LUGAR. Mr. President, may I have the attention of my colleagues?

The PRESIDING OFFICER. The Senate will be in order.

□ 2220

Mr. LUGAR. Mr. President, let me describe the parliamentary situation. Senator KENNEDY offered an amendment. Senator MATHIAS then offered a second degree amendment, thus blocking the tree. We disposed of the Mathias amendment by adopting it. I am going to offer the substitute amendment now which I described earlier in the debate. In the event it is adopted, it takes out the Mathias amendment and becomes the action of the Senate this evening.

Many Members have asked if you can vote for both. The answer is yes. I presume many Members will do that, and I will be grateful for those votes.

AMENDMENT NO. 2640, SUBSTITUTE FOR AMENDMENT NO. 2638

Mr. LUGAR. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Indiana [Mr. LUGAR] proposes an amendment numbered 2640.

Mr. LUGAR. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In lieu of the language proposed to be inserted, insert the following:

A. FINDINGS. The Congress finds that:

(1) Ratification of the Threshold Test Ban Treaty (TTBT) and Peaceful Nuclear Explosions Treaty (PNET) with effective verification would be in the national security interest of the United States;

(2) Resolution of compliance questions arising from current verification shortcomings is essential to creating a climate in which TTBT and PNET could contribute to national security and the furthering of arms control objectives;

(3) Technical experts on nuclear testing from the United States and USSR have met in Geneva to discuss each side's views, and Soviet delegates expressed interest in pursuing U.S. concerns on TTBT verification;

(4) The Geneva technical experts meetings will resume in early September of this year;

(5) These meetings represent the best opportunity for moving forward with limitations on nuclear testing;

(6) The President is committed to moving forward on ratification of TTBT with PNET, if effective verification provisions can be negotiated;

(7) The Congress remains interested in the possibilities which may be afforded by a Comprehensive Test Ban (CTB);

(8) In examining the CTB question, innovative ideas have been brought forth which merit the serious attention of the Congress and the Administration; and

(9) Achievement of effective verification and ratification of TTBT and PNET would be a major breakthrough in US-Soviet relations upon which the President should seek to conclude further arms control agreements, especially those for significant reductions in existing nuclear weapons.

B. SENSE OF CONGRESS. It is the sense of Congress that:

(1) The President should be commended for bringing about the recent Geneva meeting on nuclear testing issues;

(2) The President should do everything possible to further the current Geneva talks of nuclear testing experts, including taking into account Soviet views;

(3) The President should seek to expand the experts meeting to the political level as soon as possible in order to negotiate effective verification of TTBT and PNET;

(4) The President should raise this as an issue of high priority with General Secretary Gorbachev at the next summit; and

(5) If effective verification is agreed, the President should seek Senate advice and consent to ratification of TTBT and PNET immediately.

C. REPORT. By February 1, 1987 the President shall submit a report to the Chairman of the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives. This report shall detail:

(1) Whether a CTB, or a ban on tests above the lowest verifiable yield, would contribute to U.S. national security, including our arms control objectives. If the Administration reports that they cannot, the report shall explain why;

(2) Whether a CTB, or a very low permitted yield could ever contribute to U.S. national security, including our arms control objectives, and if so, under what conditions;

(3) Whether a permitted yield below 150 kilotons could contribute to U.S. national security and arms control objectives, and under what conditions; and

(4) Whether an annual quota on tests could contribute to U.S. national security and arms control objectives.

D. COORDINATION OF THE REPORT. The President's report will be coordinated by the Director of The Arms Control and Disarmament Agency, with the Secretry of Defense, Secretary of Energy, Secretary of State, Director of Central Intelligence and all other responsible officials.

The PRESIDING OFFICER. The Chair will advise the Senator he has 3 minutes and 24 seconds remaining and 24 seconds remain to the opposition.

Mr. LUGAR. Mr. President, the Mathias amendment encourages the Soviet Union to focus on a comprehensive test ban instead of focusing on real reductions of existing nuclear weapons. Clearly, the negotiating position of the President of the United States is to reduce nuclear weapons, and not to pursue the illusory benefit which a comprehensive test ban would provide.

The Lugar amendment keeps our focus on real reductions of nuclear weapons. It seeks progress on nuclear testing where progress is possible: toward ratification of the Threshold Test Ban Treaty. It explores new ideas which have promise.

But, Mr. President, the significant difference——

Mr. WALLOP. May we have order in the Senate, Mr. President?

The PRESIDING OFFICER. The Senator is correct. The Senate is not in order. Will those seeking to converse please retire to the cloakroom?

The Senator from Indiana.

Mr. LUGAR. Mr. President, the Mathias amendment urged resumption of the comprehensive test ban talks. I would contend that the comprehensive test ban would harm U.S. security by halting modernization of our weapons, reducing their reliability, and because we could no longer test, a CTB would end efforts to improve safety and security of our weapons.

To leap for the comprehensive test ban at this point, it seems to me, is dangerous policy.

In the past, Senators have had the option of voting for what seemed to be a motherhood issue, and they left with something that seemed to offer peace and security.

Mr. President, that is not the way to proceed into these negotiations. To adopt the Mathias amendment is to undermine, in my judgment, our negotiating position in the coming days in Geneva.

I would hope, Mr. President, that adoption of the Lugar substitute would encourage an early move toward ratification of the Threshold Test Ban Treaty, but we would hold our fire with regard to accelerating movement toward the Comprehensive Test Ban Treaty.

We would, instead, focus upon our real efforts in Geneva to reduce existing nuclear weapons.

For these reasons, Mr. President, I ask Members to vote for the Lugar substitute in the vote we will now have. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Maryland is recognized for 24 seconds.

Mr. MATHIAS. Mr. President, I would simply say that the language that the Senate has adopted tonight is the indentical language the Senate adopted by a vote of 77 to 22, 2 years ago. I think we muddy the waters if we change that language. I would hope we would not adopt the substitute.

The PRESIDING OFFICER. The Senator from Idaho.

SOVIET VIOLATIONS OF TEST BAN TREATIES MUST BE CORRECTED BEFORE SENATE CAN CONSIDER THEM

Mr. McCLURE. Mr. President, I rise in support of the amendment of the Senator from Indiana.

Mr. President, according to unclassified but authoritative information, there have been over 20 Soviet nuclear weapons tests underground believed to be likely or probable violations of the 1974 Threshold Test Ban Treaty. Moreover, according to unclassified but authoritative information, there have been over 30 Soviet underground nuclear weapons tests which have conclusively vented radioactive debris beyond Soviet borders, in violation of the 1963 Limited Test Ban Treaty.

I would like the legislative history of this amendment to show that there are both conclusive, clearcut Soviet violations, and probable or likely Soviet violations of nuclear testing treaties. I believe that the President should not ask the Senate for advice and consent for ratification of the Threshold Test Ban Treaty and the Peaceful Nuclear Explosions Treaty, until and unless United States concerns about Soviet violations can be alleviated, either by Soviet compliance, or by improved, effective verification which allows the United States to confidently conclude that Soviet violations have not occurred. It would be the height of folly for the President to ask the Senate for advice and consent to ratify a treaty which the United States believed that the Soviet Union had violated.

Mr. LUGAR. I yield back any remaining time.

The PRESIDING OFFICER. All time having been yielded back or expired, the question is on agreeing to the amendment. The yeas and nays have been ordered and the clerk will call the roll.

The bill clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Mississippi [Mr. STENNIS] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 42, nays 57, as follows:

[Rollcall Vote No. 190 Leg.]

YEAS—42

| | | |
|---|---|---|
| Abdnor | Hatch | Nickles |
| Armstrong | Hawkins | Pressler |
| Boschwitz | Hecht | Quayle |
| Broyhill | Heflin | Roth |
| Cochran | Helms | Rudman |
| D'Amato | Humphrey | Simpson |
| Denton | Kassebaum | Stevens |
| Dole | Laxalt | Symms |
| Domenici | Long | Thurmond |
| Evans | Lugar | Trible |
| Garn | Mattingly | Wallop |
| Goldwater | McClure | Warner |
| Gramm | McConnell | Wilson |
| Grassley | Murkowski | Zorinsky |

NAYS—57

| | | |
|---|---|---|
| Andrews | Eagleton | Mathias |
| Baucus | Exon | Matsunaga |
| Bentsen | Ford | Melcher |
| Biden | Glenn | Metzenbaum |
| Bingaman | Gore | Mitchell |
| Boren | Gorton | Moynihan |
| Bradley | Harkin | Nunn |
| Bumpers | Hart | Packwood |
| Burdick | Hatfield | Pell |
| Byrd | Heinz | Proxmire |
| Chafee | Hollings | Pryor |
| Chiles | Inouye | Riegle |
| Cohen | Johnston | Rockefeller |
| Cranston | Kasten | Sarbanes |
| Danforth | Kennedy | Sasser |
| DeConcini | Kerry | Simon |
| Dixon | Lautenberg | Specter |
| Dodd | Leahy | Stafford |
| Durenberger | Levin | Weicker |

NOT VOTING—1

Stennis

So the amendment (No. 2640) was rejected.

□ 2240

The PRESIDING OFFICER. The question now is on agreeing to the Kennedy amendment as amended by the Mathias amendment.

The amendment (No. 2638), as amended, was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MATHIAS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GLENN. Mr. President, I have two amendments. Both of them can be disposed of in a matter of 3 or 4 minutes.

The PRESIDING OFFICER. If the Senator will desist, the question now recurs on the Wilson amendment No. 2595.

The Senator from Arizona.

Mr. GOLDWATER. Mr. President, the Senator from Ohio has yielded to me. We were going to have an amendment on the satellites but we have gotten a time agreement, I believe, with the Senator from Massachusetts on that for 1 hour. Is that correct, I ask the junior Senator from Massachusetts?

Mr. KERRY. Mr. President, that is correct. It is my understanding from the distinguished Senator from Virginia that that will be broken up with 40 minutes to the proponents and 20 minutes to the opponents. Am I correct?

Mr. GOLDWATER. That is all right. With this agreement for time, we begin on that tomorrow. Is that all right with the Senator?

Mr. KERRY. I understand we will go forward tomorrow with that?

Mr. GOLDWATER. Yes, Mr. President.

Mr. NUNN. Mr. President, I think we ought to have that by unanimous-consent agreement.

Mr. GOLDWATER. Mr. President, I ask unanimous consent that on the antisatellite weapons amendment, we have a time agreement of 1 hour, 40 minutes to the Senator from Massachusetts; 20 minutes to our side.

The PRESIDING OFFICER. Is there objection?

Mr. NUNN. Mr. President, would the Senator from Arizona add to that unanimous-consent request that there be no other amendments in order to that amendment?

Mr. GOLDWATER. Yes, that no amendments will be in order.

Mr. KERRY. Mr. President, and it is my understanding that there will be an up-or-down vote; is that correct?

Mr. NUNN. I do not think we have given that assurance to anyone yet. I do not think we ought to set that precedent. I shall have no desire to move to table, but I do not think we should give that by unanimous consent

Mr. KERRY. Reserving the right to object, may we discuss that for a moment?

Mr. GOLDWATER. Is the Senator asking that there be no tabling motion?

Mr. KERRY. The Senator is asking that.

Mr. GOLDWATER. I could not make that agreement.

Mr. NUNN. We may not move to table but I do not think we should begin doing that because if we do, we are going to run into a lot of problems with other amendments. I think as managers, we have to reserve the right to table.

Mr. KERRY. May I ask, Mr. President——

The PRESIDING OFFICER. Will all those carrying on conversations please retire to the Cloakroom.

The Senator from Georgia may resume.

Mr. NUNN. I yield to the Senator from Massachusetts.

Mr. KERRY. Mr. President, I simply want to ask the distinguished ranking member whether there is an agreement as to the last two amendments

and that there would be an up or down vote.

Mr. NUNN. I do not think there was an agreement not to table.

Mr. GOLDWATER. There was no discussion that I know of about no tabling. We agreed to no amendments, and to change the 1 hour and 20 minutes to 1 hour, with 40 minutes going to the Senator from Massachusetts and 20 minutes to our side.

Mr. KERRY. That is acceptable to the Senator from Massachusetts.

The PRESIDING OFFICER. Is there objection?

Mr. NUNN. Does that include the provision that there be no other amendments to this amendment?

The PRESIDING OFFICER. That has been stated.

Is there objection? Without objection, it is so ordered.

Mr. GOLDWATER. Mr. President, I would like to go a little further, because we are not through yet tonight. As to amendments, there will be two by Senator GLENN, but I see no reason for there being any more rollcall votes tonight. I anticipate if we could pick up just a few cats and dogs, we do not need a lot of talk and we could be out of here in another half hour.

Mr. NUNN. Will the Senator from Arizona yield for a brief observation?

Mr. GOLDWATER. Certainly.

Mr. NUNN. The Senator from Delaware [Mr. ROTH] has indicated he has five amendments. One or two of them are going to require a good amount of debate. We hope we can get agreement to start them tomorrow. He is willing to come in as early as we are permitted to come in and we can make a lot of progress early.

I know both managers are willing to get here very early. We cannot order time tonight; we are not trying to. The Senator from Massachusetts may want to follow those with his 1 hour. Then we will have made a great deal of progress. I know Members would like to get out of here at a reasonable hour tomorrow afternoon. We would, too. But we have a lot of work to do so it is going to take unprecedented cooperation.

Mr. GOLDWATER. Mr. President, may I ask the majority leader if we could open up at 9 o'clock?

□ 2250

Mr. DOLE. Mr. President, on that question and other questions, the distinguished minority leader and this Senator have been working on an agreement on a couple of very important issues—Contra aid and South Africa. In my opinion, without trying to guess what will happen, I think we have made some progress. We hope to be meeting again in the minority leader's office, I would say, in the next 15 or 20 minutes.

It has been my hope to try to get this agreement this evening. I know that many of our colleagues may have an interest in that agreement and might want to take that into account. Even though there are no more rollcall votes, they may want to remain on the floor until we come forth with some agreement or announce that we may not be able to do it until tomorrow morning. I am willing to come in early tomorrow morning to accommodate the managers, because we would like to complete action on this bill tomorrow.

We have only one more week before the recess is scheduled to start. We need to take action on the debt ceiling. We need to take action on both Contra aid and South Africa.

I hope there is a good opportunity to finish this bill tomorrow.

Mr. BYRD. Mr. President, will the distinguished majority yield?

Mr. DOLE. Senator GOLDWATER has the floor.

Mr. GOLDWATER. I yield.

Mr. BYRD. Unless these cloture votes are vitiated, we will have to have some rollcall votes tonight—unless they are vitiated or put over. I just want to say that to Senators. We may agree on no more rollcall votes on this bill, but we still have the cloture votes facing us.

Mr. DOLE. If we get an agreement, we can vitiate the votes. that is part of the agreement. If everybody will give us another hour to work on that, I would ask unanimous consent that those cloture votes be postponed until midnight.

Mr. BYRD. I have no objection.

The PRESIDING OFFICER. Is there objection?

Mr. NUNN. I will not object, but I hope we could postpone them until early in the morning; because the probability is that if we stay here until 12 or 12:30 tonight, we will have nothing in the morning. If there is any way we can carry those cloture votes over and let them be the first order of business—if the leaders do not get together—that would give us a much more productive day tomorrow.

Mr. DOLE. The only point I wish to make is that it probably will take an hour to get the agreement once we bring it to the floor. There is an hour right there. I would be happy to delay the cloture votes until tomorrow morning, but I think we should understand——

Mr. LEAHY. Mr. President, reserving the right to object, and I shall not, I am wondering if the distinguished leaders might consider going along the lines of what the Senator from Georgia has said: To postpone the cloture votes to a time, say, a relatively few minutes after the normal time of the leaders in the morning. For one thing, some, like myself get here at 7:30 in the morning. But it would also be an incentive for everybody to get here. It would remove the problem the Senator from Georgia has raised, that maybe a lot more amendments might be offered if we think there is going to be another vote at 12. I will not object to whatever the leadership wants.

Mr. DOLE. I do not have any problem with that. I am perfectly willing to suggest that unless we otherwise have an agreement, we postpone the cloture votes until 1 hour after we convene tomorrow morning.

Mr. BYRD. Mr. President, I will be happy to agree to that, because if further progress can be made on the DOD bill tonight, that will be fine. I am concerned that we may be here until midnight and still not be able to finalize our agreement. If the distinguished majority leader would follow the suggestion to put it over until the morning, it might be better.

Mr. RUDMAN. Mr. President, will the Senator yield?

Mr. DOLE. I yield.

Mr. RUDMAN. It is my understanding that if this agreement is reached, the debt ceiling is ready for third reading and that there would be no need to have any amendments to it. In fact, no other amendments would be in order. Is the Senator from New Hampshire correct?

Mr. DOLE. No other amendments would be in order.

Mr. RUDMAN. If you reach agreement.

I suggest to the leader that no one is more anxious than I am to get this to the House because of the time that remains. The fix for Gramm-Rudman-Hollings is contained therein. If you are going to do it in the morning, it would take about 20 minutes. I agree with the Senator from Georgia.

Mr. DOLE. I am not trying to keep anyone here, but I alert Members that we may be on this floor in 45 minutes, trying to get the agreement. So if anybody has an interest in South Africa or Contra aid, they should be alerted to that. We do not want anybody to lose their rights in the process.

Mr. President, I make that request.

The PRESIDING OFFICER. Is there a unanimous consent request pending?

Mr. DOLE. I ask unanimous consent that the votes on the cloture motions be postponed until 1 hour after we convene tomorrow morning.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, reserving the right to object, that would include the live quorum.

Mr. DOLE. Yes.

The PRESIDING OFFICER. Is there objection?

Mr. NUNN. Reserving the right to object, could we have an understanding that we are going to come here with the intention of getting started on the DOD bill when we come in, and if cloture intervenes, we will be inter-

rupted? We will start in the morning. The Senator from Delaware is here, and he has five amendments.

Mr. BYRD. Mr. President, as to tomorrow, the cloture on the DOD bill will be up.

Mr. NUNN. It is my hope that that would not be necessary. Everyone has helped and cooperated and no one has tried to hold up this bill, and I believe we can continue this way. I hope we will not have to have a vote on the DOD bill.

Mr. BYRD. Mr. President, if the cloture votes on the Byrd amendment and on the Dole amendment to the Byrd amendment are put over and those votes occur tomorrow and they fail—both of them—then the next vote immediately would be on the cloture motion to shut off debate on the DOD bill. That is what the distinguished Senator from Georgia is hoping to avoid, and I would like to avoid it, too, because there is no desire to filibuster these bills.

Mr. HARKIN. Mr. President, reserving the right to object——

Mr. DOLE. Mr. President, let us get our agreement, if we can.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request propounded by the majority leader?

Mr. HARKIN. Mr. President, reserving the right to object, I inquire of the majority leader: Did he say that they might be back on the floor yet this evening with the unanimous-consent agreement, or will you do it tomorrow morning?

Mr. DOLE. I would like to do it this evening, or we would take about an hour of the time tomorrow from the DOD bill.

Mr. GOLDWATER. Mr. President, we have been here all day. We have worked hard on this bill all this week, and this kind of tactic just delays and delays and delays. I think it is time we knock it off and go home.

We have two amendments of the Senator from Ohio that will not take long. We have an agreement with the distinguished Senator from Massachusetts for a vote tomorrow. We have an understanding with the Senator from Delaware that we will be in and we will be ready to get on the road as soon as 9 o'clock comes and we have had a vote on cloture, if you want to have a vote on cloture.

I would like to see if we can stop the discussion now and get on with the business; and the majority leader and the minority leader can get back in their little hole and talk about it. [Laughter.]

The PRESIDING OFFICER. Is there objection to the unanimous-consent request propounded by the majority leader? The Chair hears none, and it is so ordered.

Mr. GLENN. Mr. President, I have sent an amendment to the desk, and I ask for its immediate consideration.

Mr. GOLDWATER. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

The question recurs now on the Wilson amendment, No. 2595.

Mr. GLENN. I ask unanimous consent that that amendment be set aside for the consideration of these two amendments.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The Senator from Ohio is recognized.

Mr. GLENN. Mr President, may we have order?

The PRESIDING OFFICER. All those who wish to carry on conversations will please retire to the cloakroom.

□ 2300

Mr. DOLE. Mr President, will the Senator from Ohio yield?

Mr. GLENN. I yield.

Mr. DOLE. Mr President, let me indicate that we are going to convene at 8 o'clock in the morning, which means the cloture vote, if it will occur, will be at 9.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

AMENDMENT NO. 2641

(Purpose: To establish rights relating to the use, release, and disclosure of technical data)

Mr. GLENN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Ohio [Mr. GLENN] proposes an amendment numbered 2641.

Mr. GLENN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 186, between lines 9 and 10, insert the following new section:

SEC. 963. RIGHTS RELATING TO THE USE, RELEASE, AND DISCLOSURE OF TECHNICAL DATA.

(a) RIGHTS IN TECHNICAL DATA.—Subsection (a) of section 2320 of title 10, United States Code, is amended to read as follows:

"(a)(1) The Secretary of Defense shall prescribe regulations to define the legitimate interest of the United States and of a contractor or subcontractor in technical data pertaining to a product or process. Such regulations shall be included in regulations of the Department of Defense prescribed as part of the Federal Acquisition Regulation. Such regulations may not impair any right of the United States or of any contractor or subcontractor with respect to patents or copyrights or any other right in technical data otherwise established by law.

"(2) Such regulations shall include the following provisions:

"(A) In the case of a product or process that is developed by a contractor or subcontractor exclusively with Federal funds, the United States shall have the unlimited right to use, release, or disclose technical data pertaining to the product or process.

"(B) In the case of a product or process that is developed by a contractor or subcontractor exclusively at private expense, the contractor or subcontrator may limit the right of the government to use (for other than internal operations and maintenance purposes), release, or disclose to persons outside the Government technical data pertaining to the product or process.

"(C) Notwithstanding subparagraph (B), the Government may use, release, or diclose technical data pertaining to a product or process to persons outside the Government if such technical data is otherwise publicly available or if—

"(i) such use, release, or disclosure—

"(I) is necessary for emergency repair and overhaul; or

"(II) is a use, release, or disclosure to a foreign government that is in the interest of the United States and is required for evaluational or informational purposes;

"(ii) such use, release, or disclosure is made subject to a prohibition that the person to whom the data is released or disclosed may not further use, release, or disclose such data; and

"(iii) the contractor or subcontractor asserting the restriction is notified of such use, release, or disclosure.

"(D) In the case of a product or process that is developed in part with Federal funds and in part at private expense, rights in technical data pertaining to such product or process shall be negotiated as early in the acquisition process as practicable (preferably during contract negotiations), based upon consideration of the following factors:

"(i) The statement of congressional policy and objectives in section 200 of title 35, the statement of purposes in section 2(b) of the Small Business Innovation Development Act of 1982 (15 U.S.C. 638 note), and the declaration of policy in section 2 of the Small Business Act (15 U.S.C. 631).

"(ii) The interest of the United States in increasing competition and lowering costs by developing and locating alternative sources of supply and manufacture.

"(iii) The interest of the United States in encouraging contractors to develop at private expense items for use by the Government.

"(E) A contractor or subcontractor, or a prospective contractor or subcontractor, that develops a product or process exclusively at private expense may not be required, as a condition of being responsive to a solicitation or as a condition of being responsive to a solicitation or as a condition for the award of a contract, to sell or otherwise relinquish to the United States any rights in technical data that would permit the use by, or release or disclosure of, such data to persons outside the Government except under the conditions described in paragraph (2)(C).

"(F) The Secretary of Defense may—

"(i) negotiate with a contractor or subcontractor to contract for the acquisition of rights in technical data pertaining to a product or process developed by such contractor or subcontractor exclusively at private expense if necessary to develop alternative sources of supply and manufacture; or

"(ii) agree to limit rights of the United States in technical data pertaining to a product or process developed entirely or in part with Federal funds if the United States receives a royalty-free license to use, release, or disclose the data for purposes of the United States (including purposes of competitive procurement).

"(2) In this subsection, the term 'Federal Acquisition Regulation' means the single system of Government-wide procurement regulations as defined in section 4(4) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(4)).".

(b) VALIDATION OF PROPRIETARY DATA RESTRICTIONS.—Section 2321 of title 10, United States Code, is amended—

(1) in subsection (a)(2), by inserting ", at any time before the end of the 3-year period beginning on the date the final payment is made on the contract," after "may review"; and

(2) in subsection (b)—

(A) by inserting "specific" after "state the" in clause (1); and

(B) by striking out "and" at the end of clause (1);

(C) by striking out the period at the end of clause (2) and inserting in lieu thereof "; and"; and

(D) by adding at the end the following new clause:

"(3) state that evidence of acceptance by any Federal agency of a restriction identical to the asserted restriction within the 3-year period preceding the challenge shall serve as justification for the asserted restriction if—

"(A) the acceptance occurred after a review of the accepted restriction under this section; and

"(B) the accepted restriction was asserted by the same contractor or subcontractor to whom such notice is being provided.".

(c) CONFORMING AMENDMENTS.—Section 1202 of the Department of Defense Authorization Act, 1985 (10 U.S.C. 2301 note), is amended—

(1) by inserting "and" at the end of paragraph (4);

(2) by striking out "; and" at the end of paragraph (5) and inserting in lieu thereof a period; and

(3) by striking out paragraph (6).

(d) DEADLINE FOR REVISION OF REGULATIONS.—The regulations required by section 2320(a)(1) of title 10, United States Code (as amended by subsection (a)), shall be prescribed not later than 180 days after the date of the enactment of this Act.

Mr. GLENN. Mr. President, I rise for the consideration of an amendment to the DOD authorization bill concerning technical data rights. This amendment is similar to legislation passed by the House Committee on Armed Services as noncontroversial.

The Packard Commission report states that—

DOD must recognize the delicate and necessary balance between the Government's requirement for technical data and the benefit to the Nation that comes from protecting the private sector's proprietary rights. That balance must be struck so as to foster technological innovation and private investment which is so important in developing products vital to our defense.

I agree wholeheartedly with that objective.

As currently drafted, title 10, United States Code, sections 2320 and 2321, which were enacted as part of the Defense Procurement Reform Act, title XII of the fiscal year 1985 DOD authorization bill, establish the parameters for DOD regulations on the right to use technical data provided the Government by its contractors.

There are two problem areas with the exiting language which my amendment addresses in order to preserve the delicate balancing of interests between the Government's need to acquire the right to release technical data to ensure competition and the contractor's interest in preserving valuable property rights in data on products which they develop at their own expense.

First, my amendment would amend section 2320 of title 10 to clarify that: if the item to which the technical data relates was developed at private expense, the contractor retains the unlimited rights in data and cannot be required, as a condition of bidding on a Government contract, to give the Government the right to release to other contractors technical data relating to items the contractor developed at its own expense. This intent was not made clear in the original language.

For those items developed at Government expense, the Government has unlimited rights in the technical data. With respect to items developed with a mixture of Government and contractor money, my amendment states that the Government's rights to use, release, or disclose technical data must be negotiated in the contract for delivery of the item to which the data relates or as soon thereafter as practicable. The determination of such rights should be based on consideration of pertinent factors such as the Government's need to retain the right to use, release, or disclose the data in order to complete future requirements, and the contractor's interest in retaining rights in data relating to innovative products or processes, including those related to items for sale to the general public.

Second, this legislation will amend section 2321 of title 10: First, to prohibit the Government from challenging a contractor's restriction on the release of technical data at any time after the 3-year period beginning on the date the final payment is made; second, to require the Government to state the specific grounds for challenging the asserted restriction; and third, to allow the contractor to assert in response to a challenge, that a Federal agency has reviewed the same data within the 3-year period preceding the challenge, and found the contractor's restriction appropriate.

Mr. President, I am concerned that in our zeal to expand competition in the defense sector and obtain data rights for the Government, we could be causing great damage to private industry. I strongly feel that it is essential to protect the legitimate rights in its privately developed technology. I believe this legislation goes a long way toward providing the balance of the Government's need for technical data and the need to protect the private sector's proprietary rights.

Mr. President, the Packard Commission made certain recommedations with regard to technical data rights that companies should have in the interest of promoting more investment in research and development.

I have put those recommendations into legislative language. We have discussed it with both sides of the aisle. I believe the floor managers are both prepared to accept this.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. GOLDWATER. Mr. President, We have looked at his amendment and find nothing wrong with it. We will accept it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Ohio.

The amendment (No. 2641) was agreed to.

Mr. GLENN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GOLDWATER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2642

(Purpose: To grant access to the Secretary of Defense to all informatoin regarding nuclear proliferation matters)

Mr. GLENN. Mr. President, I send to the desk another amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Ohio [Mr. GLENN] proposes an amendment numbered 2642.

Mr. GLENN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 229, between lines 14 and 15, insert the following new section:

SEC. 1221. NUCLEAR NON-PROLIFERATION INFORMATION.

Section 602 of the Nuclear Non-Proliferation Act of 1978 (22 U.S.C. 3281) is amended—

(1) in subsection (c), by inserting "the Department of Defense," after "Department of State,"; and

(2) by adding at the end the following new subsection:

"(f) Upon request, the Secretary of Defense shall have access to all information regarding nuclear proliferation matters which the Secretary of State or the Secretary of Energy has or is entitled to have, including all communications, materials, documents, and records relating to such matters, including cables from United States diplomatic missions.".

Mr. GLENN. Mr. President, the Nuclear Nonproliferation Act of 1978 [NNPA] contains a reporting provision—section 602(c)—requiring a number of executive branch agencies to keep the Congress fully and currently informed with respect to their activities to carry out the purposes and policies of the NNPA and to otherwise prevent proliferation, as well as with respect to the activities of foreign nations which are of significance from the proliferation standpoint.

The agencies that are required to report to the Congress on such matters are the Department of State, the Arms Control and Disarmament Agency, the Department of Energy, and the Nuclear Regulatory Commission.

By an oversight, the agency most directly responsible for protecting U.S. national security, the Department of Defense, was omitted from this list.

My amendment rectifies this oversight so that the Department of Defense has the same responsibility as the other agencies to report to the Congress on this important issue. It also provides for the Secretary of Defense to have access to all information, including intelligence information, available to the Secretaries of State and Energy regarding nuclear proliferation matters.

Nuclear proliferation matters include agreements for cooperation and negotiations loading thereto, as well as subsequent arrangements.

Mr. President, I believe this amendment has also been accepted on both sides. It corrects a technical oversight in the Nuclear Nonproliferation Act of 1978, which requires certain departments of Government to report to Congress on a regular basis. The Department of Defense, which does have a vital role in this area, was left out. This enters them as another one of those agencies required to report.

It has been accepted on both sides.

I move the amendment.

The PRESIDING OFFICER. Is there further debate?

Mr. NUNN. Mr. President, this is a good amendment. I think it is a correction of the oversight in the law. The Department of Defense has a real role to play here.

I think it is a good amendment. I urge its adoption.

Mr. GOLDWATER. Mr. President, we have no objection to this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Ohio.

The amendment (No. 2642) was agreed to.

Mr. GLENN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GOLDWATER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GLENN. I yield the floor.

Mr. GOLDWATER. Mr. President, I think there is another amendment from Senator ABDNOR.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

The question automatically recurs on the Wilson amendment No. 2595. It must be set aside by unanimous consent to proceed.

Mr. ABDNOR. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from South Dakota is recognized.

AMENDMENT NO. 2643

(Purpose: To limit the use of funds to award of a contract to conduct the Minuteman Education Program)

Mr. ABDNOR. Mr. President, I send an amendment to the desk on behalf of myself and Senator MELCHER and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. ABDNOR], for himself and Mr. MELCHER, proposes an amendment numbered 2643.

Mr. ABDNOR. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 229, between lines 14 and 15, insert the following:

SEC. 1221. MINUTEMAN EDUCATION PROGRAM.

Notwithstanding any other provision of this Act, none of the funds appropriated pursuant to an authorization contained in this or any other Act may be obligated or expended by the Air Force to award a contract for the conduct of the graduate Minuteman Education Program unless the contract requires the contractor—

(1) to integrate class schedules under the program with full-time missile crew duty schedules;

(2) to provide a resident faculty, at each Air Force installation where the program is conducted, each member of which has obtained the terminal educational degree provided in the field the faculty member teaches under the program; and

(3) to provide library resources, at each such installation, adequate to support the program at such installation, including a full-time librarian who has obtained a degree in library science.

Mr. ABDNOR. Mr. President, this amendment is designed to maintain the educational quality of the Strategic Air Command Minuteman Education Program [MMEP] currently offered at the six Minuteman installations to provide incentive for encouraging young officers to volunteer for missile duty. The program provides an opportunity to officers to pursue an MBA while engaged full time in missile crew duty. At three of the six installations, an alternative degree program is also offered.

Last year, students enrolled in the existing MMEP at the Ellsworth Air Force Base in western South Dakota brought to my attention their concerns with respect to a potential change in the program. Pursuant to their objections, and those raised by students at other Minuteman installation, I developed language which was included in the Senate Appropriations Committee report on the fiscal year 1986 DOD appropriations bill (S. Rept. 99-176) directing the Air Force to provide the House and Senate Armed Services and Appropriations Committees with its rationale for pursuing a change in the existing program. The Air Force was asked to pay particular attention to the impact on those students currently enrolled in the MMEP, the Federal budgetary impact, and the admission criteria and academic specifications of the new program.

We finally received this report, which was due 6 months after enactment of the DOD appropriations bill, yesterday, As I mentioned earlier, Mr. President, concerns have been raised about the educational quality of the new program relative to the existing program that began more than 20 years ago. In my view, this long-awaited report does little to put to rest those concerns.

It is my intention to ensure the continued high academic standards of the MMEP as evidenced in the existing program. In the words of the Air Force report,

The current MMEP has an unchallenged reputation for quality.

Mr. President, I do not believe it to be in the best interest of the students or the Air Force to sacrifice this "reputation for quality" in the interest of saving a few dollars—particularly when the report also indicates the Air Force believes it can work with the educational institutions which currently serve the Minuteman installations to reduce program costs.

Mr. President, I applaud and support wholeheartedly efforts to save the Federal taxpayers' dollars. My amendment does not alter current law pertaining to the award of Federal contracts. Rather, it simply is intended to ensure the unique nature of the MMEP—which integrates class scheduling with full-time missile crew members' scheduling—and the academic credentials of the program are maintained. My amendment accomplishes this by requiring the inclusion of several pertinent specifications in the solicitation of bids for the MMEP.

Mr. President, I believe my amendment is acceptable to both sides, and I move its adoption.

Mr. President, I yield to my other sponsor, Senator MELCHER.

Mr. MELCHER. Mr. President, I am pleased to cosponsor this amendment relating to the Minuteman Educational Program conducted by the Air Force.

This amendment establishes certain standards which the Air Force must follow when it puts the Minuteman Education Program out for competitive bidding. In the first place, I am opposed to lowering the quality of education by submitting it to competitive bidding, but since the Minuteman Program is going to be included in the trend of competitive bids on Government services, I believe it is prudent to require some very basic and minimum standards to ensure that the quality of education is not sacrificed for the sake of saving a little money.

The Minuteman Program has been valuable, particularly at isolated Air Force bases. For example, at the Malstrom Air Force base in Montana, more than 400 students have earned M.B.A. degrees since 1967, including civilians who can participate in the program for a modest fee. The University of Montana which currently runs the program provides full-time instructors qualified in their respective fields, full library services and accommodates the schedules of service personnel. It is entirely possibly that unless we provide some direction to the Air Force, these essential criteria may be neglected under competitive bidding.

If we are going to place the Minuteman Educational Program out to bid, let's make sure that quality, rather than penny pinching is the primary concern.

Mr. GOLDWATER. Mr. President, this is a very important part of the Strategic Air Command program to provide master's degrees for those officers who have to spend their time sitting down in silos.

We will be glad to accept it.

The PRESIDING OFFICER. Is there further debate?

Mr. NUNN. Mr. President, I have conversed with the Senator from Montana on this and also the Senator from South Dakota. These are very important bases.

The personnel there are extremely important to our national security in areas of Montana, Wyoming, North Dakota, South Dakota, the upper tier. I recommend we approve this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Dakota.

The amendment (No. 2643) was agreed to.

Mr. ABDNOR. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GOLDWATER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GOLDWATER. Mr. President, does the Senator from Virginia have an amendment?

Mr. WARNER. Yes.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

The question recurs on the Wilson amendment and we need unanimous consent to proceed.

Mr. WARNER. Mr. President, I ask unanimous consent to set that pending amendment aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Virginia is recognized.

Mr. WARNER. I thank the President for bringing this to the Senator's attention.

AMENDMENT NO. 2644

(Purpose: To terminate all residuary rights of use held by the United States in certain warehouses owned by the Commonwealth of Virginia)

Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of myself and Mr. TRIBLE.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for himself and Mr. TRIBLE, proposes an amendment numbered 2644.

Mr. WARNER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 317, after line 22, insert the following:

SEC. 2192. RELEASE OF CERTAIN USE RIGHTS HELD BY THE UNITED STATES.

(a) IN GENERAL.—The Administrator of General Services shall release to the Virginia Port Authority, an instrumentality of the Commonwealth of Virginia, all residuary rights of use held by the United States in three warehouses located in the city of Norfolk, Virginia, within the area operated as a public port facility and known as the Norfolk International Terminals.

(b) TIME LIMITATION; COMPENSATION.—The Administrator of General Services shall execute such documents and take such other actions as may be necessary to release, within 180 days after the date of the enactment of this Act, the rights referred to in subsection (a). The release shall be made without any compensation in addition to compensation paid to the United States for such warehouses and other facilities by the city of Norfolk, Virginia, in 1968.

Mr. WARNER. Mr. President, I have asked the distinguished managers of this bill for clearance. I understand the minority side has it cleared and on the majority side the distinguished chairman of the MilCon Committee has just cleared it.

I represent, Mr. President, the full committee has received the clearance of Senator THURMOND.

Therefore, I ask it be adopted.

Mr. GOLDWATER. Mr. President, just a quick explanation.

Mr. WARNER. Mr. President, this amendment restores the full property ownership rights to three warehouses on the Norfolk terminal waterfront to the Virginia Port Authority.

A restriction on the use of these facilities is traceable back to the original purchase of the former Hampton Roads Army Terminal from the Maritime Administration in 1968.

All other Federal Agencies, including the Army and Navy, who possessed use rights to this property have long since voluntarily relinquished those rights.

The General Services administration [GSA] retained use rights of these warehouse facilities for supply distribution functions until such time as they no longer had such requirements. In June 1985, GSA indicated that they no longer needed these facilities for supply functions, yet in August stated that they intended to make them available to other Government Agencies.

This position gives the GSA virtual perpetual ownership of this Virginia waterfront property and the warehouse facilities thereon.

Mr. President, my office—with the assistance of my colleagues from Virginia, Senator TRIBLE and Congressman WHITEHURST and others—has tried for over a year to resolve this situation to no avail.

Therefore, I ask my colleagues to support this amendment to restore the full, legal rights of ownership of these three warehouses to the Virginia Port Authority within 180 days from the date of enactment of this legislation.

I thank the Chair.

□ 2310

(Mr. MURKOWSKI assumed to chair.)

Mr. GOLDWATER. Mr President, that explanation satisfies me and I will be glad to accept the amendment.

Mr. NUNN. Would the Senator from Virginia indicate whether there is substantial value here? I have no way of knowing what kind of value the Government is giving up.

Mr. WARNER. Mr President, I say to my distinguished colleague from Georgia that there is no great value. We are taking about use rights which may be of some modest value, but they pass from the Federal Government to a State port authority.

Mr. NUNN. Would the Senator indicate what these will be used for? What will the warehouses be used for?

Mr. WARNER. The State will utilize them in conjunction with the expansion of the port facilities down there. We are hopeful that the channel in the Hampton Roads area will be deepened and that will enable this area to grow and prosper.

Mr. NUNN. Is the GSA now occupying these buildings?

Mr. WARNER. They have been.

Mr. NUNN. What will they do in lieu of that?

Mr. WARNER. I am not able to inform the Senator what they will do.

Mr. NUNN. I just wonder, if the Federal Government is actually using these and if we are taking them from the Federal Government and giving them to the State government, I wonder what the Federal Government is going to do in lieu thereof.

Mr. WARNER. Mr. President, I respond to my distinguished colleague, apparently, while the GSA has indicated they no longer need them, they made an offer to other Government agencies to use them. They are badly needed by the State government.

Mr. NUNN. So they are not being used now?

Mr. WARNER. Not by the GSA at the present time as far as I know.

Mr. NUNN. Mr. President, I am not going to object. We just received the amendment. We have not had a chance to check into it and look into it. I will not object.

Mr. WARNER. If I might interrupt my distinguished colleague from Georgia, I would suggest we could adopt the amendment and by the time we go to conference I will provide such assurances as the Senator may require.

Mr. NUNN. I find that acceptable. We will need more information.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 2644) was agreed to.

AMENDMENT NO. 2645

(Purpose: To extend until June 30, 1996, the period during which the Secretary of Energy may enter into contracts to provide community assistance payments to the Los Alamos School Board under the Atomic Energy Community Act of 1955)

Mr. BINGAMAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to setting aside the amendment of the Senator from California?

Without objection, the clerk will report the amendment of the Senator from New Mexico.

The bill clerk read as follows:

The Senator from New Mexico [Mr. Bingaman], for himself and Mr. Domenici, proposes an amendment numbered 2645.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment reads as follows:

On page 339, between lines 2 and 3, insert the following new section:

SEC. 3134. EXTENSION OF DATE FOR CERTAIN CONTRACT AUTHORITY.

Section 94 of the Atomic Energy Community Act of 1955 (42 U.S.C. 2394) is amended by striking out "June 30, 1986" and inserting in lieu thereof "June 30, 1996".

Mr. BINGAMAN. Mr. President, the amendment which my senior colleague from New Mexico and I are proposing amends the Atomic Energy Community Act of 1955 to allow a 10-year extension in the contract for community assistance payments between the Department of Energy and the Los Alamos School Board.

Earlier this year on March 10, 1986, the Secretary of Energy submitted to Congress, a report on the Community Assistance Program carried out under the Atomic Energy Community Act of 1955. One of the recommendations in that report was, and I quote:

In consideration that the tax base and tax revenues of the Los Alamos School Board are limited, and that the financial assistance rendered by DOE to the Los Alamos School Board is instrumental in DOE's capability to attract and retain a highly qualified work force at Los Alamos National Laboratory, DOE believes that annual financial assistance payments should be continued by extending the current contract for an additional 10 years.

I am informed that legislation to implement this recommendation should have been part of the DOE legislative proposal this year that and it was only through oversight that it was omitted. The Department of Energy supports, obviously, the amendment which we are offering. It is vital in attracting and retaining the very highly educated employees whom the national laboratory seeks to employ.

Mr. President, this is a simple amendment. The committee has authorized the $5,844,000 in community assistance payments for the Los Alamos School Board in our bill as requested by DOE, this amendment simply allows the existing relationship between the Department of Energy and the Los Alamos School Board to continue. While we are authorizing the contract to be extended for up to 10 years as DOE desires, any payments under that contract will, of course, continue to be subject to annual appropriations. Mr. President, I believe the amendment has been cleared on both sides. I would yield to my senior colleague from New Mexico prior to moving the adopting of the amendment.

Mr. DOMENICI. Mr. President, I join my colleague from New Mexico, Senator BINGAMAN, in sponsoring this amendment to extend the contract authority for the Department of Energy [DOE] under the Atomic Energy Community Act of 1955.

DOE recently submitted a report entitled "Financial Assistance Under the Atomic Energy Community Act of 1955, As Amended", concerning the community assistance program. In the report, DOE recommends that financial assistance contract be extended for the Los Alamos School Board.

The community of Los Alamos was established in 1942 by the Manhattan District of the U.S. Army Corps of Engineers. It was selected because of its remoteness and topography as the site to conduct research and development activities for the purpose of developing an atomic bomb. During World War II, the activities of the scientists, their administrators and families, and all community services were under military control. Families willingly endured hardships at Los Alamos because of the war. Today, the same remoteness still exists at Los Alamos.

The Los Alamos School District is geographically coincident with Los Alamos County and most of the students are children of employees at the Los Alamos National Laboratory [LANL]. The quality of schools and levels of services provided the community of Los Alamos is a major factor in attracting and retaining highly scientific employees at the national laboratory. Prospective laboratory employees routinely ask for information about the quality of the schools in the area.

DOE and its predecessor agencies have provided annual financial assistance to the school board from 1967 to the present time. DOE's financial assistance is a significant part of the school board budget because the school board is limited in its ability to obtain additional resources because state laws prohibit the local school board from: levying taxes for operational expenses; charging tuition; and charging fees for required courses. The Los Alamos School Board has reviewed various options regarding financial assistance, and it is the school board's position that an extension of the present contract is the most practical and effective means for DOE to provide such financial assistance, and DOE has concurred as stated in the report.

Mr. President, we must maintain the financial assistance program to the Los Alamos school system in order to continue to attract and retain a highly qualified work force at LANL.

DOE's recommendation states that a minimum period of 10 years for contract extension should be continued. Therefore, I urge the adoption of the amendment.

Mr. WARNER. Mr. President, I represent to the chairman that this amendment should be cleared on this side. It has been reviewed by staff and it is a perfectly orderly extension, as I understand it. It should be adopted.

Mr. BINGAMAN. I thank the Senator from Virginia. I know of no opposition to the amendment, Mr. President. I suggest that we are ready for a vote.

Mr. NUNN. Mr. President, we have cleared this amendment and we have no objection.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 2645) was agreed to.

Mr. BINGAMAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, I have two amendments. I am not going to offer the one on the entitlements until tomorrow when the Senator from Arizona has checked it. But there is one with reference to the blue ribbon commission.

Might I ask the managers of the bill if they are ready to accept the Domenici amendment with reference to the blue ribbon commission's recommendations, or would you rather wait until morning?

Mr. GOLDWATER. We are not ready.

Mr. DOMENICI. I am in no hurry.

Mr. GOLDWATER. We will take it up tomorrow.

Mr. President, are there any more amendments?

CORRECTION OF AMENDMENT NO. 2597

Mr. NUNN. Mr. President, I have one small matter here that I think we can dispose of very rapidly.

Mr. President, I offer this amendment to correct a technical error that occurred in the submission of Amendment No. 2597 to the desk last evening. I ask unanimous consent that this amendment reflect the amended text, which I will send to the desk.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amended text of amendment No. 2597 reads as follows:

On page 197, between lines 12 and 13, insert the following new section:

SEC. 1106. CONVERSION OF CHROMIUM AND MANGANESE ORE TO HIGH CARBON FERROCHROMIUM AND HIGH CARBON FERROMANGANESE.

(a) IN GENERAL.—During fiscal year 1987 and during each of the six succeeding fiscal years, the Administrator of General Services shall obtain bids from domestic producers of high carbon ferrochromium and of high carbon ferromanganese and award contracts for the conversion of chromium and manganese ores held in the National Defense Stockpile into high carbon ferrochromium and high carbon ferromanganese, respectively.

(b) STOCKPILE GOALS.—(1) Contracts awarded under subsection (a) shall provide for the addition of not less than 53,500 short tons of high carbon ferrochromium and 67,500 short tons of high carbon ferromanganese to the National Defense Stockpile in each of the fiscal years referred to in the preceding sentence.

(2) If, in any fiscal year referred to in subsection (a), the minimum quantity of high carbon ferrochromium or high carbon ferromanganese to be added to the National Defense Stockpile, as prescribed in paragraph (1), is not met, the quantity of such material to be added to such stockpile in the succeeding fiscal year shall be increased by the quantity of the deficiency.

(c) SEVEN-YEAR MINIMUM QUANTITIES.—The total quantities of high carbon ferrochromium and high carbon ferromanganese to be added to the National Defense Stockpile over the seven fiscal years referred to in subsection (a) shall be as follows:

(1) High carbon ferrochromium, 374,000 short tons.

(2) High carbon ferromanganese, 472,000 short tons.

(d) In this section, the term "National Defense Stockpile" means the stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c).

Mr. NUNN. Mr. President, has this amendment been adopted? Has that correction been made?

The PRESIDING OFFICER. Unanimous consent to make the correction has occurred.

Mr. NUNN. I thank the Chair.

ROLE OF UNDER SECRETARY OF DEFENSE IN POLICY FOR INTELLIGENCE ACQUISITION

● Mr. DURENBERGER. Mr. President, I would like to commend the members of the Armed Services Committee for the heroic efforts they have made in the Defense authorization bill for fiscal year 1988 to reform procedures within the Department of Defense to develop and procure weapon systems. I believe that special praise is due to Senator QUAYLE and other members of the Subcommittee on Defense Acquisition Policy. Their proposal to establish an Under Secretary of Defense for Acquisition is an important step toward insuring that the weapons and support systems this country buys are consistent with our strategy for national security.

I would, however, take this opportunity to pose a few questions to Senator QUAYLE in order to clarify the role and responsibilities of the proposed Under Secretary of Defense for Acquisition.

As chairman of the Select Committee of Intelligence, I have found that the intelligence the Defense Department uses in the development and design of a weapon system is critical to the weapon's effectiveness. Currently, a number of methods—some formal, some informal—are used to bring intelligence estimates into the acquisition cycle. Needless to say, the quality of this intelligence and the way in which it is incorporated into the development of a weapon can determine whether the weapon can carry out its intended mission, or whether a particular weapon is even the best choice for a particular mission.

Therefore, I would first like to ask Senator QUAYLE, since intelligence can be such an important part of defense acquisition, what authority and what responsibilities will the Under Secretary have to determine requirements for the use of intelligence in the acquisition cycle?

● Mr. QUAYLE. Generally speaking, the committee avoids giving detailed instructions to the Secretary of Defense for specific procedures to be used in acquisition decisions. Even so, it is our view that assigning reponsibility for policies concerning how intelligence would be used in the acquisition cycle to the Under Secretary would be consistent with the other duties he is assigned and, in fact, would probably be necessary for him to carry out his mission. It is also our view that the Under Secretary should be the official responsible for establishing requirements for the use of intelligence at various steps in the acquisition cycle.

● Mr. DURENBERGER. This would not imply, however, that the Under Secretary of Defense for Acquisition would be a producer of intelligence, would it?

● Mr. QUAYLE. No; it would not. As recommended by the Packard Commission, we believe that the Joint Chiefs of Staff should be responsible for the actual production of threat assessments and other such estimates for the Department of Defense. The Under Secretary would only be an intelligence consumer. Still, the Under Secretary would determine whether the intelligence supporting an acquisition decision was adequate, and like other Defense officials, he could request whatever additional information he might need from the Intelligence Community through the Director of the Defense Intelligence Agency.

● Mr. DURENBERGER. Thank you. Once again, I commend you and the other members of the committee for the fine work they have done. I would urge my colleagues to give your proposal the support it so well deserves.●

MC ALESTER ARMY AMMUNITION PLANT CONTRACTING-OUT STUDY

Mr. BOREN. Mr. President, my colleague, Mr. NICKLES, and I want to draw to the attention of the full Senate the problems we have discovered in the administration of the Army Materiel Command over the activity of conventional ammunition and ammunition-related components missions/functions. This activity includes renovation, demilitarization and supply depot operation in support of all DOD components including the Army, Navy, and Air Force to meet peacetime, mobilization and sustained combat ammunition requirements.

The Army Materiel Command announced in late February a new decision to again study commerical activities for possible performance by a private contractor at the McAlester, OK, and Crane, IN, Army ammunition plants. We have been amazed at the blatant disregard for DOD directives as well as congressional mandates.

The very basic belief that this mission should be a combination of Government owned-Government operated and Government owned-contractor operated to provide a balance in defense readiness is the driving force that brings us to the floor today.

I want to thank the committee for inserting language in the fiscal year 1987 Defense authorization bill that prevents funding the present CA activity until GAO completes a study concerning the cost effectiveness of such a conversion and its effects on the defense readiness and mobilization base. I do have concern that the termination date of the ban, March 31, 1987, might impede the thorough investigation that I feel is necessary to find a final and absolute answer to this question of contracting out our entire conventional ammunition and ammunition-related function.

We have written a rather lengthy letter to the Comptroller General listing many of the concerns to which we want answers. We feel so strongly about the impact of contracting out the entire mission of convention ammunition and ammunition missions/functions that we want to bring to the attention of our colleagues and their staff the full text of this letter. We will appreciate a comprehensive review of the findings in the GAO review including a long hard look at what the contracting out of this entire function means in peacetime, mobilization and sustained combat ammunition requirements.

Mr. NICKLES. Mr. President, I rise today to join my good friend and colleague, Mr. BOREN, in voicing grave concern with regard to what I feel is an immediate threat to our national defense readiness.

As you may recall, May 8 of this year, Mr. BOREN and I introduced S. 2430, which would protect the security of the United States by ensuring the quality of munitions manufactured at the McAlester Army Ammunition Plant, McAlester, OK. This legislation would clarify that Congress intended that both ammunition manufacture and depot level maintenance of ammunition were meant to be mission-essential in terms of contracting out by placing both of these missions under core logistics functions.

Because I strongly believe that the manufacture of a Mark 84 bomb, which was similar to those used in the Libyan strike, is "mission-essential" and should not, therefore, be subject to contracting out, I join my colleague in inserting a copy of our letter to the Comptroller General of the United States, to ask clarification and expansion of the study of GAO.

Mr. President, I request unanimous consent that the text of our letter be included in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
*Washington, DC, August 7, 1986.*

Hon. CHARLES A. BOWSHER,
*Comptroller General of the United States, Washington, DC.*

DEAR MR. BOWSHER: We are writing to bring to your attention a matter of great concern—the problems we have discovered in the administration of the Army Material Command over the activity of conventional ammunition and ammunition-related components mission/functions. This activity includes renovation, demilitarization and supply depot operation in support of all DoD components including the Army, Navy and Air Force to meet peacetime, mobilization and sustained combat ammunition requirements. We would appreciate our concerns contained herein incorporated in the study instituted recently by GAO on this subject.

Since late February of this year when an announcement of a new decision to study commercial activities for possible performance by a private contractor at the McAlester, Oklahoma, and Crane, Indiana, Army Ammunition Plants was made, we have been in a very dissatisfactory dialogue with the Army.

We are convinced that this entire mission under AMC should be a combination of government owned-government operated and government owned-contractor operated to provide a balance in defense readiness.

The tactics employed during the initiation of this 1986 contracting-out study are unbelievable in light of directives from Congress and the Department of Defense.

We understand that the Army directives state that CA function expansions shall not include functions under contract to a small or small and disadvantaged business. Yet, AMCCOM directed McAlester to include the 8a set-asides to be included in the new study. We support contracting-out where services are readily available in the private sector and saves taxpayers dollars and does not impact on defense readiness. It was distressing to receive calls from 8a contractors whose contracts were thrust under the contracting out review umbrella.

A letter, dated March 29, 1985, from the Deputy Secretary of Defense to the Chairman of the Senate Armed Services Committee, states in part: "It is the policy of the Department of Defense to maintain an in-house capability, managed by government personnel and operated by either government or contractor personnel (or both), to meet the wartime requirements for depot level logistical support to the armed forces . . . we intend to perform the work in the most cost-effective manner, consistent with the need to maintain both a government and a commercial industrial base." In this letter is a list of Department of Defense core logistics activities including the depot-level distribution and maintenance of mission-essential materiel at the McAlester Army Ammunition Plant in Oklahoma. Yet the entire mission at McAlester was included in the CA review that began in February.

Circular A-76 states that contracting-out cannot be used to justify conversion to contract solely to avoid personnel ceiling or salary limitations. Enclosed is a copy of a directive from the Deputy of Resources and Management for AMC, the purpose of which is the reduction of AMCCOM end strength via commercial activities program.

In November, 1984, a Decision Summary for a CA review of the McAlester Army Ammunition Plant was forwarded to HQDA from the former commanding general at headquarters, U.S. Army Armament, Munitions and Chemical Command in Rock Island, Illinois. His recommendation was to continue in-house performance of the MCAAP mission functions.

In reading through his reasons, one cannot help but come to the same conclusion that contracting-out the entire base of conventional ammunition and ammunition-related components mission impacts drastically on defense readiness. He states that MCAAP, as a government operation, is able to insure direct support to our armed forces "in the world's current volatile environment without the risk of delays due to labor disruptions. . . . the plant has a viable, proven mobilization expansion plan that provides for effective transition of the work force and facilities to meet the substantial increases in ammunition supply support." To quote further, "MCAAP is one of the DoD activities that will take the brunt of initial surge impact for shipping ammunition to various theaters of operation during mobilization. . . . MCAAP has proven its ability to meet mobilization and surge requirements during the Korean Conflict, Vietnam, Lebanon, El Salvador, Grenada and other emergency situations. MCAAP's uninterrupted ability to immediately respond to support US forces is only assured with a continued in-house operation."

The loss of "corporate knowledge" when government operated facilities are contracted out is well documented. The concern expressed by the former commanding general in his recommendation not to contract out McAlester includes the fact that Hawthorne Ammunition Plant, when contracted out, required 2210 days of government employee assistance. If McAlester and Crane, the two remaining government-operated ammunition plants are contracted out, there would be no base from which to draw assistance. He states, "There is no question that a large number of these people will leave for other civil service employment. . . . will result in a loss of knowledge and skills that can never be replaced. The experience of HWAAP will be repeated at MCAAP, with the trained and skilled work force protecting their 15 to 25 year investment in federal service."

We want to do everything to insure that this study provide a complete picture of the entire mission of conventional ammunition and ammunition-related components. For instance, it occurs to us that this mission is a likely candidate that should be considered for possible transfer to the Defense Logistics Agency as a service-wide function in tune with the Department of Defense reorganization. We fully believe that a comprehensive study would prove that this mission should also be listed as core logistics and, therefore, not subject to contracting out.

In addition to the consideration of the transfer of this function to DLA and the definition of this function as core logistics, several questions should be answered including some from the earlier AMC recommendation not to contract out MCAAP:

1. Will contracting out MCAAP missions/functions further worsen an existing situation by dispersing the current skill base at MCAAP and similarly impact on private industry as the successor commercial contractor recruits skills to assemble a replacement skill base to operate MCAAP production facilities?

2. Will contracting-out MCAAP missions/functions increase or decrease skilled workers in the conventional and nonconventional ammunition field?

3. Will contracting-out MCAAP missions/functions prematurely retire MCAAP employees possessing the skills as has been experienced by the Army in the HWAAP experience?

4. Should MCAAP be converted to a contract method of performance and the current on hand government skills do not

accept employment with the contractor, will the unique demilitarization of a variety of military munitions mission at MCAAP come to a standstill?

5. How would contracting-out impact on the side-by-side, hands-on training and supervised handling of munitions McAlester presently provides to National Guard and USAR units, representing 12 states and Puerto Rico? This type of training is not acceptable under contractor operations due to infringement on contractor operations and taking workload away from contractor personnel covered under the union agreements.

We assume that contracted-out operations must be re-competed at proper intervals. What is the track record on these competitions? Are there sufficient bidders or does the operation become sole-sourced by default? If so, what is the economic impact?

We understand that the military personnel assigned to HWAAP are to be transferred. Hawthorne is a small town and cannot support the recreation facilities presently supported by the Morale, Welfare and Recreation Fund that must be discontinued. What problems does this present?

Mr. Bowsher, we are interested in a final and correct decision to the concerns we have listed here today regarding the contracting-out of the conventional ammunition and ammunition-related components mission. We will appreciate any assistance that you can provide to see that there is a comprehensive review of this issue including a long hard look at what the contracting out of this entire function means in peacetime, mobilization and substained combat ammunition requirements. Enclosed are copies of materials that should be helpful.

Sincerely,

DON NICKLES,
*U.S. Senator.*
DAVID L. BOREN,
*U.S. Senator.*
WES WATKINS,
*Member of Congress.*

### UNIVERSITY RESEARCH: THE HEART OF FUTURE NATIONAL SECURITY

Mr. PRESSLER. Mr. President, during the current debate on the Department of Defense authorization bill, a great deal of time has been spent on the subject of national security—and rightly so. However, there is one vitally important area to our national security which has received little attention: This is the state of our Nation's research and technology base in our colleges and universities.

Defense modernization in the decades ahead will greatly depend on the investment we make today in basic university research. Our university research facilities and equipment are outdated and in desperate need of renovation. Additionally, the number of foreign students studying in technical and scientific fields in the United States has risen dramatically in recent years—a growth not matched by U.S. students. Over one-half of our graduate degrees in engineering are now being awarded to foreign nationals.

The increase of foreign students studying in the United States is not necessarily bad. In fact, it is a reflection of the high-quality academic institutions and faculty we have here in America. However, many of these foreign students return to their home countries where their U.S. education will make them valuable resources in the development of foreign defense technologies.

We are developing the largest scientific research program in history, the SDI, while university-based research, on which we rely so heavily for technological advancement, is in a weakened state. We are expecting our scientists to develop the most technologically advanced defense system in the world, and they need our support.

Last year, Congress recognized this need. A new line item was added to the Department of Defense authorization bill entitled the "University Research Initiative." This new, unbudgeted item was a badly needed initiative to help revitalize our university research equipment and facilities. It was to be funded at $25 million for fiscal year 1986, with a doubling and redoubling of funding in fiscal years 1987 and 1988. However, on the advice of the President's science policy adviser, Dr. Keyworth, Congress accelerated the funding for this initiative and $100 million was authorized. I applaud Congress and the administration for recognizing the need for an investment in university-based research.

In the fiscal year 1987 Department of Defense authorization bill, approximately $49.5 million is authorized for university research, and a doubling of that funding is suggested for fiscal year 1988. It is my hope that the Armed Services Committee, as well as the Appropriations Committee will reaffirm their commitment to improving university research and include the $99 million in the fiscal year 1988 bill. This might seem to be an odd time to address the fiscal year 1988 DOD bill. However, rebuilding the research infrastructure is a long-term investment. Thus, it requires a long-term commitment, not just year-to-year "quick fixes." I would also urge that when implementing the "undistributed reductions" included in this bill, the Department of Defense take into consideration the crucial role university research plays in national security.

As many of my colleagues know, I have introduced legislation which would provide increased support for university research capabilities, as well as other areas of national need. My legislation, the Strategic Defense Education Act, has received letters of support from well over 50 major colleges and universities across the Nation. Many of them specifically commented on the importance of the University Research Initiative Program in the Department of Defense authorization bill.

Mr. President, the importance of the technology base funding within the research, development, test, and evaluation section of this bill cannot be overstated. In order to develop high-technology and advanced weapon systems, we must first ensure we have top-notch research infrastructure. With our past successes, we tend to take this for granted. Do not forget the technology gap of the 1950's, when the Soviet launching of Sputnik I led Congress to pass the National Defense Education Act [NDEA]. At that time, Congress declared, and I quote, "The national interest requires * * * that the Federal Government give assistance to education for programs which are important to our defense. * * *"

The university research initiative is a reaffirmation of this congressional declaration. I urge my colleagues on the Appropriations Committee to fully fund the university research components of this legislation. Adequate support for university-based research is the heart of our future national security.

## ROUTINE MORNING BUSINESS

Mr. DOLE. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business not to extend beyond the hour of 11:45 p.m.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

### SOUTH AFRICAN LIBERAL OPPOSES SANCTIONS

Mr. PRESSLER. Mr. President, one of the assumptions underlying the actions of those who support punitive economic sanctions on South Africa is that all progressive people, including South African progressives or liberals, support sanctions.

Nothing could be further from the truth. As I found on a recent trip to South Africa, the principal engine for change in South Africa is the business community. The business community's record of opposition to apartheid and support for progressive reform in their nation's economics and politics is well documented. These people need the encouragement which is made possible by outside investment in, and trade with, white and nonwhite South African businesses. They do not need, nor do they want, the discouragement, despair and economic decline which sanctions will impose on them and the rank and file nonwhite and white citizens of South Africa.

Mr. President, in this regard, I would like to call to the attention of our colleagues and others who read the RECORD, an excellent piece on Helen Suzman's recent article written by William Safire in the August 7, 1986, New York Times. I ask unanimous consent that the article appear at this point in the RECORD. Ms. Suzman is a South African liberal who recently spoke out against sanctions as a way to end apartheid.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE SUZMAN PLAN

(By William Safire)

WASHINGTON.—The Big Lie being sold and swallowed in the debate on South Africa is this: If you are against sanctions, you are for apartheid.

Robert Mugabe, the Marxist who brought one-party black rule to Zimbabwe, said it again this week, denouncing Margaret Thatcher for having "chosen the path of supporting apartheid." A British Labor Party leader predicted that the U.S. Congress would soon force President Reagan to go along with sanctions, making Britain "the only protector of apartheid in the world."

Effective demagoguery, but a lie. The equivalent red herring would be: If you are for sanctions, you favor a bloody race war.

Mrs. Thatcher and Mr. Reagan have spoken out against apartheid—"repugnant" is the favored adjective—but seem to be standing against a tide of public opinion that says "Well, what are you going to do about it?"

They do not have a satisfying answer to that for two reasons. One is that the pace of dismantling apartheid has been too slow; the striking-down of miscegenation laws and the hated pass system shows real progress, but only whets the appetite for more drastic social change that no brutality can beat down nor censorship hide.

The other reason is that the "it" that so many people want something done about is not merely apartheid. By "it," they mean real political equality: one person, one vote. That means majority rule, and nonwhites are the overwhelming majority in South Africa. That means and end to white governments as the Afrikaners have known it for three centuries; that means the same kind of black rule that exists elsewhere in Africa, and most white South Africans would rather remain the oppressors than become the oppressed.

No democrat can oppose the idea of majority rule, but no realist thinks the outside world can bring it about now or soon. Forget about the imposition of black rule in this decade; it will not happen. Some of the whites with English ancestors would flee to Australia, but the Boers would stand and fight for their homeland—and in extremism, would use atomic weapons to "equalize" the fight against a black majority in revolution.

So what are we going to do about it? First, split the "it": one "it" is a transfer of power, which if it is to come soon would have to come on the wings of Communist-backed revolution. Many radicals want just that, and call on us to help by quarantining South Africa, bringing its economy to its knees, spreading misery and hunger—which would invite increased violence, repression and uprising. Mrs. Thatcher and Mr. Reagan are neither racist nor Fascist for refusing to go down that road.

The "it" we can do more about now is apartheid. Moral condemnations at brutal crackdowns, occasional applause at advances, diplomatic pressure to release Nelson Mandela and others imprisoned without trial, and a series of sustained, fine-tuned economic pressures and incentives will have an effect.

Helen Suzman, a longtime apartheid-fighter and a member of the opposition in South Africa's Parliament, wrote a stunning and seminal article in last Sunday's New York Times Magazine making the case against sanctions.

Mrs. Suzman's point is that power comes out of the end of a wallet—that is, the best way for blacks to gain both social standing now and political participation soon is for them to be part of a growing economy.

We should be investing, not disinvesting, with requirements that new industry train and employ skilled blacks; by strengthening labor unions and giving black consumers economic muscle for boycotts, the outside world can help bring about political power-sharing without revolution.

That's the sort of thing now derogated as "constructive engagement" by those impatient with the designated villains. Enough talk, they say, let's show 'em we can throw a thunderbolt from the moral high ground. Sanctions now! We'll all feel better by giving up lobster tails.

Hold on: I have long held that economic sanctions do work, and we should not be shy about using the power of our trade to twist political arms. It upsets me when Robert Dole buys votes in Kansas by euchring Mr. Reagan into subsidizing Soviet consumers with 50 million U.S. tax dollars. We should be putting the squeeze on repressive governments of all ideologies.

But we should put on that heat in a way and on a level to achieve our ends, which in South Africa means symbolic sanctions but no disinvestment. Our purpose is to use what leverage we can get to end apartheid now and start black political participation soon. Our purpose is not to overthrow Pretoria or help start a revolution.

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Emery, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## REGULATORY PROGRAM OF THE UNITED STATES GOVERNMENT—MESSAGE FROM THE PRESIDENT—PM 164

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Governmental Affairs:

*To the Congress of the United States:*

The publication of the *Regulatory Program of the United States Government* is the second in an annual series begun last year as part of our effort to improve the management of regulatory activity within the Executive branch. A major goal of this publication is to provide the public and the Congress with a greater opportunity to learn about and evaluate our regulatory priorities and procedures.

The *Regulatory Program* describes the 523 most significant regulatory activities planned for the year ending March 31, 1987. Over the coming months and years, the Director of the Office of Management and Budget will report periodically on the agencies' progress in carrying out these initiatives.

Federal regulation is one of the most important and costly activities of government, yet it has been managed even less systematically than government spending. Last year, I established the *Regulatory Program* to complement the other programs I put in place during 1981 to improve the quality and responsiveness of our regulatory efforts.

We have too little information on the benefits provided by the regulations we promulgate each year and even less information on the benefits of those already in effect. By developing better information on benefits, we can improve the setting of priorities that truly meet the Nation's needs. The *Program* will help us do that.

Moreover, we have only rough estimates of the total costs of regulations—ranging between $50 billion and $150 billion each year. While the American people pay such regulatory costs, they tend to be hidden in the prices consumers pay for goods and services. These costs could grow even larger, as there will be a tendency to maintain government programs through regulatory means when funding is not available.

Today, more than ever, it is essential for us to coordinate regulatory activity among the agencies, to increase accountability for regulatory programs, and to ensure that the most significant regulatory activities are given priority and are properly managed. Only through a coordinated executive review can regulatory activities provide the greatest real benefits to society as a whole.

Of course, this *Regulatory Program* by itself cannot ensure that all regulation will be well-conceived and beneficial to society. It can, however, highlight important regulatory activities under consideration. Thus, this *Regulatory Program* is an important addition to our wide-ranging efforts of regulatory oversight and review—designed to make government regulation the servant, not the master, of the American people.

RONALD REAGAN.

THE WHITE HOUSE, *August 7, 1986.*

## PRESIDENTIAL APPROVALS

A message from the President of the United States announced that the

President has approved and signed the following bills and joint resolutions:

On July 29, 1986:

S.J. Res. 274. Joint resolution to designate the weekend of August 1, 1986, through August 2, 1986, as "National Family Reunion Weekend".

S.J. Res. 279. Joint resolution to designate the month of October 1986, as "Lupus Awareness Month".

On July 31, 1986:

S. 1068. An act to eliminate unnecessary paperwork and reporting requirements contained in section 15(1) of the Outer Continental Shelf Lands Act, and sections 601 and 606 of the Outer Continental Shelf Lands Act Amendments of 1978.

On August 4, 1986:

S. 1874. An act to authorize quality educational programs for deaf individuals, to foster improved educational programs for deaf individuals throughout the United States, to reenact and codify certain provisions of law relating to the education of the deaf, and for other purposes.

On August 5, 1986:

S. 415, An act to amend the Education of the Handicapped Act to authorize the award of reasonable attorneys' fees to certain prevailing parties to clarify the effect of the Education of the Handicapped Act on rights, procedures, and remedies under other laws relating to the prohibition of discrimination, and for other purposes.

On August 6, 1986:

S.J. Res. 371, Joint resolution to designate August 1, 1986, as "Helsinki Human Rights Day".

## MESSAGES FROM THE HOUSE

At 2:10 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bill, with amendments, in which it requests the concurrence of the Senate:

S. 140. An act to amend the Child Abuse Prevention and Treatment Act to establish a program to encourage States to enact child protection reforms which are designed to improve legal and administrative proceedings regarding the investigation and prosecution of the child abuse cases, especially child sexual abuse cases.

At 7:10 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4333. An act to amend title 38, United States Code, to improve veterans' benefits for former prisoners of war; and

H.R. 4623. An act to amend title 38, United States Code, to improve the delivery of health-care services by the Veterans' Administration, and for other purposes.

## MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 4333. An act to amend title 38, United States Code, to improve veterans' benefits for former prisoners of war; to the Committee on Veterans' Affairs, and

H.R. 4623. An act to amend title 38, United States Code, to improve the delivery of health-care services by the Veterans' Administration, and for other purposes; to the Committee on Veterans' Affairs.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McCLURE, from the Committee on Energy and Natural Resources, with an amendment:

S. 1319: A bill to relieve the Washoe County Water Conservation District, Nevada, of certain Federal repayment obligations (Rept. No. 99-381).

By Mr. McCLURE, from the Committee on Energy and Natural Resources, with amendments:

S. 1542: A bill to amend the National Trails System Act by designating the Nez Perce (Nee-Me-Poo) Trail as a component of the National Trails System (Rept. No 99-382).

By Mr. McCLURE, from the Committee on Energy and Natural Resources, with an amendment:

S. 1772: A bill to authorize and direct the Secretary of the Interior to convey certain real property to the Pershing County Water Conservation District (Rept. No. 99-383).

By Mr. D'AMATO, from the Committee on Appropriations, with amendments:

H.R. 5203: A bill making appropriations for the Legislative Branch for the fiscal year ending September 30, 1987, and for other purposes (Rept. No. 99-384)

By Mr. HELMS, from the Committee on Agriculture, Nutrition, and Forestry, without amendment:

H.R. 1260: A bill for the relief of Joe Herring.

By Mr. GOLDWATER, from the Committee on Armed Services, with an amendment:

S. 2477: A bill to authorize appropriations for fiscal year 1987 for intelligence activities of the U.S. Government, the Intelligence Community Staff, the Central Intelligence Agency Retirement and Disability System, and for other purposes.

By Mr. THURMOND, from the Committee on the Judiciary, without amendment and with a preamble:

S.J. Res. 322: Joint resolution to designate December 7, 1986, as "National Pearl Habor Remembrance Day" on the occasion of the anniversary of the attack on Pearl Harbor.

S.J. Res. 345: Joint resolution to designate the week beginning November 9, 1986, as "National Reye's Syndrome Awareness Week."

By Mr. THURMOND, from the Committee on the Judiciary, with an amendment and an amendment to the title and with a preamble:

S.J. Res. 367: Joint resolution to designate July 31, 1986, as "National Kidney program Day."

By Mr. THURMOND, from the Committee on the Judiciary, without amendment and with a preamble:

S.J. Res. 368: Joint resolution to designate the month of October 1986, as "National Spina Bifida Month."

S.J. Res. 386: Joint resolution to designate October 6, 1986, as "National Drug Abuse Education Day."

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. THURMOND, from the Committee on the Judiciary:

Louis G. DeFalaise, of Kentucky, to be United States Attorney for the Eastern District of Kentucky for the term of four years.

By Mr. DANFORTH, from the Committee on Commerce, Science, and Transportation:

James Eugene Burnett, Jr., of Arkansas, to be Chairman of the National Transportation Safety Board for a term of two years.

(The above nominations were reported from the Committee on Commerce, Science, and Transportation with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. DANFORTH. Mr. President, as in executive session, I also report favorably from the Committee on Commerce, Science, and Transportation, a nomination list in the Coast Guard which appeared in the CONGRESSIONAL RECORD on July 22, 1986, and, to save the expense of reprinting them on the Executive Calendar, I ask unanimous consent that they may lie on the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. STEVENS (by request):

S. 2724. A bill to amend title 5, United States Code, to establish a simplified management system for Federal employees, and for other purposes; to the Committee on Governmental Affairs.

By Mr. CRANSTON:

S. 2725. A bill to increase the amount of capital available to financial institutions and other agricultural lenders for loans to farmers by providing a secondary market for farm mortgages through the establishment of a federally chartered corporation, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BRADLEY:

S. 2726. A bill to provide for a minimum price and an alternative production rate for petroleum produced from the naval petroleum reserves, and for other purposes; to the Committee on Armed Services.

By Mr. KERRY (for himself, Mr. SARBANES, Mr. DECONCINI, Mrs. HAWKINS, and Mr. D'AMATO):

S. 2727. A bill to extend the life of the Department of Justice Assets Forfeiture Fund and the Customs Forfeiture Fund through fiscal year 1989, to make amounts from the funds available to the Secretary of Education and the Secretary of Health and Human Services for drug abuse education and prevention programs, and for other purposes; to the Committee on Finance.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. STEVENS (by request):

S. 2724. A bill to amend title 5, United States Code, to establish a simplified management system for Federal employees, and for other purposes; to the Committee on Governmental Affairs.

CIVIL SERVICE SIMPLIFICATION ACT

● Mr. STEVENS. Mr. President, today, at the request of the administration, I am introducing the "Civil Service Simplification Act of 1986." This proposal would expand the personnel systems demonstrated at the two Navy laboratories in China Lake and San Diego, CA.

We are all too familiar with the shortcomings of the Federal pay and personnel systems. The pay comparability system has broken down. There is evidence to suggest that agencies are experiencing significant recruitment and retention problems in a wide variety of occupations. The General Schedule classification system is inflexible and its administration leads to the micromanagement of the Federal work force.

Several bills have been introduced which would establish separate agency personnel systems or otherwise address our recruitment and retention problems. Some Members believe we should amend the current special pay rate authority to provide higher minimum rates of pay for shortage occupations. Some Members believe we should test a variety of possible solutions, such as locality pay and collective bargaining. Some Members believe we should restructure the pay comparability system.

The administration believes that the Navy experiments are a success and should now be implemented Governmentwide. I agree they are successful, and I believe the Federal pay and personnel systems need to be retuned, and perhaps, restructured. I am not prepared at this time, however, to endorse the Governmentwide expansion of the concepts tested at these two Government laboratories.

Nonetheless, I look forward to working with the administration and other Members in the months and years ahead to come as we search for solutions to our pay and personnel problems. Mr. President, I ask that the bill and a section-by-section analysis appear in the RECORD following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2724

A bill to amend title 5, United States Code, to establish a simplified management system for Federal Employees, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Civil Service Simplification Act of 1986".

SEC. 2. (a) Title 5, United States Code, is amended by inserting after chapter 51 the following new chapter:

"CHAPTER 52—SIMPLIFIED MANAGEMENT SYSTEM

"Sec.
"5201. Purpose.
"5202. Definitions.
"5203. Implementation.
"5204. Career Paths and Pay Bands.
"5205. Pay-for-Performance Plan.
"5206. Conversion Procedures.
"5207. Evaluation and Oversight.
"5208. Regulation.

"§ 5201. Purpose.

"It is the purpose of this chapter to promote better management of the Federal work force by establishing a Simplified Management System that will vest in Federal agencies the authority and responsibility to use flexibilities in assigning rates of basic pay in order to recruit, motivate, and retain a well-qualified work force. The Simplified Management System established by this chapter is an alternative to the classification and pay system established under chapter 51, subchapter III of chapter 53, and chapter 54 of this title. The Simplified Management System shall be incrementally expanded throughout the Federal work force in a controlled, measured, and budget-neutral manner.

"§ 5202. Definitions

"For the purposes of this chapter—

"(1) 'agency', 'class', 'grade', and 'position' have the same meanings as provided in section 5102(a) of this title;

"(2) 'budget-neutral' means that the aggregate costs (including administrative costs) directly and indirectly incurred under the Simplified Management System do not exceed the costs which would have been incurred had the Simplified Management System not been implemented;

"(3) 'career path' means a grouping of occupations that are determined by the Office to be sufficiently similar to warrant the assignment of the same set of pay bands;

"(4) 'employee' means an individual employed in or under an agency, but does not include—

"(A) an employee described by section 5102(c) or (d) of this title;

"(B) a member of the Senior Executive Service; or

"(C) an administrative law judge appointed under section 3105 of this title;

"(5) 'occupation' means a group of positions that are similar as to the kind of work and the kind of qualifications required;

"(6) 'Office' means the Office of Personnel Management; and

"(7) 'pay band' means a range of rates of basic pay encompassing the rates of pay for two or more grades (or, when determined appropriate by the Office in a particular situation, for a single grade) of the General Schedule under section 5332 of this title.

"§ 5203. Implementation

"(a) Subject to the requirements for approval provided in subsection (c) of this section, the head of an agency may implement the Simplified Management System for the agency, or for any component or location in the agency, or for any occupation or group of occupations within the agency, under a plan established under subsection (b) of this section. Any change in the coverage of the Simplified Management System in the agency, or in the plan, shall be subject to approval under subsection (c) of this section.

"(b) Prior to implementing the Simplified Management System, the head of an agency shall develop and submit for approval, in accordance with subsection (c) of this section, a plan for the operation of the Simplified Management System in the agency, component or location, or occupation or group of occupations affected. The plan shall set forth—

"(1) the proposed extent of coverage of the Simplified Management System under the plan;

"(2) the means by which the agency will ensure that the Simplified Management System will operate in a budget-neutral manner under the plan;

"(3) any career paths, pay bands, criteria, or qualification requirements proposed for the plan under section 5204(e) of this title;

"(4) the performance appraisal system under the plan, as required by chapter 43 of this title;

"(5) the pay-for-performance plan under section 5205 of this title;

"(6) the merit promotion plan, as required by regulations of the Office under authority of sections 3301 and 3302 of this title;

"(7) procedures for designating individuals for conversion to coverage under the plan, as required by section 5206(c) of this title; and

"(8) any other information required by the Office, including any required plans for evaluating the operation of the Simplified Management System.

"(c)(1) The President, or his designee, shall review each plan submitted by the head of an agency under subsection (b) of this section with respect to the adequacy of those provisions of the plan described in paragraph (2) of subsection (b), and shall approve the plan if he determines such provisions are adequate to ensure that the Simplified Management System will operate under the plan in a budget-neutral manner.

"(2) The Office shall review each plan submitted by the head of an agency under subsection (b) of this section with respect to the adequacy of those provisions of the plan described in paragraphs (1) and (3) through (8) of subsection (b), and shall approve the plan if the Office determines that such provisions comply with the provisions of this chapter and any regulations and criteria prescribed by the Office pursuant to this chapter, and that the Simplified Management System will operate under the plan in a manner that will accomplish the purpose of this chapter.

"(3) An agency plan for operation of the Simplified Management System must be approved under both paragraph (1) and paragraph (2) of this subsection before the agency may implement the Simplified Management System.

"(d) Notwithstanding any other provision of law, the coverage of an employee's position under the Simplified Management System shall not be subject to review or appeal, except as may be provided by the Office in its sole discretion.

"§ 5204. Career Paths and Pay Bands

"(a) The Office shall establish career paths and pay bands to be used by agencies which implement the Simplified Management System.

"(b) The Office, after consulting the agencies, shall develop and publish criteria, in such form as the Office may determine, which agencies shall follow for placing positions included in the Simplified Management System in the career paths and pay bands that are established by the Office. To

accomplish the purposes of this chapter, the Office may issue criteria which are derived from standards published under chapter 51 of this title, if such criteria provide for the grouping of classes of positions into career paths, and the consolidation of grades into pay bands.

"(c) Except as provided in subsection (e)(2), each agency shall assign positions under the Simplified Management System to career paths and pay bands on the basis of the criteria issued by the Office.

"(d) Except as provided in subsection (e)(2), the determination of the basic qualifications of individuals for positions under the Simplified Management System, in each career path and in each pay band, shall utilize qualification standards issued by the Office for positions under chapter 51 of this title, including subsequent changes or additions to those standards, or criteria developed and applied specifically for positions under the Simplified Management System. The determination of what standards or criteria to utilize shall be at the sole discretion of the Office.

"(e) When the Office determines that the career paths, pay bands, or criteria developed under subsection (a) or (b) of this section or the qualification requirements described in subsection (d) of this section are not appropriate to accomplish the purposes of this chapter for a particular agency, a component or location of an agency, or an occupation or group of occupations, the Office may, in its sole discretion—

"(1) develop career paths, pay bands, criteria, or qualification requirements for the agency, component or location, or occupation or group of occupations; or

"(2) authorize an agency to develop and submit to the Office for approval, proposed career paths, pay bands, criteria, or qualification requirements to accomplish the purposes of this chapter.

"(f) The minimum rate of basic pay for the Simplified Management System shall be the minimum rate for GS-1 under section 5332 of this title, and the maximum rate of basic pay shall be the rate payable for GS-18 under section 5308 of this title. The range of rates of pay for any given pay band shall be equivalent to the range of rates of basic pay for one or more grade levels of the General Schedule under Section 5332 of this title, and shall be adjusted to maintain such equivalency whenever the rates of pay of the General Schedule are adjusted under section 5305 of this title.

"(g) An individual shall be initially appointed as an employee under the Simplified Management System at the lowest rate in the applicable pay band that the agency determines, on the basis of the individual's qualifications and labor market conditions, is sufficient to recruit the individual.

"(h) When an agency determines that the recruitment or retention of well-qualified employees under the Simplified Management System is, or is likely to become, seriously handicapped by higher pay rates paid by Federal or non-Federal employers, or by undesirable working conditions, or a remote geographical location, the agency may—

"(1) increase pay rates within the pay band by an amount sufficient to recruit or retain such employees;

"(2) submit a request, if the maximum rate of the pay band is not sufficient to recruit or retain such employees, for approval of an increase of the pay band by an amount sufficient to recruit or retain the employees, except that—

"(i) such an increase in a pay band may not exceed twice the difference between the minimum and maximum rate of basic pay for the highest grade of the General Schedule encompassed by the pay band; and

"(ii) no pay band may exceed the maximum rate payable under section 5308 of this title; or

"(3) pay bonuses to such employees, either in lieu of establishing higher rates of pay under this subsection or in addition to such higher rates of pay, as appropriate, subject to the conditions specified in section 5303(b)(2)-(5) of this title.

The authority to approve or disapprove a request under paragraph (2) of this subsection shall be exercised by the President, or, in the event the President has authorized the Office to exercise the authority conferred on him by section 5303 of this title, by the Office.

"(i) An employee whose rate of basic pay falls below the minimum for the employee's pay band because of a failure to receive pay increases due to performance shall be placed in the next lower pay band, unless such action would place the employee in a pay band below the minimum pay band specified for the employee's career path. An employee who is placed in a lower pay band under this subsection shall not have his rate of basic pay reduced as a result of such placement.

"(j) For the purposes of section 5941 of this title, rates of basic pay fixed under this chapter shall be considered rates of basic pay fixed by statute.

"(k) The Office shall prescribe regulations to provide linkages between pay bands established under this chapter and General Schedule grade levels and rates of basic pay for purposes of administering chapter 55 of this title and any other provision of law or regulation.

**"§ 5205. Pay-for-Performance Plan**

"(a) Each agency which implements the Simplified Management System shall prepare a pay-for-performance plan, which shall be subject to the approval of the Office, and which shall include—

"(1) a method for determining progression within a pay band which (except as provided by section 5204(h)) shall be based on performance as determined by the performance appraisal system and which may take into account relative position in the range of rates of basic pay for the pay band;

"(2) an incentive and performance awards system which meets the requirements of chapter 45 of this title; and

"(3) a method to be used to determine the funds available to the agency for incentive awards, performance awards, and advancement of employees within the pay bands.

"(b) The Office shall prescribe regulations governing the application of a pay-for-performance plan in the case of an employee for whom a determination under section 4302 of this title for the latest appraisal period is not available.

**"§ 5206. Conversion Procedures**

"(a) The Office shall prescribe regulations governing the procedures to be used—

"(1) to convert individuals to coverage under the Simplified Management System;

"(2) to appoint individuals to coverage under the Simplified Management System for other Federal pay systems, or from the Simplified Management System in other components or locations of the agency or another agency; and

"(3) to terminate the Simplified Management System in an agency, or component or location thereof, or for an occupation or group of occupations in an agency, if the Simplified Management System is terminated under section 5207 of this title.

"(b) The Office may provide for restrictions on increases in rates of basic pay as appropriate for individuals who are appointed to positions under the Simplified Management System in an agency from another Federal pay system, or from the Simplified Management System in another agency.

"(c) Each agency which implements the Simplified Management System shall specify procedures for designating individuals for conversion to coverage under the Simplified Management System. Such procedures shall provide for written notification of conversion to each individual serving in a position at the time it is identified for conversion to the Simplied Management System. A conversion to coverage under the Simplified Management system shall be accomplished with no reduction in the rate of basic pay of the individual.

**"§ 5207. Evaluation and Oversight**

"(a) The President, or his designee, shall review the operation of the Simplified Management System in each agency to ensure that such System is operating in a budget-neutral manner. The President, or his designee, may require the agency to modify or terminate use of the Simplified Management System if he determines that it is not so operating.

"(b)(1) In addition to the review required under subsection (a) of this section, the Office shall monitor and evaluate the operation of the Simplified Management System in each agency to ensure compliance with the requirements of this chapter and other applicable laws, rules, and regulations.

"(2) If at any time the Office determines that the Simplified Management System in an agency, or a component or location thereof, or for an occupation or group of occupations in an agency, is not operating in compliance with the provisions of this chapter, or the regulations and approved plan under this chapter, the Office may require modification or termination of the use of the Simplified Management System.

"(c) An employee may request at any time that the Office—

"(1) ascertain currently the facts as to the duties, responsibilities, and qualification requirements of the employee's position;

"(2) decide whether the employee's position is in its appropriate career path and pay band; and

"(3) change a position from one career path or pay band to another career path or pay band when the facts warrant.

A decision made by the Office on the basis of an employee's request under this subsection is binding on the employing agency and is not subject to appeal or review by any other entity.

**"§ 5208. Regulations**

"The Office shall prescribe regulations to carry out this chapter.".

(b) The table of chapters for part III of title 5, United States Code, is amended by adding after the item relating to chapter 51 the following new item:

"52—Simplified Management System 5201".

CONFORMING AMENDMENTS

SEC. 3. Title 5, United Stated Code is further amended—

(1) in section 4302 by adding at the end thereof the following new subsection:

"(c) For the purposes of this chapter, a reduction to a lower pay band of an employee assigned to a position under the Simplified Management System under chapter 52 of

this title shall be considered a reduction in grade, except as provided in section 4303(f)(4) of this chapter.";

(2) in section 4303(f)—

(A) in paragraph (2) by striking out "or" at the end thereof;

(B) in paragraph (3) by striking out the period at the end thereof and inserting in lieu thereof ", or"; and

(C) by adding at the end thereof the following new paragraph:

"(4) the reduction to a lower pay band of an employee under chapter 52 of this title who falls below the minimum rate of the pay band by failing to receive a pay increase as specified in section 5204(i) of this title.";

(3) in chapter 45—

(A) by adding the following new section after section 4507:

"§ 4508. Performance awards for employees under the Simplified Management System

"An agency may pay a performance award to an employee covered under the Simplified Management System under chapter 52 of this title, under a pay-for-performance plan approved under section 5205 of this title. Such a performance award shall be related to the employee's performance as rated under a performance appraisal system, and shall be considered a cash award for purposes of this chapter.";

(B) the analysis for chapter 45 is amended by inserting after the item relating to section 4507 the following new item:

"4508. Performance awards for employees under the Simplified Management System.";

(4) in section 5102 by adding at the end thereof the following new subsection:

"(e) This chapter does not apply to an employee who is covered under the Simplified Management System under chapter 52 of this title.";

(5) in section 5363 by adding at the end thereof the following new subsection:

"(d) For an individual covered under the Simplified Management System under chapter 52 of this title, pay retention may be provided, under regulations prescribed by the Office of Personnel Management, when an individual's rate of basic pay is reduced, and the reduction is not the result of action initiated by the individual and is not based on the conduct or unacceptable performance of the individual.";

(6) in section 5948—

(A) in subparagraph (g)(1)(H) by striking out "or" at the end thereof;

(B) in subparagraph (g)(1)(I) by striking out "and" and inserting in lieu thereof "or";

(C) in paragraph (1) by adding at the end thereof the following new subparagraph:

"(J) chapter 52 of this title, relating to the Simplified Management System; and";

(7) in section 7103(a)(14)(B) by striking out "; or" at the end thereof and inserting in lieu thereof ", including the assignment of a postion to a career path or pay band under chapter 52 of this title, and the method for determining progression of an employee within a pay band; or";

(8) in section 7106—

(A) in subparagraph (a)(2)(C)(ii) by striking out at the end thereof "and";

(B) in subparagraph (a)(2)(D) by striking out the period at the end thereof and inserting at the end thereof "; and";

(C) by adding at the end of paragraph (a)(2) the following new paragraph:

"(E) to place positions under the Simplified Management System or to convert employees to or from the Simplified Management System under chapter 52 of this title."; (9) in section 7121(c)—

(A) in paragraph (4) by striking out "or" at the end thereof;

(B) in paragaph (5) by striking out the period at the end thereof and inserting in lieu thereof "; or";

(C) by adding at the end thereof the following new paragraph:

"(6) The assignment of a position to a career path or pay band under the Simplified Management System under chapter 52 of this title (unless such assignment results in the reduction to a lower pay band, or a reduction in basic pay for an employee, and the reduction is not caused by a performance deficiency as specified in section 5204(i) of this chapter) or the method for determining progression of an employee within a pay band,";

(10) in section 7511(a)(3) by striking out the semicolon at the end thereof and inserting in lieu thereof ", or a pay band under the Simplified Management System established under chapter 52 of this title;";

(11) in section 7512—

(A) in paragraph (4) by striking out "and" at the end thereof;

(B) in paragraph (5) adding at the end thereof "and";

(C) by adding as a new paragraph the following:

"(6) a reduction to a lower the pay band of an employee assigned to the Simplified Management System under chapter 52 of this title";

(D) in paragraph (D) by striking out "or" at the end thereof;

(E) in paragraph (E) by striking out the period at the end thereof and inserting in lieu thereof ", or"; and

(F) by adding at the end thereof the following new paragraph:

"(F) the reduction to a lower pay band of an employee assigned to the Simplified Management System under chapter 52 of this title who falls below the minimum rate of the pay band by failure to receive a pay increase as specified in section 5204(i) of this title.";

SPECIAL RATES AMENDMENTS FOR GENERAL SCHEDULE EMPLOYEES

SEC. 4. (a) Section 5303 of title 5, United States Code, is amended—

(1) in subsection (a)—

(A) by striking out "pay rates in private enterprise for one or more occupations in one or more areas of locations are so substantially above the pay rates of statutory pay schedules as to handicap significantly the";

(B) by striking out "he may establish for the areas" and inserting in lieu thereof the following: "is, or is likely to become, significantly handicapped by higher pay rates paid by Federal or non-Federal employers, or by undersirable working conditions or the remote geographic location of such positions, he may establish, as appropriate, for one or more areas"; and

(C) in the second sentence—

(i) by striking out "maximum" and inserting in lieu thereof "minimum"; and

(ii) by adding after "level" the following "by more than twice the amount by which the maximum rate of pay for that grade or level exceeds the minimum rate of pay for that grade or level. The President may authorize the appointment of an individual who would be covered by higher rates established under this section at a rate above the higher minimum rate so established"; and

(2) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively, and by inserting after subsection (a) the following new subsection:

"(b)(1) When the President makes a finding under subsection (a) of this section, he may pay bonuses to individuals in positions covered by such finding, either in lieu of establishing higher rates of pay under that subsection or in addition to such higher rates of pay, as appropriate.

"(2) A bonus under this subsection may, as appropriate, be provided under a service agreement between the head of an agency and the individual, requiring the individual to complete a specified period of service in return for such bonus, but not over two years of service may be required under a single such agreement, subject to regulations prescribed by the President. An individual who does not complete the specified period of service shall repay the amount of the bonus unless—

"(A) the period of service is not completed by reason of the death or disability of the individual; or

"(B) the head of the agency determines, pursuant to regulations prescribed by the President, that such failure to complete the specified period of service is for the convenience of the Government,

"(3) A bonus paid under this subsection may not be considered as basic pay for the purposes of subchapter V, subchapter VI or section 5595 of chapter 55, chapter 81, 83, or 87 of this title, or other benefits or entitlements related to basic pay.

"(4) A bonus under this subsection may be paid in a lump sum or in two or more separate payments.

"(5) The sum of the basic pay and a bonus under this subsection paid to an individual in any 12-month period may not exceed the amount of basic pay payable to an individual in a position in level V of the Executive Schedule during the same 12-month period.

"(6) The President may authorize the exercise of the authority conferred on him by this subsection by the Office of Personnel Management or, in the case of individuals not subject to the provisions of this title governing appointment in the competitive service, by such other agency as he may designate.".

(b) Section 5333(a) of title 5, United States Code, is amended in the second sentence—

(1) by inserting after "case" the following, "(except to the extent that authority for such approval is delegated under section 1104 of this title)"; and

(2) by striking out "to a position in GS-11 or above".

SEC. 5. The amendments made by sections 2, 3, and 4 of this Act shall be effective on October 1, 1986.

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SECTION-BY-SECTION ANALYSIS

SECTION 1. SHORT TITLE

The first section of the bill provides a title, the "Civil Service Simplification Act of 1986."

SECTION 2. CHAPTER 52

The second section of the bill amends title 5, United States Code, by inserting a new chapter 52, "Simplified Management System."

*Section 5201. Purpose.*

The first section of chapter 52 explains the purpose of the Simplified Management System, which is modelled on the successful personnel management demonstration projects conducted at two Navy laboratories in China Lake and San Diego, California.

The Simplified Management System will be expanded Governmentwide in a controlled, measured, and budget-neutral manner.

*Section 5202. Definitions*

This section defines the terms used in the Simplified Management System, and specifies that the coverage of the System may include any employee whose position would otherwise be in grades GS-1 through GS-8 of the General Schedule. The System would not include members of the SES, administrative law judges, and prevailing rate employees.

*Section 5203. Implementation*

Subsection (a) provides authority for the head of an agency to implement the Simplified Management System and to determine coverage of the System within the agency. This subsection also provides that the Simplified Management System may only be implemented with the approval of the President, or his designee, and that, once approved, changes in coverage of the System, or in the plan implementing the System, must be approved by the President or his designee.

Subsection (b) specifies the requirements of the Simplified Management System plan that must be approved before an agency may implement the System. The plan must include: the proposed extent of coverage; the means for assuring budget-neutrality; any career paths, pay bands, criteria or qualification requirements proposed under section 5204(e); the performance appraisal system; the pay-for-performance plan; the merit promotion plan; the conversion procedures; and the evaluation plan.

Subsection (c) provides that the President, or his designee, shall review each Simplified Management System Plan submitted for approval and shall approve the plan if he determines that the System will operate under the plan in a budget-neutral manner. The Office of Personnel Management (OPM) shall review and approve the plan if it determines that the plan complies with the legal and regulatory provisions of the Simplified Management System and will operate in a manner that will accomplish the purposes of the System. An agency may not implement the System unless its plan is approved for budget-neutrality by the President, or his designee, and unless the other required provisions of the plan are approved by OPM.

Subsection (d) provides that coverage under the Simplified Management System may not be appealed or reviewed, unless so provided by OPM.

*Section 5204. Career paths and pay bands*

Subsection (a) provides that the career paths and pay bands for the Simplified Management System will be established by OPM.

Subsection (b) requires OPM to publish the criteria for placing positions in the Simplified Management System into the appropriate career paths and pay bands. OPM may use standards developed under the General Schedule to define criteria for the Simplified Management System, as long as the criteria define career paths and pay bands under the Simplified Management System. This provision will allow for a quick implementation of a simplified position classification system, which is one of the key features of the Simplified Management System.

Subsection (c) provides that, with the exception specified in subsection (e)(2), agencies will determine career paths and pay bands on the basis of criteria issued by OPM.

Subsection (d) provides that, with the exception specified in subsection (e)(2), qualification determinations will be made on the basis of existing qualification standards published by OPM, including subsequent changes or additions to those standards. OPM will have sole discretion to determine whether to use existing standards, or whether to develop new ones.

Subsection (e) allows the tailoring of career paths, pay bands, criteria, or qualification requirements to specific problem areas in two situations: (1) when OPM determines that the regular governmentwide career paths, pay bands, criteria, or qualification requirements are not accomplishing the purposes of the Simplified Management System in a given instance, it may develop individual career paths, pay bands, criteria, or qualification requirements for that situation; or (2) OPM may authorize an agency to develop proposed career paths, pay bands, criteria, or qualification requirements which must be submitted to OPM for approval.

Subsection (f) provides that the minimum and maximum rates of basic pay under the Simplified Management System will be the same as those payable under the General Schedule, and that pay bands will have the same range of basic pay as one or more grades of the General Schedule. This subsection also provides that the range of rates of pay bands shall be adjusted to maintain equivalency with the General Schedule whenever the General Schedule receives a comparability adjustment.

Subsection (g) requires agencies to initially appoint an individual to the Simplified Management System at the lowest rate in a pay band which the agency determines is necessary to recruit the individual, based on the individual's qualifications and labor market conditions.

Subsection (h) provides a "special rate" and a bonus authority under the Simplified Management System to provide additional agency flexibility in recruiting and retaining employees in hard-to-fill occupations. Paragraph (1) allows agencies to adjust pay rates within pay bands by the amount necessary to recruit or retain employees. Paragraph (2) allows agencies to request increases to the maximum rate of an approved pay band, if the range of the pay band is not sufficient to recruit or retain well-qualified employees. Such requests for special rates must be submitted to the President, or to OPM if the President's authority to set General Schedule special rates under section 5303 of title 5 is delegated to OPM, for approval. Special rates are limited to a maximum rate which does not exceed the maximum rate of the pay band by an amount equivalent to twice the range of the highest General Schedule grade encompassed by the pay band, and may not exceed the rate of basic pay payable for level V of the Executive Schedule. Paragraph (3) allows for the payment of bonuses to recruit or retain employees for hard-to-fill positions, under the same restrictions as will apply to General Schedule employees. A bonus could be paid under an agreement between the employee and the agency requiring the employee to perform a specified period of service in return for the bonus, but not over two years of service could be required under a single agreement. An employee who does not complete the specified period of service would have to repay the amount of the bonus, unless the service is not completed because of death or disability, or the head of the agency determines that an employee's failure to complete the service is for the convenience of the Government. In any 12-month period, the combination of basic pay and a bonus could not exceed the basic pay payable to an individual in a position in level V of the Executive Schedule for the same 12-month period. A bonus would not be part of basic pay for the purpose of any benefit related to basic pay.

Subsection (i) provides that an employee who fails to receive pay increases because of less than fully successful performance and who drops below the mininum rate of pay for the pay band will be placed in the next lower pay band, unless the employee is already at the minimum pay band of the career path. A reduction of a pay band under this provision will be conducted without reducing the employee's rate of basic pay.

Subsection (j) continues the existing authority for payment of a cost-of-living allowance and, if applicable, post differential to employees under the Simplified Management System stationed in areas and possessions of the United States outside the 48 coterminous States.

Subsection (k) provides the Office of Personnel Management the authority to prescribe regulations which establish linkages between pay bands and General Schedule grade levels for purposes of administering the premium pay provisions and other provisions of title 5, United States Code, and any other provisions of law or regulation which are linked to the General Schedule.

*Section 5205. Pay for performance plan*

Subsection (a) specifies the requirements for the pay-for-performance plan which must be submitted to OPM for approval by each agency implementing the Simplified Management System. The plan must comply with the performance appraisal requirements of chapter 43 and the incentive and performance awards provisions of chapter 45 of this title. In addition, the plan must specify the method to be used to advance employees through the pay band. The method must be based on the employee's performance and may not depend on length of service, though it may consider an employee's relative position in the range of rates of basic pay for a pay band in determining the rate of progression through the band. The plan must also specify the method the agency will use to determine the funds available to the agency for incentive awards, performance awards, and for providing pay increases to employees.

Subsection (b) requires OPM to prescribe regulations for administering the pay-for-performance plan for employees who have not received a performance rating under an approved performance appraisal system.

*Section 5206. Conversion procedures*

Subsection (a) requires OPM to prescribe regulations governing the procedures to be used in converting employees to the Simplified Management System; appointing employees into the Simplified Management System; and terminating the Simplified Management System.

Subsection (b) authorizes OPM to provide restrictions on pay increases for employees who are appointed into the Simplified Management System from other agencies. The purpose of this provision is to ensure that agencies do not escalate salaries when competing among themselves for valuable employees.

Subsection (c) requires agencies to specify procedures for designating employees for conversion to the the Simplified Management System. These procedures must provide for written notification to employees who will be converted. Conversions to the Simplified Management System must be accomplished without a reduction of basic pay of the converted employee.

*Section 5207. Evaluation and oversight*

Subsection (a) requires the President, or his designee, to review the operaton of the Simplified Management System to ensure budget-neutrality. The President, or his designee, may require an agency to modify or terminate use of the System if it is not operating in a budget-neutral manner.

Subsection (b) provides that OPM shall have an active responsibility for monitoring and evaluating the Simplified Management System to ensure compliance with applicable laws, rules, and regulations. It also authorizes OPM to modify or terminate any use of the Simplified Management System if it determines that the System is not being implemented in compliance with applicable laws, rules, or regulations, or is not being implemented in a manner consistent with the purposes of the Simplified Management System.

Subsection (c) establishes an adminstrative appeals procedure which allows an employee to request a decision from OPM as to whether the employee's career path and pay band are appropriate under the Simplified Management System. A final OPM determination under this procedure is binding on the employing agency, and may not be appealed, or reviewed by any party.

*Section 5208. Regulations*

This section authorizes OPM to provide regulations to carry out the Simplified Management System.

Section 3. Conforming Amendments

Paragraph (1) provides that reductions in pay bands are generally treated as reductions in grade for purposes of the performance appraisal provisions of chapter 43 of title 5, United States Code.

Paragraph (2) has the effect of excluding reductions to a lower pay band which result from poor performance from the notice requirements of 5 U.S.C 4303(b), and also provides that such reductions are not appealable to the Merit Systems Protection Board.

Paragraph (3) adds a section to subchapter I of chapter 45 of title 5, United States Code, to provide a specific authority for performance awards for employees under the simplified Management System which are linked directly to an employee's performance rating. Performance awards will be treated as cash awards for purposes of chapter 45.

Paragraph (4) excludes employees under the Simplified Management System from the General Schedule.

Paragraph (5) provides authority for pay retention, under OPM regulations, for reductions in pay of employees in the Simplified Management System. Pay retention is appropriate only for involuntary reductions which do not result from poor performance and which are not based on the conduct of the employee.

Paragraph (6) extends the physicians comparability allowances provisions under 5 U.S.C. 5948 to appropriate employees under the Simplified Management System.

Paragraph (7) excludes the assignment of a position to career path or pay band from "conditions of employment" for purposes of labor-management relations. In effect, such decisions are to be treated as classification decisions for labor-management purposes. This paragraph also provides that the method for determining progression within a pay band is not a condition of employment.

Paragraph (8) provides that the decision to place positions under the Simplified Management System or to convert employees to or from the system is a management right and may not be abridged by any labor-management provision.

Paragraph (9) provides that employees under the Simplified Management System may not pursue a grievance through a negotiated grievance procedure concerning the placement in a career path or pay band, unless the placement results in a reduction to a lower pay band or a reduction in pay and the reduction is not a result of failure to receive pay increases because of poor performance. This paragraph also provides that the method for determining progression within a pay band is also not grievable.

Paragraph (10) establishes "pay band" as an equivalent to "grade" for adverse action purposes.

Paragraph (11) provides that reductions of employees to lower pay bands are covered by the adverse action procedures of subchapter II of chapter 75 of title 5, United States Code, except that reductions of employees to lower pay bands cause by failure to receive pay increases because of poor performance are excluded from these procedures.

Section 4. Special Rates Amendments for General Schedule Employees.

This section expands flexibilities available for the recruitment and retention of employees who remain under the General Schedule or who are paid under certain other white-collar pay systems. These flexibilities will allow agencies to address critical recruitment and retention problems prior to conversion to the Simplified Management System. This section would broaden the current authority for special rates of pay when the Govenment experiences difficulty in recruiting or retaining well-qualified employees due to higher pay rates paid by Federal or non-Federal employers. The proposal would allow such special rates in a greater variety of circumstances, increase the available rate range for such special rates when necessary, and permit the hiring of individuals covered by special rates at a rate above the minimum of the special rate range. In addition, the proposal would permit recruitment or retention bonuses, either in lieu of or injunction with special rates.

Subsection (a)(1) amends section 5303 of title 5, United States Code, which allows the President to establish special rates of pay for certain white-collar Federal employees when private sector pay for an occupation is so substantially above the Government's pay rates that the Government's recruitment or retention of well-qualified individuals in the occupation is significantly handicapped. The amendments broaden the authority to also allow special rates where the cause of the significant recruitment or retention problem is higher pay of Federal or non-Federal employers, undesirable working conditions of the Federal job, or the remote geographic location of the Federal job. Under the amendments, special rates could be established when any of these conditions is likely to cause a significant recruitment or retention problem, even if the problem has not yet fully materialized. In addition, the amendments increase the pay range available for fixing needed special rates. The current authority limits the special rate minimum to no more then the maximum—step 10—of the regular rate range. The amendments permit higher special rates, up to an additional width of the rate range, so that the special rate minimum may not exceed the regular step 1 by more than twice the amount by which the regular step 10 exceeds the regular step 1. Further, the amendments would allow the hiring of individuals who would be covered by a special rate range at a rate above the minimum rate of the special rate range, as needed to help resolve the recruitment or retention problem.

Paragraph (2) of subsection (a) redesignates current subsections (b), (c), and (d) of section 5303 as subsections (c), (d), and (e), respectively, and inserts a new subsection (b), concerning bonuses for recruitment and retention. Under the new subsection (b), whenever the President finds that there is a significant recruitment and retention problem, he may provide for bonuses for individuals in affected positions, to be paid either instead of establishing special rates of pay or in addition to special rates of pay, as appropriate. A bonus could be paid under an agreement between the individual and the agency requiring the individual to perform a specified period of service in return for the bonus, but not over two years of service could be required under a single agreement. An individual who does not complete the specified period of service would have to repay the amount of the bonus, unless the service is not completed because of death or disability, or the head of the agency determines that an employee's failure to complete the service is for the convenience of the Government. In any 12-month period, the combination of basic pay and a bonus could not exceed the basic pay payable to an individual in a position in level V of the Executive Schedule for the same 12-month period. A bonus would not be a part of basic pay for the purpose of any benefit related to basic pay.

The President could delegate the responsibility for administering this new program of bonuses to the Office of Personnel Management, or to a different agency in the case of individuals not appointed in the competitive service.

Subsection (b) amends section 5333(a) of title 5, United States Code, which allows the hiring of an individual at a within-grade rate above the minimum rate of the grade based on such factors as the individual's unusually high or unique qualifications. The amendment removes the limitation of this authority under current law to only those positions at GS-11 and higher grades, so that the authority could be used at any grade level as appropriate for a qualifying individual. The amendment also makes a conforming change to reflect that the authority to approve the hiring of individuals at advanced within-grade rates may be delegated by OPM to the head of an agency under section 1104 of title 5, United States Code.

Section 5. Effective Date

This section makes the amendments to law authorizing implementation of the Simplified Management System and amending the General Schedule special rates authority effective on October 1, 1986.●

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By Mr. CRANSTON:

S. 2725. A bill to increase the amount of capital available to financial institutions and other agricultural

lenders for loans to farmers by providing a secondary market for farm mortgages through the establishment of a federally chartered corporation, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

FARM MORTGAGE MARKETING RESTORATION ACT

Mr. CRANSTON. Mr. President, today I am introducing a bill to set up a secondary market for agriculture real estate loans. The bill embodies recommendations of the joint task force of the American Bankers Association and the Independent Bankers Association of America. This bill is a companion bill to H.R. 5132 introduced by my distinguished colleague in the House, Congressman RICHARD LEHMAN.

The purpose of the legislation is the stabilization and enhancement of the flow of capital for long-term financing of agricultural real estate loans. This new corporation as proposed in the bill would be similar to other existing secondary market intermediaries such as the Federal Home Loan Mortgage Corporation [FHLMC], the Federal National Mortgage Association [FNMA], and the Student Loan Marketing Association [Sallie Mae]. All of these entities enhance access to credit by the pooling of loans from cash scarce areas of the country and selling securities represented by the pools to cash surplus areas of the country. I believe this bill will help significantly in making more affordable long-term financing available to farmers.

In the bill, secondary market entities will purchase mortgage loans from qualified agricultural lenders, repackage them as securities and sell them in the capital market to institutional investors such as pension funds, insurance companies and other large investors. The bulk of agriculture real estate loans are farmers guaranteed home loans. Today there is no liquidity in the agricultural market—when times get tough, bank lenders stop lending. This proposal could be used to shift the emphasis from costly direct lending by the Farmers Home Administration to lending through the guaranteed loan process via commercial banks. Many more commercial banks would become interested in long-term agricultural lending if they knew there was a viable secondary market for those loans. One of the biggest benefits of a secondary market for farm loans is liquidity for commercial banks that may want to make local loans but do not have adequate funding to hold on to the loans. A secondary market will benefit farmers by bringing new money into the agricultural land lending business, increasing competition and driving down interest rates. A number of entities, including insurance companies and commercial banks, have loanable funds available, but restrict their volume of farm mortgages to avoid tying up large portions of their available loan funds for the 20 to 30 years it takes an individual farmer to pay off his mortgage. By being able to sell farm loans immediately into the secondary market a farm bank can improve its capital, roll its fund over for new farm lending and increase fees from origination and servicing of the loans.

The secondary market is basically a private sector operation, but the Federal Government needs to be involved to structure its guarantee so such a market can work. My bill would provide $200 million in stock as seed capital to get the Corporation started. The Treasury capital would be repaid by the mortgage sellers who would be required to buy equity in the Corporation. Ultimately the debt would be retired and the Corporation would be privately owned by its share holders. This bill embodies a very simple concept that has already proven successful in providing a stable source of capital to meet the needs of the Nation in areas of housing and education.

There are, of course, as with any new idea, a great number of concerns which need to be addressed before a final bill is passed. I hope that the introduction of this proposal can be the focal point for in-depth discussions on what further steps need to be taken to make this idea workable. I consider this bill a first step in that process. We have seen that the creation of a secondary market facility for mortgage has been the single most important development in expanding the flow of credit to the U.S. mortgage market. I think it is time to move forward and explore the suitability of the concept to the farm credit system. While the enactment of this proposal will not solve the existing problems in our farm credit system, I believe that its enactment will help us avoid in the future, the credit crunch faced today by the farm segment of our economy.

I ask unanimous consent that the text of the bill together with a section-by-section analysis be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2725

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the "Farm Mortgage Marketing Corporation Act of 1986".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress hereby finds that—

(1) economic stability would be enhanced and the availability of long-term credit for agricultural borrowers would be ensured if a mechanism to access secondary markets was created; and

(2) economic stability would be enhanced and the liquidity of investment funds available to lend to agricultural borrowers by financial institutions and other agricultural lenders would be ensured by providing a secondary market for the purchase of sound agricultural real estate mortgages.

(b) PURPOSE.—It is the purpose of this Act to establish a quasi-private corporation chartered by the Federal Government which will purchase and insure agricultural mortgages and sell pools of such agricultural mortgages in order to—

(1) facilitate the availability of long-term credit for agricultural borrowers;

(2) provide liquidity for financial institutions and other agricultural lenders; and

(3) provide an institutional mechanism to allow capital markets to invest in and provide funding for agricultural loans.

SEC. 3. ESTABLISHMENT OF CORPORATION.

There is hereby established a corporation to be known as the Farm Mortgage Marketing Corporation.

SEC. 4. BOARD OF DIRECTORS.

(a) NUMBER AND APPOINTMENT.—

(1) 5 MEMBERS.—The powers of the Corporation shall be vested in the Board of Directors which shall consist of 5 members.

(2) INTERIM APPOINTED BOARD.—Until a determination is made by the President under paragraph (3), the Board of Directors shall be composed of the following members:

(A) The Comptroller of the Currency.

(B) The Chairman of the Federal Deposit Insurance Corporation.

(C) 3 members appointed by the President, by and with the advice and consent of the Senate, from among individuals who have substantial experience and expertise in the fields of agricultural lending and mortgage investments and are representative of agricultural lending institutions.

(3) REGULAR ELECTED BOARD.—When in the judgment of the President, sufficient common stock of the Corporation has been sold to qualified agricultural lenders, the interim Board shall turn over the affairs of the Corporation to regular Board members elected from holders of common stock.

(b) TERMS.—

(1) APPOINTED MEMBERS.—Directors appointed by the President shall serve at the pleasure of the President until their successors have been elected pursuant to subsection (a)(3).

(2) ELECTED MEMBERS.—Directors shall be elected for a term ending on the date of the next annual meeting of the common stockholders of the Corporation.

(3) VACANCY.—

(A) ELECTED MEMBER.—Any elective seat on the Board shall be filled by the Board, but only for the unexpired portion of the term.

(B) APPOINTED MEMBER.—Any appointive seat which becomes vacant shall be filled by the President in the manner provided in subsection (a)(2).

(c) CHAIRPERSON.—The Chairperson of the Board shall be designated by and from among the members of the Board.

(d) MEETINGS.—The Board shall meet semiannually at the call of its Chairperson to determine the general policies which shall govern the operations of the Corporation. A majority of members of the Board shall constitute a quorum.

(e) EMPLOYMENT OF STAFF.—

(1) APPOINTMENT.—The Board may appoint and fix the pay of such personnel as the Board considers appropriate.

(2) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The staff of the Board may be appointed without regard to the provision of title 5, United States Code, governing appointments in the competitive service, and

may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no individual so appointed may receive pay in excees of the maximum annual rate of basic pay in effect for the Senior Executive Service pursuant to section 5382 of such title.

SEC. 5. PURCHASE AND SALE OF MORTGAGES.

(a) IN GENERAL.—

(1) AUTHORITY TO PURCHASE.—Except as provided in subsection (c), the Corporation may purchase, and make commitments to purchase, farm mortgage loans from any qualified agricultural lender.

(2) AUTHORITY TO SELL.—The Corporation may sell or otherwise dispose of, any farm mortgage or interest in a mortgage purchased under paragraph (1).

(3) CERTIFICATION OF APPLICATIONS.—The Corporation shall receive applications for the certification of qualified agricultural lenders for the purpose of this Act and establish criteria for determining the eligibility of an agricultural lender for certification.

(b) AGREEMENTS FOR SERVICING MORTGAGES.—The Corporation may enter into agreements with the seller of any farm mortgage which the Corporation purchases, or with any qualified agricultural lender, to further provide for the servicing of such mortgage.

(c) LIMITATIONS.—No farm mortgage may be purchased by the Corporation under this section unless—

(1) the seller of the mortgage agrees—

(A) to retain a participation of not less than 10 percent in the mortgage; or

(B) to repurchase or replace the mortgage upon demand of the Corporation during such period and under such circumstances as the Association may require when the borrower is in default with respect to such mortgage only if there are no reserves established to cover losses on such mortgages.

(2) at the time of purchase—

(A) the outstanding principal balance of the mortgage is less than 80 percent of the value of the property securing the mortgage; or

(B) the portion of the unpaid balance of the mortgage is in excess of 80 percent of the value securing the mortgage is guaranteed or insured by a qualified insurer, as determined by the Association.

(d) MORTGAGE-BACKED SECURITIES.—

(1) ISSUANCE AUTHORIZED.—To provide a greater degree of liquidity to the farm mortgage investment market and as an additional means of financing the operations of the Corporation, the Corporation may issue and sell securities which provide for the payment of principal and interest in relation to payments of principal and interest on farm mortgages purchased and held by the Corporation under this section.

(2) TERMS AND CONDITIONS.—Securities issued under this subsection shall have such term to maturity and bear such rate of interest as the Corporation may prescribe with the approval of the Secretary of the Treasury.

(3) PRIVATE ISSUANCE OF PAYMENTS.—The Corporation shall issue or purchase from private sources commitments to insure the timely payment of principal and interest to purchasers of the securities backed by farm mortgages held by the Corporation.

(4) NOT EXEMPT SECURITIES.—No security issued by the Corporation under this subsection shall be—

(A) an exempted security under section 3 of the Securities Act of 1933; or

(B) an exempted security within the meaning given to such terms by section 3(a)(12) of the Securities Exchange Act of 1934.

(5) MINIMUM AMOUNT ESTABLISHED FOR FARM MORTGAGES BACKING SECURITIES.—The Corporation shall at all times hold such number of farm mortgages as may be necessary to enable the Corporation to make timely principal and interest payments on securities issued under this subsection from the principal and interest payments received by the Association with respect to such mortgages.

(6) NOTICE THAT SECURITIES ARE NOT FEDERALLY GUARANTEED.—The Corporation shall insert such language in each security issued under this subsection as the Corporation determines to be appropriate to clearly indicate that—

(A) the payment of principal and interest with respect to such security is not guaranteed by the United States;

(B) the security does not constitute a debt or obligation of the United States or any agency or instrumentality of the United States other than the Association; and

(C) the securities issued under this section shall be deemed nonbank eligible for the purposes of underwriting, selling and distribution.

(7) REPURCHASE AUTHORIZED.—The Corporation may repurchase in the open market any security issued under this subsection at any time and at any price.

(e) CLASSIFICATION OF SELLERS FOR CERTAIN PURPOSES.—

(1) CLASSIFICATION AUTHORIZED.—The Corporation may establish a system for classifying sellers of farm mortgages, or qualified agricultural lenders which services such mortgages, according to type, size, location, assets, or on such other basis the Corporation may consider appropriate.

(2) PURPOSES OF CLASSIFICATION.—The Corporation may take any classification system established under paragraph (1) into account and may distinguish between classes established under such system in prescribing regulations and imposing charges or fees.

SEC. 6. CAPITALIZATION.

(a) INITIAL CAPITALIZATION; GENERAL PROVISIONS.—

(1) INITIAL CAPITALIZATION.—The Corporation shall have capital stock of $200,000,000 subscribed by the Secretary of the Treasury from funds appropriated for such purchase.

(2) SHAREHOLDER VOTING RIGHTS.—Owners of common stock shall be vested with all voting rights, each share being entitled to one vote with rights of cumulative voting at all elections of directors.

(3) UNRESTRICTED TRANSFERABILITY.—The free transferability of the common stock at all times to any person shall not be restricted except that, as to the Corporation, it shall be transferable only on the books of the Corporation.

(b) CONTRIBUTIONS TO CAPITAL; FEES.—

(1) REQUIRED CONTRIBUTIONS ALLOWED.—The Corporation may accumulate funds for its capital surplus account by requiring each mortgage seller to make nonrefundable capital contributions equal to not more than 2 percent of the unpaid principal amounts or mortgages purchased by the Corporation from such seller.

(2) FEES.—The Corporation may impose charges or fees in such amounts as may be necessary to meet all costs and expenses incurred in connection with the administration of this Act.

(c) MANAGEMENT OF CAPITAL AND EARNINGS.—

(1) TRANSFER TO GENERAL SURPLUS ACCOUNT.—All earnings from the operations of the Corporation shall be transferred annually to its general surplus account.

(2) TRANSFER TO RESERVES.—At any time, funds of the general surplus account may, at the discretion of the Board, be transferred to reserves.

(3) DIVIDENDS.—Any dividends paid by the Corporation on stock issued under this section shall be charged against the general surplus account.

(d) STOCK FOR CONTRIBUTIONS TO CAPITAL.—

(1) CONTRIBUTIONS BY MORTGAGE SELLERS.—The Corporation shall issue, from time to time to each mortgage seller, its common stock evidencing any capital contributions made by such seller pursuant to subsection (b).

(2) OTHER CONTRIBUTIONS.—In addition to the shares of common stock issued under paragraph (1), the Corporation may issue additional shares of common stock in return for any other contributions to capital or capital and surplus.

(e) RETIREMENT OF STOCK.—The Corportion may at any time retire any stock of the Corporation which was purchased by the Secretary of the Treasury.

SEC. 7. POWERS OF THE CORPORATION.

(a) IN GENERAL.—The Corporation shall have the following powers:

(1) To adopt, alter, and use a corporate seal.

(2) To have succession until dissolved by an Act of Congress.

(3) To prescribe such regulations as may be necessary to carry out the provisions of this Act.

(4) To make and perform contracts, agreements, and commitments.

(5) To borrow, give security, pay interest or dividends, and issue notes, debentures, bonds, preferred stock, or other obligations or securities under terms and conditions which the Corporation may prescribe.

(6) To settle, adjust, compromise, and release any claim, demand, or right of, by, or against the Corporation, whether in whole or in part and with or without consideration or benefit to the Corporation.

(7) To sue and be sued in its corporate capacity, against to prosecute or defend any action brought by or against the Corporation in any State or Federal court of competent jurisdiction.

(8) To acquire, hold, and dispose of any property.

(9) To determine the Corporation's expenditures and the manner in which such expenditures shall be incurred and paid.

(10) To exercise such incidental powers which are not inconsistent with the provisions of this Act and are necessary to carry out the purposes of this Act.

SEC. 8. DEFINITIONS.

For purposes of this Act—

(1) CORPORATION.—The term "Corporation" means the Farm Mortgage Marketing Corporation established under section 3.

(2) BOARD.—The term "Board" means the Board of Directors of the Corporation.

(3) FARM MORTGAGE.—The term "farm mortgage" means any loan to an agricultural producer which—

(A) is secured by fee-simple or leasehold mortgage with status as a first lien on agri-

cultural real estate located in the United States;

(B) is originated after the date of enactment of this Act; and

(C) is an obligation of—

(i) an individual who is a citizen of the United States; or

(ii) any person other than an individual a majority interest in which is held by individuals who are citizens of the United States,

whose training or farming experience is sufficient, under criteria established by the Corporation, to assure a reasonable likelihood that such loan will be repaid according to its terms.

(4) AGRICULTURAL REAL ESTATE.—The term "agricultural real estate" means a parcel or parcels of land used for the production of one or more agricultural commodities or products and consisting of a minimum acreage or producing minimum annual receipts as determined by the Corporation;

(5) QUALIFIED AGRICULTURAL LENDER.—The term "qualified agricultural lender" means any bank, business and industrial development company, savings and loan institution, commercial finance company, trust company, credit union, insurance company, or other person approved by the Corporation.

(6) SECURITY.—The term "security" has the meaning given to such term in section 3(a)(10) of the Securities Exchange Act of 1934.

SEC. 9. DESIGNATION OF ASSOCIATION AS MIXED-OWNERSHIP GOVERNMENT CORPORATION.

Section 9101(2) of title 31, United States Code, is amended by adding at the end thereof the following new subparagraph:

"(K) The Farm Mortgage Marketing Corporation."

SEC. 10. AUTHORIZATION.

There is authorized to be appropriated to the Secretary of the Treasury for any fiscal year beginning after September 30, 1986, not to exceeed $200,000,000 for the purchase of stock of the Corporation to carry out the provisions of this Act.

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FARM MORTGAGE MARKETING CORPORATION ACT OF 1986

It is the intent of this Act to establish a secondary market entity similar to those which already serve the needs of the nation's housing and education sectors. This secondary market mechanism will serve as a means of enhancing and stabilizing the flow of capital for long-term financing of agricultural real estate credit needs by serving as a conduit between primary commercial agricultural lenders and the captial markets.

SECTION-BY-SECTION SUMMARY

SECTION 1. TITLE.—"Mortgage Marketing Corporation Act of 1986".

SEC. 2. FINDINGS AND PURPOSE.— The purpose of this Act is to establish a quasi-private organization chartered by the Federal Government to purchase and insure agricultural mortgages from commercial agricultural lenders and to sell pools of agricultural mortgages to the capital market. Such a secondary market entity will facilitate the availability of long-term credit for agricultural borrowers and provide liquidity for financial institutions and other agricultural lenders.

SEC. 3. ESTABLISHMENT OF CORPORATION.— There is hereby established a corporation to be known as the Farm Mortgage Marketing Corporation.

SEC. 4. BOARD OF DIRECTORS.—The Act establishes a five-member Board of Directors. An initial interim Board will be appointed by the President, with the advice and consent of the Senate, and be comprised of the following: the Comptroller of the Currency, the Chairman of the Federal Deposit Insurance Corporation [FDIC], and three appointees with expertise and training in agricultural lending and mortgage investments. When sufficient common stock of the Corporation has been sold to qualified lenders, the interim Board shall turn over the affairs of the Corporation to a regular Board elected from among the holders of the stock.

SEC. 5. PURCHASE AND SALE OF MORTGAGES.—The Corporation, with certain limitations, may purchase farm mortgages from any qualified agricultural lender and dispose of those mortgages through the issuing of securities.

The Corporation may purchase farm mortgages if the mortgage seller agrees to retain a 10-percent participation in the mortgage, or to repurchase or replace the mortgage upon demand by the Corporation if the borrower defaults on the loan. In addition, at the time of the purchase of the mortgage, the outstanding principal balance of the mortgage must be less than 80 percent of the value of the property securing the mortgage, or the portion of the unpaid balance of the mortgage in excess of 80 percent is guaranteed by or insured by a qualified insurer. No repurchase shall be required on defaulted loans if there are sufficient reserves established to cover such losses.

The Corporation shall issue securities which provide for the payment of principal and interest on farm mortgages purchased and held by Corporation.

SEC. 6. CAPITALIZATION.—The Corporation shall be initially capitalized by the purchase of $200,000,000 in stock by the U.S. Treasury. In addition the Corporation shall have the authority to require that each mortgage seller make a nonrefundable capital contribution equal to not more than two percent of the unpaid principal amounts of the mortgages purchased from the seller, charge appropriate fees to meet all costs and expenses, and issue stock in return for any contribution to capital and capital surplus accounts.

The Corporation may at any time retire any stock of the Corporation which was purchased by the Treasury.

SEC. 7. POWERS OF THE CORPORATION.—The Corporation will have the authority to prescribe such regulations to carry out the provisions of the Act and meet the normal obligations the Corporation.

SEC. 8. DEFINITIONS.—Defines the terms of the Act.

"Farm mortgage" is defined as any loan to an agricultural producer which is secured by a fee-simple or leasehold mortgage with status as a first lien on agricultural real estate originated after the date of enactment of this Act and which is an obligation of a person who is a citizen or business entity whose majority interest are citizens of the United States.

"Qualified agricultural lender" is defined as meaning any bank, business and industrial development company, savings and loan institution, commercial finance company, trust company, credit union, insurance company, or other person approved by the Corporation.

SEC. 9. DESIGNATION OF CORPORATION AS MIXED-OWNERSHIP GOVERNMENT CORPORATION.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.—$200,000,000 shall be appropriated beginning after September 30, 1986.

By Mr. BRADLEY:

S. 2726. A bill to provide for a minimum price and an alternative production rate for petroleum produced from the naval petroleum reserves, and for other purposes; to the Committee on Armed Services.

MINIMUM PRICE FOR NAVAL PETROLEUM RESERVES

● Mr. BRADLEY. Mr. President, today I introduce a bill which will correct a serious aberration in domestic energy policy.

We've heard a lot in recent months about oil being dumped on the world markets, driving prices down and sending many U.S. producers into bankruptcy. Most often, the fingers are pointed at the Saudi Arabians as the coldly calculating nemesis to the U.S. oil interests. The fact of the matter, however, is that the cheapest oil available in the world today is not Saudi crude—which sells at the world market price—but crude oil produced in California by the U.S. Government from the Elk Hills Naval Petroleum Reserve [NPR]. Last week oil from the NPR sold for as low a $4.90 per barrel—about $7 per barrel below the prevailing price in the region. This week's prices might be as low as $4.50 per barrel. These ridiculously low prices represent an unfair attack on other oil producers, a loss of revenue to U.S. taxpayers and a squandering of a national and strategic resource.

This dumping of the Nation's oil reserves is obviously bad policy. It is not anyone's intended goal. Rather, these low prices are the inadvertent result of contract policies and legislation that did not anticipate the possibility of rapidly fluctuating oil prices. The Secretary of Energy has recently enacted a number of reforms which will help reduce the chance of a recurrence of this ill-advised outcome. The legislation I am introducing today, however, will go further and ensure that this dumping of U.S. oil never again occurs.

The bill would do two things:

First, it will prohibit the sale of Naval Petroleum Reserve oil (Elk Hills) for less than 90 percent of the prevailing market value for oil sold in the area, or less than the price of oil purchased for the Strategic Petroleum Reserve, minus the cost of transporting the oil from the Naval Reserve to the Strategic Petroleum Reserve.

If either of these conditions is met, the Secretary can reduce the production of oil and conserve the oil resource. Current law requires production only at a "maximum efficient rate," which is in excess of 100,000 barrels per day.

Second, the bill reduces from 30 to 15 days the period of time that the Justice Department has to review NPR sales contracts for antitrust consideration. By reducing the period between receipt of bids and first delivery

of oil, this will make bids more accurately reflect market conditions at the time of sale. This action is also consistent with the Department of Energy's administrative action which reduced the length of the contracts from 180 to 90 days.

Mr. President, the Secretary of Energy recently wrote to the Speaker of the House in support of legislation which would revise NPR oil sales contracts along these lines. In that letter he said, "I cannot overemphasize the importance of rapid congressional action to assure that the taxpayers of this country receive a fair return from the Naval Petroleum Reserves." I hope that my colleagues here in the Senate also appreciate the urgency of the situation and act accordingly.●

By Mr. KERRY (for himself, Mr. SARBANES, Mr. DECONCINI, Mrs. HAWKINS, and Mr. D'AMATO):

S. 2727. A bill to extend the life of the Department of Justice assets forfeiture fund and the Customs forfeiture fund through fiscal year 1989, to make amounts from the funds available to the Secretary of Education and the Secretary of Health and Human Services for drug abuse education and prevention programs, and for other purposes; to the Committee on Finance.

DRUG ABUSE EDUCATION AND PREVENTION ACT

Mr. KERRY. Mr. President, I am introducing today legislation to make Federal forfeiture funds available for drug abuse education and prevention programs. This initiative, the Drug Abuse Education and Prevention Act of 1986, will transfer money from the Justice Department assets forfeiture fund and the U.S. Customs Service forfeiture fund to the Department of Education and the Department of Health and Human Services to assist States in their drug education programs.

During the past several years States and local communities have begun to respond as never before in the development of strategies and initiatives for comprehensive substance abuse prevention programs in our schools, and it is these education programs that my legislation responds to. Drug education programs are in critical need of financial assistance for school education material and teacher training. The Drug Abuse Education and Prevention Act of 1986 attempts to meet this need, without requiring any additional expenditure of Federal funds or taking any money away from law enforcement efforts.

Nationwide, the statistics revealing use of drugs and alcohol by our children and young adults are alarming. In my home State of Massachusetts Gov. Michael Dukakis surveyed 5,000 high school students in 1984 and found that 60 percent admitted having used illegal drugs: 28 percent reported using illicit drugs at age 12 or younger.

The Commonwealth responded to this distressing data with the Governor's Alliance Against Drugs, which has successfully enlisted more than 200 Massachusetts communities in a unified and comprehensive effort to combat substance abuse by young people. A large portion of their activities have been performed without cost or with resources that have been marshaled from private groups and corporations, major media outlets, and professional and amateur sports organizations. However, the future success of programs like this will be based on their ability to pay for teaching curriculum and training programs for the instructors, and private contributions are not picking up the whole tab.

Our law enforcement authorities seize over $1 billion in drug trafficker's assets each year—cash, stocks, bonds, and real estate—but the money is not going to help reduce demand for drugs. In some cases, drug traffickers gross more each year than the Drug Enforcement Administration has in its budget.

The Justice Department's asset forfeiture fund only began operating last year in response to important provisions in the 1984 Comprehensive Crime Control Act. Although there is a lagtime between a seizure and the actual forefeiture of assets, the fund promises to be a major step forward in our war against drugs. Even after Federal, State, and local law enforcement agencies recoup their share of the forfeiture assets, including the costs of seizure and forfeiture, it is estimated that at least $50 million from this fund will pour into the Treasury at the close of this fiscal year.

I believe it makes a great deal of sense to use drugpusher profits in our attempt to meet the challenges before us. I recognize that this is just one step in what has to be a much broader plan to address drug demand and supply both here and internationally, but I am convinced it is a necessary step.

Mr. President, I ask unamimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2727

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the "Drug Abuse Education and Prevention Act of 1986".

SEC. 2. EXTENSION OF LIFE OF DEPARTMENT OF JUSTICE ASSETS FORFEITURE FUND AND CUSTOMS FORFEITURE FUND; INCREASE IN AUTHORIZATION OF APPROPRIATIONS FROM CUSTOMS FORFEITURE FUND.

(a) DEPARTMENT OF JUSTICE ASSETS FORFEITURE FUND.—The first sentence of section 524(c)(8) of title 28, United States Code, is amended by striking out "and 1987" and inserting in lieu thereof "1987, 1988, and 1989".

(b) CUSTOMS FORFEITURE FUND.—

(1) The first sentence of section 613A(a) of the Tariff Act of 1930 (19 U.S.C. 1613b(a)) is amended by striking out "1987" and inserting in lieu thereof "1989".

(2) Section 613A(c) of the Tariff Act of 1930 (19 U.S.C. 1613b(c)) is amended by striking out "1987" and inserting in lieu thereof "1989".

(e) Section 613A(f)(1) of the Tariff Act of 1930 (19 U.S.C. 1613b(f)(1) is amended—

(A) by striking out "four" and inserting in lieu thereof "three"; and

(B) by adding at the end the following new sentence:

"There are authorized to be appropriated from the fund for fiscal years 1987, 1988, and 1989, such sums as may be necessary to carry out this section."

(4) The first sentence of section 613A(f)(2) of the Tariff Act of 1930 (19 U.S.C. 1613b(f)(2)) is amended by striking out "of the first three of such four fiscal years" and inserting in lieu thereof "fiscal year referred to in paragraph (1) (other than fiscal year 1989)".

(5) The second sentence of section 613A(f)(2) of the Tariff Act of 1930 (19 U.S.C. 1613b(f)(2)) is amended by striking out "the last of such four fiscal years" and inserting in lieu thereof "fiscal year 1989".

SEC. 3. USE OF DEPARTMENT OF JUSTICE ASSETS FORFEITURE FUND FOR DRUG ABUSE EDUCATION AND PREVENTION PROGRAM ASSISTANCE TO THE STATES.

Section 524(c) of title 28, United States Code, is amended by adding at the end the following new paragraph:

"(10) In addition to the purposes described in paragraph (1) of this subsection, the fund shall be available without fiscal year limitation, in such amounts as may be specified in appropriations Acts—

"(A) to the Secretary of Health and Human Services, to assist the States in providing drug abuse education and prevention programs; and

"(B) to the Secretary of Education to assist the States in providing statewide elementary school and secondary school drug abuse education programs, including curricula, teaching materials, demonstration projects, technical assistance, and administrative support.

Each Secretary shall determine the amounts to be made available to a State, based on the number of persons served by such programs in the State, the level of non-Federal support for such programs in the State, the amounts deposited in the fund as a result of forfeitures in the State, and other relevant factors. Amounts made available to a State under this paragraph shall supplement, and shall not replace, amounts made available for such programs from other sources. Not less than 50 percent of the total of amounts appropriated for all purposes under this subsection with respect to a fiscal year shall be appropriated for purposes under this paragraph.".

SEC. 4. USE OF CUSTOMS FORFEITURE FUND FOR DRUG ABUSE EDUCATION AND PREVENTION PROGRAM ASSISTANCE TO THE STATES.

Section 613A of the Tariff Act of 1930 is amended by adding at the end the following new subsection:

"(g) In addition to the purposes described in subsection (a) of this section, the fund shall be available to the Secretary of Health and Human Services and the Secretary of

Education for the programs described in section 524(c)(10) of title 28, United States Code. Not less than 50 percent of the total of amounts appropriated for all purposes under this section with respect to a fiscal year shall be appropriated for such programs.".

SEC. 5. TECHNICAL AMENDMENTS.

(a) AMENDMENT TO TITLE 28, UNITED STATES CODE.—Section 524(c)(6) of title 28, United States Code, is amended by inserting after "this subsection" the following: ", except that the Secretary of Health and Human Services and the Secretary of Education shall prepare (for transmittal by the Attorney General) the portions of the report relating to expenditures under paragraph (10)(A) and paragraph (10)(B) of this subsection, respectively".

(b) AMENDMENT TO TARIFF ACT OF 1930.—Section 613A(c) of the Tariff Act of 1930 (19 U.S.C. 1613(c)) is amended by inserting after "such year" the following: ", except that the Secretary of Health and Human Services and the Secretary of Education shall prepare (for transmittal by the Commissioner of Customs) the portions of the report relating to expenditures under subsection (g) of this section".

SEC. 6. EFFECTIVE DATE.

This Act shall take effect on the date of the enactment of this Act, except that the amendments made by sections 3, 4, and 5 shall apply with respect to fiscal years beginning with fiscal year 1987.

## ADDITIONAL COSPONSORS

S. 89

At the request of Mr. INOUYE, the name of the Senator from Maine [Mr. MITCHELL] was added as a cosponsor of S. 89, a bill to recognize the organization known as the "National Academies of Practice."

S. 1820

At the request of Mr. DECONCINI, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 1820, a bill to provide financial assistance to State and local educational agencies for the development and expansion of demonstration chemical substance abuse prevention programs in the public elementary and secondary schools of such agencies, and for other purposes.

S. 2209

At the request of Mr. DOLE, the name of the Senator from Missouri [Mr. DANFORTH] was added as a cosponsor of S. 2209, a bill to make permanent and improve the provisions of section 1619 of the Social Security Act, which authorizes the continued payment of SSI benefits to individuals who work despite severe medical impairment; to amend such act to require concurrent notification of eligibility for SSI and Medicaid benefits and notification to certain disabled SSI recipients of their potential eligibility for benefits under such section 1619; to provide for a GAO study of the effects of such section's work incentive provisions; and for other purposes.

S. 2454

At the request of Mr. MURKOWSKI, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as cosponsor of S. 2454, a bill to repeal section 1631 of the Department of Defense Authorization Act, 1985, relating to the liability of Government contractors for injuries or losses of property arising out of certain atomic weapons testing programs, and for other purposes.

S. 2515

At the request of Mr. WEICKER, the names of the Senator from Ohio [Mr. METZENBAUM], and the Senator from Oklahoma [Mr. NICKLES] were added as cosponsors of S. 2515, a bill to reauthorize the Rehabilitation Act of 1973, and for other purposes.

S. 2537

At the request of Mr. CRANSTON, the names of the Senator from Oregon [Mr. HATFIELD], and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of S. 2537, a bill to protect and preserve the Federal interest and the historic and natural features of the National Capital.

S. 2661

At the request of Mr. GRASSLEY, the names of the Senator from Wyoming [Mr. WALLOP], and the Senator from West Virginia [Mr. ROCKEFELLER] were added as cosponsors of S. 2661, a bill to improve the quality of teaching in American secondary schools and enhance the competence of American secondary students and thereby strengthen the economic competitiveness of the United States, and for other purposes.

SENATE JOINT RESOLUTION 299

At the request of Mr. COCHRAN, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of Senate Joint Resolution 299, a joint resolution to designate the week of December 7, 1986, through December 13, 1986, as "National Alopecia Areata Awareness Week".

SENATE JOINT RESOLUTION 322

At the request of Mr. LAUTENBERG, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of Senate Joint Resolution 322, a joint resolution to designate December 7, 1986, as "National Pearl Harbor Remembrance Day" on the occasion of the anniversary of the attack on Pearl Harbor.

SENATE JOINT RESOLUTION 338

At the request of Mr. RIEGLE, the name of the Senator from Kansas [Mr. DOLE] was added as a cosponsor of Senate Joint Resolution 338, a joint resolution to designate November 18, 1986, as "National Community Education Day."

SENATE JOINT RESOLUTION 352

At the request of Mr. METZENBAUM, the names of the Senator from Kansas [Mr. DOLE], and the Senator from Illinois [Mr. SIMON] were added as cosponsors of Senate Joint Resolution 352, a joint resolution to designate the week beginning September 7, 1986, as "Gaucher's Disease Awareness Week."

SENATE JOINT RESOLUTION 368

At the request of Mr. DIXON, the names of the Senator from Ohio [Mr. GLENN], the Senator from Tennessee [Mr. GORE], the Senator from Maryland [Mr. MATHIAS], and the Senator from Maryland [Mr. SARBANES] were added as cosponsors of Senate Joint Resolution 368, a joint resolution to designate the month of October 1986, as "National Spina Bifida Month."

SENATE CONCURRENT RESOLUTION 154

At the request of Mr. D'AMATO, the names of the Senator from Ohio [Mr. METZENBAUM], the Senator from Nebraska [Mr. EXON], and the Senator from Ohio [Mr. GLENN] were added as cosponsors of Senate Concurrent Resolution 154, a concurrent resolution concerning the Soviet Union's persecution of members of the Ukrainian and other public Helsinki Monitoring Groups.

SENATE RESOLUTION 435

At the request of Mr. MOYNIHAN, the names of the Senator from Florida [Mr. CHILES], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Tennessee [Mr. GORE], and the Senator from Texas [Mr. BENTSEN] were added as cosponsors of Senate Resolution 435, a resolution to recognize Mr. Eugene Lang for his contributions to the education and the lives of disadvantaged young people.

AMENDMENT NO. 2588

At the request of Mr. DECONCINI, the names of the Senator from Florida [Mr. CHILES], the Senator from New York [Mr. MOYNIHAN], the Senator from Tennessee [Mr. SASSER], the Senator from California [Mr. WILSON], the Senator from New Mexico [Mr. DOMENICI], and the Senator from South Carolina [Mr. HOLLINGS] were added as cosponsors of amendment No. 2588 proposed to S. 2638, a bill to authorize appropriations for military functions of the Department of Defense and to prescribe military personnel levels for such Department for fiscal year 1987, to revise and improve military compensation programs, to improve defense procurement procedures, to authorize certain construction at military installations for fiscal year 1987, to authorize appropriations for national security programs of the Department of Energy for fiscal year 1987, and for other purposes.

At the request of Mr. ABDNOR, his name was added as a cosponsor of amendment No. 2588 proposed to S. 2638, supra.

## AMENDMENTS SUBMITTED

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## DEPARTMENT OF DEFENSE AUTHORIZATION ACT, FISCAL YEAR 1987

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### PRESSLER AMENDMENT NO. 2598

(Ordered to lie on the table.)

Mr. PRESSLER submitted an amendment intended to be proposed by him to amendment No. 2417 to the bill (S. 2638) to authorize appropriations for military functions of the Department of Defense and to prescribe military personnel levels for such Department for fiscal year 1987, to revise and improve military compensation programs, to improve defense procurement procedures, to authorize certain construction at military installations for fiscal year 1987, to authorize appropriations for national security programs of the Department of Energy for fiscal year 1987, and for other purposes; as follows:

Delete Section 309 from Senate Amendment 2417.

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### PRESSLER AMENDMENT NO. 2599

(Ordered to lie on the table.)

Mr. PRESSLER submitted an amendment intended to be proposed by him to amendment No. 2414 to the bill S. 2638, supra, as follows:

Delete Section 309 from Senate Amendment 2414.

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### McCLURE AMENDMENT NOS. 2600 AND 2601

(Ordered to lie on the table.)

Mr. McCLURE submitted two amendments intended to be proposed by him to the bill No. 2638, supra, as follows:

AMENDMENT No. 2600

At the end add the following:

Notwithstanding any other provision of this act, Section 309 as added by amendment 2417 shall be null and void.

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AMENDMENT No. 2601

At the end add the following:

Notwithstanding any other provision of this act, Section 309 as added by amendment 2414 shall be null and void.

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### SPECTER (AND HEINZ) AMENDMENT NO. 2602

(Ordered to lie on the table.)

Mr. SPECTER (for himself and Mr. HEINZ) submitted an amendment intended to be proposed by them to the bill S. 2638, supra, as follows:

At the appropriate place in the bill insert the following:

None of the provisions of this Act shall be effective unless the Secretary of Defense makes available, under current authority, from the funds available in the Army Industrial Fund, $25,000,000 which shall be available to be used to implement immediately, or to transfer to another appropriation account in this Act to be used to implement immediately, the program proposed by the Department in its letter of August 30, 1985, from the Assistant Secretary of Defense for Acquisition and Logistics, to rehabilitate and convert current steam generating plants at defense facilities in the United States to cool burning facilities in order to achieve a coal consumption target of 1,600,000 short tons of coal per year above current consumption levels at Department of Defense facilities in the United States by fiscal year 1994: Provided, That anthracite or bituminous coal shall be the source of energy at such installations: Provided further, That during the implementation of this proposal, the amount of anthracite coal purchased by the Department shall remain at least at the current annual purchase level, 302,000 short tons.

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### HUMPHREY AMENDMENT NOS. 2603 THROUGH 2605

(Ordered to lie on the table.)

Mr. HUMPHREY submitted three amendments intended to be proposed by him to the bill S. 2638, supra, as follows:

AMENDMENT No. 2603

At the end add the following:

None of the provisions in Section 306 shall take effect until the same restrictions are applied relative to air services between the United States and the Union of Soviet Socialist Republics, pursuant to existing authority to impose such restrictions.

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AMENDMENT No. 2604

On page 23, between lines 16 and 17, insert the following:

(e) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to the authorization in subsection (a) shall remain available until expended, to the extent provided in appropriation Acts.

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AMENDMENT No. 2605

On page 229, between lines 14 and 15, insert the following new section:

SEC. 1221. SUBMARINE OVERHAUL STUDY.

The Secretary of the Navy shall conduct a detail study and investigation on the desirability and feasibility of applying production line techniques for the overhaul of Los Angeles class submarines. The Secretary shall submit the results of such study and investigation, together with such comments and recommendations as he determines appropriate, to Congress not later than May 1, 1987.

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### HATFIELD AMENDMENT NO. 2606

Mr. HATFIELD proposed an amendment to the bill S. 2638, supra, as follows:

On page 10, strike out lines 9 through 16 and insert in lieu thereof the following:

SEC. 109. BINARY CHEMICAL WEAPONS.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that the Presidential certification of July 29, 1986, transmitted to Congress pursuant to section 8093 of the Department of Defense Appropriations Act, 1986 (as contained in section 101(b) of Public Law 99-190 (99 Stat. 1217)), does not meet the requirements of such section and, therefore, the conditions necessary to begin production of binary chemical munitions pursuant to such section do not yet exist.

(b) PROHIBITION ON USE OF FUNDS.—None of the funds appropriated pursuant to an authorization contained in this or any other Act may be used—

(1) for the procurement or assembly of binary chemical munitions (or components of such munitions); or

(2) for establishment of production facilities necessary for procurement or assembly of binary chemical munitions (or components of such munitions),

until legislation has been enacted, after the date of the enactment of this Act, declaring that the certification requirements of section 8093 of the Act referred to in subsection (a) have been met.

(c) EXCEPTION.—The prohibition in subsection (b) does not apply to funds used exclusively for research, development, test, and evaluation of binary chemical munitions.

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### MELCHER AMENDMENTS NOS. 2607 AND 2608

(Ordered to lie on the table.)

Mr. MELCHER submitted two amendments intended to be proposed by him to the bill S. 2638, supra, as follows:

AMENDMENT No. 2607

Notwithstanding any other provisions the figures on the following pages are deemed to be the following:

On page 10, line 24, "$4,093,318,650" in lieu of "$4,815,669,000".

On page 11, line 2, "$7,875,571,300" in lieu of $9,265,378,000".

On page 11, line 3, "$12,672,542,050" in lieu of $14,908,873,000".

On page 11, line 4, "$6,214,327,900" in lieu of $7,310,974,000".

AMENDMENT No. 2608

On page 229, between lines 14 and 15, add the following new section:

"SEC. 1221. REQUIREMENT FOR RETURN OF UNOBLIGATED FUNDS TO THE TREASURY.

Notwithstanding any other provision of this Act, twenty (20) percent of any funds appropriated pursuant to the Department of Defense Authorization Act for FY 1986 to or for the use of the Department of Defense for fiscal year 1986 that remain unobligated as of September 30, 1986, shall be returned to the general fund of the Treasury. The preceding sentence shall not apply to funds necessary for carrying out multiyear contracts."

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### ROTH AMENDMENT NO. 2609

(Ordered to lie on the table.)

Mr. ROTH submitted an amendment intended to be proposed by him to the bill S. 2638, supra, as follows:

On page 283, line 1, strike section 2172 and redesignate the following sections accordingly.

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### ANDREWS AMENDMENT NO. 2610

(Ordered to lie on the table.)

Mr. ANDREWS submitted an amendment intended to be proposed by him to the bill S. 2638, supra, as follows:

On page 203, strike out lines 1 through 13.

## FEDERAL-AID HIGHWAY ACT

### LAUTENBERG (AND OTHERS) AMENDMENT NO. 2611

(Ordered to lie on the table.)

Mr. LAUTENBERG (for himself, Mr. HEINZ, Mr. METZENBAUM, and Mr. SIMON) submitted an amendment intended to be proposed by them to the bill (S. 2405) to authorize appropriations for certain highways in accordance with title 23, United States Code, and for other purposes; ans follows:

After section 145, insert the following:

S. 2405

SEC. 146. Sections 146 through 168 of this Act may be cited as the "Disaster Relief Act Amendments of 1986".

SEC. 147. The short title of the Disaster Relief Act of 1974 (Public Law 93-288) is hereby amended by deleting the words "Disaster Relief Act of 1974" and inserting in lieu thereof "Major Disaster Relief and Emergency Assistance Act".

SEC. 148. Section 102(1) of the Disaster Relief Act of 1974 (42 U.S.C. 5122(1)) is amended to read as follows:

"(1) 'Emergency' means any occasion or instance for which, in the determination of the President, Federal assistance is needed to supplement State and local efforts and capabilities to save lives and to protect property, public health and safety, or to lessen or avert the threat of a catastrophe in any part of the United States.".

SEC. 149. Title VIII of the Public Works and Economic Development Act of 1965, as amended (Public Law 89-136; 42 U.S.C. 3231-3236) is hereby repealed, and title V of the Disaster Relief Act of 1974 (Public Law 93-288) is hereby amended to read as follows:

"TITLE V—FEDERAL EMERGENCY ASSISTANCE PROGRAMS

"PROCEDURES

"SEC. 501. (a) All requests for a determination by the President that an emergency exists shall be made by the Governor of the affected State. Such request shall be based upon the Governor's finding that the situation is of such severity and magnitude that effective response is beyond the capabilities of the State and the affected local governments and that Federal assistance is necessary. The Governor's request will furnish information describing State and local efforts and resources which have been or will be used to alleviate the emergency, and will define the type and extent of Federal aid required. As a part of this request, and as a prerequisite to emergency assistance under the act, the Governor shall take appropriate action under State law and direct execution of the State's emergency plan. Based upon such Governor's request, the President may declare that an emergency exists.

"(b) The President may exercise any authority vested in him by section 502 and section 503 of this Act with respect to an emergency when he determines that an emergency exists for which the primary responsibility for response rests with the United States because the emergency involves a subject area for which, under the Constitution or laws of the United States, the United States exercises exclusive or preeminent responsibility and authority. The President may determine that such an emergency exists only after consultation with the Governor of the affected State, if practicable. The President's determination, however, may be made without regard to the provisions of section 501(a) of this Act.

"FEDERAL ASSISTANCE

"SEC. 502. In any emergency, the President may—

"(a) direct any Federal agency with or without reimbursement to utilize its authorities and the resources granted to it under other Acts, including but not limited to personnel, equipment, supplies, facilities, and managerial, technical and advisory services in support of State and local emergency assistance efforts to save lives and to protect property, public health and safety or to lessen or avert the threat of a catastrophe;

"(b) coordinate all Federal agencies and voluntary relief or disaster assistance organizations providing emergency assistance, and coordinate emergency assistance with State and local officials; and

"(c) provide technical and advisory assistance to affected State and local governments in the performance of essential community services, warning of risks of hazards, public information and assistance in health and safety measures, management and control, and reduction of immediate threats to public health and safety.

"EMERGENCY ASSISTANCE

"SEC. 503. (a) In an emergency, when the Federal assistance provided pursuant to section 502 of this title is inadequate, the President may provide assistance to save lives and protect property, public health and safety, or to lessen or avert the threat of a catastrophe. When debris removal assistance is appropriate under this section, it shall be provided in accordance with the terms and conditions of section 406 of this Act.

"(b) In any emergency and except as provided by subsection (c) of this section, the costs of providing emergency assistance under this section shall not exceed $5,000,000 of funds appropriated to carry out this Act.

"(c) The limitation of subsection (b) of this section may be exceeded when the President determines that continued emergency assistance is immediately required; that there is a continuing and immediate risk to lives, property, public health or safety; and that necessary assistance will not otherwise be provided on a timely basis. In the event that the limitation of subsection (b) is exceeded, the President shall report to Congress on the nature and extent of the emergency assistance requirements and propose additional legislation if necessary."

SEC. 150. Section 102(2) of the Disaster Relief Act of 1974 (42 U.S.C. 5122(2)) is amended to read as follows—

"(2) 'Major disaster' means any natural catastrophe, including any hurricane, tornado, storm, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, or drought, or any fire, flood, or explosion, regardless of cause, in any part of the United States which, in the determination of the President, causes damage of sufficient severity and magnitude to warrant major disaster assistance under this Act to supplement the efforts and available resources of States, local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby."

SEC. 151. Title II of the Disaster Relief Act of 1974 (42 U.S.C. 5131-5132) is amended by—

(1) striking the words "(including the Defense Civil Preparedness Agency)" in section 201(a);

(2) adding the words "including evaluations of natural hazards and development of the programs and actions required to mitigate such hazards," between the words "plans" and "except" in section 201(d); and

(3) striking "$25,000" in section 201(d) and inserting in lieu thereof "$50,000".

SEC. 152. Title III of the Disaster Relief Act of 1974 (42 U.S.C. 5141-5158) is amended by—

(1) deleting sections 301, 305, and 306 and renumbering subsequent sections appropriately;

(2) deleting the caption "FEDERAL ASSISTANCE" of section 301, as redesignated by paragraph (1) of this section, and inserting in lieu thereof "RULES AND REGULATIONS";

(3) deleting the first and second sentences of subsection (a) of section 301, as redesignated by paragraph (1) of this section, and amending the final sentence thereof by adding ", with or without reimbursement," immediately before "through"; and

(4) deleting ", or economic status" in the second sentence of section 308(a) as redesignated by paragraph (1) of this section, and adding "or" before "age,".

SEC. 153. Section 302(a) of the Disaster Relief Act of 1974 (42 U.S.C. 5143(a)), as designated by section 152(1) of this Act, is amended by adding at the end thereof the following: "The Federal coordinating officer shall represent the President in coordinating the emergency or the major disaster response and recovery effort.".

SEC. 154. Section 311 of the Disaster Relief Act of 1974 (42 U.S.C. 5154), as redesignated by section 152(1) of this Act, is amended by redesignating subsections (a), (b), and (c) as (b), (c), and (d), respectively, and by adding at the beginning thereof a new subsection as follows:

"(a) As a condition of assistance, any public facility and private nonprofit facility which is:

"(1) located in a special flood hazard area as identified by the Director pursuant to the National Flood Insurance Act of 1986, as amended (42 U.S.C. 4001 et seq.);

"(2) damaged or destroyed by flooding; and

"(3) otherwise eligible for assistance under section 405 of this Act, must be covered, on the date of the flood damage, by reasonable and adequate flood insurance. Assistance under section 405 for any such facility not so covered shall be reduced by the maximum amount of benefits which could have been received had reasonable and adequate flood insurance been in force: *Provided, however,* That this reduction of assistance shall not apply to uninsured facilities where such communities have been identified for less than one year as having special flood hazard areas. The limitations of assistance required by this subsection shall not apply unitl final regulations are promulgated by the President. Such regulations shall define reasonable and adequate flood insurance.".

SEC. 155. Section 312 of the Disaster Relief Act of 1974 (42 U.S.C. 5155), as redesignated by section 152(1) of this Act, is amended to read as follows:

"DUPLICATION OF BENEFITS

"SEC. 312. (a) Agencies or other organizations providing Federal assistance for needs or losses resulting from a major disaster or emergency shall assure that no person, business concern, or other entity receives any such Federal assistance if said person, busi-

ness concern, or entity receives or is entitled to receive benefits for the same purposes from insurance or any other Federal or non-Federal source: *Provided*, That nothing in this section shall prohibit the provision of Fedeal assistance to a person, business concern, or other entity who is or may be entitled to receive benefits for the same purposes from insurance or any other Federal or non-Federal source when any such applicant for Federal assistance has not received such other benefits by the time of application for Federal assistance, so long as the applicant for Federal assistance agrees as a condition of receipt of Federal assistance to repay duplicative assistance from insurance or any other Federal or non-Federal source to the agency or other organizations providing the Federal assistance. The President shall establish such procedures as are deemed necessary to insure uniformity in preventing such duplication of benefits. Receipt of partial benefits for a loss or need resulting from a major disaster or emergency does not preclude provision of additional Federal assistance for any part of such loss or need for which benefits have not been provided.

"(b) A person, business concern, or other entity receiving Federal assistance for needs or losses resulting from a major disaster or emergency shall be liable to the United States to the extent that such Federal assistance has duplicated benefits available to the person, business concern, or other entity for the same purpose from insurance or any other Federal or non-Federal sources. The agency or other organization which provided the duplicative assistance shall collect such duplicative assistance from the recipient in accordance with the Claims Collection Act of 1966, as amended, when in the best interest of the Government. The repayment shall not exceed the amount of Federal assistance received.

"(c) Federal disaster assistance and comparable disaster assistance provided by States, local governments, and disaster assistance organizations to individuals and families shall not be considered as income or a resource when determining eligibility or benefit levels for federally funded income assistance or resource tested benefit programs.".

SEC. 156. (a) Title III of the Disaster Relief Act of 1974 (42 U.S.C. 5141-5158) is amended by adding at the end thereof four new sections as follows:

"PROTECTION OF ENVIRONMENT

"SEC. 315. No action taken or assistance provided pursuant to section 402, 403, 406, 502, or 503, of this Act, or any assistance provided pursuant to section 405 of this Act that has the effect of restoring facilities substantially as they existed prior to the disaster, shall be deemed a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (83 Stat. 852). Nothing in this section shall alter or affect the applicability of the National Environmental Policy Act of 1969 (83 Stat. 852) to other Federal actions taken under this Act or under any other provisions of law.

"RECOVERY OF FUNDS

"SEC. 316. The Attorney General of the United States is authorized to institute actions in the United States District Court for the district in which an emergency or major disaster occurred, or in such district as otherwise provided by law, against any party whose acts or omissions may in any way have caused or contributed to the damage or hardship for which Federal assistance is provided pursuant to this Act. Upon the showing that an emergency or major disaster or the associated damage or hardship was caused in whole or in part by an act or omission of such party, then such party shall be liable to the United States for the full amount of Federal expenditures made to alleviate the suffering or damage attributable to such act or omission. The authority of this section shall also apply to the recovery of Federal funds expended under the authority of section 419 of this Act for fire suppression.

"AUDITS AND INVESTIGATIONS

"SEC. 317. (a) The President, when deemed necessary to assure compliance with any provision of this Act or related regulations, shall conduct audits and investigations and in connection therewith may enter such places and inspect such records and accounts and question such persons as deemed necessary to determine the facts relative thereto.

"(b) The President, when deemed necessary to assure compliance with any provision of this Act or related regulations, may require audits by State and local governments in connection with assistance provided under the Act.

"(c) The President and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access, for purposes of investigation, audit, and examination, to any books, documents, papers, and records of any person or entity relating to any activity or program undertaken or funded pursuant to this Act.

"CRIMINAL AND CIVIL PENALTIES

"SEC. 318. (a) Any person, organization, or other entity who knowingly makes a false statement or representation of a material fact, or who knowingly fails to disclose a material fact, in any application or other document in connection with a request for assistance under this Act, or who knowingly falsifies or withholds, conceals, or destroys any documents, books, records, reports, or statements upon which such request for assistance is based, shall be fined not more than $10,000 or imprisoned for not more than one year, or both, for each violation.

"(b) Any person, organization, or other entity who knowingly makes a false statement or representation of a material fact, or who knowingly fails to disclose a material fact, in any bill, invoice, claim, or other document requesting reimbursement for work or services performed in connection with assistance provided under this Act, or who knowingly falsifies or withholds, conceals, or destroys any documents, books, records, reports, or statements upon which such request for reimbursement is based, shall be fined not more than $10,000 or imprisoned for not more than one year, or both, for each violation.

"(c) Any person, organization, or other entity who knowingly misapplies the proceeds of a loan or other cash benefit obtained under any section of this Act shall be subject to a find in an amount equal to one and one-half times the misapplied amount of the loan or cash benefit.

"(d) Whenever it appears that any person, organization, or other entity has violated or is about to violate any provision of this Act, including rules and regulations issued and civil penalties imposed, the Attorney General may bring a civil action for such relief as may be appropriate. Such action may be brought in the district court of the United States having jurisdiction where the violation occurred or, at the option of the parties, in the United States District Court for the District of Columbia.

"(e) The President, or the duly authorized representative of the President, shall expeditiously refer to the Attorney General of the United States for appropriate action such evidence developed in the performance of functions under this Act as may be found to warrant consideration for criminal prosecution under the provisions of this Act or other Federal law.".

(b) Title III of the Disaster Relief Act of 1974 is amended by deleting subsections (a) and (c) of section 314 (42 U.S.C. 5157), as redesignated by section 152(1) of this Act, and by renumbering "(b)" from the remaining subsection of section 314 as subsection "(f)" of section 318 as added by section 156(a) of this Act.

(c) Title IV of the Disaster Relief Act of 1974 is amended by deleting section 405 (42 U.S.C. 5175) and by renumbering subsequent sections appropriately.

(d) Section 315 of the Disaster Relief Act of 1974 (42 U.S.C. 5158), as redesignated by section 152(1) of this Act, is further redesignated as section 314.

SEC. 157. Title IV of the Disaster Relief Act of 1974 (42 U.S.C. 5171-5189) is amended by adding three new sections as follows and by renumbering subsequent sections appropriately:

"PROCEDURES

"SEC. 401. (a) All requests for a declaration by the President that a major disaster exists shall be made by the Governor of the affected State. Such Governor's request shall be based upon a finding that the disaster is of such severity and magnitude that effective response is beyond the capabilities of the State and the affected local governments and that Federal assistance is necessary. As a part of this request, and as a prerequisite to major disaster assistance under the Act, the Governor shall take appropriate action under State law and direct execution of the State's emergency plan. He shall furnish information on the extent and nature of State resources which have been or will be used to alleviate the conditions of the disaster, and shall certify that for the current disaster, State and local government obligations and expenditures (of which State commitments must be a significant proportion) will constitute the expenditure of a reasonable amount of the funds of such State and local governments for alleviating the damage, loss, hardship, or suffering resulting from such disaster, including, but not limited to, the cost-sharing provisions pursuant to sections 405, 406, 407, and 410 of this Act. Based upon such Governor's request, the President may declare that a major disaster exists.

"(b) In any case where an eligible applicant (or the State) is unable to assume its financial responsibility under the cost-sharing provisions of sections 405, 406, and 407 of this Act, the President is authorized to lend or advance to the State such 25 per centum share. For the purposes of section 405, such loan or advance shall be authorized only after the occurrence of concurrent, multiple major disasters in a given jurisdiction, or the extraordinary costs of a particular major disaster, and when the damages caused by such major disasters are so overwhelming and severe that it is not possible for the applicant or the State to assume their financial responsibility under this Act immediately. Except as provided by

subsection (c) of this section, any such loan or advance is to be repaid to the United States there shall be no deferral of the repayment of loans or advances authorized by this subsection or of accrued interest. Such obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current market yields on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the reimbursement period of the loan or advance.

"(c) The President may cancel all or any part of such loan or advance made regarding section 405 or section 406 for concurrent, multiple major disasters or a single catastrophic major disaster if a determination is made that following the three full fiscal years after the loan or advance is made, the applicant demonstrates substantial and continuing inability to repay all or part of the loan or advance.

"(d) The President shall issue regulations describing the terms and conditions under which any loans or advances authorized by this section may be made or canceled.

"FEDERAL ASSISTANCE

"SEC. 402. In any major disaster, the President may—

"(a) direct any Federal agency with or without reimbursement to utilize its authorities and the resources granted to it under other Acts including, but not limited to, personnel, equipment, supplies, facilities, and managerial, technical, and advisory services in support of State and local assistance efforts;

"(b) coordinate all Federal agencies and voluntary relief or disaster assistance organizations providing disaster assistance, and coordiante disaster assistance with State and local officials; and

"(c) provide technical and advisory assistance to affected State and local governments in the performance of essential community services, warning of risks and hazards, public information and assistance in health and safety measures, management and control, and reduction of immediate threats to public health and safety.

"COOPERATION OF FEDERAL AGENCIES IN RENDERING DISASTER ASSISTANCE

"SEC. 403. (a) In any major disaster, Federal agencies are hereby authorized, on the direction of the President, to provide assistance by—

"(1) utilizing or lending, with or without compensation therefore, to States and local governments, their equipment, supplies, facilities, personnel, and other resources, other than the extension of credit under the authority of any Act;

"(2) distribution or rendering, through the American National Red Cross, the Salvation Army, the Mennonite Disaster Service, and other relief and disaster assistance organizations, or otherwise, medicine, food, and other consumable supplies, other services to disaster victims, or emergency assistance;

"(3) donating or lending equipment and supplies, including that determined in accordance with applicable laws to be surplus to the needs and responsibilities of the Federal Government, to State and local governments for use or distribution by them for the purposes of this Act; and

"(4) performing on public or private lands or waters any emergency work or services essential to save lives and to protect and preserve property, public health and safety, including, but not limited to: Search and rescue, emergency medical care, emergency mass care, emergency shelter, and provisions of food, water, medicine, and other essential needs, including movement of supplies or persons; construction of temporary bridges necessary to the performance of emergency tasks and essential community services; provision of temporary facilities for schools and other essential community services; warning of further risks hazards; public information and assistance on health and safety measures; technical advice to State and local governments on disaster management and control; reduction of immediate threats to life, property, and public health and safety; and making contributions to State or local governments for the purpose of carrying out the provisions of this paragraph. Such contributions for emergency work under this section and section 402 of this Act shall not exceed 100 per centum of the net eligible cost, or for small projects 100 per centum of the Federal estimate of the net eligible cost, of such emergency work or services performed by State and local governments: *Provided*, That where debris removal assistance is appropriate under this section or section 402 of this Act it shall be provided in accordance with the terms and conditions of section 406 of this Act.".

SEC. 158. (a) Section 405 of the Disaster Relief Act of 1974 (42 U.S.C. 5172), as redesignated by section 157 of this Act, is amended to read as follows:

"(a) The President is authorized to make contributions to State or local governments to help repair, restore, reconstruct, or replace public facilities belonging to such State or local government which were damaged or destroyed by a major disaster. Notwithstanding any other provision of law, such contribution shall be limited to 75 per centum of the net eligible cost, or for small projects 75 per centum of the Federal estimate of the net eligible cost, of repairing, restoring, reconstructing, or replacing any such facility estimated on the basis of the design of such facility as it existed immediately prior to such major disaster and in conformity with current applicable codes, specifications, and standards. For the purposes of this section, 'public facility' includes any publicly owned flood control, navigation, irrigation, reclamation, public power, sewage treatment and collection, water supply and distribution, watershed development, or airport facility, any non-Federal-aid street, road, or highway, any other public building, structure, or system including those used for educational or recreational purposes and any part.

"(b) The President is authorized to make contributions to help repair, restore, reconstruct, or replace eligible private nonprofit facilities which were damaged or destroyed by a major disaster. Notwithstanding any other provision of law, such contributions shall be 75 per centum of the net eligible cost, or for small projects 75 per centum of the Federal estimate of the net eligible cost, of repairing, restoring, reconstructing, or replacing any such facility estimated on the basis of the design of such facility as it existed immediately prior to such major disaster and in conformity with current applicable codes, specifications, and standards. For the purposes of this section, 'eligible private nonprofit facility' means private nonprofit educational utility, emergency, medical, and custodial care facilities, including those for the aged and disabled, and such private nonprofit facilities on Indian reservations, which were damaged or destroyed by a major disaster.

"(c) No authority under this section shall be exercised unless the affected State, local government, or eligible private nonprofit organization first agrees that such facility shall be repaired, restored, reconstructed, or replaced in compliance with flood plain management and hazard mitigation criteria required by the President, with the provisions of the Coastal Barrier Resources Act and other applicable Federal statutes, and in conformity with other applicable codes, specifications, and standards, except as otherwise provided in section 315 of this Act.

"(d) For those facilities eligible under this section which were in the process of construction when damaged or destroyed by a major disaster, the contribution shall be 75 per centum of the net eligible costs of restoring such facilities substantially to their predisaster condition: *Provided*, That the term 'net eligible costs' shall not include cost which, under a contract, are the responsibility of a contractor.

"(e) In those cases, except for small projects, where a State or local government determines that public welfare would not be best served by repairing, restoring, reconstructing, or replacing particular public facilities owned or controlled by that State or that local government and which have been damaged or destroyed in a major disaster, it may elect to receive, in lieu of the contribution described in subsection (a) of this section, a contribution that shall be 50 per centum of the Federal estimate of the net eligible cost of repairing, restoring, reconstructing, or replacing such damaged facilities owned by it within its jurisdiction. The cost of repairing, restoring, reconstructing, or replacing damaged or destroyed public facilities shall be estimated on the basis of the design of each facility as it existed immediately prior to such disaster and in conformity with current applicable codes, specifications, and standards. Funds contributed under this subsection may be expended either to repair or restore certain selected damaged public facilities or to construct new public facilities which the State or local government determines to be necessary to meet its needs for governmental services and functions in the disaster-affected area.".

(b) The Disaster Relief Act of 1974 is amended by deleting section 421 (42 U.S.C. 5189), as redesignated by sections 156(c) and 157 of this Act, and by striking "or 419" each place that this phrase appears in section 311 (42 U.S.C. 5154), as redesignated by section 152(l) of this Act.

(c) Section 406 of the Disaster Relief Act of 1974 (42 U.S.C. 5173), as redesignated by section 157 of this Act, is amended by adding at the end thereof the following:

"(c) Notwithstanding any other provision of law, whether carried out directly through Federal departments, agencies, or instrumentalities or through grants to State or local governments, Federal assistance provided under authority of this section shall be 75 per centum of the net eligible costs, or for small projects 75 per centum of the Federal estimate of the net eligible costs, of debris removal.".

SEC. 159. Section 407(a) of the Disaster Relief Act of 1974, as redesignated by section 157 of this Act, is amended to read as follows:

"(a) The President is authorized to provide, either by purchase or lease, temporary housing including, but not limited to, unoccupied habitable dwellings, suitable rental housing, mobile homes, or other readily fabricated dwellings for those who, as a result

of a major disaster, require temporary housing. Whenever he determines it to be in the public interest, the President is authorized to provide temporary housing assistance by using Federal departments, agencies, or instrumentalities. In addition, the President is authorized to provide temporary housing assistance by contributing not to exceed 100 per centum (or 75 per centum for group site development pursuant to paragraph (2) of this subsection) of the costs of temporary housing assistance to a State or local government which provides such assistance to those who require it as a result of a major disaster. Federal financial and operational responsibilities for temporary hosing assistance shall not exceed eighteen months from the date of the major disaster declaration by the President, unless he determines that due to extraordinary circumstances it would be in the public interest to extend the eighteen month period.

"(1) Temporary housing assistance pursuant to this subsection shall be provided only when adequate alternative housing is unavailable, unless there is compelling need to do so because of extreme hardship.

"(2) Any mobile home or other readily fabricated dwelling supplied pursuant to this subsection shall be placed on a site complete with utilities provided either by the State or local government, or by the owner or occupant of the site who was displaced by the major disaster. When the President determines such action to be in the public interest, he may authorize installation of essential utilities at Federal expense and he may elect to provide other more economical or accessible sites. However, in the event the President authorizes the development of a group site, that is, a site for two or more households, the Federal share shall be 75 per centum of the development costs, and the remainder shall be met by funds provided by the State or local government.".

SEC. 160. Section 408 of the Disaster Relief Act of 1974 (42 U.S.C. 5176), as redesignated by sections 156(c) and 157 of this Act, is amended by adding "(a)" after "408." and by adding a new subsection "(b)" as follows:

"(b) The President is authorized to contribute up to 50 per centum of the cost of implementing hazard mitigation projects which he has determined would be cost effective and would substantially reduce the risk of future damage, hardship, loss, or suffering in the area affected by a major disaster. Such projects shall be identified following the evaluation of natural hazards provided for the subsection (a) of this section and shall be subject to approval by the President. The total of the contributions made under this subsection shall not exceed 10 per centum of the Federal estimate of grants made under the authority of section 405 of this Act for each major disaster.".

SEC. 161. Section 409(a) of the Disaster Relief Act of 1974 (42 U.S.C. 5177), as redesignated by sections 156(c) and 157 of this Act, is amended to read as follows: "The President is authorized to provide such disaster unemployment assistance as he deems appropriate to individuals who are unemployed as a result of a major disaster. Disaster unemployment assistance authorized by this section shall be available to an eligible individual for a period not to exceed fifty-two weeks after the week in which an eligible individual became unemployed as a result of a major disaster, and such period shall be regarded as the disaster assistance period for that individual for the purposes of this section. Disaster unemployment assistance shall not be payable with respect to any week for which an individual is entitled to unemployment compensation (as defined in section 85(c) of the Internal Revenue Code of 1954, as amended) or waiting week credit. The maximum amount of disaster unemployment assistance payable to any individual with respect to a major disaster shall not exceed twenty-six times the maximum weekly amount for which the individual establishes eligibility minus the amount of any unemployment compensation paid to the individual during the fifty-two week benefit period established pursuant to this section. Such assistance for a week of unemployment shall not exceed the maximum weekly amount authorized under the unemployment compensation law of the State in which the disaster occurred, and the amount of assistance under this section for a week of unemployment shall be reduced by any amount of private income protection insurance compensation available to such individual for such week of unemployment. The payment of unemployment compensation to an individual with respect to any week subsequent to the exhaustion of eligibility of such individual for disaster unemployment assistance and within the fifty-two week benefit period established pursuant to this section shall not be regarded as duplication of benefits under section 312 of this Act. The President is directed to provide disaster unemployment assistance through agreements with States which, in his judgment, have an adequate system for administering such assistance through existing State agencies.".

SEC. 162. (a) Section 410(b) of the Disaster Relief Act of 1974 (42 U.S.C. 5178), as redesignated by sections 156(c) and 157 of this Act, is amended by adding a period after the word "share" in the second sentence of that subsection and by deleting the following phrase from the second sentence of section 410(b): "and any such advance is to be repaid to the United States when such State is able to do so.".

(b) Section 410(b) of the Disaster Relief Act of 1974 (42 U.S.C. 5178), as redesignated by sections 156(c) and 157 of this Act, is further amended by adding the following sentence between the second and third sentences of this subsection: "Such advances shall bear interest from the date of the advance at a rate determined by the Secretary of the Treasury, taking into consideration the current market yields on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the reimbursement period of the loan or advance. Repayment of such advances and of interest which accrues on the advances may be deferred for no longer than two years from the date of the major disaster declaration.".

SEC. 163. Section 410(b) of the Disaster Relief Act of 1974 (42 U.S.C. 5178), as redesignated by sections 156(c) and 157 of this Act, is amended by striking "$5,000" in the last sentence and inserting in lieu thereof "$7,500".

SEC. 164. Section 415 of the Disaster Relief Act of 1974 (42 U.S.C. 5183), as redesignated by sections 156(c) and 157 of this Act, is amended by striking "(through the National Institute of Mental Health)".

SEC. 165. Section 420(d) of the Disaster Relief Act of 1974 (42 U.S.C. 5188), as redesignated by sections 156(c) and 157 of this Act, is deleted.

SEC. 166. The Disaster Relief Act of 1974 (42 U.S.C. 5121-5202) is amended by—

(1) striking paragraph (7) of section 101(b) (42 U.S.C. 5121), striking "; and" from paragraph (6) and adding in lieu thereof a period, and adding "and" at the end of paragraph (5);

(2) striking "the Canal Zone," in paragraphs (3) and (4) of section 102 (42 U.S.C. 5122);

(3) striking "DISASTER" in the caption of title III (42 U.S.C. 5141-5158) and inserting in lieu thereof "MAJOR DISASTER RELIEF AND EMERGENCY";

(4) striking "section 402 or 404 of" in section 308(b) (42 U.S.C. 5151), as redesignated by section 152(i) of this Act;

(5) adding "emergency or" before the word "major" each of two places that word appears in section 307 (42 U.S.C. 5150), as redesignated by section 152(i) of this Act;

(6) striking in section 310(b) (42 U.S.C. 5153), as redesignated by section 152(1) of this Act, everything after the word "areas" and inserting in lieu thereof a period;

(7) striking "or section 803 of the Public Works and Economic Development Act of 1965," each place the phrase appears in section 311 (42 U.S.C. 5154), as redesignated by section 152(1) of this Act;

(8) striking "402" each place that number appears in section 311 (42 U.S.C. 5154), as redesignated by section 152(1) of this Act, and inserting in lieu thereof "405";

(9) adding "emergency and major" before the word "disaster" in section 313 (42 U.S.C. 5156), as redesignated by section 152(1) of this Act;

(10) adding the word "MAJOR" between the words "FEDERAL" and "DISASTER" in the caption to title IV (42 U.S.C. 5171-5189);

(11) striking "in emergencies or in major disasters" in the third sentence of paragraph (2) of section 407(d) (42 U.S.C. 5174), as redesignated by section 157 of this Act;

(12) striking "311" in section 407(d)(2) (42 U.S.C. 5174), as redesignated by section 157 of this Act, and inserting in lieu thereof "308";

(13) striking "an emergency or" in section 417 (42 U.S.C. 5185), as redesignated by sections 156(c) and 157 of this Act, and inserting in lieu thereof "a";

(14) striking "408" in section 605 (42 U.S.C. 5121) and inserting in lieu thereof "410";

(15) striking "301" in subtitle C of title I of the State and Local Fiscal Assistance Act of 1972 (Public Law 92-512; 86 Stat. 919) and inserting in lieu there of "401";

(16) striking "President" each place that word appears in section 309(a), as redesignated by section 152(1) of this Act, and inserting in lieu thereof "Federal coordinating officer".

(17) striking "rent" in section 310(a)(2) (42 U.S.C. 5153), as redesignated by section 152(1) of this Act, and inserting in lieu thereof "income"; and

(18) striking paragraph (1) of section 310(a) (42 U.S.C. 5153), as redesignated by section 152(1) of this Act, and renumbering subsequent paragraphs appropriately.

SEC. 167. (a) Section 6(a)(6)(E) of the Coastal Barrier Resource Act, 16 U.S.C. 3505(a)(6)(E), is amended by striking out "pursuant to sections 305 and 306 of the Disaster Relief Act of 1974" and inserting in lieu thereof" pursuant to sections 402, 403, 502, and 503 of the Major Disaster Relief and Emergency Assistance Act".

(b) Whenever any reference is made in any provision of law (other than this Act), regulation, rule, record, or document of the United States to provisions of the Disaster Relief Act of 1974 repealed or renumbered

by sections 146 through 168 of this Act, such reference shall be deemed to be a reference to the appropriate provisions of the Major Disaster Relief and Emergency Assistance Act.

SEC. 168. (a) Except as provided in subsection (b), sections 146 through 168 of this Act shall take effect on October 1, 1986.

(b)(1) Sections 146 through 168 of this Act shall not affect the administration of any assistance provided under the authority of the Disaster Relief Act of 1974, for any major disaster or emergency declared by the President prior to October 1, 1986.

(2) Except with regard to section 409(a) of the Disaster Relief Act of 1974, as redesignated by sections 156(c) and 157 of this Act (relating to disaster unemployment assistance)—

(A) rules and regulations issued under statutory provisions which are repealed, modified, or amended by this Act shall continue in effect as though issued under the authority of this Act until they are expressly abrogated, modified, or amended by the President; and

(B) provision of disaster assistance authorized by statutory provisions repealed, modified, or amended by this Act or rules and regulations issued thereunder, or proceedings involving violations of statutory provisions repealed, modified, or amended by this Act or rules and regulations issued thereunder which are in process prior to the effective date of this Act, may be continued to conclusion as though the applicable statutory provisions had not been repealed, modified, or amended.

(3) Violations of statutory provisions or rules and regulations issued under the authority of statutory provisions repealed, modified, or amended by this Act or rules and regulations issued thereunder which are committed prior to the effective date of this Act may be proceeded against under the law in effect at the time of the specific violation.

(C) Title IV of the Disaster Relief Act of 1974 (42 U.S.C. 5171-5189) is amended by adding at the end thereof a new section as follows:

"SEC. 421. No State shall be ruled ineligible to receive assistance under this Act solely by virtue of an arithmetic formula based on income or population."

● Mr. LAUTENBERG. Mr. President, today I am submitting along with Senator HEINZ, an amendment to the Federal-Aid Highway Act of 1986 to prevent drastic and ill-advised changes to the Federal Disaster Relief Program.

On April 18, the Federal Emergency Management Agency issued regulations which would deny Federal disaster assistance for the repair and reconstruction of public facilities in thousands of communities nationwide. These regulations have been greeted by a storm of protest by cities and States across the country.

Mr. President, the FEMA regulations would result in 61 of the last 111 disaster declarations not being made. In the event of a disaster, if a State did not exceed a given dollar threshold, no Federal aid would be available. The cost sharing with local governments when a disaster is declared would be increased from 75/25 percent Federal to local match to 50/50 percent.

It is time the Congress stepped in to prevent these regulations from taking effect. Absent congressional action, the regulations will take effect on October 1.

Mr. President, I had intended to offer a simple amendment to the debt ceiling bill to prevent these regulations from taking effect and giving the Congress time to authorize changes in the Disaster Relief Program. I was persuaded to offer an amendment on the highway bill, because the disaster relief legislation would then be in conference with the proper House committee. As ranking member on the Community and Regional Development Subcommittee of the Environment and Public Works Committee, I want to move this legislation forward in a manner which respects the committee's jurisdiction.

The amendment Senator HEINZ and I are offering will prevent FEMA from establishing an arbitrary ability to pay threshold. It would also establish in law the 75/25 percent Federal to local cost sharing in current practice. In addition, the amendment makes changes in the Disaster Relief Program sought by FEMA and previously supported by the Senate.

Mr. President, this amendment will go far to resolving the controversy over the FEMA regulations and I hope it will be accepted as part of the highway bill.●

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## PRYOR (AND OTHERS) AMENDMENT NO. 2612

Mr. PRYOR (for himself, Mr. GORTON, and Mr. HATFIELD) proposed an amendment to the bill S. 2638, supra, as follows:

On page 4, line 3, strike out "$6,121.657,000" and insert in lieu thereof "$6,093,124,000".

On page 6, line 20, strike out "$10,374,848,000" and insert in lieu thereof "$10,346,448,000".

On page 10, between lines 16 and 17, insert the following new section:

SEC. 110. RESTRICTIONS OF THE BIGEYE BOMB PROGRAM.

(a) IN GENERAL.—Except as provided in subsection (b), none of the funds appropriated pursuant to an authorization contained in this or any other Act may be used for procurement or assembly of the Bigeye binary chemical bomb, for the procurement of any component or subcomponent for such bomb, or for the procurement of any construction facilities or equipment associated with the production of such bomb until specific, subsequent legislation has been enacted authorizing the obligation, and expenditure of funds for production of the Bigeye binary chemical bomb.

(b) EXCEPTION FOR RESEARCH, DEVELOPMENT, TESTING, AND EVALUATION.—The requirements of this section shall not apply to funds obligated solely for the purpose of carrying out research, development, testing, and evaluation in connection with the Bigeye binary chemical bomb program.

(c) LIMITATION OF FISCAL YEAR 1986 FUNDS.—Except as provided in Subsection (b), the funds appropriated to carry out the Bigeye binary chemical bomb program in fiscal year 1986, and which remain unexpended on the date of the enactment of this Act, may not be used to carry out such program.

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## HARKIN AMENDMENTS NOS. 2614 AND 2615

(Ordered to lie on the table.)

Mr. HARKIN submitted two amendments intended to be proposed by him to the bill S. 2638, supra, as follows:

At the end of the amendment, add the following new section:

Notwithstanding any other provision of law, no member of the United States Armed Forces, or any agent, or contractor thereof, may provide training, or any other service, or otherwise participate directly or indirectly in the provision of any assistance, to the Nicaraguan democratic resistance within the territory of the countries of Honduras, Costa Rica, and El Salvador.

At the end of Section 208 of the amendment, insert the following new subsection:

(c) Of the amounts transferred under Section 206(a), $50,000,000 shall be transferred only to the Agricultural Credit Insurance Fund established under Section 309 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1929) for use by the Secretary of Agriculture to make and insure real estate and operating loans in accordance with subtitles A and B, respectively of such Act (7 U.S.C. 1922 et seq.).

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## KERRY AMENDMENT NO. 2616

(Ordered to lie on the table.)

Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 2638, supra, as follows:

At the appropriate place, add the following:

SEC. . (a) The Congress finds that—

(1) the Republic of South Africa has made little progress in the elimination of apartheid or in the enfranchisement of a majority of its citizens;

(2) the Republic of South Africa has recently intensified its crackdown on journalists by severely restricting written and electronic coverage of news that relates to social, economic, and political unrest in that country;

(3) the Republic of the Philippines has recently demonstrated to the world the power and virtues of democracy;

(4) the Republic of the Philippines relies heavily on the export of sugar to generate needed capital; and

(5) an increase in sugar exports at this crucial transitional time for the Philippines would tend to help their economy and improve the close and historic relationship between our two countries.

(b)(1) Notwithstanding any other provision of law, no sugars, sirups, or molasses that are products of the Republic of South Africa may be entered after the date of enactment of this Act.

(2) The aggregate quantity of sugars, sirups, and molasses that—

(A) are products of the Philippines, and

(B) may be entered (determined without regard to this paragraph) under any limitation imposed by law on the quantity of all sugars, sirups, and molasses that may be entered during any period of time occurring after the date of enactment of this Act,

shall be increased by the aggregate quantity of sugars, sirups, and molasses that are products of the Republic of South Africa which may have been entered under such limitation during such period if this section did not apply to such period.

(c)(1) Paragraph (c)(i) of headnote 3 of subpart A of part 10 of schedule 1 of the Tariff Schedules of the United States is amended—

(A) by striking out "13.5" in the item relating to the Philippines in the table and inserting in lieu thereof "15.8", and

(B) by striking out the item relating to the Republic of South Africa in the table.

(2) Paragraph (c) of headnote 3 of subpart A of part 10 of schedule 1 of the Tariff Schedules of the United States is amended by adding at the end thereof the following new subparagraph:

"(iii) Notwithstanding any authority given to the United States Trade Representative under paragraphs (e) and (g) of this headnote—

"(A) the percentage allocation made to the Philippines under this paragraph may not be reduced, and

"(B) no allocation may be made to the Republic of South Africa,

in allocating any limitation imposed under any paragraph of this headnote on the quantity of sugars, sirups, and molasses described in items 155.20 and 155.30 which may be entered.".

(d) For purposes of this section—

(1) The Term "entered" means entered, or withdrawn from warehouse, for consumption in the customs territory of the United States.

(2) The term "customs territory of the United States" means the States, the District of Columbia, and Puerto Rico.

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## DeCONCINI AMENDMENT NO. 2617

Mr. DeCONCINI proposed an amendment to the bill S. 2638, supra, as follows:

At the appropriate place in the bill, insert the following new section:

RESTRICTION ON THE SALE OF STINGER ANTIAIRCRAFT MISSILES

SEC. . Notwithstanding any other provision of law, no STINGER antiaircraft missiles may be sold, donated, or otherwise provided, directly or indirectly, to democratic resistance forces unless the President certifies to the Congress that the proposed recipient has agreed to the following conditions:

(1) Physical security of such missiles shall consist of the following:

(A) Magazines of reinforced concrete, arch-type, and earth-covered whose construction is at least equivalent in strength to the requirements of the Chief of Engineers (Department of the Army) drawings, 652-686 through 652-693, 27 Dec 1941 as revised 14 Mar 42, shall be provided.

(B) Lighting shall be provided for exterior doors and along perimeter barriers.

(C) Exterior doors shall be class 5 steel vault doors secured by two-key operated high security padlock and hasp (mil spec P-43607), and keys shall be secured separately to insure effective two-man control of access.

(D) Fencing shall be 6-foot (minimum) steel chain link on steel or reinforced concrete posts over firm base, and clear zones shall be established inside and outside fencing.

(E) A full-time guard force or combination guard force and instrusion detection system shall be provided.

(2) Such missiles shall be accounted for as follows:

(A) A 100 percent physical count shall be taken monthly with two-man verification, and records shall be available for United States inspection.

(B) A United States Military Training Mission shall conduct the United States inspection and inventory annually, and weapons expended outside of hostilities shall be accounted for.

(C) When missiles are deployed and assembled, the recipient shall be responsible for a daily accounting of such missiles. Records shall be maintained by the recipient and, upon request, shall be available for United States Government review, United States representatives, shall have the right, upon request, to inspect the missiles at the deployed sites.

(3) Movements shall meet United States standards for safeguarding classified material in transit.

(4) Access to such missiles and to classified information relating thereto shall be as follows:

(A) Access to hardware and related classified informaton shall be limited to military and civilian personnel who have the proper security clearance and who have an established need-to-know. Information released shall be limited to that necessary for assigned functions or operational responsibility and, where possible, shall be oral or visual only.

(B) No maintenance shall be authorized which required access to the interior of the operational system. Such maintenance shall be performed under United States control.

(5) The recipient shall report to the United States by the most expeditious means any instance of compromise, loss, or theft of any material or related information. This report shall be followed by prompt investigation and the results provided to the United States

(6) The recipient shall agree that no information on Basic STINGER shall be released to a third government or any other party without United States approval.

(7) The security standards applied by the recipient to protection of Basic STINGER information and material shall be at least equivalent to those of the United States at the identified security classification.

(8) The recipient shall use the information of Basic STINGER only for the purpose for which it was given.

(9) United States officers shall be allowed to inspect and assess physical security measures and procedures established for implementation of these security controls on an announced random access basis.

(10) Damaged launchers shall be returned to United States Armed Forces for repair or demilitarization prior to disposal by United States authorities.

(11) Two principal components of the STINGER system, the gripstock and the missile in its disposable launch tube, shall be stored in separate locations. Each location shall meet all physical security requirements applicable to the STINGER system as a whole. The two locations shall be physically separated sufficiently so that a penetration of the security at one site shall not place the second at risk.

(12) The principle components of the STINGER system, the gripstock, missile, and launch tube, may be brought together and assembled only under the following circumstances:

(A) In the even of hostilities or imminent hostilities.

(B) For firing as part of regularly scheduled training (only those rounds intended to be fired shall be withdrawn from storage and assembled).

(C) For lot testing (only proof rounds) shall be withdrawn and assembled).

(D) When STINGER systems are deployed as part of the point of defenses of high priority installations or activities.

(13) Field exercises or deployments wherein the use of STINGER system is simulated shall not create conditions for the assembly of the system.

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## SIMON AMENDMENT NOS. 2618 AND 2619

(Ordered to lie on the table.)

Mr. SIMON submitted two amendments intended to be proposed by him to amendment No. 2414 to the bill S. 2638, supra, as follows:

On page 7, line 4 add "as well as any territory occupied by South Africa on violation of international law.

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AMENDMENT NO. 2619

On page 33, line 4 insert the following "consumption".

"(9) fluorspar,"

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## THURMOND AMENDMENT NO. 2620

Mr. THURMOND proposed an amendment to the bill S. 2638, supra, as follows:

On page 241, line 7, strike out "$2,950,806,000" and insert in lieu thereof "$2,949,746,000".

On page 241, line 24, strike out "$131,640,000" and insert in lieu thereof "$130,580,000".

On page 260, between lines 19 and 20, insert the following new item:

Andrews Air Force Base, Maryland, $25,000,000.

On page 263, strike out line 8.

On page 264, strike out "$12,800,000" and insert in lieu thereof "$9,400,000".

On page 268, line 12, strike out "$670,057,000" and insert in lieu thereof "$695,057,000".

On page 268, line 15, strike out "$329,543,000" and insert in lieu thereof "$321,243,000".

On page 268, line 17, strike out "$218,320,000" and insert in lieu thereof "$210,280,000".

On page 268, line 20, strike out "$124,860,000" and insert in lieu thereof "$117,260,000".

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## MURKOWSKI (AND McCONNELL) AMENDMENT NO. 2621

(Ordered to lie on the table.)

Mr. MURKOWSKI (for himself and Mr. McCONNELL) submitted an amendment to the bill S. 2638, supra, as follows:

Strike section 307a and add "Notwithstanding any other section of law, no funds may be expended for any cooperation, directly or indirectly, with the armed forces of the government of South Africa, except activities which are reasonably designed to facilitate the collection of necessary intelligence."

## DURENBERGER AMENDMENT NOS. 2622 THROUGH 2625

(Ordered to lie on the table.)

Mr. DURENBERGER submitted four amendments intended to be proposed by him to the bill S. 2638, supra, as follows:

AMENDMENT No. 2622

At the appropriate place in the bill, add the following new section:

SEC. . No agency or entity of the United States may engage in any form of cooperation, direct or indirect, with the armed forces of the government of South Africa, except activities which are reasonably designed to facilitate the collection of necessary intelligence. Each such activity shall be considered a significant anticipated intelligence act for the purpose of Sec. 501 of the National Security Act of 1947.

AMENDMENT No. 2623

At the appropriate place in the amendment, add the following new section:

SEC. . No agency or entity of the United States which is involved in intelligence activities may, directly or indirectly, provide any intelligence information to the Republic of South Africa which pertains to the African National Congress or any other South African Group, movement, organization or individual which is engaged in activities in opposition to the government of the Republic of South Africa, except if the information credibly indicates the imminent likelihood of violent action calculated to threaten human life. In the event that any intelligence information pertaining to opposition activities is transmitted to the Republic of South Africa, either in an authorized or unauthorized manner, the Director of Central Intelligence shall promptly inform the Select Committee on Intelligence of the Senate and Permanent Select Committee of Intelligence of the House of Representatives of the facts and circumstances regarding the nature of the information and its transmission.

AMENDMENT No. 2624

At the appropriate place in the bill, add the following new section:

SEC. . No agency or entity of the United States which is involved in intelligence activities may, directly or indirectly, provide any intelligence information to the Republic of South Africa which pertains to the African National Congress or any other South African Group, movement, organization or individual which is engaged in activities in opposition to the government of the Republic of South Africa, except if the information credily indicates the imminent likelihood of violent action calculated to threaten human life. In the event that any intelligence information pertaining to opposition activities is transmitted to the Republic of South Africa, either in an authorized or unauthorized manner, the Director of Central Intelligence shall promptly inform the Select Committee on Intelligence of the Senate and Permanent Select Committee of Intelligence of the House of Representatives of the facts and circumstances regarding the nature of the information and its transmission.

AMENDMENT No. 2625

At the appropriate place in the amendment, add the following new section:

SEC. . No agency or entity of the United States may engage in any form of cooperation, direct or indirect, with the armed forces of the government of South Africa, except activities which are reasonably designed to facilitate the collection of necessary intelligence. Each such activity shall be considered a signficant anticipated intelligence act for the purpose of Sec. 501 of the National Security Act of 1947.

## MILITARY CONSTRUCTION APPROPRIATIONS

## SIMON AMENDMENT NO. 2626

(Ordered to lie on the table.)

Mr. SIMON submitted an amendment intended to be proposed by him to the bill (H.R. 5052) making appropriations for military construction of the Department of Defense for the fiscal year ending September 30, 1987, and for other purposes; as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . (a) The Congress finds that—

(1) the United States historically has supported international law;

(2) every American President since World War II has attempted to strengthen international law and the role of the International Court of Justice; and

(3) the United States helped to create international legal standards and helped to formulate international agreements such as—

(A) the Charter of the United Nations;

(B) four conventions done at Geneva on August 12, 1949, relative to the treatment of civilians, prisoners of war, and the wounded and sick during time of war;

(C) the Charter of the Organization of American States; and

(D) the Statute of the International Court of Justice.

(b) None of the funds appropriated or otherwise made available by this Act may be available for any program or activity in Nicaragua which violates customary international law or conflicts with treaty obligations of the United States under the international agreements described in subsection (a).

## DEPARTMENT OF DEFENSE AUTHORIZATION ACT, FISCAL YEAR 1987

## WALLOP (AND OTHERS) AMENDMENT NO. 2627

Mr. WALLOP (for himself, Mr. QUAYLE, and Mr. WILSON) proposed an amendment to the bill S, 2638, supra, as follows:

At the end thereof, add the following:

SEC. . REPORT ON THE ANTI-BALLISTIC MISSILE TREATY.—The Secretary of Defense shall, not later than February 1, 1987, transmit to Congress a report concerning the impact of the less restrictive interpretation of the Anti-Ballistic Missile Treaty. Such report shall include, but not be limited to the following:

(1) an analysis of the ramifications of the less restrictive interpretation on the development under the Strategic Defense Initiative program, of strategic defenses, including comprehensive strategic defense systems, and more limited defenses designed to protect vital U.S. military and command and control assets, based on "other physical principles". This analysis should compare research and development programs pursued under both the restrictive and less restrictive interpretations of the ABM Treaty, including a comparative analysis of—

(A) the overall cost of the research and development programs

(B) the schedule of the research and development programs, and

(C) the level of confidence attained in the research and development programs with respect to supporting a full-scale engineering development decision in the early 1990s; and (2) a list of options under the less restrictive interpretation of the ABM Treaty that meet one or more of the following objectives: (a) reduce the overall development cost, (b) to advance the schedule for a full-scale engineering development decisions, or (c) to increase the level of confidence in the results of the research by the original full-scale development date.

## LAUTENBERG (AND OTHERS) AMENDMENT NO. 2628

Mr. LAUTENBERG (for himself, Mr. LEVIN, Mr. D'AMATO, Mr. KERRY, Mr. WILSON, Mr. SIMON, Mr. BOSCHWITZ, Mr. SPECTER, Mr. GRASSLEY, and Mr. MOYNIHAN) proposed an amendment to the bill S. 2638, supra, as follows:

On page 229, between lines 14 and 15, insert the following new section:

SEC. 1221. WEARING RELIGIOUS APPAREL NOT PART OF THE OFFICIAL UNIFORM.

(a) IN GENERAL.—Chapter 45 of title 10, United States Code, is amended—

(1) by redesignating section 774 as section 775; and

(2) inserting after section 773 the following new section:

"§ 774. Wearing religious apparel

"(a) Except as provided in subsection (b), a member of the armed forces may wear an item of religious apparel if—

"(1) the wearing of the item of apparel is part of the religious observance of the religious faith practiced by the member; and

"(2) the item of apparel is neat and conservative.

"(b) The Secretary concerned may prohibit a member from wearing an item of religious apparel if the Secretary determines that the wearing of such item significantly interferes with the performance of the member's military duties.".

(b) CONFORMING AMENDMENTS.—The table of chapters at the beginning of such chapter is amended—

(1) by redesignating the item relating to section 774 as 775; and

(2) by inserting below the item relating to section 773 the following new item:

"774. Wearing religious apparel.".

## HARKIN AMENDMENT NOS. 2629 THROUGH 2631

(Ordered to lie on the table.)

Mr. HARKIN submitted three amendments intended to be proposed by him to the bill S. 2638, supra, as follows:

AMENDMENT No. 2629

At the end of the amendment, insert the following:

Notwithstanding any other provision of this act, $50,000,000 of the amount authorized under Section 206(a) shall not be effective unless, pursuant to subsequent legislation, $50,000,000 is transferred from funds available for the purposes described in section 105(a) of the Intelligence Authorization Act for Fiscal Year 1986, and all the requirements, terms and conditions of such section and sections 101 and 102 of such Act, section 502 of the National Security Act of 1947, and section 106 of the Supplemental Appropriations Act, 1985 (Public Law 99-88) to the Agricultural Credit Insurance Fund established under section 309 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1929) for use by the Secretary of Agriculture to make and insure real estate and operating loans in accordance with subtitles A and B, respectively of such Act (7 U.S.C. 1922 et seq.).

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AMENDMENT No. 2630

At the end of the amendment, add the following section:

Notwithstanding any other provision of this act, no member of the United States Armed Forces, or any agent, or contractor thereof, may provide training, or any other service, or otherwise participate directly or indirectly in the provision of any assistance authorized under this act, to the Nicaraguan democratic resistance within the territory of the countries of Honduras, Costa Rica, and El Salvador.

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AMENDMENT No. 2631

At the end of the amendment, insert the following:

Notwithstanding any other provision of this act, the figure specified in 206(a)(2) as amended by the Senator from Kansas shall be $50,000,000.

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## PROXMIRE AMENDMENT NO. 2632

(Ordered to lie on the table.)

Mr. PROXMIRE submitted the following amendment intended to be proposed by him to the bill S. 2638, supra, as follows:

On page 19, between lines 18 and 19, insert the following new section:

SEC. 206. REPORT ON PROJECTED COSTS OF SDI PROGRAM.

Subsection (b) of section 223 of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 613), is amended to read as follows:

"(b) REPORT ON PROCUREMENT AND DEPLOYMENT COSTS.—(1) The Secretary of Defense shall submit to Congress a report on the cost estimates for procurement and deployment of Strategic Defense Initiative programs.

"(2) The Secretary shall include in such report such projected cost data as may be necessary or appropriate to inform Congress fully on anticipated future costs associated with the Strategic Defense Initiative program. The Secretary shall specifically include in such report the following information:

"(A) The cost goals or cost objectives for the production and deployment of a Strategic Defense Initiative System determined on the basis of capabilities expected to be developed in the future and the cost goals or cost objectives for the individual components of such system (determined on the basis of capabilities expected to be developed in the future).

"(B) The estimated cost for the production and deployment of the Strategic Defense Initiative System referred to in subparagraph (A) and determined on the basis of prices in effect and capabilities in existence at the time of the preparation of the report and the estimated cost for the production and deployment of the individual components of such system (determined on the basis of prices in effect and capabilities in existence at the time of the preparation of the report).

"(3) The Secretary shall submit an interim report to Congress under this subsection not later than the time of the submission of the budget request of the Department of Defense for fiscal year 1988. The interim report shall contain the information specified in paragraph (2) on as many of the individual components of the Strategic Defense Initiative System as possible.

"(4) The Secretary shall submit a final report to Congress under this subsection not later than the time of the submission of the budget request of the Department of Defense for fiscal year 1989.

"(5) The Secretary shall submit the reports referred to in paragraphs (3) and (4) in both classified and unclassified forms.

"(6) As used in this subsection, the term 'Strategic Defense Initiative System' means a defense system designed to eliminate the threat posed to the United States by ballistic missiles.".

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## DANFORTH (AND OTHERS) AMENDMENT NO. 2633

Mr. DANFORTH [for himself, Mr. GORTON, Mr. GARN, and Mr. RIEGLE] proposed an amendment to the bill S. 2638, supra, as follows:

At the appropriate place in the bill, insert the following:

SEC. . AUTHORIZATION OF APPROPRIATIONS FOR THE AIR FORCE.

Notwithstanding any other provision of this Act, funds are hereby authorized to be appropriated for fiscal year 1987 for the Air Force as follows:

For missiles, $8,866,000,000.

For research, development, test, and evaluation, $15,334,573,000.

For expenses, not otherwise provided for, for operation and maintenance, $19,687,171,000.

Of the funds authorized to be appropriated under this section, not less than $556,300,000 shall be available for the purpose of payment to the National Aeronautics and Space Administration to reimburse such agency for launch services and related expenses of the space shuttle system as agreed to between such agencies.

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## BOSCHWITZ AMENDMENT NOS. 2634 THROUGH 2637

(Ordered to lie on the table.)

Mr. BOSCHWITZ submitted four amendments intended to be proposed by him to the bill S. 2638, supra, as follows:

AMENDMENT No. 2634

Section 105, paragraph (a)(2), after the words "should seek", insert "within six months".

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AMENDMENT No. 2635

At the end of the bill add the following new section:

SEC. . (a) The President is hereby directed to provide humanitarian assistance from the funds made available under Chapter 4 of Part II of the Foreign Assistance Act of 1961, as amended, to any black South African whose livelihood is impaired due to American actions taken under this Act or any Executive Order. Such humanitarian assistance shall provide at least the Minimum Effective Level for a family of 6 as determined by the University of Port Elizabeth.

(b) The President is hereby authorized to waive or modify any provision in the Act in the event that more than 10,000 black South Africans have become unemployed and qualifying for assistance under paragraph (a) of this section if the President determined that the humanitarian assistance required under paragraph (a) would necessitate a drastic reduction in economic assistance provided to other nations in Africa.

AMENDMENT No. 2636

Add the following new paragraph to Section 312:

(c) The prohibition contained in this section shall not apply to investments in or loans to a firm owned by black South Africans, or a joint venture business entity with a black South African, or a corporation whose board of directors are predominantly black South Africans.

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AMENDMENT No. 2637

In Section 308 of the bill, paragraph b, sentence 1, after the word "officials" add the following ", other than judges and employees of the judicial system,"

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## KENNEDY (AND MATHIAS) AMENDMENT NO. 2638

Mr. KENNEDY (for himself and Mr. MATHIAS) proposed an amendment to the bill S. 2638, supra, as follows:

On page 229, between lines 14 and 15, insert the following:

SEC. 1221. SENSE OF THE CONGRESS ON NUCLEAR EXPLOSIVE TESTING.

(a) FINDINGS.—The Congress finds that—

(1) the United States is committed in the Limited Test Ban Treaty of 1963 and in the Non-Proliferation Treaty of 1968 to seek to achieve the discontinuance of all test explosions of nuclear weapons for all time;

(2) a comprehensive test ban treaty would promote the security of the United States by constraining the United States-Soviet nuclear arms competition and by strengthening efforts to prevent the proliferation of nuclear weapons;

(3) the Threshold Test Ban Treaty was signed in 1974 and the Peaceful Nuclear Explosions Treaty was signed in 1976, and both have yet to be considered by the full Senate for its advice and consent to ratification;

(4) the entry into force of the Peaceful Nuclear Explosions Treaty and the Threshold Test Ban Treaty will ensure full implementation of significant new verification procedures and to make completion of a comprehensive test ban treaty more probable;

(5) a comprehensive test ban treaty must be adequately verifiable, and significant progress has been made in methods for detection of underground nuclear explosions by seismological and other means;

(6) at present, negotiations are not being pursued by the United States and the Soviet Union toward completion of a comprehensive test ban treaty; and

(7) the past five administrations have supported the achievement of a comprehensive test ban treaty.

(b) *Sense of Congress.*—It is the sense of Congress that at the earliest possible date, the President of the United States should—

(1) request advice and consent of the Senate to ratification (with a report containing any plans the President may have to negotiate supplemental verification procedures, or if the President believes it necessary, any understanding or reservation on the subject of verification which should be attached to the treaty) of the Threshold Test Ban and Peaceful Nuclear Explosions Treaties, signed in 1974 and 1976, respectively; and

(2) propose to the Soviet Union the immediate resumption of negotiations toward conclusion of a verifiable comprehensive test ban treaty.

In accordance with international law, the United States shall have no obligation to comply with any bilateral arms control agreement with the Soviet Union that the Soviet Union is violating.

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## MATHIAS AMENDMENT NO. 2639

Mr. MATHIAS proposed an amendment to amendment No. 2638 proposed by Mr. KENNEDY (and Mr. MATHIAS) to the bill S. 2638, supra, as follows:

At the end of the amendment add the following:

(2) a comprehensive test ban treaty would promote the security of the United States by constraining the United States-Soviet nuclear arms competition and by strengthening efforts to prevent the proliferation of nuclear weapons:

(3) the Threshold Test Ban Treaty was signed in 1974 and the Peaceful Nuclear Explosions Treaty was signed in 1976, and both have yet to be considered by the full Senate for its advice and consent to ratification;

(4) the entry into force of the Peaceful Nuclear Explosions Treaty and the Threshold Test Ban Treaty will ensure full implementation of significant new verification procedures and so make completion of a comprehensive test ban treaty more probable;

(5) a comprehensive test ban treaty must be adequately verifiable, and significant progress has been made in methods for detection of underground nuclear explosions by seismological and other means;

(6) at present, negotiations are not being pursued by the United States and the Soviet Union toward completion of a comprehensive test ban treaty; and

(7) the past administrations have supported the achevement of a comprehensive test ban treaty.

(b) Sense of Congress.—It is the sense of Congress that at the earliest possible date, the President of the United States should—

(1) request advice and consent of the Senate to ratification (with a report containing any plans the President may have to negotiate supplemental verification procedures, or if the President believes it necessary, any understanding or reservation on the subject of verification which should be attached to the treaty) of the Theshold Test Ban and Peaceful Nuclear Explosions Treaties, signed in 1974 and 1976, respectively; and

(2) propose to the Soviet Union the immediate resumption of negotiations toward conclusion of a verifiable comprehensive test ban treaty.

In accordance with international law, the United States shall have no obligation to comply with any bilateral arms control agreement with the Soviet Union that the Soviet Union is violating.

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## LUGAR AMENDMENT NO. 2640

Mr. LUGAR proposed an amendment to amendment No. 2638 proposed by Mr. KENNEDY (and Mr. MATHIAS) to the bill S. 2638, supra, as follows:

In lieu of the language proposed to be inserted, insert the following:

A. *Findings.* The Congress finds that:

(1) Ratification of the Threshold Test Ban Treaty (TTBT) and Peaceful Nuclear Explosions Treaty (PNET) with effective verification would be in the national security interest of the United States;

(2) Resolution of compliance questions arising from current verification shortcomings is essential to creating a climate in which TTBT and PNET could contribute to national security and the furthering of arms control objectives;

(3) Technical experts on nuclear testing from the United States and USSR have met in Geneva to discuss each side's views, and Soviet delegates expressed interest in pursuing U.S. concerns on TTBT verification;

(4) The Geneva technical experts meetings will resume in early September of this year;

(5) These meetings represent the best opportunity for moving forward with limitations on nuclear testing;

(6) The President is committed to moving forward on ratification of TTBT with PNET, if effective verification provisions can be negotiated;

(7) The Congress remains interested in the possibilities which may be afforded by a Comprehensive Test Ban (CTB);

(8) In examining the CTB question, innovative ideas have been brought forth which merit the serious attention of the Congress and the Administration; and

(9) Achievement of effective verification and ratification of TTBT and PNET would be a major breakthrough in US-Soviet relations upon which the President should seek to conclude further arms control agreements, especially those for significant reductions in existing nuclear weapons.

B. *Sense of Congress.* It is the sense of Congress that:

(1) The President should be commended for bringing about the recent Geneva meeting on nuclear testing issues;

(2) The President should do everything possible to further the current Geneva talks of nuclear testing experts, including taking into account Soviet views;

(3) The President should seek to expand the experts meeting to the political level as soon as possible in order to negotiate effective verification of TTBT and PNET;

(4) The President should raise this as an issue of high priority with General Secretary Gorbachev at the next summit; and

(5) If effective verification is agreed, the President should seek Senate advice and consent to ratification of TTBT and PNET immediately.

C. *Report.* By February 1, 1987 the President shall submit a report to the Chairman of the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives. This report shall detail:

(1) Whether a CTB, or a ban on tests above the lowest verifiable yield, would contribute to U.S. national security, including our arms control objectives. If the Administration reports that they cannot, the report shall explain why;

(2) Whether a CTB, or a very low permitted yield could ever contribute to U.S. national security, including our arms control objectives, and if so, under what conditions;

(3) Whether a permitted yield below 150 kilotons could contribute to U.S. national security and arms control objectives, and under what conditions; and

(4) Whether an annual quota on tests could contribute to U.S. national security and arms control objectives.

D. *Coordination of the Report.* The President's report will be coordinated by the Director of The Arms Control and Disarmament Agency, with the Secretary of Defense, Secretary of Energy, Secretary of State, Director of Central Intelligence and all other responible officials.

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## GLENN AMENDMENT NOS. 2641 AND 2642

Mr. GLENN proposed two amendments to the bill S. 2638, supra, as follows:

AMENDMENT No. 2641

On page 186, between lines 9 and 10, insert the following new section:

SEC. 963. RIGHTS RELATING TO THE USE, RELEASE, AND DISCLOSURE OF TECHNICAL DATA.

(a) RIGHTS IN TECHNICAL DATA.—Subsection (a) of section 2320 of title 10, United States Code, is amended to read as follows:

"(a)(1) The Secretary of Defense shall prescribe regulations to define the legitimate interest of the United States and a contractor or subcontractor in technical data pertaining to a product or process. Such regulations shall be included in regulations of the Department of Defense prescribed as part of the Federal Acquisition Regulation. Such regulations may not impair any right of the United States or of any contractor or subcontractor with respect to patents or copyrights or any other right in technical data otherwise established by law.

"(2) Such regulations shall include the following provisions:

"(A) In the case of a product or process that is developed by a contractor or subcontractor exclusively with Federal funds, the United States shall have the unlimited right to use, release, or disclose technical data pertaining to the product or process.

"(B) In the case of a product or process that is developed by a contractor or subcontractor exclusively at private expense, the contractor or subcontractor may limit the right of the government to use (for other than internal operations and maintenance purposes), release, or disclose to persons outside the Government technical data pertaining to the product or process.

"(C) Notwithstanding subparagraph (B), the Government may use, release, or disclose technical data pertaining to a product or process to persons outside the Government if such technical data is otherwise publicly available or if—

"(i) such use, release, or disclosure—

"(I) is necessary for emergency repair and overhaul; or

"(II) is a use, release, or disclosure to a foreign government that is in the interest of the United States and is required for evaluational or informational purposes;

"(ii) such use, release, or disclosure is made subject to a prohibition that the

person to whom the data is released or disclosed may not further use, release, or disclose such data; and

"(iii) the contractor or subcontractor asserting the restriction is notified of such use, release, or disclosure.

"(D) In the case of a product or process that is developed in part with Federal funds and in part at private expense, rights in technical data pertaining to such product or process shall be negotiated as early in the acquisition process as practicable (preferably during contract negotiations), based upon consideration of the following factors:

"(i) The Statement of congressional policy and objectives in section 200 of title 35, the statement of purposes in section 2(b) of the Small Business Innovation Development Act of 1982 (15 U.S.C. 638 note), and the declaration of policy in section 2 of the Small Business Act (15 U.S.C. 631).

"(ii) The interest of the United States in increasing competition and lowering costs by developing and locating alternative sources of supply and manufacture.

"(iii) The interest of the United States in encouraging contractors to develop at private expense items for use by the Government.

"(E) A contractor or subcontractor, or a prospective contractor or subcontractor, that develops a product or process exclusively at private expense may not be required, as a condition of being responsive to a solicitation or as a condition for the award of a contract, to sell or otherwise relinquish to the United States any rights in technical data that would permit the use by, or release or disclosure of, such data to persons outside the Government except under the conditions described in paragraph (2)(C).

"(F) The Secretary of Defense may—

"(i) negotiate with a contractor or subcontractor to contract for the acquisition of rights in technical data pertaining to a product or process developed by such contractor or subcontractor exclusively at private expense if necessary to develop alternative sources of supply and manufacture; or

"(ii) agree to limit rights of the United States in technical data pertaining to a product or process developed entirely or in part with Federal funds if the United States receives a royalty-free license to use, release, or disclose the data for purposes of the United States (including purposes of competitive procurement).

"(2) In this subsection, the term 'Federal Acquisition Regulation' means the single system of Government-wide procurement regulations as defined in section 4(4) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(4)).".

(b) VALIDATION OF PROPRIETARY DATA RESTRICTIONS.—Section 2321 of title 10, United States Code, is amended—

(1) in subsection (a)(2), by inserting ", at any time before the end of the 3-year period beginning on the date the final payment is made on the contract," after "may review"; and

(2) in subsection (b)—

(A) by inserting "specific" after "state the" in clause (1); and

(B) by striking out "and" at the end of clause (1);

(C) by striking out the period at the end of clause (2) and inserting in lieu thereof "; and"; and

(D) by adding at the end the following new clause:

"(3) state that evidence of acceptance by any Federal agency of a restriction identical to the asserted restriction within the 3-year period preceding the challenge shall serve as justification for the asserted restriction if—

"(A) the acceptance occurred after a review of the accepted restriction under this section; and

"(B) the accepted restriction was asserted by the same contractor or subcontractor to whom such notice is being provided.".

(c) CONFORMING AMENDMENTS.—Section 1202 of the Department of Defense Authorization Act, 1985 (10 U.S.C. 2301 note), is amended—

(1) by inserting "and" at the end of paragraph (4);

(2) by striking out "; and" at the end of paragraph (5) and inserting in lieu thereof a period; and

(3) by striking out paragraph (6).

(d) DEADLINE FOR REVISION OF REGULATIONS.—The regulations required by section 2320(a)(1) of title 10, United States Code (as amended by subsection (a)), shall be prescribed not later than 180 days after the date of the enactment of this Act.

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AMENDMENT No. 2642

On page 229, between lines 14 and 15, insert the following new section:

SEC. 1221. NUCLEAR NON-PROLIFERATION INFORMATION.

Section 602 of the Nuclear Non-Proliferation Act of 1978 (22 U.S.C. 3281) is amended—

(1) in subsection (c), by inserting "the Department of Defense," after "Department of State,"; and

(2) by adding at the end of the following new subsection:

"(f) Upon request, the Secretary of Defense shall have access to all information regarding nuclear proliferation matters which the Secretary of State or the Secretary of Energy has or is entitled to have, including all communications, materials, documents, and records relating to such matters, including cables from United States diplomatic missions.".

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## ABDNOR (AND MELCHER) AMENDMENT NO. 2643

Mr. ABDNOR (for himself and Mr. MELCHER) proposed an amendment to the bill S. 2638, supra, as follows:

On page 229, between lines 14 and 15, insert the following:

SEC. 1221. MINUTEMAN EDUCATION PROGRAM.

Notwithstanding any other provision of this Act, none of the funds appropriated pursuant to an authorization contained in this or any other Act may be obligated or expended by the Air Force to award a contract for the conduct of the graduate Minuteman Education Program unless the contract requires the contractor—

(1) to integrate class schedules under the program with fulltime missile crew duty schedules;

(2) to provide a resident faculty, at each Air Force installation where the program is conducted, each member of which has obtained the terminal educational degree provided in the filed the faculty member teachers under the program; and

(3) to provide library resources, at each such installation, adequate to support the program at such installation, including a fulltime librarian who has obtained a degree in library science.

## WARNER (AND TRIBLE) AMENDMENT NO. 2644

Mr. WARNER (for himself and Mr. TRIBLE) proposed an amendment to the bill S. 2638, supra, as follows:

On page 317, after line 22, insert the following:

SEC. 2192. RELEASE OF CERTAIN USE RIGHTS HELD BY THE UNITED STATES

(a) IN GENERAL.—The Administrator of General Services shall release to the Virginia Port Authority, an instrumentality of the Commonwealth of Virginia, all residuary rights of use held by the United States in three warehouses located in the city of Norfolk, Virginia, within the area operated as a public port facility and known as the Norfolk International Terminals.

(b) TIME LIMITATION; COMPENSATION.—The Administrator of General Services shall execute such documents and take such other actions as may be necessary to release, within 180 days after the date of enactment of this Act, the rights referred to in subsection (a). The release shall be made without any compensation in addition to compensation paid to the United States for such warehouses and other facilities by the city of Norfolk, Virginia, in 1968.

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## BINGAMAN (AND DOMENICI) AMENDMENT NO. 2645

Mr. BINGAMAN (for himself and Mr. DOMENICI) proposed an amendment to the bill S. 2638, supra, as follows:

On page 339, between lines 2 and 3, insert the following new section:

SEC. 3134. EXTENSION OF DATE FOR CERTAIN CONTRACT AUTHORITY

Section 94 of the Atomic Energy Community Act of 1955 (42 U.S.C. 2394) is amended by striking out "June 30, 1986" and inserting in lieu thereof "June 30, 1996".

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## DOLE AMENDMENT NO. 2646

(Ordered to lie on the table.)

Mr. DOLE submitted an amendment intended to be proposed by him to the bill S. 2638, supra, as follows:

On page 306, between lines 6 and 7, insert the following new section:

SEC. 218a. CORRECTIONAL FACILITIES AT FORT RILEY, KANSAS.

The Secretary of Defense shall retain and maintain the correctional facilities located at Fort Riley, Kansas, and take such action as may be necessary to accomplish the renovations necessary to make such facilities adequate for their purpose.

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## AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON RULES AND ADMINISTRATION

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Committee on Rules and Administration, be authorized to meet during the session of the Senate on Thursday, August 7, 1985, in order to receive testimony on S. 2539, to consolidate and improve provisions of law relating to absentee registration and voting in election for Federal office by members of uni-

formed services, and citizens of the United States who reside overseas.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ADDITIONAL STATEMENTS

### CONGRESSIONAL GOLD MEDAL OF HONOR TO RED SKELTON

● Mr. QUAYLE. Mr. President, I am proud to join as a cosponsor of S. 2585 to award a Congressional Gold Medal of Honor to Richard "Red" Skelton in recognition of his service to the United States.

As a fellow Hoosier, I take great pride in honoring Red Skelton for his lifetime dedicating to entertaining Americans. Since his debut at age 10 on a medicine show, Red's comedy acts have been humorous parts of tent shows, circuses, Mississippi showboats, vaudeville acts, and radio and television shows. Red has kept people laughing for more than 60 years and continues to do so today with his wholesome sense of humor which is appealing to people of all ages.

Red Skelton was born on July 18, 1913, in Vincennes, IN. He spent most of his childhood in Vincennes and nearby Mansfield, IN. His father, who was a clown with the Hagenbeck and Wallace Circus, died 2 months before Red was born. This tragedy left the family in dire financial straits; to help support his family, Red went to work as a newsboy at the tender age of 7. Though faced with this calamity and other misfortunes, Red never lost his sense of humor or his ability to make others laugh.

Red toiled with his comedy skits on showboats, in circuses, and in burlesque and vaudeville shows until he got his break in bigtime radio in the mid-1930's. He made his Broadway debut in June 1937, and soon after, signed a contract with MGM in 1940. Red went on to star in 48 movies as well as his own "Red Skelton Show," which entertained American families for 18 years.

Red has been honored as a guest and entertainer of nine U.S. Presidents—Roosevelt through Reagan—and he has received private audiences with three Popes. A recent honor bestowed upon this outstanding entertainer and humanitarian was the Hollywood Foreign Press Association's Cecil B. DeMille Award for outstanding contributions to the entertainment industry.

While most people might associate Red Skelton with his famous pantomimes, such as Freddy the Freeloader, Cauliflower McPugg, or Clem Kadiddlehopper, others will surely remember him for his patriotism and service to his country. Red served in World War II, often spending 7 nights of the week entertaining servicemen. His pride and love for America is further reflected in his renowned version of the Pledge of Allegiance.

Throughout the years, Red has written more than 22 film scripts, more than 4,000 short stories, two full-length books, almost 5,000 musical selections, and an additional 64 symphonies. In 1984, he began making videotape cassettes of his reruns, and he has recently completed his third special for Home Box Office. Today, Red continues to keep busy painting, gardening, and developing new programs for television while still making time for 125 appearances a year.

Mr. President, Red Skelton has dedicated his life to comedy and family entertainment. This Hoosier's love and respect for America and his great contribution to the entertainment industry and American family life are most worthy of recognition. Therefore, I am proud to cosponsor this bill to award to Red Skelton this honor which he so richly deserves.●

### ENVIRONMENTAL EXCELLENCE IN INDUSTRIAL ARCHITECTURAL DESIGN

● Mr. GOLDWATER. Mr. President, on August 21, the Sperry Corp. Aerospace and Marine Group will dedicate the opening of a 253,000 square foot space systems facility at Glendale, AZ. The occasion of this event offers me a fitting opportunity to note that the nearby Sperry Avionics facility and the architect of both structures, Jack Peterson and Associates, have been honored for excellence in design, energy conservation, and concern for a healthy environment for employees in a growing community.

In June, the Valley Forward Association, an organization of metropolitan Phoenix business leaders, presented Jack Peterson and Associates with the "Crescordia" Environmental Excellence Award for the Sperry Avionics office and assembly building. In addition, the American Institute of Architects conferred Jack Peterson and Associates with two Awards for Excellence in Architecture for the same structure. The building also has received an Environmental Efficiency Award.

Mr. President, it is clear that the impact of environmental excellence is gaining greater recognition in communities nationwide and I think we can all agree that the quality of new industrial architectural design contributes to the life of the community at large, as well as to the lives of users and employees and to the reputation of the industry served.

It is a pleasure for me to take note of this much-honored facility and the awards given to it and Mr. Peterson, on the occasion of the dedication of the new facility where components of the Nation's future in space will be built. Both Sperry Corp. Aerospace and Marine Group and Jack Peterson and Associates are to be commended on this contribution to improving the quality of life in, what we in the greater Phoenix area call, "The Valley of the Sun."●

### REPORT ON PREVENTING NUCLEAR TERRORISM

● Mr. NUNN. Mr. President, on June 25 the International Task Force on Prevention of Nuclear Terrorism released the results of its year-long study on the question of nuclear terrorism. In its report, the task force concluded that "the probability of nuclear terrorism is increasing" and warned that "the fact that so far there has been no serious act of nuclear terrorism is no reason for complacency."

The old adage about an ounce of prevention being worth a pound of cure aptly describes the basic thrust of this valuable report. Prepared by a balanced panel of leading international experts in this field—including four top executives, active and retired, of the nuclear industry and two former presidents of the Nuclear Non-Proliferation Treaty review conference—the report offers a realistic and urgently needed roadmap for preventing nuclear terrorism.

I am particularly pleased that the task force has strongly endorsed the concept which Senator WARNER and I have developed for the establishment of United States-Soviet Nuclear Risk Reduction Centers. The task force notes that the centers' assignments could include "principal responsibility for coordinating responses of the superpowers to nuclear terrorist threats" and concludes that the center proposal "is a major step in the right direction for pursuing these options." I join the task force in urging the two governments to give high priority to successfully completing the discussions on the establishment of the centers which were begun in Geneva in May.

Mr. President, I ask that statements by the two cochairmen and the vice chairman of the task force, along with a summary of the group's recommendations, be printed in the RECORD.

The statements follow:

STATEMENT OF BERNARD J. O'KEEFE

As long as I've been concerned about the possibility of nuclear terrorism—and it's been several years now—the subject has been long on wordy observations and rather short on facts. The experts have loved to speculate. Some have dismissed the phenomenon altogether as not on the terrorist's agenda; others have said it is highly unlikely, others that it is probable, still others that it is inevitable but when and where nobody knows.

I want to stress that this international task force, the first independent group to examine the phenomenon, has broken the "bluster" barrier on a terrifying topic. We have refrained from making forecasts; we

have overcome institutional self-interests; we have identified the areas of highest concern and we have made a list of recommendations that are actually doable today.

Here are a few of them. First, all of us would like to live in a world in which we could be sure that the thousands of nuclear weapons in nuclear arsenals never will be exploded except by command of the highest authority in the land. It is of the utmost importance, therefore, to implement readily available, highly sophisticated electronic locks and other self-protecting designs that can prevent anyone, except the highest authority, from exploding them.

Today, we can make it virtually impossible for anyone who has stolen a nuclear weapon to blow it up. Some of our weapons scattered around the world and even some at home don't have these locks and other self-protecting features. They must have them. The cost, in terms of national security, is minimal. I know; I'm in the business. Harold Agnew, another Task Force member, knows; he's in the business.

Second, if terrorists don't steal a weapon, they could make one, assuming they could acquire the needed nuclear material. Task Force member Ted Taylor knows—he's been in the business—as does Carson Mark and three other former weapon designers who worked with Ted on a paper on this subject. So we recommend tightening up the defenses around weapon-usable forms of nuclear material at military and civil plants and in transit. This will add to the cost of nuclear power in those countries that choose to use weapon-usable materials to fuel their reactors, but it's got to be done; the alternative cost is too high.

Third, if all these precautions are somehow breached, we have got to have ways of finding out quickly where the stolen bomb or the nuclear material is hidden. In the United States we have a special team for doing this, but its capabilities are somewhat limited; they could be upgraded if certain types of tracking devices were added to weapons and weapon containers. General Mahlon Gates knows this; he's been in the business and he came to a Task Force meeting to tell us of his concerns.

Along the same lines, plans for informing and evacuating citizens from areas of a nuclear terrorist threat are not as good as they could be. Task Force member Donald DeVito knows this; he's in the business.

Fourth, we should be cooperating more with the Soviet Union on deterring and, if necessary, on thwarting nuclear terrorism which, if it got out of hand, could bring us to the brink of nuclear war. Such close cooperation would be something quite new for us, nor would it be easy. But there are some special intelligence channels that could be explored; they are thought by some intelligence experts like Task Force member Stansfield Turner to be a good idea. He should know because he once ran the business.

Finally, talking about terrorist action is, by definition, speculation. No one can know when or where they might occur. But you can know *how* they might occur. Nuclear terrorism is one way that is becoming increasingly likely, and although the probability thankfully remains low, the stakes are too high for us to ignore the urgent need to implement ways to prevent such a catastrophe. That's everybody's business.

STATEMENT OF REAR ADMIRAL THOMAS D. DAVIES

For more than a year I have been involved in the Nuclear Control Institute's project on preventing nuclear terrorism—first by participating in the conference that ended one year ago today, and then by co-chairing the International Task Force that is releasing its report today. On the day in January that we announced formation of the Task Force, the Challenger space shuttle blew up. Just three months later, the Chernobyl reactor accident occurred.

These technological disasters have reminded us how fragile is man's control over his creations; how the accidental malfunction of a tiny part of a complex, scientific marvel can cause a calamity. In the past, our cleverness has sometimes subsumed our wisdom. We have been too complacent, too over-confident of our abilities to control scientific inventions that can quite literally destroy us all. This complacency is perhaps most freightening when we consider how such accidents can be caused by design—by, say, a group of terrorists determined to generate maximum harm and maximum publicity by stealing a nuclear weapon or sabotaging a nuclear reactor.

The Task Force today offers multiple ways that, if pursued, could help to prevent nations from being held hostage by the threat of nuclear terrorism. There already has been some progress in strengthening potential targets in both the military and civil nuclear sectors against infiltration and attack. Much more needs to be done, however.

The Task Force, citing a confluence of factors, finds that the probability of nuclear terrorism is increasing. It recommends quite specific steps that should be taken to eliminate or at least substantially to reduce the risk of terrorists gaining access to nuclear weapons, to nuclear materials that could be made into weapons and to nuclear powerplants and other nuclear installations. It also proposes ways to improve the capabilities of national intelligence services to detect and to thwart threats or acts of nuclear terrorism, and explores a wide range of commercial, diplomatic and legal approaches that bear on the nuclear terrorist threat.

One approach that I feel particularly strongly about is to pursue arms control measures that would reduce the growth and the spread of nuclear arsenals and help to reduce and eventually eliminate the reliance on nuclear weapons as a means of projecting power or of ensuring common defense and security. Nuclear weapons, I believe, make nations and the world less secure; in terrorist terms, these weapons serve as a tempting example as well as a tempting target. I fully support, therefore, the view of a substantial majority of the Task Force members that negotiation of a strictly verifiable comprehensive test ban is an important step in reducing the arsenals and is also, therefore, a major step in helping to prevent terrorists from "going nuclear."

The radioactive cloud from Chernobyl still drifting around the world is a sober reminder that a nuclear accident anywhere is a matter of grave concern everywhere; it also is an indicator of how vulnerable we all are to the terrorist who might seek to trigger such an accident.

In recent weeks, world leaders of various political persuasions have called for united action through the International Atomic Energy Agency to improve safety and accident-reporting requirements at nuclear powerplants. At the same time, the recent Tokyo economic summit provided evidence that counter-terrorist strategies are rising to the top of the international political agenda. We should take this opportunity to press for increased protection of civil nuclear facilities against the threat of sabotage, especially against the use by saboteur groups of insiders or truck bombs to penetrate nuclear plants' safety and security systems. The minimum physical security guidelines, as laid out by the International Atomic Energy Agency, should be upgraded and implemented worldwide.

Finally, and of equal importance, nations should attempt to break away from institutional and commercial habits that perpetuate the processing and use of ever-increasing quantities of weapon-usable nuclear materials in their commercial nuclear power programs. It is possible to have viable nuclear power programs without these dangerous materials, and every effort should be made to eliminate such materials from the potential terrorist target list as well as from the weapons' banks of nuclear nations.

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STATEMENT OF PAUL L. LEVENTHAL

I would like to begin with a few words about what this report is not.

It is not an anti-nuclear statement regarding nuclear weapons or nuclear power. The task force includes four top executives of the nuclear industry, active and retired, including the current president of the American Nuclear Society and the former head of the Los Alamos National Laboratory. The members include weapon designers, weapon testers and the current head of NATO's Weapon-Protection Program.

The report is not a pro-nuclear statement, weapons or power. The task force includes two former presidents of the Nuclear Non-Proliferation Treaty Review Conference and a number of other task force members, myself included, who want to see a sharp reduction in the growth and the spread of nuclear arsenals and the successful completion of a comprehensive nuclear test ban. The members include me and others who favor restraint in the development of nuclear power, especially in the processing and use of civil nuclear fuels that can be made into bombs.

The report is not another "play" on the terrorism issue. Specialists on terrorism comprise one-sixth of the task force members, and they are joined by experts on nuclear weapons, arms control, national security, intelligence, nuclear power, nuclear proliferation, nuclear safeguards, physical protection, crisis management and international law.

In other words, this report is notable not only for what it says but who is saying it. It is remarkable, I believe, because it represents a consensus among 26 members who sometimes hold sharply divergent views on public policy questions but who nevertheless have issued a strong statement on a question that transcends such differences: the question of nuclear terrorism.

Nuclear terrorism indeed is a question. We cannot say with certainty that it will happen, or that it will not happen. We can only pose questions, as we did a year ago at the first public conference to be held on the subject:

Is nuclear terrorism plausible?

What nuclear means could terrorists use and what factors might influence whether they do?

How good is the security over nuclear weapons, materials and installations?

What should be done to prevent, at least effectively to deter, nuclear terrorism?

The "Conference on International Terrorism: The Nuclear Dimension" raised these questions. The task force we convened after the conference sought to provide some definitive answers and to draw a few conclusions.

The good news is that the probability of terrorists turning to nuclear forms of violence is low. The bad news is that it is increasing. There are a number of steps that should be taken to make the probability lower. Some of these are being pursued and some are not. The net balance at this time, in the view of the task force, is tilting toward an increase in the risk of nuclear terrorism. That should be of concern to all peoples of the world. This is an international task force—its membership drawn from nine countries—and its report is directed to all nations.

The report is relatively short and to the point. It is made up mostly of recommendations, followed by brief background explanations. The recommendations alone are listed in one of the attachments to the press release. There are also some 26 background papers commissioned for use of the task force that will eventually be published with the report. A few of these—pertaining to crude weapon design, accident consequences from sabotage, weapons protection, civil liberties questions, U.S.-Soviet cooperation—are available to members of the press today.

Among its recommendations, the task force calls for:

1. Fitting all tactical nuclear weapons with the most sophisticated self-protecting systems—such as coded electronic locks—to help ensure that if the weapons are stolen they cannot be used;

2. Better protecting, and minimizing use of, certain types of power- and research-reactor fuels that, if stolen, could be used by terrorists to make bombs;

3. Better protecting nuclear powerplants and other nuclear installations against sabotage, in particular better safeguards against terrorists' use of insiders or truck bombs to overcome a plant's security and safety systems.

These recommendations address a number of vulnerabilities that could be exploited by terrorists:

1. Thousands of U.S. tactical nuclear weapons, mostly those aboard navy ships, do not have any special self-protecting systems to prevent terrorists or other unauthorized persons, if they gain access to them, from using them.

2. Weapon-usable forms of nuclear material in private hands for use in civil power and research reactors often do not get the same level of protection that governments provide where nuclear weapons and weapon materials are located.

3. Many nuclear powerplants, including those in the United States, do not yet have remotely operated safety systems designed specifically to thwart terrorist efforts to deliberately cause a serious accident, nor are there adequate measures to protect against truck bombs or against terrorists' use of a number of insider collaborators.

The task force has found that the interest of terrorists to acquire nuclear weapons should be regarded as technically, politically and psychologically plausible; that the design of crude nuclear weapons, while not as easy as previously suggested by some experts, is within the reach of terrorists with sufficient support to recruit a team of 3 or 4 qualified specialists; that terrorists, if they could gain entry to a nuclear installation for only a few minutes, could succeed in sabotaging the plant, causing severe consequences, possibly leading to radioactive releases in the event of a reactor core melt.

Under these circumstances, it would be prudent indeed to implement as quickly as possible all of the recommendations of the task force for eliminating or reducing vulnerabilities over the short term. Unfortunately, there appears to be little interest in Government and industry circles to pursue at least some of these measures vigorously or at all. By issuing this report, the task force intends to increase public understanding of the danger, and of the measures needed to lower it, without providing sensitive details to would-be nuclear terrorists.

Let me close by noting two areas in which there were differences, sometimes sharp ones, among task force members. One was on the question of the relevance and the utility of arms control efforts to reduce the threat of terrorists going nuclear. Some members thought there was essential linkage, others thought there was none, but a substantial majority favored arms control efforts to make nuclear weapons less attractive to terrorists or nations—with particular emphasis on a comprehensive test ban. There are some individual views in the report on this issue.

The other principal area of contention was on the appropriate role of weapon-usable forms of plutonium and uranium in civil power and research programs. Some favored unrestricted use, so long as these materials are adequately protected, others favored highly restricted use on the Assumption that many tons of weapon-usable material in commerce cannot be adequately protected over the long term. There were also differences as to whether use of these materials made economic sense today or over the next several decades. A substantial majority, myself included, favored an economic reassessment of the use of plutonium where it is now to be used as fuel in power reactors; prompt consideration of converting research reactors to lower-enriched uranium not usable in weapons; and, to the extent these bomb-grade materials are used in commerce, extraordinary precautions to protect them from terrorists. The Japanese members of the task force submitted a separate view on these issues.

I will close by noting my personal view that widespread use of separated plutonium and highly enriched uranium poses an unprecedented danger to civilization, one that is not being adequately addressed in France, West Germany and Japan—the principal countries committed to unrestricted use of these materials—or in the United States, where nuclear trade policies serve to promote such use in contradiction of the nuclear Nonproliferation Act. I believe some day the world will deeply grieve our failure to seize the opportunity history now provides to cut off the flow of these weapon-usable materials while quantities already produced are still small enough to be manageable. One approach that could be taken, a reciprocal halt in further production by nuclear weapon and non-weapon states, is appended to the report, without recommendation, for further consideration.

If present plans proceed, the existing arsenals of the superpowers will be dwarfed by the hundreds, eventually thousands, of tons of plutonium that will be produced and trafficked for commercial purposes over the next few decades. It is not hard to imagine a variety of future crises that could cause significant quantities of that "peaceful" plutonium being put to non-peaceful use. One such crisis is already upon us: international terrorism.

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TASK FORCE RECOMMENDATIONS

SHORT-TERM RECOMMENDATIONS

*I. Protecting nuclear weapons*

1. Nuclear-weapon states should determine whether their weapons are sufficiently protected to deter or repel terrorists.

2. All tactical nuclear weapons should be fitted with the most advanced self-protecting systems.

3. The U.S. Nuclear Emergency Search Team should be upgraded.

*II. Protecting nuclear materials*

1. Civil nuclear materials worldwide in forms suitable for use in weapons should be given protection equivalent to government protection of weapons.

2. The cost of protecting weapon-usable forms of nuclear materials should be factored into private decisions to produce and use them.

3. In the meantime, reexamination of civil applications of plutonium can be conducted on economic grounds.

4. Conversion of reactors from weapon-grade uranium fuels to lower-enriched uranium not usable in weapons should be considered at this time, as well.

5. To the extent civil materials suitable for weapons are used, extraordinary precautions should be taken to protect them from terrorists.

*III. Protecting nuclear facilities*

1. Denial of access to nuclear facilities should be the basic consideration in protecting against sabotage.

2. Thorough vigilance against the insider threat is needed.

3. Guard forces should be thoroughly trained and authorized to use deadly force.

4. The basis used for designing physical protection of nuclear plants should be reviewed to ensure that it accurately reflects the current threat.

5. Power reactors should be protected against vehicular threats.

6. Research reactors should have adequate security provisions against terrorists.

7. Reactor safety designs should be reexamined to protect against an accident caused by terrorists.

8. IAEA physical-protection guidelines should be reviewed and updated.

9. Protection standards should be spelled out unambiguously.

*IV. Intelligence programs*

1. National authorities should task their intelligence agencies to apply sufficient resources to the threat of nuclear terrorism.

2. Concerted efforts to promote cooperation among national intelligence services, including those of the U.S. and U.S.S.R., should be pursued as part of the effort to counter the nuclear terrorist threat.

3. National intelligence agencies should look for early indicators of nuclear terrorism.

4. National intelligence agencies should develop behavioral and political profiles of protential nuclear terrorists.

5. National intelligence agencies should prepare plans on how and when to inform local officials of a credible nuclear threat.

6. National centers for analyzing intelligence on terrorism should be established and should give high priority to the nuclear threat.

*V. Civil liberties concerns*

Physical protection and intelligence activities directed at preventing nuclear terrorism always should be exercised with the greatest vigor necessary under the particular circumstances, with full regard to the individual rights of citizens and employees.

With this principle in mind, the Task Force makes the following recommendations:

1. Screening of job applicants and surveillance of employees at nuclear facilities should be conducted in ways to ensure that employment is not denied for activities that represent the exercise of basic rights to free speech and association rather than pose a security threat.

2. Because of the potential danger of emotionally unstable employees and of the insider threat in nuclear plants, employees or job applicants who are to have unrestricted access to vital areas of a plant should be subject to psychological screening and to a check for a national criminal history, including a check of fingerprint records. Any criminal record found, however, should be available to the subject for review, correction or appeal before any adverse action is taken.

3. Plant security personnel should be authorized to use deadly force, but the conditions under which the use of deadly force is appropriate and legal should be clearly spelled out in regulations, taking into consideration the laws and customs of particular countries.

4. In the event of an imminent threat or calamity, national-security interests will prevail over individual rights. However, wide-ranging searches for nuclear devices or materials, and detention of suspects or witnesses in connection with a nuclear terrorist incident, should be undertaken with maximum restraint.

*VI. Controlling nuclear transfers*

Nuclear transfers among nations should be tightly controlled to help prevent nuclear terrorism.

In this regard, the Task Force recommends:

1. No significant nuclear transfers should be made to a nation that is located in a zone of war or that supports or sponsors international terrorism. Such a policy, if adopted by all nuclear suppliers, would help to deter military attacks on nuclear installations and to deny to terrorists a potential source of nuclear-weapon material and know-how.

2. Export controls and customs-police practices should be reexamined to ensure they are adequate to meet the threat of nuclear terrorism.

3. National criminal laws should be amended as necessary to provide for punishment sufficient to work as true deterrent for violations of nuclear export laws and regulations.

4. There should be prompt and vigorous prosecution of all persons seeking to smuggle weapons-usable nuclear items out of a country.

*VII. United States-Soviet cooperation*

Cooperative efforts by the United States and the Soviet Union to counter the nuclear terrorist threat should be promoted to the extent possible within the bounds of vital national security interests.

In this regard, the Task Force recommends:

1. Efforts should be made to promote U.S.-Soviet cooperation on intelligence-sharing and on responses to threats or acts of nuclear terrorism. Consideration should be given as to whether joint action against a nuclear terrorist threat might or might not include the use of force by the superpowers.

2. The proposal by Senators Nunn and Warner for establishment of U.S.-U.S.S.R. Nuclear Risk Reduction Centers, whose assignments would include principal repsonsibility for coordinating responses of the superpowers to nuclear-terrorist threats, is a major step in the right direction for pursuing these options and should be negotiated promptly.

*VIII. Arms control initiatives*

To help promote an international climate that inhibits the spread of nuclear weapons to additional nations or to terrorists, efforts to reverse the nuclear arms race should be pursued by all nations. The superpowers together have a special responsibility to pursue negotiations in good faith toward cessation of the arms race because the degree of reliance they place on nuclear weapons has an influence on their spread.

The Task Force, recognizing that the process of nuclear arms control is related to the special effort to prevent nuclear terrorism, makes the following recommendations:

1. The United States and the Soviet Union should pursue current efforts to negotiate deep cuts in their strategic arsenals with a view toward lessening the threat from nuclear weapons by reducing the risk of early use, improving strategic stability and maintaining credible nuclear deterrence.

2. Ongoing efforts to reduce the size of nuclear arsenals should include the smaller battlefield weapons that are most susceptible to attack or theft by terrorists.

3. Additional nuclear-weapon free zones, which would reduce potential access to nuclear weapons, should be negotiated where it proves consistent with the security interests of the nations concerned.

4. In meeting obligations under existing treaties, all nations should examine the anti-terrorist benefit which would accrue from a strictly verifiable comprehensive test ban.

*IX. Convention on physical protection of nuclear materials*

The Convention on Physical Protection of Nuclear Materials should be ratified promptly.

1. The Task Force recommends that the Convention on the Physical Protection of Nuclear Materials, which has not come into force for lack of accessions, should be ratified promptly. It is particularly important to secure ratification by the 11 members of the European Economic Community, which would provide more than the needed number of accessions.

2. At the same time, urgent steps should be taken bilaterally and through the International Atomic Energy Agency to establish more stringent minimum requirements for protection of weapon-usable nuclear materials while in *domestic* use, storage or transport worldwide.

*X. Role of emergency-management programs*

For there to be effective response at the regional and local levels to a nuclear terrorist emergency, there should be cooperation by national governments in providing adequate resources and intelligence information.

1. Emergency management organizations at the regional and local level should be provided the fiscal and human resources needed to cope effectively with a threat or act of nuclear terrorism.

2. In particular, there should be consideration of what arrangements can be made in advance of a nuclear-terrorism crisis to ensure the sharing of information by national intelligence agencies on a timely basis with selected regional and local officials during such a crisis—information needed for decisionmaking on evacuation and other protective measures.

3. The issuance of security clearances to emergency management officials is an essential first step.

*XI. Role of the media*

To avoid panic as the result of premature or inaccurate information during a nuclear terrorist emergency, guidelines should be established now among media and government representatives on disseminating information in such a crisis.

1. Because of the possibility of widespread panic, injury and death resulting from a credible threat by nuclear terrorists, government officials and media representatives should cooperate in planning how to provide timely and accurate information in such a contingency.

2. To the extent possible, joint guidelines should be developed in anticipation of a crisis by the responsible national government agencies with regard to how and when information will be disseminated during a crisis. The key consideration should be at what point in a crisis, if the threat proves real, there still would be time to order an evacuation in a manner that minimizes injury and death and promotes public order. Leading media representatives and state and local officials should be invited to participate in preparation of the guidelines.

LONG-TERM RECOMMENDATIONS

*I. International measures*

1. All states should embark on outlawing acts of nuclear terrorism by signing and ratifying the Convention on the Physical Protection of Nuclear Material.

2. International agreements in the wake of the Chernobyl accident should include measures to deal with the terrorist threat.

3. The UN Security Council should approve a resolution on nuclear terrorism.

4. An agreement specifying additional acts of nuclear terrorism is needed.

*II. Emerging nuclear technologies*

The development of new fuel-cycle technologies should take into account the threat presented by the growing potential for nuclear terrorism.

With this principle in mind, the Task Force makes the following recommendations:

1. Emerging technologies capable of simplifying the production of weapon-usable forms of nuclear material should be followed as a possible route for acquisition of such materials by terrorists.

2. Advanced enrichment and production technologies should be developed with restraint and used only if required to meet national energy needs.

3. Efforts to develop forms of nuclear fuel less subject to proliferation should be further encouraged in the interest of lessening the dangers of nuclear terrorism. In particular, the development of fuels containing thorium in more proliferation- and terrorist-resistant fuel cycles should be considered.●

## INVESTING IN OUR YOUTH

● Mr. DURENBERGER. Mr. President, last week I brought to the attention of my colleagues a speech given recently by Dr. Donald Kennedy,

president of Stanford University. I ask that Dr. Kennedy's speech be included in its entirety in the RECORD. I commend his wise words to all of my colleagues and urge them to take to heart his message of the need to make investments now in the America yet to be.

The speech follows:

INVESTING IN THE YOUNG
(Donald Kennedy, President, Stanford University)

It is a pleasure and an honor to address you today. My previous incursions at Bohemia have involved the delightful foolishness of Big Game night: trading identities with my friend Chancellor Mike Heyman and enjoying the wry tasteful witticisms of Coach Joe Kapp. But this is clearly different: the post-prandial hour and the sylvan setting suggest something more uplifting. What I have for you today is not exactly that. But it will, I promise, fit within the constraints decreed by your leadership with regard to brevity; and it will be no more somber than the circumstances require. Scant reassurance, I concede.

First, just one word about the setting. How is it that we like the redwoods so much? They are big, of course, and majestic. They are old—old enough to have personal experience, if that is not too outlandish to apply to a tree, with a time at which grizzly bear, Tule elk, antelope and cougars were all regular visitors to this Grove and its surroundings. But what I like best about the redwoods is a kind of self-sufficiency they possess. In the coast range valleys one of these trees, with its tens of thousands of needles, can condense enough moisture out of a fog to create a steady drip, equal to perhaps ten inches of rainfall over the course of a year. Their sefl-watering supports summer streamflow, creating life where none would otherwise exist.

Majestic, vigorous, self-sufficient—it is no wonder that the coast redwoods have such symbolic appeal to Americans. We are, after all, great ones for developing such images of ourselves. But today I want to talk about the disparity between our images and reality.

It is a story of two portraits. One is of the America we believe ourselves to be. It is a self-portrait that contains elements of our strongest historical traditions—it is a likeness full of robustness, vigor, and above all of youth. The other is different. It takes its form from various contemporary measures of what we are actually doing, as distinct from what we say we are doing. A more shadowy and indistinct likeness, it is also, I am afraid, less flattering.

What are some of the main features of the first portrait—the one we like well enough to hang?

First, we think of ourselves as a nation that praises intelligence, nurtures literacy, and fosters the highest achievements of human intellect. We are justly proud of having provided an educational system that spreads its benefits in an egalitarian fashion, yet rewards excellence and pushes young people to the highest levels of accomplishment. We cite the large percentage of our citizens who graduate from high school, and the impressive proportion who eventually receive post-secondary education. We see ourselves as seriously engaged in educational experimentation and improvement—recalling, for example, the significant high-school curriculum reforms in mathematics and science of the 1960s. So in the educational cultivation of our human resources, we find much to praise—or, at least, to remember.

Second, we see ourselves as youth-oriented society, in the best sense of that phrase. We believe we are sensitive to the needs of the young; Heaven knows we are susceptible enough to their fads! A look at contemporary advertising or at almost any indicator of popular national culture suggests our concern with youthfulness. We often say that the young represent our future, and thus persuade ourselves that we are paying them a great deal of attention.

Third, we see ourselves as a people who have mastered science and technology and employed them to gain enormous improvements in our national life; the strain of "Yankee ingenuity" runs strong in our self-image. We are proud of our inventiveness, and we think of ourselves as a nation that invest heavily in science and technology and then exports the results to less fortunate nations. Part of the notion of American know-how is that we are willing to tend the health of scientific institutions, and keep them strong for our successors; and we are proud to have chosen to do most of our basic science in the universities, so that we train tomorrow's scientists as we do today's research.

This self-portrait adds up to something—a portrait of the investing society. My colleague, the economist Victor Fuchs, would say that it displays a future time preference—it is characterized by an ability to wait for gratification instead of wanting it now.

Well, I'm afraid the makers of TV commercials and the keepers of the statistics may be wiser than the rest of us. The former offer us endless versions of 'having it all, now'; and the latter have compiled a self-portrait a whole lot less encouraging than the one I just gave you. Let's examine this deeper likeness:

First, what is the real picture with respect to our regard for literacy and for the education of our ablest young poeple—the human resources on which our future will depend? Our national literacy figures have slumped badly in relation to those for other 'developed' countries. Only 30% of our 17-year-olds are now classified as 'adept' readers—competent enough to continue to college, or to cope in business or government work environments. Worse, only 16% of Black and 20% of Hispanic 17-year-olds qualified by this standard. And in the dozen years between 1970 and 1982, average scores on the Scholastic Aptitude Test, given each year to college-bound high-school seniors, dropped by 40 point—even after correcting for the social and economic backgrounds of the test-takers. The small rebounds in the past two years may be a source of hope, but it is too early to tell.

Worse still, we have seen a flight from teaching careers on the part of our most capable young people. In the early 1980s it had gotten so bad that the average SAT scores of those students intending to go into teaching averaged nearly 100 points below those for college-bound seniors generally. That was just part of a more generalized mistrust of public service occupations—an attitude encouraged by the corrosive recent tendency of candidates for elective office, and others, to heap scorn on governmental organizations and civil servants whenever they can. Bureaucracy-bashing is a bad national habit, and it may have given us a lost generation in terms of public service. In the world of education, bureaucracy-bashing has taken the form of criticizing schools and teachers for everything that is wrong—instead of wondering whether society may be asking them to do too much for too little.

The excellent recent report by the Carnegie Forum on Education and the Economy, called A Nation Prepared, has given us a more thoughtful diagnosis. We are simply underinvested. We call teaching a profession, yet pay teachers and treat them as though they were blue-collar workers. There is virtually no Federal leadership in innovation and curriculum reform, states and local districts are at war over control and there is little opportunity for the best teachers to advance and to share their special knowledge in a productive way. It is hardly surprising that the dropout statistics are so disappointing, and that performance indicators—even for the best students—are lower than a decade ago.

Thus, although we give the appearance of a nation in which the development of intellectual resources is a matter of deep concern, we have deteriorated seriously in the measures by which nations are judged in that respect.

And more generally—to turn to the second feature of the portrait—our advertised orientation toward youth is belied by our national pattern of expenditures. In recent years, perhaps without really meaning to, we have redirected our society's resources away from the young, and toward those at the other end of the life cycle.

In 1970, for example, approximately equal shares of the GNP in the United States were spent on health and education. A dozen years later, expenditures on health had grown 50 percent larger than those for education. Even considering that the proportion of the elderly in the population increased during this period, the enormous shift of expenditures from the young—for the most part the objects of education—to the elderly—who receive the largest fraction of health-care dollars—represents a significant change in national policy.

Expenditures for social welfare have been shifted in the same direction. Comparisons are hard to make, but by some estimates more than 30 percent of the budget is now spent on older Americans, while just 3 to 5% is spent on children. The consequences are not surprising. For example, the proportion of Americans over 65 who live in poverty was reduced from 24% to 15% between 1970 and 1982. During that same period, though, the proportion of those under 14 who live in poverty grew from 16 to 23%. Thus the positions of elderly and young Americans with respect to this critical social indicator were exactly reversed in just a dozen years.

But what about the last feature—the vigor of our scientific venture. Surely that is realistic!

Well, by some measures it is. Through the first part of this century, we took remarkably good care of American science. Some of the early history is inspiring. It begins in the 1920s with a man who enjoyed this grove, and in whose house I am now privileged to live. Herbert Hoover argued, as Secretary of Commerce in the mid-1920s, that U.S. industry needed the ideas as well as the trained scientists it could obtain from universities. He said this, among other things: "A nation with an output of $50 billion annually in commodities which could not be produced but for the discoveries of pure science, could well afford, it would seem, to put back a hundredth of 1% as an assurance of further progress."

Hoover's rhetoric did not convince the industrial America of 1925. But his ideas did result in more federal funding for basic science in the universities during the 1930s, and may well have helped prepare us for the remarkable events that followed World War II. In the short period of time from 1946 to 1951, we transformed an extraordinary apparatus of military research into a peacetime enterprise located largely in the universities, and funded primarily by government sources—initially the Department of Defense, then the National Institutes of Health and ultimately a new agency created just for the support of basic research—the National Science Foundation.

This system has worked admirably; over the next three decades, it brought us a steady stream of innovation, new technologies, and producitivity improvements. And it has lifted American science to the very top. Two and a half years ago the King of Sweden gave Nobel Prizes to five persons in the four research disciplines—and all were American. Those of you who admit to some California chauvinism will be pleased to know that three were Californians. It was the second time in seven years that Americans had swept the research prizes—a feat previously accomplished only by Germany, in 1905. After the first U.S. sweep, the noted Swedish biologist Sune Bergstrom explored the U.S. success and concluded that it was due to what he called "the democracy of American science"—the unique decision to locate graduate training and research in the same places, so that the experience and widsom of senior scientists could blend with the enthusiasm and vigor of their apprentices. No other industrial democracy has made that commitment, signalled by the location of two-thirds of our basic research in the universities; and none has succeeded as we have.

But we are now harvesting the fruits of a crop planted and grown two decades earlier. Good science requires patient husbandry, and matures slowly. Today's rewards properly belong to the caretakers of the past, whereas we—you and I—are responsible for the future. Thus our continuing Nobel harvest is a little illusory, like a late Indian summer crop that one can't be sure of next year. As to our investment in science, support has been dropping rapidly; and in 1983—the last year for which complete data are available—we spent only 1.9% of our GNP on nonmilitary research and development. By comparison, Japan invested 2.6%, West Germany 2.5%. Although program commitments for basic research have held up fairly well, the capital base for doing that work—the facilities and equipment—have suffered serious erosion.

That phenomenon can be traced back nearly 20 years. Through most of the 1960s, federal support of basic science was adequate to handle both the operating side and the modest capital demands associated with most scientific work. Toward the end of the 1960s, two things happened. First, we witnessed the end of federal support for the construction of research facilities. Second, because of rapid technological changes in the doing of science, the demand for new and more sophisticated equipment rose dramatically. Yet for FY 1984, the last for which complete data were available, the total federal investment in R&D plant in universities is projected at just $50 million.

Herbert Hoover would have approved of the way the private sector is trying to fill in. At Stanford, we are trying to work away at a staggering shortfall of research facilities—at least a third of a billion dollars worth, mostly concentrated in the science and engineering areas to the west of the main Quadrangle, and in the Medical School. Industry and private individuals have been responsible for nearly a hundred million dollars worth of recovery so far. And especially farsighted foundations are occasionally recognizing that capital needs demand special attention right now. The landmark gift of the W.M. Keck Foundation of Los Angeles to build the new CalTech/UC telescope is an especially encouraging case in point. Still, the size of the task is simply too large to be undertaken without public sector leadership.

And to the limited extent that this problem is now being addressed by government, it is being addressed in the wrong way, and that gives rise to a new problem all its own. The budget measure that passed the Congress a few weeks ago added $56 million in facilities as part of the Defense appropriation. But those facilities were not ones that had survived competitive scientific scrutiny within the agency. Instead, they were add-ons, earmarked for institutions in particular states by their friendly representatives without examination for scientific merit. The projects could be good—but we can't know. If Congress continues to make direct appropriations of this kind based on political influences rather than merit review, American Science will be in deep trouble. It needs help; but the wrong kind will sap public confidence and invite mediocrity.

Thus in all three aspects of investing in the young: education, how we distribute society's resources, and how we treat science and our responsibility for innovation; our self-portrait is not really as we see it. And it is not the picture of a nation that cares as much about the future as it thinks. For the social cost of failure to invest adequately in the young is not one we pay today; our successors will pay it; in doing so they will have to cheat their own successors; and so on.

Thus we find ourselves entering a trap. If political neglect of the young and their training continues, we will only enhance intergenerational dependence. The youngsters we slight today will become more dependent, less productive adults later on—and so they will require even more of the societal resources that should go to their children. Only ingenuity and productivity improvement can get us out of that trap; but those things depend on the strength of our educational and scientific systems, which are part of our misinvestment pattern. Scientific and technological decay, political neglect of education and the schools, the juvenilization of poverty are related; all form a trend in America's political economy that could, if we do not arrest it, become a death spiral.

What can we do about it? I have a few remedies to propose.

At the center of the problem is the inability of this government to formulate and pursue a strategy of investment. It is not obvious why that is so difficult; nonetheless, investment is a word that is simply never used or thought about in connection with Congressional budgeting and finance. It must become a shaping force, and I believe that must start with the tax system.

We must develop better tax treatment for encouraging investment, especially in research and other ventures that yield future benefits. Equally, we need to explore new ways to tax personal consumption and to spare personal investment. Neither the present tax structure, nor the one emerging from the spasm of reform we have been witnessing provides adequate incentives to put investment first.

And we should examine our patterns of national expenditure more carefully, with an eye to payoff not tomorrow or next week but in the more distant future. The most highly leveraged expenditures we can make are those on the young, who can repay the investment over long lifetimes of enhanced personal contributions. Nowhere is that more critical than for our very brightest young people, those who carry the creative intellectual spark that could produce dramatic changes in our knowledge of ourselves or our universe.

Perhaps we need a new kind of instrument for evaluating how each national policy affects the welfare of different age segments of the population. Call it a demographic impact statement. If we had one, it would surely raise some interesting questions about current policy. For example, why is all aid to college students means-tested, whereas Medicare and Social Security payments to the elderly are entitlements given without regard to financial need? And why are social security payments indexed to inflation, whereas fellowships and traineeships for young scientists are not?

Surely, too, the government would find it easier to make wise investment decisions if we could do something to improve the way in which Congress budgets expenditures. In our present system, recurring obligations (like the salary associated with a position) and one-time expenditures (like new buildings) are treated just the same. As a result, the Congress can reach a reduction target by taking out one major capital item just as easily as by eliminating dozens of positions. Which will they choose? The big ticket, naturally. It is a formula well calculated to disadvantage capital investment. A separation between recurring or "base" expenditures and capital outlays in the Federal budget process would help to provide a national discipline for taking care of our infrastructure.

Finally, the very richest opportunities for improvement lie in the area of science and education—on which we depend for the human and instrumental resources to supply an innovative society.

Our past neglect in this area can be made up for, if we act quickly. But who will do it? As I have said, industry is helping, but the task is too large and their need to satisfy other, shorter-term demands from their own investors is too great. The universities have fairly impressive endowments, and you are likely all too aware of their eagerness to grow them! But although to some that makes the universities look rich, they are feeling poor. They have grown their endowments only a little faster than inflation, and it is a surprising fact that the endowments of Harvard and Stanford both contribute a lower proportion of the operating budgets of those institutions than they did fifteen years ago.

Well, who can do it? The White House Science Council and its Chairman, Dave Packard, have supplied an answer as well as a diagnosis. The Council said in its recently issued report: "science and technology are critical to our future. Nations everywhere are investing in these capabilities. We conclude that we must rethink and, in many ways rebuild the critically important interactions between universities, government, and industry that have served this nation so well in the past. The federal government/university relationship is too fundamental to the maintenance of our national science and technology base to be taken for grant-

ed, and the industry/university partnership is emerging as critical to exploring that base in order to compete in the world marketplace. One conclusion is clear: our universities today simply cannot respond to society's expectations for them or discharge their national responsibilities in research and education without substantially increased support."

Only the Federal government can manage the sort of financial intervention the Packard panel is advocating.

And its words take us back to where Hoover began—with the educational institutions of America, particularly its research universities. There capacity to support scientific work must be shored up: by direct government support for building and equipment, and by the payment of full audited indirect as well as direct costs of doing sponsored research. We will suffer a dreadful setback if the awarding of funds for research facilities comes to be regarded the Congress as a new opportunity—like the rivers and harbors appropriation—for spreading wealth to their own districts and their own friends. The principle that scientific merit and not geography or some other factor should govern such events is the best guarantee of quality in our scientific enterprise.

What I have just been talking about, you may say, is only a piece of the American future—just a piece of one dimension of domestic policy, just one of a number of areas important to our national security. That is true. But I hope you will ask yourselves this question. If it is not to be our young scientists and their future work that will gain us a secure place among the nations and a better life for our citizens, then what will it be instead? And, more generally, how can we fail to invest adequately in the successor generation given what the stakes are? I cannot believe we will allow this to happen. For the result—the entirely unacceptable result—would be that forty years or so from now a generation will stand where we are now, knowing that things are, for the very first time in American history, worse than they were for their fathers.●

## THE CONTINUING WORK OF HON. JOSEPH A. CALIFANO

● Mr. HART. Mr. President, the current issue of National Journal contains on article on the efforts of a leading American public servant, former Health, Education, and Welfare Secretary Joseph A. Califano.

During his tenure in the Cabinet of President Carter, the Secretary tried relentlessly to educate the Congress and the country about the needless drain on our economy caused by escalating health care costs. And that is a battle which Mr. Califano continues to wage in the private sector.

This year, the Secretary published a new book on "America's Health Care Revolution." I commend it to the Senate. The book begins with the story of Mr. Califano's work with the Chrysler Corp. on cost containment in the health care plans of its workers and retirees. Largely through his efforts, the health care bill of these active and retired workers was reduced dramatically without harming the quality of care they received. The volume continues with descriptions of how the policies which worked for Chrysler can be applied throughout the corporate world. And it also contains a number of persuasive proposals—in areas ranging from medical technology to the education of our doctors and nurses—to reduce the health care bill of the Nation.

Among his other publicly spirited activities, Mr. Califano has recently released a report requested by New York Mayor Edward Koch "On Smoking and Health."

Joe Califano, in government and the private sector, is an activist on behalf of the health of the people of this country. As the National Journal article demonstrates, he is a pragmatist interested in policies that work—whether they are private or public solutions. I ask that the text of this article appear in the RECORD.

The article follows:

[From the National Journal, Aug. 2, 1986]

EX-HEW CHIEF HIGH ON THE PRIVATE SECTOR

(By Julie Kosterlitz)

When President Carter asked for the resignation of Health, Education and Welfare (HEW) Secretary Joseph A. Califano Jr. in July 1979, few doctors or hosptial administrators reached for their handkerchiefs. After all, Califano had led ill-fated quests to develop a form of national health insurance and impose cost controls on hospitals; to many, he personified the heavy-handed government regulator.

Today these same groups find it more than a little ironic that the former regulator is reentering the health policy debate by trumpeting the virtues of competition as a solution to many of the nation's health care woes. That's the essence of Califano's new book, *America's Health Care Revolution: Who Lives? Who Dies? Who Pays?* (Random House). "It's like a born-again Christian when one discovers there's another way to do something and takes it on like a brand new idea that's never been thought of by anyone else," said Jack W. Owen, executive vice president of the American Hospital Association.

The book, inspired by Califano's experience as chairman of the Chrysler Corp. board of directors' committee on health care costs, is a likely if somewhat relentless catalog of the shortcomings of the current health care delivery system and an almost Cinderella-like tale of the transformation of some Chrysler employee health plan administrators from know-nothing claims payers to tough purchasers. The Chrysler plans encourage use of generic drugs, second opinions, health maintenance organizations and other competitive programs.

The efforts, Califano said, brought Chrysler's health plans in $58 million under their projected $460 million budget in 1984, and more savings are likely. Chrysler has asked medicare to allow the company to administer the program for its own retirees in a similarly cost-conscious manner, an idea Califano recently discussed with Health and Human Services Secretary Otis R. Bowen.

Califano's book, which also urges more preventive care and lifestyle changes (including a war on smoking), does have a hint of religious zeal: "The gospel lesson is that hard-negotiating buyers, who treat health care like the other products they purchase, can change the system," he writes, "and we are only beginning to realize the benefits of competition." Care will not only be cheaper, but of higher quality, he says, and savings can be used to provide access for the poor.

But in an interview, Califano, 55, acknowledged that there's no guarantee that employers' cost consciousness might not eventually result in stinting on patient care or that the savings employers incur will be ploughed back into care for the poor. In fact, Califano still advocates a major role for government, including imposing the same combination of mandatory employer-provided health insurance and expanded federal health programs for the old, disabled and poor that he proposed while at HEW.

Now managing partner of the Washington office of the New York law firm of Dewey, Ballantine, Bushby, Palmer & Wood, where he has clients in the health field, Califano wrote the book because "I think I know what we should do right now in the health care system, and I wanted to get the attention of some people who could do something about it."

Despite restrained reviews, the book is in its third printing, and Califano has received letters from businesses, medical schools and corporate executives and now gets about 10 speaking requests a week.

To those who say that he has refashioned his views to fit today's thinking, Califano and a number of those who worked with him at HEW respond the charge is unfair. "I'm a little wiser than I was," Califano admitted. "I have a much better sense of what the private sector can do." But he also contended that "when I was at HEW, I used to tell corporate executives to look at their health care costs—I couldn't get them interested." A changing business climate and the swelling federal deficit turned the tide in the early 1980s, he said.

"He was always interested in private-sector solutions," said Karen Davis, a former Califano associate at HEW who's now chairman of the department of health policy and management at the Johns Hopkins University School of Public Health.

Others see the resistance to Califano during the 1970s more as the result of his combative style than of any special tenor of the times. "It was ram it down your throat, fella, instead of work out a system that makes more sense," Owen said.

"Maybe I was a little too contentious, I don't know," Califano said of his HEW years. "But I had to perform a public education function."●

## PREVENTING ILLITERACY

● Mr. ZORINSKY. Mr. President, for the benefit of my colleagues who are concerned about the problem of illiteracy, I would like to share one of the many letters I have received on this subject. All teachers have not been given the tools they need to teach reading effectively. I believe it is important to give specific information on what does and does not work in the teaching of reading to all educators so that they can experience the same pride that Mrs. Southern now feels.

I ask that Mrs. Southern's letter be included in the RECORD.

The letter follows:

MARCH 31, 1986.

Hon. EDWARD ZORINSKY,
*Russell Senate Office Building,*
*Washington, DC.*

MY DEAR SENATOR ZORINSKY: As a supporter of your legislation on illiteracy I want to share a brief testimony.

This is my 14th year teaching first grade and my 2nd year teaching intensive phonics. Teaching by using this method means seeing little eyes light up when they discover they can blend the letter sounds into words.

Beginning on the 1st day of school the children are given a simple explanation about the alphabet and their sounds. Then we start with one consonant sound and progress into words, adding more consonants and short vowel sounds day by day.

One way success is measured is by the confidence the children have in performing different reading tasks, which I have observed means less discipline problems. The children feel good about themselves. They know they can learn the process in becoming readers. The simple progression in phonics to the more complex letter sounds makes sense to the children when presented in a logical manner. This means children do not have to guess at a word or stop and wait to be told an unknown word.

I have now experienced the pride that goes with knowing I have truly given my First Graders the tools to master reading. Finally, by using Intensive Phonics I honestly feel like a teacher.

Most sincerely,

Mrs. MARY ANN M. SOUTHERN.●

## DISMANTLING THE NUCLEAR WASTE PROGRAM IS A SERIOUS MISTAKE

● Mr. KASTEN. Mr. President, this morning we had a tough battle in the Appropriations Subcommittee on Energy and Water Development over the very complicated issue of funding our High-Level Nuclear Waste Disposal Program. This issue has already been decided by the Department of Energy. Now is not the time to abruptly, and without compelling reason, toss aside the entire process for the disposal of high-level nuclear waste. I totally oppose reopening this resolved matter.

At issue is across-the-board reductions in funding for the Geologic Waste Disposal Program and the Monitored Retrievable Storage System [MRS]. Such reductions would obliterate the entire program. This issue is far too important to be dealt with at a subcommittee level. There are a number of members on the full committee who share the intensity of my feelings on this matter, and they too must be provided an opportunity to express their concerns.

Although this issue will likely be revisited next week before the full committee, from my perspective, the issue has been resolved. Unraveling the only vehicle we have for the isolation of high-level waste is impulsive and imprudent.

The options with regard to nuclear waste disposal have been thoroughly discussed and fully aired. State and local governments, private citizens, and a broad spectrum of interested organizations participated in the review process. Together we have invested a great deal of time and resources in the development of this national program. The consequences of halting this process are very grave.

Secretary Herrington's decision to indefinitely postpone site-specific work on a second repository is to be commended. This decision was based on the following: First, data that showed significant decreases in the projections of the spent fuel volume generated; second, lack of technical barriers to single-site containment; and third, imprudent fiscal management.

It costs the Nation over $25 billion to find and implement a geologic waste repository. It makes no sense to spend an additional $25 billion for a second site that is not needed.

DOE is trying to meet the goals we set for them in the Nuclear Waste Policy Act. Congress designed the act so that it would be flexible. Congress must resist the temptation of meddling in this program. DOE is responding to both new information and changing national needs. DOE's decision to continue site-specific work on one site is a sound one.

Dismantling the entire Geologic Waste Program does not further our efforts to deal responsibly with disposal of high-level nuclear waste and spent fuel. We must work together to ensure that this country has a safe, reliable, and fiscally responsible Nuclear Waste Disposal Program.●

## CUBAN POLITICAL PRISONERS

● Mr. CHILES. Mr. President, a little over 1 month ago America celebrated its birthday in magnificent fashion. I am referring to the festivities which took place on the Fourth of July in New York in honor of the 100th anniversary of the Statue of Liberty.

The celebration was a most fitting tribute to the lady in the harbor who has offered welcome to generations of immigrants searching for a better life in America. The Statue of Liberty epitomizes our long held belief in providing safe haven for the world's oppressed and refuge for those fleeing political persecution. One hundred years after her inauguration, Miss Liberty's torch still serves as a beacon of hope for those seeking a life of freedom and justice.

It is unfortunate that recent U.S. policy has clouded Miss Liberty's message of hope. In an effort to get the Cuban Government to reinstate the suspended December 14, 1984, immigration accord, our State and Justice Department officials were reported to be pursuing a policy of denying former political prisoners entry into the United States except under "exceptional circumstances." It was believed this would force the reinstatement of the immigration accord. In my opinion, this attempt to hold Castro's feet to the fire has put the heat on the backs of innocent political prisoners. It is a misguided and ineffective policy.

Recent reports have indicated that the State Department is now taking steps to speed up the visa application process for political prisoners. I realize the need to obtain an accurate record on the released political prisoners as well as the difficulty imposed by the suspension of the immigration agreement. However, I believe it needs to be made clear that pursuing a policy which denies entry to political prisoners is not going to accomplish anything—least of all a reinstatement of the immigration accord.

I have introduced Senate Resolution 432 in response to the plight of the Cuban political prisoners. While this resolution specifically names 17 recently released prisoners, I intend it to serve as a clear signal that this body will not support placing additional hardship on Cuba's political prisoners. They should not be pawns. Denying them entry is not the way to force a change in Cuban Government policy.

Mr. President, I request that a copy of an article appearing in the June 29, 1986, edition of the Miami Herald be inserted in the RECORD. It reprints excerpts from an article written by Jose Marti that appeared in the January 1, 1887, edition of La Nacion in Buenos Aires. Appropriately, it documents Marti's thoughts on the inauguration of the Statue of Liberty.

The article follows:

[From the Miami (FL) Herald, June 29, 1986]

THE STATUE AS SYMBOL—MARTÍ: "IT WAS A RAW DAY, BUT SELDOM WAS MAN'S REJOICING SO GREAT"

(José Martí, considered one of the Hispanic world's most gifted writers, lived in New York from 1881 to 1895. There he organized the war for Cuban independence that eventually claimed his life. Martí, who became a keen observer of the U.S. scene, witnessed the inauguration of the Statue of Liberty on Oct. 28, 1886. His observations and reflections on the Statue's dedication were published in La Nación in Buenos Aires on Jan. 1, 1887. Here are brief excerpts.)

(By José Martí)

For him who enjoys thee not, Liberty, it is difficult to speak of thee. His anger is as great as that of a wild beast forced to bend his knees before his tamer. He knows the depths of hell while glancing up toward the man who lives arrogantly in the sun. He bites the air as a hyena bites the bars of his cage. Spirit writhes within his body as though it were poisoned.

The wretched man who lives without liberty feels that only a garment made of mud from the streets would befit him. Those who have thee, oh Liberty! know thee not. Those who have thee not should not speak of thee but conquer thee.

It was yesterday, Oct. 28, that the United States solemnly accepted the Statue of Liberty which the people of France have donated to them in memory of the 4th of July, 1776, when they declared their independence from England, won with the help of French blood. It was a raw day: The air was ashy, the streets muddy, the rain relentless; but seldom was man's rejoicing so great.

The emotion was immense. The movement resembled a mountain chain. Not an empty spot remained on the streets. The two rivers seemed like solid land. The streamers, pearly in the fog, maneuvered, crowded from wheel to wheel. Brooklyn Bridge groaned under its load of people. New York and its suburbs, as though invited to a wedding, had risen early. Among the happy crowds that filled the streets there were none as beautiful—not the workmen forgetful of their troubles, nor the women, nor the children—as those old men who had come from the country with their flying cravats and greatcoats to salute, in the commemorative Statue, the heroic spirit of the Marquis de Lafayette, whom they as children had greeted, with waving hands and boughs, because he loved Washington and helped him make this country free.

Is not this nation, in spite of its rawness, the hospitable home of the oppressed? The voices that impel and counsel come from within, from deeper than the will. Flags are reflected on faces, heart-strings are plucked by a sweet love, a superior sense of sovereignty brings to countenances a look of peace, nay of beauty. And all these luckless Irishmen, Poles, Italians, Bohemians, Germans, redeemed from oppression or misery, hail the monument to Liberty because they feel that through it they themselves are uplifted and restored.

Then, when the hour came to draw away the flag that veiled the Statue's face, everyone's heart swelled and it seemed as though the sky had become covered with a canopy of eagle wings. People rushed to the boats as impatiently as would bridegrooms. Even the steamers, dressed to look like great wreaths, seemed to smile, chatter and bustle about as merrily as girls at a wedding feast.

From the time the parade was over, until dusk brought an end to the celebrations on the island where the monument stands, New York City and its bay were like one great cannon volley, a ringing of bells, a column of smoke. . . .

How the people roared when their president, who has come up as they had from the worker's bench, stepped into the official launch to go and accept the image in which every man seems to see himself redeemed and uplifted!

At the grandstand the commander-in-chief of the American Army called in vain for silence, waving his black three-cornered hat.

President [Grover] Cleveland seemed entirely worthy of speaking in her presence. His style too has marrow, his accent is sincere, his voice warm, clear and powerful. He suggests more than he explains. He said such broad lofty things as sound well before a monument. His left hand rested on the rostrum rail, his right he sank under the lapel of his frock coat. His glance had that challenge which becomes honest winners.

His words brought forth applause not so much for the pompous phrase and commanding gesture, as for their vibrating tone and sound sense. If the Statue could be melted into words, they would say the same: "This token of the love and esteem of the French people proves the kinship between republics and assures us that we have a firm ally across the Atlantic in our efforts to recommend to all men the excellence of a government built on the will of the people." "We are not here today to bow our heads before the image of a war-like and fearful god, full of wrath and vengeance, but to contemplate joyfully our own goddess guarding the gates of America, greater than all those the ancient worshiped, a goddess who, instead of wielding the bolts of terror and death, raises to heaven the beacon that lights the way to man's emancipation." The long applause that rewarded this honest man came from loving hearts.

Then a bishop appeared on the rostrum. He raised an age-bitten hand; all around the men of genius and of power stood up. There was a magnificent silence while he blessed in the name of God the redeeming Statue. Guided by the bishop the audience intoned a slow, soft hymm, a mystic doxology. A sign from the top of the torch indicated the ceremony was over.●

## NAUM AND INNA MEIMAN: REFUSENIKS SEEK TREATMENT FOR CANCER

● Mr. SIMON. Mr. President, the National Institutes of Health estimates that in 1986 alone, 930,000 people in the United States will be stricken with cancer. Four out of ten of these people will be alive after 5 years if their cancer is diagnosed early enough and they receive proper medical treatment.

Mr. President, this is an alarming figure, but even more shocking is the plight of Soviet cancer victims who are not allowed to seek advanced medical treatment. Cancer is a terrible disease, but in the United States victims have the opportunity to obtain proper medical care and the freedom to go to other countries, if necessary, to receive experimental treatment. My friends, Naum and Inna Meiman, have been denied that right.

Inna Meiman is dying of cancer. She and her husband, Naum, desperately want—and need—to leave the Soviet Union so they may seek alternative medical treatment for Inna. Inna has had four hazardous operations, but her tumor continues to grow and her pain continues to increase. Soviet doctors have said there is nothing more they can do for her, and while she has received invitations from several American, European, and Israeli cancer institutes, Soviet authorities continue to deny her permission to emigrate.

Cancer victims have to bear enough pain and suffering because of their disastrous illness. They should not have to be aggravated by the stressful life of refuseniks. I strongly urge the Soviet authorities to grant Naum and Inna permission to emigrate to Israel.●

## ORDER OF BUSINESS

Mr. DOLE. Mr. President, let me indicate that there will be no more rollcall votes this evening and also, the distinguished minority leader earlier gave me a comprehensive agreement which I have looked at and made some changes, but for the most part, it is still that agreement. It is rather lengthy and I think in the interest of our health and time and a few other things, we are going to put off further private consideration of that until tommorrow morning.

I thank the distinguished minority leader for his assistance. It seems to me we are getting closer and closer. We now have, I think, a list of all the amendments on both the Contra and South Africa issues on our side, which we shall deliver to the distinguished minority leader.

## ORDERS FOR FRIDAY

RECESS UNTIL 8:45 A.M.

Mr. DOLE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 8:45 a.m. on Friday, August 8, 1986.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

LEADERSHIP TIME

Mr. DOLE. Following the recognition of the two leaders, I ask unanimous consent that if not used, the time of the majority leader be reserved and the time of the distinguished minority leader be allocated to the distinguished Senator from California [Mr. CRANSTON].

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF CERTAIN SENATORS

Mr. DOLE. I ask unanimous consent that there be special orders in behalf of Senators HAWKINS, PROXMIRE, BAUCUS, and HUMPHREY for not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. DOLE. Following the special orders just identified, I ask unanimous consent that there be a period for the transaction of routine morning business not to extend beyond the hour of 9:15 a.m. with Senators permitted to speak therein for 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. DOLE. Mr. President, at 9:15, we will be back on the DOD authorization bill. At 9:45, unless otherwise provided, under the provisions of rule XXII, a live quorum will begin, to be followed by a cloture vote on the Byrd amendment to the DOD authorization bill. I visited with both managers of the DOD authorization bill before they left. They are very optimistic that they can complete action on the DOD

authorization bill at a reasonable hour tomorrow.

Based on the hours we have been staying, reasonable would be any time before midnight, but they are hoping it will be in the afternoon—daylight at least. They believe that with the agreement with the Senator from Massachusetts [Mr. KERRY] on the Asat amendment and one other rather major amendment, they can dispose of a number of the other amendments in rather rapid order.

As the distinguished minority leader pointed out earlier, following the cloture vote on his amendment, in any event, we could have a vote on the DOD authorization bill itself.

I think with the progress that has been made, I would be willing at this time to withdraw that cloture motion if there is no objection.

The PRESIDING OFFICER. Is there objection heard?

Mr. HARKIN. Reserving the right to object, I want to understand what I just heard. Is the distinguished majority leader trying to get unanimous consent to withdraw the cloture petition that was filed yesterday on the DOD bill? Reserving the right to object, I would like to have an explanation of why. I think that ought to sit there. It was filed. It ought to sit there.

Mr. DOLE. What we are trying to do is complete action on the DOD authorization bill and the purpose of that was, as I said earlier, to speed up the handling of amendments. We have had a very good day. As I have noted, I think there have only been about two or three periods where we had any quorum calls all day, so they have been going just as rapidly as they could. I am advised by both managers that they really believe they can finish tomorrow and, therefore, it is my judgment at this time that cloture, even if it were invoked, would probably not speed up the process.

Mr. HARKIN. I again wonder if this might not be taken up again tomorrow morning, seeing what the agreement is like. If an agreement is reached, then maybe all those things can be vitiated at that time.

Mr. DOLE. I think the problem is going to be that there is only a 15-minute period between the time we go on the DOD bill until the first cloture vote is to occur on the Byrd amendment. If we should postpone that, if Senator BYRD should ask that be postponed, we would still have the other cloture vote. And it is going to take, in my opinion, probably an hour to get the unanimous-consent agreement because we are dealing with a rather lengthy agreement, with a total of some 70 amendments. We can raise it again tomorrow morning if the Senator prefers.

Mr. HARKIN. Again, the unanimous-consent request was to vitiate the cloture petition that was filed yesterday on the DOD bill that would ripen tomorrow.

Mr. DOLE. That is correct.

Mr. HARKIN. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I would make this suggestion to the distinguished majority leader. It would seem to me that the two cloture petitions that remain could very well be put later in the day because even without any problems in connection with the agreement that we are working on, they would have to be delayed. It is going to take more time than the time that we will have under the order that has been entered by the distinguished majority leader. He may want to think now of delaying those beyond the hour of 9:45. Of course, he will have to do that in any event as I see it.

Mr. DOLE. I know it would certainly please the manager if they could come in and start working on the bill, and it is going to take, I would say, probably private discussions of another hour with the two of us and other Senators and an hour getting the agreement. It would seem to me we could postpone those votes until 1 p.m.

Mr. BYRD. I do not think that the distinguished majority leader will lose any time or any advantage or that anybody will gain any advantage by differing therefrom. Under the distinguished majorty leader's proposal that action on the first cloture motion under rule XXII be delayed until 1 p.m., I do not think the majority leader will lose any time or any advantage. I think it will work to the advantage of all. It would certainly give us more time to work on the agreements, and it will allow the managers of the DOD bill to proceed earlier with action without threat of cloture votes hanging over them.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. DOLE. Now, is it necessary to make the same request for the other cloture vote? Would it also be postponed?

The PRESIDING OFFICER. They would both be postponed under the request.

## RECESS UNTIL 8:45 A.M. TOMORROW

Mr. DOLE. Mr. President, there being no further business to come before the Senate, I move we stand in recess until 8:45 a.m. Friday, August 8, 1986.

The motion was agreed to, and 11:51 p.m., the Senate recessed until Friday, August 8, 1986, at 8:45 a.m.

## NOMINATIONS

Executive nominations received by the Senate August 7, 1986:

U.S. ARMS CONTROL AND DISARMAMENT AGENCY

Frank C. Carlucci, of Virginia, to be a member of the General Advisory Committee of the U.S. Arms Control and Disarmament Agency, vice William Robert Graham.

DEPARTMENT OF AGRICULTURE

W. Kirk Miller, of Wisconsin, to be Administrator of the Federal Grain Inspection Service, vice Kenneth A. Gilles.

VETERANS' ADMINISTRATION

Thomas E. Harvey, of the District of Columbia, to be Deputy Administrator of Veterans' Affairs, vice Everett Alvarez, Jr., resigned.

FOREIGN SERVICE

The following-named persons of the agencies indicated for appointment as Foreign Service officers of the classes stated, and also for the other appointments indicated herewith:

For appointment as Foreign Service officers of class 1, consular officers, and secretaries in the Diplomatic Service of the United States of America:

AGENCY FOR INTERNATIONAL DEVELOPMENT

Charles Harold Antholt, of Maryland.
Francis William Conniff, of Nevada.
Harry H. Houck, of New Jersey.
Ernest C. Kuhn, of Ohio.
Paul M. Scott, of Virginia.
Alejandro Sundermann, of Texas.
Robert Allan Van Horn, of Oklahoma.

For appointment as Foreign Service officers of class 2, consular officers, and secretaries in the Diplomatic Service of the United States of America:

DEPARTMENT OF AGRICULTURE

Francis J. Tarrant, of Maryland.

DEPARTMENT OF COMMERCE

Robert S. Connan, of Pennsylvania.

AGENCY FOR INTERNATIONAL DEVELOPMENT

J. Wayne Butler, of Ohio.
Thomas Fenelon Cornell, of Ohio.
Thomas Lee Marr, of Virginia.
Elizabeth Smartt Flemister Martelia, of New Hampshire.
Campbell S. McClusky, of California.
Barbara J. Spaid, of North Dakota.

For appointment as Foreign Service Officers of class 3, consular officers, and secretaries in the Diplomatic Service of the United States of America:

DEPARTMENT OF STATE

Robert D. Burkette, of Tennessee.
Joseph Hilliard, Jr., of Washington.
Quincy M. Krosby, of New York.
Mary Bland Marshall, of Virginia.
Janice Zeszutek Ogden, of California.
Leslie V. Rowe, of Washington.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Gary Flynn Fuller, of California.
James Van Den Bos, of Virginia.

U.S. INFORMATION AGENCY

Helen B. Picard, of California.

For appointment as Foreign Service officers of class 4, consular officers, and secretaries in the Diplomatic Service of the United States of America:

DEPARTMENT OF STATE

Richard Alan Albright, of Ohio.
Rudolph Frederick Boone, of Florida.
Thurmond H. Borden, of Texas.
Marc Daly Carlisle, of North Dakota.

William Robert Carlson, of Massachusetts.
Lisa A. Carty, of New Jersey.
Michael J. Delaney, of Illinois.
John Frederick DeVleming, of Washington.
Bruce E. Donahue, of Indiana.
David Ross Dreher, of Texas.
Henry S. Ensher, of California.
Kaara Nicole Ettesvold, of the District of Columbia.
Jerome Thomas Farrell, of California.
Mark Foulon, of Washington.
Gordon Gray III, of Nebraska.
Blair Parks Hall, Jr., of the District of Columbia.
Eigil Valdemar Hansen, of New Jersey.
Karl William Hofmann, of California.
Pete Kazuhiko Ito, of California.
Gerard J. Jackson, of Pennsylvania.
Craig Mallory Karp, of Washington.
David J. Keegan, of Florida.
Leonard A. Kusnitz, of Connecticut.
Beverly A. LaVigne, of California.
Sally L. Lindover, of New York.
Cheryl Ann Martin, of Connecticut.
Karen E. Martin, of Washington.
Michael Anthony Matera, of California.
James Edward Maxstadt, of Indiana
James Aidan McVerry, of Connecticut.
Lloyd Woodson Moss, of Florida.
Stephen D. Mull, of Pennsylvania.
Bruce Richard Nelson, of Minnesota.
Gregory Eugenio Phillips, of Virginia.
Kenneth John Pitterle, of California.
Eileen Jane Quinn, of New Mexico.
Charles Aaron Ray, of Texas.
Christopher R. Riche, of Washington.
James Milnor Roberts III, of Florida.
Jack D. Robinson, of Washington.
Theorphilus James Rose, of Florida.
Daniel A. Russell, of Maine.
Claudia H. Serwer, of New York.
Frederick A. Smith, of California.
Eugene P. Sweeney, of Massachusetts.
Linda Thomas-Greenfield, of Louisiana.
Paul G. Wickberg, of Oklahoma.
Robert Cantrell Wood, of South Carolina.
Allen William Yale, of Connecticut.
Thomas Michael Young, of California.
Jack M. Zetkulic, of New Jersey.

U.S. INFORMATION AGENCY

Pendleton Clark Agnew, of Virginia.
Russell A. Bikoff, of New York.
Lynn L. Cassel, of Alaska.
Peter R. Claussen, of South Dakota.
Paul Denig, of New Jersey.
James Crosby Dickmeyer, of Iowa.
Alberto M. Fernandez, of Florida.
Gregory Lawrence Garland, of Florida.
Mary Ellen T. Gilroy, of New York.
Roy A. Glover, of South Dakota.
Adrienne S. O'Neal, of Louisiana.
Hilary Olsin-Windecker, of California.
Elizabeth B. Pryor, of New Jersey.
Donald E. Terpstra, or Texas.
Kathleen Ann Tormey, of California.
Dennis Spencer Wolf, of Ohio.

The following-named members of the Foreign Service of the Departments of State and Commerce, the Agency for International Development, and the U.S. Information Agency, to be consular officers and/or secretaries in the Diplomatic Service of the United States of America, as indicated:

Consular officers and secretaries in the Diplomatic Service of the United States of America:
Carlton Louis Ames, of Florida.
Dale R. Avery, of Pennsylvania.
Joanne Martin Baldonado, of California.
Lora Jane Berg, of New York.
Joan Callahan Bigge, of California.
Nicholas Stephen Bouras, of New Jersey.
Nikki Brajevich, of California.
Sue Lenore Bremner, of California.
Kelly W. Brimhall, of Virginia.
Krystin Lynn Buckey, of Ohio.
Vincent Paul Carver, of Connecticut.
Ralph Dominick Chiocco, of Florida.
Katherine Christensen, of Texas.
Colin Michael Cleary, of New York.
Dawn M. Cooper-Bahar, of Maryland.
Robert Lawrence Daly, of New York.
Robert Lawrence Dance, of Ohio.
David Bryan Edwards, of New Jersey.
Crayon Cornelius Efird, of North Carolina.
Barbara Jean Euser, of Colorado.
David R. Gilmour, of Texas.
Zachary Robb Greenhill, of New York.
Jay P. Gurian, of Hawaii.
Patrick M. Hailey, of Virginia.
Sylvia Lorrain Hammond, of California.
Patricia Ann Havasy, of Virginia.
Danny R. Hildreth, of Virginia.
Jeffrey Martin Hill, of Maryland.
Jeffrey A. Hoover, of Virginia.
Edward Bruce Howard III, of Maine.
Paul Jerome Howard, of Washington.
Jean Anne Winkler Hudder, of Kansas.
Anthony Alonzo Hutchinson, of Washington.
Michael J. Jacobsen, of Maryland.
David Wade Jenkins, of Pennsylvania.
Kathy A. Johnson, of Illinois.
William E. Jones, of Virginia.
Sandra L. Kaiser, of California.
Edward Arthur Kemp, of Massachusetts.
Morgan Adele Kennedy, of Texas.
Marie L. Kish, of Virginia.
William Speer Kuhn III, of Connecticut.
Thomas M. Leary, of the District of Columbia.
Theresa Leech, of Michigan.
Douglas H. London, of New York.
John B. Long, of the District of Columbia.
John M. Louton, of Washington.
Joseph Estey MacManus, of New York.
Megan M. McCall, of California.
M. Lee McClenny, of Washington.
Elizabeth Barkalow McGaffey, of California.
Raymond Gerard McGrath, of Virginia.
Jeffrey A. Miotke, of California.
Calvin Arthur Mitchell III, of New York.
Michael K. Morrow, of Michigan.
Rachel Norniella, of Florida.
Lee Young-Eun O'Donnell, of California.
Paul Christopher O'Friel, of Virginia.
Francisco Luis Palmieri, of Connecticut.
Alison Pentz, of Virginia.
Marcie Ellen Porter, of the District of Columbia.
Linda Louise Powers, of Connecticut.
Robert Powers, of California.
Enrique A. Pardo, of Florida.
Jean Ellen Preston, of New Jersey.
Evelynn Ululani Putnam, of Maryland.
Patricia Raikes, of Iowa.
Edward James Ramotowski, of Connecticut.
Susan A. Sutton Robinson, of Maryland.
Daniel F. Romano, of Washington.
Karen E. Runge, of Virginia.
Norma D. Scott, of Virginia.
David R. Siefkin, of California.
Robert A. Sorenson, of New Jersey.
Michael M. Steere, of Virginia.
Virginia Anne Canil Tadie, of Connecticut.
Thomas Edward Torrance, of California.
Mary Townswick, of Minnesota.
Katherine Rose Von Eckartsberg, of the District of Columbia.
Geraldine George Vought, of Florida.
Nancy R. Wade, of New York.
Roy S. Weatherston, of California.
Michael Q. Whitley, of Virginia.
Charles C. Wilson, of Texas.

Consular officers of the United States of America:
John J. Bodson, of the District of Columbia.
Renato L. Davia, of Texas.
Richard Vincent Groccia, of California.
Larry A. Moody, of the District of Columbia.
Frank W. Skinner, Jr., of Virginia.

Secretaries in the Diplomatic Service of the United States of America:
Johnny E. Brown, of South Carolina.
Robert J. Bucalo, of Pennsylvania.
David K. Diebold, of Virginia.
Paul W. Leinenbach, of New York.
John Andrew Martens, of California.
Harvey Michael Mears, of Ohio.
Earl J. Young, of Oklahoma.

IN THE NAVY

The following-named rear admirals (lower half) of the line of the Navy for promotion to the permanent grade of rear admiral, pursuant to title 10, United States Code, section 624, subject to qualifications therefore as provided by law:

UNRESTRICTED LINE OFFICER

Roger Francis Bacon
Jerry Creighton Breast
Paul Donald Butcher
Guy Haldane Curtis III
Harry Kenneth Fiske
Raymond Paul Ilg
Jerome Lamarr Johnson
Robert Joseph Kelly
Robert Kalani Uichi Kihune
Henry Herrward Mauz, Jr.
William Tyler Pendley
James Guy Reynolds
Dean Reynolds Sackett, Jr.
James Michael Gleason Seely
John Frederick Shaw
Hugh Larimer Webster
John Raymond Wilson, Jr.

RESTRICTED LINE—ENGINEERING DUTY OFFICER

Malcolm Mackinnon III
Kenneth Cornelius Malley

RESTRICTED LINE—AERONAUTICAL ENGINEERING DUTY OFFICER

John Clark Weaver

The following-named rear admirals (lower half) of the U.S. Navy for promotion to the permanent grade of rear admiral, pursuant to title 10, United States Code, section 624, subject to qualifications therefor as provided by law:

CIVIL ENGINEER CORPS

Arthur William Fort
Frederick Guyer Kelley

The following-named rear admirals (lower half) of the Reserve of the U.S. Navy for permanent promotion to the grade of rear admiral in the line and staff corps, as indicated, pursuant to the provisions of title 10, United States Code, section 5912:

UNRESTRICTED LINE OFFICERS

John Edward Love
John Dennis Summers

AERONAUTICAL ENGINEERING DUTY OFFICER (AERONAUTICAL ENGINEERING)

Clay Wayland Gordon Fulcher

SPECIAL DUTY OFFICER (CRYPTOLOGY)

William Joseph Miles

SPECIAL DUTY OFFICER (INTELLIGENCE)

Robert Patrick Tiernan

MEDICAL CORPS OFFICERS

John Duncan Tolmie
James Glen Roberts

DENTAL CORPS OFFICER

Edward John O'Shea, Jr.

JUDGE ADVOCATE GENERAL'S CORPS OFFICER

Robert Edward Wiss

CHAPLAIN CORPS OFFICER

John Joseph Hever

IN THE AIR FORCE

The following-named officer for appointment to the grade of general on the retired list pursuant to the provisions of title 10, United States Code, section 1370:

Gen. Andrew P. Iosue [redacted] FR, U.S. Air Force.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code section 601:

*To be lieutenant general*

Maj. Gen. Thomas J. Hickey, [redacted] FR, U.S. Air Force.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

*To be lieutenant general*

Lt. Gen. John A. Shaud [redacted] FR, U.S. Air Force.

# EXTENSIONS OF REMARKS

## RETIRED: HOW SUCCESSFUL ARE YOU?

HON. CLAUDE PEPPER
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 7, 1986*

Mr. PEPPER. Mr. Speaker, the editor of Vital Speeches of the Day, T.F. Daly, Jr., of Southold, Long Island, NY, discovered over time that the active business people with whom he played golf, often died shortly after they retired. He lost a lot of good companions, golf partners he could sometimes beat, and missed their conversations. It bothered him, naturally.

And then, he received a copy of a speech made before the National Association of Retired Federal Employees in Long Beach, CA, at their annual convention—in which the speaker, Col. Barney Oldfield, USAF(Ret.), but for the last 23 years on the staff of Litton Industries, in Beverly Hills, CA, told them that retirement as a condition relating to payroll might be all right, but as a frame of mind was intolerable. The whole atmosphere of the downbeat convention changed, and 85-year-old Vander Mary Smith, the program chairman who got the speaker, was surprised the last day with a hasty presentation to her of a meritorious award. Vital Speeches of July 15, 1986 reprinted Colonel Oldfield's stimulating remarks for world distribution.

For the thought-providing tone of these remarks, I ask permission for Col. Barney Oldfield's excellent statement to appear at this point in the CONGRESSIONAL RECORD:

RETIRED: HOW SUCCESSFUL ARE YOU?

(By Barney Oldfield)

Colleagues, ladies and gentleman; When Vander Mary Smith called me—I suppose in desparation—I asked her to tell me a bit about your organization. I get paid for 30 years three months and 29 days of military service which ended in September, 1962. But mine has always been the experience of retiring, but never the condition that follows because there was always another attachment or tie-on awaiting me the next day. I retired from the Screen Publicists Guild and Warner Brothers in 1948 when the Army recalled me and gave me a regular commission. I transferred to the Air Force, and in 1962 waved goodbye to the uniform. I retired from active status in the Writers Guild of America West in 1974, and qualified for retirement from Litton Industries that same year. In the midst of the festivities, the foundar of Litton Industries, Tex Thorton, joined the party and said: "Come to work tomorrow as if nothing happened, and you can go as long as you wish or until you drop dead, whichever is soonest." I thought that was very enlightened personnel practice. So now coming upon on 77, I'm in my 23rd year and unless they find out I'm here when I should be back in my office, real retirement eludes me—and I hope it always will.

So my credentials are suspect as a retiree, but Vander Mary said she had other things in mind. She said your organization was interested in arousing favorable media attention, and she'd like to have me talk about the how of doing that.

In no way am I a patent medicine salesman, nor can I guarantee that any suggestion I might make will work. But it might be fun to try. And if you can accept what President Reagan has said is crucial to life's betterment—the great force of voluntarism—that there are compensations beyond money, if you will entertain such engagements you may even feel rewarded above and beyond anything you could put in a bank. Or that you might have known when you were on the job.

When I look out at all of you, what do I see? Hundreds of people who served their country, state, or city in some role it thought was important and necessary. That you served well indicates you possess two admirable characteristics—loyalty and dedication.

For another, you represent a vast pool of knowledge and experience learned at government expense, while serving the most benevolent and caring boss of them all—the U.S.A. and its increments.

There's yet another probability among you—that perhaps 10 percent of you dropped ideas in "suggestion boxes" wherever you did your government service and were given some award. That means you were and are observant, saw things needing correction and the methodology for bringing it about. Whatever they gave you in money had that added ingredient of personal satisfaction when accompanies recognition. And it says that you possess the greatest commodity of all—imagination. I have always believed that those who are truly born poor are those who were born without an imagination.

Undoubtedly, if each of you was interviewed individually we would find that a great many of you are still capable of being jewels substituted for the crowns of thorns worn by today's society, and the whole scene around you could be burnished and brightened were you to observe a little, focus a little, and offer as part of the indicated remedy a little—or a lot of yourselves.

Many of you, I'm told, engage in supportive projects of one kind or another, and you know what I'm talking about. Unfortunately, you perhaps keep them as your own and do not see them by your membership in the California State Federation of Chapters of the National Association of Retired Federal Employees, as a concerted and coordinated effort.

There is an awesome word in our language which halts all too much of your potential and comprehension of your worth. As a verb, the word is retire. As a condition, the word is retirement. As a connotation, it suggests having been placed on a shelf, having had your clock stopped, your capability cut off, your being assessed as a real or possible societal burden and your allotted days on the calendar numbered.

If you are a man, the story is that your wife wants you out of the house and from under her feet. If you are a woman, it probably dawns on you that there's no pleasing him. And why is this? It's not just the payroll condition, but mental acceptance that incapacitation and retirement are synonymous.

If your organization is to attract attention in a media sense, it has a lot of barnacles to shake off. The first thing you must do is look at yourselves as others seem to see you, and this will cue you as to changes that are necessary. Example: The chances now of a media call on you as persons or an organization would be for a negative, rather than a positive. Would assignment editors think of you as a response area if their question of the day was "How much better are you off this year than you were last year?" or would they be most likely to think of you for such questions as "How much short of your needs is your monthly retirement check," or, "How well does Medicare take care of you?" Since last year, individuals among you may have done well in something else you do, picked up a new and fulfilling hobby, have found satisfaction in helping others in a well-constructed program, may have invented something, may have won at the flower show, endowed a scholarship or helped a kid through school, have become a partime teacher or tutor. You as such a person would have been infinitely better off, more happy with yourself, and have known appreciations, of all kinds, but that would not be the answer sought. Among you they know if they look long enough, you will be seen as having to pinch pennies, beset by costly illnesses and these responses will seem to indict all of the good works of caring people who have made this the best place in the world to be a government employee and later on, a retired one.

Why is this?

A number of reasons. One is what we call in old Hollywood "type-casting." You have either passed the countdown of 62, or the later 65, are retired and are thereafter pigeon-holed as "old." It has nothing to do with how you feel and what you can still do, you have been declared old by legislation, by policy, by decree, by regulaion and by the calendar pages used up. It is irrelevant and immaterial that you may not feel that way at all, and may not act that way either. Grandma Moses was born in 1860 and died in 1961 and if you own one of her paintings, you are rich. It would also bear witness that there is no stopping some people, and in her case she didn't grow old—she grew better. As she amassed her 101 years, she excited and made envious people one quarter her age. She was "type-cast," too— as a doer.

Another reason is the mind-set of those who dismiss you as in a single, limited, compartmentalized classification, a statistic or a demographic. To such minds, you are somewhere between alive or dead and they're not sure which describes you best. Rather than do some inquiring, they place you nearer the latter condition. Since you don't carry a placard in one of those zombie-like marching exercises, the sloganeering approach hasn't been used much by you. It is a well known fact of American life that no TV assignment editor ever saw a placard on a pole

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

he didn't like. In earlier days, the cameramen who went to the scene brought already prepared signs for the visual improvement of what their lenses could catch. There was an old adage you must remember that "beauty is only skin deep" which warned that we should all look to the inner depths of people in assessing true worth. Now, too often, it's "what you see is what you get." More often than not, you are dismissed by default.

What you are attempting to do then, to change the public impression of you, means you have to go through this filter. I hasten to say that what you want to do is not so much bigger than all of you, but it does indicate the size of your undertaking.

First, you have to see your organization as for the knee-jerk reactions it arouses. National Association of Retired Federal Employees. Every word of it except of has been the subject of stories, speeches and commentaries or editorials. *National*—that meant you existed in the millions, whether as civil servants or in the military. You were described over and over as "costly," "wallowing in the government trough," and a "burden to the taxpayers." You may have held critical positions which gave our government stability and kept it on a steady course, or helped win it wars, but when the general public reflects about you that's not what it remembers. You made them the gift of the government which blessed them, operated it in their behalf, but in most cases only you know that. *Retired*—that means you have accepted shelving, state of suspended animation, have become someone to leave the grandchildren with and to flatter the generations behind you by worrying fulltime about their futures. *Federal*—that makes you blood brothers and sisters of "pork barrel" legislation, where agencies are created for which the pay is generous, where too many are hired to do job that is required doing, or has been said so often in derision: "A soldier has nothing to do, but gets up early to do it." *Employees*—that does it right there, as we have all known the tone used along with uttering the words. "government job" which has never ranked high in the public mind. Add to that all the specters *Association* conjures up—lobbying, special interests, hostility to change, protection of the status quo.

In all those years in uniform, as a regular Army and Air Force officer, there was never a week that went by in peacetime that some well-meaning person who thought he was flattering me didn't ask, "How come a guy like you is in uniform?" It was always said as though they believed I could have cut it in some civilian commerical pursuit, so how could I possibly be comfortable wasting my time in uniform? When I would tell them what I was doing was far more interesting to me than what they were doing could ever be, I'm sure they marked me down as peculiar—but I marked them down as uninformed and that they would probably stay that way.

Your first task has to do with your organizational umbrella—National Association of Retired Federal Employees. You keep the name of course, but in your thinking, think something like National Association of Redirected Federal Employees. Redirected indicates restored momentum, renewed efforts and that you've all had do-something transplants.

If your membership cards do not already tell you such things, send a questionnaire along with your next mailing which asks not only for the name, but a positive attitude testimonial profile about general state of health, ability to engage in what kinds of activities, projects with which each is already involved either full or part-time, what projects the Association might be thinking about would appeal for participation, and what previous applicable skill credentials those surveyed might have. One thing I'm sure will surprise you will be how many you find engaged in constructive, society-serving, rewarding personal activities already.

When all this is analyzed, I suggest as part of your next annual meeting agenda, you select perhaps ten Association goals in which you are inviting membership participation. You have the makings of a press release right there, perhaps with additional numbers of foster grandparents, hospital ward visitations with retarded children, speech therapy aids, civic decorative and renewal undertakings—and so on. You know the labels better than I do.

But you have to energize such things a little. Just for fun, try this: Have the press release available for all comers, and mail it on convention opening day, but add on a little. Paint some placards with the slogan "Hell, no, we won't go!" Go to the local cemetery and march up and down in front of the gate, after letting the media know that the National Association for Retired Federal Employees is mounting some kind of protest at the cemetery. When the media shows up, use that as the platform to state those goals and this is the kind of thing your Association is identifying with as long as you are allowed by good health and the grace of God to stay on this side of the cemetery gate!

You all might just become the most fantastic bunch of feisty folks.

I used the word "colleagues" in my salutation starting these remarks, and I'm proud to be one of you. But I have been the world's greatest failure as a retiree; no matter how many times it happens, it never sticks—and I hope that even if it does, being retired as a frame of mind never occurs to me—and I hope it never overtakes you either.

Before I take your questions, I want to thank you all for your generous gift to the Foundation of the Americas for the Handicapped. Let me tell you how it came about. The Department of Labor which has under it the President's Committee for Employment of the Handicapped called me. They said they wanted me as a panel member for a workshop in Guatemala, part of their very special festival and symposium for handicapped children. I told them I was sympathetic, but far from an expert in this field. They said they had all kinds of experts, but they had found their greatest handicap to be one we all know about—insufficient funds. They needed some ideas, they said, and asked me to discuss it with the General Secretary of the Organization of American States. Before I went to see him in Washington, I called the Internal Revenue Service asking them if they had a tax exempt organization called the Foundation of the Americas for the Handicapped. IRS said there was no such organization, so I went to my hotel, wrote out a check to the Foundation of the Americas for the Handicapped for $1,000. I told the Secretary General I disliked very much going to a small country which would put itself out at great length and would have one more flowery speech that would die in the four walls of the workshop site, so I asked him if I could start something. Prone as they are to revolutions in Latin America, he was somewhat apprehensive, but I told him I was going to talk about the biblical story of the widow's mite, how what she gave was all she had. I would then hold up the $1,000 check and tell them it wasn't all I had, but to be good since it was made out to a nonexistent organzation, they would have to set up a Foundation of the Americas for the Handicapped to be able to cash it. Would you believe that conference was suddenly jumping and we raised $4,000 before we left the country. It is still growing, and what you are giving us today will help.

Thank you.

## CONGRATULATIONS TO DAVID W. WHITE, M.D., OF LYNCHBURG, VA

## HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 7, 1986*

Mr. FASCELL. Mr. Speaker, I have just read about a remarkable man, Dr. David W. White, an ophthalmologist in Lynchburg, VA. His story gave me a tremendous lift and I would like to share his article from Medical Economics with our colleagues. It is an excellent reminder that one of America's greatest traditions is helping the less fortunate. It is a custom that has strengthened us and enriched our lives, and, as you will see, it continues to do so.

Dr. White is the brother of one of my constituents, Mr. Warren T. White of Miami. I share the pride he has in his brother's professional achievements and in his humanity.

The article follows:

EVERY WEDNESDAY, I TAKE A VACATION FROM REDTAPE

(By David W. White, M.D.)

For a spell last year, every time I got together with a bunch of doctors I came away depressed. President Reagan was talking about freezing Medicare reimbursements. State medical societies and the AMA were asking us to freeze fees. Hospitals were gearing up to cope with DRG. And my colleagues were griping endlessly about the situation. It was getting me down.

One evening I held forth to my wife about the dark forecasts I was hearing in the surgeons' lounge and at hospital staff meetings. The general feeling was that it was going to get tougher and tougher to keep up our incomes and standards of living. Malpractice premium rates were soaring. Reimbursement by state agencies was low and falling lower. I couldn't put it all in perspective. "Sometimes," I said morosely, "I wish I'd gone to law school like my brothers."

My wife interrupted my mutterings. "I think you're looking at it the wrong way," she said. "Remember when Medicare was first proposed? You were dead set against it then, and now here you are complaining for fear of losing out on the goodies."

She was right. Essentially, it was governmental dictates that were depressing me. I'd been opposed to Medicare and had refused to participate for over a year, until pressure from my patients brought me around. I'd believed that the inevitable bureaucratic entanglements would take the pleasure out of practicing medicine, and that's proven true, at least in part.

My wife wasn't finished. "What did you do before Medicare?" she asked.

"Well, let's see." I struggled to recall the good old days. I charged patients who could pay, sometimes lowering their bills if necessary, and those who couldn't pay I saw for nothing. Come to think of it, I had fewer employees back then too, because there was so much less paperwork.

"If it worked then, why won't it work now?" she persisted. "Instead of just complaining about what the government is doing, why not come up with something you can feel good about?"

She was right again. Why not run my own system on a positive basis, rather than brood about the government's next step? Before long a plan began to take shape.

One of the reasons I'd become a doctor was to help people. That was in the 1950s, when most doctors expected to do their fair share of charity work. Our town had a public clinic where every doctor took a turn in caring for patients who couldn't afford to pay. I was glad to help those who really needed it, and I didn't believe these clinic patients experienced any loss of dignity by accepting my gladly given services. But since the advent of Medicare and Medicaid, I'd almost forgotten that such a system once existed, and that it worked.

The plan I arrived at was simple. I'd set aside each Wednesday for patients who couldn't afford to pay. There would be no screening. I'd assume that those who said they couldn't afford to pay were telling the truth.

My office assistants weren't enthusiastic. They thought people would take advantage of me, but I persuaded them that we should give it a try. The following Sunday, this notice appeared in our local newspaper:

"I will see any patient, free of charge who cannot afford to pay for an eye examination, David W. White, M.D., F.A.C.S., Wednesdays by appointment, Telephone (804) 846-7317."

I couldn't help wondering how my colleagues would react. The first doctor I told about my plan was an orthopedic-surgeon friend in another town. He listened, then surprised me by saying flatly, "The medical society will never let you get away with it."

I didn't follow his reasoning.

"Why not? What can they possibly object to?"

"You know. They'll all be wanting to know what the angle is. By the way, what is the angle?"

I had to laugh. "There isn't any angle. I'm giving my services away, one day a week, no strings attached. I just got tired of constantly reacting to government edicts. So I decided to set up my own voluntary program, the same as we used to do before government got involved in medicine. If there are poor people who can't afford eye care and who can't qualify for the government programs, I'll take care of them, free of charge. That's my only angle."

I could sense his mental wheels turning. He'd all but forgotten the old days, too. It was a sign of how much our thinking had been changed by years of government reimbursement. Had we really become that much more interested in cash flow than in our age-old responsibility for taking care of the needy? It was a humbling revelation for me.

Anyway, I've heard no complaints from other physicians since my plan went into effect. Almost immediately I was booked for 15 to 20 patients every Wednesday, with appointments backed up for about a month—a situation that still prevails. If someone wanders in who qualifies for Medicare or Medicaid, of course we accept the assignment. But the word is now out that people don't need government insurance to be examined at my office.

It didn't take long to determine that 99 percent of my Wednesday patients were completely deserving. Many expressed their gratitude profusely, some with tears in their eyes. Most people seemed astonished that a doctor would give his services free—clear evidence that the public view of doctors as white knights has been badly corroded by dependence on government programs.

There have been one or two patients who took me for a ride. I knew it at the time, but I figured they must have had bigger problems than mine if they had to fake poverty. Because such freeloaders have been so few and far between, I've let them slide.

My Wednesday patients are from every age-group and every imaginable circumstance—those who aren't covered by Medicare or Medicaid, those who don't qualify for other public assistance, young single mothers supporting children on a shoestring, capable young men who can't find jobs, people not yet old enough for old-age assistance who have just enough money to shelter and feed themselves. I see black and white, young and old, the unemployed and the working poor, the disabled and the able-bodied. I'd rather look upon my services to these people as a "tithe" of my professional skill than slog through stacks of paperwork for drastically reduced fees. This may not be good business, but it's certainly good for my soul.

After a few months, I found I was gaining a better perspective on my own financial comfort. My pleasant house, my two automobiles, my children's college educations began to seem like tremendous wealth next to the situations of my courageous Wednesday people, who counted it a major victory if they could both pay their utility bills and eat.

Then I began thinking about those who needed glasses but had no way of paying for them. I'd been handing out plenty of optical prescriptions, yet they were useless if the patients couldn't afford to have them made up.

So I decided to enlist some support. I wrote letters to all the opticians in town—about 10 of them—asking if they would fill prescriptions for my needy patients free of charge. Six of them agreed.

They worked out a weekly rotation to fill prescriptions for my Wednesday patients. One of the six was recently forced to cut back on his participation because he couldn't afford to continue the free service. He now offers to provide frames and lenses at cost.

With patients who need follow-up care I have various choices. Suppose I see a patient for a routine exam and I diagnose glaucoma. I'll then refer that person to our city clinic, where I and eight other ophthalmologists rotate our services for nominal pay. I may not see that particular patient in the clinic again, but he'll be taken care of by one of us.

If it's necessary for me to perform surgery, I follow through just as I do with my paying patients. Thus far I have performed only one operation on a Wednesday patient. If referral is needed, I generally send my patients to the University of Virginia Hospital, about 50 miles away in Charlottesville.

After several months of my "Poor People Wednesdays," I've arrived at some conclusions. First, I'm rediscovering the satisfaction of offering my best to someone who needs it with no thought of the price tag. Second, my practice is growing and my income has gone up, despite my "tithing." As a result of the bread I've cast on the waters, my Wednesday patients have referred to me some of their better-off friends and relatives. And other new paying patients have sought me out because they respect what I'm doing.

I like to think that perhaps I've changed the climiate in our town in some small way, giving people something to be glad about. And this morning I received my greatest gift from the whole undertaking. It was a delightful letter, penciled on notebook paper in neat, third-grade letters. "Thank-yous" bordered the top and bottom of the page. The letter read:

"Thanks!!! Dear Doctor White: I really enjoy my glasses they make a big difference on my eyes. They work the most on bright things and things far away. Thank you."

It was signed, "Love, April D."

If every doctor in America would give one-fifth of his time to those who need him but can't afford to pay, would we even need Medicare and Medicaid? Think about it.

## WHAT IS RIGHT ABOUT TAX AMNESTY

### HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 7, 1986*

Mr. BIAGGI. Mr. Speaker, as our Nation's astronomical deficit continues to reign as the No. 1 domestic crisis facing our country today, the importance and necessity of a National Tax Amnesty Program grows increasingly apparent. Tax amnesty is a powerful, but painless, tool in our deficit reduction effort. It is a means to raise desperately needed revenues, without raising anyone's taxes and without slashing key human and social service programs.

As author of H.R. 2031, the first bill introduced in the House to provide for a one-time national tax amnesty, I wish to share with my colleagues an article that recently appeared in the Governor's Weekly Bulletin, a publication of the National Governors Association. It discusses the importance of a National Tax Amnesty Program and outlines many of the hugely successful State amnesty programs that have been undertaken in recent years.

My bill, H.R. 2031, closely resembles these successful State amnesty programs. It calls for a one-time National Tax Amnesty Program, with all generated revenues to be applied to reducing our deficit. It calls for a full repayment of all unpaid taxes, as well as 50 percent of the interest penalty, in exchange for immunity from all criminal and civil penalties. The "tax gap"—the amount the U.S. Treasury is owed as compared to what they will actually receive—is almost $90 billion. It has tripled since 1973. Obviously, the time has come for a National Tax Amnesty Program.

The reason is simple. Michigan Gov. James Blanchard, who was in Washington just last month to urge the Federal Government to consider a National Tax Amnesty Program, said it best. He stated, "If a tax amnesty pro-

gram were run by the Federal Government, my sense is we could produce million, billions, tens of billions in revenues and dedicate it to deficit reduction."

The article follows:

TAX AMNESTY CAN HIKE STATE REVENUES—IF IT'S DONE RIGHT

Granting amnesty to taxpayers who owe back taxes can bring in big revenues for the states, proponents say. But to make tax amnesty programs work, states have to create a high level of public awareness, increase enforcement of tax compliance, and make sure there are dedicated employees to carry out the program.

Michigan Gov. James Blanchard was in Washington, D.C., this week to urge other governors and the federal government to consider tax amnesty programs. "Wherever amnesty has been pursued in a comprehensive way, it has been successful," he said July 14 in the Hall of the States. If a tax amnesty program were run by the federal government, he said, "my sense is we could produce millions, billions, tens of billions in revenues and dedicate it to deficit reduction."

$900 MILLION TOTAL

Nineteen states have conducted tax amnesty programs, which have brought in a total of more than $900 million. Illinois was the first. Its first program ran December 1981 to January 1982, and a second ran in October to November 1984. Michigan was the most recent state, running its program this year between May 12 and June 30. Iowa, Mississippi, Rhode Island and West Virginia will run tax amnesty programs before the end of this year.

Tax amnesty does not mean letting people off the hook. In general, it means providing a "window" in which people can pay back taxes, plus interest, without other penalties or prosecution.

But as a rule, tax amnesty should be offered only once in a state. Otherwise, delinquent taxpayers are encouraged to wait for the next amnesty period, and voluntary compliance is reduced.

Michigan's program brought in nearly $102 million, more than double the state's $50 million goal. Almost 73,500 taxpayers took advantage of the program, which was designed to benefit all taxpayers through a cut in the state income tax.

Gov. Blanchard said 80 percent of Michigan's amnesty participants are new taxpayers. But now they're on the tax rolls, and will produce revenues and broaden Michigan's tax base from now on, the governor said.

Critics of tax amnesty programs say they erode the base of voluntary compliance. But Massachusetts Revenue Commissioner Ira Jackson, who also spoke July 14 in Washington, said that Massachusetts has received $1 billion in tax revenues from voluntary compliance since the state ran its amnesty program from October 1983 to January 1984.

The $900 million raised through tax amnesty programs so far represents a 5 percent increase in revenues. If the federal government undertook a tax amnesty program, Jackson said, a 5 percent increase would represent $20 billion to $25 billion in revenues annually. Those revenues would recur, Jackson said, because many of the taxpayers taking advantage of amnesty programs would be new ones not previously on the tax rolls.

Here are summaries of how other states have handled tax amnesty programs, or are planning to run them:

Illinois: The first time Illinois tried tax amnesty, there was little publicity, and the program brought in only $80,000. The second time, from October to November 1984, the state spent $400,000 on promotion, increased penalties for tax violations, and increased the number of investigators from about 40 to about 80. That time, the program brought in more than $160 million.

Massachusetts: More than $86 million from 56,000 taxpayers was brought in through Massachusetts tax amnesty program. The program was "extremely popular" in the state, said Revenue Commissioner Jackson. Even more important than "the one-time collection of delinquent taxes is the ongoing annual revenue benefit from changing the bad tax habits of tens of thousands of citizens," said a December 1984 revenue department report.

Michigan: Michigan's advertising campaign, borrowed in part from California, provided a toll-free phone number (1-800-1.O.-TAXES) and urged delinquent taxpayers to "get to us before we get to you." Apparently, they got the message. Along with a projected end-of-year surplus, $102 million in amnesty program revenues will allow Michigan to make a 4.6 percent personal income tax cut retroactive to January 1. The largest payment was $6.1 million, from a Michigan business; the smallest was one cent, from an individual. A $2.7 million payment from an individual set a record among states that have held amnesty programs—and "we didn't even know he was alive," said Gov. Blanchard. State Treasurer Robert Bowman said the treasury department's 270 existing employees "worked a little bit harder and a little bit longer" on the tax amnesty program, assisted by 40 temporary employees. Michigan had two firsts in its program: setting up regional offices outside U.S. borders, in Canada, and allowing taxpayers to use credit cards to pay their back taxes. Michigan will provide technical advice and assistance to other states interested in running a tax amnesty program.

Mississippi: The state legislature authorized a tax amnesty program, primarily as a cost-saving measure, to run from September through November 1986. But no additional appropriations were made for the program, so it will use existing state resources. Mississippi will try to obtain publicity primarily through the media, and it will also "piggyback" tax amnesty fliers with other tax mailings. The program will not allow known tax delinquents to take part, nor will it apply to any taxes due after January 1, 1986. Before July 1, 1986, Mississippi had no criminal penalties for failing to file a tax return. Because of that, the tax amnesty program will also exempt interest payments on back taxes, to make it more attractive to tax delinquents.

New York: Some $363 million was raised by New York's amnesty program, which ran from November 1985 to January 1986. New York set up its amnesty office as a separte operation, because they anticipated a big response that would affect normal tax office operations. That "probably added tens of millions of dollars to our final figures," said Karl Felsen, the state's public information director. The state spent about $800,000 publicizing the program.

West Virginia: Tax Commissioner Michael Caryl anticipates that an intensive advertising program will tell people how to take part in the state's amnesty program, and that a public relations campaign will probably emphasize the state's enhanced tax enforcement efforts. About $100,000 will be spent on promotion. West Virginia's effort differs from those of some other states, because it will allow known tax delinquents to take advantage of amnesty, unless a criminal proceeding is in progress. "If you include your known accounts, you're obviously going to have a bigger pool to draw from," said Caryl.

National Governors' Association policy notes that states "have experimented with aggressive, creative, and effective tax enforcement, and their programs have resulted in substantial revenue increases." Approaches enacted by the states include tax amnesty, making tax evasion a felony, and authorizing license revocation. According to its policy, NGA urges the administration and Congress "to strengthen federal tax enforcement tools, powers, or other resources for the Internal Revenue Service as integral to any tax reform proposal and integral to initiatives designed to tackle the deficit crisis. We estimate that as much as $20 billion annually could be saved by the Treasury through an intensive effort to tighten federal enforcement."

| | Time of program | Total collected | Number of returns | All taxpayers eligible | Legislatively authorized | Funds appropriated |
|---|---|---|---|---|---|---|
| State: | | | | | | |
| Alabama | 1/20/84–4/1/84 | $3.15 million | 10,150 | Yes | No | Yes. |
| Arizona | 11/20/82–1/20/83 | $6.0 million | 10,600 | No | No | Yes. |
| California | 12/10/84–3/15/85 | $146.5 million | 164,000 | Yes | Yes | Yes. |
| Colorado | 9/16/85–11/15/85 | $6 million | 7,000 | No | Yes | Yes. |
| Idaho | 5/20/83–9/1/83 | $300,000 | 900 | No | No | No. |
| Illinois | 12/28/81–1/8/82 | $80,000 | 400 | No | No | No. |
| | 10/1/84–11/30/84 | $160 million | 22,456 | Yes | Yes | Yes. |
| Kansas | 7/1/84–9/30/84 | $555,468 | 750 | No | Yes | Yes. |
| Louisiana | 10/1/85–12/31/85 | $1.2 million | 411 | No | Yes | Yes. |
| Massachusetts | 10/17/83–1/17/84 | $80.5 million | 52,000 | Yes | Yes | Yes. |
| Michigan | 5/12/86–6/30/86 | $101.6 million | 73,483 | Yes | Yes | Yes. |
| Minnesota | 8/1/84–10/31/84 | $11.9 million | 10,400 | Yes | Yes | No. |
| Missouri | 9/1/83–10/31/83 | $853,000 | 241 | No | No | No. |
| New Mexico | 8/15/85–11/13/85 | $14 million | 48,000 | No | Yes | Yes. |
| New York | 11/1/85–1/31/86 | $363 million | 148,000 | Yes | Yes | Yes. |
| North Dakota | 9/1/83–11/30/83 | $150,000 | 630 | No | No | No. |
| Oklahoma | 7/1/84–12/31/84 | $13.9 million | 56,500 | Yes | Yes | Yes. |

| | Time of program | Total collected | Number of returns | All taxpayers eligible | Legislatively authorized | Funds appropriated |
|---|---|---|---|---|---|---|
| South Carolina | 9/1/85–11/30/85 | $8.9 million | 7,600 | Yes | Yes | Yes. |
| Texas | 2/1/84–2/29/84 | $500,000 | 85 | No | No | No. |
| Wisconsin | 9/15/85–11/22/85 | $20 million | 30,000 | Yes | Yes | Yes. |

## SPACE STATION STATEMENT

## HON. MICHAEL A. ANDREWS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 7, 1986*

Mr. ANDREWS. Mr. Speaker, for over a month now a debate has been raging over the future of the Space Station Program. Questions have arisen over the station's design. Its method of construction, and how best to use the institutional strengths of NASA to assure the success of this critical next step in space development. Many factors have contributed to the highly charged atmosphere of these discussions: NASA continues to reel from the *Challenger* disaster and its repercussions; Congress is moving to better understand what the Nation buys for its space investment; and internal rivalries within NASA intensifying as many seek to preserve what they can in a shaky space program.

What can be done to bring order out of this confusion? The leaders of NASA, the Congress, and the administration each have a role in crafting our Nation's future in space, and each must contribute to bringing an end to this chaos and setting our space policy back on track.

To understand how we came to this point, I want to review the steps that brought us to this impasse.

In the wake of the *Challenger* disaster, NASA asked Gen. Sam Phillips, former manager of the Apollo program, to review the management of the agency. On June 26 he presented his report on the Space Station Program to Dr. James C. Fletcher, the Administrator of NASA. On June 30, Dr. Fletcher announced that he had accepted all of General Phillips' recommendations on reorganizing the Space Station Program's management and would immediately implement them. Unfortunately, NASA made no effort to consult with the House Subcommittee on Space Science and Applications, which approves NASA's budget and policies, prior to the announcement.

When Congressmen, including myself, began to inquire about the nature of the action, we were told that it was of only minor consequence. In addition, our staffs had much difficulty in getting the documents which explained the decision in detail. Once we obtained the necessary information, a picture developed of a major shift in policy and work allocation on the station program. It appeared there could be a significant impact on the Johnson Space Center in Houston, which has been the lead center for station development since 1985; so, I asked the leadership of Johnson to brief me on the potential impact of the proposal.

On July 12, I received a full briefing from Johnson officials. The effect of the reorganization would be twofold. First, the overall management for the station program would be moved from Johnson to Washington in order to centralize management, that was General Phillips' recommendation. Second, based upon recommendations from John Hodge, the Acting Associate Administrator for Space Station, the proposal would realign the duties of the four field center work packages that constituted the division of labor for station development. The key to this realignment was a switch of duties between Johnson and Marshall Space Flight Center at Huntsville, AL. Johnson officials estimated on the basis of NASA headquarters' data that this switch would transfer the bulk of work on station from Johnson to Marshall. Statistically, Johnson's percentage of responsibility for station work would drop from 43 to 29 percent while Marshall's percentage would rise from 31 to 44 percent.

Much controversy has swirled around this contention. Unfortunately, this dispute has clouded the heart of the work transfer question. The real concern I have is that the switch in work moves the responsibility for outfitting the manned systems of the station away from our traditional manned systems experts at Johnson and gives it to Marshall. And in turn, responsibility for the propulsion systems is to be moved away from the world's pre-eminent rocket experts at Marshall and given to Johnson. This made no sense when announced on June 30 and has never been properly explained by NASA in each of its opportunities to justify the switch since. To any rational observer it seems that NASA is playing away from its institutional strengths as it enters its most challenging effort since going to the Moon.

As my colleagues and I have presented our concerns and arguments over these substantive questions, NASA has responded only fitfully and contended that we were playing politics with the Space Station. Well, NASA has been immensely insensitive to the political environment they operate in.

When Dr. Fletcher was in Houston to discuss these changes on July 25, he told the people of that city that NASA is not a jobs program—this to the people of a State facing 2.5 percent unemployment.

Of equal importance, NASA snubbed the legitimate oversight responsibilities of the Congress in not consulting with the Space Subcommittee on this major policy shift. Only after weeks of controversy did NASA acknowledge its mistake. But why is this oversight role so important? The Rogers Commission report on the *Challenger* criticized NASA for poor communications. Moreover, the House Science and Technology Committee's review of the commission's report made it clear to us the desperate need for more effective understanding by the Congress of what NASA is doing. Without that understanding, the Congress cannot hope to properly fund and set policy for NASA to meet its long-range goals.

Some have said that this assertion of congressional oversight is interference and micromanagement and will cause delays in the program. I would respond that those people seem to have forgotten what happened on January 28 of this year. On that day a desire to avoid delay and a disdain for the legitimate concerns raised by others came together as our Nation's worst space disaster and claimed seven brave lives. Congress must, as the representative of the people, exercise its proper role as guide and funder of NASA. To resist that role is to resist reality.

In fact, today there are indications that we need a delay in the Space Station Program. The astronauts have raised serious concerns about the current design for the station, feeling that their doubts about the safety and soundness of the design were not being heard. In addition, my colleagues on the Space Subcommittee and I persist in our concerns over the wisdom of the work allocations. In a July 5 meeting with Dr. Fletcher, Chairman BILL NELSON of the subcommittee and I asked that he not implement the reorganization until the subcommittee had a chance to review it. We felt the proposed reorganization would have long-term implications for the role of the Johnson Space Center and the potential for millions in additional costs that NASA had not sufficiently taken into account.

Therefore, I feel it was a positive move by Dr. Fletcher to agree to reassess the decision and review the design of the station. He stated in a Space Subcommittee hearing on August 5, called at my request to review these questions. That he would return to the subcommittee between September 1 and October 1 with a new proposal for the reorganization of the work packages and a finalized version of the Space Station's design that incorporates the concerns raised.

We strongly encouraged NASA to take full account of the points we have raised about the switch between Johnson and Marshall and to finally do the cost analysis so necessary to make decisions of such magnitude.

My minor role in crafting space policy over the past years has taught me one very important lesson. We must have daring visions to succeed in space exploration and development. But space is a very unforgiving place, so we must be conservative in realizing those visions if we are to succeed with safety. John Kennedy called us to reach for the Moon, but in that endeavor we were willing to accept delays and to learn from our errors because human life is sacred. In stepping permanently into the void of space, we must step carefully and never lose sight of the precious lives that will be at stake. At its most fundamental, that is what this debate is about and why it has been so impassioned. It is my hope and faith that when we have finished NASA will be made whole again and the Space Station will be on course toward completion as our Nation's permanent and proudest achievement in space.

Thank you, Mr. Speaker.

## A SALUTE TO "BURGER FLIPPERS"

### HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 7, 1986*

Mr. MICHEL. Mr. Speaker, every now and then we come across a magazine article that eloquently and memorably illuminates some important aspects of our lives. In a recent article in Newsweek, Vickie L. Sleiman, who happens to work for the House of Representatives Select Committee on Narcotics and Abuse and Control, has reminded us all of the link between the hard work of parents and relatives and a college student's ability to pursue his or her studies. Ms. Sleiman with her calculations of how many hamburgers have to be flipped and how many lube jobs have to be done in garages to pay for college tuitions, has done a really great job. As a father who has sent four of his children through college and as a son who has benefited from the hard work of his father and the rest of his family, I deeply appreciate Ms. Sleiman's tribute to those who work so others might learn.

At this point I wish to include in the RECORD, "A Salute to 'Burger Flippers'" by Vickie L. Sleiman, Newsweek, June 30, 1986.

A SALUTE TO "BURGER FLIPPERS"

(By Vickie L. Sleiman)

Last month I was awarded the honor of being escorted to the first row of seats at my university's graduation exercises. I listended to the guest speaker talk about our responsibility as citizens of the world, and I listened, too, as our valedictorian informed the class of '86 that it was better to be here than out "flipping burgers." The ceremony finally ended, I returned my rented cap, hood and gown; then, when I was back in my parent's house, I began to calculate the number of burgers that had been "flipped" by my family so that I could attain the title of "doctor of philosophy." After hours of working with means and medians, my calculator indicated the total was nearing the number illuminated beneath the Golden Arches.

For example, at $3.35 an hour, it took my mother almost 10 hours of flipping burgers to buy "Moral Development and Socialization" ($31.43, plus 6 percent sales tax), a textbook she purchased to help me study for my Ph.D, qualifying exams in education. Simply stated, Mom flipped 2,984 burgers working the grill in a bustling coffee shop to buy me this one book (5 burgers per minute × 10 hours = 3,000 burgers).

I then estimated that if she had paid for only three books a semester for the last seven years, at an average cost of $25 per book, she would have flipped over 94,030 burgers. However, by also counting the money she gave me to "put towards" my car insurance, school supplies, registration fees and dissertation expenses, I know she had to turn an additional 250,746 patties. Thus, my mother's total contribution during those seven years was 344,776 rare, medium and well burgers.

The larger these numbers grew, the better I understood the cause of the chronic bursitis in her right shoulder and elbow . . . hashslinging has its own rewards. As the hours passed, I became entranced by the magnitude of the numbers.

My fingers danced across my calculator as I computed how many burgers were flipped by Aunt Micky so she could present me with a graduation bouquet (2,100); by my godparents and Aunt Marlene so they could buy me the gold bracelet I promised to wear when I accepted my diploma (13,500).

GRADUATION CEREMONY

I had entered a state of mathematical frenzy. It "cost" my brother-in-law 900 burger flips for a tank of gas so he could drive from his job at a McDonald's in Los Angeles to my graduation ceremony in San Diego, and a total of 1,800 burgers for the graduation cards cousins, uncles and aunts had sent to me.

As graduation day turned into graduation night, I calculated the number of lube jobs and oil changes my dad, a mechanic, performed at his job at Sears so he could help pay for my lunch tickets at the university cafeteria. I added to that the number of buckets I filled with wings, legs and side breasts at Kentucky Fried Chicken, the number of dog kennels I scraped and the number of fish fillets I dunked in vats of oil at Mr. Fish and Chips—all to pay the personal and educational expenses that student loans, fellowships and scholarships did not cover.

The following morning I inserted new batteries into my calculator, paused for a moment and thanked God for the privilege of having so many burgers flippers in my family—an honor the valedictorian at my university did not have. For if she had, she would have expressed her graditude to each and evey one of them sitting in that stadium on graduation day; she would have thanked them for the moral and financial support that allowed so many of us to be included in the class of '86.

INSENSITIVE AND FLIPPANT

Now, as the self-proclaimed president of the Children of Burger Flippers of America, I say "thank you" to all the parents, brothers, sisters husbands and wives who stood over smoky grills and hot ovens. Through your labor we gained insight into the rigors of life on a minimum wage, we learned the value of a dollar and, given your support, we are now able to make more money in one year than you were able to make in five.

I hope other college students will become honorary members of my club. If they would take time and look up from their books, they might learn that their position of privilege is sustained, in part, by burger slingers—taxpayers who help support the nation's public-university system. Future valedictorians would then salute the contributions of the blue-collar employee instead of making insensitive and flippant remarks.

In the end, though, the flippers may have the last laugh. Theirs is the face of the future, according to some labor-market studies. If 1 out of every 3 meals consumed by Americans will be eaten away from home, as projected for the next 10 years, then flipping burgers may become a source of employment for those college graduates unable to secure a "professional" position.

But do not fret, dear students. As Ralph Waldo Emerson once wrote: "The differences between men in natural endowment are insignificant in comparison with their common wealth. Do you think the porter and the cook have no anecdotes, no experiences, no wonders for you? Everybody knows as much as the savant."

As the proud daughter of a flipper, I know how to say thank you. To everyone in my family who ever swung a spatula so that I could "succeed," your generosity made my graduation so much sweeter and so much more appreciated.

## A TRIBUTE TO AMERICA AND THE STATUE OF LIBERTY

### HON. BERNARD J. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 7, 1986*

Mr. DWYER of New Jersey. Mr. Speaker, I would like to share with my colleagues the eloquent thoughts of one of my constituents from Edison, NJ, Mr. Louis Fuzak, Sr. Mr. Fuzak, the son of an immigrant couple, who was so inspired by the Liberty Weekend Celebrations that he has written two very moving and touching essays on America, the Statue of Liberty, and what being an American citizen means to him.

AMERICA

As I watched television this week I was very thrilled to be an American. I was born in the twenties to a hardworking immigrant couple, as were my buddies and friends with whom I grew up with in the streets. World War II broke and all of us joined the different branches of the service. It was time for our generation to stand up and keep the torch lit—it was passed down to us from the previous generation. As I listened to some of the comments made about the next generation I said "Thank God we have them to pass the torch on to!" If we all walk with God and keep His truth alive we will always be able to celebrate tributes to our Lady. In our generation there were all kinds of ethnic backgrounds and colors; it never bothered us. In all, I think we did a good job—as long as we never took our freedom for granted. It is not easy to come by. I know for I miss some of my friends who gave their lives for our country. For them I say "Keep the Peace." If you are forced to—you must fight to protect our country and our lady, the symbol of our freedom. Freedom never comes cheap. Every generation paid the price, heavily at times. So when your time comes do not be afraid. Stand up and be counted—but make sure that God is along side you.

God Bless America! The sun always brightens the way after the darkness.

The immigrants gave of themselves—sweat and many tears shed for their boys, who are buried on plots in the South Pacific and Europe. Their white crosses mark the landscape of the earth where they now rest in peace. They were sent to protect our safety and gave their lives for our freedom. The ultimate sacrifice that protects our liberty and freedom.—Louis Fuzak, Sr.

THE LADY

What a wonderful party! What stands out most in my mind:

The children—the future guardians of the Lady.

The young black boy who sang the National Anthem.

The young Vietnamese girl who recited what freedom and liberty and becoming an American meant to her and her family.

The young ones who took up collections of pennies, nickels and dimes.

The young boy who collected thousands of dollars.

Oh! Yes, we hear only of the bad that is done by some of the young people. But for a few bad you don't give up on all our youth. It's like making pie. If some of the apples are soiled or rotten, you clean them up, remove the bad ones, mix them up with the good and you come up with a real American apple pie.

The next generation will keep the torch of the Lady lit—just like all of the generations before. When the president pushed the button to unveil 'The Lady' what a beautiful sight! It was awesome—goose pimples took over my body—And as I watched the celebration on the Fourth it started to take on a personal meaning to me. When the president boarded the U.S.S. Iowa #61 it took me back to World War II, when I was assigned to this magnificant battlewagon. I will never forget when we sailed out of the harbor. We were given the order "All hands on deck—topside" to salute the Lady as we passed her. We all gave a salute. Most of us were young boys raised during the depression. As we passed by the thought in almost every ones mind was when and if we would return. Then we all got down to the business at hand 'let's go give the Japs hell'. Yessir, when I saw that battlewagon I thought I could see tears in the Lady's eyes, also a smile. She knows her children will take care of her as they always did. I knew that also. Because I suspect God was also smiling. That was why we had such a beautiful, sunning, smile day.

Thank you, God! For letting me be an American boy. What a party! I know with the kind of children, like the ones who participated in this birthday celebration, we will have many more. I feel that God has always sprinkled joy, happiness, religions of all kind, also trials and tribulations. If you look close the next time you pass by you will see that smile and perhaps the tears. God Bless America! Guard her closely and with your lives protect her at all cost. Immigrants—this is your day! Make the most of it—black, white, yellow, red—the next time it rains you will see colors over her head—forming a rainbow. Just take time and don't ever take her for granted. And listen! You can hear the next generation saying "Pass the torch—we will keep it lit".—Louis Fuzak, Sr.

## IRINA RATUSHINSKAYA: IMPRISONED SOVIET POET

### HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 7, 1986*

Mr. HOYER. Mr. Speaker, 1 year ago today—on August 7, 1985—Soviet poet-prisoner, Irina Ratushinskaya, was sentenced to a week of punishment isolation. While she was transported in a truck to her place of punishment, she suffered a concussion. She was later beaten by wardens and dragged to her cell. After she tried to sue the wardens, Ratushinskaya was given an additional 5 months in an isolation cell.

Tragically, being in punishment isolation is typical of Irina's conditions of imprisonment. She is penalized for defending the rights of prisoners. Despite promises of release if she will publically denounce her views, Irina holds fast.

She even manages to write and smuggle poetry out of camp. Here is a small sample of her highly acclaimed work. It is a poem Irina wrote in camp in April 1983 about her husband, Igor Gerashchenko:

Lord, how is life for him? Keep a watchful eye,
Lest that cubby-hole apartment drive him to madness.
Make his pain a dark secret and lend to his face a light
Meant for two, so the world shall perceive adversity mastered.
With a lifted cup I salute the force of Your will
(See the ease of that gesture—my hands held high without trembling.)
But with Being's radiant armor, protect his soul
From the jeers of the rabble.
Unlike him in obscurity, I have a road so plain,
Polished smooth by the multitudes, memorizing each pebble.
In can manage this task—just watch me! But please keep him safe.
From the nooks of insane asylums with spider webbing.
Do not disposses him, depriving him of Your strength,
Do not let Your hand fall carelessly from his shoulder.
From eternity's alloy of spirit and truth
Let him fashion a chain and manacles for our sorrow.
When we stand in Your presence in the next life,
Asking nothing—except a companionship past all fractures,
Past the power of angelic trumpets or rending knives,
We will look at You, ready to give You our answers.

Why was she imprisoned? For writing and circulating poetry! And what was her punishment? In February 1983, Ratushinskaya was sentenced to 7 years labor camp plus 5 years exile for "anti-Soviet agitation and propaganda."

What lies ahead for this talented and brave poet? Irina Ratushinskaya, 32 years old, has been elected a member of the international PEN Club. She has been acclaimed by the noted Russian emigre poet, Joseph Brodsky, as the greatest poet of her generation in the Soviet Union.

And yet, inside the U.S.S.R., Irina faces many long years of hunger, beatings, and punishment isolation in the Soviet gulag. International publicity has, however, had an effect in Ratushinskaya's case: For the first time in 3 years a relative recently was allowed to see her.

The Soviet Government must finally see that the imprisonment of people such as Irina Ratushinskaya is not only a flagrant violation of the Helsinki Final Act, it is a national disgrace. We in the West will continue to press for the release of Irina Ratushinskaya and all other Soviet prisoners of conscience.

## VILLA MARIA COLLEGE OF BUFFALO—25 YEARS OF COMMUNITY SERVICE

### HON. HENRY J. NOWAK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 7, 1986*

Mr. NOWAK. Mr. Speaker, I would like to take this opportunity to bring to the attention of my colleagues the achievements of one of the fine educational institutions in my district, Villa Maria College of Buffalo, which celebrates its 25th anniversary this year.

The Villa Maria College of Buffalo was founded in 1961 by the Felician Sisters under the leadership of Sister Mary Annette Guzowska, first president. It has been chartered by the New York State Board of Regents since then and accredited by the Middle States Association of College and Secondary Schools since 1972.

Since its inception, Villa Maria College has served the community through participation in civic, educational, and business committees and organizations, through establishment of continuing education classes, and by hosting community functions on the college campus. It has provided quality education to more than 5,000 students in the western New York area.

Villa Maria College's 2,464 graduates are well prepared for lifelong careers. The college provides technical training with a strong liberal arts base, and career oriented and personal counseling for all its students. All its programs incorporate cooperative education providing a linkage between the college and business and industry. Most importantly, Villa Maria College of Buffalo embraces that philosophy which recognizes the dignity of each person and provides for the holistic development of the individual.

Villa Maria College's excellent standards of service have brought it much deserved growth during its 25 year existence:

The student body has grown from 15 to 770.

The faculty has grown from 4 to 73.

The curriculum has grown from a single program of study to 14 degree and 7 certificate programs.

The quality of a community is, in large part, determined by the quality of the institutions that serve it. So, it is with sincere gratitude that I recognize the contribution that Villa Maria College of Buffalo has made to the western New York community for 25 years and wish it continued success as it begins its next quarter century.

## CONGRATULATIONS TO THE NEW POSTMASTER GENERAL, BOB TISCH

### HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 7, 1986*

Mr. KEMP. Mr. Speaker, I want to congratulate my friend, Bob Tisch, on his appointment as Postmaster General. Mr. Tisch, a success-

ful businessman and philanthropist, was president and chief operating officer of Loews Corp., before accepting this new position.

The U.S. Postal Service Board of Governors made an outstanding decision when they selected Bob Tisch as Postmaster General. He brings with him the expertise and ability to operate this Nation's vast Postal Service in a positive and efficient manner. I am proud to be a friend of Bob's and pleased that this dedicated American and New Yorker will serve our Nation as the new Postmaster General.

I urge my colleagues to read the following articles by the Washington Post on Bob's appointment.

[From the Washington Post, Aug. 6, 1986]

LOEWS EXECUTIVE SLATED TO HEAD POSTAL SERVICE

(By Jonathan Karp)

New York business executive Preston Robert Tisch will be named postmaster general, congressional sources said yesterday.

A news conference to announce the appointment is scheduled for today.

Tisch, 60, is president and chief operating officer of Loews Corp., a family-run business with 25,000 employes, annual revenue of $5.6 billion, and interests in hotels, tobacco, insurance, theaters and timing devices. His brother, Laurence A. Tisch, is chairman of the corporation.

The U.S. Postal Service Board of Governors apparently settled on Tisch in a closed meeting yesterday morning, ending a seven-month search. The present postmaster general, Albert V. Casey, is resigning Aug. 16 to teach business administration at Southern Methodist University in Texas.

Tisch, who is staying at the Loews, L'Enfant Plaza Hotel across the street from postal headquarters, did not return repeated telephone calls yesterday. John R. McKean, chairman of the Board of Governors, could not be reached for comment.

However, Wilma Stein Tisch, who is married to Laurence Tisch, confirmed that her brother-in-law has accepted the job. She said he accepted it out of a "desire to perform public service in an area where he has great expertise and in a country that's been very good to us."

Tisch began his career in the early 1950s when he joined his brother Laurence in the hotel business, which started with a $375,000 investment in a New Jersey resort called Laurel-in-the-Pines. Together, they built a financial empire estimated by Forbes magazine to be worth $1.7 billion. The Tisch family owns 29 percent of Loews Corp.

That empire includes Loews Theaters, which the brothers bought from MGM; Lorillard Corp., one of the nation's largest tobacco manufacturers; CNA Financial Corp., a property, casualty and life insurance business, and Bulova Watches.

When he moves to postal headquarters here, Tisch will run an operation that earns $27 billion a year in revenues, employs 740,000 workers and delivers more than 140 billion pieces of mail a year.

A graduate of the University of Michigan with a degree in economics, Tisch is married and has three children.

Tisch will be the third postmaster general in three years, and the 67th successor to the nation's first postmaster general, Benjamin Franklin.

[From the Washington Post, Aug. 7, 1986]

LOEWS HEAD TISCH NAMED POSTAL CHIEF—BOARD OF GOVERNORS' LONG SEARCH ENDS

(By Jonathan Karp)

Loews Corp. President Preston Robert Tisch was named postmaster general yesterday, ending a seven-month search and a prolonged internal debate by the Postal Service Board of Governors over who should lead the $30 billion-a-year corporation.

"Bob Tisch is a careful, highly skilled manager and corporate leader who can strengthen the Postal Service," board Chairman John R. McKean said in announcing the appointment.

The board settled on Tisch, a Democrat from New York, Tuesday morning. Tisch 60, and his brother Laurence began building what would become a $6.7 billion-a-year conglomerate by buying a New Jersey hotel in 1946.

Since then, the brothers have amassed assets of more than $16 billion, including resort hotels and motor lodges in the United States and abroad; Loews Theaters; Lorillard Corp., a major tobacco manufacturer; CNA Financial Corp., a property, casualty and life insurer; the Bulova watch company, and BSIC, a defense contractor. Loews is also the largest single shareholder of CBS Inc., with 22 percent of CBS stock, and Laurence Tisch sits on the company's board.

Bob Tisch said in response to a reporter's question that he heard about the postmaster job through New York University president and former U.S. representative John Brademas (D-Ind.), who was approached for the post by the board's recruiter. Brademas didn't want the job, said Tisch, who contacted retiring Postmaster General Albert V. Casey to apply.

McKean said there was "no question" Tisch was the "outstanding" outside candidate.

"He really impressed me," board member George W. Camp said in an interview. In the end, Camp said, the board struggled over whether to choose an insider or Tisch. "It was a real long, drawn-out discussion," he said.

"It was no easy choice," board member Ruth O. Peters said in an interview about the protracted selection process. "It was a knock-down, drag-out. And that's the way you come up with a postmaster general."

Tisch will assume command of the Postal Service during one of the rockiest periods in its history. Following the guilty plea in May of board Vice Chairman Peter E. Voss to charges of embezzlement and receiving kickbacks, the service is under investigation by the Postal Inspection Service in conjunction with the Justice Department and the General Accounting Office.

At yesterday's news conference, Tisch showed litle knowledge of postal issues. "I haven't had a chance to study," he said, and later joked that "I'm relatively new in the job."

When asked about delivery problems in New York City, Tisch said he didn't realize the area was a problem. "I know my mail is delivered on time," he said, "and I assume everybody else's is also."

Tisch, whose family's fortune was estimated by Forbes to be worth $1.6 billion, is widely credited with having coined the term "power breakfast." He will earn $86,200 a year as postmaster general. Tisch said he will resign from Loews Corp. by Aug. 15—the day he begins serving as postmaster general.

## EXTRA-LONG STAPLE COTTON

### HON. JERRY HUCKABY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 7, 1986*

Mr. HUCKABY. Mr. Speaker, the legislation I am introducing today would relieve the producers of extra-long staple cotton from the requirements of cross compliance for the 1987 and 1988 crops. It is intended to preserve and enhance a viable and vibrant export market for extra-long staple cotton.

The ELS cotton situation is unique in contemporary U.S. agriculture. Domestic consumption is up and exports have increased markedly in each of the past 3 years. Fueled by competitive prices and a producer-financed development program, exports of ELS cotton increased from 12,500 bales in 1982 to 85,000 bales in 1984, and export commitments for the 1985 marketing year are estimated to exceed 100,000 bales.

For the 1986 marketing year, exports are expected to increase even more, so the trend is continuing.

One of the primary factors in this successful export effort has been the significant increase in the production and availability of high quality ELS cotton in the United States. Prior to 1983, foreign mills were reluctant to buy U.S. ELS cotton because of limited supplies. U.S. production averaged only 87,000 bales per year in the 10 years preceding 1983 and after domestic offtake—45,000–55,000 bales, supplies available for export were severely limited. The increases in production in 1984, 1985, and 1986 gave credibility to U.S. producers' commitment to be reliable suppliers.

On May 30, 1986, the Secretary announced his determination that limited cross compliance would be in effect for the 1987 crops of wheat, feed grains, upland cotton, and rice.

As proposed by the Secretary, limited cross compliance would require that, as a condition of eligibility for loans, purchases or payments for wheat, feed grains, upland cotton, or rice crops the acreage planted for harvest on a farm in other commodities, including extra-long staple cotton, may not exceed the crop acreage base of such commodities.

If implemented as proposed by the Secretary, limited cross compliance would have a disastrous impact on our domestic extra-long staple cotton industry by drastically reducing production in the face of rapidly expanding domestic and export demand. A very successful, producer-financed, export development program would be virtually destroyed.

Mr. Speaker, the typical ELS cotton producer is primarily an upland cotton producer with a much larger established upland cotton acreage base. Economics will dictate his participation in the Upland Cotton Price Support Program. It is estimated that if cross compliance is implemented, at least 95 percent of ELS growers would be participating in the Upland Cotton Program and would be prohibited from planting in excess of their ELS base acres. The result would be a significant reduction in the production of ELS cotton and a corresponding inability to meet foreign demand

which would seriously damage our credibility as reliable suppliers.

The 1985 national base acreage for ELS cotton was 65,872 acres; however, producers responding to expanding export demand planted 83,000 acres of which only 31,216 acres or 35.4 percent were enrolled in the Price Support Program. The 1986 national base acreage for ELS cotton is 77,686 acres. However, USDA has reported that 98,000 acres have been planted to ELS. Of the total planted acres, only 34,477, or 34 percent, have been planted within the program.

Clearly, Mr. Speaker, the producers of ELS cotton have responded to the increased foreign demand for their product. A demand created to a large extent by their own concerted efforts to create and expand foreign markets for their product.

Mr. Speaker, I am convinced that the producers of ELS cotton would be unintended victims of the Secretary's decision to implement across-the-board, limited cross compliance provisions authorized in the 1985 farm law. I do not believe the administration or the Congress intended this result. I am certain that I did not.

## EXAMPLES OF COURAGE

### HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 7, 1986*

Mr. LEHMAN of Florida. Mr. Speaker, in 1980 our Washington Congressional Office was most fortunate to have as a summer intern, Ms. Marjorie Deutsch. Marjorie was a graduate student of the University of York in Britain, and had a degree in history from Yale University.

An exceptional young lady, she left our office to work for the American Council on Education.

Then misfortune. There was a reoccurrence of a brain tumor that for several years had apparently been completely cured. This meant more surgery that, because of the location of the malignancy, left Marjorie physically handicapped—but in no way mentally or spiritually impaired.

Though mostly bound to a wheelchair, Marjorie has not stopped her good work. This year she was awarded the "exemplary volunteer" by the Dade County School Volunteer Program. The presentation was in recognition of Marjorie's outstanding service to the students of Dade County schools.

Nearly every school day, Marjorie is at Kenwood neighborhood elementary school as a teacher's aide and, even more importantly, setting an example in courage and character for the young children with whom she works.

We are privileged to have had Marjorie as an intern. If and when she is physically able, we would like to have her back.

## DEPENDENCE ON FOREIGN REINSURANCE QUESTIONED

### HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 7, 1986*

Mr. FLORIO. Mr. Speaker, in my subcommittee's 9-day series of hearings on the insurance crisis, one of the most troubling themes has been the dependence of this country of foreign reinsurers. Time and again when we have encountered situations where insurance is unavailable, we have been told that one immediate cause may be the withdrawal from the market of foreign reinsurers. I am here inserting in the RECORD an article from the Journal of Commerce reporting on remarks by the Georgia insurance commissioner deploring this situation. Members may be interested to know that the subcommittee has received proposals from business and consumer groups regarding Federal action to facilitate increased availability of reinsurance.

[From the Journal of Commerce, July 17, 1986]

INSURERS URGED TO SEVER TIES WITH LLOYD'S

ATLANTA.—America's liability insurance industry should declare independence from Lloyd's of London instead of spending millions to campaign for tort reform, the Georgia insurance commissioner urged.

"It does not make sense to me that a nation as strong as ours should be depending on foreigners at Lloyd's of London for something as vital as reinsurance." Commissioner Warren Evans told the Georgia Association of Property and Casualty Companies.

Mr. Evans said that "right now there are people in Washington and the rest of the country who can't quite understand why the American free enterprise system must depend on foreigners for something as vital as insurance.

"For the industry to just throw up its hands and holler 'tort reform' instead of improving the system from within will pave the road for a full scale federal regulatory system," he said.

American insurance companies have been stressing throughout the crisis that they must charge higher premium rates and restrict certain liability coverages because Lloyd's brokers won't back them with reinsurance for the risks.

Mr. Evans said the U.S. industry "needs to give immediate attention to the need for expanded reinsurance facilities" on these shores.

He compared the need for reinsurance for underwriters to the banking industry's need for central banks.

"But I hope it would be created by private industry, not Uncle Sam," he said.

Instead of "a monolithic system like the Federal Reserve for banks," he envisioned a reinsurance market made up of "a dozen or so" private companies.

Mr. Evans concluded that "the insurance crisis may be a blessing in disguise. We cannot continue to let our insurance industry depend on foreign support."

## NO MINOR DEVALUATION

### HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 7, 1986*

Mr. FRENZEL. Mr. Speaker, today's Journal of Commerce carried the following editorial on exchange rates.

The Journal, agreeing with the analyses and conclusions of Wharton Econometrics, believes that the decline in the dollar will cause a "substantial correction" in U.S. trade accounts later this year.

I believe it, too.

The editorial follows:

[From the Journal of Commerce, Aug. 7, 1986]

NO MINOR DEVALUATION

As the Nation waits for the trade deficit to begin to shrink, something it so far has stubbornly refused to do, it has become fashionable to pooh-pooh the decline in the dollar. Admittedly, the dollar has dropped substantially against the yen and the deutsche mark, but—so the argument goes—it has fallen little, or actually risen, against the currencies of countries with whom we are doing an increasing volume of business, Taiwan, South Korea, Hong Kong, Indonesia and Singapore. As a result, overall on a trade-weighted basis it has fallen very little.

Not so, says Wharton Econometrics. It's true, the economic consulting service says, that these newly emerging industrial countries, plus Canada, have experienced little change in the value of their currencies against the dollar. But Japan alone accounts for 20% of U.S. imports and Europe another 19%. And the yen has suffered a 40.4% rise in value, the European currencies rises of 22.4% to 41%. Overall, thus, merchandise imports have had to endure a 20% effective currency appreciation abroad. The table shows how the percentage of trade shares, on a c.i.f. basis, has shifted between 1973 and 1985. This is compared with the change in currency values between the end of February last year and the present.

Merchandise Import Trade Shares

[CIF Basis (Percent)]

| Country | 1985 | 1973 | Change in Currency [1] (2/28/85–pres.) |
|---|---|---|---|
| Canada | 19.3 | 25.5 | 0 |
| Europe | 18.8 | 22.4 | |
| U.K. | 4.3 | 5.3 | −27.4 |
| Germany | 5.8 | 7.6 | −37.2 |
| Italy | 2.9 | 2.9 | −29.3 |
| France | 2.8 | 2.4 | −32.8 |
| Bel.Lux | 1.0 | 1.9 | −34.5 |
| Netherlands | 1.2 | 1.3 | −36.6 |
| Sweden | 1.2 | 1.1 | −22.4 |
| Switzerland | 1.0 | 1.1 | −41.0 |
| Japan | 20.0 | 14.1 | −40.4 |
| Asia NICs: | | | |
| Taiwan | 5.0 | 2.6 | −2.8 |
| S. Korea | 3.0 | 1.4 | 5.1 |
| Hong Kong | 2.5 | 2.2 | 0.1 |
| Indonesia | 1.4 | 0.7 | 3.6 |
| Singapore | 1.2 | 0.7 | −2.3 |
| Australia | 0.8 | 1.6 | 18.8 |
| Average Effective | | | −19.7 |

[1] Percent change in local currency per dollar.

"It is this fact," Wharton Econometrics says, "that causes us to continue to expect a substantial correction of the U.S. trade accounts, starting later this year. Japanese and European auto and heavy machinery prices are already starting to reflect these

currency shifts, and European food and wine and household furnishings prices will soon follow suit. Before long these price impacts will start to dissuade imports purchases and boost domestic sales."

## A TRIBUTE TO FORMER GOV. RALPH M. PAIEWONSKY: A GREAT VIRGIN ISLANDER

### HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 7, 1986*

Mr. DE LUGO. Mr. Speaker, 2 months ago I had the privilege to attend a ceremony at New York's Pierre Hotel honoring Mr. Ralph M. Paiewonsky on the 25th anniversary of his appointment as Governor of the U.S. Virgin Islands. Governor Paiewonsky had and still maintains a deep commitment to the betterment and future of our community and its people.

Anyone who has visited my district will know that it is a melting pot of nationalities, races, and religion. Although the diversity of backgrounds exist, we all share one thing in common, we are all "Virgin Islanders." Ralph Paiewonsky defined a Virgin Islander most eloquently when, in 1962 while serving as Governor, he composed the following statement which is still the best definition I know for a Virgin Islander. I would like to share it with my colleagues.

The statement follows:

[March 2, 1962]

WHAT IS A VIRGIN ISLANDER?

The Virgin Islander represents a way of life. He is a man of dignity. He is a member of all races and of different religious beliefs. He selects his friends and associates on the basis of human worth and value without regard to race, creed or color. He is the voter. He is the property owner; he is our civic and community leader; he is our legislator; he is our administrator; he is our teacher; he is the farmer; he is the laborer—he is in every walk of life. He is our physician, he is our law-enforcement officer; he is the planner; he is the newspaper, radio and TV owner; he is the businessman—he is of all hues and of all beliefs. He is the majority. He does not apologize to any man for being a Virgin Islander—he is proud of it—to him it is a title of distinction. He was either born in the Virgin Islands or he came here to live among us with the same ideals, principles and dedication to preserve this way of life.

New people who come here to live among us earn this title only after they have proved that they can appreciate, accept and participate in this society of men of goodwill. They are accepted by us, not because they are rich or poor, white or black, Jew or Gentile, Republican or Democrat, but because they are decent human beings. Those who remain outside this happy association are constantly dissatisfied with our Virgin Islands way of life.

We in the Virgin Islands welcome all to our shores and we are happy to offer them mutuality and equality, but more we cannot give. We are proud of our way of life, not only because we enjoy it, but because we know it is right. Official and other visitors have repeatedly commented on the ease and harmony in which we live. Many have pointed out that this demonstration represents the greatest asset the Virgin Islands can offer the United States.

We will preserve this Virgin Islands way of life, not only because it is important to us and to our children, but because it is important to the world.

RALPH M. PAIEWONSKY,
*Governor.*

## FSLIC RECAPITALIZATION NEEDED BEFORE ADJOURNMENT

### HON. STAN PARRIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 7, 1986*

Mr. PARRIS. Mr. Speaker, the severe financial strains on the Federal Savings and Loan Insurance Corporation [FSLIC] require Congress to act on the Treasury's $25 billion recapitalization plan before we adjourn. FSLIC insures deposits in 3,200 thrift institutions with total assets of $1.1 trillion. If we don't move quickly on this legislation, which is pending before both bodies' banking committees, the cost will increase for depositors, taxpayers, and the thrift industry.

At the end of 1985, 450 thrifts, with assets of $113 billion, were insolvent. Of this group, 229 also had losses at a $2.7 billion annual rate on assets of $55 billion, according to a GAO study prepared at my request. FSLIC is powerless to close most of these money losers because its reserves are dangerously low.

Treasury Under Secretary George Gould has succinctly stated why recapitalizing FSLIC before Congress adjourns in a top priority for the administration. "FSLIC is a serious here-and-now problem. According to a Federal home loan bank board study, the cost of postponing the resolution of the FSLIC case load is between $700 million and $1 billion per year; so there's a real cost involved here," said Mr. Gould in a recent interview in a banking industry newsletter.

Mr. Charles Bowsher of the General Accounting Office agrees with the Treasury assessment. "I want to emphasize that it is very important to deal promptly with FSLIC's severe and growing problems. Both our program reviews of the savings and loan industry and our audits of FSLIC's financial statements confirm the need to provide additional support to FSLIC," stated the Comptroller General in a July 21 letter to members of this body's Banking Committee.

There are those who say to Congress, "do not put off till tomorrow what can be put off till day after tomorrow just as well." And there are those of us who say to Congress, "most people put off till tomorrow that which they should have done yesterday." Whether you agree with Mark Twain or Edgar W. Howe, Mr. Speaker, the FSLIC's problems aren't going to disappear; they are only going to mount.

We must act to shore up the FSLIC this year; time is running short.

## PERSONAL EXPLANATION

### HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 7, 1986*

Mr. CLINGER. Mr. Speaker, on August 6, 1986, I was absent from the floor of the House of Representatives for the last vote of the day. Had I been present, I would have voted in the following fashion:

Rollcall No. 299: H.R. 3129: Surface transportation, the House agreed to the Bentley amendment that restricts the use of imported finished cement, "aye."

## LEGISLATION TO REQUIRE DISCLOSURE OF CERTAIN CHARITABLE FUNDRAISING ACTIVITIES

### HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 7, 1986*

Mr. STARK. Mr. Speaker, for some time now I have been uncomfortable with the activities of the National Committee to Preserve Social Security and Medicare. I have read too many letters from senior citizens in my district who are terribly frightened by the literature they receive from this organization. It is not right to use scare tactics on these people to frighten money out of them.

NCPSSM claims to be informative and helpful. Yet the newsletters they send to members distort the facts and ignite a fear in some that is anything but helpful. My colleagues are familiar with the text of these publications. Phrases such as "your immediate action is needed to stop midnight raid * * * I need your emergency contribution * * * threat to Social Security never so great * * * please rush your emergency contributions * * * Social Security system could collapse * * * send at least $10 today" are repeated throughout letters that a senior citizen member of NCPSSM receives. These are exaggerated statements and should not be treated as educational facts.

To be sure, the administration's highhanded manner of borrowing from the Social Security Trust Fund last October should not be ignored or condoned. In fact, afterward Congress took action to prevent this from happening again. Yet to call it a midnight raid is an exaggeration surely intended to scare senior citizens who may be unfamiliar with the workings of their Government. Why does Mr. James Roosevelt, chairman of NCPSSM employ such tactics?

It appears to be his sales pitch. In each of NCPSSM's letters that I've seen a contribution of at least $10 or $15 is requested of its members not once, but three to five times a letter. The very people that NCPSSM acknowledges are in critical need of every penny of their Social Security check are hit up for at least $10 to $15. NCPSSM claims this money is for stepping up our Washington lobbying activities, presenting our testimony before Con-

gress, and sending NCPSSM representatives to plead our case before Congress.

To my knowledge Mr. Roosevelt does the minimum of active lobbying on the Hill. He has not testified before the Social Security Subcommittee or the Health Subcommittee since the NCPSSM was founded and has never testified before the Select Aging Committee. To tell people that their money is going toward "presenting testimony before Congress and to plead our case to your Congressmen and Senators on a person-to-person basis" is just not true.

I object to the misleading language and half truths that NCPSSM uses in its mailings. And, I find it unconscionable that a former Member of Congress would lead people to believe that their $10 to $15 petition is more effective than a 22-cent letter. The message is the same but my reception of a personal letter is much more sympathetic and warm than a computerized printout. Better still, the sender saves the money.

The NCPSSM qualifies for a tax-exempt status under code 501(c)(4) which is set up for "civic leagues or organizations not organized for profit but operated exclusively for the promotion of social welfare." Such a tax-exempt status is a privilege and with it comes certain responsibilities. For example, that they spend the money they solicit from the public for the purpose stated in the initial solicitation. In 1983 NCPSSM took in $1,707,535 from membership dues and contributions and in 1984 this amount had risen to $9,818,640. That is quite a bit of money to be received from its senior citizen membership.

Given the privileged tax status the NCPSSM has obtained and the way it comes by its very high income, I think it fitting that this, and any other organization with similar characteristics, be more open to public view. To this end I am introducing legislation today which would require civic league and other organizations which are granted the 501(c)(4) tax-exempt status and solicit money from the public to pay out at least half of their gross revenues for its tax-exempt qualified activities each year and to disclose certain financial information in each solicitation. This will put an end to organizations that are making their staff rich through mail order scare tactics rather than through serving the public interest.

I think that the bill is a fair and reasonable way to ensure that those organizations which claim to benefit the public good and thus are given special tax privileges do indeed serve the public. Money gifts and contributions of time and labor given to these organizations is estimated at $50 billion a year. This is all well and good for it has been these groups that have been in the forefront of building an enlightened America: ridding society of child labor, purging the spoils system from public office, and educating millions of people. But as there is the possibility for mismanagement in the raising of such funds, it would be wise to have some way of assuring that the funds are indeed spent on the public good.

The bill I am introducing today singles out the 501(c)(4) organizations which are "civic leagues or organizations not organized for profit but operated exclusively for the promotion of social welfare, or local associations of employees * * * the net earnings of which are devoted exclusively to charitable, educational, or recreational purposes." This is where I am aware of possible discrepancies between the privileged tax-exempt status and the actual operation of the organizations. However, in the course of hearings on the issue I look forward to the investigation of other tax-exempt organizations. I also want to look at the requirement to pay out 50 percent of an organization's revenue. The research I had done on this aspect of the bill showed this to be a fitting percentage. However, I welcome input to show that this is too high or too low an amount.

This past year we have spent a good amount of time and hard work on reforming the Tax Code. We have done this largely in the name of fairness to the taxpayers of this country; I see this bill as a similar reform.

The text of the bill follows:

TRUTH IN SOLICITATION AND RECEIPT OF CHARITABLE CONTRIBUTIONS ACT OF 1986

SUMMARY

This bill will amend the Internal Revenue Code to require certain charities [501(c)(4)s] which solicit contributions from the public to use at least half of their gross revenues for charitable activities within a year after receipt, and to amend the title 39, United States Code, to require persons who solicit charitable contributions by mail to disclose certain information in such solicitations.

Sec. 1. Short Title.

Sec. 2. Taxes on undistributed revenue of certain charities—

(1) A tax would be imposed on the undistributed revenue of a public charity which is not distributed within a year (this tax would be equal to 15% of the amount of such revenue remaining undistributed).

(2) The part remaining undistributed after a 90 day correction period would be taxed at 100%.

(3) Exemption for organizations in existence for not more than 3 years.

(4) Definitions—

Public charity—an organization that is granted a tax exempt status under section 501(c)(4).

Undistributed revenue—½ of the gross revenue of the organization for the taxable year which exceed the charitable expenditures.

Gross revenue—the gross income of the organization for the taxable year (it does not include the value of property received and held for the production of income unless such property is sold or exchanged.

Charitable expenditure—expenditures for the active conduct of the activities constituting the purpose or function for which the organization is organized and operated.

Sec. 3. Prohibition and penalty for willfully causing a charitable organization to fail to distribute sufficient revenue.

Sec. 4. Disclosure of information by persons who solicit contributions by mail. Any solicitation shall include the name and the principal business address, the purpose of the solicitation and the estimated portion of all contributions for the same charitable purpose during the 12-month period following.

## CONGRESSIONAL CALL TO CONSCIENCE FOR SOVIET JEWRY

### HON. ROBERT A. YOUNG

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 7, 1986*

Mr. YOUNG of Missouri. Mr. Speaker, today I am proud to participate in the Congressional Call to Conscience for Soviet Jewry. Our efforts must continue each and every day until the human rights of all Soviet Jews have been restored.

Soviet Jews comprise the third largest surviving Jewish community in the world. Jews in the Soviet Union have been struggling to achieve basic human rights, including the right to maintain their own religion and culture. The right to leave any country that denies one their heritage is an internationally recognized human right, yet in the Soviet Union permission to emigrate is given arbitrarily.

In recent years, the number of Jews granted exit visas has virtually come to a halt. The rate of Jewish emigration from the Soviet Union has declined 97 percent over the past 5 years. Fewer than 900 Jews were allowed to leave the U.S.S.R. during 1984. The reduction in exit visas has left an estimated 20,000 refuseniks stranded. This figure is a conservative estimate, since it accounts only for those Jews who submitted formal applications and received formal refusals. The figure does not include those who have been arbitrarily denied even the right to apply for exit permits, those who have applied but have received no official answer from the Government, or those who choose not to publicize their plight for fear of reprisals.

Jews categorized as refuseniks have been increasingly treated as outcasts from Soviet society. The Soviet policies aimed at Jewish emigration have been accompanied by an escalation of efforts to isolate and intimidate Jewish activities. As it has become almost impossible to leave the Soviet Union, it has become unbearable to exist as a Jew within the Soviet Union.

Last year, I was fortunate to have had an opportunity to travel to the Soviet Union with several of my colleagues from the Committee on Science and Technology.

One of the most profound experiences that I encountered on this trip was our meeting with Soviet refuseniks.

We were able to spend several hours with a dozen refuseniks at the home of Prof. Yakov Alpert. Professor Alpert and his wife first applied for permission to emigrate in 1975. Subsequently, they both lost their jobs, and Professor Alpert has been completely cut off from the international science community.

Dr. Aleksandr Lerner, one of the Soviet Union's most respected scientists, also attended the meeting. Dr. Lerner has been constantly harassed since he first applied to leave the U.S.S.R. in 1971. He was dismissed from his job and has been accused of espionage and treason. The Soviet Government has made it clear that they do not intend to ever grant Dr. Lerner permission to leave the Soviet Union.

We heard similar stories from all the refuseniks. There is a clear pattern in the Soviet Union that once a person applies for an exit visa that person may expect to lose his job, have his home searched, and experience constant harassment by the KGB.

As a Member of Congress and concerned citizen, I have adopted a Soviet Jewish family from the Ukraine to help them fulfill their dream of emigrating to Israel.

Samuel and Manya Klinger have been trying unsuccessfully, for a number of years, to emigrate to Israel. Samuel Klinger is an agronomist from Dnepropetrovsk in the Ukraine. He and his wife, a nurse by profession, have been repeatedly denied exit visas since 1970.

The Klinger family is a perfect example of the way the Soviet Union treats refuseniks. In the past few years, defamatory letters have been printed in the local newspaper about the family—prompting Mr. Klinger to immediately send letters of protest to the editor. Unfortunately, the only response has been several anti-Semitic articles in the same paper.

We have asked the Soviet Government to grant this family permission to emigrate, but have received no response. There can be no doubt that by not allowing the Klingers to leave the Soviet Union, the Soviet Government is in clear violation of the Helsinki Final Act, the Universal Declaration of Human Rights, as well as their Soviet Constitution.

As the leader in the free world, the United States must do all that is possible to protect the human rights of all people. I urge my colleagues to continue to protest the blatant violations of human rights occurring each day in the Soviet Union.

# HOUSE OF REPRESENTATIVES—*Friday, August 8, 1986*

The House met at 10 a.m.

The Reverend Dr. Richard G. Hutcheson, Vienna Presbyterian Church, Vienna, VA, offered the following prayer:

Almighty God, who created humankind and ordained governments to establish peace and justice; we praise You for those in this body, and in every walk of life, whose work and witness are in accord with Your purposes. Grant to these Your servants a sure sense of discrimination between that which is popular and that which is right, between personal gain and the common good. Grant to the citizenry the wisdom to support them steadfastly, not demanding immediate advantage, but affirming their mandate to seek the long-term good, that through this instrument of governance Your will may be done, in this land You have blessed so richly and endowed with such great responsibilities in the world. Amen.

## THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. SMITH of New Hampshire. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. SMITH of New Hampshire. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 246, nays 127, answered "present" 2, not voting 56, as follows:

[Roll No. 311]

### YEAS—246

| | | |
|---|---|---|
| Ackerman | Barnard | Bonker |
| Akaka | Bateman | Borski |
| Anderson | Bedell | Bosco |
| Andrews | Beilenson | Boucher |
| Annunzio | Bennett | Boxer |
| Anthony | Berman | Brooks |
| Applegate | Bevill | Broomfield |
| Archer | Biaggi | Bruce |
| Aspin | Boggs | Bryant |
| Atkins | Bonior (MI) | Burton (CA) |
| Bustamante | Jones (NC) | Robinson |
| Byron | Jones (OK) | Rodino |
| Callahan | Kanjorski | Roe |
| Carper | Kaptur | Roemer |
| Carr | Kasich | Rose |
| Coleman (TX) | Kastenmeier | Rostenkowski |
| Collins | Kemp | Rowland (GA) |
| Combest | Kennelly | Roybal |
| Coyne | Kolter | Russo |
| Crockett | Kostmayer | Sabo |
| Daniel | Lantos | Savage |
| Darden | Leach (IA) | Scheuer |
| Daschle | Leath (TX) | Schneider |
| Davis | Lehman (CA) | Schulze |
| de la Garza | Lehman (FL) | Schumer |
| Dellums | Leland | Seiberling |
| Derrick | Levin (MI) | Sharp |
| Dicks | Levine (CA) | Shelby |
| Dingell | Lloyd | Shumway |
| Dorgan (ND) | Lujan | Siljander |
| Dowdy | Luken | Sisisky |
| Duncan | Manton | Skelton |
| Durbin | Markey | Slattery |
| Dwyer | Martinez | Smith (FL) |
| Dymally | Matsui | Smith (IA) |
| Early | Mavroules | Smith (NE) |
| Eckart (OH) | Mazzoli | Solarz |
| Eckert (NY) | McCloskey | Spence |
| Edwards (CA) | McCurdy | Spratt |
| Edwards (OK) | McEwen | St Germain |
| English | McKinney | Staggers |
| Erdreich | Mica | Stallings |
| Evans (IL) | Miller (CA) | Stark |
| Fascell | Mineta | Stenholm |
| Fazio | Moakley | Stokes |
| Feighan | Mollohan | Stratton |
| Fish | Montgomery | Studds |
| Flippo | Moody | Swift |
| Florio | Morrison (CT) | Synar |
| Foglietta | Morrison (WA) | Tallon |
| Ford (MI) | Mrazek | Tauzin |
| Frank | Murphy | Taylor |
| Franklin | Murtha | Thomas (GA) |
| Frost | Myers | Torres |
| Fuqua | Natcher | Torricelli |
| Garcia | Neal | Towns |
| Gaydos | Nelson | Traficant |
| Gejdenson | Nichols | Traxler |
| Gibbons | Nowak | Udall |
| Gilman | Oakar | Valentine |
| Glickman | Oberstar | Visclosky |
| Gonzalez | Olin | Volkmer |
| Gradison | Ortiz | Waldon |
| Gray (IL) | Owens | Walgren |
| Gray (PA) | Panetta | Watkins |
| Green | Parris | Waxman |
| Guarini | Pease | Weaver |
| Hall, Ralph | Pepper | Weiss |
| Hamilton | Perkins | Wheat |
| Hammerschmidt | Pickle | Whitehurst |
| Hatcher | Porter | Whitley |
| Hefner | Price | Whitten |
| Hertel | Pursell | Wirth |
| Horton | Quillen | Wise |
| Howard | Rahall | Wolpe |
| Hoyer | Rangel | Wortley |
| Hubbard | Ray | Wright |
| Hughes | Regula | Wyden |
| Hunter | Reid | Wylie |
| Hutto | Richardson | Yates |
| Jeffords | Rinaldo | Yatron |
| Johnson | Ritter | Young (MO) |

### NAYS—127

| | | |
|---|---|---|
| Armey | Burton (IN) | Coughlin |
| Badham | Chandler | Courter |
| Bartlett | Chappie | Craig |
| Barton | Cheney | Crane |
| Bentley | Clay | Dannemeyer |
| Bereuter | Clinger | Daub |
| Bilirakis | Coats | DeWine |
| Bliley | Cobey | Dickinson |
| Boehlert | Coble | DioGuardi |
| Boulter | Coleman (MO) | Dornan (CA) |
| Brown (CO) | Conte | Dreier |
| Emerson | Lowry (WA) | Schroeder |
| Evans (IA) | Mack | Schuette |
| Fawell | Madigan | Sensenbrenner |
| Fiedler | Martin (IL) | Shaw |
| Fields | Martin (NY) | Shuster |
| Frenzel | McCain | Sikorski |
| Gallo | McCandless | Skeen |
| Gekas | McCollum | Slaughter |
| Gingrich | McGrath | Smith, Denny (OR) |
| Goodling | McKernan | Smith, Robert (NH) |
| Gregg | McMillan | Smith, Robert (OR) |
| Gunderson | Meyers | Snowe |
| Hansen | Michel | Solomon |
| Hawkins | Miller (OH) | Strang |
| Hayes | Mitchell | Stump |
| Hendon | Molinari | Sundquist |
| Henry | Monson | Swindall |
| Hiler | Moorhead | Tauke |
| Hopkins | Nielson | Thomas (CA) |
| Hyde | Oxley | Vander Jagt |
| Ireland | Packard | Vucanovich |
| Jacobs | Pashayan | Walker |
| Kindness | Penny | Weber |
| Kolbe | Petri | Whittaker |
| Kramer | Ridge | Wolf |
| Lagomarsino | Roberts | Young (AK) |
| Latta | Rogers | Young (FL) |
| Lewis (FL) | Roth | Zschau |
| Lightfoot | Roukema | |
| Livingston | Rowland (CT) | |
| Loeffler | Rudd | |
| Lott | Saxton | |
| Lowery (CA) | Schaefer | |

### ANSWERED "PRESENT"—2

| | |
|---|---|
| Kildee | Lipinski |

### NOT VOTING—56

| | | |
|---|---|---|
| Alexander | Dyson | Long |
| AuCoin | Edgar | Lundine |
| Barnes | Foley | Lungren |
| Bates | Ford (TN) | MacKay |
| Boland | Fowler | Marlenee |
| Boner (TN) | Gephardt | McDade |
| Breaux | Gordon | McHugh |
| Brown (CA) | Grotberg | Mikulski |
| Campbell | Hall (OH) | Miller (WA) |
| Carney | Hartnett | Moore |
| Chapman | Hillis | Obey |
| Chappell | Holt | Smith (NJ) |
| Coelho | Huckaby | Snyder |
| Conyers | Jenkins | Stangeland |
| Cooper | Jones (TN) | Sweeney |
| DeLay | Kleczka | Vento |
| Dixon | LaFalce | Williams |
| Donnelly | Lent | Wilson |
| Downey | Lewis (CA) | |

□ 1020

Messrs. TRAXLER and UDALL changed there vote from "present" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

## ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair intends to recognize Members for just three 1-minute speeches this morning that have been prearranged. Other than that, the 1-minute speeches will come later in the day.

## THE REVEREND DR. RICHARD G. HUTCHESON

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, it is my pleasure to welcome today to the House our guest, the Reverend Dr. Richard G. Hutcheson, of the Vienna Presbyterian Church. His words this morning had special meaning to me because not only is Reverend Hutcheson a resident of my congressional district, but he is also copastor of my church and a man whom I greatly admire and respect. I am pleased that my colleagues had the opportunity to listen to his inspiring words this morning.

Reverend Hutcheson came to my church 5 years ago. He is a retired rear admiral in the Navy Chaplain Corps and is the author of three books, most recently, "Mainline Churches and the Evangelicals." Prior to coming to the Vienna Presbyterian Church, Reverend Hutcheson served the U.S. Presbyterian Church as chairman of the Office of Evaluation and Review in Atlanta, GA.

During the years he has served at the Vienna Presbyterian Church, he has diligently worked to foster the spiritual development of church members and has been an outstanding minister.

Mr. Speaker, I would like to congratulate Reverend Hutcheson on his inspiring words and thank him for addressing the House this morning.

## KENTUCKY FREEWAY TO BE NAMED FOR THE HONORABLE GENE SNYDER

(Mr. PERKINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PERKINS. Mr. Speaker, as this body is meeting, Gov. Martha Layne Collins of Kentucky is dedicating the freeway in Jefferson County to my friend and our colleague, GENE SNYDER. I know of no one more appropriate to name this highway after than GENE SNYDER.

The people of Jefferson County have been promised the completion of this freeway by Kentucky for over 20 years. In 1982, GENE SNYDER decided that he was going to complete this road. A provision happened to appear in the Surface Transportation Assistance Act of 1982 which provided the funds to complete this long-promised road. This provision somehow survived conference and became law.

I attended law school at the University of Louisville, and I saw the tremendous need for the completion of this road. It is most appropriate that the Governor of Kentucky has recognized the contributions of GENE SNYDER for the improvement of transportation, not only in Jefferson County and Kentucky but throughout every corner of our Nation, by naming the freeway in Jefferson County after GENE SNYDER.

## KENTUCKY FARMERS DONATE HAY AND MONEY TO DROUGHT-STRICKEN NORTH CAROLINIANS

(Mr. COBLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COBLE. Mr. Speaker, the farmers of western Kentucky recently came to the aid of farmers in the Sixth District of North Carolina, and I would like to use this time to thank them.

An independent trucker from Greensboro contacted our office and said he wanted to do his part to aid drought-stricken farmers. That man was Ron Howard. Our office put Mr. Howard in contact with Lyon County, KY, extension agent John Rudolph, who located surplus hay in Eddyville, KY. Back in our area, Alamance County Commissioner Junior Teague located farmers who needed hay.

I told my colleague, Congressman CARROLL HUBBARD, that the good people of Eddyville really came through. They donated hay and money, and gave Ron Howard the royal treatment while he was in their town. On August 2, we brought that hay to Mr. and Mrs. W.J. Cook and Mr. and Mrs. Bill Ed McPherson of Mebane. Between them, they have over 200 head of dairy cattle that were in critical need of hay. It was a joy unloading that hay.

This episode proves that when some Americans are in need, their fellow citizens come to their rescue. The residents of western Kentucky certainly proved that. You helped some people in my district during a difficult time. From all of us in the Sixth District of North Carolina, to the fine folks of Eddyville, KY, we say, "Thank you."

## PERMISSION TO FILE CONFERENCE REPORT ON H.R. 4151, OMNIBUS DIPLOMATIC SECURITY AND ANTI-TERRORISM ACT OF 1986

Mr. FASCELL. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight to file a conference report on the bill (H.R. 4151) to provide enhanced diplomatic security and combat international terrorism, and for other purposes.

The SPEAKER. Is there objection to the request of the gentlemen from Florida?

There was no objection.

## NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1987

The SPEAKER. Pursuant to House Resolution 523 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4428.

□ 1019

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4428) to authorize appropriations for fiscal year 1987 for the Armed Forces for procurement, for research, development, test, and evaluation, for operation and maintenance, and for working capital funds, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, with Mr. ROSTENKOWSKI in the chair.

The Clerk read the title of the bill.

□ 1030

The CHAIRMAN. When the Committee of the Whole rose on Tuesday, August 6, 1986, amendments made in order pursuant to section 2 of House Resolution 523 had been completed.

Pursuant to House Resolution 531, no further amendments to the bill or to the committee amendment in the nature of a substitute, as modified, are in order except the amendments designated in section 2 of House Resolution 531, and said amendments shall be considered only in the order and in the manner specified and shall be considered as having been read if available in the printed report by the Committee on Rules.

First, before the Committee substitute, as modified, is considered for amendment, it is in order to debate the funding levels for 1 hour, equally divided and controlled by the chairman and the ranking minority member of the Committee on Armed Services. After the completion of such debate, it is in order to consider the following two amendments to the committee substitute, as modified, contained in House Report 99-766 relating to funding levels, which shall not be subject to amendment or to a demand for a division of the question but each shall be debatable for 30 minutes equally divided and controlled by the proponent and a Member opposed thereto:

First, an amendment if offered by Representative SPRATT or his designee; and second, an amendment if offered by Representative DICKINSON, or his designee.

The gentleman from Wisconsin [Mr. ASPIN] will be recognized for 30 minutes and the gentleman from Alabama

[Mr. DICKINSON] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. ASPIN].

Mr. ASPIN. Mr. Chairman, I yield myself such time as I may consume for the purpose of explaining briefly the situation so that members of the Committee of the Whole may understand.

We have before us an amendment that is going to be necessary to bring the outlays in the bill before you down to the level in the budget resolution. It is not our intention on our side to debate this issue for the full time allotted, but this is a very, very important issue for the future of the budget process and to avoid the sequestration which faces us. We need to reduce the outlays in the bill before us by $6 billion to make it consistent with the budget resolution.

I beg of you, all members of this committee, to vote for the amendment which will be offered by the gentleman from South Carolina [Mr. SPRATT] and other substitutes will be offered.

We must vote to reduce the outlays. We are $6 billion over in outlays and our chances of avoiding sequestration are close to zero unless we correct the outlay figures in this bill before us.

Mr. Chairman, I yield 6 minutes to the gentleman from South Carolina [Mr. SPRATT].

Mr. SPRATT. Mr. Chairman, when we move from general debate into amendments on this bill, first up I will offer an amendment this morning whose object is very simple.

As the chairman has just said, the object of my amendment which will be offered along with the gentleman from Wisconsin [Mr. ASPIN] and the gentleman from Oklahoma [Mr. MCCURDY] is to bring this bill, this authorization bill, in line with the budget resolution that we have already accepted and agreed to.

We have a second object, because in trying to bring the bill in line with the budget resolution we want to protect the accounts that we think are most important, personnel and readiness, both as a priority in this particular budget and this authorizatioin bill and we want to protect them against sequestration later on because sequestration could be particularly devastating to the personnel and readiness accounts.

Now, the object we have is very simple, that the amendment is a bit complex and I think it would be useful for everyone if I tried to put it in context.

In the budget resolution passed by the House, the allocation for Defense, function 050, was $285 billion; and the Armed Services Committee marked the budget authority in this bill down to that level: $285 billion. The committee had basically completed the mark at $285 billion when the concurrent budget resolution was adopted the night before we left for the Independence Day recess.

The concurrent budget resolution allocates $292.2 billion in budget authority to national defense—function 050—and $279.2 billion to outlays. The $292.2 billion was the ceiling set by the concurrent budget resolution on outlays.

When we returned from the recess, our committee met to decide what to do with the additional $7 billion in budget authority, gained in the concurrent budget resolution. We knew then we had an outlay problem. We knew that our mark to $258 billion in budget authority would generate outlays of about $283 billion, $4 billion above the outlays allowed under the concurrent budget resolution.

In spite of this mismatch, which we already had between BA and outlays, with BA $285 billion, the committee decided to add back the entire $7 billion in additional BA that was made available to us under the concurrent budget resolution, and most of this $7 billion goes to R&D, procurement, the so-called investment accounts in the defense budget. The result was a defense authorization bill, the one that comes to the floor, with $292.15 billion in budget authority and $285.4 billion in outlay impact. In other words, this bill as it is, as it comes to the floor, is $6.2 billion over budget in outlays.

Our amendment, as I said, has a very simple purpose. It is to bring this bill in line with the budget resolution, the outlay ceiling that this Congress set several weeks ago, and here is how we propose to do that.

First, our amendment deletes the $5.8 billion in procurement, research and development, and other accounts, which the committee added back after the bill had been marked to $285 billion. We leave in place, however, $1.5 billion for a pay raise of 3 percent on January 1, which we and most of the committee feel is vitally important. This $5.8 billion we cut is very selectively cut. It is not an across-the-board reduction. It is not our personal choice of reductions. It is a selection of cuts each of the subcommittees made when we were marking this bill down to $285 billion. Basically, all we do is bring the bill back down to the level to which the committee itself had marked it before learning that we had more BA than we thought we would have—with the one exception I mentioned. We keep the pay raise for military personnel, and that costs $1.5 billion if it is made on January 1.

These program cuts—deducting $5.8 billion from $292.2—take BA to $286.5 billion, but they leave us still with an outlay problem. The corresponding outlays are $283.5 billion. To get down to $279.2 billion in outlays, which is the level of outlays Congress set, our amendment makes two more changes:

First, we would rescind $1.4 billion of BA in the procurement accounts, which Congress overappropriated for inflation in fiscal year 1986 and fiscal year 1985, when we gave DOD more to cover inflation than DOD needed. That's no gimmick; it's a real cut in spending, developed with the help of DOD, and it has an outlay impact in fiscal year 1987, which CBO will score at $1.4 billion.

Second, we would change the military pay date from September 30 to October 1, a change which leaves BA unaffected, but shifts $2.9 billion in cash flow from fiscal year 1987 to fiscal year 1988. This is an accounting gimmick. I make no pretense about it. But CBO will score the pay date change as having a $2.9 billion outlay impact.

Even more importantly, the pay date change is a cash-flow adjustment that will not cost the Government more in the long run. The Dickinson-Courter alternative adopts both our pay date change and our inflation rescission—so on two of the three elements of our amendment, Dickinson and Courter agree with us. Indeed, they copy us. But to get from $292.4 billion in BA down to $279.2 billion in outlays, Dickinson and Courter need some tricks.

They pull two out of the hat that may reduce outlays in the short run, although I don't know how anyone can accurately calculate the impact. But they may also cost DOD more in the long run. Dickinson-Courter would delay progress payments by 10 days, and they would stop DOD from taking early deliveries.

The problem is that defense contractors understand cash flow too. They know money has time value; and they price their product based on time lags in payment and the cost of carrying inventory. If DOD slows down its rate of payment, it will not take the contractors long to raise prices. And that's not my opinion; that's the conclusion of DOD's recent profit study and the Congressional Budget Office.

Just yesterday, CBO's Director Rudolph Penner, testified:

> In those instances where delays are legally possible, they may induce contractors to raise future contract bids, thereby raising the cost of procurement.

The Dickinson-Courter alternative, which they will offer after our amendment is offered, deals with the fiscal year 1987 outlay problem in a different manner. It deals with it really in a manner that we have grown accustomed to. It puts the problem off. It puts off the BA outlay mismatch until the following year, and in fiscal year 1988 when those early deliveries that they propose to pay for late start coming in, when the extra BA of $5.8 billion which they want to keep starts spending out, the outlay mismatch

that we have this year will be back and it will be back in spades.

So the question before us as we open up this bill is an old and a simple one. Are we going to deal with the deficit this year? Are we going to deal with a mismatch between outlays and BA this year, or resort to gimmicks?

The question before us is simply this: Are we going to come to grips with fiscal reality or not? We mustered the courage to adopt Gramm-Rudman-Hollings. Can we muster the courage to carry it out?

We have a solution to the problem which is an honest solution and I urge that we adopt it.

Mr. DICKINSON. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, it is unfortunate that our audience this morning on the Chamber floor is as diminutive as it is, because there is nothing facing the American people and the security of this Nation more important than what we are doing in setting the spending levels in the items that are to be bought and contained in this bill. My fervent hope is that there will be adequate numbers of Members watching in their own offices, because this is a very complicated matter that we have to discuss today, very complicated. I am not sure if everyone were here and we had ample time, which we do not, that we could adequately explain it, but let me start with the basics of it to try to develop how we got to where we are now and how the problem we are facing developed.

This year the administration requested $320 billion for its defense budget. This is what they said that they actually needed.

Now, was this something just plucked out of the air? Was it something substantive? How did they arrive at this figure? They arrived at the figure by saying this is the minimum that we need to have to spend, plus we are owed by an agreement some money from last year, because instead of a positive growth or even a neutral growth, we had a 3-percent negative growth last year, and they put in inflation for this year, so this came to the $320 billion.

Now, the Senate Budget Committee, in looking at that figure, said, "Well, we don't think we have that much to spend. We cannot afford it, so we will not restore what was in there. We won't put any real growth in there"—abrogating the agreement of last year—"but we will budget $301 billion." That was the budget authority that the Senate put in there, $301 billion, which represents no growth.

Now, the House Budget Committee said, "Hey, we don't think we can get there. We don't believe that the Members will support that," so in the House budget figure, and keep in mind now that we on the authorizing committee are looking to the Budget Committee to tell us how much our slice of the pie is so we know how much to spend, the House Budget Committee set our figure at $285 billion.

OK, we got our marching orders and in the Armed Services Committee we apportioned that out among the subcommittees, so in our subcommittees on research and development, procurement, seapower, all the spending subcommittees, readiness, we took what our portion of the pie would be. We marked down to that and we came back and we saluted and said, "Yes, sir; they gave us a $285 billion figure. This is what we can buy for $285 billion."

That is what the House did. We marked to that figure. After we had marked and reported out our bill, then a joint committee of the House and the Senate on budget got together and came up with a new figure. They said, well, we have cut too much, obviously the Senate did not cut enough and the House cut too much, and so in order to reconcile the differences the joint committee on budget gave a budget authority, a spending authority of $292 billion.

Well, now, why do I talk about two different figures? Well, there are two figures that we have to deal with. One is budget authority, which means that is the same as using a credit card or a charge account. You go out and put your credit card down and you purchase that. Now, at the end of the month when you have to pay that with money, that is your outlay. That is what you really lay out.

□ 1045

So you can charge it and you get credit and use your credit here, but then what you actually have to pay in that year is the outlays.

Never before has the authorizing committee, the Committee on Armed Services, been constrained by outlay figures. The Committee on Appropriations does that. We have to look at what our credit is, how much we can afford to spend. If we spend more than that, the Appropriations Committee has the authority and the duty to say that we cannot go over the outlay figure.

With the advent of Gramm-Rudman this has been exacerbated, let us say, to really put teeth into it, and so they dare not go over, where they have in the past.

I might add, though, that some of the appropriations bills that have already come to the floor from other committees have already exceeded the outlay figure for this year, but we will discuss that perhaps later.

We are talking outlay figures over here which are not binding on our committee, which are not legally binding or morally binding, and historically have never been binding. We have only been dealing historically and up to this point with what is our authority to spend.

Now for the first year we have to be concerned with, they tell us, the outlay figures instead of the Appropriations Committee. Of course the responsibility is still with the Appropriations Committee, but politically, I suppose, in order to convince enough Members on the floor that this is the right number, they have to say, "If you spend this much in budget authority, how does that affect your outlays, and will we meet that target, too?"

When we went on the recess, or work holiday, after we had already marked up to the $285 billion, we were given a new figure. The Budget Committee finally acted and came to the new figure. So the Armed Services Committee went back in and said, "We have approximately $7 billion more than we had marked up to the 285." So those things that had not been included and those things that had been deleted from the administration's request we put back in, and that is the 292 figure.

We voted on whether to stay at the same figure or go to the 292. The committee voted by a very substantial margin to stay at our authorized figure, and if anything is going to fall out, it will have to be done in the appropriations process, and they just will not fund over the outlay figure. So the figure that I bring to you and that we are debating today is the committee figure, and the amendment that has been discussed that is cutting the committee figure is supported by the chairman, which is rather anomalous, but is perfectly right to do, to cut what the committee said that we were going to do after we knew what the figures were.

The reason given for that is that we have to reach the outlay figures. First, that is not true. There is no obligation on us. Politically it is expedient, but we do not have to meet the outlay figures. The Appropriations Committee might, but not us.

If, though, we say that we have to, how do we get there? Well, you cannot get there from here dealing honestly. You have to use gimmicks, and the gimmicks that the proponents of the cut would lay out are just that—they are not real reductions in spending. They are supposed to be, but they are not.

Do you know how they are going to get there? They are going to slip a pay date from the last day of September to the first day of October to get into a new quarter. It does not save a dime, it just spends it in another year, but that is the gimmick that they are using to get there.

Do you know what other gimmick they are using? They are saying well, we have some understanding inflation, or overestimated inflation, in the

budget from last year that was really not used up because inflation was lower, so we are going to take that and get credit for that, too. It is a gimmick. You are not saving any money; you are not spending any less. It is just smoke and mirrors. It is a gimmick. But they will technically meet the argument.

So that is what they are proposing to do, not reduce spending, not really cut back on anything. They simply say that we are just going to change this date from one day to another day, and thereby we save $x$ billions of dollars, and we are going to go back and the money that we did not spend that was allocated, because inflation was low, we take credit for that savings, because we will not spend it. So, therefore, we have met our outlay figure.

The CHAIRMAN pro tempore (Mr. DASCHLE). The time of the gentleman from Alabama [Mr. DICKINSON] has expired.

Mr. DICKINSON. Mr. Chairman, I yield myself 5 additional minutes.

So if you want to play a game, and we will get into it when I offer my amendment, or the gentleman from New Jersey [Mr. COURTER], we say, OK, if you want to do that, we have a gimmick. We will take your same gimmicks—the same misleading, deceptive gimmicks that do not cut spending a dime—we will take your figures, we will do what you do, and we will go you one better. We have to reduce a little more if we keep the higher figure, so we will say that if a contractor delivers a weapons system early, we will not pay him early, so we pay him when he delivers. In progress payments, instead of paying—we pay 80 percent as they go along—instead of paying in 5 days, we will slip that to 15 days, and that is a savings. It is a gimmick. But we meet the outlay figures just as well as does the proponent, the chairman or the gentleman from South Carolina [Mr. SPRATT], we meet them just the same using the same tools they use. We just reached in their bag, too. If they want to play games, we will play games.

But the difference is that we are keeping our spending authority at what the Budget Committee said we had the right to. We are meeting that target, and in doing so, we are keeping in the purchase of F-15 aircraft, F-16 aircraft, and there is a litany of things which I will read when we get into the amendment, that makes a big difference, because, let me tell you, if you cut down on say the purchase of the F-15 aircraft, the production rate, as they would propose to do, if we do not get the budget authority—I would like you to hear this; it is hard to believe.

The Air Force says that if we cut the production rate in half, which they propose to do if they lower it from the 292 to 285, each aircraft will cost $6 million more, just by slowing down the production rate. You have not saved a dime, you have cost money, you get them later, and you pay $6 million more for the same aircraft, just by the false economy of stretching it out. If they delete those and cut the production rate in half by lowering the figure from 292 to 285, that is exactly what you are doing on the F-15. The same would be true on the F-14 and other weapons systems that we put in here. If you stretch out the program, you pay more for it, and you get it later.

So we have brought you an honest bill. We have met every parameter that has been laid upon us, and we have gone as far as we could toward reaching what the Department of Defense and the administration say that they want.

Let me tell you something. Last year the Budget Committee made an agreement, the House and Senate, joint committee. They said we will look into the future, we will have a 0-3-3-percent growth: 0 percent the first year, 3 percent last year, and 3 percent this year.

They did not meet it last year. We had a negative growth last year. This year by their amendment we will have another. The 2 years combined will give us a 10-percent negative growth, reduction in growth, not just holding our own for the 2 years.

It is imperative if we are going to maintain our credibility as a world power, the free world's leader, that we maintain our defense capabilities, and you cannot do that if you go back to the Carter years of cut, cut, cut, and not keep up with inflation. We are not only keeping up with inflation, we are having a real reduction in the amount spent for our defense.

□ 1055

I think we are being penny-wise and pound-foolish if we do not go on and fund the amount that the Budget Committee says we are authorized, the joint committee says that we are authorized to have and to spend for the defense of this Nation. To do anything otherwise, anything otherwise than to spend to the full amount that we are allowed by the Joint Committee on the Budget, I think we would not be meeting the trust put in us, and not be meeting our responsibility. We would not be providing or doing our best to provide for the adequate defense of this country.

I think if the American people understood it and if the Members of this House understood it that they would support the committee's position, arrived at after long hours of deliberation and innumerable witnesses testifying, and they would support our position.

Mr. BROOMFIELD. Mr. Chairman, at $292 billion, this bill represents the heart and soul of our Nation's defense effort. Not surprisingly, given its sheer magnitude, consideration of this legislation will involve days of discussion, major policy debates and literally dozens of amendments. In the past, when the dust settled, we usually had a bill which, while not satisfying everyone, reaffirmed our Nation's commitment to a strong and viable defense.

Unfortunately, this year the situation is shaping up differently and, I'm afraid, to the possible detriment of our national security effort. This year's debate is more of an arms control policy discussion than an opportunity to put the finishing touches on legislation designed to bolster our Nation's security.

Under the guise of arms control, a number of my colleagues have decided to use the DOD authorization bill as a vehicle for pushing through their own ideas of how we should be dealing with the Russians. The problem with this is that the basic premise for their loosely defined idea of arms control is one-sided disarmament without verification. These principles are embodied in the five main "arms control" amendments which my Democratic colleagues are planning to offer to the DOD authorization bill. Taken as a whole, these amendments would gut our Nation's strategic security policy. This group of amendments is composed of: First, an attempt to cut funds for the strategic defense initiative; second, an amendment to prohibit all nuclear testing; third, an amendment to prohibit funds for any strategic weapons procurement which go above the numerical sublimits contained in the now defunct SALT II Treaty; fourth, an amendment legislating a moratorium on U.S. antisatellite programs; and fifth, an amendment prohibiting all funds for production of chemical weapons.

Responsibility for this group of amendments as the key amendments to the DOD authorization can be laid directly at the doorstep of a group of liberal Democrats in the House of Representatives who want a political confrontation with the President on the question of arms control. As they themselves state, they have their own agenda, and it is diametrically opposed to that of the President. These Members want disarmament at any cost. In this legislative struggle, genuine security based upon an equitable, verifiable balance of forces is unimportant. Their target is our weapons programs and our programs alone.

The timing of this attack on the President couldn't be worse. While in the past people could have accused the President of not doing enough in the arms control field, that's certainly not the case today. I don't think anyone can deny that we are at a critical juncture in our negotiations with the Soviets on a wide range of arms control issues. The President and Mr. Gorbachev are exchanging high level proposals on how to end the arms race. Our negotiators in Geneva are guardedly optimistic about prospects there. We have just concluded the first round of discussions with the Soviets on the question of verifying existing nuclear testing agreements. The United States has recently met with the Soviet Union in regard to the U.S. SALT II announcement and our concerns over Soviet SALT violations. And, Secretary Shultz has just concluded a series of meetings with high ranking Soviet officials to discuss an expected summit later this year.

There is, without any doubt, a multiplicity of very important arms control discussions going on with the Soviets at the present time, and they are at the highest level. And yet, just as the President is coming to grips with the Soviets on these extremely important issues, Members of Congress are doing their best to undercut him here at home with their shadow arms control policy. I would hope that my colleagues in the House will step back and take a good hard look at the cumulative effect that these five amendments will have on the President. The timing of these amendments is all wrong, and contrary to what their proponents say, they undermine genuine arms control, not support it.

Mr. Chairman, I yield 3 minutes to the gentleman from Mississippi [Mr. MONTGOMERY], the very distinguished chairman of the Veterans' Affairs Committee, and an outstanding member of our committee.

Mr. MONTGOMERY. Mr. Chairman, I thank the gentleman from Alabama for giving me this time.

Mr. Chairman, I rise in support of the Dickinson-Courter defense budget amendment, basically because the bill that we have before us today, H.R. 4428, as pointed out by the gentleman from Alabama [Mr. DICKINSON] calls for $292 billion in budget authority. Two-thirds of the committee, voting on a rollcall vote in our committee, voted for the $292 billion budget authority.

We have always, as I recall, and I have been on the committee for a number of years, we have always marked to the budget authority and never have marked to the outlays, which seems to be the big, big argument here this morning.

Under the budget resolution for 1987, which I supported, and was supported by the majority of the Members for fiscal year 1987, we were given the budget figure of $292 billion, and that is what I want to repeat that the committee marked to.

This bill represents the second year of negative growth in defense spending. I know some of my colleagues on this side of the aisle are very concerned that we continue to spend, spend, spend, in the military. But we are having negative growth. The figures might be higher because of inflation, but it is really negative growth for 1987 and for 1986. We really had more growth in our defense spending in 1985.

Under the Aspin-Spratt amendment, the reduced budget authority as proposed by these two gentlemen would result in a negative 4-percent growth, a negative 4-percent growth.

Let me point out that the $292 billion does not cover everything we wanted. In the military personnel accounts, the services recommended that we increase the end strength for the National Guard and Reserves. We did increase these strengths, but we were not able to increase the full-time Reserve personnel. We could only increase it by the figures we were given of one-third. So we really are not keeping up with the missions given to the Reserves because of this restriction of $292 billion.

So in closing, Mr. Chairman, I say why not go along with what we have in the bill. Two-thirds of us voted for it. Why continue to change this bill out here on the floor?

I rise in support of the Dickinson amendment.

Mr. DICKINSON. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Virginia [Mr. BATEMAN].

Mr. BATEMAN. Mr. Chairman, I appreciate the distinguished gentleman from Alabama [Mr. DICKINSON], the ranking member of the House Armed Services Committee for yielding the time.

Members of the House, we will shortly be facing a question of whether or not, within the limitations, totally within the limitations of the budget resolution, we choose to reduce the amounts of money authorized to be expended in the defense of our country.

There is no way to avoid the alternate issue that to vote for budget authority that is less than the $292 billion provided in the budget resolution, that binds us, when there is an alternative that goes with that $292 billion which meets also an outlay level that is not technically or legally binding upon us, translates purely and simply into a vote to unnecessarily and unduly restrict that which we authorized to be provided for the national security.

We meet through the Dickinson-Courter amendment the $292 billion budget authority. We meet the outlay requirement of $279 billion and a fraction. To cut below it is simply to unnecessarily undo what the committee, in its wisdom, felt was required in our Nation's defense.

I think it is significant to point out that when the committee went forward and marked its bill under the original House passed budget resolution to $285 billion, it was understood in the committee we would not report that bill marked to that level unless we were required to do so by the ultimate, final action on the budget. The ultimate, final action on the budget raised that authority to $292 billion, and we then proceeded to add back authorization for programs and numbers of items that were regarded as vitally important to our national security. It was then that the committee hung fast by a two-thirds vote within committee that we should stay with the $292 billion that was the final Budget Committee action because we needed those things that were authorized between the $285 billion and the $292 billion figure.

I hope that this House will not today unnecessarily undo what the committee has done over months of effort to separate out competing priorities, recognizing as we do within the committee that even at $292 billion there are many things that this country would be well served if it had, but which are not in the $292 billion. But we have the best mix that could be arrived at in the collective wisdom of the committee.

The committee has also given consideration in its $292 billion authority to what you can buy that will most enhance the competition in the acquisition and procurement of major systems so that the taxpayers can get what we are going to have to have and get it at the cheapest rate. As illustrated by the gentleman from Alabama [Mr. DICKINSON] with reference to the number of airplanes, and how if you reduce the number being produced you increase the cost of every one being procured by as much as $6 million. What is being done in naval ship construction tends to enhance competition between shipbuilders so that that will drive the cost of procuring those ships down.

To limit the number, to change the mix, adversely affects the competitive environment, stretches out the program, and increases the cost.

□ 1105

There is no reason for this House to take such action, because the Dickinson-Courter amendment gives you $292 billion within the budget authority conferred upon this committee and by the Dickinson-Courter amendment you meet the outlay requirements that are imposed upon the Appropriations Committee.

I would conclude by saying that the Appropriations Committee has not been idle through all of these weeks and months. It has taken the bill that the committee has reported with budget authority of $292 billion, and has proceeded to informally go forward and mark their appropriation bill to that level.

I am assured that they can and will meet the outlay requirements imposed upon them within the parameters of the $292 billion, and to do less than that in this body today is simply to savage the defense budget unnecessarily.

Mr. DICKINSON. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. BADHAM].

Mr. BADHAM. Mr. Chairman, Members, we did not even used to discuss very much around here the differences between budget authority and outlays because that was before the years of Gramm-Rudman and it was during the years of level or increasing defense expenditures.

However, last year when, as Mr. DICKINSON said, we went into a situation of reducing—even though we had agreements for zero growth followed by 2 years of 3 percent real growth, we got to the point that rather than do that in this body, and together with the other body in conference, we went from 1985 fiscal year $292 billion to last year's, down to $286, which is a real negative growth, or a reduction of 6 percent; and then if we are faced this year with a further reduction of 10 percent or of 6 percent or 4 percent, that will add up to a reduction of 10 percent overall.

Now, in our deliberations this year, we came to the conclusion that with Gramm-Rudman, we were going to have to do several things; and as we started out, we were given a figure, a target figure of $285 billion for authority. I stress the word authority, because we are the authorizing committee. We do not appropriate; we authorize expenditures to be made.

The appropriation or the outlay is done, as we all know, by the Appropriations Committee.

We came to the $285 billion authority mark, and we estimated that that would be for whatever reason about $282 to $283 billion of outlay. Before we were able to report that bill, we were given a reprieve by the Budget Committee who said, you have $292 billion of authority in the authorizing committee. That will be coupled with an unmakeable figure of $279 in outlays.

Now, for the first time this argument really came to a head. So the committee voted, by a substantial margin, to use our authority to authorize $292 as the authority was given us to authorize that by the Budget Committee; and indeed we did.

Now we are faced with getting the $279. When the distinguished gentleman, the ranking minority Member, the gentleman from Virginia says that this takes gimmicks to get there; indeed, gimmicks it does take to get there.

Last year we called it smoke and mirrors, this year we call it gimmickery. The fact remains that we cannot get to $279 outlays without doing something that might be considered gimmicky or a little weird.

The difference is that the Dickinson-Courter amendment, which will be offered very soon, will use the same bag of gimmicks that is used by the chairman and Mr. SPRATT, and it gets us there without reducing any programs whatsoever.

On the other hand, to get from $292 authority from the committee down to the outlays of $279 to go to $285.4, the situation is different with the Spratt amendment. That will reduce this Nation's strength by refusing to buy 30 F-16 aircraft; the price will go up if we do not buy them efficiently. Twelve F-15 aircraft; the cost will go up several millions of dollars per copy if we do not buy them efficiently. Twelve F-18's, five F-14's, one *Aegis* class destroyer.

These are but a few of the things that will be cut from the guts of the program of the defense of this country. I would just like to say that I impugn no one's motives, because every member of this committee is trying as hard as he can under the budget restraints to come into proper scope.

This fact is, we have the choice here today and this is the meat of the whole argument. We can do it with smoke and mirrors and cut programs, or we can do it with smoke and mirrors and not cut programs.

I think the latter is far preferable because the committee has also been working to do other things; to reduce manpower needs by increasing technological advance, by procurement reform which will save us money in our relationships with contractors.

So I urge you to support the Dickinson-Courter amendment, which will not cut programs but will get us to where we want to go.

Mr. ASPIN. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Chairman, it pains me to come to the well today and to support a cut in the budget authority for the defense budget, just as it pained me to be one of the 19 Members to vote to eliminate the COLA's for military and civil service retirees; just as it pained me to vote for the $170 million in outlay reductions in order to conform the ag budget to the target of Gramm-Rudman-Hollings.

Just like it will pain me when the opportunity, should it arise, to vote no COLA's for Social Security recipients this year. That, too, will pain me and incur the wrath that I am incurring.

I am here today to support the Spratt amendment, because it is time we do that which the Packard Commission suggested we have not yet fully appreciated the necessity of doing, and I quote:

> Today there is no rational system whereby the Executive Branch and the Congress reach coherent and enduring agreement on national military strategy, the forces to carry it out and the funding that should be provided in light of the overall economy and the competing claims on national resources.

That is the bottom line, my colleagues. Gramm-Rudman-Hollings I thought was serious. I thought we were serious about recognizing our economy, the money we have to spend, and trying to put together a package to do it within that budget.

If we do not support the Spratt amendment, we are just saying to the world: Forget it. There is no way we avoid sequestration. To my colleagues who suggest that $286 is not enough in budget authority, we are going to have much less for defense, if we go the way it is being suggested in the substitute amendment.

This is "gut-up" time for a lot of us, and I hope folks on my side of the aisle that have literally done everything to stop the Davis-Bacon Reform Act will also "gut-up" when it comes time to doing hard time.

The only thing that we have cut with Gramm-Rudman-Hollings so far, it appears to me, is Hollings.

Mr. DICKINSON. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. KASICH].

Mr. KASICH. Mr. Chairman, let me just say very quickly that there are two methods that are used in the Aspin-Spratt amendment to try to get down to the budget authority/budget outlay numbers.

We have two additional ones; one that delays progress payments; those are payments that we make to contractors, and second, we prohibit the early delivery of systems so that we do not have to pay money out up front.

What does that allow us to do? Well, when we combine the two methods that the Aspin-Spratt amendment uses along with our two methods, we are able to hit $292 in authority and $279 in outlays.

□ 1115

Let me tell you, last year we had a 6-percent reduction in budget authority. Last year's budget represented a negative 6-percent growth. The Spratt-Aspin amendment will give us another additional 4-percent negative growth. And those people who have been the most critical and the most analytical about what we ought to do within the Department of Defense, including former members of this administration who have come forward with plans to cut defense spending, have told us that if we consistently move to reduce the outlay figures or to reduce the authority figures for defense, we are going to roll back all the gains we made for the last 4 or 5 years.

So what do we do in our budget? We simply take the two methods that Aspin-Spratt take, we add to them. One is prohibit early delivery. We do not need to take early delivery on these systems because we end up having to have storage space problems and everything else until the systems can be joined together and we also delay the payment for 10 days of progress payments to contractors. Contractors have been getting 90 percent progress payments for longer than what they needed. It is now down to 80 percent. We do not reduce it below 80. We just simply say we delay the payments for 10 days and are able to meet $292 in budget authority and $279 in outlays. So it gets us right on our target and also assures that we

can be more generous in the area of authority than is provided for in Aspin-Spratt which represents a 4-percent decline in authority. We simply cannot go 2 years with a 6-percent and 4-percent decline in authority when we can do it with our program that makes good sense.

Mr. ASPIN. Mr. Chairman, I yield 6 minutes to the gentleman from Oklahoma [Mr. MCCURDY].

Mr. McCURDY. Mr. Chairman, I would have preferred to mark the defense number at the higher BA level, as permitted under the budget resolution. But quite frankly, that number is unachievable if defense outlays are to be within the budget outlay target and if we are to preserve military personnel and readiness from the devastating cuts of Gramm-Rudman.

Historically we have just been concerned with budget authority. But today, in today's world we are concerned with outlays. Outlays are the real numbers because that is what Gramm-Rudman is based upon. That is what the deficit is based upon. That is what the headlines you see today about growing deficits, record deficits, is based upon.

Many experts are predicting that we face a potential Gramm-Rudman sequester in October of this year of $24 billion in outlays, one-half of which is to come out of defense.

In order to get $12 billion in outlay cuts, DOD will have to cut approximately $30 billion in budget authority from the appropriated level. I would prefer reducing the impact of those cuts by preserving the decisions that the Committee on Armed Services made to protect operations and maintenance and personnel.

We made those priority decisions in June. But when the conference report came back, it allowed greater budget authority. The committee, by close vote, chose to add nearly $5.8 billion in new spending.

Ladies and gentleman, we have to wake up and live in the real world of record deficits and outlay cuts. If we honestly do not bring the outlay number in line with the budget, we are going to face across-the-board cuts in a number of areas.

In personnel, let me give you an example: They are talking about $3 billion to $4 billion reduction in military personnel. Do we really want to furlough or release thousands of active-duty personnel?

We could face $7.3 billion in readiness accounts. Let me give you one example: In my district Tinker Air Force Base is a large air logistics center. In March of this year they had to take a $75-million Gramm-Rudman sequester. That meant aircraft repairs were cut and because of lack of spares and trained personnel and inspectors, they had to make further cuts.

If we do not either raise the revenue to pay for defense, which the President opposes, or bring this bill and others into line, then the next cuts will be far worse than those that were taken in March.

My friend, Mr. DICKINSON, argued that this bill is only an authorization bill and that the Appropriations Committee will take care of the cuts. You know, that sounds vaguely familiar with what we have heard around here for the last few years that continue to build the deficits. It is no wonder we cannot balance the budget around here with talk like that.

Furthermore, the Subcommittee on Appropriations for defense is over the budget in outlays and did not use all of their budget authority.

My colleagues, often in politics perception counts more than substance, and in this case the perception is clear that if we do not use all of the budget authority, the credit card, then we may look as if we are not for a strong defense. But the truth is and the facts reveal that, unless we watch the real numbers, the outlays, the money actually expended, the cash that is used, then we will do irreparable harm to the readiness posture of our military.

Let us be honest, let us not add to the credit card when we do not have the cash available nor the willingness to raise it.

Let us not, again, postpone the hard choices. Let us not bring about even harsher cuts on defense. We cannot have it both ways.

Let me speak to my colleagues, the moderates and the conservatives: if you voted for Gramm-Rudman as I did, if you voted for a balanced budget amendment as I did, if you voted for across-the-board cuts by Mr. FRENZEL or by Mr. ARMEY which I have, then you have to vote for this amendment.

Mr. HAMILTON. Mr. Chairman, will the gentleman yield?

Mr. McCURDY. I yield to the distinguished chairman of the Permanent Select Committee on Intelligence, the gentleman from Indiana.

Mr. HAMILTON. I thank the gentleman for yielding.

Mr. Chairman, my question for the distinguished gentleman from Oklahoma then is this: In the reductions made by the gentleman's amendment are any of the so-called inflation savings taken from intelligence or intelligence-related accounts?

Mr. McCURDY. The gentleman's question is an important one. The McCurdy-Spratt-Aspin amendment makes reductions in certain fiscal year 1985–86 accounts which have been identified by the Department of Defense as areas where inflation savings could be made. It is the intent of the amendment that these savings do not come from National Foreign Intelligence Program accounts or tactical intelligence and related activities accounts. Therefore, beyond the fiscal year 1987 reductions made in specific intelligence and intelligence-related programs which are known to both the Committee on Armed Services and the Permanent Select Committee on Intellience there are no further deductions intended, nor should the Secretary apply reductions, for intelligence and intelligence-related activities.

Mr. HAMILTON. I thank the gentleman.

Mr. McCURDY. Mr. Chairman, I yield back the balance of my time.

Mrs. COLLINS. Mr. Chairman, for years Congress has acquiesced to President Reagan's inflated military budget requests, stripping vital social programs to throw money at defense. This policy has purchased little in the way of real security—it has only lined the pockets of arms manufacturers and produced weapons that don't work.

Now before I am accused of being unrealistic about U.S. military needs, let me point to an article from Sunday's Washington Post written by a retired marine officer, Lt. Col. David Evans. Colonel Evans is a combat veteran, served as an artillery and infantry officer, and for 3 years was Director of Manpower Planning and Analysis under Secretary of Defense Caspar Weinberger. Certainly, this is not a man who would be naive about America's defense requirements.

So Congress would be advised to listen when a man like Colonel Evans calls for a freeze on defense spending. He states that the weapons which the Pentagon has been purchasing are overly complicated and will fail on the battlefield, leaving our soldiers defenseless. In other words, generals have been spending the taxpayers money gleefully, like little boys in a candy store, buying useless toys, while totally neglecting legitimate defense planning. In Colonel Evans' view, an end to congressional largess might prod the Pentagon into addressing this liability.

It is about time that Congress took the advice of conscientious military officers such as Colonel Evans and stopped throwing money into the black hole of the Pentagon. Just look at some of the unnecessary weapons included in the present Defense authorization bill. Star wars, a dangerously destabilizing system. Antisatellite weapons, which are just as bad as star wars. The MX and Trident D–5 missiles, weapons which are increasing the threat of the arms race. Chemical munitions, barbaric devices of mass destruction which will kill more civilians than enemy soldiers. The Bradley fighting vehicle, which has been described as a rolling coffin. And that's just the tip of the iceberg.

The Dellums-Schroeder Defense budget amendment will put America back on the right track. This amendment will cut many unnecessary weapons and establish some fiscal discipline at the Pentagon. By adopting Dellums-Schroeder, Congress will gain a lean, effective force, and save money to boot. This is the kind of commonsense Defense budget that our Nation so desperately needs.

Mr. HOPKINS. Mr. Chairman, the National Defense Authorization Act of 1987 contains two measures of prime importance to the wel-

fare of our troops and the effective defense of our national security.

First, the Bill Nichols Department of Defense Reorganization Act is the logical next step in the reorganization effort following last year's initiative modifying the structure of the Joint Chiefs of Staff.

This year, we focused our attention on redefining the manner in which the Pentagon conducts its day-to-day business, from combat planning and execution to officer promotions, with one guiding principle—the defense of our Nation should not suffer due to the bureaucratic and parochial rivalries plaguing the Defense Department.

For instance, our package strengthens the operational authority of our theater combatant commanders, enabling them to exercise full authority over all American forces in the field as was originally intended by Presidents Truman and Eisenhower. Currently, our field commanders are hampered by a combination of ambiguous and overloaded chains of command and the counterproductive competition for authority and resources with the individual military services.

We urge your support of this effort to maximize the abilities of our Nation's defense and in the process also enhance the welfare, support, and effectiveness of our men and women in the field.

Second, the committee adopted a package of initiatives to enhance the safety and reliability of charter aircraft used by the Department of Defense to transport defense personnel.

These recommendations resulted from the tragic charter crash last December which resulted in the death of 248 servicemen and women in Gander, Newfoundland, on a return flight to Fort Campbell, KY, from peacekeeping duty in the Sinai Desert.

This legislation clearly reaffirms that the Department of Defense has primary responsibility for ensuring the welfare and safety of military personnel traveling on civilian air carriers.

Our committee found responsibilities for safety neglected and diffused among several agencies and departments with no one willing to take charge in this area. We also found a high degree of safety violations and deficiencies among those charter companies who contract with DOD.

The legislative initiatives incorporated as part of this authorization bill will help ensure that air carriers contracted for transportation of our troops are as safe and reliable as it is humanly possible to make them.

I stand today in support of this legislation and accordingly urge my colleagues' support.

Mr. KRAMER. Mr. Chairman, I rise in support of the fiscal year 1987 national defense authorization bill that is before the House today.

As the gentleman from California [Mr. DELLUMS] has explained, division B of the bill contains the authorization of military construction. It represents an effort by the Armed Services Committee to respond to the military services' most pressing construction needs and at the same time do it within the fiscal constraints that face.

Earlier the gentleman from California explained some of the major adjustments to the bill made by the committee. The Department of Defense [DOD] requested nearly $10 billion for fiscal year 1987 for military construction. This request represented an 8-percent increase over the amount authorized by Congress for the fiscal year 1986 military construction program.

After a very careful review of the military construction program, the committee was able to reduce the request by more than $1.3 billion. Thus, we are presenting to the House today a military construction budget of $8.6 billion which is well below the $9.2 billion authorized for fiscal year 1986.

I believe we were able to bring this about without damaging our defense readiness or postponing badly needed projects to improve the facilities where our military personnel live and work. Even with the changes made by our committee, this bill provides a level of authorization that maintains the committee's priority for quality of life projects. This means that, besides providing facilities for new weapon systems, many substandard structures built during World War II can be replaced, modern barracks and working spaces will be provided for our forces at home and overseas, and programs to comply with environmental laws and for conserving energy will continue at an uninterrupted pace.

Although the committee has brought to the House a bill that represents a smaller total program than that requested by the administration, it preserves our defense readiness and in many instances improves our fighting capabilities. I urge that this bill be passed by the House.

Mr. ASPIN. Mr. Chairman, we yield back the balance of our time.

The CHAIRMAN pro tempore. All time for general debate has expired.

AMENDMENT OFFERED BY MR. SPRATT

Mr. SPRATT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SPRATT:

At the end of division D (page 365, after line 23), add the following new sections:

SEC. 4005. ADJUSTMENT IN DATE MILITARY PAY TO BE PAYABLE.

(a) PAY TO BE PAYABLE FIRST DAY OF FOLLOWING MONTH.—(1) (Chapter 19 of title 37, United States Code, is amended by adding at the end the following new section:

"§ 1013. Payment date for pay and allowances

"(a) Amounts of basic pay, basic allowance for quarters, basic allowance for subsistence, and other payments of military compensation (other than travel and transportation allowances and separation allowances) shall be paid on the first day of the month beginning after the month during which the right to such compensation accrues.

"(b) Subsection (a) does not preclude one payment in midmonth for any element of compensation and does not affect any authority to make advance payments of pay and allowances.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1013. Payment date for pay and allowances.".

(b) RETIREMENT ACCRUAL CHARGE.—Section 1466(a)(2) of title 10, United States Code, is amended by striking out "paid" and inserting in lieu thereof "accrued".

(c) EFFECTIVE DATE.—Section 1013 of title 37, United States Code, as added by subsection (a), and the amendment made by subsection (b) shall take effect on September 1, 1987.

SEC. 4006. REDUCTIONS IN AUTHORIZATIONS.

(a) REDUCTIONS THROUGH ELIMINATION OR REDUCTION IN CERTAIN PROGRAMS.—Sums authorized to be appropriated in this Act are hereby reduced as follows:

| *Section and Account* | *Reduction amount* |
|---|---|
| Department of Defense authorizations: | |
| 101(a): | |
| Missile procurement, Army | $129,500,000 |
| Weapons and tracked combat vehicles, Army | 49,300,000 |
| Ammunition, Army | 37,800,000 |
| Other procurement, Army | 182,300,000 |
| 102(a)—Aircraft procurement, Navy | 680,900,000 |
| 102(b)—Weapons procurement, Navy | −138,200,000 |
| 102(c)—Shipbuilding and conversion, Navy | 798,600,000 |
| 102(d)—Other procurement, Navy | 74,900,000 |
| 102(e)—Procurement, Marine Corps | 40,200,000 |
| 103(a): | |
| Aircraft procurement, Air Force | 994,200,000 |
| Missile procurement, Air Force | 11,700,000 |
| Other procurement, Air Force | 214,700,000 |
| 104—Procurement, Defense Agencies | 41,000,000 |
| 201: | |
| Research, development, test, and evaluation, Army | 54,400,000 |
| Research, development, test, and evaluation, Navy (including the Marine Corps) | 456,100,000 |
| Research, development, test, and evaluation, Air Force | 407,100,000 |
| Research, development, test and evaluation, Defense Agencies | 461,600,000 |
| 301: | |
| Operation and maintenance, Army | 700,000 |
| Operation and maintenance, Navy | 60,000,000 |
| Operation and maintenance, Air Force | 268,800,000 |
| Operation and maintenance, Defense Agencies | 31,300,000 |
| National Board for the Promotion of Rifle Practice | 3,400,000 |
| Foreign Currency, Fluctuations, Defense | 495,000,000 |
| 312—Aid to Afghanistan | 6,000,000 |
| Military Construction Authorizations: | |
| 2110: | |
| Military construction, Army | $99,100,000 |
| Inside the United States | 50,210,000 |

| Section and Account | Reduction amount |
|---|---|
| Outside the United States | 48,890,000 |
| 2210: | |
| Military construction, Navy | 100,350,000 |
| Inside the United States | 78,480,000 |
| Outside the United States | 1,870,000 |
| Military family housing construction | 20,000,000 |
| 2306: | |
| Military construction, Air Force | 97,730,000 |
| Inside the United States | 53,150,000 |
| Outside the United States | 44,580,000 |
| Department of Energy National Security Programs: | |
| 3011—Operating Expenses | $100,000,000 |
| 3011(1): | |
| Weapons activities | 81,000,000 |
| Research and development | 41,000,000 |
| Weapons testing | 22,000,000 |
| Production and surveillance | 18,000,000 |
| 3011(4): | |
| Defense nuclear materials production | 10,000,000 |
| Uranium enrichment for naval reactors | 6,000,000 |
| Processing of defense nuclear materials | 4,000,000 |
| 3011(5): | |
| Defense nuclear waste and byproduct management | 9,000,000 |
| Interim waste management | 6,000,000 |
| Long-term waste management technology | 3,000,000 |
| 3012—Plant and capital equipment: Weapons activities, project 84-D-211 | 10,000,000 |
| 3013—Strategic Defense Initiative | 63,000,000 |

(b) OBLIGATION LIMITATIONS.—Limitations on obligations in this Act are hereby reduced as follows:

| Section and program | Reduction amount |
|---|---|
| 102(b): | |
| Missile programs | $115,400,000 |
| MK-48 Torpedo Program | −253,400,000 |
| 102(c)—DDG-51 Guided Missile Destroyer Program | 798,600,000 |
| 102(d): | |
| Aviation support equipment | 34,900,000 |
| Civil engineering support equipment, supply support equipment, and command support equipment | 40,000,000 |

Section 4007. Limitation on obligation of fiscal year 1985 and fiscal year 1986 funds.

Funds appropriated for fiscal year 1985 and 1986 and remaining available for obligation may not be obligated as follows:

| Account | 1985 amount | Fiscal year 1986 amount |
|---|---|---|
| Aircraft Procurement, Army | $21,000,000 | $100,800,000 |
| Missile Procurement, Army | 21,400,000 | 91,900,000 |
| Procurement of Weapons and Tracked Combat Vehicles, Army | 43,900,000 | 211,400,000 |
| Procurement of Ammunition, Army | 3,900,000 | 30,300,000 |
| Other Procurement, Army | 15,600,000 | 123,600,000 |
| Aircraft Procurement, Navy | 86,300,000 | 446,100,000 |
| Weapons Procurement, Navy | 48,800,000 | 215,600,000 |
| Shipbuilding and Conversion, Navy | 168,700,000 | 367,500,000 |
| Other Procurement, Navy | 16,100,000 | 117,110,000 |
| Procurement, Marine Corps | 18,200,000 | 52,000,000 |
| Aircraft Procurement, Air Force | 212,500,000 | 714,500,000 |
| Missile Procurement, Air Force | 53,400,000 | 326,400,000 |
| Other Procurement, Air Force | 19,100,000 | 181,100,000 |
| National Guard and Reserve Equipment | 900,000 | 17,900,000 |
| Procurement, Defense Agencies | 4,000,000 | 31,000,000 |
| Research, Development, Test and Evaluation, Army | 1,900,000 | 71,200,000 |
| Research, Development, Test and Evaluation, Navy | 2,800,000 | 71,900,000 |
| Research, Development, Test and Evaluation, Air Force | 6,000,000 | 176,400,000 |
| Research, Development, Test and Evaluation, Defense Agencies | 1,400,000 | 84,700,000 |
| Director of Test and Evaluation, Defense | 0 | 700,000 |
| Military Construction, Army | 6,800,000 | 64,400,000 |
| Military Construction, Navy | 6,800,000 | 45,200,000 |
| Military Construction, Air Force | 6,300,000 | 43,200,000 |
| Military Construction, Defense Agencies | 1,900,000 | 5,300,000 |
| Military Construction, Army National Guard | 0 | 2,500,000 |
| Military Construction, Air National Guard | 200,000 | 3,300,000 |
| Military Construction, Army Reserve | 0 | 1,800,000 |
| Military Construction, Naval Reserve | 0 | 1,200,000 |
| Military Construction, Air Force Reserve | 200,000 | 1,800,000 |
| North Atlantic Treaty Organization Infrastructure | 0 | 8,000,000 |
| Family Housing, Army | 900,000 | 19,400,000 |
| Family Housing, Navy and Marine Corps | 400,000 | 8,800,000 |
| Family Housing, Air Force | 2,400,000 | 12,300,000 |

Mr. SPRATT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The CHAIRMAN pro tempore. Under the rule, the gentleman from South Carolina [Mr. SPRATT] will be recognized for 15 minutes and a Member opposed will be recognized for 15 minutes.

The Chair recognizes the gentleman from South Carolina [Mr. SPRATT].

Mr. SPRATT. Mr. Chairman, I also have to add to my remarks on the amendment a statement of the programmatic adjustments and deletions that will be necessitated by this amendment.

Except where otherwise noted, all amounts are in millions of dollars.

PROGRAMMATIC ADJUSTMENTS—DELETIONS

| | Budget authority | Outlays |
|---|---|---|
| PROCUREMENT | | |
| Army | | |
| Missiles | 129.5 | 10.3 |
| Patriot | 30.0 | |
| Chaparral | 20.0 | |
| Patriot modification | 22.1 | |
| Hawk modification | 21.3 | |
| Tow modification | 36.1 | |
| WTCV | 49.3 | 1.0 |
| Host nation support | 4.7 | |
| Production base | 6.6 | |
| Spares | 36.5 | |
| Modifications | 1.5 | |
| Ammunition | 37.8 | 9.1 |
| Canister Mine (Volcano) | 33.5 | |
| Grenade smoke screen | 4.3 | |
| Other | 182.3 | 10.9 |
| Communications and electronics—various, including classified | 58.5 | |
| Other support equipment—various | 123.8 | |
| Total Army | 398.9 | 31.3 |
| Navy | | |
| Aircraft | 680.9 | 61.3 |
| FA-18 | 325.8 | |
| FA-18 advance procurement | 107.6 | |
| F-14A | 180.4 | |
| Modification of aircraft (H-I) | 49.3 | |
| F-14A—Spares and repair parts | 9.1 | |
| FA-18—Spares and repair parts | 8.7 | |
| Weapons | 115.4 | 12.5 |
| A6M-88A Harm | 50.4 | |
| Laser Maverick | 33.1 | |
| Aerial targets | 5.6 | |
| Drones and decoys | 13.5 | |
| Fleet satellite communications | 12.8 | |
| Seapower: DDG-51 | 798.6 | 43.9 |
| Other | 74.9 | 7.5 |
| Aviation support equipment (various) | 34.9 | |
| Personnel and command support equipment (various) | 40.0 | |
| Marine Corps | 40.2 | 2.8 |
| Communications and electronics equipment (various) | 32.2 | |
| Engineer and other equipment | 8.0 | |
| Total Navy | 1,710.0 | 128.0 |
| Air Force | | |
| Aircraft | 994.2 | 68.6 |
| F-15E | 493.8 | |
| F-16 | 490.4 | |
| Other production charges—classified | 10.0 | |
| Missile procurement | 11.7 | 2.8 |
| Spaceborne COMSEC | 10.0 | |
| Forest Green | 1.7 | |
| Other procurement | 214.7 | 105.2 |
| Intelligence data handling | 6.9 | |
| Items less than $2 million | 0.7 | |
| Intelligence production activity | 4.4 | |
| Scientific and technology intelligence | 1.4 | |
| AF Technical Application Center | 2.1 | |
| Selected activities | 41.1 | |
| Electronic and communications: | | |
| Minimum Essential Emergency Communications Network | 49.0 | |
| Weather observation and forecast | 34.5 | |
| Navstar GPS | 8.5 | |
| Weapons storage/security | 17.6 | |
| Consolidated Space Operations Center | 13.0 | |
| DSC secure voice equipment | 2.8 | |
| Munitions, GBU-15 training round | 32.7 | |
| Total Air Force | 1,220.6 | 176.6 |
| Defense agencies—procurement | 41.0 | 8.6 |
| Total defense agencies | 41.0 | 8.6 |
| RDT&E | | |
| Army | 54.400 | 28.200 |
| TIARA | 7.882 | |
| A/C propulsion Army | 10.000 | |
| Hellfire | 5.000 | |
| MultiPurpose assault weapon system | 25.000 | |
| General reduction | 6.518 | |
| Navy | 456.100 | 235.300 |
| Navy strategic communications | 25.000 | |
| Aegis weapon system | 10.000 | |
| ATA | 30.000 | |
| SSN-21 | 50.000 | |
| EW simulator development | 40.000 | |
| Sea Lance | 15.000 | |
| International R&D (Navy) | 3.687 | |
| Navy lessons learned Libya | 50.000 | |
| NFIP | 33.988 | |
| V-22 | 170.000 | |
| Shipbound system component development | 14.917 | |
| Advanced technology transition | 13.492 | |

PROGRAMMATIC ADJUSTMENTS—DELETIONS—Continued

| | Budget authority | Outlays |
|---|---|---|
| General reduction | 0.016 | |
| Air Force | 411.000 | 211.300 |
| Aerospace structures/materials (AF) | 9.000 | |
| AMRAAM | 39.000 | |
| Consolidated space operations | 10.000 | |
| Space defense system | 140.000 | |
| ATB | 50.000 | |
| Advanced strategic missile systems | 25.000 | |
| DSP | 20.000 | |
| ACM/SRAM II | 48.000 | |
| T-46A | 10.756 | |
| TIARA | 6.200 | |
| NFIP | 43.462 | |
| General reduction | 9.582 | |
| Defense agencies | 461.600 | 225.300 |
| DRSP | 82.000 | |
| SDI | 298.434 | |
| Computer-aided logistics | 14.831 | |
| Darpa ASW | 5.000 | |
| Microwave/MM wave Monolithic I.C. | 11.172 | |
| NFIP | 50.154 | |
| General reduction | 0.009 | |
| Total RDT&E [1] | 1,383.100 | 700.100 |
| OPERATIONS AND MAINTENANCE | | |
| Army | 30.7 | 23.4 |
| Force modernization | 20.0 | |
| Flying hours | 6.0 | |
| Flight training | 4.7 | |
| Navy | 60.0 | 44.3 |
| Depot maintenance | 50.0 | |
| Modernization | 10.0 | |
| Air Force | 268.8 | 210.2 |
| Flight charges for DOD shuttle missions | 268.8 | |
| Defense agencies | 31.3 | 27.0 |
| Department of Defense education | 2.0 | |
| Classified programs | 29.3 | |
| National Board for the Promotion of Rifle Practice | 3.4 | 3.2 |
| Foreign currency fluctuations, defense | 495.0 | 495.0 |
| Afgan assistance | 6.0 | 6.0 |
| Total O&M | 895.2 | 809.1 |
| MILITARY CONSTRUCTION (see details) | | |
| Army | 120.9 | 19.3 |
| Navy | 100.4 | 18.1 |
| Air Force | 97.7 | 11.7 |
| Total military construction | 319.0 | 49.1 |
| DEPARTMENT OF ENERGY | | |
| SDI operating expenses provide 23 percent over 1986 level (same as DOD bill) [R&D+41] [Testing+22] | 63.0 | |
| Restore portion of cut in production and surveillance | 18.0 | |
| Interum waste operation | 6.0 | |
| Long-term waste management | 3.0 | |
| Project 84-D-211, safeguards and site security at Y-12 plant | 10.0 | |
| Processing of nuclear materials | 4.0 | |
| Enriched material (naval reactors) | 6.0 | |
| Total DOE | 110.0 | 53.7 |
| Total deleted | 6,073.3 | 1,956.5 |
| Procurement, Navy: Weapons—MK-48 torpedo program | 253.4 | 27.4 |
| RDT&E, Air Force: KC 135 Squadron | 3.9 | 2.0 |
| Operation and Maintenance, Army: Industrial Fund refund | 30.0 | 22.9 |
| Military construction, Army: Fort Myer, Virginia—Physical Fitness Training Center | 3.8 | .6 |
| Various locations, German—site security enhancements | 10.0 | 1.6 |
| New Cumberland Army Depot, PA—Eastern distribution center phase II | 8.0 | 1.3 |
| Total additions | 309.1 | 55.8 |
| Grand total | 5,769.2 | 1,90.7 |

[1] The amendment denies specific authorization for the following programs but it is intended that the Department of Defense could continue these programs, up to the amounts shown, within its total RDT&E authorization.
Advanced Medium-Range Air-to-Air Missile—$39 million.
Space Defense System—$140 million.
V-22 Osprey Aircraft—$340 million.
Standoff Land Attack Missile—$37.5 million.
Strategic Defense Initiative—$300 million (for a total authorization of $3.4 billion)
Computer-Aided Logistics Support—$14.8 million.
Advanced Technology Transition—$13.5 million.
Mark 92 Gun Fire Control System—$7.8 million.

*Military construction details*

[In thousands of dollars]

ARMY

| *Base and project* | *Amount* |
|---|---|
| Fort Campbell, Ky.: | |
| 1. Aircraft maintenance hanger | 16,500 |
| Fuel pump station | 240 |
| Various locations: | |
| 2. Security upgrade | 17,040 |
| Anniston Army Depot, Al. | 1,950 |
| Fort Wingate, N.M. | 350 |
| Letterkenny Army Depot, Pa. | 1,900 |
| Navajo Army Depot, Az. | 3,900 |
| Lexington-Bluegrass Army Depot, Ky. | 540 |
| Pueblo Army Depot, Co | 600 |
| Red-River Army Depot, Tx | 1,350 |
| Seneca Army Depot, N.Y. | 1,100 |
| Sierra Army Depot, Ca. | 2,450 |
| Tooela Army Depot, Ut | 1,850 |
| Umatilla Army Depot, Or. | 1,050 |
| Classified location: | |
| 3. Classified project | 5,000 |
| Redstone Arsenal, Al.: | |
| 4. Microwave simulation facility | 19,500 |
| Rheinberg, Germany: | |
| 5. Rheichel facility improvements | 29,150 |
| Various locations, Hawaii: | |
| 6. Operations support facility | 12,000 |
| Vilseck, Germany: | |
| 7. Chapel/religious education facility | 3,450 |
| Einsiedlerhof, Germany: | |
| 8. Training exercise facility | 4,750 |
| Various locations, Germany: | |
| 9. Wartime host nation support | 4,500 |
| Fort Belvoir, Va.: | |
| 10. Child Development Center | 5,600 |
| Dugway Proving Ground, Ut.: | |
| 11. Child Development/Community Center | 3,200 |

NAVY

| | |
|---|---|
| Naval Air Station, Adak, Ak.: | |
| 1. Radar support facility | 24,400 |
| Naval Station, Keflavik, Iceland: | |
| 2. Family housing | 20,000 |
| Navy Public Works Center, Pearl Harbor, Hi.: | |
| 3. Electrical distribution system | 18,200 |
| Naval Weapons Station, Earle, N.J.: | |
| 4. Ammunition pier and trestle | 20,000 |
| Fleet Intelligence Center Europe and Atlantic, Norfolk, Va.: | |
| 5. Intelligence building addition | 1,880 |
| Naval Construction Battalion Center, Gulfport, Ms.: | |
| 6. Seabee battalion operations facility | 1,670 |
| Naval Communications Station, Harold E. Holt, Australia: | |
| 7. Public works building | 1,870 |
| Marine Corps Air Station, Kaneohe Bay, Hi.: | |
| 8. Corrosion control hangar | 2,260 |
| Marine Corps Air Station, Camp Pendleton, Ca.: | |
| 9. Aircraft maintenance training facility | 1,080 |
| Marine Corps Air Station, Cherry Point, N.C.: | |
| 10. Refueling vehicle maintenance shop | 2,060 |
| Marine Corps Base, Camp Lejuene, N.C.: | |
| 11. Mess hall | 4,810 |
| Naval Air Station, Whiting Field, Fl.: | |
| 12. Runway improvements | 2,120 |

AIR FORCE

| | |
|---|---|
| Andrews Air Force Base, Md.: | |
| 1. Air Force One maintenance and support complex | 25,000 |
| Lajes Field, Portugal: | |
| 2. Hydrant refueling system | 8,300 |
| Various locations: | |
| 3. Unaccompanied personnel housing | 22,100 |
| Davis-Monthan Air Force Base, Az. | 5,300 |
| Aviano Air Base, Italy | 4,200 |
| RAF Bentwaters, United Kingdom | 3,700 |
| RAF Upper Heyford, United Kingdom | 6,000 |
| Ramstein Air Base, Germany | 2,900 |
| Edwards Air Force Base, Ca.: | |
| 4. Add to propellant laboratory complex | 5,500 |
| Kirtland Air Force Base N.M.: | |
| 5. Optics and Beam Control Laboratory | 8,700 |
| Osan Air Base, Korea: | |
| 6. Aircraft maintenance facilities | 3,000 |
| RAF Alconbury, United Kingdom: | |
| 7. Physical training facility | 2,100 |
| 8. Visiting airmen quarters | 1,300 |
| Comiso Air Base, Italy: | |
| 9. Library | 230 |
| RAF Woodbridge, United Kingdom: | |
| 10. Corrosion control facility | 3,400 |
| Ankara, Turkey: | |
| 11. Chapel center | 1,550 |
| Hahn Air Base, Turkey: | |
| 12. Add to vehicle maintenance facility | 1,900 |
| Ramstein Air Base, Germany: | |
| 13. Add to vehicle maintenance shop | 6,000 |
| Bangor International Airport, Me.: | |
| 14. Physical Fitness Center | 1,250 |
| Air Force Academy, Co.: | |
| 15. Add/alter cadet gymnasium | 7,400 |

Mr. SPRATT. Mr. Chairman, we have discussed and I have outlined the purpose, the details and the context of this amendment. Let me simply say without taking up any unnecessary amount of time that the purpose of this amendment is simply to bring the budget, the defense budget, the defense authorization bill in line with the budget. The budget as it is, as it comes to the floor, is $6.2 billion over in outlays. The committee was aware of this problem. We were aware of this problem when the budget was at $285 billion, and we addressed that by adding another $5.8 billion in budget authority to the amount to which we had marked the bill.

The Courter-Dickinson amendment ratifies this logic. By this amendment we simply attempt to return the defense budget down to the level of outlays that we have already agreed to, $279.2 billion, and we do it by honest means.

We do it first by deleting $5.8 billion in program authority which we cannot provide for. We can accommodate $279.2 billion in agreed-upon outlays, and we use other accounting changes

which CBO will score as having an outlay impact sufficient to take us down to the level in our concurrent budget resolution.

Mr. Chairman, I yield 4 minutes to the chairman of the Committee on the Budget, the gentleman from Pennsylvania [Mr. GRAY].

Mr. GRAY of Pennsylvania. Mr. Chairman and colleagues, today we are at a critical point in terms of dealing with the problem of the deficit. OMB, which is the executive branch Office of Management and Budget, came out with its projections for the deficit for 1986 of a record $230 billion. CBO predicts $224 billion. We now have the Gramm-Rudman-Hollings Deficit Reduction Act which we must comply with. That act measures outlays as the measurement for deficit reduction. It sets a hard, fixed target of $144 billion that must be reached.

We now know that CBO is predicting that their August 15 snapshot will show that we are $30 billion over that target. We also know that OMB will probably predict that we are at least $10 billion over that target. Under the Gramm-Rudman law there must be an average. Thus the average will mean that we are minimally $20 billion over Gramm-Rudman $144 billion.

The reason I raise that is because I think it is important to this debate today. The gentleman from Alabama is absolutely right when he says the budget conference set the budget authority at $292 billion. The gentleman is right.

He is absolutely right by saying that the committee is within the conference by building its authority on that ceiling. And so what we really have here today is a choice, a choice as the gentleman pointed out, between one budget authority ceiling which was the conference report and another one based upon some recognition of the Gramm-Rudman reality.

And I, today, urge the Members to choose the Spratt-McCurdy-Aspin choice. And let me tell you why.

Because I think if we do not make that choice, what will happen is that we are going to face, in September, a sequester order which will mean a reduction of minimally $4 billion in our national defense in outlays.

It could mean, ladies and gentlemen, $10 billion. Now I know none of us want that.

The gentleman from Alabama is absolutely correct when he points out that defense growth has been held back, and the reality is that last year we had hoped that we were going to do 3-percent growth. But the deficits have increased. One of the reasons the deficits have increased, even OMB admits it, is that we have overspent defense above the budget of 1986 by $7 billion.

So I would say to you if you do not want to hurt national security in September vote for McCurdy-Spratt-Aspin in August.

Mr. Chairman, I yield to the gentleman from Alabama [Mr. DICKINSON].

Mr. DICKINSON. I thank the gentleman for yielding.

I just want to clear up one point, and I believe the gentleman will agree. This is the first time ever that the authorization committee has even felt obligated, certainly have no responsibility, to reach the outlay figures. It has always been budget authority, and we have marked to the figure the gentleman from Pennsylvania has given us, is that not correct?

Mr. GRAY of Pennsylvania. The gentleman is absolutely correct. This year, though, because of the Gramm-Rudman reality, which is the outlay reality, by reducing budget authority in the Spratt-Aspin-McCurdy, you are assuring that your outlays will be lower and thus you are posing a cap that will prevent the executive branch from overspending in 1987 as they have done in 1986.

□ 1130

Mr. DICKINSON. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore (Mr. DASCHLE). The gentleman from Alabama [Mr. DICKINSON] is recognized for 15 minutes.

Mr. DICKINSON. Mr. Chairman, I yield 6 minutes to the gentleman from New Jersey [Mr. COURTER].

Mr. COURTER. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, first of all, I would like to mention the fact that really this House has two choices. One choice is to retain the authority that this House has already voted and meet outlays, or cut the authority and meet outlays.

There is no debate over whether we are going to reach outlays. Both the amendment and the substitute reach the same outlays.

And no one can make the argument that if we pass one or the other, therefore, we will be more likely toward sequestration because the outlay figures in both are the same. As a matter of fact, under the substitute, the Dickinson substitute, they are less. They are about $1 million less than the outlays under the Spratt amendment.

I would like to go on and say that if there is going to be a sequestering problem, it is not because of this bill. It is because Agriculture is $173 million above outlays; Commerce, State and Justice, $610 million; Washington, DC, appropriations is over in outlays; Energy, Water over in outlays; Transportation over in outlays; Treasury and Postal Service over in outlays. We have not made any of them.

We are going to make them in this bill. We are going to make them in this bill whether the amendment passes or the substitute passes, and I think that is a crucial distinction.

I would like to go into what really the Spratt amendment does. What does it cut? They say, we were more realistic. We cut $6 billion in real program authority. Well, they certainly did.

The first thing that they did was to make some cuts in some very important programs that deal with some issues that everybody recognizes are important.

I remember there was a report that was filed by the staff of a committee saying, what have we purchased for $1 trillion over a period of time? And the administration was criticized, excoriated, because there was insufficient money for readiness and R&D and spare parts, those types of things.

But the Spratt amendment reduces in those areas. I takes nothing from strategic weapons. It takes nothing from strategic defense. It takes nothing from the Stealth technology bomber, B-1's, it cuts in readiness. It cuts in fuel.

For instance, that report said that under the Reagan administration we see an absolute decline in two categories, and one was defense missiles, being very critical in that report.

What does this amendment do with regard to defense missiles? It cuts defense missiles, three of them. The Chaparral missile is cut by a number of millions of dollars, $20 million, and $52 million, 150 missiles for Patriot, $21 million for Hawk missiles.

Then when it comes to readiness, what does the Spratt amendment do on readiness? It cuts spare parts, repairs, training targets and ammunition. To be specific $36 million in spare parts for the Army, $17 million in spare parts for the Navy, $37 million cut from the Army ammunition account, $32 million from the Air Force ammunition account.

Mr. KASICH. Mr. Chairman, will the gentleman yield?

Mr. COURTER. I yield to the gentleman from Ohio.

Mr. KASICH. Mr. Chairman, what the gentleman is pointing out is there are cuts under Spratt-Aspin that do not occur under the Dickinson-Courter amendment, and yet we are able to meet the outlay target just like they can.

Maybe the gentleman ought to spend at least a few minutes explaining exactly how our budget amendment can allow us to hit outlays and yet have greater authority and still provide for these systems.

Mr. COURTER. Mr. Chairman, that explanation was already made by the gentleman from Alabama [Mr. DICKINSON]. I only have a few minutes, and I know that the gentleman from Ohio can make those explanations. I would

like to use my time to point out another thing.

The Aspin-Spratt amendment cuts $20 million for training, Navy aerial targets, drones and decoys accounts.

Also, I might add that we found out that if assistance to Afghan refugees who are being carpet bombed as we are debating, if that is important, the Spratt-Aspin amendment cuts $6 million for the refugees in Afghanistan.

Also, we notice there is an obligation that the Defense Department has to NASA. That obligation is made by interagency agreement, $500 million. This amendment cuts $268 million from that existing obligation that cannot be changed. So they are going to have to come up with that money in a new bill or in some way anyway. That money is an obligation. There is no sense in trying to say you are saving money by cutting the payment to NASA when that obligation is already made.

The point here, and I think the gentleman from Ohio was making it, it is a choice between ratifying the work of the Budget Committee—the Dickinson substitute says that the Budget Committee did a good job. We notice that the chairman of the Budget Committee came to the floor saying they preferred something else. What the Dickinson amendment does is ratifies the work of the Budget Committee on outlays and authorization. Also, it gets you the same outlays, actually less, gives you the pay raise and does not gut the important areas of readiness, training, spare parts and conventional capabilities.

So once again the House has a choice of ratifying the work of the Budget Committee, and ratifying the work of this body. We already voted on 292 in authorization. The Dickinson amendment ratifies the work of this body.

A yes vote is a proper one. A yes vote maintains the readiness accounts, the spare parts accounts, and those other things such as training that essentially are important for our national defense.

Mr. SPRATT. Mr. Chairman, before yielding time to Mr. LEATH of Texas, let me respond and yield myself such time as I may consume.

Mr. Chairman, the cuts made in this amendment are not cuts that we have made. The amendment simply reinstates reductions made by each of the subcommittees very deliberately in the authorization bill prior to the time that we knew we had or would be allowed more than $285 billion of budget authority.

Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. LEATH], a member of the committee.

Mr. LEATH of Texas. Mr. Chairman, as my friend, the gentleman from Texas [Mr. STENHOLM] quite accurately put it, this is a painful thing. It is a painful thing for me. I do not very often disagree with my friend, the gentleman from Alabama [Mr. DICKINSON].

But I think what we are having to recognize here is something that just happens to be the truth. And it is not only in the area of defense, it is across the entire budget spectrum.

We have a country today, a nation today, that is in chapter XI. We are bankrupt. The administration says the way we get out of that is we start selling off the assets of the country.

The truth is, for those of us who have been deeply involved in the budget process for some time and those of us who are deeply concerned about the defense of this country, we have played games with these budget authority outlay figures, just as we have played games with every function of the budget.

My friends over here are absolutely right. We need the things that are going to be cut out under this scenario. But it is not the Spratt amendment that is causing that to be cut out. It is the unrealisitic knowledge of the White House in particular on what they signed off on when they said, we are not going to face up to the responsibility of solving the simple problems of the country; we are going to have Gramm-Rudman do it for us.

This is just the first of a great many painful acts that this institution is going to have.

As my friend, the gentleman from Pennsylvania [Mr. GRAY] pointed out, we are fixing to get a new set of rosy scenarios from OMB. That is going to postpone this problem into another year or two.

Let me tell you what. The danger to the defense of this country is not in us attempting to restrain that growth at this point. The danger in the defense of this country is for us to continue turning our backs on this fiscal problem and wake up a year or two from now and find out that the cuts are going to be enormous and that we really are going to cut into the bone of the defense of this country.

□ 1140

I think that this amendment helps to move us in that direction. I do not like it, but I think it is something that has to be done.

The CHAIRMAN pro tempore. The time of the gentleman from Texas [Mr. LEATH] has expired.

Mr. DICKINSON. Mr. Chairman, I yield 1 minute to the gentleman from Texas.

Mr. Chairman, will the gentleman yield?

Mr. LEATH of Texas. I yield to the gentleman.

Mr. DICKINSON. The gentleman and I do not differ in where we are trying to go; we just differ in the effect of what we are trying to do.

Would the gentleman agree with me that in the gimmicks that are put forth in the Spratt amendment or in my amendment neither one saves the spending of a dime?

Mr. LEATH of Texas. No, sir, I do not think I would agree with that.

Mr. DICKINSON. Please tell me what is the difference in the two? They are just changing dates, they are claiming savings. It is all smoke and mirrors. If they want more smoke and mirrors we can out-smoke and mirror them. But it does not save the spending of anything. I just wish that the gentleman was not making such a terrible mistake in this one instance.

Mr. ASPIN. Mr. Chairman, will the gentleman yield?

Mr. LEATH of Texas. I yield to the gentleman from Wisconsin.

Mr. ASPIN. I thank the gentleman for yielding.

Mr. Chairman, it seems to me that it does save money. We have got two cases, very important cases, where it does save money. One is also in your amendment which is the inflation money. That is saved because that could be spent. The second is the real cuts in budgetary authority.

Mr. SPRATT. Mr. Chairman, I yield 2½ minutes to the gentleman from Georgia [Mr. RAY].

Mr. RAY. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in support of the Spratt-McCurdy-Aspin amendment. This amendment seeks to realistically address the principles of defense budget outlays, which is the key to preventing a Gramm-Rudman sequestration.

I won't attempt in this limited amount of time to go into the details of budget authority and budget outlays. Mr. Spratt and others have done that very well already, but the outlays is simply the amount of dollars that we are concerned with spending in 1987.

Mr. Chairman, I am strongly pro-defense. I believe that it is imperative that we maintain a strong deterrent, but I support an affordable defense. in opinion, the Spratt amendment better addresses a realistic approach than does any other proposal being offered.

My colleagues, I don't have to tell you that we have a serious problem facing not only the Defense budget but also the entire 1987 Federal budget. I don't have to tell you that we owe foreign nations more than they owe us, which gives us the unwelcome title of being the largest debtor nation in the world.

But, despite this fact, we have the administration, the Department of Defense, and some Members of Congress lobbying for exotic new programs, such as SDI, the Stealth bomber, the light infantry division, homeporting, the C-17, and other new programs

running into the billions of dollars. Programs which I support, but would be nice to have, but programs which will strain the operatings and maintenance of the existing defense structure.

We have a growing defense overhead as it is, incurred by the present defense program, which threatens to go into default within this century—because of the debtor nation status of our country and because of our inability to curb deficit spending and to bring it in line with budgetary income.

It is a mystery to me that the administration, the Department of Defense, and some of us in this body, can't use simple arithmetic.

The fact is: First, we owe more than $2 trillion. The interest on this debt in 1986 is $165 billion, second, Gramm-Rudman caps borrowing in 1987 at $144 billion, third, it puts a limit on the giant Federal credit card, fourth, let's face it, we have to cut spending or increase taxes.

The heart of the American free enterprise system is built on such economic principles—so, let's face it!

The truth, Mr. Chairman, is that the Fed—Santa Claus has died, Gramm-Rudman delivered the death notice! And the administration, DOD, and the Congress can't seem to accept it.

Mr. Chairman, we have to protect our present defense system, bought and paid for with borrowed dollars, yet to be paid for by our children and grandchildren, and their children.

To overspend to the point of causing of Gramm-Rudman sequestration will hollow out our defense in the areas of: The operations and maintenance; the spare parts; the personnel; the flying time; the steaming time; and the training.

We cannot jeopardize our defense by adopting unreasonable spending levels and by mismatching budget authority and budget outlays!

The Spratt amendment is the best way to prevent this and I urge its adoption.

Mr. DICKINSON. Mr. Chairman, I yield 5 minutes to the gentlewoman from Illinois [Mrs. MARTIN].

Mrs. MARTIN of Illinois. I thank the gentleman for yielding me this time.

Mr. Chairman, realistically, for most Members this discussion has been reaching for People magazine. Spending hours on outlays versus authority does not set the heart a-trembling and beating. As a matter of fact, there are very few Members who understand this discussion, and very few of the rest of the Members have any desire to indicating their great, good sense.

What we have today is a rather esoteric argument. We have two sides not based in any partisan way that I can see, using gimmicks to get to numbers that are not as accurate as they should have been, that were imposed upon the Armed Services Committee by another committee.

Now, it is never nice to have another committee impose numbers on one. But the fact is that that right was given to the Budget Committee, and with incredible support. In fact, for the first time in the 6 years since I have been here, by bipartisan support. The Budget Committee passed numbers imposing not just on armed services, but on every jurisdictional committee, outlay and authority targets.

Early in the process, the very distinguished chairman from the State of Wisconsin, the distinguished ranking member, suggested that there would be some problems with the outlays versus the authority numbers. That letter was given to members of the Budget Committee and there were attempts made to answer the difficulties that the chairman and ranking member suggested were a problem.

That issue then is over. Next year, maybe the Budget Committee can do better, but right now the Budget Committee has given those numbers to us all. To look at the Spratt-Aspin-McCurdy et cetera amendment is not going to make one bit of difference. It in fact, though, will be the only time this Congress will be changing the BA authority in any Department, which is rather fascinating.

In fact, the Budget Committee's numbers which we, I would say "all," there was a huge, overwhelming vote, which drives the 302(b) allocations. Thus far, this same Congress has ignored those and gone up on every single one of them. Now, we have the rather unique situation that we are going to go back and change the budget and take it lower in this one category or another.

If we had started this at the beginning, I might have a slightly greater belief that this is done in seriousness. To infuriate both sides, it is nuts. Both sides, let us not suggest they are lying because Members of Congress would never lie. Members of Congress can fantasize though, and we are surely doing it here today.

May I suggest that we stick with the budget numbers, go on with the discussion of the items. There are 150 brilliant amendments that other Members have come up with. Stay with the budget and get down to work.

Mr. SPRATT. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. MACKAY].

Mr. MACKAY. I thank the gentleman for yielding to me.

Mr. Chairman, the gentlewoman just alluded to what I consider to be the major point in this debate. This is the first time that an authorizing committee has seen it as its responsibility to set priorities from an authorizing committee standpoint within the constraints of the budget.

When you start thinking about how the budget process is going to work and whether authorizing committees are going to continue to have any relevance when you are cutting back, you have got to realize that every authorizing committee is going to have to start doing what Mr. SPRATT and his colleagues have done here.

I congratulate them. I hope everybody will understand this to be a very central issue in the way the budget process is going to work under Gramm-Rudman. If authorizing committees continue to set blank checks hoping they can get more and more and that the Appropriations Committee will do it, that is not going to work when you are cutting back. In fact, what is going to happen is you are going to get Frenzel amendments, Morrison amendments and other amendments and authorizing committees are going to be irrelevant.

I congratulate Mr. SPRATT and I urge adoption of this amendment.

□ 1150

Mr. DICKINSON. Mr. Chairman, I yield the balance of my time to the gentleman from Indiana [Mr. BURTON].

The CHAIRMAN pro tempore (Mr. DASCHLE). The gentleman from Indiana [Mr. BURTON] is recognized for 4 minutes.

Mr. BURTON of Indiana. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I get a kick out of many of my colleagues who have been in the well talking about fiscal responsibility and how we should live within the constraints of Gramm-Rudman. The gentleman from New Jersey [Mr. COURTER] pointed out that the agriculture bill was $173 million over, the Justice, Commerce and State bill was $610 million over, District of Columbia was $2 million over, Energy and Water was $518 million over, Transportation was $13 million over, and Treasury and Postal Service was $209 million over. Many of my colleagues who were in the well just previous to me voted for these excessive spending bills; yet they are up here on the Defense bill saying that we have got to live within Gramm-Rudman or face sequestration later in the session. I believe that most of us think that sequestration is inevitable anyway the way we are headed.

But it really bothers me that my colleagues come up here and sanctimoniously talk about living within Gramm-Rudman and cutting spending. I just, out of curiosity, got a copy of the National Taxpayers Union list, and I note that several of my colleagues who were down here talking about fiscal responsibility are listed as the biggest spenders in the Congress of the United States, according to the National Taxpayers Union. So I think it is kind of

hypocritical to be up here taking that position on one issue and not doing it on the others.

Let me just say one other thing that I am very concerned about. That is the point that was brought out by the ranking Republican on the committee. He pointed out that it was going to cost $6 million for each F-15 if we went through this cut and adopted this amendment. Now, $6 million times an estimated 12 F-15's that would be cut over and above the Dickinson amendment amounts to an additional $72 million in expenditures while we are cutting back on aircraft.

On F-16's it is going to cost $18 million in additional expenditures because we are cutting back, because they are going to cut back on the assembly lines and extend the length of production time. The F-18's are going to cost $24 million more. So just on the F-16's, the F-15's, and the F-18's, in addition to reducing the number of aircraft and reducing the military preparedness of the United States of America in the process, we are also going to increase the expenditure for those airplanes by $114 million.

I submit to my colleagues that we are not doing any service for the United States of America by making these cuts. I also submit that a more responsible approach would be to support the Dickinson proposal.

The CHAIRMAN pro tempore. The gentleman reserves the balance of his time, so the gentleman from Alabama [Mr. DICKINSON] retains 1 minute.

The Chair recognizes the gentleman from South Carolina [Mr. SPRATT].

Mr. SPRATT. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. PANETTA].

Mr. PANETTA. Mr. Chairman, the basic point comes down to this: That sequester under Gramm-Rudman is based on outlays, not budget authority. But outlays are dependent on budget authority. We cannot separate the two out. There is a fixed ratio, a fixed spend-out rate between budget authority and outlays. We all know that. High budget authority means that we have high outlays. It may not happen in 1987, but it will happen in 1988 or 1989 or 1990.

Once we build in that budget authority we are going to have the outlay expenditures. Lower budget authority means that we are going to have lower outlays.

So the basic issue here comes down to this: Which one of these amendments does the most with regard to budget authority? The Spratt amendment reduces budget authority by $5.8 billion. That means we have a much better chance of meeting our outlay target. The Dickinson amendment maintains the budget authority at a higher level, and that means higher outlays. We cannot get away from that.

So, Mr. Chairman, if Members are serious about abiding by the terms of Gramm-Rudman, they have no alternative but to reduce budget authority and vote for the Spratt amendment.

The CHAIRMAN pro tempore. The gentleman from Alabama [Mr. DICKINSON] has 1 minute remaining.

Mr. DICKINSON. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from South Carolina [Mr. SPRATT].

Mr. SPRATT. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, in conclusion, let me just hit four highlights.

First of all, the other side has continually said that we are using gimmicks here. The biggest cut we make in bringing budget authority into line with outlays—and that is the single purpose of this amendment—is that we cut $5.8 billion in budget authority. That is no gimmick. If it were a gimmick, they would not be opposing it so arduously. That is a real cut, and it has to be made realistically to bring this Defense authorization bill down to $279.2 billion in outlays.

Second, we rescind $1.9 billion in an overappropriation, an excess amount that we appropriated for inflation in the procurement accounts in fiscal year 1986 and fiscal year 1985. That is a real cut. The number was generated with the help of the Department of Defense, and it will result in outlay reductions of $1.4 billion in fiscal year 1987. CBO will score it that way. It is no gimmick.

Now, we do have a gimmick. We change the pay date from September 30 to October 1. There is no pretense about it, that is a gimmick, but they use it, too. And I emphasize this: CBO will score that as an outlay reduction for fiscal year 1986 of $2.9 billion

Let me also emphasize that we have not and do not wish to make cavalier, haphazard, meat ax, across-the-board cuts. All we do by this amendment is reinstate the mark that the committee itself made when we thought our budget authority was $285 billion. These cuts have been very selectively chosen by the subcommittees of the Committee on Armed Services. This is not an argument about what we should spend on defense. We had that argument. It lasted for 6 months. We agreed the level of spending for next year should be $279.2 billion.

Mr. Chairman, this amendment is simply to conform to the agreement and the conclusion we earlier reached about outlays for the coming fiscal year.

The CHAIRMAN pro tempore. The time of the gentleman from South Carolina [Mr. SPRATT] has expired. All time on the amendment has expired.

Mr. FRENZEL. Mr. Chairman, throughout this year I have strongly advocated strict fiscal control, usually in the form of a freeze on all areas of Federal spending. Failing that, I believe that it is critical that we at least adhere to the levels set by the budget resolution recently passed by Congress. We are in the midst of a deficit crisis which, in my judgment, is of far greater importance than any other issue before Congress.

Because I believe the need to put our fiscal house in order is paramount, I support the Spratt amendment to bring the defense authorizations bill within the outlay target for defense that Congress passed earlier this year.

The Budget called for Budget Authority of $292.2 billion for defense, but only $279.2 billion of actual expenditures, or outlays. The committee's bill is within its budget authority target, but exceeds its outlay target by $6.2 billion. Those outlays are what actually determine our deficit, and exceeding our target by $6 billion would be an irresponsible action that will drastically compound our existing budgetary dilemma.

I grant that this is an authorizations bill, and that expenditures are controlled in the end by appropriations. However, this year in particular no defense appropriation will be passed. Defense will be funded in a continuing resolution which will be set at the rate in the authorization bill.

Obviously, this bill is the main annual congressional statement of defense policy. It should conform to the fiscal realities of the day. As usual, the nonprofessional management of the House has made it impossible for appropriations process to control spending.

The Spratt amendment brings the defense bill back in compliance with the budget resolution's requirements. It does so with a blend of real reductions and accounting gimmicks. It is not the freeze I sought, but it brings us closer to our fiscal deficit targets.

The Spratt amendment calls for reductions to some procurement and research accounts, while preserving essential readiness portions of the bill. It also rescinds $1.4 billion of budget authority from procurement accounts which in previous years received overgenerous inflation adjustments, and it achieves a paper-only savings of $2.9 billion by changing military payday from the last day of each month to the first.

Mr. SPRATT provides some real savings as well as some gimmicks. His principle rival's amendment, the Dickinson amendment, is more reliant on smoke and mirrors. It contains fewer real cuts. In my judgment, the only way to achieve real savings is to reduce real expenditures. Mr. SPRATT does not do the full job, but Mr. DICKINSON does it even less well.

In fact, the Dickinson amendment, by adding a 10-day additional delay in reimbursement on Defense contracts, may in the long run add expense to the Government. If we adopt the Dickinson amendment, contractors sooner or later will raise prices to compensate for the lost time value of their money.

Mr. Chairman, though the savings achieved in the Spratt amendment come through fairly complex means, the goal of the amendment and the reason for my vote are simple. In an age of soaring deficits, we cannot afford to exceed our budget resolution's limits. The Spratt amendment is the only available means

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to bring the Defense authorizations bill back within those limits.

The question is on the amendment offered by the gentleman from South Carolina [Mr. SPRATT].

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DICKINSON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 245, noes 156, not voting 30, as follows:

[Roll No. 312]

AYES—245

| | | |
|---|---|---|
| Ackerman | Ford (MI) | Monson |
| Alexander | Frank | Moody |
| Andrews | Franklin | Morrison (CT) |
| Annunzio | Frenzel | Mrazek |
| Anthony | Frost | Murphy |
| Applegate | Fuqua | Natcher |
| Armey | Garcia | Neal |
| Aspin | Gaydos | Nowak |
| Atkins | Gejdenson | Oakar |
| AuCoin | Gephardt | Oberstar |
| Bartlett | Glickman | Obey |
| Bates | Goodling | Olin |
| Bedell | Gordon | Owens |
| Beilenson | Gray (IL) | Panetta |
| Bereuter | Gray (PA) | Pease |
| Berman | Green | Penny |
| Bevill | Guarini | Pepper |
| Biaggi | Gunderson | Perkins |
| Boggs | Hall (OH) | Petri |
| Boland | Hall, Ralph | Porter |
| Bonior (MI) | Hamilton | Price |
| Bonker | Hatcher | Rahall |
| Borski | Hawkins | Rangel |
| Bosco | Hayes | Ray |
| Boucher | Hefner | Reid |
| Boxer | Hertel | Richardson |
| Brooks | Howard | Rinaldo |
| Brown (CO) | Hoyer | Ritter |
| Bruce | Hubbard | Roberts |
| Bryant | Hughes | Rodino |
| Burton (CA) | Jeffords | Roe |
| Bustamante | Jenkins | Roemer |
| Byron | Jones (NC) | Rose |
| Carper | Jones (OK) | Rostenkowski |
| Carr | Kanjorski | Roth |
| Chapman | Kaptur | Roukema |
| Clay | Kastenmeier | Rowland (GA) |
| Coelho | Kennelly | Roybal |
| Collins | Kildee | Russo |
| Conte | Kleczka | Sabo |
| Cooper | Kolter | Savage |
| Coughlin | Kostmayer | Scheuer |
| Coyne | Lantos | Schroeder |
| Crockett | Leach (IA) | Schumer |
| Daniel | Leath (TX) | Seiberling |
| Daschle | Lehman (CA) | Sharp |
| Dellums | Lehman (FL) | Sikorski |
| Derrick | Leland | Sisisky |
| Dicks | Levin (MI) | Slattery |
| Dingell | Levine (CA) | Smith (FL) |
| DioGuardi | Lightfoot | Smith (IA) |
| Dixon | Lipinski | Smith (NE) |
| Dorgan (ND) | Lowry (WA) | Smith (NJ) |
| Downey | Lujan | Smith, Robert (OR) |
| Durbin | Luken | Snowe |
| Dwyer | MacKay | Solarz |
| Dymally | Manton | Spratt |
| Early | Markey | St Germain |
| Eckart (OH) | Martinez | Staggers |
| Edgar | Matsui | Stallings |
| Edwards (CA) | Mavroules | Stangeland |
| English | Mazzoli | Stark |
| Erdreich | McCloskey | Stenholm |
| Evans (IA) | McCurdy | Stokes |
| Evans (IL) | McDade | Studds |
| Fascell | McHugh | Swift |
| Fawell | McKinney | Synar |
| Fazio | Meyers | Tallon |
| Feighan | Mica | Tauke |
| Flippo | Mikulski | Tauzin |
| Florio | Miller (CA) | Thomas (GA) |
| Foglietta | Mineta | Torricelli |
| Foley | Mitchell | Towns |
| Traficant | Waxman | Wise |
| Traxler | Weaver | Wolpe |
| Valentine | Weber | Wright |
| Vento | Weiss | Wyden |
| Visclosky | Wheat | Yates |
| Volkmer | Whitley | Yatron |
| Waldon | Whitten | Young (MO) |
| Walgren | Williams | Zschau |

NOES—156

| | | |
|---|---|---|
| Anderson | Gonzalez | Ortiz |
| Archer | Gradison | Oxley |
| Badham | Gregg | Packard |
| Barnard | Hammerschmidt | Parris |
| Barton | Hansen | Pashayan |
| Bateman | Hendon | Pickle |
| Bennett | Henry | Pursell |
| Bentley | Hiler | Quillen |
| Bilirakis | Hopkins | Regula |
| Bliley | Horton | Ridge |
| Boehlert | Hunter | Robinson |
| Boulter | Hutto | Rogers |
| Broomfield | Hyde | Rowland (CT) |
| Burton (IN) | Ireland | Rudd |
| Callahan | Jacobs | Saxton |
| Carney | Johnson | Schaefer |
| Chandler | Kasich | Schuette |
| Chappell | Kemp | Schulze |
| Chappie | Kindness | Sensenbrenner |
| Cheney | Kolbe | Shaw |
| Clinger | Kramer | Shelby |
| Coats | Lagomarsino | Shumway |
| Cobey | Latta | Shuster |
| Coble | Lewis (FL) | Siljander |
| Coleman (MO) | Livingston | Skeen |
| Coleman (TX) | Lloyd | Skelton |
| Combest | Loeffler | Slaughter |
| Courter | Lott | Smith, Denny (OR) |
| Craig | Lowery (CA) | Smith, Robert (NH) |
| Crane | Mack | Solomon |
| Dannemeyer | Madigan | Spence |
| Darden | Marlenee | Strang |
| Daub | Martin (IL) | Stratton |
| Davis | Martin (NY) | Stump |
| de la Garza | McCain | Sundquist |
| DeLay | McCandless | Sweeney |
| Dickinson | McCollum | Swindall |
| Dornan (CA) | McEwen | Taylor |
| Dowdy | McGrath | Thomas (CA) |
| Dreier | McKernan | Vander Jagt |
| Duncan | McMillan | Vucanovich |
| Dyson | Michel | Walker |
| Eckert (NY) | Miller (OH) | Whitehurst |
| Edwards (OK) | Molinari | Whittaker |
| Emerson | Mollohan | Wilson |
| Fiedler | Montgomery | Wolf |
| Fields | Moorhead | Wortley |
| Fish | Morrison (WA) | Wylie |
| Gallo | Murtha | Young (AK) |
| Gekas | Myers | Young (FL) |
| Gibbons | Nelson | |
| Gilman | Nichols | |
| Gingrich | Nielson | |

NOT VOTING—30

| | | |
|---|---|---|
| Akaka | Fowler | Long |
| Barnes | Grotberg | Lundine |
| Boner (TN) | Hartnett | Lungren |
| Breaux | Hillis | Miller (WA) |
| Brown (CA) | Holt | Moakley |
| Campbell | Huckaby | Moore |
| Conyers | Jones (TN) | Schneider |
| DeWine | LaFalce | Snyder |
| Donnelly | Lent | Torres |
| Ford (TN) | Lewis (CA) | Udall |

□ 1200

The Clerk announced the following pairs:

On this vote:

Mr. Ford of Tennessee for, with Mr. Lungren against.

Mr. Barnes for, with Mr. Campbell against.

Messrs. WALDON, STANGELAND, and RINALDO changed their votes from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 1215

AMENDMENT OFFERED BY MR. DICKINSON

Mr. DICKINSON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DICKINSON: At the end of division D (page 365, after line 23), add the following new sections:

SEC. 4005. ADJUSTMENT IN DATE MILITARY PAY TO BE PAYABLE.

(a) PAY TO BE PAYABLE FIRST DAY OF FOLLOWING MONTH.—(1) Chapter 19 of title 37, United States Code, is amended by adding at the end the following new section:

"§ 1013. Payment date for pay and allowances

"(a) Amounts of basic pay, basic allowance for quarters, basic allowance for subsistence, and other payments of military compensation (other than travel and transportation allowances and separation allowances) shall be paid on the first day of the month beginning after the month during which the right to such compensation accrues.

"(b) Subsection (a) does not preclude one payment in midmonth for any element of compensation and does not affect any authority to make advance payments of pay and allowances.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1013. Payment date for pay and allowances.".

(b) RETIREMENT ACCRUAL CHARGE.—Section 1466(a)(2) of title 10, United States Code, is amended by striking out "paid" and inserting in lieu thereof "accrued".

(c) EFFECTIVE DATE.—Section 1013 of title 37, United States Code, as added by subsection (a), and the amendment made by subsection (b) shall take effect on September 1, 1987.

SEC. 4007. LIMITATION ON OBLIGATION OF FISCAL YEAR 1985 AND FISCAL YEAR 1986 FUNDS.

Funds appropriated to the Department of Defense for fiscal year 1985 and fiscal year 1986 and remaining available for obligation may not be obligated as follows:

| Account | 1985 amount | Fiscal year 1986 amount |
|---|---|---|
| Aircraft Procurement, Army | $21,000,000 | $110,800,000 |
| Missile Procurement, Army | 21,400,000 | 91,900,000 |
| Procurement of Weapons and Tracked Combat Vehicles, Army | 43,900,000 | 211,400,000 |
| Procurement of Ammunition, Army | 3,900,000 | 30,300,000 |
| Other Procurement, Army | 15,600,000 | 123,600,000 |
| Aircraft Procurement, Navy | 86,300,000 | 446,100,000 |
| Weapons Procurement, Navy | 48,800,000 | 215,600,000 |
| Shipbuilding and Conversion, Navy | 168,700,000 | 367,500,000 |
| Other Procurement, Navy | 16,100,000 | 117,100,000 |
| Procurement, Marine Corps | 18,200,000 | 52,000,000 |
| Aircraft Procurement, Air Force | 212,500,000 | 714,500,000 |
| Missile Procurement, Air Force | 53,400,000 | 326,400,000 |
| Other Procurement, Air Force | 19,100,000 | 181,100,000 |
| National Guard and Reserve Equipment | 900,000 | 17,900,000 |
| Procurement, Defense Agencies | 4,000,000 | 31,000,000 |
| Research, Development, Test and Evaluation, Army | 1,900,000 | 71,200,000 |
| Research, Development, Test and Evaluation, Navy | 2,800,000 | 71,900,000 |
| Research, Development, Test and Evaluation, Air Force | 6,000,000 | 176,400,000 |
| Research, Development, Test and Evaluation, Defense Agencies | 1,400,000 | 84,700,000 |
| Director of Test and Evaluation, Defense | 0 | 700,000 |
| Military Construction, Army | 6,800,000 | 64,400,000 |
| Military Construction, Navy | 6,800,000 | 45,200,000 |
| Military Construction, Air Force | 6,300,000 | 43,200,000 |
| Military Construction, Defense Agencies | 1,900,000 | 5,300,000 |
| Military Construction, Army National Guard | 0 | 2,500,000 |
| Military Construction, Air National Guard | 200,000 | 3,300,000 |
| Military Construction, Army Reserve | 0 | 1,800,000 |
| Military Construction, Naval Reserve | 0 | 1,200,000 |
| Military Construction, Air Force Reserve | 200,000 | 1,800,000 |
| North Atlantic Treaty Organization Infrastructure | 0 | 8,000,000 |
| Family Housing, Army | 900,000 | 19,400,000 |

| Account | 1985 amount | Fiscal year 1986 amount |
|---|---|---|
| Family Housing, Navy and Marine Corps | 400,000 | 8,800,000 |
| Family Housing, Air Force | 2,400,000 | 12,300,000 |

SEC. 4008. COST REDUCTIONS IN CONTRACT ADMINISTRATION.

(a) EARLY DELIVERY OF GOODS AND SERVICES.—(1) The Secretary of Defense shall direct that during fiscal year 1987 a component of the Department of Defense may not accept early delivery of goods or services from a contractor unless acceptance of such early delivery is necessary in the interests of national defense.

(2) For purposes of paragraph (1), the term "early delivery", with respect to a contract, means delivery to the Department of Defense of goods or services under the contract before the date on which delivery of such goods or services is otherwise required or scheduled.

(b) PROGRESS PAYMENTS.—The Secretary of Defense shall direct that during fiscal year 1987 a progress payment to a defense contractor (other than a payment to a small business concern) shall, notwithstanding any other law or regulation, be paid 10 days later than the date on which the payment would otherwise be made.

Mr. DICKINSON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore (Mr. DASCHLE). Is there objection to the request of the gentleman from Alabama?

There was no objection.

The CHAIRMAN pro tempore. Under the rule, the gentleman from Alabama [Mr. DICKINSON] will be recognized for 15 minutes and a Member opposed to the amendment will be recognized for 15 minutes.

The Chair recognizes the gentleman from Alabama [Mr. DICKINSON].

Mr. DICKINSON. Mr. Chairman, I yield myself 9 minutes.

Mr. Chairman, I had planned to speak last on this, but this is the first chance that I have had to speak to this many Members to discuss this, and I thought that I would go first before they leave.

Mr. Chairman, this is a unique opportunity, in that if we are determined to force on the authorizing committee that they come up with a road map to reach an outlay figure that has never been put on us before, and by which we are not really legally bound. If this is what we are to do to reach an outlay figure, then we have been mesmerized and enthralled and enchanted by how the offerors of the first amendment would arrive at their outlay figure, and we have used the same tricks and gimmicks that they have used. It is great.

According to this, we offer the best of both worlds. We will save the budget authority at the figures that the Committee on the Budget gave us, which we should do, $292 billion, and the programs stay in. We will show you, if they want to go through whatever device they have used, we will use the same techniques to get to the same outlay figure. Thereby, we can have the programs, we do not lose them, and we will arrive at the same outlay figure.

If Members will give their attention to the chart that I have drawn here, I am using the same figures that were used by the offerors of the first amendment, if they will notice, the committee position using the budget authority given to us, $292 billion. The outlay figure that the original committee had was $285 billion. When the budget authorty was given to us after the joint meeting, the BA went up to $292 billion, so we have used that figure. But the outlay figure went down to $279 billion. So all right, we will reach that figure just like they have.

How do we do that? If the Members would give me their attenton for just 5 minutes, I will conclude, if I could just have their attention for that short, brief attention span. We have the same figures in both amendments, mine and the Spratt amendment. They want to slip the pay date, that is a trick, slip it from September to October so that it goes into another time. All right, we are going to save outlays of $2.9 billion. If they want to play tricks, same trick, $2.9 billion in both amendments.

Inflation figures are the same in both: 1.4 savings in both.

Now in order to get to the additional savings in outlays, to save the same budget authority, we say that we will not pay for early delivery. That does not hurt anything. We say that we will not pay the full—we will wait 10 days on progress payments. It will result in the savings shown here, one-half billion and $1.8 billion. We will arrive at the same target as they do while keeping the same budget authority.

What is the alternative? This is important. The alternative is that if we do not keep the budget authority that we were given, what do we lose? I will tell you what we lose. We lose 30 F-16's. We lose 12 F-15's. I do not know in whose States these are made, and I do not care. I am just telling you what the defense picture is. We lose 12 F-18's, 5 F-14's, an Aegis cruiser, 115 Patriot air defense missile systems, 285 HARM systems—the ones that went into Libya and knocked out the radars that came up to knock down our planes—and $17.8 million in spare parts. Everything that we needed for the conventional forces that was in the bill we are saving if we can mark to what the budget authority said that we could mark to.

We are not over. We are the only committee, I think, that has come to this floor with an authorization that is not over. We are where we should be, and if you want to worry about the triggering of Gramm-Rudman, the sequestation, the same reduction by this same road map gets us to exactly the same outlay figures that the Spratt amendment gets to.

What I am trying to tell the Members is, if they want to save these programs, they can vote for my amendment. You can vote for the programmatic changes that we put back in when they gave us the additional $7 billion. We have used it wisely, and still did not get all that we needed, but we saved the programs. We reached the same outlay figure, and from there on it is up to the Appropriations Committee, which appropriates the money, to reach the outlay figure, and it is also up to the Department of Defense and the administration as to whether or not they are going to spend it.

□ 1225

But we have the authority to do it. We are doing what we are charged with doing.

I will have to say, Mr. Chairman, I was very disappointed at the partisan flavor of the last vote. It looked like we had some sort of partisan vote going, if you counted the votes, and when you see the breakout. Defense is not a partisan issue. It has never been and should never be a partisan issue. Our committee is not partisan. We do not even have majority and minority staff. But the votes just seemed to come out that way this last go-around.

I know I have heard my chairman, the gentleman from Wisconsin [Mr. ASPIN], chiding his colleagues, saying that the Democrats are labeled as the party against defense. I do not know if this is so or not, but if this is so and you do not want that to be the case, then go on and vote for the budget authority that the Budget Committee gave us. We will reach the same outlay figure as they are with the same gimmicks that they are using. You have the best of both worlds, and we will let the Appropriations Committee come in with the market they are supposed to get.

Mr. COURTER. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from New Jersey.

Mr. COURTER. Mr. Chairman, it is important I think to keep in mind that the gentleman's substitute reconfirms the work of the Budget Committee because it takes the Budget Committee numbers on authorizations and outlays and folds them into the gentleman's amendment. That is No. 1. I think that it is extremely important to know that these numbers that are in the Dickinson substitute are the precise numbers that came out of the budget conference, the precise numbers that this House voted in favor of by about 3 to 1 a few weeks ago.

Second, I think it is important to keep in mind, and I tried to make this point before, that if you believe in money for helping the Afghan refugees you have to vote for the Dickinson substitute because it does not delete $6 million for that particular category.

Also, and finally, there is a great debate in the House, and a good and a proper one, about whether we should spend money for strategic systems or conventional systems, whether we should increase readiness by increasing spare parts, and fuel, and exercises. The Dickinson amendment keeps the money that we badly need for readiness. The other amendment deletes substantially from defense missiles. It reduces substantially from spare parts, repairs, training, targets, ammunition, stocks, and also additional millions of dollars for training.

So if readiness is important, if the high level of alert of our troops is important, if training is important, if spare parts are important, it is important to vote for the Dickinson substitute.

Mr. DICKINSON. Mr. Chairman, I thank the gentleman for his comments, and I reserve the balance of my time.

The CHAIRMAN pro tempore (Mr. DASCHLE). The gentleman from Alabama [Mr. DICKINSON] has consumed 9 minutes.

The gentleman from Wisconsin [Mr. ASPIN] rises in opposition to the amendment, and the gentleman is recognized for 15 minutes.

Mr. ASPIN. Mr. Chairman, I yield myself such time as I may consume.

Let me say to the gentleman from Alabama [Mr. DICKINSON] and to the Members of the House that we do not have a lot of people to speak on this issue because, in fact, most of the people who wanted to address the subject have already addressed it in the previous discussion.

But let me say about the amendment of the gentleman from Alabama, first of all I would like the extra money. If it were not for the problems we are having with Gramm-Rudman, this outlay problem would not be anything that we would be discussing. We would be marking to the BA number, and we would be marking happily to the full BA that was given us by the budget conference report, which is $292 billion.

That is not the case. We are now living in a new world, and the new world is that outlays are driving the process because outlays determine the deficit, and the deficit determines whether Gramm-Rudman kicks in, and sequestration, and so on.

So we have got to start to pay attention to the outlays.

I think the amendment offered by the gentleman from Alabama is better than where we were in the committee position coming into the debate this morning. The amendment of the gentleman from Alabama is better than what we have coming out of the committee because it does, smoke and mirrors and all, do something about the outlay problem. So it is better than where we were.

However, it is not better than the amendment of the gentleman from South Carolina [Mr. SPRATT].

Let me explain two or three reasons why it is important.

What the amendment of the gentleman from Alabama says is that we can cut $6 billion worth of outlay without cutting any budget authority, and that we can say that this amendment then, if we pass the $292 billion in budget authority, we will only spend $279 billion in outlays.

There are a couple of things to be said about that. No. 1, we are not doing very well in controlling outlays over there in the Pentagon now. This year, for example, we were estimated to spend $267 billion in outlays, and we are running at $273 billion. We are not very good at controlling outlays. Adding more BA is going to make that controlling outlay problem even worse.

Point No. 2, the Dickinson amendment solved the outlay problem for 1986 by pushing some of those costs into 1988. We are postponing the day of reckoning on some of these issues, so we are temporarily solving the problem, but in the long run the problem is still there and, in fact, it gets worse.

Finally, and most importantly, we cannot keep doing this. We cannot keep passing budgets which have high BA and low outlays. It does not work.

When budgets are flat as we are now with a flat budget under the new attitude toward defense spending, budgets are going to be flat. When budgets are flat, budget authority has got to equal outlays. It is only in a growing budget that the budget authority could be much higher than outlays. We are essentially perpetuating an imbalance here that is eventually going to catch up with us.

We have got to understand that defense is an important part of the budget deficit problem, as is all other programs. In order to stop that deficit we have to control the outlays. In order to control the outlays, without totally distorting our defense priorities, we have to bring the budget authority into line with the outlays.

As I told the gentleman from Pennsylvania [Mr. GRAY] before he brought his bill to the floor, and when he brought his conference report to the floor, please, please, as you are doing this, give us more outlays if you can. But if you cannot give us more outlays, give us less budget authority. Those two numbers have got to be consistent.

Mr. Chairman, I reserve the balance of my time.

Mr. DICKINSON. Mr. Chairman, as proponent of the amendment I think I have the right to close debate.

Mr. ASPIN. Mr. Chairman, I yield myself such time as I may consume.

I have no other speakers. I would just like to emphasize that I think the best vote here on the Dickinson amendment at this time is for the House to vote no, to have a budget resolution, have a budget bill, a Defense bill in which there is at least a semblance of consistency between the budget authority and the outlays.

We now have that with the passage of the Spratt amendment. I hope that we do not undo with the passage of the Dickinson amendment.

Vote no on the Dickinson amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. DICKINSON. Mr. Chairman, I yield myself the balance of my time.

Mr. STUMP. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I am glad to yield to the gentleman from Arizona.

Mr. STUMP. Mr. Chairman, would the gentleman please comment on my understanding of the reductions made by the gentleman's amendment—the accounts from which these inflation reductions are taken do not reflect inflation adjustments specially calculated for intelligence programs. Is it the intent of the amendment that the inflation reductions made here do not come from the National Foreign Intelligence Program or Tactical Intelligence and Related Activities?

Mr. DICKINSON. Let me say that we have discussed this privately and we have discussed this on the floor before, and I would like to assure the gentleman again that the programmatic changes we are proposing, the increases would protect the gentleman. I do not know whether there is a line item that is being deleted as offered by the gentleman from South Carolina [Mr. SPRATT]. It is my understanding that yes there is. The gentleman is on the Intelligence Subcommittee and perhaps he is more aware of it than I am.

□ 1235

Mr. DICKINSON. Let me say in conclusion, and I realize that we are working against time constraints and I will try to be brief; but this is so very important.

We have shown you that if you are concerned about outlays, you can get to the outlay figure as I have designated and shown from the well. You do not make advance payments; you delay by 10 days the progress payments.

You then use the same formula that they are using to slip a payday and to

absolve the inflation that was not used, and we came out at the same outlay figure. But in doing so we maintain and preserve the programs, the weapons systems that the Department of Defense says it needs and which our committee has said that we need.

Now, let me ask those who voted for the lower figure, where have you been on all these other appropriations bills? You have been voting a high figure on almost every bill that has come to this floor; appropriations and authorizations. Now all of a sudden you want to get righteous and take it out of defense.

Somebody is going to be looking at those voting records. You are always voting for the high figure, many of you over there, high figure, high spending. Then when it gets to defense, "Oh, well, I'm going to be righteous here and I'm going to go with what the chairman of the committee says, and I am going to save the day by reaching down and meeting an outlay figure that we are not even obligated to meet, as far as the authorization committee is concerned."

So let us be honest with our votes here. Let me say, if we cut the F-16's, the F-15's, all of these items that have been enumerated here, I looked at 150 proposed amendments here. Most of them are asking for add-ons. You want to add something back; you want to add something additional, whether it be in military construction or a Trident submarine or whatever. Are you going to continue to add on even though you cut the lower figures? There is no money there for that.

We have cut this as much as we can. Are you going to really be that inconstant that you are going to vote to cut the spending figure and then come in and say, "Yes, but I want to add mine on."

No. We are going to resist every one of those. I would hope that the chairman would, too. So we are not going to add anything on this spending thing, wherever we wind up. We have got the committee mark. I would hope that we do not add anything, and that we can be true to ourselves and the taxpayers, too.

The committee has come in with a 292 mark; we have shown you how to get to the outlay figure if that is the thing that is bothering you. The same way, using the same cuts as do the proponents of the other amendment, the Spratt amendment.

So if you are worried about outlays, we have got you there. If you are concerned about your programs, we keep them in. If there is not enough money to go around, we will let the Appropriations Committee come in with its bill and they will show us how to meet their obligations in outlays.

We are in a good position. We can keep the programs, meet the outlay figure, and we are going to let somebody else worry about, does it really work. I am telling you it is not a real savings, but that is the way they want to play the game; we are playing it.

Please, please vote for the figure that the budget authority gave us. We are playing by the rules. They say, this is what you can have, we mark to it. If they give us a lower figure, we mark to that. We mark to what they told us we could have in joint committee with the Senate; now we want to abrogate that and walk away from it, it just does not make sense. Why should we bother even to wonder about meeting the budget authority if it does not mean anything? If it means absolutely nothing?

We are pretty soon going to wind up with just one committee in this House, I think, and that might be the Budget Committee. I guess everything else is out the window.

So if it means something to play by the rules, to meet what the Budget Committee says we should do, and that we also give you a road map to show you how you can reach, without doing damage to the programs, the outlay figure, there is a way to do it in this amendment, not the Spratt amendment.

I urge—if you are for a strong defense, this is it. If you are not for a strong defense, go on and cut it; it is your choice.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Alabama [Mr. DICKINSON].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. DICKINSON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 181, noes 224, not voting 26, as follows:

[Roll No. 313]

AYES—181

| | | |
|---|---|---|
| Archer | Clinger | Edwards (OK) |
| Armey | Coats | Emerson |
| Badham | Cobey | English |
| Barnard | Coble | Erdreich |
| Bartlett | Coleman (MO) | Evans (IA) |
| Barton | Coleman (TX) | Fiedler |
| Bateman | Combest | Fields |
| Bennett | Courter | Fish |
| Bentley | Craig | Flippo |
| Bevill | Crane | Franklin |
| Bilirakis | Daniel | Gallo |
| Bliley | Dannemeyer | Gaydos |
| Boehlert | Darden | Gekas |
| Boggs | Daub | Gibbons |
| Boulter | Davis | Gilman |
| Broomfield | de la Garza | Gingrich |
| Brown (CO) | DeLay | Goodling |
| Burton (IN) | Dickinson | Gradison |
| Byron | Dicks | Guarini |
| Callahan | DioGuardi | Hall, Ralph |
| Carney | Dornan (CA) | Hammerschmidt |
| Chandler | Dowdy | Hansen |
| Chappell | Dreier | Hendon |
| Chappie | Duncan | Hiler |
| Cheney | Eckert (NY) | Hopkins |
| Horton | Michel | Siljander |
| Hubbard | Miller (OH) | Skeen |
| Hunter | Molinari | Skelton |
| Hutto | Mollohan | Slaughter |
| Hyde | Monson | Smith, Denny (OR) |
| Ireland | Montgomery | Smith, Robert (NH) |
| Johnson | Moorhead | Smith, Robert (OR) |
| Jones (OK) | Morrison (WA) | Solomon |
| Kasich | Myers | Spence |
| Kemp | Nelson | Stangeland |
| Kindness | Nichols | Strang |
| Kolbe | Nielson | Stratton |
| Kramer | Ortiz | Stump |
| Lagomarsino | Oxley | Sundquist |
| Latta | Packard | Sweeney |
| Lewis (FL) | Parris | Swindall |
| Lightfoot | Pashayan | Taylor |
| Livingston | Pickle | Thomas (CA) |
| Lloyd | Pursell | Vander Jagt |
| Loeffler | Quillen | Vucanovich |
| Lott | Regula | Walker |
| Lowery (CA) | Ridge | Watkins |
| Lujan | Rinaldo | Whitehurst |
| Mack | Ritter | Whittaker |
| Madigan | Robinson | Wilson |
| Marlenee | Rogers | Wolf |
| Martin (IL) | Roth | Wortley |
| Martin (NY) | Rowland (CT) | Wylie |
| McCain | Rudd | Yatron |
| McCandless | Saxton | Young (AK) |
| McCloskey | Schaefer | Young (FL) |
| McCollum | Schuette | Zschau |
| McDade | Schulze | |
| McEwen | Sensenbrenner | |
| McGrath | Shaw | |
| McKernan | Shumway | |
| McMillan | Shuster | |

NOES—224

| | | |
|---|---|---|
| Ackerman | Evans (IL) | Lowry (WA) |
| Akaka | Fascell | Luken |
| Alexander | Fawell | MacKay |
| Anderson | Fazio | Manton |
| Andrews | Feighan | Markey |
| Annunzio | Florio | Martinez |
| Anthony | Foglietta | Matsui |
| Applegate | Foley | Mavroules |
| Aspin | Ford (MI) | Mazzoli |
| Atkins | Frank | McCurdy |
| AuCoin | Frenzel | McHugh |
| Bates | Frost | McKinney |
| Bedell | Fuqua | Meyers |
| Beilenson | Garcia | Mica |
| Bereuter | Gejdenson | Mikulski |
| Berman | Gephardt | Miller (CA) |
| Biaggi | Glickman | Mineta |
| Boland | Gonzalez | Moakley |
| Bonior (MI) | Gordon | Moody |
| Bonker | Gray (IL) | Morrison (CT) |
| Borski | Gray (PA) | Mrazek |
| Bosco | Green | Murphy |
| Boucher | Gregg | Murtha |
| Boxer | Gunderson | Natcher |
| Brooks | Hall (OH) | Neal |
| Brown (CA) | Hamilton | Nowak |
| Bruce | Hatcher | Oakar |
| Bryant | Hawkins | Oberstar |
| Burton (CA) | Hayes | Obey |
| Bustamante | Hefner | Olin |
| Carper | Henry | Owens |
| Carr | Hertel | Panetta |
| Chapman | Howard | Pease |
| Clay | Hoyer | Penny |
| Coelho | Hughes | Pepper |
| Collins | Jacobs | Perkins |
| Conte | Jeffords | Petri |
| Cooper | Jenkins | Porter |
| Coughlin | Jones (NC) | Price |
| Coyne | Kanjorski | Rahall |
| Crockett | Kaptur | Rangel |
| Daschle | Kastenmeier | Ray |
| Dellums | Kennelly | Reid |
| Derrick | Kildee | Richardson |
| Dingell | Kleczka | Roberts |
| Dixon | Kolter | Rodino |
| Dorgan (ND) | Kostmayer | Roe |
| Downey | Lantos | Roemer |
| Durbin | Leach (IA) | Rose |
| Dwyer | Leath (TX) | Rostenkowski |
| Dymally | Lehman (CA) | Roukema |
| Dyson | Lehman (FL) | Rowland (GA) |
| Early | Leland | Roybal |
| Eckart (OH) | Levin (MI) | Russo |
| Edgar | Levine (CA) | Sabo |
| Edwards (CA) | Lipinski | Savage |

| | | |
|---|---|---|
| Scheuer | Stark | Volkmer |
| Schneider | Stenholm | Waldon |
| Schroeder | Stokes | Walgren |
| Schumer | Studds | Waxman |
| Seiberling | Swift | Weaver |
| Sharp | Synar | Weber |
| Sikorski | Tallon | Weiss |
| Sisisky | Tauke | Wheat |
| Slattery | Tauzin | Whitley |
| Smith (FL) | Thomas (GA) | Whitten |
| Smith (IA) | Torres | Williams |
| Smith (NE) | Torricelli | Wirth |
| Smith (NJ) | Towns | Wise |
| Snowe | Traficant | Wolpe |
| Solarz | Traxler | Wright |
| Spratt | Udall | Wyden |
| St Germain | Valentine | Yates |
| Staggers | Vento | Young (MO) |
| Stallings | Visclosky | |

NOT VOTING—26

| | | |
|---|---|---|
| Barnes | Grotberg | Long |
| Boner (TN) | Hartnett | Lundine |
| Breaux | Hillis | Lungren |
| Campbell | Holt | Miller (WA) |
| Conyers | Huckaby | Mitchell |
| DeWine | Jones (TN) | Moore |
| Donnelly | LaFalce | Shelby |
| Ford (TN) | Lent | Snyder |
| Fowler | Lewis (CA) | |

□ 1245

The Clerk announced the following pairs:

On this vote:

Mr. Lungren for, with Mrs. Long of Louisiana against.

Mr. Campbell for, with Mr. Barnes against.

Mr. DeWine for, with Mr. LaFalce against.

Mr. JENKINS changed his vote from "aye" to "no."

Mr. BROWN of Colorado and Mr. DANIEL changed their votes from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. DASCHLE). Pursuant to House Resolution 531, it is in order to debate the topic of limitations on nuclear testing for 1 hour and 30 minutes, equally divided and controlled by the chairman and the ranking minority member of the Committee on Armed Services. After the completion of such debate, it is in order to consider the following two amendments to the committee substitute, as modified, contained in House Report 99-766 relating to limitations on nuclear testing, which shall not be subject to amendment or to a demand for a division of the question but each shall be debatable for 20 minutes equally divided and controlled by the proponent and a member opposed thereto:

First, an amendment if offered by Representative DICKINSON or his designee; and

Second, an amendment if offered by the chairman of the Armed Services Committee or his designee.

The gentleman from Wisconsin [Mr. ASPIN] will be recognized for 45 minutes and the gentleman from Alabama [Mr. DICKINSON] will be recognized for 45 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. ASPIN].

Mr. ASPIN. Mr. Chairman, I would like to say that we are already at 1 o'clock. We would like to, if possible, complete this matter before we adjourn. We have a number of people who are interested in catching planes. So we are going to try to hold down on our side. A lot of Members want to speak.

Mr. Chairman, I cannot speak for the minority. He has the time, and he can do with it what he wishes.

But on our side we are going to try to hold it down.

Mr. Chairman, I yield such time as he may consume to the gentleman from Florida [Mr. FASCELL] the chairman of the Committee on Foreign Affairs.

Mr. FASCELL. I thank the gentleman for yielding.

Mr. Chairman, last February, the House of Representatives passed, by an overwhelming bipartisan vote of 268–148, House Joint Resolution 3, legislation urging the President to request the ratification of two nuclear testing limitation treaties signed in the 1970's and urging the President to propose to the Soviet Union the resumption of negotiations on a comprehensive test ban treaty. The other body just yesterday passed House Joint Resolution 3 as an amendment to the fiscal year 1987 Defense authorization bill by a vote of 64 to 35.

In passing this legislation, the House and Senate have sent a very clear message. A bipartisan majority in Congress firmly supports an end to the arms race fueled by the unlimited continuation of nuclear testing. By continuing to add new nuclear weapons to our arsenals, both the United States and the Soviet Union cancel out the effectiveness any reductions might make in their nuclear arsenals. We are saying what every President since Eisenhower has been saying: We must put an end to this escalation through a mutual, vertifiable, and comprehensive test ban.

As a follow-on to House Joint Resolution 3, this amendment calls for continued action toward that arms control policy objective. Under this amendment, effective January 1, 1987, we would engage in a moratorium on nuclear testing above a certain level—1 kiloton—unless the President certifies to the Congress that the Soviets have tested above this level.

If the Soviets choose to resume their testing, funds are immediately released for the resumption of United States testing. This amendment reflects a grave concern on the part of the American people and the world community that something desperately needs to be done to stop the proliferation of nuclear weapons and the nuclear arms race between the superpowers. One way to begin this process is for the United States and the Soviet Union to limit tests of their high yield nuclear weapons.

For almost a year now, the Soviets have not tested. They are sending us a "message." Some view this as a propaganda move on their part. I say we should question their seriousness by calling their bluff. Let's send them a signal that we are serious. By continuing to test, as we have since the Soviet moratorium, we send the wrong message. In my judgment, there is very little time to reach an agreement with the Soviets in this area. Mr. Gorbachev is being pushed just as hard as President Reagan is being pushed by certain elements in their defense establishments who oppose any agreement at all in this area. The "window of opportunity" is closing fast. Let's see if the Soviets will negotiate a genuine and effective nuclear test ban.

The Soviets have pledged to accept enhanced verification arrangements in the nuclear testing area. In fact, as part of an agreement with the Natural Resources Defense Council, a private organization, the Soviet Union has accepted and has in place right now equipment onsite to monitor nuclear tests and earthquakes. This could be expanded to incorporate a wider network of monitoring stations on their territory which would provide even greater monitoring confidence. At issue is not the technical ability to monitor testing, but the political will to reach an agreement. The onus should be on the Soviet Union not the United States to deliver.

What this amendment does is to call for a moratorium on testing above 1 kiloton as long as the Soviet Union doesn't conduct such a test. If they test, we are free to test.

We have much to gain and nothing to lose by limiting the addition of new nuclear weapons into the Soviet arsenal.

I urge my colleagues to support this reasonable and effective arms control amendment.

Mr. ASPIN. Mr. Chairman, under the debate time, I yield 5 minutes to the gentleman from Missouri [Mr. GEPHARDT].

□ 1300

Mr. GEPHARDT. Mr. Chairman, I am tired of hearing people talk about arms control as if we are diluting, or eroding our national security. Nothing could be further from the truth. Those of us in Congress who support arms control—LES ASPIN and PAT SCHROEDER, my cosponsors, TOM DOWNEY, ED MARKEY, JOHN SPRATT, and so many others—are vitally concerned with protecting our rights and freedoms. And we know that arms control progress may be the most important way to ensure that our children and grandchildren enjoy the same freedoms in a safe and democratic society.

Our amendment secures so much for us that I have a hard time understanding the arguments posed against us. Let me outline why I think this legislation is necessary and prudent.

Both we and the Soviets have more than enough missiles and bombs to destroy the world as we know it. That's why deterrence is so necessary and that's why deterrence works. At the same time, America's nuclear forces have never been stronger: Our weapons are more accurate than the Soviets' and our warhead modernization programs are substantially complete. A mutual halt in warhead development leaves us in an advantageous position. The warhead for the mobile

Midgetman system is almost production-ready and testing for the Trident D-5 missile warhead can be completed before January 1. Certainly, even the most critical of Pentagon generals would not trade our sophisticated nuclear arsenal for the sturdy giants in the Russian silos.

But this relatively secure position is in danger. By performing last rites for SALT, President Reagan has left the Soviets free to ignore the real safeguards SALT provided. A new testing program would allow the Russians to refit their powerful missiles with greater numbers of more accurate multiple warheads and develop other warheads that threaten the United States. True, this would be a major effort, but with their hotter production line and coercive society, Soviet leaders might decide the expense was justified. Certainly, the administration's hostility to arms control sends an undesirable message to the hawks in the Kremlin.

For years, even arms control advocates have been unable to give satisfactory answers to all the vexing problems of monitoring and verification. In our open society secrets don't stay secret long, and the Soviets might be reasonably certain of our compliance even without onsite monitoring. We had no such guarantee. And arms control goals are meaningless unless we are confident that promises are being kept.

Recent advances in seismic research provide that confidence in the technical ability to detect any Soviet testing violations. And the historic cooperative arrangement between the Natural Resources Defense Council and the Soviet Academy of Sciences demonstrates that in-country monitoring is possible. Government-to-Government agreements will be necessary for any long-term accord, but the principle is proven. Our amendment builds on these two essential components.

Setting our level at 1 kiloton was not an arbitrary decision. We can now detect tests at lower levels with proper onsite monitoring, but at 1 kiloton, even a determined effort to muffle the blast would be detected. Since this agreement restricts tests to a single area, any test in another location and any test over the 1-kiloton limit would be a violation. A final agreement might be set at a slightly different level, to satisfy concerns of both sides, but verification is no longer an issue.

We all agree that the psychological blocks to arms control are at least as important as the technical ones. So this could be the catalytic first step in proving to ourselves that, despite deep and abiding differences, we can reduce the chances of nuclear war. Sound agreements will lessen the temptation to launch a first strike. Significant reductions will mean more resources for sensible defense expenditures and other productive programs.

Proponents of testing claim it is essential to guarantee the reliability of our weapons. This is a hollow excuse, for the vast majority of reliability checks are mechanical and we have never conducted more than one or two explosive tests a year. What these people really mean is that without nuclear tests, we—and the Soviets—cannot develop new nuclear warheads. As the columnist Ellen Goodman said this week, "that's the point."

Indeed it is, for escalating the nuclear arms race is pointless, expensive, and potentially fatal. That is why our amendment is so timely. We need to stop this futile treadmill while deterrence still works and while verification is still possible. We need to protect the robust defense we now enjoy.

Congress is rightfully hesitant to intrude on the President's responsibility to conduct negotiations with the Soviet Union. At the same time, we have the constitutional duty to raise the funds for Government expenditure and to make sure that the taxpayers' money is used wisely. We also have a responsibility to reflect our citizens' deep-felt desire for a saner nuclear future. Our 1-year pause will facilitate a more lasting agreement. We are asking Mr. Reagan to honor his own responsibilities, to take advantage of the most promising negotiating atmosphere in years. We are calling on him to act while there is still time. We ask our colleagues in the House to support this amendment.

Mr. DICKINSON. Mr. Chairman, I yield 5 minutes to the distinguished ranking member of the Committee on Foreign Affairs, the gentleman from Michigan [Mr. BROOMFIELD].

Mr. BROOMFIELD. Mr. Chairman, I rise in opposition to the amendment being offered by the chairman, the gentleman from Wisconsin [Mr. ASPIN], the gentleman from Missouri [Mr. GEPHARDT], and the gentlewoman from Colorado [Mrs. SCHROEDER] on this subject.

Mr. Chairman, test ban proponents all too often label the test ban idea as a simple, benign panacea for most, if not all, the problems associated with nuclear weapons and the arms race. Its alleged "simplicity" is its most publicized strength. The unfortunate reality is that the test ban issue is not, and never has been, an innocuous, confidence-building measure. It is an extremely complicated question with ramifications extending far beyond the scientific and technical considerations of the nuclear testing program itself.

The question: Do we need testing to determine the reliability of our current nuclear systems? The answer, while admittedly controversial, is still "yes." Computer simulations alone are not adequate at the present time to ensure warhead reliability. At some point a computer program must be related to a nuclear test so as to reestablish the essential link between software hypotheses and physical reality.

Is the safety of our nuclear weapons at issue? While this is also a very controversial question, the old maxim "when in doubt, err on the side of safety" dictates our responses. We owe this to the people who live and work around our strategic forces. Chernobyl has at least taught us that, at least I hope it has.

What about verification of a test ban? There is little doubt that we have made substantial strides toward new verifications technologies in the testing area. But are we completely there yet? "Not quite" is the grudging answer of most experts. Test ban proponents should keep in mind that verification technology is developed and improved by measuring actual U.S. nuclear tests.

How would a test ban affect strategic weapons modernization? On this fact there is almost complete agreement—it would hurt. For some this is an exciting prospect and, after all, the whole purpose of banning tests. But has the nuclear modernization program of the past three decades, facilitated by nuclear testing, been all bad? Are smaller warheads and a substantial cut in total U.S. megatonnage in this period a bad thing? What about Midgetman which is currently under development and is thought by many to represent a stabilizing future contribution to the Soviet-American military balance? Will it be negatively affected by a test ban? If so, is that really a positive development?

And what about the strategic defense initiative? The nuclear-fueled x-ray laser is one of the most promising areas of SDI research. It would certainly be stopped dead by a test ban. Do we really want to gut this key facet of the SDI Program at the present time?

Some proponents of a test ban moratorium view it simply as a means of wreaking havoc with weapons systems that they have been unable to defeat in open votes in Congress. They see nuclear testing as the soft underbelly of our Nation's nuclear weapons program. To them, and I say some of them, a test ban offers a potentially devastating means of indiscriminately gutting major strategic weapons systems, many of which enjoy the broad support of both Democrats and Republicans. When a ban on nuclear testing is viewed in this way, the threat it poses is truly insidious.

Finally, a particularly misleading argument repeated by test ban proponents is that "every American President for the past 30 years has supported a comprehensive test ban treaty" and Ronald Reagan is the only one to

break with this "hallowed" tradition. One has to ask what would seem to be a very obvious question. If this is the case, if so many Presidents, for so many years have supported a test ban, then why don't we have a comprehensive test ban treaty right now? It seems to me that President Reagan is being given hell for having the courage to tell the American people the truth—namely, that a test ban is a bad idea at the present time; it would not enhance security; and, above all, it would deliberately thrust us into a nightmare world of nuclear uncertainty and instability.

For these important reasons, Mr. Chairman, I urge my colleagues to oppose the test ban amendment which we are currently considering.

□ 1310

Mr. ASPIN. Mr. Chairman, I yield 4 minutes to the gentleman from New York [Mr. DOWNEY].

Mr. MAVROULES. Mr. Chairman, will the gentleman yield?

Mr. DOWNEY of New York. I yield to the gentleman from Massachusetts.

Mr. MAVROULES. I thank the gentleman for yielding to me.

Mr. Chairman, I rise today to wholeheartedly support the amendment being offered by Congressman ASPIN, Congressman GEPHARDT, and Congresswoman SCHROEDER. This amendment calls for the imposition of a 1-year moratorium on all nuclear tests by the United States in excess of 1 kiloton, provided that the Soviet Union does the same.

For over a year now the Soviets have abided by a self-imposed moratorium on the testing of nuclear weapons in the hopes that serious negotiations with the United States could be pursued. Yet the U.S. testing has continued unabated.

In February, the House passed by an overwhelming vote of 268 to 148, House Joint Resolution 3, the comprehensive nuclear test ban resolution. Two years earlier, the Senate passed a similar bill by a vote of 77 to 22. Yet negotiations on any type of comprehensive test ban have not been reinstated since President Reagan took office in 1981, more than 5 years ago.

The vicious cycle of technological advances in nuclear weaponry by both the United States and the U.S.S.R. can only be broken by a negotiated treaty. A comprehensive test ban is a viable way to halt all weapon production while negotiations for such a treaty take place. And it is true—modern history proves that solid arms agreements with the Soviets are possible if sought with honesty and skill.

Forty-one years ago, in an effort to bring World War II to an end, the United States unleashed the most powerful, the most devastating weapon ever known to man—the atomic bomb was dropped on Japan.

The resulting horror and destruction is unmatched anywhere in history. Even today, thousands of people still suffer the effects of that decision.

It seems rather appalling that we now stand here arguing over an amendment which has the potential to bring about a new treaty which could end the possibility of ever being forced to repeat that decision. The amendment before us simply halts for 1 year all nuclear tests over 1 kiloton, provided that the Soviets do the same. In addition, it allows the United States to be freed from the moratorium should the President certify certain violations by the Soviets.

By approving this amendment we are in no way undercutting the arms negotiations of the administration, nor are we trying to second guess the President. For how is it possible to undercut negotiations when Edward Rowny, one of the negotiators, has publicly stated "We've tried in the Reagan administration to get away, to distance ourselves, from making arms control the centerpiece of our foreign policy. To some extent, we've succeeded."

Even Kenneth Alderman, Director of the Arms Control and Disarmament Agency, has described his reaction to the arms control negotiations by stating that "my policy would be to do it for political reasons, but I think it is a sham * * * I can't think of any negotiations on security or weaponry which have done any good * * *.

Solid arms agreements are possible with the Soviets—but only if sought with honesty and skill.

The Reagan administration has been in office for almost 6 years—and we still have not one shred of arms control treaty to speak of today. It is hard to believe that President Reagan, with his unmatched power of persuasion, has not been able to negotiate even one small treaty with the Soviets.

I urge my colleagues to vote in favor of this amendment—to vote in favor of establishing a sensible environment in which to seriously pursue an arms control agreement. For in the words of H.G. Wells, some 60 years ago, "We must put ourselves and our rulers on trial. We must ask, what have you done and what are you doing to bring peace and order to mankind?"

Mr. DOWNEY of New York. I thank the gentleman for yielding me this time.

Mr. Chairman, in the 41 years that this world has seen nuclear weapons, both sides have sought, elusively, greater security with the accretion of more and more nuclear weapons. They have failed; they have achieved less security, not more security.

An interesting thing has happened over the last few years, and that is that leaders on both sides have begun to recognize the one, fundamental truth of nuclear weapons: That they are not weapons in any conventional sense, but that they are instruments of mass destruction. And that the only purpose that nuclear weapons serve is to deter the other side from using theirs. That is the only possible purpose for nuclear weapons.

At the dawn of the nuclear era, Albert Einstein said that "Everything in the world had changed except our thinking." We have a chance today to prove with this amendment that Einstein was wrong. This amendment is a very small step forward for arms control, but it is a gigantic leap forward in our thinking and a gigantic step forward in our relationship with the Soviet Union.

As has been mentioned before, six Presidents have sought, and for one reason or another, failed to achieve a comprehensive test ban. We have the opportunity to set the record straight. We have the opportunity to make what Ronald Reagan calls his ultimate goal an immediate reality.

No one likes the idea of legislative negotiations. It does not work and it is not a precise instrument. But it is the only tool that we have to encourage and prod this President. Pauses and moratoriums, my colleagues, have been successful in the past. We see a successful pause working with Asat and President Kennedy saw a successful moratorium on the testing of above ground nuclear weapons begun in June 1963 to lead to an effective ban on the testing of above ground weapons in November of that very same year.

Let me say that we have today with this amendment the opportunity to move to a comprehensive test ban. We have two very clear paths that are available to us. On the one hand, we can continue to test and develop more and more nuclear weapons of greater destructiveness and lethality. On the other hand, we can recognize the other fundamental truths of the postwar era: That security can only be achieved in a collective sense, that economic growth and economic power and political dialog are the underpinnings of national and international security.

This testing pause, this congressional action will say to the majority of the American people who support us that we are prepared to act, and act in their interests. We will be sending a signal around the world that America is prepared to practice what it preaches. That if nuclear weapons are dangerous for the rest of the world, we believe they are dangerous for us and we are prepared to call a halt to their testing. Starting January 1, it will begin the dawn of a new era. Let us make history by supporting the Aspin-Gephardt approach today.

Mr. DICKINSON. Mr. Chairman, I yield 5 minutes to the gentleman from New Jersey [Mr. COURTER].

Mr. COURTER. I thank the gentleman for yielding me this time.

Mr. Chairman, I am really very frankly distressed about what is going on here today. I thought that the prior amendment was important enough to debate; there was not a great deal of time devoted to it in the rule. A few minutes on each side; less than an hour. There was a great suggestions by a number of people that we not use the full amount of time to debate because people want to go home; they want to take planes. They would rather be playing tennis or golf

or swimming than debating the Defense budget, and that distresses me greatly.

The same thing with regard to this amendment. This amendment is an important one. It is important for full airing and debate, and the same thing is occurring. The suggestion is that we are trying to keep the debate down; let us not debate this before the American people. My God, they may find out about what we are doing here. Let us have a quick vote because Members want to leave this body, they want to get on planes and go home to their congressional districts and not get the work down. Frankly, I find that to be an outrage and disappointing at the very least.

I think this amendment deserves full, complete debate, and I know full well that if this amendment were brought up on a Tuesday, or Wednesday, or Thursday, there would be people here saying that it should be debated to all hours of the night because it is that important. But it is brought up on a Friday, and it does not deserve even the 45 minutes devoted on each side. I think that is a real shame.

I would like to go on by mentioning a couple of problems in a test ban such as this. First of all, it is based on an assumption that is illogical. I mentioned yesterday or the day before that it is basically called the post hoc ergo propter hoc fallacy. If the rooster crows before the Sun comes up, the rooster causes the Sun to go up.

The assumption in this amendment or any type of comprehensive test ban is that tests are essential for nuclear weapons, and that if you do not have tests, you will not have nuclear weapons. Ladies and gentlemen, if that were so, I would be for a comprehensive test ban. If I knew there could be building of no nuclear weapons, if we had a test ban, a comprehensive test ban, then there is great logic to it. But the assumption of that is not correct.

Proven, maybe unfortunately, maybe fortunately; we do not know, that debate is not here and now, by the fact that the United States and other countries tested, deployed, and particularly the United States, deployed very effectively, in one sense, two nuclear weapons with no tests whatsoever during World War II. It was not the fact that we had to test for a few years before we could develop the Bomb. The fact of the matter is, you can stop all testing and country after country after country can develop the Bomb. So there is no nexus between a test and no nuclear weapons. I think that is the first thing that this place should get clear. Because the logic of the proponents of a comprehensive test ban or a limitation on tests is the assumption that if you do not test, you will not have the weapon. That is false.

□ 1320

I think that is something that is important for people to keep in mind.

Second, the United States has a significant number of nuclear weapons, and so does the Soviet Union. At the present time there is a sincere effort, which I support—and I am sure everybody in this body supports it—in driving the number of strategic reentry vehicles down rather than up, which is, of course, one of the great reasons why SALT II is a hoax on the American people.

The Soviet Union has increased warheads from SALT-I to SALT-II by 4,500. Is that arms control? It is a hoax. That is another reason why we should not ratify it.

But if you reduce the number of strategic weapons down, as we are hoping to do, as the President is hoping to do, and as the negotiators in Geneva are hoping to do, ergo you have to have a greater confidence in those that you have.

So it seems to me if we are going to reduce the number of nuclear weapons we have from 10,000, which is an important goal, to 5,000 and to 3,000, which I hope we can do and which is eminently achievable if we can deploy defenses, it seems to me we have to have a greater confidence in that which we have.

So it makes no sense and it is an inconsistent negotiating position to take the position that we should drive the number of warheads down by 50 or 75 percent and reduce the test or eliminate effective testing.

The CHAIRMAN pro tempore (Mr. GLICKMAN). The time of the gentleman from New Jersey [Mr. COURTER] has expired.

Mr. HUNTER. Mr. Chairman, I yield an additional 2 minutes to the gentleman from New Jersey [Mr. COURTER].

Mr. COURTER. Third, Mr. Chairman, if we do not have significant testing capabilities and the United States relies on our nuclear arsenal and other countries of the world rely on our nuclear deterrent and then they are stripped of that reliability factor because we do not test the reliability of our weapons, it seems to me that they, therefore, will be less inclined to be protected by our deterrent because they have no confidence in our deterrent.

So if we are concerned about nuclear proliferation, if we are concerned about other countries getting the bomb, if we are concerned about the proliferation of nuclear weapons, we would want those other countries to have confidence in our deterrent because they rely on it. If we do not test and they lack the confidence in our deterrent, they simply will want a deterrent of their own. That is one reason why France may be difficult in this area. They want their own deterrent; they do not want to rely on the United States' deterrent. It is not that they do not believe that our weapons will work; they believe politically that they should have their own deterrent. But if at the same time countries around the world were looking at the U.S. arsenal and saying, "We can't rely on them anymore, they haven't tested for 5 years," we are going to increase the pressures toward proliferation. So that is another reason why this amendment is the wrong way to go.

Finally, we have had testing over the last number of years which in fact has reduced the yield and the size of nuclear weapons. If you do not test, you have to make sure your weapons will achieve their military goal, and if you do not test, therefore, you have a tendency to build big warheads. But if you can test and reduce the yield of the warheads, the accuracy, et cetera, the warhead yield and the explosive megatonnage goes down. It has been proven. The United States, with its testing program, had driven the yield of the U.S. weapons down by about 75 percent in the last number of years.

The CHAIRMAN pro tempore. The time of the gentleman from New Jersey [Mr. COURTER] has again expired.

Mr. HUNTER. Mr. Chairman, I yield 30 additional seconds to the gentleman from New Jersey [Mr. COURTER].

Mr. COURTER. Finally, Mr. Chairman, if the assumption is that the Soviets do not test and, therefore, they will not build nuclear weapons, I would say that it is false by looking at what they have during the time they have had a unilateral moratorium.

They have built hundreds and thousands of nuclear reentry vehicles and hundreds of nuclear launchers all during the time there has been a moratorium. So logic, I think, commands that we vote no on this very dangerous amendment.

Mr. MAVROULES. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa [Mr. BEDELL].

Mr. FEIGHAN. Mr. Chairman, will the gentleman yield?

Mr. BEDELL. I am glad to yield to the gentleman from Ohio.

Mr. FEIGHAN. Mr. Chairman, I appreciate the gentleman's yielding.

Mr. Chairman, I rise to add my enthusiastic support to the amendment offered by my distinguished colleagues from Wisconsin, Missouri, and Colorado.

A comprehensive test ban treaty has always been at the top of the arms control agenda. It brough millions to the streets in the 1950's. It was the dream of President John F. Kennedy when he signed the Limited Test Ban Treaty. It has been a goal of every President since Eisenhower.

Why? Because it makes perfect sense—common sense. If we want to turn away from the nuclear abyss—and slow the race for more arms—we first must stop. Nothing could be so simple—or so difficult.

This amendment—so skillfully drafted by so many of our colleagues—addresses all of the difficulties raised in the past—without sacrificing any of the real advantages a test ban would bring.

First, it is not a unilateral measure. It won't give the Soviet Union license to test while we sit idle. If they test, we can test. But if they take us up on our offer—if they continue to refrain from more large underground testing—this amendment obligates us to do the same.

Second, it is not a sweeping bill that binds us for all time. It doesn't go into effect until January, and it lasts for only 1 year. Under the terms of this amendment, we can complete any tests already schedule—and then try for a test ban next year. Nothing more.

Third, it doesn't stand in the way of any arms control agreements we might be fortunate enough to reach before then. The President is free to replace this provision with any other such agreement negotiated between the United States and the Soviet Union. We would not be complicating the Geneva process by passing this amendment today.

That still leaves one unanswered question—the question that has plagued arms controllers and blocked progress on a test ban since the idea was first proposed in the 1950's: Verification. Can we make sure the Soviets won't conclude an agreement and then continue to test behind our back?

Without that guarantee, we won't get an agreement. To use the code words of President Kennedy, a test ban is worthless if it isn't "fully effective."

Now we have the chance to sign a treaty that can be tested—and agreement that will be "fully effective." The recent agreement between the National Resources Defense Council and the Soviet Academy of Sciences is taking the sting out of the thorny problem of verfication. On their own initiative, these two groups have agreed to establish seismic monitoring stations near the principal nuclear test site of each country.

Don't underestimate the significance of this pact. Never before has the Soviet Union allowed any foreign citizens on its soil to monitor nuclear tests. Never before have they shown so much willingness to open their doors and address our concerns.

This step would set a crucial precedent if we act on it—if we pass this amendment and use the data NRDC would make available to us. The administration has already expressed its implicit support for this effort by granting an immediate export license for the seismic equipment. Now its our turn to show our support for this groundbreaking project.

This amendment is a modest proposal, but it will have far-reaching effects. It would prove that we mean what we say about getting an agreement in Geneva. It would enhance our commitment to nonproliferation, and it would slow the breakneck development of new weapons systems which drives the arms race and dashes hopes for a future free from the threat of nuclear war.

More Americans than ever want a comprehensive test ban. Over 600 of our colleagues in other legislatures around the world have urged us to pass a ban. If we want to answer their concerns—and the plea of millions more who dream of peace and look to the day when nuclear weapons will no longer cast a long shadow over every shred of our existence—then we should pass this amendment—and bring the long-held dream of a test ban one step closer to reality.

Mr. BEDELL. Mr. Chairman, by a vote of 268 to 148 in February this Chamber passed House Joint Resolution 3, which I had introduced, calling on the President to resume negotiations toward a comprehensive test ban. Yesterday the Senate passed that same resolution by a large majority. Now we have a chance to say that we mean what we say.

The CHAIRMAN pro tempore (Mr. DASCHLE). The Chair will remind the gentleman that he should not refer to votes in the other body.

Mr. BEDELL. I thank the Chair.

Mr. Chairman, I urge the 268 Members who voted for House Joint Resolution 3 to show that we mean what we say and support this amendment.

Mr. Chairman, I come from an agricultural area. This vote is an important agricultural vote. If we want to sell more grain to the Soviets, if we want to have more money for agriculture because we need to spend less on the military, this vote is important. For my farmers, for my children, for all of civilization, I urge a "yes" vote on the Aspin-Gephardt amendment.

Mr. Chairman, on February 26 of this year, an overwhelming bipartisan majority of the House supported final passage of the House Joint Resolution 3—a measure to prevent nuclear explosive testing. Yesterday, the other body passed the exact language of House Joint Resolution 3 by a similarly significant margin of 65 to 24. Today, the House has a unique opportunity to again nudge the administration toward truly negotiating an end to nuclear weapons testing, and as such an end to the arms race, through supporting the Aspin-Gephardt-Schroeder amendment.

Opponents of this measure argue that the attainment of a mutual, verifiable comprehensive test ban treaty is not at present in the best long-term national security interests of the United States. They also assert that negotiations on such a treaty should not occur until such time that we have achieved mutual, verifiable, and militarily significant arms reductions. We also hear that a comprehensive test ban treaty is not verifiable and that continued nuclear weapons tests are necessary to ensure the reliability of our present nuclear weapons stockpiles. Each of these contentions miss the point that as long as we continue to test nuclear weapons, we shall continue to produce newer and more lethal nuclear weapons, and as long as we continue to test and produce newer and more lethal nuclear weapons, the Soviet Union will continue to test and produce newer and more letahl nuclear weapons. When will it end?

Today, we have an opportunity before us to take a small step toward ending the nuclear arms race through congressional endorsement of a funding cutoff for nuclear weapons testing that is mutual and verifiable. At the very heart of this language is a stipulation that the Soviet Union must accept intrusive onsite inspections of their indigenous territory by United States experts to verify their compliance with a moratorium on all nuclear weapons testing of explosive yields in excess of 1 kiloton. It is these intrusive inspection measures that six previous Presidents determined to be necessary before United States participation and entry into a comprehensive nuclear test ban treaty with the Soviet Union. It is these intrusive inspection measures that the Soviet Union have now accepted to be a centerpiece of any comprehensive test ban agreement that may be negotiated between the United States and the Soviet Union.

Mr. Chairman, the Aspin-Gephardt-Schroeder amendment allows the United States negotiating team the flexibility to test Soviet intentions through its reliance upon these intrusive onsite inspection measures. This amendment also remains in the best long-term national security interests of the United States as it preserves current United States leads in warhead miniaturization. It accomplishes this benefit through preventing the Soviet Union the opportunity to test smaller warheads which could be deployed on their current missile inventories. Thus, the Aspin-Gephardt-Schroeder amendment locks the Soviets into their current missile payload mixes of larger, more combersome and less accurate nuclear warheads.

In my view, it seems imminently clear that the best way in which to end the nuclear arms race rests with the achievement of mutual, verifiable comprehensive test ban treaty. The amendment before us today furthers us along that path which we embarked upon through our endorsement of House Joint Resolution 3. For these reasons I urge each of the 268 of my colleagues who supported House Joint Resolution 3 to remain firm in their support for the achievment of a comprehensive nuclear test ban by voting in support of the Aspin-Gephardt-Schroeder amendment.

Mr. MAVROULES. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. FOGLIETTA].

Mr. FOGLIETTA. Mr. Chairman, I rise in support of the Aspin amendment to achieve a verifiable reduction of nuclear tests.

This week, nations all over the world paid homage to the victims of Hiroshima and Nagasaki. The sheer destructive power of the two atomic bombs killed thousands of people instantly and left a generation of individuals scarred by the memories of that day. Over 1,300 nuclear tests have been conducted since the destruction of Hiroshima and Nagasaki. The result has been an arms race that continually produces more sophisticated—and more deadly—nuclear weapons.

A Test Ban Treaty has been a major foreign policy goal for at least six administrations. The present political climate suggests that the time is now for the implementation of such a treaty. It is up to the present administration to limit its vigorous nuclear testing schedule and capitalize on the interest expressed by the Soviet leadership re-

garding reductions and onsite inspections of nuclear tests.

Today, we have a chance to lead other nations on a more responsible and peaceful path to arms control. By establishing a verifiable, 1-kiloton limit for nuclear tests in 1987, the Soviet Union and the United States would make unprecedented headway toward a treaty banning all nuclear weapons testing.

In previous debate, concern has centered on the Soviet's refusal to allow on-site inspections. But, developments in both the diplomatic and scientific fields have assured many of us in Congress that this obstacle, for all intents and purposes, has been removed. The Soviet unilateral testing moratorium, the Geneva talks, and the "natural resources defense council agreement" with Soviet Academy of Sciences have provided an atmosphere favorable to on-site verification measures.

With the escalation of the arms race and the spread of nuclear weapons to other countries, world security is seriously threatened. But, by agreeing to limit nuclear testing both the United States and the U.S.S.R. will be taking an important first step toward ending the nuclear arms race.

I urge my colleagues to join me in support of this amendment. The time for a reduction in nuclear tests has never been more opportune. Not only would the proposal put forth by this amendment control the overall strategic competition between the Soviet Union and the United States but, it would provide a strong incentive for the near nuclear countries to forego developing a nuclear arsenal of their own.

Mr. Chairman, I strongly urge my colleagues to join me in voting for this historic amendment.

Mr. DICKINSON. Mr. Chairman, I yield 3 minutes to the very distinguished gentleman from Arkansas [Mr. ROBINSON].

Mr. ROBINSON. Mr. Chairman, in an address to the American people in March 1962, President Kennedy summed up the U.S. experience with the 1958–61 test moratorium as follows:

On September 1 of last year, while the United States and the United Kingdom were negotiating in good faith at Geneva, the Soviet Union callously broke its moratorium with a 2-month series of 40 tests.

He went on to add:

Some may urge us to try it again. But in actual practice, particularly in a society of free choice, we cannot keep top-flight scientists concentrating on the preparation of an experiment which may or may not take place on a certain date in the future, nor can technical laboratories be kept fully alert on a stand-by basis waiting for some other nation to break an agreement.

He further stated:

This is not merely difficult or inconvenient. We have explored this alternative thoroughly and found it impossible to execute.

Mr. Chairman, test ban treaties come and go, but our responsibility to maintain a safe and reliable nuclear deterrent is the benchmark of the security for this Nation.

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There are four basic reasons why we need to test. First, we need to test to maintain our confidence in the reliability of the stockpiles of weapons that we currently have. History will demonstrate that over a third of all weapons designed and introduced into the stockpile since 1958 have encountered reliability problems of one type or another, including the Poseidon, Minuteman I, Little John, Sergeant, ALCM, and GLCM. We need to test these weapons to make sure that they maintain their reliability.

Second, we need to make sure that these weapons are safe. Unlike the Soviet Union, which does not place a high priority on nuclear safety, as evidenced by the Chernobyl accident; we in this country do. Our citizens demand that we have safe nuclear warheads. These are not toys. They are very dangerous weapons that must be tested through nuclear testing to make sure that they are safe.

Third, there is no way that we can continue on the path of SDI without the capability to test. It is very critical that we not place a moratorium on testing.

And last but not least, we have to test to make sure that our other equipment that we use in our deterrent capabilities can withstand a threat from the Soviet Union, including our satellites, our tanks that the military use, and the list goes on and on.

I ask you to vote no on the Aspin-Gephardt-Schroeder amendment.

Mr. DICKINSON. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, to my colleagues who have not had a lot of time to put in on the subject, and Lord knows we are moving very quickly on this DOD bill and it is a very complex bill, the gentleman who just spoke, the gentleman from Arkansas [Mr. ROBINSON] made some good, clear arguments, and the gentleman from New Jersey [Mr. COURTER] made some very clear arguments. It is acknowledged that a number of these arguments are very complex, but I think there are some compelling reasons that the House can readily understand right now for voting against the Aspin amendment and for voting to continue testing.

Our system of strategic deterrence is based on our being able to deliver in response, in retaliation, warheads to our adversary, the Soviet Union.

We use nuclear testing not only to test our offensive warheads in their destructive capabilities or their safety qualities, but also their capability to survive against a defensive system in the Soviet Union.

Let me just tell my friends that the Soviet Union now is ready to produce and deploy a missile system, a defensive system known as SAX-12. The SAM-12, according to our open literature, can destroy the Pershing II. It can take it down like a pheasant at the top of the rise. It can destroy submarine-launched ballistic missiles. It has some capability against our ICBM's.

If we do not test our warheads and their capability to get through the SAM-12 or to get through any of the other defensive systems that the Soviet Union has, that deterrence that we have established right now will be in great question.

The second important thing that every Member of the House should think about and realize has to do with our Midgetman system that was proposed by the chairman of the Armed Services Committee. It is his baby. We do not have a warhead that will work on the Midgetman system.

It is going to be argued that, well, we can take the Mark 21 warhead and we can use that one, but our staff has done a pretty good analysis. Mr. Adam Klein of the Armed Services staff did a pretty extensive analysis on this. I think it is fairly clear that you cannot take the Midgetman system that is going to be bouncing around over country roads on some type of a road carrier, that is going to be horizontal, that is to have great vertical stress on that warhead, and presume conclusively that the Mark 21 is going to work.

So the point is that the House should realize you cannot build the Midgetman if this becomes a reality. The Midgetman is our baby. It was put together by the House of Representatives. We cannot simply make a statement to the Soviet Union a couple months before the election——

The CHAIRMAN pro tempore (Mr. DASCHLE). The time of the gentleman from California has expired.

Mr. DICKINSON. Mr. Chairman, I yield 30 additional seconds to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, it would be unwise for this House in making a statement to our constituents and a statement to the Soviet Union to shoot ourselves in the foot and to preclude the rapid development of the Midgetman system.

For that reason, I ask my colleagues to vote against the amendment.

Mr. BEREUTER. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Nebraska.

Mr. BEREUTER. Mr. Chairman, so the gentleman is saying that if we

really support that Midgetman missile that we have really insisted on in the House and in the Senate, it is important that we endorse the gentleman's position, is that correct?

Mr. HUNTER. Precisely; we have to test to build that missile.

Mr. ASPIN. Mr. Chairman, I yield 4 minutes to the gentleman from Massachusetts [Mr. MARKEY].

Mr. AUCOIN. Mr. Chairman, will the gentleman yield?

Mr. MARKEY. I yield to the gentleman from Oregon.

Mr. AUCOIN. Mr. Chairman, I rise in support of the amendment.

Mr. MARKEY. Mr. Chairman, I rise in strong support of the amendment.

The Soviets have asked the United States to resume negotiations toward a Comprehensive Test Ban Treaty, and they have made a serious offer to accept the emplacement of onsite monitoring equipment on their soil if the United States is willing to join them in a testing halt.

They have actually allowed United States scientists under the auspices of an American group—the Natural Resources Defense Council—to come into areas of the Soviet Union that are normally restricted to foreigners and install seismic monitoring equipment around the main Soviet testsite.

Now, I've got a visual aid here. It's the first seismogram from an in-country monitoring system to come back from the Soviet Union.

Look very closely. I know, it's boring. Nothing much is happening. Television probably won't pick it up. This, my friends, is the Soviet moratorium in action, a graphic depiction of what happens when a nuclear explosion doesn't go off.

It should have been a U.S. official agency installing this equipment, not a private American environmental organization. These signatures that are on this seismogram should read: Adelman, Perle, Weinberger, Gaffney, not the names of independent scientists, and that is what our amendment calls for, onsite inspection by the United States Government inside the Soviet Union on Soviet territory. No onsite inspection, no deal.

We could have a vast seismic network within the Soviet Union that would assure us the Soviets were not conducting militarily significant nuclear tests. The Soviets have told the head of the United States Geological Survey that if we were willing to halt testing, they would accept a broad seismic network within their borders.

This is an important, indeed an unprecedented offer from the Soviet Union. But to listen to the Reagan administration's response to these proposals, you would think the Russians had asked us to give back Alaska.

The administration has championed onsite inspection and improved verification measures, but now they are unwilling to take yes for an answer.

In a rare feat of public relations brilliance, it responded to the initial Soviet offer to stop testing with a sweeping counterproposal of its own. Come on down to the Nevada testsite, the White House told the Soviets, and watch us blow one off.

In the intervening months, the administration has deployed an ever modernizing arsenal of lame excuses to justify its refusal to negotiate limits on nuclear testing. Every time the Soviets have taken another step toward redressing United States verification concerns, it adds a new and more absurd precondition to CTB talks. I know we're going to be hearing that we can't pass this amendment today because the administration may be reaching an agreement even as we speak.

But we need results, not just promises and lost opportunities. As a direct result of our nuclear testing nonpolicy, we are on the verge of letting this rare opportunity slip through our fingertips.

Unfortunately, this won't be the first time that a chance for arms control has been squandered for want of political will and vision. The primary obstacles have been disputes over verification and of course, bureaucratic sabotage from those who are wedded to a never-ending nuclear arms race. For whatever reason, Gorbachev has extended his moratorium three times. As a result of these decisions, the Soviets have not tested a nuclear weapon since last July 1985, while the U.S. has tested 16 times.

Does anyone here believe that the Red army general staff isn't champing at the bit to start testing again?

We may have it in our power today to stop those tests from occurring. We may have it in our power to push both sides forward toward the agreement that has been eluding American Presidents for more than 25 years.

Forty-one years after the first nuclear weapon was detonated over Hiroshima, we may have it in our power to start a process that could halt nuclear explosions on this planet.

We are faced with a momentous choice. We can either sit back and let this chance pass us by, and let the Soviets develop and deploy a new generation of warheads, or we can take advantage of this opportunity and pass the Aspin-Gephardt-Schroeder amendment.

The choice is up to us.

Mr. DICKINSON. Mr. Chairman, I yield 2 minutes to our distinguished Republican leader, the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. Mr. Chairman, I don't want to speak on the substantive question of this issue I'll leave that to the experts on both sides.

What I do want to do is remind our colleagues—and especially those on my side of the aisle—that this vote is concerned with more than nuclear testing.

It is the first step of a radical and unprecedented attack by the President's critics to capture and dominate arms control policy and foreign policy.

It is no coincidence that we are going to be voting on amendments dealing with SDI and SALT II and other aspects of arms control and foreign policy.

A cut taken from testing; a slice of SDI; a chop here, a chop there—this is their strategy for radically revising arms control policy and even foreign policy. It is a butcher shop approach to policy: cut, slice, and chop until, eventually you get your way.

So the vote we will take on this particular question is more than an ordinary vote. This amendment is the first part of a strategy to cripple the President's ability to conduct arms control and foreign policy as he sees fit.

I urge all our Members to take this into consideration as we vote. Don't subject the President's policy to the death of 1,000 cuts. Give him the chance to continue to work for peace, a chance the American people gave him in 1980 and again in 1984.

Either the President' vision of arms control and a just peace will be served or else another radically different vision will be served. There is no middle ground.

I would plead with you to not permit the erosion of our arms control negotiators position inch by inch, amendment by amendment. We certainly don't want our foreign policy to be hampered by a legislative strategy of slow death by amendment.

I would urge you to stand with the President on this vote.

Mr. DICKINSON. Mr. Chairman, I yield 10 minutes to the very distinguished gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Chairman, I must say about my friend, the gentleman from Massachusetts, he is very straightforward and you know where he stands. For example, I have a press release of his that says, "In the long run I think a world of unreliable nuclear weapons would be a more secure world."

Well, I do not think so. I think we have to have secure weapons as long as we are going to rely on a nuclear deterrent. Now, when that day comes—I will not yield now, but I will later, but I will be glad to show the gentleman this if he wants to see it.

I want to make a statement that I base my own philosophy about this issue on. The security of the United States and the free world depends on a credible, safe and effective U.S. nuclear deterrent. Nuclear testing is indis-

pensible to a credible, safe, effective nuclear deterrent.

Now, if you do not believe that, this amendment is a great idea. If you do believe it, this amendment is a dangerous idea.

Coincidentally, it is unforunate that our national security has to get embroiled in the internal politics of the Democratic Party's left wing, but to understand what is really going on here, I suggest you read Mary McGrory yesterday. She chronicles who the players are and what is going on. In one of the expositions in her column, she talks about the chairman of this committee being the chief sponsor and the peace mix stepping aside for him.

Well, somebody else says, unattributed, "he has used us so many times, it is about time we used him."

I suggest that if you people stop using each other, we could face up to the security of this country.

□ 1345

This is an effort by the chairman, for whom it is not enough that he is chairman, to become chief arms negotiator, too, Ambition knows no bounds. But this is the chairman's effort to rehabilitate himself with the Sister Boom-Boom wing of the Democratic Party.

Somebody somewhere ought to write a dissertation on the burdens——

POINT OF ORDER

Mr. HOYER. Mr. Chairman, I have a point of order.

The CHAIRMAN pro tempore. The gentleman will state his point of order.

Mr. HOYER. Mr. Chairman, I would make the point of order that the Member is coming pretty close to having his words taken down. The motives of the Members are not to be called in order under the rules, and I would suggest that the point of order under the rules would be that the gentleman refrain from personal observations as to Members' motivation and spend his time on the substance of the issue before the House.

Mr. HYDE. Well, if I may respond, I would like to say that I am simply paraphrasing Mary McGrory. If the gentleman wishes to reject her analysis, it is all right with me. I am not exactly a member of her fan club, either. But I would say that I would like to see an article sometime on the burdens of being upwardly mobile in the Democratic Party.

However, I do digress. Let me set this in context. On February 23 on this floor we passed, to the great applause of the sponsors of this bill, House Joint Resolution 3. That was sold to us as not tying the President's hands.

Congressman FASCELL: "We urge the President to consider at the earliest possible time a comprehensive test ban. We do not tell him when to do it. We say we would like him to do it as immediately as possible. The judgment is still the President's."

Congressman BEDELL: "This resolution calls on the President to resume negotiations. This does not tie his hands in any way."

Another Congressman: "This simply urges our side and their side to talk."

One Congressman from Ohio said: "This doesn't presume to instruct the President on the posture he must take. This resolution contains our best advice."

And on and on and on. But what has happened in 6 short months? What happened to Presidential flexibility? Well, I will tell you what has happened. The U.S. team of arms advisers is to visit Moscow next week. They are negotiating. They are negotiating. But no, this amendment rejects negotiation, and it mandates a moratorium on nuclear testing. There is nothing negotiable about it. It is compulsory. It is mandatory.

If I were Ambassador Kampelman, frankly I would quit. We do not need him. He is redundant. He is superfluous. We have the liberal members of the Democratic Party who are omniscient. Not only can they handle the economy brilliantly, and the environment, they can control arms too, and they are doing it here.

This is not micromanagement, this is usurpation. They are taking over. That is great. It does not provide for negotiation.

Well, what is it? I might say, by the way—and I hope that I am not questioning anybody's motives, this is just a fact. Some Members are great arms controllers. The problem is they just control our arms, they never control their arms. And that is a major flaw in what they do.

What about the mutual and balanced force reduction talks? Ten years have been going on. The Soviets have an overwhelming advantage in conventional. Some want to take the nuclear equalizer out of our hands, have us lose confidence in it, and leave them with an overwhelming superiority. Do they provide for reinstituting the draft? Are they going to triple our conventional? How much money will that cost? Ask your local bishop. If we are going to save money on nuclear, do we not have to build up our conventional? Nobody even wants to think about that.

This amendment is based on a major false assumption—that tests are conducted primarily for the purpose of adding still more weapons to existing arsenals.

But that is not so. Today's weapons are vastly different from those in the sixties and beyond. As a matter of fact, the total destructive potential of our nuclear arsenal was four times as great then, in 1960, as it is today. In the 20 years testing, testing, has provided warheads that are smaller, incorporate less fissionable material, are safer for handling, less susceptible to tampering, and create less fallout. They are now designed for military targets, and not civilian populations. These improvements were all required by new weapons designs and testing.

Chernobyl. Chernobyl proves that we rely more on technology than they do. The *Challenger.* Did we learn anything from that? If you had a chance to vote on whether the *Challenger* should be launched, knowing as you should have known that the seals were defective, they could not operate in the cold, how would you vote? Well, you would vote "no," of course. Well, Members have a chance now to vote on whether our soldiers are going to work around safe, effective, believable nuclear weapons, but some Members want to take that away and erode that confidence by not permitting testing. I do not think that that is very smart.

How do you stop China?

Mr. MARKEY. Mr. Chairman, will the gentleman yield?

Mr. HYDE. Yes, I yield to the gentleman, because I did mention his name, and I know that he will get me some time.

Mr. MARKEY. I thank the gentleman very much for yielding.

Mr. Chairman, once again I want to compliment the gentleman for once again demonstrating his remarkable ability to harness voluminous amounts of information to defend knowingly erroneous premises.

Mr. HYDE. Did I yield for that?

Mr. MARKEY. The gentleman misquoted me, and I just would like to set the record straight. The gentleman quoted me as saying that I think that the world of unreliable nuclear weapons would be a more secure world, because neither side would have confidence it could execute a first strike. But then he forgot to finish off the quote. So I would like to read the conclusion of that statement which he was quoting.

I said that we are not talking about a nuclear freeze, we are talking about a comprehensive test ban, and under a CTB you can expect to stockpile, conduct nonnuclear testing, and remanufacture new warheads using proven designs——

Mr. HYDE. Thank you, sir, very illuminating. I recapture my time.

Now we went through a moratorium from August of 1958 to August of 1961, and the Soviets broke out of it, much to the chagrin of John F. Kennedy, and they performed over 100 tests in the atmosphere, many underground, several at very high altitude, and they then detonated the largest megatonnage in history—58 megatons.

Let me tell you about another purpose for testing. Did you ever hear of electromagnetic pulse? I am sure that the gentleman is an expert on that. When the Soviets start a sneak attack, they will detonate an H-bomb beyond the atmosphere which will cause an electromagnetic pulse, an electric surge, which will kill every computer

in the country, every communications system, every radio, and every telephone.

The gentleman is smiling, but he is obviously a student of this. I am suggesting that we will not be able to communicate with our submarines or with any aircraft at all. We will not have a computer worth a nickel. We test to try to see what the effects of a nuclear weapon are against our equipment. Weapons-effects tests. Do you want to stop that? Do you want to leave us naked, totally vulnerable to electromagnetic pulse, blind our satellites, blind our radars? I think not.

Verification. I do not care what they say, the top scientists working for the Government, working for Los Alamos, working for Lawrence Livermore, say——

The SPEAKER pro tempore. The time of the gentleman from Illinois [Mr. HYDE] has expired.

Mr. DICKINSON. Mr. Chairman, I yield 1 additional minute to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Chairman, I just want to say this. We do not have the verification down to 1 kiloton. You may have some scientists roaming in Russia. That is like looking for a needle in a haystack. It is a big country, and they can have tests of 1 kiloton and we will never find them. We will never find them.

I think that the bottom line is that this amendment plays Russian roulette with our security and the security of the free world. The test ban halts the SDI. The test ban erodes mutual assured destruction, because we do not have confidence in our nuclear stockpile. The test ban leaves conventional superiority with the Soviets. So we are left with no offense, no defense. That is not even pacifism.

□ 1355

Mrs. SCHROEDER. Mr. Chairman, I yield 4 minutes to the distinguished gentleman form Illinois [Mr. FAWELL].

Mr. FAWELL. Mr. Chairman, I rise in support of the amendment to H.R. 4428 to achieve a verifiable reduction of nuclear tests.

I do so because, in my view, the most important part of nuclear arms control is stopping the proliferation of new and sophisticated nuclear weapons. The best way to do this is for the United States and the Soviet Union to stop the testing of increasingly deadly offensive nuclear weapons. If such weapons are not tested, they won't be produced or deployed.

However, as such new nuclear weapons are tested and then deployed, with ever-increasing sophistication, miniturization, decreased time of delivery, and deadly accuracy, each of the super-powers has less and less time in which to react to a real or imaginary nuclear attack. Each nation therefore finds itself more on hair-trigger alert. The possibility of an accidental launch of a nuclear warhead, by human or computer error or by act of terrorism or extremist-dictator, escalates proportionately as each new and sophisticated nuclear weapon is designed, tested, produced and then deployed by our nation or the Soviets.

In addition, so long as the superpowers continue the race to produce and deploy smaller and state-of-the-art offensive nuclear weapons, such weapons become less verifiable and less subject to count under any arms control agreement and the danger of the proliferation of use of such weapons by countries not now in the "nuclear club" is increased. Indeed, I believe that our country and the Soviet Union, because of our mutual appetites for more sophisticated nuclear weapons, are approaching a point of no return, if we have not already done so, after which the world-wide proliferation, and ultimate use, or nuclear weapons will be assured.

Which nation, the United States or the Soviet Union, is most to blame for the arms race is almost irrelevant. It is, however, a fact that most of the nuclear technological breakthroughs have came via this Nation's technological genius. Since we live in an open society, sooner or later—and usually much sooner than we thought possible—the Soviets obtain our nuclear weapons' secrets. We then find ourselves eventually looking down the nuclear gun-barrel of a weapon we first conceived, designed, manufactured and deployed. The MIRV'd missile is a good example of this. Ironically, it is the MIRV'd Soviet land-based missiles which now pose what is generally viewed as the Soviets' major nuclear threat to America—their greater land-based throw-weight or warhead numbers.

Today, our Nation is busy working on the design and possible production and deployment of a third generation of nuclear weapons. Hundreds of underground nuclear tests may be needed to perfect these third-generation weapons, the first two generations being atomic and hydrogen bombs. The technology of these weapons too, when and if deployed, will eventually be in the hands of America's adversaries, including the Soviet Union.

Indeed, the inclination to produce and deploy new and sophisticated nuclear weapons today even includes clip-in or insertible nuclear warheads designed to easily transform conventional arms to nuclear arms. With such deployment an adversary would have to guess if an incoming missile or a military unit was or was not armed with nuclear explosives, causing an adversary to have to assume the worst.

This amendment is not the "end-all" and "be-all" to nuclear arms control. But it does, in my view, constitute a needed change from the numbers game of an arms control agreement which only counts down the number of launchers or warheads to which each side may be entitled. A reduction in the number of warheads per super power is not to be disparaged. But an arms control agreement which only calls for the reduction of numbers of warheads while allowing the continued growth of more sophisticated state-of-the-art, more deadly and more accurate nuclear weapons, will, in my view, do little to stem the nuclear arms race. As long as the United States and the Soviet Union have the right to introduce new and sophisticated nuclear weapons into the arms race, they will do so in an effort to gain dominance over the other. And fluctuations, destabilization of nuclear forces and escalation of the nuclear arms race will also continue. A cutoff of new nuclear weapons appear to be an essential first step toward nuclear arms control. Only a verifiable ban on nuclear testing will significantly slow down the growth of new and more deadly, and less verifiable, offensive nuclear weapons.

The concept of a ban of nuclear testing has been the policy of the last six Presidents of the United States. President Eisenhower expressed it in these terms:

> It is precisely because of my deep desire for a complete discontinuance of nuclear weapons tests that I urge again that we enter into an agreement to ban nuclear testing.

President Nixon stated:

> The United States supports the conclusion of a comprehensive test ban adequately verified.

President Ford said:

> We will continue our efforts to reach an adequately verifiable agreement banning all nuclear weapon testing.

I do not know if Mr. Gorbachev's current unilateral test ban offer—made without any conditions to assure monitoring compliance with the test ban—was given in good faith. I do believe that by tendering an offer to the Soviets of a verifiable nuclear test reduction—of a temporary nature—as set forth in this amendment, we can test the good faith of the Soviet offer. And there is basis to hope that the verification provisions of this amendment will work. On May 28, 1986, the Natural Resources Defense Council entered into an unprecedented agreement with the Soviet Academy of Sciences to establish three seismic monitoring stations near the principal nuclear test site of each country. The stations will be jointly manned by American and Soviet scientists and will operate for at least 1 year. The data from the stations will be made available to both governments and to the public.

The team of Western scientists have already set up an array of sensitive in-

struments to monitor the main underground site where the Soviet Union explodes its nuclear weapons.

This project demonstrates that verification may no longer be an obstacle to a test ban or test reduction arrangement.

If it is possible to have a new direction in our security relationship with the Soviet Union which adopts the longstanding American policy of a verifiable ban on nuclear explosions—even if one of a temporary and restricted nature—I believe we should move expeditiously to achieve it. When shall it be possible if it is not possible now, with the Soviet leadership facing major problems and far less encumbered by the past and by its military structure?

It is a goal which has been sought by many administrations and one which is long overdue.

Mr. DICKINSON. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Mr. Chairman, I rise in opposition to the amendment.

I thank the Chairman and the gentleman from Alabama for yielding me the time.

Mr. Chairman, the Nevada test site is in my district and employs approximately 700 people. The test site generates millions of dollars to the economy of Nevada because of the many contractors and other support industries that are required to maintain and operate the test site.

By barring further U.S. nuclear testing during the calendar year 1987, this amendment wastes an enormous amount of money and time. It takes a minimum of 2 years to train technical personnel at the test site and another 5 months is needed for these employees to be granted security clearances. Employees at the test site will probably not be laid off until there is a definite decision by Congress to ban U.S. nuclear testing forever. Therefore, employees at the Nevada test site will not be able to conduct their duties at the Nevada test site during the entire 1987 calendar year. It is a terrible waste of American tax dollars to have these employees stand idly by for an entire year, not able to do their jobs, because the Congress cannot decide whether testing should continue or not. Now supporters of this amendment will say that testing below 1 kiloton can continue. Tom Clark, manager of the Nevada test site, has informed me that tests under 1 kiloton are so minimal that this amendment could virtually shutdown the majority of the activities at the Nevada test site.

I support nuclear testing at the Nevada test site. I believe it is crucial for the United States to test future weapons systems and to ensure that our current nuclear deterrent system is reliable and safe. Until true reductions in nuclear weapons can be negotiated by both sides and verification can be made that both the United States and the Soviet Union are actually reducing their nuclear arsenal, I believe the United States should continue its testing.

I hope my colleagues will oppose this amendment. If not for their views on nuclear testing then as a wasteful spending amendment that will affect several hundred employees at the Nevada test site for an entire year and could jeopardize their jobs forever.

Mrs. SCHROEDER. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Iowa [Mr. LEACH].

Mr. LEACH of Iowa. Mr. Chairman no resolution reflects more the frustration of Americans on arms control than the test ban issue. At the profoundest level the issue is simply this: a good planet is hard to find,

For six administrations—Eisenhower, Kennedy, Johnson, Nixon, Ford, and Carter—the United States has held it favors a comprehensive test ban once the Soviets accept an intrusive level of onsite inspection.

Ironically, today the signals coming out of the Kremlin are that Gorbachev has caved on the verification issue and embraced the Eisenhower line—the position three Republican and three Democratic Presidents consistently held for a quarter of a century—while in Washington key policy makers in the Reagan administration have opted in the direction of the old Khrushchev position—no test ban, no matter what.

It should be understood that a test ban confronts issues that are both time sensitive and important beyond the East-West arena. It is time sensitive because of the number of countries at the technological takeoff point where access to nuclear weapons is becoming more likely. It is time sensitive because we are well ahead of the Soviet Union in number and sophistication of tests.

A test ban would close the last moral loophole in our nonproliferation efforts and would lock us in a position of strategic superiority over the Soviet Union.

Not inconsequentially, a test ban would also contribute mightily to regional stability. For instance, in the Mideast, there are few things that would be more in Israel's interest than a comprehensive test ban. Simply stated, slowing the proliferation of nuclear weapons will decrease the possibility of a modern day Armageddon between smaller as well as larger countries.

Finally, the possibility that nuclear weapons could be used by anarchist groups for blackmail cannot be lightly dismissed. Diminishing prospects of nuclear proliferation is the single most significant antianarchy initiative that the world community can contemplate at this time. The world is simply going to be easier to police if international criminals are not given access to weapons of mass destruction.

Arms control is the issue of our age. We cannot afford to wait another decade for action. Otherwise, we may not have enough fingers and toes to count the number of nuclear powers. Worse yet, we may not have fingers and toes with which to count.

□ 1405

Mrs. SCHROEDER. Mr. Chairman, I yield 2 minutes to the very distinguished coauthor of the amendment, the gentleman from New York [Mr. GREEN].

Mr. GREEN. Mr. Chairman, I would like to focus on the nonproliferation aspects of this amendment because of the very limited time I have.

I have always been persuaded that the greatest risk of a nuclear holocaust was not between the United States and the Soviet Union, but the N-nation problem; the fact that more and more countries will develop nuclear weapons.

To that end, to avoid that, the Soviet Union and the United States and more than 120 countries around the world have signed the treaty on the nonproliferation of nuclear weapons.

Article VI of that treaty states that the United States and the Soviet Union will, and I quote:

> Pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date.

Obviously, testing is an important part of that, and obviously, the nonnuclear powers who are members of that treaty have felt terribly betrayed at the fact that the Soviet Union and the United States have not lived up to their obligations under that treaty.

I therefore think it is important that we take this step today, because only if we bring a halt to this testing, will we be able to have confidence that we can achieve the goals of the nonproliferation treaty.

If we allow this testing to go on, the nuclear arms race to go on, at some point the genie is going to be out of the bottle; at some point more and more countries are going to start saying, "If the Soviet Union and the United States won't comply with their obligations under the nonproliferation treaty, we won't either and we have the right to go ahead." That will be a terrible day for the human race. I think we can take a major step to see that that terrible day does not occur by passing this amendment this afternoon.

Mr. COUGHLIN. Mr. Chairman, will the gentleman yield?

Mr. GREEN. I yield to the gentleman from Pennsylvania.

Mr. COUGHLIN. Mr. Chairman, I rise today to express my strong support for the Aspin-Gephardt-Schroeder nuclear test ban amendment.

It has long been this Member's view that a verifiable nuclear test ban is in the best interest of all parties to the arms race. The test ban approach to arms control—which has applications to many spheres of military competition between the world's powers—holds out the greatest promise for braking the arms race today. By entering into a verifiable moratorium on the testing of nuclear weapons with the U.S.S.R., we will take a concrete step toward halting nuclear weapons competition in its tracks.

The principle behind the nuclear test ban is simple. By disallowing further nuclear testing, we halt the seemingly inexorable drive to develop bigger and better nuclear weapons. Without the qualitative advances in nuclear technology and the design confirmation that atomic testing provides, the superpowers will be unable to field even more destructive weapons with confidence. Once we have stopped the drive for new nuclear weapons, establishing reductions in existing superpower arsenals will be easier.

The proposal before us is carefully constructed. It requires on-site verification and limits allowed testing to one site per nation. It does not seek to control tests below 1 kiloton in established test areas, because of the difficulty of verifying such low yields under certain conditions, even with in-country seismographic equipment. Meanwhile, outside the designated test area all nuclear blasts whatsoever would be banned. Any violations of these provisions will be easily detectable.

Moreover, the pending proposal provides us with the ability to pursue certain important research. Although detonations smaller than 1 kiloton have little military significance in terms of developing new weapons, they still can provide useful information on nuclear weapons physics, so we could continue to expand our knowledge in this field. Furthermore, the pending proposal takes into account needed testing for certain high priority weapons development. By making the ban effective starting January 1, 1987, we can complete work on our most pressing programs.

Critics of a nuclear test ban have in the past objected on two main grounds. The first is that such a ban cannot be verified. But with their recent decision to allow the Natural Resources Defense Council to establish test monitoring sites near the Soviet test facility in Kazakhstan, the Soviets have made clear, for the first time, their willingness to accept on-site verification. I believe the Soviets have now committed themselves to negotiating realistic, government-to-government verification schemes. We should not fail to take advantage of this crucial concession.

The second argument put forward by test ban critics concerns the need for periodic testing of our current arsenal, to ensure that our deployed weapons still function properly. But arms experts indicate that we can accurately gauge the reliability of our weapons by testing their components. According to Norris Bradburg, the former director of the Los Alamos National Laboratory, for instance, "the assurance of continued operability of stockpiled nuclear weapons has in the past been achieved almost exclusively by nonnuclear testing—by meticulous inspection and disassembly of the components."

In addition, it is important to note that the Soviets will be compelled to live by the same rules that we will be observing. They too will be prohibited from detonating their weapons to assess reliability. I would contend that we have far less to worry about in terms of the reliability of our weapons than the Soviets do about the reliability of their weapons.

Mr. Chairman, the time for a verifiable nuclear test ban is now. I urge my colleagues to support the Aspin-Gephardt-Schroeder amendment.

Mr. DICKINSON. Mr. Chairman, I yield 2 minutes to the gentleman from Nevada [Mr. REID].

Mr. REID. Mr. Chairman, I rise in opposition to the amendment. I would like to disengage myself from the same old political rhetoric that we hear every time this issue comes to the floor of the House. I would, however, like to confirm and validate those statements indicating the necessity scientifically and militarily why testing should continue. I am less concerned with international politics or statements of lofty principle than I am about a few concrete, down-to-Earth questions relating to my State of Nevada. I want my colleagues to think about the immediate and devastating affects of a yes vote on Nevada's unemployment, and the subsequent impact on my State's overall economy.

I also want you to think about what was once some of our country's most beautiful land, land that could have been used for grazing, mining, or recreational use. On my trips out to the test site, I have seen how hundreds of bombs have laid waste Nevada's countryside, leaving only destruction and poisonous contamination which renders the land worthless for future generations.

We in Nevada have given a lot to our country, and we are only asking for fair treatment. We compensated Micronesia for nuclear destruction after World War II, but somehow we cannot extend the same privilege to the State of Nevada. I have introduced a bill, House Concurrent Resolution 293, which calls for retraining and reemployment of workers at the Nevada test site should they lose their jobs due to ratification of a comprehensive nuclear test ban treaty and pays compensation to the State of Nevada for degradation of the land at the test site caused by nuclear weapons tests.

The drafters of the amendment now before the House were very careful to include provisions that would bring the United States and the Soviet Union closer to an agreeable position. Unfortunately, they made no effort to include provisions to protect the interests of the people of the State of Nevada.

We in Nevada are being told to accept nuclear waste, and we've put up with decades of military installations all over the State because we knew it was in the interest of our country. We're only asking for fair treatment, a square deal. When the test range is no longer used for testing weapons, Nevadans must be left with more than the eyesore of a devastated countryside.

Mrs. SCHROEDER. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from North Carolina [Mr. NEAL].

Mr. NEAL. Mr. Chairman, the question is this: Do we have enough nuclear weapons in the world? Well, I think so. We have enough to destroy the world and all of its inhabitants many times over; we have enough to destroy creation itself. Is not that enough?

I think so. Do we need more because the Soviets are ahead? Clearly not. I know it is a technical question, but no leading expert in this area will say that they would like to trade our nuclear forces with those of the Soviet Union. I do not believe anyone in this room would, either.

Mr. Chairman, every U.S. President, from Dwight Eisenhower to Jimmy Carter has supported the goal of reaching an agreement with the Soviet Union to ban nuclear weapons testing. President Reagan unfortunately, abandoned that goal in 1983. But, Mr. Chairman, it is clear that a nuclear test ban, if verifiable, would contribute significantly to ending the arms race and reducing the threat of nuclear war.

Mr. Chairman, the amendment under consideration is not an arms ban, but it offers the next best thing, by lowering the permissible yield on nuclear blasts below the point at which the tests are militarily significant. Importantly, the agreement would be totally verifiable. If the Soviets do not accept on-site means for verification or confine new tests to one existing test area, the deal is off.

Mr. Chairman, the Soviet Government has laid down a diplomatic challenge by unilaterally halting its own nuclear testing program. The recent private agreement between Soviet and American scientists to set up seismic monitoring stations in the Soviet Union, manned by Americans, to ensure compliance with their test moratorium indicates a new willingness on the part of the Soviets to meet our demands for verification.

Mr. Chairman, this is an opportunity of historic proportions. Let us call the Soviets on this challenge and raise them one with this amendment and its verification provisions.

Perhaps this might start a series of one-upmanships that could lead to general progress in ending the nuclear arms race and with it the threat of nuclear annihilation. It continually

would set a good example for many other nations around the world and and reduce the likelihood that nations not now capable of nuclear weapons technology will gain it.

Mr. Chairman, verification has always been a concern of mine, but I am convinced that this amendment more than adequately addresses this issue. This is a good amendment Mr. Chairman. I urge its adoption.

Mr. DICKENSON. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. KASICH].

Mr. KASICH. Mr. Chairman, let me start by just quoting a member of the Reform Caucus who says:

> Insufficient operational testing prior to full rate production decisions by the Department of Defense poses a grave and unnecessary risk to our Nation's fighting men who must accept faulty weapons. In addition, it swindles the American taxpayers out of billions of dollars.

The member of the Reform Caucus who says that we in fact need the test in order to assure the reliability of our weapons and weapons systems.

So first of all to those Members who are watching this debate, we need to ensure reliability of our systems; but second, and perhaps the faultiest of all the arguments that have been advanced here is that testing somehow leads to more weapons, let us talk about what testing has done.

Since the 1960's, America, because of its ability to develop more accurate and in fact smaller megatonnage, has been able to reduce the total numbers of megatonnage in this country since the mid-1960's by two-thirds.

We have two-thirds less megatonnage today because of our ability to develop weapons, and hopefully in the future, weapons that give us greater stability.

What are those weapons? The Midgetman system; which our chairman of the Armed Services Committee supports, which people bipartisanly support because it gives us greater stability and gives us less emphasis on each platform.

In order to have the Midgetman system, we have to test. Everybody knows that.

We talk about the D–5, which is on a submarine. Submarines are not first strike, because you do not have to use-them-or-lose-them like what the Soviet Union has invested their resources in. In order to develop that D–5, we are going to have to test; but by deploying Midgetman, we are actually going to have to have fewer. We are going to have less megatonnage and fewer weapons with the deployment of that system.

Reliability, less megatonnage. Two very critical items in making up your mind.

There is one third thing that we have to consider.

In the Washington Post of August 7:

U.S. TEAM OF ARMS ADVISERS TO VISIT MOSCOW NEXT WEEK

The Reagan administration is sending a high-powered delegation to Moscow next week to discuss nuclear and space arms issues that are central to U.S.-Soviet relations • • •

Mr. Chairman, does it make any sense whatsoever to send our negotiators with marching orders that they may not be able to live with?

□ 1415

This goal is the same as ours, to reduce the total number of weapons, to reduce tensions between the United States and the Soviet Union. But let us give this great President of ours and his negotiators a chance to do it on their own. Let us not give them marching orders, let us not give them specific instructions, let them go and negotiate with the Soviets in the best way they possibly can for our country and for our world.

Mrs. SCHROEDER. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I rise in strong support of the Aspin-Gephardt-Spratt-Green-Leach-Schroeder-Markey-Downey nuclear test moratorium amendment. The amendment before us today is a highly refined version of legislation (H.R. 3442) I introduced to stop American nuclear testing as long as the Soviet Union continues its own pause in testing. This bill put teeth into House Joint Resolution 3 which we passed on February 26 by a vote of 268 to 148.

The amendment before us is based on the tenet that we do not trust the Russians, that we cannot trust the Russians, that we have no reason to trust the Russians.

Rather, the amendment asserts that it is in American self-interest to prevent the Soviet Union from resuming their nuclear testing program. The reason for this is simple: we have conducted 35 percent more tests than the Soviets. Our warheads are more advanced and more reliable than Soviet warheads now. We have been testing for the past year, the Soviets have not. We can halt our testing program and, if the Soviets continue their moratorium, we stand in no danger of losing our lead.

The amendment only stops American testing above the 1 kiloton level. This is because, with seismic monitoring stations on Soviet territory, we can only be sure that the Soviets are not testing above the 1-kiloton level. Below 1 kiloton, we can conduct interesting tests relating to the strategic defense initiative and can test certain primary explosion devices.

Given the fact that a mutual pause in testing is overwhelming to the advantage of the United States, the important question is how do we make sure the pause is mutual. To ensure that the Russians do not cheat, the amendment before us gives the President three escape hatches. He can order testing to begin again if the the Soviet Union has conducted a test above the 1-kiloton level. He can order testing to begin again if the Soviet Union conducts a test outside its designated test areas. And, he can order testing to begin again if the Soviet Union has refused to accept reciprocal in-country monitoring arrangements, such as unmanned on-site seismic monitoring stations.

We stand at the verge of a historic breakthrough. Since the Soviet Union exploded its first nuclear device, the American arms control position has always been that verification of an arms control agreement requires on-site monitoring. The Soviets have always resisted inspection. Two historical forces seem to be converging to change the generation-old Soviet position.

The first factor is technological. Only recently have we developed and tested unmanned seismic stations which transmit real time data through communications satellites to computers for analysis. These devices can be placed on Soviet territory and visited from time to time for calibration and to check for tampering. The Soviets seem much more willing to allow us to place these sort of machines on their soil than to have a contingent of American engineers resident in restricted testing areas.

The second factor is political. There is new leadership in the Soviet Union which, whether for reasons of public relations or of peace, seems more inclined to negotiate an arms control agreement. The new leadership seems less insecure about a preemptive American attack and more secure about its own arsenal. Whatever the reason, General Secretary Gorbachev seems willing to accept on-site American inspection as part of an arms control agreement. This amendment says that we believe that a deal which gives us on-site inspection and no Soviet testing in exchange for no testing on our part is a deal we ought to accept.

Some have said that we should not pass the amendment at this time because, for the first time, the administration seems to be moving slowly toward real negotiations with the Soviet Union on arms control. This reasonable position has only come after nearly 6 years of hard-line refusals to negotiate. We must encourage the administration on this path.

I do not think passage of this amendment will force the administration to stray from the road toward sanity on nuclear arms negotiations it is now following. Rather, I believe passage of the amendment today will tell the administration that the American people want real arms control negotiations with the Soviets. It will tell the

administration that their previous policy has no supporters. Passage of the amendment should speed the administration's journey toward real arms control negotiations.

It will be a historic moment if the House votes to adopt the amendment before us now. It will be a vote for peace.

Ms. OAKAR. Mr. Chairman, will the gentlewoman yield to me?

Mrs. SCHROEDER. I am delighted to yield to the gentlewoman from Ohio.

Ms. OAKAR. I want to pay personal tribute to the gentlewoman and her efforts. She has provided the leadership, really, that we all look to on this issue.

I also want to add that I have been taken by the demeaning approach to what is a very, very sensitive issue. This is not a zany, crazy, or odd issue or, by innuendo and diversionary kinds of language, somehow un-American. This is as American as CHARLIE BENNETT, who served in World War II and who supports this amendment.

The CHAIRMAN pro tempore (Mr. DASCHLE). The time of the gentlewoman has expired.

Mr. ASPIN. Mr. Chairman, I yield 1 additional minute to the gentlewoman from Colorado.

Ms. OAKAR. Mr. Chairman, will the gentlewoman continue to yield?

Mrs. SCHROEDER. I yield to the gentlewoman from Ohio [Ms. OAKAR].

Ms. OAKAR. I thank the gentlewoman for continuing to yield.

Mr. Chairman, as I was saying, this is as American as our distinguished colleague, CHARLIE BENNETT, who served during World War II, contracted polio while in combat. He supports this amendment.

Mr. Chairman, this is as American as the gentlewoman from Colorado, the mother of two children concerned about the future not only of herself and her husband, Jim, and their children. It is as American as the majority of the American people who want a control on these horrendous weapons. This is an all-American issue, and we ought to support the efforts of the gentlewoman.

Mrs. SCHROEDER. I thank the gentlewoman from Ohio.

I would like to point out that over 150 communities in this country from Provo, UT, to every other place you can think of have passed resolutions asking for this kind of a resolution. So yes, it is very American. People outside the cities want this very much because they really understand how important it is to our future and to where we are going. And I thank the gentlewoman from Ohio.

The CHAIRMAN pro tempore. The time of the gentlewoman from Colorado [Mrs. SCHROEDER] has expired.

The Chair would inform the Committee that the gentleman from Wisconsin [Mr. ASPIN] has 10 minutes remaining and the gentleman from Alabama [Mr. DICKINSON] has 6 minutes remaining.

Mr. DICKINSON. Mr. Chairman, I yield 1 minute to the gentlewoman from Maryland [Mrs. BYRON], a member of our committee.

Mrs. BYRON. Mr. Chairman, I rise in opposition to the amendment on halting nuclear testing.

Let me first commend the Chairman of the committee and the gentleman from Missouri for offering what is truly a creative amendment. And although I certainly respect the gentleman's effort to achieve a consensus on the test ban issue, which seems to reemerge every decade or so, his amendment still, unfortunately, misses the mark for several reasons.

Although the amendment is being packaged as a compromise between those who support threshold reductions and those who favor a test ban now, it is clearly a legislative moratorium on nuclear testing. The testing of new warheads usually requires tests of approximately 50–150 kilotons. The testing of existing warheads or what is known as reliability testing can usually be done by tests of between 10 and 15 kilotons. In a recent article in the Washington Post in support for continued nuclear testing, former NSC Chairman Brent Scowcroft argued that test threshold could be only reduced to around 10 to 15 kilotons if we were serious about maintaining the reliabilty of our existing nuclear stockpile. The type of testing allowed in this amendment is useless in terms of weapons development and more importantly, it is useless in terms of maintaining the reliability of the existing stockpile.

What kind of testing then is permitted under the chairman's amendment? Basically, only minimal weapon-effect testing would be permitted. This type of testing tells us how well our conventional weapons systems sustain the impact of a nuclear blast. I don't mean to disparage this particular type of testing because it is important. Ironically, however, in my opinion it is not a type of testing which is used to enhance our ability to deter nuclear war but rather, it is a type of testing which is only applicable to a scenario after a nuclear strike has been initiated. In other words, after deterrence has failed.

Second, we must once again deal with the issue of verification as chairman of the House Armed Services Control Panel, I have received testimony from our weapons labs and from outside scientific experts which indicate the difficulty in verifying, with a high degree of confidence, low threshold testing. Attempts to accurately monitor nuclear testing at or below 1 kiloton exasperate the problem tenfold. Such explosions could be masked as chemical explosions or mine explosions when challenged.

Furthermore, the numbers of seismic events below this level increases dramatically. For example, the number of seismic events which are picked up at the "state of the art" Noress Array Monitoring Station at or below 1 kiloton are approximately 40 a day. And to comply with one of the provisions of the amendment, the President must be certain that none of these events were of a nuclear weapons nature. This is virtually a verification nightmare. It would seem to me that it would be in our best interest to stipulate that the Soviet Union had agreed to on-site monitoring along the lines the administration has been proposing prior to such a provision gone into effect rather than after the fact as prescribed by the gentleman's amendment.

Finally, let me briefly address the current situation regarding our discussion with the Soviets on the issue of nuclear testing. Recently officials from Arms Control Disarmament Agency met with their Soviet counterparts and put forth proposals to increase the confidence of both sides to monitor existing threshold treaties. It is my feeling that come December 31, 1987, we will be further away from resolving this issue rather than closer because of the constraints imposed by this amendment if it is adopted. It is also somewhat ironic that we would pass a resolution urging the President to enter into discussions with the Soviets on a comprehensive test ban and then in the same session, pass an amendment which makes the point of such talks meaningless.

In summary, with all due respect to the gentlemen from Wisconsin and Missouri, I oppose his amendment because it will, halt nuclear testing, especially reliability testing, which is critical to our national security, it will be difficult to verify and it undercuts current negotiations on threshold verification.

Mr. ASPIN. Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin [Mr. MOODY].

Mr. MOODY. Mr. Chairman, I rise in strong support of the amendment.

Mr. ASPIN. Mr. Chairman, under the provisions of the rules, we really have no more need for extra time. We yield back the extra time on the general debate.

Mr. DICKINSON. Mr. Chairman, I yield 4 minutes to the gentleman from New York [Mr. STRATTON], a member of the committee.

Mr. STRATTON. I thank the gentleman from Alabama for yielding me this time.

I was in receipt just the other day of a letter from the Assistant Secretary of Defense, Programs, in the Depart-

ment of Energy, Admiral Foley. Admiral Foley points out that a 10-kiloton yield threshold would severely reduce our ability to perform competence tests of current stockpiled systems, and he said a yield limit as low as 1 kiloton, which is included in the amendment, would virtually eliminate our ability to perform these competence tests. These limits would prevent detection and correction of possible stockpile problems of the future. And in the past many problems would have gone undetected had it not been for these nuclear tests.

Once again, as has been mentioned during this debate, without these tests it would be impossible to field the Midgetman, which the chairman of the Committee on Armed Services in the House is delighted with, and would make it impossible to put the SHRAM-II as part of our antisubmarine warfare system and the Earth penetrator warheads needed to attack hardened and deeply buried targets, and that Trident-II missile would also be impossible to be utilized on the Trident submarines that a number of Members of the House are counting on getting in this bill by the time the debate is over.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The gentleman from Alabama [Mr. DICKINSON] has 3 minutes remaining.

Mr. DICKINSON. Mr. Chairman, I yield myself the balance of my time and yield at this time to the gentleman from New Jersey [Mr. COURTER].

Mr. COURTER. I thank the gentleman for yielding.

Mr. Chairman, I just would like to make the point eminently clear that the idea that you can stop building nuclear weapons by stopping or eliminating nuclear tests is a fallacy. The Soviets, as everybody knows, for whatever public relations reasons that they have in their mind, have decided not to test weapons for a period of time. During the period of time that they have not tested weapons they have built 100 intercontinental ballistic missiles with warheads, at the same time the United States is producing none; 125 intermediate-range ballistic missiles, 450 short-range ballistic missiles, and 50 sea-launched ballistic missiles, and 50 strategic bombers, all during the time they curtailed or stopped their tests.

So there is really no relationship between stopping tests and stopping the proliferation of weapons.

I thank the gentleman for yielding.

Mr. DICKINSON. I thank the gentleman.

Mr. Chairman, in closing let me say without getting into the technology involved here, I think the most pertinent point that could be made was made by Dr. Robert Barker, who is the head of the delegation to the nuclear talks in Geneva. He was appointed by the President the head of nuclear talks.

I would like to read this quote for the Members. In discussing this amendment:

This is the most foolish thing we could do. We have just started negotiations in Geneva. We have our agenda and they have theirs. This tells the Soviets that they need not discuss our agenda at all. We have given them what they want ahead of time and put it in law.

He says, and I agree with him:

What more foolish thing could we do than to put in law what they would like to have?

And to further emphasize my point, Mr. Chairman, I would like the RECORD to show and the Members to have the benefit of a letter just received from Hon. John C. Whitehead, acting Secretary of State. The letter reads as follows:

DEPARTMENT OF STATE,
*Washington, August 8, 1986.*

Hon. WILLIAM S. BROOMFIELD,
*Chairman, Committee on Foreign Affairs, House of Representatives.*

DEAR MR. CHAIRMAN: I appreciate your concerns for tangible progress towards the eventual goal we all share—a world free of nuclear weapons. However, that goal is not furthered by the measures concerning nuclear testing being considered by the House today. Now, and for the foreseeable future, the security of the United States and our allies must rely on a credible and effective nuclear deterrent. In my view, that makes our carefully structured program of nuclear testing imperative.

Moreover, the heart of the problem we face in working to preserve peace and stability is not the testing of nuclear weapons but the size and composition of the Soviet offensive nuclear forces. We are energetically pursuing negotiations with the Soviet Union in Geneva to sharply reduce the number of nuclear weapons on both sides. This is our highest priority.

As you know, we have recently begun experts discussions with the Soviet Union on nuclear testing issues. We hope those discussions will lead to the resolution of our concerns about verification. Satisfaction in this area would allow us to move forward on ratification of the Threshold Test Ban Treaty (TTBT) and the Peaceful Nuclear Explosions Treaty (PNET). The President hopes these meetings mark the beginning of a constructive dialogue with the Soviet Union on nuclear testing.

I am convinced that Congressional limitations on our testing program such as those being considered today in the House will be counterproductive. These measures, if enacted, will undermine our negotiators in Geneva and encourage the Soviets that they need not engage in hard, serious negotiations because their ends can be achieved without addressing our concerns. I strongly urge you not to tie our hands in ways that will harm both our ability to maintain a credible and effective deterrent and our arms control efforts.

Sincerely,

JOHN C. WHITEHEAD,
*Acting Secretary.*

I think we all ought to vote against the amendment.

Mrs. LLOYD. Mr. Chairman, Dr. Richard Perle, Assistant Secretary of Defense for International Security Policy, is generally not known as a master of the understatement. However, Dr. Perle recently commented on the role of the private United States monitoring group for Soviet Nuclear tests in which he dismissed the group explanations as "not useful" and expressed a view that we ought to have a government to govern arrangements that provides for adequate verification. I believe that is a classic understatement.

As I understand it, the scientists from the National Resources Defense Council, an environmental group which I believe has quite suspect nuclear credentials, comprise the test monitoring team. It is worth nothing that Dr. Thomas Cochran, the NRDC team leader, has spent the past 15 years of his life in an effort to kill civilian nuclear power in the United States. It hardly seems to me good public policy to have an avowed zealot against the atom for peaceful purposes be involved in a critical monitoring function where the government has such tremendous concern.

Dr. Perle went on to point out that the private arrangement with NRDC does not constitute adequate verification and I must confess that I am alarmed that this body would seriously consider having critical monitoring activity performed by the National Resources Defense Council. This is why I am supporting Mr. DICKINSON's amendment. This is why I believe the Aspin-Gephardt-Schroeder substitute must be defeated.

We are being asked to have amateurs with a documented conflict of interest regarding civilian nuclear power and a weapons phobia do the job of highly skilled professionals who would have U.S. national security at the forefront of their concerns. I also understand that Dr. Cochran insists that we send vax computer systems to the U.S.S.R. and presumably let Dr. Perle worry about the technology transfer consequences. I urge my colleagues to vote for the Dickinson version and reject the other amendment which to me represents a terribly naive approach to nuclear test monitoring and United States Soviet technology transfer relations.

Mr. KOSTMAYER. Mr. Chairman, I rise in strong support of the amendment now pending. August 6 is the first anniversary of the Soviet Union's unilateral ban on the testing of underground nuclear weapons.

General Secretary Gorbachev announced last August that the Soviet Union would refrain from underground tests until the end of the year. His proposal for a ban on testing, offered in the hope that the United States would soon comply, was extended to March 31, 1986. When the Soviet ban ended on March 31 without a favorable United States response, Gorbachev extended it again, until the next United States test explosion, which occurred on April 9. The Soviet leader then extended the ban by his nation until August 6, despite the fact that more than a dozen nuclear tests were conducted by the United States during the year long ban.

The Soviets have not yet announced whether they will now renew testing. The United States has not only continued a schedule of nuclear testing, but we have actually accelerated our program. The Soviets now fear we will advance even further ahead than we al-

ready are in the development of nuclear warhead technology leaving them increasingly vulnerable.

The failure of the administration to consider abiding by a bilateral, verifiable moratorium on the testing of nuclear weapons has made the world a more dangerous place in which to live than it was a year ago.

It is very much in the interest of our Nation to abide by a mutual, verifiable, bilateral ban on nuclear testing with the Soviets. First, we enjoy a considerable technological edge in this area of nuclear weaponry and a test ban would help to ensure that we preserve that edge. Second, we spend about $60 million for each of these tests—precious funds that could be more effectively spent on far more worthwhile causes. Finally, a test ban undertaken by the two major powers would send a powerful signal to the rest of the world that we must halt the proliferation of nuclear weapons on our planet.

I strongly support the amendment offered by the distinguished chairman of the Committee on Armed Services, Congressman ASPIN, to the 1987 defense bill which would limit nuclear testing of devices over 1 kiloton by the United States for 1 year beginning January 1, 1987, provided the Soviets agree to do the same.

Enactment of the Aspin amendment will help to apply the brakes to the runaway arms race and provide for the first time, a framework in which to begin serious and long overdue arms control negotiations with the Soviet Union, without jeopardizing United States national security.

Mrs. COLLINS. Mr. Chairman, it's time to put some sanity into U.S. nuclear policy. A moratorium on nuclear testing represents a first step, away from the nuclear brink and toward a safer, more secure world.

The Soviet Union has not detonated a nuclear device since last August and has called on the United States to join them in a testing moratorium. This represents a golden opportunity to achieve nuclear stability. For years, those of us who support arms control have called on the Soviets to undertake steps which would demonstrate their sincerity. Now that they have done so, it is imperative that the United States follow suit.

Many believe that the Soviet action is only a smokescreen, a propaganada ploy designed to deceive the world. If this is true, there can be no better way to call their bluff than to accept their offer. If they then reject the motatorium, they will have shown the world their true stripes.

There are others who state that Moscow would cheat, secretly testing weapons to achieve superiority over the West. This is a very real concern—time and again the Soviets have proven that they cannot be trusted. A moratorium, however, would not rely on Moscow's honesty. The technical means to verify such an agreement exists. There are already more than 1,000 seismographic stations, operating worldwide, which can detect underground nuclear explosions. The United States operates monitoring stations in over 35 countries, many of them bordering the Soviet Union. Experts believe that we can detect underground nuclear explosions inside the Soviet Union of less than 1 kiloton in magnitude. With this ability, if the Soviets cheat, our intelligence will know it.

But if Moscow is indeed serious this time, if they too have finally come to recognize the danger of nuclear weapons, than a moratorium could bring the world back from the brink of nuclear war. This represents just the first move. A moratorium will allow an easing of tensions and create an atmosphere in which a verifiable total test ban can be negotiated. After such an agreement, a real reduction in nuclear weapons will be possible.

The Aspin-Gephardt-Schroeder amendment is a step in the right direction. It does not commit the United States to unilateral action, but only precludes tests as long as the Soviets also refrain. Furthermore, tests under 1 kiloton, which might be difficult to detect, are excluded. To further insure verification, the moratorium only applies if the Soviets agreed to onsite monitoring. The United States has nothing to lose, and everything to gain from this amendment and I urge my colleagues to support it. The future of the world may depend on it.

Mr. JEFFORDS. Mr. Chairman, for the past 6 years, there has been little, if any, real progress toward reaching solid and sound arms control agreements. The one exception to this bleak strategic landscape has been in the area of a nuclear test ban moratorium.

One year ago, the Soviet Union announced that it would temporarily halt all weapons tests provided that the United States did the same. Since then, the Soviet leaders have continued the moratorium, despite the fact that the United States has conducted several large tests. This Soviet unilateral moratorium expired 2 days ago. Yet the Soviet leadership has indicated that it will wait until Congress considers the testing issue before it decides whether to continue the moratorium.

Last week, Soviet and American negotiators met in Geneva for the sole purpose of discussing issues surrounding a test ban. Unfortunately, there was considerable divergence between the two agendas. The Soviets would only discuss the possibility of comprehensive test ban negotiations, and the Americans would only discuss alleged Soviet violations of the Threshold Test Ban Treaty—even though that treaty, like the Peaceful Nuclear Explosions Treaty, has never been ratified by the Senate.

Despite lack of resolution in the Geneva negotiations, however, there have been indications that a positive atmosphere prevailed, and the talks have been scheduled to resume in September.

I also have been encouraged by the conclusion of an agreement between the National Resources Defense Council [NRDC] and the Soviet Academy of Sciences to allow NRDC to set up seismic monitoring equipment near the main Soviet test site at Semipalatinsk. The agreement calls for three seismic stations near the major test site in each country. This is a very important development for both diplomatic and scientific reasons. The traditional Soviet reluctance to in-country monitoring stations has clearly been discarded. Therefore, the Reagan administration's insistence that adquate verification is not possible has been considerably diminished.

Support for a United States-Soviet testing moratorium is widespread. Last August, the Five Continent Peace Initiative, consisting of leaders from India, Mexico, Sweden, Greece, Argentina, and Tanzania, called for a halt to all nuclear testing and production. These leaders urged the Soviets to extend their moratorium this spring and, during a meeting in Mexico City this week, renewed their call for a test ban.

In my own State of Vermont, lawmakers and concerned citizens held press conferences around the State last Wednesday, urging Congress to support nuclear test ban legislation. In the second such statewide initiative, over 70 State senators and representatives signed a resolution asking Washington to take action immediately to bring about a testing moratorium. I also have heard from many Vermonters who feel strongly that controlling nuclear weapons testing is crucial to slowing down the arms race.

The Aspin-Gephardt amendment we have before us today is a very reasonable and moderate proposal. It calls for a 1-year pause, beginning January 1, 1987, in all nuclear weapons testing over 1 kiloton. This pause would remain in effect only as long as the Soviets abide by the same restraints. The moratorium is contingent upon both sides accepting onsite emplacement of seismic verification stations. With this equipment, the low threshold of 1 kiloton can be verified with a high degree of confidence. If there should be any indication that the Soviets had tested in the 1 to 10 kiloton range, or if they refuse to permit the in-country monitoring equipment, then the threshhold would be raised to 10 kilotons, which can be verified with a high degree of confidence using existing techniques.

Today we have a critical window of opportunity. We must not pass up this chance to advance this important aspect of nuclear arms limitation. In addition to slowing the destabilizing and fiscally debilitating spiral of nuclear weapons production, the testing pause provided in the Aspin-Gephardt amendment would provide renewed impetus for further United States-Soviet cooperation in the arms control arena. With the improved atmosphere generated by any successful United States-Soviet cooperation, other possibilities for accord would be enhanced.

I urge all of my colleagues to support the Aspin-Gephardt amendment.

Mr. KASTENMEIER. Mr. Chairman, Albert Einstein once remarked that seeking security through armanents is a dangerous illusion. This is a precise description of the situation in which the United States and the Soviet Union find themselves today.

Both nuclear superpowers are pursuing security through the development of powerful new weapons systems which produce only greater insecurity. This dangerous cycle must be ended.

As a first step, I urge my colleagues to support the Aspin-Gephardt-Schroeder amendment which imposes as 1-year moratorium, beginning January 1, 1987, on all nuclear tests by the United States in excess of one kiloton, provided that the Soviet Union also observes such a moratorium.

With both the United States and the Soviet Union abiding by a moratorium on nuclear testing, the two superpowers could then proceed with the resumption of negotiations for a comprehensive test ban treaty.

Mr. Chairman, the deadly arms race is the most paramount issue facing civilization today, and the American people want and expect progress on arms control. A comprehensive test ban treaty can be the key to controlling the nuclear arms race, and it would enhance the security of the United States, the Soviet Union and that of the entire world.

Mr. LEVINE of California. Mr. Chairman, I rise in support of this amendment offered by a bipartisan group of our colleagues, including House Armed Services Committee Chairman ASPIN, Congresswoman SCHROEDER, and Congressmen GREEN and LEACH.

The amendment before us bans during calendar year 1987 the use of funds by the Department of Defense or the Department of Energy to carry out any nuclear explosion with a yield exceeding 1 kiloton, or a nuclear explosion that is conducted outside a designated test area, unless the President certifies to Congress (1) that the Soviet Union has carried out a nuclear explosion with a yield exceeding 1 kiloton after December 31, 1986; or (2) that the Soviet Union has carried out a nuclear explosion outside a designated test area after December 31, 1986; or (3) that the Soviet Union has refused to accept and implement reciprocal in-country monitoring arrangements to be in effect for calendar year 1987.

This amendment has the same goal as H.R. 3442, authored by our distinguished colleague from Colorado [Mrs. SCHROEDER], and which I cosponsored, and is the result of negotiations among Members from across the political spectrum who have agreed to this much-needed amendment.

The language of this amendment is well-thought-out and in no way compromises our national security or our national interests. The testing moratorium is conditioned upon Soviet willingness to accept mutual emplacement of in-country monitoring equipment and to confine testing to 1 kiloton at a single test site. If the Soviets refuse to accept in-country monitoring equipment or violate the one-kiloton threshold, the United States would be released immediately from the moratorium. If the two sides reach an accord limiting nuclear testing, the provisions of the amendment would automatically lapse.

Mr. Chairman, almost exactly 1 year ago—on August 6, 1985—the Soviet Union announced that it would refrain from all nuclear testing on a temporary basis for as long as the United States refrained from testing. This self-imposed moratorium has been extended twice and has been broadened from a conditional moratorium to an unconditional, unilateral one. It was due to expire last Wednesday. During this time, even the most hard-line opponents of a moratorium have not alleged that the Soviets have conducted nuclear tests.

There are many important goals to accomplish in this body and in our country. But Mr. Chairman, none is more important than putting an end to the arms race.

It was 41 years ago yesterday that the *Enola Gay* dropped the first atomic bomb on Hiroshima. That bomb incinerated people on the spot, killed as many as 130,000 people, and wounded thousands more. Every one of us in this body knows of the disfigurement—the maiming—the lives forever changed—the destruction that the dropping of that bomb wrought. And that bomb was miniscule compared to those in the Soviet and American arsenals today.

It is estimated that today the United States and the Soviet Union have between them some 50,000 weapons in their nuclear arsenals. The destruction these weapons can wreak is hard to imagine. We have within our arsenals enough power to destroy ourselves and the Soviet Union as functional societies. But we need not do so.

Mr. Chairman, the world awaits a nuclear rapprochement between the two superpowers. Starting in May 1984, six respected world leaders formulated the Five Continent Peace Initiative calling for a halt to all nuclear testing and production. Most recently, these leaders, which include Argentine President Alfonsin, Mexican President de la Madrid, Indian Prime Minister Gandhi, and Greek Prime Minister Papandreou, called on President Reagan and Premier Gorbachev to suspend testing until further discussions can be held at the next summit. There seem to be hopeful signs that a summit will in fact take place later this year.

Now is the time for the United States to show the Soviet Union that we are serious about arms control. The Reagan administration has an abysmal arms control record. It has not negotiated one arms control agreement since it took office in 1981. In fact, it has the worst record of any administration since the nuclear arms race began. But Congress can play a constructive role in arms control. It is our responsibility to do so. Let us use this amendment as an opportunity to send a signal to the Soviet Union that we, as representatives of the people of this country, are deeply concerned about the arms race and deeply desire an end to it. The time is now.

I urge my colleagues to support this welcome and constructive amendment.

Ms. MIKULSKI. Mr. Chairman, I rise in strong support of the Aspin-Gephardt-Schroeder amendment to achieve a verifiable reduction of nuclear tests. I was a cosponsor of the original Schroeder bill that would have prohibited the use of funds for nuclear testing. This Aspin-Gephardt-Schroeder amendment is a useful compromise that would set up a 1-year halt of nuclear tests above 1 kiloton.

Before 1981, six Presidents negotiated for a test ban. In 1963 the United States, Great Britain, and the Soviet Union ratified a Limited Test Ban Treaty prohibiting nuclear tests in the atmosphere, outer space, and under water. One hundred other nations have ratified or acceded to this treaty.

The United States and the Soviet Union signed a Threshold Test Ban Treaty prohibiting underground nuclear weapons tests above 150 kilotons in 1974 and its companion treaty, the Peaceful Nuclear Explosions Treaty, in 1976. I have continually urged the other body to ratify these treaties. Unfortunately, no progress has been made.

In 1984 the Senate overwhelmingly passed a resolution calling for a resumption of Comprehensive Test Ban Treaty negotiations. Just 6 months ago, the House of Representatives did likewise.

Gradually, we are making our way toward a Comprehensive Test Ban Treaty [CTBT]. The chief barrier to CTBT has been the Soviet refusal to accept adequate verification measures. But last month, a private group of American scientists, under agreement with the Soviet Academy of Sciences, installed seismic monitoring stations in Kazakhstan, the Soviet Union's primary nuclear testing site. We must act now to keep this momentum going.

Mr. Chairman, arms control negotiations are like a hallway that has two doors, one marked "U.S.S.R.", the other marked "U.S.A." The Soviets have opened their door by unilaterally imposing a moratorium on testing. This amendment would open our own door. Hopefully, we can meet in the hallway someday soon to negotiate a comprehensive, mutually verifiable test ban.

Mr. BROWN of California. Mr. Chairman, I rise in support of the Aspin amendment calling for a 1-year moratorium on nuclear weapons tests. The time has come to bring a halt to all nuclear testing, and this amendment would do that for 1 year starting in January of next year.

Since 1945, the superpowers have detonated more than 1,500 nuclear bombs in the atmosphere, in space, in the oceans, and underground. These tests have enabled the superpowers to amass evergrowing stockpiles of increasingly sophisticated nuclear arms. Each new nuclear device—the neutron bomb, the American MX, the Soviet SS-24—has emerged only after a series of nuclear tests.

Put simply, nuclear testing is an engine to the arms race. It provides the power that weapons designers (both American and Soviet) need to modify and create dangerous new nuclear weapons. In my view, the time has come to turn this engine off.

The Soviets already have done so, for more than a year now. And they have been asking us to do the same. The Aspin amendment would take the Soviets up on their offer, and result in a turning off of the engines in both the United States and the Soviet Union for 1 year.

The administration argues against this amendment, claiming that the measure would undermine our negotiators. This is not a new charge by any means; indeed, we hear this same argument prior to consideration of every piece of arms control legislation introduced in this chamber, whether the administration is negotiating on the subject in question or not.

If one looks closely at the actual language in the Aspin amendment, however, it is clear that passage of this measure would help—not hurt—the negotiation of further limitations on nuclear testing.

The amendment does not impose an immediate cut-off of funds for nuclear testing. Rather, the 1-year moratorium would not go into effect until next January, thus allowing our negotiators in Geneva plenty of time to strike an alternative deal should they truly want limitations on nuclear testing.

And the Aspin measure is contigent on Soviet acceptance of on-site verification. This is precisely what the administration has been calling for since it came to office. How could we possibly be undermining our negotiators by

calling on the Soviets to agree to on-site verification?

Mr. Gorbachev has said repeatedly that on-site verification is not a problem, that the Soviets would agreed to whatever verification measures were necessary in order to monitor a test ban. Passage of this amendment would allow the United States, and the world, to find out if the Soviets are serious in making this offer.

In order to find out whether an adequate verification regime can be established, it is essential that the United States join the Soviets in a mutual moratorium. Mutual restraint on nuclear weapons testing is what this amendment is calling for. The Soviets would continue their restraint, they would refrain from restarting the engine that's powering their nuclear weapons program, and we would demonstrate some restraint in return.

Mr. Chairman, since May of this year, when the President announced that he would be scrapping the SALT II treaty, administration officials have said that the existing treaty regime should be replaced by, what they have called, truly mutual restraint. Well, this amendment provides the perfect opportunity to establish such a situation.

What could be a better example of mutual restraint than an agreed upon moratorium on nuclear testing for 1 year, combined with newly established on-site verification to monitor the moratorium. This amendment would test the seriousness of both the Soviet Union and the United States in their statements of support for progress in arms control. I urge my colleagues to give it their full support.

Mr. DICKINSON. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. All time has expired.

Under the rule, the Chair calls on the gentleman from Alabama [Mr. DICKINSON] and recognizes him to offer the first amendment.

□ 1430

Mr. DICKINSON. Mr. Chairman, it was my intention to offer an amendment which simply made a change in the entity of the countries involved. The statement of the gentlewoman from Colorado made it clear that their amendments referred to the U.S. Government.

That being the case, and since that was the principal change in my amendment, I will not offer mine, if I understood the gentlewoman correctly.

AMENDMENT OFFERED BY MR. ASPIN

Mr. ASPIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

An amendment offered by Mr. ASPIN: At the end of title I of division C (page 341, after line 4), add the following new section:

SEC. 3036. LIMITATION ON NUCLEAR TESTING.

(a) ONE-YEAR LIMITATION.—During calendar year 1987, funds appropriated to the Department of Defense or the Department of Energy may not be obligated or expended to carry out any nuclear explosion with a yield exceeding one kiloton, or a nuclear explosion that is conducted outside a designated test area, unless the President certifies to Congress—

(1) that the Soviet Union has carried out a nuclear explosion with a yield exceeding one kiloton after December 31, 1986;

(2) that the Soviet Union has carried out a nuclear explosion outside a designated test area after December 31, 1986; or

(3) that the Soviet Union has refused to accept and implement reciprocal in-country monitoring arrangements to be in effect for calendar year 1987.

(b) TERMINATION FOR CERTAIN NEW AGREEMENTS.—The limitation on nuclear explosions in subsection (a) shall cease to apply if supplanted by an agreement, accord, or treaty between the United States and the Soviet Union establishing significant limits on nuclear explosions by such countries that is negotiated after the date of the enactment of this Act.

(c) DEFINITIONS.—For the purposes of this section:

(1) The term "in-country reciprocal monitoring arrangements" means arrangements between the United States and the Soviet Union to supplement national technical means of verification through the emplacement by each country of seismic monitoring stations on the national territory of the other so that the seismic monitoring network of each nation will be capable of detecting and identifying nuclear explosions with a yield exceeding one kiloton at known nuclear weapons test sites of the other nation and at any other site of the other nation that currently has the capability to accommodate decoupled nuclear explosions with a yield exceeding one kiloton.

(2) The term "designated test area" means an area within the Soviet Union or the United States which—

(A) is known to be composed of strong-coupling rock; and

(B) is located within the boundaries of a single existing nuclear weapons testing site in such country.

Mr. ASPIN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The CHAIRMAN pro tempore. Under the rule, the gentleman from Wisconsin [Mr. ASPIN] will be recognized for 10 minutes, and a Member opposed thereto will be recognized for 10 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. ASPIN].

Mr. ASPIN. Mr. Chairman, I reserve my time.

Mr. DICKINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I just want to make one point that has not yet been made. When you put a moratorium on for 1 year on a very complicated program, we will lose our scientists. No scientists worth his salt is going to stay in a program that is at a standstill, that is going nowhere. They will go to private industry. They will go to the academic world. But they are not going to sit in a laboratory and do crossword puzzles.

I suggest the Soviets will keep their scientists, because that is the kind of society they have.

That is just one little aspect of this very complicated issue that we are summarily disposing of.

The second thing is, for God's sake, let our negotiators negotiate. We are cosmic kibitzers standing behind the table as Mr. Kampelman and Ambassador Glitman try to negotiate with the toughest negotiating agenda in the world and the toughest negotiators. We are standing behind them waving our hands and saying. "Look at us. We will tell you what they ought to do."

We would not tell a brain surgeon what instruments to use while he is performing surgery. We are not competent to do so.

We should be passing a resolution commending our negotiators and saying we in Congress support you instead of micromanaging, usurping a function that we are not capable of fulfilling.

Mr. ASPIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me just say on behalf of this amendment here, and just respond to the gentleman from Illinois for just a second, it seems to me that there are some very, very important national security reasons to be for this amendment which we have before us.

They are summarized by two words, "miniaturization" and "verification."

The current situation in the United States-Soviet nuclear balance is such that the United States has a great advantage over the ability to make smaller nuclear weapons. That is tremendously important in being able to pack a number of warheads onto the MIRV missiles. In fact, if the President of the United States is going to do what we hope he will not do, which is to do away with the SALT limits, one of the great advantages that the Soviet Union has is extra throw-weight on which they can put more warheads onto their weapons. They cannot do that now without further development, and that means further testing.

So one very clear advantage is that we retain the advantage in miniaturization if we have a testing moratorium.

Second is verification. This language says that it does not take place unless there are additional verification steps taken, mainly onsite verification in the Soviet Union by the Soviet Union. If that does not happen, this moratorium never takes place.

There has been some talk by the Soviets about them doing that. Let us find out. Let us call the cards. Let us put it out on the table. Let us find out.

One way to do it is with this amendment.

And if we can get a breakthrough with onsite verification in this area, that would be a major breakthough, because clearly for other arms control issues like MBFR and other things, it would be clearly in our interest to have additional verification.

Let me point out that the gentleman from Illinois was talking about the need to have the negotiators negotiate. One of the things that we did with this amendment was to deliberately delay the implementation date to January 1, 1987, in order to provide time for the negotiators to negotiate. The best kind of legislation towards arms control puts incentives for both sides, incentives for the Reagan administration to negotiate and incentives for the Soviets to negotiate.

What we have done with this piece of legislation is to put in some clear incentives for the Soviets to improve the verification, to conduct these negotiations with the United States.

There are also incentives for the Reagan administration, because it does say that this testing moratorium or this testing pause does not take place until we have had a chance to negotiate this fall and let the negotiations take place.

We do have incentives for both sides.

Mr. Chairman, I reserve the balance of my time.

Mr. DICKINSON. Mr. Chairman, in order to give the gentleman from New Jersey an opportunity to respond, I yield 3 minutes to the gentleman from New Jersey.

Mr. COURTER. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I would like to clear up three statements that were made by the chairman of the committee, one of which was the assumption that if there is pressure placed on the negotiators, therefore, we are better off.

I would agree that if there is a lot of artificial pressure placed on our negotiators, there is a tendency to cave in, there is a tendency to come back with something. I think it is very important to recognize that a good treaty is better than no treaty, but indeed a bad treaty is worse than no treaty. So the idea that this will create pressure, I think, is working against our interests and not in favor of our interests.

Second, the chairman was clearly and obviously highly erroneous when the gentleman said that if we passed this particular amendment, the Soviets will not be able to increase their lift capabilities or their throw-weight capabilities.

This amendment has everything to do with the warhead tests. It has nothing to do with testing ICBM's. So one cannot extrapolate from the passage of this amendment that tests and modernization of ICBM's and SLBM's can continue to go on to increase the massive Soviet advantage that they already now have in throw-weight capability.

Finally, very frankly, the Soviets do not need to miniaturize. The chairman of the full committee said that the reason you vote in favor of this amendment is for the purpose of miniaturization. The Soviets do not need miniature weapons. With the type of lift capability, which is twice ours, it is no great advantage for them to miniaturize. Their warheads are larger by weight. Their warheads are larger by yield. And there is nothing in this amendment that would reduce their capability of doing research, development, testing and evaluation of ICBM's that have greater thrust and greater throw-weight than the ones they have now.

Mr. ASPIN. Mr. Chairman, I would like to say that we only have one more speaker on our side, so we would like to wait and close debate with the concluding speaker.

The CHAIRMAN pro tempore. The gentleman from Wisconsin [Mr. ASPIN] holds the right to conclude the debate.

Mr. DICKINSON. Mr. Chairman, if the gentleman will conclude, I will yield back the balance of my time.

Mr. ASPIN. Mr. Chairman, I yield the remainder of my time to the majority leader of the House, the gentleman from Texas [Mr. WRIGHT].

Mr. WRIGHT. Mr. Chairman, surely nobody could question my personal credentials as a supporter of national defense. For 30 years in the Congress, serving with seven Presidents of both political parties, I have consistently created a policy and established a record of supporting our President, whoever he be, in his negotiations with other countries.

□ 1440

I think we have come to a time after 40 years of the nuclear arms race in which it is vitally important for the Congress to take a stand. Having taken that as we did in February when the House overwhelmingly passed House Joint Resolution 3, the substance of which was reaffirmed by the Senate last night, we must insist that the President pay some attention at least to what level we in the Congress are prepared to support and sustain from the standpoint of ever-increasing military expenditures.

Surely every sane person in the world wants to end the nuclear arms race. Emphatically it would be a dereliction of our duty were we to fail to do everything possible to create a condition permitting the end of the nuclear arms race.

Manifestly, the only way we ever shall end the nuclear arms race is for both sides to stop testing and developing new nuclear weapons.

Surely the world wants an end to the nuclear arms race. That end will not come by one nation dominating the world; that end will come by both nations involved in that race for 40 years coming together and mutually saying "enough."

We both have enough weapons to destroy one another many times over. It serves no purpose whatever for us to continue developing and testing of newer and ever-more expensive and ever-more sophisticated nuclear weapons and consuming an ever-greater portion of our limited resources in each of our two countries on the unproductive implements of terror and destruction if, instead, we can act as mature human beings and sit down together and negotiate a mutual and verifiable moratorium on the exploding of nuclear weapons.

That is what this proposes. It is very simple; it is a modest step in the path to peace. It simply proposes that for 1 year, beginning in 1987, both nations shall be required, mutually, to abstain from exploding nuclear weapons.

Is that too much to ask? It does not put us at any jeopardy. Surely for the last year during which the Soviet Union unilaterally has voluntarily observed a moratorium on test explosions, we have had every ample opportunity to catch up if we were behind. Surely in the months remaining in the year 1986 we shall have the opportunity to do whatever testing those in our Defense Department think is absolutely necessary.

Surely it will be to our advantage then and the advantage of mankind if we could have truly mutual, truly verifiable cessation of this continuous leap-frogging in the development of ever-more costly weapons that has continued for the last 40 years. We do not need any more nuclear weapons. Neither side needs any more nuclear weapons. Between us we already have enough to destroy civilization." The route proposed in this amendment provides the best and perhaps the only way, it seems to me, in which jointly we can begin diverting some of that disproportionate share of our limited resources that we have put upon destruction into those things that enoble the human race.

Would it not be a tragic mistake for us in the United States if we were to allow ourselves to be put in the embarrassing position of appearing in the eyes of the world to be the ones who obstruct the search for peace? Surely, that is exactly what would happen if, in the face of the announced willingness on the part of the Soviet Union—something we have awaited for over four decades—to cease the exploding and testing of nuclear weapons, we were to demur and demonstrate an unwillingness to join them in a verifiable and mutual reduction.

Mr. Gorbachev announced on August 6 of last year that Russia would explode no more nuclear weapons so long as we did not. I've heard no denial that the pledge has been kept. Even when we refused to stop testing, the Soviet leader has twice extended the moratorium unilaterally. He now asserts his willingness to let us place official United States monitors at the Russian test sites.

Some may say that is just a propaganda ploy on the part of the Soviet Union. Perhaps it is; I do not know how to fathom the unfathomable. I cannot pretend to you that I understand what is in the minds of the people in the Kremlin. But I do know this: The way to determine whether it is a propaganda ploy or a sincere, genuine gesture toward peace is to call their hand. To put them on the spot. Say, "Very well; let us do it. For 1 year, both of us will mutually bind ourselves in a way that the other can verify, not to explode nuclear weapons."

Please understand, the moratorium proposed by this amendment is fully verifiable. I, for one, was and am prepared to support the amendment that would have been offered by the gentleman from Alabama making it abundantly clear that representatives of the United States Government must be permitted on Soviet soil at testing sites to monitor and determine for certain that this agreement is being abided by.

Bear this in mind further, that by our very language we provide that should the President determine the Soviet Union was not abiding by this agreement, then he, the President of the United States, could cancel it on that ground and it would have no further force and effect.

Surely we do not stand at any jeopardy. It surely does not hurt us. I believe it could help us, not only in the eyes of mankind, but in the eyes of future generations.

The single, overriding fallacy of the President's negotiating stance is that he wants to do away with old weapons that we have already bought and paid for but continue to build new, more sophisticated, more destructive, evermore expensive weapons. That is not the way to end the nuclear arms race.

The way to end the nuclear arms race manifestly is to stop testing new nuclear weapons. The way to do that is for both sides, mutually, and in a verifiable way in which each side can test the sincerity of the other, to call a halt. We are at that point.

Perhaps this is the historic point when we may truly hasten that moment in which nations may beat their swords into plowshares, and their spears into pruning hooks, and nation not lift up sword against nation, and neither learn war anymore.

Mr. MOODY. Mr. Chairman, this country has a tremendous opportunity to slow the quantitative and qualitative growth of nuclear weapons through an agreement limiting nuclear testing. The Soviets have unilaterally stopped nuclear testing and invited the United States to join them in test ban negotiations. Yet the administration has refused the offer, over the objections of the Congress and the American people, thereby ceding all leadership on this issue to the Soviet Union.

If President Reagan truly wants to render nuclear weapons impotent and obsolete, he should support a test ban. If he truly wants to limit the growth of Soviet forces, he should support a test ban. And if he truly seeks to reduce the Soviets' first strike counterforce capability, he should continue the efforts of six previous administrations and seek limits on testing. We have the opportunity to negotiate real testing limits, but so far President Reagan has not taken advantage of it.

Although the President has often questioned our ability to verify a testing agreement, it took the efforts of a private U.S. organization to challenge the Soviets' claim that they would allow incountry monitoring devices. As we now know, the Soviets fulfilled their pledge and U.S. seismometers are being installed on Soviet territory. We have the ability to confidently verify testing limits.

But the administration continues to forego negotiations in order to continue a buildup of nuclear arms. In fact, President Reagan requested over a billion dollars this year to expand and modernize nuclear materials and weapons production centers in the United States.

This amendment does not mandate a test ban. It simply imposes a 1 year pause in U.S. nuclear testing over 1 kiloton beginning on January 1, 1987—If the Soviets agree to the necessary verification measures, if the President enters into a testing agreement with the Soviet Union, this amendment is null and void.

This amendment is not a unilateral concession. It limits the United States to nuclear tests below 1 kiloton only so long as the President is confident the Soviets are not testing above 1 kiloton.

The amendment is contingent on the Soviets accepting adequate verification measures.

The testing pause does not take effect until January 1 of next year, so the United States will have time to conduct any required reliability tests.

This testing pause will not undermine the President's ability to negotiate testing limits. It is intended to encourage him to do so. The restrictions in this amendment are waived if the President negotiates a testing agreement.

The American people overwhelmingly support limits on nuclear testing. It is time for Congress to act, time for the United States to join the Soviets' testing moratorium. We must lend impetus to serious nuclear testing negotiations before the opportunity to control Soviet forces slips away.

I urge my colleagues to support this amendment.

Mr. SPRATT. Mr. Chairman, I rise in support of the Aspin-Gephardt-Schroeder nuclear testing amendment.

The amendment would establish a 1-year limitation on underground nuclear explosions above 1 kiloton beginning January 1, 1987. Mr. Chairman, I believe this amendment comes at an opportune moment; I think our Government should pursue the opportunity; and that is why I support the amendment.

I became a supporter of this amendment only after intensive discussion and negotiation on its content amongst the authors. As finally agreed upon, the amendment simply prevents the U.S. Government from spending money to perform nuclear tests above 1 kiloton if the Soviet Union meets three conditions:

First, the Soviets must not test any nuclear weapons with a yield over 1 kiloton;

Second, the Soviets must not conduct any nuclear test outside a designated test area;

Finally, the Soviets must agree to accept and install in-country monitoring devices.

Until the Soviet Union has met these conditions, there will be no moratorium.

Let me explain how we came to an agreement over this amendment.

Recently, the Soviet Union appears to have indicated a willingness to accept verification devices on its own soil. It has allowed a nongovernmental group, the Natural Resources Defense Council, to place seismic monitoring devices near the Soviet's primary nuclear testing site at Semipalatinsk. For years, in-country and onsite inspection have been bones of contention between the United States and the U.S.S.R. In part, it was concern over verification that kept SALT II from being ratified; and right now, problems over in-country inspection are an obstacle to a treaty banning chemical weapons. We may have a breakthrough; we may have an historic opportunity to install verification devices inside the Soviet Union, which will not only make a comprehensive test ban possible, but also open the door to other arms control measures ranging from nuclear to chemical weapons.

Is this an opportunity or is it an illusion? I don't know. All this amendment would dictate is that our Government approach theirs and find out how far each will go. If the Soviets will not agree to in-country seismic monitoring, if they will not agree to test only in set locations, then there is no moratorium.

At first, I had reservations about this amendment. I did not want Congress to limit the President's ability to negotiate with the Soviets on limiting nuclear testing. But as it is now drawn, this amendment gives the President ample room to reach a separate arrangement with the Soviet Union. And any agreement, accord or treaty limiting nuclear explosions reached by the United States and Soviet Union would supplant the amendment.

I also wanted to make sure that the amendment allowed enough time for the two nations to agree on and implement reciprocal in-country seismic monitoring arrangements. The decision to set the date of implementation to January 1, 1988, rather than the date of enactment or the beginning of the fiscal year on October 1, 1987, was made for exactly this reason—to provide time for implementing verification arrangements.

Setting the implementation date to January 1, 1988, also allows the Defense Department to complete testing on high-priority nuclear weapons projects, such as the D–5 warhead for the Trident II missile, and carry-out the

necessary reliability test required to certify our nuclear arsenal during the yearlong period of the 1 kiloton threshold moratorium. Earlier agreements on nuclear testing provide a precedent for this approach. The Threshold Test Ban Treaty [TTBT] was signed 2 years before its provisions came into force.

We have heard today that a testing pause would prevent the United States from developing a variety of new nuclear warheads. Let's examine the facts. The Midgetman warhead is a derivative of the Mk–12A warhead being used on the MX. The nuclear weapons labs claim that to make the warhead mobile will require additional nuclear tests. The program manager for the Midgetman, however, points out that the MX was originally designed to be a mobile system. It is unclear if additional testing is required. The Trident II D–5 warhead is very close to being certified. The remaining testing can be accomplished prior to January 1, 1987.

For these reasons, Mr. Chairman, I support this amendment, and urge its adoption.

Mr. RICHARDSON. Mr. Chairman, I rise in support of this amendment, to impose a 1-year moratorium on all nuclear tests by the United States in excess of 1 kiloton, provided that the Soviets also observe such a moratorium and meet certain other conditions. I am pleased to note that this amendment is strong on verification provisions. I am very concerned about this issue—without an adequate verification process, we can have no real confidence in arms control agreements.

The result of a broad bipartisan effort in both the House and the Senate, this amendment is significant. Its goal is to slow down the ever-escalating and threatening nuclear arms race. I support this amendment because I believe that we must take serious steps toward real and lasting arms control policies.

This amendment calls for a 1-year moratorium. The Soviet Union has, for more than a year now, observed a unilateral moratorium on nuclear explosive testing. It is now time for the United States to show its serious intent to pursue arms control by reciprocating. The Aspin amendment has been carefully crafted—should the President certify to Congress that the Soviets have violated the moratorium on testing, the United States moratorium would be lifted. The amendment will not have an adverse impact on funding of testing facilities. It does not cut off the money for either staffing or overhead for the testing and testing-related facilities. Retaining funding will ensure that should a need arise to resume testing, the United States will be ready.

While I support this amendment, I would like to bring to the attention of my colleagues some concerns and reservations I have about this test ban moratorium. I have been briefed on nuclear explosive testing by Los Alamos National Laboratory, which is in my district, and the Department of Energy. They have raised some important issues which I feel we must all seriously consider as we debate legislation relating to arms control and test bans. These issues relate, among other things, to the maintenance of our confidence in the functioning of weapons in the stockpile, the maintenance of an effective nuclear deterrent force, the ability to incorporate modern safety and security forces on our existing stockpile and the ability to accurately assess, research and develop weapons systems which can effectively address changing strategic targets and policy.

I have given much thought to these questions, and I still support the Aspin amendment. I believe that it is an important signal of the committment of the United States to achieving effective arms control. Because I believe in a strong defense for this Nation that is second to none, I will continue to seriously and regularly consider the questions raised by experts at Los Alamos. I urge my colleagues to do so also. Thank you.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Wisconsin [Mr. ASPIN].

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DICKINSON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 234, noes 155, not voting 42, as follows:

[Roll No. 314]

AYES—234

| | | |
|---|---|---|
| Ackerman | Dwyer | Johnson |
| Akaka | Dymally | Jones (NC) |
| Alexander | Early | Kanjorski |
| Anderson | Eckart (OH) | Kastenmeier |
| Andrews | Edgar | Kennelly |
| Annunzio | Edwards (CA) | Kildee |
| Anthony | Erdreich | Kleczka |
| Applegate | Evans (IA) | Kolter |
| Aspin | Evans (IL) | Kostmayer |
| Atkins | Fascell | Kramer |
| AuCoin | Fawell | Lantos |
| Barnard | Fazio | Leach (IA) |
| Bates | Feighan | Leath (TX) |
| Bedell | Fish | Lehman (CA) |
| Beilenson | Flippo | Lehman (FL) |
| Bennett | Florio | Leland |
| Berman | Foglietta | Levin (MI) |
| Biaggi | Foley | Levine (CA) |
| Boehlert | Ford (MI) | Lightfoot |
| Boggs | Frank | Lowry (WA) |
| Boland | Frenzel | Luken |
| Bonior (MI) | Frost | MacKay |
| Bonker | Fuqua | Manton |
| Borski | Garcia | Markey |
| Bosco | Gaydos | Martinez |
| Boucher | Gejdenson | Matsui |
| Boxer | Gephardt | Mavroules |
| Brooks | Gibbons | McCloskey |
| Brown (CA) | Gilman | McHugh |
| Brown (CO) | Glickman | McKernan |
| Bruce | Gonzalez | McKinney |
| Bryant | Goodling | Meyers |
| Burton (CA) | Gordon | Mica |
| Carper | Gray (IL) | Mikulski |
| Carr | Gray (PA) | Miller (CA) |
| Chapman | Green | Mineta |
| Clay | Gregg | Moakley |
| Coelho | Guarini | Moody |
| Coleman (TX) | Gunderson | Morrison (CT) |
| Collins | Hall (OH) | Mrazek |
| Conte | Hamilton | Murphy |
| Cooper | Hatcher | Natcher |
| Coughlin | Hawkins | Neal |
| Coyne | Hayes | Nowak |
| Crockett | Hefner | Oakar |
| Daschle | Henry | Oberstar |
| Davis | Hertel | Obey |
| Dellums | Hopkins | Olin |
| Derrick | Horton | Owens |
| Dicks | Howard | Panetta |
| Dingell | Hoyer | Pease |
| DioGuardi | Hubbard | Penny |
| Dixon | Hughes | Pepper |
| Dorgan (ND) | Jacobs | Perkins |
| Dowdy | Jeffords | Pickle |
| Downey | Jenkins | Porter |
| Price | Sikorski | Traficant |
| Pursell | Slattery | Traxler |
| Rahall | Smith (FL) | Udall |
| Rangel | Smith (IA) | Vento |
| Richardson | Smith (NJ) | Visclosky |
| Ridge | Snowe | Volkmer |
| Rodino | Solarz | Waldon |
| Roe | Spratt | Walgren |
| Roemer | St Germain | Waxman |
| Rose | Staggers | Weaver |
| Rowland (CT) | Stallings | Weiss |
| Rowland (GA) | Stark | Wheat |
| Roybal | Stokes | Whitley |
| Russo | Studds | Williams |
| Sabo | Swift | Wirth |
| Savage | Synar | Wise |
| Scheuer | Tallon | Wolpe |
| Schneider | Tauke | Wright |
| Schroeder | Thomas (GA) | Wyden |
| Schumer | Torres | Yates |
| Seiberling | Torricelli | Yatron |
| Sharp | Towns | Young (MO) |

NOES—155

| | | |
|---|---|---|
| Archer | Hansen | Ritter |
| Armey | Hendon | Roberts |
| Bartlett | Hiler | Robinson |
| Barton | Hunter | Rogers |
| Bateman | Hutto | Roth |
| Bentley | Hyde | Roukema |
| Bereuter | Ireland | Rudd |
| Bevill | Kasich | Saxton |
| Bilirakis | Kemp | Schaefer |
| Bliley | Kolbe | Schuette |
| Boulter | Lagomarsino | Schulze |
| Broomfield | Latta | Sensenbrenner |
| Burton (IN) | Lewis (FL) | Shumway |
| Bustamante | Lipinski | Shuster |
| Byron | Livingston | Siljander |
| Callahan | Lloyd | Sisisky |
| Carney | Loeffler | Skeen |
| Chandler | Lott | Skelton |
| Chappell | Lowery (CA) | Slaughter |
| Chappie | Lujan | Smith, Denny (OR) |
| Cheney | Mack | Smith, Robert (NH) |
| Clinger | Marlenee | Smith, Robert (OR) |
| Coats | Martin (IL) | Solomon |
| Cobey | Martin (NY) | Spence |
| Coble | McCain | Stangeland |
| Coleman (MO) | McCandless | Stenholm |
| Combest | McCollum | Strang |
| Courter | McCurdy | Stratton |
| Craig | McDade | Stump |
| Crane | McGrath | Sundquist |
| Daniel | McMillan | Sweeney |
| Dannemeyer | Michel | Swindall |
| Darden | Miller (OH) | Tauzin |
| Daub | Molinari | Taylor |
| de la Garza | Mollohan | Thomas (CA) |
| DeLay | Monson | Valentine |
| Dickinson | Montgomery | Vander Jagt |
| Dornan (CA) | Moorhead | Vucanovich |
| Dreier | Morrison (WA) | Walker |
| Duncan | Murtha | Weber |
| Dyson | Nelson | Whitehurst |
| Eckert (NY) | Nichols | Whittaker |
| Edwards (OK) | Nielson | Whitten |
| Emerson | Ortiz | Wilson |
| English | Oxley | Wolf |
| Fiedler | Packard | Wortley |
| Fields | Parris | Wylie |
| Gallo | Pashayan | Young (AK) |
| Gekas | Petri | Young (FL) |
| Gingrich | Ray | |
| Gradison | Regula | |
| Hall, Ralph | Reid | |
| Hammerschmidt | Rinaldo | |

NOT VOTING—42

| | | |
|---|---|---|
| Badham | Hillis | Mazzoli |
| Barnes | Holt | McEwen |
| Boner (TN) | Huckaby | Miller (WA) |
| Breaux | Jones (OK) | Mitchell |
| Campbell | Jones (TN) | Moore |
| Conyers | Kaptur | Myers |
| DeWine | Kindness | Quillen |
| Donnelly | LaFalce | Rostenkowski |
| Durbin | Lent | Shaw |
| Ford (TN) | Lewis (CA) | Shelby |
| Fowler | Long | Smith (NE) |
| Franklin | Lundine | Snyder |
| Grotberg | Lungren | Watkins |
| Hartnett | Madigan | Zschau |

□ 1500

The Clerk announced the following pairs:

On this vote:

Mr. Durbin for, with Mr. Shelby against.
Mr. Donnelly for, with Mr. Badham against.
Mr. Barnes for, with Mrs. Smith of Nebraska against.
Ms. Kaptur for, with Mr. Lungren against.
Mr. Ford of Tennessee for, with Mr. Campbell against.
Mr. LaFalce for, with Mr. Shaw against.
Mr. Mitchell for, with Mr. Franklin against.

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. ASPIN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. NEAL) having assumed the chair, Mr. DASCHLE, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4428) to authorize appropriations for fiscal year 1987 for the Armed Forces for procurement, for research, development, test, and evaluation, for operation and maintenance, and for working capital funds, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, had come to no resolution thereon.

## LEGISLATIVE PROGRAM

(Mr. LOTT asked and was given permission to address the House for 1 minute.)

Mr. LOTT. Mr. Speaker, I take this time so that Members may get the latest information on what our schedule will be for the balance of the day, the week, and for next week.

Mr. FOLEY. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I am glad to yield to the gentleman from Washington.

Mr. FOLEY. I thank the distinguished Republican whip for yielding.

Mr. Speaker, this completes the program for today and for the week.

On Monday, August 11, the House will meet at noon to consider nine bills under suspension of the rules. Recorded votes on suspensions only will be postponed until Wednesday, August 13. They are:

H.R. 4174, the Indian Self-Determination Act;

H.R. 4814, the Federal Land Exchange Facilitation Act;

H.R. 4883, Admiralty Island;

H.R. 4811, San Pedro National Conservation Area; Arizona;

H.R. 4971, the Socorro County Land Conveyance;

H.R. 4645, the Cuyahoga National Recreation Area amendments;

H.R. 4467, Peace Garden;

H.R. 4037, Indiana Dunes National Lakeshore amendments; and

H.R. 5185, the Job Training Partnership Act amendments.

We will return then to H.R. 4428, the Defense Department authorizations for fiscal year 1987, and we will continue consideration, with votes taken on Monday. I repeat that for the Members' attention, that we will have votes on Monday, and Members should expect that Monday will again be a late session.

On Tuesday the House will meet at 10 a.m. and consider 11 suspensions. Again we will be postponing votes on those suspensions until Wednesday, but we will be taking votes on Tuesday on other matters. The suspensions are:

H.R. 4351, military withdrawal of public lands, Nevada;

S. 991, NOAA fisheries authorization;

H.R. 5013, the Fishing Vessel Safety and Liability Act;

H.R. 5316, the Bankruptcy Judges and United States Trustees Act of 1986;

H.R. 5073, the Asbestos Hazard Emergency Response Act of 1986;

H.J. Res. 683, the Maine Central Railroad labor dispute;

H.R. 4393, Uniformed and Overseas Citizens Absentee Voting Act;

H.R. 4260, the Small Business Innovation Research Program;

H.R. 2889, computer security;

H.R. 4354, National Bureau of Standards; and

H.R. 3102, the Technology Education Act of 1986.

We will then return again to H.R. 4428, the Defense Department authorizations for 1987, and will be considering first amendments on the strategic defense initiative, followed by consideration of the SALT II amendments, and that will be followed by chemical warfare, I believe.

On Wednesday and the balance of the week the House will meet at 10 and consider H.R. 4428 to complete consideration, and if we do complete consideration, we will proceed to H.R. 3129, the Surface Transportation and Uniform Reallocation Assistance Act of 1986.

□ 1510

This announcement, of course, is subject to the usual conditions that conference reports may be brought up at any time and a further program may be announced later.

Mr. LOTT. I would like to repeat again one thing the gentleman said. We will have the suspensions on Monday, but those votes will be deferred until Tuesday. We will go back to the DOD bill, and we will have recorded votes on amendments to the DOD, is that correct or not?

Mr. FOLEY. Not quite correct. We will have suspension votes on Monday and Tuesday. But voting on those suspensions, when ordered, will be postponed until Wednesday in both cases. In other words, suspensions ordered on Monday and Tuesday will be voted on on Wednesday.

But we will have votes on the Department of Defense Authorization Act on Monday, Tuesday, Wednesday, Thursday, and perhaps Friday. And we will be meeting late every day, with the exception of Friday next.

Mr. LOTT. Mr. Speaker, I note that the reconciliation bill is not on the schedule. The Rules Committee had hearings on that this week. We were anticipating that we would get back together. The snapshot is going to be August 15 to see what we need to do in trying to get the deficit down.

I do not understand why reconciliation is not coming up before the August recess.

Mr. FOLEY. I think there has been discussion with the leadership in the other body. Of course, the Reconciliation Act is not just a matter for this body, but for both bodies. It would have to be completed and signed by the President before it could have an effect on the August 15 snapshot.

But, as we have said in the last announcement on this subject, the leadership reserves the right to bring the reconciliation bill forward.

Mr. LOTT. Is the gentleman saying that we are not going to take it up because the other body may not take it up?

Mr. FOLEY. The gentleman said he thought it was important to take it up in order to precede the August 15 snapshot of the so-called Gramm-Rudman-Hollings bill. I think it is unlikely, frankly, that that could be accomplished through both bodies and signed by the President in time.

Mr. LOTT. We should expect the debt ceiling to be brought up in some form, I presume, later in the week; is that correct?

Mr. FOLEY. The other body, in its judgment, has decided to add to the debt ceiling legislation a number of amendments, I think they now number 28, on various subjects totally or relatively unrelated to the debt ceiling of the United States, and they are continuing consideration on additional amendments. I cannot tell the gentleman at what time the debt ceiling bill will be coming from the other body. I expect some time next week.

I am told that the Speaker publicly announced today an understanding with the distinguished leader of the other body to consider the possibility of an extension of the debt ceiling for the purpose of consideration.

Mr. LOTT. Mr. Speaker, I would like to suggest maybe we ought to put the reconciliation package on the debt ceiling and send it back to the other body. But we can discuss that later.

I do think the distinguished majority whip would like to join this Member and the other Members of this body in congratulating and extending best wishes to our very fine floor assistant, Bill Pitts, who is getting married this weekend, at long last.

Mr. FOLEY. Mr. Speaker, I know I speak for everybody on this side of the aisle in extending our warmest congratulations and best wishes to Mr. Pitts and his fiance. He is one of those exceptional assistants in both parties whose knowledge and capacity and judgment facilitate our work, and we have nothing but the warmest regards.

Mr. LOTT. But whose late hours will be substantially reduced in the future, I am sure.

Mr. FOLEY. For the new Mrs. Pitts, I hope she will understand that the scheduling of the House occasionally requires very late hours, and it is to be expected as a part of the responsibilities.

Mr. LOTT. I would certainly agree. I thank the gentleman.

## ADJOURNMENT TO MONDAY, AUGUST 11, 1986

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore (Mr. NEAL). Is there objection to the request of the gentleman from Washington?

There was no objection.

## HOUR OF MEETING ON TUESDAY, AUGUST 12, 1986

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday next, it adjourn to meet at 10 a.m. on Tuesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

## DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule shall be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

## GENERAL LEAVE

Mr. McCURDY. Mr. President, I ask unanimous consent that all Members may have 5 legislative days in which to insert their remarks on amendments considered today in the Committee of the Whole on H.R. 4428, the National Defense Authorization Act for fiscal year 1987.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

## PERMISSION FOR COMMITTEE ON INTERIOR AND INSULAR AFFAIRS TO FILE SUPPLEMENTAL REPORT ON H.R. 4430, MINIMUM ALTITUDE REQUIREMENTS FOR AIRCRAFT OVER NATIONAL PARKS

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent to file a supplemental report on behalf of the Committee on Interior and Insular Affairs on the bill, H.R. 4430.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

## PERMISSION FOR COMMITTEE ON INTERIOR AND INSULAR AFFAIRS TO FILE A REPORT ON H.R. 4883

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent that the Committee on Interior and Insular Affairs may have until 5 p.m. today to file a report on the bill, H.R. 4883.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

## NATIONAL CIVIL RIGHTS DAY

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 686) to designate August 12, 1986, as "National Civil Rights Day," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. HANSEN. Mr. Speaker, reserving the right to object, I do not object, but simply would like to inform the House that the minority has no objection to the legislation now being considered.

Mr. Speaker, under my reservation, I yield to the gentleman from Indiana [Mr. VISCLOSKY], who is the chief sponsor of House Joint Resolution 686.

Mr. VISCLOSKY. Mr. Speaker, I am aware that here, as in any viable political Chamber, differences of opinions exist and deep divisions over policy questions occur.

I am therefore proud to have witnessed the immediate and broad support House Joint Resolution 686, a resolution to designate August 12, 1986 "National Civil Rights Day" received in this House.

Within 8 days of the introduction of this measure along with Messrs. DYMALLY, GARCIA, LELAND, MARTINEZ, and SAVAGE, this measure has received the clear support of the majority of our colleagues.

It is our hope that this day will be set aside to acknowledge the gains which have been made in the area of civil rights over the past two decades, and will constitute a rededication of ourselves to the values upon which this country was founded, and which still bear special significance to each American citizen. It is fitting, proper, and most appreciated that Members of this House, regardless of where each of us may be on the broad political spectrum, have elected to support this measure—this value—so fundamental to each of us not only as Representatives, but also as citizens of the state.

Mr. Speaker, I also would like to extend my thanks and congratulations to Mayor Richard G. Hatcher in the city of Gary in my district for originating the idea of having National Civil Rights Day on August 12.

Mr. HANSEN. Further reserving the right to object, Mr. Speaker, I yield to the gentleman from California [Mr. DYMALLY].

Mr. DYMALLY. Mr. Speaker, may I just add my word of congratulations to the gentleman from Indiana [Mr. VISCLOSKY] for doing an outstanding job. He had a very limited time in which to collect the necessary signatures, over 218, and I think that is a testimony to the high regard in which he is held in this House. The people of Gary and his district ought to be very proud of his accomplishment in the House, and I join with Mayor Hatcher in congratulating the gentleman for this outstanding accomplishment.

Mr. HANSEN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 686

Whereas the people of the United States are the heirs and beneficiaries of the courageous men and women who have struggled to achieve legal and social equality in the United States for men and women of every race, religion, and country;

Whereas such men and women include Martin Luther King Jr., Susan B. Anthony, Malcolm X, and Mary McLeod Bethune;

Whereas the people of the United States should not forget that constant vigilance is necessary to ensure that civil rights are protected;

Whereas the people of the United States should not forget that much yet remains to be accomplished with respect to securing civil rights for all the people of the United States;

Whereas, in August 1963, Martin Luther King Jr. led a march in Washington, D.C., to demonstrate the need for legislation to

protect the civil rights of the people of the United States;

Whereas August 12, 1986, is an appropriate date on which to commemorate the progress made in securing civil rights and the need for continued progress;

Whereas, at noon on such date, it would be appropriate for the people of the United States to pause for a moment of silence to pay tribute to the men and women who have struggled to secure civil rights for all the people of the United States;

Whereas, during the moment of silence, it would be appropriate for all church bells to ring 11 times as a reminder that the hour is late with respect to continuing progress in securing civil rights for all the people of the United States;

Whereas, in the evening of such date, a concert will be held in Gary, Indiana, to raise $1,000,000 for the construction of a National Civil Rights Museum and Hall of Fame; and

Whereas the concert will be broadcast live to the Nation: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That August 12, 1986, is designated "National Civil Rights Day", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

The SPEAKER pro tempore. The question is on the engrossment of the joint resolution.

The joint resolution was ordered to be engrossed.

AMENDMENT TO THE PREAMBLE OFFERED BY MR. DYMALLY

Mr. DYMALLY. Mr. Speaker, I offer an amendment to the preamble.

The Clerk read as follows:

Amendment to the preamble offered by Mr. DYMALLY: In the 2d paragraph of the preamble, strike Malcolm X,".

At the end of the 8th paragraph of the preamble, insert "and".

Strike the 9th and 10th paragraphs of the preamble and insert the following:

Whereas the National Civil Rights Museum and Hall of Fame will be constructed in Gary, Indiana, to pay continued tribute to the fallen national heroes of civil rights and the cause which they embraced: Now, therefore, be it

The SPEAKER pro tempore. The question is on the amendment to the preamble offered by the gentleman from California [Mr. DYMALLY].

The amendment to the preamble was agreed to.

The joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## WALT DISNEY RECOGNITION DAY

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the joint resolution (H.J. Res. 377) to designate December 5, 1985, as "Walt Disney Recognition Day," with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the joint resolution.

The Clerk read the Senate amendments, as follows:

Page 2, line 3, strike out "1985" and insert: 1986.

Amend the preamble as follows: Strike out the first 4 lines on page 1 and insert:

Whereas in 1986 there occurs the 31st anniversary of the founding of Disneyland and the 15th anniversary of the founding of Disney World;

Whereas December 5, 1986, is the 85th anniversary of the birth of the founder of Disneyland and Disney World, Walter Elias Disney;

Amend the title so as to read: "Joint resolution to designate December 5, 1986, as 'Walt Disney Recognition Day'.".

□ 1520

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. HANSEN. Mr. Speaker, reserving the right to object, I shall not object, but would simply like to inform the House that the minority has no objection to the legislation now being considered.

Mr. Speaker, under my reservation, I yield to the distinguished gentleman from California [Mr. DORNAN], who is the chief sponsor of House Joint Resolution 377, to authorize and request the President of the United States to issue a proclamation designating December 5, 1986, as "Walt Disney Recognition Day."

Mr. DORNAN of California. Mr. Speaker, I thank the distinguished ranking Republican and beg the Speaker's indulgence to take the well on this, because this is a big deal.

My colleagues, I do not think there has been an American folk hero that has touched so many lives in such a positive way as Walter Elias Disney. Born in the middle of our country, moving across Kansas, Missouri, taking one of these God-given talents—which most of us do not have—where you can put a pencil or a piece of chalk or clay to a piece of paper and create lifelike-looking figures.

He came to the then-growing State of California and in a little back garage, which has been preserved as a museum, penciled out Steamboat Willie and gave the world Mickey Mouse.

In his short life—and 65 years is really short today—the span of his life, from 1901 to 1966 saw a lot of history; and he left behind such a legacy that even after he was gone, Americans rush to our beautiful vacation sunshine State of Florida to see the wonder of Epcot and the most beautiful park of lakes and exhibits and recreated European and Asian and South American little villas and buildings, it is a joy to see coming up the 17th anniversary of Disney World, rivaling Disneyland, which is now into its 32d year as of July 17, which is in my district.

I went to my Disneyland just a few weeks ago with my fourth grandchild—I have another one due in a few days here; and he is pretty young, barely three, and I thought it might be over his head, and they had something called the Magical Electrical Parade.

Now, I wonder when I am going to get jaded going to Disney World or Disneyland. I went to that parade and I was 7 years of age again. I could not believe this electrical parade at Disneyland, and I know they have the same thing at Disney World.

If there ever was an American worthy of a day of recognition, it is Mr. Disney. His beloved cartoon characters—and you cannot say Mickey Mouse without saying Minnie and Donald and the whole rest of that gang. The books, the films, the records, the wildlife series, the fabulous documentaries that are tools, educational tools in our schools forever.

The internationally known theme parks that I mentioned. It has made that name Disney literally almost immortal, whatever mortal world we have; and it is synonymous with joy, good will, integrity, and no down side.

My first environmental lecture kind of took on all mankind. Who could criticize all of us without making one politician, or one person angry?

When that word went out that Man was in the forest and Bambi's father stood tall and then Man started a forest fire, and you saw all those little animals running, you knew that we owed something to our grandchildren to preserve our beautiful natural parks and everything that God has given us in the physical wonders of this country.

All these drug lectures we are trying to give our kids, all the work that Mr. RANGEL is doing and all of our committees on drugs—what better lecture to kids than to have Lampwick, the ultimate smart aleck—then it was cigars and booze—saying to Pinocchio: "Hey, Pinoch, come on to Pleasure Island and I'll show you a good life," and all it led them into was the slavery and bondage as little donkeys pulling around mine carts somewhere.

How did little Pinocchio redeem himself? At the depths of the sea with Monstro, looking for his adopted father. And who was that little guiding light, his conscience, "Jimminy Crickett"? And that beautiful fairy that gave him life, the life that comes when you amount to something as a human being and fulfill God's desire for you.

One story after another, whether it is taking that Italian classic, "Pinocchio," or a British classic like "Peter Pan," he took the past works, added to his own creations, and has given us a timeless legacy where, centuries from now when everybody is forgotten in

this House—and I know the President would not mind my saying even Ronald Reagan retreating to a few paragraphs—they will be adding more stereophonic sound quality, more Dolby sound quality and more color enhancement and probably three-dimensions to all of these works of Walt Disney.

In order that we are a nation might pay tribute to the memory of a truly great American, I have introduced this resolution and changed the date from last year to this so that it could land on his 85th birthday; and I only wish he were with us.

Walt Disney Recognition Day. What a joy. His good works have been recognized worldwide; one of those theme parks is a smashing success outside Tokyo, and I thank all of you who helped me in record time get 240-some signatures.

I now submit for the RECORD a biography of Walt. It just cannot be told in five pages, and express my own love and respect for this great American and the joy that he gives every young child, all those grandchildren who will be born this year and all of our children and children to all of us in this Chamber and the other body, what a joy that we will pause for one moment on Walt's 85th birthday and say, "Thank you, Mr. Disney."

WALT DISNEY BIOGRAPHY

During a 43-year Hollywood career, which spanned the development of the motion picture medium as a modern American art, Walter Elias Disney, a modern Aesop, established himself and his product as a genuine part of Americana. David Low, the late British political cartoonist, called Disney "the most significant figure in graphic arts since Leonardo." A pioneer and innovator, and the possessor of one of the most fertile imaginations the world has ever known, Walt Disney, along with members of his staff, received more than 950 honors and citations from every nation in the world, including 48 Academy Awards and seven Emmys. Walt Disney's personal awards included honorary degrees from Harvard, Yale, the University of Southern California, and UCLA; the Presidential Medal of Freedom; France's Legion of Honor and Officer d'Academie decorations; Thailand's Order of the Crown; Brazil's Order of the Southern Cross; Mexico's Order of the Aztec Eagle; and the Showman of the World Award from the National Association of Theatre Owners.

The creator of Mickey Mouse and founder of Disneyland and Walt Disney World was born in Chicago, Ill., on December 5, 1901. His father, Elias Disney, was an Irish-Canadian. His mother, Flora Call Disney, was of German-American descent. Walt was one of five children, four boys and a girl.

Raised on a farm near Marceline, MO., Walt early became interested in drawing, selling his first sketches to neighbors when he was only 7 years old. At McKinley High School in Chicago, Disney divided his attention between drawing and photography, contributing both to the school paper. At night he attended the Academy of Fine Arts.

During the fall of 1918, Disney attempted to enlist for military service. Rejected because he was only 16 years of age, Walt joined the Red Cross and was sent overseas, where he spent a year driving an ambulance and chauffeuring Red Cross officials. His ambulance was covered from stem to stern, not with stock camouflage, but with Disney cartoons.

After the war, Walt returned to Kansas City, where he began his career as an advertising cartoonist. Here, in 1920, he created and marketed his first original animated cartoons, and later perfected a new method for combining live action and animation.

In August 1923, Walt Disney left Kansas City for Hollywood with nothing but a few drawing materials, $40 in his pocket and a completed animated fairy tale subject. Walt's brother, Roy O. Disney, was already in California, with an immense amount of sympathy and encouragement, and $250. Pooling their resources, they borrowed an additional $500, and set up shop in their uncle's garage. Soon, they received an order from New York for the first "Alice in Cartoonland" featurette, and the brothers expanded their production operation to the rear of a Hollywood real estate office.

On July 13, 1925, Walt married one of his first employees, Lillian Bounds, in Lewiston, Idaho. They were blessed with two daughters, Diane, married to Ron Miller, former USC football star, and now president and chief executive officer of Walt Disney Productions; and Sharon Disney Lund. The Millers have seven children: Christopher, Joanna Sharon, Tamara, Jennifer, Walter Elias Disney, Ronald Williams, Jr., and Patrick. Mrs. Lund has three children: Victoria Diane and twins, Bradford Disney and Michelle Ann.

Mickey Mouse was created in 1928, and his talents were first used in a silent cartoon entitled "Plane Crazy." However, before the cartoon could be released, sound burst upon the motion picture screen. Thus, Mickey made his screen debut in "Steamboat Willie," the world's first synchronized sound cartoon, which premiered at the Colony Theatre in New York on November 18, 1928.

Walt's drive to perfect the art of animation was endless. Technicolor was introduced to animation during the production of his "Silly Symphonies." In 1932, the production entitled "Flowers and Trees" won Walt the first of his studio's 51 Academy Awards. In 1937, he released "The Old Mill," the first short subject to utilize the multiplane camera technique.

On December 21 of that same year, "Snow White and the Seven Dwarfs," the first full-length animated musical feature, premiered at the Cathay Circle Theatre in Los Angeles. Produced at the unheard cost of $1,499,000 during the depths of the Depression, the film is still accounted as one of the great feats and imperishable monuments of the motion picture industry. During the next 5 years, Walt completed such other full-length animated classics as "Pinocchio," "Fantasia," "Dumbo," and "Bambi.".

In 1940, construction was completed on the Burbank Studio, and Disney's staff swelled to more than 1,000 artists, animators, storymen and technicians. During World War II, 94 percent of the Disney facilities were engaged in special Government work, including the production of training and propaganda films for the armed services, as well as health films which are still shown throughout the world by the U.S. State Department. The remainder of his efforts was devoted to the production of comedy short subjects, deemed highly essential to civilian and military morale.

Disney's 1945 feature, the musical "The Three Caballeros," combined live action with the cartoon medium, a process he used successfully in such other features as "Song of the South" and the highly acclaimed "Mary Poppins." In all, more than 100 features have been produced by his studio.

Walt's inquisitive mind and keen sense for education through entertainment resulted in the award-winning "True-Life Adventure" series. Through such films as "The Living Desert," "The Vanishing Prairie," "The African Lion," and "White Wilderness" Disney brought fascinating insights into the world of wild animals and taught the importance of conserving our nation's outdoor heritage.

Disneyland, launched in 1955 as a fabulous $17 million magic kingdom, soon increased its investment tenfold and entertained, by the beginning of its second quarter-century, more than 200 million people, including presidents, kings and queens, and royalty from all over the globe.

A pioneer in the field of television programming, Disney began television production in 1954, and was among the first to present full-color programming with his "Wonderful World of Color" in 1961. "The Mickey Mouse Club" was a popular favorite in the 1950's.

But that was only the beginning. In 1965, Walt Disney turned his attention toward the problem of improving the quality of urban life in America. He personally directed the design on an Experimental Prototype Community of Tomorrow, planned as a living showcase for the creativity of American industry.

Said Disney, "I don't believe there is a challenge anywhere in the world that is more important to people everywhere than finding the solutions to the problems of our cities. But where do we begin? Well, we're convinced we must start with the public need. And the need is not just for curing the old ills of old cities. We think the need is for starting from scratch on virgin land and building a community that will become a prototype for the future."

Thus, Disney directed the purchase of 43 square miles of virgin land—twice the size of Manhattan Island—in the center of the State of Florida. Here, he master-planned a whole new Disney World of entertainment to include a new amusement theme park, motel-hotel resort vacation center and his Experimental Prototype Community of Tomorrow. After more than 7 years of master planning and preparation, including 52 months of actual construction, Walt Disney World opened to the public as scheduled on October 1, 1971. Epcot Center opened on October 1, 1982.

Prior to his death on December 15, 1966, Walt Disney took a deep interest in the establishment of California Institute of the Arts, a college level, professional school of all the creative and performing arts. Of Cal Arts, Walt once said, "It's the principal thing I hope to leave when I move on to greener pastures. If I can help provide a place to develop the talent of the future, I think I will have accomplished something."

California Institute of the Arts was founded in 1961 with the amalgamation of two schools, the Los Angeles Conservatory of Music and Chouinard Art Institute. The campus is located in the city of Valencia, 32 miles northeast of downtown Los Angeles. Walt Disney conceived the new school as a place where all the performing and creative arts would be taught under one roof in a

"community of the arts" as a completely new approach to professional arts training.

Walt Disney is a legend, a folk hero of the 20th century. His worldwide popularity was based upon the ideals which his name represents: imagination optimism, and self-made success in the American tradition. Walt Disney did more to touch the hearts, minds, and emotions of millions of Americans than any other man in the past century. Through his work he brought joy, happiness, and a universal means of communication to the people of every nation. Certainly, our world shall know but one Walt Disney.

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. HANSEN. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, I would just like to take a moment to congratulate the gentleman. That is the most articulate, the most well-presented, Mickey Mouse speech I have heard on this floor today.

Mr. DORNAN of California. I thank the gentleman, and may I never give another Mickey Mouse speech.

Mr. HANSEN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

A motion to reconsider was laid on the table.

## NATIONAL NEIGHBORHOOD CRIME WATCH DAY

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 256) designating August 12, 1986, as "National Neighborhood Crime Watch Day," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. HANSEN. Mr. Speaker, reserving the right to object, I do not object but would simply like to inform the House that the minority has no objection to the legislation now being considered.

Mr. Speaker, under my reservation, I yield to the gentleman from Pennsylvania [Mr. COUGHLIN], who is the chief sponsor of House Joint Resolution 512, to authorize and request the President to issue a proclamation designating August 12, 1986, as "National Neighborhood Crime Watch Day."

Mr. COUGHLIN. Mr. Speaker, I want to thank my colleague from Utah [Mr. HANSEN] for yielding and thank him and my colleague from California [Mr. DYMALLY] for bringing this before the Congress. Certainly this is a self-help effort in our neighborhoods, and it is worthy of recognition, and I thank you for so doing.

Mr. HANSEN. Mr. Speaker, I appreciate the gentleman's fine remarks, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate joint resolution as follows:

S.J. RES. 256

Whereas neighborhood crime is of continuing concern to the American people.

Whereas the fight against neighborhood crime requires people to work together in cooperation with law enforcement officials;

Whereas neighborhood crime watch organizations are effective at promoting awareness about, and the participation of volunteers in, crime prevention activities at the local level; and

Whereas citizens across America will soon take part in a "National Night Out", a unique crime prevention event which will demonstrate the importance and effectiveness of community participation in crime prevention efforts by having people spend the period from 8 to 9 o'clock postmeridian on August 13, 1986, with their neighbors in front of their homes: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That August 12, 1986, is designated as "National Neighborhood Crime Watch Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate programs, ceremonies, and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the various resolutions just passed and the Senate amendments just adopted.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

□ 1530

## THE TEXTILE AND APPAREL IMPORT LICENSING ACT

(Mr. McMILLAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McMILLAN. Mr. Speaker, although I am disappointed we were not able to pass the Textile and Apparel Enforcement Act, I feel we must move forward. We must find a successful way to control the ever-increasing number of textile products entering the United States by enforcing our trade agreements.

I am introducing the Textile and Apparel Import Licensing Act today.

One thing most have consistently agreed upon in this week's debate over textiles was the need for tougher agreements and stronger enforcement. The administration has negotiated somewhat tougher agreements. Now we must ensure that we don't lose the benefits of these positive steps through lack of strong enforcement. Failure to enforce is what gave rise to the bill in the first place.

The Textile and Apparel Import Licensing Act is designed to strongly enforce the quota restrictions set forth in the recently renegotiated multifiber arrangement as well as our textile bilateral agreements.

Specifically, the law would shift the enforcement of our textile quotas from overseas—where they are abused and traded as a commodity—to enforcing them here in the United States where we will have greater control.

This bill is designed to place the burden of proof within the jurisdiction of the United States and fix responsibility on licensed importers, where we can take appropriate, corrective action when violations of our textile agreemetns are discovered.

I urge you to take a serious look at this bill.

## REORGANIZATION OF MILITARY COMMAND STRUCTURE

(Mr. DYSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DYSON. Mr. Speaker, when our Defense Department authorization debate is finished, I think one of the things that will be most significant will be the reorganization of the military command structure. One individual, a member of our Committee on Armed Services, I believe is most responsible for that, our colleague from Alabama, Representative BILL NICHOLS.

Mr. Speaker, the House on Tuesday, August 5, by an overwhelming vote of 406 to 4 passed the Bill Nichols Department of Defense Reorganization Act as an amendment to the Department of Defense authorization bill.

Naming that legislation after BILL NICHOLS is a tribute to his perseverance and determination. Ever since he became chairman of the Investigations Subcommittee in 1983 he has worked diligently at reorganizing the Joint Chiefs of Staff and the Department of Defense.

Last year he succeeded in passing the Joint Chiefs of Staff legislation. This year he has topped that achievement with the comprehensive legislation which strengthens the role of the combatant commanders, provides for

more joint action in the military services, and reduces the combined military and civilian staffs of the military department.

Due to his efforts the Armed Forces will be much better prepared to deal with any situation they will face in the future. Also contributing very much to the enactment of this legislation, credit goes to our chairman, Mr. ASPIN, also Mr. SKELTON of Missouri, certainly Mr. HOPKINS of Kentucky and Mr. KASICH of Ohio.

I think all of America could be very proud of this and very proud of their efforts. I submit for the RECORD an editorial which appeared in today's Baltimore Sun on this very subject:

HAWK REFORM OF THE PENTAGON

The most sweeping reorganization of the military command structure in a generation is still on a fast track for passage. This week the House gave its approval to a bill that, if anything, is a bit more radical than the highly innovative measure that won unanimous Senate approval in May. While the differences will generate arguments in conference committee, they will not hinder enactment of a final measure designed to enhance the "jointness" of the separate armed services.

What gives this reform its special impetus is that it comes not from the executive branch or from liberal critics of the Pentagon but from leading pro-defense members of Congress. In the Senate, military reorganization has become a sort of last hurrah for Barry Goldwater, chairman of the Armed Services Committee. Over in the House, Reps. Bill Nichols (D-Ala.) and Larry J. Hopkins (R.-Ky.) may not be as well known nationally, but their support carries clout in military circles.

It took just such a legislative powerhouse to override the opposition of Defense Secretary Caspar Weinberger, Navy Secretary John Lehman and a number of top brass. Lack of inter-service coordination during combat operations in Iran, Lebanon and Grenada; "horror stories" about waste, fraud and bad judgment in the procurement of weaponry; insider misgivings about the war-fighting capacity of the armed services—all these contributed to the drive for reform.

Basically, the changes pending will funnel more power to the chairman of the joint chiefs of staff and to the seven commanders in chiefs [CINCs] who are in charge of geographic theaters of military operations. Both at the Washington level and at the theater command level, the separate services will become more subordinate to officers with cross-service responsibilities. Concurrently, procedures will be invoked to protect the career pathing of officers assigned to joint duties.

If the House bill is a bit too ambitious, it is because it tends to over-correct perceived shortcomings that the separate services view as assets in terms of morale, expertise and, yes, healthy competition. Thus, it would seek to end discrimination of officers assigned to joint duties by making them into a kind of elite corps. It would integrate the staffs of the service secretaries and the service commanders-in-chief in ways that might deny the secretary of Defense clearly delineated military and civilian viewpoints. And it would give CINCs so much control over component services that seven "little Pentagons" could emerge.

The more cautious Senate bill smooths some of the sharper edges of the House bill and is a good vehicle for compromise. Congress must not miss this chance for much-needed military reform, for another opportunity will be a long time coming.

## THE COALITION FOR SOUND MONEY

(Mr. DANNEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DANNEMEYER. Mr. Speaker, I have believed for a long time that the root of many of our national problems—Federal budget deficits, high interest rates, chronic inflation, unacceptable levels of unemployment, foreign trade imbalance, farm credit crisis, industrial stragnation—lies at the foot of dishonest money. A money system which allows the uncontrolled printing of paper currency is guilty of perpetrating fraud by constantly devaluing the money in order to pay for unrestrained Federal spending.

For the past few years, I have attempted to formulate a legislative position which addresses the fundamental issue of monetary reform. Accordingly, I have come to believe that only a return to a gold standard can provide an adequate framework in which we can retrieve fiscal and monetary sanity. Gold, of course, has been out of fashion for years: it is something we wear, not something we buy automobiles with.

In pursuing this course, I have found that it is an exceedingly difficult issue to comprehend, let alone explain. Most Members of Congress are not necessarily opposed to a gold standard, they just don't understand how it works. Any initiative to reinstate gold, then, requires a preliminary process of disseminating the requisite information. It is in this context that I have come to know and work with the Coalition for Sound Money.

I have had the privilege to be associated with this organization since its inception last year and can personally attest to the dedication, veracity, and proficiency which the individuals that comprise the Coalition for Sound Money bring to this issue. I am pleased to introduce the Coalition and present its statement of purpose.

THE COALITION FOR SOUND MONEY

Founded in 1985, the Coalition for Sound Money is the only nationwide organization whose purpose is to achieve sound money through freedom.

Many organizations have been formed to balance the federal budget, reduce regulations on business, lower taxes, cut federal spending, and accomplish other worthwhile goals, but only one nationwide organization exists for the purpose of genuine monetary reform. This is an extraordinary situation because of the fundamental importance of sound money.

Money plays a very important role in our economy. It is the link between taxes, spending, prices, unemployment, debt, and income. If this link is weak, as our dollar is, the effects of this weakness are felt throughout our economy.

Without sound money, it will prove impossible to balance the budget, to cut spending, or to accomplish any other important economic reform. High taxes, enormous budget deficits, an increasing national debt, rising unemployment, rising interest rates, rising prices, and an increasing number of business and bank failures are all the inevitable results of an unsound banking and money system. Unless our money and banking problems are solved, all our other efforts at economic reform are futile.

THE GATHERING STORM

The Coalition believes that a massive educational program is needed in order to prepare the American people for the next series of economic storms that are gathering strength right now. Without a good grasp of economic and moral principles and an understanding of the basic causes of our economic problems, the American people will be easily manipulated by unknowing politicians who want to impose their plans for a new global economic order on all Americans.

Governments have always taken advantage of crises to strengthen their power, but it is precisely the growth of government power that has caused most of our economic problems. Since the federal government began interfering in money and banking in the early twentieth century, we have had the most severe recessions, depressions, inflations, and unemployment in our history. The Coalition for Sound Money believes that there is an unbreakable link between money and freedom: Without freedom, there can be no sound money, and without sound money, there can be only partial freedom.

EDUCATION IS OUR STRATEGY

Knowing this, the Coalition for Sound Money has launched an ambitious educational program designed to inform the American people and their leaders about the importance of sound money.

The Coalition has organized two conferences in Washington, D.C. on the subject of money and freedom, conferences at which leading economists and Members of Congress have spoken. The Coalition sponsored and is now distributing an important new book on money by the Chairman of the Economics Department at Grove City College, *Money and Freedom* by Professor Hans Sennholz. More books, booklets, pamphlets, audio and video tapes, seminars, speaking tours, and a regular newspaper column on monetary issues are in the planning stage.

WHO IS THE COALITION FOR SOUND MONEY?

The Coalition consist of both individuals and orgnizations that are concerned about America's economic future. They have come to realize that government intervention in money and banking is the major cause of the present instability of our banking and monetary systems. They have agreed to support our efforts to increase freedom and individual responsibility in economics. They are part of a constantly growing group of Americans that understands the need for educating the American people about money and freedom. At the present time, about two dozen organizations and many individuals are cooperating in the Coalition. Several Members of Congress are serving on our Congressional Advisory Board.

## BRADLEY FIGHTING VEHICLE

(Mr. MACK asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MACK. Mr. Speaker, one of the mistakes being made by many of our colleagues critical of the Bradley fighting vehicle is that they think it was designed to be another tank. In a recent article, Gen. Donald R. Keith, former Army Deputy Chief of Staff for Research, Development, and Acquisition, points out that this was never the case. The requirement from the beginning was for a true fighting vehicle because the Army found that the combination of mechanized infantry in vehicles designed to maneuver and fight with tanks had a synergism on the battlefield that greatly enhanced the effectiveness of the force.

General Keith then outlined the tough tradeoff analyses which drive the designs of combat vehicles for the modern battlefield.

He also responds to allegations of "unrealistic testing." "The only testing that the Army was reluctant to overdo was to demonstrate what we already knew." That seems to be plain common sense to me.

Finally, General Keith writes that, "* * * the Bradley is not a perfect weapon system, but it is the best fighting vehicle in the free world."

Mr. Speaker, I am including General Keith's article as a part of the RECORD.

[From the Chicago Tribune, Jan. 16, 1986]

A GENERAL DEFENDS THE BRADLEY

(By Gen. Donald R. Keith)

Over the last few years, I have become a calloused reader of the well-orchestrated assault by some elements of the media on many of the weapons systems that are a part of the badly needed, long overdue modernization of our defense forces. Most of the articles are flawed at best by selective use of facts wrapped in editorial opinion, or at worst by downright misinformation.

I am not just a casual observer of the most recent program under attack. I was involved with the Bradley Fighting Vehicle from the early 1970s until I retired in June, 1984.

The infantry fighting vehicle never was intended to be an armored personnel carrier like the M113. The requirement from the beginning was for a true fighting vehicle, because in a cooperative effort with our German allies we found that the combination of mechanized infantry in vehicles designed to maneuver and fight with tanks had a synergism on the battlefield that greatly enhanced the effectiveness of the force.

When the situation called for the infantry squad to dismount and occupy a piece of terrain, that option was also available. From the very beginning, the armament for our fighting vehicle was a 26mm. gun. During the development of the Bradley, a number of studies conducted by both the Army and the office of the secretary of defense suggested that if we did not thicken our antitank guided missile defense in Europe, we risked losing to Warsaw Pact blitzkreig tactics early in any conflict.

The Army and the secretary of defense agreed that the least costly solution—both in people and dollars—was to add a TOW missile launcher to each Bradley so that every infantry squad could participate in the defensive phase of any battle by engaging enemy tanks at over 3,000 meters.

The bottom line is that the Bradley was designed to fill an urgent need, and its fielding along with the M-1 has revolutionized our ability to cope with an adversary who has fielded very similar vehicles in far greater numbers.

Now, bear with me while I run through a brief tutorial on how combat vehicles are designed and the tradeoffs that are inherent in the process. There is no such thing as a totally invulnerable armored vehicle. You can always come up with some sort of gun or missile warhead that will defeat any armor known to man—even though it might be difficult and the weapon unwieldy.

Tough tradeoff analyses drive the designs of the combat vehicles for the modern battlefield. The designer begins with the main threat the vehicle must survive while performing a specific set of missions—remembering that survivability involves much more than having armor that is impenetrable to threat munitions.

Things like agility, being able to fire accurately on the move and having ammunition and fuel compartmented can be as important as toughness of armor.

In the case of the Bradley (and with every infantry fighting vehicle in the free world and the Warsaw Pact), the judgment has been to armor them to a level that protects the occupants from artillery, mortar and bomb fragments, small arms and the medium-caliber cannons found on other infantry fighting vehicles.

These threats change over time, of course, so product improvements will be called for. In fact, the Army has had R&D requests before the Congress for the last several years to deal with the needed upgrades. These requests did not ask for money to turn the Bradley into a main battle tank as some might suggest.

In fact, all the smoke about "unrealistic testing" involves what happens when a tank main gun round or an antitank guided missile hits it. The Army has made no bones about the fact that, if hit by those weapons, it will be penetrated. The only testing that the Army was reluctant to overdo was to demonstrate what we already knew.

Rather, the tests were designed to verify that the Army was getting what it was paying for from the contractor, to check new armors what would help keep pace with threat evolution and to enhance survivability, given a penetration, by new compartmentation techniques.

The results of these tests were quite favorable. The flammability assertions by critics were proved to be grossly overstated. The aluminum armor does not burn, as has been repeatedly stated.

No, the Bradley is not a perfect weapon system, but it is the best fighting vehicle in the free world. It has met every performance and reliability specification that it was designed for and has become the well-respected backbone of the mechanized infantry and armored calvary units that have received it.

## TRIBUTE TO HON. JOHN GROTBERG

(Mr. ARMEY asked and was given permission to address the House for 1 minute.)

Mr. ARMEY. Mr. Speaker, I would like to take a minute today to remember our good friend to all of us in this body, JOHN GROTBERG. JOHN GROTBERG, a very able Congressman from Illinois, 14th District, who is, as we know, home with an extended illness. JOHN probably cannot hear us today, but JOHN, I think, has a special place with all of us.

JOHN had the office adjoining mine in the Cannon Office Building. I can remember so many times when I would walk by his office and pick him up to come over here for a vote and with his cutting wit JOHN would have observations on any legislation that was under consideration which led me to consider him my favorite curmudgeon in the House.

Yet JOHN has that quiet sincere ability that makes him a good Congressman, a good statesman for our Nation, a man to be respected and a man to be missed. I know his staff misses him as I see them reflect the other side of JOHN GROTBERG as they work with quiet dignity in his office keeping the fires burning until that day, hopefully, we will see JOHN back here with us.

## A LETTER TO PRESIDENT ASSAD

(Mr. DORNAN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN of California. Mr. Speaker, first of all I want to thank the prior speaker, the gentleman from Texas [Mr. ARMEY], and join him in his remarks and say to JOHN, "Get well fast, we may have an extended month of September. We may even be back in November or December. JOHN, get back here."

Mr. Speaker, I have a second letter circulating among our colleagues, to the President of Syria asking him to intensify and redouble his efforts to get our three hostages, hopefully four if Mr. Buckley is alive, out of wherever they are held in a dungeon in the Beirut, Lebanon, area. The letter expresses gratitude for the good work he did in getting Father Jenco out together with some other people.

I started the second letter just today, though, and picked up the only 11 Republicans who had not been on the first letter to the President of Syria. I now have all 182 Republicans as signatories on the letter, and Mr. JIM WRIGHT, our majority leader, and over 100 Democrats on the other side.

I would like to get as close as we can to 400 or over 400 by the time we adjourn next week and then send this letter to Mr. Assad by diplomatic

pouch asking him to continue what has now become an almost careful house-to-house search. He does not want to get them hurt. I would ask all Members on the other side of the aisle to join your leadership and help intensify our pressure on Mr. Assad to do what is right to help these innocent people. I thank the Speaker.

□ 1540

## GRAMM-RUDMAN VERSUS ECONOMIC REALITY

The SPEAKER pro tempore (Mr. NEAL). Under a previous order of the House, the gentleman from Massachusetts [Mr. FRANK] is recognized for 5 minutes.

Mr. FRANK. Mr. Speaker, last week two economists who often disagree wrote articles in the Washington Post opposite the editorial page agreeing on a very important point. Given the slowdown in the economy that has occurred since December 1985, and particularly given the undeniable fact that the economy has failed to grow at the rate that was expected in 1985, in December, given the fact that the economy in particular has fallen far below the level assumed in the Gramm-Rudman-Hollings Act, it no longer makes any economic sense whatsoever to try to bring the deficit down for fiscal year 1987 to the figure specified in Gramm-Rudman-Hollings.

One of the problems with Gramm-Rudman-Hollings that led many of us to vote against it was precisely that.

It sought in December 1985 to make a binding legal economic projection for nearly the next 2 years in very specific terms. Gramm-Rudman-Hollings said, given that the economy will grow at $x$ rate, we mandate that the deficit for fiscal year 1987 be $144 billion.

People can debate whether that was rational given the degree of economic growth that was expected. There is not much room for argument about the following facts.

Economic growth, it is now clear, will be for the period between December 1985 and the end of the next fiscal year far less than was anticipated. As a result, the Government will take in much less in tax revenue. Therefore, to reach that $144 billion target will require a degree of either budget cuts or tax increases far beyond what people contemplated in December 1985. Specifically, the budget resolution adopted by the Congress earlier this year, which made a good-faith effort to meet the $144 billion deficit figure, is no longer even close, not because Congress suddenly decided to spend more or because there were grave errors in that budget resolution, although it was as all budget resolutions far from perfect, the economy has not grown. The trade deficit continues to be a serious source of drag, and we are not performing economically at the rate that was assumed by Gramm-Rudman.

So Herbert Stein, who was Chairman of the Council of Economic Advisers in Republican administrations, who is now a senior fellow at the American Enterprise Institute, who is not someone heretofore identified with the big spending school of American politics, he has written an article in last Thursday's Washington Post. The headline is, "The Wrong Time to Cut Government Spending."

He said:

Grown men with responsible positions stand up before television cameras and make this statement—

Grown women, too—

Since the economy is rising less than expected earlier in the year, and inflation is also lower, Federal revenues will be less than expected and it is therefore necessary to cut Federal expenditures below the level planned previously.

Mr. Stein said: "I do not understand it. Why are we punishing ourselves in this way?"

He goes on to say: "What leads to the present foolish talk about the budget is Gramm-Rudman."

That is not surprising, Mr. Speaker. Foolishness often begets foolishness.

What we have, however, is a danger. We have people in this body and in the other body determined to ignore economic reality. We have people who voted for Gramm-Rudman with a $144 billion target based on a certain level of economic growth. They are undeterred in their commitment to that goal by the fact that the assumptions on which it was formed no longer hold. And what they are now saying is, of course, we have an economic slowdown. We should make either a significant tax increase or substantial reductions in Federal expenditures.

As Mr. Stein says, and he says he is not a Keynesian, but he says, "My pre-Keynesian and anti-Keynesian professors knew better than that. Even Herbert Hoover knew better than that."

Hobart Rowen, economics reporter for the Washington Post, makes similar arguments. The facts are very clear. Whether or not Gramm-Rudman made sense at the time, it no longer makes sense factually in that the $144 billion was based on a set of outdated economic assumptions.

Paul Volcker, Mr. Speaker, at the most recent congressional appearance he made before the House Banking Committee concurred. He said that given the fact that the economy has fallen off, it is unlikely that you can reach the $144 billion, and it would be a mistake to make drastic further cuts to try to reach that, given that the economy has slowed.

I hope that when the House considers deficit reduction, and I am aware of the rule which prevents us from mentioning other branches of this Congress, but when a debt reduction bill appears before us, laden as it apparently will be with all kinds of extraneous matters, I hope we will recognize what Herbert Stein and Paul Volcker had said and that we will not ignore the fact that economic slowdown has undermined the assumptions of Gramm-Rudman.

The articles follow:

THE WRONG TIME TO CUT GOVERNMENT SPENDING

(By Herbert Stein)

Grown men with responsible positions stand up before television cameras and make this statement: Since the economy is rising less than expected earlier in the year, and inflation is also lower than expected, federal revenues will be less than expected and it is therefore necessary to cut federal expenditures below the level planned previously.

I do not understand it. Why are we punishing ourselves in this way? Does the slowdown in the U.S. economy mean that the Russians are weaker or more amiable and the buildup of our military strength is therefore less urgent? Is the need to look after the poor and homeless diminished? (Is the ebbing tide lifting all the boats?) Whatever was the previous justification for spending $30 billion on aid to agriculture—is that justification now weaker? Obviously not.

With both less output and less inflation than we previously forecast are we now less able to afford those things we previously thought we needed? Surely the answer to that is no. On the contrary, there will now be more unutilized productive capacity with which to meet the government's requirements, and less risk of inflation. The answer would be different if the economy were lagging behind previous forecasts because output was bumping up against a ceiling of capacity, but that does not seem to be the case.

Is our revulsion against the economics of Keynes so great that we not only deny what he said but assert with confidence that the opposite is true? That is, do we now think that cutting government expenditures is a reliable way to stimulate a sluggish economy or prevent a threatened recession?

The question may be put more concretely: In the past year output increased by 2.7 percent, which is probably somewhat below our potential growth rate, and unemployment was fairly steady at around 7 percent. Now there is an expectation that output will rise in the next year at about the same rate, or possibly less. In these circumstances, is it prudent to cut expenditures below the president's budget level in order to reduce the deficit from $210 billion in fiscal year 1986 to $144 billion in fiscal year 1987? (That figure, $144 billion, is the Gramm-Rudman target for the 1987 deficit. Because of the peculiarities of Gramm-Rudman accounting, it appears that about $25 billion of taxes collected in 1987 will not be counted and about $15 billion of expenditures will not be counted. Thus, if the "Gramm-Rudman deficit" is $144 billion the "real" deficit may be $134 billion.)

My pre-Keynesian and anti-Keynesian professors knew better than that. Even Herbert Hoover knew better than that. A thorough-going classicist or monetarist might deny that increasing government expenditures would have even a short-run stimulating effect on the economy. He would not say that cutting expenditures would have a

short-run stimulating effect on the economy, so that it was necessary to cut otherwise worthwhile expenditures in order to fend off a recession.

What leads to the present foolish talk about the budget is Gramm-Rudman. But even Gramm-Rudman does not imply that cutting expenditures is a good prescription for dealing with economic sluggishness. The Gramm-Rudman law provides that if the real GNP rises at less than an annual rate of 1 percent for two consecutive quarters the deficit limits are suspended for the current and following fiscal year.

This is recognition that cutting spending does not cure recessions. Once the GNP growth rate falls below 1 percent for two consecutive quarters the ceiling on the deficit is off. But as long as the growth rate remains at 1.1 percent—as it was in the second quarter of 1986—or higher, the targets must be met. They must be met even if, with the economy sluggish and revenues rising slowly, that requires holding expenditures below levels that are worthwhile, that are well within the economy's capacity, and that are not harmful but possibly helpful to the health of the economy.

Sophisticated people to whom I express my concerns about the idea of cutting expenditures to meet a shortfall of revenue tell me not to worry. The government will not really meet the Gramm-Rudman targets. All Gramm-Rudman requires is that at the beginning of fiscal 1987 there should be an official estimate that the deficit will not exceed $144 billion for the year. The law does not require that the deficit actually be less than $144 billion.

This solution is unsatisfactory for two reasons:

First, the government should not pretend to do what it does not intend to do. This is more than a moral injunction. It has pragmatic significance. The credibility of the government is an asset—more valuable as it becomes scarcer—and it should not be wasted.

Second, while a sharp reduction of expenditures in response to the slowdown of the economy would be unwise, to destroy completely the expectation that the size of the deficit will be brought under sufficient restraint to prevent continued increase in the size of the federal debt relative to the GNP would also be unwise. That could cause an increase in long-term interest rates that would be harmful to economic growth. The de facto abandonment of Gramm-Rudman, without the establishment of any substitute rule of fiscal policy, will destroy all hope of deficit restraint. We find ourselves in a position where we can't live with Gramm-Rudman and can hardly live without it.

We need a fiscal policy that will limit the long-run growth of the deficit and the debt while not enforcing inefficient and probably destabilizing changes of government expenditures in response to fluctuations of the economy. Fifty years ago people talked about balancing the budget over the business cycle as a solution to this problem. Forty years ago the Committee for Economic Development proposed the policy of balancing the budget at high employment for the same purpose. Even a few years ago people were talking about the difference between the "structural" deficit and the actual deficit, which was a way of distinguishing between our long-run position and our cyclical position.

The attractive nuisance of Gramm-Rudman diverted attention from all that, but our present situation shows the urgency of returning to the problem of reconciling our long-run and short-run fiscal requirements.

(The writer, former chairman of the Council of Economic Advisers, is a senior fellow at the American Enterprise Institute.)

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BUSINESS JUST DOESN'T BELIEVE THEM

(By Hobart Rowen)

On Wall Street, the Reagan administration now has zero credibility: when the White House passed the word last week that, yes, the economy is sluggish, but it still sees a boom-like 4.5 percent economic growth in 1987, you could hear the snort of disbelief above the sound of stock tickers.

Just like as Barron's neatly put it, the old Brooklyn Dodgers' routine: when they lost the pennant race, as they usually did year after year, the Dodgers' management would intone: "Wait till next year!"

Says former Office of Management and Budget aide Lawrence Kudlow, now chief economist for Bear Stearns: "As a former spear-carrier myself, I regard [the White House forecast] as beyond even a leap of faith" from the dismal 1.1 percent growth in the second quarter of this year. Kudlow pedicts that when OMB issues its mid-year revision on Aug. 4, the one certainty is that the business and financial community will not believe the numbers, whatever they are.

For example, the word on Capitol Hill is that the OMB, to keep the 1987 budget-deficit figure from looking even worse than it may be, plans to use a fairly high inflation projection for 1987. This would tend to exaggerate revenue prospects.

Instead of a candid reappraisal of prospects, which would acknowledge the failure of the economy to respond to traditional expansionary elements—such as lower oil prices and declining interest rates, the Reagan administration keeps promising that everything is going to turn out all right. "Some of the slower growth we saw last quarter was actually the result of some very good news on the horizon, and that's the tax-reform bill," President Reagan said with a straight face in his Saturday radio chat.

Once the bill is passed, Reagan predicted, "we can expect business to really start moving.

Maybe it will. But the business community doesn't believe it for one minute. True, tax reform is overdue, and in the long run should be a plus for the nation. But as Sam Nakagama of Nakagama & Wallace, Inc., told his clients, tax reform in the short run deepens the recessionary elements in the economy. For example, it reduces incentives for capital investment. It also will have a major negative impact on commerical real estate, especially in the Southwest, compounding problems for banks already suffering from shaky oil loans.

Moreover, if the highly touted 27 percent top income-tax rate doesn't go into effect until July 1, 1987, while loopholes are closed Jan. 1, 1987—the present plan—then the nation is confronted with equivalent of a 1987 tax increase. That will dampen consumer spending, currently the main prop under the economy.

What it adds up to is a lot of doubt about the immediate future. As Federal Reserve Board Governor Wayne Angell told me: "There is no hard evidence that the economy is on a higher growth path" than the 2.5 percent first-half average—certainly not the 4 percent the administration sticks to for the remainder of 1986. Angell is not predicting a termination of the current long expansion—simply a continuation of the presently uninspired pace.

Does it make sense, some now ask, to pursue the Gramm-Rudman targets with all vigor, at a time that the economy is weakening?

Former Economic Council Chairman Charles Schultze says Congress should still pursue the goal of deficit reduction, but with the effective date of an ultimately necessay tax increase pushed into the future. In an ideal world, it would have made better sense, Schultze told me, if the Gramm-Rudman deficit targets had been tied to changes in the GNP growth rate.

Kudlow would like to link cutting the budget deficit to a further reduction of interest rates by the Federal Reserve Board. Paul Volcker, Ludlow suggests, could state that he looks favorably on lowering interest rates if Congress meets that 1987 Gramm-Rudman target.

These suggestions point up the dilemma of the moment: it has become apparent that chances of resolving the budget-deficit problem are fading.

When the administration's original Rosy Scenario went down the drain, it also took a toll of potential Treasury revenues. On Capitol Hill, experts figure the drop in growth estimates will cost about $25 billion in 1987 revenues. Thus, the $144 billion Gramm-Rudman deficit target for fiscal 1987 is now probably unreachable without Draconian budget slashes or a quick tax hike. (The Congressional Budget Office may use a figure in the neighborhood of $170 billion in its revisions next week.)

If I were a Republican running for reelection to Congress this November, I would wonder if the administration's lastest snow job could backfire. In his radio chat, the president berated the "doom and gloom artists who . . . have been painting dark pictures." Pay no attention, he said, "America's economy is strong; our future bright. . .

You ain't seen nothing yet.' " The true believers make up a short list, headed by Nancy Reagan and Economic Council Chairman Beryl Sprinkel—and I'm not sure about Mrs. Reagan.

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## TRIBUTE TO WILLIAM ALMON CUNNINGHAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky [Mr. HUBBARD] is recognized for 5 minutes.

Mr. HUBBARD. Mr. Speaker, I would like to pay tribute to William Almon Cunningham of Benton, KY, who died Friday, July 18, 1986, at the age of 82 years.

I always considered it a privilege to call Almon Cunningham a dear friend of mine, and I know he was a treasured friend of many others in western Kentucky as well. Indeed, I will always remember him as a man of honesty who was ingrained with a sense of responsibility and, at the same time, a sense of humor. He was retired from the U.S. Army Corps of Engineers, having worked for many years on the Cumberland and Tennessee Rivers, including service at the Kentucky Lock and Dam. He was a 32d-degree Mason

and a 50-year member of T.L. Jefferson Lodge 611 Free and Accepted Masons.

A religious man, Almon Cunningham was a deacon in the First Baptist Church of Benton. He is survived by three daughters, Martha Lewis of Benton, Juanita Hill, and Joretta Palmer, both of Paducah; a son, 56th Judicial District Commonwealth Attorney Bill Cunningham of Kuttawa; a sister, Bessie Hines of Florence, MS; 12 grandchildren and four great-grandchildren.

Almon Cunningham was blessed with a wonderful wife, Estelle, who died in 1975.

Almon Cunningham loved his country and enjoyed working in and talking about politics. I have visited his home in Benton, KY, several times during the last two decades.

Almon Cunningham's favorite politicians were his son, Bill Cunningham, a respected, well-liked commonwealth attorney in western Kentucky; his son-in-law Richard Lewis, a Benton attorney with whom I served 6 years in the Kentucky Legislature where he was one of Kentucky's most outstanding State representatives; and another son-in-law, Andrew Palmer of Paducah, KY, an outstanding attorney who for 8 years served effectively as McCracken County Attorney and 4 years as McCracken County judge/executive in Paducah, KY.

My wife Carol and I join thousands of others in western Kentucky who knew and loved Almon Cunningham in extending to the family of this great Kentuckian our sympathy and prayers.

## PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. DONNELLY] is recognized for 5 minutes.

Mr. DONNELLY. Mr. Speaker, due to my attendance at a funeral in Massachusetts earlier today, I was unavoidably absent for votes on amendments to the defense authorization bill including the amendment offered by Representatives ASPIN, GEPHARDT, and SCHROEDER. Initially, the vote on the test-ban amendment had been scheduled for Thursday. Had I been present for the vote today, I would have voted "aye" on the Aspin, Gephardt, and Schroeder amendment to impose a 1-year moratorium on all nuclear tests over 1 kiloton by the United States, to begin on January 1, 1987, provided that the Soviets also observe such a verifiable moratorium.

## BOWERS VERSUS HARDWICK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. WEISS] is recognized for 5 minutes.

Mr. WEISS. Mr. Speaker, the June 30 decision of the Supreme Court in the Bowers versus Hardwick case marks a distressing setback for people everywhere concerned about individual liberties. In a 5-to-4 decision, the Court ruled that States may outlaw sodomy between consenting adults, even when conducted in the privacy of the home.

According to the tortuous logic of the Court, the Constitution now prohibits Government interference in such sensitive interpersonal matters as the decision to use birth control or have an abortion—but it does not protect people's right to engage in intimate acts of their own choosing.

The decision was based on two arguments. First, the Court ruled that consensual sodomy is not protected by the Constitution because intimate relations between gay men and between lesbians is not "implicit in the concept of ordered liberty," such that "neither liberty nor justice would exist if (it) were sacrificed." Second, the Court stated that homosexual relations can be banned by the State because "proscriptions against (it) have ancient roots," and that after all, "the law * * * is constantly based on notions of morality."

These meager rationales say more about the attitudes of a majority of the Court toward homosexuals than they do about the Constitution.

The Court seems to believe that liberty and homosexuality cannot coexist. But the truth is that the State cannot police our bedrooms and outlaw our most private, personal, intimate relations with others without destroying the most basic constitutional notions of liberty and justice.

In his eloquent dissent, Justice Blackmun pointed out that in the Bowers versus Hardwick decision, the majority ignored its own precedents on privacy decisions. "We protect those rights," he wrote, "not because they contribute, in some direct and material way, to the general public welfare, but because they form so central a part of an individual's life * * * what the Court really has refused to recognize is the fundamental interest all individuals have in controlling the nature of their intimate associations."

The Court also relied on a history of moral teaching for its decision against homosexual relations. Such a reference is not only inaccurate, since many modern religious groups do not condemn homosexuality, it is also dangerous. For centuries, the prevailing moral teachings told us that slavery was right and interracial marriage was wrong. Are we to follow these moral teachings as well?

Ours is a secular society, one where pluralism must take precedence over moralism. Yet according to this decision, our Constitution protects only those who follow the "moral teachings" of religious authorities. Adherence to this sanctimonious logic would place our Nation firmly in the 14th century.

The Bowers versus Hardwick decision assaults not just the sexual conduct, but the very identity of millions of men and women. There is no more personal decision a human being can make than how to express their inherent sexuality. Our Government has no legitimate—much less compelling—interest in interfering with these decisions.

The Constitution holds it "self-evident" that we have the "inalienable right" to pursue happiness. Surely it is also self-evident that our relationships with others is at the core of this search for happiness, and that the nature of these relationships differ widely.

A reading of the Constitution that allows the State to regulate and proscribe these relationships will leave the concept of liberty barren for millions of Americans.

## FOLLOW THE GRAMM-RUDMAN BACKUP PROCESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 30 minutes.

Mr. PANETTA. Mr. Speaker, we will soon be considering a new proposal to fix the Gramm-Rudman law offered by the law's original authors and approved by the Senate as an amendment to the public debt limit. Basically this new procedure puts the sequestration power in OMB's hands instead of GAO, thereby curing, according to its authors, the constitutional problems found by the Supreme Court in the original Gramm-Rudman law.

The other choice we have is to follow the backup procedures provided in the original Gramm-Rudman bill, and preserved by the action of the Supreme Court. These basically require the House and Senate to vote on a sequestration order developed by OMB/CBO. If passed and signed by the President, this order would lead to cuts in most Federal programs this October unless we can reach the fiscal year 1987 deficit target.

The question that we will be trying to answer in the coming weeks is: Can the answer cut process in Gramm-Rudman be restored in a way that is constitutional and that does not hand too much power to the executive branch? The debate surrounding this question will, I have no doubt, be similar to arguing about how many angels can dance on the head of a pin. Unfortunately, the Supreme Court did not give us much guidance on what sort of automatic process is constitutional, nor is it going to be easy to determine how much power we are giving to OMB in the Gramm-Rudman II proposal. There are not going to be any hard and fast answers.

We ran into a similar problem last fall as conferees tried to improve the Gramm-Rudman bill. First CBO was our choice for the agency to kick off the automatic cuts. The ex-

perts said that would definitely be unconstitutional. So OMB was included in developing the sequestration order. Then it was argued that this wasn't good enough, so it was proposed that GAO be handed the order, and it in turn would pass it along to the President. We were assured that this would be constitutional. Well the Supreme Court disagreed with this analysis, knocked that procedure out in the Synar case, and we are back to square 1: with another debt limit bill attracting amendments seeking to reinstate an extraordinary deficit reduction mechanism, among other things.

I believe we should be very wary about any plan which supposedly claims to be both constitutional and protective of the powers of the Congress. The Synar case, in my opinion, strongly suggests that these conditions are mutually exclusive. It may very well be impossible to design a procedure which preserves the interests of Congress by reigning in the executive branch as it makes the cuts, while at the same time giving the executive branch enough discretion so that the entire mechanism passes constitutional muster. Proponents of curing the Gramm-Rudman law will claim that they have found the "fix," but it is incumbent on us to ask: First, whether the interests of Congress are protected, and second, ask whether the "fix" is constitutional.

ARE THE POWERS OF CONGRESS PROTECTED?

At the moment, the Gramm-Rudman II raises serious questions about the powers that will be given to the executive branch in designing the order. The problem is that we do not have a crystal ball which will show us how creative OMB can be under the Gramm-Rudman II procedures. But to give us a taste of the sorts of changes that could be made in a sequestration order, I think it is interesting to look at the changes GAO made last year in the fiscal year 1986 CBO/OMB sequestration report:

First, GAO increased the amount of funds that could be sequestered in the Department of Defense by $6.3 billion—finding that this amount of unobligated balances should have been in the base. This caused an increase in Defense BA cuts of $309 million. The amount to be sequestered was changed in 11 defense accounts.

Second, GAO deleted administrative expenses financed by prior year unobligated balances from the sequesterable base because of a different interpretation of the Gramm-Rudman law. This changed 22 accounts. Cuts in these accounts were smaller because of this decision.

Third, administrative expenses were added to sequesterable base for Ag Credit Insurance Fund and Rural Housing Insurance Fund, increasing the amount sequestered in each program.

Fourth, GAO added the National Bureau of Standards Working Capital Fund as a sequesterable item.

Fifth, GAO increased the sequesterable amount for the Comptroller of the Currency, resulting in a deeper cut for this office.

Sixth, in two other instances GAO included accounts OMB/CBO left out of their report, and in two other cases additional funds were added to the sequesterable base for accounts.

Many will say that these were just "technical" changes, and maybe they were in the collective mind of GAO. But one person's technical change is another person's policy change—cuts were altered in a variety of programs. The point is once you place the power of making technical changes in the executive branch, you leave the door open to a great deal of mischief. If Congress disagrees with games that have been played with the sequestration order—well that's too bad because you have already handed the power to OMB under the law.

Some may argue: "But you handed that same power to the GAO in Gramm-Rudman I." Yes we did, but there was no question that the conferees trusted GAO to do the best, most honest, job possible of carrying out the Gramm-Rudman law. OMB, to take nothing away from its professionalism and its technical competence, is a political arm of the President, has played all sorts of budget games over the past 6 years, and, in my opinion, just does not have the complete trust of Congress.

There are other problems with Gramm-Rudman II worth noting.

ECONOMIC ASSUMPTIONS

The new proposal requires OMB to use 14 specified economic assumptions for the fiscal year 1987 sequestration report.

In future years, GAO, OMB, and CBO would submit economic assumptions to the Temporary Joint Committee on Deficit Reduction—made up of House and Senate Budget Committee members. The committee could formulate economic assumptions using the range of estimates provided by the agencies and report out a joint resolution containing these assumptions. If the joint resolution is enacted then these economic assumptions would have to be used by OMB in drafting the sequestration order to be submitted to the President. If the joint resolution is not enacted then OMB gets to use its own economic assumptions in drafting the sequestration order for that year.

Unfortunately the 14 economic assumption numbers specified in Gramm-Rudman II do not constitute an economic forecast—hundreds of other numbers are required. This partial list leaves enormous flexibility in the hands of OMB when it develops its deficit projections. As a result, OMB could increase or decrease the deficit projection by up to $30 billion, thereby triggering or detriggering sequestration.

Second, assume the joint committee presents the House and Senate with a package of economic assumptions. Are these numbers we should be or want to be voting on? Who will want to vote on unemployment, economic growth rates and inflation every year for the next 4 years? And if we do not approve our own economic assumptions we hand the power to develop these assumptions over to OMB. The size of sequestration, or whether sequestration is needed at all, would then be in Jim Miller's hands.

SPENDING RATES

Gramm-Rudman II requires that the fiscal year 1986 spending rates for hundreds of programs be used for fiscal year 1987 sequestration. In the outyears, fiscal year 1988 to fiscal year 1991, the same rates would be used unless new rates can be enacted. The joint committee would be responsible for sending to the House and Senate a joint resolution containing new rates agreed upon by OMB and CBO. If approved by both Houses and the President these revised rates would replace the fiscal year 1986 rates.

Spending rates for programs can change drastically year by year, and cuts could become extremely damaging in the outyears unless Congress and the President agree on changes. For many large weapons systems the first year spend-out rates are extremely low, while in future years the rates are higher as more and more of the funds are expended. Locking ourselves into a low fiscal year 1987 spend-out rate matched with failure to enact new rates could devastate many defense procurement programs in years when sequestration is necessary.

HANDING POWER TO OMB

Finally, we must address the issue of giving OMB the power to design the sequestration order. Yes, Gramm-Rudman II attempts to put restrictions on OMB as it designs the order. But based on OMB's manipulation of the numbers over the past 6 years you cannot design a law which ties OMB's enough to make me feel comfortable. Frankly, the OMB staff is ingenious, and it will be able to play games with whatever you design, and you won't know what loopholes you left in the legislation until its too late: OMB will have designed a sequestration order which devastates programs based on the President's priorities and we will be left shaking our heads in disbelief.

Also, once we shift that power down Pennsylvania Avenue we won't get it back until 1991 when Gramm-Rudman expires.

CONSTITUTIONAL DILEMMA

Along with the procedural complications of the new Gramm-Rudman II proposal is the question of whether it is constitutional.

Some argue: "Well we will tie OMB's hands so that it has to develop a sequestration order which is fair." Yes, but if we tie OMB's hands aren't we crossing back over that line between a constitutional and unconstitutional deficit reduction mechanism?

And conversely, there is a line somewhere which we can cross to allow a constitutional automatic process. But after going across that line, do we then find ourselves in a position where we have given too much discretion over spending policy to the executive branch?

Gramm-Rudman II requires that after OMB receives the GAO report, it "shall," with due regard for the data, assumptions, and methodologies used in reaching the conclusion—in the GAO report—issue a report to the President ordering sequestration—if it is needed to meet the deficit targets.

Is GAO once again unconstitutionally ordering OMB to act? An argument can certainly be made that this is the case. If the anwer is yes, then Gramm-Rudman II is patently unconstitutional. If the answer is no, then can OMB do what it wants—choose sequestration or no sequestration based on the mood of Jim Miller or the President? And if this is the case then do we still have an automatic deficit reduction process?

Unfortunately the Court decisions on Gramm-Rudman do not give us clear guidance on what language constitutes an "order"

by a legislative branch agency to the executive branch. Instead we must rely on the general rule applied by Chief Justice Burger in his opinion: "* * * Once Congress makes its choice in enacting legislation, its participation ends. Congress can thereafter control the execution of its enactment only indirectly—by passing new legislation. By placing the responsibility for execution of the Balanced Budget and Emergency Deficit Control Act—Gramm-Rudman I—in the hands of an officer who is subject to removal only by itself, Congress in effect has retained control over the execution of the act and has intruded into the executive function. The constitution does not permit such intrusion."

If GAO is still ordering the executive branch to make cuts, then the constitutional problems in Gramm-Rudman I are not resolved in Gramm-Rudman II. If GAO is not ordering the executive branch to make cuts, then what is forcing OMB to order sequestration by the President?

FOLLOW THE FALL-BACK PROCESS

When you look at the complications associated with trying to develop another automatic process, and the dangers most proposals pose to congressional power, I think the backup process in the original Gramm-Rudman law begins to look better and better. Yes it will give us some tough choices to make, but we are going to have those choices anyway—the deficit is not going to disappear, one way or another we will be forced to deal with it.

The overwhelming votes on the March 1 sequestration—339 to 72 in the House and a voice vote in the Senate—are evidence that we can respond to the discipline imposed by the Gramm-Rudman targets.

There is also the real possibility that by enforcing our fiscal year 1987 budget resolution through passage of reconciliation, appropriation bills and a tax bill, we can get below the Gramm-Rudman deficit target—$154 billion—which triggers a vote on sequestration.

We can use up our energies trying to develop another automatic cut process which may or may not be constitutional, which may or may not preserve the rights of Congress, or we can concentrate on enforcing the budget resolution in an attempt to reach the deficit targets. If we can enforce the budget resolution but still come up short on the deficit then lets just vote on whether we want sequestration to complete the job, or whether some other course of action is preferable. Maybe further cuts, made necessary by a weaker economy, are not justified and will not pass, or maybe they will.

The point is that the backup process gives us a vehicle to make these decisions. And it leaves the decisions in our hands, not in the hands of the OMB.

## MY ADVICE TO THE PRIVILEGED ORDERS

**The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.**

**Mr. GONZALEZ. Mr. Speaker, it is certainly not my intention to utilize the full hour requested and conceded, but I feel that in the light of some of the things that have happened that it is important that the RECORD reflect at least one Member's awareness and the fact the there must be somewhere in the RECORD that the concern resulting from these activities be reflected.**

**Last week, the Vice President made a tour of the Middle East. In the course of that tour, he made a visit to the peacekeeping forces that are in the Sinai desert and the story of that visit was very well reported in the Dallas Morning News, and I am inserting that article at this point, Mr. Speaker.**

BUSH, ENTOURAGE VISIT SINAI PEACEKEEPERS

(By Michael Precker)

EL GORAH, EGYPT.—On the hot, barren sands of the Sinai Desert, where soldiers from 11 countries carry out a lonely mission with little fanfare, this was clearly a special day.

"If you pass anybody you don't know and he looks important," Sgt. Maj. Sandy Knox told his assembled troops on Sunday morning in a rich Scottish accent, "for Christ's sake, salute him."

Soon afterward, a planeload of important people touched down at El Gorah, a former Israeli air base in northern Sinai that now houses the headquarters of the Multinational Force and Observers.

Vice President George Bush, taking most of the weekend off from Middle East politics, arrived with his entourage to pay tribute to a key element of the region's most successful peace initiative.

"You are a unique force," Bush told several hundred soldiers and civilians at the base. "You are here largely under the sponsorship of former enemies that you are helping to keep at peace. . . . For five years the MFO has been the angel of peace for both Egypt and Israel."

As part of the 1979 peace treaty under which Israel returned Sinai to Egypt, an international force was created to monitor the military limitations imposed on all of the Sinai and a narrow border zone inside Israel. The two countries have fought four wars in the desert peninsula, which is about the size of West Virginia.

When the Soviet Union blocked the United Nations from sponsoring the Sinai force, the United States stepped in. Washington shares the $85 million annual price tag for the force equally with Egypt and Israel, and about 1,200 of the 2,600 troops are from the U.S. Army.

Last Christmas, a planeload of Americans finishing their Sinai assignment crashed in Newfoundland, killing 248 soldiers.

But otherwise the troops are rarely in the news, attesting both to their good work and the fact that Egypt and Israel, despite political tensions, are adhering to the military portions of the treaty.

The peacekeepers carry out ground patrols and air surveillance, reporting any violations to both sides.

"We hope that someday the nations of the Middle East will not need forces like yours to keep the peace," Bush said Sunday. "You are just the first step toward that future."

Bush, who concludes a 10-day trip to the Middle East on Tuesday, said he had seen "a marked change in the mood in this region. Every leader agrees that we must have peace. . . . With this consensus in place, I can see a number of ways to build a comprehensive peace in this region—not this year or next year, perhaps, but certainly within a decade."

After talks in Israel and Jordan last week, the vice president headed for Cairo, where he and Egyptian President Hosni Mubarak are expected to discuss the Middle East peace process and Egypt's mounting economic crisis.

Although substantive talks aren't scheduled to begin until Monday, Bush was to attend a Sunday night dinner with Mubarak as host.

But Bush and his wife, Barbara, began their Egyptian visit as tourists, taking in some of the magnificent relics of its ancient civilization.

On Saturday afternoon, they walked through Karnak, a vast compound of temples dating back 3,500 years, and an antiquities museum in the city of Luxor, where they spent the night. Known in ancient times as Thebes, Luxor is about 400 miles south of Cairo on the Nile River.

After a short cruise along the Nile, the Bushes proceeded to the Valley of the Kings and the Valley of the Queens, where the rulers of ancient Egypt dug complex ornate tombs into the arid hills for their journey to the afterlife.

Although the tombs have been robbed of their treasures over the centuries, many of the walls are remarkably well preserved, with hieroglyphic inscriptions and paintings telling their rulers' stories.

At the tomb of Queen Nefertari, the Egyptian hosts turned off the lights to demonstrate how mirrors ingeniously placed along the chambers brought reflected sunlight deep inside the tomb.

The Bush party then flew to Sinai on Sunday. Once the formal reception was over, the vice president headed off to meet about 200 U.S. soldiers who waited in 95-degree heat to shake his hand and take pictures.

"This isn't so bad today," said Chief Warrant Officer Andrew Boston of Orange, Texas. "It's been a lot hotter. We have ceremonies out here from time to time, mostly to award medals, so we get practice in standing in the heat."

Bush told the Americans that he brought greetings from President Reagan, then eagerly waded into the crowd. One of the first soldiers he met was Spec. 4 James Holmes, 19, of Temple, in Central Texas.

"I'm glad to meet a fellow Texan," Bush said.

Greg Sutton, a 21-year-old private first class from Garland who arrived seven months ago, said the soldiers pass the time in Sinai with the help of a pool, gymnasium, library and furloughs to Cairo and Tel Aviv, Israel.

Another pastime is provided by the base's 14 bars, including at least one operated by each national contingent. "When you hit them all in one night, they call it the Thunder Run," said Sutton, a truck driver who delivers supplies to remote outposts in the desert.

Among the beverages available is a concoction from Fiji, which contributes 499 soldiers to the force, containing a potent root brought from the Pacific island.

"It's called grog, and it makes your face go numb," Sutton said. "That's not part of the Thunder Run."

**Mr. Speaker, for quite some time now, in fact, very much after the House of Representatives approved the resolution in December 1981, that embarked for the first time in its history, the Congress in the deployment,**

in the direct deployment of armed services personnel. Since the First Congress in 1789, this had not happened.

The reason given at the time this was considered on or about December 12, 1981, and as given to me by the then chairman of the Foreign Affairs Committee, President Reagan was requested this full-sized statutory commitment, and mandate from the Congress for the utilization in the Sinai of what eventually would be the composition of a peacekeeping group.

It was defined as an armed services component. That is, the peacekeeping component would be soldiers, and that the United States would commit itself to no more than 2,000. It was not stated and the chairman at that time could not tell me exactly who or what country they had in mind as to being invited to constituting this peacekeeping force.

I raised the issue of the purpose of the force. The answer, at first denied on a personal basis because there were only about 12 Members on the House floor at the time, rather angrily by the chairman who told me that they wanted no interruptions, that they needed to have this resolution passed with no questions asked because questions would likely give rise to other questions and therefore an undesirable delay in the enactment of that resolution.

I considered that an inadequate reply and being that I was denied time on the floor to propound the questions for the record, I then hastily prepared an amendment and was recognized on that amendment and directed several questions to the chairman for the record.

It was brought out in the course of my questioning that President Reagan was making this request because President Carter had written a letter some months after the agreement at Camp David between Israel and Egypt of which of course the United States was and is not a party signatory.

The fact is that that is the only instance I know that President Reagan ever asked us to honor anything that President Carter had ever suggested. I thought that was peculiar. I asked the chairman if that letter had been a part of a side memorandum or a codicil such as are called in international law or diplomacy, to the agreement itself.

The reply was "no." That President Carter had been impelled to send this letter to the then leader in Egypt and the then leader in Israel because some distrust had arisen and that Egypt wanted to be assured that Israel would keep the terms of the agreement and vice versa.

I then asked the question that if this force was going to be comprised of armed personnel, that in the event, and it was my prayer and hope as it is now, that there would be no outbreak or no challenges made to the honoring of the treaty by either party signatory, that if in the case, I hypothesized, Egypt accused Israel of violating, what was his force going to do? Invade Israel? Or if Israel accused Egypt of violating the terms of the agreement, was this group going to invade Egypt?

Well, those questions were never answered and remain unanswered even though I have since then propounded them to the executive branch as well as the proper members of the proper committee in the House.

It seemed to me, and I said, that what this force then was and continues to be was a hostage to both of these countries in this arrangement known as Camp David. They are indeed hostages, and I have been gravely concerned and noting that there was no expression of concern attributed to the Vice President, GEORGE BUSH, I take the floor to once again voice my concern in what I consider to be the most vulnerable spot for so-called "violence or terrorist activities."

Why do I say this? Because even in the reports, and incidentally, in the Texas newspapers, or for that matter, in any American newspaper I know of for the first time the composition of this group was printed as a matter of news.

I had placed the composition and the strength into the RECORD long ago after it was first organized. I pointed out that the United States had initially close to the 2,000 maximum but the Fiji Islanders have 500. Colombia in the beginning, mostly under compulsion by then-Secretary of State, General Alexander Haig, contributed 1,000 troops, but they had an emergency in 1985 or 1984 and they had to recall 500 of the 1,000, so they have about 500. The Fiji Islanders have about 500, but France and England do not even have 40 apiece. West Germany does not have one.

So, what are we talking about? Supposing we do have an attack on this force. Let us say that it is caused not by any Israeli or Egyptian agent, but by a mischief-seeking terrorist such as, let us say, Qadhafi. What would be the reaction on the part of our leaders in and out of the Congress, in and out of the Presidency? Would we then muster all available help? Would we mobilize and invade the Sinai in order to retaliate or do something? Or would we as in the case of the 240 marines in Beirut kill them necessarily because of the hard-headedness, the bull-headedness, the pig-headedness of the Commander in Chief against the judgment of his chief military advisers he had gone in deploying the 2,000 marines or so in Beirut. Every single one of the Joint Chiefs of Staff told him over a period of 14 months that it was wrong and yet the Commander in Chief did not think so because, as I have concluded time and time again, whether it is an authoritarian dictator or a despot somewhere, those who tend to exercise power out of ideology lose reality in the sense of it.

□ 1600

There was no way, even in 14 months of speaking out on this House floor, of attempting to communicate with the President.

Now, I have been here long enough to have worked with six Presidents, but this is the first one that does not answer a Congressman's letter, so the best I could do was take the floor as I am today, voice my concern, announce that the marines were under the shadow of death every day, and it was wrong, because if something did happen, it was inexcusable, as I have considered it to be.

So what do we do now? In the event that Qadhafi in his anger and in his astuteness, and obviously he is an astute man, contrives or somebody else contrives, it does not have to be Qadhafi, that this would be the point of vulnerability as far as terroristic attacks are concerned.

The composition of the force in the Sinai is such a nature that it has no armor, it has no air protection as such, and therefore, in my opinion, without necessarily claiming to be a military expert, any more than I was in the case of Beirut, can simply conclude that they are vulnerable to a minimally equipped terroristic, quick-hit group.

So I voice that concern because the stories in the newspaper in Texas, in the Dallas Morning News, reported fully the visit of Vice President GEORGE BUSH, but no time other than to say that he had visited with some individual soldiers who happened to have come from Texas and formed that part of the force. It is mainly an airborne component that we have.

Again I say, this is typical of what happens when we get ideologues to exercise power. As I had pointed out time and time again, for the first time in our history we have an ideologue as President of the United States. He is rigid. He is very much tunnel-visioned when there are certain code words, such as Russia, Russian, Communist, or Communists in general, or when somebody utters the phrase "Marxism-Leninism" or when somebody talks in terms of the old cowboy movies that he used to film in which he was many times the hero and in which those dastardly Indians were put down and shot and every time the hero won, because it was clear-cut that this was the enemy.

But it so happens that in the real world, as I think history since 1950 should have revealed to us in more modern-day times, even though perhaps we should have learned as far

back as 1918 when we first ventured into what the President accepts unquestioned as a matter of policy on the part of our Government, and that is armed intervention, no effort at diplomacy in order to put down an insurrection.

In 1918 we lost over 300 soldiers when President Wilson was President and we joined the French and the English in invading Russia to put down the Russian revolution. Of course, that was a very tragic misadventure. It was a miscalculation but we learned nothing because we have failed to learn in each succeeding case, and particularly since 1950 of the eruption of what has now been called the Korean war.

Had our leaders had a correct perception of that world, I doubt seriously that we would have ended up so ignominiously, where even today we have 45,000 of our soldiers in Korea, where we have 300,000 in Germany and where we are thrailing and flailing, with lack of leadership, because the President in presenting his so-called defense budgets, which are not in my opinion defense at all, but are war budgets, is of a mindset in the case of Europe, going back to 1947, and in the case of Latin America, pre-Coolidge 1929 and thereabouts.

I think that we have suffered along, we have lost much blood, much treasure with these misadventures based on misperceptions. Had our leaders, as I say and repeat, seen that world in what we now call Southeast Asia, but which generally had been known as Indochina, and I doubt seriously in May 1963, as I found out, President Kennedy, being President, there were very few in or out of the Congress who knew such a place as Vietnam really was, much less Laos or Thailand.

As a result, we have ended up in destroying in many parts of the world a credibility that had been building.

I doubt seriously that the hostage-taking in Iran would have happened if we had not been shoved out so ignominiously from Vietnam.

And the end is not in sight. Everywhere we look, we have been pushed out. We are pushed out of the Middle East now.

In Europe, in none of the so-called defense budget or authorization or appropriation discussions here on this floor have I heard anybody raise the question, such as, what part of this $300 billion-plus expenditure or authorization and expenditure that we are asking the American people to pay their taxes for, with priority over everything else including our own domestic needs, what part of that does the so-called defense of Europe represent?

Well, I have been raising that question for 20 years and this was at a time when the defense budgets were at about one-tenth of what they are today.

Then as they grew incrementally, I kept asking the question. I would ask it of the chairman of the Appropriations Committee, the chairman of the authorizations committee, the minority ranking members and they would all say, "Well, we can't give it to you all in one section of the budget."

And I would say, "Well, I know that."

But I have, because I have failed to receive an answer and I am not a member of either committee, on my own extrapolated figures where I have come to the conclusion that the sum total of this defense budget or expenditure, that over 55 percent is really for what you and I would call the defense of Europe.

I would ask, "Would you say I am in the ball park?"

And they would all answer me in the past, "Yes, that is about right, if you factor in everything else, such as defense, R&D and the like."

I say then, "What is that defense predicated on?"

Well, astoundingly, it is still on the same basis as it was in 1957 and 1958 in which the big thing was an overland invasion on the part of Russia through middle Europe or some ostensible purpose of taking over Western Europe.

But the world has changed. We have 300,000 of our troops in Germany alone. The British have about one-tenth of that number in that part that they kept from the beginning which is the Ruhr, the steel-producing area. Nobody can ever accuse the British of ever sacrificing national interest first for anything else, be it peace, as in the case of the 14 points of Woodrow Wilson, or anything else.

□ 1610

So they wanted that because they wanted to make sure that they would have the control of the competition in steel producing; that their British steel producing would not be sacrificed. And it has not been.

The French have less than 10 percent of the troops we have. We ended up with what? We ended up with that mass, and with Checkpoint Charlie. But the Russians—and I do not want to disappoint any of my colleagues whom I have heard discussing the Russians—are not exactly stupid.

There is a lot of history that we have blithefully ignored. For one, we changed the designation of our troops in West Germany from "occupation" to "defense." Now, does that mean that the inhabitants of West Germany look upon us as defenders or occupants of their homeland?

Well, I invite my colleagues to read the thinkers, the writers, the authors, the intellectuals in Germany. See what they are saying. Let us look at the political reality.

This administration and President Reagan are pinning such things as the deployment of Pershing II and everything else on the continuation of the present Kohl regime. But in the meanwhile we have now right on the threshold of power a brandnew generation that does not remember World War II. We are doing the same thing in our country. In Russian it is the same way. Both Kohl, the German leader, and Gorbachev, the Russian leader, were 15 years old at the time of World War II, but right on the threshold of power are these new generations that do not remember, but have this heritage of historical antecedents in middle Europe—the Slavs, the Poles, the Teutons.

You have Russia, that decided that they would forever and a day prevent another invasion that cost 20 million Russian lives by just dismantling or attempting to dismantle what we used to call "Prussia" but which today generally is East Germany.

We have had reports that in some of the German provinces there are real political issues having to do with demanding the return of a couple of provinces that are now in Polish jurisdiction such as Silesia, and one other, and Kohl temporarily placating them by saying "Hey, look, please keep quiet and don't rock the boat, because as soon as we have a peace treaty, we will take care of that."

How many Americans and colleagues of mine think that we do not have a peace treaty, that World War II is not over with? Well, the truth is that it is not. We complicate it further with having assumed and taken the mantle of power from the British and French, say in the Middle East, where France in Lebanon, for instance, after 50 years was so delighted to get rid of Lebanon that at the height of World War II, in 1943, said, "Boys"—meaning the Allies—"here it is."

Nobody has been able to do anything with Lebanon, so-called Lebanon. We have called it Lebanon since World War II, but it is a jerry-built configuration, and it is about as stable as anything that can't be stable.

Yet we are blithefully ignorant of these facts. We are all very much like the philosopher Plato's cave, in which he described that mankind in pondering problems was like an individual in a cave in which he was between the wall and a fire in that cave, and that all that he could see was the shadows moving on that wall.

This is the way in which we are being governed today. We have equal misperceptions, for example, about America in these other countries. We have a real unique set of misperceptions, and I way that it is time that we try to strip ourselves of these smoked glasses and look at it realistically, because it is all interconnected in such a

mesh, in such a complex economic, social, and governmental fabric, as is American society, as is what I call the most unique civilization ever, our participatory democratic form of government that now more than ever is threatened—threatened more domestically than it is by any threat of a Communist invasion, let me advise.

How is it all interconnected? Well, first, obviously if all of the policies that the Congress has been flummoxed on by the ideologues calling on us on weak economic and incoherent economic programs such as supply-side misadventures, what is the test of anything? The test of anything is that a good fruit, a good policy, produces a good tree, produces good fruit. Good policy produces good results.

But where are we? Well, for the first time since 1914 we are the biggest debtor nation in the world, at the same time that our financial institutional private enterprises are overhung on a lending orgy where the debtors cannot and will not be able to pay us back.

Is anybody other than one Senator in the U.S. Senate, whose intellect I greatly admire and has broached that subject matter with respect to one country only—and that is our next-door neighbor, Mexico, the Republic of Mexico—but are we anticipating, are we considering what these factors are as they mesh, because if we do not have a sound monetary and fiscal setup, we cannot have anything but an endangered defense system.

When I first came to the Congress, my political opponents and critics made big ado about getting on the Armed Services Committee, because of my district's traditional and historical place in the American defense posture. I had had 5 years' experience in the Texas State senate, where I think that the obstacles were a lot more severe than any I would face coming up here, and I tried to explain that time would tell, but that I was the only one of three that were simultaneously sworn into the House in the middle of the 87th Congress who got assigned to a standing committee, and that happened to be one that I really wanted to be assigned to, and that was the Banking, or as they called it then, the Banking and Currency Committee.

My answer to them was this: "If you don't have a sound dollar, you're not going to have sound defense."

The way things look to me, we are going to have to unite all of the greatest minds that we have, try to summon in modern 20th-century history the Alexander Hamiltons, the old financial wizards that made it possible at the birth of our Nation to endure as a financially free entity.

So today all of that is intertwined. You cannot tax beyond a certain point, no matter how much you justify it, whether it is for defense or anything else. This is what we are doing now with such things as Grambo legislation, in which it is obvious and apparent and lucidly clear that it cannot, it will not, and it will never function, never will work.

And what is happening? What is the reality? The reality is that we are on the verge of having to increase the debt ceiling once again. It will be the 12th or 13th time that this has been done since Ronald Reagan took office, sworn to balance the budget, blaming Jimmy Carter for everything from the deficit to carbuncles. Then he said that 4 years was not enough, that he needed another 4.

Well, we are now in 6, and where are we? For the first time since 1914, the biggest debtor nation in the world.

His so-called recovery, which has not really been a recovery—ask any American citizen who goes to the grocery store or has to pay his rent or has to pay his water bill or light and gas bill, and see if inflation has been controlled.

□ 1620

Now his salary has been controlled, that is deflated, but the other has not.

So let us assume that that is what it was. It has all been financed by fickle foreign money that once the drive is on to pull it out, as they did with respect to the Continental Illinois Trust Bank in Illinois, it will collapse, the whole shebang.

What I say is let us anticipate.

In the Dallas Morning News for yesterday on the front page, and mind you Dallas is not in my jurisdiction, Dallas is 300 miles from my district. The reason I always refer to these papers is because they all have credentials, they are one, solid Republican. Dallas is Republican Valhalla.

Second, they are newspapers that have been rated all along as the most conservative, or as they say, stable of any. Their front page says: "Federal deficit nears record as economy slows."

But the President was just saying Saturday before last we never had it as good.

Then in another article, this one in the Washington Post, the good old Washington Post for July 18, there is a table that I will place in the RECORD. It is entitled: "Forty major companies pay no Federal income taxes and collecting refunds; 1982-1985," that is, they are milking the Treasury's tittie.

The table referred to follows:

40 MAJOR COMPANIES PAYING NO FEDERAL INCOME TAXES AND COLLECTING REFUNDS; 1982–85

[Dollars in millions]

| Company | 4-year profit | Tax refund | Tax rate (percent) |
|---|---|---|---|
| AT&T | $24,898.0 | $635.5 | −2.6 |
| DuPont | 3,785.0 | 179.0 | −4.7 |
| Boeing Co | 2,271.0 | 121.0 | −5.3 |

40 MAJOR COMPANIES PAYING NO FEDERAL INCOME TAXES AND COLLECTING REFUNDS; 1982–85—Continued

[Dollars in millions]

| Company | 4-year profit | Tax refund | Tax rate (percent) |
|---|---|---|---|
| General Dynamics | 1,994.5 | 90.9 | −4.6 |
| Pepsico | 1,921.1 | 89.3 | −4.6 |
| General Mills | 1,215.7 | 78.7 | −6.5 |
| Transamerica Corp | 525.0 | 73.2 | −13.9 |
| Texaco | 1,587.0 | 68.0 | −4.3 |
| International Paper Co | 581.0 | 59.8 | −10.3 |
| Greyhound Corp | 338.9 | 53.7 | −15.9 |
| IC Industries | 561.2 | 53.7 | −9.6 |
| Great Northern Nekoosa | 427.8 | 47.2 | −11.0 |
| Internat'l Minerals & Chemical | 337.1 | 46.5 | −13.8 |
| Xerox | 670.3 | 42.8 | −6.4 |
| U.S. Bancorp | 238.6 | 41.4 | −17.3 |
| Union Camp Corp | 690.9 | 36.9 | −5.3 |
| Panhandle Eastern Corp | 1,063.5 | 34.7 | −3.3 |
| Grace (W.R.) & Co | 483.4 | 34.2 | −7.1 |
| American Cyanamid Co | 303.7 | 34.1 | −11.2 |
| Ashland Oil | 504.3 | 33.9 | −6.7 |
| Soundstrand Corp | 377.9 | 23.9 | −6.3 |
| Piedmont Aviation | 205.0 | 21.6 | −10.6 |
| Mitchell Energy & Dev. Corp | 362.9 | 19.9 | −5.5 |
| Burlington Industries | 293.0 | 19.8 | −6.7 |
| Westinghouse Electric Corp | 2,189.6 | 19.3 | −0.9 |
| Comerica | 169.3 | 17.3 | −10.2 |
| Tektronix | 163.3 | 13.8 | −8.5 |
| Baxter Travenol Laboratories | 591.8 | 13.6 | −2.3 |
| Sun Chemical Corp | 91.5 | 13.4 | −14.6 |
| Southwest Airlines Co | 225.5 | 11.8 | −5.2 |
| Harris Corp | 271.5 | 8.6 | −3.2 |
| Centex Corp | 301.0 | 6.8 | −2.3 |
| Northrop Corp | 697.9 | 5.2 | −0.7 |
| Philadelphia Electric Co | 2,155.2 | 4.4 | −0.2 |
| Singer Co | 250.0 | 3.4 | −1.4 |
| Niagara Mohawk Power Corp | 1,741.0 | 3.3 | −0.2 |
| American Standard | 166.0 | 3.3 | −2.0 |
| International Multifoods | 45.9 | 2.6 | −5.6 |
| Overseas Shipholding Group | 215.9 | 2.2 | −1.0 |
| SCM Corp | 131.5 | 2.0 | −1.5 |
| Totals, 40 companies paying no tax, 1982–85 | 55,043.7 | 2,070.8 | −3.5 |

Source: Citizens for Tax Justice.

Where was all this tax reform? I thought we had reform? I thought this was the President's big braggadocio.

The truth is otherwise. The truth is that all of this is not separate, disjointed, unconnected. It is all connected, and at the bottom of it was the initial sell-out of the American people, the American economy with the extortionate and usurious interest rates that have been flagellating our business, our average citizen, the household budget, and which all history, as long as we have a record of mankind's history, has indicated that no society survives, ancient or modern or Middle Ages with that kind of a festering cancerous situation.

So I have tried in the past to tie these things in. Last week I ran into a very distinguished former Member of this House that I only wish he were here now. He was, when I came to the Congress, a colleague of mine on the Committee on Banking, Finance and Urban Affairs, and then he went to the Ways and Means Committee, the tax writing committee.

I include in the RECORD at this point a summary of the present state of the tax conference, which you read about in the newspapers. It is a brilliant analysis and it is very typical of the brilliance and the genius of Mr. Vanik. In it I think we have the best summation in a few paragraphs of where we stand and how it is interconnected.

The summary referred to follows:

WASHINGTON, DC,
*July 30, 1986.*

In connection with the tax conference, I find it incredible to believe that Democrats, the traditional supporters of the progressive tax system, would be supporting a 27% top rate—with early low-income entry. The principal beneficiaries of this tax bonanza would be the 56% of those earning over $200,000 who would receive a tax reduction of $55,250 annually (Joint Committee figures).

The advantaged group would be the almost 800,000 to 1,000,000 who earn above $185,000 per year. The disadvantaged would include almost everyone else—because the revenue impact of this drastic tax change will not be known until it is discovered in April of 1988 (Primary time-Tax time).

In the past, tax policy constituted the fundamental difference between Democrats and Republicans. We believed in the doctrine of "each citizen contributing according to his means." Republicans traditionally supported the "trickledown approach." The 27% top rate is definitely the result of the latter. In supporting the 27% top rate, Democrats are exactly like Republicans. We have lost our important identity.

A great deal is made of the Tax proposal effort to remove 6,000,000 people from the tax rolls. The Joint Committee has never provided figures on the tax expenditure of either this change or the reduction of the top rate to 27%. My instincts tell me that the top rate reduction for 1,000,000 costs considerably more than the removal of the lower 6,000,000 from taxation!

In a drastic tax change such as the tax bill in conference, there is tremendous risk of miscalculating revenues and expenditures. There is no reserve for error—and it must be expected that the sum of $10 billion to $20 billion could be added to the annual deficit. The error rate of government and committee staffs on these estimates is frightening.

There is another vital issue. The recent study of the Joint Economic Committee indicates a tremendous concentration of wealth and power in the nation with shocking acceleration after 1981. The study was based on figures through 1983 which do not reflect the further trend to the present. The tax bill in conference further accelerates these forces of concentration which do not support a case for drastic immediate reduction of the top rates.

Therefore, I recommend that the House consider reducing the top rate from 35% to 27% over an eight-year period at the rate of 1% a year. This would reduce the cost of the bill by between $25 to $45 billion and also provide some degree of insulation against an error in either revenue or expenditure estimates.

It would be an act of providence to insure against new additions to the annual deficit.

Sincerely yours,

CHARLES A. VANIK.

Though we all talk here like we did this afternoon with respect to the so-called defense, and about throwweight and nuclear this and nuclear that, and everybody forgetting that the basic rationale upon which we are predicating our defense budget is no longer valid, we are acting as if there is still a viable NATO. There is not, and there has not been, though it was not as apparent then as it is now since France pulled out.

But I could go beyond that by reporting to you what I read in the European, in the German periodicals, in the French, even the British, even the Spanish periodicals were reporting. How many times did I see this reported in the American press? Not one time. When do I ever hear it in any debate? Never did.

But in 1959 NATO, after it had incorporated into its command some of the former Nazi generals, came out with the brilliant idea that they were going to have an exercise based on the deployment of 317 what they called small nuclear field warheads. The reason there was such an uproar in the European press, never reported here, was that when it was obvious that the field of action would be middle Europe, Germany, and you know, how are you going to confine that to noncivilian involvement, the uproar was so great that, of course, they had to kind of clamp down and say, oh, that was just a paper exercise. The truth is, it went further than that. But it was the beginning of the birth of the French idea of force de frappe. That is their own nuclear protection or umbrella, as they call it nowadays.

So I wanted to close out this by saying that I am very much concerned because in the fog of discussion I see no light of reality penetrating that fog, either with respect to the apprehension I feel about the safety and well-being of our troops and their colleagues that we have invited to join us in the Sinai. I say as we close out today that they are fellow Americans and neighbors, our allies in this venture who are under a very serious threat of bodily harm or death, and that much more than just that would fall by way of repercussion.

I have asked that we have a review. I think the Congress has a responsibility, since the Congress, the first and only time in its history that it has mandated troop movements, that it review and say what is the purpose here. Should we allow this situation of our troops actually being hostages and nothing else?

This is a no win deal because the nations we are supposed to be keeping the peace for are both supposed allies: Egypt and Israel.

So I hope that eventually I can persuade my colleagues, and I will recall for the record that when this resolution providing for this troop deployment came up, it came up out of the Foreign Affairs Committee, with no sequential reference to the Armed Services Committee. I think that was a prime error to begin with. But I think now that there is the responsibility on both committees to overview this, reconsider, and see if we have properly seen to the safety and well being of these men who are soldiers. They are armed, but they are not adequately armed in the case of an eventuality.

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□ 1630

## IN MEMORY OF OFFICER KEVIN WELSH

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, the Washington area was rocked by a tragedy this week with the death of Officer Kevin Welsh in the line of duty.

Officer Welsh dove into the murky waters of the Anacostia River in an effort to rescue a woman who had jumped off the 11th Street bridge in a suicide attempt. The woman was saved; Officer Welsh was not. His body was reclaimed from the waters of the river more than 4 hours later.

Officer Welsh was 34 years old, a 7-year veteran of the force. He was a loving husband and a father. His wife, Judy, is expecting their third child in a matter of weeks.

The circumstances of this tragedy are heart-rending, and when we delve deeper, they become even more so. For Kevin Welsh was a man beloved by his colleagues and respected as an outstanding police officer. A captain in the District of Columbia Police Department's Emergency Response Team, of which Officer Welsh was a member, said of him, "He was [what we] commonly refer to as a policeman's police officer."

From every account we read in the newspaper or heard on television, we have lost an individual in love with life, who was very, very good at his job. In his career, Officer Welsh had received 31 commendations from his superiors, as well as more than 60 letters of praise from citizens. This year, he had made 72 felony arrests and 33 arrests of fugitives on warrants. He was a crack shot and an expert at finding stolen cars. In other words, Officer Welsh was the kind of policeman who is idealized on the television. But there was one difference—he was real.

The death of a brave man, a man who took a risk to do his job to the limit, who tried to save a life, reminds us all of the sacrifices made for each one of us everyday, by the men and women of our police departments. Across this country there are quiet heroes like Kevin Welsh, professionals who make it possible for us to walk on safer streets knowing that they will be there in times of distress. We honor all their contributions as we pause to mourn the loss of one of our Nation's finest, Officer Kevin Welsh.

## THE NATIONAL MEDIA SHOULD PAY MORE ATTENTION TO COVERING AFGHANISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DREIER] is recognized for 5 minutes.

Mr. DREIER of California. Mr. Speaker, in light of the press's coverage of the Soviets' recent announcement that it would withdraw 6,000 of its 115,000 invading troops from Afghanistan, I want to appeal to the Nation's media. We, in Congress, have devoted a significant part of this session to foreign policy decisions. From the Philippines to Nicaragua, we have taken positive action to aid the forces of democracy against totalitarianism.

Coinciding with this action, our national media have overcome significant barriers of censorship and harassment to draw international attention to corruption and human rights violations. The media's determination to report the situation in South Africa in spite of increasing censorship demonstrates a will and an ability to get around these restriction.

Unfortunately, Afghanistan is a place of extreme tragedy where TV and radio rarely go, and where they have failed to capture the imagination and attention of the world. As the media justifiably focuses on South Africa where the death toll ranges in the thousands, it ignores the millions killed in Afghanistan. Ignored is the fact that over half the population has been either killed off or driven off its lands by the invaders.

Mr. Speaker, I implore the media to spend a fraction of its time on Afghanistan that it has on such places as South Africa and the Philippines. I implore the entertainment and news media which was so helpful in Ethiopia to devote a similar effort to the Afghans who are suffering a famine proportinate to Ethiopia's but induced by defoliants and carpet bombing. Mr. Speaker, I implore the media to stop ignoring the Soviet Union's invasion of the sovereign nation of Afghanistan.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. DREIER of California, for 5 minutes, today.

(The following Members (at the request of Mr. STRANG) to revise and extend their remarks and to include extraneous material:)

Mr. BURTON of Indiana, for 60 minutes, today.

(The following Members (at the request of Mr. FRANK) to revise and extend their remarks and to include extraneous material:)

Mr. FRANK, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. HUBBARD, for 5 minutes, today.

Mr. WEISS, for 5 minutes, today.

Mr. DONNELLY, for 5 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mr. GONZALEZ, for 60 minutes, today.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. BROOMFIELD, following Mr. DICKINSON on H.R. 4428 in the Committee of the Whole, today.

Mr. DICKINSON, to include extraneous matter in his remarks during debate on the Aspin amendment in the Committee of the Whole today.

(The following Members (at the request of Mr. STRANG) and to include extraneous matter:)

Mr. LAGOMARSINO.

Mr. FAWELL.

Ms. SNOWE.

Mr. KEMP.

Mr. SWINDALL.

Mr. DENNY SMITH.

Mr. BEREUTER in two instances.

Mr. LENT.

Mr. WOLF.

Mr. DREIER of California.

(The following Members (at the request of Mr. FRANK) and to include extraneous matter:)

Mr. STARK.

Mr. BONKER.

Mr. UDALL.

Mr. LEVINE of California.

Mr. LELAND.

Mr. MILLER of California.

Mr. VENTO.

## ENROLLED BILL SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 4184. An Act to authorize appropriations to the National Science Foundation for the fiscal year 1987, and for other purposes.

## BILLS PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 1740. An act to direct the Secretary of the Interior to release a reversionary interest in certain lands in Orange County, FL, which were previously conveyed to Orange County, FL, and

H.R. 1795. An act to exempt certain lands in the State of Mississippi from a restriction set forth in the act of April 21, 1806.

## ADJOURNMENT

Mr. HOYER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 35 minutes p.m.) under its previous order, the House adjourned until Monday, August 11, 1986, at 12 o'clock noon.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4022. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Department of the Navy's intent to issue Letter(s) of Offer to sell certain defense articles and services to the Coordination Council for North American Affairs (Transmittal No. 86-51), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

4023. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to reduce costs in the Medicare programs, and for other purposes; jointly to the Committees on Ways and Means and Energy and Commerce.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HAWKINS: Committee on Education and Labor. H.R. 4300. A bill to entitle employees to parental leave in cases involving the birth, adoption, or serious health condition of a son or daughter and temporary medical leave in cases involving inability to work because of a serious health condition, with adequate protection of the employees' employment and benefit rights, and to establish a commission to study ways of providing salary replacement for employees who take any such leave; with amendments (Rept. 99-699, Part 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. Supplemental report on H.R. 4430; with an amendment (Rept. 99-725, Part 2). Ordered to be printed.

Mr. BROOKS: Committee on Government Operations. Report on Foreign source income: Problems of tax return nonfiling and income underreporting by Americans living or investing abroad (Rept. 99-770). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 4062. A bill to provide for the conveyance of certain public lands in Oconto and Marinette Counties, WI. (Rept. 99-771). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 1891. A bill to direct the Secretary of the Interior to convey a certain parcel of land located near Ocotillo, CA; with an amendment (Rept. 99-772). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 4811. A bill to establish the San Pedro Riparian National Conservation Area in Cochise County, AZ, in order to assure the protection of the riparian, wildlife, archaeological, paleontological, scientific, cultural, educational, and recreational resources of the conservation area, and for other purposes; with an amendment (Rept. 99-773). Referred to the Committee of the Whole House on the State of the Union.

Mr. HAWKINS: Committee on Education and Labor. House Concurrent Resolution 321. Concurrent resolution expressing the sense of Congress in opposition to employment discrimination against persons who have, or have had, cancer based on such individual's cancer history. (Rept. 99-774). Referred to the House Calendar.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 4843. A bill to amend the Energy Policy and Conservation Act for the purpose of improving national energy policy; with amendments (Rept. 99-775, Part 1). Ordered to be printed.

Mr. DE LA GARZA: Committee on Agriculture. H.R. 2631. A bill to provide for study and research on the decline in U.S. forest productivity and to determine the effects of atmospheric pollutants on forest environments, and for other purposes; with an amendment (Rept. 99-776). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 4883, A bill to provide options for land exchanges involving lands on Admiralty Island, AK, and for other purposes; with an amendment (Rept. 99-777). Referred to the Committee of the Whole House on the State of the Union.

## SUBSEQUENT ACTION ON REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of Rule X the following action was taken by the Speaker:

The Committee on Public Works and Transportation discharged from further consideration of H.R. 4430; H.R. 4430 referred to the Committee of the Whole House on the State of the Union.

The Committee on Merchant Marine and Fisheries discharged from further consideration of H.R. 4351; H.R. 4351 referred to the Committee of the Whole House on the State of the Union.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GLICKMAN (for himself, Mr. FRANK, and Mr. BERMAN):

H.R. 5362. A bill to extend the authority of the Supreme Court Police to provide protective services for Justices and Court personnel; to the Committee on the Judiciary.

By Mr. GLICKMAN (for himself and Mr. FISH):

H.R. 5363. A bill to amend the interest provisions of the Declaration of Taking Act; to the Committee on the Judiciary.

By Mr. BARNES (for himself, Ms. OAKAR, Mr. ACKERMAN, Mr. FAZIO, Mrs. BURTON of California, Mr. HOYER, Mr. DYMALLY, Mr. GEJDENSON, Mr. SMITH of Florida, Mr. DYSON, Mr. EDGAR, Mr. KOSTMAYER, Mr. GUARINI, Mr. FRANK, Ms. MIKULSKI, and Mr. BORSKI):

H.R. 5364. A bill to amend title 5, United States Code, to increase the amount of basic group life insurance available to Federal employees; to provide that amounts in the Employee's Life Insurance Fund be invested in certain Government securities; to provide for the amortization of the unfunded liability of the Government's life insurance program; and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BONKER (for himself, Mr. ROTH, and Mr. MICA):

H.R. 5365. A bill to amend the International Claims Settlement Act of 1949 to provide that the value of claims be based on the fair market value of the property taken; to the Committee on Foreign Affairs.

By Mr. BROWN of California (for himself, Mr. ROE, Mr. LUJAN, Mrs. LLOYD, Mr. SENSENBRENNER, Mr. WALGREN, Mr. SCHEUER, Mr. LEWIS of Florida, Mr. YOUNG of Missouri, Mr. REID, Mr. HENRY, Mr. NELSON of Florida, Mr. LUNDINE, Mr. MCCURDY, Mr. MACKAY, Mrs. MEYERS of Kansas, Mr. GLICKMAN, and Mr. VOLKMER):

H.R. 5366. A bill to provide for the development of a long-range plan to implement the report recently submitted by the National Commission on Space; to the Committee on Science and Technology.

By Mr. CONYERS:

H.R. 5367. A bill to amend title 18, United States Code, to provide for dismissal of a criminal case, before or after judgment, upon a finding of error in the grand jury proceedings from which the indictment arose; to the Committee on the Judiciary.

H.R. 5368. A bill to amend chapter 215 of title 18 of the United States Code to allow assistance of counsel in connection with grand jury proceedings; to the Committee on the Judiciary.

By Mr. LENT (for himself, Mr. DOWDY of Mississippi, Mr. DANNEMEYER, Mr. SCHEUER, Mr. RITTER, Mr. WYDEN, Mr. BLILEY, Mr. SYNAR, Mr. SLATTERY, and Mr. SIKORSKI):

H.R. 5369. A bill to require asbestos manufacturers to submit information on their asbestos products to the Environmental Protection Agency and to require owners of buildings containing asbestos to inspect the buildings and take samples of asbestos before commencing civil actions relating to asbestos, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MCMILLAN (for himself, Mr. BARNARD, Mrs. BENTLEY, Mr. BLILEY, Mr. CAMPBELL, Mr. CARPER, Mr. COBEY, Mr. COBLE, Mr. DANIEL, Mr. DARDEN, Mr. DERRICK, Mr. DICKINSON, Mr. DUNCAN, Mr. FRANKLIN, Mr. GINGRICH, Mr. HARTNETT, Mr. HENDON, Mr. HORTON, Mrs. JOHNSON, Mr. LENT, Mr. LOTT, Mr. MCEWEN, Mr. MOLINARI, Mr. MONTGOMERY, Mr. NEAL, Mr. OLIN, Mr. RITTER, Mr. ROBERTS, Mr. ROGERS, Mr. ROSE, Mr. ROWLAND of Georgia, Mr. SLAUGHTER, Mr. SMITH of New Hampshire, Mr. SPENCE, Mr. SPRATT, Mr. STRANG, Mr. SWINDALL, Mr. TALLON, Mr. THOMAS of Georgia, Mr. VALENTINE, Mr. VANDER JAGT, and Mr. WHITLEY):

H.R. 5370. A bill to establish an import licensing system for textiles and textile products; to the Committee on Ways and Means.

By Mr. ST GERMAIN (for himself and Mr. WYLIE):

H.R. 5371. A bill to extend until September 15, 1986, the emergency acquisition and net worth guarantee provisions of the Garn-St Germain Depository Institutions Act of 1982; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SPENCE:

H.R. 5372. A bill to amend section 331A of the Consolidated Farm and Rural Development Act to authorize the Secretary of Agriculture to forgo foreclosure of certain loans and to make an adjusted loan schedule available to the borrower providing for equitable repayment terms consistent with the borrower's prospective cash flow; to the Committee on Agriculture.

By Mrs. COLLINS (for herself and Mr. LELAND):

H.R. 5373. A bill to amend the Internal Revenue Code of 1954 to deny deductions for expenses of advertising to persons who discriminate against minority owned or formatted communications entities in the purchase or placement of advertisements, and to permit persons aggrieved by such discrimination to bring civil actions to recover lost profits and other appropriate damages; jointly, to the Committees on Ways and Means, and the Judiciary.

By Mr. STARK:

H.R. 5374. A bill to prohibit the designation, as beneficiary developing countries under the Generalized System of Preferences (GSP), of countries that violate internationally recognized human rights or are governed by totalitarian regimes that are not implementing measures for a transition to a democratic form of government; to the Committee on Ways and Means.

By Mr. STARK (for himself and Mr. BEREUTER):

H.R. 5375. A bill to make Chile ineligible for preferential tariff treatment under the Generalized System of Preferences until action is taken by the government of Chile to improve human rights conditions and to restore democracy in that nation; to the Committee on Ways and Means.

By Mr. TRAFICANT:

H.R. 5376. A bill to amend title 11 of the United States Code to prevent the rejection of contracts, whether executory or not, that provide hospitalization and health benefits to current or former employees of the debtor; to the Committee on the Judiciary.

By Mr. WAXMAN (for himself, Mr. MILLER of California, and Mr. ATKINS):

H.R. 5377. A bill to amend the Public Health Services Act to establish school-based adolescent health services demonstration projects; to the Committee on Energy and Commerce.

By Mr. YATRON (for himself, Mr. SOLOMON, Mr. FASCELL, Mr. BROOMFIELD, Ms. MIKULSKI, and Mr. RICHARDSON):

H. Con. Res. 378. A concurrent resolution expressing the sense of the Congress concerning human rights in Nicaragua; to the Committee on Foreign Affairs.

## ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 1402: Mr. CLINGER.

H.R. 2502: Mr. CLINGER.

H.R. 2504: Mr. FLORIO.

H.R. 3024: Mr. FEIGHAN, Mr. ERDREICH, Mr. DIXON, Mr. HILLIS, Mr. GEJDENSON, Mr. GILMAN, Mr. WHITTEN, Mr. LIPINSKI, Mr.

LEWIS of California, Mr. DIOGUARDI, and Mr. MACKAY.

H.R. 3643: Mr. GOODLING.

H.R. 3799: Mr. VALENTINE.

H.R. 3842: Mr. BUSTAMANTE, Mr. DELLUMS, Mr. COELHO, Mrs. SCHROEDER, Mr. SAVAGE, Mr. TAUZIN, Mr. FRANK, Mr. STARK, Mr. SCHUMER, Mr. MCCURDY, Mr. GUARINI, Mr. ANNUNZIO, Mr. SISISKY, Mr. MAVROULES, Mr. MILLER of California, Mr. ACKERMAN, Mr. DOWNEY of New York, and Mr. FLORIO.

H.R. 4041: Mr. SHAW.

H.R. 4300: Mr. LUKEN, Mr. MCDADE, and Mr. MOAKLEY.

H.R. 4439: Mr. BARTON of Texas, Mr. CLINGER, Mr. SHUMWAY, Mr. WALKER, Mrs. VUCANOVICH, and Mr. VALENTINE.

H.R. 4524: Mr. CARPER.

H.R. 4567: Mr. PICKLE.

H.R. 4633: Mr. BRYANT, Mr. DEWINE, Mr. LANTOS, Mr. HAMILTON, Mrs. COLLINS, Mr. SCHEUER, Mr. SOLOMON, Mr. DAUB, Mr. CLINGER, and Mr. WOLPE.

H.R. 4838: Mr. SWIFT, Mr. ACKERMAN, and Mr. WHEAT.

H.R. 4872: Mr. BERMAN.

H.R. 4931: Mr. RAHALL and Mr. APPLEGATE.

H.R. 5064: Mr. WORTLEY, Mr. MCDADE, Mr. FUSTER, Mr. GARCIA, Mr. FAZIO, Mr. BRYANT, Ms. KAPTUR, and Mr. HUGHES.

H.R. 5065: Mr. WORTLEY, Mr. MCDADE, Mr. FUSTER, Mr. GARCIA, Mr. FAZIO, Mr. BRYANT, Ms. KAPTUR, and Mr. HUGHES.

H.R. 5066: Mr. HAYES.

H.R. 5098: Mr. KINDNESS.

H.R. 5099: Mr. HILER and Mr. FEIGHAN.

H.R. 5154: Mr. BERMAN, Mr. SCHEUER, Mr. CROCKETT, and Mr. ECKART of Ohio.

H.R. 5178: Mr. DARDEN, Mr. PACKARD, Mr. MOORHEAD, Mr. WHITEHURST, Mr. EDWARDS of Oklahoma, Mr. SHUSTER, Mr. SILJANDER, and Mr. CLINGER.

H.R. 5208: Mr. LAGOMARSINO, Mrs. JOHNSON, Mrs. HOLT, Mrs. KENNELLY, Mr. LEWIS of Florida, Mr. RANGEL, and Mr. TOWNS.

H.R. 5266: Mr. FUQUA, Mr. CONYERS, Mrs. COLLINS, Mr. WAXMAN, Mr. WEISS, Mr. SYNAR, Mr. NEAL, Mr. BARNARD, Mr. LANTOS, Mr. WISE, Mrs. BOXER, Mr. LEVIN of Michigan, Mr. OWENS, Mr. TOWNS, Mr. SPRATT, Mr. KOLTER, Mr. ERDREICH, Mr. KLECZKA, Mr. BUSTAMANTE, Mr. MARTINEZ, Mr. HORTON, Mr. WALKER, Mr. CLINGER, Mr. MCCANDLESS, Mr. CRAIG, Mr. NIELSON of Utah, Mr. SAXTON, Mr. SWINDALL, Mr. DELAY, Mr. DIOGUARDI, Mr. ARMEY, Mr. LIGHTFOOT, Mr. MILLER of Washington, and Mr. BOULTER.

H.R. 5311: Mr. SENSENBRENNER.

H.R. 5322: Mr. LUNDINE, Mr. FRANK, and Mr. MITCHELL.

H.R. 5338: Mr. RAHALL.

H.J. Res. 127: Mr. PERKINS, Mr. SNYDER, and Mr. CALLAHAN.

H.J. Res. 524: Mr. CARR, Mr. EMERSON, Mr. CALLAHAN, Mr. CHAPPIE, Mr. SISISKY, and Mr. VENTO.

H.J. Res. 594: Mr. SOLOMON.

H.J. Res. 611: Mr. LAGOMARSINO, Mr. VISCLOSKY, Mr. OLIN, Mr. COUGHLIN, Mr. ANDREWS, Ms. OAKAR, Mr. FRENZEL, Mr. PRICE, Mr. DASCHLE, Mr. EARLY, Mr. MCKINNEY, Mr. BROWN of California, and Mr. SPRATT.

H.J. Res. 617: Mr. BROOKS, Mr. SHUMWAY, Mr. EARLY, Mr. CALLAHAN, Mr. EMERSON, and Mr. PEPPER.

H.J. Res. 619: Mr. SIKORSKI, Mr. LOWRY of Washington, Mr. WYDEN, Mr. EMERSON, and Mr. CALLAHAN.

H.J. Res. 620: Mrs. LONG, Mr. COELHO, Mr. DAVIS, Mr. ROEMER, Mr. PETRI, Mr. WEAVER, and Mr. FASCELL.

H.J. Res. 631: Mr. KANJORSKI, Mr. BORSKI, Mr. REID, Mr. CROCKETT, Mr. DE LA GARZA, Mr. MCKERNAN, Mrs. MARTIN of Illinois, Mr. JONES of North Carolina, Mr. DWYER of New Jersey, Mr. AUCOIN, Mr. LUNDINE, Ms. MIKULSKI, Mr. LEWIS of Florida, Mr. WILLIAMS, and Mrs. BURTON OF California.

H.J. Res. 643: Mr. WORTLEY, Mr. TAUZIN, Mr. DYSON, Mr. JONES of Oklahoma, Mr. LEATH of Texas, Mr. PETRI, Mr. DANIEL, Mr. RALPH M. HALL, Mr. WATKINS, Mr. VALENTINE, Mr. JACOBS, Mr. ANTHONY, Mr. WHITLEY, Mr. HUBBARD, Mr. FRANKLIN, Mr. ORTIZ, Mr. SNYDER, Mr. NIELSON of Utah, Mr. ERDREICH, and Ms. SNOWE.

H.J. Res. 655: Mr. BLAZ, Mr. BORSKI, Mr. CARPER, Mrs. COLLINS, Mr. COYNE, Mr. DE LA GARZA, Mr. DOWDY of Mississippi, Mr. EMERSON, Mr. JENKINS, Ms. KAPTUR, Mr. KINDNESS, Mr. LEHMAN of Florida, Mrs. LLOYD, Mr. MCMILLAN, Mr. PORTER, Mr. SHUMWAY, Mr. TAUZIN, Mr. TOWNS, Mr. VENTO, Mr. WALGREN, Mr. WOLPE, and Mr. YOUNG of Missouri.

H.J. Res. 674: Mr. LAGOMARSINO, Mr. MAVROULES, Mrs. BENTLEY, Mr. HUGHES, and Mr. BEDELL.

H.J Res. 684: Mr. FROST, Mr. NIELSON of Utah, Mr. CROCKETT, Mr. CAMPBELL, Mr. MOORHEAD, Mr. MINETA, Mr. JACOBS, Mr. CHAPPELL, Mr. BOEHLERT, Mr. ECKERT of New York, Mr. EVANS of Illinois, Mr. HALL of Ohio, Mr. RAHALL, Mr. WHEAT, Mr. JONES of Tennessee, Mr. COYNE, Mr. BATES, Mr. BEDELL, Mr. BRUCE, Mr. DE LA GARZA, Mr. LEVIN of Michigan, Mrs. JOHNSON, Mr. LUKEN, and Mr. ROBINSON.

H.J. Res. 686: Mr. BURTON of Indiana, Mr. LEACH of Iowa, and Mr. HUTTO.

H.J. Res. 688: Mr. DARDEN, Mr. WATKINS, Mr. MCDADE, Mr. LIPINSKI, Mr. RANGEL, Mrs. BENTLEY, Ms. KAPTUR, Mr. COLEMAN of Texas, Mrs. LLOYD, and Mr. DE LA GARZA.

H.J. Res. 699: Mr. KOSTMAYER, Mr. RALPH M. HALL, and Mr. NIELSON of Utah.

H. Res. 529: Mr. LIGHTFOOT, Mr. FAWELL, Mr. LAGOMARSINO, and Mr. SLAUGHTER.

## REGULATION OF LOBBYING ACT

In compliance with Public Law 601, 79th Congress, title III, Regulation of Lobbying Act, section 308(b), which provides as follows:

(b) All information required to be filed under the provisions of this section with the Clerk of the House of Representatives and the Secretary of the Senate shall be compiled by said Clerk and Secretary, acting jointly, as soon as practicable after the close of the calendar quarter with respect to which such information is filed and shall be printed in the CONGRESSIONAL RECORD.

The Clerk of the House of Representatives and the Secretary of the Senate jointly submit their report of the compilation required by said law and have included all registrations and quarterly reports received.

## REGISTRATIONS

The following registrations were submitted for the second calendar quarter 1986:

(NOTE.—The form used for report is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective headings.)

FILE ONE COPY WITH THE SECRETARY OF THE SENATE AND FILE TWO COPIES WITH THE CLERK OF THE HOUSE OF REPRESENTATIVES:

This page (page 1) is designed to supply identifying data; and page 2 (on the back of this page) deals with financial data.

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19.....

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

| P | QUARTER | | | |
|---|---|---|---|---|
| | 1st | 2d | 3d | 4th |
| (Mark one square only) | | | | |

NOTE ON ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:
(i) "Employee".—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)
(ii) "Employer".—To file as an "employer", write "None" in answer to Item "B".
(b) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:
(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.
(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE ON ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER.—State name, address, and nature of business. If there is no employer, write "None."

NOTE ON ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§302(e).
(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).
(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, ☐ place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the *specific* legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) Description, (*b*) quantity distributed; (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. If this is a "Quarterly" Report, disregard this item "C4" and fill out items "D" and "E" on the back of this page. Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly" Report.

AFFIDAVIT

[Omitted in printing]

| Organization or Individual Filing | Employer/Client |
|---|---|
| Christian M. Abeel, 70 Pine Street, 39th Floor New York, NY 10270 | American International Group, Inc |
| Deborah L. Aiken, 1850 K Street, NW Washington, DC 20006 | American Council of Life Insurance |
| Akin Gump Strauss Hauer & Feld, 1333 New Hampshire Ave., NW, #400 Washington, DC 20036 | Ad Hoc Coalition to Prevent Employee Leasing Abuses |
| Do | Cambrian & General |
| Do | Clark Enterprises, Inc |
| Do | Coalition for Fair Capital Reimbursement |
| Do | Dallas Area Rapid Transit |
| Do | First Union Bank |
| Do | General Space Corp |
| Do | W. R. Grace & Co |
| Do | Guardian Industries |
| Do | Houston Oilers |
| Do | Ivan Boesky & Co |
| Do | KMI Continental, Inc |
| Do | Mt. Sinai Medical Center |
| Do | Mutual Fairness Taxation Assn |
| Do | News America |
| Do | Research Corporation |
| Do | RJR Nabisco, Inc |
| Do | Sea Alaska |
| Do | St. Luke's Roosevelt Hospital Center |
| David L. Aldridge, 605 E. 11th The Dalles, OR 97058 | Columbia Gorge United |
| Donald C. Alexander, Cadwalader Wickersham & Taft 1333 New Hampshire Ave., NW Washington, DC 20036 | Mortgage Guaranty Insurance Corp |
| Alexander & Associates, Inc, 400 C Street, NE Washington, DC 20002 | GATX Corp |
| Do | National Structured Settlements Trade Assn |
| Do | Rolls Royce Motors, Inc |
| Richard F. Ali, 1901 North Moore Street Arlington, VA 22209 | National Assn of the Remodeling Industry |
| H. K. Allen, 1325 1/2 Wisconsin Avenue, NW, #300 Washington, DC 20007 | |
| William E. Allen, 1111 14th Street, NW Washington, DC 20005 | American Dental Assn |
| Alliance for Acid Rain Control, 444 N. Capitol Street, #339 Washington, DC 20001 | |
| American International Group, Inc, 70 Pine Street New York, NY 10005 | |
| American Veterans Lobby, P.O. Box 1361 San Diego, CA 92115-1361 | |
| Americans for Anti-Papist Government, 515 E. Washington Street Charles Town, WV 25414 | |
| William Robert Andrews, 1745 Jefferson Davis Highway Arlington, VA 22202 | Rockwell International Corp |
| Andrews & Kurth, 1747 Pennsylvania Avenue, NW Washington, DC 20006 | |
| Arent Fox Kintner Plotkin & Kahn, 1050 Connecticut Avenue, NW Washington, DC 20036 | Independent Federation of Flight Attendants |
| Lud Ashley, P.C., 1735 New York Avenue, NW, 6th Fl. Washington, DC 20006 | Grocery Manufacturers of America, Inc |
| Association of Thrift Holding Companies, 900 17th Street, NW, #500 Washington, DC 20006 | |
| Richard E. Austin, 2550 M Street, NW, #770 Washington, DC 20037 | RJR Nabisco, Inc |
| APCO Associates, 1200 New Hampshire Ave., NW Washington, DC 20036 | Sacramento Public Utility District |
| Do | West Mexico Vegetable Distributors Assn |
| Richard Anthony Baenen, 1735 New York Avenue, NW, #600 Washington, DC 20006 | NANA Regional Corp, Inc |
| Do | People's Republic of Angola |
| Do | Shee Atika, Inc |
| William T. Bagatelas, 1730 K Street, NW, #319 Washington, DC 20006 | American Hellenic Institute Public Affairs Committee, Inc |
| Baker & Botts, 1701 Pennsylvania Ave., NW Washington, DC 20006 | Natural Resource Management Corp |
| Baker & McKenzie, 815 Connecticut Ave., NW Washington, DC 20006 | Sundstrand Corp |
| Debra T. Ballen, 1025 Connecticut Avenue, NW, #415 Washington, DC 20036 | American Insurance Assn |
| Henchi Balos, P.O. Box 48 Majuro, Marshall Islands | Republic of the Marshall Islands (RMI) |
| Frederick Wm. Banig, 900 15th Street, NW Washington, DC 20005 | United Mine Workers of America |
| Barnett & Alagia, 1000 Thomas Jefferson Street, NW, #600 Washington, DC 20007 | Wilderness Society |
| M. Wendell Belew Jr., 1800 M Street, NW, #950 North Washington, DC 20036 | Griffin Corp |
| Benchmarks, Inc, 3248 Prospect Street, NW Washington, DC 20007 | Campania Minera de las Cuevas S.A. de C.V. |
| David E. Bennett, 740 Hillgrove Avenue Western Springs, IL 60558 | West Central Municipal Conference |
| Douglas P. Bennett, 3236 Prospect Street, NW Washington, DC 20007 | American Express Co |
| Do | Corning Associates |
| Carol Lee Berlinsky, 1001 Prince Street Alexandria, VA 22314 | John R. Zagame Associates, Inc |
| Berman Bergner & Boyette, 1016 16th Street, NW, #700 Washington, DC 20036 | China External Trade Development Council |
| Robert P. Bermingham, 1050 Connecticut Avenue, NW, #760 Washington, DC 20036 | Union Oil Co of California |
| Better Working Environments, Inc, 3716 Scripps Way Las Vegas, NV 89103 | |
| Birch Horton Bittner Pestinger & Anderson, 12th Floor 1155 Connecticut Ave., NW Washington, DC 20036 | North Slope Borough |
| Bishop Liberman Cook Purcell & Reynolds, 1200 17th Street, NW, 7th Fl. Washington, DC 20036 | Monex International Ltd |
| Do | U.S. Agricultural Export Development Council |
| John R. Block, 201 Park Washington Court Falls Church, VA 22046 | National-American Wholesale Grocers' Assn |
| Blum Nash & Railsback, 1133 15th Street, NW, #1100 Washington, DC 20005 | ADAPSO |
| Do | Journal of Commerce, Inc |
| Patti Blumer, 1667 K Street, NW, #430 Washington, DC 20007 | American Dietetic Assn |
| Bonner & Associates, Inc, 1625 K Street, NW, #300 Washington, DC 20006 | Blue Cross & Blue Shield Assn |
| Patricia A. Borowski, 400 North Washington Street Alexandria, VA 22314 | National Assn of Professional Insurance Agents |
| Bowman Conner Touhey & Petrillo, 2828 Pennsylvania Avenue, NW, #203 Washington, DC 20007 | Walsh-Healey Coalition |
| Bracewell & Patterson, 1825 Eye Street, NW, #1200 Washington, DC 20006 | Computer Dealers & Lessors Assn, Inc |
| Marcia D. Brody, 1522 K Street, NW, #828 Washington, DC 20005 | American Veterinary Medical Assn |
| Cheryl Brown, 1667 K Street, NW, #710 Washington, DC 20006 | Baxter Travenol Laboratories, Inc |
| Bryan Cave McPheeters & McRoberts, 1015 15th Street, NW, #1000 Washington, DC 20005 | Washington University |
| Robert J. Burdick, 1126 16th Street, NW Washington, DC 20036 | Oil Chemical & Atomic Workers Int'l Union |
| John L. Burke Jr., Foley Hoag & Eliot 1615 L Street, NW, #950 Washington, DC 20036 | Massaro Properties, Inc |
| Do | Stadium Authority of the City of Pittsburgh |
| Burson-Marsteller, 1850 M Street, NW, #900 Washington, DC 20036 | Hankin Management-Arsenal Business Center Associates |
| Do | R. P. Scherer Corp |
| Busby Rehm and Leonard, P.C., 1330 Connecticut Ave., NW, #200 Washington, DC 20036 | MacMillan Bloedel, Inc |
| James T. Bush, 1500 Massachusetts Avenue, NW Washington, DC 20005 | CDI Policy Institute |
| Gary Bushell, 499 South Capitol Street, SW, #407 Washington, DC 20003 | Austin Industries, Inc |
| Butler & Binion, 1747 Pennsylvania Ave., NW, #900 Washington, DC 20006 | Kelly Services, Inc |
| Do | Saunders System, Inc |
| Mary Jane Butterfield, 1818 N Street, NW, #350 Washington, DC 20036 | Susan Davis International (For:Turkish Republic of Northern Cyprus) |
| Cambridge International, Inc, 1600 Wilson Boulevard, #713 Arlington, VA 22209 | General Dynamics Valley Systems Division |
| Do | Lockheed-California Co |
| Arthur E. Cameron, 316 Pennsylvania Ave., SE, #402 Washington, DC 20003 | Syro Steel Co |
| Jeanne Campbell, Campbell-Raupe, Inc 1015 15th Street, NW, #907 Washington, DC 20005 | Union Pacific Corp |
| Edward F. Canfield, 1101 S. Arlington Ridge Rd., #510 Arlington, VA 22202 | Casey Scott & Canfield, P.C. (For:Association for Regulatory Reform) |
| Anne Gavaghan Cantrel, 1667 K Street, NW Washington, DC 20005 | Baxter Travenol Laboratories, Inc |
| Robert Capozzi, 1015 18th Street, NW, #702 Washington, DC 20003 | ISFA Corporation |
| Robert A. Carmines, 1111 14th Street, NW Washington, DC 20005 | American Dental Assn |
| David Cartwright, 1155 15th Street, NW Washington, DC 20005 | National Small Business Assn |
| Cassidy and Associates, Inc, Metropolitan Square 655 15th St., NW, #1100 Washington, DC 20005 | Crane Company |
| Do | University of Vermont |
| Centerior Energy Corp, P.O. Box 94661 Cleveland, OH 44101-4661 | |
| Chadbourne & Parke, 1101 Vermont Avenue, NW Washington, DC 20005 | Burnett & Hallamshire Holdings Plc |
| Do | BATUS, Inc |
| Do | Oxbow Geothermal Corp |
| Do | Peat Products of America, Inc |
| Jeannette A. Chambers, 1015 18th Street, NW Washington, DC 20036 | Conference of State Bank Supervisors |
| William C. Chapman, 2801 Fort Scott Drive Arlington, VA 22202 | Multinational Business Services, Inc |
| Donald D. Clancy, 6507 Leeds Lane Cincinnati, OH 45215 | American Continental Corp |
| Robert A. Clark, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037 | Algoma Steel Corp, Ltd |
| Edward T. Cloonan, 70 Pine Street, 39th Floor New York, NY 10270 | American International Group, Inc |
| Coan Couture Lyons & Moorhead, 1625 Eye St., NW, #1015 Washington, DC 20006 | National Investment Development Corp |
| Dan Cohen, 500 North Capitol Street, NW, #300 Washington, DC 20001 | American Israel Public Affairs Comm |
| Linda Colancecco, 311 First Street, NW, #500 Washington, DC 20001 | Computer & Business Equipment Manufacturers Assn |
| Emilio G. Collado III, Collado Associates 1405 Montague Drive Vienna, VA 22180 | American Watch Assn, Inc |
| Angel Collaku, 522 21st Street, NW, #807 Washington, DC 20006 | Edward Blankstein, Inc |
| Committee to Protect the Family, 5681 Leesburg Pike, #204 Falls Church, VA 22041 | |
| Peter Coniglio, 777 14th Street, NW, 5th Floor Washington, DC 20005 | National Assn of Realtors |

| Organization or Individual Filing | Employer/Client |
|---|---|
| C. Judith Conrad, 1111 14th Street, NW Washington, DC 20005 | American Dental Assn |
| Consumers Opposed to Secret Tax (COST), P.O. Box 93711 Milwaukee, WI 53203 | |
| Continental Communications Group, Inc, 12600 West Cedar Drive Denver, CO 80228 | |
| Stoney Cooks, 610 4th Place, SW Washington, DC 20002 | South/North Development Group, Ltd |
| Corman Law Offices, 1420 16th Street, NW Washington, DC 20036 | Grobstein Blankstein Goldman & Co |
| Do | Institute of Electrical & Electronics Engineers, Inc |
| Do | International Assn of Geophysical Contractors |
| Do | Investment Partnership Assn |
| Do | National Structured Settlements Trade Assn |
| Larry C. Cornwell, 412 Madison, #1000 Tampa, FL 33602 | North American Telephone |
| Alfred W. Cortese Jr., 655 15th Street, NW, #1200 Washington, DC 20005 | General Motors Corp |
| Covington & Burling, 1201 Pennsylvania Avenue, NW P.O. Box 7566 Washington, DC 20044 | American Council on Education |
| Do | American Honda |
| Do | Enserch Corp |
| Do | General Mills, Inc |
| Do | International Business Machines |
| C. Richard Cox, 800 Briar Creek Road Charlotte, NC 28232 | Belk Stores Services, Inc |
| Crowell & Moring, 1100 Connecticut Ave., NW Washington, DC 20036 | Risk & Insurance Management Society |
| Jonathan W. Cuneo, 1401 New York Avenue, NW, #620 Washington, DC 20005 | Committee to Support the Antitrust Laws |
| Davis & Harman, 1455 Pennsylvania Avenue, NW, #1200 Washington, DC 20004 | Dresser Industries |
| Davis Graham & Stubbs, 1001 22nd St., NW, #500 Washington, DC 20037 | Colorado Water Congress |
| Davis Hockenberg Wine Brown & Koehn, 2300 Financial Center Des Moines, IA 50309 | E&J Gallo Winery |
| Davis Polk & Wardwell, 1575 Eye St., NW Washington, DC 20005 | Kohlberg Kravis Roberts & Co |
| Dechert Price & Rhoads, 1730 Pennsylvania Avenue, NW, #1100 Washington, DC 20006 | Colorado Westmoreland, Inc |
| Do | Towers Perrin Forster & Crosby, Inc |
| Mark O. Decker, 1101 17th Street, NW, #700 Washington, DC 20036 | Pension Real Estate Assn |
| Mary C. Delmer, 1575 Eye Street, NW, #200 Washington, DC 20005 | American Cyanamid Co |
| Samuel L. Devine, 441 Second Avenue, N. Naples, FL 33940 | American Continental Corp |
| Dewey Ballantine Bushby Palmer & Wood, 1775 Pennsylvania Ave., NW Washington, DC 20006 | Bear Stearns & Co, Inc |
| Do | Dee Corporation PLC |
| Law Offices of Paul H. DeLaney, Jr., 1920 N Street, NW, #610 Washington, DC 20036 | General Development Utilities, Inc |
| Dickstein Shapiro & Morin, 2101 L St., NW Washington, DC 20037 | ABD Securities Corp |
| Do | Fairchild Industries, Inc |
| Larry L. Dildine, 1801 K Street, NW Washington, DC 20006 | Price Waterhouse (For:Investment Co Institute) |
| James C. Dinegar, 600 Pennsylvania Avenue, SE, #200 Washington, DC 20003 | Independent Insurance Agents of America, Inc |
| Barry B. Direnfeld, Rivkin Radler Dunne & Bayh 1575 I Street, NW, #1025 Washington, DC 20005 | Renewable Fuels Assn |
| Dobrovir & Gebhardt, 1025 Vermont Avenue, NW, #1105 Washington, DC 20005 | New York State Ophthalmological Society |
| Eileen Marie Doherty, 1000 Connecticut Avenue, NW Washington, DC 20036 | Japan Economic Institute of America |
| Donohue & Associates, Inc, 11445 Isaac Newton Square So. Reston, VA 22090 | |
| Linda L. Doorlee, 600 Pennsylvania Avenue, SE, #200 Washington, DC 20003 | Independent Insurance Agents of America, Inc |
| Michael I. Dougherty, Pillsbury Center MS 3771 Minneapolis, MN 55402 | Pillsbury Co |
| Dow Lohnes & Albertson, 1255 23rd St., NW Washington, DC 20037 | Dart-M.L., Ltd |
| Do | Hapag-Lloyd, A.G. |
| Do | Mediterranean/U.S.A. Freight Conference |
| Do | The '8900' Lines |
| Do | Titan Industrial Corp |
| Do | U.S. Atlantic & Gulf Ports/East Med & N. Africa Freight Conf |
| Do | U.S. Atlantic & Gulf/Australia-New Zealand Conference |
| Dutko & Associates, 412 First St., SE, #40 Washington, DC 20003 | Colorado River Municipal Water District (CRMWD) |
| Do | Communications Satellite Corp |
| Do | Model Imperial Supply Co, Inc |
| Do | PacifiCare Health Systems |
| Do | US Sprint |
| William J. Dyess, Wm. Dyess Associates 4444 Dexter Street, NW Washington, DC 20007 | B.V. Stevedore Co Quick Dispatch |
| Dyess Landi Lamont, 1161 Lake Avenue, #113 Metairie, LA 70005 | Citizens Against Drugs |
| Ed Edmondson, Box 11 Muskogee, OK 74401 | Association of Oklahoma General Contractors |
| Eileen Elgin, 1250 Connecticut Avenue, NW Washington, DC 20036 | National Forest Products Assn |
| Christine Elliott-Groves, 600 Maryland Avenue, SW, #700 Washington, DC 20024 | National Fed of Independent Business |
| Steven L. Engelberg, 2033 M St., NW, #404 Washington, DC 20036 | Contract Staffing of America |
| Do | National Staff Leasing Assn |
| John T. Engelen, 729 15th Street, NW Washington, DC 20005 | Associated Builders & Contractors, Inc |
| Michael D. Engelhardt, P.O. Box 24305 Oakland, CA 94623 | Clorox Co |
| Epstein Becker Borsody & Green, P.C., 1140 19th St., NW, #900 Washington, DC 20036 | Voluntary Hospitals of America, Inc |
| Jane B. Esterly, Karl A. Funke & Associates 729 2nd Street, NE Washington, DC 20002 | United South & Eastern Tribes |
| Billy Lee Evans, 499 South Capitol St., SW, #507 Washington, DC 20003 | Bill Hecht & Associates, Inc |
| Thomas L. Fagan, 1755 Jefferson Davis Highway, #900 Arlington, VA 22202 | Gould, Inc |
| Fair Tax Foundation, Inc, 2025 I Street, NW, #813 Washington, DC 20006 | |
| Dennis D. Farrell, 1801 K Street, NW, #1200 Washington, DC 20006 | IBM Corp |
| Federal Company, 1755D Lynnfield Road, #149 Memphis, TN 38119 | |
| Fensterwald Alcorn & Bowman, P.C., 1000 Wilson Blvd., #900 Arlington, VA 22209 | Concerned Federal Railroad Administration Employees |
| Fred E. Ferguson, 122 C Street, NW, #200 Washington, DC 20001 | Council of State Chambers of Commerce |
| Fine & Ambrogne, Exchange Place Boston, MA 02109 | Smith College |
| Finley Kumble Wagner Heine Underberg Manley Myerson & Casey, 1120 Connecticut Ave., NW, #465 Washington, DC 20036 | Committee Against Retroactivity |
| Do | FMI-Hammer Joint Venture |
| Do | National Assn of Senior Living Industries (NASLI) |
| Do | National Limousine Assn |
| Do | Puerto Rico Department of Health |
| Do | Puerto Rico Hospital Assn |
| Do | Small Business Council of America |
| Do | Syncor Int'l Corp/Nat'l Assn of Nuclear Pharmacies |
| Do | TechAmerica Group, Inc |
| Fisher Wayland Cooper & Leader, 1255 23rd Street, NW, #800 Washington, DC 20037-1125 | International Communications Assn |
| David H. Fiske, Fiske & Associates 1776 K Street, NW, #900 Washington, DC 20006 | Software Publishers Assn |
| Lauri J. Fitz, The Power House 3255 Grace Street, NW Washington, DC 20007 | Gray & Co Public Communications Int'l, Inc (For:Cote d'Azur Development) |
| Christopher Flynn, 2034 G Street, NW Washington, DC 20006 | Edward Blankstein, Inc |
| Foreman and Company, 1826 Jefferson Place, NW, #201 Washington, DC 20036 | Home Recording Rights Coalition |
| Carol E. Forrestel, 1015 15th Street, NW, #900 Washington, DC 20005 | Enron Corp |
| Michael A. Forscey, 1735 New York Avenue, NW Washington, DC 20006 | Tobacco Institute |
| Bruce Foster, 1111 19th Street, NW, #303 Washington, DC 20036 | Southern California Edison Co |
| John R. Frahm, 1101 15th Street, NW Washington, DC 20005 | Minnesota Mining & Manufacturing Co |
| Fran Frazier, 1730 K Street, NW, #703 Washington, DC 20006 | American Business Conference |
| Freeport-McMoRan D.C., Inc, 1730 Rhode Island Avenue, NW, #301 Washington, DC 20036 | |
| Ronna Freiberg, The Power House 3255 Grace Street, NW Washington, DC 20007 | Gray & Co Public Communications Int'l, Inc (For:Government of the Cayman Islands) |
| Do | Greer Ingrasci, et al. |
| Marc P. Gabor, 900 15th Street, NW Washington, DC 20005 | United Mine Workers of America |
| John G. Gaine, Landfield Becker & Green 1818 N Street, NW, #300 Washington, DC 20036 | Board of Trade of the City of Chicago |
| Do | Search Group, Inc |
| Garvey Schubert Adams & Barer, 1000 Potomac St., NW Washington, DC 20006 | Greenbriar Capital Corp |
| Do | Greenbriar Leasing |
| Mary A. Garza, 2555 Pennsylvania Avenue, NW, #407 Washington, DC 20037 | Jeweler's Coalition |
| Anne Gaudet, 444 No. Capitol Street, NW, #711 Washington, DC 20001 | UNIAO Nacional Para Independencia Total DeAngola |
| Fred Gehringer, P.O. Box 1002 Chino, CA 91710 | |
| Gerard Byler & Associates, Inc, 1100 17th Street, NW Washington, DC 20036 | Blackfeet Tribal Council |
| Do | Quechan Indian Tribe |
| Alvin J. Geske, 1016 16th Street, NW, 6th Floor Washington, DC 20036 | LTV Corp |
| Gibson Dunn & Crutcher, 1050 Connecticut Ave., NW, #900 Washington, DC 20036 | American International Group, Inc |
| Do | Kelso & Co |
| Michael Gilliland, 1025 Connecticut Avenue, NW, #415 Washington, DC 20036 | American Insurance Assn |
| Raymond A. Glennon, 1730 Pennsylvania Avenue, NW, #265 Washington, DC 20006 | Air Products & Chemicals, Inc |
| Global USA, Inc, Global House 1823 Jefferson Place, NW Washington, DC 20036 | Samsung Semiconductor & Telecommunication Co |
| Gold & Liebengood, Inc, The Willard Office Building 1455 Pennsylvania Avenue, NW, #950 Washington, DC 20004 | Aerojet Ordnance Co |
| Do | H. E. Butt Grocery Co |
| Do | Fiat, USA |

| Organization or Individual Filing | Employer/Client |
|---|---|
| Do | First Boston Corp |
| Allen Goldberg, 1010 Wisconsin Avenue, NW, #800 Washington, DC 20007 | Grocery Manufacturers of America, Inc |
| James R. Golden, 2792 N. Quebec Street Arlington, VA 22207 | Ford Motor Co |
| Susan Goodman, 1730 K Street, NW, #703 Washington, DC 20006 | American Business Conference |
| Richard F. Goodstein, 1150 Connecticut Avenue, NW, #600 Washington, DC 20036 | Browning-Ferris Industries, Inc |
| Lee M. Goodwin, Wickwire Gavin & Gibbs, P.C. 1133 21st Street, NW Washington, DC 20036 | Kaiser Power Corp |
| John Gordley, The Power House 3255 Grace Street, NW Washington, DC 20007 | Gray & Co Public Communications Int'l, Inc (For:Agriculture for Market Oriented Policies (Ag-MOP)) |
| Do | Gray & Co Public Communications Int'l, Inc (For:Iowa Pork Producers Assn) |
| William Gordon, 1515 Wilson Boulevard Arlington, VA 22209 | American Gas Assn |
| Gould, Inc, 1755 Jefferson Davis Highway, #900 Arlington, VA 22202 | |
| Government Strategies, Inc, 1518 Walnut Street, #1600 Philadelphia, PA 19102 | |
| Grange Mutual Casualty Co, 650 South Front Street Columbus, OH 43206 | |
| David C. Gray, 2939 Van Ness Street, NW, #108 Washington, DC 20008 | Portsmouth-Kittery Armed Services Committee, Inc |
| Micah S. Green, 1133 19th Street, NW Washington, DC 20036 | MCI Communications Corp |
| Groom & Nordberg, Chtd, 1775 Pennsylvania Avenue, NW, #700 Washington, DC 20006 | American Petrofina, Inc |
| Richard A. Gross, Foley Hoag & Eliot 1615 L Street, NW, #950 Washington, DC 20036 | Massaro Properties, Inc |
| Do | Stadium Authority of the City of Pittsburgh |
| Mary Scott Guest, 1919 Pennsylvania Ave., NW, #800 Washington, DC 20006 | CSX Corp |
| Do | Michigan State Housing Development Authority |
| Jack Gullahorn, P.O. Box 571 Austin, TX 78767 | Coastal Conservation Assn |
| Hale and Dorr, 1455 Pennsylvania Avenue, NW Washington, DC 20004 | Avondale Industries, Inc |
| Hamel & Park, 888 16th Street, NW Washington, DC 20006 | Puerto Rico League of Savings Institutions |
| Hannaford Co, Inc, 655 15th St., NW, #200 Washington, DC 20005 | Ocean Shipholdings, Inc |
| Frederick J. Hannett, 655 15th Street, NW 300 Metropolitan Square Washington, DC 20005 | American Medical International |
| Christopher W. Hansen, 1700 N. Moore Street Rosslyn, VA 22209 | Boeing Co |
| Mary V. Harcar, 1020 19th Street, NW, #200 Washington, DC 20036 | Mason Perrin & Kanovsky (For:GTE Service Corp) |
| Do | Mason Perrin & Kanovsky (For:Manufacturers Life Insurance Co, Inc) |
| Sandra K. Harding, 7981 Eastern Avenue Silver Spring, MD 20910 | National Assn of Social Workers |
| Sunny Harris, 7981 Easter Avenue, 4th Floor Silver Spring, MD 20910 | National Assn of Social Workers |
| William H. Harsha, 1102 Delf Drive Mclean, VA 22101 | Wm. H. Harsha & Assoc, Inc (For:Newman Signs, Inc) |
| Robert G. Hayes, Bogle and Gates One Thomas Circle, NW, #900 Washington, DC 20005 | Coastal Conservation Assn |
| Bill Hecht and Associates, Inc, 499 South Capitol Street, SE, #507 Washington, DC 20003 | CSX Corporation |
| Robert E. Heggestad, 2016 Hillyer Place Washington, DC 20009 | Casey Scott... (for Association for Regulatory Reform) |
| Edward A. Helme, 444 N. Capitol Street, #339 Washington, DC 20001 | Alliance for Acid Rain Control |
| Heron Burchette Ruckert & Rothwell, 1025 Thomas Jefferson St., NW, #700 Washington, DC 20007 | Clark County Regional Flood Control District |
| Do | Credit-Rite |
| Do | Disney Development Co |
| Do | Girling Health Care, Inc |
| Do | Hughes Aircraft Co |
| Do | Metropolitan Water District of Southern California |
| Do | Southwestern Power Resources Assn |
| William L. Hoffman, 516 First Street, SE Washington, DC 20003 | Bitupol, Inc |
| F. Nordy Hoffmann and Assoc, Inc, 400 N. Capitol St., NW, #327 Washington, DC 20001 | Wilmorite, Inc |
| Hogan & Hartson, 815 Connecticut Ave., NW Washington, DC 20006 | Control Data Corp |
| Do | Storage Technology Corp |
| Do | Tampa Bay Baseball Group, Inc |
| Billy E. Hooper, 1522 K Street, NW, #828 Washington, DC 20005 | Association of American Veterinary Medical Colleges |
| Hopkins & Sutter, Three First National Plaza, #4200 Chicago, IL 60602 | Montgomery Ward & Co, Inc |
| John H. F. Hoving, The Hoving Group 910 17th Street, NW, #318 Washington, DC 20006 | Valsan Re-Engining, Inc |
| Vester T. Hughes Jr., Hughes & Hill 1000 Mercantile Dallas Building Dallas, TX 75201 | Lomas & Nettleton Financial Corp |
| Thomas Humber, 1825 K Street, NW, #603 Washington, DC 20006 | Brown & Williamson Tobacco Corp |
| Gary Hymel, The Power House 3255 Grace Street, NW Washington, DC 20007 | Government of the Cayman Islands |
| Do | Gray & Co Public Communications Int'l, Inc (For:Greer Ingrasci, et al.) |
| Brian M. Hyps, 2215 Constitution Avenue, NW Washington, DC 20037 | American Pharmaceutical Assn |
| Dick Ingram, P.O. Box 571 Austin, TX 78767 | Coastal Conservation Assn |
| Marilyn J. Ittner, 1001 22nd Street, NW Washington, DC 20037 | Standard Oil Co (Ohio) |
| INTERACT, 1350 Old Bayshore Highway, #750 Burlingame, CA 94010 | American Comm for Vietnam Claims Justice |
| Jeannette Cross James, 1220 L Street, NW Washington, DC 20005 | American Resort & Residential Development Assn |
| Timothy P. James, 1125 17th Street, NW Washington, DC 20036 | International Union of Operating Engineers |
| John T. Jarvis, The Jarvis Company 1919 Pennsylvania Avenue, NW, #300 Washington, DC 20006 | Phillip Morris, Inc |
| Jellinek Schwartz Connolly & Freshman, Inc, 1350 New York Avenue, NW, #400 Washington, DC 20005 | ASARCO, Inc |
| Jonathan P. Jelling, 301 West Maple Avenue 6th Floor Tower Vienna, VA 22180 | Vela, Inc |
| Jenner & Block, 21 Dupont Circle, NW Washington, DC 20036 | MCI |
| Kataejar U. Jibas, P.O. Box 921 Majuro, Marshall Islands | Bikini/Kili/Ejit Council |
| Bruce Johnson, Law Offices of Bruce Johnson 1718 Connecticut Ave., NW, #310 Washington, DC 20009 | Morgan Stanley & Co, Inc |
| Calvin P. Johnson, 815 16th Street, NW Washington, DC 20006 | American Fed of Labor & Congress of Industrial Organizations |
| Johnny Johnson, Box 1255 Majuro, Marshall Islands | Bikini/Kili/Ejit Council |
| L. Oakley Johnson, 1455 Pennsylvania Avenue, NW, #900 Washington, DC 20004 | American International Group, Inc |
| Stephen M. Johnson, The Power House 3255 Grace Street, NW Washington, DC 20007 | Gray & Co Public Communications Int'l, Inc (For:Government of the Cayman Islands) |
| Johnson & Smith, P.O. Drawer 5587 Spartanburg, SC 29304 | Michelin Tire Corp |
| Beverly E. Jones, Wickwire Gavin & Gibbs, P.c. 1133 21st Street, NW, #500 Washington, DC 20036 | Kaiser Power |
| Jones Day Reavis & Pogue, 655 15th St., NW Washington, DC 20005 | South African Sugar Assn |
| Linda K. Joseph, 1199 Black Horse Pike Pleasantville, NJ 08232 | Atlantic Electric |
| Tomaki Juda, Box 208 Majuro, Marshall Islands | Bikini/Kili/Ejit Council |
| Jim Kaitz, 1667 K Street, NW, #710 Washington, DC 20006 | Baxter Travenol Laboratories, Inc |
| Dennis R. Kanin, Foley Hoag & Eliot One Post Office Square Boston, MA 02109 | H.N. Gorin Associates, Inc |
| Do | National Venture Capital Assn |
| Kaye Scholer Fierman Hays & Handler, 1575 I Street, NW, #1150 Washington, DC 20005 | Johnson & Johnson |
| Do | Winfield Manufacturing Co |
| Keene Monk & Associates, Inc, 112 S. Patrick Street Alexandria, VA 22314 | Valsan Re-engining, Inc |
| Jerilyn Fay Kelle, 110 Maryland Avenue, NE, #211 Washington, DC 20002 | Women's Action for Nuclear Disarmament, Inc |
| Coletta Kemper, 1401 New York Avenue, NW, #720 Washington, DC 20005 | National Assn of Insurance Brokers |
| Robert P. Kennel, 3013 Leefield Drive Herndon, VA 22071 | National Wood Energy Assn, Inc |
| Do | Ultrasystems, Inc |
| J. H. Kent, Kent & O'Connor 1211 Connecticut Avenue, NW Washington, DC 20036 | Intermedics, Inc |
| Do | International Assn of Airport Duty Free Stores |
| Dorothy A. Keville, 422 11th Street, SE Washington, DC | Mothers Without Custody, Inc |
| William P. Killmer, 1331 Pennsylvania Avenue, NW, #910 Washington, DC 20004 | American Cement Trade Alliance, Inc |
| King & Spalding, 1730 Pennsylvania Ave., NW, #1200 Washington, DC 20006 | Piedmont Securities Co & Guaranty Investment Co |
| Do | SunTrust Banks, Inc |
| Do | Woodruff Foundation |
| Janie A. Kinney, 1050 17th Street, NW, #650 Washington, DC 20036 | Merck & Co, Inc |
| Dean Kleckner, 225 Touhy Avenue Park Ridge, IL 60068 | American Farm Bureau Federation |
| John F. Klucsik, 2300 M Street, NW, #800 Washington, DC 20037 | Roy F. Weston, Inc (For:Inmont Division-BASF Corp) |
| Joan M. Kovalic, 2300 M Street, NW, #800 Washington, DC 20037 | Roy F. Weston, Inc (For:Inmont Division-BASF Corp) |
| Jerome Kurtz, 1615 L Street, NW, #1300 Washington, DC 20037 | Paul Weiss Rifkin... (for Howard Hughes Medical Institute) |
| Joseph L. Lang, 1100 N Street, Suite 2E Sacramento, CA 95814 | Mattco Forge, Inc |
| Do | Roses, Inc |
| Mary Ellen Larson, 1420 King Street Alexandria, VA 22314 | National Soc of Professional Engineers |
| Kathryn M. Lavriha, 1313 L Street, NW Washington, DC 20005 | Service Employees International Union |
| Raymond D. Lett, 201 James Thurber Court Falls Church, VA 22046 | Marxman & Associates, Inc |
| Leventhal & Senter, 1001 22nd Street, NW, #550 Washington, DC 20037 | Aeronautical Radio, Inc |
| Ellen Levinson, 2001 Kalorama Road, NW, #3 Washington, DC 20009 | Coalition for Food Aid Policy & Programs |
| Do | National Cooperative Business Assn |
| William H. Lewis, Morgan Lewis & Bockius 1800 M Street, NW Washington, DC 20036 | U.S. Gypsum Co |
| James Patton LeGory, 8823 Southwick Street Fairfax, VA 22031 | Oxford Group Limited |
| Lieberman Corporation, 11970 Borman Drive, #222 St. Louis, MO 63141 | Powell Goldstein Frazer & Murphy |
| Paul E. Linet, One Devonshire Place, #1002 Boston, MA 02109 | Bitupol, Inc |
| Lipsen Hamberger Whitten & Hamberger, 1725 Desales St., NW, #800 Washington, DC 20036 | American Genealogies |
| Do | Association of Scientists & Prof Engineering Personnel |
| Do | Chellingworth & Singer, Ltd |
| Do | Joneric Products, Inc |

| Organization or Individual Filing | Employer/Client |
|---|---|
| Do | LHT Industries, Inc |
| Sylvester Lukis, 1155 15th Street, NW, #504 Washington, DC 20005 | City of Miami |
| Do | City of Miami Beach |
| Do | Dade County, Florida |
| R. Roger Majak, 1700 N. Moore Street, #1620 Arlington, VA 22209 | Tektronix, Inc |
| Andrew T. Malleck, 400 First Street, NW Washington, DC 20001 | Brotherhood of Maintenance of Way Employes |
| Manatos & Manatos, Inc, 1750 New York Ave., NW, #210 Washington, DC 20006 | Ceres Hellenic Shipping Enterprises |
| Manatt Phelps Rothenberg Tunney & Evans, 1200 New Hampshire Ave., NW, #200 Washington, DC 20036 | Rollins, Inc |
| Frank Mankiewicz, The Power House 3255 Grace Street, NW Washington, DC 20007 | Gray & Co Public Communications Int'l, Inc (For:Government of the Cayman Islands) |
| Do | Gray & Co Public Communications Int'l, Inc (For:United Air Lines) |
| Marlowe & Company, 1667 K Street, NW, #660 Washington, DC 20006 | Graphic Communications Int'l Union |
| Dianne D. Marshall, 1331 Pennsylvania Avenue, NW, #910 Washington, DC 20004 | American Cement Trade Alliance, Inc |
| Merrill D. Marxman, 7937 Lake Pleasant Drive Springfield, VA 22153 | Marxman & Associates, Inc |
| Maryland People's Counsel, 231 E. Baltimore Street, 9th Fl. Baltimore, MD 21202 | |
| Donald F. Massey, The Power House 3255 Grace Street, NW Washington, DC 20007 | Gray & Co Public Communications Int'l, Inc (For:Cote d'Azur Development) |
| Do | Gray & Co Public Communications Int'l, Inc (For:Government of the Cayman Islands) |
| Julie Mathews, 2030 M Street, NW Washington, DC 20036 | Common Cause |
| Dawson Mathis, 1800 M Street, NW, #950 North Washington, DC 20036 | Griffin Corp |
| Mary Helen Mathis, 444 North Capitol St., #711 Washington, DC 20001 | Keefe Co (For:University of the Sacred Heart) |
| Do | Keefe Co (For:University of Miami) |
| Peter K. Matt, Spiegel & McDiarmid 1350 New York Avenue, NW Washington, DC 20005-4798 | Northern California Power Agency |
| Do | Sacramento Municipal Utility District |
| Peter Mattheis, 1050 Connecticut Avenue, NW Washington, DC 20036 | Baker & Hostetler (For:Soap & Detergent Assn) |
| Nancy Maxwell, 444 No. Capitol Street, NW, #711 Washington, DC 20001 | Keefe Co (For:UNIAO Nacional Para Independencia Total DeAngola) |
| Mayer Brown & Platt, 2000 Pennsylvania Avenue, NW, #6500 Washington, DC 20006 | Alliance for Philanthropy |
| Do | Business Roundtable |
| Do | Contract Staffing of America |
| Do | Hewlett-Packard Co |
| Do | Household Commercial Financial Services, Inc |
| Do | National Staff Leasing Assn |
| Do | Shearson Lehman Brothers, Inc |
| H. Wesley McAden, 1155 15th St., NW, #504 Washington, DC 20005 | Kings River Conservation District |
| McClure & Trotter, 1100 Connecticut Ave., NW, #600 Washington, DC 20036 | Ross Capital Corp |
| Mark L. McConaghy, 1801 K St., NW, #700 Washington, DC 20006 | Price Waterhouse (For:Toyota Motor Kentucky, Inc) |
| James K. McCracken, 111 Massachusetts Avenue, NW, #200 Washington, DC 20001 | |
| McDermott Will & Emery, 1850 K St., NW, #500 Washington, DC 20006 | American Dental Hygienists' Assn |
| Jack McDonald, 1800 M Street, NW, #950 North Washington, DC 20036 | Jack McDonald Co (For:Municipal Financial Consultants) |
| Jack McDonald Co, 1800 M Street, NW, #950 North Washington, DC 20036 | Municipal Financial Consultants |
| Mary Lyn McGarry, 1001 22nd Street, NW Washington, DC 20037 | Standard Oil Co (Ohio) |
| Arthur H. McMahon, 4339 Revere Circle Marietta, GA 30062 | McMahon & Dee, Inc |
| McNair Glenn Konduros Corley Singletary Porter & Dibble, 1155 15th Street, NW Washington, DC 20005 | Allied-Signal, Inc |
| Do | Beneficial Management Corp of America |
| Do | Bradley Properties |
| Do | Carolina Urocorp |
| Do | Kaiser Steel Corp |
| Do | Marriott Corp |
| Do | Ocean Fresh Seafood |
| Do | Pacific Theatres |
| Do | R.J. Reynolds Tobacco Co |
| Do | SmithKline Beckman Corp |
| Do | Texas Gas Transmission Corp |
| Do | Times Mirror Co |
| Do | Union Pacific Corp |
| Karen A. Mehl, 1957 E Street, NW Washington, DC 20006 | Associated General Contractors of America |
| Merit Stainless Steel, Inc, 28332 Hayes Road Roseville, MI 48066 | |
| Edward L. Merrigan, 6000 Connecticut Ave., NW Washington, DC 20815 | GATX Corp |
| Richard P. Merski, 1455 Pennsylvania Avenue, NW, #900 Washington, DC 20004 | American International Group, Inc |
| Larry D. Meyers, 412 First Street, SE Washington, DC 20003 | Committee for the Production & Research of Agric Chemicals |
| Do | Nuclear Waste Task Force |
| Do | Texas Cotton Marketing |
| Michael G. Michaels, P.O. Box 7000-E-Box 310 Texarkana, TX 75501 | |
| Janice I. Milazzo, 1001 22nd Street, NW Washington, DC 20037 | Standard Oil Co (Ohio) |
| Lawrence E. Miller, 1522 K Street, NW, #828 Washington, DC 20005 | American Veterinary Medical Assn |
| Harris Miller & Associates, 1655 N. Fort Myer Drive Arlington, VA 22209 | Home Group |
| Miller & Chevalier, Chtd, Metropolitan Square 655 15th Street, NW Washington, DC 20005 | American Electronics Assn |
| Do | Browning Ferris Industries |
| Do | Coalition for the Advancement of Industrial Technology |
| Do | Computer & Business Equipment Manufacturers Assn |
| Do | Organization for Fair Taxation of Int'l Investments |
| Do | Original Appalachian Artworks |
| Do | Semiconductor Industry Assn |
| Denny Miller Associates, Inc, 400 N. Capitol St., NW, #325 Washington, DC 20001 | State of Washington, Dept of Transportation |
| Andrew E. Mishkin, Beveridge & Diamond, P.C. 1333 New Hampshire Avenue, NW Washington, DC 20036 | Lower Naugatuck Valley Regional Resource Recovery Project |
| Do | Town of Oyster Bay Industrial Development Agency |
| John A. Moag Jr., Capitol Associates, Inc 1156 15th Street, NW, #1102 Washington, DC 20005 | Prince George Center |
| Do | State of Maryland, Dept. of Transportation |
| Do | Washington Metropolitan Area Transit Authority |
| Peter K. Monk, KMA & Associates, Inc P.O. Box 1015 Middleburg, VA 22117 | Omega Recovery Corp |
| J. Railton Morgan, 412 First Street, SE Washington, DC 20003 | National Automobile Dealers Assn |
| Morgan Lewis & Bockius, Suite 800 North 1800 M St., NW Washington, DC 20036 | David B. Causey |
| Do | Wheels, Inc |
| Thomas O. Moulton Jr., 444 North Capitol St., NW, #718 Washington, DC 20001 | Pacific Telesis Group |
| Evelyn Fieman Munley, 1129 20th Street, NW, #400 Washington, DC 20036 | American Assn of Homes for the Aging |
| Daniel J. Murphy, The Power House 3255 Grace Street, NW Washington, DC 20007 | Gray & Co Public Communications Int'l, Inc (For:Government of the Cayman Islands) |
| Elizabeth A. Murphy, 1901 N. Fort Myer Drive, #204 Arlington, VA 22209 | Roadway Express, Inc |
| William T. Murphy Jr., Barrett Montgomery & Murphy 2555 M Street, NW, #100 Washington, DC 20037 | Sargent & Lundy Engineers |
| Margaret R. Murray, Scott Harrison & McLeod 2501 M Street, NW, #400 Washington, DC 20037 | American Assn of Crop Insurers |
| Do | Chicago Board of Trade |
| Do | United Egg Producers |
| Murray & Scheer, 2550 M St., NW, #695 Washington, DC 20037 | Bear Stearns & Co |
| Do | Nabisco Brands, Inc |
| Diane M. Nash, 600 Pennsylvania Avenue, SE, #200 Washington, DC 20003 | Independent Insurance Agents of America, Inc |
| National Coalition for Fair Trade, 1718 Connecticut Avenue, NW, #310 Washington, DC 20009 | |
| National Peace Institute Foundation, 110 Maryland Avenue, NE, #409 Washington, DC 20002 | |
| National Strategies & Marketing Group, 1919 Pennsylvania Ave., NW, #704 Washington, DC 20006 | U.S. Sprint |
| National Wood Energy Assn, Inc, 10382 Democracy Lane Fairfax, VA 22030 | |
| Gordon E. Nelson, Inc, 12005 Millstream Drive Bowie, MD 20715 | Kings River Conservation District |
| James R. Nicholas, 8659 Baypine Road, #305 Jacksonville, FL 32216 | North American Telephone |
| Ellen Nissenbaum, 236 Massachusetts Avenue, NW, #305 Washington, DC 20002 | Center on Budget & Policy Priorities |
| David F. Norcross, 2201 State Highway 38 Cherry Hill, NJ 08002 | American Maritime Officers Service |
| Nathan Note, Box 373 Majuro, Marshall Islands | Bikini/Kili/Ejit Council |
| Patrick J. Nugent, 1133 19th Street, NW Washington, DC 20036 | MCI Communications Corp |
| Nutter McClennen & Fish, 333 Market Street, 27th Floor San Francisco, CA 94105 | Merit Stainless Steel, Inc |
| Do | Research-Cottrell, Inc |
| Rindy O'Brien, 1400 Eye Street, NW Washington, DC 20005 | Wilderness Society |
| O'Connor & Hannan, 1919 Pennsylvania Ave., NW, #800 Washington, DC 20006 | American Businesses for Int'l Trade |
| Do | Association of Investment Management Sales Executives |
| Do | Corcoran Mullins Jennison |
| Do | Distilled Spirits Council of the U.S., Inc |
| Do | Primark Corp |
| Do | United American Hydropower Corp |
| Dennis R. O'Meara, 12504 E. Whitter Blvd. Whitter, CA 90602 | Omega Recovery Services, Inc |
| O'Neill and Athy, P.C., 1333 New Hampshire Avenue, NW, #660 Washington, DC 20036 | Allegheny County Commission |

| Organization or Individual Filing | Employer/Client |
|---|---|
| Do | Association of Progressive Rental Organizations |
| Do | Bank of New England |
| Do | BHC, Inc |
| Do | Chris-Craft Industries, Inc |
| Do | Commercial Union Insurance Cos |
| Do | Connecticut Bank & Trust Corp |
| Do | Conrail Acquisition Corp, Inc |
| Do | Cruise America Line, Inc |
| Do | Glass Packing Institute |
| Do | Housing America Foundation |
| Do | Marriott Corp |
| Do | Massachusetts General Hospital |
| Do | Milk Industry Foundation |
| Do | New England Deaconess Hospital |
| Do | Northwestern Mutual Life |
| Do | Retail Industry Trade Action Coalition |
| Do | Sears Roebuck & Co |
| Do | Texas Utilities Co |
| Do | U.S. Football League |
| Do | U.S. Steel |
| John E. O'Toole, 1899 L Street, NW Washington, DC 20036 | American Assn of Advertising Agencies |
| W. James Ollinger, 3200 National City Center Cleveland, OH 44114 | Baker & Hostetler (For:Railroad Employees Mutual Assn) |
| Outboard Marine Corp, 100 Seahorse Drive Waukegan, IL 60085-2195 | |
| Thomas J. Owens, P.O. Box 12266 Seattle, WA 98102 | Irwin Shidler McBroom...(for Plaintiffs/WPPSS Securities...) |
| Benjamin L. Palumbo, 1629 K St., NW Washington, DC 20006 | Business Executives for National Security, Inc |
| Harriet Parcells, 236 Massachusetts Avenue, NE, #603 Washington, DC 20002 | National Assn of Railroad Passengers |
| Kimberly C. Parker, 817 14th Street, NW Washington, DC 20005 | American Postal Workers Union, AFL-CIO |
| Patton Boggs & Blow, 2550 M St., NW, #800 Washington, DC 20037 | Atlantic Richfield |
| Do | ALTA Technology |
| Do | Cadawalader Wickersham & Taft |
| Do | E. I. du Pont de Nemours & Co |
| Do | Mass Mutual |
| Do | Metropolitan Life |
| Do | National Gypsum Co |
| Do | Northwestern Mutual Life |
| Do | Pearson Investments, Ltd |
| Do | U.S. Steel |
| Do | Unitary Tax Campaign |
| Paul Hastings Janofsky & Walker, 6th Floor 1050 Thomas Jefferson St., NW Washington, DC 20007 | Kawasaki Motors Corp, USA |
| Pension Real Estate Assn, 1101 17th Street, NW, #700 Washington, DC 20036 | |
| Peyser Associates, Inc, 1000 Vermont Street, NW, #400 Washington, DC 20005 | New York State Bridge Authority |
| Patricia Lynn Phillips, 12907 Melville Lane Fairfax, VA 22033 | National Assn of State Agencies for Food Distribution |
| Theodore M. Pierce, 1300 North 17th Street Arlington, VA 22209-3899 | ADAPSO - The Computer Software & Services Industry Assn |
| Pierson Semmes & Finley, 1054 31st Street, NW Washington, DC 20007 | Mauritius Sugar Syndicate |
| Ronald L. Plesser, Blum Nash & Railsback 1133 15th St., NW, #1100 Washington, DC 20005 | ADAPSO |
| Do | Journal of Commerce, Inc |
| Powell Goldstein Frazer & Murphy, 1110 Vermont Ave., NW, #1050 Washington, DC 20005 | Association of American Universities |
| Do | Starrett Housing Corp |
| Prather Seeger Doolittle & Farmer, 1600 M Street, NW, 7th Floor Washington, DC 20036 | Dollar Bank, Federal Savings Bank |
| Preston Thorgrimson Ellis & Holman, 1735 New York Avenue, NW, #500 Washington, DC 20006 | Computer & Business Equipment Manufacturers Assn |
| Do | Data General Corp |
| Do | Design Professionals Coalition |
| Do | Electronic Industries Assn |
| Do | Professional Services Council |
| Do | Scientific Apparatus Makers Assn |
| Do | Snohomish County Public Utility District No. 1 |
| Robert V. Price, 1150 Connecticut Avenue, NW, #600 Washington, DC 20036 | Browning-Ferris Industries, Inc |
| Proskauer Rose Goetz & Mendelsohn, 300 Park Avenue New York, NY 10022 | Integrated Resources, Inc |
| Philip N. Pulizzi Jr., 1000 16th Street, NW, #800 Washington, DC 20036 | Bethlehem Steel Corp |
| Steve Rabin, 1901 L Street, NW Washington, DC 20036 | Ogilvy & Mather |
| John D. Raffaelli, Law Offices of John D. Raffaelli 499 South Capitol St., SW, #407 Washington, DC 20003 | Austin Industries, Inc |
| Do | Browning-Ferris Industries |
| Mozart G. Ratner, Mozart G. Ratner, P.C. 4400 Jenifer Street, NW, #350 Washington, DC 20015 | International Assn of Machinists & Aerospace Workers AFL-CIO |
| John W. Rauber Jr., 2501 M Street, NW Washington, DC 20037 | Chemical Manufacturers Assn |
| Craig Raupe, Campbell-Raupe, Inc 1015 15th Street, NW, #907 Washington, DC 20005 | Union Pacific Corp |
| Michael W. Reid, 817 14th Street, NW Washington, DC 20005 | American Postal Workers Union, AFL-CIO |
| Timothy M. Ridley, 655 15th Street, NW, #250 Washington, DC 20005 | Russo Watts & Rollins, Inc |
| P. Robert Rigney Jr., 1117 North 19th Street, #600 Arlington, VA 22209 | American Assn of Blood Banks |
| Riley & Fox, Inc, 1101 17th Street, NW, #606 Washington, DC 20036 | Embassy of the Republic of South Africa |
| Do | Heublein, Inc |
| Nancy J. Risque, 655 15th Street, NW, #250 Washington, DC 20005 | Russo Watts & Rollins, Inc |
| Rivkin Radler Dunne & Bayh, 1575 I Street, NW, #1025 Washington, DC 20005 | Dow Chemical Co |
| Do | Gunnar Dana Associates |
| Do | Tiffany & Co |
| Jane Robbins, Robertson Monagle & Eastaugh 1050 Thomas Jefferson St., NW Washington, DC 20007 | BP North America |
| Do | Ratkovich Bowers & Perez, Inc |
| Do | Standard Oil Co |
| William A. Roberts, 444 North Capitol Street, #711 Washington, DC 20001 | Keefe Co (For:University of Miami) |
| Thomas E. Robinson, 1101 17th St., NW, #700 Washington, DC 20036 | Pension Real Estate Assn |
| Gardiner Rogers, 105 Forrest Avenue, Suite 7 Narberth, PA 19072 | Task Force on Immigration Control |
| Eric D. Roiter, Debevoise & Plimpton 1777 F Street, NW Washington, DC 20006 | Security Pacific Corp |
| Fred B. Rooney, 1050 Connecticut Ave., NW, 12th Fl. Washington, DC 20036 | Kawasaki Motors Corp, USA |
| Ropes & Gray, 1001 22nd St., NW, #700 Washington, DC 20037 | Pyramid Lake Paiute Tribe of the Pyramid Lake Reservation |
| Do | Reebok International Ltd |
| Lawrence J. Ross, 1700 K Street, NW Washington, DC 20006 | |
| Joseph T. Ruble, 1300 North 17th Street, #300 Arlington, VA 22209 | ADAPSO - The Computer Software & Services Industry Assn |
| Robert A. Rusbuldt, 600 Pennsylvania Avenue, SE, #200 Washington, DC 20003 | Independent Insurance Agents of America, Inc |
| Russo Watts & Rollins, 655 15th Street, NW, #250 Washington, DC 20005 | Handbag Importers Committee |
| Do | McDonnell Douglas |
| Abe Sacks, Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037 | Tree Island Steel Co. Ltd |
| William Samuel, 900 15th Street, NW Washington, DC 20005 | United Mine Workers of America |
| San Fu Chemical Co, Ltd, c/o Paul Suplizio Associates 4012 Moss Place Alexandria, VA 22304 | |
| Myron G. Sandifer III, 1800 M St., NW, #950 North Washington, DC 20036 | Jack McDonald Co (For:Municipal Financial Consultants) |
| Schell & Co, Inc, 1776 K Street, NW, #700 Washington, DC 20006 | |
| James P. Schlicht, 1700 K Street, NW, #601 Washington, DC 20006 | Squibb Corporation |
| Arthur C. Schmitt, 3705 S. George Mason Drive, Apt. 301 So. Falls Church, VA 22041 | Oxford Group, Limited |
| Matthew Schneider, 1155 Connecticut Avenue, NW Washington, DC 20036 | Westinghouse Electric Corp |
| Alan R. Schwartz, Blum Nash & Railsback 1133 15th Street, NW, #1100 Washington, DC 20005 | Journal of Commerce, Inc |
| Scribner Hall & Thompson, Suite 700 1875 Eye Street, NW Washington, DC 20006 | Security Enterprises, Inc |
| J. Peter Segall, 3255 Grace Street, NW Washington, DC 20007 | Gray & Co Public Communications Int'l, Inc (For:Government of the Cayman Islands) |
| Edward M. Selfe, 1400 Park Place Tower Birmingham, AL 35203 | J. George Mitnick |
| James R. Shanahan, 1801 K Street, NW, #700 Washington, DC 20006 | Price Waterhouse (For:Investment Co Institute) |
| Do | Price Waterhouse (For:Toyota Motor Kentucky, Inc) |
| Bernard M. Shapiro, 1801 K Street, NW, #700 Washington, DC 20006 | Price Waterhouse (For:Investment Co Institute) |
| Shaw Pittman Potts & Trowbridge, 1800 M St., NW, #900-S Washington, DC 20036 | Federal Company |
| Shea & Gould, 1627 K St., NW, #1000 Washington, DC 20006 | Park Tower Realty Corp |
| Do | Reliance Group Holdings, Inc |
| Do | Screen Actors' Guild |
| Shaun M. Sheehan, 1111 19th Street, NW, #1000 Washington, DC 20036 | Tribune Broadcasting Co |
| Richard D. Shelby, 444 No. Capitol Street, NW, #711 Washington, DC 20001 | Keefe Co (For:UNIAO Nacional Para Independencia Total DeAngola) |
| John B. Shtaes, 1111 19th Street, NW Washington, DC 20036 | Edison Electric Institute |
| Sidley & Austin, One First National Plaza Chicago, IL | Broadacre Development Co |
| Do | Donrey, Inc |

| Organization or Individual Filing | Employer/Client |
|---|---|
| Elisa Siegel, 919 18th Street, NW, #400 Washington, DC 20006 | Diamond Shamrock Corp |
| William A. Signer, 444 North Capitol St., NW, #711 Washington, DC 20001 | Keefe Co (For:Washington Public Power Supply System) |
| Steve Silver, Robertson Monagle Eastaugh & Bradley 1050 Thomas Jefferson St., NW, 6th Fl. Washington, DC 20007 | Ratkovich Bowers & Perez, Inc |
| Do | Standard Oil Co |
| David Silvers, 666 Third Avenue, 4th Floor New York, NY 10017 | Integrated Resources, Inc |
| Silverstein & Mullens, 1776 K St., NW Washington, DC 20006 | Rolls-Royce Motors, Inc |
| Skadden Arps Slate Meagher & Flom, 919 18th Street, NW Washington, DC 20006 | Baker International |
| Do | Foster Wheeler Energy Corp |
| Do | General Oriental |
| Do | Mesa Petroleum |
| Do | Sann - Howe |
| Kathleen M. Skrabut, 1313 L Street, NW Washington, DC 20005 | Service Employees International Union |
| Francis J. Skrobiszewski, 100 W. Alexandria Avenue Alexandria, VA 22301 | KMA & Associates |
| Richard S. Sloan, 1700 K Street, NW, #1100 Washington, DC 20006 | Challenge America, Inc |
| Esson H. Smith, Box 372 Stevenson, WA 98648 | Columbia Gorge United |
| Michael J. Smith Jr., 777 14th Street, NW, 5th Floor Washington, DC 20005 | National Assn of Realtors |
| Kenneth F. Snyder, 3200 National City Center Cleveland, OH 44114 | Baker & Hostetler (For:Railroad Employees Mutual Assn) |
| South/North Development Group, Ltd, 610 Fourth Place, SW Washington, DC 20002 | |
| Squire Sanders & Dempsey, 1201 Pennsylvania Ave., NW Washington, DC 20004 | Chase Manhattan Bank National Assn |
| Do | Samaritan Health Services |
| Janet G. St. Amand, 1120 Connecticut Avenue, NW Washington, DC 20036 | American Bankers Assn |
| Joseph M. Stanton, 15th & M Streets, NW Washington, DC 20005 | National Assn of Home Builders of the U.S. |
| Charles W. Stellar, 5410 Grosvenor Lane, #210 Bethesda, MD 20814 | American Medical Care & Review Assn |
| Steptoe & Johnson, Chtd, 1330 Connecticut Ave., NW Washington, DC 20036 | Outboard Marine Corp |
| Rolf Erik Stromberg, 1010 Duke Street Alexandria, VA 22314 | American Assn of Port Authorities |
| Albert E. Strong, Suite 1500 North 1331 Pennsylvania Avenue, NW Washington, DC 20004 | National Assn of Manufacturers |
| Stroock & Stroock & Lavan, 1150 17th St., NW Washington, DC 20036 | Fiat, S.p.A |
| Paul Suplizio Associates, 4012 Moss Place Alexandria, VA 22304 | Continental Communications Group |
| Do | San Fu Chemical Co, Ltd |
| Sutherland Asbill & Brennan, 1666 K Street, NW, #800 Washington, DC 20006 | American Land Title Assn |
| Do | Peter Kiewit Sons', Inc |
| Do | Philip Morris, Inc |
| Douglass W. Svendson Jr., 1730 Rhode Island AVenue, NW, #417-19 Washington, DC 20036 | Shell Oil Co |
| Christopher J. Swift, 3200 National City Center Cleveland, OH 44114 | Baker & Hostetler (For:Railroad Employees Mutual Assn) |
| Kirk Talbott, Weisgall Law Office 1300 19th Street, NW Washington, DC 20036 | Bikini/Kili/Ejit Council |
| Keith Tarr-Whelan, 1901 L Street, NW Washington, DC 20036 | Ogilvy & Mather |
| Elizabeth L. Taylor, 529 14th Street, NW, #425 Washington, DC 20045 | Puerto Rico Federal Affairs Administration |
| Sarah M. Thomas, 1325 G Street, NW, #1003 Washington, DC 20005 | Population-Environment Balance |
| Frank Thompson Jr., 1020 Prince Street Alexandria, VA 22314 | Boilermakers Iron Ship Bldrs Blacksmiths Forgers & Helpers.. |
| Do | Sheet Metal Workers Int'l Assn |
| Marilyn A. Berry Thompson, 444 North Capitol Street, #711 Washington, DC 20001 | Keefe Co (For:University of the Sacred Heart) |
| Do | Keefe Co (For:University of Miami) |
| Thompson & Bussart, 1919 Pennsylvania Avenue, NW, #850 Washington, DC 20006 | Central States SE & SW Areas Health & Welfare & Pension Fund |
| Do | Westinghouse Electric Corp |
| Thompson Hine & Flory, 1920 N St., NW, #700 Washington, DC 20036 | American Tie Fabric Assn |
| William R. Thornhill, 10614 Tarrington Houston, TX 77024 | Tennessee Gas Transmission Co |
| Timmons & Co, Inc, 1850 K St., NW, #850 Washington, DC 20006 | American Trucking Assns |
| Do | NutraSweet Co |
| Alan R. Timothy, 303 East 17th Avenue, #880 Denver, CO 80203 | Adolph Coors Co |
| Cheryl B. Trent, MP 0.78R Cape Horn Rd. Washougal, WA 98771 | Columbia Gorge United |
| Jose E. Trias, 1615 L St., NW, #1300 Washington, DC 20036 | Paul Weiss Rifkind... (for Howard Hughes Medical Institute) |
| Paul E. Tsongas, Foley Hoag & Eliot One Post Office Square Boston, MA 02109 | H.N. Gorin Associates, Inc |
| Do | National Venture Capital Assn |
| Robert E. Vagley, 1025 Connecticut Avenue, NW, #415 Washington, DC 20036 | American Insurance Assn |
| Van Ness Feldman Sutcliffe & Curtis, P.C., 7th Floor 1050 Thomas Jefferson St., NW Washington, DC 20007 | Chugach Electric Assn, Inc |
| Do | Collier Enterprises |
| Do | LUZ International Ltd |
| Jennifer Wysong Vance, 1275 K Street, NW, #900 Washington, DC 20005 | Joint Policy Board for Mathematics |
| Norman C. VanderNoot, New Hampshire Petroleum Council 23 School Street Concord, NH 03301 | American Petroleum Institute |
| Alfred H. Velarde, 301 West Maple Avenue 6th Floor Tower Vienna, VA 22180 | Vela, Inc |
| Nicholas A. Veliotes, 2005 Massachusetts Avenue, NW Washington, DC 20036 | Association of American Publishers |
| Vinson & Elkins, 1101 Connecticut Ave., NW, #900 Washington, DC 20036 | Capital Markets Group |
| Do | Conoco, Inc |
| Do | Continental Health Affiliates |
| Do | Charles Crowder |
| Do | Dunigan Enterprises |
| Do | H.J. Heinz Co |
| Do | International Raw Materials, Ltd |
| Do | Metropolitan Transit Authority |
| Do | Pennzoil Co |
| Do | Public Service Co of New Mexico |
| Do | Southern Star Shipping Co, Inc |
| Vorys Sater Seymour & Pease, 1828 L Street, NW, #1111 Washington, DC 20036 | Executive Jet Aviation |
| Do | Limited, Inc |
| Wagner & Baroody, Inc, 1100 17th Street, NW, #804 Washington, DC 20036 | Alfin Fragrance |
| Do | Canadian General Electric |
| Jean A. Walker, 122 C Street, NW, #200 Washington, DC 20001 | Council of State Chambers of Commerce |
| Charls E. Walker Associates, Inc, 1730 Pennsylvania Ave., NW Washington, DC 20006 | Broadcast Music, Inc |
| Do | Council for Effective Tax Reform |
| R. Duffy Wall & Associates, Inc, 1317 F Street, NW, #400 Washington, DC 20004 | Donovan Leisure Newton & Irvine |
| Do | General Mills |
| Do | National Venture Capital Assn |
| Ralph H. Waltz, Box 208 Majuro, Marshall Islands | Bikini/Kili/Ejit Council |
| William C. Wampler, 412 First Street, SE Washington, DC 20003 | Social Security Benefit Protection Service |
| Do | Sterling Drug, Inc |
| Koichi Watanabe, 919 18th Street, NW, #600 Washington, DC 20006 | Toyota Motor Sales, USA, Inc |
| James D. Webb, 1400 Eye Street, NW Washington, DC 20005 | Wilderness Society |
| Webster Chamberlain & Bean, 1747 Pennsylvania Ave., NW, #1000 Washington, DC 20006 | Better Working Environments, Inc |
| Weil Gotshal & Manges, 1615 L Street, NW, #700 Washington, DC 20036 | R. H. Macy |
| Do | Mobil Oil Corp |
| Wellford Wegman & Hoff, 1775 Pennsylvania Ave., NW, #450 Washington, DC 20006 | National Hydro Assn |
| Wexler Reynolds Harrison & Schule, Inc, Suite 600 1317 F Street, NW Washington, DC 20004 | Coalition to Preserve Dual Residency Cos |
| Do | Pyramid Lake Paiute Tribe of the Pyramid Lake Reservation |
| John C. White, 1899 L Street, NW, #500 Washington, DC 20036 | Camp Carmouche Barsh Hunter Gray Hoffman & Gill, P.C. |
| Do | Chicago Mercantile Exchange |
| Do | Comtran, Ltd |
| Sam White, 412 First Street, SE Washington, DC 20003 | Committee for the Production & Research of Agric Chemicals |
| Do | Nuclear Waste Task Force |
| White & Case, 1155 Avenue of the Americas New York, NY 10036 | Connell Rice & Sugar Co, Inc |
| White Fine & Verville, Suite 1100 1156 15th St., NW Washington, DC 20005 | United Education & Software |
| Josiah R. Whitehead, 3030 Cornwallis Road Research Triangle Park, NC 27709 | Burroughs Wellcome Co |
| Brian Wilcox, 1200 17th Street, NW Washington, DC 20036 | American Psychological Assn |
| Bruce W. Wilkinson, 412 Madison, #1000 Tampa, FL 33602 | North American Telephone |
| Dean M. Wilkinson, 1611 Connecticut Avenue, NW Washington, DC 20009 | Greenpeace, USA |
| Wilkinson Barker Knauer & Quinn, 1735 New York Ave., NW Washington, DC 20006 | Grocery Manufacturers of America, Inc |
| Do | National Assn of Independent Colleges & Universities |
| Annelise Williams, 1250 Connecticut Avenue, NW Washington, DC 20036 | National Forest Products Assn |
| Jack L. Williams, 451 New Jersey Avenue, SE Washington, DC 20003 | Ark-Best Co |
| Do | Ark-La Gas |
| Do | AA Guage |
| Do | Cooper Communities |
| Do | First South S&L |
| Do | Riceland Foods |

| Organization or Individual Filing | Employer/Client |
|---|---|
| Do | VALIC |
| Williams & Connolly, 839 17th St., NW Washington, DC 20006 | Peter Sharp & Co |
| Sandra Williamson, 1010 Wisconsin Avenue, NW, #800 Washington, DC 20007 | Grocery Manufacturers of America, Inc |
| Willkie Farr & Gallagher, 818 Connecticut Avenue, NW Washington, DC 20036 | Companhia Siderurgica Paulista (COSIPA) |
| Do | Japan Iron & Steel Exporters' Assn |
| Do | Yamaha Motor Co, Ltd, et al. |
| Wilmer Cutler & Pickering, 1666 K St., NW Washington, DC 20006 | University Patents, Inc |
| Kerrie Bunting Wilson, 1575 Eye Street, NW, #1060 Washington, DC 20005 | American Cancer Society |
| Winston & Strawn, #500 2550 M St., NW Washington, DC 20037 | Hanson Industries |
| J. Sam Winters, Clark Thomas Winters & Newton P.O. Box 1148 Austin, TX 78767 | Security Life of Denver |
| Winthrop Stimson Putnam & Roberts, 1155 Connecticut Ave., NW, #1000 Washington, DC 20036 | Navajo Nation |
| James C. Wood, 900 17th Street, NW, #500 Washington, DC 20006 | Association of Thrift Holding Cos |
| Worldwide Information Resources, Ltd, 1717 K Street, NW, #706 Washington, DC 20006 | Avon Products, Inc |
| Alan D. Wright, P.O. Box 5000 Cleveland, OH 44101 | Centerior Energy Corp |
| Simin Yazdgerdi, 514 2nd Street, SE Washington, DC 20003 | FAIR |
| Larry E. Yoakam, 650 S. Front Street Columbus, OH 43206 | Grange Mutual Casualty Co |
| David E. Yudin, 1707 H Street, NW, #500 Washington, DC 20006 | Bus Transit Caucus |
| Do | Regional Transportation District |
| Ziontz Pirtle Morrisset Ernstoff & Chestnut, Metropolitan Park, 16th Floor 1100 Olive Way Seattle, WA 98101 | Rosebud Sioux Indian Tribe |
| Zuckert Scoutt Rasenberger & Johnson, 888 17th St., NW Washington, DC 20006 | Montgomery Ward |

## QUARTERLY REPORTS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following quarterly reports were submitted for the second calendar quarter 1986:

(NOTE.—The form used for reporting is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective headings.)

FILE ONE COPY WITH THE SECRETARY OF THE SENATE AND FILE TWO COPIES WITH THE CLERK OF THE HOUSE OF REPRESENTATIVES:

This page (page 1) is designed to supply identifying data; and page 2 (on the back of this page) deals with financial data.

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19.....

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

| P | QUARTER | | | |
|---|---|---|---|---|
| | 1st | 2d | 3d | 4th |
| (Mark one square only) | | | | |

NOTE ON ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:
(i) "Employee".—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)
(ii) "Employer".—To file as an "employer", write "None" in answer to Item "B".
(b) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:
(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.
(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:
1. State name, address, and nature of business.

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE ON ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER.—State name, address, and nature of business. If there is no employer, write "None."

NOTE ON ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§302(e).
(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).
(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, place an "X" in the box at the left, so that this Office will no longer expect to receive Reports. ☐

2. State the general legislative interests of the person filing and set forth the *specific* legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) Description, (*b*) quantity distributed; (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. If this is a "Quarterly" Report, disregard this item "C4" and fill out items "D" and "E" on the back of this page. Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly" Report.

AFFIDAVIT

[Omitted in printing]

PAGE 1

NOTE ON ITEM "D."—(a) *In General.* The term "contribution" includes *anything of value.* When an organization or individual uses printed or duplicated matter in a campaign attempting to influence legislation, money received by such organization or individual—for such printed or duplicated matter—is a "contribution." "The term 'contribution' includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution"—Section 302(a) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN EMPLOYER.—(i) *In General.* Item "D" is designed for the reporting of all receipts from which expenditures are made, or will be made, in accordance with legislative interests.

(ii) *Receipts of Business Firms and Individuals.*—A business firm (or individual) which is subject to the Lobbying Act by reason of expenditures which it makes in attempting to influence legislation—but which has no funds to expend except those which are available in the ordinary course of operating a business not connected in any way with the influencing of legislation—will have no receipts to report, even though it does have expenditures to report.

(iii) *Receipts of Multipurpose Organizations.*—Some organizations do not receive any funds which are to be expended solely for the purpose of attempting to influence legislation. Such organizations make such expenditures out of a general fund raised by dues, assessments, or other contributions. The percentage of the general fund which is used for such expenditures indicates the percentage of dues, assessments, or other contributions which may be considered to have been paid for that purpose. Therefore, in reporting receipts, such organizations may specify what that percentage is, and report their dues, assessments, and other contributions on that basis. However, each contributor of $500 or more is to be listed, regardless of whether the contribution was made solely for legislative purposes.

(c) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE.—(i) *In General.* In the case of many employees, all receipts will come under Items "D 5" (received for services) and "D 12" (expense money and reimbursements). In the absence of a clear statement to the contrary, it will be presumed that your employer is to reimburse you for all expenditures which you make in connection with legislative interests.

(ii) *Employer as Contributor of $500 or More.*—When your contribution from your employer (in the form of salary, fee, etc.) amounts to $500 or more, it is not necessary to report such contribution under "D 13" and "D 14," since the amount has already been reported under "D 5," and the name of the "employer" has been given under Item "B" on page 1 of this report.

D. RECEIPTS (INCLUDING CONTRIBUTIONS AND LOANS):

Fill in every blank. If the answer to any numbered item is "None," write "None" in the space following the number.

*Receipts* (other than loans)

1. $.....Dues and assessments
2. $.....Gifts of money or anything of value
3. $.....Printed or duplicated matter received as a gift
4. $.....Receipts from sale of printed or duplicated matter
5. $.....Received for services (e.g., salary, fee, etc.)
6. $.....TOTAL for this Quarter (Add items "1" through "5")
7. $.....Received during previous Quarters of calendar year
8. $.....TOTAL from Jan. 1 through this Quarter (Add "6" and "7")

*Loans Received*

"The term 'contribution' includes a . . . *loan* . . ."—Sec. 302(a).

9. $.....TOTAL now owed to others on account of loans
10. $.....Borrowed from others during this Quarter
11. $.....Repaid to others during this Quarter

12. $.....Expense money" and Reimbursements received this Quarter

Contributors of $500 or more (from Jan. 1 through this Quarter)

13. Have there been such contributors?

Please answer "yes" or "no": .....

14. In the case of each contributor whose contributions (including loans) during the "period" from January 1 through the last days of this Quarter total $500 or more:

Attach hereto plain sheets of paper, approximately the size of this page, tabulate data under the headings "Amount" and "Name and Address of Contributor"; and indicate whether the last day of the period is March 31, June 30, September 30, or December 31. Prepare such tabulation in accordance with the following example:

| *Amount* | *Name and address of Contributor ("Period" from Jan. 1 through....., 19.....)* |
|---|---|
| $1,500.00 | John Doe, 1621 Blank Bldg., New York, N.Y. |
| $1,785.00 | The Roe Corporation, 2511 Doe Bldg., Chicago, Ill. |
| $3,285.00 | TOTAL |

NOTE ON ITEM "E".—(a) *In General.* "The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure"—Section 302(b) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE. In the case of many employees, all expenditures will come under telephone and telegraph (Item "E 6") and travel, food, lodging, and entertainment (Item "E 7").

E. EXPENDITURES (INCLUDING LOANS) in connection with legislative interests:

Fill in every blank. If the answer to any numbered item is "None," write "None" in the spaces following the number.

*Expenditures* (other than loans)

1. $.....Public relations and advertising services
2. $.....Wages, salaries, fees, commissions (other than item "1")
3. $.....Gifts or contributions made during Quarter
4. $.....Printed or duplicated matter, including distribution cost
5. $.....Office overhead (rent, supplies, utilities, etc.)
6. $.....Telephone and telegraph
7. $.....Travel, food, lodging, and entertainment
8. $.....All other expenditures
9. $.....TOTAL for this Quarter (Add "1" through "8")
10. $.....Expended during previous Quarters of calendar year
11. $.....TOTAL from January 1 through this Quarter (Add "9" and "10")

*Loans Made to Others*

"The term 'expenditure' includes a . . . *loan* . . ."—Sec. 302(b).

12. $.....TOTAL now owed to person filing
13. $.....Lent to others during this Quarter
14. $.....Repayment received during this Quarter

15. Recipients of Expenditures of $10 or More

In the case of expenditures made during this Quarter by, or on behalf of the person filing: Attach plain sheets of paper approximately the size of this page and tabulate data as to expenditures under the following heading: "Amount," "Date or Dates," "Name and Address of Recipient," "Purpose." Prepare such tabulation in accordance with the following example:

| *Amount* | *Date or Dates—Name and Address of Recipient—Purpose* |
|---|---|
| $1,750.00 | 7-11: Roe Printing Co., 3214 Blank Ave., St. Louis, Mo.—Printing and mailing circulars on the "Marshbanks Bill." |
| $2,400.00 | 7-15, 8-15, 9-15: Britten & Blaten, 3127 Gremlin Bldg., Washington, D.C.—Public relations service at $800.00 per month. |
| $4,150.00 | TOTAL |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| A-K Associates, Inc, 1225 8th Street, #590 Sacramento, CA 95814 | American Ambulance Assn | | |
| Do | County of Napa | 3,600.00 | 6,716.12 |
| Do | Director of Timber Counties Coalition | 4,583.00 | 6,716.12 |
| Do | Golden Gate Bridge Highway & Transportation District | 4,200.00 | 6,740.08 |
| Do | Hemet Valley Flying Service | | 6,716.12 |
| Do | International Fire Management | | |
| Do | Pathologist Practice Association | 18,000.00 | 7,130.83 |
| Do | Stratos Tanker, Inc | | |
| Do | Unitary Tax Campaign | | |
| Robert J. Aagre, 1615 H Street, NW Washington, DC 20062 | Chamber of Commerce of the U.S. | 180.00 | 20.00 |
| Julie Abbot, 2030 M Street, NW Washington, DC 20036 | Common Cause | 5,590.02 | 941.75 |
| Christian M. Abeel, 70 Pine Street, 39th Floor New York, NY 10270 | American International Group, Inc | | |
| Samuel F. Abernethy, Four World Trade Center, 8th Fl. New York, NY 10048 | Coffee Sugar & Cocoa Exchange, Inc | | |
| Thomas G. Abernethy Sr., 3973 Stuart Place Jackson, MS 39211 | U.S. Cane Sugar Refiners' Assn | | |
| Elaine Acevedo, 1601 Duke Street Alexandria, VA 22314 | Society of American Florists | 8,000.00 | |
| Charles A. Acquard, 1400 K Street, NW, #500 Washington, DC 20005 | Handgun Control, Inc | 8,088.00 | |
| Action for Children's Television, 20 University Road Cambridge, MA 02138 | | 12,562.30 | 53.77 |
| Charles Adams, 9749 Independence Ave., Chatsworth, CA 91311 | Chad Therapeutics, Inc | | |
| Sam Adams, 600 Maryland Ave., SW, #700 Washington, DC 20024 | National Fed of Independent Business | 2,250.00 | 200.00 |
| Adams Quackenbush Herring & Stuart, P.O. Box 394 Columbia, SC 29202 | U.S. Capital Corporation | 692.50 | 351.98 |
| Sandra Lee Adamson, P.O. Box 44026 Washington, DC 20026 | L/5 Society | 4,000.00 | 1,216.54 |
| Hobson H. Adcock, 700 Anderson Hill Rd. Purchase, NY 10577 | Pepsico, Inc | | |
| Robert O. Aders, 1750 K Street, NW Washington, DC 20006 | Food Marketing Institute | 200.00 | |
| Terrance M. Adlhock, 1111 19th St., NW, #303 Washington, DC 20036 | Southern California Edison Co | 2,000.00 | 1,500.00 |
| Aerospace Industries Assn of America, Inc, 1725 Desales St., NW Washington, DC 20036 | | 17,780.85 | 17,780.85 |
| Agency for Instructional Technology, Box A Bloomington, IN 47401 | | | |
| Agendas International, 820 Second Avenue, #1302 New York, NY 10017 | Ministerio del Exterior, Republic of Nicaragua | | |
| Robert S. Agman, 100 Indiana Ave., NW Washington, DC 20001 | Labor-Management Maritime Committee | 1,508.40 | 95.36 |
| Creigh H. Agnew, 1625 Eye Street, NW, #902 Washington, DC 20006 | Weyerhaeuser Company | | |
| David J. Aho, 1667 K Street, NW, #710 Washington, DC 20006 | Baxter Travenol Laboratories, Inc | 2,000.00 | 180.00 |
| Deborah L. Aiken, 1850 K Street, NW Washington, DC 20006 | American Council of Life Insurance | | |
| Herbert Allen Ailsworth, 1615 L Street, NW, #420 Washington, DC 20036 | Sandoz, Inc | | 65.00 |
| Air Conditioning & Refrigeration Institute, 1501 Wilson Boulevard, #600 Arlington, VA 22209 | | | |
| Air Products & Chemicals, Inc, 1730 Pennsylvania Ave., NW, #265 Washington, DC 20006 | | | 4,043.42 |
| Air Traffic Control Assn, Inc, 2020 North 14th Street, #410 Arlington, VA 22201 | | 4,043.58 | 4,043.58 |
| Randolf H. Aires, 633 Pennsylvania Avenue, NW, #600 Washington, DC 20004 | Sears Roebuck & Co | 4,350.00 | 18.50 |
| Michael A. Aisenberg, 1331 Pennsylvania Ave., NW, #600 Washington, DC 20004 | Digital Equipment Corp | 13,750.00 | |
| Aker Associates, Inc, 1341 G Street, NW, #202 Washington, DC 20005 | Independent Refiners Coalition | 4,750.00 | 1,156.77 |
| Donna A. Akers, 1800 M Street, NW, #700 South Washington, DC 20036 | Dow Chemical Co | | |
| Akin Gump Strauss Hauer & Feld, 1333 New Hampshire Ave., NW, #400 Washington, DC 20036 | Ad Hoc Coalition to Prevent Employee Leasing Abuses | 800.00 | |
| Do | Adler & Shaykin | | |
| Do | Amerada Hess Corporation | 1,000.00 | 19.00 |
| Do | American International Group, Inc | | |
| Do | American Telephone & Telegraph Co | 650.00 | 114.00 |
| Do | Archer Daniels Midland Company | | |
| Do | Alcor, Inc | | |
| Do | Beneficial Corporation | 3,000.00 | 57.00 |
| Do | Cambrian & General | | |
| Do | Capital Markets Group | 5,850.00 | 114.00 |
| Do | Celanese Corp | 5,500.00 | 114.00 |
| Do | Clark Enterprises, Inc | 2,000.00 | 38.00 |
| Do | Coalition for Fair Capital Reimbursement | 7,750.00 | 152.00 |
| Do | Coalition of Service Industries, Inc | 200.00 | |
| Do | Continental Airlines, Inc | 1,050.00 | 19.00 |
| Do | Dallas Area Rapid Transit | 5,650.00 | 95.00 |
| Do | E & J Gallo Winery | | |
| Do | Embassy of the People's Republic of China | 100.00 | |
| Do | Fair Marketing Coalition | 185.00 | |
| Do | Farm Credit Banks of Springfield | | |
| Do | First Union Bank | | |
| Do | Frupac International Corp | | |
| Do | Geico Corporation | | |
| Do | General Motors Corp | | |
| Do | General Space Corp | 2,475.00 | 38.00 |
| Do | Goldman Sachs & Co | | |
| Do | W. R. Grace & Co | 3,000.00 | 57.00 |
| Do | Guardian Industries | 2,200.00 | 38.00 |
| Do | Gulf & Western Industries, Inc | 2,300.00 | 57.00 |
| Do | Houston Oilers | 1,000.00 | 19.00 |
| Do | International Assn of Auditorium Managers | 950.00 | 19.00 |
| Do | International Taxi Assn | | |
| Do | InterFirst Corporation | 3,200.00 | 57.00 |
| Do | Ivan Boesky & Co | 400.00 | |
| Do | Peter Kiewit Sons', Inc | 4,600.00 | 57.00 |
| Do | Kohlberg Kravis Roberts & Co | | |
| Do | KMI Continental, Inc | | |
| Do | Levi Strauss & Co | 6,200.00 | 114.00 |
| Do | Lone Star Steel Co | | |
| Do | Marriott Corporation | | |
| Do | Mesa Petroleum Co | 2,000.00 | 38.00 |
| Do | Metropolitan Transit Authority of Harris County | 7,850.00 | 152.00 |
| Do | Military Accessories Service Assn, Inc | | |
| Do | Morgan Stanley & Co, Inc | 23,100.00 | 745.00 |
| Do | Motion Picture Assn of America, Inc | 16,600.00 | 1,289.00 |
| Do | Mt. Sinai Medical Center | 300.00 | |
| Do | Mutual Fairness Taxation Assn | 800.00 | |
| Do | National Football League | 9,500.00 | 209.00 |
| Do | Nederlander Theatres | 2,000.00 | 38.00 |
| Do | New York Air | | |
| Do | News America | | |
| Do | North County Resource Recovery Assn | 3,150.00 | 57.00 |
| Do | Prairie Producing Co | 1,050.00 | 19.00 |
| Do | Purolator, Inc | 4,175.00 | 76.00 |
| Do | Rauscher Pierce Refsnes, Inc | | |
| Do | Research Corporation | 1,200.00 | 19.00 |
| Do | Ringling Bros Barnum & Bailey Combined Shows, Inc | | |
| Do | RJR Nabisco, Inc | 8,500.00 | 152.00 |
| Do | Sea Alaska | 150.00 | |
| Do | Southern California Edison Co | 7,000.00 | 133.00 |
| Do | St. Luke's Roosevelt Hospital Center | 500.00 | |
| Do | Texaco, Inc | | |
| Do | Texas Air Corp | 100.00 | |
| Do | Tipperary Corp | | |
| Do | Wertheim & Co | 1,000.00 | 19.00 |
| Do | Western Governors Policy Office | | |
| Do | Zale Corporation | | 2,350.00 |
| Alaska Pulp Corp, c/o James F. Clark 240 Main St., #800 Box 1211 Juneau, AK 99802 | Coalition to Assure Safe Business Practices | | |
| William E. Albers, Albers Bequai & Gerrity 499 South Capitol St., SW, #407 Washington, DC 20003 | American Soc of Assn Executives | 300.00 | |
| James J. Albertine, 1575 Eye Street, NW Washington, DC 20005 | American Business Conference, Inc | | |
| John M. Albertine, 1730 K St., NW, #703 Washington, DC 20006 | Arizona Public Service Company | 660.00 | 205.43 |
| Frederick K. Alderson, 1730 M Street, NW, #607 Washington, DC 20036 | Columbia Gorge United | | |
| David L. Aldridge, 605 E. 11th The Dalles, OR 97058 | Air Transport Assn of America | | |
| Donald C. Alexander, Cadwalader Wickersham & Taft 1333 New Hampshire Ave., NW Washington, DC 20036 | | | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Do | Alignpac | 125.00 | |
| Do | American Financial Corp | | |
| Do | Baldwin-United Corporation | | |
| Do | Bechtel Group, Inc | 37.50 | |
| Do | Disabled American Veterans | | |
| Do | Eastern Air Lines, Inc | 50.00 | |
| Do | Family Life Insurance Co | 12.50 | |
| Do | GSF Energy, Inc | 25.00 | |
| Do | Mortgage Guaranty Insurance Corp | 25.00 | |
| Do | Pepsico, Inc | 75.00 | |
| Do | Scott Paper Co | 25.00 | |
| Do | Texas Industries, Inc | | |
| Karen D. Alexander, 1615 H Street, NW Washington, DC 20062 | Chamber of Commerce of the U.S. | | |
| Alexander & Associates, Inc, 400 C Street, NE Washington, DC 20002 | Rolls Royce Motors, Inc | | |
| Maxton Allcox, 400 First St., NW, Rm 801 Washington, DC 20001 | Brotherhood of Maintenance of Way Employes | 14,373.81 | |
| Dorothy D. Allen, 1615 H Street, NW Washington, DC 20062 | Chamber of Commerce of the U.S. | | |
| H. K. Allen, 1325 1/2 Wisconsin Avenue, NW, #300 Washington, DC 20007 | | | |
| Robert G. Allen, 511 C Street, NE Washington, DC 20002 | C.A.R.E. | | |
| William E. Allen, 1111 14th Street, NW Washington, DC 20005 | American Dental Assn | 1,000.00 | 349.91 |
| Alliance for Acid Rain Control, 444 N. Capitol Street, #339 Washington, DC 20001 | | 22,500.00 | 1,010.52 |
| Alliance for Capital Access, 1919 Pennsylvania Ave., NW, #704 Washington, DC 20006 | | 255,000.00 | 32,907.54 |
| Alliance of American Insurers, 1501 Woodfield Road, #400 West Schaumburg, IL 60195 | | | 12,458.55 |
| Alliance to Save Energy, 1925 K Street, NW, #507 Washington, DC 20006 | | | 191.55 |
| Allied Acid Rain Prohibition, 11573 Embers Court Reston, VA 22091 | | | |
| Alltel Corporation, 100 Executive Parkway Hudson, OH 44236 | | | 2,035.50 |
| Joseph C. Allwarden, 220 Daniel Webster Hwy South Merrimack, NH 03054 | Kollsman Instrument Co | | 1,000.00 |
| Harvey Alter, 1615 H Street, NW Washington, DC 20062 | U.S. Chamber of Commerce | 3,200.00 | |
| Michael J. Altier, 1000 Connecticut Avenue, NW Washington, DC 20036 | National Retail Merchants Assn | 200.00 | 20.00 |
| Thomas H. Altmeyer, 1575 I Street, NW, #525 Washington, DC 20005 | Mining & Reclamation Council of America | 3,000.00 | 70.00 |
| Ricardo R. Alvarado, 1050 Connecticut Ave., NW, #800 Washington, DC 20036 | Allied-Signal Inc | 4,685.71 | |
| Susan E. Alvarado, 1771 N Street, NW Washington, DC 20036 | National Assn of Broadcasters | 1,500.00 | 1,400.00 |
| Amalgamated Transit Union, AFL-CIO, 5025 Wisconsin Avenue, NW Washington, DC 20016 | | | 5,000.00 |
| Amalgamated Transit Union, Natl Cap Div. 689, 2001 9th Street, NW, #300 Washington, DC 20001 | | | |
| Robert P. Ambrose, 14615 Lone Oak Road Eden Prairie, MN 55344 | Cooperative Power Association | 4,000.00 | 854.48 |
| American Academy of Family Physicians, 1740 West 92nd St. Kansas City, MO 64114 | | 12,898.20 | 12,898.20 |
| American Advertising Federation, 1400 K Street, NW, #1000 Washington, DC 20005 | | | 5,150.00 |
| American Ambulance Assn, 1225 Eighth Street, #590 Sacramento, CA 95814 | | | |
| American Assn for Counseling & Development, 5999 Stevenson Avenue Alexandria, VA 22304 | | 37,268.00 | 23,990.84 |
| American Assn of Blood Banks, 1117 North 19th St., #600 Arlington, VA 22209 | | 1,250.00 | 1,250.00 |
| American Assn of Equipment Lessors, 1300 North 17th St., #1010 Arlington, VA 22209 | | | |
| American Assn of Meat Processors, P.O. Box 269 Elizabethtown, PA 17022 | | 119.40 | 1,004.14 |
| American Assn of Port Authorities, Inc, 1010 Duke St. Alexandria, VA 22314 | | 4,000.00 | 12,000.00 |
| American Automobile Assn, 8111 Gatehouse Rd. Falls Church, VA 22047 | | | |
| American Bankers Assn, 1120 Connecticut Avenue, NW Washington, DC 20036 | | 289,627.39 | 289,627.39 |
| American Business Conference, Inc, 1730 K Street, NW, #703 Washington, DC 20006 | | 2,937.50 | 4,869.01 |
| American Camping Association, Bradford Woods Martinsville, IN 46151 | | 5,265.03 | 5,289.75 |
| American Cement Trade Alliance, Inc, 1331 Pennsylvania Ave., NW Washington, DC 20004 | | | |
| American Council for Capital Formation, 1850 K Street, NW, #520 Washington, DC 20006 | | 6,996.00 | 6,228.00 |
| American Council of Life Insurance, Inc, 1850 K St., NW Washington, DC 20006 | | 186,539.00 | 186,539.00 |
| American Farm Bureau Federation, 225 Touhy Ave Park Ridge, IL 60068 | | 113,625.00 | 113,625.00 |
| American Fed of Labor & Congress of Industrial Organizations, 815 16th St., NW Washington, DC 20006 | | | 142,780.28 |
| American Feed Industry Assn, 1701 N. Ft. Myer Dr. Arlington, VA 22209 | | 3,240.00 | 3,240.00 |
| American Financial Services Assn, 1101 14th St., NW Washington, DC 20005 | | | 500.00 |
| American Health Care Assn, 1200 15th Street, NW Washington, DC 20005 | | 256,058.01 | 57,788.41 |
| American Hellenic Institute Public Affairs Committee, Inc, 1730 K St., NW Washington, DC 20006 | | 500.00 | 63.00 |
| American Honey Producers Assn, P.O. Box 368 Minco, OK 73059 | | 3,970.70 | 6,358.62 |
| American Hotel & Motel Assn, 888 Seventh Ave. New York, NY 10019 | | 22,291.15 | 11,788.63 |
| American Institute of Merchant Shipping, 1000 16th Street, NW, #511 Washington, DC 20036 | | | 3,711.76 |
| American Insurance Assn, 85 John St. New York, NY 10038 | | 5,011.00 | 5,011.00 |
| American International Group, Inc, 70 Pine Street New York, NY 10005 | | | 22,993.76 |
| American Israel Public Affairs Comm, 500 N. Capitol St., NW, #300 Washington, DC 20001 | | 120,510.00 | 135,389.98 |
| American Land Title Assn, 1828 L St., NW Washington, DC 20036 | | | 2,015.00 |
| American League for Exports & Security Assistance, Inc, 122 C St., NW, #740 Washington, DC 20001 | | 8,415.00 | 10,961.75 |
| American Malting Barley Assn, Inc, 735 North Water Street, #908 Milwaukee, WI 53202 | | | |
| American Meat Institute, PO Box 3556 Washington, DC 20007 | | | 6,500.00 |
| American Medical Assn, 535 North Dearborn St. Chicago, IL 60610 | | | 54,663.73 |
| American Medical Care & Review Assn, 5410 Grosvenor Lane, #210 Bethesda, MD 20814 | | | |
| American Metal Detectors Manufacturers' Assn, 2814 National Dr. Garland, TX 75401 | | | |
| American Newspaper Publishers Assn, Box 17407 Dulles International Airport Washington, DC 20041 | | 4,142.46 | 4,142.46 |
| American Nuclear Energy Council, 410 1st St., SE Washington, DC 20003 | | 249,214.35 | 57,350.77 |
| American Nurses' Assn, 2420 Pershing Rd Kansas City, MO 64108 | | 30,720.64 | 30,720.64 |
| American Paper Institute, Inc, 260 Madison Ave. New York, NY 10016 | | | 6,445.55 |
| American Petroleum Institute, 1220 L St., NW Washington, DC 20005 | | 320,952.72 | 244,821.97 |
| American Physical Therapy Assn, 1111 N. Fairfax St. Alexandria, VA 22314 | | 6,683.81 | 6,683.81 |
| American Podiatric Medical Assn, 20 Chevy Chase Circle Washington, DC 20015 | | | 62,975.64 |
| American Postal Workers Union, AFL-CIO, 817 14th St., NW Washington, DC 20005 | | 88,901.14 | 91,737.58 |
| American Public Transit Assn, 1225 Connecticut Ave., NW Washington, DC 20036 | | 69,875.00 | 69,875.00 |
| American Pulpwood Assn, 1025 Vermont Avenue, NW Washington, DC 20005 | | | |
| American Radio Relay League, Inc, 225 Main St. Newington, CT 06111 | | | 539.00 |
| American Red Cross, 17th & D streets, NW Washington, DC 20006 | | 2,000.00 | 300.00 |
| American Refugees in America, 500 White Road Orange, MA 01364 | | | |
| American Retreaders' Assn, P.O. Box 17203 Louisville, KY 40217 | | 500.00 | 500.00 |
| American Short Line Railroad Assn, 2000 Massachusetts Ave., NW Washington, DC 20036 | | | |
| American Soc for the Prevention of Cruelty to Animals, 441 E. 92nd Street New York, NY 10128 | | | 1,876.00 |
| American Soc of Anesthesiologists, 1201 Pennsylvania Avenue, NW Washington, DC 20004 | | | 32,837.81 |
| American Soc of Hospital Pharmacists, 4630 Montgomery Avenue Bethesda, MD 20814 | | | 1,275.00 |
| American Soybean Association, 600 Maryland Avenue, SW, #510 Washington, DC 20024 | | 12,600.00 | 2,959.92 |
| American Textile Machinery Assn, 7297 N. Lee Hwy. Falls Church, VA 22042 | | | |
| American Textile Manufacturers Institute, Inc, 1101 Connecticut Avenue, NW, #300 Washington, DC 20036 | | 34,417.90 | 44,328.20 |
| American Veterans of World War II, Korea & Vietnam (AMVETS), 4647 Forbes Boulevard Lanham, MD 20706 | | 6,950.47 | 6,950.47 |
| American Veterinary Medical Assn, 1522 K Street, NW, #828 Washington, DC 20005 | | | |
| American Waterways Operators, Inc, 1600 Wilson Boulevard, #1000 Arlington, VA 22209 | | 167,474.68 | 200.76 |
| Americans for the High Frontier, 1010 Vermont Ave., NW, #1015 Washington, DC 20005 | | 36,857.82 | 34,959.02 |
| Americans for Anti-Papist Government, 515 E. Washington Street Charles Town, WV 25414 | | | |
| Americans for Immigration Control, Inc, P.O. Box 11839 Alexandria, VA 22312 | | 9,499.28 | 9,499.28 |
| Americans for Tax Reform, 1800 M Street, NW, #475 Washington, DC 20036 | | | 50,541.53 |
| Morris J. Amitay, P.C., 444 N. Capitol Street, NW, #712 Washington, DC 20001 | Nathan Lewin (for 47th Street Photo) | 7,500.00 | |
| Do | Northrop Corp | 6,000.00 | |
| Do | Pan American World Airways, Inc | 4,500.00 | |
| Do | Solar Energy Industries Assn | | |
| Do | Thompson Medical | 2,000.00 | |
| Joel E. Amkraut, P.O. Box 2247 Santa Cruz, CA 95063 | National Right to Mail Committee | | |
| Jan S. Amundson, 1331 Pennsylvania Ave., #1500 N. Washington, DC 20005 | National Assn of Manufacturers | | |
| Edward Andersen, 1616 H St., NW Washington, DC 20006 | National Grange | 8,450.00 | |
| Byron Anderson, 777 14th St., NW Washington, DC 20005 | National Assn of Realtors | 2,500.00 | 621.86 |
| Desiree C. Anderson, 1250 Connecticut Ave., NW, #620 Washington, DC 20036 | National Multi Housing Council | | |
| H. Kim Anderson, Virginia Petroleum Council 1809 Staples Mill Road Richmond, VA 23230 | American Petroleum Institute | 440.00 | 598.76 |
| J. Lem Anderson, 4111 Franconia Rd. Alexandria, VA 22310 | Temple-Inland | 250.00 | |
| Jerry Carter Anderson, P.O. Box 33 Terre Haute, IN 47808 | | | |
| Romilda R. Anderson, 10 Westport Road Wilton, CT 06897 | Richardson-Vicks, Inc | 1,100.00 | 1,530.09 |
| William C. Anderson, 1101 16th St., NW Washington, DC 20036 | Independent Petroleum Assn of America | | 144.00 |
| Anderson Benjamin & Read, Inc, 1020 19th St., NW, #520 Washington, DC 20036 | U.S. Banknote Corp | | |
| Gregory B. Andrews, 1000 Connecticut Ave., NW, #304 Washington, DC 20036 | Smith Dawson Associates, Inc | | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Lisa Andrews, 51 Louisiana Avenue, NW Washington, DC 20001 | Acacia Mutual Life Insurance Co | | |
| Do | Acacia Mutual Life Insurance Co | | |
| Robert B. Andrews, 1100 Connecticut Avenue, NW, #620 Washington, DC 20036 | Mobil Oil Corp | 500.00 | |
| William Robert Andrews, 1745 Jefferson Davis Highway Arlington, VA 22202 | Rockwell International Corp | 3,600.00 | |
| Jack R. Angell, 1101 17th Street, NW, #704 Washington, DC 20036 | United Gas Pipe Line Co | | |
| Anglo American Auto Auctions, Inc, 2 International Plaza Dr., #600 Nashville, TN 37217 | | | |
| J. Donald Annett, 1050 17th St., NW, #500 Washington, DC 20036 | Texaco, Inc | 500.00 | |
| Philip H. Anns, 1101 Vermont Avenue, NW, #405 Washington, DC 20005 | A. H. Robins, Inc | 800.00 | 81.00 |
| Reynold V. Anselmo, 460 W. 42nd Street, 4th Fl New York, NY 10036 | Pan American Satellite Corp | | |
| Tobias Anthony, 1819 H Street, NW, #510 Washington, DC 20006 | American Coal Ash Association, Inc | | |
| Patrick S. Antrim, 1800 K Street, NW Washington, DC 20006 | Bank of America | 570.00 | 193.93 |
| Apartment & Office Building Assn of Metropolitan Wash, DC, 1413 K Street, NW, #600 Washington, DC 20005 | | | |
| John D. Aquilino Jr., 1600 Rhode Island Ave., NW Washington, DC 20036 | National Rifle Assn of America | | |
| Paul W. Arcari, 201 N. Washington Street Alexandria, VA 22314 | Retired Officers Assn | 2,475.00 | |
| John Archer, 8111 Gatehouse Rd. Falls Church, VA 22047 | American Automobile Assn | | |
| R. M. Julie Archuleta, 1747 Pennsylvania Avenue, NW, 3rd Fl. Washington, DC 20006 | Occidental Chemical Corp | 276.00 | 246.32 |
| Arent Fox Kintner Plotkin & Kahn, 1050 Connecticut Avenue, NW Washington, DC 20036 | Ameritech | | 154.05 |
| Do | Breed Corporation | 15,000.00 | |
| Do | Central States SE & SW Areas Health Welfare & Pension Funds | 25,274.38 | 181.36 |
| Do | Guardian Life Insurance Co of America | 15,305.19 | 991.80 |
| Do | Hoesch Rohr Ag | | |
| Do | Hoesch Rohr Ag | | |
| Do | Hoesch Tubular Products Co | | |
| Do | Independent Federation of Flight Attendants | | 541.47 |
| Do | Insurance Servicing & Information Systems Corp | 30,000.00 | 142.22 |
| Do | Motor and Equipment Manufacturers Association | | |
| Do | Toshiba America, Inc | | |
| Do | Toshiba America, Inc | | |
| Do | Toyota Motor Corporation | 241.38 | 8.44 |
| Do | Tubular Corp of America, Inc | 3,645.42 | 33.90 |
| Do | TVW Paper Machines, Inc | | |
| Do | TVW Paper Machines, Inc | | |
| Arkansas Assn of Bank Holding Companies, 114 East Capitol Ave. Little Rock, AR 72201 | | | |
| R. G. Armistead, 8613 Janet Lane Vienna, VA 22180 | | | |
| G. Ray Arnett, 1600 Rhode Island Avenue, NW Washington, DC 20036 | National Rifle Assn of America | | |
| Carl F. Arnold, 617 Rivercrest Drive McLean, VA 22101 | American Iron & Steel Institute | 1,100.00 | |
| Do | Corporate Property Investors | 2,083.00 | |
| Do | Quintana Petroleum Corp | | |
| Arnold & Porter, 1200 New Hampshire Ave., NW Washington, DC 20036 | Fluor Corporation | 475.00 | |
| Do | Grain & Feed Trade Assn | | 34.06 |
| Do | International Commodities Clearing House | | 34.06 |
| Do | London Commodity Exchange Co, Ltd | 1,683.75 | 34.06 |
| Do | London International Financial Futures Exchange, Ltd | | 34.06 |
| Do | Metal Market & Exchange Co, Ltd | | 34.06 |
| Nan Aron, 600 New Jersey Avenue, NW Washington, DC 20001 | Alliance for Justice | 114.56 | |
| Asbill Junkin Myers & Buffone, 1607 New Hampshire Ave., NW Washington, DC 20009 | Coalition on Smoking or Health | 18,650.00 | 14,788.18 |
| Lud Ashley, P.C., 1735 New York Avenue, NW, 6th Fl. Washington, DC 20006 | American International Group, Inc | 5,000.00 | |
| Do | Federal Home Loan Mortgage Corp | | |
| Do | Grocery Manufacturers of America, Inc | 4,210.00 | |
| Do | Irving Trust Co | 7,500.00 | |
| Do | ISFA Corporation | 400.00 | |
| Do | Manville Corporation | 17,000.00 | |
| Do | National Assn of State Savings & Loan Supervisors | | |
| Do | J. C. Penney Co, Inc | 16,828.00 | |
| Joseph Ashooh, 1957 E St., NW Washington, DC 20006 | Associated General Contractors of America | | |
| Asian Pacific Economic Educational Cultural Organization, P.O. Box 891 Manila, Philippine | | | |
| Asphalt Roofing Manufacturers Association, 6288 Montrose Road Rockville, MD 20852 | | | |
| Associated Builders & Contractors, Inc, 729 15th St., NW Washington, DC 20005 | | 15,000.00 | |
| Associated Credit Bureaus, Inc, P.O. Box 218300 16211 Park 10 Place Houston, TX 77084 | | 1,500.00 | |
| Associated Employers, Inc, 1222 N. Main, #315A San Antonio, TX 78212 | | | |
| Associated General Contractors of America, 1957 E St., NW Washington, DC 20006 | | | |
| Association for a Better New York, 355 Lexington Avenue New York, NY 10017 | | 368,500.00 | 356,041.58 |
| Association for the Advancement of Historical Research, P.O. Box 15232 Washington, DC 20003 | | | |
| Association for the Improvement of the Mississippi River, 10 Broadway St. Louis, MO 63102 | | | |
| Association of American Law Schools, One Dupont Circle, NW, #370 Washington, DC 20036 | | | |
| Association of American Publishers, 2005 Massachusetts Ave., NW Washington, DC 20036 | | 7,879.56 | 7,879.56 |
| Association of American Railroads, American Railroads Building 50 F Street, NW Washington, DC 20001 | | 97,793.81 | 97,793.81 |
| Association of American Veterinary Medical Colleges, 1522 K Street, NW, #828 Washington, DC 20005 | | | |
| Association of Data Processing Service Organizations, 1300 North 17th Street, #300 Arlington, VA 22209 | | | 20.00 |
| Association of Government Accountants, 727 South 23rd Street, #100 Arlington, VA 22202 | | | |
| Association of Thrift Holding Companies, 900 17th Street, NW, #500 Washington, DC 20006 | | 4,511.00 | 4,511.00 |
| Association of Trial Lawyers of America, 1050 31st St., NW Washington, DC 20007 | | 16,647.50 | 16,647.50 |
| Association of Urban Universities, 1225 Connecticut Ave., NW, #300 Washington, DC 20036 | | 6,000.00 | 5,496.99 |
| George J. Aste, 1825 K St., NW, #607 Washington, DC 20006 | United Airlines, Inc | 500.00 | |
| Atlantic Richfield Co, 515 South Flower Street Los Angeles, CA 90071 | | | 1,170.56 |
| Fritz E. Attaway, 1600 Eye St., NW Washington, DC 20006 | Motion Picture Assn of America, Inc | 95.00 | |
| John J. Auciello, P.O. Box 269 Elizabethtown, PA 17022 | American Assn of Meat Processors | | |
| Audio Recording Rights Coalition, P.O. Box 33705 1145 19th Street, NW Washington, DC 20033 | | 195,000.00 | 165,704.53 |
| Claire H. Austin, 214 Massachusetts Ave, NE, #350 Washington, DC 20002 | Russell Corporation | 1,000.00 | 337.00 |
| Automotive Parts Rebuilders Assn, 6849 Old Dominion Drive Mclean, VA 22101 | | | |
| John S. Autry, 2000 L Street, NW, #810 Washington, DC 20036 | Sperry Corporation | 2,500.00 | 1,800.00 |
| William H Axtman, 950 N. Glebe Rd., Rm. 160 Arlington, VA 22203 | American Boiler Manufacturers Assn, Inc | | |
| Pamela Aycock, Aycock Associates 1899 L Street, NW, #605 Washington, DC 20036 | Edison Electric Institute | 4,150.00 | 2,099.33 |
| Merribel Symington Ayres, Suite 540 1875 Eye Street, NW Washington, DC 20006 | Champion International Corp | | |
| AFL-CIO Maritime Committee, 100 Indiana Ave., NW Washington, DC 20001 | | 5,225.00 | 5,481.55 |
| APCO Associates, 1200 New Hampshire Ave., NW Washington, DC 20036 | Amok, Ltd | | 492.50 |
| Do | ASEA AB | | 792.50 |
| Do | Canadian Forest Industries Council | 6,510.00 | 8,853.03 |
| Do | Canadian Meat Council | | |
| Do | Corporacion Nacional del Cobre de Chile | | |
| Do | Korean Traders Assn | | |
| Do | Outboard Marine Corp | | 5,065.38 |
| Do | Sacramento Public Utility District | | 117.02 |
| Do | West Mexico Vegetable Distributors Assn | 63.75 | 63.75 |
| Hope M. Babcock, 645 Pennsylvania Avenue, SE Washington, DC 20003 | National Audubon Society | | |
| Dale R. Babione, 1700 N. Moore St. Rosslyn, VA 22209 | Boeing Company | 4,394.00 | |
| L. A. Bafalis, Governmental Consulting Services, Inc 241 S. Woods Road Palm Beach, FL 33480 | Davis & Harman | 5,000.00 | 867.13 |
| William T. Bagatelas, 1730 K Street, NW, #319 Washington, DC 20006 | American Hellenic Institute Public Affairs Committee, Inc | 63.00 | |
| Carl E. Bagge, Coal Building Washington, DC 20036 | National Coal Assn | 3,310.00 | 1,150.00 |
| Joan N. Baggett, 815 15th St., NW Washington, DC 20005 | International Union of Bricklayers & Allied Craftsmen | 8,000.00 | 319.81 |
| Brent A. Baglien, 725 15th Street, NW Washington, DC 20005 | National Grain & Feed Assn | 85.90 | |
| George F. Bailey Jr., P.O. Box 21 Montgomery, AL 36101 | Alabama Railroad Assn | | |
| John P. Bailey, 618 S. Alfred Street Alexandria, VA 22314 | National Assn of Medical Equipment Suppliers | 2,000.00 | 419.39 |
| Paul C. Bailey Jr., 108 Columbus St. Arlington, VA 22204 | Southern Company Services, Inc | 1,049.35 | 700.92 |
| William W. Bailey, 1050 17th Street, NW, #650 Washington, DC 20036 | Merck & Co, Inc | 2,000.00 | 334.40 |
| Judith L. Baird, 1333 New Hampshire Ave., NW Washington, DC 20036 | Atlantic Richfield Co | 100.00 | |
| John Baize, Capitol Gallery Bldg., #510 600 Maryland Avenue, SW Washington, DC 20024 | American Soybean Association | | |
| Edward R. Bajer, 1015 15th St., NW, #802 Washington, DC 20005 | American Consulting Engineers Council | 400.00 | |
| Emil F. Baker, 1303 New Hampshire Ave., NW Washington, DC 20036 | Fleet Reserve Assn | | |
| Gerald E. Baker, 1625 Massachusetts Avenue, NW Washington, DC 20036 | Air Line Pilots Assn | 6,000.00 | 650.46 |
| James Jay Baker, 1600 Rhode Island Ave., NW Washington, DC 20036 | National Rifle Assn of America | 976.25 | 121.11 |
| Lisa Baker, 1730 K Street, NW, #703 Washington, DC 20006 | American Business Conference, Inc | 105.00 | 25.00 |
| Quinter S. Baker, P.O. Box 8091 Falls Church, VA 22041 | Friendship Hill Assn | | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Baker & Hostetler, 1050 Connecticut Ave., NW Washington, DC 20036 | Cleveland Institute of Electronics | | |
| Baker Worthington Crossley Stansberry & Woolf, P.O. Box 2866 Nashville, TN 37219 | Conwood Corporation | 10,000.00 | |
| S. Eason Balch, P.O. Box 306 Birmingham, AL 35201 | Balch & Bingham (For:Southern Company Services, Inc) | | |
| Do | Balch & Bingham (For:Southern Company Services, Inc) | | |
| Patricia A. Baldi, 645 Pennsylvania Ave., SE Washington, DC 20003 | National Audubon Society | 308.00 | 352.00 |
| Catherine A. Ball, 1000 16th Street, NW, #701 Washington, DC 20036 | Federal Managers Assn | 7,313.00 | 398.00 |
| Christian Ballantyne, 214 N. Henry Street, #203 Madison, WI 53703 | Sierra Club | 2,307.50 | 1,046.16 |
| Ballard Spahr Andrews & Ingersoll, 1850 K Street, NW, #1100 Washington, DC 20006 | Arthur Andersen & Co | | |
| Do | U.S. Committee for UNICEF | | |
| Thomas M. Balmer, 888 16th Street, NW Washington, DC 20006 | Milk Industry Foundation/Int'l Assn of Ice Cream Mfrs | | |
| Charles E. Bangert, P.C., 1825 Eye Street, NW, #300 Washington, DC 20006 | Business Roundtable | 3,500.00 | |
| Bank of Boston Corporation, 100 Federal St. Boston, MA 02110 | | | |
| James T. Banks, 1155 Connecticut Avenue, NW, #800 Washington, DC 20036 | Waste Management, Inc. | 5,000.00 | |
| Robert D. Bannister, 15th & M streets, NW Washington, DC 20005 | National Assn of Home Builders of the U.S. | | |
| Samuel J. Baptista, 1101 14th St., NW Washington, DC 20005 | American Financial Services Assn | 250.00 | |
| E. W. Baragar, 1700 North Moore St., 20th Fl. Rosslyn, VA 22209 | Boeing Company | 973.59 | 447.76 |
| David J. Bardin, 1050 Connecticut Avenue, NW Washington, DC 20036 | Solmecs Corporation | | |
| Robert O. Barker, 801 Northland Towers West Southfield, MI 48075 | National Assn of Manufacturers | 1,500.00 | 16.00 |
| William J. Barnds, 1000 Connecticut Avenue, NW Washington, DC 20036 | Japan Economic Institute of America | 500.00 | |
| Barnes Richardson & Colburn, 1819 H St., NW, #400 Washington, DC 20006 | American Int'l Knitters Corp. | 3,824.20 | 18.95 |
| Do | Brown-Forman Corp. | | |
| Do | Commonwealth Garment Manufacturing Co | | |
| Do | EHA Ventilfabrik Wilhelm Fritz KG | | |
| Do | Florida Citrus Mutual | 5,000.00 | 48.26 |
| Do | Heublein, Inc | | |
| Do | Hiram Walker & Sons, Inc. | | |
| Do | Italy-America Chamber of Commerce, Textile & Apparel Comm | | |
| Do | Meat Importers Council of America, Inc | | |
| Do | Pfizer, Inc | | |
| Do | Rukert Marine Corp | 1,775.00 | 48.27 |
| Do | Schieffelin & Co | | |
| Do | Joseph E. Seagram & Sons, Inc. | | |
| Do | Stratton Hats, Inc | | 44.89 |
| Do | Tartaric Chemicals Corporation | | |
| Do | Texas Citrus and Vegetable Import Association | | 61.55 |
| Do | Uniroyal, Inc | 2,043.25 | 15.00 |
| Barnett & Alagia, 1000 Thomas Jefferson Street, NW, #600 Washington, DC 20007 | Cuban American Public Affairs Council | | |
| Do | Wilderness Society | 1,000.00 | 3,552.32 |
| Barnett Sivon Schott & Shay, P.C., 1090 Vermont Ave., NW, #810 Washington, DC 20005 | Citibank, N.A. | 1,590.00 | 12.00 |
| David M. Barrett, Barrett Hanna Daily & Gaspar 2555 M Street, NW, #100 Washington, DC 20037 | Allied Tube & Conduit Corp. | 2,356.25 | 775.44 |
| Robert E. Barrett, 69844 Highway, 111 Suite C Rancho Mirage, CA 92270 | Rockwell International Corp | 12,666.72 | 1,047.68 |
| Robert W. Barrie, 1331 Pennsylvania Avenue, NW Washington, DC 20004 | General Electric Co. | 1,500.00 | |
| Roger V. Barth, 1735 Eye St., NW, #715 Washington, DC 20006 | American Assn for Clinical Chemistry Inc | | |
| Linda L. Bartlett, 1100 17th Street, NW, #601 Washington, DC 20036 | Kraft, Inc | 750.00 | |
| James E. Bartley, 1090 Vermont Avenue, NW, #410 Washington, DC 20005 | National Industrial Transportation League | 7,000.00 | 36.60 |
| Do | Procompetitive Retail Steering Committee | | |
| Mark A. Bartner, 100 Maryland Avenue, NE Washington, DC 20002 | Religious Coalition for Abortion Rights, Inc | 5,749.98 | 116.30 |
| Robin Bass-Garnto, 1518 J Split Oak Lane Richmond, VA 23229 | Nansemond Indian Tribe | | |
| Diane Bateman, 1015 18th Street, NW Washington, DC 20036 | Fertilizer Institute | 15,000.00 | 1,277.22 |
| Robert E. Bates Jr., 1100 Connecticut Ave, NW Washington, DC 20036 | Mobil Oil Corp. | 1,125.00 | |
| Davis M. Batson, 1155 15th Street, NW, #611 Washington, DC 20005 | Ethyl Corporation | 800.00 | |
| Laurie C. Battle, 1709 New York Ave., NW, #801 Washington, DC 20006 | U.S. League of Savings Institutions | 1,563.00 | |
| John F. Battles, Massachusetts Petroleum Council 11 Beacon St., #515 Boston, MA 02108 | American Petroleum Institute | 3,000.00 | 983.20 |
| Barbara Bauman, 1990 M Street, NW, #480 Washington, DC 20036 | Detroit Edison Company | 450.00 | 35.00 |
| Barry H. Bauman, 1615 H St., NW Washington, DC 20062 | U.S. Chamber of Commerce | 1,600.00 | 134.09 |
| James R. Baxter, 2033 K St., NW, #200 Washington, DC 20006 | National Construction Employers Council | | |
| Tina Marts Beach, 1331 Pennsylvania Avenue, NW, #700 Washington, DC 20004 | General Electric Co. | 372.00 | |
| Bruce A. Beam, 1667 K St., NW, #450 Washington, DC 20006 | American Electric Power Service Corp. | 486.02 | 211.49 |
| Bear West Company, Inc, 9 Exchange Place, #1000 Salt Lake City, UT 84111 | Rocky Mountain Energy Co. | 1,455.00 | 545.63 |
| Donald S. Beattie, 400 First St., NW Washington, DC 20001 | Railway Labor Executives' Assn | 3,358.01 | |
| Barbara F. Beatty, 729 15th Street, NW Washington, DC 20005 | Associated Builders & Contractors, Inc. | 2,500.00 | |
| Christine T. Beatty, 1627 K Street, NW, #200 Washington, DC 20006 | St. Joe Minerals Corp | 7,500.00 | 232.66 |
| Hubert Beatty, 1957 E St., NW Washington, DC 20006 | Associated General Contractors of America | | |
| Laura L. Beaty, 806 N. Jefferson St. Arlington, VA 22205 | National Parks & Conservation Association | 580.89 | 373.18 |
| Orren Beaty Jr., 700 Jefferson Building 1225 19th Street, NW Washington, DC 20036 | Western Fuels Association, Inc | 10,175.00 | 1,284.31 |
| Gerald F. Beavan, 190 Highland Drive Centerville, MA 02632 | Capital Holding Corp. | 15,000.00 | 9,044.00 |
| Edward A. Beck III, 1220 L Street, NW Washington, DC 20005 | American Petroleum Institute | 12,541.66 | 736.95 |
| Robert J. Becker, 800 E. Northwest Hwy., #101 Mt. Prospect, IL 60056 | Joint Council of Allergy & Immunology | | |
| Steven M. Beckman, 1757 N Street, NW Washington, DC 20036 | Int'l Union, United Auto Aerospace & Agric Implement Workers | 7,646.58 | 12.00 |
| William W. Beddow, 1101 15th St., NW Washington, DC 20005 | National Constructors Association | 1,750.00 | |
| Jon Charles Bednerik, 11 Embarcadero West, #202 Oakland, CA 94607 | Western Independent Bankers | 500.00 | |
| Robert M. Beers, 2101 E Street, NW Washington, DC 20037 | American Foreign Service Assn | 6,260.00 | 1,661.00 |
| James Beizer, 1920 N St., NW Washington, DC 20036 | American Mining Congress | | |
| Mark Belanger, 805 Third Avenue New York, NY 10022 | Major League Baseball Players Assn | | |
| M. Wendell Belew Jr., 1800 M Street, NW, #950 North Washington, DC 20036 | American Electronics Laboratories, Inc | | |
| Do | American Fed of State County & Municipal Employees | | |
| Do | Coalition for the Advancement of Industrial Technology | | |
| Do | Coalition Against Double Taxation, Inc | | |
| Do | Crowley Maritime Corp. | | |
| Do | Massachusetts Mutual Life Insurance Co | | |
| Denise Bell, 777 14th Street, NW Washington, DC 20005 | National Assn of Realtors | 2,500.00 | 167.55 |
| Howard H. Bell, 1400 K St., NW, #1000 Washington, DC 20036 | American Advertising Federation | | |
| Matt Langley Bell III, 302 Polk Avenue Pensacola, FL 32507 | | | |
| Winston Everett Bell, P.O. Box 26543 Las Vegas, NV 89126 | | | |
| Mary K. Bellamy, 1600 M St., NW Washington, DC 20036 | Investment Company Institute | | |
| James P. Bellis, 1629 K St., NW, #1100 Washington, DC 20006 | Palumbo & Cerrell, Inc (For:American Soc of Composers Authors & Publishers) | 9,600.00 | |
| Do | Palumbo & Cerrell, Inc (For:G. D. Searle) | 9,600.00 | |
| Do | Palumbo & Cerrell, Inc (For:Southern California Rapid Transit District) | 9,600.00 | |
| Bendixen & Law, 1029 Vermont Avenue, NW, #505 Washington, DC 20005 | Panamsat | | |
| Cleve Benedict, 8400 Corporate Drive, #560 Landover, MD 20785 | R/S/M, Inc | | |
| Bruce Benefield, 1000 Wilson Blvd., #2600 Arlington, VA 22209 | TRW, Inc | 500.00 | |
| Daniel Bennet, 729 15th Street, NW Washington, DC 20005 | Associated Builders & Contractors, Inc. | 2,500.00 | |
| Alan R. Bennett, 1575 Eye Street, NW, #1150 Washington, DC 20005 | Kaye Scholer Fierman Hays & Handler (For:Bristol-Myers Co) | | |
| Beverly L. Bennett, 1850 K Street, NW Washington, DC 20006 | American Council of Life Insurance, Inc | 2,500.00 | 300.00 |
| David E. Bennett, 740 Hillgrove Avenue Western Springs, IL 60558 | West Central Municipal Conference | | |
| Douglas P. Bennett, 3236 Prospect Street, NW Washington, DC 20007 | American Express Co | 8,500.00 | 19.50 |
| Do | Corning Associates | 6,700.00 | 133.70 |
| John C. Bennison, 4400 Macarthur Blvd., NW Washington, DC 20007 | American Soc of Travel Agents | 8,000.00 | |
| Benoit Smith & Laughlin, 2001 Jefferson Davis Highway, #501 Arlington, VA 22202 | Econopure | | |
| Do | Hughes Aircraft Company | | |
| Frederick S. Benson III, 1625 Eye Street, NW, #902 Washington, DC 20006 | Weyerhaeuser Company | | |
| Tom Benson, 501 Union Street, #506 Nashville, TN 37219 | Tennessee Railroad Assn | | |
| James E. Benton, N. J. Petroleum Council 170 W. State St. Trenton, NJ 08608 | American Petroleum Institute | | |
| George L. Berg Jr., 600 Maryland Avenue, SW Washington, DC 20024 | American Farm Bureau Federation | 5,437.50 | 70.07 |
| Rebecca J. Berg, 900 17th Street, NW, #1100 Washington, DC 20006 | Sea-Land Corporation | 450.00 | 33.93 |
| Richard Scott Berg, 1250 Connecticut Avenue, NW, #210 Washington, DC 20036 | National Forest Products Assn | | |
| O. M. Berge, 12050 Woodward Ave. Detroit, MI 48203 | Brotherhood of Maintenance of Way Employes | | |
| Edwin M. Bergsmark, Three Seagate Toledo, OH 43603 | Toledo Trust Company | | |
| Jane W. Bergwin, 1050 17th Street, NW, #490 Washington, DC 20036 | Consumers Power Co. | 3,448.00 | 1,266.00 |
| Peter A. A. Berle, 950 Third Avenue New York, NY 10022 | National Audubon Society | 1,000.00 | |
| Jason S. Berman, 1133 21st Street, NW, #400 Washington, DC 20036 | Warner Communications, Inc. | 15,000.00 | 10,742.86 |
| Jay Harris Berman, 400 N. Washington St. Alexandria, VA 22314 | National Assn of Professional Agents | | |
| William R. Berman, 8111 Gatehouse Rd. Falls Church, VA 22047 | American Automobile Assn | | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Berman Bergner & Boyette, 1016 16th Street, NW, #700 Washington, DC 20036 | Blaw Knox | 2,000.00 | 1,928.70 |
| Do | First Atlantic Investment Corp | 1,000.00 | 1,113.73 |
| Do | Flo-Sun Land Corp | 500.00 | 2,213.73 |
| Do | Natural Gas Supply Assn | 1,800.00 | 2,295.60 |
| Do | Okeelanta Corp | 2,500.00 | 2,199.28 |
| Do | Salomon Brothers, Inc | 3,000.00 | 2,783.37 |
| Mary E. Bernhard, 1090 Vermont Avenue, NW, #500 Washington, DC 20005 | Flexible Packaging Association | | |
| Charles Bernhardt, 1016 16th St., NW Washington, DC 20036 | National Fed of Federal Employees | | |
| Donald C. Berno, 1615 H St., NW Washington, DC 20062 | U.S. Chamber of Commerce | 7,500.00 | 166.94 |
| Zalman C. Bernstein, Sanford C. Bernstein & Co, Inc 767 Fifth Avenue New York, NY 10153 | | | 46.17 |
| Bernstein Shur Sawyer & Nelson, One Monument Square Portland, ME 04101 | Penobscot Energy Recovery Co | 1,773.50 | 1,887.24 |
| Max N. Berry, 3213 O St., NW Washington, DC 20007 | American Importers Meat Products Group | | |
| Do | Centre National Interprofessionnel de L'Economic Laitiere | | |
| Do | Committee to Assure the Availability of Casein | | |
| Do | Federation des Exportateurs de Vins & Spiritueux de France | | |
| Willard M. Berry, 900 17th Street, NW, #514 Washington, DC 20006 | National Foreign Trade Council, Inc | 5,000.00 | 475.00 |
| Eve Berton, 1016 16th St., NW Washington, DC 20036 | National Fed of Federal Employees | | |
| Frank S. Besson III, 1725 Jefferson Davis Hwy, #900 Arlington, VA 22202 | AM General Corporation | | |
| John F. Betar, 730 15th Street, NW Washington, DC 20005 | Association of Bank Holding Cos | 1,000.00 | 115.00 |
| Better Working Environments, Inc, 3716 Scripps Way Las Vegas, NV 89103 | | | 1,500.00 |
| Robert Betz, 1010 Vermont Avenue, NW, #1116 Washington, DC 20005 | Robert Betz Associates, Inc (For:Alabama Hospital Association) | 5,250.00 | 185.87 |
| Beverly Enterprises, Inc, 1901 N. Fort Myer Drive, #302 Rosslyn, VA 22209 | | | 25,400.90 |
| Cheryl Beversdorf, 1200 15th Street, NW Washington, DC 20005 | American Health Care Assn | 2,873.44 | 447.57 |
| Ralph A. Biedermann, One Brunswick Plaza Skokie, IL 60077 | Brunswick Corp | | |
| Joan T. Bier, 1726 M Street, NW, #701 Washington, DC 20036 | International Minerals & Chemical Corp | | |
| James N. Bierman, 1775 Pennsylvania Ave., NW Washington, DC 20006 | Foley & Lardner (For:City of Kenosha, Wisconsin) | | |
| Do | Foley & Lardner (For:Kohlberg Kravis Roberts & Co) | | |
| Moe Biller, 817 14th St., NW Washington, DC 20005 | American Postal Workers Union, AFL-CIO | 8,577.07 | |
| Billig Sher & Jones, P.C., 2033 K St., NW, #300 Washington, DC 20006 | Barber Blue Sea Line | | |
| Do | Hapag-Lloyd, A.G. | | |
| Do | Maersk Line | | |
| Do | Nedlloyd Lines | | |
| Do | Port Users | 7,500.00 | 425.00 |
| Do | Private Truck Council of America, Inc | | |
| Kevin W. Billings, 410 First Street, SE Washington, DC 20003 | American Nuclear Energy Council | 3,237.51 | 494.41 |
| Leon G. Billings, Inc, 1660 L St., NW, #809 Washington, DC 20036 | Irvine Company | 9,536.66 | |
| Do | State of Montana | 10,200.00 | |
| Hugh L. Binford, 50 Coe Road, #223 Belleair, FL 33516 | | | |
| Vitina Biondo, 1050 17th Street, NW, #770 Washington, DC 20036 | American Assn of Homes for the Aging | 244.00 | |
| Birch Horton Bittner Pestinger & Anderson, 12th Floor 1155 Connecticut Ave., NW Washington, DC 20036 | Alascom, Inc | | |
| Do | Alaska Power Authority | | |
| Do | Alaska Teamsters-Employer Pension Trust | | |
| Do | Alaska Teamsters-Employer Welfare Trust | | |
| Do | Amerada Hess Corp | | |
| Do | Calista Corp | | |
| Do | City of St. George | | |
| Do | CP National Corp | | |
| Do | First Federal Bank of Alaska, S.B | | |
| Do | Houston Metropolitan Transit Authority | | |
| Do | Sealaska Corp | | |
| Do | St. George Tanaq Corp | | |
| Do | Teamsters Local 959 | | |
| Do | Westinghouse Electric Corp | | |
| Do | Yukon Pacific Corp | | |
| Charles O. Bishop, 1225 Connecticut Ave., NW Washington, DC 20036 | American Public Transit Assn | 6,365.00 | 223.00 |
| Bishop Liberman Cook Purcell & Reynolds, 1200 17th Street, NW, 7th Fl. Washington, DC 20036 | Aleut Corporation | 750.00 | |
| Do | Aleutian/Pribilof Islands Assn, Inc | | |
| Do | Consolidated Natural Gas Co | | |
| Do | National Mass Retailing Institute | 3,500.00 | |
| Do | Roadway Services, Inc | | |
| Do | Tanadgusix Corporation | 1,500.00 | |
| Do | Texas Gas Transmission Corp | | |
| Dennis A. Bitz, P.O. Box 3965 San Francisco, CA 94119 | Bechtel Power Corporation | | |
| Gerrie Bjornson, 1825 Eye Street, NW, #400 Washington, DC 20006 | B.F. Goodrich Co | 100.00 | |
| Black Manafort Stone & Kelly, P.C., 324 North Fairfax Street Alexandria, VA 22314 | Allied Signal Companies | 22,500.00 | 665.07 |
| Do | American Health Care Assn | 18,750.00 | 111.18 |
| Do | Bethlehem Steel Corp | 22,500.00 | 559.35 |
| Do | Chicago RTA | 9,000.00 | 841.85 |
| Do | Derecktor Shipyards | 7,500.00 | 199.88 |
| Do | Diamond Star Corp | 30,000.00 | 496.15 |
| Do | Dominican Republic | 15,000.00 | 314.26 |
| Do | Fina Oil & Chemical Co | 2,500.00 | 86.74 |
| Do | Government of the Bahamas | 45,000.00 | |
| Do | Johnson & Johnson | 30,000.00 | 673.11 |
| Do | Kaman Aerospace | 45,000.00 | 407.25 |
| Do | Purolator Courier | 9,375.00 | 98.18 |
| Do | Salomon Brothers, Inc | 54,000.00 | 770.25 |
| Do | Tobacco Institute | 22,500.00 | 399.77 |
| Do | Trans World Airlines, Inc | 18,000.00 | 108.43 |
| Do | U.N.I.T.A. | 75,000.00 | 13,856.71 |
| Do | U.S. Lines | 18,500.00 | |
| Do | Union Pacific Corp | 22,500.00 | 137.66 |
| Joseph W. Blackburn, P.O. Box 55727 2222 Arlington Ave., So. Birmingham, AL 35255 | Sirote Permutt Friend Friedman Held & Apolinsky, P.C. (For:Norwood Clinic, Inc, et al.) | | 50.00 |
| Do | Sirote Permutt Friend Friedman Held & Apolinsky, P.C. (For:University of Alabama Health Services) | 80,000.00 | 1,474.00 |
| Robert J. Blackwell, 1025 Connecticut Ave., NW, #1014 Washington, DC 20036 | American Trading Transportation Co, Inc | | |
| Do | Cove Maritime Companies | | |
| Do | Crest Tankers, Inc | | |
| Do | Enserch Corporation | 2,813.00 | 688.30 |
| Do | Equity Carriers I, Inc | | |
| Do | Equity Carriers III, Inc | | |
| Do | Falcon Tankers, Inc | | |
| Do | Sun Transport, Inc | | |
| Do | Trinidad Corporation | | |
| Do | Victory Carriers, Inc | | |
| Bev D. Blackwood, 1899 L Street, NW, #1100 Washington, DC 20036 | Exxon Corporation | | |
| David A. Blair, 5205 Leesburg Pike, #505 Falls Church, VA 22041 | Bethlehem Steel Corp | 130.40 | |
| Neal B. Blair, Suite J 11244 Waples Mill Rd. Fairfax, VA 22030 | Free the Eagle & Target, Inc | 19,678.65 | |
| Michael D. Blanchard, P.O. Box 2943 Fort Worth, TX 76113 | Texas-New Mexico Power Co | 12,812.10 | 1,046.60 |
| Helen Blank, 122 C Street, NW Washington, DC 20001 | Children's Defense Fund | 1,212.46 | 114.48 |
| Douglas J. Blass, 1600 M Street, NW Washington, DC 20036 | Investment Company Institute | | |
| Bryant C. Blewett, P.O. Box 24305 Oakland, CA 94623 | Clorox Company | | 2,815.85 |
| Jerald Blizin, 1201 Pennsylvania Avenue, NW, #700 Washington, DC 20004 | Hill & Knowlton, Inc | | |
| John R. Block, 201 Park Washington Court Falls Church, VA 22046 | National-American Wholesale Grocers' Assn | 500.00 | |
| L. Thomas Block, One Wall Street New York, NY 10015 | Irving Trust Co | 4,000.00 | 1,600.00 |
| Peter L. Blocklin, 1120 Connecticut Ave., NW Washington, DC 20036 | American Bankers Assn | 2,500.00 | |
| Holton E. Blomgren, 1015 15th Street, NW, #1220 Washington, DC 20005 | National Manufactured Housing Federation | 1,150.00 | 65.00 |
| Douglas M. Bloomfield, 500 N. Capitol St., NW, #300 Washington, DC 20001 | American Israel Public Affairs Comm | 18,558.34 | 336.64 |
| Mark Bloomfield, 1850 K St., NW, #520 Washington, DC 20006 | American Council for Capital Formation | 1,313.00 | |
| John B. Blount Jr., 777 14th Street, NW Washington, DC 20005 | National Assn of Realtors | 2,500.00 | 350.32 |
| Jared O. Blum, 1776 K Street, NW Washington, DC 20006 | Direct Selling Association | 300.00 | 205.29 |
| Robert A. Blum, Three Embarcadero Center 28th Floor San Francisco, CA 94111 | Mccutchen Doyle Brown & Enersen (For:Permanente Medical Group, Inc) | 4,263.00 | 1,243.36 |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Milly S. Blumel, 1050 Connecticut Avenue, NW, #760 Washington, DC 20036 | Union Oil Co of California | | |
| Patti Blumer, 1667 K Street, NW, #430 Washington, DC 20007 | American Dietetic Assn | | 100.00 |
| William J. Boarman, P.O. Box 157 Colorado Springs, CO 80901 | International Typographical Union | | |
| Boat Owners Assn of the U.S., 880 S. Pickett St. Alexandria, VA 22304 | | 50,000.00 | 56,500.00 |
| Larry J. Boccarossa, 460 Twin City Bank Bldg. One Riverfront Place North Little Rock, AR 72114 | American Petroleum Institute | | |
| Seth M. Bodner, 386 Park Avenue South New York, NY 10016 | National Knitwear & Sportswear Assn | 1,312.50 | |
| Harold Boel, 444 N. Capitol Street, NW, #718 Washington, DC 20001 | Pacific Telesis Group | 12,000.00 | |
| Larry A. Boggs, 1920 N St., NW Washington, DC 20036 | American Mining Congress | | |
| Timothy A. Boggs, 1133 21st Street, NW, #400 Washington, DC 20036 | Warner Communications, Inc | 14,400.00 | 11,295.93 |
| Bogle and Gates, One Thomas Circle, NW, #900 Washington, DC 20005 | Alaskan Factory Trawlers Assn | 2,000.00 | |
| Do | Alliance for Fair Trade | 35,000.00 | |
| Do | American Fair Trade Council | | |
| Do | Coalition for Clean Water | 1,000.00 | |
| Do | Northwest Apparel & Textile Assn | | |
| Do | Pacific Seafood Processors Assn | 300.00 | |
| Robert Z. Bohan, 1101 16th St., NW Washington, DC 20036 | National Soft Drink Assn | | |
| Patricia Boinski, 1333 New Hampshire Ave., NW Washington, DC 20036 | Atlantic Richfield Co | 56.25 | |
| Bernadette Bolton, 400 First Street, NW, #800 Washington, DC 20001 | Brotherhood of Railroad Signalmen | 300.00 | |
| Benjamin C. Bolusky, 1250 Eye Street, NW, #500 Washington, DC 20005 | American Assn of Nurserymen | | |
| Sharon E. Bomer, 727 N. Washington Street Alexandria, VA 22314 | United Fresh Fruit & Vegetable Assn | 980.00 | 344.25 |
| Joseph C. Bonanno Jr., P.O. Box 2624 Saratoga, CA 95070-0624 | | | |
| A. Dewey Bond, P.O. Box 3556 Washington, DC 20007 | American Meat Institute | 500.00 | |
| Sharon Lee Bonitt, 1025 Connecticut Ave., NW, #200 Washington, DC 20036 | Shell Oil Co | 500.00 | |
| Bonsib, Inc, P.O. Box 1807 Washington, DC 20013 | | | |
| Gaylon B. Booker, 1918 N. Parkway Memphis, TN 38112 | National Cotton Council of America | | |
| W. Dan Boone, 345 Park Ave. New York, NY 10154 | Union Pacific Corp and Alliance for Clean Energy | | |
| John K. Booth, 1850 K Street, NW Washington, DC 20006 | American Council of Life Insurance, Inc | 100.00 | |
| Diane Boratyn, 1230 31st St., NW, #5 Washington, DC 20007 | D Boratyn, Ltd | | |
| Edward T. Borda, 1625 Eye St., NW, #1023 Washington, DC 20006 | Association of General Merchandise Chains | 4,000.00 | |
| Richard H. Bornemann, 410 First Street, SE Washington, DC 20003 | American Nuclear Energy Council | 2,800.01 | 509.38 |
| Laurence D. Bory, 1015 15th St., NW, #802 Washington, DC 20005 | American Consulting Engineers Council | 900.00 | |
| G. Stewart Boswell, 1611 North Kent St., #800 Arlington, VA 22209 | American Apparel Manufacturers Assn, Inc | 2,749.80 | 65.89 |
| M. L. Boswell, 1235 Jefferson Davis Highway, #500 Arlington, VA 22202 | Italian Advanced Industries, Inc | | |
| Charles G. Botsford, 1730 M St., NW, #515 Washington, DC 20036 | | 1,500.00 | 343.00 |
| John E. Bouchard, 1667 K Street, NW, #350 Washington, DC 20036 | Moller Steamship Co, Inc | | |
| Mary M. Bourdette, 122 C St., NW, 4th Fl. Washington, DC 20001 | Children's Defense Fund of the Washington Research Project | 3,631.68 | 779.88 |
| James G. Bourie, 4647 Forbes Boulevard Lanham, MD 20706 | AMVETS | 6,800.00 | 150.47 |
| Laura L. Bourne, 1750 K Street, NW Washington, DC 20006 | Food Marketing Institute | 100.00 | |
| Frank J. Bowden Jr., Associated Petroleum Industries of Pa P.O. Box 925 Harrisburg, PA 17108 | American Petroleum Institute | | |
| James J. Bowe, 4 World Trade Center New York, NY 10048 | Coffee Sugar & Cocoa Exchange, Inc | | |
| Rodney A. Bower, 8701 Georgia Avenue, #701 Silver Spring, MD 20910 | International Fed of Professional & Technical Engineers | | |
| Robert R. Bowers, West Virginia Petroleum Council Suite 714 Atlas Bldg. Charleston, WV 25301 | American Petroleum Institute | 1,000.00 | 811.18 |
| Richard P. Bowling, 1020 Princess Street Alexandria, VA 22314 | Truck Trailer Manufacturers Assn | 1,000.00 | |
| Jim D. Bowmer, P.O. Box 844 Temple, TX 76503 | Tribal Council of the Coushatta Tribe of Louisiana | | 61.14 |
| Bowmer Courtney Burleson Pemberton & Normand, P.O. Box 844 Temple, TX 76503 | Tribal Council of the Coushatta Tribe of Louisiana | | 13,141.91 |
| Joan Costain Bowyer, 1015 15th St., NW Washington, DC 20005 | Phelps Dodge Corp | 150.00 | |
| John G. Boyd, 1801 K St., NW Washington, DC 20006 | International Business Machines Corp | 1,204.00 | 162.09 |
| Bracewell & Patterson, 1825 Eye Street, NW, #1200 Washington, DC 20006 | American Gas Assn | 875.00 | 349.13 |
| Do | American Insurance Assn | 525.00 | 209.48 |
| Do | Appalachian Energy Group | 700.00 | 279.30 |
| Do | Chemical Manufacturers Assn, Inc | 525.00 | 209.48 |
| Do | Computer Dealers & Lessors Assn, Inc | 1,400.00 | 558.60 |
| Do | COMDISCO, Inc | | |
| Do | Dresser Industries, Inc | | |
| Do | Enron Corp | 875.00 | 349.13 |
| Do | Gallagher, Chtd | | |
| Do | Liberty Bank & Trust of New Jersey | 875.00 | 349.13 |
| Do | Louisiana Land & Exploration Co | 1,750.00 | 698.25 |
| Do | National Cable Television Assn, Inc | 700.00 | 279.30 |
| Do | Pennsylvania Natural Gas Associates | | |
| Do | Southdown/Pelto Oil Company | 350.00 | 139.65 |
| Do | U.S. Tuna Foundation | 350.00 | 139.65 |
| Do | Valero Energy Corporation | 2,100.00 | 837.90 |
| Bracy Williams & Company, 1000 Connecticut Avenue, NW, #304 Washington, DC 20036 | American Southwest Financial Co | 30,000.00 | 940.00 |
| Do | California Nickel Corp | | |
| Do | City of Tucson | 7,000.00 | 225.00 |
| Do | CSX Corporation | 12,000.00 | 405.00 |
| Do | Daylight Saving Time Coalition | 5,000.00 | 180.00 |
| Do | Energy Absorption Systems, Inc | 8,000.00 | 185.00 |
| Do | Estes Company | 3,000.00 | 210.00 |
| Do | Pratt & Whitney Aircraft Group | 5,000.00 | 165.00 |
| Do | Southern Arizona Water Resources Association | 3,000.00 | 225.00 |
| Frank W. Bradley, 1700 K St., NW Washington, DC 20006 | Chevron USA, Inc | 3,600.00 | |
| Wayne W. Bradley, 1101 Vermont Ave., NW Washington, DC 20005 | American Medical Assn | 750.00 | |
| Dennis M. Bradshaw, 1957 E St., NW Washington, DC 20006 | Associated General Contractors of America | | |
| Carren Bragg, 1901 L Street, NW, #303 Washington, DC 20036 | Colt Industries, Inc | | |
| Charles G. Bragg, P.O. Box 12285 Memphis, TN 38182 | National Cotton Council of America | | |
| Brand & Lowell, 923 15th Street, NW, Fifth Fl. Washington, DC 20005 | Coalition on Beverage Issues | | |
| Robert M. Brandon, 1300 Connecticut Ave., NW, #401 Washington, DC 20036 | Citizen Action | 2,000.00 | |
| Do | Citizen/Labor Energy Coalition | | |
| Richard D. Brannick, P.O. Box 550 Dexter, NY 13634 | National Border Patrol Council | | |
| William C. Brashares, Mintz Levin Cohn Ferris Glovsky & Popeo 1825 Eye St., NW, #1201 Washington, DC 20006 | Smith Barney Harris Upham & Co, Inc | 2,000.00 | |
| Christian N. Braunlich, 1331 Pennsylvania Avenue, NW, #1500N Washington, DC 20004-1703 | National Assn of Manufacturers | 125.00 | |
| Roy Braunstein, 817 14th St., NW Washington, DC 20005 | American Postal Workers Union, AFL-CIO | 9,780.71 | |
| Donald H. Brazier, P.O. Box 12266 Seattle, WA 98102 | Dollar Savings Bank, et al | | |
| Harold E. Brazil, 1900 Pennsylvania Avenue, NW Washington, DC 20068 | Potomac Electric Power Co | 121.84 | |
| Noel Brazil, 600 Maryland Avenue, SW, #400 Washington, DC 20024 | American Optometric Assn | | |
| Edward T. Breathitt, 1050 Connecticut Ave., NW Washington, DC 20036 | Norfolk Southern Corp | 1,000.00 | |
| Breed Abbott & Morgan, 1875 Eye St., NW, #1000 Washington, DC 20006 | Empire Blue Cross & Blue Shield | | |
| Bregman Abell Kay & Simon, 1156 15th St., NW, #1212 Washington, DC 20005 | Air Transport Assn of America | | |
| Do | American Car Rental Assn | 5,000.00 | |
| Do | American Fed of Labor & Congress of Industrial Organizations | 5,000.00 | |
| Do | Committee for Tax Equity | 5,000.00 | |
| Do | National Car Rental System, Inc | | |
| Do | Norfolk Southern Corp | | |
| Do | Ryder Systems, Inc | | |
| Do | Trans World Airlines, Inc | 5,000.00 | |
| Do | Truck Renting & Leasing Assn | 5,000.00 | |
| James Patrick Brennan, 5999 Stevenson Avenue Alexandria, VA 22304 | American Assn for Counseling & Development | 5,327.00 | 96.00 |
| Peter E. Brereton, 900 Euclid Avenue Cleveland, OH 44101 | Ameritrust Co, Nat'l Assn | | |
| Thomas M. Bresnahan III, 1700 K Street, NW, #1204 Washington, DC 20006 | Chevron USA, Inc | 400.00 | |
| Albert E. Brewster, 1000 Wilson Blvd., #2300 Arlington, VA 22209 | Northrop Corp | | 65.60 |
| Robert J. Brinkmann, 1627 K Street, NW, #400 Washington, DC 20006 | National Newspaper Assn | 5,000.00 | 236.82 |
| Belva B. Brissett, 1771 N St., NW Washington, DC 20036 | National Assn of Broadcasters | 1,500.00 | 550.00 |
| Elizabeth Y. Britton, 2550 M Street, NW Washington, DC 20037 | RJR Nabisco, Inc | 277.50 | 299.79 |
| Broadhurst Brook Mangham & Hardy, 1730 Pennsylvania Ave., NW, #300 Washington, DC 20006 | At-Sea Incineration, Inc | | |
| Do | Columbia Gas System Service Corp | | |
| Do | GNB, Inc | | |
| Do | Louisiana Intrastate Gas Corp | | |
| Do | Overseas Vessel Conversion | | |
| Do | Phillips Petroleum Co | | |
| Do | Texas Gas Transmission Corp | | |
| Do | U.S. Conference of Mayors | | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Stephen W. Broadie, 1629 K Street, NW Washington, DC 20006 | Alliance of American Insurers | 1,500.00 | 213.45 |
| Marina L. Brockmann, 1025 Connecticut Ave., NW Washington, DC 20036 | Society of the Plastics Industry, Inc | | |
| William M. Brodhead, 900 Marquette Building Detroit, MI 48226 | Plunkett Cooney Rutt Watters Stanczyk & Pedersen (For:Bracy Williams & Company) | | |
| Do | Plunkett Cooney Rutt Watters Stanczyk & Pedersen, P.c. (For:City of Detroit, Michigan). | 7,500.00 | 681.87 |
| Do | Plunkett Cooney Rutt Watters Stanczyk & Pedersen (For:Detroit Educational TV Foundation). | 3,307.50 | 680.04 |
| Do | Plunkett Cooney Rutt Watters Stanczyk & Pedersen, P.c. (For:Michigan Consolidated Gas Co). | 15,945.00 | 5,338.55 |
| Do | Plunkett Cooney Rutt Watters Stanczyk & Pedersen (For:National Bank of Detroit) | 1,957.50 | 34.00 |
| David A. Brody, 1640 Rhode Island Ave., NW Washington, DC 20036 | Anti-Defamation League of B'nai B'rith | 2,800.00 | |
| Nancy B. Broff, 600 New Jersey Ave., NW Washington, DC 20001 | Alliance for Justice | 800.00 | |
| Phillip J. Broman, 919 18th Street, NW, #600 Washington, DC 20006 | Toyota Motor Sales, USA, Inc | | |
| Michael D. Bromberg, 1111 19th St., NW, #402 Washington, DC 20036 | Federation of American Health Systems | 4,500.00 | |
| E. R. Brooks, P.O. Box 2121 Corpus Christi, TX 78403 | Central Power & Light Co | | |
| Mary E. Brooks, 1730 M Street, NW Washington, DC 20036 | League of Women Voters of the U.S. | 4,042.37 | 23.00 |
| Brotherhood of Railway Airline & Steamship Clerks, 3 Research Plaza Rockville, MD 20850 | | 17,900.00 | 31,984.47 |
| Donald G. Brotzman, 1400 K St., NW Washington, DC 20005 | Rubber Manufacturers Assn | 10,000.00 | |
| David S. J. Brown, 1101 17th St., NW, #604 Washington, DC 20036 | Monsanto Co | 700.00 | 274.95 |
| Donald K. Brown, 1121 L St., #810 Sacramento, CA 95814 | Crowley Maritime Corp | | |
| Do | Summa Corporation | | |
| Doreen L. Brown, 1001 Connecticut Ave., NW Washington, DC 20036 | Consumers for World Trade | | |
| George L. Brown, 1000 Wilson Boulevard Arlington, VA 22209 | Grumman Corporation | 1,250.00 | 148.21 |
| James P. Brown, Brown & Associates 301 Sovereign Court, #102 St. Louis, MO 63011 | City of St. Louis - City Hall | | |
| Jesse P. Brown Jr., 1918 N. Parkway Memphis, TN 38112 | National Cotton Council of America | | |
| S. M. Henry Brown Jr., 411 Fayetteville Street Mall, #2035 Raleigh, NC 27601 | Carolina Power & Light Co | 926.17 | 1,679.85 |
| Vincent D. Brown, Nebraska Petroleum Council P.O. Box 95063 Lincoln, NB 68509 | American Petroleum Institute | 3,000.00 | 2,144.06 |
| Virginia Brown, 15th & M streets, NW Washington, DC 20005 | National Assn of Home Builders of the U.S. | | |
| William E. Brown, 815 Connecticut Ave., NW Washington, DC 20006 | Ford Motor Co | 242.50 | 321.89 |
| William R. Brown, 122 C Street, NW, #200 Washington, DC 20001 | Council of State Chambers of Commerce | 292.95 | 1,000.00 |
| William Y. Brown, 1155 Connecticut Ave., NW, #800 Washington, DC 20036 | Waste Management, Inc | 5,000.00 | |
| Brown & Finn, Chtd, 1920 N Street, NW, #510 Washington, DC 20036 | Regency Electronics, Inc | 9,650.00 | |
| Do | Satellite Television Industry Assn/S.P.A.C.E | | |
| Do | Satellite TV Viewing Rights Superfund, Inc | 8,960.00 | |
| Brownstein Zeidman & Schomer, 1401 New York Ave., NW, #900 Washington, DC 20005 | Mortgage Guaranty Insurance Corp | | |
| William K. Brunette, 1909 K Street, NW Washington, DC 20049 | American Assn of Retired Persons | 438.46 | |
| Michael E. Brunner, 2626 Pennsylvania Avenue, NW Washington, DC 20037 | National Telephone Cooperative Assn | 1,000.00 | 55.20 |
| J. Charles Bruse, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004 | Allstate Insurance Group | 1,175.00 | 504.65 |
| Dawn M. Brydon, 888 16th Street, NW Washington, DC 20006 | Milk Industry Foundation/Int'l Assn of Ice Cream Mfrs | | |
| Buchanan Ingersoll, P.C., 1667 K Street, NW, 9th Fl. Washington, DC 20006 | Federation of Apparel Manufacturers | | |
| Do | Norfolk Southern Corp | | |
| Lana Buck, 1319 F Street, NW Washington, DC 20004 | National Assn of Private Psychiatric Hospitals | 100.00 | |
| Judith A. Buckalew, 1667 K Street, NW, #500 Washington, DC 20006 | International Assn for Financial Planning, Inc | 15,500.00 | 5,264.69 |
| Priscilla R. Budeiri, 215 Pennsylvania Ave., SE Washington, DC 20003 | Congress Watch | 4,749.96 | |
| G. N. Buffington, 2230 California Street, NW Washington, DC 20008 | National Assn of Real Estate Investment Trusts, Inc | 5,177.50 | 48.03 |
| Douglas W. Bulcao, 1101 Connecticut Ave., NW, #300 Washington, DC 20036 | American Textile Manufacturers Institute, Inc | 5,000.00 | 27.40 |
| Bunnie L. Bunch, 1725 K Street, NW, #1001 Washington, DC 20006 | ConAgra, Inc | 40.00 | |
| Darrel D. Bunge, Minnesota Petroleum Council 386 N. Wabasha St., #1025 St. Paul, MN 55102 | American Petroleum Institute | 423.00 | 1,152.00 |
| David A. Bunn, 1211 Connecticut Avenue, NW, #406 Washington, DC 20036 | Hearst Corporation | | |
| Do | Magazine Publishers Assn, Inc | 3,000.00 | |
| Do | Parcel Shippers Assn | 2,000.00 | |
| J. Thomas Burch Jr., 1000 Thomas Jefferson Street, NW, #600 Washington, DC 20007 | Burch and Bennett, P.C. (For:M.A.N. Truck & Bus Corp) | | |
| Norman D. Burch, 1101 Vermont Ave., NW, #401 Washington, DC 20005 | College of American Pathologists | 5,200.00 | 91.60 |
| Burch and Bennett, P.C., 1000 Thomas Jefferson Street, NW, #600 Washington, DC 20007 | M.A.N. Truck & Bus Corp | | |
| David G. Burden, 200 E. Randolph Dr. Chicago, IL 60601 | Amoco Corporation | | |
| Paul F. Burdett, Suite 700 South 1800 M Street, NW Washington, DC 20036 | Merrell Dow Pharmaceuticals, Inc | | 76.25 |
| Clair W. Burgener, P.O. Box 8186 Ranch Santa Fe, CA 92067 | G A Technologies, Inc | | |
| Harriet Hunt Burgesss, 82 Second Street San Francisco, CA 94105 | Trust for Public Lands | 7,440.00 | 7,793.00 |
| Gerard P. Burke, 1117 Spotswood Drive Silver Spring, MD 20904 | International Air Leases, Inc | | |
| J. J. Burke Jr., 40 E. Broadway Butte, MT 59701 | Montana Power Co | | 146.57 |
| Kevin Burke, 1771 N Street, NW Washington, DC 20036 | National Assn of Broadcasters | 1,500.00 | 350.00 |
| Francis X. Burkhardt, 1750 New York Ave., NW Washington, DC 20006 | International Brotherhood of Painters & Allied Trades | | |
| Burley & Dark Leaf Tobacco Export Assn, 1100 17th St., NW Washington, DC 20036 | | 40,966.25 | 900.00 |
| Mahlon A. Burnette III, 631 Walker Road Great Falls, VA 22066 | Grocery Manufacturers of America, Inc | 250.00 | |
| Charles S. Burns, 1015 15th St., NW Washington, DC 20005 | Phelps Dodge Corp | 1,200.00 | |
| Timothy F. Burns, 2501 M St., NW Washington, DC 20037 | Chemical Manufacturers Assn, Inc | 2,000.00 | 210.25 |
| Burr Pease & Kurtz, Inc, 810 N St. Anchorage, AK 99501 | Eklutna, Inc | | |
| Burson-Marsteller, 1850 M Street, NW, #900 Washington, DC 20036 | Arthur Andersen & Co | 500.00 | 10.00 |
| Do | Blue Cross & Blue Shield Assn | 500.00 | 10.00 |
| Do | City of Philadelphia | | |
| Do | CBS, Inc | 125.00 | 10.00 |
| Do | Hankin Management-Arsenal Business Center Associates | | |
| Do | Morgan Stanley & Co, Inc | | |
| Do | Pennsylvania Economic Development Assn | 65.00 | 5.00 |
| Do | Philadelphia Industrial Development Corp | | |
| Do | Philadelphia Port Corp | 65.00 | 1.25 |
| Do | Philip Morris, Inc | 125.00 | 5.00 |
| Do | Port of Wilmington | 65.00 | 1.25 |
| Do | Sears Roebuck & Co | | |
| Do | South Jersey Port Corp | 65.00 | 1.25 |
| Do | Temple University | 110.00 | 5.00 |
| Frank Burtnett, 5999 Stevenson Avenue Alexandria, VA 22304 | American Assn for Counseling & Development | 1,041.87 | |
| Busby Rehm and Leonard, P.C., 1330 Connecticut Ave., NW, #200 Washington, DC 20036 | European Confederation of the Footwear Industry | | |
| Do | MacMillan Bloedel, Inc | 8,200.00 | 43.00 |
| Do | Timex Corporation | 1,000.00 | 5.00 |
| Do | Universal Leaf Tobacco Co, Inc | | |
| Barbara L. Bush, 1220 L St., NW Washington, DC 20005 | American Petroleum Institute | 200.00 | |
| E. Philip Bush, 300 Lincoln Plaza, Lb-5 Dallas, TX 75201 | Taylor & Mizell | | |
| James T. Bush, 1500 Massachusetts Avenue, NW Washington, DC 20005 | CDI Policy Institute | | |
| Nicholas J. Bush, 1730 Rhode Island Avenue, NW, #200 Washington, DC 20036 | Natural Gas Supply Assn | 4,099.18 | 4,738.06 |
| Helen C. Butler, 1630 Connecticut Avenue, NW, #202 Washington, DC 20009 | Taiwan Power Company | 4,500.00 | |
| Patrick Butler, 1875 Eye Street, NW, #1110 Washington, DC 20006 | Times Mirror Co | | |
| William A. Butler, 645 Pennsylvania Avenue, SE Washington, DC 20003 | National Audubon Society | 5,000.00 | 150.00 |
| Butler & Binion, 1747 Pennsylvania Ave., NW, #900 Washington, DC 20006 | National Assn of Wholesaler-Distributors | 2,000.00 | |
| Do | National Fed of Independent Business | 2,250.00 | |
| H. E. Butt, P.O. Box 9216 Corpus Christi, TX 78408 | | | |
| Mary Jane Butterfield, 1818 N Street, NW, #350 Washington, DC 20036 | Susan Davis International (For:Turkish Republic of Northern Cyprus) | 600.00 | 40.00 |
| James R. Byron, 1627 K Street, NW, #200 Washington, DC 20006 | Fluor Corporation | 6,000.00 | 22.00 |
| C.A.R.E., 511 C Street, NE Washington, DC 20002 | | | |
| Cadwalader Wickersham & Taft, 1333 New Hampshire Ave., NW, 7th Fl. Washington, DC 20036 | Asphalt Roofing Manufacturers Association | | |
| C. Richard Cahoon, 1120 Vermont Ave., NW, #1130 Washington, DC 20005 | Petroleum Marketers Assn of America | 4,000.00 | 470.47 |
| Morrison G. Cain, 1625 I St., NW, #1023 Washington, DC 20006 | Association of General Merchandise Chains | 6,250.00 | |
| Alan Caldwell, 2550 M Street, NW, #770 Washington, DC 20037 | RJR Nabisco, Inc | 1,200.00 | |
| Charles D. Calhoun, 440 North Woodland Street Englewood, NJ 07631 | Radio Officers Union | | |
| Frank W. Calhoun, 3400 Texas Commerce Tower Houston, TX 77002 | Houston Endowment, Inc | | 1,479.76 |
| Kateri A. Callahan, 1424 16th St., NW, Washington, DC 20034 | FAIR | | |
| John C. Callihan, 299 Park Avenue New York, NY 10171 | Westvaco Corporation | | |
| Calorie Control Council, 5775 Peachtree-Dunwoody Rd., #500-D Atlanta, GA 30342 | | | |
| Gordon L. Calvert, Box 34-531 Bethesda, MD 20817 | Commericial Law League of Amer, Comm Coll. Agency Section | | |
| Cambridge International, Inc, 1600 Wilson Boulevard, #713 Arlington, VA 22209 | Avco Lycoming | 200.00 | |
| Do | Ford Aerospace & Communications Corp | 175.00 | |
| Do | FMC Corporation | 175.00 | |
| Do | General Dynamics Land Systems | 200.00 | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Do | General Dynamics Valley Systems Division | 200.00 | |
| Do | Lockheed-California Co | 175.00 | |
| Do | Lockheed-Georgia Co | 150.00 | |
| Do | Norden Systems, Inc | 180.00 | |
| Arthur E. Cameron, 316 Pennsylvania Ave., SE, #402 Washington, DC 20003 | Amerace Corporation, et al | 5,925.00 | |
| Do | American Greyhound Track Operators Assn | 5,000.00 | |
| Do | Hall Signs, Inc | 2,499.00 | |
| Do | Safetran Systems Corporation | 6,725.00 | |
| Do | Signal Communications | | |
| Do | Syro Steel Co | 3,750.00 | |
| Do | 3M Company | 8,825.00 | |
| Nancy Camm, 1800 K Street, NW, #900 Washington, DC 20006 | Bank of America | 118.50 | 63.50 |
| Camp Carmouche Barsh Hunter Gray Hoffman & Gill, 2550 M St., NW, #275 Washington, DC 20037 | Allied-Signal, Inc | | |
| Do | Allstate Insurance Cos | | |
| Do | Bellsouth Corp | | |
| Do | Champlin Petroleum Company | | |
| Do | Chemical Manufacturers Assn, Inc | 8,200.00 | |
| Do | Georgia-Pacific Corp | | |
| Do | Goldman Sachs & Co | | |
| Do | Mobil Oil Corp | | |
| Do | Natural Gas Supply Assn | 1,550.00 | |
| Do | Pennzoil Co | | |
| Do | PPG Industries, Inc | | |
| Do | Sears Roebuck & Co | 18,695.00 | 10,175.00 |
| Do | South Central Bell | | |
| Do | Texaco, Inc | | |
| C. R. Campbell Jr., 1850 M St., NW, #1200 Washington, DC 20036 | GTE Corporation | 2,000.00 | |
| Carl C. Campbell, 1030 15th St., NW, Suite 700 Washington, DC 20005 | National Cotton Council of America | 400.00 | |
| Charles Argyll Campbell, 1776 F Street, NW Washington, DC 20006 | National Assn of Manufacturers | | 51.30 |
| Charles O. Campbell, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202 | Manufactured Housing Institute | 900.00 | 100.00 |
| Jerry L. Campbell, 1201 Chestnut St. Chattanooga, TN 37402 | Tennessee Valley Public Power Assn | | |
| Thomas D. Campbell & Associates, Inc, 517 Queen Street Alexandria, VA 22314 | Cyprus Minerals Co | 5,000.00 | |
| Alyce D. Canaday, 4201 Cathedral Ave., NW, #413e Washington, DC 20016 | Pacific Power & Light Co | | |
| Canadian Coalition on Acid Rain, 112 St. Clair Avenue, #504 Toronto, Ontario Canada M4v 2y3 | | 6,700.00 | 13,249.25 |
| Candlelighters, 123 C St., SE Washington, DC 20003 | | 444.00 | 100.00 |
| Anne C. Canfield, 1331 Pennsylvania Avenue, NW Washington, DC 20004 | General Electric Co | 425.00 | |
| H. Spofford Canfield, 1015 15th Street, NW, #900 Washington, DC 20005 | Enron Corp | 2,000.00 | |
| Sharon F. Canner, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004-1703 | National Assn of Manufacturers | 186.80 | |
| W. Dean Cannon Jr, 9800 S. Sepulveda Blvd., #500 Los Angeles, CA 90045 | California League of Savings Institutions | 3,000.00 | 2,866.37 |
| David L. Cantor, 1133 15th Street, NW, #1200 Washington, DC 20005 | Porter Wright Morris & Arthur (For:Coalition for Environmental Energy Balance) | 200.00 | |
| Richard A. Cantor, P.O. Box 8293 Washington, DC 20024 | Oil Investment Institute | | |
| Anne Gavaghan Cantrel, 1667 K Street, NW Washington, DC 20005 | Baxter Travenol Laboratories, Inc | | |
| Gary Capistrant, 1200 15th Street, NW Washington, DC 20005 | American Health Care Assn | 3,764.50 | 241.91 |
| Capital Advocates, 1127 11th Street, #950 Sacramento, CA 95814 | Crowley Maritime Corp | 1,875.00 | 23,518.49 |
| Capitol Associates, Inc, 1156 15th Street, NW, #1102 Washington, DC 20005 | Albert & Diane Kaneb | | |
| Do | Citizens Comm for Medical Research & Health Education | 300.00 | |
| Do | Emory University Medical School | 800.00 | |
| Do | Endocrine Society | 344.00 | |
| Do | Joint Council of Allergy & Immunology | 375.00 | |
| Do | National Assn of Pediatric Nurse Associates & Practitioners | 250.00 | |
| Do | National Multiple Sclerosis Society | 544.00 | |
| Do | Rehabilitation Institute of Chicago | 750.00 | |
| Do | Terri Gotthelf Lupus Research Institute | 187.00 | |
| Do | Worcester Business Development Corp | | |
| Caplin & Drysdale, Chtd, One Thomas Circle, NW Washington, DC 20005 | Ad Hoc Comm on Dual Resident Companies | 29,784.18 | 1,394.51 |
| Do | Council on Foundations, Inc | 2,184.00 | 47.00 |
| Do | Gregory Government Securities, Inc | 13,743.00 | 436.74 |
| Ross Capon, 236 Massachusetts Ave., NE, #603 Washington, DC 20002 | National Assn of Railroad Passengers | 11,137.49 | |
| Robert Capozzi, 1015 18th Street, NW, #702 Washington, DC 20003 | ISFA Corporation | | |
| Constantine G. Caras, 2828 Pennsylvania Avenue, NW, #205 Washington, DC 20007 | Ogden Corporation | | |
| Denise A. Cardman, 1800 M St., NW Washington, DC 20036 | American Bar Assn | 400.00 | 50.00 |
| Norval E. Carey, 1025 Connecticut Ave., NW #704 Washington, DC 20036 | Gulf Oil Corp (for GA Technologies, Inc) | 2,916.00 | 317.96 |
| Robert B. Carleson, 1201 Pennsylvania Ave., NW Washington, DC 20004 | KMG Main Hurdman (For:Mercedes Benz of North America, Inc) | | |
| Edward J. Carlough, 1750 New York Avenue, NW Washington, DC 20006 | Sheet Metal Workers International Assn | 25,987.00 | |
| Anne E. Carlson, 1620 Eye Street, NW, #1000 Washington, DC 20006 | Motor Vehicle Manufacturers Assn of the U.S., Inc | 210.00 | |
| Robert E. Carlstrom Jr., 1627 K Street, NW, #200 Washington, DC 20006 | St. Joe Minerals Corp | 6,000.00 | 582.41 |
| Bertram W. Carp, 1724 Massachusetts Avenue, NW Washington, DC 20036 | National Cable Television Assn, Inc | 3,625.00 | |
| Chapin Carpenter Jr., 1211 Connecticut Avenue, NW, #406 Washington, DC 20036 | Magazine Publishers Assn, Inc | 1,500.00 | |
| Cy Carpenter, 12025 E 45th Ave. Denver, CO 80251 | Farmers' Educational & Co-Operative Union of America | 12,814.73 | 247.70 |
| Susan Carr, 1709 New York Avenue, NW, #801 Washington, DC 20006 | U.S. League of Savings Institutions | 1,063.00 | |
| John R. Carson, 20 Chevy Chase Circle Washington, DC 20015 | American Podiatric Medical Assn | 16,000.00 | |
| David C. Carter, 1156 15th St., NW, #1019 Washington, DC 20005 | U.S. Beet Sugar Assn | | |
| Joseph L. Carter Jr., 412 First St., SE, #200 Washington, DC 20003 | Association of American Railroads | 1,214.37 | 117.75 |
| Terrie M. Carter, 1667 K Street, NW, #370 Washington, DC 20006 | Deere & Company | 25.00 | |
| James P. Carty, 1776 F St., NW Washington, DC 20006 | National Assn of Manufacturers | 500.00 | |
| Susan B. Carver, 1130 17th Street, NW Washington, DC 20036 | National Coal Assn | 1,112.00 | 1,996.12 |
| Allen R. Caskie, 1850 K Street, NW Washington, DC 20006 | American Council of Life Insurance, Inc | 4,062.00 | |
| J. Warren Cassidy, 1600 Rhode Island Avenue, NW Washington, DC 20036 | National Rifle Assn of America | 1,937.50 | |
| Lawrence J. Cassidy, 1750 New York Avenue, NW Washington, DC 20006 | Sheet Metal Workers International Assn | 13,929.00 | |
| Cassidy and Associates, Inc, Metropolitan Square 655 15th St., NW, #1100 Washington, DC 20005 | Alexander Graham Bell Assn for the Deaf | 300.00 | |
| Do | Alloy Technology | | |
| Do | Anatolia College Board of Trustees | 50.00 | 24.00 |
| Do | Arizona State University | 350.00 | 74.00 |
| Do | Atlanta University | 200.00 | 4.00 |
| Do | Barry University | 100.00 | |
| Do | Boston College | 300.00 | |
| Do | Boston University | 50.00 | 4.00 |
| Do | Broadhead Investments, Inc | 200.00 | 28.00 |
| Do | Brown University | 100.00 | 9.50 |
| Do | Catholic University of America | | |
| Do | Centex Communications, Inc | | |
| Do | Columbia University | 100.00 | 8.00 |
| Do | Crane Company | | |
| Do | Drexel University | 150.00 | 7.00 |
| Do | Indiana University | 100.00 | 8.00 |
| Do | Mount Sinai Medical Center | | |
| Do | NeoRx | 250.00 | 16.00 |
| Do | New England College of Optometry | | |
| Do | Northwestern University | 50.00 | |
| Do | O'Connell Management Co | 150.00 | |
| Do | Ocean Spray Cranberries, Inc | 400.00 | 24.00 |
| Do | Oceanic Institute | 100.00 | |
| Do | Pirelli Cable Corporation | 550.00 | 62.00 |
| Do | Polytechnic Institute of New York | 150.00 | 6.00 |
| Do | Pyramid Companies | 100.00 | |
| Do | Rochester Institute of Technology | 1,500.00 | 303.50 |
| Do | Rocky Mountain Energy Co | 600.00 | 26.00 |
| Do | Tufts University | 100.00 | 34.00 |
| Do | U.S. Repeating Arms | | |
| Do | United Hospitals | 100.00 | 8.00 |
| Do | University of Alabama in Huntsville | 200.00 | 4.00 |
| Do | University of Bridgeport | 300.00 | 22.00 |
| Do | University of Southern Mississippi | 100.00 | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Do | University of Vermont | | |
| Mark A. Casso, 1015 15th Street, NW, #802 Washington, DC 20005 | American Consulting Engineers Council | 700.00 | |
| John J. Castellani, 27th Floor 1000 Wilson Blvd. Arlington, VA 22209 | TRW, Inc | 12,500.00 | |
| Rita L. Castle, 100 NE Adams Peoria, IL 61629 | Caterpillar Tractor Co | 5,000.00 | 2,085.00 |
| Alan W. Cathcart, 1200 18th Street, NW Washington, DC 20036 | Lee Toomey & Kent (For:R.J. Reynolds Industries, Inc) | | |
| G. Thomas Cator, 1050 17th Street, NW Washington, DC 20036 | Neece Cator & Associates, Inc (For:Association of Small Business Development Centers). | 1,400.00 | 1,400.00 |
| Do | National Assn of Development Companies (NADCO) | 1,300.00 | 1,300.00 |
| Do | Neece Cator & Associates, Inc (For:Small Business United) | 1,350.00 | 1,350.00 |
| Do | Neece Cator & Associates, Inc (For:Southeastern Lumber Manufacturers Assn) | 1,300.00 | 1,300.00 |
| Michael Caudell-Feagan, 215 Pennsylvania Ave., SE Washington, DC 20003 | U.S. Public Interest Research Group | 3,015.38 | |
| Joseph E. Cavanagh, 1125 15th St., NW Washington, DC 20005 | International Brotherhood of Electrical Workers, AFL-CIO-CLC | 6,000.00 | 676.38 |
| Michael F. Cavanagh, 1919 Pennsylvania Avenue, NW, #300 Washington, DC 20004 | Electronic Mail Assn | | 106.00 |
| Red Cavaney, 260 Madison Avenue New York, NY 10016 | American Paper Institute, Inc | 800.00 | |
| Nicholas G. Cavarocchi, 6th Floor 2010 Massachusetts Avenue, NW Washington, DC 20036 | | | |
| Cederberg & Associates, 7100 Sussex Place Alexandria, VA 22307 | Grumman Corporation | 200.00 | |
| Do | Martin Marietta Corp | 200.00 | |
| Cellular Telecommunications Industry Assn, 1150 17th St., NW, #607 Washington, DC 20036 | | | |
| Centerior Energy Corp, P.O. Box 94661 Cleveland, OH 44101-4661 | | | |
| David Certner, 1909 K Street, NW Washington, DC 20049 | American Assn of Retired Persons | 417.69 | 97.50 |
| Chadbourne & Parke, 1101 Vermont Avenue, NW Washington, DC 20005 | Applied Energy Services, Inc | 2,500.00 | |
| Do | Catalyst Energy Development Corp | 12,632.00 | 288.03 |
| Do | | | |
| Do | ENESCO | 582.00 | 50.76 |
| Do | Fieldcrest Mills, Inc | 353.00 | 5.94 |
| Do | Independent Power Systems International, Inc | 740.00 | |
| Do | Lawson Mardon Group Limited | | |
| Do | Manufacturers Life Insurance Co & Maine Fidelity Lic | | |
| Do | Napp Chemicals, Inc | 1,500.00 | 13.05 |
| Do | Oxbow Geothermal Corp | 676.00 | |
| Do | Peat Products of America, Inc | 1,000.00 | 10.00 |
| Do | PLM Power Company | 2,475.00 | 1.27 |
| Do | Ruan Companies | 2,254.00 | 3.28 |
| Do | Wells Fargo Leasing Corp | 200.00 | |
| Chadwell & Kayser, Ltd, 8500 Sears Tower Chicago, IL 60606-6592 | Harza Engineering Co | 4,500.00 | |
| Dean S. Chalios, 1350 New York Avenue, NW, #900 Washington, DC 20005 | International Franchise Assn | | |
| Durwood Chalker, P.O. Box 660164 2121 San Jacinto Street, #2500 Dallas, TX 75266-0164 | Central & South West Corp | | |
| Mark G. Chalpin, 1735 New York Avenue, NW Washington, DC 20006 | American Institute of Architects | 1,970.00 | |
| Terry M. Chamberlain, 1957 E Street, NW Washington, DC 20006 | Associated General Contractors of America | | |
| Ed Chandler, 7901 Westpark Drive Mclean, VA 22102 | National Machine Tool Builders' Assn | 9,900.00 | 500.00 |
| William C. Chapman, 2801 Fort Scott Drive Arlington, VA 22202 | Multinational Business Services, Inc | | 2,661.00 |
| Charles Karalekas McCahill & Wilson, 1250 Connecticut Avenue, NW, #318 Washington, DC 20036 | Independent Insurance Agents of America | | |
| Richard M. Charlton, 1331 Pennsylvania Avenue, NW, #1300N Washington, DC 20004 | Electronic Data Systems Corp | 32.00 | 34.00 |
| Peggy Charren, 971 Memorial Drive, #504 Cambridge, MA 02138 | Action for Children's Television | | |
| Alan C. Chase, 5137 Pumphrey Drive Fairfax, VA 22032 | Lockheed Corporation | 3,300.00 | 3,486.22 |
| Leslie Cheek III, 1025 Connecticut Avenue, NW, #414 Washington, DC 20036 | Crum & Forster Corp | 26,000.00 | 1,553.52 |
| Chemical Specialties Manufacturers Assn, Inc, 1001 Connecticut Avenue, NW, #1120 Washington, DC 20036 | | | 3,996.50 |
| William B. Cherkasky, 1350 New York Ave., nW, #900 Washington, DC 20005 | International Franchise Assn | | |
| Marlana Chickos, 1101 14th Street, NW, #804 Washington, DC 20005 | National Apartment Assn | 5,000.00 | 47.00 |
| Children's Television Workshop, One Lincoln Plaza New York, NY 10023 | | | |
| Robert A. Chlopak, 1445 Pennsylvania Ave., NW, #1000 Washington, DC 20004 | Coalition Against Double Taxation, Inc | 17,420.00 | 837.96 |
| Chlorine Institute, Inc, 70 West 40th Street New York, NY 10018 | | | |
| Leslie Christensen, 600 Maryland Ave., SW, #700 Washington, DC 20024 | National Fed of Independent Business | 2,250.00 | 200.00 |
| William T. Christian, 2211 Congress Street Portland, ME 04122 | Union Mutual Life Insurance Co | | |
| Jack E. Christy, 1909 K Street, NW Washington, DC 20049 | American Assn of Retired Persons | 488.65 | |
| James T. Christy, 1730 Pennsylvania Ave., NW, #265 Washington, DC 20006 | Air Products & Chemicals, Inc | 1,800.00 | 380.92 |
| Chugach Electric Assn, Inc, P.O. Box 196300 Anchorage, AK 99519-6300 | | | 5,329.73 |
| Donald T. Chunn, Route 2, Box 89 Columbia, TN 38401 | Title Associates, Inc | | |
| Chwat/Weigend Associates, 400 First Street, NW, #816 Washington, DC 20001 | American Home Sewing Assn, Inc | 500.00 | 500.00 |
| Do | American Pipe & Accessories League (apal) | | |
| Do | Associated Locksmiths of America | 1,200.00 | 1,200.00 |
| Do | Coalition on Alcoholic Beverage Procurement | | |
| Do | National Assn of Companion Sitter Agencies & Referral Serv | 375.00 | 375.00 |
| Do | National Assn of Tobacco Distributors | | |
| Do | National Licensed Beverage Assn | 3,000.00 | 3,000.00 |
| Do | National Weather Service Employees Organization | 300.00 | 300.00 |
| Do | Retail Tobacco Dealers of America, Inc | 300.00 | 300.00 |
| Charisse Victoria Ciambrone, 2029 Griffith Avenue Las Vegas, NV 89104 | | | |
| Cigar Assn of America, Inc, 1100 17th Street, NW, #1201 Washington, DC 20036 | | | |
| Citizen Action, 1300 Connecticut Ave., NW, #401 Washington, DC 20036 | | 6,000.00 | 6,038.50 |
| Citizen/Labor Energy Coalition, 1300 Connecticut Ave., NW, # 401 Washington, DC 20036 | | 1,000.00 | 1,000.00 |
| Citizens for Sensible Control of Acid Rain (CSCAR), 1225 Connecticut Avenue, NW, #300 Washington, DC 20036 | | 41,667.00 | 1,190,938.00 |
| Citizens Comm for the Right to Keep & Bear Arms, Liberty Park, 12500 NE Tenth Place Bellevue, WA 98005 | | 326,400.69 | 98,497.19 |
| Donald D. Clancy, 6507 Leeds Lane Cincinnati, OH 45215 | American Continental Corp | 4,050.00 | 307.02 |
| Do | Grocery Manufacturers of America, Inc | 10,350.00 | 2,299.80 |
| Bob Clark, Suite 1908 400 Madison St. Alexandria, VA 22314 | Ryder Systems, Inc | | |
| Dennis B. Clark, 311 First Street, NW Washington, DC 20001 | National Restaurant Assn | | 500.00 |
| Gilbert Clark, 1117 N. 19th Street, NW, #600 Arlington, VA 22209 | American Assn of Blood Banks | | |
| James F. Clark, Robertson, Monagle, Eastaugh & Bradley 240 Main St., # 800, PO Box 1211 Juneau, AK 99802 | Alaska Pulp Corp | 780.00 | |
| James W. Clark Jr., 600 Maryland Avenue, SW, #400 Washington, DC 20024 | American Optometric Assn | | |
| Jordan Clark, 15th & M streets, NW Washington, DC 20005 | National Assn of Home Builders of the U.S. | | |
| Joseph J. F. Clark, 1725 K St., NW, #1111 Washington, DC 20006 | Eaton Associates, Inc | | |
| Phillip A. Clark, 1050 17th St., NW, #700 Washington, DC 20036 | National Ocean Industries Assn | 4,300.00 | |
| Robert A. Clark, 2033 M Street, NW, #900 Washington, DC 20036 | National Assn of Arab Americans | 4,547.49 | 198.65 |
| Robert A. Clark, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037 | Algoma Steel Corp, Ltd | | |
| Rudy I. Clark, 5342 Woodbury Woods Lane Fairfax, VA 22032 | Air Force Sergeants Assn, Inc | | |
| Vernon A. Clark, 1899 L St., NW, #403 Washington, DC 20036 | Outdoor Advertising Assn of America, Inc | 2,438.00 | 383.00 |
| Scott Charles Clarkson, 1155 Connecticut Ave., NW, #800 Washington, DC 20036 | Waste Management, Inc | 2,000.00 | 318.19 |
| Joan Claybrook, 2000 P Street, NW, #605 Washington, DC 20036 | Public Citizen, Inc | 1,000.00 | |
| Claymark Corporation, Inc, c/o Milbank Tweed Hadley & Mccloy 30 Rockefeller Plaza, Rm. 5600 New York, NY 10112 | | | |
| Cleary Gottlieb Steen & Hamilton, 1752 N Street, NW Washington, DC 20036 | Bear Stearns & Co | | |
| Do | Lonza, Inc | 1,000.00 | |
| Do | Public Securities Assn | | 61.25 |
| Do | Synthetic Organic Chemical Manufacturers Assn, Inc | | |
| Jacqueline W. Clements, 1015 15th Street, NW, #900 Washington, DC 20005 | Enron Corp | 1,500.00 | |
| Ronald D. Clements, 1111 19th St., NW, 9th Floor Washington, DC 20036 | Edison Electric Institute | 3,544.87 | 804.95 |
| Cleveland Electric Illuminating Co, 55 Public Square P.O. Box 5000 Cleveland, OH 44113 | | | 722.05 |
| W. M. Click, Box 719 Dallas, TX 75221 | Southland Corporation | | |
| Clifford & Warnke, 815 Connecticut Ave., NW Washington, DC 20006 | Australian Meat & Live-Stock Corp | 1,200.00 | 400.00 |
| Do | J. C. Maxtone-Mailer | 600.00 | 220.14 |
| Do | Proprietary Association | 900.00 | 320.00 |
| Dexanne Clohan, 1101 Vermont Ave., NW Washington, DC 20005 | American Medical Assn | 3,769.00 | 255.08 |
| Edward T. Cloonan, 70 Pine Street, 39th Floor New York, NY 10270 | American International Group, Inc | | |
| Stanley A. Cmich, 1700 Gateway Boulevard, SE Canton, OH 44707 | Fiscal Associates, Inc | | |
| Do | Gibbons & Grable Co | | |
| Do | Timken Co | | |
| Do | White Engines, Inc | | |
| Coalition for Alternatives in Nutrition & Healthcare, Inc, P.O. Box B-12 Richlandtown, PA 18955 | | 1,806.00 | 2,260.00 |
| Coalition to Keep Alaska Oil, AFL-CIO Building 815 16th Street, NW, #309 Washington, DC 20006 | | 1,374.28 | 1,374.28 |
| Coalition Against Double Taxation, Inc, c/o Kiernan O'brien & Larocca 1050 Thomas Jefferson St., NW, 6th Fl. Washington, DC 20007. | | 279,298.60 | 256,973.08 |
| Coan Couture Lyons & Moorhead, 1625 Eye St., NW, #1015 Washington, DC 20006 | A - C Valley Corporation | | |
| Do | National Investment Development Corp | | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Do | Westinghouse Electric Corp | | |
| Coastal Properties Institute, Inc, 66 Surfwatch Drive Johns Island, SC 29455 | | | |
| Alan J. Cobb, 1120 Vermont Avenue, NW, #1130 Washington, DC 20005 | Petroleum Marketers Assn of America | 7,500.00 | 798.40 |
| Richard B. Cobb, Petroleum Council of Ga 230 Peachtree St., NW, #1500 Atlanta, GA 30303 | American Petroleum Institute | 540.00 | 652.37 |
| Coffee Sugar & Cocoa Exchange, Inc, 4 World Trade Center, 8th Fl. New York, NY 10048 | | | 5,399.64 |
| John J. Coffey, 1700 K Street, NW, #1204 Washington, DC 20006 | Chevron USA, Inc | 1,000.00 | |
| Don V. Cogman, 1100 Connecticut Avenue, NW, #535 Washington, DC 20036 | MAPCO, Inc | 4,750.00 | 109.20 |
| Dan Cohen, 500 North Capitol Street, NW, #300 Washington, DC 20001 | American Israel Public Affairs Comm | 11,250.00 | 1,210.51 |
| Daniel L. Cohen, 1050 31st Street, NW Washington, DC 20007 | Association of Trial Lawyers of America | 2,000.00 | 100.00 |
| David Cohen, 1616 P St., NW, #320 Washington, DC 20036 | Professionals' Coalition for Nuclear Arms Control | 8,750.00 | 250.53 |
| Herbert B. Cohn, 1615 L Street, NW, #1000 Washington, DC 20036 | Committee for Cap Formation Through Dividend Reinvestment | | |
| Tyson A. Coker, 1750 Princeton Drive Dayton, OH 45406 | J.S. Griffin & Associates | | |
| Colby Bailey Werner & Associates, 2550 M Street, NW, #450 Washington, DC 20037 | Companhia Siderurgica de Tubarao | 14,960.00 | 96.85 |
| Do | Embassy of Korea | | 8,375.00 |
| Do | Instituto Latinoamericano del Fierro y el Acero (ILFA) | 11,651.89 | 2,651.89 |
| Do | Royal Thai Embassy | | |
| E. William Cole, 1050 Connecticut Avenue, NW, #760 Washington, DC 20036 | Union Oil Co of California | 700.00 | 65.50 |
| Ken W. Cole, 1050 Connecticut Ave., NW, #800 Washington, DC 20036 | Allied-Signal, Inc | | |
| Randall I. Cole, 1050 Connecticut Avenue, NW, #200 Washington, DC 20036 | Burlington Northern, Inc | 1,000.00 | 611.42 |
| Stacey W. Cole, New Hampshire Petroleum Council 23 School St. Concord, NH 03301 | American Petroleum Institute | | |
| Cole & Corette, P.C., 1100 Vermont Avenue, NW, #900 Washington, DC 20005 | Ad Hoc Ski Footwear Committee | | |
| Do | Chase Manhattan Bank, N.A. | | |
| Do | Government of the Netherlands Antilles | | |
| Do | James D. & Lois M. Larosa and James D. Larosa | | |
| Do | Lotus Development Corp | | |
| Do | Millipore Corporation | | |
| Do | World Zionist Organization Jerusalem, Israel | | |
| Colette R. Coleman, 311 First Street, NW Washington, DC 20001 | National Restaurant Assn | | |
| Collier Shannon Rill & Scott, 1055 Thomas Jefferson St., NW, #308 Washington, DC 20007 | American Frozen Food Institute | | |
| Do | American Meat Institute | | |
| Do | American Textile Machinery Assn | | |
| Do | Crop Insurance Research Bureau | | |
| Do | Cylinder Manufacturers Association | | |
| Do | Ferros Scrap Consumers Coalition | | |
| Do | Food Marketing Institute | 125.00 | 125.00 |
| Do | Independent Lubricant Manufacturers Assn | 975.00 | 975.00 |
| Do | Inland Steel Corp | 1,500.00 | 1,500.00 |
| Do | Kaiser Steel Corp | 1,250.00 | 1,250.00 |
| Do | National Assn of Convenience Stores | 1,600.00 | 1,600.00 |
| Do | National Broiler Council | | |
| Do | National Hairdressers & Cosmetologists Assn | | |
| Do | Outdoor Power Equipment Institute | | |
| Do | Pittsburgh Corning Corporation | | |
| Do | Secondary Lead Smelters Assn, Inc | | |
| Do | Smokeless Tobacco Council, Inc | | |
| Do | Society of Independent Gasoline Marketers of America | 4,650.00 | 4,650.00 |
| Terese Colling, 2062 N. 14th St. Arlington, VA 22201 | Media General, Inc | 2,560.00 | 424.88 |
| Mary M. Collins, 1120 20th Street, NW, #600 South Washington, DC 20036 | Union Pacific Corp | 1,500.00 | |
| Michael A. Collins, 13106 Ivy Drive Beltsville, MD 20705 | United Assn of Jnymen & Appren of Plmbg & Pipeftg Industry | 6,000.00 | 684.96 |
| Paula J. Collins, 1020 19th St., NW, #600 Washington, DC 20036 | American Express Co | | |
| William P. Collins, 444 No. Capitol St., NW, #711 Washington, DC 20001 | Keefe Company (For:Budget Marketing, Inc) | | |
| Do | UNIAO Nacional Para Independencia Total DeAngola | | |
| Dominique Colon, 2000 L Street, NW Washington, DC 20036 | Medtronic, Inc | 30.00 | 61.75 |
| Colorado Ski Country USA, Inc, Suite A-201 1410 Grant Street Denver, CO 80203 | | | |
| Kent W. Colton, 15th & M streets, NW Washington, DC 20005 | National Assn of Home Builders of the U.S. | | |
| Columbia Gorge United, Box 328 Stevenson, WA 98648 | | 7,499.90 | 5,306.89 |
| Clark S. Colvin, P.O. Box 16321 Seattle, WA 98116 | Washington State Public Lands Assn | | |
| Committee for Cap Formation Through Dividend Reinvestment, c/o Herbert Cohn 1615 L St., NW, #1000 Washington, DC 20036. | | | |
| Committee for Constitutional Integrity, 1156 15th St., NW, #1212 Washington, DC 20005 | | | |
| Committee for Humane Legislation, Inc, 11 West 60th St. New York, NY 10023 | | 20,346.00 | 8,029.50 |
| Committee for Private Education, 1025 Michigan Avenue, NE Washington, DC 20017 | | | |
| Committee for Proposition Thirty, P.O. Box 915 Hartselle, AL 35640 | | | |
| Committee for Reasonable Inventory Accounting Rules, 1700 Pennsylvania Ave., NW, #600 Washington, DC 20006 | | 3,626.25 | 3,626.25 |
| Committee to Assure the Availability of Casein, 3213 O St., NW Washington, DC 20007 | | 41,125.00 | |
| Committee to Protect the Family, 5881 Leesburg Pike, #204 Falls Church, VA 22041 | | 186,204.35 | 162,620.78 |
| Common Cause, 2030 M St., NW Washington, DC 20036 | | 2,248,945.00 | 510,936.18 |
| Community Nutrition Institute, 2001 S St., NW, #530 Washington, DC 20009 | | | |
| Lance Compa, 1411 K St., NW, #410 Washington, DC 20005 | United Electrical Radio & Machine Workers of America | 6,209.48 | |
| Competitive Enterprise Institute, 611 Pennsylvania Avenue, SE Washington, DC 20003 | | 850.00 | 270.00 |
| Computer & Communications Industry Assn, 1500 Wilson Blvd., #512 Arlington, VA 22209 | | | |
| Edward C. Cone Jr., P.O. Box 1788 Forest Park, GA 30051 | Southeastern Lumber Manufacturers Assn | | |
| Congress Watch, 215 Pennsylvania Ave., SE Washington, DC 20003 | | 62,061.29 | 62,207.84 |
| Gary L. Conkling, P.O. Box 500, Y3-439 Beaverton, OR 97077 | Tektronix, Inc | 7,500.00 | 6,942.22 |
| Jeanne K. Connelly, 1875 Eye St., NW, #540 Washington, DC 20006 | Champion International Corp | | |
| Stephen N. Conner, Route 1, Box 506 Easton, MD 21601 | Foreign Ministry of Kingdom of Saudi Arabia | | |
| Susan Connolly, 1615 H St., N.w. Washington, DC 20061 | U.S. Chamber of Commerce | 2,500.00 | |
| Brian L. Connor, 1420 King Street Alexandria, VA 22314 | National Society of Professional Engineers | 2,000.00 | |
| Catherine Connor, 1015 15th Street, NW, #802 Washington, DC 20005 | American Consulting Engineers Council | 700.00 | |
| Richard J. Connor Jr., 1455 Pennsylvania Avenue, NW, #600 Washington, DC 20004 | Joseph E. Seagram & Sons, Inc | 562.50 | |
| Jerry C. Connors, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202 | Manufactured Housing Institute | 1,000.00 | 100.00 |
| Gregory E. Conrad, 1920 N St., NW Washington, DC 20036 | American Mining Congress | | |
| Mark R. Conrad, 1200 Peavey Building Minneapolis, MN 55479 | Norwest Corporation | 8,000.00 | 4,243.00 |
| Sheila A. Consaul, 1020 19th St., NW Washington, DC 20036 | Balcor/American Express, Inc | 7,250.00 | 4,406.52 |
| Consumers for World Trade, 1001 Connecticut Ave., NW Washington, DC 20036 | | 52,770.00 | 32,312.50 |
| Consumers Union of U.S., Inc, 256 Washington St. Mount Vernon, NY 10550 | | | 6,990.00 |
| John J. Contney, 1250 E. Hollandale Beach Blvd. Hollandale, FL 33009 | Textile Rental Services Assn of America | | |
| Daniel J. Conway, 1025 Connecticut Avenue, NW, #512 Washington, DC 20036 | Reinsurance Assn of America | | 20.00 |
| Emery S. Conyers, P.O. Box 1706 Midland, MI 48640 | Dow Chemical Co | | |
| Alexandra W. Cook, 1331 Pennsylvania Avenue, NW, #1300N Washington, DC 20004 | Electronic Data Systems Corp | 240.00 | 409.94 |
| Frederck N. Cook, Vermont Petroleum Association P.O. Box 566 Montpelier, VT 05602 | American Petroleum Institute | 450.00 | |
| K. Richard Cook, 1331 Pennsylvania Avenue, NW Washington, DC 20004 | General Electric Co | 375.00 | |
| Thomas M. Cook, 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004 | National Cattlemen's Assn | 1,000.00 | |
| Eileen D. Cooke, 110 Maryland Ave., NE, Suite 101, Box 54 Washington, DC 20002 | American Library Assn | 2,259.00 | |
| Edward Cooney, 1319 F St., NW, #500 Washington, DC 20004 | Food Research & Action Center | 7,600.00 | |
| Benjamin Y. Cooper Jr., 1730 North Lynn St. Arlington, VA 22209 | Printing Industries of America, Inc | 8,500.00 | |
| C. William Cooper, 603 Broad St. Sewickley, FA 15143 | United Distribution Companies | | |
| Chester L. Cooper, 1616 P St., NW, #410 Washington, DC 20036 | American Academy of Arts & Sciences | | |
| Jesse D. Cooper, 345 Petroleum Bldg Denver, CO 80202 | Rocky Mountain Oil & Gas Assn | 2,600.00 | 153.31 |
| Kathy J. Cooper, 1700 K St., NW, #1204 Washington, DC 20006 | Chevron USA, Inc | 100.00 | |
| Mitchell J. Cooper, 1001 Connecticut Ave., NW Washington, DC 20036 | Footwear Div, Rubber Mfgrs Assn | 16,500.00 | 59.15 |
| Coordinating Comm for Rail Competition, 1511 K Street, NW, #643 Washington, DC 20005 | | | |
| Darrell Coover, 499 South Capitol St., SW, #401 Washington, DC 20003 | National Assn of Independent Insurers | 2,000.00 | 723.00 |
| Curtis B. Copeland, 2000 M Street, NW, #500 Washington, DC 20036 | Wood Lucksinger & Epstein (For:CHAD Therapeutics, Inc) | | |
| Joseph L. Coppola, 3600 S. Yosemite, #830 Denver, CO 80237 | Colorado-Ute Electric Assn, Inc | | |
| Do | Public Employees Retirement Assn of Colorado | | |
| Do | Purgatoire River Water Conservancy District | | |
| Do | Upper Yampa Water Conservancy District | | |
| Michael J. Copps, 1660 L St., NW, #1000 Washington, DC 20036 | Collins and Aikman Corp | 9,875.00 | 5,154.65 |
| John F. Corcoran, 1050 Connecticut Ave., NW, #740 Washington, DC 20036 | Norfolk Southern Corp | 1,000.00 | |
| William M. Corcoran, 1100 15th Street, NW, #900 Washington, DC 20005 | Pharmaceutical Manufacturers Assn | 4,000.00 | 241.00 |
| Alfred C. Cordon, 1920 N St., NW Washington, DC 20036 | Buffalo Broadcasting Co, Inc | | |
| Corman Law Offices, 1420 16th Street, NW Washington, DC 20036 | American Bakers Assn | | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Do | Baity & Joseph | 4,550.00 | |
| Do | Bank Amerilease Group | 80.00 | |
| Do | Cargill Leasing Corp | 80.00 | |
| Do | Connell Finance Co, Inc | 80.00 | |
| Do | CCS Automation Systems, Inc | | |
| Do | Dominion Property Company | 6,250.00 | |
| Do | EDS Financial Corporation | 80.00 | |
| Do | First Chicago Leasing Corp | 80.00 | |
| Do | First National Bank of Boston | 80.00 | |
| Do | First National Bank of Minneapolis | 80.00 | |
| Do | General Electric Credit Corp | 80.00 | |
| Do | GATX Corporation | 3,050.00 | |
| Do | GATX Leasing Corp | 80.00 | |
| Do | International Assn of Geophysical Contractors | 2,700.00 | |
| Do | Investment Partnership Assn | 500.00 | |
| Do | Kelso & Company | 12,500.00 | |
| Do | Manufacturers Hanover Leasing Corp | 80.00 | |
| Do | MCA, Inc | 10,100.00 | |
| Do | National Structured Settlements Trade Assn | | |
| Do | Petersen Publishing Co | 500.00 | |
| Do | Republic National Bank of New York | 2,800.00 | |
| Do | Solar Energy Industries Assn | 1,600.00 | |
| Do | State of Michigan | | |
| Do | Systems & Applied Sciences Corp | | |
| Do | Systems & Applied Sciences Corp Technologies | | |
| Do | Texas Air Corp | 550.00 | |
| Do | U.S. League of Savings Institutions | | |
| Bennett J. Corn, Four World Trade Center New York, NY 10048 | Coffee Sugar & Cocoa Exchange, Inc | 550.00 | |
| Corn Refiners Assn, Inc, 1001 Connecticut Ave., NW Washington, DC 20036 | | 4,979.00 | 2,407.00 |
| Ernest J. Corrado, 1000 16th St., NW, #511 Washington, DC 20036 | American Institute of Merchant Shipping | 2,194.50 | 61.00 |
| Mary Marcotte Corrigan, 1600 Rhode Island Ave., NW Washington, DC 20036 | National Rifle Assn of America | | |
| Richard L. Corrigan, 1201 Pennsylvania Avenue, NW, #250 Washington, DC 20004 | CH2M Hill | 2,000.00 | |
| Marty Corry, 1909 K Street, NW Washington, DC 20049 | American Assn of Retired Persons | 507.69 | 567.26 |
| Allan D. Cors, 1800 K St., NW, Suite 1104 Washington, DC 20006 | Corning Glass Works | 4,200.00 | |
| William R. Corson, 1707 H St., NW Washington, DC 20006 | Penthouse International, Ltd | | |
| Philip S. Corwin, 1120 Connecticut Ave., NW Washington, DC 20036 | American Bankers Assn | 1,500.00 | |
| R. H. Cory, 1005 Congress Avenue, #795 Austin, TX 78701 | Central & South West Services, Inc | 1,350.00 | 1,056.13 |
| Tom Cosgrove, 1218 Chestnut Street, #1003 Philadelphia, PA 19107 | Sierra Club | 9,979.20 | 1,637.94 |
| Cosmetic Toiletry & Fragrance Assn, Inc, 1110 Vermont Ave., NW, #800 Washington, DC 20005 | | | |
| J. Daniel Costello, 1615 H St., NW Washington, DC 20006 | U.S. Chamber of Commerce | 2,212.50 | 210.00 |
| Michael E. Costello, 1090 Vermont Avenue, NW, #600 Washington, DC 20005 | Texas Eastern Transmission Corp | | 1,154.97 |
| Council for Languages and Other Int'l Studies, 20 F Street, NW, 4th F. Washington, DC 20001 | | 16,342.85 | 15,997.23 |
| Council for Rural Housing and Development, 2300 M St., NW Washington, DC 20036 | | 4,000.00 | 4,000.00 |
| Council of Industrial Boiler Owners, 5817 Burke Centre Parkway Burke, VA 22015 | | | |
| Council of State Chambers of Commerce, 122 C St., NW, #200 Washington, DC 20001 | | 1,574.99 | 1,173.70 |
| Council on Democracy Education & Assistance, 729 15th Street, NW, #540 Washington, DC 20005 | | 40,000.00 | 5,981.24 |
| Council on Synthetic Fuels, 1301 Pennsylvania Ave., NW, #325 Washington, DC 20006 | | | |
| William R. Courtney, P.O. Box 844 Temple, TX 76503 | Tribal Council of the Coushatta Tribe of Louisiana | | |
| James Cousins, 1709 New York Avenue, NW, #801 Washington, DC 20006 | U.S. League of Savings Institutions | 13,500.00 | |
| Mark Covall, 1319 F Street, NW, #1000 Washington, DC 20004 | National Assn of Private Psychiatric Hospitals | 100.00 | |
| John F. Cove, 918 16th St., NW, #702 Washington, DC 20006 | Cove Associates, Inc (For:Association of U.S. Night Vision Manufacturers) | | |
| Covington & Burling, 1201 Pennsylvania Avenue, NW P.O. Box 7566 Washington, DC 20044 | American Assn of Oral & Maxillofacial Surgeons | | |
| Do | American Council on Education | | 107.62 |
| Do | American Honda | | 8.05 |
| Do | American Watch Assn | 27,000.00 | 450.00 |
| Do | Association of Maximum Service Telecasters, Inc | | |
| Do | Coalition for Effective Tax Reform | 3,500.00 | 36.35 |
| Do | Coalition to Preserve The Integrity of American Trademarks | | 50.00 |
| Do | Commonwealth of Puerto Rico | 6,302.50 | 173.01 |
| Do | CEO Tax Group | 6,450.00 | 22.50 |
| Do | Enserch Corp | | 12.60 |
| Do | ERISA Industry Committee | 1,485.00 | 20.90 |
| Do | General Mills, Inc | | 4.05 |
| Do | International Business Machines | | 10.30 |
| Do | Investment Company Institute | 1,000.00 | 2.50 |
| Do | Lutheran Brotherhood | | |
| Do | Midwest Television, Inc | 4,797.50 | |
| Do | National Football League | | |
| Do | Norfolk Southern Corp | 471.25 | |
| Do | Pacific Stock Exchange, Inc | | |
| Do | Post-Newsweek Stations, Inc | | |
| Do | Solar Energy Industries Assn | 1,200.00 | |
| Do | Sun Life Assurance Co of Canada (U.S.) | 987.50 | |
| Do | Telocator Network of America | 250.00 | 28.50 |
| Do | Wesleyan University | 8,500.00 | |
| Eugene S. Cowen, 1150 17th St., NW Washington, DC 20036 | American Broadcasting Co, Inc | 70.20 | |
| C. Deming Cowles, 6th Floor 1050 Thomas Jefferson Street, NW Washington, DC 20007 | Bering Sea Fishermen's Assn | | |
| Do | Municipality of Anchorage | 8,500.00 | 1,143.80 |
| Do | United Fishermen of Alaska | | 270.77 |
| Archibald Cox, 2030 M St., NW Washington, DC 20036 | Common Cause | 5,483.76 | 217.00 |
| C. Bryan Cox, PO Box 139 Kansas City, MO 64141 | Kansas City Life Insurance Co | | |
| Jeffrey T. Cox, 1420 King St. Alexandria, VA 22314 | National Society of Professional Engineers | 1,250.00 | |
| Tamara Cox, The Power House 3255 Grace Street, NW Washington, DC 20007 | Gray & Co Public Communications Int'l, Inc (For:Agriculture for Market Oriented Policies). | | |
| Do | Gray & Co Public Communications Int'l, Inc (For:Iowa Pork Producers Assn) | | |
| James K. Coyne, 1015 15th Street, NW, #802 Washington, DC 20005 | American Consulting Engineers Council | 900.00 | |
| John Cozart, The Power House 3255 Grace Street, NW Washington, DC 20007 | Gray & Co Public Communications Int'l, Inc (For:Agriculture for Market Oriented Policies). | | |
| Do | Gray & Co Public Communications Int'l, Inc (For:Iowa Pork Producers Assn) | | |
| W. O. Craft Jr., Craft & Loesch 1050 Thomas Jefferson St., NW, 6th Fl. Washington, DC 20008 | Edison Electric Institute | | |
| Donald Forsyth Craib III, 633 Pennsylvania Avenue, NW, #600 Washington, DC 20004 | Sears Roebuck & Co | 223.00 | |
| William C. Cramer, 818 Connecticut Ave., NW Washington, DC 20006 | Cramer & Haber, P.C. (For:Canaveral Port Authority) | | |
| Do | Cramer & Haber, P.C. (For:City of Miami) | | |
| Do | Cramer & Haber, P.C. (For:City of Miami Beach) | | |
| Do | Cramer & Haber, P.C. (For:Dade County) | | |
| Do | Cramer & Haber, P.C. (For:Dade County International Airport) | | |
| Do | Cramer & Haber, P.C. (For:Department of Education, State of Florida) | | |
| Do | Cramer & Haber, P.C. (For:Florida Alliance) | | |
| Do | Cramer & Haber, P.C. (For:Greater Orlando Airport Authority) | | |
| Cramer & Haber, P.C., 818 Connecticut Ave., NW Washington, DC 20036 | Canaveral Port Authority | 6,750.00 | |
| Do | City of Miami | | |
| Do | City of Miami | | |
| Do | City of Miami Beach | | |
| Do | City of Miami Beach | | |
| Do | Dade County | 13,200.00 | |
| Do | Dade County International Airport | 8,000.00 | 272.65 |
| Do | Department of Education, State of Florida | | |
| Do | Florida Alliance | 8,333.33 | |
| Do | Greater Orlando Airport Authority | 8,000.00 | |
| Eric F. Craven, P.O. Box 2943 Fort Worth, TX 76113 | Texas-New Mexico Power Co | 7,762.50 | 1,159.44 |
| Richard L. Crawford, 311 First Street, NW Washington, DC 20001 | National Restaurant Assn | 16,250.00 | 1,618.91 |
| William D. Crawford, 400 First St., NW Washington, DC 20001 | Brotherhood of Railway Carmen of the U.S. & Canada | 2,032.53 | |
| Richard C. Creighton, 1331 Pennsylvania Ave., NW, #910 Washington, DC 20004 | American Cement Trade Alliance, Inc | 9,393.00 | 490.86 |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Douglas P. Crew, 100 N.e. Adams Street Peoria, IL 61629 | Caterpillar Tractor Co | | |
| Anne Crichton Crews, 8787 Stemmons Freeway Dallas, TX 75247 | Mary Kay Cosmetics, Inc | | |
| Joseph M. Cribben, 6900 Valley Brook Dr. Falls Church, VA 22042 | United Assn of Jnymen & Appren of Plmbg & Pipeftg Industry | 1,750.00 | |
| P. H. Croft, 2000 Massachusetts Ave., NW Washington, DC 20036 | American Short Line Railroad Assn | | |
| Charles H. Cromwell, Inc, 6709 Georgia St. Chevy Chase, MD 20815 | General Electric Co | | |
| Do | McDonnell Douglas Helicopters | | |
| Do | Northrop Corp | | |
| Colleen Crossland, 444 N. Capitol Street, NW, #718 Washington, DC 20001 | Pacific Telesis Group | 15,450.00 | |
| Crowell & Moring, 1100 Connecticut Ave., NW Washington, DC 20036 | Asarco Inc | | |
| Do | Associated Gas Distributors | | |
| Do | Avon Products, Inc | 236.00 | 20.00 |
| Do | Brooklyn Union Gas Co | 185.00 | 10.00 |
| Do | Central Nebraska Public Power & Irrigation District | | |
| Do | Communications Satellite Corp | | 30.00 |
| Do | Contractors Liability & Indemnification Alliance | 290.00 | 2.75 |
| Do | Control Data Corporation | | |
| Do | Eli Lilly & Company | 675.00 | 10.00 |
| Do | Emery Worldwide | | 10.00 |
| Do | National Assn of Wholesaler-Distributors | 3,825.00 | 10.00 |
| Do | Nebraska Public Power District | | |
| Do | Pan American World Airways, Inc; Pan Am World Services | 1,800.00 | 50.00 |
| Do | Regional Airline Association | | |
| Do | Sterling Drug, Inc | 251.25 | 15.00 |
| Do | Tiffany & Co | | 10.00 |
| Do | United Cities Gas Co | | |
| Do | Western Governors Assn | 288.75 | 15.00 |
| Cuba Claims Association, PO Box 014004 Miami, FL 33101 | | | |
| Cuban American Public Affairs Council, 1000 Thomas Jefferson St., NW Washington, DC 20007 | | | |
| Jonathan W. Cuneo, 1401 New York Avenue, NW, #620 Washington, DC 20005 | Committee to Support the Antitrust Laws | 4,000.00 | 294.68 |
| Diane Brown Cunningham, 1620 Eye St., NW, #700 Washington, DC 20006 | International Paper Co | 1,000.00 | 550.00 |
| Scott S. Cunningham, 1100 15th Street, NW Washington, DC 20005 | Union Carbide Corp | | |
| John T. Curran, 815 16th St., NW, #603 Washington, DC 20006 | Laborers' Intl Union of North America, AFL-CIO | 17,018.75 | 584.74 |
| Do | National Coordinating Comm for Multiemployer Plans | | |
| Richard C. Curry, P.O. BOX 66 Mclean, VA 22101 | Fire Island Associates, Inc | 2,938.00 | 698.48 |
| M. Rupert Cutler, 1325 G St., NW, #103 Washington, DC 20005 | Environmental Fund | | |
| Everett E. Cutter, 620 SW Fifth Avenue Bldg., Suite 912 Portland, OR 97204 | Oregon Railroad Assn | | |
| CF Industries, Inc, Salem Lake Dr. Long Grove, IL 60047 | | | 1,000.00 |
| Rudolph N. D'Agaris, 4708 Norbeck Rd. Rockville, MD 20853 | | | |
| William D. D'Onofrio, 1800 W. 8th St. Wilmington, DE 19805 | National Assn for Neighborhood Schools, Inc | | |
| William K. Dabaghi, Arter & Hadden 1919 Pennsylvania Ave., NW, #400 Washington, DC 20006 | Coalition for Regional Banking & Economic Development | 6,500.00 | 1,191.44 |
| Do | Houston Clearing House Assn | 250.00 | |
| Stephen J. Daigler, 1601 Duke Street Alexandria, VA 22314 | Society of American Florists | | |
| William Kay Daines, 1616 H St., NW Washington, DC 20006 | American Retail Federation | 450.00 | 150.00 |
| Dairy Farmers for Responsible Farm Policy, 517 C Street, NE Washington, DC 20002 | | 2,000.00 | 2,017.54 |
| Lewis I. Dale, 1660 L Street, NW, #401 Washington, DC 20036 | General Motors Corp | 3,000.00 | 3,118.44 |
| James G. Dalton, 1420 King St. Alexandria, VA 22314 | National Society of Professional Engineers | 2,500.00 | |
| Robert C. Daly, 919 18th Street, NW, #600 Washington, DC 20006 | Toyota Motor Sales, USA, Inc | | |
| John M. Damgard, 1825 Eye Street, NW, #1040 Washington, DC 20006 | Futures Industry Assn, Inc | | |
| Damrell Damrell & Nelson, P.C., 1625 I Street Modesto, CA 95354 | Turlock Irrigation District | | |
| Tracy Danese, P.O. Box 14000 Juno Beach, FL 33408 | Florida Power & Light Co | | 10,122.40 |
| John E. Daniel, 1133 15th Street, NW, #1200 Washington, DC 20005 | Ohio Edison Co | | |
| David C. Daniels, 1608 K Street, NW Washington, DC 20006 | American Legion | 5,905.00 | 63.25 |
| David S. Danielson, 600 Maryland Avenue, SW, #400-E Washington, DC 20024 | American Optometric Assn | | |
| Dan Danner, 1667 K St., NW, #650 Washington, DC 20006 | Armco, Inc | 2,900.00 | 582.42 |
| Charles Franklin Daoust, P.O. Box 12910 Charleston, SC 29412 | Kiawah Island Co Ltd | | |
| Colleen A. Darling, 1730 Rhode Island Avenue, NW, #204 Washington, DC 20036 | Japanese American Citizens League | | |
| Richard C. Darling, 1156 15th St., NW Washington, DC 20005 | J. C. Penney Co, Inc | 100.00 | 50.00 |
| Diane Davenny Darneille, 1726 M St., NW, #300 Washington, DC 20036 | Schering-Plough Corp | 1,840.00 | 5,127.99 |
| Craig D. Dart, 1957 E Street, NW Washington, DC 20006 | Associated General Contractors of America | | |
| Earl F. David, 1825 K St., NW, #1107 Washington, DC 20006 | Phillips Petroleum Co | 1,000.00 | |
| James H. Davidson, 1250 Connecticut Ave., NW, #650 Washington, DC 20036 | American Newspaper Publishers Assn | 2,599.15 | |
| James H. Davidson & Associates, Inc, 1250 Connecticut Ave, NW, #650 Washington, DC 20036 | Magazine Publishers Assn, Inc | 12,059.59 | |
| Do | National Assn of Industrial & Office Parks | 46,868.20 | |
| Do | Rouse Company | 30,923.00 | |
| Brenda S. Davis, 1050 Connecticut Ave., NW, #800 Washington, DC 20036 | Allied-Signal, Inc | | |
| David R. Davis, 620 W. Roosevelt Road, Suite D-1 Wheaton, IL 60187 | American Petroleum Institute | 309.62 | 65.00 |
| Drew M Davis, 1101 16th St., NW Washington, DC 20036 | National Soft Drink Assn | 208.00 | 55.00 |
| Edward M. Davis, 410 First St., SE Washington, DC 20003 | American Nuclear Energy Council | 8,250.01 | 1,032.61 |
| Fred G. Davis, 1111 19th Street, NW Washington, DC 20036 | Edison Electric Institute | 5,102.92 | 1,125.03 |
| Kenneth E. Davis, Suite 1210 1667 K St., NW Washington, DC 20006 | Rohm & Haas Co | 500.00 | 140.25 |
| Ovid R. Davis, P.O. Drawer 1734 Atlanta, GA 30301 | Coca-Cola Company | | |
| Robert Davis, 815 Connecticut Ave., NW Washington, DC 20006 | Ford Motor Co | 1,250.00 | 1,090.00 |
| W. Kenneth Davis, P.O. Box 3965 San Francisco, CA 94119 | Bechtel Group, Inc | | |
| Davis & Harman, 1455 Pennsylvania Avenue, NW, #1200 Washington, DC 20004 | American General Life Insurance Co | 1,205.00 | 37.26 |
| Do | American Horse Council | 265.00 | 10.85 |
| Do | Bankers Trust Co | | |
| Do | Bethlehem Steel Corp | 1,440.00 | 54.85 |
| Do | Capital Holding Corp | 375.00 | 8.45 |
| Do | Chicago Board of Trade | 562.50 | 21.55 |
| Do | Coalition Against Double Taxation, Inc | 1,785.00 | 34.75 |
| Do | Committee of Annuity Insurers | 901.27 | 37.00 |
| Do | CNA Insurance | | |
| Do | Florida Power & Light | 130.00 | |
| Do | Florida Sugar Cane League, Inc | 180.00 | |
| Do | Hill Country Life Insurance Co | | |
| Do | Jacksonville Electric Authority | | |
| Do | Lincoln Life Improved Housing, Inc | 150.00 | 14.00 |
| Do | Lincoln National Life Insurance Co | 176.51 | |
| Do | National Assn of Life Companies | | |
| Do | National Cattlemen's Assn | 187.50 | 5.00 |
| Do | Property/Casualty Group | 927.92 | 72.77 |
| Do | Stock Information Group | 576.00 | 12.50 |
| Do | Sunrise Company | 265.00 | 17.00 |
| Do | Winthrop Financial Assn | 365.00 | 43.75 |
| Do | Woodstream Corporation | | |
| Davis Graham & Stubbs, 1001 22nd St., NW, #500 Washington, DC 20037 | Municipal Subdistrict, No. Colorado Water Conservancy Dist | 429.00 | 429.00 |
| Do | Northern Colorado Water Conservancy District | 1,037.50 | 1,037.50 |
| Davis Hockenberg Wine Brown & Koehn, 2300 Financial Center Des Moines, IA 50309 | E&J Gallo Winery | 420.00 | |
| Do | Northwestern Bell (Iowa Div) | 3,200.00 | |
| Davis Polk & Wardwell, 1575 Eye St., NW Washington, DC 20005 | Ernst & Whinney | 1,640.00 | 66.50 |
| Do | Kohlberg Kravis Roberts & Co | 1,000.00 | |
| Do | Manville Corporation | 200.00 | |
| Do | Norwest Corporation | 500.00 | 20.00 |
| Do | U.S. Trust Corp | | |
| Donald S. Dawson, 1220 L St., NW, #310 Washington, DC 20005 | Opticians Assn of America | | |
| Do | Virgin Islands Gift & Fashion Shop Assn | | |
| Do | Virgin Islands Merchants Assn | | |
| Gaston De Bearn, 1050 Connecticut Avenue, NW, #401 Washington, DC 20036 | Hoffmann-La Roche, Inc | | |
| Ralph De La Cruz, 1225 Connecticut Avenue, NW Washington, DC 20036 | American Public Transit Assn | 2,790.00 | 272.00 |
| O. Mark De Michele, 411 North Central Avenue P.O. Box 21666 Phoenix, AZ 85014 | Arizona Public Service Company | | |
| Dealer Bank Assn, National Press Building, 2nd Fl. Washington, DC 20045 | | | |
| John Russell Deane III, 1607 New Hampshire Ave., NW Washington, DC 20009 | American Metal Detectors Manufacturers, Inc | | |
| Do | Auto International Assn | 262.50 | 131.97 |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Do | Coalition of Automotive Assns | | |
| Do | Specialty Equipment Market Assn | 1,725.00 | 813.65 |
| Michael K. Deaver and Associates, Inc, 1025 Thomas Jefferson St., NW, #800 Washington, DC 20007 | C.B.I. Sugar Group, Inc. | | |
| Do | C.B.I. Sugar Group, Inc. | | |
| Do | Daewoo Corporation | | |
| Do | Daewoo Corporation | 635.00 | |
| Do | Embassy of the Government of Canada | | |
| Do | Embassy of the Government of Canada | | |
| Do | Government of Singapore | | |
| Do | International Cultural Society of Korea | | |
| Do | International Cultural Society of Korea | | |
| Do | Ministry of Commerce & Industrial Development, Gov't of Mex | | |
| Do | Ministry of Commerce & Industrial Development, Gov't of Mex | | |
| Do | Royal Embassy of Saudi Arabia | | |
| Do | Royal Embassy of Saudi Arabia | | |
| Debevoise & Plimpton, 1777 F St., NW Washington, DC 20006 | Sony Corp of America | 3,302.50 | 990.85 |
| Do | Statue of Liberty-Ellis Island Foundation, Inc. | | |
| Dechert Price & Rhoads, 1730 Pennsylvania Avenue, NW, #1100 Washington, DC 20006 | Center for Civic Education | | 663.05 |
| Do | Colorado Westmoreland, Inc. | | 119.53 |
| Do | Constitutional Rights Foundation | 3,032.20 | 216.70 |
| Do | Templeton Growth Fund, Ltd. | | 264.41 |
| Do | Towers Perrin Forster & Crosby, Inc. | | 23.16 |
| Do | Yonkers Racing Corp | 715.00 | |
| Mark O. Decker, 1101 17th Street, NW, #700 Washington, DC 20036 | National Assn of Real Estate Investment Trusts, Inc. | 2,100.00 | |
| Do | Pension Real Estate Assn | | |
| Winston M. Decker, 1522 K St., NW, #828 Washington, DC 20005 | American Veterinary Medical Assn. | | |
| Do | Association of American Veterinary Medical Colleges | | |
| Richard A. Deem, 1101 Vermont Avenue, NW Washington, DC 20005 | American Medical Assn | 25.00 | |
| Brian Deery, 1957 E St., NW Washington, DC 20006 | Associated General Contractors of America | | |
| George K. Degnon Associates, Inc, 1311-A Dolley Madison Bldg., #3a Mclean, VA 22101 | Association of State & Territorial Health Officials | | 1,000.00 |
| Mary Elise Degonia, 600 Maryland Avenue, SW West Wing, Suite 300 Washington, DC 20024 | 70001 Training & Employment Institute | 500.00 | 20.00 |
| Gene A. Del Polito, 1341 G Street, NW, #500 Washington, DC 20005 | Third Class Mail Association | 600.00 | |
| Thomas J. Delaney, 1111 North 19th Street, #700 Arlington, VA 22209 | National Assn of Federal Credit Unions | 1,500.00 | |
| Delaney & Young, Chtd, 1629 K Street, NW, #1000 Washington, DC 20006 | National Assn of Independent Insurers | 12,000.00 | 114.83 |
| Do | Transamerica Insurance Services | 15,075.00 | 355.68 |
| John L. Delano, 7 Edwards - Box 1172 Helena, MT 59624 | Montana Railroad Assn | | |
| Tania Demchuk, 499 South Capitol St., SW, #401 Washington, DC 20003 | National Assn of Independent Insurers | 100.00 | |
| Willard L. Demory, The Power House 3255 Grace Street, NW Washington, DC 20007 | Gray & Co Public Communications Int'l, Inc (For:Bell Atlantic Management Services) | 4,262.50 | |
| Do | Gray & Co Public Communications Int'l, Inc (For:United Airlines, Inc) | 275.00 | |
| Bradford T. Dempsey, Dempsey Associates, Ltd 919 Pennsylvania Avenue Harrisburg, PA 17112 | | | |
| George H. Denison, 4801 Massachusetts Ave., NW, #400 Washington, DC 20016 | Cruise America Line, Inc | | |
| Do | N U S Corporation | 600.00 | |
| Do | National Office Products Assn | | |
| Do | Westinghouse Electric Corp. | 450.00 | |
| John H. Denman, Missouri Oil Council 428 E. Capital St., #203 Jefferson City, MO 65101 | American Petroleum Institute | 774.00 | 664.65 |
| Robert A. Denman, 600 Maryland Avenue, SW, #202w Washington, DC 20024 | Farmers' Educational & Co-Operative Union of America | 4,403.52 | 156.04 |
| Thomas J. Dennis Sr., 1667 K St., NW, #450 Washington, DC 20006 | American Electric Power Service Corp. | | |
| Edward A. Dent, 3115 N St., NW Washington, DC 20007 | Americans for the National Voter Initiative Amendment | | |
| Wells Denyes, 1919 Pennsylvania Ave., NW Washington, DC 20006 | Eastman Chemicals Division | 800.00 | 71.60 |
| Department for Professional Employees, AFL-CIO, 815 16th St., NW Washington, DC 20006 | | 10,853.95 | 10,853.95 |
| Martin L. Depoy, 777 14th St., NW Washington, DC 20005 | National Assn of Realtors | 2,500.00 | 290.36 |
| Gregory L. Depriest, 1735 Desales Street, NW Washington, DC 20036 | Association of Maximum Service Telecasters, Inc. | | |
| Lloyd J. Derrickson, 1828 L St., NW, #906 Washington, DC 20036 | Merrill Lynch & Co, Inc | 6,500.00 | |
| Michael Desanto, 11436 Schuykill Rd. Rockville, MD 20852 | Greater Washington/Maryland Service Station Assn. | 1,000.00 | |
| James T. Devine, Leonard & Mcguan, P.c. 900 17th St., NW, #1020 Washington, DC 20006 | Bowling Proprietors Assn of America | | |
| Samuel L. Devine, 441 Second Avenue, N. Naples, FL 33940 | American Continental Corp. | 2,810.00 | |
| Do | Grocery Manufacturers of America, Inc | 17,275.00 | 4,908.00 |
| Dewey Ballantine Bushby Palmer & Wood, 1775 Pennsylvania Ave., NW Washington, DC 20006 | Amax, Inc | | |
| Do | American Can Co. | 787.50 | |
| Do | American Stock Exchange, Inc | | |
| Do | Benefecial Corporation | 562.50 | 10.00 |
| Do | Browning-Ferris Industries, Inc | | |
| Do | Chase Manhattan Corp. | | |
| Do | Chrysler Corporation | 460.00 | |
| Do | Committee for Future Investment in America's Past | 690.00 | |
| Do | Criswell Development | | |
| Do | Dee Corporation PLC | | |
| Do | Digital Equipment Corp | | |
| Do | Federal National Mortgage Assn | | |
| Do | Federation of American Health Systems | 460.00 | |
| Do | General Electric Pension Trust | | |
| Do | Hanschell Inniss, Ltd | | |
| Do | Hershey Foods Corp | | |
| Do | Historic Landmarks for Living | | |
| Do | Housing Resources Corp. | | |
| Do | Integrated Resources, Inc. | 1,725.00 | |
| Do | Labor-Industry Coalition for International Trade | 1,770.00 | |
| Do | Warner Leroy | | |
| Do | Marriott Corporation | | |
| Do | National Assn for Home Care | | |
| Do | Nynex Corporation | | |
| Do | Salomon Inc | | |
| Do | Joseph E. Seagram & Sons, Inc. | 1,150.00 | |
| Do | Semiconductor Industry Association | 2,259.50 | |
| Do | South Carolina Heritage, Inc | | |
| Do | Sybedon Corporation | | |
| Do | Teachers Insurance & Annuity Assn of America | | |
| Do | Tobacco Row Associates | 690.00 | |
| Do | U.S. Coalition for Fair Lumber Imports | 1,363.00 | 55.00 |
| Doris J. Dewton, 1025 Connecticut Ave., NW, #507 Washington, DC 20036 | Ashland Oil, Inc. | 2,000.00 | |
| Kendall P. Dexter, 9 Country Club Road Mobile, AL 36608 | MacMillan Bloedel, Inc. | 2,800.00 | 2,007.50 |
| James U. DeFrancis, 1025 Connecticut Ave., NW, #1014 Washington, DC 20036 | Enserch Corporation | 3,000.00 | 514.00 |
| Law Offices of Paul H. DeLaney, Jr., 1920 N Street, NW, #610 Washington, DC 20036 | Continental Grain Co | | |
| Do | General Development Utilities, Inc | | |
| Do | Groth Air Services, Inc | 1,000.00 | |
| Do | Staley Continental | 1,716.00 | |
| Diamond Shamrock Corp, 717 North Harwood Dallas, TX 75201 | | | 365.00 |
| Charles J. Dibona, 1220 L St., NW Washington, DC 20005 | American Petroleum Institute | 1,875.00 | |
| John M. Dickerman, 1015 15th St., NW, #700 Washington, DC 20005 | National Lumber & Building Material Dealers Assn. | | |
| Chester T. Dickerson Jr., 1101 17th St., NW, #604 Washington, DC 20036 | Monsanto Co. | | 139.41 |
| Elaine Dickinson, 880 S. Pickett Street Alexandria, VA 22304 | Boat Owners Assn of the U.S. | 4,000.00 | |
| Gary Alan Dickinson, 2 International Plaza Dr., #600 Nashville, TN 37217 | Anglo American Auto Auctions, Inc | | |
| William E. Dickinson, 206 N. Washington St., #300 Alexandria, VA 22314 | Salt Institute | 250.00 | 250.00 |
| Dickstein Shapiro & Morin, 2101 L St., NW Washington, DC 20037 | Advance Publications | 1,615.00 | |
| Do | American Greyhound Track Operators Assn | 14,231.91 | |
| Do | Bear Stearns & Co. | | |
| Do | Boundary Gas, Inc. | 30.00 | |
| Do | Car Audio Specialists Assn (CASA) | | |
| Do | Children's Hospital | 567.00 | |
| Do | Fairchild Industries, Inc. | 2,500.00 | |
| Do | Federal National Mortgage Assn | 1,265.00 | |
| Do | Federated Cash Management Systems | | |
| Do | Herbalife International | | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Do | Marine Engineers' Beneficiel Assn | | |
| Do | National Assn of Gov't Guaranteed Lenders, Inc | | |
| Do | National Fed of Societies for Clinical Social Work | 4,000.00 | |
| Do | Paulucci Enterprises | 2,346.25 | |
| Do | Providence Hospital | 1,321.98 | |
| Do | Saco Defense, Inc | 600.00 | |
| Do | States of Arkansas | 1,875.00 | |
| Do | Symbion, Inc | | |
| Rick Diegel, 1125 15th Street, NW Washington, DC 20005 | International Brotherhood of Electrical Workers, AFL-CIO-CLC | 2,281.25 | 150.00 |
| Larry L. Dildine, 1801 K Street, NW Washington, DC 20006 | Price Waterhouse (For:Investment Co Institute) | 214.00 | |
| George Dillard, 5128 Sauer, Suite A Houston, TX 77004 | Kaleidoscope Research & Marketing Group | | |
| Thomas A. Dine, 444 North Capitol St, NW, #412 Washington, DC 20001 | American Israel Public Affairs Comm | 15,937.50 | 2,366.88 |
| James C. Dinegar, 600 Pennsylvania Avenue, SE, #200 Washington, DC 20003 | Independent Insurance Agents of America, Inc | 5,723.00 | |
| Margaret R. Dipaula, 1700 K Street, NW, #1204 Washington, DC 20006 | Chevron USA, Inc | 145.00 | |
| Direct Selling Association, 1776 K Street, NW Washington, DC 20006 | | | 822.79 |
| Barry B. Direnfeld, Rivkin Radler Dunne & Bayh 1575 I Street, NW, #1025 Washington, DC 20005 | New Energy Co of Indiana | | 32.00 |
| Harley M. Dirks, 400 First Street, NW, #712 Washington, DC 20002 | Health & Medicine Counsel of Washington | | |
| Do | Professional Services Council | | |
| Disabled American Veterans, 3725 Alexandria Pike Cold Spring, KY 41076 | | 141,003.56 | 141,003.56 |
| Barbara A. Dixon, 1600 Eye Street, NW Washington, DC 20006 | Motion Picture Assn of America, Inc | 1,920.00 | |
| Sharon Pratt Dixon, 1900 Pennsylvania Avenue, NW Washington, DC 20068 | Potomac Electric Power Co | 102.53 | |
| Dobrovir & Gebhardt, 1025 Vermont Avenue, NW, #1105 Washington, DC 20005 | New York State Ophthalmological Society | 2,960.00 | 14.00 |
| Steven P. Doehler, 1615 L Street, NW, #1230 Washington, DC 20036 | Mortgage Insurance Companies of America | | |
| Julie Domenick Doerr, 1600 M St., NW Washington, DC 20036 | Investment Company Institute | 1,511.64 | 56.50 |
| John D. Doherty Jr., 900 17th Street, NW, #706 Washington, DC 20006 | Chase Manhattan Bank, N.A. | 196.00 | 13.26 |
| James M. Dolan Jr., 220 Eye Street, NE, #210 Washington, DC 20002 | Patlex Corporation | 8,600.00 | 900.75 |
| Robin C. Dole, 1101 CONNECTICUT AVE., NW, #500 Washington, DC 20036 | Century 21 Real Estate Corp | 780.00 | |
| Brian J. Donadio, 122 C St., NW, #875 Washington, DC 20001 | American Osteopathic Assn | 3,240.00 | |
| Nancy A. Donaldson, 110 Maryland Avenue, NE, #211 Washington, DC 20002 | Women's Action for Nuclear Disarmament Education Fund, Inc | 1,593.58 | |
| John F. Donelan, Donelan Cleary Wood & Maser, P.c. 1275 K St., NW, #850 Washington, DC 20005 | Procompetitive Rail Steering Committee | 3,919.50 | 35.00 |
| Andrew J. Donelson, 1101 15th Street, NW Washington, DC 20005 | Minnesota Mining & Manufacturing Co | 2,500.00 | |
| Thomas E. Donley, 1615 H St., NW Washington, DC 20062 | U.S. Chamber of Commerce | | |
| Kevin J. Donnellan, 1909 K Street, NW Washington, DC 20049 | American Assn of Retired Persons | | |
| Sally S. Donner, 4th Fl. 1710 Rhode Island Ave., NW Washington, DC 20036 | General Foods Corporation | 1,114.58 | 1,142.66 |
| Mary K. Donny, 1401 New York Avenue, NW, #1100 Washington, DC 20005 | National Cooperative Business Assn | | |
| Paul M. Donovan, Laroe Winn & Moerman 1120 G Street, NW, #800 Washington, DC 20005 | Chlorine Institute, Inc | | |
| Do | Coordinating Comm for Rail Competition | | |
| William Donovan, 1111 N. 19th St, #700 Arlington, VA 22209 | National Assn of Federal Credit Unions | 2,500.00 | |
| Francis X. Dooley, 525 School St., SW Washington, DC 20024 | American Road & Transportation Builders Assn | 7,500.00 | 465.00 |
| Linda L. Doorlee, 600 Pennsylvania Avenue, SE, #200 Washington, DC 20003 | Independent Insurance Agents of America, Inc | 5,192.00 | |
| Kevin L. Dorn, 4816 South 29th Street Arlington, VA 22206 | General Aviation Manufacturers Assn | 8,550.00 | |
| James A. Dorsch, 1750 K St., NW Washington, DC 20006 | Health Insurance Assn of America, Inc | | |
| Dean R. Dort II, 1667 K Street, NW, #370 Washington, DC 20006 | Deere & Company | 1,347.50 | |
| Michael I. Dougherty, Pillsbury Center MS 3771 Minneapolis, MN 55402 | Pillsbury Co | 500.00 | 779.00 |
| Diane Doughty, 425 13th Street, NW, #723 Washington, DC 20004 | National Organization for Women | | |
| Sally L. Douglas, 600 Maryland Ave., SW, #700 Washington, DC 20024 | National Fed of Independent Business | 2,250.00 | 200.00 |
| Dow Lohnes & Albertson, 1255 23rd St., NW Washington, DC 20037 | Algoma Steel Corp, Ltd | 8,459.50 | 5,925.96 |
| Do | Beeman and Gould | | |
| Do | Canadian Tubular Producers Assn | | |
| Do | Cox Enterprises, Inc | 695.00 | 20.00 |
| Do | Harris Steel Group, Inc | 1,035.50 | 60.85 |
| Do | Laurel Steel Products, Ltd | 70.00 | 469.69 |
| Do | Multimedia, Inc | 901.00 | 18.00 |
| Do | National Cable Television Assn, Inc | 780.00 | 29.50 |
| Do | Ontario Ministry of Industry Trade & Technology | 1,234.00 | 104.55 |
| Do | Titan Industrial Corp | | |
| Charles P. Downer, 7901 Westpark Drive Mclean, VA 22102 | National Machine Tool Builders' Assn | 4,450.00 | 250.00 |
| John H. Downs Jr., 1101 16th Street, NW Washington, DC 20036 | National Soft Drink Assn | | |
| John P. Doyle Jr., 8600 Boundbrook Lane Alexandria, VA 22309 | J. P. Doyle Enterprises, Inc | 1,000.00 | |
| William A. Doyle, 2346 S. Rolfe Street Arlington, VA 22202 | Harris Corporation | 2,850.00 | 910.82 |
| Nancy Drabble, 215 Pennsylvania Ave., SE Washington, DC 20003 | Congress Watch | 8,499.96 | |
| Ronald W. Drach, 807 Maine Avenue, SW Washington, DC 20024 | Disabled American Veterans | 16,473.60 | 69.95 |
| David P. Drake, 1747 Pennsylvania Ave., NW, #700 Washington, DC 20006 | Ciba-Geigy Corp | 3,000.00 | 214.55 |
| James E. Drake, 1101 Vermont Ave., NW Washington, DC 20005 | American Medical Assn | 5,272.00 | |
| Paul A. Drazek, 600 Maryland Avenue, SW Washington, DC 20024 | American Farm Bureau Federation | 7,812.51 | |
| Dressendorfer-Laird, Inc, 1730 Rhode Island Avenue, NW, #210 Washington, DC 20036 | Briggs & Stratton | 250.00 | |
| Do | General Dynamics Corp | 250.00 | |
| Do | Science Applications, Inc | 250.00 | |
| Joan Albert Dreux, 600 Pennsylvania Avenue, SE, #211 Washington, DC 20003 | National Assn of Casualty & Surety Agents | 3,000.00 | 1,047.20 |
| Jerome L. Dreyer, 1300 N. 17th St. Suite 300 Arlington, VA 22209 | Association of Data Processing Service Organizations | | |
| William B. Driggers, 1745 Jefferson Davis Highway, #605 Arlington, VA 22202 | Texas Instruments, Inc | 200.00 | |
| Kevin J. Driscoll, 1800 M St., NW Washington, DC 20036 | American Bar Assn | 400.00 | 50.00 |
| Dorothy J. Drummer, 1730 K St., NW, #703 Washington, DC 20006 | American Business Conference, Inc | 150.00 | 25.00 |
| Fran Du Melle, 1101 Vermont Avenue, NW, #402 Washington, DC 20005 | American Lung Assn | 2,890.00 | 1,153.00 |
| Ernest Dubester, 815 16th Street, NW Washington, DC 20006 | American Fed of Labor & Congress of Industrial Organizations | 17,539.07 | 520.92 |
| Tim Dudgeon, 1250 Eye Street, NW, #900 Washington, DC 20005 | Distilled Spirits Council of the U.S., Inc | 2,000.00 | 200.00 |
| Jane McPike Dudley, 1101 15th Street, NW, #1000 Washington, DC 20005 | National Constructors Association | 1,250.00 | |
| Mary Jane C. Due, 1920 N St., NW Washington, DC 20036 | American Mining Congress | | |
| Ann Anderson Duff, 1776 F St., NW Washington, DC 20006 | National Assn of Manufacturers | 1,200.00 | |
| Joseph R. Dugan, 888 16th Street, NW Washington, DC 20006 | Milk Industry Foundation/Int'l Assn of Ice Cream Mfrs | | |
| C. R. Duggan, 815 16th St., NW Washington, DC 20006 | Brotherhood of Railway Airline & Steamship Clerks | 4,100.00 | 4,100.00 |
| Francis J. Duggan, 50 F Street, NW, #12800 Washington, DC 20001 | Association of American Railroads | 681.26 | 243.43 |
| Evelyn Dukovic, 475 Riverside Drive, #239 New York, NY 10115 | Morality in Media, Inc | | |
| Mervin E. Dulkum, 1629 K St., NW, #204 Washington, DC 20006 | Delta Air Lines, Inc | 200.00 | 96.40 |
| Amy K. Dunbar, 405 Marlborough Street Boston, MA 02115 | National Assn of Bond Lawyers and Palmer & Dodge | | 6,339.33 |
| Don R. Duncan, 1825 K St.,nw Suite 1107 Washington, DC 20006 | Phillips Petroleum Co | 4,500.00 | 191.57 |
| Leslie Delong Duncan, 1925 K Street, NW, #206 Washington, DC 20006 | Alliance to Save Energy | | |
| William C. Duncan, 1050 17th Street, NW, #410 Washington, DC 20036 | Japan Automobile Manufacturers Assn | 1,800.00 | 686.63 |
| Duncan Weinberg & Miller, P.C., 1615 M Street, NW, #800 Washington, DC 20036 | Guam Power Authority | | |
| Do | Kenai Natives Assn, Inc | 750.00 | |
| Do | Mid West Electric Consumers' Assn, Inc | | |
| Do | State of Nevada | | |
| Do | State of North Dakota | | |
| Do | Western Fuels Association, Inc | | |
| Mari Lee Dunn, 1850 K St., NW, #520 Washington, DC 20006 | American Council for Capital Formation | | |
| Patrick W. Dunn, 4400 Seattle First National Bank Bldg. Seattle, WA 98154 | Riddell Williams Bullitt & Walkinshaw (For:Friends of the Columbia River Gorge) | | |
| John H. Dunne, 8701 Georgia Ave., #701 Silver Spring, MD 20910 | International Fed of Professional & Technical Engineers | | |
| James A. Dupree, 815 Connecticut Ave., NW Washington, DC 20006 | Ford Motor Co | 4,015.00 | 2,551.00 |
| Joseph L. Duran, 100 Federal St. Boston, MA 02110 | First National Bank of Boston | | |
| Margaret A. Durbin, 1850 K Street, NW Washington, DC 20006 | American Council of Life Insurance, Inc | 2,000.00 | 12.60 |
| B. J. Durham, P.O. Box 2121 Corpus Christi, TX 78403 | Central Power & Light Company | 368.00 | 883.25 |
| David Durham, 777 14th Street, NW Washington, DC 20005 | National Assn of Realtors | 1,250.00 | |
| Duryea Murphy Davenport & Van Winkle, 711 Capitol Way Olympia, WA 98501 | State of Nevada, Nuclear Waste Project Office | 4,588.50 | 1,322.40 |
| Dutko & Associates, 412 First St., SE, #40 Washington, DC 20003 | Miguel H. Agosto | 4,000.00 | |
| Do | American Consumer Trade Council | 17,687.48 | |
| Do | Anchor Industries, Inc | | |
| Do | Associates of North America | | |
| Do | Cenergy Exploration Co | | |
| Do | Communications Satellite Corp | 8,406.25 | |
| Do | D & B Wholesale Cosmetics, Inc | 437.50 | |
| Do | DSC Communications | 18,287.50 | |
| Do | Granger Associates | | |
| Do | Gulf & Western Industries, Inc | 22,500.00 | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Do | Hart-Culp International | 2,468.75 | |
| Do | Large Scale Program Institute | 1,087.50 | |
| Do | MediMax | 287.50 | |
| Do | Mitchell Energy & Development Corp | | |
| Do | Oklahoma State University | 6,000.00 | |
| Do | Pitts Energy Group | | |
| Do | R-Max | | |
| Do | Smokeless Tobacco Council, Inc | 22,500.00 | |
| Do | Southland Corporation | 6,562.50 | |
| Do | M. Stevens Cosmetics Co | 312.50 | |
| Do | Texas Oil & Gas Corp | | |
| Do | Trade Max, Inc | 5,192.64 | |
| Do | United Telecom Communications, Inc | 10,418.75 | |
| Do | Wessely Energy Corp | | |
| L L Duxbury, 210 7th Street, SE, #517 Washington, DC 20003 | Railroad Retirement Assn | | |
| Peggy L. Duxbury, 1331 Pennsylvania Avenue, NW, #1500N Washington, DC 20004 | National Assn of Manufacturers | | |
| Duncan Dwelle, Esprit 900 Minnesota Avenue San Francisco, CA 94107 | American Fair Trade Council | 2,000.00 | |
| Denis J. Dwyer, 700 North Fairfax St. Alexandria, VA 22314 | Railway Progress Institute | 525.00 | |
| Roderick T. Dwyer, 1920 N Street, NW Washington, DC 20036 | American Mining Congress | | |
| Dynalectron Corporation, 1313 Dolley Madison Blvd. Mclean, VA 22101 | | | 2,389.00 |
| Talis Dzenitis, 633 Pennsylvania Avenue, NW, #600 Washington, DC 20004 | Sears Roebuck & Co | 500.00 | 50.98 |
| DGA International, Inc, 1818 N Street, NW Washington, DC 20036 | Dir Intl Aff of the Gen Del for Armements | | |
| Do | Societe Nationale D'Etude et de Const de Moteurs D'Aviation | 1,670.00 | 390.65 |
| Do | Sofreavia | 1,567.50 | 388.76 |
| Dennis J. Earhart, 1753 Euclid St, NW Washington, DC 20009 | Bear West Co, Inc (for Rocky Mountain Energy Co) | 545.63 | |
| Earle Grovatt & Assoc, Inc, 55 W. Main Street Freehold, NJ 07728 | Dickinson Business School | 2,000.00 | 475.00 |
| Jack D. Early, 1155 15th St., NW, #514 Washington, DC 20005 | National Agricultural Chemicals Assn | 1,763.00 | 151.00 |
| Catherine East, 1275 K Street, NW, #750 Washington, DC 20005 | National Women's Political Caucus | 1,998.98 | 50.40 |
| George H. Eatman, 1800 Connecticut Ave., NW Washington, DC 20009 | Slurry Technology Assn | 1,000.00 | |
| Charles H. Eaton, 1725 K St., NW, #1111 Washington, DC 20006 | Eaton Associates, Inc | | |
| Robert E. L. Eaton, 1725 K St., NW, #1111 Washington, DC 20006 | Eaton Associates, Inc | | |
| Eaton Associates, Inc, 1725 K St., NW, #1111 Washington, DC 20006 | | | |
| Donald R. Ebe, 1800 K St., NW, #800 Washington, DC 20006 | Goodyear Tire & Rubber Co | 4,000.00 | |
| Robert E. Ebel, 1025 Connecticut Ave., NW, #1014 Washington, DC 20036 | Enserch Corporation | 1,450.00 | 1,004.00 |
| N. Boyd Ecker, 1100 Connecticut Ave., NW Washington, DC 20036 | Mobil Oil Corp | 1,500.00 | 117.30 |
| Robert C. Eckhardt, 323 D ST., NE Washington, DC 20002 | Central & Southwest Corp | 4,999.98 | |
| Do | Certain Texas Claimants Lawyers | 5,000.00 | |
| Do | Investment Company Institute | 5,000.00 | |
| Do | State of Texas | 3,500.00 | |
| Do | Western Fuels Association, Inc | 9,999.99 | |
| Patricia K. Economos, 15th & M Streets, NW Washington, DC 20005 | National Assn of Home Builders of the U.S. | | |
| William R. Edgar, 1620 Eye St., NW, #501 Washington, DC 20006 | Gates Learjet Corporation | | |
| Helen H. Edge, 700 N. Fairfax St. Alexandria, VA 22314 | Railway Progress Institute | 487.50 | |
| Arthur B. Edgeworth Jr., 1709 New York Ave., NW, #801 Washington, DC 20006 | U.S. League of Savings Institutions | 4,688.00 | |
| Edison Electric Institute, 9th Floor 1111 19th St., NW Washington, DC 20036 | | 152,970.12 | 161,058.85 |
| V. Anne Edlund, 1620 Eye St., NW, #1000 Washington, DC 20006 | Motor Vehicle Manufacturers Assn of the U.S., Inc | | |
| Stephen L. Edmiston, 807 Maine Ave., SW Washington, DC 20024 | Disabled American Veterans | 14,726.40 | 248.65 |
| Ed Edmondson, Box 11 Muskogee, OK 74401 | American Inland Waterways Committee | | |
| Do | Cherokee Nation | | |
| Do | Doss Aviation, Inc | | |
| Do | IU International Management Corp | | |
| Do | Oklahoma Assn of Electric Coops | | |
| Do | U.S. Maritime Committee, Inc | | |
| John M. Edsall, 1120 20th Street, NW, #600s Washington, DC 20036 | Union Pacific Corp | 218.00 | 937.93 |
| J. Rodney Edwards, 260 Madison Ave. New York, NY 10016 | American Paper Institute, Inc | | |
| William A. Edwards, 1111 19th Street, NW Washington, DC 20036 | Edison Electric Institute | 9,767.14 | 918.13 |
| Paul S. Egan, 1608 K St., NW Washington, DC 20006 | American Legion | 9,750.00 | 231.41 |
| Karen Ehrnman, 1522 K Street, NW, #1120 Washington, DC 20005 | American College of Nurse-Midwives | | |
| Yvonne B. Eider, 400 First Street, NW, #800 Washington, DC 20001 | Friends of Animals, Inc | | 132.21 |
| Robert F. Eisen, 111 West 40th Street New York, NY 10018 | Greenwood Mills Marketing Co | | 3,531.50 |
| Albert C. Eisenberg, 1735 New York Avenue, NW Washington, DC 20006 | American Institute of Architects | 9,000.00 | 80.74 |
| Adelaide K. Eisenmann, 607 G St., SW Washington, DC 20024 | Panamanian Comm for Human Rights | | |
| Linda S. Eisnaugle, 225 W. 34 Street New York, NY 10001 | National Commercial Finance Assn | 10,750.00 | 930.32 |
| H. J. Elam III, 1201 Maple St. Greensboro, NC 27405 | Cone Mills Corp | 26,000.00 | 7,342.00 |
| James V. Elder, 330 Pennsylvania Ave., SE Washington, DC 20003 | Sierra Club | 1,938.75 | 2,140.28 |
| Jane Elder, 214 N. Henry St., #203 Madison, WI 53703 | Sierra Club | 1,938.75 | 2,140.28 |
| Eileen Elgin, 1250 Connecticut Avenue, NW Washington, DC 20036 | National Forest Products Assn | 1,200.00 | |
| George K. Eliades, 7297 Lee Highway Falls Church, VA 22042 | Society of American Wood Preservers, Inc | 1,000.00 | 1,155.00 |
| J. Burton Eller Jr., 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004 | National Cattlemen's Assn | 1,000.00 | |
| Charles W. Elliott, Wisconsin Petroleum Council 25 W. Main St., #703 Madison, WI 53703 | American Petroleum Institute | 469.70 | 697.86 |
| Christine Elliott-Groves, 600 Maryland Avenue, SW, #700 Washington, DC 20024 | National Fed of Independent Business | 2,250.00 | 200.00 |
| John M. Ellis, 1120 Fairfield Avenue Roseville, CA 95678 | Nor-Cal Federal Coalition | | |
| Emergency Committee for American Trade, 1211 Connecticut Ave. Washington, DC 20036 | | 101,918.10 | 101,432.58 |
| Emerson Electric Co, 8000 Florissant St. Louis, MO 63136 | | | 5,014.98 |
| Employee Relocation Council, 1627 K St., NW, #600 Washington, DC 20006 | | | |
| Irene R. Emsellem, 1800 M Street, NW Washington, DC 20036 | American Bar Assn | 400.00 | 50.00 |
| Energy Consumers & Producers Assn, Box 1726 Petroleum Plaza Seminole, OK 74868 | | 21,267.50 | |
| Ralph Engel, 1001 Connecticut Ave., NW, #1120 Washington, DC 20036 | Chemical Specialties Manufacturers Assn, Inc | 301.00 | 24.00 |
| Joseph J. English, 1010 Vermont Avenue, NW Washington, DC 20005 | Stewart-Warner Corp | 10,000.00 | 232.01 |
| Patricia A. English, 777 14th St., NW Washington, DC 20005 | National Assn of Realtors | | |
| Christopher Engquist, 1957 E St., NW Washington, DC 20006 | Associated General Contractors of America | | |
| Richard Engram Jr., P.O. Box 506 Merchants & Miners Bank Bldg. Welch, WV 24801 | | | |
| Clinton W. Ensign, 2600 Virginia Avenue, NW, #901 Washington, DC 20037 | Sinclair Oil Corporation | 500.00 | 493.10 |
| Environmental Fund, 1325 G St., NW #1003 Washington, DC 20005 | | | 2,154.13 |
| J. Barry Epperson, P.O. Box 42464 Houston, TX 77242 | Associated Wire Rope Fabricators | 200.00 | 1,773.54 |
| Kimberly Neilsen Epstein, 2626 Pennsylvania Ave., NW Washington, DC 20036 | National Telephone Cooperative Assn | 1,862.50 | 380.46 |
| Epstein Becker Borsody & Green, P.C., 1140 19th St., NW, #900 Washington, DC 20036 | National Cable Television Assn, Inc | 6,036.00 | |
| Paul A. Equale, 600 Pennsylvania Ave., SE, #200 Washington, DC 20003 | Independent Insurance Agents of America, Inc | 13,815.00 | |
| Martha M. Escutia, 20 F Street, NW, #200 Washington, DC 20001 | National Council of La Raza | 2,500.00 | 900.00 |
| Ingolf G. Esders, 815 16th Street, NW Washington, DC 20006 | International Longshoremen's Assn, AFL-CIO | 6,847.34 | |
| John T. Estes, 2550 M St., NW, #770 Washington, DC 20037 | RJR Nabisco, Inc | 2,500.00 | 415.00 |
| Stephen E. Eure, 1711 King Street Alexandria, VA 22314 | Potato Chip/Snack Food Assn | 5,250.00 | |
| European Travel Commission, 630 Fifth Avenue New York, NY 10111 | | | |
| Andreas W. Evans, 1016 16th Street, NW Washington, DC 20036 | National Fed of Federal Employees | | |
| C. Lawrence Evans Jr., 51 Louisiana Avenue, NW Washington, DC 20001 | Acacia Mutual Life Insurance Co | | |
| Do | Acacia Mutual Life Insurance Co | | |
| Donald C. Evans Jr., 655 15th St., NW, #310 Washington, DC 20005 | American Family Corp | | |
| Do | American Hoeclist Corporation | | |
| Do | Freight Forwarders Institute | | |
| Do | Olympia & York Developements Ltd | | |
| Do | Olympia & York Equity Corp | | |
| Do | Stegan Corporation | | |
| Elaine Evans, 1133 21st Street, NW, #500 Washington, DC 20036 | National Hydropower Assn | | |
| Joseph O. Evans, Apartment 21 4401 Lee Hwy. Arlington, VA 22207 | | | |
| Robert B. Evans, 1101 14th Street, NW Washington, DC 20005 | American Financial Services Assn | | |
| Robert D. Evans, 1800 M St., NW Washington, DC 20036 | American Bar Assn | 400.00 | 50.00 |
| William J. Evans Jr., 1660 L St., NW, #901 Washington, DC 20036 | Pan American World Services, Inc | 300.00 | 187.18 |
| Wayne S. Ewing, Associated Petroleum Industries of Pa P.O. Box 925 Harrisburg, PA 17108 | American Petroleum Institute | | |
| Paul K. Eyer, 122 C Street, NW, #875 Washington, DC 20001 | American Osteopathic Assn | 1,400.00 | 41.26 |
| EDS Corporation, 1331 Pennsylvania Ave., NW, #1300 Washington, DC 20004 | | | 2,339.94 |
| F/P Research Associates, 1700 K St., NW, #303 Washington, DC 20006 | CEO Tax Group | 1,000.00 | |
| Do | National Cable Television Assn, Inc | 500.00 | |
| Michael W. Faber, Reid & Priest 1111 19th Street, NW, #1100 Washington, DC 20036 | Committee of Corporate Telecommunications Users | | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Robert R. Fahs, 1101 15th St., NW, #205 Washington, DC 20005 | Cargill Inc | 2,500.00 | |
| Fair Tax Foundation, Inc, 2025 I Street, NW, #813 Washington, DC 20006 | | 76,255.00 | 70,766.00 |
| Dale W. Fallat, P.O. Box 119 Maumee, OH 43537 | Andersons | | |
| F. S. Fallon Jr., 02984018-FPC Eglin AFB, FL 32542 | | | |
| Peter M. Fannon, 1818 N Street, NW, #410 Washington, DC 20036 | Naticnal Assn of Public Television Stations | 600.00 | 150.00 |
| Thomas B. Farley II, 1220 L St., NW Washington, DC 20005 | American Petroleum Institute | 7,200.00 | 117.40 |
| David M. Farmer, 1629 K Street, NW, #1010 Washington, DC 20006 | Alliance of American Insurers | 1,450.00 | |
| Farmers' Educational & Co-Operative Union of America, 600 Maryland Ave., SW, #202w Washington, DC 20024 | | 143,823.00 | 73,823.62 |
| John W. Farquhar, 1750 K St., NW Washington, DC 20006 | Food Marketing Institute | 300.00 | |
| Dagmar T. Farr, 1750 K Street, N.w. Washington, DC 20006 | Food Marketing Institute | 450.00 | |
| Christopher G. Farrand, 1120 20th Street, NW, #720 Washington, DC 20036 | Peabody Holding Co, Inc | | 343.00 |
| Michael Farrar, 1250 Connecticut Avenue, NW Washington, DC 20036 | American Paper Institute, Inc | 200.00 | |
| Dennis D. Farrell, 1801 K Street, NW, #1200 Washington, DC 20006 | IBM Corp | 2,500.00 | 420.00 |
| Joseph A. Farrell, 1600 Wilson Boulevard, #1000 Arlington, VA 22209 | American Waterways Operators, Inc | | |
| Marcus G. Faust, 2121 K St., NW, #880 Washington, DC 20037 | Central Utah Water Conservancy District | 6,438.77 | 438.77 |
| Do | Desert Research Institute | 1,364.05 | 51.55 |
| Do | Edison Electric Institute | 350.50 | |
| Do | Public Service Co of New Mexico | 13,557.71 | 393.89 |
| Do | Sierra Pacific Power Co | 8,377.66 | 477.70 |
| Do | Standard Oil Co (Ohio) | 11,250.00 | |
| William D. Fay, 1130 17th Street, NW Washington, DC 20036 | National Coal Assn | 6,430.00 | 5,767.86 |
| Federal Managers Assn, 1000 16th Street, NW Washington, DC 20036 | | 10,000.00 | 17,311.00 |
| Federation for American Afghan Action, 11244 Waples Mill Road, Suite J Fairfax, VA 22030 | | | 5,280.26 |
| Federation of Aids-Related Organizations/Aids Action Council, 729 8th Street, SE, #200 Washington, DC 20003 | | 26,806.00 | 38,684.21 |
| Federation of American Controlled Shipping, 50 Broadway New York, NY 10004 | | 1,846.99 | 1,846.99 |
| Federation of American Health Systems, 1111 19th St., NW, #402 Washington, DC 20036 | | 9,460.00 | 9,460.00 |
| Federation of American Scientists, 307 Massachusetts Ave., NE Washington, DC 20002 | | | 3,055.38 |
| Federation of Behavioral Psychological & Cognitive Sciences, 1200 17th Street, NW Washington, DC 20036 | | 510.00 | 510.00 |
| Robert Feenstra, 13545 Euclid Avenue Ontario, CA 91761 | Milk Producers Council (For:Dairy Farmers for Responsible Dairy Policy) | | |
| Donald M. Fehr, 805 Third Ave. New York, NY 10022 | Major League Baseball Players Assn | | |
| Bruce E. Fein, The Power House 3255 Grace Street, NW Washington, DC 20007 | Gray & Co Public Communications Int'l, Inc (For:Bell Atlantic Management Services) | | |
| Do | Gray & Co Public Communications Int'l, Inc (For:Korean Air Lines) | | |
| Do | Gray & Co Public Communications Int'l, Inc (For:Republic of Turkey) | | |
| Do | Gray & Co Public Communications Int'l, Inc (For:U S West, Inc) | | |
| Claudia Feller, 1200 17th Street, NW Washington, DC 20036 | Federation of Behavioral Psychological & Cognitive Sciences | | |
| Kenneth E. Feltman, 1660 L Street, NW, #715 Washington, DC 20036 | Employers Council on Flexible Compensation | 200.00 | |
| Randolph Fenninger, 10,000 Falls Road, #306 Potomac, MD 20854 | American Assn of Colleges of Osteopathic Medicine | 3,000.00 | 50.00 |
| Do | American Gastroenterological Assn | | |
| Do | American Soc for Gastrointestinal Endoscopy | | |
| Do | American Soc of Anesthesiologists | 1,000.00 | |
| Do | American Urological Assn/Amer Assn of Clinical Urologists | | |
| Do | Federation of Assns of Schools of the Health Professions | 6,000.00 | 650.00 |
| Judith W. Fensterer, 242 E. 80th Street New York, NY 10021 | Generic Pharmaceutical Industry Assn | 827.00 | 1,559.25 |
| Fensterwald Alcorn & Bowman, P.C., 1000 Wilson Blvd., #900 Arlington, VA 22209 | Concerned Federal Railroad Administration Employees | 1,320.00 | 92.40 |
| Do | Equity for National Guard Technicians | 1,547.00 | 92.40 |
| Edward T. Fergus, 100 Gold St. New York, NY 10292 | Prudential-Bache Securities, Inc | 750.00 | |
| Betsy Ferguson, 1875 Eye St., NW, #1110 Washington, DC 20006 | Times Mirror Co | | |
| Denise G. Ferguson, 1020 19th St., NW, #600 Washington, DC 20036 | American Express Co | | |
| Fred E. Ferguson, 122 C Street, NW, #200 Washington, DC 20001 | Council of State Chambers of Commerce | 249.59 | |
| William Ferguson Jr., The Ferguson Company 1875 Eye Street, NW, #1275 Washington, DC 20006 | Berg-Revoir Corp | | |
| Do | City of Alhambra | | |
| Do | City of Baldwin Park | | |
| Do | City of Inglewood | | |
| Do | City of Oceanside | 1,700.00 | 325.46 |
| Do | City of Provo | | |
| Do | City of Redondo Beach | | |
| Do | City of South Salt Lake | | |
| Do | Imperial Irrigation District | | |
| Do | Irvine Company | 5,312.50 | 183.88 |
| Do | Long Beach Transit | | |
| Do | Oceanside Redevelopment Agency | | |
| Do | Santa Cruz Properties, Inc | | |
| John L. Festa, 1250 Connecticut Avenue, NW Washington, DC 20036 | American Paper Institute, Inc | | |
| Fiber Fabric & Apparel Coalition for Trade, 1800 M St., NW, #950 North Washington, DC 20036 | | 679,407.00 | 395,124.61 |
| Fred C. Fielding, 1725 Jefferson Davis Hwy, #900 Arlington, VA 22202 | AM General Corporation | | |
| C. H. Fields, 600 Maryland Ave., SW Washington, DC 20024 | American Farm Bureau Federation | 6,937.50 | 24.85 |
| Herbert A. Fierst, 610 Ring Bldg. 1200 18th St., NW Washington, DC 20036 | Council of Forest Industries of B.C | 31,251.00 | 1,240.00 |
| Marshall S. Filler, 2033 M Street, NW, #700 Washington, DC 20006 | Air Transport Assn of America | 992.00 | |
| Lawrence A. Fineran, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004 | National Assn of Manufacturers | 125.00 | |
| William A. Finerfrock, 1117 N. 19th Street, #300 Arlington, VA 22209 | American Academy of Physician Assistants | 9,250.00 | 356.00 |
| Matthew P. Fink, 1600 M St., NW Washington, DC 20036 | Investment Company Institute | | |
| Nelson L. Fink, 378 Valley Oak Court Waldorf, MD 20601 | Air Force Sergeants Assn, Inc | | |
| Sheldon I. Fink, Sonnenschein, Carlin, Nath & Rosenthal 8000 Sears Tower Chicago, IL 60606 | Investment Counsel Assn of America, Inc | 9,660.00 | 379.35 |
| Finley Kumble Wagner Heine Underberg Manley Myerson & Casey, 1120 Connecticut Ave., NW, #465 Washington, DC 20036 | American Soc of Pharmacology & Experimental Therapeutics | | |
| Do | Association of British Insurers | 9,057.50 | |
| Do | AVW Electronic Systems, Inc | 17,635.00 | |
| Do | Committee Against Retroactivity | 137.50 | 181.00 |
| Do | Development Corp for Israel | 300.00 | |
| Do | Direct Broadcast Satellite Corp | | |
| Do | FMI-Hammer Joint Venture | 9,490.00 | 285.65 |
| Do | General Dynamics Corp | | |
| Do | Giant Food, Inc | | |
| Do | Golden Nugget, Inc | 4,812.50 | 448.00 |
| Do | Government of Antigua & Barbuda | | |
| Do | Group Hospitalization & Medical Services, Inc | 175.00 | |
| Do | Home Insurance Co | | |
| Do | Johnson & Johnson | | |
| Do | Mutual Protection Trust Cooperative of American Physicians | 16,828.00 | 105.37 |
| Do | National Limousine Assn | 365.00 | |
| Do | Norfolk Southern Corp | | |
| Do | Occidental Petroleum Corp | | |
| Do | Population Crisis Committee | 612.50 | |
| Do | RCA Corp | | |
| Do | Savoy Industries | | |
| Do | Society of Real Estate Appraisers | | |
| Do | State of Maryland | 787.50 | |
| Do | TechAmerica Group, Inc | 7,735.00 | 232.87 |
| Do | Tel-Optik, Ltd | | |
| Do | Turner Broadcasting System, Inc | | |
| Do | TRT Telecommunications Corp | | |
| Do | United Satellite Action | | |
| Thomas D. Finnigan, 1100 15th Street, NW, 12th Fl. Washington, DC 20005 | Winston Network, Inc | | |
| M. J. Fiocco, 1090 Vermont Ave., NW, #410 Washington, DC 20005 | Union Carbide Corp | | |
| First Data Resources, Inc, 1900 N. Beauregard St., #110 Alexandria, VA 22311 | National Industrial Transportation League | 5,000.00 | 59.00 |
| First National Bank of Boston, 100 Federal St. Boston, MA 02110 | | | 18,921.98 |
| Richard L. Fischer, 1615 M St., NW, #200 Washington, DC 20036 | Amoco Corporation | | |
| Deborah A. Fischione, 2000 Pennsylvania Ave., NW, #6200 Washington, DC 20006 | Chicago Mercantile Exchange | | |
| Do | Chicago Mercantile Exchange | | 4,765.00 |
| Madeline Fishel, 1400 Eye Street, NW Washington, DC 20005 | Wilderness Society | 1,211.60 | 74.40 |
| Donald W. Fisher, 3814 Ivanhoe Lane Alexandria, VA 22310 | American Group Practice Assn, Inc | 368.00 | |
| Dwight R. Fisher, 600 Maryland Avenue, SW, #700 Washington, DC 20024 | National Fed of Independent Business | 700.00 | 100.00 |
| Janet S. Fisher, 1333 New Hampshire Avenue, NW Washington, DC 20036 | Atlantic Richfield Co | | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| William P. Fisher, 311 First Street, NW Washington, DC 20001 | National Restaurant Assn | | |
| Charles L. Fishman, P.C., 1717 K Street, NW, #502 Washington, DC 20036 | Carolina Power & Light Co | | |
| Do | Consolidated Edison Co of New York, Inc | | |
| Do | Stone & Webster Engineering Corp | | |
| Do | Westinghouse Electric Corp | | |
| David H. Fiske, Fiske & Associates 1776 K Street, NW, #900 Washington, DC 20006 | Software Publishers Assn | 300.00 | 20.00 |
| Patrick E. Fitch, 1755 Jefferson Davis Highway, #900 Arlington, VA 22202 | Gould, Inc | | |
| Mary Clare Fitzgerald, 1025 Thomas Jefferson St., NW, #301 Washington, DC 20007 | Golembe Associates, Inc | | |
| Thomas H. Fitzpatrick, 410 Asylum Street Hartford, CT 06103 | American Petroleum Institute | | |
| Alan M. Fitzwater, 3800 Continental Plaza 777 Main Street Fort Worth, TX 76102 | Burlington Northern Railroad | 22,500.00 | 707.75 |
| Hilliard J. Fjord, 602 Main St., #600 Cincinnati, OH 45202 | Ohio River Co | 3,000.00 | 463.80 |
| Susan G. Flack, 1825 K St., NW, #603 Washington, DC 20006 | Batus D.C. | 2,000.00 | 29.50 |
| Daniel V. Flanagan Jr., 12 Third Street, NE Washington, DC 20002 | Dominion Resources, Inc | | |
| Do | Flanagan & Associates, Inc (For:Memorial Sloan-Kettering Cancer Center) | | |
| James J. Flanagan, 25 Research Dr. Westborough, MA 01581 | New England Power Service Co | 873.00 | 158.45 |
| David H. Fleck, 777 East Wisconsin Avenue Milwaukee, WI 53202-5367 | Foley & Lardner (For:City of Kenosha, Wisconsin) | | |
| Fleishman-Hillard, Inc, 1225 Connecticut Ave., NW, #303 Washington, DC 20036 | Ability Information Systems–Computer Software | 4,500.00 | |
| Frank R. Fleming, 9749 Independence Avenue Chatsworth, CA 91311 | CHAD Therapeutics, Inc | | |
| Michael Fleming, 1300 17th St., #1010 Arlington, VA 22209 | American Assn of Equipment Lessors | | |
| Felipe M. Floresca, 67 Wall Street, #1802 New York, NY 10005 | | | |
| Florida Business Associates, 2000 L St., NW, #200 Washington, DC 20036 | CSX Transportation Systems | 8,106.00 | |
| Do | Florida State University | 11,491.00 | |
| Do | General Development Corp | 22,431.00 | |
| Do | Jacksonville Transportation Authority | | |
| Do | Westinghouse Electric Corp | 11,011.00 | |
| Veronica M. Floyd, 2001 S. Jeff Davis Highway, #1107 Arlington, VA 22202 | Brunswick Corp | 6,000.00 | 615.55 |
| Richard A. Flye, Mckenna Conner & Cuneo 1575 Eye Street, NW Washington, DC 20005 | Fertilizer Institute | 4,007.00 | |
| Foley & Lardner, 1775 Pennsylvania Ave., NW Washington, DC 20006 | City of Kenosha, Wisconsin | 750.00 | 35.00 |
| Do | Kohlberg Kravis Roberts & Co | 322.50 | 37.15 |
| Gary L. Fontana, Thelen Marrin Johnson & Bridges 2 Embarcadero Center San Francisco, CA 94111 | Hawaiian Electric Co, Inc | 1,805.00 | 504.75 |
| Do | Thermal Power Co | 602.00 | 298.50 |
| Food & Allied Service Trades Dept, AFL-CIO, 815 16th Street, NW, #408 Washington, DC 20006 | | 14,307.00 | 14,307.00 |
| Food Marketing Institute, 1750 K St., NW Washington, DC 20006 | | | 12,534.25 |
| Food Research & Action Center, 1319 F Street, NW Washington, DC 20004 | | 10,000.00 | 10,545.61 |
| Foodservice & Lodging Institute, 1919 Pennsylvania Ave., NW Washington, DC 20006 | | | |
| James E. Ford, 1333 New Hampshire Avenue, NW Washington, DC 20036 | Atlantic Richfield Co | | |
| Laurence S. Fordham, Fordham & Starrett 260 Franklin Street Boston, MA 02109 | C & S Wholesale Grocers, Inc | | |
| Donald D. Foreman, 200 E. Randolph Dr. Chicago, IL 60601 | Amoco Corporation | | |
| Foreman and Company, 1826 Jefferson Place, NW, #201 Washington, DC 20036 | Audio Recording Rights Coalition | 375.00 | |
| Do | Camp Carmouche Barsh Hunter Gray Hoffman & Gill, P.C. | 3,940.00 | 125.33 |
| Do | Greene O'Reilly Agnew & Broillet | | |
| Forest Farmers Assn, P.O. Box 95385 Atlanta, GA 30347 | | | |
| Mark A. Forman, 345 Park Ave., 31st Fl New York, NY 10154 | Union Pacific Corp | 625.00 | |
| Sallie H. Forman, 1825 K St., NW Washington, DC 20006 | National Broadcasting Co, Inc | 1,600.00 | 168.94 |
| Carol E. Forrestel, 1015 15th Street, NW, #900 Washington, DC 20005 | Enron Corp | | |
| Do | Enron Corp | | |
| Michael A. Forscey, 1735 New York Avenue, NW Washington, DC 20006 | Metropolitan Life & Affiliated Cos | 21,277.00 | 892.36 |
| Do | Tobacco Institute | 35,226.00 | 4,673.63 |
| D. Lee Forsgren, 1625 K Street, NW, #1000 Washington, DC 20006 | American Institute of Merchant Shipping | 1,378.26 | 78.00 |
| Conrad M. Fowler, Box 71 West Point, GA 31833 | West Point Pepperell | 3,914.00 | 4,532.32 |
| Allan M. Fox, 1575 I Street, NW, #1150 Washington, DC 20005 | American Meat Institute | | |
| Do | Kaye Scholer Fierman Hays & Handler (For:Bristol-Myers Co) | | |
| Do | Kaye Scholer Fierman Hays & Handler (For:National Coalition for Cancer Research) | | |
| Fox Group, USA Ltd, P.O. Box 1831 Charleston, SC 29402 | Camp Carmouche Barsh... (for Sears Roebuck & Co) | 4,500.00 | |
| Donald Fraher, 633 E Street, NW Washington, DC 20004 | American Symphony Orchestra League | 9,274.98 | 96.75 |
| John R. Frahm, 1101 15th Street, NW Washington, DC 20005 | Minnesota Mining & Manufacturing Co | 3,000.00 | |
| Douglas L. Francisco, 1101 16th St., NW Washington, DC 20036 | Independent Petroleum Assn of America | | 104.00 |
| David C. Frankil, 918 16th Street, NW, #402 Washington, DC 20006 | American Furniture Manufacturers Assn | 750.00 | 753.35 |
| Walter L. Frankland Jr., 1717 K St., NW Washington, DC 20006 | Silver Users Assn, Inc | 1,591.50 | 356.70 |
| Ellis B. Franklin, 5025 Wisconsin Ave., NW Washington, DC 20016 | Amalgamated Transit Union, AFL-CIO | | |
| James R. Franklin, 1185 Avenue of the Americas New York, NY 10036 | J. P. Stevens & Co, Inc | | 8,629.21 |
| Thomas C. Franks, 5th Floor 1220 L St., NW Washington, DC 20005 | American Resort & Residential Development Assn | 1,500.00 | 319.43 |
| John B. Franz, P.O. Box 10568 Pompano Beach, FL 33061 | | | |
| Marian C. Franz, 2121 Decatur Place, NW Washington, DC 20008 | National Council for a World Peace Tax Fund | 645.00 | 156.00 |
| Fran Frazier, 1730 K Street, NW, #703 Washington, DC 20006 | American Business Conference | 81.25 | 76.23 |
| Robert M. Frederick, 1616 H St., NW Washington, DC 20006 | National Grange | 5,000.00 | |
| Ann Todd Free, 1120 Connecticut Avenue, NW Washington, DC 20036 | American Bankers Assn | 500.00 | |
| Free the Eagle, 11244 Waples Mill Rd., Suite J Fairfax, VA 22030 | | 2,000.00 | 198,333.71 |
| D. Michal Freedman, 2030 M Street, NW Washington, DC 20036 | Common Cause | 8,342.02 | 32.00 |
| Joel Freedman, 1600 M St., NW, 5th Floor Washington, DC 20035 | Hartford Fire Insurance Co | 5,000.00 | |
| James O. Freeman, 1709 New York Ave., NW, #801 Washington, DC 20006 | U.S. League of Savings Institutions | 5,830.00 | 5.00 |
| Mary Ann Freeman, 1331 Pennsylvania Ave, NW Washington, DC 20005 | General Electric Co | 30.00 | |
| Paula A. Freer, 1800 M St., NW, #975 Washington, DC 20036 | Marathon Oil Co | | |
| Ronna Freiberg, The Power House 3255 Grace Street, NW Washington, DC 20007 | Gray & Co Public Communications Int'l, Inc (For:Budd Company) | | |
| Do | Gray & Co Public Communications Int'l, Inc (For:Government of the Cayman Islands) | 136.25 | |
| Do | Greer Ingrasci, et al | 287.50 | |
| Do | Gray & Co Public Communications Int'l, Inc (For:Joint Maritime Congress) | | |
| Do | Gray & Co Public Communications Int'l, Inc (For:Republic of Turkey) | | |
| Do | Gray & Co Public Communications Int'l, Inc (For:Shaklee Corporation) | | |
| Do | Gray & Co Public Communications Int'l, Inc (For:Shirco Infrared Systems, Inc) | | |
| Do | Gray & Co Public Communications Int'l, Inc (For:Stroh Brewery Co) | | |
| Do | Gray & Co Public Communications Int'l, Inc (For:Title Insurance Industry Coalition) | 92.50 | |
| Do | Gray & Co Public Communications Int'l, Inc (For:Transit America) | | |
| Verrick O. French, French & Company 1317 F Street, NW Washington, DC 20004 | Hong Kong Trade Development Council | 2,000.00 | |
| French & Company, 1317 F St., NW, #307 Washington, DC 20004 | Artery Organization, Inc | 2,500.00 | |
| Do | Wheels, Inc | 2,025.00 | |
| Sara Hamric Freund, 260 Madison Ave. New York, NY 10016 | American Paper Institute, Inc | | |
| Annette P. Fribourg, 3900 Wisconsin Ave., NW Washington, DC 20016 | Federal National Mortgage Assn | 19,250.00 | 1,069.27 |
| G. William Frick, 1220 L Street, NW Washington, DC 20005 | American Petroleum Institute | | |
| Fried Frank Harris Shriver & Jacobson, 1001 Pennsylvania Ave., NW Washington, DC 20004 | General Electric Co | 860.50 | |
| Do | Lonza, Inc | | 188.10 |
| Do | Schenley Industries, Inc | | |
| Philip P. Friedlander Jr., 1250 Eye Street, NW, #400 Washington, DC 20005 | National Tire Dealers & Retreaders Assn | 1,600.00 | |
| James M. Friedman, 1100 Citizens Bldg. Cleveland, OH 44114 | Cleveland Electric Illuminating Co | 36,652.00 | 1,664.44 |
| Do | Coalition for Environmental Energy Balance | 16,809.00 | 971.68 |
| Friends of Animals, Inc, 400 First Street, NW, #800 Washington, DC 20001 | | 11,320.00 | 6,572.02 |
| Owen V. Frisby, 900 17th St., NW Washington, DC 20006 | Chase Manhattan Bank, N.A. | 230.00 | 15.76 |
| Susan T. Fritschler, 1111 19th Street, NW Washington, DC 20036 | Edison Electric Institute | 1,687.27 | 488.61 |
| Allyn M. Fritts, 1298 Woodside Drive Mclean, VA 22102 | New Bedford Seafood Council, Inc | 3,334.00 | 11.53 |
| William D. Fritts Jr., 1025 Connecticut Ave., NW Washington, DC 20036 | Health Insurance Assn of America, Inc | | |
| Charles H. Fritzel, 499 S. Capitol St., SE, #401 Washington, DC 20003 | National Assn of Independent Insurers | 400.00 | 420.00 |
| Jeffrey Fritzlen, 1120 20th Street, NW, #600-S Washington, DC 20036 | Union Pacific Corp | 2,000.00 | |
| Robert F. Froehlke, 1285 Avenue of The Americas New York, NY 10019 | Equitable Life Assurance Society of the U.S. | 1,800.00 | 10.00 |
| Catherine J. Frompovich, P.O. Box B-12 Richlandtown, PA 18955 | Coalition for Alternatives in Nutrition & Healthcare, Inc | | 266.70 |
| Marcy Stephens Frosh, 2030 M Street, NW Washington, DC 20036 | Common Cause | 8,391.30 | 347.65 |
| Full Employment Action Council, 815 16th Street, NW Washington, DC 20006 | | 18,622.00 | 2,473.85 |
| David A. Fulton, P.O. Box 7305, Dept. 77 Kansas City, MO 64116 | Farmland Industries, Inc | | |
| Claudia R. Fuquay, 727 North Washington Street Alexandria, VA 22314 | United Fresh Fruit & Vegetable Assn | 1,230.00 | 232.01 |
| Futures Industry Assn, Inc, 1825 Eye Street, NW, #1040 Washington, DC 20006 | | | |
| David H. Fyock, 600 Maryland Ave., SW, #520 Washington, DC 20024 | GPU Service Corporation | 4,900.00 | 1,230.53 |
| G-4 Children's Coalition, 1666 K St., NW, Rm. 1100 Washington, DC 20006 | | 42,629.65 | 15,326.09 |
| Terry Gabrielson, 490 L'enfant Plaza, SW, #3202 Washington, DC 20024 | Transco Energy Company | 1,200.00 | |
| James E. Gaffigan, 1899 L St., NW, #607 Washington, DC 20036 | Travel & Tourism Government Affairs Policy Council | 1,875.00 | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| John G. Gaine, Landfield Becker & Green 1818 N Street, NW, #300 Washington, DC 20036 | Board of Trade of the City of Chicago | | |
| Do | Search Group, Inc | | |
| Norman S. Gaines, 2550 M St., NW, #770 Washington, DC 20037 | RJR Nabisco, Inc | 2,200.00 | 1,222.49 |
| Joe H. Galis, P.O. Box 518 Zephyrhills, FL 32483 | | | |
| Karl Gallant, 8001 Braddock Road Springfield, VA 22160 | National Right to Work Committee | 3,000.00 | 487.94 |
| Mark Gallant, 1250 Connecticut Avenue, NW Washington, DC 20036 | National Forest Products Assn | 1,600.00 | |
| William R. Ganser Jr., 4804 Folse Dr. Metairie, LA 70002 | Southern Forest Products Assn | 2,950.00 | |
| Harry D. Garber, 1285 Avenue of The Americas New York, NY 10019 | Equitable Life Assurance Society of the U.S. | 1,200.00 | 20.00 |
| Sherwin Gardner, 1010 Wisconsin Ave., NW, #800 Washington, DC 20007 | Grocery Manufacturers of America, Inc | | |
| Gardner Carton & Douglas, 1875 I St., NW Washington, DC 20006 | Midcon Corp | | |
| Nancy Garland, 600 Maryland Avenue, SW, #400 Washington, DC 20024 | American Optometric Assn | | |
| Edward A. Garmatz, 2210 Lake Ave. Baltimore, MD 21213 | Baltimore Gas & Electric Co | | |
| Mary Leslie Garmon, 1010 Massachusetts Avenue, NW Washington, DC 20001 | National Food Brokers Assn | | |
| Garrett & Company, 1630 Connecticut Avenue, NW, #202 Washington, DC 20009 | Taiwan Power Company | 3,000.00 | 4,500.00 |
| Grenville Garside, 1050 Thomas Jefferson St., NW, 7th Fl. Washington, DC 20007 | Van Ness Feldman Sutcliffe & Curtis, P.c. (For:Central & South West Corp) | | |
| John C. Gartland, 214 Mass. Ave., NE, #210 Washington, DC 20002 | Amway Corp | | |
| Ann Lakin Garver, 1101 Connecticut Ave., NW, #300 Washington, DC 20036 | American Textile Manufacturers Institute, Inc | 50.00 | 20.00 |
| Garvey Schubert Adams & Barer, 1000 Potomac St., NW Washington, DC 20006 | Contractors Bonding & Insurance Co | 1,372.50 | |
| Do | CSX Corporation | 3,883.00 | |
| Do | Greenbriar Capital Corp | 3,458.00 | |
| Do | Greenbriar Leasing | 13,020.50 | |
| Do | Japan Fisheries Association | 752.50 | |
| Do | Northwest Marine Iron Works | 24,000.00 | |
| Do | Port of Tillamook Bay & Tillamook County | 16,214.00 | |
| Do | Sonatrach | 525.00 | |
| Do | Totem Ocean Trailer Express, Inc | 2,345.00 | |
| E. June Garvin, Ohio Petroleum Council 88 E. Broad, #1960 Columbus, OH 43215 | American Petroleum Institute | 4,000.00 | 1,402.79 |
| Mary A. Garza, 2555 Pennsylvania Avenue, NW, #407 Washington, DC 20037 | Jeweler's Coalition | 5,000.00 | 120.90 |
| Do | Zale Corporation | 815.36 | 929.25 |
| Do | Zale Corporation | 815.36 | 929.25 |
| Gas Appliance Manufacturers Assn, Inc, 1901 North Moore Street Arlington, VA 22209 | | | |
| Vernon Gasaway, 191 Sands Street, Apt. 5j Brooklyn, NY 11201 | | | |
| Lillian B. Gaskin, 1800 M St., NW Washington, DC 20036 | American Bar Assn | 400.00 | 50.00 |
| Russell J. Gaspar, 2555 M St., NW, #100 Washington, DC 20037 | Hanna Gaspar & Birkel (For:American Horse Protection Assn, Inc) | 500.00 | 25.80 |
| Philip Gasteyer, 1709 New York Ave., NW, #801 Washington, DC 20006 | U.S. League of Savings Institutions | 3,625.00 | |
| Bruce A. Gates, 201 Park Washington Court Falls Church, VA 22046 | National-American Wholesale Grocers' Assn | 3,000.00 | |
| Anne Gaudet, 444 No. Capitol Street, NW, #711 Washington, DC 20001 | UNIAO Nacional Para Independencia Total DeAngola | | |
| Ruthann Geib, 1156 15th Street, NW, #1020 Washington, DC 20005 | American Sugarbeet Growers Assn | | |
| Carole Sonnenfeld Geithner, 2030 M Street, NW Washington, DC 20036 | Common Cause | 1,482.02 | |
| Robert C. Gelardi, 5775 Peachtree-Dunwoody Rd., #500-D Atlanta, GA 30342 | Robert H. Kellen Co (For:Calorie Control Council) | | |
| Morton A. Geller, 100 Federal St. Boston, MA 02110 | First National Bank of Boston | 860.00 | |
| General Aviation Manufacturers Association, 1400 K Street, NW, #801 Washington, DC 20005 | | | 16,612.00 |
| General Instrument Corporation, 767 5th Ave. New York, NY 10153 | | 600.00 | 18.25 |
| Generic Pharmaceutical Industry Assn, 200 Madison Ave., #2404 New York, NY 10016 | | 4,806.93 | 4,806.93 |
| John Gentille, 1957 E St., NW Washington, DC 20006 | Associated General Contractors of America | | |
| Nancy Whorton George, 499 South Capitol Street, SW, #400 Washington, DC 20003 | Enron | 2,000.00 | |
| Do | Transco, Inc | | |
| George W. Gephart, P.O. Box 1475 Baltimore, MD 21203 | Baltimore Gas & Electric Co | | |
| Joseph G. Gerard, 918 16th St., NW, #402 Washington, DC 20006 | American Furniture Manufacturers Assn | 1,500.00 | 1,220.12 |
| Louis Gerber, 1925 K St., NW Washington, DC 20006 | Communications Workers of America | 6,227.52 | 125.97 |
| Daniel R. Gerkin, 1575 I Street, NW, #525 Washington, DC 20005 | Mining & Reclamation Council of America | 1,000.00 | |
| Phyllis H. Gerstell, 1850 K St., NW Washington, DC 20006 | American Council of Life Insurance, Inc | 1,500.00 | |
| Alvin J. Geske, 1016 16th Street, NW, 6th Floor Washington, DC 20036 | LTV Corp | | |
| David Troy Saxton Getty, 1857 N. Wilton Pl., #102 Los Angeles, CA 90028-5765 | | | |
| Danny Ghorbani, 10505 Cavalcade Street Great Falls, VA 22066 | Association for Regulatory Reform | 4,950.00 | 103.00 |
| William T. Gibb, 1850 K St., NW Washington, DC 20006 | American Council of Life Insurance, Inc | 25.00 | 5.00 |
| Wayne Gibbens, 1919 Pennsylvania Ave., NW, #503 Washington, DC 20006 | Mid-Continent Oil & Gas Assn | 20,000.00 | 450.00 |
| Anne Marie Gibbons, Third Floor 2301 M Street, NW Washington, DC 20037 | American Public Power Assn | 500.00 | |
| Theresa Gibson, 1771 N Street, NW Washington, DC 20036 | National Assn of Broadcasters | 1,500.00 | 470.00 |
| Gibson Dunn & Crutcher, 1050 Connecticut Ave., NW, #900 Washington, DC 20036 | Wheeling-Pittsburgh Steel Corp | 1,942.75 | 215.59 |
| Kenneth W. Gideon, 1150 Connecticut Avenue, NW Washington, DC 20036 | Weston Municipal Utility District | | 33.72 |
| William G. Giery, 1919 Pennsylvania Ave., NW Washington, DC 20006 | Foodservice & Lodging Institute | | |
| William L. Gifford, 100 Interpace Parkway Parsippany, NJ 07054 | GPU Nuclear Corp | | |
| Pamela Gilbert, 215 Pennsylvania Avenue, SE Washington, DC 20003 | U.S. Public Interest Research Group | 3,461.52 | |
| Michael Gildea, 815 16th St., NW Washington, DC 20006 | American Fed of Labor & Congress of Industrial Organizations | 17,642.83 | |
| John E. Giles, 1600 Eye St., NW Washington, DC 20006 | Motion Picture Assn of America, Inc | 350.00 | 396.23 |
| Floyd H. Gilkey, 2111 Harbor Drive Annapolis, MD 21401 | Chesapeake Industries, Inc | | |
| Mary Ann Gilleece, 1713 Maple Hill Place Alexandria, VA 22302 | Allied Defense Industries | 200.00 | |
| Ginn Edington Moore & Wade, 803 Prince Street Alexandria, VA 22314 | American Polygraph Assn | 24,000.00 | 150.40 |
| Do | Garrett Corporation | 12,600.00 | 55.80 |
| Do | Gulfstream Aerospace Corp | | |
| Do | Lockheed Corporation | 6,000.00 | 27.90 |
| Do | Lockheed-Georgia Co | 7,200.00 | 28.30 |
| Do | Mechanical Technology, Inc | 4,666.60 | 18.60 |
| Do | Professional Insurance Agents | | |
| Do | Rockwell International Corp | 12,000.00 | 52.70 |
| Do | Texas Instruments, Inc | 9,000.00 | 40.30 |
| Do | Turner Broadcasting System, Inc | | |
| Do | U.S. Cane Sugar Refiners' Assn | 2,000.00 | 9.30 |
| Do | Watkins Associated Industries, Inc | | |
| Gerard Giovaniello, 777 14th St., NW Washington, DC 20005 | National Assn of Realtors | 2,500.00 | 494.57 |
| Brenda M. Girton, 633 Pennsylvania Avenue, NW, #600 Washington, DC 20004 | Sears Roebuck & Co | 150.00 | |
| Francis J. Gist, 1511 K Street, NW, #809 Washington, DC 20005 | | | |
| Michael J. Giuffrida, 204 E Street, NE Washington, DC 20002 | National Frozen Food Association | 1,000.00 | |
| Sol Glasner, 2000 L St., NW, #810 Washington, DC 20036 | Sperry Corporation | | |
| Donna Gleason, 2000 L Street, NW, #810 Washington, DC 20036 | Sperry Corporation | | |
| Law Offices of Thos Gleason, 26 Broadway, 17th Floor New York, NY 10004 | International Longshoremen's Assn, AFL-CIO | | |
| Robert Gleason, 815 16th Street, NW Washington, DC 20006 | International Longshoremen's Assn, AFL-CIO | 8,958.66 | |
| Donald R. Glenn, 1627 K Street, NW, #200 Washington, DC 20006 | Energy Research Corp | | |
| Raymond A. Glennon, 1730 Pennsylvania Avenue, NW, #265 Washington, DC 20006 | Air Products & Chemicals, Inc | 1,800.00 | 62.50 |
| Global USA, Inc, Global House 1823 Jefferson Place, NW Washington, DC 20036 | Fanuc Ltd | | |
| Do | Hitachi Ltd | 324.00 | |
| Do | Komatsu Ltd | 240.00 | |
| Do | Kyocera Corporation | | |
| Do | Mazak Corporation | 144.00 | |
| Do | Samsung Semiconductor & Telecommunication Co | | |
| Stephanie R. Godley, 1611 N. Kent Street, #800 Arlington, VA 22209 | American Apparel Manufacturers Assn, Inc | 1,000.00 | 50.00 |
| James W. Godlove, 1825 K Street, NW, #1107 Washington, DC 20006 | Phillips Petroleum Co | 1,020.00 | 49.65 |
| Jean C. Godwin, Laroe Winn & Moerman 1120 G Street, NW, #800 Washington, DC 20005 | Coordinating Comm for Rail Competition | | |
| Richard P. Godwin, P.O. Box 3965 San Francisco, CA 94119 | Bechtel Civil & Minerals, Inc | | |
| Judith M. Goff, 375 Jackson Street St. Paul, MN 55101 | Farm Credit Services | 600.00 | 1,628.52 |
| Joseph Goffman, 215 Pennsylvania Avenue, SE Washington, DC 20003 | Public Citizen's Congress Watch | 5,250.00 | |
| A. James Golato, 2300 M St., NW, #800 Washington, DC 20037 | H&R Block, Inc | | |
| Harvey S. Gold, 8100 Oak Street Dunn Loring, VA 22027 | National Pest Control Assn | | |
| Gold & Liebengood, Inc, The Willard Office Building 1455 Pennsylvania Avenue, NW, #950 Washington, DC 20004 | American Academy of Ophthalmology | 2,800.00 | 1,408.00 |
| Do | ALIGNPAC | 2,002.00 | 1,066.00 |
| Do | Bank of America | | 252.00 |
| Do | Chemical Bank | | 252.00 |
| Do | Citicorp | | 252.00 |
| Do | City of Pueblo | 3,750.00 | 1,133.00 |
| Do | College of American Pathologists | 5,000.00 | 1,408.00 |
| Do | Conrail Acquisition Corp, Inc | 15,000.00 | 1,408.00 |
| Do | Doremus & Co | 6,125.00 | 1,224.00 |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Do | Electronic Data Systems Corp | 12,500.00 | 1,349.00 |
| Do | Energy Research Corp #200 | 8,400.00 | 1,408.00 |
| Do | Equitable Life Assurance Society of the U.S. | 20,000.00 | 1,408.00 |
| Do | Eye Bank Assn of America | 1,500.00 | 1,406.00 |
| Do | Federated Investors, Inc | 6,250.00 | 1,008.00 |
| Do | Fiat, USA | 8,000.00 | 1,204.00 |
| Do | Ford Motor Co | 1,731.00 | 1,337.00 |
| Do | Investment Company Institute | 2,037.00 | 1,164.00 |
| Do | Mariott Group/Marriott Corp | 5,168.00 | 1,363.00 |
| Do | Marist College | | 1,089.00 |
| Do | Martin Marietta Corp | 2,500.00 | 1,145.00 |
| Do | MCI Communications | 31,200.00 | 1,408.00 |
| Do | National Football League | 8,990.00 | 1,408.00 |
| Do | National School Transportation Assn | 5,300.00 | 1,408.00 |
| Do | National Venture Capital Assn | 2,953.00 | 1,408.00 |
| Do | Outdoor Advertising Assn of America, Inc | | 1,008.00 |
| Do | Phillips Petroleum Co | 5,000.00 | 1,408.00 |
| Do | Professional Services Council | 12,375.00 | 1,408.00 |
| Do | Public Securities Assn | 27,000.00 | 1,408.00 |
| Do | Texas Cattlefeeders Assn | 6,806.00 | 1,408.00 |
| Do | Texas Commerce Bank | | 252.00 |
| Do | Ticor Title Insurance Co | 10,381.00 | 1,105.00 |
| Do | Times Mirror Co | 6,847.00 | 1,408.00 |
| Do | Tobacco Institute | 30,000.00 | 1,408.00 |
| Do | Washington Metropolitan Area Transit Authority | 15,750.00 | 1,008.00 |
| James R. Golden, 2792 N. Quebec Street Arlington, VA 22207 | Ford Motor Co | 700.00 | 556.00 |
| Golden Freda & Schraub, P.C., 1625 Massachusetts Avenue, NW, #300 Washington, DC 20036 | Atlantic Satellite Comm, Inc & Earth Station Satellite | | |
| Ronald L. Goldfarb, Goldfarb & Singer 918 16th Street, NW, #503 Washington, DC 20003 | Washington Independent Writers, Inc | | |
| Robert H. Goldsborough, 5508 Lombardy Place Baltimore, MD 21210 | Americans for Immigration Control, Inc | 6,000.00 | |
| Benson S. Goldstein, 1010 North Fairfax Street Alexandria, VA 22314 | National Soc of Public Accountants | | |
| Helane L. Goldstein, 2626 Pennsylvania Avenue, NW Washington, DC 20037 | National Telephone Cooperative Assn | 1,862.50 | 345.49 |
| Jack Golodner, 815 16th St., N.w. Washington, DC 20006 | Department for Professional Employees, AFL-CIO | 4,211.38 | |
| Ruth M. Goltzer, 1785 Massachusetts Avenue, NW Washington, DC 20036 | National Trust for Historic Preservation | 2,359.84 | 17.35 |
| John Gonella, 412 First St., SE, #200 Washington, DC 20036 | Association of American Railroads | 456.24 | 120.10 |
| Ruth Gonze, Third Floor 2301 M Street, NW Washington, DC 20037 | American Public Power Assn | 500.00 | |
| David R. Goode, 8 N. Jefferson Street Roanoke, VA 24042 | Norfolk Southern Corp | 345.00 | 274.95 |
| Richard F. Goodstein, 1150 Connecticut Avenue, NW, #600 Washington, DC 20036 | Browning-Ferris Industries, Inc | 210.00 | 49.25 |
| Lee M. Goodwin, Wickwire Gavin & Gibbs, P.C. 1133 21st Street, NW Washington, DC 20036 | National Hydropower Assn | | |
| Do | Purpa Coalition, Inc | | |
| Robert F. Goodwin, 1850 K St., NW, Suite 275 Washington, DC 20006 | Meredith Corp | 40.00 | 18.75 |
| John Gordley, The Power House 3255 Grace Street, NW Washington, DC 20007 | Gray & Co Public Communications Int'l, Inc (For:Agriculture for Market Oriented Policies (Ag-MOP)). | | |
| Do | Gray & Co Public Communications Int'l, Inc (For:Iowa Pork Producers Assn) | | |
| Randall C. Gordon, 725 15th Street, NW Washington, DC 20005 | National Grain & Feed Assn | | |
| Stephen Gordon, 1016 16th St., NW Washington, DC 20036 | National Fed of Federal Employees | | |
| Irmgard Gordos, 5 Culp St., Box #40 Inman, SC 29349 | American Security Council | | |
| Millicent Gorham, 600 Maryland Ave., SW, #400e Washington, DC 20024 | American Optometric Assn | | |
| David W. Gorman, 807 Maine Avenue, SW Washington, DC 20024 | Disabled American Veterans | 13,322.40 | 150.00 |
| James D. Gormley, 1400 K Street, NW, #801 Washington, DC 20005 | General Aviation Manufacturers Association | 3,750.00 | |
| John T. Gould Jr., One Champion Plaza Stamford, CT 06921 | Champion International Corp | | |
| Hugh J. Gownley, 1818 N St., NW Washington, DC 20036 | DGA International, Inc (For:SNECMA) | | |
| Edmund Graber, 1957 E Street, NW Washington, DC 20006 | Associated General Contractors of America | 1,000.00 | 500.00 |
| John R. Graff, 1025 Vermont Ave., NW, #330 Washington, DC 20005 | International Assn of Amusement Parks & Attractions | | |
| Elaine Graham, 201 Park Washington Court Falls Church, VA 22046 | National-American Wholesale Grocers' Assn | 3,000.00 | |
| Lawrence T. Graham, 1401 New York Avenue, NW, #400 Washington, DC 20005 | National Food Processors Assn | 500.00 | 100.00 |
| Luis L. Granados, 1725 Desales St., NW, #400 Washington, DC 20036 | ESOP Association of America | | |
| Frances Turk Granahan, 1090 Vermont Avenue, NW, #600 Washington, DC 20005 | Texas Eastern Transmission Corp | | 413.67 |
| James I. Granger, 1911 Jefferson Davis Highway, #1002 Arlington, VA 22206 | Piper Aircraft Corporation | 500.00 | 335.00 |
| William W. Grant, 1150 Connecticut Ave., NW, #710 Washington, DC 20036 | Utah International, Inc | | 275.09 |
| James L. Granum, 1050 Connecticut Ave., NW Washington, DC 20036 | Norfolk Southern Corp | 1,000.00 | |
| Alan W. Granwell, Cadwalader Wickersham & Taft 1333 New Hampshire Ave., NW Washington, DC 20036 | Squibb Corporation | | |
| Grassroots, Nat'l Assn of Farm Credit System Stockholders, 501 Alabama Street P.O. Box 1070 Jacksonville, TX 75766 | | | |
| Karla L. Graue, 1724 Massachusetts Avenue, NW Washington, DC 20036 | National Cable Television Assn, Inc | 892.00 | |
| David C. Gray, 2939 Van Ness Street, NW, #108 Washington, DC 20008 | American Camping Association | 6,000.00 | 1,066.84 |
| Do | Portsmouth-Kittery Armed Services Committee, Inc | | 298.58 |
| James A. Gray, 7901 Westpark Dr. Mclean, VA 22102 | National Machine Tool Builders' Assn | 906.00 | 25.00 |
| Robert K. Gray, The Power House 3255 Grace Street, NW Washington, DC 20007 | Gray & Co Public Communications Int'l, Inc (For:Agriculture for Market Oriented Policies). | | |
| Do | Gray & Co Public Communications Int'l, Inc (For:Bell Atlantic Management Services) | | |
| Do | Gray & Co Public Communications Int'l, Inc (For:Budd Company) | | |
| Do | Gray & Co Public Communications Int'l, Inc (For:Canadian Asbestos Information Centre). | | |
| Do | Gray & Co Public Communications Int'l, Inc (For:Electronic Industries Assn of Japan) | | |
| Do | Gray & Co Public Communications Int'l, Inc | | |
| Do | Gray & Co Public Communications Int'l, Inc (For:Grumman Corporation) | | |
| Do | Gray & Co Public Communications Int'l, Inc (For:Hyundai Motor America) | | |
| Do | Gray & Co Public Communications Int'l, Inc (For:HRH Prince Talal Bin Abdul Aziz Al Saud). | | |
| Do | Gray & Co Public Communications Int'l, Inc (For:HTB Corporation) | | |
| Do | Gray & Co Public Communications Int'l, Inc (For:Iowa Pork Producers Assn) | | |
| Do | Gray & Co Public Communications Int'l, Inc (For:Joint Maritime Congress) | | |
| Do | Gray & Co Public Communications Int'l, Inc (For:Mutual of Omaha) | | |
| Do | Gray & Co Public Communications Int'l, Inc (For:Republic of Turkey) | | |
| Do | Gray & Co Public Communications Int'l, Inc (For:Shaklee Corporation) | | |
| Do | Gray & Co Public Communications Int'l, Inc (For:Stroh Brewery Co) | | |
| Do | Gray & Co Public Communications Int'l, Inc (For:Tesoro Petroleum Corp) | 350.00 | |
| Do | Gray & Co Public Communications Int'l, Inc (For:Title Insurance Industry Coalition) | | |
| Do | Gray & Co Public Communications Int'l, Inc (For:Tobacco Institute) | 175.00 | |
| Do | Gray & Co Public Communications Int'l, Inc (For:U.S. Banknote Corp) | | |
| Do | Gray & Co Public Communications Int'l, Inc (For:United Airlines, Inc) | | |
| Mark E. Grayson, 1201 Pennsylvania Ave., NW, #700 Washington, DC 20004 | Hill & Knowlton, Inc | | |
| Mary R. Grealy, 1111 19th Street, NW, #402 Washington, DC 20036 | Federation of American Health Systems | 1,500.00 | |
| Great American Reserve Insurance Co, 2020 Live Oak P.O. Box 388 Dallas, TX 75221 | | | |
| Greater Washington Board of Trade, 1129 20th St., NW Washington, DC 20036 | | | |
| Greater Washington/Maryland Service Station Assn, 9420 Annapolis Rd., #307 Lanham, MD 20706 | | 1,500.00 | 1,500.00 |
| James R. Greco, P.O. Box 3151 Houston, TX 77001 | Browning-Ferris Industries, Inc | | |
| Donald R. Greeley, 1101 17th St., NW, #307 Washington, DC 20036 | Celanese Corp | 2,500.00 | 778.42 |
| Edward M. Green, 1920 N St., NW Washington, DC 20036 | American Mining Congress | | |
| George R. Green, 1750 K St., NW Washington, DC 20006 | Food Marketing Institute | 450.00 | |
| John K. Green, 800 American Charter Center 1623 Farnam St. Omaha, NB 68102 | Papillion-Lavista Nebrask School District | 3,843.00 | 282.74 |
| Leon Green Jr., 1133 21st Street, NW, #500 Washington, DC 20036 | Clean Coal Coalition, Inc | | |
| Micah S. Green, 1133 19th Street, NW Washington, DC 20036 | MCI Communications Corp | 2,000.00 | 240.16 |
| Randy Green, 600 Maryland Avenue, SW, #510 Washington, DC 20024 | American Soybean Association | 2,225.00 | 145.65 |
| H. Thomas Greene, 412 1st St., SE Washington, DC 20003 | National Automobile Dealers Assn | 7,500.00 | |
| Marci E. Greenstein, 2626 Pennsylvania Avenue, NW Washington, DC 20037 | National Telephone Cooperative Assn | 2,330.00 | 347.58 |
| Dale W. Greenwood, 612 Hoge Bldg. Seattle, WA 98104 | Washington Railroad Assn | | |
| Sarah Massengale Gregg, 1667 K Street, NW, #710 Washington, DC 20006 | Baxter Travenol Laboratories, Inc | | |
| Saunders Gregg, PO Box 2628 Houston, TX 77252 | Entex, Inc | | 78.50 |
| John D. Gregory, Lewis Babcock Gregory & Pleicones P.O. Box 11208 Columbia, SC 29211 | Camp Carmouche Barsh... (for Sears Roebuck & Co) | | |
| Do | Multifamily Housing Association | | |
| Do | Norfolk Southern Corp | 4,760.00 | 1,179.02 |
| William G. Greif, 1155 15th St., NW Washington, DC 20005 | Bristol-Myers Co | 500.00 | |
| Ginny Grenham, 2501 M Street, NW Washington, DC 20037 | Chemical Manufacturers Assn, Inc | 280.00 | 305.09 |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Ellen Griffee, 1413 K Street, NW, 10th Fl. Washington, DC 20005 | Association of Science-Technology Centers | 6,994.00 | 226.30 |
| Joseph S. Griffin, 761 Kenilworth Avenue Dayton, OH 45405 | J.S. Griffin & Associates | | |
| Mark N. Griffiths, Smith Bucklin & Associates 1101 Connecticut Ave, NW, #700 Washington, DC 20036 | National Assn of Metal Finishers | 750.00 | |
| Jack Grimes, 8100 Oak Street Dunn Loring, VA 22027 | National Pest Control Assn | | 70.56 |
| Norman E. Grimm Jr., 8111 Gatehouse Road Falls Church, VA 22047 | AAA Potomac | | |
| Olga Grkavac, 1300 North 17th St., #300 Arlington, VA 22209 | Association of Data Processing Service Organizations | | |
| Grocery Manufacturers of America, Inc, 1010 Wisconsin Ave., NW, #800 Washington, DC 20007 | | | 999.98 |
| James J. Grogan, P.O. Box 19614 Irvine, CA 92714 | Lincoln Savings & Loan Assn | 10,000.00 | 3,000.00 |
| James N. Groninger, 777 14th Street, NW Washington, DC 20005 | National Assn of Realtors | 2,500.00 | 668.54 |
| Groom & Nordberg, Chtd, 1775 Pennsylvania Avenue, NW, #700 Washington, DC 20006 | Aluminum Company of America | | |
| Do | American Petrofina, Inc | 200.00 | 8.00 |
| Do | American Petroleum Institute | | |
| Do | Bankers Life Company | | |
| Do | Baxter Travenol Laboratories, Inc | | |
| Do | Chevron Corporation | 200.00 | 10.00 |
| Do | Colorado-Ute | 400.00 | 20.00 |
| Do | Connecticut General Insurance Co | | |
| Do | Eli Lilly & Company | 100.00 | 8.00 |
| Do | Equitable Life Assurance Society of the U.S. | | |
| Do | Goldman Sachs & Co | | |
| Do | John Hancock Mutual Life Insurance Co | | |
| Do | Minnesota Mutual Life Insurance Company | | |
| Do | Murphy Oil USA, Inc | 150.00 | 8.00 |
| Do | New York City Teachers Retirement System | | |
| Do | Ocean Drilling & Exploration Co | | |
| Do | Phillips Petroleum Co | | |
| Do | Physicians Mutual Insurance Co | 800.00 | 50.00 |
| Do | Prudential Insurance Co of America | 600.00 | 40.00 |
| Do | Puerto Rico, USA Foundation | 600.00 | 40.00 |
| Do | R.J. Reynolds | | |
| Do | Reading & Bates Corporation | | |
| Do | Southern California Edison Co | 100.00 | 8.00 |
| Do | Union Texas Petroleum Corp | 100.00 | 8.00 |
| Do | Westinghouse Electric Corp | 100.00 | 8.00 |
| Nina G. Gross, 1120 Connecticut Ave., NW Washington, DC 20036 | American Bankers Assn | 1,500.00 | 1,182.57 |
| Ed Grosswiler, 920 SW Sixth Avenue 1400 Public Service Building Portland, OR 97204 | Pacific Power & Light Co | 2,426.00 | |
| Walter B. Grubbs, P.O. Box 841 Abilene, TX 79604 | West Texas Utilities Co | 423.90 | 700.67 |
| John T. Grupenhoff, 10,000 Falls Rd., #306 Potomac, MD 20854 | American Academy of Dermatology | 3,150.00 | 312.60 |
| Do | American Academy of Otolaryngology-Head & Neck Surgery | 400.00 | 170.70 |
| Do | American Gastroenterological Assn | 1,200.00 | 189.40 |
| Do | American Soc for Gastrointestinal Endoscopy | 1,200.00 | 189.40 |
| Do | American Soc of Clinical Oncology | 600.00 | 167.90 |
| Do | American Urological Assn/Amer Assn of Clinical Urologists | 860.00 | 170.70 |
| Do | Association of American Cancer Institutes | 1,110.00 | 202.60 |
| Do | Cooley's Anemia Foundation | 200.00 | 170.70 |
| Do | National Hemophilia Foundation | 400.00 | 179.20 |
| Gerald M. Guarilia, 70 North Main Street Wilkes-Barre, PA 18711 | Blue Cross of Northeastern Pennsylvania | | |
| Mary Scott Guest, 1919 Pennsylvania Ave., NW, #800 Washington, DC 20006 | Dillon Reed & Co, Inc | 20,000.00 | |
| Do | Kidder Peabody & Co, Inc | | |
| Do | LF Rothschild Unterberg Towbin, Inc | 1,000.00 | |
| Do | O'Connor & Hannan | 6,000.00 | |
| Do | South Carolina State Family Farm Development Authority | | |
| Clark J. Guild Jr., Guild Hagen & Clark, Ltd 102 Roff Way Reno, NV 89505 | Motion Picture Assn of America, Inc | 600.00 | 275.00 |
| James E. Guirard Jr., 1730 Rhode Island Avenue, NW, #419 Washington, DC 20036 | Bell Aerospace Textron | | |
| Do | BASF Wyandotte Corp | 1,500.00 | 35.00 |
| Do | KMS Fusion, Inc | 2,000.00 | 55.00 |
| Do | Tano Corporation | | |
| Do | Walk-Haydel, Inc | 2,000.00 | 120.00 |
| Jerome R. Guian, 1155 15th St., NW, #710 Washington, DC 20005 | National Small Business Assn | 3,183.00 | |
| Jack Gullahorn, P.O. Box 571 Austin, TX 78767 | Coastal Conservation Assn | 2,000.00 | 1,692.52 |
| Dan A. Gunderson, Minnesota Petroleum Council 386 N. Wabasha St., #1025 St. Paul, MN 55102 | American Petroleum Institute | 45.00 | 256.65 |
| David Gusky, 1016 16th Streeet, NW Washington, DC 20036 | National Fed of Federal Employees | 1,281.82 | |
| Susan L. Gustafson, 8111 Gatehouse Road Falls Church, VA 22047 | American Automobile Assn | | |
| Paul D. Guth, 1200 Four Penn Center Philadelphia, PA 19103 | Philadelphia Stock Exchange | | |
| Robert F. Guthrie, 815 16th St., NW, #608 Washington, DC 20006 | Department for Professional Employees, AFL-CIO | 5,317.66 | |
| Alvin M. Guttman, 818 Connecticut Ave., NW, #300 Washington, DC 20006 | Towing & Recovery Assn of America, Inc | | |
| Dallas E. Gwynn, Balcor Plaza 4849 Golf Road Skokie, IL 60077 | Balcor Co | 19,500.00 | 6,043.79 |
| Jane Scherer Haake, 1667 K Street, NW, #420 Washington, DC 20006 | Mead Corporation | 375.00 | |
| Dana W. Haas, 1920 N St., NW, #720 Washington, DC 20036 | Kansas City Power & Light Co | 3,000.00 | 5,567.06 |
| George Hacker, 1501 16th Street, NW Washington, DC 20036 | Center for Science in the Public Interest | 600.00 | |
| Craig Hackler, 400 N. Capitol St., NW, #320 Washington, DC 20001 | Beneficial Management Corp of America | 500.00 | |
| Do | Cadillac Fairview U.S., Inc | 10,000.00 | |
| Do | International Chiropractic Assn | | |
| Loyd Hackler, 1616 H St., NW Washington, DC 20006 | American Retail Federation | 1,000.00 | 50.00 |
| Charles W. Hackney Jr., 15th & M sts., NW Washington, DC 20005 | National Assn of Home Builders of the U.S. | | |
| William G. Haddeland, 1025 Connecticut Avenue, NW Washington, DC 20036 | Ashland Oil, Inc | 2,000.00 | |
| Gene P. Haflich, Indiana Petroleum Council 714 Harrison Building Indianapolis, IN 46204 | American Petroleum Institute | 983.04 | 1,631.95 |
| Thomas M. Hagan, 1005 Congress Ave., #795 Austin, TX 78701 | Central & South West Services, Inc | 2,046.00 | 813.54 |
| Hagedorn-Cando, Inc, 1704 23rd St., So. Arlington, VA 22202 | Hansen Engine Corp | | |
| Do | Manatt Phelps Rothenberg... (for Pyramid Corp) | 5,000.00 | |
| Do | Manatt Phelps Rothenberg... (for Rollins Environment Servs) | | |
| Do | Davy McKee Corp | | |
| Do | Yankee Energy Co | | |
| Ann Hagemann, 1735 Desales St., NW, #400 Washington, DC 20036 | Association of Maximum Service Telecasters, Inc | | |
| Bruce N. Hahn, 9300 Livingston Rd. Ft. Washington, MD 20744 | National Tooling & Machining Assn | 15,076.95 | 2,018.62 |
| Peter H. Hahn, 1100 17th St., NW, #1000 Washington, DC 20036 | Chromalloy American Corp | 5,000.00 | |
| Thomas F. Hairston, 1050 Connecticut Ave., NW, #760 Washington, DC 20036 | Union Oil Co of California | 6,000.00 | 1,189.13 |
| Randolph M. Hale, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004 | National Assn of Manufacturers | | |
| Hale and Dorr, 1455 Pennsylvania Avenue, NW Washington, DC 20004 | Indian Land Claim Committee | | |
| Do | Town of Gay Head | 5,052.60 | 154.47 |
| Do | Town of Mashpee | | |
| Beverly Halem, P.O. Box 1419 Cocoa, FL 32922 | Halem Industries, Inc | | |
| George W. Haley, 1511 K Street, NW, #940 Washington, DC 20005 | Grocery Manufacturers of America, Inc | | |
| Martin Haley Companies, Inc, 1015 15th St., NW Washington, DC 20005 | M&M/Mars | | |
| Edwin K. Hall, 1133 19th Street, NW Washington, DC 20036 | MCI Communications Corp | 5,000.00 | 368.76 |
| Richard F. Hall, 1700 K Street, NW, #502 Washington, DC 20006 | Pacific Resources, Inc | 500.00 | |
| William F. Hall, P.O. Box 803887 Chicago, IL 60680-3887 | Midwest Public Affairs-Management Consulting Group | | |
| Marian Hall-Crawford, 316 Pennsylvania Avenue, SE, #301 Washington, DC 20003 | San Diego Gas & Electric | 1,275.00 | 3,206.63 |
| Paul Halliszy, 1625 Massachusetts Avenue, NW Washington, DC 20036 | Air Line Pilots Assn | 6,250.00 | 487.85 |
| Joseph Halow, 1747 Pennsylvania Ave., NW, #1175 Washington, DC 20006 | North American Export Grain Assn, Inc | | |
| Maurice E. Halsey, P.O. Box 190 Aurora, IL 60507 | Northern Illinois Gas Company | 2,000.00 | |
| J. Phillip Halstead, P.O. Box 24305 Oakland, CA 94623 | Clorox Company | | |
| Paul T. Haluza, 1120 19th St., NW, #333 Washington, DC 20036 | Motor and Equipment Manufacturers Association | 3,000.00 | 558.65 |
| Newman T. Halvorson Jr., 888 16th St., NW Washington, DC 20006 | Trustees of the Penn Central Transportation Co | | |
| Hamel & Park, 888 16th Street, NW Washington, DC 20006 | Beneficial Foundation | | |
| Do | Estate of Helen Wodell Halbach | 468.75 | 3,333.33 |
| Do | Graeper-Van Noy-Wagner, Inc | | |
| Do | Grand Trunk Corp | 3,365.50 | 82.71 |
| Do | Skylink Corporation, Inc | | |
| Do | Tandy Corporation | | |
| J. Lee Hamilton, 1331 Pennsylvania Avenue, NW, #1550N Washington, DC 20004-1703 | National Assn of Manufacturers | 228.96 | |
| James L. Hamilton III, 818 Connecticut Ave., NW Washington, DC 20006 | USX Corp | 630.00 | 8.01 |
| Philip W. Hamilton, 1825 K St., NW Washington, DC 20006 | American Soc of Mechanical Engineers | | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Violet B. Hamilton, 4-21 Astoria Blvd., #5b Long Island City, NY 11102 | Astoria Tenants Organization | | |
| Susan Woodward Hamlin, 1957 E Street, NW Washington, DC 20006 | Associated General Contractors of America | | |
| Amy R. Hammer, 1899 L St., NW, #1100 Washington, DC 20036 | Exxon Corporation | 1,411.00 | 312.71 |
| Timothy A. Hanan, 1100 Connecticut Avenue, NW Washington, DC 20036 | Mobil Oil Corp | 1,500.00 | |
| Ted Handel, Third Floor 2301 M Street, NW Washington, DC 20037 | American Public Power Assn | 4,000.00 | |
| Handgun Control, Inc, 1400 K Street, NW, #500 Washington, DC 20005 | | 770,225.00 | 301,135.00 |
| Elisabeth Hanlin, 2000 L St., NW, #810 Washington, DC 20036 | Sperry Corporation | | |
| Thomas H. Hanna, 300 New Center Building Detroit, MI 48202 | Motor Vehicle Manufacturers Assn of the U.S., Inc | 25.00 | |
| Hannaford Co, Inc, 655 15th St., NW, #200 Washington, DC 20005 | BHC, Inc | | |
| Do | China External Trade Development Council | 1,650.00 | |
| Do | Presidency of the Republic of Mexico | 22,075.25 | 4,852.79 |
| Do | Rockwell International Corp | | |
| Do | Smokeless Tobacco Council, Inc | | |
| Do | Trans World Airlines, Inc | | |
| Hansell & Post, 1667 K St., NW, #500 Washington, DC 20006 | CSX Corporation | | |
| Do | Ogden Corp | 9,817.50 | 63.90 |
| Do | Rockwell International Corp | 8,000.00 | 18.17 |
| Do | United Family Life Insurance Co | | |
| Christopher W. Hansen, 1700 N. Moore Street Rosslyn, VA 22209 | General Dynamics Corp | | |
| Erling Hansen, 624 9th St., NW, #700 Washington, DC 20001 | Group Health Assn of America, Inc | 100.96 | |
| J. E. Hansen, 400 1st St., NW Washington, DC 20001 | Brotherhood of Railroad Signalmen | 350.00 | |
| Daniel J. Hanson Sr., 525 School St., SW Washington, DC 20024 | American Road & Transportation Builders Assn | 22,662.00 | 583.00 |
| Peter J. Hapworth, 1015 15th Street, NW, #200 Washington, DC 20005 | National Pork Producers Council | 2,000.00 | 9.00 |
| Robert N. Harbor, 1050 Connecticut Avenue, NW, #200 Washington, DC 20036 | El Paso Natural Gas Co | | |
| Mary V. Harcar, 1020 19th Street, NW, #200 Washington, DC 20036 | Mason Perrin & Kanovsky (For:GTE Service Corp) | 1,200.00 | 93.36 |
| Do | Mason Perrin & Kanovsky (For:Manufacturers Life Insurance Co, Inc) | 6,664.00 | 1,305.40 |
| Ralph Harding, Suite 717 Watergate 2600 Virginia Avenue, NW Washington, DC 20037 | Philippine Sugar Commission | 60,000.00 | 34,509.74 |
| Eugene J. Hardy, 1100 17th St., NW, #1000 Washington, DC 20036 | Gerber Products Co | 500.00 | 18.50 |
| Stuart B. Hardy, 1615 H Street, NW Washington, DC 20062 | Chamber of Commerce of the U.S. | | |
| Jon Harkavy, 205 East 42nd Street New York, NY 10017 | Risk & Insurance Management Society, Inc | | |
| Charles N. Harkey, 453 New Jersey Avenue, SE Washington, DC 20003 | Beneficial Management Corp of America | 1,386.00 | |
| William G. Harley, 1235 Jefferson Davis Highway, #606 Arlington, VA 22202 | National Utility Contractors Assn | | |
| Dan R. Harlow, 717 N. Harwood Street Dallas, TX 75201 | Diamond Shamrock Corp | 1,000.00 | |
| Patricia L. Harmening, 316 Pennsylvania Ave., SE, #301 Washington, DC 20003 | San Diego Gas & Electric | 575.00 | 3,138.56 |
| Toni Harrington, 955 L'enfant Plaza North, SW, #905 Washington, DC 20024 | American Honda Motor Co, Inc | 200.00 | 168.99 |
| Crane B. Harris, 1735 New York Avenue, NW Washington, DC 20006 | American Institute of Architects | 1,000.00 | 25.00 |
| Marilyn A. Harris, 818 Connecticut Avenue, NW Washington, DC 20006 | USX Corporation | 455.00 | 281.39 |
| Milton E. Harris, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037 | Harris Steel Group, Inc | 140.81 | 564.44 |
| Richard M. Harris, 525 School St., SW Washington, DC 20024 | American Road & Transportation Builders Assn | 16,920.00 | 583.76 |
| Sandra Zeune Harris, 1120 20th Street, NW, #700 Washington, DC 20036 | Williams Companies | 100.00 | |
| Harris & Berg, 1101 30th St., NW, #103 Washington, DC 20007 | Association of Food Industries, Inc | | |
| Do | Cheese Importers Assn of America, Inc | 2,070.00 | 15.00 |
| Do | Committee of Domestic Steel Wire Rope & Specialty Cable Mfrs | | |
| Do | P. L. Thomas & Co, Inc, et al | | |
| Jim Harrison, 1225 Connecticut Ave., NW, 306 Washington, DC 20036 | Association of Urban Universities | 3,750.00 | 416.37 |
| Anne Harrison-Clark, 1725 H Street, NW, #814 Wsahington, DC 20006 | March of Dimes Birth Defects Foundation | 4,125.00 | 158.08 |
| William H. Harsha, 1102 Delf Drive Mclean, VA 22101 | Wm. H. Harsha & Assoc, Inc (For:Airline Pilots Assn) | 2,500.00 | |
| Do | Wm. H. Harsha & Assoc, Inc (For:Newman Signs, Inc) | 5,000.00 | |
| Do | William H. Harsha & Associates, Inc (For:Norfolk Southern Corp) | 7,500.00 | |
| Jayne A. Hart, 1101 Vermont Avenue, NW Washington, DC 20005 | American Medical Assn | 3,750.00 | |
| Lynn S. Hart, 1111 19th St., NW, #402 Washington, DC 20036 | Federation of American Health Systems | 3,000.00 | |
| Susan P. Hart, 1600 M Street, NW Washington, DC 20036 | Investment Company Institute | | |
| Hartford Fire Insurance Co, Hartford Plaza Hartford, CT 06115 | | | 35,800.00 |
| Gabriel A. Hartl, 2020 N. 14th Street, #410 Arlington, VA 22201 | Air Traffic Control Assn, Inc | | |
| Arthur W. Hartmann, 1800 Massachusetts Avenue, NW Washington, DC 20036 | National Rural Electric Cooperative Assn | | |
| Edwin Harold Harvey, 1016 16 St., NW Washington, DC 20036 | National Fed of Federal Employees | | |
| Clifford J. Harvison, 2200 Mill Rd. Alexandria, VA 22314 | National Tank Truck Carriers, Inc | | |
| Holly Hassett, 1730 Rhode Island Avenue, NW, #206 Washington, DC 20036 | Hershey Foods Corp | | |
| Walter A. Hasty Jr., 801 18th Street, NW, #400 Washington, DC 20006 | Procter & Gamble Manufacturing Co | 447.57 | |
| Janet Hathaway, 1412 16th Street, NW Washington, DC 20036 | Congress Watch | | |
| Do | National Wildlife Federation | 4,624.00 | |
| Gary R. Hattal, 8701 Georgia Avenue, #701 Silver Spring, MD 20910 | International Fed of Professional & Technical Engineers | | |
| Howard M. Haug, 100 East 42nd St. New York, NY 10017 | National Foreign Trade Council, Inc | 16,333.00 | 2,789.96 |
| James N. Haug, 55 E. Erie Street Chicago, IL 60611 | American College of Surgeons | | |
| Barbara S. Haugen, 1401 New York Ave., NW, #720 Washington, DC 20005 | National Assn of Insurance Brokers, Inc | 2,700.00 | |
| Marilyn Beth Haugen, 1250 Connecticut Avenue, NW Washington, DC 20036 | American Paper Institute, Inc | | |
| Barbara J. Haugh, 1050 Connecticut Avenue, NW, #760 Washington, DC 20036 | Union Oil Co of California | | 1,342.18 |
| Mary W. Haught, 1800 K St., NW, #820 Washington, DC 20006 | Sun Co, Inc | 725.00 | |
| Charles W. Havens III, 1333 New Hampshire Avenue, NW Washington, DC 20036 | Leboeuf Lamb Leiby & Macrae | | |
| Kathryn Joann Hawes, 818 Roeder Rd., #702 Silver Spring, MD 20910 | International Fed of Professional & Technical Engineers | | |
| Sidney G. Hawkes, 1667 K St., NW, #420 Washington, DC 20006 | Mead Corporation | 2,500.00 | 40.00 |
| Charles E. Hawkins III, 729 15th Street, NW Washington, DC 20005 | Associated Builders & Contractors, Inc | 2,500.00 | |
| John H. Hawkins Jr., 600 N. 18th St. Birmingham, AL 35291 | Alabama Power Co | 14,928.90 | |
| David J. Hayes, 815 Connecticut Ave., NW Washington, DC 20006 | American Electronics Assn | | 159.59 |
| Do | Hogan & Hartson (For:Semiconductor Industry Association) | | 37.21 |
| Robert G. Hayes, Bogle and Gates One Thomas Circle, NW, #900 Washington, DC 20005 | American Fishing Tackle Manufacturers Assn | 2,000.00 | |
| Do | Coastal Conservation Assn | 2,000.00 | |
| Do | Kalama Chemical, Inc | 1,000.00 | |
| R. Michael Haynes, 1156 15th Street, NW, #1101 Washington, DC 20005 | National Assn of Small Business Investment Companies | 3,000.00 | |
| Robert A. Haynos, 4711 Hunt Circle Harrisburg, PA 17112 | Harsco Corporation | 17,400.00 | 259.05 |
| Holly Elisabeth Hazard, 400 First Street, NW, #800 Washington, DC 20001 | Committee for Humane Legislation, Inc | | |
| Do | Friends of Animals, Inc | 6,000.00 | 111.70 |
| John W. Hazard Jr., Webster, Chamberlain & Bean 1747 Pennsylvania Avenue, NW, #1000 Washington, DC 20006 | Diagnostic/Retreival Systems, Inc | | |
| Health Insurance Assn of America, Inc, 1025 Connecticut Ave., NW Washington, DC 20036 | | 311.50 | 311.50 |
| Robert L. Healy, 1333 New Hampshire Ave., NW Washington, DC 20036 | Atlantic Richfield Co | 300.00 | |
| Keith Heard, 1030 15th St., NW, #700 Washington, DC 20005 | National Cotton Council of America | 10,750.00 | |
| Herbert A. Hedden, 1350 New York Ave., NW, #900 Washington, DC 20005 | International Franchise Assn | | |
| William N. Hedeman Jr., Beveridge & Diamond, P.C. 1333 New Hampshire Avenue, NW Washington, DC 20036 | Superfund Contractors Coalition | 95,000.00 | 20,847.23 |
| Jay Hedlund, 2030 M St., NW Washington, DC 20036 | Common Cause | 10,946.28 | 57.00 |
| Joan A. Heffernan, 1200 17th Street, NW Washington, DC 20036 | American Psychological Assn | | |
| John Heffner, 1957 E Street, NW Washington, DC 20006 | Associated General Contractors of America | | |
| M. L. Hefti, 1700 North Moore Street, 20th Fl. Rosslyn, VA 22209 | Boeing Company | 1,022.62 | 2,480.51 |
| John F. Heilman, 807 Maine Ave., SW Washington, DC 20024 | Disabled American Veterans | 18,200.00 | 206.37 |
| Robert M. Heine, 1701 Pennsylvania Avenue, NW Washington, DC 20006 | Conoco, Inc | 1,000.00 | |
| Richard L. Hellwege, 1911 Jefferson Davis Highway, #1002 Arlington, VA 22202 | Lear Siegler, Inc | | |
| Edward A. Helme, 444 N. Capitol Street, #339 Washington, DC 20001 | Alliance for Acid Rain Control | 720.00 | 23.79 |
| Thomas M. Helscher, 1101 17th Street, NW, #604 Washington, DC 20036 | Monsanto Co | 450.00 | 200.10 |
| Carol C. Henderson, 110 Maryland Ave., NE, #101, Box 54 Washington, DC 20002 | American Library Assn | 977.00 | |
| Kathleen M. Henderson, 1025 Vermont Ave., NW, #500 Washington, DC 20005 | Miles Laboratories, Inc | | |
| Carol Diane Hendricks, 2601 Park Center Drive, #c804 Alexandria, VA 22302 | American Maritime Officers Service | | |
| Dennis A. Henigan, 1775 Pennsylvania Ave., NW Washington, DC 20006 | Foley & Lardner (For:City of Kenosha, Wisconsin) | | |
| C. Dayle Henington, 2000 Pennsylvania Ave., NW, #6200 Washington, DC 20036 | Chicago Mercantile Exchange | | |
| Hennessy Associates, 152 Washington Avenue Albany, NY 12210 | | 7,000.00 | 3,455.00 |
| George F. Hennrikus Jr., 201 N. Washington St. Alexandria, VA 22314 | Retired Officers Assn | 7,037.00 | |
| LeAnn Hensche, 2550 M St., NW, #770 Washington, DC 20037 | RJR Nabisco, Inc | 402.00 | 35.00 |
| David A. Henson, 100 N.e. Adams Street Peoria, IL 61629 | Caterpillar Tractor Co | 750.00 | 1,047.52 |
| Bruce Heppen, 1016 16th St., NW Washington, DC 20036 | National Fed of Federal Employees | | |
| George B. Herbert Sr., 6601 Southpoint Drive, #245 Jacksonville, FL 32216 | J M Family Enterprises, Inc | 253.75 | 23.00 |
| William Hermelin, 1200 15th Street, NW Washington, DC 20005 | American Health Care Assn | 4,768.81 | 30.00 |
| Catherine L. Heron, 1600 M St., NW Washington, DC 20036 | Investment Company Institute | 206.60 | 15.00 |
| Heron Burchette Ruckert & Rothwell, 1025 Thomas Jefferson St., NW, #700 Washington, DC 20007 | Aerojet General Corp | 1,875.00 | 338.44 |
| Do | American Grape Growers Alliance for Fair Trade | 18,776.20 | 1,311.06 |
| Do | Association of Floral Importers of Florida | | 1,004.85 |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Do | Automobile Import Compliance Assn | | |
| Do | Bay Area Rapid Transit District | 7,271.87 | 2,724.25 |
| Do | California Almond Growers Exchange | 12,001.47 | 1,654.76 |
| Do | California Assn of Rehabilitation Professionals | 3,703.92 | 13.75 |
| Do | California Student Loan Finance Corp | | |
| Do | Cellular Telecommunications Industry Assn | 2,655.62 | 1,160.99 |
| Do | Central Utah Water Conservancy District | 3,141.16 | 1,352.54 |
| Do | Chicago Mercantile Exchange | 24,457.63 | 7,271.78 |
| Do | Clark County Regional Flood Control District | | |
| Do | Credit-Rite | 297.50 | 247.23 |
| Do | Desert Research Institute | 419.17 | 133.42 |
| Do | Disney Development Co | 1,250.00 | 360.94 |
| Do | Farm Labor Alliance | 12,000.00 | 2,849.43 |
| Do | G.C. Services Corp | 4,575.71 | 1,509.44 |
| Do | Girling Health Care, Inc | 1,599.89 | 1,187.14 |
| Do | Granite Rock Co | 3,344.01 | 678.49 |
| Do | Grocery Manufacturers of America, Inc | 410.53 | 585.12 |
| Do | GSF Energy, Inc | 11,881.46 | 2,712.07 |
| Do | Hughes Aircraft Co | | |
| Do | Independent Cement Corp | 14,211.67 | 16.69 |
| Do | Massport/Commonwealth of Massachusetts | 1,687.33 | 1,751.38 |
| Do | Metropolitan Water District of Southern California | | 204.00 |
| Do | Mid-Valley Water Authority | 2,500.00 | 715.24 |
| Do | National Assn of Insurance Commissioners | 9,043.18 | 1,342.98 |
| Do | National Assn of Manufacturers | | |
| Do | National Medical Care | 3,558.04 | 3,007.61 |
| Do | National Potato Council | 2,512.92 | 1,097.41 |
| Do | NTEC - Northeast Texas Electric Cooperative, Inc | 36,213.07 | 2,773.88 |
| Do | Piedmont Aviation, Inc | 13,614.25 | 4,568.90 |
| Do | Rice Growers Assn of California | 3,595.48 | 807.04 |
| Do | Royal Silk, Ltd | | |
| Do | Safecard Services, Inc | | |
| Do | Southwestern Power Resources Assn | | 87.04 |
| Do | Sun-Diamond Growers of California | 7,485.16 | 6,547.16 |
| Do | Sunkist Growers, Inc | 65,182.56 | 8,627.51 |
| Do | Tex-La | 51,252.69 | 2,594.25 |
| Do | Time Energy Systems, Inc | 50.00 | |
| Do | Tri/Valley Growers | 2,984.88 | 586.20 |
| Do | U.S. Telephone Association | | |
| Do | University of Nevada/Las Vegas | 900.00 | 510.19 |
| Do | University of Nevada/Reno | 3,750.00 | |
| Do | Westlands Water District | 899.79 | 480.82 |
| Jo-Ann T. Herrick, 1800 K Street, NW, #530 Washington, DC 20006 | Tesoro Petroleum Corp | 1,500.00 | |
| Barry Alexander Herring, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037 | Laurel Steel Products, Ltd | 480.00 | 428.30 |
| Carol M. Herrington, 3881-B Steppes Court Falls Church, VA 22041 | | | |
| Fred Hervey, P.O. Box 52084 Phoenix, AZ 85072 | Reduce Our Debt Foundation | | |
| Ted Allen Heydinger, 311 First Street, NW, #500 Washington, DC 20001 | Computer & Business Equipment Manufacturers Assn | 2,000.00 | 256.79 |
| Dale E. Heydlauff, 1050 Thomas Jefferson St., NW, 6th Fl. Washington, DC 20007 | Consumers United for Rail Equity (C.U.R.E.) | 10,000.00 | |
| Do | Illinois Commerce Commission | 10,000.00 | |
| Do | Illinois Environmental Protection Agency | 1,000.00 | |
| G. Brockwel Heylin, 1957 E Street, NW Washington, DC 20006 | Associated General Contractors of America | | |
| Robert G. Hibbert, P.O. Box 3556 Washington, DC 20007 | American Meat Institute | 1,000.00 | |
| Paul T. Hicks, Rhode Island Petroleum Assn 154 Francis St. Providence, RI 02903 | American Petroleum Institute | 450.00 | 449.16 |
| J. Thomas Higginbotham, One Mellon Bank Center, #2002 Pittsburgh, PA 15258 | Mellon Bank N.A. and Mellon National Corp | 2,000.00 | 808.83 |
| Carol A. Higgins, 1600 M Street, NW Washington, DC 20036 | Investment Company Institute | 252.18 | 423.41 |
| William F. Hildenbrand, Gold & Liebengood, Inc 1050 Connecticut Avenue, NW, #980 Washington, DC 20036 | Chemical Manufacturers Assn, Inc | 3,228.00 | 1,262.00 |
| Clifton T. Hilderley Jr., 1025 Connecticut Ave., NW, #507 Washington, DC 20036 | Ashland Oil, Inc | 2,000.00 | |
| Gerald 'Jerry' Hill, 6 Executive Park Drive Atlanta, GA 30329 | Amoco Corporation | | |
| J. Eldred Hill Jr., 600 Maryland Ave., SW, #603 Washington, DC 20024 | UBA, Inc | 2,000.00 | |
| Patricia Hill, 1619 Massachusetts Avenue, NW Washington, DC 20036 | American Paper Institute, Inc | 1,978.75 | 78.20 |
| Robert B. Hill, 2501 M Street, NW Washington, DC 20037 | Chemical Manufacturers Assn, Inc | 400.00 | 388.35 |
| Edward Joseph Hillings, 1015 15th St., NW, #900 Washington, DC 20005 | Enron Corp | 7,500.00 | |
| Heidi A. Hiltgen, 1957 E Street, NW Washington, DC 20006 | Associated General Contractors of America | 1,000.00 | 500.00 |
| Stanley E. Hilton, Laroe Winn & Moerman 1120 G Street, NW, #800 Washington, DC 20005 | Coordinating Comm for Rail Competition | | |
| John M. Himmelberg, Scott Harrison & Mcleod 2501 M Street, NW, #400 Washington, DC 20037 | Florida Fruit & Vegetable Assn | 3,000.00 | |
| Do | Florida Tomato Exchange | 1,500.00 | |
| Rick Hind, 215 Pennsylvania Avenue, SE Washington, DC 20003 | U.S. Public Interest Research Group | 4,153.10 | |
| Claude E. Hobbs, 1801 K St., NW Washington, DC 20006 | Westinghouse Electric Corp | 2,500.00 | 65.00 |
| Scott Hodes, 180 North La Salle St., #3800 Chicago, IL 60601 | Zalman C. Bernstein | | |
| Do | Investment Company Institute | | |
| Irvin A. Hoff, 20 N. Live Oak Rd. Hilton Head Island, SC 29928 | U.S. Cane Sugar Refiners' Assn | 1,250.00 | 268.65 |
| Thomas F. Hoffman, 1701 Pennsylvania Avenue, NW, #900 Washington, DC 20006 | Consolidation Coal Co | 27.50 | 10.00 |
| William L. Hoffman, 516 First Street, SE Washington, DC 20003 | American University of Beirut | 11,856.00 | 1,947.13 |
| F. Nordy Hoffmann and Assoc, Inc, 400 N. Capitol St., NW, #327 Washington, DC 20001 | Archer Daniels Midland Company | | |
| Do | Conrail Acquisition Corp, Inc | | |
| Do | International Telephone & Telegraph Corporation | | |
| Do | Marine Engineers' Beneficial Assn | | |
| Do | Wilmorite, Inc | | |
| Hogan & Hartson, 815 Connecticut Ave., NW Washington, DC 20006 | American Electronics Assn | 4,895.00 | 46.20 |
| Do | Control Data Corp | | |
| Do | Council of European & Japanese National Shipowners' Assn | 6,684.82 | 384.95 |
| Do | Economics Laboratory, Inc | | |
| Do | International Comm of Passenger Lines (ICPL) | 16,250.00 | 606.62 |
| Do | Manufacturers Hanover Trust Co | 15,163.75 | 725.01 |
| Do | May Department Stores Co | | |
| Do | Meharry Medical College | | |
| Do | National Hospice Organization | 2,847.50 | |
| Do | National Soft Drink Assn | | |
| Do | Rohn & Haas Co | 2,156.25 | 23.75 |
| Do | Scientific Apparatus Makers Assn | 187.50 | |
| Do | Storage Technology Corp | | |
| Do | Timex Corporation | 3,390.00 | 90.00 |
| Do | Toyota Motor Sales, USA, Inc | 13,885.00 | 66.60 |
| Philip A. Hogue, 150 S. Washington St., #100 Falls Church, VA 22046 | International Technical Expertise Ltd | | |
| Richard F. Hohlt, 1709 New York Ave., NW, #801 Washington, DC 20006 | U.S. League of Savings Institutions | 7,600.00 | 27.50 |
| Walter Holan, 20 North Wacker Drive Chicago, IL 60606 | Profit Sharing Council of America | | |
| Bruce E. Holbein, 111 Powdermill Rd. (b79) Maynard, MA 01754 | Digital Equipment Corp | 16,000.00 | |
| Michele O'Donnell Holbrook, 10 Lafayette Squrae, Rm. 900 Buffalo, NY 14203 | National Fuel Gas Distribution Corp | 1,575.00 | 4,956.00 |
| Niels C. Holch, The Power House 3255 Grace Street, NW Washington, DC 20007 | Gray & Co Public Communications Int'l, Inc (For:Hoopa Valley Indians) | | |
| Do | Gray & Co Public Communications Int'l, Inc (For:Lane Industries) | 875.00 | |
| Do | Gray & Co Public Communications Int'l, Inc (For:Republic of Turkey) | | |
| Do | Gray & Co Public Communications Int'l, Inc (For:Shaklee Corporation) | | |
| Do | Gray & Co Public Communications Int'l, Inc (For:Title Insurance Industry Coalition) | 875.00 | |
| Do | Gray & Co Public Communications Int'l, Inc (For:Tobacco Institute) | | |
| Do | Gray & Co Public Communications Int'l, Inc (For:U.S. Banknote Corp) | 175.00 | |
| Holden Group, Inc, 11365 West Olympic Boulevard Los Angeles, CA 90064 | | | 4,585.49 |
| Holden Kidwell Hahn & Crapo, P.O. Box 129 Idaho Falls, ID 83402 | Blaine Larsen, R. Lavon Walker, Martin Bros Produce, et al | | |
| Philip C. Holladay, 1025 Connecticut Avenue, NW, #200 Washington, DC 20036 | Shell Oil Co | 500.00 | |
| Brigid A. Holleran, 2550 M Street, NW, #640 Washington, DC 20037 | CF Industries, Inc | 500.00 | 155.49 |
| Thomas L. Holloway, 1800 K Street, NW, #1018 Washington, DC 20006 | Union Electric Co | 2,447.91 | 3,895.46 |
| Wendell M. Holloway, 815 Connecticut Ave., NW, #900 Washington, DC 20006 | Ford Motor Co | 415.00 | 566.79 |
| E. Y. Holt Jr., 1111 North 19th St., #700 Arlington, VA 22209 | National Assn of Federal Credit Unions | | |
| Fred H. Holt, 119 Oronoco Street Box 1417-D50 Alexandria, VA 22313 | Animal Health Institute | | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| John Holton, 2550 M Street, NW, #275 Washington, DC 20037 | Camp Carmouche Barsh Hunter Gray Hoffman & Gill, P.C. | | |
| John F. Holtz, NJ Petroleum Council 150 West State Street Trenton, NJ 08608 | American Petroleum Institute | | |
| Home Recording Rights Coalition, P.O. Box 33576 Washington, DC 20033 | | | 2,224.98 |
| Pete Homer Jr., 4905 Arroyo Chamisa, NE Albuquerque, NM 87111 | | | |
| Karen C. Horitz, 1875 Eye St., NW, #940 Washington, DC 20006 | Gulf & Western Management Company | 2,800.00 | 230.00 |
| Edwin M. Hood, 1725 K Street, NW, #1102 Washington, DC 20006 | National Steel & Shipbuilding Co | 1,249.00 | 269.68 |
| Hoog & Associates, 1877 Broadway, #405 Boulder, CO 80302 | National Assn of Broadcasters | | |
| Candice Shy Hooper, 1025 Connecticut Ave., NW, #1014 Washington, DC 20036 | Enserch Corporation | 5,570.00 | 1,400.18 |
| Lillie E. Hoover, P.O. Box 1085 Martinsburg, WV 25401 | National Peach Council | | |
| Marian Hopkins, 1615 H Street, NW Washington, DC 20062 | Chamber of Commerce of the U.S. | 3,637.50 | 968.08 |
| Virginia E. Hopkins, 1620 Eye St., NW, #800 Washington, DC 20006 | Taft Stettinius & Hollister (For:Kings Entertainment Co) | | |
| Do | Taft Stettinius & Hollister (For:Taft Broadcasting Company) | | |
| Do | Taft Stettinius & Hollister (For:Telephone & Data Systems, Inc) | | |
| Do | Taft Stettinius & Hollister (For:Wakl Manufacturing Co, Inc) | | |
| Hopkins & Sutter, Three First National Plaza, #4200 Chicago, IL 60602 | Montgomery Ward & Co, Inc | 400.00 | 58.50 |
| Sheri L. Hoptman, 1000 Connecticut Ave., NW Washington, DC 20036 | Japan Economic Institute of America | 500.00 | |
| Robert Jack Horn, 1990 M St., NW, #480 Washington, DC 20036 | Detroit Edison Company | 750.00 | 35.00 |
| Steven Hornburg, 1129 20th St., NW, #400 Washington, DC 20036 | American Assn of Homes for the Aging | 187.00 | 37.86 |
| Hospital Corp of America, 2000 L Street, NW, #200 Washington, DC 20035 | | | 33,023.54 |
| William J. Hotes, 919 18th St., NW, #400 Washington, DC 20006 | Diamond Shamrock Corp | 1,000.00 | 70.00 |
| Margaret A. Houlihan, 1620 I St., NW, #703 Washington, DC 20006 | Bechtel Power Corporation | | |
| John H. F. Hoving, The Hoving Group 910 17th Street, NW, #318 Washington, DC 20006 | Valsan Re-Engining, Inc | | |
| Hoving Group, 910 17th St., NW, #318 Washington, DC 20006 | Eagle-Picher Industries, Inc | 1,000.00 | |
| Do | John H. Shepherd & Associates (for Republic of Liberia) | 22,500.00 | 4,900.00 |
| Do | Western-Southern Life Insurance | 500.00 | |
| Charles O. Howard, 2501 Girard Avenue South Minneapolis, MN 55105 | Great Northern Iron Ore Properties | 12,340.00 | 5,349.51 |
| John Howard, 1615 H Street, NW Washington, DC 20062 | Chamber of Commerce of the U.S. | | |
| Robert M. Howard, 815 Connecticut Avenue, NW Washington, DC 20006 | Ford Motor Co | 835.20 | 983.04 |
| Senga Howat, 1155 15th Street, NW, #710 Washington, DC 20005 | National Small Business Assn | 1,231.00 | |
| Gary Howell, 1745 Jefferson Davis Highway, #1006 Arlington, VA 22202 | Texas Instruments, Inc | 600.00 | |
| J. William Howell, 1801 K St., NW Washington, DC 20006 | International Business Machines Corp | 146.40 | |
| Mary Lynch Howell, 1090 Vermont Ave., NW, #1100 Washington, DC 20005 | Textron, Inc | 1,500.00 | 280.00 |
| John A. Howes, 1050 17th St., NW, #490 Washington, DC 20036 | Consumers Power Co | 6,000.00 | 1,266.00 |
| Clifford T. Howlett Jr., 1875 Eye St., NW, #400 Washington, DC 20006 | Georgia-Pacific Corp | 3,800.00 | |
| Paul R. Huard, 1331 Pennsylvania Avenue, NW, #1500N Washington, DC 20004-1703 | National Assn of Manufacturers | 7,008.75 | |
| Henry W. Hubbard, The Power House 3255 Grace Street, NW Washington, DC 20007 | Gray & Co Public Communications Int'l, Inc (For:Republic of Turkey) | | |
| Margaret Renken Hudson, 600 Maryland Avenue, SW, #695 Washington, DC 20024 | National Fed of Independent Business | 2,250.00 | 200.00 |
| David Emery Hughes, 2211 Congress St. Portland, ME 04122 | Union Mutual Life Insurance Co | | |
| Gary E. Hughes, 1850 K St., NW Washington, DC 20006 | American Council of Life Insurance, Inc | | |
| Peter W. Hughes, 1909 K St., NW Washington, DC 20049 | American Assn of Retired Persons | 1,082.31 | |
| Sharon M. Hughes, 1401 New York Avenue, NW, #400 Washington, DC 20005 | National Food Processors Assn | 500.00 | 51.90 |
| Vester T. Hughes Jr., Hughes & Hill 1000 Mercantile Dallas Building Dallas, TX 75201 | Mrs. H. E. Butt | | |
| Do | Lomas & Nettleton Financial Corp | 500.00 | 1,450.00 |
| Do | National Realty Committee | | |
| Do | Sammons Enterprises, Inc | 500.00 | 1,450.00 |
| William Hughes, 1522 K St., NW, #836 Washington, DC 20005 | National Assn of Federal Veterinarians | 39.72 | |
| Hughes Hubbard & Reed, 1201 Pennsylvania Ave., NW, #300 Washington, DC 20004 | American Institute of Certified Public Accountants | 2,000.00 | 9.00 |
| Do | Anglo American Auto Auctions, Inc | | |
| Do | Continental Airlines, Inc | | |
| Do | Grocery Manufacturers of America, Inc | | |
| Do | Texas Air Corp | | |
| Do | Viacom International, Inc | | |
| Do | 47th Street Photo | 1,155.00 | 15.00 |
| Edward L. Huie, Wheaton Plaza North, #415 Wheaton, MD 20902 | National Assn of Air Traffic Specialists | 8,625.84 | 1,307.34 |
| Randall K. Hulme, 6 E Street, SE Washington, DC 20003 | Peter Fenn & Associates, Inc | | |
| Margot Smiley Humphrey, 1150 Connecticut Avenue, NW Washington, DC 20036 | Koteen & Naftalin (For:Alascom, Inc) | | |
| Do | Koteen & Naftalin (For:Telephone & Data Systems, Inc) | | |
| Francis M. Hunt, 1800 M Street, NW, #700s Washington, DC 20036 | Dow Chemical Co | 550.00 | 304.00 |
| James C. Hunter, 1747 Pennsylvania Avenue, NW, #300 Washington, DC 20006 | Cities Service Oil & Gas Corp | 925.00 | 236.60 |
| Michael M. Hunter, 1600 M St., NW Washington, DC 20036 | International Telephone & Telegraph Corporation | 1,150.00 | 74.00 |
| Milton F. Huntington, Maine Petroleum Assn 283 Water St. Augusta, ME 04330 | American Petroleum Institute | | |
| Hunton & Williams, 2000 Pennsylvania Ave., NW Washington, DC 20006 | Historic Ricefields Assn | | |
| Do | Long Island Lighting Co | 1,000.00 | |
| Adele M. Hurley, 112 St. Clair Ave., West, #504 Toronto, Ontario Canada M4V 2Y3 | Canadian Coalition on Acid Rain | 1,523.07 | 236.42 |
| Ronald A. Hurst, 5410 Grosvenor Lane, #210 Bethesda, MD 20814 | American Medical Care & Review Assn | | |
| Hurt Richardson Garner Todd & Cadenhead, 1100 Peachtree Center Harris Tower 233 Peachtree Street, NE Atlanta, GA 30043. | National Assn of Pension Consultants & Administrators, Inc | | 23.87 |
| Cathy Hurwit, 1300 Connecticut Ave., NW, #401 Washington, DC 20036 | Citizen Action | 4,000.00 | 38.50 |
| Do | Citizen/Labor Energy Coalition | 1,000.00 | |
| Benjamin Melvin Hurwitz, 1925 K St., NW, #200 Washington, DC 20006 | Mitchell Energy & Development Corp | | 50.00 |
| Geoffrey B. Hurwitz, 1667 K St., NW, #1210 Washington, DC 20006 | Rohm & Haas Co | 500.00 | |
| Raymond W. Hussey, 29400 Lakeland Blvd. Wickliffe, OH 44092 | Lubrizol Corporation | 700.00 | 1,793.74 |
| Philip A. Hutchinson, 490 L'enfant Plaza, #3210 Washington, DC 20024 | Volkswagen of America, Inc | 250.00 | |
| Robert E. Hutchinson, P.O. Box 52084 Phoenix, AZ 85072 | Reduce Our Debt Foundation | | |
| James L. Hutchison, 260 Madison Avenue New York, NY 10016 | American Paper Institute, Inc | | |
| Jean Hutter, 1730 M Street, NW Washington, DC 20036 | League of Women Voters of the U.S. | 3,527.57 | 46.10 |
| Helena C. Hutton, 1101 15th Street, NW Washington, DC 20005 | Minnesota Mining & Manufacturing Co | 2,500.00 | |
| Randy Huwa, 2030 M St., NW Washington, DC 20036 | Common Cause | 8,716.19 | 352.01 |
| B. F. Hyde, Tennessee Petroleum Council 211 7th Avenue, North, 4th Fl. Nashville, TN 37219 | American Petroleum Institute | 800.00 | 175.75 |
| Isabel E. Hyde, 1800 K Street, NW, #800 Washington, DC 20006 | Goodyear Tire & Rubber Co | 2,550.00 | |
| Gary Hymel, The Power House 3255 Grace Street, NW Washington, DC 20007 | Gray & Co Public Communications Int'l, Inc (For:Agriculture for Market Oriented Policies). | | |
| Do | Gray & Co Public Communications Int'l, Inc (For:Budd Company) | | |
| Do | Gray & Co Public Communications Int'l, Inc (For:Canadian Asbestos Information Centre). | | |
| Do | Government of the Cayman Islands | 450.00 | |
| Do | Gray & Co Public Communications Int'l, Inc (For:Hitachi America Ltd) | | |
| Do | Gray & Co Public Communications Int'l, Inc (For:Hyundai Motor America) | | |
| Do | Gray & Co Public Communications Int'l, Inc (For:HTB Corporation) | | |
| Do | Gray & Co Public Communications Int'l, Inc (For:Joint Maritime Congress) | | |
| Do | Gray & Co Public Communications Int'l, Inc (For:Lane Industries) | 225.00 | |
| Do | Gray & Co Public Communications Int'l, Inc (For:Mutual of Omaha) | 725.00 | |
| Do | Gray & Co Public Communications Int'l, Inc (For:Rauschenberg Overseas Cultural Interchange). | | |
| Do | Gray & Co Public Communications Int'l, Inc (For:Republic of Korea) | | |
| Do | Gray & Co Public Communications Int'l, Inc (For:Republic of Turkey) | 600.00 | |
| Do | Gray & Co Public Communications Int'l, Inc (For:Shaklee Corporation) | | |
| Do | Gray & Co Public Communications Int'l, Inc (For:Shirco Infrared Systems, Inc) | | |
| Do | Gray & Co Public Communications Int'l, Inc (For:Stroh Brewery Co) | | |
| Do | Gray & Co Public Communications Int'l, Inc (For:Title Insurance Industry Coalition) | 225.00 | |
| Do | Gray & Co Public Communications Int'l, Inc (For:Tobacco Institute) | | |
| Do | Gray & Co Public Communications Int'l, Inc (For:U.S. Banknote Corp) | 75.00 | |
| Do | Gray & Co Public Communications Int'l, Inc (For:United Airlines, Inc) | | |
| Robert D. Hynes Jr., 1825 K St., NW, #807 Washington, DC 20006 | National Broadcasting Co, Inc | 500.00 | 48.45 |
| Richard H. Ichord, 499 S. Capitol St., SW, #520 Washington, DC 20003 | AAI Corporation | 658.75 | 441.40 |
| Do | Emerson Electric Co | 630.00 | 935.59 |
| Do | Washington Industrial Team, Inc | 300.00 | |
| Annelise Ilschenko, 120 Cameron Street, #203 Alexandria, VA 22314 | | | |
| Tom Imeson, 920 S.w. Sixth Avenue 1400 Psb Portland, OR 97204 | Pacific Power & Light Co | 1,500.00 | |
| Independent Consultants, Inc, 400 North Capitol St., NW, #320 Washington, DC 20001 | Cadillac Fairview/California, Inc | 5,000.00 | |
| Independent Data Communications Manufacturers Assn, c/o Squire Sanders & Dempsey 1201 Pennsylvania Ave., NW Washington, DC 20004. | | 450.00 | 450.00 |
| Independent Insurance Agents of America, Inc, 100 Church St. New York, NY 10007 | | 32,678.00 | 32,678.00 |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Independent Lubricant Manufacturers Assn, 1055 Thomas Jefferson Street, NW Washington, DC 20007 | | 975.00 | 975.00 |
| Independent Producers Group, 240 Page Court 220 W. Douglas Wichita, KS 67202 | | 12,537.25 | 19,755.57 |
| Indiana Hi-Rail Corporation, Rr 1, Box 242 Connersville, IN 47331 | | | 30.00 |
| Indiana Railroad Assn, 143 W. Market Street, #201 Indianapolis, IN 46204 | | | |
| Industrial Biotechnology Assn, 2115 E. Jefferson St. Rockville, MD 20852 | | 1,162.00 | 2,410.00 |
| Charles E. Ing, 919 18th Street, NW, #600 Washington, DC 20006 | Toyota Motor Sales, USA, Inc | 484.00 | 309.90 |
| Dick Ingram, P.O. Box 571 Austin, TX 78767 | Coastal Conservation Assn | 2,000.00 | 2,752.07 |
| Robert A. Ingram, 1050 17th Street, NW, #650 Washington, DC 20036 | Merck & Co, Inc | 1,000.00 | 172.00 |
| Institute of Makers of Explosives, 1120 19th St., NW, #310 Washington, DC 20036 | | | |
| Int'l Union, United Auto Aerospace & Agric Implement Workers, Workers of America (uaw) 8000 E. Jefferson Detroit, MI 48214. | | 147,359.42 | 147,359.42 |
| Integrated Resources, Inc, 666 Third Avenue, 4th Fl. New York, NY 10017 | | | 12,725.00 |
| Intertake, Inc, 2015 Spring Rd. Oak Brook, IL 60521 | | | 16,734.82 |
| International Brotherhood of Painters & Allied Trades, 1750 New York Ave., NW Washington, DC 20006 | | | |
| International Brotherhood of Teamsters, 25 Louisiana Ave., NW Washington, DC 20001 | | | 96,823.62 |
| International Communications Industries Assn, 3150 Spring St. Fairfax, VA 22031 | | 25,207.00 | 4,892.85 |
| International Footwear Assn, 47 West 34th Street, #804 New York, NY 10001 | | | |
| International Longshoremen's Assn, AFL-CIO, 17 Battery Place, #1500 New York, NY 10004 | | | 48,613.81 |
| International Taxicab Assn, 3849 Farragut Avenue Kensington, MD 20895 | | | 1,000.00 |
| International Union of Bricklayers & Allied Craftsmen, 815 15th St., NW Washington, DC 20005 | | | 16,085.31 |
| Investment Company Institute, 1600 M St., NW Washington, DC 20036 | | | 12,520.55 |
| Thomas L. Irmen, P.O. Box 119 Maumee, OH 43537 | Andersons | | |
| Iron Ore Lessors Assn, Inc, 2081 First National Bank Bldg Saint Paul, MN 55101 | | 18,707.92 | 16,050.17 |
| Itel Container Corp, 55 Francisco Street, 6th Fl San Francisco, CA 94133 | | | 60.00 |
| Ivins Phillips & Barker, Chtd, 1700 Pennsylvania Avenue, NW Washington, DC 20006 | Blount, Inc | 1,093.75 | |
| Do | Committee for Reasonable Inventory Accounting Rules | 3,626.25 | |
| Do | Sir James Goldsmith | | |
| Do | Oberlin College | 568.75 | |
| Charles L. Jackson, 1990 M St., NW, #450 Washington, DC 20036 | Shooshan & Jackson, Inc (For:Rogers U.S. Cablesystems, Inc) | | |
| Charles R. Jackson, 219 North Washington Street Alexandria, VA 22314 | Non Commissioned Officers Assn of the USA | 6,500.00 | 18,728.92 |
| Glenn Jackson, 1660 L Street, NW, #601 Washington, DC 20036 | Interstate Natural Gas Assn of America | 300.00 | |
| William P. Jackson Jr., Jackson & Jessup, P.C. 3426 N. Washington Boulevard Arlington, VA 22201 | City of Tuscaloosa | 4,975.00 | |
| Do | Osborne Truck Line, Inc | 5,160.00 | 9,180.00 |
| Stephen Jacobs, 1771 N Street, NW Washington, DC 20036 | National Assn of Broadcasters | 1,500.00 | 600.00 |
| Roy T. Jacobsen, 1667 K St., NW, #525 Washington, DC 20006 | Detroit & Mackinac Railway Company | | |
| Do | Precision Magnetics & Ceramics | | |
| E. A. Jaenke & Associates, Inc, 777 14th St., NW, #666 Washington, DC 20005 | Farmland Industries, Inc | 500.00 | |
| Do | University of Kansas | 250.00 | |
| Daniel L. Jaffe, 1725 K Street, NW, #601 Washington, DC 20006 | Association of National Advertisers | | |
| Jaffe Snider Raitt & Heuer, P.C., 1800 First National Building Detroit, MI 48226 | | | |
| Edward L. Jaffee, 1730 Rhode Island Avenue, NW, #713 Washington, DC 20036 | PPG Industries, Inc | 144.00 | 30.00 |
| Raymond C. Janus, c/o Christopher L. Meyer P.O. Box 88 E Unit Ashland, KY 41101 | | | |
| Do | New Generation Lobby | | |
| Japan Economic Institute of America, 1000 Connecticut Ave., NW Washington, DC 20036 | | 1,411.67 | 1,411.67 |
| Japanese American Citizens League, 1765 Sutter Street San Francisco, CA 94118 | | | |
| Joseph J. Jaquay, 5025 Wisconsin Ave., NW Washington, DC 20016 | Amalgamated Transit Union, AFL-CIO | | |
| Evelyn Jarvis-Ferris, 444 Market Street San Francisco, CA 94111 | Shaklee Corporation | | |
| Jerry J. Jasinowski, 1776 F Street, N.w. Washington, DC 20006 | National Assn of Manufacturers | 2,000.00 | |
| Sonia S. Jasso, 815 16th Street, NW, #707 Washington, DC 20006 | Labor Council for Latin American Advancement | | |
| Jonathan P. Jelling, 301 West Maple Avenue 6th Floor Tower Vienna, VA 22180 | Vela, Inc | | |
| Joseph S. Jenckes, Suite 300 1710 Rhode Island Ave., NW Washington, DC 20036 | Abbott Laboratories | 5,000.00 | |
| Linda Jenckes, 1025 Connecticut Avenue, NW Washington, DC 20036 | Health Insurance Assn of America, Inc | 300.00 | 11.50 |
| David M. Jenkins II, 1025 Vermont Avenue, NW, #500 Washington, DC 20005 | Miles Laboratories, Inc | | |
| James C. Jennings, 3255 Grace St., NW Washington, DC 20007 | Gray & Co Public Communications Int'l, Inc | | |
| Patricia A. Jensen, Pillsbury Center M.s. 3771 Minneapolis, MN 55402 | Pillsbury Company | | |
| Rusty L. Jesser, 1120 Connecticut Avenue, NW Washington, DC 20036 | American Bankers Assn | 1,000.00 | |
| Nancy H. Jessick, 1331 Pennsylvania Ave., NW, #720 Washington, DC 20004 | Hiram Walker & Sons, Inc | | |
| Guy E. Jester, 2150 Kienlen Ave. St. Louis, MO 63121 | Association for the Improvement of the Mississippi River | | |
| Bruce Johnson, Law Offices of Bruce Johnson 1718 Connecticut Ave., NW, #310 Washington, DC 20009 | Ad-Hoc Mortgage-Backed Securities Legis. & Regulatory Assn | | |
| Calvin P. Johnson, 815 16th Street, NW Washington, DC 20006 | American Fed of Labor & Congress of Industrial Organizations | 7,856.17 | |
| Carl T. Johnson, 1455 Pennsylvania Ave., NW, #500 Washington, DC 20004 | Corning Glass Works | 660.00 | |
| Clifford T. Johnson, 1700 North Moore Street Rosslyn, VA 22209 | Boeing Military Airplane Company | | |
| James A. Johnson, 2550 M St., NW, #500 Washington, DC 20037 | Shearson Lehman Brothers | | |
| Jess Johnson Jr., 1025 Connecticut Ave., NW, #200 Washington, DC 20036 | Shell Oil Co | 500.00 | |
| Joel L. Johnson, 122 C St., NW, #740 Washington, DC 20001 | American League for Exports & Security Assistance, Inc | 4,000.00 | 120.04 |
| John B. Johnson, Alabama Petroleum Council P.O. Box 4220 Montgomery, AL 36195 | American Petroleum Institute | 743.75 | |
| Kay Johnson, 122 C Street, NW Washington, DC 20001 | Children's Defense Fund | | |
| Do | Children's Defense Fund | | |
| Kenneth A. Johnson, Pillsbury Center Minneapolis, MN 55402 | Pillsbury Company | | |
| L. Oakley Johnson, 1455 Pennsylvania Avenue, NW, #900 Washington, DC 20004 | American International Group, Inc | 5,000.00 | |
| Larry W. Johnson, P.O. Box 3000 Leesburg, VA 22075 | Vocational Industrial Clubs of America, Inc | | |
| Linda Meyer Johnson, 2070 Chain Bridge Road, #510 Vienna, VA 22180 | Rolm Corporation | | |
| Mark R. Johnson, 1667 K Street, NW, #350 Washington, DC 20036 | Moller Steamship Co, Inc | | |
| Nancie S. Johnson, 1701 Pennsylvania Avenue, NW, #900 Washington, DC 20006 | Conoco, Inc | 1,200.00 | |
| Nicholas Johnson, Box 1876 Iowa City, IA 52244 | | | |
| Paul W. Johnson, 1225 Connecticut Ave., NW, #303 Washington, DC 20036 | Fleishman-Hillard, Inc (For:Ability Information Systems--Computer Software) | | |
| Rady A. Johnson, 1000 16th St., NW, #500 Washington, DC 20036 | Amoco Corporation | | |
| Richard W. Johnson Jr., 219 N. Washington Street Alexandria, VA 22314 | Non Commissioned Officers Assn of the USA | 7,274.88 | 292.31 |
| Spencer A. Johnson, 1101 Vermont Ave., NW, #411 Washington, DC 20005 | Paperboard Packaging Council | | |
| Stanley L. Johnson, 5344 29th St., NW Washington, DC 20015 | Texaco, Inc | | |
| Stephen M. Johnson, The Power House 3255 Grace Street, NW Washington, DC 20007 | Gray & Co Public Communications Int'l, Inc (For:Government of the Cayman Islands) | | |
| Do | Gray & Co Public Communications Int'l, Inc (For:Republic of Turkey) | | |
| Thomas G. Johnson, One Shell Plaza, #4868 P.O. Box 2463 Houston, TX 77001 | Shell Oil Co | | |
| David Johnston, 1957 E St., NW Washington, DC 20006 | Associated General Contractors of America | | |
| Ernest Johnston, 1825 K Street, NW, #1107 Washington, DC 20006 | Phillips Petroleum Co | 1,075.00 | |
| James D. Johnston, 1660 L St., NW Washington, DC 20036 | General Motors Corp | 3,600.00 | 5,271.59 |
| Joint Task Force on Fed Financial Assist. for Law Students, 10th St. Newton Industrial Common Newton, PA 18940 | | | |
| Mary K. Jolly, 1600 Rhode Island Avenue, NW Washington, DC 20036 | National Rifle Assn of America | 913.75 | 105.90 |
| Herbert A. Jolovitz, 900 17th Street, NW Washington, DC 20006 | Owens-Corning Fiberglas Corporation | 1,431.00 | |
| Beverly E. Jones, Wickwire Gavin & Gibbs, P.c. 1133 21st Street, NW, #500 Washington, DC 20036 | American Independent Refiners Assn | | |
| Do | Consolidated Natural Gas Co | 2,500.00 | 33.00 |
| Do | Purpa Coalition, Inc | 250.00 | |
| Cheryl L. Jones, 1331 Pennsylvania Ave., NW, #565 Washington, DC 20004 | Texas Gas Transmission Corp | | |
| Ernest W. Jones, 1957 E St., NW Washington, DC 20006 | Associated General Contractors of America | | |
| Gerald R. Jones, 2000 L St., NW, #810 Washington, DC 20036 | Sperry Corporation | | |
| James E. Jones, 40 Franklin Rd., SW P.O. Box 2021 Roanoke, VA 24022 | Appalachian Power Company | | |
| James E. Jones Jr., 1629 K St., NW, #1010 Washington, DC 20006 | Alliance of American Insurers | 260.00 | 70.10 |
| Wiley N. Jones, 1667 K St., NW, #600 Washington, DC 20006 | Southern Pacific Transport Co | 1,000.00 | 500.00 |
| Jones Day Reavis & Pogue, 655 15th St., NW Washington, DC 20005 | Automotive Dismantlers & Recyclers Assn, Inc | | |
| Do | Competitive Telecommunications Assn | | |
| Do | Embassy of the People's Republic of China | | |
| Do | Los Angeles County | 42,990.00 | 55.00 |
| Do | Los Angeles Memorial Coliseum Commission | 34,597.00 | 30.00 |
| Do | Mississippi Chemical Corp | | |
| Do | National Assn of State Auditors Comptrollers & Treasurers | | |
| Do | Pfizer, Inc | 9,000.00 | |
| Do | South African Sugar Assn | | |
| Do | SCM Corp | 790.00 | 83.53 |
| Do | Westinghouse Electric Corp | | |
| De Soto Jordan, 1331 Pennsylvania Ave., NW, #1300 Washington, DC 20004 | EDS Corporation | 264.00 | |
| Mary Lou Joseph, 2025 M Street, NW Washington, DC 20036 | National Public Radio | | |
| Justice Fellowship, P.O. Box 17181 Washington, DC 20041 | | | 200.00 |
| Geza Kadar, 1025 Connecticut Avenue, NW Washington, DC 20036 | Health Insurance Assn of America, Inc | | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Suzanne Kalfus, 1016 16th Street, NW Washington, DC 20036 | National Fed of Federal Employees | | |
| James L. Kane Jr., 1315 Vincent Place Mclean, VA 22101 | | | |
| Donald J. Kaniewski, 905 16th St., NW Washington, DC 20006 | Laborers' Intl Union of North America, AFL-CIO | 11,749.99 | 222.60 |
| Dennis R. Kanin, Foley Hoag & Eliot One Post Office Square Boston, MA 02109 | H.N. Gorin Associates, Inc | 5,216.00 | 842.00 |
| Do | Humane Society of the U.S. | 12,272.00 | 608.43 |
| Do | National Venture Capital Assn | 270.04 | 625.50 |
| James W. Kanouse, 1700 North Moore Street, 21st Floor Rosslyn, VA 22209 | Boeing Company | 2,074.60 | 2,237.42 |
| Wayne S. Kaplan, 1200 18th Street, NW Washington, DC 20036 | Lee Toomey & Kent (For:Cargill, Inc) | | 13.50 |
| Do | Lee Toomey & Kent (For:RJR Nabisco, Inc) | | |
| Kaplan Russin & Vecchi, 1218 16th Street, NW Washington, DC 20036 | American Chamber of Commerce of the Dominican Republic | | |
| David A. Karcher, 3700 Pender Drive, #108 Fairfax, VA 22030 | American Soc of Cataract & Refractive Surgery | | |
| Gene Karpinski, 215 Pennsylvania Avenue, SE Washington, DC 20003 | U.S. Public Interest Research Group | 5,250.00 | |
| Howard C. Katz, 4 World Trade Center New York, NY 10048 | J. Aron & Co (For:Coffee Sugar & Cocoa Exchange, Inc) | | |
| Everett E. Kavanaugh, 1110 Vermont Ave., NW, #800 Washington, DC 20005 | Cosmetic Toiletry & Fragrance Assn, Inc | | |
| Kaye Scholer Fierman Hays & Handler, 1575 I Street, NW, #1150 Washington, DC 20005 | American Meat Institute | | |
| Do | American Social Health Assn | | |
| Do | Bristol-Myers Co | 1,920.00 | 200.00 |
| Do | Drummond Company | | |
| Do | International Medical Centers, Inc | | |
| Do | Johnson & Johnson | | |
| Do | LDX Net, Inc | | |
| Do | Morgan Guaranty Trust Co of New York | | 218.00 |
| Do | National Coalition for Cancer Research | | |
| Do | Pioneer Systems, Inc | 3,322.75 | |
| Do | Raymark Corporation | 1,083.00 | |
| Lisa E. Kazel, 1331 Pennsylvania Avenue, NW, #1550N Washington, DC 20004-1703 | National Assn of Manufacturers | | |
| Richard F. Keating, 1211 Connecticut Ave., NW, #502 Washington, DC 20036 | Anheuser-Busch Companies, Inc | | |
| Robert J. Keefe, 444 N. Capitol Street, #711 Washington, DC 20001 | Keefe Company (For:UNIAO Nacional Para Independencia Total DeAngola) | | |
| Do | Keefe Company (For:Westinghouse Electric Corp) | | |
| Joseph D. Keefer, 1301 Pennsylvania Ave., NW, #325 Washington, DC 20006 | Council on Synthetic Fuels | | |
| Vicki R. Keenan, 1015 15th Street, NW, #802 Washington, DC 20005 | American Consulting Engineers Council | 700.00 | |
| Keene Monk & Associates, Inc, 112 S. Patrick Street Alexandria, VA 22314 | Government of Republic of Liberia | | |
| Do | Valsan Re-engining, Inc | | |
| Keith Keeney, 5775 Peachtree-Dunwoody Rd., #500-D Atlanta, GA 30342 | Robert H. Kellen Co (For:Calorie Control Council) | | |
| Robert C. Keeney, 727 N. Washington St. Alexandria, VA 22314 | United Fresh Fruit & Vegetable Assn | 2,006.00 | 467.63 |
| Robin E. Keeney, 1828 L Street, NW Washington, DC 20036 | American Land Title Assn | 1,890.00 | |
| Kendell W. Keith, 725 15th Street, NW Washington, DC 20005 | National Grain & Feed Assn | | |
| Keleher & McLeod, P.C., One Thomas Circle, NW, #325 Washington, DC 20005 | Charlie Crowder | 60.00 | |
| Do | Public Service Co of New Mexico | 60.00 | |
| Jerilyn Fay Kelle, 110 Maryland Avenue, NE, #211 Washington, DC 20002 | Women's Action for Nuclear Disarmament, Inc | | |
| Robert H. Kellen, 5775 Peachtree-Dunwoody Rd., #500-D Atlanta, GA 20342 | Robert H. Kellen Co (For:Calorie Control Council) | | |
| Keller & Heckman, 1150 17th Street, NW, #1000 Washington, DC 20036 | Specialty Advertising Assn Int'l | 3,200.00 | 368.00 |
| Thomas F. Kelley III, 311 First Street, NW Washington, DC 20001 | National Restaurant Assn | | |
| Kelley Drye & Warren, 1330 Connecticut Ave., NW Washington, DC 20036 | ITT Consumer Financial Corp | | |
| Do | Society of the New York Hospital | | |
| Stephen G. Kellison, 1720 Eye Street, NW, 7th Floor Washington, DC 20006 | American Academy of Actuaries | | |
| Stephen S. Kellner, 1001 Connecticut Ave., NW, #1120 Washington, DC 20036 | Chemical Specialties Manufacturers Assn, Inc | 799.64 | 200.81 |
| Edward L. Kelly, 1319 F Street, NW, #1000 Washington, DC 20004 | National Assn of Private Psychiatric Hospitals | 80.00 | |
| Ernest B. Kelly III, 950 L'enfant Plaza, SW Washington, DC 20024 | Communications Satellite Corp | 1,500.00 | 206.41 |
| Harold V. Kelly, 1025 Thomas Jefferson St., NW, #511 W. Washington, DC 20007 | LTV Corporation | | |
| John F. Kelly, 1828 L Street, NW # 906 Washington, DC 20036 | Merrill Lynch & Co, Inc | 2,000.00 | |
| Peter M. Kelly, Bell Boyd & Lloyd 70 W. Madison, #3200 Chicago, IL 60602 | Balcor/American Express, Inc | | |
| Mark L. Kemmer, 1660 L Street, N.w. Washington, DC 20036 | General Motors Corp | 2,500.00 | 1,165.10 |
| William T. Kendall, 50 E St., SE Washington, DC 20003 | Alliance for Free Enterprise | | |
| Kendall & Associates, Inc, 50 E St., SE Washington, DC 20003 | Heller Ehrman White & McAuliffe | | |
| Do | Hogan & Hartson (for Volume Shoe Corp) | | |
| Do | Manville Corporation | 750.00 | |
| Do | Toyota Motor Sales, USA, Inc | 1,000.00 | |
| Do | Williams Technologies, Inc | 500.00 | |
| Do | Worldwide Information Resources, Inc | | |
| Joseph W. Kennebeck, 490 L'enfant Plaza, SW, #3210 Washington, DC 20024 | Volkswagen of America, Inc | 300.00 | |
| Art Kennedy, Box 200576 Anchorage, AK 99520 | Alaska Resource Analysts, Inc | | |
| Do | Koniag, Inc | | |
| Michael E. Kennedy, 1957 E Street, NW Washington, DC 20006 | Associated General Contractors of America | | |
| Jeremiah J. Kenney Jr., 12th Fl. 1100 15th St., NW Washington, DC 20005 | Union Carbide Corp | | |
| Brendan Kenny, 1625 Massachusetts Avenue, NW Washington, DC 20036 | Air Line Pilots Assn | 5,050.00 | 650.46 |
| J. H. Kent, Kent & O'Connor 1211 Connecticut Avenue, NW Washington, DC 20036 | American Soc of Plastic & Reconstructive Surgery | | |
| Do | American Supply Association | 8,740.15 | 3,153.84 |
| Do | American Warehousemen's Association | | |
| Do | Gould, Inc | | |
| Do | International Assn of Airport Duty Free Stores | 7,868.92 | 2,848.63 |
| Do | National Customs Brokers & Forwarders Assn of America | 11,402.91 | 4,103.39 |
| Do | Transportation Lawyers Assn | | |
| Michael J. Kerrigan, 1925 K Street, NW, #504 Washington, DC 20006 | Smokeless Tobacco Council, Inc | 840.00 | 96.99 |
| Paul T. Kerrigan, 400 First Street, NW, #819 Washington, DC 20001 | Brotherhood of Locomotive Engineers | 415.17 | 53.68 |
| Richard S. Kessler, 1800 M Street, NW, #950 Washington, DC 20036 | Jack Mcdonald Co (For:Fiber Fabric & Apparel Coalition for Trade) | | |
| Dale Rodney Ketcham, 1980 N. Atlantic Ave., #918 Cocoa Beach, FL 32931 | | | |
| Robert M. Ketchel, 1331 Pennsylvania Ave., NW, #895 Washington, DC 20004 | General Electric Co | | 150.00 |
| Dorothy A. Keville, 2215 Constitution Ave., NW Washington, DC 20037 | American Pharmaceutical Assn | 150.00 | 60.00 |
| Do | Mothers Without Custody, Inc | | |
| Gilbert W. Keyes, P.O. Box 3999 (mail Stop 8c-68) Seattle, WA 98124 | Boeing Aerospace Co | 425.33 | 744,226.66 |
| G. Chandler Keys III, 1301 Pennsylvania Avenue, NW, #300 Washington, DC 20004 | National Cattlemen's Assn | 1,000.00 | |
| Earline A. Keyser, 1620 I St., NW, #703 Washington, DC 20006 | Bechtel Power Corporation | | |
| Kiawah Island Co Ltd, P.O. Box 12910 Charleston, SC 29142 | | | |
| Richard F. Kibben, 200 Park Ave. New York, NY 10166 | Business Roundtable | 100.00 | 8.00 |
| Brian D. Kidney, 444 N. Capitol Street, NW, #718 Washington, DC 20001 | Pacific Telesis Group | 15,450.00 | |
| William S. Kies, 1750 K St., NW Washington, DC 20006 | Food Marketing Institute | 200.00 | |
| Ingolf N. Kiland Jr., 1660 L Street, NW Washington, DC 20036 | General Motors Corp | 3,000.00 | 2,692.32 |
| Brian M. Kilbury, 815 16th Street, NW Washington, DC 20006 | Brotherhood of Railway Airline & Steamship Clerks | 2,800.00 | 2,800.00 |
| William P. Killmer, 1331 Pennsylvania Avenue, NW, #910 Washington, DC 20004 | American Cement Trade Alliance, Inc | 1,730.77 | 286.87 |
| Mary K. Killorin, 1101 15th Street, NW Washington, DC 20005 | Minnesota Mining & Manufacturing Co | 1,500.00 | |
| Kilpatrick & Cody, 2501 M St., NW, #500 Washington, DC 20037 | Chemical Fuels Corp | | 189.49 |
| Do | City of Atlanta | | 34.61 |
| Do | B. W. Croswell | | |
| Do | Furniture Rental Assn of America | 7,520.00 | 99.68 |
| Do | Pepsico, Inc | 7,536.00 | 113.50 |
| Do | Sierra Club Legal Defense Fund | | 13.65 |
| Eun Sang Kim, 1030 15th Street, NW, #776 Washington, DC 20005 | Korean Traders Assn | | |
| Hee Jim Kim, 1030 15th Street, NW, #776 Washington, DC 20005 | Korean Traders Assn | | |
| Roberta D. Kimball, 729 15th Street, NW Washington, DC 20005 | Associated Builders & Contractors, Inc | 2,500.00 | |
| Richard H. Kimberly, 1201 Pennsylvania Avenue, NW, #730 Washington, DC 20004 | Kimberly-Clark Corp | 3,965.00 | 261.50 |
| Kimberly-Clark Corp, 401 North Lake Street Neenah, WI 54956 | | | 5,211.50 |
| James L. Kimble, 1025 Connecticut Ave., NW, #415 Washington, DC 20036 | American Insurance Assn | 380.00 | 36.00 |
| Ann Ottoson King, 1620 Eye Street, NW, #800 Washington, DC 20006 | Taft Stettinius & Hollister (For:Recordings Import Trade Committee) | | |
| Edward H. King, 200 Wilmot Rd. Deerfield, IL 60015 | Walgreen Co | | |
| W. Russell King, 1730 Rhode Island Ave., NW, #400 Washington, DC 20036 | Freeport McMoran, Inc | 500.00 | 184.00 |
| King & Spalding, 1730 Pennsylvania Ave., NW, #1200 Washington, DC 20006 | Alabama State Docks Department | | 25.68 |
| Do | Antitrust Remedies Reform Group | | 29.05 |
| Do | Camberent Financial Group | 5,375.00 | 1,260.21 |
| Do | Damson Oil Corp | | |
| Do | Dorchester Partners | 3,655.00 | |
| Do | General Aviation Manufacturers Association | | 9.48 |
| Do | General Electric Credit Corp | | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Do | | | 719.27 |
| Do | Lincoln Property Co | 12,250.50 | 202.58 |
| Do | Matra S.A. Sofretu S.A. and Combustion Engineering, Inc | | |
| Do | Milliken & Company | | |
| Do | National Assn of Bond Lawyers | | 3,478.39 |
| Do | Noro Realty Advisors, Inc | | 1,122.11 |
| Do | Piedmont Securities Co & Guaranty Investment Co | | |
| Do | Robert W. Woodruff Estate | 4,337.50 | |
| Do | State of Georgia | | |
| Do | SunTrust Banks, Inc | | |
| Do | Woodruff Foundation | | |
| Daniel T. Kingsley, 1655 N. Ft. Myer Dr., #700 Arlington, VA 22209 | National Venture Capital Association | 51,000.00 | 1,199.92 |
| Marcia Y. Kinter, 1600 Wilson Boulevard, #1000 Arlington, VA 22209 | American Waterways Operators, Inc | | |
| Cecilia Anne Kirby, 1819 L Street, NW, #600 Washington, DC 20036 | American Hotel & Motel Assn | | |
| Kirby Gillick Schwartz & Tuohey, P.C., 1220 L Street, NW, #310 Washington, DC 20005 | America West Airlines, Inc | | |
| Do | National Vehicle Leasing Assn | 250.00 | |
| Alan G. Kirk II, 1900 Pennsylvania Ave., NW Washington, DC 20068 | Potomac Electric Power Co | 7.59 | |
| John R. Kirk, Bingham, Dana & Gould 100 Federal St. Boston, MA 02110 | First National Bank of Boston | | |
| Kirkpatrick & Lockhart, 1900 M St., NW Washington, DC 20036 | American Council of Life Insurance, Inc | | |
| Do | Calvert Group, Ltd | | |
| Do | County of Suffolk, New York | | |
| Do | Investors Fiduciary Trust Co | 3,003.00 | |
| Do | Paine Webber Jackson & Curtis, Inc | | |
| Do | Republic National Bank of New York | | |
| Do | Whitney National Bank of New Orleans | | |
| Kirlin Campbell & Keating, One Farragut Square South Second Floor Washington, DC 20006 | Council of European & Japanese National Shipowners' Assn | 8,400.00 | 288.04 |
| Robert A. Kirshner, 1250 Connecticut Avenue, NW Washington, DC 20036 | National Forest Products Assn | 500.00 | |
| Dean Kleckner, 225 Touhy Avenue Park Ridge, IL 60068 | American Farm Bureau Federation | 2,750.00 | |
| Richard P. Kleeman, 2005 Massachusetts Ave., NW Washington, DC 20036 | Association of American Publishers | | |
| James A. Klein, 1615 H Street, NW Washington, DC 20062 | Chamber of Commerce of the U.S | 1,750.00 | 205.54 |
| Kenneth Klein, Cadwalader Wickersham & Taft 1333 New Hampshire Ave., NW Washington, DC 20036 | Federation of American Controlled Shipping | | |
| Kline Knopf & Wojdak, Inc, 355 N. 21st Street, #105 Camp Hill, PA 17011 | General Public Utilities Corp | | |
| William J. Klinefelter, 815 16th St., NW, #706 Washington, DC 20006 | United Steelworkers of America | 9,576.57 | |
| Michael R. Klipper, 1600 I St., NW Washington, DC 20006 | Motion Picture Assn of America, Inc | 595.92 | 118.11 |
| David M. Klucsik, 1415 Wyckoff Road Wall, NJ 07719 | New Jersey Natural Gas Co | | 247.95 |
| John F. Klucsik, 2300 M Street, NW, #800 Washington, DC 20037 | Roy F. Weston, Inc (For:Inmont Division-BASF Corp) | | |
| Knights of Columbus, Columbus Plaza New Haven, CT 06507 | | | |
| Albert B. Knoll, 1800 K Street, NW, #820 Washington, DC 20006 | Sun Co, Inc | 1,500.00 | 868.65 |
| Robert L. Knous Jr., 1410 Grant Street, #a-201 Denver, CO 80203 | Colorado Ski Country USA, Inc | | |
| Mark S. Knouse, 1825 K St., NW, #603 Washington, DC 20006 | Batus D.C | 2,000.00 | 10.00 |
| Ruth E. Kobell, 600 Maryland Ave., SW, #202 Washington, DC 20024 | Farmers' Educational & Co-Operative Union of America | 2,773.44 | 167.59 |
| Thomas G. Kobus, 1112 16th St., NW, #2000 Washington, DC 20036 | National Parking Association | | |
| George W. Koch, 1010 Wisconsin Ave., NW, #800 Washington, DC 20007 | Grocery Manufacturers of America, Inc | 649.01 | |
| Raymond P. Kogovsek, 3600 S. Yosemite, #830 Denver, CO 80237 | Colorado-Ute Electric Assn, Inc | | |
| Do | Public Employees Retirement Assn of Colorado | | |
| Do | Purgatoire River Water Conservancy District | | |
| Do | Upper Yampa Water Conservancy District | | |
| Gary J. Kohn, 1600 M Street, NW Washington, DC 20036 | Investment Company Institute | 46.16 | 70.67 |
| Michael S. Koleda, 1301 Pennsylvania Ave., NW, #325 Washington, DC 20004 | Council on Alternate Fuels | | |
| Daine K. Koller, 1899 L Street, NW, #403 Washington, DC 20036 | Outdoor Advertising Assn of America, Inc | 338.00 | 1,194.00 |
| John C. Kolojeski, Laroe Winn & Moerman 1120 G Street, NW, #800 Washington, DC 20005 | Chlorine Institute, Inc | | |
| Kominers Fort Schiefer & Boyer, 1401 New York Ave., NW, 12th Fl. Washington, DC 20005 | Atlantic Richfield Co | 14,875.00 | 5,204.26 |
| Do | Crowley Maritime Corp & Subsidiaries | 5,240.00 | 407.93 |
| Do | Marathon LeTourneau Co | | 271.33 |
| Do | Matson Navigation Co | 12,310.00 | 829.45 |
| Do | Oregon Economic Development Dept | 8,356.25 | 209.70 |
| Do | Pacific Coast Council of Freight Forwarders | 4,070.57 | 429.43 |
| Do | Portland Development Commission | 14,527.08 | 1,156.91 |
| Nicholas Kominus, 1001 Connecticut Ave., NW Washington, DC 20036 | U.S. Cane Sugar Refiners' Assn | 806.25 | 277.48 |
| Eugene P. Kopp, Suite 600 South 1120 20th Street, NW Washington, DC 20036 | Union Pacific Corp | 1,250.00 | |
| Steven Kopperud, 1701 N. Ft. Myer Drive Arlington, VA 22209 | American Feed Industry Assn | 3,240.00 | |
| Horace R. Kornegay, 1875 I St., NW, #800 Washington, DC 20006 | Tobacco Institute | | |
| Kerrill K. Kornegay, 1025 Connecticut Ave., NW, #1014 Washington, DC 20036 | Enserch Corporation | 1,875.00 | 1,681.20 |
| Ronald W. Kosh, 8111 Gatehouse Road Falls Church, VA 22047 | AAA Potomac | | |
| Nicholas P. Koskores, 1455 Pennsylvania Avenue, NW, #1000 Washington, DC 20004 | New England Council, Inc | | |
| Gerald J. Kovach, 1133 19th Street, NW Washington, DC 20036 | MCI Communications Corp | 2,000.00 | 36,840.55 |
| Kenneth S. Kovack, 815 16th St., NW, #706 Washington, DC 20006 | United Steelworkers of America | 10,508.76 | |
| Joan M. Kovalic, 2300 M Street, NW, #800 Washington, DC 20037 | Roy F. Weston, Inc (For:Inmont Division-BASF Corp) | | 196.24 |
| Mylio S. Kraja, 1608 K St., NW Washington, DC 20006 | American Legion | 3,088.02 | 449.85 |
| Joseph H. Kramer III, The Power House 3255 Grace Street, NW Washington, DC 20007 | Gray & Co Public Communications Int'l, Inc (For:Budd Company) | | |
| Do | Gray & Co Public Communications Int'l, Inc (For:HTB Corporation) | | |
| Do | Gray & Co Public Communications Int'l, Inc (For:Transit America) | | |
| Stephen W. Kraus, 1850 K St., NW Washington, DC 20006 | American Council of Life Insurance, Inc | 1,000.00 | |
| Raymond R. Krause, Pillsbury Center Ms 3771 Minneapolis, MN 55402 | Pillsbury Company | 1,500.00 | 420.00 |
| Jeffrey Krauss, 1350 Piccard Drive, #304 Rockville, MD 20850 | M/A-Com, Inc | 2,500.00 | 350.00 |
| Earl R. Kreher, 1620 Eye Street, NW, #1000 Washington, DC 20006 | Motor Vehicle Manufacturers Assn of the U.S., Inc | 920.00 | |
| Katherine Krell, 1901 L St., NW, #320 Washington, DC 20036 | Ogilvy Mather & Washington | | |
| Jay Kriegel, Kriegel Communications 437 Madison Avenue, 19th Fl. New York, NY 10022 | Association for a Better New York | 80,000.00 | 4,583.57 |
| Kroger Company, 1014 Vine St. Cincinnati, OH 45201 | | | |
| Do | | | |
| James C. Krone, 1152 Haslett Road P.O. Box 99 Haslett, MI 48840 | Roses, Inc | 1,500.00 | |
| Keith R. Krueger, 600 Maryland Ave., SW, #400 Washington, DC 20024 | American Optometric Assn | | |
| Paul R. Kruse, 1155 15th St., NW Washington, DC 20005 | Pennzoil Co | 625.00 | |
| Thomas A. Kube, 8111 Gatehouse Road Falls Church, VA 22047 | American Automobile Assn | | |
| Lloyd R. Kuhn, 1725 Desales St., NW Washington, DC 20036 | Aerospace Industries Assn of America, Inc | 16,116.00 | |
| Sara E. Kuhn, 1735 New York Avenue, NW Washington, DC 20006 | American Institute of Architects | 2,000.00 | |
| Thomas R. Kuhn, 1111 19th Street, NW Washington, DC 20036 | Edison Electric Institute | 8,610.39 | 416.02 |
| Rebecca L. Kupper, 655 15th Street, NW 300 Metropolitan Square Washington, DC 20005 | American Medical International | 1,950.00 | 85.00 |
| Ester Kurz, 500 North Capitol St., NW, #300 Washington, DC 20001 | American Israel Public Affairs Comm | 14,479.22 | 530.41 |
| Jeffrey Kurzweil, Hill Betts & Nash 1818 N St., NW Washington, DC 20036 | Marriott Corporation | 11,044.33 | 785.46 |
| James M. Kuszaj, 1800 M St., NW, #700 S. Washington, DC 20036 | Dow Chemical USA | | |
| Kutak Rock & Campbell, 1101 Connecticut Avenue, NW Washington, DC 20036 | America First Federally Guaranteed Mortgage Fund II. . | | |
| Do | Citicorp Investment Bank | 4,219.88 | 2,240.11 |
| James La Sala, 5025 Wisconsin Avenue, NW Washington, DC 20016 | Amalgamated Transit Union, AFL-CIO | | |
| Labor Bureau, Inc, 1101 15th Street, NW, #1010 Washington, DC 20005 | | | |
| Labor Management Maritime Committee, Inc, 100 Indiana Avenue, NW Washington, DC 20001 | | 5,811.00 | 8,990.00 |
| Joseph L. Lach, 1025 Connecticut Avenue, NW, #214 Washington, DC 20036 | Manville Products Corp | 500.00 | |
| John D. Lacopo, 1331 Pennsylvania Ave., NW, #1300 Washington, DC 20004 | EDS Corporation | 160.00 | 121.00 |
| Robert A. Ladig, Scott Plaza Philadelphia, PA 19113 | Scott Paper Co | 2,150.00 | 1,068.55 |
| Sandra L. Lafevre, 2500 Riva Road, SE Annapolis, MD 21401 | Nationwide Insurance Co | | |
| Steven R. Lainoff, 1200 18th Street, NW Washington, DC 20036 | Lee Toomey & Kent (For:R.J. Reynolds Industries, Inc) | | 6.50 |
| Robert Lamb, 1220 L Street, NW Washington, DC 20005 | American Petroleum Institute | 5,000.00 | 172.18 |
| David F. Lambert III, 1401 New York Ave., NW, #720 Washington, DC 20005 | National Assn of Insurance Brokers, Inc | | |
| James E. Lamble, 1620 Eye Street, NW, #703 Washington, DC 20006 | Bechtel Power Corporation | | |
| Stephen K. Lambright, One Busch Place St. Louis, MO 63118 | Anheuser-Busch Companies, Inc | | |
| Virginia B. Lamp, 1615 H Street, NW Washington, DC 20062 | Chamber of Commerce of the U.S | 2,400.00 | 639.89 |
| Virginia A. Lampley, 1818 N St., NW, #600 Washington, DC 20036 | DGA International, Inc (For:Dir Intl Aff of the Gen Del for Armements) | | |
| Do | DGA International, Inc (For:Societe Nationale D'Etude et de Const de Moteurs D'Aviation) | 334.00 | |
| Ray H. Lancaster, 1331 Pennsylvania Ave., NW, #565 Washington, DC 20004 | Texas Gas Transmission Corp | 3,000.00 | 100.74 |
| L. Charles Landgraf, 1333 New Hampshire Avenue, NW Washington, DC 20036 | Leboeuf Lamb Leiby & Macrae | | |
| Thomas M. Landin, One Franklin Plaza Philadelphia, PA 19101 | SmithKline Beckman Corp | | |
| Landis Cohen Singman & Rauh, 1019 19th St., NW, #500 Washington, DC 20036 | American Soc of Composers Authors & Publishers | 12,000.00 | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Do | NFL Players Association | 3,000.00 | |
| Frederick Landman, 460 W. 42nd Street, 4th Fl. New York, NY 10036 | Pan American Satellite Corp | | |
| David W. Landsidle, 1710 Rhode Island Avenue, NW, #300 Washington, DC 20036 | Abbott Laboratories | 2,000.00 | |
| Bruce Alan Landy, 2601 Virginia Ave., NW Washington, DC 20037 | B.A.L. Co | | |
| Do | Cryogenic Vacuum Technology Co | | |
| Do | | | |
| Albert E. Lane, P.O. Box 37152 Cincinnati, OH 45222 | Media-Independence-Competition-Medcom-Mic | | |
| Do | People Opposed to Energy Lobby - Potel | | |
| Scott H. Lane, 412 First Street, SE Washington, DC 20003 | National Automobile Dealers Assn | 3,000.00 | |
| Lane & Edson, P.C., 2300 M Street, NW Washington, DC 20036 | City of Baltimore | 600.00 | |
| Do | Council for Rural Housing and Development | 4,000.00 | |
| Adrienne C. Lang, 1201 Pennsylvania Avenue, NW Washington, DC 20004 | American Soc of Anesthesiologists | 1,300.00 | |
| Joseph L. Lang, 1100 N Street, Suite 2E Sacramento, CA 95814 | Dairy Farmers for Responsible Dairy Policy | | |
| Do | West Coast Fabricators & Steel Industry Assn | | |
| Do | West Coast Fabricators & Steel Industry Assn | | |
| Robin W. Lanier, 1000 Connecticut Ave., NW Washington, DC 20036 | National Retail Merchants Assn | 200.00 | 20.00 |
| Wayne R. Lapierre Jr., 1600 Rhode Island Ave., NW Washington, DC 20036 | National Rifle Assn of America | 1,276.25 | |
| Clifford Laplante, 1331 Pennsylvania Avenue, NW Washington, DC 20004 | General Electric Co | 1,230.00 | |
| J. Stephen Larkin, 9225 Katy Freeway, #401 Houston, TX 77024 | Petroleum Equipment Suppliers Assn | 1,430.00 | 777.36 |
| William L. Larsen, 1025 Connecticut Avenue, NW, #415 Washington, DC 20036 | American Insurance Assn | | |
| Reed E. Larson, 8001 Braddock Road, #600 Springfield, VA 22160 | National Right to Work Committee | | |
| Michael Lashbrook, 1600 Rhode Island Ave., NW Washington, DC 20036 | National Rifle Assn of America | 1,201.25 | |
| Dennis Lavallee, 180 S. Washington St., P.O. Box 6808 Falls Church, VA 22046 | National Assn of Plumbing-Heating-Cooling Contractors | 500.00 | 91.25 |
| Joan H. Lavor, 1957 E Street, NW Washington, DC 20006 | Associated General Contractors of America | | |
| Rebecca K. Lawler, 4013 Seventh Street, NE, #3 Washington, DC 20017 | Americans for Tax Reform | 1,062.50 | |
| Elizabeth Lawson, 1730 M Street, NW Washington, DC 20036 | League of Women Voters of the U.S. | 3,792.03 | 34.28 |
| Janie L. Lawson, 1025 Connecticut Avenue, NW, #200 Washington, DC 20036 | Shell Oil Co | 500.00 | |
| Laxalt Corporation, 214 Massachusetts Ave., NE, #380 Washington, DC 20002 | Continental Airlines, Inc | | |
| Do | Motion Picture Assn of America, Inc | 3,250.00 | |
| Do | Norfolk Southern Corp | | |
| Do | Purolator Courier | 600.00 | |
| Do | Riviana Foods | | |
| Do | R. T. Vanderbilt Co, Inc | | |
| Ernest M. Le Sueur, 453 New Jersey Avenue, SE Washington, DC 20003 | Beneficial Management Corp of America | | |
| Leach Biesty & McGreevy, 1919 Pennsylvania Ave., NW Washington, DC 20006 | Washington Psychiatric Society | 5,250.00 | 38.50 |
| League of Women Voters of the U.S., 1730 M St., NW Washington, DC 20036 | | 70,380.18 | 70,380.18 |
| League to Save Lake Tahoe, 2197 Lake Tahoe Blvd. P.O. Box 10110 South Lake Tahoe, CA 95731 | | | |
| Thomas B. Leary, Hogan & Hartson 815 Connecticut Avenue, NW Washington, DC 20006 | Business Roundtable | 70,504.78 | |
| Richard J. Lease, 2145 Boise Drive Las Cruces, NM 88001 | | | |
| Leboeuf Lamb Leiby & Macrae, 1333 New Hampshire Ave., NW, #1100 Washington, DC 20036 | British Insurance Assn | | |
| Do | General Conf of the 7th Day Adventists Church Risk Mgt Svcs | | 209.55 |
| Do | Underwriters at Lloyd's London | | |
| Robert F. Lederer, 1250 I Street, NW, #500 Washington, DC 20005 | American Assn of Nurserymen | | |
| Thomas J. Lee Jr., P.O. Box 2628 Houston, TX 77252 | Entex, Inc | | |
| Lee Toomey & Kent, 1200 18th Street, NW Washington, DC 20036 | Cargill, Inc | 24,386.25 | 13.50 |
| Do | RJR Nabisco, Inc | 16,000.00 | 6.50 |
| L. Courtland Lee, Inc, 3814 West Street Landover, MD 20785 | Minerals Exploration Coalition, Inc | | |
| Do | Minerals Exploration Coalition, Inc | | |
| Lefevere Lefler Kennedy O'Brien & Drawz, 2000 First Bank Place West 120 South 6th Street Minneapolis, MN 55402 | City of New Brighton | | |
| Leff & Mason, 1700 Pennsylvania Ave., NW, #450 Washington, DC 20006 | County of Orange | | |
| Do | Orange County Transportation Commission | | |
| Do | Orange County Water District | | |
| Do | Santa Ana River Flood Protection Agency | | |
| Peter A. Lefkin, 1025 Connecticut Avenue, NW, #415 Washington, DC 20036 | American Insurance Assn | 250.00 | 35.00 |
| Leslie A. Lehmann, 111 SW Columbia, #800 Portland, OR 97201 | Nerco, Inc | 6,765.00 | 2,168.10 |
| Lehrfeld & Herzke, P.C., 1301 Pennsylvania Ave., NW, #1110 Washington, DC 20004 | Knights of Columbus | | |
| Terry L. Leitzell, Bogle and Gates One Thomas Circle, NW, #900 Washington, DC 20005 | American Shrimpboat Association | | |
| Do | Marine Construction & Design Co | | |
| Do | Oceantrawl Corporation | | |
| Do | Port of Seattle | 2,000.00 | |
| Joseph L. Leitzinger, 900 4th Ave. Seattle, WA 98164 | Simpson Timber Co | 971.00 | 610.00 |
| Lynn H. Lemaster, 1111 19th Street, NW Washington, DC 20036 | Edison Electric Institute | 2,393.83 | 530.78 |
| Robert A. Lembo, 1050 31st Street, NW Washington, DC 20007 | Association of Trial Lawyers of America | 2,000.00 | 100.00 |
| Laverne Still Lemen, 1030 15th St., NW, #700 Washington, DC 20005 | National Cotton Council of America | 1,100.00 | 25.18 |
| Lynette Lenard, 1050 Connecticut Avenue, NW, #300 Washington, DC 20036 | RJR Nabisco, Inc | 2,500.00 | |
| Thomas J. Lengyel, 1625 K Street, NW, #1000 Washington, DC 20006 | American Institute of Merchant Shipping | | |
| Donna Lenhoff, 2000 P St., NW, #400 Washington, DC 20036 | Women's Legal Defense Fund | 77.30 | 21.04 |
| Betty Jane Leonard, P.O. Box 19109 Greensboro, NC 27419 | Unifi, Inc | | 109.00 |
| Burleigh C. W. Leonard, 2550 M Street, NW, #770 Washington, DC 20037 | RJR Nabisco, Inc | 600.00 | 1,363.97 |
| Earl T. Leonard Jr., P.O. Drawer 1734 Atlanta, GA 30301 | Coca-Cola Company | 1,024.00 | 973.57 |
| Lloyd Leonard, 1730 M St., NW Washington, DC 20036 | League of Women Voters of the U.S. | 5,309.86 | 48.42 |
| Rodney E. Leonard, 2001 S Street, NW, #530 Washington, DC 20009 | Community Nutrition Institute | | |
| Leonard & McGuan, P.C., 900 17th Street, NW, #1020 Washington, DC 20006 | International Union of Police Associations, AFL-CIO | | |
| Do | Kansas Corporation Commission | | |
| Do | Wisconsin Dairies | | |
| Charles Leppert Jr., 801 18th Street, NW, #400 Washington, DC 20006 | Procter & Gamble Manufacturing Co | 46.49 | |
| Richard L. Lesher, 1615 H St., NW Washington, DC 20062 | Chamber of Commerce of the U.S. | | |
| William Gene Lesher, 517 C Street, NE Washington, DC 20002 | Lyng and Lesher, Inc | | |
| Lesher and Associates, Inc, 517 C Street, NE Washington, DC 20002 | Dairy Farmers for Responsible Dairy Policy | | |
| William J. Lessard Jr., 1300 19th Street, NW, #310 Washington, DC 20036 | National Comm to Preserve Social Security & Medicare | 6,250.00 | |
| Leva Hawes Mason & Martin, 1220 19th St., NW, #700 Washington, DC 20036 | Finnigan Corporation | | |
| Do | Scientific Apparatus Makers Assn | 1,020.00 | 5.90 |
| Milton Levenson, P.O. Box 3965 San Francisco, CA 94119 | Bechtel Power Corporation | | |
| Leventhal & Senter, 1001 22nd Street, NW, #550 Washington, DC 20037 | Aeronautical Radio, Inc | 3,000.00 | 35.00 |
| Do | Pan American Satellite Corp | | 30.00 |
| Bertram J. Levine, 1667 K Street, NW, #410 Washington, DC 20006 | Johnson & Johnson | 1,000.00 | 225.00 |
| Harry Levine Jr., 1331 Pennsylvania Ave., NW Washington, DC 20004 | General Electric Co | | |
| Kenneth S. Levine, 1455 Pennsylvania Avenue, NW, #600 Washington, DC 20004 | Joseph E. Seagram & Sons, Inc | 977.50 | |
| Lawrence E. Levinson, 1875 Eye St., NW, #940 Washington, DC 20006 | Gulf & Western Industries, Inc | 2,750.00 | 480.00 |
| David Levy, 7000 Central Avenue, NE P.O. Box 1453 Minneapolis, MN 55432 | Medtronic, Inc | 50.00 | 179.09 |
| Leslie Levy, 500 North Capitol St., NW, #300 Washington, DC 20001 | American Israel Public Affairs Comm | 600.00 | |
| Michael R. Lewis, 1133 15th St., NW, #640 Washington, DC 20005 | International Longshoremen's & Warehousemen's Union | 10,300.00 | 1,338.15 |
| Richard Lewis, 1025 Vermont Ave., NW Washington, DC 20005 | American Pulpwood Assn | | |
| William H. Lewis, Morgan Lewis & Bockius 1800 M Street, NW Washington, DC 20036 | U.S. Gypsum Co | 10,000.00 | 500.00 |
| John F. Leyden, 815 16th Street, NW, #308 Washington, DC 20006 | Public Employee Department, AFL-CIO | 4,187.49 | |
| James Patton LeGory, 8823 Southwick Street Fairfax, VA 22031 | Oxford Group Limited | | |
| William J. Lhota, 215 N. Front Street Columbus, OH 43215 | Columbus and Southern Ohio Electric Co | 2,250.00 | 2,017.09 |
| Judith Lichtman, 2000 P St., NW, #400 Washington, DC 20036 | Women's Legal Defense Fund | 619.64 | 298.60 |
| William C. Lienesch, 238 10th St., SE Washington, DC 20003 | National Parks & Conservation Association | 1,017.00 | 81.65 |
| Howard C. Liggett, 9916 Stone Meadow Rd Pensacola, FL 32514 | | | |
| Ross W. Lillard, 920 Main Street Kansas City, MO 64105 | Stinson Mag & Fizzell (For:Farmland Industries, Inc) | | |
| Diane Palmer Lilly, 1200 Peavey Building Minneapolis, MN 55479 | Norwest Corporation | | |
| Stephen R. Lindauer, 1957 E Street, NW Washington, DC 20515 | Associated General Contractors of America | | |
| Kathleen M. Linehan, 1875 Eye St., NW, #500 Washington, DC 20006 | Philip Morris, Inc | 1,050.00 | 160.00 |
| Andrew D. Lipman, Pepper Hamilton & Scheetz 1777 F Street, NW Washington, DC 20006 | MCI Telecommunications Corp | | |
| Hershel Lipow, 1735 New York Avenue, NW Washington, DC 20006 | American Institute of Architects | 3,625.00 | |
| Janice C. Lipsen, 900 17th St., NW, #504 Washington, DC 20006 | Counselors for Management, Inc (For:Independent Zinc Alloyers Assn) | | |
| Linda A. Lipsen, 2001 S Street, NW, #520 Washington, DC 20009 | Consumers Union of U.S., Inc | 2,160.00 | |
| Lisboa Associates, Inc, 1317 F St., NW, #400 Washington, DC 20004 | College of the Virgin Islands | 2,065.50 | |
| John M. Lison, 16100 South Lathrop Avenue Harvey, IL 60426 | Atcor, Inc | 6,000.00 | 650.07 |
| David H. Lissy, 1 Gulf & Western Plaza New York, NY 10023 | Gulf & Western Industries, Inc | | |
| Barbara A. Little, 1155 15th St., NW, #611 Washington, DC 20005 | Ethyl Corporation | 1,200.00 | |
| Charles B. Little, 600 Maryland Ave., SW, #603 Washington, DC 20024 | UBA, Inc | 1,000.00 | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Thomas W. Little, 1750 K Street, NW Washington, DC 20006 | Food Marketing Institute | 750.00 | |
| William F. Little, 815 Connecticut Ave., NW Washington, DC 20006 | Ford Motor Co | 487.00 | 813.80 |
| Roy Littlefield, 15900 Pinecroft Lane Bowie, MD 20716 | American Retreaders' Assn | 500.00 | |
| Do | Greater Washington/Maryland Service Station Assn | 500.00 | |
| E. Geoffrey Littlehale, 1100 15th Street, NW Washington, DC 20005 | Pharmaceutical Manufacturers Assn | 4,000.00 | 66.00 |
| E. F. Livaudais Jr., 1333 New Hampshire Ave., NW Washington, DC 20036 | Atlantic Richfield Co | 40.00 | |
| Livestock Marketing Association, 301 E. Armour Blvd. Kansas City, MO 64111 | | | |
| Franci Livingston, 215 Pennsylvania Avenue, SE Washington, DC 20003 | Public Citizen's Congress Watch | 4,749.96 | |
| Richard D. Lloyd, 600 Maryland Avenue, SW, #520 Washington, DC 20024 | GPU Service Corporation | 1,406.77 | |
| Lobel Novins Lamont & Flug, 1275 K St., NW, #770 Washington, DC 20005 | Generic Pharmaceutical Industry Assn | | 534.80 |
| Paul Locigno, 25 Louisiana Avenue, NW Washington, DC 20001 | International Brotherhood of Teamsters | 20,906.55 | |
| Robert F. Lockhart Jr., 490 L'enfant Plaza East, SW Washington, DC 20024 | Tenneco, Inc | | 1,950.00 |
| Lomas & Nettleton Financial Corp, 2001 Bryan Tower, P.O. Box 225644 Dallas, TX 75265 | | | |
| Robert S. Long, 919 18th Street, NW, #400 Washington, DC 20006 | Diamond Shamrock Corp | | |
| John H. Lonnquist, 1025 Connecticut Ave., NW, #214 Washington, DC 20036 | Manville Corporation | 1,500.00 | |
| Laura Loomis, 1701 18th St., NW Washington, DC 20009 | National Parks & Conservation Association | | |
| Susan J. Loomis, 1957 E Street, NW Washington, DC 20006 | Associated General Contractors of America | 5,000.00 | 500.00 |
| Loomis Owen Fellman & Howe, 2020 K St., NW Washington, DC 20006 | Association of Bituminous Contractors | | |
| Do | Classroom Publishers Assn | | |
| Do | Industrial Diamond Assn | | |
| Do | Optical Manufacturers Assn | | |
| Do | Textile Rental Services Assn of America | | |
| Gerald D. Lore, 1050 Connecticut Avenue, NW, #401 Washington, DC 20036 | Hoffmann-La Roche, Inc | | |
| Philip J. Loree, 50 Broadway New York, NY 10004 | Federation of American Controlled Shipping | 200.00 | 416.00 |
| Robert E. Losch, P.C., 1716 New Hampshire Ave., NW Washington, DC 20009 | American Dredging Co | 21,650.00 | 3,522.05 |
| Timothy Lovain, 3713 Gunsten Rd. Alexandria, VA 22302 | Denny Miller Associates | 9,000.00 | |
| James F. Lovett, 1801 K St., NW Washington, DC 20006 | Westinghouse Electric Corp | 500.00 | 200.00 |
| Paula D. Lucak, 815 16th Street, NW, #308 Washington, DC 20006 | Public Employee Department, AFL-CIO | 8,250.06 | 218.13 |
| Daniel P. Lucas, 777 14th St., NW, Washington, DC 20005 | National Assn of Realtors | 1,250.00 | 346.86 |
| James D. Lucas, 25 South Charles Street Baltimore, MD 21201 | First Maryland Bancorp | | |
| Do | First National Bank of Maryland | | |
| Mrs. Freddie H. Lucas, 1660 L St., NW Washington, DC 20036 | General Motors Corp | 3,000.00 | 880.72 |
| William L. Lucas, 2021 K Street, NW, #300 Washington, DC 20006 | Primark Corporation | 500.00 | |
| Charles Emmet Lucey, Manatt Phelps Rothenberg Tunney & Evans 1200 New Hampshire Avenue, NW, #200 Washington, DC 20036. | Catholic Press Assn | | |
| Do | McDermott Will & Emery | | |
| Kathy K. Luhn, 5205 Leesburg Pike, #505 Falls Church, VA 22041 | National Beer Wholesalers Assn, Inc | | 156.63 |
| Sylvester Lukis, 1155 15th Street, NW, #504 Washington, DC 20005 | Cramer Haber & Lukis, P.c. (For:Canaveral Port Authority) | | |
| Do | Cramer Haber & Lukis, P.c. (For:City of Miami) | | |
| Do | Cramer Haber & Lukis, P.C. (For:City of Miami Beach) | | |
| Do | Cramer Haber & Lukis, P.c. (For:Dade County) | | |
| Do | Cramer Haber & Lukis, P.C. (For:Dade County International Airport) | | |
| Do | Cramer Haber & Lukis, P.C. (For:Department of Education, State of Florida) | | |
| Do | Cramer Haber & Lukis, P.C. (For:Florida Alliance) | | |
| Do | Cramer Haber & Lukis, P.C. (For:Greater Orlando Airport Authority) | | |
| J.C. Luman & Associates, 1030 15th Street, NW, #720 Washington, DC 20005 | National Assn of Personnel Consultants | | |
| Michael L. Lunceford, 8787 Stemmons Freeway Dallas, TX 75247 | Mary Kay Cosmetics, Inc | 15,000.00 | |
| Milton F. Lunch, 1420 King St. Alexandria, VA 22314 | National Society of Professional Engineers | 1,000.00 | |
| Christian J. Lund, 1825 I Street, NW, #700 Washington, DC 20006 | United Technologies Corporation | 18,372.00 | |
| Lund & O'Brien, 1625 Eye St., NW Washington, DC 20006 | Federation of American Controlled Shipping | 900.00 | 111.23 |
| Do | Pennsylvania Power & Light Co | 1,626.00 | 94.84 |
| Francis M. Lunnie Jr., 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20005 | National Assn of Manufacturers | | |
| David C. Luttrell, 1422 W. Peachtree St., NW, #612 Atlanta, GA 30309 | National Assn of Manufacturers | | |
| W. Fletcher Lutz, 727 South 23rd St., #100 Arlington, VA 22202 | Association of Government Accountants | | |
| John C. Lynch, 1615 H Street, NW Washington, DC 20062 | Citizen's Choice, Inc | | |
| Timothy P. Lynch, 1901 N. Fort Myer Dr., #204 Arlington, VA 22209 | Roadway Express, Inc | 425.00 | 200.00 |
| John E. Lynn, 1735 New York Avenue, NW Washington, DC 20006 | American Institute of Architects | 1,600.00 | |
| M/A-Com, Inc, 1350 Piccard Drive, #304 Rockville, MD 20850 | | | 6,100.00 |
| Joseph H. Macaulay, 300 Metropolitan Square 655 15th Street, NW Washington, DC 20005 | U.S. Surgical Corporation | | |
| Anthony R. Macchia, 4 World Trade Center New York, NY 10048 | Coffee Sugar & Cocoa Exchange, Inc | | |
| James E. Mack, 9005 Congressional Court Potomac, MD 20854 | National Assn of Mirror Manufacturers | | |
| Do | Peanut Butter & Nut Processors Assn | | |
| James H. Mack, 7901 Westpark Dr. Mclean, VA 22102 | National Machine Tool Builders' Assn | 16,243.00 | 500.00 |
| Timothy C. Mack, 910 17th Street, NW, #318 Washington, DC 20006 | Hoving Group (For:Republic of Liberia) | 3,300.00 | |
| John Macnamara, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037 | Algoma Steel Corp, Ltd | | |
| Timothy MacCarthy, 1620 I Street, NW, #1000 Washington, DC 20006 | Motor Vehicle Manufacturers Assn of the U.S., Inc | 1,363.00 | |
| Jack A. MacDonald, 1901 N. Fort Meyer Drive, #302 Rosslyn, VA 22209 | Beverly Enterprises, Inc | | |
| Miriam A. MacDonald, 1025 Connecticut Avenue, NW, #1010 Washington, DC 20036 | Metropolitan Life & Affiliated Cos | 1,000.00 | |
| Wendy L. MacDonald, 1957 E Street, NW Washington, DC 20006 | Associated General Contractors of America | | |
| John H. Madigan Jr., 1575 Eye Street, NW, #1025 Washington, DC 20005 | American Cancer Society | 20,000.00 | 725.00 |
| Susan Magaw, P.O. Box 3556 Washington, DC 20007 | American Meat Institute | 2,000.00 | |
| James N. Magill, 200 Maryland Avenue, NE Washington, DC 20002 | Veterans of Foreign Wars of the U.S | 4,500.00 | 218.00 |
| A. John Maguire, 1030 15th Street, NW Washington, DC 20005 | National Cotton Council of America | 18,750.00 | 713.52 |
| W. Terry Maguire, Box 17407 Dulles International Airport Washington, DC 20041 | American Newspaper Publishers Assn | 1,125.00 | |
| John F. Mahoney, 1101 Vermont Ave., NW Washington, DC 20005 | American Medical Assn | 5,378.00 | |
| Terence P. Mahony, 1825 K Street, NW, #807 Washington, DC 20006 | National Broadcasting Co, Inc | 500.00 | 110.23 |
| Robert L. Maier, 900 17th St., NW, #1000 Washington, DC 20006 | Kaiser Aluminum & Chemical Corp | 210.00 | 20.00 |
| Ellen L. Maitland, 777 14th Street, NW Washington, DC 20005 | National Assn of Realtors | | |
| Major League Baseball Players Assn, 805 Third Avenue New York, NY 10022 | | | |
| K. Wayne Malbon, 1250 I Street, NW, #400 Washington, DC 20005 | National Tire Dealers & Retreaders Assn | 381.00 | 10.00 |
| Daniel C. Maldonado, 10000 Falls Rd., #306 Potomac, MD 20854 | American Soc of Anesthesiologists | 14,950.00 | 987.93 |
| Do | Association of Univ Programs & Occupational Health & Safety | | |
| Do | Los Angeles Alliance for Equitable Customs Staffing | 1,800.00 | 65.27 |
| Do | National Hemophilia Foundation | | |
| Do | University of Nevada, Las Vegas | | |
| David Mallino, 815 16th Street, NW Washington, DC 20006 | Industrial Union Department, AFL-CIO | 7,593.24 | 1,036.96 |
| Lawrence R. Malone, 1211 Avenue of The Americas New York, NY 10036 | Celanese Corp | | |
| Robert H. Maloney, 490 L'enfant Plaza East, SW Washington, DC 20024 | Tenneco, Inc | | |
| William R. Maloni, 3900 Wisconsin Avenue, NW Washington, DC 20016 | Federal National Mortgage Assn | 24,250.00 | 1,982.79 |
| Man-Made Fiber Producers Assn, Inc, 1150 17th St., NW, #310 Washington, DC 20036 | | 8,952.00 | 7,939.87 |
| Management & Government Resources, 1305 Mt. Holly Road Burlington, NJ 08016 | Burlington Coat Factory | 13,567.79 | 8,190.77 |
| Manatt Phelps Rothenberg Tunney & Evans, 1200 New Hampshire Ave., NW, #200 Washington, DC 20036 | Alliance for a Capital Access | 3,200.00 | |
| Do | American Bankers Assn | 945.00 | |
| Do | American Petrofina, Inc | | |
| Do | Boeing Company | | |
| Do | Chronar Corporation | | |
| Do | Coalition for Tax Reform | 6,025.00 | |
| Do | Connecticut National Bank | | |
| Do | Empire Blue Cross & Blue Shield | 1,050.00 | |
| Do | First Pennsylvania Bank | | |
| Do | Flying Tiger Line, Inc | | |
| Do | Government of Cyprus | 11,450.00 | |
| Do | Government of Jamaica | 3,021.25 | |
| Do | Indian Gaming Assn | 420.00 | |
| Do | Jamaican Broadcasting Corp | | |
| Do | Manufacturers Hanover Leasing Corp | | |
| Do | Money Store | 5,380.00 | |
| Do | New World Pictures | | |
| Do | Northrop Corp | 3,045.00 | |
| Do | Philip Morris, Inc | 10,575.00 | |
| Do | Pyramid Companies | | |
| Do | Rollins Environmental Services | 1,935.00 | |
| Do | Rollins, Inc | 420.00 | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Do | RLC Corporation | | |
| Do | Security First Group | 2,730.00 | |
| Do | Southern California Rapid Transit District | 1,260.00 | |
| Do | Donald T. Sterling & Associates | | |
| Do | Superior Training Services | 1,375.00 | |
| Do | Traweek Investment Co, Inc | 1,845.00 | |
| Katherine T. Mance, 1616 H Street, NW Washington, DC 20006 | American Retail Federation | 400.00 | 33.50 |
| Manchester Associates, Ltd, 1155 15th Street, NW, #811 Washington, DC 20005 | Corporacion Nacional del Cobre de Chile | | |
| Do | Nissan Motor Company, Ltd | | |
| Susan Manes, 2030 M Street, NW Washington, DC 20036 | Common Cause | 11,250.50 | 385.61 |
| Frank Mankiewicz, The Power House 3255 Grace Street, NW Washington, DC 20007 | Gray & Co Public Communications Int'l, Inc (For:United Air Lines) | 150.00 | |
| Donald W. Mann, 60-B Franklin St. Tenafly, NJ 07666 | Negative Population Growth, Inc | | |
| Cynthia Mansfield, 600 Maryland Ave., SW, #520 Washington, DC 20024 | GPU Service Corporation | 2,124.00 | 590.06 |
| Manufactured Housing Institute, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202 | | | 4,900.00 |
| March for Life, Inc, PO Box 2950 Washington, DC 20013 | | 6,322.15 | 16,455.82 |
| R. V. Mariani, 815 16th St., NW Washington, DC 20006 | Brotherhood of Railway Airline & Steamship Clerks | 1,200.00 | 1,200.00 |
| Maritime Institute for Research & Industrial Development, 1133 15th St., NW, #600 Washington, DC 20005 | | | 15,794.00 |
| Richard Mark, 1616 P St., NW, #320 Washington, DC 20036 | Professionals' Coalition for Nuclear Arms Control | 8,458.33 | 3,299.08 |
| Patricia Markey, 1155 15TH St., NW, #400 Washington, DC 20005 | United Distribution Companies | 4,046.00 | 151.20 |
| Richard P. Markey, 729 15th St., NW Washington, DC 20005 | Associated Builders & Contractors, Inc | | |
| Lawrence D. Markley, P.O. Box 196300 Anchorage, AK 99519 | Chugach Electric Assn, Inc | 3,443.00 | 1,886.73 |
| Marc L. Marks, 1801 K Street, NW Washington, DC 20006 | Westinghouse Electric Corp | 3,300.00 | |
| Ronald Anthony Marks, 10 Waterside Plaza, #2b New York, NY 10010 | | | |
| Luther A. Markwart, 1156 15th St., NW, #1019 Washington, DC 20005 | American Sugarbeet Growers Assn | | |
| Ernest Robert Marlow, 1126 16th Street, NW, #410 Washington, DC 20036-1081 | International Chemical Workers Union | 5,000.00 | |
| Howard Marlowe, 655 15th Street, NW, #300 Washington, DC 20005 | Coalition to Keep Alaska Oil | 1,312.50 | 61.78 |
| Marlowe & Company, 1667 K Street, NW, #660 Washington, DC 20006 | Graphic Communications Int'l Union | 10,300.30 | 10,300.30 |
| Chalmers H. Marquis, 1818 N St., NW, #410 Washington, DC 20036 | Agency for Instructional Television | | |
| Do | Children's Television Workshop | | |
| Do | National Assn of Public Television Stations | 600.00 | 150.00 |
| Dan Marriott, 900 Kennecott Building Salt Lake City, UT 84133 | Guardian Life Insurance Co of America | | |
| Lori A. Marsden, 1015 15th Street, NW, #802 Washington, DC 20005 | American Consulting Engineers Council | 200.00 | |
| C. Travis Marshall, 1776 K St., NW, #300 Washington, DC 20006 | Motorola, Inc | | |
| Do | Motorola, Inc | 1,500.00 | 12.00 |
| Dianne D. Marshall, 1331 Pennsylvania Avenue, NW, #910 Washington, DC 20004 | American Cement Trade Alliance, Inc | 730.77 | 45.60 |
| Scott Marshall, 1909 K Street, NW Washington, DC 20049 | American Assn of Retired Persons | 507.69 | 143.00 |
| Thomas A. Martens, P.O. Box 10110 SO. Lake Tahoe, CA 95731 | League to Save Lake Tahoe | | |
| Danea Kehoe Martin, 1922 F Street, NW Washington, DC 20006 | National Assn of Life Underwriters | 475.00 | 105.00 |
| David F. Martin, 2020 14th Street, North Arlington, VA 22201 | American Standard Inc | 750.00 | |
| Donald N. Martin, Donald N. Martin & Company, Inc 630 Fifth Ave. New York, NY 10111 | | | |
| Fred J. Martin Jr., 1800 K Street, NW Washington, DC 20006 | Bank of America | 1,165.94 | 373.21 |
| J. Ross Martin, Kansas Petroleum Council 1414 Merchants Nat'l Bank Bldg. 8th & Jackson Topeka, KS 66612 | American Petroleum Institute | 700.00 | 657.79 |
| John M. Martin Jr., 1750 K Street, NW Washington, DC 20006 | Food Marketing Institute | 100.00 | |
| Katherine E. Martin, 50 F Street, NW Washington, DC 20001 | Association of American Railroads | 441.68 | 112.08 |
| Larry K. Martin, 1611 North Kent Street, #800 Arlington, VA 22209 | American Apparel Manufacturers Assn, Inc | 2,600.00 | 75.00 |
| Peggy L. Martin, 777 14th Street, NW Washington, DC 20005 | National Assn of Realtors | | |
| James C. Martinelli, 1025 Connecticut Avenue, NW, #300 Washington, DC 20036 | Environmental Management Consultants, Inc | | |
| Vilma S. Martinez, 612 S. Flower Street, 5th Floor Los Angeles, CA 90017 | Munger Tolles & Rickershauser (For:Spanish International Communications Corp) | 1,980.00 | 61.12 |
| Ernest Marty, 85 Ridge St. North Sidney, Nsw 2060 Australia | | | |
| Judith Marty, 85 Ridge St. North Sydney, Nsw 2060 Australia | | | |
| Maryland People's Counsel, 231 E. Baltimore Street, 9th Fl. Baltimore, MD 21202 | | | 1,164.51 |
| Mike M. Masaoka, Suite 520, The Farragut Bldg. 900 17th St., NW Washington, DC 20006 | American Japanese Trade Comm | | |
| Do | Japan Telescopes Manufacturers Assn | 200.00 | |
| Do | Nisei Lobby | | |
| Do | Toyota Motor Sales, USA, Inc | 750.00 | |
| Do | West Mexico Vegetable Distributors Assn | 500.00 | |
| Mark A. Maslyn, 600 Maryland Avenue, SW Washington, DC 20024 | American Farm Bureau Federation | 5,687.49 | 212.38 |
| W. A. Mason, P.O. Box 21106 Shreveport, LA 71156 | Southwestern Electric Power Co | | |
| Ned W. Massee, 299 Park Avenue New York, NY 10171 | Westvaco Corporation | | 807.77 |
| Donald F. Massey, The Power House 3255 Grace Street, NW Washington, DC 20007 | Gray & Co Public Communications Int'l, Inc (For:Agriculture for Market Oriented Policies). | | |
| Do | Gray & Co Public Communications Int'l, Inc (For:Canadian Asbestos Information Centre). | | |
| Do | Gray & Co Public Communications Int'l, Inc (For:Government of the Cayman Islands) | 2,381.60 | |
| Do | Gray & Co Public Communications Int'l, Inc (For:Hitachi America Ltd) | 45.80 | |
| Do | Gray & Co Public Communications Int'l, Inc (For:Hoopa Valley Indian Reservation) | 366.40 | |
| Do | Gray & Co Public Communications Int'l, Inc (For:Joint Maritime Congress) | | |
| Do | Gray & Co Public Communications Int'l, Inc (For:Lane Industries) | | |
| Do | Gray & Co Public Communications Int'l, Inc (For:Mutual of Omaha) | | |
| Do | Gray & Co Public Communications Int'l, Inc (For:Rauschenberg Overseas Cultural Interchange). | | |
| Do | Gray & Co Public Communications Intl, Inc (For:Republic of Korea) | | |
| Do | Gray & Co Public Communications Int'l, Inc (For:Republic of Turkey) | 870.00 | |
| Do | Gray & Co Public Communications Int'l, Inc (For:Stroh Brewery Co) | | |
| Do | Gray & Co Public Communications Int'l, Inc (For:Tesoro Petroleum Corp) | | |
| Do | Gray & Co Public Communications Int'l, Inc (For:Title Insurance Industry Coalition) | 1,694.60 | |
| Do | Gray & Co Public Communications Int'l, Inc (For:United Airlines, Inc) | 412.20 | |
| James D. Massie, 1730 Rhode Island Avenue, NW, #400 Washington, DC 20036 | Freeport McMoran, Inc | 300.00 | 274.75 |
| Dawson Mathis, 1800 M Street, NW, #950 North Washington, DC 20036 | Dawson Mathis & Associates (For:American Electronic Laboratories, Inc) | | |
| Do | Jack Mcdonald Co (For:Coalition for the Advancement of Industrial Technology) | | |
| Do | Coalition Against Double Taxation, Inc | | |
| Do | Dawson Mathis & Associates (For:Consumers Power Co) | | |
| Do | Dawson Mathis & Associates (For:Crowley Maritime Corp) | | |
| Do | Dawson Mathis & Associates (For:Massachusetts Mutual Life Insurance Co) | | |
| Do | Dawson Mathis & Associates (For:Pacific Gas & Electric Co) | | |
| Do | Dawson Mathis & Associates (For:Southeastern Peanut Assn) | | |
| Do | Dawson Mathis & Associates (For:Westinghouse Electric Corp) | | |
| Mary Helen Mathis, 444 North Capitol St., #711 Washington, DC 20001 | Keefe Company (For:Carteret Savings & Loan) | 140.00 | |
| Do | Keefe Company (For:Cordish & Embry Associates) | | |
| Do | Keefe Company (For:Essex County) | 1,700.00 | |
| Do | Keefe Company (For:New York University) | 1,500.00 | |
| Do | Keefe Company (For:University of Medicine & Dentistry of New Jersey) | 280.00 | |
| Dawson Mathis & Associates, 1800 M Street, NW, #950 North Washington, DC 20036 | American Electronic Laboratories, Inc | | |
| Do | Consumers Power Co | | |
| Do | Crowley Maritime Corp | | |
| Do | Massachusetts Mutual Life Insurance Co | | |
| Do | Pacific Gas & Electric Co | | |
| Do | Southeastern Peanut Assn | | |
| Do | Westinghouse Electric Corp | | |
| Peter Mattheis, 1050 Connecticut Avenue, NW Washington, DC 20036 | Baker & Hostetler (For:Soap & Detergent Assn) | 300.00 | 7.00 |
| Charles D. Matthews, 1050 17th St., NW, #700 Washington, DC 20036 | National Ocean Industries Assn | 3,000.00 | |
| Robert A. Matthews, 700 North Fairfax St. Alexandria, VA 22314 | Railway Progress Institute | 1,071.87 | |
| Suzette Matthews, 1726 M Street, NW, #800 Washington, DC 20008 | Air Traffic Control Assn, Inc | 4,043.58 | |
| Joanne E. Mattiace, 633 Pennsylvania Avenue, NW, #600 Washington, DC 20004 | Sears Roebuck & Co | 210.00 | 17.70 |
| Do | Sears Roebuck & Co | 210.00 | 17.70 |
| Joseph M. Mattingly, 1901 North Moore Street Arlington, VA 22209 | Gas Appliance Manufacturers Assn, Inc | | |
| Marshall L. Matz, Scott Harrison & Mcleod 2501 M Street, NW, 4th Fl. Washington, DC 20037 | American School Food Service Assn | 9,000.00 | 966.93 |
| C.V. & R.V. Maudlin, 1511 K Street, NW, #535 Washington, DC 20005 | Brass and Bronze Ingot Institute | | |
| Anthony F. Mauriello, New York State Petroleum Council 150 State Street Albany, NY 12207 | American Petroleum Institute | 1,484.65 | 1,018.43 |
| Michael Mawby, 2030 M Street, NW Washington, DC 20036 | Common Cause | 9,750.00 | 1,016.26 |
| Thomas H. Maxedon, Kentucky Petroleum Council 612-A Shelby Street Frankfort, KY 40601 | American Petroleum Institute | | |
| Nancy Maxwell, 444 No. Capitol Street, NW, #711 Washington, DC 20001 | Keefe Co (For:UNIAO Nacional Para Independencia Total DeAngola) | | |
| William A. Maxwell, 311 First Street, NW, #500 Washington, DC 20001 | Computer & Business Equipment Manufacturers Assn | 2,000.00 | 40.15 |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Jerry C. May, 1957 E Street, NW Washington, DC 20006 | Associated General Contractors of America | | |
| Walter R. May, 7004 Park Terrace Drive Alexandria, VA 22307 | Yellow Freight System, Inc | 12,720.00 | 3,332.00 |
| Mayberry and Leighton, 1667 K St. NW, 9th Fl. Washington, DC 20006 | American Dairy Products Institute | | |
| Do | ALPO Petfoods, Inc | | |
| Do | Clorox Company | | |
| Do | Express Foods Co, Inc | | |
| Do | General Instrument Corporation | | |
| Do | GTE Products Corp | | |
| Do | Johnson & Johnson | | |
| Do | Leprino Foods, Inc | | |
| Do | Merrick's, Inc | | |
| Mayer Brown & Platt, 2000 Pennsylvania Avenue, NW, #6500 Washington, DC 20006 | Alliance for Philanthropy | 112.50 | |
| Do | Brunswick Corp | 112.50 | |
| Do | Business Roundtable | | |
| Do | Comdisco, Inc | | |
| Do | Contract Staffing of America | 112.50 | |
| Do | Copeland Companies | 112.50 | |
| Do | Goldman Sachs & Co | | |
| Do | GATX Corporation | | |
| Do | Hewlett-Packard Co | 56.25 | |
| Do | Household Commercial Financial Services, Inc | 112.50 | |
| Do | Inland Steel Corp | | |
| Do | Invest to Compete Alliance | | |
| Do | JMB Realty Corp | 225.00 | |
| Do | Lasalle Partners, Inc | | |
| Do | Merrill Lynch Capital Markets | | |
| Do | National Assn of Broadcast Employees & Technicians | | |
| Do | National Staff Leasing Assn | 112.50 | |
| Do | RTS Capital Corp | | |
| Do | Sears Roebuck & Co | | |
| Do | Shearson Lehman Brothers, Inc | | |
| Do | Union Station Venture | | |
| G. Mark Mayfield, P.O. Box 7305, Dept. 77 Kansas City, MO 64116 | Farmland Industries, Inc | | |
| Martin Mayfield, 8001 Braddock Road Springfield, VA 22160 | National Right to Work Committee | 450.00 | 293.33 |
| Michael J. McAdams, 1015 18th Street, NW Washington, DC 20036 | Fertilizer Institute | 10,000.00 | 4,201.77 |
| H. Wesley McAden, 1155 15th St., NW, #504 Washington, DC 20005 | J. G. Boswell Co | 3,000.00 | |
| Do | New York Cotton Exchange | 2,000.00 | |
| Do | Supima Association of America | 2,000.00 | |
| Ann McBride, 2030 M St., NW Washington, DC 20036 | Common Cause | 14,548.80 | 134.00 |
| R. G. McBride, Mississippi Petroleum Council P.O. Box 42 Jackson, MS 39205 | American Petroleum Institute | 800.00 | 657.58 |
| Stephen C. McCaffrey, 1828 N. Meridian Street Indianapolis, IN 46202 | United Way of Indianapolis | | |
| Julie P. McCahill, 1101 16th Street, NW Washington, DC 20036 | National Soft Drink Assn | | |
| John D. McCallum, 1900 Pennsylvania Ave., NW Washington, DC 20068 | Potomac Electric Power Co | | |
| Carolyn Kim McCarthy, 7901 Westpark Drive Mclean, VA 22102 | National Machine Tool Builders' Assn | 1,700.00 | 500.00 |
| James R. McCarthy, 1220 L Street, NW Washington, DC 20005 | American Petroleum Institute | 200.00 | |
| McCarty Noone & Williams, 490 L'enfant Plaza East, SW, #3306 Washington, DC 20024 | American Medical Technologists | 900.00 | 42.91 |
| Robin W. McClung, 1667 K St., NW, #1210 Washington, DC 20006 | Rohm & Haas Co | 500.00 | 48.19 |
| McClure & Trotter, 1100 Connecticut Ave., NW, #600 Washington, DC 20036 | Coca-Cola Company | | 788.15 |
| Do | Gulf & Western Industries, Inc | | 508.54 |
| Do | Mobil Oil Corp | 5,188.75 | 432.59 |
| Do | National Assn of Small Business Investment Cos | | 11.86 |
| Do | Ross Capital Corp | | 95.47 |
| Mark L. McConaghy, 1801 K St., NW, #700 Washington, DC 20006 | Price Waterhouse (For:Ceo Tax Group) | 750.00 | 11.00 |
| Do | Price Waterhouse (For:Toyota Motor Kentucky, Inc) | | |
| Robert S. McConnaughey, 1850 K St., NW Washington, DC 20006 | American Council of Life Insurance, Inc | 200.00 | 10.00 |
| Hugh T. McCormick, 520 Madison Avenue New York, NY 10022 | General Conf of the 7th Day Adventists Church Risk Mgt Svcs | | 209.55 |
| Molly McCormick, 2301 Market Street, S 13-1 Philadelphia, PA 19101 | Philadelphia Electric Company | 3,000.00 | 915.00 |
| Alvin McCoy, 1016 16th Street, NW Washington, DC 20036 | National Fed of Federal Employees | | |
| Dennis R. McCoy, 1120 Connecticut Avenue, NW Washington, DC 20036 | United Gas Pipe Line Co | | |
| Thomas McCoy, 1771 N Street, NW Washington, DC 20036 | National Assn of Broadcasters | | |
| David F. McDermitt, 1235 Jefferson-Davis Highway, #606 Arlington, VA 22202 | National Utility Contractors Assn | | 5,221.06 |
| Albert L. McDermott, 1819 L Street, NW, #600 Washington, DC 20036 | American Hotel & Motel Assn | 2,496.32 | |
| Mark T. McDermott, Joseph, Powell, Mcdermott & Reiner, P.c. 1300 19th Street, NW, #400 Washington, DC 20036 | Civil Pilots for Regulatory Reform | | |
| E. T. McDonald, 815 16th St., NW Washington, DC 20006 | Brotherhood of Railway Airline & Steamship Clerks | 3,800.00 | 3,800.00 |
| Jack McDonald, 1800 M Street, NW, #950 North Washington, DC 20036 | Jack McDonald Co (For:American Express Corp) | | |
| Do | Jack McDonald Co (For:Coalition for the Advancement of Industrial Technology) | | |
| Do | Jack McDonald Co (For:Dow Corning Corp) | | |
| Do | Jack McDonald Co (For:Municipal Financial Consultants) | | |
| Do | Jack McDonald Co (For:Royal Zenith Corp) | | |
| Michael D. McDonald, Maryland Petroleum Assn 60 West St. Annapolis, MD 21401 | American Petroleum Institute | 175.00 | |
| Jack McDonald Co, 1800 M Street, NW, #950 North Washington, DC 20036 | American Express Corp | | |
| Do | Coalition for the Advancement of Industrial Technology | | 21,000.00 |
| Do | Dow Corning Corp | | |
| Do | Municipal Financial Consultants | | |
| Do | Royal Zenith Corp | | |
| Patrick J. McDonough, 5999 Stevenson Avenue Alexandria, VA 22304 | American Assn for Counseling & Development | | |
| Marian E. McDowell, 1111 19th Street, NW Washington, DC 20036 | Edison Electric Institute | 2,787.01 | 373.40 |
| Christine W. McEntee, 1909 K Street, NW Washington, DC 20049 | American Assn of Retired Persons | 401.92 | 184.82 |
| Robert H. McFadden, 1620 Eye Street, NW, #1000 Washington, DC 20006 | Motor Vehicle Manufacturers Assn of the U.S., Inc | | |
| Joseph M. McGarry, 1250 Eye St., NW Washington, DC 20005 | Heublein, Inc | 20,000.00 | 12,000.00 |
| Paul J. McGeady, 27 Hampton Place Nutley, NJ 07110 | Morality in Media, Inc | 74.57 | |
| Donna Lee McGee, 1726 M St., NW, #401 Washington, DC 20036 | Burlington Industries, Inc | | |
| Gale W. McGee, 122 C Street, NW, #740 Washington, DC 20001 | American League for Exports & Security Assistance, Inc | 3,000.00 | |
| P. Anne McGhee, 1750 K St., NW Washington, DC 20006 | Food Marketing Institute | 450.00 | |
| Robert M. McGlotten, 815 16th St., NW Washington, DC 20006 | American Fed of Labor & Congress of Industrial Organizations | 19,584.00 | 1,435.91 |
| McGough & Associates, Inc, 65 East State Street, #1510 Columbus, OH 43215 | Timken Co | 12,000.00 | 7,100.19 |
| Phyllis M. McGovern, 1875 Eye Street, NW, #800 Washington, DC 20006 | Tobacco Institute | | |
| Jeanne H. McGowan, 1025 Connecticut Avenue, NW, #415 Washington, DC 20036 | American Insurance Assn | | |
| Jerome J. McGrath, 1660 L St., NW, #601 Washington, DC 20036 | Interstate Natural Gas Assn of America | 500.00 | |
| Richard L. McGraw, 950 L'enfant Plaza, SW Washington, DC 20024 | Communications Satellite Corp | | |
| Joseph M. McGuire, 1501 Wilson Blvd. Arlington, VA 22209 | Air Conditioning & Refrigeration Institute | | |
| McGuire Woods & Battle, One James Center Richmond, VA 23219 | CSX Corporation | | |
| Do | United Coal Co | 997.50 | |
| McHenry & Staffier, P.C., 1300 19th St., NW, #408 Washington, DC 20036 | Foothills Pipe Lines (Yukon) Ltd | 87.50 | |
| Do | Nova, An Alberta Corp | | |
| Do | Novacor Chemicals, Ltd | | |
| Do | Pan-Alberta Gas Ltd | 87.50 | |
| James E. McInerney Jr., 122 C Street, NW, #740 Washington, DC 20001 | American League for Exports & Security Assistance, Inc | 3,000.00 | 91.75 |
| Clarence M. McIntosh Jr., 400 First St., NW Washington, DC 20001 | Railway Labor Executives' Assn | 1,387.15 | |
| Dennis McIntosh, 1771 N Street, NW Washington, DC 20036 | National Assn of Broadcasters | | |
| James T. McIntyre Jr., Hansell & Post 1667 K Street, NW, #500 Washington, DC 20006 | United Family Life Insurance Co | | |
| Robert McIntyre, 1313 L St., NW Washington, DC 20005 | Citizens for Tax Justice | 6,229.49 | |
| Ian E. McKenzie, 1111 19th St., NW, #702 Washington, DC 20036 | Edison Electric Institute | 4,025.45 | 443.71 |
| Robert T. McKernan, 1619 Massachusetts Ave., NW Washington, DC 20036 | American Paper Institute, Inc | 250.00 | |
| William Colm McKeveny, 30 Rockefeller Plaza New York, NY 10112 | American Pulpwood Assn | | |
| C. A. 'Mack' McKinney, 219 North Washington Street Alexandria, VA 22314 | Non Commissioned Officers Assn of the USA | 10,025.00 | 434.76 |
| Steven G. McKinney, P.O. Box 306 Birmingham, AL 35201 | Balch & Bingham (For:Southern Company Services, Inc) | 720.00 | 240.44 |
| Thomas L. McKnew Jr., 1667 K St., NW, #600 Washington, DC 20006 | Santa Fe Southern Pacific Corp | 1,500.00 | |
| James D. McLaughlin, 1120 Connecticut Ave., NW Washington, DC 20036 | American Bankers Assn | 925.00 | |
| John P. McLaughlin, 1747 Pennsylvania Avenue, NW Washington, DC 20006 | Merrell Dow Pharmaceuticals, Inc | | |
| Do | Pharmaceutical Manufacturers Assn | 15,375.00 | 87.35 |
| Joseph E. McMahon, 1331 Pennsylvania Avenue, NW, #909 Washington, DC 20004 | Grocery Manufacturers of America | 9,800.00 | 755.65 |
| James D. McMillan, 1899 L St., NW, #1100 Washington, DC | Exxon Corporation | 800.00 | 441.70 |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Kurt Charles McMillan, 1010 Wisconsin Avenue, NW, #800 Washington, DC 20007 | Grocery Manufacturers of America, Inc | | |
| McNair Glenn Konduros Corley Singletary Porter & Dibble, 1155 15th Street, NW Washington, DC 20005 | Amalgamated Clothing & Textile Workers Union | | |
| Do | American Petroleum Institute | | |
| Do | Bell South Corp | 3,562.10 | 619.89 |
| Do | Bradley Properties | | |
| Do | Bristol-Myers Co | | |
| Do | Business Roundtable | | |
| Do | Carolina Urocorp | 1,742.60 | 251.06 |
| Do | Chase Manhattan Bank, N.A. | | |
| Do | Colt Industries, Inc | 1,612.55 | 37.85 |
| Do | CBS, Inc | 5,120.60 | 382.08 |
| Do | CRS Stirrine, Inc | | |
| Do | Dart & Kraft, Inc | | |
| Do | E. F. Hutton & Co, Inc | | |
| Do | Enserch Corporation | | |
| Do | Esperanza Energy Co | | |
| Do | Food Marketing Institute | | |
| Do | General Mills Corporation | | |
| Do | Georgia-Pacific Corp | 6,910.08 | 290.42 |
| Do | GTE Corporation | | 401.55 |
| Do | Intellectual Property Owners, Inc | 800.00 | |
| Do | Kaiser Steel Corp | | |
| Do | Marriott Corp | | |
| Do | Mesa Petroleum Co | | |
| Do | Metropolitan Insurance | 8,970.50 | 97.40 |
| Do | Milliken Mills | | |
| Do | National Assn of Realtors | | |
| Do | National Cable Television Assn, Inc | | |
| Do | National Football League | | |
| Do | Norfolk Southern Corp | 14,717.60 | 909.05 |
| Do | Northwestern Mutual Life Insurance Co | 1,230.00 | 153.89 |
| Do | Ocean Fresh Seafood | | |
| Do | Pacific Theatres | 405.40 | 12.56 |
| Do | Pharmaceutical Manufacturers Assn | | |
| Do | Sabine Corporation | | |
| Do | Sony Corp of America | 5,707.00 | 138.00 |
| Do | Texas Gas Transmission Corp | | |
| Do | Texas Oil & Gas Corp | | |
| Do | Times Mirror Co | | |
| Do | Times Mirror Co | | |
| Do | Waste Management, Inc | | |
| Do | Wessely Energy Corp | | |
| Do | Westinghouse Electric Corp | | |
| Kathryn M. McNamara, 633 Pennsylvania Avenue, NW, #600 Washington, DC 20004 | Sears Roebuck & Co | 220.00 | 140.00 |
| Laramie Faith McNamara, 1000 Wilson Blvd., #2700 Arlington, VA 22209 | TRW, Inc | 1,000.00 | |
| Patrick H. McNamara, McNamara & Associates, Inc 450 Fifth Street, NW, #900 South Washington, DC 20001-5130 | Dow Chemical USA | | |
| Peter F. McNeish, 1156 15th Street, NW, #1101 Washington, DC 20005 | National Assn of Small Business Investment Cos | 3,000.00 | |
| Robert McVicker, 2001 Jefferson Davis Hwy Arlington, VA 22202 | Kollsman Instrument Co | | |
| George G. Mead, 1908 Ednor Road Cloverly, MD 20904 | North American Van Lines, Inc | 2,500.00 | |
| Joseph F. Meadow, 7100 Baltimore Avenue College Park, MD 20740 | United Action for Animals, Inc | 1,150.00 | |
| John K. Meagher, 1025 Thomas Jefferson Street, NW Washington, DC 20007 | LTV Corporation | 3,000.00 | 900.00 |
| Francis X. Meaney, 1825 Eye Street, NW Washington, DC 20006 | Mintz Levin Cohn Ferris Glovsky & Popeo (For:Goldman Sachs & Co) | | |
| Do | Mintz Levin Cohn Ferris Glovsky & Popeo (For:Northern Energy Corporation) | | |
| Joseph J. Meder, 1050 17th St., NW, #1100 Washington, DC 20036 | Interlake, Inc | 10,500.00 | |
| Medtronic, Inc, 7000 Central Ave., NE Minneapolis, MN 55432 | | | 1,223.18 |
| Colise G. Medved, 1800 Diagonal Rd., #500 Alexandria, VA 22314 | Penn Central Corporation | | |
| William H. Megonnell, 1111 19th St., NW, 9th Floor Washington, DC 20036 | Edison Electric Institute | 3,450.39 | 212.62 |
| Richard A. Mehler, 1818 N Street, NW, #200 Washington, DC 20036 | Automotive Parts Rebuilders Assn | | |
| Larry Mehlhaff, 23 N. Scott Sheridan, WY 82801 | Sierra Club | 6,500.00 | 2,611.51 |
| Michelle Meier, 2001 S Street, NW, #520 Washington, DC 20009 | Consumers Union of U.S., Inc | 1,000.00 | |
| Edward L. Menning, 1522 K St., NW, #836 Washington, DC 20005 | National Assn of Federal Veterinarians | 35.14 | |
| Jane Mentzinger, 2030 M Street, NW Washington, DC 20036 | Common Cause | 5,825.04 | 262.03 |
| Merit Stainless Steel, Inc, 28332 Hayes Road Roseville, MI 48066 | | | 652.00 |
| Edward A. Merlis, 1724 Massachusetts Avenue, NW Washington, DC 20036 | National Cable Television Assn, Inc | 2,925.00 | |
| Edward L. Merrigan, 6000 Connecticut Ave., NW Washington, DC 20815 | Central Gulf Lines, Inc | 5,000.00 | 274.09 |
| Do | GATX Corp | | 33.40 |
| Do | National Assn of Recycling Industries, Inc | 4,000.00 | 81.90 |
| Do | Rolls-Royce Motors, Inc | 7,425.00 | 128.96 |
| Do | John Tudor | | 8.60 |
| Nancy Jo Merrill, 1725 K St., NW, #814 Washington, DC 20006 | March of Dimes Birth Defects Foundation | | |
| Merrill Lynch & Co, Inc, 1828 L St., NW, #906 Washington, DC 20036 | | | 17,500.00 |
| Richard P. Merski, 1455 Pennsylvania Avenue, NW, #900 Washington, DC 20004 | American International Group, Inc | 5,000.00 | 1,893.76 |
| Noah D. Mesel, The Ferguson Company 1875 Eye Street, NW, #1275 Washington, DC 20006 | Berg-Revoir Corporation | | |
| Do | City of Alhambra | | |
| Do | City of Baldwin Park | | |
| Do | City of Inglewood | | |
| Do | City of Oceanside | | |
| Do | City of Provo | | |
| Do | City of Redondo Beach | | |
| Do | City of South Salt Lake | | |
| Do | Imperial Irrigation District | | |
| Do | Irvine Company | 5,312.50 | 29.41 |
| Do | Long Beach Transit | | |
| Do | Oceanside Redevelopment Agency | | |
| Do | Santa Cruz Properties | | |
| Thomas L. Meskan, 777 14th Street, NW Washington, DC 20005 | National Assn of Realtors | 1,250.00 | 855.30 |
| Neil T. Messick, 1331 Pennsylvania Ave., NW Washington, DC 20004 | General Electric Co | 800.00 | |
| Jean L. Mestres, 1747 Pennsylvania Avenue, NW, #300 Washington, DC 20006 | Cities Service Oil & Gas Corp | 1,008.90 | 64.76 |
| Andrea L. Methven, 1050 17th Street, NW, #500 Washington, DC 20036 | Texaco, Inc | | |
| Christopher L. Meyer, P.O. Box 888, E Unit Ashland, KY 41101 | | | |
| Do | New Generation Lobby | | |
| M. Barry Meyer, 900 19th Street, NW Washington, DC 20006 | Aluminum Assn | 200.00 | 50.00 |
| Larry D. Meyers, 412 First Street, SE Washington, DC 20003 | American Beekeeping Federation | 1,000.00 | |
| Do | CPEX Pacific, Inc | 600.00 | |
| Do | Hucheng International Co | | |
| Do | Lema Properties, Inc | | |
| Do | National Peanut Growers Group | 2,500.00 | |
| Do | Rice Belt Warehouse, Inc | 1,500.00 | |
| Do | Sam Kane Packing | | |
| Do | Texas Production Credit Assn | | |
| David R. Mica, Florida Petroleum Institute 325 John Knox Rd., #f-210 Tallahassee, FL 32303 | American Petroleum Institute | | |
| James G. Michaux, P.O. Box 70297 Washington, DC 20088 | Federated Dept Stores, Inc | 350.00 | |
| Laurie Michel, 1850 K Street, NW, #1100 Washington, DC 20006 | Ballard Spahr Andrews & Ingersoll | | |
| Thomas A. Micheletti, 1111 19th Street, NW, #303 Washington, DC 20036 | Southern California Edison Co | 3,750.00 | 1,500.00 |
| Kathleen Michels, 1101 14th Street, NW, #200 Washington, DC 20005 | American Nurses' Assn | 4,410.13 | 319.74 |
| Ronald A. Michieli, 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004 | National Cattlemen's Assn | 1,000.00 | |
| Mid Continent Wildcatters Assn, 200 Douglas Bldg. Wichita, KS 67202 | | | |
| Mid-Continent Oil & Gas Assn, 711 Adams Office Bldg. Tulsa, OK 74103 | | 70,784.96 | 26,465.27 |
| Roger E. Middleton, 1615 H Street, NW Washington, DC 20062 | Chamber of Commerce of the U.S. | 2,400.00 | 128.00 |
| Migrant Legal Action Program, Inc, 2001 S St., NW, #310 Washington, DC 20009 | | | |
| Lisa Mihaly, 122 C Street, NW, 4th Fl. Washington, DC 20001 | Children's Defense Fund of the Washington Research Project | 729.60 | |
| Milbank Tweed Hadley & Mccloy, 1825 Eye St., NW Washinton, DC 20006 | Claymark Corporation, Inc | | |
| Do | Joint Task Force on Fed Financial Assist. for Law Students | | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Miles & Stockbridge, 1701 Pennsylvania Ave., NW, #500 Washington, DC 20006 | Black and Decker Manufacturing Company | | 300.00 |
| Do | Pepsico, Inc | | 350.00 |
| Do | Pizza Hut, Inc | | 575.00 |
| Dale Miller, 4000 Reno Road, NW Washington, DC 20008 | Texasgulf, Inc | 11,250.00 | 482.66 |
| David H. Miller, 900 17th Street, NW Washington, DC 20006 | Chase Manhattan Bank, N.A. | 166.25 | 19.26 |
| Deborah Imle Miller, 15th & M sts., NW Washington, DC 20005 | National Assn of Home Builders of the U.S. | | |
| Grant Miller, 1725 Jefferson Davis Highway, #900 Arlington, VA 22202 | LTV Aerospace & Defense Co | 2,500.00 | 125.00 |
| Harris C. Miller, 1747 Pennsylvania Avenue, #300 Washington, DC 20006 | Occidental Chemical Corp | 840.00 | 78.20 |
| Jeffrey T. Miller, P.O. Box 1933 East Hanover, NJ 07936 | Nabisco Brands, Inc | | 100.00 |
| Joseph E. Miller Jr., 1608 K Street, NW Washington, DC 20006 | American Legion | 7,386.00 | 4.40 |
| Paul J. Miller, 8000 Sears Tower Chicago, IL 60606 | Investment Counsel Assn of America, Inc | | |
| Richard G. Miller, 1101 14th Street, NW, #200 Washington, DC 20005 | American Nurses' Assn | 3,836.64 | 524.31 |
| Robert H. Miller, 490 L'enfant Plaza East, SW, #2202 Washington, DC 20024 | Tenneco, Inc | | |
| Robin Miller, 1925 K Street, NW Washington, DC 20006 | Alliance to Save Energy | | |
| Steven T. Miller, 1607 New Hampshire Avenue, NW Washington, DC 20009 | American Metal Detectors Manufacturers, Inc | | |
| Do | Auto Internacional Assn | 262.50 | 131.97 |
| Do | Coalition of Automotive Assns | | |
| Do | Specialty Equipment Market Assn | 1,725.00 | 813.65 |
| W. Kirk Miller, 735 North Water Street, #908 Milwaukee, WI 53202 | American Malting Barley Assn, Inc | | |
| Harris Miller & Associates, 1655 N. Fort Myer Drive Arlington, VA 22209 | Agricultural Producers | 4,500.00 | 742.84 |
| Do | Florida Fruit & Vegetable Assn | 9,000.00 | |
| Do | National Assn for Foreign Student Affairs | 45.00 | |
| Do | U.S. English | 243.75 | |
| Do | Western Range Assn | 382.50 | 1,476.60 |
| Miller & Chevalier, Chtd, Metropolitan Square 655 15th Street, NW Washington, DC 20005 | Motor Vehicle Manufacturers Assn of the U.S., Inc | 15,863.75 | 55.55 |
| Do | National Assn of Temporary Services, Inc | 175.62 | |
| Do | Section 64I(e) Group | 4,576.05 | 32.93 |
| Miller Canfield Paddock & Stone, Suite 1200 1015 15th St., NW Washington, DC 20005 | Leelanau County Road Commission | | |
| Miller Cassidy Larroca & Lewin, 2555 M St., NW, #500 Washington, DC 20037 | National Assn of Life Underwriters, et al | | |
| Do | 47th Street Photo | 5,000.00 | |
| Miller Hamilton Snider & Odom, 256 State St., P.O. Box 46 Mobile, AL 36601 | Camp Carmouche Barsh... (for Sears Roebuck & Co) | | |
| C.G. Pete Milligan, 1442 S.W. Troon Circle Palm City, FL 33490 | American Telephone & Telegraph Co | 4,100.00 | 282.20 |
| Jeanne Milliken, 1101 16th Street, NW Washington, DC 20036 | Independent Petroleum Assn of America | | 23.00 |
| John C. Milliner Jr., P.O. Box 1788 Forest Park, GA 30051 | Southeastern Lumber Manufacturers Assn | | |
| Amy J. Millman, 1875 Eye St., NW, #500 Washington, DC 20006 | Philip Morris, Inc | 283.00 | 58.00 |
| Robert G. Mills, 450 Maple Ave., East, #204 Vienna, VA 22180 | U.S. Defense Committee | 2,400.00 | |
| John H. Miner, Room 1414-South Building, Usda Washington, DC 20250 | Organization of Professional Employees of USDA | 750.00 | |
| Mining & Reclamation Council of America, 1575 I Street, NW, #525 Washington, DC 20005 | | | |
| Joseph G. Minish, 66 Sheridan Avenue West Orange, NJ 07052 | Bayamon Federal Savings | | |
| Do | Chrysler Corporation | | |
| Do | U.S. League of Savings Institutions | | |
| Edward F. Mitchell, 1900 Pennsylvania Avenue, NW Washington, DC 20068 | Potomac Electric Power Co | 504.41 | |
| Joanne Mitchell, 2020 K Street, NW, #435 Washington, DC 20006 | Commodity Exchange, Inc | 2,000.00 | 2,224.50 |
| Thomas F. Mitchell, 1875 Eye St., NW, #400 Washington, DC 20006 | Georgia-Pacific Corp | | |
| Stacey J. Mobley, 1701 Pennsylvania Avenue, NW, #900 Washington, DC 20006 | E. I. du Pont de Nemours & Co | | |
| David T. Modi, 1701 Pennsylvania Avenue, NW, #900 Washington, DC 20006 | E. I. du Pont de Nemours & Co | | |
| Robert M. Moliter, 1331 Pennsylvania Ave., NW, #865 Washington, DC 20004 | General Electric Co | 370.00 | |
| John V. Moller, 1155 15th Street, NW, #1010 Washington, DC 20005 | Manchester Associates (For:Corporacion Nacional del Cobre de Chile) | | |
| Do | Manchester Associates, Ltd (For:Nissan Motor Company, Ltd) | | |
| Robert A. Molofsky, 5025 Wisconsin Avenue, NW Washington, DC 20016 | Amalgamated Transit Union, AFL-CIO | 5,000.00 | 128.90 |
| C. Manly Molpus, P.O. Box 3556 Washington, DC 20007 | American Meat Institute | 1,000.00 | |
| Christopher Monek, 1957 E St., NW Washington, DC 20006 | Associated General Contractors of America | | |
| Peter K. Monk, KMA & Associates, Inc P.O. Box 1015 Middleburg, VA 22117 | Omega Recovery Corp | | 1,428.75 |
| Michael Monroney, 1000 Wilson Blvd., #2700 Arlington, VA 22209 | TRW, Inc | 1,000.00 | |
| Alfredo C. Montoya, 815 16th Street, NW, #707 Washington, DC 20006 | Labor Council for Latin American Advancement | | |
| James P. Mooney, 1724 Massachusetts Ave., NW Washington, DC 20036 | National Cable Television Assn, Inc | 5,375.00 | |
| Alan J. Moore, 1667 K St., NW, #600 Washington, DC 20006 | Santa Fe Southern Pacific Corp | 1,000.00 | |
| Carlos Moore, 1101 Connecticut Avenue, NW, #300 Washington, DC 20036 | American Textile Manufacturers Institute, Inc | 350.00 | 19.00 |
| Francis B. Moore, 3003 Butterfield Road Oak Brook, IL 60521 | Waste Management, Inc | 5,000.00 | 3,703.49 |
| William D. Moore, Commerce Center 30 Exchange Terrace Providence, RI 02903 | Greater Providence Chamber of Commerce | 321.56 | 699.46 |
| Morality in Media, Inc, 475 Riverside Dr., #239 New York, NY 10115 | | | |
| Do | | | |
| Judith Morehouse, 1700 N. Moore Street Rosslyn, VA 22209 | Boeing Company | 1,568.00 | |
| Dudley Digges Morgan III, 4900 Baronne New Orleans, LA 70115 | Southern Forest Products Assn | 11,812.50 | |
| E. Joyce Morgan, 1920 N St., NW Washington, DC 20036 | American Mining Congress | | |
| J. Railton Morgan, 412 First Street, SE Washington, DC 20003 | National Automobile Dealers Assn | 3,000.00 | |
| Peter Denis Morgan, 777 14th Street, NW Washington, DC 20005 | National Assn of Realtors | 1,750.00 | 232.10 |
| Morgan Lewis & Bockius, Suite 800 North 1800 M St., NW Washington, DC 20036 | Artery Organization, Inc | 30,365.00 | 309.72 |
| Do | Zalman C. Bernstein | | |
| Do | Business Roundtable | | |
| Do | David B. Causey | 9,125.00 | 51.60 |
| Do | Consolidated Natural Gas Co | | |
| Do | Republic National Bank of New York | 46,055.00 | 3,299.74 |
| Robert E. Morin, 600 New Hampshire Avenue, NW, #354 Washington, DC 20037 | Society of Real Estate Appraisers | | |
| Do | Society of Real Estate Appraisers | | |
| James A. Morrill, 1726 M St., NW, #901 Washington, DC 20036 | Scott Paper Co | 6,000.00 | 120.41 |
| Janelle Morris, 1828 L Street, NW, #906 Washington, DC 20036 | Merrill Lynch & Co, Inc | 1,500.00 | |
| Loretta C. Morris, 1725 K Street, NW, #814 Washington, DC 20006 | March of Dimes Birth Defects Foundation | 1,062.50 | 48.50 |
| Tessa Morris, 1155 Connecticut Ave., NW, #1130 Washington, DC 20036 | Security Pacific National Bank | | |
| W. Patrick Morris, 1110 Vermont Avenue, NW Washington, DC 20005 | Shipbuilders Council of America | 1,150.00 | |
| William C. Morrison, 2001 North Adams St. Arlington, VA 22201 | Meat Importers Council of America, Inc | 875.00 | |
| Morrison & Foerster, 2000 Pennsylvania Ave., NW Washington, DC 20006 | City and County of San Francisco | | 724.20 |
| Do | Community Redevelopment Agencies Assn | 1,330.00 | |
| Do | Crocker National Bank | | |
| Do | Institute for Community Econ, Inc | 525.00 | |
| Do | National Electrical Manufacturers Assn | | |
| Do | Rosenberg Real Estate Equity Fund, Inc | 2,435.00 | |
| Colleen T. Morrow, 676 Fourth Street, NE, #403 Washington, DC 20002 | Americans for Tax Reform | 1,875.00 | |
| Valerie T. Morse, 453 New Jersey Ave., SE Washington, DC 20003 | Beneficial Management Corp of America | 650.00 | |
| Frank D. Moruzzi, 1235 Jefferson Davis Highway, #500 Arlington, VA 22202 | Italian Advanced Industries, Inc | | |
| George R. Moses, 1518 K St., NW, #202 Washington, DC 20005 | M/A-Com, Inc | 3,600.00 | |
| Do | TRW, Inc | 510.00 | |
| Russell N. Mosher, 950 N. Glebe Rd., #160 Arlington, VA 22203 | American Boiler Manufacturers Assn, Inc | | |
| Dorothy J. Moss, 1101 Vermont Avenue, NW Washington, DC 20005 | American Medical Assn | 25.00 | |
| Moss Associates, Inc, 2450 Virginia Ave., NW Washington, DC 20037 | Association of Bank Holding Cos | 900.00 | |
| Gerald J. Mossinghoff, 1100 15th Street, NW, #900 Washington, DC 20005 | Pharmaceutical Manufacturers Assn | 1,000.00 | |
| Do | Pharmaceutical Manufacturers Assn | 1,000.00 | |
| Lynn E. Mote, 1015 15th St., NW, #900 Washington, DC 20005 | Internorth | | |
| Motion Picture Assn of America, Inc, 1600 Eye Street, NW Washington, DC 20006 | | 33,811.48 | 33,811.48 |
| John J. Motley, 600 Maryland Ave., SW, #695 Washington, DC 20024 | National Fed of Independent Business | 2,250.00 | 200.00 |
| L. A. Motley and Company, 1800 K Street, NW, #1000 Washington, DC 20006 | Adical | 29,980.00 | 516.25 |
| Motor and Equipment Manufacturers Association, 1120 19th St., NW, #333 Washington, DC 20036 | | | 3,558.65 |
| Motor Vehicle Manufacturers Assn of the U.S., Inc, 300 New Center Bldg. Detroit, MI 48202 | | 5,758.50 | 5,758.50 |
| Christine Ann Mulick, 3600 S. Yosemite, #830 Denver, CO 80237 | Kogovsek & Associates | | |
| Albert E. Mullin Jr, 111 Powdermill Rd. (b79) Maynard, MA 01754 | Digital Equipment Corp | 15,000.00 | |
| Tracy Mullin, 1000 Connecticut Ave., NW, #700 Washington, DC 20036 | National Retail Merchants Assn | 200.00 | 20.00 |
| Robert J. Mullins, Suite 202-W 600 Maryland Avenue, SW Washington, DC 20024 | Farmers' Educational & Co-Operative Union of America | 8,467.20 | 49.04 |
| Donna T. Mundy, 2211 Congress Street Portland, ME 04122 | Union Mutual Life Insurance Co | 100.00 | 29.14 |
| Evelyn Fieman Munley, 1129 20th Street, NW, #400 Washington, DC 20036 | American Assn of Homes for the Aging | 207.70 | |
| Daniel J. Murphy, The Power House 3255 Grace Street, NW Washington, DC 20007 | Gray & Co Public Communications Int'l, Inc (For:Government of the Cayman Islands) | 700.00 | |
| Do | Gray & Co Public Communications Int'l, Inc (For:Republic of Turkey) | | |
| George F. Murphy Jr., 410 First Street, SE Washington, DC 20003 | American Nuclear Energy Council | 225.00 | |
| Lester L. Murphy Jr., P.O. Box 4267 Topeka, KS 66604 | Kansas Electric Cooperatives, Inc | 490.08 | 263.40 |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Paul T. Murphy, 900 17th St., NW, #514 Washington, DC 20006 | National Foreign Trade Council, Inc | 5,000.00 | 375.00 |
| William T. Murphy Jr., Barrett Montgomery & Murphy 2555 M Street, NW, #100 Washington, DC 20037 | American Cement Trade Alliance, Inc. | | |
| Do | Chemical Manufacturers Assn, Inc | | |
| Do | Federated Cost Management Systems | | |
| Do | Natural Gas Supply Assn | | |
| Do | O'Connor & Associates | | |
| Do | Sargent & Lundy Engineers | | |
| Margaret R. Murray, Scott Harrison & McLeod 2501 M Street, NW, #400 Washington, DC 20037 | National Rural Telecom Assn | | |
| Murray & Scheer, 2550 M St., NW, #695 Washington, DC 20037 | American Cyanamid Co | 500.00 | |
| Do | Chemical Manufacturers Assn, Inc | 250.00 | |
| Do | Chicago Milwaukee St. Paul & Pacific Railroads | 400.00 | |
| Do | Cleveland Cliffs Iron Co | 250.00 | |
| Do | Connecticut Mutual Life Insurance Co | 500.00 | |
| Do | Industry Council for Tangible Assets | 400.00 | |
| Do | Iron Ore Lessors Assn, Inc | 250.00 | |
| Do | LTV Corporation | 450.00 | |
| Do | Massachusetts Mutual Life Insurance Co | 500.00 | |
| Do | Mutual Benefit Life | 500.00 | |
| Do | National Business Aircraft Assn | 500.00 | |
| Do | National Council of Coal Lessors | 300.00 | |
| Do | New England Mutual Life Insurance Co | 500.00 | |
| Do | Penn Mutual Life Insurance Co | 500.00 | |
| Do | Swaziland Sugar Assn | 400.00 | |
| Michael D. Muth, Rt. 1, Box 7 Leonardtown, MD 20650 | Maryland State Police | | |
| Robert J. Muth, 180 Maiden Ln. New York, NY 10038 | Asarco Inc. | 500.00 | |
| Lawrence P. Mutter, 6849 Old Dominion Dr. Mclean, VA 22102 | Automotive Parts Rebuilders Assn | | |
| Fred J. Mutz, 1120 Connecticut Ave., NW Washington, DC 20036 | American Bankers Assn | 3,500.00 | |
| Paul J. Myer, 1150 17th St., NW, 11th Floor Washington, DC 20036 | Capitol Cities/ABC, Inc | | |
| Gary D. Myers, 1015 18th Street, NW Washington, DC 20036 | Fertilizer Institute | 4,500.00 | |
| Timothy D. Naegele & Associates, 1850 K Street, NW, #1280 Washington, DC 20006 | Baybanks, Inc | | |
| Do | First Independent Trust Co | | |
| Do | Hibernia Bank | | |
| Alan Y. Naftalin, 1150 Connecticut Avenue, NW Washington, DC 20036 | Koteen & Naftalin (For:Alascom, Inc) | | |
| Do | Koteen & Naftalin (For:Telephone & Data Systems, Inc) | | |
| Stephen M. Nagler, 20415 Nordhoff St., P.O. Box 2158 Chatsworth, CA 91311 | Patlex Corporation | | |
| John L. Napier, Napier and Jennings P.O. Drawer 995 Bennettsville, SC 29512 | National Beer Wholesalers of America | | |
| Do | Oregon Inlet Commission | | |
| John Francis Nash Jr., 214 Massachusetts Ave., NE, #420 Washington, DC 20002 | Milliken & Company | 5,000.00 | 2,400.00 |
| Frances E. Nathan, 455 Fifth Avenue New York, NY 10016 | New York Public Library | 5,588.70 | |
| Hardy L. Nathan, 1750 K St., NW Washington, DC 20006 | Food Marketing Institute | 750.00 | |
| Raymond Nathan, 4242 East-West Hwy Chevy Chase, MD 20815 | American Ethical Union | 400.00 | 339.30 |
| National Agricultural Chemicals Assn, 1155 15th St., NW Washington, DC 20005 | | 12,003.48 | 12,003.48 |
| National Air Carrier Assn, 1730 M St., NW, #710 Washington, DC 20036 | | | |
| National Assn for Biomedical Research, 1275 K Street, NW, #900 Washington, DC 20005 | | 70,625.00 | 11,988.07 |
| National Assn for Neighborhood Schools, Inc, 335 Locust St. Pittsburgh, PA 15218 | | 1,601.95 | 1,652.69 |
| National Assn for Stock Car Auto Racing, Inc (NASCAR), 1801 Speedway Boulevard Daytona Beach, FL 32015 | | | 8,000.00 |
| National Assn for Uniformed Services, 5535 Hempstead Way Springfield, VA 22151 | | 8,739.02 | 2,975.01 |
| National Assn of Air Traffic Specialists, Wheaton Plaza North, #415 Wheaton, MD 20902 | | | 9,961.18 |
| National Assn of Aircraft & Communications Suppliers, Inc, 23871 Madison Torrance, CA 90505 | | 3,180.00 | 6,353.75 |
| National Assn of Beverage Importers, 1025 Vermont Avenue, NW, #1205 Washington, DC 20005 | | | |
| National Assn of Federal Veterinarians, 1522 K St., NW, #836 Washington, DC 20005 | | | 74.86 |
| National Assn of Insurance Brokers, Inc, 1401 New York Ave., NW, #720 Washington, DC 20005 | | 2,900.00 | 2,900.00 |
| National Assn of Manufacturers, 1331 Pennsylvania Ave., NW, #1500 Washington, DC 20004-1703 | | 109,896.06 | 109,896.06 |
| National Assn of Pension Consultants & Administrators, Inc, 359 E. Paces Ferry Rd., NE Atlanta, GA 30305 | | 8,300.00 | 504.75 |
| National Assn of Plumbing-Heating-Cooling Contractors, P.O. Box 6808 Falls Church, VA 22046 | | 2,866.67 | 2,866.67 |
| National Assn of Railroad Passengers, 236 Massachusetts Ave., NE, #603 Washington, DC 20002 | | 89,797.79 | 41,424.39 |
| National Assn of Real Estate Investment Trusts, Inc, 1101 17th St., NW, #700 Washington, DC 20036 | | | 9,195.53 |
| National Assn of Stevedores, 2011 I Street, NW, #601 Washington, DC 20006 | | 3,250.00 | 2,130.00 |
| National Assn of Temporary Services, Inc, 119 South Saint Asaph Street Alexandria, VA 22314 | | | 175.62 |
| National Broiler Council, 1155 15th St., NW Washington, DC 20005 | | 2,750.00 | 2,750.00 |
| National Business Aircraft Assn, 1200 18th St., NW Washington, DC 20036 | | | |
| National Cable Television Assn, Inc, 1724 Massachusetts Ave., NW Washington, DC 20036 | | 33,597.24 | 33,597.24 |
| National Cattlemen's Assn, 5420 S. Quebec Street P.O. Box 3496 Englewood, CO 80155 | | | 5,000.00 |
| National Citizens Communications Lobby, P.O. Box 1876 Iowa City, IA 52244 | | | |
| National Coalition for Marine Conservation, Inc, P.O. Box 23298 Savannah, GA 31403 | | | |
| Do | | 16,340.00 | 22,914.56 |
| National Comm to Preserve Social Security & Medicare, 1300 19th Street, NW, #310 Washington, DC 20036 | | 807,813.00 | 807,813.00 |
| National Commercial Finance Assn, 225 W. 34th St. New York, NY 10001 | | 10,750.00 | 1,097.07 |
| National Cotton Council of America, P.O. Box 12285 Memphis, TN 38182 | | 35,882.30 | 35,882.30 |
| National Electrical Manufacturers Assn, 2101 L St., NW Washington, DC 20037 | | 4,925.98 | 4,925.98 |
| National Fed of Federal Employees, 1016 16th Street, NW Washington, DC 20036 | | 23,377.31 | 23,377.31 |
| National Fed of Independent Business, 150 W. 20th Ave. San Mateo, CA 94403 | | 29,100.00 | 29,100.00 |
| National Fertilizer Solutions Assn, 10777 Sunset Office Drive, #10 St. Louis, MO 63127 | | | 85.90 |
| National Food Processors Assn, 1401 New York Avenue, NW, #400 Washington, DC 20005 | | 5,101.90 | 5,101.90 |
| National Foreign Trade Council, Inc, 100 East 42nd St. New York, NY 10017 | | 49,825.96 | 49,825.96 |
| National Grain & Feed Assn, 725 15th St., NW Washington, DC 20005 | | | 85.90 |
| National Grange, 1616 H St., NW Washington, DC 20006 | | 20,700.00 | 20,700.00 |
| National Guard Assn of the U.S., One Massachusetts Ave., NW Washington, DC 20001 | | 6,764.25 | 2.64 |
| National Industrial Transportation League, 1090 Vermont Ave., NW, #410 Washington, DC 20005 | | 14,000.00 | 13,785.60 |
| National Knitwear & Sportswear Assn, 386 Park Avenue South New York, NY 10016 | | | 2,245.51 |
| National League of Postmasters of the U.S., 1023 North Royal Street Alexandria, VA 22314 | | | 37,039.00 |
| National Lottery Association, P.O. Box 13365 Las Vegas, NV 89112 | | | |
| National Motorsports Comm of Accus, 1500 Skokie Boulevard, #101 Northbrook, IL 60062 | | 1,572.14 | 18,470.61 |
| National Newspaper Assn, 1627 K St., NW, #400 Washington, DC 20006 | | 230,211.00 | 6,036.82 |
| National Office Machine Dealers Assn, 222 S. Riverside Plaza, #2700 Chicago, IL 60606 | | | |
| National Organization for Women, 1401 New York Ave., NW, #800 Washington, DC 20005 | | | |
| National Parking Association, 1112 16th St., NW Washington, DC 20036 | | | |
| National Peace Academy Campaign, 110 Maryland Ave., NE, #409 Washington, DC 20002 | | | |
| National Peace Institute Foundation, 110 Maryland Avenue, NE, #409 Washington, DC 20002 | | 88.00 | |
| National Peach Council, P.O. Box 1085 Martinsburg, WV 25401 | | | |
| National Pest Control Assn, 8100 Oak St. Dunn Loring, VA 22027 | | | |
| National Printing Equipment & Supplies Assn, Inc, 6849 Old Dominion Drive, #200 Mclean, VA 22101 | | | |
| National Public Affairs Corp, 900 17th Street, NW Washington, DC 20006 | Westinghouse Electric Corp | 300.00 | |
| National Retail Merchants Assn, 1000 Connecticut Avenue, NW Washington, DC 20036 | | | 3,865.00 |
| National Right to Work Committee, 8001 Braddock Rd., #600 Springfield, VA 22160 | | 6,889.67 | 6,889.67 |
| National Security Traders Assn, Inc, One World Trade Center, #4511 New York, NY 10048 | | | 4,375.00 |
| National Small Business Assn, 1155 15th Street, NW, #710 Washington, DC 20005 | | 7,000.00 | 509.28 |
| National Small Business Index, R.r. #1 Aitkin, MN 56431 | | | |
| National Society of Professional Engineers, 1420 King Street Alexandria, VA 22314 | | 12,500.00 | 10,100.00 |
| National Soft Drink Assn, 1101 16th St., NW Washington, DC 20036 | | | 263.00 |
| National Solid Wastes Management Assn, 10th Floor 1730 Rhode Island Ave., NW Washington, DC 20036 | | | |
| National Strategies & Marketing Group, 1919 Pennsylvania Ave., NW, #704 Washington, DC 20006 | Alliance for Capital Access | 26,250.00 | 47.32 |
| Do | PGA Tour, Inc | 15,000.00 | 15.60 |
| Do | U.S. Sprint | 4,000.00 | 669.00 |
| National Tax Equality Assn, 321 D St., NE Washington, DC 20002 | | 2,869.20 | 2,497.58 |
| National Telephone Cooperative Assn, 2626 Pennsylvania Ave., NW Washington, DC 20037 | | 12,055.00 | 1,601.10 |
| National Tire Dealers & Retreaders Assn, 1250 Eye Street, NW, #400 Washington, DC 20005 | | 7,866.00 | 7,866.00 |
| National Venture Capital Association, 1655 N. Fort Meyer Dr., #700 Arlington, VA 22209 | | | 74,680.11 |
| National-American Wholesale Grocers' Assn, 201 Park Washington Court Falls Church, VA 22046 | | 9,500.00 | 9,500.00 |
| Natural Gas Supply Assn, 1730 Rhode Island Ave., NW Washington, DC 20036 | | 18,838.00 | 43,601.21 |
| Karen J. Neale, 2501 M Street N.w. Washington, DC 20037 | Chemical Manufacturers Assn, Inc | 465.00 | 105.25 |
| Jeffrey Nedelman, 1010 Wisconsin Avenue, NW, #800 Washington, DC 20007 | Grocery Manufacturers of America, Inc | 130.50 | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Allen Neece Jr., 1050 17th Street, NW Washington, DC 20036 | Neece Cator & Associates, Inc (For:Association of Small Business Development Centers). | | |
| Do | Neece Cator & Associates, Inc (For:National Venture Capital Association) | 1,300.00 | 1,300.00 |
| Do | Neece Cator & Associates, Inc (For:Small Business United) | | |
| Neece Cator & Associates, Inc, 1050 17th Street, NW Washington, DC 20036 | Association of Small Business Development Centers | 1,400.00 | 1,400.00 |
| Do | National Assn of Development Companies (NADCO) | | |
| Do | National Venture Capital Association | 1,300.00 | 1,300.00 |
| Do | Small Business United | | |
| Do | Southeastern Lumber Manufacturers Assn | 1,300.00 | 1,300.00 |
| Stanley Nehmer, 1320 19th Street, NW, #600 Washington, DC 20036 | Lead-Zinc Producers Committee | 500.00 | 350.00 |
| Neighborhood Housing Services of America, 3805 Alton Place, NW Washington, DC 20016 | | | |
| Neill & Company, Inc, 900 17th St., NW, #400 Washington, DC 20006 | Arab Republic of Egypt | 180,000.00 | 15,234.26 |
| Do | Hashemite Kingdom of Jordan | 55,000.00 | 5,713.09 |
| Do | Kingdom of Morocco | 90,000.00 | 2,405.48 |
| Do | Republic of Gabon | | 4,685.38 |
| Neill Mullenholz Shaw & Seeger, 900 17th St., NW, #400 Washington, DC 20006 | Florida East Coast Railway Co | 625.00 | |
| Do | National Farm & Power Equipment Dealers Assn | 1,500.00 | |
| Do | Soo Line Corporation | 2,500.00 | 341.12 |
| Douglas J. Neilson, 8111 Gatehouse Road Falls Church, VA 22047 | AAA Potomac | | |
| Carolyn B. Nelson, #2 Metroplex Dr., Suite 500 Birmingham, AL 35209 | Metropolitan Properties, Inc | | |
| Donald W. Nelson, 1000 16th Street, NW, #701 Washington, DC 20036 | Federal Managers Assn | 3,700.00 | 50.00 |
| Nelson & Yudin, 1707 H St., NW, #500 Washington, DC 20006 | Bus Transit Caucus | | |
| Gordon E. Nelson, Inc, 12005 Millstream Drive Bowie, MD 20715 | Floyd Harlan Ranch Co, Inc | 1,946.87 | 45.01 |
| Mark Nestlen, 1616 H Street, NW Washington, DC 20006 | National Grange | 4,500.00 | |
| E. John Neumann, 1100 Connecticut Ave., NW, #820 Washington, DC 20036 | Baltimore Gas & Electric Co | 1,534.67 | 2,967.51 |
| New York Comm of Intl Comm of Passenger Lines, 74 Trinity Place New York, NY 10006 | | | |
| Newman & Holtzinger, P.C., 1615 L St., NW, #1000 Washington, DC 20036 | Utility Nuclear Waste Management Group | | |
| James R. Nicholas, 8659 Baypine Road, #305 Jacksonville, FL 32216 | Communication Planning Corp | | |
| Do | North American Telephone | | |
| Nicholas John Nichols, 1620 Eye St., NW Washington, DC 20006 | American Inst of Certified Public Accountants | 500.00 | 9,196.12 |
| Thomas Nickels, 1101 14th Street, NW, #200 Washington, DC 20005 | American Nurses' Assn | 5,143.96 | 342.70 |
| William W. Nickerson, 900 17th St., NW, #1020 Washington, DC 20006 | Federal Law Enforcement Officers Assn | | |
| Do | Massachusetts Bay Transit Authority | | |
| Patrick J. Nilan, 817 14th St., NW Washington, DC 20005 | American Postal Workers Union, AFL-CIO | 10,399.73 | 2,385.75 |
| Nissan Motor Corporation in U.S.A., 1919 Pennsylvania Avenue, NW, #707 Washington, DC 20006 | | | |
| Peter Nixon, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037 | Algoma Steel Corp, Ltd | | |
| Nixon Hargrave Devans & Doyle, One Thomas Circle, NW, #800 Washington, DC 20005 | American Free Trade Assn, Inc | 6,798.75 | 831.34 |
| Do | Bausch & Lomb | | |
| John L. Noble, One Baxter Parkway Deerfield, IL 60015 | Baxter Travenol Laboratories, Inc | | |
| Barbara D. Nocera, 955 L'enfant Plaza, SW, #905 Washington, DC 20024 | American Honda Motor Co, Inc | 200.00 | |
| Robert W. Nolan, 1303 New Hampshire Ave., NW Washington, DC 20036 | Fleet Reserve Assn | 100.00 | |
| Walker F. Nolan, 1111 19th St., NW, 9th Fl. Washington, DC 20036 | Edison Electric Institute | 7,267.86 | 846.01 |
| H. Christopher Noble, 2501 M St., NW Washington, DC 20037 | Chemical Manufacturers Assn, Inc | 750.00 | 332.20 |
| David F. Norcross, 2201 State Highway 38 Cherry Hill, NJ 08002 | Pittsburgh & Lake Erie Railroad Co | 33,729.00 | 6,248.39 |
| Willie Ervine Norman, 1411 West 5th Street Montgomery, AL 36106 | | | |
| Grover G. Norquist, 718 North Carolina Ave., SE Washington, DC 20003 | Americans for Tax Reform | 3,750.00 | |
| Julia J. Norrell, 1850 K St., NW Washington, DC 20006 | American Council of Life Insurance, Inc | 5,325.00 | 48.22 |
| North American Export Grain Assn, Inc, 1747 Pennsylvania Ave., NW, #1175 Washington, DC 20006 | | | |
| Northeast Utilities Service Co, Selden St. Berlin, CT 06037 | | | 2,451.47 |
| Northern Telecom, Inc, 600 Maryland Avenue, SW, #605 Washington, DC 20024 | | | |
| Mary Jane Norville, 600 Maryland Avenue, SW, #695 Washington, DC 20024 | National Fed of Independent Business | 2,250.00 | 200.00 |
| Nossaman Guthner Knox & Elliott, 1140 19th St., NW, #600 Washington, DC 20036 | AEtna Life & Casualty | | 3,532.50 |
| Do | Northwestern National Life Insurance Co | | 2,677.50 |
| Do | Southern California Edison | | |
| P. Michael Nugent, Suite 1300, North Tower 1331 Pennsylvania Ave., NW Washington, DC 20004 | Electronic Data Systems Corp | 160.00 | 294.00 |
| Patrick J. Nugent, 1133 19th Street, NW Washington, DC 20036 | MCI Communications Corp | 2,000.00 | 37,089.62 |
| Cynthia H. Null, 1200 17th Street, NW Washington, DC 20036 | Federation of Behavioral Psychological & Cognitive Sciences | 510.00 | |
| Ralph D. Nurnberger, 500 North Capitol Street, NW, #300 Washington, DC 20001 | American Israel Public Affairs Comm | 11,763.48 | 824.94 |
| Nutter McClennen & Fish, 333 Market Street, 27th Floor San Francisco, CA 94105 | Merit Stainless Steel, Inc | | 322.53 |
| C. D. Nyberg, P.O. Box 800 Austin, MN 55912 | Geo. A. Hormel & Co | | |
| George O'Bea Jr., 815 16th Street, NW, #701 Washington, DC 20006 | United Paperworkers International Union | | |
| Coleman C. O'Brien, 1709 New York Ave., NW, #801 Washington, DC 20006 | U.S. League of Savings Institutions | 7,800.00 | 8.00 |
| Elizabeth O'Brien, 2550 M Street, NW, #275 Washington, DC 20037 | Camp Carmouche Barsh Hunter Gray Hoffman & Gill, P.C. | | |
| John F. O'Brien, Connecticut Petroleum Council 410 Asylum St. Hartford, CT 06103 | American Petroleum Institute | | |
| Mary Eileen O'Brien, 1800 M St., NW, Suite 710 South Washington, DC 20036 | Dow Corning Corp | | |
| Raymond V. O'Brien, 1600 M St., NW Washington, DC 20036 | International Telephone & Telegraph Corporation | 1,500.00 | 75.00 |
| Rosemary L. O'Brien, 2550 M St., NW, #640 Washington, DC 20037 | CF Industries, Inc | 500.00 | 137.49 |
| Thomas H. O'Brien, 2600 Virginia Avenue, NW, #800 Washington, DC 20037 | Harris Corporation | 2,500.00 | 2,523.08 |
| David S. O'Bryon, 7297 Lee Highway, Unit N Falls Church, VA 22042 | American Textile Machinery Assn | | |
| James J. O'Connell, 1201 Pennsylvania Avenue, NW Washington, DC 20004 | Control Data Corporation | 360.75 | 127.12 |
| Richard T. O'Connell, Richard T. O'Connell & Associates, Inc 3208 Traveler Street Fairfax, VA 22030 | Chocolate Manufacturers Assn of the USA | | 5.25 |
| Do | National Confectioners Assn of the U.S. | | |
| Terrence M. O'Connell II, 444 N. Capitol Street, #711 Washington, DC 20001 | Keefe Company (For:UNIAO Nacional Para Independencia Total DeAngola) | | |
| William B. O'Connell, 111 East Wacker Dr. Chicago, IL 60601 | U.S. League of Savings Institutions | 21,437.00 | 6,962.07 |
| Emily O'Connor, 777 14th Street, NW Washington, DC 20005 | National Assn of Realtors | | |
| George E. O'Connor, 600 New Hampshire Avenue, NW Washington, DC 20037 | New York Life Insurance Company | 6,000.00 | 3,450.00 |
| K. James O'Connor Jr., 2501 M Street, NW Washington, DC 20037 | Chemical Manufacturers Assn, Inc | 900.00 | 94.00 |
| Patrick C. O'Connor, Kent & O'connor, Inc 1211 Connecticut Avenue, NW Washington, DC 20036 | American Supply Association | 8,740.15 | 3,377.71 |
| Do | American Warehousemen's Association | | |
| Do | National Fleet Administrators Assn | | |
| Do | Steel Tank Institute | | |
| Do | Transportation Lawyers Assn | | |
| O'Connor & Hannan, 1919 Pennsylvania Ave., NW, #800 Washington, DC 20006 | Alliance for Capital Access | 10,000.00 | |
| Do | American Bus Assn | 5,930.31 | |
| Do | American Businesses for Int'l Trade | 5,000.00 | |
| Do | American Clinical Laboratory Assn | 1,250.00 | |
| Do | American Inst of Certified Public Accountants | 3,019.00 | |
| Do | American Insurance Assn | 10,107.00 | |
| Do | American Soc of Assn Executives | 1,885.93 | |
| Do | Armco, Inc | | |
| Do | Association of Independent Television Stations, Inc | | |
| Do | Automotive Parts & Accessories Assn | | |
| Do | Center for Environmental Education, Inc | | |
| Do | Chamber of Commerce of the U.S. | | |
| Do | ChemWaste | 522.00 | |
| Do | Children's Hospital National Medical Center | | |
| Do | City of Minneapolis | 800.00 | |
| Do | Coca-Cola Company | 5,500.00 | |
| Do | Connaught Laboratories, Inc | 6,859.37 | |
| Do | Corcoran Mullins Jennison | 1,700.00 | |
| Do | Dimensions, Inc | 1,500.00 | |
| Do | Electronic Data Systems Corp | 2,000.00 | |
| Do | Embassy of Ecuador | 10,000.00 | |
| Do | Glass Packaging Institute | | |
| Do | Health Care Financing Study Group | 2,200.00 | |
| Do | Hennepin County | 650.00 | |
| Do | Historic Landmarks for Living | 2,040.00 | |
| Do | Hules Mexicanos, S.A. | 2,000.00 | |
| Do | Industrias Negromex, S.A. de C.V. | 2,000.00 | |
| Do | Insurance Assn of Connecticut | 711.00 | |
| Do | International Racquet Sports Assn | 2,253.12 | |
| Do | Investment Company Institute | 10,000.00 | |
| Do | Kawasaki Kisen Kaisha, Ltd | 8,794.95 | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Do | Mercedes-Benz of North America, Inc | 750.00 | |
| Do | Merrill Lynch & Co, Inc | 85.00 | |
| Do | Mexican Cement Chamber | 10,000.00 | |
| Do | Miller & Schroeder Financial, Inc | 3,000.00 | |
| Do | National Apartment Assn | 7,418.00 | |
| Do | National Club Association | 6,500.00 | |
| Do | Optical Coating Laboratory, Inc | 547.50 | |
| Do | Pacific Telesis Group | 12,468.00 | |
| Do | J. C. Penney Co, Inc | | |
| Do | Prudential Insurance Co of America | 891.00 | |
| Do | Securities Industry Assn | 7,243.00 | |
| Do | SmithKline Beckman Corp | 543.75 | |
| Do | U.S. Tuna Foundation | | |
| Do | Westinghouse Electric Corp | 5,000.00 | |
| Paul T. O'Day, 1150 17th Street, NW Washington, DC 20036 | Man-Made Fiber Producers Assn, Inc | 2,500.00 | 76.99 |
| Thomas A. O'Day, 1629 K St., NW, #1010 Washington, DC 20006 | Alliance of American Insurers | 1,974.00 | |
| Ashton J. O'Donnell, 50 Beale St., P.O. Box 3965 San Francisco, CA 94119 | Bechtel National, Inc | | |
| Daniel J. O'Grady, 815 16th Street, NW, #408 Washington, DC 20006 | Food & Allied Service Trades Dept, AFL-CIO | 547.00 | |
| Jane O'Grady, 815 16th St., NW Washington, DC 20006 | American Fed of Labor & Congress of Industrial Organizations | 18,019.03 | 164.93 |
| Terri O'Grady, 1600 Rhode Island Avenue, NW Washington, DC 20036 | National Rifle Assn of America | 788.75 | 284.43 |
| Barbara E. O'Hara, 4400 Macarthur Blvd., NW Washington, DC 20007 | American Soc of Travel Agents | 125.00 | |
| O'Keefe Ashenden Lyons & Ward, One First National Plaza - Suite 5100 Chicago, IL 60603 | American Invsco Corporation | | |
| Michael A. O'Malley, 4647 Forbes Boulevard Lanham, MD 20706 | AMVETS | 6,800.00 | 150.47 |
| O'Melveny & Myers, 1800 M St., NW Washington, DC 20036 | Amax, Inc | | |
| Do | Association of Telephone Telegraph & Related Telematics Inds | 4,561.70 | 225.55 |
| Do | Dulles Access Transit Corp | 5,500.00 | |
| Do | Holden Group, Inc (Public Employer Benefits Council) | 3,300.00 | 918.36 |
| Sarah E. O'Neil, 1600 M St., NW Washington, DC 20036 | Investment Company Institute | | |
| Donald K. O'Neill, 1000 Wilson Blvd., #2600 Arlington, VA 22209 | TRW, Inc | 350.00 | |
| Joseph P. O'Neill, 1616 H Street, NW Washington, DC 20006 | American Retail Federation | 2,200.00 | 220.00 |
| O'Neill and Athy, P.C., 1333 New Hampshire Avenue, NW, #660 Washington, DC 20036 | Allegheny County Commission | | |
| Do | Association of Progressive Rental Organizations | | |
| Do | Bank of New England | | |
| Do | Beer Industry Alliance | | |
| Do | BHC, Inc | | |
| Do | Chris-Craft Industries, Inc | 1,600.00 | |
| Do | Commercial Union Insurance Cos | | |
| Do | Connecticut Bank & Trust Corp | | |
| Do | Conrail Acquisition Corp, Inc | 2,430.00 | |
| Do | Cruise America Line, Inc | 5,500.00 | |
| Do | Glass Packing Institute | | |
| Do | Housing America Foundation | 6,500.00 | |
| Do | Marriott Corp | | |
| Do | Massachusetts General Hospital | | |
| Do | Milk Industry Foundation | | |
| Do | New England Deaconess Hospital | 1,800.00 | |
| Do | Northwestern Mutual Life | | |
| Do | Retail Industry Trade Action Coalition | 1,850.00 | |
| Do | Sears Roebuck & Co | | |
| Do | Texas Utilities Co | | |
| Do | U.S. Football League | | |
| Do | U.S. Steel | 975.00 | |
| O'Neill and Haase, P.C., 1333 New Hampshire Ave., NW, #1110 Washington, DC 20036 | Allegheny County Commission | | |
| Do | Association of Progressive Rental Organizations | | |
| Do | Bank of New England | | |
| Do | Beer Industry Alliance | | |
| Do | BHC, Inc | | |
| Do | Chris-Craft Industries, Inc | | |
| Do | Commerical Union Insurance Companies | | |
| Do | Connecticut Bank & Trust Corp | | |
| Do | Conrail Acquisition Corp, Inc | | |
| Do | Cruise America Line, Inc | | |
| Do | Glass Packaging Institute | | |
| Do | Housing America Foundation | | |
| Do | Marathon Manufacturing Co | | |
| Do | Marriott Corporation | | |
| Do | Massachusetts General Hospital | | |
| Do | Milk Industry Foundation/Int'l Assn of Ice Cream Mfrs | | |
| Do | New England Deaconess Hospital | | |
| Do | Northwestern Mutual Life | | |
| Do | Sears Roebuck & Co | | |
| Do | Texas Utilities Services, Inc | | |
| Do | U.S. Football League | | |
| Do | U.S. Steel Corporation | | |
| J. Denis O'Toole, 1120 Connecticut Ave., NW Washington, DC 20036 | American Bankers Assn | 6,500.00 | |
| Stephen E. O'Toole, 1660 L St., NW Washington, DC 20036 | General Motors Corp | 3,000.00 | 1,839.01 |
| Jana R. Oakley, 1331 Pennsylvania Avenue, NW, #1500N Washington, DC 20004-1703 | National Assn of Manufacturers | | |
| Paul C. Oakley, 50 F Street, NW Washington, DC 20001 | Association of American Railroads | 111.00 | 45.32 |
| Harry R. Obley, One Mellon Bank Center Pittsburgh, PA 15258 | Mellon Bank N.A. and Mellon National Corp | 2,000.00 | 3,192.50 |
| Larry A. Oday, 2000 M St., NW, #500 Washington, DC 20036 | Wood Lucksinger & Epstein (For:CHAD Therapeutics, Inc) | | |
| Bradford C. Oelman, 900 17th Street, NW, #508 Washington, DC 20006 | Owens-Corning Fiberglas Corporation | | |
| Neil H. Offen, 1776 K Street, NW Washington, DC 20006 | Direct Selling Association | | |
| Donald G. Ogilvie, 1120 Connecticut Ave., NW Washington, DC 20036 | American Bankers Assn | 2,500.00 | |
| Oil Investment Institute, PO Box 8293 Washington, DC 20024 | | | |
| Philip M. Oka, 1919 Pennsylvania Avenue, NW, #400 Washington, DC 20006 | Steel Service Center Institute | | |
| R. Teel Oliver, 1050 17th Street, NW, #650 Washington, DC 20036 | Merck & Co, Inc | 687.50 | 500.00 |
| Van R. Olsen, 1156 15th St., NW, #1019 Washington, DC 20006 | U.S. Beet Sugar Assn | | |
| Gerald L. Olson, Pillsbury Center, Ms 3771 Minneapolis, MN 55402 | Pillsbury Company | | 790.86 |
| Richard C. Olson, 1313 Dolley Madison Blvd. Mclean, VA 22101 | Dynalectron Corporation | 2,268.00 | 121.00 |
| Roy E. Olson, 260 Madison Ave. New York, NY 10016 | American Paper Institute, Inc | | |
| Clark Onstad, 1201 Pennsylvania Ave., NW, #300 Washington, DC 20004 | Texas Air Corp and Continental Air Lines | 10,000.00 | 5,809.00 |
| Oppenheimer Wolff Foster Shepard & Donnelly, 1317 F Street, NW, #700 Washington, DC 20004 | Korean Footwear Exporters Assn | | |
| Charles J. Orasin, 1400 K Street, NW, #500 Washington, DC 20005 | Handgun Control, Inc | 7,885.00 | |
| Michel Orban, American Express Tower World Financial Center New York, NY 10285-4705 | American Express Co | | |
| Organ. for Protection & Advancement of Small Telephone Cos, 2301 M Street, NW, #530 Washington, DC 20037 | | | |
| Organization of Professional Employees of USDA, Rm. 1414 S. Building U.S. Dept of Agriculture Washington, DC 20250 | | 3,416.43 | 1,520.69 |
| Abraham Orlofsky, 1016 16th Street, NW Washington, DC 20036 | National Fed of Federal Employees | 1,311.52 | |
| Elvira J. Orly, 1050 Connecticut Ave., NW, #800 Washington, DC 20036 | Allied-Signal, Inc | 43.00 | |
| David S. Osterhout, 1000 Wilson Boulevard Arlington, VA 22209 | Allied Signal, Inc/Bendix Aerospace Sector | 3,000.00 | |
| J. F. Otero, 815 16th Street, NW Washington, DC 20006 | Brotherhood of Railway Airline & Steamship Clerks | 1,000.00 | 300.00 |
| Kevin D. Ott, 1331 Pennsylvania Avenue, NW, #1500N Washington, DC 20004-1703 | National Assn of Manufacturers | 325.00 | |
| Gene E. Overbeck, 1101 17th Street, NW Washington, DC 20036 | American Airlines, Inc | 2,125.00 | 78.90 |
| Thomas J. Owens, P.O. Box 12266 Seattle, WA 98102 | Dollar Savings Bank | 26,525.00 | 5,111.29 |
| Do | Irwin Shidler McBroom...(for Plaintiffs/WPPSS Securities...) | 39,331.25 | 8,064.08 |
| Wayne Owens, 800 Kennecott Building Salt Lake City, UT 84133 | Charter National Life Insurance Co | | |
| William J. Owens, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202 | Manufactured Housing Institute | 900.00 | 100.00 |
| Joanne M. Oxley, 1228 17th Street, NW Washington, DC 20036 | Air Conditioning Contractors of America | 500.00 | 777.50 |
| R. Ray Paaho, 1667 K St., NW, #600 Washington, DC 20006 | Santa Fe Southern Pacific Corp | 1,000.00 | |
| Allen Scott Pack, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037 | Algoma Steel Corp, Ltd | | |
| Pagonis & Donnelly Group, 1120 Connecticut Ave., NW, #335 Washington, DC 20036 | Algoma Steel Corp, Ltd, et al | | |
| Do | Brown Boveri Corp | | |
| Do | Dow Chemical USA | 3,750.00 | 20.50 |
| Do | Harrah's, Inc | 368.75 | 6.30 |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Do | Holiday Corp | 2,385.00 | 14.00 |
| Do | Nord Resources Corp | | |
| John M. Palatiello, 210 Little Falls Street Falls Church, VA 22046 | American Cong. on Survey. & Mapp./Amer Soc of Photogrammetry | 11,116.00 | 3,252.15 |
| Henry S. Palau, 201 N Washington St. Alexandria, VA 22134 | Retired Officers Assn | | |
| Cindy Grant Pallatino, 1101 Vermont Avenue, NW, #405 Washington, DC 20005 | A. H. Robins Co | 200.00 | 81.00 |
| Benjamin L. Palumbo, 1629 K St., NW Washington, DC 20006 | Business Executives for National Security, Inc | 2,000.00 | |
| Do | G. D. Searle | 9,000.00 | |
| Palumbo & Cerrell, Inc, 1629 K St., NW Washington, DC 20006 | American Soc of Composers Authors & Publishers | 30,000.00 | |
| Do | R.J. Reynolds Tobacco Co | 9,000.00 | |
| Do | Southern California Rapid Transit District | 22,500.00 | |
| Peter J. Pantuso, 7900 Westpark Drive, #514 Mclean, VA 22102 | National Confectioners Assn of the U.S. | | 400.00 |
| Marcia Pape-Daniels, 1201 Pennsylvania Ave., NW, #250 Washington, DC 20004 | CH2M Hill | 750.00 | |
| Paperboard Packaging Council, 1101 Vermont Ave., NW, #411 Washington, DC 20005 | | | |
| G. Oliver Papps, N.j. Petroleum Council 170 W. State St. Trenton, NJ 08608 | American Petroleum Institute | | |
| Juley R. Para, 450 Maple Ave., East, #204 Vienna, VA 22180 | U.S. Defense Committee | 1,000.00 | |
| Harriet Parcells, 236 Massachusetts Avenue, NE, #603 Washington, DC 20002 | National Assn of Railroad Passengers | 3,028.86 | |
| Herschell E. Parent, 460 Twin City Bank One Riverfront Place North Little Rock, AR 72114 | American Petroleum Institute | 579.22 | 679.77 |
| Nancy L. Parke, 729 15th Street, NW Washington, DC 20005 | Associated Builders & Contractors, Inc | 2,500.00 | |
| Alan A. Parker, 1050 31st Street, NW Washington, DC 20007 | Association of Trial Lawyers of America | 5,000.00 | 100.00 |
| David N. Parker, 1111 19th Street, NW Washington, DC 20036 | Edison Electric Institute | | |
| John N. Parker, 1100 Connecticut Ave., NW, #620 Washington, DC 20036 | Mobil Oil Corp | 375.00 | |
| Kimberly C. Parker, 817 14th Street, NW Washington, DC 20005 | American Postal Workers Union, AFL-CIO | 8,514.99 | 622.13 |
| Sara Lynn Parker, 1319 F St., NW, #500 Washington, DC 20004 | Food Research & Action Center | 430.50 | |
| Parker Chapin Flattau & Klimpl, 1211 Avenue of The Americas New York, NY 10036 | Association for a Better New York | | 221.05 |
| Benjamin G. Parks III, 1919 Pennsylvania Avenue, #300 Washington, DC 20006 | National Inholders Assn | 5,500.00 | 1,000.00 |
| Carl M. Parks, 633 Pennsylvania Avenue, NW, #500 Washington, DC 20004 | Allstate Insurance Group | 700.00 | 63.95 |
| Parry and Romani Associates, Inc, 233 Constitution Avenue, NE Washington, DC 20002 | American Family Life Assurance Co | 1,500.00 | |
| Do | Association for the Advancement of Human Rights in Japan | 2,100.00 | |
| Do | Care Enterprises | 2,250.00 | |
| Do | Generic Pharmaceutical Industry Assn | 1,000.00 | 190.86 |
| Do | Herbalife International | 2,000.00 | |
| Do | Hotel Employees & Restaurant Employees Int'l Union | 2,000.00 | |
| Do | International Brotherhood of Teamsters | 2,250.00 | |
| Do | Johnson & Johnson | 5,000.00 | |
| Do | Kirkland & Ellis | 3,600.00 | 131.68 |
| Do | Knudsen Corporation | 100.00 | |
| Do | Manville Corporation | 1,500.00 | 241.06 |
| Do | Motion Picture Assn of America, Inc | 2,400.00 | 276.97 |
| Do | National Beer Wholesalers of America | 1,500.00 | 43.71 |
| Do | Pharmaceutical Manufacturers Assn | 750.00 | 75.35 |
| Do | Sony Corp of America | | |
| Do | T.I.M.E.-DC, Inc | 3,600.00 | 29.10 |
| Do | TechAmerica, Inc | 2,400.00 | 111.45 |
| Do | United Food & Commercial Workers International Union | 1,675.00 | 111.45 |
| Charles C. Partridge, 5535 Hempstead Way Springfield, VA 22151 | National Assn for Uniformed Services | 1,903.37 | |
| Jack Partridge, 1014 Vine St. Cincinnati, OH 45201 | Kroger Company | 2,500.00 | 423.70 |
| John V. Parziale, 818 Connecticut Ave., NW, 9th Fl. Washington, DC 20006 | Marathon Oil Co | | |
| David J. Passamaneck, 4647 Forbes Boulevard Lanham, MD 20706 | AMVETS | 6,800.00 | 150.47 |
| Kris Pathuis, 8500 Byron Road Zeeland, MI 49464 | Herman Miller, Inc | | 915.88 |
| Gary B. Patterson, Delaware Petroleum Council P.O. Box 1429 Dover, DE 19903 | American Petroleum Institute | 111.54 | 133.64 |
| Jerry M. Patterson, Leff & Mason 4000 MacArthur Blvd., #350 Washington, DC 20006 | Western Financial Savings Bank | | |
| Richard M. Patterson, 1800 M St., NW, #700 South Washington, DC 20036 | Dow Chemical Co | 500.00 | 239.50 |
| William H. Patterson, 1331 Pennsylvania Ave., NW Washington, DC 20004 | General Electric Co | 274.00 | |
| Kenton H. Pattie, 3150 Spring St. Fairfax, VA 22031 | International Communications Industries Assn | 3,913.00 | 475.85 |
| David J. Pattison, 1025 Connecticut Ave., NW Washington, DC 20036 | Health Insurance Assn of America, Inc | | |
| Patton Boggs & Blow, 2550 M St., NW, #800 Washington, DC 20037 | Air Products & Chemicals, Inc | 83.33 | |
| Do | Aiwa America, Inc | 291.70 | |
| Do | Akai America, Ltd | 291.70 | |
| Do | Aluminum Company of America | | |
| Do | American Broadcasting Co, Inc | | |
| Do | American Congress on Surveying & Mapping | 210.00 | 4.05 |
| Do | American Express Co | 875.00 | |
| Do | American Insurance Assn | 1,740.00 | |
| Do | American International Automobile Dealers Assn | | 78.00 |
| Do | American Maritime Assn | 200.00 | |
| Do | American Public Power Assn | 160.00 | |
| Do | Association of Trial Lawyers of America | 6,205.00 | 1,245.37 |
| Do | Atlantic Richfield | 83.33 | |
| Do | ALTA Technology | 830.00 | |
| Do | AT&T | 83.33 | |
| Do | Biogen | | |
| Do | Brownsville Shrimp Assn | | |
| Do | Cadawalader Wickersham & Taft | 225.00 | |
| Do | California State University | 215.00 | |
| Do | Carlson Companies, Inc | | |
| Do | Champion International Corp | | |
| Do | Chelsea Property Owners | | |
| Do | Chicago Board Options Exchange | 300.00 | 53.75 |
| Do | Chippendale Investment Co | 1,758.75 | |
| Do | Chrysler Corporation | | |
| Do | City of Azusa | | |
| Do | City of Banning | | |
| Do | City of Colton | | |
| Do | City of Riverside | | |
| Do | City of Santa Clara | | |
| Do | Coalition for National Airport | 1,422.50 | |
| Do | Coalition on State Use Taxes | 3,000.00 | |
| Do | Columbia, Inc | 291.70 | |
| Do | Committee of Railroad Shippers | | |
| Do | Computerland Corporation | | 78.00 |
| Do | Consolidated Rail Corporation | 62.50 | |
| Do | Council of Graduate Schools | 750.00 | |
| Do | Crowley Maritime Corp | 2,150.00 | 125.30 |
| Do | Dealer Action Association | 395.00 | 40.63 |
| Do | Dredging Industry Size Standards Committee (DISSC) | 30.00 | |
| Do | Duty Free Shoppers, Ltd | 895.00 | 414.70 |
| Do | E. I. du Pont de Nemours & Co | 83.33 | |
| Do | Fiart Cantieri Italiani, S.P.A. | 9,260.00 | 63.38 |
| Do | Fidelity Investors | | |
| Do | Flint Industries | | 19.50 |
| Do | Ford Motor Co | 83.33 | |
| Do | Fuji Photo Film USA, Inc | 291.70 | |
| Do | GTE Corporation | 83.33 | |
| Do | Hitachi Sales Corp of America | 291.70 | |
| Do | E. F. Hutton Life Insurance Company | | |
| Do | Institute of Scrap Iron & Steel, Inc | | |
| Do | Intermedics, Inc | | |
| Do | Investment Partner Assn | | |
| Do | IC Industries | | |
| Do | Johnson & Johnson | 83.33 | |
| Do | Kaiser Aluminum & Chemical Corp | 1,075.00 | |
| Do | Kenwood USA Corporation | 291.70 | |
| Do | Lazard Frere & Co | | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Do | Liggett Group, Inc | 215.00 | |
| Do | Litton Industries, Inc | | 21.00 |
| Do | Loan America Financial Corp | | 25.40 |
| Do | Loop, Inc | | |
| Do | Marathon Oil Co | 175.00 | |
| Do | Mars, Inc | | |
| Do | Mass Mutual | 3,000.00 | |
| Do | Matson Navigation Co | | 331.73 |
| Do | Matsushita Electric Corp of America | 291.70 | |
| Do | Maxell Corp of America | 291.70 | |
| Do | Metropolitan Life | 1,800.00 | |
| Do | Mitsubishi Electric Sales of America, Inc | 291.70 | |
| Do | Mocatta Metals Corp | | |
| Do | MCI Telecommunications, Inc | 1,050.00 | 86.20 |
| Do | Nakamichi USA Corp | 291.70 | |
| Do | National Assn of Independent Colleges & Universities | 1,500.00 | |
| Do | National Cable Television Assn, Inc | 1,000.00 | 88.95 |
| Do | National Gypsum Co | 24,455.00 | |
| Do | National Marine Manufacturers Assn | 8,400.00 | 151.37 |
| Do | National Soft Drink Assn | | 343.35 |
| Do | New Process Co | | |
| Do | Northern California Power Agency | | |
| Do | Northwestern Mutual Life | 600.00 | |
| Do | NEC Electronics (USA) Inc | 291.70 | |
| Do | Onkyo USA Corp | 291.70 | |
| Do | Options Clearing Corp | 312.50 | |
| Do | Overseas Military Sales Group | | |
| Do | OSG Bulk Ships, Inc | | |
| Do | Paine Webber, Inc | 1,075.00 | |
| Do | Pearson Investments, Ltd | 450.00 | |
| Do | Pioneer Electronics (USA), Inc | 291.70 | |
| Do | Public Utilities Department | | |
| Do | Reader's Digest Assn, Inc | | |
| Do | Republique D'Haiti | 3,302.50 | |
| Do | Retail Industry Trade Action Coalition | 5,315.00 | 324.65 |
| Do | Retail Tax Committee | 3,682.50 | 615.50 |
| Do | Rice Millers' Assn | | |
| Do | Sacramento Public Utility District | | |
| Do | Sansui Electronics Corp | 291.70 | |
| Do | Sanyo Electronics, Inc | 291.70 | |
| Do | Sharp Electronics Corp | 291.70 | |
| Do | Shell Oil Co | 5,023.33 | |
| Do | Smokeless Tobacco Council, Inc | 710.00 | |
| Do | Sony Corp of America | 291.70 | |
| Do | Squibb Corporation | | |
| Do | State of LA, Dept of Conservation | | |
| Do | Sultantate of Oman | 1,820.00 | |
| Do | Teac Corp of America | 291.70 | |
| Do | Toshiba America, Inc | 291.70 | |
| Do | TDK USA Corp | 291.70 | |
| Do | U.S. Steel | 83.33 | |
| Do | Union Camp Corporation | | |
| Do | Union Pacific Corp | 833.33 | |
| Do | Unitary Tax Campaign | 340.00 | |
| Do | US JVC Corporation | 291.70 | |
| Do | Yamaha Electronics Corp, USA | 291.70 | |
| Andrew R. Paul, 1875 Eye Street, NW, #940 Washington, DC 20006 | Gulf & Western Management Company | 3,500.00 | 138.37 |
| Paul Hastings Janofsky & Walker, 6th Floor 1050 Thomas Jefferson St., NW Washington, DC 20007 | Aspirin Foundation of America, Inc | | |
| Do | Associated Life Ins Group Nat'l Policyholder Advisory Comm | 5,572.00 | |
| Do | CalMat Company | | |
| Do | CalMat Company | | |
| Do | GAF Corporation | 1,847.00 | |
| Do | Kawasaki Motors Corp, USA | 262.50 | |
| Do | National Business Aircraft Assn | | |
| Do | Oglethorpe Power Corp | | |
| Do | Security Life of Denver | 3,861.50 | |
| Paul Weiss Rifkind Wharton & Garrison, 1615 L Street, NW Washington, DC 20036 | Alliance for Capital Access | 2,360.00 | |
| Do | Korea Iron & Steel Assn | | 33.00 |
| Do | Metromedia, Inc | | |
| Do | NEC Corp and NEC America, Inc | 105.00 | 6.00 |
| Larry E. Paulick, 2111 Eisenhower Avenue Alexandria, VA 22314 | National Spa & Pool Institute | | |
| Richard A. Paysor, 1415 Elbridge Payne Rd., #135 St. Louis, MO 63017 | First Capitol Associates - Gateway, Inc | | |
| Ronald Pearson, 422 First Street, SE, #208 Washington, DC 20003 | Embassy of South Africa | | |
| Russell H. Pearson, 1156 15th Street, NW, #1015 Washington, DC 20005 | J. C. Penney Co, Inc | | |
| Pearson and Pipkin, Inc, 422 First Street, SE, #208 Washington, DC 20003 | Embassy of South Africa | 9,000.00 | 307.02 |
| James M. Peirce Jr., 1016 16th Street, NW Washington, DC 20036 | National Fed of Federal Employees | 1,918.56 | |
| LeeAnn Pelham, 2030 M Street, NW Washington, DC 20036 | Common Cause | 4,987.50 | 548.20 |
| Pelton Research Center, 1400 S. Joyce Street Arlington, VA 22202 | Help, Inc | | |
| Humberto R. Pena, 1155 15th St., NW Washington, DC 20005 | Bristol-Myers Co | 500.00 | |
| Pena Aponte & Ortiz-Daliot, 1101 14th St., NW, #610 Washington, DC 20005 | Puerto Rico Mayors Assn | | |
| Rich Pennell, 725 15th Street, NW Washington, DC 20005 | National Grain & Feed Assn | | |
| James C. Pennington, 5535 Hempstead Way Springfield, VA 22151 | National Assn for Uniformed Services | 918.94 | |
| Dominic V. Pensabene, 1700 K St., NW, #1204 Washington, DC 20006 | Chevron USA, Inc | 1,263.00 | |
| Gregory M. Pensabene, 1667 K St., NW, #600 Washington, DC 20006 | Santa Fe Southern Pacific Corp | 2,700.00 | |
| Pension Real Estate Assn, 1101 17th Street, NW, #700 Washington, DC 20036 | | 750.00 | |
| Pension Rights Center, 1701 K Street, NW Washington, DC 20006 | | | 1,168.62 |
| Pepper Hamilton & Scheetz, 1777 F Street, NW Washington, DC 20006 | Mutual Life Insurance Co of New York | 487.50 | |
| Do | North American Telephone Assn | 500.00 | |
| Barbara K. Pequet, 1311 Quincy St., NE Washington, DC 20017 | American Soc for The Prevention of Cruelty to Animals | 6,250.00 | |
| Victor J. Perini Jr., 1776 Massachusetts Ave., NW Washington, DC 20036 | Highway Users Federation for Safety & Mobility | | |
| James W. Perkins, 1 Beacon Street, Rm. 2200 Boston, MA 02108 | National Assn of Bond Lawyers | | 6,378.10 |
| Perkins Coie, 1110 Vermont Ave., NW, #1200 Washington, DC 20005 | Aerospace Industries Assn of America, Inc | | |
| Do | Boeing Company | | |
| Do | Burlington Northern, Inc | | |
| Do | Kootznoowoo, Inc | | |
| Do | Ormat Systems, Inc | | |
| Gary J. Perkinson, 453 New Jersey Avenue, SE Washington, DC 20003 | Beneficial Management Corp of America | 900.00 | |
| Ernest Michael Perley, 112 St Clair Avenue, West, #504 Toronto, Ontario M4v 2y3 | Canadian Coalition on Acid Rain | 1,353.84 | 148.51 |
| Kate M. Perry, 1785 Massachusetts Avenue, NW Washington, DC 20036 | National Trust for Historic Preservation | | |
| Susan Perry, 1025 Connecticut Avenue, NW Washington, DC 20036 | American Bus Assn | 2,687.00 | 75.00 |
| John J. Pesch, 3422 Stoneybrae Drive Falls Church, VA 22044 | Northrop Corp | | |
| Phillips S. Peter, 1331 Pennsylvania Avenue, NW Washington, DC 20004 | General Electric Co | 100.00 | |
| Geoffrey G. Peterson, 1250 Eye St., NW, #900 Washington, DC 20004 | Distilled Spirits Council of the U.S., Inc | 2,000.00 | 400.00 |
| Lars E. Peterson, 1750 K Street, NW Washington, DC 20006 | Food Marketing Institute | 450.00 | |
| Mary B. Peterson, 1660 L St., NW Washington, DC 20036 | General Motors Corp | 3,000.00 | 1,794.12 |
| Mary Jo Peterson, 1957 E Street, NW Washington, DC 20006 | Associated General Contractors of America | 1,000.00 | 500.00 |
| Sheryl L. Peterson, 122 C Street, NW, #875 Washington, DC 20001 | American Osteopathic Assn | 500.00 | |
| Peterson Engberg & Peterson, 1730 M St., NW, #907 Washington, DC 20036 | Federated Research Corp | 22,800.00 | 1,499.22 |
| Susan F. Petniunas, 1025 Connecticut Ave., NW, #214 Washington, DC 20036 | Manville Corporation | 500.00 | |
| Michael J. Petrina Jr., 1110 Vermont Avenue, NW, #800 Washington, DC 20005 | Cosmetic Toiletry & Fragrance Assn, Inc | | |
| Petroleum Marketers Assn of America, 1120 Vermont Ave., NW, #1130 Washington, DC 20005 | | 189,495.53 | 20,233.59 |
| Brian T. Petty, 1901 L St., NW, #702 Washington, DC 20036 | International Assn of Drilling Contractors | | |
| Peyser Associates, Inc, 1000 Vermont Street, NW, #400 Washington, DC 20005 | Basix Corp | 13,337.50 | 451.63 |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Do | Department of Public Property | 20,000.00 | 17.04 |
| Do | Metro | 4,500.00 | 97.50 |
| Do | Metropolitan Toledo Consortium | 17,135.75 | 99.04 |
| Do | Regional Transit Authority | | 78.77 |
| Do | Sacramento Regional Transit | 2,250.00 | 11.88 |
| Do | Southeastern Pennsylvania Transit Authority | 6,000.00 | 121.40 |
| James R. Phalen, 1100 Connecticut Avenue, NW, #535 Washington, DC 20036 | MAPCO, Inc | 3,400.00 | 141.62 |
| Pharmaceutical Manufacturers Assn, 1100 15th Street, NW Washington, DC 20005 | | 53,464.22 | 53,464.22 |
| Do | | 53,464.22 | 53,464.22 |
| Marshall A. Pharr, 6103 Adirondack Amarillo, TX 79106 | Southwestern Public Service Co | 4,209.75 | 398.17 |
| Dennis J. Phelan, 1401 New York Avenue, NW, #400 Washington, DC 20005 | National Food Processors Assn | 3,750.00 | 200.00 |
| Do | Pacific Seafood Processors Assn | 7,500.00 | 580.00 |
| William C. Phelps, 2929 Allen Parkway Houston, TX 77019 | American General Corporation | 6,800.00 | 7,833.10 |
| Bernard R. Phillips III, P.O. Box 4267 Topeka, KS 66604 | Kansas Electric Cooperatives, Inc | 11,052.19 | 767.91 |
| Deborah M. Phillips, 2033 M St., NW, #800 Washington, DC 20036 | General Instrument Corporation | | |
| Deirdre B. Phillips, 100 Federal Street Boston, MA 02110 | Bank of Boston Corporation | | |
| Do | First National Bank of Boston | 570.00 | 1,845.29 |
| Mark W. A. Phillips, 507 2nd St., NE Washington, DC 20002 | Confederated Tribes of Warm Springs | | |
| William G. Phillips, 417 Sixth Street, SE Washington, DC 20003 | Association of Univ Programs & Occupational Health & Safety | 7,200.00 | 1,097.56 |
| Do | Association of University Environmental Health Centers | 4,800.00 | 474.76 |
| Do | Metal Trades Department, AFL-CIO | 6,175.00 | 467.52 |
| Sam Pickard, 1101 17th St., NW, #604 Washington, DC 20036 | Monsanto Co | | |
| W.D. Pickett, 400 First St. Washington, DC 20001 | Brotherhood of Railroad Signalmen | 350.00 | |
| Paulette C. Pidcock, 1100 Connecticut Avenue, NW, #530 Washington, DC 20036 | Baltimore Gas & Electric Co | 482.56 | 176.93 |
| Robert R. Pierce, 1701 18th St., NW Washington, DC 20036 | National Parks & Conservation Association | 333.00 | 42.00 |
| Wayne Pierce, 101 Constitution Avenue, NW Washington, DC 20001 | United Brotherhood of Carpenters & Joiners of America | 21,125.00 | 107.24 |
| Stuart F. Pierson, Verner, Liipfert, Bernhard, & Mcpherson 1660 L St., NW, #1100 Washington, DC 20036 | Pan AM, et al | | |
| Pierson Semmes & Finley, 1054 31st Street, NW Washington, DC 20007 | Hershey Trust Co | 670.00 | 5.76 |
| Do | Six Flags Corporation | | |
| John H. Pilcher, 1776 F Street, NW Washington, DC 20006 | National Assn of Manufacturers | 125.00 | |
| Pillsbury Madison & Sutro, 1667 K St., NW, #1100 Washington, DC 20006 | Pfizer, Inc | 360.00 | 6.00 |
| Do | Transpace Carriers, Inc | | |
| Pilots Rights Association, P.O. Box 7000-367 Redondo Beach, CA 90277 | | | |
| Valerie F. Pinson, 1724 Massachusetts Avenue, NW Washington, DC 20036 | National Cable Television Assn, Inc | 1,113.00 | |
| Piper & Marbury, 36 S. Charles Street Baltimore, MD 21201 | First Maryland Bancorp | | |
| Do | First National Bank of Maryland | | |
| Robert Pipkin, 422 First Street, SE, #208 Washington, DC 20003 | Embassy of South Africa | | |
| Lillian M.S. Pitcaithly, 1730 K St., NW, #703 Washington, DC 20006 | American Business Conference, Inc | 175.00 | 25.00 |
| Virginia L. Pitcher, 2000 L St., NW, #200 Washington, DC 20036 | American College of Emergency Physicians | 2,292.00 | 143.54 |
| Plains Cotton Growers, Inc, 4510 Englewood Lubbock, TX 79414 | | | |
| Reuben C. Plantico, 111 SW Columbia, #800 Portland, OR 97201 | Nerco, Inc | 4,475.00 | 2,010.70 |
| Wyfl W. Pleger, 1730 Rhode Island Ave., NW, #213 Washington, DC 20036 | Brown & Root, Inc | | |
| Martha Rachel Plotkin, 2300 M Street, NW, #910 Washington, DC 20037 | Police Executive Research Forum | 1,351.74 | 55.00 |
| Michael Podhorzer, 1300 Connecticut Ave., NW, #401 Washington, DC 20036 | Citizen Action | | |
| Do | Citizen/Labor Energy Coalition | | |
| Jean S. Polatsek, 1919 Pennsylvania Ave., NW, #300 Washington, DC 20006 | American College of Surgeons | | |
| Nancy Polikoff, 2000 P Street, NW, #400 Washington, DC 20036 | Women's Legal Defense Fund | | |
| Mindy Pollack, 1025 Connecticut Ave., NW, #512 Washington, DC 20036 | Reinsurance Assn of America | | |
| Richard J. Pollack, 444 North Capitol Street, NW Washington, DC 20001 | American Hospital Assn | | |
| Susan Pollack, 900 Minnesota Street San Francisco, CA 94107 | American Fair Trade Council | 2,000.00 | |
| Michele Pollak, 1909 K Street, NW Washington, DC 20049 | American Assn of Retired Persons | 441.92 | 137.66 |
| Alfred M. Pollard, 1155 Connecticut Ave., NW, #1130 Washington, DC 20036 | Security Pacific National Bank | 720.00 | |
| Harlan Pomeroy, 1050 Connecticut Avenue, NW, #1100 Washington, DC 20036 | Baker & Hostetler (For:North Coast Cable, Ltd) | 405.00 | 57.75 |
| Raymond K. Pope, 2000 L Street, NW, #200 Washington, DC 20036 | AMFAC, Inc | 3,500.00 | 134.15 |
| Edward T. Porcaro, 1025 Connecticut Ave., NW, #1010 Washington, DC 20036 | Metropolitan Life & Affiliated Cos | 1,000.00 | |
| Paula D. Porpilia, 1120 Connecticut Ave., NW, 7th Fl. Washington, DC 20036 | American Bankers Assn | 1,250.00 | 178.85 |
| Port of Seattle, P.O. Box 1209 Seattle, WA 98111 | | | 2,323.84 |
| Phillip Porte & Assocs, Inc, 3845 N. 26th St. Arlington, VA 22207 | American Medical Records Assn | 2,000.00 | |
| Do | National Assn of Medical Directors of Respiratory Care | 5,000.00 | |
| Carol Alice Porter, 1612 K St., NW, #1101 Washington, DC 20036 | Wildlife Legislative Fund of America | 4,765.44 | |
| Porter Wright Morris & Arthur, 41 South High Street Columbus, OH 43215 | Coalition for Environmental Energy Balance | 33,137.50 | 3,443.55 |
| Carol Jean Poulos, 122 C Street, NW, #800 Washington, DC 20001 | Concerned Women for America | 1,000.00 | |
| John Michael Powderly, 815 16th St., NW, #706 Washington, DC 20006 | United Steelworkers of America | 9,576.57 | |
| Robert D. Powell, 1300 19th St., NW, #400 Washington, DC 20036 | National Business Aircraft Assn | | |
| Powell Goldstein Frazer & Murphy, 1110 Vermont Ave., NW, #1050 Washington, DC 20005 | Coalition for the Advancement of Industrial Technology | 7,214.00 | |
| Do | Council of State Housing Agencies | 1,165.00 | |
| Do | Federal National Mortgage Assn | | |
| Do | National Investment Development Corp | | |
| Do | National Multi Housing Council | 4,020.00 | |
| John J. Power, 815 16th St., NW Washington, DC 20006 | American Fed of Labor & Congress of Industrial Organizations | 18,019.03 | 568.52 |
| Frederick W. Powers III, 223 Perimeter Center Parkway P.O. Box 89000 Atlanta, GA 30338 | Siemens-Allis, Inc | | |
| Graydon R. Powers Jr., 1101 16th St., NW Washington, DC 20036 | Scientific Apparatus Makers Assn | | |
| Robert L. Pratt, 101 First Ave. Waltham, MA 02254 | Thermo Electron Corporation | 3,525.00 | 1,292.77 |
| William B. Prendergast, 6215 Kellogg Drive Mclean, VA 22101 | Tobacco Institute | | |
| Preston Thorgrimson Ellis & Holman, 1735 New York Avenue, NW, #500 Washington, DC 20006 | Alaska Pulp Corp | | |
| Do | Alleghany Corporation | 1,962.00 | |
| Do | American Nuclear Insurers | | |
| Do | American President Lines | 10,967.00 | |
| Do | Bellingham Cold Storage | | |
| Do | Boeing Company | | |
| Do | Calista Corp | | |
| Do | Coalition for the Advancement of Industrial Technology | 3,450.00 | |
| Do | Council of American-Flag Ship Operators | 577.50 | |
| Do | CH2M Hill | | |
| Do | COMPACT | | |
| Do | COMPACT (for Electronic Industries Assn) | | |
| Do | Grant County Public Utility District | | |
| Do | Hudson Waterways | 4,464.00 | |
| Do | Martin Marietta Corp | | |
| Do | McDonnell Douglas Corp | | |
| Do | Meat Price Investigators Assn | | |
| Do | Montana Power Co | | |
| Do | Moore McCormack Resources, Inc | | |
| Do | Mutual Atomic Energy Liability Underwriters | | |
| Do | National Council on Compensation Insurance | | |
| Do | Port of Seattle | | |
| Do | Professional Services Council | | |
| Do | Reinsurance Assn of America | | |
| Do | Spokane County | | |
| Do | Sunmar Shipping, Inc | | |
| Do | Templeton Growth Fund, Ltd | | |
| Do | Tennessee Gas Pipeline Co | | |
| Do | Transportation Institute | 2,600.00 | |
| Do | Tri-City Industrial Development Council | 374.00 | |
| Do | University of Michigan Hospitals | | |
| Keith A. Pretty, 1615 M Street, NW, #200 Washington, DC 20036 | Amoco Corporation | | |
| James M. Price, P.O. Box 11248 Knoxville, TN 37919 | Sierra Club | 2,897.50 | 315.20 |
| Thomas J. Price, 410 First Stret, SE Washington, DC 20003 | American Nuclear Energy Council | 5,625.00 | 498.77 |
| Patricia Pride, 1129 20th St., NW Washington, DC 20036 | Financial Accounting Foundation | 577.50 | 262.28 |
| Sharon D. Prinz, 2121 K Street, NW, #830 Washington, DC 20037 | Stephens Overseas Services, Inc | | |
| Gwenyth Pritchard, 600 Maryland Ave., NW, #700 Washington, DC 20024 | National Fed of Independent Business | 2,250.00 | 200.00 |
| Joel Pritchard, Bogle & Gates One Thomas Circle, NW, #900 Washington, DC 20005 | International Telecommunications Satellite Organization | | |
| Jerry C. Pritchett, 5410 Grosvenor Ln., #120 Bethesda, MD 20814 | Mechanical Contractors Assn of America, Inc | | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Pro-Life CDAC 12, P.O. Box 7145 Menlo Park, CA 94025 | | | 20.00 |
| Sydney Probst, 1250 Eye Street, NW, #900 Washington, DC 20005 | Distilled Spirits Council of the U.S., Inc | 2,000.00 | 200.00 |
| Procompetitive Rail Steering Committee, 1090 Vermont Avenue, NW, #410 Washington, DC 20005 | | | 4,444.50 |
| Stuart E. Proctor Jr., 2626 Pennsylvania Ave., NW Washington, DC 20037 | National Telephone Cooperative Assn | 5,000.00 | 472.47 |
| Professional Managers' Assn, P.O. Box 7762, Ben Franklin Station Washington, DC 20044 | | 4,698.21 | 7,498.96 |
| Profit Sharing Council of America, 20 N. Wacker Drive Chicago, IL 60606 | | | |
| Proprietary Association, 1150 Connecticut Ave., NW, #1200 Washington, DC 20036 | | | 3,587.50 |
| Proskauer Rose Goetz & Mendelsohn, 300 Park Avenue New York, NY 10022 | Integrated Resources, Inc | | 6,396.00 |
| Prudential-Bache, 100 Gold St. New York, NY 10292 | Prudential-Bache Securities, Inc | | 750.00 |
| James C. Pruitt, 1050 17th St., NW, #500 Washington, DC 20036 | Texaco, Inc | 180.00 | |
| Jeffrey A. Prussin, 1505 N.w. 167th Street Miami, FL 33169 | International Medical Centers, Inc | | |
| Public Citizen Health Research Group, 2000 P St., NW, #708 Washington, DC 20036 | | 69.05 | 97.47 |
| Public Employee Department, AFL-CIO, 815 16th St., NW Washington, DC 20006 | | 60,237.63 | 21,480.32 |
| Public Employer Benefits Council, 1800 M Street, NW Washington, DC 20036 | | | |
| David E. Pullen, 1025 Connecticut Ave., NW, #214 Washington, DC 20036 | Manville Corporation | 1,000.00 | |
| John R. Purcell, 204 E Street, NE Washington, DC 20002 | National Frozen Food Association | 500.00 | |
| William E. Pursley, 1025 Connecticut Avenue, NW Washington, DC 20036 | Shell Oil Co | 500.00 | |
| Sue P. Purvis, P.O. Box 14042(d2b) St. Petersburg, FL 33733 | Florida Power Corp | 2,300.00 | 692.07 |
| Do | Florida Progress Corp | 550.00 | 619.53 |
| Earle W. Putnam, 5025 Wisconsin Avenue, NW Washington, DC 20016 | Amalgamated Transit Union, AFL-CIO | | |
| Cassandra Walker Pye, 1750 K Street, NW Washington, DC 20006 | Food Marketing Institute | 1,000.00 | |
| Howard Pyle III, 4930 Quebec St., NW Washington, DC 20016 | Houston Lighting & Power Company | 3,600.00 | |
| Robert N. Pyle & Associates, 1701 K St., NW, #1004 Washington, DC 20007 | Elkem Metals Company | 4,250.00 | |
| Do | Independent Bakers Assn | 3,000.00 | 410.00 |
| John R. Quarles Jr., Morgan Lewis & Bockius 1800 M St., NW Washington, DC 20036 | National Environmental Development Assn Clean Air Act Proj | | |
| William A. Quinlan, 3045 Riva Rd. Riva, MD 21140 | National Candy Wholesalers Assn, Inc | | |
| Do | Retail Bakers of America | | |
| George Gregory Raab, 2000 L Street, NW Washington, DC 20036 | Medtronic, Inc | 90.00 | 64.34 |
| Clifford Raber, One Mcdonald's Plaza Oak Brook, IL 60521 | McDonald's Corp | | |
| Alex Radin, 2301 M St., NW Washington, DC 20036 | American Public Power Assn | 1,081.80 | |
| W. A. Radziewicz, 400 First Street, NW Washington, DC 20001 | Brotherhood of Railroad Signalmen | 350.00 | |
| Tess A. Rae, 1850 K Street, NW Washington, DC 20006 | American Council of Life Insurance, Inc | 100.00 | |
| Robert A. Ragland, 1331 Pennsylvania Avenue, NW, #1500N Washington, DC 20004-1703 | National Assn of Manufacturers | 75.00 | |
| Tanya A. Rahall, 2033 M Street, NW, #900 Washington, DC 20036 | National Assn of Arab Americans | 6,152.52 | 8.50 |
| Roderic W. Rahe Jr., 1015 15th Street, NW, #802 Washington, DC 20005 | American Consulting Engineers Council | 700.00 | |
| Railroad Retirement Assn, 210 7th St., SE, #517 Washington, DC 20003 | | | |
| Railway Labor Executives' Assn, 400 First St., NW, #804 Washington, DC 20001 | | 67,200.00 | 126,197.63 |
| Railway Progress Institute, 700 North Fairfax St. Alexandria, VA 22314 | | | |
| John Vernon Rainbolt II, 1701 Pennsylvania Avenue, NW, #500 Washington, DC 20006 | Grain & Feed Trade Assn | | |
| Do | International Commodities Clearing House, Ltd | | |
| Do | London Commodity Exchange Co, Ltd | | 1,147.93 |
| Do | London International Financial Futures Exchange, Ltd | | |
| Do | Metal Market & Exchange Co, Ltd | | |
| John C. Ramig, 1730 M Street, NW, #900 Washington, DC 20036 | Stoel Rives Boley Fraser & Wyse (For:Association of O & C Counties) | | |
| Do | Stoel Rives Boley Fraser & Wyse (For:Pacificorp) | 5,146.70 | 1,103.66 |
| Kathleen Marie Ramsey, 1010 Wisconsin Avenue, NW, #800 Washington, DC 20007 | Grocery Manufacturers of America, Inc | | |
| Craig J. Rancourt, 2000 Pennsylvania Ave., NW, #3700 Washington, DC 20006 | American Assn of Classified School Employees | 10,669.10 | 1,919.09 |
| Donald A. Randall, P.C., 321 D Street, NE Washington, DC 20002 | Automotive Service Councils, Inc | 2,320.00 | |
| Do | National Independent Dairy-Foods Assn | 2,235.00 | |
| Randolph & Truitt, 1752 N Street, NW, #801 Washington, DC 20036 | Tanadgusix Corporation | | |
| James D. Range, 1155 Connecticut Ave., NW, #800 Washington, DC 20036 | Waste Management, Inc | 5,000.00 | |
| Magda Ratajski, One Commercial Place Norfolk, VA 23510-2191 | Norfolk Southern Corp | | |
| Carol L. Raulston, 1619 Massachusetts Ave., NW Washington, DC 20036 | American Paper Institute, Inc | 2,075.00 | 63.60 |
| G. David Ravencraft, 1025 Connecticut Ave., NW, #507 Washington, DC 20036 | Ashland Oil, Inc | 2,000.00 | |
| John K. Rayburn, 1801 K Street, NW Washington, DC 20006 | Westinghouse Electric Corp | 235.00 | 30.00 |
| Raymark Corporation, 100 Oakview Drive Trumbull, CT 06611 | | | |
| David A. Raymond, 1025 Connecticut Ave., NW, #1014 Washington, DC 20036 | Enserch Corporation | 3,187.00 | 516.00 |
| Richard J. Razook, 200 South Biscayne Blvd. 4900 Southeast Financial Center Miami, FL 33131 | Thomson Zeder Bohrer Werth Adorno & Razook (For:Burger King Corp) | 58.00 | |
| Julian O. Read, 1005 Congress Avenue, #500 Austin, TX 78701 | Central & South West Corp | | |
| Stephen F. Ready, 129 Cabrillo, #201 Costa Mesa, CA 92627 | National Bicycle Dealers Assn | | |
| Recon/Optical, Inc, 550 West Northwest Highway Barrington, IL 60010 | | | |
| John M. Rector, 205 Daingerfield Rd. Alexandria, VA 22314 | National Assn of Retail Druggists | 700.00 | 150.00 |
| Robert E Redding, 7315 Wisconsin Ave. Bethesda, MD 20814 | Shippers National Freight Claim | | |
| Jo Reed, 1909 K Street, NW Washington, DC 20049 | American Assn of Retired Persons | 443.08 | 30.90 |
| Michael L. Reed, 1100 15th Street, NW, #900 Washington, DC 20005 | Pharmaceutical Manufacturers Assn | 4,000.00 | 45.00 |
| Reed Roberts Tax Credit Assistance Corp, 55 Charles Lindbergh Blvd., #cs-101 Uniondale, NY 11553 | | | |
| Pauline B. Reeping, 1750 New York Avenue, NW Washington, DC 20006 | New York Shipping Assn, Inc | | |
| Reese Communications Companies, Inc, 1925 North Lynn St., #1140 Arlington, VA 22209 | Blue Cross & Blue Shield Assn | 1,808.00 | 7,376.00 |
| Benjamin F. Reeves, 1100 17th Street, NW Washington, DC 20036 | Burley & Dark Leaf Tobacco Export Assn | 900.00 | |
| J. Ronald Reeves, Washington National Airport Washington, DC 20001 | U.S. Air, Inc | 2,000.00 | 162.50 |
| John T. Reggitts Jr., 95 Booton Ave. P.O. Box 470 Boonton, NJ 07005 | | | |
| Reichler & Appelbaum, 888 17th St., NW, #1101 Washington, DC 20006 | Permanent Mission of the Republic of Seychelles | | |
| Do | Republic of Nicaragua | 6,000.00 | |
| Charlotte Reid, 2466 Chatham Road Aurora, IL 60506 | Motorola, Inc | | |
| Michael W. Reid, 817 14th Street, NW Washington, DC 20005 | Alliance to Save Energy | | |
| Do | American Postal Workers Union, AFL-CIO | 2,386.54 | 204.11 |
| Reid & Priest, 1111 19th Street, NW Washington, DC 20036 | Associated Natural Gas Company, et al | | |
| Do | City of Philadelphia | 60,893.79 | 2,329.08 |
| Do | Connecticut Natural Gas Corp | 2,381.25 | 37.89 |
| Do | Dillon Read & Co, Inc | 15,174.00 | 884.95 |
| Do | Duke Power Co | | 1,191.00 |
| Do | Edison Electric Institute | 1,528.00 | |
| Do | Kentucky Utilities Co | 947.00 | 23.00 |
| Do | Pennsylvania Shipbuilding Co | 6,813.00 | 128.00 |
| Do | People Express Airlines, Inc | | |
| Reid & Riege, P.C., One State Street Hartford, CT 06103 | Wesleyan University | 2,960.00 | |
| Harry O. Reinsch, 50 Beale St. P.O. Box 3965 San Francisco, CA 94119 | Bechtel Power Corporation | | |
| Reinsurance Assn of America, 1025 Connecticut Avenue, NW, #512 Washington, DC 20036 | | | 20.00 |
| Religious Coalition for Abortion Rights, Inc, 100 Maryland Avenue, N.e. Washington, DC 20002 | | 122,381.19 | 19,986.64 |
| Zev M. Remba, 1111 14th Street, NW Washington, DC 20005 | Academy of General Dentistry | | |
| John W. Rendon Jr., 1439 Rhode Island Ave., NW Washington, DC 20005 | Rendon Company | | |
| Rendon Company, 1439 Rhode Island Ave., NW Washington, DC 20005 | | | |
| Renewable Fuels Association, 225 Pennsylvania Ave., S.E. Washington, DC 20003 | | | |
| Sarah M. Renfroe, 16805 Weld County Rd. 19 1/2 Platteville, CO 80651 | Benchmark Technologies Corp | | |
| Do | Public Service Co of Colorado | | |
| W. W. Renfroe, 69 Fountain Pl. - P.O. Box 417 Frankfort, KY 40602 | Kentucky Railroad Assn | | |
| Diane Rennert, 2005 Massachusetts Avenue, NW Washington, DC 20036 | Association of American Publishers | 4,300.00 | 566.30 |
| David M. Repass, 1801 K Street, NW, #700 Washington, DC 20006 | Price Waterhouse (For:Eagle-Picher Industries, Inc) | | |
| Resources Fund, Inc, 810 18th St., NW, #804 Washington, DC 20006 | | | |
| Retired Officers Assn, 201 N. Washington St. Alexandria, VA 22314 | | 85,872.00 | 18,823.00 |
| John H. Reurs, 74 Trinity Place New York, NY 10006 | New York Comm of Intl Comm of Passenger Lines | | |
| Vincent P. Reusing, 1025 Connecticut Avenue, NW, #1010 Washington, DC 20036 | Metropolitan Life & Affiliated Cos | 1,000.00 | |
| Allan R. Rexinger, 1150 Connecticut Ave., NW, #1200 Washington, DC 20036 | Proprietary Association | 3,437.50 | 150.00 |
| Mark E. Rey, 1250 Connecticut Avenue, NW Washington, DC 20036 | National Forest Products Assn | 1,500.00 | |
| Renee Reymond, 1776 F Street, NW Washington, DC 20006 | National Assn of Manufacturers | | |
| Mary Anne Reynolds, 8111 Gatehouse Road Falls Church, VA 22047 | AAA Potomac | | |
| Frederick W. Rhodes, 1800 K Street, NW, #800 Washington, DC 20006 | Goodyear Tire & Rubber Co | 3,000.00 | |
| John J. Rhodes, Hunton & Williams 2000 Pennsylvania Avenue, NW Washington, DC 20006 | Central Arizona Water Conservation District | | |
| Do | Rocky Mountain Energy Co | 3,000.00 | |
| Do | Western Savings & Loan Assn | | |
| Grace Ellen Rice, 600 Maryland Ave., SW Washington, DC 20024 | American Farm Bureau Federation | 6,750.00 | 57.40 |
| Lois D. Rice, 1201 Pennsylvania Avenue, NW Washington, DC 20004 | Control Data Corporation | 59.00 | 26.00 |
| M. Lee Rice, 1110 Vermont Avenue, NW Washington, DC 20005 | Shipbuilders Council of America | 2,100.00 | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Theron J. Rice, 1700 Pennsylvania Ave., NW, #900 Washington, DC 20006 | Conoco, Inc | | |
| Rice Genocide Research, 3046 Roosevelt Street Detroit, MI 48216 | | | 222.05 |
| James E. Rich Jr., 1025 Connecticut Ave., NW, #200 Washington, DC 20036 | Shell Oil Co | 500.00 | |
| Donna Richardson, 1101 14th Street, NW, #200 Washington, DC 20005 | American Nurses' Assn | 4,932.01 | 1.60 |
| John C. Richardson, 520 Madison Avenue New York, NY 10022 | Leboeuf Lamb Leiby & Macrae (For:British Insurance Assn) | | |
| K. O. Richardson, 815 16th St., NW Washington, DC 20006 | Brotherhood of Railway Airline & Steamship Clerks | 3,000.00 | 274.14 |
| Lois Richerson, 1724 Massachusetts Avenue, NW Washington, DC 20036 | National Cable Television Assn, Inc | 981.00 | |
| Gerald L. Richman, Laroe Winn & Moerman 1120 G Street, NW, #800 Washington, DC 20005 | Coordinating Comm for Rail Competition | | |
| Les Richter, 1801 Speedway Boulevard Daytona Beach, FL 32015 | National Assn for Stock Car Auto Racing, Inc (NASCAR) | 8,000.00 | |
| Do | National Motorsports Comm of ACCUS, FIA, Inc | | 1,163.44 |
| Glenn Wadsworth Riddell, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037 | Laurel Steel Products Ltd | 600.00 | 428.30 |
| Judy Noel Riddle, 6630 W. Broad St. Richmond, VA 23230 | Lawyers Title Insurance Co | | |
| Lowell J. Ridgeway, North Dakota Petroleum Council P.O. Box 1395 Bismarck, ND 58502 | American Petroleum Institute | 632.00 | 611.23 |
| E. George Riedel, 1600 M Street, NW Washington, DC 20036 | International Telephone & Telegraph Corporation | 3,280.00 | 150.00 |
| E. Philip Riggin, 1608 K St., NW Washington, DC 20006 | American Legion | 12,141.00 | 671.94 |
| P. Robert Rigney Jr., 1117 North 19th Street, #600 Arlington, VA 22209 | American Assn of Blood Banks | 1,250.00 | |
| Pat Riley, 1016 16th Street, NW Washington, DC 20036 | National Fed of Federal Employees | | |
| Susan Riley, 1250 Connecticut Ave., NW, #620 Washington, DC 20036 | National Multi Housing Council | 1,921.25 | |
| John F. Ring, 25 Louisiana Avenue, NW Washington, DC 20001 | International Brotherhood of Teamsters | | |
| Dale P. Riordan, 3900 Wisconsin Avenue, NW Washington, DC 20016 | Federal National Mortgage Assn | | |
| Kevin J. Riordan, 1700 K St., NW, #1204 Washington, DC 20006 | Chevron USA, Inc | 295.00 | 175.00 |
| John S. Rippey, 730 15th St., NW Washington, DC 20005 | Association of Bank Holding Cos | 1,325.00 | 40.00 |
| Riselli & Pressler, 2033 M Street, NW, #504 Washington, DC 20036 | Professional Managers' Assn | 300.00 | 4.43 |
| Carol A. Risher, 2005 Massachusetts Ave., NW Washington, DC 20036 | Association of American Publishers | 2,000.00 | |
| Robin Risso, 511 C Street, NE Washington, DC 20002 | Continental Assn of Resolute Employers (C.A.R.E.) | | |
| Jeanne M. Ritchie, 1850 K Street, NW Washington, DC 20006 | American Council of Life Insurance, Inc | | |
| James E. Ritchie & Associates, 499 S. Capitol St., SW, #400 Washington, DC 20003 | Golden Nugget, Inc | | |
| Valentin Riva, 1957 E St., NW Washington, DC 20006 | Associated General Contractors of America | | |
| Phillip W. Rivers, 1050 17th St., NW #500 Washington, DC 20036 | Texaco, Inc | 54.90 | |
| Rivkin Radler Dunne & Bayh, 1575 I Street, NW, #1025 Washington, DC 20005 | American Can Co | 8,000.00 | 84.90 |
| Do | American Cancer Society | 7,500.00 | 500.00 |
| Do | ALC Communications Corp | 6,174.30 | 150.00 |
| Do | Borg-Warner Corp | | |
| Do | Food Marketing Institute | 5,655.84 | 22.86 |
| Do | National Basketball Assn | 10,029.71 | 50.49 |
| Do | Nippon Yusen Kaisha (NYK) Line | 47,594.00 | 750.00 |
| Do | Sugar Users Group | | |
| Jane Robbins, Robertson Monagle & Eastaugh 1050 Thomas Jefferson St., NW Washington, DC 20007 | BP North America | | |
| Do | Ratkovich Bowers & Perez, Inc | 112.50 | |
| Do | Standard Oil Co | 157.50 | |
| Bradley H. Roberts, 1899 L Street, NW Washington, DC 20036 | American Assn of Advertising Agencies | 2,500.00 | 750.00 |
| Patricia L. Roberts, 1825 K St., NW, #1107 Washington, DC 20006 | Phillips Petroleum Co | 600.00 | 250.72 |
| Perry A. Roberts, 8000 Florissant St. Louis, MO 63136 | Emerson Electric Co | | 2,743.34 |
| Richard R. Roberts, 304 Pennsylvania Ave., SE, #300 Washington, DC 20003 | American Council of Highway Advertisers | 500.00 | 1,115.52 |
| Richard W. Roberts, 100 East 42nd St. New York, NY 10017 | National Foreign Trade Council, Inc | 500.00 | |
| William A. Roberts, 444 North Capitol Street, #711 Washington, DC 20001 | Keefe Company (For:UNIAO Nacional Para Independencia Total DeAngola) | | 1,844.53 |
| Do | Keefe Company (For:Westinghouse Electric Corp) | | |
| William F. Roberts, 1101 Vermont Avenue, NW Washington, DC 20005 | American Medical Assn | 400.00 | |
| Gordon C. Robertson, 1412 16th Street, NW Washington, DC 20036 | International Assn of Fish & Wildlife Agencies | 7,750.02 | 141.98 |
| Betty S. Robinson, 1757 N St., NW Washington, DC 20036 | United Auto Aerospace & Agricultural Implement Workers | 15,451.84 | 211.50 |
| Ernestine S. Robinson, 1575 Eye Street, NW Washington, DC 20005 | American Soc of Assn Executives | 300.00 | |
| Kenneth L. Robinson, 1111 N. 19th Street, #700 Arlington, VA 22209 | National Assn of Federal Credit Unions | | |
| Thomas E. Robinson, 1101 17th St., NW, #700 Washington, DC 20036 | National Assn of Real Estate Investment Trusts, Inc | 1,800.00 | |
| Do | Pension Real Estate Assn | | |
| Robinson Silverman Pearce Aronsohn & Berman, 230 Park Ave. New York, NY 10169 | National Realty Committee | | |
| Bob John Robison, 1201 Pennsylvania Avenue, NW, #700 Washington, DC 20004 | Hill & Knowlton, Inc | 750.00 | 359.99 |
| Antoinette K. Roche, 1025 Connecticut Avenue, NW Washington, DC 20036 | GA Technologies, Inc | | |
| James Anthony Rock, 1730 M Street, NW, #607 Washington, DC 20036 | Montana Power Co & Washington Water Power Co | 750.00 | 645.90 |
| David W. Roderer, 3900 Wisconsin Avenue, NW Washington, DC 20016 | Federal National Mortgage Assn | | |
| Rodey Dickason Sloan Akin & Robb, 20 First Plaza, #700 Albuquergue, NM 87103 | Navajo Tribe | | |
| Quincy Rodgers, 2033 M Street, NW, #800 Washington, DC 20036 | General Instrument Corporation | 600.00 | 18.25 |
| Jose Luis Rodriguez, 1000 Thomas Jefferson St., NW Washington, DC 20007 | | | |
| Jack E. Roebel, 712 Commerce Bldg. 127 W. Berry Street Fort Wayne, IN 46802 | Sheet Metal Workers Mid-States Health & Benefit Trust | | |
| Bruce N. Rogers, 1660 L St., NW Washington, DC 20036 | General Motors Corp | 3,000.00 | 5,659.55 |
| Donald L. Rogers, 730 15th St., NW Washington, DC 20005 | Association of Bank Holding Cos | 2,387.50 | |
| Gardiner Rogers, 105 Forrest Avenue, Suite 7 Narberth, PA 19072 | Task Force on Immigration Control | 150.00 | 56.25 |
| James T. Rogers, 311 First Street, NW Washington, DC 20001 | National Restaurant Assn | | |
| Keith Rogers, 47 Lafayette Place, Apt. 6d Greenwich, CT 06830 | U.S. Tobacco Company | | |
| Margaret Rogers, 1025 Connecticut Ave., NW, #409 Washington, DC 20036 | Society of the Plastics Industry, Inc | 2,500.00 | |
| Nancy Rogers, 815 16th Street, NW Washington, DC 20006 | Industrial Union Department, AFL-CIO | 5,854.20 | 573.14 |
| Rogers & Wells, 1737 H Street, NW Washington, DC 20006 | American Express Co | | 465.96 |
| Do | Associated Press | | 253.54 |
| Do | Candic Corp | | 62.50 |
| Do | Cementos Anahuac del Golfo, S.A. | | |
| Do | Liz Claiborne, Inc | | |
| Do | Desert Palace, Inc | | |
| Do | Dreyfus Corporation | 2,000.00 | 359.76 |
| Do | Franzia, Fred T. John C. & Joseph S. | | |
| Do | Grocery Manufacturers of America, Inc | 2,000.00 | 131.00 |
| Do | William Anthony Hogan | | |
| Do | Internoor Trade, Inc | | |
| Do | Investment Partnership Assn | 2,000.00 | 390.62 |
| Do | Kamehameha Schools/Bernice P. Bishop Estate | | |
| Do | Liga Agricola Industrial de la Cana de Azucar | | |
| Do | Merrill Lynch & Co, Inc | | |
| Do | Merrill Lynch Hubbard | | |
| Do | Morris & Gwendolyn Cafritz Foundation | | |
| Do | National Assn of Bedding Manufacturers | | |
| Do | Pan American World Airways, Inc | | |
| Do | Pan American World Services, Inc | 500.00 | 15.18 |
| Do | Paribas Corporation | | |
| Do | Pfizer, Inc | | |
| Do | Pfizer, Inc | | |
| Do | Rutgers, The State University of New Jersey | | |
| Do | Rutgers, The State University of New Jersey | | |
| Do | Teachers Insurance & Annuity Assn/College Ret. Equities Fund | | |
| Carole M. Rogin, 1255 23rd Street, NW, #850 Washington, DC 20037 | Teachers Insurance & Annuity Assn/College Ret. Equities Fund | | |
| Do | Hauck & Associates, Inc (For:Hearing Industries Assn) | | |
| Richard A. Rohrbach, 1615 M Street, NW, #570 Washington, DC 20036 | Hauck & Associates, Inc. (For:National Assn for Child Care Management) | | |
| Stephen F. Rohrkemper, 150 S. Washington St., #100 Falls Church, VA 22046 | Boise Cascade Corp | 22,250.00 | 173.17 |
| Jack Rollins, 1201 16th Street, NW Washington, DC 20036 | International Technical Expertise Ltd | | |
| John F. Roiph III, 1200 New Hampshire Ave., NW, #350 Washington, DC 20036 | Overseas Education Assn & National Education Assn | | |
| Kenneth S. Rolston Jr, 1025 Vermont Ave., NW, #1020 Washington, DC 20005 | Citibank, N.A. | 1,000.00 | |
| Emil A. Romagnoli, 180 Maiden Lane New York, NY 10038 | American Pulpwood Assn | | |
| Michael J. Romig, 1850 K Street, NW Washington, DC 20006 | Asarco Inc | 1,000.00 | |
| Fred B. Rooney, 1050 Connecticut Ave., NW, 12th Fl. Washington, DC 20036 | American Council of Life Insurance, Inc | 2,500.00 | |
| Do | American Iron & Steel Institute | 1,250.00 | |
| Do | Association of American Railroads | 1,350.00 | |
| Do | CalMat Company | 1,150.00 | |
| Do | Crawford Fitting Co | 1,150.00 | |
| Do | Denver & Rio Grande Western Railroad Co | 1,200.00 | |
| Do | Lone Star Industries, Inc | 1,150.00 | |
| Do | M Life Insurance Co | 1,350.00 | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Do | Paul Hastings Janofsky & Walker (For:Security Life of Denver) | 1,250.00 | |
| John C. Roots, 1333 New Hampshire Ave., NW, #1001 Washington, DC 20036 | Atlantic Richfield Co | 334.81 | |
| Raymond W. Roper, 1601 Duke Street Alexandria, VA 22314 | Society of American Florists | | |
| Ropes & Gray, 1001 22nd St., NW, #700 Washington, DC 20037 | Amherst College; Wellesley College | | |
| Do | Pyramid Lake Paiute Tribe of the Pyramid Lake Reservation | | |
| Rose Schmidt Chapman Duff & Hasley, 1825 Eye St., NW, #300 Washington, DC 20006 | Annual Charges Policy Group | 210.00 | |
| Do | Cigar Assn of America, Inc. | | |
| Lester L. Rosen, 1025 Vermont Avenue, NW, #500 Washington, DC 20005 | Miles Laboratories, Inc. | | |
| Richard Rosen, 5010 Wisconsin Ave., NW, #118 Washington, DC 20016 | | | |
| Albert B. Rosenbaum III, 2200 Mill Rd. Alexandria, VA 22314 | National Tank Truck Carriers, Inc. | | |
| Richard Rosenbaum, 666 Third Ave., 4th Fl. New York, NY 10017 | Integrated Resources, Inc | 11,000.00 | 1,952.75 |
| Sara Rosenbaum, 122 C Street, NW Washington, DC 20001 | Children's Defense Fund | 2,200.00 | |
| Roger C. Rosenthal, 2001 S St., NW, #310 Washington, DC 20009 | Migrant Legal Action Program, Inc | | |
| Roses, Inc, 1152 Haslett Road P.O. Box 99 Haslett, MI 48840 | | 19,461.32 | 19,589.39 |
| Gail E. Ross, 918 16th St., NW, #503 Washington, DC 20006 | Washington Independent Writers, Inc | | |
| Joe Ross, P.O. Box 1582 Little Rock, AR 72203-1582 | | | |
| Lawrence J. Ross, 1700 K Street, NW Washington, DC 20006 | | | |
| William F. Ross, South Carolina Petroleum Council 716 Keenan Bldg. Columbia, SC 29201 | American Petroleum Institute | 657.00 | 987.43 |
| Barry N. Roth, 1120 20th Street, NW, #700 Washington, DC 20036 | Williams Companies | 100.00 | |
| Rhond Rudolph Roth, 1255 23rd Street, NW Washington, DC 20037 | Hauck & Associates, Inc | 15,900.00 | 1,150.00 |
| John C. Rother, 1909 K Street, NW Washington, DC 20049 | American Assn of Retired Persons | 1,009.62 | |
| Mike I. Rothfeld, 450 Maple Avenue, E., #204 Vienna, VA 22180 | U.S. Defense Committee | 1,200.00 | |
| Edwin Rothschild, 1300 Connecticut Ave., NW, #401 Washington, DC 20036 | Citizen/Labor Energy Coalition | 1,500.00 | |
| Donald D. Rounds, South Dakota Petroleum Council P.O. Box 669 Pierre, SD 57501 | American Petroleum Institute | 825.00 | 1,296.80 |
| Michael O. Roush, Capital Gallery East, #695 600 Maryland Ave. Washington, DC 20024 | National Fed of Independent Business | 2,250.00 | 200.00 |
| Ann M. Rowan, One Thomas Circle, NW, #900 Washington, DC 20005 | National Comm to Preserve Social Security & Medicare | | |
| Do | Oakland Coliseum | | |
| Do | Port of Oakland | | |
| Eugene F. Rowan, 2550 M Street, NW Washington, DC 20037 | National Assn of Chain Drug Stores, Inc | 175.00 | |
| Do | Revco D.S., Inc | 87.50 | |
| Do | Seattle Professional Engineering Employees Assn | 87.50 | |
| Charles Rowton, 1899 L Street, NW, #1100 Washington, DC 20036 | Exxon Corporation | 600.00 | |
| Robert S. Royer, Royer & Shacknai 1747 Pennsylvania Ave., NW Washington, DC 20006 | American Military Sales | | |
| Do | Chrysler Military Sales Corp | | |
| Do | City of Akron, Ohio | | |
| Do | Ford Riff & Burgess | | |
| Do | Harley-Davidson Military Sales | | |
| Do | International Futures Exchange | | |
| Do | Intex Holdings (Bermuda) Ltd | | |
| Do | Michigan Trade Exchange | | |
| Do | Morgan Stanley & Co, Inc | | |
| Do | Overseas Military Sales Group | | |
| Do | Phillips Petroleum | | |
| Do | Securities Industry Assn | | |
| Royer Shacknai & Mehle, 1747 Pennsylvania Avenue, NW Washington, DC 20006 | Municipal Finance Industry Assn | | |
| Do | John Nuveen & Co, Inc | | |
| Do | Trans Continental Services, N.V. | | |
| Tobi Z. Rozen, 888 16th St., NW Washington, DC 20006 | Milk Industry Foundation/Int'l Assn of Ice Cream Mfrs | | |
| Eugene T. Ruane, 1325 G Street, NW, #1003 Washington, DC 20005 | Environmental Fund | 800.00 | |
| James S. Rubin, Kleinfeld Kaplan & Becker 1140 19th Street, NW Washington, DC 20036 | Allied-Signal, Inc | 8,906.25 | |
| Barbara A. Rudolph, 1901 N. Fort Myer Drive, #302 Rosslyn, VA 22209 | Beverly Enterprises, Inc | 3,375.00 | 216.15 |
| Henry C. Ruempler, 1200 New Hampshire Avenue, NW, #350 Washington, DC 20036 | Citibank, N.A. | 500.00 | |
| Nicholas L. Ruggiere, 1667 K Street, NW, #410 Washington, DC 20006 | Johnson & Johnson | 1,000.00 | 225.00 |
| John Runyan, 1730 North Lynn St., #409 Arlington, VA 22209 | Printing Industries of America, Inc | 500.00 | |
| Morgan S. Ruph, 4647 Forbes Boulevard Lanham, MD 20706 | AMVETS | 6,800.00 | 150.47 |
| Robert A. Rusbuldt, 600 Pennsylvania Avenue, SE, #200 Washington, DC 20003 | Independent Insurance Agents of America, Inc | 7,250.00 | |
| Domenic R. Ruscio, 6th Floor 2010 Massachusetts Avenue, NW Washington, DC 20036 | | | |
| Barry Russell, 1101 16th St., NW Washington, DC 20036 | Independent Petroleum Assn of America | | 35.00 |
| Dorothea L. Russell, 1120 Vermont Avenue, NW, #1120 Washington, DC 20005 | National Candy Wholesalers Assn, Inc | | |
| Randall M. Russell, 517 C Street, NE Washington, DC 20002-5809 | Lesher and Associates, Inc | | |
| Robert M. Russell, 2170 Piedmont Rd., NE Atlanta, GA 30324 | Orkin Pest Control | 616.00 | 1,922.51 |
| Thomas A. Russo, Cadwalader Wickersham & Taft 1333 New Hampshire Avenue, NW, #700 Washington, DC 20036 | Dean Witter Reynolds, Inc | 59,640.38 | 10,969.75 |
| Russo Watts & Rollins, 655 15th Street, NW, #250 Washington, DC 20005 | Bag Bazzar Ltd | | |
| Do | Louis F. Beechrel Jr. | | |
| Do | Campbell Soup Co | 2,000.00 | |
| Do | CIC Enterprises | 500.00 | |
| Do | Handbag Importers Committee | 500.00 | |
| Do | Henry-Richard Company, Inc | | |
| Do | Holiday Fair, Inc | | |
| Do | Management Insights, Inc | 500.00 | |
| Do | Metropolitan Analysis & Retrieval Systems, Inc | 500.00 | |
| Do | Norfolk Southern Corp | 5,000.00 | |
| Do | Presidential Airways, Inc | 3,000.00 | |
| Do | Reed Roberts Tax Credit Assistance Corp | | |
| Do | Russ Berrie & Co, Inc | 1,000.00 | |
| Do | Sarne Corporation | | |
| Do | Sears Roebuck & Co | | |
| Do | Serko & Simon | | |
| Do | Sirco International Corp | | |
| Do | U.C. Consultants, Inc | 250.00 | |
| Herman Max Ruth, P.O. Box 1000 Otisville, NY 10963 | | | |
| J. T. Rutherford & Associates, Inc, 1301 N. Courthouse Rd., #1802 Arlington, VA 22201 | American Assn of Bioanalysts/Intl Soc of Clinical Lab Techs | | 401.60 |
| Do | American College of Radiology | | 380.00 |
| Do | American Optometric Assn | | 370.80 |
| Ella Marice Ryan, 1156 15th St., NW Washington, DC 20005 | J. C. Penney Co, Inc | 100.00 | |
| Frank T. Ryan, 1400 K Street, NW Washington, DC 20005 | Rubber Manufacturers Assn | 2,500.00 | |
| George J. Ryan, 915 Rockefeller Building Cleveland, OH 44113 | Lake Carriers' Assn | | |
| John F. Ryan, 1600 M Street, NW Washington, DC 20036 | International Telephone & Telegraph Corporation | | |
| John G. Ryan, 1700 K Street, NW, #601 Washington, DC 20006 | Squibb Corporation | 1,000.00 | |
| Joseph Ryan, 2033 M St., NW, #800 Washington, DC 20036 | General Instrument Corporation | | |
| Thomas L. Ryan, 225 North Washington Street Alexandria, VA 22314 | Non Commissioned Officers Assn of the USA | | |
| RJR Nabisco, Inc, 1100 Reynolds Blvd. Winston-Salem, NC 27106 | | | 15,097.11 |
| Paul R. Sacia, Suite 202, West Wing 600 Maryland Avenue, SW Washington, DC 20024 | Farmers' Educational & Co-Operative Union of America | 3,876.91 | |
| Dean Sagar, 1129 20th Street, NW, #400 Washington, DC 20036 | American Assn of Homes for the Aging | 341.00 | 8.50 |
| John K. Sage, One Post Street, #3275 San Francisco, CA 94104 | McKesson Corp | 1,000.00 | 250.50 |
| Anthony J. Saggese Jr., 1050 17th St., NW, #500 Washington, DC 20036 | Texaco, Inc | 200.00 | |
| Gregory A. Sahd, 2033 M Street, NW Washington, DC 20036 | National Assn of Arab Americans | | |
| Frank Max Salinger, 1101 14th St., NW Washington, DC 20005 | American Financial Services Assn | | |
| James H. Sammons, 535 North Dearborn Street Chicago, IL 60610 | American Medical Assn | 1,800.00 | |
| Sammons Enterprises, Inc, 403 South Akard Dallas, TX 75202 | | | 1,950.00 |
| David W. Sanasack, 1000 16th Street, NW, #701 Washington, DC 20036 | Federal Managers Assn | 4,350.00 | 50.00 |
| T. Irene Sanders, Sanders & Company 1815 H Street, NW, #1000 Washington, DC 20006 | Technicon | 11,250.00 | 200.00 |
| Sanders Schnabel & Brandenburg, P.C., 1110 Vermont Avenue, NW, #600 Washington, DC 20005 | American Soc of Assn Executives | 2,193.84 | 285.37 |
| Stephen E. Sandherr, 1957 E Street, NW Washington, DC 20006 | Associated General Contractors of America | 2,000.00 | 500.00 |
| Myron G. Sandifer III, 1800 M St., NW, #950 North Washington, DC 20036 | Jack McDonald Co (For:Coalition for the Advancement of Industrial Technology) | | |
| Do | Jack McDonald Co (For:Dow Corning Corp) | | |
| Do | Jack McDonald Co (For:Municipal Financial Consultants) | | |
| Do | Jack McDonald Co (For:Royal Zenith Corp) | | |
| Charles E. Sandler, 1220 L Street, NW Washington, DC 20005 | American Petroleum Institute | 6,000.00 | |
| Peter G. Sandlund, 1725 Eye St., NW, #315 Washington, DC 20006 | Council of European & Japanese National Shipowners' Assn | 300.00 | |
| Bruce W. Sanford, 1050 Connecticut Avenue, NW, #1100 Washington, DC 20036 | Society of Professional Journalists, Sigma Delta Chi | 1,500.00 | 95.60 |
| James D. Santini, Bible Santini Hoy Miller & Lrachok 1025 Thomas Jefferson St., NW, #700 Washington, DC 20007 | Greens Creek Joint Venture | 6,707.50 | 169.16 |
| Do | Lorimar Productions | 5,000.00 | 43.07 |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Do | National Tour Assn, Inc | 9,000.00 | 2,697.64 |
| Do | Noranda Exploration, Inc | | 141.37 |
| Charles Sapp, 3500 Texas Commerce Tower Houston, TX 77002 | Houston Endowment, Inc | | 1,660.93 |
| Ronald A. Sarasin, 311 First Street, NW Washington, DC 20001 | National Restaurant Assn | | |
| Klara B. Sauer, 9 Vassar Street Poughkeepsie, NY 12601 | Scenic Hudson, Inc | | |
| Albert C. Saunders, 1100 15th St., NW #900 Washington, DC 20005 | Pharmaceutical Manufacturers Assn | 4,000.00 | 43.00 |
| Mary Jane Saunders, 1300 N. 17th Street, #300 Arlington, VA 22209 | ADAPSO, the Computer Software & Services Industry Assn | | 20.00 |
| Richard N. Sawaya, 1333 New Hampshire Ave., NW Washington, DC 20036 | Atlantic Richfield Co | 300.00 | |
| John D. Sawyer, 2101 L Street, NW, #501 Washington, DC 20037 | | | |
| Robert Wayne Sayer, 4545 42nd Street, NW Washington, DC 20016 | GCA Corp | | |
| Laurie S. Schaffer, 1120 Connecticut Ave., NW Washington, DC 20036 | American Bankers Assn | 90.00 | |
| Roger B. Schagrin, Schagrin Associates 1112 16th St., NW, #1000 Washington, DC 20036 | Committee on Pipe & Tube Imports | 5,737.50 | 60.85 |
| C. M. Schauerte, P.O. Box 3247 Houston, TX 77253 | American General Corporation | | |
| Jay T. Scheck Jr., Rt. 202-206 North Somerville, NJ 08876 | American Hoechst Corporation | | |
| Dale E. Schell, 1919 Pennsylvania Ave., NW, #300 Washington, DC 20006 | GATX Corporation | | |
| Schell & Co, Inc, 1776 K Street, NW, #700 Washington, DC 20006 | | | |
| James P. Schlicht, 1700 K Street, NW, #601 Washington, DC 20006 | Squibb Corporation | 1,000.00 | |
| Kenneth D. Schloman, 1600 Rhode Island Avenue, N.w. Washington, DC 20036 | National Rifle Assn of America | 976.25 | 46.92 |
| Edward Schmeltzer, Schmeltzer Aptaker & Sheppard, P.C. 1800 Massachusetts Avenue, NW, #500 Washington, DC 20036 | Chemical Tankers of America, Inc | | |
| Do | Flota Mercante Grancolombiana, S.A | | |
| Do | Transportadora de Liquidos a Granel de Colombia S.A | | |
| Richard M. Schmidt Jr., Suite 600 1333 New Hampshire Ave., NW Washington, DC 20036 | Association of American Publishers | 500.00 | |
| Arthur C. Schmitt, 3705 S. George Mason Drive, Apt. 301 So. Falls Church, VA 22041 | Oxford Group, Limited | | |
| Schnader Harrison Segal & Lewis, Suite 1000 1111 19th St., NW Washington, DC 20036 | Savin Corporation | | |
| Do | Toyota Motor Corporation | 3,937.00 | 157.20 |
| Matthew Schneider, 1155 Connecticut Avenue, NW Washington, DC 20036 | LEGI-SLATE | | |
| Do | Westinghouse Electric Corp | 900.00 | 270.00 |
| Robert V. Schneider, 3328 Glenmore Drive Falls Church, VA 22041 | Telesciences Corp | 5,924.00 | 1,500.00 |
| Theresa A. Schneider, 1120 19th Street, NW, #310 Washington, DC 20036-3605 | Institute of Makers of Explosives | | |
| Thomas J. Schneider, 1300 19th Street, NW, #400 Washington, DC 20036 | AFL-CIO Maritime Committee | 1,823.75 | 111.45 |
| Abraham Schneier, 600 Maryland Ave., SW, #700 Washington, DC 20024 | National Fed of Independent Business | 2,250.00 | 200.00 |
| Frank Schneller, 1957 E St., NW Washington, DC 20006 | Associated General Contractors of America | | |
| Paul Schoellhamer, 888 17th Street, NW Washington, DC 20003 | Republic Airlines | 1,000.00 | 100.00 |
| Nancy L. Schoenig, 25 Louisiana Avenue, NW Washington, DC 20001 | International Brotherhood of Teamsters | | |
| Jack J. Schramm, 1155 Connecticut Ave., NW, #800 Washington, DC 20036 | Waste Management, Inc | 5,000.00 | 229.02 |
| A. Kolbet Schrichte, Suite 500 1133 15th Street, NW Washington, DC 20005 | American Logistics Association | | |
| H. B. W. Schroeder, 1050 17th Street, NW, #490 Washington, DC 20036 | Consumers Power Co | 8,000.00 | 1,266.00 |
| Leah Webb Schroeder, 1030 15th Street, NW, #100 Washington, DC 20005 | Health Industry Manufacturers Assn | | |
| N. Donald Schroeder, Maryland Petroleum Council 60 West St., #403 Annapolis, MD 21401 | American Petroleum Institute | 320.00 | 68.40 |
| Judy Schub, 1909 K Street, NW Washington, DC 20049 | American Assn of Retired Persons | 473.21 | 380.57 |
| Debra L. Schultz, 354 Longacre Avenue Woodmere, NY 11598 | | | |
| Mark Schultz, 1615 H St., NW Washington, DC 20062 | Chamber of Commerce of the U.S | 5,000.00 | 114.16 |
| Richard F. Schultz, 807 Maine Avenue, SW Washington, DC 20024 | Disabled American Veterans | 12,240.80 | 353.05 |
| Robert L. Schulz, c/o Iowa Petroleum Council 1012 Fleming Bldg. Des Moines, IA 50309 | American Petroleum Institute | 1,181.00 | 1,973.94 |
| Walter A. Schumann III, 1511 Natalie Joy Ln. Mclean, VA 22101 | Potomac Overlook Associates | | |
| Elinor Schwartz, 318 S. Abingdon Street Arlington, VA 22204 | California State Lands Commission | 7,800.00 | 930.52 |
| Elizabeth Nash Schwartz, 1700 N. Moore St. Rosslyn, VA 22209 | Boeing Company | 3,025.00 | 958.45 |
| Richard Schwartz, 880 S. Pickett St. Alexandria, VA 22304 | Boat Owners Assn of the U.S | 4,000.00 | |
| Steve Aaron Schwartz, 818 Roeder Rd., #702 Silver Spring, MD 20910 | International Fed of Professional & Technical Engineers | | |
| Richard S. Schweiker, 1850 K Street, NW Washington, DC 20006 | American Council of Life Insurance, Inc | 2,500.00 | |
| Michael Sciulla, 880 S. Pickett St. Alexandria, VA 22304 | Boat Owners Assn of the U.S | 6,000.00 | |
| Harold B. Scoggins, 1101 16th St., NW Washington, DC 20036 | Independent Petroleum Assn of America | | 19.25 |
| Ellen Scott, 1750 New York Avenue, NW Washington, DC 20006 | Sheet Metal Workers International Assn | | |
| Gregory R. Scott, 1875 Eye St., NW, #500 Washington, DC 20006 | Philip Morris, Inc | 675.00 | 260.00 |
| Hugh Scott, Scott Harrison & McLeod 2501 M Street, NW, #400 Washington, DC 20037 | Federal National Mortgage Assn | | 958.32 |
| James L. Scott, 1919 Pennsylvania Ave., NW, #703 Washington, DC 20006 | American Healthcare Institute | | 10,177.00 |
| James M. Scott, 66 Surfwatch Drive Johns Island, SC 29455 | Scott Company | | |
| John N. Scott, 1825 K Street, NW, #1107 Washington, DC 20006 | Phillips Petroleum Co | 222.00 | 494.46 |
| Scott Company, Inc, 66 Surfwatch Drive Johns Island, SC 29455 | Coastal Properties Institute, Inc | | |
| Scribner Hall & Thompson, Suite 700 1875 Eye Street, NW Washington, DC 20006 | CNA Financial Corp | | 12,887.00 |
| Do | Provident Life & Accident Insurance Co | | |
| Do | Provident Life & Accident Insurance Co | | |
| Do | Security Enterprises, Inc | | |
| Do | Security Life of Denver Insurance Co | | |
| Do | St. Paul Companies | | |
| Do | Transamerica Corporation | | |
| Do | Transamerica Occidental Life Insurance Co | | 9.00 |
| Do | Unionmutual Life Insurance Co | | |
| Do | USLIFE Corporation | | |
| Thomas Andrew Scully, 950 L'enfant Plaza, SW Washington, DC 20024 | Communications Satellite Corp | 1,500.00 | 146.28 |
| Timothy Scully, 25 Louisiana Avenue, NW Washington, DC 20001 | International Brotherhood of Teamsters | 9,646.86 | |
| Earl W. Sears, P.O. Box 12285 Memphis, TN 38112 | National Cotton Council of America | 685.00 | 17.90 |
| Law Offices of John Sears, 818 Connecticut Avenue, NW Washington, DC 20006 | Embassy of the Republic of South Africa | 15,000.00 | 677.93 |
| Pamela Sederholm, Box 719 Dallas, TX 75221 | Southland Corporation | | 270.00 |
| Maria Mccrea Segal, 2033 M Street, NW, #900 Washington, DC 20036 | National Assn of Arab Americans | 7,173.78 | 173.80 |
| J. Peter Segall, 3255 Grace Street, NW Washington, DC 20007 | Gray & Co Public Communications Int'l, Inc (For:Government of the Cayman Islands) | 1,500.00 | |
| Do | Gray & Co Public Communications Int'l, Inc (For:International Brotherhood of Teamsters) | 150.00 | |
| H. Richard Seibert Jr., 1776 F St., NW Washington, DC 20006 | National Assn of Manufacturers | 997.00 | |
| George H. Seidel Jr., Associated Petroleum Industries of Pa P.O. Box 925 Harrisburg, PA 17108 | American Petroleum Institute | 937.50 | 594.33 |
| M. Frank Sellers, 1615 H Street, NW Washington, DC 20062 | U.S. Chamber of Commerce (For:Business Alliance on Government Competition) | 5,000.00 | 250.16 |
| Richard C. Semack, 17000 Executive Plaza Drive Dearborn, MI 48126 | Automobile Club of Michigan | | |
| Do | Automobile Club of Michigan | | |
| Stanton P. Sender, 633 Pennsylvania Ave., NW Washington, DC 20004 | Sears Roebuck & Co | 3,100.00 | 77.90 |
| Terry L. Serie, 1619 Massachusetts Ave., NW Washington, DC 20036 | American Paper Institute, Inc | 500.00 | 50.00 |
| Stuart D. Serkin, 1800 Connecticut Avenue, NW Washington, DC 20009 | Sharry Technology Assn | 1,000.00 | |
| Seven Months Session for Congress, 4210 Spicewood Road, #202 Austin, TX 78759 | | | 207.00 |
| Seward & Kissel, 818 Connecticut Avenue, NW, #800 Washington, DC 20006 | Daily Dollar Reserves, Inc | 150.00 | 64.45 |
| Do | Furman Selz Mager Dietz & Birney, Inc | | |
| Do | Gordon Forte Management Co | | |
| Do | GT Partners | | |
| Do | KAR Management, Inc | | |
| Do | | | |
| J. Richard Sewell, 1111 19th St., NW, #1102 Washington, DC 20036 | Florida Power & Light Co | 2,000.00 | 863.49 |
| Seyfarth Shaw Fairweather & Geraldson, 1111 19th St., NW Washington, DC 20036 | Agricultural Producers | 34,637.50 | |
| Do | American Soc of Pension Actuaries | 12,600.00 | 801.54 |
| Do | Fixible Corp | 3,313.75 | |
| Do | Johnson & Higgins | | |
| Jonah Shacknai, 1747 Pennsylvania Avenue, NW Washington, DC 20006 | Merrell Dow Pharmaceuticals, Inc | | |
| Do | Pharmaceuticals Manufacturers Assn | 10,937.50 | 144.02 |
| Donna S. Shaffer, Dulles International Airport P.O. Box 17309 Washington, DC 20041 | Pride Air, Inc | | |
| Thomas A. Shallow, 1220 L Street, NW Washington, DC 20005 | American Petroleum Institute | 200.00 | |
| James M. Shamberger, 1025 Connecticut Ave., NW, #512 Washington, DC 20036 | Reinsurance Assn of America | | 20.00 |
| James R. Shanahan, 1801 K Street, NW, #700 Washington, DC 20006 | Price Waterhouse (For:Toyota Motor Kentucky, Inc) | | |
| Deborah L. Shannon, 1250 Connecticut Ave., NW, #620 Washington, DC 20036 | National Multi Housing Council | 1,325.00 | 207.83 |
| Bernard M. Shapiro, 1801 K Street, NW, #700 Washington, DC 20006 | Price Waterhouse (For:Eagle-Picher Industries, Inc) | 265.00 | |
| Do | Price Waterhouse (For:Investment Co Institute) | 265.00 | |
| Norman F. Sharp, 1100 17th Street, NW, #1201 Washington, DC 20036 | Cigar Assn of America, Inc | | |
| Daniel E. Shaughnessy, 1008 N. Randolph St., #206 Arlington, VA 22201 | Western Great Lakes Maritime Assn | | |
| Luther W. Shaw, 1155 15th St., NW, #900 Washington, DC 20005 | National Agricultural Chemicals Assn | 5,625.00 | 26.60 |
| Shaw Pittman Potts & Trowbridge, 1800 M St., NW, #900-S Washington, DC 20036 | Americans for Tax Reform | | |
| Do | Association for the Improvement of the Mississippi River | | |
| Do | Atlas Minerals Division | 4,142.00 | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Do | Committee for Private Education | | |
| Do | Emerson Electric Co | 668.00 | |
| Do | Federal Company | | |
| Do | Institute of Foreign Bankers | 1,300.00 | 183.79 |
| Do | Investment Company Institute | 1,500.00 | |
| Do | Investment Counsel Assn of America, Inc | 5,270.00 | |
| Do | Knights of Columbus | | |
| Do | National Automobile Dealers Assn | 6,075.75 | 299.15 |
| Do | Utility Nuclear Waste Management Group | | |
| Donald B. Shea, 1750 K Street, NW Washington, DC 20006 | U.S. Brewers Assn, Inc | | |
| Shea & Gould, 1627 K St., NW, #1000 Washington, DC 20006 | Hospital Corp of America | | |
| Do | Mars, Inc | | |
| Do | Park Tower Realty Corp | | |
| Do | Park Tower Times Square Associates | | |
| Do | Philip Morris, Inc & Affiliates | | |
| Do | Reliance Group Holdings, Inc | | |
| James V. Sheahan, 223 Perimeter Ctr. Pkwy. P.O. Box 89000 Atlanta, GA 30338 | Siemens-Allis, Inc | | |
| John J. Sheehan, 815 16th St., NW, #706 Washington, DC 20006 | United Steelworkers of America | 12,817.83 | |
| Shaun M. Sheehan, 1111 19th Street, NW, #1000 Washington, DC 20036 | Tribune Broadcasting Co | 1,000.00 | 1,819.09 |
| Kathleen Sheekey, 3rd Floor 2030 M Street, NW Washington, DC 20036 | Common Cause | 11,262.54 | 1,001.60 |
| Deborah A. Sheiman, 1350 New York Avenue, NW Washington, DC 20005 | Natural Resources Defense Council, Inc | 1,291.00 | |
| C. Douglas Shelby, Florida Petroleum Council 325 John Knox Rd., #f-210 Tallahassee, FL 32303 | American Petroleum Institute | | |
| Richard D. Shelby, 444 No. Capitol Street, NW, #711 Washington, DC 20001 | Keefe Co (For:UNIAO Nacional Para Independencia Total DeAngola) | | |
| Zack H. Shelley Jr., 1331 Pennsylvania Avenue, NW Washington, DC 20004 | General Electric Co | 200.00 | |
| Frank A. Sherer, Munson Road Middlebury, CT 06762 | Timex Group Ltd | 240.00 | |
| Seymour Sheriff, 1126 Woodward Bldg. Washington, DC 20005 | Man-Made Fiber Producers Assn, Inc | | |
| Norman Sherman, 910 17th Street, NW, #318 Washington, DC 20006 | Hoving Group (For:Republic of Liberia) | 1,600.00 | |
| Nelson T. Shields, 1400 K St., NW Washington, DC 20015 | Handgun Control, Inc | 2,900.00 | |
| R. Philip Shimer, Suite 405 444 N. Capital St., NW Washington, DC 20001 | Western Governors Assn | | |
| Shipley Smoak Henry & Holdgreiwe, 910 17th Street, NW, #320 Washington, DC 20006 | Bluejay Oil Company | | |
| Do | Fort Sill Gardens, Inc | | |
| Do | Steadman Mutual Funds | | |
| Do | Steadman Security Corporation | | |
| Do | WBNO Radio and WLKM Radio | | |
| Harvey A. Shipman, 1800 Diagonal Road, #500 Alexandria, VA 22314 | Penn Central Corporation | | 75.00 |
| Shippers National Freight Claim Council, Inc, 120 Main Street Huntington, NY 11743 | | | 31.80 |
| John B. Shlaes, 1111 19th Street, NW Washington, DC 20036 | Edison Electric Institute | 1,576.36 | |
| Mary Frances Shlagel, Suite 760 1050 Connecticut Ave., NW Washington, DC 20036 | Union Oil Co of California | | |
| Harry M. Shooshan III, 1990 M St., NW, #450 Washington, DC 20036 | Shooshan & Jackson, Inc (For:Rogers U.S. Cablesystems, Inc) | | |
| Shooshan & Jackson, Inc, 1990 M St., NW, #450 Washington, DC 20036 | Rogers U.S. Cablesystems, Inc | | |
| Scott Shotwell, 1250 Connecticut Avenue, NW Washington, DC 20036 | National Forest Products Assn | 2,475.00 | |
| A. Z. Shows, Rm 203 1801 Columbia Rd., NW Washington, DC 20009 | | | |
| Sana F. Shtasel, 1909 K Street, NW Washington, DC 20049 | American Assn of Retired Persons | 961.15 | 12.50 |
| John Shuey, P.O. Box 3151 Houston, TX 77253 | Browning-Ferris Industries, Inc | | |
| Sidley & Austin, 1722 Eye Street, NW Washington, DC 20006 | Donrey, Inc | | |
| Do | Peoria Journal Star, Inc | | |
| Mark A. Siegel & Associates, Suite 368 400 North Capitol Street, NW Washington, DC 20001 | Archer Daniels Midland Company | | |
| Do | Commonwealth of Puerto Rico | 56,350.00 | 2,683.38 |
| Do | Money Store | | |
| Do | Power Authority of the State of New York | 12,375.00 | 1,496.67 |
| Siegel Mandell Davidson, P.C., One Whitehall Street New York, NY 10004 | Sigallo, Ltd | | |
| James V. Siena, 1735 New York Avenue, NW Washington, DC 20006 | American Institute of Architects | 2,000.00 | |
| William A. Signer, 444 North Capitol St., NW, #711 Washington, DC 20001 | Keefe Company (For:Chamber of Commerce of Puerto Rico) | | |
| Do | Keefe Company (For:Committee for Employment Opportunities) | 200.00 | |
| Do | Keefe Company (For:Dormitory Authority) | 1,000.00 | |
| Do | Keefe Company (For:Greater New York Hospital Assn) | 1,000.00 | |
| Do | Keefe Company (For:Management Insights, Inc) | 3,200.00 | |
| Do | Keefe Company (For:Puerto Rico Economic Development Administration) | 9,500.00 | |
| Do | Keefe Company (For:Securities Industry Assn of Puerto Rico) | 8,500.00 | |
| Do | Keefe Company (For:Solar Lobby) | 1,400.00 | |
| Do | Keefe Company (For:Targeted Management Consultants) | 4,500.00 | |
| Mark Silbergeld, 2001 S Street, SW, #520 Washington, DC 20009 | Consumers Union of U.S., Inc | 3,700.00 | 20.00 |
| David Silver, 1600 M St., NW Washington, DC 20036 | Investment Company Institute | 252.76 | 12.00 |
| Steve Silver, Robertson Monagle Eastaugh & Bradley 1050 Thomas Jefferson St., NW, 6th Fl. Washington, DC 20007 | Alaska Pulp Corp | 1,570.00 | |
| Do | Apex Marine Corp | | |
| Do | Bollinger Machine Shop & Shipyard, Inc | | |
| Do | Bristol Bay Native Corp | 3,982.50 | |
| Do | Moore McCormack Bulk Transport, Inc | 3,038.00 | |
| Do | Noranda Mining, Inc | 4,904.00 | |
| Do | Ratkovich Bowers & Perez, Inc | 112.50 | |
| Do | Standard Oil Co | 157.50 | |
| Silver Users Assn, Inc, 1717 K St., NW Washington, DC 20006 | | 228.50 | 3,183.64 |
| Silverstein & Mullens, 1776 K St., NW Washington, DC 20006 | Association for Advanced Life Underwriting | 5,000.00 | |
| Do | Bristol-Myers Co | | |
| Do | GATX Corporation | | |
| Do | Music Corp of America, Inc | | |
| Do | National Assn of Home Builders of the U.S. | | |
| Do | Rolls-Royce Motors, Inc | | |
| M. P. Simmons, P.O. Box 860 Valley Forge, PA 19482 | Certainteed Corp | | |
| Gary D. Simms, 1720 EYE ST., NW Washington, DC 20006 | American Academy of Actuaries | | |
| Neil A. Simon, 1350 New York Ave., NW, #900 Washington, DC 20005 | International Franchise Assn | | |
| Philip Simon, 2030 M Street, NW Washington, DC 20036 | Common Cause | 4,264.03 | |
| Stanley C. Simon, Ginsberg & Forman 820 Hartford Building Dallas, TX 75201 | Southland Corporation | 13,803.00 | 10,961.76 |
| Talmage E. Simpkins, 100 Indiana Ave., NW Washington, DC 20001 | AFL-CIO Maritime Committee | 300.00 | 316.02 |
| Do | Labor Management Maritime Committee, Inc | 1,508.40 | 235.64 |
| C. Kyle Simpson, 9 Greenway Plaza, #714 Houston, TX 77046 | Coastal Corporation | | |
| William G. Simpson, 1155 15th St., NW Washington, DC 20005 | First Mississippi Corporation | 2,000.00 | |
| Do | Mississippi Power & Light Company | 2,000.00 | |
| Do | State of Mississippi | 4,000.00 | |
| Albert M. Sims, 1935 Wilson Lane, #204 Mclean, VA 22102 | Performance Engineering, Inc | | |
| Ivan E. Sinclair, 1000 Wilson Boulevard, #2700 Arlington, VA 22209 | TRW, Inc | 1,000.00 | |
| James W. Singer III, 1100 15th Street, NW Washington, DC 20005 | Pharmaceutical Manufacturers Assn | 4,000.00 | |
| Richard L. Sinnott, One Thomas Circle, NW, #900 Washington, DC 20005 | National Comm to Preserve Social Security & Medicare | 27,000.00 | |
| Do | National Comm to Preserve Social Security & Medicare | 27,000.00 | |
| Richard L. Sinnott & Co, Suite 900 One Thomas Circle, NW Washington, DC 20005 | Oakland Coliseum | 3,500.00 | |
| Do | Port of Oakland | 3,000.00 | |
| Skadden Arps Slate Meagher & Flom, 919 18th Street, NW Washington, DC 20006 | Air Products & Chemicals, Inc | 1,000.00 | |
| Do | Anheuser-Busch Companies, Inc | 1,700.00 | |
| Do | Baker International | 2,300.00 | |
| Do | Beecham, Inc | 1,800.00 | |
| Do | California Student Loan Finance Corp | | |
| Do | Cities Service Oil & Gas Corp | | |
| Do | Coalition Against Double Taxation, Inc | 3,000.00 | |
| Do | Drexel Burnham Lambert, Inc | 42,500.00 | |
| Do | General Development Corp | 4,000.00 | |
| Do | General Oriental | 2,200.00 | |
| Do | JMB Realty Corp | 2,000.00 | |
| Do | Mojave Pipeline Co | 1,000.00 | |
| Do | Morton-Thiokol, Inc | 1,000.00 | |
| Do | Ocean Thermal Corp | | |
| Do | Revlon, Inc | | |
| Do | Transco Energy Company | | |
| Cynthia Elliot Skiff, 8111 Gatehouse Road Falls Church, VA 22047 | American Automobile Assn | | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| William J. Skinner, 815 15th St., NW, #534 Washington, DC 20005 | U.S. Pharmacopeial Convention, Inc. | 1,066.67 | 34.53 |
| Barney J. Skladany Jr., 1100 Connecticut Ave., NW, #620 Washington, DC 20036 | Mobil Oil Corp. | 1,125.00 | |
| Francis J. Skrobiszewski, 100 W. Alexandria Avenue Alexandria, VA 22301 | KMA & Associates | | |
| F. Slatinshek & Associates, Inc, 1102 Belle Vista Dr. Alexandria, VA 20007 | Grumman Aero Corp. | 300.00 | |
| Robert G. Slaughter, 1615 M ST., NW, #200 Washington, DC 20036 | Amoco Corporation | 1,500.00 | 183.64 |
| Joshua J. Slavitt, 450 Maple Ave., E., #204 Vienna, VA 22180 | U.S. Defense Committee | 1,500.00 | |
| Barry S. Slevin, 1000 Potomac Street, NW Washington, DC 20007 | Seifman Semo Slevin & Marcus, P.C. (For:United Food & Commercial Workers International Union). | 351.00 | 76.00 |
| William T. Slider, 15th & M streets, NW Washington, DC 20005 | National Assn of Home Builders of the U.S. | | |
| Ronald J. Slinn, 260 Madison Avenue New York, NY 10016 | American Paper Institute, Inc. | | |
| Catherine Reiss Sloan, 1990 M St., NW, #450 Washington, DC 20036 | Shooshan & Jackson, Inc (For:Rogers U.S. Cablesystems, Inc) | | |
| John E. Sloan Jr., Capital Gallery East, #695 600 Maryland Avenue, SW Washington, DC 20024 | National Fed of Independent Business | 1,150.00 | 200.00 |
| Richard S. Sloan, 1700 K Street, NW, #1100 Washington, DC 20006 | Challenge America, Inc | 4,000.00 | |
| Slurry Technology Assn, 1800 Connecticut Ave., NW Washington, DC 20009 | | 32,500.00 | |
| Small Business Council of America, Inc, P.O. Box 4299 Columbus, GA 31904 | | 14,200.00 | 46,138.65 |
| Smathers Hickey & Smathers, 1050 Connecticut Avenue, NW, #1230 Washington, DC 20036 | American Horse Council | 3,666.00 | |
| Do | Florida East Coast Railway Co. | 750.00 | |
| Do | National Hockey League | 1,500.00 | |
| Do | Pennzoil Co. | 6,000.00 | |
| Robert G. Smerko, 1945 Old Gallows Rd., #405 Vienna, VA 22180 | Chlorine Institute, Inc | | |
| Donald E. Smiley, 1899 L St., NW, #1100 Washington, DC 20036 | Exxon Corporation | | |
| James R. Smircina, P.O. Box 5000 Cleveland, OH 44101 | Cleveland Electric Illuminating Co. | 946.40 | 495.70 |
| Christine M.B. Smith, 1700 K Street, NW, #502 Washington, DC 20006 | Pacific Resources, Inc. | 500.00 | |
| Daniel T. Smith, P.O. Box 660074 Dallas, TX 75266 | International Airline Passengers Assn, Inc. | | |
| Diane E. Smith, 8881 Rosemont Detroit, MI 48228 | Artists Products Celebrity Development | 1,200.00 | 1,200.00 |
| Esson H. Smith, Box 372 Stevenson, WA 98648 | Columbia Gorge United | | |
| Frederick P. Smith Jr., 1120 19th Street, NW, #310 Washington, DC 20036-3605 | Institute of Makers of Explosives | | |
| Gordon L. Smith, 1201 Pennsylvania Ave., NW, #700 Washington, DC 20004 | Hill & Knowlton, Inc (For:Florists' Transworld Delivery Assn) | 2,500.00 | |
| Harold W. Smith, 208 Laurel Drive Peekskill, NY 10566 | City Manager of the City of Yonkers, New York | | |
| James P. Smith, 2000 L Street, NW, #200 Washington, DC 20036 | Hospital Corp of America | | |
| Jeffrey A. Smith, 1600 Wilson Boulevard, #1000 Arlington, VA 22209 | American Waterways Operators, Inc | | |
| Jennifer L. Smith, 900 17th Street, NW, #520 Washington, DC 20006 | West Mexico Vegetable Distributors Assn | 300.00 | |
| Julian H. Smith Jr., 600 North 18th Street Birmingham, AL 35291 | Alabama Power Co. | 17,511.00 | 8,060.03 |
| Michael E. Smith, 55 Public Square, Rm. 624 P.O. Box 5000 Cleveland, OH 44113 | Cleveland Electric Illuminating Co. | | 226.35 |
| Michael P. Smith, 485 Lexington Ave. New York, NY 10017 | New York State Bankers Assn | 880.00 | 30,928.00 |
| Ronald E. Smith, 2501 M Street, NW Washington, DC 20037 | Chemical Manufacturers Assn, Inc | 6,000.00 | 385.67 |
| Shalah Smith, 1130 17th Street, NW Washington, DC 20036 | National Coal Assn. | 2,450.00 | 486.29 |
| Susan Snyder Smith, 7900 Westpark Drive, #514 Mclean, VA 22102 | Chocolate Manufacturers Assn of the USA | 300.00 | 202.59 |
| William D. Smith, 1899 L Street, NW Washington, DC 20036 | Exxon Corporation | | |
| Wayne H. Smithey, 815 Connecticut Ave., NW Washington, DC 20006 | Ford Motor Co | 7,012.00 | 885.25 |
| Smokeless Tobacco Council, Inc, 1925 K Street, NW, #504 Washington, DC 20006 | | 24,395.39 | 24,395.39 |
| David F. Snyder, 1000 Nationwide Dr. Harrisburg, PA 17105 | Nationwide Insurance Co | 600.00 | 7.00 |
| J. R. Snyder, 400 1st St., NW, #704 Washington, DC 20001 | United Transportation Union | | 1,515.00 |
| John M. Snyder, 600 Pennsylvania Ave., S.e. Suite 205 Washington, DC 20003 | Citizens Comm for the Right to Keep & Bear Arms | 9,000.00 | |
| Wallace S. Snyder, 1400 K Street, NW, #1000 Washington, DC 20005 | American Advertising Federation | 5,000.00 | |
| Snyder Ball Kriser & Assoc, Inc, 499 S. Capitol St., SW, #520 Washington, DC 20003 | General Motors Corp. | | |
| Alan C. Sobba, 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004 | National Cattlemen's Assn | 1,000.00 | |
| Society for Animal Protective Legislation, P.O. Box 3719 Georgetown Station Washington, DC 20007 | | 50,586.80 | 61,130.00 |
| Metin Somay, 2101 L Street, NW, #501 Washington, DC 20037 | | | |
| Edmund T. Sommer Jr., 1627 K Street, NW, #1200 Washington, DC 20006 | Council of American-Flag Ship Operators | | |
| Charles R. Sonnier, Sonnier & Hebert P.O. Drawer 1040 Abbeville, LA 70511 | Coushatta Tribe of Louisiana | | |
| Sonosky Chambers and Sachse, 1050 31st St., NW Washington, DC 20007 | Assiniboine and Sioux Tribes | | |
| Do | Mackenzie Turnipseed | | |
| Do | Multi-Housing Laundry Assn, Inc. | | |
| Do | Shakopee Mdewakanton Sioux Community of Minnesota | | |
| Do | Standing Rock Sioux Tribe | | |
| Do | Yukon-Kuskokwim Health Corp | | |
| E. Richard Soper, 1957 E Street, NW Washington, DC 20006 | Associated General Contractors of America | | |
| Roberta Lee Sorensen, 1101 Vermont Ave., NW, #604 Washington, DC 20000 | College of American Pathologists | 6,360.00 | 60.10 |
| Walter Larke Sorg, 1625 Eye St., NW, #204 Washington, DC 20006 | Southeastern Dredge Owners Assn Size Standard Appeal Comm | | |
| Charles E. Southwick, 1627 K Street, NW, #200 Washington, DC 20006 | Fluor Corporation | 15,000.00 | 548.00 |
| Space Services, Inc (SSI) of America, 7015 Gulf Freeway, #140 Houston, TX 77087 | | | |
| Ian D. Spatz, 1785 Massachusetts Avenue, NW Washington, DC 20036 | National Trust for Historic Preservation | 1,818.58 | |
| John F. Speer Jr., 888 16th Street, NW Washington, DC 20006 | Milk Industry Foundation/Int'l Assn of Ice Cream Mfrs | | |
| William C. Spence, 3805 W. Alabama Houston, TX 77027 | Columbia Gulf Transmission Co. | | |
| Spiegel & McDiarmid, 1350 New York Ave., NW Washington, DC 20005 | Ft. Pierce Utilities Authority | | |
| Do | Northern California Power Agency, et al. | 630.00 | |
| Do | Public Transportation Facilities | 5,600.00 | |
| Do | Sacramento Municipal Utility District | 2,500.00 | |
| Do | Service Employees International Union, AFL-CIO | 1,365.00 | |
| Larry N. Spiller, 1015 15th St., NW, #802 Washington, DC 20005 | American Consulting Engineers Council | 200.00 | |
| Peter A. Spina, 150 East 42nd Street New York, NY 10017 | Mobil Oil Corp. | 900.00 | |
| Frances Spivy-Weber, 645 Pennsylvania Avenue, SE Washington, DC 20003 | National Audubon Society | 1,000.00 | |
| Earl C. Spurrier, The Madison Building, #514 1155 15th Street, NW Washington, DC 20005 | National Agricultural Chemicals Assn | 120.00 | |
| Mark G. Spurrier, 400 Kenilworth Drive Towson, MD 21204 | Baltimore County Police Department | 400.00 | |
| Squire Sanders & Dempsey, 1201 Pennsylvania Ave., NW Washington, DC 20004 | American Cement Trade Alliance, Inc. | | |
| Do | American Chamber of Commerce in Germany | | |
| Do | American Soc of Anesthesiologists | 682.50 | |
| Do | Association of Data Processing Service Organizations | | |
| Do | Can-Am Corporation | 2,062.50 | |
| Do | Independent Data Communications Manufacturers Assn | 450.00 | |
| Do | Microband Corp of America | | |
| Do | National Collegiate Athletic Assn. | | 1,837.25 |
| Do | Public Securities Assn | 32,558.00 | |
| Do | Samaritan Health Services | 9,607.50 | 51.43 |
| Do | Tymnet, Inc. | | |
| John W. Sroka, 1957 E St., NW Washington, DC 20006 | Associated General Contractors of America | | |
| Carl F. St. Cin, 1101 17th Street, NW, #604 Washington, DC 20036 | Monsanto Co. | | |
| Connell Stafford, P.O. Drawer 1734 Atlanta, GA 30301 | Coca-Cola Company | 400.00 | 398.60 |
| David E. Stahl, 1250 Connecticut Avenue, NW Washington, DC 20036 | National Forest Products Assn. | 3,500.00 | |
| Melvin R. Stahl, Suite 1410 1235 Jefferson Davis Hwy. Arlington, VA 22202 | Motorcycle Industry Council, Inc | | |
| Elvis J. Stahr Jr., 1815 H Street, NW, #600 Washington, DC 20006 | Cassidy & Associates, Inc. | 1,250.00 | 12.00 |
| Do | National Audubon Society | | |
| Tyrone Stallworth, 220 North Devilliers Street Pensacola, FL 32501 | | | |
| David P. Stang, P.C., Suite 601 1629 K St., NW Washington, DC 20006 | Amoco Corporation | 6,174.22 | |
| Do | Employee Stock Ownership Assn | 1,597.72 | |
| Do | McDermott, Inc. | 947.41 | |
| Do | National Assn of Royalty Owners, Inc. | 580.30 | |
| Do | Small Business Council of America, Inc | 630.00 | |
| Do | Zond Systems, Inc. | | |
| Michael J. Stanton, 1620 Eye Street, NW, #1000 Washington, DC 20006 | Motor Vehicle Manufacturers Assn of the U.S., Inc. | 1,205.00 | |
| Melvin L. Stark, 1025 Connecticut Ave., NW, #415 Washington, DC 20036 | American Insurance Assn | | |
| Bette Anne Starkey, 1030 15th Street, NW, #1100 Washington, DC 20005 | Health Industry Manufacturers Assn | | |
| Lois Starkey, Suite 511 1745 Jefferson Davis Hwy. Arlington, VA 22202 | Manufactured Housing Institute | 900.00 | 100.00 |
| Ronald W. Stasch, 205 E. 42nd Street New York, NY 10017 | Risk & Insurance Management Society, Inc | | |
| John F. Stasiowski, 5205 Leesburg Pike, #505 Falls Church, VA 22041 | National Beer Wholesalers of America | | |
| Frank M. Staszesky Jr., 1620 Eye St., NW, #703 Washington, DC 20006 | Bechtel Power Corporation | | |
| David Michael Staton, 1615 H Street, NW Washington, DC 20062 | Citizen's Choice, Inc. | 2,000.00 | |
| James D. Staton, 320 Timberbrook Drive Waldorf, MD 20601 | Air Force Sergeants Assn, Inc | | |
| Samuel E. Stavisky, 1725 Desales Street, NW, #804 Washington, DC 20036 | Samuel E. Stavisky & Associates, Inc (For:Broadcast Music, Inc) | | 50.00 |
| Samuel E. Stavisky & Associates, Inc, 1725 Desales Street, NW, #804 Washington, DC 20036 | Broadcast Music, Inc. | 100.00 | 75.00 |
| Randolph J. Stayin, 1620 Eye St., NW, #800 Washington, DC 20006 | Taft Stettinius & Hollister (For:Effective Spray Control Organization) | 1,493.75 | |
| Do | Taft Stettinius & Hollister (For:James Graham Brown Foundation) | | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Do | Taft Stettinius & Hollister (For:Machinery Dealers National Association) | 290.00 | |
| Do | Taft Stettinius & Hollister (For:Special Comm for Workplace Product Liability Reform). | | |
| Do | Taft Stettinius & Hollister (For:Wald Manufacturing Co, Inc) | | |
| John Howard Stecker, 2020 Live Oak Dallas, TX 75221 | Great American Reserve Insurance Co | | |
| Dean E. Steel, 1655 N. Ft. Myer Drive, #1120 Arlington, VA 22209 | Varian Associates, Inc | | |
| Steele Simmons & Fornaciari, 2020 K Street, NW, #850 Washington, DC 20006 | K Mart Corp | 275.00 | 6.00 |
| Ramona C. Stelford, 1818 N Street, NW Washington, DC 20036 | DGA International, Inc (For:Societe Nationale D'Etude et de Const de Moteurs D'Aviation). | | |
| Jack L. Stempler, 1725 Jefferson Davis Highway, #900 Arlington, VA 22202 | LTV Aerospace & Defense Co | 2,500.00 | 75.00 |
| Stephens Overseas Services, Inc, 114 East Capitol Avenue Little Rock, AR 72201 | National Office Machine Dealers Assn | | |
| Do | | | |
| Stephens, Inc, 114 East Capitol Avenue Little Rock, AR 72201 | | | |
| Victor Stepsay, 1750 New York Avenue, NW Washington, DC 20006 | Sheet Metal Workers International Assn | 13,298.00 | |
| Steptoe & Johnson, Chtd, 1330 Connecticut Ave., NW Washington, DC 20036 | Association of Private Pension & Welfare Plans, Inc | 4,480.00 | 312.09 |
| Do | Trailways, Inc | | |
| Michael E. Steward, 7957 Revenna Lane Springfield, VA 22153 | Puget Sound Power & Light Co | 2,566.00 | 586.06 |
| Eugene L. Stewart, 1001 Connecticut Ave., NW, #910 Washington, DC 20036 | Roses, Inc | 1,650.00 | 679.73 |
| Imagene Stewart, 214 P Street, NW Washington, DC 20001 | American Women's Clergy Assn | | |
| Walter J. Stewart, Suite 700 1100 15th St., NW Washington, DC 20005 | Sonat, Inc | | |
| Warren E. Stickle, Suite 1120 1001 Connecticut Avenue, NW Washington, DC 20036 | Chemical Specialties Manufacturers Assn, Inc | 2,340.68 | 330.37 |
| Don Stillman, 1757 N Street, NW Washington, DC 20036 | Int'l Union, United Auto Aerospace & Agric Implement Workers | 1,841.58 | 12.00 |
| Edward W. Stimpson, Suite 801 1400 K St., NW Washington, DC 20005 | General Aviation Manufacturers Association | 3,432.00 | |
| John J. Stocker, 1110 Vermont Avenue, NW Washington, DC 20005 | Shipbuilders Council of America | 3,300.00 | |
| Stockholders of America, Inc, 1625 Eye St., N.w. # 724a Washington, DC 20006 | | 7,905.00 | 1,085.00 |
| Dennis C. Stolte, 600 Maryland Avenue, SW Washington, DC 20024 | American Farm Bureau Federation | 5,687.49 | 107.93 |
| Lisa Stoltenberg, 1101 14th Street, NW Washington, DC 20005 | American Financial Services Assn | 250.00 | |
| Jane C. Stone, 51 Gibraltar Drive Morris Plains, NJ 07950 | National Assn of Manufacturers | 600.00 | |
| Jay Stone, Jay Stone and Associates, Inc 412 First Street, SE, #50 Washington, DC 20003 | Manville Corporation | 2,000.00 | |
| Do | Massachusetts Mutual Life Insurance Co | 2,000.00 | |
| Martin F. Stone, 1411 K Street, NW, #850 Washington, DC 20005 | Americans for Democratic Action | 4,500.00 | 152.05 |
| Floyd E. Stoner, 1120 Connecticut Avenue, NW Washington, DC 20036 | American Bankers Assn | 1,000.00 | |
| William M. Stover, 2501 M St., NW Washington, DC 20037 | Chemical Manufacturers Assn, Inc | 1,000.00 | |
| Luther J. Strange III, 1100 15th Street, NW, #700 Washington, DC 20005 | Sonat, Inc | | |
| Terrence D. Straub, 818 Connecticut Avenue, N.w. Washington, DC 20006 | USX Corporation | 250.00 | 216.81 |
| W. Melvin Street, Suite 400 1627 K Street, NW Washington, DC 20006 | National Newspaper Assn | | |
| Richard H. Streeter, 1729 H Street, NW Washington, DC 20006 | Cast North America Ltd | | |
| Roger J. Stroh, 727 N. Washington Street Alexandria, VA 22314 | United Fresh Fruit & Vegetable Assn | | |
| George W. Strong, 2242 Bartlett Houston, TX 77098 | Enron | | |
| Stroock & Stroock & Lavan, 1150 17th St., NW Washington, DC 20036 | J. Aron & Co, Inc | 800.00 | 20.00 |
| Do | Dreyfus Corporation | | |
| Do | Dreyfus Dollar Fund | | |
| Do | Fiat, S.p.A | 280.00 | 8.00 |
| Susan Stuebing, 311 First St., NW, #500 Washington, DC 20001 | Computer & Business Equipment Manufacturers Assn | 1,700.00 | 15.00 |
| Walter B. Stults, 1156 15th Street, NW, #1101 Washington, DC 20005 | National Assn of Small Business Investment Cos | 4,000.00 | |
| Eugene F. Sturgeon, 182 Crater Lane Kensington, CT 06037 | Northeast Utilities Service Co | 1,604.21 | 847.26 |
| Ann Sullivan, 1660 L Street, NW, #601 Washington, DC 20036 | Interstate Natural Gas Assn of America | 300.00 | |
| Austin P. Sullivan Jr., P.O. Box 1113 Minneapolis, MN 55440 | General Mills, Inc | | |
| Charles S. Sullivan, 11 15th Street, NE, #6 Washington, DC 20002 | Citizens United for Rehabilitation of Errants | 3,673.85 | 2,125.96 |
| Gael M. Sullivan, 1025 Thomas Jefferson St., NW, #511 Washington, DC 20005 | LTV Corporation | 2,344.00 | 755.40 |
| Harold R. Sullivan, 1750 K St., NW Washington, DC 20006 | Food Marketing Institute | 750.00 | |
| Judy M. Sullivan, 1120 20th Street, NW, #700 Washington, DC 20036 | Williams Companies | | |
| Margaret Cox Sullivan, 1625 Eye St., NW, #724a Washington, DC 20006 | Stockholders of America, Inc | | |
| Marty R. Sullivan, P.O. Box 970 Ft. Worth, TX 76101 | Texas Electric Service Co | 95.00 | 169.26 |
| Patrick J. Sullivan, 815 Sixteenth Street, N.w. Washington, DC 20006 | International Longshoremen's Assn, AFL-CIO | 10,094.45 | 1,489.31 |
| Pauline Sullivan, #11 15th St., NE, #6 Washington, DC 20002 | Citizens United for Rehabilitation of Errants | 300.00 | |
| Sullivan & Cromwell, 1775 Pennsylvania Ave., NW Washington, DC 20006 | American International Group, Inc | | 18.00 |
| Do | BP North America, Inc | | |
| Do | Esselte Business Systems, Inc | | |
| Do | Goldman Sachs & Co | | |
| Do | Grand Met USA, Inc | | |
| Do | Kidder Peabody & Co, Inc | | |
| Do | Securities Industry Assn | | 3,892.87 |
| John B. Summers, 1771 N Street, NW Washington, DC 20036 | National Assn of Broadcasters | | |
| Iris Sunshine, 1710 Broadway New York, NY 10019 | International Ladies' Garment Workers Union | 5,475.39 | 221.91 |
| Sutherland Asbill & Brennan, 1666 K Street, NW, #800 Washington, DC 20006 | Committee Against Revising Staggers | 2,800.00 | |
| Do | Council of Industrial Boiler Owners | | |
| Do | Industrial Oil Consumers Group | | |
| Do | Process Gas Consumers Group | | |
| Do | Production Operators Corp | 777.00 | |
| W. Thomas Suttle, 1755 Willard St., NW, #4 Washington, DC 20009 | Institute of Electrical & Electronics Engineers | 2,750.00 | 8,541.07 |
| William W. Suttle, 1025 Connecticut Ave., NW, #415 Washington, DC 20036 | American Insurance Assn | 540.00 | 22.20 |
| Douglass W. Svendson Jr., 1730 Rhode Island AVenue, NW, #417-19 Washington, DC 20036 | Shell Oil Co | 150.00 | |
| Do | Union Pacific Corp | 300.00 | |
| David L. Swanson, Craft & Loesch 1050 Thomas Jefferson St., NW, 6th Fl. Washington, DC 20007 | Clean Coal Technology Coalition | 770.00 | 283.95 |
| Do | Edison Electric Institute | 1,155.00 | 134.52 |
| Do | GA Technologies, Inc | 1,500.00 | |
| Irving W. Swanson, 11212 Farmland Drive Rockville, MD 20852 | Harris Corporation | 16,800.00 | 4,221.86 |
| Deborah Swartz, Economic Consulting Services, Inc 1320 19th St., NW Washington, DC 20036 | Luggage & Leather Goods Manufacturers of America, Inc | 500.00 | 350.00 |
| Do | National Knitwear & Sportswear Assn | 500.00 | 350.00 |
| Do | Neckwear Assn of America, Inc | 500.00 | 350.00 |
| Do | Outboard Marine Corp | 1,300.00 | 500.00 |
| David A. Sweeney, 25 Louisiana Ave., NW Washington, DC 20001 | International Brotherhood of Teamsters | 19,049.31 | |
| William R. Sweeney Jr., 220 Eye St., NE, #210 Washington, DC 20002 | American Nuclear Energy Council | 2,062.50 | 14.55 |
| Do | American Nuclear Energy Council | 2,062.50 | 14.55 |
| Do | National Investment Development Corp | 4,575.00 | 2,208.56 |
| Robert D. Swezey Jr., 1133 19th St., NW Washington, DC 20036 | MCI Communications Corp | | |
| Swidler & Berlin, Chtd, 1000 Thomas Jefferson St., NW #500 Washington, DC 20007 | American Electronics Assn | | |
| Do | MD People's Counsel (Natl Assn of State Util. Consumer Advo) | 5,461.25 | 35.75 |
| Do | National Council of Community Hospitals | 4,287.50 | |
| Tricia L. Swift, 1250 Connecticut Avenue, NW Washington, DC 20036 | National Forest Products Assn | 1,200.00 | |
| Russell A. Swindell, P.O. Box 2635 Raleigh, NC 27602 | North Carolina Railroad Association | | |
| Randall Swisher, 2301 M Street, NW Washington, DC 20037 | American Public Power Assn | 2,500.00 | |
| Ronald G. Sykes, 1660 L Street, NW Washington, DC 20036 | General Motors Corp | 2,500.00 | 3,838.87 |
| David A. Sykuta, Illinois Petroleum Council P.O. Box 5034 Springfield, IL 62705 | American Petroleum Institute | 420.00 | 877.63 |
| Christopher U. Sylvester, 1831 Briar Ridge Court Mclean, VA 22101 | Garrison Diversion Conservancy District | 6,000.00 | 404.65 |
| Systematics, Inc, 114 East Capitol Ave. Little Rock, AR 72201 | | | |
| Robert Taft Jr., 1620 Eye St., NW, #800 Washington, DC 20006 | Taft Stettinius & Hollister (For:Grocery Manufacturers of America, Inc) | | |
| Do | Taft Stettinius & Hollister (For:Inmont Corp) | | |
| Do | Taft Stettinius & Hollister (For:James Graham Brown Foundation) | 5,820.00 | 23.48 |
| Do | Taft Stettinius & Hollister (For:Kings Entertainment Co) | | |
| Do | Taft Stettinius & Hollister (For:Machinery Dealers National Association) | | |
| Do | Taft Stettinius & Hollister (For:Recordings Import Trade Committee) | | |
| Do | Taft Stettinius & Hollister (For:Special Comm for Workplace Product Liability Reform). | | |
| Do | Taft Stettinius & Hollister (For:Taft Broadcasting Company) | 1,800.00 | |
| Do | Taft Stettinius & Hollister (For:Telephone & Data Systems, Inc) | | |
| Do | Taft Stettinius & Hollister (For:Wald Manufacturing Co, Inc) | | |
| Taggart & Associates, Inc, 1015 15th Street, NW, #200 Washington, DC 20005 | Animal Health Institute | | |
| Do | Association of American Railroads | | |
| Do | Marion Laboratories, Inc | | |
| Do | Telephone & Data Systems, Inc | | |
| Walter G. Talarek, Suite 405 1945 Gallows Rd. Vienna, VA 22180 | American Wood Preservers Institute | | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Doyle Talkington, 1015 15th Street, NW, #200 Washington, DC 20005 | National Pork Producers Council | 1,000.00 | 9.00 |
| Susan Tannenbaum, 2030 M St., NW Washington, DC 20036 | Common Cause | 5,492.52 | 195.15 |
| Augustine D. Tantillo, 214 Massachusetts Ave., NE, #350 Washington, DC 20002 | Russell Corporation | 4,500.00 | 435.00 |
| Target, Inc, 11244 Waples Mill Road, Suite J Fairfax, VA 22030 | | | |
| John F. Tate, 450 Maple Avenue, E., #204 Vienna, VA 22180 | U.S. Defense Committee | | |
| M. Louise Tate, 450 Maple Avenue, E., #204 Vienna, VA 22180 | U.S. Defense Committee | 900.00 | |
| Susan Tatum, 1250 Connecticut Avenue, NW Washington, DC 20036 | National Forest Products Assn | 1,600.00 | |
| Graca Da Silva Tavares, 17 Perkins Street West Newton, MA 02165 | | | |
| Charles A. Taylor III, 499 South Capitol St., SW, #401 Washington, DC 20003 | National Assn of Independent Insurers | 1,000.00 | |
| Charles E. Taylor, 1801 K Street, NW, #1200 Washington, DC 20006 | IBM Corporation | 1,500.00 | 800.00 |
| Elizabeth L. Taylor, 529 14th Street, NW, #425 Washington, DC 20045 | Puerto Rico Federal Affairs Administration | 1,480.25 | 1,700.00 |
| Jefferson D. Taylor, 777 14th Street, NW Washington, DC 20005 | National Assn of Realtors | | |
| Margie A. Taylor, P.O. Box 21 Montgomery, AL 36101 | Alabama Railroad Assn | | |
| Peggy Taylor, 815 16th St., NW Washington, DC 20006 | American Fed of Labor & Congress of Industrial Organizations | 18,839.02 | 555.91 |
| R. William Taylor, 1575 Eye Street, NW Washington, DC 20005 | American Soc of Assn Executives | 300.00 | |
| Robert C. Taylor, 3000 Lincoln Plaza, Lb-5 Dallas, TX 75201 | Taylor & Mizell | | |
| Taylor & Mizell, 3000 Lincoln Pl., Lb5 Dallas, TX 75201 | | | |
| Elayne L. Tempel, 2020 K St., NW, #200 Washington, DC 20006 | National Fed of Federal Employees | | |
| Norman J. Temple, 155 Dresden Avenue Gardiner, ME 04345 | Maine Yankee - Central Maine Power Co | 2,200.00 | 618.71 |
| Betty-Grace Terpstra, 1726 M St., NW, #901 Washington, DC 20036 | Scott Paper Co | 4,000.00 | 381.62 |
| James Terrell, 600 Maryland Avenue, SW Washington, DC 20024 | American Farm Bureau Federation | 4,374.99 | 381.79 |
| Michelle C. Tessier, 1818 N Street, NW, #410 Washington, DC 20036 | National Assn of Public Television Stations | 600.00 | 150.00 |
| James G. Tetirick, 1156 15th Street, NW, #1015 Washington, DC 20005 | J. C. Penney Co, Inc | | |
| Textron, Inc, 40 Westminster St. Providence, RI 02903 | | | |
| Thacher Proffitt & Wood, Suite 512 1140 Connecticut Ave., NW Washington, DC 20036 | American Resort & Residential Development Assn | 12,034.00 | 346.56 |
| Do | Amoskeag Savings Bank | | |
| Do | Council of State Housing Agencies | | 346.56 |
| Do | Ensign Savings Bank | | |
| Do | Maine Savings Bank | | |
| Do | Mutual Savings Central Fund, Inc | | |
| Do | New Hampshire Savings Bank | | |
| Do | Salomon Brothers, Inc | 10,335.20 | 404.56 |
| Do | Savings Banks Assn of Massachusetts | 1,259.95 | 386.56 |
| Mary Kay Thatcher, 600 Maryland Avenue, SW Washington, DC 20024 | American Farm Bureau Federation | 5,124.99 | 265.02 |
| Karen E. Theibert, 1750 K Street, NW Washington, DC 20006 | Food Marketing institute | 200.00 | |
| Alan J. Thiemann, 1199 N. Fairfax Street, #801 Alexandria, VA 22314 | National Assn of Truck Stop Operators, Inc | | |
| Douglas E. Thierwechter, 1800 M Street, NW Washington, DC 20036 | Marathon Oil Co | | |
| Third Class Mail Association, 1341 G St., NW, #500 Washington, DC 20005 | | 600.00 | 600.00 |
| Edlu J. Thom, 919 18th Street, NW, #400 Washington, DC 20006 | Diamond Shamrock Corp | 1,000.00 | 681.00 |
| Doris I. Thomas, 15th & M sts., NW Washington, DC 20005 | National Assn of Home Builders of the U.S. | | |
| Gordon M. Thomas, 1090 Vermont Avenue, NW, #1100 Washington, DC 20005 | Textron, Inc | 600.00 | 150.00 |
| James M. Thomas Jr., 2001 9th Street, NW, #300 Washington, DC 20001 | Amalgamated Transit Union, Natl Cap Local 689 | | |
| John W. Thomas, 119 Oronoco Street Box 1417-D50 Alexandria, VA 22313 | Animal Health Institute | | |
| Meshall Thomas, Suite 400 2000 P Street, NW Washington, DC 20036 | Women's Legal Defense Fund | | |
| Randi Parks Thomas, 1101 17th Street, NW, #603 Washington, DC 20036 | Tuna Research Foundation, Inc | 918.00 | |
| Robert L. Thomas, 1319 F St., NW Washington, DC 20004 | National Assn of Private Psychiatric Hospitals | 50.00 | |
| Sarah M. Thomas, 1325 G Street, NW, #1003 Washington, DC 20005 | Population-Environment Balance | 131.78 | 4.80 |
| Bruce E. Thompson, 1828 L Street, NW, #906 Washington, DC 20036 | Merrill Lynch & Co, Inc | 7,500.00 | |
| Frank Thompson Jr., 1020 Prince Street Alexandria, VA 22314 | Boilermakers Iron Ship Bldrs Blacksmiths Forgers & Helpers | 2,500.00 | 234.22 |
| Do | Sheet Metal Workers Int'l Assn | 3,000.00 | 144.01 |
| Kenneth W. Thompson, 2021 K Street, NW, #300 Washington, DC 20006 | Primark Corporation | 2,200.00 | |
| Law Offices of Fred Thompson, 1919 Pennsylvania Avenue, NW, #850 Washington, DC 20006 | Central States SE & SW Areas Health Welfare & Pension Funds | | |
| Do | Westinghouse Electric Corp | | |
| Marilyn A. Berry Thompson, 444 North Capitol Street, #711 Washington, DC 20001 | Keefe Company (For:American Business Coalition, Inc) | | |
| Do | Keefe Company (For:Carteret Savings & Loan) | 700.00 | |
| Do | Keefe Company (For:Cordish & Embry Associates) | | |
| Do | Keefe Company (For:Dormitory Authority) | 2,000.00 | |
| Do | Keefe Company (For:Essex Company) | 8,500.00 | |
| Do | Keefe Company (For:Mutual Benefit Insurance Co) | 8,500.00 | |
| Do | Keefe Company (For:New York University) | 7,500.00 | |
| Do | Keefe Company (For:University of Medicine & Dentistry of New Jersey) | 1,400.00 | |
| Michael F. Thompson, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202 | Manufactured Housing Institute | 700.00 | 100.00 |
| Nancy Thompson, 1600 Eye Street, NW Washington, DC 20006 | Motion Picture Assn of America, Inc | | |
| Richard L Thompson, 1700 K Street, NW, #601 Washington, DC 20006 | Squibb Corporation | 1,500.00 | |
| Robert L. Thompson Jr., P.O. Box 70 Fort Mill, SC 29715 | Springs Industries, Inc | | 5,226.43 |
| Roger G. Thompson, 117 Bellefonte Drive Ashland, KY 41101 | Kentucky Power Co | 7,500.00 | 3,097.19 |
| W. Reid Thompson, 1900 Pennsylvania Ave., NW Washington, DC 20068 | Potomac Electric Power Co | 23.40 | |
| Thompson & Mitchell, One Mercantile Center, #3400 St. Louis, MO 63101 | American Inland Waterways Committee | 27,500.00 | 2,527.37 |
| Do | Cold Finished Steel Bar Institute | 6,720.00 | 70.00 |
| Do | Contact Lens Manufacturers Assn | 3,600.00 | |
| Do | Crown Life Insurance Co | 15,000.00 | 1,499.21 |
| Do | Midland Enterprises, Inc | | |
| Thompson Hine & Flory, 1920 N St., NW, #700 Washington, DC 20036 | Alltel Corporation | 2,035.00 | |
| Thompson Mann & Hutson, 1730 Pennsylvania Ave., NW, #1250 Washington, DC 20006 | CSX Corporation | | |
| Do | Daniel International Corp | 7,500.00 | 749.76 |
| Parker D. Thomson, 200 South Biscayne Blvd. 4900 Southeast Financial Center Miami, FL 33131 | Thomson Zeder Bohrer Werth Adorno & Razook (For:Burger King Corp) | | |
| Thomson Zeder Bohrer Werth Adorno & Razook, 200 South Biscayne Blvd. 4900 Southeast Financial Center Miami, FL 33131 | Burger King Corp | 1,905.00 | 2,400.00 |
| Terence H. Thorn, 1015 15th Street, NW, #900 Washington, DC 20005-2673 | HNG/Internorth | | |
| Richard B. Thornburg, Suite 505 5205 Leesburg Pike Falls Church, VA 22041 | National Beer Wholesalers of America | | 288.56 |
| John A. Thorner, 1250 Connecticut Avenue, NW Washington, DC 20036 | National Forest Products Assn | | |
| William R. Thornhill, 10614 Tarrington Houston, TX 77024 | Tennessee Gas Pipeline Co | | |
| Do | Tennessee Gas Transmission Co | | 25.00 |
| Margo Thorning, 1850 K St., NW, #520 Washington, DC 20006 | American Council for Capital Formation | 215.00 | |
| Tighe Curhan & Piliero, 1750 Pennsylvania Avenue, NW Washington, DC 20006 | Ad Hoc Comm of Mutual Fund Managers | 822.16 | |
| Do | American Stock Exchange, Inc | 1,500.00 | |
| Do | Integrated Resources, Inc | | |
| Do | Investment Company Institute | 5,237.94 | |
| Do | NL Industries | | |
| Do | Prudential Lines, Inc | | |
| Do | Town of Andover, Massachusetts | 500.00 | |
| Do | Villa Banfi, USA | 3,250.00 | |
| Patti A. Tilson, Suite 520 900 17th Street, NW Washington, DC 20006 | Toyota Motor Sales, USA, Inc | 500.00 | |
| C. H. Timberlake, 1825 K St., NW, #1107 Washington, DC 20006 | Phillips Petroleum Co | 1,064.00 | 127.55 |
| Timmons & Co, Inc, 1850 K St., NW, #850 Washington, DC 20006 | American Inland Waterways Committee | | |
| Do | American Petroleum Institute | 1,182.50 | |
| Do | Amoco Corporation | 376.25 | |
| Do | Anheuser-Busch Companies, Inc | 5,912.50 | |
| Do | Association of Trial Lawyers of America | 942.50 | |
| Do | Boeing Company | 1,236.25 | |
| Do | Brown Group, Inc | 537.50 | |
| Do | Capital Cities/ABC, Inc | 1,021.25 | |
| Do | Capital Markets Group | 806.25 | |
| Do | Chrysler Corporation | 1,250.00 | |
| Do | Eastern Air Lines, Inc | 1,128.75 | |
| Do | H. J. Heinz Co | 430.00 | |
| Do | Major League Baseball | 950.00 | |
| Do | Middle South Services, Inc | 787.50 | |
| Do | Morgan Stanley & Co, Inc | 1,092.50 | |
| Do | National Rifle Assn of America | 2,042.50 | |
| Do | Northern Telecom, Inc | 1,021.25 | |
| Do | Northrop Corp | 1,988.75 | |
| Do | NutraSweet Co | 680.00 | |
| Do | G. D. Searle & Co | 262.50 | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Alan R. Timothy, 303 East 17th Avenue, #880 Denver, CO 80203 | Adolph Coors Co | 6,690.00 | 5,886.25 |
| G. Wayne Tingle, 1725 Jefferson Davis Highway, #900 Arlington, VA 22202 | LTV Aerospace & Defense Co | 2,500.00 | 125.00 |
| William C. Tinklepaugh, 888 16th Street, NW Washington, DC 20006 | Milk Industry Foundation/Int'l Assn of Ice Cream Mfrs | | |
| Constance D. Tipton, 888 16th Street, NW Washington, DC 20006 | Milk Industry Foundation/Int'l Assn of Ice Cream Mfrs | | |
| E. Linwood Tipton, 888 16th St., NW Washington, DC 20006 | Milk Industry Foundation/Int'l Assn of Ice Cream Mfrs | | |
| Eben S. Tisdale, 1550 Wilson Blvd., #600 Arlington, VA 22209 | Hewlett-Packard Co | 3,000.00 | 225.99 |
| Title Associates, Inc, Rt.2, Box 89 Columbia, TN 38401 | | | |
| Francis M. Tivnan, Massachusetts Petroleum Council 11 Beacon Street Boston, MA 02108 | American Petroleum Institute | | |
| Tobacco Associates, Inc, Suite 912 1101 17th St., NW Washington, DC 20036 | | | 4,229.73 |
| James R. Tobin, One Becton Drive Franklin Lakes, NJ 07653 | Becton Dickinson & Co | 2,000.00 | |
| Robert Tobin, 1187 National Press Bldg. Washington, DC 20045 | Ad Hoc Comm in Defense of Life, Inc | 2,600.00 | 5,815.04 |
| James S. Todd, 535 North Dearborn Street Chicago, IL 60610 | American Medical Assn | 500.00 | |
| M. Douglas Todd, Suite 2300 1000 Wilson Boulevard Arlington, VA 22209 | Northrop Corp | | 17.45 |
| David R. Toll, 2121 K Street, NW, #880 Washington, DC 20037 | Public Service Co of Colorado | | |
| Do | Western Utilities Clean Air Group | | |
| William R. Tolley Jr., PO Box 37 Melbourne, FL 32919 | Harris Corporation | | 591.29 |
| Edward Tonat, 6723 Brigadoon Drive Bethesda, MD 20817 | Robert Goff & Associates, Inc | | |
| William D. Toohey, 1899 L St., NW, #600 Washington, DC 20036 | Travel Industry Assn of America | | |
| Peter W. Tooker, 1920 N Street, NW Washington, DC 20036 | American Mining Congress | | |
| Vincent G. Torrusio, 12374 Sparrow Hawk St. Louis, MO 63146 | MICO, Inc | | |
| Frank V. Toti Jr., 600 Maryland Ave., SW, #700 Washington, DC 20024 | National Fed of Independent Business | 2,250.00 | 200.00 |
| Gilbert D. Tough, 70 North Main St. Wilkes-Barre, PA 18711 | Blue Cross of Northeastern Pennsylvania | | |
| Wanda Townsend, 1724 Massachusetts Ave., NW Washington, DC 20036 | National Cable Television Assn, Inc | 962.00 | |
| Joseph P. Trainor, 815 16th St., NW Washington, DC 20006 | Brotherhood of Railway Airline & Steamship Clerks | 2,000.00 | 610.33 |
| Jeffrey B. Trammell, 3255 Grace Street, NW Washington, DC 20007 | Gray & Co Public Communications Int'l, Inc (For:Budd Company) | | |
| Do | Gray & Co Public Communications Int'l, Inc (For:Hyundai Motor America) | | |
| Do | Gray & Co Public Communications Int'l, Inc (For:Joint Maritime Congress) | | |
| Do | Gray & Co Public Communications Int'l, Inc (For:Mutual of Omaha) | | |
| Do | Gray & Co Public Communications Int'l, Inc (For:Republic of Turkey) | | |
| Do | Gray & Co Public Communications Int'l, Inc (For:Shaklee Corporation) | | |
| Do | Gray & Co Public Communications Int'l, Inc (For:Title Insurance Industry Coalition) | | |
| Travel & Tourism Government Affairs Policy Council, Suite 607 1899 L Street, NW Washington, DC 20036 | | 1,885.00 | 1,885.00 |
| Travel Industry Assn of America, 1899 L St., NW Washington, DC 20036 | | | |
| Ernest B. Tremmel, Inc, 5908 Rossmore Drive Bethesda, MD 20014 | Burns & Roe, Inc | | |
| Jose E. Trias, 1615 L St., NW, #1300 Washington, DC 20036 | Paul Weiss Rifkind... (for Howard Hughes Medical Institute) | | 5,700.00 |
| Sally A. Triplett, 1725 Desales Street, NW, #804 Washington, DC 20036 | Samuel E. Stavisky & Associates, Inc (For:Broadcast Music, Inc) | | 35.00 |
| Eugene M. Trisko, 9817 Rosensteel Avenue Silver Spring, MD 20910 | Stern Bros, Inc | | |
| Vincent Trivelli, 815 16th Street, NW Washington, DC 20006 | American Fed of Labor & Congress of Industrial Organizations | 15,117.43 | 62.10 |
| Michael G. Troop, 1709 New York Avenue, NW, #801 Washington, DC 20006 | U.S. League of Savings Institutions | 4,600.00 | 8.00 |
| George G. Troutman, Suite 1100 1090 Vermont Ave., NW Washington, DC 20005 | Bell Helicopter Textron, Inc | 150.00 | |
| Alexander B. Trowbridge, 1776 F Street, NW Washington, DC 20006 | National Assn of Manufacturers | 1,500.00 | |
| Thomas L. Trueblood, 401 North Michigan Ave. Chicago, IL 60611 | Navistar International Corp | 1,000.00 | |
| Trust for Public Lands, 82 Second St. San Francisco, CA 94105 | | | 19,775.00 |
| Paul E. Tsongas, Foley Hoag & Eliot One Post Office Square Boston, MA 02109 | National Venture Capital Assn | | |
| Do | National Venture Capital Assn | | |
| Motoyuki Tsutsui, 919 18th Street, NW, #600 Washington, DC 20006 | Toyota Motor Sales, USA, Inc | | |
| Tucker & Vaught, Western Federal Savings Bldg., #1330 718 17th St. Denver, CO 80202 | Manville Corporation | 1,500.00 | |
| Shannon B. Tuel, 311 First Street, NW Washington, DC 20001 | National Restaurant Assn | | |
| Tuna Research Foundation, Inc, 1101 17th St., NW Washington, DC 20036 | | 747.98 | 2,421.37 |
| Brian Turner, 815 16th Street, NW Washington, DC 20006 | Industrial Union Department, AFL-CIO | 7,920.15 | |
| Jane L. Turner, 1920 N Street, NW Washington, DC 20036 | American Mining Congress | | |
| S. Diane Turpin, 1919 Pennsylvania Ave., NW, #300 Washington, DC 20006 | American College of Surgeons | | |
| St. Clair J. Tweedie, Suite 220 1575 Eye Street, NW Washington, DC 20005 | American Cyanamid Co | 12,000.00 | |
| Twentieth Century Enterprises, 3615 Wisconsin Avenue, NW Washington, DC 20016 | | | |
| U.S. Cane Sugar Refiners' Assn, 1001 Connecticut Ave., NW Washington, DC 20036 | | 3,656.40 | 4,676.60 |
| U.S. Defense Committee, 450 Maple Avenue, E., #204 Vienna, VA 22180 | | 11,080.30 | 11,080.30 |
| U.S. League of Savings Institutions, 111 E. Wacker Dr. Chicago, IL 60601 | | | 168,329.35 |
| U.S. Public Interest Research Group, 215 Pennsylvania Avenue Washington, DC 20003 | | 65,383.80 | 54,784.20 |
| Jerry G. Udell, 1616 H St., NW Washington, DC 20006 | American Retail Federation | 350.00 | 105.00 |
| Kenji Ueno, 919 18th Street, NW, #600 Washington, DC 20006 | Toyota Motor Sales, USA, Inc | | |
| Philip J. Ufholz, 1025 Connecticut Avenue, NW, #1010 Washington, DC 20036 | Metropolitan Life & Affiliated Cos | 1,000.00 | |
| Robert D. Umphrey Jr., 1150 17th Street, NW Washington, DC 20036 | Man-Made Fiber Producers Assn, Inc | 5,000.00 | 362.88 |
| Steven W. Unglesbee, 729 15th Street, NW Washington, DC 20005 | Associated Builders & Contractors, Inc | 2,500.00 | |
| Unifi, Inc, P.O. Box 19109 Greensboro, NC 27419 | | | 375.00 |
| Union Mutual Life Insurance Co, 2211 Congress St. Portland, ME 04122 | | | |
| Unique Athletes, Inc, 3 Woodland Avenue Westhampton Beach, NY 11978 | | | |
| United Brotherhood of Carpenters & Joiners of America, 101 Constitution Ave., NW Washington, DC 20001 | | | 21,232.24 |
| United Fresh Fruit & Vegetable Assn, 727 N. Washington St. Alexandria, VA 22314 | | 4,216.00 | 1,043.89 |
| United Gas Pipe Line Co, PO Box 1478 Houston, TX 77001 | | | |
| United International Consultants, 1800 Diagonal Road Alexandria, VA 22314 | | 90,000.00 | |
| United Irish & American Society of Illinois, Box 219 3400 W. 111th Street Chicago, IL 60655 | | | |
| United Nuclear Corporation, 7700 Leesburg Pike Falls Church, VA 22043 | | | |
| United Way of Indianapolis, Community Service Council of Metro Indianapolis 1828 N. Meridian Street Indianapolis, IN 46202 | | | |
| Lloyd N. Unsell, 1101 16th St., NW Washington, DC 20036 | Independent Petroleum Assn of America | | 30.00 |
| A. Russell Upshaw Jr., 1030 15th Street, NW Washington, DC 20005 | Eastern Airlines | | 165.00 |
| Marian S. Urnikis, 1120 Connecticut Avenue, NW Washington, DC 20036 | American Bankers Assn | 1,050.00 | |
| Utility Nuclear Waste Management Group, c/o Edison Electric Institute 1111 19th St., NW Washington, DC 20036 | | | |
| Anthony Valanzano, 1850 K Street, NW Washington, DC 20006 | American Council of Life Insurance, Inc | 5,000.00 | 219.00 |
| Jack J. Valenti, 1600 Eye St., NW Washington, DC 20006 | Motion Picture Assn of America, Inc | 825.00 | |
| Van Dyk Associates, Inc, 2550 M St., NW, #300 Washington, DC 20037 | American Gas Assn | 6,250.00 | 1,250.00 |
| Juliane H. Van Egmond, Suite 220 1575 Eye Street, NW Washington, DC 20005 | American Cyanamid Co | 1,263.80 | 217.23 |
| Van Fleet Associates, Inc, Suite 102 499 South Capitol St., SW Washington, DC 20003 | Cadillac Gage | 11,813.00 | |
| Do | Ford Aerospace & Communications Corp | 3,300.00 | |
| Do | Marconi Electronics | 4,050.00 | |
| H. B. Van Gieson, 1700 North Moore Street Rosslyn, VA 22209 | Boeing Company | 2,686.81 | 507.29 |
| Nick L. Van Nelson, Suite 540 1875 Eye Street, NW Washington, DC 20006 | Champion International Corp | | |
| Daniel W. Van Ness, P.O. Box 17181 Washington, DC 20041 | Justice Fellowship | 200.00 | |
| Van Ness Feldman Sutcliffe & Curtis, P.C., 7th Floor 1050 Thomas Jefferson St., NW Washington, DC 20007 | Ad Hoc Group for Geothermal Energy | 718.50 | 95.78 |
| Do | Alaska Eskimo Whaling Commission | | |
| Do | American Inst of Certified Public Accountants | 2,362.50 | 13.00 |
| Do | American President Lines | 1,662.50 | 42.64 |
| Do | Arctic Slope Regional Corp | 332.50 | |
| Do | BRAE Corporation | 59.50 | 10.50 |
| Do | Chugach Electric Assn, Inc | | |
| Do | Clean Coal Technology Coalition | | |
| Do | Clean Energy Coalition | 87.50 | |
| Do | Collier Enterprises | 355.00 | 15.00 |
| Do | Cominco Alaska | | |
| Do | Consumers United for Rail Equity (C.U.R.E.) | 26,317.50 | 571.83 |
| Do | Hawaiian Electric Company, Inc | | |
| Do | Jacobs Engineering Group, Inc | | |
| Do | Peabody Holding Co, Inc | | |
| Do | Recording Industry of America | 350.00 | |
| Do | Republic of Palau | 196.00 | 53.44 |
| Do | State of Alaska | | |
| Do | State of LA, Dept of Natural Resources | | |
| Do | Texas Air Corp | | |
| Do | Thermal Power Co | | |
| Do | Tranquillity Irrigation District | 52.50 | |
| Do | Union Carbide Corp | | |
| Debra J. Vanderbeek, 1575 Eye Street, NW, #200 Washington, DC 20005 | American Cyanamid Co | 100.89 | 77.80 |
| Martha A. Vanier, 119 Oronoco Street P.O. Box 1417-D50 Alexandria, VA 22313 | Animal Health Institute | | |
| Karl VanVeen, 1957 E Street, NW Washington, DC 20006 | Associated General Contractors of America | | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Variable Annuity Life Insurance Co, 2929 Allen Parkway Houston, TX 77019 | | | 195,562.81 |
| Theresa Varner, 1909 K Street, NW Washington, DC 20049 | American Assn of Retired Persons | 460.39 | |
| Jay N. Varon, Suite 1000 1775 Pennsylvania Avenue, NW Washington, DC 20006 | Foley & Lardner (For:Kohlberg Kravis Roberts & Co) | | |
| Jennifer Vasiloff, 1730 M Street, NW Washington, DC 20036 | League of Women Voters of the U.S. | 3,297.60 | 19.10 |
| Robyn E. Vaughan, 1600 M St., NW Washington, DC 20036 | Investment Company Institute | 89.00 | 45.03 |
| Kristin Lea Vehrs, 1110 Vermont Avenue, NW, #1160 Washington, DC 20005 | American Assn of Zoological Parks & Aquariums | 1,500.00 | 400.00 |
| Do | Texas Shrimp Assn | 2,000.00 | 590.75 |
| Alfred H. Velarde, 301 West Maple Avenue 6th Floor Tower Vienna, VA 22180 | Vela, Inc | | |
| Jerry T. Verkler, 1660 L Street, NW, #601 Washington, DC 20036 | Interstate Natural Gas Assn of America | 6,250.00 | 1,026.31 |
| Frank Verrastro, 1155 15th Street, NW, #600 Washington, DC 20005 | Pennzoil Co | 937.50 | |
| Linda Vickers, 1706 23rd St., South Arlington, VA 22202 | Communicating for Agriculture, Inc | 6,500.01 | |
| Rudolph A. Vignone, 1800 K St., NW, #800 Washington, DC 20006 | Goodyear Tire & Rubber Co | 4,500.00 | |
| Ralph Vinovich, 1875 Eye Street, NW, #800 Washington, DC 20006 | Tobacco Institute | 5,000.00 | 245.05 |
| Vinson & Elkins, 1101 Connecticut Ave., NW, #900 Washington, DC 20036 | Alliance of American Insurers | | |
| Do | Bank of America | 425.94 | |
| Do | Canadian Bank Note Co, Ltd | | |
| Do | Capital Markets Group | | |
| Do | Chemical Bank | 425.94 | |
| Do | Citicorp | 425.94 | |
| Do | Conoco, Inc | | |
| Do | Continental Health Affiliates | | |
| Do | Charles Crowder | 160.00 | |
| Do | Dunigan Enterprises | 840.00 | |
| Do | Federal Express Corp | 1,063.75 | 105.70 |
| Do | Federal Land Bank Assns of Texas Stockholders' Defense Fund | | |
| Do | Alfred C. Glassell Jr. | | |
| Do | Glendinning Companies of Connecticut, Inc | | |
| Do | Guardian Savings & Loan | | |
| Do | International Raw Materials, Ltd | 1,240.00 | |
| Do | John Hancock Mutual Life Insurance | | |
| Do | Merrill Lynch & Co, Inc | | |
| Do | Metropolitan Transit Authority | 487.50 | |
| Do | Pacific Texas Pipeline Transportation Co | | |
| Do | Pennzoil Co | 280.00 | |
| Do | Provident Life & Accident Insurance Co | | |
| Do | Public Service Co of New Mexico | 3,566.25 | 15.00 |
| Do | Salomon Brothers, Inc | 117.50 | |
| Do | Section 936 Steering Committee | | |
| Do | Shearson Lehman/American Express, Inc | | |
| Do | Southern Star Shipping Co, Inc | 7,298.75 | |
| Do | Texas Commerce Bank | 425.94 | |
| Do | Travelers Insurance Co | 3,755.00 | 9.00 |
| Do | Warburg Pincus Capital Corp | | |
| Do | Warner Amex Cable Communications, Inc | | |
| Walter D. Vinyard Jr., Zuckert, Scoutt, Rasenberger & Johnson 888 17th St., NW, 7th Fl. Washington, DC 20006 | Continental Insurance Companies | 15,000.00 | |
| Do | National Fraternal Congress of America | 250.00 | |
| Virginia Association of Railway Patrons, P.O.box 867 Richmond, VA 23207 | | 962.21 | 421.29 |
| George A. Viverette Jr., 8111 Gatehouse Road Falls Church, VA 22047 | American Automobile Assn | | |
| Jesse S. Vogtle, 600 North 18th Street Birmingham, AL 35291 | Alabama Power Co | 41,000.00 | 638.67 |
| Nick J. Volcheff, 2509 E. San Miguel Phoenix, AZ 85016 | AT&T | | 620.00 |
| Volkswagen of America, Inc, 490 L'enfant Plaza, SW, #3210 Washington, DC 20024 | | | |
| Volpe Boskey & Lyons, Suite 602 918 16th Street, NW Washington, DC 20006 | American Assn of Equipment Lessors | | |
| Kurt Vorndran, 2030 M Street, NW Washington, DC 20036 | Common Cause | 362.50 | |
| Vorys Sater Seymour & Pease, 1828 L Street, NW, #1111 Washington, DC 20036 | Cabot Corporation | 22,528.25 | 943.43 |
| Do | Committee of Publicly Owned Companies | | |
| Do | Executive Jet Aviation | 4,767.50 | 3.50 |
| Do | Grocery Manufacturers of America, Inc | 2,115.00 | |
| Do | Limited, Inc | 15,167.75 | 10.00 |
| Do | Norfolk Southern Corp | 975.00 | 21.23 |
| Do | Ohio Deposit Guaranty Fund | | |
| Do | Ohio Manufacturers Assn | | 317.04 |
| Do | Pittsburgh & Lake Erie Railroad Co | 24,535.00 | 1,964.89 |
| Do | SCM Corp | 3,000.00 | |
| Do | Toledo Trustcorp | 15,600.00 | 2,984.30 |
| Do | Winrock International Agricultural Development Service | 4,500.00 | 137.59 |
| Rene C. Vos, 1600 Rhode Island Avenue, NW Washington, DC 20036 | National Rifle Assn of America | | |
| W.A.W. War Against Women, 1224 Freemont Roseburg, OR 97470 | | | |
| R. B. Wackerle, 1000 Wilson Boulevard, #2300 Arlington, VA 22209 | Northrop Corp | | |
| Sadami Wada, 9 West 57th Street New York, NY 10019 | Sony Corp of America | | |
| Kerri Wagner, 1155 15th Street, NW Washington, DC 20005 | National Broiler Council | 1,250.00 | |
| Howard W. Wahl, 15740 Shady Grove Rd. Gaithersburg, MD 20877 | Bechtel Power Corporation | | |
| Herbert R. Waite, 100 Federal St. Boston, MA 02110 | Bank of Boston Corporation | | |
| Do | First National Bank of Boston | 7,250.00 | 8,396.69 |
| Andrew B. Waldo, 1330 Connecticut Ave., NW, #300 Washington, DC 20036 | Synthetic Organic Chemical Manufacturers Assn, Inc | 16,000.00 | 537.99 |
| Angela S. Waldorf, N.C. Petroleum Council P.O. Box 167 Raleigh, NC 27602 | American Petroleum Institute | | |
| Robert E. Waldron, Associated Petroleum Industries of Michi 930 Michigan Natl Tower, PO Box 10070 Lansing, MI 48901 | American Petroleum Institute | 875.00 | 1,771.37 |
| Jean A. Walker, 122 C Street, NW, #200 Washington, DC 20001 | Council of State Chambers of Commerce | 222.30 | |
| Charls E. Walker Associates, Inc, 1730 Pennsylvania Ave., NW Washington, DC 20006 | Agrico Chemical Company | 4,000.00 | |
| Do | Akin Gump Strauss Hauer & Feld | 2,000.00 | |
| Do | Alabama Power Co | 4,000.00 | |
| Do | Aluminum Company of America | 1,500.00 | |
| Do | American Telephone & Telegraph Co | 1,500.00 | |
| Do | Arthur Anderson & Co | 1,875.00 | |
| Do | Anheuser-Busch Companies, Inc | 7,500.00 | |
| Do | Champion International Corp | 1,500.00 | |
| Do | Coalition for Jobs Growth & Int'l Competitiveness | 5,000.00 | |
| Do | Council for Effective Tax Reform | 7,875.00 | |
| Do | CBS, Inc | 3,000.00 | |
| Do | CSX Corporation | 5,000.00 | |
| Do | Dealer Bank Assn | 6,833.00 | |
| Do | Dresser Industries, Inc | | |
| Do | E. I. du Pont de Nemours & Co | 1,500.00 | |
| Do | Ford Motor Co | 1,500.00 | |
| Do | Goodyear Tire & Rubber Co | 1,500.00 | |
| Do | Green Bay Packaging, Inc | 6,000.00 | |
| Do | GTE Corporation | 1,500.00 | |
| Do | Independent Refiners Coalition | 9,000.00 | |
| Do | IBM | 1,500.00 | |
| Do | Korn/Ferry International | 8,000.00 | |
| Do | Lone Star Steel Co | 1,563.00 | |
| Do | Northville Industries Corp | 6,000.00 | |
| Do | Northwestern Mutual Life Insurance Co | 1,563.00 | |
| Do | Owens-Illinois | 1,500.00 | |
| Do | Procter & Gamble Manufacturing Co | 1,500.00 | |
| Do | Public Securities Assn | 6,000.00 | |
| Do | Scott Paper Co | 1,500.00 | |
| Do | Shell Oil Co | 7,500.00 | |
| Do | SimuFlite Training International, Inc | 1,500.00 | |
| Do | Songwriters Guild | 1,250.00 | |
| Do | Transamerica Corporation | 7,500.00 | |
| Do | U.S. Fidelity & Guaranty Co | 7,500.00 | |
| Do | Union Carbide Corp | 1,500.00 | |
| Do | Uniroyal, Inc | 7,500.00 | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Do | Vulcan Materials Co | 12,500.00 | |
| Do | Weyerhaeuser Company | 1,500.00 | |
| Do | Wometco Broadcasting Corp | 7,500.00 | |
| Martin A. Wall, 1025 Vermont Avenue, NW, #800 Washington, DC 20005 | American Osteopathic Hospital Assn | 4,450.00 | 575.00 |
| R. Duffy Wall & Associates, Inc, 1317 F Street, NW, #400 Washington, DC 20004 | Ad Hoc Comm on Coal Taxation | 1,500.00 | |
| Do | American Council on Education | 1,000.00 | |
| Do | Balcor Co | 1,000.00 | |
| Do | Brinks, Inc | 1,000.00 | |
| Do | Cantor Fitzgerald & Co, Inc | 1,000.00 | |
| Do | Donovan Leisure Newton & Irvine | 1,500.00 | |
| Do | Esselte Business Systems, Inc | 1,500.00 | |
| Do | Footwear Retailers of America | 1,500.00 | |
| Do | General Mills | 1,000.00 | |
| Do | Hong Kong Trade Development Council | 1,500.00 | |
| Do | JMB Realty Corp | 1,000.00 | |
| Do | Life of Virginia | 1,000.00 | |
| Do | Morgan Guaranty Trust Co | 1,500.00 | |
| Do | National Venture Capital Assn | 1,000.00 | |
| Do | New York State Bankers Assn | 1,500.00 | |
| Do | Pharmaceutical Manufacturers Assn | 1,500.00 | |
| Do | Torchmark Corporation | 1,000.00 | |
| Do | Wine & Spirits Wholesalers of America, Inc | 1,000.00 | |
| Henry Scott Wallace, 1815 H Street, NW, #550 Washington, DC 20006 | National Assn of Criminal Defense Lawyers | 10,500.00 | 50.00 |
| Raymond C. Wallace, 5025 Wisconsin Avenue, NW Washington, DC 20016 | Amalgamated Transit Union, AFL-CIO | | |
| Wallace & Edwards, 1150 Connecticut Ave., NW, #507 Washington, DC 20036 | Alabama Farm Bureau Federation | 1,500.00 | |
| Do | American Meat Institute | | |
| Do | American Sugar Cane League of the USA, Inc | 3,750.00 | |
| Do | Cotton Warehouse Assn of America | 4,550.00 | |
| Do | Fiber Fabric & Apparel Coalition for Trade | 11,100.00 | |
| Do | Merchants Grain & Transportation, Inc | 2,500.00 | |
| Do | National Cotton Council of America | 312.50 | |
| Do | Service Corporation International | 600.00 | |
| Lionel L. Wallenrod, 260 Madison Ave. New York, NY 10016 | American Paper Institute, Inc | | |
| R. Douglas Wallin Jr., 1235 Jefferson Davis Hwy. Arlington, VA 22202 | Emerson Electric Co | | 1,603.64 |
| James P. Walsh, Davis Wright Todd Riese & Jones 1752 N St., NW, #800 Washington, DC 20036 | American Tunaboat Assn | 2,500.00 | |
| Kevin Walsh, P.O. Box 15232 Washington, DC 20003 | Association for the Advancement of Historical Research | | |
| Henry L. Walther, 450 Maple Avenue, E., #204 Vienna, VA 22180 | U.S. Defense Committee | 3,000.00 | |
| William C. Wampler, 412 First Street, SE Washington, DC 20003 | Social Security Benefit Protection Service | | |
| Do | Sterling Drug, Inc | | |
| Herbert C. Wamsley, 1255 23rd Street, NW, #850 Washington, DC 20037 | Intellectual Property Owners, Inc | 17,539.00 | |
| Bonnie B. Wan, 1201 Pennsylvania Avenue, #730 Washington, DC 20004 | Kimberly-Clark Corp | | |
| John F. Wanamaker, 201 N. Washington, St. Alexandria, VA 22314 | Retired Officers Assn | 2,481.00 | |
| Alan S. Ward, 1050 Connecticut Ave., NW, #1100 Washington, DC 20036 | Baker & Hostetler (For:Soap & Detergent Assn) | 50.00 | |
| Justin R. Ward, 1350 New York Avenue, NW, #300 Washington, DC 20005 | Natural Resources Defense Council, Inc | 349.47 | 50.00 |
| Stephen E. Ward, 1919 Pennsylvania Avenue, NW, #503 Washington, DC 20006 | Mid-Continent Oil & Gas Assn | 3,442.07 | 201.50 |
| Thomas J. Ward, 70 N. Main Street Wilkes-Barre, PA 18711 | Blue Cross of Northeastern Pennsylvania | | |
| Jack Ware, 1220 L Street, NW Washington, DC 20005 | American Petroleum Institute | 7,850.00 | |
| Michael O. Ware, 1701 Pennsylvania Avenue, NW, #900 Washington, DC 20006 | Conoco, Inc | 1,750.00 | |
| Peter F. Warker, Suite 2700 1000 Wilson Boulevard Arlington, VA 22209 | TRW, Inc | 1,250.00 | |
| Ernest R. Warner Jr., 1818 N St., NW Washington, DC 20036 | DGA International, Inc (For:Dir Intl Aff of the Gen Del for Armements) | | |
| Do | DGA International, Inc (For:Sofreavia) | 1,567.50 | 388.76 |
| Do | DGA International, Inc (For:SNECMA) | 1,336.00 | 390.65 |
| William H. Warner, 1201 Pennsylvania Avenue, NW Washington, DC 20004 | Control Data Corporation | 91.00 | 108.85 |
| Christine M. Warnke, Suite 300 1101 Connecticut Avenue, NW Washington, DC 20036 | American Textile Manufacturers Institute, Inc | 400.00 | 224.00 |
| B. Jack Warren, P.O. Box 95385 Atlanta, GA 30347 | Forest Farmers Assn | | |
| Barbara J. Washburn, 1201 Pennsylvania Avenue, NW, #370 Washington, DC 20004 | Control Data Corporation | 739.50 | 105.75 |
| Washington Independent Writers, Inc, 1341 G St., NW, #205 Washington, DC 20005 | | | 521.55 |
| Washington Industrial Team, Inc, 499 S. Capitol St., SW, #520 Washington, DC 20003 | Hughes Aircraft Company | 1,800.00 | 934.20 |
| Do | Rockwell International Corp | | |
| Washington Resources and Strategy, Inc, 220 Eye Street, NE Washington, DC 20002 | American Resort & Residential Development Assn | | |
| Waterbed Manufacturers Assn, 2500 Wilshire Boulevard, #603 Los Angeles, CA 90057 | | | |
| Millie Waterman, 5656 Corduroy Road Mentor, OH 44060 | National Congress of Parents & Teachers | | 984.42 |
| Clarke R. Watson, 769 Detroit Street Denver, CO 80206 | Westland Companies, Inc | | |
| John L. Watson III, One World Trade Center, #4511 New York, NY 10048 | National Security Traders Assn, Inc | 4,375.00 | |
| Leroy Watson, 1616 H Street, NW Washington, DC 20006 | National Grange | 2,750.00 | |
| Stephen L. Watson, 143 W. Market St., #201 Indianapolis, IN 46204 | Indiana Railroad Assn | | |
| Douglas R. Watts, 1724 Massachusetts Avenue, NW Washington, DC 20036 | National Cable Television Assn, Inc | 1,488.24 | |
| George B. Watts, 1155 15th St., NW Washington, DC 20005 | National Broiler Council | 1,500.00 | |
| Bruce H. Watzman, 1130 17th Street, N.w. Washington, DC 20036 | National Coal Assn | 6,200.00 | 513.32 |
| William H. Weatherspoon, North Carolina Petroleum Council PO Box 167 Raleigh, NC 27602 | American Petroleum Institute | | |
| A. Vernon Weaver, 114 East Capitol Ave. Little Rock, AR 72201 | Stephens Overseas Services, Inc | | |
| Mary Webb, 1050 17th Street, NW, #770 Washington, DC 20036 | American Assn of Homes for the Aging | 189.00 | |
| Frederick L. Webber, 1101 16th Street, NW Washington, DC 20036 | National Soft Drink Assn | | |
| Webster & Sheffield, 1200 New Hampshire Ave., NW, #350 Washington, DC 20036 | Asarco Corporation | | |
| Do | Mazda Motor Manufacturing (USA) Corp | 400.00 | |
| Do | Pinkerton Tobacco Co | | |
| Do | Pogo Producing Co | | |
| Webster Chamberlain & Bean, 1747 Pennsylvania Ave., NW, #1000 Washington, DC 20006 | Beer Industry Alliance | | |
| Do | Better Working Environments, Inc | 1,500.00 | |
| Do | International Taxicab Assn | 1,000.00 | |
| Do | Miller Brewing Co | 1,000.00 | 280.00 |
| Do | Waterbed Manufacturers Assn | | |
| Charles W. Wegner Jr., 400 N. Washington St. Alexandria, VA 22314 | National Assn of Professional Insurance Agents | 500.00 | 2,215.00 |
| Theodore F. Weihe, 1800 Massachusetts Avenue, NW Washington, DC 20036 | U.S. Overseas Cooperative Development Committee | 2,812.00 | |
| Weil Gotshal & Manges, 1615 L Street, NW, #700 Washington, DC 20036 | All-Industry Committee | 7,000.00 | |
| Do | Antitrust Remedies Reform Group | 55,500.00 | |
| Do | National Venture Capital Assn | | |
| Steven A. Wein, 1090 Vermont Avenue, NW, #1100 Washington, DC 20005 | Textron, Inc | 600.00 | 150.00 |
| Weiner Mccaffrey Brodsky & Kaplan, P.C., 1350 New York Ave., NW, #800 Washington, DC 20005 | Coordinating Council on Manufactured Housing Finance | 346.00 | |
| Do | Foremost Insurance Co | | |
| Do | Gulf & Mississippi Railroad | | |
| Do | National Manufactured Housing Finance Assn | | |
| Do | Task Force on Usury Legislation | 1,402.00 | 64.00 |
| Donald G. Weinert, 1420 King St. Alexandria, VA 22314 | National Society of Professional Engineers | 1,500.00 | |
| Arthur E. Weisberg, 2200 First Bank Place East Minneapolis, MN 55402 | Dorsey & Whitney | | |
| Arthur A. Weiss, 1800 First National Building Detroit, MI 48226 | Jaffe Snider Raitt & Heuer, P.C | | |
| David Weiss, 777 14th Street, NW Washington, DC 20005 | National Assn of Realtors | 1,250.00 | 404.89 |
| Joel J. Weiss, P.O. Box 520783-General Mail Facility Miami, FL 33152 | Burger King Corp | | |
| Suzanne Weiss, 1129 20th Street, NW, #400 Washington, DC 20036 | American Assn of Homes for the Aging | 225.00 | 4.40 |
| Don Welch, P.O. Box 841 Abilene, TX 79604 | West Texas Utilities Co | | |
| John F. Welch, 655 15th Street, NW, #1200 Washington, DC 20005 | Safe Buildings Alliance | | |
| Kathleen Welch, 215 Pennsylvania Ave., SE Washington, DC 20003 | U.S. Public Interest Research Group | 3,730.74 | |
| Jerry Welcome, P.O. Box 3556 Washington, DC 20007 | American Meat Institute | 2,000.00 | |
| Paul S. Weller Jr., Agri/Washington 1629 K St., NW, #1100 Washington, DC 20006 | American Soc of Composers Authors & Publishers | 6,500.00 | |
| Wellford Wegman & Hoff, 1775 Pennsylvania Ave., NW, #450 Washington, DC 20006 | Canadian Embassy | | |
| Do | Coalition to Save Revenue Sharing | | |
| Do | Coalition Against Double Taxation, Inc | 27,500.00 | |
| Do | CBS, Inc | | |
| Do | Department of Natural Resources, Province of Manitoba | 900.00 | |
| Do | Family Service America | | |
| Do | Grants & Contracts Projects, United Way of America | 500.00 | |
| Do | Long Lake Energy Corp | 5,000.00 | |
| Do | Lukens, Inc | | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Do | Manville Corporation | 3,500.00 | |
| Do | Ministry of the Environment | 3,125.00 | |
| Do | Mitex | 2,000.00 | |
| Do | National Corp for Housing Partnerships | 4,200.00 | |
| Do | National Hydro Assn | 3,000.00 | |
| Do | Pharmaquest Corporation | | |
| Do | VMS Realty | 3,125.00 | |
| L. H. Wells, Suite 200 1025 Connecticut Avenue, NW Washington, DC 20036 | Shell Oil Co | 500.00 | |
| Fred Wertheimer, 2030 M St., NW Washington, DC 20036 | Common Cause | 16,450.02 | 578.81 |
| Roland Wesley, 1159 Quail Run Bolingbrook, IL 60439 | Committee for Minor. Access to Post Second. School Ownership | | |
| Charles M. West, 205 Daingerfield Road Alexandria, VA 22314 | National Assn of Retail Druggists | 1,500.00 | 300.00 |
| Ford B. West, 1015 18th Street, NW Washington, DC 20036 | Fertilizer Institute | 25,000.00 | 2,641.78 |
| W. P. West Jr., 1629 K St., NW Room 204 Washington, DC 20006 | Delta Air Lines, Inc | 273.00 | 183.33 |
| West Coast Fabricators & Steel Industry Assn, 2324 Navy Drive Stockton, CA 95206 | | 2,500.00 | 6,800.96 |
| West Mexico Vegetable Distributors Assn, PO Box 848 Nogales, AZ 85621 | | | 1,000.00 |
| Harry H. Westbay III, 1615 H Street, NW Washington, DC 20062 | Chamber of Commerce of the U.S. | 250.00 | 177.61 |
| Western Fuels Association, Inc, 1625 M St., NW Washington, DC 20036 | | | 29,684.96 |
| Mary Louise Westmoreland, 1400 K Street, NW, #500 Washington, DC 20005 | Handgun Control, Inc | 13,115.00 | |
| John F. Wetzel Jr., 50 F St., NW Washington, DC 20001 | Association of American Railroads | 262.64 | 52.33 |
| William Wewer, 1300 19th Street, NW, #310 Washington, DC 20036 | National Comm to Preserve Social Security | 7,000.00 | |
| Wexler Reynolds Harrison & Schule, Inc, Suite 600 1317 F Street, NW Washington, DC 20004 | Aetna Life & Casualty | 525.00 | 18.00 |
| Do | Allied Corporation | 5,400.00 | |
| Do | American Airlines, Inc | 7,500.00 | 19.00 |
| Do | Blue Cross & Blue Shield Assn | 18,720.00 | 241.50 |
| Do | Coalition for Motor Carrier Regulatory Reform | | 50.50 |
| Do | Communications Satellite Corp | 2,355.00 | 71.00 |
| Do | Coopers & Lybrand | 860.00 | 13.50 |
| Do | Dealer Bank Assn | 700.00 | 90.00 |
| Do | Foothills Pipe Lines (Yukon) Ltd | 2,260.00 | 21.00 |
| Do | General Motors Corp | 7,500.00 | 10.00 |
| Do | Macfadden Holdings, Inc | 2,755.00 | 239.00 |
| Do | Manville Corporation | 5,250.00 | 24.00 |
| Do | Morgan Stanley & Co, Inc | 3,445.00 | 110.02 |
| Do | Motion Picture Assn of America, Inc | 3,000.00 | 361.25 |
| Do | MCI Communications Corp | 2,950.00 | 71.00 |
| Do | National Cable Television Assn, Inc | 10,400.00 | 56.00 |
| Do | New England Electric System | | |
| Do | Northwest Airlines, Inc | 2,250.00 | 115.50 |
| Do | Nova, An Alberta Corp | | |
| Do | Novacor Chemicals, Ltd | 435.00 | 18.00 |
| Do | Security Investment Co | | |
| Do | Training Media Distributors Assn | 120.00 | 6.00 |
| Do | Viacom International, Inc | 6,080.00 | 497.03 |
| Do | Wilmer Cutler & Pickering | 805.00 | 8.00 |
| Robert G. Weymueller, 1101 Vermont Avenue, NW, #402 Washington, DC 20005 | American Lung Assn | 3,870.00 | 3,735.00 |
| Brian B. Whalen Jr., 401 N. Michigan Ave. Chicago, IL 60611 | Navistar International Corp | 1,250.00 | 6,377.21 |
| Ellan Wharton, 1701 Pennsylvania Avenue, NW, #900 Washington, DC 20006 | E. I. du Pont de Nemours & Co | | |
| Charles W. Wheeler, 1120 Connecticut Avenue, NW Washington, DC 20036 | American Bankers Assn | 1,500.00 | 61.73 |
| Clyde A. Wheeler Jr., Bishop Liberman Cook Purcell & Reynolds 1200 17th Street, NW Washington, DC 20036 | American Petroleum Institute | 2,500.00 | |
| Do | Kidder Peabody & Co, Inc | 1,000.00 | |
| Do | Pacific Texas Pipeline Co | | |
| June M. Whelan, Suite 600 S 1120 20th Street, NW Washington, DC 20036 | Union Pacific Corp | 1,250.00 | |
| John C. Whitaker, Suite 39 1850 K St., NW Washington, DC 20036 | Union Camp Corporation | 1,115.00 | 15.40 |
| Deborah A. White, 1333 New Hampshire Ave., NW Washington, DC 20036 | Atlantic Richfield Co | 39.50 | |
| Don White, 1200 17th Street, NW Washington, DC 20036 | American Psychological Assn | | |
| George E. White Jr., P.O. Box 61000 New Orleans, LA 70161 | Middle South Services, Inc | 1,649.31 | 1,721.34 |
| John Thomas White II, Suite 2202 490 L'Enfant Plaza East, SW Washington, DC 20024 | Tenneco, Inc | | |
| Margita E. White, 1730 M Street, NW, #407 Washington, DC 20036 | Television Operators Caucus, Inc | | |
| Sam White, 412 First Street, SE Washington, DC 20003 | American Beekeeping Federation | 1,000.00 | |
| Do | Independent Cattlemen's Assn | | |
| Do | National Peanut Growers Group | 2,500.00 | |
| Do | Sam Kane Packing | | |
| White Fine & Verville, Suite 1100 1156 15th St., NW Washington, DC 20005 | American Educators of Arkansas, Inc, et al | 22,500.00 | |
| Do | University of Maryland | | |
| Richard M. Whiting, 730 15th Street, NW Washington, DC 20005 | Association of Bank Holding Cos | 1,100.00 | |
| William F. Whitsitt, 1800 K St., NW Suite 820 Washington, DC 20006 | Sun Co, Inc | 1,600.00 | 514.93 |
| William E. Wickert Jr., 1000 16th Street, NW, #800 Washington, DC 20036 | Bethlehem Steel Corp | 450.00 | |
| Mary Frances Widner, 1620 Eye St., NW Washington, DC 20006 | American Inst of Certified Public Accountants | 500.00 | 918.00 |
| Judy A. Wiedemeier, 1875 I Street, NW, #800 Washington, DC 20006 | Tobacco Institute | | |
| Phillip R. Wiedmeyer, 600 North 18th Street Birmingham, AL 35291 | Alabama Power Co | 13,167.72 | 16,507.30 |
| Andrew F. Wiessner, Kogovsek & Associates 3600 S. Yosemite, #830 Denver, CO 80237 | American Ski Federation | | |
| Do | American Ski Federation | | |
| Do | CSX Corp | 5,000.00 | |
| Do | Flex, Inc | 2,500.00 | |
| Do | Sierra Club | 500.00 | |
| Do | Western Land Exchange Co | 5,000.00 | 304.00 |
| W. Scott Wilber, 1101 Vermont Avenue, NW Washington, DC 20005 | American Medical Assn | 3,975.00 | |
| Robert E. Wilbur, 3000 Lincoln Pl., Lb5 Dallas, TX 75201 | Taylor & Mizell | | |
| Thomas D. Wilcox, P.C., 2011 Eye Street, NW, #601 Washington, DC 20006 | National Assn of Stevedores | 1,830.00 | 1,830.00 |
| Harry G. Wiles II, 499 S. Capitol Street, SW, #401 Washington, DC 20003 | National Assn of Independent Insurers | 1,500.00 | 383.00 |
| Robin Wiley, 1300 19th Street, NW, #501 Washington, DC 20036 | National Committee to Preserve Social Security | 6,634.00 | |
| Wiley & Rein, 1776 K Street, NW Washington, DC 20006 | CBS, Inc | | |
| Guenther O. Wilhelm, Suite 1100 1899 L Street, NW Washington, DC 20036 | Exxon Corporation | | |
| Carl B. Wilkerson, 1850 K Street, NW Washington, DC 20006 | American Council of Life Insurance, Inc | | |
| Wilkinson Barker Knauer & Quinn, 1735 New York Ave., NW Washington, DC 20006 | American Assn of Presidents of Independent Colleges & Univs | 7,953.75 | 505.87 |
| Do | Bonneville International Corp | 3,043.00 | 113.31 |
| Do | Grocery Manufacturers of America, Inc | | |
| Do | Manville Corporation | 11,278.00 | 2,650.92 |
| Do | Mountain States Telephone & Telegraph Co | 1,417.88 | 23.44 |
| Do | Nana Regional Corp, Inc | | |
| Do | National Assn of Independent Colleges & Universities | 7,348.12 | 134.30 |
| Do | Northwestern Bell Telephone Co | 1,417.88 | 23.44 |
| Do | Pacific Northwest Bell Telephone Co | 1,417.88 | 23.44 |
| Do | J. C. Penney Co, Inc | 36,400.00 | 929.75 |
| Do | Shee Atika, Inc | | |
| J. Michael Willard, Willard & Arnold Communications 405 Capitol St., #809 Charleston, WV 25301 | U.S. West, Inc | 1,417.88 | 23.44 |
| Ralph E. Willham, 1750 New York Ave., NW Washington, DC 20006 | Camp Carmouche Barsh Hunter Gray Hoffman & Gill, P.C. | 7,600.00 | 979.89 |
| Annelise Williams, 1250 Connecticut Avenue, NW Washington, DC 20036 | Sheet Metal Workers International Assn | 11,850.00 | |
| Barrett Williams, 236 Massachusetts Avenue, NE, #603 Washington, DC 20002 | National Forest Products Assn | 1,200.00 | |
| Floyd L. Williams, 15th & M streets, NW Washington, DC 20005 | National Assn of Railroad Passengers | 6,599.97 | |
| Lee Williams, 1616 H St., NW Washington, DC 20006 | National Assn of Home Builders of the U.S. | | |
| Leonard B. Williams, 1000 16th Street, NW, #800 Washington, DC 20036 | American Retail Federation | 1,700.00 | |
| Lucinda L. Williams, 1155 15th Street, NW, #400 Washington, DC 20005 | Bethlehem Steel Corp | 195.00 | |
| Perry F. Williams, 225 Main St. Newington, CT 06111 | National Medical Enterprises, Inc | 4,980.00 | |
| Robert E. Williams, 1825 K St., NW, #607 Washington, DC 20006 | American Radio Relay League, Inc | 288.00 | 251.00 |
| Thomas F. Williams, 6812 Old Kent Road Amarillo, TX 79109 | United Airlines, Inc | 1,500.00 | |
| Williams Myers & Quiggle, 888 17th St., NW Washington, DC 20006 | Southwestern Public Service Co | 769.90 | 453.18 |
| Sandra Williamson, 1010 Wisconsin Avenue, NW, #800 Washington, DC 20007 | Church Alliance for Clarification of Erisa | 36,351.25 | 3,178.28 |
| David K. Willis, 1620 Eye Street, NW, #1000 Washington, DC 20006 | Grocery Manufacturers of America, Inc | 3.33 | |
| Willkie Farr & Gallagher, 818 Connecticut Avenue, NW Washington, DC 20036 | Motor Vehicle Manufacturers Assn of the U.S., Inc | | |
| Do | Japan Iron & Steel Exporters' Assn | | |
| Do | National Venture Capital Assn | | |
| | Yamaha Motor Co, Ltd, et al | | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Wilmer Cutler & Pickering, 1666 K St., NW Washington, DC 20006 | American Cyanamid Co | 756.60 | 4.10 |
| Do | Apache Corporation | | |
| Do | Boeing Company | | |
| Do | Capital Cities/ABC, Inc | | |
| Do | Chemical Manufacturers Assn, Inc | 135.00 | 4.00 |
| Do | Citicorp | | |
| Do | CBS, Inc | 517.60 | 0.78 |
| Do | G-4 Children's Coalition | | 103.22 |
| Do | Handgun Control, Inc | | 771.36 |
| Do | Thomas H. Lee Co | | |
| Do | Motor Vehicle Manufacturers Assn of the U.S., Inc | | |
| Do | People of Enewetak | 1,000.00 | 5.60 |
| Do | University Patents, Inc | 2,076.25 | 62.50 |
| Charles D. Wilson, 1850 K St., NW, #390 Washington, DC 20006 | Union Camp Corporation | 2,583.00 | 606.13 |
| Dena L. Wilson, Suite 1000 1600 Wilson Blvd. Arlington, VA 22209 | American Waterways Operators, Inc | 4,400.00 | 200.76 |
| Don T. Wilson, 1250 I Street, NW, #400 Washington, DC 20005 | National Tire Dealers & Retreaders Assn | 850.00 | 25.00 |
| Dorothy Wilson, 4201 Cathedral Avenue, NW, #607-E Washington, DC 20016 | Coalition of Concerned Charities | | |
| G. Peter Wilson, 249 Maitland Avenue P.O. Box 1119 Altamonte Springs, FL 32701 | Institute of Internal Auditors, Inc | | |
| Reid Wilson, 215 Pennsylvania Avenue, SE Washington, DC 20003 | U.S. Public Interest Research Group | 3,138.44 | |
| Robert C. Wilson, 499 S. Capitol St., SW, #520 Washington, DC 20003 | RMI, Inc | 380.00 | |
| Do | Washington Industrial Team, Inc | 300.00 | |
| Robert Gary Wilson, 1730 Rhode Island Avenue, NW Washington, DC 20036 | PPG Industries, Inc | 120.00 | 12.50 |
| Joseph B. Winkelmann, 777 14th St., NW Washington, DC 20005 | National Assn of Realtors | 2,500.00 | 88.25 |
| Kathleen J. Winn, 1155 15th St., NW Suite 602 Washington, DC 20006 | Pennzoil Co | 475.00 | 35.00 |
| Marie Winslow, 1016 16th Street, NW Washington, DC 20036 | National Fed of Federal Employees | | |
| David A. Winston, 1922 F Street, NW Washington, DC 20006 | National Assn of Life Underwriters | 543.75 | 76.50 |
| Winston & Strawn, #500 2550 M St., NW Washington, DC 20037 | American Assn of Museums | | 12.00 |
| Do | Association of Seat Lift Manufacturers | | |
| Do | Beatrice Foods Co | | |
| Do | Building Owners & Managers Assn International | | |
| Do | City of Tucson | | |
| Do | CNA Financial Corp | 325.00 | |
| Do | Gould, Inc | | |
| Do | International Boutique, Inc | | |
| Do | International Council of Shopping Centers | | |
| Do | Lease Management Corp | | |
| Do | National Audubon Society | | |
| Do | National Council of Health Facilities Finance Authorities | | |
| Do | Northeastern Power Co | | 10.50 |
| Do | Queen City Home Health Care | | |
| Do | Syntex Laboratories, Inc | | |
| Do | Terson Company, Inc | | |
| Winthrop Stimson Putnam & Roberts, 1155 Connecticut Ave., NW, #1000 Washington, DC 20036 | E. F. Hutton & Co, Inc | | |
| Do | Navajo Nation | 350.00 | 6.00 |
| Do | Singer Co | 6,593.00 | 261.43 |
| Robert V. Wilteck, The Power House 3255 Grace Street, NW Washington, DC 20007 | Gray & Co Public Communications Int'l, Inc (For:Agriculture for Market Oriented Policies). | | |
| Do | Gray & Co Public Communications Int'l, Inc (For:Canadian Asbestos Information Centre). | | |
| Do | Gray & Co Public Communications Int'l, Inc (For:Hyundai Motor America) | 1,200.00 | |
| Do | Gray & Co Public Communications Int'l, Inc (For:Joint Maritime Congress) | 800.00 | |
| Do | Gray & Co Public Communications Int'l, Inc (For:Lane Industries) | 800.00 | |
| Do | Gray & Co Public Communications Int'l, Inc (For:Mutual of Omaha) | | |
| Do | Gray & Co Public Communications Int'l, Inc (For:Republic of Turkey) | | |
| Do | Gray & Co Public Communications Int'l, Inc (For:Stroh Brewery Co) | | |
| Do | Gray & Co Public Communications Int'l, Inc (For:United Airlines, Inc) | | |
| Walter J. Witek Jr., 777 14th St., NW Washington, DC 20005 | National Assn of Realtors | | |
| Claudia A. Withers, 2000 P Street, NW, #400 Washington, DC 20036 | Women's Legal Defense Fund | | |
| Glenn P. Witte, 888 16th St., NW Washington, DC 20006 | Milk Industry Foundation/Int'l Assn of Ice Cream Mfrs | | |
| Herman C. Witthaus, 1660 L St., NW Washington, DC 20036 | General Motors Corp | 3,000.00 | 2,123.68 |
| Clinton Wolcott, 1016 16th Street, NW Washington, DC 20006 | National Fed of Federal Employees | | |
| James Wolf, 1925 K St., NW, #206 Washington, DC 20006 | Alliance to Save Energy | 119.01 | |
| James E. Wolf, 2020 14th St., North Arlington, VA 22201 | American Standard Inc | 300.00 | |
| Sidney M. Wolfe, 2000 P St., NW, #708 Washington, DC 20036 | Public Citizen Health Research Group | | |
| Bernard Wolfman, c/o Foley Hoag & Eliot One Post Office Square Boston, MA 02109 | Mutual Savings Central Fund, Inc | 850.00 | |
| Ronald Wolsey, P.O. Box 507 Baltimore, MD 21203 | Amoco Corporation | | |
| Don Womack, Suite 303 1825 K St., NW Washington, DC 20006 | Texas Utilities Services, Inc | 2,575.00 | 189.46 |
| James C. Wood, 900 17th Street, NW, #500 Washington, DC 20006 | Association of Thrift Holding Cos | 4,500.00 | 105.00 |
| John L. Wood, 2121 San Jacinto St. P.O. Box 660164 Dallas, TX 75266 | Central & South West Corp | | |
| Wood Lucksinger & Epstein, 2000 M Street, NW, #500 Washington, DC 20036 | CHAD Therapeutics, Inc | | |
| S. Roy Woodall Jr., 655 15th Street, NW, #530 Washington, DC 20005 | National Assn of Life Companies | 1,287.51 | |
| Thomas C. Woods, 1660 L Street, NW Washington, DC 20036 | General Motors Corp | 2,500.00 | 1,494.44 |
| Douglas A. Woodward, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037 | Stelco, Inc | | |
| Perry W. Woofter, Suite 530 1800 K St. NW Washington, DC 20006 | Tesoro Petroleum Corp | 3,000.00 | |
| Howard E. Woolley, 1771 N Street, NW Washington, DC 20036 | National Assn of Broadcasters | 1,500.00 | 500.00 |
| Linda Anzalone Woolley, 1600 M St., NW Washington, DC 20036 | International Telephone & Telegraph Corporation | 212.00 | 84.00 |
| World Zionist Organization - American Sector, Inc, 515 Park Avenue New York, NY 10022 | World Zionist Organization Jerusalem, Israel | | |
| Worldwide Information Resources, Ltd, 1717 K Street, NW, #706 Washington, DC 20006 | Avon Products, Inc | | |
| Do | Equitable Life Assurance Society of the U.S | | |
| Do | Pan American World Airways, Inc | | |
| Do | State of Montana | | |
| Do | Toyota Motor Sales, USA, Inc | | |
| Do | Transportation Group, Inc | | |
| W. Robert Worley, 1736 Creek Crossing Road Vienna, VA 22180 | Southern Company Services, Inc | 1,539.00 | 1,032.06 |
| Steven M. Worth, 3255 Grace St., NW The Power House Washington, DC 20007 | Gray & Co Public Communications Int'l, Inc (For:Electronic Industries Assn of Japan) | | |
| Do | Gray & Co Public Communications Int'l, Inc (For:Republic of Korea) | | |
| Worthen Banking Corporation, 114 East Captiol Avenue Little Rock, AR 72201 | Centerior Energy Corp | 14,800.00 | 321.38 |
| Alan D. Wright, P.O. Box 5000 Cleveland, OH 44101 | Pepsico, Inc | | 693.64 |
| David L. Wright, Anderson Hill Rd. Purchase, NY 10577 | Gould, Inc | | |
| Kenneth Wu, 1755 Jefferson Davis Highway, #900 Arlington, VA 22202 | Batus D.C. | 2,000.00 | 30.00 |
| Wilson W. Wyatt Jr., 1825 K St., NW, #603 Washington, DC 20006 | Sun Co, Inc | 5,355.00 | 41.60 |
| Thomas L. Wyllie, 1800 K Street, NW, #820 Washington, DC 20006 | American Paper Institute, Inc | 450.00 | |
| Marc D. Yacker, 1250 Connecticut Ave., NW Washington, DC 20036 | Toyota Motor Sales, USA, Inc | 500.00 | |
| T. Albert Yamada, Suite 520 900 17th St., NW Washington, DC 20006 | West Mexico Vegetable Distributors Assn | 500.00 | |
| Do | U S West, Inc | | |
| Debra T. Yarbrough, 1020 19th Street, NW, #700 Washington, DC 20036 | Edison Electric Institute | 2,047.27 | 178.61 |
| Edward R. Yawn, 1111 19th St., NW Washington, DC 20036 | Common Cause | 4,856.28 | 340.83 |
| Linda Yeldezian, 2030 M Street, NW Washington, DC 20036 | Americans United for Separation of Church and State | 7,363.20 | 29.69 |
| Kim Yelton, 8120 Fenton St. Silver Spring, MD 20910 | Fleet Reserve Assn | | |
| Jack Yelverton, 1303 New Hampshire Ave., NW Washington, DC 20036 | American Assn for Counseling & Development | 6,132.50 | 375.47 |
| Richard K. Yep, 5999 Stevenson Avenue Alexandria, VA 22304 | Timex Group Ltd | 712.50 | 1,147.42 |
| Paul Yestrumskas, Gate Post Lane Southbury, CT 06488 | American Bankers Assn | 6,000.00 | 12.00 |
| Edward L. Yingling, 1120 Connecticut Ave., NW Washington, DC 20036 | Grange Mutual Casualty Co | | |
| Larry E. Yoakam, 650 S. Front Street Columbus, OH 43206 | Delta Air Lines, Inc | 390.00 | 232.50 |
| D. Scott Yohe, 1629 K St., NW, #204 Washington, DC 20006 | American Petroleum Institute | 200.00 | |
| Andrew Yood, 1220 L Street, NW Washington, DC 20005 | MBank, N.A | | |
| Edward A. Yopp, P.O. Box 1072 El Paso, TX 79958 | Coastal Corporation | | |
| John Andrew Young, 1899 L Street, NW, #500 Washington, DC 20036 | Berg-Revoir Corp | | |
| Thane Young, The Ferguson Company 1875 Eye Street, NW Washington, DC 20006 | City of Alhambra | | |
| Do | City of Baldwin Park | | |
| Do | City of Inglewood | | |
| Do | City of Norwalk | | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Do | City of Oceanside | 1,700.00 | 37.01 |
| Do | City of Provo | 2,000.00 | 45.75 |
| Do | City of Redondo Beach | | |
| Do | City of South Salt Lake | | |
| Do | Imperial Irrigation District | | |
| Do | Irvine Company | | |
| Do | Long Beach Transit | | |
| Do | Maritime Center at Norwalk | | |
| Do | Oceanside Redevelopment Agency | | |
| Do | Santa Cruz Properties, Inc | | |
| Thomas F. Youngblood, 1819 L Street, NW, #600 Washington, DC 20036 | American Hotel & Motel Assn | 1,669.50 | |
| Betsy Younkins, 1220 L Street, NW, #1200 Washington, DC 20005 | American Petroleum Institute | 6,000.00 | 318.09 |
| Eugene A. Yourch, 50 Broadway New York, NY 10004 | Federation of American Controlled Shipping | 200.00 | 150.00 |
| David E. Yudin, 1707 H Street, NW, #500 Washington, DC 20006 | Bus Transit Caucus | 1,125.00 | 72.86 |
| Do | Regional Transportation District | 2,200.00 | 42.97 |
| Ralph Zaayenga, 1800 K Street, NW, #820 Washington, DC 20006 | Sun Co, Inc | 300.00 | 927.00 |
| Harry M Zachem, 1025 Connecticut Ave., #507 Washington, DC 20036 | Ashland Oil, Inc | 2,000.00 | |
| John R. Zagame Associates, Inc, 1001 Prince Street, #116 Alexandria, VA 22314 | National Music Publishers Assn, Inc | 12,000.00 | 6,445.25 |
| Michael Zagorac Jr., 8333 Bryan Dairy Rd. P.O. Box 4689 Clearwater, FL 33518 | Jack Eckerd Corp | | |
| Lynn Zakupowsky, 1331 Pennsylvania Ave., NW Washington, DC 20004 | General Electric Co | 1,250.00 | |
| Barnaby W. Zall, 1424 16th Street, NW, #707 Washington, DC 20036 | Fair Congressional Task Force, Inc | | |
| Do | Federation for American Immigration Reform | 45.00 | 3.75 |
| John S. Zapp, 1101 Vermont Ave., NW Washington, DC 20005 | American Medical Assn | 4,900.00 | |
| Leo C. Zeferetti, 9912 Fort Hamilton Parkway Brooklyn, NY 11209 | Building & Construction Trades Dept, AFL-CIO | | |
| Do | New York Telephone | | |
| Do | Pratt & Whitney | | |
| Do | Transportation Institute | | |
| Denis R. Zegar, 201 Park Washington Court Falls Church, VA 22046 | National-American Wholesale Grocers' Assn | 3,000.00 | |
| Philip F. Zeidman, 1401 New York Ave., NW, #900 Washington, DC 20005 | American Business Conference, Inc | | |
| Don J. Zeller, 1615 M Street, NW, #200 Washington, DC 20036 | Amoco Corporation | 1,850.00 | 436.51 |
| Michael J. Zimmer, 1133 21 St., NW, #500 Washington, DC 20036 | Clean Coal Coalition, Inc | | |
| Do | Cogeneration Coalition, Inc | 300.00 | |
| Do | Consolidated Natural Gas Co | | |
| Do | Purpa Coalition, Inc | 50.00 | |
| Ziontz Pirtle Morrisset Ernstoff & Chestnut, Metropolitan Park, 16th Floor 1100 Olive Way Seattle, WA 98101 | Confederated Tribes of the Colville Indian Reservation | | |
| Do | Hoopa Valley Tribe | 1,425.00 | |
| Do | Inupiat Community of the Arctic Slope | | |
| Do | Makah Indian Tribe | | |
| Do | Metlakatla Indian Community | | |
| Do | Mille Lacs Band of Chippewa Indians | | |
| Do | Northern Cheyenne Indian Tribe | | |
| Do | Rosebud Sioux Indian Tribe | 825.00 | |
| Do | Ukpeagvik Inupiat Corporation | | |
| Zuckert Scoutt Rasenberger & Johnson, 888 17th St., NW Washington, DC 20006 | Dreyfus Corporation | 4,243.89 | 613.24 |
| Do | Incentive Federation, Inc | 3,696.00 | 750.13 |
| Charles O. Zuver, 1120 Connecticut Ave., NW Washington, DC 20036 | American Bankers Assn | 5,000.00 | |
| Kurt D. Zwikl, 702 Hamilton Mall Allentown, PA 18101 | Merchants Bank | 10,400.00 | 89.38 |
| 23rd Congressional District Action Comm, 575 Charles St. St. Marys, PA 15857 | | | |
| 34th Congressional District Action Comm (NY), R.D. #2 Allegany, NY 14706 | | | |

## QUARTERLY REPORTS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following reports for the first calendar quarter of 1986 were received too late to be included in the published reports for that quarter:

(NOTE.—The form used for report is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective headings.)

FILE ONE COPY WITH THE SECRETARY OF THE SENATE AND FILE TWO COPIES WITH THE CLERK OF THE HOUSE OF REPRESENTATIVES:

This page (page 1) is designed to supply identifying data; and page 2 (on the back of this page) deals with financial data.

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19.....

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

| P | QUARTER | | | |
|---|---|---|---|---|
| | 1st | 2d | 3d | 4th |
| (Mark one square only) | | | | |

NOTE ON ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:
(i) "Employee".—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)
(ii) "Employer".—To file as an "employer", write "None" in answer to Item "B".
(b) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:
(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.
(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:
1. State name, address, and nature of business.

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE ON ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (a) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (b) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER.—State name, address, and nature of business. If there is no employer, write "None."

NOTE ON ITEM "C".—(a) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§302(e).
(b) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).
(c) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, place an "X" in the box at the left, so that this Office will no longer expect to receive Reports. ☐

2. State the general legislative interests of the person filing and set forth the *specific* legislative interests by reciting: (a) Short titles of statutes and bills; (b) House and Senate numbers of bills, where known; (c) citations of statutes, where known; (d) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (a) Description, (b) quantity distributed; (c) date of distribution, (d) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. If this is a "Quarterly" Report, disregard this item "C4" and fill out items "D" and "E" on the back of this page. Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly" Report.

AFFIDAVIT

[Omitted in printing]

PAGE 1

NOTE ON ITEM "D."—(a) *In General.* The term "contribution" includes *anything of value.* When an organization or individual uses printed or duplicated matter in a campaign attempting to influence legislation, money received by such organization or individual—for such printed or duplicated matter—is a "contribution." "The term 'contribution' includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution"—Section 302(a) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN EMPLOYER.—(i) *In General.* Item "D" is designed for the reporting of all receipts from which expenditures are made, or will be made, in accordance with legislative interests.

(ii) *Receipts of Business Firms and Individuals.*—A business firm (or individual) which is subject to the Lobbying Act by reason of expenditures which it makes in attempting to influence legislation—but which has no funds to expend except those which are available in the ordinary course of operating a business not connected in any way with the influencing of legislation—will have no receipts to report, even though it does have expenditures to report.

(iii) *Receipts of Multipurpose Organizations.*—Some organizations do not receive any funds which are to be expended solely for the purpose of attempting to influence legislation. Such organizations make such expenditures out of a general fund raised by dues, assessments, or other contributions. The percentage of the general fund which is used for such expenditures indicates the percentage of dues, assessments, or other contributions which may be considered to have been paid for that purpose. Therefore, in reporting receipts, such organizations may specify what that percentage is, and report their dues, assessments, and other contributions on that basis. However, each contributor of $500 or more is to be listed, regardless of whether the contribution was made solely for legislative purposes.

(c) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE.—(i) *In General.* In the case of many employees, all receipts will come under Items "D 5" (received for services) and "D 12" (expense money and reimbursements). In the absence of a clear statement to the contrary, it will be presumed that your employer is to reimburse you for all expenditures which you make in connection with legislative interests.

(ii) *Employer as Contributor of $500 or More.*—When your contribution from your employer (in the form of salary, fee, etc.) amounts to $500 or more, it is not necessary to report such contribution under "D 13" and "D 14," since the amount has already been reported under "D 5," and the name of the "employer" has been given under Item "B" on page 1 of this report.

D. RECEIPTS (INCLUDING CONTRIBUTIONS AND LOANS):

Fill in every blank. If the answer to any numbered item is "None," write "None" in the space following the number.

*Receipts* (other than loans)

1. $.....Dues and assessments
2. $.....Gifts of money or anything of value
3. $.....Printed or duplicated matter received as a gift
4. $.....Receipts from sale of printed or duplicated matter
5. $.....Received for services (e.g., salary, fee, etc.)
6. $.....TOTAL for this Quarter (Add items "1" through "5")
7. $.....Received during previous Quarters of calendar year
8. $.....TOTAL from Jan. 1 through this Quarter (Add "6" and "7")

*Loans Received*

"The term 'contribution' includes a . . . *loan* . . ."—Sec. 302(a).

9. $.....TOTAL now owed to others on account of loans
10. $.....Borrowed from others during this Quarter
11. $.....Repaid to others during this Quarter

12. $.....Expense money" and Reimbursements received this Quarter

Contributors of $500 or more
(from Jan. 1 through this Quarter)

13. Have there been such contributors?

Please answer "yes" or "no": .....

14. In the case of each contributor whose contributions (including loans) during the "period" from January 1 through the last days of this Quarter total $500 or more:

Attach hereto plain sheets of paper, approximately the size of this page, tabulate data under the headings "Amount" and "Name and Address of Contributor"; and indicate whether the last day of the period is March 31, June 30, September 30, or December 31. Prepare such tabulation in accordance with the following example:

| *Amount* | *Name and address of Contributor* |
|---|---|
| | (*"Period"* from Jan. 1 through....., 19.....) |
| $1,500.00 | John Doe, 1621 Blank Bldg., New York, N.Y. |
| $1,785.00 | The Roe Corporation, 2511 Doe Bldg., Chicago, Ill. |
| $3,285.00 | TOTAL |

NOTE ON ITEM "E".—(a) *In General.* "The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure"—Section 302(b) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE. In the case of many employees, all expenditures will come under telephone and telegraph (Item "E 6") and travel, food, lodging, and entertainment (Item "E 7").

E. EXPENDITURES (INCLUDING LOANS) in connection with legislative interests:

Fill in every blank. If the answer to any numbered item is "None," write "None" in the spaces following the number.

*Expenditures* (other than loans)

1. $.....Public relations and advertising services
2. $.....Wages, salaries, fees, commissions (other than item "1")
3. $.....Gifts or contributions made during Quarter
4. $.....Printed or duplicated matter, including distribution cost
5. $.....Office overhead (rent, supplies, utilities, etc.)
6. $.....Telephone and telegraph
7. $.....Travel, food, lodging, and entertainment
8. $.....All other expenditures
9. $.....TOTAL for this Quarter (Add "1" through "8")
10. $.....Expended during previous Quarters of calendar year
11. $.....TOTAL from January 1 through this Quarter (Add "9" and "10")

*Loans Made to Others*

"The term 'expenditure' includes a . . . *loan* . . ."—Sec. 302(b).

12. $.....TOTAL now owed to person filing
13. $.....Lent to others during this Quarter
14. $.....Repayment received during this Quarter

15. Recipients of Expenditures of $10 or More

In the case of expenditures made during this Quarter by, or on behalf of the person filing: Attach plain sheets of paper approximately the size of this page and tabulate data as to expenditures under the following heading: "Amount," "Date or Dates," "Name and Address of Recipient," "Purpose." Prepare such tabulation in accordance with the following example:

| *Amount* | *Date or Dates—Name and Address of Recipient—Purpose* |
|---|---|
| $1,750.00 | 7-11: Roe Printing Co., 3214 Blank Ave., St. Louis, Mo.—Printing and mailing circulars on the "Marshbanks Bill." |
| $2,400.00 | 7-15, 8-15, 9-15: Britten & Blaten, 3127 Gremlin Bldg., Washington, D.C.—Public relations service at $800.00 per month. |
| $4,150.00 | TOTAL |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| A-K Associates, Inc, 1225 8th Street, #590 Sacramento, CA 95814 | American Ambulance Assn | | |
| Do | County of Napa | 3,600.00 | 6,716.12 |
| Do | Director of Timber Counties Coalition | 4,583.00 | 6,716.12 |
| Do | Golden Gate Bridge Highway & Transportation District | 4,200.00 | 6,740.08 |
| Do | Hemet Valley Flying Service | | 6,716.12 |
| Do | International Fire Management | | |
| Do | Pathologist Practice Association | 18,000.00 | 7,130.83 |
| Do | Stratos Tanker, Inc | | |
| Do | Unitary Tax Campaign | | |
| Leanne J. Abdnor, 1899 L St., NW, #1250 Washington, DC 20036 | Venners & Co, Ltd (For:Koch Industries) | 7,772.31 | 2,796.31 |
| Charles Adams, 9749 Independence Ave., Chatsworth, CA 91311 | Chad Therapeutics, Inc | | |
| Hobson H. Adcock, 700 Anderson Hill Rd. Purchase, NY 10577 | Pepsico, Inc | | |
| Agency for Instructional Technology, Box A Bloomington, IN 47401 | | | |
| Elizabeth Agle, 530 7th St., SE Washington, DC 20003 | National Clean Air Coalition, Inc | 11,388.16 | 34.50 |
| Deborah L. Aiken, 1850 K Street, NW Washington, DC 20006 | U.S. Chamber of Commerce | | |
| Aker Associates, Inc, 1341 G Street, NW, #202 Washington, DC 20005 | Independent Refiners Coalition | 4,750.00 | 1,156.77 |
| Akin Gump Strauss Hauer & Feld, 1333 New Hampshire Ave., NW, #400 Washington, DC 20036 | Capital Markets Group | 5,850.00 | 114.00 |
| Do | Coalition for Fair Capital Reimbursement | 7,750.00 | 152.00 |
| Do | Dallas Area Rapid Transit | 5,650.00 | 95.00 |
| Do | General Space Corp | 2,475.00 | 38.00 |
| Do | Houston Oilers | 1,000.00 | 19.00 |
| Do | Research Corporation | 1,200.00 | 19.00 |
| John M. Albertine, 1730 K St., NW, #703 Washington, DC 20006 | American Business Conference, Inc | 3,125.00 | 337.08 |
| Donald C. Alexander, Cadwalader Wickersham & Taft 1333 New Hampshire Ave., NW Washington, DC 20036 | Family Life Insurance Co | 12.50 | |
| Susan Alexander, 1400 Eye St., NW Washington, DC 20005 | Wilderness Society | 523.56 | 3.40 |
| Robert G. Allen, 511 C Street, NE Washington, DC 20002 | C.A.R.E. | | |
| Alliance for Acid Rain Control, 444 N. Capitol Street, #339 Washington, DC 20001 | | 22,500.00 | 1,010.52 |
| Alliance for Capital Access, 1919 Pennsylvania Ave., NW, #704 Washington, DC 20006 | | 255,000.00 | 32,907.54 |
| Alliance Against Handguns, P.O. Box 75700 Washington, DC 20013 | | | |
| Jerome A. Ambro Associates, 2301 S. Jefferson Davis Dr., #719 Arlington, VA 22202 | Associated Universities | 7,887.50 | 9,671.45 |
| Do | County of Suffolk, New York | 9,700.00 | 11,820.66 |
| American Arts Alliance, 424 C St., NE Washington, DC 20002 | | 23,877.25 | 93,437.34 |
| American Assn of Blood Banks, 1117 North 19th St., #600 Arlington, VA 22209 | | 1,250.00 | 1,250.00 |
| American Assn of Exporters & Importers, 11 West 42nd Street, 30th Fl. New York, NY 10036 | | | 1,360.00 |
| American Assn of Port Authorities, Inc, 1010 Duke St. Alexandria, VA 22314 | | | 12,000.00 |
| American Assn of University Women, 2401 Virginia Avenue, NW Washington, DC 20037 | | | 151.01 |
| American Business Conference, Inc, 1730 K Street, NW, #703 Washington, DC 20006 | | 2,937.50 | 4,869.01 |
| American Cement Trade Alliance, Inc, 1331 Pennsylvania Ave., NW Washington, DC 20004 | | | |
| American Chamber of Commerce of the Dominican Republic, P.O. Box 95-2 Santo Domingo Dominican Republic | | | |
| American Council of Life Insurance, Inc, 1850 K St., NW Washington, DC 20006 | | 186,539.00 | 186,539.00 |
| American Dental Assn, 211 E. Chicago Ave. Chicago, IL 60611 | | 1,947.39 | 15,237.95 |
| American Fed of State County & Municipal Employees, 1625 L St., NW Washington, DC 20036 | | | 88,727.46 |
| American Gas Assn, 1515 Wilson Boulevard Arlington, VA 22209 | | 37,714.00 | 37,714.00 |
| American Medical Student Assn, 1910 Association Drive Reston, VA 22091 | | | 5,816.33 |
| American Radio Relay League, Inc, 225 Main St. Newington, CT 06111 | | | 539.00 |
| American Red Cross, 17th & D streets, NW Washington, DC 20006 | | 2,000.00 | 300.00 |
| American Soc for the Prevention of Cruelty to Animals, 441 E. 92nd Street New York, NY 10128 | | | 1,876.00 |
| American Soc of Hospital Pharmacists, 4630 Montgomery Avenue Bethesda, MD 20814 | | | 1,275.00 |
| American Textile Manufacturers Institute, Inc, 1101 Connecticut Avenue, NW, #300 Washington, DC 20036 | | 34,417.90 | 44,328.20 |
| American Wood Preservers Institute, 1945 Gallows Road, #405 Vienna, VA 22180 | | | 5,185.95 |
| Americans for the High Frontier, 1010 Vermont Ave., NW, #1015 Washington, DC 20005 | | 36,857.82 | 34,959.02 |
| Ameriserv, Inc, The Paragon Center 2400 East Commercial Blvd., #500 Fort Lauderdale, FL 33308 | | | |
| Desiree C. Anderson, 1250 Connecticut Ave., NW, #620 Washington, DC 20036 | National Multi Housing Council | | |
| Jerry Carter Anderson, P.O. Box 33 Terre Haute, IN 47808 | | | |
| Scott G. Anderson, 1050 Connecticut Ave., NW Washington, DC 20036 | Burlington Northern, Inc | 1,900.00 | 2,422.33 |
| Anderson Hibey Nauheim & Blair, 1708 New Hampshire Ave., NW Washington, DC 20009 | Alamo Rent-A-Car, Inc | | |
| Do | Bay Area Rapid Transit District | | |
| Do | Communication Industries Assn of Japan | 55,654.20 | 2,051.04 |
| Do | Institute of Financial Fiscal Studies of Curacao, et al. | | |
| Do | Instituto Brasileiro de Siderurgia | 2,891.00 | 152.30 |
| Do | Japan Machine Tool Builders Assn | 3,975.00 | 111.30 |
| Do | Marriott Corporation | | |
| Do | Navajo Nation | 5,880.00 | 278.27 |
| Do | Pacific Theatres Corp | | |
| Do | Project Orbis, Inc | 1,380.00 | 19.16 |
| Do | Riviana Foods, Inc | 7,350.00 | 139.91 |
| Do | Taylor & Mizell (for Int'l Futures Management Co) | | |
| Do | U.S. Football League | | 257.24 |
| Do | Walt Disney Productions | 6,700.00 | 191.89 |
| L. J. Andolsek, 1533 New Hampshire Avenue, NW Washington, DC 20036 | National Assn of Retired Federal Employees | 605.00 | 7.00 |
| John Andreu, P.O. Box 66062 Washington, DC 20035-6062 | | | |
| David R. Andrews, Three Embarcadero Center San Francisco, CA 94111 | McCutchen Doyle Brown & Enersen (For:AMFAC, Inc) | | |
| Do | McCutchen Doyle Brown & Enersen (For:Castle & Cooke, Inc) | | 2,380.80 |
| Do | McCutchen Doyle Brown & Enersen (For:Rohr Industries, Inc) | | 419.20 |
| John Christian Archer, 1730 Rhode Island Ave., NW, #213 Washington, DC 20036 | Brown & Root, Inc | | |
| Carl F. Arnold, 617 Rivercrest Drive McLean, VA 22101 | American Iron & Steel Institute | 1,100.00 | |
| Do | Corporate Property Investors | 2,083.00 | |
| Do | Quintana Petroleum Corp | | |
| Arnold & Porter, 1200 New Hampshire Ave., NW Washington, DC 20036 | American Assn of Exporters & Importers | 1,360.00 | |
| Do | Amok, Ltd | 731.25 | 20.00 |
| Do | Inter-Local Pension Fund of the Graphic Communications | 1,480.00 | 20.11 |
| Do | National Coordinating Comm for Multiemployer Plans | 15,312.00 | 534.69 |
| Do | Sacramento Municipal Utility District | 1,239.75 | 1.80 |
| Do | State of Israel | | |
| Do | Tulane University | | |
| Associated Builders & Contractors, Inc, 729 15th St., NW Washington, DC 20005 | | 15,000.00 | |
| Association for the Advancement of Historical Research, P.O. Box 15232 Washington, DC 20003 | | | |
| Association of American Foreign Service Women, P.O. Box 8068 Washington, DC 20024 | | | |
| Association of Government Accountants, 727 South 23rd Street, #100 Arlington, VA 22202 | | | |
| Association of Maximum Service Telecasters, Inc, 1735 Desales St., NW, #400 Washington, DC 20036 | | | 342.80 |
| Association of Private Pension & Welfare Plans, Inc, 1331 Pennsylvania Ave., NW, #719 Washington, DC 20004 | | 5,766.14 | 5,766.14 |
| Joe H. Ausley Jr., 431 First Street, SE Washington, DC 20003 | Ames Industrial Corp, et al | 3,000.00 | 777.39 |
| John D. Austin Jr., 1920 N Street, N.w. Washington, DC 20036 | American Mining Congress | | |
| Ronald R. Austin, 1201 16th Street, NW Washington, DC 20036 | Overseas Education Assn | 553.53 | 271.96 |
| APCO Associates, 1200 New Hampshire Ave., NW Washington, DC 20036 | Amok, Ltd | | 492.50 |
| Do | ASEA AB | | 792.50 |
| Do | Canadian Forest Industries Council | 6,510.00 | 8,853.03 |
| Do | Canadian Meat Council | | |
| Do | Corporacion Nacional del Cobre de Chile | | |
| Do | Korean Traders Assn | | 85.00 |
| Do | Outboard Marine Corp | | 5,065.38 |
| Craig H. Baab, 1800 M St., NW Washington, DC 20036 | American Bar Assn | 400.00 | 22.00 |
| John P. Bailey, 618 S. Alfred Street Alexandria, VA 22314 | National Assn of Medical Equipment Suppliers | 2,000.00 | 419.39 |
| Lisa Baker, 1730 K Street, NW, #703 Washington, DC 20006 | American Business Conference, Inc | 105.00 | 25.00 |
| Baker & McKenzie, 815 Connecticut Ave., NW Washington, DC 20006 | Commonwealth Edison Co | | |
| Do | Duke Power Co | | |
| Do | Electrographic Corp | | |
| Do | Florida Power & Light Co | | |
| Do | Southern Company Services | | |
| Do | Stein Roe & Farnham | | |
| Baker Worthington Crossley Stansberry & Woolf, P.O. Box 2866 Nashville, TN 37219 | Conwood Corporation | 10,000.00 | |
| Michael Baly III, 1515 Wilson Blvd. Arlington, VA 22209 | American Gas Assn | 5,000.00 | 526.74 |
| Baraff Koerner Olender & Hochberg, P.C., 2033 M Street, NW, #203 Washington, DC 20036 | College Football Association | | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Do | Major Indoor Soccer League | | |
| Do | National Assn of Collegiate Directors of Athletics | 1,425.00 | |
| Do | National Basketball Assn | 2,325.00 | |
| Donna R. Barnako, 1200 15th Street, NW Washington, DC 20005 | American Health Care Assn | 1,836.04 | 77.05 |
| Barnes Richardson & Colburn, 1819 H St., NW, #400 Washington, DC 20006 | American Int'l Knitters Corp | 3,824.20 | 18.95 |
| Do | Commonwealth Garment Manufacturing Co | | |
| Do | Dow Chemical Co | | |
| Do | EHA Ventilfabrik Wilhelm Fritz KG | | |
| Do | Florida Citrus Mutual | 5,000.00 | 48.26 |
| Do | Italy-America Chamber of Commerce, Textile & Apparel Comm | | |
| Do | Meat Importers Council of America, Inc | | |
| Do | Pfizer, Inc | | |
| Do | Tartaric Chemicals Corporation | | |
| Do | Uniroyal, Inc | 2,043.25 | 15.00 |
| Barnett & Alagia, 1000 Thomas Jefferson Street, NW, #600 Washington, DC 20007 | Dairymen, Inc | 10,780.00 | 776.85 |
| David M. Barrett, Barrett Hanna Daily & Gaspar 2555 M Street, NW, #100 Washington, DC 20037 | Allied Tube & Conduit Corp | 2,356.25 | 775.44 |
| Do | Energy Consumers & Producers Assn | 4,500.00 | 873.35 |
| Barrett Smith Schapiro Simon & Armstrong, 1201 Pennsylvania Avenue, NW, #821 Washington, DC 20004 | Coffee Sugar & Cocoa Exchange, Inc | | |
| Do | Hugo Neu & Sons, Inc | | |
| Do | Irving Trust Co | | |
| Do | Metropolitan Transportation Authority | | |
| Davis M. Batson, 1155 15th Street, NW, #611 Washington, DC 20005 | Ethyl Corporation | 800.00 | |
| Barry H. Bauman, 1615 H St., NW Washington, DC 20062 | U.S. Chamber of Commerce | 1,600.00 | 134.09 |
| Richard 'Sandy' Beach, 1730 Rhode Island Ave., NW, #810 Washington, DC 20036 | Credit Union National Assn, Inc | | |
| Bear West Company, Inc, 9 Exchange Place, #1000 Salt Lake City, UT 84111 | Rocky Mountain Energy Co | 1,455.00 | 545.63 |
| Michael K. Beard, 100 Maryland Ave., NE Washington, DC 20002 | National Coalition to Ban Handguns | 4,374.96 | 350.00 |
| Barbara F. Beatty, 729 15th Street, NW Washington, DC 20005 | Associated Builders & Contractors, Inc | 2,500.00 | |
| Louis Beer, 1000 Thomas Jefferson St., NW, #600 Washington, DC 20007 | M.A.N. Truck & Bus Corp | | |
| Matt Langley Bell III, 302 Polk Avenue Pensacola, FL 32507 | | | |
| Daniel Bennet, 729 15th Street, NW Washington, DC 20005 | Associated Builders & Contractors, Inc | 2,500.00 | |
| Alan R. Bennett, 1575 Eye Street, NW, #1150 Washington, DC 20005 | Kaye Scholer Fierman Hays & Handler (For:Bristol-Myers Co) | | |
| John C. Bennison, 4400 Macarthur Blvd., NW Washington, DC 20007 | American Soc of Travel Agents | 8,000.00 | |
| Christopher Berka, 3 Embarcadero Center San Francisco, CA 94111 | McCutchen Doyle Brown & Enersen (For:Castle & Cooke) | | 2,562.00 |
| Do | McCutchen Doyle Brown & Enersen (For:Rohr Industries, Inc) | | 2,562.00 |
| Berman Bergner & Boyette, 1016 16th Street, NW, #700 Washington, DC 20036 | Kingdom of Saudi Arabia | 6,000.00 | 2,163.00 |
| Do | Malone and Hyde | 2,000.00 | 1,325.00 |
| George K. Bernstein, 1730 K St., NW Washington, DC 20006 | American Insurance Assn | 5,300.00 | |
| Rachelle B. Bernstein, 1615 H Street, NW Washington, DC 20062 | Chamber of Commerce of the U.S. | 3,500.00 | 182.02 |
| Zalman C. Bernstein, Sanford C. Bernstein & Co, Inc 767 Fifth Avenue New York, NY 10153 | | | 46.17 |
| Frank S. Besson III, 1725 Jefferson Davis Hwy, #900 Arlington, VA 22202 | AM General Corporation | | |
| Pat Billings, 624 9th Street, NW, #700 Washington, DC 20001 | Group Health Assn of America, Inc | 4,112.50 | |
| Birch Horton Bittner Pestinger & Anderson, 12th Floor 1155 Connecticut Ave., NW Washington, DC 20036 | North Slope Borough | | |
| Bishop Liberman Cook Purcell & Reynolds, 1200 17th Street, NW, 7th Fl. Washington, DC 20036 | Aleut Corporation | 750.00 | |
| Do | Aleutian/Pribilof Islands Assn, Inc | | |
| Do | American Rice, Inc | 1,350.00 | |
| Do | Audio Recording Rights Coalition | 2,800.00 | |
| Do | Board of Trade of Kansas City, MO, Inc | 8,333.32 | |
| Do | Consolidated Natural Gas Co | | |
| Do | CNA Insurance Co of Chicago, Illinois | | |
| Do | Enserch Corporation | 3,345.00 | |
| Do | Ethyl Corporation | | |
| Do | First Colony Life Insurance | | |
| Do | Five State Rice Producers Legislative Group | | |
| Do | Iowa Beef Processors, Inc | 11,345.00 | |
| Do | Kilpatrick Life Insurance Company | | |
| Do | Monumental Life Insurance Company | | |
| Do | Pesticide Producers Assn | 17,112.50 | |
| Do | Pioneer Corp | 10,000.00 | |
| Do | Planters Peanuts | 34,556.25 | |
| Do | Roadway Services, Inc | | |
| Do | Salomon Brothers, Inc | 40,387.50 | |
| Do | Tanadgusix Corporation | 1,500.00 | |
| Do | Texaco, Inc | | |
| Do | Texas Gas Transmission Corp | | |
| Do | Tobacco Institute | 16,000.00 | 110.85 |
| Do | Western Peanut Growers' Assn | 17,612.50 | |
| Roger Blacklow, 100 Indiana Avenue, NW Washington, DC 20001 | National Assn of Letter Carriers | 7,147.53 | 1,498.96 |
| Robert J. Blackwell, 1025 Connecticut Ave., NW, #1014 Washington, DC 20036 | Crest Tankers, Inc | | |
| Edward Blankstein, 322 State Road Princeton, NJ 08540 | Edward Blankstein, Inc | | 7,675.00 |
| John B. Blount Jr., 777 14th Street, NW Washington, DC 20005 | National Assn of Realtors | 2,500.00 | 350.32 |
| Blue Cross & Blue Shield Assn and Member Plans, 1709 New York Avenue, NW, #303 Washington, DC 20006 | | | 520,448.50 |
| Jack A. Blum, 1133 15th St., NW Washington, DC 20005 | Independent Gasoline Marketers Council | 4,500.00 | 220.00 |
| Blum Nash & Railsback, 1133 15th Street, NW, #1100 Washington, DC 20005 | Direct Marketing Assn | 875.00 | |
| Do | Disclosure, Inc | 2,625.00 | |
| Seth M. Bodner, 386 Park Avenue South New York, NY 10016 | National Knitwear & Sportswear Assn | 1,312.50 | |
| Jon L. Boisclair, 1025 Thomas Jefferson Street, NW, #502e Washington, DC 20007 | Transit Advertising Assn | | |
| Do | Winston Network, Inc | | |
| Mark P. Bolduc, 600 Maryland Ave., SW, #700 Washington, DC 20024 | National Fed of Independent Business | | |
| Bonsib, Inc, P.O. Box 1807 Washington, DC 20013 | | | |
| Mary M. Bourdette, 122 C St., NW, 4th Fl. Washington, DC 20001 | Children's Defense Fund of the Washington Research Project | 3,631.68 | 779.88 |
| Bowman Conner Touhey & Petrillo, 2828 Pennsylvania Avenue, NW, #203 Washington, DC 20007 | American Automar Corp | 1,337.50 | |
| Do | Council of American-Flag Ship Operators | 4,012.50 | |
| Do | National Assn of Aircraft & Communications Suppliers, Inc | 1,350.00 | 10.00 |
| Rebecca G. Bown, 1275 K St., NW, #750 Washington, DC 20005 | National Women's Political Caucus | | |
| James H. Boyd, 1233 20th St., NW, #200 Washington, DC 20036 | Newmont Mining Corp | | |
| Robert K. Boyd, 1515 Wilson Blvd. Arlington, VA 22209 | American Gas Assn | 2,000.00 | 1,300.53 |
| Stuart J. Brahs, 1331 Pennsylvania Ave., NW, #719 Washington, DC 20004 | Association of Private Pension & Welfare Plans, Inc | 1,286.14 | |
| Robert M. Brandon, 1300 Connecticut Ave., NW, #401 Washington, DC 20036 | Citizen Action | 2,000.00 | |
| Do | Citizen/Labor Energy Coalition | | |
| Michael J. Brennan, 1750 New York Ave., NW Washington, DC 20006 | International Assn of Bridge Struct & Ornamental Iron Wkrs | 10,800.00 | 564.89 |
| Robert J. Brinkmann, 1627 K Street, NW, #400 Washington, DC 20006 | National Newspaper Assn | 5,000.00 | 236.82 |
| Martha M. Broad, 1350 New York Ave., NW, #300 Washington, DC 20005 | Natural Resources Defense Council, Inc | 6,250.00 | 30.00 |
| Broadhurst Brook Mangham & Hardy, 1730 Pennsylvania Ave., NW, #300 Washington, DC 20006 | Louisiana Intrastate Gas Corp | | |
| Do | Northwest Pipeline Corp | | |
| Do | Overseas Vessel Conversion | | |
| Marina L. Brockmann, 1025 Connecticut Ave., NW Washington, DC 20036 | Society of the Plastics Industry, Inc | | |
| Philip A. Brooks, 1125 15th Street, NW Washington, DC 20005 | Mortgage Bankers Assn of America | 653.00 | |
| Diane R. Brown, 1515 Wilson Boulevard Arlington, VA 22209 | American Gas Assn | 5,000.00 | 541.19 |
| John J. Brown, 1125 17th St., NW Washington, DC 20036 | International Union of Operating Engineers | 8,500.00 | 375.00 |
| Marguerite Bracy Brown, 1625 L St., NW Washington, DC 20036 | American Fed of State County & Municipal Employees | 10,252.37 | 122.46 |
| Ralph Brown, Suite 107 701 S. 22nd Street Omaha, NB 68102 | M.O.A.A.I.O.A. & Subs, Inc | | |
| Shirle L. Brown, P.O. Box 663, Gpo New York, NY 10016 | SLB Enterprises | | |
| Brown Todd & Heyburn, 1600 Citizens Plaza Louisville, KY 40202 | Brown & Williamson Tobacco Corp | | |
| Brownstein Zeidman & Schomer, 1401 New York Ave., NW, #900 Washington, DC 20005 | Mortgage Guaranty Insurance Corp | | |
| Do | National Corp for Housing Partnerships | | |
| Do | New York City Housing Development Corp | 24,186.87 | |
| Do | New York State Mortgage Loan Enforcement & Admin Corp | 25,302.00 | |
| Do | New York State Urban Development Corp | | |
| William K. Brunette, 1909 K Street, NW Washington, DC 20049 | American Assn of Retired Persons | 438.46 | |
| Michael E. Brunner, 2626 Pennsylvania Avenue, NW Washington, DC 20037 | National Telephone Cooperative Assn | 1,000.00 | 55.20 |
| Robert O. Brunner, 1909 K St., NW Washington, DC 20049 | American Assn of Retired Persons | 436.15 | 66.39 |
| W. Scott Bryant, American Express Plaza 39th Floor New York, NY 10004 | American Express Co | 8,344.00 | 7,913.98 |
| Priscilla R. Budeiri, 215 Pennsylvania Ave., SE Washington, DC 20003 | Congress Watch | 4,749.96 | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Susan M. Buffone, 3604 34th Street, NW Washington, DC 20009 | National Parks & Conservation Association | 270.00 | |
| Linda Knell Bumbalo, 1125 15th Street, NW Washington, DC 20005 | Mortgage Bankers Assn of America | 6,084.00 | 198.00 |
| J. Thomas Burch Jr., 1000 Thomas Jefferson Street, NW, #600 Washington, DC 20007 | Burch and Bennett, P.C. (For:M.A.N. Truck & Bus Corp) | | |
| Burch and Bennett, P.C., 1000 Thomas Jefferson Street, NW, #600 Washington, DC 20007 | M.A.N. Truck & Bus Corp | | |
| David G. Burden, 200 E. Randolph Dr. Chicago, IL 60601 | Amoco Corporation | | |
| Diane B. Burke, 1625 L Street, NW Washington, DC 20036 | American Fed of State County & Municipal Employees | 8,655.00 | 138.50 |
| Gerard P. Burke, 1117 Spotswood Drive Silver Spring, MD 20904 | International Air Leases, Inc | | |
| J. J. Burke Jr., 40 E. Broadway Butte, MT 59701 | Montana Power Co | | 146.57 |
| David G. Burney, 2033 M St., NW, #628 Washington, DC 20036 | U.S. Tuna Foundation | 6,000.00 | 3,000.00 |
| Michael Burns, 21 Dupont Circle, NW, #401 Washington, DC 20036 | Business Executives for National Security | 2,194.00 | 23.50 |
| Busby Rehm and Leonard, P.C., 1330 Connecticut Ave., NW, #200 Washington, DC 20036 | Automobile Importers of America, Inc | 2,595.00 | 450.03 |
| James J. Butera, 4th Floor 1101 15th St., NW Washington, DC 20005 | National Council of Savings Institutions | 10,000.00 | 163.90 |
| M. Caldwell Butler, P.O. Box 720 Roanoke, VA 24004 | National Conference of Bankruptcy Judges | 4,530.00 | 576.11 |
| Butler & Binion, 1747 Pennsylvania Ave., NW, #900 Washington, DC 20006 | Pennzoil Co | | |
| John Butts, 777 14th Street, NW Washington, DC 20005 | National Assn of Realtors | 1,250.00 | 164.52 |
| James R. Byron, 1627 K Street, NW, #200 Washington, DC 20006 | Fluor Corporation | 6,000.00 | 22.00 |
| C.A.R.E., 511 C Street, NE Washington, DC 20002 | | | |
| Cadwalader Wickersham & Taft, 1333 New Hampshire Ave., NW, 7th Fl. Washington, DC 20036 | General Dynamics Corp | | |
| Do | Shell Oil Co | | |
| Kateri A. Callahan, 1424 16th St., NW, Washington, DC 20034 | FAIR | | |
| James Callan, 1726 M Street, NW, #1000 Washington, DC 20036 | Electronic Funds Transfer Assn | 375.00 | 375.00 |
| Calorie Control Council, 5775 Peachtree-Dunwoody Rd., #500-D Atlanta, GA 30342 | | | |
| Campaign for Community-Based Economic Development, 2025 Eye Street, NW, #901 Washington, DC 20006 | | 2,700.00 | 2,300.00 |
| Campaign for U.N. Reform-Political Education Committee, 600 Valley Road Wayne, NJ 07470 | | 5,319.25 | 6,841.70 |
| Sharon M. Canavan, 1125 15th St., NW Washington, DC 20005 | Mortgage Bankers Assn of America | 8,156.00 | 357.00 |
| Laura Van Etten Cannata, 311 First Street, NW Washington, DC 20001 | National Restaurant Assn | | 342.63 |
| Capital Advocates, 1127 11th Street, #950 Sacramento, CA 95814 | Crowley Maritime Corp | 1,875.00 | 23,518.49 |
| Do | Distilled Spirits Council of the U.S., Inc | | |
| Capitol Group, Inc, 2550 M Street, NW, #650 Washington, DC 20037 | Applied Energy Services, Inc | | |
| Do | Chemkrete Technologies, Inc; Lubrizol Corp | | |
| Do | Governors Office, Appalachian Regional Commission | 11,920.00 | 512.52 |
| Capitol Marketing Services, 923 Riva Ridge Avenue Great Falls, VA 22066 | | | |
| Caplin & Drysdale, Chtd, One Thomas Circle, NW Washington, DC 20005 | Gregory Government Securities, Inc | 13,743.00 | 436.74 |
| Ross Capon, 236 Massachusetts Ave., NE, #603 Washington, DC 20002 | National Assn of Railroad Passengers | 11,137.49 | |
| Denise A. Cardman, 1800 M St., NW Washington, DC 20036 | American Bar Assn | 400.00 | 50.00 |
| Bruce J. Carlton, 444 North Capitol St., NW, #801 Washington, DC 20001 | Joint Maritime Congress | 484.56 | |
| Chapin Carpenter Jr., 1211 Connecticut Avenue, NW, #406 Washington, DC 20036 | Magazine Publishers Assn, Inc | 1,500.00 | |
| Center for Law and Education, Inc, Larsen Hall, 6th Floor 14 Appian Way Cambridge, MA 02138 | | 616.50 | 677.36 |
| David Certner, 1909 K Street, NW Washington, DC 20049 | American Assn of Retired Persons | 417.69 | 97.50 |
| Henry Chajet, 1920 N St., NW Washington, DC 20036 | American Mining Congress | 30.00 | 6.00 |
| William J. Chandler, 1511 K Street, NW, #1100 Washington, DC 20005 | Natural Resources Defense Council, Inc | 5,000.00 | 488.83 |
| Alan C. Chase, 5137 Pumphrey Drive Fairfax, VA 22032 | Lockheed Corporation | 3,300.00 | 3,486.22 |
| William Chasey Organization, 1015 33rd St., NW, #708 Washington, DC 20007 | Industrial Data Link | | |
| Do | Professional Asset Management, Inc | | |
| Do | Real Property Services Corp | | |
| Do | Syncrotech Software Corp | | |
| Chesebrough-Pond's, Inc, Nyala Farm Road Westport, CT 06881-0850 | | | 6,366.38 |
| Children's Television Workshop, One Lincoln Plaza New York, NY 10023 | | | |
| Jack E. Christy, 1909 K Street, NW Washington, DC 20049 | American Assn of Retired Persons | 488.65 | |
| Cigar Assn of America, Inc, 1100 17th Street, NW, #1201 Washington, DC 20036 | | | |
| Citizen Action, 1300 Connecticut Ave., NW, #401 Washington, DC 20036 | | 6,000.00 | 6,038.50 |
| Citizen/Labor Energy Coalition, 1300 Connecticut Ave., NW, # 401 Washington, DC 20036 | | 1,000.00 | 1,000.00 |
| Dennis B. Clark, 311 First Street, NW Washington, DC 20001 | National Restaurant Assn | | 500.00 |
| Jordan Clark, 15th & M streets, NW Washington, DC 20005 | National Assn of Home Builders of the U.S. | | |
| Joan Claybrook, 2000 P Street, NW, #605 Washington, DC 20036 | Public Citizen, Inc | 1,000.00 | |
| Claymark Corporation, Inc, c/o Milbank Tweed Hadley & Mccloy 30 Rockefeller Plaza, Rm. 5600 New York, NY 10112 | | | |
| Charles M. Clusen, 1400 Eye St., NW Washington, DC 20005 | Wilderness Society | 1,233.57 | 20.00 |
| Ken W. Cole, 1050 Connecticut Ave., NW, #800 Washington, DC 20036 | Allied-Signal, Inc | | |
| Colette R. Coleman, 311 First Street, NW Washington, DC 20001 | National Restaurant Assn | | |
| Collier Shannon Rill & Scott, 1055 Thomas Jefferson St., NW, #308 Washington, DC 20007 | Smokeless Tobacco Council, Inc | | |
| Paula J. Collins, 1020 19th St., NW, #600 Washington, DC 20036 | American Express Co | | |
| Stephen J. Collins, 1620 Eye St., NW, #1000 Washington, DC 20006 | Motor Vehicle Manufacturers Assn of the U.S., Inc | 186.00 | |
| Tim Colton, P.O. Box 498 Chester, PA 19016 | Pennsylvania Shipbuilding Co | 2,070.00 | 66.00 |
| Clark S. Colvin, P.O. Box 16321 Seattle, WA 98116 | Washington State Public Lands Assn | | |
| Carol A. Colza, Roger B. Schagrin, P.c. 1112 16th St., NW, #1000 Washington, DC 20036 | Committee on Pipe & Tube Imports | 8,525.00 | |
| Commercial Union Insurance Companies, One Beacon Street Boston, MA 02108 | | | |
| Committee for Do-It-Yourself Household Moving, 1725 K St., NW, #401 Washington, DC 20005 | | | |
| Communications Management, Inc, 1925 North Lynn Street, #1140 Arlington, VA 22209 | American Council of Life Insurance, Inc | | |
| Do | Citizens for Sensible Control of Acid Rain (CSCAR) | | |
| Do | Natural Gas Supply Assn | | |
| Do | Philip Morris USA | | |
| Concerned Women for America, c/o Carol Poulos 122 C Street, NW, #800 Washington, DC 20001 | | 19,758.81 | 19,758.81 |
| Conference of State Bank Supervisors, 1015 18th St., NW Washington, DC 20036 | | | 4,900.75 |
| Congress Watch, 215 Pennsylvania Ave., SE Washington, DC 20003 | | 62,061.29 | 62,207.84 |
| Charles E. Conlon, 923 15th Street, NW Washington, DC 20005 | Transportation Institute | 3,000.00 | |
| Robert J. Conner Jr., 1100 Connecticut Ave., NW Washington, DC 20036 | Chrysler Corporation | 500.00 | 1,475.80 |
| Gerald R. Connor, 1030 15th Street, NW, #1100 Washington, DC 20005 | Health Industry Manufacturers Assn | 2,375.00 | 135.12 |
| Conservative Alliance, 1001 Prince St., #100 Alexandria, VA 22314 | | 107,401.00 | 48,916.67 |
| Consolidated Rail Corporation, P.O. Box 23451 Washington, DC 20026 | | | 23,858.00 |
| Consortium of Social Science Assns, 1200 17th St., NW, #520 Washington, DC 20036 | | 162,450.00 | 898.50 |
| Consumer Federation of America, 1424 16th St., NW, #604 Washington, DC 20036 | | 129,080.00 | 68,281.00 |
| Consumers Union of U.S., Inc, 256 Washington St. Mount Vernon, NY 10550 | | | 6,990.00 |
| Richard Conti, 74 North Pearl St. Albany, NY 12205 | Hospital Association of New York State | 815.47 | 360.69 |
| Howard Lee Cook Jr., 1111 14th Street, NW Washington, DC 20005 | Cook and Bacha (For:Contractors Liability & Indemnification Alliance) | | |
| Do | Cook and Bacha (For:Metcor, Inc) | 2,100.00 | 250.00 |
| Brian D. Cooney, 1125 15th Street, NW Washington, DC 20005 | Mortgage Bankers Assn of America | 6,600.00 | 195.00 |
| Benjamin Y. Cooper Jr., 1730 North Lynn St. Arlington, VA 22209 | Printing Industries of America, Inc | 8,500.00 | |
| C. William Cooper, 603 Broad St. Sewickley, PA 15143 | United Distribution Companies | | |
| Mark N. Cooper, 1424 16th St., NW, #604 Washington, DC 20036 | Consumer Federation of America | 300.00 | |
| Curtis B. Copeland, 2000 M Street, NW, #500 Washington, DC 20036 | Wood Lucksinger & Epstein (For:CHAD Therapeutics, Inc) | | |
| Patrick H. Corcoran, 1725 K St., NW, #1205 Washington, DC 20006 | Association of Oil Pipelines | | |
| Frederic William Corle, 4439 P Street, NW Washington, DC 20007 | Interand Corporation | | |
| Corman Law Offices, 1420 16th Street, NW Washington, DC 20036 | National Structured Settlements Trade Assn | | |
| Marty Corry, 1909 K Street, NW Washington, DC 20049 | American Assn of Retired Persons | 507.69 | 567.26 |
| Tom Cosgrove, 1218 Chestnut Street, #1003 Philadelphia, PA 19107 | Sierra Club | 9,979.20 | 1,637.94 |
| Meredith Cote, 1909 K Street, NW Washington, DC 20049 | American Assn of Retired Persons | 539.65 | |
| Council for a Competitive Economy, Inc, 122 C St., NW, #700 Washington, DC 20001 | | | |
| Council for a Livable World, 20 Park Plaza Boston, MA 02116 | | | 23,309.82 |
| Council of Industrial Boiler Owners, 5817 Burke Centre Parkway Burke, VA 22015 | | | |
| Council on Democracy Education & Assistance, 729 15th Street, NW, #940 Washington, DC 20005 | | 40,000.00 | 5,981.24 |
| Council on Synthetic Fuels, 1301 Pennsylvania Ave., NW, #325 Washington, DC 20006 | | | |
| Covington & Burling, 1201 Pennsylvania Avenue, NW P.O. Box 7566 Washington, DC 20044 | Sun Life Assurance Co of Canada (U.S.) | 987.50 | |
| Tamara Cox, The Power House 3255 Grace Street, NW Washington, DC 20007 | Gray & Co Public Communications Int'l, Inc (For:Agriculture for Market Oriented Policies). | | |
| Richard L. Crawford, 311 First Street, NW Washington, DC 20001 | National Restaurant Assn | 16,250.00 | 1,618.91 |
| Credit Union National Assn, Inc, 1730 Rhode Island Ave., NW, #810 Washington, DC 20036 | | 1,200.00 | 1,114.38 |
| Richard C. Creighton, 1331 Pennsylvania Ave., NW, #910 Washington, DC 20004 | American Cement Trade Alliance, Inc | 9,393.00 | 490.86 |
| Ken A. Crerar, 1611 N. Kent Street, #900 Arlington, VA 22209 | Footwear Industries of America | 3,000.00 | 380.67 |
| Colleen Crossland, 444 N. Capitol Street, NW, #718 Washington, DC 20001 | Pacific Telesis Group | 15,450.00 | |
| William E. Cumberland, 1125 15th St., NW Washington, DC 20005 | Mortgage Bankers Assn of America | 9,562.00 | |
| Diane Brown Cunningham, 1620 Eye St., NW, #700 Washington, DC 20006 | International Paper Co | 1,000.00 | 550.00 |
| Kathleen L. Curry, 122 C St., NW, #750 Washington, DC 20001 | National Assn of Independent Colleges & Universities | 3,690.00 | 99.00 |
| Richard C. Curry, P.O. BOX 66 Mclean, VA 22101 | Fire Island Associates, Inc | 2,938.00 | 698.48 |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Jay B. Cutler, 1400 K Street, NW Washington, DC 20005 | American Psychiatric Assn | 5,880.00 | 1,388.53 |
| M. Rupert Cutler, 1325 G St., NW, #103 Washington, DC 20005 | Environmental Fund | | |
| CPT Corporation, 8100 Mitchell Road P.O. Box 293 Minneapolis, MN 55440 | | | |
| CRS, P.O. Box 118 Cold Spring Harbor, NY 11724 | | | |
| Daedalus Enterprises, Inc, P.O. Box 1869 Ann Arbor, MI 48106 | | | |
| Damrell Damrell & Nelson, P.C., 1625 I Street Modesto, CA 95354 | Central San Joaquin River Assn | | |
| Do | Norfolk Southern Corp | 5,907.13 | 819.69 |
| Do | Turlock Irrigation District | | |
| Tracy Danese, P.O. Box 14000 Juno Beach, FL 33408 | Florida Power & Light Co | | 10,122.40 |
| Tamara S. Davis, 5971 Clerkewell Ct. Burke, VA 22015 | Conservative Alliance | 4,700.00 | |
| Davis Wright Todd Riese & Jones, 1752 N St., NW, #800 Washington, DC 20036 | GTE Sprint Communications | | |
| Harry F. Day, 1800 K Street, NW, #1100 Washington, DC 20006 | New York Stock Exchange, Inc | | |
| Michael K. Deaver and Associates, Inc, 1025 Thomas Jefferson St., NW, #800 Washington, DC 20007 | Daewoo Corporation | 635.00 | |
| Do | Government of Singapore | | |
| Jeff Deboer, 777 14th Street, NW Washington, DC 20005 | National Assn of Realtors | 1,750.00 | 470.03 |
| Robert Debragga, 26 Flander Rd. Rfd #1, Box 239 Stonington, CT 06388 | Project Cure, Inc | | 404.12 |
| George K. Degnon Associates, Inc, 1311-A Dolley Madison Bldg., #3a Mclean, VA 22101 | Association of State & Territorial Health Officials | | 1,000.00 |
| Deloitte Haskins & Sells, 655 15th Street, NW, #700 Washington, DC 20005 | Arkansas Electric Cooperative Corp | | |
| Do | Hydril Co | | |
| Do | Tektronix Corporation | | |
| Do | Triangle Industries, Inc | | |
| Do | Union Pacific Corp | | |
| Michael J. Deloose, 1015 18th Street, NW Washington, DC 20036 | Conference of State Bank Supervisors | 645.00 | |
| Elizabeth C. Demato, 5210 Auth Way Camp Springs, MD 20746 | Seafarers International Union | 3,000.00 | 157.45 |
| Edward A. Dent, 3115 N St., NW Washington, DC 20007 | Americans for the National Voter Initiative Amendment | | |
| Dickinson Wright Moon Van Dusen & Freeman, 1901 L St., NW, #801 Washington, DC 20036 | Detroit Madison Company | | |
| Do | Garrett Corporation | 12,000.00 | |
| Michael F. Dineen, 600 Pennsylvania Ave., SE, #206 Washington, DC 20003 | Lumbermens Mutual Casualty Co (For:Federal Kemper Life Assurance Co) | 17.22 | 3.85 |
| Do | Lumbermens Mutual Casualty Co (For:Kemper Financial Services, Inc) | | |
| Do | Lumbermens Mutual Casualty Co (For:Kemper Investors Life Insurance Co) | 155.00 | 34.65 |
| Do | Lumbermens Mutual Casualty Company | 1,800.00 | 27.29 |
| Disabled American Veterans, 3725 Alexandria Pike Cold Spring, KY 41076 | | 141,003.56 | 141,003.56 |
| District of Columbia Hospital Assn, 1250 Eye Street, NW, #700 Washington, DC 20005 | | | |
| John T. Dolan, 108 N. Alfred St. Alexandria, VA 22314 | Conservative Alliance | | |
| Domestic Petroleum Council Trade Association, 1627 K Street, NW, #910 Washington, DC 20006 | | | |
| Nancy A. Donaldson, 110 Maryland Avenue, NE, #211 Washington, DC 20002 | Women's Action for Nuclear Disarmament Education Fund, Inc | 1,593.58 | |
| Richard M. Donaldson, 200 Public Square 35-G-2850 Cleveland, OH 44114-2375 | Standard Oil Co (Ohio) | | |
| Mary Elizabeth Donnelly, 1233 20th St., NW, #200 Washington, DC 20036 | Newmont Mining Corp | | |
| Mary K. Donny, 1401 New York Avenue, NW, #1100 Washington, DC 20005 | National Cooperative Business Assn | | |
| Thomas J. Donohue, 2200 Mill Road Alexandria, VA 22314 | American Trucking Assns, Inc | 11,000.00 | |
| Richard Morgan Downey, 10801 Rockville Pike Rockville, MD 20852 | American Speech-Language-Hearing Assn | | |
| Nancy Drabble, 215 Pennsylvania Ave., SE Washington, DC 20003 | Congress Watch | 8,499.96 | |
| Ronald W. Drach, 807 Maine Avenue, SW Washington, DC 20024 | Disabled American Veterans | 16,473.60 | 69.95 |
| Anthony V. Dresden, 444 N. Capitol Street, NW, #801 Washington, DC 20001 | Joint Maritime Congress | | |
| Dorothy J. Drummer, 1730 K St., NW, #703 Washington, DC 20006 | American Business Conference, Inc | 150.00 | 25.00 |
| Evelyn Dubrow, 1710 Broadway New York, NY 10019 | International Ladies' Garment Workers Union | 12,330.63 | 3,142.20 |
| Douglas F. Duerr, 1730 Rhode Island Ave., NW, #810 Washington, DC 20036 | Credit Union National Assn, Inc | 300.00 | 267.71 |
| David Durham, 777 14th Street, NW Washington, DC 20005 | National Assn of Realtors | 1,250.00 | |
| Michael J. Dyer, 1331 Pennsylvania Avenue, NW, #905 Washington, DC 20004 | National Coalition for Emergency Medical Services | | |
| Dennis J. Earhart, 1753 Euclid St, NW Washington, DC 20009 | Bear West Co, Inc (for Rocky Mountain Energy Co) | 545.63 | |
| Catherine East, 1275 K Street, NW, #750 Washington, DC 20005 | National Women's Political Caucus | 1,998.98 | 50.40 |
| Donald R. Ebe, 1800 K St., NW, #800 Washington, DC 20006 | Goodyear Tire & Rubber Co | 4,000.00 | |
| Stephen L. Edmiston, 807 Maine Ave., SW Washington, DC 20024 | Disabled American Veterans | 14,726.40 | 248.65 |
| Electronic Funds Transfer Assn, 1726 M Street, NW, #1000 Washington, DC 20036 | | | 400.00 |
| C. M. Elkins Associates, 1100 17th St., NW, #310 Washington, DC 20036 | Delaware & Hudson Railway Co | | |
| Do | Missouri Kansas Texas Railroad | | |
| Do | Pittsburgh & Lake Erie Railroad Co | | |
| Keith H. Ellis, 1015 18th St.,nw Washington, DC 20036 | Conference of State Bank Supervisors | 3,800.00 | 455.75 |
| Dorothy A. Ellsworth, 1300 Connecticut Ave., NW Washington, DC 20036 | International Assn of Machinists & Aerospace Workers | 14,331.39 | 147.15 |
| Environmental Fund, 1325 G St., NW #1003 Washington, DC 20005 | | | 2,154.13 |
| Kimberly Neilsen Epstein, 2626 Pennsylvania Ave., NW Washington, DC 20036 | National Telephone Cooperative Assn | 1,862.50 | 380.46 |
| Paul A. Equale, 600 Pennsylvania Ave., SE, #200 Washington, DC 20003 | Independent Insurance Agents of America, Inc | 13,815.00 | |
| Mark Esherick, 1600 Connecticut Ave, NW, #400 Washington, DC 20009 | Zero Population Growth, Inc | 809.00 | 17.00 |
| European Travel Commission, 630 Fifth Avenue New York, NY 10111 | | | |
| Donald C. Evans Jr., 655 15th St., NW, #310 Washington, DC 20005 | American Family Corp | | |
| Do | American Hoechst Corporation | | |
| Do | Freight Forwarders Institute | | |
| Do | Olympia & York Developments Ltd | | |
| Do | Olympia & York Equity Corp | | |
| Do | Stepan Corporation | | |
| Elaine Evans, 1133 21st Street, NW, #500 Washington, DC 20036 | National Hydropower Assn | | |
| Robert J. Evans, 812 RIDGEFIELDS ROAD Kingsport, TN 37660 | | | |
| Robbie G. Exley, 1016 16th St., NW Washington, DC 20036 | National Fed of Federal Employees | 18.36 | |
| Fair Tax Foundation, Inc, 2025 I Street, NW, #813 Washington, DC 20006 | | 76,255.00 | 70,766.00 |
| Jane Fawcett-Hoover, 801 18th St., NW, #400 Washington, DC 20006 | Procter & Gamble Manufacturing Co | 81.26 | |
| Frederick Fedeli, 1400 K St., NW Washington, DC 20005 | American Psychiatric Assn | 2,013.00 | 966.00 |
| Federal Express Corp, 2990 Airways #404 Memphis, TN 38116 | | | 9,950.00 |
| Federal Kemper Life Assurance Co, Kemper Bldg. D-3 Long Grove, IL 60049 | | | 150.60 |
| Joel F. Feldman, Law Offices of Sheldon I. London 1725 Desales Street, NW, #401 Washington, DC 20036 | American Hardware Manufacturers Assn | | |
| Fensterwald Alcorn & Bowman, P.C., 1000 Wilson Blvd., #900 Arlington, VA 22209 | Friends of Animals, Inc | 12,000.00 | |
| Do | National Nutritional Foods Assn | | |
| Denise G. Ferguson, 1020 19th St., NW, #600 Washington, DC 20036 | American Express Co | | |
| Manuel D. Fierro, 1901 N. Fort Myer Dr., #202 Rosslyn, VA 22209 | Fond Du Lac Reservation | | |
| Do | Great Lakes Indian Fish & Wildlife Commission | | |
| Louis F. Finch, 1667 K St., NW, #525 Washington, DC 20006 | International Requirements Corp | | |
| Finley Kumble Wagner Heine Underberg Manley Myerson & Casey, 1120 Connecticut Ave., NW, #465 Washington, DC 20036 | American College of Neuropsychopharmacology | 1,000.00 | 30.00 |
| Do | American Protestant Health Assn | 5,000.00 | 200.00 |
| Do | Committee on Problems of Drug Dependence, Inc | 333.00 | 30.00 |
| Do | National Assn of Alcoholism Treatment Programs, Inc | 1,000.00 | 50.00 |
| Do | Norfolk Southern Corp | | |
| Do | Occidental Petroleum Corp | | |
| Do | Savoy Industries | | |
| Do | Society of Real Estate Appraisers | | |
| Deborah A. Fischione, 2000 Pennsylvania Ave., NW, #6200 Washington, DC 20006 | Chicago Mercantile Exchange | | 4,765.00 |
| Madeline Fishel, 1400 Eye Street, NW Washington, DC 20005 | Wilderness Society | 1,211.60 | 74.40 |
| John Fisher, 140 Oklahoma Road Cook, WA 98605 | Columbia Gorge United | | |
| William P. Fisher, 311 First Street, NW Washington, DC 20001 | National Restaurant Assn | | |
| Charles L. Fishman, P.C., 1717 K Street, NW, #502 Washington, DC 20036 | Carolina Power & Light Co | | |
| Daniel V. Flanagan Jr., 12 Third Street, NE Washington, DC 20002 | Dominion Resources, Inc | | |
| Do | Flanagan & Associates, Inc (For:Memorial Sloan-Kettering Cancer Center) | | |
| Fleishman-Hillard, Inc, 1225 Connecticut Ave., NW, #303 Washington, DC 20036 | Ability Information Systems--Computer Software | 4,500.00 | |
| Frank R. Fleming, 9749 Independence Avenue Chatsworth, CA 91311 | CHAD Therapeutics, Inc | | |
| Florida Business Associates, 2000 L St., NW, #200 Washington, DC 20036 | CSX Transportation Systems | 8,106.00 | |
| Do | General Development Corp | 22,431.00 | |
| Do | Westinghouse Electric Corp | 11,011.00 | |
| Veronica M. Floyd, 2001 S. Jeff Davis Highway, #1107 Arlington, VA 22202 | Brunswick Corp | 6,000.00 | 615.55 |
| John J. Flynn, 1125 17th Street, NW Washington, DC 20036 | International Union of Operating Engineers | 7,500.00 | 182.00 |
| Foodservice & Lodging Institute, 1919 Pennsylvania Ave., NW Washington, DC 20006 | | | |
| Footwear Retailers of America, 1319 F St., NW, #700 Washington, DC 20004 | | | 3,950.00 |
| Michael A. Forscey, 1735 New York Avenue, NW Washington, DC 20006 | Metropolitan Life & Affiliated Cos | 21,277.00 | 892.36 |
| Conrad M. Fowler, Box 71 West Point, GA 31833 | West Point Pepperell | 3,914.00 | 4,532.32 |
| Alan Fox, 1424 16th Street, NW, #604 Washington, DC 20036 | Consumer Federation of America | 7,500.00 | |
| Allan M. Fox, 1575 I Street, NW, #1150 Washington, DC 20005 | American Meat Institute | | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Do | Kaye Scholer Fierman Hays & Handler (For:Bristol-Myers Co) | | |
| Do | Kaye Scholer Fierman Hays & Handler (For:National Coalition for Cancer Research) | | |
| David E. Franasiak, 1001 22nd Street, #600 Washington, DC 20037 | Standard Oil Co (Ohio) | 400.00 | 150.62 |
| Alfred S. Frank Jr., 700 New Hampshire Ave., NW Washington, DC 20037 | | | |
| Peter M. Frank, 1667 K St., NW, #250 Washington, DC 20006 | Kerr-McGee Corp | 2,500.00 | 1,237.89 |
| Ellis B. Franklin, 5025 Wisconsin Ave., NW Washington, DC 20016 | Amalgamated Transit Union, AFL-CIO | | |
| George Franklin, 1 Kellogg Square Battle Creek, MI 49016-3599 | Kellogg Company | 3,000.00 | 325.00 |
| Charles L. Frazier, 475 L'enfant Plaza, SW, #2250 Washington, DC 20024 | National Farmers Organization | 4,083.00 | 3,535.05 |
| Fran Frazier, 1730 K Street, NW, #703 Washington, DC 20006 | American Business Conference | 81.25 | 76.23 |
| Fried Frank Harris Shriver & Jacobson, 1001 Pennsylvania Ave., NW Washington, DC 20004 | General Electric Co | 860.50 | |
| Gay H. Friedmann, 1150 Connecticut Ave., NW, #717 Washington, DC 20036 | Southern California Gas Co | 9,000.00 | 118.00 |
| Friends of the Rural Development Loan Fund, 2025 I Street, NW, #901 Washington, DC 20006 | | 9,200.00 | 8,750.00 |
| Allyn M. Fritts, 1298 Woodside Drive Mclean, VA 22102 | New Bedford Seafood Council, Inc | 3,334.00 | 11.53 |
| Charles H. Fritts, 1101 14th Street, NW, #804 Washington, DC 20005 | National Apartment Assn | 10,125.00 | 48.25 |
| G-4 Children's Coalition, 1666 K St., NW, Rm. 1100 Washington, DC 20006 | | 42,629.65 | 15,326.09 |
| Deborah Gahs, 1601 Duke Street Alexandria, VA 22314 | Society of American Florists | | |
| John G. Gaine, Landfield Becker & Green 1818 N Street, NW, #300 Washington, DC 20036 | Board of Trade of the City of Chicago | | |
| Mark Gallant, 1250 Connecticut Avenue, NW Washington, DC 20036 | National Forest Products Assn | 1,600.00 | |
| Shelley Ann Gardner, 20 Black Oak Mews Newtown, PA 18940 | Electrical Alliance | | |
| Do | Philadelphia Maritime Exchange | | |
| Sherwin Gardner, 1010 Wisconsin Ave., NW, #800 Washington, DC 20007 | Grocery Manufacturers of America, Inc | | |
| John C. Gartland, 214 Mass. Ave., NE, #210 Washington, DC 20002 | Amway Corp | | |
| Russell J. Gaspar, 2555 M St., NW, #100 Washington, DC 20037 | Hanna Gaspar & Birkel (For:American Horse Protection Assn, Inc) | 500.00 | 25.80 |
| Garry Geffert, 2001 S Street, NW, #312 Washington, DC 20009 | Farmworker Justice Fund, Inc | 715.44 | |
| Robert C. Gelardi, 5775 Peachtree-Dunwoody Rd., #500-D Atlanta, GA 30342 | Robert H. Kellen Co (For:Calorie Control Council) | | |
| Geothermal Resources Assn, 649 South Olive Street, #500 Los Angeles, CA 90014 | | | |
| Gerard Byler & Associates, Inc, 1100 17th Street, NW Washington, DC 20036 | Colville Business Council | | |
| Do | Commissioned Officers Assn of the U.S. Public Health Service | 218.00 | |
| Do | Leech Lake Reservation Business Committee | | |
| Do | Minnesota Chippewa Tribe | | |
| Do | Papago Tribe of Arizona | 2,676.00 | |
| Do | San Carlos Apache Tribe | | |
| Do | Tulalip Tribes | | |
| Do | White Earth Tribal Council | | |
| Dorothy F. Gevinson, 801 18th Street, NW, #400 Washington, DC 20006 | Procter & Gamble Manufacturing Co | | |
| Gibson Dunn & Crutcher, 1050 Connecticut Ave., NW, #900 Washington, DC 20036 | CalFed, Inc | 2,575.00 | 638.26 |
| Do | Citizens & Southern Georgia Corp | | |
| Do | Prudential Bank & Trust Co | 1,970.00 | 502.30 |
| Do | Washington Mutual Savings Bank | 1,725.25 | 354.90 |
| William G. Giery, 1919 Pennsylvania Ave., NW Washington, DC 20006 | Foodservice & Lodging Institute | | |
| Michael J. Giuffrida, 204 E Street, NE Washington, DC 20002 | National Frozen Food Association | 1,000.00 | |
| James T. Glenn, 1331 Pennsylvania Ave., NW, #560 Washington, DC 20004 | CSX Corporation | 3,000.00 | 1,172.77 |
| Horace D. Godfrey, 918 16th St., NW, #701 Washington, DC 20006 | Godfrey Associates, Inc | | |
| Godfrey Assoc, Inc, 918 16th St., NW, #701 Washington, DC 20006 | | | |
| Joseph Goffman, 215 Pennsylvania Avenue, SE Washington, DC 20003 | Public Citizen's Congress Watch | 5,250.00 | |
| Ronald L. Goldfarb, Goldfarb & Singer 918 16th Street, NW, #503 Washington, DC 20003 | Washington Independent Writers, Inc | | |
| Helane L. Goldstein, 2626 Pennsylvania Avenue, NW Washington, DC 20037 | National Telephone Cooperative Assn | 1,862.50 | 345.49 |
| Helen C. Gonzales, 236 Massachusetts Ave., NE, #504 Washington, DC 20002 | National Consumer Law Center | 333.83 | |
| Lee M. Goodwin, Wickwire Gavin & Gibbs, P.C. 1133 21st Street, NW Washington, DC 20036 | National Hydropower Assn | | |
| Do | Purpa Coalition, Inc | | |
| William Gordon, 1515 Wilson Boulevard Arlington, VA 22209 | American Gas Assn | 1,000.00 | 15.95 |
| David W. Gorman, 807 Maine Avenue, SW Washington, DC 20024 | Disabled American Veterans | 13,322.40 | 150.00 |
| Barbara Diane Gorra, 1819 L Street, NW, #820 Washington, DC 20036 | Santa Fe International Corp | | |
| Peter Gossens, 122 C Street, NW, #750 Washington, DC 20001 | National Assn of Independent Colleges & Universities | 6,697.00 | 196.00 |
| George B. Gould III, 100 Indiana Ave., NW Washington, DC 20001 | National Assn of Letter Carriers | 13,022.49 | 4,031.06 |
| John K. Gram, 610 S.w. Broadway, #608 Portland, OR 97205 | Public Timber Purchasers Group | 1,781.25 | 235.00 |
| William W. Grant, 1150 Connecticut Ave., NW, #710 Washington, DC 20036 | Utah International, Inc | | 275.09 |
| Graphic Communications International Union, AFL-CIO, CLC, 1900 L Street, NW Washington, DC 20036 | | 39,709.00 | 42,903.00 |
| Ruth P. Graves, 600 Maryland Ave., SW, #500 Washington, DC 20024 | Reading Is Fundamental, Inc | | |
| John K. Green, 800 American Charter Center 1623 Farnam St. Omaha, NB 68102 | Papillion-Lavista Nebrask School District | 3,843.00 | 282.74 |
| Ellen F. Greenberg, 1200 17th Street, NW Washington, DC 20036 | American Psychological Assn | 2,625.00 | 114.32 |
| Phyllis Greenberger, 1400 K Street, NW Washington, DC 20005 | American Psychiatric Assn | 2,013.00 | 1,333.17 |
| Marci E. Greenstein, 2626 Pennsylvania Avenue, NW Washington, DC 20037 | National Telephone Cooperative Assn | 2,330.00 | 347.58 |
| Robert Greenstein, 236 Massachusetts Avenue, NE Washington, DC 20002 | Center on Budget & Policy Priorities | 876.15 | 147.05 |
| John M. Greer, 1900 L Street, NW Washington, DC 20036 | Graphic Communications International Union, AFL-CIO, CLC | 39,709.00 | 42,903.00 |
| Edward F. Greissing Jr., 1660 L St., NW, #205 Washington, DC 20036 | Upjohn Company | | |
| Randall Griffin, 1515 Wilson Boulevard Arlington, VA 22209 | American Gas Assn | 1,500.00 | 379.71 |
| James J. Grogan, P.O. Box 19614 Irvine, CA 92714 | Lincoln Savings & Loan Assn | 10,000.00 | 3,000.00 |
| Jerome Grossman, 20 Park Plaza Boston, MA 02116 | Council for a Livable World | 4,009.50 | |
| John T. Grupenhoff, 10,000 Falls Rd., #306 Potomac, MD 20854 | American Academy of Dermatology | 3,150.00 | 312.60 |
| Do | American Academy of Otolaryngology-Head & Neck Surgery | 400.00 | 170.70 |
| Do | American Gastroenterological Assn | 1,200.00 | 189.40 |
| Do | American Soc for Gastrointestinal Endoscopy | 1,200.00 | 189.40 |
| Do | American Soc of Clinical Oncology | 600.00 | 167.90 |
| Do | American Urological Assn/Amer Assn of Clinical Urologists | 860.00 | 170.70 |
| Do | Association of American Cancer Institutes | 1,110.00 | 202.60 |
| Do | Cooley's Anemia Foundation | 200.00 | 170.70 |
| Do | National Hemophilia Foundation | 400.00 | 179.20 |
| Leland M. Gustafson, 1726 M St., NW, 1100 Washington, DC 20036 | Pacific Gas & Electric Co | 5,616.50 | 1,744.94 |
| Ned H. Guthrie, 209 Hayes Avenue Charleston, WV 25314 | American Fed of Musicians | 3,475.00 | 2,321.09 |
| Richard E. Gutting Jr., 2000 M St., NW, #580 Washington, DC 20036 | National Fisheries Institute | 6,000.00 | 278.02 |
| GFE, Ltd, 1701 K Street, NW, #705 Washington, DC 20006 | Consejo Empresarial Mexicano Para Asuntos Internacionales | 2,850.00 | 1,596.70 |
| Hale Foundation, 422 First Street, SE, #208 Washington, DC 20003 | | 15,086.00 | 10,495.98 |
| John F. Hall, 1945 Old Gallows Road, #405 Vienna, VA 22180 | American Wood Preservers Institute | | |
| Jerald V. Halvorsen, 2200 Mill Road Alexandria, VA 22314 | American Trucking Assns, Inc | 15,000.00 | 1,035.48 |
| Martin Hamburger, 100 Maryland Ave., NE Washington, DC 20002 | Peace Political Action Committee | 2,914.89 | |
| D. Michael Hancock, 100 Maryland Avenue, NE Washington, DC 20002 | National Coalition to Ban Handguns | 999.99 | |
| Nolan W. Hancock, 1126 16th St., NW Washington, DC 20036 | Oil Chemical & Atomic Workers International Union | 5,549.00 | |
| Hannaford Co, Inc, 655 15th St., NW, #200 Washington, DC 20005 | China External Trade Development Council | 1,650.00 | |
| Do | Presidency of the Republic of Mexico | 22,075.25 | 4,852.79 |
| Do | Producer's Gas Co | 1,021.25 | 75.16 |
| Do | Rockwell International Corp | | |
| Do | Royal Embassy of Saudi Arabia | 6,000.00 | 1,564.24 |
| Do | Smokeless Tobacco Council, Inc | | 2,302.51 |
| Do | Trans World Airlines, Inc | | |
| Do | Triple A Shipyards | 660.00 | 2,591.60 |
| Hansell & Post, 1667 K St., NW, #500 Washington, DC 20006 | CSX Corporation | | |
| Do | United Family Life Insurance Co | | |
| Christopher W. Hansen, 1700 N. Moore Street Rosslyn, VA 22209 | General Dynamics Corp | 1,000.00 | 300.70 |
| Erling Hansen, 624 9th St., NW, #700 Washington, DC 20001 | Group Health Assn of America, Inc | 100.96 | |
| Mary V. Harcar, 1020 19th Street, NW, #200 Washington, DC 20036 | Mason Perrin & Kanovsky (For:Manufacturers Life Insurance Co, Inc) | 6,664.00 | 1,305.40 |
| Jon Harkavy, 205 East 42nd Street New York, NY 10017 | Risk & Insurance Management Society, Inc | | |
| William G. Harley, 1235 Jefferson Davis Highway, #606 Arlington, VA 22202 | National Utility Contractors Assn | | |
| J. William W. Harsch, 1600 M St., NW, #701 Washington, DC 20036 | Solv-Ex Corporation | 35,827.58 | 2,627.68 |
| Clifford J. Harvison, 2200 Mill Rd. Alexandria, VA 22314 | National Tank Truck Carriers, Inc | | |
| Lewis B. Hastings, 1776 K St., NW, #300 Washington, DC 20006 | Motorola, Inc | 3,000.00 | |
| Janet Hathaway, 1412 16th Street, NW Washington, DC 20036 | National Wildlife Federation | 4,624.00 | |
| Charles E. Hawkins III, 729 15th Street, NW Washington, DC 20005 | Associated Builders & Contractors, Inc | 2,500.00 | |
| Health Tech, Inc, 1401 Walnut Street, #1000 Philadelphia, PA 19102 | Forbes Health Systems | | |
| William N. Hedeman Jr., Beveridge & Diamond, P.C. 1333 New Hampshire Avenue, NW Washington, DC 20036 | Superfund Contractors Coalition | 95,000.00 | 20,847.23 |
| Joan A. Heffernan, 1200 17th Street, NW Washington, DC 20036 | American Psychological Assn | 2,179.50 | 114.32 |
| M. L. Hefti, 1700 North Moore Street, 20th Fl. Rosslyn, VA 22209 | Boeing Company | 1,022.62 | 2,480.51 |
| John F. Heilman, 807 Maine Ave., SW Washington, DC 20024 | Disabled American Veterans | 18,200.00 | 206.37 |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Steven B. Hellem, 605 14th St., NW, 9th Fl. Washington, DC 20005 | E. Bruce Harrison Co, Inc (For:NEDA/CAAP) | | |
| Edward A. Helme, 444 N. Capitol Street, #339 Washington, DC 20001 | Alliance for Acid Rain Control | 720.00 | 23.79 |
| Suzanne C. Helmick, One Nationwide Plaza Columbus, OH 43216 | Nationwide Insurance Co | 600.00 | 342.50 |
| Donald E. Henderson, 130 E. Washington Street Indianapolis, IN 46204 | Indiana Farm Bureau, Inc | 6,500.00 | 1,727.45 |
| Lawrence R. Herman, 600 Pennsylvania Avenue, SE, #200 Washington, DC 20003 | Independent Insurance Agents of America, Inc | 13,677.00 | |
| Jo-Ann T. Herrick, 1800 K Street, NW, #530 Washington, DC 20006 | Tesoro Petroleum Corp | 1,500.00 | |
| Barry Alexander Herring, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037 | Laurel Steel Products, Ltd | 480.00 | 428.30 |
| Carol M. Herrington, 3881-B Steppes Court Falls Church, VA 22041 | | | |
| William G. Herrold, 1111 19th St., NW, #608 Washington, DC 20036 | Institute of Electrical & Electronics Engineers | | |
| Fred Hervey, P.O. Box 52084 Phoenix, AZ 85072 | Reduce Our Debt Foundation | | |
| Ted Allen Heydinger, 311 First Street, NW, #500 Washington, DC 20001 | Computer & Business Equipment Manufacturers Assn | 2,000.00 | 256.79 |
| David M. Higgins, 333 South Grand Ave., #3930 Los Angeles, CA 90071 | Structured Settlements Trade Assn | | |
| William H. Highsmith Jr., 1620 Eye Street, NW Washington, DC 20006 | Tonya, Inc (For:City of Philadelphia, PA and City of Birmingham, AL) | 6,000.00 | |
| J. D. Hittle, 3137 S. 14th St. Arlington, VA 22204 | KMS Industries, Inc | 1,500.00 | |
| Do | LTV Aero-Space & Defense Co | 2,500.00 | 225.50 |
| Sheila K. Hixson, 1111 14th Street, NW, #1200 Washington, DC 20005 | American Dental Assn | 1,000.00 | 1,432.12 |
| Hogan & Hartson, 815 Connecticut Ave., NW Washington, DC 20006 | American Electronics Assn | 4,895.00 | 46.20 |
| Do | Coalition for the Advancement of Industrial Technology | 17,275.00 | 883.07 |
| Do | Computer & Business Equipment Manufacturers Assn | 8,398.61 | 729.30 |
| Do | Semiconductor Industry Association | 12,500.00 | 353.42 |
| Philip A. Hogue, 150 S. Washington St., #100 Falls Church, VA 22046 | International Technical Expertise Ltd | | |
| William J. Holayter, 1300 Connecticut Avenue, NW Washington, DC 20036 | International Assn of Machinists & Aerospace Workers | 7,882.13 | |
| Holiday Inns, Inc, c/o Talcott Mccabe & Associates 600 Maryland Ave., SW, 302 W. Wing Washington, DC 20024 | | | |
| Holland & Knight, 888 17th St., NW, #400 Washington, DC 20006 | Florida Downtown Development Assn | 4,290.00 | 161.21 |
| Do | Pan American Satellite Corp | 1,214.00 | |
| Do | Spanish International Communications Corp | 417.50 | 731.77 |
| John Holton, 2550 M Street, NW, #275 Washington, DC 20037 | Camp Carmouche Barsh Hunter Gray Hoffman & Gill, P.C. | | |
| Lois Holwerda-Hoyt, 600 Maryland Avenue, SW, #770 Washington, DC 20024 | American Academy of Family Physicians | 1,937.50 | 480.82 |
| Hoog & Associates, 1877 Broadway, #405 Boulder, CO 80302 | Denelcor, Inc | | |
| Harry J. Horrocks II, 40 Ivy Street, SE Washington, DC 20003 | National Lumber & Building Material Dealers Assn | 12,250.00 | |
| Hospital Association of New York State, 74 N. Pearl St. Albany, NY 12207 | | 8,960.00 | 8,960.00 |
| Mary Greer Houston, 1901 L St., NW #804 Washington, DC 20036 | Siegel Houston & Assoc, Inc (For:Farm Labor Research Comm) | | |
| Houston Natural Gas Corp, P.O. Box 1188 Houston, TX 77001 | | | |
| Edward F. Howard, 1334 G Street, 3rd Fl. Washington, DC 20005 | Villers Advocacy Associates | 3,351.72 | 22.30 |
| Mary Lynch Howell, 1090 Vermont Ave., NW, #1100 Washington, DC 20005 | Textron, Inc | 1,500.00 | 280.00 |
| Susan Howland-Kelly, 20 Black Oak Mews Newtown, PA 18940 | Electrical Alliance | | |
| Do | Philadelphia Maritime Exchange | | |
| Betty Hudson, 1627 K Street, NW, #200 Washington, DC 20006 | Fluor Corporation | 15,000.00 | 1,911.53 |
| Tony R. Huerta, 100 Indiana Ave., NW Washington, DC 20001 | National Assn of Letter Carriers | 5,448.72 | |
| Steven D. Huff, 111 East Wisconsin Avenue, #1800 Milwaukee, WI 53202 | National Employee Benefits Institute | | |
| Peter W. Hughes, 1909 K St., NW Washington, DC 20049 | American Assn of Retired Persons | 1,082.31 | |
| Richard H. Hughes, P.O. Box 880 Valley Forge, PA 19482 | Avtex Fibers, Inc | | |
| Gregory A. Humphrey, 555 New Jersey Ave., NW Washington, DC 20001 | American Fed of Teachers | 15,250.02 | 60.00 |
| Richard M. Hunt, 1800 K St., NW, #622 Washington, DC 20006 | NL Industries, Inc | 4,775.00 | |
| Gerard F. Hurley, 1625 I St., NW, #609 Washington, DC 20006 | National Club Association | | |
| Cathy Hurwit, 1300 Connecticut Ave., NW, #401 Washington, DC 20036 | Citizen Action | 4,000.00 | 38.50 |
| Do | Citizen/Labor Energy Coalition | 1,000.00 | |
| Raymond W. Hussey, 29400 Lakeland Blvd. Wickliffe, OH 44092 | Lubrizol Corporation | 700.00 | 1,793.74 |
| Robert E. Hutchinson, P.O. Box 52084 Phoenix, AZ 85072 | Reduce Our Debt Foundation | | |
| Isabel E. Hyde, 1800 K Street, NW, #800 Washington, DC 20006 | Goodyear Tire & Rubber Co | 2,550.00 | |
| Independent Insurance Agents of America, Inc, 100 Church St. New York, NY 10007 | | 32,678.00 | 32,678.00 |
| Industry Council for Tangible Assets, 1701 Pennsylvania Ave., NW, #533 Washington, DC 20006 | | | |
| Interlake, Inc, 2015 Spring Rd. Oak Brook, IL 60521 | | | 17,081.47 |
| International Assn of Bridge Struct & Ornamental Iron Wkrs, 1750 New York Ave., NW Washington, DC 20006 | | | 10,800.00 |
| International Assn of Machinists & Aerospace Workers, 1300 Connecticut Ave., NW Washington, DC 20036 | | | 29,061.27 |
| International Footwear Assn, 47 West 34th Street, #804 New York, NY 10001 | | | |
| International Public Affairs Consultants, Inc, P.O. Drawer 9376 Arlington, VA 22209 | | | |
| International Union of Operating Engineers, 1125 17th St., NW Washington, DC 20036 | | 16,000.00 | 557.00 |
| John Isaacs, 100 Maryland Ave., NE Washington, DC 20002 | Council for a Livable World | 7,786.02 | |
| Ivins Phillips & Barker, Chtd, 1700 Pennsylvania Avenue, NW Washington, DC 20006 | Limited, Inc | 2,453.75 | |
| Do | Xerox Corp | | |
| Walter K. Jaenicke, 1250 Connecticut Avenue, NW Washington, DC 20036 | National Forest Products Assn | | |
| Raymond C. Janus, c/o Christopher L. Meyer P.O. Box 88 E Unit Ashland, KY 41101 | | | |
| Kempton B. Jenkins, 1667 K St., NW, #650 Washington, DC 20006 | Armco, Inc | | 220.00 |
| David Jenness, 1200 17th Street, NW, #520 Washington, DC 20036 | Consortium of Social Science Assns | | |
| Patricia A. Jensen, Pillsbury Center M.s. 3771 Minneapolis, MN 55402 | Pillsbury Company | | |
| Charles Joeckel Jr., 807 Maine Ave., SW Washington, DC 20024 | Disabled American Veterans | | |
| Ronald P. Johnsen, 1250 Eye St., NW, #703 Washington, DC 20005 | Columbia Gas System Service Corp | 175.00 | 434.30 |
| Beth Johnson, 5611 Sears Avenue Dallas, TX 75206 | Sierra Club | 3,620.00 | 1,742.00 |
| Bruce Johnson, Law Offices of Bruce Johnson 1718 Connecticut Ave., NW, #310 Washington, DC 20009 | Ad-Hoc Mortgage-Backed Securities Legis. & Regulatory Assn | | |
| Do | Columbia Savings & Loan Assn | 15,000.00 | 628.98 |
| Do | First Boston Corp | 45,843.60 | 4,988.46 |
| Do | FAIC Securities, Inc | 12,000.00 | 992.03 |
| Do | Kidder Peabody & Co, Inc | 1,250.00 | 400.00 |
| Paul W. Johnson, 1225 Connecticut Ave., NW, #303 Washington, DC 20036 | Fleishman-Hillard, Inc (For:Ability Information Systems--Computer Software) | | |
| Stanley L. Johnson, 5344 29th St., NW Washington, DC 20015 | Texaco, Inc | | |
| Barbara W. Johnston, 1150 Connecticut Ave. NW #710 Washington, DC 20036 | Utah International, Inc | | |
| Joint Corporate Comm on Cuban Claims, c/o Lone Star Industries, Inc PO Box 5050 Greenwich, CT 06830 | | | 180.00 |
| Joint Maritime Congress, 444 N. Capitol St. Washington, DC 20001 | | 25,478.96 | 25,478.96 |
| Mary K. Jolly, 1600 Rhode Island Avenue, NW Washington, DC 20036 | National Rifle Assn of America | 913.75 | 105.90 |
| Allan R. Jones, 2200 Mill Rd. Alexandria, VA 22314 | American Trucking Assns, Inc | 9,000.00 | 625.41 |
| Anthony L. Jones, 1620 Eye Street, NW Wahsington, DC 20006 | Tonya, Inc (For:City of Philadelphia, PA and City of Birmingham, AL) | 10,000.00 | |
| Ardon B. Judd Jr., 1100 Connecticut Ave., NW, #310 Washington, DC 20036 | Dresser Industries, Inc | | |
| Robert E. Juliano Associates, 1099 22nd Street, NW, #404 Washington, DC 20037 | Aetna Life & Casualty Insurance Co | 10,000.00 | |
| Do | National Academies of Practice | 2,500.00 | |
| Justice Fellowship, P.O. Box 17181 Washington, DC 20041 | | | 200.00 |
| Hans Kaehler, P.O. Box 118 Cold Spring Harbor, NY 11724 | | | |
| H. Richard Kahler, 100 N.E. Adams Street Peoria, IL 61629 | Caterpillar Tractor Co | | |
| Suzanne Kalfus, 1016 16th Street, NW Washington, DC 20036 | National Fed of Federal Employees | | |
| Laurel B. Kamen, 1020 19th St., NW, #600 Washington, DC 20036 | American Express Co | | |
| Kaye Scholer Fierman Hays & Handler, 1575 I Street, NW, #1150 Washington, DC 20005 | American Meat Institute | | |
| Do | American Psychoanalytic Assn | | |
| Do | American Social Health Assn | | |
| Do | Bristol-Myers Co | 1,920.00 | 200.00 |
| Do | Drummond Company | | |
| Do | Elsevier Scientific Publishers | | |
| Do | International Medical Centers, Inc | | |
| Do | ITT Corporation | | |
| Do | LDX Net, Inc | | |
| Do | Morgan Guaranty Trust Co of New York | | 218.00 |
| Do | National Coalition for Cancer Research | | |
| Do | Pioneer Systems, Inc | 3,322.75 | |
| Do | Raymark Corporation | 1,083.00 | |
| Do | United Television, Inc | | |
| Do | Venture Development Corp | | |
| Joseph D. Keefer, 1301 Pennsylvania Ave., NW, #325 Washington, DC 20006 | Council on Synthetic Fuels | | |
| Keith Keeney, 5775 Peachtree-Dunwoody Rd., #500-D Atlanta, GA 30342 | Robert H. Kellen Co (For:Calorie Control Council) | | |
| Robert H. Kellen, 5775 Peachtree-Dunwoody Rd., #500-D Atlanta, GA 20342 | Robert H. Kellen Co (For:Calorie Control Council) | | |
| Donald W. Keller, P.O. Box 3331 Houston, TX 77253 | Quintana Petroleum Corp | | |
| Paul J. Kelley, 2727 North Central Ave. Phoenix, AZ 85004 | U-Haul Intl, Inc | | |
| Thomas F. Kelley III, 311 First Street, NW Washington, DC 20001 | National Restaurant Assn | | |
| Deborah Marquis Kelly, 1200 17th Street, NW Washington, DC 20036 | American Psychological Assn | 2,500.00 | 114.32 |
| James J. Kelly, P.O. Box 23451 Washington, DC 20026 | Consolidated Rail Corporation | 3,000.00 | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Kemper Financial Services, Inc, 120 South Lasalle Street Chicago, IL 60603 | | | |
| Kemper Investors Life Insurance Co, 120 South Lasalle Street Chicago, IL 60603 | | | |
| Sabastian Kenight, 1994-A Woodward Ave., #312 Bloomfield Hills, MI 48013 | KF, Inc (For:AFGE - Alliance for Local 1658) | | 237.91 |
| Frances Ann Kenkel, 1331 Pennsylvania Ave., NW, #719 Washington, DC 20004 | Association of Private Pension & Welfare Plans, Inc | | |
| T. Michael Kerr, 1625 L St., NW Washington, DC 20036 | American Fed of State County & Municipal Employees | 11,355.78 | 121.01 |
| Michael J. Kerrigan, 1925 K Street, NW, #504 Washington, DC 20006 | Smokeless Tobacco Council, Inc | 840.00 | 96.99 |
| Brian D. Kidney, 444 N. Capitol Street, NW, #718 Washington, DC 20001 | Pacific Telesis Group | 15,450.00 | |
| Kilpatrick & Cody, 2501 M St., NW, #500 Washington, DC 20037 | Sierra Club Legal Defense Fund | | 13.65 |
| Roberta D. Kimball, 729 15th Street, NW Washington, DC 20005 | Associated Builders & Contractors, Inc | 2,500.00 | |
| Gene Kimmelman, 1424 16th Street, NW Washington, DC 20036 | Consumer Federation of America | 10,030.00 | |
| Aubrey C. King, 1625 Eye Street, NW, #609 Washington, DC 20006 | National Club Association | | |
| Janie A. Kinney, 1050 17th Street, NW, #650 Washington, DC 20036 | Disclosure, Inc | | |
| Kirkpatrick & Lockhart, 1900 M St., NW Washington, DC 20036 | American Council of Life Insurance, Inc | | |
| Do | Calvert Group, Ltd | | |
| Do | Columbia Pictures Industries, Inc | 80.00 | |
| Do | Council of State Housing Agencies | | |
| Do | County of Suffolk, New York | | |
| Do | Grocery Manufacturers of America, Inc | | |
| Do | Investors Fiduciary Trust Co | 3,003.00 | |
| Do | Paine Webber Jackson & Curtis, Inc | | |
| Do | H. K. Porter Company, Inc | | |
| Do | Republic National Bank of New York | | |
| Do | Whitney National Bank of New Orleans | | |
| William J. Kissick, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037 | Algoma Steel Corp, Ltd | | |
| Glenn Knapp, 773 Dartmouth Ave. San Carlos, CA 94070 | | | |
| C. Neal Knox, Neal Knox Associates Box 6537 Silver Spring, MD 20906 | | 3,000.00 | 500.00 |
| Thomas G. Kobus, 1112 16th St., NW, #2000 Washington, DC 20036 | National Parking Association | 18,649.93 | |
| Paul E. Kohl, J.C. Penny Co., Inc. 1301 Avenue of the Americas New York, NY 10019 | 18th Cong Dist for Pro-Life Activities | | |
| Kominers Fort Schiefer & Boyer, 1401 New York Ave., NW, 12th Fl. Washington, DC 20005 | Apex Marine Corp | 60,730.00 | 3,487.43 |
| Do | Atlantic Richfield Co | 14,875.00 | 5,204.26 |
| Do | Crowley Maritime Corp & Subsidiaries | 5,240.00 | 407.93 |
| Do | Matson Navigation Co | 12,310.00 | 829.45 |
| Nicholas P. Koskores, 1455 Pennsylvania Avenue, NW, #1000 Washington, DC 20004 | New England Council, Inc | | |
| Alan G. Kraut, 1200 17th Street, NW Washington, DC 20036 | American Psychological Assn | 3,000.00 | 114.32 |
| Lawrence E. Kreider, 1015 18th St., NW Washington, DC 20036 | Conference of State Bank Supervisors | | |
| William K. Krist, 1612 K Street, NW Washington, DC 20006 | American Electronics Assn | 2,000.00 | |
| Jeffrey Kurzweil, Hill Betts & Nash 1818 N St., NW Washington, DC 20036 | Marriott Corporation | 11,044.33 | 785.46 |
| James M. Kuszaj, 1800 M St., NW, #700 S. Washington, DC 20036 | Dow Chemical USA | | |
| Kutak Rock & Campbell, 1101 Connecticut Avenue, NW Washington, DC 20036 | America First Federally Guaranteed Mortgage Fund II | | |
| Bruce C. Ladd Jr., 1776 K Street, NW Washington, DC 20006 | Motorola, Inc | 16,500.00 | 78.00 |
| David P. Lambert, 1800 K St., NW Washington, DC 20006 | New York Stock Exchange, Inc | | |
| Lane & Edson, P.C., 2300 M Street, NW Washington, DC 20036 | National Assn of Energy Service Cos | | |
| Lane & Mittendorf, 1750 K Street, NW, #1200 Washington, DC 20006 | Independent Producers Group | | 743.58 |
| Warren Lasko, 1125 15th Street, NW Washington, DC 20005 | Mortgage Bankers Assn of America | | |
| Dennis Lavallee, 180 S. Washington St., P.O. Box 6808 Falls Church, VA 22046 | National Assn of Plumbing-Heating-Cooling Contractors | 500.00 | 91.25 |
| Charles B. Lavin Jr., 180 S. Washington St. Falls Church, VA 22046 | National Assn of Plumbing-Heating-Cooling Contractors | | |
| George H. Lawrence, 1515 Wilson Blvd. Arlington, VA 22209 | American Gas Assn | 3,000.00 | |
| League of American Investors, 32123 Lindero Canyon Road Westlake Village, CA 91361 | | | |
| Lechner & Butsavage, P.C., 1819 H ST., NW, #1125 Washington, DC 20006 | National Assn of Police Organizations | 13,750.00 | 7,296.54 |
| Gerard Lavery Lederer, 1620 Eye Street, NW Washington, DC 20006 | Tonya, Inc (For:City of Philadelphia, PA and City of Birmingham, AL) | 7,500.00 | |
| Julie S. Lee, 444 North Capitol St., NW, #801 Washington, DC 20001 | Joint Maritime Congress | 24.22 | |
| Lefevere Lefler Kennedy O'Brien & Drawz, 2000 First Bank Place West 120 South 6th Street Minneapolis, MN 55402 | City of New Brighton | | |
| David A. Leff, 444 North Capitol Washington, DC 20001 | Joint Maritime Congress | 3,331.44 | |
| A. B. Virkler Legate, 77 Sycamore Circle Ormond Beach, FL 32074 | Eagle Engineering, Inc | | |
| Do | Embry-Riddle Aeronautical University | | |
| Legislative Studies Institute, Inc, 3471 N. Federal Highway, #511 Fort Lauderdale, FL 33306 | Ameriserv, Inc | | |
| Mary Nell Lehnhard, 1709 New York Ave., NW Washington, DC 20006 | Blue Cross & Blue Shield Assn | | 133.02 |
| Donna Lenhoff, 2000 P St., NW, #400 Washington, DC 20036 | Women's Legal Defense Fund | 77.30 | 21.04 |
| Morris J. Levin, 1050 17th St., NW Washington, DC 20036 | Association of American Railroads | 2,500.00 | |
| Roger N. Levy, 600 Pennsylvania Avenue, SE, #200 Washington, DC 20003 | Independent Insurance Agents of America, Inc | 21,808.00 | |
| Robert G. Liberatore, 1100 Connecticut Avenue, NW Washington, DC 20036 | Chrysler Corporation | 2,250.00 | 413.12 |
| Judith Lichtman, 2000 P St., NW, #400 Washington, DC 20036 | Women's Legal Defense Fund | 619.64 | 298.60 |
| Lincoln Savings & Loan Assn, P.O. Box 19614 Irvine, CA 92714 | | | 4,193.94 |
| Donald Lindsey, 8213 S. Richmond Chicago, IL 60652 | Brotherhood of Locomotive Engineers | | |
| Linda A. Lipsen, 2001 S Street, NW, #520 Washington, DC 20009 | Consumers Union of U.S., Inc | 2,160.00 | |
| Barbara A. Little, 1155 15th St., NW, #611 Washington, DC 20005 | Ethyl Corporation | 1,200.00 | |
| David A. Litvin, 1001 22nd St., NW, #600 Washington, DC 20037 | Standard Oil Company (Ohio) | 375.00 | 135.34 |
| Livestock Marketing Association, 301 E. Armour Blvd. Kansas City, MO 64111 | | | |
| Franci Livingston, 215 Pennsylvania Avenue, SE Washington, DC 20003 | Public Citizen's Congress Watch | 4,749.96 | |
| Law Ofcs of Sheldon London, 1725 DeSales St., NW, #401 Washington, DC 20036 | American Hardware Manufacturers Assn | | |
| William E. Long, One Nationwide Plaza Columbus, OH 43216 | Nationwide Insurance Co | 600.00 | |
| Laura Loomis, 1701 18th St., NW Washington, DC 20009 | National Parks & Conservation Association | | |
| Loomis Owen Fellman & Howe, 2020 K St., NW Washington, DC 20006 | Association of Bituminous Contractors | | |
| Do | Classroom Publishers Assn | | |
| Do | Industrial Diamond Assn | | |
| Do | Optical Manufacturers Assn | | |
| Do | Textile Rental Services Assn of America | | |
| Charles M. Loveless, 1625 L Street, NW Washington, DC 20036 | American Fed of State County & Municipal Employees | 10,775.09 | 257.03 |
| Matthew A. Low, 1607 New Hampshire Avenue, NW Washington, DC 20009 | Norman D. Shutler | | |
| Peter J. Luciano, 923 15th Street, NW Washington, DC 20005 | Transportation Institute | 5,000.00 | |
| William F. Ludlam Sr., P.O. Box 5282 Virginia Beach, VA 23455 | ARBA Licensees Assn | | 580.87 |
| Luedtke & Demarest, 1920 N Street, NW, #400 Washington, DC 20036 | Cenergy Exploration Co | | |
| Do | Mitchell Energy & Development Corp | | |
| Do | Murchison Oil & Gas, Inc | | |
| Do | Pitts Energy Group | | |
| Do | Southland Corporation | 7,103.76 | |
| Do | Texas Oil & Gas Corp | | |
| Do | US Telecom, Inc | | |
| Do | Wessely Energy Corp | | |
| Lukens, Inc, 50 South First Avenue Coatesville, PA 19320 | | | |
| Lumbermens Mutual Casualty Company, Long Grove, IL 60049 | | | 2,990.08 |
| W. Fletcher Lutz, 727 South 23rd St., #100 Arlington, VA 22202 | Association of Government Accountants | | |
| M.O.A./AIOA & Subs, Inc, 701 S. 22nd, #107 Omaha, NB 68102 | | | |
| John Macnamara, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037 | Algoma Steel Corp, Ltd | | |
| Peter T. Madigan, 777 14th Street, NW Washington, DC 20005 | National Assn of Realtors | 2,500.00 | 324.00 |
| Michael Mahdesian, 8636 Wonderland Ave. Los Angeles, CA 90046 | Armenian National Committee of America | | |
| Joan A. Maher, 1117 North 19th Street, #600 Arlington, VA 22209 | American Assn of Blood Banks | | |
| Linda J. Maher, 1140 Connecticut Ave., NW, #1006 Washington, DC 20036 | Turner Broadcasting System, Inc | 5,500.00 | 636.54 |
| Michael C. Maibach, 3065 Bowers Avenue Santa Clara, CA 95051 | Intel Corporation | 12,000.00 | 2,978.51 |
| Ellen L. Maitland, 777 14th Street, NW Washington, DC 20005 | National Assn of Realtors | | |
| Lawrence R. Malone, 1211 Avenue of The Americas New York, NY 10036 | Celanese Corp | | |
| Man-Made Fiber Producers Assn, Inc, 1150 17th St., NW, #310 Washington, DC 20036 | | 8,952.00 | 7,939.87 |
| Manatos & Manatos, Inc, 1750 New York Ave., NW, #210 Washington, DC 20006 | United Hellenic Amer Congress & Amer Hellenic Alliance, Inc | 7,200.00 | 14,584.00 |
| Do | Washington Coordinating Counicl on Productivity | | |
| Peter T. Mangione, 1319 F Street, NW, #700 Washington, DC 20004 | Footwear Retailers of America | 450.00 | |
| Donald W. Mann, 60-B Franklin St. Tenafly, NJ 07666 | Negative Population Growth, Inc | | |
| Claudia Mansfield, 1801 N. Moore Street Arlington, VA 22209 | American Assn of School Administrators | | 50.55 |
| Cynthia Mansfield, 600 Maryland Ave., SW, #520 Washington, DC 20024 | GPU Service Corporation | 2,124.00 | 590.06 |
| John V. Maraney, 324 East Capitol St., NE Washington, DC 20003 | National Star Route Mail Contractors Assn | | |
| Richard P. Markey, 729 15th St., NW Washington, DC 20005 | Associated Builders & Contractors, Inc | | |
| E. Vernon Markham III, 2121 K Street, NW, #830 Washington, DC 20037 | Stephens Overseas Services, Inc | | |
| Chalmers H. Marquis, 1818 N St., NW, #410 Washington, DC 20036 | Agency for Instructional Television | | |
| Do | Children's Television Workshop | | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| C. Travis Marshall, 1776 K St., NW, #300 Washington, DC 20006 | Motorola, Inc | 1,500.00 | 12.00 |
| Dianne D. Marshall, 1331 Pennsylvania Avenue, NW, #910 Washington, DC 20004 | American Cement Trade Alliance, Inc | 730.77 | 45.60 |
| Scott Marshall, 1909 K Street, NW Washington, DC 20049 | American Assn of Retired Persons | 507.69 | 143.00 |
| Donald N. Martin, Donald N. Martin & Company, Inc 630 Fifth Ave. New York, NY 10111 | | | |
| Peggy L. Martin, 777 14th Street, NW Washington, DC 20005 | National Assn of Realtors | | |
| Colin D. Mathews, 1101 Connecticut Avenue, NW Washington, DC 20036 | Vinson & Elkins (For:Federal Land Bank Assns of Texas Stockholders' Defense Fund) | | |
| Do | Vinson & Elkins (For:Travelers Insurance Co) | | |
| Herbert S. Matthews, Rte. 3, Box 437 Mechanicsville, MD 20659 | Martin Marietta Aerospace | 7,200.00 | 143.50 |
| William W. Maurer, 1745 Jefferson Davis Highway, #1000 Arlington, VA 22202 | General Dynamics Corp | 1,000.00 | 1,776.03 |
| Samuel L. Maury, 1615 L St., NW, #1350 Washington, DC 20036 | Business Roundtable | 600.00 | |
| Albert E. May, 1627 K Street, NW Washington, DC 20006 | Council of American-Flag Ship Operators | 5,250.00 | 44.21 |
| Arnold Mayer, 1775 K St., NW Washington, DC 20006 | United Food & Commercial Workers International Union | 22,884.61 | 295.33 |
| Douglas E. McAllister, 1920 N St., NW Washington, DC 20036 | American Mining Congress | | |
| Jerry McAndrews, 308 E. Capitol St., #10 Washington, DC 20003 | Competitive Telecommunications Assn | 21,333.00 | 170.82 |
| John L. McConnell, 1800 K St., NW, #1100 Washington, DC 20006 | New York Stock Exchange, Inc | | |
| Molly McCormick, 2301 Market Street, S 13-1 Philadelphia, PA 19101 | Philadelphia Electric Company | 3,000.00 | 915.00 |
| David F. McDermitt, 1235 Jefferson-Davis Highway, #606 Arlington, VA 22202 | National Utility Contractors Assn | | 5,221.06 |
| Marianne McDermott, 1350 New York Avenue, NW, #615 Washington, DC 20005 | Greeting Card Assn | | |
| McDermott Will & Emery, 1850 K St., NW, #500 Washington, DC 20006 | American Dental Hygienists' Assn | 12,000.00 | |
| Do | Banks of Iowa | | |
| Do | Berry Holding Co | | |
| Do | California Assn of Children's Hospitals | 3,945.00 | 314.58 |
| Do | Caterpillar Tractor Co | | |
| Do | Federal Kemper Life Assurance Co | 66.00 | |
| Do | Juvenile Diabetes Foundation, International | 3,300.00 | 152.00 |
| Do | Kemper Investors Life Insurance Co | 32.00 | |
| Do | Lumberman Mutual Co | | |
| Do | Outpatient Opthalmic Surgery Society | 1,830.00 | |
| Do | Public Employees Retirement Assn of Colorado | 1,525.00 | 117.00 |
| Do | Regional Municipal Securities Assn | 1,145.00 | 15.50 |
| Do | Society for Office Based Surgery | 400.00 | |
| Christine W. McEntee, 1909 K Street, NW Washington, DC 20049 | American Assn of Retired Persons | 401.92 | 184.82 |
| Peter E. McGuire, 1219 28th Street, NW Washington, DC 20007 | National Assn of Retired & Veteran Railway Employees | | |
| McHale Cook & Welch, P.c., 1122 Chamber of Commerce Building Indianapolis, IN 46204 | Estate of Mabel R. Ladd | | |
| James T. McIntyre Jr., Hansell & Post 1667 K Street, NW, #500 Washington, DC 20006 | CSX Corporation | | |
| Robert McIntyre, 1313 L St., NW Washington, DC 20005 | Citizens for Tax Justice | 6,229.49 | |
| Patrick S. McLafferty, 910 Flerin Road, #209 Sacramento, CA 95831 | Pacific Management Dynamics Corp | | |
| Michael R. McLeod, Scott Harrison & Mcleod 2501 M St., NW Washington, DC 20037 | American Assn of Crop Insurers | 250.00 | |
| Do | Chicago Board of Trade | 2,562.50 | |
| Do | United Egg Producers | | |
| C. W. McMillan, 2021 K Street, NW, #306 Washington, DC 20006 | McMillan & Farrell Associates, Inc | | |
| McNair Glenn Konduros Corley Singletary Porter & Dibble, 1155 15th Street, NW Washington, DC 20005 | Air Line Pilots Assn | | |
| Do | Amalgamated Clothing & Textile Workers Union | | |
| Do | American Petroleum Institute | | |
| Do | Bristol-Myers Co | | |
| Do | Business Roundtable | | |
| Do | Colt Industries, Inc | 1,612.55 | 37.85 |
| Do | Dart & Kraft, Inc | | |
| Do | Enserch Corporation | | |
| Do | Food Marketing Institute | | |
| Do | Hospital Corp of America | | |
| Do | Household International | | |
| Do | Robert E. Juliano & Associates | | |
| Do | Kaiser Steel Corp | | |
| Do | Mesa Petroleum Co | | |
| Do | Metropolitan Insurance | 8,970.50 | 97.40 |
| Do | Milliken Mills | | |
| Do | National Assn of Realtors | | |
| Do | Northwestern Mutual Life Insurance Co | 1,230.00 | 153.89 |
| Do | Pharmaceutical Manufacturers Assn | | |
| Do | Sabine Corporation | | |
| Do | Sony Corp of America | 5,707.00 | 138.00 |
| Do | Texas Oil & Gas Corp | | |
| Do | Waste Management, Inc | | |
| Do | Westinghouse Electric Corp | | |
| Ronald E. McWilliams, 1700 N. Moore St. Rosslyn, VA 22209 | Boeing Marine Systems | | |
| Francis X. Meaney, 1825 Eye Street, NW Washington, DC 20006 | Mintz Levin Cohn Ferris Glovsky & Popeo (For:Goldman Sachs & Co) | | |
| Do | Mintz Levin Cohn Ferris Glovsky & Popeo (For:Northern Energy Corporation) | | |
| Do | Mintz Levin Cohn Ferris Glovsky & Popeo (For:Securities Industry Assn) | 2,500.00 | |
| Nanine Meikejohn, 1625 L St., NW Washington, DC 20036 | American Fed of State County & Municipal Employees | 6,913.38 | 25.00 |
| James T. Melville, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037 | Algoma Steel Corp, Ltd | | |
| Mendelsohn Associates, Inc, 1826 Jefferson Place, NW, #101 Washington, DC 20036 | Wolf Trap Foundation for the Performing Arts | | |
| Howard A. Menell, 1020 19th St., NW, #600 Washington, DC 20036 | American Express Co | | |
| Harold E. Mesirow, 21 Dupont Circle, NW Washington, DC 20036 | Lillick Mchose & Charles (For:Foss Launch & Tug Company) | 5,846.00 | |
| Do | Western Pioneer, Inc | | |
| Lisa Mihaly, 122 C Street, NW, 4th Fl. Washington, DC 20001 | Children's Defense Fund of the Washington Research Project | 779.60 | |
| Milbank Tweed Hadley & Mccloy, 1825 Eye St., NW Washinton, DC 20006 | Claymark Corporation, Inc | | |
| Clinton R. Miller, 5001 Seminary Road, #1330 Alexandria, VA 22311 | National Health Federation | 1,000.00 | 2,700.00 |
| John R. Miller, 40-G-2600 Headquarters Cleveland, OH 44114 | Standard Oil Co (Ohio) | | |
| Linda B. Miller, 1625 Eye St., NW, #810 Washington, DC 20006 | Volunteer Trustees of Not-For-Profit Hospitals | | |
| Miller & Chevalier, Chtd, Metropolitan Square 655 15th Street, NW Washington, DC 20005 | American Electronics Assn | | |
| Do | Blue Cross & Blue Shield Assn | 53,000.00 | 12.10 |
| Do | Coalition for the Advancement of Industrial Technology | | |
| Do | Computer & Business Equipment Manufacturers Assn | | |
| Do | Semiconductor Industry Assn | | |
| Do | Western Savings & Loan Assn | 39,106.25 | 1,759.50 |
| Denny Miller Associates, Inc, 400 N. Capitol St., NW, #325 Washington, DC 20001 | Boeing Company | 3,000.00 | |
| Do | Marine Engineers' Beneficial Assn | 3,000.00 | |
| Do | Port of Tacoma | 1,125.00 | |
| Do | Rockcor, Inc | 2,520.00 | |
| Miller Canfield Paddock & Stone, Suite 1200 1015 15th St., NW Washington, DC 20005 | Leelanau County Road Commission | | |
| Miller Cassidy Larroca & Lewin, 2555 M St., NW, #500 Washington, DC 20037 | National Assn of Life Underwriters, et al | | |
| Miller Hamilton Snider & Odom, 256 State St., P.O. Box 46 Mobile, AL 36601 | Camp Carmouche Barsh... (for Sears Roebuck & Co) | | |
| Do | Colonial Bancgroup, Inc | | |
| Christine Topping Milliken, 122 C St., NW, #750 Washington, DC 20001 | National Assn of Independent Colleges & Universities | 3,397.00 | 321.00 |
| John H. Miner, Room 1414-South Building, Usda Washington, DC 20250 | Organization of Professional Employees of USDA | 750.00 | |
| John C. Monsul, 923 Riva Ridge Drive Great Falls, VA 22066 | | | |
| Nancy Jacks Montgomery, 1601 Duke Street Alexandria, VA 22314 | Society of American Florists | | |
| Steven M. Moodie, 910 16th Street, NW, Rm. 402 Washington, DC 20006 | Federation of American Controlled Shipping | 200.00 | |
| John Morgan, 1925 K St., NW Washington, DC 20006 | Communications Workers of America | | |
| Peter Denis Morgan, 777 14th Street, NW Washington, DC 20005 | National Assn of Realtors | 1,750.00 | 232.10 |
| Morgan Lewis & Bockius, Suite 800 North 1800 M St., NW Washington, DC 20036 | Artery Organization, Inc | 30,365.00 | 309.72 |
| Do | Zalman C. Bernstein | | |
| Do | Committee for Cap Formation Through Dividend Reinvestment | | |
| Do | Republic National Bank of New York | 46,055.00 | 3,299.74 |
| Gerald D. Morris, 555 New Jersey Ave., NW Washington, DC 20001 | American Fed of Teachers | 12,499.98 | 80.00 |
| James Morrison, 21 Dupont Circle, NW, #401 Washington, DC 20036 | Business Executives for National Security | 1,177.00 | 18.00 |
| Michael L. Morton, 918 16th Street, NW, #701 Washington, DC 20006 | Godfrey Associates, Inc | | |
| Richard J. Muller, 1100 Connecticut Ave., NW Washington, DC 20036 | Chrysler Corporation | 2,000.00 | 105.00 |
| Edward L. Murphy, 1313 L Street, NW, 2nd Floor Washington, DC 20005 | National Assn of Government Employees | 4,250.00 | 326.92 |
| Keith Murphy, Kemp Klein Endelmen & Beer 1000 Thomas Jefferson St., NW, #600 Washington, DC 20007 | M.A.N. Truck & Bus Corp | | |
| William T. Murphy Jr., Barrett Montgomery & Murphy 2555 M Street, NW, #100 Washington, DC 20037 | American Cement Trade Alliance, Inc | | |
| Do | Chemical Manufacturers Assn, Inc | | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Do | Natural Gas Supply Assn | | |
| Do | O'Connor & Associates | | |
| James E. Murray, One Farragut Square South Washington, DC 20006 | Brown Wood Ivey Mitchell & Petty (For:National Assn of Small Business Investment Cos, et al.). | | |
| Rosemary Griffin Murray, 1660 L St., NW, #901 Washington, DC 20036 | Pan American World Airways, Inc | | |
| Murray & Scheer, 2550 M St., NW, #695 Washington, DC 20037 | Provident Mutual Life Insurance Co of Philadelphia | 500.00 | |
| Paul J. Myer, 1150 17th St., NW, 11th Floor Washington, DC 20036 | Capitol Cities/ABC, Inc | | |
| Karen J. Nardi, Three Embarcadero Center San Francisco, CA 94111 | McCutchen Doyle Brown & Enersen (For:AMFAC, Inc) | | |
| Do | McCutchen Doyle Brown & Enersen (For:Castle & Cooke, Inc) | | |
| Do | McCutchen Doyle Brown & Enersen (For:Rohr Industries, Inc) | | |
| National Assn for Stock Car Auto Racing, Inc (NASCAR), 1801 Speedway Boulevard Daytona Beach, FL 32015 | | | 8,000.00 |
| National Assn of Beverage Importers, 1025 Vermont Avenue, NW, #1205 Washington, DC 20005 | | | |
| National Assn of Energy Service Companies, 2330 M St., NW Washington, DC 20037 | | | |
| National Assn of Home Builders of the U.S., 15th & M Sts., NW Washington, DC 20005 | | 77,484.30 | 104,479.62 |
| National Assn of Homes for Children, c/o Talcott, Mccabe & Associates 600 Maryland Ave., SW, 302 W. Wing Washington, DC 20024. | | | 3,000.00 |
| National Assn of Independent Colleges & Universities, 122 C St., NW, #705 Washington, DC 20001 | | 1,180.00 | 62,974.00 |
| National Assn of Letter Carriers, 100 Indiana Ave., NW Washington, DC 20001 | | 4,500,884.58 | 269,438.00 |
| National Assn of Margarine Manufacturers, 1625 I St., NW, #1024-A Washington, DC 20006 | | | |
| National Assn of Plumbing-Heating-Cooling Contractors, P.O. Box 6808 Falls Church, VA 22046 | | 2,866.67 | 2,866.67 |
| National Assn of Railroad Passengers, 236 Massachusetts Ave., NE, #603 Washington, DC 20002 | | 89,797.79 | 41,424.39 |
| National Assn of Realtors, 777 14th St., NW Washington, DC 20005 | | | 143,718.92 |
| National Assn of Retired Federal Employees, 1533 New Hampshire Ave., NW Washington, DC 20036 | | 3,463.00 | 2,875.00 |
| National Assn of Stevedores, 2011 I Street, NW, #601 Washington, DC 20006 | | 3,250.00 | 2,130.00 |
| National Assn of Wheat Growers, 415 2nd St., NE, #300 Washington, DC 20002 | | 8,260.70 | 11,130.42 |
| National Automobile Dealers Assn, 8400 Westpark Drive Mclean, VA 22102 | | | 23,370.25 |
| National Clean Air Coalition, Inc, 530 7th St., SE Washington, DC 20003 | | 32,755.23 | 28,469.00 |
| National Club Association, 1625 Eye St., NW, #609 Washington, DC 20006 | | | |
| National Coalition for Marine Conservation, Inc, P.O. Box 23298 Savannah, GA 31403 | | 16,340.00 | 22,914.56 |
| National Coalition to Ban Handguns, 100 Maryland Ave., NE Washington, DC 20002 | | 24,032.95 | 23,000.00 |
| National Commercial Finance Assn, 225 W. 34th St. New York, NY 10001 | | 10,750.00 | 1,097.07 |
| National Community Action Foundation, Inc, 2100 M Street, NW, #604A Washington, DC 20037 | | 248,602.00 | 36,338.00 |
| National Education Assn, 1201 16th St., NW Washington, DC 20036 | | 18,719.93 | 18,719.93 |
| National Employee Benefits Institute, 2550 M St., NW, #303 Washington, DC 20037 | | 7,528.50 | 2,583.23 |
| National Family Planning & Reproductive Health Assn, Inc, 122 C St., NW, #380 Washington, DC 20001 | | 73,650.00 | 505.00 |
| National Fertilizer Solutions Assn, 10777 Sunset Office Drive, #10 St. Louis, MO 63127 | | | |
| National Knitwear & Sportswear Assn, 386 Park Avenue South New York, NY 10016 | | | 2,245.51 |
| National Motorsports Comm of Accus, 1500 Skokie Boulevard, #101 Northbrook, IL 60062 | | 1,572.14 | 18,470.61 |
| National Newspaper Assn, 1627 K St., NW, #400 Washington, DC 20006 | | 230,211.00 | 6,036.82 |
| National Parking Association, 1112 16th St., NW Washington, DC 20036 | | | 64,116.39 |
| National Resource Center for Consumers of Legal Services, 3254 Jones Court, NW Washington, DC 20007 | | 12.00 | 509.00 |
| National Rifle Assn of America, 1600 Rhode Island Ave., NW Washington, DC 20036 | | 224,869.38 | 236,598.29 |
| National Rural Housing Coalition, 2001 S St., NW, #500 Washington, DC 20009 | | 31,685.80 | 17,060.17 |
| National Small Business Index, R.r. #1 Aitkin, MN 56431 | | | |
| National Solid Wastes Management Assn, 10th Floor 1730 Rhode Island Ave., NW Washington, DC 20036 | | | |
| National Strategies & Marketing Group, 1919 Pennsylvania Ave., NW, #704 Washington, DC 20006 | Alliance for Capital Access | 26,250.00 | 47.32 |
| Do | PGA Tour, Inc | 15,000.00 | 15.60 |
| Do | U.S. Sprint | 4,000.00 | 669.00 |
| National Tax Equality Assn, 321 D St., NE Washington, DC 20002 | | 2,869.20 | 2,497.58 |
| National Telephone Cooperative Assn, 2626 Pennsylvania Ave., NW Washington, DC 20037 | | 12,055.00 | 1,601.10 |
| National Tour Assn, Inc, 546 E. Main Street Lexington, KY 40508 | | 34,219.00 | 34,219.00 |
| National Water Resources Assn, 955 L'enfant Plaza North, SW, #1202 Washington, DC 20024 | | 3,125.00 | |
| Neece Cator & Associates, Inc, 1050 17th Street, NW Washington, DC 20036 | National Assn of Business Development Corps | | |
| Neighborhood Housing Services of America, 3805 Alton Place, NW Washington, DC 20016 | | | |
| Neill Mullenholz Shaw & Seeger, 900 17th St., NW, #400 Washington, DC 20006 | Insurance Servicing & Information Systems Corp | 3,000.00 | |
| Frederick H. Nesbitt, 100 Indiana Avenue, NW Washington, DC 20001 | National Assn of Letter Carriers | 8,325.84 | 4,262.72 |
| New York Shipping Assn, Inc, 80 Broad Street, 12th Fl. New York, NY 10004 | | | |
| William B. Newman Jr., P.O. Box 23451 Washington, DC 20024 | Consolidated Rail Corporation | 5,000.00 | |
| Peter Nixon, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037 | Algoma Steel Corp, Ltd | | |
| A. Allan Noe, 1828 L Street, NW, #710 Washington, DC 20036 | Chesebrough-Pond's, Inc | 1,500.00 | 1,277.09 |
| Willie Ervine Norman, 1411 West 5th Street Montgomery, AL 36106 | | | |
| Nossaman Guthner Knox & Elliott, 1140 19th St., NW, #600 Washington, DC 20036 | AEtna Life & Casualty | | 3,532.50 |
| Do | Helionetics, Inc | | |
| Do | Insurance Assn of Connecticut | | |
| Do | Northwestern National Life Insurance Co | | 2,677.50 |
| Do | Southern California Edison | | |
| Michael Novelli, 3012 Cambridge Place, NW Washington, DC 20007 | Pacific Potomac Services | | |
| NL Industries, Inc, 1230 Avenue of The Americas New York, NY 10020 | | | 10,348.54 |
| Hubert K. O'Bannon, P.O. Box 23451 Washington, DC 20026 | Consolidated Rail Corporation | 2,550.00 | |
| Elizabeth O'Brien, 2550 M Street, NW, #275 Washington, DC 20037 | Camp Carmouche Barsh Hunter Gray Hoffman & Gill, P.C | | |
| Charles Albert O'Connor Jr., 2300 S. 24th Road, #533 Arlington, VA 22206 | | | |
| K. James O'Connor Jr., 2501 M Street, NW Washington, DC 20037 | Chemical Manufacturers Assn, Inc | 900.00 | 94.00 |
| O'Connor & Hannan, 1919 Pennsylvania Ave., NW, #800 Washington, DC 20006 | Investment Company Institute | 10,000.00 | |
| Do | Joint Comm of Knitwear Associations | | |
| Paul T. O'Day, 1150 17th Street, NW Washington, DC 20036 | Man-Made Fiber Producers Assn, Inc | 2,500.00 | 76.99 |
| Barbara E. O'Hara, 4400 Macarthur Blvd., NW Washington, DC 20007 | American Soc of Travel Agents | 125.00 | |
| O'Keefe Ashenden Lyons & Ward, One First National Plaza - Suite 5100 Chicago, IL 60603 | American Invsco Corporation | | |
| Kathleen O'Leary, 1250 Eye St., NW, #703 Washington, DC 20005 | Columbia Gas Distribution Companies | 3,500.00 | 214.13 |
| Law Offices of John O'Neal, P.C., 600 New Hampshire Avenue, NW, #626 Washington, DC 20037 | National Rural Telecom Assn | 2,756.25 | |
| Donald K. O'Neill, 1000 Wilson Blvd., #2600 Arlington, VA 22209 | TRW, Inc | 350.00 | |
| Larry A. Oday, 2000 M St., NW, #500 Washington, DC 20036 | Wood Lucksinger & Epstein (For:CHAD Therapeutics, Inc) | | |
| Oppenheimer Wolff Foster Shepard & Donnelly, 1317 F Street, NW, #700 Washington, DC 20004 | Korean Footwear Exporters Assn | | |
| Michel Orban, American Express Tower World Financial Center New York, NY 10285-4705 | American Express Co | | |
| Organization of Professional Employees of USDA, Rm. 1414 S. Building U.S. Dept of Agriculture Washington, DC 20250 | | 3,416.43 | 1,520.69 |
| Orrick Herrington & Sutcliffe, 555 Capitol Mall, #1200 Sacramento, CA 95814 | Cone Mills Corp | | |
| Overseas Education Assn, 1201 16th Street, NW Washington, DC 20036 | | 1,250.00 | 1,093.10 |
| William H. Owens Jr., 1111 14th St., NW, #1200 Washington, DC 20005 | American Dental Assn | 1,000.00 | 374.77 |
| Gerard Paul Panaro, Webster Chamberlain & Bean 1747 Pennsylvania Ave., NW, #1000 Washington, DC 20006 | Retail Bakers Assn | | |
| Stephen J. Paradise, 1800 K Street, NW, #1100 Washington, DC 20006 | New York Stock Exchange, Inc | | |
| Harriet Parcells, 236 Massachusetts Avenue, NE, #603 Washington, DC 20002 | National Assn of Railroad Passengers | 3,028.86 | |
| Judith E. Park, 1533 New Hampshire Ave., NW Washington, DC 20036 | National Assn of Retired Federal Employees | 11,597.00 | |
| Nancy L. Parke, 729 15th Street, NW Washington, DC 20005 | Associated Builders & Contractors, Inc | 2,500.00 | |
| David N. Parker, 1111 19th Street, NW Washington, DC 20036 | Edison Electric Institute | | |
| Prudence H. Parks, 1100 H Street, NW Washington, DC 20080 | Washington Gas Light Co | 381.97 | 83.83 |
| Tom E. Paro, 1735 DeSales St., NW Washington, DC 20036 | Association of Maximum Service Telecasters, Inc | 310.00 | |
| Jerry M. Patterson, Leff & Mason 4000 MacArthur Blvd., #350 Washington, DC 20006 | Heron Corp, Ltd | | |
| Do | Western Financial Savings Bank | | |
| Patton Boggs & Blow, 2550 M St., NW, #800 Washington, DC 20037 | Fidelity Investors | | |
| Larry E. Paulick, 2111 Eisenhower Avenue Alexandria, VA 22314 | National Spa & Pool Institute | | |
| Peace Political Action Committee, 100 Maryland Avenue, NE Washington, DC 20002 | | | 4,612.20 |
| Nicholas J. Penning, 1801 N. Moore Street Arlington, VA 22209 | American Assn of School Administrators | | |
| Pepper Hamilton & Scheetz, 1777 F Street, NW Washington, DC 20006 | Mutual Life Insurance Co of New York | 487.50 | |
| Do | North American Telephone Assn | 500.00 | |
| Barbara K. Pequet, 1311 Quincy St., NE Washington, DC 20017 | American Soc for The Prevention of Cruelty to Animals | 6,250.00 | |
| Robert A. Perkins, 1100 Connecticut Avenue, NW Washington, DC 20036 | Chrysler Corporation | 15,000.00 | 450.00 |
| David F. Perry, 74 North Pearl St. Albany, NY 12207 | Hospital Association of New York State | 807.88 | 51.00 |
| Thomas D. Pestorius, 1025 Connecticut Avenue, NW, #1014 Washington, DC 20036 | Ebasco Services, Inc | | |
| A. Harold Peterson, 715 Cargill Bldg. Minneapolis, MN 55402 | National REA Telephone Assn | | |
| Esther Peterson, 2001 S St., NW, #510 Washington, DC 20009 | International Organization of Consumers Unions | | 5.00 |
| Peyser Associates, Inc, 1000 Vermont Street, NW, #400 Washington, DC 20005 | Basix Corp | 13,337.50 | 451.63 |
| Do | Department of Public Property | 20,000.00 | 17.04 |
| Do | Metro | 4,500.00 | 97.50 |
| Do | Metropolitan Toledo Consortium | 17,135.75 | 99.04 |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Do | Metropolitan Transit Authority | 4,500.00 | 8.50 |
| Do | Regional Transit Authority | | 78.77 |
| Do | Sacramento Regional Transit | 2,250.00 | 11.88 |
| Do | Southeastern Pennsylvania Transit Authority | 6,000.00 | 121.40 |
| John D. Phillips, 122 C St., NW, #750 Washington, DC 20001 | National Assn of Independent Colleges & Universities | 5,178.00 | 939.00 |
| Susan E. Phillips, 1709 New York Ave., NW, #303 Washington, DC 20006 | Blue Cross & Blue Shield Assn | | 122.10 |
| Joan Piccolo, 1776 K Street, NW, #300 Washington, DC 20006 | Motorola, Inc | 3,000.00 | |
| Molly J. Pierce, 1709 New York Ave., NW, #303 Washington, DC 20006 | Blue Cross & Blue Shield Assn | | 70.56 |
| Pilots Rights Association, P.O. Box 7000-367 Redondo Beach, CA 90277 | | | |
| Lillian M.S. Pitcaithly, 1730 K St., NW, #703 Washington, DC 20006 | American Business Conference, Inc | 175.00 | 25.00 |
| Ronald L. Plesser, Blum Nash & Railsback 1133 15th St., NW, #1100 Washington, DC 20005 | Direct Marketing Assn | 875.00 | |
| Do | Disclosure, Inc | 2,625.00 | |
| Michael Podhorzer, 1300 Connecticut Ave., NW, #401 Washington, DC 20036 | Citizen Action | | |
| Do | Citizen/Labor Energy Coalition | | |
| Nancy Polikoff, 2000 P Street, NW, #400 Washington, DC 20036 | Women's Legal Defense Fund | | |
| Michele Pollak, 1909 K Street, NW Washington, DC 20049 | American Assn of Retired Persons | 441.92 | 137.66 |
| Phillip Porte & Assocs, Inc, 3845 N. 26th St. Arlington, VA 22207 | American Assn for Respiratory Therapy | 12,000.00 | |
| Do | American Medical Records Assn | 2,000.00 | |
| Do | National Assn of Medical Directors of Respiratory Care | 5,000.00 | |
| Powell Goldstein Frazer & Murphy, 1110 Vermont Ave., NW, #1050 Washington, DC 20005 | Alliance for Medical Nutrition | | |
| Do | Bear Stearns & Co | | |
| Do | Bernstein Carter & Deyo | 100,569.49 | 85.28 |
| Do | Coalition for Competition | 920.00 | |
| Do | Coalition for Employment Through Exports | 22,524.00 | 131.00 |
| Do | Flood Control Advisory Committee | | |
| Do | International Telecommunications Satellite Organization | 2,750.00 | |
| Do | Jacques Borel Enterprises, Inc | | |
| Do | SKW Alloys, Inc | | |
| William B. Prendergast, 6215 Kellogg Drive Mclean, VA 22101 | Westinghouse Electric Corp | 55,838.00 | 191.00 |
| Preston Thorgrimson Ellis & Holman, 1735 New York Avenue, NW, #500 Washington, DC 20006 | Tobacco Institute | 6,000.00 | 3,922.21 |
| Do | COMPACT | | |
| Woodruff M. Price, 1331 Pennsylvania Ave., NW, #560 Washington, DC 20014 | Sunmar Shipping, Inc | | |
| Michael F. Priesnitz, 1310 Highway 96, #110 St. Paul, MN 55108 | CSX Corporation | 3,000.00 | 687.40 |
| Pro-Life Congressional District 11, P.O. Box 727 San Carlos, CA 94070 | Foresight Consulting, Inc | | |
| Stuart E. Proctor Jr., 2626 Pennsylvania Ave., NW Washington, DC 20037 | | 39.40 | 490.66 |
| Project Cure, Inc, 2020 K Street, NW, #350 Washington, DC 20006 | National Telephone Cooperative Assn | 5,000.00 | 472.47 |
| Protect the Innocent, Inc, 451 South Indiana Street Mooresville, IN 46158 | | 36,543.32 | 106,193.75 |
| Public Citizen Health Research Group, 2000 P St., NW, #708 Washington, DC 20036 | | | |
| Public Timber Purchasers Group, 610 SW. Broadway, #608 Portland, OR 97205 | | 69.05 | 97.47 |
| John R. Purcell, 204 E Street, NE Washington, DC 20002 | | 22,750.00 | 3,170.15 |
| Lawrence J. Purpuro, 841 Mountain Avenue Springfield, NJ 07840 | National Frozen Food Association | 500.00 | |
| Arthur Lee Quinn, 1015 15th Street, NW, #200 Washington, DC 20005 | Keyes Martin | | |
| Do | Government of Belize | | 64.77 |
| Do | Government of Republic of Panama | 3,000.00 | 11.29 |
| Ragan & Mason, 900 17th St., NW Washington, DC 20006 | Sugar Assn of the Caribbean | 13,500.00 | 90.02 |
| Do | American Ship Building Co | 1,000.00 | 237.72 |
| Do | Bechtel Corp | | 202.08 |
| Do | Government of Bermuda | 3,000.00 | 369.81 |
| Do | National Bulk Carriers, Inc | 4,500.00 | |
| Do | R.J. Reynolds Industries, Inc | | |
| Do | R.J. Reynolds Tobacco Co | | |
| Do | Sea-Land Industries, Inc | 20,000.00 | 1,105.33 |
| Do | Security Pacific Leasing Corporation | | |
| Do | Security Pacific National Bank | | |
| Do | Stimson Lumber Co & Miller Redwood Co | 3,000.00 | |
| Richard W. Rahn, 1615 H St., NW Washington, DC 20062 | Chamber of Commerce of the U.S | 1,793.00 | 11.00 |
| Thomas F. Railsback, Blum Nash & Railsback 1133 15th St., NW, #1100 Washington, DC 20005 | CSX Corporation | 12,613.00 | |
| Do | Federal Judges Association | | |
| Do | Insurance Assn of Connecticut | | |
| Do | National Council of U.S. Magistrates | 1,520.00 | |
| Do | Walt Disney Productions | 855.00 | |
| Robert A. Rapoza, 2001 S St., NW, #500 Washington, DC 20009 | National Rural Housing Coalition | 10,569.80 | 9,377.00 |
| Craig Raupe, Campbell-Raupe, Inc 1015 15th Street, NW, #907 Washington, DC 20005 | Bodine's Inc Food Products | | |
| Reading Is Fundamental, Inc, 600 Maryland Ave., SW, #500 Washington, DC 20560 | | | |
| Stephen F. Ready, 129 Cabrillo, #201 Costa Mesa, CA 92627 | National Bicycle Dealers Assn | | |
| Recording Industry Assn of America, Inc, 888 Seventh Avenue, 9th Fl. New York, NY 10106 | | 4,383.75 | 4,424.44 |
| Jo Reed, 1909 K Street, NW Washington, DC 20049 | American Assn of Retired Persons | 443.08 | 30.90 |
| Robert S. Reese Jr., 2200 Mill Rd Alexandria, VA 22314 | American Trucking Assns, Inc | 9,000.00 | 499.74 |
| William Reffalt, 1400 Eye St., NW Washington, DC 20005 | Wilderness Society | 1,950.54 | |
| Reid & Priest, 1111 19th Street, NW Washington, DC 20036 | Duke Power Co | | 1,191.00 |
| Sarah M. Renfroe, 16805 Weld County Rd. 19 1/2 Platteville, CO 80651 | Public Service Co of Colorado | | |
| Stephen M. Renna, 777 14th Street, NW Washington, DC 20005 | National Assn of Realtors | 1,750.00 | 203.95 |
| Reserve Officers Assn of the US, 1 Constitution Ave., NE Washington, DC 20002 | | 3,266.82 | 6,076.72 |
| Frederick W. Rhodes, 1800 K Street, NW, #800 Washington, DC 20006 | Goodyear Tire & Rubber Co | 3,000.00 | |
| Lois D. Rice, 1201 Pennsylvania Avneue, NW Washington, DC 20004 | Control Data Corporation | 59.00 | 26.00 |
| Les Richter, 1801 Speedway Boulevard Daytona Beach, FL 32015 | National Assn for Stock Car Auto Racing, Inc (NASCAR) | 8,000.00 | |
| Do | National Motorsports Comm of ACCUS, FIA, Inc | | 1,163.44 |
| Larry D. Rickards, 1200 17th Street, NW Washington, DC 20036 | American Psychological Assn | 1,000.00 | 114.32 |
| Glenn Wadsworth Riddell, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037 | Laurel Steel Products Ltd | 600.00 | 428.30 |
| Riddell Holroyd & Butler, 1331 Pennsylvania Avenue, NW, #1215 Washington, DC 20004 | H. F. Ahmanson & Co | 6,250.00 | |
| Do | American Financial Services Assn | | |
| Do | Associates Corp of North America | 1,000.00 | |
| [illegible] | Beneficial Corporation | 3,000.00 | |
| [illegible] | W. K. Kellogg Foundation | 6,250.00 | |
| Norbert J. Riedy Jr., 1400 Eye Street, NW Washington, DC 20005 | Wilderness Society | 1,489.82 | |
| Siert F. Riepma, 1625 I St., NW, #1024-A Washington, DC 20006 | National Assn of Margarine Manufacturers | | |
| P. Robert Rigney Jr., 1117 North 19th Street, #600 Arlington, VA 22209 | American Assn of Blood Banks | 1,250.00 | |
| Robin Risso, 511 C Street, NE Washington, DC 20002 | Continental Assn of Resolute Employers (C.A.R.E.) | | |
| Michelle Robinson, 100 Maryland Avenue, NE Washington, DC 20002 | Council for a Livable World | 2,478.18 | |
| Bob John Robison, 1201 Pennsylvania Avenue, NW, #700 Washington, DC 20004 | Hill & Knowlton, Inc | 750.00 | 359.99 |
| Jack E. Roebel, 712 Commerce Bldg. 127 W. Berry Street Fort Wayne, IN 46802 | Sheet Metal Workers Mid-States Health & Benefit Trust | | |
| Bruce N. Rogers, 1660 L St., NW Washington, DC 20036 | General Motors Corp | 3,000.00 | 5,659.55 |
| James T. Rogers, 311 First Street, NW Washington, DC 20001 | National Restaurant Assn | | |
| Rogers & Wells, 200 Park Avenue New York, NY 10166 | Pan American World Airways, Inc | | |
| Carole M. Rogin, 1255 23rd Street, NW, #850 Washington, DC 20037 | Hauck & Associates, Inc. (For:National Assn for Child Care Management) | | |
| Peter Rogoff, 122 C Street, NW, #750 Washington, DC 20001 | National Assn of Independent Colleges & Universities | 3,281.00 | 261.00 |
| Stephen F. Rohrkemper, 150 S. Washington St., #100 Falls Church, VA 22046 | International Technical Expertise Ltd | | |
| Jack Rollins, 1201 16th Street, NW Washington, DC 20036 | Overseas Education Assn & National Education Assn | | |
| Ropes & Gray, 1001 22nd St., NW, #700 Washington, DC 20037 | Amherst College; Wellesley College | | |
| Michael F. Rosanio, 1620 I Street, NW, #1000 Washington, DC 20006 | Motor Vehicle Manufacturers Assn of the U.S., Inc | | |
| Leslie Rose, 624 9th Street, NW, #700 Washington, DC 20001 | Group Health Assn of America, Inc | 2,916.69 | |
| Richard Rosen, 5010 Wisconsin Ave., NW, #118 Washington, DC 20016 | | | |
| Albert B. Rosenbaum III, 2200 Mill Rd. Alexandria, VA 22314 | National Tank Truck Carriers, Inc | | |
| Gail E. Ross, 918 16th St., NW, #503 Washington, DC 20006 | Washington Independent Writers, Inc | | |
| Joseph L. Rosso, 2200 Mill Road Alexandria, VA 22314 | American Trucking Assns, Inc | 9,000.00 | 3,550.91 |
| Marcus Roth, 100 Indiana Ave., NW Washington, DC 20001 | National Assn of Letter Carriers | 5,916.10 | |
| Edwin Rothschild, 1300 Connecticut Ave., NW, #401 Washington, DC 20036 | Citizen/Labor Energy Coalition | 1,500.00 | |
| William C. Rountree, Suite 600 1001 22nd St., NW Washington, DC 20037 | Standard Oil Co (Ohio) | | |
| Robert S. Royer, Royer & Shacknai 1747 Pennsylvania Ave., NW Washington, DC 20006 | Chrysler Military Sales Corp | | |
| Do | Ford Riff & Burgess | | |
| Eugene T. Ruane, 1325 G Street, NW, #1003 Washington, DC 20005 | Environmental Fund | 800.00 | |
| Eric M. Rubin, Rubin Winston & Diercks 1730 M St., NW, #708 Washington, DC 20036 | Commissoner of Public Lands for State of New Mexico | | |
| Do | Outdoor Advertising Assn of America, Inc | | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Gloria Cataneo Rudman, Suite 801 444 N. Capitol St., NW Washington, DC 20001 | Joint Maritime Congress | 5,022.00 | |
| John Runyan, 1730 North Lynn St., #409 Arlington, VA 22209 | Printing Industries of America, Inc | 500.00 | |
| Ella Marice Ryan, 1156 15th St., NW Washington, DC 20005 | J. C. Penney Co, Inc | 100.00 | |
| John G. Ryan, 1700 K Street, NW, #601 Washington, DC 20006 | Squibb Corporation | 1,000.00 | |
| Patricia Ryan, 1400 K Street, NW Washington, DC 20005 | American Psychiatric Assn | 1,598.00 | 1,204.61 |
| Glenn M. Sackbarth, 2300 M St., NW, #800 Washington, DC 20001 | Bonneville Associates, Inc (For:Intermountain Health Care, Inc) | 15,000.00 | 4,538.74 |
| Bruce W. Sanford, 1050 Connecticut Avenue, NW, #1100 Washington, DC 20036 | Society of Professional Journalists, Sigma Delta Chi | 1,500.00 | 95.60 |
| Ronald A. Sarasin, 311 First Street, NW Washington, DC 20001 | National Restaurant Assn | | |
| Oakley H. Saunders, 3505 Springdale Avenue Baltimore, MD 21216 | Chas R. Drew Post Grad Med School | 3,200.00 | |
| Roger B. Schagrin, Schagrin Associates 1112 16th St., NW, #1000 Washington, DC 20036 | Committee on Pipe & Tube Imports | 5,737.50 | 60.85 |
| Jay T. Scheck Jr., Rt. 202-206 North Somerville, NJ 08876 | American Hoechst Corporation | | |
| Thomas G. Schendt, 111 East Wisconsin Ave., #1800 Milwaukee, WI 53202 | National Employee Benefits Institute | | |
| Forest S. Schmeling, 1515 Wilson Blvd. Arlington, VA 22209 | American Gas Assn | 1,200.00 | 581.60 |
| Mark L. Schneider, 1001 22nd Street, NW, #600 Washington, DC 20037 | Standard Oil Co (Ohio) | | |
| Matthew Schneider, 1155 Connecticut Avenue, NW Washington, DC 20036 | LEGI-SLATE | | |
| Do | Westinghouse Electric Corp | 900.00 | 270.00 |
| Marsha Schramm, 1627 K St., NW, #910 Washington, DC 20006 | Domestic Petroleum Council, Inc | | |
| A. Kolbet Schrichte, Suite 500 1133 15th Street, NW Washington, DC 20005 | American Logistics Association | | |
| Judy Schub, 1909 K Street, NW Washington, DC 20049 | American Assn of Retired Persons | 473.21 | 380.57 |
| Richard F. Schultz, 807 Maine Avenue, SW Washington, DC 20024 | Disabled American Veterans | 12,240.80 | 353.05 |
| Schwabe Williamson Wyatt Moore & Roberts, Suite 302 1000 Potomac St., NW Washington, DC 20007 | Mountain States Energy, Inc | 545.50 | 442.69 |
| Do | Public Generating Pool | 7,067.61 | 6,750.00 |
| Do | State of Oregon, City of Portland, Oregon Metro | 1,418.24 | 1,150.97 |
| Alan R. Schwartz, Blum Nash & Railsback 1133 15th Street, NW, #1100 Washington, DC 20005 | Disclosure, Inc | | |
| Elizabeth Nash Schwartz, 1700 N. Moore St. Rosslyn, VA 22209 | Boeing Company | 3,025.00 | 958.45 |
| Carl F. Schwensen, 415 2nd St., NE, #300 Washington, DC 20002 | National Assn of Wheat Growers | 5,335.31 | |
| Schwinn Bicycle Co, 1856 North Kostner Avenue Chicago, IL 60639 | | | 281.50 |
| Thomas W. Scoville, 444 N. Capitol Street, NW, #801 Washington, DC 20001 | Joint Maritime Congress | 1,705.00 | |
| Scrivens Goldstone & Co, 5857 S. Gessner, #287 Houston, TX 77036 | | | |
| Thomas Andrew Scully, 950 L'enfant Plaza, SW Washington, DC 20024 | Communications Satellite Corp | 1,500.00 | 146.28 |
| Howard Segermark, 1701 Pennsylvania Ave., NW, #533 Washington, DC 20006 | Industry Council for Tangible Assets | | |
| Marlissa Senchak, 777 14th Street, NW, 5th Fl. Washington, DC 20005 | National Assn of Realtors | 1,750.00 | 318.96 |
| Service Master Industries, Inc, c/o of Talcott Mccabe & Associates 600 Maryland Ave., SW, 302 W. Wing Washington, DC 20024. | | | |
| Sarah Setton, 1511 K St., NW Washington, DC 20005 | Sugar Assn, Inc | 150.00 | 8.00 |
| Shea & Gould, 1627 K St., NW, #1000 Washington, DC 20006 | Hospital Corp of America | | |
| Do | Mars, Inc | | |
| Do | Park Tower Times Square Associates | | |
| Victor A. Sherlock, 1111 14th Street, NW, #300 Washington, DC 20005 | American Bakers Assn | | |
| Dale Sherwin, 1735 I St., NW, #717 Washington, DC 20006 | Staley-Continental, Inc | 5,000.00 | 709.07 |
| R. Philip Shimer, Suite 405 444 N. Capital St., NW Washington, DC 20001 | Western Governors Assn | | |
| Elizabeth Shipley-Moses, 1107 Jackson Court Falls Church, VA 22046 | Society for Nutrition Education | 267.54 | |
| John Terry Shively, Box 101758 Anchorage, AK 99510 | Alaska Fed of Natives, Inc | 9,000.00 | 3,637.42 |
| Elaine Shocas, 555 New Jersey Avenue, NW Washington, DC 20001 | American Fed of Teachers | 8,062.50 | 80.00 |
| Scott Shotwell, 1250 Connecticut Avenue, NW Washington, DC 20036 | National Forest Products Assn | 2,475.00 | |
| Frederick L. Shreves II, Hill Betts & Nash 1818 N Street, NW, #700 Washington, DC 20036 | Donohoe Construction Co, Inc | | |
| Sana F. Shtasel, 1909 K Street, NW Washington, DC 20049 | American Assn of Retired Persons | 961.15 | 12.50 |
| Sidley & Austin, One First National Plaza Chicago, IL | Broadacre Development Co | 785.00 | 90.00 |
| Lawrence E. Siegel, 8283 Greensboro Drive Mclean, VA 22102 | Satellite Business Systems | | |
| Sierra Club, 730 Polk Street San Francisco, CA 94109 | | 230,784.27 | 230,784.27 |
| Mark Silbergeld, 2001 S Street, SW, #520 Washington, DC 20009 | Consumers Union of U.S., Inc | 3,700.00 | 20.00 |
| Stephen Silbiger, 1625 L St., NW Washington, DC 20036 | American Fed of State County & Municipal Employees | 14,686.62 | 531.48 |
| Ronald G. Sills, 1105 Nob Hill Court Roseville, CA 95678 | Geo-Seis Helicopters | | |
| Howard J. Silver, 1200 17th St., NW, #520 Washington, DC 20036 | Consortium of Social Science Assns | 850.00 | 28.50 |
| Jean Sindab, 110 Maryland Ave., NE Washington, DC 20002 | Washington Office on Africa | 5,625.00 | |
| Marcus W. Sisk Jr., 2828 Pennsylvania Ave., NW, #203 Washington, DC 20037 | Tosco Corporation | | |
| Skadden Arps Slate Meagher & Flom, 919 18th Street, NW Washington, DC 20006 | Foster Wheeler Energy Corp | 1,200.00 | |
| Do | Mesa Petroleum | 1,000.00 | |
| Do | Sann - Howe | 2,000.00 | |
| William J. Skinner, 815 15th St., NW, #534 Washington, DC 20005 | U.S. Pharmacopeial Convention, Inc | 1,066.67 | 34.53 |
| Scott Sklar, 1717 Massachusetts Avenue, NW, #503 Washington, DC 20036 | Solar Energy Industries Assn | 12,500.00 | |
| William H. Small, 777 14th Street, NW Washington, DC 20005 | National Assn of Realtors | | |
| Robert G. Smerko, 1945 Old Gallows Rd., #405 Vienna, VA 22180 | American Wood Preservers Institute | | |
| Daniel T. Smith, P.O. Box 660074 Dallas, TX 75266 | International Airline Passengers Assn, Inc | | |
| Don S. Smith, The Smith Firm 1730 Pennsylvania Ave., NW, #300 Washington, DC 20006 | | | |
| Ellen S. Smith, 1400 K Sireet, NW Washington, DC 20005 | American Psychiatric Assn | 321.49 | 453.92 |
| Harold W. Smith, 208 Laurel Drive Peekskill, NY 10566 | City Manager of the City of Yonkers, New York | | |
| Hugh H. Smith, 1020 19th Street, NW, #600 Washington, DC 20036 | American Express Co | | |
| Joseph M. Smith, 1730 K St., NW, #703 Washington, DC 20006 | American Business Conference, Inc | | |
| Patricia Smith, 2401 Virginia Avenue, NW Washington, DC 20037 | American Assn of University Women | 4,080.00 | 94.62 |
| Smokeless Tobacco Council, Inc, 1925 K Street, NW, #504 Washington, DC 20006 | | 24,395.39 | 24,395.39 |
| Randall D. Snodgrass, 1400 Eye St., NW Washington, DC 20005 | Wilderness Society | 956.09 | 436.15 |
| Society for Nutrition Education, 1736 Franklin Street, 9th Floor Oakland, CA 94612 | | 34.71 | 306.21 |
| Vincent R. Sombrotto, 100 Indiana Ave., NW Washington, DC 20001 | National Assn of Letter Carriers | 3,609.23 | |
| Linda Staheli, 100 Maryland Avenue, NE Washington, DC 20002 | Council for a Livable World | 2,952.36 | |
| David E. Stahl, 1250 Connecticut Avenue, NW Washington, DC 20036 | National Forest Products Assn | 3,500.00 | |
| Standard Oil Co (Ohio), Midland Bldg. Cleveland, OH 44115 | | | 34,904.94 |
| Melvin L. Stark, 1025 Connecticut Ave., NW, #415 Washington, DC 20036 | American Insurance Assn | | |
| J. C. Steen, 412 First Street, SE, #301 Washington, DC 20003 | McDonnell Douglas Corp | 600.00 | 204.84 |
| Do | Snyder Ball Kriser & Assocs (for Allison Gas Turbine Div) | 600.00 | 243.34 |
| Henry J. Steenstra Jr., 1000 Wilson Boulevard, #2600 Arlington, VA 22209 | TRW, Inc | 770.00 | |
| Stephenson Carpenter Crout & Olmsted, P.O. Box 669 Santa Fe, NM 87504 | Homestake Mining Co | | |
| Do | United Nuclear Corporation | | |
| Steptoe & Johnson, Chtd, 1330 Connecticut Ave., NW Washington, DC 20036 | Association of Private Pension & Welfare Plans, Inc | 4,480.00 | 312.09 |
| H. Donald Stewart, 188 W. Main Street Penns Grove, NJ 08069 | | | |
| S. Lynn Stewart, 3 Embarcadero Center San Francisco, CA 94111 | McCutchen Doyle Brown & Enersen (For:AMFAC, Inc) | | |
| Do | McCutchen Doyle Brown & Enersen (For:Castle & Cooke, Inc) | | |
| Do | McCutchen Doyle Brown & Enersen (For:Rohr Industries, Inc) | | |
| Kenneth F. Stinger, 2200 Mill Rd Alexandria, VA 22314 | American Trucking Assns, Inc | 9,000.00 | 1,086.61 |
| Stephen Storch, 1800 K Street, NW, #1100 Washington, DC 20006 | New York Stock Exchange, Inc | | |
| George W. Strong, 2242 Bartlett Houston, TX 77098 | Enron | | |
| Dorothy E. Stucke, 1004 Duke Street Alexandria, VA 22314 | American Subcontractors Assn | | |
| John H. Sullivan, 2924 Columbia Pike Arlington, VA 22204 | Development Associates, Inc (For:Government of the Federated States of Micronesia) | | |
| Richard J. Sullivan, 1225 Connecticut Ave., NW, #303 Washington, DC 20036 | Fleishman-Hillard, Inc (For:Ability Information Systems--Computer Software) | | |
| Sullivan & Worcester, 1025 Connecticut Ave., NW Washington, DC 20036 | Marion Laboratories, Inc | 6,000.00 | |
| Iris Sunshine, 1710 Broadway New York, NY 10019 | International Ladies' Garment Workers Union | 5,475.39 | 221.91 |
| Sutherland Asbill & Brennan, 1666 K Street, NW, #800 Washington, DC 20006 | Acacia Group | | 170.74 |
| Do | American Bar Endowment | | |
| Do | Capital Holding Corp | 4,473.25 | 287.05 |
| Do | Equifax, Inc | 9,886.25 | 404.24 |
| Do | Mutual of Omaha Insurance Co | | |
| Do | National Liberty Corp | 3,923.75 | |
| Do | Production Operators Corp | 777.00 | |
| Do | Southeast Compact Commission | 27,479.55 | 76.60 |
| Do | State of Nevada | | 76.60 |
| Do | State of Washington | | 76.60 |
| Deborah Swartz, Economic Consulting Services, Inc 1320 19th St., NW Washington, DC 20036 | Luggage & Leather Goods Manufacturers of America, Inc | 500.00 | 350.00 |
| Do | National Knitwear & Sportswear Assn | 500.00 | 350.00 |
| Do | Neckwear Assn of America, Inc | 500.00 | 350.00 |
| Rosemarie Sweeney, Suite 770 600 Maryland Ave., SW Washington, DC 20024 | American Academy of Family Physicians | 3,000.00 | 2,707.43 |
| Swidler & Berlin, Chtd, 1000 Thomas Jefferson St., NW #500 Washington, DC 20007 | General Mills, Inc | | |
| Do | Northeastern University | | |
| Tricia L. Swift, 1250 Connecticut Avenue, NW Washington, DC 20036 | National Forest Products Assn | 1,200.00 | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Scott R. Swirling, 122 C St., NW, #380 Washington, DC 20001 | National Family Planning & Reproductive Health Assn, Inc | 505.00 | |
| Talcott McCabe & Associates, Suite 302, West Wing 600 Maryland Avenue, SW Washington, DC 20024 | Holiday Inns, Inc | | |
| Do | National Assn of Homes for Children | 3,000.00 | |
| Do | Service Master Industries, Inc | | |
| Tanaka Walders & Ritger, 1919 Pennsylvania Ave., NW, #303 Washington, DC 20006 | Electronic Industries Assn of Japan | | |
| Do | Japan Automobile Tire Manufacturers Assn (JATMA) | | |
| Susan Tatum, 1250 Connecticut Avenue, NW Washington, DC 20036 | National Forest Products Assn | 1,600.00 | |
| Margaret J. Taylor, 1050 Connecticut Ave., NW, #200 Washington, DC 20036 | Burlington Northern, Inc | 1,750.00 | 207.45 |
| Tempo Enterprises, Inc, P.O. Box 702160 Tulsa, OK 74170 | | | 2,964.36 |
| James G. Tetirick, 1156 15th Street, NW, #1015 Washington, DC 20005 | J. C. Penney Co, Inc | | |
| David D. Tews, 1050 Thomas Jefferson St., NW, 6th Fl. Washington, DC 20007 | Esquel Enterprises Ltd | | |
| Bruce D. Thevenot, 1155 15th St., NW, Washington, DC 20005 | Oklahoma State Nursing Home Assn | 1,125.00 | |
| Diane Kay Thomas, 2727 29th St., NW, #634 Washington, DC 20008 | American Assn of Minority Enterprise Small Bus. Invest Cos | 5,652.00 | |
| Meshall Thomas, Suite 400 2000 P Street, NW Washington, DC 20036 | Women's Legal Defense Fund | | |
| Richard L Thompson, 1700 K Street, NW, #601 Washington, DC 20006 | Squibb Corporation | 1,500.00 | |
| Samuel C. Thompson Jr., Schiff Hardin & Waite 1101 Connecticut Avenue, NW, #600 Washington, DC 20036 | Chicago Board Options Exchange | | |
| Thompson & Bussart, 1919 Pennsylvania Avenue, NW, #850 Washington, DC 20006 | Central States SE & SW Areas Health & Welfare & Pension Fund | 5,620.00 | |
| Do | Westinghouse Electric Corp | 4,384.00 | |
| Walter L. Threadgill, 1155 Connecticut Ave., NW, #900 Washington, DC 20036 | Storer Communications, Inc | | |
| Michael L. Tiner, 1775 K St., NW Washington, DC 20006 | United Food & Commercial Workers International Union | 12,115.39 | 892.42 |
| Robert Tobin, 1187 National Press Bldg. Washington, DC 20045 | Ad Hoc Comm in Defense of Life, Inc | 2,600.00 | 5,815.04 |
| David R. Toll, 2121 K Street, NW, #880 Washington, DC 20037 | Public Service Co of Colorado | | |
| Do | Western Utilities Clean Air Group | | |
| Tonya, Inc, 1620 Eye Street, NW Washington, DC 20006 | City of Philadelphia, PA and City of Birmingham, AL | 23,500.00 | 23,500.00 |
| Jay C. Townley, 1856 North Kostner Avenue Chicago, IL 60639 | Schwinn Bicycle Co | | |
| Thomas J. Trabucco, 1533 New Hampshire Avenue, NW Washington, DC 20036 | National Assn of Retired Federal Employees | 9,859.00 | |
| Transportation Institute, 923 15th St., NW Washington, DC 20005 | | | 14,215.00 |
| Thomas L. Trueblood, 401 North Michigan Ave. Chicago, IL 60611 | Navistar International Corp | 1,000.00 | |
| Shannon B. Tuel, 311 First Street, NW Washington, DC 20001 | National Restaurant Assn | | |
| Jon R. Tumler, 1110 Vermont Avenue, NW, #1075 Washington, DC 20005 | Public Securities Assn | 7,875.00 | 30.30 |
| B. Elizabeth Tunney, 124 Salem Church Road Mechanicsburg, PA 17055 | Retail Wholesale & Dept Store Union (Int'l), et al | 8,610.00 | 1,189.17 |
| J. C. Turner, 1125 17th Street, NW Washington, DC 20036 | International Union of Operating Engineers | | |
| Turner Broadcasting System, Inc, 1140 Connecticut Ave., NW Washington, DC 20036 | | | 7,136.54 |
| Max Turnipseed, 1155 15th Street, NW, #611 Washington, DC 20005 | Ethyl Corporation | 2,100.00 | 219.23 |
| St. Clair J. Tweedie, Suite 220 1575 Eye Street, NW Washington, DC 20005 | American Cyanamid Co | 12,000.00 | |
| Gilman Udell, 1750 New York Avenue, NW Washington, DC 20006 | International Assn of Fire Fighters | 4,500.00 | |
| Robert D. Umphrey Jr., 1150 17th Street, NW Washington, DC 20036 | Man-Made Fiber Producers Assn, Inc | 5,000.00 | 362.88 |
| Steven W. Unglesbee, 729 15th Street, NW Washington, DC 20005 | Associated Builders & Contractors, Inc | 2,500.00 | |
| Unique Athletes, Inc, 3 Woodland Avenue Westhampton Beach, NY 11978 | | | |
| United Food & Commercial Workers International Union, 1775 K St., NW Washington, DC 20006 | | 53,411.01 | 53,411.01 |
| Ronald D. Utt, 1615 H Street, NW Washington, DC 20062 | Chamber of Commerce of the U.S | | 93.50 |
| Mary Uyeda, 1200 17th Street, NW Washington, DC 20036 | American Psychological Assn | 2,198.00 | 114.32 |
| Richard Van Deuren, 111 E. Wisconsin Avenue, NW, #1800 Milwaukee, WI 53202 | National Employee Benefits Institute | | |
| C. D. Van Houweling, 1015 15th St., NW, #200 Washington, DC 20005 | National Pork Producers Council | | |
| Daniel W. Van Ness, P.O. Box 17181 Washington, DC 20041 | Justice Fellowship | 200.00 | |
| John A. Vance, 1726 M St., NW, #1100 Washington, DC 20036 | Pacific Gas & Electric Co | 7,061.00 | 2,795.57 |
| Theresa Varner, 1909 K Street, NW Washington, DC 20049 | American Assn of Retired Persons | 460.39 | |
| John P. Venners, 1899 L St., NW, #1250 Washington, DC 20036 | Venners & Co (For:Koch Industries) | | |
| Verner Liipfert Bernhard Mcpherson & Hand, Chtd, 1660 L Street, NW, #1000 Washington, DC 20036 | Associated Ferrari Dealers of North America | 302.60 | |
| Do | Brown & Root, Inc | | |
| Do | Gencorp | 512.50 | |
| Do | Icahn & Company, Inc | | |
| Do | John F. Kennedy Center for the Performing Arts | | |
| Do | Mutual of America | 672.50 | |
| Do | Norfolk Southern Corp | 4,750.00 | |
| Do | Orion Satellite Corp | | |
| Do | Rayburn Country Electric Cooperative, Inc | 1,806.50 | |
| Do | Travelers Corporation | 1,935.00 | |
| Do | John Tudor | | |
| Do | TRW, Inc | | |
| Rudolph A. Vignone, 1800 K St., NW, #800 Washington, DC 20006 | Goodyear Tire & Rubber Co | 4,500.00 | |
| Vinson & Elkins, 1101 Connecticut Ave., NW, #900 Washington, DC 20036 | Capital Markets Group | | |
| Do | H.J. Heinz Co | | |
| Vorys Sater Seymour & Pease, 1828 L Street, NW, #1111 Washington, DC 20036 | Ohio Manufacturers Assn | | 317.04 |
| Wagner & Baroody, Inc, 1100 17th Street, NW, #804 Washington, DC 20036 | American Business Press | | |
| Do | Chicago & Northwestern Railroad | | |
| Do | CSX Corporation | 25,750.00 | 7,843.46 |
| Do | Daewoo International Corp | 6,625.00 | 2,349.30 |
| Do | Mobil Oil Corp | | |
| Do | National Beer Wholesalers of America | 11,500.00 | 4,330.10 |
| Do | National Debt Repayment Foundation | 1,204.75 | 872.11 |
| Do | North American Bancorporation | 312.50 | 186.68 |
| Do | United Nations Educational Scientific & Cultural Organ | | |
| Wald Harkrader & Ross, 818 Connecticut Avenue, NW Washington, DC 20006 | Associacao Industrias de Calcados do Rio Grande do Sul et al | | |
| Do | ABRAFE | | |
| Do | ABRAFE | | |
| Do | Empacadora del Norte, S.A | | |
| R. Duffy Wall & Associates, Inc, 1317 F Street, NW, #400 Washington, DC 20004 | Japan Iron & Steel Exporters' Assn | | |
| Kevin Walsh, P.O. Box 15232 Washington, DC 20003 | Donovan Leisure Newton & Irvine | 1,500.00 | |
| Herbert C. Wamsley, 1255 23rd Street, NW, #850 Washington, DC 20037 | Association for the Advancement of Historical Research | | |
| Washington Gas Light Co, 1100 H St., NW Washington, DC 20080 | Intellectual Property Owners, Inc | 17,539.00 | |
| Ronald D. Waterman, 4802 Tabard Place Annandale, VA 22003 | | | 738.89 |
| Do | Milwaukee County-Intergovernmental Relations | 12,000.00 | 40.00 |
| Susan Weber, 1601 Connecticut Ave., NW, 4th Fl. Washington, DC 20009 | Wisconsin Counties Assn | 5,025.00 | 40.00 |
| Paul Weckstein, Suite 504 236 Massachusetts Ave., NE Washington, DC 20002 | Zero Population Growth, Inc | 25.00 | |
| Lee J. Weddig, Suite 580 2000 M St., NW Washington, DC 20036 | Center for Law and Education, Inc | 434.90 | |
| Robert R. Weed, 214 Massachusetts Avenue, NE, #550 Washington, DC 20002 | National Fisheries Institute | 4,000.00 | |
| Steven A. Wein, 1090 Vermont Avenue, NW, #1100 Washington, DC 20005 | American Space Foundation | 300.00 | |
| David Weiss, 777 14th Street, NW Washington, DC 20005 | Textron, Inc | 600.00 | 150.00 |
| Suzanne Weiss, 1129 20th Street, NW, #400 Washington, DC 20036 | National Assn of Realtors | 1,250.00 | 404.89 |
| William B. Welsh, 1625 L St., NW Washington, DC 20036 | American Assn of Homes for the Aging | 225.00 | 4.40 |
| Pamela R. West, 1200 17th Street, NW Washington, DC 20036 | American Fed of State County & Municipal Employees | 17,805.90 | 144.93 |
| Leonard P. Wheat, 1111 14th St., NW, #1200 Washington, DC 20005 | American Psychological Assn | 2,250.00 | 240.46 |
| Don White, 1200 17th Street, NW Washington, DC 20036 | American Dental Assn | 1,000.00 | |
| George E. White Jr., P.O. Box 61000 New Orleans, LA 70161 | American Psychological Assn | 1,905.00 | 114.32 |
| John C. White, 1899 L Street, NW, #500 Washington, DC 20036 | Middle South Services, Inc | 1,649.31 | 1,721.34 |
| Do | Camp Carmouche Barsh Hunter Gray Hoffman & Gill, P.C | | |
| Do | Chicago Mercantile Exchange | | |
| White Fine & Verville, Suite 1100 1156 15th St., NW Washington, DC 20005 | Comtran, Ltd | | |
| Donald W. Whitehead, 1000 Connecticut Ave., NW, #707 Washington, DC 20036 | American Educators of Arkansas, Inc, et al | 22,500.00 | |
| Do | Emergent Technologies, Inc | | |
| Alton W. Whitehouse Jr., 1750 Midland Bldg. Cleveland, OH 44115 | Washington States Representatives | | |
| Whitman & Ransom, 1333 New Hampshire Ave., NW, #650 Washington, DC 20036 | Standard Oil Co (Ohio) | | |
| Thomas D. Wilcox, P.C., 2011 Eye Street, NW, #601 Washington, DC 20006 | Japan External Trade Organization (JETRO) | | |
| Julian A. Wilhelm, 1000 Thomas Jefferson St., NW, #600 Washington, DC 20007 | National Assn of Stevedores | 1,830.00 | 1,830.00 |
| Barrett Williams, 236 Massachusetts Avenue, NE, #603 Washington, DC 20002 | Burch and Bennett, P.C. (For:M.A.N. Truck & Bus Corp) | | |
| Margie R. Williams, 415 2nd St., NE, #300 Washington, DC 20002 | National Assn of Railroad Passengers | 6,599.97 | |
| Perry F. Williams, 225 Main St. Newington, CT 06111 | National Assn of Wheat Growers | 1,735.11 | |
| Williams & Jensen, P.C., 1101 Connecticut Ave., NW Washington, DC 20036 | American Radio Relay League, Inc | 288.00 | 251.00 |
| Do | American Home Products | 150.00 | 40.52 |
| Do | American Hospital Assn | 1,290.00 | 228.37 |
| Do | American Physical Therapy Assn | 47.50 | 22.09 |
| | American Real Estate Committee | | 290.99 |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Do | Bato Company | 550.00 | 22.09 |
| Do | Century 21 Real Estate Corp | | |
| Do | Cigna | | 55.25 |
| Do | Committee for Employment Opportunities | | |
| Do | Committee for Fairness in Real Estate Taxation | 137.50 | 44.21 |
| Do | D'Ancona & Pflaum | | |
| Do | Design Professionals Coalition | | |
| Do | Estee Lauder, Inc | | |
| Do | Federation for American Immigration Reform | 300.00 | 81.03 |
| Do | First Boston Corp | 560.00 | 114.18 |
| Do | First Data | | |
| Do | Freight Forwarders Institute | | |
| Do | General Electric Co | 1,597.50 | 302.40 |
| Do | Goldome FSB | | 47.89 |
| Do | Higher Education Assistance Foundation | 500.00 | 165.75 |
| Do | Houston Endowment, Inc | | 3.68 |
| Do | IU International Management Corp | 62.50 | 22.09 |
| Do | Kellogg Company | | |
| Do | Kelly Appleman Hart & Hallman | | |
| Do | Krause Milling Co | | |
| Do | Miller and Leher | 535.00 | 73.67 |
| Do | Mustang Fuel Corporation | | |
| Do | National Assn for Home Care | | 22.09 |
| Do | National Assn of Water Companies | 10.00 | 3.68 |
| Do | National Cable Television Assn, Inc | 1,575.00 | 246.78 |
| Do | Nationwide Insurance Co | | |
| Do | Norfolk Southern Corp | 17,675.00 | 1,779.08 |
| Do | Paralyzed Veterans of America | | |
| Do | Pharmaceutical Manufacturers Assn | | 165.75 |
| Do | Recording Industry Assn of America, Inc | 225.00 | 40.52 |
| Do | Southland Royalty Co | 102.50 | |
| Do | Student Loan Marketing Assn | 900.00 | 246.78 |
| Do | Texaco, Inc | 770.00 | 103.13 |
| Do | Texas Air Corp | 1,790.00 | 213.62 |
| Do | U.S. Telephone Communications, Inc | 2,372.50 | 114.18 |
| Do | Universal Foods, Inc | | |
| Do | USAA Financial Service Co | 450.00 | 103.13 |
| Do | Wilkie Farr & Gallagher | | |
| David W. Wilmot, 1029 Vermont Ave., NW, #300 Washington, DC 20005 | Anheuser-Busch Companies, Inc | | |
| Patricia M. Wilson, 2910 3rd Avenue North Billings, MT 59103 | Thermal Energy Co | | |
| Windels Marx Davies & Ives, 1701 Pennsylvania Avenue, NW Washington, DC 20006 | Norfolk Southern Corp | | |
| James L. Winston, 1730 M Street, NW, #708 Washington, DC 20036 | National Assn of Black Owned Broadcasters | | |
| Winthrop Stimson Putnam & Roberts, 1155 Connecticut Ave., NW, #1000 Washington, DC 20036 | Asea, Inc | 7,500.00 | 14.65 |
| Walter J. Witek Jr., 777 14th St., NW Washington, DC 20005 | National Assn of Realtors | | |
| Claudia A. Withers, 2000 P Street, NW, #400 Washington, DC 20036 | Women's Legal Defense Fund | | |
| Glenn P. Witte, 888 16th St., NW Washington, DC 20006 | Milk Industry Foundation/Int'l Assn of Ice Cream Mfrs | | |
| S.R. Wojdak and Associates, Inc, 1401 Walnut St., #1000 Philadelphia, PA 19102 | Health America Corp | 8,025.00 | 462.83 |
| Do | Medical College of Pennsylvania | 10,950.00 | 1,628.79 |
| Do | St. Christopher's Hospital for Children | 6,750.00 | 522.51 |
| Burton C. Wood, 1125 15th St., NW Washington, DC 20005 | Mortgage Bankers Assn of America | 15,549.00 | 1,915.00 |
| Hugh A. Wood, 515 So. Flower, AP-3397 Los Angeles, CA 90017 | Atlantic Richfield Co | | |
| James C. Wood, 900 17th Street, NW, #500 Washington, DC 20006 | Association of Thrift Holding Cos | 4,500.00 | 105.00 |
| Wood Lucksinger & Epstein, 2000 M Street, NW, #500 Washington, DC 20036 | CHAD Therapeutics, Inc | | |
| Douglas A. Woodward, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037 | Stelco, Inc | | |
| Dee Workman, 405 Lexington Ave. New York, NY 10017 | Mobil Oil Corp | 18,750.00 | 1,600.00 |
| World Zionist Organization - American Sector, Inc, 515 Park Avenue New York, NY 10022 | World Zionist Organization Jerusalem, Israel | | |
| Brenda J. Wright, Suite 2600 1000 Wilson Blvd. Arlington, VA 22209 | TRW, Inc | 1,143.63 | |
| Kenneth P. Yale, 1111 14th Street, NW, #1200 Washington, DC 20005 | American Dental Assn | 1,000.00 | 15.00 |
| Andrew Yood, 1220 L Street, NW Washington, DC 20005 | American Petroleum Institute | 200.00 | |
| Roberta Lynn Youmans, 509 C Street, NE Stanton Park Washington, DC 20002 | Roisman, Reno & Cavanaugh (For:National Housing Law Project) | 1,849.36 | |
| Judith A. Young, 777 14th St., NW Washington, DC 20005 | National Assn of Realtors | 1,500.00 | 167.61 |
| Thane Young, The Ferguson Company 1875 Eye Street, NW Washington, DC 20006 | Oceanside Redevelopment Agency | | |
| Steven S. Zaleznick, 1909 K St., NW Washington, DC 20049 | American Assn of Retired Persons | | |
| Do | American Assn of Retired Persons | | |
| Janice Zarro, Suite 715-16 1660 L St., NW Washington, DC 20036 | Avon Products, Inc | 75.00 | 30.00 |
| Sharon G. Zedd, 1945 Old Gallows Road, #405 Vienna, VA 22180 | American Wood Preservers Institute | 2,500.00 | 311.95 |
| Zero Population Growth, Inc, 1601 Connecticut Ave., NW, 4th Fl. Washington, DC 20009 | | 2,561.00 | 1,866.00 |
| Kurt D. Zwikl, 702 Hamilton Mall Allentown, PA 18101 | Merchants Bank | 10,400.00 | 89.38 |

# SENATE—*August 18, 1986*

*(Legislative day of Monday, August 4, 1986)*

The Senate met at 8:45 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Father in Heaven, hard and long as the Senators work, there are those in this Chamber, in Senate offices, and on committee staffs who work as hard and as long, and they are equally vulnerable to all the human foibles and frailties. With profound gratitude we pray for all these unsung heroes of the Senate who labor tirelessly and sometimes thanklessly to expedite their Senator's efforts on the floor, and with their constituents.

We praise You for those whose duty requires precision in recording copious accounts involving tens of thousands of words and preserving them for history. Bless these indispensable public servants—encourage and strengthen them, assure them of our boundless respect and appreciation.

We pray for all our families who often most feel the burden of the relentless Senate schedules. Compensate in Your love, Father, as only You are able, for the sacrifices they make that the U.S. Senate can get its job done. In Jesus' name. Amen.

## RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able and distinguished acting majority leader, the Senator from Florida [Mrs. HAWKINS] is recognized.

## SCHEDULE

Mrs. HAWKINS. Mr. President, following the recognition of the leaders, we will have special orders for the following Senators, not to exceed 5 minutes each: Senator PROXMIRE, Senator BAUCUS, Senator HUMPHREY.

There will be routine morning business not to extend beyond 9:15 a.m., with Senators permitted to speak therein for not more than 5 minutes each.

At 9:15 a.m., the Senate will resume consideration of S. 2638, the DOD authorization bill.

At 1 p.m., under the provisions of rule XXII, a live quorum will begin, to be followed by a cloture vote on the Byrd amendment, No. 2414. If cloture is not invoked, a cloture vote will occur on the Dole amendment, No. 2417.

It is the intention of the majority leader to complete action on S. 2638, the DOD authorization bill. Therefore, votes will occur throughout the day today.

## THE WASHINGTON POST CAMPAIGN AGAINST DRUG CONTROL INITIATIVES

Mrs. HAWKINS. Mr. President, this week we heard President Reagan address the Nation with an eloquent appeal to all members of our society to join in a crusade against illicit drug use.

This major Presidential address was carried live to the Nation by network television. By contrast, the following morning's Washington Post downplayed the President's address with a minor article on page 6. And yesterday, the Post used their lead editorial to denounce as "crazy", the President's drug testing proposal.

A similar 1982 Presidential news conference at the White House on the drug issue was also buried by the Post. Meanwhile, the Post's editors see fit to place prominently on page 1, stories like the one on February 25, 1982, which announced that "recreational sniffing of cocaine through the nose is neither addictive nor harmful."

In sum, the Washington Post is a prime example of that predominate part of our national media which has often appeared to undermine, distort and discredit most if not all of the promising anti-drug initiatives devised by our Government and society.

Let's review the record. Beginning in March of this year, the Post and all of its regular opinion columnists who spoke to the issue launched a long and sustained attack on the recommendation of the Attorney General and the President's Commission on Organized Crime for drug testing in the work place. As usual, the Post's biased attack on drug testing was plain in its editorial stance, its opinion columns, and in its selection of and who to cover. The Post gave extensive coverage to the ACLU's opposition to drug testing and still refuses to drug test its own staff, despite the estimate made by the Post's own Bob Woodward on CBS Morning News, June 7, 1984, that some 40 members of the Washington Post's staff were current users of cocaine.

Earlier initiatives in years past to eradicate drug crops by spraying herbicides met determined opposition from the Post. U.S. assistance to the Mexican program eradicating marijuana and opium poppy with paraquat in the mid-1970's met determined resistance from the Washington Post. Our own domestic eradication program for marijuana in the 1980's has likewise been panned by the Post.

The initial cocaine eradication program in Peru's Upper Huallaga Valley, through simple foreign assistance programs back in 1982, drew and extremely critical analysis from the Post in a long story which criticized this little known program on environmental, anthropological, economic, and foreign policy grounds.

The tough but successful drug treatment program operated by Straight Inc., was given very bad press by the Post in 1983 when it arrived in northern Virginia. Likewise, our successful efforts to amend the Posse Comitatus Act in 1981, to allow greater involvement of our military in countering drug smugglers, met with opposition from the Post.

Meanwhile, legislative intitiatives supported by the drug culture, like the effort to legalize heroin and marijuana or for medical purposes, have found support from the Washington Post, despite opposition from the AMA and our national institute of health.

Long-time advocates of illicit drug use of every kind, from marijuana to LSD to heroin, have found favored access to the opinion pages of the Post. Drug culture promoters like Andrew Weil, Lester Grinspoon, Timothy Leary, Arnold Treback, Kevin Zeese of Normal, and others, have all had long opinion pieces or promotional puff pieces given prominent placement in the Post.

The list of opponents to the drug culture is much longer but very few of them have found ready access to the opinion pages of the Post, despite determined attempts.

Some of the Post's stable of liberal columnists, such as Richard Cohen, stand out in their tireless opposition to any new threats to the drug culture.

Cohen has dutifully lashed out savagely at drug testing, ridiculed the President's Bolivian operation with U.S. military personnel, and, most recently, on July 31 launched a preemptive attack on what he detects as the President's tough drug education massage against all illicit drug use. Cohen now blames our drug problem on what he claims were false exaggerations

about the evils of illicit drugs when he was in high school. What bunk.

This is the same Richard Cohen, whose April 29, 1982, column was pointed out to me, ridiculing the DC police for instituting drug testing for police recruits. Listen to Cohen in 1982:

> The DC police are looking for those rare birds who lack at the very least a certain zest for experimentation. Survey after survey indicates that a rather small percentage of young people have never, but never, used marijuana. Such a person is probably not fit to be a police officer.

Or take another Washington Post columnist, Courtland Milloy, who unloads on Lenny Bias in the June 29, 1986, outlook editorial: "Len Bias had his chance and he blew it" This is the same Courtland Milloy who gave us a sympathetic portrait of a Washingon, DC drug dealer on March 30, 1983, "A 14th Street Drug Trafficker Looks at Unemployment."

Or maybe we should re-read Milloy's respectful 1983 portrayal of Washington DC's most prominent drug paraphernalia dealer, in his Post column called "Head Shops" of July 27, 1983.

It is indeed unfortunate that newspapers and journalists, unlike judicial nominees, have so little scrutiny over their prior public record, let alone their personal behavior and their comments made in private. This is especially ironic, even though journalists probably have a much more powerful influence in our media-dominated society than do judges on what we know, what we think and how we act.

I'd like to suggest to any students or researchers, looking for a story or a subject to investigate, to analyze the past public record of our major media on the subject of illegal drug use. This is a story of shameful performance that really deserves to be uncovered and exposed, that the public really should have pointed out to them, lest we allow the same kind of thing to continue to happen again and again.

Those editors and journalists responsible for damaging our society's efforts to protect itself from illicit drug use certainly deserve all the notoriety we can provide for them.

Yesterday I chaired a Senate hearing on drug education materials used in our schools. This hearing exposed to a wider public some of the books and teaching materials which subtly portray illegal drug use, as acceptable social behavior to our children. I hope the media saw fit to pass this information on to the general public. But I won't hold my breath, based on their past performance.

## RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDENT pro tempore. The distinguished acting minority leader, Senator CRANSTON, is recognized.

## CONTRA AID

Mr. CRANSTON. Mr. President, many people are no doubt baffled by what has been occurring in the Senate. The long delays, the failure to come to grips with some fundamental issues, the scheduling of cloture votes, and then the cancellation of those cloture votes, and the rising testiness that has been displayed from time to time between Senators as frustrations have mounted and the strains and stresses of dealing with the monumental issues that confront us have taken their toll.

The fact is that a quiet filibuster has been going on for many days in this body against military aid to the Contras seeking to overthrow the Government of Nicaragua.

There are Senators of both parties—an overwhelming majority of Senate Democrats and a small minority of Republicans—who are strongly opposed to military aid to the Contras.

I am one of those deeply involved in this effort because I am strongly opposed to U.S. involvement in the conflict in Central America.

I feel very deeply about this issue.

The real issue before the Senate presents one of the fundamental war and peace issues of our time. Simply put, we must ask whether Nicaragua presents such a central threat to the security of the United States as to warrant our prosecution of war against the Nicaraguan people.

Here, in this small Chamber, we must decide this vital issue.

I, for one, was first elected to the Senate in 1968 on a pledge to do all in my power to end America's tragic military involvement in Indochina. I worked toward this end and I worked to help heal the wounds this divisive conflict inflicted in our own land as my first priority in the Senate. Today, yesterday, for a number of days and on into the immediate tomorrows, the Senate is being asked to give final approval for yet another war, the war in Central America.

Not one Senator has changed his or her mind since that time. The score remains 53 who are prepared to vote for the aid, 47 who are prepared to vote against aid.

Those of us who feel so very strongly on this issue have been prepared, and are now prepared, to resort to all of our rights in the Senate to prevent a vote on this issue because we feel so deeply that it threatens our country in many, many ways—threatens the principles for which we should stand, and threatens to involve us in a war that many of us feel we should not be involved in, and threatens not only to involve our money but our men. And we do not want to see young Americans fighting and bleeding and dying in a civil war in Nicaragua.

It is for that reason that we have refused to agree to a time agreement on the matter of the money for the Contras. A time agreement would limit debate and deprive us of the opportunity to prevent that money from being approved simply by preventing no action at all upon that matter.

That is what has led to a long impasse in the Senate. It is a quiet filibuster. We have not had to talk about it. We have not had to debate on the floor up to this point as a way of coping with this very, very serious problem. The majority leader has resorted to all the powers that he has in order to seek delay bringing this matter to a vote until and only when he feels that he will be able to win a cloture and end the debate and win the vote for military aid to the Contras.

And what has occurred has led to a second invisible filibuster, one over the issue of apartheid in South Africa. The majority leader has linked apartheid sanctions to the matter of Contra aid, and has stated that we will not deal with apartheid until we have first dealt with aid to the Contras.

And, also on the other side of the aisle—the Republican side—there apparently are those who have stated quietly to the majority leader that they intend to filibuster the issue of applying sanctions to South Africa. So, in effect, we have two filibusters going on at the present time.

There have been many, many meetings on these matters. I trust that it will be resolved by an agreement that will enable us to cope with both issues. But I assure all who are interested that it will not be an agreement that limits the right of those of us who feel so strongly against aid to the Contras from exercising our rights. We will insist that there will be no vote on that matter until 60 Members vote to end debate on this matter and bring it to a vote.

We are not being asked formally to declare a war, a prerogative reserved to Congress by the Constitution. But for all intents and purposes, that is the question that is before us.

The last time the Senate voted on this issue of aid or no aid to the Contras, 53 favored the aid, 47 opposed the aid.

There are those who charge that a vote for or against Contra aid is a vote for or against communism. Mr. President, there is no sympathy for communism in this Chamber. You know that. I know that. All of us know that.

On the last vote on this issue, as I earlier indicated, 47 of 100 U.S. Senators—none of whom have any sympathy for communism—had the guts to stand up to the pressures of a popular President and vote against aid to the Contras. They cast those votes knowing they would thereby open themselves up to the unpleasant and false charge of voting for communism.

What they were really saying with their votes was, "This is wrong and I cannot support it." That is what the current debate over this issue, quiet until now, is all about.

Many of us who were among those 47 are pledged to do all in our power to bring the people's will into this Chamber, to find a majority in the Senate who will stand up and say, "This is wrong. This is not in America's interest. This is not in America's tradition and I cannot support it."

Our principal concern, Mr. President, is that, if we continue on this course, sooner or later, it will lead to the involvement of Americans—Americans fighting in Nicaragua. I am sure that is not the intention of the President of the United States who seeks this aid to the Contras. But it is all too likely that that will be the end result if we do not change course.

In military matters, there is a certain momentum which can escalate, a certain inner drive in the course of events which, once past a critical point, propels us further than anyone may originally have intended to go. History is replete with examples of nations tinkering in other people's civil wars and ending up engulfed themselves. The last example in our own history was Vietnam.

Once a global power commits itself to military action, direct or indirect, to achieve political objectives, the operative word becomes "victory" and the code word for "victory" is "more."

We are told that more money, more guns, more ammunition, more planes, more bombs, more approved targets, more men will bring us to victory. And when, for all that, victory continues to elude us, the operative words become "still more"—still more money, still more weapons, still more men. But, as we found to our sorrow in Vietnam, still no victory.

Mr. President, those of us who want to prevent all of this from occurring once again in the days immediately ahead, are taking our stand now. That explains the situation that has confronted the Senate, the situation that confronts the Senate today, and will confront the Senate for several days to come—if not more.

Mr. President, I yield the floor.

## RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER (Mr. ANDREWS). Under the previous order, the Senator from Wisconsin is recognized for not to exceed 5 minutes.

Mr. PROXMIRE. Thank you, Mr. President.

## WITH THE FEDERAL RESERVE ABOARD THE INFLATION EXPRESS IS OFF AND AWAY!

Mr. PROXMIRE. Mr. President, if this Senator were a betting man I would wager my Senate office against a pair of worn-out jogging shoes that this country is heading squarely for a super inflation. Here's why:

The Federal Reserve Board—the great bastion against easy money and runaway inflation; the one and only major institute that can and will fight the tough and often unpopular fight against inflation—is throwing in the sponge. Now, consider our other Federal economic policymaking institutions. Every Congress and every administration in modern history has favored expansive Federal Government policies.

The specter of recession with unemployment, business failures, bankruptcies and foreclosures persist as the absorbing national nightmare, in fact, the economic obsession. Everyone wants policies that lower interest rates. Of course, borrowers love those policies. It makes borrowing cheaper. And today our country has become a nation of borrowers. We all know the national debt broke all records 5 short years ago when it rose to the fabulous level of $1 trillion. Today it has soared above $2 trillion, and it continues to rise at a $200-billion-plus clip every year. Individual Americans are even more deeply in debt than their reckless, irresponsible Federal Government. Personal debt in this country exceeds $2 trillion. That personal debt is not only absolutely greater than it has ever been. It is greater in relation to income than it has ever been. And it is rising at breakneck speed.

That is not all. It is worse. Corporate debt is not $2 trillion. It now exceeds $3 trillion! That is easily an all time record and also far greater than it has ever been in relation to income. So, of course, millions of Americans, in or out of business, love to see those interest rates fall. Even the lenders favor lower interest rates. Why should lenders like to see the rent they get for their money go down? Because the value of their loans—especially their long term loans—rises precisely as interest rates fall. In the past couple of years as interest rates have dropped very sharply, the value of bonds as well as common stocks have increased just as sharply.

□ 0910

So all the pressure in the financial community as well as from millions of borrowing and lending Americans plus all the rest of us who want higher pay and more secure jobs, this big fat majority, favor lower interest rates.

So if you are an elected official in this democracy, it is not hard to see why the pressure on the Congress and the administration—any Congress and any administration—is constantly in favor of just the kind of reckless and irresponsible fiscal policy the Congress and the administration has pursued for the past 5 years and the kind of equally reckless and irresponsible policy the Federal Reserve Board has been pursuing for the past year and a half. This is exactly why this Senator is concerned about the President's latest nominee to the Federal Reserve Board, Mr. Robert Heller. This Senator will not oppose Mr. Heller. I have opposed other Reagan nominees to the Federal Reserve Board whose economic convictions this Senator considers inflationary and irresponsible in the past. Why not Heller? Mr. Heller's experience and training in international finance and in top flight bank management technically equip him to be a competent Federal Reserve Board governor.

Unfortunately I cannot expect the President to appoint Federal Reserve Board governors who reflect my economic convictions instead of his own. But the Congress should take notice that the easy, expansive monetary policy that has characterized the Federal Reserve's policies since early 1985 have not been reinforced. Mr. Heller replaces former Governor Preston Martin. Martin's views were as expansive as Heller's so this appointment will not signal a change. But it will reinforce once again the expansive monetary majority on the Board. Governors Johnson, Seeger, Angell, and now Heller are all Reagan appointees. They will constitute a majority of four on this seven man board for easy credit, low interst rates, and the push for credit expansion. This is a legacy that will outlast Chairman Volcker whose term expires a year from now and President Reagan. It means that the last institutional bastion for policies that would stabilize prices and prevent run-away inflation is very probably on its way out.

Why does all this foreshadow huge inflation in the near future? Because it means that for the next several years Congress is very likely to continue to run massive deficits. The Federal Reserve Board with help from the likes of the newest Governor seems sure to continue to bloat the supply of credit and money. We will suffer that curious but deadly combination—a sinking economy, higher unemployment, and rising inflation. Do you say it cannot happen? Do you argue that if the economy collapses so will prices? Well, Mr. President, take a look at every economy that has pursued this buy-now-pay-later and-meanwhile-flood-the-country-with credit. What happens? For the answer: Check out the South American economies or Germany after World War I. Do you say, it cannot happen here? Just wait.

Mr. President, I yield the floor.

## ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business for not to extend beyond the hour of 9:15 a.m., with statements therein limited to 5 minutes each.

Mrs. HAWKINS addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

## VITIATION OF SPECIAL ORDER FOR SENATOR HUMPHREY

Mrs. HAWKINS. Mr. President, I ask unanimous consent that the special order in favor of the Senator from New Hampshire [Mr. HUMPHREY] be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

## TWO SOVIET CIRCUS PERFORMERS WHO DEFECTED

Mrs. HAWKINS. Mr. President, yesterday morning two Soviet Circus performers arrived at Miami International Airport. Nikolai Nikolsky and Bertalina Kazakova, who were with the world renown Moscow Circus and performing in Argentina, made a daring escape to freedom. They walked to our Embassy in Buenos Aires from the hotel where their circus company was staying. They explained to our Embassy officials that they wanted to defect and come to the United States. Fortunately, our officials in Argentina were able to get the couple on plane to the United States.

Mr. President, the story of this brave couple reminds us of how lucky we are in this country. Nikolai and Bertalina were successful performers in the Soviet Union. They made a good living in the circus. But they were missing the critical element that makes life rich and full for all individuals, freedom. This case demonstrates the extraordinary risks people are willing to take to come to a country where they can live according to the dictates of their own conscience. The courage of Nikolai Nikolsky and Bertalina Kazakova can only serve to inspire us in our duty to the cause of freedom and renew us in our beliefs about the principles of democracy.

Mr. President, I am sure that I speak for all my colleagues in the Senate in welcoming Nikolai Nikolsky and Bertalina Kazakova to the United States and wishing them the best of luck in their new lives.

I yield the floor.

The PRESIDING OFFICER. Does the Senator suggest the absence of a quorum?

Mrs. HAWKINS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

□ 0930

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from West Virginia is recognized.

## AIR TRAFFIC COMPUTER FAILURE AT CHICAGO'S O'HARE AIRPORT

Mr. BYRD. Mr. President, the day before yesterday, the news media reported a major failure of the main computer used by air traffic controllers at Chicago's O'Hare Airport. The failure is reported to have occurred on August 5, and delayed hundreds of flights. The computer, which is located at Chicago center in Aurora, ILL, was down 16 hours, during which time a back-up computer was in operation. However, Mr. President, the story that appeared in the Washington Post indicates that this incident was the third computer failure since August 3. That's three failures in 3 days.

According to the UPI account of the incident, the failure of the computer stopped the flow of important information to the air traffic controllers in the tower at O'Hare Airport. Information on the departure and arrival of aircraft, as well as on destinations and flight routes, which is usually generated by the computer and transmitted to controllers, had to be complied by hand and transmitted by telephone to controllers. The back-up computer does not provide that type of information.

The UPI account also notes that the back-up computer does not display on the radar screens of controllers the ground speed of aircraft, or projections of an aircraft's flight path. This is information upon which air traffic controllers rely to maintain the proper distances between aircraft. However, Robert Buckhorn, an FAA spokesman, is quoted as saying that "that failure caused no safety-related incidents."

Mr. President, I find it hard to believe that the lack of adequate computer capability to compile, transmit, and diplay vital air traffic information at the Nation's busiest airport did not produce any safety-related incidents. Nevertheless, this latest incident underscores the current fragility of the Nation's aviation safety system.

On many occasions, I have expressed my concerns about the declining margin of aviation safety. I am pleased to note that yesterday, the Commerce Committee reported S. 2417, the Aviation Safety Commission Act, a bill I introduced on May 7. I believe that this latest incident at O'Hare Airport confirms the importance of expeditious Senate action on S. 2417.

Incidentally, that bill was cosponsored by the distinguished Senator from Arizona [Mr. GOLDWATER] who sits on the floor at this moment and who is manager of the DOD authorization bill.

Mr. President, I ask unanimous consent that the article from the Washington Post and the UPI wireservice story be printed in the RECORD.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Aug. 7, 1986]

AIR TRAFFIC COMPUTER FAILS THIRD TIME

The main air traffic control computer at the Federal Aviation Administration's busiest facility failed for 16 hours, delaying hundreds of flights at Chicago's O'Hare International Airport before it was repaired early in the day, FAA spokesmen said.

The outage at Chicago Center in Aurora, Ill., was the third since Sunday, and forced air traffic controllers to manually gather data provided via the computer.

AIR SAFETY

(By Timothy Bannon) WASHINGTON.—The main computer used by air traffic controllers at Chicago Center, the Federal Aviation Administration busiest facility, failed Tuesday, delaying hundreds of flights, an agency spokesman said Wednesday.

The failure, which lasted for 2 hours during which a back-up computer operated, caused no safety-related incidents, FAA spokesman Robert Buckhorn said.

The outage at 2 p.m. was caused by the failure of a computer element that funnels to the computer radar information and other data critical to tracking and directing flights in the crowded Chicago airspace, FAA sources familiar with the breakdown said.

The Chicago Center, in Aurora, ILL handles 2 million flights a year and controls all flights at O'Hare Airport, the world's most congested, which has nearly 2,000 takeoffs and landings a day.

In Chicago, FAA sources said some of the main computer's functions were restored Tuesday afternoon. Buckhorn said the problem was completely corrected at about 6 a.m. EDT Wednesday.

FAA officials in Chicago were meeting about the problem and were not immediately available for comment.

The failure halted the flow of computer-generated flight strips, containing vital information on aircrafts' departure and arrival times, destinations and flight routes. Sources said the backup computer does not generate the computer printout strips, which are used by controllers in the O'Hare tower.

As a result, controllers must compile the information by hand and transmit it to other controllers over the telephone—functions normally handled automatically by the main computer.

Additionally, the backup computer does not display on controllers' radar scopes the ground speed of aircraft or projections of a plane's flight path on which controllers rely to maintain required distances between aircraft in flight.

Buckhorn said flight delays attributable to the computer problem peaked at O'Hare

at about an average of 30 minutes Tuesday afternoon.

The Chicago sources said Tuesday's outage was the third since Sunday, when an outside contractor took over computer program-writing and maintenance functions of the center's computer system, work previously done by FAA employees.

The contractors were hired by the FAA to perform those service at seven air traffic controllers centers nationwide, where controller shortages are particularly acute, such as Chicago Center.

In implementing the plan, the FAA said it would permit the agency to transfer some of the controllers, who worked on computer programs, back to directing aircraft to relieve pressure on the air controller workforce.

The sources could not say, however, whether the outage was related to work performed by the contractors.

## OUR NATIONAL TRAGEDY: DRUG ABUSE

Mr. BYRD. Mr. President, this week, the Nation's attention is focused on a problem of grave magnitude—a true national tragedy. I am speaking of the tragedy of drug and substance abuse which, in many quarters of our country, is reaching epidemic proportions.

The list of those who recognize this tragedy in our midst is growing. I hope that will serve to help us join our efforts to find solutions which will work to turn the tide against drug use.

This week, the President announced his drug program, which is still on the drawing board. All of us—Democrats and Republicans alike, I am sure—will welcome specific recommendations from the President.

I take this moment also to commend Mrs. Reagan for the long fight she has been conducting against the menace. I hope some details of the President's plan will be available soon so we in Congress may consider those plans.

The attention of the President to this grave tragedy of human waste, the waste of our greatest national resource—our people, our children, our grandchildren—will prove extremely helpful. So, I am eager to see the President's plan, when it is ready.

But meanwhile, we must not wait, for there are needed responsible actions which we can take now to attack the problem. Earlier this week, Mr. President, a bipartisan group of 338 Members of the House of Representatives called on the Nation's television networks to begin an advertising campaign against illegal drug use.

On Tuesday, the Democratic working group I appointed to focus on anti-drug and substance abuse initiatives brought to the Democratic conference a plan, including enhanced penalties and education initiatives, to deal with the abhorrent drug "crack."

Crack, a form of cocaine, is the newest scourge on the streets. It is a frightening, low-cost substance which is drawing more and more attention because of its superpotency. Its use often results in death. It is extremely addictive—dependence can be established in as few as two or three episodes. And it is affordable and therefore available to America's youth. With schools opening soon, the need to stem the flow of crack to our youth is truly an emergency. Distributors will have a "field day" when the students are back in school, and their markets are thus concentrated.

Our "crack" emergency bill was unanimously endorsed by the Democratic conference, as was the working group's proposal to create a Cabinet-level official to coordinate national drug abuse policy. Both measures have been introduced this week.

I know I speak for all my colleagues when I invite the advice and assistance of all Senators in helping to move this vitally needed emergency legislation through the Congress this session.

No task before us is more important and deserving of our immediate attention. Drug abuse is taking the lives of thousands of Americans. Its targets are not selective. America's teenagers, adults, and, Mr. President, America's young children are caught in its deadly web.

The Congress must act and act soon. I intend to do everything in my power to see that it does act and act soon.

Mr. President, I yield the floor.

## OFFICER KEVIN WELSH

Mr. MATHIAS. Mr. President, last Monday, D.C. Police Officer Kevin Welsh of Charles County, MD, died while trying to rescue a woman who had jumped off the 11th Street bridge in a suicide attempt. Today funeral services are being held at the Holy Family Catholic Church for this fine young man, who exemplifies the best that Maryland and Washington and this Nation can offer.

He will be missed—by those who knew him as husband and father and relative, by those who knew him as colleague and friend, and by those of us who only know him by his example of courage and bravery under stress.

He was a hero in the finest sense; he sacrificed his life to save another. He acted quickly without considering his own safety. He simply saw a person in trouble and acted to save her. This is the stuff of true grit and courage.

Police Chief Maurice Turner said that Officer Welsh was "always willing to take the initiative to help a victim of crime or to apprehend a wanted suspect." He added that Officer Welsh's last action was "the ultimate example of the type of officer he was."

There is no way to make up for the great loss of Officer Welsh to his wife, Judith, who is pregnant, and their two young children. But they will be able to carry with them always the knowledge that their husband and father was an example of valor. Montaigne wrote almost 400 hundred years ago that the strongest, most generous and proudest of all the virtues is true courage. I hope that thought will bring some comfort to his family. Mrs. Mathias joins me in offering our deepest sympathy to Mrs. Welsh, her children, and their friends.

Mr. President, I ask unanimous consent that a moving editorial about Officer Welsh's life and accomplishments that appeared in the Washington Post today be included in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE SACRIFICE OF KEVIN WELSH

A hero will be buried this morning. Officer Kevin Welsh of the D.C. Police Department died Monday trying to rescue a woman who had jumped off the 11th Street Bridge in a suicide attempt. The woman, a 64-year-old St. Elizabeth's patient, survived. But the 34-year-old officer, who leaves a pregnant wife and two children, did not.

The tragedy in this case is compounded because, according to Officer Welsh's colleagues, this city has lost an exemplary law enforcement officer. In his seven years on the force, he had received 39 commendations from the police chief and from his commanders for outstanding performance in the line of duty. Equally impressive, more than 60 citizens had written to the department to praise his performance. His arrest record far exceeded the average and, according to his partner, "he lived and breathed his job. . . . He was 100 percent policeman."

Police families are not strangers to tragedy. Officers are frequently injured and occasionally killed in the line of duty, usually when a crime is interrupted or an arrest thwarted. This was not the case on Monday. Officer Welsh chose to risk his life for a stranger—as did the other policemen and fire department paramedics who jumped with barely a second thought into the muddy Anacostia River to resuce the woman. Not one of them had to act with such quick courage, for a harbor patrol boat had been called and was coming. The river near the 11th Street Bridge is dangerously fast, and the rescuers could see only a foot down into its 30-foot depth. But they went without hesitation, and they did their best.

Officer Welsh's family, which includes two brothers who are policemen, will be consoled today at church and graveside by city officials, close friends and by his colleagues in the D.C. police force and delegations of officers from other cities. No matter how large the gathering is, it will represent only a fraction of those in this city who respect Officer Welsh's sacrifice and appreciate his service.

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

## NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1987

The PRESIDING OFFICER. The clerk will report the pending business.

The legislative clerk read as follows:

A bill (S. 2638) to authorize appropriations for military functions of the Department of Defense and to prescribe military personnel levels for such Department for fiscal year 1987, to revise and improve military compensation programs, to improve defense procurement procedures, to authorize certain construction at military installations for fiscal year 1987, to authorize appropriations for national security programs of the Department of Energy for fiscal year 1987, and for other purposes.

The Senate resumed consideration of the bill:

Pending:

Byrd (for Kennedy and Weicker) Amendment No. 2414, to set forth a comprehensive and complete framework to guide the efforts of the United States in helping to bring an end to apartheid in South Africa and lead to the establishment of a nonracial, democratic form of government.

Dole Amendment No. 2417 (to Amendment No. 2414), of a perfecting nature, to promote economic and political development, peace, stability and democracy in Central America, to encourage a negotiated resolution of the conflict in the region, and toward these ends, to enable the President to provide additional economic assistance for the Central American democracies as well as assistance for the Nicaraguan democratic resistance, subject to certain terms and conditions.

Wilson modified Amendment No. 2595, to provide funding for the Rolling Airframe Missile program.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. GOLDWATER. Mr. President, before we recessed last night, we made agreements on amendments with two of our Members; one was Senator ROTH of Delaware, who has five amendments which he will offer, and the other was Senator KERRY of Massachusetts, who has one. I am wondering if my good friend from Delaware would be willing to agree to time on his amendments.

Mr. ROTH. Yes.

Mr. GOLDWATER. What would the Senator like?

Mr. ROTH. I suggest on the first amendment that we agree on 40 minutes to be equally divided.

Mr. GOLDWATER. Is that the OTE amendment?

Mr. ROTH. Yes. If that is satisfactory.

Mr. GOLDWATER. I am afraid that we cannot agree to that because Senator LEVIN would oppose it, but let us get started anyway and we will discuss it as we go along. Is that all right?

Mr. ROTH. That is satisfactory.

Mr. GOLDWATER. The bill is open to amendment.

Mr. BYRD. Mr. President, will the distinguished Senator yield?

The PRESIDING OFFICER. There are three amendments that must be laid aside.

Mr. BYRD. Will the distinguished Senator yield?

Mr. ROTH. I would be happy to yield.

Mr. BYRD. I want to thank both the manager and the distinguished Senator who has the floor for not pursuing the unanimous consent further at this moment. Senator LEVIN, as the distinguished manager has said, does want to be on the floor before any such agreement is reached.

Mr. ROTH. Mr. President, I ask unanimous consent that we lay aside the three pending amendments.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized.

AMENDMENT NO. 2647

(Purpose: To provide that the Director of Operational Test and Evaluation reports directly to the Secretary of Defense)

Mr. ROTH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Delaware [Mr. ROTH], for himself, Mrs. KASSEBAUM, and Mr. PRYOR, proposes an amendment numbered 2647.

Mr. ROTH. Mr. President, I ask unanimous consent that we dispense with reading of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 126, line 11, strike out "He" and insert in lieu thereof "except as provided in section 136a of this title, the under secretary".

Strike out section 914 of the bill and insert in lieu thereof the following:

SEC. 914. DIRECTOR OF OPERATIONAL TEST AND EVALUATION TO REPORT TO SECRETARY OF DEFENSE.

Section 136a of title 10, United States Code, is amended—

(1) in subsection (b)—

(A) by inserting ", the Under Secretary of Defense of Acquisition," in clause (2) after "Secretary of Defense"; and

(B) by strking out Secretary of Defense and to" in clause (5) and inserting in lieu thereof "Secretary of Defense, the Under Secretary of Defense for Acquisition and";

(2) by striking out subsections (c) and (d) and inserting in lieu thereof the following:

"(c) Each report of the Director required under subsection (b)(5) shall be submitted to the Secretary of Defense, the Under Secretary of Defense for Acquisition, and the Committees on Armed Services and on Appropriations of the Senate and the House of Representatives without intervening review or approval and without any change or revision by any other officer or employee. The Under Secretary of Defense for Acquisition may submit such comments regarding the report as he considers appropriate to the Secretary of Defense and the Committees referred to in the preceding sentence. The Secretary of Defense may also submit such comments regarding the report as he considers appropriate to such Committees.

"(d) The Director reports directly, without intervening review or approval, to the Secretary of Defense. The Director shall consult with, but the Director and the Director's staff are independent of, the Under Secretary of Defense for Acquisition and all other officers and employees of the Department of Defense responsible for acquisition or research and development. The Director shall keep the Under Secretary of Defense for Acquisition fully and currently informed of his activities with respect to his duties under this section and any recommendations made in carrying out those duties."; and

(3) in subsection (g)(1)—

(A) by inserting ", the Under Secretary of Defense for Acquisition," after "Secretary of Defense" in the second sentence; and

(B) by inserting "of Defense and the Under Secretary of Defense for Acquisition" after "Secretary" in the last sentence.

Mr. ROTH. Mr. President, this amendment will preserve the independence and honesty of weapons testing by providing the Director of Operational Test and Evaluation to continue to report directly to the new Under Secretary of Defense for Acquisition, as provided in the legislation before us.

Before I discuss my amendment, Mr. President, I strongly agree with the recommendation of the Packard Commission that we create the position of Under Secretary for acquisition. As a matter of fact, I introduced my own bill on that matter.

I also played an instrumental role in creating the Packard Commission. I congratulate the commission on their fine work, and I am pleased to see many of their recommendations being implemented. The Commission's recommendations should contribute toward bringing more efficiency and better military equipment to building this Nation's defense.

Nevertheless, I have read the bill language in S. 2638 no longer requiring the Director of OT&E to report directly to the Secretary of Defense but to the new Acquisition Under Secretary. I know the Armed Services Committee accepted an amendment requiring that reports from the Director go to the Secretary of Defense and the Congress without intervening review by the Under Secretary. As I understand it, the committee's intent with this amendment was that there be no loss of independence and objectivity previously enjoyed by OT&E.

However, the committee's amendment does not go far enough and it remains my concern that despite the change in reporting requirements, the same pressures before Public Law 98-94 are going to bear on the Director of OT&E. In 1983, Congress agreed by a vote of 91 to 5 that decision makers need a bias-free view on operational test and evaluation and created OT&E. The law removed operational test and evaluation oversight from the Defense Department development and acquisition organization. Strong arguments were made then that an independent operational test and evaluation oversight office is the essential check and balance to unavoidable program advocacy of the development/acquisition organization. Having just recently established this important

policy guidance, we should not now reverse it.

Mr. President, the strongest and best way to ensure real independence is to keep the position of Director where it is in current law. I, along with Senators KASSEBAUM and PRYOR, have written twice to the Senate Armed Services Committee expressing our concerns about subordinating the Director of Operational Testing. I ask unanimous consent that those letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON GOVERNMENTAL AFFAIRS,
*Washington, DC, June 17, 1986.*

Hon. BARRY GOLDWATER,
*Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.*

DEAR BARRY: It has come to our attention that the Senate Armed Services Committee will be marking up legislation regarding acquisition policy this week that will be included in the fiscal year 1987 Defense Department authorization bill.

As you remember, we wrote you in early May indicating our concerns about language to create an Under Secretary of Defense for Acquisition (USD(A)). Our letter explained that the language would subordinate the Director of the Office of Operational Test and Evaluation (OT&E) and undermine the Director's independence as established in current law (10 U.S.C. 136a).

We are concerned that the organizational structure envisioned in the bill could deprive decision makers, including the Congress, of a truly independent assessment of weapon system operational effectiveness and suitability. Certainly we believe the new USD(A) should receive all the necessary information from OT&E to carry out the duties of the position. However, the provision eliminating the relationship between the Defense Secretary and the Director of OT&E, and giving the USD(A) complete control over operational testing and testing policy would end independent oversight of operational test and evaluation. We strongly object to these provisions and urge that they be removed from the bill.

In 1983, the Senate overwhelmingly agreed to create the OT&E and remove it from powerful program advocacy in the development/acquisition community inside the Pentagon. It is important now that a fundamental principle of weapons testing reform stay intact.

Sincerely,

WILLIAM V. ROTH, JR.,
*Chairman.*
DAVID PRYOR,
*U.S. Senator.*
NANCY L. KASSEBAUM,
*U.S. Senator.*

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U.S. SENATE,
COMMITTEE ON GOVERNMENTAL AFFAIRS,
*Washington, DC, May 6, 1986.*

DEAR ——: It has come to our attention that the Senate Armed Services Committee will be marking up an omnibus acquisition bill this week.

We are particularly concerned about bill language to create an Under Secretary of Defense for Acquisition (USD(A)). The language as it now stands would subordinate the Director of the Office of Operational Test and Evaluation (OT&E) to the USD(A) thus undermining the Director's independence as established in current law (10 USC 136a).

We understand the congressional intent behind the language and that some modification has already been made at the subcommittee level. However, as presently written, the provision would still send a message to the Defense Department, military Services, public, and media that independent oversight of operational test and evaluation is no longer a priority.

As you remember, Congress agreed that decision makers need a bias-free view on operational test and evaluation and created OT&E in 1983 (PL 98-94) removing operational test and evaluation oversight from the Defense Department development and acquisition organization. Strong arguments were made then that an independent operational test and evaluation oversight office is the essential check and balance to unavoidable program advocacy of the development/acquisition organization. Having just recently established this important policy guidance, we should not now reverse it.

The bill language creating the USD(A) would give an official in charge of development and acquisition complete control over operational testing and testing policy. This provision, even as modified in the subcommittee draft, reestablishes the principle that the "students should grade their own final exams" and it potentially could deprive decision makers, specifically the Defense Secretary and the Congress, of a truly independent assessment of weapon system operational effectiveness and suitability.

It is our hope that OT&E remains as is, with the modification that the new USD(A) receive all the necessary information from OT&E needed to carry out the duties of the position. We hope you will agree that a fundamental principle of weapons testing reform that passed the Senate by a vote of 92-5 should not now be reversed.

Sincerely,

WILLIAM V. ROTH, JR.,
*Chairman.*
DAVID PRYOR,
*U.S. Senator.*
NANCY L. KASSEBAUM,
*U.S. Senator.*

Mr. ROTH. Subordinating the Director of OT&E no longer provides the position total independence from the powerful development and procurement bureaucracies in the Pentagon. The organizational structure envisioned in the bill could deprive decisionmakers, including the Congress or a truly independent assessment of weapons system operational effectiveness and suitability. I agree with the Senate Armed Services Committee that the new Under Secretary should receive all the necessary information from OT&E to carry out the duties of the position. Our amendment will therefore require the Director to consult with, inform, and fully cooperate with the new Under Secretary while remaining organizationally independent. It is important to note that the General Accounting Office supports continuing the Director's independence.

Let me read a letter from the General Accounting Office evaluating the section of the bill subordinating the Director of OT&E:

[The bill] . . . Would require the Director of Operational Test and Evaluation to report to the Secretary of Defense through the Under Secretary of Defense for acquisition. As you know, the Congress mandated the Director to be the Principal Adviser to the Secretary of Defense on OT&E matters and report directly, without intervening review or approval, to the Secretary. We recommend deleting this section because it could either in practice or preception adversely impact on the independence and objectivity that the Director was established to ensure.

I ask unanimous consent that the entire text of the letter from GAO be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. GENERAL ACCOUNTING OFFICE,
*Washington, DC., April 7, 1986.*

Hon. WILLIAM V. ROTH, JR.,
*Chairman, Committee on Governmental Affairs, U.S. Senate.*

DEAR MR. CHAIRMAN: At the request of your staff, we reviewed a proposal to establish in the Department of Defense (DOD) the position of Under Secretary of Defense for Acquisition. We have long emphasized the need to improve DOD's decisionmaking process and we support the major thrust of the proposal, namely consolidating the acquisition function within the Office of the Secretary of Defense. In recent testimony, before the Subcommittee on Defense Acquisition Policy, Senate Committee on Armed Services, we noted that an advantage of this approach is that accountability for all acquisition phases would be found in one place.

Section 104 of the proposal would require the Director of Operational Test and Evaluation (OT&E) to report to the Secretary of Defense through the Under Secretary of Defense for Acquisition. As you know, the Congress mandated the Director to be the principal adviser to the Secretary of Defense on OT&E matters and report directly, without intervening review or approval, to the Secretary. We recommend deleting this section because it could either in practice or perception adversely impact on the independence and objectivity that the Director was established to ensure.

One additional comment we have deals with the Office of the Assistant Secretary of Defense for Acquisition and Logistics. The proposal does not mention the functions currently performed by the Assistant Secretary. We assume that there would continue to be an Assistant Secretary for Acquisition and Logistics who would report to the new Under Secretary. This relationship should be addressed in the proposal.

We are currently conducting a review on the feasibility of establishing a centralized civilian acquisition agency. The results of our review should be useful in evaluating proposals for making organizational adjustments to the defense acquisition function. We will keep your staff informed of the progress of our review.

We have enclosed an annotated copy of the proposal which suggests other changes intended to clarify the language. We appreciate the opportunity to comment on this proposal. If we can be of further assistance, please let us know.

Sincerely yours,

FRANK C. CONAHAN,
*Director.*

Mr. ROTH. Mr. President, I think it is important, as the Senate proceeds with this reorganization, to recall what I consider the three essential purposes when we created the position of Director of OT&E in 1983.

As Senators will recall, the purposes were:

First. To give the Director total independence from any influence by other areas of the weapons acquisition process in analyzing operational test and evaluation results.

Second. To make the Director individually accountable for realistic operational testing and testing policy of major weapons systems; and

Third. To require the Director to inform and consult with the Secretary of Defense on his analysis of operational test and evaluation results.

I believe that it is critically important for the proper functioning of this Office that we maintain and keep intact the direct line of authority from the Director of OT&E to the Secretary of Defense. I think this is the only way that we can indeed assure the continued independence of the testing authority.

It will maintain the necessary degree of emphasis for the testing function when the Director prepares his budget and staffing requirement as well as when he reviews the budget and staff of the operational test agencies in the military services.

At the same time, as I mentioned earlier, I believe a working relationship can be created between the new Under Secretary and the Director of OT&E that keeps these essential purposes intact while satisfying the recommendations of the Packard Commission report.

The Director of OT&E should be instructed to keep the Under Secretary fully informed, to advise him where appropriate and provide him with copies of the same report he is instructed to submit to the Defense Department. This arrangement would assure that the three purposes which helped convince the Senate to approve the Office by a vote of 91 to 5 remain intact.

Mr. President, as I have mentioned, Congress created the Office of Operational Test and Evaluation in 1983. I think it deserves to be fully tested. The proposal that was adopted in the Senate in 1983 is a well-conceived one, it is one that had been proposed many times for many years. The General Accounting Office endorsed and continues to endorse the concept in reports to Congress. Other people who have held high office in defense, both Republicans and Democrats, have said there was a need for an independent office of operational test and evaluation totally independent from the development and procurement communities.

All I suggest now is let us test the office, let us give it adequate time. I would recommend a minimum of 5 years; then, if it is not working well, a new approach should be studied.

I think it would be a mistake to change operational testing in midcourse. The problem, if you reverse now, is that it is going to be difficult indeed to ever reverse course again. I think we have seen some progress being made here, and we ought to let the people in the new Office of Operational Test and Evaluation show the stuffing they are made of and I do not think it does any particular violence to the reorganization which, as I said, I applaud.

Mr. President, you can make a strong argument that everything ought to be under the new Under Secretary. Strictly from the organizational point of view, a lot of people would support it, but I think our concern here is that in military procurement there are constituencies that come to bear.

I do not mean to suggest that these constituencies are necessarily nefarious, evil people because in many cases they are well motivated. There is the urgency of getting on with the job and getting the weapons into the field. I am not necessarily casting aspersions as to their motivations.

The fact is that once you start a weapon system, it does develop a constituency of its own, and within the family of the development and acquisition, it does develop what I call a life of its own. Then, of course, you do have the outside pressure of the contractors who, for whatever reasons—and they can be just as well motivated as those within the Pentagon—want to see the weapon system proceed.

I think it would be a serious mistake to subordinate this Director to the Under Secretary. I think it would undercut the goals for which the Office was created. It would bring about the same kinds of conflict of interest and downgrading of the testing authority or it would run the risk that occurred in the past and that led to the creation of the Office of Operational Test and Evaluation in the first place.

As I have stated, the pressures that develop to move a new weapon system into the field can be considerable. It does not take long for a new weapon system to create its own constituency. The testing function is subject to intensive lobbying from weapon constituencies, both in the Pentagon and in the larger defense establishment who would prefer to circumvent operational testing in order to speed the deployment of new weapons.

The best way to protect the Director of OT&E from these pressures is to provide him with independent authority so that he will be able to help service test agencies with assaults on their independence and funding and will be able to support efforts to add statute to operational testing.

In the vote approving OT&E in 1983, the Senate made several critical decisions. It made the Director of OT&E independent. It made him accountable and it made him report directly to the Secretary of Defense. Then, as now, the Congress wanted to create a safeguard against billion-dollar weapons being produced with insufficient operational testing, to safeguard against weapons being produced despite poor operational test results, and safeguard against insufficient operational test plans for weapons being developed and produced.

I think these safeguards would be defeated if we were to subordinate the Director to a DOD official other than the Secretary of Defense.

For that reason, Mr. President, I urge the adoption of this amendment.

Mr. PRYOR. Mr. President, I am pleased this morning to join my friend, the distinguished Senator from Delaware [Mr. ROTH], in offering this amendment.

I imagine there will be a lot of Members of this body who think this is one of those dog-and-cat amendments that we start looking at during this part of the process, especially in a major authorization bill such as we have been considering for the last several days and nights. I can assure every Member of this body that that is exactly what this amendment is not.

The issue is whether decision makers in the Pentagon and in Congress will have independent, hopefully honest, operational tests of weapons and reports on those tests, or whether those tests and reports will be tainted. Put more bluntly, the issue is whether, for testing weapons, the students will grade their own exams.

□ 1000

It is operational testing that tells us whether a weapon will work in combat. We have heard all the horror stories: about the M-16 rifle, about American torpedoes and bazookas in World War II, and about the DIVAD air defense gun. The issue here is whether Congress will go the extra mile to insure that the weapons we give American soldiers, sailors, and airmen will be proven winners or improperly tested or untested losers.

This debate is a repeat of one we had in 1983. Then, we decided by a vote of 91-5 to make operational testing independent. Before then, operational testing was controlled by the same man who controlled research, development, and acquisition. And we had problems. We had cheating in tests; we had rigged tests; sometimes we had no tests, and often we had self-serving test analysis and reports influenced heavily by those who did not

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want to see their own handiwork objectively assessed.

Having opposed that bill that we adopted on the floor of this Senate in 1983, the Defense Department took 18 months to appoint a Director of Operational Test and Evaluation. But now, just as the new office is beginning to establish itself, here we are talking about removing that office's independence. At a bare minimum, we should give this new office a chance to prove itself.

There are other, certainly more important, reasons why the Senate's 1983 reform of operational testing should not be undone, as the Armed Services Committee recommends.

The dangers of disregarding the need for independence in weapons testing was brought home to the Nation very painfully on January 28, 1986. It was then that seven lives were lost in the space shuttle disaster.

In its report on the disaster, the Rogers Commission found that NASA "Organizational structures * * * have placed safety and reliability and quality assurance offices under the supervision of the very organizations and activities whose efforts they are to check."

The Commission went on to find that "an effectively functioning safety, reliability, and quality assurance organization could have taken action to prevent the 51-L [Challenger] accident."

And it recommended that "NASA should establish an Office of Safety, Reliability and Quality Assurance * * * reporting directly to the NASA Administrator * * * [with] direct authority for safety, reliability, and quality assurance throughout the Agency * * * and [it] should be independent of other NASA functional and program responsibilities."

What is safety, reliability, and quality assurance for NASA is operational testing for DOD. If putting those NASA functions "under the supervision of the very organizations and activities whose efforts they are to check" cost the Nation the lives of seven astronauts, imagine the thousands of lives it might cost our armed services in war if operational testing is supervised by the very office whose work it is to check.

The present Director of Operational Testing and Evaluation, Mr. Jack Krings, has testified in Congress against the Armed Services Committee's recommendation. He appreciates very well and certainly very fully what will happen to his office. In his testimony, Mr. Krings said of the Armed Services Committee's recommendation: "It will be perceived—and rightly—not as a reform, but as a retreat from reform."

The GAO agrees; it says that putting the Under Secretary for Acquisition in charge of operational testing "could either in practice or perception adversely impact on the independence and objectivity that the Director [of operational testing] was established to insure."

With all of these arguments against removing independence from operational testing, why are we even having a debate? The answer, Mr. President, is very simple. It is because the Packard Commission recommended this change.

The Packard Commission performed a good service for all of us. I support its recommendations, but we do need to exercise our own, independent judgment. It is entirely possible that in this one limited area, the Packard Commission may have recommended something that we should think more carefully about.

The Packard Commission recommended creating an Under Secretary of Defense for Acquisition. That may be a good idea. I may support that idea. But this one aspect of it would have us repeat one of history's mistakes. We appreciated the need to make operational testing independent in 1983 only 3 years ago, and we should appreciate that need now.

The Armed Services Committee presents the argument that we need the Under Secretary for Acquisition because we need accountability in defense procurement; we need clear lines of authority, and we need to give one man authority to clean up the mess. I could not agree more.

The Armed Services Committee also says we need independence in operational testing. Here we find a very major contradiction. The need for independence is recognized, but the organizational structure to grant it is denied. The committee report says their bill "does not in any way affect the independence and objectivity demanded of and by the Office of Operational Test and Evaluation." But what does the committee's bill actually do?

Mr. President, here is what the committee's bill actually does:

It gives the Acquisition Under Secretary, not the Director of Operational Testing, control over all Pentagon policies for testing.

It gives the Acquisition Under Secretary all supervisory powers over the Director of Operational Testing and his staff.

It requires the Operational Testing Director to report directly to the Acquisition Under Secretary.

It also removes almost all of the Operational Testing Director's access to the Secretary of Defense.

The Armed Services Committee added a requirement that reports from the Director of Operational Testing are to be submitted to the Secretary of Defense and to Congress without intervening review or approval from the Under Secretary for Acquisition or even any one else.

Does that provision grant independence, Mr. President? No, it does not. It only says written reports cannot be altered. This provision does not affect in the least the independence of the author who writes these reports. He will still be an underling, a subordinate, and a nonindependent Director within the Under Secretary's office. The appearance of independence is offered but not the substance.

The committee cannot have it both ways; it cannot create accountability and pretend it has preserved independence. Underneath the rhetoric, the committee made a choice; it chose control and discarded independence for operational testing.

Finally, Mr. President, I want to make clear what our amendment does. First, we do not unravel the authority and accountability of the new Under Secretary for Acquisition. We leave to him all things that he should control, and control completely. We release from him that which he should not control: the operational testing function. Our amendment is also careful to provide for consultation between the Director of Operational Testing and the new Under Secretary, and the amendment requires operational testing reports to go to the Under Secretary to keep him fully informed of information he must have.

With all the reforms of the Defense Department that the Senate has passed—reform of the Joint Chiefs of Staff, reform of procurement, reform of the civilian component of the Pentagon—we need to be careful not to change for the mere sake of change, not to ignore lessons from the past, and not to reverse one of the most enlightened reforms that we enacted 3 years ago. If the Senate decides to return to the mistakes of the past for operational testing, we will not be engaging in reform; we will be engaging in deform.

Our language in 1983, Mr. President, was very, very clear and very explicit. This body, by a 91-to-5 vote, said that the Director of Operational Testing should have direct, not indirect, but direct access to the Secretary of Defense, and this Armed Services Committee proposal would take that access away.

Mr. President, I know of no man who in the period of time that I have been involved in State and Federal Government that I have admired and respected any more than the gentleman by the name of Col. James Burton. Col. James Burton with the U.S. Air Force has been an operational tester for a good number of years. He is the individual who in fact forced decent tests and honest test assessment on several weapons, including the Bradley armored vehicle. He

knows that producing these weapons when they do not work is very, very counterproductive, and certainly expensive, and certainly does nothing to increase our military strength.

On August 3, Mr. President, I received a letter from now retired Colonel Burton, addressed to me, and, if I might, I would like to just read a few sentences from that letter.

For the past four years I have had the privilege of serving as a tester on the staff of the Secretary of Defense. I have served under both arrangements, when the chief tester (Director of Defense Test and Evaluation) was subordinate to the acquisition executive (Under Secretary of Defense, Research and Engineering) and the current arrangement where the chief tester works directly for the Secretary of Defense. I can assure you the difference is like night and day. I have witnessed, and shared, the frustrations of former chief testers under the old arrangement, as decision after decision was made by the acquisition executive to procede with a program in spite of unfavorable test results, and some times in the absence of test results.

When Congress created the independent Director of Operational Test and Evaluation, shock waves passed through the acquisition community. Recall how vigorously USDR & E resisted that legislation. Those shock waves were then magnified when the Secretary of Defense cancelled the DIVAD program because of poor performance in an operational test. Coupled together, those two actions generated within the Department of Defense a greater concern and regard for adequate testing and more emphasis on test results as a basis for acquisition decisions. This is a far healthier situation than before. I urge you and your colleagues to preserve the current relationship between tester and acquisition executive.

Mr. President, I ask unanimous consent that immediately following my statement the full text of the letter of Colonel Burton be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PRYOR. Finally, Mr. President, let me say in closing I strongly support the amendment offered by Senator ROTH, Senator KASSEBAUM, and myself this morning.

This is a very, very important amendment. We are on the verge of undoing something that we did in 1983 which was a meaningful and constructive reform which speaks directly to the airmen, to the sailor, to the GI. It is my opinion, Mr. President, respectfully, what the Committee on Armed Services has done in this legislation this morning, although well meaning, is going to be a retreat from true military reform in the area of independent, honest testing and evaluation of our weapons.

Mr. President, I yield the floor.

EXHIBIT 1

*August 3, 1986.*

HON. DAVID PRYOR,
*U.S. Senate, Washington, DC.*

DEAR SENATOR, I understand that the Senate, in response to the recommendations of the President's Blue Ribbon Commission on Defense Management, is considering legislation that would create the new Under Secretary of Defense for Acquisition and subordinate the Director of Operational Test and Evaluation under the new Under Secretary. While I support the creation of the new Under Secretary of Defense for Acquisition, I believe it would be a serious mistake to subordinate the Director of Operational Test and Evaluation under the new Under Secretary.

I am familiar with the arguments that the proposed legislation provides adequate safeguards to preserve the independence of the chief tester, that he will be separate from and therefore independent of the chief's developer, that administratively he will continue to have access to the Secretary of Defense and the Congress and finally that the new acquisition executive, not the Secretary of Defense, is the appropriate individual to receive the tester's recommendations and make the final, balanced acquisition decision. These arguments sound good on paper, but do not hold up in reality.

For the past four years I have had the privilege of serving as a tester on the staff of the Secretary of Defense. I have served under both arrangements, when the chief tester (Director of Defense Test and Evaluation) was subordinate to the acquisition executive (Under Secretary of Defense, Research and Engineering) and the current arrangement where the chief tester works directly for the Secretary of Defense. I can assure you the difference is like night and day. I have witnessed, and shared, the frustrations of former chief testers under the old arrangement, as decision after decision was made by the acquisition executive to procede with a program in spite of unfavorable test results, and some times in the absence of test results.

The Air Force AIQ-131 Jammer Pod is a prime example where decisions to procede with the acquisition could not be justified by the long history of test failures and performance deficiencies, yet procede they did. For almost ten years, the program went through a continuous cycle of test, fix, and retest without ever passing a realistic operational test. Meanwhile the production line continued to spit out units like popcorn. DDT & E tried unsuccessfully to constrain the production until tests demonstrated that the serious deficiencies revealed by previous tests had in fact been corrected. Constraints were finally achieved in 1985 by DOT & E.

There are many other examples, where, under the old arrangement inadequate emphasis was placed on test results. Decisions to procede with a program were based more upon faith and promise than upon demonstrated performance and track records. The 1982 DSARC decision to procede, against the advice of the chief tester, with the AMRAAM development and test schedule is a classic example. The program is now years behind the promised schedule and will cost hundreds of millions of dollars more than promised.

I attribute the lack of emphasis on test results in the decision process to the subordination of the chief tester to the acquisition executive. On paper DDT & E had direct access to the Secretary of Defense, but in reality he did not. The heavy hand of USDR & E was always on his shoulder.

From my own personal experiences of the past two years on the Bradley live fire tests, I can attest to the tremendous pressures that can be brought to bear by the development/acquisition community when they fear that a particular test will place their acquisition program in jeopardy. At the crucial point of my negotiations with the Army to get them to agree to actually conduct live fire tests on the Bradley, my job was eliminated. Six months later, when the Bradley tests began, there was an attempt to send me to Alaska. After the tests were finished last fall, I wrote an independent report on the results, and both USDR&E and the Army tried to say that I had not written a report, merely "rough draft observations". The night before I was to testify on the Bradley tests before a Congressional Subcommittee, there was an attempt to censor my testimony. Then, after I signed my retirement papers this spring, I was given an offer to stay on the Bradley tests until they were finished. My own experiences were not unique. I have witnessed similar pressures placed upon other testers who have tried to ensure that thorough, realistic tests were conducted and that all results, both the good news and the bad news, were considered openly and objectively in the final assessment.

When Congress created the independent Director of Operational Test and Evaluation, shock waves passed through the acquisition community. Recall how vigorously USDR&E resisted that legislation. Those shock waves were then magnified when the Secretary of Defense cancelled the DIVAD program because of poor performance in an operational test. Coupled together, those two actions generated within the Department of Defense a greater concern and regard for adequate testing and more emphasis on test results as a basis for acquisition decisions. This is a far healthier situation than before. I urge you and your colleagues to preserve the current relationship between tester and acquisition executive.

Sincerely,

JAMES G. BURTON.

The PRESIDING OFFICER (Mr. GORTON). The Senator from Indiana.

Mr. QUAYLE. Mr. President, first, I pay my respects to the Senator from Delaware, the chairman of the committee, and the Senator from Arkansas for their diligence in this entire issue. They are the ones who created the Office of Test Evaluation. They are the ones who have pursued to make sure that the integrity of this office is carried out. They are the ones who really have pushed the idea that we need to know what in fact is going on before we get to full-scale production.

Certainly, it is an idea that we all strongly support.

There are two points that I wish to make, Mr. President.

□ 1010

One is that in the Armed Services Committee, in conjunction in working with the Packard Commission, we do maintain the independence of the director of Operational Test and Evaluation. And I will show how that independence is maintained.

Two, we feel quite strongly that the new Under Secretary for Acquisition is going to be a very important person in

this whole scheme of acquisition matters.

I mean, he is the person that is going to be responsible for policy, for procurement. When something now goes wrong and we want to find out what has gone wrong in the procurement process, we have somebody to go to. When we want to see some changes, particularly through policy and direction, we know where to go.

But I believe that the sponsors of this amendment have dwelled upon the point that somehow we are unraveling or undoing the current situation. I would like to point out to both of my colleagues that under the current situation today, under the current law, the way that the system works right now, is that the OT&E, Mr. Krings, reports to the Deputy Secretary of Defense, Mr. Taft.

That is the practical way it works. The Secretary of Defense has designated Deputy Secretary Taft to handle acquisition matters.

Now, with the new law, that is going to change. Mr. Taft is no longer going to be in charge of overall policy for acquisition matters. It will be a new person. Mr. Godwin has been recommended by the President to fill this position. If he is confirmed, he will take Mr. Taft's position of acquisition matters. In effect, the way that we will have our provision, instead of reporting to Mr. Taft, the Director of OT&E, he will now report to Mr. Godwin if he is confirmed. No substantive change of law. The independence, the integrity of the OT&E is maintained.

As a matter of fact, the critical point of the law that the Senator from Delaware wrote and the Senator from Arkansas, we do not even touch. We do not even bother that because we thought it was good law. What they put in a couple of years ago, we wanted to maintain it. Let me read it:

> There is a Director of Operational Test and Evaluation in the Department of Defense appointed from civilian life by and with the advice and consent of the Senate. The Director shall be appointed without regard to political affiliation and solely on the basis of fitness to perform the duties of the office of Director. The Director may be removed from the office by the President.

Let me read that again:

> The director may be removed from office by the President. The President shall communicate the reasons for any such removal to both Houses of Congress.

In other words, if the President is going to remove this person from the office that has its independence, he is going to have to report that to the Congress.

So, Mr. President, we in fact do maintain this independence. We do not want to unravel or undo the good work that the Senator from Delaware and the Senator from Arkansas and others have done. As a matter of fact, we applaud that work.

But what we are attempting to do is to get a good working relationship and to have an understanding of where the Under Secretary for Acquisition is going to fit into the scheme of things. We really feel that having that information, having that availability, and working with the Director of OT&E is very important. If we are going to give him authority and then start to slice up his responsibility, I am just not so sure how effective that is really going to be. We are not really, in effect, changing anything.

Of course, this Director of OT&E has access to the Secretary. He is a very important person. He is a very important person to this Congress. Believe me, if someone wanted to deny access of the OT&E to the Secretary of Defense, they probably would not get two votes; probably would not get any, because it would not be offered. Nobody, nobody is trying to deny any kind of access, particularly of the Director of OT&E to the Secretary of Defense.

What we are doing, and what we did with the Packard Commission in hours and hours of hearings, is to try to come up with the best working relationship that we can have to improve procurement policy, procurement management, and procurement efficiency within the Department of Defense.

We believe that this amendment, if approved by the Senate, would undo that carefully crafted situation. Either we are going to have the trust, the confidence, and the responsibility in the new so-called czar of acquisition or we are not. I mean, if we are not going to give him that authority, responsibility, and I might add, Mr. President, accountability, then why create it?

But the Office of the Under Secretary for Acquisition was the No. 1 priority of the Packard Commission. The whole Packard Commission, all the procurement reforms focus around this acquisition czar. I mean, he is the person under this newly created procurement system. And if he is the person, then we must give him the responsibility and I say also the accountability.

I believe, though well intentioned—and I know exactly where my colleagues are coming from, and they have my strong support in making sure that we get that information to the Office of Operational Test and Evaluation, that that independence is preserved—I think by carving it up and making this something more than what it should be, changing it from what the current situation is today, I think would be doing an injustice to a very important and, as I say, carefully crafted, long-worked-upon product that will improve the procurement process from what we have today.

The bottom line, and finally, Mr. President, if we believe that this is the answer, that we ought to have this Under Secretary for Acquisition, that he ought to be numero uno in acquisition, let us give him the responsibility, and let us give him the accountability. Let us not take that away.

Furthermore, we do not change that independence. That independence is there. It is not changed one iota from the practical effect of what we are doing today.

Mr. LEVIN. Mr. President, I rise in opposition to this amendment. I participated in lengthy hearings in front of the Procurement Subcommittee, of which Senator QUAYLE serves as chairman with such distinction.

This is an important issue. It is a technical issue, but it is an important issue. We have had three or four different acquisition policies in this country. We have had each service handle their own acquisitions and advocate for their own weapons systems. We have had duplication. We have waste.

Along comes the Packard Commission and says:

> We are going to end that. We are going to have an acquisition czar who has the responsibility and the accountability for weapons procurement for all the services.

Now, that is not easy to do. And there is a lot of resistance to that that comes from the services, because the services have, obviously, run their own show and wanted to run their own show and wanted to continue to do things the way they have.

In order to put this new omelet together of a new procurement system with focused responsibility, we had to break some eggs. We took that upon ourselves in the Armed Services Committee. We had the pressures from the services to continue doing things the way they have always have and we said, "No, we are going to resist that kind of pressure and we are going to adopt a new procurement system with one person having one policy for the entire Military Establishment." We said that we are going to take the procurement powers that have existed theoretically in the Secretary of Defense and carve them out, in effect, and give them to a new procurement czar.

Now, obviously, the Secretary of Defense is still above that czar. But it was the powers of the Secretary of Defense that we have put together in a full-time procurement czar because the Secretary of Defense has never had the time to put in the kind of effort on procurement system.

So we have taken these powers and we have identified them in the statute. And we said to a new procurement czar: "You have this authority over procurement. You even have authority over the services."

And that is pretty revolutionary. That is something, by the way, which I know that the Senator from Dela-

ware and the Senator from Arkansas have supported, because they have been deeply involved in reforming this procurement system, as deeply as anybody I know in this Senate. And their instincts are exactly right, that we have got to reform this system and that we have got to give authority to a procurement czar.

□ 1020

And I believe they support strongly the recommendation of the Packard Commission that we have a procurement czar. I think they were two of the strongest supporters as a matter of fact of the recommendations of the Packard Commission.

Now we have a czar. We have resisted the pressure from the services. Listen to the authority we have given them in this statute. This czar is going to supervise the performance of the entire Department of Defense acquisition system. Those are pretty strong words. This new person, I will repeat it, is going to supervise the performance of the entire Department of Defense acquisition system. That is just the beginning. That czar is going to establish all policies for acquisition procurement, research and development, logistics, testing, contract audit, and contract administration for all entities of the Department of Defense. Those are pretty strong words.

This czar is going to establish all policies for maintenance of the defense industrial base of the United States. This czar is going to serve as the senior procurement executive of the Department of Defense.

Do we want that czar to head the evaluation office, and are we going to deny that person the day-to-day inputs of that evaluation office? I do not mean just getting a copy of the report. But does it make any sense to create a new czar with all those procurement functions and then have that critical evaluation office report to somebody else? That is an absolute disconnect.

There is no logic in saying that we want the person to have all of that authority over procurement but when it comes to the critical evaluation function have that function report to somebody else, and that somebody else by the way happens to be above the procurement czar but that is not the issue in terms of the importance of evaluation.

I could not agree with Senator ROTH and Senator PRYOR more in terms of the independence and importance of the evaluation office. It is because of that importance that you want to make them relevant. If you want to make them relevant have them report to the people who are going to be making the relevant decisions. That person is going to be our new Under Secretary for Procurement.

That is really the question. It is not independent of the evaluation office. My friends could not be more right. We want that office to be independent. I could not agree with my friend from Delaware and my friend from Arkansas more. We want that person to be independent whether they report to the Secretary of Defense or whether they report to the new procurement czar. The issue here is not the independence of the Evaluation Office. We want that Office to be exercising independent judgment, whoever the Office reports to, but we also want that Office to be relevant. That is the issue here, not the independence of the Office, but the relevance of the Office, and for that Office to be relevant that Office should report to the decisionmaker in procurement. And that decisionmaker is our new Under Secretary for Procurement, the procurement czar.

Mr. President, we have asked Dave Packard precisely his position on this matter because it is obviously important what Dave Packard's position is. This is what he wrote me just a few days ago.

One question in which you have expressed interest is whether the Operational Test and Evaluation function should report to the Undersecretary of Defense for Acquisition. The Commission believes that OT&E should be clearly independent of the other functional areas such as R&D, C3I and production, but should report to the U.S.D.A. so the U.S.D.A. has the whole of the acquisition function under his authority. It is essential that the U.S.D.A. have all of the inputs necessary to make the objective program assessment the Commission believes necessary to insure that weapon systems are operationally suitable and cost effective. This does not mean that OT&E reports should not be made available to the Secretary of Defense or Congress independent of the U.S.D.A. The scope and methodology of testing would be the responsibility of the Director of OT&E.

May I say, Mr. President, that we have taken steps in our language to be sure that the reports of the test Office in fact go to the Secretary of Defense.

If you want to know what Dave Packard and the Packard Commission feel about this issue, it is set forth in their letter to me dated August 5, 1986.

I ask unanimous consent that a copy of that letter, Mr. President, be made part of the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

PRESIDENT'S BLUE RIBBON COMMISSION ON DEFENSE MANAGEMENT,
*August 5, 1986.*

Hon. CARL LEVIN,
*U.S. Senate, Washington, DC.*

DEAR SENATOR LEVIN: I appreciate your contacting me for further clarification of certain recommendations made by the Commission in the area of acquisition.

One question in which you have expressed interest is whether the Operational Testing and Evaluation function should report to the Undersecretary of Defense for Acquisition. The Commission believes that OT&E should be clearly independent of the other functional areas such as R&D, C3I and production, but should report to the U.S.D.A. so the U.S.D.A. has the whole of the acquisition function under his authority. It is essential that the U.S.D.A. have all of the inputs necessary to make the objective program assessment the Commission believes necessary to insure that weapon systems are operationally suitable and cost effective. This does not mean that OT&E reports should not be made available to the Secretary of Defense or Congress independent of the U.S.D.A. The scope and methodology of testing would be the responsibility of the Director of OT&E.

Thank you for the interest and hard work you have put forth on our recommendations and the Commission's work as a whole. It has been a pleasure working with you and your staff. I trust that the Commission's views on this issue will assist in your consideration of the role of the Undersecretary of Defense for Acquisition during deliberations on the FY 1987 Defense Authorization bill. Let me know if there is anything further I can do.

Sincerely,

DAVID PACKARD.

Mr. LEVIN. I thank the Chair.

I yield the floor.

Mr. ROTH and Mr. QUAYLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. QUAYLE. I wonder if we might get some feeling about how long we are going to proceed. I know the chairman of the Senate Armed Services Committee would like to vote as soon as possible. I know the Senator from Delaware would like to respond and the Senator from Arkansas would like to respond.

Mr. ROTH. I do not think it will take very long after the Senator's statement.

Mr. PRYOR. Mr. President, before I respond to the Senator from Indiana about the possibility of some time limitation, I would like, if I might, Mr. President, to address a question to the Senator from Michigan about whether there will be second-degree amendments proposed to the Roth-Kassebaum-Pryor amendment. So I think that might be a factor in answering that question.

Mr. LEVIN. I do not intend to offer that amendment.

Mr. PRYOR. I thank the Senator from Michigan.

Mr. QUAYLE. I think at the conclusion we would have an up-or-down or a motion to table, but I point out to our colleagues who are coming in, it will probably be in about 10 minutes that I presume it will go to vote.

Mr. PRYOR. I would like a brief opportunity to respond.

Mr. QUAYLE. I am not trying to cut anybody off. I want to speed it up.

I yield the floor at this time.

Mr. PRYOR. Mr. President, I know the distinguished chairman of this

committee, Senator GOLDWATER, whom I have nothing but praise for, has tried to move this bill along. The remarkable amount of patience that our distinguished friend from Arizona has is absolutely astonishing to me. I am very appreciative to him for his leadership. I am sorry from time to time we see a little *differently* what we think might be best for our country's military preparedness.

Having said that, let me just quote, Mr. President, my friend from Indiana, Senator QUAYLE, who stated that the director of operational testing, in this case Mr. Krings, is "a very important person," "very important position," In fact, Mr. President, he is so important and this Office is so important that the Department of Defense opposed the 1983 creation of this Office. Mr. Krings is so important and the man who heads up our testing operation is so critical to the defense of this country that the President and the Secretary of Defense waited 18 months, a year-and-a-half, 18 long months to fulfill the mandate of this Congress in appointing a Director of that Office. That is how important the Defense Department thinks it is.

Mr. President, in fact, I think they would like to take this Office and move it somewhere, maybe to Alaska, or maybe somewhere even further away than that so they would not have to deal with someone that we feel should be as independent as this particular Office should be.

Mr. President, my great friend, Mr. LEVIN, the Senator from Michigan, a member of the Armed Services Committee, I have no dearer friend, no one I respect more in this body, he says "We want independence" for this job.

Mr. President, how can the Director of Operational Testing be independent if we take away his immediate access to the Secretary of Defense, as the 1983 law mandated, and move it to the new Acquisition Secretary that we are creating in this bill? I think all we have to do in a situation like that is to look at Webster's New Collegiate Dictionary, the definition of independence—one, "not subject to control of others," "self-governing," "not affiliated with large controlling unit," "not relying on somebody else," "not looking to others for someone's opinion." That is exactly, maybe not intentionally, what the Armed Services Committee today is recommending we do away with.

□ 1030

Take away that direct access to the Secretary of Defense and put him under the procurement czar, Mr. President. Make him subordinate to that czar, and make once again testing subordinate to acquisition.

It is our opinion, the opinion of Senators ROTH, KASSEBAUM, and myself, that the czar and the Testing Director should be two separate, and I underline separate, entities.

Mr. President, this change today is very simple. It is going to be sent out, whatever we decide, as a message to the Department of Defense and to the defense contractors of this country as to whether or not we are about to retreat on how independent we want our testing officer to be.

In 1983, by 91 to 5, we said we wanted that independence. That was the vote on this floor. We wanted an independent tester.

We want someone who will not be controlled by someone else. We want someone who will have direct access to the Secretary of Defense. We want someone who will have no one looking over their shoulder in making honest operational tests and evaluation of those tests.

I respect Mr. Packard, of the Packard Commission. I respect my colleagues here in this body who see this differently than I do, but also, Mr. President, I respect Col. Jim Burton, now retired, one of the greatest testers the Department of Defense has ever had, a man who was such a great tester he was forced into retirement. He was given the option of going to Ohio, removed from any involvement in testing, or retirement; he chose retirement.

The letter that I submitted, Mr. President, for the RECORD this morning will indicate the degree of caring, of concern, of Colonel Burton and too few other people who want to make certain that these weapons work before we buy them and before our sons and daughters have to use them in battle.

Mr. ROTH. Mr. President, we made this reform only 3 years ago when we established the independent Office of OT&E. In my judgment it would be a serious mistake to reverse ourselves on this matter before it is adequately tested.

Two or three years is not an adequate time. Frankly, the same conditions that existed back in 1983 exist today as to the need.

Why do we want an independent Office of Operational Test?

For the same reason that years and years of experience have shown that weapons systems develop constituencies of their own. Some are within the Pentagon; some are without. But, nevertheless, experience has shown that once you begin down the track of developing a new weapon, it becomes nigh on impossible to stop it.

The one check, the one balance that we have created in recent years, that will remedy this situation, is an independent Office of Operational Test.

What do we mean by operational test? What we want is before a weapon is put into production, a weapon is tested as to whether or not it will work as was intended in the field; whether or not the American soldier can find this particular weapon effective as proposed in its creation.

What happened is that in the hurry to get the job done, both within the Pentagon and without, there are those who want to proceed. They say, "Even if it does not meet the requirements, even if it does not meet the specifications, we should go ahead and begin production of this equipment."

In many cases, this is a waste of time, it is a waste of money, and costs the taxpayers hundreds of millions if not billions of dollars.

What we did back in 1983 was to create this independent office which has responsibility for this kind of operational test. He reports directly to the Secretary of Defense, who has ultimate responsibility for everything that happens in the Pentagon. It helps control the constituencies of the contractors on the outside, who want to proceed, who want to produce, for whatever reason, and gives the kind of balance and check that I think is needed in the system.

I say nothing has changed with the proposed reform in this legislation.

Let me say, Mr. President, I strongly support the creation of a czar. I think it is a much needed reform. As a matter of fact, the Packard Commission was created in part because of my recommendations to the President and the Secretary of Defense on the need of a blue ribbon commission.

But I would also point out that you cannot have it both ways. My distinguished friend from Indiana argues that this legislation does not change it, that the Director of OT&E would be independent.

The fact is he reports to the czar. His funding, his operations, are all under the authority of the czar and not the Secretary of Defense.

This is a new concept which has now been in place for 3 years. We ought to continue it and see how it works.

There is broad authority that urges that. The General Accounting Office, the watchdog of the Congress, has urged that we push this amendment we are proposing today.

The New York Times has come out in support of the concept.

Let me say the creation of this independent office dates way back to the days of 1970 when a blue ribbon commission came out in support of this concept.

Mr. Harold Brown, a former Secretary of Defense, tried to bring about this reform.

It has been fought tooth and nail. We finally won a battle by an overwhelming majority. I urge that the Senate today reaffirm its dedication to an independent OT&E.

Mr. PRYOR. Mr. President, I ask unanimous consent that Senator CRANSTON be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Illinois.

Mr. DIXON. Mr. President, I will be brief because I sense my colleagues are prepared to have a rollcall vote on this issue.

I would like to point out that while this issue is perhaps a reasonably close question, I think Members of the Senate ought to understand that the Armed Services Committee spent a very substantial amount of time on this issue. I was the sponsor of the amendment to the DOD reorganization bill that set up the Under Secretary of Defense for Acquisition.

The committee itself spent many, many hundreds of hours on the entire question of the DOD reorganization bill. My distinguished friend from Indiana, the chairman of the Subcommittee on Acquisition, and my friend, the Senator from Michigan, the ranking member of the Subcommittee on Acquisition, held innumerable subcommittee meetings—I do not know how many, but very many subcommittee meetings—at which all of those issues were carefully evaluated.

Mr. Packard made it very, very clear to our subcommittee that he felt that the proper way to handle this was to keep the Office of Operational Test and Evaluation under the Under Secretary of Defense for Acquisition, but with absolute independence.

I would point out to the Members of the Senate that in the report on our bill, we say at page 256:

> The committee has chosen the Packard Commission recommendation to give the Under Secretary responsibility for testing and the committee is absolutely clear that this reorganization does not in any way affect the independence and objectivity demanded of it by the Office of Operational Test and Evaluation.

I would just like to say in conclusion I have heard what my distinguished friends advocating this amendment have said. They have said "this is a new thing, we have had it just a little while, let us not change it now."

But I would suggest to everybody in the Senate that the Under Secretary of Defense for Acquisition is a brand-new thing, an idea whose time has come, an idea advocated by the Armed Services Committee, which is taking a firm step to do away with all of the outrageous mismanagement that has taken place in procurement policies in the past.

We have a new czar now. We are going to give that person the power to do the job. I would suggest that we do not want to adopt this kind of amendment that will send the wrong signal in connection with this very fine, new idea that is just being undertaken by the Department of Defense. I urge my colleagues to support the committee and the subcommittee in connection with their position on the DOD authorization bill.

Mr. NUNN. Mr. President, I congratulate the Senator from Arkansas and the Senator from Delaware for the role they played in creating this post. I was one of their cosponsors. They were the leaders in creating an independent Office of Test and Evaluation. I think it is important. I think it is important substantively and in terms of the perception of having some independence in that office.

Having said that, let me say had I not been through the last 3 years on reorganization, I would probably be here arguing for this amendment. But having been through that procedure and having a much better understanding now about the way the Pentagon works or fails to work, I just want to acquaint my colleagues with the reality of this situation. Let me start with the conclusion.

The conclusion is that the question of whether this individual is independent is going to depend on two main things: One, his own courage and fortitude; and second, congressional oversight. Whether this amendment carries or does not carry is not going to guarantee his independence. I do not think the committee bill guarantees his independence; neither do I think the amendment would. Let me tell you why. These are the practical facts of life.

All of us as Senators in this body think we are as busy as anybody can be. Some days we are, a lot of days we are, this week we have been. Let us think to ourselves how many people we have reporting to us. I do not know about your office but in my office, I have the press secretary, I have my administrative assistant, my legislative assistant; I try to keep in touch with the people who head up my case work, try to keep up with the people in my Georgia office. I have at least three or four people in key committee positions that report to me, sometimes five, six, or seven. If you add it all up, it is maybe 15 or 20 staff people who have immediate access, who really report to me.

Mr. President, let me show you what the Secretary of Defense has. This is why I say this amendment, whether it passes or fails, is not going to guarantee his independence.

The Secretary of Defense, in addition to appearing on Capitol Hill, in addition to Cabinet meetings, in addition to flying all over the world meeting with allies, all of that enormous part of his job, let us look at his span of control. This has been ignored too long in Congress. We tried to address it in the organization bill. These are the people who report directly to the Secretary of Defense.

When I get through this list, I defy anyone to tell me any human being can have this kind of span of control and have this kind of access with subordinates. I know it is impossible. I know the corporate executives of America would recognize this is impossible. One of the good features of corporate management is to reduce the span of people at the top so they can focus on the people who report to them and get a broad view of what is happening.

The Secretary of Defense first has the Deputy Secretary, then the Under Secretary of Defense for Policy. Then he has the Assistant Secretary of Defense for International Security Affairs.

A lot of these are mandated by law. Every time we see a big problem in the Department of Defense, we say whoever is at the bottom of that, go straight to the top. This is an accumulation of years, what we have done over there.

Then we have the Director of Net Assessment, the fifth major individual that reports to him. Next the Assistant Secretary of Defense for Acquisition and Logistics. All of these are very important. Next we have the Assistant Secretary of Defense for Health Affairs. We have a lot of problems in that area now, just getting a lot of the attention at the top.

Next is Assistant Secretary of Defense for Reserve Affairs. We all know how much we emphasize the Reserve here. We want all of that to go directly to the Secretary of Defense.

Next, we have the Director of Program Analysis and Evaluation. That is a sort of think tank over there. Next the Assistant Secretary of Defense, Comptroller. The Comptroller reports directly to the Secretary.

Next, the Assistant Secretary of Defense for Legislative Affairs; next, the Director of Operational Test and Evaluation. That is what we are talking about here now. I just want to let you know how many folks the Secretary is going to see in a week in addition to this individual who is going to run in there and say, "Hey, Mr. Secretary, we had a test out there yesterday and it did not work well." How is he going to get in the office? He is going to have to go get in line.

Next, Assistant Secretary of Defense for Intelligence; next general counsel, in charge of legal matters, Very important. Next, Assistant Secretary of Defense for Command, Control, and Communications.

I remember that one. We put in that one, saying we have to have a guy directly reporting to the Secretary. He is going to walk in and talk. He is about No. 40 every morning when he walks in there.

Next, Assistant Secretary of Defense for Public Affairs. A minor post, just handles all the Defense Department public relations. The news media never give him any trouble. He just walks in and reports to the Secretary.

Next, Defense Adviser, the U.S. Mission to NATO. Very important position.

Next the Director of Small and Disadvantaged Business Utilization. That was another one created by Congress. We said this is so important; we have to have him go right in and see the Secretary any time he wants to.

Next, Under Secretary of Defense for Research and Engineering. That minor post only handles all the research and development for the Defense Department.

Next, Assistant Secretary of Defense for Research and Technology, another important position.

Next is Assistant Secretary for Atomic Energy, another important post.

These are just assistants that go directly in to see the Secretary. We do not let them go through any of that bureaucracy over there; right to the Secretary's office.

Next, we have the defense agencies, only minor agencies. National Security Agency, a minor agency with thousands and thousands of employees. I am saying that facetiously.

Next, Defense Intelligence Agency, running all the intelligence for the Pentagon. Next, the Office of Defense Inspector General. We all know about the Inspector General's reports. They are looking into all sorts of problems all the time.

Then the Uniformed Services University of Health Sciences; then Strategic Information.

Then finally, that little organization over there we call SDI. We have talked about that. That is another one that goes directly to the Secretary. General Abrahamson goes in any day he wants to see the Secretary.

Then we go to other positions that are going directly to the Secretary. We have a Secretary of the Navy, a Secretary of the Army, a Secretary of the Air Force. They all go directly to the Secretary, do not go through anybody else.

Then, when we get through that, what do we have left? Only the Joint Chiefs—first the Chairman of the Joint Chiefs goes directly to the Secretary. Nobody else any higher than him.

Then we have the Chief of Naval Operations, who goes directly, head man of the Navy. Then Chief of Staff of the Army, then the Commandant of the Marine Corps.

When you get through all of that, all these people now going directly to the Secretary anytime a problem comes up, what do we have left? We have only the commanders in chief out in the field. How many of them are there? Nine. These are just the people who control the forces in Europe, the Pacific, the Atlantic, the Southern Command.

So what we have here is a few positions over there—the law says everybody goes to see the Secretary of Defense. Now we are debating whether we are going to have another individual who goes directly to the Secretary. Let me tell you, Mr. President, he has a long line before he gets in there and sees the Secretary of Defense and tells him what the results of that recent test was.

I understand the purpose of the amendment; I understand the importance of independence. But this amendment will not guarantee independence because there is no human being we have had in that Department of Defense, in the history of that Department, that can manage this kind of span of control. No one can do that. We all know it. We all realize that when we look at it, what we do is look at each individual part through a telescope and say, that is important, that is important, that is important.

They are all important. But you have to have an organization that will facilitate the management of the largest single defense establishment in at least the free World, perhaps the world. I do not know whether the Russians have a larger one or not. I have a hard time visualizing how anybody can have a larger bureaucracy than we do in the Department of Defense.

□ 1050

What I am saying is what we did in reorganization, that bill is now in Congress, we try to cut this span of control down. We tried to cut it down to 24 individuals. We cut it down to 24 individuals. Maybe this individual should be one or maybe he should not. But I believe my colleagues on the committee have looked at it at great length. The Senator from Indiana and the Senator from Michigan have looked at it in depth. The Packard Committee looked at it in depth. I submit what we are really debating now is not going to determine whether this individual is independent. That will only be determined by congressional oversight, by a conscious and a sensitive Congress when there is interference with this indiviudal, whoever he or she is, their individual judgment and by an individual in that position that is courageous and has a lot of fortitude, that is willing to take on the bureaucracy.

We are not going to solve that with this amendment, so I urge our colleagues not to support the amendment. But I again congratulate the Senator from Delaware and I also congratulate the Senator from Arkansas, because they have indeed helped to create an office in that Department that was needed and that I believe is doing a good job. But we are going to have to keep watching it, and whether you succeed or fail with this amendment, the intention of the Senator from Delaware, the Senator from Arkansas, and many of our other colleagues, the primary ingredient is whether or not this individual remains independent.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. I do not intend to extend the debate much longer. I would just like to make a very brief comment on the observations by the distinguished Senator from Georgia, for whom I have the greatest respect. I think he is absolutely right when he says that the degree of independence is going to depend on the actual relationship and not upon what we write into the law. There is no question that you can have the most complicated, extensive requirements in the law and if the individuals who hold the relevant jobs ignore them, it will not make much difference unless Congress intervenes. But I would not agree that how we create it makes no difference, because I think it is important that if there is to be any degree of independence on the part of the director of operations he does have to have access. I think he has to have access to the Secretary.

Now, I agree with the distinguished Senator from Georgia again that undoubtedly there are many, many people reporting to the Secretary of Defense, and it is difficult to get in to see him. But at least he has that right under our amendment. He can go to the Secretary. But unfortunately I think it will be much more difficult for the director of operational testing to carry his battle, if he is a strong-willed man, and he has to be effective, if he has no right to go directly to the Secretary.

I think it is not only what the facts are but also what perceptions are, and to me it is important that the people within the Pentagon establishment, the contractors on the outside, understand the right of access of the head of the OT&E to go directly to the Secretary of Defense. I think that is what creates some independence.

Now, let me just make one comment that at least one Secretary of Defense, Harold Brown, under the Carter administration, who of course likewise just the same as this Secretary, had many individuals report to him, supported the concept of an independent OT&E with the director reporting to the Secretary of Defense. So there is at least one Secretary who thought this was a valuable reform.

Let me also point out that under the current legislation, the policy, the career of the individual who is the director of the OT&E, the budget, all go to the czar. It makes it pretty clear that he is subordinate to that individual and reduces very, very substantially his independence. As I said, it seems

to me from past experience that we should try to create the situation where, before we begin producing weapons upon which the lives of our soldiers are dependent, we have some balance and check. I hope that the Senate would agree with my distinguished colleagues who are sponsoring this amendment and vote its support. I ask unanimous consent that Senator EAGLETON be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I have in hand a letter from Michael Rich, vice president of National Security Research for the Rand Corp. on this issue, and let me quote just from his conclusion. It reads as follows:

It would be underproductive to isolate OT&E from the authority of the new Under Secretary. The "independence" that is needed for testing is a strong OSD testing commitment, independent of the services, not an OSD test office independent of an otherwise integrated acquisition authority.

Mr. President, I ask unanimous consent that the letter from Mr. Rich, vice president of Rand, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

RAND,
*Santa Monica, CA, August 5, 1986.*

Hon. CARL LEVIN,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR LEVIN: Ken Schreier of your staff passed along your request for my views on the preferred relationship between the Office of the Director, Operational Test & Evaluation, and the proposed Office of the Under Secretary of Defense for Acquisition. I am pleased to provide my best judgments but must note that the observations in this letter do not represent a formal position of The Rand Corporation or any of its research sponsors.

As I understand it, the OT&E Directorate was established within OSD at the direction of the Congress to provide independent oversight and evaluation of the operational testing conducted by the Services. The OT&E Director report directly to the Secretary of Defense and to the Senate and House Armed Services and Appropriations Committees; he is thus not only independent of the Services, but, at present, he is substantially independent of the Under Secretary of Defense for Research and Engineering, and the Assistant Secretary of Defense (Acquisition and Logistics), to name only two closely related functional areas. It is no reflection on the OT&E Director when I say that this arrangement does not appear to have worked very well. Responsibility and authority have been too fragmented, and the OT&E office has not been able to fulfill expectations.

The President's Blue Ribbon (Packard) Commission on Defense Management recommends that the proposed Under Secretary of Defense for Acquisition should develop and implement DoD-wide acquisition policy, including policy for testing; and that he should directly supervise the oversight function for test and evaluation, including both development and operational T&E. I believe this is the preferred organizational arrangement.

There are two reasons for this conclusion. First, there are the fragmentation arguments put forth by the Packard Commission. The various components of the acquisition process need to be pulled together more effectively at the top, with clear lines of authority. The authority of the new Under Secretary would be seriously impaired if it did not include supervision of the T&E function at OSD level.

The second reason has to do with the effectiveness of the T&E function itself. As we argued in our February 1986 Report, "Improving the Military Acquisition Process," testing should begin early with full-scale demonstration prototypes. In addition, a strategy of iterative testing and redevelopment for critial subsystems should be adopted more frequently so as to achive high reliability and maintainability, and the results of testing should be more fully exploited before the decision to go to high-rate production.

In other words, testing is (or should be) an integral part of the acquisition process, a continuous activity beginning well before the start of full-scale development and extending well into the production phase. We think this view of development and operational testing is much more likely to be adopted and carried out effectively if testing is made a clear responsibility of the new Under Secretary, and he is given the authority over the whole testing function as well as the rest of the acquisition enterprise. It would be unfortunate if responsibility for development and operational testing were divided, and even worse if OSD's concern with testing focused only on operational testing late in the acquisition process—a result seemingly encouraged by the present organizational arrangements.

Thus, as I view it, it would be counterproductive to isolate the OT&E office from the authority of the new Under Secretary. The "independence" that is needed for testing is a strong OSD testing commitment, independent of the Services, not an OSD test office independent of an otherwise integrated acquisition authority.

I appreciate the opportunity to share my views on this important issue. Please contact me if I can of any further assistance.

Sincerely,

MICHAEL D. RICH,
*Vice President, National Security Research, Rand Corporation.*

Mr. EAGLETON. Mr. President, 3 years ago the Office of Operational Test and Evaluation, or OT&E as it is called, was created with the idea that it would be rigorously independent of the perverse forces at work in the Pentagon's acquisition process. The Director of the Office was to report solely and directly to the Secretary of Defense.

At issue in this amendment is whether the Testing Director should continue to report directly to and act under the auspices of the Defense Secretary or begin to report and be subordinate to the new Under Secretary for Acquisition created in title 9 of the DOD authorization bill.

The drafters of the new Under Secretary provision acknowledged, as did the Packard Commission, the importance of operational testing. To its credit, the provision states that reports from the Director of OT&E shall go directly to the Defense Secretary, without intervening review or approval.

At first blush, Mr. President, this may seem to protect the objectivity and independence OT&E, but it clearly does not.

Under the proposed reorganization, whenever the Director of Testing issues an honest report on a thoroughly rotten weapon system, he will, in effect, be saying that his direct boss, the Under Secretary of Defense, has miserably failed in his administration of the system's development. In the world of the Defense Department, the Testing Director will be charging that his superior is responsible for wasting hundreds of millions of dollars.

No one can tell me that such will not be the case and that placing the Testing Director in a position subordinate to the man directly responsible for all acquisition, procurement, research, and development will not affect the objectivity and candor of operational testing reports.

Mr. President, I applaud the good work that the Armed Services Committee has performed in creating the much needed Defense acquisition post. However, I strongly disagree with the committee's treatment of operational testing.

It is absolutely crucial that the Office of Operational Testing and Evaluation remain insulted from those whose careers and reputations depend on satifactory test results. Mr. President, the pending amendment would serve this purpose and I urge its adoption.

Mr. LEVIN. Mr. President, the issue again is not independence. I admire the proponents of this amendment for their determination that this Office come into existence and that this Office be independent. We are with them. We want an independent test office. We want a revelant test office as well. The function is too important to be isolated from the procurement day-to-day activities. It is simply too important to put out in limbo and be reporting to an office which does not make the decisions from day to day, from month to month.

My friend from Arkansas made an interesting point, and here I will conclude. He said that the Secretary of Defense opposed the creation of the Testing Office for about 18 months, that the Secretary would like to see the Office disappear, as I remember him saying, go to Alaska, and yet they would have this person report to that same Secretary. That somehow or other is going to assure independence? No. What assures independence is the powers we give to the person and congressional oversight, and as my friend

from Georgia says, the courage and integrity of that person. We want independence no matter who they report to. The access to the Secretary of Defense is always there. The reports in this bill language must go to the Secretary of Defense unimpeded, uniterrupted by anybody, so we have assured the continuity of independence. We want to make sure that that Office, though, is not only indpendent but relevant.

Mr. QUALYE. Mr. President, very briefly, this amendment is not necessary because it is not going to restore any additional independence. Indpendence is already maintained. Second, we have to have responsibility and accountability in the new Under Secretary for Acquisition as recommended by the Packard Commission. And finally, Mr. President, if in fact we separate this out and have him report to the Secretary of Defense rather than the Secretary of Acquisition, what I am fearful of is that you are going to get bad decisions. We need that Under Secretary of Acquisition to have all the information to work with this person, to have that input. If he does not have that input, then there is a better possibility of having bad decisions made in procurement. We have already had bad decisions. We need better decisions, better policy. I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON, I announce that the Senator from Oklahoma (Mr. BOREN), is necessarily absent.

The PRESIDING OFFICER (Mr. D'AMATO). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 51, nays 48, as follows:

[Rollcall Vote No. 191 Leg.]

YEAS—51

| | | |
|---|---|---|
| Abdnor | Dodd | Mattingly |
| Armstrong | Domenici | McClure |
| Baucus | Exon | McConnell |
| Bentsen | Garn | Moynihan |
| Bingaman | Goldwater | Murkowski |
| Boschwitz | Gorton | Nunn |
| Broyhill | Gramm | Pressler |
| Burdick | Hatch | Quayle |
| Byrd | Hawkins | Specter |
| Chafee | Hecht | Stafford |
| Cochran | Heflin | Stennis |
| Cohen | Humphrey | Symms |
| D'Amato | Johnston | Thurmond |
| Danforth | Kasten | Wallop |
| DeConcini | Laxalt | Warner |
| Denton | Levin | Wilson |
| Dixon | Lugar | Zorinsky |

NAYS—48

| | | |
|---|---|---|
| Andrews | Cranston | Ford |
| Biden | Dole | Glenn |
| Bradley | Durenberger | Gore |
| Bumpers | Eagleton | Grassley |
| Chiles | Evans | Harkin |
| Hart | Long | Riegle |
| Hatfield | Mathias | Rockefeller |
| Heinz | Matsunaga | Roth |
| Helms | Melcher | Rudman |
| Hollings | Metzenbaum | Sarbanes |
| Inouye | Mitchell | Sasser |
| Kassebaum | Nickles | Simon |
| Kennedy | Packwood | Simpson |
| Kerry | Pell | Stevens |
| Lautenberg | Proxmire | Trible |
| Leahy | Pryor | Weicker |

NOT VOTING—1

Boren

So the motion to table the amendment (No. 2647) was agreed to.

□ 1120

Mr. GOLDWATER. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, if I could have the attention of my colleagues.

The PRESIDING OFFICER. The majority leader is recognized. Senators please cease their conversations.

The majority leader.

Mr. DOLE. Mr. President, I have had a number of inquiries from my colleagues from both sides of the aisle on what is going to happen. I said that I know the managers have worked hard on this bill. This is their fifth day of long, hard work on this bill and they would like to finish it. They would like to finish it today.

I think many of my colleagues would not like to be here again tonight until midnight. It would be the fourth night in a row. I think we are going to look forward to the same kind of week next week and I think there is a level at which we are not very productive doing that every evening.

The question is, well, if we are not going to stay late, what about tomorrow? I am not trying to threaten or cajole anyone, but I am just suggesting—and I think the managers are going to make the statement here now—that there are still about 70 amendments floating around.

What I have said to the managers is this: If we do not complete action on this bill this week, I am not certain when it will be back again before the Senate.

So we have invested 5 days of good, hard work, with barely a quorum call all week long. I commend the managers and all those who have been participating. There has been no wasted time.

It is a very serious bill. It is a very important piece of legislation. We are talking about nearly $300 billion so it is very, very significant.

So I would hope that all of us could cooperate with the managers and maybe some of these amendments may not be offered. But I yield the floor so the managers can indicate their desires. And, from what I can understand, rather than stay all night tonight, it might be better for everyone to come back tomorrow, but maybe that is not necessary.

I am happy to yield to the managers.

Mr. GOLDWATER. Mr. President, as the leader has said, we have been on this bill nearly 5 days. We have about 58 amendments left. In the way of floor work, we have the labor provisions discussion that will take place today.

I would ask that my colleagues get their amendments on the floor and bring them up. I am going to insist on time agreements if we can on the remaining amendments. But we are faced, this committee is faced with a conference next week. And it is going to be almost impossible for us to continue debating this bill and try to have a conference at the same time.

So, Mr. President, I have no compunction about lateness. I think we ought to go today as long as it takes. If it takes all night, fine, And if we have to come back tomorrow, I am going to recommend to the leader that we come back tomorrow. This bill has to be finished and we have many amendments left. We have amendments that frankly have nothing to do with the defense of this country. And I would appreciate it if my colleagues would sift these amendments carefully so that we have only ones that apply to the defense of our country. We have had very few that actually do that, and that is the job of this committee.

So that is all I am going to say, Mr. President. I think our colleagues have had the warning. I will do all I can see that that warning is carried out.

Mr. NUNN. Mr. President, first let me thank the majority leader, the minority leader, and all of our colleagues for making this much time available. Earlier this week, it did not look like we were going to have this much time. We have taken up most of what I considered, to begin with, major amendments. We have made, I think, as much progress as we could. Everyone has cooperated. We have done it in good faith. I do not know of any delay on either side of the aisle.

But we are faced with a reality, and the reality is we are either going to finish this bill tonight or tomorrow or we do not get a defense bill this year, in my view. Because if we do not finish it now, we know what the schedule is next week. The majority leader is not going to find much, if any, time next week. If we do not get through this bill next week, we are going to be here in September and the schedule is going to be full.

We are bound to have at least 2 weeks of conference on this bill, bound to have 2 weeks.

We are bound to have 2 weeks. I have never seen a defense authorization bill without 2 weeks. What we have right now is we have to finish it

today or tonight or tomorrow. The managers are perfectly willing to stay here tomorrow and tomorrow night. I hope we do not go until midnight tomorrow night. I hope we can finish. But the way I count amendments, we think there are about 79 amendments left. Nine amendments we believe we can accept from what we know of them. We have 37 amendments that we think we will have to oppose—37 amendments. We think there are about 20 of those that will be withdrawn. I am hoping on those amendments we think are going to be withdrawn we do not have to have a speech before they are withdrawn because if we have 20 amendments and it takes 10 minutes for each, or 15 minutes for each before you withdraw them, you can compute the number—hours.

So if you are going to withdraw amendments, I urge you to do it quietly. Slip up at the desk and take it back. We would not say anything. We will agree to any unanimous consent to withdraw amendments.

[Laughter.]

I hope those amendments that you know are going to be opposed you would find some other bill to put these on unless they really relate to defense. If they do, we have no quarrel.

So I thank my colleagues for the cooperation thus far. I was hoping we could today get through at 4 or 5 o'clock this afternoon. Right now, it looks like afternoon, tonight, and all of tomorrow. Something will have to change before that could be.

Mr. KENNEDY and Mr. STEVENS addressed the Chair.

Mr. NUNN. I am glad to yield to the Senator from Alaska.

Mr. STEVENS. Mr. President, I appreciate the comments of my good friend from Georgia. But I say this to him, and to the distinguished chairman, and to other Members. I have never seen a defense bill before that engaged so many other areas of jurisdiction. For instance, we have some very serious amendments coming with regard to civilian employees in the Department of Defense. This bill encompasses now all of the civilian employees of the DOD. It puts them under a different system than the other civilian employees of the Federal Government. There are several labor provisions in this bill that are going to take a long time.

Mr. NUNN. I say to the Senator from Alaska I did not favor putting the labor provisions in this bill. When you put labor provisions in this bill, you are asking for what we are getting. That will be a major obstacle. If we can get over that obstacle, I think we can get on with the others. The Senator from Alaska is correct on that.

Mr. KENNEDY. Will the Senator yield on that point? The Senator from Alaska in entirely correct about the areas of the labor provisions which are outside the jurisdiction of the Armed Services Committee. I will offer an amendment to strike those different provisions.

But I want to give the assurances both to the floor manager, to the majority and minority leaders, and the Democratic floor manager that we will be more than glad to enter into a time agreement of an hour, or even less. We have debated these issues. We know what they are. But we have been unable to get that kind of agreement. I want to give the assurance to the majority leader that we would from our point of view be quite prepared to enter into a time agreement of an hour evenly divided. This legislation absolutely is entirely inappropriate to be on this defense authorization. The chairman of the committee understands it. The membership understands it. We can take whatever time we want to debate it.

But I would hope since these issues are well known, we can get a time limit. But we have been unable to. I have been unable to get an agreement from the Senator from Texas on these particular provisions, but the Senator from Alaska and others are right. This has absolutely nothing to do with our defense authorization. I am hopeful we can get a time agreement. I will continue to work with the floor managers to do so.

Mr. GOLDWATER. Mr. President, the Senator from Massachusetts has been most agreeable on this matter. We have been working with the Senator from Texas in an effort to get him to agree to an agreement but he has not yet agreed. So we will keep after it, though, and I hope shortly we will be able to announce that there is an agreement.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

Mr. ROTH. I would like to ask a question if I might of the manager.

Mr. BYRD. Mr. President, I have the floor, do I?

The PRESIDING OFFICER. The Democratic leader has the floor.

Mr. BYRD. I yield the floor for that purpose with the understanding I will retain my right to the floor.

Mr. ROTH. I thank the Democratic leader.

What was said about personnel or labor policy also is true in the area of real estate. Under this act provision is made for the Department of Defense to sell certain lands. This is a change. Currently this is a responsibility of the GSA.

I hope that we reach some kind of agreement that this would be a matter looked at immediately by the Senator's committee as well as the Governmental Affairs Committee because I think this is a significant change of policy that should not be in this particular piece of legislation.

Mr. GOLDWATER. I believe the Senator from South Carolina understands what the Senator is saying on this issue.

Mr. THURMOND. Yes. I know exactly what the Senator is talking about.

Mr. BYRD. Mr. President, I have the floor.

The PRESIDING OFFICER. The Democratic leader has the floor.

Mr. BYRD. I would be glad to yield to the distinguished Senator from South Carolina if he wishes to speak at this moment without losing my right to the floor.

Mr. THURMOND. Mr. President, in some cases the Defense Department can lease certain pieces of property, and provided in this bill is the procedure where it is recommended by the Assistant Secretary of Defense that we follow this procedure. They can dispose of certain property and use that money for facilities in other places, and turn the rest of the money back to the Treasury. We think it is good for the Government, we think it is good economy, and it should pass.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

Mr. BYRD. I will be brief. I cannot commend too highly the manager and the ranking manager on this bill. I cannot commend too highly the Members of the Senate who have called up their amendments. We have had good debates. This is what the Senate is here for. We have seen some substantive deliberations. We have not had a lot of quorum calls just chewing up time. It has been a very orderly procedure here in connection with this bill. There has been a great deal of progress.

I must say that I have been getting to bed at 2 or 2:30 in the morning every day this week. I am one of the leaders who has to stay around here and help to kind of close up the Senate. We have been working hard, trying to get some time agreements on the Contra aid and South Africa matters. These are tough agreements. They are very complex. They deal with highly emotional issues. They are not easy by any means.

The distinguished majority leader and I have met, and other Senators have met back and forth. We keep exchanging proposals—which is perfectly proper. But in exchanging these proposals, sometimes he does not get our proposal until 6 o'clock, we get his back at 10 o'clock, and we agree then to go over to the next morning. But when I get agreements like that, it takes time to look at those agreements and determine what it all means. It is much worse than a game of checkers or a game of chess. I have never

played chess, but I have played checkers. You have to figure what is this move, what is the next move, what is his move, and what can be opened up here or there. It is pretty dull, but it is quite time consuming.

I just hope that we do not stay in tonight. If it means coming in tomorrow, let us do it. We do not have to begin the August recess next Saturday. There is entirely too much talk about an August recess here. We were out in July for 2 weeks. Now we are talking about a 3-week recess in August. This is an important bill. If we do not finish today, and we do not finish it tomorrow, then let us cancel as much of that August recess as necessary to finish this bill and these two other issues. This is not a popular thing to say here. I do not say it to be popular. But I must say, we have to have some rest. I do not mind a late night once or twice a week.

Mr. BROYHILL. Some of us are running.

Mr. BYRD. What was that, running what? I am not running this year. Running for office is important, but the people's business comes first. There is such a thing as keeping one's health. That is important to the people, too, whom we represent in the Senate here.

I am not in favor of going on night after night after night grinding away when we do not have to do it. We do not have to be out tomorrow. We do not have to be out the next Saturday. I would hope we would consider that. I do not say it to imply anything concerning the good work, the good intentions of all Senators on this matter. I just think we ought to stay right here, though, and if we are not going to finish this today by 6 or 7 o'clock, we should go home tonight and come in tomorrow.

I yield the floor.

AMENDMENT NO. 2648

(Purpose: To amend the Foreign Missions Act regarding the treatment of certain Communist countries, and for other purposes)

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Does the Senator from Delaware ask consent to set aside the amendment of the Senator from California?

Mr. ROTH. I make that unanimous-consent request, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, reserving the right to object, I wonder if we know what the amendment is before that is set aside—whether we might have a description of that before that unanimous-consent request.

Mr. ROTH. The amendment involves the Foreign Mission Act.

Mr. LEVIN. I thank my friend from Delaware.

The PRESIDING OFFICER. Is there objection? Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Delaware [Mr. ROTH] (for himself, Mr. DIXON, Mr. DENTON, Mr. HATCH, Mr. NICKLES, and Mr. RIEGLE) proposes an amendment numbered 2648.

Mr. ROTH. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

That (a) the Foreign Missions Act is amended by adding at the end thereof the following new section:

"APPLICATION TO CERTAIN COMMUNIST COUNTRIES

"SEC. 214. (a) Notwithstanding any other provision of this title, the Secretary shall apply to each foreign mission in the United States of the German Democratic Republic, Hungary, Czechoslovakia, Poland, Bulgaria, Rumania, and Cuba the same terms, limitations, restrictions, and conditions which are applied under this title to the foreign mission in the United States of the Soviet Union unless the Secretary determines and so reports to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives that national security and foreign policy circumstances require that this seciton be waived in specific circumstances with respect to such country.

"(b) The Secretary shall prepare and transmit to the Select Committee on Intelligence and Committee on Foreign Relations of the Senate and the Permanent Select Committee on Intelligence and Committee on Foreign Affairs of the House of Representatives a report describing—

"(1) not later than thirty days after date of the enactment of this section, the plans of the Secretary for implementing this section; and

"(2) not later than six months thereafter, the actions taken pursuant to these plans.".

(b) Section 202(a)(4) of the Foreign Missions Act is amended—

(1) in the text above clause (a) by inserting ", including Government activities involving international trade," after "governmental activities "; and

(2) in clause (A), by inserting "or any instrumentality thereof" after "foreign government".

□ 1140

Mr. ROTH. Mr. President, the purpose of this amendment is to deal with the problem of theft of valuable, technical information.

Mr. President, at the close of this debate, we will be asked to vote on the authorization of many billions of dollars for the Department of Defense. That sum often appears appallingly high. Unfortunately, it is the price we must pay if we are to fulfill our primary duty of protecting the national security of this great Nation.

However, I must point out to my colleagues that there is little point in voting for sensitive, classified projects such as the strategic defense initiative, the Stealth bomber and the Midgetman missile if the highly classified technology associated with those projects if not secure from the attention of hostile, prying eyes.

The past 18 months have brought before our eyes a plethora of espionage cases. Ronald Pelton, Jerry Whitworth, John Walker, John Walker, Jr., Arthur Walker, and the infamous duo, the "Falcon and the Snowman" all betrayed to the Soviet Union major military-technological secrets. Last year, an employee of Northrop Co., was even apprehended trying to sell blueprints of Stealth bomber technology to the Soviets.

Mr. President, the technological secrets which these traitors sought to sell cost the U.S. taxpayer billions of dollars to research and develop.

We cannot, in all conscience, keep asking the taxpayer to dig into his/her pocket for highly sensitive, expensive projects if we cannot first assure the taxpayer that every effort has been made to prevent the leakage of this technology to our enemies.

Failure to act in this regard constitutes nothing less than a diversion, of U.S. taxpayer funds into the pockets of the Soviet military. If anyone believes that I am exaggerating, let me refer them to Jane's analysis of the new Soviet Flanker fighter-bomber. According to that auspicious publication, the Flanker constitutes one of the very best aircraft aloft today, comparable with the front line aircraft of the U.S. Air Force.

The Flanker is a fine plane because it was built with the very best aeronautical technology—U.S. technology, technology subsidized, and often paid for, by the taxpayers of Delaware, Arizona, Georgia, and every other of the 50 States and District of Columbia.

I hope every Member in the Chamber will agree with me when I state that we should build no more planes for the Soviet Union. The question is now—how do we stem this outflow of our vital national security secrets?

The senior Senator from Georgia and I have been trying, through the Permanent Subcommittee on Investigations, to promote major cutbacks in the number of security clearances issued, the number of permanent documents classified while calling for regular reviews of security clearances.

These measures are directed against those Americans who would betray their country for financial gain or ideological motivation. But this constitutes only one half of the security problem; it takes two to pass a secret. What are we doing to clamp down on

those foreign nationals who traverse the United States buying and stealing classified information? The answer, I fear is, not enough.

The State Department originally used the authority granted it under the Foreign Missions Act only to restrict the movements of Soviet diplomats. They may only move more than 25 miles from their base of operations after first notifying State's Office of Foreign Missions. In addition, they may not enter certain restricted areas such as Newport News, Virginia Beach, Silion Valley containing sensitive military or technical facilities.

A series of hearings in the Permanent Subcommittee on Investigations quickly revealed that these regulations have had little or no beneficial effect. Judge Charles Webster, Director of the FBI testified that the Soviets have circumvented the restrictions of the Foreign Missions Act by farming out their espionage activities to the intelligence services of their East bloc satellites. Those services, incidentally, are controlled directly by the KGB and GRU, not by the national governments of Eastern Europe. Judge Webster's testimony was underwritten by the chairman and vice-chairman of the Senate Select Committee on Intelligence, by the senior Senator from New York, who enjoys a distinguished record in this field, and by the Department of Defense.

Unfettered by the restrictions placed upon their Soviet masters, East European spies, posing as diplomats and trade representatives, have traveled the length and breadth of the Nation, purloining national security data and even going so far as to set up permanent so-called trade missions in areas such as Silicon Valley. In case any Member was wondering, this probably explains why we always seem to find Polish so-called business representative involved in most of our own spy scandals.

The Permanent Subcommittee on Investigations decided that this situation simply could not be allowed to continue. Senators NUNN, COHEN, GLENN, and I joined together in an effort to draw up bipartisan legislation to deal with the Eastern Bloc Espionage Program. The product of that consultation was S. 1901, which was reported out by the Governmental Affairs Committee in December 1985. I am now offering S. 1901 as an amendment to the DOD fiscal year 1987 authorization bill.

The purpose of S. 1901 is clear and simple. It takes all restrictions currently placed upon the Soviet Union and places them with equal force upon the Governments of the German Democratic Republic, Hungary, Czechoslovakia, Poland, Bulgaria, Rumania, and Cuba. The bill provides for the usual flexibility by allowing the Secretary of State to allow any National Government or Government agency to be exempted from these restrictions provided that the reasons for such exemptions are reported to the House and Senate Select Committees on Intelligence.

Together with S. 1900 and S. 1947, both of which have already been incorporated into the intelligence authorization bill, this legislation will greatly restrict the Eastern bloc's ability to steal U.S. classified military information and technology.

Mr. President, I am happy to say that the 4 original cosponsors of S. 1901 have since been joined by 31 of our colleagues: Senators EXON, HART, WALLOP, SYMMS, BOREN, MATTINGLY, RUDMAN, CHILES, RIEGLE, SPECTER, KENNEDY, HECHT, DOLE, BUMPERS, BURDICK, FORD, DIXON, WARNER, WILSON, KASTEN, PROXMIRE, QUAYLE, MITCHELL, ARMSTRONG, BOSCHWITZ, HEINZ, MOYNIHAN, GORE, BINGAMAN, DENTON, and HATCH all have entered their names as cosponsors of this legislation.

The State Department sought to preempt our legislative effort by implementing some limited restrictions upon East Germany, Poland, Bulgaria, and Czechoslovakia, making them subject to the 25-mile rule. These measures are inadequate. First, State can remove them wholesale, whenever it wishes without consulting the Congress or even its Intelligence Committees. Second, the deletion of Rumania and Hungary from the list has no acceptable intelligence rationale and will only place them under heavy Soviet pressure to take up the slack by expanding their espionage activities. Third, State's new regulations allow all East European diplomats, business representatives and so forth, to move freely in and out of all restricted areas. Thus, they will remain Moscow's eyes and ears wherever sensitive military and technical research is taking place.

In closing, Mr. President, let me point out that the State Department asserts that enactment of this legislation could damage our dipomatic relations with Eastern Europe. I reject this reasoning on three grounds: First, espionage is not the price of diplomacy. Second, it makes a false equation between the United States and Eastern Europe; we have far more to lose to espionage than does Bulgaria or Cuba; we are not spying on their hitech facilities; they do not have any. Third, we all know the price of espionage, and when I say "We," I am referring to Eastern Europeans as well as Americans—they have had a good run at American secrets and classified technology and like any rational being they knew that the party had to end some day. I propose that the Senate vote and that that day be today.

Mr. President, I will say that this is an important piece of legislation, important to our defense effort to protect American secrets and classified information. I urge that the Senate adopt this amendment.

Mr. GOLDWATER. Mr. President, I am very happy to announce there has been an agreement reached between the Foreign Relations Committee and the Armed Services Committee over this piece of legislation. I have to say, Mr. President, after having served on the Intelligence Committee for so long, that this is long, long overdue.

I know the figures that I might use today are not as accurate as I could have used a few years ago, but when we think of the Russian Embassy on one of the highest hills in this town, with over 1,200 people, when we look at San Francisco with about 1,400 people, they have the ability to intercept telephone conversations, not just official conversation but any.

□ 1150

Also, there has been a part of our law that says that we can limit the number of people in a foreign embassy to the number of our people who are allowed in their own countries. This has not been accomplished.

So, Mr. President, I am very happy to accept this amendment. I speak, I am sure, for the Senator from Georgia, who told me before he left that it is agreeable to him also.

Mr. LEVIN. Mr. President, first, let me ask unanimous consent that I be listed as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. I understand that Senator PELL is on his way over and I would like to reserve some time for him. I do not know if we are on a time limit or not. I understand he would like to speak on this amendment. If there is nobody else who wants to speak, I wonder if we could temporarily lay it aside and take up another amendment or put in a quorum call until he can be here.

Mr. President, I understand now that Senator PELL does not intend to come. Therefore, without objection on this side, we accept this amendment. I think it makes a very valuable, long-overdue contribution. I congratulate my friend from Delaware for his leadership in this area.

Mr. ROTH. Mr. President, I appreciate that statement on the part of the Senator from Michigan.

I ask unanimous consent to add Senator DECONCINI's name as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROTH. I move adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2648) was agreed to.

Mr. ROTH. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GOLDWATER. Mr. President, the bill is open for further amendment.

Mr. GRAMM. Mr. President, I am sorry I was not on the floor when the Senator from Massachusetts was here to discuss his amendment to spend over $1 billion in savings. There seems to be some confusion about an inability to get a time agreement. That inability stems from an unwillingness on the part of the distinguished Senator from Massachusetts to divide the amendment so we might vote on one set of reforms related to an antiquated law that forces the Federal Government to spend as much as a 30-percent premium to purchase labor. Another provision of law forces high wages upon the service industry that services the Defense Department and, in the process, costs the Federal Government $961 million over a 5-year period, according to CBO.

Let me assure my colleagues that I am willing to enter into a unanimous-consent agreement to limit debate if these two issues are separated so we can debate both savings so that Members of this body can look at savings and decide whether or not they want to undertake them.

Should the distinguished Senator from Massachusetts seek to divide the two issues so they may be voted as free-standing, I shall enter into any time agreement within reason that he deems prudent. Failing that, I do not intend to enter into a time agreement, though I am ready when the distinguished Senator from Massachusetts is ready to debate the issue.

Mr. GOLDWATER. Mr. President, the Senator from Massachusetts is not here. Did I understand the Senator from Texas to say that he has changed his mind and is willing to agree? I do not think I did but I do not hear well.

Mr. GRAMM. No, Mr. President, what I said is that the Senator from Massachusetts has an amendment that strikes two separate provisions of our bill at once. That amendment is nondivisible. If the distinguished Senator from Massachusetts would divide it and offer two amendments, one on one section, one on the other, I would happily agree to a time limitation. Failing that, I am certainly willing to begin debate on it, but I am not willing to give a time limitation given some question as to our ability to vote on these two important saving measures independently of one another.

Mr. GOLDWATER. I thank my friend.

Mr. President, the bill is open to further amendment. Does the Senator from Delaware have another amendment?

Mr. ROTH. Yes, Mr. President.

ESPIONAGE—DEATH PENALTY

Mr. ROTH. Mr. President, the great Roman statesman, Cicero, said a nation can survive its fools, and even the ambitious. But it cannot survive treason from within. An enemy at the gates is less formidable, for he is known and carries his banners openly. But the traitor moves among those within the gate freely * * * he speaks in accents familiar to his victims * * * he appeals to the baseness that lies deep in the hearts of all men. He rots the soul of a nation, a murder is less feared.

Though these words have warned great civilizations down through history, and while we have even learned the lessons of republics that have fallen in the past, espionage continues to grip our Nation's political and defensive infrastructure and threaten our security.

Last year, 1985, was called the year of the spy by our national media. Twelve Americans and one foreign national were charged with conducting espionage against the United States. In comparison, only eight individuals were arrested for similar crimes in 1982 and 1983 combined.

It might be said that America is seeing a new breed of spy, one whose evolution was described when I held hearings on the activities of hostile foreign intelligence officers in the United States. It was then that my Permanent Subcommittee on Investigations heard from convicted spy James Harper, a man who sold highly classified military secrets to the Soviet Union through a Polish go-between.

Unlike the common criminals in any society, the spy, as Harper testified, is cunning and intelligent. His acts are born not of passion or ignorance, but of avarice and cold-blooded disregard for the safety of his countrymen. Easily, his betrayal could place the lives of literally hundreds of millions of Americans in extreme danger. And what's even more horrible is that those actions are almost always premediated. He knows the consequences to his countrymen before he turns his back on his county.

Mr. President, with these facts in mind, it is incumbent upon this distinguished body to act in the defense of our countrymen, in the defense of our liberty, and in the defense of our Constitution and empower our courts with the possible sentence of death upon the conviction of espionage.

To this end I am proposing an amendment that delineates several categories of classified information of which betrayal would render the convicted spy liable to the imposition of the death penalty. These categories include: nuclear weaponry, military spacecraft or satellites, early warning systems, war plans, communications, intelligence, cryptographic information, sources or methods of intelligence or counterintelligence or any other major weapons system or major element of defense strategy.

It must be clear that I am not proposing to make the imposition of the death penalty mandatory in all cases where this classified information is betrayed. Rather, I am proposing that we give our courts the power to impose such a penalty upon persons convicted in any one of these areas. The decision rests entirely with our judicial system.

However, the crime of espionage is so serious that Congress should mandate a minimum sentence, and this amendment does exactly that. In cases where the courts do not see fit to impose the death penalty, this amendment calls for a minimum 20-year prison sentence, with no eligibility for parole.

We know that the current espionage statute does include a death penalty provision, but we are also aware that the provision does not meet the requirements that the Supreme Court imposed in its 1972 decision on Furman versus Georgia. My amendment, however, does include the provisions to allow the imposition of the death penalty in a constitutional manner.

Mr. President, I am the first to agree that the subject or action of this amendment is not pleasant. It is not the nature of advanced civilization to willfully and wantonly impose such penalties upon its people but the greatest, and sometimes most difficult, responsibility democracy has is to hold constant vigil over itself. We must be willing to take the steps necessary for the security of our people as a whole. And we must begin now.

This amendment will demonstrate our desire to fulfill our responsibility. It will demonstrate our society's outrage and concern about such treasonous offenses. In that the traitor or spy is most always an intelligent, cunning sort of individual, I believe this measure will act as a deterrent. His traitorous acts are not committed in passion, and he will carefully weigh the potential gain against the potential loss—the reward against the risk—and the choices will be clear.

In closing, Mr. President, let me say that this proposal is a long time in coming. The amendment closely resembles language already reported out by the Senate Judiciary Committee in S. 239, a much larger piece of legislation dealing with applicability of the death penalty in many different types of criminal cases. That bill is the product of several committee hearings. Therefore, my colleagues can see the amount of time and involvement that went into this proposal. It has been carefully considered, and I hope the

Senate will choose to move forward on this vital step to protect our national security.

□ 1200

Mr. President, I send an amendment to the desk and ask unanimous consent that we set aside the measures before the Senate.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Reserving the right to object, Mr. President, this amendment has no place on this bill. It is a complicated, lengthy subject to make sure that we meet the constitutional requirements of Furman. There is a death penalty bill which is on the Senate calendar. This has some differences from that bill, and therefore we would object to that unanimous-consent request.

The PRESIDING OFFICER. Objection is heard.

Mr. ROTH. Mr. President, I hope that the distinguished Senator from Michigan would permit this amendment to come up for consideration. I would only point out that as I have already stated in my opening statement this is a matter of gravest concern to the military defense of this Nation. It does little good for this country to spend billions and billions of dollars for defense, for research and development only to have the products, the fruit of that research and development, stolen and given to the enemy.

I point out that my amendment only involves espionage. It does not involve anything else. I think it is a matter that deserves the careful attention of this body because, as I said, we are going to vote hopefully today to spend billions of dollars for the Nation's defense. It makes no sense to me that we do not at least have the opportunity to consider whether or not the death penalty is appropriate to those who would betray our Nation. I would urge the distinguished Senator to permit this matter to come up for consideration.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I think everybody in this Chamber agrees there is no more heinous crime than espionage. Last year, we amended the Code of Military Justice to provide for a death penalty in the military. This amendment raises significant constitutional issues which have been the subject of days and days and days of debate on other bills, different from this bill. This bill differs in a significant way, and maybe a number of ways, from the bill which is on the Senate Calendar for the death penalty, and because it is going to take days of debate to go over these issues, this is the wrong bill. Clearly the right bill is a death penalty bill which is on the Senate Calendar; I would object.

The PRESIDING OFFICER. Objection is heard.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Of course, the Senator is obviously within his rights, but I would also point out that once these amendments are duly considered and dealt with, then the opportunity will come up again for consideration of this proposal. This legislation has been modeled and adheres exactly to what the Judiciary Committee recommended be incorporated with respect to espionage. I think it is very unsatisfactory that we do not have the opportunity to give this matter careful consideration. As I said, this has been called the year of the spy. We know that there are going to be a few opportunities to bring up new pieces of legislation. All I am asking is that we have an opportunity to debate it, to consider whether or not it is desirable. Obviously, I think it is. Those who oppose it would have that opportunity. But let us give the Senate the opportunity, the chance, to work its will on a matter of critical importance to the security of this Nation.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER (Mr. HEINZ). The Senator from Michigan.

Mr. LEVIN. The Senate is in the middle of the defense authorization bill. This is a death penalty bill. It will take days of debate because the Senate has gone into these matters very carefully. This, may I repeat, is a different bill in a significant respect from the bill which is on the Senate Calendar. That bill, just to give you an example, has an expedited, accelerated appeal process in death penalty cases. That provision has been debated for hours and days. This is not the right bill for this amendment. I believe that both the chairman of the Armed Services Committee and the ranking member of the Armed Services Committee, in whose seat I am sitting at the moment, would agree this is not the right bill for this amendment, and given that position, I would object.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, I commend my distinguished friend from Michigan. What is happening to this bill is, it has become a Christmas tree. Everybody is trying to get an amendment on it that really is not germane. It has nothing to do basically with defense authorization. We heard commendations from the leadership of the floor managers for this bill. I would hope that those other amendments—some 79, I understand—that are questionable as to whether or not they belong on the defense bill—they belong on other bills—I would hope that we would look at our amendments, find out if they really are germane to the defense authorization bill, to the defense of this country, and then we would pull those amendments down. Therefore, we may, just may be able to complete this bill this evening rather than going out, say, early evening and coming back in tomorrow. So I hope my colleagues would do that and I again commend my distinguished friend from Michigan.

Several SENATORS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. GOLDWATER. Mr. President, I have the same feelings about this as my friend from Delaware. I also have the same feelings about it as my friend from Michigan. We have been through this many, many times, and I do not believe this bill is the proper place. I urge my friend from Delaware to withdraw the amendment so that we might get on with the business.

Mr. ROTH. Yes; I will temporarily withdraw it. They objected anyway.

The PRESIDING OFFICER. The amendment is not pending.

Mr. GOLDWATER. Mr. President, last night before we adjourned, we agreed to take up the amendments on ASAT this morning, and I see the Senator from Massachusetts has arrived. We will proceed. There is a time limit on this discussion of 1 hour, 40 minutes to my friend from Massachusetts, and 20 minutes to my side.

The PRESIDING OFFICER. It will take unanimous consent to lay aside the pending amendment.

Mr. GOLDWATER. I assume it will be done by the proponents, but I ask unanimous consent that the conflict amendment be withdrawn temporarily.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2650

(Purpose: To prohibit the testing of an anti-satellite weapon against an object in space until the Soviet Union has conducted such a test)

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, I send the following amendment to the desk and for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Massachusetts [Mr. KERRY], for himself and others, proposes an amendment numbered 2650.

Mr. KERRY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 19, between lines 18 and 19, insert the following new section:

SEC. 206. PROHIBITION AGAINST ANTI-SATELLITE WEAPON TESTING.

None of the funds are authorized in this Act to carry out a test of the Space Defense System (anti-satellite weapon) against an object in space until the President, using existing authority, certifies to Congress that the Soviet Union has conducted, after the date of the enactment of this Act, a test against an object in space of a dedicated anti-satellite weapons.

Mr. KERRY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. KERRY. Mr. President, I send this amendment to the desk on behalf of myself, Senator CHAFEE, Senator MATHIAS, Senator SIMON, Senator HATFIELD, Senator STAFFORD, Senator HART, Senator LEAHY, Senator CRANSTON, Senator MITCHELL, Senator PROXMIRE, Senator METZENBAUM, Senator RIEGLE, Senator KENNEDY, Senator SARBANES, Senator BURDICK, Senator PELL, and Senator HARKIN.

This amendment does not seek to do anything new. It does not seek to change the current regime of arms control. It does not seek to impose a new moratorium.

□ 1210

This amendment seeks simply to preserve the status quo, to stay where we are. I believe that upon close examination, my colleagues will agree that this amendment seeks to do so in a way that is more than favorable to the United States.

Last year, in the conference committee, having failed in the Senate to pass the moratorium, the Senate receded to the House; and we passed the moratorium, which is in place today, and there has been no allegation, that either side has broken the moratorium since.

What I seek to do is to continue that moratorium in place; since last year, it was attached to appropriations legislation rather than authorization legislation; and since that will expire at the end of this year, I offer this amendment.

We have in place, as every Member of the Senate knows, a limited test ban, the outer space treaty, SALT I and II, the ABM, each of which and indeed the security of the United States, depends on our ability to be able to verify.

I constantly hear the Senator from Arizona—whom I respect enormously on this subject—and others say: "I want to guarantee that we have the ability to verify."

Mr. President, the critical component of the American ability to be able to verify is our satellites. But because of the march of technology, because of the changes that take place technologically, verification becomes harder and harder with each move we make to develop new weapons systems.

For example, we all know, the cruise missile system which we are developing now on submarines as well as in aircraft is extremely difficult to be able to verify. As we begin to improve technology, we make verification harder.

Our satellites remain, however, the single most important component of our military capability to verify Soviet activities.

Development of antisatellite systems fundamentally erode the assumption that our satellites—our early warning eyes and ears—have a sanctuary in space. The existence of weapons capable of destroying our satellites would erode our key functions of intelligence, warning, attack assessment, command and control, damage reporting and prehostilities crisis management.

So it is really the United States that has a lot to lose if effective antisatellite weapons are developed and deployed by the Soviet Union in an all-out competition on these technologies.

We rely on our satellites for vital information to our national defense, from command and control of our military to early warning of nuclear attack.

Our military forces are far-flung. Not only do we have bases around the world, but the preponderance of our nuclear weapons is located beyond our shores. When our satellites are made vulnerable, we risk decapitation of our nuclear and conventional forces. We place at risk this ability of the United States to maintain a credible response to sneak attack.

Loss of our satellites is such a serious long-term strategic problem that the long-term disadvantage we would face from the further development of Asat technologies profoundly outweighs any short-term theoretical advantage we might possibly claim from going ahead with the testing of our current Asat.

If we are to continue to test the F-15 plane with the miniature homing vehicle that constitutes our Asat against objects in space, the current moratorium by the Soviets inevitably will give way. The Soviet Union inevitably has to push forward in order to catch up, because the Soviet Union does not have a homing vehicle capacity. No one who deals with this issue will assert that they have ever tested or have any kind of operational homing capacity. The Soviet Union, if we develop our homing capacity further, will have to develop their technologies; and the result 5 to 10 years from now will be a higher threat to our satellites and to our space-based assets, such as our space shuttle, when it flies again, or future space stations.

It is far easier to protect our satellites against the current Soviet threat than it would be against subsequent generations of Soviet Asat's. The later we take action, the more systems will be deployed, the more complicated the technology will become and the more difficult compliance with any treaty will be to verify.

I ask my colleagues who have voted in an effort to try to stop the Asat to take note that the Office of Technology Assessment, in its report on Asat's and arms control, pointed out that the United States is more dependent on satellites to perform important military functions than is the Soviet Union. If we are more dependent on our satellites, it would seem incontravertible that a halt in Asat development benefits the United States.

Proponents of continuing to build antisatellite weapons have argued three essential things: No. 1, that antisatellite development is essential to destroy Soviet satellites that locate and target U.S. military forces; No. 2, that it is important to counter the Soviets' operational Asat system; and No. 3, it is important for leverage in the arms control talks.

I would like to examine each of these very quickly. Let me say at this time that our satellite system, as currently designed, cannot accomplish any of these goals.

First, apart from any arms control considerations, the fact is that the U.S. system does not today work effectively and is not projected to be able to work effectively. Our systems' limitations are made very clear by the unclassified sections of a recent GAO report, with which I know the distinguished chairman of the committee is familiar.

In June 1986, this year, the GAO issued a classified and unclassified section of a report which I commend to my colleagues. The classified section, which I cannot discuss here, lays out more than clearly how our system does not work and why it does not work. But let me refer, if I can, without revealing any classified sections, to the unclassified section:

During future consideration of DOD's budget requests for the Asat program, the Congress should consider the information in this report on the system's limited projected operational capability, as well as its schedule delays, increased costs, and limited test program.

The GAO has explicitly invited us to consider the Asat's limited capabilities under the best of circumstances; its schedule delays, which have existed apart from congressional restrictions; its increased costs, which are there for anyone to read in the report; and an inadequate testing regime, which I believe cannot be solved because of the very serious problem of Asat tests creating orbital debris threatening all satellites—our and the Soviets' alike.

Mr. President, I will go into this a little later in my discussion. But, in-

creasingly, there is evidence of how each explosion in space is creating more debris. I point out to my colleagues that papers have been published citing scientific evidence that this debris, created by our Asat testing, may already be threatening our satellites. I will go into that later.

Again, let me draw from the GAO unclassified section:

• • • technical problems in developing the system hardware have caused test delays, production stretch-outs and increased costs. • • • The program has encountered technical difficulties throughout the past 8 years, mostly with the miniature vehicle.

□ 1220

The truth is, Mr. President, that the U.S. Asat provides us with relatively little military benefit, even as it endangers arms control for the reasons I have already stated.

As to the second claim that the U.S. Asat is needed to counter the Soviet Asat, let me discuss for a minute the capabilities of the Soviet Asat, because we know that it just is not true that the Soviet Asat represents a significant threat to the United States at the current moment.

Again, without touching any unclassified material, we know that the Soviet Union has not tested its own satellite in more than 3 years.

We know from numerous nonclassified published reports and testimony that in total, in the whole history of the Asat of the Soviet Union, it has only been tested 20 times. We know that it has failed to intercept its target 11 times, for an overall success rate of just 45 percent.

We also know, Mr. President, most importantly, that in the recent years of the test when they have tried to transcend to the improved, infrared homing method for their Asat, they have been totally unsuccessful in being able to do so.

Their weapons system was introduced in 1968. We know that it is lifted into orbit on top of a modified SS-9 booster rocket, a large liquid fueled rocket. It weighs more than 2,000 kilograms and is 6 meters long.

We know in each test it has always been launched from within available site of Tyuratum and one other site and can only be launched into a narrow declination between 62 and 65 degrees of inclination which means it must only be targeted against one of our satellites when that satellite is specifically within that declination and because of its altitude limitations it can only hit a satellite when that satellite is at the lowest point of orbit. Therefore, it does not threaten the most critical satellites that we have for verification, for command and control, and for communications.

We know that it takes the Soviet satellite one to two trips around the globe before it can link up with a target and then explode beside the target, and we know that it is at least 6 hours before the Soviet Union could ever fire and remount its missile and shoot again.

So we know, Mr. President, that there are serious limitations to the Soviet system because within 6 hours we would have adequate time for countless responses. We would know when they were bringing the rocket out onto the pad. We would know before they fired it and certainly have time to respond before the next 6 hours have evolved. It would take them literally weeks to literally threaten our satellites at this time, and even then only low altitude satellites. Indeed, even the interception itself takes 3 hours or more and is something that we could track.

So there are basic conceptual flaws in the Soviet program.

Finally, it is very difficult to fire a massive liquid fueled rocket in rapid succession, we know that, and to pretend that somehow that the Soviet system is a significant threat to us is a mistake.

So that is the state of the current Soviet capability.

We have designed a system that has very limited capability ourselves as the GAO report demonstrates, but the problem is our system goes on to an F-15 fighter and all you have to do if you are in the Soviet Union is sit there and say to yourself, "Now wait a minute, the United States is firing a homing vehicle off an aircraft it sends up to 40,000 feet and fires; if they have been successful on one aircraft or two aircraft or one or two or three tests, that means that every single F-15 they have in their arsenal is a potential homing vehicle, potential antisatellite weapon" and the Soviets have to take that into consideration.

It is clear, Mr. President, also on the final argument about leverage and bargaining chips that if you take a bargaining chip too far down the road, if you do not play your chip at some point there is a point where you cannot play it at all. If we give the Soviets the belief or perception that we have developed a system and we have some adequate level of confidence we can deploy this system, that it is operational, then it is a chip that you cannot play anymore. And we are on the brink of doing that at a time when the Soviet Union has offered us an opportunity to have a moratorium and to continue it.

Now, why is the status quo in the interest of the United States? First, as the OTA, the Office of Technology Assessment, has stated the development of antisatellite weapons poses a more significant threat to the United States than to the Soviet Union because of our greater military reliance on our satellites.

Further testing by the United States, therefore, jeopardizes us.

It was precisely for this reason that Congress prior to the current moratorium insisted that no such tests should take place if it were to gravely impair the prospects for negotiations for satellite weapons.

Our satellites are not in danger today, Mr. President, but our own Asat tests could make them in danger tomorrow. Let me come back to this question of hazard and collisions in space. In the past few years antisatellite tests have been a major contribution to that growing hazard of collision in space. Each Asat test that we perform in which the interceptor explodes or it collides with a target and then explodes produces about 100 large fragments of orbiting debris.

The single U.S. Asat test last September was responsible for a 63-percent increase in radar tracking objects in orbit during the last 6 months of 1985.

As Dr. George Flynn, professor of physics at New York University, in Plattsburgh, NY has pointed out, this orbiting debris can become a serious problem for U.S. satellites.

It is easy to understand how that happens when the amount of debris increases.

NASA studies published in 1978 indicate that the proposed U.S. space station would require more shielding from manmade debris hazard than from the natural hazard of collision with meteors.

One major problem with this orbiting debris is its long life. Of the 98 radar-trackable fragments produced by the first Soviet Asat test almost 18 years ago, 61 fragments were still in orbit and trackable as of March 31, 1986.

The U.S. Asat test last September put 199 new trackable objects in orbit. Together, the U.S. and Soviet Asat tests are responsible for 915 Asat fragments that are still in orbit, about a 5.5-percent increase of the total objects in orbit since the beginning of the space age.

When there are only a few fragments in orbit, Mr. President, obviously the chances of collision are small, but as we increase the number of objects in space, we increase collision frequency and then the opportunity for catastrophic collision begins.

Carried to the extreme, I think that process can endanger every nation's satellites, in war and peacetime alike.

Mr. President, such a collision may have recently destroyed at least one U.S. satellite, the NOAA-8 polar orbiting satellite lost in early January of this year. The New York Times description of the loss of this satellite and the simultaneous appearance of multiple fragments surrounding the satellite which we were tracking is precisely the kind of consequence that scientists have said results from colli-

sion and from space debris, although that satellites loss may also have been caused by an internal explosion.

Scientists have suggested that the Cosmos 954 and the Cosmos 1275 satellites were destroyed by collisions in space, and a number of other satellites, including the space shuttle, have been hit and damaged by smaller orbiting debris.

So if we really need to rely on our satellites, if our satellites really are important to our national security, as I believe and as I think we all believe, the last thing we should be doing is creating a substantial risk of destroying them by space debris from increased antisatellite weapons testing.

Mr. President, I will close with this comment: If we are concerned about protecting ourselves from the military missions of Soviet satellites, we have other approaches than testing and deploying a U.S. Asat. United States and Soviet satellites use UHF, and sometimes SHF and EHF, frequencies. As MIT professor Ashton Carter has stated, to stop an enemy satellite from tracking U.S. ships or engaging in other hostile activity during war, these satellites are susceptible to uplink jamming in varying degrees and may be blinded through ground-based directed-energy weapons or high-power radio frequency transmissions.

As an alternative, we could continue the process of improving the survivability featuring on U.S. satellites. As Dr. Carter has explained, the unclassified Navstar Global Positioning System displays the kind of features, available at reasonable cost, that can make attack much more difficult, time consuming and conspicuous.

In the meantime, we could begin to negotiate seriously with the Soviets about antisatellite weapons treaty to supplement the ABM Treaty and the Outer Space Treaty we have already negotiated. Possibly this new treaty could ban all tests of Asat's against objects in space. Possibly it could be limited to the development of Asat's capable of attacking higher Earth orbits because of verification problems of stopping lower Earth orbit Asat's.

In either case, continuation of the mutual moratorium will offer negotiators on both sides the breathing room to see if an Asat treaty is obtainable in Geneva. As an alternative, the moratorium constitutes a form of arms control through parallel conduct and mutual restraint. We have seen too little of that in the 40 years since the dawn of the nuclear era, and it seems to me this Congress ought to be encouraged by the success we have had in restraining Asat competition over the past few years.

Mr. President, passage of this amendment will maintain the status quo on Asat's, and thus offers the best way to protect American satellites. It is clear from past evidence that the administration has not yet seen anything in the Soviet offers which they believe opens up those discussions. This is regrettable.

I believe the Senator from Virginia—and he is a member of the Senate arms control observer group—and others would agree with me when I say there has not been any discussion. There is nothing currently absolutely on the table regarding this. All we are doing is holding out hope. I think Congress could assist in that process by continuing the status quo.

Once again, I reiterate, this is not new. This does not change the current situation. It does not alter the law. It does not alter the current bargaining position, because currently our bargaining position is bargaining from the position of a moratorium.

The issue is, will the Senate express its will that we should continue to bargain from that position, that it is important for us not to put our own satellites at risk, that our own national security is more dependent on maintaining a sanctuary in space? And I hope we will so vote.

Mr. WARNER. Will the Senator yield for a question?

Mr. KERRY. Mr. President, I reserve what additional time I have.

I ask unanimous consent to add Senator HARKIN and Senator HEINZ as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Will the Senator yield for a question? We have had this debate together for many years, and each time the Senator from Massachusetts is well prepared and has strong convictions on the subject.

But, as I listened today, it seemed to me that he had a rather important omission as he analyzed the respective positions between the United States and the Soviet Union in this capacity of satellite interception.

I know the Senator follows with care the advancement of the Soviet Union in their high energy lasers, ground based, and also that their ABM system has certain capabilities that we have reason to believe poses a potential threat to our satellites. I ask the Senator to address both of those issues before he concludes his remarks.

Mr. KERRY. Mr. President, I would be delighted to do so. If I am going to do that, I would like to ask that I can do it on your time rather than on mine.

Mr. WARNER. Bear in mind that we purposely only took one-third of the time of the Senator from Massachusetts. Why do we not equally divide the time and you can make a brief response? I am willing to equally divide the time for the Senator's response to my question.

Mr. KERRY. Will the distinguished Senator from Virginia repeat his question? He is concerned about the laser capacity of the Soviet Union?

Mr. WARNER. The Senator laid out the relative balance between the Soviet capabilities and U.S. capabilities, but the Senator from Massachusetts omitted any reference to the well-established fact that the Soviets are ahead of the United States in ground-based lasers, which lasers have the potential ability to intercept some of our satellites. And, likewise, the Soviet ABM system has a capability of intercepting our satellites.

Mr. KERRY. The distinguished Senator is correct. The Soviet Union has been doing research, is doing research, and, by some people's judgments, may be ahead of us with respect to ground-based laser capability. I think it is seriously at issue to what degree they may be ahead. The information is extremely hard to quantify.

Certainly, if we are going to be sensible with respect to our approach to defense regarding the national security interest of this country, we should make an assumption that they are ahead and react accordingly.

However, nothing in this amendment, nothing that I seek to do will limit our ability to adjust to any ground-based laser because, as you know, the Senate just voted a day or so ago to continue research into our laser ability, ground-based and otherwise. Under the SDI Program, that research will continue. But there is no evidence to date whatsoever that the Soviet Union has tested against an object in space.

Under the strictures of my amendment, if the Soviet Union were to move to so test, all the President has to do is certify to us. We do not have a right of approval or disapproval. He merely certifies to us that the Soviet Union is so doing and we may do the same thing. There is nothing in this amendment that limits the ability of the United States to defend itself. This amendment merely seeks to maintain a status quo bargaining position and that we do not proceed to upset the equilibrium.

Finally, this is only applicable as to antisatellite objects in space testing. It is not applicable as to current antisatellite derivatives that may come out of the SDI Program down the road.

Mr. WARNER. Mr. President, one observation. I think the Senator from Massachusetts would concur that we really possess little, if any, ability to verify what they are doing with those high energy lasers by way of testing.

Mr. KERRY. I do not agree with that. If they are testing against an object in space, as I have shown by virtue of our ability to track every single explosion, how do we know there are 199 trackable objects, how do we know about the Cosmos 954, how do we know about the Cosmos

1125? Because we do have the ability to track every single explosion in space and the consequences thereof.

If any laser were to explode against an object in space, we would know it instantaneously and we would respond, I am sure, in a bipartisan and responsible fashion.

Mr. WARNER. Mr. President, in view of the shortness of time, I shall only make one observation. My good friend from Massachusetts knows that there are many ways to incapacitate a satellite other than by explosion. These lasers could well take out various elements of a satellite and there would be no explosion that could be detected.

Mr. KERRY. Let us not confuse this particular amendment with that particular potentiality. That would be a mistake. This amendment only deals with a kinetic kill, with an explosion by virtue of our pursuit of the homing vehicle science or their continued pursuit of the co-orbiting or homing vehicle science. So it locks us into a mutuality and to a very narrow set of restrictions.

Mr. WARNER. Mr. President, I say to my good friend, a kill is a kill. If you knock out the eyes and ears of a satellite, it is just as dead and ineffective as it is if it is exploded.

Mr. President, I think we better conclude on this and allow other Members to speak.

Mr. KERRY. Mr. President, I just want to take 30 seconds, before I yield to the distinguished Senator from Colorado, to say, indeed, a kill is a kill. But let us not confuse apples with oranges. This amendment only seeks to restrict one kind of method of killing, not another. And it would be irresponsible for us to upset the equilibrium in that particular methodology of killing if we have to get into that kind of distinction.

Mr. GOLDWATER. Mr. President, will the Senator from Massachusetts yield for a unanimous-consent request?

Mr. KERRY. I yield for that purpose.

Mr. GOLDWATER. Mr. President, I ask unanimous consent that, following the disposition of the Kerry amendment, the pending amendment be temporarily laid aside for the consideration of the Kennedy amendment relating to labor provisions and, following the disposition of the Kennedy amendment, for the consideration of the Stevens amendment relating to the alternative defense personnel system.

The PRESIDING OFFICER. Is there objection?

Mr. NUNN. Reserving the right to object. I do not think the minority leader has had a chance to look at either one of these. I would ask the Senator from Arizona to withhold that just briefly and let us take a look at it in a little more detail.

The PRESIDING OFFICER. The Senator from Massachusetts has the floor.

Mr. KERRY. Mr. President, I yield 3 minutes to the distinguished Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. HART. Mr. President, I wish to commend the Senator from Massachusetts for raising this issue once again, as he has before, and I strongly join with him in urging the Senate to adopt the measure which he proposes.

Mr. President, time and time again the American people have demonstrated a fundamental understanding of the nuclear arms race, and that is that there is only one way out of it; and that is through negotiations that are verifiable. Overwhelmingly the American people know we cannot win a nuclear arms race, that there is no victory or no achievable goal at the end of unlimited buildup. The American people led by national leaders of both political parties for the past 20 or 30 years have come to a common understanding and a majority consensus that says we must negotiate limits on the numbers and kinds of nuclear weapons on both sides.

□ 1240

Yet, Mr. President, time and time again as I have traveled the country and in my own State of Colorado I run into Americans who are hesitant about negotiations and they say "I am not sure we can trust the Russians." Mr. President, we cannot trust the Russians. That is why we are negotiating with them or should be. We trust the British. We do not have arms control agreements with the British or indeed any of the other Western allies. It is because we do not trust the Russians that we seek to arrive at negotiated limits on nuclear weapons, and have for the past 20 years, more or less—unfortunately less in the last few years.

This still leads the average American to the question of well, if we do negotiate an agreement, how do we go about knowing whether or not the Russians are living up to it? That is what brings us to the subject here today. That is overhead reconnaissance.

One of the reasons most Americans are not sure about our ability to monitor the provisions of an agreement is because much of this arcane, highly technological and sophisticated world has been kept secret as probably it must be. Yet, once the American people are assured by their political, military, and intelligence leaders that, yes; we do in fact have the technological capability to watch what the Soviets are doing, to observe their behavior and their testing and production patterns, and to have——

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. HART. I ask for 1 additional minute.

Mr. KERRY. I yield 1 additional minute.

Mr. HART. The ability to monitor the terms of an agreement, that our intelligence and military leadership agrees with that capability that we do in fact possess it to a rather high degree of certainty, then the American people can in fact trust that negotiated process and trust the agreements that are brought back for ratification.

Mr. President, we should not be in the business of putting out the eyes of our opponents and weakening their ability to monitor our compliance with agreements nor should they be in the business either.

The only out way of this dilemma, Mr. President, is to have rules of the road for providing for the kind of observance on both sides that does in fact permit negotiated agreements that have been the mainstay of our foreign policy and arms control for the past two or three decades.

Mr. President, we should not be in the business of developing the capability of limiting the Soviets' ability to monitor our compliance nor should they be in the business of limiting our ability to monitor their compliance.

I strongly urge the support of the Senate on the measure put forward by the Senator from Massachusetts.

Mr. KERRY. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator from Massachusetts has 7 minutes remaining.

Mr. KERRY. Mr. President, I reserve the balance of my time.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I will just take about 2 minutes.

Mr. President, I rise in opposition to the proposed moratorium on testing of antisatellite weapons known as Asat. The Senate has consistently supported a limited test program. In fact last year's conference report on the Department of Defense authorization bill endorsed a limited test program for Asat.

The only possible operational Asat system in the world is in the hands of the Soviet Union. Critics of a United States capability make issue that the Soviets have not tested their system for several years. Unfortunately, our intelligence is not good enough to assure us whether or not the Soviet system requires further testing to ensure operational reliability.

Additionally, Soviet high energy lasers and antiballistic missile interceptors are assessed to have an Asat

capability. This may enable them to cripple or destroy vital U.S. satellites.

A moratorium on U.S. testing would be just one more unilateral arms control concession on the part of the United States mandated by the Congress. Because of Soviet Asat capabilities in other systems, we have little or no ability to verify a moratorium on the part of the Soviet Union.

Mr. President, I feel that this amendment represents an unwise concession to the Soviets and I urge its defeat.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I yield such time as the distinguished Senator from California may require.

The PRESIDING OFFICER. The Senator from California.

Mr. WILSON. Thank you, Mr. President.

I thank the distinguished manager.

Mr. President, the junior Senator from Massachusetts is certainly correct when he says that the ill-advised amendment that he has brought before us is not a new question. Indeed, it is not. This body has repeatedly rejected it not quite as many times as the Soviets have successfully tested their kinetic interceptor. But it is certainly not a new question. Indeed, it goes back quite a ways. It goes back certainly to the time of his predecessor, and concentrating on the specific focus of his amendment which is prohibition of testing of an antisatellite weapons against an object in space.

I think that we need to understand that the senior Senator from South Carolina is absolutely right when, as he did a moment ago, characterizes this amendment as an unnegotiated unilateral arms control concession mandated by the Congress.

The reason that such a moratorium currently exists is not because the Senate of the United States has ever voted for it except that they yielded to its being contained in a conference report after defeating it several times, as recently as last year and in prior sessions.

What we are talking about is trying to provide the United States with an adequate counter so that we are not vulnerable to the Asat capability of the Soviet Union. Those critical eyes and ears that have been referred to are indeed critical. There is an existing Soviet capability to do great damage to low-altitude satellites upon which we depend for critical intelligence information.

When I said this is not a new question, I had in mind going back in the CONGRESSIONAL RECORD to a debate in which the predecessor to the junior Senator from Massachusetts, the distinguished Paul Tsongas, was engaged in a similar question, a similar debate. Senator Tsongas is well remembered on this floor as a man of courage, a man with both physical courage as well as the moral courage of his convictions, and a man capable of objectivity of the kind that real intellectual integrity permits.

In an exchange which he and I had on the subject of the advisability of continued testing of precisely the kind of kinetic kill system that is under debate this morning, Senator Tsongas pressed upon this body the advisability of engaging in negotiations with the Soviets to limit harm to both sides. He wanted there to be negotiations.

Mr. President, that is not the issue that is before us. What the Senator from Massachusetts is proposing this morning is that there be no testing by the United States unless there is certification to the Congress by the President of the fact that the Soviet Union has conducted after the date of enactment of this act a test against an object in space of a dedicated antisatellite weapon.

There is no need for the Soviets to engage in further testing, Mr. President. As the junior Senator from Massachusetts has conceded, they have already conducted 20. They have already conducted a sufficient number of successful tests that they need to conduct no more. They have a capability. They have a capability which can do great damage to those high value assets possessed by the United States, and that was conceded on page S 6956 of the CONGRESSIONAL RECORD on June 12, of 1984, by the Senator's distinguished predecessor, the Honorable Paul Tsongas.

□ 1250

Mr. KERRY. Will the distinguished Senator yield for a question?

Mr. WILSON. I will be pleased to yield without losing my right to the floor.

Mr. KERRY. Is the Senator aware that the system of the Soviet Union can only be fired from one location? Is the Senator aware of that?

Mr. WILSON. That has not been clearly established.

Mr. KERRY. I believe if the Senator reads the reports, he would know that it has only been fired from one location.

Mr. WILSON. It has only been fired from one location, that is correct.

Mr. KERRY. Is the Senator aware that it has been fired with a liquid booster rocket?

Mr. WILSON. Yes; what is the point?

Mr. KERRY. My point is that that is the only rocket being used in the shot. It takes 6 hours to replace it on the launch pad, and there are only two launching sites on that pad. The only thing it would do would be to take out two satellites before the United States had time to respond.

Mr. WILSON. To answer the Senator's question, I believe he is making happy assumptions about a limitation on the Soviet capability that neither he nor anyone else can certify to.

Mr. KERRY. I beg your pardon. I will direct the Senator——

Mr. WILSON. I will complete my remarks and then hear the Senator on his side. Since we only have 20 minutes on this side, I will not yield further. I will answer the question.

He is making assumptions that we have no evidence to prove.

What I was saying is that I commend to the junior Senator from Massachusetts the wisdom of his predecessor who when faced with this same debate and who, as to the ultimate simple question as to whether or not the United States should engage in testing its Asat capability in order that we might have some demonstrated capability, which we have not done and which we do not possess, the Senator from Massachusetts, at that time said:

> The Senator from California says we have to test the F-15. I do not argue that point. All I say is that as you go about that testing,

the second crack at negotiation is at least as important.

He did not, Mr. President, I will advise us, as has the junior Senator from Massachusetts this morning as in previous efforts when he was defeated in the Senate, never gaining more than 35 votes on this point, state that we should engage in a unilateral concession. That is what this amounts to.

The point is we have done some very limited testing but we have not tested the critical homing device without which we have no certainty that our technology is, in fact, capable of the kinetic kill.

Mr. President, the point is very simple: They have tested a weapon. They have a capability. We have not tested. We do not have a demonstrated capability. Even in terms of the climate for arms control, I fail to see our forbearance about giving away what we might otherwise negotiate which improves our bargaining position. We have little time for this debate.

I thank the distinguished manager for yielding.

Mr. WARNER. I thank the distinguished Senator from California.

May I advise all Senators that at the conclusion of the time on both sides it will be the intention of this Senator to move to table.

It is my hope that Senators in preparing themselves for this vote will take the opportunity to look at pages 170–171 of the report on each Senator's desk and in their office.

Also, bear in mind that a great deal of the information which bears on this issue is highly classified. I am hopeful

that all Senators will so inform themselves about that body of fact prior to their voting today.

Mr. President, I now yield such time as may be required to the Senator from Indiana.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. QUAYLE. Mr. President, I rise in opposition to this amendment and also to reiterate what has already been stated by other Senators, that basically this is a unilateral Asat ban congressionally mandated and imposed by the Congress. It has already been stated many times that the Soviets have tested their coorbital Asat well over 20 times and the United States less than 5. The Soviets certainly have an operational Asat capability. The United States is far, far behind.

We also know full well, Mr. President, that we simply cannot verify any ban on antisatellite testing. We can verify a conventional Asat's use, when it is used and there is an explosion, but verification of testing is simply, at this juncture, almost an impossibility.

Anything can be an Asat. You can put another satellite up very close to another satellite and just bump it and be able to put it out of existence or render it inoperable. That is the easy way to have an Asat. There is no way to verify what satellite might be an Asat.

Furthermore, Mr. President, we do not have any space-based surveillance capabilities right now. We do not have that and we would need to implement even reasonable space control agreements.

Also, we need the Asat capability for a number of reasons.

One, the United States needs to have command of space or at least be able to contend for such command. We have to be able to contend for space, just like we contend for control of the ground and control of the seas. We are an island nation.

We must protect interests and allies far from our borders and this means most of our communication and intelligence gathering has come to depend on satellites. We can neither allow the Soviets to have the free use of their satellites to target our ships or armies nor can we allow them to have a monopoly in being able to disable our satellites.

I also point out that having defensive capability for our satellites is a very important prerequisite for arms control for determining the rules of the road eventually for space.

If we are going to get into something like space defense zones, in which a side is going to be kept out, obviously these satellites are going to have to have a defensive capability to be able to defend themselves against an attack. Yet, an Asat ban, such as we would have if this amendment passed, would prohibit testing of defensive satellites as well as Asat's.

Therefore, I think this amendment if it were to be passed would cause us to have the worst of all worlds. We would have no defense for our satellites. By having no defense others obviously have greater incentives for attack. And we would have no meaningful verification.

I think by not going forward with an Asat capability, you really do damage to any kind of arms control that might take place to determine what the rules of the road might be in space.

In essence, Mr. President, by the adoption of this amendment we would create greater instability, greater uncertainty. I hope it is soundly rejected.

Mr. WARNER. I thank the distinguished Senator from Indiana.

At this time, I ask unanimous consent that a very significant body of communications directed to the Senate from the following individuals be incorporated in the RECORD:

The Secretary of Defense, the Secretary of the Air Force, the Chairman of the Joint Chiefs of Staff, the Commander in Chief of the U.S. Space Command, the U.S. Arms Control and Disarmament Agency, the Director's Communication, and the recently retired Chief of Staff of the Air Force, General Gabriel.

All of these communications urge the U.S. Senate in unequivocal, strong terms to reject this amendment.

I will cite one paragraph by the recently retired Chief of Staff of the Air Force which I think signifies the seriousness with which this matter is viewed by our Department of Defense.

The lack of a United States ASAT capability will allow the Soviets permanent and unlimited use of their space systems which permit real-time targeting of our military forces and continue to place those forces in grave risk.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE AIR FORCE,
OFFICE OF THE CHIEF OF STAFF,
U.S. AIR FORCE
*Washington DC, June 4, 1986.*

Hon. JOHN W. WARNER,
*Chairman, Subcommittee on Strategic and Theater Nuclear Forces, Committee on Armed Services, U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: I am deeply concerned about the future of our current air-launched anti-satellite (ASAT) program and want to assure you of Air Force support for continued development of this vital capability.

The lack of a US ASAT capability will allow the Soviets permanent and unlimited use of their space systems which permit real-time targeting of our military forces and continue to place those forces at grave risk. Therefore, I believe it is imperative that we field an operational ASAT system as early as possible. As you are aware, the Soviets have had an operational antisatellite system for some time. Their capability places many of our vital satellites in jeopardy. Without a similar US ASAT capability, this situation is destabilizing as it does not provide the military option to respond in kind to a Soviet provocation in space.

The Air Force is firmly committed to the development and deployment of the current air-launched miniature vehicle ASAT capability. We have solved the complex technical problems involved in such a project. The flawless intercept of an old experimental satellite last September more than adequately proved our ability to handle the technical job. I likewise believe that cost and schedule are reasonable, realistic and achievable. However, in order to develop and deploy an operational ASAT system at the earliest possible date with the least cost, we need the help of the Congress. The current restrictions on testing have caused the Air Force to implement a less than optimum approach which, if continued, will result in further increased costs and schedule delays.

I reaffirm my hope that the Congress will recognize the critical importance of the ASAT system in our integrated military force structure and will work with us to provide the funding and support necessary to jointly accomplish a successful program in an effective manner.

Sincerely,

CHARLES A. GABRIEL.

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OFFICE OF THE CHAIRMAN,
JOINT CHIEFS OF STAFF,
*Washington DC, June 5, 1986.*

Hon. BARRY GOLDWATER,
*Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: During the past months I have become deeply concerned about the uncertain future our antisatellite (ASAT) program faces in Congress. From my perspective, there are serious warfighting implications which place our forces at risk if Cognress continues the current moratorium on US ASAT testing, and consequently, prohibits ASAT development and deployment.

The existing asymmetry in USSR versus US ASAT capability allows the Soviets to hold many of our vital space assets in jeopardy without a comparable US capabilty to act as a check. Our need to protect our critical space assets from ASAT attack, coupled with our inability to repond-in-kind to such attacks, leaves us with few options for responding to this threat.

A more important implication of the lack of a US ASTA system is our inability to deny the Soviets the use of satellite systems that provide support to their operational forces worldwide. The most threatening of these satellite systems can provide targeting information in real-time to Soviet weapons platforms, thus enhancing significantly their ability to strike our forces. In fact, our very ability to project power to areas vital to our national security interests is threatened directly by these satellite systems—a threat we believe will grow more serious in the future.

In short, we have a clear military need for an ASAT capability to deny the enemy free access and use of space in crisis and war. Our operational requirements are based on demonstrated Soviet space capabilities and an assement of their warfighting potential. By conceding our ASAT capability to the Soviets through a moratorium, we also concede to them an unrestricted space sanctuary and wartime control of space.

Unilateral concession of space control to the Soviets makes no contribution to arms control or our policy of deterrence. In fact,

without an ASAT capbility our deterrence is being eroded. I ask for your continued support for a sustained ASAT program at this critical time. I trust that Congress will recognize the importance of an ASAT system to extend the credibility of warfighting capability across all theaters of conflict.

Sincerely,

WILLIAM J. CROWE, Jr.,
*Chairman, Joint Chiefs of Staff.*

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U.S. SPACE COMMAND,
PETERSON AIR FORCE BASE,
*Colorado, June 5, 1986.*

Hon. BARRY GOLDWATER,
*Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: I am very concerned that current Congressional deliberations may jeopardize the future course of our Air-Launched Antisatellite (ASAT) program.

An ASAT capability is an essential, but as yet, unfulfilled element of our military force structure and deterrence posture. The continued lack of an ASAT capability leaves this nation with an inability to counter the clear and formidable threat posed by Soviet space systems to US and Allied forces.

The Soviets have demonstrated the ability to effectively use their space assets as an integral part of their military forces. We also depend on our space system for more effective operations. Unfortunately, our space systems are placed at risk by the operational Soviet ASAT while Soviet space systems go unchallenged. In the event of conflict, this imbalance in capability could mainfest itself in the form of lost US and Allied lives and hinder achievement of national objectives.

An operational ASAT system will help to deter attacks against our space systems by providing a response-in-kind capability. Such a system will enhance our overall deterrence posture by putting at risk the Soviet space systems that directly support their military forces.

The current Air-Launched ASAT program as restructured in January, prescribes a clear and achievable course toward building an operationally sound weapons system. The force structure provided by this program will allow us to place at risk a significant number of the most critical, near-term threat satellites and also provide the opportunity to make a carefully considered national decision about potential future ASAT systems.

I strongly solicit your support for the current Air-Launched ASAT program as it holds the most promise for providing this nation a near-term space defense capability.

Sincerely,

ROBERT T. HERRES,
*General, USAF Commander in Chief.*

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U.S. ARMS CONTROL
AND DISARMAMENT AGENCY,
*Washington, DC, June 6, 1986.*

Hon. JOHN W. WARNER,
*U.S. Senate, Washington, DC.*

DEAR JOHN: I am writing to ask your support for the U.S. Anti-Satellite (ASAT) program and to ask you to oppose any reimposition in FY 87 of the FY 86 restriction on U.S. ASAT tests against objects in space.

The Soviet Union already has an existing ASAT capability which is unaffected by U.S. legislative restrictions:

The co-orbital dedicated ASAT is fully operational and has been for over 12 years. It was tested over a dozen times before it went operational; it no longer needs to be tested.

The Soviets can also use their nuclear-armed GALOSH ABM interceptors in an ASAT mode. They are now in the process of upgrading the GALOSH system deployed at Moscow.

We believe the Soviets' two ground-based test lasers at Sary Shagan could be the forerunner of an operational ground-based laser program within a few years, capable of performing ASAT functions.

Congressionally-imposed unilateral restrictions on the U.S. ASAT program are harmful to our deterrent posture. The Soviets may be more likely to inflict damage on U.S. satellites, particularly in a conventional conflict, if they know the U.S. has no corresponding ASAT capability.

Unilateral legislative restrictions on the U.S. ASAT program are also harmful to arms control, reducing the Soviet incentive to negotiate in Geneva. To date, in the Nuclear and Space Talks, the Soviets have proposed only what amounts to a "comprehensive" ASAT ban.

The United States has made clear that a comprehensive ASAT ban is not practical or verifiable. The Soviet co-orbital system is smaller than a Volkswagen; the Soviet booster used to launch their co-orbital system is the same booster used for many of their space missions other than ASAT. Because of its small, and therefore easily concealable size, we do not know how many Soviet interceptors have been manufactured and stored. We would not know whether existing systems had actually been destroyed or were still being produced secretly. Likewise, systems with inherent ASAT capability that exist purportedly for other reasons, such as the GALOSH ABM and the ground-based lasers, would remain. Thus, the Soviets could easily maintain a covert ASAT capability in the regime of a comprehensive ban on testing or deployment.

Thus, a "comprehensive" ban has little meaning, a fact clearly recognized by the Soviet side during the 1978-1979 ASAT negotiations. The verification problems of ASAT are particularly significant because the satellites that serve U.S. and Allied security are few in number. Therefore, cheating—even on a small scale—could pose a disportionate risk.

Effective verification is critical, particularly in light of Soviet non-compliance with past arms control agreements. Congress understands this, as witnessed by the statutory language itself that "the United States should endeavor in good faith to negotiate with the Soviet Union a mutual and verifiable agreement with the strictest possible limitations on anti-satellite weapons consistent with the national security interests of the United States."

The United States has, therefore, told the Soviet side in Geneva that while we have been unable to date to identify an ASAT agreement that would be verifiable and in U.S. interest, we are prepared to consider any Soviet proposals that meet these criteria. To date, the Soviets have not come up with any such proposals.

The United States has approached the Geneva Nuclear and Space Talks seriously. We have offered to the Soviets detailed proposals that attempt to meet stated Soviet concerns. We have consulted extensively with Congress on the negotiations since they opened in March 1985, I believe that Congress and the Executive Branch can and should continue to work together. But it is important to recognize that Congressionally-imposed unilateral U.S. restrictions such as the ASAT ban do not help the negotiations. Such restrictions unfairly hinder the U.S. negotiators and provide implicit leverage to the Soviet Union.

Sincerely,

KENNETH L. ADELMAN.

## VOTES ON CLOTURE MOTIONS POSTPONED UNTIL 5 P.M.

Mr. WARNER. Mr. President, I ask unanimous consent that notwithstanding the provisions of rule XXII, that the cloture votes for today on the Byrd amendment 2412 and the Dole amendment 2417 be postponed until 5 p.m. today, with the hope that an agreement will be reached for the Senate to consider both issues separately.

The PRESIDING OFFICER. Without objection, it is so ordered.

□ 1300

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. KERRY. Mr. President, I ask unanimous consent that Senator BIDEN be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I rise as cosponsor of this amendment to continue the ban on Asat testing against targets in space. Allowing Asat testing to go forward would be a tragic mistake which would doom our last chance to prevent this new and destablizing turn down the path of an arms race in space.

It is not too late to serve our true security interests by negotiating a ban, or at least sharp limitations, on testing and deployment of antisatellite systems. But time is running out.

Obviously, negotiations would be required to determine whether agreement on mutually acceptable terms could be reached, and there would be thorny verification issues. But while the Soviet leaders have been signaling their readiness to negotiate, the Reagan administration has not. Nevertheless, along with the clear and present danger of a new arms race in this field, there is also a clear and present opportunity, if we choose to take it.

One aspect of this issue which has received almost no attention is the past record; yet it is instructive. How many in this body realize that:

The United States had an operational Asat system deployed over 20 years ago, long before the Soviet Union did;

The Soviet Union was led to pursue its Asat tests at least in part because of the American lead;

The United States first proposed—in 1977—then delayed—until 1978—and finally discontinued—in 1979—Asat negotiations with the Soviet Union.

The Soviet Asat test moratorium has now lasted more than 3 years. Despite claims to the contrary, the existing Soviet Asat weapon is not a significant threat to our vital military satellites.

However, if the Soviet Union resumes Asat testing, as is inevitable if the United States moves forward, it will develop far more advanced Asat weapons which will be a major threat to our most critical satellites. This would harm our national security and make nuclear war more likely.

In addition to the security benefits to be gained from a continued Asat test ban, there are other reasons to continue the test moratorium.

The MHV Asat has serious technical problems, as pointed out in a recently declassified GAO report.

Stated that report:

. . . Technical problems in developing the (ASAT) system hardware have caused test delays, production stretchouts and increased costs. . . . The program has encountered technical difficulties throughout the past eight years, mostly with the miniature vehicle.

The GAO report went on to include:

During future consideration of DoD's budget requests for the ASAT program, the Congress should consider the information in this report on the system's limited projected operational capability as well as its schedule delays, increased costs, and limited test program.

An objective analysis of the Asat Program in the context of overall U.S. national security interests makes clear that there is no justification for its continuation. This is particularly true in light of the criticisms of the program contained in the recent GAO report.

Mr. President, the Air Force, which is in charge of this program recently cut back the operational force from 112 to 64 missiles and from two operational bases to one. The Air Force knows that this program is a turkey. What, then, is to be lost by continuing the test moratorium? Nothing.

Mr. President, in 1970, in the midst of the SALT I negotiations, the United States had a chance to halt testing of MIRV's and incorporate a MIRV ban into that agreement. I remember a long and emotional debate within this body on the question of a MIRV test ban. Ultimately, MIRV testing went forward and we failed to to a ban on MIRV testing and deployment in the SALT I interim agreement. This failure led to massive MIRV deployments on each side that accelerated the nuclear arms race and destabilized the precarious nuclear balance of terror. Let's not make the same mistake again.

I believe that Senate adoption of this amendment will help persuade this administration to seek to prevent the further weaponization of space and to negotiate verifiable limits on United States and Soviet Asat testing and deployments—limits that would be very much in the national security interest of the United States.

I urge my colleagues to support this amendment.

Mr. SIMON. Mr. President, I am pleased to cosponsor this amendment which extends the Asat testing moratorium for as long as the Soviets refrain from testing against targets in space. I congratulate Senator KERRY for his leadership in this area, and I am pleased to see my other distinguished colleagues as cosponsors—there are 17 of us in all—who believe strongly that an Asat stimulus to the arms race is not in our interests.

I'm not talking only about how Asat's will increase instability because of the pressures it will create for a Soviet preemptive strike. I'm saying that an Asat moratorium is in our best interest because we will be worse off with an Asat race than the Soviets will. We will be worse off because we depend more on our satellites for military effectiveness than the Soviet Union does.

Our military communications, early warning, and reconnaissance satellites are essential for U.S. military action anywhere on Earth. They are also crucial for the enforcement of nuclear arms control agreements, without which our security would be greatly reduced.

Since this administration has so strongly emphasized the importance of verification in arms control, it is inconsistent for them to support a program that will make our best source of verification vulnerable to Soviet attack. I am also concerned about how an antisatellite weapon would affect our early warning satellites. These sensors orbit 22,300 miles above the equator and give us our only source of timely warning of Soviet missile launches. It is not an exaggeration to say that without them, we would not know if we were at peace or at war.

Much has been made of the Soviet Asat. But their weapon is primitive. It would only be able to hit just a few of our critical satellites in low Earth orbits. This poses no threat at all to the majority of our most crucial satellites I have just described.

What are the facts about the Soviet Asat? One fact is that the Soviet system failed in its last six tests and hasn't been tested at all since 1982. Leslie Dirks, former Director of the CIA's Office of Research and Technology, argued publicly in 1984 that the Soviet Asat "doesn't work. Anyone who has followed it closely would have to agree."

Gen. Lew Allen, former Air Force Chief of Staff, said back in 1979 that the Soviet Asat was not much of a threat. General Allen was referring to a Soviet Asat weapon that is virtually identical to the present Soviet Asat. We know this to be the case because the Soviets have not tested their Asat since 1982.

Does this sound like the kind of weapon that justifies launching an arms race that we can't win? I say we can't win because the Soviets simply don't rely on satellites as extensively as we do. Even if they did, it has clearly become an important Soviet goal to head off an Asat race, as evidenced by their unilateral moratorium since 1982.

Asat arms control needs to be given a chance. So far, we have ignored the opportunities at hand, and once again we are only hurting ourselves. The Soviets have tabled an Asat arms control agreement at the United Nations that, with some modifications, ought to be taken up and fully negotiated. During the intermim, we should maintain the current moratorium on Asat testing and work toward an agreement that bans any Asat weapons from being produced, tested, and deployed.

I hope we can all agree in this chamber on the importance of negotiating an agreement to protect our satellites. An Asat test moratorium is in our best interest, and I urge my colleagues to support this measure.

Mr. MATHIAS. Mr. President, I am very pleased to join with Senator KERRY, Senator CHAFEE, and Senator SIMON in offering this amendment to prohibit the testing of Asat weapons so long as the Soviet Union does not test. The ongoing moratorium on the testing of Asat weapons has strengthened, not diminished, our national security. To resume testing now would be to reopen a door of the arms race that has been successfully slammed shut.

I think most of us would agree that it would be better if we could negotiate limits on Asat testing, rather than have a congressionally imposed ban. But we have tried that approach without success. In the defense authorization bill passed 2 years ago, the Congress outlined several conditions that had to be met before the United States could test an Asat weapon against an object in space. One of the requirements was a Presidential certification that the United States is "endeavoring in good faith, to negotiate with the Soviet Union a mutual and verifiable agreement with the strictest possible limitations on antisatellite weapons consistent with the national security interests of the United States."

Also required was a Presidential certification that Asat testing is "necessary to avert a clear and irrevocable harm to the national security."

These conditions were not idly chosen. The first reflects a congressional determination that it is in the national security interest of the United States to reach an agreement with the Soviet Union to limit the testing and deployment of Asat weapons. The second reflects a conviction that Asat testing should proceed only if our national security would otherwise be imperiled.

It is fanciful to believe that these conditions have been met. The United States is clearly not engaged in negotiations to limit or ban Asats. We have not advanced a single concrete proposal in this area. Indeed, the administration has argued that an Asat ban should not be negotiated because of verification difficulties. Thus, on the one hand the administration states that it is not interested in negotiations, while at the same time it certifies to Congress that it is negotiating.

Nor has the second condition been met. The administration has yet to make the case that a ban on Asat testing would clearly and irrevocably harm the U.S. national security. The Congress did not believe that testing was required to avert such harm at the time the condition was established. And the fact that Congress imposed a testing prohibition last year reveals that it remains unconvinced. Indeed, it seems to have been the judgment of Congress last year that a United States-Soviet Asat competition would damage, not strengthen, U.S. security.

But the fact that these conditions have clearly not been met did not stop the administration from testing. Last August it certified the seemingly uncertifiable and proceeded to test an Asat weapon against an object in space.

Thus, by making a travesty of the certification requirements, the administration brought the congressional ban on Asat testing upon itself. And there is no good reason for lifting this ban. Our security has been strengthened, not diminished, by the ongoing moratorium on Asat testing. It is well known that the United States is more dependent on its satellites than the Soviet Union. Thus, satellite vulnerability poses a greater problem for the United States than for the Soviet Union. Yet the direct result of continuing our own Asat Test Program would be to provoke corresponding Soviet actions that would put our satellites at risk. If we embark on an Asat Test Program the Soviets will surely resume their own test program—a program that was terminated in 1982 after a series of consecutive failures.

It seems self-evident that it is unwise to start a competition in which we have more to lose than the Soviets. And yet that would be the consequence of resuming Asat testing. It seems absolutely senseless to revive a competition that has been put to rest. I therefore urge Senators to support this amendment.

AN ASAT MORATORIUM CAN STRENGTHEN U.S. SECURITY

● Mr. BUMPERS. Mr. President, everyone in the Senate recognizes that the United States is extraordinarily dependent upon her satellites for civilian and military communications. About 70 percent of U.S. military overseas communications are routed through space, a proportion that is still growing and may reach 90 percent in a few more years. Satellites also play a crucial supporting role in major defense and foreign policy decisions, and they are key to the conduct of military operations, from minor ones like Grenada and Libya to the Alpha and Omega of World War III: Its detection, execution, and termination, as well as—we all hope—its deterrence.

We are almost certainly more dependent upon our satellites than the Soviets are on theirs, the result of our advantages in satellite technology, the more closed nature of Soviet society, and the wider distribution of United States military assests around the globe. Also, the Soviets have direct land lines of communication to most of its forces by virtue of geographical realities.

The current constellation of U.S. communications, early warning, photoreconnaissance, and other satellites is both physically fragile and lacking in resiliency. Our system of satellites is vulnerable to Soviet attack, and its very design philosophy—relatively shall numbers of expensive, highly sophisticated satellites—means that wounds inflicted on it would be slow to heal—and expensive. The current crisis in U.S. space launch capability, precipitated by the triple tragedies of *Challenger,* Titan 34D, and Delta, has given us a chillingly real demonstration of the fragility of our space-based assets.

It is very important to avoid the serious hemorrhaging of our security interests that would result from the loss of our satellites. This reality dictates a wide variety of measures to deal with the problem, and arms control is just one of them. There is broad support here in the Senate and elsewhere for satellite hardening and other countermeasures that will protect our satellites.

In short, we need to pursue Asat arms control not for its own sake, but because it can help to preserve and strengthen our national security interests. The key word here is "help." Arms control alone can almost never solve national security problems. If we insist, for whatever reasons, that we should not pursue or reach an arms control agreement on Asat or anything else unless it can solve the entire problem, we will never reach any agreements. Furthermore, the Soviet threat to our satellites, and thus our security, will proceed to grow.

This sums up the rationale in the latter part of the 1970's for the U.S. policy on Asat. We were rightly concerned about the vulnerability of our satellites to the operational Soviet Asat. Accordingly, we initiated steps to enhance the survivability of our satellites, we pursued negotiations to try to limit the Soviet Asat threat, and we began our current Asat Weapon Program, both to give the Soviets an incentive to agree to a ban on such systems and to give us a militarily useful option if agreement could not be reached.

Even then it was recognized that arms control could not eliminate all antisatellite threats. However, appropriate arms control restrictions, coupled with programmatic options like satellite hardening, electronic countermeasures, and maneuver tactics could restrict the most militarily useful Asat options. Again, arms control alone cannot solve the whole problem, but it can make a useful contribution to at least bound the problem.

Turning to the specifics of past efforts, there were three rounds of Asat negotiations held with the Soviets, each round lasting longer than its predecessor:

Round 1: 1 week, June 8–15, 1978, in Helsinki;

Round 2: 3½ weeks, January 23–February 16, 1979, in Bern;

Round 3: 8 weeks, April 23–June 17, 1979, in Vienna.

Some progress was made during these talks, though they fell far short of reaching an agreement. The United States successfully fended off Soviet claims that our space shuttle was an Asat weapon. Both sides did agree that further consultation and study were needed by each side. The Soviet invasion of Afghanistan, and possibly United States failure to ratify SALT II ruled out any further rounds of these talks. The Soviets, who had stopped testing their Asat as the talks began, resumed testing after they lapsed.

It is important that we continue R&D in this area, both to maintain leverage on the Soviets and to give us a usable capability if the arms control approach fails, much as the earlier U.S. dual track approach sought to do. Yet while the administration has staunchly defended and doggedly pursued the Asat weapon track, the arms control track has fared very poorly. There were no Asat negotiations with the Soviets during the first 4 years of the current administration, and the current space arms negotiations in Geneva are reportedly focusing on SDI, not Asat.

While the administration has been in power, there has been modest accomplishment from other sources. On August 18, 1983, Secretary Andropov announced that the Soviet Union was beginning an Asat flight test moratorium and urged the United States to join in. That moratorium has been in effect for nearly 3 years now. It is difficult to argue that the Soviet moratorium has hurt United States security interests.

In 1983 and 1984 Congress passed some fairly weak legislation dealing with Asat tests and arms control that required the administration to do little

more than submit reports. But 1985 was a different story. Last year, on the continuing appropriations bill, the House approved a flight test moratorium provision that the Senate conferees wisely accepted. U.S. security interests have not been damaged in the last year from this act.

But why has there been such an apparent lack of interest by the administration in Asat arms control? First of all, there certainly are a number of formidable technical problems in limiting Asat weapons. As I mentioned earlier, if your goal is to eliminate all Asat threats to satellites, you may as well give up. There are lots of weapons that have some residual Asat capabilities. And there are important verification challenges, as there are in almost every area of arms control.

The major driver behind the Asat Program, however, is the Soviet Rorsat/Eorsat—ship-tracking satellite—threat to United States ships. The administration talks about satellite threats to land targets, but the real driver is the threat to our ships at sea and the approximately 65,000 sailors aboard them at any given time. Unlike other areas, U.S. maritime strategy is based on U.S. superiority, not parity. The administration accordingly wants to be able to counter Soviet systems that can threaten our naval superiority, such as Rorsats and Eorsats. Asat deployment has thus always been an administration objective. The President's space policy directive of July 4, 1982, directed "operational deployment as a goal" for our Asat Program. And while in both START and INF there had been serious interagency policy review and preparation leading to negotiations underway by that time, there had really not been any serious interagency review of and preparations for Asat arms control before that 1982 statement had been made.

The irony is that while the Navy would in theory be the greatest beneficiary of our Asat Program, they are far from enthusiastic about it and were reported 2 years ago as favoring a United States-Soviet ban on Asat tests. Reportedly they believe there are better ways to counter Soviet satellites that do not put United States satellites at risk to the same degree that an unrestricted Asat race would. And as if that weren't enough, the Air Force, which runs the Asat Program, is also lukewarm about it. They reportedly have proposed ending the program on at least one occasion and probably other times, too. From the major slippage in Asat IOC it would certainly appear not to be one of their highest priorities.

Through early 1989 it is unlikely that there will be any progress on Asat arms control made by the current administration. I would like to be surprised on this, but current trends allow no other conclusion. Given the administration's unflagging devotion to the strategic defense initiative, it is unlikely that they would agree to any arms control limits on Asat, since such limits would most likely limit SDI as well. There is a small chance that some agreement could be reached limiting high-altitude Asat testing, since that would not appear to infringe too heavily on SDI. After all, missiles do not unsually reach geosynchronous orbits. But even that is unlikely.

The best we can hope for is a continuation of the mutual flight test moratorium. While this is better than having unlimited testing, I am uneasy about this because such a situation should be governed by an agreement which allows for proper verification safeguards, tight definitions, procedures for handling disputes, and all the other boring but essential details that make up an arms agreement.

There is also the very real possibility that in this Gramm-Rudman environment of tight defense budgets, Congress may kill the entire Asat Program. Already the chairman of the House Armed Services Committee, LES ASPIN, has indicated his interest in this. I personally believe that we should continue with R&D on Asat at some funding level, though without flight testing, as long as the Soviets do likewise. The dual track approach to Asat still appears to have a lot of merit. I wish that the administration would recognize the inevitable and put the Asat flight test moratorium on a firmer footing through a negotiated agreement. In return I am confident that Congress would retain an R&D program for Asat.

In the meantime, we should do the best we can. Let us continue the Asat moratorium and ensure both a U.S. lock on tested superior Asat technology and strengthened U.S. security interests. I urge my colleagues to support the Asat moratorium amendment.●

Mr. KERRY. Mr. President, I want very quickly to address a couple of the comments that have been made here. Comment No. 1 is that of the distinguished Senator from Indiana that we need to be able to defend our satellites. This amendment has nothing to do with the issue of defense of satellites. This is an antisatellite kill offensive weapon restraint and has nothing to do with defense, No. 1.

No. 2, I have heard both the Senator from California and the Senator from Indiana say, this is a unilateral giving up of something.

For 3 years now, the Soviet Union has already unilaterally done it. There is nothing unilateral about our joining them whatsoever. It is a mutual conscious parallelism by which we decide to do what someone else has already done and are moving toward what it has already done.

Mr. WILSON. Mr. President, will the Senator yield?

Mr. KERRY. No, Mr. President, I shall not yield, because I have too little time left to answer the comments of my colleagues.

No. 3, the Soviets have tested once in the last 8 years successfully; once in 8 years successfully. To assume that a co-orbiting system somehow threatens the Unites States now after all that the Senator from Indiana said about how important they are for command and control, then not to be willing to restrict, not research, not other kinds of research, but only firing against an object in space, I think would be wrong.

Finally, let me comment, the distinguished former Senator from Massachusetts, Paul Tsongas, my predecessor, I know very well. I have spoken to him many, many times since I came to the Senate. We have talked about this subject. I am glad my friend from California feels he is a person of great intellectual integrity because my predecessor supports this, has long sought it, and would like to see it passed. I hope it will be.

I yield 2 minutes to the distinguished Senator from Michigan [Mr. LEVIN].

Mr. LEVIN. Mr. President, first, let me thank my friend from Massachusetts. I support this amendment. It clearly calls for a mutual ban on further testing. By its terms, it is not unilateral at all, but mutual, which I think is critical. I think most of the Members of the Senate would agree it is critical for any kind of arms control success.

An arms race in antisatellite weapons would harm our national security. We need them for arms control verification. We want to know where Soviet forces are. We want to know we can detect any Soviet launch as soon as it might occur. We want to be able to communicate with our dispersed nuclear forces in the event of a crisis in order to restrain them until the last possible moment.

These are the stabilizing functions that our satellites perform now. A race to perfect antisatellite weapons is therefore a race against crisis stability. This amendment would clearly advance our national security interests.

The Soviets have an extremely cumbersome, indeed primitive Asat capability. It is a co-orbital system to be launched from an old SS-9 rocket. A killer satellite is launched into the same orbit as its target, and closes slowly until it is close enough to explode itself and destroy the target. This method of attack takes hours, not minutes. It is effective only in low orbits, and can be monitored every moment during its ascent and attack. Therefore, we are not dealing with a weapon readily used to blind our satel-

lites in close succession with a Soviet first strike. Hours before the Asat attack might be completed, we will know of it. Furthermore, to a far greater degree than is true of the Soviet assets, our satellites are in a high, geosynchronous orbit beyond the reach of this Soviet Asat.

The United States has been testing a far more sophisticated system. It utilizes the F-15 fighter to carry to high altitude a small rocket whose warhead can be guided to a direct attack on a low Earth-orbit satellite in a matter of minutes. This system would represent a far more serious threat to satellites and the time factor would give little warning that an attack was taking place. Perfection of this Asat system is the single development most likely to kick off an Asat arms race. The pending amendment would prevent this and signal our willingness to negotiate a test ban.

The administration, in its 1986 Arms Control Impact Statement, takes two quite contradictory stances on the Asat issue. On the one hand, this document affirms that the United States is "prepared to examine space arms control issues in the Conference on Disarmament." On the other, it states: "No arrangements or agreements * * * have been found to date that are judged to be in the overall interest of the United States." In response to a certification clause this Congress enacted to prevent testing of these Asat weapons until good-faith negotiations had been attempted with the Soviets, ACDA Director Adelman instead certified that no possible Asat treaty would be in the national interest, and thus that no negotiations need take place.

In fact, Mr. President, there are several viable approaches to an Asat test and deployment ban. None of them are perfect, since any Minuteman missile could be utilized as an Asat weapon simply by launching it toward a satellite target and then detonating its nuclear warhead. The Soviets could do the same, so in the extreme case, we will always have an Asat. The point is, weapons designed specifically for this purpose only add another layer to the dynamic of threat and counterthreat. Again, the satellites we deploy are largely a benign and stabilizing influence on the strategic scene.

There are some satellite functions far less benign. One, of particular concern to the Navy, is the Rorsat, the Radar Over Ocean Reconnaissance Satellite. The Soviets use this capability to keep track of our carrier groups, and could use them to direct bombers and, in some instances, nuclear weapons, to attack our fleets. Another problem is real-time surveillance capability which might be used for targeting of land forces, including our ICBM silos, in what is called the shoot-look-shoot attack. The clear import of this distinction between benign and threatening satellite assets is the idea that Asat arms control might begin with an agreement not to deploy these too tempting targets at all. This would reduce pressure to create Asat weapons, and it would add to crisis stability.

A second proposal for Asat arms control is "keep out zones." Simply put, we would regulate the allowed distance between satellites to prevent the seeding of "space mines" in the vicinity of our satellites assets. This regime is already imposed on commercial satellites in geosynchronous orbit to prevent interference in communications traffic.

Third, we should consider a ban on both co-orbital and direct ascent Asat weapons. The time to do this is now; once the United States has demonstrated its Asat capability, the Soviets will surely feel compelled to develop a similar Asat of their own. Such a ban, which can be verified by rules similar to existing arms control nonconcealment measures, is manifestly in our national security interest. The fact is the United States has a heavier reliance on satellites than does the Soviet Union. Our forces are more dispersed, making the communications problem all the more difficult. And we launch fewer, more expensive, longer lived assets. Should we go ahead with space-based SDI technologies, this problem will only be more acute. The very first target of a Soviet attack would probably be the SDI's battle stations, vulnerable high-value targets precisely to the degree that SDI becomes the leak-proof umbrella some hope it can be. This is but one more example of how the administration's antiarms control stance places in jeopardy even some of their own cherished programs.

A successful Asat weapons ban treaty would also bolster confidence in the continuing viability of the ABM Treaty. Perhaps this is the reason the administration is not serious about Asat arms control. Whatever the reason, the bald pronouncement that no conceivable Asat Treaty is in the national interest should not be accepted by this body.

I have outlined three possible approaches, all of which have substantial benefits for the overall stability of our nuclear posture. Good-faith negotiations could undoubtedly discover more. What we need to do here is provide the climate in which successful Asat weapons talks might begin. The mutual test ban called for in this amendment will signify the Senate's interest, and it will prevent technological development from gaining such a headstart on the slow process of negotiation that any such talks cannot possibly succeed. A race to develop antisatellite weapons and then to perfect defenses for our satellites is a race that need not be run.

For all these reasons, I support the amendment.

The PRESIDING OFFICER (Mr. MCCONNELL). The Senator from Massachusetts.

Mr. KERRY. Mr. President, how much time remains?

The PRESIDING OFFICER. Three minutes.

Mr. KERRY. And how much time to the other side?

The PRESIDING OFFICER. Two minutes.

Mr. KERRY. I reserve such time as I have at this time. I shall be happy to yield to the Senator from California for a question on his time.

Mr. WARNER. Mr. President, I suggest to the Senator from California, if he wishes to respond, I would be happy to yield about 40 seconds to him, if that is possible, since I would like to have some concluding remarks in the minute and 20 seconds that I would have remaining.

Mr. WILSON. I thank the Chair. I thank my colleague.

Mr. President, because we have so little time, I shall simply first ask unanimous consent that page 15824 of the CONGRESSIONAL RECORD of June 12, 1984, be printed in the RECORD, that portion in which Senator Tsongas is quoted as saying:

> The Senator from California says that we have to test the F-15. I do not argue that point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Mr. TSONGAS. That is correct.

Mr. WILSON. I assume the Senator would also agree, and this is what I was seeking to get the Senator's attention on during the closed session, when he says the Soviets will be more vulnerable to the U.S. antisatellite capability, does that not presuppose that we have tested that capability beyond what is clearly the first phase with respect to the F-15?

Mr. TSONGAS. Let me answer it by asking the Senator a question: Would he rather have their tested second orbit interceptor or our F-15 approach? Which would he rather have?

Mr. WILSON. I think we would rather have ours once we have tested it. But we have not tested it, that is precisely the point. Therefore, while we could argue the relative merits of direct descent as opposed to the more time-consuming orbital or co-orbital approach the Soviets have undertaken, the fact is they have a tested, reliable system, one which they feel sufficient confidence in that they have agreed to avoid it, which they can agree to under existing international rules.

Mr. TSONGAS. Does the Senator consider the second orbit intercept to be a reliable system? Would the Senator vote for such a system in our program?

Mr. WILSON. What the Senator would vote for is that we test it so that we can develop it to the level of confidence it apparently has now on the part of the Senator from Massachusetts. I would like to share that confidence. I believe we can but not if we ban unilateral testing.

If the Senator is asked do I have some confidence in the ability of the Soviet

weapon to do danger to a great number of high-value satellite assets of the United States, the answer is yes, I do.

Mr. TSONGAS. Mr. President, that is not in debate.

The final point I make, Mr. President, is that no matter what happens here today, and I think perhaps we can negotiate our way out of this, the fact is that whether we have a treaty or do not have a treaty, one of the major issues of vulnerability—we hear a lot of talk about what lasers can do and what these intercepts can do. The fact is that one of the ways to get around this is to build in defenses. You can, indeed, make satellites that are more maneuverable. You can, indeed, put protective devices on satellites to obviate some of the problems of lasers. We have not done that. Whether these amendments pass or fail today, there is an obligation on the part of the United States to do something about vulnerability of our satellites. Even those of us who argue for an approach of Asat arms control would in no way argue with that point.

What we are going to vote on today is very simple: We are saying to the administration, yes, go ahead with your testing; yes, go ahead with all your R&D; but at least begin to negotiate.

The Senator from California says we have to test the F-15. I do not argue that point. All I say is as you go about doing that, the second track is at least as important, sitting down and negotiating. When you do not do that, nothing else can be accomplished and the window of opportunity will have closed, the second orbit intercept is vulnerable.

Mr. WILSON. Because we have so little time, Mr. President, I simply say the fault I found in Senator KERRY's statement was his representation that in contrast to this being a unilateral concession on our part, the Soviets have been doing it for 3 years. They have been doing it for 3 years after completing successful testing. That was the point.

With that, I yield to the distinguished manager.

Mr. QUAYLE. Mr. President, would the Senator yield for a unanimous-consent request?

Mr. WARNER. Yes, Mr. President, I yield.

Mr. QUAYLE. I ask unanimous consent that an article appearing in the Christian Science Monitor concerning space self-defense zones be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Christian Science Monitor, Mar. 24, 1986]

MAKING WAR LESS ATTRACTIVE: SPACE SELF-DEFENSE ZONES

(By Dan Quayle)

As US arms control negotiators in Geneva again attempt to reduce American and Soviet arsenals, it's time to consider a new arms control idea—space self-defense zones—that would make war less attractive both in space and on earth.

It's no secret that both the United States and the Soviet Union have scores of satellites deployed in space that are critical for military surveillance, warning, communication, navigation, weather prediction, and mapping.

It's also no secret that there is a tremendous military incentive to attack these satellites. Consider: If the Soviets destroyed enough of US reconnaissance, communication, and navigation satellites, they not only could blind us to a missile strike, but deprive US ground and naval forces of the communication and control capabilities needed to counter conventional attacks.

Unfortunately, US satellites are vulnerable. Although Americans have no antisatellite weapons (ASATs) deployed yet, the Soviets have a rocket-launched ASAT that can attack US low-orbiting satellites, and it could be improved to attack ones in higher orbits. The Soviets have also tested ground-based lasers that could blind US satellites, and they have threatened to deploy space mines—explosive satellites that could maneuver near US satellites and be commanded to destroy them without warning.

Two efforts have been suggested to check this threat. The first, now under way, is to make US satellites harder to find, more difficult to harm, more numerous and, if attacked, able to evade and shoot back.

Although helpful, this approach is unlikely to be sufficient unless the satellites have enough warning of an attack. Such warning might be feasible against current Soviet rocket-launched ASATs that announce their departure with a missile launch and take more than an hour to reach their target. But with space mines or space-based lasers, the attack would be virtually instantaneous.

The second way to check this threat is to ban ASAT testing. The supposed appeal of such a test ban, its supporters argue, is that if testing is prohibited, deployment can be prevented. If one prevents deployment, space vulnerability is no longer a problem.

This approach, however, is most presumptive.

Verifying what's an ASAT is virtually impossible. Almost anything that penetrates space—missiles, satellites, space stations, shuttles, ground-based lasers and jammers—can be used to degrade or destroy US satellites. There is little sense in offering something that on its face cannot and probably never will be verified.

An ASAT test ban would curtail US development not only of ASATs, but also of shoot-back satellite defenses critical to assure US space assets a modicum of survivability. Developing these defenses requires much more overt testing than is needed for ASATs, because unlike ASATs, they do not know where their target is well in advance.

The end result of an ASAT ban would be increased uncertainty concerning US satellites' vulnerability. The United States would be unable to ascertain Soviet ASAT deployments, and US satellites would be denied a defensive capacity in case of attack. Thus, the worst of all worlds—no defenses, no verification, and greater instability and uncertainty.

There is a better way to check the threat posed to satellites—space self-defense zones—which would allow defenses, enhance verification, and significantly reduce the incentive for either side to attack the others' satellites. What the zones would do is simple: Keep one side's satellites far enough apart from the other's to make an instantaneous surprise attack by either side virtually impossible. Both sides would be permitted an equal number of zones within which they would have exclusive rights to position their satellites permanently, and to inspect, expel, or otherwise render harmless intruders if they exceed an agreed upon, safe number.

Both sides could perfect defenses for their satellites within their zones as an additional safeguard, and ASATs would also be permitted (on the basis that what one cannot verify, one can hardly prohibit). With space self-defense zones, the utility of ASATs would be greatly reduced, since, by the time they reached their target, they will have given the other side clear warning of an attack. At best they might succeed in destroying one or two satellites quickly, but that would hardly accomplish much. Only by destroying many satellites simultaneously could either side hope to eliminate a country's ability to execute a specific military mission.

The zones' sizes would vary for different satellite orbits since some are more densely populated than others. But they would be large enough to be quite useful.

Some zones could be in geosynchronous orbit (22,000 miles above the earth), where the most critical civilian and military satellites are. In this 170,000-mile orbit, it would be relatively easy to create a sizable number of large sectors—say 36 zones, each one 4,600 miles across, with 12 each for the US and the USSR, and another 12 neutral zones. Given the zones' size, a space-based ASAT missile would require minutes to reach the other side's satellites, and current lasers, even if space-based, would be out of lethal range.

With the possible development later of very powerful space-based lasers, it might be necessary to create larger zones at geosynchronous orbits and above.

For the moment, only a basic agreement on space self-defense zones needs to be proposed. If the Soviets are uninterested in such a scheme, it will increase the US burden to develop its own satellite defenses unilaterally. It will also suggest just how much space arms limitations the US can expect from the Soviets—and in a way that an ASAT ban, which would only favor them, would not.

Certainly, space self-defense zones belong on the US arms control agenda. If agreement can be reached on this approach, US security would be enhanced, as would the Soviet Union's. It's an arms control idea that should be pursued.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, let me comment one last time with respect to my distinguished predecessor, Senator Tsongas. The debate at that time, and I have read it very carefully, because of last year when the distinguished Senator from Virginia and I went through this—that was about a point in space at that particular time. I know the Senator from Virginia will agree with me. That related to a point-in-space testing we had at that time. That is different from an object in space. It might be possible to deal with a point in space differently from this. We are talking about firing objects in space, which has a whole different outcome in terms of arms control and perception and perception of threat.

Mr. President, let me close by saying this gives us the opportunity to continue not a unilateral measure but a mutual measure. The Soviet Union has not tested in 3 years. The Soviet

Union has stopped. Why, then, cannot the United States of America stop?

We have had a successful test against a point in space of our F-15, against an object in space. They have never had a successful test of a homing object against an object in space. Therefore, we could say we are ahead in that technology. But the whole effort to reach an arms control agreement requires that both sides sometimes move in a conscious, parallel way in order to try to provide the breathing room by which you do not go beyond, in technology, and thereby disrupt your ability to have that parallelism that allows you to reach an agreement.

I strongly urge the Senate to hold onto that moratorium. It is not a change. If the President certifies to us that, at any time, the Soviet Union tests, we may go ahead and test; it does not restrict research; it does not restrict our ability to design those systems. It restricts only the test against an object in space and only for that period of time that there is mutuality with the Soviet Union.

I listened to the Senator from Indiana say our satellites are so critical we have to defend them. What better defense could there be for satellites than to have a sanctuary in space with no threat of effective antisatellite weapons? That is something that we could achieve if we hold onto this moratorium.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, to refresh the recollection of Senators, the Senate has consistently supported a limited Asat test program. Last year, it rejected a similar amendment by the distinguished Senator from Massachusetts by a vote of 51 to 35. Following that, the Senate voted 74 to 9 to permit a limited Asat test program to proceed.

That limited program is almost identical to the one we now have recommended by the Armed Services Committee and requested by the Department of Defense.

In fairness to my distinguished colleague, I have searched my mind to determine what, if anything, has changed from those rather decisive votes last year until this time this year.

□ 1310

The one thing that has changed, Mr. President, is the atmosphere of arms negotiations now being conducted by both the Soviet Union and the United States, and this particular program is integral to those negotiations. For this body now to take it away from the President of the United States, entrusted by our Constitution as the principal person dealing with the foreign policy of the United States, I think would be a mistake. I urge the Senate to consider the actions taken in the previous years and to establish a consistent precedent. I thank the Chair.

Mr. President, at this time, I move to table the amendment of the Senator from Massachusetts and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Washington [Mr. EVANS] is necessarily absent.

Mr. CRANSTON. I announce that the Senator from Missouri [Mr. EAGLETON] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 55, nays 43, as follows:

[Rollcall Vote No. 192 Leg.]

YEAS—55

| | | |
|---|---|---|
| Abdnor | Glenn | Murkowski |
| Armstrong | Goldwater | Nickles |
| Boren | Gorton | Nunn |
| Boschwitz | Gramm | Pressler |
| Broyhill | Grassley | Quayle |
| Byrd | Hatch | Roth |
| Chiles | Hawkins | Rudman |
| Cochran | Hecht | Simpson |
| Cohen | Heflin | Stennis |
| D'Amato | Helms | Stevens |
| Danforth | Hollings | Symms |
| DeConcini | Humphrey | Thurmond |
| Denton | Kasten | Trible |
| Dixon | Laxalt | Wallop |
| Dole | Long | Warner |
| Domenici | Lugar | Wilson |
| Durenberger | Mattingly | Zorinsky |
| Exon | McClure | |
| Garn | McConnell | |

NAYS—43

| | | |
|---|---|---|
| Andrews | Hatfield | Moynihan |
| Baucus | Heinz | Packwood |
| Bentsen | Inouye | Pell |
| Biden | Johnston | Proxmire |
| Bingaman | Kassebaum | Pryor |
| Bradley | Kennedy | Riegle |
| Bumpers | Kerry | Rockefeller |
| Burdick | Lautenberg | Sarbanes |
| Chafee | Leahy | Sasser |
| Cranston | Levin | Simon |
| Dodd | Mathias | Specter |
| Ford | Matsunaga | Stafford |
| Gore | Melcher | Weicker |
| Harkin | Metzenbaum | |
| Hart | Mitchell | |

NOT VOTING—2

| | |
|---|---|
| Eagleton | Evans |

So the motion to lay on the table amendment No. 2650, was agreed to.

□ 1330

Mr. GOLDWATER. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

Mr. KERRY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GOLDWATER. Mr. President, we now have an amendment by Senator KENNEDY. There is no time limit on it. It promises to be short.

I announce that following that, although we did not get a unanimous-consent agreement on it, and I think there would be no objection, a matter concerning civilian personnel will be presented by TED STEVENS.

I say to my colleagues we are beginning to move a little better and if all Senators are interested in not working tomorrow, let us keep it up and let us try to get here on time for votes.

Mr. DOLE. Mr. President, I have been having some discussions with the managers. I think the distinguished minority leader has also visited with the managers.

I think in fairness to our colleagues who have commitments tonight and tomorrow I better report I am going to do what the managers want to do and they want to finish this bill.

I would think that all of us plan on being here a while this evening, maybe not too late this evening and probably here tomorrow unless by some miracle we should complete this between now and 6, 7, or 8 o'clock. Otherwise, it looks like a Saturday session.

I would again indicate there has been no waste of time. It is not a case where someone has been deliberate. It is a question of so many amendments. It is a very massive piece of legislation.

We are in the last week before the recess. I do not disagree with the distinguished minority leader. If we do not keep the schedule there are going to be many more Members have to change plans and we will just stay 1 day tomorrow.

I believe if we do not finish this bill now, that is the end of it, I say in fairness to the managers.

Then they have invested a whole week and many Senators and hundreds of staff and all the different agencies they are dealing with, and I do not believe we want that to happen.

So, I am going to announce now that we are going to carry out the wishes of the managers who wish to finish this bill this week.

Mr. KENNEDY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The Senator will have to ask unanimous consent.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the pending amendments be temporarily set aside.

Mr. GRAMM. Mr. President, reserving the right to object, I would like to inquire of the distinguished Senator from Massachusetts if this is amendment No. 2403 printed in the RECORD, the amendment that we have contemplated for several days would be sent to the desk?

Mr. KENNEDY. This is not that particular amendment.

Mr. GRAMM. Mr. President, I have asked on several occasions to see the amendment. It is not my desire to hold up the deliberations of this body but I would be constrained to object until I

could have an opportunity to look at the amendment.

On that basis, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts may go ahead.

Mr. METZENBAUM. Who has the floor?

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I yield.

Mr. METZENBAUM. Mr. President, I heard what the Senator from Texas said. The Senator from Texas knows what this is all about. There is no secret about it.

I just want to say that at this point in the afternoon at 20 minutes to 2 when it is necessary to move this bill forward as the managers desire, if we are going to start playing games about objecting to the introduction of an amendment, I am perfectly willing to play that game and then everybody ought to go home because I do not think that kind of game is appropriate at this point. We all know what the amendment of the Senator from Massachusetts is about. There is no secret at all about it.

Mr. GRAMM. Mr. President, will the distinguished Senator yield?

Mr. METZENBAUM. Certainly.

□ 1340

Mr. GRAMM. I do not believe that it is an unreasonable request to ask to see the amendment. I have asked on three occasions to see it and the distinguished Senator from Michigan earlier this day objected to exactly the same request. So all I am asking to do is see the amendment. I do not intend to be intimidated on this issue and until I see the amendment I intend to object.

Mr. NUNN. Mr. President, while this is being worked out, unless there is another amendment that is going to be offered, I have a brief statement I would like to make.

Mr. MATHIAS. I have an amendment.

Mr. NUNN. Mr. President, if the Senator from Maryland would withhold, I would like to make a very brief statement on the question of access to the ABM Treaty, which I am sure the Senator from Maryland would be interested in, while the minority leader is here, because he has been very involved in this.

AGREEMENT REACHED ON ABM ACCESS

Mr. President, on July 25 I delivered a speech on the Senate floor concerning the administration's refusal to grant the Senate access to the negotiating record of the 1972 ABM Treaty.

As Members are aware, this issue was precipitated by the administration's unilateral action last fall reinterpreting crucial provisions of the treaty relating to the development and testing of mobile and space-based ABM systems based on advanced new technologies.

In my opinion, refusal to provide the Senate with access to the documents upon which the reinterpretation was based would have threatened a fundamental institutional interest of the Senate—its powers and responsibilities under the Constitution as a coequal partner in the treaty process.

Mr. President, today I am pleased to announce that the administration has reconsidered its position and has now agreed to provide the Senate with access to these documents.

Yesterday, the Secretary of State sent a letter to the distinguished chairman and ranking member of the Foreign Relations Committee, Senators LUGAR and PELL, informing the Senate that that portion of the negotiating record that is pertinent to the limitations on development and testing of so-called exotic ABM systems will be transmitted to the Senate.

The documents will be sent next week and will be stored in the Senate Office of Classified National Security Information (S-407). Senators and a very small group of designated professional staff will be able to review the material at that location.

In accepting this arrangement, we have reserved the right to request any additional documents within the scope of our original request which we might identify during the course of our review and deem necessary to a full understanding of the negotiating record as it pertains to these provisions in the treaty.

Mr. President, I am very pleased that the administration has made this decision. The decision upholds the historic respect which has been afforded the Senate with respect to its constitutional role in the treaty process and avoids setting a precedent which I believe would have been extremely prejudicial to the Senate's powers and responsibilities in this area.

I am hopeful that the understanding on access that we have reached with the administration will enable the Senate to reach its own judgments regarding the correct interpretation of the treaty.

Mr. President, this could have been a real roadblock in our bill, but we have been able to work it out.

Senator GOLDWATER has been very helpful. The minority leader has written letters and has several meetings on this subject. The Senator from Alaska, Senator STEVENS, the chairman of the arms control observer group, has been very helpful. There have been a number of people who have been interested in this, including Senator HART, Senator LEVIN, Senator COHEN, and Senator KENNEDY.

Senator PELL and Senator LUGAR have taken the lead. They have exchanged letters with the Secretary of State. Senator PELL and Senator LUGAR will have a statement a little later on this afternoon, and the letters will be made available.

As I said, we understand that the documents will be coming next week and then we will have the right to ask, as we examine that record, for further information, as needed. I do not know whether this agreement is going to hold all the way, but it is a very strong step forward. It is an enormously important matter for the institution of the Senate, because historically the Senate has had access to negotiating records as part of our role in being charged with the constitutional duty of ratifying treaties.

This is also very important in the arms control process. It goes to the question of what the appropriate interpretation of the ABM Treaty is, whether it is the historical interpretation or the broader reinterpretation that has been put forward in recent months. The question of the broad versus narrow interpretation very well could end up being one of the most important parts of the whole arms control negotiation. So the Senate will be able to have access. We will have a very limited number of staff people who have access and we will go into the details in the future.

But this is going to avoid what I had hoped to avoid, and that is a major floor fight on this subject. I think it does help to facilitate the windup of this bill but, more importantly, I think it protects the historical role of the U.S. Senate in having access to negotiating records on treaties that we are required to ratify.

Mr. HART. Will the Senator yield?

Mr. NUNN. If I could yield first to the minority leader for a brief period, because he has been the leader in trying to secure this information.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Georgia.

PROGRESS ACHIEVED TO INCREASE SENATE ACCESS TO THE ABM TREATY NEGOTIATING RECORD, ESPECIALLY REGARDING SDI, AND TO PRESERVE SENATE'S CONSTITUTIONAL PREROGATIVES ON TREATY MATTERS

Mr. BYRD. Mr. President, I do not want to transgress on the time of the Senate, but this is an important matter. As the distinguished Senator from Georgia stated, it is a matter that goes to the heart of the institution's role, this Senate's role, in the making and approval of the ratification of treaties.

Under the Constitution, the President shall make treaties by and with the advice and consent of the Senate. It requires a two-thirds vote of those Senators present to approve the ratification of a treaty.

What Senator NUNN is talking about here, and with which so many Sena-

tors have been actively engaged on both sides of the aisle, is the matter of having access to the negotiating records in relation to the ABM Treaty and the administration's new interpretation of that treaty. This has a great bearing on what our decisions will be, and ought to be, in relation to SDI and other matters, and we have had difficulty in getting that kind of access.

Now, as the distinguished Senator from Georgia has said, after these various meetings and discussions and letters back and forth and back and forth, we think we may have accomplished a reasonable and effective way to approach this matter that will resolve, in our estimation, the needs of this Senate as it carries out the will of the people under the Constitution.

As the Senate knows, several of us—Senators PELL, NUNN, HART, KENNEDY, and LEVIN—have been involved in intensive efforts for some time to obtain increased Senate access to the negotiating record of the Anti-Ballistic Missile [ABM] Treaty, and other important related documents. Senators LUGAR, GOLDWATER, and WARNER also have provided timely assistance.

We believe that access to these documents is critical to the Senate fully evaluating and understanding the administration's proposed reinterpretation of the ABM Treaty, and that theory's relationship to the strategic defense initiative [SDI].

Considering the controversy surrounding the SDI Program, as well as the great concerns expressed by many American national security experts and by our allies about the ABM Treaty reinterpretation, increased, Senate access to the treaty negotiating record and related materials is an absolute necessity. This is especially so since this new theory may have profound, negative ramifications for arms control and for our strategic military posture.

Increased Senate access to these documents also is required for the Senate to make the most informed decisions about the scope, composition, pace, and funding levels of the SDI Program, a point I stressed strongly and frequently to the administration in seeking such access.

Heretofore, the administration's response to our requests, and its method of creating and propounding the treaty reinterpretation, have been disappointing and have come perilously close to threatening the Senate's constitutional prerogatives as a coequal with the executive branch in the treatymaking process.

However, as Senators PELL, LUGAR, and NUNN already have indicated, our efforts may be beginning to obtain results. The most recent administration response appears positive, and we even may gain increased access to at least some of the needed documents as early as next week.

We reserve final judgment whether this access is sufficient, and, if necessary, we expect to make further requests of the administration in this regard. We shall always reserve the option to pursue legislative remedies, although that is unnecessary now due to the positive nature of this latest, administration response, and we hope that a spirit of mutual cooperation will make such remedies unnecessary in the future.

We look forward to such continued cooperation in the future on the part of all those involved in this issue, both in the executive branch and in the Senate.

Mr. President, I close by saying that I thank the Senator from Georgia, Mr. NUNN, and the distinguished Senator from Arizona, Mr. GOLDWATER, Mr. PELL, Mr. HART, Mr. LUGAR, Mr. WARNER, Mr. STEVENS, Mr. MATHIAS, and others who have spent a considerable length of time and effort together with our staffs, in this effort. I congratulate them.

The Senate is in their debt, and I am sure the people will like what we are trying to do because it is in their interest.

Mr. PELL. Will the Senator from Georgia yield?

NUNN. I yield the floor. That way, I will not be trying to parcel out the time.

Mr. MATHIAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. MATHIAS. Mr. President, I ask unanimous consent that I may yield briefly to the Senator from Rhode Island without losing the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I thank the Senator from Maryland. I just want to say, in connection with the matter under discussion, that I am very pleased the Secretary of State has responded in a positive way to the requests the Foreign Relations Committee chairman, Senator LUGAR, and I made for Senate access to portions of the negotiating record of the 1972 ABM Treaty.

Senator LUGAR and I wrote the Secretary today confirming agreements under which Senators will be able to review the records and reach their own judgments on the constraints applied by the treaty to the development of new ABM systems.

This outcome follows extensive discussions involving a number of Senators, including the distinguished minority leader [Mr. BYRD] and the ranking Democratic member of the Committee on Armed Services [Mr. NUNN], and others.

This access is of central importance in reaching decisions on the controls which should be applied to the strategic defense initiative.

Moreover, the question of exactly what controls are applied by the ABM Treaty covers has direct bearing on the potential outcome of the negotiations in Geneva.

Last fall, following a review of the treaty, the administration announced that the traditional interpretation of the treaty pertaining to the development and testing of futuristic or exotic systems was in error. However, Secretary Shultz later announced that our policy would be to follow the traditional interpretation, although the new, broad interpretation was justified.

It is critically important that the Senate judge for itself whether we are justified in leaving the way open to an unconstrained defensive arms race.

The Senate must determine what controls are justified by the record so that it can participate with the executive branch in forging new arms control agreements which will build upon present controls to reduce arms and move us away from the threat of nuclear war.

Mr. President, thanks to the forthcoming attitude and responsiveness of the administration, we will be able to carry out our responsibilities in this area.

Mr. President, I ask unanimous consent that the letter Senator LUGAR and I wrote to the Secretary on August 1 requesting the materials, the Secretary's letter to us on August 5, and our response today confirming the arrangements be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
*Washington, DC, August 1, 1986.*

Hon. GEORGE P. SHULTZ,
*Secretary of State,*
*Washington, DC.*

DEAR MR. SECRETARY: We were most pleased to meet with Ambassador Paul Nitze and Judge Abraham Sofaer to discuss with them issues surrounding the ABM Treaty negotiating record. Both Ambassador Nitze and Judge Sofaer were willing to deal with concerns stated by Members. In particular, the assembled Members discussed with them possible ways in which access might be arranged for Senators and selected professional staff members with respect to the portions of the ABM Treaty negotiating record that bear upon the applicability of the Treaty to the development, testing, and deployment of ABM systems and components "based on other physical principles," or what Senator Goldwater referred to in his letter of June 25, 1986, as "exotic technologies."

On the basis of this and other conversations, we are cognizant of the Administration's present views on the so-called "broad" and "narrow" interpretations of the ABM Treaty. While the Administration has expressed reservations over requests for access to the entire negotiating record and to a variety of other documents, we nonetheless believe that the essential concerns of Members with respect to "exotic technologies"

and ABM Treaty commitments should be met.

We have concluded that the Senate must have access to particular parts of the record of the negotiations which culminated in the 1972 Anti-Ballistic Missile Treaty, together with other relevant documents. These materials are necessary to allow the Senate to reach its own judgments regarding the correct interpretation of the ABM Treaty. The Senate also has a need at this point to reach a decision on the funding of research and development of exotic or future techologies. The recent study conducted by Judge Sofaer and the earlier study done for the Department of Defense by Colonel Fitzgerald and Ambassador Graybeal at the Systems Planning Corporation would be of considerable value in helping Members assess the issue.

In addition, for the period from March 15, 1971, through May 26, 1972, we request all documentary materials in the negotiating record of the ABM Treaty which deal with the negotiation of the limits in Articles II, III, and V, and Agreed Statement D pertaining to ABM systems and components based on then-current technologies or other physical principles, to include, inter alia, the following:

All messages to and from the delegation;

Relevant versions of the Joint Draft Text;

Prepared statements presented al all joint meetings between the United States and the Soviet Union, including all proposals regarding treaty provisions and texts; and

The legal analysis of the Treaty provisions prepared in May 1972, by John Rhinelander, the legal advisor to the delegation.

Furthermore, to aid Members in assessing implemenation of the Treaty, directives issued by executive branch agencies in the months following ratification would be particulary important.

The materials should be provided directly to the Committee on Foreign Relations, which would be responsible for safeguarding them and ensuring properly-controlled access and handling. We anticipate asking that the materials be held for the Committee in S-407, a secure facility under the direct charge of the Majority and Democratic Leaders. No xeroxing of the materials provided to the Foreign Relations Committee will be permitted, nor will the documents be removed from S-407. We would expect to make arrangements under which the materials would be available to Members and to six cleared professional staff members, one each to be designated by the Majority and Democractic Leaders and the chairman and Ranking Members of the Foreign Relations and Armed Servcies Committees.

We would appreciate your assistance in making the necessary arrangements to provide the requested materials at an early date.

Whith every good wish.

Sincerely,

RICHARD G. LUGAR,
*Chairman.*
CLAIBORNE PELL,
*Ranking Minority Member.*

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THE SECRETARY OF STATE,
*Washington, August 5, 1986.*

Hon. CLAIBORNE PELL,
*United States Senate.*

DEAR SENATOR PELL: I have received your letter of August 1, requesting access for the Senate to the portions of the ABM Treaty negotiating record that bear on the applicability of the Treaty to the development, testing, and deployment of ABM systems and components "based on other physical principles," or what Senator Goldwater referred to in his letter of June 25, 1986 as "exotic technologies." In this connection, you have also asked for a study prepared by Colonel FitzGerald and Ambassador Graybeal for the Department of Defense and the analysis by Judge Sofaer, as well as other documents.

A number of the items you have requested are part of the deliberative process within the Executive Branch or are otherwise privileged. At the same time, I appreciate the Senate's concern that it be able to understand the basis for interpretation of the Treaty announced by the President last October. We all recognize the highly unusual circumstances surrounding the application of the ABM Treaty—the review by the Administration in 1985 concerning the proper interpretation of the scope of the Treaty, and the importance of the President's SDI program to the national defense, among others. Accordingly, we have decided to provide to the Foreign Relations Committee, as soon as the materials may be assembled and S-407 is ready to receive them, the FitzGerald-Graybeal study and that portion of Judge Sofaer's analysis that evaluates the negotiating record together with the documents from the negotiating record on which it relies.

The FitzGerald-Graybeal and Sofaer studies aimed to be comprehensive. The FitzGerald-Graybeal study has an appendix consisting of about two hundred pages of memoranda of conversations, working papers, and draft texts from the negotiating record. Together with the documents on which Judge Sofaer based his analysis, these documents are the documents on which the Administration formed its judgment with regard to the applicability of the Treaty to the development, testing, and deployment of ABM systems based on "other physical principles." They include the documents you have specifically requested that bear on the issue, in particular the records of the negotiations and drafts texts regarding Articles II, III, and V and Agreed Statement D. I believe these documents together deal with all the issues of concern to you and other Senators.

I will also provide the sections of John Rhinelander's May 24, 1972 memorandum pertinent to the issues you wish to examine. That memorandum is a general description of the Treaty's terms, not a discussion of the negotiating history. Earlier drafts of Rhinelander's memorandum may be useful in evaluating the final drafts; relevant excerpts of the drafts will also be provided.

The provision of certain other documents you request raises separate and more difficult questions. Because we are making available the items on which the Administration's interpretation was based, I believe you will find that provision of the excerpts, quotes, and other references in the studies satisfies your request.

The conditions proposed by you for guaranteeing the security of the documents and controlling access to them are acceptable. Along these lines, please provide the names of the six staff members to whom access is to be granted, as proposed in your letter. I propose that the Foreign Relations Committee return the documents to the Department of State when the present Congress adjourns. Of course, as Ambassador Nitze and Judge Sofaer have previously indicated, I remain prepared to ask them to brief individual Senators on the contents of the memoranda or the negotiating record.

I am sending a similar letter to Chairman Lugar.

Sincerely yours,

GEORGE P. SHULTZ.

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U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
*Washington, DC, August 8, 1986.*

Hon. GEORGE P. SHULTZ,
*Secretary of State,*
*Washington, DC.*

DEAR MR. SECRETARY: We appreciate very much your prompt and forthcoming response to our request that you provide the Senate access to particular parts of the record of the negotiations which culminated in the 1972 Anti-Ballistic Missile Treaty, together with other relevent documents.

We expect that the materials you have decided to provide as soon as they are assembled—pertinent sections of the May 24, 1972, Rhinelander memorandum, the 1985 Fitz Gerald-Graybeal study, and the portion of Judge Sofaer's analysis that evaluates the negotiating record, together with the documents and appendices accompanying the latter two studies—will be of considerable value in allowing the Senate to reach its own judgments regarding the correct interpretation of the treaty. We hope the provided materials will be sufficient to allow those judgments to be made, but we will not be certain of that until we have received the materials and reviewed them. Accordingly, we must reserve the right to request any additional documents within the scope of our August 1 letter which we might identify in the course of our review and which we conclude are necessary to a full understanding of the negotiating record.

The heavy schedule during the remaining weeks of this Congress may prevent completion of our review before adjournment. Nonetheless, we expect to conduct our review expeditiously, as time permits, and will return the documents upon completion of that review. We expect to identify the six professional staff members to whom access will be granted at an early date and will ensure that your office is notified. Finally, we have arranged for the Committee to receive the documents and to store them in S-407 as soon as they can be provided.

With every good wish,

Sincerely,

RICHARD G. LUGAR.
CLAIBORNE PELL.

□ 1350

Mr. MATHIAS. Mr. President, I have been following the efforts of the Senator from Georgia with great interest. I have noted that there is a considerable interest in the country, far beyond Capitol Hill itself. I congatulate him for his leadership and his persistence in this matter. I think the administration is also to be congratulated for taking a broad and, I think, proper view. I believe the country is going to be better off as a result of the decision made in this matter.

Mr. President, I ask unanimous consent that the pending amendments be set aside that I may call up amendment No. 2355.

Mr. HART. Mr. President, will the Senator yield for just 1 minute on the previous issue we were discussing?

Mr. MATHIAS. If I can yield without losing my right to the floor.

The PRESIDING OFFICER. Without objection.

Mr. HART. Mr. President, as early I think as last April in behalf of the chairman of the Armed Services Committee, Mr. GOLDWATER, the ranking member, Mr. NUNN, the Senator from Virginia, Mr. WARNER, and the Senator from Colorado raised objection with the administration on behalf of the Armed Services Committee about the posture that had been taken that the Antiballistic Missile Treaty was now being reinterpreted in a broader sense as to what kind of research and development could be permitted but that the evidence based upon the negotiating record that permitted that broader interpretation would not be made available to the the Armed Services Committee or the Senate.

With the approval of both the Senator from Arizona and the Senator from Georgia, our committee went forward to seek that record. Today we have finally after several months received approval from the administration so that the Senate of the United States can have access to a record that, in this Senator's view, under constitutional law has been and should have been available to us all along. There seems little question to anyone who has any kind of notion about the constitutional balance of powers that the Senate of the United States must have full and free access to the negotiating records to carry out its treaty ratification responsibility.

So I want to thank the Senator from Arizona and the Senator from Georgia for their persistence as well as the leadership in the Foreign Relations Committee in bringing about what is, I think all of us acknowledge, a necessary result, and had it not been for their persistence, we could have been in a very, very serious crisis between the legislative and executive branches.

I am glad finally the administration came around to the obvious point of view. But I think had it not been for the persistent effort by our committee leaders, that might not have happened. We would have suffered as a consequence.

Mr. NUNN. Mr. President, I thank the Senator from Colorado. He is the ranking Democratic member of the Strategic Subcommittee and has played an enormously important role in not only our strategic weapons program, but also in the review of the negotiating posture of SALT II agreement, as well as the START negotiations now. He has been a leader in trying to secure this information that we now hopefully are going to get within the next week. So I thank my friend from Colorado for his remarks, for his leadership, and for protecting the institutional role of the U.S. Senate as well as our interest in the arms control negotiations that are currently going on.

Mr. LEVIN addressed the Chair.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. NUNN. I yield the floor.

Mr. MATHIAS. I think I have the floor.

Mr. LEVIN. Will the Senator yield 2 minutes?

Mr. MATHIAS. Mr. President, I ask unanimous consent that I may yield briefly to the Senator from Michigan without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. I thank my friend from Maryland.

First, let me congratulate Senators NUNN, LUGAR, HART, and all of those involved in these negotiations. The administration came up with a radical new interpretation of the ABM Treaty. It accepted mutually the Soviet Union interpretation of 13 years, and suddenly came out with a totally new interpretation. Senator NUNN and others have been able now to finally obtain materials from the administration. I commend them for this great success.

I am troubled by a couple of lines in this letter. I am wondering whether Senator NUNN might comment on them. I am troubled with the lines which read near the bottom of page 1, "The document from the negotiating record on which the administration relies" will be provided. That sounds like the portions that they will be giving to us are only the portions which support their new position, rather than all of the relevant portions on this issue.

Mr. NUNN. I am sorry. Would the Senator repeat which letter that is? Is that the letter from the Secretary of State?

Mr. LEVIN. The letter from the Secretary of State, August 5.

Mr. NUNN. What paragraph?

Mr. LEVIN. Near the bottom of page 1, the last line says—it is a long line, but I am going to use part of it—that the documents from the negotiating record on which it relies implies that the only documents from the negotiating record which we would be receiving are those portions they are using to rely on for their new interpretation, and on page 2 of that same letter, it says in the third from the last paragraph, we are making available the items on which the administration's interpretation was based, again implying that it is only the items that support the administration's interpretation which are being furnished.

I know the Senator from Georgia has a very different idea as to what is intended and surely what he intends. I wonder whether he might want to comment on that. I believe he has covered this in part in his response. I think it is important for the RECORD as to what our understanding is as to what will be furnished.

Mr. NUNN. The Senator has read this document very carefully, this letter from the Secretary of State. But the understanding we have had orally is that we will get all portions of the negotiating record that are relevant to this subject on one side or the other.

Any phrase in the Secretary of State's letter that might be interpreted as qualifications would, in the spirit of what was agreed to, not really be qualifications. That remains to be seen, though.

What we are saying now is that we believe we have a good-faith understanding, we hope it is good faith, that we are going to receive the documents, and we are going to pursue any other documents we might need. Senator PELL and Senator LUGAR read this letter very carefully also. They drafted a response to the Secretary of State. In that response, dated August 8, which Senator PELL has already introduced in the RECORD, the second paragraph reads as follows:

> We hope that the provided materials will be sufficient to allow those judgments to be made. But we will not be certain of that until we receive the materials and review them. Accordingly we must reserve the right to request any additional documents within the scope of our August 1st letter which we might identify in the course of our review and which we conclude are necessary to a full understanding of the negotiating record.

So I say to the Senator, first, that the original letter from Senator LUGAR and Senator PELL was indeed very broad, and, second, the response from the Secretary was somewhat narrowed with some specific words. The Senator has correctly identified these words as perhaps troublesome. However, our response on August 8 made it clear we wanted the documents we originally referred to. We reserve the right to ask for additional documents. That is the understanding. The oral understanding is that we would have access to all relevant material.

Also, I might add we have asked for and will receive the Fitzgerald report and all accompanying documents. This report of course supports the original interpretation. So if you have the material supporting the interpretation of the negotiating record on both sides, it seems to me you have gotten pretty close to what we need, but we will judge it as we go and, hopefully, we will get everything we need. We will continue to pursue it.

Mr. LEVIN. I thank my friend. Again, I thank my friend from Maryland.

Mr. MATHIAS. Mr. President, I ask unanimous consent that the pending amendments be set aside so that I may call up Amendment 2355.

Mr. KENNEDY. Mr. President, will the Senator withhold that request for a moment?

Mr. MATHIAS. Perhaps we could get the Chair to act on that request, and then I will be happy to yield.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MATHIAS. I yield to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I, too, want to join my colleagues in commending those on the committee for what I think is enormously important service to the Senate and to the American people in obtaining these kinds of assurances and being able to examine the various information at the time of the consideration of the ABM Treaty.

We have seen in recent times where the administration has been reluctant in supplying the Senate as well as the House of Representatives important and valuable information so that they could fulfill their particular functions. We have seen some willingness in the recent days to accede to the request of the Senate Judiciary Committee in one area, to provide information vital to our constitutional responsibilities and advising the President on a nominee for Chief Justice of the Supreme Court.

I must say the work done now by all of these Senators in a bipartisan effort to gain this information I think is commendable in an area of enormous importance to our national security.

I join in commending all of those who have spoken now during these past few moments because I think it is very significant service to this institution and to our country.

I thank the Senator from Maryland for yielding.

□ 1400

AMENDMENT NO. 2355

(Purpose: To require that any United States Government support for military or paramilitary operations in Angola be openly acknowledged publicly debated)

Mr. MATHIAS. Mr. President, I call up amendment No. 2355.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Maryland [Mr. MATHIAS], for himself, Mr. LEAHY, Mr. BRADLEY, and Mr. SIMON, proposes an amendment numbered 2355.

Mr. MATHIAS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following new title:

TITLE —

SECTION 1. DECLARATION THAT ANY SUPPORT FOR MILITARY OR PARAMILITARY OPERATIONS IN ANGOLA SHOULD BE OPENLY ACKNOWLEDGED AND PUBLICLY DEBATED.

The Congress finds that the United States Government should support military or paramilitary operations in Angola only if the provision of that support is the openly acknowledged policy of the United States. It is, therefore, the sense of the Congress that the United States Government should not provide any such support until the President has publicly informed the Congress and the American people that United States Government support for military or paramilitary operations in Angola is important to the national security and the Congress has approved such support.

SECTION 2. ENSURING THAT SUPPORT IS OPENLY ACKNOWLEDGED.

(a) ANY SUPPORT MUST BE OPENLY ACKNOWLEDGED.—During fiscal years 1986 and 1987, a department, agency or other instrumentality of the United States Government may obligate or expend funds—

(1) to conduct, directly or indirectly, military or paramilitary operations in Angola, or

(2) to provide any financial, material, or other assistance, directly or indirectly, to any group engaged in military or paramilitary operations in Angola,

only if the use of funds for that purpose is the openly acknowledged policy of the United States Government, as determined in accordance with subsection (b).

(b) PRESIDENTIAL REQUEST AND CONGRESSIONAL APPROVAL.—In order to ensure that any United States Government support for military or paramilitary operations in Angola is openly acknowledged, funds may be used for the purposes described in subsection (a) only if—

(1) the President determines that United States Government support for military or paramilitary operations in Angola is important to the national security and submits to the Speaker of the House of Representatives and the President of the Senate a request that the Congress approve openly acknowledged United States Government support for those operations; and

(2) the Congress enacts a joint resolution approving United States Government support for military or paramilitary operations in Angola.

Any such support may be provided only to the extent permitted by that joint resolution.

(c) INTERPRETATION OF LIMITATION.—Nothing in this section should be construed to prohibit the obligation or expenditure of funds for—

(1) United States diplomatic activities;

(2) activities of the United States Armed Forces which are reported to the Congress pursuant to section 4(a) of the War Powers Resolution; or

(3) assistance provided through the United Nations High Commissioner for Refugees or the International Committee of the Red Cross.

(d) RELATIONSHIP WITH OTHER LAWS.—The requirements of this section may not be waived under the authority of any other provision of law. This section supercedes any provision of law which might otherwise be construed to allow funds to be used for the purposes described in subsection (a).

Mr. MATHIAS. Mr. President, I anticipated we would call up this amendment last night. But we had reached the point in the debate when the chairman of the committee said that thereafter we would be dealing with cats and dogs. Since this amendment did not fit into the category of either a cat or a dog, that it might be more analogous to an alligator, therefore, I thought we better hold it over until today.

Mr. President, we have covered a lot of ground on this bill thus far, and I congratulate the chairman of the committee, I congratulate both managers of the committee.

Mr. President, we have gone from defense needs to arms control to homeporting. We have discussed conventional and nuclear arms, unconventional warfare and what is now termed "low intensity conflict." At the initiative of the Senators from Maine and Georgia, we have moved to enhance the coordination of special operations forces that might be needed in high-intensity and low-intensity conflicts.

Mr. President, I would like to discuss briefly one high-intensity conflict in which the United States is beginning to insert itself more and more deeply—as yet without very much congressional consideration. I might say without proper congressional consideration.

I am referring to Angola, a vast, mineral-rich country in southern Africa which is in the throes of an escalating civil war, a civil war which has complex origins in the protracted collapse of the last colonial empire in Africa, a civil war into which both Superpowers were drawn in the 1970's and now seem to be drawn again in the 1980's.

The United States has only recently switched from a role of active mediation in Angola and the region's disputes to that of indirect participation on one side. We have done so, incredibly, without congressional debate, without full consideration, without any public attention, by the increasingly popular device of "covert aid."

Covert action and covert aid amount to the conduct of foreign policy and sometimes conducting war by clandestine means. As such, in a difficult and dangerous world, they have a place in our foreign policy—though on a sharply limited plane.

For example, covert activities should pass a number of stringent tests before they go forward. They must not violate the law; they must be adopted only after all above-board options have been exhausted; and they must form part of a coherent policy which contributes to realistic objectives and national interests.

Covert aid or covert action must, at a minimum, be covert.

It is perfectly ridiculous to talk about overt-covert aid and yet that is what has been happening in our involvement in Angola.

In recent months, Jonas Savimbi, the leader of one faction which opposes the government of Angola, has been wined and dined in Washington. He has been received at every official level. The President of the United States has expressed overt support for covert aid. An American public relations firm has acquired a contract worth hundreds of thousands of dollars—probably our dollars to promote UNITA—publicly and privately.

So I think we can all say that the option of covert assistance in Angola is a tenuous one.

It may be an option that just does not exist any more. We could call it, perhaps, partially disguised aid, or we can say it is unpublicized aid, or we can call it a number of other things. But I do not think we can call it covert.

Let us face it. Beyond a vague, fingers crossed hope that other African nations will not notice, the main effect of continuing to label the provision of weapons and other aid to UNITA is to exclude the Congress from a full and direct role in an important matter.

The intelligence committees review covert actions, but have very restricted power—not the authority essential for discussing and developing a credible policy over the long run. Under the Constitution, Congress has the power to declare war and appropriate funds for defense and foreign policy. Certainly, under these terms, the supply of military material in Angola, apparently including Stinger missiles, amounts to a major shift in American foreign policy—one in which Congress should be directly involved.

Without discussing Angola at length, without raising complex issues such as the extent to which we align ourselves with the government of South Africa at a most inappropriate time or the best strategy for promoting stability in the region, the case for full discussion is sound and compelling.

And that really, Mr. President, is the principal objective of this amendment—that assistance to UNITA be openly acknowledged through a request for funds, be fully debated and be put to the ultimate test, a vote in this Chamber.

Little more than a decade ago, we intervened in Angola—covertly. And what happened? Without clear goals, with little understanding of the dynamics of the collapse of a moribund colonial rule, we intervened with very little preparation and less commitment.

Today, supporters of aid to UNITA argue that the climate is different, that the cause is simple and just, that we are ready now to make a long-term commitment to stick it out.

But through this amendment, I ask—and my cosponsors ask, the distinguished Senator from Vermont [Mr. LEAHY], the distinguished Senator from New Jersey [Mr. BRADLEY], and the distinguished Senator from Illinois [Mr. SIMON]—in this particular region are we ready for a long-term commitment?

I am confident that if we all examine the circumstances more closely—instead of labeling it covert and looking the other way pretending that we are not noticing what is happening—our policy will compel us to move in another direction. Without beginning to answer them in detail, I might just ask a few pertinent questions.

For example, do we really want to align ourselves with the Government of South Africa in this way at this time? How can we expect the South Africans to respect our determined opposition to apartheid as long as we are cooperating with them on what they perceive as a critical security matter?

Do we believe that we can help bring about a withdrawal of Cuban troops by taking sides and raising the level of the confict militarily? A year ago, the United States was accepted, accepted as the key mediator in the region's conflicts. Today, after the decision to intervene actively, if covertly, the Angolans refuse to talk to us.

Is UNITA really in danger of defeat, as some supporters of covert aid argued after last year's Government offensive? Intelligence reports would suggest otherwise.

We must continue to seek a negotiated solution to these conflicts, and UNITA remains a central factor in these negotiations. UNITA and the people it represents deserve to participate in the Government of Angola, and I have no doubt, will do so.

Many other questions need to be addressed before we intervene in Angola in this manner. We should debate them, we must debate them.

It is ironic: If constructive engagement had been more effective, South African troops would not be invading Angola and other states at will. And Angola, which has expressed interest in ridding itself of 30,000 Cubans, might be more willing to do so.

The United States, the most powerful and economically influential nation on Earth, has a lot more to offer small, developing nations such as Angola than Stinger missiles. The leaders of Angola may have no more interest in a long-term alliance with the Soviet Union than many other African states that have gone through this politically bankrupt and economically stagnating experience—and pulled away. In complex, Third World conflicts such as this, we have tremendous diplomatic and economic assets to use without turning to military force—overtly or covertly.

Whatever we decide to do, we certainly ought to talk about it—very soon.

Mr. LEAHY. Will the Senator yield?

Mr. MATHIAS. Yes.

Mr. LEAHY. Mr. President, I commend the distinguished Senator from Maryland for his statement. As usual, he shows a sense of history, a sense of conscience, and also does, as so often should be done in this body, point out to all of us on both sides of the aisle that we ought to determine just where we are going by our policies, asking those questions that unfortunately too often we ask after the fact when we wished we could have undone something we had done.

□ 1410

He has once more shown the wisdom that we are accustomed to in this body from him and that the people of Maryland are accustomed to from him.

Mr. President, I am concerned that we see this proliferation of so-called covert actions around the world, especially when we have covert actions that are announced at Presidential news conferences and are talked of openly by people in the administration. Those of us who have the responsibility of oversight in intelligence matters find, more often than not, that we read more facts about these intelligence matters on the front pages of the New York Times or the Washington Post or the Wall Street Journal in the morning than we ever do in intelligence briefings.

That is not the way to run covert operations. But it is worse than that. It is a policy whereby this country is more and more substituting covert action for a foreign policy. There has never been a time in the history of this Nation when we have successfully substituted covert action for foreign policy. It also, I think, puts in people's minds that all covert actions must be matters that we openly discuss and have on the front pages of the paper. I think that is creating an enormous problem for our intelligence agencies.

Obviously, the United States, as a major power in the world, will have secret actions, intelligence actions, covert actions around the world, which must, for our own national security and the national security of our allies, remain secret. So it does not make sense to me to have a White House that announces what they call a covert action and bring people to the White House—like Jonas Savimbi—talk to them, allow them to have $600,000 to hire Black, Hannaford & Stone, but then say, "This is secret, we cannot debate it." We can only talk about it when Black, Hannaford & Stone comes in, we can only talk about it when the White House wants to discuss it, we can only talk about it on backgrounders by the State Department or the White House for reporters, but do not debate it in Congress.

Our amendment, which I support, along with Senators MATHIAS, BRAD-

LEY, and SIMON, is identical to one proposed in the House of Representatives by Mr. HAMILTON, the chairman of the House Permanent Select Committee on Intelligence. The House version is also expected to be included in the fiscal year 1987 intelligence authorization bill that will be reported shortly by the House Intelligence Committee. In all likelihood, this provision will pass the House of Representatives as part of its intelligence bill.

Mr. President, I will not repeat again all the arguments for or against supporting the UNITA guerrillas of Jonas Savimbi in Angola.

The fact is that UNITA has continued as a guerrilla movement in Angola since before that country's independence in 1975. It remains locked in an interminable and bloody conflict with the winner in the struggle against Portuguese colonial rule in Angola—the MPLA.

It is no secret to anyone who reads the newspapers that the administration has decided to provide assistance to UNITA in its fight against the MPLA. The President, the Secretary of State, and senior officials in the State Department and other departments and agencies have all made repeated public references to this program. Then why not follow the suggestion of the Senator from Maryland. The President actually received Mr. Savimbi in the White House, and Savimbi subsequently expressed satisfaction with the assurances he had been given, apparently those covert assurances we cannot debate here. We have also been treated to the usual succession of deliberate leaks from executive branch sources promoting this involvement.

My strong view is that the United States should not help Savimbi continue his guerrilla war. It is simply not clear to me that United States support to UNITA would meaningfully advance United States interests in southern Africa. UNITA's conflict with the MPLA has raged for more than a decade and Savimbi has received support from a variety of outside sponsors over the years, including the Soviet Union, Cuba, China, South Africa, and lately, the United States. Basically, Savimbi will take aid from whomever will give it. In the 1970's when it was the Soviets and the Cubans paying the bills, he was a Marxist. Now, he has seen the light of capitalism. Savimbi understands us so well he is paying one of the best known lobbying firms in Washington $600,000 to sell the right image in the corridors of power on Pennsylvania Avenue and Capitol Hill.

The question of whether to aid Savimbi is a major policy issue for the United States. It is not something that can be tucked away in an intelligence budget. Only last year, Congress repealed the Clark amendment which prohibited assistance to factions within Angola, after the abortive U.S. involvement with the now-moribund FNLA group just after independence. Providing assistance to UNITA now would tend to align the United States with the Government of South Africa at very much the wrong time. It would in all probability make it more, not less, difficult to achieve fundamental United States goals in the region such as the withdrawal of Cuban troops from Angola, gaining the independence of Namibia, and inducing an end to apartheid and a process of peaceful change to majority rule in South Africa. It threatens to further alienate the United States from the black African states which are already upset with the administration's thoroughly discredited policy of "constructive engagement" with South Africa.

Assistance to UNITA is the latest expression of efforts by ideologues in the administration to commit United States power in so-called low-intensity conflicts in the Third World which they see as manifestations of global competition between the United States and the Soviet Union. We hear much about a "Reagan doctrine" of sponsoring insurgencies against Marxist regimes throughout the world. This is linked to another theory that the United States must engage in a period of "low-intensity warfare," which includes not only legitimate and necessary responses to international terrorism but also anti-Communist insurgencies throughout the world that would involve the United States both directly and indirectly.

Mr. President, supporters of aid to UNITA argue that the United States must more actively use its military power to resist and even to destroy Marxist regimes in the Third World. But even if one were to accept that such a doctrine made sense, to be sustainable it would have to have the support of Congress and the American people and serve clearly understood policy goals. Again, what we need is a foreign policy, not a covert action policy. As with the Contras in Central America, I fear that there are no such clear objectives for support to UNITA. Is it to pressure the Angolan Government to request Cuban withdrawal? If so, that is a most unlikely outcome of a policy which mounts an even greater military threat to the MPLA regime. Is it to reassure the South African Government that the conditions are right for granting real independence to Namibia? In that case, recent statements of the South African Government scarcely give cause for optimism. Is it to overthrow the MPLA regime? The current regime is widely recognized throughout the world, including in Africa, as the legitimate Government of Angola. Or is it simply to put pressure on that regime to reach an agreement with UNITA, consistent with U.S. objectives in the region? From all that I know, a reconciliation between the MPLA and UNITA, especially in the presence of Savimbi, is highly unlikely.

These issues cannot be resolved if the President were to rely on a secret aid program carried out without the express approval of Congress. Providing assistance to UNITA through covert channels would impede open discussion of the policy issues and preclude gaining informed public support. It also prevents full and informed congressional debate. And very important for this Senator, it would not make the elected representatives of the people stand up and vote, and be held accountable at the ballot box.

Everyone could go home and say, "Well, I have some strong views on this, very strong views. It is a very serious matter on both sides." "How did you vote, Senator?"

"Well, you know, that is covert action; we don't have to tell about that, we don't have to talk about it."

I do not think that is being responsible. Our amendment would insure accountability.

Mr. President, our amendment would ensure such discussion and accountability by requiring the President to acknowledge openly any proposed assistance to UNITA. It would provide for full debate by requiring a joint resolution in order to authorize such activities. The joint resolution procedure would not be unduly burdensome since the resolution could be attached to other legislation requiring the attention of the House and Senate.

I would urge my colleagues to consider carefullly the issues that are at stake in this matter, and to support the right of Congress and the public to participate in the resolution of this important issue.

Those are the issues. Mr. President, do we substitute covert action for foreign policy? Do we make it possible for the 100 Members of the U.S. Senate never to have to vote on this issue, one of the major foreign policy issues facing the country? Or do we openly debate it, openly discuss it, then let the majority rule? After all, that is really what our democracy is based on.

I applaud the Senator from Maryland for raising this question. I yield back to the Senator from Maryland.

Mr. HART addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. HART. Mr. President, I wish to join the Senator from Maryland in offering this amendment. Leaving aside the question of what one thinks our foreign policy in Africa, specifically in Angola, ought to be, the Senator from Maryland has put his finger on a very important tide and trend, a very disturbing trend in American foreign

policy in recent years. That is, as the Senator from Maryland says, covert operations without the open debate and support necessary to carry those operations out. I think one has to go back to Jefferson to understand the importance of public debate and public support and consensus for any policy in this country, particularly with regard to other nations in the world.

There is something sort of fishy, Mr. President, about a policy that cannot be brought to the floor of the U.S. Senate or taken to the American people overtly and publicly debated and consensus formed on a bipartisan basis to carry out that policy. If this approach, this overt-covert approach were being used in one country only, some argument might be made that there is a peculiar necessity, given the culture, history, or politics of that nation. But there is, as I say, a disturbing trend, even a tide running in American foreign policy in the United States in the 1980's that we are conducting more and more of our policy in that way. It is increasingly military. It is increasingly covert, but it is increasingly asking Members of Congress to support overtly a covert policy. I do not think we can have it both ways, whether we are talking about Angola or Central America or anywhere else. There is something therapeutic, there is something that is honest about a Chief Executive and Secretary of State coming to the Congress of the United States overtly declaring what our policy is and what its intentions and aims are and seeking overtly the conscious support of the American people through their elected representatives.

Leaving aside how one feels about the specifies of Angola or leaving aside how one feels about the specifies of Central America, I think this country will regain its honor in international relations when we feel strongly enough in terms of our own domestic politics about overthrowing some foreign government or supporting some insurgency force that we are willing to declare that support openly and provide that support openly and have a debate among the American people if that is in fact what they want their foreign policy to be. If there is some extreme necessity for some covert operation as far as the national security of the United States is involved, where lives of Americans are involved, and where those extraordinary circumstances prevail where we just cannot afford to have that kind of public debate, I think Members of Congress will understand that and the American people will understand that. That is not what we are talking about in Angola and it is not what we are talking about in Central America. That is overt foreign policies that are overtly debated and overtly supported by the United States and those are the policies that will stand this country in good stead and sustain a consensus over a number of months and years instead of seeing that support wax and wane.

I commend the Senator from Maryland on offering this amendment. I hope it becomes a hallmark of all of our foreign policy conducted throughout the world.

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, I should like to address for a moment the amendment offered by the Senator from Maryland [Mr. MATHIAS] and the interesting observations that have been made by the cosponsors, Senator LEAHY and Senator HART.

This amendment does address a very serious problem and a serious issue, and I think it is really a question of how and when we use covert aid as an instrument of our foreign policy. Tension on this particular facet of the debate has grown over recent years, and I think it is because it is between public policy which we made very visible and very articulate and our covert policy, and as these collide the tension has become very acute.

I think none of us would question the importance of covert activity as part of our policy. I think, though, that what we must debate and what we must fully understand is how we do indeed keep it covert, keep it accountable and responsible and specific to the issue before us.

Mr. President, regarding the amendment as presented today, however, I think it is the wrong time and the wrong place for us to have this debate. As we analzye the role of covert-overt activity in our foreign policy, we must be able to do it in such a way and in hearings over a period of time that are classified and closed so we can give some thoughtful and responsible attention to it.

The problem is not only in Angola, as has been stated before. It is in our overall approach to covert policy. I think that the answer really does not lie in discussing programs openly that are handled covertly, and the amendment before us, it really seems to me, is attempting to reinstate the Clark amendment which we repealed last year overwhelmingly by a vote of 63 to 34.

Our policy over the past couple of years I think is only serving to undermine the use of covert activity as a type of aid in our foreign policy, and if we cannot conduct a debate and analyze how we can use the two, covert and overt, without an open debate arguing whether it should be covert or overt, I think we fail on both counts. That is why I believe that raising this amendment, debating it to a certain extent, as we have today, is exceptionally useful and important.

I am wondering if the authors of the amendment, which I know feel a deeper review is important, would consider having a closed hearing in which this can be thoroughly explored. The chairman of the Foreign Relations Committee, Senator LUGAR, has authorized me to say that he would be prepared to schedule a classified briefing for the Committee on Foreign Relations on the kind, extent and duration of U.S. support for paramilitary operations in Angola, and I would like to add I think it is important perhaps for us to take it even beyond that in some thoughtful analysis of just exactly how we do handle overt support but covert strategy.

Mr. HART. Will the Senator yield for a question?

Mrs. KASSEBAUM. I am happy to yield.

Mr. HART. Why would that hearing have to be a classified hearing?

Mrs. KASSEBAUM. It seems to me that certainly part of it would have to be classified in order to hear reports and activity that is ongoing, that is important on which to have background information. I do not think all of it should be classified. I think certainly some of it should be, and I know it is the desire of the chairman of the Foreign Relations Committee to be able to have available all of the information that is possible.

Mr. HART. Is the distinguished Senator from Kansas aware of national security implications in Angola that cannot be discussed publicly before the American people—for instance, security of the United States?

Mrs. KASSEBAUM. I think there are some aspects of our policy which we should review as a committee that should be on a classified basis. I think it is essential it be done so that we can determine as a committee then what indeed can be openly and ultimately discussed. It is a very sensitive area and region, as the Senator from Colorado knows, and I think it is important for us in a responsible committee to be able to get a look at the classified material in such a way that it would be the basis for judgments of what should be part of an open hearing.

Mr. HART. I appreciate the customarily thoughtful response of the Senator from Kansas. I must say, as a veteran of the Armed Services Committee and a former member of the Intelligence Committee, I am aware of no fact having to do with our operations in Angola that somehow relate to the national security of this country that could not be discussed in open hearing.

Mrs. KASSEBAUM. I yield the floor.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, just very briefly, I strongly support this amendment. I think there are four points we ought to keep in mind. First, the United States should not be involved in overthrowing governments in other countries, period. If we try to overthrow the governments we do not like, that is about two-thirds of the governments on the face of the Earth. We are going to have our hands full. Second, what this does is to reinforce an image and get us into trouble in all kinds of other places. When the CIA and the United States in one way or another gets involved in these kinds of covert or overt attempts to overthrow governments and create problems within a country, it reinforces the image of the CIA being involved everywhere, and any time anything happens people say, "It's the CIA" and it becomes believable. We should not be involved in this kind of thing. Third, it hurts in Africa, everywhere.

□ 1430

Who is aligned with this group? Two countries—South Africa and the United States of America. I do not think that is the image we ought to be creating.

Finally, I had a discussion—after an article appeared in, I think, the Washington Post a week or 10 days ago, whenever it was—with one of my colleagues about some of the terrorist activities; and my colleague said—and these are his words: "Yes, but these are our terrrorists."

I do not want any terrorists on our side. I do not want to be involved in that. I do not think the American people do. I think it is a blunder. We ought to be using every possible diplomatic means to solve these problems, but let us not take this kind of action.

I strongly support this amendment.

Mr. THURMOND. Mr. President, I rise in opposition to the amendment offered by my distinguished colleague from Maryland. This is the second time that an amendment relating to possible U.S. covert activities has been brought up for debate on this bill.

It is clear that the intent of this amendment is to end aid for democratic resistance movements under what has become known as the Reagan Doctrine. The proper arena for a discussion of this kind is in the Intelligence Committee because it is in the best interest of our Nation that certain sensitive activities not be made public.

I regret that the sponsors of this amendment are advocating a measure to open intelligence activities to public scrutiny. This could ruin the effectiveness of these activities.

Mr. President, the intent of the amendment is not to show public support for democratic resistance movements, it is to destroy a very effective tool of our foreign policy. The freedom fighters in Angola will derive no benefit from this amendment. They already have the support of a majority of Americans.

Mr. President, I urge all of my colleagues to vote against the pending amendment.

NEED FOR DEBATE ON AIDING ANGOLAN INSURGENTS

● Mr. BRADLEY. Mr. President, U.S. involvement in an ongoing military conflict raises difficult and important issues for our foreign and national security policy. Any continuing covert assistance to insurgent forces in Angola is also likely to become highly controversial. It would commit American resources and prestige to one side in a long civil war. Yet, the Senate has not decided whether the United States should take sides in this war. Nor has it said what our aims should be if we do. Should we lead UNITA to rely on our continuing support without indicating clearly the extent or limits of our commitment? Should we allow South African authorities to identify the United States with their interests in Namibia or Angola? Would any covert assistance to UNITA serve U.S. interests in promoting peaceful change and progress toward democracy in southern Africa? These are among the questions that the Congress should address before enacting an important and potentially controversial covert paramilitary assistance program in Angola.

An open debate on these policy issues is not only essential, it is also feasible. The merits of a covert paramilitary assistance program can be discussed openly, as in the debate over U.S. support for the armed democratic resistance in Nicaragua. This debate did not impair U.S. policy in the region. Nor did it reduce the responsibility of the Senate Select Committee on Intelligence for overseeing the activities of the U.S. intelligence community. To the contrary, it has strengthened the basis for effective oversight. By classifying the aims and limitations of congressional support for the administration's program, open debate has instead helped the committee to develop standards for overseeing covert paramilitary support to the Nicaragua resistance. It has also helped to focus the administration on the requirements for greater economic assistance to strengthen the fragile democracies of Central America.

I believe a debate on any continuing covert assistance program of paramilitary support in Angola would serve similarly desirable goals. It would demonstrate whether or not there is enough support to sustain a program of assistance and if so, it would establish a framework for critical oversight. In the event Congress makes clear its lack of support for current policy, it would limit the costs and risks of deepening an unpopular and ultimately unsustainable engagement. So regardless of one's position on the merits of aiding UNITA—and I personally believe it to be wrong—an open debate on whether the United States should take sides in this war would clarify and promote U.S. interests in southern Africa.●

● Mr. KENNEDY. Mr. President, I commend Senator MATHIAS and Senator LEAHY for introducing this amendment, and I think the Senate should take special note that this amendment is being cosponsored by the ranking member of the Senate Select Committee on Intelligence, Senator LEAHY.

I support this amendment for two reasons: first, the issue of providing assistance to the UNITA forces inside Angola is of sufficient importance to the American people that it should not be decided in the back rooms and darkened corridors of the Central Intelligence Agency; it deserves full and open debate in the sunshine of the American democracy; and second, I believe that the idea of U.S. assistance to UNITA is so unwise and wrong headed that any full and open debate of this issue will inevitable result in its defeat.

I oppose U.S. assistance to UNITA because it will damage United States interests in severely Africa and because it will be counterproductive to our efforts to reduce and eliminate Cuban and Soviet influence in that area of the world.

Supporting UNITA will place us in a de facto alliance with South Africa. It will undermine U.S. efforts to assist the antiapartheid forces inside South Africa, pit us against all the other nations of Africa, and increase anti-American feeling throughout the African Continent. In July 1985, the heads of state of 51 countries in the Organization of African Unity issued a statement in which they said that any U.S. aid to UNITA would be considered a hostile act against the Organization of African Unity.

Supporting UNITA will force the Government of Angola into even greater dependence upon Soviet and Cuban military assistance.

Supporting UNITA will involve the United States in what could be an open-ended and expensive commitment in another distant civil war to a side that has no realistic prospect of military success—as U.S. intelligence estimates confirm.

There is no serious student of African affairs that believes that support for UNITA is wise policy. In fact, the Assistant Secretary of State for African Affairs, Chester Crocker, based his entire approach to Angola on the premise that the United States could play the role of mediator and honest broker between the parties. If we provide assistance to UNITA, that role is over. The most astonishing thing, perhaps, is Chester Crocker's apparent desire to carry on when his Southern

Africa policy—even with respect to Angola—is in such a shambles.

The energy behind the movement to provide assistance to UNITA comes from a small band of right-wing extremists that looks at the world through the prism of the East-West competition. They believe that, no matter who, no matter where, the United States should insert itself into the internal conflicts of other countries, and they warn that if we do not, the Soviet empire will only be expanded at our expense.

This of course is a simplistic and uninformed view of world affairs, and it should not be allowed to guide our foreign policy.

I ask that an article by Jay Peterzell that appeared last February entitled: "Angola: Reagan's Covert Action Policy VI" be included in the RECORD.

The article follows:

ANGOLA: REAGAN'S COVERT ACTION POLICY VI

(By Jay Peterzell)

Unlike old soldiers, some bad ideas neither die nor fade away. Instead, they become ludicrous. One such idea is that it is in the interest of the United States to send military aid secretly to insurgents in Angola.

America's last significant intervention in Angola, during that country's 1975-76 civil war, was criticized at the time as serving no compelling purpose, and Congress prohibited further covert paramilitary assistance to any faction in Angola with the enactment of the Clark Amendment. Last year, that restriction was lifted. Although senior officials assured Congress that they sought the repeal only as a matter of principle and did not plan to use the new authority, the Administration has now announced that it intends to provide a reported $10-15 million in material and military aid "covertly" to anti-government guerrillas of the Union for the Total Independence of Angola (UNITA). A presidential finding authorizing the aid was submitted to the House and Senate intelligence committees in December, and a decision to begin providing such support is said to have been made in late January by the White House during a visit to Washington by UNITA's leader, Jonas Savimbi. Officials have also indicated that they may seek congressional approval of a much larger program of as much as $200-300 million following this initial step. A number of conservative groups have said that securing effective U.S. support for UNITA will be their primary foreign policy goal this year and have vowed to make the issue a "litmus test" for future support to conservative politicians.

Advocates of aid to Savimbi all make one or more of the following assumptions:

UNITA deserves U.S. aid because, as Representative Jack Kemp wrote recently in a letter to Secretary of State George Shultz, the group shares "our commitment to democratic government and open political societies."

With American backing, UNITA can force, or at least exert pressure leading to, the withdrawal of Cuban troops that have been in Angola since 1976 at the request of the Angolan government.

Savimbi can overthrow the Angolan government, now dominated by the Popular Movement for the Liberation of Angola (MPLA), or can force the MLPA to share power with UNITA.

But the recent history of Angola suggests that none of these assumptions is true.

By all acounts, UNITA is ideologically indistinguishable from the MPLA. Its human rights record is somewhat worse than that of its rival.

Moreover, the main effect of U.S. aid to UNITA would not be to force Cuban troops to leave Angola but to disrupt the Reagan Administration's most promising diplomatic initiative to date: the State Department's unflagging effort to negotiate the withdrawal of Cuban troops from Angola in exchange for an end to South Africa's repeated invasions of Angola and to its decades-long military occupation of Namibia, which lies between Angola and South Africa. The Angolans have agreed on several occasions to send the Cubans home if South Africa withdraws from Namibia. The MPLA has also agreed to the other major element of the U.S. plan—an end to infiltration into Namibia by Angolan-based guerrillas of the South-West Africa People's Organization (SWAPO), which is fighting for Namibian independence, in exchange for an end to South African support for UNITA. The effect of a significant program of U.S. aid to Savimbi would be to threaten the government of Angola so that the MPLA will no longer be willing to ask the Cubans to leave. And even a smaller, less-effective program would end the United States' role as an independent broker in the region.

American aid to UNITA would also cast the U.S. as an ally of South Africa in two ways. First, by association: South Africa has for years been the major backer of UNITA and its troops now fight side-by-side with UNITA's in Angola. Second, by result: U.S. actions would inevitably be judged by their effect—that is, they would be seen as an effort to keep Cuban troops in Angola so that South Africa will have an excuse for continuing its occupation of Namibia.

Finally, it is unlikely that Savimbi will come to power through military pressure whether or not there is a regional settlement. Recent CIA and State Department analyses reportedly concluded that Savimbi has no chance of defeating the MPLA and no chance of joining a coalition government. (The Defense Intelligence Agency was more optimistic, apparently based on the notion that there could be a pro-UNITA coup within the MPLA.) Indeed, even Savimbi himself admits he cannot topple the current government in Angola by force of arms. If Cuban troops stay in Angola, they can effectively defend the current government. If they leave, it will be in connection with the departure of South Afican troops from Namibia. But this would cut off UNITA's access to the constant supply of South African petroleum, materiel and direct combat support that is responsible for much of its recent success—and for its ability to operate outside its traditional area of control in southeastern Angola. It might be argued that a South African withdrawal would leave UNITA too vulnerable and that the group would then need assistance from American or other sources in order to survive. But that development is in the future. And even if South Africa were to stop supporting Savimbi, it is not clear why he is an American responsibility.

Indeed, official and conservative support for UNITA probably has less to do with UNITA itself—the group's slogan is "Socialism, Negritude, Democracy and Nonalignment"—than with opposition to the United States' 1976 withdrawal from Angola. The Clark Amendment was arguably the clearest example of the "Vietnam syndrome" at work, and aid to Savimbi has become an important symbol for those who favor U.S. intervention against left-wing governments in the third world.

The appropriateness of such intervention on a global scale has been put forward recently by senior Administration officials, including the President. In his 1985 State of the Union address, President Reagan said: "We must not break faith with those who are risking their lives—on every continent, from Afghanistan to Nicaragua—to defy Soviet-supported aggression and secure rights which have been ours from birth." He became more specific in a speech before the United Nations last November, vowing to give "America's moral and material support" to resistance movements. And several weeks ago, in the 1986 State of the Union address, he combined the two pledges. "You are not alone, freedom fighters," the President said.

"America will support with moral and material assistance your right not just to fight and die for freedom, but to fight and win freedom—in Afghanistan; Angola; Cambodia; and Nicaragua."

Angola has thus become an early test for this emerging Reagan Doctrine.

A kind of institutional momentum may also be a factor in the U.S. government's attachment to Savimbi. A comprehensive review of domestic and foreign press reports since 1976 suggests that the option of resuming support to UNITA was deliberately kept alive by both the Carter and Reagan administrations and that modest U.S. assistance may have been provided to the group during this period in violation of the Clark Amendment.

BACKGROUND AND HISTORY OF THE ANGOLAN CIVIL WAR

One of the earliest European colonies in Africa, Angola was ruled by the Portuguese from the sixteenth century until 1975. Three guerrilla movements fought for Angolan independence in recent years and received backing from various outside powers.

The Popular Movement for the Liberation of Angola (MPLA), founded in 1956, is based ethnically in the Mbundu tribe of northern and central Angola and the mestizo population of Luanda, Angola's capital. Between 1957 and 1973, the MPLA received three-quarters of its outside aid from the Soviet Union. The group also received aid from the Organization of African Unity (OAU) and from Scandinavian countries.

The National Front for the Liberation of Angola (FNLA), founded in 1962, was based ethnically in the Bakongo tribe of northeast Angola, from 1961 to 1969, the leader of the FNLA, Holden Roberto, reportedly received funds and weapons from The CIA. After 1969, U.S. assistance to Roberto fell to a yearly stipend of $10,000 for "intelligence-gathering." In 1974, the CIA reportedly resumed funding of the FNLA for paramilitary operations, and the group became a major recipient of covert American aid during the 1975 Angolan civil war. Prior to 1975, the FNLA also received significant support from China and Zaire, as well as limited aid from the OAU, Yugoslavia, Tunisia, Nigeria, Algeria, India and Uganda. During the mid-1960's, Roberto also sought aid from the Soviet Union and Cuba.

The Union for the Total Independence of Angola (UNITA) was founded in 1969 by Jonas Savimbi. Originally a member of the FNLA, Savimbi broke with Roberto, denouncing him as an agent of the United

States and criticizing the FNLA for its refusal to cooperate with the MPLA. UNITA's ethnic base is in the Ovimbundu tribe of south-east and central Angola. Its main source of arms prior to 1975 was China, although in the 1960s Savimbi also sought assistance from the Soviet Union, North Korea and North Vietnam.

The decisive event in winning Angolan independence was a 1974 coup in which the Caetano government in Portugal was overthrown by a group of left-leaning military officers. In July, the new Portugese government set up a five-man junta to administer Angola's affairs pending independence. In January 1975, the MPLA, FNLA, UNITA and Portugal signed the Alvor Agreement establishing a coalition government in which the four parties were to share power, with elections to be held in October leading to full independence in November. But the prospects for peaceful political competition quickly broke down. In February 1975, the FNLA attacked the MPLA's headquarters in Luanda, and during the remainder of the year the United States, the Soviet Union, Cuba, South Africa and other outside powers intervened on a major scale in an attempt to decide by military means which faction would take power in Angola. In February 1976, the MPLA-led People's Republic of Angola which had been received by 28 African countries by then, became a member of the Organization of African Unity.

A great deal has been made of the breakdown of the Alvor Agreement. In the view of UNITA and its supporters in the United States, the MPLA government is illegitimate because it came to power outside the framework of this accord. According to UNITA's foreign minister Jeremias Chitunda, the problem of Angola.

"All started in 1975 when a Cuban expeditionary force was sent to install in power in Angola the MPLA, the long-time Moscow protege thereby torpedoing completely the orderly decolonization of Angola by Portugal. This decolonization process was already in progress and duly enunciated in the Alvor Agreement. . . .

"But the preliminary surveys having repeatedly indicated that the MPLA would receive no more than 20 percent of the votes . . . and the Soviets being naturally averse to pluralistic democracy, Moscow decided to put its protege . . . in power by force.[1]

Of course, the fragile 1975 Alvor Agreement has limited relevance as a basis for political legitimacy in a country with no history of independence or democracy—and the MPLA's alleged violation of the agreement would hardly justify U.S. intervention eleven years later. It is true, however, that—although Chitunda exaggerates the figures—UNITA was expected to win a plurality in the 1975 election. This was because the Ovimbundu, which UNITA represents, comprises nearly 40% of Angola's population and is the nation's largest ethnic group. It is also true that the Ovimbundu are now unfairly excluded from playing a significant role in the Angolan government. In fact, it is this exclusion, and not violations of the Alvor Agreement or the presence of Cuban troops, that forms the legitimate basis for Savimbi's complaint.

Nonetheless, the MPLA's alleged refusal to abide by the Alvor Agreement is frequently cited now as justifying outside intervention against the government of Angola. So it is important to understand why the accord broke down.

According to John Marcum's The Angolan Revolution, the Soviet Union suspended aid to the MPLA in 1973 because a bitter split had developed in the leadership of the organization. Soviet assistance to the MPLA did not begin again until this internal dispute was resolved in the fall of 1974.

According to John Stockwell's account of the CIA's role in the Angolan civil war, In Search of Enemies, the CIA resumed funding to Holden Roberto of the FNLA on July 7, 1974—several months before the Soviets began sending what Stockwell says the CIA believed to be "limited amounts of arms to the MPLA." He writes that the FNLA had also received significant supplies of arms and over 100 military advisers from China between 1973 and mid-1974.

Exactly a week after the Alvor Agreement was signed, Stockwell writes that the National Security Council committee responsible for covert action:

"Authorized the CIA to pass $300,000 to the FNLA, which was historically the most warlike of the movements and which was thought to have the largest army. In February 1975, encouraged by [Zaire's President] Mobutu and the United States, Roberto moved his well-armed forces into Angola and began attacking the MPLA in Luanda and northern Angola. In one instance in early March they gunned down fifty unarmed MPLA activists. The fate of Angola was then sealed in blood."

Indeed, Soviet escalation in Angola appears to have followed and not provoked American actions in the civil war. Stockwell says that significant Soviet arms shipments to the MPLA did not begun until March 1975, well after the U.S. had begun to provide large-scaled assistance to the FNLA. Moreover, in July, the NSC directed the CIA to provide an additional $30 million in aid, this time to be split evenly between the FNLA and UNITA, which by now had been drawn into the conflict against the MPLA.

The final report of the 1975-76 House Select Committee on Intelligence (the Pike committee), which had access to documents and testimony from the CIA, supports Stockwell's account. Describing the January 1975 aid package of $300,000 for the FNLA, the report notes that:

"Later events have suggested that this infusion of U.S. aid, unprecedented and massive in the under-developed colony, may have panicked the Soviets into arming their MPLA clients, whom they had backed for over a decade and who were now in danger of being eclipsed by the National Front."

The report also notes that the CIA substantially undervalued equipment the Agency provided in Angola (.45 automatic pistols were valued at $5.00, semi-automatic carbines at $7.55) and that the official total for the program of $31 million should at least be doubled.

Once full-fledged warfare was under way, the future of Angola was fought out on the battlefield. In July, the MPLA expelled its two rivals from the capital city of Luanda. Cuba did not begin sending combat troops to Angola in support of the MPLA until October. At about the same time, South Africa sent armored columns north into Angola in support of UNITA. In November, MPLA and Cuban troops routed the FNLA in the north, while South Africa and UNITA continued to make progress in the south. On November 11, scheduled to be Angola's independence day, Portugal refused to name any party as the country's legitimate government. But the MPLA in Luanda announced the establishment of the People's Republic of Angola, which was quickly recognized by more than 30 countries, UNITA and the FNLA in turn announced that they had formed a coalition government of their own; but it was recognized by no one. On December 19, the U.S. Senate passed the Tunney Amendment prohibiting the use of 1976 defense funds for military purposes in Angola. The measure passed the House on January 27 and was signed into law on February 9, 1976. The Clark Amendment later made the funding restriction permanent. In January, partly in response to the impending end of U.S. involvement, South African troops withdrew from the conflict. By late February, MPLA and Cuban troops had swept aside FNLA and UNITA resistance and were in control of most of Angola.

While it is difficult to untangle the thread of actions and reactions, it is clear that UNITA's version—that the Soviets sent Cuban troops to Angola to prevent the MPLA from losing an election—has little to do with what really happened. In fact, the Soviets may not have sent Cuban troops to Angola at all. In his book *Breaking With Moscow*, Arkady Shevchenko—the highest-ranking Soviet official ever to defect to the United States—notes that he visited Moscow in the summer of 1976 and worked on a senior group reviewing Soviet policy in Africa. Shevchenko, who at the time was Under-Secretary General of the United Nations and had already begun spying for the CIA in preparation for his defection, says he asked First Deputy Foreign Minister Vasily Kuznetsov how the Soviets had managed to persuade Castro to send troops to Angola. "He laughed," Shevchenko writes. "Kuznetsov told me that the idea for the large-scale military operation had originated in Havana, not Moscow. It was startling information. As I later discovered, it was also a virtual secret in the Soviet capital. "But presumably it was no secret to Washington—at least, not once Shevchenko returned to the U.N. that fall.

The Alvor Agreement and the riddle of Soviet intentions may have little to do with the struggle now going on in Angola; but Savimbi clearly hopes to use these issues as a key to unlock the U.S. Treasury.

SAVIMBI AND THE UNITED STATES: 1976-1985

There is some evidence that the United States kept alive the option of aiding Savimbi after 1975 and even provided assistance to UNITA and South Africa in violation of the Tunney and Clark Amendments.

In February 1976, Sen. John Tunney told a Senate subcommittee on Africa that two of his aides had met with UNITA and that UNITA sources in Lisbon told my investigators they were receiving funds from Saudi Arabia and Kuwait, indicating that the United States had served as a go-between on the deals. The amount from Saudi Arabia was $50 million, coming, curiously enough, after the Senate amendment cutting off American covert aid.

Arranging such a deal may not have violated the Tunney Amendment, which had not yet been signed into law. But it may have included understandings about future U.S. arms sales to the Saudis or other matters, in which case American actions were arguably illegal.

A similar case was brought to light through an investigation by the House subcommittee on Africa. According to a staff report, between 1976 and 1978, the Space Research Corporation of Vermont violated the U.S. arms embargo against South Africa by shipping 60,000 artillery shells for 155 mm guns and other equipment to the South African government. The study found that

the arms deal had probably been arranged by a CIA agent involved in the covert action program in Angola after a 1975 request from the South African government for 155mm shells for use in Angola had been turned down by a high-level interagency committee. "At the very least," the study concluded, "this episode suggests serious negligence on the part of the Agency. At most, there is a possibility that elements of the CIA purposefully evaded U.S. policy." Prof. Gerald Bender, a specialist in southern African affairs who had recently visited Angolia, told the House Foreign Affairs Committee in 1980 that the 155mm cannon "has been used by the South Africans over the past two years in their attacks on Angola." He said he had seen "continual evidence of South African ground and air attacks against the country" and that every building in the city of Mungo had been bombed.

In May 1978, an NSC official reportedly met with Senator Dick Clark to discuss the possibility of providing military aid to Savimbi despite the existence of the Clark Amendment. CIA Director Stansfield Turner was said to have briefed the Senate intelligence committee on a plan to supply arms to UNITA through France, which had also played a minor role in the 1975 civil war, recruiting mercenaries for the CIA program. Sen. Daniel Moynihan told The New York Times that the Administration had been saying for months that it wanted to support Savimbi. An Administration official later said that the proposal had been made by the NSC and had the support of the CIA but not of the State Department.

Although aid was apparently not sent at that time, Cuban President Fidel Castro said in June 1978 on Issues and Answers that "we know from very good sources that recently the CIA established contact with UNITA in Angola and . . . promised U.S. assistance." Asked about Castro's charge later that day, Rhodesian guerrilla leader Joshua Nkoma said that "the general talk" was that the CIA had continued to help Savimbi through South Africa. "Everybody feels that way," he added.

Similar contacts with UNITA were reportedly made in the first year of the Reagan Administration. During the 1980 presidential campaign, Reagan had said he was in favor of providing Savimbi with weapons. According to news reports attributed variously to UNITA officials, Angolan diplomats and South African diplomats, in mid-March 1981, a small team of American military experts visited a UNITA base, probably in Namibia, to assess the group's needs and to examine Savimbi's request for anti-tank and anti-aircraft missiles. In another version of the story contained in a March 27 communique issued by the Namibian independence movement SWAPO, a UNITA delegation had met with Secretary of State Alexander Haig and received an understanding from him that the U.S. would provide anti-tank and anti-aircraft missiles to UNITA if France still supported the plan following upcoming French presidential election. The reported meeting with Haig may have been a garbled account of a March 1981 meeting in Morocco between Savimbi and "a State Department official" later identified as then-assistant Secretary of African Affairs Lannon Walker. According to one State Department official, Walker did not make any promises of aid but the meeting was intended to send a signal to the Angolan government that the Savimbi option was open.

In light of the Carter Administration's 1978 proposal, it is not implausible that the U.S. was again contemplating joint action with France, which, until the election of the Mitterrand government in the spring of 1981, was a traditional American partner in covert operations in Africa. Indeed, the French may have been involved in Angola all along. According to a 1981 interview by the London Guardian with a former captain of South Africa's Battalion 32, which was composed of Angolans and other blacks, French and Israeli mercenaries continued to train the battalion and to accompany it on combat missions in southern Angola. The former officer later said that Battalion 32 sometimes operated out of uniform and passed off its activities as the work of UNITA. Savimbi claimed later in 1980 that France had never stopped giving him money.

In early 1981, the Reagan Administration also began an effort to repeal the Clark Amendment, although the arguments it made for lifting the ban focused on opposition to "single-country prohibitions" and not on the virtue of supporting UNITA. Indeed, a State Department official interviewed later that year insisted that "you would not find any but the most bloodthirsty hawks in the Administration—and there are some—who think the way to pursue U.S. objectives is to aid Savimbi." The measure repealing the Clark Amendment eventually passed the Senate but not the House. No further efforts were made to repeal the ban.

The Administration may have committed itself at this point to the State Department's diplomatic initiative in the region. On the other hand, it may have decided simply to ignore the Clark Amendment. In September 1981, the Portuguese daily Portugal Hoje reported that U.S. and South African representatives had met with a group called the Military Committee of the Angolan Resistance (COMIRA), composed of partisans of the old FNLA and headed by a former FNLA mercenary, that was attempting to unify UNITA and the miniscule Front for the Liberation of the Enclave of Cabinda (FLEC). The U.S. representative allegedly outlined the Reagan Administration's determination to change the government of Angola and bring Savimbi to power. In December, the pro-communist Diario de Lisboa claimed that COMIRA had some 2,000 armed men based in Zaire that were being trained by U.S., Israeli, Egyptian and Belgian instructors. The paper claimed that the group had "a DC-3 and a DC-4 provided by the Reagan Administration" that had been transporting supplies into Angola. The paper quoted diplomatic sources as saying that U.S. advisers had refused to permit the group to stage large-scale military operations in angola and that such attacks would occur "only if diplomatic efforts fail." Little has been heard about COMIRA since, and the group may not have ever existed.

Savimbi did, however, meet with Haig in December 1981 during a visit to Washington. A State Department spokesman said the meeting signified American recognition that UNITA was a "legitimate political force in Angola which must be taken into account." The London Observer later reported that "Savimbi was given to understand that, if necessary, ways and means would be found to by-pass the Clark Amendment, which forbids U.S. aid to any group in Angola by channelling money through a third country." Indeed, Savimbi confirmed that this was his understanding in a January 1982 interview with the conservative Portuguese weekly tempo, and even indicated that he was already receiving American assistance. "Material help is not dependent on, nor limited by, the Clark Amendment," he told the magazine. "A great country like the United States has other channels. . . . The Clark Amendment means nothing." In October, UNITA reprentative in London told Africa Now that the U.S. was not helping the group militarily but said that "the U.S. has friends and allies who are being influenced by the U.S. to help UNITA. "The report noted that Saudi Arabia had increased its aid to UNITA—after previously cutting it—following Savimbi's December 1981 trip to the United States. Indeed, earlier that year, The New York Times quoted a State Department policy paper that said Savimbi's cooperation with U.S. diplomatic plans could be expected because he was dependent on aid from "parties we can directly influence"—apparently a reference to nations like Saudi Arabia and Morocco.

These reports were largely ignored by the American press until Newsweek, in an October 1983 cover story about the resurgence of the CIA under William Casey, made the cryptic assertion that "Training, arms and financial assistance are also given to military forces in Ethiopia, Angola and the Sudan." In a letter to the magazine, Casey denied "the allegation that CIA is providing covert aid to the insurgents in Angola." He noted that such assistance "would be illegal, and CIA does not violate the law."

### SAVIMBI, SOUTH AFRICA AND SWAPO

South Africa's relationship with Savimbi apparently goes back to mid-1974, at which time the South African press began to support him as a "moderate" leader for Angola. In October 1975, after consulting several other African leaders, Savimbi invited South African troops into Angola, and UNITA fought alongside South Africa until the latter withdrew from the country in January 1976. Since that time, South Africa has kept UNITA alive as a signifcant military force in Angola, providing the mainstay of the group's material support including weapons, explosives, vehicles, petroleum, food and medical supplies.

South African troops based across the border in Namibia have also regularly provided UNITA with direct air and combat support and even acted as UNITA surrogates. The latter is generally done by Battalion 32, a unit of the South African Defense Force composed largely of former members of the FNLA and other black African soldiers. In 1981, a British mercenary who had fought with Battalion 32 told the Manchester Guardian that the unit often operated out of uniform in Angola. "While Battalion 32 was taking Savate" in southern Angola, for example, he said,

"Two representatives of UNITA were waiting at the tactical headquarters down the road—one white intelligence officer and one black soldier. When the battle was over, they came up to claim the town for UNITA. The point is that UNITA hangs around in the Southeast where their tribe is and they can probably defend themselves, but they can't go out and take somewhere like Savate. We do it for them because it improves their bargaining position."

Another former officer in Battalion 32, an Angolan named Jose Ricardo Belmundo, said the unit was also sometimes requested by UNITA "to help them out of trouble. . . as they do not have the same skills as we do.

I personally took part in such bailing-out operations."

This kind of surrogate operation still occurs. In fact, The New York Times reported on January 12, 1986 that "Wynand Petrus du Poit, a South African captain, recently tried to blow up a 1.6 million-barrel oil tank farm operated by the Chevron Corporation in Angola." The South African commando was captured carrying leaflets in which UNITA claimed credit for the attack. The same pattern may also have accounted for incidents in the summer of 1984 in which UNITA claimed credit for attacks on a Gulf Oil pipeline in the northern province of Cabinda and on two ships in Luanda harbor. If these actions were really conducted by UNITA, they represent a major increase in its ability to act outside its traditional region of strength in the southeast.

Battalion 32 and other South African Defense Force units also operate conventionally in Angola. Indeed, South Africa has invaded Angola at least twelve times since 1975, occupying provincial capitals in the south and sending air strikes and thousands of ground forces as much as 200 miles into Angolan territory. Although South Africa claims that these incursions are directed exclusively against SWAPO, which the MPLA allows to operate from Angola, the Angolan government, independent observers and former South African military officers say that purely Angolan targets are also often systematically attacked.

One price UNITA pays for South African support is service in South Africa's war against SWAPO. UNITA, which initially avoided contact with SWAPO, was reported in March, 1981 to have begun conducting military operations against the Namibian independence group. Later that year, a Washington Post reporter who visited Savimbi wrote that "detailed maps of SWAPO camps and units are kept up to date in UNITA's intelligence center." UNITA is also said to have infiltrated SWAPO and provided South Africa with information about the group. Savimbi regretfully told an American journalist in 1984 that SWAPO's leader Sam Nujoma had helped him slip into Angola once in the 1960s. "It was Sam Nujoma who gave me my first pistol," he said. "It's a shame he has gone over to the Soviets. I warned him, and now we are enemies."

WHO IS SAVIMBI?

At last month's meeting of the Conservative Political Action Conference, former U.S. Ambassador to the United Nations Jeane Kirkpatrick presented Jonas Savimbi with an award from the American Conservative Union and the Young Americans for Freedom. "Linguist, philosopher, poet, politician, warrior," she said, "Savimbi has admirers the world over, and I have long been one of them." She went on to call him "one of the few authentic heroes of our time" and to urge the Reagan Administration to send UNITA "real assistance . . . real helicopters . . . real ground-to-air missiles."

The irony of Savimbi's emergence as an anti-communist hero in the United States has often been pointed out. Indeed, the initial U.S. decision to support UNITA in 1975 was made despite the CIA's belief that UNITA and the MPLA were ideologically indistinguishable. As then-CIA Director William Colby told a House committee later that year:

They are all independents. They are all for black Africa.

They are all for some fuzzy kind of social system, you know, without really much articulation, but some sort of "let's not be exploited by the capitalist nations."

Rep. Les Aspin then had the following exchange with Colby:

Mr. ASPIN: And why are the Chinese backing the moderate group?

Mr. COLBY: Because the Soviets are backing the MPLA is the simplest answer.

Mr. ASPIN: It sounds like that is why we are doing it.

Mr. COLBY: It is.

It appears that Savimbi has managed to persuade American conservatives that his motivations are the same as their own—that he opposes the MPLA because it is supported by the Soviets and the Cubans. In fact, the opposite is true: Savimbi is opposed to the Soviets and Cubans in Angola, not on ideological or geopolitical grounds, but simply because they support his rivals in the MPLA.

"UNITA has never abandoned Marxism," one U.S. official commented in 1981. "It is manipulated very skillfully in the West. He [Savimbi] has the capacity to appear as the last hope of the West. But I believe he's more of a Marxist" than the leadership of the MPLA. When this official asked Savimbi how UNITA's economic policies would differ from those of the MPLA, Savimbi "thought for a moment and then he said, 'Not very much. Not very much at all.'" Indeed, UNITA's economic program still calls for the nationalization of major industries and social services.

In some respects, a UNITA government could be more hostile to the West than the current one. As then-Assistant Secretary of State for African Affairs Richard Moose told a House subcommittee in 1980, "The MPLA's appeal is national in character and, as such, is directed to a variety of racial and ethnic groups. UNITA, on the other hand, draws substantial support from the Ovimbundus." Indeed, Savimbi has traditionally been more bitter than his rivals about the white role in Angola; in the 1960s and 1970s, he called for an all-black politics and criticized the MPLA for the presence of whites and mulattos in its leadership. As the executive officer of a large U.S. corporation that operates in Angola told Prof. Bender: "Savimbi would be the worst socialist of the lot and would be much harder to do business with than the MPLA."

UNITA's human rights record is comparable to or worse than that of the MPLA. As a generally favorable 1984 article in the conservative Human Events noted, Amnesty International has reported that "UNITA representatives have on several occasions indicated that [UNITA] prisoners were being executed." The author of the article said Savimbi confirmed Amnesty's charge that

"UNITA agents explode bombs in public places (at markets, for example) in MPLA-controlled towns, including populous Luanda. When I asked Savimbi about such activities he told me that UNITA does very little of this—the MPLA often responds to such incidents with brutal reprisals against suspected UNITA abetters, he explained."

Indeed, during Savimbi's recent visit to Washington, UNITA announced that it had blown up a hotel in Angola at which a number of Bulgarian technicians were staying.

Savimbi also has a stated policy of kidnapping foeigners who are helping run Angolan economic enterprises. In 1984 and 1985, he kidnapped some 99 foreign workers at the Cafunfo diamond mines—including two American and nineteen British citizens—and threatened "serious repercussions on the captives" if any attempt was made to rescue them. The workers were apparently later released unharmed.

By contrast, Amnesty International's most recent report on Angola criticized the MPLA government primarily for detaining prisoners without charge—often for long periods—but did not say such prisoners were executed or abused. Most were said to be suspected UNITA combatants, and only one was cited as a purely political "prisoner of conscience."

Two other aspects of Savimbi's past are important to an understanding of his portrayal of himself as "the last hope of the West."

The first is his traditional anti-Americanism. According to State Department documents quoted by Gerald Bender, Savimbi marched into the U.S. Embassy in Bern, Switzerland in 1961 and introduced himself as "the future president of Angola." Apparently he did not get anything for his trouble. Indeed, Savimbi's bitter break with Holden Roberto and the FNLA in 1964 was based, he said, on his conviction that "no progressive action is possible with men who serve American interests . . . the notorious agents of imperialism." Throughout the following decade, Savimbi adopted what Bender describes as "a highly visible revolutionary, anticapitalist, and anti-American posture. He travelled around the world meeting famous revolutionaries, most of whom supported him: Gamal Abdel Nasser, Ahmed Ben Bella, Nguyen Giap, Che Guevara, and Mao."

Indeed, Savimbi's Maoism is the second element that is important to an understanding of his career. UNITA was created in 1966 as a result of Chinese training, arms and financial support, and China provided most of the group's limited outside aid until 1975. As Savimbi wrote in a recent article in Policy Review:

"From Mao and the Communists, I learned how to fight and win a guerrilla war . . . Today we who fight for [economic and cultural] freedoms are using the strategy and tactics of guerrilla warfare developed by the Communists."

He goes on to explain, in a section titled "Lessons From Chairman Mao," that he has adopted Maoist strategies but rejected Maoist policies in favor of Western ones. That may be. In any case, his commitment to Maoist strategy provides an important clue to the puzzle of Savimbi—a man who impresses those who meet him as a principled, charismatic leader but has made an unapologetic alliance with South Africa; who has declared war on his former allies in SWAPO but still insists that he is opposed to apartheid.

All this simply means that Savimbi has taken to heart Mao Tse-tung's theory of "primary and secondary contradictions." According to this theory, revolutionary leaders should form alliances, even with enemies of "secondary" importance, in order to bring all available force to bear on the "primary" conflict. This theory explained the Chinese Communist Party's temporary alliance with Chiang Kai-shek against the Japanese, as well as its resumption of civil war once the conflict with the Nationalists again became the "primary contradiction." Savimbi's political evolution seems to follow the same pattern. He believed in working with the MPLA against the Portuguese, and with South Africa—and even the United States—against the MPLA. As he told The Wall Street Journal in 1981, "If I am getting support from the U.S., it doesn't mean I sup-

port the U.S. I will get support where I can get it." His real loyalties—which are to himself and perhaps to the Ovimbundus—have never changed.

SAVIMBI AND U.S. DIPLOMACY IN SOUTHERN AFRICA

The United States has two major interests in southern Africa: the withdrawal of Cuban troops from Angola and an end to South Africa's occupation of Namibia.

South Africa initially took over the administration of Namibia (then called South-West Africa) under a 1920 League of Nations mandate. In 1966, the United Nations ended the arrangement, but South Africa has not been willing to leave Namibia. In 1978, the U.N. passed Security Council Resolution 435, providing for a withdrawal of South African troops, to be followed by U.N.-supervised elections for a Constituent Assembly which would write a constitution for an independent Namibia. A "Western Contact Group" composed of the United States, Britain, Canada, France and West Germany was created to oversee implementation of the U.N. resolution. But, although South Africa initially agreed to implement Res. 435, it has refused to do so.

Shortly after the Reagan Administration took office, Chester Crocker, the State Department's new Assistant Secretary for African Affairs, proposed a controversial policy of "constructive engagement" with South Africa. Crocker initially argued that the U.S. should establish a closer, more cooperative relationship with South Africa while encouraging the country to make progress in dismantling apartheid. But it was on the external issue of Namibia that "constructive engagement" proved most promising.

Crocker's view was that the South Africans might be persuaded to leave Namibia if their legitimate security concerns could be satisfied and if they understood that the Reagan Administration offered their best opportunity to settle an issue that would have to be solved eventually in any case. At the same time, as Crocker cautioned in a May 1981 memorandum for Haig:

"We cannot allow the South Africans to be disingenuous with us over Namibia. If they have no intention of pulling out of the territory under circumstances reasonably acceptable to the international community at large, we will want to opt out of the negotiation process rather than be subjected to an endless, meaningless charade."

In June, Deputy Secretary of State William Clark asked South African officials if they would be willing to move toward a Namibia settlement if the U.S. guaranteed the withdrawal of Cuban troops from Angola. They said they would.

Critics of this "linkage" between Namibia and Angola—including other members of the Western Contact Group—objected that South Africa should leave Namibia irrespective of developments in Angola and that in any case the Cubans were in Angola at the request of the legitimate government of that country. The U.S. took the position that, although this might be true, South Africa could not be forced to leave Namibia and that, as Alexander Haig put it, there was an "empirical" relationship between developments in the two countries. Neither the Cubans nor the South Africans could be expected to "go first," but there would have to be parallel withdrawals. Crocker also argued that a simultaneous Cuban withdrawal from Angola would make a South African withdrawal from Namibia politically possible by protecting the Botha government from charges by the South African right-wing that Prime Minister Botha had "sold out." The same consideration probably also applied to Crocker's efforts to sell his policy within the Reagan Administration.

The shape of an agreement emerged in the remaining months of 1981 and 1982. The Contact Group proposed a series of constitutional principles establishing a three-branch government in Namibia and guaranteeing property rights and fundamental human rights. South Africa agreed to negotiate a timetable for withdrawing from Namibia in exchange for parallel withdrawals of Cuban troops from Angola. Defending this "linkage" during a visit to Zaire, Vice-President George Bush said in November 1982 that the U.S. strategy depended not only on an effort to reassure South Africa. "We are pledged to the independence of Namibia. And obviously," he added,

"A part of what we're trying to do would mean that there would have to be guarantees of Angola's independence and Angola's security. And I want to make that point because some don't focus on that. And the United States, and I think every other country, would feel an obligation to be helpful in working out some arrangement for the security of Angola."

In December 1982, South African and Angolan officials met and agreed on a de facto cease-fire intended to lead to a formal disengagement pact. "We thought we had reached a real turning-point," a U.S. diplomat told The Washington Post. "We were talking specifics about a timetable for the mutual withdrawal of the Cubans and of the South Africans, and we thought we had the all-clear." But at a second meeting in February 1983, South Africa appeared to be less interested in an agreement. In the meantime, the South Africans began heavily arming Savimbi, who launched a major offensive in mid-1983 that he said was intended to force the Angolan government to negotiate with him and to force international negotiators to include UNITA in any regional settlement. In October, a "senior diplomat" told the Post that "the Angolans are sincerely convinced that, with the military situation as bad as it is now, sending the Cubans home would be committing suicide."

South Africa's attitude toward a settlement in Namibia and Angola is ambivalent at best—sometimes cooperative, sometimes obstructionist. But it is UNITA that simply does not fit into the diplomatic equation. This fundamental conflict between the objectives of the United States and those of UNITA was played out again in 1984. In January, Crocker announced a major U.S. drive to reach an agreement in the region. In February, both sides appeared to agree to a U.S. "package" providing for the following steps:

South Africa would agree to the Contact Group's plan for a Namibian settlement

Angola would indicate that South Africa's agreement to leave Namibia made it possible for Angola to ask the Cubans to leave Angola

South Africa would say that this in turn made it possible to begin implementing the Namibia withdrawal

The United States would announce that Angola's decision to send Cuban troops home made it possible for the U.S. to recognize Angola

A U.N. Truce Advisory Group would go to Namibia to monitor the South African withdrawal and the holding of elections.

Meanwhile, South Africa and Angola signed a pact in which South Africa agreed to withdraw from semi-permanent positions up to 100 miles inside Angola and Angola agreed to stop SWAPO infiltration into Namibia. UNITA pledged not to take military actions that would upset the delicate accord.

But within days, UNITA launched a major attack against the Cafunfo diamond mine in order to protest its exclusion from the proposed agreement. The following month, it attacked a provincial capital in western Angola. This attack, UNITA spokesmen explained, was a response to Angola's call for an end to outside aid to the guerrilla group as part of the regional "package" of agreements. UNITA vowed that the offensive was merely "a prelude to bloodier violence in Angola." That summer, UNITA took credit for a series of major economic sabotage actions. In November, Savimbi threatened to launch a major guerrilla offensive against Luanda if another effort was made to achieve a regional settlement that did not include him. UNITA would not permit the Cubans to leave Angola unless the guerrilla force was made a party to such a settlement, he said at a press conference on November 9. "UNITA will have to be a party to all negotiations whose objective will be to determine the future of Namibia and the corresponding withdrawal of Cubans from our country," Savimbi vowed.

"We insist that all the parties involved in the southern African conflict should recognize UNITA as a central factor with sufficient means to influence the [Cuban] withdrawal."

"I don't want to rock the boat," Savimbi added. "I want to be part of it."

America's diplomatic, strategic and commercial interests in southern Africa now appear to be hostage to Jonas Savimbi's ambitions. Following repeal of the Clark Amendment last July, the State Department initially opposed White House plans to renew U.S. aid to UNITA, though recently the Department gave way and asked only that any such aid be provided covertly. Chester Crocker has warned American corporations doing business in Angola that they are in danger of being attacked by UNITA. Apparently, the State Department is giving ground in hopes of limiting the damage and of continuing its efforts in southern Africa. But it is hard to see how these efforts can now have any honorable or realistic objective.

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OAU SENDS URGENT APPEAL TO CONGRESS

Below is the text of a telegram sent by Ide Ounarou, Secretary General of the Organization of African Unity, to Senate Majority Leader Robert Dole (on November 15, 1985:)

Your Excellency, the Organization of African Unity has learned with great concern of certain moves that are now taking place in the United States Congress with a view to providing the UNITA bandit movement aid with more than $300,000,000. As your excellency may well know the eventual provision of such an assistance will not only be construed as a gross violation of the Angolan sovereignty and territorial integrity by the United States but would also go contrary to the spirit and letter of the assurances given by the State Department following the repeal of the Clark Amendment. Your excellency may recall that the policy of your government on provision of arms to elements in Angola as enunciated by the State Department in the wake of the repeal of the Clark Amendment is "any assistance for military or paramilitary operations in Angola should

be considered in the context of the prospects for the achievement of internationally recognized independence settlement in Namibia in accordance with U.N. Security Council Resolution 435." The Organization of African Unity is of the firm opinion that if the Congress goes ahead with the provision of the envisaged assistance to UNITA it will not only nullify the earlier assurances given by the United States administration but would also impede the attainment of independence by Namibia on the basis of Security Council Resolution 435. In view of this I wish to appeal to your excellency so that you may do everything in your power to stop according any kind of assistance to the UNITA bandits. Please accept, your excellency, the assurances of my highest consideration.●

Mr. MATHIAS. Mr. President, I do not think that in a quarter of a century in Congress I have seen an issue that has been handled in the way this has been handled, overtly and covertly. It would be ridiculous if it were not serious.

It calls to mind something that George Orwell wrote. He said that "when there is a gap between one's real and one's imagined aims, one turns to long words and exhausted idioms, like a cuttlefish squirting ink."

Covert aid might not meet Orwell's definition of long words, but it is a kind of tired cliché, and I think it is a signal for the United States that we have to observe.

It is obvious that this issue is not going to be settled this afternoon without a very prolonged debate. I know that the managers of the bill are anxious to get on.

The Senator from Kansas, the chairman of the African Subcommittee, has made a generous offer, on her own behalf and on behalf of the chairman of the Committee on Foreign Relations, to hold a hearing. I know we can have every confidence that these hearings will be held, and I think we can come to some conclusion as to whether or not they should be in executive or public hearings. Perhaps it will be necessary to have both. I think that is a generous offer, and I am willing to rely upon it.

I think, however, that this debate, calling up this amendment, serves a useful purpose.

Dr. Samuel Johnson used to say that "the best inducement to a clear conscience is the suspicion that someone is watching." Through this amendment and through this debate, it is perfectly clear that we are watching, and it is time to get on top of this issue.

In reliance on the assurance of the Senator from Kansas, I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

AMENDMENT NO. 2652

(Purpose: To revise the provisions establishing a Nuclear Weapons Council.)

Mr. DOMENICI. Mr. President, I have an amendment, which has the approval of the chairman and the ranking Democrat, with reference to the recommendations of the blue ribbon commission regarding the Department of Energy and the Department of Defense and their efforts with reference to nuclear weapons. I send to the desk the amendment, which I have worked on with the majority and minority staffs.

The PRESIDING OFFICER. Is there objection to setting aside the amendment of the Senator from California?

Mr. DOMENICI. I ask unanimous consent that the pending amendment be set aside for the purpose of considering this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI] proposes an amendment numbered 2652.

Mr. DOMENICI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 335, strike out line 22 and all that follows through page 338, line 18, and insert in lieu thereof the following:

"§ 179. The Nuclear Weapons Council

"(a) There is a Joint Nuclear Weapons Council (hereinafter in this section referred to as the 'Council') composed of three members as follows:

"(1) The Director of Defense Research and Engineering.

"(2) The Vice Chairman of the Joint Chiefs of Staff.

"(3) One senior representative of the Department of Energy appointed by the Secretary of Energy.

"(b)(1) Except as provided in paragraph (2), the Chairman of the Council shall be the member appointed under subsection (a)(1).

"(2) A meeting of the Council shall be chaired by the representative appointed under subsection (a)(3) whenever the matter under consideration is within the primary responsibility or concern of the Department of Energy, as determined by majority vote of the Council.

"(c)(1) The Secretary of Defense and the Secretary of Energy shall enter into an agreement with the Council to furnish necessary staff and administrative services to the Council.

"(2) The Assistant to the Secretary of Defense for Atomic Energy shall be the Staff Director of the Council.

"(d)(1) The Council shall be responsible for the following matters:

"(A) Preparing the annual Nuclear Weapons Stockpile Memorandum.

"(B) Developing nuclear weapons stockpiles options and the costs of such options.

"(C) Coordinating programming and budget matters pertaining to nuclear weapons programs between the Department of Defense and the Department of Energy.

"(D) Identifying various options for cost-effective schedules for nuclear weapons production.

"(E) Considering safety, security, and control issues for existing weapons and for proposed new weapon program starts.

"(F) Ensuring that adequate consideration is given to design, performance, and cost tradeoffs for all proposed new nuclear weapons programs.

"(G) Providing broad guidance regarding priorities for research on nuclear weapons.

"(H) Preparing comments on annual proposals for budget levels for research on nuclear weapons and transmitting those comments to the Secretary of Defense and the Secretary of Energy before the preparation of the annual budget requests by the Secretaries of those departments.

"(I) Providing—

"(i) broad guidance regarding priorities for research on improved conventional weapons, and

"(ii) comments on annual proposals for budget levels for research on improved conventional weapons,

"and transmitting such guidance and comments to the Secretary of Defense before the preparation of the annual budget request of the Department of Defense.

"(e) The Council shall submit to the Committees on Armed Services and on Appropriations of the Senate and the House of Representatives a report on the actions that have been taken by the Department of Defense and the Department of Energy to implement the recommendations of the President's Blue Ribbon Task Group on Nuclear Weapons Program Management. The Council shall include in such report its recommendations on the role and composition of the staff of the Council. The Council shall submit such report to the Committees not later than March 1, 1987.".

(f) CONFORMING AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"179. The Nuclear Weapons Council.".

(g) CHAIRMAN OF JCS TO SERVE ON COUNCIL IF THERE IS NO VICE CHAIRMAN OF JCS.—If on the date of the enactment of this section the position of Vice Chairman of the Joint Chiefs of Staff, or comparable position, has not been established by law, the Chairman of the Joint Chiefs of Staff shall be a member of the Nuclear Weapons Council established by section 179 of title 10, United States Code, as added by subsection (a). If the position of Vice Chairman of the Joint Chiefs of Staff (or comparable position) is established by law after the date of the enactment of this section, the Chairman of the Joint Chiefs of Staff shall remain a member of such Council only until an individual has been appointed vice chairman of the Joint Chiefs of Staff.

(h) REPEAL.—Section 26 of the Atomic Energy Act of 1946 (42 U.S.C. 2037) is repealed.

Mr. DOMENICI. Mr. President, I thank the distinguished ranking member of the committee, Senator NUNN, for his help and cooperation in working out this issue. I do not want to take up the time of the Senate unnecessarily so I will be brief. The committee bill contained a provision, section 3132, to implement the recommendations of the Clark panel on nuclear weapons program management. Included in this section were a number of provisions that pertained to conventional weapons. Mr. President, I cer-

tainly support the Senator from Georgia's efforts to improve our conventional weaponry, especially if it decreases our dependence on nuclear weapons. The committee bill also contained $34 million, which was earmarked for research on conventional weapons at the weapons labs. Again, Mr. President, I certainly support the idea of increasing the research effort into conventional weapons at the weapons labs. I think most Senators know that two of those labs are in my State. The reason I objected to this provision is that it authorized funding for conventional weapons in the Department of Energy section of the bill and provided that the Nuclear Weapons Council, established by this section, should address a number of matters relating to conventional weapons.

Mr. President, I do no think that the budget of the Department of Energy should be funding conventional weapons for the Department of Defense. Work of this nature performed at the labs should be funded on a reimbursable basis using funds appropriated to the Department of Defense. I would add that there is already quite a bit of work performed at the labs under this arrangement. It is a very important part of their workload. DOD is the biggest customer but there are other customers such as the NRC, NASA, the FAA, and others. I hope this kind of work will continue and will flourish, but I do not think it should interfere with the unique arrangement that this Nation has established to manage and oversee its nuclear activities. In short, I do not think the Department of Energy should be budgeting for research on conventional weapons.

I understand that the concerns of the Senator from Georgia who wants to improve the management and coordination of the nuclear weapons development activities of the Department of Defense and Energy. He is to be commended for taking the leadership in this area to implement the recomendations of the blue ribbon task group. We have worked out some revisions in the language that are mutually agreement. In addition, Senator NUNN has indicated that in the future, he will try to fund improved conventional weapons in the DOD portion of the bill.

I thank the distinguished Senator from Georgia for his help and cooperation in this matter.

Mr. President, I thank the distinguished manager of the bill and the ranking minority member.

First of all, in the bill before us, they tried to implement the recommendations of the blue ribbon commission, frequently referred to as the Warner Commission. They tried to implement that so as to get better coordination between the Department of Defense and the Department of Energy with reference to the Department of Energy's involvement in matters military.

I understand clearly what that blue ribbon commission recommended, and I have lauded its efforts on a number of occasions. But I did think that the language in the bill did not quite interpret their recommendations, at least as I saw it.

I am pleased to indicate that in working with the managers and their staffs, they have concurred that some changes are in order so as to make it clear that we do not intend to put more of the decisionmaking on the Department of Energy but, rather, that there is to be a coordinating effort between the Department of Energy and the Department of Defense, and the council has been set up to do that.

I had another concern that I think we have cleared up here, and that is, while we want the national laboratories, which are under the direction of the Department of Energy, not only to do the nuclear research, the nuclear safety, and manage the production of nuclear weapons, but also, we want them to engage themselves, to a maximum extent, in conventional research. They are good at it; they are doing some now.

As the distinguished Senator from Georgia has said on the floor and in the committee, and as reflected in this bill, we want to do more conventional weapons research, and we want the very best doing it. Therefore, he has been concerned that we make sure that our labs are not only doing that, but also, that they have an opportunity to be heard in the Department of Defense on what they think is the kind of research that ought to be done in these nonnuclear areas.

I think this amendment, which I hope will be adopted, preserves the recommendations of the blue ribbon commission in their entirety and sets some coordinating mechanism into play whereby our excellent laboratories will be intimately involved in doing the nonnuclear research, with suggestions and ideas and choices being made available to the Department of Defense so that they will nave their advice.

I did not want to give the Department of Energy more jurisdiction. I know the history. We do not want—I do not, and I do not think the Senator from Georgia wants—the Department of Energy and the Secretary of Energy involved more in matters military. That is not why they were set up. They were set up to take the place of the Joint Atomic Energy Committee, which isolated nuclear weapons from the Department of Defense, but we want to use their expertise. Yet, we do not want them to have the budget and appropriation responsibility for nonnuclear research.

I think we have struck a balance there whereby we will get what we expected, and yet not shift any of the defense burden by way of budgeting and appropriating over to the Department of Energy; yet, keep them intimately involved, as the distinguished Senator from Georgia wanted.

Mr. NUNN. Mr. President, I thank my colleague and friend from New Mexico. He has described this situation in words on which I cannot improve.

What we have tried to do in this bill is to create a high-level group between the Department of Defense and the Department of Energy to oversee overall policy for nuclear weapon procurement and acquisition. We have tried to do that without disrupting the Department of Energy's and the Department of Defense's own responsibilities.

We have also tried to do it in a way that gives adequate consideration to the design of nuclear weapons, to the tradeoffs between nuclear weapons and conventional weapons.

So the major thrust of what we have done is that we have created a high-level group between the two agencies and given this kind of oversight and jurisdiction.

□ 1440

The Senator from New Mexico has proposed an amendment which will improve what we were trying to do. I think the Senator from New Mexico has been concerned about some of the technical provisions about funding which can be very, very important in the overall scope of responsibilities. We have agreed with him on those.

He has agreed with us as he has already said about conventional weapons and the very important role the laboratories can play in development of conventional weapons.

It is my view that with the technology we have available today, we can, within the next few years, devise conventional weapons which can take the place of a number of our short-range tactical battlefield nuclear weapons. If we do that, we can improve the conventional capability of America and our allies and we can also reduce the likelihood of early use of nuclear weapons in the event of an outbreak of war.

The Department of Energy and the laboratories are charged with the safety of nuclear weapons. We do not want to disrupt that. That is something that we always look to the Department of Energy and the laboratories for.

We want to make sure that we have the checks and balances and safety that historically have been one of the reasons for having a separate Department with responsibility over nuclear weapons.

So we have worked out the amendment. The Senator from New Mexico has improved our amendment.

We urge its acceptance by the Senate.

Mr. GOLDWATER. Mr. President, we reviewed this amendment and it is perfectly all right.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment of the Senator from New Mexico.

The amendment (No. 2652) was agreed to.

Mr. GOLDWATER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. NUNN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, I thank my friends from Arizona and Georgia. I think this is a very good resolution of the issue.

Mr. GOLDWATER. Mr. President, I am very happy to announce that Senator KENNEDY and Senator GRAMM have reached an agreement on the labor matter.

I apologize to my friend from Alaska whom I said might possibly have the floor next. But the Gramm-Kennedy matter was up and was undecided. Now it is decided. So the Senator from Alaska can go on about his business and I can call him later.

Mr. STEVENS. Yes. I thank the Senator very much.

Mr. KENNEDY. Mr. President, as a point of information for the Membership, I will send an amendment to the desk very shortly which will deal with the two labor provisions of the Defense authorization legislation related to the Davis-Bacon provisions and the service contract provisions.

I believe that we have worked out an arrangement with the Senator from Texas who is the proponent of these provisions to have a time for a discussion of both of these provisions and then to move to have individual votes on each of these provisions with the Service Contract Act provisions being voted on first and the Davis-Bacon second.

I will make a brief comment in support.

Mr. GRAMM. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield.

Mr. GRAMM. It is my understanding that this unanimous-consent request would send to the desk an amendment which would be divisible between part 1 and part 2, that it would give us an up-or-down vote on the Service Contract Act provision which the Senator from Massachusetts would strike and the Davis-Bacon provision which the Senator from Massachusetts would strike.

Those amendments will not be subject to amendment or tabling under the unanimous-consent request and we had agreed to 30-minute limitation on each of the two amendments as they would be divided.

Mr. KENNEDY. That would certainly be agreeable with me.

We do not have the majority leader and the minority leader on the floor. But perhaps until they come and until they are notified, we would proceed that way until they do come and finalize that agreement if they would propound it. That would certainly be agreeable with me.

Mr. GRAMM. If the Senator will yield further, the time, 30 minutes on the first amendment and 30 minutes on the second, obviously would be equally divided.

Mr. KENNEDY. That seems to me to make sense.

I would hope that we would then vote back to back on both of these provisions. The basic issues which are involved are common to both of the provisions. In terms of convenience of the Membership it would seem to me that would be the most satisfactory way to proceed.

Mr. HUMPHREY. Mr. President, will the Senator from Massachusetts yield for just a question?

Mr. KENNEDY. Yes, I am glad to yield.

Mr. HUMPHREY. Is the nature of his amendment simply to strike?

Mr. KENNEDY. Yes.

Mr. HUMPHREY. It is not to insert.

Mr. KENNEDY. Yes.

Mr. HUMPHREY. This is purely to strike.

Mr. KENNEDY. The Senator is correct.

Mr. HUMPHREY. I thank the Senator from Massachusetts.

AMENDMENT NO. 2653

Mr. KENNEDY. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Is the Senator requesting consent to set aside the pending amendment?

Mr. KENNEDY. I ask unanimous consent that we temporarily set aside any of the pending amendments and ask consent this amendment be in order.

The PRESIDING OFFICER. Is there objection?

Is there an objection to the request to set aside the amendment?

Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] for himself and Mr. METZENBAUM, proposes an amendment numbered 2653.

Mr. KENNEDY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(1) Strike out page 186, line 15 through page 189, line 17, and page 190, line 18 through page 191, line 14.

(2) Strike out page 189, line 18, through page 190, line 17.

Mr. GRAMM. Mr. President, I ask that the amendment be divided between part 1 and part 2.

The PRESIDING OFFICER. The Senator has that right. The amendment is divided.

Mr. KENNEDY. Mr. President, we have a tentative understanding at least between Senator GRAMM and myself that we will proceed with the hour equally divided and I believe that I understand correctly that we will use the total hour to address both of the different divisions of it.

When we have the majority leader and the minority leader here or the chairman of the Armed Services Committee and the ranking member, if they would propound that request that would be agreeable to us, but following the general procedure, I am restrained to ask for that agreement at this time myself.

Mr. NUNN. Mr. President, I say the Senators from Massachusetts and Texas could propound an agreement at this point in time. I think we can clear it right now on the minority side. But we would need a proviso that if there is a division, neither amendment would be amendable.

Mr. GRAMM. And neither amendment could be tabled.

Mr. NUNN. We have not been agreeing to that. We refused that amendment last night. We get in a situation where everybody wants that.

So if either the Senator from Massachusetts or the Senator from Texas would propound that, I do not know about the majority side but I believe we can clear it right now.

Mr. KENNEDY. I ask unanimous consent, Mr. President, that on the Kennedy amendment there be a one hour time limitation, that time on that amendment be divided between the Senator from Massachusetts and the Senator from Texas in the usual form, that there be no further amendments or motions permitted or amendments to that particular amendment or division thereto.

Mr. GRAMM. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield.

Mr. GRAMM. We now technically have two amendments pending so perhaps the Senator would ask for 30 minutes on the first one and then 30 minutes on the second one, so that we would not commingle the time.

Mr. KENNEDY. I include that in my request.

The PRESIDING OFFICER. Is there objection?

Mr. NUNN. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. NUNN. Is it clear that the amendment has been divided by unanimous consent, and we have two

amendments, neither of which is amendable?

The PRESIDING OFFICER. The Senator is correct.

The agreement also states that no motions shall be in order.

Is there objection?

Mr. METZENBAUM. Does that include a motion to recommit will not be in order?

The PRESIDING OFFICER. Such a motion would not be in order under that agreement.

Mr. METZENBAUM. I thank the Chair.

The PRESIDING OFFICER. No motion would be in order. Is there objection?

Without objection, it is so ordered.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield myself such time as I might use.

□ 1450

Mr. President, I have been a member of the Senate Labor Committee since 1962. In that time and in that capacity, I have worked on literally hundreds of labor issues, and I am concerned that the Armed Services Committee has chosen to legislate in the jurisdiction of the Labor and Human Resources Committee.

The Armed Services Committee has reported out a bill that will raise the threshold on contracts to which the Davis-Bacon Act applies to $250,000 and will raise the threshold on contracts to which the Service Contract Act applies to $1,000,000. Seventy percent of the military construction contracts that now enjoy the protections of the Davis-Bacon Act would lose that protection. Ninety percent of the military service contracts to which the Service Contract Act applies would lose that protection.

Let me make clear at the outset the principle at stake: The money raised by taxing the working men and women of this country should not be used to force down their wages. The Davis-Bacon Act and the Service Contract Act do not promise or provide inflated wages to workers on Federal projects; the acts merely require that the Federal Government pay the prevailing wage in a locality when it builds or seeks services there. If the Federal Government, with its massive purchasing power, can come into a local area and buy labor on the cheap, it not only underpays the workers who are paid on that project, but it also forces down the wages paid to all workers in that locality.

That simple idea, that the power of the Federal Government should not be misused to impoverish its citizens, is the driving force behind the acts. Representative Bacon, a Republican, put it right 60 years ago:

> The Federal Government should not engage in construction work in any State and undermine the labor wages paid in that State. The least the Federal Government can do is to comply with the local standards of wages and labor prevailing in the locality where the building construction is to take place.

The intuitive, virtually self-evident rightness of this rule explains why the Davis-Bacon Act was passed unanimously in the Senate and by a vote of more than two-thirds of the Membership of the House. In 1965, the Service Contract Act was adopted by voice vote in both Houses.

But there are those who would eliminate these protections, and permit the people's government to impoverish the people by weighing in against workers in every labor it enters. The proponents of this measure profit by the illusion that there are construction and service workers who are getting rich by working on Federal contracts. That is a pernicious falsehood. Wages paid under these acts are an average of the wages paid for similar work in the same locality. These wages make a king out of no one. Consider construction workers, who are protected by the Davis-Bacon Act. Unemployment in the construction industry is 13 percent, among the highest in the Nation. The average construction worker earns less than $14,000 a year—the average union construction worker earns less than $17,000 each year.

Service workers, protected by the provisions of the Service Control Act, are often unable to organize for their mutual aid and protection. As a result, their wages are often distressingly low. And these workers are usually minorities, women and the young. A recent memorandum by the Department of Labor indicates that employment protected by the Service Contract Act "appears to be dominated by the types of workers intended to be protected by the law: janitors, cleaners, porters, guards, mess attendants, laborers, et cetera," 635,400 workers are presently covered by the Service Contract Act, and their number increases annually as the Government contracts out more of its service jobs—the Department of Defense has increased the number of workers subject to the protections of the act by 33 percent in the last 2 years.

Removing the protections of these two acts would be ruinous to thousands of workers. Approximately 100,000 service workers would lose the protection of the act if the threshold changes included in this bill became law. That represents 24 percent of all DOD service contracts, but which workers would this hit hardest? It hits those at the bottom of the economic ladder; 65 percent of all housekeeping contracts would lose protection; 62 percent of laundry contracts; 61 percent of custodial contracts, and 35 percent of food service contracts.

These workers are already paid wages near or below the poverty line. One out of every four families headed by service workers is already in poverty. One out of four of the heads of those families that are working men and women of this community are receiving a takehome pay that is below the poverty line. And with the continued provisions included in this defense authorization, we would be denying any protection for those particular heads of households.

We hear a great deal on this floor about protecting the family. Well, one of the protections for the American family is ensuring that there is going to be adequate income to provide for food and clothes and housing for each family. But, nonetheless, there are those that say, "That's too bad about them. We are going to just put the power in the Federal Government to deprive them of higher wages."

These workers are paid wages near or below the poverty line. One out of four families headed by a service worker is already in poverty, yet this is the group chosen to bear the burden of the Defense Department's cost cutting. For the Defense Department to claim that it is so financially strapped that it must take money from the wages of these workers is self-evidently obscene.

We will hear arguments out here that we are going to save the taxpayers because we are going to drive the wages down and that is going to save more money for national security and national defense. I hope those that make that argument on the floor this afternoon are going to be able to tell us how much more it is going to cost in terms of food stamps for which these families will be eligible? How much more is it going to cost in terms of Medicaid payments for which these families are going to be eligible? How much more is it going to cost to pay fuel assistance for which these particular families will be eligible and the whole range of social services? A study has never been done on that.

Well, the argument will be: "We are going to be able to cut these wages down even further and we have got all these economic CBO studies that show the savings."

Well, of course, when you look at the past CBO questions about savings on Davis-Bacon and other contracts, we find out how fraudulent they really are. But there will be a lot of talk about that here this afternoon, as well.

And what is the rationale for the proposal that we should not pay a decent wage, that we should not pay a wage that is the prevailing wage in the localities where the Federal Government needs construction or service workers? The argument is that removing these basic protections will save us

money. And few of us can disagree with the need for the Federal Government to spend its resources wisely and well, but there are limits on what we must be willing to do to save money. No one in this body would support repeal of the child labor laws because that would save us money; no one in this Chamber would support the idea that Federal Government should contract out all of its construction work to some Third World nation so that we can take advantage of the depressed labor conditions there. And when these acts were passed, no one in this Chamber thought that the Federal Government should impoverish its own citizens so that the Federal Government could save them some money.

Look at the estimated savings in the report of the Armed Services Committee. These estimates, made by CBO in 1986, are less than one-third the savings that CBO projected in 1983. This new estimate assumes that the Davis-Bacon Act raises the cost of Federal construction by 3.3 percent, and that raising the threshold as proposed will save $138 million over the next 3 years. But we know better than this. In 1971, the David-Bacon Act was repealed by Executive order for a time and more than a thousand contracts that had already been bid under the act were rebid.

That is the best test. We will hear all kinds of things about CBO estimates. We have already tried this in 1971. How much was saved? Was it 3.3 percent? No. the rebid contracts came in only six-tenths of 1 percent lower than when the Davis-Bacon Act applied. Based on experience and not on curbstone guesswork from CBO, the amount we can expect to save from the threshold change is less than 20 percent of the amount predicted by the Armed Services report. The savings came to all of $25 million over the next 3 years—and all of $1.6 million next year.

And what about the Service Contract Act? The committee relies on the same CBO estimate. But this estimate is based on a single study of service workers such as computer repair specialists who work on research and development contracts. From that study, CBO projects savings for contracts that cover janitors and housekeepers. And the study does not take into account any of the secondary effects of cutting these wages. It does not take into account all of the Federal workers who would have to apply for food stamps once their wages are bid to subpoverty levels. It does not take into account the tax revenue that will be lost as wages are cut. These are the men and women who are paying their taxes and we reduce their ability to make a decent income. I hope we are going to hear about what the tax loss is to the Federal Treasury. Nothing has been done on that. There was no presentation in the Armed Services Committee on how much is going to be lost in the Federal Treasury on that.

The study does not take into account any of the secondary effects of cutting these wages. It does not take into account the burden on Federal programs that will result if health coverage for any of these workers is lost. This is not a study—it is a back-of-the-envelope guess. That is what is being proposed here this afternoon in support of continuation of these provisions. And that is no way to make labor policy.

□ 1500

The inaccuracies so far are bad enough. But there is more. Dr. John Dunlop, former dean of the economics department at Harvard and Secretary of Labor under President Ford, has repeatedly testified that the studies of Federal workers and Davis-Bacon changes which fail to take account of the productivity differences between higher and lower paid labor are fatally flawed. The CBO studies of 1983 and 1986 both fail to take account of productivity differences; the GAO study fails to take account of productivity differences.

In fact, high wage labor has been found to be considerably more productive. Dr. Steven Allen's study—perhaps the most extensive study yet on the subject—found that union workers in construction are at least 29 percent more productive than nonunion workers because they are better trained and because unions can provide a ready pool of skilled labor, thereby reducing hiring and training costs. Another study by Professor Allen, published this January, found that union construction workers are 30 percent more productive than nonunion labor. Professor Mandelstamm's study of union and nonunion construction found that the higher wage costs of union workers was entirely offset by their higher productivity.

That is going to make a big difference in terms of savings for the Defense Department and for contractors. You have greater productivity. You are going to have a greater, higher degree of standards in terms of quality, and efficiency, but none of that is considered in the studies that are quoted.

The importance of these findings for those who hope to save money by driving down wages is that we don't save anything by driving down wages that isn't lost elsewhere by driving down productivity.

But the loss to the Federal Government caused by the loss of skilled labor may be even greater down the road—when a project built by unskilled labor starts to fall apart and the Federal Government must pay the maintenance costs on it. Prof. Daniel Mills, an expert in the field of construction industry labor relations suggests that repeal of Davis-Bacon "could result in greater total costs on Government projects by increasing industrial strife, and by facilitating awards to incompetent contractors competing only by virtue of low wages."

That is a fine how do you do. We are talking about the building of the runways for young Americans to be able to fly American jet planes. We are talking about the construction of facilities for our men and women who are serving in our Armed Forces. We are prepared evidently to say that we will put up with shoddy workmanship and shoddy performance for those individuals in order to allegedly save some resources for the defense.

The best and most recent evidence on the long-term costs of cheap wage short cuts comes from the Office of Inspector General of HUD. That office conducted a national and regional audit of the Department's Davis-Bacon enforcement program which found that failure to enforce the act is directly related to the employment of untrained labor and shoddy workmanship—resulting in higher costs to the taxpayer. The examples cited in the report are legion, including roofing short cuts that lead to leaking roofs, electrical short cuts that lead to short circuits and fires, carpentry short cuts that lead to extensive maintenance and repair costs.

Consider this example: Kanawha County, WV awarded the contract on a new courthouse roof to an out-of-State contractor which bid 50 percent lower than the local construction company. In the end, the contract was no bargain at all. It was no bargain to the workers who were underpaid by more than $150,000, and it was no bargain to the county when the roof sprung leak after leak, which flooded the courthouse, the judges' chambers and the lawbooks inside. Ceilings, walls, carpet, wall plasters, files, and documents were damaged or destroyed. I can give example after example, on Federal and local contracts, where the Government has learned again and again what the professors and the Inspector General have been telling us—construction short cuts short change the taxpayer.

This lesson should be especially important to the Defense Department. Shoddy workmanship on a public housing project or a courthouse roof is deplorable and expensive—on a missile silo it is indefensible. This June, the Congressional Budget Office reminded us that if the Army wants to meet its goals to improve the quality of its manpower, the Army will have to pay higher wages and bonuses. The study also stressed, however, that higher quality recruits have lower turnover, which saves money on training. No

one on the Armed Services Committee doubts that we get a better soldier with better pay, and the same rule applies to construction and service workers. Do we want shoddy construction at military facilities? Do we want the guards at Federal military installations to be the cheapest people that a contractor can find? Do we want safety inspectors and computer repairmen to be those who cannot find work at the prevailing wage in their communities? These questions answer themselves, but only people with background in labor issues or who have attended hearings on Federal contract reform know to ask them.

Mr. President, I have known these questions and their answers for some time because of my years on the Labor Committee. The Senate should oppose this shortsighted attempt by some members of the Armed Services Committee to save a buck for the bloated defense budget by taking it out of the pockets of our working people. The Armed Services Committee should not be trying to legislate as though it was the Labor Committee. The American worker and the American people deserve better.

Mr. President, how much time remains?

The PRESIDING OFFICER (Mrs. KASSEBAUM). The Senator has 40 seconds remaining on division 1.

Mr. KENNEDY. I reserve the remainder of my time.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, of course let me clarify for everybody where we are. We are going to have a vote on the service contract provision first. Then we are going to have a vote on the Davis-Bacon provision.

The distinguished Senator from Massachusetts would have us believe that the issue here is the working poor. The issue here is one of the strongest joint forces in the American political system. In fact, it is the most powerful troika in politics, and that force is waste, fraud, and abuse.

It never ceases to amaze me, Mr. President, that Members will jump up and down and talk about toilet seats that cost a lot of money, they will talk about wrenches that cost a lot of money, they will talk about coffee pots that cost a lot of money, but when the Armed Services Committee brings forward a real savings that saves more money than every toilet seat, every wrench, every coffee pot, ever bought by the Federal Government in the history of the Republic, we get all kinds of self-righteous outcries about wages.

What we are debating here is a blatant ripoff of the people who do the work, pay the taxes, pull the wagon, and make America work. They do not have the Halls full of people outside lobbying saying, "do not take away this free gift." They are at home working to pay the taxes. That is why they are not here. But the Armed Services Committee knew we were wasting money. That is why we adopted this amendment.

Let me outline what it does. The Service Contracting Act is a completely fraudulent and ridiculous provision that is aimed at preventing services from being contracted. The objective is to eliminate any advantage the private sector has in wages to prevent contracting out. What this provision does is not repeal the law. We should be repealing it. But it raises the threshold to a million dollars. That will exempt about 24 percent of all the dollars spent on services contracted out by the Federal Government.

GAO has done a study of the Service Contract Act, and in 1983 found that it produced wage inflation, ripping off the taxpayer of between 10 and 12 percent. Only 1 percent of all the service employees in America are covered by the Service Contract Act. But yet GAO found that they earned between 10 and 12 percent more because they are covered by this act.

The cost to the Federal taxpayer of not raising this threshold is $811 million. Let me set that in perspective.

Over 5 years CBO, which has no stake in this debate, finds that over $800 million could be saved by raising this threshold. We had a great debate on the space shuttle. This savings would pay for the space shuttle. We had a debate on drug enforcement. This savings would pay for drug enforcement. We had a debate on SDI. These savings would pay for the entire amount being debated on SDI.

What we have here is a simple amendment that tries to be efficient. It lets the Federal Government go into the marketplace and be competitive in buying services. It lets the small contractor who worked for the Federal Government, say a janitor who learned how the system worked, to quit, go into business, and be competitive. The provision of the Armed Services Committee bill is pro small business. It is pro minority in letting people come in and say, "Look, we want to be competitive. Let us bid." What the amendment that is pending before this body does is say you can be efficient in buying wrenches. In fact, we are going to jump up and down if you pay too much for wrenches. You had better be efficient buying toilet seats or we will bring them onto the floor of the Senate.

But if you want to rip the taxpayer off by $800 million, by not being competitive in buying labor since we have organized groups with political action committees, who are out lobbying in the hallway, that is all right. That is helping people. You can steal from the working men and women of America, if you do it for an organized group. You cannot do it on toilet seats and wrenches. But you can do it on labor.

(Mrs. KASSEBAUM assumed the Chair.)

I submit to the Members of the Senate that theft is theft, that waste, fraud, and abuse is waste, fraud, and abuse.

□ 1510

I am not sure whether we are going to win on Davis-Bacon. We may not win on this provision on the Service Contract Act. But I want to assure my colleague it is going to be back every year until the ripoff of the working men and women of America stops.

There is no logic to being inefficient and noncompetitive because some group has a political action committee or a lobbyist or has the ability to deliver votes. It is not right. It is waste, fraud, and abuse, just like paying too much for a wrench, just like paying too much for a hammer, just like paying too much for a toilet seat.

We may not have the votes here today, but this is going to be debated every year as long as I am a member of the Armed Services Committee.

I commend my colleagues to vote this amendment down. If you are concerned about waste, fraud, and abuse, show people you care about it when it hurts you politically. Vote against this amendment. Vote to save $800 million by using the system that built America: free enterprise. Let the free enterprise system work. Do not set an artificial wage scale and impose it on people who want to do business with the Federal Government. Let them be competitive like everybody else.

As far as that creating poverty, let me remind my colleagues that the free enterprise system has done more to destroy poverty than all the Government programs in all the whole history of mankind.

I reserve the remainder of my time.

Mr. HUMPHREY addressed the Chair.

The PRESIDING OFFICER. Does the Senator yield?

Mr. GRAMM. I am happy to yield.

Mr. HUMPHREY. How much time remains?

The PRESIDING OFFICER. There are 7½ minutes remaining.

Mr. HUMPHREY. Let me clarify. The question before the Senate is the Service Contract Act, which the Senator from Massachusetts seeks to strike. We have not yet gotten to Davis-Bacon. That should be the vote to follow. We are now debating the Service Contract Act. I have listened to all the rhetoric that flowed awhile ago in this Chamber and you get the impression that the Armed Services Committee is trying to repeal the Service Contract Act altogether. That is not the case. That is not the case at all.

The Armed Services Committee has laid before the Senate in the authorization bill now pending a reform, not a repeal, of the Service Contract Act, a reform, a needed reform, an overdue reform, a reform not a repeal, and, furthermore, a reform which will apply to the Service Contract Act as it touches the Department of Defense only. Only as it touches the Department of Defense. It does not apply Governmentwide.

Nonetheless, though this is only a reform and though it will only touch DOD contracts, it involves the savings of hundreds of millions of dollars in the next several years.

It is unfortunate that those who complain the loudest about Government waste and in particular military waste stand up to block the Armed Services Committee when we come forward with a reform that will reduce waste, reduce spending, and do so without diminishing at all military preparedness.

Madam President, this reform, the language before the Senate in the DOD authorization bill, is supported by the Office of Management and Budget. It is supported by the administration. It is supported by the General Accounting Office, by the Grace Commission, by Citizens Against Government Waste, by the U.S. Chamber of Commerce, by the National Federation of Independent Business, by the National Association of Manufacturers, by the Aerospace Industries Association, the Public Research Council.

This reform, if the Senate will leave in the language now before us and not strike it, will save us $811 million, over the next 5 years, according to CBO.

Let me briefly review what the Service Contract Act is all about, Madam President.

The Service Contract Act is in a way the cousin of Davis-Bacon. Where Davis-Bacon only deals with wages on federally funded construction projects, the Service Contract Act deals with wages paid to employees for contracts who perform things such as janitorial services, guard services, and so on.

Whenever the Federal Government seeks to privatize services, seeks to hire private sector workers under contract to perform services, before the Government can even announce the availability of such a contract, the Government has to go to the Department of Labor and obtain what is called a wage determination. That is a very imprecise way to determine what the prevailing wages are for those services in the community.

I would also mention that the Department of Labor is absolutely jammed with these wage determination requests that flow from all of these anticompetitive wage laws passed by Congress over the years, mostly at the behest of well-paid union lobbyists who are jampacked out in the hallway, protecting or trying to protect the sweetheart deals at the expense of the taxpayers of this country.

Furthermore, there have been so many inconsistencies in the interpretation of the Service Contract Act over the years that it has been now extended to cover technical workers.

The Senator from Massachusetts talked about those low-paid workers. He did not mention the fact that the Service Contract Act has been misinterpreted over the years to cover even technical workers who are rather well paid.

Who foots the bill on this excess? Who foots the bill for this anticompetitive excess? Who foots the bill for this sweeheart bill that the labor unions love so much? Some are sitting in the galleries and I hope more are watching on television.

The Armed Services Committee adopted five reforms to the Service Contract Act.

First, we raised the dollar threshold from $2,500 to $1 million. That will eliminate many of the smaller contracts. It will eliminate a lot of the red tape and paperwork associated with these smaller contracts, and, importantly, as the Senator from Texas pointed out, it will enable small businesses to bid on these who are not today bidding.

We raise the threshold from $2,500 to $1 million. Let me point out, that will still leave 77 percent of the dollar volume of DOD service contacts covered by SCA.

Second, we raised the personnel threshold from 5 to 25 employees for the same purpose. We remove the smaller contracts from SCA coverage and in so doing will encourage smaller contractors to bid in the bidding provided for in competitive contracts.

Third, we codified Department of Labor regulations such that SCA will apply only to contracts which only provide services.

Fourth, and this is a good one, one that is really overdue for reform, we eliminate the provision from SCA so that successor contracts must always pay the same wages as predecessor contracts. Once the wages get jacked up a new bidder on a new contract can never bid lower than those that obtained in the previous contract. That is called ratcheting up. That allows the taxpayers never to enjoy the advantages of competition in the private sector. Once they go up they stay there. They can only go higher. They can never come lower. Our reform will change that.

Fifth, we define the term prevailing wages.

Madam President, let me put things in perspective. The service industry I guess is today the largest industry. Maybe it is still second to manufacturing, I do not know. It is huge. There are literally tens of millions of Americans working in the service industry in the private sector. They do not have the advantage of this Service Contract Act. The vast bulk of the people in this country who work in service industries, whether they are guards or others, they do not come under the Service Contract Act. It is only that several hundred thousand, a small percentage in the total community, who happen to work for contractors doing business with the Federal Government who enjoy this sweetheart deal.

So it is not as though, as you might think from some of the rhetoric, we are making a massive attack on every service industry employee in the country. The fact is, we are dealing only with those who work for contractors with the Federal Government and we are talking about a couple hundred thousand. These reforms will save $811 million. I urge my colleagues to oppose the Kennedy amendment, to oppose the motion to strike, and to leave in the DOD a section that is badly needed, with modest reforms.

I thank the Chair.

The PRESIDING OFFICER. Who yields time? There are 34 seconds remaining to the proponents.

Mr. METZENBAUM. How much time remains to the opponents?

The PRESIDING OFFICER. Time has expired.

□ 1520

Mr. METZENBAUM, Madam President, in behalf of the proponents, I yield myself 5 minutes, including the additional time available with respect to the next amendment.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. That will be 34 seconds plus 4½ minutes.

Mr. HUMPHREY. Madam President, a parliamentary inquiry. Does that request require unanimous consent?

The PRESIDING OFFICER. No, it does not.

Mr. HUMPHREY. A further inquiry: This will count against the time of the proponents?

The PRESIDING OFFICER. The Senator from New Hampshire is right.

Mr. METZENBAUM. Madam President, I have no parliamentary inquiry of the Senator from New Hampshire but I want to be certain that while he was asking those questions, it was not charged against my time.

The PRESIDING OFFICER. No, it was not.

Mr. METZENBAUM. Madam President, I have heard the debate of those who oppose this amendment and frankly, it is disturbing to me that they would have the audacity—and that is about the only thing I can call it—to talk about paying working people for their time working on the

job, doing a day's work, and call that waste, fraud, and abuse. If ever there were a bill in which those sacred terms should not be used, it is this one because there is more waste, fraud, and abuse in the Department of Defense than in probably any other department of Government, and I never hear a peep, never hear a word, out of the distinguished Senator from Texas or the distinguished Senator from New Hampshire on that subject. Now we are talking about paying working people a minimum wage, practically speaking, under the service contract parts of the bill and under the other parts of the bill, paying them a very modest wage.

The acts' protective shield applies precisely as Congress intended they should. One of these bills has been in existence for 50 years. Another one has been in existence for 20 years. All of a sudden, this afternoon, in this Armed Services Committee, they are attempting to take away rights protected to the employees over a period of 20 or 50 years.

The jurisdictional question should be raised, What kind of propriety is there in totally going around the Labor Committee to revise the labor laws of this country in a bill having to do with the Department of Defense?

Madam President, Congress passed the Service Contract Act in 1965 to provide labor standards for employees engaged in the performance of Government service contracts. Congress acted because these service employees were—and still are—the poorest and most politically vulnerable members of our national work force.

The 700,000 employees covered by the Service Contract Act are, for the most part, cooks, cashiers, cleaners, custodians, window washers, trash collectors, and others similarly situated at the lower end of our national wage structure. They are overwhelmingly female and minority, and they generally have minimal technical skills and literacy. These are workers whose jobs are likely to be their point of entry into the American economy.

The Service Contract Act is designed to keep the Federal Government out of the business of exploiting these workers. It prohibits Federal service contractors from offering their employees wages and benefits below prevailing community rates. This prohibition effectively prevents contractors from using the shield of Federal contracts to engage in wage-busting acts.

The need for legislation emerged following the 1950's, when the Federal Government for the first time became heavily involved in contracting out these kinds of services. By the early 1960's, the combined effect of short-term contracts with the Federal Government and cut-throat competition among contractors had created a system of substandard wages and benefits. The practice of awarding service contracts to the low bidder without regard to the wages and working conditions imposed by that bidder on his employee inevitably meant that service workers toiled at appalling wages with no fringe benefits, job security or seniority rights; indeed with no voice whatever in their own destiny.

The same forces that led to exploitation of workers also hurt local communities. These communities were forced to deal with sudden surges in unemployment and diminished tax revenues that occurred frequently when labor-intensive service contracts were moved from one community to another in search of the lowest bidder.

The lack of stability in the service contract industry affected the quality of services as well. Higher quality and more productive enterprises too often were displaced by marginal managements and fly-by-night outfits.

Congress knew all of this in 1965. After holding a series of hearings, Congress overwhelmingly approved the Service Contract Act. When the act needed fine-tuning, in 1972 and 1976, Congress again understood the need to extend protections, and again acted by consensus. On all three occasions, the law was so uncontroversial that Senate approval came by voice vote.

Twenty years after passage, the Service Contract Act protects 700,000 workers and covers $10.3 billion in contract actions. And, as this administration is fully aware, the act's protective shield applies precisely as Congress intended it should. In a recent study of 368 contracts covered by the act, the Department of Labor found that covered employment appears to be dominated by the types of workers intended to be protected by the law: janitor, porter, cleaner, housekeeping aid, guard, mess attendant, food service worker, laborer, and supply clerk.

Who among us can actually say that they would like to move in and cut the wages of that class of employee in this country?

Let me tell you about a few of the workers protected by the Service Contract Act, workers who would be the victims of this repeal. Their stories are taken from the record of two recent administrative cases, but they are typical of hundreds of thousands of others.

At Altus Air Force Base in Oklahoma, the Air Force contracts for janitorial and housekeeping services at the base hospital. There are 12 women employed under this contract, performing cleaning and other housekeeping duties. Most of these employees are from minority groups. One worker, Ms. Marta Armendirez, is employed as a housekeeping aide. She cleans, picks up trash, and vacuums and buffs the hospital lab floors three times a week. She drives 92 miles round trip to work every day. She receives an hourly wage of $5.68; her take-home pay is $218 every 2 weeks.

Another employee, Ms. R.T. Flores, works with infectious patients, cleaning operating rooms before and after surgery. She is the sole support for her son. After 4 years at Altus, she takes home $376 every 2 weeks.

Tell those women that they are part of the waste, fraud, and abuse about which my colleagues have spoken.

Or go over to Fort Belvoir, VA.

At Fort Belvoir, VA, 150 workers are employed by an Air Force contractor to perform cleaning services at various base facilities. These employees, who are overwhelmingly female and minority, vacuum carpets, remove trash, sweep floors, wash windows, and sterilize operating and delivery rooms in the base hospital. A typical worker in this unit is Blanche Bishop, who works on the surgical ward and has been employed at Dewitt Army Hospital for 13 years. As of October 1984, she supported three teenage children on her biweekly take-home pay of $428. Her weekly take-home pay averages $214.

Oh, Mrs. Bishop, you certainly are one of those guilty of waste and fraud and abuse as you pick up the trash and you vacuum and you do the buffing of the floors. But it is Blanche Bishop and Marta Armendirez and thousands of others like them who supposedly are gouging the Federal Treasury, whose wages and benefits we are told must be dramatically reduced through unbridled wage competition.

What we are talking about this afternoon is the wages weapons makers pay to these impoverished people.

I find it appalling that this Senate would further impoverish these already poor Americans to feed the greed of Pentagon weapons-makers. Star wars and MX's should not be purchased at the expense of the dignity of janitors and housekeepers.

By effectively repealing the Service Contract Act, the Armed Services Committee would eliminate any meaningful chance for service workers to achieve stability and continuity in employment; to establish health and welfare funds; to have sick leave or holiday pay; to establish training programs; or even to accrue vacation benefits. I cannot believe that the U.S. Senate, in the year 1986, would put itself in this position of oppressor to 700,000 service employees.

Last week, the Joint Economic Committee of the Congress reported a dramatic increase in the concentration of wealth in the United States over the past two decades. Families in the lower 90 percent of those surveyed, a percentage where most service workers covered by this act fall, had only 20 percent of the wealth, versus 28 per-

cent in 1963. Surely, the Federal Government should not widen that tragic gap still further through its contracting policies.

Not only does the act's coverage operate just as Congress intended; but the core of the act—the wage determination by DOL—also is functioning just as Congress intended it should. Wage and benefit determinations conducted by the Department of Labor are an accurate reflection of locally prevailing wagers and benefits. In 1985, out of 52,000 requests for wage determinations under the SCA, only 46 were appealed to the Wage and Hour Administrator, only three went beyond that to the SCA Appeals Board, and not a single one was appealed to the Secretary of Labor. The virtual absence of controversy over DOL wage determinations confirms that the SCA has achieved widespread acceptance.

Against this background, the Armed Services Committee changes would emasculate the act. Defense Department contracts are by far the largest single group of contracts covered under the SCA. Over three-fifths of the dollar volume covered under the act is DOD contract work.

By raising the threshold on covered contracts from $2,500 to $1,000,000, the committee would exempt 94 percent of the contracts now covered. Under the Wage and Hour Division's own analysis, a $1,000,000 threshold would exclude 72 percent of the workers protected under the act. Even these sweeping statistics do not tell the whole story. Contracts valued at over $1,000,000 easily could be fragmented into smaller contracts in order to qualify for the new exemption. Once this occurs, the act would be reduced to little more than a shell.

In my own State of Ohio, 70 million dollars' worth of contracts would be eliminated overnight from SCA coverage, and 4,300 workers would lose the protections accorded by the act. Millions of Federal contract dollars would now be used to finance substandard wages and benefits for cafeteria workers, garbage collectors, mechanics, maintenance workers, cleaners, housekeepers and others at Ohio military installations.

Since 1965, the Consumer Price Index has risen by a factor of 2.4. The committee has totally ignored this modest increase in its headlong rush to increase Congress' original threshold by a factor of 400. No one should be under any illusions; this is an effort to gut the act.

The Armed Services Committee would eliminate the protections of current law in other ways as well.

By eliminating DOL wage determinations for contracts covering less than 25 employees, the committee would overturn action taken by Congress in 1972. Congress acted 14 years ago to require wage determinations for all contracts covering five or more employees because the then-existing cutoff of 25 failed to cover nearly two-thirds of all service workers.

A reversion to the higher threshold of 25 will injure small contractors who benefit substantially from an established wage structure. This is because larger businesses can use wage-busting practices to eliminate their smaller competition.

Indeed, a leading organization of small businesses that provide services to the Federal Government, the National Association of Government Service Contractors, is strongly opposed to the Service Contract Act changes in this bill. The association president testified at a House committee hearing last week that "any limitation on application of the Service Contract Act would seriously hamper our ability to compete in the marketplace."

The elimination of coverage for contractors with fewer than 25 employees also will deprive workers who most need the protections of the act, employees of small contractors. Many of these workers would not even be covered by the minimum wage provisions of the Fair Labor Standards Act if not for a Service Contract Act provision mandating such protection. Incredibly, this change would put the Federal Government in the position of sanctioning subminimum wages.

The Armed Services Committee further has directed the Secretary of Labor to ignore the wages and benefits being paid by an incumbent contractor when setting the prevailing rate for a successor contract. This change would mean that every time workers manage to secure improved wages or working conditions, the prevailing wage can be set at a rate below this newly obtained rate. The result, obviously, is that the incumbent contractor will lose his contract to anyone willing to underbid. This is exactly what happened prior to 1972, when Congress amended the law to protect worker-secured improvements.

There are other changes, such as new definitions of "prevailing rate" and "locality," that are intended to have the same restrictive impact on protections previously accorded under the SCA. Under the Armed Services Committee's concept of "prevailing rate," the Secretary of Labor would not look to the rate that is most prevalent. Rather, the Secretary would be required to accept the lowest possible rates, union or nonunion, minimum or subminimum, that were being offered anywhere within the county or city where the work was being performed.

When all is said and done, these changes—which are masquerading under the banner of SCA reform—amount to nothing less than repeal of the act.

I believe strongly that Congress must repudiate this effort to undermine the Service Contract Act. Unlike private sector employees, we are dealing here with workers who simply are not in a position to adjust to market forces in order to retain their jobs. When bids are opened, these workers find out that their employer has been replaced. They have no way of knowing in advance what other employers are bidding, where they are located, or what it would take to retain the work and keep their jobs.

Prevailing wage protection is all that stands between these men and women and the overnight loss of their livelihood through contractor turnover.

Ironically, the higher threshold strikes directly at the low-wage workers whom the act is meant primarily to protect. A threshold of $1 million would immediately exempt 68 percent of the Federal contract dollars spent on cleaning services; 66 percent of the contract dollars spent on laundry services; 62 percent of the dollars spent on housekeeping services; 42 percent of the dollars spent on guard services; and 36 percent of the dollars spent on food services. When the splitting of larger contracts to fit under the million dollar threshold is factored in, we can expect to see as much as 85 to 90 percent of these contract dollars exempted.

Women and minorities will be the primary victims of this unconscionable tampering with the act. The most common SCA-covered jobs—janitors, cleaners, housekeepers, food service workers, guards, laborers—are disproportionately filled by women, blacks and Hispanics. Depriving them of SCA protections would push tens of thousands of these workers below the poverty level.

As a matter of fundamental decency and equity, which is what Congress had in mind on three prior occasions since 1965, the armed services changes are an affront. If anything, there is a need to strengthen enforcement of the act with regard to DOD service contracts.

As far back as 1978, GAO found serious deficiencies in the administration of the act by the Air Force, the Army and the Navy. The GAO documented numerous instances of contracting agencies failing to request wage determinations from DOL, and obtaining wage determinations but then failing to include them in the service contracts. GAO also found that DOD often failed to pay back wages even after a violation of the Act was discovered. In 2 years during the mid-1970's, 29 percent and 34 percent of the wages due workers were never restored.

More recently, this noncompliance has been exacerbated by a dramatic decline in DOL enforcement. Since 1984, the rate of inspections and inves-

tigations has dropped by almost one-third. Even the absolute number of inspections has been plummeting—by 34 percent in Dallas in 1 year; by 19 percent in Philadelphia; by 26 percent in Seattle; by 16 percent in New York; by 53 percent in Kansas City.

The Changes in SCA coverage also could threaten the safety of hunderds of thousands of Americans. In the absence of a meaningful prevailing wage floor, contractors compete on the basis of low wages, not skill and efficiency. And while many SCA-covered jobs have little direct impact on public safety, there are dramatic exceptions.

In 1985, some 750,000 passengers traveled on airlines chartered by the Department of Defense. Last December, an Arrow DC-8 crashed in Gander, Newfoundland, killing all 248 servicemen and 8 crew members aboard. A contract aircraft mechanics who serviced this Arrow airplane during July and August of 1985 testified before a House subcommittee that he refused to sign the maintenance log because of the poor condition of the airplane.

Within the last month, a GAO report analyzing FAA data on airline safety inspections has made clear that the unsafe condition of this Arrow airplane was far from unique. The GAO concluded that military charter aircraft have much more serious problems complying with FAA safety regulations than other commercial airlines.

If we want to prevent the deaths of other American servicemen and women, we must ensure that military charter aircraft receive the highest quality mechanical and maintenance service available. At present, some of the employees who service military charters are covered by the SCA and others are not. But one thing is clear: once aircraft mechanics and maintenance crews are denied SCA protections against substandard wages, long hours, and poor working conditions, we can expect unqualified personnel and high turnover to be the rule rather than the exception.

At a time when the GAO has cited military charters for their poor safety records, and when the House Armed Services Committee's Subcommittee on Investigations has recommended that DOD periodically inspect each air carrier that contracts with DOD for charter air travel, do we really want to encourage the underbidding of prevailing wage rates in this area? I believe such encouragement, which is what we have before us now, is incompatible with our responsibility to protect the lives of American GI's.

It also bears mentioning that SCA coverage extends to Federal contract actions between NASA and the private sector that directly implicate the future of our Space Program. Let me cite just two examples. The Kennedy Space Center in Florida spent over $500 million in fiscal year 1985 on service contracts for maintenance and repair of space vehicles. And at the Marshall Space Center in Alabama, millions of dollars are spent each year on contracts that employ computer programmers, engineering technicians, environmental test facility operators, and other professionals covered under the Service Contract Act.

After what we have learned, at tragic expense, about the safety practices of our Space Shuttle Program, do we really want NASA to begin rewarding contractors who underbid prevailing wage rates? In my view, such behavior would be a gross dereliction of our responsibility as lawmakers.

I am well aware that the SCA changes included as part of the DOD authorization do not apply to NASA contracts. But let me remind my colleagues that last July, the DOD authorization approved by the Armed Services Committee contained dramatic revisions in the Walsh-Healey Act which also were supposedly limited to DOD contracts. By the time that authorization had been approved by House and Senate conferees, the Walsh-Healey changes applied across the board to all Federal contracts. If we allow the Service Contract Act to be emasculated for DOD contracts, which are over 60 percent of all Federal contracts, we will have opened a door that in all probability cannot be closed.

Finally, I would like to say a few words about the illusion that eliminating basic protections from the SCA will result in substantial Federal budget savings. The recent CBO analysis that asserts such savings is flawed in several major respects.

The CBO savings. Let us talk about that fictitious figure, because that is what it is, no longer applicable. Those savings, estimated at $160 million per year, are greatly exaggerated because they are based on a 1983 Department of Labor analysis of highly paid Department of Defense research and development workers. The Department of Labor itself has found these workers wholly atypical and the CBO estimates ignore that fact.

More important, the CBO study considers only the savings that the Federal Government may derive from paying lower wages. By ignoring the costs of wage competition to the Federal Government the report fails to give a true economic account of the impact of these SCA changes.

Substantial costs will result from this type of wage competition. There are start-up costs associated with more frequent contractor changes. There are cost associated with diminished productivity and quality of services. And there are costs associated with the dislocation of tens if not hundreds of thousands of workers.

Unlimited wage competition may result in as many as 25 percent of the workers covered by SCA being unemployed for 3 months of the year. The cost to Federal and State unemployment trust funds alone would be $45 million.

In addition, many unemployed workers will not find new jobs. If even 10 percent of these workers go on the welfare rolls, the cost to Government would be $42 million in added AFDC payments, based on an average monthly benefit of $346 for a family of three.

Further, most of these service workers, including those reemployed at lower benefits no longer will have health insurance. Assuming that even 1 percent of these newly exposed workers or their families require hospitalization at the average cost of $3,317—American Hospital Association, the result would be $12 million more in uncompensated care costs, which ultimately would be paid by Federal, State, and local governments.

Finally, individuals paying Federal taxes also pay State and local taxes. By cutting wages, we will be depriving all levels of government of millions of dollars in tax revenues.

The supporters of this Armed Services Committee change would have you believe that cost savings are as simple as subtracting a few thousand dollars from each worker's annual paycheck. But it just is not so. Once the costs associated with lower wages are taken into account, it is clear that this change fails even in its own economic terms.

Madam President, for over 20 years, Congress has spoken with one voice to protect the right to a decent minimum standard of living for millions of service workers in this country. I cannot believe that in 1986, this body will vote to put the Federal Government in the business of exploiting these service workers. We must reject the Armed Services Committee proposal.

Madam President, what we are talking about here this afternoon does not have to do with waste, fraud, and abuse. It has to do with whether the U.S. Senate recognizes the laws that have been on the books for 50 years in one case and 20 years in another case, or whether we are suddenly going to go way out of our way for the purpose of helping the weapons makers, the defense contractors, the poor defense contractors who do not pay any taxes though they make hundreds of millions or billions of dollars. This afternoon, we are told that we have to protect the poor defense contractors. And we have to do so, according to my distinguished colleagues on the other side of the aisle, at the expense of the working people who work in the defense industries and defense facilities of this country.

I say these two amendments should be adopted without further ado if there is any compassion at all left in this body.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Madam President, let me begin by responding to a couple of points made by the distinguished Senator from Ohio. First, the assertion that there has been no peep out of me about being efficient in defense procurement suggests that the distinguished Senator did not pay attention last year and this year. In fact, last year I coauthorized the most comprehensive reform of defense procurement in American history. It changed the way we do business with defense contractors. It put the burden on them in billing the Federal Government. It imposed penalties on them with treble damages if they falsebilled. If they submit a fraudulent claim, it is $1 million fine and they can go to jail. So I would prefer not to be lectured on this issue when I have taken a leadership role on it.

□ 1530

The difference is that waste with me does not stop with companies. It stops when we stop wasting the taxpayers' money. Tell me the logic of this. I have here four categories of wage scales in the area, one wage scale for private companies and one for the Federal Government set for service contracting that we require people who do business with the Government to pay. Master console operators, a computer operator, those are not poor people. In the private sector they make $8.95. That is the average wage. But when they work for a company doing business with the Federal Government, the law requires that they earn $11.05. Now, I remind the Senator from Ohio the average working person in this country does not earn $11.05. When the private sector can buy the same skill for $8.95, why should the taxpayer pay $11.05?

I could go down the scale looking at schedulers. The private sector pays $9.50, but if a company is doing business with the Federal Government they are required to pay $11.05. The average worker in America does not make $11.05. Why should that worker's money be used to pay a noncompetitive wage? There is no reason for that except waste, fraud, and abuse backed up by political power. That is the only excuse.

The second thing we are going to vote on here is Davis-Bacon. I am not going to debate whether Davis-Bacon made any sense in the depression, but it makes no sense today and everybody knows it. The American people are not deceived on the issue. We do not propose repealing Davis-Bacon, for which justice and logic cry out. All we are trying to do is to raise the threshold where smaller contracts up to $250,000 are exempt from Davis-Bacon. That covers only 12 percent of the dollars spent by the Federal Government. That should save the taxpayers $150 million over a 5-year period.

Now, in terms of public opinion, there is no doubt about it on this issue. A recent DMI poll found by a margin of 2 to 1 the American people believe we ought to repeal Davis-Bacon and have competitive wages in the construction industry. Even among union families, the ratio was 46 in favor of repeal, 42 opposed to repeal. But we are not repealing. All we are trying to do is to eliminate the provision on small contracts.

Now, let me remind my colleagues that Davis-Bacon, this false wage set by Government, covers only 20 percent of all contracting expenditures. The average person working in construction today earns $20,696. The average person working in manufacturing only earns $16,484. So if you were carried away by speeches about low-income people, forget it when you are talking about Davis-Bacon. We are not cutting anybody's wage. We are saying go out and buy competitively in the market, like General Motors, like any small manufacturer or construction firm anywhere.

Now, we have had numerous studies on this issue. No one surely could argue the facts here. In fact, in a comprehensive study done by Oregon State University, they found that Davis-Bacon produced a premium wage of between 26 and 37 percent. Why should the Federal Government, when we have something built, pay wages between 26 and 37 percent above the private sector that is building the same thing? Does anybody here argue the Federal Government builds things better than the private sector? Does anybody believe that? I submit not.

Why are we doing that? We are doing it because of the power of special interest. And it is a ripoff exactly like paying $500 for toilet seats is a ripoff.

Now, who is opposed to the Kennedy amendment? The Carter administration was opposed, and very much to their credit. The Reagan administration has hee-hawed around on this issue and did not take a position in favor of reform until they were shamed into it by an amendment that I offered in committee last year. That amendment was adopted in the Senate only to die in conference. But this is not a partisan issue. The last Democratic administration and now the current Republican administration says, amend this law. GAO and CBO have given us study after study, year after year, reports that we can save money by having the Federal Government in construction pay competitive wages.

The Conference on Small Business held this last year asked us to do this for small business. The National Association of Counties says, do this, "Do not let us be cheated in spending your money to build bridges and sewer systems." The National League of Cities says, "Reform this law; let us be efficient in spending Federal money."

Basically, this is an issue of economy, and it is also an issue that relates to small business and to minority contractors. If you have to keep two sets of books, pay two sets of wages, it is hard for a small contractor to be competitive. If you want to save the taxpayer money, if you want to help small business, if you want to help minorities get a stake in the future of America, vote no on the Kennedy amendment. I yield the remainder of the time to the distinguished President pro tempore of the Senate.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. I rise in support of the provisions in the Armed Services Committee bill that modify the Davis-Bacon Act, and I oppose the amendment offered by the distinguished Senator from Massachusetts. In the past, I have spoken many times on this floor recommending the repeal of the Davis-Bacon Act. It means billions of dollars in additional costs for federally financed construction. Nowhere is this burden felt more heavily than on military construction. While the committee's provision does not repeal the Davis-Bacon Act for military construction, it does allow significant modifications that will allow us to realize $150 million during the next 5 years.

One hundred and fifty million dollars can be saved here in the next 5 years if we will take what the Armed Services Committee put in this bill. If we would take what we ought to, we could save $150 million a year, but we are unable to get that. We are not even contesting that.

The principal provisions have been discussed, but let me just highlight a few. The committee provision will waive Davis-Bacon for military construction up to $250,000. Previously, the threshold was only $2,000. So we are raising the threshold from contracts of $2,000 to $250,000. The administration—and I might say the Secretary of Labor, the Secretary of Defense, and the Director of the Office of Management and Budget—recommends a threshold of $1 million. We are only making it $250,000.

Madam President, I cannot begin to tell you what a tremendous administrative burden existing law places on both the Government and the contractors for these relatively small contracts. In fact, it is estimated that at

the $250,000 threshold, while more than 70 percent of the contracts within the military construction budget fall in this category, only 12 percent of the contract dollars are affected. So it is only a very small percent.

Now, Davis-Bacon is applied to approximately 20 percent of national construction, and military construction is only 2 percent, and yet it will save $150 million in 5 years.

In 1985, military construction accounted for $7 billion in a $300 billion industry, representing slightly over 2 percent of the industry—only 2 percent. These changes do not even affect all military construction. Davis-Bacon provides a preferential treatment to a small—20 percent—portion of the construction industry.

□ 1540

Close to $300 billion per year is spent on construction, and 80 percent of this construction is done without Davis-Bacon involvement. I want to repeat: 80 percent is done without Davis-Bacon.

Davis-Bacon "protection" for the construction trades is no longer needed.

In 1981, construction workers earned an average of $398 per week, when manufacturing workers earned only $318 a week. Why should construction workers get $398 a week and manufacturing workers get only $318 per week? Why should be Government subsidize it? That is what the Government is doing—they are subsidizing the construction workers through the Davis-Bacon Act.

Davis-Bacon inflates the cost of building.

An Oregon State University study was made in this matter, and it showed that the cost of construction projects where Davis-Bacon applied was 26 to 37 percent higher than the equivalent private construction projects.

Here, the Government has a chance to handle this matter in private construction, and according to the study made it Oregon University, it will save 26 to 37 percent.

We talk about saving money and the budget being tight. Do we want to save money? Here is an opportunity. Are we going to pass it up? I hope not.

Davis-Bacon is hard to administer. Madam President, the time for preferential treatment at the taxpayers' expense is over. This is preferential treatment. It is nothing but preferential treatment if we give construction workers 26 to 37 percent more than other workers get. And why should they do it?

I think it is the responsibility of Congress to save every dollar we can and we ought to save this money.

One hundred and fifty million dollars is not chickenfeed. We can save $150 million in 5 years. We have cut it down. We thought there would be no opposition to this. The threshold has been raised from $2,000 to $250,000. They should not object.

Madam President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 1 minute and 36 seconds.

Mr. KENNEDY. Madam President, how much time do I have?

The PRESIDING OFFICER. Eight minutes and six seconds.

Mr. KENNEDY. I thought I was told I would have 11 minutes after the Senator from Ohio finished.

The PRESIDING OFFICER. The Senator from Ohio requested 3 additional minutes.

Mr. KENNEDY. That explains it. I did not expect that of my good friend.

Mr. METZENBAUM. You should not have left the floor. [Laughter.]

Mr. KENNEDY. I yield 5 minutes to the Senator from Illinois.

Mr. SIMON. Madam President, briefly, on the Davis-Bacon issue, I point out to my colleagues who may be undecided as to how to vote that the Secretary of Labor and the building trades have been negotiating raising the threshold. I do not know how this messes up those negotiations, but adopting this certainly would not help.

I think the basic question is, Should the Federal Government be involved in depressing wages in this country? I have come to the conclusion that the Federal Government should not.

Who is hit hardest by these changes? I am talking about the service contractor now, not Davis-Bacon. On a service contract, it is clear that it is the people at the bottom of the ladder. In Illinois, it is 3,900. Illinois has very few defense contracts. I cannot tell you how many it is in Kansas, South Carolina, Texas, or the other States represented here on the floor.

Who are the people? Let me give the numbers. This is from the Department of Labor.

Janitors, 111,000; housekeeping aides, 50,000; guards, 38,000; mess attendants, 24,000; food service workers, 225,000.

These are the people who are just barely getting by now, and the proposal is to depress their wages further. I cannot believe that the American people want us to do that.

How much are janitors getting now, on the average?—$6.07 an hour. And we want to say to them that we want to pay them less. Food service workers are getting $5.24 an hour; guards, $5.59 an hour. Should we be depressing those wages further? I do not think so.

Then I think we ought to be looking at the quality of work. For example, aircraft mechanics now get an average of $11.43 an hour, and there is already a problem of excessive turnover. If you depress those wages further, there is going to be more turnover, and we are going to have additional safety problems. There is the whole question of more and more turnover, and a poorer and poorer product.

Then, finally, two additional points that I think are important, points that we somehow have lost sight of as we discuss a variety of things here.

One is, what is happening not only in this bill but in a great many other things to the distribution of income in this country? Let me tell you what is happening. We are having fewer and fewer people who own homes in this country, for the first time since the Great Depression, a smaller and smaller percentage. We are having a shrinking middle class.

The disparity between the top 10 percent of our population in income and the bottom 10 percent of our population in income is now 14 to 1. It is 5 to 1 in West Germany; less than that in Japan. Do we want to increase that disparity? I do not think we should. I do not believe the American people want us to do it. Yet, that clearly is the thrust of this legislation.

Then, finally, my friend, the distinguished junior Senator from Texas, talks about the massive power of the unions. Well, the Senator from Texas made it pretty easily in the last election without having that massive power in his support.

I point out to my colleagues that there is not another Western industrialized nation that has a lower percentage of its work force that belongs to unions. While some Senators may view that as a healthy thing, I view it as a basically very unhealthy thing, because they are among the people who helped to build up that middle-income structure that helps the distribution of income in our country.

This is going to depress all that even more. This is not the direction in which we ought to be going.

If we want to save money, we can find some missiles we can knock out; we can stop a few underground tests that we do not need. There are a thousand and one ways to save money, without picking on the poorest people in our country. Yet, that is basically what we are being asked to do.

I hope we could use common sense and a little compassion and accept the amendments offered by the distinguished Senator from Massachusetts, and help people in our country who need help.

Mr. KENNEDY. Madam President, how much time remains?

The PRESIDING OFFICER. Two minutes and thirty-five seconds.

Mr. KENNEDY. Madam President, I think the Senator from Illinois and others have put their finger on the thrust of the argument.

□ 1550

It is interesting for me to stand on the floor and hear that those who really want to save the defense dollar cannot find anything in this massive defense budget of $300 billion to cut back on except on the wages of the lowest-paid individuals in America where a quarter of these families are making less than the poverty level and let us put them at risk.

Madam President, when one examines the most recent study—we have heard a lot about the studies here on the floor—take the HUD study of this administration in reviewing whether there has been compliance and noncompliance on the Davis-Bacon provision and they show where there has been noncompliance, that the contracting here has demonstrated shoddy construction and shoddy work with the increased cost of millions of dollars to the American taxpayer.

Then I hear my good friend from Texas talk about the confidence he has in CBO.

Yet when the Senator from Colorado this past year was quoting a CBO analysis showing favorable budget effects of the oil import fee, Senator GRAMM warned he spent most of his life working with studies and he knew exactly what goes into them. "Yours is a study written by people who want an easy source of revenue," he said, "There is no doubt about the fact that you get CBO to claim that the amendment will save money, but do not believe it."

I say that is about the same kind of judgment that we ought to give to his evaluation of these studies.

Neither the Senator from Texas nor the Senator from South Carolina had indicated what the additional costs would be to the Federal taxpayer with revenue loss by depressed wages, what will be the cost in terms of additional health care that is going to be paid for by the Government.

Madam President, what you are basically doing is saying to the poorest-paid people of this country, "Well, some study in CBO has said that we can squeeze some more money out of you in order to provide additional money for the Defense Department; even though it is a questionable study, we are going to do that."

Madam President, there are better ways, and we all know them, on how we can save taxpayers money.

We do not hear any assault on the major contractors in this debate and discussion. All we talk about is the neediest people and the working poor of our country.

I hope my amendment is successful.

Mr. GRAMM. Madam President, this is not a union issue versus nonunion. This is a taxpayer issue versus waste, fraud, and inefficiency.

The so-called beneficiaries of Davis-Bacon make more money than the average taxpayer who pays for this ripoff. That is the issue. Do not be deceived by all this rhetoric.

I yield the remaining time I have to the Senator from Indiana.

Mr. QUAYLE. Madam President, how much time do I have?

The PRESIDING OFFICER. The Senator from Indiana has 1 minute.

Mr. QUAYLE. Madam President, I would like to just make a straightforward proposal on the Davis-Bacon amendment. That will be the second amendment that the Senate will be voting on. I am always a bit surprised about how people on the Davis-Bacon rush in here and have to defend the status quo year after year after year.

Davis-Bacon came into existence and the $2,000 threshold was established in 1935. It has not been changed since 1935.

Believe me, common sense and logic would dictate that there ought to be a change in the threshold of Davis-Bacon.

In the Senate Armed Services Committee we started out at a $1 million threshold. The Senator from Indiana and others in the amendment I offered reduced that $1 million threshold to $250,000. The $1 million threshold basically repealed for all practical purposes Davis-Bacon. I felt that was wrong.

Madam President, this is absolutely imperative that at some time we have to change that threshold. Certainly, most Senators and I hope a good majority of Senators recognize that you just cannot year after year after year preserve something that was passed in 1935. This is 1986.

Mr. KENNEDY. The yeas and nays, Madam President.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. KENNEDY. I ask for the yeas and nays on the second division.

Mr. GRAMM. On both.

The PRESIDING OFFICER. Is there a sufficient second?

There is there a sufficient second?

The yeas and nays were ordered.

The question is on agreeing to division 1 of the amendment of the Senator from Massachusetts.

On the question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

□ 1610

Mr. ZORINSKY (after having voted in the negative). Madam President, on this vote I have a pair with the Senator from New Jersey [Mr. BRADLEY]. If he were present and voting, he would vote "aye." If I were at liberty to vote, I would vote "nay." Therefore, I withheld my vote.

Mr. SIMPSON. I announce that the Senator from Connecticut [Mr. WEICKER], is necessarily absent.

Mr. CRANSTON. I announce that the Senator from New Jersey [Mr. BRADLEY] and the Senator from Missouri [Mr. EAGLETON] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 62, nays 34, as follows:

[Rollcall Vote No. 193 Leg.]

YEAS—62

| | | |
|---|---|---|
| Andrews | Exon | Matsunaga |
| Baucus | Ford | Melcher |
| Bentsen | Glenn | Metzenbaum |
| Biden | Gore | Mitchell |
| Bingaman | Gorton | Moynihan |
| Boren | Harkin | Murkowski |
| Boschwitz | Hart | Nunn |
| Bumpers | Hatfield | Packwood |
| Burdick | Heflin | Pell |
| Byrd | Heinz | Proxmire |
| Chafee | Hollings | Pryor |
| Chiles | Inouye | Riegle |
| Cranston | Johnston | Rockefeller |
| D'Amato | Kasten | Sarbanes |
| Danforth | Kennedy | Sasser |
| DeConcini | Kerry | Simon |
| Dixon | Lautenberg | Specter |
| Dodd | Leahy | Stafford |
| Domenici | Levin | Stennis |
| Durenberger | Long | Stevens |
| Evans | Mathias | |

NAYS—34

| | | |
|---|---|---|
| Abdnor | Hawkins | Quayle |
| Armstrong | Hecht | Roth |
| Broyhill | Helms | Rudman |
| Cochran | Humphrey | Simpson |
| Cohen | Kassebaum | Symms |
| Denton | Laxalt | Thurmond |
| Dole | Lugar | Trible |
| Garn | Mattingly | Wallop |
| Goldwater | McClure | Warner |
| Gramm | McConnell | Wilson |
| Grassley | Nickles | |
| Hatch | Pressler | |

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Zorinsky, against.

NOT VOTING—3

| | | |
|---|---|---|
| Bradley | Eagleton | Weicker |

So division 1 of amendment No. 2653 was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SIMON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GOLDWATER addressed the Chair.

The PRESIDING OFFICER. (Mr. HECHT) The Senator from Arizona is recognized.

Mr. GOLDWATER. Mr. President, I think it is only fair that I inform my colleagues that we have 20 amendments left. Some of them are very, very involved. Unless we can get the authors of those amendments to agree not to introduce them, I am afraid we are going to be here tomorrow. There is no way in God's green world we can do 20 amendments between now and midnight. If you want to stay all night, we could probably get them done by 5 or 6 in the morning. That is the situation we are in.

My staff is working on it now to see if we cannot talk some of the Members out of their amendments. I do not want to ruin your afternoon, but that is it.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, I agree with the Senator from Arizona. We have 20 amendments. Everybody is cooperating but everybody wants an hour. That is what we are running into now. We cannot get anybody to take less than an hour. We cannot get anyone to withdraw amendments.

Now we have heard there may be another amendment coming up that is going to precipitate at least three more amendments relating to the Midgetman missile. If that happens, that is another 5 hours we are not even counting on.

So we are talking about, as the thing is going right now, another 20 hours. I will go either way. I will stay all night and finish up, I think it will be 8 or 9 o'clock tomorrow morning if we stay all night, maybe 6 or 7 or we can go home tonight at 8 o'clock and come back, stay until midnight, 1, 2 o'clock on Sunday morning. We all have a stake in this important bill. Also I know you have amendments you want up. But if anybody wants to go home before Sunday morning about 4 or 5 o'clock, you are going to have to prevail on your colleagues to cut down the time, prevail on your colleagues to hold some of these other amendments to other bills, and prevail on your colleagues to withdraw some of them. It is just that simple. There is nothing more we can do. We are going to finish this bill some time between now and Monday.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Massachusetts, division 2. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DECONCINI (when his name was called). Mr. President, I have a live pair with the senior Senator from New Jersey [Mr. BRADLEY]. If he were present and voting, he would vote "yea." He cannot be here. If I were permitted to vote, I would vote "nay." Therefore, I withhold my vote.

Mr. SIMPSON. I announce that the Senator from Vermont [Mr. STAFFORD] and the Senator from Connecticut [Mr. WEICKER] are necessarily absent.

Mr. CRANSTON. I announce that the Senator from New Jersey [Mr. BRADLEY] and the Senator from Missouri [Mr. EAGLETON] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 44, nays 51, as follows:

□ 1620

[Rollcall Vote No. 194 Leg.]

YEAS—44

| | | |
|---|---|---|
| Andrews | Harkin | Metzenbaum |
| Baucus | Hart | Mitchell |
| Biden | Heflin | Moynihan |
| Bingaman | Heinz | Murkowski |
| Burdick | Inouye | Packwood |
| Byrd | Johnston | Pell |
| Cranston | Kennedy | Proxmire |
| D'Amato | Kerry | Riegle |
| Danforth | Lautenberg | Rockefeller |
| Dixon | Leahy | Sarbanes |
| Dodd | Levin | Sasser |
| Durenberger | Long | Simon |
| Ford | Mathias | Specter |
| Glenn | Matsunaga | Stevens |
| Gore | Melcher | |

NAYS—51

| | | |
|---|---|---|
| Abdnor | Goldwater | McConnell |
| Armstrong | Gorton | Nickles |
| Bentsen | Gramm | Nunn |
| Boren | Grassley | Pressler |
| Boschwitz | Hatch | Pryor |
| Broyhill | Hatfield | Quayle |
| Bumpers | Hawkins | Roth |
| Chafee | Hecht | Rudman |
| Chiles | Helms | Simpson |
| Cochran | Hollings | Stennis |
| Cohen | Humphrey | Symms |
| Denton | Kassebaum | Thurmond |
| Dole | Kasten | Trible |
| Domenici | Laxalt | Wallop |
| Evans | Lugar | Warner |
| Exon | Mattingly | Wilson |
| Garn | McClure | Zorinsky |

PRESENT AND GIVING A LIVE PAIR—1

DeConcini, against.

NOT VOTING—4

| | |
|---|---|
| Bradley | Stafford |
| Eagleton | Weicker |

So division 2 of amendment No. 2653 was rejected.

□ 1530

Mr. GRAMM. I move to reconsider the vote by which division 2 was rejected.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2651

(Purpose: To delete authority to establish alternative management systems for scientific, technical, and acquisition personnel)

Mr. STEVENS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. It takes unanimous consent to lay aside the pending amendment.

Mr. STEVENS. I ask unanimous consent that the pending amendment be set-aside in order to consider this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] proposes an amendment numbered 2651.

On page 158 strike out line 8 and all that follows through page 181, line 18.

Mr. STEVENS. Mr. President, this is the first of three amendments. It deals with areas in the bill that are primarily the jurisdiction of the Governmental Affairs Committee. We will agree to a short timeframe limitation, whatever the distinguished Senator from Arizona wishes, 30 minutes or whatever it is—20 minutes.

Mr. GOLDWATER. I just want to ask how long the Senator thinks it will take.

Mr. STEVENS. I would be pleased to agree to a time limitation. It would be up to Senator QUAYLE and Senator BINGAMAN to agree to the time limitation. I would think a maximum of 30 minutes would be sufficient.

Mr. GOLDWATER. The Senator has three amendments.

Mr. STEVENS. Yes, Mr. President, this is the Quayle-Bingaman; the second is GSA; the third deals with entitlement provisions of the pay amendment.

Mr. KERRY. Would the Senator yield without losing his right to the floor?

Mr. STEVENS. Yes, Mr. President.

Mr. KERRY. I would like to follow up. I was discussing with the managers of the bill the possibility of entering into a consent agreement following the amendment of the Senator from Alaska.

Mr. GOLDWATER. That is the understanding, Mr. President, that is all right.

Mr. KERRY. Could we agree that my amendment would be next with a time limitation of 45 minutes, 25 minutes to this side, 20 minutes to the other? And no amendments be in order thereto.

Mr. STEVENS. Reserving the right to object, the Senator is talking about following my amendment?

Mr. KERRY. That is correct.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. QUAYLE. Mr. President, do we have a time agreement? I have no problem with entering into a time agreement, 30 minutes equally divided.

Mr. STEVENS. I am willing to do that. I ask unanimous consent that the time on this amendment be limited to 30 minutes equally divided and that no amendments be in order. It is a simple amendment to strike.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, this is an amendment to strike what is known as the Bingaman-Quayle bill in our committee from this defense bill. This amendment would put into effect a separate pay act for the Department of Defense.

□ 1650

The Department of Defense has a considerable number of civilian employees. Incidentally, the Bingaman-Quayle amendment applies only to the civilian employees of the Department

of Defense. Our committee now and the Government Affairs Committee has held five hearings on pay and personnel provisions that are covered by this amendment. I personally conducted some in California, both at China Lake and at San Diego. There has taken place at each of those locations a significant experiment in the pay area for the Federal Government. Both of those installations are industrial fund installations. They are not operated on the normal basis of just strictly appropriations. They are industrial fund entities.

I think the two experiments have been very good and from the two experiments we can draw a great deal of information.

This Bingaman-Quayle provision would extend a concept from these two experiments of an alternative personnel system for scientists, engineers and acquisition personnel. It deals with these problems as though all of the recruitment and retention problems of the Federal Government are confined to scientific and technical occupations in the Department of Defense, and that is just not true.

We have a considerable number of problems in the personnel system for civil service in the Federal Government. We are working on legislation to deal with all civilian employees. There are difficult problems in the civil service, there is no question about it. At Aberdeen Army Proving Ground in Aberdeen, MD, there is a turnover in civilian guards of 19 percent. In Boston, MA, at Hanscom Air Force Base there is a turnover of clerical employees of 30-percent annually. In Los Angeles, at the Corps of Engineers, the turnover rate is almost 20 percent. We have difficulty in filling jobs now. In one category, in voucher examiners, the delay in filling jobs is 146 days.

The problem of recruitment and retention, as I said, is not limited to the area of scientists, engineers and acquisition personnel, and yet the basic assumption of the Quayle-Bingaman approach or Bingaman-Quayle approach in this defense authorization bill deals with those people and leaves us in the position where the rest of the civilian work force and the problems of that work force are ignored.

Now, I believe that an alternative personnel system in a portion of the Department of Defense will lead to interagency competition in terms of acquisition of the very people we are talking about. This would give only the Department of Defense special powers to deal with scientists, engineers and acquisition personnel, and it will mean that they will have the effect of a suction, just a vacuum to bring out of the other portions of the Federal Government these people who we need throughout the Government.

I call your attention to the fact that the administration policy statement asked for the deletion of this alternative personnel system and states that fragmented agency authority is unacceptable in the view of the administration. They do have pending before our Government Affairs Committee recommendations dealing with the whole civil service.

Also, Mr. President, the Department of Defense itself has written us a letter, and I ask unanimous consent that it be made a part of the record, stating their opposition to this portion of this bill.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ASSISTANT SECRETARY OF DEFENSE,
*Washington, DC, July 29, 1986.*

Hon. TED STEVENS,
*Chairman, Subcommittee on Civil Service, Post Office and General Services, U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The Subcommittee on Civil Service, Post Office, and General Services is currently considering legislation which would provide for changes in the Government's personnel management system. The Department of Defense has a major interest in personnel management improvements and has been deeply involved in the Administration's effort in this area.

Office of Personnel Management Director Horner has recently submitted to the Congress a legislative proposal which would allow for gradual, controlled expansion of the alternative personnel system that has been successfully demonstrated for six years at two Navy laboratories in China Lake and San Diego, California. The Department of Defense believes strongly that this is the best approach to attain long-needed systemic improvements and would very much appreciate your support.

Among the suggestions that have been made is that additional studies and testing be conducted. The Navy demonstration project has been underway for six years and has been very successful. Its success has been widely recognized and its expansion has been supported in a variety of forums. The National Academy of Public Administration in its report on Deregulation of Government Management Project—Personnel Management dated October 1983 recommends expansion of the China Lake program to other government agencies. Most recently, the President's Blue Ribbon Commission on Defense Management, headed by David Packard, recommended extension of the system. We do not believe that additional testing or study is necessary, particularly since the expansion will be on a gradual and controlled basis.

Your interest in improving Federal personnel management is well known. The hearings that you recently held in California provide additional evidence of your continuing interest. The Department of Defense sincerely appreciates your efforts. Legislation which would expand the Navy demonstration project would be a significant step in the direction of achieving needed improvements. Your support would be greatly appreciated.

The Office of Management and Budget advises that there is no objection from the standpoint of the Administration's program to the submission of this report.

Sincerely,

CHAPMAN B. COX.

Mr. STEVENS. So the very department that the Bingaman-Quayle provision attempts to assist has indicated that it does not want a fragmented approach to the personnel system of the United States.

Now, I do not want to appear and I hope I am not interpreted as being critical of the efforts of Senators BINGAMAN and QUAYLE. They appeared before our committee. Senator BINGAMAN is on the Government Affairs Committee also, and he is working with me and the rest of the committee members on the subject of the entire civilian work force. I am sure they will say they place a higher priority on trying to settle the problems of the Department of Defense than the rest of the Government, or at least they believe that this is a vehicle for putting into effect a partial solution to a part of the problems of the Federal Civil Service.

But keep in mind that the Department of Defense now has almost one-half of the civilian employees of the Federal Government. This amendment deals with just a portion of them and leaves us in a position where, if the Bingaman-Quayle provision becomes law, the balance of the work force, both in the Department of Defense and throughout the rest of the executive branch, would be in effect punished because there will be special provisions and special incentives for but a portion of the scientific, engineering, and acquisition personnel currently employed by the U.S. Government.

I reserve the remainder of my time. Again, I do hope that Members will support my motion made on behalf of the Government Affairs Committee to strike this provision.

Mr. QUAYLE. Mr. President, I yield myself 5 minutes.

Mr. President, I have no disagreement with the Senator from Alaska in his assertion that this only deals with the Defense Department and the fact that it is not governmentwide. That statement is factually correct. The Senator implies that for some reason since the Senate Armed Services Committee has done a lot of work, we have had a lot of hearings on this issue to try to come up with an alternative personnel system within the Department of Defense, this is not right.

I might just point out to the Senator that we had made a parliamentary inquiry to the Parliamentarian as to where this amendment, if it was a freestanding measure, would be referred and, if it was a freestanding measure, it would have been referred to the Senate Armed Services Committee, so we do in fact have jurisdiction.

I also say to the Senator from Alaska that I hope to work with him to get a governmentwide program to deal with civil service reform. As a matter of fact, we specifically say that

the alternative personnel management system that is in our bill is good for 5 years or—and I think this is very important, Mr. President—until a governmentwide personnel system is adopted.

So once the Senator, who is a champion in the area of civil service reform and looks out for the rights of civil service employees like nobody else, and his committee and the Congress adopted a governmentwide reform, that would supersede what we have done. But the point is, Mr. President, we in fact cannot wait any longer.

One of the top priorities and one of the top recommendations of the Packard Commission was to deal with the idea of enhancing the quality of acquisition personnel. It said if you are going to deal with acquisition reform, what you are going to have to come to grips with is, how, in fact, can you increase and enhance that quality of acquisition personnel?

Let me just read one of the primary recommendations of the Packard Commission; that really was the incentive for us to move forward.

□ 1650

The Senator from New Mexico and I went to great lengths to testify before the Senator from Alaska's subcommittee. We have been very upfront about what we have done. We asked for their participation.

Now we are at this particular juncture—whether we are going to have any acquisition reform for personnel or not. I hope we will be able to keep this reform measure in, which allows for flexibility, which allows for a better type of assistant to train and support in the Department.

There are approximately 200,000 civilian employees in the Department of Defense. The Packard Commission spent a lot of time, as did our committee, in looking at the personnel side of it. You have the operational side and the structural side but also the people side.

Let me read a few statements from the Packard Commission that dealt with this. One question was how the Packard Commission could enhance the quality of acquisition personnel. Here is what they said:

DOD must be able to attract and retain the caliber of people necessary for a quality acquisition program. Significant improvements should be made in the senior-level appointment system. The Secretary of Defense should have increased authority to establish flexible personnel management policies necessary to improve defense acquisition. An alternate personnel management system should be established to include senior acquisition personnel and contracting officers as well as scientists and engineers. Federal regulations should establish business-related education and experience criteria for civilian contracting personnel, which will provide a basis for the professionalization of their career paths. Federal law should permit expanded opportunities for the education and training of all civiliam acquisition personnel.

I submit to the Senate that that is precisely what we are trying to do.

Mr. President, we are also learning from experience. We had a couple of very good examples of where a flexible personnel system worked to the advantage of getting better people into the Department of Defense, where you had better productivity, where you had good management, and where you had an overall better system.

One of the systems that is known to us, and it came before our committee, was the China Lake experiment in California, where they had the opportunity to introduce this more flexible type of a system.

I can tell the Senate that with the hearings we had, people came before that committee, referred to that China Lake experience, and said they had good results. Why did they have good results? Because they had flexibility in the system. They had a better promotional career path. They had a better pay situation. They had a better situation to reward people.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. QUAYLE. I yield myself 1 additional minute.

They had a system at China Lake that worked. It worked for the improvement of the management skills of these employees.

What we have attempted to do in our amendment that is before Senate, and in the Senate Armed Services Committee, was to try to go in that direction, to get an increase in the quality of personnel system, to recognize that if we are going to improve acquisition, we have to begin with the people. The people are a very important commodity in increasing the efficiency and the productivity of the acquisition system.

If we are going to demand efficiency, as we should, we ought to have a better system than the antiquated system we had before.

Once the Governmentwide program and the reforms come from the Senator from Alaska's committee, that would supersede this recommendation, and that would take place.

The PRESIDING OFFICER. The Senator's 1 minute has expired.

Mr. QUAYLE. I yield 5 minutes to the Senator from New Mexico.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. BINGAMAN. I yield.

Mr. DOLE. Mr. President, as I understand it, there are to be cloture votes at 5 o'clock unless they are postponed.

The PRESIDING OFFICER. That is correct.

Mr. DOLE. I ask unanimous consent that they be postponed until 6 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I join the Senator from Indiana in opposition to the amendment of the Senator from Alaska.

It is clear to me that the issue here is, are we going to do something to improve the acquisition personnel system in the Department of Defense this year, or are we going to do nothing to improve that acquisition personnel system?

The provisions which are the subject of the Senator from Alaska's amendment are essentially the same or very similar to those that were introduced as a freestanding piece of legislation in the Senate by me and Senator QUAYLE, Senator WILSON, Senator GOLDWATER, Senator NUNN, Senator CHILES, Senator ROCKEFELLER, and Senator GORE.

I think there is general agreement in this body about the need to improve the quality of civilian acquisition work force in the Defense Department. There is general agreement that the China Lake demonstration project has worked very effectively and that the Naval Ocean System Center in San Diego experiment has worked effectively in providing additional flexibility in this system.

The thrust of these experiments, and the thrust of the provision we are here defending, is to try to apply more flexibility into the system, to try to allow the managers who are being held accountable for results—to give them the authority to manage their people, to reward people who do good work, and to refuse to reward those who do not.

As the Senator from Indiana pointed out, this provision was proposed by David Packard and his Commission. It is a major piece of their recommendation. It was proposed earlier in another report that Mr. Packard did on the National Laboratories in 1983, and he has carried forward with his efforts to get this done.

The legislation that is the subject of this debate was introduced because Mr. Packard came to Congress and came to me and many of the cosponsors and asked us to do what we are trying to accomplish today.

We tried to work with the Governmental Affairs Committee on the issue. We made an effort to accommodate their needs, but we find that, on one side, there are those in the Office of Management and Budget who essentially say: "If we cannot do everything, let us do nothing this year. If we cannot apply the China Lake system to the entire work force, let us not apply it in the Defense Department."

On the other side, we have a group that is comfortable with the status quo, and they do not want to see any major changes in the personnel system as it exists today.

Those of us who are defending this position and resisting the amendment being offered by the Senator from Alaska are trying to get something done this year and get this process started to upgrade the quality of the scientists in the work force that deals with acquisition in the Department of Defense.

Mr. President, I believe that all of us have demonstrated a willingness to work with the Governmental Affairs Committee. If this provision is left in, I am sure that accommodation can be made in the conference committee, to accommodate some of the concerns that the Senator from Alaska has. But I urge my colleagues to defeat this amendment. I urge the Senate not to reject this major initiative that Mr. Packard and his Commission came forward with.

If we allow the Civil Service bureaucracy to once again swallow up the recommendations that have been put forward by Mr. Packard and his colleagues——

The PRESIDING OFFICER (Mr. GARN). The Senator's 5 minutes have expired.

Mr. BINGAMAN. Mr. President, I request that I be allowed 1 additional minute.

Mr. QUAYLE. I yield the Senator 1 additional minute.

Mr. BINGAMAN. Mr. President, I believe if we allow the Civil Service bureaucracy to once again swallow up this kind of recommendation this year we will be making a very serious mistake. We need to give DOD acquisition managers the ability to manage their personnel and retain and recruit the top quality people we need in order to deliver the research and weapons systems that are needed for the Nation's defense.

Thank you, Mr. President.

I yield the floor.

Mr. STEVENS. Mr. President, I yield myself 5 minutes of the 7 minutes I have remaining. Is that correct?

The PRESIDING OFFICER. The Senator from Alaska is correct.

Mr. STEVENS. Mr. President, the Senate should know that the General Accounting Office appeared before our committee and specifically opposed the Bingaman and Quayle proposal because they said it is a selective treatment of employees and a proliferation of alternative personnel management systems. They went on to indicate that if alternative personnel systems are needed, they believe it preferable to establish them not on the basis of skills but on an agency-by-agency basis to eventually include all agencies with central control exercised by the Office of Personnel Management.

Incidentally, I might say parenthetically I think that what is holding up the defense authorization bill is the extension of the scope of jurisdiction of this committee by including provision after provision that is pending before other committees in the Senate.

In this regard, this legislation that is included in the defense bill would remove thousands of employees from the competitive service, eliminate the pay cap that applies to those employees only but at the same time remove from Civil Service competitive service. They would no longer have the rights of appeal to the Merit System Protection Board. It will extend the period for probationary employment from 1 to 3 years. They are denied procedural protection for removal, suspension, or other rates under the Merit System Protection Board during that period.

Mr. President, if we are going to have some changes in those they ought to be Governmentwide.

The net result, as I said before, if this Bingaman-Quayle approach applies only to scientists and engineers and these acquisition personnel in the Department of Defense, they will have the right to recruit from the rest of the Federal Government and the problems will proliferate. There will be greater problems in other areas.

Let me tell you, for instance, in the National Institute of Neurological and Communicative Disorders and Stroke, they waited 2 years to find someone who would take the positions that were available there. The noncompetitive salaries paid to physicians and to those involved in research for NIH have been inadequate. We know they are inadequate. We are trying to solve the problems across the board.

What this will do is this will turn over the extra money that is there to give incentive to hire people solely to the Department of Defense. By the way, built into this is a 5-percent pay increase in pay for the same jobs for the Department of Defense.

By the way, it is not funded. There is no money added to it.

You know what they do. They are going to take it away from the other people who work for the Department of Defense because there is no added money in this bill to fund the reforms that they believe ought to be put into effect.

We are working trying to get a generic bill to extend the experiments of China Lake and the San Diego installation. They were good experiments. But ask them.

Mr. President, I went out and asked them. They have industrial funding. When they want to expand their work force they go out and get additional jobs.

You do not get additional jobs if you have a security agency as they have up in Boston or if you have research like out here at NIH.

The impact of what the Bingaman-Quayle bill incorporated in this Department of Defense bill would do is to set up a separate system within the Department of Defense for civilians who the current managers wish they could pay more to their people. I do not know anyone who does not wish they could pay more to their people.

The problem is whether you have a system, a national system for civilian employment or a special one for the Department of Defense only.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. STEVENS. And I think this is wrong.

The PRESIDING OFFICER. Who yields time?

Mr. BINGAMAN. Mr. President, will the manager on our side yield me an additional minute?

Mr. QUAYLE. I yield the Senator an additional 1 minute.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, let me just ask unanimous consent that we print in the RECORD at this point an editorial dated May 16, 1986, entitled "China Lake" from the Wall Street Journal.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From The Wall Street Journal, May 16, 1986]

CHINA LAKE

Beginning in the late 19th century, U.S. reformers tried to build a federal civil-service system immune from interference by politicians. They succeeded quite well. In fact, the reformers of today are trying to knock a few bricks out of the structure to give federal managers room to breathe. The Reagan administration has just made a proposal along these lines. It is so good that opponents are already circling the baby, waiting for a chance to smother it when no one is looking.

President Jimmy Carter's 1978 Civil Service Reform Act recognized that the rigid federal work rules had to be changed. The act authorized experiments with the startling idea of paying people according to their work performance.

Merit-pay experiments were set up at two Navy scientific installations, one at the China Lake Naval Weapons Center in the Mojave Desert. The place was having tremendous trouble attracting and holding scientific and technical talent under the federal system of rigid job classifications and automatic wage increases.

The experiment gave managers more discretion in setting entry salaries and moving employees around within broad "pay bands." The money that usually goes for automatic pay increases was given to the managers to distribute according to employee performance.

The results are now in, and the new system has been a success. Employees like the new system better than the old one. The pay range for individual jobs has expanded. Better employees now want to stay in their jobs more than poor performers do. Managers are tickled, since the new rules cut the time they must spend on personnel matters.

There was a big exception to the good news: The experiment increased costs by 5 percent. The Office of Personel Management, which ran the experiment, says this is

partly because scientists are in very short supply, which is not true for most federal jobs. Also, certain automatic pay increases were grandfathered into the experiment. The Office of Management and Budget was not too impressed with the fiscal explanations, and has insisted that further efforts of this sort be revenue neutral.

The administration is now putting together a bill to allow other agencies to go to the China Lake system. Some interested observers in Congress and elsewhere like the idea, and even critcis don't want to stomp on it too hard. After all, the idea of taking home more pay for more work is as American as you can get.

So we are beginning to hear the criticisms that seesaw, fuzz the edges and change the subject. Some say that China Lake, with all its scientific personnel, is an exception. Others are backing Rep. Mary Rose Oakar's bill on pay reform, which calls for more studies on yet other possible changes. They say they prefer Rep. Oakar's "total" approach to the administration's "quick fix."

Or they say that if we want to attract good people to the civil service, we should first examine all of federal personnel policy for inconsistencies. For instance, the present House tax-reform package removes a big tax break on federal pensions. Able people will flee government service before this provision takes effect.

These ideas aren't crazy. We have built a federal personnel system so full of rules and preferential provisions that you can't fix one part of it without worrying about whether you're going to mess up another.

But the bottom line of all these objections is that you shouldn't do anything in the foreseeable future about the results of China Lake.

All of this policy chewing gum sticking to the shoes of this issue is a reason why the administration should get its bill into play fast and push for it hard. If there is one management principle that should not have to be defended again and again, it is the idea that a manager can perform only if he has some control over the incentive system of his organization. The federal system has violated this principle massively, and the results have been just as massively apparent to each and every American who has had to deal with the government bureaucracy.

Now, through painstaking experimentation in official channels, the U.S. government has rediscovered the wheel and actually means to get rolling on it. Those who resist will betray how little they care about encouraging government employees to do their best for the people they serve.

Mr. BINGAMAN. Let me just quote from that editorial if I could, Mr. President. It points out that:

If there is one managment principle that should not have to be defended again and again, it is the idea that a manager can perform only if he has some control over the incentive system of his organization. The federal system has violated this principle massively, and the results have been just as massively apparent to each and every American who has had to deal with the government bureaucracy.

That is the basis for us wishing to keep this provision in the law, Mr. President. I really do think the issue here——

The PRESIDING OFFICER. The Senator's 1 minute has expired.

Mr. BINGAMAN. Could I get an additional 30 seconds, Mr. President?

Mr. QUAYLE. I yield an additional 30 seconds.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, the issue here is are we going to do anything this year or are we going to put off doing anything on the theory that some day we will fix the whole problem?

The truth is we will not fix the whole problem. We need to go at it incrementally, and this is a good step in the right direction.

I urge defeat of the amendment by the Senator form Alaska.

Mr. STEVENS. How much time remains, Mr. President?

The PRESIDING OFFICER. The Senator form Alaska has 2 minutes and the Senator from Indiana has 3 minutes.

Mr. STEVENS. I yield 2 minutes to the chairman of our committee.

Mr. ROTH. Mr. President, I am pleased to join Senator STEVENS. I support his amendment as one who is concerned about the problems underlying our personnel. Nevertheless, what I am concerned about is that if we go ahead with the legislation as it now exists it will result in the establishment of a separate personnel system for individual Federal agencies. We cannot permit this to happen.

Mr. President, I join Senator STEVENS, chairman of the Subcommittee on Civil Service, Post Office, and General Services, in his effort to strike from the DOD authorization bill the provisions authorizing the creation of an alternative management system for scientific, technical, and acquisition personnel inside the Department of Defense.

As an original sponsor of the President's Blue Ribbon Commission on Defense Management and a strong supporter of its recommendations, I believe the Government must improve its ability to attract and retain those employees critical to our national security needs. Yet, I am very concerned about the standard and precedent that this legislation would set.

While I understand and am sympathetic to problems underlying the Packard Commission recommendations, I am very concerned about the establishment of separate personnel systems for individual Federal agencies. This bill would do just that. It would establish in the Department of Defense a separate management and pay system for acquisition, scientific, and technical personnel. In addtion, provisions contained in the legislation would permit alternative systems to be created along organizational lines, thus including a much larger group of individuals. Some estimates have placed this number at over 300,000.

This proposal comes at the same time the administration has released "The Civil Service Simplifaction Act of 1986"—a proposal for a comprehensive reform of the entire civil service system based on the China Lake and San Diego Naval Operations demonstration projects. Any effort to reform the civil service system should not focus on specific agencies or occupations, but instead take into account the entire Federal system.

The Office of Management and Budget, in a statement of administration policy, urged that this section of the bill be deleted for the same reason. "Fragmented agency authority is unacceptable" in a view of the administration's desire for comprehensive civil service reform, the statement said.

With the White House, Senator STEVENS, Congressman FORD, and myself all interested in pursuing comprehensive civil service reform legislation, it is important that we do not start to deal with individual agencies in a piecemeal fashion. This past year we worked long and hard at completing the civil service retirement reform legislation. It is inevitable that we will now turn to the current civil service to examine potential improvements in that system. The demonstration projects will be very helpful in evaluating alternative systems. Yet, creating a separate personnel system for acquisition, technical, and scientific personnel inside the Department of Defense could impede an orderly Governmentwide expansion of any comprehensive reform legislation.

In addition, I am concerned that technicians and scientists outside the Department of Defense would feel, legitimately, that they are being treated unfairly by the creation of this alternative system. it is difficult to understand why a scientist conducting cancer research at the National Institute of Health should be treated differently than a scientist working for the Department of Defense.

Because of these concerns, I support Senator STEVENS in his effort to strike from this legislation the portion creating a separate management personnel system inside the Department of Defense.

For these and other reasons, I urge the adoption of the Stevens amendment.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. QUAYLE. Mr. President, let me conclude by saying that this new personnel system and the regulations and the implementation of it will be done in conjunction with the Director of OPM and the Secretary of Defense.

Furthermore, Mr. President, let me point out that of all the procurement dollars of the Federal Government, 80

percent of the procurement dollars go and are in the Department of Defense.

I believe that the issue that we have before us here today is are we going to try to reform and to improve our acquisition personnel system within the Department of Defense or are we not? Are we going to maintain the status quo, or are we not?

We have heard for years and months and seen all the revelations of the claw hammers and toilet seats and spare parts and all of this type of thing, and we have seen dramatic attention paid to the whole procurement process with the formation of the Packard Commission.

□ 1710

Now, you would think that the least that we could do is to begin to implement some changes in the area of personnel and improve the incentives in that personnel system. This amendment that we have in the Senate Armed Services Committee in the defense authorization bill begins to move in that direction.

So the choice is very clear. Either we want to say no—no reforms, no changes in the personnel system, do not worry about it—or we do want to change it and we do want to have better flexibility and we do want to have better management practices and we do what to have a quicker carrer path promotions and we what to have better pay and we do want to have a better system.

I hope that the Senate will reject this amendment which is the preservation of the status quo and will vote to table this amendment which will move in a direction of the Packard Commission and which many of the witnesses testified to see the enhancement of the quality of the acquisition personnel.

Mr. President, I move to table the pending amendment. I yield back the balance of my time.

Mr. STEVENS. Mr. President, has all time expired?

The PRESIDING OFFICER. The Senator from Alaska still has 1 minute.

Mr. QUAYLE. I withhold the tabling motion.

Mr. STEVENS. Mr. President, the real problem with this amendment is that it presumes that all of the problems concerning engineers and scientists and acquisition personnel are in the Department of Defense. I do not know why the Armed Services Committees has to take onto itself the problem of trying to solve the personnel problems of the civilian portion of our Government.

We are working on it. This is one of the basic problems that is involved. But if you solved just the Department of Defense and let them spend the vast amount of money available to the Department of Defense, how are we going to solve the rest of the problems where there is no surplus money? This is solving the Defense Department problems with money, but we do not have money for the rest of the departments.

The PRESIDING OFFICER. The time of the Senator from Alaska has expired.

Mr. QUAYLE. Mr. President, I move to table the amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Indiana [Mr. QUAYLE] to table the amendment of the Senator from Alaska [Mr. STEVENS]. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Vermont [Mr. STAFFORD] and the Senator from Connecticut [Mr. WEICKER] are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Missouri [Mr. EAGLETON] and the Senator from New Jersey [Mr. BRADLEY] are necessarily absent.

The PRESIDING OFFICER. (Mr. Gramm). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 44, nays 52, as follows:

[Rollcall Vote No. 195 Leg.]

YEAS—44

| | | |
|---|---|---|
| Armstrong | Gorton | McClure |
| Baucus | Gramm | McConnell |
| Bentsen | Hart | Moynihan |
| Bingaman | Hatch | Nickles |
| Boschwitz | Hecht | Nunn |
| Broyhill | Heinz | Pryor |
| Chafee | Helms | Quayle |
| Chiles | Humphrey | Rudman |
| Danforth | Johnston | Simpson |
| Denton | Kennedy | Stennis |
| Dodd | Kerry | Symms |
| Dole | Long | Thurmond |
| Domenici | Lugar | Wallop |
| Exon | Matsunaga | Wilson |
| Goldwater | Mattingly | |

NAYS—52

| | | |
|---|---|---|
| Abdnor | Gore | Murkowski |
| Andrews | Grassley | Packwood |
| Biden | Harkin | Pell |
| Boren | Hatfield | Pressler |
| Bumpers | Hawkins | Proxmire |
| Burdick | Heflin | Riegle |
| Byrd | Hollings | Rockefeller |
| Cochran | Inouye | Roth |
| Cohen | Kassebaum | Sarbanes |
| Cranston | Kasten | Sasser |
| D'Amato | Lautenberg | Simon |
| DeConcini | Laxalt | Specter |
| Dixon | Leahy | Stevens |
| Durenberger | Levin | Trible |
| Evans | Mathias | Warner |
| Ford | Melcher | Zorinsky |
| Garn | Metzenbaum | |
| Glenn | Mitchell | |

NOT VOTING—4

| | |
|---|---|
| Bradley | Stafford |
| Eagleton | Weicker |

So the motion to table amendment No. 2651 was rejected.

□ 1730

Mr. STEVENS. Mr. President, I now move adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2651) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. TRIBLE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I ask unanimous consent that the pending amendments be set aside for the purpose of offering a brief amendment which I believe has been cleared on both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2654

(Purpose: To require the Secretary of Defense to take action to implement certain goals with respect to the use of coal at defense facilities in the United States)

Mr. SPECTER. Mr. President, I send an amendment to the desk and ask for its immediate consideration. I send the amendment on behalf of myself, Mr. HEINZ, Mr. BYRD, Mr. ROCKEFELLER, and Mr. TRIBLE.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for himself, Mr. HEINZ, Mr. ROCKEFELLER, and Mr. TRIBLE proposes an amendment numbered 2654.

Mr. SPECTER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 296, line 16, insert "(A)" after "(1)".

On page 296, between lines 20 and 21, insert the following new subparagraph:

(B) The Secretary of Defense shall take such action as may be necessary to implement, at the earliest practicable date and with funds provided for such purpose by section 8110 of the Department of Defense Appropriations Act, 1986 (as contained in section 101(b) of Public Law 99-190; 99 Stat. 1222), the program proposed by the Department of Defense in a letter dated August 30, 1985, from the Assistant Secretary of Defense for Acquisition and Logistics to rehabilitate and convert current steam generating plants at defense facilities in the United States to coal burning facilities in order to achieve a coal consumption target of 1,600,000 short tons of coal per year (including at least 300,000 short tons of anthracite coal) above current consumption levels at Department of Defense facilities in the United States by fiscal year 1994. *Provided further,* That during fiscal year 1987, the amount of anthracite coal purchased by the

Department shall be at least 300,000 short tons.

Mr. SPECTER. Mr. President, if the oil embargo of 1973 taught America anything, it clearly proved that dependency on foreign suppliers for strategic commodities can engender economic and political vulnerability. As chairman of the Senate Coal Caucus, and Senator from a State rich in energy reserves, I believe we must maintain our Nation's energy independence through the use of coal and other domestic fuels for our energy needs.

In 1982, the Senate included a provision requiring the U.S. Department of Defense [DOD] to purchase and use American coal at its military installations in Europe. In addition, DOD was prohibited from converting coal facilities to another energy source, and was required to stockpile a 1-year supply of coal in case of supply interruption.

In this amendment to the defense authorization bill, we can continue our commitment to the American coal industry. This commitment is in current law. The amendment will require the Department of Defense to purchase 300,000 tons of anthracite coal in fiscal year 1987.

The Department of Defense purchase of U.S. anthracite and bituminous coal has proven economically efficient and effective. Any changes in this program must be preceded by substantial expert testimony and evidence that the U.S. coal producers, railroads, maritime industry, and our Nation's security will not be jeopardized.

I will continue to work for maintaining the use of American-produced coal for DOD energy needs at U.S. bases as a means of enhancing America's energy independence and increasing coal-related employment.

Mr. President, I believe this amendment is acceptable to the floor managers. I want to thank the Senator from South Carolina [Mr. THURMOND] for his understanding and help in working out this amendment.

Mr. HEINZ. Mr. President, I join my colleagues from Pennsylvania to offer this important amendment which enables the Department of Defense to implement the rehabilitation and conversion of steam generating plants to coal-burning facilities.

Our amendment confirms the importance of the continental U.S. Energy Rehabilitation and Conversion Program as stated in the 1986 defense appropriations bill. It is the result of years of discussions and planning by the Defense Authorizing and Appropriations Committees in both Chambers, and is important to the creation of a military that can depend upon a domestic source of energy. The program will enable coal consumption at 37 continental U.S. installations and will increase the level of consumption by $1.6 million short tons by fiscal year 1994.

Although I still have many deep reservations concerning the lifting of restrictions for conversion to district heat at United States installations in Europe, it is my belief that the amendment before us forces the Department of Defense to manage its energy program without crushing the American anthracite and bituminous coal industries.

Mr. President, the amendment before us mutually benefits the military and the U.S. coal producers by ensuring that our domestic continental U.S. installations can depend on a stable and reliable source of energy. The established targets of 1.6 million short tons of coal a year including the required purchase of at least 304,000 tons of anthracite will also guarantee a livelihood to some 2,000 to 3,000 coal miners in Pennsylvania. If the coal producers employing these miners were forced to close mines because the Department of Defense abandoned a policy directed at energy independence, the repercussions for our national security and the American coal industry can not be underestimated. Therefore, I ask for the support of my colleagues for this amendment.

Mr. BYRD. Mr. President, last November at my request, and with the assistance and support of the distinguished chairman of the Defense Appropriations Subcommittee—Mr. STEVENS—the committee report accompanying the fiscal year 1986 Department of Defense appropriation bill included language directing the Department of Defense to implement immediately its proposal to increase the domestic use of coal. This program was designed to promote greater reliance on domestic energy resources. The 7-year Department of Defense plan has submitted to the committee on August 30, 1985. It is designed to increase the use of bituminous coal at U.S. defense installations by 1.6 million short tons by 1994. In addition, the amount of anthracite coal was to remain at least at the current purchase level of 302,000 short tons.

Subsequently, on December 19, 1985, the House-Senate conferees approved an amount of $25 million to implement the plan. This provision became section 8110 of Public Law 99-190, and is quoted below:

SEC. 8110. Of the funds available in the Army Industrial Fund, $25,000,000 shall be available to be used to implement immediately, or to transfer to another appropriation account in this Act to be used to implement immediately, the program proposed by the Department in its letter of August 30, 1985, from the Assistant Secretary of Defense for Acquisition and Logistics, to rehabilitate and convert current steam generating plants at defense facilities in the United States to coal-burning facilities in order to achieve a coal consumption target of 1,600,000 short tons of coal per year above current consumption levels at Department of Defense facilities in the United States by fiscal year 1994: *Provided*, That anthracite or bituminous coal shall be the source of energy at such installations: *Provided further*, That during the implementation of this proposal, the amount of anthracite coal purchased by the Department shall remain at least at the current annual purchase level, 302,000 short tons.

The purpose of the amendment offered by Senators SPECTER, HEINZ, and myself is to incorporate a provision similar to section 8110 into the fiscal year 1987 Defense authorization bill so that there will be no misunderstanding or faltering by the Defense Department in the pursuit of this program in fiscal year 1987.

I urge the adoption of the amendment.

(Mr. ARMSTRONG assumed the Chair.)

Mr. THURMOND. Mr. President, the distinguished Senators from Pennsylvania [Mr. HEINZ and Mr. SPECTER] spoke to me about this matter. We are willing to agree to this amendment. I would like to give a little background.

Our defense bill contains certain provisions on this subject.

Permits conversion of heating facilities for U.S. installations in Europe from coal to district heat or gas or oil whenever it is cost effective or required by the host nation.

This provision will result in a major cost savings of $20 to $40 million per year in operating costs and $385 million in construction costs that would be needed to comply with German environmental laws.

This provision will reduce a major irritant between the United States and Germany. In letters from Bonn to DOD and State Department, German officials have expressed concern over local political fallout caused by United States refusal to permit bases to connect to cleaner, cheaper public utilities systems.

This provision will improve readiness by curtailing waste.

This provision is consistent with the President's goal of eliminating waste and encouraging competition and saving where we can.

The purpose of this amendment by the distinguished Senator from Pennsylvania [Mr. SPECTER]—and Mr. HEINZ is on it, too—is to permit an orderly transition from using coal in Europe to using coal in the United States in order to reach a consumption target of 1,600,000 tons annually by 1994.

The minimum purchase requirement of 300,000 tons of anthracite coal is only to apply to fiscal year 1987.

Mr. President, we have considered it and are willing to make that concession in order to get the big plan approved, which is so important on this question.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I am not going to oppose the amendment here this afternoon because it is a step in the right direction. I simply want to remind my colleagues that in the name of domestic politics, we have literally been carrying coals to Newcastle. We have been buying coal of higher sulfur than we could buy domestically on the economy in Europe. We have been paying big premiums to take it over there, creating environmental and political problems when it gets there. It is absolutely absurd policy which cheats the taxpayer and creates tremendous problems with our allies. We are committing here to a compromise to buy 100,000 tons more of coal than we need and we are doing that to prevent doing something that is more absurd than we have been doing.

I submit, Mr. President, with all of the problems we have in defense, buying more coal than we know we are going to use as a compromise to not shipping coal to Newcastle may be an improvement, but it is plain wrong as far as foreign policy and defense are concerned. I just want to go on record here today that I intend in the future, if I am the only opponent, to actively fight this amendment. This ought to be stopped because it is an absolute outrage.

I do not expect this speech to make any difference but I just want to go on record. This is the last time that this individual Senator intends to compromise on this issue.

Mr. STEVENS. If the Senator will yield, I echo what the Senator from Texas says. We are now buying more coal than we need. If we do buy it, it will mean we reduce something else in the Department of Defense because these are outlays. These are 100 percent outlays we are talking about now, real dollars that are going to replace real jobs in production units. They are going to replace airplanes or replace some form of research that is necessary. As we get to the appropriations process, we are going to be bound by this. This is an entitlement. Let us make sure everyone understands.

I am not going to oppose it because the committee says they are going to accept it. But in terms of financing, it is a very poor way to deal with setting priorities in defense.

Mr. THURMOND. In response, Mr. President, I just want to say we are solving this German problem. It is recommended by Defense, recommended by the administration. It has been a very sensitive matter. We are saving $20 billion to $40 billion a year. Also, we are saving a cost of probably $500 million we would have to incur if we kept on with what we are doing in order to conform to the law in Germany. This is just a situation that we are trying to satisfy. The coal will not be wasted, the money will not be wasted. If that coal is not needed in 1 year, it will be used the next year. I think it is a good deal all around.

Mr. GOLDWATER. Will the Senator yield?

Mr. THURMOND. I am happy to yield.

Mr. GOLDWATER. Mr. President, the Senator from Pennsylvania spoke to me and said he had a statement to make. I did not know what it was. If this is the subject, I wish the Senator from South Carolina would explain to me how we are going to save money on it.

Mr. THURMOND. It will save $20 million to $40 million a year in Europe and it will save about $500 million we would have to spend in order to conform to the law over there because they have environmental protection laws as we do in this country. It will save millions and millions of dollars. The little coal we are buying here is just for 1 year. If they do not use it all in 1 year, they will use it the next year. That is all it is, just this 1 year.

Mr. GOLDWATER. I am no expert on coal, although we have the biggest deposit of shale coal left in this country in my State. Does not American coal have a high sulfur content?

Mr. SPECTER. The anthracite coal does not have a high sulfur content.

Mr. GOLDWATER. Does not American coal create more environmental problems than German coal?

Mr. SPECTER. I do not believe so.

Mr. THURMOND. We have been sending coal over there.

Mr. GOLDWATER. I know we have. But I have to say I do not think it is much of an idea.

Mr. SPECTER. Mr. President, I ask unanimous consent that Senator DENTON and Senator WARNER be added as cosponsors.

The PRESIDING OFFICER (Mr. GRAMM). Without objection, it is so ordered.

Mr. SPECTER. Mr. President, the purpose of this amendment has been stated in rather an abbreviated fashion but in light of some of the comments made on the floor, I shall take another moment or two to expand upon the matter. This program of having coal provide the energy needs of our installations overseas has been a policy adopted by Congress over many years in order to be sure of the energy supply. There have recently been objections made by the Government of Germany on the environmental issue and it is controversial as to whether they are right or wrong on it. In any event, the Department of Defense has undertaken a long-term program to convert domestic installations to coal so that the source of the coal may be maintained and the supplies may be maintained. It is necessary, if we are to maintain our coal sources and our coal supply, that there be an uninterrupted process for the coal to be available. This is a transition arrangement. We are going to maintain these purchases.

The objections which have been raised in abbreviated form here today, I believe, are well founded. I believe this money is well spent. As the distinguished Senator from South Carolina pointed out, there is stockpiling to the extent that it exists and the coal not used this year will be used in future years. It is a comprehensive approach to working out the program, in an orderly way.

Mr. THURMOND. Mr. President, I want to read one paragraph from a letter from the Secretary of Defense.

During the past three years the Department has been directed to spend increasing amounts of its European operating budget on unneeded coal programs.

That is what we are trying to eliminate.

Your amendment will reduce unnecessary operating costs in Europe by $20 to $40 million per year.

That is the figure I stated.

More importantly, it will keep DoD from having to request up to $400 million in Military Construction authority and funds to meet new German pollution abatement requirements by 1991.

So we are saving millions and millions of dollars and taking only a limited amount of coal for 1 year here. It it cannot be used for that 1 year, it can be used for the next year. There should not be any loss in that.

□ 1750

Mr. President, I ask unanimous consent to place this letter by the Secretary of Defense in the RECORD following my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF DEFENSE,
*Washington, DC, June 30, 1986.*

Hon. STROM THURMOND,
*Chairman, Subcommittee on Military Construction, Committee on Armed Services, U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: I want to thank you for introducing your coal related energy amendments into the fiscal year 1987 Defense Authorization Bill During the past three years the Department has been directed to spend increasing amounts of its European operating budget on unneeded coal programs. Your amendment will reduce unnecessary operating costs in Europe by $20 to $40 million per year. More importantly, it will keep DOD from having to request up to $400 million in Military Construction authority and funds to meet new German pollution abatement requirements by 1991.

Commanders in Europe continue to advise us that German authorities are growing increasingly vocal about our forced use of coal when cheaper, more environmentally-acceptable alternatives exist. Both the Finance and Foreign Ministers of the Federal Republic of Germany have asked for the Administration's help this year. Under your

amendment, we will be able to comply with direction from these authorities to convert from thousands of antiquated, inefficient boilers—many still stoked by hand—to modern, reliable public steam utilities.

The best part is that the direct beneficiaries of your bill will be the troops themselves. Recent prohibitions on heating plant modernization or conversion will, if not corrected, result in substantial plant failures in coming years. Moreover, the costs of existing coal programs overseas come out of funds that would otherwise directly benefit our troops and their families through improved facility maintenance and repair. Cutting these costs is particularly critical in light of future funding limits.

Again, you have my personal thanks and those of the men and women who serve the United States in Germany.

Sincerely,

CASPAR W. WEINBERGER.

Mr. THURMOND. I also ask unanimous consent to place in the RECORD a letter by the Deputy Chief of the Army Corps of Engineers, Gen. Scott B. Smith, and he recites the same thing except he estimates the potential saving is $500 million in additional construction instead of $400 million as the Secretary said.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MAY 19, 1986.

Maj. Gen. RICHARD D. KENYON,
*Chief, Legislative Liaison, Office of the Secretary of the Army, Washington, DC.*

DEAR DICK: I am the Deputy Chief of Staff, Engineer, for the U.S. Army, Europe—the senior officer responsible for providing facilities and utilities service to support the half million U.S. Army soldiers and family members in Europe.

I am writing to inform you of the negative impact that the current Congressional restrictions on fuel use and district heating have on the U.S. Forces in Europe. The enforced use of U.S.-produced coal lies at the heart of one of the more significant problems faced by the U.S. Forces in Europe. The restrictions (contained in the FY 86 Appropriations Act) which promote use of U.S. coal have the potential of cause more than $500,000,000 in additional construction and operations funds to be used on the rehabilitation and operation of coal-fired heating plants in Germany over the next 25 years rather than on other essential military requirements. The restrictions have also become a serious political issue and fly in the face of recent German initiatives to reduce air pollutants and improve the quality of life for German citizens and guest alike.

The recent Associated Press (enclosed), printed in several papers including the Philadelphia Inquirer, clearly spells out the costly burden that the Congressional restrictions impose on the U.S. Forces and on American taxpayers. I would like to supplement the article with additional information regarding the U.S. Forces' heating systems, the Congressional restrictions, the growing environmental constraints in Germany, the cost of burning U.S. coal, and the available alternative in Germany—district heat.

After World War II, the U.S. Forces were left with a legacy of over 10,000 small, inefficient, labor-intensive boilers—half of which were hand-fired with coal. These boilers and their attendant heating distribution systems lacked controls to satisfactorily regulate the supply of heat to buildings, often leaving soldiers with either overheated or underheated working and living conditions. Since 1975, the Army in Europe has made great strides in modernizing heating systems through the automation and consolidation of boiler plants, connections to various municipal district heating systems, and the installation of automatic controls and insulation. This effort has greatly improved heating reliability and has cut heating energy use by 40 percent on a BTU-per-square-foot basis. But the modernization program is only half completed, and much more could be done if current Congressional restrictions on fuel use and district heating were removed so that the U.S. Forces could convert to lower-priced, more efficient energy sources (such as oil or natural gas) or could connect its facilities to municipal district heating systems.

For years, Congress has imposed stringent restrictions on fuel use and alternative heating sources for the U.S. Forces in Europe. In Fiscal Year 61, the U.S. Forces were required by Executive Order to use U.S. anthracite coal in heating plants originally designed to burn coke and to limit coal purchases to U.S.-source coal. Since Fiscal Year 72, Congress has prohibited the conversion of boilers from coal to other fuel. In Fiscal Year 85, Congress imposed restrictions on connections to district heating systems and mandated the purchase of 520,000 metric tons of U.S. coal for "strategic" reserves for the U.S. Forces in Europe. Finally, in Fiscal Year 86, legislation required the Department of Defense to purchase a mandatory 302,000 short tons of anthracite coal to be used Department of Defense-wide and required the Department of Defense to increase the total coal purchase to a level of 1,600,000 short tons per year above current consumption by Fiscal Year 94. Though the Congressional restrictions may provide some relief to the anthracite industry, the price to the U.S. Forces is high in terms of drawing financial and manpower resources from other needed military mission requirements and creating a volatile environmental issue with the German people.

The U.S. Forces in Europe have always maintained stockpiles of coal to cover contingencies. We keep between a six- and nine-month supply (104,000 to 155,000 metric tons) of U.S. coal on hand to accommodate interruptions or delays in shipments. We also have the option of purchasing readily-available European coal on short notice in the event of a crisis. The additional reserves required by the FY 85 Appropriations Act are not needed.

The most economical fuel sources for the U.S. Forces in Europe are oil, natural gas, and municipal district heating, based on current economic analyses. All these energy sources provide low-cost reliable heating and have the additional advantage of providing a significant cost avoidance impact in complying with air emission standards.

The three major factors conributing to the high costs of burning U.S. coal in Germany are the costs of the fuel; the capital costs of the boilers, coal handling systems and air pollution control equipment; and the plant labor and maintenance costs.

Every metric ton of U.S. anthracite coal shipped to U.S. Forces heating plants in Germany costs approximately $150. Each metric ton of U.S. bitumimous coal shipped to Germany costs $125. These costs are more than twice the costs of U.S. coal used in America, due to the shipping and handling costs of transporting the coal to Europe.

The capital costs for a new coal-fired plant designed to meet the current German air emission standards are approximately 3½ times that of an oil or natural gas-fired plant. Likewise, the costs of labor and maintenance of a coal-fired heating plant are approximately 2½ times that of an oil or natural gas-fired plant.

The Germans have recently documented the damage to their forests from air pollution. Their data show a startling spread of tree damage, from eight percent of the trees in 1982 to nearly 50 percent in 1985. They have reacted aggressively to reduce point source particulates, sulfur dioxides, nitrogen oxides and carbon monoxide emissions from industrial and commercial sources by imposing stringent standards which require costly environmental retrofit of existing boilers, and, in some environmental sensitive areas, by prohibiting the use of coal. These new German standards are much more stringent than U.S. standards for coal and No. 6 oil-fired plants in the 3-50 MBTU size range. The current estimate to retrofit the Army in Europe's existing boiler plants to meet the new German air standards is approximately $140 million. The retrofit work must be completed within five years. In a "free market" situation, the high cost of bringing coal-fired plants into compliance would cause us to convert boilers to more economical energy sources such as oil or natural gas or to connect to municipal district heating systems.

District heating, purchased like electricity and water from local municipalities, seems the most reliable, least costly heating option. Economic analyses prepared by the Army in Europe show that the 25-year life-cycle costs for district heat are approximately 20 percent below the cost of operating an Army-owned heating plant firing bituminous coal and 40 percent below the cost of operating an anthracite coal-fired plant.

If Congress were to allow conversion from coal-fired plants or connection of U.S. facilities to additional municipal district heating systems, approximately $65 million in environmental retrofit costs for existing boilers would be saved over the next five years. Also, district heat requires little or no initial capital investment costs to the U.S. Forces, eliminating operation and maintenance cost of boilers.

The special report to Congress on energy sources for the U.S. Army in Europe, prepared in 1984, showed that the Army could save over $500 million in 25-year life-cycle cost if Congress would remove the energy restrictions to enable conversion to the most economical energy sources—as U.S. military installations are able to do everywhere else in the world. Removal of the Congressional restrictions would also allow improved heating productivity and would greatly enhance the image of the U.S. Army in the eyes of the German government and its citizens. Likewise, good relations with Host Nations are our greatest assurance of gaining their support for the fielding of new weapons systems, the construction of new facilities, and the needed cooperation in realizing other common aims.

I would welcome your reaction, advice and assistance.

Sincerely,

SCOTT B. SMITH,
*Major General, U.S. Army.*

Mr. THURMOND. I also ask unanimous consent to place in the RECORD a letter from Gunther van Well, the Ambassador of the Federal Republic of Germany.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WASHINGTON, DC,
*July 24, 1986.*

Hon. BARRY M. GOLDWATER,
*U.S. Senator, Senate Russell Office Building, Washington, DC.*

DEAR SENATOR GOLDWATER: I would like to ask for your support for an amendment by Senator Thurmond which would allow the Secretary of Defense to convert heating facilities at United States military installations in Europe, if the conversion is required by the government in which the facility is located. The amendment responds particularly to politically important concerns in the Federal Republic of Germany about the environmental impact of numerous U.S. Defense facilities' continued use of coal.

In his letter of April 21, 1986 to Secretary of Defense, Weinberger, Federal Minister of Finance, Stoltenberg, pointed out that U.S. agreement to using local district heating facilities would be in the common interest of maintaining and strengthening the cordial relations between the U.S. forces and the local population. Secretary Weinberger in his reply of May 12, 1986 shared this concern.

On June 2, 1986 Foreign Minister Genscher in a letter to Secretary of State Shultz also pointed out the importance of the heating issue for maintaining the good relations between the forces and the local population.

I would be grateful to you if you would support the amendment proposed by Senator Strom Thurmond allowing U.S. forces in Germany to be connected to local district heating facilities.

Sincerely yours,

GUNTHER VAN WELL,
*Ambassador,*
*Federal Republic of Germany.*

Mr. HEINZ. Mr. President, I join my colleague from Pennsylvania to offer this important amendment which enables the Department of Defense to implement the rehabilitation and conversion of steam generating plants to coal burning facilities.

Our amendment confirms the importance of the continental U.S. Energy Rehabilitation and Conversion Program as stated in the 1986 defense appropriations bill. It is the result of years of discussions and planning by the Defense Authorizing and Appropriations Committees in both Chambers and is important to the creation of a military that can depend upon a domestic source of energy. The program will enable coal consumption at 37 continental U.S. installations and will increase the level of consumption by $1.6 million short tons by fiscal year 1994.

The language in the Department of Defense authorization bill lifting restrictions for conversion to district heat at United States installations in Europe is very distressing and I believe that our amendment is an improvement to the existing language. It improves the language because it forces the Department of Defense to manage its energy program without crushing the American anthracite and bituminous coal industries.

In my opinion, the Department of Defense has been dragging its feet on converting continental United States installations while ignoring the cost and national security implications of allowing our forces in Europe to become dependent on off-site district heat. First, the cost of the estimated 45 connections could reach $250 million and the acquisition of district heat Btu's will be noncompetitive. Second, no official at the Department of Defense has, to the satisfaction of this Senator, explained why Americans should not be concerned that our military installations in West Germany are becoming dependent on the Soviet natural gas pipeline or that pipelines to our installations may invite terrorism.

On June 25 of this year I had the pleasure of hearing Mr. David Wigg speak before the Defense Energy Coalition. Mr. Wigg formerly advised President Reagan's National Security Advisor Bud McFarlane. In his remarks Mr. Wiggs addressed the distressing national security questions regarding U.S. military installation dependence on off-site district heat. Mr. President, I ask for unanimous consent that Mr. Wiggs remarks be inserted into the RECORD following my statement so that my colleagues and others will better understand the importance of an energy independent military in Europe.

Mr. President, the amendment before us does, however, ensure that at least the continental U.S. installations will be able to depend on a stable and reliable source of energy. In my view, the Conversion Program mutually benefits the military and the U.S. coal industry. The established target of 1.6 million short tons of coal per year by 1994 with a required purchase of 304,000 tons of anthracite for 1 year will guarantee a livelihood to some 2,000 to 3,000 miners in Pennsylvania and provide the Department of Defense with a dependable source of fuel. I believe the amendment we offer is a proper step toward building a military independent of foreign energy sources and is a restatement of America's belief in energy independence. I ask for the support of my colleagues.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

LUNCHEON REMARKS BY DAVID G. WIGG BEFORE THE DEFENSE ENERGY COALITION

Thank you, Senator Heinz, for your kind introduction. Your reference to Julius Caesar reminds me of a saying I coined at the NSC to the effect that with respect to U.S. dealings with Europe on technology transfer matters, it is crucial that, as with Caesar's wife, the United States be above reproach to avoid European claims of ulterior (commercial) U.S. motives as the hidden agenda behind our CoCom initiatives on East-West trade. The issue before us today—U.S. coal exports to U.S. military facilities in West Germany—is related to that ancient concept. Planned purchases by U.S. Army/Europe of Soviet natural gas as heating fuel is an ironic and incomprehensible policy that flatly contradicts extensive U.S. efforts to slow West European gravitation toward growing energy dependence on the Soviet Union.

Shortly after President Reagan was reelected in 1984, he asked then National Security Advisor, Bud McFarlane, to assemble an issues book to help guide policy formulation for his term in office. I was tapped to prepare the series of short papers dealing with international economic issues. One of those papers dealth with what I called possible U.S. policies to facilitate the "Revitalization of Western Europe". It involved a brief discussion of the endemic economic malaise then, and largely still prevalent in the region, and recommended policy options for the President's consideration.

One of the key elements in the paper involved our continued accute concern over the prospect of increased dependence on Soviet natural gas. Thus, it was with considerable pride that we learned of the recent preliminary agreement among natural gas producers and consumers in Western Europe to move ahead with exploitation of Norway's huge gas resources at the expense of increased dependence on Soviet gas. The Reagan Administration, and the President himself, had invested considerable political capital and incurred the wide-spread wrath of the business community during the East-West gas pipeline controversy, and U.S. pressure on Europe to minimize such dependency has continued to this day. Thus, this new agreement represents a vindication for the President and, I believe, it could prove to be one of his greatest foreign triumphs. The U.S. Army's efforts to shift to district heating partially sourced from Soviet gas at the expense of coal flies directly in the face of the recent positive momentum on this crucial issue and should be avoided if at all possible. Cost/benefit relationships on such a fundamental issue cannot be measured simply by the pricing of alternative energy.

The Army's decisions in this matter seem to be based on the presumption of continued peace in Europe rather than on contingency planning for potential conflict—presumably the sole reason for their presence there. While the West German focus on environmental quality is a laudatory goal, the safeguarding of West European peace and freedom is, one would hope, of higher priority. Indeed, as one leading European figure recently put it: "the role played by Europeans in NATO is 'pathetic'; American involvement is today more necessary than ever before". But the U.S. Army in West Germany seems to be on the run from various levels of German government. This implies to me that abundant U.S. leverage that clearly ought to exist given our role in NATO, is evidently being dissipated and not properly brought to bear on issues such as energy independence through U.S. coal consumption. The West Germans should bear their fair share of the costs of NATO preparedness . . . not blunt U.S. effectiveness by demanding only the benefits.

There would seem to be a simple rationale for maximizing U.S. Army/Europe energy independence:

The more self-sufficient our bases, the better they will be prepared to implement NATO strategic/tactical plans in the face of all possible adversity.

It follows then, that dependence for base heating on non-U.S. local, foreign or, worst of all, Soviet energy supplies may adversely affect their strategic performance over several months of the year (winter).

Any increase in dependence will aggravate a potential problem.

With respect to oil, a major source of heat on these U.S. installations, European dependence on Persian Gulf supplies has, for some time, been a matter of serious concern here, as well as among the affected governments and the International Energy Agency based in Paris. Iraq seems to have lost some of the initial advantage in its conflict with Iran attributed to it by Western analysts. In my view, the situation has, in fact, deteriorated in recent months, and our Arab friends in the region have voiced increasing concern. A sudden cut-off of Gulf Oil supplies could create serious problems if coincident, for example, with a wintertime East-West crisis in Europe.

There are a number of factors that warrant consideration in examining the potential for disruption of heating supplies to U.S. forces in West Germany. First of all, the U.S. Army/Europe is located in Southern Germany—coincidently a principal regional recipient of Soviet gas. Accommodation to German social, economic, and environmental concerns has complicated the ability of U.S. forces to maintain strategic preparedness. As one expert says, "urban sprawl and general environmental restrictions have separated many forward-deployed U.S. units from even their initial supplies of ammunition". The Soviets, meanwhile, are acutely aware of the importance of the U.S. role in girding NATO and a frontal attack by Warsaw Pact forces would be against West Germany. One of the Warsaw Pact's principal objectives in a conflict with NATO is "to break the enemy's will to fight", and sabotage and disruption are key tactical elements of this war plan, including the use of indigenous "assets", of which I believe there are many in West Germany.

Preparedness for Warsaw-Pact assault on Western Europe would almost certainly be preceded by a period of increasing political tension that could last for weeks or even months. It is common knowledge that the Soviets are shrewd and tough and will exploit weakness wherever it exists. Herein, I believe, lies the real problem—the potential combination of a wintertime East-West political crisis, Soviet disruption of gas supplies (a virtual certainty under such circumstances, even if they resort to merely having "problems" with the line), deliberate sabotage and terrorist acts against the domestic pipeline grid and (in my view) likely German failure to uphold the so-called priority allocation of fuel to U.S. military installations in time of acute fuel shortage, could all work to place severe hardship on U.S. forces and their dependents and could adversely affect performance. A simultaneous Persian Gulf oil cut-off would complicate the problem considerably. Clearly, independent coal burning capabilities would prove vital in such circumstances.

According to a source familiar with the subject, the winter weather would seem to be better suited to a Soviet frontal assault on West Germany than other times of the year. The prevalence of fog and low cloud cover under average German wintertime conditions is such that allied air and ground counterattack could be adversely affected.

Just for the sake of argument, let us say that the Yugoslav government collapses (a matter of growing concern to some) in January, and Soviet troops mass on the eastern border of both Yugoslavia and West Germany and warn us off. Tensions increase dramatically and NATO is on alert. Suddenly, the Soviets develop gas supply "problems" and indigenous agents and perhaps anti-U.S. civilians sabotage pipelines and district heat facilities.

Army dependence on off-base heat sources could prove to be a serious problem in such circumstances, particularly if local public opinion is against U.S./NATO intervention in Yugoslavia—a distinct possibility in light of recent problems over Libya.

Let me conclude by saying that U.S. installations in West Germany should, under no circumstances, become consumers of Soviet natural gas, and maximum independence from sources of energy beyond U.S. military control should be encouraged, consistent with fulfilling our NATO mandate. Thank you.

Mr. SPECTER. Mr. President, I move the adoption of the amendment.

The PRESIDING OFFICER. Is there further debate? If not, the questions occurs on the amendment.

The amendment (No. 2654) was agreed to.

Mr. SPECTER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2655

(Purpose: To delete authority allowing the Secretary of a military department to carry out real property transactions)

Mr. STEVENS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Alaska [Mr. STEVENS] proposes an amendment numbered 2655:

On page 283 strike out line 1 and all that follows through page 288, line 15.

Mr. STEVENS. Mr. President, this amendment would delete section 2172 of this bill. That section will give special authority to the Department of Defense on properties that under existing law would be handled by the General Services Administration. This new section would significantly broaden the authority of the Department of Defense to deal with all military property, both excess and nonexcess, and allow DOD to handle the sale. The language could also include, as I said, not only excess but nonexcess property but also nonmilitary property that is located on defense installations. The cost of replacement facilities, relocation expenses, and sale costs would be covered by the sale of proceeds and 95 percent of the balance would go to the Treasury.

But what has happened is that the Department of Defense is getting so large now it wants to operate its own surplus or property disposal system. It will take this money and use it to build additional facilities or to relocate people and then it will put the balance into the Treasury. Currently, if a piece of property, real or otherwise, has to be disposed of or is to be disposed of by the Department of Defense, that goes through the surplus property procedure and other agencies of the Federal Government may use it. It is not sold necessarily. It is turned over to other agencies. If no other agency of the Federal Government wants it, under law, as we know, the local governments, the State and local governments in the country get a chance to take it.

Defense is getting just so big that it wants the authority of every agency of the Government tucked into the Department of Defense. Now, Mr. President, I spend a lot of my time trying to help the Department of Defense, but I cannot understand a proposal that bypasses the appropriations process. It bypasses and frustrates the congressional intent to establish priorities in the use of property that is not currently being used by the Department of Defense. This starts a concept that the Department of Defense owns it, not the Government but the Department of Defense. Once we put Federal money into a defense building or defense property, if that is no longer usable to the Department of Defense, they want to sell it and get the money and put it somewhere else. We ought to insist that rather than sell it out in some fire sale and get rid of it and use the money for something else, the rest of the Government see if it can use the equipment or the building or the real property.

I cannot understand this because it also says even if it is not excess to the Department of Defense needs, if one agency within the Department of Defense want to get rid of something, it could go sell it. The Air Force could sell it even though the Army might need it or the Navy or the Marines. And the net impact of this is to increase costs, in our opinion. It will circumvent the process that we have established to determine the most appropriate and cost-effective disposal method under the Property Act.

Now, the Property Act, I take to be something with which most of us are familiar. It does not allow the agency that currently has jurisdiction over property, be it real or personal, to make the determination of whether it is sold. It must be excessed. It is excessed into the GSA, the General Services Administration, which is our agency to manage assets of the Federal Government. No agency is allowed

to own anything. All of this belongs to the taxpayers of the United States.

VOTE ON CLOTURE MOTIONS POSTPONED TO 7 P.M.

Mr. GOLDWATER. Will the Senator yield for a unanimous-consent request? There is a time problem.

Mr. President, I ask unanimous consent that the cloture vote scheduled to occur on the Byrd amendment 2414 and the Dole amendment 2417 be postponed to occur at 7 p.m.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I would just observe that this now makes the fourth, fifth, sixth, seventh time—I know, I am not blaming the distinguished Senator from Arizona—this makes the seventh time that this vote has been delayed. I think the time has come to fish or cut bait and vote on cloture on South Africa, and so, Mr. President, I will not object to the 7 o'clock, but if there is going to be any thought of postponing it beyond 7 o'clock, then I believe that this Senator would object at that time.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I do not want to belabor this because I hope every Member of the Senate will at least listen or try to understand what we are doing. We just want to take this provision out of the bill. It does not belong in here. If DOD has property that is excess or that one agency of DOD no longer needs, it should follow the procedures that are set forth in existing law for all agencies. No one has complained that this disposal process has put an undue burden on the Department of Defense. The purpose of the amendment in this bill is to increase the moneys that are available to the Department of Defense at the expense of other agencies, at the expense of the local governments, the State and local governments. I wish to cite some figures. The DOD properties compose 60 percent of the GSA excess and surplus property inventories.

Those properties satisfy other Federal agency needs, State and local public requirements or when none of those entities need them they are used to return moneys to the Treasury without giving any moving allowances or any replacement allowances or any other kind of allowances to the Department of Defense. It is improper, in our opinion, for the cost of replacement facilities and relocation expenses and sale expenses of the Department of Defense to be taken out of the return that they get for the sale of property that they believe ought to be sold. The DOD accounts for 55 percent of the property that was reported for excess this year alone, this year alone. I believe that the procedures we have now—and we have a whole entity here, GSA, to manage all of these properties. The net effect of this would be to take away from GSA approximately 50 percent of what they currently dispose of to other agencies and to State and local governments. Instead, it will result in additional hiring in the Department of Defense.

□ 1800

The Department of Defense will now have its own GSA. It currently has half of the civilian employees of the Federal Government, and this will give it another 10 percent. There is no question about that.

Mr. NUNN. Mr. President, will the Senator yield?

Mr. STEVENS. I yield.

Mr. NUNN. Mr. President, I think the Senator from Alaska makes a pretty persuasive argument here. I know we have this in our bill. The problem is that the GSA takes forever to dispose of property, and everybody gets frustrated. But I am not sure this is the right solution. I think this is a governmental affairs matter. It should go through the Committee on Governmental Affairs.

I am going to make a suggestion, and the Senators may disagree with it. They are managing this amendment, and I am managing this bill.

I suggest that the Senator from Alaska and the Senator from Delaware have some kind of hearing in the early part of next year about the time lag, to see if GSA can get the thing going in a more expeditious fashion. I would recommend to my colleagues that we accept the amendment, because it is a Governmental Affairs matter. I am on that committee, and I know we have had hearings. I know there are dangers in simply letting money go into an agency to be used by the Department and bypass the authorization and appropriation process.

Mr. STEVENS. I thank the Senator for his comments.

I say this about the GSA: The problem they have is that Congress has set up procedures it must follow before it can dispose of real property or those types of assets. Those requirements give each agency of the Federal Government a chance to review the property and then give every State and local government entity a chance to review the property and then require appraisal.

The net effect is that there are three circles they go through before they can sell property. I agree that we should have oversight to authorize GSA to eliminate some of those delays when it knows an asset has no utility for State and local governments.

I yield to the chairman of our committee.

The PRESIDING OFFICER (Mr. COCHRAN). The Senator from Delaware.

Mr. ROTH. Mr. President, I strongly agree that this is an area in which we should have hearings.

As a matter of fact, last night I suggested that to the distinguished Senator from South Carolina. I think it is the right way to handle this.

Let me point out why I am so concerned about letting an individual department or agency head out with its own policies in the area of land. There are certain policies that should be Governmentwide. I think earlier this evening Senator STEVENS made that point very eloquently on personnel policies. The same is true as to land.

It should be pointed out that land does not belong to the Pentagon. It does not belong to the State Department. It belongs to the Government as a whole, on behalf of the taxpayers.

If there is land that is no longer needed, then the procedure currently is that other agencies should have the opportunity to say whether or not they want to use it. If they do not, then GSA has the right to sell it. If this procedure is not working properly, then I strongly agree with the suggestion of the senior Senator from Georgia, that we ought to investigate and make whatever corrections there should be. But I would be deeply concerned if we let this agency, the Department of Defense, adopt its own policies. Then the State Department will want to do the same, and others will, and we lose control.

So I hope that the managers of this bill will agree with the suggestion of the Senator from Georgia, and I will be happy to hold hearings promptly on this matter.

Mr. GRAMM. Mr. President, I will be brief. I have no objection to removing the amendment.

There is one principal ingredient in this debate that has not been brought up. The problem with the current system is that it may be Government wide, but it is totally unworkable. It provides no incentives whatsoever to dispose of property. If you can dispose of it and not hurt your operation, you get nothing for it. It often goes out to State and local governments, and we end up giving away, for all practical purposes, valuable resources.

So I am not saying that each individual element of the Government should be able to sell assets that belong to the people. I am saying, however—and I say to the distinguished chairman of the Governmental Affairs Committee—that the current system is totally unworkable. It provides no incentives for the disposal of assets that are no longer needed. We have Government agencies—and the Department of Defense is one of the worst—that are holding huge amounts of resources

that they are never going to use, but they are not really giving up because they get nothing for it. They do not benefit from it. We are also giving away a lot of assets that could be sold.

Mr. ROTH. Mr. President, will the Senator yield on that point?

Mr. GRAMM. I yield.

Mr. ROTH. I think the Senator makes a valid point. There is a problem in this area. The various military commands do not want to give up land. The same is true in other agencies.

However, I do not think the solution to that is to permit a military commander to be able to sell that land for some project that is not approved by the duly organized committees of Congress, without going through appropriation. It seems to me that is the wrong kind of incentive.

I think the Senator is right. We have to look at some means to encourage various agencies to get rid of unnecessary property. I think that is what the distinguished Senator from Georgia is proposing—that we hold hearings.

Mr. GRAMM. I look forward to the hearings, and I look forward to testifying.

I thank the chairman for his interest in this problem.

Mr. THURMOND. Mr. President, the Subcommittee on Military Construction heard this matter—the distinguished Senator from New Mexico [Mr. BINGAMAN] and the other members of the committee—and we approved this, and I will discuss why. The full Armed Services Committee approved it. It was endorsed by the Defense Department; in fact, they prepared this amendment.

It would permit the Defense Department to better manage and control its real property assets and will provide incentive to do so.

It has been said that they do not want to get rid of anything. This would encourage the Defense Department, on marginally needed land, to dispose of it and use that money to build facilities which they really need, and any money left over would be turned over to the Treasury. So there is no waste there.

It provides base commanders with authority and responsibility to manage their resources as needs dictate, resulting in improved operation, readiness, and morale.

The construction dollars come from the proceeds of the sale of land in lieu of the DOD Milcon budget. Any profit from the sale of the land, over and above the cost to replace the facilities, is returned to the Treasury, to reduce the national debt.

The GSA is not working. I just finished a matter with them on which I have been working 4 or 5 years. Something has to be done to relieve this situation.

A lot of land is owned by the Army Corps of Engineers or others, and it is hard to dispose of. We feel that something must be done along this line.

□ 1810

Now, if the chairman of the committee will assure me that he will hold hearings on this promptly and go into the facets of it that should be heard, I am willing for the amendment to be stricken on that basis.

But we are going to come back again unless something is done. I am sick and tired of taking 4 or 5 years to do something that ought to be done in 3 months.

So on that basis, I am willing for it to be stricken at this time, if that meets with the approval of the distinguished Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I, of course, accede to the wishes of the chairman of the Military Construction Subcommittee and ranking minority member of the Armed Services Committee.

I think the problem here is a real one. I do believe we do need to do something to build an incentive to dispose of some of this land. Perhaps this solution is not exactly the right one, but I think that we need to get into it to get it fixed and I hope through these hearings that are contemplated that can be done.

Mr. THURMOND. Mr. President, I say that this procedure has been followed already, the very procedure that we are advocating here. It was followed in other cases and proved satisfactory.

Miramar Naval Air Station in California followed this procedure. Fort Huachuca in Arizona followed this procedure in the chairman's home State. March Air Force Base in California followed this procedure. Fort Jackson, SC, followed this procedure.

It has been successful and it has proved very fruitful and, as I stated, any money that is not used to build facilities from the sale of this marginal land goes back into the Treasury and reduces the debt.

I really think it is a good bill, but in order to save time and to give the Governmental Affairs Committee a chance to hold hearings, I am willing to cooperate to that extent provided the hearings can be held within a reasonable time.

The PRESIDING OFFICER. Is there further debate?

Mr. WILSON. Mr. President, I am sorry that I was off the floor.

I happen to disagree profoundly with the action that is about to be taken. I think Senator THURMOND has made compelling arguments for the change that is contained in this bill. I am jealous of the committee jurisdiction as the next person, and I understand the Senator from Alaska asserting the prerogatives of the Governmental Affairs Committee.

But I must say that I think there is something more important at stake here.

The Senator from South Carolina has correctly stated the existing procedures just do not work worth a damn. They take much too long. They are wasteful of money as well as time. And in a time when we are trying to save nickels and dimes in order to stretch them far enough to respond to real priorities within the military, the military construction consistently gets shortchanged. We defer for years the kinds of things that are necessary and we could significantly improve that situation and avoid those problems if we were to enact the kind of provisions that he has told you about here.

It is fair, it is equitable, it responds to the needs, the very great needs that we have for military construction. It does so in a far more expeditious way than is being proposed by the simple continuation of the status quo.

If this is going to happen, if we are in fact going to see hearings by the Governmental Affairs Committee, I hope that the Senator from Alaska will see that they have the highest priority because this is a real problem, a serious problem.

Long before I came to this body, I saw years go by and I saw important projects stymied for lack of a suitable process simply because of the bureaucratic stymie that was occurring.

I saw the logjam broken in a number of communities in my State in a way that benefited surrounding communities as well as the direct military communities.

So I think we are making a mistake in not going forward. If it were up to me, we would not make this mistake. But if, in fact, it be the judgment of this body, I can only hope that we will really not give lip service to this needed change but actually give it the kind of hearing that will bring it about.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I yield to my friend from South Carolina.

Mr. THURMOND. Mr. President, I want to quote from this bill, too.

> The Secretary of the military department may not carry out a transaction under this section involving the sale and replacement of property and facilities at $20 million or less until 21 days have elapsed from the date on which the Secretary submits the report of the facts concerning the proposed transaction to the Committee on Armed Services and on appropriations of the Senate and the House of Representatives and such report shall include—

and goes on to furnish all the information. In other words, it cannot take effect, they can stop it if they want to, until they meet all these require-

ments. They have to report back before they can go forward.

But, as I said, I am willing, in order to cooperate for hearings to be held, but I will be back again if we do not get satisfaction.

Mr. STEVENS. Mr. President, I look forward to that return engagement if that is the necessity because I shall oppose, so long as I am in the Senate, the right of the Department of Defense to decide what to do with property that has been purchased with taxpayers' money and turned over to the Department of Defense.

This is a principle, so far as I am concerned. It is not a jurisdictional matter for a committee.

There are plenty of instances that I can recall where the Department of Defense would have liked to have sold property, real and personal, in order that it could use the proceeds to do something else, when another Federal agency moved into that property and used it to the great savings of the taxpayers. I can think of instances, for instance, in Kodiak, AK, where the Navy moved out of Kodiak Naval Base. We made that available to the Coast Guard.

Other agencies, I can recall the FAA moving into some areas that were abandoned by the Department of Defense.

Sure there was a tremendous market in the private sector for these places. The Department of Defense could have made lots of money and they could use it to build something somewhere else.

But that is not the point. The point was that the taxpayers would have had to pay more for the facilities that were required by the other Federal agencies.

I am not doing this from the point of view of the Governmental Affairs Committee, and that is why I raised it rather than the chairman. We want to make sure we are talking about this from the point of view of principle, not jurisdiction.

I am prepared to have the vote on it or to have the amendment, if the amendment is considered, either one.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, I suggest we go ahead and vote. The Senator from South Carolina has already agreed with the Senator from Alaska and the Senator from Delaware.

So it seems to me this is one we ought to move right on.

Mr. STEVENS. Yes. I ask for consideration of the amendment.

The PRESIDING OFFICER. Is there further debate?

Without objection, the amendment of the Senator from Alaska (No. 2655) is agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GOLDWATER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2656

Mr. STEVENS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] proposes an amendment numbered 2656:

None of the provisions in this Act which provide for a mandatory or discretionary increase in the pay or allowances of a member of the armed forces shall be effective except in the manner or to the extent provided for in a subsequently enacted appropriation act.

Mr. STEVENS. Mr. President, this is the first time we get to the question of jurisdiction.

I hope to have the attention of my good friend from Arizona and my good friend from Georgia.

As we interrupt this bill that is before us now, it provides for a 4-percent pay increase for all military personnel commencing January 1. The budget that has already been approved provides for 3 percent for all Government personnel commencing January 1.

The impact of this difference means that we have to fund $1.1 billion more for the fiscal year 1987 than the budget that we have already approved would allow.

Incidentally, there is some question of whether the language is effective October 1 or January 1, but let us just assume it is January 1, the 4 percent, as we understand this authorization bill, is effective October 1, the pay raise for the Government in general under the budget is effective January 1.

Now, the way it is written in this bill, the Secretary of Defense is authorized to find the money to make the 4-percent pay raise from any funds available to the Department.

There is also new special pay for linguists, new special pay for psychologists, increased death gratuities, expansion of aviation career incentive pay, changes in aviation officer continuation pay, travel for military dependents receiving overseas military care, expansion of dislocation allowances, and overseas transportation of privately-owned vehicles, automobiles.

All of those, the way they are in this bill, are entitlements, Mr. President, unless this amendment is agreed to or unless we get an agreement here now on the record that I feel will be binding upon the committee that these matters can be dealt with in the appropriations process and as though they were not entitlements.

Now, I am prepared to accept that because my friends know that just as this bill has been written to have the ability to be interpreted as entitlements, we can write provisions in the appropriations bill to make sure that the entitlements exist but the moneys that can be paid are limited to the amount we have available under the budget.

If we have that understanding, I will withdraw that amendment. If we do not have the understanding, I think the Members of the Senate will have to decide whether they are going to support the budget which is 3 percent for everybody or support this bill which is 4 percent starting 4 months earlier than the others who get 3 percent.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, I would like to pose a question to the Senator from Delaware, Senator ROTH, the chairman of the Governmental Affairs Committee, and maybe the Senator from Alaska can answer the question.

It has been my understanding that this has always been a matter for the Armed Services Committee and when we pass a pay raise bill that is in effect a binding bill on the Appropriations Committee. The Appropriations Committee determines how to finance it, whether it is prior year funds, whether it is supplemental, so forth.

I always understood that the same thing applies to the Governmental Affairs Committee in terms of civilian pay raise.

My question to my friend from Alaska, if this is going to apply to military and if the Appropriations Committee is going to insist on funding this as a discretionary program, are we going to do the same thing with the civil service?

□ 1820

And, if so, does the Senator from Delaware have any comment on that?

Mr. STEVENS. Mr. President, I would say the Senator from Delaware can answer the way he wants. But let me answer it this way for most of us who handle the appropriations portion of that question. We would fund civilian agencies as an entitlement up to the budget. We would not fund beyond the budget level because we are subject to a point of order if we do. In this instance, because of the way it is drawn, it is not pay like the civil service pay for each Department. This gives the Secretary of each Department the right to take money from any part of his Department to make up this difference without regard to how we put it in the appropriations bill, as I understand it. Under the appropriations bill we, from time to time, say we make available less money than the pay raise would call for and we require the Department to absorb the increase. Right?

Under this provision, the Department of Defense Secretaries are given

the authority to make this payment from any moneys that are available to them. We would never have that provision for a civilian agency. That is the difference in this instance.

The impact of that is the Senator is correct, as far as the entitlement provisions of the pay. In my judgment, because of the way this bill is written, there is special authority for this Department to go beyond the normal pay raise, which all the rest of the Government gets, 3 percent. This Department would get 4 percent and the difference would be made up by taking money from anywhere in the Department without regard to how much money we appropriated for pay.

Now, that, I think, is a distinction here that ought to be made. In the past 5 years, the domestic agencies have absorbed from 50 to 100 percent of the pay raises in each appropriations bill. The Department of Defense, as you know, was exempted from Gramm-Rudman-Hollings and did not have to absorb the pay increase in this year.

Mr. NUNN. I suggest to my friend from Alaska that perhaps if he would lay this amendment aside temporarily and let the staffs confer, there may be some way, some technical language in the way we drafted this is different from prior years. But my understanding is that the pay raise provisions are exactly the same thing we have done year after year after year and there is no deviation from that.

Mr. STEVENS. Let me ask the chairman of the Budget Committee—he and I were discussing this earlier—it is my understanding that the CBO has told our committee, the Appropriations Committee, that if this bill passes in its current form, we have no alternative, that this is an entitlement and the 4 percent must be paid and we cannot affect that.

Again, I will tell you that the problem with me is very acute, because your bill is $7 billion to $10 billion over the budget in terms of outlays. I understand that, because you are going to conference. I have no argument about it. I think you have to have that leeway. I am not saying anything about it.

But, knowing that exists, this $1.1 billion is the most sensitive $1.1 billion we have because it is very outlay sensitive. I am sure you would agree with that. A pay matter of $1.1 billion is going to spend out at about $1.1 billion in 1987.

That is going to reduce our leeway in terms of dealing with this bill, under the ceilings that exist, because of the Budget Committee jurisdiction, the jurisdiction of the distinguished Senator from New Mexico.

I would yield to him to answer the part of your question which, I think, comes from him rather than us.

Mr. NUNN. I would also say, would not the same exact thing apply to a civilian pay raise? I do not understand the distinction.

Mr. STEVENS. The difference, as I understand it, is the language you have in this bill that says the Secretary may use any funds available to him to make that increase.

Mr. DOMENICI. Did you ask me a question?

Mr. STEVENS. I asked the distinguished Senator from New Mexico if he would substantiate my assertion that this provision will require the expenditure of $1.1 billion in excess of the budget unless it is modified to give the appropriations process the opportunity to determine the level of the pay raise that shall be funded for the Department of Defense.

Mr. DOMENICI. Mr. President, let me respond to the Senator from Alaska. The answer to the specific question that he asked is yes. But I hope that there is no implication in my answer that I am also answering his previous implication that it is an entitlement and that CBO has called it an entitlement. Because if I were asked that, I would say, from my own standpoint, I do not believe it is an entitlement subject to a point of order under the Budget Act and I do not believe CBO has said that. If they have, they have not told the Budget Committee that.

I think the issue is not one of entitlement but rather that this bill, being an authorization bill, if everything within it were funded by the appropriators, it would clearly be over the allowable in the budget. They know that. The Senate, in voting on this bill, knows that. They are going to go to conference and then they are going to go to appropriations.

The way they have structured the language for the pay raise, as I understand it is, first, the way they have always done it; and second, they have left it substantively within the discretion of the Secretary.

Now, I understand that is not much discretion, because he wants to give the 4 percent. But they have really said, within the moneys appropriated, if you have enough money, you are to give a 4-percent pay raise. My interpretation is that that makes it not an entitlement on its face.

On the other hand, we have never interpreted authorized pay increases as entitlements, because they do not technically force the appropriators to appropriate budget authority in advance in their bill. It just has not been interpreted as forcing them to do that.

So there is an issue for the Senate. But the issue is: Do you want 4 percent 3 months early when, obviously, the rest of Government is not going to get that? But that is a policy issue, not a technical issue. I do not know where the Senate would come down on that.

Second, clearly, it is going to be more difficult to come in within the limits of the Budget Act which they intend to abide by to the extent that you have mandated pay. It will be more difficult. But I cannot say which of these you will pick and choose—pay raise or battleships or something else.

Mr. STEVENS. Mr. President, all I want is an agreement that we can require the Department of Defense to absorb the pay raise within the budget in the appropriations process. We do not want an entitlement to the point that we have to fund it.

Mr. WILSON. Will the Senator yield?

Mr. STEVENS. Yes.

Mr. WILSON. I think that there seems to be a misconception. We do not have a problem with that particular point. We do not contend that this is an entitlement in the budget sense of the word.

What we object to about your amendment is the fact that it is taking a decision on policy from the authorization committee and giving it to the appropriators. And, traditionally, it has been the decision and jurisdiction of the Armed Services Committee to determine what the rate of pay would be. The appropriators then determine whether or not they can fund that, how they can fund it.

But what we are doing is saying in the authorization bill that we think that is to be a priority. And if we have to take money from other things in order to fund it, that is a decision which we will make, But under the amendment being proposed by the Senator from Alaska, Mr. President, we have a situation that would prohibit the payment of raises until an appropriation act is enacted, even though an authorization bill has been enacted.

Mr. STEVENS. Mr. President, this is not that simple. I appreciate what my friend is saying. I do not want the policy decision. If we require the absorption of this pay, is the Budget Committee going to say we are still charged with $1.1 billon because it is 4 percent rather than 3 percent? Now, that is real. $1.1 billion is a lot of tanks and ships. And that is what I fear. If it is an entitlement we are credited $1.1 billion, even if we say to the Department of Defense "You absorb this, we are not going to give you any more money this year at all for pay."

The Senator from New Mexico knows what I am talking about.

Mr. DOMENICI. Yes, indeed.

Mr. STEVENS. I am fighting the outlay fight here, not the policy fight, of whether or not the pay raise should be 3 percent or 4 percent.

Mr. DOMENICI. Will you yield to the Senator for a response?

Mr. STEVENS. I am happy to yield.

Mr. DOMENICI. Obviously, I cannot speculate on what language people put in later bills. But let me say what the convention has been, and I state it here because we intend to follow it again this year.

I say to my friend from Alaska, so long as in the appropriations bill the U.S. Congress states the level and rate of pay absorption and it becomes law, you will get credit for the pay absorption against the outlay estimates for pay. Not only the $1.1 billion you speak of, but the entire pay increase will be modified by way of outlay reductions to the extent of the pay absorption.

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I hope it will be reasonable because to the extent that it is unreasonable, it will come back to haunt us a few months later. But it has been as high as 50 percent for civilian, and sometimes as high as 70 percent. For defense, on average, it has been 30 to 36 percent. That is what I understand.

Mr. STEVENS. If my friends from the Armed Services Committee understand what I just heard, I think I understand it, and that is we will not be charged for outlays where we mandate that the absorption is within available funds notwithstanding the provisions of this bill. Then I do not have any argument with the Budget Committee or the Armed Services Committee. It is a policy decision that has to be made in the conference. The House provision is 3 percent. This is 4 percent. I am not arguing with that. I am arguing with the way it is written, and what it means to us.

If we are charged $1.1 billion beyond what our budget currently is notwithstanding the fact that we would say the Department of Defense has to absorb it, I am satisfied.

Mr. President, I withdraw the amendment.

The PRESIDING OFFICER. The Senator has withdrawn his amendment.

The PRESIDING OFFICER. Under the previous order, the Senator from Massachusetts [Mr. KERRY], is recognized.

Mr. KENNEDY. Mr. President, will my colleague yield?

Mr. GOLDWATER. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Arizona will state his inquiry.

Mr. GOLDWATER. What time does the Senator form Massachusetts have on this amendment?

The PRESIDING OFFICER. Forty-five minutes have been agreed upon. The allocation of time is 25 minutes to Senator KERRY, and 20 minutes to the opposition.

The Senator form Massachusetts, Senator KERRY, is recognized under the previous order.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator form Massachusetts.

Mr. KERRY. Mr President, I yield to the Senator from Georgia as long as it is not out of my time.

The PRESIDING OFFICER. Is there objection to the request of the Senator?

Mr. NUNN. I ask unanimous consent that I have 1 minute not charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Georgia is recognized.

Mr. NUNN. Mr. President, I thank the Senator from Massachusetts.

Mr. President, how long does the Senator from New Mexico contemplate?

Mr. DOMENICI. One minute.

Mr. NUNN. Mr. President, will the Senator from Massachusetts allow for 2 minutes for the disposition of this amendment without it being charged to either side?

Mr. KERRY. I am delighted to. I have no objection.

Mr. NUNN. Mr. President, I ask unanimous consent that we may have 2 minutes for the consideration, and hopefully disposition of the amendment of the Senator from New Mexico without it being charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2657

(Purpose: to provide that any new spending authority provided by specified sections of the bill shall be effective for a fiscal year only to such extent or in such amounts as are provided in appropriation Acts.)

Mr. DOMENICI. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI] for himself and Mr. CHILES proposes an amendment numbered 2657.

Mr. DOMENICI. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, add the following new section:

SEC. . LIMITATION ON NEW SPENDING AUTHORITY.

(a) IN GENERAL.—Any new spending authority (as defined in section 401(c)(2) of the Congressional Budget Act of 1974) provided by—

(1) any of the sections of this Act specified in subsection (b), or

(2) any amendment made by any such section,

shall be effective for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts.

(b) SECTIONS SPECIFIED.—The sections to which subsection (a) applies are sections 611, 625, 631, 635, 636(f), 931, 1006, 1214, 2172, 2175, and 2183 of this Act.

Mr. DOMENICI. Mr. President, this is the amendment that the Senator from New Mexico made parliamentary inquiry of yesterday with reference to the fact that if this is adopted by the Senate there are no points of order lying against this bill because this has made all direct spending and all entitlements that we know of—and we have searched the bill—subject to annual appropriations.

With that, we are not aware of any points of order. I do not want anyone to confuse that with the levels of expected expenditures which are not points of order issues.

It is a question of what size the bill will ultimately be. This will cure the bill. I believe the manager and the ranking minority member understand it, and are willing to accept it.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, we thank the Senator from New Mexico. He has been enormously helpful in working out not just this problem but all the problems we have had with the Budget Act. No one could ask for more cooperation than we have received from the Senator from New Mexico, and the Senator from Florida has also been very cooperative.

This makes it clear, as I understand it, that any spending authorities in the act in question are not entitlement programs but subject to appropriation. Is that the intent?

Mr. DOMENICI. And contract authority.

Mr. NUNN. Mr. President, I have discussed this with the Senator from Arizona. We urge this amendment be accepted.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. DOMENICI. Mr. President, the amendment I have offered to the fiscal year 1987 DOD authorization bill is technical in nature. Several provisions of the committee-reported bill technically violate the Congressional Budget Act. A few sections create new contract authority. Section 401(a) of the Budget Act prohibits consideration of new contract authority unless it is made subject to appropriations. Some other sections of the bill technically provide new direct spending authority for fiscal year 1987.

Because the Armed Services Committee has not yet filed its section 302(b) allocations, any provisions providing direct spending or contract authority for fiscal year 1987 are subject to a section 302(c) point of order. My amendment would make these sections subject to appropriations, thereby

making clear that these sections of the bill are meant to be authorizing provisions, not spending authority. With this technical amendment to the bill, S. 2638 will be brought into compliance with the Budget Act.

Mr. NUNN. Mr. President, I thank the Senator from Massachusetts.

I yield back the time.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from New Mexico.

The amendment (No. 2657) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2658

(Purpose: To prohibit in connection with the Strategic Defense Initiative program, the test of a warhead, bomb, or other explosive device which uses fissionable material until the Soviet Union has conducted a test of a nuclear weapon)

Mr. KERRY. Mr. President, I send the following amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KERRY] for himself, Mr. KENNEDY, and Mr. RIEGLE proposes an amendment numbered 2658.

Mr. KERRY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . PROHIBITION AGAINST NUCLEAR WEAPON TESTING IN CONNECTION WITH THE STRATEGIC DEFENSE INITIATIVE.

None of the funds in this act may be authorized to carry out, in connection with the Strategic Defense Initiative program, the test of a warhead, bomb, or other explosive device which uses fissionable material until the President certifies, using existing authority, to Congress that the Soviet Union has conducted, after the date of the enactment of this Act, a test of a nuclear weapon.

Mr. KERRY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. KERRY. Mr. President, I yield 30 second to the Senator from Massachusetts, my colleague.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I wanted to announce to the Senate that earlier this afternoon the House of Representatives voted 234 to 160 on an amendment that was offered on the defense authorization bill to provide for a limitation on testing up to 1 kiloton pending either action by the Soviet Union or the President of the United States making a declaration that further testing was essential.

I think the Members of this body ought to be familiar with this very important and significant action.

Mr. KERRY. Mr. President, may we have order?

The PRESIDING OFFICER. The Senator's point of order is well taken. There will be order in the Senate. Would Senators take their seats and staff members who are conversing in the Chamber please retire from the Chamber? The Senate will please be in order.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank my colleague for yielding for me to make this statement.

Mr. KERRY. I thank the Chair.

Mr. President, the amendment that I have sent to the desk is a very straightforward simple amendment that puts to test the question of whether or not the United States intends to adhere to the standards established by the President of the United States that star wars will be a nonnuclear defensive program. It seeks to impose a one item, a single item, ban on nuclear testing in the United States as long as the Soviet Union continues no nuclear testing of any kind whatsoever of any item. That is a tradeoff that is obviously more than favorable to the United States.

The item that we chose to ask not to continue test on is the x-ray laser bomb. And I would cite an article recently of the Washington Post on June 9, 1986, in which the headline says "Lab Creating a New Generation of Nuclear Arms." I will read very, very briefly from one portion of it where it says that:

The Nation's brightest young physicists are being recruited and old hands rhapsodize about the potential for "third generation nuclear arms," a greater advance over hydrogen bombs, they say, than H bombs were over atom bombs in the early 1950's. Physicists say dozens, perhaps hundreds, of new varieties of weapons could be developed keeping Livermore and its test site in Nevada busy for decades. The potential for these new weapons, nuclear powered directed energy weapons, is cited here and at the Nation's other nuclear weapons design laboratory in Los Alamos as the chief reason to resist a nuclear test ban treaty with the Soviet Union.

I quote from the article:

The new weapons could be used to destroy other missiles, to attack satellites, to incapacitate Soviet mobile missiles on the ground, to disrupt enemy communications for uncounted other missions, according to scientists here.

Mr. President, this Nation has been told again and again that Star Wars is nonnuclear. When the President stood up and announced this program, he said to the Nation "This is a program that I have a vision will make nuclear weapons impotent and obsolete."

The President has directly expressed his wishes that SDI be non-nuclear on at least 17 occasions, such as in his address before a joint session of the Congress following the summit on November 21, 1985.

On that date, the President described his negotiating sessions with Mr. Gorbachev.

President Reagan said the following to the Congress:

Mr. Gorbachev insisted that we might use a strategic defense system to put offensive weapons into space and establish nuclear superority. I made it clear that SDI has nothing to do with offensive weapons; that, instead, we are investigating non-nuclear defense systems that would only threaten offensive missiles, not people.

As the President made clear, he formally told the Soviet Union that the SDI Program and nothing to do with offensive weapons and was only investigating nonnuclear defenses. That is the formal United States position in negotiating with the Soviets.

In making this statement to Congress and to Mr. Gorbachev, the President was not being imprecise. He has said that SDI would be nonnuclear on many occasions, in writing as well as orally.

For example, in response to questions submitted by the Times of London on April 10 of last year, President Reagan said:

Our allies know the truth. We have consulted closely with them on the nature and purposes of SDI. They know that it is a research program designed to provide the technical basis that will allow a future President to decide whether to develop advanced systems to defend against ballistic missiles . . . The goal of SDI research is to find nonnuclear technologies which, if deployed, would strengthen stability and enhance our mutual security.

President Reagan made a similar statement on April 18 of this year to ABC of Spain. And in an interview in U.S. News & World Report published on November 18, he was directly asked the question "is your SDI system nonnuclear?" The President answered, "That's right. Yes."

So President Reagan has told not only the Soviets and the Congress but our allies and the American people as well that we are pursuing a nonnuclear program in order to render nuclear weapons impotent and obsolete.

Mr. President, sadly, that is not the case. The x-ray laser bomb that we are currently testing, which has been tested five different times, is a nuclear bomb. It is a new nuclear bomb. It is a new nuclear weapon.

What it does is supposedly harnesses the x ray or gamma rays of an explosion of nuclear power and takes those

x rays and places them into rods, harnesses their energy, and in the milliseconds of an atomic explosion, it is supposed to harness those x rays and direct them toward incoming vehicles. But it is only through the nuclear explosion itself that you gain the power to be able to harness the energy to direct it at the opposing forces, whatever they may be.

That, Mr. President, is a nuclear weapon, and it is at the center of SDI.

I do not believe the American people want a new nuclear weapon being the core of a system that is supposed to render nuclear weapons impotent and obsolete, especially if the development of that system is, in fact, the major stumbling block for the achievement of a comprehensive test ban treaty.

Press accounts are very, very clear on this, and they are nonclassified. There is no one who contests that that is the purpose of this bomb.

We are talking about money, in addition. The Armed Services Committee was asked to spend $534 million for this nuclear defense. They cut it to $356 million. But, Mr. President, $356 million is a tripling of the roughly $100 million that was spent the year before on nuclear SDI systems.

I believe that we have a responsibility to question this.

We have a responsibility to make sure that the SDI Program complies with the President's description of it to the Soviets, with his description of it to the Congress, to the allies and to the American people.

Now, I recognize the need for research to go forward in this area, as in other areas, to prevent Soviet breakout. But the kind of research that is permitted by the ABM Treaty, and the kind of research that we assume the Soviets are doing even now, is research short of nuclear testing. This amendment would not halt that research. That research could continue. It would only stop the nuclear testing already been done under our supposedly nonnuclear Star Wars Program. And it would only stop this testing, so long as the Soviets do not test.

You may ask why such an amendment is necessary, given the President's clear and repeated statements that the program is already nonnuclear.

The amendment is necessary because, as press accounts confirm, the United States is engaged in developing nuclear defenses under the SDI Program, and indeed, these nuclear defenses are being frantically pushed toward development, despite the President's directive.

This year, the President requested $534 million for the nuclear defense under SDI in the Department of Energy, a request which was cut to $356 million by the Armed Services Committee, a steep hike from the $282 spent last year, which was already nearly a tripling from the roughly $100 million spent the year before on nuclear SDI systems.

Despite the President's statements that his SDI is nonnuclear, and statements by the SDIO that the nuclear x-ray laser of the SDI Program is only to learn about what the Soviets might do with such a weapon, others working on the program have described the nuclear x-ray laser weapon as one part of an SDI deployment.

"We must prove we have nuclear strategic defense options, if needed," Richard L. Wagner, Jr., Assistant Secretary of Defense for Atomic Energy told the Baltimore Sun February 2.

As the director of the SDI Program, Lt. Gen. James Abrahamson admitted late last year to Defense Week, those working on strategic defenses "are all convinced that the x ray laser research program is one that should be accepted as quickly as possible, and, yes, we are trying to accelerate it."

Now there are some serious problems with the United States going forward with testing of the nuclear-driven directed energy for the purposes of strategic defenses.

While this project, the xray laser, is highly classified, it is no secret that the laser gets its destructive power through the detonation of a nuclear bomb in space—and that this new type of nuclear weapon may well be more effective for the offense than for the defense.

I know, and everyone knows, there are aspects of this that are classified, but Newsweek describes the xray laser in the following terms:

> The most significant recent advance in space-based-missile-defense research is the x-ray laser—and it may turn out to be more effective on offense than defense.
>
> Powered by a nuclear explosion, the x-ray laser would emit a lethal blast of x-ray beams in the milliseconds before the device destroyed itself. In the Star Wars defense scenario envisioned by physicist Edward Teller, the father of the hydrogen bomb, a phalanx of x-ray lasers born aloft by rockets would "pop up" at the first warning of a nuclear attack to shoot down enemy missiles. * * * But in fact, the x-ray laser might be even more effective against the Star Wars sattellites and space based battle stations, with their known and well-plotted positions, than against incoming missiles.

As Steven Rockwood, the Director of SDI research at Los Alamos, told Science Magazine last year, the x ray laser will inevitably be viewed by the Soviets as a nuclear weapon with the potential to be used offensively, as well as defensively.

"What would you think if this satellite is passing over Washington five times a day and you know it's carrying a nuclear weapon?" Dr. Rockwood asks. "Will you trust me that it's only a defensive weapon, and not something that can be dropped on your head without any notice or warning? I don't think the Soviets in their paranoid attitude will ever believe what we tell them."

As the Los Alamos scientist recognized, the key problem with the x-ray laser is that a nuclear weapon that is being developed for defense can also readily be a nuclear weapon which can be used for offense, just as the Soviets fear.

Already, physicists working for the SDI Program "rhapsodize about the potential for 'third generation' nuclear arms," which they think is "a greater advance over hydrogen bombs * * * than H-bombs were over atom bombs in the early 1950's," in the words of Fred Hiatt and Rick Atkinson of the Washington Post.

As Hiatt and Atkinson wrote in the Post on June 9, the Lawrence Livermore National Laboratory, fueled by millions of dollars in funding from SDI, is busy creating a new generation of nuclear arms. Physicists say that dozens, or perhaps hundreds of new varieties of nuclear weapons could be developed, keeping Livermore and its test site in Nevada busy for decades.

Indeed, the Livermore scientists say that the chief reason the United States should resist a nuclear test ban treaty with the Soviet Union is the potential for developing new nuclear weapons as part of star wars systems.

This is a strange result of a program that is supposedly nonnuclear. According to the scientists, the new weapons could be used to destroy other missiles, to attack satellites, to incapacitate Soviet mobile missiles on the ground, to disrupt enemy communications, in short, for countless military missions. In short, the scientists working on the nuclear programs in SDI don't think SDI is going to make nuclear weapons obsolete at all—they think SDI is going to allow us to build nuclear weapons for dozens of military purposes never before contemplated.

In other words, Mr. President, the SDI Program appears to be working to develop new kinds of nuclear weapons that might be used to try to allow the United States to fight and win a nuclear war.

President Reagan has said on many occasions that a nuclear war can never be won and must never be fought. I agree with that statement, Mr. President. That is why it is so important that we follow the President's wishes to ensure that the SDI Program does not continue to develop dangerous, new forms of nuclear weapons, such as the nuclear powered x-ray laser.

As the Los Angeles Times has editorialized, the x-ray laser is nothing less than a nuclear bomb, and the prospect of having such a weapon deployed in the skies is disburing indeed:

> Assuming that such a device can be built, there are practical objections.

The Times editorialized:

As generally perceived, a fleet of nuclear-armed laser devices would have to stand guard in permanent Earth orbit. Since the nuclear pump is really a bomb, we aren't sanguine at the prospect of dozens or hundreds of these bombs—some American, some Russian—whizzing around overhead. Critics also note that nuclear-pumped lasers would probably blow up other parts of a defense system that were anywhere near them. And nobody has explained why Livermore is spending more than $100 million a year on nuclear x-ray laser research when the President says that the defense shield should be nonnuclear.

Senator JOHNSTON has described the dangers that nuclear Chernobyls in space might pose as a result of the deployment in space of orbiting nuclear reactors to power weapons which are powered by controlled nuclear reactions. But if we continue to fund the x-ray laser, we are funding the development of nothing less than a weapon powered by a full-scale nuclear blast, to be popped up through the atmosphere into space, which when it explodes will send out radiation in all directions, even as it focuses some energy in the form of an x ray.

Are we prepared to tell the public that the strategic defensive initiative isn't nonnuclear, as the President told the Soviet Union and the Congress? Are we prepared to tell the public that the strategic defense initiative is developing technologies to put nuclear weapons in orbit?

It would be ironic, to say the least, if Congress were, while the Soviets retain the nuclear test moratorium, to fund further tests of strategic defenses aimed at placing nuclear bombs in space, contrary to the explicit statements of the President, while the goal of the SDI program is making nuclear weapons "impotent and obsolete."

Nor should we put ourselves in the position of suggesting to the Soviets, to our allies and to the American public that President Reagan is not telling the truth when he says that the SDI program is nonnuclear. Let us make the program comply with the President's description of it, at least for the period that we know the Soviets are not testing nuclear weapons.

Last winter, I asked this body to delete funds from the SDI program devoted to developing and testing strategic defenses which make use of nuclear weapons.

I said that if we continue to fund the x ray laser, we are funding the development of nothing less than a nuclear weapon in space. I asked whether we were prepared to tell the public that the strategic defensive initiative isn't nonnuclear, as the President told the Soviet Union, our allies and Congress.

The Senate choose to reject that amendment. Senator STEVENS, in arguing against that amendment, said we needed to push forward with the nuclear powered x ray laser because of the danger of Soviet development of such a device. Six months later, when the CIA has stated unequivocably that the Soviet Union cannot develop its own nuclear powered SDI systems without further testing, it seems clear to me that we should at least seek to take this minimal restraint on the development of this third type of nuclear weapon now.

It may be that the Senate will move forward with the funding of this new type of nuclear weapon, despite the fact that we could not deploy it without violating the ABM Treaty, signed by President Nixon, the limited Test Ban Treaty signed by President Kennedy and the Outer Space Treaty signed by President Johnson.

I cannot conceive of the United States ever moving to full-scale field testing of this kind of weapon, in violation of not one but three arms control treaties, including the first significant arms control treaty we signed with the Soviets more than a quarter of a century ago. If the Senate does not choose to stop the testing of this weapon now, I intend to return to this floor again and again until the day comes when we can achieve a mutual halt with the Soviets to the development of "third generation" nuclear weapons. In the view of this Senator, two generations of nuclear weapons have been threatening enough to our national security. I see no reason to rush headlong into developing a third.

I would ask my colleagues to stop and think about this one closely. I recognize there is a strong drive by many who want to research this program. Needless to say, a majority of Senators, myself included, believe we ought to research so we are not taken by surprise, so that the Soviet Union cannot break out, so that we will never be jeopardized in the event they have something that we do not.

But, Mr. President, it seems to me that it is a worthwhile trade-off for Americans to ask themselves, Are we willing to withhold testing on one single item that takes us into a whole new generation of nuclear weaponry? Are we willing to do that in exchange for the Soviet Union not testing any nuclear weapon?

More importantly, Mr. President, how can you possibly keep faith with the American people that we are supposedly developing a system to render nuclear weapons impotent and obsolete when in the core of the system itself is a new nuclear bomb?

That is not only inconsistent; it is fraudulent. I think we have an opportunity here not only to enhance the climate for arms control but to make certain that the promise of the President is a promise that is kept. I hope we will do that.

I think this vote is an important vote on which the American people ought to say, "How did my Senators vote? Did he or she vote to create a new generation of nuclear weapons? Did he or she vote to make SDI more of a lie, to put forward to the American people that it is OK to have a new nuclear weapon in space for the first time; that we will violate three different treaties: The Limited Test Ban Treaty, the Outer Space Treaty, and the ABM Treaty by the deployment of such a weapon?"

Mr. President, it is clear from the recent CIA reports and their testimony before the Energy Committee that the Soviet Union could not conceivably deploy such a system without further testing. If it is in our interest to prevent that, I would hope that my colleagues would join with me in voting for this prohibition.

Mr. President, I yield.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, before the Senator takes his seat, I wonder if I might ask him a question.

As I read his amendment, it is to prohibit any use of nuclear explosions in the context of our testing program unless the Soviets "have tested a nuclear weapon." How can we verify that they have not tested some low-level weapons which could not be distinguishable by background noises?

Mr. KERRY. There are two kinds. Ours is a prohibition only against our testing fissionable material. We obviously have the ability to determine whether or not we are doing that.

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Mr. WARNER. I understand that, Mr. President.

Mr. KERRY. With respect to the Soviet Union, at the current moment, the most recent testimony we have had before the Foreign Relations Committee in the hearings which have been referred to on the floor says that we can discern a test and distinguish that test between an earthquake and a nuclear explosion below the level of about 1 kiloton. Anything less than that, it is believed, cannot provide any kind of assurance with respect to military capacity or any kind of development that would threaten.

Second, and I think this is very important—may I ask that the answer of this question be shared in time because we are so tight?

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Mr. President, I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. I thank the distinguished Senator for his generosity.

The second point I make is this: This is to give us the window of opportunity to be able to take advantage of the vote in the House today to cut off all funds for all tests and hopefully, to be able to move in the next months to

make up the ground on a protocol that would permit seismic implantation—site verification, and a total protocol which we would adhere to. But it is clear from the CIA that they do not believe that there have been any advancements that would permit the Soviet Union at this point to deploy any kind of system. They are satisfied that we are able to make that determination through our current technical means.

Mr. WARNER. Mr. President, we are on the fringes of some highly classified material. Listening carefully to my colleague from Massachusetts, he has responded as I had anticipated. We do not know for certain whether we can detect all Soviet testing of nuclear material beneath ground. As such, there may be low-level tests which could go right on and allow them to develop laser systems powered by the nuclear explosion.

For that reason and the added reason that I think it is imperative, as we design what is known as the architecture of SDI—in other words, what type of systems we should put up—we determine the feasibility of nuclear-powered explosions as a future means of attacking our systems. If we do not comprehend the full range of what can be done with a nuclear explosion in terms of destroying a possible architecture of SDI, then we are crippling the program at this point.

Lastly, I point out, as the Senator said just a moment ago, possibly this matter can be taken up in the context of arms control and why should the U.S. Senate prejudge that option that is in the hands at the moment of the President of the United States?

Mr. KERRY. If I could answer the Senator on one point, Mr. President, as the Senator knows—without touching on classified material, because there is an article in the Boston Globe that appeared on May 30, 1986, in which the CIA is publicly disputing claims on laser research and there was testimony before the Energy Committee and a report released by Representative MARKEY in the House from the CIA, all of which assert publicly what our ability is and is not to discern—the specific signature of a nuclear explosion is discernible as opposed to any other kind of explosion or other kind of movement down to, as I say, the level of 1 kiloton. When you get to the level of 1 kiloton you are not providing the kind of advancement with respect to nuclear weaponry that would give any kind of credence to a system.

I yield to my colleague from Massachusetts if I may.

The PRESIDING OFFICER. Does the Senator from Virginia yield the floor?

Mr. WARNER. I yield momentarily so my colleague from Massachusetts can join the debate.

Mr. KENNEDY. Mr. President, I rise to cosponsor this amendment which would prohibit the expenditure of funds for the testing of nuclear-driven directed energy weapons so long as the Soviet nuclear test moratorium continues.

Senator KERRY has done an excellent job of explaining what our amendment seeks to do. Let me just add several points.

Since March 23, 1983, when the Star Wars Program was first announced by President Reagan, it has been described to the American people as a means of rendering nuclear weapons impotent and obsolete. This is how the administration has attempted to sell Star Wars to America and to the world. On at least 17 different occasions, the President has described the strategic defense initiative as a "nonnuclear" defense.

Mr. President, contrary to that description, the managers of the Star Wars Program are pressing ahead with developing a whole new generation of nuclear weapons to be used in this mislabeled "nonnuclear" defense.

For my colleagues unfamiliar with this technology, one of the principal concepts being developed for this third generation of nuclear weapons is the nuclear-pumped x ray laser. This weapon would use a large nuclear explosion from a hydrogen bomb to focus the emitted rays into a concentrated laser beam directed at the intended target.

The Reagan administration has been conducting a number of nuclear tests to develop this weapon. Despite the technical difficulties encountered by scientists working on the x ray laser, program managers are intent on finding a role for this weapon in a star wars system.

In fact, over this past year, the SDI has actually accelerated nuclear research and testing and added money to the program by taking money out of other more deserving aspects of SDI research. This acceleration in nuclear star wars testing was, according to press reports, the direct result of a meeting between Dr. Edward Teller, father of the H-bomb, and President Reagan in which Teller asked the President to add more dollars to the nuclear star wars budget.

General Abrahamson, the SDIO Director, has also admitted this is the case. Stated General Abrahamson:

> We are all convinced that the x ray laser research program is one that should be accelerated as quickly as possible and, yes, we are trying to accelerate it.

General Abrahamson also pointed out that this would include "speeding up the number of those tests" of the nuclear-pumped x ray laser.

Mr. President, the amendment being offered by Senator KERRY, myself, and Senator RIEGLE is simply trying to ensure that the SDI program is carried out as the President intends: To conduct research into nonnuclear weapons that might render nuclear ballistic missile ineffective.

Our amendment will not require that the United States cease all nuclear tests. While I have long been an advocate of a total ban on nuclear testing, I believe that such a ban needs to be negotiated in a formal agreement with the Soviet Union which incorporates effective verification measures. Last night, the Senate again reaffirmed its support for negotiations toward that objective.

Nor is our amendment unilateral. It remains in effect only so long as the Soviet Union continues to refrain from all nuclear testing. We cannot verify with high confidence what kinds of weapons the Soviets are developing if they conduct a nuclear test. So, if the Soviets begin to test again, we could go ahead with tests of the x ray laser and other NDDE weapons.

The CIA has stated, for the record, that it does not believe that the Soviet Union can deploy nuclear driven-directed energy weapons without conducting additional nuclear explosive testing. So long as both sides refrain from testing of x-ray lasers, neither side could deploy such a weapon.

We are told that we need to test x-ray lasers in order to better understand Soviet capabilities in this area. But if neither side can test, then neither side would have sufficient confidence to deploy these weapons. Moreover, while our amendment would ban testing of these weapons, research and lab experiments could go forward to help us better understand their potential applications.

We are also told that the Soviets are way ahead in the development of these weapons and have had a program for at least 15 years. This is one of Dr. Teller's favorite claims.

In fact, as a senior official in the SDI organization has stated, this claim is "5-percent information and 95-percent conjecture." It is not at all certain that the Soviets are ahead in this area. And in any case, as the CIA has stated, they could not deploy a weapon without a substantial amount of testing.

If the United States elects to proceed with development, testing, and deployment of nuclear-driven directed energy weapons, it will generate a requirement for many additional nuclear tests.

Dr. Hans Bethe, Nobel Laureate, former director of Los Alamos Theoretical Division, and one of the individuals chiefly responsible for development of the first atomic weapon, testified last spring before the Armed Services Committee that development of this weapon would require at least 30 to 40 tests. But he also acknowledged that Dr. Robert Selden, a physicist at

Los Alamos who is more knowledgeable about the program, believes it will require hundreds of tests. I ask that Dr. Bethe's reply to my question on testing requirements for the x-ray laser be included in the RECORD.

One final point. Any deployment of the nuclear-pumped x-ray laser would violate three international arms control agreements to which the United States is a party: The 1972 Anti-Ballistic Missile Treaty, the Limited Test Ban Treaty, and the Outer Space Treaty. These security-enhancing accords will be rendered useless if SDI nuclear tests proceed unconstrained.

Mr. President, I urge my colleagues to support Senators KERRY, RIEGLE, and myself and vote to approve this amendment.

Mr. President, if either the Soviet Union or the United States moves to develop the x-ray laser as a weapons system, large-yield nuclear tests would be required. I understand from the testimony that has been made available to the Senate that development of such a weapon would require large yield nuclear tests. Therefore, I can't agree with those who suggest that this could somehow be done surreptitiously.

What we are saying is that we would like the SDI Program to conform with the stated position of the President of the United States.

I believe I am correct in this conclusion about the implications of this amendment.

Mr. KERRY. I thank my senior colleague, who has been working on the issue of a test ban for many, many years, for pointing out to me and to our colleagues what he has. Indeed, he is absolutely correct. All of the tests of the x-ray laser or x-ray bomb and all the tests of the Soviet Union do require high yield—there is no mistake about it.

Second, and I think perhaps equally important, this is not unilateral. It is mutual. The Soviet Union cannot test any weapon for this prohibition to exist, any weapon at all of nuclear notion.

All we are doing is saying, "Mr. President, if we are going to have a nonnuclear program, let us not lie to the American people. Let us not tell the American people we have a nonnuclear program that will render nuclear weapons obsolete, that will make you safer, when we are developing a whole new generation of nuclear weapons, even that we intend to put in space, the one threshold that has not been crossed."

I thank my senior colleague.

Mr. KENNEDY. Mr. President, under this amendment, we would still be permitted to go ahead in pursuing x-ray laser research. Even with considerable testing, the Soviets are a long way from deploying any x-ray laser weapon. So these arguments which suggest that they might suddenly have some kind of test explosion and would then be able to move right from that phase to deployment of an x-ray laser weapon is extremely far-fetched.

Finally, I wonder if the Senator would object to my having printed in the RECORD the various statements that have been made both by the President and by other administration officials which indicate their assertions that the SDI is pursuing a nonnuclear defense. This has been stated time in and time out. Over the past several years. I do think these statements help to support the very important point that my colleague made earlier in his presentation, about the representations which have been made by the President that we would be pursing a nonnuclear defense. If we are going to conform with what the President says, I do not see any reason why this amendment should not be embraced. If we are not pursing a nonnuclear defense, we should have the right to expect a definition or explanation from the administration.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENTS BY ADMINISTRATION OFFICIALS ABOUT SDI AS A NONNUCLEAR RESEARCH PROGRAM

ATTACHMENT 1

All of you know that we're researching nonnuclear technologies that may enable us to prevent nuclear ballistic missiles from reaching U.S. soil or that of our allies.—Ronald Reagan, Conservative Political Action Conference, March 1, 1985.

We're not discussing a concept just to enhance deterrence, but rather a new kind of deterrence; not just an addition to our offensive forces, but research to determine the feasibility of a comprehensive nonnuclear defensive system.—Ronald Reagan, National Space Club Luncheon, March 29, 1985.

The goal of SDI research is to find nonnuclear technologies which, if deployed, would strengthen stability and enhance our mutual security.—Ronald Reagan, Response to questions submitted by the Times of London, April 10, 1985.

SDI is examining technologies which may make possible nonnuclear defenses against ballistic missiles.—Ronald Reagan, Response to questions submitted by ABC of Spain, April 18, 1985.

A nonnuclear strategic defense makes good sense.—Ronald Reagan, Strategic Defense Initiative, Radio Address to the Nation, July 13, 1985.

Who is threatened if Western research and Soviet research, that is itself well-advanced, should develop a nonnuclear system which would threaten not human beings but only ballistic missiles?—Ronald Reagan, Address before the 40th Session of the General Assembly, United Nations, October 24, 1985.

[I will] do everything within my power to move forward with research and testing of a high-tech nonnuclear defensive system, so that the world in which you raise your children in will be safe and secure and free.—Ronald Reagan, Speech at Thomas Jefferson High School, Annandale, Virginia, reported in Washington Post, February 8, 1986, p. B7.

The ideal method that we very much hope we can get and have reason to believe we may be able to get would be a method of destroying them [missiles] outside the atmosphere without using nuclear weapons or nuclear means to do so.—Caspar Weinberger, Secretary of Defense, Interview with newsmen, August 8, 1985.

So the President believes that we have to ask the question, Isn't there an alternative?, and that might be non-nuclear defensive systems.—Robert C. McFarlane, Assistant to the President on National Security Affairs, Interview on This Week With David Brinkley, ABC, September 22, 1985.

What we saw last summer at Kwajalein was an experiment that proved one important thing: that we could intercept a ballistic missile without using a nuclear warhead by using super-high precision, modern homing electronics. It was important to show that we are no longer talking about nuclear systems.—George C. Keyworth, Jr., Science Adviser to the President, Interview in the San Diego Union, May 19, 1985.

The SDI puts primary emphasis on technologies that do not use nuclear weapons.—Kenneth W. Dam, Deputy Secretary of State, Remarks to the Foreign Policy Association, New York, January 14, 1985.

I thank my colleague. I commend him for the leadership he has provided on this issue. I am delighted to join with him in cosponsoring this amendment.

Mr. KERRY. I thank my distinguished colleague.

VOTE ON CLOTURE POSTPONED UNTIL 8 P.M.

Mr. WARNER. Mr. President, will the Senator yield for purposes of a unanimous-consent request?

Mr. KERRY. I will, on the Senator's time.

Mr. WARNER. I ask unanimous consent that the cloture votes scheduled to occur today on the Byrd amendment No. 2414 and the Dole amendment no. 2417 be postponed to occur at 8 p.m. tonight.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Massachusetts.

Mr. KERRY. Mr. President, a point of inquiry: How much time remains?

The PRESIDING OFFICER. The Senator has 4 minutes and 5 seconds remaining.

Mr. KERRY. Mr. President, I yield and reserve such time as I have remaining.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Mr. President, I yield to the Senator from California.

Mr. WILSON. I thank the Chair. A parliamentary inquiry: How much time remains to the opponents?

The PRESIDING OFFICER. The opponents to the amendment have 17 minutes.

Mr. WILSON. I thank the Chair. I shall use but little of the time of the distinguished manager to make two basic points.

First, the major nuclear directed energy program within the SDI is the x-ray laser.

□ 1900

Without violating any classified information, obviously I think we all know that the Soviet Union has a very significant x-ray laser program of its own. We used to know more about it than we know now because they used to write of it openly in their literature. Significantly, that is no longer true. So we are compelled, if we are to be able to accurately assess a threat, to conduct research and testing of our own. Without such testing we are not in a position to really gain any realistic assessment of the Soviet x-ray laser program.

The second point I make, Mr. President, is simply that I think there is a distinction to be made, quite properly, between the threat from detonation of a nuclear device which has as its purpose the actual impact radiation kind of blast effect that would produce casualties and instead the kind of detonation that is used to power a device that will injure no human but will instead power devices that can kill incoming satellites or incoming missiles.

Now, I think that is a significant if a simple distinction and I commend it to the attention of those who are concerned with a nuclear-directed energy weapon in the context of the strategic defense initiative. What we are talking about is using, if at all, a nuclear device to power perhaps other kinetic means to kill incoming nuclear missiles which are intended by the Soviets to produce massive civilian casualties. That it seems to me, Mr. President, is a very important distinction. It is one that I think fully justifies our being involved in this kind of research and testing. It is too bad that we must be, it is too bad that we must be involved in a defense authorization bill, but it is not a perfect world.

I thank the distinguished manager.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Mr. President, I yield such time as the Senator from Georgia may require.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. WARNER. Mr. President, before that is done do I understand from the proponent of the amendment that there is a technical change that he desires to make at this time?

Mr. KERRY. I thank the Senator and indeed there is a technical change. I ask unanimous consent that the text "Warhead, bomb, or other explosive device" be paralleled at the end where it says "nuclear weapon."

The PRESIDING OFFICER. The Senator has a right to modify his amendment. The amendment is so modified. Will the Senator send the modification to the desk.

The amendment, as modified, is as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . PROHIBITION AGAINST NUCLEAR WEAPON TESTING IN CONNECTION WITH THE STRATEGIC DEFENSE INITIATIVE.

None of the funds in this act may be authorized to carry out, in connection with the Strategic Defense Initiative program, the test of a warhead, bomb, or other explosive device which uses fissionable material until the President certifies, using existing authority, to Congress that the Soviet Union has conducted, after the date of the enactment of this Act, a test of a warhead, bomb, or other explosive device which uses fissionable material.

Mr. NUNN. Mr. President, I do not need to take up much time. I do not support the amendment. I agree with the arguments made by the Senator from Virginia. I know the President has said that this is a nonnuclear program. The President has also said that this is a program that is going to render nuclear weapons obsolete. He said that this is a program that we are going to use to terminate all nuclear weapons in the world and he said when we get through developing it we are either going to give it or sell it to the Soviets. I am not buying the President's definition on the first part, and I do not really buy the part on SDI being nonnuclear. I hope it can be a nonnuclear system, but no one knows that. So really the President has misdescribed this program. That is part of the problem with SDI. That is one of the major things we have a problem with, because SDI has not been properly defined in concept. I believe it would be a mistake to eliminate x-ray lasers or other nuclear devices as possibilities in this area. One thing we know, the Soviets have conducted extensive research in this area and if they develop a strategic defense system, in my view it is very likely to have nuclear components. Just from the point of view of knowing what they may have, it is important for us to have this kind of capability. In conclusion, I understand where the Senator from Massachusetts is coming from on this. The President has said several times, or insinuated several times that SDI would be a nonnuclear program. However, we have to get beyond the rhetoric on SDI. We have to try to get the administration to put the rhetoric behind them and begin to define SDI in realistic terms. That is what we have tried to do in the committee. We believe we have a good definition. We believe we have a good overall conceptual framework, and we believe that the nuclear part of it has to be a part of SDI at this early stage in this massive research program.

Mr. WARNER. Mr. President, I thank the distinguished Senator from Georgia. I think he had cleared up another point I was concerned with. There was some reference that the President lied and I think it was clear that the President speaking about the SDI research program we now have under way said his intention is not to contain any nuclear force that is to be disposed above ground.

Mr. NUNN. The Senator did not think that I had said that?

Mr. WARNER. No. I believe there was mention made on the foor earlier.

Mr. NUNN. I certainly did not.

Mr. WARNER. No, I said the Senator clarified it.

Mr. NUNN. I thank the Senator.

Mr. WARNER. And relieved me of the burden of doing so further. If there are no other Senators desiring recognition in opposition to the amendment, we are prepared to yield back such time as we have and it would be my intention to move to table.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. I yield 1 minute to the distinguished Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, development of the x-ray nuclear laser not only is inconsistent with the President's assurances relative to SDI, but development of this weapon has also become the largest obstacle to a comprehensive test ban because of the nuclear test requirement to create this weapon. The Senate last night again spoke very clearly. We want to negotiate a comprehensive test ban, a mutual test ban. Adopting the Kerry amendment today will be a concrete step toward carrying out that desire. The CIA has said that "The Soviet Union can deploy nuclear driven energy weapons only by conducting additional explosive tests." The Soviets have not conducted a test in a year and without tests again they cannot develop this weapon, nor can we. The world will be better off if neither of us have a weapon to militarize space.

We are now debating whether to proceed with research on a nuclear weapon, the x-ray nuclear laser, whose principal purpose would involve its presence in outer space in violation of the Outer Space Treaty signed by us and acceded to by over 100 nations. There are grave doubts whether this weapon could work even in outer space to attack boosters before they deploy their warheads, to attack satellites, or for midcourse discrimination of decoys and warheads. But what is clear is that if the weapon is to be most effective, it needs to be located in orbit, in outer space, in violation of a treaty which has been honored by the Soviets and everyone else.

We have allowed the scourge of nuclear weapons into our airways, onto our prairies, under our oceans. Let there be one last place our children

can look, up into the night sky, without wondering whether it is indeed a star they make their wishes on, or in fact an x-ray nuclear laser in orbit. We have an opportunity here not to develop yet a third generation of nuclear weapons. The first two stages of our nuclear history, the A-bomb and H-bomb eras, should convince us not to go down this road.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. I inquire, how much time is remaining?

The PRESIDING OFFICER. The Senator has 2 minutes and 30 seconds.

Mr. KERRY. Mr. President, I appreciate the remarks of the distinguished Senator from Virginia, and I want to make it clear that this Senator is not alleging that anybody is lying in this debate, but what I am saying is that if you look at where the American people, the people we represent, are on this issue, every single indication overwhelmingly shows that the only reason they support the concept of an SDI or of defense is because it is linked inexorably to the notion that that is how we will get rid of nuclear weapons, that it will make them safer, that it will not put them at greater risk.

Now, that is at the center of this debate. If we are going to continually hear from the leading spokesperson and creator of this program that it is nonnuclear and will do this while at the same time we hear from scientists working on it that it will do a whole different set of things, then I would be remiss if I did not ask why the discrepancy between the rhetoric and reality.

Now, all I can say is leave out the issue of confirmation between what the President says and what is really happening. Look beyond that to the question of do we as Senators want to vote unilaterally for the creation—because it is unilateral. If we proceed ahead on this, there will be no alternative for us but to follow—of a new set of weaponry. Now, the people working on it themselves, and I quote them for the last time in this debate, say, "The new weapons would be used to destroy other missiles, to attack satellites"—that is not defensive; that is offensive—"to incapacitate Soviet mobile missiles on the ground"—that is offensive—"to disrupt enemy communications or any uncounted other missions according to scientists here."

□ 1910

What would distinguish this generator type weapon? It is the nuclear aspect of it.

Mr. President, I do not want some nuclear weapon popped up and violating the Space Treaty as well as the ABM treaty. I certainly do not want it in orbit. To even get there, you would have to be in violation of the treaty. So we are talking about not only pushing treaties, but common sense, and I hope my colleagues will join me.

The PRESIDING OFFICER (Mr. TRIBLE). The time of the Senator from Massachusetts has expired.

Mr. WARNER. Mr. President, I yield such time as the distinguished Senator from Mississippi desires.

Mr. COCHRAN. I thank the distinguished Senator from Virginia for yielding.

Mr. President, the Senate should be aware of what would happen if we adopt this amendment. We would say to the Soviet Union: "We are going to leave this entire area completely in your hands for decision as to how much research is done, the extent to which weapons systems are developed which will threaten the security of the entire world, and we are not going to do anything. We are going to unilaterally get out of the business of trying to find out what the modern technologies are, how they can be harnessed to protect security of our Nation."

I think that would be an unwise step to take. It would threaten, in effect, everybody's security, not only of our country but also throughout the free world.

I hope the Senate will reject this amendment.

Mr. WARNER. Mr. President, the managers of this bill are unanimous and have a joint position, as stated by both. Therefore, I move to table the amendment.

The PRESIDING OFFICER. Does the Senator yield back his remaining time?

Mr. WARNER. I do.

Mr. KERRY. Mr. President, I ask unanimous consent that I may have an additional minute.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. COCHRAN. Mr. President, will the Senator state the unanimous-consent request?

Mr. KERRY. I ask unanimous consent that I be granted an additional 1 minute to speak.

Mr. COCHRAN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard

Mr. KERRY. Mr. President, I believe the yeas and nays have been requested.

Mr. WARNER. I requested the yeas and nays on the motion to table the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the Kerry amendment, as modified. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Maryland [Mr. MATHIAS], the Senator from South Dakota [Mr. PRESSLER], the Senator from Vermont [Mr. STAFFORD], and the Senator from Connecticut [Mr. WEICKER] are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Missouri [Mr. EAGLETON] and the Senator from New Jersey [Mr. BRADLEY] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 61, nays 33, as follows:

[Rollcall Vote No. 196 Leg.]

YEAS—61

| | | |
|---|---|---|
| Abdnor | Exon | Mattingly |
| Andrews | Ford | McClure |
| Armstrong | Garn | McConnell |
| Bentsen | Glenn | Murkowski |
| Bingaman | Goldwater | Nickles |
| Boren | Gorton | Nunn |
| Boschwitz | Gramm | Quayle |
| Broyhill | Grassley | Roth |
| Byrd | Hatch | Rudman |
| Chiles | Hawkins | Simpson |
| Cochran | Hecht | Stennis |
| Cohen | Heflin | Stevens |
| D'Amato | Heinz | Symms |
| Danforth | Helms | Thurmond |
| DeConcini | Hollings | Trible |
| Denton | Humphrey | Wallop |
| Dixon | Kassebaum | Warner |
| Dole | Kasten | Wilson |
| Domenici | Laxalt | Zorinsky |
| Durenberger | Long | |
| Evans | Lugar | |

NAYS—33

| | | |
|---|---|---|
| Baucus | Inouye | Moynihan |
| Biden | Johnston | Packwood |
| Bumpers | Kennedy | Pell |
| Burdick | Kerry | Proxmire |
| Chafee | Lautenberg | Pryor |
| Cranston | Leahy | Riegle |
| Dodd | Levin | Rockefeller |
| Gore | Matsunaga | Sarbanes |
| Harkin | Melcher | Sasser |
| Hart | Metzenbaum | Simon |
| Hatfield | Mitchell | Specter |

NOT VOTING—6

| | | |
|---|---|---|
| Bradley | Mathias | Stafford |
| Eagleton | Pressler | Weicker |

So the motion to lay on the table amendment No. 2658 was agreed to.

□ 1930

Mr. GOLDWATER. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GORTON. Mr. President, it has come to my attention that a serious shortcoming in the military procurement process has been failure by the Defense Logistics Agency's Defense Industrial Supply Center at Philadelphia to observe the requirements of the Military Cargo Preference Act of 1904. That act requires all ocean transportation of supplies bought for use by the armed forces to be on U.S.-flag vessels unless the President finds that the freight rates charged by those vessels is excessive or otherwise unreasonable. No such finding has been made, yet

suppliers of foreign-origin steel to that supply center for several years disregarded the mandate of the Act with impunity. It was not until the Fall of 1985, after repeated prodding by the Maritime Administration to enforce the law, that the supply center mandated adherence of its large-purchase contractors to the U.S.-flag preference requirement of the 1904 act and implementing provisions of the Federal Acquisition Regulations. There may be very valid reasons not to prosecute the violations of law prior to the recent notice being sent. But there is clearly no justification for continued violations since that time. Most contractors promptly complied, but I understand that a major supplier to the Philadelphia center has refused to do so, and continues to be awarded substantial contracts for steel products which officials at that center know are being transported on foreign vessels in violation of the law.

This is simply inexcusable conduct on the part of the supplier, and the inexplicable acquiescence of the military authorities involved must be called to account. Not only is the law being violated, but other suppliers that base their contract bids on compliance with the law are placed at a serious competitive disadvantage.

Moreover, U.S.-flag vessel operators are being deprived of cargo that is rightfully theirs at a time when severe overtonnaging and depressed freight rates in our ocean trades are threatening the viability of this nation's merchant marine and its role as the fourth arm of defense. That cargo cannot be recaptured, but certainly sanctions are in order for illegal carriage that has taken place since suppliers were served notice last fall to comply with the U.S.-flag preference requirement.

The Maritime Administration has on several occasions brought this matter to the attention of the Defense Department, and has several times served written notice on the supplier of its continued violations. Nevertheless, payments have continued and are continuing to be made to the supplier by the Defense Logistics Agency, even on shipments known to have been made on foreign flag vessels.

Is it too much to ask, Mr. President, that moneys appropriated under the legislation we are now considering be expended in a manner that complies with the law, rather than ignores it? Opinions may differ on a number of defense items, but there can be absolutely no question that military purchases transported by sea, by law, must be carried on vessels of the United States and that this mandate must be vigorously enforced. I trust the Defense Department will address this issue promptly.

Mr. DOLE. Mr. President, if I could have the attention of my colleagues.

The PRESIDING OFFICER. The Senate will be in order. Senators are asked to take their seats.

The majority leader.

AGENDA

Mr. DOLE. Mr. President, I have been visiting with the managers of the bill. Earlier today, they felt they would go to about 8 o'clock and then take a look at it. I think there seems to be a preponderance of opinion that if there is any way to finish this at a reasonable hour it ought to be done so that Members with commitments tomorrow can get home by 2 a.m. and get up at 4 and get on the plane. That is sort of where we are.

I am advised by the managers that they are really down to about 16 amendments and only 4 of those are going to require, maybe going to require rollcalls. Maybe that is too optimistic; maybe more than that, maybe 6 or 8.

But I think what we would like to do now, if there is no strenuous objection and the managers are willing to do this, is to go ahead and proceed and take a look at it at about 9 o'clock and if it looks like we are within striking distance and announce to Members we might be here until 12 or 1 o'clock, unless someone has some strenuous objection.

I also indicate to the managers that we are going to need about an hour, I would think, if we get the unanimous-consent agreement, which I believe is nearly complete, and then there would be a vote on the debt ceiling. So that has to be cranked in.

Mr. GOLDWATER. Tonight?

Mr. DOLE. Hopefully.

I guess what we are suggesting is that if anybody can live without their amendments, it would be very helpful to the managers.

Mr. METZENBAUM. Will the majority leader yield for a question?

Mr. DOLE. I am happy to yield to the Senator from Ohio.

Mr. METZENBAUM. In talking about making another determination around 9 o'clock, would the majority leader think we might have a stacking of votes at 9 o'clock, or thereabouts, whatever the managers want to do, so we might go out and have a window?

Mr. DOLE. I would have no objection to that. May I say, I think the Senator from Ohio makes a reasonable request, particularly in view of the fact this is a very special day for him. I would hope we could accommodate that.

Mr. BOSCHWITZ. What is the day?

Mr. DOLE. He agreed with me on something. [Laughter.]

No, it is his wedding anniversary, No. 40.

Mr. METZENBAUM. I would like to go out to dinner with my wife. It is my 40th anniversary. Nothing more complicated.

[Applause.]

Mr. NUNN. Mr. President, we have a number of amendments. While we have everybody here, if we could have a few of them read off and see if we can get time agreements on them right now, it would be very helpful. The Senator from Idaho has an amendment.

Mr. McCLURE. Will the Senator yield?

Mr. NUNN. I yield.

Mr. McCLURE. Mr. President, I send my amendment to the desk and ask for its immediate consideration.

Mr. NUNN. Mr. President, before we get into the amendment, though, if the Senator would allow me to go down this list, if I have got the list right.

Mr. BUMPERS. Mr. President, we cannot hear back here.

The PRESIDING OFFICER. The Senate is not in order. We will not proceed until order is restored.

Mr. McCLURE addressed the Chair.

The PRESIDING OFFICER. All Senators will suspend.

Mr. NUNN. If I could go down the list.

The PRESIDING OFFICER. All Senators will suspend. The Senate is not in order. We will not continue until the Senate is back in order. Senators walking in aisles are asked to take their seats or retire to the cloakroom. Those Senators engaged in animated conversation are also respectfully requested to retire to the cloakroom.

The Senator from Georgia.

Mr. NUNN. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Georgia has been recognized by the Chair.

Mr. McCLURE. Mr. President, I sent an amendment to the desk.

The PRESIDING OFFICER. It is not appropriate to consider an amendment at this time. The question recurs on the Wilson amendment.

Mr. NUNN. Mr. President, I would be glad to yield to the Senator. We have a pending amendment.

What I would like to do is go down this list and see if we can expedite matters. I think it would be in the interest of all of us. And I would certainly join the Senator from Arizona in trying to stack votes so we would be able to give you an hour or an hour-and-a-half until 9 o'clock.

□ 1940

First of all, we have a Glenn amendment on the strategic defense initiative. Is there a way we can get that amendment preferably withdrawn, or have a time agreement?

I will go down the list. I do not see the Senator from Ohio on the floor.

We have a McClure amendment on the stockpile. Would the Senator indicate whether we could get a time

agreement, and perhaps stack the vote?

Mr. McCLURE. As far as I am concerned, I need 10 minutes.

Mr. NUNN. I know the Senator from New Hampshire is going to be in opposition to this amendment. Can we say stack that vote, and vote on that by 9 o'clock if we have to have a vote?

Mr. McCLURE. I am perfectly amenable to do that. I would like to go next, if I can, to the present amendment. I have no objection to stacking the vote.

Mr. NUNN. The next amendment is the Wilson amendment on the small ICBM.

Mr. WILSON. Mr. President, I am pleased to enter into a time agreement. This should take a very little time. From the standpoint of the proponents, I think we can probably handle it in 15 minutes.

Mr. NUNN. The Senator from Tennessee?

Mr. GORE. If the Senator from Georgia will yield, I think there are some arguments that need to be made on the Wilson amendment because it would essentially kill the Midgetman and give veto power to the Secretary of Defense.

I think the arguments ought to be brought out. I would not, however, want to drag this out. I would want to just have a fair chance to make the argument. However, let me say this: In the event a motion to table—which I hope will succeed—does not succeed, I will then have an amendment to apply the same criteria of the Wilson amendment to the MX to prevent any deployment above the present program, unless it meets the same criteria.

Mr. NUNN. I understand I believe the position of the Senator from Tennessee.

If I can go on down the list, it seems to me there is not much need to try to get a time agreement on that at this point. If I can go on down the list, I understand that. The Senator from Tennessee has two amendments on the same subject. I think we should not try to get a time agreement on those.

Mr. GORE. Mr. President, let me say I would be prepared to withhold the other two amendments I have on the list concerning the same subject if the amendment of the Senator from California was withheld. If not, I would want to go forward.

Mr. NUNN. I thank the Senator from Tennessee.

We have then a foreign language proficiency pay amendment by the Senator from Illinois, Senator SIMON.

Mr. SIMON. Mr. President, I would want 15 minutes on that. The opponents may want 15 minutes.

Mr. NUNN. Mr. President, if I can propound a unanimous-consent request on that amendment, I ask unanimous consent that there be 30 minutes on the Simon amendment, which relates to the foreign language proficiency pay, to be equally divided with no amendment in order thereto.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NUNN. Then we have the amendment that is known by some as the "fuel of freedom amendment" which is the alcohol amendment by the Senator from North Dakota, Senator ABDNOR. Can we get a time agreement on that? He is not on the floor.

Mr. President, does the Senator from Arizona want to give his permission to have an agreement on that?

Mr. GOLDWATER. Yes.

Mr. NUNN. Does the Senator from Michigan desire to speak on that amendment?

Would anyone object to having a 20-minute agreement on that amendment, 10 minutes on each side equally divided?

Mr. HUMPHREY. Mr. President, will the Senator yield? What amendment are we referring to?

Mr. NUNN. The alcohol amendment by the Senator from North Dakota.

Mr. President, I ask unanimous consent that the amendment of the Senator from North Dakota dealing with alcohol have a 20-minute time limit equally divided between the proponents and the opponents with no amendment in order thereto.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NUNN. Mr. President, we have an amendment on the National Guard Armory by the Senator from Arkansas. Does the Senator from Arkansas desire a time agreement?

Mr. BUMPERS. Ten minutes, equally divided.

Mr. GOLDWATER. Mr. President, I already told the Senator no. But if he wants to have it, it is all right with me.

Mr. NUNN. If he will take the Senator's no, that is fine with me. If he wants to vote on the amendment——

Mr. BUMPERS. Mr. President, I would like 30 minutes. [Laughter.]

Mr. NUNN. Mr. President, I ask unanimous consent that the amendment of the Senator from Arkansas have a 20-minute time limitation equally divided between the proponents and the opponents with no amendments pertaining thereto in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NUNN. Mr. President, we have amendments being added. I am not sure this is productive.

The next amendment is another one by the Senator from Arkansas on the Little Rock fuel dock. Can the Senator give us an idea on that one?

Mr. BUMPERS. Mr. President, I would like 3 minutes on that, and then I will withdraw the amendment. I will agree to withdraw the amendment.

Mr. NUNN. I certainly agree to that. We do not need a time agreement on that one. We will certainly give the Senator time on that one.

The Fort Riley School by the majority leader.

Mr. DOLE. It will be a study.

Mr. NUNN. We do not need a time agreement on that.

Then we have the strategic defense initiative amendment by the Senator from Arkansas, Senator BUMPERS.

Mr. BUMPERS. What is that amendment?

Ten minutes, equally divided. That amendment simply continues language that was in the bill last year on SDI contracts to our NATO allies.

Mr. NUNN. I believe that one will be accepted. We do not need an agreement on that.

Mr. BUMPERS. I am sorry. It is acceptable?

Mr. NUNN. We have indications it will be. We will have to take another look at it.

Mr. BUMPERS. It is identical to the language last year.

Mr. NUNN. Mr. President, we have an amendment by the Senator from West Virginia on the B-1, an advanced technical bomber.

Mr. BYRD. Yes. I would not anticipate a need for a great deal of time on that. We have had a discussion of it every year I think for the last 3 or 4 years. I understand there may be an amendment in the second degree that would be offered by the distinguished Senator from Ohio, Mr. GLENN. I am not sure. In that case, I do not know. He is not on the floor at the moment.

Mr. NUNN. It might be wise not to try to get an agreement on that one at this time.

I thank the minority leader.

Mr. BYRD. I have another amendment.

Mr. NUNN. Would the Senator like to get a time agreement on that one?

Mr. BYRD. I would be delighted to. I am not sure.

Mr. NUNN. Perhaps we ought to withhold that one.

Mr. BYRD. I thank the Senator.

Mr. NUNN. The next one is the multiyear procurement amendment by the Senator from Florida, Senator CHILES.

Mr. President, I ask unanimous consent that the amendment of the Senator from Florida, Senator CHILES, on multiyear procurement have a 20-minute time agreement with 10 minutes equally divided between the proponents and the opponents with no amendments in order thereto.

Mr. QUAYLE. Mr. President, reserving the right to object, I hope that we——

Mr. NUNN. Mr. President, may we have order, please? We are making some progress.

Mr. QUAYLE. I hope we will be able to get that amendment worked out. I

really have some strong reservations about some of the requirements that are mandated by that legislation. Hopefully we will be able to work it out. If we cannot, I will be more than willing to do what the Senator is suggesting. I think we can work it out.

Mr. NUNN. Mr. President, will the Senator agree to a time agreement if we do not work it out?

Mr. QUAYLE. No; because I need a lot more time.

Mr. NUNN. Mr. President, I withdraw that.

Mr. QUAYLE. Why do we not skip over that?

Mr. NUNN. I withdraw that suggestion.

There is an amendment by the Senator from California, Senator WILSON, on payments to defense personnel in foreign countries. Will that be accepted?

Mr. WILSON. That will be accepted.

Mr. NUNN. That will not need a time agreement.

Mr. WILSON. However, while the manager is seeking to make progress, I will be happy to assist further. I did not hear any solicitation of the time agreement with respect to the other amendment. I did hear the junior Senator from Tennessee say that he would subsequently offer an amendment relating to the cost effectiveness on the margin to the MX missile. I will save time, and save him the trouble. We can incorporate both. We can talk about the small missile and the MX, and the cost effectiveness at the margin. I stand ready. In fact, I have already modified my amendment to achieve that. But I think it would be a good thing if we could get a time agreement.

Again, it will require no more time. We can have 15 minutes on our side.

Mr. GORE. Mr. President, will the Senator yield?

Mr. NUNN. I yield for an observation or question.

Mr. GORE. The amendment noted by the Senator from California, Mr. President, referred to cost effectiveness at the margin and survivability against a responsive threat.

Is the Senator from California prepared to accept an amendment saying that the MX cannot be deployed unless it is certified as survivable?

Mr. NUNN. Mr. President, there is a very comfortable sofa right back there in the back of the room. Perhaps they can go outside.

Mr. WILSON. We do not need to do that. The answer is yes.

Mr. GORE. I will accept the suggestion of the Senator from Georgia because I have some other concerns as well. I will be glad to visit with my colleague.

Mr. WILSON. I may not be entirely accommodating.

Mr. NUNN. Mr. President, there is an amendment by the Senator from North Carolina, Mr. HELMS, on pornography. I understand we should not propound an agreement on that.

There is an amendment by the Senator from Maine, Senator COHEN, on the special operation forces.

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Mr. COHEN. Will the Senator yield?

Mr. NUNN. Yes.

Mr. COHEN. If I could have the attention of the body, I might explain the purpose of the request to the Senator from Georgia.

Yesterday, this body adopted an amendment offered by myself and the Senator from Georgia dealing with special operations forces. I might point out to the Chamber that originally I was going to offer the amendment as a sense-of-the-Senate resolution. Following the testimony heard before the Armed Services Committee, Senator NUNN and I decided that it was important that we go forth with legislation as opposed to a sense-of-the-Senate resolution.

During the course of redrafting, we had sent the sense-of-the-Senate resolution back to legislative counsel and they left out a paragraph. So the measure that was adopted left out a provision that would have created an Assistant Secretary of Defense for Special Operations Forces and Low-Intensity Conflict.

I had intended to offer a unanimous-consent request after we had voted on the amendment, but there was an objection to that.

Mr. NUNN. Can the Senator indicate whether or not it would be possible to get a time agreement on that?

Mr. COHEN. For my part, it would take no more than 5 minutes.

Mr. WARNER. Mr. President, this is a matter in which I have been involved. We have been talking about it during the course of the day. The Senator knows of my interest in this matter. I indicated I would interpose an objection if it were to be brought up in the nature of a technical correction because the paragraph left out creates an Assistant Secretary of Defense. I failed to see how that would be in the nature of a technical correction. I would hope that the Senator from Maine, the Senator from Rhode Island, and I might discuss this further.

Mr. COHEN. Senator NUNN and I both represented to the body that this was in the amendment. The legislative counsel left it out inadvertently, so, in fact, it was a technical error on the part of the legislative counsel.

Mr. WARNER. But the Journal reflects the action of the body and the Journal did not contain that paragraph.

Mr. NUNN. Mr. President, I do not want to interrupt——

Mr. WARNER. I yield the floor.

Mr. NUNN. Mr. President, I had yielded to the Senator from Maine.

The PRESIDING OFFICER. The Chair did not recognize the Senator from Virginia. The Senator from Georgia is recognized.

Mr. NUNN. Mr. President, there is an amendment on child nutrition sponsored by the Senator from Florida, Senator HAWKINS. Can we get a time agreement on that?

We have an objection on our side so we will not be able to get an agreement.

There is a leasing agreement by the Senator from South Carolina, Senator THURMOND.

Mr. THURMOND. Mr. President, I do not think it will take over 2 or 3 minutes. I think it will be accepted.

Mr. NUNN. Then we do not need an agreement on that.

Mr. LEVIN. Will the Senator yield for a question?

Mr. NUNN. Yes.

Mr. LEVIN. On the list, I did not hear an amendment which I have at the desk which Senator CHAFEE cosponsors. It simply reincorporates in this bill last year's language relative to the fact that in authorizing funds for SDI research it does not mean we are saying an intent to violate the ABM Treaty. This has been cleared on our side. I do not know whether it has been cleared on that side. Since it restates last year's language, I do not know whether there would be objection to it.

Mr. CHAFEE. We would have to examine that first before we can answer.

Mr. NUNN. We will add that to our list and hopefully we can have some agreement on it.

Mr. President, I am informed that 9:30 will be the time we would have our first vote. We would have a window from now until 9:30. We can stack votes until then, if it is agreeable to the majority leader.

Mr. DOLE. Let me indicate, that is not going to slow anything up. It just accommodates a number of Senators on each side. We will have back-to-back votes, if there are back-to-back votes.

CLOTURE VOTES POSTPONED UNTIL 10 P.M.

Mr. DOLE. Mr. President, at this time I ask unanimous consent that the cloture vote scheduled to occur today on the Byrd amendment No. 2414 and the Dole amendment No. 2417 be postponed to occur at 10 p.m.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. We have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2663

(Purpose: To provide for the establishment by law of the requirements for strategic and critical materials to be stockpiled in the National Defense Stockpile, and for other purposes)

Mr. McCLURE. Mr. President, I ask unanimous consent that any amendment pending be temporarily set aside that I may send an amendnent to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLURE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Idaho [Mr. McCLURE], for himself, Mr. WARNER, Mr. BINGAMAN, Mr. BENTSEN, Mr. STEVENS, Mr. DOMENICI, Mr. DECONCINI, Mr. LAXALT, Mr. BAUCUS, Mr. EXON, Mr. GARN, Mr. MELCHER, and Mr. SYMMS, proposes an amendment numbered 2663.

Mr. McCLURE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike Title XI and insert in lieu thereof the following:

TITLE XI—NATIONAL DEFENSE STOCKPILE

SECTION 1101. SHORT TITLE.

This Act may be cited as the "Strategic and Critical Materials Stock Piling Amendments Act of 1986".

SEC. 1102. STOCKPILE REQUIREMENTS.

(a) PURPOSE OF STOCKPILE.—Section 2 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98a) is amended by adding at the end the following new subsection:

"(c) It is the intent of Congress—

"(1) that the National Defense Stockpile be used to serve the interest of national defense only and not be used for economic or budgetary purposes; and

"(2) that the quantities of materials stockpiled under this Act should be sufficient to sustain the United States for a period of not less than three years in the event of a national emergency.".

(b) ESTABLISHMENT OF STOCKPILE REQUIREMENTS BY LAW.—Section 3 of such Act (50 U.S.C. 98b) is amended to read as follows:

"ESTABLISHMENT BY LAW OF STOCKPILE REQUIREMENTS

"SEC. 3. (a) The materials that are strategic and critical materials for the purposes of this Act, and the quality and quantity of each such material to be acquired for the purposes of this Act and the form in which each such material shall be acquired and stored, shall be established by law.

"(b) Such materials when acquired, together with the other materials described in section 1104, shall constitute and be collectively known as the National Defense Stockpile (hereinafter in this Act referred to as the 'stockpile').

"(c) Determinations under subsection (a) shall be known as 'stockpile requirements'.".

"(c) INITIAL LEVEL OF STOCKPILE REQUIREMENTS.—The determinations in effect as of October 1, 1984, under section 3(a) of the Strategic and Critical Materials Stock Piling Act shall be the stockpile requirements for the purposes of such section, as amended by this Act, until otherwise provided by law.

SEC. 1103. TRANSFER OF CERTAIN STOCKPILE FUNCTIONS TO THE SECRETARY OF DEFENSE.

(a) IN GENERAL.—Sections 5, 6, 10, and 11 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98d, 98e, 98h–1, 98h–2) are amended by striking out "President" each place it appears and inserting in lieu thereof "Secretary".

(b) Definition of Secretary.—Section 12 of such Act (50 U.S.C. 98h-3) is amended by adding at the end the following new paragraph:

"(3) The term 'Secretary' means the Secretary of Defense.".

(c) TECHNICAL AMENDMENT.—Section 11(b) of such Act (50 U.S.C. 98h-1) is amended by striking out "each year" and all that follows through "the next fiscal year" and inserting in lieu thereof "each year, at the time that the Budget is submitted to Congress pursuant to section 1105 of title 31, United States Code, for the next fiscal year,".

SEC. 1104. ANNUAL RECOMMENDATION OF STOCKPILE REQUIREMENTS BY SECRETARY OF DEFENSE.

The Strategic and Critical Materials Stock Piling Act is amended by adding at the end the following new section:

"ANNUAL RECOMMENDATIONS BY SECRETARY OF DEFENSE

"SEC. 14. (a) IN GENERAL.—In order to assist Congress in establishing stockpile requirements under section 1103, the Secretary shall submit to Congress an annual report on stockpile requirements. Each such report shall be submitted with the annual report submitted under section 11(b) and shall include—

"(1) the Secretary's recommendations with respect to stockpile requirements; and

"(2) the matters required under subsections (b) through (e).

"(b) NATIONAL EMERGENCY PLANNING ASSUMPTIONS.—Each report under this section shall set forth the national emergency planning assumptions used in determining the stockpile requirements recommended by the Secretary. Assumptions to be set forth include assumptions relating to each of the following:

"(1) Length and intensity of the assumed emergency.

"(2) The military force structure to be mobilized.

"(3) Losses from enemy action.

"(4) Military, industrial, and essential civilian requirements to support the national emergency.

"(5) The availability of supplies of strategic and critical materials from foreign sources, taking into consideration possible shipping losses.

"(6) Domestic production of strategic and critical materials.

"(7) Civilian austerity measures.

"(c) CONSIDERATION OF MATERIALS BASED ON NET IMPORT RELIANCE.—

"(1) IN GENERAL.—In determining the materials to be recommended to Congress under subsection (a)(1) as strategic and critical materials (and the quantity and quality of such materials to be recommended), the Secretary shall consider—

"(A) whether each of the materials determined under paragraph (3) should be recommended as a strategic and critical material; and

"(B) in the case of any such material, whether the quantity determined under paragraph (5) with respect to such material is the appropriate quantity of such material to be established by Congress as the stockpile requirement for that material.

"(2) MATTERS TO BE INCLUDED IN REPORT.—In each report under this section, the Secretary shall identify—

"(A) each material determined under paragraph (3); and

"(B) the quantity determined under paragraph (5) with respect to each such material.

"(3) MATERIALS TO BE IDENTIFIED.—The Secretary shall identify each material that the Secretary determines is necessary for the security of the United States, essential to the economy of the United States, and obtained from foreign sources.

"(4) CLASSIFICATION OF MATERIALS BASED ON NET IMPORT RELIANCE.—Each of the materials identified under paragraph (3) shall be classified by the Secretary for the purposes of this section as follows:

"(A) CLASS A MATERIALS.— A material shall be classified as a class A material if—

"(i) the material is not produced in the United States or is produced in the United States in limited quantities; and

"(ii) the net import reliance of the United States for the material is greater than or equal to 65 percent.

"(B) CLASS B MATERIALS.— A material shall be classified as class B material if—

"(i) the material is produced in the United States but is not available in sufficient quantities in the United States; and

"(ii) the net import reliance of the United States for the material is greater than or equal to 30 percent but less than 65 percent.

"(C) CLASS C MATERIALS.— A material shall be classified as a class C material if—

"(i) the material is produced in substantial quantities in the United States; and

"(ii) the net import reliance of the United States for the material is less than 30 percent.

"(5) QUANTITY TO BE DETERMINED.—For each material identified under paragraph (3), the Secretary shall determine the following:

"(A) CLASS A MATERIALS.— In the case of a material classified under paragraph (4) as a class A material, the Secretary shall determine the quantity of such material equal to three years' net import of such material.

"(B) CLASS B MATERIALS.—In the case of a material classified under paragraph (4) as a class B material, the Secretary shall determine the quantity of such material equal to two years' net imports of such material.

"(C) CLASS C MATERIALS.—In the case of a material classified under paragraph (4) as a class C material, the Secretary shall determine the quantity of such material equal to one year's net imports of such material.

"(6) DETERMINATION OF NET IMPORTS.—For purposes of paragraph (5), a year's net imports of a material is the quantity of the material equal to the amount by which—

"(A) the sum of—

"(i) the average annual imports of such material into the United States during the base period; and

"(ii) the average annual shipment of such material from the stockpile as excess material during the base period; exceeds

"(B) the average annual exports of such material from the United States during the base period.

"(7) BASE PERIOD DEFINED.—For purposes of paragraph (6), the term 'base period' means the most recent period of five calendar years for which data is available.

"(d) EFFECT OF ESTABLISHING STOCKPILE REQUIREMENTS IN ACCORDANCE WITH DETERMINATIONS UNDER SUBSECTION (c).—The Secretary shall include in each report under this section an analysis of the effect (including the cost and the impact on world markets) of establishing the stockpile requirements in accordance with the materials, and the quantities of materials, identified under subsection (c).

"(e) DIFFERENCES BETWEEN RECOMMENDATIONS AND NET IMPORT RESULTS.—When the stockpile requirements recommended by the Secretary in a report under this section differ from the materials and quantities that are identified under subsection (c), the Secretary shall also include in the report a detailed explanation for such differences, including—

"(1) a description of the assumptions used to determine the recommended stockpile requirements; and

"(2) a detailed analysis supporting the recommended quantity and quality for each material recommended as a strategic and critical material.

"(f) Periodic Review.—The Secretary shall conduct a detailed review of the stockpile requirement for each strategic and critical material at least once every five years. If the Secretary determines at any time that the stockpile requirement for a material should be revised, the Secretary shall submit to Congress a report that—

"(1) notifies Congress of that determination;

"(2) sets forth the Secretary's recommended stockpile requirement for that material; and

"(3) sets forth the assumptions used by the Secretary in determining that recommended requirement.".

SEC. 1105. STOCKPILE MANAGEMENT.

The Strategic and Critical Materials Stock Piling Act is amended by adding after section 14 (as added by section 1104) the following new sections:

"INTERAGENCY AGREEMENTS

"SEC. 15. (a) AUTHORITY TO ENTER INTO AGREEMENTS.—The Secretary may enter into an interagency agreement with the head of any other department or agency for the performance of functions of the Secretary relating to section 1106.

"(b) REIMBURSEMENT.—The Secretary shall reimburse the head of any such agency for expenses incurred by that agency in the administration of functions relating to the stockpile assigned to that agency by the Secretary under such an interagency agreement.

"APPROPRIATIONS TO BE MADE TO DEPARTMENT OF DEFENSE

"SEC. 16. Appropriations for the operation and management of the stockpile and for deposit to the National Defense Stockpile Transaction Fund shall be made as part of appropriations made to the Department of Defense for the military functions of the Department.".

SEC. 1106. EXTENSION OF USES OF STOCKPILE TRANSACTION FUND AND CODIFICATION OF REVOLVING FUND PROVISIONS.

(a) IN GENERAL.—Section 9(b) of the strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(b)) is amended—

(1) by striking out the second sentence of paragraph (1); and

(2) by striking out paragraphs (2) and (3) and inserting in lieu thereof the following:

"(2) Subject to section 5(a)(1), moneys covered into the fund under paragraph (1) are hereby made available (subject to such limitations as may be provided in appropriation Acts) for—

"(A) the acquisition of strategic and critical materials under section 6(a)(1);

"(B) transportation, storage, and other incidental expenses related to such acquisition;

"(C) development of current specifications of stockpile materials and the upgrading of existing stockpile materials to meet current specifications (including transportation related to such upgrading);

"(D) testing and quality studies of stockpile materials; and

"(E) other reasonable requirements for management of the stockpile.

"(3) Moneys in the fund shall remain available until expended.".

(b) CONFORMING AMENDMENT.—Section 110 of Public Law 97-377 (96 Stat. 1911) is amended by striking out "Notwithstanding" and all that follows through "That during" and inserting in lieu thereof "During".

(c) APPLICABILITY OF AMENDMENTS.—The amendments made by subsection (a) apply with respect to funds covered into the National Defense Stockpile Fund before, on, or after the date of the enactment of this Act.

SEC. 7. MISCELLANEOUS TECHNICAL AMENDMENTS.

(a) TECHNICAL AMENDMENTS.—Section 4(a) of Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c(a)) is amended—

(1) by striking out "on the day before the date of the date of the enactment of the Strategic and Critical Materials Stock Piling Revision Act of 1979" in paragraphs (1) and (3) and inserting in lieu thereof "on July 29, 1979", and

(2) by striking out "on or after the date of the enactment of the Strategic and Critical Materials Stock Piling Revision Act of 1979" in paragraph (2) and inserting in lieu thereof "after July 29, 1979".

(b) CLARIFYING AMENDMENT.—Section 6(a)(3) of such Act (50 U.S.C. 98e(a)(3)) is amended by striking out "the form most" and inserting in lieu thereof "a form more.".

Mr. McCLURE. Mr. President, this amendment is presented not only by myself but also by Senators WARNER, BINGAMAN, BENTSEN, STEVENS, DOMENICI, DECONCINI, LAXALT, BAUCUS, EXON, GARN, MELCHER, and SYMMS.

This amendment I will describe very shortly and I will reserve a detailed explanation if anybody wants a detailed explanation of what it does.

This amendment simply would take from the executive branch the authority to establish those goals.

Mr. President, the reason this is necessary, and it is an old, old problem, is that the objectives for the critical materials stockpile have varied so dramatically and wildly as to defy any logical interpretation of the bases upon whch they are made.

Various administrations over the last several years have made such great changes in it that the Congress from time to time has stepped in and said, "We do not understand what is going on. We do not agree with what is happening. We are going to set those stockpile goals ourselves."

We are operating under such a restriction today that says there shall be no disposal from the stockpile in spite of the fact that this administration has submitted a budget request indicating such a disposal will take place.

Indeed, it is so obvious that that is needed that if you will refer to pages 194 and 195 of this bill that is before us, you will see that the committee itself has recognized it, and though we have not adhered to the suggestions of the administration, there is a long list of targets established by the bill.

Mr. President, this bill has in it one additional feature. That is in an attempt to rationalize the stockpile goal setting, it provides for a study and report to the Congress based upon the comparison or ratio between domestic consumption and domestic production in order to guide the Congress with respect to decisions that Congress would make with respect to individual stockpile goals.

The Senate should also be aware of the fact that there are three specific materials that have already been addressed. One was by an amendment by the Senator from Illinois with respect to disposal of fluorospar. There is a special provision and a special amendment to take care of one special condition that exists in the State of Illinois.

That amendment was offered by the distinguished Senator from Illinois and accepted by the committee and is now a part of the bill.

This particular form of this amendment is a result of several years of deliberation. I do not recall now how many times I have appeared before the subcommittee to testify with respect to the need to change the existing system. I do recall at least two occasions in the last 5 years, one last year. I have filed statements upon numerous occasions as well. We have had a number of discussions between Members of this body and members of the appropriate committee in the other body that resulted in an agreement earlier this year between myself and Representative BENNETT, as the chairman of the appropriate subcommittee in the House, to meld the provisions which he believed appropriate with the provisions I have been urging for some time—for about 5 years, as a matter of fact.

That agreement that we arrived at after this 5-year discussion has been adopted in the committee in the House by a unanimous vote, if I recall correctly, when offered by Representative BENNETT and is in the House bill which is before us. The amendment that I am offering is identical to the provision in the House-passed legislation. It would at least provide both a rational guide, but not a binding guide, and a means by which we would have finally established what has become the practice. That is a decision by the legislative branch of what the stockpile goals should be.

Lest anyone believe that this is simply a fight between myself and one or two others, it has broad, widespread support and has had for many years.

Lest anyone believes it is only a reaction to this administration's efforts to gain some money to go into the Treasury to reduce the deficit and to hell with the consequences on critical materials, just look at what has happened in the radical variations in stockpile goals established over the last several years in both directions under various administrations.

Lest anyone believe that this is not the case today, remind yourself that current law requires acquisitions to the stockpile which would total a value of stockpile of $16 billion.

The administration's proposal in the face of the current law is to suggest that we reduce from $16 billion to $700 million. If anyone has looked at the needs of this Nation with respect to materials that would be necessary for our industrial complex to produce in the event of war, they must certainly know that a $700 million objective for the stockpile is ridiculous—absolutely, totally, beyond any stretch of the imagination not supported by any rational evaluation of the needs of critical materials.

Mr. President, that is not just my opinion. Earlier, I asked the GAO to make an investigation of the methodology used in setting these stockpile goals. They have not completed their findings, but their preliminary certification was that indeed there was no basis—this is their preliminary conclusion and not a final conclusion—that there is no basis for the setting of the stockpile goals as transmitted to us.

They stated in their preliminary findings that:

. . . The NSC study does not appear to provide a sufficient basis for setting stockpile goals or for other U.S. mobilization planning.

At another point, they stated:

. . . The study report did not adequately reflect major disagreements among study participants with regard to key assumptions.

. . . The study did not adequately show that it's results could vary greatly with changes in its assumptions.

Study participants and industry and economic experts have expressed serious concerns about study assumptions, methodology, and results.

Mr. President, I regret that this is not simply, by acclamation, made part of this bill because it does have widespread support and has had lengthy discussion over many years. I shall not belabor the subject further, but I shall be happy to respond to any questions which any Members may have.

I urge the adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

The Senator from New Hampshire.

Mr. HUMPHREY. Mr. President, I want to begin by pointing out that this amendment is very strenuously opposed by the administration, and I state further that the majority leader intends to speak out against it before the conclusion of this debate.

The proposal put forth by the Senators from Idaho is fairly complex, but its most important element is this: The Senators propose to withdraw from the President the authority to determine what materials should be in the national stockpile and in what quantity and in what quality, to withdraw that authority which the President now has and which Presidents have had for a very long time in their responsibility for defense planning, both civil and military, to withdraw that responsibility and authority from the President and to vest it in Congress.

Let me read that language because there can be no confusion on the point. I read from the amendment, section 3(a):

SEC. 3. (a) The materials that are strategic and critical materials for the purposes of this Act, and the quality and quantity of each such material to be acquired for the purposes of this Act and the form in which each such material shall be acquired and stored, shall be established by law.

Who makes the laws around here? It is not the President; it is not the Supreme Court; it is Congress. Section 3(a) says the President will no longer have the authority he now has; instead, that authority will rest in Congress.

Mr. President, the Senator from Idaho is correct in his criticisms of past management of the stockpile by various administrations, both Republican and Democratic. It has not been a record we can point to with pride. But if it is true that we have had trouble with present and former Presidents, what kind of trouble are we asking for if we turn over this authority to determine what shall be in the stockpile and in what quantity?

We propose to turn that over to 535 Members of Congress, each of whom often thinks he is President in any case. This is an invitation to chaos, an invitation to disaster, it is an invitation to parochial manipulation of the stockpile in order to boost prices for this commodity or that that is important to this State or that State.

That is nothing new. Even with the authority vested in the President where it is today and has been for years, we have seen efforts on the part of Members of Congress to require purchase of certain items and to block the sale of other items, the basic purpose being to influence the price of commodities so as to benefit the economy of the State or region involved.

Make no mistake about it, I say to my colleagues, this is a very important amendment. It sounds fairly innocuous, sounds kind of boring and dry, but this is a momentous decision we are about to make. The question is, Do we want to take this authority from the President, who is responsible for overall civil and military planning for defense purposes, and give it to Congress; thus, in the view of this Senator, at least, opening a Pandora's box and sending out engraved invitations to 535 Members of Congress to get involved and invest in the stockpile management for the benefit of their own economies?

Mr. President, there is one other feature of the amendment I want to address. Let me first digress for just a moment. I assure my colleague from Texas and others who are anxious to get on with this that I shall not be long.

I alluded to attempts by Members of Congress to manipulate the strategic stockpile.

□ 2010

One example is this. The sales of silver from the stockpile have been blocked since 1982 by a Senate amendment which has been adopted in conference. Notwithstanding the fact that we have a $732 million surplus in the stockpile, notwithstanding the fact that we need to sell surplus materials in order to raise money to buy things that are short, notwithstanding the need to raise money, notwithstanding the fact that we have surpluses in silver that we can sell, certain Members have blocked the sale of silver some 6 years now. That is one example.

It is certainly not unique. There have been many, many others. Another example, for instance, a Member of this body obtained an upgrade for chrome and manganese produced by a company—where? In his home State. Why? Because the company, if it could get it upgraded, then the material would be eligible for purchase by the stockpile.

It happens that that company was on the verge of bankruptcy, and the Senator's action, which succeeded, brought about the sale of those materials which had been considered subpar materials and lo and behold benefited the firm in such a way that it avoided bankruptcy.

There are many other examples involving copper. I think Senators know full well what I am saying is quite true.

The other principal proposal of the amendment that I want to address is this. In addition to taking authority away from the President and giving it to the Congress for setting the materials and the quantity at this time in which they are to be purchased, the amendment would shift the management, day-to-day operations and management of the stockpile from the Na-

tional Security Council which farms it out to GSA to the Defense Department. The Defense Department does not want it. It should not be forced to accept this responsibility to resolve interdepartmental conflicts, to resolve civilian military conflicts with respect to planning for civil and military defense contingencies.

This responsibility should remain in the Executive Office. It should remain in the National Security Council where it belongs.

Mr. President, I shall wrap it all up now. I stated what I regard as the principal flaws and dangers in this bill. First is a very great flaw and danger. We are on the verge of making a very important decision. In addition I pointed out that the National Security Adviser, Admiral Poindexter, has written a letter dated just yesterday strenuously opposing the amendment. In addition to that, the Reserve Officers Association of the United States, in a letter dated today, has likewise stated its opposition to the proposal without further extensive hearings on its likely effect.

Now, let me just say this finally in conclusion. This is not an academic matter for two reasons. First of all, it involves the very important and monumental and in my view dangerous transfer of authority from the President to the Congress. Not only that, but this vote is very important for this reason. This is not a vote that is immaterial. I want my colleagues to know that this language which is now before the Senate is already in the House Department of Defense authorization for fiscal year 1987. It was inserted in subcommittee. It was not voted upon at any point. It was inserted in the subcommittee as original language. It was not discussed at any great length. There have been no votes, either recorded votes or voice votes on this thing. It sort of just snuck into the House bill, and now this vote, which we are about to have, is the vote that is going to make the difference because it is in the House bill. If the Senators from Idaho succeed in this, then it is not going to be a conferenceable item so this is the last chance that interested parties have to block this proposal.

If it succeeds here, the President loses, the country loses, and the proponents gain something that they feel strongly about but which I feel is not wise.

Mr. President, I ask unanimous consent that the letters from Admiral Poindexter and Maj. Gen. Evan L. Hultman, U.S. Army, retired, executive director of the Reserve Officers Association of the United States, be printed in the RECORD. These are the letters in opposition to the pending amendment.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

RESERVE OFFICER ASSOCIATION
OF THE UNITED STATES,
*Washington, DC, August 8, 1986.*

Hon. GORDON HUMPHREY,
*Chairman, Subcommittee on Preparedness, Armed Services Committee, U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The Reserve Officers Association (ROA) strongly opposes any amendment to the DoD Authorization Bill, S. 2683, which would alter the Presidential National Defense Stockpile goal-setting authority without fully exploring what impact such a change would have on national defense.

The ROA was chartered by Congress for the express purpose of insuring an adequate national security. The more than 125,000 members of the association are concerned that any legislation which would transfer stockpile goal-setting authority from the President to Congress would abet special interests and could jeopardize national security. Decisions relating to the National Defense Stockpile should be made in the interest of defense, and the stockpile should not be used with the purpose of subsidizing domestic producers. Shifting the responsibility for the stockpile from the National Security Council to the Department of Defense would surely create management problems and reduce scarce funds available for higher priority defense needs.

The ROA encourages change to the goal-setting or management of the National Defense Stockpile be made only after conducting in-depth studies and hearings. Your consideration of ROA concerns will be greatly appreciated.

Sincerely,

EVAN L. HULTMAN,
*Major General, AUS (Ret.), Executive Director.*

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THE WHITE HOUSE,
*Washington, DC, August 5, 1986.*

Hon. GORDON HUMPHREY,
*Chairman, Subcommittee on Preparedness, Armed Services Committee, U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The Administration strongly opposes S. 2645, "A bill to provide for the establishment by law of the requirements for strategic and critical materials to be stockpiled in the National Defense Stockpile," sponsored by Senator McClure and Symms. I would appreciate your support in opposing this bill.

The most critical flaw of S. 2645 is that it would repeal Presidential stockpile goal-setting authority which could seriously compromise our national preparedness. The President, as Commander-in-Chief, is responsible for all U.S. mobilization planning which must encompass both military and civilian mobilization considerations. Our National Defense Stockpile should not be treated in a vacumm.

Further, S. 2645 would result in goals of over $15 billion. This $15 billion would provide significant domestic minerals and materials production subsidies—not national security protection—at the expense of other higher priority defense needs. The goals established initially by the bill would be those in effect in October 1984. These are the same goals that the President concluded were significantly overstated after an exhaustive two-year stockpile study.

In the future, this bill would allow goals to be adjusted using a peacetime imports-based formula that would act as an automatic domestic industry subsidy. Stockpile goals based on the "imports" formula would increase whenever domestic production levels decline and import levels rise. When combined with "Buy American" provisions, the result is an automatic and very costly domestic subsidy. Manipulation of the stockpile to provide domestic subsidies is tantamount to using the stockpile for economic purposes which is explicitly prohibited by the Strategic and Critical Materials Stock Piling Act.

Once again, I strongly urge you to oppose S. 2645.

John M. Poindexter.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I rise in opposition, in fact strong opposition, to this amendment, I know it is late, and I know everybody looks at amendments related to the Minuteman and they think they are important. I think they are important. But I believe this is one of the most important amendments we are going to vote on tonight, and I want to make as strong an argument as I am capable of making against this amendment. I have the highest regard for the distinguished senior Senator from Idaho, but we all have bad ideas, and I believe this is one.

Now, Mr. President, I am not going to argue that Presidents of the United States do not make mistakes. Everybody knows they make mistakes. I am not going to argue that our stockpiling policy has always been rational or has always been stable. It has often been none of those things.

I would economically argue that we have tended to do more than we should have rather than less. But what I will argue, Mr. President, and argue very strongly, is that the President at least is the one person elected by all the people and given by the Constitution very specific powers related to national defense.

While Presidents have been right or wrong about stockpiling of commodities necessary to fight a war, I submit that there is reason to believe that by representing all 50 States they are less prone than are Members of Congress to try to promote some individual objective through stockpiling.

Now, this amendment basically takes the setting of the stockpile goal away from the President, though Congress has in the past and does now set limitations on it—for political reasons related to commodity prices and the production of resources in one State or another. This amendment proposes taking that power away from the President and giving it to the Congress.

Now, I think I can make my case very briefly. We just voted earlier today on a voice vote with great relief

to most Members to buy 100 million tons of coal more than virtually every Member of this body—in fact, every member of the committee—knows that we need.

Now, why, Mr. President, were so grateful to squander the taxpayers' money by buying 100 million tons of coal more than we knew we needed? Well, the reason we were so delighted is that we were being cheated much less than we were the year before. The year before we were forced by an amendment, which Members voted for to help out a colleague or a region or an industry, that in reality did something we all learned as children in the cliche "sending coal to Newcastle."

In fact, with the amendment adopted last year, which we moved away from this year, we shipped high sulfur, high cost, high transportation cost coal to Europe and burned it, creating pollution problems for the Europeans and massive losses for the American taxpayer.

Now, why have we sent "coal to Newcastle," at great expense to the taxpayer, at great loss, spending three or four times more for every job in the coal industry and that we might have generated more than the people got for producing the coal? Why did we do that?

We did it because of the logrolling buddy system that somebody wanted to do something to help their region. It was only the taxpayer paying for it, so we all looked the other way. We created international problems with the Germans by forcing the burning of high-sulfur coal when they had low-sulfur coal. We created the absurdity of paying a higher price for coal, then paying huge transportation costs and coming over and burning it on the very site that we could have bought cheaper coal with no transportation cost and lower sulfur. And we did that because the Congress was micromanaging resources and we had political logrolling going on.

□ 2020

Today, we have a great victory. We stopped doing that, and the price we paid was to agree to buy 100 million tons of coal we do not need as our payoff to stop doing the absurdity that we all learned as children.

The issue here is, do you really want to let Congress set the goal for the stockpile, when each of us has in our own State some resource that we know is critical to the national good; that we know the Nation cannot live without, because it is produced in our States? Each of us, with great self-righteousness, can claim that the stockpile is too low.

Mr. President, I urge my colleagues not to make this mistake. We do not need more coal going to Newcastle. We do not need more 100-million-ton ripoffs of the taxpayer. We are already almost $10 billion over budget on this bill.

We came to the floor thinking people were going to be trying to cut out defense. They have cut out defense, but they have drowned the bill in porkbarrel. Do we want to bring more pork bellies to burst this bill at the seams? I say no.

I urge my colleagues: Reject this amendment. Let the President decide the policy.

Let me remind Senators how it works. The President makes a decision about stockpiling. He notifies the authorizing committee. We review it. He waits 30 days, and then it goes into effect.

That is not a perfect system. The President makes mistakes. We, who have 30 days, more often than not have other things to do and may or may not get to it. But if we are going to set this goal—and every Senator is going to have a product in his State that we will have to stockpile—we are going to squander billions of dollars we do not have. Every dollar we add to the stockpile is going to come out of here, and we are going to build fewer planes and fewer tanks and have fewer people to serve in uniform.

If you think 100 million tons of coal that we are going to stack up somewhere is going to keep Ivan back from the gate, I submit that Ivan is unlikely to be deterred from aggression by a stockpile of coal.

Mr. President, we currently have, in $6.7 billion worth of stockpiles, the ability to fight a 3-year global, conventional conflict. That does not mean that we can consume at the same level that we are consuming now. Obviously, we are going to have to reduce luxury uses of these metals if we end up in a conflict.

In fact, the administration wants to sell $3 billion out of the stockpile, but we are not going to let them do that. We are not going to let them do that because some people think we should not do it. Some people produce commodities they would sell, and they do not want them sold because it would hurt their State. We are not going to do it because, when you get down to it, there are not a lot of people willing to stand up and yell that the taxpayers are losing $3 billion.

If we adopt this amendment, I submit that we are going to have more pork barrel in the setting of our stockpiles than ever before, and we are going to squander billions of dollars buying resources, for political reasons, at the very time when we desperately need to spend the money on defense.

I urge my colleagues to vote "no" on this amendment.

Mr. McCLURE. Mr. President, let me respond in a brief manner to my friend, the junior Senator from Texas, who described the senior Senator from Idaho as his good friend. But even good friends can sometimes be wrong. That certainly is true, and the Senator from Texas has just illustrated it, because he is wrong on his facts; he is wrong on his politics.

What he says, in effect, is that you can trust the President of the United States, who will never make a mistake, or might occasionally make a mistake, but you can trust him more than Congress, who certainly will make a mistake.

I have a vague suspicion that the Senator from Texas has a great respect for the President of the United States, both this one and past ones; yet, those goals have gone up and down, with no rational explanation, under the situation that he describes as being not perfect but next to perfect.

The Senator from New Hampshire referred to the letter from Admiral Poindexter. Admiral Poindexter is out of the country. He did not sign the letter.

I mention that only because it is not a question of Ronald Reagan making a decision, because we all know that that decision is delegated. I will show you the Executive order if you doubt it. It is delegated to someone else. To whom was it delegated? The Federal Emergency Management Agency.

What did the Federal Emergency Management Agency say to the Director of OMB? He said: "You have deprived me of the ability to manage this. I don't have the personnel or the funds to manage it, so you take it."

What was done? Instead of first taking it, they sent it to the National Security Council.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. McCLURE. I will yield in a moment.

What happened there was that a man who used to be in OMB, who is now at the National Security Council, did what you might expect him to do. He took OMB's position right in the National Security Council and writes a letter and sends it here and says, in effect, that that is the opinion of the President of the United States.

You and I know that the President of the United States did not see that and did not make that decision.

What you are arguing for is the substitution of a bureaucrat's decision as being more nearly perfect than that of the Congress of the United States.

This bill, as a matter of fact, says that the stockpile requirements would be established by law. That does not cut the President of the United States out of it. It reserves the process in which, under the current process, the President of the United States delegated to somebody in his administration the authority to make a recommendation to Congress; and Congress, having the right to accept or veto it—no dis-

cussion of the Chadha decision—the right to take action in contravention of that recommendation.

This bill says that Congress of the United States will suggest in a law what the stockpile goals shall be, and they will be sent to the President for his approval or his veto—a constitutional process.

It is suggested that the President of the United States is the supreme commander and, therefore, he, and he alone, should have control. It seems to me that that is what this whole exercise in the DOD authorization bill is.

□ 2030

We do not delegate to the President of the United States to make every security decision for this country. He has a responsibility. He makes a recommendation to Congress. The appropriate committees of Congress take a look at those recommendations and Congress decides what the objective should be.

Let us see what the result of that is in this system that is supposed to be so good today. It has been so bad that, as a matter of fact, the administration's authority has been suspended by law and the administration does not have the authority now to dispose of those stockpiles because Congress said, "You are not exercising that authority responsibly and we want to hold that back until we have a chance to look."

What are we doing? If you look down through the list of critical materials, what are critical materials anyhow? The Senator from Texas has indicated that we have enough materials to fight a 3-year war and that is plain balderdash. Why is it that when we have a broader conflict and a more intensive industrial basis for the conflicts today then in the past we have half the capacity we had once before when another President, exercising nearly impecable authority, nearly unchallengable discretion certainly to save the taxpayers' money, suggested that our stockpile requirements should be doubled what they are today, and now we are being told we ought to reduce it to 700 million from 16 billion.

Mr. President, even with the current inventories that we have and the inadequacy of those inventories to meet the industrial needs of our country in the event of war, there are no stockpile goals for chromium, none, zero. We are dependent upon imports for 73 percent of the chromium used, and that is absolutely essential to the war effort.

We get the balance of our 73 percent from places like South Africa, Zimbabwe, Yugoslavia, and Turkey, all very secure places in the event of a war.

Cobalt, 95 percent of our total consumption in this country is imported today. There are zero stockpile goals. Why would we have no stockpile goals for cobalt? Because of the 95 percent we get come from such secure places as Zambia, Zaire, and the Soviet Union.

Let us look at manganese. We are 100 percent dependent on imported supplies for manganese, 100 percent. And where do we get that manganese? We get it from South Africa, Brazil, and Gabon, and in spite of the fact that we are 100 percent dependent upon new production for imports, we have no stockpile goals today under this system the Senator from New Hampshire suggests it so nearly perfect.

Nickel, 68 percent dependent upon imports, and our stockpile goals zero, and where do we get it from, Botswana and Australia.

I would suggest to you that we do not have enough secure Navy to guarantee secure sealanes of communication, nor should we be tying up shipping in the event of a war in order to get supplies from across the oceans of things upon which we are 100 percent dependent. That is a security requirement.

Let us take a look at the platinum group, 92 percent dependent upon imports. And where do we get our imports of the platinum group metals? From South Africa and U.S.S.R.

We will be early next week, I hope, and I think our distinguished majority leader hopes that we will, indeed have a vote on sanctions against South Africa. I will oppose those sanctions. Part of the reasons I will oppose those sanctions are the very facts that I have been elucidating here of our dependence upon materials that are critical to the defense of this country, not just pork barrel for individuals. I would say to my friend from Texas there are none of these materials I have been listing here that are produced in my State, none. There is a possibility of cobalt, but not at current market prices and not for quite a little while is that likely to occur.

So this is not a parochial matter for the Senator from Idaho.

I am not suggesting that we buy silver for the stockpile and the suggestion is made by Admiral Poindexter in the letter my friend from New Hampshire has circulated that somehow a Buy American provision is going to exacerbate the problem. As a matter of fact, there is no Buy American provision in current law.

Mr. HUMPHREY. Mr. President, will the Senator yield on that point?

Mr. McCLURE. Yes; I will be happy to yield without losing my right to the floor.

Mr. HUMPHREY. I truly believe that the Senator from Idaho is mistaken on that point.

I want to read from the appendix to the budget for fiscal year 1986. This is in reference to the continuing resolution for that year Public Law 98-473. "During fiscal year ending September 30, 1985 not more than $185 million in additional amounts previously appropriated to remain available until expended may be obligated from amounts in the national defense stockpile transaction, provided that"—this is the important part—"provided that none of the funds appropriated by this paragraph may be used to purchase any strategic and critical materials for the national defense stockpile that are not mined and refined in the United States."

That is Buy America. That applies to $185 million that is still unexpended that needs to be spent.

Mr. McCLURE. Let me suggest to the Senator from New Hampshire what he is looking at is a specific provision with respect to a specific amount of money that was made available, and I would also say to my friend from New Hampshire there are unexpended funds in the stockpile that are not subject to any such limitation at all.

Mr. HUMPHREY. But these funds must be expended first and these are Buy America stipulations.

Mr. McCLURE. They may have to be spent first, and I am not prepared to argue that point, but the money that is there in the unexpended balances of the stockpile funds have no Buy America provision. That is an absolute red herring and, frankly, I resent the distortion of the record.

People are entitled to their opinion but they are not entitled to their own facts.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. McCLURE. I do not yield at this point. I will be happy to yield later.

Mr. HUMPHREY. He is welcome to read it. I will give him my copy.

Mr. McCLURE. The fact of the matter is, Mr. President, that this change is badly needed as evidenced by the fluctuation of the last several years and there is no one who has spoken on the floor this evening with respect to this provision who has not admitted that the administration and management of that stockpile funds and the establishment of the goals has not been badly managed in the past.

I will not burden the RECORD. I know that we are trying to get done tonight, and I am not going to spend the time to go through all of the charts, but I would invite you if you have any interest at all in whether or not it is politically motivated or manipulated today to look at the charts on the fluctuations of stockpile goals year by year.

It was suggested a moment ago that somehow it was wrong for the Senator from West Virginia to offer an amendment to require the upgrading of chrome and manganese. It is perhaps also wrong for us to have taken action

to get the consent of the administration to upgrade the stockpile of beryllium. Why did we do that? Because beryllium is absolutely essential to the SDI Program and the stockpile that we have is not of an appropriate grade to use in that program. So we asked them to allow that that substance be refined and upgraded so that that which is in the stockpile would be usable in event of a war.

Yes; there is a domestic refiner who benefits from that action. Is the reason we did it to benefit that particular refiner who is not in my State? No. It is because we want to have in the stockpile a stock of beryllium that could be used in the event of a war.

That is not pork barrel any more than ordering a tank or a ship or an airplane or any other procurement for a defense system is pork barrel.

It is possible to distort those goals. It is possible in any system that we have to attach to it a parochial interest. But to indicate that because it may happen in a particular State indicates, per se, it is pork barrel is ridiculous.

I support the strategic petroleum reserve. That happens to benefit the State of Texas where the Senator from Texas is located, representing his constitutents. I do not believe that a person from an oil-producing State should have to apologize for believing that it is necessary to have a reserve supply of something that is critical as petroleum to be used in the event of a cutoff of that supply. I do not accuse any Member of this body or the other who voted in favor of the strategic petroleum reserve or its funding who happens to come from a producing State saying that it is simply pork barrel politics. It is not.

It is prudent for this country to try to have within its stockpile of critical materials those things which are absolutely vital to the industrial strength of this country.

I do not mean to belabor the subject and perhaps I have spoken too long already, but I am old enough to remember and to have observed what happened at the beginning of World War II when we converted our industrial capacity into a miracle of production for the war effort. We could not have whipped the Axis—Germany, Italy, and Japan—on the basis of the military equipment that we had on hand at the beginning of the war. We won the war because we had productive capacity which we could turn to the production of instruments of war.

□ 2040

I submit to you that we do not have and we should not have now that level of preparedness that has on hand all the materials of war that have to be consumed during a 3-year war at the beginning of the war. But we had better have available to us the industrial capacity and the critical materials that are needed to fuel that industrial capacity or we will not win the next one unless it is, indeed, a 2-week war that is settled by nuclear exchange at the outset. We all pray it will not be that.

But there is no rational basis upon which anyone can allege that the stockpile today is sufficient to all of the production needs for a 3-year war. And the GAO study, while not final, will indicate that indeed the stockpiles, the methodology, the supporting documentation, and the materials that are necessary to confirm the findings and the latest recommendation, which is so dramatically different from earlier ones, is simply inadequate to the task.

Therefore, in my judgment, and I think in the judgment of many others in this body, and certainly in the judgment of the other body that has already adopted this position, we ought to make this change at this time.

Mr. RUDMAN. Mr. President, I will speak for about 1 minute and 30 seconds, so the managers can relax.

I want to say that my friend from Idaho makes an interesting case, as does my senior colleague and the Senator from Texas. I just want to make an observation.

This amendment essentially will have the Congress, in a sense, managing something else—in this case, managing, if you will, the levels of the strategic stockpile.

Mr. President, it is quarter to 9 on a Friday night. We have been here every night until 11, 12, 1 o'clock in the morning. This Congress cannot even manage what time it is supposed to have supper. We cannot manage our time. We cannot manage anything. The majority leader has been trying to get a unanimous-consent agreement. It has taken more time to get that than it took to draft the Declaration of Independence.

We have got here tonight an amendment offered in good faith by the Senator from Idaho that says we are now going to give the Congress the power to manage the levels of strategic stockpiles. It is a bad idea.

I can see what will happen. We will get here to the floor and the Armed Services Committee will make a logical, reasoned, rational judgment on what that ought to be, because I believe the committee will do that. We will then get to the floor and we will have meetings in the Democratic Cloakroom, in the Republican Cloakroom, in the Marble Room, trying to figure out which amendments we are going to offer to what to see that the stockpile will be the way we want it.

Mr. President, if we cannot manage things around here, we ought not to manage this. If the President is not managing it well, then let us change the law and make him manage it better than he does, have it properly in FEMA or in OMB. Let us put it someplace else. But let us not go and ask this Congress to manage anything. We know better. We cannot manage ourselves, let alone the strategic stockpile.

Mr. President, I yield the floor.

Mr. McCLURE. Will the Senator yield?

Mr. RUDMAN. I yield the floor.

Mr. McCLURE. Mr. President, the Senator says if they are not managing it well, let us change the management. That is one of the provisions in the amendment, to say it ought to be managed by the Department of Defense, who has both the knowledge and the ability to determine how that stockpile ought to be managed.

Mr. RUDMAN. Well, if the Senator will yield for one moment, I would simply respond to that, that I do not mind DOD managing it, but we would be managing the establishment of the policy. I do not think we are constitutionally able to do that, and I do not use that in the legal term, but the figurative term.

Mr. McCLURE. If the Congress of the United States is not supposed to establish policy, who is? Get back to read the Constitution.

● Mr. BINGAMAN. Mr. President, I would like to offer my strong support for the defense stockpile amendment offered by the distinguished chairman of the Committee on Energy and Natural Resources, Mr. McCLURE and I am pleased to be a cosponsor of this measure. The amendment is needed to ensure the viability of the stockpile and it is necessary to act on it at this time. I understand that similar language has already been added to the House DOD authorization bill by Congressman BENNETT and I encourage the adoption of the McCLURE amendment by the Senate at this time.

The National Defense Stockpile was established as a reservoir of essential minerals and materials to safeguard the country against a supply emergency. It is considered necessary to maintain a stockpile to guarantee that military, industrial and essential civilian needs will be met in times of war or other declared national emergency. However, despite the importance of the stockpile, it and our national security have been compromised recently as a result of mismanagement and poorly conceived administration policies. In order to ensure our security so that we do not fall prey to a predatory world market situation, or an even worse situation where we are unable to secure strategic materials at all, we must take action to maintain the stockpile.

In recent years stockpile goals have been unclear and congressional guidance has been ignored. The administration has called for underfunding the stockpile and requiring disposal of

critical materials to reduce our budget deficit. Despite critically low supplies, at many times in the past materials that were sold as surplus needed to be required at a higher cost, thus imposing a substantial burden on the taxpayers.

Last year the administration proposed a plan to "modernize" the National Defense Stockpile. However, in point of fact, this plan proposed to reduce dramatically many goals that have been established in the past for minerals and materials in the stockpile. The proposal would have sharply diminished the stockpile's size. The 1979 act creating the stockpile mandated that it should be sufficient to sustain the United States for a period of not less than 3 years in the event of a national emergency. But the President's proposal would reduce the level to just over 1 year for some materials and to just 3 days' worth of copper. I fear that the real motivation behind the administration's revised stockpile goals was OMB's desire for short-term deficit reduction.

In fact, these misguided policies have created undue hardships for much of our domestic mining industry. Copper, in particular, has direct military uses and was one of three critical materials needed during World War II and the Korean war. At this time the copper industry along with a number of other domestic mining industries are at all-time low ebbs. Poor stockpile management further exacerbates these problems and serves to further erode our national security in this area.

The McClure amendment will reverse many of these policies. It will bring stability to the stockpile program and calls for establishing stockpile requirements in statute. These provisions will eliminate the budgetary and political manipulations of the stockpile and reestablish its original purposes and policies.

I urge the adoption of the McClure amendment.●

Mr. NUNN. Mr. President, it is now a quarter of 9 o'clock. We have votes stacked until 9:30. If the debate is concluded—and I hope it is—on this amendment, then I would certainly move, at the appropriate time, to table this amendment. I hope we could get another debate going.

The problem with windows is that it is hard to manage the windows. What we have now is we have 45 minutes left and debate on this amendment has been thorough and I think we have had enough debate on this amendment.

So can we get the Senator from North Dakota on the alcohol amendment or can we get the Senator from Ohio on the SDI amendment, If we can get someone over here we can have a debate. Otherwise, in the next 45 minutes, I guess we are just going to be sitting here.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. NUNN. I yield the floor to the majority leader.

Mr. DOLE. Mr. President, I strongly urge my colleagues to oppose this amendment. The most critical flaw of this legislation is that it would repeal Presidential stockpile goal-setting authority which could seriously compromise our national preparedness. President Reagan, as Commander-in-Chief, is responsible for all U.S. mobilization planning which must encompass both military and civilian mobilization considerations. The national defense stockpile is an integral part of these mobilization plans and is vital to our Nation's sustainability in times of extended conflict.

AUTHORITY TRANSFER

The transfer of stockpile goal-setting authority from the President to Congress could possibly prove a tempting morsel—so to speak—since over half of the stockpile's materials are produced in 25 different States. This bill would also allow future goals to be adjusted using a peacetime "imports-based" formula which, under certain circumstances, could result in very costly domestic subsidies.

MANAGEMENT TRANSFER

I would also challenge the merits of transferring management of the entire stockpile to the Department of Defense from the NSC since it would be totally inappropriate for that agency to be resolving the many interagency differences.

CONCLUSION

I have complete confidence that our Armed Services Subcommittee on Preparedness will resolve any existing stockpile management deficiencies during their scheduled hearings this fall. I strongly urge that we allow them to fulfill their responsibilities—and allow President Reagan to retain his.

Mr. President, I do not know anything about the facts. I am not going to try to get into the facts. But I do know there is strong opposition to the amendment from the White House. That was indicated to me this afternoon. I may or may not be correct. I do not know whether Mr. Poindexter signed the letter or not.

Mr. HUMPHREY. Will the Senator yield?

Mr. DOLE. I am happy to yield.

Mr. HUMPHREY. I am glad the Senator raised that again because I tried to be recognized on that earlier.

The Senator from Idaho is quite correct. The National Security Adviser is out of town. But I want to assure my colleagues that the letter was read to the National Security Adviser on the phone and he authorized his signature and it is a perfectly valid letter.

Mr. DOLE. Mr. President, I would say, I do not think the Senator from Idaho would be here unless there is some deficiency. I agree with that. We ought to try to correct the deficiency. I think that is the argument made by the distinguished Senator from New Hampshire, and also the distinguished Senator from Texas, Senator GRAMM.

I am not going to offer a motion to table. That is going to be offered on the other side.

I want to express what was indicated to me as recently as 4 hours ago, and that is that there was strong opposition to this amendment—not to Senator MCCLURE, but to the amendment. They have great respect for the senior Senator from Idaho, as we all do.

Mr. MCCLURE. Mr. President, I am grateful to know that the administration is not opposed to me. I am not opposed to them, either. But I think they are wrong. I think the studies indicate it. I think our experience indicates it.

I am amazed that, as a matter of fact, there can be the kind of opposition that has been expressed here tonight when the change is so obviously needed. I would say to my good friend, the majority leader, that I think Senator WARNER knew the administration was opposed to it and is opposed to it and he is a cosponsor. I think Senator BINGAMAN knows that, and he is a cosponsor. I think Senator BENTSEN is aware of the fact that the administration would like to close down the stockpiles, virtually, by their action, and he is opposed to it. Senator STEVENS is certainly aware of the fact that the administration opposes it, and he is a cosponsor.

And I could go down the list, Mr. DOMENICI, Mr. DECONCINI, Mr. LAXALT, Mr. BAUCUS, Mr. EXON, Mr. GARN, Mr. MELCHER, Mr. SYMMS, all of these gentlemen know the administration is opposed to it.

That budget submission has been before us for quite a little while. But we do not simply rubberstamp administration proposals in other areas. I see no reason why we should here, either.

Mr. NUNN. Mr. President, I see the Senator from Texas is on his feet. We have a chance to do another amendment, a real amendment, and I believe we are going to be through with it in a few minutes.

Mr. GRAMM. Mr. President, if I could have 30 seconds, I would feel awfully good about it and I will sit down.

Mr. NUNN. I yield the floor.

Mr. GRAMM. Mr. President, the distinguished Senator from Idaho has given a great response to a speech that I did not give. I made it very clear that administrations have made terrible mistakes on stockpiling, but in this case the cure is worse than the ailment. Congress is not always wrong,

but individual Members always have individual concerns.

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The President can veto the bill because this provision is in it or because some bad stockpiling provision is in it. But the President is not going to veto this bill. We all know it is because there are so many things in it that he wants. If he had a line item veto, I would not worry about this amendment. But he does not. He is probably not going to have it. That is why this is a mistake.

I hear discussion of materials that we are not supposed to need. And as I look at the stockpile, we have $538 million worth of cobalt. We hear Congress has intervened because the President was doing a bad job. The only thing I am aware of that we have intervened on has been silver in terms of a specific commodity.

Obviously, Congress has suspended the President's ability to sell the stockpile because people do not want to sell the stockpile.

I yield the floor.

Mr. NUNN. Mr. President, we have a chance now to do three amendments. I believe we can do that in the next 7, 8, or 10 minutes.

Mr. McCLURE. Mr. President, could we then indicate that debate on the McClure amendment has been completed?

Mr. NUNN. That would be fine if we could temporarily set it aside.

Mr. McCLURE. I think it might expedite business if we can complete the debate, and move to third reading, and then set aside the vote.

Mr. NUNN. That would be a wonderful move.

Mr. McCLURE. I move adoption of the amendment.

Mr. NUNN. Mr. President, I move to table the amendment, and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. NUNN. Mr. President, there is an understanding that the vote will be at 9:30.

The PRESIDING OFFICER. That will require a unanimous consent.

Mr. DOLE. I ask unanimous consent that the vote occur at 9:30.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NUNN. Mr. President, will the majority leader withhold that unanimous-consent request on the vote at 9:30? The minority leader had asked to be on the floor to make sure it was technically correct.

Mr. DOLE. Yes; let me withhold that. I do not think he has any problem with that.

Mr. PROXMIRE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. If the Senator will withhold that, there is a motion to table pending.

Mr. DOLE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NUNN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

M. NUNN. Mr. President, the Senator from Rhode Island has a statement that has nothing to do with the amendment. We can do that right now, and save a little time.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized, without objection.

Mr. PELL. I thank my colleague, the Senator from Georgia.

THE TRIDENT PROGRAM

Mr. PELL. Mr. President, I wish to record my strong support for one very important feature of the 1987 defense authorization bill, and that is its provision for the continuing procurement of *Ohio* class submarines, better known as the Trident submarines.

The bill authorizes the full budget request of $1.4 billion for procurement of one Trident submarine, and an additional $146.4 million for advance procurement. If approved, this will be the 14th of 20 Trident submarines scheduled for deployment by the year 2000. Seven have already been delivered to the Navy and six are presently under construction by the electric boat division of General Dynamics Corp.

Particularly in view of the failure of the House Armed Services Committee to authorize this request—an ommission which I am glad to note has since been rectified by the House Appropriations Committee—and also in view of possible future reductions in defense expenditures under the Gramm-Rudman process, I would like to remind the Senate of the prime importance of maintaining the momentum of the Trident submarine program. I do so not only because some thousands of Rhode Islanders earn their livelihood at the electric boat shipyards, but also because the Trident program has a significance which vastly transcends any local interest. The Trident submarine is in many ways the keystone of our national defense.

The technology of warfare has advanced at such a pace that we tend to take for granted the revolutionary breakthrough which occurred when the submarine grew out of its traditional role as a hunter of other ships and became a submersible platform for launching strategic missiles. When that occurred, the missile-launching submarine became a vital component of our strategy of deterrence.

The whole theory of deterrence is based on the premise that significant U.S. strategic forces would survive an initial enemy attack with a capability to retaliate conclusively. The Trident submarine, and its predecessor Poseidon, provide that capability because they are designed for survivability and endurance. They are virtually invulnerable to preemptive attack. As recently described in a Wall Street Journal article entitled "Quiet Threat", the Trident operates in such ghostly silence that it can become "a black hole in the ocean" in the words of one Trident commander.

Because the Trident thus is the most resiliant element in our national defense it has been described as "the strategic system of the future." To my mind, it is the capital ship of the modern Navy.

The Trident also has been regarded as a stabilizing influence in the nuclear age, insofar as it discourages our adversaries from contemplating a first strike, knowing as they do that we have an assured second strike capability. Moreover, the original Trident I missile, while capable of awesome retaliation, is not capable of mounting an assured preemptive strike against hardened military targets, so it does not pose an offensive threat.

I would add, Mr. President, that many arms control experts fear that the new missile with which the Navy plans to arm the Trident submarine, the so-called Trident II missile, will disrupt this delicate balance. I share those concerns and believe we should examine these dangers carefully before proceeding with deployment of the Trident II missile.

However, whatever questions there may be about the Trident II missile, there is no disagreement about the wisdom of proceeding with the programmed construction of the full Trident submarine fleet. The Trident will be the bulwark of our national security well into the 21st century. I am delighted that the bill before us maintains the momentum of the construction program and urge that all steps be taken to continue that momentum in the future.

Finally, Mr. President, I ask unanimous consent that the article entitled "Quiet Threat" from the July 28, 1986, edition of the Wall Street Journal be reprinted in the RECORD.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Wall Street Journal, July 28, 1986]

TRIDENT SUBS, SILENT, ELUSIVE AND DEADLY, CHANGE NUCLEAR GAME

(By Tim Carrington and John J. Fialka)

ABOARD THE USS ALASKA.—After 18 years as a submariner, Lt. Cmdr. Thomas Fursman says he is so used to the silence of the ocean depths that the sunlit, bustling world

above "seems unnatural." As the executive officer of the Alaska, the seventh of about 20 Trident submarines slated for deployment, Lt. Cmdr. Fursman remains submerged for 70 days at a time.

Although the Alaska is as long as the Washington Monument, it is designed to lurk undetected and unthreatened by Soviet trackers. It can become "a black hole in the ocean." Capt. Charles Chotvacs, its commanding officer, boasts.

Almost-monastic silence is enforced aboard the Alaska. A nuclear reactor quietly drives large turbines, and dozens of "sound-whiting" features muffle the usual ship's clamor. Rubber pads doors and equipment; pipes and other metal fixtures hang from decks to prevent sound from traveling. The goal is to prevent noise from reaching the hull and giving away the sub's position.

ESCAPING DETECTION

During Navy war games when smaller attack submarines try to find such ballistic-missile subs, Tridents always escape detection unless they deliberately provide clues. "If you said to somebody go hide and don't get detected, nobody's going to find him," one Alaska officer says.

Silence is also the Trident's hallmark in the noisy realms of Washington budget politics. The Trident is the nation's most expensive weapons system; the 20 or so subs, made by General Dynamics Corp., and their missiles, made by Lockheed Corp., will cost about $100 billion. Yet the Trident program has attracted relatively little controversy so far. While peace activists and budget cutters were slashing the administration's MX missile program, the Trident program glided through the budget wars largely untouched. Similarly, the public arms-control debate has centered on space weapons and European missiles; but it is the Tridents—each carrying 24 missiles bearing an average of eight nuclear warheads apiece—that are changing the nuclear balance.

The MX and other land-based intercontinental ballistic missiles are vulnerable to both strategic and political attack. Deployed in stationary silos, land-based ICBMs are easily tarteted by the Soviets and often not welcomed by localities. Submarine-launched ballistic missiles, in contrast, are a less visible, more acceptable deterrent. And the Navy is preparing to make the Trident even more deadly. By the end of this decade, a new Trident II SLBM, called the D-5 by the Pentagon, will begin replacing the current Trident I.

SIGNIFICANT CHANGE

War planners generally consider existing SLBMs "second-strike" weapons that would be launched only against Soviet cities in response to a nuclear attack; they lack the accuracy to mount a preemptive "first strike" against hardened military targets, such as ICBM silos and command posts. As long as Soviet cities face destruction from invulnerable SLBMs, strategists figure that Moscow won't attempt a preemptive first strike. But Trident II missiles should be accurate enough to level the most hardened targets, enabling the U.S., in theory at least, to launch a first strike from submarines.

Official U.S. policy holds that the Soviets needn't worry about this threat because the U.S. would never start a nuclear war. Unofficially, however, some U.S. analysts fear that the Soviets may respond with a "launch on warning" policy that would send Soviet missiles aloft at the first hint that they might be under attack.

The Trident II could provoke such a hair-trigger approach because it "will only make them more nervous about the short time they will have to lauch," says Robert S. Norris, who is writing a book on the Soviet nuclear arsenal for the Natural Resource defense Council.

IRONIC OBSCURITY

As a result, many arms experts view as ironic the relatively scant attention directed to the D-5 in the debate over the nuclear-arms race. "The MX is child's play compared to the D-5," says William Martel, a Rand Corp. specialist.

Such strategic considerations aren't a big concern to the 165-man crew on the Alaska. They spend much of their time at sea checking the missile systems. Beginning a simulated launch, Capt. Chotvacs orders that the submarine be brought into a hovering position, using computers to modulate the water levels in buoyancy tanks. Then, over the speaker system, comes a series of beeps similar to those that would sound if the captain received an order, relayed from the president, to begin an actual launch.

"Battle stations: missiles," Capt. Chotvacs barks over the speaker system. He adds: "This is the captain. This is an exercise." Next, Lt. Cmdr. Fursman repeats this same command, one of a series of redundant steps required for any missile launch, simulated or real. When the missiles are ready, Capt, Chotvacs gives the order, "Initiating fire."

While the Alaska's weapons officer squeezes a red trigger below, Capt. Chotvacs watches a control-room screen showing each of the 24 missiles moving through a progression of stages—"denote," "prepare" and, finally, "away." In a real launching, the "away," light would flash when the missile had been fired.

Because of its quiet financing successes, together with the problems afflicting other defense programs, the Trident has become "the strategic system of the future," one admiral says. Others in the Pentagon apparently agree. "It's becoming a more important part of the deterrent," says Richard Perle, the assistant secretary of defense for international security policy.

Soviet war planners are deeply concerned about the Trident—probably more so than about the more publicized MX missile system or the near-term prospects of the Strategic Defense Initiative. The Trident II missile, which is scheduled for deployment in 1989, will be the most expensive and most destructive nuclear weapon ever deployed by the U.S.

CHANGING PLANS

The D-5's improved accuracy, plus the Trident's stealth, is believed to be pushing changes in strategic war plans on both sides. U.S. analysts have begun to worry that when the Soviets build their own D-5, it will be an unprecedentedly lethal first-strike weapon. Fired close to American shores, such missiles could knock out U.S. bomber and missile bases simultaneously with only a few minutes of warning.

But Mr. Perle dismisses fears that, with the Trident, the U.S. is riding into an ever more hazardous nuclear world. "It would indeed be a dangerous situation for the Soviet alone to have the hard-target kill capability," he says, referring to Soviet land-based missiles believed to have accuracy equivalent to the D-5's.

Moscow hopes to stop the Trident II missile. Soviet nuclear-weapons experts accompanying Mikhail Gorbachev to the Geneva summit last November lectured reporters at length about the D-5. "This is one bird that must be put back in its cage," one Soviet academician asserted.

SOVIET MANEUVERS

In a recent exchange of arms-control proposals dealing with intermediate-range nuclear weapons based in Europe, the Soviets even tried to pervent the export of new U.S. technology to Europe. They were seeking to block the planned sale of the D-5 to the British. U.S. analysts also believe that the looming deployment of the D-5 is spurring the rapid development of two new Soviet ICBMs, the SS-24 and the SS-25, both of which are mobile and therefore less vulnerable to surprise attack.

The Trident system, though generally ignored by the U.S. public, drew some attention about five years ago when the Navy was wrangling with General Dynamics, the sub's prime contractor, over surging costs and delievery delays. These problems have been largely cleared up, however, and the Navy is currently trying to bring in Newport News Shipbuilding, a Tenneco Inc., unit, as a second producer of the ship. (It is called a ship, rather than a boat as other subs are, because the Navy felt it was too large to be a "boat.")

Meanwhile, submarine specialists estimate that, for at least 10 years, Russian detection methods won't threaten the Tridents' ability to hide. Navy officials are still analyzing whether the Walker spy scandal resulted in technological leaks that would significantly reduce this advantage; some Navy officials say, however, that much of the informations delivered by the Walkers has been surpassed with the Trident technologies.

EVENTUAL DANGER

But planners still worry that the giant submarines may someday cease being black holes to Soviet detection systems. Russian laboratories have been pouring funds into researching nonacoustic means of tracking U.S. submarines. If that research every pays off, U.S. strategists warn, the Pentagon will have to rely more on the other legs of the nuclear triad—the bombers and land-based missiles.

But for the time being, the Trident remains a formidable weapons system. It produces its own power, fresh water and air, and it carries ample supplies for its typical 10-week deployments. Each ship has two alternating crews to enable it to spend as much time as possible at sea.

The crews live a rigorous life. Submariners experience not only long separations from home, like other sailors, but also separations from any firm sense of time and place. During a deployment, the enlisted men aboard the Alaska generally can't say whether it is off the coast of Scotland or in the South Pacific. Equally cut off from the cycles of day and night sailors say they often learn the time of day only when they see what sort of food is served in the mess.

There is little talk of the deadly mission the Trident may someday be asked to carry out. Following the simulated launch, conversation quickly turns to food, computers or the next scheduled movie. Standing amid the giant canisters on the missile deck, one sailor, James Alexander, dismisses the worries of hair-trigger tensions between the nuclear superpowers. "It doesn't bother me," he says, "because I don't think they'll ever be used."

Mr. DOLE. Mr. President, I renew my request that the vote on the motion to table occur at 9:30.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE and Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

AMENDMENT NO. 2664

(Purpose: To authorize the Secretary of the Navy to lease certain real property at the Naval Weapons Station, Charleston, South Carolina, to the South Carolina State Ports Authority)

Mr. THURMOND. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND] proposes and amendment numbered 2664.

Mr. THURMOND. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 317, after line 22, insert the following new section:

SEC. 2192. LEASE OF PROPERTY AT THE NAVAL WEAPONS STATION, CHARLESTON, SOUTH CAROLINA.

(a) IN GENERAL.—The Secretary of the Navy is authorized to lease to the South Carolina Ports Authority approximately 118 acres of land, together with improvements thereon, at the Naval Weapons Station, Charleston, South Carolina.

(b) TERM OF LEASE.—The lease entered into under subsection (a) may be for such term as the Secretary determines appropriate, but in no event to exceed 25 years.

(c) CONSIDERATION.—In addition to the fair rental value to be paid by the South Carolina Ports Authority for the premises leased pursuant to this section, such Authority shall pay for the cost of replacing certain facilities on the leased premises. The replacement facilities shall be constructed in a manner and at a site determined by the Secretary.

(d) AUTHORITY TO DEMOLISH AND CONSTRUCT FACILITIES.—The Secretary may, under the terms of the lease, authorize the South Carolina Ports Authority to demolish existing facilities on the leased land and to construct new facilities on such land for the use of such Authority.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, I rise to propose an amendment to the Defense authorization bill to authorize the Navy to lease approximately 118 acres of unused land to the South Carolina Ports Authority in Charleston, SC for a fair price.

A lease agreement has already been reached between the Navy and the South Carolina Ports Authority. However, the Navy needs congressional authority to grant this lease, which requires the ports authority to pay for the cost of replacing certain facilities on the leased premises.

Mr. President, I have been working with the Navy and the ports authority for the past 3 years to agree on the terms of the lease agreement. This has now been accomplished, except for some minor provisions. The point has now been reached to grant the Navy authority to make this lease.

This lease for the ports authority will allow for an expansion of shipping and docking operations at the Charleston Port. It will be an economic boost to Charleston and to South Carolina. The increased import and export capabilities of the Charleston Port have been an objective of my State for many years. It will mean jobs and economic growth.

Mr. President, I might say that we are paying the full, fair rental for the property. In addition they are paying to replace the facilities there.

I have cleared this on both sides. As far as I know, there is no objection.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from South Carolina.

The amendment (No. 2664) was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2665

(Purpose: To require that certain estimates be provided to Congress regarding the future costs associated with the SDI program)

Mr. PROXMIRE addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. PROXMIRE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the Senate will lay aside the pending amendment, and the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. PROXMIRE] proposes an amendment numbered 2665.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 19, between lines 18 and 19, insert the following new section:

SEC. 206. REPORT ON PROJECTED COSTS OF SDI PROGRAM.

Subsection (b) of section 223 of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 613), is amended to read as follows:

At the end of subsection (b) add the following:

"(c) The Secretary shall specifically include in such report the following information:

"(1) The cost goals or cost objectives for the production and deployment of a Strategic Defense Initiative System determined on the basis of capabilities expected to be developed in the future and the cost goals or cost objectives for the individual components of such system (determined on the basis of capabilities expected to be developed in the future).

"(2) The estimated cost for the production and deployment of the Strategic Defense Initiative System referred to in subparagraph (1) and determined on the basis of prices in effect and capabilities in existence at the time of the preparation of the report and the estimated cost for the production and deployment of the individual components of such system (determined on the basis of prices in effect and capabilities in existence at the time of the preparation of the report)."

Mr. PROXMIRE. Mr. President, it is my understanding that this amendment has been cleared on both sides.

Mr. President, the amendment I am offering amplifies on a reporting requirement that was contained in last year's fiscal year 1986 DOD Authorization Act.

This amendment would simply require the Strategic Defense Initiative Organization to supply Congress with additional information on the cost estimates it plans to provide in the future on various SDI systems.

In other words this amendment represents only a follow-on to a reporting requirement the Department of Defense is already in the process of fulfilling. It will simply enable Congress to have more relevant details on the cost estimates the SDI Organization will be preparing.

In the fiscal year 1986 Authorization Act, there was a requirement that "the Secretary of Defense shall submit to Congress a report on the cost estimates for procurement and deployment of strategic defense initiative programs. The report shall be submitted as soon as possible, but not later than submission of the budget request of the Department of Defense for fiscal year 1989."

Let me say that I am very pleased that reporting requirement was put in the fiscal year 1986 authorization. Congress simply is going to have to get a firm grip on what this star wars system would cost this Nation.

We cannot continue to make major decisions about the direction of this program unless we get a clear and realistic picture of what the final bill will be.

During this year, General Abrahamson, the director of SDI, has been telling Congress that his organization is working up cost figures that it plans to send up next year.

But there is a catch to this. General Abrahamson has been telling Congress

he plans to send up cost goals and objectives for SDI.

This is what he told a Senate staff briefing earlier this year, which was documented in the SDI staff report submitted to Senator JOHNSTON, Senator CHILES, and myself.

That staff report noted that "rather than give an estimate of SDI's total cost based on current information, General Abrahamson said he is working to develop what SDI should cost if it is to be affordable and meet the cost-effective-at-the-margin criteria, as posed by Ambassador Paul Nitze. Within a year, the SDI organization hopes to begin establishing cost objectives for its weapons."

On March 5, in testimony before the Defense Appropriations Subcommittee, General Abrahamson repeated that one of the "management challenges" he has established for his organization "is to try to have set the cost goals on these key SDI elements that will be required over the next year."

On March 25, in testimony before the Armed Services Committee, General Abrahamson repeated that he planned to give Congress a set of cost goals for the various SDI weapons systems.

As an example, he said the cost goal for the ERIS missile interceptor, which would be fired at Soviet warheads, is for each missile to cost less than $1 million.

In another briefing for Senate staff, SDI officials said, for example, that their cost goal for space transportation is to be able to lift material into space for $200 to $400 a pound.

In other words, the SDI organization plans to present Congress the costs it hopes to achieve for these star wars weapons based on future technological breakthroughs and future cost efficiencies.

Now it is all well and good for Congress to have these cost goals. It is nice to know that SDI wants to get the cost of an ERIS interceptor down to less than $1 million a copy and the cost of space transportation down to $400 a pound or less.

But it is also nice to know what these weapons would cost based on our current manufacturing capabilities and based on the current cost efficiencies we can now achieve.

For example, based on past history and our current capabilities, an ERIS interceptor would now cost about $5 million to $10 million a copy.

And currently it costs anywhere from $1,500 to $3,000 to lift a pound of material into space.

At today's prices and capabilities, one of those space battle stations firing rockets might cost as much as $500 million a copy. The cost goal for this battle station, however, might be $50 million a copy so star wars can be cost effective.

Now, can SDI drive down the costs of these huge systems by tenfold or more? That remains to be seen.

It remains to be seen whether SDI can achieve this economic revolution in the defense industry so we can have these complex star wars systems at miraculously low prices.

But for the moment, if Congress is to receive from SDI what it hopes these star wars weapons will cost based on future capabilities, then Congress should also get from SDI what these weapons would cost today based on current capabilities.

In other words, it is nice to find out what SDI hopes star wars will cost. But it also helps to find out what star wars would cost now.

That way Congress can assess how far SDI has to go to achieve these cost goals. Or put another way, how much dreaming SDI is doing.

That is the purpose of my amendment, Mr. President.

It would require that in fulfilling the fiscal year 1986 DOD authorization requirement—that is, in reporting to Congress on the cost of procuring and deploying star wars—SDI not only would give its cost goals and objectives for the star wars weapons systems, it would also give Congress figures on what these star wars weapons systems would cost based on current capabilities.

This should not be that difficult a reporting requirement for SDI. If SDI says it plans to give Congress estimates of what it hopes star wars weapons will cost in the future, it certainly can give Congress estimates of what star wars weapons would cost now.

In estimating future costs of star wars, SDI would certainly have to use its current cost as a starting point.

Therefore, I do not think it would be too difficult for SDI to estimate what a star wars weapon would cost now, particularly if it can estimate what it would cost in the future.

I, therefore, urge the adoption of this amendment. It will give Congress valuable points of comparison as it receives this cost information from SDI.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. NUNN. Mr. President, it is my understanding that the majority has cleared this amendment, and the minority side, the Democratic side, urges its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wisconsin.

The amendment [No. 2665] was agreed to.

Mr. PROXMIRE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2666

(Purpose: To require the Secretary of the Navy to conduct a study on production line techniques applicable to the overhaul of Los Angeles class submarines.)

Mr. HUMPHREY addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. HUMPHREY. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is laid aside, and the clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. HUMPHREY] proposes an amendment numbered 2666.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT NO. 2666

On page 229, between lines 14 and 15, insert the following new section:

SEC. 1221. SUBMARINE OVERHAUL STUDY.

The Secretary of the Navy shall conduct a detail study and investigation on the desirability and feasibility of applying production line techniques for the overhaul of Los Angeles class submarines. The Secretary shall submit the results of such study and investigation, together with such comments and recommendations as he determines appropriate, to Congress not later than May 1, 1987.

Mr. HUMPHREY. Mr. President, the amendment has been agreed to on both sides. It is noncontroversial. I move adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from New Hampshire.

The amendment [No. 2666] was agreed to.

Mr. HUMPHREY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2667

(Purpose: To provide that funds made available for transportation of humanitarian relief supplies to Afghan refugees will remain available until expended)

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the pending amendment be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. HUMPHREY] proposed an amendment number 2667.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT NO. 2667

On page 23, between lines 16 and 17, insert the following:

(e) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to the authorization in subsection (a) shall remain available until expended, to the extent provided in the appropriation Acts.

Mr. HUMPHREY. Mr. President, again, this amendment has been discussed by both managers on both sides. They are prepared to accept it.

Mr. NUNN. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from New Hampshire.

The amendment [No. 2667] was agreed to.

Mr. HUMPHREY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2668

(Purpose: to require the Secretaries of Defense and Education to conduct a joint study of certain needs of dependents' educational facilities on military installations, and to require the submission of an advance notice to Congress before the Department of Defense closes, transfers, or relocates the Fort Riley correctional facilities.)

Mr. DOLE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is laid aside, and the clerk will report.

The legislation clerk read as follows:

The Senator from Kansas [Mr. DOLE], for himself and Mrs. KASSEBAUM, proposes an amendment numbered 2668.

□ 2100

Mr. DOLE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 306, between lines 6 and 7, insert the following:

SEC. 218a. STUDY OF NEEDS OF DEPENDENTS' EDUCATIONAL FACILITIES ON MILITARY INSTALLATIONS.

(A) IN GENERAL.—The Secretary of Defense and the Secretary of Education shall conduct a joint study for the purpose of determining the needs for construction, extension, remodeling, and rehabilitation of dependents' educational facilities on military installations in the United States and shall develop a joint policy to meet those needs.

(b) REPORT.—(1) Not later than April 1, 1987, the Secretaries of Defense and Education shall submit to Congress a report containing—

(1) a description of the needs determined under subsection (a);

(2) the joint policy developed to meet such needs; and

(3) any recommendations for legislation the Secretaries consider necessary or appropriate to meet such needs.

On page 229, between lines 14 and 15, insert the following:

SEC. 1221. CORRECTIONAL FACILITIES AT FORT RILEY, KANSAS.

The correctional facilities at Fort Riley, Kansas, may not be closed, transferred, or relocated unless—

(1) the Secretary of Defense has transmitted to Congress a written notice of the intent to close, transfer, or relocate such facilities, as the case may be; and

(2) the 180-day period beginning on the date on which Congress received such notice has expired.

Mr. DOLE. Mr. President, the amendment my colleague from Kansas and I are offering would require the Departments of Defense and Education to put their heads together and assess the real needs of school facilities on military bases.

In addition, it would require the Secretary of Defense to provide written notification to the Congress prior to closing or transferring the correctional facility at Fort Riley, KS; and further, that no action to close or transfer the facility could occur for 180 days following that notification.

Mr. President, the first problem was brought to my attention due to a situation at Fort Riley, KS. Currently, the junior high school facilities for students consist of seven relocatable trailers that have deteriorated to such an extent that they are about to be condemned. The seven relocatables must be replaced by a permanent structure as soon as possible.

The overcrowding situation has been caused by two major factors: First, Federal mandates for special education, and second, the fact that the base is trying to provide educational services to more students than the school was originally built to serve. The relocatables were designed to be temporary, but have somehow become permanent. Despite prudent maintenance efforts, they have now deteriorated to the point of no return.

In cases where financial need is justified, neither Department seems to be willing to accept responsibility. Both Departments pass the buck back and forth. As a consequence, the children of military families are suffering.

Mr. President, the Fort Riley situation brings to the forefront the larger issue of quality of life for military families. We ask these families to relocate frequently and present DOD officials acknowledge that education on military bases has been an ongoing problem. For the most part, facilities and services are inadequate and underfunded.

Congress must have some assessment of the real problems and needs, in order to be able to provide a rational response. The Fort Riley situation is only one example of what is a very widespread problem.

Mr. President, the second part of this amendment addresses the correctional facility at Fort Riley, KS.

This amendment will provide tangible help both to a region hard hit economically—the Fort Riley, KS area—and to the Army's judicial system.

In addition, it would: not add money to the DOD budget, and very possibly save the Army some money down the line.

For background, the Army has undertaken a study of whether or not to move the correctional facility at Fort Riley, KS to another location. They key word is "move."

There is no question that the Army needs an excellent, central location for this facility, like the one that already exists at Fort Riley. It is certainly more centrally located than the alternate site under consideration.

Despite these facts, the Army continues to seriously consider closing the Fort Riley facility, paying to dismantle it, paying to move it, and paying for new personnel in a much higher pay area to staff the facility.

Meanwhile, the cost of the Fort Riley community would be devastating. Well over 100 civilian jobs would be lost and the local economy would suffer the consequences.

The move makes no sense, either in terms of the Army's needs, the cost of the move, or the impact on the Fort Riley area.

Mr. President, I urge all of my colleagues to support this simple, effective, cost-saving amendment.

Mr. THURMOND. Mr. President, as chairman of the Military Construction Subcommittee of the Armed Services Committee, I support the amendment of the distinguished Senator from Kansas.

I am sympathetic to the situation that Senator DOLE describes. In my own State I have several schools that fall in that same situation. Several Senators have come to me during our review of the fiscal year 1987 Defense budget expressing concern for schools for dependent children at our Conus bases.

I believe a study by the Department of Defense and the Department of Education will help resolve this important matter.

Mr. NUNN. Mr. President, I support the amendment and urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas.

The amendment (No. 2668) was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. NUNN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2317

(Purpose: To clarify authority relating to the payment of certain expenses of defense personnel of foreign countries)

Mr. GOLDWATER. Mr. President, on behalf of Mr. WILSON, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendments are laid aside. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Arizona [Mr. GOLDWATER], for Mr. WILSON, proposes an amendment numbered 2317.

Mr. GOLDWATER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 228, beginning with line 1, strike out all down through line 4 and insert in lieu thereof the following:

"(c) In addition to the expenses authorized to be paid under subsection (a), the Secretary of Defense may pay such other expenses in connection with any such conference, seminar, or similar meeting as the Secretary considers in the national security interests of the United States.

"(d) The authority to pay expenses under this section is in addition to the authority to pay certain expenses and compensation of officers and students of Latin American countries under section 1050 of this title.".

Mr. WILSON. Mr. President, section 1218 authorizes the Secretary of Defense to pay certain expenses of defense personnel from developing countries in connection with their attendance at bilateral or regional meetings where such participation is in the national security interest of the United States. Under the 1960 Latin American Cooperation Act, similar authority currently exists for defense personnel from Latin America.

It has been brought to my attention that section 1218, as currently drafted, raises the question of dual coverage for Latin America.

The committee's intent during consideration of this provision—and I welcome Senator NUNN's comments on this point—was to extend coverage similar to that which currently exists under the Latin American Cooperation Act to other regions of the world. We did not intend this provision to replace the program which has successfully been in existence for years under the Latin American Cooperation Act.

The clarifying amendment that I have proposed would make the minor changes necessary to bring this provision in line with the committee's intent. It would make clear that section 1218 would be operative for all regions of the world except Latin America, where the Latin American Cooperation Act would remain the legal authority.

It is my understanding that this amendment has been agreed to by the minority.

Mr. GOLDWATER. Mr. President, this has been cleared on both sides. I move its adoption.

Mr. NUNN. Mr. President, I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2317) was agreed to.

Mr. GOLDWATER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. NUNN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. NUNN. Mr. President, we have handled five amendments in the last 5 minutes. If we can do that for the next 30 minutes with the remaining amendments, we will be through.

Mr. DOLE. We can table all the rest of them. [Laughter.]

Mr. NUNN. At 9:30 p.m. we do have a tabling motion to be voted upon. I would urge Senators to come over to the Chamber if they have amendments. In the next 30 minutes we can handle five or six amendments. The Senator from Ohio has two amendments. I hope he will be coming soon. The Senator from North Carolina has an amendment. If we can debate those by 9:30, we can have them voted on after 9:30.

AMENDMENT NO. 2669

(Purpose: To impose certain restrictions on the obligation of funds for the small mobile ICBM program)

Mr. WILSON. Mr. President, I ask unanimous consent that the pending amendments be temporarily laid aside in order that I may send an amendment to the desk.

The PRESIDING OFFICER (Mr. HUMPHREY). Without objection, it is so ordered.

Mr. WILSON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mr. WILSON] proposes an amendment numbered 2669.

Mr. WILSON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 19, between lines 18 and 19, insert the following:

SEC. 206. SMALL INTERCONTINENTAL BALLISTIC MISSILE PROGRAM.

Mr. WILSON. Mr. President, I send a perfecting amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The Chair will advise the Senator that he has the right to modify his amendment but he cannot offer a perfecting amendment.

Mr. WILSON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. WILSON. Mr. President, having temporarily laid aside the pending Wilson amendment, having sent a subsequent amendment to the desk, we may not offer a perfecting amendment?

The PRESIDING OFFICER. The Senator cannot send an amendment to his own amendment, but he does have the right to modify his own amendment.

Mr. WILSON. Then, Mr. President, I send a modification to the desk.

The PRESIDING OFFICER. The amendment is so modified.

The amendment, as modified, is as follows:

On page 19, between lines 18 and 19, insert the following:

SEC. 206. SMALL INTERCONTINENTAL BALLISTIC MISSILE PROGRAM.

None of the funds appropriated pursuant to an authorization contained in this Act may be obligated or expended in connection with the full-scale engineering development of the small mobile intercontinental ballistic missile or the hard mobile launcher for such missile or for the deployment of more than 50 MX missiles until the Secretary of Defense has certified to the Committees on Armed Services of the Senate and the House of Representatives that the small mobile intercontinental ballistic missile system, including the associated basing mode, and the second deployed 50 MX missiles is cost effective on the margin and is survivable against a responsive threat.

□ 2110

Mr. WILSON. Mr. President, this amendment may not be self-explanatory. I like to think it would be after we have in the past few days devoted a great deal of time to the subject of cost-effectiveness at the margin and survivability to responsive threat, but let me try to explain as quickly and simply as I can.

This amendment envisions a full-scale engineering development of either the small intercontinental ballistic missile known as Midgetman or the hard mobile launcher or the deployment of the remaining 50 MX mis-

siles until such time as the Secretary of Defense certifies to the House and Senate Armed Services Committees that these weapons systems meet the test of being cost-effective at the margin and the test of survivability to responsive threat.

Mr. President, what is meant by cost effective at the margin? The phrase has been used a great deal in recent days, particularly in the context of the debate on the proper level of funding for the strategic defense initiative. What it means is explained in the CONGRESSIONAL RECORD. The junior Senator from Tennessee employed the phrase, attributing it correctly to Ambassador Nitze, distinguished American arms control negotiator and diplomat. His definition is found at page 18955 of the CONGRESSIONAL RECORD of August 4. It says:

> Ambassador Paul Nitze, perhaps the most distinguished strategic thinker in this administration, has said we should not go forward with SDI unless it proves to be cost-effective at the margin. I take that to mean unless it is cheaper to deploy an increment of defense than it is to deploy an increment of offense necessary to overwhelm that increment of defense.

That is a useful definition. To put it in simpler terms, we might say this phrase of being cost-effective at the margin asks the question, What does an enemy need to do to defeat a particular weapons system and how much does that effort cost him? Does it cost him more or less than it costs us to deploy the weapon that he is attacking?

It is a perfectly good question, Mr. President. it is not the only question, but it is a useful question, because it has to do with survivability. It has to do with whether or not we can afford to produce enough of a particular kind of weapon or defense that it can in fact be survivable and achieve its purpose.

In the case of the small missile, the small mobile missile, the so-called Midgetman, we have one of the most costly weapons systems in history. It is currently estimated to cost over $50 billion for some 500 warheads. Its chief advertised benefit is its survivability because of its mobility. I think that there is some value in that theory, although I think we should be aware of the differences between the Soviet Union and the United States with respect to basing because of the difference in the land mass. The Soviet Union spans 11 time zones. It is easy to hide mobile missiles in the Soviet Union. We are acknowledged to have only 28,000 acres in which we can deploy a mobile missile. Nevertheless, there is some utility to the concept of mobility.

The point, really, that Ambassador Nitze was making and that others have made is that we should not spend $50 billion or any other large sum of money on either a small missile or any other weapon that can be easily and cheaply defeated by countermeasures.

This is especially critical for international ballistic missiles since their offensive value depends upon their survivability. In fact, it depends not only on how vulnerable they are to attack from incoming offensive missiles; it also has to do with their ability to penetrate Soviet defenses if in fact any of them survive that incoming attack, that Soviet first strike.

The suggestion is made—at least it is implicit—that if they are not sufficiently cost-effective at the margin, then perhaps they should not be built because they cannot meet the test of surviving and achieving their purpose. We have heard from any number of eminent Senators on this floor and very recently the necessity to apply this criterion. Indeed, the junior Senator from Tennessee [Mr. GORE] took about 6 pages in the CONGRESSIONAL RECORD in a colloquy with the distinguished chairman of the Strategic Subcommittee, the distinguished Senator from Virginia [Mr. WARNER].

He asked him a number of questions in order to make the point as to the wisdom and virtual necessity of applying the standard of being cost-effective at the margin and survivable to responsive threat in these questions to Senator WARNER.

Senator WARNER, for his part, did not object to application of that standard. To the contrary, he acknowledged that he thought that being cost-effective at the margin was a perfectly proper consideration.

He did remind the Senator from Tennessee that it was a bit premature to try to apply it with any specificity because we were dealing with a research program. Indeed, that has been the criticism of both opponents and proponents of the SDI Program. It is a little difficult at this stage, when we do not know precisely what kind of defensive system we are talking about, what the particular technology may be, to simply do more than broadly say, yes, that is an applicable standard.

Again, the distinguished ranking member of the Senate Armed Services Committee [Mr. NUNN] made the suggestion to Senator QUAYLE, when the Senator offered his amendment seeking to advance the cause of near-term technologies, within the strategic defense initiative that any report from the Secretary having to do with near-term advances rather than the longer term or comprehensive defensive solution should include an application of the criterion of whether or not near-term development and deployment of tangible—not remote—defensive technologies were in fact cost-effective at the margin.

Once again, Senator QUAYLE did not resist that suggestion from Senator NUNN. He readily accepted it. I think in both cases, Senators WARNER and QUAYLE were wise to accept what is in fact an acceptable set of criteria.

The point, very simple, is that what we are proposing here is to apply to the small missile and to the MX missile, the two U.S. intercontinental ballistic missiles, the test that Ambassador Nitze has proposed and that Senator GORE, Senator NUNN, and others have warmly endorsed.

Indeed, I do not know who it is who opposes that particular set of criteria. It was said by the junior Senator from Tennessee that the effort to apply these criteria to the small missile, the mobile missile, as well as to SDI was an intention to bring up a killer amendment. I am sorry that there is that misapprehension. I am sure that the Senator from Tennessee did not intend to kill SDI when he insisted to Senator WARNER that cost effective at the margin be a standard applied to SDI. Indeed, I know the Senator from Tennessee did not intend that because he told us so. He said he thought there should be generous support of this research program—perhaps not as generous as the rest of us would like to see, but it is clear that he had no intention of killing it.

□ 2120

Mr. GORE. Will the Senator yield?

Mr. WILSON. I will be pleased to yield in just a moment. In fact, I look forward to responding to the question.

Mr. GORE. Since the Senator used my name in that particular regard, when he has a chance I would like to respond.

Mr. WILSON. I look forward to the question and to the opportunity to respond.

Indeed, the point really is that when Senator NUNN proposed to Senator QUAYLE that he could perfect his amendment by also including a requirement that the Secretary come back, having applied to even this near-term deployment of SDI the same standard proposed by Ambassador Nitze of being cost-effective at the margin, it was not Senator NUNN's intention to kill the proposition that Senator QUAYLE was advancing. Very much to the contrary. I believe that Senator NUNN is enthusiastic about finding out whether or not we can bring about near-term development and deployment and whether or not it is cost-effective at the margin. It is not intended as a killer amendment. It is intended to get the kind of facts that are necessary.

Now, having said that, let me just add that cost effectiveness at the margin may be a bit like beauty. It may exist to a degree in the eye of the beholder. It has utility as a broad concept. If you then say, "Could you define more precisely what that means in respect to a particular weapon

system?" It is clear that the precise test is going to vary with the circumstances attendant to different weapons systems. That is logic and it is true.

For example, with respect to SDI the question has been put, "Can offensive missiles overwhelm it?" The question with respect to the small missile has been asked, and indeed the junior Senator from Tennessee had in his colloquy with Senator WARNER the other day proposed to answer that, "Can it be overwhelmed with offensive missiles?" I would ask the additional question, "Can it survive? Can it then survive and penetrate Soviet ABM defenses?" And, finally, with respect to the MX missile, if not couched in precisely these terms we have had abundant discussion on this floor, and properly so, as to whether or not, based as it is in silos or some different basing that may be offered in the future, the MX is survivable and whether or not it is cost-effective at the margin, whether it will cost the enemy less to defeat it than it will us to preserve its offensive capability.

Mr. President, we are not seeking to kill but rather to answer questions, proper questions, by no means the only questions. With respect to the small missile we may one day add to the equation, what happens if we defensively deploy in order to protect that small missile which can deploy in only 28,000 square miles, not across 11 time zones. And when we do, the circumstances will greatly change, the equation will be dramatically changed. So the question should be asked; it should be answered; it is by no means the only question. But I would have to say, Mr. President, to those who would oppose this amendment and who would oppose the application of these two standards to any weapons system, that any weapons system, be it SDI, be it the small missile, be it MX, that cannot meet the test of being cost-effective at the margin or that cannot be adjudged survivable, perhaps, perhaps, should not be built. But then again there are other factors to be taken into consideration. But if we are afraid to ask this question about any weapons system when we have been so freely and willingly applying it to others, there is more than an inconsistency. There is I think reason to doubt and certainly to ask why not.

Now, the opponents of this will attempt to answer those questions. I do not think we need a great deal of debate on this. It is a rather simple proposition. Those who have proposed the application of cost effective at the margin and survivability against responsive threat have properly done so. They should not be unwilling to apply those same criteria to any weapons system, certainly not to any intercontinental ballistic missile, certainly not to the MX, certainly not to the small missile.

Mr. GORE. Will the Senator yield?

Mr. WILSON. Mr. President, before I yield to the Senator for a question, I would like to ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. GORE. Parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. Will the Senator withhold? Is there a sufficient second?

Mr. WILSON. What was the inquiry?

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator will state the inquiry.

Mr. GORE. Is an amendment in the second degree to the Wilson amendment now in order?

The PRESIDING OFFICER. It is.

Mr. GORE. And such an amendment could be proposed by any Senator; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. GORE. Mr. President, I have an amendment which I will send to the desk.

Mr. WILSON. Mr. President, parliamentary inquiry.

Mr. GORE addressed the Chair.

Mr. WILSON. I believe I still have the floor.

The PRESIDING OFFICER. The Senator from California has the floor. The Chair recognized the Senator from Tennessee only for the purposes of a parliamentary inquiry. The Senator from California.

Mr. WILSON. Mr. President, I have a parliamenatary inquiry as well. I suggest perhaps, if it is agreeable, I would ask unanimous consent that we institute a quorum call for the purpose of resolving this parliamentary inquiry with the Senator from Tennessee.

Mr. NUNN. Mr. President, will the Senator yield for a brief question in the form of perhaps an observation? We have a vote at 9:30 by unanimous consent. It is my understanding the Senator from Maine is opposed to the amendment of the Senator from California. I oppose the amendment. It is my understanding the Senator from Maine will be moving to table that amendment after this other vote. The Senator from Tennessee would always have the privilege of offering that amendment or two or three other amendments, but I think if it is offered now we are going to get in a real tangle and it could be offered after a motion to table failed.

Mr. GORE. Will the Senator yield? Mr. President, I will be delighted to withhold on that basis. I would certainly have no intention at all of dragging this thing out and I would like to withhold at this time.

Mr. WILSON. Mr. President, parliamentary inquiry. There is, as I understand it, a vote scheduled at 9:30?

The PRESIDING OFFICER. That is correct.

Mr. WILSON. And in order to accommodate that, we will be required to lay this aside?

The PRESIDING OFFICER. The Senator is correct.

Mr. WILSON. In that case I will be happy to yield to the Senator from Tennessee for a question for what time remains before the hour of 9:30 arrives.

Mr. GORE. Mr. President, I suggest we just go ahead and vote on the tabling motion. I am prepared to go ahead without further delay.

Mr. NUNN. Mr. President, did the Senator from Maine want to debate this?

Mr. COHEN. Well, I thought I would have more than a minute and a half but I would be happy to take the next minute and a half.

Mr. NUNN. Mr. President, I would propose without the majority leader being here—and if anyone objects I will not propose it—that we have approximately 10 minutes to debate this and at that stage we could then get two back-to-back rollcall votes if that is satisfactory to the Senator from California.

Mr. WILSON. Most agreeable.

Mr. GLENN. Mr. President, I reserve the right to object. This is a very important matter he is bringing up. I do not want to delay this. I know we want to get through with this tonight, but I also do not want to see a vote occur without some points being made. If this would happen to pass, then that would be it. I think it would be tragic if we passed this.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, I say to the Senator from Ohio there is going to be a motion to table this amendment. If that motion fails, the amendment is debatable.

□ 2130

So there will not be foreclosure of opportunity to debate. It seems to me that we can greatly expedite it and see where the votes are.

Mr. GLENN. Then, if it is not tabled, we will continue with the debate. Is that correct?

Mr. GORE. Mr. President, may I take up the suggestion of the Senator from Ohio? It seems to me that the most logical way to proceed at this point—I ask unanimous consent that the vote be delayed for 1 minute and that I be recognized for 1 minute.

The PRESIDING OFFICER (Mr. HUMPHREY). Without objection, it is so ordered.

Mr. GORE. Mr. President, I suggest that the most orderly way to proceed at this point is to go ahead and have the vote that is scheduled at this time. Then the Senators who are away from the Chamber at this point will be back for the vote.

I am prepared to limit debate on either side on a tabling motion, if it is made, reserving my right to offer amendments to the amendment, after disposal of the tabling motion, in the event it is not successful.

Mr. NUNN. Mr. President, I think that is a reasonable suggestion, so we could go ahead at this time with a rollcall vote. I do not think we need unanimous consent now. I believe both sides would be willing to debate for about 5 minutes and then go to the tabling motion on this amendment and debate it after that, if it is not tabled.

The PRESIDING OFFICER. The Chair, as a Senator from New Hampshire, suggests the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MOTION TO TABLE AMENDMENT NO. 2663

The question is on agreeing to the Nunn motion to table the McClure amendment. On this question the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Maryland [Mr. MATHIAS], the Senator from South Dakota [Mr. PRESSLER], the Senator from Vermont [Mr. STAFFORD], and the Senator from Connecticut [Mr. WEICKER] are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Missouri [Mr. EAGLETON] and the Senator from New Jersey [Mr. BRADLEY] are necessarily absent.

The PRESIDING OFFICER (Mr. EVANS). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 69, nays 25, as follows:

[Rollcall Vote No. 197 Leg.]

YEAS—69

| | | |
|---|---|---|
| Armstrong | Glenn | Lautenberg |
| Biden | Goldwater | Leahy |
| Boren | Gore | Levin |
| Boschwitz | Gorton | Long |
| Broyhill | Gramm | Lugar |
| Chafee | Grassley | Matsunaga |
| Chiles | Harkin | Mattingly |
| Cochran | Hatfield | McConnell |
| Cohen | Hawkins | Metzenbaum |
| Cranston | Heflin | Mitchell |
| D'Amato | Heinz | Moynihan |
| Danforth | Hollings | Nickles |
| Denton | Humphrey | Nunn |
| Dixon | Inouye | Packwood |
| Dodd | Johnston | Pell |
| Dole | Kassebaum | Proxmire |
| Durenberger | Kasten | Pryor |
| Evans | Kennedy | Riegle |
| Ford | Kerry | Rockefeller |
| Roth | Simon | Trible |
| Rudman | Specter | Wallop |
| Sarbanes | Stennis | Wilson |
| Sasser | Thurmond | Zorinsky |

NAYS—25

| | | |
|---|---|---|
| Abdnor | Domenici | Melcher |
| Andrews | Exon | Murkowski |
| Baucus | Garn | Quayle |
| Bentsen | Hart | Simpson |
| Bingaman | Hatch | Stevens |
| Bumpers | Hecht | Symms |
| Burdick | Helms | Warner |
| Byrd | Laxalt | |
| DeConcini | McClure | |

NOT VOTING—6

| | | |
|---|---|---|
| Bradley | Mathias | Stafford |
| Eagleton | Pressler | Weicker |

So the motion to table amendment No. 2669 was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. NUNN. I move to lay that motion on the table.

Mr. GOLDWATER. Mr. President, could we have a little order, please?

The PRESIDING OFFICER. The Senate will be in order. Will all those conversing in the aisle and in the well please take their seats?

Mr. GOLDWATER. Mr. President, as we see it now, there will be one more rollcall vote tonight on the Wilson amendment. We have decided that it might be the better part of judgment to call it off at that time and go home and come back at 9 o'clock tomorrow morning and finish the bill. We have about 5 rollcalls looking us in the face and that adds up to about 2½ hours.

So I offer that as a suggestion to the majority leader.

Mr. DOLE. Mr. President, if the Senator will yield, I appreciate the suggestion. I think what we might do is have this vote on the Wilson amendment and see what happens there—I do not have any knowledge about what may happen—and then make that judgment.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. If the Senators will withhold, the Chair would remind the majority leader that there is a cloture motion vote scheduled for 10 p.m.

Mr. GORE. Would the majority leader yield?

Mr. DOLE. Yes.

Mr. GORE. If I may make a suggestion, I think we could limit debate on a tabling motion which is going to be made to maybe 6 minutes on a side, something of that kind, and have the tabling motion and that would be the end of that particular debate, and then go to whatever the majority leader wishes. But it might clear up the way for actually finishing this bill tonight, which I am sure many Senators would like to see.

The PRESIDING OFFICER. The Chair continues to remind the majority leader and others that there is a cloture motion set for 10 p.m.

ORDER TO POSTPONE CLOTURE VOTE UNTIL 11 P.M.

Mr. DOLE. Mr. President, I ask unanimous consent that the cloture vote scheduled for 10 o'clock be postponed until 11 o'clock.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. Reserving the right to object, if the majority leader will yield, why can we not just take it down? I understand the unanimous consent has been worked out. Why can we not just take it and get it over with? Is it because the majority leader believes we can actually finish this bill?

Mr. DOLE. It is sort of a combination. Plus there is one little area that I think Senator BOREN and Senator BOSCHWITZ have been working on—as far as I know, it has not been fully resolved—on the so-called Boren amendment. So we are working on that. And I agree with the Senator from Iowa that we need to get that done.

The PRESIDING OFFICER. Is there objection?

Mr. STENNIS. Would the Senator yield? We are just getting started now for the day. Why can we not keep going? [Applause.]

The PRESIDING OFFICER. There is a pending unanimous-consent request.

Mr. ANDREWS. Reserving the right to object. We have been waiting for about 2 days to offer an amendment that had a rollcall vote and passed in this body 1 year ago by a vote of better than 2 to 1. We have agreed to a 20-minute time limit.

It is the desire of the leader and the managers of the legislation that we postpone it until tomorrow? If so, we are totally willing, but we would like to know. Otherwise, we would be ready to take it up on a very strict time limitation. I would hope other proponents of amendment would do the same.

Mr. DOLE. Mr. President, I think that is why we would like to take one more snapshot after this next vote and see where we are.

The PRESIDING OFFICER. I remind the Senate that the unanimous-consent request is to postpone the pending cloture vote, which is scheduled for 10 p.m., until 11 p.m.

Mr. ANDREWS. That is the reason for my reserving the right to object, because we can take up our amendment. I understand Senator GRAMM is on the other side, and Senator BENTSEN; Senator ABDNOR and I are on the positive side. We can get it done in that window of opportunity and short-

en the time we have to remain when you look at that snapshot.

But, if that is the feeling of the manager of the bill, then we can certainly take it up tomorrow. It makes no difference whatsoever.

The PRESIDING OFFICER. Is there objection? Hearing no objection, it is so ordered.

AMENDMENT NO. 2669

Mr. WILSON. Mr. President, I believe the pending business is the Wilson amendment.

The PRESIDING OFFICER. The Senator is correct. The pending amendment is the Wilson amendment No. 2669, as modified.

AMENDMENT NO. 2670

Mr. WILSON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from California [Mr. WILSON] proposes an amendment numbered 2670 to amendment numbered 2669.

Mr. WILSON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment reads as follows:

Strike out all after the word "MISSILE" on line 3 and insert in lieu thereof the following:

"PROGRAM

"None of the funds appropriated pursuant to an authorization contained in this Act may be obligated or expended in connection with the full-scale engineering development of the small mobile intercontinental ballistic missile or the hard mobile launcher for such missile or for the deployment of the second 50 MX missiles until the Secretary of Defense has certified in writing to the Committees on Armed Services of the Senate and the House of Representatives that the small mobile intercontinental ballistic missile system, including the associated basing mode, and that the deployment of the second 50 MX missiles are effective on the margin and is survivable against a responsive threat. If such certification is not submitted by March 1, 1987, the Secretary shall submit a report to such Committees explaining why.

The PRESIDING OFFICER. The Senate will be in order. The Senator deserves to be heard.

Mr. WILSON. Mr. President, I request the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. WILSON. Mr. President, it was suggested a moment ago by the Senator from Tennessee that in the prospect of a tabling motion there be a unanimous consent propounded to limit debate upon that tabling motion. I am quite agreeable to that. Six minutes per side, I believe he said. I had some requests for others to be heard in support of this amendment. Perhaps 10 minutes, but I really do not care. I am agreeable.

At this point, I ask unanimous consent that we split the difference and we afford 8 minutes per side on the tabling motion, if a tabling motion is to be made, as I am led to believe.

□ 2200

Mr. EXON. Mr. President, reserving the right to object.

Mr. COHEN. Reserving the right to object.

The PRESIDING OFFICER. Objection is heard.

Mr. GORE. Mr. President, I believe that the Senator from Maine reserved the right to object, if I may say. If the Senator from California wishes to let me propound the same unanimous-consent request, a technical tabling motion, I will be glad to yield for a question.

The PRESIDING OFFICER (Mr. RUDMAN). The Chair would ask the Senator from Nebraska to restate what he said.

Mr. EXON. The Senator from Nebraska said "I reserve the right to object."

The PRESIDING OFFICER. I thank the Senator from Nebraska.

Mr. EXON. Then I heard the Chair say "Objection is heard." I assumed it was some other Senator who objected. Was the Chair assuming that the Senator from Nebraska objected?

The PRESIDING OFFICER. The Chair was mistaken. The Senator from Nebraska reserves the right to object.

Mr. EXON. Mr. President, it seems to me that during these times when we are all anxious to get moving ahead we are talking and talking about debating in an extremely limited amount of time an overriding issue of whether or not we are going to cancel the Midgetman missile.

The PRESIDING OFFICER. If the Senator will suspend, the Senator cannot be heard. The Chair would instruct the staff in particular if they want to carry on conversations to leave the Chamber.

Mr. EXON. Mr. President, it seems to me——

Mr. KENNEDY. The Senate is not in order.

The PRESIDING OFFICER. The Senate is not in order. The Senator from Massachusetts is correct.

The Senator from Nebraska.

Mr. EXON. Mr. President, it seems to me that on a matter such as the MX missile to have a debate of 15 minutes equally divided which is about what we have had thus far when this Senator was not on the floor, and I suspect many other Senators were not, I would suggest to this body that that is not the most deliberative action in the world.

Mr. GORE. Mr. President, will the Senator yield on his reservation?

Mr. EXON. Mr. President, I yield without losing my right to the floor.

Mr. GORE. Mr. President, I appreciate the Senator yielding. I would just recapitulate the situation.

If the tabling motion is not agreed to, the pending amendment would still be open to unlimited debate, and unlimited amendment. So the Senator's rights to be heard on the question before the Senate will be preserved. Many Senators, however, are anxious to get to a vote on the tabling motion.

And after the matter is disposed of on that vote, then the Senator presumably would not be concerned. If it is not, the Senator would be able to debate this matter at his pleasure.

Mr. EXON. I thank my friend from Tennessee. That is exactly the position that the Senator from Nebraska maintains.

It seems to me if we want to move this matter expeditiously forward on the very limited debate that we have had on whether we should cancel out the Midgetman, which I strongly oppose, I think it is not wise to grant now additional time to debate the amendment by the Senator from California on canceling out the Minuteman.

I would suggest that we go ahead with the vote that was scheduled to start 10 minutes ago, and vote that up-or-down and then there will be those of us who object to the amendment offered by the Senator from California. We would have our day in court then. I hope that will not be necessary. Therefore, I object to any further time being allowed to debate the motion in front of us.

The PRESIDING OFFICER. Objection is heard.

Mr. NUNN. Parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. What is the pending business, and what is the vote scheduled?

The PRESIDING OFFICER. The pending business is the second-degree amendment offered by Senator WILSON. No motion to table has been made.

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Mr. COHEN I move to table the amendment.

Mr. NUNN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Maine to lay on the table the amendment of the Senator from California. On this question,

the yeas and nays have been ordered, and the clerk will call the roll.

Mr. HEINZ. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Pennsylvania makes a parliamentary inquiry.

Mr. HEINZ. Is the motion to table is to table the first- or the second-degree Wilson amendment?

The PRESIDING OFFICER. The motion to table is to table the Wilson second-degree amendment.

The clerk will proceed.

Mr. GORE. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. GORE. Is it not the case that the second-degree amendment is the substance of the amendment of the first-degree amendment essentially so that the question before the Senate is whether or not we table the substance of the amendment offered by the Senator from California?

The PRESIDING OFFICER. The Chair cannot make that judgment. The amendments are at the desk for all Senators to inspect.

Mr. NUNN. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, it was the intent, I believe, that the motion was to table the underlying amendment. If it is not the underlying amendment, we may have to have two rollcall votes, which seems to me an exercise in futility.

I ask unanimous consent the rollcall vote be on the underlying Wilson amendment, which will tell us where we are.

The PRESIDING OFFICER. Is there objection?

Mr. WILSON. Reserving the right to object.

The PRESIDING OFFICER. The Senator from California reserves the right to object.

Mr. WILSON. Let me inquire of the Senator from Georgia.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. HART. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. HART. Mr. President, had a rollcall not begun?

The PRESIDING OFFICER. There was a quorum call in progress. Does the Senator wish to call that off to make his inquiry?

Mr. HART. Mr. President, I ask unanimous consent that the request for the quorum call be dispensed with.

Mr. WILSON. Objection.

Mr. KENNEDY. Regular order, Mr. President. A quorum call is not in order. Regular order. A rollcall was in progress.

The PRESIDING OFFICER. I would advise the Senator from Massachusetts who calls for regular order that the rollcall had not yet started, and at that time a call for a quorum was requested. Therefore, the quorum is in effect.

Mr. GORE. Parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. There is a quorum in progress.

Mr. GORE. I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Is there objection.

Mr. WILSON. Objection.

Mr. QUAYLE. Objection.

Mr. GORE. Mr. President, I ask unanimous consent that the order for the quorum call be suspended so that parliamentary inquiry may be addressed.

Mr. QUAYLE. Objection.

The PRESIDING OFFICER. Objection is heard.

Mr. NUNN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILSON and Mr. NUNN addressed the Chair.

Mr. NUNN. Mr. President, I yield to the Senator from California for a question.

The PRESIDING OFFICER. The Senator from California.

Mr. WILSON. Mr. President, a moment ago the junior Senator from Tennessee made a proposal which I thought was quite reasonable, and to which I acquiesce. The proposal advanced by the junior Senator from Tennessee was that, to benefit those like the Senator from Nebraska who were off the floor during the time of the debate on this matter, that there be a brief debate on the tabling motion. I indicated that I was more than willing to do that, and suggested that we might have 8 minutes per side. If it is the desire of the body to vote without the debate, we can do that. I will say that I am sorry that those who wish to hear it will not get that opportunity.

I thank my friend from Tennessee and my friend from Georgia for trying.

The PRESIDING OFFICER. The Senator from Georgia has the floor.

Mr. NUNN. Mr. President, it seems to me at this point in time that it would be in order for the Senator from Maine if he would secure the floor to renew the motion to table the underlying amendment.

We will have a vote, and if the motion to table is not agreed to, it is open to further amendment.

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Mr. COHEN. I move to table the underlying Wilson amendment. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. GORE addressed the Chair.

The PRESIDING OFFICER. For what purpose does the Senator from Tennessee seek recognition?

Mr. GORE. I ask unanimous consent that there be 1 minute on each side prior to the vote on the tabling motion.

The PRESIDING OFFICER. Is there objection?

Mr. GOLDWATER. I object.

Mr. GARN. I object.

The PRESIDING OFFICER. Objection is heard.

The question is on agreeing to the motion of the Senator from Maine to lay on the table the amendment of the Senator from California. On this question, the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON announced that the Senator from Maryland [Mr. MATHIAS], the Senator from South Dakota [Mr. PRESSLER], the Senator from Vermont [Mr. STAFFORD], and the Senator from Connecticut [Mr. WEICKER] are necessarily absent.

Mr. CRANSTON announced that the Senator from New Jersey [Mr. BRADLEY] and the Senator from Missouri [Mr. EAGLETON] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 64, nays 30, as follows:

[Rollcall Vote No. 198 Leg.]

YEAS—64

| | | |
|---|---|---|
| Andrews | Ford | Long |
| Baucus | Garn | Matsunaga |
| Bentsen | Glenn | Melcher |
| Biden | Gore | Metzenbaum |
| Bingaman | Gorton | Mitchell |
| Boren | Grassley | Moynihan |
| Boschwitz | Harkin | Nunn |
| Broyhill | Hart | Packwood |
| Bumpers | Hatfield | Pell |
| Burdick | Heflin | Proxmire |
| Byrd | Heinz | Pryor |
| Chafee | Hollings | Riegle |
| Chiles | Humphrey | Rockefeller |
| Cochran | Inouye | Sarbanes |
| Cohen | Johnston | Sasser |
| Cranston | Kassebaum | Simon |
| Danforth | Kennedy | Specter |
| Dixon | Kerry | Stennis |
| Dodd | Lautenberg | Stevens |
| Durenberger | Laxalt | Zorinsky |
| Evans | Leahy | |
| Exon | Levin | |

NAYS—30

| | | |
|---|---|---|
| Abdnor | Hawkins | Quayle |
| Armstrong | Hecht | Roth |
| D'Amato | Helms | Rudman |
| DeConcini | Kasten | Simpson |
| Denton | Lugar | Symms |
| Dole | Mattingly | Thurmond |
| Domenici | McClure | Trible |
| Goldwater | McConnell | Wallop |
| Gramm | Murkowski | Warner |
| Hatch | Nickles | Wilson |

NOT VOTING—6

| | | |
|---|---|---|
| Bradley | Mathias | Stafford |
| Eagleton | Pressler | Weicker |

So the motion to lay on the table amendment No. 2669 was agreed to.

□ 2220

Mr. COHEN. I move to reconsider the vote by which the motion to lay on the table was agreed to.

Mr. GORE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DOLE. Mr. President, if I may have the attention of my colleagues for just about 5 minutes, we can make a determination what we should do. I have been asked by the managers, and the distinguished minority leader is on the floor so we can work together on this, to see if we can lock in the amendments so that no further amendments will be in order.

That would be a big step in the right direction. Then, if we could find out how many of the remaining amendments that are on the list are going to require rollcalls, I think we can very quickly make a judgment whether we can try to complete action tonight, which I think is very doubtful, or whether to come back in tomorrow morning.

The first amendment listed, going down in that order, is the B-1 ACM amendment by the distinguished minority leader, which I understand will be accepted.

There will be a rollcall vote on that amendment.

Then the pornography amendment by Senator HELMS. Will that require a rollcall?

Mr. HELMS. Yes.

Mr. DOLE. That will be a rollcall vote.

The ABM Treaty, Senator LEVIN; I think that is some language. As I understand it, that will be accepted.

□ 2230

Will there be a rollcall vote required?

Mr. LEVIN. I believe that has been worked out.

Mr. DOLE. That has been resolved.

Mr. WARNER. I think it has been worked out.

Mr. DOLE. Then there is an SDI amendment by the distinguished Senator from Arkansas (Mr. BUMPERS).

Mr. WARNER. Mr. President, in the form I saw that amendment I would recommend our side accept it.

Mr. NUNN. I believe that will be accepted.

Mr. DOLE. And then there is Booneville Armory, Senator BUMPERS. I think he indicated earlier he would take 20 minutes, 10 minutes on a side. So let us assume there will be a rollcall on that one just for bookkeeping purposes. The Little Rock fuel dock, as I understand, he would talk about that for 5 minutes and then pull it away. The fuel for freedom or fuel of freedom amendment by Senator ANDREWS is what, 10 minutes on a side?

Mr. ANDREWS. That is not fuel for freedom. That is a matter of purchasing storage from local States. It was adopted by a 2-to-1 rollcall vote before.

Mr. DOLE. No editorials.

Mr. ANDREWS. No. We will be glad to take it without a vote if you accept it or we will put it to a vote. We can do it in 20 minutes of time.

Mr. NUNN. I say to the majority leader that will require a rollcall vote.

The PRESIDING OFFICER. The Chair advises the majority leader that on the amendment he just captioned there is a time agreement 20 minutes to a side with no amendments in order.

Mr. DOLE. Right.

NYR contracts, Senator CHILES.

Mr. CHILES. I think that is acceptable now and I anticipate just a couple minutes.

Mr. DOLE. I have two SDI amendments, Senator GLENN. Both of those will be offered?

Mr. GLENN. They will be offered, and I want votes on both of them also, rollcall votes.

Mr. DOLE. How much time on each?

Mr. GLENN. We agreed to 40 minutes evenly divided. I do not think it will take quite that much time, but I want to reserve that time because they are controversial.

Mr. DOLE. Foreign language proficiency pay, Senator SIMON. Will that require a rollcall?

Mr. SIMON. That will require a rollcall.

Mr. DOLE. Outlay slip. That means there was a mistake. No vote. That may take a rollcall?

Child nutrition.

Mrs. HAWKINS. I do not need a rollcall vote if we can work it out. We have the votes. We have the cosponsors, but we will have a rollcall vote if that is required.

Mr. DOLE. Let us just say that may not require a rollcall.

And then the RAM amendment, Senator WILSON. That will not require a rollcall. So there are many rollcalls?

Mr. EXON. We may have a rollcall vote on the RAM amendment unless we can work something out which has not been agreed to as yet.

Mr. DOLE. That will be nine rollcall votes. That is quite a bit of time. Then you have to get to the rollcall votes. I do not think we can hold out any hope we are going to finish this this evening.

Mr. NUNN. I think the Senator is correct. What I think would really help us is two things, both of them very important. If we could ask for unanimous consent no more amendments be in order, except these amendments now with the exception of the Helms amendment which, from our side, would have to be open to second-degree amendments. Then if we could also ask there be a time certain for final passage of the DOD bill. If we got those two things locked up, then people would know when they were going to be able to go home.

Mr. DOLE. Mr. President, are there any other amendments to be added on either side?

Mr. BYRD. Mr. President, I may have one amendment in addition to the one I have listed. It would be a national security trade amendment. It would take some time, and I have a feeling that it would require a rollcall vote. I am not sure I will call it up, but I would want it listed.

Mr. DOLE. I thank the distinguished minority leader. The Senator from New Mexico.

Mr. DOMENICI. When the amendments are all finished, I would have a technical amendment. To the extent that there are any entitlements or contract, direct contracts, we would want to make sure it is not subject to a point of order by making it subject to appropriations.

Mr. DOLE. That would not require a rollcall.

Mr. DOMENICI. No.

Mr. NUNN. That would be accepted. We already agreed.

Mr. DOLE. The Senator from Montana, Mr. MELCHER?

Mr. MELCHER. I thank the majority leader for yielding. Somewhere in the middle of that list there are two amendments I have and I did not hear them read. I believe they will require rollcall votes.

Mr. NUNN. I am informed those will both take rollcall votes.

Mr. DOLE. Is the Senator from Georgia aware of those amendments?

Mr. NUNN. I am informed they will both take—I am not cognizant of them personally, but I understand both of them will require rollcalls.

Mr. DOLE. Could the Senator from Montana identify the amendments?

Mr. MELCHER. I think they are identified, are they not, I ask the Democratic manager of the bill? Are they identified on the list?

Mr. DOLE. Reduction in R&D and reduction in unobligated balance.

Mr. MELCHER. Right. That is right.

Mr. DOLE. Anyone else?

Mr. MOYNIHAN. Mr. President, I will have an amendment on national security and trade which will require a rollcall.

Mr. DOLE. National security and trade? It will require a rollcall.

Mr. MOYNIHAN. It will.

Mr. KASTEN. Will the majority leader yield? I may have an amendment which just recently came up having to do with minesweepers.

I do not believe it will require a record vote, but I want to be part of the list.

Mr. DOLE. Are there any other amendments?

Mr. NUNN. Mr. President, I have an amendment that will not require a rollcall. I think it will be one that everyone will accept.

Mr. DOLE. And there will be, as I understand, a committee technical amendment.

Mr. NUNN. The amendment I have would be an education amendment relating to science and math, and I would not anticipate any opposition. If there is, then I would withdraw the amendment. But it needs to be listed.

Mr. DOLE. The Senator from Kentucky.

Mr. FORD. We are working on a technical amendment on MilCon. I do not think there will be any problem with it. I would just like to get my order in.

Mr. GLENN. On a colloquy or anything like that, does the majority leader want a list of those? We have about a 5- or 7-minute colloquy that we have planned. We could probably enter that into the record if someone insisted upon it.

Mr. DOLE. I do not believe we have to list that.

Mr. GLENN. I tend to agree with that.

Mr. DOLE. Mr. President, I ask unanimous consent that only those amendments that have been identified be in order and that the amendment by the distinguished Senator from North Carolina be subject to a second-degree amendment.

The PRESIDING OFFICER. Is there objection?

Mr. NUNN. There would be objection to that one not being amendable from our side. I do not know what the second-degree amendment will be, but I would say that we probably should specify. It would be a Metzenbaum second-degree amendment.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, I do not think we can get an agreement on that amendment and leave open the second-degree amendment. I understand there may be more than one second-degree amendment to that amendment depending upon how things go and what the outcome might be. So that one I do not think we can agree to.

Mr. NUNN. Perhaps we could make an exception of that amendment and just leave it and see if we can work something out.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

□ 2240

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate will be in order.

The majority leader is recognized.

Mr. DOLE. Mr. President, we have been discussing the pornography amendment with the distinguished Senator from North Carolina. I understand that the amendment is identical to a bill that has been pending in the Judiciary Committee for some time. It is my further understanding that if he could get that bill voted on in the Judiciary Committee, he might be willing to withdraw that amendment and not offer it on the DOD authorization bill.

Mr. HELMS. There would be no question about it, in the event Mr. METZENBAUM will agree that he will not try to block a vote.

Mr. THURMOND. It is about fifth on the agenda, and we should be able to get to it in September.

I just talked to Senator METZENBAUM and Senator DECONCINI, and as far as we see now, we can give the Senator a vote on it in September, as soon as we get it up.

Mr. METZENBAUM. Mr. President, I want to be certain what the understanding is.

The Senator from South Carolina has indicated that he is going to seek a vote in the Judiciary Committee with respect to this matter. The Senator from South Carolina has been concerned as to having an opportunity to have it brought to a vote in the Judiciary Committee. The Senator from North Carolina has made some indication about being provided assurance that it would be voted out. I do not think he meant that.

Mr. HELMS. I do not have any great concern about the vote, if the Senator from Ohio will agree that there be a vote on it.

Mr. METZENBAUM. Provided the matter proceeds in its normal course of proceedings in the Judiciary Committee, I have no desire to filibuster or anything of that kind, whatever the Senator is talking about in the committee. If the votes are there, at the appropriate time, if it is voted out, I see no problems with that. Sometime in September, as I understand it, it would probably occur, according to the chairman.

Mr. HELMS. I would like assurance from the majority leader that he would call it up.

Mr. METZENBAUM. I did not hear that.

Mr. DOLE. The question was whether I would try to get it to the floor, and the answer is that I would.

Mr. METZENBAUM. If we start making some conditions about calling it to the floor, that is not the understanding. The Senator from North Carolina is concerned about having a vote in the committee. I have no problem about that, in the normal course of events. But with respect to the matter of when the majority leader decides to bring it to the floor, that is a matter to be decided at a later point; and if there is to be something specific about that this evening, then I say it is off.

Mr. DECONCINI. Mr. President, will the Senator yield?

Mr. DOLE. I think what the Senator from North Carolina was requesting was that I would try to get it up on the floor, with no specific agreement so far as this Senator is concerned.

I yield to the Senator.

Mr. DECONCINI. Mr. President, I do not want to leave an inference that the Senator from Ohio might do this, but he has indicated that he would not filibuster the bill of the Senator from North Carolina that would be before the Judiciary Committee. There are several items on the agenda before that, and I think that the Senator from North Carolina ought to be aware that there may be something that some Senator on the Judiciary Committee might want to hold up for a number of weeks, and we have only a few weeks left when we come back.

Mr. HELMS. Mr. President, I did not hear what the Senator from Arizona said. I ask him to repeat it.

Mr. DECONCINI. The Senator from North Carolina might be fortunate that he could not hear what I said, according to the Senator from Illinois.

Some Senator—the Senator from Ohio or some other Senator—might use procedural efforts to hold up some other legislation from coming to a vote, which would prevent the legislation of the Senator from North Carolina coming to a vote, and I think the Senator should be aware of that.

Mr. HELMS. That is a risk I have to take. But that, of course, will not preclude me from offering "must" legislation.

In any case, I will not pass judgment on the amendment. I understand the parliamentary procedure. All I want the majority leader to do is to assure me that if, as, and when it is reported out of the Judiciary Committee, it goes to the calendar and he would at least move to call it up and get a rollcall vote on that.

Mr. DOLE. I would be willing to do that. I assume there would be a motion to proceed.

Mr. METZENBAUM. It would be a debatable motion.

Mr. DOLE. That is correct.

Mr. METZENBAUM. It would give us the opportunity to be here in November.

Mr. HELMS. Or a motion to table.

Mr. METZENBAUM. It would be an opportunity to speak.

Mr. HELMS. I will take a chance on that.

Mr. DOLE. That is the way most things work around here.

Is it all right to withdraw the amendment from the list, with those assurances?

Mr. HELMS. The alternative to that would be to have it stated and identify the nature of the second-degree amendment. I think it is a little unusual. I am willing to say that I am willing to withdraw it.

Mr. DOLE. I thank the distinguished Senator from North Carolina. That means there is one less amendment.

I again renew my request that the amendments identified be the only amendments in order to the DOD authorization bill.

□ 2250

Mr. GLENN. Mr. President, reserving the right to object, I would assume the majority leader is about to also make a request there be no secondary amendments.

I reserve the right to make an amendment in the second degree to Senator BYRD's B-1 amendment.

Mr. NUNN. Mr. President, I know the Senator from West Virginia would not permit any agreement to go through without identifying the second-degree amendment. He is not on the floor. I am sure he would want to identify the second-degree amendment. He is on the floor.

Mr. GLENN. I will be glad to get the amendment here in a couple minutes if the Senator wants to read it. It will be restrictive on the B-1 to prevent in any way, shape, or form one single dollar being spent to even continuing the line open in case we had problems with the Stealth bomber. We had it in the committee and debated there. I would like to offer it.

Basically, what it does is track what the House did on the other side which permits some money just to keep it open and this gets into classified areas I do not think we really can debate here this evening. That is basically what it will do.

Mr. NUNN. No objection.

The PRESIDING OFFICER. Is there objection?

Mr. MELCHER addressed the Chair.

Mr. DANFORTH. Mr. President, reserving the right to object, two Senators indicated that they might offer amendments relating to trade and national security. That is all I know about those proposed amendments.

I would like to reserve the right to offer a second-degree amendment to each of those two amendments which would be germane to the amendment.

Mr. DOLE. Germane. Any objection to that?

Mr. BYRD. Mr. President, I have no objection if the Senator wants to offer the amendment to the amendment I call up, if I call it up, as long as it is germane or relevant.

Mr. MELCHER. Mr. President, will the majority leader yield?

Mr. DOLE. Yes.

Mr. MELCHER. Am I on the list?

Mr. DOLE. The Senator is on the list twice.

Mr. MELCHER. I thank the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NUNN. Mr. President, would the majority leader at least let us make an effort here to see if we can get a time certain for final passage of this bill?

Mr. DOLE. We cannot do it.

Mr. President, I doubt that we could get that at this time. But I do believe we can lay down an amendment that we are going to have a rollcall vote on and come in at 9 o'clock so we know we are going to have a vote by 9:30. Then we will be in good shape. I would think by 2 o'clock we might be out of here tomorrow.

Mr. STEVENS. Mr. President, will the Senator yield at that point? Will the majority leader yield at that point?

Mr. BYRD. Mr. President, if the majority leader will yield, that is the most optimistic note I heard around here in a long time.

Mr. DOLE. There are only 12 rollcall votes. There are actually 13 because we will get the agreement tomorrow afternoon and then there will be a vote on debt ceiling to sort of round it off.

Mr. STEVENS. Mr. President, will the Senator yield a minute?

Mr. DOLE. I am happy to yield. I will yield the floor.

Mr. STEVENS. Mr. President, the Senate has been in session now 6 out of the last 7 days for more than 13 hours a day. We are about ready to have a Saturday session tomorrow. Our staff takes at least an hour to get ready in the morning and takes an hour after we leave at night. They are here an hour in the morning to at least an hour after we finish.

We are looking at a time next week from Monday, Tuesday, Wednesday, Thursday, Friday, and probably Saturday that will equal this week at least in terms of time.

I just want to back up what the majority leader says and ask everyone to think about the time factor tomorrow.

These people are entitled to some time with their families over the weekend and to be able to get rested up for next week.

I noticed here earlier tonight the tempers getting a little frayed. I get a little temper once in a while.

Mr. DOLE. I never noticed that.

Mr. STEVENS. I have not done it yet.

I urge that the Senators listen to the majority leader and tomorrow see if we cannot finish within a reasonable time because I do believe it is time that we thought about these people who we really kept here now last week—a week ago tonight it was almost 1 o'clock.

We started this morning at 8:45 a.m. It will be well near midnight before we finish even tonight and they will be here an hour after that.

I think the majority leader's request for tomorrow shortening down this time and trying to get through some of these and see if he can waive having votes on some of these amendments would be highly in order.

Mr. DOLE. I thank the distinguished Senator from Alaska.

The one way we can do that tomorrow is if we can get rolling. After the first 15-minute vote I will make the request in the morning other votes will be 10 minutes each and we stick to the 10 minutes.

I have been reminded by the Senator from Arizona that he said we spent days just on overtime.

Mr. GOLDWATER. Nine days.

Mr. DOLE. Just on overtime waiting for one Member to show up.

If we can all work tomorrow, I think we can all be out by 3 o'clock.

Mr. NUNN. Mr. President, will the majority leader indicate the schedule for tomorrow? What time will we come in and get on this bill?

We can lay down the Glenn amendment tonight and that would require a rollcall tomorrow morning.

Mr. DOLE. Then we will start at 9 o'clock in the morning.

Do the managers like 9 or 9:30?

Mr. NUNN. On this bill or——

Mr. DOLE. Come in at that hour and be on the bill 30 minutes later, 10 or 10:30.

We will come in at 9:30 and be on the bill by 10.

Mr. NUNN. We will be ready for the bill at 9:30.

Mr. GOLDWATER. I might expect we come in at 9 and have no special orders. Let us get to work—we hear enough talking all week—without special orders.

Mr. KENNEDY. Have special orders after the last vote.

Mr. NUNN. Nine or 9:30, whatever the preference of the leadership.

Mr. DOLE. We will stand in recess, not right now, until 9:30 in the morning.

Mr. GOLDWATER. I did not win.

Mr. DOLE. You get a little sleep. We worry about you.

Mr. GOLDWATER. I do not need sleep; you do. [Laughter.]

AMENDMENT NO. 2671

(Purpose: To prohibit the Department of Defense from entering into contracts with foreign governments and foreign firms for the purpose of carrying out research in connection with the Strategic Defense Initiative that could be reasonably performed by a United States firm)

Mr. GLENN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. GLENN] proposes an amendment numbered 2671.

Mr. GLENN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 19, between lines 18 and 19, insert the following new section:

SEC. . PROHIBITION AGAINST CERTAIN CONTRACTS

(a) In General.—Funds appropriated pursuant to an authorization contained in this or any other Act to or for the use of the Department of Defense may not be used for the purpose of entering into or carrying out any contract with any foreign government or any foreign firm if the contract is to provide for the conduct of research, development, test, or evaluation in connection with the Strategic Defense Initiative program unless the Secretary of Defense certifies to the Congress in writing that the work to be performed under the contract cannot be reasonably performed by a United States firm.

(b) EXCEPTIONS.—The prohibition in subsection (a) does not apply to—

(1) funds used to carry out any contract entered into before the date of the enactment of this Act; or

(2) funds appropriated specifically for research, development, test, or evaluation in connection with antitactical ballistic missile systems.

(b) DEFINITION.—As used in subsection (a), the term "foreign firm" means a business entity owned or controlled by one or more foreign nationals or a business entity in which more than 50 percent of the stock is owned or controlled by one or more foreign nationals.

Mr. GLENN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION OF THE AOE-6 FAST COMBAT SUPPORT SHIP

Mr. SPECTER. Mr. President, I have decided not to propose an amendment to the fiscal year 1987 defense authorization bill to restore full funding for the AOE-6 fast combat support ship because of an understanding I have reached with Senator COHEN, chairman of the Subcommittee on Sea Power and Force Projection.

Mr. President, the amendment would have restored full funding for the AOE-6 which has been requested by the administration and fully authorized by the House Armed Services Committee.

This logistics station ship is used to resupply the aircraft carrier battle group with fuel, stores, and ammunition. The need for the AOE is significant. While the importance of combatant ships and submarines is obvious, supply ships are often neglected with a resulting loss in logistical capability. Although we cannot fight a war without underway replenishment—for which the AOE-6 is designed—every few days.

Current station ships cannot meet this need because there are too few and they are too old and slow. The Navy currently has 11 station ships for its 13 carrier battle groups. With plans to expand the number of carrier battle groups to 15, the deficit of station ships will reach 4. In addition, 7 of the 11 station ships presently deployed, the AOE's, can only cruise at 20 knots, whereas the carrier group routinely sustains speeds of 26 to 30 knots.

Moreover, the AOE-6 is extremely cost effective. According to the Navy and the Department of Defense, the estimated fiscal year 1987 price of the AOE-1 meeting the Navy's requirements as fully as the AOE-6 does should be $665 million. At $612.7 million, the AOE-6 is a modern station ship at a moderate price.

Mr. HEINZ. Mr. President, I would like to commend the distinguished Senator from Pennsylvania, Senator SPECTER, in his efforts to authorize funding for this important combat support ship. Senator SPECTER has already outlined the crucial role this ship must play with the aircraft carrier battle group and the dangerous situation we will face in the event of war with our naval logistics capabilities. I would urge my colleagues to review this program and support the full $612.7 million authorization for this ship.

Mr. COHEN. Mr. President, the AOE-6 is a worthwhile project and there is a significant need for station ships to support carrier battle groups.

Those of us on the Subcommittee on Sea Power and Force Projection of the Senate Armed Services Committee were faced with the unpleasant task of making significant reductions in the Navy's shipbuilding and conversion account. The committee recommended against authorizing the AOE-6 ship to comply with budget constraints. Our decision resulted from an overall assessment of shipbuilding needs and war-fighting priorities.

I would like to provide an authorization for this important program. If funding permits in conference, then I would certainly support authorization for the AOE.

Mr. SPECTER. Mr. President, I thank the distinguished Senator from Maine for his agreement to support this project in conference if funds can be found.

Mr. HEINZ. Mr. President, I would also like to thank Senator COHEN for his support for the AOE-6. I am hopeful that sufficient funding can be found in conference.

Mr. GRASSLEY. I was prepared today to offer an amendment to strike the section in this bill which repeals the work measurement provision we enacted into law in last year's DOD authorization bill. I understand I would be opposed in that effort by the Armed Services Committee chairman and ranking member as well as the Acquisition Subcommittee chairman and ranking member.

Since this provision was enacted, the Department of Defense Inspector General has issued a draft report of a study he conducted on this very subject to determine its beneficial effects to the DOD procurement system. That report identifies specific elements that would be helpful in a work measurement system which are not addressed in the statute, as well as some problem areas in the current law. Because we need time to review those IG recommendations, I would be willing to withdraw my amendment, if I may first clarify something with the committee and subcommittee chairs and ranking members.

Mr. President, I wonder if the chairman, Senator GOLDWATER, and the ranking member, Senator NUNN of the Armed Services Committee and the chairman, Senator QUAYLE, and the ranking member, Senator LEVIN, of the Subcommittee on Acquisition could agree that prior to the conference on the DOD authorization bill, they will be willing to identify problem areas in 10 U.S.C. 2406, the current work measurement statute, as expressed in comments that may be informally presented to the Armed Services Committee and that they will consider the possibility of appropriate changes which could be made to refine the intent and effect of the law.

Mr. GOLDWATER. I would be happy to agree to the request of Senator GRASSLEY.

Mr. NUNN. I see no problem with meeting the Senator from Iowa's request.

Mr. QUAYLE. While I remain convinced that the current statutory language is unworkable and not cost effective, I would, of course, be willing to review any comments interested parties may have on this issue.

Mr. LEVIN. Mr. President, I, too, would do what I can to meet the request of the Senator from Iowa. I know of his strong commitment to this

issue, and I respect his fortitude. But the statute as presently written is not workable. I would be pleased, however, to comply with Senator GRASSLEY's request.

Mr. GRASSLEY. In light of these assurances, then, Mr. President, I will withdraw my amendment to strike the repeal of 10 U.S.C. 2406.

THRESHOLD REQUIREMENTS FOR CONTRACTING OUT STUDIES

Mr. GRAMM. Let me ask a question of Senator WILSON, the chairman of the Manpower and Personnel Subcommittee. It is my understanding that the language in Senate Report 99-331, accompanying the bill, S. 2638, regarding the provision raising from 40 to 50 the threshold for full-cost comparison studies of contracting out contains two errors, which are in conflict with the intent of the bill. Specifically, that language refers to comparing the Federal employees performance cost to a "contractor bid" and the language refers to civilian workyears. I further understand that under simplified cost comparisons, there is, in fact, no "contractor bid" utilized, but rather there is an estimate made of contractor performance costs. Do you agree with that?

Mr. WILSON. I agree with everything my good friend has said so far.

Mr. GRAMM. I further understand that it was not the intent of the committee bill to change the practice of utilizing an estimate of contractor performance costs in simplified cost comparisons and that the report reference to a "contractor bid" was simply included in error.

Mr. WILSON. The Senator is absolutely correct. The committee bill is to have no effect on the procedure used when full-cost comparisons are not required. Rather, the bill will change only when such full-cost comparisons are required.

Mr. GRAMM. Now, let me ask one other question. That same report language contains several references to "civilian workyears" when, in fact, the bill language addresses only "civilian personnel." Is it the Senator's understanding that the term "workyears" used in the report is in error, and, in fact, the committee bill only raises from 40 to 50 the number of civilian personnel who may be performing a function being studied for contracting out without utilizing a full-cost comparison?

Mr. WILSON. The Senator is absolutely correct. There is no intent to change the threshold measurement in these matters from the number of personnel involved to the number of civilian workyears involved.

DEFENSE CONTRACT AUDITS

Mr. ROTH. Mr. President, I rise to express my strong concern about the implications of a provision in S. 2638, the National Defense Authorization Act, assigning contract audit policy responsibilities to the new Under Secretary of Defense (Acquisition). In accordance with the recommendations of the Packard Commission, this new Under Secretary is to have broad powers relating to acquisition, including "establishing all policies for acquisition, procurement, research and development, logistics, testing, contract audit, and contract administration for all entities of the Department of Defense."

I was responsible for the Packard Commission having been established in the first place as a result of my amendment to an earlier Defense authorization bill. I have great respect for David Packard, and I support the recommendations of the Commission he chaired. But I also chair the Governmental Affairs Committee which oversees audit operations across Government, and I know the value of strong, independent audits in reducing fraud and waste and in protecting taxpayer interests. In this particular case, the Commission may have gone one step too far in consolidating acquisition functions.

COMMISSION RECOMMENDATIONS

Specifically, the Packard Commission recommended that, among his other responsibilities, the new Under Secretary of Defense (Acquisition) should:

First. Oversee DOD-wide establishment of contract audit policy, particularly policy for audits conducted in support of procurement and contract administration;

Second. Except for criminal investigations and DOD internal audits, supervise establishment of policy for all DOD oversight of Defense contractors, including oversight performed by procurement and contract management organizations; and

Third. Recognize established GAO and professional auditing standards.

To optimize the use of available oversight resources, the Commission also recommended eliminating undesirable duplication of official effort through a contract audit policy which should be designed to:

First. Delineate clearly respective responsibilities and jurisdictions of DOD oversight organizations;

Second. Develop guidelines and mechanisms for DOD oversight organizations to share contractor data and otherwise to rely more estensively upon each other's work; and

Third. Improve audit strategies for the conduct, scope, and frequency of contract auditing. These strategies are to reflect due consideration for contractors' past performance, the proven effectiveness of their internal control systems, the results of prior and ongoing reviews conducted by DOD organizations and by contractors themselves, and relative costs and benefits.

A reading of the Packard Commission reports indicates that the apparent basis for recommending the transfer of contract audit policy responsibilities to the USD(A) was to eliminate duplicative DOD oversight of contractors' operations. The conclusion on the existence of duplicative oversight was based on two studies. One was done for the Packard Commission by the national public accounting firm of Arthur Andersen and Co. and the other was an independent survey by the Office of the Inspector General, DOD. The Inspector General survey was completed prior to the Arthur Andersen study.

Both of the studies arrived at identical conclusions as to the systemic causes of the duplicative oversight. These were:

Their efforts lack advance planning and coordination.

Their respective responsibilities are ill-defined.

They are unwilling to rely on each other's work.

They are reluctant to share information.

The duplicative oversight reviews identified by the Inspector General involved 13 DOD contract audit, contract administration and procurement organizations, the General Accounting Office, and a prime contractor. The studies noted that the duplicative reviews involving DCAA were not due to improper actions by DCAA. On the contrary, DCAA was responding to requests from contracting officers or fulfilling duties assigned to them by DOD regulations. For example, DCAA performed a review of a contractor proposal at the request of the contracting officer. Subsequently, the Defense Logistics Agency conducted another review of the same proposal. The Army was not satisfied with the prior two reviews and conducted a separate review.

DEFINITION OF CONTRACT AUDIT POLICY

The Packard Commission does not provide a definition of what constitutes "contract audit policy." However, the Commission did recognize that this function was currently assigned to the Inspector General, DOD.

From the viewpoint of the Office of the Inspector General, DOD, contract audit policy involves the implementation and interpretation of auditing standards and policies issued by the Comptroller General, AICPA, and OMB covering the performance of audit work and reporting of audit results as it relates to audits of DOD contracts.

DOD POSITION

The DOD has consistently opposed the transfer of contract audit policy functions to the USD(A) in correspondence to OMB and the Congress. This position is shared by the Secretary and Deputy Secretary of Defense. I am also informed that in informal discussions with the Deputy Inspector

General, DOD, the Comptroller General did not agree with the transfer of the audit policy responsibilities.

CONCERNS ABOUT TRANSFER OF CONTRACT AUDIT POLICY RESPONSIBILITIES

I have several concerns about changing the current assignment of contract audit policy responsibilities. Moreover, the assignment of such responsibilities to the USD(A) would degrade the effectiveness and independence of the DCAA.

First, the Inspector General Act of 1978, as amended, provides the Inspector General, DOD, with responsibilities for the policy direction and oversight of all DOD internal audit, contract audit, and internal review organizations. After extensive deliberation, the Congress decided not to include DCAA as part of the Inspector General organization. In lieu thereof, the Inspector General was given policy and oversight responsibilities for DCAA. The implementation of the Packard Commission recommendations on contract audit policy could seriously hamper the Inspector General in fulfilling his responsibilities for coordinating audit activities and assuring effective coverage of DOD programs and operations.

Second, contract audit policy responsibilities apparently do not involve and are not necessary to eliminate duplication in the oversight of contractors' operations. Most of the duplication involved organizations other than audit agencies. The USD(A) should have authority to assign oversight responsibilities, require sharing of contract data, provide for coordination between DOD oversight organizations, and clearly define specific responsibilities of the DOD oversight organizations. None of this deals with policies, procedures, and techniques involved in conducting an audit. Moreover, DOD acquisition management already has such administrative oversight policy responsibilities.

Third, one of the most important and basic auditing standards of the Comptroller General is the one dealing with independence. Without the independence of freedom to conduct audits, the integrity and quality of the audit work becomes questionable. This standard requires that both the audit and audit organization must be free from external or organizational impairments to independence and must maintain an independent attitude and appearance.

The assignment of contract audit policy to the USD(A) could place the DCAA under the de facto control of the USD(A) and could be in violation of the Comptroller General's standard on independence. The Packard Commission recommends that the USD(A) control the scope, conduct, and frequency of audits conducted by DCAA. This risk impairment to the independence of DCAA and which would be contrary to the Comptroller General's standards.

The need to maintain the contract audit function separate from the control of acquisition management has long been recognized as essential to ensure effective contract audits. In 1969, Congressman Mahon, speaking for the House Appropriations Committee, stated:

"The committee has always strongly believed that the effective audit of Defense contractors can be achieved only through audits made by organizations and individuals completely independent of the procurement process, including both the negotiation and administration.

In 1970, a blue ribbon panel of representatives from the American Institute of Certified Public Accountants indicated that it was "extremely important that the DCAA remain an independant organization, and that it should not be administered by the procurement function." In 1980, the task force on evaluation of audit, inspection and investigative components of the Department of Defense concluded that, "The DCAA's independence must be retained so that the agency can objectively assist acquisition officials * * * while simultaneously serving as an internal control mechanism in the acquisition process to ensure more economic, efficient, and effective defense procurement."

An important role of the contract audit function is to provide a check and balance or internal control mechanism in the procurement process. We risk weakening this role by transferring the contract audit policy function to the USD(A).

NEED FOR VIGILANCE

In reporting S. 2638, the Armed Services Committee attempted to clarify the USD(A)'s audit policy role on page 255 of its report as follows:

In establishing an office with such broad powers and responsibilities, it is important that certain checks and balances that have proven so effective over the years not be lost. The Under Secretary of Defense for Acquisition will establish appropriate overall policy for the administrative oversight of defense contractors. The Under Secretary of Defense for Acquisition will also establish policy with respect to the need for audit services required in various contracting situations, cost principles applicable to Government contracts, and the procedures for obtaining necessary audits to assure that DOD's oversight of contractor performance is effective. *The Defense Contract Audit Agency will continue its role as an independent agency responsible for determining the nature and scope of audit necessary to comply with the standards for audit of government organizations, programs, activities, and functions issued by the Comptroller General of the United States and the generally accepted auditing standards established by the American Institute for Certified Public Accountants.* (Emphasis supplied.)

This provides us some assurance that the USD(A) will not overstep its bounds on audit policy. Still, my first preference would be to retain this function in the IG's office. Given the legitimate need to consolidate acquisition functions and eliminate duplication in the oversight of Defense contracts and my high respect for the work of the Packard Commission, I have chosen not to offer an amendment striking this provision. However, please be assured, Mr. President, that the Government Affairs Committee will be keeping close tabs on how this provision is implemented, and it will not hesitate to act if there is an infringement of audit independence in DOD.

Mr. BENTSEN. Mr. President, I am pleased to support the amendment proposed by the distinguished majority leader to study and report on some of the important issues involving schools run by the Defense Department. I congratulate him for his initiative on this matter.

I am particularly aware of problems in the San Antonio area, where three school districts located entirely on military bases need additional classroom space in order to conform to Texas State law and to maintain accreditation. Since those school districts have no tax base of their own, they cannot raise the funds needed for the extra rooms. Unfortunately, the Defense Department is trying to pin responsibility on the Department of Education, which has no funds requested for such purposes.

At the San Antonio bases, the commanders have identified military construction projects which would meet the new educational standards. These projects, however, have not been given high enough priority to win inclusion in the official budgets. I gather that the Armed Services Committee is also not especially favorable to such projects.

Mr. President, I hope that the study proposed by the distinguished majority leader will provide the information needed to evaluate these school construction issues in a broader context. In my judgment, failure to fund these quite small construction requests—less than $2 million total for the three bases in San Antonio—risks jeopardizing the quality of education available to the children of military personnel and thus may undermine the confidence of military parents in the Defense Department's regard for their dependents' needs.

SMALL INTERCONTINENTAL BALLISTIC MISSILE

● Mr. LEVIN of Michigan. Mr. President, I reluctantly voted to table the Wilson amendment. I have serious reservations about the small intercontinental ballistic missile [Midgetman], and I supported the decision of the Senate Armed Services Committee to slow down the development program for this major new strategic weapons system until a variety of questions have been adequately addressed by the

Congress and the Pentagon. However, the Wilson amendment would have the effect of delegating entirely to the Secretary of Defense the decision as to whether the Midgetman is cost effective at the margin and survivable against a responsive threat. The sponsor of this amendment has made clear his belief that in order to meet these criteria the Midgetman missile would have to undergo major restructuring. He would like to see this relatively small missile designed to carry a single warhead greatly increased in size so that it could carry two or three warheads with perhaps penetration aids as well. Survivability and cost effectiveness are two important tests that seem reasonable to require the program to pass, but assuming we decide to proceed with Midgetman at all, I fail to see why the Congress should not participate in assessing whether or not those tests are met. I also cannot believe it is wise to apply such tests to this program after literally only a few minutes of debate on the floor in a chaotic conclusion to a long, day's work and without any opportunity for hearings by the Armed Services Committee. Under these circumstances, I voted to table.●

THE AQUILA REMOTELY PILOTED VEHICLE

Mr. ROTH. Mr. President, I would like to engage in a brief discussion with the chairman of the Senate Armed Services Committee about the Army's Aquila remotely piloted vehicle [RPV]. I am planning to offer an amendment but shall not offer it if I can get some assurances from the committee chairman.

The amendment I am thinking of offering will place long overdue restrictions on the funding for the Army's Aquila remotely piloted vehicle [RPV]. The Aquila is a small unmanned air vehicle designed to perform target acquisition and designation, aerial reconnaissance, and artillery adjustment missions. The vehicle, including its mission payload, is controlled from a ground control station, and video imagery and target location are returned via a jam-resistant data link.

Mr. President, the Aquila has been in development for nearly 11 years, with research and development costs totaling more than $600 million dollars. After many years of development and significant funding, the costs totaling more than $600 million. After many years of development and significant funding, the Aquila is still experiencing fundamental performance problems. The General Accounting Office reports that in 1978, the total program acquisition cost for Aquila was approximately $563 million. Due to added requirements, and reliability and technical problems, the cost has catapulted to $2.2 billion today, a cost increase of $1.7 billion.

Mr. President, I want to explain the provisions of my amendment. I ask unanimous consent that the full text of the amendment be printed in the RECORD at the conclusion of our colloquy.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROTH. The provisions are simple. First, the amendment will prohibit any further research and development funds for the Aquila if the Army cannot certify to Congress that the Aquila is ready for operational testing by January 1987. The Army has scheduled operational tests to begin this September. The amendment therefore will allow some flexibility if the Army delays the scheduled tests this September. However, should the Army fail to certify to Congress that the Aquila is ready for operational tests by January 1987, then the program will no longer receive funding.

This requirement is in the amendment to avoid any further delays by the Army in preparing the Aquila for operational tests. It is a fish-or-cut-bait requirement, Mr. President. After 11 years of research and development and over $600 million, the Aquila is ready or it is not ready for operational tests. The program should be terminated if it is not ready.

Second, the amendment will prohibit any funds for production for the Aquila until:

First, the Secretary of Defense has certified to the Congress that the Aquila system has satisfactorily demonstrated that it meets or exceeds all performance criteria established for the system by the Army; and

Second, the Director of Operational Test and Evaluation has completed a comprehensive assessment of the Aquila system.

Mr. President, the amendment is written in such a way that funding necessary for ongoing and upcoming tests is not prohibited. The Army will have the necessary funding it needs to carry out the collective training exercise which is going on now, and it will have the funding to carry on operational tests if the system is ready and the Army certifies the Aquila is ready for the tests.

I want to congratulate the Senate Armed Services Committee because the committee did put language in the bill prohibiting production of the Aquila until the system successfully passes operational tests and the Secretary of the Army certifies to Congress that the Aquila meets or exceeds all performance criteria.

I felt the language did not go far enough. Therefore, my amendment prohibits further R&D funding if the Army cannot certify the Aquila for operational tests by January 1987 and it requires the Secretary of Defense instead of the Secretary of the Army to certify the Aquila's successful completion of operational tests.

Mr. President, I think it is important to note that the Aquila Program has been criticized by both House and Senate defense authorizing committees for its high cost and gold plating. I want to point out that the House Armed Services Committee refused to authorize any funds for the Aquila Program in fiscal year 1987. This is the second year in a row the House Armed Services Committee refused funding for the program.

Some might say this is a wise idea. I believe we should let the Aquila go through operational tests and require the Army to put their money where their mouth is. If the Aquila fails operational testing then it is about time the Defense Department terminate the program and salvage the $600 million already invested to acquire other RPV's.

In addition to the House action, Mr. President, I want to read an excerpt from the Senate Armed Services Committee report to S. 2638 regarding the Aquila Program:

> The committee notes that in the face of dramatic program cost growth and following congressional direction, the Army has restructured the Aquila Program. The number of battery sets has been reduced from 13 to 9, the number of air vehicles dropped from 543 to 376 . . . despite these dramatic reductions in quantities, the procurement estimate has declined only $100 million from $1.2 billion to $1.1 billion. The committee considers such a price for the reduced Aquila quantities to be unacceptable.
>
> The responsibility for the unsatisfactory history of the Aquila Program is shared equally by the Army and the prime contractor. In eight years the Army has had six program managers purportedly managing the program, and just recently, the Army transferred the management oversight from the Army's aviation systems command to the Army's missile command. The prime contractor's management efforts have been equally disjoined and undistinguished. The committee believes that in order to preserve the potential benefits of the Aquila, and to ensure some return on more than $600 million already invested, certain actions should be taken . . . before approving the release of production funds, the committee will require that the Aquila meet all system operational test criteria established by the Army and complete a successful assessment by the Director of Operational Test and Evaluation, Office of the Secretary of Defense.

Mr. President, I believe we need RPV's in our Armed Forces. They are valuable militarily and can save lives. Just look at the reports on the Israeli's use of RPV's in the 1982 war with Syria. Israeli forces were able, largely with the help of RPV's, to eliminate 54 Syrian aircraft and 19 missile batteries, while losing only one Israeli jet.

I believe it is time to stop one costly delay after another with the Aquila Program. Performance problems, program mismanagement, and significant cost growth are convincing evidence that an amendment with the condi-

tions I have described in my statement is necessary. I would like to get the response of the Senator from Arizona to my comments if he is willing.

Mr. GOLDWATER. Mr. President, I appreciate the concern of the Senator from Delaware about the Aquila RPV and thank him for his congratulatory remarks about the restrictions on the Aquila put in the defense authorization bill.

I recognize that the Senator's amendment would expand on the bill language in S. 2368 prohibiting production of the Aquila until it successfully passes operational tests.

I wonder if the Senator will consider a number of assurances from me about the upcoming schedule for Aquila. Many of the assurances have to do with the provisions of his amendment, and with these, he will consider not offering his amendment.

First, I want to assure the Senator from Delaware that the committee feels the same way he does about the acquisition strategy for the Aquila system. The program has experienced significant cost growth, and after many years of development and more than $600 million dollars in funding, the Aquila is still experiencing performance problems. The Senator's statements about the program's mismanagement are correct and I am glad he read the committee's report language illustrating the committee's dissatisfaction with the Aquila Program.

Second, let me assure the Senator that our bill is only going to make funds available to the Army for the collective training exercise going on now, the upcoming operational tests for Aquila scheduled to begin this September, and research and development in fiscal year 1987 on subsystem components.

My staff informs me that should the Army delay the scheduled operational tests, they will require additional research and development funds for the program in fiscal year 1987. The Army will have to ask the Congress, specifically the Armed Services Committee, for those additional funds. Let me assure the Senator that if there are delays, the Committee will demand a full explanation from the Army why they cannot get the Aquila ready for operational tests, why the Army needs more R&D funds, and why the Armed Services Committee should not kill the program.

Let me next assure the Senator from Delaware that the Secretary of Defense will be reviewing the evaluation of the Aquila's operational test results of the Aquila.

The Senator mentioned that one of the requirements in our bill is that the Director of Operational Test and Evaluation complete a comprehensive assessment of the Aquila system.

The Senator from Delaware knows the director's report on his evaluation of operational tests is required by law to be submitted to the Secretary of Defense and to the Congress. Therefore, I believe the Senator's concern about getting the Secretary's Attention about the Aquila system is taken care of.

With these assurances from me and with the bill language in S. 2638, I wonder if the Senator will withhold from offering his amendment.

Mr. ROTH. I thank the Senator from Arizona for his assurances on the Aquila Program. I am pleased to see his interest in the program and the need to start thinking about terminating this program if the Army cannot prepare the vehicle for operational tests and if the mismanagement and cost growth continue.

If there are further delays and more cost growth with the Aquila, not only will the armed services be asking the Army why but I will demand an explanation and ask why the Congress should not terminate the program.

The Army has indicated the Aquila will begin operational tests this September. I know the Director of Operational Test and Evaluation will be evaluating the test results and sending the report to the Secretary of Defense and to Congress.

I am also pleased to see language in the bill requiring the Secretary of the Army to certify the Aquila has satisfactorily demonstrated that it meets all performance criteria established by the Army.

Mr. President, I am not going to offer the amendment but I want to put everyone concerned on notice that I will be closely watching the upcoming tests of the Aquila. I will be expecting the Director of Operational Test and Evaluation to take a very hard look at this program and provide a thorough and frank assessment of the Aquila's performance in operational tests.

Mr. GOLDWATER. I thank the Senator for his decision.

Mr. ROTH. I thank the Senator from Arizona and appreciate the assurances he has given me on this program.

The text of the amendment is as follows:

On page 3, strike out line 9 and all that follows through line 2 on page 4, and insert in lieu thereof the following:

(b) AQUILA REMOTELY PILOTED VEHICLE.—None of the funds appropriated to the Army pursuant to an authorization in this or any other Act may be obligated or expended for the procurement of the Aquila remotely piloted vehicle system until the Secretary of the Defense has certified in writing, to the Committees on Armed Services and Appropriations of the Senate and the House of Representatives, the following matters:

(1) The Aquila system meets or exceeds all operational test requirements prescribed by the Department of the Army for such system.

(2) The Director of Operational Test and Evaluation of the Department of the Defense has determined that—

(A) the operational capabilities of the Aquila system are satisfactory considering—

(i) the capability for recovery of the Aquila vehicle;

(ii) the overall system reliability;

(iii) the flight reliability;

(iv) the mission reliability;

(v) the overall system operating proficiency, including software enhancements to ensure the overall operation proficiency of the system;

(vi) the modular integrated communication and navigation system hardware reliability;

(vii) target detection, recognition, and identification capabilities;

(viii) target tracking capabilities;

(ix) target designation capabilities;

(x) the electromagnetic interference capabilities;

(xi) electromagnetic capabilities;

(xii) built-in test equipment reliability;

(xiii) automatic test equipment reliability;

(xiv) the sight and laser stabilization capabilities; and

(xv) such other criteria as the Director considers appropriate; and

(B) appropriate goals have been established for the Aquila system by the Department of the Army relating to system operator skills proficiency, including goals relating to training provided for ground control station console operators and crew in target detection, tracking, and designation.

On page 13, between lines 5 and 6, insert the following:

(f) AQUILA REMOTELY PILOTED VEHICLE.—(1) Except as provided in paragraph (2), none of the funds appropriated to the Army pursuant to an authorization in this or any other Act may be obligated or expended for research, development, test, and evaluation of the Aquila remotely piloted vehicle system until the Secretary of the Army has certified in writing, by January 1987, to the Committees on Armed Services and Appropriations of the Senate and the House of Representatives, the following matters:

(A) The army has completed the testing of the Aquila system in the Army Collective Training Program.

(B) The Aquila system is ready for operational testing.

(C) The Aquila system meets or exceeds the following requirements specified in the contract awarded by the Army under the Aquila program:

(i) The system reliability requirements.

(ii) The modular integrated communication and navigation system hardware reliability requirements.

(iii) The target tracking requirements.

(iv) The electromagnetic interference requirements.

(v) The built-in test equipment reliability requirements.

(vi) The requirements for overall operating proficiency, including the requirements relating to system software enhancements that ensure that such system meets the overall operating proficiency requirements.

(vii) The sight and laser stabilization requirements.

(D) The Army has achieved the goals relating to system operator skills proficiency established for such system by the Department of the Army, including the goals relating to training furnished to ground control station console operators and crew members in target detection, tracking, and designation.

(2) Subsection (a) does not limit the obligation or expenditure of research, development, test, and evaluation funds for testing the Aquila remotely piloted vehicle system in the Army Collective Training Program.

## ROUTINE MORNING BUSINESS

Mr. DOLE. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business not to extend beyond 11:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

## SUPPORT OF NATIONAL HUNGARIAN FREEDOM FIGHTER DAY

Mr. DOLE. Mr. President, I would like to commend Senator RIEGLE for his initiative in introducing Senate Joint Resolution 385, of which I am a cosponsor, designating October 23, 1986, as "National Hungarian Freedom Fighters Day."

This resolution is intended to commemorate a day, 30 years ago, when thousands of freedom-loving Hungarians sought to liberate their country from the domination of the Soviet Union. We cannot forget the significance of October 23, and the gallant group of individuals who gave their lives for the freedom of their country. Further, we need to remember that the mission of these liberators and those who survived has not been achieved—their goal of a free and democratic Hungary is blocked by the political and economic domination of the Soviet Union.

I am pleased we are taking this opportunity to honor the efforts of the Hungarian freedom fighters and paying tribute to their sacrifices. Our respect for them is being best expressed by letting the peoples of Hungary know that we have not forgotten their heroes and that we share their pride in the gallantry of their fallen countrymen. This Congress should pay tribute by commemorating the 30th anniversary of the Hungarian revolution.

Mr. President, I am honored to have been asked by Congressman HORTON, of the House of Representatives, chairman of the 30th anniversary Committee To Commemorate the 1956 Hungarian Revolution, to serve with him as honorary cochairman along with House Speaker O'NEIL. I ask that my exchange of letters with Congressman HORTON on this matter be included in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

HOUSE OF REPRESENTATIVES,
*Washington, DC, April 22, 1986.*

Hon. ROBERT DOLE,
*Majority Leader, U.S. Senate, Washington DC.*

DEAR BOB: 1986 marks the 30th anniversary of the Hungarian Revolution. Americans from all walks of life will commemorate this event during the year. These remembrances will take place under the sponsorship of the Committee to Commemorate the 1956 Hungarian Revolution. Similar Committees were formed to sponsor commemorative events of the 10th, 15th, 20th, and 25th anniversaries.

As the Chairman of this committee, I invite you to serve as an Honorary Cochairman (with Speaker O'Neill) of the Committee to Commemorate the 1956 Hungarian Revolution.

I am convinced that the principles, the gallant actions and the impact on the history of the Hungarian freedom fighters are worthy to be recalled, remembered and cherished. The message of 1956 is still very relevant, its lessons not fully realized. I hope that you will join with me in honoring and commemorating this revolution. By doing so we will help the world to remember, and to learn.

I look forward to your positive response on this matter. If you have any questions, please do not hesitate to contact me or Michael Marvin of my staff at x54916.

Thank you in advance for your consideration.

With kindest personal regards,
Sincerely,

FRANK HORTON.

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AUGUST 6, 1986.

Hon. FRANK HORTON,
*House of Representatives, Rayburn Building, Washington, DC*

DEAR FRANK: Thank you for your invitation to serve as an Honorary Cochairman of the Committee to Commemorate the 1956 Hungarian Revolution.

I would consider it an honor to serve in such a position.

On August 1, Senator Riegle proposed a joint resolution designating October 23, 1986, as "National Hungarian Freedom Fighters Day." As I am a cosponsor of this resolution, you can be assured of my appreciation of the honor of this solemn and historical event.

Sincerely,

BOB DOLE.

## SOUTH AFRICAN PROGRESSIVE LEADER OPPOSES UNITED STATES SANCTIONS

Mr. PRESSLER. Mr. President, as we approach the debate next week on South Africa sanctions legislation, it would be useful for our distinguished colleagues and the American people to be aware of what South African political reformers and progressives think about United States economic sanctions against their nation.

The argument has been heard with increasing frequency in recent weeks that those who favor radical transformation of the political and economic system of the Union of South Africa support sanctions. This is clearly a distortion of reality. Some of South Africa's leading reformers and opposition party officials, who have long battled for an end to apartheid, have argued persuasively that disinvestment from the South African economy would produce extremely harmful results. They make a good case that sanctions would hurt most the people the sanctions legislation is supposed to help.

Among these leaders is Helen Suzman, an outspoken opposition party parliamentarian in South Africa since 1953. Mr. President, I ask unanimous consent that her excellent article from the New York Times Magazine of August 1, 1986, be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD as follows:

[From the New York Times Magazine, Aug. 3, 1986]

WHAT AMERICA SHOULD DO ABOUT SOUTH AFRICA

(By Helen Suzman)

What should the United States do about South Africa? This is a simple question to which there is no simple answer, if there is an answer at all. Of course, if the desire to distance the United States from a morally repugnant system is paramount and if the objective is to punish South Africa for its glaring sins of omission and commission, regardless of the consequences, then sanctions and disinvestment spring readily to mind. And if political expediency is also part of the picture, then calling for economic sanctions must surely be irresistible.

I realized this in November 1984 when I was in the United States and watched on television the landslide victory of Ronald Reagan in the elections. The following morning, I received a call from the New York corespondent of the South African evening newspapers. He asked for my reaction to the election, and I told him I had no doubt that champagne corks were popping in Pretoria. I also said the celebrants were making a great mistake because I believe that the Democrats would seek a rallying cause—and South Africa was going to be it.

I did not need a crystal ball to make that prediction. During visits to the United States over the past seven years, I had observed the buildup of the anti-apartheid campaign in the United States, on campuses in particular. Year after year in the South African Parliament, I had warned that unless the Government began to dismantle apartheid, which is legally sanctioned racial discrimination, and to desist from some of its more abhorrent practices—such as detention without trial and the forced removal of helpless black communities—South Africa would be faced with severe punitive measures. My warnings fell on deaf ears. Events in South Africa throughout 1985 triggered an anti-apartheid explosion in the West.

Day after day, scenes of ugly police brutality, of mass funerals of victims of police shootings in black townships, appeared before horrified American and European television viewers. (Such scenes were not shown on South African television, which is state controlled, although the horrendous black-on-black violence frequently appeared on the screen.) With relentless regularity, newspaper headlines abroad proclaimed the rising death rate, the enormous number of people detained without trial, torture at the hands of the security police, the hordes of children arrested and imprisoned.

By mid-1985, the South African issue had been reduced to a simple equation in the United States: "If you are against sanctions and disinvestment, you must be a racist—Q.E.D." The response was of tidal-wave proportions. In July 1985, Chase Manhattan, followed by other banks, pulled the rug from under South Africa's financial system by refusing to roll over loans; as a result, the value of the rand plummeted. Many colleges and universities divested themselves of stocks in companies doing business in South Africa. Cities and states "cleansed" their pension-fund investments of South African connections.

Last year, unable to withstand the hassle factor at home, fearful of boycotts of their products in the United States and nervous about political and economic instability in South Africa, 28 American companies (according to the American Chamber of Commerce in Johannesburg) withdrew from South Africa. Others have followed suit this year.

In September 1985, hoping to forestall more severe Congressional action, President Reagan, long an opponent of sanctions, signed an executive order that prohibited most new loans to South African businesses. The order also banned the sale of most nuclear-related technology to South Africa and the sale of the Krugerrand, the South African gold coin, in the United States.

Across the Atlantic, the other stalwart opponent of sanctions, Prime Minister Margaret Thatcher of Britain, was experiencing even greater pressures. She was forced to agree to limited measures against Pretoria at the Commonwealth conference in the Bahamas in October 1985. The final report of the Eminent Persons Group—a seven-member mission appointed at the Bahamian conference to conduct an in-depth investigation in South Africa—brought no comfort. The mission originally put forward a "possible negotiating concept" to the South African Government, one calling for steps toward ending apartheid. They included the suspension of violence by both the Government and the African National Congress (A.N.C., the most prominent of exiled groups against apartheid); the release of Nelson Mandela, the black leader who has been in prison for 24 years, and other political prisoners; the removal of the Government's military forces from black townships; the legalization of the A.N.C. and Pan African Congress, another black political organization, and a ban on detention without trial.

Instead of accepting these very reasonable proposals, which have long been advocated by myself and by other opposition politicians in South Africa, the Pretoria regime, as is its wont, embarked on a course of action that could only strengthen the sanctions lobby. Last May, while the Commonwealth mission was still in South Africa and was in the process of preparing its final report, the South African Defense Force carried out raids on Lusaka, Gaberone and Harare, the capitals of three neighboring Commonwealth countries. The official reason given was "to take out" A.N.C. bases. But the gains appeared to be minimal. Politically aware South Africans ascribed the raids to a Government attempt to prove to militant right-wing elements inside the country that the Government had not "gone soft" on the A.N.C. and was not succumbing to outside pressures.

Not surprisingly, diplomatic reaction abroad was totally hostile. The Commonwealth mission was understandably outraged and its final report made this clear. Shortly afterward, negotiations broke down and the group reported to the Commonwealth heads of government their "reluctant but unequivocal judgment that further talks would not lead anywhere in the current circumstances."

Paradoxically, it was during this tumultuous time that the most far-reaching reforms yet introduced by the South African Government in the direction of dismantling apartheid were enacted. As a result of pressures from inside and outside the country, during the recent Parliamentary session, the Government offered to restore citizenship to those permanent residents in the republic who ceased to be South African citizens when the four black homelands became "independent." (Even with citizenship, however, the blacks in South Africa will not have Parliamentary voting rights.)

The Government also opened the central business districts in major cities to all races. It made property ownership available to blacks in the townships. Most significant of all, it abolished the hated pass laws and influx control, and replaced the old pass book with a common nonracial identity document. (The pass laws have for many decades inhibited the mobility of blacks and their right to lead family lives. Millions of people have been arrested for infractions of these laws, which have bedeviled the relationship between the police and the black community.)

Although many vital issues remain to be addressed—redistribution of land and the disproportionate living standards of white and black South Africans—there is no doubt that the reforms signify a change of direction: away from apartheid. The recent reforms will undoubtedly have a positive effect on the future well-being of black South Africans. In fact, had these changes taken place five years earlier, the impact would have been far greater among blacks. As it is, they have been totally overshadowed by the reimposition of a state of emergency, the detention of thousands of people and the ongoing violence in the black townships.

The reforms have evoked little reaction in decision-making circles in the United States and Europe. (Ten years ago, they would probably have been considered significant, particularly in the United States, which at the time might still have been harboring vivid recollections of its own civil rights struggle of the 1960's.)

This response—or lack of it—to changes the South African Government considers to be of major importance has not only increased its intransigence, but confirmed what it has long suspected: that the failure of the West to define precisely what it means by "dismantling apartheid" is part of a ploy to move the goal posts as each demand is met; ultimately, the Government fears, the West will insist on the total transfer of power to the black majority. This is simply not under consideration by the South African Government.

Those who believe that a quick fix is likely to follow the imposition of sanctions, and that the Pretoria regime will collapse within a short time thereafter, are sadly misinformed. Certainly, if I believed in such a possibility, I would back sanctions to the hilt. Far more likely is a retreat into a siege economy, more oppression and more violence. There will be a long-drawn-out confrontation between a well-armed military force shoring up the Government and a popular movement backed by the masses and using Irish Republican Army-type tactics in urban and rural areas. The latter strategy has already been put into effect.

The Reagan Administration's policy of "constructive engagement" may well be dismissed in a great many circles in the United States and elsewhere. It has, at least, aimed for attainable objectives: to prevent forced removals of black communities; to extend funds from the Agency for International Development (A.I.D.) to civil-rights organizations and drought-stricken areas; to press for the release of anti-apartheid detainees. Moreover, together with the Sullivan principles, it encouraged American businessmen and, by example, their South African and European counterparts, to be socially responsible.

Nowadays, the Sullivan principles are also in the doghouse. Drafted almost a decade ago by the Rev. Leon Sullivan, a black Baptist minister from Philadelphia, the code calls for the desegregation of workplaces, equal employment practices, training for nonwhites, social services for black workers and the promotion of trade unionism. The code has been adopted by about 65 percent of the 260 or so American companies now doing business in South Africa. But many black South Africans feel that too much lip service has been paid to the code and not enough action taken.

While realizing that I lay myself open to the accusation of paternalism, I have to say that I have more respect for the American companies that have, so far anyway, remained in South Africa (and have set aside millions of dollars for the education, training and housing of their black employees) than for those that have left the country. The companies that have left have taken with them what influence they could have had inside South Africa, thereby abandoning desperate, jobless breadwinners in a country with no social security safety net, no dole and no food stamps.

The moral outrage and desire for punitive action is something I understand very well, but the reality that will come as a result of a grievously afflicted economy will not be seen by those living thousands of miles away. That reality, compounded by decades of unequal employment opportunities and oppression, is bleak beyond belief. True, many black South Africans say they approve of disinvestment and sanctions, despite the additional hardships they will endure as a result. They fall into four categories: those who have no jobs and nothing to lose; those who have jobs in "sheltered" employment and will lose nothing; those who want everyone to lose everything (therefore, "roll on the revolution"), and, finally, those who believe that the South African Government will crack at the first (or, at worst, second) sign of sanctions. The last category brings to mind a former British prime minister who predicted that it would take "weeks rather than months" to bring down Ian Smith's Unilateral Declaration of Independence in Rhodesia. In the event, it took another 15 years and 30,000 dead.

There are also leaders of the neighboring black states who advocate sanctions against South Africa, despite the fact that southern Africa is one economic unit. Whatever harm is done to South Africa's economy will certainly harm the economies of the country's neighbors, which are dependent on South Africa for jobs, markets and transportation.

The former High Commission territories of Botswana, Lesotho and Swaziland are part of a customs union with South Africa from which they derive substantial revenues; Botswana and Lesotho also belong to

the rand monetary area. South Africa's Electricity Supply Commission is an important source of power for these countries, which also depend entirely on routes through South Africa for trade. Zaire, Zambia and Zimbabwe are heavily dependent on South African transport and ports for their import and exports.

More than 250,000 foreign blacks work in South African mines alone, earning almost 1 billion rand (about $400 million) a year, at least half of which is repatriated. A further 170,000 foreign blacks are employed in other occupations in South Africa, not to mention an estimated one million "illegals." The neighboring states cherish the hope that the Western nations will pick up the tab to make good the substantial losses they will sustain after they cut their links with South Africa. Unfortunately, this hope is probably unfounded.

Unpalatable as it may seem to the sanctions lobby, the most practicable way to get rid of apartheid and to achieve a nonracial democratic society in South Africa is through an expanding, flourishing economy. The process of intergrating blacks as skilled workers into such an economy would be expedited. Their economic muscle would then, through increased trade-union action, be a potent force not only in the workplace but also in the sociopolitical sphere. Strike action and consumer boycotts—both of which can be used as temporary expedients, unlike disinvestment and mandatory sanctions—are the most powerful weapons for blacks to use to resolve important issues like political power-sharing.

Indeed, consumer boycotts have already been used to great effect in some parts of the country, such as the eastern Cape Province, where many white-owned shops were brought to the brink of bankruptcy. Conversely, if blacks are unemployed and have nothing to spend, such boycotts would be meaningless. It is astonishing to me that those advocating punitive actions do not realize that, if successful, they will have undermined the most significant power base that blacks could acquire.

Certainly, this approach presupposes a longterm strategy and blacks, especially young blacks, want liberation now. No one should underestimate the fierce spirit of resistance that pervades the black townships, but while incremental change is certainly attainable, the replacement of the white minority government by a black majority government is simply not within reach, even though many blacks believe that the era of white domination is about to end.

Those calling for sanctions and disinvestment often overlook two important factors.

First, while the present white minority Government is South Africa has no pretensions to democratic rule, there are also no guarantees that it would be replaced by a nonracial democracy respecting the rule of law, a free press, free association, free elections and an independent judiciary, not to mention an economy free of state control.

Second, South Africa does not consist only of an oppressed black majority and right-wing white oppressors. Indeed, 250,000 white voters (20 percent of the white electorate) in the last general election in 1981 cast their ballots for the official opposition in the House of Assembly—the Progressive Federal Party, which has for years advocated the ending of apartheid and the establishment of a truly representative government with protection for the legitimate rights of minorities. Although the percentage of those who voted against apartheid is small, it is nonetheless significant. It may be well to remember that from 1961 to 1974 I was the only Membr of Parliament elected on such a platform.

Indications of support for such an alternative government from powerful nations like the United States would certainly encourage many more white South Africans to cast their votes against the Pretoria regime at the next election, due at the latest in three years' time. At the very least, there could be a Parliamentary realignment.

It may well be that all such arguments fall on deaf ears, and that they are advanced in a lost cause. Nevertheless, they deserve to be made in the interest of millions of moderate South Africans of all races who abhor apartheid, who have long fought the abominable practices of race discrimination and who are striving for a peaceful transition to a nonracial democracy. For them, at least, it is surely not too much to ask that they be spared the violence and misery of a scorched earth policy.

It is not at all certain whether President Reagan can stave off Congressional imposition of harsh punitive sanctions, as he tried to do in his recent speech on American policies toward South Africa. But if he does—and it is a big if—it is vital that the Pretoria Government use the time so won to accelerate the dismantling of apartheid, to provide better housing and education and, most important, to extend political rights to blacks. The release of Mandela as a prerequisite for negotiations is an obvious first step, as are the release of all persons detained without trial and an end to the state of emergency.

The United States should keep up its condemnation of apartheid. The system of apartheid is an affront to people concerned with civilized values throughout the world. Its eradication would be an important gain for the civil-rights movement and would increase the sum of human freedom worldwide. The United States should exert pressure on apartheid, but not impose punitive measures that will wreck the South African economy. That is the strategy of despair that will destroy the inheritance which blacks will inevitably share.

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Emery, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## MESSAGES FROM THE HOUSE

At 1:45 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate.

H.R. 5294. An act making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1987, and for other purposes.

### ENROLLED BILL SIGNED

At 4:02 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 4184. An act to authorize appropriations to the National Science Foundation for the fiscal year 1987, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore [Mr. THURMOND].

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At 5:10 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 256. Joint resolution designating August 12, 1986, as "National Neighborhood Crime Watch Day."

The message also announced that the House agrees to the amendments of the Senate to the following joint resolution.

H.J. Res. 377. Joint resolution to designate December 5, 1985, as "Walt Disney Recognition Day."

## MEASURES REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 5294. An act making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1987, and for other purposes; to the Committee on Appropriations.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MCCLURE, from the Committee on Energy and Natural Resources, without amendment:

H.R. 3005. A bill to direct the Secretary of the Interior to convey certain lands, withdrawn by the Bureau of Reclamation for townsite purposes, to the Huntley Project Irrigation District, Ballantine, MT. (Rept. No. 99-386).

By Mr. MURKOWSKI, from the Committee on Veterans' Affairs:

Special Report on Budget Allocations of the Committee on Veterans' Affairs (Rept. No. 99-387).

By Mrs. HAWKINS (for Mr. HATCH), from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute:

S. 2515. A bill to reauthorize the Rehabilitation Act of 1973, and for other purposes (Rept. No. 99-388).

By Mr. ROTH, from the Committee on Governmental affairs, without amendment and with a preamble:

S.J. Res. 190. A joint resolution to establish greater productivity in Federal Government operations as a national goal of the United States.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GORTON:

S. 2728. A bill to extend the terms of leases that may be entered into by the Tulalip Tribes without the approval of the Secretary of the Interior; to the Select Committee on Indian Affairs.

By Mr. HEINZ:

S. 2729. A bill to temporarily exempt the duty on single-headed latch needles and hosiery knitting needles; to the Committee on Finance.

By Mr. STEVENS:

S. 2730 A bill entitled the "Child Protection Forfeiture Amendments Act of 1986".

By Mr. BIDEN (for himself, Mr. BOREN, Mr. HEFLIN and Mr. HOLLINGS):

S. 2731. A bill to provide the opportunity for farmers in areas affected by natural disasters to defer the payment of principal and interest due on Farmers Home Administration loans; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. NUNN (for himself and Mr. MATTINGLY):

S. 2732, A bill to amend title 28, United States Code; to the Committee on the Judiciary.

By Mr. THURMOND (for himself and Mr. HOLLINGS):

S. 2733. A bill to designate the U.S. Courthouse in Aiken, SC as the "Charles E. Simons, Jr., Federal Courthouse"; to the Committee on Environment and Public Works.

By Mr. CRANSTON:

S.J. Res. 390. A joint resolution to authorize and request the President to proclaim the week of November 23, 1986, to November 30, 1986, as "American Indian Week".

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SIMON:

S. Res. 462. A resolution expressing the intention of the Senate not to confirm a new Ambassador to South Africa until certain conditions are met, and for other purposes; to the Committee on Foreign Relations.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GORTON:

S. 2728. A bill to extend the terms of leases that may be entered into by the Tulalip Tribes without the approval of the Secretary of the Interior; to the Select Committee on Indian Affairs.

EXTENSION OF TULALIP INDIAN TRIBES LEASING AUTHORITY

● Mr. GORTON. Mr. President, I am introducing legislation today on behalf of the Tulalip Tribes of Washington that will first, authorize the tribe to lease its valuable residential, commercial, and industrial lands for longer periods of time; and second, permit the tribal leadership to exercise a higher level of self-determination in the area of leasing.

The Tulalip Reservation is located 30 miles north of Seattle and is adjacent to a major interstate highway. This is a high-growth area where prime sites for leasing purposes are at a premium. The tribe's 22,000-acre reservation includes the largest tract of undeveloped lands in the area. Over the years, the tribe has derived substantial income from residential and industrial leasing programs. Given the strategic location of the reservation, the best use of most of its lands lies in the area of residential, commercial, and industrial leasing.

Under existing law and policy, the Secretary of the Interior must approve a variety of leases entered into between Indian tribes and private individuals or entities. The Tulalip leadership has discovered that the existing authority is inadequate to accommodate major developmental leases that require a long period of time for debt retirement purposes. Although the tribe has been granted authority to lease its lands for terms not to exceed 99 years, such leases require Secretarial approval for every transaction. Moreover, the regulations governing this authority are overly cumbersome and contrary to Indian self-determination and tribal self-governance.

I am pleased to support the progressive Tulalip tribal leadership by introducing this legislation. Specifically, my bill amends Public Law 91-274 to permit the tribe to enter into leases not to exceed 75 years, with no option to renew. The tribe, however, would be required to develop a new regulatory scheme for the extended leasing authority. This legislation will permit the tribe to pursue its goal of economic self-sufficiency. This bill will give the Tulalip tribes the flexibility to work out profitable leasing arrangements, flexibility that is needed to allow development of commercial, industrial, and residential properties in Washington State.

Mr. President, I ask that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2728

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That subsection (b) of the first section of the Act of August 9, 1955 (25 U.S.C. 415(b)) is amended to read as follows:

"(b) Any lease by the Tulalip Tribes under subsection (a), except a lease for the exploitation of any natural resource, shall not require the approval of the Secretary of the Interior if—

"(1) the term of the lease does not exceed 30 years, with no option to renew, or

"(2) the term of the lease does not exceed 75 years and the lease is executed pursuant to tribal regulations approved by the Secretary of the Interior before the execution of the lease.".●

By Mr. STEVENS:

S. 2730. A bill entitled the "Child Protection Forfeiture Amendments Act of 1986"; to the Committee on the Judiciary.

CHILD PROTECTION FORFEITURE AMENDMENTS ACT

● Mr. STEVENS. Mr. President, today I am introducing legislation to strengthen the Child Protection Act of 1984. In addition, the bill's secondary purpose is to reimburse to some degree the U.S. Postal Service for the significant expenditures required in their investigations of violations of the Child Protection Act.

The Child Protection Act of 1984 determines which actions constitute sexual exploitation of children. Individuals who are involved with the production of the exploitative material, as well as those who are involved in its distribution, are subject to the penalties designated by this act. These penalties include property forfeiture, criminal fines ranging up to $200,000, and prison sentences which may not exceed fifteen years.

The bill would make it clear that property subject to seizure and forfeiture under the Child Protection Act includes motor vehicles and other property used to effect a violation of the statute without regard to whether such property moved in interstate or foreign commerce.

The bill would also substantially improve enforcement of the statute by authorizing the Postal Service to exercise the authority presently vested exclusively in the Attorney General to conduct civil forfeitures of property under section 2254(a) of title 18. The Postal Service presently exercises a major investigative role in enforcement of the statute. The forfeiture authority granted to the Postal Service under the bill would cover any property subject to forfeiture but would only be exercised in cases where the violations included use of the mails, which is prohibited by the Child Protection Act.

The bill would also make amendments to title 39 to allow the Postal Service to retain forfeited amounts, including proceeds from the sale of forfeited items. This is in recognition of the fact that the Postal Service will incur costs of over $3 million a year in investigating violations of, and conducting forfeitures under, the Act which are funded by postal revenues rather than funds appropriated from the General Treasury.

Mr. President, I ask unanimous consent to print at the end of my remarks the entire text of the legislation.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2730

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SEC. 1. SHORT TITLE.

This Act may be cited as the "Child Protection Forfeiture Amendments Act of 1986."

SEC. 2. TITLE 18 AMENDMENTS.

Section 2254 of title 18, United States Code, is amended—

(1) by striking out the word "chapter," in subsection (a)(3) and inserting in lieu thereof: "chapter, including any property, real or personal, tangible or intangible, which was used or intended to be used, in any manner of part, to facilitate a violation of this chapter,";

(2) by inserting in subsection (b) "or the Postal Services" immediately following "the Attorney General"; and

(3) by adding at the end thereof:

"(c) The authority of the Postal Service under subsection (b) shall be exercised only where the conduct with respect to which such seizure or forfeiture occurs includes use of the mails in violation of this chapter.".

SEC. 3 TITLE 39 AMENDMENT.

Section 2003(b) of title 39, United States Code, is amended—

(1) by striking out "and" at the end of clause (5);

(2) by striking out the period at the end of clause (6) and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof:

"(7) amounts (including proceeds from the sale of forfeited items) from any forfeiture conducted by the Postal Service pursuant to title 18.".●

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By Mr. BIDEN (for himself, Mr. BOREN, Mr. HEFLIN, and Mr. HOLLINGS):

S. 2731. A bill to provide the opportunity for farmers in areas affected by natural disasters to defer the payment of principal and interest due on Farmers Home Administration loans; to the Committee on Agriculture, Nutrition, and Forestry.

EMERGENCY DROUGHT CREDIT RELIEF ACT

● Mr. BIDEN. Mr. President, Delaware farmers received word last week that the entire State qualifies for emergency disaster assistance because of the drought. This came as no surprise. The effects of the drought are obvious to all—midget corn, stunted soybeans, puny peaches, brown pastures. As we are all aware, conditions are even worse in other Southern States.

The Secretary of Agriculture moved quickly to approve the disaster declaration, and I commend him for his action. However, I have some conerns that the assistance the Secretary is offering to many farmers will not prove to be helpful.

I talked to farmers when the request for disaster assistance was still under review by the Secretary of Agriculture. I supported the State's request along with the rest of the congressional delegation. But when I talked to farmers about this help, they were less than enthusiastic about the expected form of the help coming their way. The reason for this is simple—the assistance for many of them will come in the form of loans. As these farmers pointed out, the last thing they need is more debt. They are not unappreciative, they just rightly questioned whether the loans will really be effective in this situation.

Like that around the country, farmers in the drought-stricken region are already burdened with debt because of years of falling market prices for their crops. Compounding this situation, the Department of Agriculture has made it clear that emergency loans will be made under rather stringent standards. Thousands of farmers will not qualify for the assistance under these standards, and may lose their farms.

Mr. President, there is a cost-effective option available that will help prevent widespread dislocation. The Secretary of Agriculture has the authority under current law to defer interest and principle payments on Farmers Home loans. The Secretary should use this authority to allow farmers threatened with the loss of their farm to restructure their loans.

The bill I am introducing will allow farmers to defer payments on their Farmers Home loans for 1 year if they can demonstrate that they would not be in financial trouble if it were not for the drought. This does not create new authority for the Secretary of Agriculture, it only directs him to use what he already has. It does not require a loan writeoff or a forgiveness of principle. Payments may be deferred for 1 year and spread over the life of the loan, allowing farmers to handle the devastating financial effects of the drought.

Mr. President, under more normal economic conditions the use of low-interest loans to help farmers through droughts or other natural disasters would be the appropriate step. However, for many farmers already straining under a heavy debt burden, the use of additional loans is clearly the wrong solution. The Secretary has another tool available, and the extraordinary circumstances demand that he use it.

There is a precedent for the use of this authority for agricultural loans, but a better example of the use of this type of leniency is provided by this administration. Loans to many foreign countries, which we all know are too far in debt and lagging far behind in payments, have been restructured with the encouragement and assistance of this administration. The bill I have introduced today extends to our Nation's farmers the same opportunity that our Government seems willing to make available to huge international borrowers. It would seem to be a better investment of taxpayer money.

This type of action is needed to give farmers suffering from drought conditions a little breathing room. Farmers who can show the managerial ability to make it will have the chance to stay on their land. I urge my colleagues to join in cosponsorship of this measure to give farmers that chance.●

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By Mr. NUNN (for himself and Mr. MATTINGLY):

S. 2732. A bill to amend title 28, United States Code; to the Committee on the Judiciary.

REQUIRING THE PRESENCE OF DISTRICT MARSHALS AT ANY COURT SESSION

● Mr. NUNN. Mr. President, today I offer a bill which provides a simple amendment to title 28 section 569(a) of the United States Code of Laws. This amendment has a straightforward and worthwhile purpose. That is, to emphasize that the courts of this land are empowered to require the presence of the district marshals at any court session and to eliminate any prospect that the discretion granted to the courts under section 569(a) can be altered by administrative fiat or any agency interpretation thereof.

For almost 200 years since the two were created under the Judiciary Act of 1789, the district courts and the district marshals have enjoyed the most harmonious relationship. The U.S. marshals have always been officers of the article III courts. This is still true notwithstanding the limited supervision of the marshals by the Attorney General. The status of the marshal as an officer of the court supervised by the Attorney General is no anomaly. The U.S. attorneys and their assistants are officers of the court in which they practice. The presence of the marshals and their career deputies during court proceedings serves to assure the dignity, formality, and respect for Federal court proceedings which the public is entitled to expect.

In recent years, subtle and pervasive changes have occurred in the U.S. marshals service and in court administration. Among these are administrative agreements which purport to limit the judicial discretion granted by the Congress in 28 U.S.C. section 569(a) to the courts so that they may require the presence of marshals at court sessions. Certainly, there is a need for economy in all phases and branches of governmental operations. Nevertheless, the dignity, authority, and independence of Federal courts and their proceedings are beyond price. It is necessary to clothe the article III courts of this Nation with an unmistakable grant of authority on matters touching court security so that no one will presume to alter the clear expression of the Congress in this regard.

The language of the proposed amendment is clear, unequivocal, and strong. Such a provision will underscore the finality and immediacy of the order. However, it does not lead to the absence of appeal for the abuse of judicial discretion. This amendment will permit a remedy in those few instances where a court exceeds its authority, acting on impermissible grounds. Similar language is familiar in the Federal law. It appears in title 28 in sections 1334(c)(2), 1452(b), 1471(d), 1478(b), and 2906.

The language of the amendment should not be construed to provide that a deputy marshal must be in attendance during all court proceedings. Such is left to the discretion of the courts. Section 569(a), as amended, will simply provide that the marshals will be on hand when the judges of our article III courts require their presence in the exercise of sound judicial discretion.●

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By Mr. THURMOND (for himself and Mr. HOLLINGS):

S. 2733. A bill to designate the U.S. Courthouse in Aiken, SC, as the "Charles E. Simons, Jr., Federal Courthouse"; to the Committee on Environment and Public Works.

CHARLES E. SIMONS, JR., FEDERAL COURTHOUSE

Mr. THURMOND. Mr. President, I rise today to introduce legislation to name the U.S. Courthouse in Aiken, SC, after one of the most distinguished jurists ever to have served on the Federal bench in South Carolina—Charles E. Simons, Jr.

Judge Simons was born in my home county of Edgefield 70 years ago this month. He was a Phi Beta Kappa graduate of the University of South Carolina in 1937. He also received his law degree there in 1939.

He began the practice of law in Aiken, SC, in 1939. In 1942, his legal career was interrupted by his military service in the Navy, where he served on the staff of Admiral Nimitz. In 1946, Judge Simons returned to his Aiken law practice.

He was elected to serve in the South Carolina General Assembly from 1947 to 1948, and again from 1960 to 1964. As Governor of South Carolina in 1948, I appointed Judge Simons to the South Carolina Revision Committee.

In 1964, President Johnson appointed Simons to be a U.S. district judge. He became chief judge of the U.S.-District Court for the District of South Carolina in 1980.

In addition to his demanding schedule on the Federal bench, he has been active in the United States Judicial Conference. He has served as the fourth circuit district judge representative; on the Advisory Committee on the Codes of Judicial Conduct; and as chairman of the Subcommittee on Federal Jurisdiction. Judge Simons has also always found time to devote himself to church, civic, and community service. He and his lovely wife, Jean, have four fine children and several grandchildren.

Throughout our State, Judge Simons is deeply respected for his legal knowledge, his fairness, and his integrity. Judge Simons has consistently demonstrated these qualities during the course of our long friendship. After over 22 years on the Federal bench, Judge Simons is assuming senior status later this month.

Mr. President, based on the contributions of Charles E. Simons, Jr., to his State and Nation, I believe it is appropriate that the U.S. Courthouse in Aiken, SC, be named the "Charles E. Simons, Jr., Federal Courthouse." I urge my colleagues to support this legislation and request that the text of the bill be printed in the RECORD at the conclusion of these remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2733

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the United States courthouse located at 223 Park Avenue Southwest in Aiken, South Carolina, shall be known and designated as the "Charles E. Simons, Jr., Federal Courthouse". Any reference in any law, regulation, document, record, map, or other paper of the United States to such courthouse is deemed to be a reference to the "Charles E. Simons, Jr., Federal Courthouse".

● Mr. HOLLINGS. Mr. President, I rise today to join Senator Thurmond in introducing legislation to name the U.S. Courthouse in Aiken, SC, after one of South Carolina's most distinguished jurists—Charles E. Simons, Jr.

Judge Simons' assumption of senior status later this month, after 22 years on the Federal bench, culminates almost 50 years of service to the State of South Carolina as both a State legislator and a Federal judge.

In 1942 Judge Simons was elected to the South Carolina House of Representatives from Aiken County, but resigned to serve in the U.S. Navy on the staff of Admiral Nimitz. Upon completing active duty as a lieutenant in 1946, he returned to the House of Representatives and served from 1947 to 1948 and again from 1960 to 1964.

President Johnson appointed Simons to be a U.S. district judge in 1964. He became chief judge in 1980. While serving on the court, Judge Simons has been fourth circuit district judge representative to the Judicial Conference of the United States; a member of Advisory Committee on Codes of Conduct of the Judicial Conference; and chairman of the Subcommittee on Federal Jurisdiction.

Judge Simons was born in Edgefield County, SC, in 1916. He was graduated Phi Beta Kappa from the University of South Carolina in 1937, and received his law degree there in 1939. He and his wife, Jean, have four children and several grandchildren.

Judge Simons is respected throughout the State for his honesty, integrity, and fairness and his long years of service to our State and Nation. Based on these contributions, I believe that it is fitting that the U.S. Courthouse in Aiken, SC, be named the Charles E. Simons, Jr., Federal Courthouse. I look forward to the speedy passage of this bill.●

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By Mr. CRANSTON:

S.J. Res. 390. Joint resolution to authorize and request the President to proclaim the week of November 23 to 30, 1986, as "American Indian Week"; to the Committee on the Judiciary.

AMERICAN INDIAN WEEK

Mr. CRANSTON. Mr. President, today I am pleased to introduce a Senate joint resolution honoring those Americans whose ancestors were here to greet those of our forefathers who arrived from overseas to "discover" them. My resolution designates the Thanksgiving week, November 23 to 30, as "American Indian Week."

I think this resolution is especially apropos this year. The recent restoration of the Statue of Liberty and the July 4 ceremonies gave us the opportunity to recognize our largely immigrant heritage and the courage of those ancestors who made the long journey to America. During "Liberty weekend" many ethnic groups and some selected individuals were honored for their significant contributions to our country.

But the first Americans, who contributed so much to our heritage, our language, and our culture, were left out.

Even our unique form of government and the principles enunciated in our Declaration of Independence and Constitution owe much to American Indian models and influence on those of our forefathers who drafted them.

The Thanksgiving season is a perfect time to honor the contributions Native Americans have made. In the face of tremendous hostile pressure to assimilate—many Native Americans would say "disappear"—into the melting pot, much of it resulting from official policies of our Government, American Indians have hung tenaciously onto their tribal culture and roots in this land, trying to preserve what remains of their way of life.

I hope this resolution reminds all Americans of the many contributions and sacrifices Indian tribes and individuals have made and continue to make for our Nation.

For example, Native Americans not only shared their knowledge of medicinal herbs and plants with our forefathers, they shared their food harvests and agricultural knowledge with them. That knowledge, history tells us, al-

lowed America's earliest immigrants to survive their first winter in a new land. The Iroquois Confederacy was a model for the Articles of Confederation, our first form of government as a new nation, and the source of such revolutionary concepts as the idea that one purpose of government was to insure to all individuals the opportunity to pursue happiness. American Indians also taught the early immigrants a game—one which still very much endures—lacrosse. Lacrosse remains an Indian tribal game as well as a very popular sport in many of our colleges and universities.

I have mentioned only a few contributions. But one needs only to drive through any American city to recognize the influence of American Indian names and language on the rest of our culture.

I hope that this resolution will spark all Americans to think about the many positive contributions American Indians have made to American life.

I am pleased to sponsor this resolution in the Senate, and urge my colleagues to join me in seeking its early adoption.

## ADDITIONAL COSPONSORS

At the request of Mr. MOYNIHAN, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 15, a bill to authorize the Secretary of Health and Human Services to make grants to States for the purpose of increasing the ability of States to provide drug abuse prevention, education, treatment, and rehabilitation, and for other purposes, to authorize the Attorney General to make grants to States for the purpose of increasing the level of State and local enforcement of State laws relating to production, illegal possession, and transfer of controled substances.

S. 670

At the request of Mr. PELL, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of S. 670, a bill to amend the National Labor Relatios Act to give employers and performers in the performing arts rights given by section 8(e) of such act to employers and employees in similarly situated industries, and to give to employers and performers in the performing arts the same rights given by section 8(f) of such act to employers and employees in the construction industry, and for other purposes.

S. 1569

At the request of Mr. BINGAMAN, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of S. 1569, a bill to amend title XVIII of the Public Health Service Act to encourage health promotion and disease prevention through the implementation of a coordinated national nutrition monitoring system.

S. 1583

At the request of Mr. D'AMATO, the names of the Senator from Arizona [Mr. DECONCINI], and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of S. 1583, a bill to provide additional funding for comprehensive drug enforcement, prevention, and treatment.

S. 1806

At the request of Mr. BOREN, the name of the Senator from Wisconsin [Mr. PROXMIRE] was added as a cosponsor of S. 1806, a bill to amend the Federal Election Campaign Act of 1971 to change certain contribution limits for congressional elections and to amend the Communications Act of 1934 regarding the broadcasting of certain material regarding candidates for Federal elective office, and for other purposes.

S. 1820

At the request of Mr. DECONCINI, the name of the Senator from Florida [Mrs. HAWKINS] was added as a cosponsor of S. 1820, a bill to provide financial assistance to State and local educational agencies for the development and expansion of demonstration chemical substance abuse prevention programs in the public elementary and secondary schools of such agencies, and for other purposes.

S. 1917

At the request of Mr. BRADLEY, the names of the Senator from Nevada [Mr. LAXALT], and the Senator from Kansas [Mr. DOLE] were added as cosponsors of S. 1917, a bill to amend the Foreign Assistance Act of 1961 to provide assistance to promote immunization and oral rehydration, and for other purposes.

S. 2479

At the request of Mr. TRIBLE, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of S. 2479, a bill to amend chapter 39 of title 31, United States Code, to require the Federal Government to pay interest on overdue payments, and for other purposes.

S. 2536

At the request of Mr. HATCH, the name of the Senator from North Dakota [Mr. ANDREWS] was added as a cosponsor of S. 2536, a bill to provide for block grants to States to pay for the costs of immunosuppressive drugs for organ transplant patients.

S. 2585

At the request of Mr. HECHT, the names of the Senator from Idaho [Mr. SYMMS], the Senator from Indiana [Mr. QUAYLE], the Senator from Michigan [Mr. RIEGLE], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Indiana [Mr. LUGAR], the Senator from Arizona [Mr. DECONCINI], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Utah [Mr. GARN], the Senator from Mississippi [Mr. COCHRAN], and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of S. 2585, a bill to authorize the President of the United States to award a Congressional Gold Medal to Red Skelton in recognition of his lifetime commitment in service of Americans and to authorize the Secretary of the Treasury to sell bronze duplicates of such medal.

S. 2678

At the request of Mr. BENTSEN, the name of the Senator from Montana [Mr. MELCHER] was added as a cosponsor of S. 2678, a bill to provide a comprehensive national oil security policy.

S. 2717

At the request of Mr. QUAYLE, the names of the Senator from South Dakota [Mr. ABDNOR], and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of S. 2717, a bill to amend the Agricultural Act of 1949 to require the Commodity Credit Corporation to pay producers for on-farm storage of commodities, and for other purposes.

SENATE JOINT RESOLUTION 112

At the request of Mr. PELL, the name of the Senator from Texas [Mr. BENTSEN] was added as a cosponsor of Senate Joint Resolution 112, a joint resolution to authorize and request the President to call a White House Conference on Library and Information Services to be held not later than 1989, and for other purposes.

SENATE CONCURRENT RESOLUTION 136

At the request of Mr. GRASSLEY, the name of the Senator from Oregon [Mr. PACKWOOD] was added as a cosponsor of Senate Concurrent Resolution 136, a concurrent resolution entitled "Volunteers are the Importance of Volunteerism."

SENATE CONCURRENT RESOLUTION 154

At the request of Mr. D'AMATO, the names of the Senator from California [Mr. WILSON], and the Senator from New York [Mr. MOYNIHAN] were added as cosponsors of Senate Concurrent Resolution 154, a concurrent resolution concerning the Soviet Union's persecution of members of the Ukrainian and other public Helsinki Monitoring Groups.

SENATE RESOLUTION 435

At the request of Mr. MOYNIHAN, the names of the Senator from Florida [Mrs. HAWKINS], and the Senator from Michigan [Mr. RIEGLE] were added as cosponsors of Senate Resolution 435, a resolution to recognize Mr. Eugene Lang for his contributions to the education and the lives of disadvantaged young people.

AMENDMENT NO. 1729

At the request of Mr. DOMENICI, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of amendment No. 1729 intended to be proposed to S. 1004, a bill to authorize and direct the Secretary of

Energy to establish a program to provide for reclamation and other remedial actions with respect to mill tailings at active uranium and thorium processing sites.

AMENDMENT NO. 2355

At the request of Mr. MATHIAS, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of amendment No. 2355 proposed to S. 2638, a bill to authorize appropriations for military functions of the Department of Defense and to prescribe military personnel levels for such Department for fiscal year 1987, to revise and improve military compensation programs, to improve defense procurement procedures, to authorize certain construction at military installations for fiscal year 1987, to authorize appropriations for national security programs of the Department of Energy for fiscal year 1987, and for other purposes.

AMENDMENT NO. 2570

At the request of Mr. PRESSLER, the names of the Senator from Alaska [Mr. MURKOWSKI], the Senator from South Dakota [Mr. ABDNOR], the Senator from Nevada [Mr. LAXALT], the Senator from Montana [Mr. MELCHER], and the Senator from North Carolina [Mr. BROYHILL] were added as cosponsors of amendment No. 2570 intended to be proposed to S. 2701, a bill to provide a comprehensive policy for the United States in opposition to the system of apartheid in South Africa, and for other purposes.

## SENATE RESOLUTION 462—RELATIVE TO THE CONFIRMATION OF A NEW AMBASSADOR TO SOUTH AFRICA

Mr. SIMON submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 462

Whereas the President has declared that—

(1) apartheid is morally wrong and politically unacceptable and must be dismantled; and

(2) the United States cannot maintain cordial relations with a government that denies rights to a majority of its people based on race;

Whereas the President has stated that the following steps are necessary to achieve progress toward political peace in South Africa:

(1) A timetable for elimination of apartheid laws should be set.

(2) All political prisoners should be released.

(3) Imprisoned African National Congress leader Nelson Mandela should be released to participate in the country's political process.

(4) Banning orders should be lifted from black political movements.

(5) Both the Government of South Africa and its opponents should begin a dialogue about constructing a political system that rests on the consent of the governed, where the rights of majorities and minorities and individuals are protected by law, and such dialogue should be initiated by the Government of South Africa itself;

Whereas Americans believe that all men are created equal and are endowed by their creator with inalienable rights;

Whereas Americans believe a basic tenet of the Bill of Rights under the United States Constitution is the maintenance of freedom of the press:

Whereas the freedom of the United States press in South Africa is being abrogated by the restrictions imposed on it by the Government of South Africa under the state of emergency declared on June 12, 1986, which prohibits reporting of any and all stories regarding domestic violence, security, and the state of emergency, and bars journalists from any and all areas of unrest; and

Whereas pursuant to article II, section 2, of the United States Constitution, it is the responsibility of the Senate to give its advice and consent with regard to all ambassadorial appointments: Now, therefore, be it

*Resolved,* That the Senate does not intend to give its advice and consent to the appointment of any individual holding the rank of ambassador to serve as chief of the United States diplomatic mission to South Africa until the chairman and ranking member of the Committee on Foreign Relations of the Senate have certified to the Senate that each of the following conditions have been met:

(1) timetable for elimination of all apartheid laws has been set.

(2) All individuals imprisoned, detained, banned, or in exile for their opposition to apartheid have been identified and released.

(3) Nelson Mandela has been released from confinement to participate in the political process of South Africa.

(4) Banning orders have been lifted from all black political movements.

(5) The Government of South Africa has initiated a dialogue with domestic opposition groups about constructing a political system that rests on the consent of the governed, where the rights of majorities and minorities and individuals are protected by law.

(6) Emergency restrictions on the freedom of the United States press in South Africa have been lifted.

(7) The state of emergency has been terminated.

● Mr. SIMON. Mr. President, the administration is reportedly considering a number of individuals to replace Herman Nickel as our Ambassador to South Africa. Recently a leading candidate for the post of Ambassador, Terence Todman, was quoted as saying that the United States should not name an envoy to South Africa until we develop a more effective and coherent policy toward that country.

Today I am introducing a resolution, expressing the sense of the Senate that it should not consider the nomination of any new U.S. Ambassador to South Africa until certain steps have been taken by the South African Government to end apartheid.

In downgrading our diplomatic representation in South Africa, the United States sends a clear and unmistakable message to the Government in Pretoria that, in the words of President Reagan" We cannot maintain cordial relations with a government that denies rights to a majority of its people based on race."

This resolution substantiates the position taken by the President in his July 22 speech in which he cited certain steps as necessary to achieving political peace in South Africa.

This resolution suggests that the steps called for in the President's speech should be taken before the United States resumes full diplomatic relations with South Africa.

Specifically, before the President submits to the Senate for confirmation the name of a new Ambassador to South Africa, the Botha government should:

First, set a timetable for elimination of the Apartheid laws.

Second, identify and release all political prisoners (defined as those who have been imprisoned, detained, banned or in exile for their opposition to apartheid.

Third, release imprisoned ANC leader Nelson Mandala from confinement to participate in the country's political process.

Fourth, lift the banning order from black political movements.

Fifth, initiate a dialog with domestic opposition groups about constructing a political system that rests on the consent of the governed and which protects the rights of all the citizens of South Africa.

Sixth, an additional requirement is that the South African Government terminate the current state of emergency and lift the emergency restriction imposed on the United States press operating in that country.

In urging the South African Government to take these steps the Senate will echo the call which has been made by our own President, the Emminent Persons group, and by respected black leaders including Bishop Desmond Tutu and Rev. Allan Boesak in South Africa.

During the last several months the United States has had no Ambassador in Pretoria. Vacating our Ambassador, while it would send an important signal, would not totally remove our diplomatic presence from that country or diminish the effectiveness of remaining consular staff.

The United States must register its objection to apartheid in South Africa with the same force that it responded to the events in Afghanistan and Poland. When the Soviet Union invaded Afghanistan and when martial law was imposed in Poland, we responded by withdrawing our Ambassador. Our response to the events occurring daily in South Africa must be no less emphatic.

Within the past 24 months, Canada, France, Australia, and Argentina have withdrawn their Ambassadors from South Africa, and I believe that the United States must do the same.●

## AMENDMENTS SUBMITTED

## DEPARTMENT OF DEFENSE AUTHORIZATION ACT FISCAL YEAR 1987

### ROTH (AND OTHERS) AMENDMENT NO. 2647

Mr. ROTH (for himself, Mrs. KASSEBAUM, Mr. PRYOR, Mr. CRANSTON, and Mr. EAGLETON) proposed an amendment to the bill (S. 2638) to authorize appropriations for military functions of the Department of Defense and to prescribe military personnel levels for such Department for fiscal year 1987, to revise and improve military compensation programs, to improve defense procurement procedures, to authorize certain construction at military installations for fiscal year 1987, to authorize appropriations for national security programs of the Department of Energy for fiscal year 1987, and for other purposes; as follows:

On page 126, line 11, strike out "He" and insert in lieu thereof "Except as provided in section 136a of this title, the Under Secretary".

Strike out section 914 of the bill and insert in lieu thereof the following:

SEC. 914. DIRECTOR OF OPERATIONAL TEST AND EVALUATION TO REPORT TO SECRETARY OF DEFENSE.

Section 136a of title 10, United States Code, is amended—

(1) in subsection (b)—

(A) by inserting ", the Under Secretary of Defense for Acquisition," in clause (2) after "Secretary of Defense"; and

(B) by striking out "Secretary of Defense and to" in clause (5) and insert in lieu thereof "Secretary of Defense, the Under Secretary of Defense for Acquisition, and";

(2) by striking out subsections (c) and (d) and inserting in lieu thereof the following:

"(c) Each report of the Director required under subsection (b)(5) shall be submitted to the Secretary of Defense, the Under Secretary of Defense for Acquisition, and the Committees on Armed Services and on Appropriations of the Senate and the House of Representatives without intervening review or approval and without any change or revision by any other officer or employee. The Under Secretary of Defense for Acquisition may submit such comments regarding the report as he considers appropriate to the Secretary of Defense and the Committees referred to in the preceding sentence. The Secretary of Defense may also submit such comments regarding the report as he considers appropriate to such Committees.

"(d) The Director reports directly, without intervening review or approval, to the Secretary of Defense. The Director shall consult with, but the Director and the Director's staff are independent of, the Under Secretary of Defense for Acquisition and all other officers and employees of the Department of Defense responsible for acquisition or reseach and development. The Director shall keep the Under Secretary of Defense for Acquisition fully and currently informed of his activities with respect to his duties under this section and any recommendations made in carrying out those duties."; and

(3) in subsection (g)(1)—

(A) by inserting ", the Under Secretary of Defense for Acquisition," after "Secretary of Defense" in the second sentence; and

(B) by inserting "of Defense and the Under Secretary of Defense for Acquisition" after "Secretary" in the last sentence.

### ROTH (AND OTHERS) AMENDMENT NO. 2648

Mr. ROTH (for himself, Mr. DIXON, Mr. DENTON, Mr. HATCH, Mr. NICKLES, Mr. RIEGLE, Mr. DECONCINI, Mr. LEVIN, Mr. ZORINSKY, and Mr. D'AMATO) proposed an amendment to the bill S. 2638, supra as follows:

At the appropriate place, insert the following:

That (a) the Foreign Missions Act is amended by adding at the end thereof the following new section:

"APPLICATION TO CERTAIN COMMUNIST COUNTRIES

"SEC. 214. (a) Notwithstanding any other provision of this title, the Secretary shall apply to each foreign mission in the United States of the German Democratic Republic, Hungary, Czechoslovakia, Poland, Bulgaria, Rumania, and Cuba the same terms, limitations, restrictions, and conditions which are applied under this title to the foreign mission in the United States of the Soviet Union unless the Secretary determines and so reports to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives that national security and foreign policy circumstances require that this section be waived in specific circumstances with respect to such country.

"(b) The Secretary shall prepare and transmit to the Select Committee on Intelligence and Committee on Foreign Relations of the Senate and the Permanent Select Committee on Intelligence and Committee on Foreign Affairs of the House of Representatives a report describing—

"(1) not later than thirty days after date of the enactment of this section, the plans of the Secretary for implementing this section; and

"(2) not later than six months thereafter, the actions taken pursuant to these plans.".

(b) Section 202(a)(4) of the Foreign Missions Act is amended—

(1) in the text above clause (A) by inserting ", including Government activities involving international trade," after "governmental activities"; and

(2) in clause (A), by inserting "or any instrumentality thereof" after "foreign government".

### ROTH (AND DIXON) AMENDMENT NO. 2649

(Ordered to lie on the table.)

Mr. ROTH (for himself and Mr. DIXON) submitted an amendment intended to be proposed by them to the bill S. 2638, supra, as follows:

At an appropriate place in the bill add the following:

SEC. .

That section 794 of title 18, United States Code, is amended—

(1) in subsection (a), by—

(A) inserting "(1)" after "(a)";

(B) striking out "any term of years or for life" and by inserting in lieu thereof "a term of 20 years to life"; and

(C) inserting at the end thereof the following:

"(2) The sentence of death may not be imposed for an offense under this subsection occurring during a period other than war or when the United States Armed Forces are engaged in hostilities outside the territory of the United States, its possessions and territories unless the jury or, if there is no jury, the court finds that the offense directly concerned—

"(A) nuclear weaponry, military spacecraft or satellites, early warning systems, or other means of defense or retaliation against large-scale attack;

"(B) war plans;

"(C) communications intelligence or cryptographic information;

"(D) sources or methods of intelligence or counterintelligence operations; or

"(E) any other major weapons system or major element of defense strategy.";

(2) in subsection (b), by—

(A) striking out "any term of years or life" and inserting in lieu thereof the following "a term of 20 years to life"; and

(3) by inserting after subsection (c) the following:

"(d)(1) A person shall be subjected to the penalty of death for the offense prohibited by this section only if a hearing is held in accordance with this subsection.

"(2)(A) If, in a case involving an offense described in this section, the attorney for the government believes that the circumstances of the offense are such that a sentence of death is justified under this subsection, he shall, at a reasonable time before the trial, or before acceptance by the court of a plea of guilty, or at such time thereafter as the court may permit upon a showing of good cause, sign and file with the court, and serve on the defendant, a notice—

"(i) stating that the government believes that the circumstances of the offense are such that, if the defendant is convicted, a sentence of death is justified under this chapter; and

"(ii) setting forth the aggravating factor or factors that the government, if the defendant is convicted, proposes to prove as justifying a sentence of death.

The court may permit the attorney for the government to amend the notice upon a showing of good cause.

"(B) If the attorney for the government has filed a notice as required under subparagraph (A) and the defendant is found guilty of an offense described in this section, the judge who presided at the trial or before whom the guilty plea was entered, or another judge if that judge is unavailable, shall conduct a separate sentencing hearing to determine the punishment to be imposed. Prior to such a hearing, no presentence report shall be prepared by the United States Probation Service, notwithstanding the provisions of Rule 32(e) of the Federal Rules of Criminal Procedure. The hearing shall be conducted—

"(i) before the jury that determined the defendant's guilt;

"(ii) before a jury impaneled for the purpose of the hearing if—

"(I) the defendant was convicted upon a plea of guilty;

"(II) the defendant was convicted after a trial before the court sitting without a jury;

"(III) the jury that determined the defendant's guilt was discharged for good cause; or

"(IV) after initial imposition of a sentence under this section, reconsideration of the sentence under this section is necessary; or

"(iii) before the court alone, upon the motion of the defendant and with the approval of the attorney for the government.

A jury impaneled pursuant to clause (ii) shall consist of twelve members, unless, at any time before the conclusion of the hearing, the parties stipulate, with the approval of the court, that it shall consist of a lesser number.

"(C) At the hearing, information may be presented as to any matter relevant to the sentence, including any mitigating or aggravating factor permitted or required to be considered under paragraphs (3) and (4). Information presented may include the trial transcript and exhibits if the hearing is held before a jury or judge not present during the trial. Any other information relevant to a mitigating or aggravating factor may be presented by either the attorney for the government or the defendant, regardless of its admissibility under the rules governing admission of evidence at criminal trials, except that information may be excluded if its probative value is substantially outweighted by the danger of creating unfair prejudice, confusing the issues, or misleading the jury. The attorney for the government and the defendant shall be permitted to rebut any information received at the hearing, and shall be given fair opportunity to present argument as to the adequacy of the information to establish the existence of any aggravating or mitigating factor, and as to the appropriateness in the case of imposing a sentence of death. The attorney for the government shall open the argument. The defendant shall be permitted to reply. The attorney for the government shall then be permitted to reply in rebuttal. The burden of establishing the existence of any aggravating factor is on the government, and is not satisfied unless the existence of such a factor is established beyond a reasonable doubt. The burden of establishing the existence of any mitigating factor is on the defendant, and is not satisfied unless the existence of such a factor is established by a preponderance of the information.

"(D) The jury, or if there is no jury, the court, shall consider all the information received during the hearing. It shall return a special finding as to each mitigating and aggravating factor, concerning which information is presented at the hearing, required to be considered under paragraphs (3) and (4). The jury must find the existence of a mitigating or aggravating factor by a unanimous vote, although it is unnecessary that there be a unanimous vote on any specific mitigating or aggravating factor if a majority of the jury finds the existence of such a specific factor.

"(E) If an aggravating factor is found to exist under paragraph (4), the jury, or if there is no jury, the court, shall then consider whether all the aggravating factors found to exist sufficiently outweigh all the mitigating factors found to exist to justify a sentence of death, or, in the absence of a mitigating factor, whether the aggravating factors alone are sufficient to justify a sentence of death. Based upon this consideration, the jury by unanimous vote, or if there is no jury, the court, shall return a finding as to whether a sentence of death is justified.

"(F) In a hearing held before a jury, the court, prior to the return of a finding under subsection (e), shall instruct the jury that, in considering whether a sentence of death is justified, it shall not consider the race, color, national origin, creed, or sex of the defendant. The jury, upon return of a finding under subsection (e), shall also return to the court a certificate, signed by each juror, that consideration of the race, color, national origin, creed, or sex of the defendant was not involved in reaching the juror's individual decision.

"(3) In determining whether a sentence of death is to be imposed on the defendant, the jury, or if there is no jury, the court shall consider whether at the time of the offense—

"(A) the defendant had the capacity to appreciate the wrongfulness of his conduct;

"(B) the capacity of the defendant to conform his conduct to the requirements of law was significantly impaired, but not so impaired as to constitute a defense to the charge;

"(C) the defendant was under unusual and substantial duress, although not such duress as constitutes a defense to the charge; and

"(D) the defendant was a principal (as defined in section 2(a) of this title) in the offense, which was committed by another, but his participation was relatively minor, although not so minor as to constitute a defense to the charge.

The jury or, if there is no jury, the court, may consider whether any other mitigating factor exists.

"(4) In determining whether a sentence of death is to be imposed on the defendant, the jury, or if there is no jury, the court shall consider whether—

"(A) the defendant has been previously convicted of another offense involving espionage or treason for which either a sentence of life imprisonment or death was authorized by statute;

"(B) in the commission of the offense, the defendant knowingly created a grave risk of substantial danger to the national security; and

"(C) in the commission of the offense, the defendant knowingly created grave risk of death to another person.

The jury, or if there is no jury, the court, may consider whether any other aggravating factor exists.

"(e) The court shall not impose a sentence of death on the defendant if the jury or, if there is no jury, the court finds that at the time of the offense the defendant was under the age of eighteen.

"(f) Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person convicted of a violation of this section, nor shall any term of imprisonment imposed under this section run concurrently with any other term of imprisonment. No person sentenced to a term of years under this section shall be eligible for parole during the term of imprisonment imposed.".

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## KERRY (AND OTHERS) AMENDMENT NO. 2650

Mr. KERRY (for himself, Mr. CHAFEE, Mr. MATHIAS, Mr. SIMON, Mr. HATFIELD, Mr. STAFFORD, Mr. HART, Mr. LEAHY, Mr. CRANSTON, Mr. MITCHELL, Mr. PROXMIRE, Mr. METZENBAUM, Mr. RIEGLE, Mr. KENNEDY, Mr. BURDICK, Mr. SARBANES, Mr. HARKIN, Mr. PELL, Mr. HEINZ, and Mr. BIDEN) proposed an amendment to the bill S. 2638, supra, as follows:

On page 19, between lines 18 and 19, insert the following new section:

SEC. 206. PROHIBITION AGAINST ANTI-SATELLITE WEAPON TESTING

None of the funds are authorized in this Act to carry out a test of the Space Defense System (anti-satellite weapon) against an object in space until the President, using existing authority, certifies to Congress that the Soviet Union has conducted, after the date of the enactment of this Act, a test against an object in space of dedicated anti-satellite weapons.

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## STEVENS AMENDMENT NO. 2651

Mr. STEVENS proposed an amendment to the bill S. 2638, supra, as follows:

On page 158 strike out line 8 and all that follows through page 181, line 18.

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## DOMENICI AMENDMENT NO. 2652

Mr. DOMENICI proposed an amendment to the bill S. 2638, supra, as follows:

On page 335, strike out line 22 and all that follows through page 338, line 18, and insert in lieu thereof the following:

"§ 179. The Nuclear Weapons Council

"(a) There is a Joint Nuclear Weapons Council (hereinafter in this section referred to as the 'Council') composed of three members as follows:

"(1) The Director of Defense Research and Engineering.

"(2) The Vice Chairman of the Joint Chiefs of Staff.

"(3) One senior representative of the Department of Energy appointed by the Secretary of Energy.

"(b)(1) Except as provided in paragraph (2), the Chairman of the Council shall be the member appointed under subsection (a)(1).

"(2) A meeting of the Council shall be chaired by the representative appointed under subsection (a)(3) whenever the matter under consideration is within the primary responsibility or concern of the Department of Energy, as determined by majority vote of the Council.

"(c)(1) The Secretary of Defense and the Secretary of Energy shall enter into an agreement with the Council to furnish necessary staff and administrative services to the Council.

"(2) The Assistant to the Secretary of Defense for Atomic Energy shall be the Staff Director of the Council.

"(d)(1) The Council shall be responsible for the following matters:

"(A) Preparing the annual Nuclear Weapons Stockpile Memorandum.

"(B) Developing nuclear weapons stockpiles options and the cost of such options.

"(C) Coordinating programming and budget matters pertaining to nuclear weapons programs between the Department of Defense and the Department of Energy.

"(D) Identifying various options for cost-effective schedules for nuclear weapons production.

"(E) Considering safety, security, and control issues for existing weapons and for proposed new weapon program starts.

"(F) Ensuring that adequate consideration is given to design, performance, and cost tradeoffs for all proposed new nuclear weapons programs.

"(G) Providing broad guidance regarding priorities for research on nuclear weapons.

"(H) Preparing comments on annual proposals for budget levels for research on nuclear weapons and transmitting those comments to the Secretary of Defense and the Secretary of Energy before the preparation of the annual budget requests by the Secretaries of those departments.

"(I) Providing—

"(i) broad guidance regarding priorities for research on improved conventional weapons, and

"(ii) comments on annual proposals for budget levels for research on improved conventional weapons.

and transmitting such guidance and comments to the Secretary of Defense before the preparation of the annual budget request of the Department of Defense.

"(e) The Council shall submit to the Committees on Armed Services and on Appropriations of the Senate and the House of Representatives a report on the actions that have been taken by the Department of Defense and the Department of Energy to implement the recommendations of the President's Blue Ribbon Task Group on Nuclear Weapons Program Management. The Council shall include in such report its recommendations on the role and composition of the staff of the Council. The Council shall submit such report to the Committees not later than March 1, 1987.".

(f) CONFORMING AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"179. The Nuclear Weapons Council.".

(g) Chairman of JCS To Serve on Council if There Is No Vice Chairman of JCS.—If on the date of the enactment of this section the position of Vice Chairman of the Joint Chiefs of Staff, or comparable position, has not been established by law, the Chairman of the Joint Chiefs of Staff shall be a member of the Nuclear Weapons Council established by section 179 of title 10, United States Code, as added by subsection (a). If the position of Vice Chairman of the Joint Chiefs of Staff (or comparable position) is established by law after the date of the enactment of this section, the Chairman of the Joint Chiefs of Staff shall remain a member of such Council only until an individual has been appointed Vice Chairman of the Joint Chiefs of Staff.

(h) REPEAL.—Section 26 of the Atomic Energy Act of 1946 (42 U.S.C. 2037) is repealed.

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## KENNEDY (AND METZENBAUM) AMENDMENT NO. 2653

Mr. KENNEDY (for himself and Mr. METZENBAUM) proposed an amendment to the bill S. 2638, supra; as follows:

(1) Strike out page 186, line 15 through page 189, line 17, and page 190, line 18 through page 191, line 14.

(2) Strike out page 189, line 18, through page 190, line 17.

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## SPECTER (AND OTHERS) AMENDMENT NO. 2654

Mr. SPECTER (for himself, Mr. HEINZ, Mr. BYRD, Mr. ROCKEFELLER, Mr. TRIBLE, Mr. DENTON, and Mr. WARNER) proposed an amendment to the bill S. 2638, supra, as follows:

On page 296, line 16, insert "(A)" after "(1)".

On page 296, between lines 20 and 21, insert the following new subparagraph:

(B) The Secretary of Defense shall take such action as may be necessary to implement, at the earliest practicable date and with funds provided for such purpose by section 8110 of the Department of Defense Appropriations Act, 1986 (as contained in section 101(b) of Public Law 99-190; 99 Stat. 1222), the program proposed by the Department of Defense in a letter dated August 30, 1985, from the Assistant Secretary of Defense for Acquisition and Logistics to rehabilitate and convert current steam generating plants at defense facilities in the United States to coal burning facilities in order to achieve a coal consumption target of 1,600,000 short tons of coal per year (including at least 300,000 short tons of anthracite coal) about current consumption levels at Department of Defense facilities in the United States by fiscal year 1994. *Provided further,* that during fiscal year 1987, the amount of anthracite coal purchased by the Department shall be at least 300,000 short tons.

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## STEVENS AMENDMENT NOS. 2655 AND 2656

Mr. STEVENS proposed two amendments to the bill S. 2638, supra, as follows:

AMENDMENT No. 2655

On page 283 strike out line 1 and all that follows through page 288, line 15.

AMENDMENT No. 2656

None of the provisions in this Act which provide for a mandatory or discretionary increase in the pay or allowances of a member of the armed forces shall be effective except in the manner or to the extent provided for in a subsequently enacted appropriation act.

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## DOMENICI (AND CHILES) AMENDMENT NO. 2657

Mr. DOMENICI (for himself and Mr. CHILES) proposed an amendment to the bill S, 2638, supra, as follows:

At the appropriate place in the bill, add the following new section:

SEC. . LIMITATION ON NEW SPENDING AUTHORITY

(a) In General.—Any new spending authority (as defined in section 401(c)(2) of the Congressional Budget Act of 1974) provided by—

(1) any of the sections of this Act specified in subsection (b), or

(2) any amendment made by any such section, shall be effective for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts.

(b) Sections Specified.—The sections to which subsection (a) applies are sections 611, 625, 631, 635, 636(f), 931, 1006, 1214, 2172, 2175, and 2183 of this Act.

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## KERRY (AND OTHERS) AMENDMENT NO. 2658

Mr. KERRY (for himself, Mr. KENNEDY, and Mr. RIEGLE) proposed an amendment which was subsequently modified, to the bill S. 2638, supra, as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . PROHIBITION AGAINST NUCLEAR WEAPON TESTING IN CONNECTION WITH THE STRATEGIC DEFENSE INITIATIVE

None of the funds in this act may be authorized to carry out, in connection with the Strategic Defense Initiative program, the test of a warhead, bomb, or other explosive device which uses fissionable material until the President certifies, using existing authority, to Congress that the Soviet Union has conducted, after the date of the enactment of this Act, a test of a warhead bomb, or other explosive device which has fissionable material.

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## DOLE AMENDMENT NOS. 2659 THROUGH 2661

(Ordered to lie on the table.)

Mr. DOLE submitted three amendments intended to be proposed by him to the bill S. 2638, supra, as follows:

AMENDMENT No. 2659

On page 306, between lines 6 and 7, insert the following:

SEC. 2186a. STUDY OF NEEDS OF DEPENDENTS' EDUCATIONAL FACILITIES ON MILITARY INSTALLATIONS

(a) IN GENERAL.—The Secretary of Defense and the Secretary of Education shall conduct a joint study for the purpose of determining the needs for construction, extension, remodeling, and rehabilitation of dependents' educational facilities on military installations in the United States and shall develop a joint policy to meet those needs.

(b) REPORT.—(1) Not later than April 1, 1987, the Secretaries of Defense and Education shall submit to Congress a report containing—

(1) a description of the needs determined under subsection (a);

(2) the joint policy developed to meet such needs; and

(3) any recommendations for legislation the Secretaries consider necessary or appropriate to meet such needs.

AMENDMENT No. 2660

On page 229, between lines 14 and 15, insert the following:

SEC. 1221. CORRECTIONAL FACILITIES AT FORT RILEY, KANSAS

The correctional facilities at Fort Riley, Kansas, may not be closed, transferred, or relocated unless—

(1) the Secretary of Defense has transmitted to Congress a written notice of the intent to close, transfer, or relocate such facilities, as the case may be; and

(2) the 180-day period beginning on the date on which Congress received such notice has expired.

AMENDMENT No. 2261

On page 229, between lines 14 and 15, insert the following:

SEC. 1221. WICHITA METROPOLITAN STATISTICAL AREA

The Director of the Office of Management and Budget shall include in the area designated as the Wichita Metropolitan Statistical Area the County of Harvey, Kansas.

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## HAWKINS (AND OTHERS) AMENDMENT NO. 2662

(Ordered to lie on the table)

Mrs. HAWKINS (for herself, Mr. DOLE, Mr. BOSCHWITZ, Mr. HARKIN, Mr. LEAHY, Mr. LUGAR, Mr. COCHRAN,

Mr. MCCONNELL, Mr. MELCHER, Mr. SIMON, Mr. DANFORTH, Mr. WILSON, Mr. ANDREWS) submitted an amendment intended to be proposed by them to the bill S. 2638, supra, as follows:

At the end of the bill at the following:

REAUTHORIZATION OF CHILD NUTRITION PROGRAMS

SEC. . SUMMER FOOD SERVICE PROGRAM FOR CHILDREN

Section 13(p) of the National School Lunch Act (42 U.S.C. 1761(p)) is amended by striking out "1984" and inserting in lieu thereof "1989".

SEC. . COMMODITY DISTRIBUTION PROGRAM.

Section 14(a) of the National School Lunch Act (42 U.S.C. 1762(a)) is amended by striking out "1984" and inserting in lieu thereof "1989".

SEC. . STATE ADMINISTRATIVE EXPENSES.

Section 7(i) of the Child Nutrition Act of 1966 (42 U.S.C. 1776(i)) is amended by striking out "1984" and inserting in lieu thereof "1989".

SEC. . SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN.

Section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) is amended—

(1) in subsection (c)(2), by striking out "Subject to" and all that follows through "1984" and inserting in lieu thereof "Subject to amounts appropriated to carry out this section under subsection (g)";

(2) in subsection (g)—

(A) by designating the first and second sentences as paragraphs (1) and (3), respectively; and

(B) by amending paragraph (1) (as so designated) to read as follows:

"(1) There are authorized to be appropriated to carry out this section $1,570,000,000 for the fiscal year ending September 30, 1986, such sums as may be necessary for each of the fiscal years ending September 30, 1987, and September 30, 1988, and $1,782,000,000 for the fiscal year ending September 30, 1989."; and

(3) in subsection (h)(2), by striking out "1984" and inserting in lieu thereof "1989".

SEC. . NUTRITION EDUCATION AND TRAINING PROGRAM.

The first sentence of section 19(j)(2) of the Child Nutrition Act of 1966 (42 U.S.C. 1788(j)(2)) is amended by striking out "1984" and inserting in lieu thereof "1989".

TITLE II—SCHOOL LUNCH AND BREAKFAST PROGRAMS

SEC. . BASIS OF COMMODITY ASSISTANCE.

Section 6(b) of the National School Lunch Act (42 U.S.C. 1755(b)) is amended—

(1) in the first sentence, by striking out "May 15"and inserting in lieu thereof "June 1"; and

(2) in the second sentence, by striking out "June 15' and inserting in lieu thereof "July 1".

SEC. . INCLUSION OF WHOLE MILK AS A SCHOOL LUNCH BEVERAGE.

Effective July 1, 1986, section 9(a) of the National School Lunch Act (42 U.S.C. 1758(a)) is amended—

(1) by designating the first, second, and third sentences as paragraphs (1), (3), and (4), respectively; and

(2) by inserting after paragraph (1) (as so designated) the following new paragraph:

"(2) In addition to such other forms of milk as the Secretary may determine, the lunches shall offer whole milk as a beverage.".

SEC. . AUTOMATIC ELIGIBILITY FOR CERTAIN PROGRAMS.

Effective July 1, 1986, section 9(b) of the National School Lunch Act (42 U.S.C. 1758(b)) is amended by adding at the end thereof the following new paragraph:

"(6)(A) A child shall be considered automatically eligible for a free lunch and breakfast under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), respectively, without further application or eligibility determination, if the child is a member of—

"(i) a household receiving assistance under the food stamp program authorized under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.); or

"(ii) an AFDC assistance unit (under the aid to families with dependent children program authorized under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.)), in a State where the standard of eligibility for the assistance does not exceed 130 percent of the poverty line (as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))).

"(B) Proof of receipt of food stamps or aid to families with dependent children shall be sufficient to satisfy any verification requirement imposed under paragraph (2)(C).".

SEC. . LIMITATION ON MEAL CONTRACTING.

Effective July 1, 1986, section 9 of the National School Lunch Act (42 U.S.C. 1758) is amended by adding at the end thereof the following new subsection:

"(e) A school or school food authority participating in a program under this Act may not contract with a food service company to provide a la carte food service unless the company agrees to offer free, reduced-price, and full-price reimbursable meals to all eligible children.".

SEC. . CHANGE IN TUITION LIMITATION FOR PRIVATE SCHOOLS.

(a) SCHOOL LUNCH PROGRAMS.—Section 12(d)(5) of the National School Lunch Act (42 U.S.C. 1760(d)(5)) is amended—

(1) in clause (A) of the first sentence, by striking out "$1,500" and inserting in lieu thereof "$2,000"; and

(2) by adding at the end thereof the following new sentence: "On July 1, 1988, and each July 1 thereafter, the Secretary shall adjust the tuition limitation amount prescribed in clause (A) of the first sentence of this paragraph to reflect changes in the Consumer Price Index for All Urban Consumers during the most recent 12-month period for which the data is available.".

(b) SCHOOL BREAKFAST PROGRAMS.—Section 15(c) of the Child Nutrition Act of 1966 (42 U.S.C. 1784(c)) is amended—

(1) in clause (A) of the first sentence, by striking out "$1,500" and inserting in lieu thereof "$2,000"; and

(2) by adding at the end thereof the following new sentence: "On July 1, 1988, and each July 1 thereafter, the Secretary shall adjust the tuition limitation amount prescribed in clause (A) of the first sentence of this paragraph to reflect changes in the Consumer Price Index for All Urban Consumers during the most recent 12-month period for which the data is available.".

(c) APPLICATION.—(1) The amendments made by subsections (a)(1) and (b)(1) shall apply for the fiscal year beginning on October 1, 1986, and each school year thereafter.

(2) The amendments made by subsections (a)(2) and (b)(2) shall apply for the school year beginning on July 1, 1988, and each school year thereafter.

SEC. . USE OF SCHOOL LUNCH FACILITIES FOR ELDERLY PROGRAMS.

Section 12 of the National School Lunch Act (42 U.S.C. 1760) is amended by adding at the end thereof the following new subsection:

"(i) Facilities, equipment, and personnel provided to a school food authority for a program authorized under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) may be used, as determined by a local educational agency, to support a nonprofit nutrition program for the elderly, including a program funded under the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.).".

SEC. . PILOT PROJECTS FOR ADMINISTRATION OF CHILD NUTRITION PROGRAMS BY CONTRACT OR DIRECT DISBURSEMENT.

(a) PILOT PROJECTS.—Section 20 of the National School Lunch Act (42 U.S.C. 1769) is amended by striking out subsection (d) and inserting in lieu thereof the following new subsection:

"(d) The Secretary may conduct pilot projects in not more than three States in which the Secretary is currently administering programs to evaluate the effects of the Secretary contracting with private profit and nonprofit organizations to act as a State agency under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) for schools, institutions, or service institutions referred to in section 10 of this Act and section 5 of the Child Nutrition Act of 1966 (42 U.S.C. 1774).".

(b) CONFORMING AMENDMENT.—The first sentence of section 20(c) of the National School Lunch Act is amended by striking out "except for the pilot projects conducted under subsection (d) of this section,".

SEC. . DEPARTMENT OF DEFENSE OVERSEAS DEPENDENTS' SCHOOLS.

(a) SCHOOL LUNCHES.—Section 22(d) of the National School Lunch Act (42 U.S.C. 1769b(d)) (as added by section 1408(a) of the Education Amendments of 1978 (92 Stat. 2368)) is amended by striking out "and for" and all that follows through "reduced-price lunch".

(b) SCHOOL BREAKFASTS.—Section 20(d) of the Child Nutrition Act of 1966 (42 U.S.C. 1789) is amended by striking out "and for" and all that follows through "reduced-price breakfast".

SEC. . RESTORATION OF CERTAIN KINDERGARTENS TO THE SPECIAL MILK PROGRAM

Effective October 1, 1986, section 3(a) of the Child Nutrition Act of 1966 (42 U.S.C. 1772(a)) is amended—

(1) in the first sentence—

(A) by inserting "(1)" after the subsection designation;

(B) by redesignating clauses (1) and (2) as subparagraphs (A) and (B), respectively; and

(C) in subparagraph (A) (as so redesignated), by inserting "except as provided in paragraph (2)," after "and under,";

(2) by designating the second through eighth sentences as paragraphs (3) through (9), respectively; and

(3) by inserting after paragraph (1) (as so designed) the following new paragraph:

"(2) The limitation imposed under paragraph (1)(A) for participation of nonprofit schools in the special milk program shall not apply to split-session kindergarten programs conducted in schools in which children do not have access to the meal service program operating in schools the children attend as authorized under this Act or the

National School Lunch Act (42 U.S.C. 1751 et seq.).".

SEC. 210. IMPROVEMENT OF BREAKFAST PROGRAM MEAL PATTERN.

(a) ADDITIONAL ASSISTANCE.—Effective October 1, 1986, section 4(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(b)) is amended by adding at the end thereof the following new paragraphs:

"(3) The Secretary shall increase by 3 cent the annually adjusted payment for each breakfast served under this Act and section 17 of the National School Lunch Act (42 U.S.C. 1766). These funds shall be used to assist States, to the extent feasible, in improving the nutritional quality of the breakfasts.

"(4) Notwithstanding any other provisions of law, whenever stocks of agricultural commodities are acquired by the Secretary or the Commodity Credit Corporation and are not likely to be sold by the Secretary or the Commodity Credit Corporation or otherwise used in programs of commodity sale or distribution, the Secretary shall make such commodities available to school food authorities and eligible institutions serving breakfasts under this Act in a quantity equal in value to not less than 3 cents for each breakfast served under this Act and section 17 of the National School Lunch Act.

"(5) Expenditures of funds from State and local sources for the maintenance of the breakfast program shall not be diminished as a result of funds or commodities received under paragraph (3) or (4).".

(b) NUTRITION REQUIREMENTS.—(1) The Secretary of Agriculture shall review and revise the nutrition requirements for meals served under the breakfast program authorized under the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) and section 17 of the National School Lunch Act (42 U.S.C. 1766) to improve the nutritional quality of the meals, taking into consideration both the findings of the National Evaluation of School Nutrition Programs and the need to provide increased flexibility in meal planning to local food authorities.

(2) Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall promulgate regulations to implement the revisions.

SEC. . EXTENSION OF OFFER VERSUS SERVE PROVISION TO THE SCHOOL BREAKFAST PROGRAM.

Section 4(e) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(e)) is amended—

(1) by inserting "(1)" after the subsection designation; and

(2) by adding at the end thereof the following new paragraph:

"(2) At the option of a local school food authority, a student in a school under the authority that participates in the school breakfast program under this Act may be allowed to refuse not more than one item of a breakfast that the student does not intend to consume. A refusal of an offered food item shall not affect the full charge to the student for a breakfast meeting the requirements of this section or the amount of payments made under this Act to a school for the breakfast.".

SEC. . STAFFING STANDARDS.

Section 7 of the Child Nutrition Act of 1966 (42 U.S.C. 1776) (as amended by section 103) is further amended—

(1) by striking out subsection (b); and

(2) by redesignating subsections (c) through (i) as subsections (b) through (h), respectively.

TITLE III—SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN

SEC. . COSTS FOR NUTRITION SERVICES AND ADMINISTRATION.

(a) DEFINITIONS.—Section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)) is amended—

(1) by striking out paragraph (1);

(2) by redesignating paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively; and

(3) by inserting after paragraph (3) (as so redesignated) the following new paragraph:

"(4) 'Costs for nutrition services and administration' means costs that shall include, but not be limited to, costs for certification of eligibility of persons for participation in the program (including centrifuges, measuring boards, spectrophotometers, and scales used for the certification), food delivery, monitoring, nutrition education, outreach, startup costs, and general administration applicable to implementation of the program under this section, such as the cost of staff, transportation, insurance, developing and printing food instruments, and administration of State and local agency offices.".

(b) CONFORMING AMENDMENTS.—Section 17 of such Act is amended—

(1) by striking out "administrative funds" each place it appears in subsections (f)(11), (h)(2), (h)(3), and (h)(4) and inserting in lieu thereof "funds for nutrition services and administration"; and

(2) by striking out "administrative costs" each place it appears in subsection (h) and inserting in lieu thereof "costs for nutrition services and administration".

SEC. . STATE ELIGIBILITY FOR WIC FUNDS.

(a) ELIGIBILITY.—Section 17(c) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(c)) is amended by adding at the end thereof the following new paragraph:

"(4) A State shall be ineligible to participate in programs authorized under this section if the Secretary determines that State or local sales taxes are collected within the State on purchases of food made to carry out this section.".

(b) APPLICATION.—The amendment made by subsection (a) shall apply to a State beginning with the fiscal year that commences after the end of the first regular session of the State legislature following the date of the enactment of this Act.

SEC. . PARTICIPATION REPORT.

(a) BIENNIAL REPORT.—Section 17(d) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(d)) is amended by adding at the end thereof the following new paragraph:

"(4) The Secretary shall report biennially to Congress on—

"(A) the income and nutritional risk characteristics of participants in the program;

"(B) participation in the program by members of families of migrant farmworkers; and

"(C) such other matters relating to participation in the program as the Secretary considers appropriate.".

(b) USE OF EVALUATION FUNDS FOR REPORT.—Section 17(g)(3) of such Act (as amended by section 104(2)(A)) is further amended by inserting "preparing the report required under subsection (d)(4)," after "health benefits,".

SEC. . PLAN OF OPERATION AND ADMINISTRATION.

(a) PLAN.—Paragraph (1) of section 17(f) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(f)(1)) is amended to read as follows:

"(1)(A) Each State agency shall submit annually to the Secretary, by a date specified by the Secretary, a plan of operation and administration for a fiscal year.

"(B) To be eligible to receive funds under this section for a fiscal year, a State agency must receive the approval of the Secretary for the plan submitted for the fiscal year.

"(C) The plan shall include—

"(i) a description of the food delivery system of the State agency and the method of enabling participants to receive supplemental foods under the program, to be administered in accordance with standards developed by the Secretary;

"(ii) a description of the financial management system of the State agency;

"(iii) a plan to coordinate operations under the program with special counseling services, such as the expanded food and nutrition education program, immunization programs, prenatal care, well-child care, family planning, alcohol and drug abuse counseling, child abuse counseling, and with the aid to families with dependent children, food stamp, and maternal and child health care programs;

"(iv) a plan to provide program benefits under this section to, and to meet the special nutrition education needs of, eligible migrants and Indians;

"(v) a plan to expend funds to carry out the program during the relevant fiscal year;

"(vi) a plan to provide program benefits under this section to unserved and underserved areas in the State, if sufficient funds are available to carry out this clause;

"(vii) a plan to provide program benefits under this section to eligible persons most in need of the benefits and to enroll eligible women in the early months of pregnancy, to the maximum extent practicable; and

"(viii) such other information as the Secretary may require.

"(D) The Secretary may permit a State agency to submit only those parts of a plan that differ from plans submitted for previous fiscal years.

"(E) The Secretary may not approve any plan that permits a person to participate simultaneously in both the program authorized under this section and the commodity supplemental food program authorized under sections 4 and 5 of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note).".

(b) APPLICATION.—The amendment made by subsection (a) shall apply to a plan submitted by a State agency under section 17(f)(1) of the Child Nutrition Act of 1966 for the fiscal year ending September 30, 1987, and each fiscal year thereafter.

SEC. . PUBLIC COMMENT.

Paragraph (2) of section 17(f) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(f)(2)) is amended to read as follows:

"(2) A State agency shall establish a procedure under which members of the general public are provided an opportunity to comment on the development of the State agency plan.".

SEC. . AVAILABILITY OF PROGRAM BENEFITS.

Paragraph (8) of section 17(f) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(f)(8)) is amended to reas as follows:

"(8)(A) The State agency shall, in cooperation with participating local agencies, publicly announce and distribute information on the availability of program benefits (including the eligibility criteria for participation and the location of local agencies operating the program) to offices and organizations that deal with significant numbers of potentially eligible persons (including health and medical organizations, hospitals

and clinics, welfare and unemployment offices, social service agencies, farmworker organizations, Indian tribal organizations, and religious and community organizations in low income areas).

"(B) The information shall be publicly announced by the State agency and by local agencies at least annually.

"(C) The State agency and local agencies shall distribute the information in a manner designed to provide the information to potentially eligible persons who are most in need of the benefits, including pregnant women in the early months of pregnancy.".

SEC. . REPAYMENT OF CERTAIN BENEFITS BY RECIPIENTS.

Effective October 1, 1986, section 17(f) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(f)) is amended by adding at the end thereof the following new paragraph:

"(15) If a State agency determines that a member of a family has received an overissuance of food benefits under the program authorized by this section as the result of such member intentionally making a false or misleading statement or intentionally misrepresenting, concealing, or withholding facts, the State agency shall recover, in cash, from such member an amount that the State agency determines is equal to the value of the overissued food benefits, unless the State agency determines that the recovery of the benefits would not be cost effective.".

SEC. . PRIORITY FUNDS FOR WIC MIGRANT PROGRAMS.

(a) PRIORITY FUNDING.—Effective October 1, 1986, section 17(g) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(g)) (as amended by section 104(2)(A)) is further amended by inserting after paragraph (1) the following new paragraph:

"(2) Of the sums appropriated for any fiscal year for programs authorized under this section, not less than nine-tenths of 1 percent shall be available first for services to eligible members of migrant populations. The migrant services shall be provided in a manner consistent with the priority system of a State for program participation.".

(b) ACCOUNTABILITY.—To the extent possible, accountability for migrant services under section 17(g)(2) of the Child Nutrition Act of 1966 (as added by subsection (a)) shall be conducted under regulations in effect on the date of the enactment of this Act.

SEC. . IMPROVING STATE AGENCY ADMINISTRATIVE SYSTEMS.

Section 17(g)(3) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(g)(3)) (as amended by sections 104(2)(A) and 303(b)) is further amended by inserting "providing technical assistance to improve State agency administrative systems, after "subsection (d)(4),".

SEC. . PAPERWORK REDUCTION.

Section 17(h)(1) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(1)) is amended by adding at the end thereof the following new sentence: "The Secretary shall limit to a minimal level any documentation required under the preceding sentence.".

SEC. . ALLOCATION STANDARDS.

Section 17(h)(3) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(3)) is amended—

(1) in the second sentence, by striking out ", which satisfy allocation guidelines established by the Secretary"; and

(2) by striking out the last sentence.

SEC. . ADVANCE PAYMENTS.

Effective October 1, 1986, section 17(h)(4) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(4)) is amended by striking out "shall" and inserting in lieu thereof "may".

SEC. . AVAILABILITY OF FUNDS.

(a) AVAILABILITY.—Section 17(i) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(i)) is amended—

(1) by designating the first, second, third, fourth, and fifth sentences as paragraphs (1), (2), (4), (5), and (6), respectively; and

(2) by inserting after paragraph (2) (as so designated) the following new paragraph:

"(3)(A) Notwithstanding paragraph (2)—

"(i) not more than 1 percent of the amount of funds allocated to a State agency under this section for supplemental foods for a fiscal year may be expended by the State agency for expenses incurred under this section for supplemental foods during the preceding fiscal year; or

"(ii) not more than 1 percent of the amount of funds allocated to a State agency for a fiscal year under this section may be expended by the State agency during the subsequent fiscal year.

"(B) Any funds made available to a State agency in accordance with subparagraph (A)(ii) for a fiscal year shall not affect the amount of funds allocated to the State agency for such year.".

(b) APPLICATION.—Section 17(i)(3)(A)(i) of the Child Nutrition Act of 1966 (as amended by subsection (a)) shall not apply to appropriations made before the date of enactment of this Act.

## TITLE IV—OTHER NUTRITION PROGRAMS

SEC. . HEARINGS ON FEDERAL AUDIT ACTIONS UNDER THE CHILD CARE FOOD PROGRAM.

Section 17(e) of the National School Lunch Act (42 U.S.C. 1766(e)) is amended—

(1) by striking out "The" and inserting in lieu thereof "(1) Except as provided in paragraph (2), the"; and

(2) by adding at the end thereof the following new paragraphs:

"(2) A State is not required to provide a hearing to an institution concerning a State action taken on the basis of a Federal audit determination.

"(3) If a State does not provide a hearing to an institution concerning a State action taken on the basis of a Federal audit determination, the Secretary, on request, shall afford a hearing to the institution concerning the action.".

SEC. 402. BASIS FOR NUTRITION EDUCATION GRANTS.

Section 19(j)(2) of the Child Nutrition Act of 1966 (42 U.S.C. 1788(j)(2)) is amended by striking out "$75,000" each place it appears and inserting in lieu thereof "$50,000".

SEC. . EXTENSION OF ALTERNATIVE MEANS OF ASSISTANCE.

Section 14 of the National School Lunch Act (42 U.S.C. 1762a) is amended by adding at the end thereof the following new subsection:

"(g)(1) As used in this subsection, the term 'eligible school district' has the same meaning given such term in section 1581(a) of the Food Security Act of 1985.

"(2) In accordance with the terms and conditions of section 1581 of such Act, the Secretary shall permit an eligible school district to continue to receive assistance in the form of cash or commodity letters of credit assistance, in lieu of commodities, to carry out the school lunch program operated in the district.

"(3)(A) On request of a participating school district (and after consultation with the Comptroller General of the United States with respect to accounting procedures used to determine any losses) and subject to the availability of funds, the Secretary shall provide cash compensation to an eligible school district for losses sustained by the district as a result of the alteration of the methodology used to conduct the study referred to in section 1581(a) of such Act during the school year ending June 30, 1983.

"(B) There are authorized to be appropriated $50,000 to carry out this paragraph, to be available without fiscal year limitation.".

SEC. . NATIONAL DONATED COMMODITY PROCESSING PROGRAMS.

In accordance with the terms and conditions of section 1114(a)(2) of the Agriculture and Food Act of 1981 (7 U.S.C. 1431e(a)(2)), whenever a commodity is made available without charge or credit under any nutrition program administered by the Secretary of Agriculture, the Secretary shall encourage consumption of the commodity through agreements with private companies under which the commodity is reprocessed into end-food products for use by eligible recipient agencies.

## TITLE V—TECHNICAL CORRECTIONS

SEC. . OBSOLETE PROVISIONS.

(a) NUTRITION PROGRAM STAFF STUDY; TRUST TERRITORY APPROPRIATIONS.—(1) Sections 18 and 19 of the National School Lunch Act (42 U.S.C. 1767 and 1768) are repealed.

(2) The first sentence of section 3 of such Act (42 U.S.C. 1752) is amended by striking out "sections 13, 17, and 19" and inserting in lieu thereof "sections 13 and 17"

(b) STUDY OF MENU CHOICE.—Section 22 of such Act (42 U.S.C. 1769c) (as added by section 9 of the Child Nutrition Amendments of 1978 (92 Stat. 3623)) is repealed.

(c) CONFORMING AMENDMENTS.—(1) The National School Lunch Act (as amended by sections 207 and 208(a) and subsection (b)) is further amended by redesignating sections 20, 21, and 22 (42 U.S.C. 1769, 1769a, and 1769b) as sections 18, 19, and 20, respectively.

(2) Clause (3) of the first sentence of section 6(a) of such Act (42 U.S.C. 1755(a)) is amended by striking out "section 20" and inserting in lieu thereof "section 18".

SEC. . OBSOLETE REFERENCES TO HEALTH, EDUCATION, AND WELFARE.

(a) REFERENCES IN NATIONAL SCHOOL LUNCH ACT.—Clause (1) of the sixth sentence of section 17(a) of the National School Lunch Act (42 U.S.C. 1766(a)) is amended by striking out "Health, Education, and Welfare" and inserting in lieu thereof "Health and Human Services".

(b) REFERENCES IN CHILD NUTRITION ACT OF 1966.—(1) The Child Nutrition Act of 1966 is amended by striking out "Health, Education, and Welfare" each place it appears in section 4(a) (42 U.S.C. 1773(a)), subsections (b)(6), (b)(13), (e)(2), (k)(1), and (k)(2) of section 17 (42 U.S.C. 1786), and subsections (d)(2) and (d)(3) of section 19 (42 U.S.C. 1788) and inserting in lieu thereof "Health and Human Services".

(2) Section 19(j)(3) of the Child Nutrition Act of 1966 (42 U.S.C. 1788(j)(3)) is amended by striking out "Office of Education of the Department of Health, Education, and Welfare" and inserting in lieu thereof "Department of Education".

SEC. . CONFORMING AMENDMENTS.

(a) DEFINITION OF SECRETARY.—Section 12(d) of the National School Lunch Act (42 U.S.C. 1760(d)) is amended by adding at the end thereof the following new paragraph:

"(8) 'Secretary' means the Secretary of Agriculture.".

(b) REDESIGNATION OF SUBSECTION.—Section 19 of the Child Nutrition Act of 1966 (42 U.S.C. 1788) (as amended by sections 105, 402, and 502(b)(2)) is further amended by redesignating subsection (j) as subsection (i).

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## McCLURE (AND OTHERS) AMENDMENT NO. 2663

Mr. McCLURE (for himself, Mr. WARNER, Mr. BINGAMAN, Mr. BENTSEN, Mr. STEVENS, Mr. DOMENICI, Mr. DECONCINI, Mr. LAXALT, Mr. BAUCUS, Mr. EXON, Mr. GARN, Mr. MELCHER, and Mr. SYMMS) proposed an amendment to the bill S. 2638, supra; as follows:

Strike Title XI and insert in lieu thereof the folowing:

### TITLE XI—NATIONAL DEFENSE STOCKPILE

SECTION 1101. SHORT TITLE.

This Act may be cited as the "Strategic and Critical Materials Stock Piling Amendments Act of 1986".

SEC. 1102. STOCKPILE REQUIREMENTS.

(a) PURPOSE OF STOCKPILE.—Section 2 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98a) is amended by adding at the end the following new subsection:

"(c) It is the intent of Congress—

"(1) that the National Defense Stockpile be used to serve the interest of national defense only and not be used for economic or budgetary purposes; and

"(2) that the quantities of materials stockpiled under this Act should be sufficient to sustain the United States for a period of not less than three years in the event of a national emergency.".

(b) ESTABLISHMENT OF STOCKPILE REQUIREMENTS BY LAW.—Section 3 of such Act (50 U.S.C. 98b) is amended to read as follows:

"ESTABLISHMENT BY LAW OF STOCKPILE REQUIREMENTS

"SEC. 3. (a) The materials that are stratetic and critical materials for the purposes of this Act, and the quality and quantity of each such material to be acquired for the purposes of this Act and the form in which each such material shall be acquired and stored, shall be established by law.

"(b) Such materials when acquired, together with the other materials described in section 1104, shall constitute and be collectively known as the National Defense Stockpile (hereinafter in this Act referred to as the 'stockpile').

"(c) Determinations under subsection (a) shall be known as 'stockpile requirements'."

(c) INITIAL LEVEL OF STOCKPILE REQUIREMENTS.—The determinations in effect as of October 1, 1984, under section 3(a) of the Strategic and Critical Materials Stock Piling Act shall be the stockpile requirements for the purposes of such section, as amended by this Act, until otherwise provided by law.

SEC. 1103. TRANSFER OF CERTAIN STOCKPILE FUNCTIONS TO THE SECRETARY OF DEFENSE.

(a) IN GENERAL.—Sections 5, 6, 10, and 11 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98d, 98e, 98h-1, 98h-2) are amendment by striking out "President" each place it appears and inserting in lieu thereof "Secretary".

(b) DEFINITION OF SECRETARY.—Section 12 of such Act (50 U.S.C. 98h-3) is amended by adding at the end the following new paragraph:

"(3) The term 'Secretary' means the Secretary of Defense.".

(c) TECHNICAL AMENDMENT.—Section 11(b) of such Act (50 U.S.C. 98h-1) is amended by striking out "each year" and all that follows through "the next fiscal year" and inserting in lieu thereof "each year, at the time that the Budget is submitted to Congress pursuant to section 1105 of title 31, United States Code, for the next fiscal year,".

SEC. 1104. ANNUAL RECOMMENDATION OF STOCKPILE REQUIREMENTS BY SECRETARY OF DEFENSE.

The Strategic and Critical Materials Stock Piling Act is amended by adding at the end the following new section:

"ANNUAL RECOMMENDATIONS BY SECRETARY OF DEFENSE

"SEC. 14. (a) IN GENERAL.—In order to assist Congress in establishing stockpile requirements under secton 1103, the Secretary shall submit to Congress an annual report on stockpile requirements. Each such report shall be submitted with the annual report submitted under section 11(b) and shall include—

"(1) the Secretary's recommendations with respect to stockpile requirements; and

"(2) the matters required under subsections (b) through (e).

"(b) NATIONAL EMERGENCY PLANNING ASSUMPTIONS.—Each report under this section shall set forth the national emergency planning assumptions used in determining the stockpile requirements recommended by the Secretary. Assumptions to be set forth include assumptions relating to each of the following:

"(1) Length and intensity of the assumed emergency.

"(2) The military force structure to be mobilized.

"(3) Losses from enemy action.

"(4) Military, industrial, and essential civilian requirements to support the national emergency.

"(5) The availability of supplies of strategic and critical materials from foreign sources, taking into consideration possible shipping losses.

"(6) Domestic production of strategic and critical materials.

"(7) Civilian austerity measures.

"(c) CONSIDERATION OF MATERIALS BASED ON NET IMPORT RELIANCE.—

"(1) IN GENERAL.—In determining the materials to be recommended to Congress under subsection (a)(1) as strategic and critical materials (and the quantity and quality of such materials to be recommended), the Secretary shall consider—

"(A) whether each of the materials determined under paragraph (3) should be recommended as a strategic and critical material; and

"(B) in the case of any such material, whether the quantity determined under paragraph (5) with respect to such material is the appropriate quantity of such material to be established by Congress as the stockpile requirement for that material.

"(2) MATTERS TO BE INCLUDED IN REPORT.—In each report under this section, the Secretary shall identify—

"(A) each material determined under paragraph (3); and

"(B) the quantity determined under paragraph (5) with respect to each such material.

"(3) MATERIALS TO BE IDENTIFIED.—The Secretary shall identify each material that the Secretary determines is necessary for the security of the United States, essential to the economy of the United States, and obtained from foreign sources.

"(4) CLASSIFICATION OF MATERIALS BASED ON NET IMPORT RELIANCE.—Each of the materials identified under paragraph (3) shall be classified by the Secretary for the purposes of this section as follows:

"(A) CLASS A MATERIALS.—A material shall be classified as a class A material if—

"(i) the material is not produced in the United States or is produced in the United States in limited quantities; and

"(ii) the net import reliance of the United States for the material is greater than or equal to 65 percent.

"(B) CLASS B MATERIALS.—A material shall be classified as a class B material if—

"(i) the material is produced in the United States but is not available in sufficient quantities in the United States; and

"(ii) the net import reliance of the United States for the material is greater than or equal to 30 percent but less than 65 percent.

"(C) CLASS C MATERIALS.—A material shall be classified as a class C material if—

"(i) the material is produced in substantial quantities in the United States; and

"(ii) the net import reliance of the United States for the material is less than 30 percent.

"(5) QUANTITY TO BE DETERMINED.—For each material identified under paragraph (3), the Secretary shall determine the following:

"(A) CLASS A MATERIALS.—In the case of a material classified under paragraph (4) as a class A material, the Secretary shall determine the quantity of such material equal to three years' net imports of such material.

"(B) CLASS B MATERIALS.—In the case of a material classified under paragraph (4) as a class B material, the Secretary shall determine the quantity of such material equal to two years' net imports of such material.

"(C) CLASS C MATERIALS.—In the case of a material classified under paragraph (4) as a class C material, the Secretary shall determine the quantity of such material equal to one year's net imports of such material.

"(6) DETERMINATION OF NET IMPORTS.—For purposes of paragraph (5), a year's net imports of a material is the quantity of the material equal to the amount by which—

"(A) the sum of—

"(i) the average annual imports of such material into the United States during the base period; and

"(ii) the average annual shipment of such material from the stockpile as excess material during the base period; exceeds

"(B) the average annual exports of such material from the United States during the base period.

"(7) BASE PERIOD DEFINED.—For purposes of paragraph (6), the term 'base period' means the most recent period of five calendar years for which data is available.

"(d) EFFECT OF ESTABLISHING STOCKPILE REQUIREMENTS IN ACCORDANCE WITH DETERMINATIONS UNDER SUBSECTION (c).—The Secretary shall include in each report under this section an analysis of the effect (including the cost and the impact on world markets) of establishing the stockpile requirements in accordance with the materials, and the quantities of materials, identified under subsection (c).

"(e) DIFFERENCES BETWEEN RECOMMENDATIONS AND NET IMPORT RESULTS.—When the stockpile requirements recommended by the Secretary in a report under this section differ from the materials and quantities that are identified under subsection (c), the

Secretary shall also include in the report a detailed explanation for such differences, including—

"(1) a description of the assumptions used to determine the recommended stockpile requirements; and

"(2) a detailed analysis supporting the recommended quantity and quality for each material recommended as a strategic and critical material.

"(f) PERIODIC REVIEW.—The Secretary shall conduct a detailed review of the stockpile requirement for each strategic and critical material at least once every five years. If the Secretary determines at any time that the stockpile requirement for a material should be revised, the Secretary shall submit to Congress a report that—

"(1) notifies Congress of that determination;

"(2) sets forth the Secretary's recommended stockpile requirement for that material; and

"(3) sets forth the assumptions used by the Secretary in determining that recommended requirement.".

SEC. 1105. STOCKPILE MANAGEMENT.

The Strategic and Critical Materials Stock Piling Act is amended by adding after section 14 (as added by section 1104) the following new sections:

"INTERAGENCY AGREEMENTS

"SEC. 15. (a) AUTHORITY TO ENTER INTO AGREEMENTS.—The Secretary may enter into an interagency agreement with the head of any other department or agency for the performance of functions of the Secretary relating to section 1106.

"(b) REIMBURSEMENT.—The Secretary shall reimburse the head of any such agency for expenses incurred by that agency in the administration of functions relating to the stockpile assigned to that agency by the Secretary under such an interagency agreement.

"APPROPRIATIONS TO BE MADE TO DEPARTMENT OF DEFENSE

"SEC. 16. Appropriations for the operation and management of the stockpile and for deposit to the National Defense Stockpile Transaction Fund shall be made as part of appropriations made to the Department of Defense for the military functions of the Department.".

SEC. 1106. EXTENSION OF USES OF STOCKPILE TRANSACTION FUND AND CODIFICATION OF REVOLVING FUND PROVISIONS.

(a) IN GENERAL.—Section 9(b) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(b)) is amended—

(1) by striking out the second sentence of paragraph (1); and

(2) by striking out paragraphs (2) and (3) and inserting in lieu thereof the following:

"(2) Subject to section 5(a)(1), moneys covered into the fund under paragraph (1) are hereby made available (subject to such limitations as may be provided in appropriation Acts) for—

"(A) the acquisition of strategic and critical materials under section 6(a)(1);

"(B) transportation, storage, and other incidental expenses related to such acquisition;

"(C) development of current specifications of stockpile materials and the upgrading of existing stockpile materials to meet current specifications (including transportation related to such upgrading);

"(D) testing and quality studies of stockpile materials; and

"(E) other reasonable requirements for management of the stockpile.

"(3) Moneys in the fund shall remain available until expended.".

(b) CONFORMING AMENDMENT.—Section 110 of Public Law 97-377 (96 Stat. 1911) is amended by striking out "Notwithstanding" and all that follows through "That during" and inserting in lieu thereof "during".

(c) APPLICABILITY OF AMENDMENTS.—The amendments made by subsection (a) apply with respect to funds covered into the National Defense Stockpile Fund before, on, or after the date of the enactment of this Act.

SEC. 1107. MISCELLANEOUS TECHNICAL AMENDMENTS.

(a) TECHNICAL AMENDMENTS.—Section 4(a) of Strategic and Critical Materials Stock Piling such Act (50 U.S.C. 98c(a)) is amended—

(1) by striking out "on the day before the date of the date of the enactment of the Strategic and Critical Materials Stock Piling Revision Act of 1979" in paragraphs (1) and (3) and inserting in lieu thereof "on July 29, 1979", and

(2) by striking out "on or after the date of the enactment of the Strategic and Critical Materials Stock Piling Revision Act of 1979" in paragraph (2) and inserting in lieu thereof "after July 29, 1979".

(b) CLARIFYING AMENDMENT.—Section 6(a)(3) of such Act (50 U.S.C. 98e(a)(3)) is amended by striking out "the form most" and inserting in lieu thereof "a form more".

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## THURMOND AMENDMENT NO. 2664

Mr. THURMOND proposed an amendment to the bill S. 2638, supra, as follows:

On page 317, after line 22, insert the following new section:

SEC. 2192. LEASE OF PROPERTY AT THE NAVAL WEAPONS STATION, CHARLESTON, SOUTH CAROLINA.

(a) IN GENERAL.—The Secretary of the Navy is authorized to lease to the South Carolina Ports Authority approximately 118 acres of land, together with improvements thereon, at the Naval Weapons Station, Charleston, South Carolina.

(b) TERM OF LEASE.—The lease entered into under subsection (a) may be for such term as the Secretary determines appropriate, but in no event to exceed 25 years.

(c) CONSIDERATION.—In addition to the fair rental value to be paid by the South Carolina Ports Authority for the premises leased pursuant to this section, such Authority shall pay for the cost of replacing certain facilities on the leased premises. The replacement facilities shall be constructed in a manner and at a site determined by the Secretary.

(d) AUTHORITY TO DEMOLISH AND CONSTRUCT FACILITIES.—The Secretary may, under the terms of the lease, authorize the South Carolina Ports Authority to demolish existing facilities on the leased land and to construct new facilities on such land for the use of such Authority.

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## PROXMIRE AMENDMENT NO. 2665

Mr. PROXMIRE proposed an amendment to the bill S. 2638, supra, as follows:

On page 19, between lines 18 and 19, insert the following new section:

SEC. 206. REPORT ON PROJECTED COSTS OF SDI PROGRAM.

Subsection (b) of section 223 of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 613), is amended to read as follows:

At the end of subsection (b) add the following:

"(c) The Secretary shall specifically include in such report the following information:

"(1) The cost goals or cost objectives for the production and deployment of a Strategic Defense Initiative System determined on the basis of capabilities expected to be developed in the future and the cost goals or cost objectives for the individual components of such system (determined on the basis of capabilities expected to be developed in the future).

"(2) The estimated cost for the production and deployment of the Strategic Defense Initiative System referred to in subparagraph (1) and determined on the basis of prices in effect and capabilities in existence at the time of the preparation of the report and the estimated cost for the production and deployment of the individual components of such system (determined on the basis of prices in effect and capabilities in existence at the time of the preparation of the report)."

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## HUMPHREY AMENDMENT NOS. 2666 AND 2667

Mr. HUMPHREY proposed two amendments to the bill S. 2638, supra, as follows:

AMENDMENT No. 2666

On page 229, between lines 14 and 15, insert the following new section:

SEC. 1221. SUBMARINE OVERHAUL STUDY.

The Secretary of the Navy shall conduct a detail study and investigation on the desirability and feasibility of applying production line techniques for the overhaul of Los Angeles class submarines. The Secretary shall submit the results of such study and investigation, together with such comments and recommendations as he determines appropriate, to Congress not later than May 1, 1987.

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AMENDMENT No. 2667

On page 23, between lines 16 and 17, insert the following:

(e) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to the authorization in subsection (a) shall remain available until expended, to the extent provided in appropriation Acts.

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## DOLE (AND KASSEBAUM) AMENDMENT NO. 2668

Mr. DOLE (for himself and Mrs. KASSEBAUM) proposed an amendment to the bill S. 2638, supra, as follows:

On page 306, between lines 6 and 7, insert the following:

SEC. 218a. STUDY OF NEEDS OF DEPENDENTS' EDUCATIONAL FACILITIES ON MILITARY INSTALLATIONS.

(A) IN GENERAL.—The Secretary of Defense and the Secretary of Education shall conduct a joint study for the purpose of determining the needs for construction, extension, remodeling, and rehabilitation of dependents' educational facilities on military

installations in the United States and shall develop a joint policy to meet those needs.

(b) REPORT.—(1) Not later than April 1, 1987, the Secretaries of Defense and Education shall submit to Congress a report containing—

(1) a description of the needs determined under subsection (a);

(2) the joint policy developed to meet such needs; and

(3) any recommendations for legislation the Secretaries consider necessary or appropriate to meet such needs.

On page 229, between lines 14 and 15, insert the following:

SEC. 1221. CORRECTIONAL FACILITIES AT FORT RILEY, KANSAS.

The correctional facilities at Fort Riley, Kansas, may not be closed, transferred, or relocated unless—

(1) the Secretary of Defense has transmitted to Congress a written notice of the intent to close, transfer, or relocate such facilities, as the case may be; and

(2) the 180-day period beginning on the date on which Congress received such notice has expired.

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## WILSON AMENDMENT NO. 2669

Mr. WILSON proposed an amendment, which was subsequently modified, to the bill S. 2638, supra, as follows:

On page 19, between lines 18 and 19, insert the following:

SEC. 206. SMALL INTERCONTINENTAL BALLISTIC MISSILE.

None of the funds appropriated pursuant to an authorization contained in this Act may be obligated or expended in connection with the full-scale engineering development of the small mobile intercontinental ballistic missile or the hard mobile launcher for such missile or for the deployment of more than 50 MX missiles until the Secretary of Defense has certified to the Committees on Armed Services of the Senate and the House of Representatives that the small mobile intercontinental ballistic missile system, including the associated basing mode, and the second deployed 50 MX missile is cost effective on the margin and is survivable against a responsive threat.

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## WILSON AMENDMENT NO. 2670

Mr. WILSON proposed an amendment to amendment No. 2670 proposed by him to the bill S. 2638, supra, as follows:

Strike out all after the word "missile" on line 3 and insert in lieu thereof the following: "program".

None of the funds appropriated pursuant to an authorization contained in this Act may be obligated or expended in connection with the full-scale engineering development of the small mobile intercontinental ballistic missile or the hard mobile launcher for such missile or for the deployment of the second 50 MX missiles until the Secretary of Defense has certified in writing to the Committee on Armed Services of the Senate and the House of Representatives that the small mobile intercontinental ballistic missile system, including the associated basing mode, and that the deployment of the second 50 MX missiles are effective on the margin and is survivable against a responsive threat. If such certification is not submitted by March 1, 1987, the Security shall submit a report of such Committees explaining why.

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## GLENN AMENDMENT NO. 2671

Mr. GLENN proposed an amendment to the bill S. 2638, supra, as follows:

On page 19, between lines 18 and 19, insert the following new section:

SEC. . PROHIBITION AGAINST CERTAIN CONTRACTS.

(a) IN GENERAL.—Funds appropriated pursuant to an authorization contained in this or any other Act to or for the use of the Department of Defense may not be used for the purpose of entering into or carrying out any contract with any foreign government or any foreign firm if the contract is to provide for the conduct of research, development, test, or evaluation in connection with the Strategic Defense Initiative program unless the Secretary of Defense certifies to the Congress in writing that the work to be performed under the contract cannot be reasonably performed by a United States firm.

(b) EXCEPTIONS.—The prohibition in subsection (a) does not apply to—

(1) funds used to carry out any contract entered into before the date of the enactment of this Act; or

(2) fund appropriated specifically for research, development, test, or evaluation in connection with antitactical ballistic missile systems.

(b) DEFINITION.—As used in subsection (a), the term "foreign firm" means a business entity owned or controlled by one or more foreign nationals or a business entity in which more than 50 percent of the stock is owned or controlled by one or more foreign nationals.

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# ADDITIONAL STATEMENTS

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## HOW SOUTH AFRICA CIRCUMVENTS THE ARMS EMBARGO

● Mr. KENNEDY. Mr. President, the Senate is about to debate legislation that would impose additional economic sanctions against South Africa. As we begin that debate, it is important to understand the ways in which South Africa has attempted—frequently with success—to circumvent already existing sanctions that prohibit the sale or export of arms and munitions to South African military forces.

In an extraordinary analysis of the history of the arms embargo against South Africa, Thomas Conrad has described the ways in which the South African authorities have successfully obtained technology and weaponry from U.S. corporations, thereby avoiding the embargo. In an article that appeared in the March issue of the Bulletin of Atomic Scientists, Mr. Conrad cites a series of examples, including South Africa's acquisition of a nuclear-capable howitzer, a laser rangefinder, a new family of grenade launchers, a new series of mine-resistant counter-insurgency vehicles, and new sonar electronics systems. Mr. Conrad concludes:

Direct sales to South African weapons manufacturers have persisted despite the U.N. embargo. Direct exports to ARMSCOR (the South African State-owned arms conglomerate) are now prohibited under U.S. regulations but the South Africans have apparently been able to keep the supply lines open.

One of the loopholes in the arms embargo is to be found in the licensing process. Certain items on the State Department's munitions list have been decontrolled for sale to South Africa, and munitions list exports have jumped dramatically. According to Conrad:

In virtual secrecy, the State Department licensed over $27.9 million worth of technology on the munitions list for export to South Africa from 1982 to 1984.

Conrad bases this report on information obtained under the Freedom of Information Act. Conrad states that:

The sales included encryption equipment, navigation gear, image intensifiers, and technical know-how. The users were private firms and two government-owned research installations, both of which do military work.

In addition to imposing new economic sanctions against South Africa, it will be important for the Senate to close some of these loopholes. The United States should not continue to allow the South African Government—either openly or surreptitiously—to procure weapons systems or weapons technology which is then used to maintain the brutal apartheid system.

I ask that the article by Thomas Conrad entitled "South Africa Circumvents Embargo" be printed in the RECORD.

The article follows:

SOUTH AFRICA CIRCUMVENTS EMBARGO

(By Thomas Conrad)

In October 1984, two Malaysian warships steamed into Simonstown Naval dockyard—South Africa's largest—for a 24-hour refueling and revictualing stopover. What for other countries would be a routine event was a rare moment to be savored for the South Africans. It marked a tiny symbolic breach in Pretoria's international military isolation: the two frigates were the first military ships to call at a South African port since 1981.

The Malaysian Navy's courtesy call on South Africa seemed odd and incongruous. Since the imposition of the mandatory United Nations ban on sales of "arms and related material" to South Africa in 1977, most foreign military establishments have officially held Pretoria at arm's length. Public contracts are few and far between. In 1982, South Africa was thrown out of an international arms show in Athens when it was discovered that its state-owned weapons conglomerate, ARMSCOR, was quietly—but publicly—exhibiting its wares. Just two years later, the Chilean government allowed ARMSCOR to exhibit South African-made missiles, ordnance, and military electronics at the "FIDA '84" arms bazaar in Santiago.

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Footnotes at end of article.

For whatever reason, the Chilean and Malaysian military establishment have been willing to be publicly identified with no South Africans. While most countries are more discreet, South African military athletes have turned up at sporting events in West Germany, and Pretoria's crack team of military skydivers has been invited to participate in jumps in Israel and Switzerland. Most of the publicized contacts have remained at such low levels. As popular revulsion to apartheid grows, no military establishment wants to be seen keeping company with Pretoria. Indeed, the South African military's official parish status in the world community is one of the main achievements of the arms embargo.

Sanctions have long been used as foreign policy tools, even though their effectiveness has been hotly debated. For example, President Reagan in January broke all economic ties with Libya after previously imposing limited sanctions on that North African nation. The United States also maintains an embargo on the sale of arms and high-technology goods to the Soviet Union and has placed Cuba, Iran, Eastern Europe, Kampuchea, and other nations on various embargo lists.

Unlike sanctions and trade restrictions aimed by one nation, bloc, or region against another, the U.N. ban on sales of arms and related material to South Africa transcends ideological and regional differences, uniting the international community in what for the United Nations is a fairly explicit and binding course of action. And the principal success of the embargo lies in the fact that it has stopped the flow of official government-to-government arms transfers to South Africa. In the case of the United States, for example, most government weapons exports are handled under the Pentagon's Foreign Military Sales program or the Military Assistance Program. These transactions are potentially subject to public scrutiny. The official record shows that there have been no such shipments to South Africa for several years; the same appears to be true for government-to-government arms sales by other nations.

The real record, however, is mixed, in large part due to the failure of the United States and other Western nations which are deeply and directly involved in the South African economy to strictly and resolutely implement the embargo. South Africa, a nation shunned worldwide and thought to have lost its access to outside military technology, has itself grown to be the world's tenth-largest arms manufacturer.

Pretoria has added several new locally manufactured products to its arsenal. A relatively well-known one is the G-5 155-millimeter howitzer and its variant, the G-6, two spinoffs of a system developed in the late 1970s by the U.S.-Canadian-South African firm, Space Research Corporation. Other less well-known systems include the Kukri V3 missile, an innovative frequency-hopping tactical communications system, a laser rangefinder, a new family of grenade launchers, a new series of mine-resistant counterinsurgency vehicles, and new sonar electronics systems.

The fact that South Africa has been able to design, develop, and field these new systems points up one of the major failures of the arms embargo: Pretoria continues to have commercial access to a vast array of advanced foreign products, including systems with direct military applications, dual-use commodities, and "precursor technologies" vital to whole generations of arms. These commodities—foreign-supplied computers, software, laser technology, electronics, communications technology, and components—are the building blocks of modern weaponry.

Evading the embargo usually evokes images of back-alley gun-running and clandestine deals with international arms merchants. While South Africa undoubtedly still engages in covert transactions when necessary, Pretoria can usually simply purchase what it needs to make weapons directly from multinational corporations doing business in South Africa or from their distributors. These commercial exports are licensed by the Departments of Commerce and State.

Direct sales to South African weapons manufacturers have persisted despite the U.N. embargo.

Mohawk Data Systems equipment is used by Kentron, the ARMSCOR subsidiary that makes guided missiles; Eloptro, which specializes in military electro-optics; and Somchem, which outfits the South African Defense Force with propellants and explosives.[1] Another affiliate, Naschem, was on record as using a Hewlett-Packard Company computer in 1982,[2] and the Reagan Administration authorized the sale of a Sperry computer to ARMSCOR's Atlas Aircraft in 1983.[3] Direct exports to ARMSCOR are now prohibited under U.S. regulations, but the South Africans have apparently been able to keep the supply lines open.

In addition to these sales, Burroughs Corporation, Hewlett-Packard and Digital Equipment Corporation machines are used by other civilian-owned companies that do work for the South African Defence Force.[4] IBM Corporation, Control Data, and Amdahl Corporation have been the primary suppliers of computer hardware to South Africa's largest government research agency, the Council for Scientific and Industrial Research (CSIR), which has been involved in several security-related projects such as missile design, the development of fingerprint storage systems, target acquisition, and signal processing research. The CSIR also helped design the Caspir counter-insurgency vehicle which has been used in sweeps through Soweto and other townships.[5]

Advanced computers licensed for sale by the U.S. government have played a key role in Pretoria's ability to manage the African, "coloured," Asian, and Indian populations. Since at least 1970, IBM equipment has been used at the Department of the Interior to store details for the "Book of Life," an internal identity document for Asians, "coloureds," Indians and whites.[6] IBM bid on the passbook system for blacks in 1965 but lost to its British competitor, International Computers, Limited (ICL).[7] Sales to the passbook agency and the Department of the Interior have been curtailed, but U.S. companies such as NCR Corporation, Control Data, IBM, Burroughs, and Sperry have outfitted other agencies including the Department of the Prime Minister, Department of Statistics, and a large number of local government bodies that serve as the administrative shock troops of the apartheid system.[8]

U.S. technology has also played a role in expanding surveillance of the black population at the workplace. A microprocessor made by the U.S. electronics manufacturer Ontel Corporation functions as the electronic brain of a locally assembled worker-monitoring network which has been installed in over 25 mines. The "Labor Information System," which reads workers' electronically coded identification cards, "provides full information on every worker, from his ethnic group to his merit rating, and also keeps tabs on where every worker is at any one time."[9]

Other commercial sales involve civilian aircraft acquired by Bophuthatswana and Ciskei, two desolate homelands that South Africa has declared independent states and outfitted with puppet armies. In March 1982, the Bophuthatswana air wing procured two U.S.-made Helio Courier planes. The transaction was simple: the homeland military force simply acquired the aircraft from a civilian source in South Africa. The aircraft had apparently been cleared for export to South Africa despite the fact that the U.S. Air Force uses them for counterinsurgency missions.

The following month, the force acquired an Italo-West German police surveillance aircraft powered by a U.S.-made engine which is supposedly subject to U.S. export controls.[10] Likewise, the Ciskei military forces obtained light aircraft made by the U.S.-based Mooney Company via a source in Israel.[11] Such examples are not uncommon. In Namibia, the First Southwest Africa Squadron, a 100-man commando unit, has always used civilian aircraft for counterinsurgency patrols.[12]

Although U.S. companies are a driving force in South Africa, they are not Pretoria's only source of vital technology. The British firm Plessey has outfitted South Africa with mobile military radar and participated in a state-sponsored venture to develop strategic custom electronic chips.[13] Japanese computer imports to South Africa have doubled since 1982.[14] Although Japanese computer companies do not have subsidiaries in South Africa, their sales are discretely managed by local distributors. West German technology has found its way into several systems in Pretoria's arsenal. For example, ARMSCOR's new 155-millimeter artillery system uses a power pack from the West German firm, Magirus-Deutz.[15] Unimog supplied the chassis for South Africa's 127-millimeter Valkiri missile system, and Siemens and MAN (Maschinenfabrik-Augsburg-Nürnberg) teamed up to outfit one of the homeland military forces with a sparking new mobile military communications center.[16] South Africa's naval fast-attack craft are reported to contain Israeli electronics and guns from Italian and Swiss companies.[17] Pretoria has allegedly used technology and information from Israel, West Germany, and the United States to develop nuclear weapons capability.[18]

Whether of European, Japanese, or U.S. origin, imported parts, components, and subassemblies have played a key role in South Africa's drive for military self-sufficiency. Regardless of who the purported end-user is, once foreign technology is exported to South Africa, it is virtually impossible to prevent it from finding its way into the hands of the government, the military, or weapons-makers. "Most of the imported parts still used by ARMSCOR are components that are freely available on the commercial market, making it unnecessary for ARMSCOR to produce them locally," according to a South African military journal.[19]

The arms embargo has not fared well under the Reagan Administration. During Reagan's first term, the Administration relaxed a ban on sales to the regime's security

Footnotes at end of article.

forces, authorized the export of a large computer to ARMSCOR, and permitted the shipment of 2,500 electric shock batons to South Africa.[20] Since then, public outcry and the threat of congressional sanctions forced the Administration to expand export controls slightly. Yet, the Administration was victorious even as it appeared to concede to public pressure last fall: in net terms, the new sanctions were a defeat for Congress, and they will be little more than a mild irritant to Pretoria.

One of the most troubling weak spots in implementing the embargo is the licensing process, which involves the Departments of State and Commerce. Most sales to South Africa are licensed by the Commerce Department, which is responsible for overseeing commercial exports of general commodities as well as dual-use equipment that is on the "Commodity Control List"—a special catalogue of strategic technology with military and civilian applications such as computers and spares, communications equipment, electronics, and other high-technology products. The scope of such sales is significant. In 1984, U.S. companies outstripped the competition with $185 million in computer sales alone—more than British, Japanese, West German, French, and Italian data-processing companies combined.[21]

The State Department licenses the commercial export of weapons and military equipment, designated as "arms, ammunitions and implements of war" on the State Department's "Munitions List." Such sales wound down during the Carter Administration, which interpreted the arms embargo to ban all sales of any commodities on the Munitions List to any end-user in South Africa. But a result of Reagan's "constructive engagement" policy has been the decontrol of certain items on the Munitions List for sale to South Africa. "The . . . munitions list encompasses many articles not covered by the embargo, and the United States will only consider applications for such items not covered by the embargo," a U.S. official stated at the United Nations on October 23, 1983. Munitions List exports have therefore jumped dramatically.

In virtual secrecy, the State Department licensed over $27.9 million worth of technology on the Munitions List for export to South Africa from 1982 to 1984, according to information obtained by the American Friends Service Committee under the Freedom of Information Act. The sales included encryption equipment, navigation gear, image intensifiers, and technical know-how.[22] The users were private firms and two government-owned research installations, both of which do military work. After this information was published, the State Department said that the sophisticated encryption technology was destined for use in automatic banking machines but did not explain the other sales.[23]

The State Department's apparent belief that Munitions List commodities would not be put to military or repressive use flies in the face of reality. Once U.S. products—whether military or dual-use—reach South Africa, they are potentially available to the government, the military, ARMSCOR, or commercial weapons-makers. U.S. companies have acknowledged this. A September 21, 1978, cable from then Secretary of State Cyrus Vance said: "In most cases, [the U.S. corporations] contend that they are unable to control the distribution of the commodities or the products of their technical data once these commodities or products reach South Africa." The only way to prevent embargoed government agencies from gaining access to military technology is to prevent it from being exported in the first place—a prospect which appears dim under the Reagan Administration.

Last November 18, the Commerce Department published carefully crafted new export controls implementing the presidential order on sanctions against South Africa. The regulations forbid sales to the security forces, ARMSCOR, and certain "apartheid-enforcing agencies," and are likely to reduce shipments under blanket licenses. On balance, however, they seem designed more to quiet public criticism than to implement the international arms embargo. The regulations have several blind spots:

A "Contract Sanctity" clause permits sales to certain apartheid agencies which were negotiated before the measures were published. It is highly probable that the South Africans signed advance contracts with U.S. suppliers expressly to evade any new controls.

U.S. technology may be incorporated into larger foreign-assembled systems destined for apartheid agencies as long as the U.S.-supplied parts make up less than 20 percent of the total purchase cost.

Sales to the CSIR and to commercial arms-makers who work with ARMSCOR and supply the security forces and the government are not totally banned.

Sales of many items on the commodity Control List are permitted, and exports of items on the Munitions List are not completely banned.

Perhaps the most fundamental flaw in the regulations is the assumption that South Africa will simply comply with them. "Sanctions-busting" is a time-honored tradition in South Africa that is fostered by the government, and ARMSCOR has vowed to "fight dirty" to keep its access to foreign technology.[24] While South African companies will likely humor U.S. licensing officials by giving them the required assurances to get export permits for computers and other high-technology equipment, such assurances mean virtually nothing.

When necessary, local laws permit the government simply to expropriate the technology it needs and prohibit companies from disclosing any information about such seizures. The regime can also invoke the Business Protection Act or any of several other statutes to prevent parent companies or the U.S. embassy from investigating how U.S. technology is being used. A U.S. government investigation of CGS Thermodynamics, which was suspected of diverting semiconductor equipment, apparently foundered when the South Africans refused to furnish information.[25] A multi-year investigation of Mobil Oil Corporation and Caltex Petroleum Corporation by the U.S. Treasury Department for alleged violations of the Rhodesian oil boycott fell on its face, it was announced last December, when the South African government prevented company representatives from supplying relevant information for the inquiry.[26]

Some observers insist that the arms embargo is a merely symbolic gesture of revulsion at apartheid by the world community. As conceived by the United Nations, however, the arms embargo was not only intended to express international moral outrage; it was intended to be effective. Ironically, U.S. policymakers are least interested in enforcing the one set of sanctions that have the most chance of success.

Though flawed and inadequately enforced, the arms embargo is beginning to have a negative effect on South Africa's military potential. The regime seldom misses the opportunity to declare the U.N. arms embargo a failure and point to South Africa's growing arms self-sufficiency—undoubtedly to bolster flagging morale at home and to promote South Africa's attempts to market its weapons overseas. But the capacity of the growing indigenous arms industry spawned by the embargo is severely limited. Its weapons gains in some areas notwithstanding, much of South Africa's equipment is obsolete and overworked: In 1984, the defense force was forced to retire its fleet of aged maritime surveillance aircraft without replacement. Pretoria urgently needs new submarines, other naval craft, and helicopters. Its jet fighter force is antiquated and there are no replacements in sight. Spares for highly sophisticated equipment in the South African Air Force have been a severe problem. The embargo has forced South Africa to accept a decline in its net military capacity that no other industrialized nation of comparable size would countenance.

South Africa's military establishment is far from the brink of collapse. But because Pretoria needs greater visible infusions of weapons and arms-related technology from outside suppliers, the arms embargo against South Africa will undergo its most severe test over the next few year. At this point, there is little reason to believe that the United States and the other nations that have traditionally supplied South Africa will resume official government-to-government arms transfers to South Africa. The pivotal question is whether policy-makers in the United States and other countries will stop winking at strategic commercial trade with Pretoria. The answer lies in their willingness to act in unison to stop commercial sales of arms and spare parts, high-technology equipment with military applications, and advanced technologies that South Africa needs to manufacture its own weapons. Ultimately, the most vital ingredient of a successful arms embargo is the political will to make it work.

FOOTNOTES

[1] *The 1985 South African Computer Users Handbook* (Johannesburg: Systems Publishers, 1985), pp. Q38, 62, 112.

[2] "Naschem at Pemex '83", *Machine Tool and Product Engineering Journal* (July 1983).

[3] Reed Kramer, "Proposed Aircraft Sales to S. Africa Test of New Trade Policy," *Washington Post*, March 16, 1982, p. A20.

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[7] Nancy Ross, "IBM Defends South Africa Computer Sales," *Washington Post*, Sept. 30, 1976, p. D16.

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[19] "Tot Breekpunt Gefolter!" *Paratus* (July 1983), p. 5.

[20] Reed Kramer, "Proposed Aircraft Sales to S. Africa Test New Trade Policy," *Washington Post*, March 16, 1982, p. A20; Richard M. Weintraub, "Policy Clash Develops on Shock Batons," *Washington Post*, Sept. 24, 1982).

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[22] Unpublished quarterly and annual compiled by the Department of Defense pursuant to Section 36 of the Arms Export Control Act (various issues); disclosures to the American Friends Service Committee under the Freedom of Information Act by the Office of the Legal Advisor to the State Department's Bureau of Politico-Military Affairs by telephone on Oct. 27, 1983 and on Nov. 10, 1983, and by correspondence dated Nov. 28, 1983.

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### Computer Companies Comment on Sales to South Africa

When the *Bulletin* contacted U.S. computer firms doing business in South Africa, all were quick to deny connections to apartheid enforcement.

IBM equipment is used by South Africa's Department of the Interior, Council for Scientific and Industrial Research (CSIR), and Defense Force, charges *Automating Apartheid*, written in 1982 by National Action Research on the Military-Industrial Complex (NARMIC). However, IBM spokesman Richard Coyle told the *Bulletin*, "We've investigated allegations of this kind . . . We don't sell to the military, police, or any agencies that support apartheid. To the best of our knowledge, no awful or illegal use of IBM equipment" is made in South Africa. Coyle emphasized that IBM does not sell "passbook systems or military systems." (As Thomas Conrad mentions in the accompanying article, IBM bid on the passbook system for blacks in 1965, but lost the contract to International Computers, Limited [ICL].

Naschem, a subsidiary of South Africa's national arms-manufacturing conglomerate, uses a Hewlett-Packard Company controller. "We don't have any idea where they got it," said Hewlett-Packard spokeswoman Barbara Kommer. "We're aware they have it only because of [a feature in] *Machine Tools and Product Engineering.*" Kommer emphasized that the controller "could only loosely be called a computer . . . it has to be linked to another machine." The *Bulletin* asked about Hewlett-Packard's role in lobbying for less restrictive sanctions against South Africa. "When Congress was considering various pieces of legislation, we did provide a lot of information on how our computers are used in South Africa and why we felt it was inappropriate to ban sales to any entity of the South African government," Kommer said. "We were deeply concerned that other government-run agencies such as hospitals and educational institutions wouldn't have access to U.S. computers under [the stricter proposed] House legislation."

Ontel, a subsidiary of Visual Technology, sold a computer system to South Africa in the late 1970s which is still used to monitor the actions of mine workers. "A general-purpose computer could have many applications," said John Emmerich of Ontel. "We don't have knowledge of what they use it for." Ontel stopped selling equipment to South Africa in 1980 when the company arranged for a South African firm to manufacture the computer. Sanctions against South Africa had nothing to do with Ontel's decision, he affirmed.

Robert Kramer of NCR Corporation said that his company has not sold to the South African government since the 1978 embargo and "has followed the letter and spirit of the law in every way." Jim Kenyon of Burroughs Corporation said, "Since we haven't been selling to military or police agencies since 1978, the [September 1985] sanctions haven't really affected us." Both men said their employers sold only to private companies in South Africa.

Control Data Corporation has sold mainframes to CSIR, South Africa's Council for Scientific and Industrial Research, spokeswoman Kristine Heine confirmed. CSIR is known for weapons research, but uses Control Data equipment for "research on agriculture, housing, water purification, and medicine," Heine maintained. She emphasized that Control Data systems were used in three universities for blacks and that graduates of South Africa's racially integrated Control Data Institute "were the first black programmers to enter the market, in 1979."

Have the September 1985 restrictions on computer sales to South Africa affected Control Data? "We placed the same restrictions on ourselves long before they were enforced under executive order," Heine said. "We don't sell to the police, military, prison systems, or apartheid-enforcing agencies." Yet Datamation magazine lists Control Data as one of the principal computer lobbists for a weaker set of sanctions against South Africa. Heine demurred, "I wouldn't want to distinguish between weaker and tougher [sanctions]. We were just trying to educate members of Congress on computers in South Africa." As for Control Data's sale of disk drives to Britain's ICL, which incorporated them into a mainframe sold to the national police force, Heine said her firm notified the British company that it expected them to comply with U.S. regulations of sales to South Africa, and that Control Data cooperated with the Department of Commerce's investigation into the sale. The department fined ICL and its South African subsidiary $15,000, although it did not find "probable cause" against Control Data.

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### Behind The Lobbying Effort for Weaker Sanctions

"Computers have become instruments for enforcing apartheid," Representative Howard Berman, California Democrat, told the Bulletin. Berman had proposed a congressional ban on computer sales to all South African government agencies and their supportive bodies—a ban which would also require U.S. firms to break existing contracts with the South African government. "But the companies were successful in diluting the [official U.S.] sanctions," he said. "Their major argument was that South African government agencies will be able to get computers elsewhere, so why punish U.S. companies." Lobbyists also argued that they "were bound by contracts to continue to service and maintain their equipment," and that the government "shouldn't interfere with existing contracts," Berman added. "[Computer companies] joined with others in the business community in saying you don't fight apartheid through economic pressure but through persuasion and . . . 'constructive engagement'."

While the House was debating proposed sanctions in the spring of 1985, representatives from IBM, Control Data Corporation, Hewlett-Packard Company, and the Computer and Communications Industry Association made the rounds of congressional offices, according to Marianne Spiegal, Berman's legislative director. "[The lobbyist said] 'We want to be able to sell to South Africa' but we don't want to sell to apartheid-enforcing agencies," she explained. "We said, the problem is that one [South Afircan] department is across the street from another . . . What kind of safeguards did they have to assure they aren't used for military purposes—especially Control Data, which had made the controversial sale to CSIR? They never got back to me on that or on the compromise language of legislation."

"The major loophole in the current legislation" allows companies to continue servicing equipment sold to any agency before the sanctions were imposed. Spiegal said. "But when we cut off everything for Libya, we cut off everything for Libya, whether it was subject to previous contract or not". Similarly harsh embargos were imposed on Nicaragua, she added.●

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## AFTER THE TEXTILE VETO, THE NEXT STEP

● Mr. HART. Mr. President, the problems of the textile and apparel industries are more severe than any recitation of unemployment of falling market share statistics can convey. The human cost is being paid in broken families, lost homes, educations cut short, and productive lives shortchanged. And this tragedy affects industries across this land.

Workers in steel, machine tools, electronics, automobiles, and others are paying the price for the absence of national leadership on trade. The problem is not limited to manufacturing workers—our Nation's farmers face a trade crisis that is costing their livelihoods and their land.

Today, the House of Representatives declined to override the President's veto of the textile bill. But the issue does not end here. We still must formulate a policy to ensure a competitive textile and apparel industry in the future. We still must replace this administration's laissez faire trade policy with an active commitment to make all sectors of the economy competitive in world trade.

We still need to address the hardship faced by farmers, workers, and their communities. But, in my judgment, protectionism is not the right response to our trade woes. The right way to get tough is to get competitive.

What steps are needed to get competitive in the textile industry? First

and foremost, we need to stop making our textile, apparel and other trade sensitive industries pay for the irresponsible fiscal policies of the past 5 years. The overvalued dollar has taxed our exports and subsidized our competitors. The current, long overdue decline in the value of the dollar will help some, but as long as the fundamental problem—sky high deficits—remain, we will be leaving ourselves open to repeating the recent past.

We need other economic reforms as well. The international monetary system needs to be restructured. The debt crisis faced by the developing world has stymied all American exporters, including the textile and apparel industries. Indeed, while much attention has been paid to the problem of rising textile and apparel imports, many fail to note that exports of American textile and apparel products have dropped by 40 percent since 1981. And the developing world accounts for more than half of the export market. Until these markets are freed of a debt burden that forces them to sell their products here at cut rate prices and prevents them from buying ours, we will see trade problems grow in industry after industry.

We need to streamline and enforce current trade laws. This means establishing a clear definition of what constitutes an unfair trade practice and then making enforcement automatic. Perhaps most important for the textile and apparel industries, it means increasing funds for the Custom Service, not slashing them in the haphazard manner contemplated by Gramm-Rudman I or II.

I have laid out this general trade strategy in the Competitive America Trade Act, cosponsored by my colleagues, Senators BRADLEY and NUNN. This approach will help ensure that free and fair trade can continue to grow.

The textile and apparel industry would benefit greatly. Clear and strong enforcement of streamlined trade laws would bring the worst abuses of our market to a quick halt. New technologies can continue to be developed with the assistance of joint business government research. Training programs can be designed to ensure that technology leads to better jobs, not the unemployment line, for current textile and apparel workers. But this may not be enough.

We need a coordinated policy toward the textile and apparel industries. An Office of Textile Enforcement under the Special Trade Representative could serve as a useful focus point. The National Science Foundation and the National Bureau of Standards should be engaging in cooperative research with the industry. Pursuing real reforms in the MFA and GATT treaties is critical.

What is needed is a positive program. We must make clear to the President that we do not subscribe to laissez faire, "let it happen," economic theology. We believe in aidez faire—which means, literally, "to make it happen." We need a policy to help us master the forces of economic change and to those forces to America's advantage.

Trade policy is a key aspect of international relations and foreign policy.

This Senator recently delivered three lectures on the broad scope of foreign policy and made the following observation:

If our alliances and friendships are to survive the next few decades, we must remember this: protectionism is isolationism—no less dangerous to our people or our alliances or our collective security than the isolation of the 1930's. The economic pain that many of our people feel because of trade is real, as are the flaws in the world's trading system. But we must address these flaws directly, not paper them over with * * * trade restrictions that would suffocate prosperity and alliance.

Mr. President, I urge all Senators, regardless of their position on the textile bill, to work cooperatively on the trade issue. We can establish a competitive trade policy for this country that will be good for workers, consumers, trade sensitive industries and the foreign policy of the United States.●

## COOLEY'S ANEMIA FOUNDATION, INC.

● Mr. D'AMATO. Mr. President, the Cooley's Anemia Foundation, Inc., of New York City has just announced the award of $150,000 to 10 scientists, each of whom will receive $15,000 research awards for their work in genetic therapy and oral chelation drugs.

The Cooley's Anemia Foundation is a small, but very efficient and hard-working foundation which has been of inestimable value to patients suffering from Cooley's anemia. In addition, the foundation has proven to be a source of support and activity for families of those afflicted by the disease. The 10 research awards represent thousands of hours of fund-raising by a dedicated band of volunteers and staff at dinners, golf tournaments, bingos, and fashion shows, among other projects. The efforts of the members of the foundation represent American voluntary "get up and go" at its finest.

I am encouraged by the efforts of this fine organization, and I would like my colleagues to be made aware of the organization's impressive efforts. I, therefore, ask that the text of the press release of the Cooley's Anemia Foundation be printed in the RECORD.

COOLEY'S ANEMIA FOUNDATION AWARDS $150,000 FOR RESEARCH

Ten scientists have been selected to receive $15,000 research awards from the Cooley's Anemia Foundation, for their work in genetic therapy and oral chelation.

The Cooley's Anemia Foundation Research Fellowships have been awarded annually for the past thirty years, making the program one of the oldest in the United States, supported solely by member contributions. The awards are given for research of Cooley's anemia and related clinical studies.

According to the National Institutes of Health, the study of Cooley's anemia and the insights gained in that research, has led to the development of new approaches and understanding to genetic disease in general. Cooley's anemia, known also as Thalassemia and Mediterranean anemia, is a genetic blood disorder which, until recently, was thought to afflict only those who trace their ancestry to the Mediterranean area. Today, this inherited blood disorder is found in over forty countries worldwide.

The awards were selected by a committee of leading scientists chaired by Dr. Arthur Bank of Columbia University. Reviewing Committee members: Dr. W. French Anderson of the National Institutes of Health; Dr. Sergio Piomelli of Columbia Presbyterian Medical Center; and Dr. Ronald Rieder of Downstate Medical Center, N.Y.

These are the awardees and the institutions where they will be working:

Kiran K. Chada, Ph.D., Columbia University.

Tariq Enver, Ph.D., University of Washington.

Paolo Fortina, M.D., Children's Hospital of Philadelphia.

Victor Gordeuk, M.D., Cleveland Metropolitan General Hospital.

Walter J. Gray, M.D., Jewish Hospital.

Norma Lerner, M.D., Columbia University.

Hong-Yuan Luo, M.D., McMaster University.

Mark W. Rixon, Ph.D., Fred Hutchinson Cancer Research Center.

Arlene Solomon, M.D., Cornell University Medical College.

Christian J. Stoeckert, Jr., Ph.D., University of Pennsylvania School of Medicine.●

## EUGENE METHVIN ARTICLES REVEAL ORGANIZED CRIME PRESENCE IN FOUR UNIONS

● Mr. NUNN. Mr. President, Eugene H. Methvin, a senior editor of the Reader's Digest, is a respected and resourceful reporter on the subject of organized crime. Since his days on the now defunct Washington Daily News some 20 years ago, Mr. Methvin had kept his readers informed on the workings of organized criminals—and the successes and failures of law enforcement in combatting them.

Two recent Digest articles by Mr. Methvin are especially informative because they reveal the lengths to which organized crime figures have gone to infiltrate four international unions.

In "The Devil and Roy Williams," which appears in the June 1986 issue, Mr. Methvin recounts the tragic career of former Teamsters President Roy Lee Williams, a much-decorated World War II artillery sergeant who returned from Europe to his truck driving job in Kansas City to begin his rise in the hierarchy of the union, a rise sponsored in substantial part by

Jimmy Hoffa and organized crime figure Nick Civella.

Williams, who was a fifth amendment witness before the Permanent Subcommittee on Investigations in 1980 when I was chairman, was convicted of attempted bribery in 1985 and is now serving a 10-year prison sentence. He was the third Teamsters Union president to go to prison.

Similarly, Mr. Methvin's "It's Time to Put Labor Racketeers Out of Business," appearing in the July 1986 issue, documents the presence of organized crime figures in the Teamsters and three other unions—the International Longshoremen's Association, the Hotel Employees and Restaurant Employees International and the Laborers' international.

Mr. President, I ask to have printed in the RECORD at this point both of Mr. Methvin's articles from the Reader's Digest.

The articles follow:

THE DEVIL AND ROY WILLIAMS

(By Eugene H. Methvin)

As president of the nation's largest union, the 1.7-million-member International Brotherhood of Teamsters, Roy Lee Williams seemed untouchable. He ruled supreme in the union's palatial marble headquarters at the foot of Capitol Hill, and in 1981 he became the first labor leader to be invited to the White House to consult with President Reagan.

But on December 3, 1985, Williams began a ten-year sentence in a federal prison in Springfield, MO. At age 70, sticken with emphysema and dependent on a wheelchair, he now faces the prospect of ending his days behind bars, a fitting finale to a deadly bargain he made with the Mafia devil more than 30 years ago.

Precisely when Williams sold his soul even he doesn't know. "I got myself in a web before I really knew what was going on," he says.

WHAT NICK WANTS

Williams began driving a truck in 1935 at age 20. Although husky and hot-tempered, he was, a fellow Teamster recalls, "really good-hearted." In World War II, he was a field-artillery sergeant who fought across Europe. He single-handedly captured 41 Germans in a church by bluffing them into thinking he had a whole platoon behind him.

Coming home with a chest full of medals, including the Silver Star, he returned to his truck-driving job in Kansas City and rose rapidly in the Teamsters. He had two powerful mentors: Floyd Hayes, longtime ruler of Kansas City's Local 41, and a tough Detroiter named Jimmy Hoffa, then the rising boss of the Teamsters' multi-state Midwest conference.

Hoffa tapped Williams to take over a troubled Wichita local. Later, when Hayes' grip on Local 41 began to slip, Hoffa decided to make Williams his successor.

Hayes, a typical 1930s-era union brawler, took kickbacks on "sweetheart" deals and embezzled union funds. But he fiercely opposed mob gangsters. "Let those guys get their tentacles on you," he warned Williams, "and they'll run this union and you too."

Williams disregarded Hayes's advice. While representing the Teamsters in Kansas City's turbulent Democratic Party politics, he began working with Nick Civella, who represented a large Italian-American political club and was already in the upper levels of Kansas City's Mafia hierarchy. He and Williams became "close personal friends."

In 1952, according to the FBI, Williams attended a secret Chicago meeting of Midwest mob leaders, where it was agreed that Williams would run the Kansas City Teamsters and in turn "cooperate with the syndicate." Williams discussed all major union problems with Civella before making decisions. If they disagreed, orders came from Hoffa: "Do what Nick wants."

PLAYING FOR KEEPS

At first Williams did not seem to understand the deadly grip of his syndicate alliance. He was soon enlightened. According to FBI testimony, in 1956, when Williams resisted buying a costly outpatient-care package for Local 41 members, he was visited by two of Civella's gangsters. "Buy the medical plan," the goons warned, "or we'll kill your children and your wife. You go last."

Williams broke into anguished tears as he told Hayes what had happened. Convinced that the program would devastate their union financially, the two men flew to Detroit to consult Hoffa, who met them with two mobsters at his elbow. "Buy the plan," Hoffa ordered, "and raise dues to cover it." They did.

Repeated dues hikes generated rank-and-file opposition. One critic, Jake Henderson, especially irritated Williams, who could be as tough as anyone in defending his union control. According to FBI testimony, Williams told Hayes he was going to have Henderson shot—just to scare him. One night in 1959 a shotgun blast tore through Henderson's living-room window, peppering his legs with 65 pellets.

Williams played a key role when the Hoffa-Mafia alliance completed its takeover at the Teamsters' 1957 Miami convention. He chaired the credentials committee and engineered the seating of delegates who Senate investigators concluded were chosen improperly, some from "paper locals" created by the syndicate.

Hoffa had already rewarded Williams by making him a trustee of the new Central States Pension Fund (CSPF), into which employers in 25 states poured millions of dollars for their union employees. For Hoffa and his Mafia allies, the CSPF became a rich lode from which to mine payoffs and kickbacks.

By the mid-1970s, the mob was brazenly siphoning millions each year out of Las Vegas casinos bought with "loans" from the CSPF. But Justice Department prosecutors were powerless to crack the Teamster-Mafia combine without witnesses—and mob "hit men" ruthlessly sealed the lips of all who might testify.

One such was Floyd Hayes. In 1962 the FBI filed a case against Hayes, Williams and their cohorts for embezzling more than $200,000 in union funds. Although Hayes and others were convicted, Williams was acquitted when witnesses at the trial proved mysteriously vague about his role. The G-men visited Hayes, who agreed to become a government witness. He spent four days in a Chicago hotel room telling the FBI about Williams, Hoffa and their Mafia "connection," and detailing the casino skimming operation.

As a government witness, Hayes was now a prime Mafia target. He built a high fence around his home, floodlighted the yard and kept roaming watchdogs. But in June 1964, gangsters caught up with him in a parking lot and riddled him with bullets. They also wounded his wife. "They didn't have to shoot her," Hayes' FBI contact says. "That was a message"—to anyone else who might get out of line.

SEE MY FRIEND

As Williams rose through union ranks, he was always under Civella's control. Civella assigned a top associate, Sam Ancona, as his "messenger" to Williams. Ancona occupied an adjoining office in Teamster Hall and became an official in a joint council overseeing more than 20,000 union members in two states. Even after Williams became Teamster president in 1981, Civella's "messenger" traveled with him wherever he went.

Mobsters in other cities sought to cut deals directly with Williams, but Civella ordered him to refuse. And Williams did. "You know where you've got to go," he always responded. "Go see my friend in Kansas City."

One businessman who went through his friend in Kansas City was Allen Glick, a San Diego real-estate developer. In 1974 Glick sought a $63-million Teamster loan to buy two Las Vegas casinos. Chicago Teamster officials referred Glick to Milwaukee Mafia boss Frank Balistrieri, who then contacted Civella; with Williams signing off, Glick got his loan. Glick next hired Balistrieri's two sons as "legal retainers" for a fee of over $100,000 and gave them an option to buy a half-interest in the casinos for a mere $25,000. He also agreed to hire as his manager reputed Chicago Mafia assoicate Frank Rosenthal.

But Glick quickly found that he was a mere figurehead. Millions were skimmed from his casinos, and cash flowed monthly to Mafia bosses in Kansas City, Milwaukee, Chicago and Cleveland. From this money, Civella gave Williams $1500 a month. (Although 11 people were eventually convicted in the skimming, Rosenthal was never charged, and the Balistrieri sons, though indicted, were never convicted.)

The chain of events leading to Roy Williams's downfall began after Hayes's murder, when the FBI put a new agent, Bill Ouseley, on Civella's trail. Using a court-authorized wiretap, Ouseley eaves-dropped on Civella's bookie for weeks. Finally, he struck gold. On a 1970 weekend, Civella himself called his bookmaking headquarters for a report on the wagering. His conviction for conspiracy to violate interstate gambling laws was enough to send him off to his first prison term in 1977.

About the time Civella was paroled in 1978, a wave of mob murders persuaded Kansas City's federal judges to authorize new electronic surveillance. Ouseley and his colleagues recorded Civella and his brother Carl plotting to use the Mafia to promote Williams as Frank Fitzsimmons's successor in the Teamster presidency. When Fitzsimmons died in 1981, the Mafia "shadow government" quickly named Williams.

The G-men also uncovered a plan involving Williams in the sale of valuable Teamster real estate in Las Vegas to Sen. Howard Cannon (D., Nev.), then chairman of the Senate Commerce Committee. The sale was to be in return for a commitment to delay trucking-deregulation legislation. One night Ouseley also monitored the Civella brothers coolly discussing whether to bring in outside killers to murder a gangland enemy. That conversation was enough for a federal judge

to send Civella back to prison. (He died a few days after his release in 1983.)

VIEW FROM THE DARK SIDE

As the surveillance evidence accumulated, Ouseley and his colleagues decided to make their move. On February 14, 1979, they grabbed Civella's courier arriving at the Kansas City airport with two $40,000 packages of stolen casino cash. That was the signal for FBI teams with dozens of search warrants to raid the homes of the Civellas and six other mobsters, as well as Las Vegas casino offices. The G-men seized a bonanza of evidence: guns, bulletproof vests, and coded records of casino-cash payoffs to Teamster and Mafia figures.

Williams, another former pension-fund trustee, a current trustee and two Mafia figures were convicted of conspiracy to bribe Senator Cannon. The Senator was never indicted, but in 1982, with the trial making headlines, Nevada's voters defeated his bid for a fifth term.

Last October Roy Williams took the stand in Kansas City to testify against his erstwhile Mafia allies. For the first time, the American people heard inside testimony confirming the mob's reign of terror over the nation's largest union. Williams told how, during the years he spent climbing the Teamster hierarchy, one union member had been murdered and left in a car trunk and another shot in the head and tossed on his father's grave. "I was afraid, yes, sir," said Williams.

Why was he testifying? "I decided I would come up with the truth that I had been withholding for many years," Williams answered. "I'm seventy years old, sir, and when you get on the dark side of the cloud, you think a little different."

One month later the prison doors clanged shut on Roy Williams, the ultimate payoff for his 30-year alliance with the devil.

Today the $7-billion CSPF is under federal-court supervision and its investing is supervised by independent professional managers. But hundreds of other Teamster benefit funds have no such protection. Williams alleges that during his years with the Teamsters, every major Teamster local had "some connection with organized crime" and that his successor as Teamster president, Jackie Presser, is as controlled by the mob "as I was."

[From the Reader's Digest, July 1986]

IT'S TIME TO PUT LABOR RACKETEERS OUT OF BUSINESS

(By Eugene H. Methvin)

Joe Teitelbaum, owner of a Miami stevedoring company, became so fed up in 1975 with shakedowns by the International Longshoremen's Association (ILA) that he turned to the FBI. The G-men were ecstatic to have an industry insider bold enough to wear secret tape recorders and introduce undercover agents to his business.

A federal probe lasting five years uncovered a massive, Mafia-managed cartel stretching from Boston to Houston. The racketeers sold labor peace on the docks where delays can cost shipowners $35,000 a day, rigged bids on ship repairs, orchestrated fraudulent workmen's-compensation claims, shook down employers for payoffs and fingered cargoes for truck hijackers. Dockworkers even had to pay a daily kickback to get work.

The FBI's biggest catch was the ILA's No. 3 officer, Anthony Scotto, boss of Brooklyn Local 1814. FBI electronic surveillance captured irrefutable evidence that Scotto was a capo in the Gambino gang, one of New York's top crime families. The Gambino organization controlled the docks as far south as Norfolk, Va., while the Genovese gang—another major New York crime family—ran the ILA locals farther south.

By 1981 Justice Department prosecutors had convicted 52 union officers and 58 company executives and corporations. Despite the convictions, little changed. The FBI subsequently recorded Gambino boss Paul Castellano boasting, "It's our International." Last January the President's Commission on Organized Crime reported, "Life on the docks today remains much as it was."

BAD FOUR

The frustrating result of this, the most successful labor-racketeering probe the FBI ever mounted, underlines a national scandal: four major American labor unions, with a total of nearly three million workers, are dominated by La Cosa Nostra, the crime syndicate, and its allies. The "Bad Four" are:

The International Brotherhood of Teamsters (IBT), whose 1.9 million members range from airline pilots to truck drivers. The IBT has been under the mob's thumb for three decades. Former president Roy Williams, imprisoned for conspiring with Mafia leaders to bribe a U.S. Senator, acknowledged under oath that every major Teamster local "had some connection with organized crime" and his successor, Jackie Presser, is as controlled "as I was."*

The ILA, representing 116,000 dockworkers on the East Coast, the Gulf Coast and the Great Lakes. Through this union, reports FBI Director William Webster, the mob imposes a "racket tariff" on all goods shipped through U.S. ports. Syndicate-managed thefts at Miami docks alone total $2 billion a year—costs that are passed directly to shippers and consumers.

The Hotel Employees and Restaurant Employees International (HERE), whose 400,000 members are "owned" by the Chicago Mafia, according to Congressional testimony and the FBI. In nine years the union's assets have dropped from $21.4 million to less than $14 million. Millions have been siphoned away in "loans" to gangsters and associates.

The Laborers' International (LIU), whose 509,000 members are concentrated in heavy construction and the building trades. In addition to extorting kickbacks and payoffs, LIU leaders rig bids, fix prices and order contractors to buy supplies from mob-controlled firms. By one authoritative estimate, the Mafia monopoly adds 20 percent to construction costs in New York City.

The presidents of all four of these unions have invoked the Fifth Amendment in refusing to answer official inquiries about criminal activities. Though AFL-CIO policy prohibits officials who take the Fifth from holding union office, the presidents of the three AFL-CIO unions continue to sit on the parent body's executive board. (The Teamsters were expelled from the AFL-CIO for corruption in 1957.)

NEGLECTED WEAPONS

Federal law-enforcement authorities, for their part, have ample legal power to clean up these unions, particularly with two weapons Congress gave the Justice Department in the 1970 Racketeer Influenced & Corrupt Organizations statute (RICO).

Legislators provided in RICO both criminal and civil sanctions for those engaged in a "pattern of racketeering." To imprison them, prosecutors must produce "proof beyond a reasonable doubt." But in a civil proceeding, government prosecutors or private parties need only supply a "preponderance of evidence." Then a jury or judge can impose triple damages. A judge can dissolve or seize racketeers' companies, oust them from their union posts or welfare-fund trusteeships, and ban them for life from specified business or union activity.

The late Sen. John L. McClellan (D., Ark.), the legislation's author, predicted the civil RICO law would assure the "wholesale removal of organized crime from our organizations and forfeiture of their ill-gotten gains."

But in 15 years, the Justice Department's organized-crime strike forces have brought just 68 criminal RICO prosecutions, with a distinct minority of those against union racketeers. These cases yielded only $1.1 million in fines and $3.2 million in forfeited assets. The neglect of the civil RICO weapon has been even worse: a mere six cases in 15 years, only one against a union racket.

By contrast, states that have adopted their own RICO statutes have put Washington's record to shame. Florida has had its statute only nine years, yet its attorney general has won $8.3 million in 39 civil RICO cases against racketeering enterprises as diverse as pornography, prostitution, theft, fraud and drug smuggling. In six years Arizona has brought 75 RICO prosecutions and chalked up judgments exceeding $16 million.

RARE VICTORY

Clearly, there is a great deal more to do on the federal level. Indeed, one of the few outstanding federal civil attacks on labor racketeering shows what can be accomplished by an all-out offensive.

In New Jersey, Mafia capo Tony Provenzano and his family ruled a Teamster empire, embracing 35 locals and 90,000 members, by sheer terror. In his own Local 560, two members who dared oppose Tony Pro were murdered—one gunned down as he left home the morning after speaking out at a union meeting.

The Provenzano group bilked Teamster welfare funds and oversaw Mafia loan-shark activities. They also infiltrated legitimate trucking companies to perpetrate a series of frauds and inside thefts, bleed the firms white and force them into bankruptcy. To avoid labor troubles, employers were compelled to make wholesale payoffs and hire ghost employees.

Justice Department prosecutors sent Tony Pro to prison for extortion. Yet he continued to run the union from his prison cell, his brothers assuming his official posts in Local 560. When Provenzano was finally put away for life for murdering a Teamster worker, his successor was none other than his 23-year-old daughter.

Then on March 9, 1982, Newark Strike Force chief Robert C. Stewart filed the first-ever civil RICO suit against a union. After a four-month trial, he won a resounding victory. Federal Judge Harold Ackerman declared that the evidence revealed "how evil men engaged in a multifaceted orgy of criminal activity," and he ordered the removal of the entire Local 560 executive board and the appointment of his own trustees to run the union. An appeal of his order is pending.

RICH POTENTIAL

Stewart's New Jersey triumph had strong reverberations in Washington. Assistant Attorney General Stephen S. Trott told Congress, "The Local 560 case has opened our

eyes to the potential of civil RICO. Future cases along the lines of Local 560 will be instituted."

Months passed, and nothing happened. Last March, the President's Commission on Organized Crime scored Justice Department inaction and called for a nationwide strategy "to bankrupt individual mobsters and to discourage union officers, employers and public officials from accommodating organized crime." But an effective federal assault will have to overcome these longstanding obstacles:

1. Lack of political will. Busting union rackets has never been popular work in Washington. Explains one former Labor Department investigator: "The rank-and-file union members are powerless, while their leaders can make campaign contributions, provide telephone banks and move voter blocs—the muscles that win elections."

Thus, ILA vice president Scotto marched Brooklyn dockworkers to cheer candidate Jimmy Carter, and President Carter invited him to lunch—even after FBI agents had recorded incontrovertible proof of his Mafia membership and union piracy.

President Reagan has entertained Teamster leaders Williams and Presser at the White House. In 1980 top LIU officers trooped to the White House to have their picture taken with Vice President Walter Mondale and present him with a campaign contribution. In the last two Congressional campaigns, the Bad Four collected $4.7 million to aid favored candidates.

Declares the President's Commission: "When corrupt union leaders are seen joining hands with politicians it conveys a message that political leaders are beholden to the union. Such contacts can erode public confidence and dampen the desire to end racketeering. Organized crime is aware of this and purposefully seeks to cultivate and benefit from political influence."

2. Anemic enforcement. Congress has never provided enough personnel and funds to enforce the laws it has passed to safeguard union members' rights. "I have fewer than two hundred people to oversee fifteen thousand federally protected union pension and welfare funds containing billions of dollars in trust for millions of workers," complained Deputy Assistant Secretary of Labor John J. Walsh before he quit in 1984. (The union funds are in addition to the 700,000 other private pension plans that the Department oversees.) The DOL has only 89 investigators to help the Justice Department combat labor racketeering. A veteran prosecutor told me, "I could use more than that in Manhattan alone."

The racket-busters' principal antagonist is Robert J. Connerton, a lobbyist and LIU's longtime general counsel. Lawyers in Connerton's firm wrote a law-journal article denouncing DOL corruption fighters as a "national police force with little accountability"—without noting that one of their firm's major clients is the racket-ridden LIU. Connerton spearheaded an AFL-CIO lobbying drive that sank a Reagan Administration effort to persuade Congress to provide 150 more DOL investigators.

*3. Bureaucratic bumbling and bickering.* For decades, lethargy and rivalry have dogged federal anti-racketeering efforts. When the Justice Department indicted Florida LIU official Bernard G. Rubin for embezzling $400,000, for instance, prosecutors moved to place union funds under trusteeship. After DOL declined to assist, pleading "lack of manpower," the Justice Department abandoned the effort. Rubin was convicted (he is appealing), but Senate investigators found he embezzled an additional $2 million before he went to jail.

DOL's 89 crime investigators do not have the authority to carry guns, execute search warrants or make arrests. When a DOL agent wants to bust a racketeer, he has to hunt up an FBI agent to accompany him. Sen. Sam Nunn (D., Ga.) has introduced remedial legislation, but a turf-jealous Justice Department has stalled it for almost three years.

*4. Inadequate planning, analysis and pursuit.* The FBI, its agent strength cut by nearly ten percent between 1976 and 1980, has lacked the manpower to mine its vast lode of surveillance tapes of top mobsters. The G-men in Chicago, for example, recorded thousands of hours of criminal conversations between Teamster president Roy Williams and his cohorts, but harvested only a single case.

"I know what those tapes contained, and it's a shame only a single prosecution came out of it," one FBI agent told me.

Proper planning and analysis could pyramid such intelligence bonanzas into seizures of racketeers' property, expelling them from office and placing their unions under court supervision. Scores of FBI veterans are retired at age 55, when they're considered too old to "work the streets." Why not use them as intelligence analysts to pore through the files and plan strategic long-range strikes?

5. Neglect of corporate racketeers. While businessmen are often unwilling victims, they may also be eager customers for the mob's chief product: muscle to terrorize workers and keep them quiet while corrupt union and corporate executives strike sweetheart deals.

The Commission on Organized Crime heard from one self-styled mob "leg breaker" who described how corrupt Teamster leaders conspired with Fortune 500 company executives to cut wages and welfare benefits, and jettison safety rules. The Justice Department prosecuted only seven defendants—not one of them a Fortune 500 executive.

Every American, whether union member or consumer, has a direct stake in ending the mobster empire of labor racketeering. When your Congressmen and Senators ask for your vote this autumn, ask them these questions: What have you done to root out racketeers and get the Justice Department moving to break the Mafia stranglehold on key unions? Are you accepting campaign contributions or endorsements from the "Bad Four" unions?

Meanwhile, write Chairman Don Nickles (R., Okla.), Senate Labor Subcommittee, 428 Senate Dirksen Office Bldg., Washington, D.C. 20510; Chairman William L. Clay (D., Mo.), House Labor-Management Relations Subcommittee, 2451 House Rayburn Office Bldg., Washington, D.C. 20515; or Attorney General Edwin Meese III, U.S. Justice Department, Washington, D.C. 20530. Tell them it's time to put labor racketeers out of business, now.●

## NEW STUDY PROVES SUCCESS OF TRADE ADJUSTMENT ASSISTANCE FOR FIRMS

● Mr. HEINZ. Mr. President, the operation of our trade adjustment assistance programs for workers and firms has been a subject of considerable controversy over the past few years. There has been opposition both to the concept of such assistance for workers and firms impacted by imports and to the actual operation of the programs in law.

Over the years I have consistently made clear my belief that the Government needs to provide an adjustment assistance program as an alternative to protection and my support for our current programs. I was also pleased to be a cosponsor of the Roth-Moynihan proposal of last year that would have significantly reformed and extended current programs and provided a permanent means of funding them. I regret we were unable to secure the enactment of that entire proposal in last year's reconciliation bill, but I look forward to the next round in that fight.

Even among those of us who support these programs, however, there has been criticism of their actual operation. The Roth-Moynihan proposal, in part, addressed some of those criticisms, particularly with respect to the program for workers.

One area where criticism has been particularly misplaced, in my judgment, has been with regard to the program for firms. Much of that criticism revolved around a high default rate for direct loans made during the Carter administration, and I believe much of that problem has been solved, first by better management and transfer of the program to the International Trade Administration from the Economic Development Administration, and more recently by removal of lending authority.

Unfortunately, some have also seen fit to criticize the operation of the technical assistance portion of the firm program, and there appears to be under way right now within the Commerce Department an effort to destroy the effectiveness of the program by terminating many of the expert contractors who operate the Trade Adjustment Assistance Centers and replace them with less experienced people. In fact, this small program—less than $15 million for technical assistance for the entire country—is filled with success stories. They are small companies, small businesses, and therefore have not often attracted much public or media attention, but the successes, in terms of increased employment, production, profits, and often simple survival of hard-pressed companies simply cannot be ignored. I believe that Commerce Department officials should be called to account for what appears to be nothing less than a deliberate effort to subvert and discredit this program.

I recently reviewed a study that provides graphic evidence of the success of this program, notwithstanding the bureaucratic difficulties the Commerce Department has imposed upon

it. That study, which the Department commissioned but has failed to release, finds that of the firms receiving technical assistance, 34.6 percent had adjusted and two-thirds of the remainder were still in business. It also makes clear that the more assistance firms received from the program, be it in developing their adjustment proposals, conducting diagnostic surveys or receiving direct loans, the more likely the firms were to adjust.

The definition of adjustment used in this study was not an easy one to achieve. To qualify as adjusted a firm had to have begun work on a majority of the remedial tasks specified in its TAAC-approved adjustment proposal and have shown significant increases in profits, sale or employment, such sales or profitability increases being equal to or above the average performance of similar firms on that sector—so that a general improvement in sectoral conditions would not be misconstrued as an adjustment success.

Mr. President, this study makes clear in dramatic terms that this program works and works well at a very low price. We are talking about $15 million for the entire program—$28 million when direct loans were being made—certainly one of the most cost-effective programs in the Government based on its results. I regret this study has not received more attention. The Commerce Department should be bragging about it instead of burying it. It demonstrates that there are effective alternatives to protection out there, alternatives we should be promoting and nurturing rather than hiding.

[Graphs and charts mentioned in the study not reproducible in the RECORD.]

I ask that a copy of the study, along with a clarifying letter by its authors, be printed at this point in the RECORD.

The material follows:

[Final Report]

EVALUATION OF THE ADJUSTMENT OF FIRMS ASSISTED BY THE TRADE ADJUSTMENT ASSISTANCE PROGRAM: ECONOMIC EXPERIENCE OF CLIENT FIRMS SINCE 1981

(Study Prepared by: HCR, Washington, DC.

This report was prepared as the final product of a study conducted under contract with the U.S. Department of Commerce. The contents of the report do not necessarily reflect the official views or opinions of the Department, but rather represent the research and analyses done by HCR.

The study was conducted during the period of May 23, 1984 to May 31, 1985. Assistance in data collection was also provided by the Trade Adjustment Assistance Centers located in the 13 regions.

Louise Woerner, President of HCR, Barbara Robinson, Project Director, Hillard Davis and Leon Hunt, Statisticians, supervised preparation of the report. Administrative support was provided by HCR staff. Vera Jenkins typed the drafts and prepared the report for distribution.

EXECUTIVE SUMMARY

This is a report of the economic adjustment of firms receiving technical assistance through the Trade Adjustment Assistance Program (TAAP) since 1981. The objective of the study is to assess the effectiveness of the TAAP in helping firms that have been adversely affected by imports.

*A. Findings*

Given below is a summary of findings resulting from our evaluation of the TAAP Program. These findings are based on a respondent sample of 127 firms.

Overall, 34.6 percent of the firms had adjusted as of December 31, 1984. Of the remaining 65.4 percent that have not satisfied the three criteria for adjustment, two-thirds are still in business. See page 30.

Of the 127 firms in the sample 100 or 78.7 percent were still in business. See page 30.

Of the 122 sample firms for which no outcome data were available, 81.1 percent are estimated to still be in business, thus increasing the likelihood that the rate of firms satisfying the adjustment criteria in the future will increase. See page 39.

Larger firms, those with more than $1 million in total sales adjusted at a much higher rate (87.1 percent) than the smaller firms, those with less than $1 million in total sales (19.4 percent). The out-of-business rate for the smaller firms is nearly twice as great as those for the larger firms (32.3 percent compared to 20 percent). See page 31.

Firms in the sample that had their adjustment proposal accepted within the last 12 months had a lower adjustment rate (28.6 percent) than those with longer periods of time; 36.0 percent for the 12-17 months; 40.7 percent for the 18-23 months; and 33.3 percent for the 24-plus months. This may be a reflection of not enough time to implement their adjustment proposal. As expected the out-of-business rate reached a maximum for the 24-plus month group (33.3 percent). See page 32.

Firms receiving OTAA direct loans adjusted at a rate of 66.7 percent compared to those receiving other types of loans (44.8 percent). Firms receiving no financial aid (loans) adjusted at a rate of 30.0 percent compared to an adjustment rate of 52.3 percent for those who received any type of loan. See page 37.

Firms within industries identified as critical to the U.S. industrial base adjusted at essentially the same rate (33.3 percent) than others (34.9 percent). See page 38.

Firms with government contracts had a higher adjustment rate (41.7 percent) than those without (33.0 percent). See page 38.

Firms receiving assistance from the TACs on developing their adjustment proposals adjusted at a much higher rate (38.0 percent) than others (7.1 percent). However, only 14 out of the 127 firms did not receive assistance in developing their adjustment proposals. See page 35.

Firms receiving assistance from the TAACs to conduct diagnostic surveys adjusted at a much higher rate (37.0 percent) than firms that did not. Approximately 91.3 percent of all firms received TAAC assistance in developing diagnostic surveys. See page 34.

*B. Background of the Trade Adjustment Assistance Program (TAAP)*

The TAAP was authorized by *Public Law 93-168: Trade Act of 1974.* This Act authorized the Secretary of Commerce to provide technical and financial assistance to firms hurt by import competition. Over time, financial assistance has been de-emphasized in favor of technical assistance.

Within the Department of Commerce, the program is currently administered by the Office of Trade Adjustment Assistance (OTAA) of the International Trade Administration. Prior to September, 1981, the Economic Development Administration (EDA) had this responsibility.

The firm assistance program is operated through a network of 13 Trade Adjustment Assistance Centers (TAACs) located throughout the United States and Puerto Rico. The TAACs are not federal agencies but receive federal funds to support the services they provide to client firms. Assistance to firms is provided on a cost sharing basis with assisted firms paying a minimum of 25 percent of the total cost. The TAACs are staffed by business experts who provide technical assistance, disseminate information, participate in seminars and assist firms in developing petitions for certification, diagnostic surveys and adjustment proposals. While most firms use TAACs to assist them in their application, it is not necessary and a firm can make a request directly to OTAA. The interactions of the various elements of TAAP are shown in Figure 1.

After a firm has been certified, the TAAC helps the firm develop a diagnostic survey to identify problems and to determine changes which need to be made. An adjustment proposal designed to ameliorate the firm's performance is then prepared. If the adjustment proposal is accepted by ITA, the TAAC may also help the firm implement the recovery strategy. The TAAC also assists the firm to obtain financing to implement the strategy which may include help in preparing an application for a Trade Act loan.

During the life of the TAAP a number of evaluations have been performed by both a non-government contractor and the General Accounting Office. For the most part, these have been process evaluations designed to examine the administration of the program and not to assess its effectiveness in improving the client firms' economic health. These evaluations have shown that TAAP operations are being continually improved, especially its administration. However, there have been criticisms of loan servicing and loan application review.

This study covers approximately 500 firms submitting adjustment proposals between June 1, 1981 through April 24, 1984, and their economic performance through December 31, 1984. Earlier history of the program is shown in Figure 2.

Under the criteria of the Trade Act of 1974, the first firm was certified as being negatively affected by foreign trade in May, 1975. As of April 30, 1984 an additional 2,102 firms had been certified. Of this number, 1,265 were certified before the program was administered by ITA beginning October 1, 1981.

*C. The firm assistance process*

For a firm to receive assistance certain procedures must be followed. These procedures are required to insure that only firms that meet the criteria set by the Trade Act of 1974 are accepted in the program.

The major components of the process to gain assistance are: Submission of petition and qualify for certification, preparation of a diagnostic survey, submission and acceptance by OTAA of an adjustment proposal, and assistance implementing the adjustment proposal.

Most firms that obtain assistance go through these four components. A brief description of each is given below.

*1. Certification.*—Firms receiving assistance under the TAAP must first become certified by the OTAA as having been harmed by imports. To become certified a firm must submit a petition to the OTAA requesting certification and demonstrating that increased imports of "like or directly competitive" articles contributed importantly to the decline in a firm's sales or production and of the actual or threatened separation of a significant portion of the firm's workers. To support the petition the form must describe the business and its economic history, identify its owners and any affiliates, subsidiaries, and parent firms, define the articles produced and sold and provide data on sales, production and employment. The petition is required to provide a list of customers who may be called to determine whether they have shifted their purchases to foreign sources. Supporting documents, including financial statements and state unemployment tax returns also accompany the petition.

OTAA reviews the petition and supporting documents and notifies the firm within five working days of receiving the petition whether it is complete and acceptable for investigation. Incomplete and otherwise unacceptable petitions are rejected and the firm is notified by telephone followed by a letter. If the petition is acceptable, OTAA begins an investigation and normally completes its work and either certifies the firm or denies its petition within 60 days. However, during the investigation, if OTAA finds the petition is incomplete, inaccurate or misleading, it may terminate the investigation.

If the firm cannot be certified, it is allowed to withdraw without prejudice and resubmit its petition whenever its management thinks that it can meet the eligibility criteria. If the firm does not agree to withdraw and certification is denied on the merits of the case, the firm may not submit another petition for one year. A firm whose petition has been denied by the OTAA may appeal its denial to the Assistant Secretary for Trade Development.

There is no limit on how large or small a firm can be to qualify for certification. Firms that are realizing a profit or firms that have recently shut down or are operating under bankruptcy proceedings can still petition for certification and obtain assistance.

Once a firm is certified it has two years from the date of certification to submit an acceptable adjustment proposal, which is the first step in applying for implementation technical assistance and/or financial assistance. If the adjustment proposal is not accepted and the two-year period has expired, the firm must petition again for certification and be recertified before it may apply for assistance again.

*2. Diagnostic survey.*—The diagnostic survey is used to review the current position of the firm. It is through this device that the firm's strengths, weaknesses, resources and problems are highlighted. The survey also provides a succinct analysis of the difficulties that must be overcome if the firm is to develop an acceptable adjustment proposal for survival.

The preparation of a diagnostic survey is required for every firm seeking assistance unless a waiver is given in writing. Such waivers are given only in those rare instances when the firm's position is clearly and completely understood and the preparation of such a document would be redundant.

Preparation of the diagnostic survey is usually done with TAAC assistance although that is not required. In rare instances firms use outside consultants in developing diagnostic surveys.

The adjustment proposal is usually developed and structured using the results of the diagnostic survey. Therefore it is very important that the diagnostic results reflect the true condition of the firm.

*3. Adjustment proposal.*—An adjustment proposal is a document prepared by a certified firm, usually with assistance from a TAAC, to explain briefly the strategy and plan of action the firm intends to employ to adjust to the impact of imports, and what type of assistance it intends to seek under the Trade Act to carry out the plan. Before a firm is authorized to seek implementation technical or financial assistance under the Trade Act, it is required to submit and receive acceptance of an adjustment proposal.

After an adjustment proposal is received by OTAA it is reviewed by the Adjustment Proposal Review Committee. This committee recommends action on the adjustment proposal to the Deputy Assistant Secretary for Trade Adjustment Assistance. This proposal is usually reviewed and a decision made within five to ten working days. If the Deputy Assistant Secretary finds the proposal to meet the criteria of the Act, he or she may accept the proposal and authorize the submission of the balance of the application for implementation technical assistance and/or financial assistance. If the adjustment proposal is found not to meet the criteria of the Act, the firm is informed of non-acceptance. In some cases, an adjustment proposal is accepted based upon crucial conditions being required to be satisfied before all or part of the assistance can be provided. Also, the firm must apply for the assistance outlined in the adjustment proposal within six months or a new adjustment proposal will be required.

*4. Implementation of the adjustment strategy.*—Once the adjustment proposal has been accepted by OTAA the firm is eligible to apply for assistance in implementing the plan. This is usually in the form of technical assistance. Such assistance is an integral part of the firm's adjustment proposal and may consist of market studies, studies to improve productivity, assistance in installing management controls, system designs for new products or helping a firm prepare an application for a loan or loan guarantee under the Trade Act or other available programs.

In some instances OTAA requires firms receiving Trade Act loans to agree to receive technical assistance in carrying out the adjustment proposal. Such assistance generally consist of monthly or quarterly visits by TAAC staff whose services have been agreed to by the firm, the TAAC and OTAA. The purpose of these visits are to review progress in accomplishing the firm's recovery and to uncover any problem which could impede implementation of the firm's recovery strategy. Such visits may lead to recommendations for additional technical or financial assistance.

### *D. Study methodology*

The purpose of the TAAP is to assist import-impacted firms achieve economic adjustment. While the idea of adjustment is clear—it suggests a return to economic health—it is not explicitly defined either in the legislation or TAAP administrative guidelines. Therefore considering the definition of adjustment was the initial task in this research.

It is clear that an evaluation of the TAAP should include several elements. First, there must be a connection between the assistance rendered by a TAAC and subsequent behavior of its client firms. In other words, a TAAC must not only advise an impacted firm, but there must be an indication that its advice has been understood and followed. A firm's implementation of an OTAA accepted adjustment proposal is evidence that the TAAC's advice is being taken.

Secondly, the TAAC's prescriptions must be effective. They must, if implemented, actually have some beneficial effects on the client firm. The clearest indication of such effectiveness is improvement in a firm's income statement sheet: increased sales and/or profits. Furthermore, since one of the goals of the TAAP is to preserve jobs, the increase in a firm's employment is a positive economic effect.

There also remains the question of attribution: is a firm's progress *due* to the TAAC's intervention or is it simply the result of the changing fortunes of the industrial sector? If the client firm has not done as well as its Standard Industry Code (SIC) classification average, we might conclude that its performance is unrelated to the TAAC's assistance, since it is relatively worse off than its peer firms which have not been assisted.

We used these three considerations to construct an operational definition of adjustment. To be adjusted, a firm must have:

Begun implementation of a majority of the tasks specified by its adjustment proposal.

Shown improvement in sales or profitability or increase in employment *after* TAAC assistance.

Increased its sales or profit equal to or exceeding the average performance for similar firms (in the same 4-digit SIC with approximately equal sales).

We selected a random sample of 249 firms from a total of 426 firms which had completed diagnostic surveys and/or adjustment proposal since 1981, and collected, for each firm, routine administrative data necessary to evaluate the three preceding adjustment criteria. Outcome data on approximately 51 percent of the sampled firms were obtained and used in this evaluation.

### *E. Conclusions*

The results from the study suggest that the TAAP has had a beneficial economic effect on their clients of import-impacted firms. While our estimate of a 35 percent adjustment rate may be too high, because of response bias (a greater tendency for successful firms to respond), the success rate would still be about 18 percent if no other firms in the total sample of 249 had adjusted successfully.

However, if less stringent criteria of adjustment are used, the rates would be even higher. The effect of alternative definitions are discussed in the study results on pages 25 and 41.

### *F. Recommendations*

Based on the findings of this study, the following recommendations are offered:

The state-of-the-art of predicting economic performance is such that, with comparative ease, OTAA can predict which firms are most likely to be successful in achieving adjustment and which would not. In the future, OTAA should consider using this type of algorithm.

A reporting system is basic to the monitoring, evaluation and management of a program. As a tool in achieving these ends, a management information system that could be used to obtain and process the type of information needed should be developed and implemented. This system need not be extensive but include key indicators needed to monitor performance of a client firm.

Since the TAAP has had at a minimum a moderate success rate, a cost-benefit analysis should be performed to show what overall benefits have accrued from the program. That is, added data and factors could form the basis for estimating numbers of jobs retained, taxes paid, salaries paid, *etc.*

I. STUDY DESIGN

*A. The study population: Firms entering the TAAP between June 1981 and April 1984*

For purpose of this evaluation, the population consisted of all firms receiving technical assistance and Trade Act certification between June 1, 1981 and April 24, 1984. The reason for selecting this starting date rather than the beginning of the program was to evaluate the program as it is currently structured. During June, 1981, substantial program changes were initiated in anticipation of the imminent transfer of the program from the Economic Development Administration to the International Trade Administration. This transfer did not take effect until September, 1981. Because of this transfer, OTAA was able to implement changes in the operating procedures, guidelines and administrative management necessary to strengthen the assistance program in place before that date.

To identify the population from which a sample of firms would be selected, HCR used a list supplied by OTAA of all certified firms which had submitted adjustment proposals and received technical assistance during the dates given above. The list contained the names of 487 firms. It represented firms from all 13 regions of the United States and Puerto Rico and those firms that sent their petitions directly to OTAA. Some of the firms were listed more than once because they submitted more than one adjustment proposal and received assistance under each plan. After eliminating multiple listings, there were 426 different firms in the population of certified firms.

HCR considered the inclusion of a control group of firms for comparison purposes. This group was to have included matched firms that received no assistance from OTAA. A feasibility study was conducted which demonstrated that it is not practical to compare TAAC clients to matched controls in a quasi-experimental design. There are two problems: A client firm may be genuinely unique-such as firm x,[1] the sole remaining U.S. manufacturer of a mechanical device, and therefore, incomparable; and a client firm may have a unique product mix, with substantial volume in several 4-digit SICS, such as firm y[1] which makes blister packaged hardware, shopping carts, T.V. antenna parts, and auto accessories.

In principle, it would be possible to compare unique companies to future competitors in their new product line after adjustment. For example, firm x is developing a unique product which will compete both with imports and with U.S. producers. So far, however, few such situations appear to have developed far enough to warrant evaluation.

For companies with unique product mixes, it might be possible to compare them to competitors by SIC for each major product, but there is no assurance that any competitor will be like the client. For instance, firm y with $7 to $8 million in sales competes directly with larger companies which are 10 times its size.

We therefore concluded that a quasi-experimental design, in which TAAP client firms were compared to a matched control group of unassisted firms, was not feasible because reasonably similar controls could not be found. We were obliged to resort to statistical controls—a comparison between TAAP clients and the average behavior of similar firms in their four-digit SIC as described below.

Table 1 shows the distribution of firms in the population and sample by region. In the population the Midwest region has the largest percentage (13.5), followed by the New Jersey region with 13.4 percent and Metro New York with 12.0 percent. The three most recently established regions, Rocky Mountain, Puerto Rico and Great Lakes were established after September, 1981 and did not become operational until after mid-year 1982. This is reflected in the small number of firms listed for those regions. For example, since being established, the Rocky Mountain, Great Lakes and Puerto Rico TAACs have assisted eight, three and four firms, respectively.

Firms in the evaluation sample were classified into 20 different two-digit SIC sectors. These were as diverse as the production of agricultural products to the manufacture of high technology products.

Approximately 22.8 percent of the assisted firms were involved in the manufacture of apparel products (Table 2). This is more than twice as many as any of the other SIC categories listed. Nine of the 13 TAACs had a majority, or equal number, of assisted firms classified in this category. Only the Great Lakes, New York State and New England TAACs differed.

The second most frequent category of firms which were certified was in fabrication of electrical machinery and supplies (11.3 percent). A majority of the firms from the Great Lakes and New York State TAACs, 66.7 and 21.2 percent respectively, were classified in this category.

It has been approximately three-and-a-half years since the first firm was certified after ITA assumed management of the program. This means that the firms in the sample frame have had a maximum of three-and-a-half years to implement their plans and show adjustment. Table 3 indicates the length of time between the date the Adjustment Proposal Review Committee met and December 31, 1984, the last possible quarter for which performance data were available. This table shows how much time the firms have had to implement their adjustment proposals which is also the length of time on which their adjustment can be assessed.

Approximately 50.9 percent of the firms have had two or more years to implement their plans while 84.5 percent have had one or more years. When time interval is compared to type industry, the difference in interest over time can be seen; for example, 28.5 percent of the firms that have been in program for more than 24 months were apparel product firms compared to 16.8 percent of those with less than one year of participation.

*B. Study sample*

This evaluation was based on results from a random stratified sample of firms. Certain criteria were imposed to insure selection of firms with characteristics that were of interest to the evaluation. These characteristics defined the sampling strata.

[1] Actual firm names are disguised to protect privacy.

TABLE 1.—NUMBER AND PERCENT OF FIRMS IN THE POPULATION AND SAMPLE BY REGION

| Name of region | Population | | Sample | |
|---|---|---|---|---|
| | Number | Percent | Number | Percent |
| Mid-Atlantic | 40 | 9.4 | 27 | 10.8 |
| Great Lakes | 3 | 0.7 | 2 | 0.8 |
| Mid-America | 19 | 4.5 | 11 | 4.4 |
| Metro New York | 51 | 12.0 | 25 | 10.1 |
| Mid-West | 58 | 13.5 | 32 | 13.0 |
| New England | 45 | 10.6 | 24 | 9.6 |
| New Jersey | 57 | 13.4 | 36 | 14.5 |
| Northwest | 14 | 3.3 | 13 | 5.2 |
| New York State | 33 | 7.7 | 20 | 8.0 |
| Puerto Rico | 4 | 0.9 | 3 | 1.2 |
| Rocky Mountain | 8 | 1.9 | 5 | 2.0 |
| Southeastern | 33 | 7.7 | 22 | 8.8 |
| Western | 42 | 9.9 | 20 | 8.0 |
| Other [1] | 19 | 4.5 | 9 | 3.6 |
| Total | 426 | 100.0 | 249 | 100.0 |

[1] Firms submitting diagnostic surveys and/or adjustments proposals directly to OTAA.

TABLE 2.—NUMBER AND PERCENT OF FIRMS SUBMITTING ADJUSTMENT PROPOSALS TO OTAA BY TAAC REGION AND TYPE INDUSTRY; JUNE, 1981 TO APRIL, 1984

| Description | SIC— | Mid Atlantic | | Great Lakes | | Mid America | | Metro N.Y. | | Mid West | | New England | | New Jersey | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Number | Percent | Number | Percent | Number | Percent | Number | Percent | Number | Percent | Number | Percent | Number | Percent |
| Agric. Products Crops | 01 | 0 | — | 0 | — | 0 | — | 2 | 3.9 | 1 | 1.7 | 0 | — | 1 | 1.8 |
| Agric. Products Livestock | 02 | 0 | — | 0 | — | 0 | — | 1 | 2.0 | 0 | — | 1 | 2.20 | 0 | — |
| Fishing, Hunting & Trapping | 09 | 0 | — | 0 | — | 0 | — | 0 | — | 0 | — | 0 | — | 0 | — |
| Bituminous mining | 12 | 0 | — | 0 | — | 0 | — | 0 | — | 0 | — | 0 | — | 0 | — |
| Food & kindred products | 20 | 2 | 5.0 | 0 | — | 0 | — | 1 | 2.0 | 2 | 3.4 | 0 | — | 0 | — |
| Textile mill products | 22 | 1 | 2.5 | 0 | — | 1 | 5.3 | 3 | 5.9 | 0 | — | 5 | 11.1 | 8 | 14.0 |
| Apparel products | 23 | 15 | 35.7 | 1 | 33.3 | 3 | 15.8 | 22 | 43.1 | 8 | 13.8 | 4 | 8.9 | 8 | 14.0 |
| Lumber and wood products | 24 | 1 | 2.5 | 0 | — | 1 | 5.3 | 0 | — | 0 | — | 0 | — | 1 | 1.8 |
| Furniture and fixtures | 25 | 2 | 5.0 | 0 | — | 0 | — | 2 | 3.9 | 0 | — | 4 | 8.9 | 2 | 3.5 |
| Chemical and allied products | 28 | 0 | — | 0 | — | 0 | — | 1 | 2.0 | 1 | 1.7 | 0 | — | 4 | 7.0 |
| Rubber and misc. products | 30 | 1 | 2.5 | 0 | — | 0 | — | 0 | — | 1 | 1.7 | 1 | 2.2 | 3 | 5.3 |
| Leather and leather goods | 31 | 1 | 2.5 | 0 | — | 4 | 21.1 | 8 | 15.7 | 2 | 3.4 | 5 | 11.1 | 1 | 1.8 |
| Stone, glass, concrete prod | 32 | 2 | 5.0 | 0 | — | 0 | — | 2 | 3.9 | 1 | 1.7 | 0 | — | 4 | 7.0 |
| Primary metals industry | 33 | 1 | 2.5 | 0 | — | 0 | — | 0 | — | 2 | 3.4 | 2 | 4.4 | 3 | 5.3 |
| Fab. rmetals, exc. machinery | 34 | 0 | — | 0 | — | 3 | 15.8 | 2 | 3.9 | 11 | 19.0 | 5 | 11.1 | 4 | 7.0 |
| Machinery, exc. electrical | 35 | 2 | 5.0 | 0 | — | 1 | 5.3 | 2 | 3.9 | 8 | 13.8 | 5 | 11.1 | 6 | 10.5 |
| Electrical machinery equip. | 36 | 9 | 22.5 | 2 | 66.7 | 2 | 10.5 | 2 | 3.9 | 8 | 13.8 | 2 | 4.4 | 7 | 12.3 |
| Transportation equipment | 37 | 1 | 2.5 | 0 | — | 1 | 5.3 | 0 | — | 6 | 10.3 | 0 | — | 0 | — |
| Measuring, anal. instruments | 38 | 1 | 2.5 | 0 | — | 0 | — | 1 | 2.0 | 3 | 5.2 | 2 | 4.4 | 1 | 1.8 |
| Misc. mfg. industries | 39 | 1 | 2.5 | 0 | — | 3 | 15.8 | 2 | 3.9 | 4 | 6.9 | 9 | 20.0 | 4 | 7.0 |
| Total | | 40 | 100.0 | 3 | 100.0 | 19 | 100.2 | 51 | 100.0 | 58 | 99.8 | 45 | 99.8 | 57 | 100.1 |

TABLE 2.—NUMBER AND PERCENT OF FIRMS SUBMITTING ADJUSTMENT PROPOSALS TO OTAA BY TAAC REGION AND TYPE INDUSTRY; JUNE, 1981 TO APRIL, 1984—Continued

| Description | SIC | Northwest | | N.Y. State | | Puerto Rico | | Rocky Mountain | | Southeastern | | Western | | Other | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Number | Percent | Number | Percent | Number | Percent | Number | Percent | Number | Percent | Number | Percent | Number | Percent | Number | Percent |
| Agric. Products Crops | 01 | 0 | — | 6 | 18.2 | 0 | — | 0 | — | 0 | — | 0 | — | 1 | 5.3 | 11 | 2.6 |
| Agric. Products Livestock | 092 | 0 | — | 0 | — | 0 | — | 1 | 12.5 | 0 | — | 0 | — | 0 | — | 3 | 0.7 |
| Fishing, Hunting & Trapping | 02 | 0 | — | 1 | 3.0 | 0 | — | 0 | — | 0 | — | 0 | — | 0 | — | 1 | 0.2 |
| Bituminous mining | 12 | 0 | — | 0 | — | 0 | — | 0 | — | 0 | — | 1 | 2.4 | 0 | — | 1 | 0.2 |
| Food & kindred products | 20 | 0 | — | 2 | 6.1 | 1 | 25.0 | 0 | — | 0 | — | 0 | — | 0 | — | 8 | 1.9 |
| Textile mill products | 22 | 1 | 7.1 | 3 | 9.1 | 0 | — | 0 | — | 4 | 12.1 | 1 | 2.4 | 5 | 26.3 | 32 | 7.5 |
| Apparel products | 23 | 3 | 21.4 | 1 | 3.0 | 3 | 75.0 | 2 | 25.0 | 9 | 27.3 | 11 | 26.2 | 7 | 36.8 | 97 | 22.8 |
| Lumber and wood products | 24 | 2 | 14.3 | 0 | — | 0 | — | 0 | — | 4 | 12.1 | 2 | 4.8 | 0 | — | 11 | 2.6 |
| Furniture and fixtures | 25 | 0 | — | 1 | 3.0 | 0 | — | 0 | — | 2 | 6.1 | 3 | 7.1 | 0 | — | 16 | 3.8 |
| Chemical and allied products | 28 | 0 | — | 0 | — | 0 | — | 0 | — | 0 | — | 1 | 2.4 | 1 | 5.3 | 8 | 1.9 |
| Rubber and misc. products | 30 | 1 | 7.1 | 0 | — | 0 | — | 0 | — | 1 | 3.0 | 1 | 2.4 | 0 | — | 9 | 2.1 |
| Leather and leather goods | 31 | 0 | — | 1 | 3.0 | 0 | — | 0 | — | 2 | 6.1 | 4 | 9.5 | 2 | 10.5 | 30 | 7.0 |
| Stone, glass, concrete prod. | 32 | 0 | — | 0 | — | 0 | — | 0 | — | 0 | — | 1 | 2.4 | 0 | — | 10 | 2.3 |
| Primary metals industry | 33 | 1 | 7.1 | 2 | 3.0 | 0 | — | 0 | — | 0 | — | 0 | — | 1 | 5.3 | 11 | 2.6 |
| Fab. metals, exc. machinery | 34 | 3 | 21.4 | 3 | 9.1 | 0 | — | 2 | 25.0 | 2 | 6.1 | 2 | 4.8 | 0 | — | 37 | 9.7 |
| Machinery, exc. electrical | 35 | 2 | 14.3 | 2 | 6.1 | 0 | — | 0 | — | 2 | 6.1 | 4 | 9.5 | 0 | — | 34 | 8.0 |
| Electrical machinery equip. | 36 | 0 | — | 7 | 21.2 | 0 | — | 1 | 12.5 | 1 | 3.0 | 7 | 16.6 | 0 | — | 48 | 11.3 |
| Transportation equipment | 37 | 0 | — | 1 | 3.0 | 0 | — | 0 | — | 1 | 3.0 | 0 | — | 0 | — | 10 | 2.3 |
| Measuring, anal. instruments | 38 | 0 | — | 0 | — | 0 | — | 0 | — | 1 | 3.0 | 0 | — | 1 | 5.3 | 10 | 2.3 |
| Misc. mfg. industries | 39 | 1 | 7.1 | 4 | 12.1 | 0 | — | 2 | 25.0 | 4 | 12.1 | 4 | 9.5 | 1 | 5.3 | 39 | 9.2 |
| Total | | 14 | 99.8 | 33 | 99.9 | 4 | 100.0 | 8 | 100.0 | 33 | 100.0 | 42 | 100.0 | 19 | 100.1 | 426 | 100.0 |

[1] *Firms submitting petitions directly to OTAA.

TABLE 3.—NUMBER AND PERCENT OF FIRMS ASSISTED BY OTAA BY 2-DIGIT SIC CODE AND TIME INTERVAL BETWEEN SUBMISSION OF ADJUSTMENT PROPOSAL AND DECEMBER 31, 1984

| SIC and description | Less than 12 | | Time interval (months) | | | | | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | 12 to 17 | | 18 to 23 | | 24+ | | | |
| | Number | Percent | Number | Percent | Number | Percent | Number | Percent | Number | Percent |
| 01—Agriculture products: Crops | 2 | 3.0 | 4 | 5.6 | 1 | 1.4 | 4 | 1.8 | 11 | 2.6 |
| 02—Agriculture products: Livestock | 1 | 1.5 | 0 | 0 | 1 | 1.4 | 1 | .5 | 3 | .7 |
| 09—Fishing, hunting and trapping | 0 | 0 | 1 | 1.4 | 0 | 0 | 0 | 0 | 1 | .2 |
| 12—Bituminous mining | 0 | 0 | 0 | 0 | 0 | 0 | 1 | .5 | 1 | .2 |
| 20—Food and kindred products | 0 | 0 | 1 | 1.4 | 0 | 0 | 7 | 3.2 | 8 | 1.9 |
| 22—Textile mill products | 5 | 7.6 | 7 | 9.9 | 6 | 8.3 | 14 | 6.5 | 32 | 7.5 |
| 23—Apparel products | 11 | 16.8 | 11 | 15.6 | 13 | 18.0 | 62 | 28.5 | 97 | 22.8 |
| 24—Lumber and wood products | 3 | 4.5 | 2 | 2.8 | 1 | 1.4 | 5 | 2.3 | 11 | 2.6 |
| 25—Furniture and fixtures | 4 | 6.1 | 1 | 1.4 | 7 | 9.7 | 4 | 1.8 | 16 | 3.8 |
| 28—Chemical and allied products | 2 | 3.0 | 1 | 1.4 | 2 | 2.8 | 3 | 1.4 | 8 | 1.9 |
| 30—Rubber and miscellaneous products | 3 | 4.5 | 2 | 2.8 | 0 | 0 | 4 | 1.8 | 9 | 2.1 |
| 31—Leather and leather goods | 6 | 9.1 | 3 | 4.2 | 2 | 2.8 | 19 | 8.8 | 30 | 7.0 |
| 32—Stone, glass, concrete products | 0 | 0 | 5 | 7.0 | 3 | 4.2 | 2 | .9 | 10 | 2.3 |
| 33—Primary metals industry | 2 | 3.0 | 3 | 4.2 | 1 | 1.4 | 5 | 2.3 | 11 | 2.6 |
| 34—Fabricated metals, excluding machinery | 8 | 12.1 | 7 | 9.9 | 3 | 4.2 | 19 | 8.8 | 37 | 8.7 |
| 35—Machinery, excluding electrical | 4 | 6.1 | 5 | 7.0 | 13 | 18.0 | 12 | 5.5 | 34 | 8.0 |
| 36—Electrical machinery, equipment | 7 | 10.6 | 7 | 9.9 | 8 | 11.1 | 26 | 12.0 | 48 | 11.3 |
| 37—Transportation equipment | 1 | 1.5 | 1 | 1.4 | 1 | 1.4 | 7 | 3.2 | 10 | 2.3 |
| 38—Measuring, analyzing instruments | 0 | 0 | 3 | 4.2 | 1 | 1.4 | 6 | 2.8 | 10 | 2.3 |
| 39—Miscellaneous manufacturing industries | 7 | 10.6 | 7 | 9.9 | 9 | 12.5 | 16 | 7.4 | 39 | 9.2 |
| Total | 66 | 100.0 | 71 | 100.0 | 72 | 100.0 | 217 | 100.0 | 426 | 10.0 |

The following guidelines were used in selecting the sample:

All regions should be represented in the sample.

All firms must have submitted either a diagnostic survey or an adjustment proposal.

Twenty-five of the included firms must have completed diagnostic surveys, but not adjustment proposals.

Some firms must have submitted adjustment proposals that were not acceptable to OTAA.

Several firms must have completed diagnostic surveys and adjustment proposals without TAAC assistance.

At least 50 of the sample firms must be government suppliers.

A total sample of 249 firms was chosen from all firms entering the program since 1981.

Since the inclusion of firms with diagnostic surveys but no adjustment proposal was an important condition, all firms meeting this condition were taken from the population, stratified by region and a sample of 25

was selected. Ten of the 13 regions had firms that met this condition.

The remainder of the population was then stratified by region, type industry and year certified and a sample of 224 firms selected.

*C. Description of sample*

Table 1 shows the relative number and percent of firms selected by region. Except for differences caused by satisfying the conditions given above, the distribution of firms in the sample was similar to that of the population. As in the study population, the New Jersey and Midwest TAACs had the largest proportion of firms.

Table 4 below shows the source of the diagnostic survey, adjustment proposal and technical assistance for the assisted firms. Assistance in these three areas of intervention can originate from the TAAC, non-TAAC sources, a combination of the two or none at all.[1]

TABLE 4.—SOURCE OF DIAGNOSTIC SURVEY ADJUSTMENT PROPOSAL AND TECHNICAL ASSISTANCE AMONG SAMPLE FIRMS

| Source | Diagnostic survey | | Adjustment proposal | | Technical assistance | |
|---|---|---|---|---|---|---|
| | Number | Percent | Number | Percent | Number | Percent |
| TAAC | 169 | 67.9 | 178 | 71.5 | 193 | 77.5 |
| Non-TAAC | 18 | 7.2 | 15 | 6.0 | 17 | 6.8 |
| Both | 22 | 8.9 | 6 | 2.4 | 5 | 2.0 |
| Not done | 7 | 2.8 | 29 | 11.5 | | .0 |
| Undetermined | 33 | 13.2 | 21 | 8.5 | 34 | 13.7 |
| Total | 249 | 100.0 | 249 | 100.0 | 249 | 100.0 |

TAACs provided the majority of assistance in all three areas, approximately 68 percent for the diagnostic survey, 72 percent for adjustment proposal and 78 percent of the implementation of technical assistance. The large Not Done category under adjustment proposal represents an intentional sampling of firms where no adjustment proposal was done. If a determination of the source of the diagnostic survey, adjustment plan or technical assistance could not be made, it was then classified as "undetermined."

In instances where both TAAC and non-TAAC assistance were received in performing the diagnostic survey or developing the adjustment proposal the source was classified as both.

Table 5 shows the number and percent of the sampled firms classified by their two-digit SIC code. The distribution of firms in the sample is very similar to that in the population.

TABLE 5.—NUMBER AND PERCENT OF SAMPLED FIRMS BY INDUSTRY TYPE AND TWO-DIGIT SIC CODE

| Industry sector | SIC Code | Number | Percent |
|---|---|---|---|
| Agric. production crops | 01 | 6 | 2.4 |
| Agric. production livestock | 02 | 2 | .8 |
| Fishing, hunting, and trapping | 09 | 1 | .4 |
| Bituminous mining | 12 | 1 | .4 |
| Food & kindred products | 20 | 6 | 2.4 |
| Textile mill products | 22 | 17 | 6.8 |
| Apparel products | 23 | 60 | 24.1 |
| Lumber & wood products | 24 | 6 | 2.4 |
| Furniture & fixtures | 25 | 9 | 3.6 |
| Chemical & allied products | 28 | 5 | 2.0 |
| Rubber & misc. products | 30 | 5 | 2.0 |
| Leather & leather goods | 31 | 15 | 6.0 |
| Stone, glass, concrete products | 32 | 6 | 2.4 |

[1] Records of the Technical Assistance Division, OTAA, indicate higher proportions of TACC-assisted activity, suggesting that respondents may have misunderstood this source classification and that the information in Table 4 may be unreliable.

TABLE 5.—NUMBER AND PERCENT OF SAMPLED FIRMS BY INDUSTRY TYPE AND TWO-DIGIT SIC CODE—Continued

| Industry sector | SIC Code | Number | Percent |
|---|---|---|---|
| Primary metals industry | 33 | 8 | 3.2 |
| Fab. metals, exc. machinery | 34 | 22 | 8.8 |
| Machinery, exc. electrical | 35 | 22 | 8.8 |
| Electrical machinery, equipment | 36 | 26 | 10.5 |
| Transportation equipment | 37 | 8 | 3.2 |
| Measuring, analyzing instruments | 38 | 6 | 2.4 |
| Miscellaneous mfg. industries | 39 | 17 | 7.2 |
| Total | | 249 | 100.0 |

Approximately 24.1 percent of the sample firms were classified as apparel industry compared to 22.8 percent in the population. Similar comparisons for other SIC categories are seen between the sample and the population.

Firms in critical industries were another important group. Of the 249 firms in the sample, 47 (18.5 percent) were classified as critical. The criteria for making this determination were contained in an OTAA paper.[2]

Types of financial assistance other than that provided for technical assistance were also of interest for the evaluation. Approximately 67 percent of the sampled firms received no financial assistance and 17 percent received either direct loans or loan guarantees by OTAA, and 16 percent received financial assistance from private sources or SBA (Table 6).

TABLE 6.—NUMBER AND PERCENT OF FIRMS RECEIVING FINANCING BY SOURCE

| Source of financing | Number | Percent |
|---|---|---|
| None | 141 | 66.8 |
| Trade Act direct by OTAA | 23 | 10.9 |
| Trade Act guarantee loan | 13 | 6.2 |
| SBA | 4 | 1.9 |
| Private | 30 | 14.2 |
| Total | [1] 211 | 100.0 |

[1] Financial assistance status of 38 firms could not be determined.

*D. Data collection*

The major issues of concern in this study were:

Extent of adjustment by firms in the program;

Differences in firm adjustment based upon size of firm, industry, TAAC versus non-TACC assistance and firms receiving Trade Act financial assistance;

Extent and effectiveness of trade adjustment technical and financial assistance received;

Extent and effectiveness of non-Trade Act financial assistance received;

Relationship between date adjustment proposal was accepted and likelihood of long-term adjustment;

Extent diagnostic surveys helped firms formulate their areas of opportunity;

Cost reductions resulting from assisting Government suppliers; and

Effect of the program on firms in critical industries.

Measures developed to address these issues were classified into four different areas. These were:

Descriptive Measures:

Type Firm (SIC Code);

Location of Firm (State and Region);

Whether Government Supplier (Information Obtained from TAACs);

Whether Critical Industry;

Size of Firm (Number of Employment, Amount of Sales).

Pre-Certification Performance Measures:

Economic Performance Prior to Certification (Sales, Profits, Employment, etc., by Year).

Intervention Measures:

Date Certified;

Source of Diagnostic Survey;

Date Adjustment Proposal Accepted;

Type and Cost of Assistance Provided;

Operational Areas Reviewed During Diagnostic Survey Process;

Operational Areas Receiving Attention During Adjustment; Proposal Implementation;

Length of Time Between Acceptance of Adjustment Proposal and December 31, 1984.

Outcome Measures:

Economic Performance After Development of Adjustment Proposal;

Current Status of Firm;

Extent of Adjustment.

To collect this information the files of the individual firms were reviewed and were available, the data were extracted. Where data could not be obtained from the files, TAACs were asked to supply whatever they had in their files or contact the firm directly to try and obtain the needed data. Where this was impossible, HCR contacted or tried to contact the firms directly. Performance information on 110 firms were obtained by TAACs and 17 by HCR.

One of the limiting factors of the data collection procedures was the requirement of using routine administrative file data rather than a standardized data collection instrument, which would have made the collection of data uniform for all firms in the sample.

Another limiting factor was lack of authority to require firms to supply post-intervention economic performance data for the evaluation. Some firms would not cooperate, especially those that received only assistance in developing the diagnostic survey or an adjustment proposal from OTAA, which limits inferences to firms that would cooperate in supplying the information.

It is quite possible that since a firm would not provide performance data, its performance was either better or worse than those firms willing to divulge this information. The degree to which this bias may influence our results is discussed below.

Every effort was made, within the time and financial constraints, to collect as complete a set of data as possible. Some of the firms had gone out of business, and since performance data after the acceptance of the adjustment proposal are not routinely collected by OTAA or the TAACs, it was not possible to collect these data. It could be assumed, however, that the performance of the firms that went out of business was not good. Other firms refused to participate.

*E. Data processing*

Data were coded and put on a computer disk and checked for consistency and out-of-range values. The intent was to insure that the data were of the highest quality possible.

The veracity of the data obtained from the firm could not be checked except for consistency. Whether or not a firm falsified its records to show that its stated performance was different from its actual performance, for whatever reason, could not be determined by our procedures if the data provided were internally consistent.

[2] Gren, Jeffrey. "Analysis of the Injury by Foreign Trade of Critical Industries." May 10, 1984; U.S. Department of Commerce, ITA/OTAA.

Frequency distribution of each of the variables were run to check for outliers and out-of-range values. If inconsistent values were found they were re-checked and, where possible, corrections were made.

Data were analyzed using the SPSS (Statistical Packages for the Social Sciences) micro-software package. Cross tabulation, frequency distributions and statistical tests were performed.

## II. STUDY RESULTS

The purpose of this study was to determine how effective the TAAP has been in helping import-impacted firms to recover their economic health. This process of recovery is often called "adjustment", and adjustment has a variety of definitions, all of which fall into one of two general classes:

*Process definitions of adjustment* which are based on activities a firm undertakes to improve its condition. For example, a process definition might include such goals as improving marketing strategy or strengthening management controls by implementing a management information system. Here adjustment is achieved when the troubled firm has completed the processes which are regarded as necessary to solve its problems.

*Outcome definitions of adjustment* depend on more or less objective and measurable indices which reflect the economic status of the firm. For instance an outcome definition might include increased sales by 10 percent and/or show a profit. Here adjustment is accomplished by showing such balance sheet or similar improvements.

Whatever definition one chooses to adopt, it is clear that both process changes and objective outcomes are important. Obviously if a firm has difficulties, it should do something different from what it is currently doing (process changes), and such changes should ultimately result in objective improvements in balance sheet items, or else their relevance is questionable.

To satisfy both requirements, we developed a three-part test of economic adjustment for TAAP client firms. A firm is counted as having adjusted when it achieves all of the following goals:

It has begun work on a majority of the remedial tasks specified in its TAAC-approved adjustment proposal.

It shows significant increases in profits, sales or employment over the period prior to its entry into the TAAP.

Its sales or profitability in the second bullet above are at least equal to the average performance of similar firms in its industrial section (four-digit SIC).

Goal 1 above tries to establish a link between the activities of the TAAC and the subsequent success or failure of a client firm in Goal 2. Obviously if a firm ignores the results of the TAAC's diagnostic survey and fails to act on the adjustment proposal, the TAAC is not responsible for its failure or its success. The test of Goal 3 intends to separate the performance of the client firm from changes in the overall economic climate affecting its particular type of business. The narrowest index of specific economic climate is Robert Morris Associates annual averages of sales, *etc.* by four-digit SIC, for firms of similar size (by sales volume). We compared client firms' performance to these averages to see if any improvement were equal to or greater than those of their peer firms.

### *A. Response rate and representativeness of respondent sample*

One hundred twenty-seven of the 249 firms sampled provided sufficient data to be analyzed for adjustment, a final response rate of about 51 percent. We would like to use this sample to draw inferences about adjustment in the entire population. To do so, we must examine the respondents to see if there is any obvious bias in this group which systematically differentiates them from the overall population.

We compared respondents to the total population in terms of three characteristics, then tested the respondent subsample to see if they were statistically like the parent distributions. The characteristics were:

Duration of experience in TAAP since certification,

TAAC, and

SIC (two-digit).

Tables 7, 8 and 9 show the parent population and corresponding respondent distributions of these three characteristics. Chi-Square tests suggest that the respondents are not precisely representative of the overall population, except for the SIC code. However, there is no reason to suppose that adjustment rate is greatly influenced by these variations between sample and parent population.

TABLE 7.—COMPARISON BETWEEN PARENT POPULATION AND FIRMS ON WHICH OUTCOME DATA WERE AVAILABLE BY TIME SINCE ADJUSTMENT PROPOSAL ACCEPTED

| Length ot time (months) | Parent population | | Outcome data available | |
|---|---|---|---|---|
| | Number | Percent | Number | Percent |
| <12 | 66 | 15.5 | 21 | 16.5 |
| 12 to 17 | 71 | 16.7 | 25 | 19.7 |
| 18 to 23 | 72 | 16.9 | 27 | 21.3 |
| 24 plus | 217 | 50.9 | 54 | 42.5 |
| Total | 426 | 100.0 | 127 | 100.0 |
| $\times^2 = {}^1 3.92$ | d.f. = 4 | | significance = .40 | |

[1] $\times^2$ (Chi-Square) is a statistical measure which, in this and subsequent cases, compares the percentages in two or more categories to see if they are alike. For example, in Table 8 the percentages from the parent population and the firms yielding the outcome data are so different that there is little chance the outcome firms represent a random sample of the parent population by area. However, in Table 9 it is virtually certain that outcome firms are a random sample by SIC.

TABLE 8.—COMPARISON BETWEEN PARENT POPULATION AND FIRMS ON WHICH OUTCOME DATA WERE AVAILABLE BY TAAC AREA

| Area | Parent population | | Outcome data available | |
|---|---|---|---|---|
| | Number | Percent | Number | Percent |
| Mid-Atlantic | 40 | 9.4 | 11 | 8.7 |
| Great Lakes | 3 | .7 | 2 | 1.6 |
| Mid-America | 19 | 4.5 | 8 | 6.3 |
| Metro-New York | 51 | 12.0 | 17 | 13.4 |
| Midwest | 58 | 13.6 | 14 | 11.0 |
| New England | 45 | 10.6 | 18 | 14.2 |
| New Jersey | 57 | 13.4 | 9 | 7.1 |
| Northwest | 14 | 3.3 | 10 | 7.9 |
| New York State | 33 | 7.7 | 3 | 2.4 |
| Puerto Rico | 4 | .9 | | |
| Rocky Mountain | 8 | 1.9 | 3 | 2.4 |
| Southeast | 33 | 7.7 | 10 | 7.9 |
| Western | 42 | 9.9 | 17 | 13.4 |
| Other | 19 | 4.5 | 5 | 3.9 |
| Total | 426 | 100.1 | 127 | 100.2 |
| $X^2 = 42.13$ | d.f. = 14 | | significance = 0.00 | |

TABLE 9.—NUMBER AND PERCENT OF FIRMS ON WHICH OUTCOME DATA WERE AVAILABLE BY SIC CODE

| SIC | Parent population | | Outcome data available | |
|---|---|---|---|---|
| | Number | Percent | Number | Percent |
| 01 | 11 | 2.6 | 2 | 0.9 |
| 02 | 3 | .7 | | |
| 09 | 1 | .2 | | |
| 12 | 1 | .2 | 1 | .9 |
| 20 | 8 | 7.5 | 1 | .9 |
| 22 | 32 | 7.5 | 9 | 6.6 |
| 23 | 97 | 22.8 | 31 | 19.8 |
| 24 | 11 | 2.6 | 5 | 3.8 |
| 25 | 16 | 3.8 | 2 | 3.8 |
| 28 | 8 | 1.9 | 2 | 1.9 |
| 30 | 9 | 2.1 | 2 | 2.8 |
| 31 | 30 | 7.0 | 8 | 6.6 |
| 32 | 10 | 2.3 | 3 | 2.8 |
| 33 | 11 | 2.6 | 5 | 4.7 |
| 34 | 37 | 8.7 | 13 | 9.4 |
| 35 | 34 | 8.0 | 12 | 10.4 |
| 36 | 48 | 11.3 | 13 | 11.3 |
| 37 | 10 | 2.3 | 3 | 3.8 |
| 38 | 10 | 2.3 | 2 | 1.9 |
| 39 | 39 | 9.2 | 13 | 10.2 |
| Total | 426 | 100.0 | 127 | 100.0 |
| $\times^2 = 9.30$ | d.f. = 20 | | significance = 0.98 | |

There are other ways in which the respondent sample might be biased with respect to adjustment. Since our purpose is to determine adjustment rate (percentage of firms achieving economic adjustment), we must ensure that the respondent sample, even if otherwise representative, is not biased in favor of more successful firms or against unsuccessful ones. For instance, TAACs might have consciously or unconsciously discouraged responses from firms they knew to be failures.

To test this possibility, we divided respondents into two groups—those sampled by the TAACs and those contacted directly by HCR. If the TAACs had (consciously or inadvertently) selected the better firms and encouraged their response while ignoring their less well-off clients, then we might suppose that the adjustment rate would be significantly higher in the TAAC-sampled group.

Table 10 shows that adjustment rates in firms sampled by HCR and by the TAACs are virtually identical (both about 35 percent). Therefore we conclude that the TAACs themselves did not contribute to any response bias in favor of successful firms.

TABLE 10.—RELATIONSHIP BETWEEN SOURCE OF OUTCOME DATA AND ADJUSTMENT STATUS

| Source of outcome data | Adjustment status | | | |
|---|---|---|---|---|
| | Adjustment criteria satisfied | Adjustment criteria not yet satisfied | Out-of business | Total |
| HCR: | | | | |
| Number | 6 | 8 | 3 | 17 |
| Percent | 35.3 | 47.1 | 17.6 | 13.4 |
| TAAC.s: | | | | |
| Number | 38 | 48 | 24 | 110 |
| Percent | 34.5 | 43.6 | 21.8 | 86.6 |
| Total: | | | | |
| Number | 44 | 56 | 27 | 127 |
| Percent | 34.6 | 44.1 | 21.3 | 100.0 |
| $\times^2 = 0.16$ | d.f. = 2 | significance = 0.92 | | |

In general, we cannot conclude that the respondent sample is perfectly representative of the total study population. However, whatever biases exist seem to be relatively unimportant to adjustment rate. Moreover, we will be able to show that there is a substantial minimum adjustment rate which is unaffected by any response bias.

*B. Analysis of Respondent Data*

*1. Extent of Adjustment.*—Approximatley 35 percent of the 127 respondent firms were classified as adjusted, having met all three of the adjustment criteria. Forty-four percent did not meet all criteria and 21 percent were out of business.

TABLE 11.—NUMBER AND PERCENT OF FIRMS ADJUSTED

| Adjustment status | Number | Percent |
|---|---|---|
| Adjustment criteria satisfied | 44 | 34.6 |
| Adjustment criteria not yet satisfied | 56 | 44.1 |
| Out of business | 27 | 21.3 |
| Total | 127 | 100.0 |

Adjustment may obviously depend on a number of factors including size, length of time since certification, type of industry, etc. For example, firms that have received assistance within the last year have had less time to adjust than firms with longer durations. Conversely, these firms have had less time to fail (go out of business) than the older firms.

Many of the respondent firms met some of the adjustment criteria but not all three. Table 12 shows the percentage passing each of the individual adjustment criteria (or sub-criteria), broken down according to whether they were completely adjusted or not.

TABLE 12.—PERCENTAGE OF FIRMS PASSING EACH ADJUSTMENT CRITERIA

| Adjustment criteria | Firms satisfying | | Total percent for criterion |
|---|---|---|---|
| | All adjustment criteria (percent) | Not all criteria (percent) | |
| Progress on majority of adjustment proposal tasks | 44 | 28 | 72 |
| Increased sales | 39 | 13 | 52 |
| Increased profit | [1] 29 | [1] 2 | [1] 31 |
| Increased employment | [1] 30 | 8 | 38 |
| Exceeded SIC performance | [1] 31 | 1 | [1] 32 |

[1] These rates are lower than overall adjustment rates because they were based on a subsample of respondents.

For example, 72 percent had made progress on a majority of the goals required by their adjustment proposals. Of these, more than a third (28 percent) had not yet met all the other criteria, but presumably might do so sometime in the future. Therefore there is a possibility that overall adjustment rates might increase if this same sample of firms were analyzed at a later date.

Table 13 also demonstrates that the most rigorous criteria in our adjustment definition are the balance sheet test—increased profitability—and comparative performance with respect to similar-size companies in the same four-digit SIC group. In other words, it is really absolute and relative profit ability that control the observed adjustment rates under our definition.

*2. Size of Firm.*—To classify firms by size, the total dollar sales just prior to certification were used. Firms were classified into less than $1 million sales, $1-5 million sales and more than $5 million sales categories. Firms with less than $1 million in sales where much less likely to adjust than those with more than $1 million in sales. They were also more than twice as likely to go out of business than the large firms (Table 13).

TABLE 13.—NUMBER AND PERCENT OF FIRMS ADJUSTING BY FIRM'S SALES VOLUM

| Size of firm (total dollar sales) | Adjustment status | | | |
|---|---|---|---|---|
| | Adjustment Criteria satisfied | Adjustment criteria not satisfied | Out of business | Total |
| Less than 1 million: | | | | |
| Number | 6 | 15 | 10 | 31 |
| Percent | 19.4 | 48.4 | 32.3 | 100.1 |
| 1–4.999 milion: | | | | |
| Number | 25 | 21 | 3 | 49 |
| Percent | 51.0 | 42.9 | 6.1 | 100.0 |
| 5 plus million: | | | | |
| Number | 13 | 18 | 5 | 36 |
| Percent | 36.1 | 50.0 | 13.9 | 100.0 |
| Total [1]: | | | | |
| Number | 44 | 54 | 18 | 116 |
| Percent | 37.9 | 46.6 | 15.5 | 100.0 |

$X^2 = 13.77$ d.f. = 4 significance = 0.01

[1] Sales volume for 11 firms could not be determined.

*3. Time Since Adjustment Proposal Accepted.*—To assess the effect of time on adjustment, the time interval between date of acceptance of the adjustment proposal and December 31, 1984 were used. These intervals were then classified into <12, 12–17, 18–23 and 24+ month categories. The majority of firms (54) fell into the 24+ months group with the other categories having about equal numbers.

There appears to be a tendency for adjustment rates to increase with greater time intervals (Table 14).

TABLE 14.—RELATIONSHIP BETWEEN TIME SINCE ACCEPTANCE OF ADJUSTMENT PROPOSAL AND ADJUSTMENT STATUS

| Time since acceptance of adjustment plan (months) | Adjustment status | | | |
|---|---|---|---|---|
| | Adjustment criteria satisfied | Adjustment criteria not yet satisfied | Out-of-business | Total |
| Less than 12: | | | | |
| Number | 6 | 14 | 1 | 21 |
| Percent | 28.6 | 66.7 | 4.8 | 100.1 |
| 12 to 17: | | | | |
| Number | 9 | 13 | 3 | 25 |
| Percent | 36.0 | 52.0 | 12.0 | 100.0 |
| 18 to 23: | | | | |
| Number | 11 | 11 | 5 | 27 |
| Percent | 40.7 | 40.7 | 18.5 | 99.9 |
| 24 plus: | | | | |
| Number | 18 | 18 | 18 | 54 |
| Percent | 33.3 | 33.3 | 33.3 | 99.9 |
| Total: | | | | |
| Number | 44 | 56 | 27 | 127 |
| Percent | 34.6 | 44.1 | 21.3 | 100.0 |

$X^2 = 12.31$ d.f. = 6 significance = 0.06

The <12 months interval has a rate of 28.6 percent compared to 40.7 percent for the 18–23 months interval. The "adjusted" and "not yet-adjusted" are identical for the 18–23 and 24+ months intervals (except the out-of-business category increases). However, if the overall adjustment rates for firms under 18 months and 18 or greater are compared, the difference is not statistically significant at the 95 percent level ($z=0.37$, $p=0.36$)

Table 14 however, gives a biased picture of the effect of time on adjustment rate, because different time periods contain differing proportions of SICs (See Table 3). Since some SICs have been more successful overall at achieving adjustment than others, these differences distort the rates in Table 14.

Table 15 takes account of SIC differences by weighting each SIC equally and computing an average adjustment rate as if each SIC were equally represented in the periods less than and greater than 18 months. The averages for these two periods are about the same—30 and 32 percent—suggesting, as found above, that so far adjustment rates has not increased with duration in the program.

TABLE 15.—ADJUSTMENT RATE BY TIME SINCE ADJUSTMENT PROPOSAL ACCEPTANCE FOR MAJOR SIC'S

| SIC [1] and industry | Percent adjusted (number) | | | |
|---|---|---|---|---|
| | Less than 18 mos. | | 18 mos. and longer | |
| 22—Textile mill products | 67 | (6) | 67 | (3) |
| 23—Apparel products | 13 | (8) | 30 | (23) |
| 24—Lumber & wood products | 33 | (3) | 0 | (2) |
| 31—Leather & leather goods | 50 | (2) | 33 | (6) |
| 33—Primary metals industry | 0 | (3) | 0 | (2) |
| 34—Fab. metals, exc. machinery | 20 | (5) | 13 | (8) |
| 35—Machinery, exc. electrical | 60 | (5) | 57 | (7) |
| 36—Electrical machinery, equipment | 0 | (4) | 44 | (9) |
| 39—Miscellaneous mfg. industries | 25 | (4) | 44 | (9) |
| Overall rate (equally weighted SIC's) | 30 | (40) | 32 | (69) |

[1] For SIC's containing 5 or more firms.

*4. Source of Diagnostic Survey and Adjustment Plan.*—Approximately 91.3 percent of the diagnostic surveys and 89.0 percent of the adjustment proposals of the 127 firms were developed using TAAC technical assistance.

TAAC assisted firms adjusted at a rate of 37.0 percent while non-TAAC assisted firms adjusted at a rate of 11.1 percent (Table 16).

TABLE 16.—RELATIONSHIP BETWEEN SOURCE OF DIAGNOSTIC SURVEY AND ADJUSTMENT STATUS

| Source of diagnostic survey | Adjustment status | | | |
|---|---|---|---|---|
| | Adjustment criteria satisfied | Adjustment criteria not yet satisfied | Out-of-business | Total |
| TAAC: | | | | |
| Number | 40 | 50 | 18 | 108 |
| Percent | 37.0 | 46.3 | 16.7 | 100.0 |
| Non-TAAC: | | | | |
| Number | 1 | 2 | 6 | 9 |
| Percent | 11.1 | 22.2 | 66.7 | 100.0 |
| Both: [1] | | | | |
| Number | 3 | 3 | 2 | 8 |
| Percent | 37.5 | 37.5 | 25.0 | 100.0 |
| Not Done: | | | | |
| Number | | | 1 | 1 |
| Percent | | | 100.0 | 100.0 |
| Total: | | | | |
| Number | 44 | 56 | 27 | 127 |
| Percent | 34.9 | 43.7 | 21.4 | 100.0 |

$X^2 = 40.37$ d.f. = 34 significance = 0.20

[1] Both TAAC and Private Sources participated in diagnostic survey.

Results for firms receiving TAAC assistance in preparing their adjustment proposals were similar with 38.0 percent of the TAAC-assisted firms adjusting compared to 7.1 percent of the non-TAAC-assisted firms. (Table 17)

TABLE 17.—RELATIONSHIP BETWEEN SOURCE OF DIAGNOSTIC SURVEY AND ADJUSTMENT STATUS

| Adjustment of proposal source | Adjustment status | | | |
|---|---|---|---|---|
| | Adjustment criteria satisfied | Adjustment criteria not yet satisfied | Out-of-business | Total |
| TAAC: | | | | |
| Number | 41 | 47 | 20 | 108 |
| Percent | 38.0 | 43.5 | 18.5 | 100.0 |

TABLE 17.—RELATIONSHIP BETWEEN SOURCE OF DIAGNOSTIC SURVEY AND ADJUSTMENT STATUS—Continued

| Adjustment of proposal source | Adjustment status | | | |
|---|---|---|---|---|
| | Adjustment criteria satisfied | Adjustment criteria not yet satisfied | Out-of-business | Total |
| Non-TAAC: | | | | |
| Number | | 1 | 4 | 5 |
| Percent | | 20.0 | 80.0 | 100.0 |
| Both: [1] | | | | |
| Number | 2 | 3 | | 5 |
| Percent | 40.0 | 60.0 | | 100.0 |
| None: | | | | |
| Number | 1 | 5 | 3 | 9 |
| Percent | 11.1 | 55.6 | 33.3 | 100.0 |
| Total: | | | | |
| Number | 44 | 56 | 27 | 127 |
| Percent | 34.6 | 44.1 | 21.3 | 100.0 |
| $X^2 = 40.37$ | d.f. = 34 | significance = 0.20 | | |

[1] Both TAAC and Private Source participated in the development of adjustment proposal.

*5. Type Firm.*—Most two-digit SIC categories did not contain sufficient numbers of firms to permit inferences about each particular group. Groups where eight or more firms responded included textile mill products (66.7 percent), leather and leather goods (37.5 percent), machinery excluding electrical (58.3 percent) and miscellaneous manufacturing industries (38.5 percent). These groups showed results above the average of 34.9 percent (Table 18). Fabricated metal excluding machinery (15.4 percent) and electrical machinery (30.8 percent) showed less than the average adjustment rate.

TABLE 18.—RELATIONSHIP BETWEEN 2-DIGIT SIC CODE FIRMS AND ADJUSTMENT STATUS

| 2-Digit SIC Code | Adjustment status— | | | |
|---|---|---|---|---|
| | Adjustment criteria satisfied | Adjustment criteria not yet satisfied | Out-of-business | Total |
| 01 Number | | 2 | | 2 |
| Percent | | 100.0 | | 100.0 |
| 12 Number | | 1 | | 1 |
| Percent | | 100.0 | | 100.0 |
| 20 Number | 1 | | | 1 |
| Percent | 100.0 | | | 100.0 |
| 22 Number | 6 | 2 | 1 | 9 |
| Percent | 66.7 | 22.2 | 11.1 | 100.0 |
| 23 Number | 8 | 14 | 9 | 31 |
| Percent | 25.8 | 45.2 | 29.0 | 100.0 |
| 24 Number | 1 | 3 | 1 | 5 |
| Percent | 20.0 | 60.0 | 20.0 | 100.0 |
| 25 Number | 1 | | 1 | 2 |
| Percent | 50.0 | | 50.0 | 100.0 |
| 28 Number | 2 | | | 2 |
| Percent | 100.0 | | | 100.0 |
| 30 Number | 2 | | | 2 |
| Percent | 100.0 | | | 100.0 |
| 31 Number | 3 | 4 | 1 | 8 |
| Percent | 37.5 | 50.0 | 12.5 | 100.0 |
| 32 Number | 1 | 1 | 1 | 3 |
| Percent | 33.3 | 33.3 | 33.3 | 100.0 |
| 33 Number | | 4 | 1 | 5 |
| Percent | | 80.0 | 20.0 | 100.0 |
| 34 Number | 2 | 6 | 5 | 13 |
| Percent | 15.4 | 46.2 | 38.5 | 100.0 |
| 35 Number | 7 | 4 | 1 | 12 |
| Percent | 58.3 | 33.3 | 8.3 | 100.0 |
| 36 Number | 4 | 8 | 1 | 13 |
| Percent | 30.8 | 61.5 | 7.7 | 100.0 |
| 37 Number | | 3 | | 3 |
| Percent | | 100.0 | | 100.0 |
| 38 Number | 1 | | 1 | 2 |
| Percent | 50.0 | | 50.0 | 100.0 |
| 39 Number | 5 | 4 | 4 | 13 |
| Percent | 38.5 | 30.8 | 30.8 | 100.0 |
| Total (Number) | 44 | 56 | 27 | 127 |
| Percent | 34.9 | 43.7 | 21.4 | 100.0 |

TABLE 18.—RELATIONSHIP BETWEEN 2-DIGIT SIC CODE FIRMS AND ADJUSTMENT STATUS—Continued

| 2-Digit SIC Code | Adjustment status— | | | |
|---|---|---|---|---|
| | Adjustment criteria satisfied | Adjustment criteria not yet satisfied | Out-of-business | Total |
| $X^2 = 40.37$ | d.f. = 34 | significance = 0.20 | | |

TABLE 19.—NUMBER OF PERCENT OF FIRMS ADJUSTING BY TYPE OF FINANCIAL ASSISTANCE RECEIVED

| Type of financial assistance | Adjustment Status— | | | |
|---|---|---|---|---|
| | Adjustment criteria satisfied | Adjustment criteria not yet satisfied | Out-of-business | Total |
| Trade Act Direct: | | | | |
| Number | 10 | 3 | 2 | 15 |
| Percent | 66.7 | 20.0 | 13.3 | 100.0 |
| Other loans: | | | | |
| Number | 13 | 15 | 1 | 29 |
| Percent | 44.8 | 51.7 | 6.8 | 100.0 |
| Total (Number) | 23 | 18 | 3 | 44 |
| Percent | 52.3 | 40.9 | 6.8 | 100.0 |
| $X^2 = 4.75$ | d.f. = 2 | significance = 0.09 | | |
| Private loans: | | | | |
| Number | 9 | 11 | 0 | 20 |
| Percent | 45.0 | 55.0 | 0 | 100.0 |
| Other loans: | | | | |
| Number | 14 | 7 | 3 | 24 |
| Percent | 58.3 | 29.2 | 12.5 | 100.0 |
| Total (Number) | 23 | 18 | 3 | 44 |
| Percent | 52.3 | 40.9 | 6.8 | 100.0 |
| $X^2 = 4.65$ | d.f. = 2 | significance = 0.10 | | |
| No financial assistance: | | | | |
| Number | 21 | 29 | 20 | 70 |
| Percent | 30.0 | 41.4 | 28.6 | 100.0 |
| Loan: | | | | |
| Number | 23 | 18 | 3 | 44 |
| Percent | 52.3 | 40.9 | 6.8 | 100.0 |
| Total (Number) | 44 | 47 | 23 | 114 |
| Percent | 38.6 | 41.2 | 20.2 | 100.0 |
| $X^2 = 9.81$ | d.f. = 2 | significance = 0.01 | | |

*6. Firms Receiving Financial Assistance.*—Firms receiving loans adjusted at a rate of 52.3 percent compared to 30.0 percent for those that did not. Non-financially assisted firms had an out-of-business rate of more than four times that of financially assisted firms (Table 19).

Firms that received OTAA direct loans adjusted at a rate of 66.7 percent compared to a 44.8 percent rate for those receiving other types of loans.

*7. Critical Industry and Government Supplier.*—Tables 20 and 21 show the effects of being a critical industry and government supplier on adjustment. There is no basic difference between adjustment rates for critical (33.3 percent) and non-critical (34.9 percent) industry.

Government suppliers (41.7 percent) do, however, adjust at a higher rate than do non-government suppliers (33.0 percent). Non-government suppliers also go out of business at a much higher rate than do government suppliers (25.3 percent versus 4.2 percent).

*8. Still in Business Status.*—To better understand what has happened to three classes of firms for which little or no outcome data were available, the Dun & Bradstreet Credit Rating Reference Book [3] was used. The three classes of firms of interest were: firms with no adjustment plans, firms with no outcome data and firms that had not yet satisfied the adjustment criteria.

To determine the percent of the three classes of firms that were still in business it was assumed that any firm listed in these books is still in business and that those not listed are those for which Dunn & Bradstreet has not received a credit rating request within the last 18 months and might be out of business. The results of this exercise are shown in Table 22.

Table 22 shows that a very high percentage of all three classes of firms are still in business. Firms that have not yet satisfied the adjustment criteria have a "still in business" rate of 87.5 percent compared to 81.1 and 74.1 percent for the "no outcome data available" and no adjustment proposal submitted groups, respectively. For the group on which outcome data was available 21.3 percent were out of business (Table 10). The means that a large percentage of firms that have not yet met the adjustment criteria still have a chance to achieve that result. However, firms that have satisfied the adjustment criteria might reverse their experiences in the future, resulting in the same rates given in Table 10.

### III. CONCLUSIONS

These results suggest that the TAAP has had success in aiding trade-impacted firms. About 35 percent of the respondents appeared better off than they were before entering the program, and, so far as it is possible to determine, their turnaround was associated with following the advice of the TAAC embodied in their adjustment proposals and the implementation technical assistance and financial assistance they received. Clients who we determined to be adjusted as a result of the TAAP have out-performed their industrial sector counterparts.

There are two qualifications that must be considered in interpreting these findings. First, the TAAP is selective and discourages certified firms in particularly weak financial condition from seeking assistance. Furthermore, firms that cannot develop viable recovery strategies are not eligible to receive implementation technical assistance or financial assistance. Therefore the 35 percent adjustment rate applies only to a subpopulation of trade-impacted businesses and not to all firms applying or hurt by foreign imports. In other words, if all companies having financial problems resulting from foreign trade had received help under the TAAP, the adjustment rate might have been lower. Therefore, the TAAP has been successful in mitigating trade impact problems in a special sense: it has helped suitable firms.

The second qualification is statistical. With a response rate of 51 percent, the adjustment status of many of the firms is unknown. Although the respondents appear reasonably similar to the whole population of the TAAP clients in some respects, it is not clear that response was not biased in favor of business success or vice versa. That is, more successful firms might have been more likely to respond. On the other hand, the adjustment rate may be understated since successful firms might not want to give the TAAC credit for their success, especially if they do not need further TAAP assistance.

However, even if all non-respondents were counted as unadjusted, the minimum value of adjustment rate demonstrated by this study would still be 44/250, or about 18 per-

[3] Dun & Bradstreet. Credit Rating Reference Book: May, 1985.

cent. Conversely, if all non-respondents still in business are counted as adjusted, the adjustment rate would be as high as 79 percent. We are therefore confident that the TAAP has succeeded in significantly improving the economic status of somewhere between 18 and 79 percent of its client firms.

Since there is a tendency for adjustment rates to increase slightly with the firm's duration in the program, the observed rate of 35 percent may rise somewhat as more time passes. There is a great likelihood that this will occur since a large percentage of the firms that have not yet met the adjustment criteria are still in business. However, what is really important in these results is not the exact value of the adjustment rate (since, in any case, it is the rate corresponding to an arbitrary definition of adjustment). What is crucial is that a substantial fraction—at least a fifth to a third—of the trade-impacted client firms have been helped to stay in business, and that this rate is not 1 or 2 percent, on one hand, nor is it approaching 90–100 percent on the other. This is the most precise conclusion available from such rough data.

TABLE 20.—RELATIONSHIP BETWEEN BEING CLASSIFIED AS A CRITICAL INDUSTRY AND ADJUSTMENT STATUS

| Critical industry status | Adjustment status— Adjustment criteria satisfied | Adjustment criteria not yet satisfied | Out-of-business | Total |
|---|---|---|---|---|
| Noncritical industry: | | | | |
| Number | 37 | 46 | 23 | 106 |
| Percent | 34.9 | 43.4 | 21.7 | 100.2 |
| Critical industry: | | | | |
| Number | 7 | 10 | 4 | 21 |
| Percent | 33.3 | 47.6 | 19.0 | 99.9 |
| Total: | | | | |
| Number | 44 | 56 | 27 | 127 |
| Percent | 34.6 | 44.1 | 2.4 | 100.0 |

$X^2 = 0.04$ d.f. = 2 significance = 0.93

TABLE 21.—RELATIONSHIP BETWEEN BEING A GOVERNMENT CONTRACTOR AND ADJUSTMENT STATUS

| Contractor status | Adjustment status— Adjustment criteria satisfied | Adjustment criteria not yet satisfied | Out-of-business | Total |
|---|---|---|---|---|
| Nongovernment | | | | |
| Number | 34 | 43 | 26 | 103 |
| Percent | 33.0 | 41.7 | 25.3 | 100.0 |
| Government: | | | | |
| Number | 10 | 13 | 1 | 24 |
| Percent | 41.7 | 54.2 | 4.2 | 100.1 |
| Total: | | | | |
| Number | 44 | 56 | 27 | 127 |
| Percent | 34.6 | 44.1 | 21.3 | 100.0 |

$X^2 = 5.17$ d.f. = 2 significance = 0.08

TABLE 22.–PERCENT AND NUMBER OF FIRMS "STILL IN BUSINESS" BY STATUS OF FIRM

| Status | Still in business | | Out of business | | Total | |
|---|---|---|---|---|---|---|
| | Number | Percent | Number | Percent | Number | Percent |
| No adjustment plan submitted | 20 | 74.1 | 7 | 25.9 | 27 | 100.0 |
| No outcome data available | 99 | 81.1 | 23 | 18.9 | 122 | 100.0 |
| Not yet satisfied adjustment criteria | 49 | 87.5 | 7 | 13.5 | 56 | 100.0 |

HCR,
*Rochester, NY, April 17, 1986.*

Mr. AUGUST G. FROMUTH,
*Deputy Assistant Secretary for Trade Adjustment Assistance, U.S. Department of Commerce, International Trade Administration, Washington DC.*

DEAR MR. FROMUTH: As per the request from Mr. Jeffrey Gren, Technical Assistant Specialist on our staff, HCR has adjusted the data on financial assistance in its report on the Trade Adjustment Assistance Program. Mr. Gren provided new statistical information, which differed from that gathered in our research conducted in coordination with the TAACs. The results given in Table 19 on page 37 of the report and the conclusions based on those results are affected.

The net effect of these changes is that fewer firms received Trade Act direct assistance than is stated in the report. In the report, 15 firms were reported as having received direct assistance, when in fact only nine did. The interpretation of the percentages is not meaningful statistically because of the very small sample. A small change in the numbers, as requested, produced radical changes in the percentages.

This affected the results of the study as follows:

Percent of firms that received Trade Act direct loans and adjusted decreased from 66.1 to 44.4.

Percent of firms that received Trade Act direct loans and had not yet satisfied adjustment criteria increased from 20.0 to 33.3.

Percent of firms that received Trade Act direct loans and were out-of-business increased from 13.31 to 22.3.

Percent of firms that received no financial assistance, Trade Act or other, increased from 30.0 to 33.8.

Another change that we suggest to be made to the report is to the conclusion we made in the second paragraph on page 43. This conclusion might be misleading and cast doubt on the precision of the results. Consequently, we suggest that this entire paragraph be deleted. We also suggest that the phrase, "at least a fifth to a third," and the sentence, "This is the most precise conclusion available from such rough data," in the last paragraph on page 42 be deleted.

In order to make these changes, HCR went back into its computer files and modified the data base. We revised Table 19 and made the necessary changes to the text. These changes were made and copies of the report were prepared at a cost of approximately $2,400, leaving about $19,400 left in the contract.

While we have made the requested changes, we have not verified the data provided, nor attempted to determine why the new data differed from that collected from the TAACs during the data-gathering phase of the contract effort. Further, because of programmatic changes in the TAACs, it is impossible for HCR to verify the information at this point. We have, however, been assured by Mr. Jeffrey Gren that his information, and not that originally collected, is correct.

Yours truly,

LOUISE WOERNER,
*President.*●

## NAUM AND INNA MEIMAN: PHYSICIANS JOIN INTERNATIONAL CANCER PATIENT SOLIDARITY COMMITTEE

● Mr. SIMON. Mr. President, my friends Naum and Inna Meiman desperately want to emigrate from the Soviet Union so they may seek alternative medical treatment for Inna who is suffering from cancer.

This past June, Naum and Inna helped found the International Cancer Patient Solidarity Committee with two other refusenik cancer patients. Tatiana Kheifets-Bogomolaya and Benjamin Charny, to publicly seek support for their release.

Several medical scientists and physicians have since formed committees in Montreal, New York, Boston, Detroit, Chicago, Los Angeles, Edmonton, Vancouver, London, and Tel Aviv to support the rights of Soviet cancer patients denied exit visas.

I submit for the CONGRESSIONAL RECORD a letter of their endorsement.

I strongly urge the Soviet authorities to allow the Meimans exit visas to Israel.

FACULTY OF MEDICINE,
UNIVERSITY OF TORONTO,
*Toronto, Ontario, July 28, 1986.*

His Excellency MIKHAIL S. GORBACHEV,
*Secretary-General of the Communist Party, Kremlin, Moscow, Union of Soviet Socialist Republics.*

DEAR MR. SECRETARY-GENERAL: We, Canadian and American physicians and medical scientists, urge you to intervene personally in the cases of Tatyana Bogomolny, Rimma Bravve, Benjamin Charny and Inna Meiman. All four of these people were stricken with potentially lethal forms of cancer and other serious illnesses while awaiting permission to leave the Soviet Union. For years all of them have been trying to rejoin their close relatives outside the U.S.S.R. Now may be their last chance for reunification.

As physicians and medical scientists we deeply sympathize with the plight of all cancer patients. Separation from their families only aggravates the tragedies of their illnesses. We appeal to you to assist Tatyana Bogomolny, Rimma Bravve, Benjamin Charny and Inna Meiman by granting their wish to be reunited with their relatives abroad.

Permitting reunification of these families is a humanitarian action which will be greatly appreciated by people everywhere. A positive response by the Soviet Government in these tragic matters of life and death will contribute greatly to mutual understanding and better relations between our countries.

Thank you for your consideration of the cases of these unfortunate people.

Yours sincerely,

FREDERICK H. LOWY, M.D.,
*Dean of Medicine,*
*University of Toronto.*

SIGNATURES

Michael Baker, M.D., Toronto General Hospital.

Daniel Bergsagel, M.D., Ontario Cancer Institute.

Joseph Pater, M.D., National Cancer Institute of Canada, Toronto.

Phil Gold, C.O., M.D., Ph.D., McGill University, Cancer Centre.
Michael Pollack, M.D., McGill University, Cancer Centre.
Gerald Batist, M.D., McGill University, Cancer Centre.
Robert M. Goldwyn, M.D., Harvard Medical School, Boston.
Harold D. Levine, M.D., Harvard Medical School, Boston.
Thomas P. Stossel, M.D., Massachusetts General Hospital, Boston.
Max Gottesman, M.D., I. Bernard Weinstein, M.D., Columbia University.
Jerome Groopman, M.D., N.R. Deaconness Hospital, Boston.
David Baltimore, Ph.D. Nobel Laureate, Massachusetts Institute of Technology.
Baruj Benacerraf, M.D., Nobel Laureate, Dana-Farber Cancer Institute, Boston.
Paul Elbert, M.D., Dana-Farber Cancer Institute, Boston.
Emil Frei III, M.D., Dana-Farber Cancer Institute, Boston.
Robert J. Mayer, M.D., Dana-Farber Cancer Institute, Boston.
Charles Trey, M.D., N.E. Deaconess Hospital, Boston.
Irving M. London, M.D., Harvard Medical School, Boston.
Jonathan Fine, M.D., American Committee for Human Rights, Boston.
Howard Fingert, M.D., Massachusetts General Hospital, Boston.
Isaiah Fidler, D.V.M., M.D. Anderson Hospital and Tumor Institute, Houston, Texas.
Bruce Chabner, M.D., National Cancer Institute, Bethesda, Maryland.
Charles Myers, M.D., National Cancer Institute, Bethesda, Maryland.●

## PREVENTING ILLITERACY

● Mr. ZORINSKY. Mr. President, today I would like to share with my colleagues another letter which I have received supporting my view that emphasis should be placed on the prevention of illiteracy, rather than on remediation.

The letter follows:

MAY 26, 1986.

Senator EDWARD ZORINSKY,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR ZORINSKY: I appreciate your efforts on behalf of improving the methodology that is used in the teaching of beginning reading.

I have taught for the last seventeen years, mostly on the first grade level. It has been my experience that a phonetic approach in the teaching of reading, primarily the approach espoused in the Lippincott Teacher's Manual, is the most effective approach. Not only has the effectiveness of this approach been confirmed by my own experience; it has also been confirmed by a major research project entitled "A three year look at i.t.a., Lippincott, Phonics and Word Power, and Scott, Foresman," by Robert B. Hayes and Richard C. Wuest (The Reading Teacher, Volume 22, No. 4, January, 1969), and in Jeanne S. Chall's books, Learning to Read: The Great Debate (1967) and Stages of Reading Development (1983), among others.

I agree with your position that the emphasis in education should be placed on the prevention of reading difficulties, rather than on remediation. Unfortunately, in spite of the evidence supporting the teaching of phonics, not enough attention is given to the systematic use of phonics in beginning reading instruction in our schools. Most attention to phonics is incidental, rather than central, to the teaching of beginning reading.

Certainly there is a need for remediation of reading problems. If a child has difficulties in learning to read, and these difficulties are not corrected or in the process of being corrected by third grade, the prognosis for his academic success is poor. It is hoped that with the use of the most effective methodology in beginning reading, the number of cases requiring remediation would be reduced. Remediation remains a more expensive proposition than prevention and is more painful for the recipient. Hence, my support is for a central focus to be placed on effective teaching of reading and prevention of reading problems, rather than remediation.

Thank you for your interest in, and attention to, this important educational issue.

Sincerely yours,

LINDA S. BRESCH.●

## PROF. ANATOLY RABEN

● Mr. JOHNSTON. Mr. President, I wish to bring to light the plight of yet another Soviet family who has been denied its right to emigrate from the Soviet Union. It is important that we speak out and be aware of the Soviet Government's infringement on human rights. Only by speaking out can we hope to prompt the Soviet Government into letting these people move about freely.

Today, I would like to call attention to Prof. Anatoly Raben and his family. In 1979, Anatoly applied for a visa to join relatives living in the West. Because he applied for the visa, 25 years of research and practice in the field of dermato-venerology and dermato-oncology was abruptly brought to an end. He was forced to resign from his positions at the Moscow Cancer Research Center, the Institute of Industrial Hygiene and Occupational Diseases, and from his numerous editorial posts. He did not learn that his application was denied until early 1982—3 years after the fact. The sole reason for the refusal was that he had "no grounds to apply for an emigration visa."

It is no wonder that Anatoly applied for a visa, with the history of conflict he and his family have had with the Soviet Government. In 1932, his father, Solomon, was arrested and sentenced to 10 years in prison. But in 1936, he was released. Then, again in 1937, Solomon was arrested but this time he was executed.

In 1950, Anatoly was arrested and accused as the "son of an enemy of the people." He was tortured and held prisoner in Lubyanka and Butyrka because he would not sign a confession. He was sentenced to 10 years in a labor camp. Two weeks after his arrest, his mother was arrested and accused as a "socially dangerous person." She was exiled for 8 years in northern Kazakhstan. She was released and rehabilitated in 1954. Until July 1954, Anatoly was in a special camp for political prisoners. In August 1954, he was released and a few months later rehabilitated.

Anatoly is married and has two children, both of whom have children. His older daughter, Nina Raben-Belenky, is a physician and microbiologist. Simply because her father had applied for an exit visa, Nina is unable to find employment. By applying for this visa, all of their lives were affected. Why should the whole family be punished because Anatoly wishes for a better life with freedom of movement as well as religion, for himself and his family?

Mr. President, as a country with freedom of religion, speech, and movement, it is hard for us to imagine the suffering Soviet dissidents experience through the denial of their rights. By speaking out against and being aware of those countries that have little value for human rights, we may eventually be able to stop this atrocity.●

## TRIBUTE TO GEORGE O'BRIEN LATE A U.S. REPRESENTATIVE

● Mr. HOLLINGS. Mr. President, on July 17 of this year, Illinois lost one of her most effective Representatives, the Nation lost a dedicated public servant and we in the Congress lost a distinguished and valued colleague. Many words have been written about George O'Brien extolling his warmth, his congeniality, and his valiant struggle during the last several months. Each of us who knew George have our own personal memories which we will cherish. My own are of meetings of the Conference Committee on Appropriations through the years. I have often thought sessions like these test the true mettle of a person, particularly a politician. There are no television cameras, no reporters, and no constituents present. In short, it is a place for thrashing out differences, a task which often seems thankless as well as terribly time-consuming. George was always there, always participating and always able to cool tempers by providing a practical approach to thorny problems and at times a ready quip (or even one of his renowned bad jokes) to clear the atmosphere. All of us in public life have had the privilege of meeting a great number of people. Naturally, some impress more than others. And occasionally, one stands out as the epitome of a fine human being. This was George O'Brien and I will truly miss him.

To his beloved Mary Lou, their daughters, and grandsons, I extend deepest sympathy. May their warm and loving memories of this truly outstanding gentleman sustain them in this time of sorrow as our remembrances sustains us, his friends.●

## MARIE McMILLAN—AVIATION SPEED RECORD HOLDER

● Mr. LAXALT. Mr. President, on July 22, 1986, it was my pleasure to present to Mrs. Marie McMillan, of Las Vegas, NV, a plaque for a world aviation speed record. She was also honored by the National Aeronautic Association and the Aero Club of Washington in recognition of holding the greatest number of aviation records ever set by one individual. Mrs. McMillan currently holds 326 world speed records.

Most of the records were established by flying a F33A Bonanza between cities in the United States, Mexico, and the Carribean Islands during the past 2 years. She also holds a speed record for turboprop powered light aircraft which was set during the Reno Air Races in 1985.

I would like to share with my colleagues the text of the U.S. plaque which was presented to her.

The National Aeronautic Association—representing in the United States of America the Federation Aeronautique Internationale—awards this Certificate of Record to Marie McMillan for a U.S. National Speed Record, Las Vegas, Nevada to Hermosillo, Mexico, Class C-1 and C-1c, Piston Engine Light Airplanes. Beechcraft Bonanza F33A, N23534. Elapsed Time: 3 hours 19 minutes 13 seconds. Speed: 162.19 mph. Date: January 31, 1984.

In responding, Mrs. McMillan responded how happy she was to have established this remarkable series of records and to have set targets which would surely bring about major advances in aviation. She is also proud of the fact that her 326 world records and 326 national records help make the United States the world leader in this field with a total exceeding that of all other countries combined.

The State of Nevada is very proud of Mrs. McMillan and her many contributions to her country.●

□ 1100

The PRESIDING OFFICER (Mr. HATFIELD). Who seeks recognition?

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDERS FOR SATURDAY

### RECESS UNTIL 9:30 A.M.

Mr. DOLE. Mr. President, I ask unanimous consent that, once the Senate completes its business today, it stand in recess until the hour of 9:30 a.m. on Saturday, August 9, 1986.

The PRESIDING OFFICER. Without objection, it is so ordered.

### RECOGNITION OF CERTAIN SENATORS

Mr. DOLE. Mr. President, I further ask unanimous consent that, following the recognition of the two leaders under the standing order, there be special orders in favor of the following Senators not to exceed 5 minutes each: Senator HAWKINS and Senator PROXMIRE.

The PRESIDING OFFICER. Without objection, it is so ordered.

### ROUTINE MORNING BUSINESS

Mr. DOLE. Mr. President, following the special orders just identified, I ask unanimous consent that there be a period for the transaction of routine morning business not to extend beyond the hour of 10 a.m., with Senators permitted to speak therein for not more than 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. DOLE. Mr. President, following routine morning business, the Senate will resume consideration of S. 2638, the DOD authorization bill. Rollcall votes can be expected throughout the day on Saturday. In fact, there is an indication that there will be 12 rollcall votes on the DOD authorizaton.

I believe I stated earlier that we would not get the agreement which contains another vote on the debt ceiling until tomorrow afternoon. I think I will revise that for the RECORD. We may try to get the agreement tomorrow morning. But all Members will be on notice. It is an agreement that we have been working on for a number of days, but there may be some Senators who, properly, want to raise questions about the agreement. It involves South Africa, aid to the Contras, and, in addition, it permits us to move to the debt ceiling quickly and have final disposition of that.

So there will be at least a dozen rollcalls, and perhaps one additional one.

I am reminded that the unanimous-consent agreement also contains an agreement concerning the so-called Boren political action committee amendment. So it is a rather very important agreement and I urge my colleagues to be on notice.

## RECESS UNTIL 9:30 A.M.

Mr. DOLE. Mr. President, there being no further business to come before the Senate, I move we stand in recess until the hour of 9:30 a.m., Saturday, August 9, 1986.

The motion was agreed to; and, at 11:07 p.m., the Senate recessed until Saturday, August 9, 1986, at 9:30 a.m.

## NOMINATIONS

Executive nominations received by the Senate August 8, 1986:

### EXECUTIVE OFFICE OF THE PRESIDENT

William R. Graham, of California, to be Director of the Office of Science and Technology Policy, vice George A. Keyworth II, resigned.

### DEPARTMENT OF ENERGY

James Allen Wampler, of Illinois, to be an Assistant Secretary of Energy (Fossil Energy), vice Helmut A. Merklein, resigned.

### IN THE ARMY

The following-named officer under the provisions of title 10, United States Code, section 3040(b), to be appointed as Assistant Surgeon General/Chief, Dental Corps, U.S. Army:

Brig. Gen. Billie B. Lefler, [redacted], U.S. Army.

The following-named officers for appointment in the Regular Army of the United States to the grade indicated under the provisions of title 10, United States Code, sections 611(a) and 624:

*To be brigadier general*

Col. William J. Meehan II, [redacted], U.S. Army.
Col. Neal T. Jaco, [redacted], U.S. Army.
Col. William J. Mullen III, [redacted], U.S. Army.
Col. Craig A. Hagan, [redacted] U.S. Army.
Col. Frank A. Partlow, Jr., [redacted], U.S. Army.
Col. Edison E. Scholes, [redacted] U.S. Army.
Col. Philip Y. Browning, Jr., [redacted], U.S. Army.
Col. Gerald H. Putman, [redacted] U.S. Army.
Col. Sidney Shachnow, [redacted] U.S. Army.
Col. Henry F. Drewfs, Jr., [redacted], U.S. Army.
Col. James D. Starling, [redacted] U.S. Army.
Col. Marc A. Cisneros, [redacted] U.S. Army.
Col. Paul E. Menoher, Jr., [redacted], U.S. Army.
Col. Arthur E. Williams, [redacted] U.S. Army.
Col. Robert L. Ord III, [redacted] U.S. Army.
Col. Waldo D. Freeman, Jr., [redacted], U.S. Army.
Col. Theodore G. Stroup, Jr., [redacted], U.S. Army.
Col. John F. Sobke, [redacted] U.S. Army.
Col. John P. Herrling, [redacted] U.S. Army.
Col. James A. Musselman, [redacted], U.S. Army.
Col. James B. Taylor, [redacted] U.S. Army.
Col. Ronald H. Griffith, [redacted] U.S. Army.
Col. Charles R. Hansell, [redacted] U.S. Army.
Col. Floyd L. Runyon, [redacted] U.S. Army.
Col. Samuel E. Ebbesen, [redacted] U.S. Army.
Col. James R. Ellis, [redacted] U.S. Army.
Col. Peter T. Berry, [redacted] U.S. Army.
Col. Walter J. Bryde, [redacted] U.S. Army.
Col. Walter B. Moore, [redacted] U.S. Army.
Col. Terence M. Henry [redacted] U.S. Army.

Col. Joseph T. Ellis, xxx-xx-xxxx U.S. Army.
Col. Larry R. Capps, xxx-xx-xxxx U.S. Army.
Col. James T. Scott, xxx-xx-xxxx U.S. Army.
Col. Ernest J. Harrell, xxx-xx-xxxx U.S. Army.
Col. Donald L. Scott, xxx-xx-xxxx U.S. Army.
Col. Dennis V. Crumley, xxx-xx-xxxx U.S. Army.
Col. Jerry R. Rutherford, xxx-xx-xxxx U.S. Army.
Col. John E. Miller, xxx-xx-xxxx U.S. Army.
Col. Frank Cunningham III, xxx-xx-xxxx U.S. Army.
Col. Paul T. Weyrauch, xxx-xx-xxxx U.S. Army.
Col. Jon D. Collins, xxx-xx-xxxx U.S. Army.
Col. Jay M. Garner, xxx-xx-xxxx U.S. Army.
Col. David L. Cole, xxx-xx-xxxx U.S. Army.
Col. John M. Thomson, xxx-xx-xxxx U.S. Army.
Col. Eugene L. Daniel, xxx-xx-xxxx U.S. Army.
Col. David Bramlett, xxx-xx-xxxx U.S. Army.
Col. Alfred J. Mallette, xxx-xx-xxxx U.S. Army.
Col. Joseph Raffiani, Jr., xxx-xx-xxxx U.S. Army.
Col. Thomas W. Robison, xxx-xx-xxxx U.S. Army.
Col. John H. Tilelli, Jr., xxx-xx-xxxx U.S. Army.
Col. Paul J. Vanderploog, xxx-xx-xxxx U.S. Army.
Col. Clyde A. Hennies, xxx-xx-xxxx U.S. Army.
Col. John P. Otjen, xxx-xx-xxxx U.S. Army.
Col. Henry H. Shelton, xxx-xx-xxxx U.S. Army.
Col. Barry J. Sottak, xxx-xx-xxxx U.S. Army.
Col. Robert L. Stewart, xxx-xx-xxxx U.S. Army.
Col. George A. Bombel, xxx-xx-xxxx U.S. Army.

# EXTENSIONS OF REMARKS

## TRIBUTE TO DR. HAROLD R. CHANDLER

### HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 7, 1986*

Mr. LEWIS of California. Mr. Speaker, I would like to take this opportunity to pay tribute to a truly remarkable man, Dr. Harold R. Chandler. Dr. Chandler's former students and close friends will honor him at a dinner in San Bernardino, CA, on September 2 of this year.

Dr. Chandler attended school in Texas, including Baylor University and Texas A&M from which he received his B.A. and master's degrees respectively in endocrinology. He was awarded his Ph.D. in this field from the University of California at Los Angeles in 1949. Later he went on to study radiation biology in 1960 at the University of Washington.

Dr. Chandler has made many contributions to his field. Early in his career, he was the curator of insects at Baylor University, and later he researched cotton insects for the U.S. Department of Agriculture. Also, he has written and published works in the areas of health education, entomology, and endocrinology.

For the past 39 years, Dr. Chandler has been a professor at San Bernardino Valley College. He has taught a wide variety of subjects, including biology, anatomy, physiology, microbiology, and zoology. Also during those years of instruction, he performed the duties of head of the zoology department, chairman of the life sciences division and dean of the evening college.

Although he has been quite occupied with his education and career goals, he ably served his country in the U.S. Navy from 1944 to 1946 and again from 1950 to 1952 and was active with the U.S. Naval Reserve for 20 years. In addition to his military service, Dr. Chandler has contributed to his community in numerous ways. He has been involved with the Arrowhead United Way, the Inland Adolescent Clinic, the Humane Society of San Bernardino Valley, the Desert Protective Council, and the animal advisory commission for the city of San Bernardino, as well as many other organizations.

Dr. Chandler is also a member of many professional organizations, including the New York Academy of Sciences, the Humane Society of the United States, and the National Association of Biology Teachers.

It is important to note that as a teacher, Dr. Chandler instilled tremendous desire to succeed academically in the classroom. In fact, professional schools have reached a point where they look forward to admitting students with a letter of recommendation from him, for his students have a good history for excelling in and finishing their graduate work. Indeed, most graduate in the top of their classes. Dr. Chandler also stressed to his students the importance of contributing to your country, State, and community by sharing one's skills through community involvement, and most have been known to follow that advice by becoming active leaders in their communities.

Mr. Speaker, I ask that you join me in recognizing Dr. Harold Chandler. I think we can all agree that Dr. Chandler's unselfish dedication to his country, State, and community has served as a fine example of the type of service we all should strive to emulate. It is with great pride and respect that I pay tribute to him today.

## THE 11TH ANNIVERSARY OF THE HELSINKI ACCORDS

### HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 7, 1986*

Mr. FORD of Michigan. Mr. Speaker, August 1, 1986, marked the 11th anniversary of the signing of the Helsinki accords. This was a day for the United States to reaffirm our commitment to human rights and encourage leaders of the Warsaw Pact nations to begin compliance with this political statement agreed upon by 33 nations in 1975.

For many people in Europe and North America the word "Helsinki" has come to symbolize hope for human rights and peace. Unfortunately, the Warsaw Pact nations' performance in the areas of human rights, freedom of religion and the rights of minorities has been highly deficient since the signing of the Helsinki accords 11 years ago.

Beginning in 1976 numerous monitoring groups concerned with violations of the Helsinki accords were formed to counter the direct violations and to encourage their governments to bring human rights practices into line with the pledges made in the accords. Because of an exorbitant increase in arrests and pressure from government authorities in their respective countries, many of the monitoring groups have disbanded. Some groups still have carried on the difficult and discouraging work of attempting to bring about reform while bearing witness to human rights abuse.

The blatant disregard of the Helsinki accords by the Soviet Union Government is crushing its citizens' faith in the Helsinki process. I have appealed to the Soviet Government on behalf of individuals wishing to emigrate, although most continue to be repeatedly denied permission. Despite these setbacks, I believe contact with the Soviet Government and celebrations such as our "Helsinki Human Rights Day" service to remind the Soviet Union that we are constantly aware of their practices and that human rights are a major concern for us. We must continue to encourage compliance by the Warsaw Pact nations with the Helsinki accords. Achieving this goal will greatly strengthen the goals for world peace that we all seek.

## A VISIT TO SOUTH AFRICA

### HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 7, 1986*

Mr. UDALL. Mr. Speaker, South Africa is the scene of a great human tragedy. News accounts, both here and abroad, have focused on the recent rioting and the continued intransigence of the South African Government. Given the high drama that now exists in that country, we sometimes overlook the day-to-day discrimination that lies at the heart of the Government's apartheid policy.

Bhupinder Singh Liddar, a Canadian writer, recently traveled to South Africa. In an article that appeared in International Perspectives, a Canadian journal on world affairs, he describes his impressions of a country that South African President Botha has declared, "a symbol of the expansion of freedom." He looks at the rigid discrimination that permeates every aspect of the society, and looks behind the reforms so loudly trumpeted by the Government. And finally, he warns that unless Western nations persuade the Government to accept a negotiated settlement soon, "South Africa is poised on the brink of a bloodbath unlike any yet seen on the continent."

At this point, I am inserting the article in the RECORD and urge our colleagues to read it:

VISIT TO SOUTH AFRICA

(By Bhupinder Singh Liddar)

In a world where freedom is becoming increasingly rare, our country today is a symbol of the expansion of freedom, of the upholding of freedom of religion and free enterprise, sustained by equal rights before an independent judiciary.

This statement by the State President of South Africa, P.W. Botha, at the opening session of the "Parliament" boggles the mind, filled as it is with the television images of violence, riot and general unrest that has gripped that unhappy country. The President was not speaking to the foreign news media but to the elected white parliamentarians of the Republic of South Africa.

Referring to the victims of violence and unrest, the State President further stated in that same speech, "Allow me once again to express my sympathy with the suffering of all those affected"—knowing full well that more than half of those were Blacks killed by police.

These are some examples of what has come to be termed double-speak or "Botha-speak!"

An opportunity presented itself to me recently to travel to this land where Botha-as-freedom contrasts sharply with Black unrest. Where does the reality lie? Having been born in Kenya and having spent many

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

years there, as well as in independent Zimbabwe, I felt a compelling desire to seek an answer to this question. I knew I did not have to go to South Africa to know what "apartheid" was all about. We experienced shades of it in Kenya and up until recently Rhodesia operated the same regime under Ian Smith. Separateness along racial lines—separate schools, separate residential areas, separate cemeteries, separate hospitals, and disparities such as higher wages for the Whites than non-Whites for the same job—and certain jobs (including that of writing parking tickets) reserved for Whites!

The most deceptive argument presented by the prostatus quo South Africa observers is that the situation is "complicated," and that one really has to go to South Africa to fully understand it. This line of appeal was used to invite Canadian parliamentarians and business leaders to show them the "good" life of the African. Many were convinced of the "civilizing" efforts of the South African regime and of its righteousness.

TOURIST IN SOUTH AFRICA

It was from Harare that I flew to Johannesburg by Air Zimbabwe. There are frequent daily flights by Air Zimbabwe and South African Airways between the major cities of these neighboring states. An active South African commercial office exists in Harare in a building decked with a South African flag. There is also considerable cooperation between the railways of the two countries, because of geohistorical factors.

The man who sat next to me was a young white student of pharmacy in South Africa who had been visiting friends and relatives in Zimbabwe. He and his family belong to those who, upon Zimbabwe attaining independence, decided to pack up and head south. He seemed concerned that about 3,500 Whites were leaving South Africa every month as a result of recent unrest. What were his impressions of Zimbabwe? He was impressed with the progress Zimbabwe had been able to make and the cordial race relations that existed. A number of South African Whites were concerned about being conscripted into the army to fight yet another liberation army and were contemplating returning to Zimbabwe. A familiar experience of talking with white South Africans outside their country is the degree of misinformation they can accumulate and disseminate.

This young white pharmacy student told me confidently that all universities were open to all races. Technically he was right, except that a non-White who wishes to attend a predominantly white university has to obtain a ministerial permit. A couple of days later I read in the papers that the Minister of Education had declared four universities now open to all races, thereby dropping the permit requirement to gain entry. There remain other universities, however, to which non-Whites still cannot gain-admission. Discrimination permeates education at the primary and secondary school levels too. For instance in the 1983-84 fiscal year, per capita spending was approximately $992 for Whites, $653 for Indians, $341 for Coloreds and $141 for Blacks. This disparity in spending on education leads to obvious results released recently on illiteracy rates for South Africans over the age of fifteen: 33 percent for Blacks, 15.5 percent for Coloreds, 7.6 percent for Indians and 0.72 percent for whites. While this progressive announcement was being made, another report appeared alongside, stating that "the quota system which pegs the number or percentage of other race's students which may be admitted to white universities will still remain in force."

The South African government has strategically designated residential areas along racial lines, so that it makes it easy for the government to argue against mixed schools. The government, of course, has no intention of integrating schools, but can use the pretext of geographical proximity of schools to residential areas to pursue the policy of separateness.

In Kenya, prior to independence, and in Zimbabwe under the Smith regime, a similar policy of separation of schools on racial lines was pursued. Upon attaining independence or majority rule schools in both countries were made multiracial. This greatly contributed to racial harmony. Policies of racial segregation were practised by the English in Kenya and Rhodesia. In Rhodesia's case one could not find a more English-sounding name to lead the country than "Smith." It is, therefore, ironic when one hears English-speaking apologists in South Africa blaming the Dutch settlers or Afrikaners exclusively for the ills of apartheid. After all, the English-speakers make up 40 percent of the white population.

APARTHEID EVERYWHERE

Now back to arrival at Johannesburg airport. A British Airways jumbo was landing, and departures to Mauritius, Malawi, Botswana, Luxembourg and France were listed for the day. From the plane one gets into the bus driven by a white woman in her forties. The Immigration Officer points out that since I have a visa stamped to visit Kenya during the onward journey he would not stamp it, but affix one of the stick-on visas. This is to avoid any complication in being allowed into Kenya.

The Immigration and Customs Officers are Whites, while the bag-handlers and porters are Blacks. The bank where I cash travellers' cheques is staffed by Whites only. I board the airport bus to Johannesburg driven by a Black with all shades of people on board.

Into Johannesburg—a bustling metropolis. We go past the exhausted gold mines, now packed away into neat rectangular piles. These piles of dust that were once gold seemed to symbolize the exhaustion of the ruling regime.

Once in downtown Johannesburg one begins to notice the double-decker buses (not painted red!) with white passengers and single blue-grey colored buses carrying black passengers and driven by Blacks. The sidewalks are shared by all races—on equal footing for once!

Whites and Blacks mingle freely in downtown stores. Only Whites are allowed to own businesses in the downtown area known as the CBDA, Central Business District Area. This is the case with all major centers. These were the areas effectively boycotted during last Christmas season. White shopkeepers became aware of their reliance on the spending-power of the Blacks as a result of this exercise. You hardly met any store-owner who did not feel the pinch. An extended and a more effective boycott at Christmas this year is being feared by businessmen. One does, however, run across a shop or two being operated by an Asian. How did he manage to secure the store in this restricted area? Well, he bought it in the name of a White and paid him a nominal fee for the use of his name! There is no manifestation of hatred or violence in the streets but there is certainly a sense of nervousness and bitterness. There is tension.

SEPARATE BUSES, BUT SHARED TRAINS

One day I decide to visit an acquaintance in Pretoria, who once was stationed in Ottawa. There are regular bus and train connections between Johannesburg and Pretoria, the seat of the executive branch of the government. (The legislative capital is Cape Town.)

I go down to the Johannesburg train station to inquire about train departures and to obtain a ticket to Pretoria. I buy a newspaper from the vendor and engage in a conversation about changes that are being brought about. The charming newspaper vendor points to the pedestrian mall adjoining the railway station. It was once forbidden territory to non-Whites but they can now walk there. In our brief encounter he nervously tells me that the Townships (areas where Blacks live) are very politicized and there is a lot of political activity there. He points to a restaurant across the street where he was not allowed to enter because of the color of his skin. He hopes that will change—though he does not sound as though it will happen soon. I go past a coffee shop in the railway station complex which has a prominently displayed sign "Whites only." As I enter the train station, I realize that the place is divided on racial lines. There are separate entrances to the station for Whites and non-Whites. Inside the railway station is another coffee shop with a sign hanging in the window (like the closed and open sign) which states "Whites only." Someone, probably a black man, washes that window everyday with that hideous sign hanging as an ugly reminder of the rules of the game. As I proceed towards the information desk I encounter another sign over a door "General Waiting Room—Whites Only!"

On to the information counter staffed by Whites. Asked to proceed to the ticket counter. Staffed by Whites. I buy my ticket to Pretoria and proceed to the turnstiles manned by tough-looking white women. I run down the stairs to the platform. As usual, I think I shall miss the train. It is departure time. As soon as I get to the platform I am confronted by a string of coaches each clearly marked "Whites only." What do I do? I say to myself, "I am not White." I have made it so far because the authorities must have bestowed upon me the dubious honor of being a Mediterranean!

There are only Whites in the coach I am in. Even the ticket examiner is White. Nothing seems to have changed since the days of Gandhi! We are on our way to Pretoria. At every station I notice toilet facilities marked "Men—White only." Later on after one of our stops at a suburban station I see a few Blacks on the platform. I stick my head out of the window and notice that the front section of the train is for Blacks—and they even have a black ticket examiner! The Whites and Blacks enter and leave the train through separate entrances and exits. At one station a black woman runs to board the train. She misses the train not because she is too far from it, but because she is too far from the coaches for the Blacks up front. She dared not have jumped into the coaches for the Whites. Here she is in a country where her people make up 71 percent of the population of 32.5 million, but a mere 17 percent (the Whites) are dictating the lives of the rest of the population and making laws affecting every little detail of their lives. Colored (mixed race) make up 9 percent of the population, while Asians account for 3 percent.

GETTING AN EARLY START

At one train station we pick up a large number of school children—boys and girls in their late teens. I wondered about these white children and their world-view. They live in white suburbs, socialize with white families only, board a train with "Whites only" coaches to school, attend exclusively white schools, play with white friends, attend church with white congregations and their only contact with a black African is with their gardener or cook at home or the nanny who brought them up! The Whites do not only want to maintain their exclusivity but also their social superiority. Yet they want to be known as Africans. They have, however, never lived as though they belong to Africa. The school children could have been coming out of any British public school. They are Africans of convenience. The color of their skin assures them a secure job after graduation.

The same pattern of separate waiting room for "Whites" is repeated at Pretoria railway station. I walk down to see the acquaintance at the Government's Bureau of Information. It is a 7-story building in downtown Pretoria. From the time I enter and the time I leave I do not see a single non-White in the building. My acquaintance talks about the universities being open to all races. He mentions universal citizenship being extended to all South Africans. It is merely an attempt to cover up the failure of the policy of establishing "independent" homelands with respective citizenships. The Blacks are now being restored their right to citizenship of South Africa. The homelands of Transkei, Bophutatawans, Venda and Ciskei were merely labor pools for South Africa and not economically viable entities.

The Immorality Act forbidding interracial marriages has been scrapped. The question arises: if an interracial couple were to get married and want to settle down, where would they live? In a black area? A white area? While my acquaintance rattles off the government record, I casually mention my dilemma earlier in the afternoon when I stood facing a coach marked "Whites only" and having the option of either hopping the train or missing it altogther—in which case I would not have seen him at the appointed time. He shyly informs me that the railway system is still segregated along racial lines.

On my way back to the bus station I walked into a government building to inquire for directions to the bus terminal. I see one black man among hordes of Whites leaving the building. I encounter a young soldier at the front desk who, having also finshed the day, volunteers to walk with me for a few blocks towards the bus terminal. He is young looking. He tells me he had been in the army for six years. He is concerned about the "terrorist" activity of the ANC (African National Congress) reaching the urban centres. Only last year the ANC had struck a sub-power station in Pretoria.

Urban political violence has many Whites worried. Once the downtown business areas become vulnerable to bomb attacks the white community will no longer feel that it is invincible.

While Pretoria is a clean and organized city there is an air of distance from reality. As in Ottawa, civil servants pour out in droves, form lines at the bus stops and within a short period the city core begins to look deserted. At the bus stops the city core begins to look deserted. At the bus stops there are benches marked "WHITE BUS PASSENGERS ONLY." The buses are exclusively for Whites and driven by white bus drivers!

AN ASIAN VIEW

One evening we drive south from Johannesburg to Lenasis—Land of Asia! This place is home to about 200,000 Asians. Asians working in downtown Johannesburg have to make about a 30-kilometre trip each way by car or take the train. As one drives along the highway to Lenasia one sees the signs for Soweto. Immediately one is filled with images of funerals, rock-throwing and clenched fists. One becomes a little nervous. We approach closer. One sees rows of neatly arranged houses. Smiling children. No funeral or a demonstration today. One crosses the highway to Lenasia and one sees opulence. This is no Soweto. One sees street lights, while back across the highway there are those overhead lights that light up whole areas. The meaning is clear: the Asians are the buffer zone between the Blacks and the Whites. The display of material well-being is a daily reminder to residents of Soweto across the highway, while the luxury of the Whites is hidden away in the northern parts of Johannesburg.

I spend the evening with an Asian family. The sons tell me that a growing number of Asians, especially the young ones, are identifying with the political goals of the ANC and the black majority. I am told once again that the House of Delegates for Asians does not have the confidence of the Asian community. Only 4 percent of the eligible voters cast their votes.

A tricameral Parliament was created under a new Constitution which came into force in late 1984. Under the new arrangement Whites are represented by a House of Assembly, Coloreds by a House of Representatives and Asians by a House of Delegates. The majority of the population—the Blacks—have no elective chamber.

The Lenasia family informs me that no substantial reforms have taken place. There is a lot of talk to appease the international community, but no action is being taken on the domestic front. One of the sons went to watch a rugby match with some of his white coworkers earlier this year. He, not being White, was turned away from sitting with his white coworkers.

There is almost universal feeling that the situation in South Africa is going to get much worse before it improves. There is no immediate danger of civil war but it is approaching. The feeling is that unless the international community—especially the West—undertakes to bring about a negotiated settlement through the aegis of an international constitutional conference, South Africa is poised on the brink of a bloodbath unlike any yet seen on the continent.

## HOUSE FOREST ROAD CONSTRUCTION BUDGET ON TARGET

### HON. WYCHE FOWLER, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 7, 1986*

Mr. FOWLER. Mr. Speaker, on July 31, the House passed the fiscal 1987 appropriations bill (H.R. 5234) for the Department of the Interior and related agencies.

I am pleased that the House has taken a fiscally responsible and environmentally desirable step in the right direction in amending the budget request for the U.S. Forest Service. H.R. 4234 reduces the Forest Service's nationwide budget for new road construction by $44 million from what was requested by the administration. The report on the bill points out that "the Forest Service continues to exceed its planned and funded goals for road construction and reconstruction, despite funding reductions, as it has in each of the past 5 years."

I agree strongly with the House action, and I think it is high time we put the skids to this costly and excessive waste of the taxpayers' money. While I will continue to support a reasonable level of timber harvesting in our national forests and in the Chattahoochee National Forest in my home State, in these times of fiscal austerity we need to minimize Federal expenditures where possible. The Forest Service's budget for new timber roads can and should be reduced without interfering in a major way with its future timber sales program.

The report on H.R. 5234 specifically states this reduction in road building funds will not affect the fiscal year 1987 timber sales program, and it will allow reconstruction of multipurpose and recreation roads to continue at the budgeted level. I urge the Senate to agree to the House action on this important issue.

## DROPOUT PREVENTION AND REENTRY ACT

### HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 7, 1986*

Mr. GARCIA. Mr. Speaker, today the House passed H.R. 3042, the Dropout Prevention and Reentry Act. I am a cosponsor and strong supporter of this very important piece of legislation.

The dropout rate in this country is alarmingly high. In New York City, it has reached crisis proportions. While the overall rate for the city is 35 percent, there are five high schools in my district alone that have dropout rates of over 50 percent.

There is no one cause and no easy answers to the dropout problem. Nonetheless, both the public and private sectors must work together to find solutions. Recently, three major New York banks established a program to provide educational assistance to five Brooklyn high schools with high dropout rates as well as jobs to those students who graduate, have less than five absences, have basic skills, and show a willingness to work. I hope that this program and others like it will be implemented in other parts of New York City and the Nation.

In conjunction with these private sector initiatives, H.R. 3042 clearly shows that a strong Federal commitment is needed and exists to end this crisis and provide real opportunities to our most disadvantaged students. I commend my colleagues, Representative HAYES, Representative HAWKINS, and the other members of the Education and Labor Committee for their efforts.

## THE NASA REFORM ACT OF 1986

### HON. F. JAMES SENSENBRENNER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 7, 1986*

Mr. SENSENBRENNER. Mr. Speaker, the members of the Committee on Science and Technology, of which I am a member, has spent a great deal of time dealing with the problems associated with the *Challenger* accident. The process has been arduous but insightful.

We have all learned that NASA has serious management problems which must be corrected to avoid future tragedies. The Rogers Commission addresses these shortcomings. I feel it's imperative Congress makes certain the Commission recommendations become policy at NASA. The NASA authorizing legislation must be amended to ensure the Commission recommendations are followed.

For that reason, I have introduced the NASA Reform Act, H.R. 5349, which takes the Rogers Commission recommendations and makes them law.

In addition to legislating the Commission's recommendations, the NASA Reform Act will strengthen the hand of Congress by allowing for greater oversight of the space agency. During the course of the Commission's investigation, many press reports claimed the virtual "blank check" Congress gave NASA in recent years was partially responsible for the internal management problems at NASA. Lack of congressional oversight had created a "NASA knows best" atmosphere in which accountability for the agency's actions was sometimes lost. To correct this situation, H.R. 5349 requires the Administrator to report to Congress on Space Shuttle Program management changes and flight rates.

Mr. Speaker, this legislation will help NASA return to safe space flight and allow this Nation to retain its familiar position of leadership in space. There coiuld be no more fitting tribute to the *Challenger* crew and their families, than the support by the membership of this bill.

## NATIONAL BACK TO SCHOOL—BACK OFF DRUGS MONTH

### HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 7, 1986*

Mr. BIAGGI. Mr. Speaker, there is a deadly cancer ruining the lives of our Nation's young people and it's called drug abuse. I want to personally commend you for the strong leadership you have demonstrated in responding to this crisis. Today, I want to supplement the comprehensive legislative effort you have inspired with a resolution of my own designating the month of September as National Back to School—Back Off Drugs Month.

I am pleased to note that this resolution has broad bipartisan support. Among the original cosponsors are our distinguished majority leader, Mr. WRIGHT; the chairman and ranking minority member of the Education and Labor Committee, Messrs. HAWKINS and JEFFORDS; and the chairman and ranking minority member of the Select Committee on Narcotics Abuse and Control, Messrs. RANGEL and GILMAN.

We are attacking the drug market vigorously, and as a 23-year law enforcement veteran I fully support those efforts. However, far too little is being done to diminish the demand for drugs. My legislation seeks to bolster this vital part of the drug abuse prevention puzzle.

Mr. Speaker, as a ranking member of the Education and Labor Committee, I am proud to observe that our committee plans to mark up a comprehensive drug abuse education and prevention measure next week, as part of our contribution to the Omnibus Drug Abuse Prevention Act that is now on a fast track as a result of your deep concern and strong leadership. The final product expected to come out of the Education and Labor Committee will do a great deal to bolster existing drug abuse education and prevention efforts. However, the improvements that it will make will not occur until after the new school year begins. I would suggest that we will miss a valuable opportunity to educate our young people about drug abuse if we don't get to them right from the start. By getting to them as soon as they walk through the school doors this September with the message that they should say no to drugs, they will realize the strength of our resolve. Hopefully, they will take the message a little more seroiusly as a result, and above all else, we may just prevent some of those young people from taking the first step toward drugs.

That is why I am proposing to designate the month of September, which marks the start of the new school year, as National Back to School—Back Off Drugs Month. With the formal support from Congress and the President, and the coordination that such a resolution could provide, it would be difficult for a school system to ignore the challenge of attacking the drug abuse problem head on with a full-fledged education and prevention campaign.

Under my resolution, the following activities during the month of September are recommended:

First, a message by the chief administrator of all schools to their students concerning the dangers of drug abuse and the specific penalties that exist for drug abuse in the school;

Second, the introduction of comprehensive and long-term drug education and prevention programs in the schools, with a particular focus on grades kindergarten through sixth;

Third, the use of audiovisual education tools to show the destructive effects of drug abuse;

Fourth, the use of role models—such as sports, religious, public safety, political, or cultural figures—to reinforce the need to stay drug free; and the formalization of agreements between students, parents, teachers, law enforcement, and school administration officials about the role each will play in the drug abuse education and prevention process, including the reporting of drug use and sales in or around the schools.

I am proud to point out, Mr. Speaker, that I have modeled this legislation after policies that have proven very successful in my home city of New York. I would like to focus particular attention on the program New York City has established called SPECDA—the School Program for the Education and Control of Drug Abuse. This 2-year-old program includes an 8-week course for fifth- and sixth-grade students who are taught by a drug counselor and a law enforcement officer about the dangers of drugs. This program utilizes positive role models, such as police officers and professional athletes, to teach kids to say no to drugs.

In addition, they conduct parent workshops, where the roles of the parents, teachers, school administrators, and the local police are defined in relation to the drug abuse education and prevention process. It is a program worthy of replication on a national basis and I want to commend the city of New York, particularly Mayor Koch, the New York Board of Education, and the police department, for the leadership they have demonstrated in responding to the drug abuse epidemic that is devastating our young people.

Mr. Speaker, a major theme throughout New York City's drug abuse prevention process is that the educational process must start at the earliest possible age, beginning with kindergarten. There is good reason for this strategy. In fact, statistics show that the earlier we begin the drug education process, the better, because after today's children reach junior high school, the decision of whether or not to use drugs has often already been made. Consider that nearly two-thirds of all high school seniors report illicit drug use and nearly one-third of all seventh graders report having used drugs before entering that grade. Further, a recent survey by the Weekly Reader revealed that 25 percent of all fourth graders feel peer pressure to use drugs. That is a terrifying thought, but it helps us to get to the root causes of the problem. Another recent survey of 27 cities showed that in 1985 13,038 young people between the ages of 6 and 17 were admitted to hospital emergency rooms for reasons related to drug abuse.

Mr. Speaker, I know that this Congress is dead serious about stopping drug abuse and I am proud to be associated with that effort. I would suggest that the legislation I am introducing today is totally consistent with that effort and I would hope that it will be given the prompt and favorable consideration that it deserves.

At this time, I would like to submit the full text of my resolution:

H.J. RES. —

Resolution designating the month of September 1986, as "National Back to School—Back Off Drugs Month"

Whereas elementary, secondary, and post-secondary students will be returning to school in the month of September;

Whereas the drug abuse problem among our young people has reached epidemic proportions;

Whereas surveys show that nearly two-thirds of all high school seniors report illicit drug use, and nearly a third of all seventh graders report having used drugs before entering that grade;

Whereas a recent survey of 27 cities showed that, in 1985, 13,038 young people between the ages of 6 and 17 were admitted to hospital emergency rooms for reasons related to drug abuse;

Whereas drug abuse is a significant factor among the estimated 750,000 students who drop out of school each year;

Whereas the cocaine-based drug, crack, is making the drug abuse problem among young people even worse because it is relatively inexpensive and highly addictive;

Whereas, in 1984, persons under the age of 18 committed 67,211 drug abuse violations; and

Whereas a minimal amount of Federal, State, and local resources have been targeted toward drug abuse education and prevention, despite strong evidence that education and prevention efforts at an early age are the most effective means to address the drug abuse problem: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the month of September 1986, is designated as "National Back to School—Back Off Drugs Month" and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that month with appropriate activities, including—

(1) a message by the chief administrators of all schools to their students concerning the dangers of drug abuse and the specific penalties that exist for drug abuse in the school;

(2) the introduction of comprehensive and long-term drug education and prevention programs in the schools, with a particular focus on kindergarten through the sixth grade;

(3) the use of audio visual education tools to show the destructive effects of drug abuse;

(4) the use of role models (such as sports, religious, public safety, political, and cultural figures) to reinforce the need to stay drug free; and

(5) the formalization of agreements among students, parents, teachers, law enforcement officials, and school administration officials about the role each will play in the drug abuse education and prevention process, including the reporting of drug use and sales in or around schools.

## INTRODUCTION OF JOINT RESOLUTION OF DISAPPROVAL—DOE URANIUM ENRICHMENT CRITERIA

### HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 7, 1986*

Mr. RICHARDSON. Mr. Speaker, I am pleased today to introduce a resolution along with eight original cosponsors disapproving the uranium enrichment criteria supplied to Congress by the Department of Energy on July 24. These criteria appear in the July 29 Federal Register on pages 27132–27146. Under section 161v. of the Atomic Energy Act, DOE must submit its criteria to Congress for 45 days' review prior to effectiveness. DOE's criteria by law must also provide for recovery of all properly attributable costs and for the viability of the domestic uranium industry. These requirements protect, among other things, interests of taxpayers and DOE customers, as well as U.S. energy security and independence. Unfortunately, DOE's new criteria do not appear consistent with either of these requirements. On the one hand, the administration, DOE, and GAO all agree that the criteria embody a writeoff of costs to be recovered. Nuclear utilities, on the other hand, feel that the criteria provide for excessive recovery of costs. Moreover, although DOE admits that the domestic uranium industry is nonviable, the agency continues to refuse to impose enrichment limitations as specifically required by section 161v. This has seriously and adversely affected U.S. national security and energy independence, left domestic uranium producers susceptible to foreign subsidies and other unfair trading practices, increased U.S. dependency on South African uranium, and resulted in 7,000 to 8,000 unemployed workers in New Mexico alone. There are other features of the criteria which do not comport with GAO's reading of the law, and which may potentially harm DOE customers, taxpayers, and raw material producers. Nuclear utilities, for example, have expressed concern about discrimination by DOE among its customers under the agency's new approach. Uranium producers have noted problems with DOE's policies relating to disposal of Government stockpile uranium.

Mr. Speaker, Congress has an obligation to provide effective oversight of DOE's uranium enrichment program. This resolution is an appropriate demonstration to DOE that this obligation is and will be discharged. There may be reasons, as DOE suggests, that the law should be changed. However, if this is the case, DOE should present its proposals to change the law in the form of legislation. The agency should not engage in administrative actions which all agree are inconsistent with various existing statutory requirements.

Mr. Speaker, I support a strong U.S. enrichment enterprise. This may require some changes in the law. Indeed, I am certain that we are all prepared to consider appropriate changes. But we would be derelict in our duties to accede to DOE's actions to date, which if we do not act will undoubtedly result in continued litigation, confusion, and turmoil for years to come.

## EXCHANGE LANDS IN ALASKA

### HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 7, 1986*

Mr. YOUNG of Alaska. Mr. Speaker, I am today introducing, legislation, H.R. 5353, which seeks to resolve a dilemma faced by the Haida Village Corp. in southeast Alaska. The Haida Village Corp. is an Alaska Native village corporation constituted through the Alaska Native Claims Settlement Act of 1971 [ANCSA]. Because of the impact of a certain provision of ANCSA upon the Haida Corp., it was the only corporation in southeast Alaska subject to selection of lands which were insufficient to grant them a timber base which would meet their long-term needs. The unique application of this provision to Haida in Southeast and subsequent events have placed them in the difficult position of facing the distinct and immediate loss of their lands granted them by the United States in settlement of their claims as Alaska Natives.

The legislation is designed to enable the corporation to use a portion of their lands in order to save the rest of their lands, and also set in motion negotiations with the Secretary of Agriculture regarding a possible exchange of lands which would enhance their viability as a corporation. Through this measure, Haida would receive credits which would apply toward U.S. Forest Service timber sales in exchange for magnificent Goat Island, which they received as part of their selection under ANCSA. Although Haida would be forfeiting part of their entitlement, the sale of this recreational asset to the United States would enable them to satisfy creditors, thereby escaping the loss of lands through Chapter 7 bankruptcy proceedings.

## HELMS RIGHT ON THIS ONE

### HON. WILLIAM W. COBEY, JR. HON. BILL HENDON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 7, 1986*

Mr. COBEY. Mr. Speaker, once again the senior Senator from our State, the Honorable JESSE HELMS, is under attack from the entrenched bureaucracy, this time on the issue of our relationship with Chile. Why do they continue to attack him? Simply because Senator HELMS is a man of deep conviction and extraordinary courage—a man who is not afraid to be honest with people and who does his job to the best of his ability.

In this case, his job is to carry out his duties as chairman of the Subcommittee on Western Hemisphere Affairs of the Senate Committee on Foreign Relations.

In the past, time and time again, Senator HELMS has faced his accusers and proved them to be wrong. For example, he warned us that the Sandinistas in Nicaragua were trouble and he was right.

The State Department doesn't and shouldn't have the last word in foreign affairs. We in Congress must provide the needed oversight.

A man of Senator HELMS' stature deserves to be trusted and to be heard. That is the least that can be expected.

The following is an editorial that appeared in the Mooresville Tribune of Morresville, NC. I do not claim to be an expert on Chile, but I think this editorial merits careful consideration. Let's not rush to conclusions on this issue. Let's hear and respect all of those, including Senator HELMS, who care deeply about our neighbors to the south.

[From the Mooresville (NC) Tribune, July 23, 1986]

HELMS RIGHT ON THIS ONE

(By Lee Sullivan)

Sen. Jesse Helms has always been on the cutting edge of controversy and his unwavering hard-right views can alienate people on one issue and befriend them on another. In the white-hot debate concerning Chile, however, Helms deserves more allies than enemies.

Helms is right in saying that Chile is one of the last barriers to communism in Latin America. Helms is also one of this country's

few elected officials with the guts to stand behind a government the United Staes helped put into power.

Very few clear details have been uncovered about the tragic death of Rodrigo Rojas, who was fatally burned during an anti-government rally in Chile, and only through assumption have newspapers and television stations in this country reached the conclusion that the disguished, uniformed figures responsible for Rojas' death were governmental soldiers and not terrorists posing as soldiers.

It seems strange that out of the group of young people, only Rojas, an American resident, and his companion were attacked. If supporters of communism wanted to make sure the United States came down hard on Chile President Augusto Pinochet, killing an American and blaming it on the government is definitely the best way. And, on the other hand, if Pinochet is the terrible despot Americans are told he is, why would he be so stupid as to kill an American to direct even more attention to his actions?

The theory that terrorist are to blame is not that far fetched. Communist activity in the country has increased since the paperwork for a general election in 1989 was approved. Young people and college students, just like young people in this country, are opposed to many government policies and voice that opposition through protests. These protests have paved the way for the influx of communist groups. But communist supporters, who are able to rally the students by promising change without precisely defining that change, realize if a takeover isn't completed by 1989 it will be too late.

Critics of Helms' statements are correct in saying that in 1989 the only choice the people of Chile will have is to vote for or against a single candidate selected by the country's four-member Junta—which was appointed by Pinochet. But if the people vote against the candidate in 1989, the Chilean constitution states that Pinochet will serve for one more year until a general election is held in 1990.

By 1991, according to the constitution, a president and a general assembly elected by the people will be in office. That would seem to be exactly what the United States would want in a South American country with Chile's strategic location.

But in countries with cultures different from our own, we have a habit of opposing whatever government is in charge while, like the students supporting the communist groups, forgetting to consider what the replacement will be. We've done it time and time again and, however tragic, we seem to be on the verge of doing it again.

While his comments concerning Ambassador Harry C. Barnes may have been too strong, Helms' position is the right one. Pinochet's government is combating a growing communist threat and while Pinochet has been in charge of the country, the foundation for Democracy has been prepared.

Chile, as Helms said, is on an orderly path to Democracy. The job of the United States—the self-appointed preserver of personal freedom and democracy—is to let the people of Chile determine their own fate. Pinochet has been in power for 13 years, why intrude now when the first step to democracy is less than three years away?

Unlike the picture painted by the press in the United States, people in Santiago and throughout Chile enjoy many of the same freedoms as people in the United States. Oppression seems to be an out-of-place criticism coming from a country that burned "witches," put American citizens with Japanese heritage into concentration camps during World War II and conducted political witch hunts under the direction of Sen. Joseph McCarthy.

It's time the United States learned that we do not have the perfect ideals to inject into every culture. Helms is right in saying that democracy in Chile will not be like democracy in the United States, and it shouldn't be. If the true goal of the United States is personal freedom, how can we achieve that by forcing our beliefs down the throats of the Chilean people.

The cultures are different and will always be different. We can forcibly change the government but we can't change the people.

If the United States really wants to help Chile, commercial investment is the best bet, not verbal abuse. If you've wondered why the administration of President Ronald Reagan has targeted its assaults on Chile instead of other countries throughout the world, the answer is business. The U.S. has very little commercial interests in Chile so Reagan has very little to lose in attacking the Chilean government.

The entire Chilean affair, as Helms has pointed out, is another example of the U.S. media building an issue to a degree where the U.S. government has to take a stand. And this time, just like so many times in the past, the media has also dictated which stance the government should take.

Helms is out on a limb because byline-hunting reporters and headline-hungry politicians want to emphasize every bad aspect of the Chilean situation without considering any positive elements of a country trying—despite its location and national history—to development a democratic form of government.

If the bad press and jumping-on-the bandwagon ritual continues, the United States government will, once again, use the comments and influence of a few as excuses to venture where it really doesn't belong.

The people in the United States would not stand for governmental strongarming from a foreign country, yet when we demand that other countries change to suit our ideals that is exactly what we do to them. In Chile, it's the wrong answer and Helms seems to be one of the few in Washington's power circles willing to oppose the stylish trend and say so.

## TRIBUTE TO NORMAN S. GLADWELL

### HON. MATTHEW G. MARTINEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 7, 1986*

Mr. MARTINEZ. Mr. Speaker, I rise today to honor my constituent, Norman S. Gladwell, as he celebrates his 50th anniversary with the Kiwanis.

Mr. Gladwell has lived in San Gabriel since 1938 in a house he and his father built together. He lives there with his wife, Alberta, who he has been married to for 52 years. He has one daughter and two grandchildren.

After graduating from high school in Alhambra, Mr. Gladwell worked at the Alhambra Blue Print Co., which he owned and managed until his retirement. Through all these years, he has been a member of the Kiwanis, an organization dedicated to helping the community. He has served as president and on almost every committee. After 50 years of service, he continues to contribute to his community by tutoring children and volunteering on many other Kiwanis projects. I commend Mr. Gladwell for his dedication and contribution to community service. We are truly honored to have such a model citizen in our district.

## INDIA'S STRIDES FORWARD

### HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 7, 1986*

Mr. GARCIA. Mr. Speaker, this past Sunday, the New York Times ran an article by M.J. Akbar, the editor of a Calcutta newspaper, the Telegraph.

Mr. Akbar discusses the progress that India has made over the years politically and economically. As Mr. Akbar rightly points out, trouble in the Punjab has clouded the many strides made by the Indian Government, particularly in the area of agriculture. I find Mr. Akbar's arguments about India's progress to be very convincing. I'm not surprised, however, that this is the case. After all, India is led by a dynamic, young leader with a sense of vision and purpose for his nation's future.

It is my sincere hope that along with India's continued progress and prosperity will come a stronger and better relationship with the United States. After all, as many of my friends in the Indian American community have pointed out to me, both of our nations have a great deal to gain from increased ties between our countries.

I am submitting Mr. Akbar's article for the RECORD. I urge my colleagues to take a minute to read his fine essay.

[From the New York Times, Aug. 3, 1986]

A VOICE FROM CALCUTTA: "WE DON'T NEED PITY, INDIA CAN LOOK AFTER ITSELF

(By M.J. Akbar)

CALCUTTA, INDIA.—The gunfire in Punjab has sent up a smokescreen that is hiding much of the truth about India's ability, self-confidence and perception of its future. Bad news, as we all know, drives out the good, not because journalists are a satanic breed, but because readers find good news boring after a very short while.

Be that as it may, Punjab has kept out of attention a most significant Indian achievement of the last four years. Almost half of India has been undergoing a massive drought, necessitating relief on an enormous scale. If this had been the India of the 60's, it could have required more than the combined efforts of many Bob Geldofs and Mother Teresas to prevent starvation.

ELEMENT OF MATURITY

But not only did India manage an enormous problem alone, she also did it without any fuss. (The second element is a characteristic of maturity). It was not just a case of having the surplus food thanks to the green revolution. Much more impressive was the creation of an infrastructure to take this food to the remotest village, and then not to hand it over as alms but to make it into wages for a development project of some sort or the other—the building of a road or the sinking of a well.

The rains have now come, abundantly, and the fields are going to be gloriously fertile again, so the last chance of this story coming to any significant attention is probably gone, but that is probably a good thing.

We don't need pity any more. This is an India that can look after itself, without patronage, thank you. Help, yes, and on a level of respect and equality. Patronage, no. The new confidence is the legacy of many things—self-sufficiency in food production, a victory in a major war with Pakistan.

But the most important element is the coming of age and to power of a post-independence generation. It is different in its perceptions from even the generation of Indira Gandhi, which spent its life in the political consolidation of the country after partition, and the creation of the industrial and agricultural base from which India could make her leap into prosperity. That base has been achieved to a great extent.

AMBITIONS AND RIVALRIES

The ambition of the new generation is simple, to make India the pre-eminent power of the second world by the turn of the century. (I define the second world not as the Communist bloc, but as that set of nations just below the superpowers and the members of the Organization for Economic Cooperation and Development.) It may seem a fantastic ambition, but if anyone had suggested in 1965, after the deaths of the Bihar famine and that simpering draw with Pakistan in the autumn war, that in about five years India would not only have successfully overcome its historic food problem but liberated Bangladesh by an overwhelming victory on the battlefield, it would surely have sounded equally fantastic.

In this context, one might add, that those who instinctively club India and Pakistan in comparative analyses are missing the point.

India sees itself in competition not with Pakistan but with China. And if India feels a threat strong enough to force her to spend on modern weaponry, it is because of the presence of an effective China-Pakistan axis whose goal in South Asia is to create a ring of hostile neighbors around the mother country of the region.

LAST WAR OF THE 40'S

In a region swarming with populations and languages that spill across recently manufactured borders, suspicion is the easiest of things to generate. Moreover, America, in its pragmatic somersault vis-a-vis China, may have forgotten that a Communist country swallowed an independent and large nation long before Soviet troops reached Afghanistan, but India has not forgotten Tibet yet.

So where does violence-beset Punjab enter such a rosy picture? The war between the two ideas which created two nations in 1947 has not run its course yet. If it is true that a minority in the Hindu-majority Indian subcontinent cannot live as an equal, then further disintegration is likely. On the other hand, the evidence is far greater that strength lies in the idea which created India's democratic—secular unity.

It is the theocracy called Pakistan that has neither been able to write an acceptable constitution or protect its national integrity. But there are those who still believe that religion is a sufficient basis for nationhood, against all the evidence of history (not only in this subcontinent but in Arabdom and Christendom).

The theocrats of Pakistan (as opposed to the democrats there) are nourishing their ideological comrades in Punjab, because they know that if democratic and secular India thrives, there will be a fallout in Pakistan. Punjab, in a sense, is the last war of the 1930's and 1940's. The secessionists of today have one distinct advantage over their predecessors: the technology of terror has never been as sophisticated.

But there is also the new steel in the Indian will. It may flicker for a while, since no one can obliterate terrorism completely, but the current excesses will be controlled. This outburst is probably the last blaze. Americans should know better than anyone that the voice of excess is far, far louder than the decibel level of the silent majority. they must also be aware, by their own experience, which is stronger.

## RESOLUTION ON EL SALVADOR

### HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 7, 1986*

Mr. WEISS. Mr. Speaker, after 6 years of war and over $2 billion in United States aid, elements of the Salvadoran Government continue to kill, kidnap, and abuse citizens of El Salvador. Though the absolute number of violations has declined since the mass killings of the early 1980's, some 20 to 25 Salvadoran citizens per month continue to die in targeted killings by Government security forces or death squads linked with the Government. Salvadoran workers and trade unionists have been particular targets of this repression. The situation in El Salvador therefore deeply concerns many trade union members here in the United States.

I commend to my colleagues' attention the attached resolution, which was passed on July 14, 1986, by the New York Area Labor Committee in Support of Democracy and Human Rights in El Salvador.

RESOLUTION ON EL SALVADOR

Whereas, the living standards of Salvadoran workers has dropped 54 percent in the last five years, inflation this year is rising at the rate of 36 percent, and workers have not seen real wage increases,

Whereas, the Duarte government, with U.S. aid, continues to conduct saturation bombing in civilian area in El Salvador,

Whereas, Amnesty International has continued to receive reports of arbitrary arrests, death squad killings and disappearances,

Whereas, unions such as ASTTEL (the Salvadoran Telecommunications Workers Union) have faced firings, military occupation of their worksites, takeover of their offices, and the management of ANTEL has set up a company union, ASTA, and has affiliated it with the Communication Workers International (PTTI) in an effort to derail international support,

Whereas, garment, electronics and other plants continue to be closed down here as U.S. companies flee to Latin America and other areas where they can exploit cheap labor,

Whereas, the Salvadoran labor movement has formed a broad labor federation—UNTS (Unidad Nacional de Trabajadores Salvadorenos) and recently organized a demonstration of over 80,000 people to call for a settlement of the civil war through negotiations,

Whereas, under the government of Salvadoran President Jose Napoleon Duarte, repression of trade union rights continues despite his promises of democratic changes,

Whereas, a free, democratic society cannot exist without trade unions and respect for human rights: Therefore, be it resolved that trade unionists in the United States:

Continue to oppose U.S. military and economic aid to the Salvadoran government,

Call and write their Congressional representatives urging them to discontinue such aid,

Send letters immediately to President Duarte urging him to respect trade union rights and to pressure the government-run telecommunications agency (ANTEL) to negotiate with the ASTTEL workers, re-hire the fired workers and respect trade union rights, and release the sons of union leader Centno from prison.

Pass resolutions in support of the ASTTEL workers,

Urge the sending of a Congressional-Labor delegation to El Salvador to investigate trade union repression and human rights abuses,

Call upon PTTI to disaffiliate ASTA and recongize ASTTEL as the legitimate union,

Escalate pressure on the Duarte government for a peaceful, negotiated end to the war.

## SUPPORTING ASAT TEST BAN STILL THE BEST COURSE

### HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 7, 1986*

Mr. COUGHLIN. Mr. Speaker, for the last 2 years the House has supported a moratorium on the testing of antisatellite [Asat] weapons against targets in space. Last year, after tough negotiating with the Senate, the House-supported ban on this testing finally became law. Since that time, a de facto United States-Soviet moratorium on Asat testing has worked exactly as planned. It will continue through October 1, 1986—but it must be extended through 1987 if we want to ensure reaping the benefits of this arrangement in the future.

All of the arguments that persuaded the House to support the Asat ban last year and the year before are just as compelling today. We continue to be more dependent on our military satellites that the Soviets are on their satellites. The Soviet Asat weapon is a year older and a year closer to total obsolescence. Allowing United States testing of the F-15 launched MHV Asat will more than ever mean all bets are off on any future United States-Soviet negotiations to end the Asat arms race.

In addition to these compelling reasons to preserve the Asat test moratorium, there are several important new factors to consider. First, we now have no way of launching replacements for our most important satellites into orbit. With the *Challenger* disaster and the grounding of our Delta and Titan heavy lift rockets, it is dubious whether we could respond effectively to a crisis requiring the deployment of new military satellites. It is unclear when any of these key launch systems will be on-line again.

Yet allowing tests of our Asat device to go forward in October will only pressure the Soviets to undertake new efforts to enhance their current inadequate Asat capabilities. Prior to 1982, when they conducted their last test, the Soviets had a relatively dismal Asat record. That could change if we give them carte blanche to perfect an advanced Asat weapon, however. Right now—while we can launch neither replacements for existing satellites nor new satellites able to counter any advanced Soviet Asat weapon—is absolutely not the time to open the door to further Soviet tests and enable them to make strides toward perfecting an Asat weapon.

Beyond our current launch vehicle crisis is another important new consideration—the ban itself is now law. This year, for the first time ever, we have had an Asat test moratorium. At least the arms race is not escalating in the anitsatellite weapons arena. That is a major accomplishment, and one that did not come easily. Now is not the time to abandon this hard-won arms control victory. The Asat test moratorium—a de facto United States-Soviet agreement—is serving us well and is one of only a few superpower arms control arrangements still being abided by. It is the only arms control measure realized since 1979.

Mr. Speaker, the Asat test moratorium has worked exactly as we hoped it would. Since the time it was enacted last year nothing has changed. If it is allowed to lapse, our national security may be subject to grave new dangers. I urge my colleagues to support the Brown-Coughlin Asat test ban amendment during consideration of the DOD authorization next week.

## MID-SESSION REVIEW OF THE 1987 BUDGET

### HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 7, 1986*

Mr. OBEY. Mr. Speaker, after the last 5 years, it is difficult to call any document emanating from the Office of Management and Budget remarkable. But I urge the Members to closely examine the little jewel which OMB dropped on the country yesterday.

In their Mid-Session Review of the 1987 Budget they describe how unexpectedly slow economic growth, coupled with farm and bank failures, have resulted in a surprise—the deficit for fiscal 1986 will be another record smasher, $28 billion larger than the administration anticipated in January and $51 billion bigger than they predicted last August. Of course, it was not possible a year ago or even 6 months ago to foresee that we were not entering a new era of remarkable growth. Therefore, there was no way of knowing that we would be facing deficits of this size.

OMB's Mid-Session Review also looks at the economy and the budget for fiscal 1987 and lo and behold, we find where all that growth and prosperity that we were expecting in fiscal 1986 went. It moved to 1987.

Since January, OMB has been under attack for rigging the 1987 deficit numbers by projecting growth considerably higher than the Federal Reserve, the blue chip consensus forecasters of the Congressional Budget Office. Their 4-percent real growth prediction in January allowed the President to claim his budget had a deficit more than $15 billion smaller than it actually had if the consensus forecast had been used. So now OMB, while announcing a $30 billion goof in counting the 1986 deficit because of missed growth projections, will be shamed into more reasonable predictions about fiscal year 1987, right? Wrong. They now claim that growth in 1987 will be even stronger than they had earlier anticipated. They move their real growth forecast from 4 to 4.2 percent and themselves even further out of line with private forecasters.

Mr. Speaker, the problem with feel good economics and feel good budgeting is that it does not feel very good after the real numbers come in and you find that you have yet another new record setting deficit, that your country has had to go into the bond market again and borrow tens of billions more from the Japanese that your kids will have to pay off with taxes taken from every paycheck they will earn for their entire working lives. The longer it takes this White House to get a grip on reality the less likely it is that we will be able to come up with reasonable strategies to turn the situation around. Things are rapidly getting further out of control and the White House seems to be doing everything possible to make the "gloom and doom artists," they so despise, the soothsayers of our times.

## READSBORO, VT, BICENTENNIAL

### HON. JAMES M. JEFFORDS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 7, 1986*

Mr. JEFFORDS. Mr. Speaker, Readsboro—a tiny, quiet hilltop town in my home State of Vermont—is ready to strike up the band this weekend to observe its 200th birthday.

The town has a total population of only 638, but that small population reflects some very big values that are treasured throughout Vermont.

We live in extremely changing times, and change has not left either Vermont or its tiny Readsboro untouched. Yet both retain a pristine beauty that has been their heritage and their joy.

When the townspeople of Readsboro celebrate their bicentennial, they will be celebrating the passage of 200 years that has left in tact the charm that has always accompanied the town's history.

That history includes an original charter granted in 1764 to a Capt. Robert Rogers, who in the end never got a chance to settle on his chartered lands because he went off to Canada to fight with the British. In 1770, yet another charter was granted to John Reade and 29 of his associates for 30,000 acres of a township to be known as Readsborough. The town, however, was never actually organized under that charter either, probably because of hostilities and tensions that existed at the time between Vermont and two of its now-friendly neighbors.

It wasn't until 1785, in fact, that Daniel Henry Davidson, a veteran of the 1759 expedition against Crown Point, gathered with others to settle down about mile north of Readsboro Village.

The town of Readsboro, which recently merged with its village, is observing its bicentennial in 1986 because it was in an "86" that the first Readsboro town meeting was held—on March 17, 1786.

Mr. Speaker, the Vermont General Assembly adopted a resolution earlier this year saluting the town, its residents, and its founders on the occasion of their bicentennial celebration. I join wholeheartedly in that salute.

## TRIBUTE TO POLICE OFFICERS

### HON. RAYMOND J. McGRATH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 7, 1986*

Mr. McGRATH. Mr. Speaker, I would like to take note of the accomplishments of two distinguished officers of the Nassau County Police Department, Capt. Andrew "Mel" Kenny and Detective Robert Cuccinello. Captain Kenny has been recognized as the Law Enforcement Man of the Year and Detective Cuccinello as Detective of the Year. Their service to the public is in the finest tradition of the law enforcement profession.

Captain Kenny is one of the foremost managers and administrators in the N.C.P.D. He has earned several degrees and he has completed specialized seminars and courses in hostage negotiation, antiterrorist tactics, and a wide variety of other areas. Perhaps more important, is Captain Kenny's ability to transfer that knowledge to his fellow officers in training sessions and in the county police academy. This type of dedication often goes unnoticed, however, it is essential to the foundation of a modern law enforcement agency.

Detective Cuccinello is an undercover officer in the narcotics squad. His efforts have been concentrated on ridding our communities of the terrible scourge of drugs. In the course of his activities, Detective Cuccinello has been assaulted and shot at by drug dealers. He has literally put his life on the line on numerous occasions to arrest and help convict those who have invaded our streets, schools, and parks to sell dangerous narcotics. Cuccinello has also participated in other major criminal investigations including a well-publicized attack on an area college student.

Television and movie accounts of police activities tend to make us believe that every case ends with a few days work and no risk or injury to the officers involved. Little attention is devoted to the perseverance and actual investigative work needed to solve a crime or build a case against a suspect. Nothing is mentioned about the endless hours spent on training activities, development of enforcement strategies, and crime prevention.

The residents of the Fifth Congressional District are truly fortunate to enjoy the protection offered by these two police officers and their colleagues. I know that every Member of this House will join me in congratulating them for their outstanding work and wishing them well as they continue their careers.

## IMPORTS OF KIWIFRUIT

### HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 7, 1986*

Mr. MATSUI. Mr. Speaker, I am introducing legislation which would place a de minimus duty of one-tenth of a cent per pound on imports of kiwifruit.

California is in the process of developing a kiwifruit industry. There are currently an estimated 1,000 growers in California who account for over 98 percent of the U.S. production. Until recently, imports of kiwifruit primarily from New Zealand, helped to supply, the domestic market during the domestic growers' off season. Recently, however, these imports have been significantly expanded and have begun to overlap domestic production and marketing.

In 1982, for example, over 4 million pounds of kiwifruit were imported from New Zealand. During 1985, imports of kiwifruit from New Zealand totaled over 17 million pounds. This dramatic surge in imports and market penetration has depressed domestic growers' prices in the market.

The surge in imports of kiwifruit is of concern because it is believed that the New Zealand Government subsidizes exports of kiwifruit to the United States.

Domestic growers should have the opportunity to compete on an equitable basis with imports.

This legislation, by setting a de minimus duty, would recognize the problems of surging imports and the difficulty agriculture has had historically in seeking relief from the ITC. It should be noted that historically there has been a duty on imported kiwifruit. The duty was removed on the basis that imports were small in volume, relatively high in price, and not directly competitive with any domestic product. The situation has changed dramatically with the development of a domestic industry and with the New Zealand subsidy programs.

## KEYNOTE SPEECH TO ALL-AFRICA CONFERENCE

### HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, August 8, 1986*

Mr. SCHEUER. Mr. Speaker, One of the more optimistic signs coming from the recent All-Africa Conference of Parliamentarians on Population and Development was the fact that virtually all the expertise was provided by African experts.

In the short time since independence, Africa has developed home-grown knowledge and professional expertise of a high order of excellence that will be essential in developing solutions to uniquely African problems in a uniquely African way.

One of the most brilliant of these African experts is Dr. Frederick Sai, senior population adviser to the World Bank in Washington, who has consistently campaigned for rational population policies in Africa.

I strongly recommend his thoughtful address to the Conference on Population and Development in Harare to my colleagues' attention:

AFRICA'S PARLIAMENTARIANS AND POPULATION [1]

Mr. Chairman, honorable ministers, distinguished parliamentarians, ladies and gentlemen:

This is a very historic occasion which few of us in the population field could have foreseen just a few years ago. Certainly a meeting of African parliamentarians discussing the issues of population and family planning in Africa by the turn of this century would not have been forecast at Bucharest in 1974.

It is indeed an honor for a person like me who has devoted his life to public health—principally to issues of population and nutrition with particular attention to Africa—someone who almost had the feeling only eleven years in Bucharest that he had to run away from the African delegations and his peers because they considered him a traitor, someone who in Dar es-Salaam in 1974 was called an Uncle Tom by a young South African simply for trying to advocate the cause of population and development. It is so gratifying to note the progress made. Yet a lot remains to be done and we still have the unconvinced to deal with. In the last couple of years the old arguments about population growth and development have been given new prominence. Some are even using the simple population and land resource argument to say Africa needs more people today and not less. It is a cruel deception.

I think we sometimes let ourselves be deceived or trapped into a complacent mood when we think of our land, our paradise, our garden of Eden with its dreams of plenty. We keep on with this dream as we remember the words of the Lord when he said to the original couple, "Go ye forth into the world and multiply". Sometimes people use this particular phrase as if the Lord had issued a command. But it was not a command—it was a blessing; one that we have long since fulfilled.

What's more, when the good Lord was saying this, he was talking to two people who had the whole world in front of them. Today we are clearly in a different world, a world dense with confrontations—nuclear confrontations, food confrontations, trade confrontations, and so on. And we in Africa have to accept the stark fact that we are in confrontation with problems as severe in their impact as they are difficult to solve.

Sometimes when we look at the leaders of our people and at the number of developmental necessities in which we are bogged down and which had to be completed, as it were, yesterday, we want to throw up our hands and say, 'It's impossible. Africa cannot make it!" And yet it was not for nothing that the preacher decribed the human being as a pilgrim of the impossible. To dream the impossible dream and to bring it to fulfillment is what the human spirit is all about.

So in Africa we should have a new spirit arising. This is a matter to think through during this historic All-Africa Conference of Parliamentarians on Population and Development, a conference of lawmakers who are conceiving fresh and interesting approaches to the issues of population and development.

This is the spirit that was shown in Mexico at the International Conference on Population. It was very much the spirit among the Parliamentarians who were present there. The Parliamentarians at the Conference appeared in retrospect to have formed a critical mass to which some of the credit should be assigned for what the conference achieved.

And—as we may ask—what did the conference achieve? As a delegate from Ghana, I had the privilege of serving as Chairman of the Main Committee, the Committee which—as some of you know—spent many hours, night and day, trying to shape up the revisions and refinements to the World Population Plan of Action. The resolutions that had been set to Mexico, had gone through two readings in New York, and thanks to my knowledge of the UN system, I was optimistic enough to think that we were not going to have too much trouble going through those recommendations in Mexico. For the benefit of those of you who do not know how they got there, let me say that these recommendations had been culled by the UN Secretariat from expert group reports. There had been four expert groups—one on fertility and the family, one on population distribution and migration, one on resources and the environment and one on mortality and health policy.

The first draft was debated in January, 1984, with another meeting in March to complete the debate. After that we thought we would have few issues of real contention. As it turned out, even when we sent the issues of contention to other committees, the work of the Main Committee itself had to go deeply into certain subjects—and this was good, as it turned out, because it was an educational process for all of us. And in the end, we won through and passed a Plan of Action which in most respects attained its purposes and which is and will remain for some time a good basis for what we in Africa hope to do in population.

To me, the difference between Mexico and Bucharest was that Bucharest had been convened by the developed countries to look at their own population problems, to review where the world stood, to examine the activities that have been undertaken, to consider what sort of report we would need to proceed on the path to solutions. Now we must begin to ask ourselves what exactly governments are doing with the Plan of Action which Mexico produced.

In Mexico, the developing world spoke almost as one. This was the voice of countries embracing 90 percent of the world's poor. It spoke in total awareness of its population problem, in an understanding of its severity, in a determination to do something about it. It took but a few moments to realize that at the heart of the major dynamics going on at the conference was a sizeable group of parliamentarians at work. Those who produced a trenchant and aggressive Plan of Action included African lawmakers. Among them were some of the distinguished delegates at this conference today.

Mexico offered African lawmakers an opportunity to discuss issues of population and development with their fellow legislators from other regions of the world. They had a chance to hear how others had addressed their problems of development and population. They could capture the thinking of those who had joined the Global Committee of Parliamentarians on Population and Development. These discussions and encoun-

[1] Keynote speech at the All-Africa Conference of Parliamentarians and Development, Harare, May 12-10, 1986.

ters maintained the impulses generated in Mexico and kept events in motion after the parliamentarians had returned home. They bring about preliminary meetings and workshops—as well as the present All-Africa Conference of Parliamentarians on Population and Development.

I personally believe that the linking of development with population is a good thing. it helps us to think in terms that go well beyond the problems of population growth, however important these problems may be. Essentially, it helps to shift the emphasis in development from mere material production—from the GNP-orientation to development—and direct the emphasis to people, to their needs, their aspirations, and how these are to be satisfied. It is to recognize that if our people are healthy, educated, well nourished, properly encouraged and sufficiently stimulated, they themselves will produce all the development that our nations and the world require. It is for the health and well-being of our people that we wish to restrain an excessive growth rate of the population, and not for many abstract reasons of demography or even of economic development per se. It is because we care that we want to see a slowing down in the numbers we add to our population each day, each year.

Now, each of us approaches the intersection of population and development in his or her own way. As a young doctor practising medicine in Ghana, my concern was originally created by the malnourishment I found among the children of the poor. In observing these children and attempting to treat them, I was led to wonder what it would take to assure an adequate diet to all our children. The kwashiorkor and marasmus that I encountered only too frequently in Accra and in its surroundings led me to consider the environment that produced such tragic results. I looked at the neighborhood in which the children lived. And from there I was brought to inevitably to consider the general condition of the city, the situation of Ghana itself, of Africa, and of the world.

I looked at their home surroundings and it was possible to see how one child coming too quickly after another had something to do with the conditions I found. It was easy to see how a mother dying in childbirth or soon after, or too ill to breast-feed, injured and blighted an infants future. One child with a swollen stomach and brittle sticks for legs became for me a kind of accusation against the state of the world and occasion for wondering what had gone wrong and what might be done about it.

Now what is it that might be done? All All-Africa Conference, like yours, will seek to reach agreement on a full Plan of Action, one that applies in a general sense to the continent as a whole, I would hope. The elements of the Plan have started to emerge from the pre-Conference consultations and workshops. What will be the goal and the aim of the Plan of Action? Many years ago, I would have answered this question from the local and limited perspective I had then. I would have said that the Plan of Action should aim at ridding the children of Ghana of undernourishment and assuring them all an adequate diet, good health care and opportunities for education.

But let us for the moment accept that local perspective and see what would be involved in achieving its limited goals. We know that a Plan of Action would have to specify a wide range of actions if it really intended to banish malnourishment—even in just one country, or in a part of one country for that matter. It would support family planning for its benefits to the health of mothers and their offspring—because the children of smaller families and children who are properly spaced have a better chance of being adequately fed. It would aim at the protection of children and their health through immunizations, early treatment of diarrhea and health education of the family urging measures to prevent child neglect and abandonment.

With the terms "neglected and abandoned", one is not restricting oneself to the child who has been thrown out into the street. Children are neglected and abandoned in large numbers within homes. Fathers running away, turning alcoholic, fathers at home who do not provide for their children's upkeep, mothers who are busy in the field or ill with no one to look after the children—all of this means a degree of abandonment and neglect of children. These are realities that can be found everywhere, and they are situations that we must seek to correct.

We should try to ensure an education for all—as a critical means of preventing malnutrition in the next generation. We should pay particular attention to the education and advancement of women as the most important single factor in preventing undernourishment and promoting good health of children, as our studies have come to show. We should be concerned that the number of years of childbearing to which we subject our women is almost 20 years compared to the 4 or 5 years of their sisters in Europe and America. All that, of course, begins to compose a rather broad plan of action, involving, as it does, education, the advancement of women, health and family planning and rural development. And it is unlikely that a country like Ghana could carry it through all by itself. It would have a much better chance of achieving it if Ghana were sharing improvements in the quality of life that were taking place in all of Africa.

And should it succeed in improving nourishment for our children, it would of course do much more than that. It would speak to the interests of all of us and further all our separate aims. Thus we see how, starting from the goal of nourishing a few children in one country, we are led on to understand how all our problems are interrelated. To provide a good diet to all our children, changes must be made that reach into all aspects of our social and economic life. Like so many issues, good diet for children is one that is seen finally to lie squarely on the intersection between population and development.

And indeed, to achieve even limited goals, our plan will aim at reducing rates of population growth wherever they are excessive. They will aim at helping families plan their numbers. This is a problem that Africa must confront squarely, without quibbling or evasion. In most of our countries, our children are not going to be properly fed until our population growth rates are brought down to where increases in our numbers are in balance with our possibilities for providing our people with the resources they need. A recent major study of the U.S. National Academy of Sciences concluded that there are very few countries that would not do better with a slower rates of population growth. Few will be unhappy to see our countries continue to grow at a reasonably moderate rate. Nor at the moment do we perceive our danger to lie in our absolute numbers alone. Where we see the arch-villain is in excessively rapid growth, creating a condition in which even the most astounding development never catches up with exploding needs, as subsequent speakers will demonstrate.

The population of Africa has the distinction right now of growing faster than that of any other region in the world. Nay, it has the distinction of growing faster than any group of human beings has ever grown in all of human recorded history. Three percent a year is the average growth rate—and going up. It sounds like not very much. Yet, when you look at the growth rate of Europe at the time it was growing most rapidly, it was rarely more than one percent on the average. A higher growth rate obtained in some places, for example, it was 1.5 percent in some parts of Russia. And yet Africa has a growth rate three times as high as Europe's was—and in Kenya, it is four times as high. The numbers may not sound like much, but those of you who are financiers know what it means to change the interest rate by one percent when we are dealing in terms of millions. And that is precisely what we are dealing with. With millions, with hundreds of millions. At 470 million today our numbers will reach 1 billion in under a decade and there is little we can do to stop that.

There are people who talk to politicians about the beauties in economies of scale—and they go on to tell them that the larger the population base, the bigger the market they have. To these people, parliamentarians ought to put a few questions. Such as: "Sir, it looks like you are trying to convince me that the little motorcycle, the Moped, because it uses gasoline, and the articulated truck, because it uses gasoline, both present the same management problem. I don't believe they do. A four percent growth rate is like an articulated truck when compared with a one percent growth rate—which is more like a simple motor bicycle that two people can lift and carry away when they can't find a parking space."

Another thing you should ask them: "Sir—or madam—when Europe was growing most rapidly, did everybody expect European governments to provide free education to all, to make free health services available to all, to carry out a vast range of development actions and all at the same time?"

Finally you should ask them what happens to the millions caught in the gap while development is catching up with population growth, why should we ignore such a high and dangerous social cost. There are good reasons why when you examine supply, you must also consider demand. And so it turns out that no country in Europe can provide us an example of a country growing at three percent per year that is also developing rapidly. So we have no historical precedent for our situation, and we should not be misguided into thinking that we are going to attain our developmental goals simply with some changes in technology and a few inputs into agriculture, believing that with such measures alone we can accommodate our present growth rates.

Many countries that have adopted free and compulsory education see at present a prospect of no free, compulsory education in Africa. And countries that once swore politically to provide free health services for all are having second thoughts about the possibilities of paying for such services, and these include some of the richest countries on earth. Even they are caught in the problems that demand creates for supply.

The fact is that even if we were to halt the growth rate of our African populations and bring the total fertility rate to replace-

ment—2.2 children per woman—or even if we were immediately to reduce our growth rates to one percent per year, a momentum is built into our population age structures that will ensure the continuance of enormous growth. This is because our population are young—in most African countries, 45-50% of the population are under 15 years of age—and these young people will all move into the reproductive age. This kind of momentum means that no matter what we do, in each of the early years of the century to come, we will inevitably be adding more children to the African population than we are adding today. It means that there is absolutely nothing that we can do to prevent that. I am not sure that even a catastrophic war could prevent Africa's population from doubling within the next 20 or so years.

We hear it said that Africa has the potential to feed a billion or more people. I would be the first one to say that this is undoubtedly true. But it is an equation that involves a number of deceptions. First, that a tropical rain forest in the center of the continent is suitable for easy conversion into croplands. Second, that vast resources of new lands now lying idle can easily be made productive. The fact is that Africa's potential will be realized primarily by increasing the productivity of the land already in use, this to be achieved by the wide application of conservation measures and by the intensive styles of agriculture that are characteristic of full development.

What is most deceptive in that equation is the way it offers distant possibilities as the solution to present realities—those realities in which people are actually trapped. To the people in Ethiopia, to the people in the Sahel, the statement that Africa can grow food to feed a billion people must sound like a cruel joke. To tell the children of Burkina Faso who today do not go to school that when the country grows and becomes properly organized—15 or more years in the future—all the children will be going to school, is a cruel way of trying to placate their present feelings of inadequacy. Feelings that will be with those children all the rest of their lives.

While Europe was growing most rapidly, that growth was part and parcel of a rapid development within Europe's civilization. So it was easily absorbed into the structure of European society. What was more, in every direction, Europeans could perceive empty lands. They could see a whole continent of Australia beckoning. And a part of the United States open to them. Today—as I think Mauritians can tell us—when the people of Mauritius recognized that they were growing too rapidly, one thing they turned their attention to was the possibility of emigration. Yet within a mere ten years they came to realize that emigration was no solution to their problem. Alas, we must all face the fact that out-migration will not be possible as a solution to Africa's population problem. Even where there are empty lands today, people are no longer accepting people from other countries to come and live with them. Today we hear Nigeria raising its head to say, "Aliens, go home!" We never know when Ivory Coast, with a fourth of its population coming from outside the country, will face an economic squeeze and say, "We're finished with you visitors. Kindly go home!" All across the continent, it is plain that the days of hospitality are approaching their end.

So if we have nowhere to turn, nowhere to send our surplus people, what then are we called on to do? Our growth, so much faster than Europe's, requires progress in development that is much more rapid than anything that Europe enjoyed. This shows us that we must view our growth rate—in terms of its relationship to development—as abnormal and pathological. From my medical point of view, it has some of the characteristics of an epidemic. It is out of step with all other aspects of our lives. And out of step also with the needs and wants of our communities and our families.

Since we do not intend to return to the death rates of the past, we must make modern methods of birth control part and parcel of our approaches to death control. After all, our abnormal growth is the result of imported bio-medical technologies. As we make technologies for controlling reproduction available to all, we will make reference to the World Population Plan of Action where it says: "The World Population Plan of Action recognizes as one of its principles the basic human right of all couples and individuals to decide freely and responsibly the number and spacing of their children."

You, as lawmakers, including those who strengthened the Plan of Action by insisting on such phrasing as that, will acknowledge the role of government in this matter, bringing to the attention of your fellow legislators the wording in the Plan of Action at Mexico: "Governments should, as a matter of urgency, make universally available information, education and the means to assist couples and individuals to achieve their desired number of children."

The people of Africa, like people in the rest of the world, will be helped to that condition in which they are able to have the children they want, those they can love and care for, and those they can help develop with the support of their communities and their nations. Africa's parliamentarians will see to that. Our parliamentarians will want to recognize this human right and the responsibility of governments in our African Plan of Action to come from this Conference. They will wish to observe this amidst their statements of concern for health, and especially the health of mothers and children, for the protection and proper nourishment of children, for the advancement of women, for rural development, and for education of all.

Widespread access to family planning has a favorable demographic impact and helps reduce populaton growth rates that are excessive. In Mexico, it became clear that after decades of quibbling, this is now almost universally recognized in the developing world.

The declarations contained in the Kilimanjaro Plan of Action show that Africans have also come to recognize this. What was said at Arusha also gave recognition to the enormous health benefits of family planning. We want to make family planning accessible to all, make it inexpensive, make it part and parcel of a people-oriented development approach. These are the issues that are emerging at the heart of a practical and innovative approach to development. The parliamentarians in the global movement for population and development have taken the lead in giving expression to these new ways of thinking.

You—and by "you" I mean you, the parliamentarians here—you are thinking of ways of helping people to help themselves. You are the ones who understand that the obstacles must be removed that hinder people from expressing their inborn drive and ingenuity. In the end, it is our people who will provide our development. In good health, decently educated, given the tools they need, having gained control of their lives—because they have learned to control the first essential, the size and timing of their families—our people, supported by their representatives in parliament, will themselves advance our countries and bring this continent in full vigor into the 21st century.

To conclude: What do we, the people, expect of you, our representatives in parliaments? Amongst other things, we expect leadership, both public and personal. We expect you in the parliamentary movement to form centers for information, for planning, and for exchange. We expect you to create mechanisms which will carry education to governments, to administrations, which will let them know what they have to do to make things happen. We expect you to carry education to the people, to help people understand what they need to understand for their own good. We expect you to analyze legislation and to do away with legislation that inhibits effective approaches to health and family planning. We expect that you will introduce legislation that will encourage people to take advantage of their highest possibilities. We expect that you will help demystify family planning technology, as if family planning technology were something apart from other human advances. We expect you to speak out fearlessly for the rights of all the necessary information, education and services to help them avoid being entrapped at young ages by ignorance and bigotry.

Above all, ladies and gentleman, we expect that you will not keep silent about these fateful issues. Because with these particular issues, silence does not mean consent. Silence here means you are saying, "No!"

## A DEMOCRATIC SOCIETY IN CHILE

### HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Friday, August 8, 1986*

Mr. BEREUTER. Mr. Speaker, as many of my colleagues know, this Member has strong views on the return of democracy to Chile and all the nations of this hemisphere. The United States has sent a courageous Ambassador to Chile, Harry Barnes. He makes known our displeasure and despair with the continued brutality of the Pinochet regime. As an American, I am proud of Ambassador Barnes' work.

This Member sees little movement toward a democratic resurgence in Chile. General Pinochet apparently does not want democracy restored because he distrusts it. Therefore, Mr. Speaker, it becomes very important to create a groundswell of support and demand for democracy at all levels of the population.

Oftentimes, cooperatives are a grass roots example of democracy. It is a reason why this Member has consistently supported the cooperative movement both in our country and abroad because of their democratic character. Therefore it was a pleasure to receive a copy of a speech by Ambassador Barnes to a meeting of 250 Chilean cooperative leaders in Santiago. Importantly, this meeting occurred only a few days after the tragic death of Rodrigo Rojas de Negri, the young Washington

resident burned to death in Chile a few weeks ago.

While the Ambassador's speech is an excellent one that deserves to be read in full, it is too long to place in the RECORD. This Member would be glad to offer my colleagues a copy if they so desire. As a substitute this Member commends to the attention of the House a press release by the U.S. Overseas Cooperative Development Committee on the meeting between our Ambassador in Chile and Chilean cooperative leaders. It only reinforces the need for our strong support of the U.S. cooperative movement's work overseas.

U.S. COOPERATIVES ADVANCE HUMAN RIGHTS IN CHILE

In his first public remarks since the incendiary killing of American college student Rodrigo Rojas in Santiago, U.S. Ambassador to Chile Harry Barnes called for a strengthened commitment to the development of cooperatives as a proven means to "guarantee human dignity" and "inculcate the concept of democracy."

Cooperatives demonstrate "it is possible to have a society in which man is not a slave but rather a master of economic forces. . . . True cooperatives teach us the worth of democracy by advocating the free association of individuals and families with common interests," the Ambassador told 250 Chilean and international cooperative leaders attending a conference on "Cooperatives and Development," July 14-18, at the United Nations Center in Santiago.

While he did not refer directly to a nationwide strike July 2-3 or to the subsequent death of Chilean-American Rojas July 6, four days after he reportedly was set ablaze by soldiers, Barnes strongly underscored themes of individual liberty and free association as basic human rights.

In speaking, he shared the podium with Chile's head of government, Ricardo Garcia, Minister of the Interior. Garcia unexpectedly announced the Pinochet Government will seek cooperatives' viewpoint on new laws affecting them.

The conference was sponsored by U.S. and international cooperative organizations and the United Nations as an expression of growing concern over the political and economic situation in Chile and its adverse effects on cooperatives. Impetus for the session came from the U.S. Overseas Cooperative Development Committee, a group of seven U.S. cooperative development organizations active in providing technical assistance overseas.

The meeting was "historic" because Chilean cooperative leaders from diverse economic sectors and competing political ideologies sat down together for the first time and agreed "to get on with the business of creating cooperatives in the private sector," according to Ted Weihe, OCDC's executive director. Twice as many Chilean cooperatives were represented at the session as had been expected. Several specific actions were taken, among them to strengthen ties with the international cooperative community and jointly to develop cooperative banking, insurance, and housing ventures.

The conference was headlined in news reports throughout Chile and proves for the first time that "U.S. cooperatives can intervene successfully, under the most trying political circumstances, and in a totally private-sector approach, to create and strengthen democratic institutions." says Weihe.

Chilean leaders used a local idiom in describing the actions of the international cooperative leaders. "You arrived like a winter white horse," Weihe was told. When he asked for a translation, they said: "You helped us do things we couldn't have done on our own."

Wallace J. Campbell, permanent representative of the International Co-operative Alliance (ICA) at the U.N., announced at the conference that ICA had just accepted the Chilean Cooperative Confederation into the 500 million-member world today.

## SCHOOL-BASED ADOLESCENT HEALTH SERVICES BILL

### HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, August 8, 1986*

Mr. MILLER of California. Mr. Speaker, I am pleased to join my colleagues, Mr. WAXMAN and Mr. ATKINS, in introducing the School-Based Adolescent Health Amendments of 1986. This legislation would fund 4-year demonstration grants to public and private agencies which choose to provide preventive and primary adolescent health care within or adjacent to schools.

Teenagers may be the most medically underserved and medically neglected segment of our population. The health problems of low-income teens, in particular, are not being addressed in a manner likely to provide for their healthy development.

The evidence is clear:

Teens have a higher rate of acute medical conditions than any other age group, but they have the lowest physician visit rate of any age group. In fact, a national survey indicates that a significant portion of adolescents do not see a physician at all during a year, and 1 out of 10 teens between the ages of 12 and 18 have no regular source of health care at all.

Confirming the national data, a recent schoolwide survey in Kansas City found that half of the respondents had no regular physician, and nearly 20 percent could not remember the last time they had seen a doctor.

A study of low-income teenagers entering the Job Corps found that only one-third of those with vision problems had ever been treated; and 1 in 10 young women, and 1 in 5 young men wre suffering from iron deficiency anemia.

Many teens in low-income families have no regular source of care because they are uninsured. More than 20 percent of teens 12-18 are uninsured or insured only part of a year. Among children under age 18 who depend on Medicaid, teens age 12-18 are the least likely to have full coverage.

Teens engage in risk-taking behavior, such as alcohol and drug abuse, at very high rates and are therefore at increased risk of serious health problems. A 1985 national survey of drug use among high school students reported that a steady 4-year decline in illicit drug use among high school seniors came to a halt in 1985. Nearly two-thirds of all seniors reported illicit drug use at some time in their lives. One in 20 smokes marijuana daily, and 20 percent are daily cigarette smokers. One in 20 seniors drinks alcohol daily, and 37 percent have had five or more drinks in a row at least once in the prior 2 weeks. A recent telephone survey of police departments in 27 major cities indicates increases in cocaine use, especially by youth between the ages of 15-25. Reports of younger children using crack—a purer, more rapidly addictive form of cocaine—are also increasing. Declining mental health among teens is identified in the tripling of teen suicides in the last 25 years.

The evidence is also clear that school-based health programs may provide the only source of health care for many teens. Almost two-thirds of the students who receive services from a Kansas City school-based health program say they would not have sought treatment elsewhere. Most school-based clinics have enrollment rates between 70 percent and 90 percent of the student body, indicating the high acceptance rate.

As a result of being the primary or sole health care provider for many of the students, school-based health programs in major cities like Chicago, Dallas, and St. Paul also report finding previously undetected yet significant health problems. These problems range from hypertension, diabetes, and asthma, to heart murmurs and vision problems. In addition, students are using these services for a wide variety of unmet needs.

The West Dallas Youth Clinic found previously undetected health problems, including previously undetected heart murmurs, in 20 to 30 percent of its student population.

During the first month the Chicago DuSable school clinic was open, 50 students using the clinic were found to have vision problems that required glasses, and undetected cases of diabetes, hypertension, and heart murmurs. After the first 10 months of the program, more than 1,500 student visits had been for treatment of chronic or acute medical conditions. About 10 percent of student encounters with clinic staff were for mental health counseling. Less than 20 percent of student visits were for family planning, prenatal, or other gynecological care.

At the school-based clinics in four St. Paul high schools, 25 percent of the visits during school year 1984-85 involved minor-acute illnesses, and preventive health services including throat cultures, immunizations, and physical exams—50 percent of the visits were primarily for nutritional counseling or visits with the social worker.

Because students are so willing to use these services, where available, school-based health programs have had an important effect on prevention:

A program in a Native American community in New Mexico offers an effective peer prevention program to reverse the tragic increase of injuries and deaths related to drinking and driving among teens on the reservation.

In Kansas City, not one of the students who completed the school-based clinic's treatment program for alcohol and drug abuse was cited again for disciplinary action.

The hospitalization rates for 15-to-18-year olds who are users of the West Dallas Youth Clinic are consistently 70 to 80 percent lower than the rate for other 15-to-18-year olds in the west Dallas area.

In schools where health programs exist, absentee and dropout rates have also been significantly reduced:

During the 3 years of clinic operation in Kansas City, the greatest decline in absenteeism is the school district occurred at the high school which houses the clinic.

Before the DuSable school-based clinic began, 60 percent of students said they missed school to see a doctor. Over 4,000 visits to the DuSable school-based clinic during the first year of operation represent at least that many schooldays not missed by students, who might have stayed at home instead or missed a day to seek medical attention elsewhere.

In Mississippi, pregnancy related dropout was reduced from about 50 percent of those pregnant prior to instituting the school-based clinic to 14 of 142 participating mothers since the program began.

Eighty percent of teen mothers remain in school to graduate at the high schools which house clinics in St. Paul, representing a dramatic decline in drop out rates at those schools.

Rates of teen sexual activity, pregnancy and births have also been reduced or delayed among teens using school-connected health programs.

Two Baltimore schools with adjacent health clinics demonstrated that, among the teens served, onset of sexual activity was significantly delayed. In addition, pregnancies among young women in the two schools were reduced by 30 percent while teen pregnancies in Baltimore schools without health services increased by 58 percent.

Since 1976, birth rates to female students at the St. Paul schools with clinics have declined 37 percent to a rate that is about half the rate for St. Paul teens lacking access to these services. Repeat pregnancies were markedly reduced as well.

Over the 9 years of operation of the West Dallas Youth Clinic, there has been a 52 percent decline in the teen birth rate for 13 to 14-year-olds, a 28 percent decline for 15 to 16-year-olds, and a 19 percent decrease for 17 to 18-year-olds. The percent decrease was greatest for the two youngest age groups, suggesting a delay in childbearing among this population.

Of the 128 student mothers served by the Jackson-Hinds school-based health clinic in Mississippi, there were only four repeat pregnancies after 1 year.

School-based health service programs have also reduced low birthweight and infant mortality rates for infants born to teen mothers, who are the highest risk group for poor birth outcomes.

Over the 9-year period of the West Dallas clinic's operation, there was an 88-percent reduction in the infant mortality rate.

In Kansas City, there were no low birthweight infants delivered to the teen mothers in the clinic's prenatal program.

The low birthweight rate for 1982–84 was 4.9 percent for teens participating in the comprehensive single-site component of San Francisco's TAPP project, compared to a rate of 16.7 percent for students who had dropped out.

Teen mothers—7.2 percent—who received prenatal care at the St. Paul school-based clinics had low birthweight infants, compared to 13 percent for mothers 15 to 18 in St. Paul who did not receive prenatal care at the school-based clinics.

Despite this compelling evidence, the Federal Government targets very few health resources for adolescents. And those few programs which may have provided resources for teenagers—such as alcohol abuse prevention, compensatory education, Medicaid and MCH—have suffered drastic cutbacks during this administration.

But our neglect of the health needs of teenagers will come back to haunt us in later, more costly and more complex treatment, rehabilitation and dependency.

With this legislation, we have a chance to take a different path. By helping communities that voluntarily choose to establish school-based health programs, we can invest in the futures of an otherwise vulnerable group.

School-based services have demonstrated that they can provide valuable prevention and intervention services which effectively reduce health problems, as well as nonhealth related school problems, such as school dropouts. What is also clear is that they can save a great many tax dollars.

The 62-percent decline in hospitalization rates for adolescents in West Dallas accounted for a cost savings to the local hospital of $1.0 to $1.5 million annually.

DuSable High School in Chicago saved $4,000 in education resources alone during the first 2 months of clinic operation as a result of school days not missed by students because they had access to health care onsite. These savings have been multiplied several fold in the clinic's first year, with over 4,000 visits by students to the school-based clinic.

In Illinois, the Executive Service Corps estimates that for every $1 invested in school-based clinics, $12 would be saved over a 5-year period.

Some argue that school-based health services for teens amount simply to family planning services, and that such services are encouraging teenage sexual activity.

The weight of the evidence supporting the range and effectiveness of school-based services negates those arguments.

The private sector has already recognized the emerging importance of school-based services in improving the overall health and welfare of the Nation's teenagers, and has taken the lead in establishing and expanding new programs. State legislatures in Washington, Connecticut, Minnesota, North Carolina, California, and Oregon have introduced or enacted legislation to provide opportunities for local communities to elect this option. Approximately 60 local communities and school districts nationwide have taken it upon themselves, with the help of private foundation and government support, to develop comprehensive school-based services for teens.

During its first year, the Select Committee on Children, Youth, and Families, which I chair, learned first hand about the effectiveness of school-based clinics. The select committee held a hearing at the St. Paul Central High School and visited the clinic and child care facilities associated with that program.

Many of the facts mentioned earlier we learned first hand at that visit, talking to the teens who use the services, their teachers, and administrators.

In the past few months, another group of teens gathered here for a convention under the sponsorship of the Kennedy Foundation to discuss teenage pregnancy.

They overwhelmingly supported school-based health clinics.

Why don't we listen to them.

We can invest in their futures without new technologies or new bureaucracies.

None of us like what we see regarding trends in teen health, teen pregnancy, and teen drop out rates. This bill gives us a chance to stop wringing our hands and start making a modest, commonsense commitment to our teenagers.

## NATIONAL SPACE POLICY AND THE PAINE COMMISSION REPORT

### HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, August 8, 1986*

Mr. BROWN of California. Mr. Speaker, today I am introducing legislation along with many of my colleagues on the Science and Technology Committee. My bill directs NASA to review the report of the National Commission on Space, and by December 31, 1986, to recommend a long-range implementation plan, including a specific agenda for the next 5 years. I believe that the recommendations set forth in the Paine Commission report is just what the American space program needs at this juncture in its existence.

The congressionally-mandated, presidentially-appointed National Commission on Space, headed by former NASA Administrator Thomas O. Paine, was created to study existing and proposed space activities and formulate an aggressive civilian space agenda to take America into the 21st century. The report of the Pine Commission entitled "Pioneering the Space Frontier" is a triumph of vision and boldness.

As NASA is rebuilt out of the ashes of the *Challenger* tragedy, a clear set of national goals, and a precise strategy for achieving those goals, must be established. To this end, the administration and Congress need look no further than the Pine Commission report. The report gives a comprehensive rationale for exploring and settling the solar system, as well as detailing 12 technical milestones to mark our progress over the next 50 years.

The commissioners set their sights beyond the immediate difficulties at NASA and envisions thousands of people living and working not only on the Moon and Mars, but also on spaceports throughout the solar system. The exploration and eventual settlement of space is a natural extension of the pioneering American spirit.

It is difficult to conceive of these advances in our current political and economic environment. But 50 years ago, today's space

achievements were also inconceivable. To accept the challenge of the Paine Commission will take a long-term commitment by the American people. Reaching out to meet the challenge of the next frontier will take the resources and determination of a generation or more.

Adopting these ideas, however, will not translate into an inflated NASA budget in fiscal year 1987. The Paine Commission suggests a steady, low-level, but significant increase in funding over the next several years. In fact, the funding necessary to achieve the goals of the Paine Commission would only be about half the NASA budget during the height of the Apollo program.

One difficulty of overseeing NASA in Congress is determining priorities for the many and varied programs within NASA. This situation can be attributed to the vague goals that NASA has been operating under the past 15 years. If NASA's long-term objectives are clear, Congress and the administration can make sound decisions on the near-term programming. My legislation would begin to lay the groundwork for establishing such a comprehensive national space policy.

Several weeks ago, the House and Senate held hearings on the Paine Commission report. After listening to the impressive testimony given by Dr. Paine and other commission members, I am convinced that it is appropriate to take the next step in implementing the Paine Commission recommendations.

I welcome and encourage cosponsors for my legislation. In addition, I would urge my colleagues to support efforts in both the House and Senate to include the language contained in my bill in their respective authorization and appropriations bills for NASA's fiscal year 1987 budgets.

Mr. Speaker, I strongly urge my colleagues to join me in this bold step in support of the Paine Commission report. There may well be deficiencies in the report that will be uncovered by NASA. My bill simply asks NASA to review the findings and recommendations of the Paine Commission report and report back to Congress and the President with their evaluation and plan for implementation of the space agenda. With NASA's report, Congress and the President can then prepare the necessary space policy to take this Nation into the 21st century.

I challenge Congress, the administration, and the American public to embrace the pioneering mission stated in the opening pages of the Paine Commission report:

To lead the exploration and development of the space frontier, advancing science, technology, and enterprise, and building institutions and systems that make accessible vast new resources and support human settlements beyond Earth orbit, from the highlands of the Moon to the plains of Mars.

For your information, I have provided the text of my legislation below.

H.R. 5366

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. DECLARATION OF FINDINGS.

The Congress finds and declares that—

(1) the United States civilian space program has contributed enormously to technological advances which have improved the quality of life on Earth;

(2) the civilian space program has greatly increased our scientific understanding of the Earth, the Sun, the solar system, and the universe;

(3) the preeminence of the United States in space activities has contributed to the Nation's standing in the world and to the spirit of the American people;

(4) the benefits to the Nation of a vigorous civilian space program will far outweigh the costs of such a program;

(5) the National Aeronautics and Space Administration was created with specific goals, including the expansion of human knowledge of phenomena in the atmosphere and space, and the preservation of the role of the United States as a leader in space science and technology and in the application thereof;

(6) the civilian space program is currently undergoing a serious reassessment of its goals and objectives in the wake of the Challenger tradegy and the failure of other launch systems, and the country needs a clearly enunciated statement of the reasons for and goals of the program;

(7) in 1984 the Congress directed the President to create a National Commission on Space to develop long-term goals for the civilian space program;

(8) the National Commission on Space has duly discharged its duties by publishing the report "Pioneering the Space Frontier", which outlines a program for United States civilian space activities over the next 50 years and explains the rationale for conducting a civilian space program and sending humans into space; and

(9) the report of the National Commission on Space can materially contribute to the ongoing reexamination of the civilian space program.

SEC. 2. LONG-RANGE PLAN FOR IMPLEMENTATION OF SPACE COMMISSION'S REPORT

The Administrator of the National Aeronautics and Space Administration shall review the findings, recommendations, and proposed space agenda of the National Commission on Space as set forth in its report submitted under section 204(c) of Public Law 98-361, and shall recommend to the President and the Congress a long-range plan for the implementation of such no later than December 31, 1986.

## H.R. 5377, SCHOOL-BASED ADOLESCENT HEALTH SERVICES

### HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, August 8, 1986*

Mr. WAXMAN. Mr. Speaker, today I am pleased to introduce with my colleagues Congressman MILLER of California and Congressman ATKINS, H.R. 5377, the School-Based Adolescent Amendments of 1986. The purpose of this legislation is to provide funds on a demonstration basis for the establishment of local school-based programs that would offer preventive and primary health care services to adolescents. As recent experience clearly demonstrates, Mr. Speaker, the need for such services—especially among low-income children—has never been greater.

Despite the common belief, Mr. Speaker, that older children are healthy and strong, there is increasing evidence that thousands of such children are, in fact, in poor health or have special health care needs. Some of the health problems confronting adolescents are, of course, experienced by all children. There are, however, additional health concerns which, while not unique to older children, are of special significance.

Use of drugs and alcohol among adolescents remain at startingly high levels. The 1985 national survey of drug use among high school seniors found that 45 percent of boys and 28 percent of girls reported heavy drinking; 20 percent are daily cigarette smokers; 5 percent smoke marijuana daily; and 6 out of 10 have experimented with illegal drugs.

Nearly 1 in 10 young teens suffer from emotional or behavioral illnesses. Poor, nonwhite, males and chronically ill children all have higher rates of mental or behavorial problems.

Nationally, teens age 15 to 19 are among those at highest risk of contracting sexually transmitted diseases. One inner-city study has found that among the nearly 200 girls served, 11 percent tested postive for gonorrhea while 28 percent tested positive for chlamydia.

Suicide now ranks among the leading causes of death for older children. Statistics show that although the overall death rates for children age 10 to 19 are declining, suicide rates are increasing. The overall risk of death among 15- to 19-year-olds is greatest for white males, whose death rate now stands at 122 per 100,000.

The rate of pregnancy among teenages remains high. Indeed, a 1985 cross-national study of teenage pregnancy and fertility found that among the six developed countries surveyed, the United States was the only one in which the rate of teenage pregnancy is rising. Today, an estimated 5 million teenage girls and 7 million teenage boys are sexually active. Almost one-half of all girls between the ages 15 and 19 are sexually active and 1 in 6 will experience an unintended pregnancy. Each year more than 1 million teens become pregnant. Pregnant teenage girls are more than twice as likely as all mothers to receive either inadequate or no prenatal care until the final 3 months of pregnancy. And babies born to teens are disportionately likely to be born at low birthweight, the No. 1 cause of infant mortality.

As we all well know, Mr. Speaker, appropriate health care for all these conditions is essential to success in school and social settings, as well to maintenance of good health.

Yet, the evidence is clear that such care is either not available or accessible to the vast majority of adolescents who are in need of services. A national survey conducted between 1980 and 1981 revealed that older children have the lowest physician visit rate of any age group. And services such as comprehensive physical examinations, health counseling, and vision and hearing testing are often not available or performed. Furthermore, the survey reported that childern between ages 12 and 18 are the least likely of any age group to have a regular source of health care. Indeed, the statistics show that 10 percent of these children do not see a physician or other health care provider on a routine basis.

To a great extent, Mr. Speaker, this situation can be attributed to a lack of insurance

coverage for children's preventive and primary health care services. This is particularly true for poor teenages who depend on public insurance programs such as Medicaid. Statistics show, for example, that children between ages 12 and 18 who are eligible for Medicaid services are the least likely to have full-time coverage.

All of these problems have been compounded in recent years by both the elimination of public health projects designed specifically to serve this special population and the cutbacks in other, nontargeted health programs. In 1981, for example, Federal maternal and child health program requirements to develop and fund comprehensive health clinics for children and youth—known as C & Y projects—were abolished under the newly created maternal and child health block grant—title V of the Social Security Act. The elimination of these requirements, coupled with reductions in funding levels for all health programs, has resulted in the terminations of these projects in most States. Consequently, many States now have no maternal and child health services targeted to their adolescent population while many others are able to meet only a fraction of the need.

In reaction both to the continuing unmet health needs of older children and to the inadequate response of the Federal Government, a number of model health care programs designed to serve teenagers have sprung up across the country. These comprehensive clinics often have been placed within schools, but depending on local needs, various other settings such as community health centers or hospitals, have proven more appropriate, but equally effective.

These clinics have demonstrated remarkable success, Mr. Speaker, not only in reaching teenagers and getting them to use services, but in improving their overall health, lowering the number of teenagers pregnancies, and reducing the school dropout rate. In addition, these programs have proven effective in saving precious education-related dollars.

In Chicago's school-based program, teens made nearly 500 visits to the clinic during its first 2 months of service. In the first month alone, 50 students were found to be in need of eyeglasses and 5 cases of previously undiagnosed diabetes and 6 cases of previously undiagnosed cases of high blood pressure were found through routine examinations. A significant number of youths were also found to be infected with sexually transmitted diseases. The initial 500 visits made to the clinic represents at least that number of days of class not missed by students who might otherwise have spent a day at home or a day seeking medical attention elsewhere. This improved attendance record saved the school $8.73 per day for each absence prevented.

School-based clinic programs in St. Paul, MN have made tremendous progress in reducing that city's teenage pregnancy rate. Currently, about 33 percent of the female students participating in the program use family planning services which have helped to reduce the fertility rate among these teens by 37 percent.

In Mississippi, a 1-year followup study of student mothers who were patients of an adolescent health clinic found that there were only four repeat pregnancies and that each teen mother served graduate with her class.

Two Baltimore school-based clinic programs have been successful in both lowering teenage pregnancy rates and in delaying the age of onset of sexually activity. Studies show that for those who participated in the programs, the pregnancy rate decreased by over 30 percent during a 2-year period while among those who did not join, the pregnancy rate increased by almost 58 percent. The findings also indicate that teenage boys used the clinic as freely as girls of the same age.

Kansas City high schools with adolescent health programs have experienced the greatest decline in absenteeism in the school district. School suspensions have been reduced and not one student who completed the treatment program for alcohol and drug abuse—designed to substitute for suspensions—has been cited again for substance-related disciplinary action.

Over the years, programs like those I have just described, have been supported through the contributions of private organizations such as the Robert Wood Johnson Foundation. Such entities recognize the value of providing early and comprehensive services to older children in order to avoid unnecessary pain and disability as well as the need for complicated, more costly health care later in life. But the private sector cannot continue alone to provide all the resources required to initiate and maintain successful adolescent health programs. And it cannot continue alone to do the job of government to help ensure that every child has access to appropriate health care services.

The time has come, Mr. Speaker, for the Federal Government to do its fair share to make these programs possible for the many communities which want to replicate the projects' real and measured success but which lack the resources to do so entirely on their own. It is this strong conviction that is the basis for our introduction today of H.R. 5377.

In brief, Mr. Speaker, H.R. 5377 would establish a demonstration grants program under which funds would be made available for up to 4 years for the development and operation of comprehensive adolescent health services projects. The specifications for this program are based on the lessons learned from the privately financed projects outlined above.

Under H.R. 5377, projects would be required to offer various preventive and primary health care services to older children and would have to make such services available on a year-round basis. Services would have to be provided within or adjacent to schools located in the area to be served by the applicant or in any other location that would better meet the needs of its adolescent population. Authorizations for the grants program would be $50 million for each of the next 4 fiscal years. Grants would be provided on a matching fund basis, with communities required to increase their matching payments over time. Participation in the grants program would be totally voluntary; no community would be required to apply for funding or to otherwise provide health services to their teenagers under this type of arrangement.

Mr. Speaker, this legislation simply would help provide the startup funds for those areas which under current economic and social conditions cannot afford the entire cost to initiate new programs, but at the same time, cannot afford to ignore the growing heatlh needs of their teenager population. We believe school and community-based adolescent health projects can and do make a significant difference in the health and well-being our older children and that this bill will go a long way in helping to make such projects an integral part of local health service efforts.

Despite the success of existing school-based programs and the great interest in developing new projects, I am well aware, Mr. Speaker, that some groups are very much opposed to our proposal. Their opposition is grounded, however, not on the basis of a lack of need or demand for comprehensive services targeted to teenagers, but rather on the premise that the availability of one service in particular—family planning—is not appropriate for adolescents. They argue the provision of this service—among many, many others—will encourage older children to engage in sexual activities that they might otherwise avoid, delay, or forego altogether. They argue, too, that schools are not a proper setting for adolescent health services programs because they make it too "convenient" for teenagers both to obtain family planning services and to withhold information from their parents.

I believe this opposition is without merit and indeed, flies in the face of reality. Virtually all of the young girls and boys who have participated in adolescent health programs across the country were sexually active before they entered the clinics. And most were sexually active without the knowledge or permission of their parents. The same is true with regard to those teenagers who have been involved with drugs and/or alcohol.

I recognize, however, that the views to the contrary are strongly held. But under this bill, a community which believes that school-based clinics would encourage sex among its teenagers has no obligation whatsoever to establish such a program. Conversely, the legislation would enable the Federal Government to provide assistance on a demonstration basis to a community which thinks that this program could improve the health status of its adolescents and is willing to contribute some of its own funds for this purpose. In this way, H.R. 5377 accommodates both perspectives on this issue. Thus, those who would oppose this legislation on the grounds that it promotes or encourages teenage sexuality are, in effect, imposing their own moral judgments on every community in this country. Such action is most inappropriate in our democracy with its tradition of religious pluralism and its protection of local self-determination.

The evidence is clear, Mr. Speaker: School-based clinics are not the cause of the health-related problems our teenagers face today; instead, they are a proven method of helping to resolve these problems in a way that meets the needs of adolescents and communities alike. Given such strong and compelling evidence, Mr. Speaker, it only makes sense for the Federal Government to make funds avail-

able to those localities that wish to establish comprehensive programs of their own.

I urge my colleagues to support this legislation and look forward to working with them on meeting the health needs of all America's children.

## IMPACT OF TEXTILE TRADE BILL ON AGRICULTURAL EXPORTS

### HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Friday, August 8, 1986*

Mr. BEREUTER. Mr. Speaker, I encourage my colleagues to read the following lead editorial of the August 8, 1986, edition of the Omaha World Herald. This leading newspaper from the heartland of the Grain Belt notes the probable negative impact of the "protectionist textile trade bill" on agricultural exports and farmers, as well as its impact upon other industries and consumers.

[From Omaha (NE) World-Herald, Aug. 8, 1986]

U.S. HASN'T ABANDONED FREE TRADE COMMITMENT

By refusing to override President Reagan's veto of a protectionist textile trade bill, 146 members of the House of Representatives made an important statement to America's trading partners. They said, in effect, that the United States retains its willingness to take a stand for free trade.

The override attempt fell eight votes short. The 146 House members who held firm included Nebraska's three representatives. Their votes reflected the concern of Midlands farmers about the possibility that nations targeted in the textile bill would have retaliated by cutting their purchases of U.S. agricultural products.

Hong Kong, Taiwan and South Korea would have been forced to reduce their textile shipments to the United States. The bill also would have restricted U.S. purchases of copper products and shoes from abroad. A dozen exporting nations would have been affected. Nebraska Rep. Hal Daub said those nations accounted for 43 percent of the U.S. farm exports in 1984.

Advocates of protectionism contend that more import restrictions are needed to protect American jobs and prevent the shutdown of American industries that can't compete with lower-priced labor in the Third World.

The solution is not to build a protectionist wall around America but to make American industries more competitive. Labor unions could help by not making unreasonable wage demands. Congress could help by reducing the deficit and pursuing fiscal policies that maintain a realistic balance between the dollar and foreign currencies.

Import restrictions harm a country in more than one way. They can reward inefficiency in domestic industries by reducing competition from more efficient industries in other countries. They can create tensions that undermine political relationships. They can cause consumers to pay more for domestic goods—the White House said the textile bill would have caused Americans to pay $44 billion more in the next five years for clothing and shoes.

In upholding the veto, the House reaffirmed the nation's free trade goals. But the Common Market and Japan should be aware that a continuing lack of cooperation from them could strengthen protectionist pressures in the United States. More help will be needed from them if progress is to be made.

## TRIBUTE TO HON. BERKLEY BEDELL—RETIRES AFTER 12 YEARS OF HOUSE SERVICE

### HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 7, 1986*

Mr. RODINO. Mr. Speaker, I join my colleagues today to pay tribute to Representative BERKLEY BEDELL, who for the last 12 years has served the people of the Sixth District in Iowa and the Nation with distinction and compassion.

Like so many great leaders of this Nation, BERKLEY hails from the heartland of our country: The Midwest Farm Belt. He was born and raised in Spirit Lake, IA. He graduated from Spirit Lake High School and attended Iowa State University.

As an enterprising 15-year-old, BERKLEY started a fishing tackle and marine supply business with savings he had earned as a paperboy. The business grew into the Berkley & Co. of Spirit Lake, still thriving today under the management of his children.

Representative BEDELL was first elected to Congress in 1974. He serves on the Agriculture Committee and the Small Business Committee, and is chairman of the Subcommittee on Agriculture Department Operations, Research and Foreign Agriculture. Over the years, Congressman BEDELL has used these forums to champion the interests and well-being of America's farmers. He has consistently opposed trade embargos, which would jeopardize markets for American agriculture products, and he has led the fight to protect the family farm from the devastation of the recession and depressed prices.

Mr. Speaker, people who live off the land—farmers and their children—often possess a special respect for life. BERKLEY has this special respect for life and a determination to preserve it from the constant threat of war and nuclear destruction. Perhaps his greatest contribution to his constituents and the Nation was his leadership in the fight for passage of a Nuclear Test Ban Treaty.

Mr. Speaker, I join my colleagues in sending best wishes to BERKLEY and his lovely wife, Elinor, and his children, Ken, Joanne, and Tom.

Although he will be missed, his work here will not be forgotten, and his contributions to his fellow Americans will continue to benefit many for years to come.

## TRIBUTE TO A. GERALD DOYLE—JOURNALIST AND HUMANITARIAN

### HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, August 8, 1986*

Mr. BIAGGI. Mr. Speaker, it is with a heavy heart and deep respect that I pay a very special tribute today to A. Gerald Doyle, who for 41 years was the heart and soul of the Bronx (NY) community. His profession was journalism and for more than four decades he was the editor and publisher of the Bronx Press-Review, which is "the" American weekly newspaper. But, Gerry was so much more. He was a humanitarian. He was a historian. He was a fair and compassionate human being. He was a good friend. On July 15, at the age of 79, Gerry Doyle died.

President John F. Kennedy once said that "when the high court of history sits in judgment on each of us * * * our success or failure, in whatever office we hold, will be measured by the answers to four questions: First, were we truly men of courage? * * * Second, were we truly men of judgment? * * * Third, were we truly men of integrity? * * * Finally, were we truly men of dedication?" Gerry Doyle, then, was a great success.

Gerry was a combination of cheerleader and father-figure to the Bronx. On the one hand he would constantly spotlight the positive of our great borough—all the Federal grant awards, both large and small; the police arrests; the individual heroes of our community; the special accomplishments of our young people; the cultural and economic growth; and the many community service programs available to Bronx residents. But, he was given to honest and unbiased reporting so that meant the community's indiscretions and ills could not be ignored.

He would report the corruption, the disasters, the crime, and the economic woes. The stories, good news and bad news, were always factual, but there was an unavoidable feeling from each edition of the Press-Review that the people behind the newspaper cared about the news they were printing. In fact, there was nobody that cared more about the Bronx community than Gerry Doyle and every issue of the Press-Review reflected that attitude.

Here was a man who was able to treat the news of one of the world's largest urban areas with a small town flavor—a special sort of intimacy that made all of us feel closer to what was happening around us.

Significantly, Gerry was also able to convey this same sense of intimacy with our Bronx past. Every week he would print columns entitled, "The Bronx In History," and "10, 20 and 35 Years Ago in the Bronx." These columns and other similar articles, which appeared periodically, gave us a refreshing glimpse of our history and taught us to appreciate its importance. In fact, as much as anything else, the Bronx Press-Review serves as a week-to-week record of Bronx history, and Gerry Doyle has left an indelible mark on that history.

On July 17, the Bronx Press-Review published an editorial in tribute to Gerry Doyle. In part, it said that "the Bronx has lost more than an editor this week, it has lost a friend. A friend who encouraged us to believe in our borough and its importance to this city and this State. He was fond of saying 'The Bronx is up!' He wanted us to strive for better communities. He wanted us to believe in ourselves."

Gerry Doyle won't be forgotten and neither will his message. He gave the Bronx 41 years of dedicated service. He was a master of his profession and he left all of us who knew him fond memories, as well as America's "greatest" weekly. We can ask no more of any man.

Mr. Speaker, on behalf of this august body I wish to extend condolences to the family of Gerry Doyle, especially to his lovely wife Lenis, his daughter, Elizabeth, and his son, Gerald. May the wonderful memories of a life well-lived comfort them during this difficult time.

## CONGRESSIONAL CALL TO CONSCIENCE—1986

### HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, August 8, 1986*

Mr. WOLF. Mr. Speaker, I would like to share with my colleagues the case of Vladimir Khailo, a Soviet Baptist Evangelist from Krasny Luch in the Ukranian Republic. Mr. Khailo was arrested on November 14, 1980. He has been forcibly confined to a psychiatric institution for an indefinite period because of his peaceful attempts to practice his religion and to get permission to leave the Soviet Union.

According to reports, Mr. Khailo has been forcibly confined to a psychiatric hospital in the closed city of Blagoveschensk. He was arrested in Voroshilovgradd on November 14, 1980, but the exact charge against him has not been made public. On December 1, 1980, a court ordered him forcibly confined for an indefinite period to a special psychiatric hospital designated for those "who represent a special danger to society," although there is no evidence that Mr. Khailo posed such a threat.

Mr. Khailo has been harassed for 17 years and repeatedly attacked in the local newspaper. His children were discriminated against in school and the eldest son was sent for psychiatric examinations several times. In 1977, his children stopped attending school for fear of victimization. In response to their situation the Khailos applied for permission to emigrate from the Soviet Union in 1974 and again in 1977 without success.

Because of Mr. Khailo's work with underground Baptist churches in the Soviet Union, he was sentenced by Soviet courts to undergo psychiatric evaluation. The diagnosis was "religious schizophrenia." Mr. Khailo, now serving his fifth year of forced confinement, was recently transferred to the Blagoveschensk Psychiatric Hospital, reportedly the worst such institution in the Soviet Union. It is reported that his treatment at the hospital has included mind-altering drugs. This psychiatric institution, in the closed city of Blagoveschensk, is five time zones away from his family, isolating Mr. Khailo from his family and press attention.

Mr. Khailo, age 54, is a former fire brigade employee who is married with 15 children. He belongs to a Baptist congregation which refuses to accept state restrictions on religious practice. These restrictions include control of the content of sermons, the appointment of clergy, and religious education of children.

The treatment Mr. Khailo has received is designed to discourage his peaceful attempts to practice his religion and to emigrate. These events are of concern to us, since we believe that freedom of religion is the legitimate right of every citizen. In addition, as you are aware, the freedom to emigrate is provided for under the Soviet Constitution, the Helsinki Final Act, the Universal Declaration of Human Rights and other agreements to which the U.S.S.R. is party.

It is our responsibility to continue to speak up against cases of human rights and religious persecution in the Soviet Union. By ending the repression of religious groups, the Soviet Union could take a positive step toward the goal of improved relations with our country.

## GOING NOWHERE IN THE MIDDLE EAST

### HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Friday, August 8, 1986*

Mr. BEREUTER. Mr. Speaker, I invite my colleagues to examine the column by Joseph C. Harsch which was printed in the August 5, 1986, edition of the Christian Science Monitor. We in the Congress should consider whether we see any substantial progress toward a real Middle East peace from the various nations of the region that now seem to consider themselves as "entitlement countries" for U.S. foreign assistance. I also encourage the State Department to either counter or respond to the criticism directed toward the Reagan administration in this column.

[From Christian Science Monitor, Aug. 5, 1986]

GOING NOWHERE IN THE MIDDLE EAST

(Joseph C. Harsch)

Vice-President George Bush gets home tomorrow from the Middle East, where he tried to persuade King Hussein of Jordan to open direct talks with Prime Minister Shimon Peres of Israel. King Hussein said no.

Mr. Bush also wanted to meet and talk with King Hassan II of Morocco. But King Hassan, having received Mr. Peres in Morocco the week before, declined even to receive the vice-president of the United States.

King Hassan will be rewarded for having been willing to talk to Mr. Peres. He will visit Washington shortly, where his annual American retainer ($140 million) will be renewed, and perhaps sweetened, even though nothing came of his talk with Mr. Peres. But both the Peres trip to Morocco and the Bush trip to Jordan failed to advance the peace process in the Middle East.

In other words, peace in the Middle East stands now just where it was when Ronald Reagan became President of the US. A beginning was made at Camp David. Camp David remains now like the forgotten foundation of a house. In six years nothing has been built upon that foundation.

There is a reason.

To understand the reason let us go back to the 1967 war, which lasted six days and left the Israelis in possession of large chunks of Arab territory. The Israelis took the Sinai Peninsula and the Gaza Strip from Egypt, the West Bank and east Jerusalem from Jordan, and the Golan Heights from Syria.

After the war, the United Nations drafted a plan for a long-term and comprehensive peace. Its terms were spelled out in UN Resolution 242, which had been drafted by US and British delegations in full consultation with Israel. It was approved and accepted at the time by Israel.

UN 242 called for a peace between Israel and its Arab neighbors to involve recognition of Israel by the Arabs in return for restoration to the Arabs of "occupied territories."

Ever since, this has been the formula under which a settlement has been sought. It has been accepted as a right and proper framework for peace by all except the extremist wings of the Palestinians and the Zionists. The extreme Palestinians still dream of someday expelling all Jews from Palestine. The extreme Zionists want not only to keep all of the occupied territories, but dream of adding all of what is now Jordan, and the lower part of Lebanon as well.

One of Henry Kissinger's great achievements is that he persuaded the Arabs as well as the Israelis to look to Washington to preside over a process of working toward peace under the formula of Resolution 242, Russia was excluded from the process. The central Kissinger argument with the Arabs was that Washington, and only Washington, could persuade the Israelis to surrender the bulk of the occupied territories.

So long as the Arabs believed that eventually Washington would be able to regain those lost lands for them in return for recognition of Israel, they were willing to look to Washington and forget about Moscow. But that formula required, for its success, a belief among the Arabs that Washington believed sincerely in the fairness of 242, and would work toward carrying out 242.

Arab confidence in Washington existed during the Nixon, Ford, and Carter administrations. It has washed away during the Reagan years. Syria has returned to Moscow for support, Jordan now says it will negotiate with Israel only in the framework of a general conference including the Russians.

Officially the Reagan administration still pays lip service to Resolution 242, but in actual operating policy it has been trying to maneuver individual Arab countries into making separate peace deals with Israel without Israel's relinquishing its conquests. The Nixon, Ford, and Carter administrations intended and expected Israel to give up the bulk of its 1967 conquests in return for recognition. The Reagan administration does not push Israel toward 242.

This means that Israel has little incentive to move along the peace road now. So long as Washington will support Israel with its 1967 conquests, Israel might as well rock along with things as they are.

There will again be progress toward peace in the Middle East if and when Washington is willing to use its leverage with Israel toward carrying out 242. But meanwhile the

Peres trip to Morocco achieved a credit for King Hassan in Washington, and the Bush trip made presidential candidate Bush look like a working diplomat.

## THANKS, LEO RAMIREZ

### HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, August 8, 1986*

Mr. LAGOMARSINO. Mr. Speaker, today I wish to thank Mr. Leo Ramirez of Port Hueneme, CA for his decades of community service. Mr. Ramirez has announced that he will step down after serving 28 years as a commissioner on the Oxnard Harbor District Board of Harbor Commissioners. Upon hearing this, his fellow Commissioner Stan Daily remarked, "To me, Leo is the Harbor District."

Aside from his long, distinguished tenure on the Harbor District Board Leo Ramirez has also been the mayor of Port Hueneme, a member of the city council, a member of both the recreation and parks commission and the planning commission, and on the board of the old Port Hueneme Sanitary District. It is little wonder that Leo and his wife Dorothy were named Port Hueneme's Citizens of the Year for 1971. Ventura Star-Free Press columnist Bob Holt said it best, "He wanted to serve his hometown."

Men like Leo Ramirez, men who want to serve their hometown, are the foundation of this Nation's greatness. Without their kind of selfless dedication to improving community life American democracy simply wouldn't work. I wish Leo a happy retirement, he has certainly earned it, and I want to thank him again for his endless efforts on behalf of the Port Hueneme area. Thanks, Leo Ramirez, for all you've done.

[From the Ventura Star-Free Press, July 25, 1986]

LEO THE QUIET

(By Bob Holt)

The old ball player, Leo Durocher, earned the nickname Leo the Lip because of his loquaciousness.

Leo Jeronimo Ramirez has no nickname as far as I know. But if he did, it might be something like Leo the Calm or Leo the Quiet.

I periodically covered public meetings he was involved in for more than 30 years, and can hardly remember when he raised his voice in public.

In private may have been another matter.

Last week, Leo, 75, let it be known that he will not run for another term as commissioner of the Oxnard Harbor District.

He has served on the body, which operates Ventura County's only commercial port, for 28 years, or longer than any other man. The district itself dates from 1937.

Before joining that body, he was a city councilman and mayor of Port Hueneme, his hometown.

He even served on the old Port Hueneme Sanitary District Board, the only local agency of government there before incorporation.

He was on the county's Selective Service Board back in the days when young men actually got drafted for military service.

Some who run for councils and such see it as a step to higher office. But Leo had no such ambitions. He wanted to serve his hometown.

He moved there in 1931. Before that, Leo had lived in Los Angeles from the age of 3. He was born in Mexico.

I can remember only a couple of public meetings I attended which started in the evening and were still in session to greet the dawn.

One such was in 1959, when the city was considering firing the police chief and disbanding the department.

The council met then in a not very large meeting place where the Chamber of Commerce and Historical Society now sit, at 220 Market St.

Ramirez ultimately resigned as mayor over the police issue.

He had been elected to the council in 1954, six years after incorporation.

As an unincorporated place, Hueneme dated from 1872, when the town plat was recorded.

it was a county shipping point before railroads and harbors. There is deep water just offshore, and coastal steamers used to unload their cargo there for transport ashore. That was even before the construction of the Hueneme wharf in 1871.

In World War II, the city was a wide-open Navy town. The original impetus for cityhood, it is said, came from the element that wanted a police department that would leave prostitution undisturbed.

But the better element came to control the city, and ultimately brought in Al Jalaty, a sheriff's sergeant and symbol of incorruptibility, as the chief.

Back in the 1950s, relations were not good between Port Hueneme and its larger neighbor, Oxnard.

Oxnard annexations gradually surrounded the city. Finally, it appeared, there would be no opportunity for Port Hueneme growth, with Oxnard on three sides and the ocean on the fourth.

But the city did make a dramatic increase in its size when it took in the Port Hueneme Seabee base.

Ramirez has had a lot of occupations over the years. He has been a nurseryman, diesel mechanic, grocer, rancher and real estate broker, among others.

And always a very nice guy.

[From the Oxnard Press-Courier, July 15, 1986]

LEO RAMIREZ TO LEAVE PORT COMMISSION

Leo Ramirez, the senior member of the Oxnard Harbor District Board of Harbor Commissioners, announced Monday that he will not seek re-election in November.

Ramirez, 75, took fellow commissioners by surprise when he declard that he intends to step down after 28 years on the board that overseas the operation of the commercial Port of Hueneme. He has served on the board longer than anyone else.

"To me, Leo is the harbor district," Commissioner Stan Daily said, beginning an outpouring of praise from the rest of the board for the feisty, white-haired Ramirez.

Commissioner Bob Jennings characterized Ramirez as "an independent thinker who speaks from the heart." He and Board President Ray Fletcher said they would even miss their arguments with Ramirez.

Ramirez said he promised himself four years ago that this term would be his last. He wanted to serve at least 25 years on the board so he could match the record of the late Fred Aggen. He added, "A quarter of a century is long enough in public service."

"I have no regrets, but I'll miss it," he said.

His career in public service goes back farther than 25 years. A former mayor of Port Hueneme, he served on the City Council from 1954 to 1960. He also has been a member of the city Recreation and Parks and Planning commissions, and of the old Port Hueneme Sanitary District board.

He also has been active in the Navy League, the Selective Service Board and the Salvation Army board, in addition to his membership in Mary Star of the Sea parish.

He and his wife, Dorothy, were named Port Hueneme's Citizens of the Year for 1981. The Ramirezes have had a nursery business, a grocery store and a hardware store over the years, and are known to nearly everyone in the small, tightly-knit community of Port Hueneme.

The terms of Stan Daily and Cecil Schnelle also will expire in November, but both have announced their intentions to run again. Schnelle, who also is in his 70s, told Ramirez, "I'm foolish enough to stick my neck out and run for another term."

## A RESPONSE TO CONCERNS ABOUT H.R. 4567

### HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, August 8, 1986*

Mr. BOEHLERT. Mr. Speaker, in the CONGRESSIONAL RECORD of May 21, the distinguished chairman of the House Energy and Commerce Committee, Mr. DINGELL, explained what he views as defects in the proposed H.R. 4567. The chairman also expressed his desire to work within the Energy Committee to achieve a more acceptable compromise. That is a welcome, constructive offer, and I am pleased to see that the chairman has scheduled a markup for H.R. 4567.

Since the markup will most likely address complex issues, I would like to submit, for the record, a response to Mr. DINGELL's concerns written by Mr. Richard Ayres, chairman of the National Clean Air Coalition. As you will see, Mr. Ayers' response helps to allay some of Mr. DINGELL's concerns.

Supporters of H.R. 4567 look forward to full, fair, and prompt committee consideration of the bill.

The text of Mr. Ayres' letter follows:

NATIONAL CLEAN AIR COALITION,
*Washington, DC, July 18, 1986.*

Hon. JOHN D. DINGELL,
*Chairman, Committee on Energy and Commerce, House of Representatives, Washington, DC.*

DEAR MR. DINGELL: I am writing on behalf of the National Clean Air Coalition in response to concerns about the motor vehicle provisions of H.R. 4567 raised in your statement of May 21, 1986. The statement did not contest the feasibility of any of the standards in the proposed legislation. Nevertheless, the statement characterized the standards as "new and more stringent" and questioned their justification on public health or acid rain control grounds. But major reductions in motor vehicle emissions are badly needed to meet complex of public health and environmental problems ranging from persistent ozone nonattainment to acid rain. In response to your concerns, I

would like to make the following observations.

1. STANDARDS FOR HEAVY TRUCKS AND BUSES ARE NOT MORE STRINGENT

First, the majority of the proposed standards—the $NO_x$ standards for heavy-duty engines and vehicles—are not new or more stringent. They are identical to the $NO_x$ standards promulgated more than a year ago by the EPA. The EPA $NO_x$ standards, in fact, are extraordinarily related. Most of the manufacturers, including General Motors, Ford, Chrysler, and Cummins, declined to join a lawsuit filed to challenge them. Indeed, health and environmental considerations enumerated below dictate heavy-duty $NO_x$ standards substantially stronger than these.

2. STANDARDS FOR AUTOMOBILES ARE ACHIEVABLE AND COST-EFFECTIVE

Second, the statement also expressed concern about the bill's proposed $NO_x$ standard of 0.7 grams per mile (gpm) for automobiles. Specifically, you suggested there may be difficulty in meeting that standard, which is now in effect in California, in conjunction with the federal carbon monoxide (CO) standard of 3.4 gpm. You noted that California's CO standard is weaker than the federal one, a fact which is asserted to make compliance with the 0.7 gpm $NO_x$ standard "easier" for manufacturers.

EPA's preliminary 1986 certification data, however, shows that, nationwide, 87% of the engine families currently manufactured (506 out of 576) are already simultaneously meeting levels at or below 0.7 gpm $NO_x$ and 3.4 gpm CO. Looking at California models only, 93% of the engine families (217 out of 233) simultaneously meet the 0.7 gpm $NO_x$ and 3.4 gpm CO standards. These certifications take into account all necessary allowances for in-use deterioration over the cars' useful lives. The cars which meet these levels include large, heavy models as well as small, light ones. There is, therefore, no technical obstacle to all cars' meeting these standards, and no supportable basis for the weaker California CO standard.

Consequently, there would be no increase in costs for the 87% of the engine families manufactured nationwide (93% for California) which already meet these levels. Thus, even accepting the modest $18–$43 range of per vehicle costs estimated by the EPA, the cumulative cost for the 13% of the engine families which need modification will be only a small fraction of the figure you cited.

For these reasons, the NCAC would support eliminating the California option of a CO standard weaker than 3.4 gpm in conjunction with nationwide adoption of a $NO_x$ standard of 0.7 gpm. Indeed, substantially tighter CO and $NO_x$ standards are in our view feasible and justified on health and environmental grounds.

3. ON-BOARD/STAGE II REFUELING CONTROLS PROVIDE BIG REDUCTIONS AT LOW COST

It is also essential that EPA control gasoline refueling vapors by means of carbon canisters and associated equipment on vehicles ("on-board controls"), vapor recovery equipment on gasoline pumps ("stage II controls"), or both. Hydrocarbon vapors are released during vehicle refueling are one of the most important contributors to the dangerous ozone smog that afflicts areas with more than one-third of the nation's population. The vapors also present a serious cancer hazard. The soundest strategy for public health protection is to institute both onboard and stage II programs, in order to make the maximum ozone reductions in the nonattainment areas and the maximum carcinogen reductions nationwide.

According to the EPA, the cost-effectiveness (cost per ton of pollutant controlled) of these programs is so favorable that the cumulative cost of both taken together is less than the cost of other ozone control measures routinely imposed on industrial pollution sources.

4. THE REDUCTIONS ARE NEEDED TO PROTECT HEALTH AND THE ENVIRONMENT

The scientific evidence demonstrates that further control of mobile source $NO_x$ and hydrocarbon emissions are critically important to protect public health and to control acid rain.

Recent scientific research has shown that short-term exposures to very low concentrations of nitrogen dioxide gas impairs lung function in asthmatics. Chronic low-level or repeated peak exposure to $NO_2$ are believed to increase susceptibility to colds and other respiratory infections, especially in children.

According to the National Academy of Sciences, man-made emissions of nitrogen oxides are, along with sulfur oxides, the chief precursors of acid rain. $NO_x$ emissions which are converted to nitrates in the atmosphere contribute about one-third of the acidity in precipitation in the eastern United States, and over half the acidity in the West. These nitrates play a particularly important role in causing aquatic damage during the spring, when they dominate the acidity released during the snowmelt. In 1982, the International Conference on Acidification of the Environment in Stockholm recommended, in addition to controls on sulfur emissions, that "best available technology which is economically feasible should also be applied to reduce $NO_x$ emissions from both stationary and mobile sources."

$NO_x$ emissions also seriously degrade visibility. They impart a yellowish-brownish color to the sky, and they contribute to regional haze that obscures visiblity over broad areas.

Furthermore, $NO_x$ and hydrocarbon emissions combine to form ozone. More than 75 million people still live in areas that violate the minimum health standard for ozone. In his speech to the Air Pollution Control Association on June 23, EPA Administrator Lee Thomas stated that recent research on the health effects of ozone "indicate that ozone concentrations typical during the hot summers in many of our urban areas are unhealthy not only for people with pre-existing lung disease, but even for people in good health." He took note of the recent conclusion of EPA's independent Clean Air Scientific Advisory Committee, "that the current short-term health standard had little or no margin of safety, and that more lasting health effects might result from long-term exposure." In addition to these health damages, ozone contributes to billions of dollars worth of damage to crops and forests each year.

In addition to their important role in forming dangerous levels of ozone, hydrocarbon emissions from tailpipe emissions and gasoline refueling contain carcinogenic components including, but not limited to, benzene.

In sum, the provisions of H.R. 4567 are feasible, economical, and are the minimum required by public health and environmental concerns. We urge you to add your support for them to that of the cosponsors of H.R. 4567.

Sincerely,

RICHARD E. AYRES,
*Senior Attorney,*
*Natural Resources Defense Council.*

## NEW PMG NAMED

## HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, August 8, 1986*

Mr. GARCIA. Mr. Speaker, on Thursday, the Postal Service Board of Governors named a new Postmaster General. He is Preston Robert Tisch, president of Loew's Corp.

As my colleagues know, the Postal Service has had its share of problems lately. Many of them emanating from the Board of Governors. As a member of the Post Office and Civil Service Committee, I have had a particular interest in seeing that things are put in order with regard to the relationship between the USPS and the Board of Governors. I hope and believe that appointing Bob Tisch as the new PMG is a positive step in that direction.

Bob is a friend and fellow New Yorker. I have the greatest respect for him, and I am hopeful that his appointment will usher in a new era of prosperity and harmony between the USPS and the Governors. I am, of course, proud that a fellow New Yorker has been named PMG.

I wish Bob a lot of luck and offer him my support. I am inserting in the RECORD a copy of an article on the appointment of Bob Tisch as PMG from yesterday's Washington Post for my colleague's perusal.

[From the Washington Post, Aug. 7, 1986]

LOEWS HEAD TISCH NAMED POSTAL CHIEF—BOARD OF GOVERNORS' LONG SEARCH ENDS

(By Jonathan Karp)

Loews Corp. President Preston Robert Tisch was named postmaster general yesterday, ending a seven-month search and a prolonged internal debate by the Postal Service Board of Governors over who should lead the $30 billion-a-year corporation.

"Bob Tisch is a careful, highly skilled manager and corporate leader who can strengthen the Postal Service," board Chairman John R. McKean said in announcing the appointment.

The board settled on Tisch, a Democrat from New York, Tuesday morning, Tisch 60, and his brother Laurence began building what would become a $6.7 billion-a-year conglomerate by buying a New Jersey hotel in 1946.

Since then, the brothers have amassed assets of more than $16 billion, including resort hotels and motor lodges in the United States and abroad; Loews Theaters; Lorillard Corp., a major tobacco manufacturer; CNA Financial Corp., a property, casualty and life insurer, the Bulova watch company, and BSIC, a defense contractor. Loews is also the largest single shareholder of CBS Inc., with 22 percent of CBS stock, and Laureance Tisch sits on the company's board.

Bob Tisch said in response to a reporter's question that he heard about the postmaster job through New York University president and former U.S. representative John

Brademas (D-Ind.), who was approached for the post by the board's recruiter, Brademas didn't want the job, said Tisch, who contacted retiring Postmaster General Albert V. Casey to apply.

McKean said there was "no question" Tisch was the "outstanding" outside candidate.

"He really impressed me," board member George W. Camp said in an interview. In the end, Camp said, the board struggled over whether to choose an insider or Tisch. "It was a real long, drawn-out discussion," he said.

"It was no easy choice," board member Ruth O. Peters said in an interview about the protracted selection process. "It was a knock-down, drag-out. And that's the way you come up with a postmaster general."

Tisch will assume command of the Postal Service during one of the rockiest periods in its history. Following the guilty plea in May of board Vice Chairman Peter E. Voss to charges of embezzlement and receiving kickbacks, the service is under investigation by the Postal Inspection Service in conjunction with the Justice Department and the General Accounting Office.

At yesterday's news conference, Tisch showed little knowledge of postal issues. "I haven't had a chance to study," he said, and later joked that "I'm relatively new in the job."

When asked about delivery problems in New York City, Tisch said he didn't realize the area was a problem. "I know my mail is delivered on time," he said, "and I assume everybody else's is also."

Tisch, whose family's fortune was estimated by Forbes to be worth $1.6 billion, is widely credited with having coined the term "power breakfast." He will earn $86,200 a year as postmaster general. Tisch said he will resign from Loews Corp. by Aug. 15—the day he begins serving as postmaster general.

## INTRODUCTION OF LEGISLATION TO END U.S. TRADE SUBSIDIES FOR HUMAN RIGHTS VIOLATORS: THE CASE AGAINST CHILE

### HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, August 8, 1986*

Mr. STARK. Mr. Speaker, I am introducing two pieces of legislation today that would prevent the United States from giving preferential tariff treatment to human rights-violating countries. Under the Generalized System of Preferences [GSP], the United States allows eligible products from certain developing countries to be imported duty-free into the United States. Under the present law, nations that aid or abet international terrorism are excluded from receiving this benefit. But at the same time there is no such exisiting exclusion for countries that implement terrorism within their own boundaries. One of my bills will make any country ineligible for GSP benefits which violates internationally recognized human rights or that is governed by a totalitarian regime that is not implementing measures for a transition to a democratic form of government.

My second bill, introduced with Representative BEREUTER, calls for the United States to directly support the people of Chile in their struggle against the tyranny of the Pinochet regime. As we speak, close to a thousand political prisoners are in Chilean jails being tortured or awaiting torture. In Representative MORRISON's recent report on the human rights situation in Chile, he describes how prisoners are stripped naked, watered down, and then electrically shocked. But such actions are nothing new. Since 1973, the Chilean people have continuously suffered from government sponsored torture, arbitrary arrests, and political killings. The citizens of that country as well as the American conscious have had enough. The only way to ensure the halting of these internationally recognized human rights violations is for Chile to return to its democratic tradition.

Despite widespread support within Chile for this transition to democracy, the Pinochet government has made it clear that it has no intention of abandoning its authoritarian practices. On July 11, 1986, General Pinochet declared that he intended for his regime to continue until 1997. The Chilean Government also has not implemented any significant reforms that are necessary for the development of democracy. Political parties are still outlawed, election laws have not been implemented and there is no freedom of speech or press. Furthermore, General Pinochet has refused to open into any dialogue with the democratic opposition.

Our bill attempts to support an end to human rights violations and a transition to democracy in Chile by denying duty-free treatment to any product exported from Chile into the United States as granted by the U.S. Generalized System of Preferences [GSP]. This action will continue to be in effect until Chile has improved its human rights situation to a level as to be considered acceptable by international standards and has taken significant steps to restore democracy.

I urge my colleagues to suport these bills and make it the U.S. policy to no longer reward oppressive nations with tariff breaks.

## NEW INITIATIVES IN EDUCATION

### HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, August 8, 1986*

Mr. SOLARZ. Mr. Speaker, It is my honor to speak today in praise of both the Dropout Prevention and Reentry Act and the Gifted and Talented Children and Youth Education Act.

These bills together represent a comprehensive approach toward the overall upgrading of this country's educational system. As the Dropout Prevention Act works to insure that everyone achieves a minimum satisfactory level of education, the Gifted and Talented Children Act extends the resources available to those enrolled in conventional programs, and enables them to realize their potential.

The combined effect of halting decline and increasing growth will very likely lead to an overall improvement in national academic performance as well as greater national productivity due to higher education levels.

Two million young people in this country have uncommon gifts, yet their talents go unrecognized. It is a crime to let such a valuable and limitless resource go to waste. The Gifted and Talented Children and Youth Act is a vital first step to preserving and developing the gifts these young people have to offer. We have the opportunity to nurture a chance which can only repay us a thousandfold when the benefits are reaped.

With the impetus this legislation will provide, we bring to fruition the maximum potential of exceptional young people. I can think of no nobler goal.

The Dropout Prevention and Reentry Act strikes at the heart of one of the major problems assailing our educational system: How can we hope to educate our children if students abandon the classroom?

Lack of education is a problem that extends beyond its impact on the individual. The effect generated by the student who has dropped out goes much further. His unrealized abilities are an immeasurable and unrecoverable loss to society.

The Dropout and Prevention Act not only recognizes the dropout problem, but it initiates a program that is designed to pool successful methods of keeping young people in the classroom and extend exemplary projects.

As a member of the Education and Labor Committee, I am pleased to have been a cosponsor of both these measures and I applaud my colleagues in Congress for unanimously approving them and taking initial strides in this important area of national concern. I am sure it will not be long before we see tangible evidence of the value of these two pieces of legislation.

## SOVIET JEWRY

### HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, August 8, 1986*

Mr. KEMP. Mr. Speaker, I thank my friend from Texas [Mr. FIELDS] for his leadership in the issue of human rights in the Soviet Union, and for providing the Members of Congress with the opportunity to talk about the Fainbergs, a refusenik family facing great hardship and tragedy. I know that Mr. FIELDS feels very strongly about the issue, and he has expressed to me his deep personal concern for the Fainberg family.

The Fainbergs, Michael and Faena and their sons, Andrew and Michael, applied to emigrate in 1979, when emigration and hopes were high. These hopes were dashed long before they were officially turned down 2 years later. Both Faena and Michael, Sr., were dismissed from the important jobs they had earned as outstanding graduates of the top Soviet institutions. Andrew and Michael Jr. are following in their footsteps with brilliant academic careers, in spite of the obstacles faced by all Jews, and particularly refuseniks. They are harassed, beaten and constantly assaulted.

It is crucial that the Fainbergs be permitted to emigrate this year. Next year Michael will be eligible for induction into the Army. Once

he is part of the military system, he is considered to have access to state secrets, and that means an end to his hopes for emigration and probably the hopes of his entire family.

Their tragedy is part of the litany of tragic tales which result from Soviet oppression of its Jews, Christians, Germans, and other ethnic minorities.

I'd like to point out that this month marks the 25th anniversary of the construction of the Berlin Wall. I joined my good friend, Tom Lantos, in sponsoring the bill condemning its existence and calling for its builders to dismantle it.

That's not the only wall which needs to be dismantled. There is another wall—a wall of shame—and this one surrounds the Soviet Union. It is this wall of shame which locks in Ida Nudel, Mark Terlitsky, and the hundreds of thousands of other victims of Soviet terrorism.

We must continue our efforts on behalf of Soviet Jewry, on behalf of the Fainbergs, of the Feltsmans, the Slepaks, Ida Nudel. Because of our continuing efforts, Natan and Avital Shcharansky are living as a family in Israel. They will soon be joined by Natan's brother, Leonid, and their mother, Ida Milgrom.

The Helsinki Review Conference begins in November in Vienna. We must use this forum to press for increased activity by the Soviets in favor of Soviet Jewry, to push for increased emigration, to visibly affirm our commitment to human rights.

It is thanks to the continuing activities of groups such as the Union of Councils for Soviet Jewry, the National Conference on Soviet Jewry, and the Interparliamentary Group for Human Rights to the Soviet Union and all my colleagues who join the gentleman from Texas, that we can hope that the Fainbergs and other refuseniks will soon follow their path to freedom.

We are the hope of the Fainbergs, and of all the refusenik families. We must remember that human life does not come from the state, but from God himself. As Jews and Christians we are taught to love our neighbor. We can fulfill this obligation by standing up for those who are held prisoner behind that wall of shame surrounding the Soviet Union.

## EXPLANATORY REMARKS TO H.R. 5365

### HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Friday, August 8, 1986*

Mr. BONKER. Mr. Speaker, today I am introducing a bill to amend the International Claims Settlement Act of 1949. This bill provides that the value of claims determined by the Foreign Claims Settlement Commission be based on the fair market value of the property taken.

In the past, legislation concerning the Foreign Claims Settlement Commission has not contained an explicit reference to the compensation standard required by international law, with the exception of the Cuban Claims Act of 1964. Without the definition of a compensation standard, the potential for claims decisions inconsistent with international law exists, which could harm current and future U.S. investment abroad. This bill remedies that situation.

The purpose of this legislation, which is entirely prospective, is to specify that fair market value may include, but not be limited to, the market value of outstanding securities, replacement value, and going-concern value. It establishes a presumption that in the case of service industries, the appropriate basis for determining fair market value is going-concern value. This presumption is not mandatory, nor does it limit the discretion of the Foreign Claims Settlement Commission in any way.

Growth in the service industries is vital to the economy of the United States, and this includes the ability of those industries to expand overseas. It is important to not only protect business interests abroad which are owned by U.S. nationals, but also to ensure that if their property is nationalized or otherwise taken by a foreign government, the value of their claims for such losses will be determined fairly.

## SOVIET JEWRY

### HON. MICHAEL A. ANDREWS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, August 8, 1986*

Mr. ANDREWS. Mr. Speaker, I rise today to protest the treatment of Jews in the Soviet Union, and to condemn the human rights violations they are forced to endure. I recall the day earlier this year when I shook the hand of Anatoly Shcharansky, hoping that his release would be an omen of better treatment of Soviet Jews. But the Soviet Government persists in violating the freedom of its own people.

This is not the first time I have spoken out against the treatment of Soviet Jews. As a member of the Congressional Caucus on Soviet Jewry, I have committed myself to the fight against religious persecution within the Soviet Union. I have spoken before on this issue, and will continue to do so until freedom of religion and the right to emigrate is granted to Jews of the Soviet Union.

Today I wish to address the case of the Fainberg family of Moscow. Michael and Faena Fainberg have been attempting to leave the Soviet Union with their children, Michael, Jr., and Andrew, since 1979. Since they applied to emigrate, Michael and Faena have been fired from their jobs. Because their children refuse to join Communist youth groups, they have been harassed and assaulted by other Soviet youths. And soon, Michael, Jr., and Andrew will be drafted by the Soviet Army which will make them ineligible for emigration.

This case is not unlike the situation of Vladimir and Karmella Raiz, a Soviet refusenik family I personally have adopted. Like Michael and Faena Fainberg, Vladimir and Karmella are graduates of highly rated Soviet universities, and major contributors to intellectual and academic fields in their country. They also suffer from blatant religious discrimination in the Soviet Union. Yet, like the Fainbergs and thousands of other Soviet Jews, they are not granted the freedom to live in Israel of the United States.

Mr. Speaker, as I have said, I have presented this issuel on the House floor in the past. I have also presented this issue to members of the Soviet Government—in person and in writing. Yet, I have received no response from these officials. How frustrating and sad it is when a government shows so little regard for its own people.

This issue will not be resolved until families such as the Fainbergs and the Raizes are granted their fundamental rights as human beings. And we as Americans will not stop our protest and efforts until they are granted those rights.

## PENOBSCOT MARINE MUSEUM 50TH ANNIVERSARY

### HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

*Friday, August 8, 1986*

Ms. SNOWE. Mr. Speaker, today I would like to offer my congratulations to the Penobscot Marine Museum in Searsport, ME, on their 50th anniversary.

The museum was founded in 1936 by 11 members of the community, including Lincoln Colcord, poet, novelist, and newspaper correspondent, and Clifford Nickels Carver, former secretary to the American Ambassador in London and assistant to Bernard Baruch of the National Council of Defense. The museum was established in the Old Town Hall and run by volunteers until 1958 when the board of trustees hired a curator. Today the museum boasts eight buildings and a full-time professional staff.

During the height of the sea trade, when the trim Clipper ships and the sturdy Down-Easters graced the high seas, 1 out of every 10 American deepwater skippers called Searsport home. These men and their families were as at home on the streets of Shanghai as they were on Steamboat Avenue in Searsport.

The Penobscot Marine Museum celebrates the work and lives of these men and their families. The telescopes, sextants, and scale models of the square-rigged Down-Easters on display tell only half of the story. The log books, paintings and personal effects of the captains and their families tell the other half, the human story. What was it like to sail a Clipper ship around the Cape of Good Hope? The logbooks and letters tell touching stories of captains burying their wives at sea, raising their children alone and the fears that overtake a man becalmed in the middle of the Atlantic Ocean.

The museum has a library that has been used as a reference source by people from all over the world. Researchers and descendants alike have called on the library for genealogic data about ship captains, the vessels sailed by them, the shipyards where these vessels were built, and how they came to their end. Many of those descendants who have been helped in tracing their ancestry have in turn helped the museum by donating family heirlooms brought back from exotic ports of call by the same ancestors they have traced.

Last year 2,025 children visited the museum. Teaching the history of Searsport

and the 23 other communities of Penobscot Bay which thrived under the sea trades, has become an important part of the museum's work. Special programs for children are available year round and range from a Victorian Christmas to what life aboard a Clipper bound for China was like.

The Penobscot Marine Museum has sought to preserve a special part of the history of Searsport and our Nation as well. The 50th anniversary of the museum is an occasion well worth celebrating, and I extend my congratulations to the museum and its board of trustees and wish them the best of luck as they embark on their next 50 years of history.

## TRIBUTE TO BERKLEY BEDELL

### HON. ANDY IRELAND

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 7, 1986*

Mr. IRELAND. Mr. Speaker, It is not only a pleasure but an honor to stand here today and bid farewell and thank you to a great American and a true hero of the small business movement, BERKLEY BEDELL. BERK will not only be missed; in all honesty, I must tell my colleagues that such a man cannot be replaced. First, let me tell you about his small business exploits.

No one understands the problems of small business better than an actual entrepreneur and their is no one who fits that bill better than the kind gracious patriot from Spirit Lake, IA. At age 15 he decided that the existing fishing tackle was insufficient and inefficient. He created his own and wound up head of the multi-million-dollar Berkley and Co. In 1964, he was the Nation's Small Businessman of the Year. He has since sold the business to his children.

During his time in the Congress, he has devoted perhaps more time and energy than any other Member of the House to small business. In every major issue that has affected small business over the years, he has veen deeply involved. Most notable have been his efforts to include small business in the Federal procurement process, especially in the defense area. And of course he will always be known as the father of the Small Business Research and Development Act. Small business is suffering a great loss with BERK's departure.

There are some in Government who will be pretty happy when they hear that this fine man has left—Mainly the nonperforming insensitive bureaucrats. Granted that there are only a few but BERKLEY was always on their trail. There are many stories around right now about his exploits over the years, but believe me when I tell you that these stories will become legends as the years go by. Let's see: There was the time he drove by a Federal agency in the dead of night during the energy crisis and found every light in the building on. The next day, the head of that agency found a visitor from Capital Hill in his office and it was "lights out"! Then there was the time that a constituent had a problem with a Federal agency, yet could never get anyone to answer the phone when he called the agency. You guessed it—the next day Mr. BEDELL showed up at the agency and found about 20 empty desks at the office in question. When he finally found someone, they told BERK that everyone "was on flextime; they come and go as they please." Mr. BEDELL said, "thank you" and took the elevator right to the top floor and walked into the head of the agency's office and said he was there with a constituent problem. The problem was taken care of and "flextime" was ended for certain agency employees.

I could go on and on about my dear friend BERKLEY. They ought to put his picture in Webster's so everybody knows without question what the definition of public servant means. Now I know people will ask themselves, "Indeed, doesn't the man have any faults?" The answer is that I have found two—he is leaving the Congress and he has never taken me fishing with him. BERKLEY, I am ready! God bless you and the best of everything for you and Elinor in the years ahead.

## FAREWELL TO A FRIEND AND COLLEAGUE

### HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 7, 1986*

Mr. VENTO. Mr. Speaker, Let me commend my colleague, NEAL SMITH of Iowa, for providing this opportunity to recognize our colleague, BERKLEY BEDELL, who has done a most laudable job representing the great State of Iowa.

I have been privileged to work with and have a friend in BERKLEY BEDELL. He has worked effectively, especially to represent the family farmer and the agriculture economy so fundamental to the people of our Nation.

BERKLEY BEDELL's remarkable vision has been significant in encompassing a global view placing an international perspective on our Nation's role and responsibilities. As a member of the Agriculture Committee and a subcommittee chairman, he has been in the lead of creative policy formation to address the family farmer's needs and the food shortages on an international basis.

BERKLEY BEDELL has been a strong voice for a myriad of programs that represent the best values of the America people in helping less developed nations and using the strength of agricultural productivity in an effective manner.

His concern, caring and sincere response to issues, especially humanitarianism and nuclear arms controls, have made a positive impact on U.S. policies.

The lapel pin BERKLEY BEDELL wears speaks for his work—his dedication to reordering our national priorities and turning swords into plowshares.

BERKLEY represents the best of Iowa and has set a very high mark of service in Congress. Our best wishes go with BERKLEY and Eleanor and all the Bedell family with whom we have shared the joys, life, and challenge of service in Congress.

## IT'S TIME TO SEND A MESSAGE ON TRADE

### HON. DENNY SMITH

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Friday, August 8, 1986*

Mr. DENNY SMITH. Mr. Speaker, a vote to override the President is never an easy thing for this body to do, especially on an issue as contentious as this. The headlines have told of $170 billion trade deficits and lost jobs in the textile industry. We have seen an administration that is strong in rhetoric but short in results. We have seen our trading partners sign new agreements and promise to do what they could to open their markets to U.S. products. But we've heard all of this before, and the deficit continues to rise. This country could not, and should not, wait for more rhetoric, broken promises and noncooperation. For this reason I voted to override the President's veto and pass H.R. 1562, the "Textile and Apparel Trade Enforcement Act."

I know that my actions will not be politically popular back in my district. I have always supported the concept of free trade. But, above all, I have supported fair trade. Right now we have neither. H.R. 1562 was protectionist and it was discriminatory. It was difficult for me to vote for it, especially since I opposed passage last year. But the alternative was to sustain the veto and allow the status quo to continue. That would be devastating to the country.

The results of this vote should not be misinterpreted by either the administration or our trading partners. This veto was upheld by only eight votes. As I explained to the President in the following letter, the message has been sent. It is my hope that it is received and acted upon.

[Letter to President Reagan follows:]

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
*Washington, DC, August 7, 1986.*

Hon. RONALD W. REAGAN,
*President of the United States, The White House, Washington, DC.*

DEAR MR. PRESIDENT: I wanted to take this opportunity to explain to you my reasons for voting to override your veto of H.R. 1562, the "Textile and Apparel Trade Enforcement Act of 1985." It was a very difficult decision, but I felt that it was necessary if we were to make any progress on the large trade deficits that we are facing.

My main reason for voting to override is what I perceive as inaction on the part of your administration in taking positive, forceful steps in dealing with our trading partners. As I explained to you in our conversation, my feeling is that if you had taken immediate action to help the machine tool industry of this country back in 1981, we would not only have a machine tool industry today, but yesterday's vote probably would not have been necessary.

Our trading partners have given us a lot of rhetoric lately expressing concern and understanding for our position on this issue. Yet they do nothing to assist us. Now that H.R. 1562 has been defeated, I have no doubt that the signators to the MFA and the other recently signed trade agreements will be evaluating ways to circumvent the provisions of those treaties. Having travelled extensively in the Far East, I have

come to learn one thing . . . the leaders of that region understand nothing other than power. The signing of treaties does not make as much an impression on them as the subsequent enforcement on our part.

The failure of this override attempt should not be viewed by our trade officials as a victory for you or an endorsement of the status quo. It was neither. A bipartisan group of 276 members of the House felt that the enactment of this bill, bad as it was, was preferable to the way things have been going. The message is clear . . . the time has come for serious leadership to be demonstrated with our trading partners, and that time is now.

Mr. President, as I stated earlier, it was very difficult for me to vote against you on this measure. Even though it was politically harmful for me to do it, I still felt that it was in the best interest of this country, and your administration, to voice my displeasure with the current trend that has become evident in dealing with trade issues.

Respectfully yours,

DENNY SMITH,
*Member of Congress.*

## A TRIBUTE TO BERKLEY BEDELL

### HON. PARREN J. MITCHELL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 7, 1986*

Mr. MITCHELL. Mr. Speaker, I have mixed feelings about the tribute I am about to pay to one of our fellow colleagues in the House. First, I am happy that I have this opportunity to offer an outstanding Member of this body and my friend, BERKLEY BEDELL, my best wishes for a happy life after serving the Sixth District of Iowa and the Nation with pride and dignity for 14 years. On the other hand, I am saddened to know that one of our strongest allies on the Small Business Committee will no longer enthusiastically confront and often lead the fight to eradicate the many obstacles which beset small businesses across this country.

During his service in the Congress, BERKLEY BEDELL has been a crusader for small business and agriculture, both of which make up the economic base of his district. As chairman of the Small Business General Oversight Subcommittee during the 98th Congress, he led the campaign to open the Pentagon's spare parts procurement system to small businesses by ostentatiously dramatizing procurement problems in a way that only he can. Despite strong opposition from the administration, the Defense Department, and two House committees, he toted his now famous tool kit and directly challenged the procurement wisdom of the Pentagon, and ultimately prevailed in forcing the military to discontinue using a qualified bidders list to restrict competition.

BERKLEY BEDELL has long been a friend of the many farmers and small business constituents he represents, but he has also been a sincere and dedicated Member of this Chamber, using his quiet political style to fashion powerful coalitions among his peers to get the job done.

The people of his district in Iowa, and all of us in the Nation will suffer from his absence in the Congress. I hope that he overcomes his health problems very soon and that he continues in some special way to make this world a better place.

## RULE ON THE INTERNATIONAL DRUG TRAFFIC ENFORCEMENT ACT OF 1986

### HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, August 8, 1986*

Mr. ROSTENKOWSKI. Mr. Speaker, I take this opportunity to inform my colleagues that the Committee on Ways and Means will be transmitting legislative language to the majority leader of the House to be considered for inclusion in the leadership's omnibus drug package. It is the intention of the committee to introduce a bill, the International Drug Traffic Enforcement Act of 1986, and file its report to the House no later than Wednesday, August 13, 1986.

I wish to serve notice, pursuant to the rules of the Democratic caucus, that I have been instructed by the Committee on Ways and Means to seek less than an open rule for the consideration of this proposed legislation by the House of Representatives.

## BERKLEY BEDELL AND COOPER EVANS: OUTSTANDING PUBLIC SERVANTS

### HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 7, 1986*

Mr. SKELTON. Mr. Speaker, I rise today to join my colleagues in recognizing two outstanding Members of Congress from the State of Iowa who are retiring at the end of this session. BERKLEY BEDELL and COOPER EVANS have served this body with distinction for many years. These two Iowans are respected in the House for their nonpartisan advocacy in support of the American family farmer and small businessman.

I have served and worked with BERKLEY BEDELL on the Agriculture and the Small Business Committees, along with the Congressional Rural Caucus, where his integrity and commitment to Iowa, as well as the entire Nation, is well-known.

COOPER EVANS came to the House 6 years ago and his work for rural America and American farms on the Agriculture Committee is thought highly of by his colleagues in the House.

Mr. Speaker, the House is losing two fine Members in 1986, Members who will be hard to replace. While we will miss their expertise and counsel on legislation, more importantly, the House will be losing two patriotic and outstanding Americans.

## INTRODUCTION OF THE ASBESTOS INFORMATION ACT OF 1986

### HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, August 8, 1986*

Mr. LENT. Mr. Speaker, on June 24, 1986, I introduced along with my colleague from Mississippi, Congressman DOWDY, H.R. 5078—the Asbestos Information Clearinghouse Act of 1986. The objective of this legislation was to counter what many consider to be a history of wasteful litigation proceedings in asbestos property damage cases. Too often plaintiffs in these cases will sue up to 50 asbestos manufacturers even though many of the manufacturers did not even produce an asbestos product similar to the one in question. The result is an unnecessary waste of court time and legal fees. Plaintiffs and defendants lose as court cases drag on indefinitely.

On July 17, 1986, the Subcommittee on Commerce, Transportation, and Tourism held a hearing on this legislation. At that hearing, we received many helpful recommendations on how to improve H.R. 5078. The bill I am introducing today reflects those suggestions. It would achieve the same result as the original legislation without the need to establish a clearinghouse to store and analyze asbestos samples. The new legislation would simply require building owners before filing suit to preserve a sample and to provide some preliminary information on the kind of asbestos product in the building, such as whether it is ceiling tile or pipe insulation. This kind of information should significantly reduce the number of defendants and help ensure a more timely resolution of asbestos property damage cases for the benefit of all involved.

On July 30, 1986, the Subcommittee on Commerce, Transportation, and Tourism approved the text of the bill I am introducing today, by voice vote and without amendment, for consideration by the full Energy and Commerce Committee. I am pleased to report that at least nine of my colleagues from both sides of the aisle are cosponsoring this legislation with me. I believe this legislation deserves the support of all the Members of the House, and I urge my colleagues to join us in working toward its swift passage.

## SCLC NATIONAL ASSAULT ON POVERTY

### HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, August 8, 1986*

Mr. LELAND. Mr. Speaker, I rise to bring to the attention of the American people an event of extraordinary merit and import to the future of our Nation. The Reverend Joseph E. Lowery, president of the Southern Christian Leadership Conference will on August 13 bring to the public conscience a challenge to again place poverty on the national agenda. This champion of justice who walks in the

footsteps of SCLC's founder, Dr. Martin Luther King, Jr., is issuing a call to arms. When thousands come together in Jacksonville, FL, at noon on August 13, Dr. Lowery will stand before a multiracial ecumenical assemblage of people of principle, who represent the spirit and will of our Nation.

As chairman of the Congressional Black Caucus, my colleagues and I stand with Reverend Lowery in spirit and walk together with these men and women in brotherhood. We, in the U.S. Congress, must indeed rededicate ourselves and our energies to the total elimination of poverty.

We join in expressing our support to the Southern Christian Leadership Conference and extend our commendations for the untiring and unwavering commitment of Rev. Joseph Lowery.

# SENATE—August 9, 1986

*(Legislative day of Monday, August 4, 1986)*

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

## PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Father in Heaven, You know Your children. You know that everyone here this morning would rather be someplace else. You know the mixed emotions stirring in our hearts, the disappointment, the frustration, the weariness. You know the plans which have had to be changed, the trips canceled, the broken promises, the pleasures postponed. You know the confusion felt by spouses and children, the sense of loss, the stubborn questions about their own importance in the Senators' priorities and schedules. In love and grace kind Heavenly Father, heal the hurts, bind the wounds, restore confidence and love, forgiveness and understanding. Grant special wisdom to these who labor here this morning. Enable them to accomplish their purposes and find time for special personal and family blessing despite the inconvenience. In Your name we pray. Amen.

## RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The distinguished acting majority leader is recognized.

## SCHEDULE

Mr. COHEN. Mr. President, the two leaders under the standing order will be allocated 10 minutes each, and following that, there will be special orders in favor of the following Senators not to exceed 5 minutes each: Senator HAWKINS and Senator PROXMIRE.

Routine morning business will not extend beyond the hour of 10 a.m. with Senators permitted to speak therein for not more than 5 minutes each.

At 10 a.m., the Senate will resume consideration of S. 2638, the Department of Defense authorization bill. Pursuant to the unanimous-consent agreement entered into last evening, pending will be the Glenn amendment No. 2671, and votes can be expected throughout the day, and for all of today.

## CONTROL OF SENATOR HAWKINS' TIME

Mr. COHEN. Mr. President, I ask unanimous consent that the time allocated to Senator HAWKINS be under my control.

The PRESIDENT pro tempore. Without objection, it is so ordered.

## RECOGNITION OF SENATOR PROXMIRE

The PRESIDENT pro tempore. The distinguished Senator from Wisconsin [Mr. PROXMIRE] under the previous order, is recognized for not to exceed 5 minutes.

## RESERVATION OF THE MINORITY LEADER'S TIME

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the time of the minority leader be reserved for his use later in the day.

The PRESIDENT pro tempore. Without objection, it is so ordered.

## GRAMM-RUDMAN HAS FAILED—LET'S TRY PAY AS YOU GO

Mr. PROXMIRE. Mr. President, the big fiscal shocker of the year is that we are now told that the deficit for this 1986 fiscal year, the first year of Gramm-Rudman-Hollings will be $230 billion. That is the latest bombshell estimate by the administration itself. So now the Congress faces an $85-billion reduction in 1987 to get down to the $144-billion deficit target in the year beginning just 52 short days from now.

Now let me say just plainly as I can that the Congress will not, I repeat not, meet that target. We will not come close. The deficit will miss the target by many billions. It may be worse, much worse. The chances are that 1987 will end up a year from now with the deficit once again above $200 billion. In fact, if the country slips into a recession, this Senator flatly predicts the deficit will exceed $300 billion! Do you ask, PROXMIRE, what happened to the Gramm-Rudman-Hollings bill which you voted for? Well, now you know the answer. It did not work. Under the circumstances we tried what seemed to be the toughest medicine we could contrive. It was not tough enough.

So what is next? What is next is to change the circumstances and use the toughest medicine of all. This is medicine that will work. It is called pay-as-you-go. Why does it work? Because it applies the ultimate discipline to Federal spending. What is that discipline? That discipline is a tax increase. The Congress will be faced with a choice. It can have these costly programs only if it pays for them by raising the taxes necessary to do so. And why not? Throughout America States do it. Our States have always done it. Cities do it. Cities have always done it. Counties do it. Counties have always done it. Through much of American history even the Federal Government has done it.

So why does the Congress not go on a pay as you go basis now? Answer: Because an extraordinarily popular President has intimidated the Congress. He stands there with his veto pen in hand. Like Clint Eastwood in a barroom showdown he challenges the Congress to reach for a tax increase, and he will shoot it down. Now almost nothing in politics is more painful for the electorate under any circumstances than a tax increase. This is precisely why the only real cure for excessive spending is the requirement that when you spend money you have to provide the taxes to pay for it.

Pay-as-you-go requires that excessive spending demands raising taxes immediately. That is why pay-as-you-go can and will impose the most direct and effective discipline on Federal spending. What is the real discipline behind Gramm-Rudman-Hollings? If you spend it, the President makes it impossible to raise the taxes to pay for it. So the Congress resorts to rosy estimates that grossly underestimate spending and rosy estimates that grossly overestimate revenues. It then borrows another $200 billion every year. This is oh, so much less painful, and, oh, so much less effective than paying for it. What is the real answer to this exercise in irresponsibility? Pay-as-you-go. Let us try it.

And when do we try pay-as-you-go? Mr. President, we can do it now. Today or early next week we will once again be confronted with a request to raise the debt limit. That means that today or early next week we can go on the pay-as-you-go discipline by the simple device of saying "no!" to any increase in the debt limit. With that one vote, the Congress and the administration will have no choice except to cut spending, or raise taxes, or more probably do both to bring this outrageous series of deficits to an end. One congressional vote can do it. States do it.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Cities do it. Counties do it. It is time we did it.

I yield the floor.

Mr. COHEN addressed the Chair.

The PRESIDENT pro tempore. The Senator from Maine is recognized.

## TRIBUTE TO SENATOR BARRY GOLDWATER

Mr. COHEN. Mr. President, I think everyone in this body is familiar with the expression that for the first 6 months you wonder how you got here. For the next 6 months you wonder how everybody else got here. I have never subscribed to that particular adage.

In fact, as the years have passed—for some 14 years now I have been serving in the Congress—I have gained a deeper respect for the extraordinary talent and diversity of the people who serve in this body because we have lawyers, judges, businessmen, farmers, veterinarians, professors, astronauts, college presidents, and a few would-be poets.

I dare say there is no other institution in this country that possesses the diversity of interest and abilities, indeed personalities as does this body.

But there is one individual who is unique among all of us. That is the senior Senator from Arizona. I know he is known as the Godfather of Conservative Politics in this country, a man who has never believed in moderation in the pursuit and defense of freedom. I know many recognize him as an aviator. I doubt if there is a single plane in our inventory that he has not flown. Just last evening I overheard him chiding the senior Senator from Alaska, Senator STEVENS, about how he had just flown the Air Force's new trainer, the T-46.

There are a few who know about his deep feelings and commitment to the American Indian, to their culture and way of life, and the need to see to it that we do not foresake them in the face of expediency.

□ 0940

But I know BARRY GOLDWATER as more than all of these things—I know him as a great naturalist—a man who has a profound love of nature and the wilderness; an explorer, an adventurer who believes that "the running streams of this country should not be let out of the possession of the people."

I suspect that everybody in this Chamber associates the book "The Conscience of a Conservative" with BARRY. But there is another book of his that did not make the best seller list, that did not set political hearts beating high with excitement.

It is called "Delightful Journey." It is his dairy chronicling his exploration by boat of the Green and Colorado Rivers in 1940—the year that I was born.

In these pages you will find a different facet of a wonderfully complex and passionate man.

There is one passage that I am particularly fond of and enjoyed reading.

> If you go through all this, the blue headwaters of Lake Mead will fan there ahead of you, welcoming you. To learn all that is to learn freedom and patience; and you learn these lessons by ranging yourself on the side of the river.
>
> I like to think that all human effort takes place within the context of something permanent, like that river and its canyons.

These are the words of a man who has had a long love affair with life—here in the Senate, but especially out amongst the canyons, rapids and stars.

Justice Holmes once wrote a letter to Benjamin Cardozo and he said that:

> I have always thought that not place or power or popularity makes the success that one desires, but the trembling hope that one has come near to an ideal. The only ground that warrants a man for thinking that he is not living the fool's paradise if he ventures such a hope is the voice of a few masters. I feel it is so much that I don't want to talk about it.

This is the last DOD authorization bill that BARRY GOLDWATER will ever shepherd through the Senate.

He has done so, I might add, under extraordinary circumstances. He suffered a great personal loss earlier this year. He has been in considerable pain and discomfort for several weeks. Yet he is the first one here in the morning and he is the last one to leave, much against his will. Though sometimes he can be irascible, occasionally irreverent, he is always candid and most especially he is always honorable.

More than any other person in this Chamber, I believe he has come near to the ideal.

And I feel it so much I don't want to talk about it any longer.

## RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The distinguished and able Democratic leader, Senator ROBERT BYRD, is recognized.

## BEST WISHES TO PRESIDENT REAGAN

Mr. BYRD. Mr. President, today President Reagan becomes the longest-serving President since President Eisenhower. And today he enters the Bethesda Naval Hospital for an examination of the urinary tract.

Mr. President, I know I express the wishes of all Senators on both sides of the aisle, all Americans, whatever their political faith, that Mr. Reagan is given a clean bill of health following the examination.

My wife Erma joins in these wishes to President Reagan.

Mr. President, I yield the floor.

## ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business, not to extend beyond the hour of 10 a.m., with statements therein limited to 5 minutes each.

Mr. COHEN. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

□ 1000

Mr. GLENN. Mr. President, I ask unanimous consent that proceedings under the quorum call be rescinded.

The PRESIDING OFFICER (Mr. EVANS). Without objection, it is so ordered.

## CONCLUSION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. If there is no further morning business, morning business is closed.

## NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1987

The PRESIDING OFFICER. The clerk will report the pending business.

The legislative clerk read as follows:

> A bill (S. 2638) to authorize appropriations for military functions of the Department of Defense and to prescribe military personnel levels for such Department for fiscal year 1987, to revise and improve military compensation programs, to improve defense procurement procedures, to authorize certain construction at military installations for fiscal year 1987, to authorize appropriations for national security programs of the Department of Energy for fiscal year 1987, and for other purposes.

The Senate resumed consideration of the bill:

> Glenn amendment No. 2671, to prohibit the Department of Defense from entering into contracts with foreign governments and foreign firms for the purpose of carrying out research in connection with the strategic defense initiative that could be reasonably performed by a U.S. firm.

AMENDMENT NO 2671

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I fully support research in connection with the strategic defense intitiative, the so-called Star Wars Program, as a way of capitalizing on emerging technologies which could lead to the development of a useful ballistic missile defense system. We have reduced the administration's funding request to a more realistic, research-oriented basis. I think the expectations of near-term success have been oversold. Possible

benefits from this program won't be evident for a long time.

While the potential capability and deployability of SDI has been exaggerated, we do have reason to hope for a partial but significant defense against a Soviet ballistic missile system. I do not think it will be the overall umbrella defense the President has talked about that will give perfect protection to everyone in our country, but it can make a difference in Soviet perceptions of what might be possible if the Soviets were foolish enough to start a nuclear war.

It is therefore important to support a robust research program. SDI research is at the cutting edge of defense technology. We must safeguard this vitally important technology. As recent espionage scandals have shown, it is difficult enough to protect such information in the United States and we would encounter very serious additional security problems in sharing it with other countries. Also, I question how much expertise, unavailable in the United States, other countries can bring to this program. Furthermore, I have been concerned for some time at the extent to which the administration has attempted to purchase support for SDI among our allies by permitting them to conduct research and development with American funds.

So today I have two amendments. The first which is pending, would forbid the award of a contract to any foreign government or foreign firm or any consortium of governments or firms unless the Secretary of Defense certifies that the research of interest cannot reasonably be performed by U.S. firms.

It provides that funds appropriated for research on SDI will be spent in the United States unless the Secretary of Defense certifies in writing to the Congress that the research cannot reasonably be performed by U.S. firms. I believe that makes good policy and good common sense. SDI research is on the cutting edge of high technology, and given the chance, I believe that Americn workers, inventors, and scientists can still outinvent, outproduce, outwork, and outcompete anybody in the world given a fair chance. We know what has happened to our Nation's trade balance. It is headed for a record $168 billion deficit in 1986 and the American economy—and with it American jobs, firms, and industries—is ailing overseas. Let us not let the same thing happen to SDI research work. I believe our Government should do everything we can to do SDI research here.

We are very concerned about burden sharing in Europe with our allies. We talk about it all the time. The distinguished Senator from Georgia introduced a bill some time ago which said that we would pull our troops out of Europe because we were so concerned that the Europeans were not doing enough burden sharing. The allies were not living up to the 3-percent real growth in defense spending that they had pledged. We in turn were spending $13 to $15 billion a year for each new carrier task force to protect the sealanes from the Persian Gulf. These sealanes benefit the Europeans far more than they benefit us.

We keep some 350,000 troops in Europe and are therefore concerned about burden sharing. Burden sharing is a two-way street. The United States has surpassed other nations in the field of education.

Just as important, we have put more money into basic, fundamental research than other countries. Americans make the most breakthroughs. Americans discover the most new scientific principles. Americans discover the new medicine and materials that let us create new jobs and business. The rest of the world has followed in our wake. It is because we put more money into research. What has happened since World War II? Well, we find ourselves cutting back on research at the Government level. Most of the major advances have come from Government laboratories in the past.

However, the rest of the world has recovered since World War II and they have accelerated their research efforts. We see the Japanese, the Germans, the French, and others putting more effort into not only education, but into basic, fundamental research. Much of our breakthrough research has come from the defense sector. These breakthroughs have included metals, medicines, and computers. What has followed from these breakthroughs? We have had one civilian spinoff after another. To a great extent, we are what we are as a nation today because of the money we have spent on basic research.

We are now cutting back on our own research efforts. Yet we now have one of the greatest research programs ever conceived. I am one of Lt. Gen. Jim Abrahamson's greatest admirers; he is a brilliant man and has one of the finest technical minds in Government. However, we are going to put out billions of dollars' worth of research while our own universities and research institutes are crying for help in this country and cannot get it. What are we going to do? Are we going to curry favor with our allies, who will not share their burdens to begin with, give them our research money, let them develop the technological infrastructure that will benefit them into the indefinite future?

We have scientists here. We have laboratories here. I say it is time we support ourselves. This should be research by and for America. That is what I would call this amendment—research for America.

□ 1010

When the British officials were here a few weeks ago, they said they may receive a billion dollars' worth of research from the United States. Here is a news clipping from the Defense News on Monday, July 1, entitled "British Could Reap $1.5 Billion From SDI." That is vitally important research going abroad which we need here at home. I say let us do that research in America.

I am not proposing in this measure that we make this unwavering and absolute. When research cannot be done in this country, we may have to contract with our allies. But let us spend American dollars for the benefit of Americans, here at home, where we need to develop our own scientific infrastructure, so that we can compete and, not be outcompeted by others.

At a time when we are concerned about trade balances, we are about to spend billions abroad to give our allies a competitive edge. What I am proposing with this legislation is that we do this research here, unless it can be shown that we cannot do it. We cannot buy the support of our allies. The French, for example, are far from ideal as an ally. I fought with them in World War II and they are a great people. But now the French want to compete for SDI funds and they are not even NATO members. That makes very little sense to me.

I would love to have some of this money go to research institutes in Ohio. For example, I would like to see the Battelle Institute of Ohio, one of the finest scientific institutions in the world, form a consortium with Ohio to do some of this important research.

Mr. President, that is basically the issue here. We are paying for research. Our allies do not have to pay one nickel for this research, yet they will get a great share of the benefit.

As I stated previously, there will be enormous nonmilitary spinoffs from SDI research. Sir Alexander Fleming experimented with mold and discovered penicillin which changed the world. Little things like that have a far-reaching effect. We are about to pay for our allies and economic competitors to develop such enormous potential spinoffs. I think that is preposterous.

So what my amendment does is say that we will do this research in America, where it can be done in America. We do not want to pay them to outcompete the United States. We do not want to add to our deficit problems and our trade imbalance. I want to see this research done in this country. We must not act like a kid standing on the school ground with a sack of candy, gaining friends by passing out the candy to passers-by.

Mr. President, I will have a follow-on amendment to this which states that

if we should go to another country, for SDI research, costs should be shared 50–50. If that cannot be done, for whatever reason a waiver may be granted. Just report it to the Congress.

Again, Mr. President, my first amendment states that we should spend SDI research money in the United States; and if it cannot be done here, then we will spend the money abroad. But we should try to do all SDI research in America.

Mr. WARNER. Mr. President, I have listened with great interest to the Senator from Ohio, and he raises valid points about the program now under way in the SDI area with respect to contracting abroad.

However, I must say, with due respect to my colleague, that it is not being conducted like having a bag of candy on a school playground, handing out candy just to gain friends. We have had hearings on this subject, and General Abrahamson has been before the Armed Services Committee.

It is very clear—and I can be more specific, and I will be later—that, generally speaking, the United States now contracts with firms abroad in the area of SDI only in the sole source area, where there is not to be found in the United States a firm with the technical capability offered by a firm overseas.

In the case of competitive contracts, the contracts have to be cost competitive and the foreign firm has to have a technical advantage to gain that contract.

□ 1020

Now to date, memorandums of understanding—that is the sort of preamble to the contracting that we utilize in connection with our overseas work—have been signed with the United Kingdom, Federal Republic of Germany, and Israel.

I submit to my distinguished colleagues, those are two allies and the third a friend of the United States, which nations have stood by this country in the past several decades unfailingly.

So while there is a basis for criticism toward some allies, certainly not the three that have thus far signed the MOU.

Mr. GLENN. Mr. President, will the Senator yield on that point?

Mr. WARNER. Yes.

Mr. GLENN. I exempt contracts already signed. Everything I am proposing would be prospective.

Mr. WARNER. I understand that is the Senator's amendment but I listened very carefully to the presentation which had a rather tough indictment with respect to the generic category of allies and I wish to point out that specific.

Mr. GLENN. Will the Senator yield for one further question?

Mr. WARNER. I yield.

Mr. GLENN. Can the Senator name one kind of research that we cannot do in this country that we have to contract out for?

Mr. WARNER. I will be able to do that momentarily and I intend to bring to the Senate's attention that category.

Now, the amendment as submitted by the Senator from Ohio raises, I say, a subject that is of concern to a number of Senators. At the present time, both sides, the majority and the minority managers of this bill, are prepared to accept an amendment that will be submitted today and listed among the amendments by the Senator from Arkansas [Mr. BUMPERS].

That, in the judgment of this manager of the bill, is the approach that we should take today, sending a strong message to the SDI organization that Congress is keenly aware of the participation by our allied nations, we are supportive of it but it should be continued only in the vein as stated by the amendment of the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, will the Senator from Ohio answer a question that bothers me?

Mr. GLENN. Might I ask whose time we are on here?

Mr. PELL. Could we divide the time?

The PRESIDING OFFICER. There is not a time agreement. The Senator from Rhode Island is recognized.

Mr. PELL. I thank you.

I think I do not share the enthusiasm for SDI as do many of my colleagues.

One concern I have is that all the contracts are awarded to American firms. One of the results of that will be that we will vastly increase the lobbying force of those contractors and individuals who want to push SDI no matter what within our own country.

If some of these contracts go abroad the lobbying force is obviously far less.

I am wondering what the reaction is of my friend and colleague from Ohio to this thought.

Mr. GLENN. I would reply that if we use that kind of logic, I would think we would then want to contract out all of our weapons systems. If we do not want to build up a lobbying group in this country, we will want to contract out all our aircraft, ship, and tank production because then we would not build up a lobbying group in this country.

I do not think he will agree with that.

Mr. PELL. I am all for the ships and tanks and things of that sort.

I am a little less enthusiastic about SDI. That is the reason for my reservation.

Mr. GLENN. I understand that, but I would not use that as a rationale. I have my own doubts about some aspects of SDI.

I spent 10 days last August and 10 days the previous August traveling around this country and talking to our finest scientists involved with lasers, neutron particle beam projectors, and other aspects of SDI research. So I have a good sense of the problems and potentialities of SDI.

SDI is a long-term program that we are going to have to furnish at reasonable levels but pursue for a long time to come. We cannot turn it on and off.

But as I said before, I want that research to be done here and I want this to be done for the benefit of Americans. Our European friends have not lived up to their responsibility for burden sharing.

The distinguished Senator from Georgia has addressed that in the past. I agree with him completely.

For us to be funding foreign research is preposterous.

Mr. NUNN. Will the Senator yield who has the floor?

Mr. PELL. I yield the floor.

Mr. WARNER. I yield such time as the Senator from Georgia may desire.

The PRESIDING OFFICER. There is no time limit.

Mr. NUNN. Mr. President, may I be recognized in my own right?

The PRESIDING OFFICER. The Senator from Rhode Island has the floor.

Mr. PELL. I yield the floor. I was interested in the response.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, I understood there was a time agreement. Evidently there is no time agreement.

We have now used 25 minutes on this amendment. Will the Senator from Ohio agree since he has had more than half of the 25 minutes, to have 15 additional minutes on this amendment equally divided?

Mr. GLENN. I thought we had 20 minutes on a side. I agreed to 40 minutes, but apparently that was not locked in last night. I guess we have no time limit on this.

Mr. NUNN. Does the Senator object to that unanimous-consent request?

Mr. GLENN. What was it? State is again.

Mr. NUNN. Fifteen minutes equally divided from this point on on this amendment.

Mr. GLENN. Yes. I have no knowledge of anyone else on our side who wants to speak on this, so that would be acceptable.

Mr. NUNN. Mr. President, I ask unanimous consent that there be an additional 15 minutes on this amendment equally divided between the Senator from Virginia and the Senator from Ohio.

The PRESIDING OFFICE. Without objection, it is so ordered.

Who yields time?

Mr. NUNN. Mr. President, I would like to just take 2 or 3 additional minutes of the time of the Senator from Virginia. I am sympathetic with what the Senator from Ohio is trying to do. I share his frustration with and at least the strong skeptimism that is produced by a great number of contracts going abroad for SDI. You really wonder whether it is because of reseach or whether it is because of politics.

On the other hand, I think to require 50 percent on every negotiated memorandum of understanding between our country and allies not only would preclude most of the smaller countries from around the world from participating including Israel, I might say, I think it would preclude countries like Norway, Italy, and many countries of even thinking about participating in SDI.

The thing that bothers me is we have just started a cooperative program between the United States and NATO and in this bill we have provision for the Secretary of Defense to enter into a similar program with Israel on research and development, nonstrategic defense initiative research and develoment, but on multiple types of research contracts, and we are trying to stimulate a cooperative kind of arrangement so that we can begin with our allies at the research stage and then we can go ahead and have joint procurement.

As the Senator from Ohio well knows, because he is a leader and champion of NATO for many years, one of the biggest problems we have in NATO is we do not have commonality of weapons systems. Every country has different weapons, different tanks, different artillery tubes, different armed personnel carriers, different airplanes, different air defense systems.

What we have is each year NATO outspends the Warsaw Pact; both sides, the United States and Soviet Union, each year we outspend them. There has been only 1 year that they outspent us in the last 20, 25 years, but they have overwhelming conventional superiority.

If we apply the theory of the Senator from Ohio here, the 50-percent requirement, to all the other research and development contracts, first of all the so-called noninitiatives is out the window.

Mr. GLENN. No; that is the second amendment, not this amendment.

Mr. NUNN. I know this SDI amendment does not require that on anything other than SDI. I understand that.

Mr. GLENN. No.

Mr. NUNN. I am saying if you apply the concept——

Mr. GLENN. If the Senator will yield, so I can correct that, this particular amendment says we will buy America where possible. The second amendment, which I have not yet presented, is a 50-50 requirement. The pending amendment we will vote on here is to buy America if possible.

Mr. NUNN. Will the Chair inform us which amendment is now pending?

The PRESIDING OFFICER. The amendment now pending is amendment 2671.

Mr. GLENN. I have not proposed the second one.

Mr. NUNN. The Senator is correct. He is talking about the second amendment. I will go ahead and make my point on the second amendment while we are here.

That second amendment, the 50-percent formula basis, the concept of it if it is taken and extended to other contracts and to other research type programs will absolutely kill everything we have strived to do for the last 5 years in going toward commonality of NATO. I know that is not the Senator's intent, but that is what that amendment will do.

□ 1030

Mr. President, on the first amendment, the first amendment says "Nothing can be contracted out to any other foreign country unless it cannot be reasonably performed by a United States firm."

I ask the Senator, what does "reasonably" mean in this context: let us suppose an American company bids $10 million for a research contract. Let us assume a company in England bids $1 million for the same research contract and the Defense Department determines they have equal skill. The U.S. firm has bid $9 million more.

There is not anything in the Senator's amendment that says anything about low price, competition, any of those things. The only words we have to guide us by are "reasonably perform." Does the Senator intend this to mean that the English firm would win the contract because it is unreasonable to leave $9 million of the taxpayer's money on the table, or does competition enter into this amendment?

Mr. GLENN. We put the term "reasonably" in there so there will be some judgement exercised.

The Senator properly sets up an extreme situation. Research is not going to be that different in cost from one place to another. If it was unreasonable and it was going to be a 10-to-1 cost, we could put it in and have it under control. So I would tend to think "reasonably" would mean if there was a 10-to-1 cost difference performing the same job, we would go for it.

Mr. NUNN. Suppose it is $1 million? Suppose the English, for instance, bid $9 million and an American firm bid $10 million and had equal skills, what would the Senator's answer be?

Mr. GLENN. Depending on what the project was and what we sought as the future benefit of that project. I would think, in that particular case, if the project had some spinoff applications to civilian use, I would go American for that. I would put that research in this country because we are the ones who are going to benefit.

Mr. NUNN. Would you go to court and challenge the Secretary of Defense if he decided to go British with that because there was a $1 million differential and he did not want to waste $1 million of the taxpayers' money? Are we going to have every contract argued in the Defense Department that is awarded abroad challenged in court? That is what the Senator is setting up here. This is a lawyer's dream, because every contract that goes can be challenged on whether it is reasonable or not.

I understand what the Senator is trying to do, but I think the Senator's amendment has not been drafted considering the reality of what the proliferation of lawsuits does in defense contracts.

Mr. WARNER. Mr. President, the question was posed what technicalities or technical ability seems to be abroad at this time. Here are three examples: in the United Kingdom, they have klystrons to serve as a power supply for free electron lasers. The United Kingdom is doing an architecture study on theater defense. They also have advanced technical work in ion research.

I pose the question, as did my colleague from Georgia: supposing two contractors in the United States and two in the United Kingdom were vying for this and clearly that the dollars may have traded out but that the United Kingdom had a technical superiority? How would the Secretary decide under your theory?

Mr. GLENN. He would decide on how it compared with our American capability here and what the costs were, and that is the reason we put that word "reasonable" in there.

I would submit that what we are talking about here is not automatically sending billions of dollars over to Europe. That is what General Abrahamson said. It is $1.5 billion that the British are going to get on this.

I want to see this money spent here. I want to buy research in this country that will benefit us in the long term.

The Senator from Georgia talked about the commonality of NATO. But we are not talking about whether we are buying tanks or M-16's, or whatever.

As far as this being a lawyer's dream, this is not the case. We are talking about a big portion of money going to Europe automatically.

Mr. WARNER. Mr. President, the Senator from Ohio is serving a very

important function of alerting the Congress of our intention to make certain that the billions do not flow.

What has happened to date? To date, there have been five contracts in the United Kingdom, totaling $15 million; one to Israel, $1 million; three to West Germany at $8 million, totaling roughly 25 million dollars' worth of contracts. That is hardly in the category of billions of dollars.

I say to my friend from Ohio that we should and will, during the course of this day or perhaps in the context of the amendment of the Senator from Arkansas, try to clearly indicate the sentiment in this body.

The PRESIDING OFFICER. The time of the Senator from Virginia has expired.

Mr. GLENN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Three minutes and fifty-three seconds.

Mr. GLENN. Mr. President, what the Senator has been talking about here are a few tens-of-millions-of dollars already. Granted, I would not disturb those contracts. I specifically provided that any contracts already in place would be carried through.

What we are talking about are billions of dollars that go into future research. It is not just star wars that concerns me. When we build these laboratories, and hire scientists and technicians to do this research, we are building an infrastructure that benefits that nation into the future. We are providing them with research that could be highly useful to our own Nation.

I say buy American research that will benefit Americans. If the United States cannot do this research and if there are advantages abroad, as the Senator from Virginia and the Senator from Georgia stated, it should be done abroad. I am all for that. But that is not going to be what the bulk of these foreign funds are spent for.

I yield 1 minute to the Senator from New Hampshire.

Mr. RUDMAN. Mr. President, I just want to rise in support of the amendment offered by the Senator from Ohio.

Mr. President, a time when this country has got a hemorrhage in its international economy, we are importing cheap shoes, cheap steel, cheap automobiles, cheap everything, what the Senator from Ohio is trying to do is prevent us from exporting research knowledge which would only add to the imbalance of payments.

The second point I want to make is that what this SDI program is all about is the most sophisticated, complex research this country probably will ever engage in. And to export American taxpayer's dollars to foreign countries, unless they are the only ones that can do it, makes little sense at all.

I think the Senator from Ohio ought to be commended. I do not know whether this is going to be carried or not, but I do not think the American people, facing $160 to $170 billion trade deficits, are particularly pleased with the prospect that more billions of their dollars will go overseas for projects that can be contracted in this country. I am hopeful we will support the amendment offered by the Senator from Ohio.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ROTH. Mr. President, I am extremely perturbed by the implications of the amendment offered by the Senator from Ohio. He would have the Senate limit research and development contracts in the SDI field to U.S. contractors unless the Department of Defense could prove that the work could not "reasonably" be performed in the United States. Only then would our NATO allies in Europe participate in the cooperative contracts which they already have been promised.

How are we to define the term "reasonably"? I must agree with the senior Senator from Georgia when he asserts that we may be legislating our way into a lawyer's paradise. If this amendment is enacted, how will DOD ever be able to award a contract to a European company, no matter how necessary the award, when disappointed U.S. contractors will be free to go to the courts to assert that they too could "reasonably" have performed the work? So let us make no mistake about the final effect of this amendment—it will sound the death knoll for cooperation in SDI if enacted.

I fully understand and empathize with the Senator from Ohio's frustration with our European allies in the defense field. He and I both joined with Senator NUNN in 1984 in an attempt to legislate U.S. troop reductions in Europe in the absence of serious improvements in European defense budgets. I am happy to say that, while that amendment failed, it has had a salutary effect in Europe.

In the aftermath of the amendment, transatlantic arms cooperation also has improved significantly, largely because of the hard work of Ambassador David Abshire and the appointment of William Taft, a man genuinely committed to improved transatlantic cooperation, as Deputy Secretary of Defense.

The seed money which this body fenced into the fiscal year 1986 Defense authorization budget has begun to bear fruit. DOD is currently engaged in joint R&D with our European allies on a variety of weapons and support systems such as modular standoff weapons, information distribution systems, and aircraft identification systems. We should note that these projects all greatly enhance NATO interoperability and, in so doing, buy all NATO members a bigger bang for the buck. I would not argue with the Senator from Ohio if he believes that the situation still needs great improvement. However, I must ask, should we be hitting our European allies over the head just when the situation is on the upswing?

In closing, let me make two related points. So often, when discussing transatlantic projects, we base our discussion on the implicit belief that we are "doing the Europeans a favor." This is simply not so. In proposing cooperative arrangements for SDI, the President is not looking for a way to spend dollars in Europe. Rather, he is seeking to tap into a deep reservoir of European expertise which could prove critical in the development of the SDI program. I am sure that the Senator from Ohio is quite familiar with the strong British record in the software field and the German expertise in optics. Are we going to turn our backs on this expertise and seek to reinvent the wheel here in the United States at the expense of the U.S. taxpayer?

Finally, I believe that, in fields such as this, it is absolutely crucial that we allow the executive a reasonable degree of latitude to chart a course of development for SDI rather than seek to micromanage the program from here in the Capitol. The President has negotiated an arrangement with Prime Minister Thatcher to permit British participation in SDI. Meanwhile, Mrs. Thatcher, at some political risk, has endorsed the concept of SDI. Are we in the Congress now to pull the rug from under her feet and demonstrate to our European allies that an agreement with the President of this Nation is purely provisional and subject to being undermined by the Congress? I hope that the conferees on this bill will consider the implications of its enactment for our relations with Great Britain, West Germany, and France in particular, all governments which, in varying degrees, have endorsed the concept of cooperative research and development in SDI. In response to U.S. prompting. This Government must speak with one voice. This amendment shatters that one voice and transforms it into a cacophony.

Mr. GLENN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. One minute and 44 seconds.

Mr. GLENN. How much time for the other side?

The PRESIDING OFFICER. There is no time on the other side.

Mr. GLENN. Mr. President, the Senator from New Hampshire stated the case very well. I am concerned not just about star wars, I am concerned about spending tax dollars to support America's technological infrastructure. If we do not have the capability—and I would submit that there are very few

areas where we do not have the capability to do this research—it should be done elsewhere if it can be done better and more cheaply. I will not quarrel with those judgments once made.

But I do quarrel with the idea that we are sort of seeing the pseudoallocation of giant research funds going abroad to buy support, in effect, from our allies. Because they were not enthusiastic for star wars, we cut them in on research as a way of getting their support. I do not agree with that. That is like the kid with a sack of candy who buys friends temporarily.

We should spend our research money in this country. We should benefit from it ourselves. If we do not have the facilities to do that, then we contract abroad, and only then.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. WARNER. Mr. President, I move to table and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Virginia [Mr. WARNER] to table the amendment of the Senator from Ohio [Mr. GLENN]. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SIMPSON. I announce that the Senator from Vermont [Mr. STAFFORD] is necessarily absent.

Mr. CRANSTON. I announce that the Senator from New Jersey [Mr. BRADLEY] and the Senator from Missouri [Mr. EAGLETON] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 33, nays 64, as follows:

[Rollcall Vote No. 199 Leg.]

YEAS—33

| | | |
|---|---|---|
| Armstrong | Gramm | Pressler |
| Bentsen | Hecht | Quayle |
| Boschwitz | Heflin | Roth |
| Chafee | Humphrey | Simpson |
| Cochran | Kassebaum | Stennis |
| Cohen | Laxalt | Stevens |
| Danforth | Lugar | Thurmond |
| Dole | Mathias | Trible |
| Durenberger | McConnell | Wallop |
| Evans | Nunn | Warner |
| Goldwater | Packwood | Wilson |

NAYS—64

| | | |
|---|---|---|
| Abdnor | Burdick | Dodd |
| Andrews | Byrd | Domenici |
| Baucus | Chiles | Exon |
| Biden | Cranston | Ford |
| Bingaman | D'Amato | Garn |
| Boren | DeConcini | Glenn |
| Broyhill | Denton | Gore |
| Bumpers | Dixon | Gorton |
| Grassley | Lautenberg | Proxmire |
| Harkin | Leahy | Pryor |
| Hart | Levin | Riegle |
| Hatch | Long | Rockefeller |
| Hatfield | Matsunaga | Rudman |
| Hawkins | Mattingly | Sarbanes |
| Heinz | McClure | Sasser |
| Helms | Melcher | Simon |
| Hollings | Metzenbaum | Specter |
| Inouye | Mitchell | Symms |
| Johnston | Moynihan | Weicker |
| Kasten | Murkowski | Zorinsky |
| Kennedy | Nickles | |
| Kerry | Pell | |

NOT VOTING—3

| | | |
|---|---|---|
| Bradley | Eagleton | Stafford |

So the motion to lay on the table amendment No. 2671 was rejected.

□ 1100

The PRESIDING OFFICER. No time remains on the underlying amendment. The yeas and nays have been ordered.

Mr. NUNN. Mr. President, does the Senator from Ohio need the yeas and nays? We got the message on this vote.

Mr. GLENN. Mr. President, I think I have not submitted the second amendment.

The PRESIDING OFFICER. On the first amendment, the yeas and nays have been ordered.

Mr. GLENN. No, Mr. President, we do not need the yeas and nays.

Mr. NUNN. Mr. President, I ask unanimous consent that the order for the yeas and nays be vitiated.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. GLENN. I move to reconsider the vote by which the tabling motion on amendment No. 2671 was rejected.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment numbered 2671 of the Senator from Ohio.

The amendment (No. 2671) was agreed to.

Mr. GLENN. I move to reconsider the vote by which the amendment was agreed to.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. NUNN. Mr. President, I understand the Senator will not propose his second amendment.

Mr. GLENN. I shall not propose the second amendment. I believe the vote was a very decisive vote, so there will be no need to offer the second one.

Mr. NUNN. Mr. President, the Senator won that vote. If we had known he was not going to propose the second one we could have probably taken the first one. Although I do not like the amendment, I think it was wrong, this is a good example of how we might be able to save some Members' time. We have used 1 hour here on something that we could have solved in 10 minutes.

Mr. GLENN. Mr. President, this is the first I heard any consideration given at all that the first one would have been accepted had the second not been a part of it. I separated them intentionally and if I had known the floor managers were likely to accept them both, I might not have done that.

Mr. NUNN. Mr. President, we were informed by the Senator's staff that the first one was the one pending. But that is history.

I understand the Senator from Montana has two amendments now. He has agreed or will agree to time limits of 30 minutes and 20 minutes. Is my understanding correct on that?

Mr. MELCHER. That is correct, Mr. President,

Mr. WARNER. Mr. President, is that equally divided?

Mr. NUNN. Equally divided. If Members desire, we could stack these two votes and give everybody time to look in on their offices.

Mr. BUMPERS. Mr. President, may we have order, please?

The PRESIDING OFFICER (Mr. DURENBERGER]. The Senate will be in order.

Mr. WARNER. Mr. President, in order to move this calendar along, I see the distinguished Senator from Arkansas is here. Knowing his amendment very closely approached the Glenn amendment, I am wondering if that amendment needs further consideration?

Mr. BUMPERS. Mr. President, will the Senator yield?

Mr. WARNER. Yes, I yield.

Mr. BUMPERS. I thank the Senator for yielding. That is the very point I want to make. My amendment was not as binding as that of the Senator from Ohio. As I understand it, the second amendment which the Senator from Ohio is now apparently not going to offer suggested that our NATO allies also contribute; as a matter of fact, it mandated that they contribute in any contracts they got. Is that correct?

Mr. GLENN. That is correct. The amendment I have withdrawn would have provided that where we see research cannot be done in this country and can be done better abroad, the least they could do is support 50 percent of the expense of that in the interest of burden-sharing. We had a waiver in it that would have provided for the Secretary of Defense to make alterations there and make different contracts depending on who was going to get the benefit. The guideline would have been 50-50 on the expense.

Mr. NUNN. Mr. President, I think rather than discussing this, we are willing to take the Bumpers amendment as it is, even with this in there.

If we could avoid debate on it, we will take it.

Mr. BUMPERS. I thank the Senator because I was not going to offer it.

Mr. NUNN. We can do it either way. I do not see any need to have debate on it.

Mr. BUMPERS. Mr. President, I shall offer it at the proper time. As a matter of fact, I can offer it now if the managers would like to dispose of it.

Mr. WARNER. Mr. President, I have seen the amendment of the Senator from Arkansas. It has been indicated on the majority side that we will accept it.

Mr. BUMPERS. Mr. President, I send my amendment to the desk and ask for its immediate consideration.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Ohio.

Mr. BUMPERS. Mr. President, let me suggest that the only thing this amendment does is essentially what that of the Senator from Ohio did but it encourages anybody who is awarded a contract between the Defense Department and that country, encourages them to participate financially.

It is a sense-of-the-Senate amendment and simply encourages our allies to participate in the funding of SDI. Since it is a sense-of-the-Senate resolution and would not be binding, I withdraw the amendment and will not offer it.

TIME LIMITATION AGREEMENT

Mr. NUNN. Mr. President, we have an opportunity to get a unanimous-consent agreement. If the Senator from Montana will consent, we can stack the votes and, based on the unanimous-consent agreement, the votes will be stacked until about 12 o'clock or until we know where we are going.

Would that be satisfactory to the Senator?

Mr. MELCHER. If the Senator from Georgia will yield to me, Mr. President, it is entirely satisfactory to me.

Mr. NUNN. Mr. President, I ask unanimous consent that there be a time limitation on the two Melcher amendments, the first to be a 30-minute time limitation, with time equally divided; the second a 20-minute time limitation with the time equally divided, with the votes stacked.

Mr. DOLE. And that the second vote be a 10-minute vote.

Mr. NUNN. And that the second vote be a 10-minute vote.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. WARNER. It is the intention of the managers of the bill to follow as nearly as possible the amendments as listed at the desk.

Mr. MELCHER addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana is recognized. He is informed that the pending business is the Wilson amendment.

Mr. MELCHER. I ask unanimous consent that amendment, No. 2595, be set aside temporarily.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2672

(Purpose: To reduce the authorization by an amount equal to 20 percent of any funds that remain unobligated as of the end of fiscal year 1986)

Mr. MELCHER. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Montana [Mr. MELCHER] proposes an amendment numbered 2672.

On page 229, between lines 14 and 15, add the following new section:

"SEC. . REQUIREMENT FOR RETURN OF UNOBLIGATED FUNDS TO THE TREASURY.

Notwithstanding any other provision of law or of this Act, the authorization for appropriations is reduced by an amount equal to twenty (20) percent of any funds appropriated to or for the use of the Department of Defense that remain unobligated as of September 30, 1986. Twenty percent of any funds appropriated to or for the use of the Department of Defense that remain unobligated as of September 30, 1986, shall be made available for the programs authorized by this Act.

Mr. MELCHER. Mr. President, I did not ask that the amendment not be read in full because it is a very short amendment. It is an easily understood amendment. If we put the short title to this amendment, it should be called Sanity in the Slush Fund, because that is exactly what we have. There are $60 billion in unobligated funds in the Pentagon that are available and they should be reduced.

First, Mr. President, this bill is $3 billion over budget authority as it stands right now.

□ 1110

Second, the bill is $8 billion over budget outlays as it stands right now. Now, this amendment would reduce budget authority $10.8 billion, bringing it within the budget. On outlays, it would reduce it $1.6 billion. That will not bring this bill under the budget. Under Gramm-Rudman-Hollings there would be requirement of further cuts from even these amounts in budget outlays. The reason for that, of course, is obvious. The CBO estimate for fiscal 1987 deficit is $173 billion. The OMB estimate for fiscal 1987 deficit is $146 billion. And we must get—those two figures presumably will be averaged. They will average higher than the $144 billion which we must reach under Gramm-Rudman-Hollings. So this bill is too high.

If the spending level is not met, we are faced with sequester, and sequester would simply mean that every item in defense would have to be cut a certain percentage and the cut would be across the board. It would affect the pay that the troops receive; it would affect the troop level; it would affect readiness drastically. It would be an intolerable step. So it is up to us in Congress to take the necessary steps toward sanity in defense outlays.

Now, what does reducing the unobligated funds do? Well, first of all, it does not affect multiyear contracts. And where does all this money come from? Well, in 1981, at the close of the fiscal year, the unobligated funds were at a level of $26 billion, but now it is at a level of $60 billion. I would like to submit for the RECORD, Mr. President, and I ask unanimous consent to do that at this point, the figures from 1981 through 1987 as prepared by the Office of Assistant Secretary of Defense, the Comptroller. This has previously been printed in the CRS report.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

*Defense Department's unobligated balances*

| Year: | *Billion* |
|---|---|
| 1981 | $26.5 |
| 1982 | 34.6 |
| 1983 | 43.4 |
| 1984 | 51.6 |
| 1985 | 61.5 |
| 1986 [1] | 59.9 |
| 1987 [1] | 60.3 |

[1] Estimate.

Source: Office of the Assistant Secretary of Defense (Comptroller), reprinted in CRS Report.

Mr. MELCHER. The Comptroller General is very candid—and this is the Comptroller General in the Pentagon—about the growth of these funds and how much they are. The unobligated funds are to cover multiyear programs but not multiyear contracts. The Comptroller tells us that there will be a requirement of $6.5 billion out of these funds for this year in budget authority, and plus $6 billion in budget authority that has been cut by the committee in the first amendment that was submitted. It still leaves $54 billion of unobligated funds at the end of this fiscal year.

This amendment is very easy to understand. It simply says that 20 percent of what is unobligated at that time, 20 percent of the $54 billion, will be used to fund necessary programs in fiscal 1987 as is required and proposed under this act. The result is reducing budget authority by $10 billion for fiscal 1987 and reducing budget outlays by $1.6 billion.

The amendment simply cuts the unobligated funds, to transfer them to necessary spending as is covered in the bill for this coming fiscal year.

Now, I particularly call the attention of the members of the Budget Committee and the Appropriations Committee to this amendment because it is very clear to us that the bill is too

high. It is also necessary under Gramm-Rudman-Hollings. The time for figuring out whether sequestering will have to be ordered is approaching us very quickly. Sequestering is impossible, sequestering for the Armed Forces would not work. It must be avoided.

We would be cutting readiness across the board. We would be cutting troop pay and troop levels across the board. And that simply cannot be tolerated. It is time now to recognize that budget cuts must be made. This is the proper place, the most reasonable place to make it in this bill.

Mr. President, I reserve the remainder of my time.

Mr. STEVENS. Mr. President, would the manager loan me time?

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I hope that the Senator would not persist with this amendment, but if he does that the Senate will not support it and it will be disposed of in a manner that will allow us to consider the concept in the appropriations bill. This is really an amendment that belongs on the appropriations bill because it deals with making funds available to the Department. This bill does not make funds available to the Department. This bill authorizes funds for the Department, and leaves it up to the Appropriations Committee to determine where the funds originate. As a matter of fact, there is a great deal of misunderstanding about the prior years' authorizations that are still unfunded.

We deal with budget authority and with budget outlays and this amendment confuses the two, I would say respectfully to my good friend from Montana, because it says that "20 percent of any funds appropriated to or for the use of the Department that remain unobligated as of September 30 shall be made available for programs authorized under this act."

Now, let us take a cruiser. We fully fund a cruiser. That money may not be spent for 5 years. We know when it will be spent. We have put it in the pipeline to spend and it is outlays. Each year as the time comes up for spending, we look at the outlay ceilings and that is the thing that comes into effect. The Senator's amendment, as I understand it, would take 20 percent of the funds that have been appropriated in the past and remain unobligated at September 30 and say use them this year, in 1987. They may well be scheduled for the completion of that cruiser in 1988, 1989, and 1990.

Mr. MELCHER. Mr. President, will the Senator yield?

Mr. STEVENS. On his time.

Mr. MELCHER. Yes, for my question on my time.

Mr. STEVENS. Yes.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. MELCHER. Mr. President, I thank the Senator for yielding to me, but, first of all, I must point out if the cruiser he is talking about is in a multiyear contract——

Mr. STEVENS. It may or may not be.

Mr. MELCHER. This would have no effect.

Mr. STEVENS. Mr. President, if we could have unanimous consent that we charge the time to one another as we use it, therefore, we will not have an argument each time. Mr. President, I think this dialog would be helpful——

The PRESIDING OFFICER. Is there objection to the request of the Senator from Alaska?

Mr. MELCHER. Mr. President, as I understand, the request is that we charge each other for the time we use; is that right?

The PRESIDING OFFICER. The Senator from Montana is correct.

Without objection, it is so ordered.

Mr. STEVENS. Let me say to my friend that we do not have multiyear contracts on all appropriations but we do fully fund some items and they represent the bulk of the funds that are unobligated at the end of each year, and to have a concept in this bill that does not deal with appropriations, to say that the moneys to be used to fund this bill are to come from the unobligated accounts on September 30 is in effect to prejudge the appropriations bill that has not even been marked up.

I understand what the Senator is doing and if at the time we bring the appropriations bill here he wants us to reach out and find the unobligated balances that represent savings—and I would call the Senator's attention to the fact that last year I did that with $6.7 billion and put them into a special fund, and that fund was used and it represented savings from the past and future years, I might add.

□ 1120

We have now used that to absorb $1.5 billion for the shuttle. This Senate initiated the full use of that in the supplemental appropriations.

I say respectfully to my friend that this is not the place, because this is not an appropriations bill. This is an authorization bill.

This authorization, incidentally, represents about two-thirds of the money that will be spent in 1987. One-third represents the amount that will be spent by prior years' authorization, and that money is outlays. As we consider budget authority, we have one ceiling; and as we consider budget outlays, we have another ceiling. This amendment deals with budget authority on budget outlays, and I think it is improper.

Mr. WARNER addressed the Chair.

Mr. MELCHER. Mr. President, will the Senator from Virginia permit me to respond to the Senator from Alaska?

The PRESIDING OFFICER. The Senator from Montana is recognized on his time.

Mr. MELCHER. Mr. President, I should respond to the Senator from Alaska exactly at this point.

He says that if I want to bring an amendment on the appropriation bill, that will be OK. I must inform the Senator from Alaska that if I offer an amendment on an appropriation bill, as I did last year, to accomplish the point he is talking about, that amendment will be ruled out of order as legislation on an appropriation bill. I attempted to do this very thing last year and I could not do it because it was ruled to be legislation on an appropriation bill.

This is the only bill on which the Senator or any other Senator on the floor can offer this, to either the authorization bill or the appropriation bill, to accomplish what I am trying to accomplish.

The Senator from Alaska says that one-third of it is necessary to be available under the process that we follow of budget authority versus budget outlay. I point out to the very able Senator from Alaska that more than one-third of this $6 billion slush fund will be available. I am only taking 20 percent.

I reserve the remainder of my time.

Mr. STEVENS. Mr. President, I hope Members will see what I am talking about.

This says: "Notwithstanding any other provision of law or of this act."

I am always suspicious of that—not suspicious of my friend. That means disregard the whole United States Code. That means that specific moneys we have authorized for tanks or planes or cruisers or aircraft carriers, whatever it is, that we know will not be spent in 1987, the moneys that are still unobligated on September 30, 1986, we are going to reduce that amount by 20 percent. We do not know where it will come from, but we will take 20 percent of them.

Then, this amendment directs that the Appropriations Committee take into account that that 20 percent which has already been appropriated will be used in 1987.

It may seem strange to other Members of the Senate, but we do not fund bridges the way we fund ships. When we say we are going to build a ship, we forward fund it. We take into account a projection for inflation, and that money is there for 5 years. I can tell you that on September 30, 1986, there will be a lot of that money unexpended and unobligated, and it should not be touched because it has been committed by law.

Mr. WARNER. Mr. President, the managers are anxious to move the bill along, and we are going to yield back the time we have on this amendment very shortly.

Fortunately, we have one of the greatest authorities in the U.S. Senate who has some remarks to make on this matter, and I yield now to the Senator from Mississippi.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, I appreciate the fine work of the author of this amendment. He usually does a good job. I believe he is on the wrong track here.

I remember when we had the system in the Armed Services Committee whereby we just appropriated for a ship what we thought they could use for that year.

Harry Byrd, Sr., was on the committee, and he raised cain. We know his record of honest conservatism.

We finally adopted what is called full funding as to ships and other costly military items. That is, instead of piling them up on the books—so many tanks and so many ships—you had to appropriate the money when you started off on the project.

That is good old common horse sense, anyway. I suppose it was 15 or 20 years ago that we finally adopted that method. That is the method we are following today, although times have changed greatly. But we are maintaining under this system what I would call the integrity of these purchases and these large costly ships and other items we use.

You can get a ship started, but if you do not have the money provided in advance, when you get to where you want to put the arms on it, you have no money to buy them, and that ruins the whole thing.

For that reason, I think it is highly important that we stick to the system.

Mr. WARNER. Mr. President, I thank the distinguished Senator from Mississippi. He has summarized, along with the Senator from Alaska, the precise points the opposition wishes to make.

Senator STENNIS used the example of the full funding principle for ships, but it applies to missiles, tanks, and all other forms of military equipment.

I urge the Senate not to go back to the way it was done many years ago.

Mr. President, I understand that two Senators wish to join in speaking in opposition. I yield first to the Senator from Nebraska for 2 minutes, and then the Senator from New Mexico will follow for another 2 minutes.

Mr. EXON. I thank the Senator from Virginia for yielding.

Mr. President, I associate myself with the remarks made by the Senator from Alaska and the Senator from Mississippi, with this reservation: I believe that the Senator from Montana is entirely proper in offering this amendment on this authorization bill, but I think it should be defeated on its merits and not on whether or not it should be delayed until some other time, on an appropriations bill.

I think the key thing is this: There is complication and misunderstanding between budget authority and budget outlays. Budget authority is good and proper because it sets long-term limits on what we are going to spend.

□ 1130

For example, I am sure the Senator from Montana will say this is not what he is necessarily aiming at, but it would hurt an important program such as the D-5 missile which will go on the D-5 Trident submarine. That is not going to be launched until the 1990's, but we have that in the budget authority, and I am quite certain that the D-5 missiles have not yet come under contract but they will be as this program moves along.

Therefore, as true as it is, as the Senator from Montana has said, we are going to have to reduce our overall military spending. I think to do it in a fashion with only 20 minutes of equally divided debate destroys the whole authorization, the appropriation process and does not allow us to let the committees who have jurisdiction in this area to properly work.

I yield back any other time that I might have to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I, too, do not quibble with the right of the distinguished Senator from Montana to offer this amendment.

But let me say to the Senate, if someone wants to attack the unobligated balances in the Department of Defense, then it seems to this Senator he ought to go get a list of them and then put them here before the Senate and say "We want to take 20 percent of this unobligated balances" and list them.

I think you would be amazed with what you find. Clearly, you would find multiyear contracts that are halfway completed, but you might even find single-year contracts; you might even find some 4-months contracts the way this is written, because as of September 30 of this year you take 20 percent of unobligated balances.

We know what is in there. We ought to tell the Senate. If someone is serious about this, we ought to send off and get a list of the unobligated balances.

There are all kinds of things that everybody is for. This is not the way to cut the Defense Department. This is the way to perform some kind of surgery that is absolutely absurd because nobody knows what it will do. This does not mean unobligated balances; does not mean that it is not allocated to something that the U.S. Congress has overwhelmingly voted for. We just have not allocated it yet because of the contract, because of timing, because of negotiating or because you are in the midst of a multiyear contract.

So I urge the Senator if he is serious about restraining defense further, we are restraining it dramatically. As a matter of fact, we can hardly restrain defense any more and, nonetheless, the deficits are not going down, not because of defense, but because of other things, because we are spending in other areas or because we are not collecting the taxes that we expected.

So I urge that we be reasonable. If we do not like unobligated balances let us do something about analyzing each one and telling our appropriators to decide whether it is unneeded or not.

The overwhelming percentage will be spent for things we voted for. This is an accounting method to call it unobligated balances. What will this do to the Defense Department? We do not even know how many contracts will they have to cancel, how much procurement that they have to stop that we are for that we are unequivocally for, perhaps for by ratios of 10 to 1.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Montana.

Mr. MELCHER. Mr. President, I wish to answer the distinguished Senator from New Mexico, the chairman of the Budget Committee.

First of all, under the amendment, the Defense Department would determine which of the programs would be slowed down slightly. The fact is that the funds that are unobligated have been growing and growing very rapidly. To increase from $24 to $25 billion in 1981 to $60 billion at the end of this fiscal year in unobligated funds is a rapid growth.

Mr. DOMENICI. Mr. President, will the Senator yield?

Mr. MELCHER. Yes; under the terms we have.

Mr. DOMENICI. I want to make an observation. Obviously, unobligated balances in the past 5 years have grown because we have decided to rebuild the defense establishment and we are spending more money on contract things and obligating more and more money because of what we have decided to do.

It has to happen. If it did not happen, we would not have approved or built up any programs.

Mr. MELCHER. Mr. President, these are unobligated funds. I am only dealing with unobligated funds, the so-called slush fund.

There are savings that must be made. The savings must be made

somewhere in the defense establishment.

We do not do anything about multiyear contracts. They are already obligated. We are not going to touch multiyear contracts. They are not affected. The Secretary of Defense will make the determination.

I have no quarrel at all with the full-funding concept. As the Senator from Mississippi correctly stated, it is what was needed.

What I am saying in the amendment is that here is an area where we can afford because there is inflation, because there has been overappropriations, because there has been at times some management that you could call lax or unavoidable, that allows unobligated funds to grow, that for all of these reasons we permit the Secretary of Defense to select what is absolutely essential, but we reduce the amounts of the unobligated funds.

Mr. President, I retain the balance of my time.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. I yield 30 seconds to the Senator from Nebraska and 30 seconds to my good friend from Michigan, and then I reserve 1 minute to myself.

The PRESIDING OFFICER. There is a minute and a half remaining.

The Senator from Nebraska is recognized.

Mr. EXON. With all due respect to my able colleague from Montana, it is not fair to call these slush funds. They are not slush funds.

I go back to the example I cited a few moments ago. We are in the process of building important missiles to our deterrent Trident submarines. Some of this money called slush funds that I am sure the Senator from Montana is referring to would be to buy the missiles that have to go in the Trident submarine in the early 1990's.

I simply say it is not a slush fund, and I hope that his amendment is defeated.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I thank the Chair and the Senator from Virginia.

Mr. President, to say funds are unobligated is not to say they are not needed. These are not unneeded funds being cut arbitrarily. In many cases these are the most needed funds we have in the whole budget.

For instance, we say put $1 billion in for an aircraft carrier. Some of that has not been obligated. The radar has not been obligated because it only takes a year to build a radar, but it takes 5 years to build the aircraft carrier. Do we throw out the radar arbitrarily? No.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I just follow-on with the distinguished colleague from Michigan when we, the Congress of the United States, authorize a ship, an account is set up, a line item. The ship is full funded. Each year the Secretary of the Navy draws against that account as the ship is built or in the case of the tanks, 840 tanks this year, an account is established for 840 tanks and as each tank is finished during the course of several years the money is expended.

The PRESIDING OFFICER. The time of the Senator from Virginia has expired.

Mr. WARNER. Mr. President, I move to table——

The PRESIDING OFFICER. The Senator from Montana still has 3 minutes and 8 seconds remaining.

Mr. WARNER. Mr. President, I apologize. I was informed he yielded back his time.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. MELCHER. Mr. President, the long and short of this is there has to be cuts on this bill. It is over budget both in outlays and in authorization.

The amendment would bring down this budget authority in the bill enough so it does satisfy the budget requirements. It would not make it right for budget outlays. But it would get us about halfway there. That is so much for our budget.

The fact is that we are facing the possibility of sequester, further reductions, which would have to be made across the board.

If we want to make some savings and we must make some savings, this is, I believe, the most practical area to make it in this bill.

If we are going to have a rapid pace, for instance, in buying tanks, the Department of Defense can then make the decision—do they want to slow down procuring so many tanks, or do they want to slow down procuring so many missiles. They will make the decision. But the decision has to be made.

Our responsibility here in Congress is to direct in which way these savings should be made.

This, I believe, is the best way. I hope the amendment can be adopted by the Senate.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back.

Mr. GRAMM. How much time do we have remaining?

The PRESIDING OFFICER. All time has been yielded back on the amendment of the Senator from Montana.

Mr. WARNER. Mr. President, I move to table, and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second.

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the previous order, the vote on the first amendment will occur after 20 minutes of debate on the second amendment by the Senator from Montana.

AMENDMENT NO. 2607

(Purpose: To reduce authorization of appropriations for Research, Development, Test and Evaluation)

Mr. MELCHER. Mr. President, I send my second amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Montana [Mr. MELCHER] proposes an amendment numbered 2607.

Mr. MELCHER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Notwithstanding any other provision the figures on the following pages are deemed to be the following:

On page 10, line 24, "$4,093,318,650" in lieu of "$4,815,669,000".

On page 11, line 2, "$7,875,571,300" in lieu of "$9,265,378,000".

On page 11, line 3, "$12,672,542,050" in lieu of "$14,908,873,000".

On page 11, line 4, "$6,214,327,900" in lieu of "$7,310,974,000".

□ 1140

Mr. MELCHER. Mr. President, this second amendment goes directly to research and development funds for the Armed Forces. We are frequently asked by taxpayers, Why is defense spending so high, and what can be done to reduce it?

What can be done to reduce it, in my judgment, Mr. President, is to take on the proposition at the very start of weapons procurement, and that will have to be in research and development.

For each of the Armed Forces, this amendment would reduce the amount available as authorized under this bill. It is a 15-percent cut reduction, a 15-percent savings, which adds up to about $6 billion. Since spending cuts are absolutely essential, this is, I believe, an area to take part of those cuts from.

We cannot reduce troop levels, I do not believe, because of our commitments at home and abroad for our own national defense and for cooperation with our allies around the world. We cannot reduce readiness and should not reduce it.

Therefore, the place to make the cuts is right head-on, right where they start, where the weapons procurement system starts. It is called research and development, and that is where I suggest that we make those cuts in this amendment.

Mr. President, I reserve the balance of my time.

Mr. NUNN. Mr. President, I will be very brief. This is an across-the-board cut in the research and development account. We are going to have to make some cuts in the conference. Everyone knows that. We have been up front. We have been honest. We have told the people this bill is over the ceiling.

But this is an across-the-board cut in all the conventional research and development. Our committee has tried to beef up that conventional research and development. We have had some very serious cuts in some of the independent agencies, particularly DARPA, the Defense Advance Research Projects Agency, has had something like an 11-percent cut last year under the Gramm-Rudman distribution that took place in February.

We also had a report from the Defense Science Board that the United States is behind the Soviet Union in armor warfare and antiarmor warfare. We know we have a serious quantitative disadvantage in the military force. We have got to compensate for that in the wise use of technology.

We are not always in the position of saying we are using that technology wisely, but the research and development funds are the very area where we could have some advantage over the Soviet Union and the Warsaw Pact.

So we would oppose this amendment. We are going to have to make cuts in the conference committee. But this is just straight across the board and we hope we can have a lot more discretion in choosing and picking from higher priority programs. I urge my colleagues not to make this across-the-board cut.

Mr. WARNER. Mr. President, I join the Senator from Georgia. We in the committee already took out $5.6 billion. By taking out another $5.4 billion, that would result in an $11 billion taking and a total reduction of 25 percent from the request of the administration.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 8 minutes and 15 seconds remaining.

Mr. NUNN. I yield whatever time the Senator from Maine may desire.

Mr. COHEN. I will just take a couple of minutes.

Mr. President, this is sort of typical of what happens during the course of debate on a defense budget. People get up day after day and add program after program—a half billion dollars here, $200 million there, another $300 million for this program—and during the final moments of the debate they are going to say, "We are spending too much for defense. Let's just have a cut across the board, but don't touch personnel. We don't want to do that. Don't touch O&M, operations and maintenance. That is not the way to go. Don't touch the existing weapons systems. Let's cut R&D across the board," the one area we have to put more money into if we are going to try to overcome the conventional deficiencies that we currently suffer from.

Everyone recognizes we cannot match the Soviets tank for tank, man for man, in a NATO versus Warsaw Pact confrontation. Technology is the one thing we have to compensate for our conventional deficiencies.

So this is the very area we have to do more, not less, in. The suggestion of the Senator from Montana, that the way to save money is to take an arbitrary meat-axe, across-the-board cut in R&D, would jeopardize our national security for the future and not improve it.

Mr. WARNER. Mr. President, I yield such time as the Senator from South Carolina desires.

Mr. THURMOND. Mr. President, of all the programs that should not be reduced is research and development. It is because of research and development that we are able, through radio, to get words through the air; to view pictures that come through the air. Because of research and development, we were able to put a man on the Moon. Because of research and development, we have been able to develop a new Army tank that can compete with the Soviet tanks. Because of research and development, we have been able to develop intercontinental missiles to combat those of the Soviets.

If there is anything important in defense, it is research and development. Not only has research and development benefited the Defense Department, the benefits of that research have gone to civilization in many other ways. It has been beneficial to our country.

By all means, I think it would be a great mistake to cut across the board this research and develoment. I hope that this amendment will be defeated.

Mr. WARNER. Mr. President, I yield such time as the Senator from Texas desires.

Mr. GRAMM. Mr. President, how much time remains?

The PRESIDING OFFICER. The manager has 5 minutes and 30 seconds.

Mr. GRAMM. Mr. President, we will have two amendments before us to vote on. The first amendment shows absolutely no understanding of the procurement process. This amendment picks one day during the year and says that whatever funds have not been obligated that day constitute a slush fund. Funds appropriated for a purpose for which no contracts have been signed are unobligated balances. We can't sign a contract the day Congress provides funds. The amendment shows a total lack of understanding of anything related to procurement. Unfortunately, it confuses people into thinking we have got all this money sitting out there in a slush fund. I think that is unfortunate.

But to propose cutting the funds that we have set aside on an unobligated basis to pay for procurement is just absolutely absurd policy.

The second amendment would be more appealing to me if the Senator said what he wanted to cut. We have to use across-the-board cuts at the end of the budget process in something like Gramm-Rudman if Congress will not do its job because we cannot have anybody else come in and set priorities if Congress will not set them.

But if the Senator really wants to cut something, let him tell us what he wants to cut. Do you want to cut R&D for the D-5 missile? Do you want to cut R&D for the advanced technology bomber? Do you want to cut R&D for the C-17?

We have already cut R&D by $5.5 billion. But we did not say we are cutting R&D by $5.5 billion. We took the list and we went down the list and we let people choose.

If the Senator had offered an amendment like that, I would give it serious consideration. I do not consider this to be a serious amendment.

Mr. MELCHER. Mr. President, I will answer the Senator from Texas right at this point and state that I would prefer that either the committee make the cuts or the Defense Department make the cuts. This is exactly what this amendment does. Since the committee has not come in under budget, it has come in over budget, this amendment permits the Defense Department, the Secretaries of the Air Force, the Navy, and Army, to suggest where the cuts will be made.

It is obvious that cuts are necessary. This gives them the leeway to make those cuts since the committee has not made the cuts.

Mr. President, I retain the balance of my time.

Mr. MELCHER. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 3 minutes and 20 seconds.

Mr. WARNER. Mr. President, I yield back the balance of our time.

Mr. MELCHER. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 7 minutes and 17 seconds.

Mr. WARNER. Mr. President, I shall not use all of that time. I will use 2 or 3 minutes now and yield back the balance so we can get on with the vote.

But first of all let me say that on the question of whether or not we are meeting our responsibility, to come in with authorizing bills and appropriations bills that are within the budget is a clear responsibility.

It makes it absolutely essential we do that, and particularly for Defense, or we will have sequestering and across-the-board cuts in every category. We will have no choice then. So this type of amendment, as well as the previous amendment, are sensible and logical amendments to be taken up, and I hope voted affirmatively.

There is $36 billion in research and development in this bill. We have been running about at that pace for the past several years, between $36 billion and $38 billion in research and development for the Armed Forces. It is the area where the Pentagon spending has increased most dramatically and the most rapidly in proportion to all other areas. That is saying a lot.

We ask the Air Force or the Navy or the Army, "How much more can you use," the answer will be always, "Yes, we could use more; we have these needs, these requirements, these things we would like to do." When cutting is necessary, you have to select the proper place to cut. On weapons procurement, new weapons systems, this is a proper place to cut. The committee has not made the bill come in at a level that is within the budget. Somebody has to do something. I am saying in this particular amendment since it is over budget, since it is too high, we will allow the Secretaries of the respective forces to make their decision on where it would be cut.

I hope this amendment as well as the previous amendment can be adopted.

Mr. President, I yield back the balance of my time.

Mr. WARNER. Mr. President, I move to table and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

MOTION TO TABLE AMENDMENT NO. 2672

The PRESIDING OFFICER. Under the previous order the vote will occur first on the motion of the Senator from Virginia to lay on the table the first amendment of the Senator from Montana.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Vermont [Mr. STAFFORD] is necessarily absent.

Mr. CRANSTON. I announce that the Senator from New Jersey [Mr. BRADLEY] and the Senator from Missouri [Mr. EAGLETON] is necessarily absent.

The PRESIDING OFFICER (Mr. TRIBLE). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 89, nays 8, as follows:

[Rollcall Vote No. 200 Leg.]

YEAS—89

| | | |
|---|---|---|
| Abdnor | Glenn | McClure |
| Andrews | Goldwater | McConnell |
| Armstrong | Gore | Mitchell |
| Baucus | Gorton | Moynihan |
| Bentsen | Gramm | Murkowski |
| Biden | Grassley | Nickles |
| Bingaman | Hart | Nunn |
| Boren | Hatch | Packwood |
| Boschwitz | Hatfield | Pressler |
| Broyhill | Hawkins | Quayle |
| Bumpers | Hecht | Riegle |
| Byrd | Heflin | Rockefeller |
| Chafee | Heinz | Roth |
| Chiles | Helms | Rudman |
| Cochran | Hollings | Sarbanes |
| Cohen | Humphrey | Sasser |
| Cranston | Johnston | Simon |
| D'Amato | Kassebaum | Simpson |
| Danforth | Kasten | Specter |
| DeConcini | Kennedy | Stennis |
| Denton | Kerry | Stevens |
| Dixon | Lautenberg | Symms |
| Dodd | Laxalt | Thurmond |
| Dole | Leahy | Trible |
| Domenici | Levin | Wallop |
| Durenberger | Long | Warner |
| Evans | Lugar | Weicker |
| Exon | Mathias | Wilson |
| Ford | Matsunaga | Zorinsky |
| Garn | Mattingly | |

NAYS—8

| | | |
|---|---|---|
| Burdick | Melcher | Proxmire |
| Harkin | Metzenbaum | Pryor |
| Inouye | Pell | |

NOT VOTING—3

| | | |
|---|---|---|
| Bradley | Eagleton | Stafford |

So the motion to table amendment No. 2672 was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. MATHIAS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senate will be in order.

Mr. DOLE. Mr. President, the next vote will be a 10-minute vote. Let me alert my colleagues on both sides that we are going to try to stick to the 15 minutes and maybe have some other 10-minute votes. A lot of people are anxious to leave at an early hour today, so let us try to keep the votes within bounds.

MOTION TO TABLE AMENDMENT NO. 2607

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment of the Senator from Montana [Mr. MELCHER]. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Vermont [Mr. STAFFORD] is necessarily absent.

Mr. CRANSTON. I announce that the Senator from New Jersey [Mr. BRADLEY] and the Senator from Missouri [Mr. EAGLETON] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 4, as follows:

[Rollcall Vote No. 201 Leg.]

YEAS—93

| | | |
|---|---|---|
| Abdnor | Goldwater | McConnell |
| Andrews | Gore | Metzenbaum |
| Armstrong | Gorton | Mitchell |
| Baucus | Gramm | Moynihan |
| Bentsen | Grassley | Murkowski |
| Biden | Harkin | Nickles |
| Bingaman | Hart | Nunn |
| Boren | Hatch | Packwood |
| Boschwitz | Hawkins | Pell |
| Broyhill | Hecht | Pressler |
| Bumpers | Heflin | Pryor |
| Byrd | Heinz | Quayle |
| Chafee | Helms | Riegle |
| Chiles | Hollings | Rockefeller |
| Cochran | Humphrey | Roth |
| Cohen | Inouye | Rudman |
| Cranston | Johnston | Sarbanes |
| D'Amato | Kassebaum | Sasser |
| Danforth | Kasten | Simon |
| DeConcini | Kennedy | Simpson |
| Denton | Kerry | Specter |
| Dixon | Lautenberg | Stennis |
| Dodd | Laxalt | Stevens |
| Dole | Leahy | Symms |
| Domenici | Levin | Thurmond |
| Durenberger | Long | Trible |
| Evans | Lugar | Wallop |
| Exon | Mathias | Warner |
| Ford | Matsunaga | Weicker |
| Garn | Mattingly | Wilson |
| Glenn | McClure | Zorinsky |

NAYS—4

| | |
|---|---|
| Burdick | Melcher |
| Hatfield | Proxmire |

NOT VOTING—3

| | | |
|---|---|---|
| Bradley | Eagleton | Stafford |

So the motion to lay on the table amendment No. 2607 was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

□ 1220

Mr. ANDREWS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. ANDREWS. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

Mr. NUNN. Mr. President, will the clerk suspend, and will the Senator yield to me for a brief observation while we have Senators on the floor?

Mr. ANDREWS. I am more than happy to if it does not come out of the time allotted we may have.

Mr. NUNN. Mr. President, I ask unanimous consent at this time that time not be charged to either side. Mr. President, for the information of Senators who may have other conferences going on, it is apparent to me that this amendment will take about 40 minutes. Then we have a Simon amendment, if the Chair recognizes the Senator from Illinois next, and that one will take about 30 minutes.

I do not know whether the Senator from North Dakota would be willing to stack votes after his debate. If he would be willing to do that, we could debate the Andrews amendment, then

the Simon amendment, and then have perhaps a 15-minute, 10-minute rollcall as we did on the last two, if the Senator would be willing to do that.

Mr. ANDREWS. The more you get away from the debate, might I point out to my colleague, the less chance the amendment has, but I am interested in preserving the time of the Senate. I might even take less than 40 minutes. I would rather take 30 minutes and debate it and have the vote at the end of the debate.

Mr. NUNN. I can inform my colleagues then that apparently we will have a vote somewhere in the neighborhood of about 1 o'clock. Then we would, say, 15 minutes and at 1:15 we would start, if the Chair recognizes the Senator from Illinois, on the Simon amendment, have a 30-minute debate on that and probably have another vote shortly before 2 o'clock.

Then it would be our preference—again it depends on the Chair's recognition; we do not control that—it would be our preference to take up two amendments by the Senator from Arkansas [Mr. BUMPERS], followed by an amendment on MilCon by Senator FORD, followed by a Byrd amendment on the advanced technical bomber.

We could have debate on all of those amendments. I think all of those will require rollcalls.

Now, after we leave those amendments, the rest of the list it seems to us we can work out. It is going to take some time to work them out, but they should not require that many rollcalls. But then we also have the debt ceiling and we have final passage so that gives our Members some idea of where we are.

It seems to me, if I could just venture this, that if everyone cooperates and we move everything expeditiously, we could be through at least with this bill somewhere in the neighborhood of 5, 5:30, 6 o'clock.

The PRESIDING OFFICER. The Senator will suspend for a moment. Senators should be advised that under the unanimous-consent agreement agreed to last evening, Senator ANDREWS' amendment is limited to 20 minutes equally divided.

Mr. NUNN. Mr. President, I believe that was a mistake and I believe that it was on my part. I think they had asked for 40 minutes and the unanimous consent was propounded for 20 minutes. So I would ask unanimous consent that if it is satisfactory for both sides, it be 30 minutes instead of 20 minutes equally divided between the proponents and opponents.

The PRESIDING OFFICER. Is there objection? Without objection it is so ordered.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

Mr. BYRD. I just want to say to the distinguished managers of the bill that I do have a national trade amendment which I may want to call up prior to the Stealth, B–1 amendment.

Mr. NUNN. I thank the Senator from West Virginia.

Mr. BYRD. And I think there would be a rollcall vote.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. That last vote took about 10½ minutes. We were right on the money. We are going to try to keep the votes at 15 minutes. So I would say to all my colleagues—and I know it may be a little hard on the Senate conferees on the tax bill because they are some distance away—we are going to try to keep the votes to 15 minutes and that will make all of us happy, particularly the Senator from Arkansas [Mr. PRYOR].

Mr. PRYOR. Mr. President, now that my name is evoked in this debate, if the majority leader will yield just a moment, most of this week—and I say this respectfully—most of our rollcall votes seem to be taking about 25 minutes. And I would just like to say, why, in the name of common sense and in the interest of getting out of here at a reasonable time, could we not have 10-minute rollcall votes on all amendments and on all issues? I know that the Senator says the tax conferees are meeting somewhere else, but maybe they could come over here and accommodate us a little bit. I just respectfully suggest that we could probably save 1 or 1½ hours today if we could limit those votes to 10 minutes.

Mr. DOLE. Let me confer with Senators PACKWOOD and LONG the next time they come to vote—we will keep the next one at 15—and if it is all right with them, I will make that request.

□ 1230

The PRESIDING OFFICER. The pending business is the Wilson amendment.

Mr. ANDREWS. Mr. President, I ask unanimous consent that the Wilson amendment be set aside for the consideration of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Dakota is recognized.

Mr. KENNEDY. Mr. President, will the Senator from North Dakota yield to me for a statement, without the time being charged against him?

Mr. ANDREWS. If the Senator is asking unanimous consent that I yield 3 minutes without the time being charged to my time, I have no objection.

The PRESIDING OFFICER. Time does not begin to run until the amendment is reported.

Mr. KENNEDY. I thank the Senator for yielding.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

## URGING THE SOVIET UNION TO CONTINUE ITS NUCLEAR TEST MORATORIUM

Mr. KENNEDY. Mr. President, both the Senate and the House of Representatives have now sent an unmistakable signal to the Reagan administration that the time has come for a new effort to achieve an end to nuclear testing.

On Wednesday, the Senate called on the administration to begin immediate comprehensive test ban negotiations with the Soviet Union and to ratify two other long-dormant treaties which limit the size of nuclear explosions. On Friday, the House of Representatives passed legislation to cut off funds for all but very low-yield United States nuclear tests after January 1, 1987, so long as the Soviet Union agrees to the same threshold and accepts a seismic monitoring network within its borders to verify the test limits.

For the past year, the Soviet Union has observed a unilateral moratorium on nuclear tests, and many of us in Congress have urged, to no avail, that President Reagan should reciprocate. The Soviet moratorium, after two extensions in the past year, was scheduled to end on August 6, the anniversary of Hiroshima, and it is far from certain that the Russians will agree to a further extension in the face of the Reagan administration's adamant opposition.

It is now certain that President Reagan will be asked to sign legislation that contains strong measures in support of efforts to achieve a comprehensive nuclear test ban with the Soviet Union.

I therefore urge the Soviet Union not to resume nuclear testing in the face of these unprecedented actions by Congress. Resumption of testing would do serious damage to the long-awaited possibility of progress in this essential area of arms control. I hope that the Soviet Union will announce its intention to continue its moratorium so long as there is a realistic chance that the Reagan administration will acquiesce in the will of Congress.

I also urge President Reagan to recognize the mandate that is building in the Congress and in the country for a treaty banning all nuclear tests. Such a treaty has been a top arms control priority of every administration since Eisenhower—and now, at a time when the technology for verification is indisputable, at a time when the Soviet leadership is receptive, it would be irresponsible for the United States to say no.

## NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1987

The Senate continued with consideration of the bill.

AMENDMENT NO. 2610

(Purpose: To delete the requirement relating to purchase of alcoholic beverages for resale)

Mr. ANDREWS. Mr. President, I call up my amendment.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. ANDREWS] proposes an amendment numbered 2610:

On page 203, strike out lines 1 through 13.

The PRESIDING OFFICER. The Senate will be in order. Senators are asked to take their seats.

Mr. ANDREWS. Mr. President, I ask unanimous consent that the names of Senators ABDNOR, BURDICK, INOUYE, and NICKLES be added as cosponsors of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ANDREWS. Mr. President, let me summarize very briefly, because I do not want to take too much time on this amendment. We have a number of amendments to consider.

This amendment is to put back into place the alcochol beverages provision that is now law. We had a recorded vote in the Senate last December, and 66 Senators voted for our amendment; 29 voted against it. It is now the law of the land.

In constructing the bill before us, they removed it. The alcohol provision is very simple. It says that on our several military bases around the Nation, if they are located within a State, they must purchase their alcoholic beverages from wholesalers within that State, so that they pay the appropriate local and State taxes. It is really a local protection act more than anything else. It is the law of the land, and it is working well.

Mr. President, my colleagues will be interested in the fact that 31 Governors support this amendment; four are noncommittal; 15 Governors gave no response. So not only have 56 Senators voted on a recorded vote for this amendment, with only 29 opposing, but no Governor of the 50 Governors opposes it, on the basis of a letter from Governor Clinton to his colleagues in the National Governors Association. Thirty-one positive; 15, no reponse; 4, noncommittal.

Following that brief summary, I point out that section 8099 places some necessary restrictions on the ability of the Department of Defense to procure alcoholic beverages. It says that none of the funds appropriated could be used to procure alcoholic beverages except within the State where the military installation is located. In other words, these bases then become good neighbors. They are paying the appropriate tax on the alcoholic beverages, and that is used to police the potential misuse of alcoholic beverages. They are not paying more for the drinks.

Before Congress adopted section 8099, the Department of Defense was preparing to waste millions of the taxpayers' money in order to build its own alcoholic beverages distribution system. This alcoholic beverages distribution system would purchase alcoholic beverages from central sources rather than from established, in-State sources, and fly it in on military aircraft. We addressed the issue in the Senate last December. Local option won. Despite that rather clear statement by the Senate, the Armed Services Committee has included a provision, section 1205, in the fiscal 1987 authorization bill to repeal this section.

The opponents say that DOD will lose over $10 million in lost profits as a result of it; that since such profits are used to help morale, welfare, and recreation activities, the lost profits come directly out of the soldiers' pockets. That is baloney. It is not true.

Section 8099 does not mandate lost profits. It merely states that the military bases should purchase from in-State sources. The section only affects wholesale prices, not retail profits.

It is misleading for the DOD to claim lost profits when it fails to include hidden taxpayer's subsidies in the example. Examples of hidden taxpayers' subsidies regarding military sale of alcoholic beverages include the construction of the facilities, the warehouse, the transportation of alcoholic beverages, the ordering of different brands and sizes and quantities.

With an administration that advocates New Federalism for privatization, does it make sense for the DOD to enter into competition with services in our States by the private sector?

I believe that DOD should concentrate on military matters and not get into an alcoholic beverages pipeline for the central purchasing in the avoidance of local State taxes.

I do not want to take up any more time of the Senate, because we have a number of important issues to address.

I reserve the remainder of my time.

Mr. WILSON. Mr. President, I yield to the junior Senator from Texas 5 minutes of our time.

Mr. GRAMM. Mr. President, let me first set the issue straight in terms of what our record is on this amendment.

The Armed Services Committee in conference last year rejected this proposal as an outright rip off of the American soldier. It is a proposal that prevent competition and denies benefits to the people who serve in the military, who bear the burden of defending the free world and who keep Ivan back from the gate.

The Appropriations Committee in a rider, legislating on an appropriation bill, put in this provision. It was discussed at a late hour in the debate. The distinguished majority leader had announced that he would table all amendments to expedite adjournment. The provision was raised by the distinguished Senator from Ohio and it was defeated not on its merits but by the clock.

The issue here is a simple issue. We currently have a provision where the military, through the NCO and Officers Club and through purchases on bases, goes out and competitively bids for beer, wine, and other types of alcohol. They seek the best price they can find.

Under existing law, Mr. President, beer cannot be sold on a military base for any less than 10 percent below what is being sold on the local market. Competitive purchase under this system generates a substantial earning. That earning is, in turn, used for drug and alcohol abuse programs, it is used for child care, it is used for libraries, it is used for physical fitness centers and other forms of quality of life programs for our service personnel.

As to the argument that military bases ought to be good neighbors, I would like to say, Mr. President, that from the beginning of the Republic, communities have tried to get the Army to come out and open bases in their area. They begged the Army to come and protect them from the Indians, to promote the local economy, and once they are there they try to rip them off every single day.

This amendment is no different than the medicine dealers outside the first Army post that was built on the frontier. This amendment is a backhanded way to tax items sold on military bases which the Supreme Court has always denied. It is a way to prevent competition and deny the benefits received through competitive purchase.

Obviously, we all know Governors are for this. They want money. We know local alcohol distributors are for it because they want monopoly profits. But its not right.

I ask my colleagues to remember that our warriors do not have lobbyists. They are out working and sweating this afternoon, to be ready to defend the Republic, to keep Ivan back from the gate. Our job in the Senate is to see they are not forgotten.

I flatly reject the idea suggested by the Senator from North Dakota, that the military bases are not good neighbors. In fact, I am willing to say here and now that anybody who thinks he has a raw deal with a military base in his State, anybody who thinks that he is not getting a good deal because he cannot tax things sold on base, let me

help you. I will agree to allow any of these military bases to be moved to Texas.

The truth is that we all want military bases. We beg to get them. We use logrolling to bring them to our State and then we get them there, and many want to profiteer on them.

I know the beer distributors, the wine distributors, and the whiskey distributors want a local monopoly. They want to prevent competition. Who can blame them?

I urge my colleagues not to allow special interest to rip off the people who provide for our freedom. Do not allow funds that are going for quality of life and alcohol and drug abuse to be taxed away by government or to be siphoned away by people who want monopoly profits.

Local distributor can sell if they are competitive. Our program encourages local purchases if local prices are competitive.

I urge my colleagues, to defeat this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. WILSON. Mr. President, how much time remains to the opponents?

The PRESIDING OFFICER. Ten minutes remain. Five minutes has been consumed thus far.

Mr. WILSON. I yield 5 minutes to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. GLENN. Mr. President, I strongly oppose the amendment of the Senator from North Dakota.

Section 1205 of the committee bill, which this amendment would delete, simply requires the Department of Defense and the military services to purchase alcoholic beverages for resale in DOD installations in the most efficient and economic manner, without regard to the location of the source of the beverage.

It may seem strange that we have to include a provision in our bill requiring DOD to purchase something "in the most efficient and economic manner." The reason the committee had to take this unusual step was because the fiscal year 1986 Defense Appropriations Act included a provision—(section 8099)—that had just the opposite effect: It required that all alcoholic beverages purchased with non-appropriated funds for resale on a military installation located in the United States be purchased in the State in which the military installation is located.

If I ever saw a special interest piece of legislation, Mr. President, this provision in last year's Defense Appropriations Act was it. Unfortunately, this amendment being offered today fits the same description, because it will continue to benefit alcoholic beverage distributors in every State and some of the State governments at the expense of important morale, welfare and recreation programs for our military servicemen and their families.

Today all of the military services sell alcoholic beverages in military package stores, in officer and enlisted clubs, and in military exchanges located on military installations. Under Defense Department policies, the prices in military package stores must be within 10 percent of the prices of local civilian commercial outlets to prevent unfair competition.

The profits from sales of alcohol in military package stores, like the profits from the military exchanges and officer and enlisted clubs, are used in supporting the morale, welfare and recreation programs in each of the military services. These important programs operate physical fitness centers, libraries, child care centers, outdoor recreation programs and other activities which exist to improve the quality of life for military members and their families.

In 1983, the U.S. Fifth Circuit Court of Appeals held that States cannot regulate where the military services purchase alcoholic beverages. As a result, the military services developed consolidated alcohol purchasing programs to buy in volume directly from the cost competitive source, regardless of location.

Since section 8099 of the fiscal year 1986 Defense Appropriations Act became law, however, the military services have been forced to purchase all of the alcohol for resale on a military installation within the State where the military installation is located.

Mr. President, this is terrible procurement policy, and flies directly in the face of all of the pressure Congress is putting on the Defense Department to increase competition in defense procurement. This provision has severely restricted competition because it has eliminated the military services' current ability to negotiate and purchase alcoholic beverages in volume from the most competitive source. According to the Defense Department, as a result of section 8099 of last year's Defense Appropriations Act, the military services' longstanding purchasing practices for alcoholic beverages have had to be replaced on an emergency basis; in-State sources have found it difficult to react to the sudden demands of military installations; and certain products are not even available in certain States. It is not surprising that we have all been hearing from the local alcoholic beverage distributors back home on this one; they know a good deal when they see it.

Mr. President, section 8099 of the fiscal year 1986 Defense Appropriations Act has also reduced the profits from military package stores and thereby reduced the amount of funds available each year to support morale, welfare, and recreation programs for our military members and their families. The Defense Department estimates that the requirement to purchase all alcoholic beverages in State will cost military morale, welfare and recreation programs $22 million this year from reduced package store profits. The potential out-year annual impact could go as high as $46 million in reduced profits.

Mr. President, this kind of money wouldn't be missed in a lot of defense hardware programs, but we are talking here about programs that have a direct and immediate impact on the day-to-day quality of life of military members and their families. Just to maintain the present level of morale, welfare and recreation programs, Congress will have to raise the level of appropriated funding for these activities—which is unlikely—or the military services will have to raise the current user fees and charges for these activities.

Finally, section 8099 of the fiscal year 1986 Defense Appropriations Act undermines the Federal Government's sovereign immunity from taxation by the States and provides an inequitable benefit only to certain States. Each of the 32 States where State-licensed, commercial distributors serve as wholesalers are able to collect alcohol beverage taxes from the military—and the Federal Government—on an indirect basis. But there are 18 States where the States themselves are the alcoholic beverage wholesalers and where the prices charged directly to the military cannot include State taxes because this would amount to illegal direct taxation of the Federal Government. These 18 monopoly States are not able to share in the windfall tax collections that would be enjoyed by the 32 license States.

Mr. President, I would ask the sponsors of this amendment if they want to force the military services to buy everything they use on a military installation within the State in which the installation is located? Why stop at alcoholic beverages? Why not extend this in-State purchase requirement to fuel, food, and every other commodity that can have an organized lobby come in here and knock on doors like the alcoholic beverage distributors have done?

Mr. President, the Armed Services Committee included section 1205 in the fiscal year 1987 defense authorization bill because section 8099 of last year's Defense Appropriations Act is a narrow, special interest provision that reduces competition; undermines the sovereign immunity of the Federal Government by subjecting it to mandatory indirect taxation by some of the States; and significantly reduces funds for important morale, welfare

and recreation programs for our military members and their families.

I urge any colleagues to support the committee position and oppose this amendment to delete the requirement for DOD activities to purchase alcoholic beverages in the most efficient and economic manner possible.

Mr. President, I agree strongly with the remarks of the distinguished Senator from Texas. I think he was right on target. I strongly oppose the amendment of the Senator from North Dakota.

What we provide for in the DOD is to purchase things in the most efficient and economic manner possible. Those criteria are supposed to guide the Pentagon.

Then we turn around and say in this case we do not mean it.

Why do we not go out and say every State buys its own tanks, buys all food within the State? Why do we not buy everything within each State?

What we want is to operate the Defense Department in the most efficient and economic manner.

If I ever saw a special interest piece of legislation, this is it. Of course, the beer distributors are for it and, of course, every Governor is for it. I guess they would be crazy if they were not.

These interests are doing this at the expense of service personnel will use the profit from these funds that would have gone to the morale, welfare, and recreational programs for servicemen and their families.

The profits from the sale of these things goes to support all of those different activities—fitness centers, libraries, child care centers, outdoor recreation programs, and other activities that exist to improve the quality of life for military members and their families.

In 1983, the U.S. Fifth Circuit Court of Appeals held that States cannot regulate where the military services purchase alcohol beverages. As a result, the military services developed consolidated alcohol purchasing programs like they do for everything else that is sold in the PX or bought for the military from the most competitive source, regardless of location.

And in the 1986 Defense Appropriation Act then when it became law, the military services are forced to purchase all of the alcohol for resale on the military installation within the State where the military installation is located. That is terrible procurement policy. It flies directly in the face of all the pressure Congress is putting on the Department of Defense to increase competition in defense procurement. It severely restricts competition.

I submit once again that if we are going to force the DOD to procure in this manner, then why not do the same thing for tanks, food, and everything else that we buy consolidated for the services and get a better deal on it because we can buy in quantity through one source?

So it is not surprising we have been hearing from the local alcohol beverage distributors back home. They know a good deal when they see it.

Section 8099 of the fiscal 1986 Defense Appropriation Act, as I say, undermines the Federal Government's sovereign immunity from taxation by the States and provides inequitable benefits only to certain States.

The distinguished Senator from Texas agrees to address the police cost involved in this issue.

Everybody fights to get these bases and then try to rip off the people once they are there by deals like this.

I close with this important thought. The Senate of the United States is, in effect, the last ditch trade association for the service personnel of this Nation. They do not have a union. They do not have a trade association. They do not lobby for themselves like other trade associations. We are the trade association for the service people of this country. It is up to us to represent them.

I think the proposal of the Senator from North Dakota is poor legislation and I oppose it and I presume that we would move to table at the appropriate moment.

Thank you.

The PRESIDING OFFICER. Who yields time?

Who yields time?

If no one yields time, time will be assessed against both sides.

Mr. WILSON. Mr. President, I yield 1 minute of our time to the distinguished Senator from Indiana.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. QUAYLE. Mr. President, time and time again, I have heard Senators on this floor stand up and say we need procurement reform. We have to make the Department of Defense more efficient and economic.

Let me tell you what this amendment is going to repeal. It is going to repeal the requirement that alcoholic beverages be purchased in the most efficient and economical manner. We are simply going to take procurement reform as we envision it to see more economic, more efficiency, and literally turn it on its head.

Pure and simple, Mr. President, there is simply a power grab for money. This is going to be procurement inefficiency. This is going to be away from what everybody says they want to do and that is to have the most efficient mechanisms in place for the Department of Defense.

I hope this amendment will be rejected.

The PRESIDING OFFICER. Who yields time?

Mr. ANDREWS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from North Dakota has 10 minutes remaining.

Mr. ANDREWS. Mr. President, let me point out and make it crystal clear that this amendment repeals nothing. There is a repealer amendment in the bill before us to repeal the present law.

Let me also point out that it is a lot more efficient to buy alcoholic beverages, which are heavy, from wholesalers in the State within which the base is.

Let me also point out that military personnel do not spend all their time on the base. The tax on the beer, the tax on the liquor, is used to help police people who have drunk a little too much, and if you want these military people to be traveling on the roads and you say the limited law enforcement in these smaller localities and smaller States, are not going to be able to get their tax revenues, then that is destroying the concept of local option.

Let us be perfectly frank about it. We have it now in place. It is working. It allows for competitive bidding among the several wholesalers within the State. It protects the States' power to police, which we all say we are interested in, and, as far as the welfare fund on the military post, they will continue in precisely the same way they are continuing now because that is the way it is being purchased now.

The difference, the profit that is made on each drink or in the sale of the six-pack or whatever else goes into this kind of a post fund, whether you buy from a wholesaler in Ohio or Texas and fly it in military aircraft, or whether you do it the way it ought to be done and you buy from a wholesaler within the State where the base is located. It makes sense.

I would hope that we can preserve this part of the law.

Mr. President, I yield 1 minute to my colleague from South Dakota.

The PRESIDING OFFICER. The Senator from South Dakota [Mr. ABDNOR] is recognized.

Mr. ABDNOR. Mr. President, I rise in support of the distinguished Senator from North Dakota, Senator ANDREWS, who has placed before you an amendment which would require the purchase of alcoholic beverages from local distributors. I wish to thank my distinguished colleague for his efforts on this bill.

Contrary to the arguments made against this provision, in-State purchasing allows ample opportunities for competitive contracting. In-State purchasing does not mean that closed contracts would be offered; it means that military bases would be offered the best price from those distributors wishing to service the military installation.

My colleagues must remember that the point of competition can be argued from both sides. The local business community is faced with the constant problem of bootlegging from the commissary stores. By nonmilitary personnel being able to purchase alcoholic beverages from individuals stationed on the base, the local business community loses revenues from those sales, and the State loses the tax that is not attached to commissary sales.

In-State purchasing helps to offset revenue lost due to bootlegging. It also means that each State with a military installation would gain tax revenue to support their communities. If the military opened alcoholic beverage purchasing to national competition, the States and local military communities would be denied an essential part of their tax base.

Considering the services that local communities provide to this Nation's military installations, it is only fair that these communities be provided with a way to fund these services. Our amendment assures that communities will receive support from their military installations.

Arguments that this amendment will lead to abuse are not well founded. If corruption is found due to the military's purchasing from local distributors, normal defense contracting procedures could be implemented to curb the abuse.

It has always been my belief that the military should support the local business community whenever possible. With the case of alcoholic beverage purchasing, it makes more sense to purchase from the local distributor and support the tax base of that State instead of spending taxpayers' money to transport alcohol from another State distributor across the country. This amendment prevents that abuse of taxpayers' money, and it supports the local taxpayer.

Mr. WILSON. Mr. President, I yield myself 4 minutes.

Mr. President, the claim has been made that the law is working. Let me tell you how it is working.

This is a letter from Chapman B. Cox, Assistant Secretary of Defense. And I quote: "Since enactment on December 1985"—it has not been working long—"the Department has experienced an increase in our cost prices which will reduce package store earnings used to support community activities"—the kind of things the Senator from Texas described: child care, physical centers, drug abuse, and alcohol programs—"which will reduce package store earnings used to support community activities by an estimated $22 million over the next year. We estimate that an annual impact 5 years from now will be more than double, or about $46 million."

It is not working very well for the troops. It is working very poorly.

Now, much has been said by the proponents of this that military bases should be good neighbors. Mr. President, with all respect, I think I probably have more experience in this area than anyone else on this floor. For 11 years, I was mayor of San Diego, a city that is blessed with more military bases, perhaps, than any other in the Nation. They are not only a good neighbor, but a very profitable one, I will tell you. We did not urge them to leave. They brought in enormous payrolls and, because of that, in many instances, they permitted city services to civilian personnel that we could not otherwise afford.

If we are talking about the cost of policing young, drunken servicemen from driving automobiles, I will tell you this: If they got drunk in my city, it was in civilian establishments, because if they got too tight to drive on a military base, they were not permitted to drive off that base.

So let me say that the policy is one that is very, very selfish. Over 30 States have a State monopoly. Of course, the Governors are for it. I guess I do not blame them. But I will have to say I think they are being greedy. I think that this is clearly not in the interest of the troops, the people on whom we rely to fight our battles for us, or, better yet, to keep us ready so that we are credible enough not to have to fight.

I am not deeply impressed with the argument that we need to go further and allow a monopoly to operate to the detriment of the welfare of these troops.

Mr. President, how much time remains for the opponents?

The PRESIDING OFFICER. The Senator has 2 minutes and 22 seconds remaining.

Mr. WILSON. Mr. President, I yield that to the distinguished Senator from Arizona, the chairman of the committee.

The PRESIDING OFFICER. The able Senator from Arizona, the chairman of the committee, is recognized.

Mr. GOLDWATER. Mr. President, at one time—in fact, last year—I was for this amendment. In fact, I helped the proponents get passage of it. But, Mr. President, since that time, I have discovered that the troops at my air bases and my posts do not like it.

Now, I want to cite the Supreme Court in the United States versus Mississippi Tax Commission. In 1973 and 1975, in two different cases, they held that the 21st amendment does not permit State taxation of Federal alcohol purchases or sales.

Then, again in 1983, the Fifth Circuit Court of Appeals, in a case involving Texas, held States cannot regulate where military services purchase alcohol. They could not require in-State purchase which would have permitted indirect taxation on the United States when direct taxation was held unconstitutional under Mississippi law.

Mr. President, when it was first proposed one of the arguments was that the amendment would help reduce alcohol consumption. I can tell you, Mr. President, this is not true. It is not a health-related amendment. It is pure and simple, Mr. President—and I have found this from all of my bases in the State, which I visit regularly—that it is a little grab for money by people who have found an easy way to get it without really having to work at it.

There are many areas that benefit by this. The profits from alcohol sales used to support morale, welfare, and recreation activities like child care centers, libraries, physical fitness centers, are used at no cost to the Federal Government. If profits are not there, then appropriated funds must be used.

Maintaining the situation that existed before the passage of this amendment accomplishes two things: it denies the Federal Government the necessity, if that is the word, of providing money for those purposes.

The PRESIDING OFFICER. All time of the Senator has expired.

Mr. GOLDWATER. I thank the Chair.

I do not like taking this position, because I have told my friend that I would help him get the bill up. But I want to see it defeated.

PROCUREMENT POLICY FOR ALCOHOLIC BEVERAGES

Mr. BENTSEN. Mr. President, I am pleased to join the distinguished Senator from North Dakota [Mr. ANDREWS] and others in urging the Senate to reject the costly and unwise policy recommended in this bill for the purchase of alcoholic beverages for sale at military bases.

Current law requires purchase of such beverages within the State where the military installation is located. That law should be retained.

This amendment will avoid the costly duplication of the beverage distribution system already provided by the private sector. The wholesale beer distributors of Texas have estimated that it would cost the Pentagon over $10 million a year to duplicate the existing beer distribution system in the State of Texas alone.

Maybe some of these costs for refrigerated trucks and warehouses and so forth could be avoided. But why should the Defense Department superimpose its own nationwide network on what already is an efficient localized system?

I reject the argument that centralized procurement is the free market way. On the contrary, it tips the scales in favor of big businesses over small ones and adds paperwork for additional levels of bureaucracy. It creates the illusion of cost savings by papering

over the hidden subsidy for transportation from central warehouses.

Mr. President, the current system works well in practice. It has the additional advantage of benefiting the local economy where the beverages are procured. This is a "good neighbor" policy which ought to be continued, and which will be preserved if this amendment is adopted.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. ANDREWS. Mr. President, let me sum up very briefly. The issue is clear. It merely says the military base must purchase its alcoholic beverages from whatever wholesaler in the State in which the military base is located.

I, quite candidly, do not think the Defense Department ought to be in the business of purchasing alcoholic beverages. I think the various PX's and service clubs ought to purchase them at the lowest net cost, but from the State within which the base is located. It is reasonable. it is logical. It is now the law.

And if there are those people within the State who are wholesalers who are ripping off people, other wholesalers will come in and be competitive. There are funds on each base that are pulled from the profits from the various clubs and alcoholic sales on the base. That will continue precisely whether the raw beverage is purchased from some central depot in Ohio or Texas and flown in in military aircraft, or whether it is picked up in Mississippi or North Dakota or Minnesota, or wherever, at a wholesaler within the State.

□ 1300

Mr. President, I think it is extremely important that alcoholic beverages remain the province of the individual States. I think it is extremely important that the base community be subject to the same rules that any other community in that State is subjected to as far as alcoholic beverages are.

Mr. President, let me conclude by saying I will not even dignify the argument that says that if we mandate the purchase of alcoholic beverages from local wholesalers within the State then by reference we ought to mandate the purchase of tanks in each separate State. That just does not follow. The issue is clearcut. The vote was 66 to 29 last time. I hope, Mr. President, the vote comes out essentially the same this time.

I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. The yeas and nays have been requested. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. GOLDWATER. I move to table the amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the motion of the Senator from Arizona to lay on the table the amendment of the Senator from North Dakota. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Vermont [Mr. STAFFORD] is necessarily absent.

Mr. CRANSTON. I announce that the Senator from New Jersey [Mr. BRADLEY] and the Senator from Missouri [Mr. EAGLETON] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 41, nays 56, as follows:

[Rollcall Vote No. 202 Leg.]

YEAS—41

| | | |
|---|---|---|
| Biden | Harkin | Mitchell |
| Byrd | Hart | Moynihan |
| Cohen | Hecht | Nunn |
| Cranston | Heinz | Quayle |
| Danforth | Hollings | Rockefeller |
| Denton | Humphrey | Roth |
| Dole | Kennedy | Rudman |
| Exon | Kerry | Sasser |
| Glenn | Lautenberg | Stennis |
| Goldwater | Laxalt | Symms |
| Gore | Levin | Thurmond |
| Gorton | Lugar | Wallop |
| Gramm | McClure | Wilson |
| Grassley | Metzenbaum | |

NAYS—56

| | | |
|---|---|---|
| Abdnor | Durenberger | Melcher |
| Andrews | Evans | Murkowski |
| Armstrong | Ford | Nickles |
| Baucus | Garn | Packwood |
| Bentsen | Hatch | Pell |
| Bingaman | Hatfield | Pressler |
| Boren | Hawkins | Proxmire |
| Boschwitz | Heflin | Pryor |
| Broyhill | Helms | Riegle |
| Bumpers | Inouye | Sarbanes |
| Burdick | Johnston | Simon |
| Chafee | Kassebaum | Simpson |
| Chiles | Kasten | Specter |
| Cochran | Leahy | Stevens |
| D'Amato | Long | Trible |
| DeConcini | Mathias | Warner |
| Dixon | Matsunaga | Weicker |
| Dodd | Mattingly | Zorinsky |
| Domenici | McConnell | |

NOT VOTING—3

| | | |
|---|---|---|
| Bradley | Eagleton | Stafford |

So the motion to table amendment No. 2610 was rejected.

□ 1320

Mr. GOLDWATER. I move to reconsider the vote by which the motion was rejected.

Mr. ANDREWS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FORD. Mr. President, that leaves the amendment hanging? It was just not tabled?

Mr. INOUYE. Mr. President, we ought to pass that amendment.

The PRESIDING OFFICER. That is correct. The motion to lay on the table was rejected. Therefore, the question occurs on the amendment of the Senator from North Dakota. The yeas and nays have been ordered.

Mr. ANDREWS. Mr. President, I ask unanimous consent to vitiate the request for the yeas and nays.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from North Dakota [Mr. ANDREWS].

The amendment (No. 2610) was agreed to.

Mr. WARNER. I move to reconsider the vote by which the amendment was agreed to.

Mr. GOLDWATER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GOLDWATER. Mr. President, I believe the Senator from Illinois [Mr. SIMON] is next.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

The Chair alerts the Senator from Illinois to the fact that the Wilson amendment (No. 2595) is still pending and must be set aside by unanimous consent before we move on to other matters.

Mr. GLENN. Mr. President, may we have order in the Chamber?

The PRESIDING OFFICER. The Senator from Ohio has requested that there be order in the Chamber.

Mr. SIMON. Mr. President, I ask unanimous consent that the Wilson amendment be set aside.

The PRESIDING OFFICER. Without objection, the pending amendment of Mr. WILSON is set aside. The Senator from Illinois is recognized.

Mr. SIMON. Mr. President, I understand my colleague from Florida has an amendment that has been agreed to. I shall yield to him for 2 minutes.

Mr. CHILES. Mr. President, the Senator may proceed. I am waiting for an agreement.

AMENDMENT NO. 2673

(Purpose: To increase the amount of special incentive pay that may be paid to members of the Armed Forces who are proficient in foreign languages)

Mr. SIMON. Mr. President, I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Illinois [Mr. SIMON] proposes an amendment numbered 2673.

Mr. SIMON. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 78, line 17, strike out "$100" and insert in lieu thereof "$250".

On page 80, line 5, strike out "$7,300,000" and insert in lieu thereof "$18,300,000".

Mr. SIMON. Mr. President, I yield myself as much time as I may consume.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, my colleagues rarely see me on the floor asking for increases to the Department of Defense budget, but in this case, the Department of Defense has made a reasonable request for a needed increase. Let me give the background.

The Department of Defense—and Secretary Weinberger and Secretary Marsh particularly were involved in this—requested $36 million as an incentive for language study for armed services personnel. OMB cut the $36 million down to $18 million. The committee cut the $18 million down to $7.3 million. My amendment goes back to the OMB figure.

Why is this important? I remember when I was a brandnew Member of the House hearing the former chairman of the House Armed Services Committee, Representative Eddie Hébert, make a talk. In that talk, he said, "We have a problem." I was working in the foreign language field as far as our diplomatic corps is concerned. A few weeks before he died, Senator Scoop Jackson told me, "You ought to be paying attention to the armed services in the area, too. We have major problems."

We do have major problems. Eighty percent of this fund goes into the intelligence area. But it goes beyond that. In every major NATO exercise that is held, one of the weaknesses that is cited is the language problem. Our commanders in Korea report the same. A study made about 3 years ago in Japan indicated that the primary problem that exists between our bases there and the Japanese community is the language problem.

Not too long ago, and we all remember it vividly, we intercepted information sent by Libya in the Berber language about a bomb that was going to go off in Berlin. Unfortunately, we did not have enough people who could translate Berber quickly enough and the delay caused needless death.

Interestingly also, the Department of State recently conducted an experiment mandated by Congress where, in two countries, everyone in embassies designated by Secretary Haig had to speak the language of the country where they were stationed. Senegal and Uruguay were designated by Secretary Haig.

The Inspector General's report comes back and says it improved the morale of these posts, but it specifically says that the military attachés and the Marine guards were much more effective because they spoke the language of the people where they were stationed.

Mr. President, why should we go to this particular figure? The aim of the Department of Defense in requesting the $36 million was to have approximately 22,000 people who could speak foreign languages competently and translate them. If you were just to say these are going to be all overseas, this would be 4 percent of those stationed overseas.

The bill calls for a maximum pay increase to those in the Armed Forces of $100. My amendment increases that to $250.

Why do we need that increase from $100 to $250? The $100 is for people who speak two additional languages, one of them considered to be a hard language—that is, Arabic, Korean, Japanese, or Russian, something like that. By the time you get down to one language and down to NCO's, in fact, instead of learning another language, they can make more money working as a bartender one night a month in a tavern somewhere. It really makes sense.

Let me quote from the Secretary of the Army: "The Service Secretaries have identified a need to encourage and reward language capabilities. Foreign language proficiency is essential in order to meet military global commitments. To help maintain high levels of foreign language proficiency, the State Department, the CIA, and the NSA have foreign language pay programs. There is no similar incentive program for military personnel to encourage maintenance or increased proficiency. Language skills not continually refreshed are quickly lost."

Mr. President, we are asking for a very, very tiny sum in this overall budget but the tiny sum can make our military more effective.

I was speaking last night with our colleague, Senator FRITZ HOLLINGS, who said of the total military budget, we spend approximately $10 billion on education, whether it is baker school or remedial education or what it is. What we are asking for in this amendment is a paltry $11 million more, not as much as the Department of Defense has requested but half of what they have requested. I think it really makes sense.

This is a need. I do not think anyone who has taken a look at the problem does not acknowledge it is a need. I hope we do the sensible thing and approve this amendment.

Mr. President, I reserve the remainder of my time.

Mr. GOLDWATER. Mr. President, this is a very worthwhile approach to what I consider to be a real problem. We had a problem this year, though, Mr. President, with the request from the Armed Forces on this matter. They asked for $250 a month and because they are not ready yet—they may be ready now. I have not heard lately—to start this training, we put it down at $100, a total of $7.3 million for the authorization. Mr. President, we are talking here, and the Senator is talking primarily about 6,100 people or 6,200, whatever the amount may be.

I can remember, Mr. President, in World War II and I can remember since observing the forms filled out by men and women coming into the service. There was always a question about ability in other languages. Almost universally, there was a zero. The forces have been recognizing this. The Department of State finally, to some extent, has been recognizing it. We have a very big language school up at Monterey, we have other language schools that are being used and more and more of our people are beginning to be able to converse in another tongue.

I have to say, Mr. President, I think all Americans will admit this, we are notably weak; we are lucky if we speak one language. To have more than two in this country—we would have to get along on one, whichever that might be, while in other countries, you will almost invariably find their enlisted people and officer people are not just proficient in two, but some of them in three and four languages.

I do not think there is any question that the Armed Services Committees of both Houses will provide the money that is necessary for this training when the forces are ready.

□ 1330

Now, do not ask me the question, "What do you say it takes to be ready?" because I have no idea. I believe that anybody could go to any place and learn a language. In fact, Mr. President, for a long time we provided language training at the graduate school of foreign management near my home and we charged about $2,000 and the man could become extremely proficient in Spanish in a matter of—well, he could speak it in 6 weeks but he could speak it as a native in 2 or 3 months. So, Mr. President, while I am very, very sympathetic to the concept, the idea behind this, we have already discussed this at great length in the committee and we have come to the conclusion that we can allow $100 a month. I will have to admit that they have not even started using the amount of money that we said we would authorize.

I am very sympathetic to the amendment. I think it is a good amendment. I do not think this is the time for it because the services are not ready. Even in the State Department, the situation is getting better. I remember one trip I made to Chile and found myself in need of a taxi, and I had a member of the State Department with me. I asked the driver to take us to the

Embassy. He did not understand, and the State Department man could not tell him. So in my limited Spanish we got back home. So while I am completely in sympathy with the amendment of the Senator, I will attempt to table it only because the military is not ready.

Mr. WILSON addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. WILSON. Mr. President, I yield 5 minutes to the distinguished Senator from Ohio.

Mr. GLENN. Mr. President, I want to clarify something here and I hope this meets with the understanding of the distinguished Senator from Illinois, too. The way this is written, this is special pay, not for training as such, the way we had it written in the bill. What the distinguished Senator from Illinois does only changes the amounts we were talking about, but the purpose of the bill as we wrote it in committee is not for training.

This is for specialist pay—doctor pay, sea pay, diving pay, and hazardous duty pay. What we are doing with the qualifications here, we say we are entitled to pay this for those people who just have that language skill to retain them. These other categories are qualified in the military specialty requiring that proficiency. They have received previous training under regulations prescribing the assigned duties requiring that proficiency. In other words, we are giving them a little extra incentive to help keep them in. And it does only that. It is just like it is a skill pay but this does not actually set up or fund new schools or put new funding into old schools. We are giving new language training.

Now, I am very much in sympathy with what the distinguished Senator from Illinois is trying to do. We need these language skills. We need them desperately. We have to have them for all the reasons that our distinguished chairman just mentioned, as well as the Senator from Illinois. Our only problem when we considered this whole thing in committee was the amount. That is the problem.

The committee authorized this pay at a lower level than requested in the budget because we wanted to review the implication of it. We felt the lower level of $100 a month would prove adequate perhaps. The committee does not disagree in any way, shape, or form with the need for this special pay. That is the reason we wrote it in the bill. And I want to see it perhaps increased. And much as I agree with the Senator from Illinois—and I congratulate him for bringing this up because it is important—the State Department, the military, all of us need better proficiency in these areas for all the reasons with which we are familiar. So we agree with that. The question is how far can we go this year? We regrettably had to restrict this because of budget limitations to only $100 a month. And that is what we have retained. I do not like to oppose the distinguished Senator from Illinois on this because I am so much for the end intent of what he is trying to do. But I do have to oppose this and suggest that we stick with the language of the bill as it came out of committee, which provides $100 a month which is not for training.

This is one little extra sweetener to try to get people who have these skills to stay in the service. Next year, perhaps, if we are in a little better budget situation, I would more than support what the Senator from Illinois is trying to do because he is right on target. We felt $100 a month was a good kicker to start with, and we hoped it would work and will assess it this year.

Let me mention one other figure, too. The Army alone says they need 25,000 people. They estimate they have 25,000 people to whom they would like to give this pay. Now, 25,000 times $2,400 a year—that would be the $200 a month—that comes out to $60 million. That is very substantial. What we did in the committee was say $100 a month with a $7.3 million cap for the year. So we are at a different level, and I think with the budget restrictions being what they are, we would be a little hard pressed to find money to do what would have to be done if we went along with the Senator from Illinois. So regrettably I must oppose on behalf of the committee.

The PRESIDING OFFICER. Who yields time? The Senator from California.

Mr. WILSON. I thank the Chair.

Mr. President, how much time remains to the opponents?

The PRESIDING OFFICER. The Senator from California has 6 minutes remaining. The Senator from Illinois has 9 minutes remaining.

Mr. WILSON. Mr. President, as the distinguished ranking member has made clear, we do not oppose the program. Indeed, the program does not yet exist. We are inaugurating it. It is an initiative of the Subcommittee on Manpower and Personnel. We recognize full well the desirability of providing an added incentive beyond the desire to serve more proficiently, to achieve an incentive in military personnel to gain and maintain language proficiency and to remain on duty where they can exercise it. There is no argument about the desirability of achieving that proficiency.

The question here is what are the needs really to make the program work and what are the costs, and as you have heard from the ranking member, we had to start lower than the budget request of the administration both because we are under an obligation to accept our share of the burden for reducing $30 billion cost enjoined upon the Department of Defense and upon the Armed Services Committee. Also, there is no experience yet to indicate what is required.

Now, I think these are desirable programs. This is the second time this morning I have mentioned experience as mayor of San Diego. I instituted a similar program to achieve a language proficiency within members of the police department.

But I would have to tell you that I do not think an enormous amount is required to provide that incentive, and as the ranking member has just illustrated with the example chosen from the Army alone, 25,000 personnel at $200 a month, which is what this amendment seeks, brings it up to the tidy sum of $60 million. Now, I would have to say that when we have had experience with the program it may be necessary to add a sweetener beyond this initial authorization. But we should go slowly, Mr. President. We should not start at a level from which we know we will find it impossible to come back. It is virtually impossible once you have set a level of compensation, a rate of compensation, to reduce that level.

□ 1340

Frankly, there are other priorities competing for the money. So we will stipulate to the desirability of gaining this proficiency on a more widespread basis. That is not the issue. The question is what we have to do to achieve it and whether we can afford the more generous increase that the Senator from Illiniois is authorizing. His heart is in the right place.

I think we are compelled, in terms of dire economic constraints upon defense spending, to be very concerned that we not authorize new programs.

I think it was altogether proper when the ranking minority member said that in authorizing this new program we did have an eye upon the kinds of special pay that now exists. He mentioned several. One that perhaps serves as an interesting basis for comparison is hazardous duty pay. The level that is being sought by this amendment would be substantially in excess of the hazardous duty pay that we pay for people to be shot at in combat. I am not certain that those in the military, particularly those who have voluntarily extended as a sense of duty, are particularly interested in the kind of money he is talking about. Obviously, they are interested in money.

We make a particular effort to keep competitive with the private sector. But I point out to my friend from Illinois that we are very much concerned this year with the affordability of a pay raise. We do not want to cut back

on that. Even with that pay raise, we are not going to maintain comparability with the private sector, but we will not open up the gap that would occur otherwise without it.

So we are saying that these funds are competing with others, and the potential for growth in this program is enormous.

So, reluctantly, at the proper moment, we will have to offer a motion to table.

Mr. GLENN. Mr. President, I would be happy to work with the Senator from Illinois in the coming year. Let us see what effect this has. Let us check with the Army. I will be glad to make certain that we have hearings on this next year, when it will be brought up in the subcommittee that is chaired by the distinguished Senator from California and on which the ranking minority member serves. We will look at the data and see if it is doing the job. If it is, fine. I will be glad to come here and offer that.

Mr. SIMON. Mr. President, I yield 2 minutes to the Senator from Maryland.

Mr. SARBANES. Mr. President, I commend the distinguished Senator from Illinois for offering this amendment and, more broadly commend him for the interest he has taken in the subject of making sure that those who serve our country are proficient in foreign language. He sought to do the same with respect to American diplomats who work abroad, and this is consistent with that initiative which he exercised there with a great deal of imagination and responsibility.

I think it is obvious on the face of it that this is an enormously important skill for members of the armed services to have.

I want to ask the Senator from Illinois a couple of questions, in view of the arguments that have been made.

First of all, as I understand the amendment, while it would permit the Secretary to pay more special pay, a higher monthly rate than in the bill, it does not require him to do so. This is a ceiling. It says "not in excess of." The Secretary could still make the judgment to pay only 100 or 50 or 150. He could not go above the Senator's figure. Is that correct?

Mr. SIMON. The Senator is correct.

In fact, the intent of the Armed Forces is to give that maximum only when we have two additional languages, one of which is a hard language—Japanese, Korean, Russian, something like that.

Mr. SARBANES. I think that is a very important point. The Senator's amendment does not require the higher monthly pay. It only gives the Secretary the authority to pay up to that figure if he chooses to do so.

So it gives some discretion to the Secretary in order to make this program work, just as the Secretary, as I understand it, has the discretion to judge which languages are necessary.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SIMON. I yield the Senator 1 additional minute.

Mr. SARBANES. As I understand the way the legislation is written, the Secretary of Defense is going to be able to determine which language is necessary in which to have this proficiency. In other words, if you have a language in which many people are qualified, you do not need to urge it; and the Secretary, I take it, would not put that language on the list.

So the Secretary has two discretions. One is the language to be sought. Is that correct?

Mr. SIMON. That is correct.

Mr. SARBANES. Second, under the Senator's amendment, this would only allow him to pay the higher figure that he judged was necessary.

I submit that this is an important program. This is giving the Secretary sufficient latitude in order to have some real chance of making the program work.

As the Senator pointed out, you may have related languages in which you want to develop a skill, in which more likely a skill can be developed, and you may need a greater incentive in order to accomplish that.

I strongly support the Senator's amendment. I commend him for offering it. I cannot think of a limited area at small cost that would pay greater returns in strengthening our military bases.

Mr. SIMON. Mr. President, I thank my colleague from Maryland, Senator SARBANES, for his comments. I think he is right on target.

I appreciate the comments of Senator GLENN, Senator GOLDWATER, and Senator WILSON, even though I do not agree with their conclusion as to what we should do with this amendment.

Senator GOLDWATER says that the military is not ready. The reality is that the Department of Defense thinks they are ready—not for the $18 million I am asking for but $36 million. They want 22,000 people to whom they can give this pay incentive. My amendment cuts that in half. The amendment of the committee basically cuts that down to one-quarter.

What you have here is a resource for the Nation. I cite what happened in the bombing in Berlin, where we intercepted the Libyan intelligence in Berber, only we did not have any who could translate Berber; and we had it translated 24 hours late, too late, to stop the tragedy in Berlin.

Let me cite a figure—and I regret that I do not have the up-to-date figure—but as of 3 or 4 years ago, we had 497,000 U.S. armed service personnel stationed overseas. The Armed Forces regarded 512 of over 400,000 as linguistically accomplished in the country where they were stationed. You do not need to be a military expert to recognize that that presents real problems, and this moves in the right direction.

Eighty percent of these people will work in the field of intelligence. With this pay incentive we can retain the people who really have the skills or have a better chance at retaining those skills.

Finally, Mr. President, I disagree with the Senator from California when he said that we have no experience as to whether it will work. The CIA does this; the State Department does this; the NSA does this. I am advised that other groups do it with their armed forces. I do not know the details there.

Mr. WILSON. Mr. President, will the Senator yield?

Mr. SIMON. I yield.

Mr. WILSON. I thank the Senator from Illinois for his courtesy.

I think the Senator misunderstood. We do not doubt the wisdom of the program or we would not have authorized it. What I said was how it will work and whether or not 100 or 200 were required. We are looking for time and experience to determine whether or not this is a sufficient incentive.

□ 1550

Mr. SIMON. I understand.

I would simply say I think we can, with some prudence, cut back on the Defense Department's request. Their request was for $36 million. OMB cut it back to $18 million. The committee has cut it back to $7.3 million. I am simply putting it back to 50 percent of the Defense Department's request.

I think it is a modest request. I think to move to half of what they request really makes sense for the armed services of our Nation.

Mr. SARBANES. Mr. President, will the Senator yield?

Mr. SIMON. I am pleased to yield.

Mr. SARBANES. I simply say all you are doing is giving the Secretary a higher monthly figure which he can use at his discretion. You are not requiring him to pay that figure. This gives him some latitude to make some judgments with respect to the difficulty of the language, with respect to the number of language skills that a particular person may have that you want to hold in the service so that he has an ability then to implement the program in such a way that it can produce a maximum response.

The lower you cut the figure under which he can operate the less ability he has to adjust to the situation with respect to language capabilities in terms of the number of languages or with respect to the desirability of obtaining skills in certain difficult languages in which very few people may

have the skills and which it is very difficult to acquire them.

I spent a lot of time overseas and I have seen firsthand. I have been around the world. I have been to a lot of embassies as have both of these Senators and they know how the requirement goes. But we need this kind of training.

With this budgetary restriction this year we thought we had to limit this.

Mr. SIMON. I thank my colleague from Maryland. I have nothing further.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. GLENN. Mr. President, I yield such time as I need. I will not be more than about 1 minute.

The PRESIDING OFFICER. Who yields time?

Mr. WILSON. I yield the remainder of our time to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. GLENN. How much time do we have remaining?

The PRESIDING OFFICER. The Senator has 42 seconds and counting.

Mr. GLENN. Good.

The distinguished Senator from Maryland makes an excellent point that this does not have to be paid to the maximum and indeed we have some experience along that line with reenlistment bonuses when they are varied up and down.

I am not sure, though, that with the original request having been as high as it was, the distinguished Senator from Illinois reducing it, and us cutting it further here that it would be anything but administered at the higher level. It might be, and it is a good point to bring up. I want to keep on looking at the issue because I am concerned with retaining people with badly needed language skills.

The PRESIDING OFFICER. The Senator from Illinois has 53 seconds remaining.

Mr. SIMON. Fifty-three seconds and counting, to use Senator GLENN's phrase.

I simply want to reiterate we are talking about a $300 billion authorization basically. Here we have $18 million that could really be significant in preventing the kind of disasters that too often we have.

I hope we will do the commonsense thing. I hope we will give the Defense Department not everything they have requested but half of what they have requested here.

I think it is a reasonable request.

The PRESIDING OFFICER. There is no time remaining on the opponents' side.

The Senator from Illinois has 12 seconds remaining.

Mr. SIMON. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. GOLDWATER. Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment of the Senator from Illinois [Mr. SIMON].

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Oregon [Mr. HATFIELD] and the Senator from Vermont [Mr. STAFFORD] are necessarily absent.

Mr. CRANSTON. I announce that the Senator from New Jersey [Mr. BRADLEY] and the Senator from Missouri [Mr. EAGLETON] are necessarily absent.

The PRESIDING OFFICER (Mr. HECHT). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 57, nays 39, as follows:

[Rollcall Vote No. 203 Leg.]

YEAS—57

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| Abdnor | Gorton | Metzenbaum |
| Andrews | Gramm | Murkowski |
| Armstrong | Grassley | Nickles |
| Boschwitz | Hatch | Packwood |
| Broyhill | Hawkins | Pressler |
| Burdick | Hecht | Proxmire |
| Chafee | Heflin | Quayle |
| Cochran | Helms | Roth |
| Cohen | Humphrey | Rudman |
| D'Amato | Inouye | Simpson |
| Danforth | Kassebaum | Specter |
| Denton | Kasten | Stevens |
| Dole | Lautenberg | Symms |
| Evans | Lugar | Thurmond |
| Exon | Mathias | Wallop |
| Ford | Mattingly | Warner |
| Garn | McClure | Weicker |
| Glenn | McConnell | Wilson |
| Goldwater | Melcher | Zorinsky |

NAYS—39

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| Baucus | Durenbeger | Matsunaga |
| Bentsen | Gore | Mitchell |
| Biden | Harkin | Moynihan |
| Bingaman | Hart | Nunn |
| Boren | Heinz | Pell |
| Bumpers | Hollings | Pryor |
| Byrd | Johnston | Riegle |
| Chiles | Kennedy | Rockefeller |
| Cranston | Kerry | Sarbanes |
| DeConcini | Laxalt | Sasser |
| Dixon | Leahy | Simon |
| Dodd | Levin | Stennis |
| Domenici | Long | Trible |

NOT VOTING—4

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| Bradley | Hatfield |
| Eagleton | Stafford |

So the motion to lay on the table amendment No. 2673 was agreed to.

□ 1410

Mr. GOLDWATER. Mr. President, I move to reconsider the vote by which the motion to table was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine is recognized.

AMENDMENT NO. 2567, AS MODIFIED

Mr. COHEN. Mr. President, on August 7, this body unanimously agreed to an amendment offered by myself and the Senator from Georgia, Senator NUNN. The purpose was to enhance the capabilities of the United States to combat terrorism and other forms of unconventional warfare. In light of the fact that we converted it from a sense-of-the-Senate to mandatory legislation, there were certain provisions which were technically in error.

I am asking unanimous consent that we be allowed to amend the amendment which was agreed to in several respects: To restore the language pertaining to the Assistant Secretary of Defense, which was inadvertently omitted by legislative counsel; to make the Deputy Assistant to the President a sense-of-the-Senate provision rather than binding legislation; and to correct the language pertaining to the rank of the commanders of the special operations commands. These were technical errors inadvertently made by legislative counsel.

I have discussed this at some length with the Senator from Virginia, who is opposed to the legislation, and I might add very strongly. But I have talked with him and Senator CHAFEE of Rhode Island, and I believe we have arrived at an agreement as to how best to proceed with this.

So I ask unanimous consent that these technical changes be made.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Reserving the right to object, while I do not intend to object, but I do urge the Senate to accept the amendment from the Senator from Maine. While, as he stated, I and perhaps others do not favor certain portions of this legislation, the Senator has acted within his rights, and I think it is imperative for the record of the Senate to reflect more accurately the action taken by the Senate which through inadvertence and no mistake on the part of the Senator from Maine was not reflected in the Journal of the proceedings.

So the Senator is merely correcting the Journal of the proceedings and the RECORD to reflect the action taken by the Senate on a voice vote some 2 days ago.

It is my hope, however, that prior to the conference on this bill the Senator from Maine and other interested parties can once again address this issue so that at the time of the conference we emerge with such action as we feel must be taken by the Congress. Hope-

fully it will not be in the exact form as we are presumably about to enact.

I thank my distinguished friend and colleague from Maine for his cooperation. I am pleased that he has elected to take this initiative, and I join him.

Mr. COHEN. I thank the Senator.

I want to express my appreciation for his willingness to resolve this issue in the fashion that he has. It is very kind of him to yield to this unanimous-consent request.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The Senator will send the modification to the desk.

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Mr. COHEN. I ask the amendment be so modified according to the amendment now at the desk.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 2567), as modified, is as follows:

On page 5 of the amendment strike out paragraphs (3) and (5) of subsection (b) and insert the following:

(3) Unless otherwise directed by the National Command Authorities (NCA), all active and reserve special operations forces of the Army, Navy, and Air Force based in the United States shall be assigned to the unified combatant command established pursuant to paragraph (1).

(5) Unless otherwise directed by the NCA, special operations missions shall be conducted under the operational command of the unified combatant commands in whose geographic areas such missions are to be conducted.

On page 6 of the amendment (subsection (c)) strike out "hold the grade of general or, in the case of an officer of the Navy, admiral if appointed to that grade by the President, by and with the advice and consent of the Senate" and insert in lieu thereof "be of general or flag officer grade".

On page 6, strike out subsection (e) and insert in lieu thereof the following:

(e) ASSISTANT SECRETARY OF DEFENSE FOR SPECIAL OPERATIONS AND LOW INTENSITY CONFLICT AND DEPUTY ASSISTANT TO THE PRESIDENT FOR NATIONAL SECURITY AFFAIRS FOR UNCONVENTIONAL WARFARE.—(a) Section 136(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(7) One of the Assistant Secretaries shall be the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict. He shall have full responsibility for policy and resource oversight of special operations forces.".

(2) It is the sense of the Congress that the President should designate within the Office of the President a Deputy Assistant to the President for National Security Affairs for Unconventional Warfare.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. CHILES. Will the Senator from New York yield to the Senator from Florida for several minutes?

Mr. MOYNIHAN. I am happy to.

Mr. CHILES. I thank the Senator from New York.

AMENDMENT NO. 2674

(Purpose: To promote increased use of multiyear contracting authority by the Department of Defense)

Mr. CHILES. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to setting aside the amendment of Senator WILSON? Without objection, the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Florida [Mr. CHILES], for himself and others, proposes an amendment numbered 2674.

Mr. CHILES. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 186, between lines 9 and 10, insert the following:

SEC. 963. GOALS FOR INCREASED USE OF MULTIYEAR CONTRACTING AUTHORITY IN FISCAL YEAR 1988

(a) IN GENERAL.—The Secretary of Defense shall take appropriate actions to ensure that the Department of Defense increases the use of multiyear contracting authority in fiscal year 1988.

(b) MULTIYEAR PROCUREMENT GOAL.—The total amount obligated under multiyear contracts (authorized by section 2306(h) of title 10, United States Code) for Department of Defense procurement programs eligible for multiyear contracting during fiscal year 1988 should be an amount that is not less than 10 percent of the total obligational authority used by the Department of Defense for procurement programs of the Department during such fiscal year.

(c) APPORTIONMENT OF GOAL.—The Secretary of Defense shall specify the percentage of obligational authority of each military department and Defense Agency that is to be used for multiyear contracts to achieve the goal prescribed in subsection (b).

(d) BASELINE REPORT.—Not later than January 1, 1987, the Secretary of Defense shall submit to the Committees on Armed Services and on Appropriations of the Senate and the House of Representatives a written report which contains (1) a list of all procurement programs which the Secretary determines to be Defense SAR procurement programs eligible for multiyear contracting, (2) the Secretary's assessment of the feasibility and desirability of the multiyear procurement goal prescribed in subsection (b), and (3) whether the Secretary expects to achieve the goal prescribed in subsection (b) for fiscal year 1988 and, if the Secretary does not expect to achieve such goal, the reasons why such goal will not be achieved.

(e) DEFINITIONS.—As used in this section:

(1) The term "SAR" means Selected Acquisition Report as defined in section 139a(b)(1) of title 10, United States Code.

(2) The term "Defense procurement program eligible for multiyear contracting" means a procurement program of the Department of Defense (A) which satisfies the conditions of clauses (A) through (F) of section 2306(h)(1) of title 10, United States Code, and (B) under which production of fully configured end items is planned for a period exceeding 3 fiscal years.

Mr. CHILES. Mr. President, I rise to present the Senate with a positive DOD procurement reform amendment. It follows in the footsteps of such well considered works as the Carlucci initiatives, the Packard Commission, and the Grace Commission. It continues in the same direction as the baseline budgeting set forth in the committee bill. This amendment encourages higher usage of multiyear contractor of all DOD procurement items. The result will be substantial cost savings, increased program stability within DOD procurement, and improved program performance.

At this point, let me briefly explain what multiyear procurement is. Multiyear procurement is a method of acquisition which permits 3 to 5 years of procurement under one contract. This allows contractors to purchase materials in economic order quantities at bulk rates. Cost savings are the result of these bulk rate purchases and stability results from fewer changes due to contractural restrictions. Most significantly, improved system performance is derived from the attention a program manager can direct to matters of system quality. This amendment is part of the continuing evolution of the multiyear contacting concept. In 1981, multiyear contracting was limited due to a maximum contract cancellation clause of only $5 million. In that same year, Deputy Secretary of Defense Carlucci recommended increased use of multiyear contracting to save money. Congress picked up the ball in 1982 by removing the cancellation clause and requiring congressional approval of multiyear contracted major systems with cancellation ceilings over $100 million. This was later changed to $500 million. Nonmajor systems were also included for authorization if the cancellation clause was over $20 million.

Costs savings have been a primary objective of multiyear procurement proponents such as the Grace Commission. For example, to avoid overly generous cost savings estimates, Congress requires DOD reports of savings both before and after the contract is signed. However, program stability has also been an important objective as illustrated in the Packard Commission Report.

To ensure that these two concerns were met by DOD, Congress established six criteria a system must meet to be a multiyear candidate.

First, the benefits to the Government must be shown as savings in present value terms;

Second, the requirement for the system must be stable;

Third, the funding must be stable;

Fourth, the configuration must be stable;

Fifth, the cost estimates must be reasonable; and

Sixth, the contractor must have the capability to handle the contract.

A recent Congressional Budget Office study which I commissioned demonstrated how effective multiyear contracting has been. Between fiscal years 1982 and 1986 the Department of Defense requested congressional approval to enter into 59 multiyear contracts. Of these, the Congress judged that 40 meet the current criteria for multiyear funding. The Department of Defense projects $6.2 billion savings in total obligational authority for these 40 contracts, relative to the costs associated with using annual procurement.

Mr. President, the greater stability of multiyear contracting has a number of significant benefits. Of the 40 approved multiyear contracts 39 were actually awarded and only 2 of these have had purchases over the life of the contract that differed from the planned contract amount. That is a stability rate of 95 percent.

Some of the finest major programs we have produced come as a result of multiyear contracting. The Air Force's superb fighter, the F-16, and the Army's outstanding multiple launch rocket system are both recent multiyear procurement programs. Not only have significant savings resulted in these programs, but, most importantly, we have derived highly capable weapon systems which have strengthened our national security.

Clearly, the primary objectives of cost savings and program stability have been met. Yet, there are other benefits from multiyear contracting. The fiscal year 1984 Selected Acquisition Report Program indicated that 16 of the 20 program cost decreases cited in the report were in multiyear programs. Thirteen of these programs were reported at or ahead of schedule.

However, the report also suggested a disturbing trend. Between fiscal years 1982 and 1985, the precentage of DOD procurement obtained on a multiyear basis increased from 3.2 to 11.9 percent of total obligational authority. Unfortunately, as certain major programs have been completed the level of multiyear procurement has begun to decline and will fall to 6.4 percent during fiscal year 1987 even if Congress approves all the DOD's fiscal year 1987 multiyear candidates.

My amendment will attempt to remedy these problems by establishing a goal for the DOD of 10 percent of procurement total obligational authority by fiscal year 1988.

If DOD does not meet this goal, it need only report why procurement programs were not recommended for multiyear contracting. There may be programs that do not meet the established criteria and should not be multiyear contracted. This report will encourage an honest evaluation of programs to determine their suitability for multiyear contracting.

Mr. President, my amendment is a first step toward increasing stability and thus moving toward the Packard Commission goals. My objectives are to save money in these restrictive budgetary times and at the same time to help reduce instability in DOD programs.

Before I close, I would like to take this opportunity to commend the Congressional Budget Office on the fine job they did on this study. As the Senate takes further action on multiyear contracting, I hope it will continue consulting with the National Security Division of CBO. This report is typical of the thoughtful and well balanced work they produce. I would also like to express my special thanks to the Director of the National Security Division, Robert Hale, the Deputy Director, Jack Mayer, and to the report's author, Dr. G. Wayne Glass.

In conclusion, my amendment puts into action the suggestions of the Carlucci initiatives, the Grace Commission, and the Packard Commission. This amendment is designed to further complement and reinforce the Armed Services Committee's forward looking work on baseline budgeting. It provides additional benefits over and above those provided by the Nunn-McCurdy amendment. DOD has expressed eagerness for a positive multiyear requirement from Congress. Congress has shown past acceptance of the concept. The time is now here to bring both parties together in striving for reduced costs, increased stability and improved performance.

Mr. President, this amendment sets the goal for increased use of multiyear procurement. It supports the committee's move toward baseline budgeting. It is supported by a comprehensive CBO study which indicated that we could save up to $9 billion by fiscal year 1991 if we increased our use of multiyear procurement.

I understand the committee has agreed to hold some hearings, and will have a thorough review of this concept. This is as first step toward achieving the goals of the stability contained in the Packard Commission report. The message is, if we are going to buy a system, we should buy it right.

I believe the committee has agreed to accept the amendment.

Mr. GOLDWATER. Mr. President, we have no objection to this amendment. It is perfectly all right with us.

Mr. NUNN. Mr. President, I think this is a good amendment. Multiyear procurement can save a great deal of money if we choose the right systems and if we can begin to increase the percentage of contracts under that concept. That is exactly what the Senator from Florida is trying to give an incentive toward.

I recommend approval of the amendment.

Mr. QUAYLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. QUAYLE. Mr. President, I congratulate the Senator from Florida for bringing this forward and encouraging the multiyear procurement as recommended in support by the Packard Commission. I think the multiyear procurement has a very valuable function that it can provide.

I must also point out that this is a goal that we are going to try to achieve of 10 percent we are going to have some hearings but more important, I would also like to point our another recommendation that was in the Packard Commission that would enhance multiyear procurement considerably. That is budget stability.

But the problem we have, particularly in programs in multiyears procurement is the instability that we have in the budget from year to year. Im a multiyear procurement, which is good, you have to have a lot of the up front funding. Therefore, I hope we can eventually get to maybe a 2-year budget, have more budget stability, and we might be able to move more in the direction that the Senator from Florida is recommending.

I strongly support multiyear procurement. It is a good recommendation. But also the most important thing we can do in the long run is to get that budget stability. It is a very very important program for multiyear procurement.

Mr. CHILES. I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Florida.

The amendment (No. 2674) was agreed to.

Mr. NUNN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CHILES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CHILES. I thank the distinguished Senator from New York.

□ 1420

AMENDMENT NO. 2675

(Purpose: To prohibit the United States Government from subsidizing the sale or transfer of goods or services to Communist governments)

Mr. MOYNIHAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to setting the Wilson amendment aside?

Mr. DOLE. Mr. President, reserving the right to object. I will, under the

reservation, ask what the amendment is. It is not listed. We had no notion how to prepare for it. I think we would like to know that.

I will object until we can take a look at the amendment.

Mr. BYRD. Mr. President, the Senator's amendment is on the list.

Mr. MOYNIHAN. It says, "Moynihan, national security and trade."

I do not recall any other objections this morning to an amendment becoming the pending business, with the Wilson amendment being set aside.

Mr. DOLE. National security and trade, I might add, covers a rather broad range of issues.

Mr. BYRD. It is on the list.

Mr. GOLDWATER. Mr. President, we will admit that it is on the list but it is on the list only as national security and trade. We have not seen the contents. We would like to know what it is about and have a moment or two to study it.

Mr. MOYNIHAN. Mr. President, may I say to my friend from Arizona, I will propound the proposition very directly.

Mr. DOLE. I withdraw my objection.

Mr. GOLDWATER. The leader has withdrawn his objection.

The PRESIDING OFFICER. Without objection, the clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. MOYNIHAN] proposes an amendment numbered 2675

At the end of the bill, add the following new section:

SEC. . Notwithstanding any other provision of law, the United States Government shall not expend any funds to subsidize the sale or transfer of goods or services to a Communist government or subdivision thereof.

Mr. MOYNIHAN. Mr. President, we are coming now to the end of an extensive and useful debate on the Department of Defense Authorization Act for fiscal year 1987. Senators who have looked at the report of the committee will know, and those involved in the debate will know, that we are in the process of authorizing an enormous sum of money. In the first summary on page 3 alone, we find that $225 billion is being authorized for procurement and other matters, with an additional $4 billion in manpower. Indeed, the national defense budget is approaching the $300 billion mark.

Forty years ago, at the end of the Second World War, if anyone would have suggested that the day would come when during peacetime the United States would be spending $300 billion on defense, it would have seemed a puzzling proposition and to some an altogether unpersuasive, even outrageous, thought.

Yet here we are, and we are doing what we have been doing, in effect, for near 40 years, appropriating extraordinary sums in peacetime to a defense establishment.

And why? It is very simple. We face in the Soviet Union a determined, tenacious, well-armed, and, in the large sense, threatening adversary.

This engagement was not of our choice. Forty years ago we demobilized our forces and went about rebuilding a war-torn world with purposes of peace.

The Soviets, however, chose a different path. And so, before that decade was out, the Truman Doctrine had sent American aid to Greece and Turkey, NATO had been founded to reestablish a military alliance in Western Europe including Western Germany.

Mr. President, I do not think there is much disagreement in this Chamber about the true nature of Soviet intentions in the world, that the threat to peace has been real, and has been validated in one way or another over these 40 years. Thus, we do of necessity what we are forced to do. With a defense program sustained over two political generations, we have said to the Soviet Union, "Whatever your purposes, you cannot prevail. You cannot succeed. The combined forces of the Democratic nations of the world are so much greater—or are at least sufficiently greater—that no plan of conquest will succeed. You cannot win a war."

But, Mr. President, it seems to me that as we consider this puzzle, we need also to consider the Soviet proposition that really, in the end, the U.S.S.R. need not win a war. That was never part of the prophecy of Marx and Engels, nor indeed of Lenin.

Rather, the prophecy was that the Capitalist West will collapse of its own internal contradictions.

Let us be clear. We are dealing with a doctrinal adversary. There is a real sense in which it must be said of the leaders of the Soviet Union, and some of their satellites, that they are a People of the Book. They have texts which prophesy the ultimate triumph of their system through the collapse of ours, not through its overthrow from outside but from its collapse from within.

The doctrine was first set forth in the mid-19th century by Karl Marx and Friedrich Engels, and was extensively codified in Marx's book, "Das Kapital."

The doctrine is not all that complex, Mr. President. Karl Marx stated that the bourgeois system of production under capitalism was by far the most advanced stage that civilization had reached, but not the last stage. He said it had released unparalleled productive capacity, compared to which the pyramids of Egypt were insignificant achievements.

But this release of energies would lead to ever-increasing production, and that sooner or later the capitalist systems of the West would overproduce. As they began to overproduce, profit margins would fall. As profit margins fell, wages would fall, and the immiserization, to use the term of Marx, of the masses would commence. It would end in a great convulsion of protest against an intolerable system and new and vital days of history would emerge in which there was communal ownership of goods and services and, indeed, the disappearance of the state.

Yes; one of the prophesies of Soviet doctrine was that the state would wither away. The prophesy was that across national borders workers would unite as never before, recognizing a common nationality superior to any attachment to nation, religion, or other commitment.

□ 1430

The Germans and the Russians, the Italians, the Irish, the Scots, the Chinese, and the Russians would all become one solid class under the red flag, because the blood of all men is red and that was the color of the worker's flag.

They prophesied all this and then a half-century went by and it did not come to pass. The prophecies were not fulfilled. And there was in fact a crisis of belief in the Marxist world at the turn of the century. The prophet was dead, his prophecies had not come to pass.

Whereupon Lenin published his book "Imperialism: the Highest Stage of Capitalism" in which he described and explained the delay in the system's collapse. He said that the European nations had discovered that, through imperialistic foreign policies, they could accumulate colonies which would be their outlet for the surplus production that otherwise would bring about the Marxist prophecy. So the prophecy simply had been delayed. It was still valid but you had to wait while the producers filled India with locomotives and whatever, until even India, as it were, could no longer absorb any more of that production. Then profits would fall, the masses' wages would fall, and the final convulsion would come.

Mr. HEFLIN. Would the Senator yield?

Mr. MOYNIHAN. If my good friend would let me conclude this statement, I shall be happy to yield for a question in very short order.

Mr. President, one of the ironies and one of the events of our time is that Lenin, who made that prophecy writing in Switzerland, came to power in what was then Petrograd, now Leningrad. One of the first things he said to the Soviets and to the Communist Party leadership was that whatever the proclaimed enmity of the West to their regime—and after all, Britain, France, and the United States sent ex-

peditionary forces to overthrow that revolution and we landed in Murmansk, we landed in Vladivostok—Lenin said, "Don't worry, their's is a surface hostility. The raw necessity of capitalist overproduction will lead them to shower us with goods and services. They have no choice."

It is often said that Lenin made the remark, "They will sell us the rope with which to hang them." Actually, there is no documentation for that exact statement, but the essence is there. Permit me to read a passage from George Kennan's masterful work, "Russia and the West Under Lenin and Stalin." He describes what he calls "an imaginary statement" of the Soviet leaders to the Western governments. Permit me to quote from that imaginary statement. It says:

Since we are not strong enough to destroy you today * * * we want you during this interval to trade with us. We want you to finance us. An outrageous demand? Perhaps. But you will accept it because you are slaves to your own capitalistic appetites. You will wink at our efforts to destroy you. You will compete with one another for our favor. It is, in fact, you who will, through your own cupidity, give us the means wherewith to destroy you.

Kennan then says, and now I quote him:

I can only assure you that this formulation is not one whit sharper or more uncompromising than the language consistently employed by the Soviet leaders at that time. I do not believe it embraces a single thought which did not then figure prominently in their utterances.

Mr. President, Louis Fischer, in his "Life of Lenin," gives an account of an address to the Ninth World All-Russian Congress of Soviets in 1921, in which Lenin said as much. An important translation, said to be from Lenin's papers, was published in "Novyi Zhurnal", a New York Russian-language paper, in 1961. We find similar propositions in this work. I ask unanimous consent that both of these be printed in the RECORD.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

Excerpt from Louis Fischer, "The Life of Lenin" (pp. 563-64):

The capitalist nations had refused the Soviet government diplomatic recognition, yet they traded with it. A thousand locomotives had been ordered abroad. "We have already received the first thirteen Swedish, and thirty-seven German" locomotives (said Lenin). "This is the smallest beginning, still it is a beginning * * * we are overpaying, nevertheless they are helping our economy. They brand us as criminals yet they help us * * *"

Excerpt from "Novyi Zhurnal" (P. 147):

* * * The capitalists of the whole world and their governments in their rush to conquer the Soviet market will close their eyes to the activity referred to above (various diplomatic subterfuges of the Soviet government) and will thereby be turned into blind deaf mutes. They will furnish credits which will serve us for the support of the Communist Party in their countries and, by supplying us materials and technical equipment which we lack, will restore our military industry necessary for our future attacks against our suppliers. To put it in other words, they will work on the preparation of their own suicide.

Mr. MOYNIHAN. Next I go to a more contemporary source, that of Henry Kissinger, who wrote in 1982 an article published in the New Republic entitled "Trading with the Russians." He said:

Lenin's legendary dictum that capitalists would compete to sell the rope with which they would be hanged has come true with a vengence—for Lenin never guessed that Western governments would provide the money to buy the rope and subsidize the price to facilitate the purchase.

I say again, "to buy the rope and subsidize the price to facilitate the purchase."

Mr. President, in the great war of nerves between our two systems, of which weaponry in merely evidence—indeed, as the Marxists might say, an epipheromeon—the one thing we ought never to do is confirm the few tattered prophecies the Soviets have left. Those prophecies are very hard for any of us here to remember—none of us were really around at the time. But it was confidently expected that the Socialist mode of production, which would be put in place under a Marxist system, would be superior in its productive capacity, and that Russians—it turned out to be Russians—would be richer than the West because their system would work better. That expectation soon disappeared.

It was confidently expected that the world would rise in sympathetic response to the success in Russia. That disappeared.

It was expected the state would wither away. That disappeared.

It was expected that, at the minimum, there would be absolute solidarity between Marxist states committed to the same standards, united by the same realities, and enrolled in the same production system. But first with the break with Yugoslavia in 1948, and then with the catastrophic break with the Chinese in the sixties, that disappeared.

All those prophecies are gone. But one remains: That we will sell them the rope with which they will hang us.

For 10 years on this floor, I have pointed to examples in our activities and in the activities of other Western nations. It is the great scandal of the West that we spend fortunes in arms, that by their nuclear nature lead us to live on the brink of the final catastrophe, whilst we will not submit to the simple restraints of actions that will let the Soviets know that their ideology is false, their system has failed, and that their future is bleak unless they reach some accommodation with reality, which is the West.

We keep confirming that last prophecy, the one they still have to cling to, and I do not see how we can do this. I do not think we ought to do it. We should not do it.

I have said all I intended to say, Mr. President. The purpose of this amendment is clear. If is not that we will not trade with the Soviets. Trade is perfectly normal to our system. It should be pursued.

The distinguished majority leader the other day quoted a remark of President Eisenhower when he said, "We will sell them anything they cannot shoot back at us." And we should sell to them—but at a market price for a legitimate profit. But to subsidize, no.

Subsidization means, you see, that Lenin was right: The capitalists are overproducting, they cannot afford the system. That we are only in the last gasp of capitalism, that of imperialism and colonialism.

I hope, Mr. President, that we will adopt this simple amendment that says the U.S. Government shall not expand any funds to subsidize the sale or transfer of goods or services to a Communist government or subdivision thereof.

□ 1440

I will be happy to yield for a question from my distinguished friend from Montana.

Mr. MELCHER. I thank my friend for yielding and I thank him for his excellent statement on Communist philosophy and ideology. I agree with him on ideolgy, but I wonder if my friend recalls how slippery trade was at the time Secretary of State Alexander Haig canceled out of proposed sale of butter, U.S. butter, which is subsidized, canceled that out and then approved a contract or the sale to New Zealand, which immediately melted it down to butter oil and sold it back to the Russians at a profit of some $20 million?

Mr. MOYNIHAN. I would say to my friend from Montana, who follows these matters with great tenacity and accuracy, that is exactly the kind of thing I am talking about. I say it was a scandal of the democracies that we behaved in this way, that we would at genuine cost to all of our nations and peoples provide enormous sums for arms but counteract the whole impression those expenditures make when we act nonetheless in matters that foretell our self-destruction.

Mr. MELCHER. Mr. President, will the Senator further yield for another question?

Mr. MOYNIHAN. Of course.

Mr. MELCHER. I thank the Senator.

Was not that a rather foolish venture then?

Mr. MOYNIHAN. Yes, it was.

Mr. MELCHER. Did not we lose $20 million? Why should we have not sold directly to the Soviets rather than selling to New Zealand, who bought it from us at a reduced price and then sold it to the Soviets?

Mr. MOYNIHAN. I say to my good friend that if we were in a position to sell at market prices—to the Soviets or new Zealand—we should have done it. But we should not have sold at subsidized prices, nor should we have enabled an ally to do the same, which is what evidently happened.

Mr. MELCHER. I thank my friend for yielding, but I do not think the point is clear. The world price of butter reflects a lower price and is a lower price than what is our price for selling it out of CCC stocks. So it is subsidized. The first offer on the world price was a subsidized price.

Mr. MOYNIHAN. I take the Senator's point, and I would respond simply to say that if others do it, we ought not. Too much is at stake. The future of the free societies of the world is at stake.

Mr. MELCHER. I think that is the particular point. If we do not do it, we allow New Zealand to buy it even cheaper from us, sell it back to the Soviets, make a profit out of it and we lose. So trade is slippery.

Mr. MOYNIHAN. If I may say, I would like to have the Soviets observe that there are some things we will not do to sustain their system.

Mr. HARKIN. Will the Senator yield?

Mr. MOYNIHAN. I will be happy to yield to my friend from Iowa for a question.

Mr. HARKIN. I thank the distinguished Senator for yielding and I, to, want to say that I enjoyed and was also enlightened by the Senator's historical prespective of the development of the Communist thought and how their theory has been all along that they were going to use our surplus production to build up their own forces and overtake us.

I often thought that was an important Communist aspect of ideology that has not been clearly understood by the American people. I am going to have more to say in my own time on this, but my question to the Senator on this amendment has to do with the word "subsidize." "Subsidize" means different things to different people. We have not considered it a subisdy to our farmers when we make target price payments to make up for the deficiency between what the market price is and what we consider the farmer's income ought to be. We do not consider that a subsidy.

On the other hand, the GATT nations have always considered that a subsidy and that has been a bone of contention between us and the GATT countries for a long period of time.

I ask the Senator, would he include in his definition of subsidy not just the subsidized sale of wheat, which is now going on to the Soviet Union but would that also include all of those target price payments, I think now amounting if I am not mistaken this year to somewhere close to $20 billion to our farmers? Would that be included also in the Senator's amendment, that this would not be allowed?

Mr. MOYNIHAN. That would not be my intention at all. I would like to say to my distinguished friend from Iowa that with respect to the exact meaning of that word "subsidy," which anyone who has been involved in trade matters knows can be the subject of yearlong conferences, I am prepared to have it understood that I expect the Secretary of State to make that judgment.

Mr. HARKIN. If the Senator will yield for another question—I have about two or three questions—again, it revolves around the use of that word "subsidy." We at the present time have in the law a provision that says that a certain amount of our Government grain that is sent abroad has to be shipped on Americans bottoms. Now, how much of this goes to the Soviet Union I do now know, but again because it costs more to ship it in American bottoms than it does in, let's say, Soviet ships, that, too, is a part of a subsidy. I mean we do not charge any more for the grain that goes on American bottoms than we do on Liberian bottoms or Russian bottoms, even though it costs us more because of labor rates and things like that.

Again, is that a subsidy?

Mr. MOYNIHAN. I would say of that particular case that it is a payment by the American Government to American workers and does not affect the landed price in that sense, but again I would let the Secretary of State make that decision.

Mr. HARKIN. There would be a further question. That would be like the target price payments to farmers.

Mr. MOYNIHAN. Yes.

Mr. HARKIN. The Senator from New York would say that is a payment to farmers to subsidize their yearly, or annual income, or something like that?

Mr. MOYNIHAN. Internal decisions we have made as to how we arrange our own affairs.

Mr. HARKIN. One last question, if I might, to the distinguished Senator from New York. Involving again the use of the word subsidize and transfer and use the words "subdivisions thereof, Communist government or subdivision thereof." I do not understand the language "subdivision thereof." There are, as the distinguished Senator knows, countries who are in the orbit, let us say, or the sphere of influence of certain Communist countries, that is, the Soviet Union, that might not be a subdivision of the Soviet Union but certainly would be included within the diplomatic-military orbit of the Soviet Union.

Mr. MOYNIHAN. May I say to my friend that I refer to, for example, the Ukraine or Byelorussia or Tashkent, Uzebkistan or equivalent subdivisions in Czechoslovakia or Poland in that same sense.

Mr. HARKIN. But this would not include, for example, let us say an extreme case, maybe India, which may not be in the orbit of the Soviet Union but deals with them?

Mr. MOYNIHAN. Oh, no, the Government of India is not a Communist government.

Mr. HARKIN. OK, how about Albania?

Mr. MOYNIHAN. Albania is a Marxist government, a Communist government.

□ 1450

And the city of Tirana would be a subdivision of Albania.

Mr. HARKIN. A country that would be strictly Marxist but would be allied with the Soviet Union?

Mr. MOYNIHAN. There are not many things that are clear in this vale of tears we live in, but if one thing is clear, it is that if you have a Communist government, you will know it.

Mr. HARKIN. Mr. President, on my own time, I wanted to get into the aspect of why we are in the mess today with all the surpluses. There is merit to what the distinguished Senator from New York is trying to do, although I think there are problems with it, also.

Mr. HEFLIN. Mr. President, will the Senator yield?

Mr. MOYNIHAN. I yield.

Mr. HEFLIN. In reading the language of the amendment, I have come to the conclusion that it is quite broad in its language relative to subsidizing the sale or transfer of goods and services.

In effect, in some of the questions that have been asked of the Senator previously, he has indicated that it would be subject to interpretation and that the Secretary of State would be the interpretor of what language such as "subsidy" means.

Do I correctly understand the Senator to say, therefore, that whether something is a subsidy and falls within the purview of this section, he would leave it entirely to the Secretary of State to determine whether or not it is a subsidy?

Mr. MOYNIHAN. I say to my learned friend from Alabama, who was a distinguished jurist before joining us, that he is right in asking this explicit question concerning wherein a decision would reside.

Under our laws, Mr. President, this is a decision that the President of the

United States makes. I offer it as my judgment that any President I have known—and I have worked with a number—would turn to his Secretary of State for counsel in these matters.

Mr. HEFLIN. As I interpret the legislative history the Senator is giving, that is the way I understand the conduit is, through the President to the Secretary of State. But rather than having defined what a subsidy is, there would be no standards, no guidelines for anyone to be able to interpret. Therefore, with the breadth that would be there, it could possibly include irrigation, reclamation, education institutions, the extension service that would be involved, any form of subsidy, depending upon the interpretation that might be given.

In other words, I am saying that it appears that the language is so broad that it does allow for a very wide and varied type of interpretation. Does the Senator feel that there is any narrowing of interpretation of "subsidy"?

Mr. MOYNIHAN. May I say to my good friend that I assume that the President would turn to the State Department for counsel:

I know that these matters are difficult, but I also know that they can be very clear.

It is not everyday that we read on the front page of our papers that the Secretary of State was clearly distressed by a decision made by the Chief Executive. Yet, on this Tuesday past, we learned in an article in the Washington Post by Don Oberdorfer and Ward Sinclair that Secretary of State Shultz expressed strong misgivings about President Reagan's decision to sell subsidized wheat to the Soviet Union, saying that the Soviets "must be chortling" and "scratching their heads."

Mr. President, I ask unanimous consent that this article be entered into the RECORD, together with two articles on the same subject, one from the Washington Post of July 31, 1986, and the other from the Washington Post of August 5, 1986.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From The Washington Post, Aug. 5, 1986]

SHULTZ ASSAILS REAGAN DECISION TO SUBSIDIZE GRAIN FOR SOVIETS

(By Don Oberdorfer and Ward Sinclair)

Secretary of State George P. Shultz expressed strong misgivings yesterday about President Reagan's decision to sell subsidized wheat to the Soviet Union, saying Soviets "must be chortling" and "scratching their heads" at their ability to pay less for American-produced food than American housewives can.

Shultz, who previously termed such subsidized sales to Moscow "ridiculous" and led opposition to them within the administration, surprised White House and State Department officials by continuing his criticism after Reagan made his decision Friday.

Asked about the subsidized wheat sales yesterday morning in an interview with the editorial board of USA Today and other Gannett newspapers, Shultz described them as a form of protectionism and added: "I don't think it is good for the United States." He said they could lead to "a subsidy war."

Nonetheless, he said. "There must be a lot of pluses to it, because it has been decided—but I can't think of any myself."

To Senate Majority Leader Robert J. Dole (R-Kan.), a sponsor of the grain sale who said Shultz should visit more state capitals and fewer foreign capitals, Shultz responded with unusual bluntness:

"I've visited my share of state capitals and I haven't noticed people advocating taxes on Americans to subsidize food for Russians."

A senior White House official said there is virtually no chance that Reagan's decision will be reversed, despite Shultz's strong views, and noted that the issue had been fully debated last week within a divided Cabinet and that there is pressure on Capital Hill for expansion of the subsidized wheat sales.

White House political operatives and Republican lawmakers had argued for the subsidized sales, saying the issue could play an important role in the battle to preserve GOP control of the Senate.

Dole, in a letter to Agriculture Secretary Richard E. Lyng, asked that the U.S. "competitive price program," as he called it, be extended "across the board for corn, soy beans and other farm commodities to all legal markets."

While welcoming Reagan's decision, Dole said it could penalize exports of other commodities "until the current uncertainty and unevenness in U.S. agricultural trade policy is resolved."

Dole told reporters that he does not believe the wheat offer would hurt U.S.-Australian relations. "They weren't strained when they took our markets," he said. "They shouldn't be strained when we're taking them back."

Members of an Australian government delegation, after meetings yesterday with administration and congressional leaders, denounced the U.S. subsidy decision as a political move that will cost American taxpayers heavily and provoke a strong reaction in Australia.

John Kerin, Australia's minister of primary industry, told reporters here that the subsidy "is not about selling wheat. . . . it's about winning votes at the taxpayers' expense."

Kerin also said "the most frightening part" about the Australians' meetings was that U.S. farm-state senators were "misinformed" about Australian agricultural policy, which he maintained is free of government subsidy.

Kerin and others in the delegation said the U.S. pricing decision will approximately halve the gross value of Australia's wheat crop. "Very few farmers can make money in the coming months," Kerin said.

Ralph Hunt, opposition spokesman for agriculture in the Australian parliament, said his country will continue to pressure the Reagan administration to reverse the subsidy policy. "We must focus on the stupidity of agricultural policy in the United States," he said.

Undersecretary of Agriculture Daniel G. Amstutz, who oversees commodity export programs, said the U.S. wheat would be sold to the Soviet Union for $91 to $92 for each metric ton, the world price level, rather than current domestic price for the same wheat of about $104 to $105 a ton.

The subsidy of about $13 per ton, slightly higher than inustry leaders had projected, would cost U.S. taxpayers about $52 million if the Soviets purchase at this price all of the nearly 4 million tons of wheat they are committed to buy between now and Sept. 30 under the long-term U.S.-Soviet grain trade agreement.

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[From the Washington Post, Aug. 5, 1986]

AUSTRALIANS PROTEST

CANBERRA, AUSTRALIA, Aug. 4.—Angry farmers dumped wheat outside the U.S. Embassy today to protest President Reagan's plan to sell the Soviet Union subsidized grain.

The deal is straining Australian-U.S. relations, with politicians here calling for boycotts of American products and threatening to use joint military bases as a diplomatic lever.

About 60 farmers demonstrated today, and a delegation met Ambassador Laurence W. Lane Jr., who said Australia was too dependent on its exports of primary produce. Lane said the subsidized sale of 4 million tons of U.S. wheat still left room for Australian grain sales. "I think you're going to compete a lot better than you are giving yourselves credit for," he said.

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[From the Washington Post, July 31, 1986]

ADMINISTRATION IS DIVIDED OVER CHEAP GRAIN FOR SOVIETS—AUSTRALIA CALLS LEGISLATION "DEVASTATING"

(By Don Oberdorfer)

President Reagan is caught in an election-year tug-of-war among his top advisers over legislation that would require subsidized U.S. grain sales to the Soviet Union and China, an issue that will force the president to choose between domestic and international politics.

The House Agriculture Committee, following the lead of the Senate last week, yesterday approved by voice vote a bill requiring such sales. The vote came as Australian Prime Minister Robert Hawke warned that the legislation would have "devastating implications" for his country and call into question U.S. leadership of the Western world.

Australia is a major grain exporter and likely would lose foreign sales because of subsidized U.S. exports.

Reagan's top advisers are sharply divided on the issue, with Secretary of State George P. Shultz, Secretary of Defense Caspar W. Weinberger and other foreign policy officials strongly opposed to the subsizied sale and Secretary of Agriculture Richard E. Lyng, Secretary of the Treasury James A. Baker III and domestic political advisers backing the sales to help U.S. agriculture and aid GOP lawmakers facing close political races this fall in the Midwest grain belt.

The officials laid out their differences at a White House meeting with the president on Monday. A senior White House official said the foreign policy advisers "made a good case" in the meeting but that "the political logic" on the other side was "pretty hard to refute." The official said control of the Senate next year might be affected if the issue is mishandled by the Republican administration.

Reagan already has the power to order the subsidized grain sales under the 1985 farm bill, but has taken no action. The pending legislation in being used by supporters in Congress to pressure him to do so. The White House said Reagan had made no

decision on the question as of late yesterday, and a spokesman said none is expected today.

The issue erupted on July 22 when a Senate coalition led by Majority Leader Rober J. Dole (R-Kan.) attached an amendment to a funding bill for the Export-Import Bank requiring the subsidized sales.

One of Dole's cosponsors was Sen. James Abdnor (R-S.D.), who faces a tough race for reelection against Rep. Thomas A. Daschle (D-S.D.). Last Friday, Daschle introduced a more sweeping version of the subsidy plan, which was adopted yesterday by the Democratic-controlled House Agriculture Committee on a voice vote. An aide to Daschle said House Democratic leaders may bring the bill to the floor next week.

Shultz, calling the Dole plan "ridiculous," said last Friday that the measure would subsidize the Soviet Union in violation of an agreement with U.S. allies. He also expressed concern about the impact on Australia, a key U.S. ally in the Pacific.

Australia is particularly important, and Hawke's Labor government is in a sensitive position since Washington excluded New Zealand from the ANZUS (Australia-New Zealand-United States) alliance because of its refusal to allow port calls by U.S. nuclear-armed warships.

Hawke predicted dire effects of U.S. subsidized sales in a letter to about 50 members of Congress released by the Australian Embassy. He said application of the U.S. subsidies to wheat sales to the Soviet Union and China, Australia's two top wheat customers, "would inflict critical damage on the well-being of all Australians."

Hawke said the "price war" brought about by the proposed U.S. subsidies would cost Australia about $280 million in export revenue.

He also said that subsidizing the Soviet state at the expense of "America's friend and ally Australia" would inevitably cause questions "about America's commitment to its leadership of the West."

A team headed by Minister for Agriculture John Kerin is to arrive in Washington today to make Australia's case with the administration, Congress and the U.S. public.

Mr. MOYNIHAN. I hope the Senator from Alabama would not adopt a cross-exmamination mode there. He knows what I mean by this amendment and why I propose this matter.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BYRD. Mr. President, will the distinguished Senator from Montana yield to me without losing his right to the floor?

Mr. BAUCUS. I yield.

Mr. BYRD. Mr. President, I wonder if the distinguished majority leader would be ready at this time to propound a unanimous-consent agreement. I wonder if he would be in a position to do it now, so that we would be able to get this off our hands.

Mr. MOYNIHAN. I say to the minority leader that I believe I have the floor.

Mr. BAUCUS. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Montana has been recognized.

Mr. MOYNIHAN addressed the Chair.

Mr. BAUCUS. I am happy to yield to the Senator from New York.

Mr. MOYNIHAN. Mr. President, I was involved in a colloquy with the Senator from Alabama, and I never yielded the floor.

The PRESIDING OFFICER. In the judgement of the Chair, the Senator from New York lost the floor.

The Senator from Montana.

Mr BAUCUS. Mr. President, I must say that it was unclear whether or not the Senator from New York yielded the floor, and I will be happy to yield the floor so that the Senator from New York will have the floor.

Mr. MOYNIHAN. I thank my friend.

Mr. BAUCUS. Mr. President, I do so with the understanding that when the Senator from New York does yield the floor, I might be recognized.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MOYNIHAN. Mr. President, I did not hear the Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senator from New York be recognized as having the floor and that when the Senator from New York yields the floor, the Senator from Montana be recognized.

Mr. BYRD addressed the Chair.

Mr. MOYNIHAN. Mr. President, I had only asked to have the floor in order to yield to the minority leader, and evidently it is to be so done, and I am to yield now to the Senator from Montana.

Mr. BAUCUS. Mr. President, a parliamentary inquiry.

Mr. MOYNIHAN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana has the floor.

Mr. BYRD. Mr. President, I did not realize who had the floor. I thought the Senator from Montana had the floor, and that is the reason why I asked him to yield. I did not mean by that to indicate who might have yielded the floor. I hope that the Senator who now has the floor will yield to me, without losing his right to the floor.

Mr. BAUCUS. I yield.

Mr. BYRD. If the distinguished majority leader is ready, I wonder if we can proceed with this agreement.

Mr. DOLE. I say to the distinguished minority leader—if the distinguished Senator from Montana will yield—that I am prepared to do that now. I think a number of our colleagues would like to know precisely what may be happening next week, and how we will dispose of the debt-ceiling extension. That is in addition to Contra aid and South Africa and the Boren amendment, which are all covered in the agreement.

I ask unanimous consent to proceed with the unanimous-consent agreement.

Mr. GOLDWATER. Mr. President, reserving the right to object—and I will not object—for the interest of our colleagues who are interested in this legislation, about how long will this take?

□ 1500

Mr. DOLE. I would guess at least 15 minutes.

Mr. BAUCUS. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Might I ask the Senators from West Virginia and Kansas whether or not we can complete action on this amendment before we move to the unanimous-consent request? I do not have much time I wish to take on this amendment. I sense there will not be much time taken on this amendment. Perhaps we can agree to a time limit of 15 minutes so we can dispose of this and then move more orderly into the unanimous-consent request.

Mr. DOLE. Mr. President, will the Senator from Montana yield?

Mr. BAUCUS. I am happy to yield.

Mr. DOLE. I hope it will not take long to dispose of this amendment. I do not really believe anybody has any idea what the amendment means. It means to me we cannot trade anything with the Soviet Union because we subidize cotton, rice, corn, tobacco, wheat, anything we might sell to the Soviet Union under this amendment. It is a total embargo, no more trade.

I believe once those of us frm the farm States understand that then we will be able to dispose of the amemdment, but it my take a while because we were taken by surprise. We have sent for staff, trade staff, ag staff, other staff. This amendment is not germane or relevant to this bill, but it may take 2 or 3 hours.

Mr. BAUCUS. Mr. President, with that understanding I withdraw my objection.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana has the floor.

Mr. DOLE. Is there objection to the request?

The PRESIDING OFFICER. Is there objection to the request?

Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—SOUTH AFRICA AND CONTRA AID

Mr. DOLE. Mr. President, I thank the Senator from New York and other Senators who permitted us to propose the UC agreement which I will do.

Let me explain at the outset what we have worked out with the cooperation of a number of Senators. I believe that the treatment we have reached is fair, fair to both sides. I mean by "both sides" both sides who may have views on Contra aid, those who may have different views on South Africa, and those who might have different views on political action committees with reference to the Boren amendment.

The Boren amendment was not initially part of the discussions but it did arise during the discussions. We have reached an agreement. As far as I am concerned, it is fair to all my colleagues because everyone of us is involved in that particular issue.

So we begin our agreement with an agreement or what we will do with reference to the Boren amendment.

I will make the entire request and if there are questions, perhaps they could maybe be reserved until we go through the agreement and then come back and address the specific questions that Members may have.

Mr. President, I particularly thank the distinguished minority leader, who spent hours and hours on this agreement, as the majority leader has, in addition to the Parliamentarians and particularly the Chief Parliamentarian, Bob Dove, who is necessarily absent today because of a death in the family.

So we have spent a lot of time. Members of our staff have spent a lot of time.

We believe that it satisfies everyone's concerns. If not, I think it is good that we find out.

So I ask unanimous consent that at 10 a.m. on Monday, August 11, notwithstanding the provisions of the unanimous-consent agreement entered into on November 14, 1985, the Senate turn to S. 655 and there be 5 hours of debate total to be equally divided between the Senator from Minnesota [Mr. BOSCHWITZ] and the Senator from Oklahoma [Mr. BOREN] or their designees, and that 3 of the 5 hours of debate occur on Monday's session of the Senate.

I further ask unanimous consent that there be two amendments in order to S. 655, the pending Boren amendment No. 1168 and an amendment relating to campaign financing to be offered by Senator BOSCHWITZ, that these be first-degree amendments and not subject to motions to table.

I ask unanimous consent that at 9 a.m. on Tuesday, August 12, there be 1 hour of debate on the Boren amendment No. 1168 to be equally divided in the usual form and that following the conclusion or yielding back of time the Senate proceed to vote on the Boren amendment without any intervening action, motion, or debate.

I ask unanimous consent that following the vote on the Boren amendment the Senate proceed immediately without any intervening action to consideration of the Boschwitz amendment and there be 1 hour of debate to be equally divided in the usual form and following the conclusion or yielding back of time the Senate proceed to vote on the Boschwitz amendment without intervening action, motion, or debate; further, providing nothing in this agreement precludes further consideration of S. 655 during the remainder of the 99th Congress.

That is the agreement on the Boren amendment.

Since that is part of the total agreement let me proceed then with South Africa and Contra.

I ask unanimous consent that at 1 p.m. on Monday, August 11, the Senate proceed to H.R. 5052, the Military construction appropriations bill, and at the point only amendments dealing with title I be in order, and that they be limited to 20 minites each, to be equally divided in the usual form, and be limited to the following:

Senator WILSON, California issue; Senator MATTINGLY, technical changes; Senator MATTINGLY, school of Americans; Senator SASSER, relating to burden-sharing; Senator DIXON, weather training at Chuanute Air Force Base; Senator DIXON on Scott Air Force Base Computer Center.

I also ask unanimous consent that there be 1 hour of debate on title I, to be equally divided between Senators MATTINGLY and SASSER, or their designees, and that following the disposition of amendments and the expiration or yielding back on time on title I, the Senate immediately proceed to vote on the question: "Shall the Senate adopt title I" without any intervening action, motion, or debate?

I ask unanimous consent that following disposition of title I, of H.R. 5052, the Senate immediately proceed without intervening action, motion, debate, or quorum call, to consideration of titles II and III, en bloc.

I ask unanimous consent that at 10 a.m., on Wednesday, August 13, the Senate immediately proceed to vote, without any intervening action motion, debate or quorum call on cloture on closing debate on titles II and III, or H.R. 5052.

I ask unanimous consent that regardless of the outcome of the cloture vote taken on titles II and III, on Wednesday, August 13, the Senate proceed to consideration of cloture on S. 2701, the South Africa bill.

Further provided that, if after both cloture votes, cloture has not been invoked on both matters, a second cloture vote occur on the unclotured matter or matters.

I ask unanimous consent that there be 30 minutes of debate to be equally divided in the usual form, between each of the four above described cloture votes, if necessary, and that at the expiration, or yielding back of the 30 minutes allotted for debate between cloture votes, after the first cloture vote, the Senate proceed immediately to vote without any intervening action, motion, debate, or quorum call, or cloture on the matter to be clotured.

I further ask that unless cloture is invoked on both items, meaning South Africa and Contra aid, then this agreement is null and void, with the proviso, in which event, that as much of the August recess, as necessary, be null and void in order to complete Senate action on both H.R. 5052 and S. 2701.

I ask unanimous consent that once cloture is invoked on titles II and III, Contra aid, and S. 2701, South Africa, the Senate immediately resume consideration of titles II and III, of H.R. 5052, without any intervening action, motions, debate, or quorum call, under the terms and conditions of this agreement. Further, following disposition of H.R. 5052, under the terms of this agreement, the Senate proceed immediately, without any intervening action, motions, debate or quorum call to consideration of S. 2701, South Africa, under the terms and conditions of this agreement.

I ask unanimous consent that in the case of titles II and III, of H.R. 5052, prior to cloture, there be 10 hours of debate to be equally divided in the usual form between Senators MATTINGLY and SASSER, and that there be an additional 2 hours for debate for each of the following Senators for their use: Senators LEAHY, KERRY, and HARKIN to be used on Monday, August 11, prior to amendments being offered, and that if any of this time has not been used prior to the cloture being invoked, it be automatically vitiated.

I ask unanimous consent that after cloture has been invoked, on titles II and III, there be 4 additional hours of debate to be equally divided in the usual form, during which time, listed amendments may still be called up and disposed of.

I ask unanimous consent that in the case of S. 2701, South Africa, there be 8 hours of debate, to be equally divided in the usual form, between Senators LUGAR and PELL, and that there be an additional 2 hours of debate each, for Senators WALLOP and DENTON.

I ask unanimous consent that during the Senate's consideration of titles II and III of H.R. 5052, and of S. 2701, the following amendments be the only amendments in order, and that they be first degree amendments, germane

or relevant, and limited to 1 hour each:

On this side, the Contra aid amendments:

MATTINGLY, relating to Contra assistance; MATTINGLY, relating to Central America assistance; MATTINGLY, in the nature of a substitute; WALLOP, aid enhancement to Central America; DOLE, amendment with reference to Contra assistance; and a second Dole amendment with reference to Contadora process and the Lugar amendment relating to Central America assistance and Nicaragua in the nature of a substitute.

On the Democratic side of Contra aid amendments:

SASSER, strike titles II and III;

LEAHY, relating to restrictions on CIA involvement;

KENNEDY, relating to cut off of aid to Contras;

KENNEDY, relating to prohibition on U.S. combat troops;

KENNEDY, relating to channeling the $5 million for Misurasata's through State Department;

BYRD, relating to La Prensa;

BYRD, relating to funding levels for Contras;

BYRD, relating to United States Central America diplomacy;

DODD, relating to Contadora;

DODD, relating to human rights;

BIDEN, relating to diplomatic process;

BIDEN, relating to definition of role of U.S. advisors;

KERRY, relating to Contadora;

MELCHER, relating to elimination of the additional $300 million in bill;

MELCHER, relating to extending the $225 million in emergency food aid through September 1987;

MELCHER, relating to substitution of surplus commodities in lieu of $300 million cash aid;

HARKIN, relating to limitation on United States military trainers and advisors in Costa Rica or Honduras;

HARKIN, relating to using Contra funding for agriculture;

HARKIN, relating to limitation on CIA contingency fund;

PELL, relating to victims compensation fund;

SIMON, relating to transfer of Contra funds to IFAD;

SIMON, relating to a limitation of funding for programs in Nicaragua; and

KERRY, relating to enforcement procedure for section 204.

And I am advised that there is an amendment by Senator WILSON relating to Contadora.

I ask unanimous consent that once cloture is invoked on titles II and III of H.R. 5052, that all remaining amendments be limited to 30 minutes each, to be equally divided, in the usual form.

I ask unanimous consent that after the conclusion of the allotted time on titles II and III of H.R. 5052, and S. 2701, South Africa, if there are any amendments from the above lists of amendments that have not been disposed of, and Senators wish to call up, they be limited to 2 minutes each, to be equally divided in the usual form, and disposed of.

Let me go ahead and complete this list and I will come back and do South Africa.

Further, I ask unanimous consent that in relation to H.R. 5052, following the disposition of the above mentioned amendments and the expiration or yielding back of time, the Senate proceed immediately, without any intervening action, motion, debate, or quorum call to vote on agreeing to titles II and III, as amended, if amended, and then proceed immediately without any intervening action, motion, debate, or quorum call to third reading and then proceed immediately without any intervening action, motion, debate or quorum call, to vote on final passage of H.R. 5052, as amended, if amended.

I ask unanimous consent that in relating to S. 2701, South Africa, following the disposition of the above mentioned amendments, and the expiration or yielding back of time, the Senate proceed immediately, without any intervening action, motion, debate or quorum call, to third reading of S. 2701, South Africa, and then proceed immediately, without any intervening action, motion, debate, or quorum call, to consideration of H.R. 4868, the House companion measure to S. 2701.

Further provided that the Senate then proceed immediately, without any intervening action, motion, debate, or quorum call, to a nondebatable and nonamendable motion to strike all after the enacting clause of H.R. 4868 and insert the text of S. 2701, as amended, if amended, and then proceed immediately, without any intervening, action, motion, debate, or quorum call, to third reading of H.R. 4868, and then proceed immediately, without any intervening motion, action, debate, or quorum call, to vote on final passage of H.R. 4868, as amended.

I ask unanimous consent that no motions to recommit with or without instructions or motions to reconsider the final passage votes be in order to H.R. 5052, the military construction appropriations bill, S. 2701, South Africa, or H.R. 4868, House companion to South Africa.

I ask unanimous consent that with respect to consideration of S. 2701, South Africa, third reading occur not later than 6 p.m., on Friday, August 15, provided that if Senators still have amendments which have not been disposed of from the above mentioned list, which they still wish to call up, the Senate will not begin the August recess until disposition of such amendments, third reading of S. 2701, and final passage of H.R. 4868.

I ask unanimous consent that if this agreement is entered, House Joint Resolution 668, the debt limit, be advanced to third reading without any intervening action or motion, and with 1 hour equally divided, and that the vote on final passage of the joint resolution occur at a time agreed to by the majority and minority leaders but no later than the close of business on Saturday, August 9, 1986.

I ask unanimous consent that during the consideration of H.R. 5052, and S. 2701, there be alternate recognition of amendments between Democrats and Republicans.

I ask unanimous consent that following disposition of H.R. 5052, the military construction appropriations bill, and H.R. 4868, South Africa, that any motion to request a conference, insist on Senate amendments, and appoint conferees be indivisible and nondebatable.

Further provided that, during consideration of H.R. 5052, S. 2701, and H.R. 4868, there be 10 minutes equally divided in the usual form on any debatable motion, appeal, or point of order, if submitted by the chair.

Mr. President, I failed to list the South Africa amendments, and I will do so now.

Senator BOSCHWITZ has four amendments: No. 1, compensate South Africa blacks made unemployed by this act; No. 2, dealing with South African judges; No. 3, dealing with black-owned businesses; and No. 4, sense of the Senate to convene a conference on past apartheid democracy.

Senator PRESSLER: No. 1, strike section which authorizes sale of U.S. gold stocks; No. 2, exempt nonwhite South African businesses from ban on U.S. new investments; No. 3, 3 month delay in imposition of punitive sanctions; No. 4, strike section 501(b); No. 5, delete section 303; No. 6, assist South Africa's neighbors in compensating with sanctions; No. 7, strike lines 6 through 9 in section 311(b); and No. 8, strike section 501(c)(6).

Senator MCCONNELL: U.S. policing in the opposition to the system of apartheid in South Africa.

Senator LUGAR, to be identified during unanimous consent. Do we have his amendments? I will put in a call to Senator LUGAR, but the amendments, in any events, would have to be germane or relevant. I do not have them. It says amendments to be identified and we need to identify those amendments.

Senator SYMMS: No. 1, prohibition against sanction on strategic minerals; No. 2, require that the proceeds of the sale of gold be used to purchase silver; No. 3, banning purchases from countries which do not outlaw free trade

unions; and No. 4, to prohibit the sale of gold rubles.

Senator DURENBERGER: No. 1, dealing with prohibiting U.S. intelligence sharing with South Africa; No. 2, prohibit U.S. cooperation with armed forces of South Africa; and No. 3, same as No. 1; nearly the same as No. 1.

Senator MURKOWSKI, to restrict military cooperation with the Government of South Africa.

Senator DENTON: No. 1, disassociation the United States from organizations that condone "necklacing"; No. 2, to ascertain African National Congress compliance with U.S. law; No. 3, to ascertain whether Transafrican, the Free South African movement and the Washington Office on Africa are in compliance with U.S. law; No. 4, to encourage the African National Congress to disaffiliate with South Africa Communist Party; No. 5, encourage African National Conference to participate in peaceful process to end apartheid; No. 6, to assure just treatment of black South African exiles; and, No. 7, to assure that when future sanctions are imposed that full account has been taken of other national security interests of the United States.

I am now advised that Senator LUGAR will only have two amendments. One will be a technical amendment which will be germane and relevant. The second one will be an amendment in the nature of a substitue. Those are the only two that Senator LUGAR has.

Mr. BYRD. That would be in the nature of a substitute to what?

Mr. DOLE. To the bill.

Mr. BYRD. S. 2701.

Mr. DOLE. That is right.

Proceedings with D'AMATO-MOYNIHAN, there is one amendment permitting states and policed subdivisions, to enforce the state or local antiapartheid laws.

Mr. HELMS: No. 1, policy declaration taking note of progress made; No. 2, policy declaration toward African National Congress, and Pan Africanist Congress, and so forth; No. 3, authority to provide assistance to South African victims of apartheid and terrorism; No. 4, policy declaration to encourage fighting against apartheid to disavow Communist affiliations and so forth; No. 5, President to seek cooperation to end apartheid and terrorism in South Africa; No. 6, prohibit scholarship aid to known Communists, or those known to have engaged in violence; No. 7, earmarking of $175,000 for direct assistance to families affected by violence, and $500,000 to blacks working for multiracial sharing through nonviolence; No. 8, declaration against "necklacing"; No. 9, prohibit assistance to businesses owned by those who have participated in violence; No. 10, prohibit assistance to housing of black employees of U.S. Government who have participated in violence; No. 11, adds to the Sullivan code of conduct; No. 12, prohibits issuing of visas to South African nationals known to be Communists or terrorists; No. 13, conditions termination of provisions upon certain actions of the African National Congress; No. 14, requires the President to report to Congress on the extent of Communist infiltration in antiapartheid group; and No. 15, any combination of the above amendments.

Mr. WALLOPS: No. 1, extend provision applicable to South Africa under the act to the stated countries and any other country that has a record of human rights violations; No. 2, extend provisions under the act of the Soviet Union; No. 3, denunciating the practice of "necklacing"; and No. 4, strike section 308, under the visa provisions of the bill.

For Senator MCCLURE: No. 1, strikes section 309 relating to sale of U.S. gold stocks and, 2, dealing with strategic minerals.

Senator HUMPHREY will have to identify that.

Mr. HUMPHREY. Do we need a description at this point?

Mr. DOLE. If we could have a brief description.

Mr. HUMPHREY. It will deal with the withdrawal of air rights for carrier coordination.

Mr. DOLE. Senator HATCH, I must say all I have for Senator HATCH is an unidentified amendment relating to South Africa, germane or relevant. And the same is true of the majority leader and Senator CHAFEE.

Senator D'AMATO, which would be a second amendment, State and municipal apartheid statutes and flow of Federal funds; Senator WEICKER, there are two amendments, both identified germane or relevant. I am not certain that will be satisfactory.

Senator KASSEBAUM, delete language for UISAS.

For Senator DANFORTH, encourage suspension of violence while negotiations take place between the South African Government and black community.

Senator WILSON, which would be an additional amendment, United States companies training of black South Africans.

On Senator NICKLES, I overlooked exempting agricultural export products from credit sanctions.

Then the Democratic list of amendments on South Africa: Senator CRANSTON, four amendments, the first relating to the computer ban, second relating to textile ban, third relating to disinvestment trade embargo, fourth relating to congressional approval of sanction waiver; Senator BIDEN relating to automatic sanction trigger; Senator DODD relating to expansion of import ban; Senator DODD relating to South African banks; and Senator KERRY relating to transfer of South African sugar quota to the Philippines.

Senator PROXMIRE has four amendments; the first relating to South Africa banking, the second relating to the South African banking, third relating to termination of sanctions, fourth relating to section 403, private right of action subsection (c).

For Senator MOYNIHAN: An amendment relating to States' enforcement of State or local antiapartheid laws;

For Senator SARBANES: An amendment relating to South Africa landing rights;

For Senator LEVIN: There are four amendments, and the first is relating to munitions list export ban; relating to commodity control list export ban; relating to foreign tax credit; and relating to meeting between Mandela and United States Ambassador to South Africa.

For Senator SIMON: There are two amendments. The first relates to flurospar ban; and relating to definition of South Africa to include territory occupied in violation of international law.

For Senator EAGLETON: There is an amendment relating to termination of sanctions.

For Senator BRADLEY: There is an amendment relating to sale of gold.

For Senator RIEGLE: There is an amendment relating to expulsion of South African military attachés from the United States.

Senator KENNEDY has three amendments relating to military construction. That is No. 1. No. 2 relates to Commonwealth sanctions I; and the second relates to Commonwealth sanctions II.

If I might just take another minute, 2 minutes, to sort of put it all in perspective because It may be somewhat confusing. [Laughter.]

In addition to the Boren amendment which we will dispose of as far as Monday is concerned, at 1 o'clock what we are going to do is consider title I of the military construction appropriations bill for the limited number of germane amendments be in order.

After the conclusion of title I, the title in effect would be closed off from further amendments. That will take care of title I.

Then the Senate will begin Contra aid titles II and III and 10 hours will be equally divided with 2 hours each for the following Senators. I have already indicated Senators KERRY, HARKIN, and LEAHY, and also during this time, after the debate, amendments will be in order which are listed as germane and relevant limited to 1 hour each.

On Wednesday, we vote at 10 o'clock. The Senate will vote on cloture on Contra aid. Then the Senate will vote cloture on South Africa. Assuming both failed regardless of the

outcome, the Senate will have another cloture vote on Contra aid and South Africa. In other words, if we get cloture the first time around, we will go right back to titles II and III.

If we do not get cloture on Contra aid the first time, we then vote cloture on South Africa, and we come back and have another cloture vote on Contra aid. If we have not gotten the cloture the first time on South Africa, then we would have a second cloture vote on South Africa.

□ 1530

That is what that means.

If we get cloture on one and not the other either the first or the second time, then the whole agreement is void. Under this agreement we would stay in the following week to complete action on both measures. That means final disposition.

After the Contra issue, the Senate will have 8 hours of debate and 2 additional hours for Senators WALLOP and DENTON. At this point the amendments may be called up. There are a lot of amendments.

What we tried to do, I might say to may colleagues—and you have figured it out, I guess, you have had enough time—is to strike a balance, so that everybody will know they have been fairly treated, whether they were for or against Contra aid, for or against sanctions against South Africa. We tried to make as certain as we could that each issue would have about the same amount of time.

As I look at it, there might be a bit more time on the Contra aid issue and a bit less on South Africa. Both are vitally important to many Members on each side. But we did understand what we were searching for was fairness to the people who were for it to have time to debate and people against it would have time to debate, and all the amendments would be considered even though we ran out of time. You could still call up your amendment and have 2 minute of debate and ask for a rollcall.

Has Senator WEICKER identified his amendments?

Senator WEICKER has two amendments deleting or adding sanctions to S. 2701.

The McConnell amendment I referred to on South Africa I described as United States policing in opposition to the system of apartheid in South Africa. It should be changed to an amendment on South Africa in the nature of a substitute.

I am happy to yield to the minority leader.

We also have cloture motions to send to the desk at the appropriate time.

Mr. BYRD. Mr. President, I thank the distinguished majority leader. I thank all Senators for listening and for their very close attention.

On those amendments that have not been identified, of course, it is understood that they would have to be identified before we consent to this agreement. I have just a few modifications I would like to call to the distinguished majority leader's attention.

With reference to the 2 hours which would be allotted to each of the three Senators—Messrs. KERRY, HARKIN, and LEAHY on Monday—Mr. KERRY would like permission to carry over one-half of his time to Tuesday; Mr. HARKIN would like the same.

Mr. LEAHY. If the distinguished Senator from West Virginia would yield at that point, I had understood that the 2 hours, if not used, vitiates at the appropriate time on the cloture motion, as stated by the distinguished Senator from Kansas in the request. But I also had assumed that if, in my case, my 2 hours are not used on Monday, provided I were to use it prior to the time it would be vitiated by the cloture vote, I could still use it on Tuesday. I hope my understanding is correct, or that this would be modified to protect that. I would ask for such a modification. I fully understand vitiating the remainder of the 2 hours if not used at the cloture vote. But I would not want to be put into the position of it all being used on Monday.

Mr. BYRD. Mr. President, may I say to the distinguished Senator from Vermont, the original intent and the original request provided for the use of 2 hours each by the three Senators named, all to be used on Monday. There were at least two reasons for that, one being to get as much debate up front as possible before the cloture votes were had; second, in view of the fact that on Monday, some Senators may be a little late in the day getting here, it was thought that as much debate could be gotten out of the way on Monday, thus clearing the way for rollcall votes and action thereafter.

It was understood to begin with that the 2 hours each for Mr. LEAHY, Mr. HARKIN, and Mr. KERRY would all be consumed on the first day. Subsequent thereto I received the request from Messrs. KERRY and HARKIN that one-half of their time be utilized on the second day.

Another reason is that there are a plethora of amendments, as we have all seen, and it is going to be a colossal problem at best, getting the amendments up, giving Senators the opportunity to debate them, and get rollcall votes on them.

We are hoping that all Senators will work together as best as possible to try to compress the time, to utilize it in a way that can best expedite the overall agreement. I hope, if we could, we would not have to carry over 3 hours out of the 6.

Mr. LEAHY. I understand, Mr. President. I want to cooperate. I do not want to go so long that someone files cloture under the unanimous-consent request, and I am not suggesting in any way that distinguished majority leader would cut us off by adjourning early on Monday. I do not mean to suggest that.

But I also know that there will be a pile of things coming and the hour would get late, and I am willing to stay as late as anyone on Monday, or we might not even get the debate in I wonder as a compromise, instead of asking to carry over my time on Tuesday if I might carry a half hour of my time on Tuesday provided it is not used on Monday night.

Mr. DOLE. I do not have any quarrel with modification. I think we ought to keep in mind, just being reminded by the distinguished Senator from Alaska, that we will have about 18-hour-days in any event. If we start moving Monday into Tuesday, I am not certain where we are going to move Friday. I know it will be Saturday, or I assume.

Every amendment has 1 hour prior to cloture being invoked. After cloture is invoked it drops to 30 minutes. I believe it was suggested by the Senator from California, Senator CRANSTON, that maybe we could do the debate up front on South Africa and Contra and maybe set the stage for the amendments. Maybe that will not work.

Mr. STEVENS. Will the Senator yield?

Mr. LEAHY. If I might make myself clear, I fully expect to use all my time on Monday night, but if I could just have that protection. If I am not going to need it, I will not ask for it. Nobody wants more to get the debate actually rolling on these issues than I do.

Mr. KENNEDY. Will the leader yield?

Mr. BYRD. Might I yield to the distinguished Senator from Alaska first?

Mr. STEVENS. I thank my friend. My only comment is that I have seen so many of these agreements that contemplate people being here early in the morning to offer their amendments, but we do not get started until noon or 1 o'clock. This is not going to work unless there are some specific timeframes for the debate and specific timeframes for the amendment process, in my judgment. If you want to carry over the debate until the next day, it ought to be in the debate timeframe on Tuesday and not at the time when amendments will be called up. I really think you will have to allocate these 18 hours a day for 5 days to make it through all of these amendments.

Mr. BYRD. May I say, on Tuesday we will expect amendments to be called up, even during the 10 hours of debate. If Senators want to call up amendments during this period, they should call them up.

□ 1540

Mr. KENNEDY. Mr. President, I have had the good fortune of serving in this body for some 24 years. I commend Senator BYRD and Senator DOLE for this request of the U.S. Senate. I think they have tried to accommodate, in the best tradition of this body, views which are widely divergent in a very complex, involved process. I, as one who has passed, quite frankly, the majority leader and the minority leader on certain issues, want to express my very deep appreciation and gratitude for what I think is the thoroughness of consideration that has been given to all views.

All of us know at this hour, after a very extensive week, we can flyspeck this agreement until tomorrow morning. I hope we will not. I think that this request has demonstrated a real sensitivity to trying to accommodate different interests. Many of us might have structured it in different ways, but I think all of us who share this tradition of trying to accommodate different interests owe the Senator from West Virginia and the Senator from Kansas a very deep debt of gratitude and I, for one, who feel very strongly about both issues, want to express that view at this time.

Mr. BYRD. Mr. President, I thank the Senator from Massachusetts, not only for the effective efforts he put into developing the agreement but also for his strong expression of support for the agreement now that it has been outlined.

I hope, then, that we could agree that one-half hour of the 2 hours of Mr. LEAHY's request will go over until Tuesday if he does not use it on Monday.

Also, Mr. DODD wishes 30 minutes of the time on titles I and II under his control before cloture. I would be willing to take that 30 minutes from the 10 hours if that would be agreeable so we do not add time to the overall debate; we simply let Mr. DODD have 30 minutes of the 10 hours.

Mr. DOLE. Mr. President, I do not know of any discussion. The distinguished Senator from Georgia is here. I understand there is 1 hour equally divided between Senators MATTINGLY and SASSER. This would be an extra 30 minutes on title I?

Mr. BYRD. Yes, and I would suggest that it be equally divided between the two managers, to come off the 10 hours; it would be 15 minutes off one side, 15 minutes off the other.

Mr. DODD. If the minority leader would yield——

Mr. BYRD. Yes, Mr. President, I yield.

Mr. DODD. It seems to me that on Monday, given the unanimous-consent agreement that has been reached already with those who will be using the 2 hours or a good portion of the 2 hours, there is a practical matter that getting involved on Monday may be difficult. Nonetheless, I would like an opportunity prior to the cloture motion on Wednesday to have a half-hour to discuss the background and history of this particular question, rather than a specific amendment. So I hope that on Tuesday, I would be able to have that one-half hour in order to lay that framework out. That is the thing I am hoping for.

Mr. BYRD. That would not add to the overall time. I am just suggesting that from the 10 hours of debate, 15 minutes come from each side and be allotted to Mr. DODD for his control.

Mr. DODD. Privided that is not on title I. Title I would come on Monday. I would rather not be constrained to fit that half-hour in on title I. I would rather leave it until we are considering title II on Tuesday.

Mr. MATTINGLY. Mr. President, would that be an extra half-hour?

Mr. DODD. No, it would be extracted from the 10 hours, 15 minutes to a side.

Mr. MATTINGLY. I think it ought to be allocated proportionally. I think we have it right now as 8 hours and 2 hours.

Mr. BYRD. No, it is 10 hours.

Mr. MATTINGLY. I think it ought to be allocated proportionally, 8 hours and 2 hours of debate, am I not correct, Mr. President? There are 8 hours of debate to their side and 2 hours on our side.

Mr. DODD. Mr. President, the 8 hours is on South Africa. On Contra aid——

Mr. DOLE. I might say if the minority leader would yield, there is more interest on that side taking time on Contra aid and there is more interest on this side in taking time on South Africa. What we have attempted to do is make certain we understand those concerns and try to calculate the time accordingly. So on South Africa, we have set aside 2 hours for Senator DENTON, 2 hours for Senator WALLOP. We think we have a pretty good balance. I do not think this is a matter of any great moment.

Mr. MATTINGLY. I have no objection, Mr. President.

Mr. DODD. There is no objection on that particular request, did I understand that correctly?

Mr. HARKIN. Reserving the right to object.

Mr. BYRD. I hope we have resolved Mr. DODD's request.

Mr. HARKIN. I am reserving the right to object because I did not catch it. Was this a half-hour on title I or II?

Mr. DODD. I sought the time on title I and title II so as not to be constrained. I would prefer to have the half-hour for debate on titles II and III.

Mr. HARKIN. Dealing with the subject matter in titles II and III?

Mr. DODD. That is correct.

Mr. HARKIN. But not on title I.

Mr. DODD. That is correct.

Mr. HARKIN. So what the Senator from Connecticut is asking is that he be given a half-hour to discuss something on title II and title III?

Mr. DODD. That is correct.

Mr. BYRD. May I call to the attention of the Senators also that there is 1 hour of debate on title I, the military construction bill, under the control of the managers. They can yield that. There are 10 hours on titles II and III of the military construction bill. The managers can yield that to Senators so Senators do not have to feel they have to carve out their 15 minutes here today or 20 minutes.

I think we have settled the problem of the Senator from Connecticut.

Mr. DODD. I thank the Senator.

Mr. President, it is my understanding that that unanimous-consent request has been accepted, is that correct?

Mr. BYRD. That is part of the overall agreement, yes.

Mr. MELCHER. Mr. President, perhaps both leaders can straighten this out. First of all, is it clear that during the 10 hours of debate, some of which might be used on Monday on titles II and III, and I would like to have the distinguished majority leader's attention on this.

Mr. DOLE. Excuse me, Mr. President.

Mr. MELCHER. Is it clear that on titles II and III, under the 10 hours of debate equally divided, if it is opportune, amendments could be offered on Monday?

Mr. BYRD. Yes.

Mr. DOLE. Yes.

Mr. MELCHER. And there could either be time yielded out of the 10 hours or, if there is a lull on the recognition of those on the list——

Mr. DOLE. That is correct.

Mr. MELCHER. All right. Then, do I understand correctly on South Africa that at the conclusion of the time—this is on page 4 of the unanimous-consent request, the top request, that on the conclusion of all time on South Africa, amendments that were not brought up could be brought up at that time. What would be the time limit on those amendments?

Mr. BYRD. Two minutes.

Mr. MELCHER. Two minutes. So it applies equally to titles II and III of the first bill on Contras and on South Africa.

Mr. DOLE. Yes.

Mr. BYRD. Yes, Mr. President.

Mr. MELCHER. I thank both leaders and I commend both leaders.

Mr. STEVENS. Will the minority leader yield for another question?

Mr. BYRD. Yes, Mr. President.

Mr. STEVENS. I presume this agreement is based on an assumption that the Department of Defense bill is fin-

ished before 10 a.m., on Monday, August 11.

Mr. DOLE. No, this is not.

Mr. BYRD. No, this is not. This agreement takes hold immediately the first of next week.

Mr. STEVENS. What happens to the DOD bill? It is set aside until after the recess?

Mr. DOLE. Yes.

Mr. BYRD. Or until after this is completed.

Mr. DOLE. Hopefully, we are going to finish that in this next 3 hours.

Mr. STEVENS. As far as this Senator is concerned, I am going to reserve the right to object and I may object. We are within 13 amendments of finishing this bill. We have not had an authorization bill now for 3 years before we have had an appropriations bill. This year we must have.

It is not possible to get through this budget process without an authorization resolution. I want some understanding that the defense bill will be finished before Monday morning at 10 o'clock. That means Senators will have to agree here and now to limit their amendments, so we can finish them either tonight or tomorrow afternoon so we can start this on Monday morning. Otherwise, we have frustrated entirely the budget process by this agreement, in my judgment.

□ 1550

Mr. BYRD. May I say with respect to Senator MELCHER'S inquiry a moment ago, I am sure the majority leader will join me in hoping Senators will indeed begin calling up amendments on Monday, even after title I has been agreed to and voted on, because the more amendments we can dispose of, dealing with titles II and III, on Monday, the greater the opportunity for Senators to call up their amendments before cloture is voted, if it is voted, prior to the time that the 2-minute limitation takes place.

I yield to the Senator from Iowa.

Mr. HARKIN. I thank the minority leader for yielding. I also want to add my compliments to the distinguished minority leader and majority leader for working this out. I think it is a fair agreement, it is one which will allow complete and open and full discussion of the issues surrounding both the Contra aid and the South Africa situation. I am hoping that there will not be any objection to this unanimous-consent agreement. I only have basically one comment to make.

I join with Senator LEAHY, I do intend to use the 2 hours that have been allotted to me on Monday. I just want to be assured that if something happens on Monday, the schedule slips and things happen, I might at least have some time reserved to continue on Tuesday morning and in that regard I would ask of the distinguished majority leader if in fact it was his intention to bring the Senate in early Tuesday morning?

Mr. DOLE. I think the distinguished minority leader has the floor but I have no problem with that.

Mr. HARKIN. Because of the situation we come in early Tuesday morning, finish our debate and get on with the amending process. So that is the only reason that I wanted to be protected on that.

The other question I had was on the 10 hours of debate that is running, that will run prior to cloture on Wednesday, for example, that amendments can be drawn up at that time and offered, debated, and voted on at that time, and I am asking the periods used for voting, will that count in that 10 hours or not?

Mr. BYRD. Mr. President, there is so much noise going on in this Chamber, this is a very complex agreement and the questions are pertinent and I would like to be able to hear the questions before attempting to respond.

The PRESIDING OFFICER. The minority leader is correct. The Senate is not in order. Will staff please take their seats and Senators take their seats. Please continue.

Mr. BYRD. I thank the Chair. Will the Senator repeat his question.

Mr. HARKIN. I thank the distinguished minority leader. The question surrounds the 10 hours of debate that comes before the cloture vote on Wednesday on the Contra bill, it would also pertain to the 8 hours of debate prior to the final vote on the South Africa bill also that during that 10 hours of debate amendments can be called up in the usual form, offered and debated and voted on. During that time votes are held, the 15-minute voting period, for example, is that counted and subtracted from that total 10-hour period?

Mr. BYRD. Fifteen minutes on the rollcall vote?

Mr. HARKIN. Yes.

Mr. BYRD. It does not come out of the 10 hours. The 10 hours are for debate.

Mr. HARKIN. I understand.

Mr. BYRD. Rollcall votes are not considered to be debate.

Mr. HARKIN. I understand but obviously, the debate will and everything else. Again I just want to compliment the two leaders for working out what I consider to be an eminently fair compromise of the situation and I hope we can move ahead with this without objection.

Mr. BYRD. I thank the distinguished Senator.

Mr. LEVIN. Will the Senator yield?

Mr. BYRD. I yield to the Senator.

Mr. LEVIN. Again, I would also like to commend the leaders on this. I have discussed one provision with the Parliamentarian and there is some ambiguity I think left on its face that I would like to inquire about relative to two matters. The provision in question is at the top of page 2, if cloture fails on both, as to what would happen. My question is this: If cloture is invoked after two votes on each subject, invoked on one of the subjects but not on the other, at that point this agreement is null and void?

Mr. BYRD. No, not if it is invoked on one and not on the other, the first two votes. But after the four votes, is that what the Senator is saying?

Mr. LEVIN. That is correct, after four votes, if cloture has been invoked on one item but not on the other, at this point the agreement is null and void?

Mr. BYRD. Yes, it would be.

Mr. LEVIN. My question has to do with that situation. No. 1, am I incorrect in believing that at that point we would be in a post cloture situation on the item that cloture had been invoked on but a precloture situation on the other one?

Mr. BYRD. I was distracted. Will the Senator repeat his question?

Mr. LEVIN. Yes. Assuming after the four votes cloture has been invoked on one item but not on the other, at this point will we be in a postcloture mode on an item on which cloture had been invoked?

Mr. BYRD. No. The agreement from top to bottom will be null and void.

Mr. LEVIN. Including any action that we have taken under it

Mr. BYRD. That is exactly correct.

Mr. LEVIN. My second question is this——

Mr. BYRD. No, no, no, not including any action that had been taken on amendments.

Mr. LEVIN. Including any action on cloture.

Mr. BYRD. Yes, that is correct.

Mr. LEVIN. My second question is this: In that situation where we have invoked cloture on one but not the other, this language says that so much of the August recess as necessary will be null and void in order to complete Senate action on both. Is it my understanding then that unless cloture is invoked on both and both disposed of, we could not have a recess even though a majority of us desired to do so, that this agreement would supersede our usual rules which allow for a majority of us to vote to recess, in support of a motion to recess.

Mr. BYRD. Well, let me say this, that any agreement, of course, can be voided by a subsequent unanimous-consent agreement.

Mr. LEVIN. That is why I say majority of us instead of unanimous consent.

Mr. BYRD. Well, the agreement is that if the two matters are not clotured, the agreement is null and void and, if this agreement becomes null and void, then so much of the recess as is required to complete action on

these two measures would be null and void. That is the unanimous-consent agreement.

Mr. LEVIN. Am I correct in my statement that any one of us could prevent an August recess even though the majority of us wish to recess without disposing of these two matters?

Mr. BYRD. In my judgment, that would be correct. That would be correct. If we agree to this, we are saying we are going to stay here during that August recess, if cloture is not invoked. And if this agreement becomes null and void, then we are going to stay here during the August recess until action is completed on both measures. Now, action can be completed in many ways. I must say I do not think that is going to happen.

Mr. STEVENS. Mr. President, will the Senator yield again? I wonder if I could ask the two leaders if we could make this agreement contingent upon the completion of the DOD bill before the close of business this evening?

Mr. DOLE. Assuming the minority leader will yield, I think we can do that. I would be willing to do that.

Mr. BYRD. Very well.

Mr. DOLE. I ask unanimous consent the aforementioned agreement be null and void if the DOD authorization bill is not disposed of by the close of business tonight.

Mr. BYRD. Well, I do not want to enter into that agreement. I do not want this agreement to be null and void if this bill is not finished tonight.

Mr. STEVENS. How about a time certain for voting on DOD?

Mr. BYRD. I think we could arrive at that later if we just take a pencil and try to add up the amendments and the time that remains. I will be happy to try to work out something on that, but I would not agree that this agreement be null and void if we do not finish action on this DOD bill tonight.

Mr. STEVENS. Mr. President, reserving the right to object, I want to say I shall object unless we can assure that the managers of this bill can complete this bill.

□ 1600

I think we all ought to recognize that our good friend is managing this bill for the last time. It is a bill that must be finished in order that he can take it to conference and bring it back here as a bill that can be completed this year. I would like to see us finish this bill tonight.

This agreement the two leaders have negotiated is a monumental agreement, the best one I have ever seen in my 18 years here. But I do believe that this DOD bill must be finished before we start this on Monday morning.

Mr. BYRD. Mr. President, the distinguished Senator from Alaska is right. There is no problem, in that the majority leader can keep us here this evening. I do not think we need to enter the kind of agreement that was just discussed, because that would destroy the arrangement. I believe the DOD bill can be finished today.

Mr. GOLDWATER. Mr. President, will the distinguished Senator yield?

Mr. BYRD. I yield.

Mr. GOLDWATER. Mr. President, I agree with everything the Senator from Alaska has said.

We have 13 amendments remaining, four rollcall votes. I think that, after being here 6 days and 6 nights, we should be allowed by the leader to finish this bill. If we do not finish this bill tonight, it will never be finished. We know that is coming up, and we are going to face once again a situation where the military of this country has not received the proper attention.

I have to say this, Mr. President, with all due respect. I admire what the Senator from West Virginia and the Senator from Kansas have done. Frankly, it is something I did not think they could do. But here we are worrying about what we are going to do to a country thousands of miles away, wondering what we are going to do to a country 800 miles away, and we are talking about defending the freedom of the people of America. I happen to think that that should take precedence over everything else.

Mr. BYRD. Mr. President, I suggest that the distinguished majority leader ask unanimous consent that all action on the Defense Department appropriations bill be completed not later than 12 o'clock midnight tonight. I think that is more than enough time, so that it will get this argument out of the way.

Mr. DOLE. Mr. President, I do not want to object, but I have been advised by one chairman that depending upon what the nature of the amendment may be, that can be difficult to do.

I wonder if we might modify that to say that if we do not complete the DOD authorization bill by midnight tonight, we revisit this agreement—in other words, go ahead and get approval of the agreement; but if we do not finish DOD, then we would have to recall and resubmit the unanimous-consent request.

Mr. BYRD. Mr. President, I do not want to take a chance on this. There have been many hours spent on this. It involves many emotional issues. There is no reason why we cannot finish the DOD bill tonight.

I have two amendments on the DOD bill. I would like to call them up.

It is not my fault that this DOD bill was not laid down until the close of business on last Friday. It could have been called up earlier.

I have two amendments I would like to call up. I think they are amendments that should be considered. I think they are important. But I am perfectly willing, in order to make this thing work and avoid keeping Senators here too late tonight, to withdraw one or both of those amendments from the list, if I have to do it in order to complete action by midnight.

I certainly do not want to be around here at midnight, because I have been here five nights already until midnight, and I have not been to bed during the past 4 days before 1:30 in the morning, and one can only stand so much of that.

I am willing to take down one amendment or both amendments in order to complete action on the bill.

Mr. DANFORTH. Mr. President, reserving the right to object——

Mr. BYRD. I have not made any request.

Mr. DANFORTH. I say to the Democratic leader that I appreciate his very generous comment about the possibility of withdrawing amendments.

One of the amendments the Democratic leader is considering offering, I am told, has to do with trade and security. I say to the leader that the same subject matter is going to be heard in the Finance Committee on Wednesday. We have a day's hearing on this. The subject of the amendment, as I understand it, closely approximates a bill that a number of Senators introduced, I think, about a year and a half ago. It is my thought that that particular subject matter might be more appropriately addressed in the Finance Committee, because we are going to have a hearing exactly on that subject in 4 days.

Mr. BYRD. Mr. President, in responding to the distinguished Senator from Missouri, I say that I offered this amendment in more comprehensive form by way of a bill a year ago or longer. There have never been hearings on it.

I was somewhat amazed to see an omnibus trade bill floating around here not too long ago that had most of my language in it. That is all right. This amendment which I have in mind here does not contemplate that whole measure. I have taken out of this amendment, so as to avoid any constitutional question on the floor, any question with respect to levies, duties, giving the President additional power to raise import duties, or to impose quotas, et cetera. I may favor a lot of than, but I took it out of this amendment. This amendment compresses the time the Commerce Department has under the present law, which is a year, in making a determination with respect to an industry that petitions for relief because the imports of the products it manufactures threaten to impair the national security.

At the present time, the Commerce Department has a year to make a report to the President. The President

may take 1 or 2 years or more, while the industry that is suffering and petitioning for relief may have to wait all this time without knowing what the decision will be or the reasons for the petition's rejection.

My amendment would compress dates and give the Defense Department a voice in the report that the Commerce Department submits to the President.

Mr. DANFORTH. Mr. President, further reserving the right to object, I understand what the Democratic leader is saying. But the subject matter of the leader's amendment is also incorporated in a much more narrow bill that has been introduced, I think, by about 10 Senators. A hearing on this precise issue is scheduled in the Finance Committee on Wednesday.

It strikes me that if the issue is trying to wrap up the defense authorization bill in a timely fashion tonight, this might be one issue that could be left to the work of the Finance Committee, since we are going to be addressing this question.

I also say, with respect to completing the work on the defense bill, that the pending amendment, which was offered by Senator MOYNIHAN, is obviously a controversial amendment. I plan to speak on that when we get back to that amendment. I think that would be very time consuming. My hope on that amendment is that in fairly short order a tabling motion could be made, so that if it succeeds, we could limit the amount of time we are going to be spending on subsidized sales to totalitarian countries. If that tabling motion does not prevail, then I would guess that it would be very difficult to complete work on the Defense Department authorization bill in a timely fashion this evening.

□ 1610

Mr. BYRD. Mr. President, I will be happy to limit the time on my amendment on the DOD bill to 10 minutes, equally divided.

It does not treat generically the whole matter of trade. It deals only with imports that threaten to impair our national security, and it speeds up the processes whereby the Commerce Department, the Defense Department, and the President make their determinations, have those determinations appear in the Federal Register, and give the public, the petitioners, and Congress the reasons why the petitions have been turned down. I can do it in 10 minutes, equally divided. I think it ought to be on this bill because it deals with national security.

Mr. DANFORTH. Mr. President, further reserving my right to object, again I think that the Democratic leader assumes that this subject matter is only dealt with the so-called omnibus trade bill. It is dealt with as a title to that bill but also essentially the same subject matter, as a matter of fact, the identical subject matter, is dealt with in S. 1871 which was introduced by Senator GRASSLEY and others and that bill, S. 1871, will have a hearing in the Finance Committee on Wednesday.

It seems to me that in a matter relating to international trade and the fundamental change in the trade laws, this really should be brought before the Finance Committee. Since it is an active matter now before the Finance Committee, I really do think that it would be the best solution to deal with it in what I am sure would be a much longer debate than this 10 minutes on the floor of the Senate.

Mr. BYRD. Mr. President, I have been trying to say it every way I know how that this amendment I have does not bring about a fundamental change in the trade law. I will be glad to take 10 minutes on it later and if someone wants to table the amendment they can so move.

On the other amendment I have listed I would be happy to limit debate to 10 minutes equally divided in an effort to expedite action.

Mr. GOLDWATER. Will the Senator press for that unanimous consent on what he has asked for? It is very important to me.

Mr. BYRD. Yes. The Senator means on the two amendments?

Mr. GOLDWATER. Tonight, finishing this bill tonight.

Mr. BYRD. I yield to the distinguished majority leader for his comments.

Mr. DOLE. Mr. President, if the minority leader will yield.

Mr. BYRD. Yes, I yield for that purpose.

Mr. DOLE. I know the chairman of the Finance Committee is here. Maybe if the minority leader could yield to Senator PACKWOOD.

Mr. BYRD. Mr. President, I yield for that purpose without losing my right to the floor.

Mr. PACKWOOD. I thank the distinguished minority leader.

Mr. President, I say to the majority leader I apologize. I just left the Finance Committee. I did not hear Senator DANFORTH on the speaker as I was coming over.

We do have a hearing set on the subject of national security and trade on Wednesday. It is a subject that I am deeply, personally interested in in the full committee hearing over which I will preside.

One of the reasons I wanted this hearing that was set especially at my request was that I have a continual frustration with the military on exports on licenses and things that will not let my manufacturers sell because of military security.

I am reluctant, if I understand the amendment, to get into a debate about whether we are going to give DOD any further power to clarify what is necessary for national security as far as imports or other trade matters may be concerned, but I can assure the majority leader and minority leader this is the very subject we are having the hearing on Wednesday.

The hearing has been set for some period of time. It was not suddenly called up on the spur of the moment as a defense against this amendment.

I hope very much the amendment did not have to come up today. If it does come up, I simply cannot agree to a time limit on it.

Mr. BYRD. Mr. President, if I may respond to that, I am not disposed to be bullheaded about the amendment. I have had this legislation introduced here for well over a year. But I am glad to see this sudden willingness not to give some consideration to a National Security Trade Act amendment.

But I will certainly consider what the distinguished Senator has said, and I may or may not press this in the remainder of the day. I was prepared to, I think, present testimony for the hearing which was to have been earlier this week but which was postponed.

Mr. PACKWOOD. At the request of one of the senior Democrats on the committee who wanted to bring some specific witnesses, it was moved from Wednesday or Thursday of the current week. Which week are we in? It is still Saturday. Of this week to next week at the request of one of our colleagues.

Mr. DECONCINI. Will the minority leader yield on that subject matter?

Mr. BYRD. I will say I will not put forth a roadblock.

Mr. PACKWOOD. I thank the Senator.

Mr. DECONCINI. Will the distinguished minority leader yield for just a comment on his trade subject?

Mr. BYRD. Yes.

Mr. DECONCINI. I happen to agree with the bill that he submitted. I just want to give notice here I am one Senator who is not going to permit this to have unanimous consent that we have to finish this, when two Senators stand up and say "If I don't get my way on tabling motion, I am going to extend it forever."

So I am going to object to any unanimous consent that we finish this bill tonight or at any time. We can finish it as long as the majority leader wants to keep us in here.

I think for us to be intimidated by Members who do not get their way on a motion to table, we are not going to have a recess, not going to go into South Africa, not going to do Contra aid, not going to do the minority leader's trade bill is nonsense.

Mr. MELCHER. Mr. President, reserving the right to object.

Mr. GRAMM. Mr. President, will the minority leader yield?

The PRESIDING OFFICER. The minority leader has the floor.

Mr. GRAMM. Will the distinguished minority leader yield?

Mr. BYRD. I have not propounded any request.

I merely suggested to the distinguished majority leader that he may wish to propound a request anent the pending bill.

Prior to that time, I am glad to yield to the Senator from Montana without losing my right to the floor, and then to the distinguished Senator from Texas.

Mr. GRAMM. Mr. President, will the distinguished Senator yield?

Mr. MELCHER. Mr. President, will the Democratic leader yield to me?

Mr. BYRD. Yes.

Mr. MELCHER. I thank the Democratic leader.

I really believe that there should not be any objections from that side, from the Republican side, particularly in light of wanting to finish the defense bill because unless this agreement is agreed to regular order brings us right back to the debt ceiling and we are not on defense anymore. We are back on the debt ceiling with only two amendments in order, those amendments being on Contra aid and South Africa.

So I am a little bit amazed by all this discussion. We seem to take too much time in discussion about the unanimous-consent request but when we are discussing, from the Republican side, from the majority side, there are objections to it. In order to get the Defense bill passed, we are forgetting unless we get this agreement the regular order that is part of this agreement, I refer to the third from the last paragraph——

Mr. GOLDWATER. We are not objecting to anything over here. We want to get the bill passed.

Mr. MELCHER. All right.

Mr. GOLDWATER. All right.

Mr. STEVENS. I might say if the Senator will yield, Mr. President——

The PRESIDING OFFICER. The minority leader has the floor.

Mr. BYRD. I yield to the Senator.

Mr. MELCHER. That is fine. Let us get on with it, because unless we have agreement on this and we do not get vitiated that call for the regular order that puts us right back on the debt ceiling with no agreement. We are on South Africa and Contra aid tonight.

Mr. BYRD. The Senator is correct.

I believe I promised to yield to the distinguished Senator from Alaska. I yield to the distinguished Senator from Alaska.

Mr. STEVENS. Mr. President, I want to respond, if the Senator is yielding to me, to the Senator from Montana. I am asking it be part of this agreement that this agreement not commence unless the Defense bill is finished first.

I state again to the Senator from Montana, I have equal rights as anyone else, I already stated I will object if we do not finish the DOD bill before this starts.

Mr. DOLE. Mr. President, will the distinguished minority leader yield?

Mr. BYRD. Yes, I yield to the distinguished majority leader without losing my right to the floor.

Mr. DOLE. I wonder if we might do it this way: I did not want to have to go through the whole agreement later on. It took an hour to read it all and all amendments.

If I might suggest this as a way to resolve it: I ask unanimous consent that this agreement be set aside until the DOD bill is disposed of; once that bill is disposed of, the unanimous-consent agreement will recur.

Mr. BYRD. Mr. President, I have to object to the way that agreement is worded. I know what the distinguished Senator is attempting to do.

Mr. DOLE. It was go ahead and finish the DOD bill.

Mr. BYRD. Provided it is finished today by midnight.

But I cannot give that kind of an open-ended agreement waiting until this bill is disposed of. It may not be disposed of for a week.

Mr. DOLE. I can withdraw the request. I hate to go through all that material again. There are four pages of agreement and four pages of amendments.

I am trying to find some way to do it. If I withdraw the request, I assume we will be back——

Mr. WEICKER. Mr. President, will the distinguished minority leader yield?

Mr. BYRD. I yield.

Mr. WEICKER. Why not get on with the bill here? I think we are spending more time talking about and trying to devise something.

I know the experience of the distinguished Senators from Arizona and Georgia. I think if we just put it in their hands, we will be through with it in 2 hours.

Mr. NUNN addressed the Chair.

Mr. BYRD. Mr. President, I have the floor.

I think what the distinguished majority leader is attempting to do is to withdraw the unanimous-consent request for the time being and present it after the disposition of the DOD bill tonight.

There has been no action taken on the request. He can withdraw it if he wants.

□ 1620

Mr. DOLE. Mr. President, I will withdraw it here in a moment, but I want to suggest when I submit it again that I do not have to go through all that exercise, or at least I am going to wait until everybody goes home.

Mr. President, I withdraw my unanimous-consent request.

The PRESIDING OFFICER. The unanimous-consent request is withdrawn.

The Senator from Arizona is recognized.

Mr. GOLDWATER. Mr. President, let me put it in a simple way: If we do not get an agreement to end this bill by midnight, I am going to oppose the unanimous consent.

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## NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1987

AMENDMENT NO. 2675

Mr. DOLE. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is the amendment of the Senator from New York.

Mr. DOLE. Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll to ascertain the presence of a quorum.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue to call the roll.

The assistant legislative clerk resumed the call of the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded. According to the unanimous-consent agreement that we had previously entered into, the Senator from Montana was to be recognized.

The PRESIDING OFFICER. Is there objection to calling off the quorum call? Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. BAUCUS. As I understand the proceedings, when we moved to discuss the Senate agreement, it was with the understanding that at the termination of the discussion of that agreement

the Senator from Montana would be recognized.

Mr. BYRD. Mr. President, that is correct. And I know the distinguished majority leader in moving to table, forgot the order for the Senator's recognition, and I forgot it. The Senator from Montana was entitled to retain the floor. He yielded to me and to others, and by virtue of the protection assured him, he still retains the floor and no Senator could move to table the amendment until the Senator from Montana either gives his permission or yields.

The PRESIDING OFFICER. The unanimous consent had been granted that the Senator from Montana would be first recognized. The Senator from Montana was not seeking recognition. The Chair recognized the majority leader.

Mr. BYRD. No, no, no. The order was for the Senator from Montana to retain the floor.

The PRESIDING OFFICER. The majority leader had made a motion to table the Moynihan amendment.

Mr. BYRD. The majority leader could not be recognized for that motion while that order was yet pending.

The PRESIDING OFFICER. If the Senator from Montana was seeking recognition at that time, he is entitled to be recognized.

Mr. BAUCUS. Parliamentary inquiry.

Mr. DOLE. Mr. President, I ask unanimous consent to withdraw my motion to table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I will be very brief here.

Mr. BYRD. Mr. President, I want the RECORD to show that the Senator from Montana retained his right to the floor, while yielding to me and others. It is the duty of the Chair to protect the rights of Senators.

The PRESIDING OFFICER. The Chair is well aware of the point being made by the minority leader and the point the minority leader is making has already been attended to.

Mr. BYRD. It has been attended to, but I want the RECORD to show that the Senator from Montana retained his right to the floor under an order. It is the Chair's duty to protect that Senator's right under that order. That order had not been vitiated. I just want the RECORD to show that.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I will not take a great deal of time here. The hour is late. It is already late in the afternoon, a Saturday afternoon. I will yield the floor very quickly.

The amendment offered by the Senator from New York essentially is to prohibit any goods or services to be sold to the Soviet Union that are in any way subsidized. I must say that I think we all recognize how much the world of international trade has dramatically changed in the last decade.

Every country is out there hustling to sell products. We are at a point in world history where countries are enacting all sorts of measures to help their own people, their own workers, their own firms. They are subsidizing. They are granting below market interest rates. They are establishing quotas and tariffs. They are trying to do anything to help themselves out.

The fact is that most goods traded in the world today are traded under a system that is other than that of the United States. That is, most countries operate under rules where subsidies are more prevalent, rules where certain companies, firms, and employees are favored rather than our country, which is more laissez faire. It is characterized more by free competition.

The fact is that the rules of international trade have dramatically changed in the last decade. Most countries operate under rules that are different from ours. This amendment is very, very broad. It is very sweeping. It is draconian.

In fact, Mr. President, I must say I think it is an unsubtle amendment from a usually very subtle mind. This amendment says that no sales or services to any Communist country would be allowed.

Mr. MOYNIHAN. Mr. President, might we have order? The Senator from Montana is entitled to be heard.

The PRESIDING OFFICER (Mr. STEVENS). The Senator from New York is correct. The Senate will be in order so the Senator from Montana may be heard. Senators conversing in front of the Chamber, please retire.

Mr. BAUCUS. I thank the Chair.

Mr. President, essentially, this amendment would, I think not only put American workers, American firms, and American farmers with one hand behind their back in trying to trade in this world. But more than that, it would put both arms behind their back and knock them out, then tell them to go out and compete in world trade.

This amendment says no sales are to be subsidized to Communist countries. Well, what is a subsidy? Most goods, in some way, entering the international trade in this world today are in some way or another subsidized. The industry support system certainly could be subsidy. Trade with the Soviet Union in light machinery and equipment, that could be a subsidy. Investment tax credits; R&D tax credits—is that a subsidy? It could be a subsidy, and the Moynihan amendment does not define what a subsidy would be.

This amendment is so broad and so sweeping in its form and intent that it would sweep most any goods we trade within a Communist country within its scope. I do not think we want to do that. It just refers to any Communist country—Poland, Yugoslavia, China.

□ 1630

There are a host of other Communist countries in addition to the Soviet Union with whom we trade. Do we want to bar forever any trade with those countries because some goods may in some way or another be subsidized? I think not.

Finally, we must ask ourselves, what is the point of this? Whom will this hurt? The Soviet Union? Do you think this amendment is going to hurt the Soviet Union?

Not at all. Canada, Argentina, Australia, and many other countries will sell to the Soviet Union, make a deal to help their farmers, help their people, if the United States does not make that sale.

This does not hurt the Soviet Union one whit.

Whom does it hurt? It hurts us. It hurts American farmers, American businesses, American firms, American employees because they cannot sell.

This amendment obviously is an ideological statement. I applaud the ideological statement. If this were a statement of intent, I could understand that.

This is an amendment that says no sales of goods or services to any country if they are subsidized.

I submit, Mr. President, that at this late hour, Saturday afternoon, we should not spend much time debating this. It is patently not proper. It is patently not a good idea for the reasons I have mentioned. I hope that we will not waste a lot of time debating it and that we do not adopt it.

Several Senators addressed the chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I know we want to move along and I will not speak for more than 2 or 3 minutes.

I listened very intently to the remarks of my good friend and colleague from New York, known as one of the most learned Members of the body. His style and intellect are not exceeded, in my opinion, by other Members in the U.S. Senate.

I think his remarks could best be described as interesting and most appropriately a lecture to students in international trade. Having said those nice things, I think we should promptly defeat this, and I believe the majority leader is going to make a tabling motion very soon.

Aside from the fact that the trade of the American farmers has gone down from 1981, when 42 percent of all of

our corn and wheat was exported internationally to 18 percent in 1985; despite the fact that the American farmer is being driven from his land and into bankruptcy at the fastest rate since the Great Depression of the early 1930's; despite the fact that we have lowered significantly the amount of the dollar, our trade troubles continue with an ever-increasing trade deficit—despite all of that we are trying in this amendment, in this Senator's opinion, to further hurt the American farmer. And yet, I would remind my colleagues, this is only a 60-day period. It is only on wheat. I suspect that many people agree with this Senator that the President's action was probably more wrapped up around the politics of the situation today with the upcoming elections in November than anything else.

But putting all of these things aside, Mr. President, the wording of the amendment offered by the Senator from New York, which has just been alluded to by the Senator from Montana and others, is so broad that I think any kind of exchange or trade would be interrupted with any nation that is Communist, and there are an awful lot of Communist nations around the world with whom we carry on a great deal of trade.

It does not say the Soviet Union. It says Communist nation.

It is so broad, I would suggest, that not only does it include trade, but, to read from this, it says shall not expend any fund to subsidize the sale or transfer of goods or services to a Communist government or subdivision thereof.

I suspect that this is even so broad, although it might or might not have been intended, that it would preclude the sending of the New York Symphony or the opera to the Soviet Union, which I suspect was not the intent of the Senator from New York.

I simply say I hope we will not waste a great deal of time on this, but for all the reasons stated above, I hope this amendment will be promptly tabled.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. DANFORTH. Mr. President, there are a couple of brief points which I do not think have been covered yet as to why the amendment of the Senator from New York is not well taken.

It violates a long tradition we have had in the United States with respect to food aid which is provided to countries regardless of their ideology.

Second, it undermines the Jackson-Vanik amendment.

Third, it undermines the position which we have recently taken with respect to a $300 million war chest of the Eximbank to offset subsidies that are provided by other countries.

First, with respect to food aid, it happens that some of the real disasters that are going on around the world, and have over a period of years, have happened in Communist countries. When Senator BAUCUS, Senator SASSER, and I went to Cambodia, that was a Communist country. The American people provided food aid.

In Ethiopia, we have provided food aid.

In Mozambique we have provided food aid.

Free food.

We have taken the position that where food is concerned, ideology does not count. That has been the tradition of this country. We do not ask the ideology of the recipients of food aid. Such food aid would be no longer possible under Public Law 490 or otherwise if the Moynihan amendment is agreed to.

Second, Jackson-Vanik. The Jackson-Vanik amendment, among other things, conditions subsidized loans and credits on freedom of emigration. If it is no longer possible to provide subsidized loans or credits to the Soviet Union and other Eastern bloc countries, then the Jackson-Vanik amendment, which has been successfully used to provide for emigration of Jews and others——

The PRESIDING OFFICER. The Senator will suspend. The Senator cannot be heard.

The Senator from Missouri.

Mr. DANFORTH. I thank the Chair.

Then the utility of the Jackson-Vanik amendment would be undermined.

Finally, with respect to the Eximbank and the so-called war chest, Mr. President, we learned long ago that we are in stiff competition with the French, the Japanese, and others in selling goods throughout the world. General Electric and Westinghouse have used or are in the process of using Exim credits for sales of turbines and locomotives to China, the People's Republic of China.

That would not be possible under the Moynihan amendment.

So with respect to food aid, the importance of Jackson-Vanik, and because of the necessity of using subsidies, unfortunately, to compete with the Japanese and French in sales to the PRC and other countries, for all three reasons, in addition to the plight of the American farmer, I oppose the Moynihan amendment.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. I rise to oppose this amendment.

I must say, we all have tremendous respect for the parliamentary skills, the intellect, the sensitivity of the Senator from New York. But as one looks at this amendment, one cannot help but wonder what went into the drafting of it. At first I thought this was not an anti-Communist amendment but a simple antirural amendment, because when you start talking about the export of goods, that includes commodities that are grown in my State and in many other States.

I voted for the grain embargo in 1980, and I must say that was not my proudest hour. It seemed to me that we had to do something to reflect our disdain for the Soviet Union's invasion of Afghanistan and that seemed about the only available thing to us.

We now know that the Soviet Union was never deprived of one bushel of wheat, not one bushel of corn. They simply went to our competitors and bought what they might otherwise have bought from us. If we should adopt an amendment like this, it will further hurt the farmers of this country, who have declined in numbers by 7 percent. If you saw the Washington Post this morning you saw that in 1985 alone, the farm population of this country declined 7 percent, and next August, when you are debating on the floor of the U.S. Senate, you will see that it declined at least another 7 percent in 1986.

Mr. President, I was talking to a group of horse traders, the Cattlemen's Association, in a rural county in my State 5 years ago. I will never forget it. During the question and answer session some farmers were rather irate about my vote on the grain embargo. I told them that we had obviously punished ourselves more than we punished the Soviet Union, and if the time ever came again when a President imposed a grain embargo, I would not say positively that it would have to be an act of war that would cause me to vote for one, but certainly I would be as circumspect as possible, and it ought to be something only as a last resort because of international competition, and especially the plight of our farmers.

An old 75-year-old horse trader stood up at the back of the crowd. This was conservative Arkansas speaking. This man had an eighth-grade education.

He said, "You know, Senator, I have always felt that we ought to sell the Russians anything they want to eat, because I always felt that a well-fed Russian was a lot less dangerous to us than a starving Russian."

I said, "You might fit well into the U.S. Senate. I doubt that 100 Senators have thought of that."

But listen to this amendment. "Notwithstanding any other provision of law, the U.S. Government shall not expend any funds to subsidize the sale or transfer of goods or services to a Communist government."

The Senator from Missouri said it well. That means you could not send food to starving children in Ethiopia.

You could not send food to starving people in Cambodia. It means that when Poland was hungry, we could not send food to the Polish people, and our sending food was widely applauded everywhere. And just recently, during the Chernobyl disaster in the Soviet Union, in the Ukraine, near Kiev, I applauded President Reagan because he was the first person to communicate with General Secretary Gorbachev and said, "We know this is a disaster for you. We will be happy to send aid. You tell us what you need."

□ 1640

And they said "Thank you very much, but we believe we can handle it."

But, in any event, the President was reflecting the very highest traditions of America's national character. He could not do even that if this amendment were adopted.

So I hope my colleagues, if for no other reason but for the poor draftsmanship of this amendment, to vote to table this amendment.

Several Senators addressed the Chair.

Mr. THURMOND. Mr. President, I agree in principle with the amendment offered by my distinguished colleague from New York.

Unfortunately however, this amendment is far too broad in its scope. It does not discriminate between instances of true humanitarian assistance, such as aid to the starving in Ethiopia, and the unwarranted low-cost purchases that allow goods or commodities to be sold cheaper abroad than they can be purchased at home.

Therefore, Mr. President, I will suppport the motion to table.

Mr. President, the amendment offered by Senator BYRD is a sound amendment. Unfortunately it has come to my attention that if the amendment is adopted, the defense authorization bill will be filbustered. If this takes place, there will be no defense authorization bill for fiscal year 1987. This would not be in the best of interest of the Nation. Therefore, I will vote against the amendment of my good friend from West Virginia.

Mr. LEVIN. Mr. President, I will vote to table this amendment, even though I too am greatly concerned about the recent decision to make a subsidized grain sale to the Soviet Union.

Unfortunately, this amendment is overly broad. It would not distinguish between countries. It would treat Poland the same as the Soviet Union. Furthermore, since it applies to all subsidies and since subsidies in one form or another are so pervasive, it could very well lead to a de facto elimination of almost all trade with a number of countries we want to trade with.

There is a need for some legislation to address the concerns which gave rise to this amendment. However, it should be fine-tuned before being approved by the Senate.

Mr. DOLE. Mr. President, I move to table the amendment.

Mr. MOYNIHAN addressed the Chair.

Mr. DOLE. Mr. President, I have checked. We have been on the amendment about 45 minutes. Can we get a time agreement so I can move to table, say, 5 minutes from the Senator from New York and the Senator from Iowa?

Mr. HARKIN. I need 3 minutes.

Mr. MOYNIHAN. Can I ask for 6 minutes? I may want to amend the amendment.

Mr. DOLE. We will object to amending the amendment.

Mr. MOYNIHAN. Then I might take longer. I need 6 minutes to take two words out of the amendment.

Mr. DOLE. We have had the yeas and nays asked for. It would take a unanimous consent to modify the amendment.

Mr. MOYNIHAN. Then I will ask unanimous consent to do so. Then it will be over in the next 10 minutes.

Mr. DIXON. Objection.

Mr. DOLE. Objection is heard.

Mr. MOYNIHAN addressed the Chair.

Mr. DOLE. Mr. President, I do not want to frustrate the Senator from New York. We have worked together on nearly everything.

When someone starts agitating the farm block in the Senate, they have a problem.

I would say in this case it is not either side of the aisle. It extends beyond the farm block. The point was just made by the Senator from Arkansas.

We are not advocating sale of technology or any weapons systems. But I do believe that this amendment needs a very close look, either by the Finance Committee or some other committee because I have to believe it will affect shipping. I assume they are shipping subsidies. There are export-import banks, credits, loans, and we subsidize our farmers. That is a subsidy. Whether it is cotton, rice, peanuts, wheat, or feed grains under this amendment all that would be ineligible.

If we want to vote on whether we can trade with the Soviet Union, we can have a flat out vote. Then I do not think many of us would quarrel. But the Senator from New York does not make that argument. He says we want to trade with the Soviet Union. We do not want to subsidize, whatever that word may mean.

I just remind the Senator from New York that I disagree with Secretary Shultz. The President disagreed with Secretary Shultz. The Secretary kept talking in any event. It seems to me when the President makes a decision, those who work for him ought to be quiet. I think the talking stopped. But, in any event, the President made a decision we are going to complete or fulfill a very limited agreement called the long-term grains agreement. They purchased corn. They had not purchased wheat. Why? Because we were not competitive. All of the other countries have been subsidizing—whatever they may call it—to be competitive.

I believe the State Department made a decision not on whether or not we were competitive, but because the Australians complained because we were trying to take back a market that they had taken from us over the years. I do not quarrel with the Australians.

So I just suggest that the amendment does not belong in this bill in the first place. It is not even a printed amendment. We have had no hearings, and it seems to me the best way to complete this would be to table it.

I know there are other Members who want to speak. We have been on this for about 1 hour longer than any other amendment we were talking about all day long. I do not want to preclude the Senator from New York from speaking, but I would preclude the Senator from New York modifying the amendment.

The Senator from New York offered the amendment. Now he has heard the complaints and he wants to modify it. It still will not be correct. But the Senator already admitted by suggestion that he wanted to amend it, it is not accurate to start with, it is not a good amendment, and that it ought to be modified.

I do not believe that those of us who oppose the amendment gain anything by letting the Senator now say, well, I made a mistake, and I did not mean to do this; I want to take out the words "or transfer" and leave only the word "sale." I assume that is what the Senator is about to take out.

I would be happy to yield to the Senator from Iowa for a question.

I have been urged by the managers to table. I do not want to cut off anybody. I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. MOYNIHAN. Mr. President, I asked for a moment to speak.

The PRESIDING OFFICER. No debate is in order at this time.

Mr. DOLE. Mr. President, I ask unanimous consent that the Senator from New York might have 5 minutes to speak.

The PRESIDING OFFICER. Is there objection?

Mr. MOYNIHAN. It is not unduly using up the time of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMMS. I object. I withdraw the objection.

The PRESIDING OFFICER. The Senator from New York is recognized for 5 minutes.

Mr. MOYNIHAN. Mr. President, I am glad we had this debate. I did not have any illusions about what would be the outcome.

I wanted to make two points, however, to the Senators who stated that in the aftermath of the grain embargo, which was imposed by President Carter after the invasion of Afghanistan in December of 1980, that the Soviet Union was deprived of wheat purchases. No. It was not. The Soviet Union was deprived only of wheat purchases from America.

I said in my opening remarks that it is a scandal of our democracy that we sell subsidized goods to the Soviet Union. By doing so, we are confirming the last prophesy left to the Soviets—that in the final stages of capitalism, we would be forced to act in just this way.

This issue is not in any sense meant to be directed against the farm sector or any other. We can take care of our own people. But I said at the outset, if we can spend $300 billion on arms, we can find the resources to maintain our domestic economy without supporting the Soviet economy. Sooner or later the democracies are going to have to face up to this matter.

I will end by quoting again from a short passage in Henry Kissinger's recent article. Kissinger said "Lenin's legendary dictum that capitalists would compete to sell the rope with which they would be hanged is coming true with a vengeance—for Lenin never guessed that Western governments would provide the money to buy the rope and subsidize the price to facilitate the purchase."

Mr. President, I yield the floor.

I thank the majority leader for his courtesy.

□ 1650

The PRESIDING OFFICER. The question is on agreeing to the motion to lay the amendment of the Senator from New York on the table.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Oregon [Mr. HATFIELD] and the Senator from Vermont [Mr. STAFFORD], are necessarily absent.

Mr. CRANSTON. I announce that the Senator from New Jersey [Mr. BRADLEY] and the Senator from Missouri [Mr. EAGLETON], are necessarily absent.

The PRESIDING OFFICER (Mr. MATTINGLY). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 72, nays 24—as follows:

[Rollcall Vote No. 204 Leg.]

YEAS—72

| | | |
|---|---|---|
| Abdnor | Gorton | Mattingly |
| Andrews | Gramm | McClure |
| Baucus | Grassley | McConnell |
| Bentsen | Harkin | Melcher |
| Biden | Hart | Metzenbaum |
| Bingaman | Hatch | Murkowski |
| Boren | Hawkins | Nickles |
| Boschwitz | Hecht | Nunn |
| Bumpers | Heflin | Packwood |
| Burdick | Heinz | Pell |
| Chafee | Inouye | Pressler |
| Cochran | Johnston | Pryor |
| Cranston | Kassebaum | Rockefeller |
| Danforth | Kasten | Roth |
| Denton | Kennedy | Simon |
| Dixon | Kerry | Simpson |
| Dole | Lautenberg | Stennis |
| Domenici | Laxalt | Stevens |
| Durenberger | Leahy | Symms |
| Evans | Levin | Thurmond |
| Exon | Long | Trible |
| Ford | Lugar | Warner |
| Glenn | Mathias | Weicker |
| Goldwater | Matsunaga | Zorinsky |

NAYS—24

| | | |
|---|---|---|
| Armstrong | Garn | Quayle |
| Broyhill | Gore | Riegle |
| Byrd | Helms | Rudman |
| Chiles | Hollings | Sarbanes |
| Cohen | Humphrey | Sasser |
| D'Amato | Mitchell | Specter |
| DeConcini | Moynihan | Wallop |
| Dodd | Proxmire | Wilson |

NOT VOTING—4

| | |
|---|---|
| Bradley | Hatfield |
| Eagleton | Stafford |

So the motion to lay the amendment (No. 2675) on the table was agreed to.

□ 1710

Mr. GOLDWATER. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Arkansas.

Mr. BUMPERS. Mr. President, in a moment, I will have a couple of amendments to offer. But prior to that, I would like the attention of the distinguished minority manager, Senator NUNN.

We have a critical problem in the city of Barling, AR, population 3,761. Barling, AR, is a community that mostly serves Fort Chaffee. It is surrounded on the north by the Corps of Engineers, on the west by Fort Smith, and on the east by Fort Chaffee.

They have been trying for years to expand, under mandate, their waste treatment facilities, and the only possible way they can do that is to lease land from Fort Chaffee. They are willing to pay for 320 acres on a long-term lease or outright purchase.

I simply want to say that the distinguished chairman, Senator THURMOND, and the distinguished ranking minority member, Senator BINGAMAN, of the Military Construction Subcommittee, graciously acceded to our request to put some pretty good report language in the MilCon part of the report accompanying this bill, stating that the Armed Services Committee would ask the Department of the Army to conduct an analysis of this issue and report to the committee by December 31, 1986.

I make that statement so that those on the Armed Services Committee will know that that report is coming, and we hope it will keep the Army's nose to the grindstone until the report is filed. This small community is absolutely desperate and has been for a long time.

AMENDMENT NO. 2393

(Purpose: To authorize from existing funds $2.75 million for construction of a Fuel Systems Maintenance Dock at Little Rock Air Force Base, Arkansas)

Mr. BUMPERS. Mr. President, I call up amendment No. 2393.

I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment of the Senator from Arkansas will be stated.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS] proposes an amendment numbered 2393.

Mr. BUMPERS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the military construction provisions of the bill, insert the following:

"SEC. . $2,750,000 is authorized from Fiscal Year 1987 or prior year funding, whichever is available, for the construction of a Fuel Systems Maintenance Dock at Little Rock Air Force Base, Arkansas."

Mr. BUMPERS. Mr. President, this deals with a situation that exists at the Little Rock Air Force Base. It deals with a facility where fuel cells are reworked, where fuel cells are examined for safety, and so on. The facility there now is simply not safe for our servicemen who work there. The environmental deficiencies there have been pointed out by the Department of Pollution Control and Ecology in our State. The facility is inadequate.

This amendment would authorize $2.75 million for the construction of a fuel systems maintenance dock to alleviate a serious problem.

The Air Force makes no bones about the fact that this facility does not meet its standards so far as safety and environmental workplace are concerned. OSHA has ruled that it is not fit for men to work in. The only reason the Air Force has given a waiver to allow the existing facility to continue to be used is that it is the only facility they can use for that purpose on the base.

The Senate Appropriations Committee put report language in thier MilCon bill stating that this facility poses a health and safety threat to the military personnel and civilian employees and that the Air Force recognizes this and has granted waivers permitting the continued operation of the facility. It says that the committee urges the Air Force to identify to Congress such facilities and requests military construction from Congress on a priority basis so that these unsafe facilities can be modernized or replaced as quickly as possible.

Mr. President, we do not ever send men into combat deliberately to jeopardize them, so why should we allow our servicemen to work in an unsafe environment which is obviously deleterious and jeopardizing to their health?

Mr. President, I will be pleased to hear from the floor managers on this amendment.

Mr. THURMOND. Mr. President, as our distinguished chairman has stated throughout this debate, we have been forced to make difficult decisions in cutting projects for budget reasons that are otherwise meritorious. In fact, we have made significant cuts in base modernization that will hamper the ability of our service personnel to operate effectively. However, its a question of affordability, and for that reason I must oppose this amendment from the distinguished Senator from Arkansas.

I move to table the amendment.

Mr. BUMPERS. Mr. President, will the Senator withdraw his tabling motion for the moment?

Mr. THURMOND. I do.

Mr. BUMPERS. I thank the Senator.

I wonder if the Senator from South Carolina would be willing to consider report language accompanying this bill, or some indication from the Senator, that the Senator is aware of this problem and would like the Pentagon to address the problem of this particular facility.

I cannot stand idly by, as the Senator from Arkansas, and allow people to work in an unsafe environment, and not raise my voice against it. I dare say that I doubt that there are any other servicemen in the country working under conditions any more dangerous to their health than this. We are appropriating $290 billion, and yet we allow a situation like this to exist.

I realize that the chairman of the MilCon Subcommittee has had to make some difficult choices, and maybe it is much worse than I thought. But I will say this: If this one did not rate the consideration of that committee, knowing that situation as I do, I would like to see another situation that is as bad.

Mr. NUNN. Mr. President, It is my understanding that the Senator from Arkansas would know better than I that this is in the House bill and therefore will be in conference. Is that correct?

Mr. BUMPERS. That is correct.

Mr. NUNN. I will personally take a careful look at that in conference. I cannot bind the other members of the committee, but I will take a look at it.

The Senator has made a strong case on the floor. If the Senator saw fit to withdraw his amendment, I assure him that he will get our careful consideration in conference. I cannot guarantee the outcome in the conference. The Senator from South Carolina [Mr. THURMOND] and the Senator from New Mexico [Mr. BINGAMAN] will be our experts in conference.

Mr. THURMOND. Mr. President, we could not add report language here. That would not be permissible. But we will take a careful look at it in conference.

Mr. BUMPERS. I thank the Senator from South Carolina and the Senator from Georgia.

We have an appropriations process coming through, and maybe I can visit with the Senators further and maybe find a way to get funding.

The report language in the Senate Appropriations Milcon bill report identify for Congress such facilities and request construction funds.

With that, Mr. President, I withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

□ 1720

AMENDMENT NO. 2395

(Purpose: To authorize from available funds $825,000 for the construction of a National Guard armory at Booneville, Arkansas.)

Mr. BUMPERS. Mr. President, I call up amendment No. 2395.

The PRESIDING OFFICER. Without objection, the Wilson amendment will be set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS] proposes amendment numbered 2395.

Mr. BUMPERS. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

At the appropriate place in the Military Construction provisions of the bill, insert the following:

"SEC. . From funds authorized for the Army National Guard, $825,000 is hereby authorized from fiscal year 1987 or prior year funds for the construction of a National Guard armory at Booneville, Arkansas, contingent upon provision of $275,000 in matching funds by the State of Arkansas, provision of a suitable tract of land for such a facility by the community and the availability of authorized fiscal year 1987 or prior year funds.

Mr. WARNER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. WARNER. Will this amendment be governed by a time agreement and if so, how much?

Mr. BUMPERS. Mr. President, I understand there is no time agreement on this. I understand we can dispose of it quickly.

The PRESIDING OFFICER. There is a time agreement.

Mr. BUMPERS. There is a 20-minute time agreement to be equally divided.

The PRESIDING OFFICER. That is correct.

Mr. WARNER. I thank the Chair.

Mr. BUMPERS. Mr. President, this is what some would call a parochial amendment. It is only parochial if you live outside Arkansas.

I remember when President Ford was first President, he made an interesting speech one night. He said it did not take him long after he came here as a Congressman to recognize all those boondoggles in all the 49 States and meritorious projects in the State of Michigan, particularly in his district.

We are all here to represent our people.

This seems like a very small item because it deals with a National Guard armory in my State, the oldest armory, the one that the National Guard has said needs replacing badly, in a community which has just about the oldest National Guard unit in Arkansas.

It has been identified by both the State of Arkansas and the Guard Bureau here as in desperate need of replacement.

It is in the city of Booneville, AR. I want to say, No. 1, the State of Arkansas has already appropriated $275,000 for its matching share. The city of Booneville has already purchased 5 acres of land which they are prepared to give the National Guard for the construction of this facility.

One of my experiences is this project has to be built. You can do it now or you can do it later. The later you do it, the worse conditions the Guard unit there will train under.

We have I do not know how many Guard armories in my State. I would guess somewhere between 100 and 200. And this is the only one that our National Guard in Arkansas has identified as absolutely desperately in need of replacement.

If we do not do this, there is a very good chance, I can tell you categorically that the $275,000 that the State of Arkansas has appropriated—and we do not have very much money to throw around, I can tell you our economy is stagnant, our revenues are stagnant—if we do not use the money that has been appropriated for the State now it is going to go back into the State treasury and the land which the city of Booneville really stretched out to

purchase may very well be sold to the highest bidder because they cannot go on forever wondering whether or not we are going to do this.

It is a very meritorious project. It is $825,000. I am not asking for the money. I am not asking that one additional dime be put into this authorization bill.

I am saying that within that particular budget if someone else's armory or construction project falls through within that particular category, then the money would be used for this purpose. I am willing to go to the end of the line.

I recognize the committee has already done its work. I am not criticizing the committee in any way.

But all I am saying is please put us on the list, at the very end if need be, and if we do not make it we do not make it. But if others fall through and some other State legislature does not appropriate the money for their armory, we have already done everything we are required to do and it seems to be that it is eminently fair to seriously consider this amendment.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. BUMPERS. I am happy to yield.

Mr. GOLDWATER. I wonder if the Senator will accept a voice vote on this. I will give him my personal assurances that I will follow up on this.

As the Senator knows, I have been flying in and out of Arkansas for 30 or 40 years, and I can say truthfully and honestly there is no State in this Nation that is more hospitable, kind and decent to the Armed Forces than Arkansas.

I will do all I can to help you with your National Guard project.

Mr. BUMPERS. I thank the Senator very much for those words and I express my thanks on behalf of all the people of Arkansas. They will be most gratified to hear that.

The PRESIDING OFFICER. Who yields time?

Does the manager yield time?

Mr. GOLDWATER. I yield—how much time 1 minute?

Mr. THURMOND. About 5 minutes.

Mr. GOLDWATER. Five minutes for this? I yield 2 minutes to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I am a strong friend of the National Guard, and I want to do everything I can to help the National Guard.

I want to say that this request did not come from the Army or the National Guard to us and was not considered and if you put this in you will have to take something out that belongs to some other Senator.

While I am sure that the request from the distinguished Senator of Arkansas is worthwhile, the effect of this amendment would be to cancel Guard projects that the committee has already authorized.

As our most able chairman has explained, budgetary impacts have been severe. The committee was forced to cut the military construction budget by $1.5 billion. Many worthwhile projects were cut that would have improved the quality and efficiency of our military forces.

The Guard has not been spared. Fortunately, the committee was able to restore $27 million that was cut at the subcommittee level. This money was needed just to help fund projects already authorized. Even with those additional funds, there is still not enough money available.

Senator BUMPER'S amendment makes that situation worse. Until this problem has been solved, no additional Guard projects should be added to the authorization.

Regretfully, I cannot support the amendment offered by the Senator from Arkansas.

I will do everything I can to help in the future but right now this would come out of someone else. I do not think that would be fair. If it is next year at the right time, we will do what we can to help.

Mr. BUMPERS. If I may just respond to that, I want to make this point, and I made it earlier. We are not asking that any other project that the Milcon Committee has approved be torpedoed or removed or jeopardized in any way.

We are simply saying that in that budget if there is some projects which the States, the local communities do not come up with their share, only then would this project be funded. I will tell you that the National Guard bureau here considered this highly. The Pentagon had to make a $21 million cut and admittedly this got caught up in that. That is the reason the request was not made.

I want to say the plans have already been drawn. They were completed and they were prepared to take bids on October 1.

An awful lot of work has been done in my State and the local community in this project. It just seems to me it would be unfair not to even let them get on the list and have a shot in case someone else falters or falls through.

Mr. THURMOND. That is true, but they did not submit it to us and we had to make judgments on those that were submitted.

We could not take all those that were submitted. If you take this you are showing a priority here and preference over others we had to turn down when we considered the matter.

Mr. President, I move to table the amendment.

Mr. NUNN. Mr. President, will the Senator withhold that just for 1 minute? May I have 1 minute?

Mr. THURMOND. I am glad to withhold.

Mr. NUNN. I do not know whether the Senator from Arkansas needs a rollcall.

I join the chairman giving assurance we will work with him. I do not know whether it will be in conference. We will work with him. I do not know the Senator needs a rollcall.

At this phase, I urge him at least to withdraw the amendment with the assurance he already received.

Mr. BUMPERS. Mr. President, I do not want to put the Senate to the time for a rollcall vote on this amendment. I feel very strongly about it. I suspect that since the chairman of the Milcon committee opposes it, it will be defeated. I regret he opposes it. I thought he agreed to it. But since he will not, with the assurances of the floor managers, the Senator from Arizona, the chairman of the committee, and the ranking minority member from Georgia, with that kind of assurance I feel sure we will get results very shortly.

With that in mind, and the especially nice compliments of the Senator from Arizona, I will withdraw the amendment.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

The Senator from Georgia.

Mr. NUNN. Mr. President, I thank the Senator from Arkansas.

We have the Senator from Michigan, Senator LEVIN, who has an amendment. I believe he is right outside the Chamber. The amendment will take only 3 or 4 minutes.

I might inform our colleagues that we are moving along very rapidly now and there are two matters that seem to me that may require rollcall votes.

That would be the matter relating to B–1 advanced technical bomber. That will be entered by the minority leader, Senator BYRD. I believe the Senator from Ohio has some comments to make and perhaps another amendment in that same overall area.

It seems to me that those two could be debated very rapidly, although we do not have a time agreement on them.

Then we have the Byrd amendment on trade. I do not know what the disposition of that will be.

But those are the only two matters that I know of that are now in dispute. We have about six other amendments.

I have an amendment that will take about 5 minutes to explain. I think everyone in this body will be interested in that amendment. It will not take very long. I hope there will be no opposition. We are within sight if things go smoothly of finishing this bill within an hour.

Mr. WARNER. Could I ask, would a rollcall vote be on final passage?

Mr. NUNN. I believe that is correct. I expect we will have a rollcall.

Mr. WARNER. A total of three.

Mr. NUNN. A total of three.

It seems we would be through within an hour if we expedite debate on the trade agreement and B–1. That is within the control of other parties. We have the Senator from Michigan here in hopes he will be recognized to take up an amendment.

AMENDMENT NO. 2676

Mr. LEVIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the Wilson amendment will be set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself, Mr. CHAFEE and Mr. KENNEDY proposes an amendment numbered 2676.

Mr. LEVIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 19, line 19, insert the following new section:

(f) COMPLIANCE WITH THE ABM TREATY.—

(1) The Congress finds—

(a) that the President's Commission on Strategic Forces declared in its report to the President, dated March 21, 1984, that "One of the most successful arms control agreements is the Anti-Ballistic Missile Treaty of 1972"; and

(b) that the Secretary of State has stated that the "ABM Treaty requires consultations, and the President has explicitly recognized that any ABM-related deployments arising from research into ballistic missile defenses would be a matter for consultations and negotiation between the Parties";

(c) that the Secretary of State declared on October 14, 1985, that "our research program has been structured and, as the President has reaffirmed, will continue to be conducted in accordance with a restrictive interpretation of the treaty's obligations";

(d) that the President has determined that the Krasnoyarsk radar is a violation of the ABM-Treaty; and

(e) that the Krasnoyarsk radar therefore erodes the integrity of the ABM Treaty and is a matter of serious concern.

(2) The Congress therefore declares—

(a) that it fully supports the declared policy of the President that a principal objective of the United States in negotiations with the Soviet Union on nuclear and space arms is to reverse the erosion of the Treaty between the United States and America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems, signed on May 26, 1972; and

(b) that action by the Congress in approving funds in this Act for research on the Strategic Defense Initiative does not express or imply an intention on the part of the Congress that the United States should abrogate, violate, or otherwise erode such treaty, and does not express or imply any determination or commitment on the part of the Congress that the United States develop, test, or deploy ballistic missile strategic defense weaponry that would contravene such treaty.

Mr. LEVIN. Mr. President, many of us have been concerned about the relationship between the SDI Research Program and the ABM Treaty.

Those of us who are concerned about that treaty want to make sure that there is no implication in these research funds that are being authorized, at whatever level, that we would either now intend to permit violation of the ABM Treaty by authorizing those funds or that we by authorizing these funds imply a commitment or determination by the Congress to proceed in a way which would violate that treaty at a later date.

So, this language, which is very similar to last year's language, says precisely that. The critical language here is that the Congress in authorizing funds in this act for research on SDI does not express or imply an intention on the part of the Congress that the United States should abrogate, violate, or otherwise erode the ABM Treaty, and does not express or imply any determination or commitment on the part of the Congress that the United States develop, test, or deploy ballistic missile strategic defense weaponry in a manner that would contravene the ABM Treaty.

This has been cleared now on both sides. I greatly appreciate the efforts of my friend from Virginia making it possible for us to offer this with the support again, I believe, of a vast majority of the Senate. It will not require a rollcall vote because it has been cleared. I am grateful to him and Senator NUNN and his staff.

Mr. CHAFEE. Mr. President, I enthusiastically cosponsor the amendment the distinguished Senator from Michigan has offered. It seems to me the ABM Treaty is the great treaty that we have with the Soviets. And what we are stating in this is, despite what we are doing in SDI, that that is not intended as an abrogation of the ABM Treaty. So I commend it to my colleagues and look forward to the comments of the senior Senator from Virginia.

Mr. WARNER. Mr. President, the proponents of this amendment, the Senator from Michigan and the Senator from Rhode Island, have correctly stated that we have reviewed this and we are prepared to accept it. I, in a sense, rise in support of it because they have allowed my thoughts and the thoughts of others to be incorporated in the amendment. The amendment is quite similar to a provision that was included in the fiscal year 1986 Defense Authorization Act. Minor changes, at our request, have been made and certain additions.

There are two elements in this amendment that differ from the language adopted last year. The first is a quote from Secretary of State Shultz on the administration's current policy of adhering to a restrictive interpretation of the ABM Treaty, even though the administration has determined that a broader interpretation of the treaty's limitations is legally justified. It is not the intent of my colleagues' amendment to limit the administration's flexibility in managing the SDI Program.

The administration's fiscal year 1987 arms control impact statement submitted to the Congress states that:

. . . the President determined that as long as the program receives the support needed to implement its plan, it is not necessary to restructure the SDI program towards the boundaries of Treaty interpretation which the U.S. could observe.

This amendment in no way seeks to restrain the administration from exercising its right to observe a less restrictive interpretation of the ABM Treaty if, for whatever reason, it decides that this action is necessary on behalf of the national security.

The second change, make at my request, to this amendment is the inclusion of two clauses that relate to Soviet violations of the ABM Treaty. I believe it is important for the Senate to indicate that it views Soviet noncompliance as a matter of grave concern. In my judgment, and that of other Members of this Chamber, if the pattern of Soviet treaty violations is not reversed, and if new instances continue to arise, it will erode the very foundation of the arms control process.

In conclusion, Mr. President, I think this addition strengthens the Levin amendment and I urge its adoption.

Mr. LEVIN. Mr. President, again I do appreciate the efforts on the part of the Senator from Virginia relative to this amendment. There is no intention in this amendment or otherwise that I know of in this Senate to limit the research program on SDI. The amendment does not set forth any limits on such a research program.

There is a difference, of course, on the question of the restrictive or broader interpretation of the ABM Treaty, and this amendment is silent on the question of whether or not the administration would, under the treaty, have a right to move to a broader interpretation. We do not seek in this amendment to decide one way or the other that issue, but it is important that we have added this year the statement of the Secretary of State:

Our research program has been structured and, as the President has reaffirmed, will continue to be conducted in accordance with a restrictive interpretation of the treaty's obligations.

Mr. GOLDWATER. Mr. President, we have studied this amendment. We find it a fine amendment, one I think that is very apropos here and we approve it.

Mr. CHAFEE. Mr. President, I think the comments in the revised resolution dealing with the Krasnoyarsk radar

are good. We are deeply concerned about that and we realize the problem that it presents to the ABM Treaty. I thank the managers of the legislation.

Mr. WILSON. Mr. President, I thank the chairman of the strategic subcommittee for the statement that he has made and on the changes and the revisions he had requested and which the proponents of this amendment have agreed to.

It is not my purpose to enter into any kind of prolonged debate. I will simply say that I think the reservations he has expressed are wise ones, ones that reflect reality and not wishful thinking.

It my personal hope that the research program being conducted under the auspices of the strategic defense initiative offices will result in the kind of advances in technology that make defenses the means by which we will protect the world from intercontinental ballistic missiles, rather than the continued reliance on the doctrine of mutual assured destruction, which, in my view, is a reliance on a very precarious balance on nuclear terrorists. I think that it is an end we devoutly hope for and earnestly pursue. I do not think we should rely upon historical documents, however well intended, when, in fact, events, technological developments, in particular, may have overtaken them.

I think we need to be concerned with the actual goal—I think the goal that we all share—and that is one of greater safety against the kind of prompt, hard target kill capability that is represented by the inventory of intercontinental ballistic missiles in which the Soviet Union enjoys a very heavy advantage.

So I commend my friend, the senior Senator from Virginia. I fully concur with the goals and the wishes of the proponents of this measure. I do not have the unqualified confidence that they do in the ability of this ancient treaty to secure those goals. I think he has remined us of the limitations of the good intentions inherent in the treaty.

Mr. WARNER. Mr. President, I thank the Senator from California for his remarks. He does speak with a base of knowledge on this subject, because the subcommittee has, on a number of occasions, received testimony to the effect that continued compliance by the United States under this treaty, decisions made by the President to adhere to the restrictive version of it, results in the SDI Program being more costly taking more time, and reducing the level of confidence we will have in the results of our research. But that is a decision the President has made. We are prepared, of course, to support the President's decision and to continue to review the implications of that decision.

I thank my colleagues for their remarks.

Mr. HELMS. Mr. President, I share the apprehensions indicated by my friend from California.

Mr. President, two shall not press for a rollcall vote on this amendment but two feel different perspective would be useful.

When the strategic arms limitation treaty [SALT] talks began in 1969, the United States had two fundamental objectives: preventing the Soviets from deploying an offensive first strike capability, and preventing the Soviets from deploying a nationwide antiballistic missile defense. These two objectives were integrally linked in the preambles to the 1972 SALT I ABM Treaty, the 1972 SALT I Interim Offensive Agreement, and the 1979 SALT II Treaty. But we have completely failed to achieve our two fundamental SALT objectives, after almost two decades of the SALT negotiating process. This is because the Soviets now have a first-strike capability, and are about to have a nationwide ABM defense. Thus supreme United States national interests should require America to withdraw from the 1972 SALT I AMB Treaty, rather than to pledge to Soviet Dictator Gorbachev to abide by it for another 7 years.

I believe that the United States should withdraw from the ABM Treaty partly because of the following U.S. unilateral statement to SALT I ABM Treaty, of May 9, 1972, expressing American policy:

> . . . The U.S. Delegation believes that an objective of the follow-on [i.e. SALT II] negotiations should be to constrain and reduce on a long term basis threats to the survivability of our respective strategic retaliatory forces. . . If an agreement providing for more complete strategic offensive arms limitations were not achieved within five years, U.S. supreme national interests could be jeopardized. Should that occur, it would constitute a basis for withdrawal from the ABM Treaty.

But the Soviets now have deployed a first strike counterforce capability which threatens the survivability of our deterrent retaliatory forces, according to authoritative administration statements. Moreover, after 14 years of negotiations there are no permanent, or even interim constraints on Soviet offensive forces; The SALT I Interim Offensive Agreement expired in 1977 and the fatally flawed SALT II Treaty was never ratified and expired in 1985. Therefore, under two conditions of the 1972 U.S. unilateral statement, U.S. supreme national interests required United States withdrawal from the ABM Treaty.

There is another criterion available to judge the failure of the SALT process. Under the Brooke amendment to the SALT I resolution of approval of 1972, the Senate itself stated that SALT I and the SALT II negotiations would be based upon:

> The preservation of longstanding U.S. policy that neither the Soviet Union or the United States should seek unilateral advantage by developing a first-strike potential.

The Brooks amendment thus posited that the success of SALT I and SALT II depended on the prevention of a Soviet first strike potential.

But according to authoritative administration statements, the Soviets have a first strike capability. President Reagan has stated that:

> Modern, accurate ICM's carrying multiple nuclear warheads—if deployed in sufficiently large numbers relative to the size of an opponent's force structure, as the Soviets have done with their ICBM force—could be used in a rapid first strike to undercut an opponent's ability to retaliate effectively . . . (Strategic Defense Initiative Presidential White Paper, January, 1985).

President Reagan's National Security Adviser stated in January 1985:

> . . . American land-based missiles have become even more vulnerable to Soviet first strike attack over the past few years.

And in President Reagan's May 1985 Victory in Europe Day speech, he also described the Soviet "first strike" capability, and alarmingly warned that the Soviet threat now emerging jeopardizes "deterrence itself."

In President Reagan's strategic modernization statement of June 3, 1986, he again stated that there is a:

> Growing strategic imbalance between the U.S. and the U.S.S.R. . . . In calculating what they call "the correlation of forces," the Soviet political and military leadership are ever mindful of the state of the nuclear balance between the United States and the Soviet Union . . . any weakening of our nuclear deterrent, leaving the Soviet Union with superior nuclear force . . . could invite the Soviet Union to rely on such an advantage . . . this loss in survivability of U.S. strategic forces, coupled with the magnitude of the Soviet buildup, had begun to erode seriously the stability of the strategic balance . . .

Moreover, Adm. William Crowe, Chairman of the Joint Chiefs of Staff, testified to the Senate on June 19, 1986, that:

> The strategic nuclear balance has shifted dramatically. The Soviets now enjoy superiority in ICBMs . . .

ICBM's are the key element in a first strike capability, and the Soviets have over a six to one advantage against United States hard targets in ICBM warheads. Finally, the CIA testified to the Senate on June 26, 1985, that:

> The Soviets already have enough hard-target-capable ICBM reentry vehicles today to attack all U.S. ICBM silos and launch control centers. . . . . In such an attack today, they would stand a good chance of destroying Minuteman silos.

In sum, it is clear that the Soviets have a first strike capability.

What about preventing a nationwide Soviet ABM defense, the second and integrally linked fundamental United States SALT objective? Last Novem-

ber, Defense Secretary Weinberger testified to the Senate that the Soviets already have "some nationwide ABM capability." Of course, even a base for a nationwide ABM defense is banned by article I of the ABM Treaty. According to the authoritative, official, unclassified intelligence estimates, the Soviet Moscow ABM system modernization and upgrade will be operational in 1987, as will the illegal Krasnoyarsk radar. The ABM-capable SAM-10 and SAM-12 mobil systems will be widely deployed by next year, and are already being internetted with the ABM-capable, already widely deployed SAM-5. The Soviet mobile ABM-3, already in mass production for deployment around Moscow, may also be deployed nationwide by next year. The SAM-5, SAM-10, and SAM-12 are also all being internetted with the Moscow ABM system. These ABM deployments will connect the Moscow ABM system to the illegal Krasnoyarsk ABM radar, where SAM-5's, SAM-10's, and SAM-12's, are deployed, making a nationwide ABM defense for the Soviets. As the Defense and State Department White Paper on "Soviet Strategic Defense Programs," of October 1985, confirmed:

The aggregate of current Soviet ABM and ABM-related activities suggests that the U.S.S.R. may be preparing an ABM defense of its national territory—precisely what the ABM Treaty was designed to prevent.

Mr. President, I agree with President Reagan's statement of June 3, 1986: "We come to one of those unique crossroads of history where nations decide their fate. Our choices are clear. Defense Secretary Weinberger stated last November that the United States would have to add to its offensive forces in the event of Soviet ABM break out.

In conclusion, Mr. President, I believe that it is a grave concession undermining world peace, American security, and strategic stability for the United States to agree to extend compliance with the ABM Treaty, especially on the eve of Soviet ABM break out. Instead, we should withdraw from the ABM Treaty ourselves, not only because of Soviet nationwide ABM defense break out violations, but also because of the 14-year failure of the SALT process to prevent a Soviet first strike capability jeopardizing American supreme national interests. The United States may be subjected to nuclear blackmail by the Soviets in agreeing to extend our compliance with the ABM Treaty, against our supreme national interests. As Secretary of State Shultz has correctly stated, "Arms control is impossible in conditions of inequality." As Defense Secretary Weinberger has stated, we are now in the precise situation the SALT process was supposed to prevent.

Mr. NUNN. Mr. President, I support the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If there is no further debate on the amendment, the question is on agreeing to the amendment.

The amendment (No. 2676) was agreed to.

Mr. GOLDWATER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

□ 1740

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

AMENDMENT NO. 2677

(Purpose: To establish a Barry Goldwater Scholarship and Excellence in Education Program)

Mr. NUNN. Mr. President, we are getting down to the last couple of amendments. We have three or four more. But I think there are only two matters that are really going to be in dispute here.

I think it is appropriate to send an amendment to the desk that I think all of our colleagues will be interested in.

I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the Wilson amendment will be set aside, and the clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN] for himself and Mr. THURMOND, Mr. BYRD, Mr. STEVENS, Mr. LAXALT, Mr. DECONCINI, Mr. EXON, Mr. COHEN, Mr. GLENN, Mr. GRAMM, Mr. DIXON, Mr. DENTON, Mr. BINGAMAN, Mr. KENNEDY, Mr. SIMON, Mr. LEAHY, Mr. EVANS, Mr. STENNIS, Mr. QUAYLE, and Mr. MATTINGLY, proposed an amendment numbered 2677.

Mr. NUNN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, insert the following new division:

DIVISION E—BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION PROGRAM

This division may be cited as the "Barry Goldwater Scholarship and Excellence in Education Act".

SEC. 5101. STATEMENT OF PURPOSES.

The Congress finds that—

(1) Senator Barry Goldwater has served his country for 56 years as a soldier and statesman, including service in the United States Senate for a period of 30 years;

(2) Senator Goldwater has a distinguished record as Chairman of the Select Committee on Intelligence of the Senate and as Chairman of the Committee on Armed Services of the Senate; and

(3) Senator Goldwater has long maintained a special interest in the education of America's youth, particularly in the fields of science and mathematics; and

(4) it would, therefore, be a fitting tribute to the leadership, courage, and vision of Senator Goldwater to establish in his name a scholarship program to foster and encourage excellence in science and mathematics.

SEC. 5102. DEFINITIONS.

In this division:

(1) The term "Foundation" means the Barry Goldwater Scholarship and Excellence in Education Foundation established under section 5103(a).

(2) The term "Board" means the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation established under section 5103(b).

(3) The term "fund" means the Barry Goldwater Scholarship and Excellence in Education Fund provided for under section 5108.

(4) The term "institution of higher education" means any such institution as defined by section 1201(a) of the Higher Education Act of 1965.

(5) The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, and, considered as a single entity, Guam, the Virgin Islands, American Samoa, the Trust Territories of the Pacific Islands, and the Commonwealth of the Northern Marianas.

(6) The term "eligible person" means a citizen or national of the United States or a permanent resident alien of the United States.

SEC. 5103. ESTABLISHMENT OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION.

(a) There is established, as an independent establishment of the executive branch of the United States Government, the Barry Goldwater Scholarship and Excellence in Education Foundation.

(b) The Foundation shall be subject to the supervision and direction of the Board of Trustees. The Board shall be composed of 13 members, as follows:

(1) Two members from the Senate, one appointed by the majority leader and one appointed by the minority leader of the Senate.

(2) Two members of the House of Representatives, one appointed by the majority leader and one appointed by the minority leader of the House of Representatives.

(3) Eight members, not more than four of whom shall be of the same political party, to be appointed by the President, by and with the advice and consent of the Senate, at least one of whom shall be a representative of the aerospace industry and at least one of whom shall be a representative of a private foundation concerned with aerospace education.

(4) The Secretary of Education, or his designee, who shall serve ex officio as a member of the Board but shall not be eligible to serve as Chairman.

(c) The term of office of each member of the Board shall be six years, except that (1) the members first taking office shall serve as designated by the President, four for terms of two years, five for terms of four years, and four for terms of six years, and (2) any member appointed to fill a vacancy shall serve for the remainder of the term for which his predecessor was appointed and shall be appointed in the same manner as the original appointment for that vacancy was made.

(d) Members of the Board shall serve without pay, but shall be entitled to reim-

bursement for travel, subsistence, and other necessary expenses incurred in the performance of their duties.

SEC. 5104. BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION AWARDS.

(a)(1) The Foundation is authorized to award scholarships and fellowships to eligible persons for study in the fields of science and methematics. Such scholarships and fellowships shall be awarded to persons as provided in this division who meet the minimum criteria established by the Foundation.

(2) Scholarships shall be awarded to outstanding undergraduate students who intend to pursue careers in mathematics and the natural sciences.

(3) Fellowships shall be awarded to outstanding graduate students who intended to pursue advanced degrees in mathematics and the natural sciences.

(4) The Foundation shall also award scholarships to eligible persons selected on the basis of nationwide competition.

(b) Recipients of scholarships and fellowships under this division shall be known as "Barry Goldwater Scholars".

(c)(1) The Foundation is authorized to award honoraria to outstanding educators, teachers, and persons who have volunteered to assist in secondary schools who have made significant contributions to improve the quality of instruction in mathematics and sciences in the secondary school as follows:

(A) To two such persons selected at large from each State.

(B) To one such person selected from each county in each State.

(2) The Board shall establish a schedule of honoraria to be awarded under paragraph (1).

(3) The Board shall adopt regulations which provide that persons affiliated with secondary schools on military reservations and with the dependent overseas school system shall be appropriately represented among those persons who receive awards under this division.

SEC. 5106. STIPENDS.

Each person awarded a scholarship or fellowship under this division shall receive a stipend which shall not exceed the cost to such person for tuition, fees, books, room and board, or such lesser amount as may be prescribed by the Board.

SEC. 5107. SCHOLARSHIP CONDITIONS.

(a) A person awarded a scholarship under this division may receive payments authorized under this division only during such periods as the Foundation finds that the person is maintaining satisfactory proficiency and devoting full time to study or research and is not engaging in gainful employment other than employment approved by the Foundation pursuant to regulations of the Board.

(b) The Foundation is authorized to require reports containing such information in such form and to be filed at such times as the Foundation determines to be necessary from any person awarded a scholarship under this division. Such reports shall be accompanied by a certificate from an appropriate official at the institution of higher education, approved by the Foundation, stating that such person is making satisfactory progress in, and is devoting essentially full time to study or research, except as otherwise provided in subsection (a).

SEC. 5108. BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FUND.

(a) There is established in the Treasury of the United States a trust fund to be known as the Barry Goldwater Scholarship and Excellence and Education Fund. The fund shall consist of amounts appropriated to it pursuant to section 5112.

(b) It shall be the duty of the Secretary of the Treasury to invest in full the amounts appropriated to the fund. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose, such obligations may be acquired (1) on original issue at the issue price, or (2) by purchase of outstanding obligations at the market place. The purposes for which obligations of the United States may be issued under the Second Liberty Bond Act are hereby extended to authorize the issuance at par of special obligations exclusively to the fund. Such special obligations shall bear interest at rate equal to the average rate of interest, computed as to the end of the calendar month next preceding the date of such issue, borne by all marketable interest-bearing obligations of the United States then forming a part of the public debt, except that where such average rate is not a multiple of ⅛ of 1 percent, the rate of interest of such special obligations shall be the multiple of ⅛ of 1 percent next lower than such average rate. Such special obligations shall be issued only if the Secretary determines that the purchases of other interest-bearing obligations of the United States, or of obligations guaranteed as to both principal and interest by the United States or original issue or at the market price, is not in the public interest.

(c) Any obligation acquired by the fund (except special obligations issued exclusively to the fund) may be sold by the Secretary at the market price, and such special obligations may be redeemed at par plus accrued interest.

(d) The interest on, and the proceeds from the sale or redemption of, any obligations held in the fund shall be credited to and form a part of the fund.

SEC. 5109. EXPENDITURES FROM THE FUND.

(a) The Secretary of the Treasury is authorized to pay to the Foundation from the interest and earnings of the fund such sums as the Board determines are necessary and appropriate to enable the Foundation to carry out the purposes of this division.

(b) The activities of the Foundation under this division may be audited by the General Accounting Office under such rules and regulations as may be prescribed by the Comptroller General of the United States. Representatives of the General Accounting Office shall have access to all books, accounts, records, reports, and files and all other papers, things, or property belonging to or in use by the Foundation pertaining to such activities and necessary to facilitate the audit.

SEC. 5110. EXECUTIVE SECRETARY.

(a) There shall be an Executive Secretary of the Foundation who shall be appointed by the Board. The Executive Secretary shall be the chief executive officer of the Foundation and shall carry out the functions of the Foundation subject to the supervision and direction of the Board. The Executive Secretary shall carry out such other functions consistent with the provisions of this division as the Board shall prescribe.

(b) The Executive Secretary of the Foundation shall be compensated at the rate specified for employees in grade GS-18 of the General Schedule under section 5332 of title 5, United States Code.

SEC. 5111. ADMINISTRATIVE PROVISIONS.

(a) In order to carry out the provisions of this division, the Foundation is authorized to—

(1) appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this division, except that in no case may an employee other than the Executive Secretary be compensated at a rate to exceed the maximum rate provided for employees in grade GS-15 of the General Schedule under section 5332 of title 5, United States Code;

(2) procure temporary and intermittent services of experts and consultants as are necessary to the extent authorized by section 3109 of title 5, United States Code, but at rates not to exceed the rate specified at the time of such service for grade GS-18 under section 5332 of such title;

(3) prescribe such regulations as it considers necessary governing the manner in which its functions shall be carried out;

(4) receive money and other property donated, bequeathed, or devised, without condition or restriction other than it be used for the purposes of the Foundation, and to use, sell, or otherwise dispose of such property for the purposes of carrying out its functions;

(5) accept and utilize the services of voluntary and noncompensated personnel and for travel expenses, including per diem, as authorized by section 5703 of title 5, United States Code;

(6) enter into contracts or other arrangements, or make grants, to carry out the provisions of this division, and enter into such contracts or other arrangements, or make such grants, with the concurrence of two-thirds of the members of the Board, without performance or other bonds and without regard to section 3709 of the Revised Statutes (41 U.S.C. 5);

(7) make advances, progress, and other payments which the Board considers necessary under this division without regard to the provisions of section 3324 of title 31, United States Code;

(8) rent office space in the District of Columbia; and

(9) make other necessary expenditures.

(b) The Foundation shall submit to the President and to Congress an annual report of its operations under this division.

SEC. 5112. APPROPRIATIONS AUTHORIZED.

There are authorized to be appropriated to the Department of Defense $40,000,000 to be transferred to the Treasury for the fund.

Mr. NUNN. Mr. President, the amendment I send to the desk deals with a serious problem which is undermining our ability to maintain one of America's greatest national security and commercial strengths—our technological leadership.

I send this amendment to the desk on behalf of myself; Senator THURMOND from South Carolina; Senator BYRD, our Democratic leader; as well as Senator STEVENS; Senator LAXALT; Senator DECONCINI; Senator EXON; Senator COHEN; Senator GLENN; Senator GRAMM; Senator DIXON; Senator DENTON; Senator BINGAMAN; Senator KENNEDY; Senator SIMON; Senator LEAHY; Senator EVANS; and Senator QUAYLE.

Mr. President, I have also discussed this amendment with other Senators.

I think many of them would like to join as cosponsors.

The problem is the shortage of qualified American professionals in the fields of math and science. With every year that passes the United States is losing the opportunity to educate and train the new generations which must be equipped to meet the ever-increasing challenges in both the commercial and national security fields. The Department of Labor in its report "A Nation at Risk" recommended that all students graduating from high school be required to take 3 years each of math and science. But the National Commission on Excellence in Education reports that "American students * * * receive less than 4 hours of mathematics and less than 2 hours of science instruction each week." Consequently, the Commission reports, "the Nation that dramatically and boldly led the world into the age of technology is failing to provide its own children with the intellectual tools needed for the 21st century." The danger is all the greater because its effects accumulate gradually, so by the time the full effect is realized it may take decades for the United States to recover, unless this deterioration is checked now.

Other nations are not neglecting this opportunity. The Soviet Union graduates five times the number of engineers that the United States does. And it is not just the Soviet Union that is "out educating" us in math and science. In 1983, the last year for which we have reliable statistics, Great Britain, France, and West Germany each produced a greater number of graduates in the natural sciences than the United States did. In that same year, a smaller proportion of U.S. college graduates received engineering degrees than in any other country. Lest anyone doubt the importance of technical training to the United States, the Bureau of Labor Statistics estimates that between 1982 and 1995 4 million new jobs will be created in high-technology fields. These are jobs we may not have the qualified workers to fill.

Clearly our Nation cannot afford to allow our leadership in science and technology to be put at risk. We risk damaging our national defense in the face of an increasingly sophisticated Soviet military threat. And just as importantly, we risk becoming a secondary industrial power, unable to maintain a competitive edge over other advanced industrial nations.

The U.S. technological prowess is one of our strongest national security assets and we must insure that we have both highly qualified math and science teachers as well as encourage studies in this area.

Not all Americans have been blind to this disturbing trend. One of the strongest advocates of this critical education for America's youth has been Senator BARRY GOLDWATER. I need scarcely remind his colleagues here in the Senate that Senator GOLDWATER has served his country for 56 years—as a soldier and a statesman—including representing the State of Arizona in the Senate since 1952, Senator GOLDWATER has a distinguished career as chairman of the Select Committee on Intelligence and currently as the chairman of the Armed Services Committee. Thus Senator GOLDWATER's expertise in national security issues has encouraged and confirmed his longstanding special interest in the quality and quantity of science and math education received by students in the United States.

Thus I believe it is fitting that the Congress take action to turn the tide on this disturbing decline in our Nation's technological abilities by establishing the Barry Goldwater Scholarship and Excellence in Education Foundation. Though I know this is not an honor that BARRY GOLDWATER would seek for himself I think it is entirely fitting that his colleagues honor him as he retires from the Senate with the establishment of a foundation that will carry on the work to which he dedicated himself during his decades of public service. And I say to the Senate that Chairman GOLDWATER knew absolutely nothing about this effort to establish the Goldwater Excellence in Education Foundation.

I would like to tell my colleagues briefly about how this foundation would work, and we have talked to the people involved in the education committees about this. I believe we have their approval.

The Barry Goldwater Foundation will be established as an independent entity of the executive branch. The foundation will be authorized to award scholarships to outstanding undergraduate and graduate students for study in the fields of mathematics and science.

This act authorizes a one-time—I emphasize one-time—$40 million appropriation for a trust fund which the Secretary of the Treasury is required to invest in U.S. Government securities; $40 million invested at an interest rate of 8½ percent—that is a rough approximation—will generate in excess of $3 million per year, a sum adequate to carry out the program.

We are not talking about a program that is going to require an appropriation each year. We are talking about a one-time expenditure. The activities of the Goldwater Foundation will be subject to auditing by the General Accounting Office.

The Barry Goldwater Fund is modeled after the Truman Scholarship Foundation which was created by an act of Congress in 1975 with an endowment of $30 million. The Truman Fund has proven to be a phenomenal success, requiring no subsequent funding from the U.S. Government while providing 105 scholarships in 1986 to deserving students in a broad range of fields of study. The Truman Fund has very little overhead expenses.

The amendment requires the foundation to award scholarships to two undergraduate students from each State, the District of Columbia, and Puerto Rico and 75 graduate scholarships nationwide each year. The size of those scholarships will be determined by the foundation, but we expect that the endowment will permit the undergraduate scholarships will be approximately $5,000 per year and the graduate scholarships to be approximately $15,000 per annum. However, no student's scholarship would exceed tuition and board costs.

The foundation will also be authorized to award honoraria to outstanding individuals in secondary schools who have made significant contributions to improve the quality of instruction in mathematics and sciences. Two individuals will be selected from each State and will receive an estimated $1,000 award, and one from each county in the United States will receive an estimated $150 award. In addition, the foundation will provide that individuals affiliated with secondary schools on military reservations and the dependent overseas school system shall be eligible for honoraria.

The foundation will be subject to the supervision of a board of trustees composed of thirteen members: Two Members from the Senate, one from each political party appointed by the majority and minority leader; two Members from the House appointed by similar means; eight members appointed by the President with the advice and consent of the Senate; and the Secretary of Education or his designee. The sponsors of this act expect that the President will name as one of his designees a member of the Goldwater family, following the precedent set by the Truman Scholarship Foundation. We also believe it appropriate that one of the board members be from a private foundation concerned with aerospace education, thus ensuring that Senator GOLDWATER's particular interest in aviation and space will be represented. Members of the board will serve without pay.

By enacting this one-time endowment for the Barry Goldwater Scholarship and Excellence in Education Foundation we will set in place a program which can be equally successful in aiding outstanding members of future generations and in ensuring that the United States maintains its position as a leader among nations in the essential fields of science and mathematics. The foundation created by this amendment will serve a critical need in the education area and it is ap-

propriate that it be named after BARRY GOLDWATER—soldier, Senator, and statesman who we are all very proud to have as the chairman of the Armed Services Committee.

Mr. President, I am grateful to the many cosponsors of this amendment. I hope that our colleagues will approve.

Mr. PELL and Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, before making a few remarks on this subject, I ask unanimous consent that the able Senator from Georgia, Senator MATTINGLY, be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, as I stated in my opening remarks at the beginning of consideration of the Defense authorization bill, I have known and admired BARRY GOLDWATER for more than 30 years. We have shared, as the saying goes, some of the best of times, and some of the worst of times. Four different decades have been involved in our service together in the Senate, and I would like to briefly share some of my thoughts about this period of our history together.

I joined Senator GOLDWATER in the Senate during a period of time that has been referred to as the golden years. The United States was the undisputed world power, and we were at peace despite all the rhetoric about a cold war. This period of U.S. history has spawned a great deal of nostalgia through television shows, movies, and popular music.

This period of relative calm, however, was followed by the turbulent 1960's, a decade that was to bring BARRY GOLDWATER into the national spotlight and a decade that was to divide this Nation over a foreign war.

Senator GOLDWATER was nominated in 1964 as the Republican candidate to face a popular Democratic incumbent President. At this period in our history, we were becoming increasingly involved in a war in Southeast Asis.

□ 1750

Senator GOLDWATER warned the Nation that you cannot commit yourselves to war one step at a time; wars great or small must be fought to be won. To shed the lifeblood of a Nation for any less a goal than victory is sacrilege. For his honesty, he was portrayed as a warmonger, and he was soundly defeated in the general election. The Nation that was promised no war in Vietnam if it rejected BARRY GOLDWATER at the polls got just the opposite. History will be our judge as to whether or not we should have heeded his warning. In my opinion, history will record that we erred greatly by not electing him President.

The decade of the 1970's brought the Nation another form of division—Watergate and the downfall of a President. The decade also found our Nation wanting in its global commitments to maintain a strong defense as we began a downward spiral as a national power. During this time, BARRY GOLDWATER repeatedly warned that we were falling dangerously behind the Soviets.

The decade of the 1980's was to begin with a majority of American voters electing a President who, if you closed your eyes for a moment, sounded just like BARRY GOLDWATER in 1964. Indeed many of the ideas that BARRY GOLDWATER has long espoused, a reduced role of the Federal Government in our lives, and lower taxes, are finally coming to pass. His goal of constancy in the strength of our national defenses unfortunately remains elusive.

Mr. President, BARRY GOLDWATER is witty, intelligent, and frank. He is also cantankerous and stubborn, but we all admire and respect him greatly.

It has been more than two decades since he stepped into the limelight and became a national figure; it is only fitting that his Nation recognize that he is also a national treasure.

Mr. President, I am pleased to be a cosponsor of the amendment and accept it on behalf of the majority.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The minority leader.

Mr. BYRD. Mr. President, it is with great pleasure, and with much esteem for our distinguished colleague from Arizona, Senator GOLDWATER, that I count it a privilege to cosponsor this amendment to create an educational scholarship foundation in his honor.

The amendment seeks to pay tribute to Chairman GOLDWATER's leadership and long service to the Nation by establishing the "Barry Goldwater Scholarship and Excellence in Education Foundation."

The Nation owes to Chairman GOLDWATER a debt which mere words cannot portray. He has served our country with great distinction—both as a soldier and as a Senator.

Mr. President, Chairman GOLDWATER has defended his beloved country in military combat, and in the legislative trenches. We are a more secure nation, and the Senate is a richer institution, because of his innumerable contributions.

This foundation embodies the chairman's long-standing special interest in the quality and extent of science and mathematics education in the United States.

Our distinguished colleague from Arizona long ago recognized the importance to the national security and economic strength of the United States of improving our technological leadership.

Endowed by a $40 million trust fund, the Barry Goldwater Foundation will seek to maintain and expand America's technological advantages in two ways: By providing scholarships to outstanding undergraduate and graduate students in the fields of mathematics and science; and by providing honoraria to outstanding individuals in secondary schools who have made significant contributions to improve the quality of instruction in these fields.

I believe this is a perfectly appropriate testament to the distinguished Senator, and I am honored to join in expressing my strong support for it.

Mr. President, someone once said:

Fame is a vapor; popularity an accident; riches take wings; those who cheer today may curse tomorrow.

Only one thing endures: character.

To me, BARRY GOLDWATER is the embodiment of character. He is someone whose courage, whose dedication, whose integrity and character we might all seek and hope to emulate.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, it is a great privilege to be a cosponsor of the matter before us, offered by our colleague from Georgia.

When he announced this program that many of us cosponsor, he indicated that it was to be kept from Senator GOLDWATER. He not only wanted it to be a surprise, but he thought if he brought it to him earlier, Senator GOLDWATER might veto it and we did not want to give him that opportunity.

As a man who came to the Senate about 8 years ago and took my place on several committees, including the Armed Services Committee, I was thrown into a unique relationship with the great Senator from Arizona.

I have learned to respect him so very, very much over the last few years.

While this is not a farewell address to Senator GOLDWATER—we will have time for that later—I simply want to say that those of us who have banded together in this effort are simply recognizing the tremendous and outstanding dedication he has made to this Nation and all factors of this Nation, all the people of this Nation, in his service.

Therefore, this is probably not so much a tribute to BARRY GOLDWATER, but we believe that the results of this foundation will play a keen role to keep America strong in national defense which has been, among everything else, the hallmark of Senator GOLDWATER's service to his country. I am proud to be part of it.

The PRESIDING OFFICER. The distinguished majority leader.

Mr. DOLE. Mr. President, I will only take a minute. I would not be surprised if Senator GOLDWATER did not

kill this amendment. He does not like all of this talk anyway.

Mr. President, I cannot think of a more fitting way to end this very important legislation dealing with our Nation's security than to honor our colleague whose life has been totally dedicated to keeping our Nation strong and free. The establishment of the Barry Goldwater Scholarship and Excellence in Education Act is a tremendously appropriate testament to the senior Senator from Arizona and will go far in furthering academic excellence in the fields of mathematics and science. The millions of dollars being made available to our students nationwide by this act will not only reward deserving academic excellence but also encourage serious pursuit of two fields so vitally critical to our Nation's defense.

THE PROGRAM

Two undergraduates from each State as well as 75 graduate students will benefit annually. The program also authorizes honoraria to outstanding educators who have made significant contributions in improving the quality of math and science instruction. In the educator category, I would say Chairman GOLDWATER has been the model example for us all.

TRIBUTE

With only a short but very important interval in the sixties, the chairman has served our body since 1953 as a true statesman and leader. As I said last year at this very same closing moment, BARRY's knowledge and experience in national defense issues have been invaluable to me as majority leader. I will miss his candor and wise counsel but the legacy he leaves behind will have a lasting impact not only on this body but our Nation as a whole.

Mr. President, I would say as a longtime friend of Senator GOLDWATER, I cannot think of a more fitting—not tribute—indication of the Senate at its best in a bipartisan sense because we have respect for the man, in this case, Senator GOLDWATER. If we did not know him before, we knew him when we got here. If we did not know him when we got here, we did not know what was happening in the Senate.

I wanted to join my colleagues on both sides of the aisle to express my appreciation to those who had this idea, an idea that will extend beyond all of our lives and will enrich the lives of the young people in the future and, in the process, be a great contribution to our country.

For that, we can thank the inspiration which started with the man we know on this side as Mr. Republican; the man they know on the other side as a man of intellect, courage, honesty, integrity, and, above all, a decent human being.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I would like to join in congratulating the Senator from Georgia for offering this amendment.

Senator GOLDWATER is a gallant colleague who has always believed that the real strength of our Nation is the sum total of the character of the people who, in particular, will lead us.

Here we are both honoring the character of one of the leaders and at the same time filling an educational need in our Nation. This is a wonderful amendment, wrapping up those two things.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I am pleased to have the privilege to speak honoring the distinguished senior Senator from Arizona.

I draw on a quotation from Thomas Jefferson. He said:

> God grant that men of principles always be our principal men.

We are fortunate the Senate has received such leadership.

□ 1800

Mr. LEVIN. Mr. President, I know of no more appropriate way to honor our country than to establish this foundation in the name of BARRY GOLDWATER. He is a rare man. His steadfastness and loyalty to America are symbolized in a small way by his sitting in that chair hour after hour, day after day, week after week on an authorization bill relative to the security of the country that he loves and puts ahead of everything, including his own life. It is an honor to be a cosponsor of this amendment.

Mr. DECONCINI. Mr. President, I do not intend to belabor this subject, because we all know BARRY GOLDWATER well in this Chamber; we know he probably finds himself uncomfortable hearing all these great things about himself, as true as each and every one of them is.

When BARRY GOLDWATER came to the Senate in 1952, he upset the whole political system in Arizona. When he came to this office it appeared to many people in Arizona that he was a voice in the wilderness. He first ran against and defeated the then majority leader. Soon respect for him grew and when he ran the second time, he again defeated the majority leader. He won that election by his second-largest majority. That is when we Democrats called it the good old days—when Arizona was a Democratic State. It was difficult for a Republican to get elected statewide in Arizona but BARRY GOLDWATER did it by his straightforwardness.

The Democrats learned a lot from BARRY GOLDWATER about addressing the issues in Arizona. Today we pay tribute to him in an area that I know Senator GOLDWATER holds as his highest agenda item. That is education.

Senator GOLDWATER spends a lot of speaking time in schools in Arizona—in elementary schools, in high schools, and at the University of Arizona, at Arizona State University, and Northern Arizona University—and he talks about the need to go to school, to learn. Establishment of a scholarship fund in his name for education in science and math is a fitting tribute to him.

These scholarships are going to live long after all of us are out of the office that we hold in this body. They are a fitting tribute to the man who has championed the cause of education, who has fought for it as vigorously as he has fought for the national security. I am honored to call BARRY GOLDWATER my colleague. I am more honored to call him my friend. He has served the State of Arizona and the Nation with distinction and deserves the tribute we are bestowing on him today.

I thank the Senator from Georgia for offering and including me in this amendment.

Mr. GRAMM. Mr. President, it has been a great honor for me to serve with BARRY GOLDWATER for 2 years. When I was in the 11th grade, I read his book, "The Conscience of a Conservative." It started me thinking about the political process. The longer I thought about it, the more convinced I became that Senator GOLDWATER is right.

I am certainly glad to join Senator NUNN in cosponsoring this amendment. It has been one of the great privileges of my life to serve as a Member of the U.S. Senate and a member of the Armed Services Committee with a man that I read about as a boy and that I have always considered a historic figure.

Mr. STENNIS. Mr. President, I was out of the Chamber when this matter started or I would have been addressing the Chair earlier.

BARRY and I have been down the road together a good bit over a good long period of time. I have seen him in a lot of tight places but I never have heard him call for quarters nor skip a duty the least bit as he saw it. That is just about as fine a situation as you can find. I think this tribute is well deserved. All who were privileged to work with him under good conditions and bad, when he was tried on severe questions, can still say what I have just said about BARRY.

I never did doubt anything he said to me or told me as a fact. But it got to where, in the Armed Services Committee, presenting his bills, particularly the bills for the entire budget, it got to where he would tell me, "Now, I have got to be away next week. I have got matters here that I have to attend to, it has to have my personal attention and I do not want you to set anything

next week that requires me to be here."

I readily and quickly agreed to that, and followed it up. It got to be such a regularity.

I did not doubt a word about his really needing to be away, but I was still suspicious about what the real, rock-bottom reason was. Somebody said, "Look back for the last 5 years and get the dates and also the date for this year, when the Paris Air Show comes. It is the official need to know."

That is the only thing I could ever find where he was absent and he really said so much and earned the tribute of being there.

I could tell you some political stories, too, where he and I have swapped compliments. Let us summarize it this way: He sent a very strong message to Mississippi once when he was a candidate; then he sent another strong one later when I was a candidate. I want to publicly acknowledge that and thank him for it.

I tell you, Mr. President, he has been of great value, tremendous value. His idea of public service is highly commendable and I can recommend following it to any young citizen of America.

I congratulate him for such a wonderful record, thank him for what he has done for his country, and I am so pleased to join in this compliment and in the spirit of this entire occasion.

Mrs. HAWKINS. Mr. President, as a latecomer to the South, I was an active observer in politics and thought everybody in the world was a Democrat until I moved to Florida in 1962. The first political activity I ever took part in was Volunteers for Goldwater as Orange County Chairman in Orange County, FL. We organized that county so well, with so many volunteers for BARRY GOLDWATER, even though we never saw your name in our local newspaper or had so much as an affirmation from outside of Florida that you were the nominee and the candidate for President, I would like this body to know that we carried Orange County for Goldwater in 1964.

All the things you told us would happen did happen after that because you were not elected. I want to tell you, whether it was a book that we read, The Conscience of a Conservative, or other things you have written and spoken, you have made a lasting impression not only on the lives of those who serve in this body—and I never dreamed I would be standing on the same floor with BARRY GOLDWATER. I was just a volunteer and mobilized 3,000 people in my county in 1964. That lifelong impact has carried over to my children and my grandchildren into generations to come.

It is a great honor to join in paying tribute to my colleague as a great American.

Mr. WILSON. Mr. President, I can think of no more inspired tribute to the contribution that Senator GOLDWATER has made in so many ways than to create a foundation in his name that will provide the means whereby other young men and women can continue his contribution to America. He has been an education by his example to all those who have been privileged to serve with him.

Particularly those of us on the Armed Services Committee have not only learned tremendous respect for him even beyond that we came here with, but I think a special affection inspired by that sometimes impatient, sometimes cantankerous, but always affectionate regard that he expresses for his colleagues. He is the epitome of fairness. He has put his Nation first, as several people have observed, even in times of great pain. The character that has been pointed out he has demonstrated by his example, almost excessively, to the point where it has taken a toll upon himself. He has earned the admiration of everyone in this body many times over, I hope that those who are privileged to receive some stipend from this foundation will think often of the man whose name it bears and they will make an extra special effort to be aware of the kind of effort that he has given to America.

□ 1810

I thank the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I am honored to be a cosponsor of this proposal.

We know BARRY around the Senate as a man whose language is stated as sometimes colorful, and so I would like to use language that he might use himself.

I will just say that he is one hell of a man. I am proud to call him a friend.

Mr. BINGAMAN. Mr. President, I am proud to join as a cosponsor of this amendment to create a Barry Goldwater Scholarship and Excellence in Education Foundation to fund scholarships and honoraria in mathematics and the sciences. This is, indeed, a fitting tribute to Senator GOLDWATER for the enormous contributions which he has made to the Nation during his long career of public service, including 30 years in the Senate.

Senator GOLDWATER has truly been dedicated to excellence in education. Mr. President, I hope that all those who will receive Barry Goldwater scholarships for undergraduate and graduate study in mathematics and the sciences and Barry Goldwater honoraria for contributions to secondary education in those subjects will, each in his or her own way, seek to emulate Senator GOLDWATER's dedication to this country, his independent judgment, and his commitment to excellence.

Mr. President, education of our young is truly the backbone of this country's defense, of our economic prosperity, and of our social fabric. There is no better way for any statesman to be honored than to be associated with the vital task of preparing a new generation of American leaders in mathematics and the sciences. Senator GOLDWATER is eminently deserving of that honor.

I also hope that some of these future Goldwater scholars will attempt to bridge the often wide chasm between science and politics and help illuminate future public policy debates. Perhaps, a Goldwater scholar will one day serve in this body and on the Armed Services Committee. In any case, I know that the Goldwater scholars will make enormous contributions to our Nation and that will be a fitting legacy for this great legislator from Arizona.

Mr. MATTINGLY. Mr. President, this amendment will serve as a lasting tribute to an American patriot, BARRY GOLDWATER. BARRY serves as a model that all of us Americans should aspire to.

I was once referred to in an article in my great State of Georgia as a "Barry Goldwater, Junior." I am proud of that association and will try to live up to that high standard.

BARRY GOLDWATER, we love, admire and respect you.

Mr. CHILES. Mr. President, BARRY GOLDWATER has distinguished himself as a great American in the over half century he has served our country as a soldier and a statesman. Direct, honest, and frank, he learned through study and experience and passed his knowledge on to those with whom he served in uniform and the Senate. Most importantly, BARRY GOLDWATER is a leader who sets a moral example of integrity and courage. His leadership on national security is his legacy and all Americans are fortunate for his service.

Mr. DOMENICI. Mr. President, I rise to support the permanent recognition we are bestowing today on my neighbor Senator BARRY GOLDWATER. He asked nothing from his country for himself and gave much to it, more than most of us. This permanent scholarship program will serve as a reminder for all generations of Americans that a real patriot lived in our time. Congratulations, Senator GOLDWATER.

Mr. LEVIN. BARRY GOLDWATER is a conservative—always has been, always will be. But Mr. President, BARRY GOLDWATER is a man who transcends political ideology. BARRY GOLDWATER's America is rooted in constitutional principles—and he has never sacrificed those principles to political expediency

nor has he ever been reluctant to defend them despite political threat.

On a personal level, let me say this: working with BARRY GOLDWATER has been an education. And I don't just mean that I learned a great deal about the nature of national defense. On a more fundamental level, I mean that I learned a great deal about politics. BARRY GOLDWATER has shown once again the truth of the observation: different views and different records are often driven by the same desire and motivated by the same love of country. We deal with complex issues in this body and sometimes we are tempted to ascribe bad motives to those who oppose our positions. You just cannot do that with BARRY GOLDWATER. You can disagree with him—but you can't even think that his conclusions are insincere or that his reasons are less than well motivated. Serving with BARRY GOLDWATER, reminds us of the ultimate lesson of politics and perhaps life: that men and women of good will ought not be too quick to judge the motives of others; we ought not be too quick to translate policy disputes into personal disagreements; and we ought to be quick to see the possibility of compromise, the probability that perfection is not the exclusive property of any ideology, and the prospect that we can work together to achieve a better America and a better world.

Mr. President, working with BARRY GOLDWATER has been an honor and a privilege. That BARRY GOLDWATER has been holding his ground isn't a sign of rigidity or blindness: it is proof that he selected that ground very carefully many years ago and that he has defended it very well for all the years since.

Senator GOLDWATER is as much a part of the American heritage as the Arizona land he loves so well. And when Americans give thanks for the beauty of that land, they ought to know that all that natural beauty is reflected in the spirit of BARRY GOLDWATER.

Mr. NUNN. Mr. President, I do not want to cut anyone off. I know we could go on a long time. I am afraid the chairman is going to move to table this amendment if we go on much longer. So I would like to ask the following names be added as cosponsors: Senators LEVIN, CHILES, HOLLINGS, WILSON, SYMMS, PRYOR, PROXMIRE, RUDMAN, WARNER, PELL, MOYNIHAN, HART, ANDREWS, INOUYE, and JOHNSTON.

Mr. President, I ask unanimous consent that all of our colleagues who would like to add their names be permitted to do so at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NUNN. And the chairman would also like to be added.

[Applause.]

Mr. GOLDWATER. Mr. President, I might run again.

[Applause.]

Mr. GOLDWATER. There is no way in the world for me to say thank you, so I will not try.

[Standing ovation.]

The cosponsors of the amendment (No. 2677) are as follows: Mr. THURMOND, Mr. BYRD, Mr. STENNIS, Mr. STEVENS, Mr. LAXALT, Mr. DECONCINI, Mr. EXON, Mr. COHEN, Mr. GLENN, Mr. BINGAMAN, Mr. LEAHY, Mr. EVANS, Mr. QUAYLE, Mr. MATTINGLY, Mr. GRAMM, Mr. WARNER, Mr. LEVIN, Mr. DOMENICI, Mr. ABDNOR, Mr. PRESSLER, Mr. ANDREWS, Mr. BIDEN, Mr. ROCKEFELLER, Mr. CHAFEE, Mr. HOLLINGS, Mr. ZORINSKY, Mr. COCHRAN, Mrs. KASSEBAUM, Mr. DURENBERGER, Mr. CHILES, Mr. WILSON, Mr. SYMMS, Mr. PRYOR, Mr. PROXMIRE, Mr. RUDMAN, Mr. PELL, Mr. MOYNIHAN, Mr. HART, Mr. INOUYE, Mr. JOHNSTON, Mr. CRANSTON, Mr. HEFLIN, Mr. DOLE, Mr. MURKOWSKI, Mr. SPECTER, and Mr. SIMPSON.

Mr. NUNN. Mr. President, I call for the question on the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2677) was agreed to.

Mr. NUNN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Who yields recognition?

Mr. HUMPHREY. What is the pending business, Mr. President?

The PRESIDING OFFICER. The amendment of the Senator from California is the pending business.

Mr. HUMPHREY. Is the Senator from California ready to proceed further with his amendment?

Mr. WILSON. Yes, Mr. President.

Mr. HUMPHREY. I yield the floor.

AMENDMENT NO. 2595

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. WILSON. I thank the Chair.

This amendment has been fully debated. The Senator from Nebraska had some questions. We have reached an understanding. The understanding simply stated is that the additional cost of research and procurement would be absorbed within the budget for that purpose, The Navy would be granted no additional funds.

Mr. EXON. Mr. President, I would like to engage in a colloquy with the sponsor of the amendment concerning the RAM missile program.

This Senator understands that the effect of the Wilson amendment is to authorize the Navy to proceed with the rolling airframe missile program with the expectation that the Navy would spend up to $24.2 million in research and development and $40 million in weapon procurement for the program. Further, this Senator understands that the procurement funds may not be obligated until the Congress has received a certification from the Secretary of Defense as outlined in the Senator's amendment. It is my further understanding that at my suggestion the Navy is required to provided offset for these total funds as opposed to increased funding.

Mr. WILSON. The Senator's understanding of the effect of this amendment is correct. The amendment has the effect of reinstating the RAM missile program but does not increase the aggregate level of funds provided to the Navy for research and development or for weapons procurement. By reinstating the program, the committee understands that the Navy will have to offset the $24.2 million in research and development and $40 million in weapons procurement with reductions in other activities. The authorization for the RAM program as provided by the Wilson amendment has the effect of adding an undistributed reduction of $24.2 million to Navy research and development and $40 million to weapons procurement, Navy.

The PRESIDING OFFICER. Is there further debate? If not, the question occurs on the amendment of the Senator from California.

The amendment (No. 2595) was agreed to.

Mr. WILSON. Mr. President, I move to consider the vote by which the amendment was agreed to.

Mr. EXON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HUMPHREY addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. HUMPHREY. May I ask the floor managers if there is someone ready to offer an amendment? I want to speak on the bill, but if someone is ready to offer an amendment I do not want to hold that up.

Mr. NUNN. In response to the Senator, I think the Senator from West Virginia has an amendment, and he has been waiting.

Mr. HUMPHREY. I yield the floor.

AMENDMENT NO. 2678

Purpose: Prohibition against using funds authorized for the Advanced Technology Bomber and the Advanced Cruise Missile programs for any other purpose; and limitation of the B-1B Bomber Fleet to 100 aircraft.)

The PRESIDING OFFICER. The Democratic leader.

Mr. BYRD. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 2678.

Mr. BYRD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill add the following new section:

PROHIBITION AGAINST USING FUNDS AUTHORIZED FOR THE ADVANCED TECHNOLOGY BOMBER AND THE ADVANCED CRUISE MISSILE PROGRAMS FOR ANY OTHER PURPOSE; AND LIMITATION OF THE B-1B BOMBER FLEET TO 100 AIRCRAFT

SEC. . (a) It is the sense of Congress that—

(1) the capabilities inherent in the technologies associated with the Advanced Technology Bomber and the Advanced Cruise Missile program are a critical national security asset for maintaining an adequate and credible deterrent posture;

(2) such technologies and programs should be developed as rapidly as feasible in order to produce and deploy advanced systems which will complicate the military planning of the Soviet Union and as a consequence enhance the deterrent posture of the United States;

(3) such technologies and programs should be funded at the levels authorized in this Act; and

(4) all the funds appropriated for such programs should be fully used for such programs.

(b) None of the funds appropriated pursuant to an authorization of appropriations in this Act to carry out the Advanced Technology Bomber program or the Advanced Cruise Missile program may be used for any other purpose.

(c) None of the funds appropriated pursuant to an authorization of appropriations in this or any other Act may be used for research, development, demonstration, procurement or any other purpose related to B-1B bombers beyond the 100 such bombers previously authorized.

Mr. BYRD. Mr. President, the amendment I am offering is a variation on similar amendments I have offered over the last several years to protect the development of our most advanced aviation technologies: The so-called Stealth Programs. I have been a strong advocate of these programs because, in the competition we are engaged in with the Soviet Union, in the security area, U.S. high technology is our trump card.

The United States dare not give away that trump card on the assumption that the Soviet Union is no longer our adversary, or that the competition is dissipating. Unfortunately, such is not the case. And with a new and vigorous leadership in power in Moscow, the vigor of our adversary has been renewed.

There can be little doubt about how important the accelerated development of our most advanced technologies is for our national security. Without the threat that our SDI Program apparently poses to the Soviets, for instance, I seriously doubt that we would be witnessing the positive give-and-take on arms control matters that we see today.

In the case of the Stealth Programs, they represent a technological edge over Soviet Defenses and countermeasures; they not only keep the air-breathing leg of our strategic Triad viable but force the Soviets to expend considerable resources to attempt to counter them. I would certainly rather keep the Soviets busy attempting to counter the forces we would have at our disposal, in the event of a confrontation, than to passively permit them to erect a wide array of new offensive systems with which they could intimidate and eventually overwhelm the West.

In the past, Mr. President, the extremely sensitive and highly classified nature of these programs prohibited a discussion of their details. But, thanks to the constant attention the Armed Services Committee has devoted to seeing these technologies through to their maturation, we are now seeing some results. From the information available to me, I have been impressed with the successful pacing of the Stealth bomber, and believe that the schedule, budget and technological milestones reached by the program to date all are well within acceptable ranges.

I want to ask the distinguished managers of the bill some questions for the record along these lines. But first, I would note that the cost of the Stealth bomber is now such that Secretary Weinberger felt he needed to declassify certain facts about the program. I believe that was a wise decision, in that the Senate really does need to know more about these details, given the cost. The basic question, of course, is: Are we getting our money's worth?

There have been some, particularly in the other body, who are not convinced that we should be funding the Stealth bomber at current levels, or who question the proven nature of the technology. There are those who, consequently, feel we ought to buy more B-1B bombers, beyond the currently-authorized fleet of 100—perhaps as a hedge against failure or disappointment in the performance of the Stealth. I do not share these sentiments. I feel strongly that we ought to leave the B-1B where it is, at 100 aircraft for the present at least. The second part of my amendment is intended to accomplish this purpose, because we just do not have the resources to vigorously develop the preferred bomber technology and continue to buy more B-1's. We do not have that financial luxury.

Mr. President, on June 3, 1986, the Department of Defense did issue a couple of "fact sheets" on the advanced technology bomber. I hope all of my colleagues have received the information which indicates that the costing of the Stealth compares "favorably" to the B-1. The information contends that the "program is on schedule, the technology is well understood and working, and we expect the system to be operational in the early 1990's." The information goes on to contend that the promise of the technology, to penetrate Soviet air defenses into the next century, so far appears to be genuine.

Mr. President, there is still a need to keep a tight circle around this technology, in order to delay the Soviet development of countermeasures to it. Therefore, I would not expect Senators to go into any further explanation. At this point, I would like to engage the managers in a colloquy concerning the program, to the extent that we can do so within the confines of the classification of these programs.

□ 1820

Mr. GOLDWATER. I will be happy to do my best.

Mr. BYRD. I thank the distinguished manager of the bill.

Mr. President, recent information released by the Department of Defense—so that we can have these questions and answers solidly on the record—recent information released by the Department of Defense indicated that the cost, per aircraft of the Stealth bomber compares about equally with the per unit cost of the B-1B bomber. In addition, I have understood that the ability of the Soviets to defend against penetrating Stealth technology will be extremely costly for them—in the way of new, large and numerous radar facilities, as well as other costly outlays.

Would the distinguished Senator from Georgia state his assessment as to whether the ATB—Stealth—Bomber Program is cost-effective, and how he arrived at his assessment? Am I, for instance, correct in the general estimates which I have just indicated?

Mr. GOLDWATER. I might say to the distinguished minority leader that the total cost of the B-1 Program is approximately $20.5 billion. I think it works out to about $200 million an aircraft.

I remind my friend from West Virginia that when the B-1 was first introduced, it was $27 million an aircraft.

The Senator will recall that President Carter cut the production, and when they reopened, the cost jumped almost immediately to over $100 million, and it is now up to about $200 million.

They have just recently—I think in the last few weeks—released the total cost of the ATB, and it is $36.6 billion. I do not know yet what the Air Force

is going to ask as the total, but I think the price is going to be rather comparable.

The ATB will be more costly, because it involves some of the most advanced technology we have ever used in aircraft manufacturing. It involves concepts that we have never used on any aircraft before.

Discussing the ATB is something we cannot do in public. It is still very highly classified, but it should be a great revelation when the airplane is finally displayed to the public. I have seen it several times, have been in it, and I am very enthusiastic about it just from an airplane standpoint.

The ATB, the advanced technology bomber, was designed, of course, to present a much smaller target to the radar system of the Soviets. While I cannot give the exact dimensions of, say, the B-52 and the ATB and even the B-1, the size of the radar image of the advanced technology bomber would be very small compared to the B-52, which is much, much larger, and compared to the B-1, which is larger, also.

But the B-1 has tremendous speed, particularly at lower levels; and the great advantage of the B-1 compared to the B-52, which we are still using and will be for some time, is the fact that B-1's can fly at very low, near the speed of sound, while the B-52 will do only about 350 miles an hour at the same altitude, and with their very flexible wings, some of the B-52's might not get there.

Mr. NUNN. Mr. President, will the Senator yield?

Mr. BYRD. I yield.

Mr. NUNN. Mr. President, I will be pleased to address the issues raised by the distinguished Senator from West Virginia. The application of Stealth technology will dramatically improve the survivability of United States manned bombers in the event they are called upon to penetrate Soviet air space. The Soviets have spent the better part of the post-war period encircling their country with a highly sophisticated, redundant air defense network which has placed significant limits on the effectiveness of our existing bomber force. Even the B-1B bomber, with its somewhat reduced radar signature, will find itself increasingly vulnerable by the mid-1990's. Stealth technology will render this advanced Soviet radar network virtually obsolete. The Soviets will be required to revamp most of their air defense system. This will greatly complicate Soviet defense plans while forcing them to invest billions of rubles to dramatically expand their radar network, if they choose to move in this direction, if they choose to continue their emphasis on very thick air defenses. The money for this required expansion will be money that cannot be spent to build more ICBM's, ships, tanks, or planes. It is money that cannot be used in Afghanistan, Cuba, or Nicaragua. It is money that will have to be spent in a purely defensive role, diverting their scarce resources away from threatening, offensive systems.

The Secretary of Defense has reported to the Congress that the unit cost of an ATB is only a few percent greater than the equivalent unit cost of a B-1B, with those costs expressed in constant 1981 dollars. Such a comparison is certainly valid; after all, the use of constant dollars to compare programs spread over different time periods is a well established methodology. If constant dollars are not used, we would be comparing apples and oranges, instead of apples and apples. Such an apples to apples comparison is important, because it clearly shows that the costs of acquiring this revolutionary and robust technology are not unreasonable, as some have claimed, but are very much in line with our most recent strategic aircraft cost experience, but are very much in line with our most recent projected aircraft cost experience. However, this demonstration of cost reasonability misses a key point—that the ATB offers a quantum jump in capability. Its superior survivability, due to its low signature characteristics, combined with excellent range and payload performance, result in an aircraft that is substantially more effective than the B-1B. That is not said in derogation of the B-1, but it is an accurate kind of comparison. It is a very substantial increase in capability. When considered from these aspects the ATB offers a staggering improvement to our strategic capability at a reasonable price and as such is most certainly a cost-effective investment. It will invalidate years of Soviet investment in the world's most capable air defense system.

Mr. BYRD. Within the confines of the classification of the details of the Stealth Program, how would the distinguished manager rate the performance of the Stealth program so far in terms of its schedule, its budget, and its technological development? That is, is it generally on schedule, on budget, and reaching the promise of its technological aspirations?

Mr. NUNN. Our developments in Stealth technology represent a major technological superiority over the Soviets. We know that the Soviets place a heavy emphasis on the acquisition of highly technical intelligence. The dollars and American ingenuity that we as a nation have invested to produce this advantage would, in essence, be wasted if specific details of the program were to become available as a result of our discussion in an open forum. However, I can say that the ATB program remains on schedule and shows every promise of continuing to meet its program milestones with our continued funding support and commitment. The technologies have matured significantly during recent years and are now well understood. With these technologies in hand, the technical goals of the program show every indication of achievement. In summary, the program remains on track and should be allowed to proceed as currently proposed.

Mr. BYRD. Are the additional capabilities inherent in the Stealth so valuable as to justify another new fleet of strategic bombers? Would it not be just as well to build a few more B-1B's and stop there? Looking at this question from another perspective, is it necessary for the United States to continue to develop the most advanced bomber fleet possible, and what would be the strategic considerations which would drive this requirement?

Mr. NUNN. As I stated earlier, the ATB does not represent an revolutionary advance in capability. It is a revolution step—a quantum leap forward. No reasonable number of additional B-1B's will provide us with an equivalent capability. We need the technological advantage offered by this new Stealth technology. The Soviet Union has assembled a conventional and strategic arsenal of staggering proportions. Although the United States also had sizable military forces, we have traditionally traded numbers for technological superiority. Indeed, current strategic doctrine relies on the conviction that the Armed Forces of the United states are so qualitatively superior that the disparity in numbers is offset. There is not reason to abandon this historical commitment to high quality, technologically superior weapons systems. Therefore, the improvement of U.S. military technology is of critical importance if this balance is to be maintained. More important is the protection of existing and future technology which will give the United States an edge in the numbers versus technology calculation. And, yes, I do think we need the most advanced bomber fleet possible. I fully support our triad deterrent strategy. The manned bomber—a proven, recallable, flexible, stabilizing leg of that triad, continues to be a most desirable system from my perspective. The ATB is, by far, the most cost-effective way to keep that leg healthy and strong. I cannot envision a realistic strategic consideration that would change this assessment.

Mr. BYRD. Is it not true that the long-term capabilities of the Stealth will provide a very significant improvement over those of the B-1B, even if the B-1B is "modified?"

Mr. NUNN. The B-1B represents a conventional design approach and has only a very limited potential for further improvements to its "stealth"

characteristics and performance. Its continued survivability will remain very dependent on modifications to its electric countermeasures, or ECM, systems, with ever diminishing net effect as the Soviet air defense network improves in the 1990's. After all, the Soviets have been working on the challenge of the B-1B as a low-altitude penetrator for a number of years and are fine-tuning their air defenses to this threat. The result is that by the mid-1990's, the B-1B will be increasingly vulnerable in a strategic penetration role. Only the ATB will be able to penetrate projected Soviet air defenses well into the next century.

Mr. BYRD. May I ask the distinguished ranking member of the Armed Services Committee a further question: Does he understand that the other body will produce a DOD authorization bill with a funding level reduced well below that of the Senate bill? And, would that funding level, if adopted by the conference, set back the schedule for Stealth development?

Mr. NUNN. It is my understanding that the funding level which will be recommended by the other body would result in undesirable impacts to both the current schedule for first flight and the initial operational capability, or IOC, date.

Mr. BYRD. Last, Mr. President, I would indulge the attention of the managers of this bill with this question: Would the further production of the B-1B be in the national interest, given the increasing pressure on our funding capabilities? Would the further production of the B-1B, beyond the 100 aircraft already authorized, jeopardize our capability to move forward vigorously with Stealth production?

Mr. NUNN. The Nation does not need, nor can we afford, additional B-1B's. Production of more than 100 B-1B's, even if we were not facing the budgetary realities of the foreseeable future, would not be in the best interests of the Nation. B-1B's will serve us well as an interim penetrator until the mid-1990's. However, as the ATB is deployed, the B-1B will have to transition to less demanding roles in order to remain survivable. Only the ATB will be capable of penetrating into the Soviet Union into the next century. Production of additional B-1B's would require an enormous near term investment with only a marginal payoff and would divert scarce resources from important national priorities, which would include vigorous pursuit of our advantage in Stealth technology.

□ 1830

Mr. GOLDWATER. Mr. President, I do not think it would be correct for us to finish any discussion of the advanced technology bomber without giving credit to the manufacturer. I can give the manufacturer lots of trouble on a lot of things he has done. But the manufacturing methods that he has developed in creating this bomber will revolutionize not just the aircraft industry but all manufacturing in this country.

I go back to the days when they were making aircraft out of wood and Dutch linen and now to go into this factory and see as an example of the construction of a wing where you used to see literally hundreds of people today you might see 50 or 60. Photography is used. The transfer of blueprints from computer to material is used. It is something that has never been done before.

Another very interesting thing has been the way they have almost eliminated the draftsman. Today they use a computer. You can go into the designer and say "Well, I am a pilot and I look at this problem," and he is punching buttons all the time and the first thing the pilot knows he punches the big button. There is the answer.

I hope that satisfies the minority leader.

Mr. BYRD. It is certainly satisfactory.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I send to the desk a copy of a perfecting amendment to the Byrd amendment and ask it be——

Mr. WARNER. If the Senator will withhold a minute, this side of the aisle wishes to express our intention to accept the amendment.

Mr. GLENN. Withhold that, and I will address the Chair later.

Mr. NUNN. Mr. President, I vigorously support the Byrd amendment. I think it is an excellent amendment. I believe what the Senator from West Virginia passed before this Senate are the ingredients in securing the kind of momentum of the ATB that otherwise would not be present.

This is an important amendment. I support it wholeheartedly.

Mr. WARNER. If I might continue briefly in looking at the 1986 Authorization Act, it is to be noted that the distinguished minority leader put a like provision in that act.

So, to the best of my knowledge, the amendment this year tracks consistently if not identically with the one that was in the 1986 act.

Mr. GOLDWATER. Mr. President, if I might, the distinguished minority leader mentioned one factor that I forgot, and I think it is one of the most important. He is worried about whether or not we are going to buy more than 100 B-1 bombers. I can tell my colleagues that the Air Force has no intentions as of now of buying any additional B-1 bombers.

Mr. GLENN. Mr. President, I ask——

Mr. BYRD. Will the distinguished Senator withhold so I may respond briefly to the distinguished Senator from Virginia?

The amendment this year is not identical with that of last year. I believe it was the sense-of-the-Senate amendment; whereas, this year it mandates that there be no additional money for the B-1 bombers beyond 100.

Mr. WARNER. It is the same goal as this year being written into law.

Mr. BYRD. Yes. I thank the distinguished Senator.

Mr. WARNER. I thank the distinguished Senator.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I thank the Senator.

AMENDMENT NO. 2679

(Purpose: To provide that funds may not be used for the purpose of assembly or integration of more than 100 B-1B aircraft)

Mr. GLENN. Mr. President, I ask for consideration of the amendment I send to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. GLENN] for himself and Mr. MCCLURE proposes an amendment numbered 2679 to the Byrd amendment numbered 2678.

Mr. GLENN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike out subsection (c) of the amendment and insert in lieu thereof the following:

(c) None of the funds authorized to be appropriated under this Act may be used for the purpose of assembly or integration of more than 100 B-1B aircraft.

(d) The Defense Science Board shall conduct a study to determine the most operational and cost effective mix of strategic bombers consistent with national security objectives. The study is to be completed by February 1, 1987, and submitted to the Committee on Armed Services of the Senate and House of Representatives.

Mr. GLENN. Mr. President, I favor the advanced technology bomber, the ATB, but I do not feel the support for ATB should be as unconditional as the distinguished minority leader indicates.

So I stand in opposition to the amendment offered by the distinguished minority leader.

I am convinced that we need to modernize our strategic bomber forces.

I have never really supported the need for strategic bombers' nuclear delivery capability as much as I have for their conventional warfare capability.

I think that if we get into a full-scale nuclear exchange with the Soviets, we are not very likely to fly bombers into Moscow while ICBM's and cruise mis-

siles are coming in. But we do need a heavy bomber.

What we need in the strategic bomber program is flexibility to ensure a hedge against possible serious technical problems and excessive cost growth.

The amendment offered by my distinguished colleague from West Virginia does not retain that flexibility. In fact, it will have the opposite effect. The intent of his amendment is to freeze out any other consideration of this issue.

By codifying, and I quote, that "None of the funds authorized to be appropriated under this act may be used for research, development, demonstration, procurement or any other purpose, related to the B-1 bomber beyond the 100 such bombers previously authorized" eliminates any flexibility in the bomber modernization program. Those words "or any other purpose" means it is an absolute lockout of the B-1B bomber.

So the amendment by the distinguished minority leader could effectively terminate any further consideration of the B-1. It presumes perfections in a brandnew conceptual airplane, and violates one of the most important recommendations of the Packard Commission. "Fly before you buy." Do not buy a pig in the poke. Know its capabilities first.

With the ATB, we are going with a brandnew concept, with lots of things that we cannot talk about in open session because they are still highly classified. This is still a black program and we can only refer to some newspaper reports about it.

But to take this step is something we have never done with any other airplane, or with any other weapons system. We are totally precluding the possibility that there will be trouble with that airplane.

We know from experience that every airplane has a development period when difficulties are worked out, that cannot be foreseen.

We are not perfect. We all know that. Even after some 20 shuttle flights, we were not perfect. And to assume at this point that we have attained absolute, infallible perfection with the ATB and want to close out any other option for all time is a mistake.

I believe to take such a step at this critical juncture in our bomber modernization program is to be penny-wise and pound-foolish.

My perfecting amendment, like the amendment of my colleague from West Virginia, does not provide for the procurement of additional B-1's. My amendment does not provide for more than the 100 aircraft currently authorized. But it does protect the option for DOD. It protects our option for procurement, if we do have problems with the ATB.

My amendment does not provide for any additional funding for additional B-1's. Also it says that we will not unequivocally close this out—destroy the dies, cut up the line, and end the B-1 for all time. We will not procure additional aircraft, but we will not forclose that option in case we need it. In other words, we must not terminate our capability of going back to the production line if we need it.

The passage of my amendment would be consistent with recent House Armed Services Committee action. Their bill provides some money. It provides $200 million for a strategic bomber contingency fund, and makes available to the Secretary of Defense three alternatives: First, establishment of competitive alternative sources for the ATB; second, procurement of additional B-1B aircraft components up to long lead time items; and third, there could be submission of a rescission.

Mr. BENTSEN. Will the Senator yield?

Mr. GLENN. Yes.

Mr. BENTSEN. I want to congratulate the Senator from Ohio for what he is offering. When you talk about the Stealth bomber, you are talking about a very substantially advanced state of the art. There is no question we have some concern about the instability and major changes in an airframe. What you have in the B-1 is a proven bomber and a very fast bomber. And, obviously, many of those things that we learned in the research there could have been applied to the B-1. I doubt that there is that much gain in the new bomber.

I am deeply concerned with trying to stake all of our future, insofar as the bomber is concerned, on the next stage of it. I am delighted to support the Senator's amendment.

Mr. GLENN. I thank the Senator. I appreciate that very much.

I am convinced that, given the uncertainties facing our entire strategic modernization program, just keeping the B-1B production option open provides maximum flexibility. I urge my colleagues to think very carefully, before voting to terminate that option. We must continue the most successful procurement of a strategic weapons system since the acquisition of the Polaris submarine some 30 years ago.

I believe this option has several benefits.

First, it will provide additional time for us to determine the most operationally and cost-effective mix of B-1B's and ATB's. A recent Air Force bomber-mix study, requested by the Armed Services Committee, did not do that although it was clearly the intent of Congress that such a mix be addressed.

The current Air Force bomber inventory totals 325 aircraft. That means that approximately 90 additional aircraft will have to be procured beyond the 100 B-1B's and 132 ATSB's that are contracted for now.

My amendment proposes that the Defense Science Board he tasked to conduct an independent, objective bomber-mix study. Given both the projected costs of the ATB and the demonstrated capability of the B-1B, especially when the B-1 is equipped with the long-range, stealth advanced cruise missile, the most effective and affordable mix of the two aircraft should be determined before the B-1B production line option is foreclosed.

Concerning the projected costs of modernizing our strategic bomber force, let me review, for my colleagues, what I have been able to learn about costs.

Mr. President, I ask for order in the Senate so these figures may be heard, because I think they will be rather startling to some people.

The PRESIDING OFFICER. The Senate will be in order. Senators conversing will retire to the Cloakroom. Staffers conversing will retire to the back of the Chamber.

Mr. GLENN. Mr. President, first, the figures we were given a short time ago from the Secretary of Defense are very misleading. I have written a letter to the Pentagon to this effect.

They present these figures in fiscal year 1981 dollars. We are living in 1986, and we are going to procure these aircraft in the outyears.

Now, do we have any idea what the costs are going to be in these outyears? Yes, we do. Comparisons have been published. Some of the figures are a little speculative, but most of them have come directly from the Pentagon.

Do we know how many ATB's we are going to get for $1 billion? Only two.

The figures released, when you upgrade those 1981 budget figures up to fiscal 1986 figures, as published in the Los Angeles Times on June 4 puts the cost at $455 million each. The Washington Post estimate is $568 million each.

So we are talking about two approximately two per billion dollars—horribly expensive. Quite a different figure from the much lower fiscal 1981 figures.

The DOD factsheet, when we went back to June, the 132 program, in fiscal 1981 dollars shows a cost of $277 million each. These are figures that have been released.

So, compared to those 1981 figures, we go from $277 million per aircraft up to $455 million. And, if one of the other estimates is correct, it is $568 million per copy.

Some of us on the Armed Services Committee have been briefed on this privately and I am only giving published reports here, because much of the program remains black.

It would seem to me that figure of two aircraft per billion dollars has to be a shock for anyone who is considering what the costs are going to be in the out-years.

Mr. President, I ask unanimous consent to have this table printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

COST COMPARISONS

[Unit Cost]

| B–1B | ATB |
|---|---|
| Fiscal year 1981 dollars: | |
| $205M—Presidential cert. 1981 (baseline 100 acft). | $277M—DOD fact sheet, June 3, 1986 (132 acft program). |
| $265M—DOD fact sheet, June 3, 1986 (Baseline 100 acft plus B–1A R&D). | |
| $140M—Rockwell International unsolicited proposal, March 1986 (48 additional acft). | |
| Fiscal year 1986 dollars: | |
| $195M—Rockwell International unsolicited proposal, March 1986 (48 additional acft). | $355M—Washington Times, June 4, 1986. |
| Then year dollars: | |
| $263M—Rockwell International briefing, May 1986 (48 additional acft). | $455—Los Angeles Times, June 4, 1986. |
| | $568M—Washington Post, June 4, 1986; Aerospace daily, June 6, 1986. |

□ 1840

The PRESIDING OFFICER. The Senate will be in order. The Senator deserves to be heard. We will suspend for a moment while those Senators conversing retire from the Chamber.

Mr. GLENN. Mr. President, those costs are quite different from what I think most Members of the Senate believe we are going to be paying for the ATB and the B–1. The cost figures updated into 1986 dollars now are $455 million for the ATB and around $263 million for the B–1.

I am not saying that we should go ahead and procure B–1 over ATB. Quite the opposite. All I am saying is that if these costs get further out of hand and if there are technical problems with this brand new aircraft, then we better have an alternative heavy bomber. That is the crux of the whole matter.

A second benefit of maintaining the B–1 option, besides the cost, would be to provide a hedge against possible serious technical and/or cost growth problems in the ATB development program. The President, in a recent message to Congress on strategic programs, described the ATB as "the most revolutionary development in military aviation since World War II."

□ 1850

So by any yardstick it is a high-risk program. I cannot in open session go into some of the technical difficulties that the aircraft might encounter. I would be glad to discuss it with individual Members. I have been to the plant, talked to workers, and I have reviewed their problems. They have made a lot of progress. But we cannot discuss that in open session because that is still considered in the black part of the program.

The design, manufacturing techniques, and aerodynamics, are pushing the envelope as hard or harder than any program of which I am aware, either in the past or currently. Given these risks, I find it very difficult to understand why the Chief of Staff of the Air Force, General Welch, has not come forward himself and requested to keep his options open.

In fact, I believe we are already seeing evidence of potential problems. General Welch testified recently that the program has now slipped "2 to 3 months" even though we are still in the relatively early stages of R&D. Is that just the tip of the iceberg? I hope not.

But let me tell you what can happen in some of these situations. Back when I was involved in flight testing, I knew of a testing program for a new fighter that when the guns were fired, they set up a resonant frequency the same as a wing length, and it popped 21 square feet off the wing tip. Fortunately, the airplane was controllable, and it still could come back and land.

In another case, we had guns mounted on the edge of a duct. When the guns were fired, it set up a standing wave like an organ pipe. It caused such a reverberation up and down the face of the engine, that it actually would put the fire out on the engine. It was a glider at 40,000 feet.

No one could have seen that in the testing program. We had to make major modifications because of that.

We tried to put on another airplane what you bird hunters will understand, a cups compensator similar to that on the end of a shotgun. We had the same thing apply to a 20-millimeter cannon. It was a fine big chunk of stainless steel. It worked fine. You fired and all the engineering looked correct. Except after we fired it for awhile, it broke off, burned through the duct, and stripped the engine. Luckily, we did not have the airplane blow up.

Those are just some of the things that happen as you bring new airplanes out. I know about these because these are three incidents in which I was involved personally. We had no way of foreseeing those things. We stripped engines and tore chunks off wings, even after all the computer studies of the manufacturer had been perfect.

All I am pointing out is there are unknowns in testing programs.

I cannot say when the first flight of the ATB is going to be. It is not soon. I can say that. We cannot even put that out. That is still part of the black program. We do not know the nature of the beast. Yet, we are about to foreclose forever any other option, even though leaving that door open would not cost us any money here on the floor.

Mr. President, the third benefit is that by preserving the B–1B production option, we can keep competitive pressure on the ATB Program.

While there are those who believe that Congress merely has to legislate a cost cap on the ATB Program to prevent overruns, this ignores reality. If cost capping were the total answer, then we could simply legislate overruns out of existence. I do not believe it was the cost cap alone that has kept the B–1B below the $20.5 billion cost ceiling—I believe that in large part, it was the competitive threat from another bomber production program that has been the primary motivator.

In summary, Mr. President, I would again urge my colleagues to consider very carefully the strategic and economic implications of terminating the B–1B production option prematurely and unequivocally,

We are completely relying on computer and model studies. And I know it has been wind tunnel tested more than almost any other airplane in history. Maybe completely more than any other airplane. While that gives us a high probability of success; let us not cut our options 100 percent.

We are assuming every model study has gone perfectly and will pan out in full scale as it did in the models. We are saying that the problems so far in development of the ATB are all soluble beyond any doubt whatsoever. And we are saying that the Soviets will not be successful in any way, shape, or form in developing countermeasures or in developing ways of overcoming this new technology. All this is very doubtful.

So, Mr. President, I see no advantage whatsoever in closing out any options to the ATB. I am not proposing additional production schedules. I do not want to see additional money for production.

I support the minority leader in his hope that the ATB will be the new successful bomber of the future. But everything I have ever experienced in flight testing tells me that a new airplane is going to have trouble. We do not know how serious. We are moving here into technology beyond anything we have ever had. Still, we must not close our options.

I yield the floor.

THE NEED TO KEEP THE B–1B PRODUCTION LINE WARM

Mr. McCLURE. Mr. President, I support the Glenn perfecting amendment on the advanced technology bomber and the B–1B, because I believe we must keep the B–1B production line warm. For as little as $200 million we can preserve the option to keep the B–1B production line warm. We are not

asking for this funding now. We only want to keep this option open.

There are several reasons to keep the B-1B production line warm.

First. There will be a "bomber gap" between 1988, when B-1B production of 100 units is completed, and 1991 or 1992, when the ATB may become operational. During this period, the Soviets will be producing three bombers—the Backfire, the TU-95 Bear H, and the Blackjack.

Second. There are only a few warm U.S. production lines, the MX, the Trident, and the B-1B. We should not unilaterally curtail one in this dangerous period of our strategic inferiority and vulnerability to the Soviets.

Third. The Soviets have broken out of the SALT II Treaty, and are breaking out of the SALT I Anti-Ballistic Missile Treaty, by their 21 confirmed violations of the former, and their 9 confirmed violations of the latter. In this period of Soviet break out, we should not be unilaterally disarming by cancelling the option to keep the B-1B production line open.

Mr. WARNER. Mr. President, I rise in opposition to the amendment of the Senator from Ohio. The amendment precludes funding for assembly or integration of more than 100 B-1B's, but does not limit funds for long lead components to protect the option to produce more than 100 B-1B's. Since long lead funding is what the B-1B issue is really all about in this year's Defense budget, the omission of long lead funding in the amendment opens the door to further B-1B production.

Mr. President, no one has more respect for the military and technical judgment of the Senator from Ohio than this Senator. During this past year, Senator GLENN and I have spent numerous hours together receiving highly classified testimony and briefings on the advanced technology bomber, and have discussed bomber modernization issues at length.

While we may have some disagreements with regard to the merits of bomber force structure analysis that has been done by the Department of Defense, I do not believe we, or any other Senators who have been informed on these highly classified matters, disagree on the merits of the advanced technology bomber in either strategic nuclear or conventional conflict, or on the technical status of the program.

Neither do we disagree on the need to put competitive pressures on the advanced technology bomber contractors in order to secure this critical system at a fair and affordable price. Where we disagree is how to put that competitive cost pressure on the Stealth contractor.

The Senator from Ohio has made no secret of his answer to this problem, which is to provide up to $200 million for long lead production funds to protect the option to build additional B-1B's. This position is no doubt based, in part, on the very positive contribution that the development of the Stealth bomber has brought to the cost performance of the B-1B. I do not argue that the continuation of a two bomber program—that is to say, the continuation of the B-1B production line—as we proceed with the ATB, would put competitive cost pressures on the Stealth bomber program.

The problem, however, has to do with the schedule of the ATB Program, and affordability considerations that follow from those schedules. While I cannot get into any details here, because of security considerations, I can say that ATB schedules would require carrying the B-1B option for several more years in order to put the appropriate competitive pressures on the ATB contractor at critical contract milestones.

And therein is the rub. The $200 million in fiscal year 1987 would only be the down payment. To make the B-1B option credible at critical junctures in ATB contracting, we would have to fund the B-1B option in fiscal year 1988 at a cost of over $1 billion, and in fiscal year 1989, at a cost of $5.4 billion.

So we must turn to the issue of whether we want to produce additional B-1B's.

The Air Force has testified in no uncertain terms that it does not want and cannot afford additional B-1B's. General Welch, the new Air Force Chief of Staff, testified while still Commander of the Strategic Air Command that even if the ATB were not Stealthy, he would still prefer the ATB over the B-1B as a strategic bomber.

Mr. President, we have heard no arguments today to justify the need for expensive "insurance" against the failure of the Stealth Program to meet technical goals. I can assure my colleagues that in the extensive classified hearings and briefings which I and other Senators on the committee have attended, that the ATB Program is on schedule, and an extensive research and development program has minimized the areas of risk that were identified at the outset of the program as being the major challenges.

Finally, Mr. President, my colleagues should be aware that there are more affordable ways to put cost pressures on the ATB contractor. One of the most promising is to impose a program cost ceiling at the appropriate time, as was successfully done in the B-1B Program. Now is not the time in the development of the bomber to take such an action. I can assure my colleagues, however, that when the program reaches the point of sufficient maturity, the committee will consider recommending that a cost cap on the ATB Program be legislated, as was the case for the B-1B.

Mr. GOLDWATER addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. GOLDWATER. Mr. President, I have listened with tremendous interest to the Senator from Ohio because I have great, great respect for his pilot ability, for his thorough knowledge of aeronautics, and I sat here thinking how he could apply that without any problem to every airplane that we have ever made in the history of our country.

I had the pleasure several weeks ago of flying a new T-46. I am not going to talk about it too much. It is the first production airplane. It does have bugs. Every airplane we have ever built has a few bugs in it. They can be smoothed out as we have smoothed out bugs in every airplane. We are still modifying the B-52 and it is 40 years old. We are still modifying the F-4 and it is over 30 years old. That is to keep up with the progress, and the mistakes we find.

But I just have to say that I think we should realize that the $200 million that is being asked does not result in useable end items delivered to the Air Force at the end of the year. The long lead items are machine forgings that can only be used in the subsequent production of additional aircraft. If no more B-1B's are produced, the funds would have been wasted. The nature of the items are such that they cannot be called spare parts.

It is with great reluctance, Mr. President, that I move to table the Senator's amendment.

Mr. NUNN. Mr. President, will the Senator withhold just for 1 minute?

Mr. GOLDWATER. Yes.

Mr. NUNN. Mr. President, I will not take much time. I know everyone is ready to go home. There is a possibility this would be the last rollcall vote on this bill other than final passage. We have two more amendments that may be worked out. They may not be. But we are hoping they will be. We could have as many as three rollcalls.

Let me say on the Glenn amendment I have tremendous admiration for my colleague from Ohio. He is a very, very valuable member of our committee. He has had tremendous experience in all areas of aviation, far more than most of us in this body. I would have to oppose his amendment and urge that the tabling motion be carried by this body.

Mr. President, we are not talking about a situation where we are going to the House with just this amendment. The House has put $100 million in. They have really invited the Department of Defense to keep the production line open on the B-1B.

This amendment is a back door invitation to keep the B-1B production line open. That is what it is. It is not just a question of $100 million. We really do not have any milestones between now and next year on the ATB.

I know this is intended to be a hedge against the ATB not being all that we hope it is. But we are going to have to put up another $1 billion in next year in order to keep this same hedge open. Unless you keep it open for a year-and-a-half, you really are not doing anything.

So we really are talking about whether to invite the Department of Defense to keep the production line on the B-1B open with possible spare parts and long lead items. You are talking about $1 billion. I do not think we can afford that kind of insurance at this stage. So I would urge my colleagues to join the Senator from Arizona, and the Senator from Georgia, and the Senator from Virginia in tabling this second-degree amendment. Then I hope we would pass the Byrd amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Arizona to lay on the table the amendment of the Senator from Ohio to the amendment of the Senator from West Virginia. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

□ 1900

Mr. SIMPSON. I announce that the Senator from Maine [Mr. COHEN], the Senator from Oregon [Mr. HATFIELD], the Senator from Nevada [Mr. LAXALT], and the Senator from Vermont [Mr. STAFFORD] are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Missouri [Mr. EAGLETON] and the Senator from New Jersey [Mr. BRADLEY] are necessarily absent.

The PRESIDING OFFICER (Mr. TRIBLE). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 75, nays 19, as follows:

[Rollcall Vote No. 205 Leg.]

YEAS—75

| | | |
|---|---|---|
| Abdnor | Exon | Kasten |
| Andrews | Ford | Kennedy |
| Armstrong | Garn | Kerry |
| Baucus | Goldwater | Lautenberg |
| Biden | Gore | Leahy |
| Bingaman | Gramm | Levin |
| Broyhill | Grassley | Long |
| Bumpers | Harkin | Lugar |
| Burdick | Hart | Mattingly |
| Byrd | Hatch | McConnell |
| Chiles | Hawkins | Melcher |
| Cochran | Hecht | Metzenbaum |
| D'Amato | Heflin | Mitchell |
| Danforth | Heinz | Moynihan |
| DeConcini | Helms | Nunn |
| Denton | Hollings | Packwood |
| Dodd | Humphrey | Pell |
| Domenici | Inouye | Pressler |
| Durenberger | Johnston | Proxmire |
| Evans | Kassebaum | Pryor |
| Quayle | Sarbanes | Stevens |
| Riegle | Simon | Thurmond |
| Rockefeller | Simpson | Trible |
| Roth | Specter | Warner |
| Rudman | Stennis | Zorinsky |

NAYS—19

| | | |
|---|---|---|
| Bentsen | Glenn | Sasser |
| Boren | Gorton | Symms |
| Boschwitz | Mathias | Wallop |
| Chafee | Matsunaga | Weicker |
| Cranston | McClure | Wilson |
| Dixon | Murkowski | |
| Dole | Nickles | |

NOT VOTING—6

| | | |
|---|---|---|
| Bradley | Eagleton | Laxalt |
| Cohen | Hatfield | Stafford |

So the motion to table amendment No. 2679 was agreed to.

□ 1910

Mr. GOLDWATER. I move to reconsider the vote by which the amendment (No. 2679) was tabled.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2678

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from West Virginia.

Mr. NUNN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. NUNN. Am I right in saying that the underlying Byrd amendment is now the pending business and must be disposed of?

The PRESIDING OFFICER. The Senator is precisely right.

Mr. NUNN. Mr. President, I suggest a voice vote unless the Senator feels the need for a rollcall vote.

Mr. BYRD. Mr. President, I do not feel we need a rollcall vote. I think the RECORD speaks for itself on the previous vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from West Virginia.

The amendment (No. 2678) was agreed to.

□ 1920

Mr. NUNN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GOLDWATER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2680

(Purpose: To amend section 232 of the Trade Expansion Act of 1962 to improve its administration, and for other purposes.)

Mr. BYRD. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The Senate will be in order. Senators are asked to take their seats and the clerk will report the amendment.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 2680.

Mr. BYRD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following:

SEC. . IMPORTS THAT THREATEN NATIONAL SECURITY.

(a) IN GENERAL.—Subsection (b) of section 232 of the Trade Expansion Act of 1962 (19 U.S.C. 1862) is amended—

(1) by striking out "Upon request" and inserting in lieu thereof "(1) Upon request",

(2) by striking out ", Secretary of Commerce,",

(3) by striking out "Secretary of the Treasury" and inserting in lieu thereof "Secretary of Commerce",

(4) by striking out "within one year after receiving an application from an interested party or otherwise beginning" and inserting in lieu thereof "by no later than the date that is 6 months after the date on which the Secretary receives a request for an investigation under this section or on which the investigation otherwise begins", and

(5) by adding at the end thereof the following new paragraphs:

"(2)(A) The Secretary shall immediately notify the Secretary of Defense of any investigation initiated under paragraph (1) with respect to imports of an article. Upon receiving such notice, the Secretary of Defense shall conduct a separate defense needs assessment with respect to such article.

"(B) By no later than the date that is 3 months after the date on which the investigation under paragraph (1) of imports of an article is initiated, the Secretary of Defense shall complete the defense needs assessment conducted under subparagraph (A) with respect to such article and submit to the Secretary a report on the assessment. Such report shall be submitted by the Secretary to the President with (and be considered a part of) the report that the Secretary is required to submit to the President under paragraph (1).

"(3)(A) The report submitted by the Secretary under paragraph (1) shall include a written statement by the Secretary of Defense expressing concurrence or disagreement with the findings and recommendations of the Secretary contained in such report and the reasons for such concurrence or disagreement.

"(B) The report submitted by the Secretary under paragraph (1), or any portion of such report (including the report submitted by the Secretary of Defense under paragraph (2)(B)), may be classified only if public disclosure of such report, or of such portion of such report, would clearly be detrimental to the security of the United States.

"(C) Any portion of the report submitted under paragraph (1) which—

"(i) is not classified in accordance with subparagraph (B), and

"(ii) is not proprietary information described in paragraph (5)(A),

shall be published in the Federal Register.

"(4)(A) The President shall take action, or refuse to take action, under paragraph (1) with respect to any report submitted under paragraph (1) by no later than the date that

is 90 days after the date on which such report is submitted to the President.

"(B) The President shall make a written statement of the reasons why the President had decided to take action, or refused to take action, under paragraph (1) with respect to each report submitted to the President under paragraph (1). Such statement shall be published in the Federal Register.

"(5)(A) Proprietary information which is provided by a person who has made a written request to the Secretary or the Secretary of Defense that such proprietary information not be disclosed to the public—

"(i) shall only be disclosed to those persons who are directly involved—

"(I) in investigations conducted under this section, or

"(II) in carrying out the provisions of this section, and

"(ii) shall not be disclosed in any statement or report which is required to be published under this section.

"(B) The Secretary is authorized to prescribe regulations that—

"(i) ensure compliance with the requirements of subparagraph (A), and

"(ii) impose sanctions against any person who violates the provisions of subparagraph (A).".

(b) CLARIFYING AMENDMENT.—Subsection (d) of section 232 of the Trade Expansion Act of 1962 (19 U.S.C. 1862) is amended by inserting "in the Federal Register" after "published".

Mr. BYRD. Mr. President, if we may have the attention of the Senate——

The PRESIDING OFFICER. The Senator will suspend. Senators are asked to take their seats.

Mr. BYRD. Mr. President, it is not my intention to delay the Senate very long. I hope that Senators will listen to the contents of the amendment and then I want to make a judgment as to where we go from there.

Mr. President, as we weigh important questions of defense policy, we should keep in mind the fact that economic security is necessarily related to national security. I introduced the National Security Trade Act—S. 1533—on July 31, 1985. By the end of that year, the trade deficit had reached a record $148.5 billion. If the first 6 months of this year are any measure of what we can expect, we could end 1986 with a trade deficit of $168 billion—or more. Every dollar of that trade shortfall has an impact on American jobs. It means that we are seeing less exports and more imports. Some of those imports are undercutting our defense preparedness and industrial base in ways that no nation can accept.

Section 232 of the Trade Expansion Act of 1962 was devised to address this problem—to assure that imports would not be allowed to undermine our defense preparedness and our industrial base. Despite a clear showing of congressional intent in this regard, since 1962 only 2 of the 16 petitions filed under this statute have resulted in relief for the affected industries, and both of those involved imports of petroleum products. Most recently, President Reagan declined to act on the basis of the machine tool industry's section 232 petition. Instead, he elected to seek a program of restraints by major foreign machine tool producers. This is only the latest example of the failure to recognize this important statute.

The amendment I offer today is designed to promote adequate relief when an industry vital to national security is threatened by imports. It is a modified form of my National Security Trade Act which I introduced in July of last year. There has been no hearing on that legislation since that time. This is only a portion of that act. I believe the amendment has broad support. I thank Senator ROTH, in particular, for his help in improving this legislation.

Let me describe what this amendment does.

First, the amendment establishes a time certain for Presidential action on any petition. Within 90 days of the time the Secretary of Commerce—and the Secretary of Defense—report their determination to the President, he must act, or state why he has refused to act on a matter that could impact upon the national security. Under present law, there is no time limit. We have seen petitions by the ferroalloys industry and the machine tools industry drag on months and months without resolution. American companies deserve the certainty of a response—and we all need to know whether the national security is threatened as a result of imports. Once an industry is gone, it is too late.

Similarly, the time which the Secretary of Commerce and the Secretary of Defense have to make such a determination is reduced to 6 months. I do not believe it is unreasonable to require that a matter which may involve national security be decided within 6 months. Again, time is of the essence.

Second, the amendment enlarges the role of the Secretary of Defense. He cannot supplant the role of the Secretary of Commerce—nor should he. The Commerce Department has much of the economic data on American industries and the scope of foreign imports. But this is not a conventional trade question. The language of the statute makes clear that the threat of injury to national security must be assessed after weighing many factors—many of them within the expertise of the Department of Defense. For that reason, this legislation calls upon the Secretary of Defense to make a separate defense needs assessment within 3 months of the time a petition is initiated, and that this report be included in the Commerce Department's report to the President. Moreover, the amendment requires a separate statement of concurrence or dissent from the Secretary of Defense—the chief Cabinet officer charged with responsibility for national security determinations.

Again, nothing in this amendment should be understood as undercutting the Commerce Department. The statute as it stands gives the responsibility to the Commerce Department for good reason. But I believe we need to formalize and make explicit the Defense Department's responsibility in making this national security determination. The Secretary of Defense knows the needs of the defense industrial base, and his Department should have an explicit role in making a decision on the impact of imports.

Finally, this amendment increases the visibility of the entire section 232 process the results of the report of the Secretary of Commerce, as well as the President's final determination, are to be published in the Federal Register—excluding, of course, any information that is classified or deemed business confidential. This increases the visibility of the entire process. The petitioning parties, the Congress, and the public at large deserve to know the basis on which such decisions are made. The present law has become a dead letter and the petitioners—the ferroalloys industry and the machine tool builders included—have lost faith in the operation of the law. If the data are not restricted for a sufficient reason, petitioners should know why a decision has been made.

Does this amendment open a broad new avenue of trade relief? It does not. However, it does create a realistic avenue of relief when vital defense sectors of the economy are threatened by imports. It breathes life into a moribund statute and supports the original intent of Congress: That national security be understood to encompass economic security for critical sectors of our industrial base.

Which industries can expect relief under this legislation? Surely industries such as the ferroalloy producers should have reason for hope. In addition, crucial high technology sectors, such as the semiconductor manufacturers, should consider how this legislation applies to their situations. Emerging technologies such as fiber optics and ceramics may be eligible.

We need to get beyond the idea that national security is solely a function of how many troops and weapons we can field. The ability to sustain our defense production base and support our military in time of crisis is an important measure of our national security—and of our strength as a nation. I am convinced that this legislation will make an important contribution to safeguarding our national security base.

I would point out to my colleagues that article XXI of the General Agreement on Tariffs and Trade [GATT] specifically allows a government to take action necessary for the protection of its essential security interests.

Nothing in this amendment abridges the authority of the President. Nothing here requires the President to do anything other than make a timely determination when this country's national security is in question. But it provides an important expression of Congressional confidence in a statute that should be the baseline of our trade policy. Whether Senators are devoted to a purist's view of free trade or hardened by the trade crisis, I hope they will support this important amendment enhancing our national security interests.

Now, Mr. President, in short let me say this, that under the present law the Commerce Department has 1 year to make determinations and to submit recommendations to the President under section 232 of the Trade Extension Act of 1962. The legislation I am introducing would compress that time into 6 months rather than 1 year.

Under the present law, the industry petition which says that the industry is being injured by imports and that injury threatens to impair the national security is considered by the Commerce Department for a year and then the Commerce Department submits its recommendation to the President. There is no time limit on the President, no time requirement in which he has to make a determination and take such action as is necessary to adjust the imports so that they no longer threaten to impair national security. He may take 6 months; he may take a year; he may take 18 months; he may take 2 years or longer. Under this amendment, he would have 90 days in which to say yes or to say no. And if he says no, then he should so state in the Federal Register, and give his reasons for that decision.

Under this amendment, not only would the Commerce Department have a decision to make but within that 6-month period the Secretary of Defense would have 3 months in which to make recommendations.

The Department of Defense report would go along as a part of the Department of Commerce report to the President. Then the President would have all of this information on which to make a judgment. He would have the Department of Commerce recommendations, the Department of Defense recommendations, and a statement from the Defense Department saying whether or not they concur, whether or not they dissent. The President then would have 90 days in which to make his decision, and if his decision is negative, as I have stated, he must say so in the Federal Register and the Federal Register then would lay it out, as to what the reasons are for the industry petition's rejection.

□ 1930

Not only would the petitioners finally understand, not after waiting months and years, as was the case with ferroalloys, but they would understand the disposition of their case within 6 months plus 90 days—they would understand by reading the Federal Register—just what the reasons were for the turndown. The public would know and Congress would know. If Congress feels then that some action should be taken then to amend our trade laws dealing with national security, Congress could act.

For the present time, under the circumstances, we have seen these things go on and on and on. We have seen the ferroalloys industry, for example, wither on the vine. It is a very important industry. It is not a labor-intensive industry. There are not more than 3,600 employees in the United States in this industry, not more than 450 in West Virginia.

We cannot have airplane engines, we cannot have medical stainless steel instruments, we cannot have jet engines, we cannot have missiles, we cannot have tanks and guns and submarines if we don't have the ferroalloys. We cannot have the girders to build bridges.

The ferroalloys are vital, and at the present time the major supplier of some of these ores and ferroalloys is South Africa. Of course, we can always fall back on the second major supplier, the Soviet Union. Think of that.

Here we are with serious threats to vital industries that are important to the national security of this country; and unless we do something to put teeth into this law and speed up the process, we are going to see industry after industry perish in this country, industries that are vital to the national security.

This amendment does not make any changes in the fundamental policy of this country concerning trade in general. I am only talking about section 232, which deals with national security.

I hope the Senate will be willing to vote on this amendment quickly. I hope there will not be a tabling motion. I have nothing more to say on the amendment. I have made my case, and I rest it with the Senate.

Mr. PACKWOOD. Mr. President, I hope the Senator from West Virginia will withdraw this amendment, and I will indicate why.

First, on the argument of national security, we can have lots of debates about this administration, but I do not think anyone can accuse it of being insensitive in their minds to what they think the national security is. They are opposed to this amendment. But that is not why I oppose it.

I oppose the amendment because it has some significant trading complications, and the Senator from West Virginia referred to those trading complications. I think it is basically a trade amendment.

I have misgivings about giving the Defense Department any further jurisdiction over whether or not something involving trade relates to the national security. We have enough difficulty now on export licenses for many of our companies that are selling things that anybody can buy in the world, but our companies have difficulty selling them because of export trade licenses. That is a trade argument.

My real argument is this: The Finance Committee has now had six or seven hearings on the subject of trade. It is my hope to mark up a trade bill in September, if there is a hope of getting one, and I do not eliminate the possibility of the hope of getting one. I have to be very realistic. Clearly, the administration does not like the House-passed trade bill; and if the Senate were to pass a bill like that, it would be vetoed, and I think the veto would be sustained. But I do have some hope that if Senators can agree upon a trade bill, there might be a possibility of negotiating with the House and getting a bill the administration would accept. I think the administration is willing to give some in this area—not as much as some would like, but some.

Whether or not we get a trade bill really depends upon whether all the parties—House, Senate, and the President—can somehow coalesce their differences to a sufficient mass to get together on a bill. If not, there will not be one. It is still my hope to mark one up.

We have had six or seven hearings. We had one set for this week on section 232, the section that the Senator from West Virginia is talking about.

Often in this body we have seen the situation where, in order to forestall a vote, a committee chairman will say, "I promise you a hearing."

This hearing was set and was postponed from this week until next Wednesday at the request of one of the senior Democrats on the Finance Committee who wants to bring some witnesses. At this request, I postponed it until this Wednesday. There is no harm in that, because there was no intention on my part to start a markup on the bill until after Labor Day.

I hope the Senator from West Virginia would be willing to withdraw this amendment until we finish our hearing on Wednesday and until I have at least an attempt to try to mark up the trade bill. I do not want to try to filibuster; it is not my nature. But if this cannot be withdrawn, I will have to discuss it at some length tonight. I hope that, in a spirit of comity, it is understood that the Finance Committee is not delaying this. We had hearings scheduled and had to change it for a 1-week delay at the request of a senior Democrat.

I hope the Senator can withdraw this amendment and give us a chance to finish our work.

Mr. BAUCUS. Mr. President, this puts us in a dilemma. This is a good amendment. This amendment is almost identical to the provision in the Finance Committee trade bill. It is a bipartisan trade bill. Republicans and Democrats all agree on this trade bill.

I am confident that when we do have a markup in the Finance Committee, we will report out this provision. There is very little doubt in my mind about that, and I doubt that there is much doubt in the minds of the members of the Finance Committee about that. So it is a good amendment. It is bipartisan. It is agreed to.

The Senator from Virginia offered virtually the same amendment some time ago and has strong support from others not on the Finance Committee. The question is, what do we do here about this? It is a good amendment.

It is a dilemma because there is no guarantee, unfortunately, that we are going to have a trade bill in this Congress. Many of us want to see a trade bill. I do not want a protectionist bill or a free trade bill. I think most of us in this body want a good trade bill. There is no guarantee that we are going to have a good trade bill. In fact, I think it is unlikely that we are going to have a good trade bill unless the chairman of the committee, the majority leader, or others can guarantee that we will. I know they cannot make those guarantees now. I wish they would.

So we are faced with a very good amendment. The amendment only asks that the time period within which these decisions are made by the Department of Commerce and the President are speeded up a little. A year for the Department to decide, plus an indefinite period for the President to make up his mind, is too long. The amendment basically tightens that up. That is all it does. I think it is a very good amendment.

So I suggest that even though this is somewhat in the nature of a trade bill, it is still very closely related to the Defense Department authorization bill. After all, we are talking about national security here. This is not an amendment to amend section 301 or section 201. That is not what this is. It is an amendment directly related to our national security.

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□ 1940

So like all dilemmas there is no easy solution, there is no definite solution, I suggest, because it was a good amendment, because there is very strong agreement in this body to it and because there is no guarantee we are going to have a trade bill this year and because it is in the interest of our national security that we adopt the amendment and get on with it.

Mr. President, I yield the floor.

Mr. DANFORTH. Mr. President, first, let me say that the Democratic leader has pointed out a very real problem in our trade laws. These cases brought under section 232 of the Trade Act can go on forever.

The machine tool care is a case in point. That case was filed in March 1983 and finally wrapped up in May 1986. It went on for 3 years and 2 months.

Clearly, the time should be shortened, and to that end at least a couple of bills have been introduced and, as the chairman of the Finance Committee pointed out, there is going to be a hearing on Wednesday. There are a couple of different proposals.

Senator BYRD has outlined his view of how the precise procedure for 232 cases should be written.

I point out that one of the differences between his bill and the bill that was introduced by Senator GRASSLEY—both would provide for a 90-day period of time for the President to make up his mind—but Senator GRASSLEY's bill provides that after the 90 days, if the President does not act, then the recommendation of the Secretary of Commerce is put into place automatically. That automatic institution of the Secretary's recommendation is not in the bill of Senator BYRD.

Which is the best of those two ideas, I am not sure. That is what hearings are all about.

I know that Senator PACKWOOD feels very strongly that the Finance Committee should act on a trade bill. We have had a very busy year this year, as everyone knows. But I have spoken with Senator PACKWOOD very frequently about the need for trade legislation.

I also know that the majority leader feels very strongly that the Senate should act on trade legislation. Whether we get the job done remains to be seen. We certainly hope so.

I can say that many, many discussions are going on. My hope would be that we could have a fast markup and fast floor action, not on the bill that would please everybody, or even anybody, but on a good positive approach to tightening up our trade laws but still passing a bill which would be signed by the President.

My hope would be that the process could go forward and that we in the Finance Committee could deal with this matter after hearings on Wednesday. I know that that is our intention.

No one in this Senate more respects the institution than the distinguished Democratic leader, and I know he realize more than any of us the appropriate role of the committee structure and the desirability of utilizing that structure to work out legislation.

There are times when a committee will not act, when a committee does not want to act, when a chairman does not want to act. In those instances it is appropriate to bring a matter to the floor. But when the Finance Committee sincerely wants to act, it is going to hold hearings, my hope would be that we in the Finance Committee would be given that opportunity which is just 4 days away.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, this amendment causes me some distress because I am terribly anxious to get on with a trade bill and we have been working on this. It is a bipartisan

measure. As has been stated, we have had several hearings in the Finance Committee and, as mentioned, we have one coming up this Wednesday on this very matter.

I personally have great concerns about tampering with the discretion of the President in the limitation placed upon him of 90 days. It reduces, it seems to me, his opportunity to negotiate a solution to some of these matters.

At the same time, I share the concerns. My State is a machine tool State, and we have been deeply involved in the case that has been mentioned here before under 232.

Nonetheless, I would hope this amendment would not be pressed because the entire trade situation is going to be reviewed in this comprehensive bill. I think it is the most substantial trade bill that we have considered certainly since I have been here and on the Finance Committee.

These hearings are extremely useful. They are not a pro forma gesture. At the same time, we have not only heard from witnesses from both sides and a multitude of issues but it gives us a chance as a committee to decide what we believe is best in trying to achieve the goals.

So, therefore, I would hope we would be given a chance in this.

As has been mentioned, everyone on the Finance Committee wants to have a trade bill. I do not think there is anybody there who says no, let us do nothing, everything is fine. That is certainly not the case.

I would hope that we could put together a bill that considers all the aspects following the hearings, and I believe it will meet the satisfaction of Members of both sides.

Mr. BYRD. Mr. President, I am loathe to press action on this amendment at this time. I know that Senators are tired. I know that Senators have reservations on planes and they have other commitments. I do not like to be put in a position here of delaying the Senate and inconveniencing my colleagues.

The problem here, however, Mr. President, and we all know it, is that no trade legislation is going to pass this Congress and be put on the President's desk this year. And even if he were presented with such a bill, he would not sign it. We all know that. We know it. We only have 5 more days, or 6, before recess. Those days are going to be completely filled with other matters. We have 4 weeks when we come back from recess before we go back for the October adjournment sine die if that occurs, and the Finance Committee is very busy in dealing with the tax reform legislation.

We just know that for the Finance Committee and the Ways and Means Committee to get together on legislation passed by both Houses dealing with comprehensive trade policies of this country—we know that is not going to be done this year.

So what do we do then? Do we wait? When will it happen next year? We come in as a new Congress and have to start the whole process all over again. The committees have hearings all over again. This thing will go on and on and on.

We have talked until we are blue in the face.

I have talked to the President down in the Oval Office about ferroalloys. Other Senators have talked about textiles and shoes. Others have talked about steel.

These pleas just continue to fall on deaf ears. The State Department does not hear us. This administration does not hear us. Our industries are going overseas. Our manufacturing base continues to be eroded and, if we get into another war, we are going to have to have the smokestack industries, we are going to have to have industries that produce the goods and weapons of war, but we won't have them.

And if I thought for one moment that a piece of trade legislation would be reported out before this Congress goes out, acted upon, goes to conference, comes back, is put on the President's desk and he would sign it, I would say yes, that is the committee process. That is the legislative process. That is the way we ought to go.

But we have tried and at every point of the way we are promised this by the administration, we are promised that by the administration. And I am not saying it is all just this administration. We have seen this happen before. But this is a Department of Defense authorization bill. This bill has to do with our national security.

Senator NUNN said a few days ago it is time that we take up a piece of legislation that deals with national security in this country, that is in the interest of this country. That is what this bill is all about. And that is what this amendment is all about.

Now we have an amendment here that is in the security interest of this country. We have an amendment that is in the interest of our national security and it is being offered to an appropriate vehicle and that, too, is a part of the legislative process. We all know that.

I hesitate to appear to be bullheaded and stubborn and say, well, I want to go to a vote, but I am just faced with this dilemma. We are not going to get this any other way. We are not going to get it if we wait on the committee to report out legislation and expect that legislation to make the President's desk. We are not going to do it, and this is just a small part, as I say. This deals with the national security side, section 232, and our ferroalloy industries, our machine tools industries, the other industries that have a role in the national security because they create products that are important to the national defense and should not have to petition and wait and wait and wait and wither and just become anemic while awaiting a decision that never comes. And when it does come, it is too late and it is against them.

That is the dilemma I am in. I do not think I have ever, in 28 years here, offered an amendment and withdrawn it. The managers of the DOD bill have labored and worked hard. Senators have waited here. They are waiting now. I know they wish I would sit down.

But I am in a dilemma. I think it is in the best interest of this country that this Senate vote on this tonight. If the Senator wants to move to table the amendment, let us have a vote one way or the other.

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Mr. LONG. Will the Senator yield?

Mr. BYRD. Yes.

Mr. LONG. Mr. President, I hope the Senator will not ask that the amendment be tabled before I can say a word or two.

Mr. BYRD. Yes, I thank the Senator.

Mr. PACKWOOD. Mr. President, I am sorry that we are going to have to go to a vote on this.

The Senator from West Virginia has talked about national security. Mr. President, there is no case, no case pending under section 232 today anyplace in this whole Government; not in the Commerce Department. Nothing has been filed.

So when the Senator from West Virginia talks about the need for urgency and there may or not be a trade bill, there is nothing even pending involving the national security now or that anyone knows about under this section that is going to make any difference whether or not this amendment passes.

So all I am asking is that the Senator extend the decency to the committee which has jurisdiction, which has a hearing pending and which hopes to have a trade bill, to give us to chance to work our will on this.

But I can assure you that the national security will not be jeopardized if this amendment does not pass. There is nothing pending anyplace in the Government to which this amendment, if it is passed, if it is in the bill and becomes law, will have any effect in the foreseeable future.

Mr. BYRD. Mr. President, I understand the President has deferred a formal decision in a section 232 case. The final decision in the machine tool case has been deferred.

I will tell you, the distinguished Senator says there is no case pending. This process has become so rotten that the industries in this country

have thrown up their hands. What is the use? Their petitions are going to be turned down, and their petitions are going to be hanging there month after month after month. And the months go by and the industries do not hear a thing. And, after months, or years, in some cases, they are turned down. That is why the whole process has become so devastating to the industries in this country that produce goods that are vital to the national security. No wonder, there is no use to petition.

Mr. LONG. Mr. President, ordinarily, I would support the distinguished chairman of the Finance Committee in his request that this matter be deferred until the Finance Committee can act on it.

But, Mr. President, in this case, I believe that we could vote on the amendment, and I personally will vote for it. Let me explain my reasons.

As one who once served on the Armed Services Committee—where I served and enjoyed it very much; it has always been a very fine committee—I would point out the reason the Finance Committee has jurisdiction over the subject is because the Finance Committee has jurisdiction over revenue. And trade, traditionally, was a matter of raising revenue. It had to do with tariffs, it had to do with quotas, and, so, in the beginning, that was the principal way we financed our Government, not by an income tax. It was against the Constitution back at that time. You financed the Government plainly by a tax on imports or a tariff. That is why the jurisdiction here is in the Finance Committee.

But, Mr. President, there is no revenue involved in this amendment. All we are talking about is a determination that has to do with national defense. In other words, under law, the President is required to make a decision as to whether the imports are in the process of destroying an industry and whether that, in turn, is going to imperil our national defense.

Now, the problem which the amendment addresses itself is that the President has forever to make decisions. He can take from now until as long as the good Lord leaves him here on this planet, if he is still President. And the next President can take his entire term, and the next President can take his entire term.

So the President can just sit there with it. He does not even have to look at it; just do not bother.

And, as the distinguished Democratic leader pointed out, that is why it is so frustrating and that people do not even file their petition. What is the point? There is no hope. Nothing is going to happen. It will just sit there forever. If you get a decision at all, it might be unfavorable. But, in any event, there will be no decision.

All that is requested here is that the President make a decision not in 3 years—please understand, he could take forever. He does not have to make a decision at all. He does not have to ever make the decision even if the Secretary of Defense and the Secretary of Commerce advises it. So it is simply to require the President to make up his mind at some point, and I believe in this it would be 90 days.

In view of the fact, Mr. President, that the amendment really relates to a matter not of trade—because the trade part of our jurisdiction is a revenue aspect. The problem here is not the money you make by trading with somebody, the problem is whether you can afford to sacrifice the industry. Under those circumstances, Mr. President, I would like to see the Senate make a decision. Are we going to make a decision if we do not vote on the amendment? Well, only the good Lord knows. It might happen and again it might not happen.

As far as this Senator is concerned, I will not be here next year or the year after that. I would like to see the President decide a matter of this sort rather than simply delay it forever. I have no doubt if we get a bill out of the Finance Committee we will recommend something of this sort that has been suggested.

But I see nothing wrong, Mr. President, with the amendment being on a bill out of the Armed Services Committee, because the decision that is sought is really a decision relating to national defense.

SEVERAL SENATORS. Vote.

The PRESIDING OFFICER. Is there further debate? If not, the question is on the amendment of the Senator from——

Mr. PACKWOOD. Mr. President, I saw the Senator from New Hampshire rise. Are you going to talk on this amendment?

Mr. HUMPHREY. Not on this amendment. Might I make a suggestion? I assume there is going to be a rollcall vote on final passage. Perhaps we could stack the votes.

Mr. PACKWOOD. It is my intention to move to table this amendment. I do not want to cut anybody off who wants to debate it.

Mr. NUNN. Mr. President, the Senator from New Hamsphire has a reasonable suggestion, because we can handle the other amendments, I believe, on this bill within the next 5 minutes. I believe we have the amendment worked out sponsored by the Senator from Michigan and the Senator from Wisconsin. We have technical amendments.

Mr. PACKWOOD. I do not want to mislead you. I do not want to put this amendment last. I want to move to table to see what happens.

Mr. NUNN. What I am suggesting is that we complete these other matters and then perhaps stack the rollcalls.

Mr. PACKWOOD. No, I think I would object to that.

The PRESIDING OFFICER. Is there further debate on this amendment?

Mr. PACKWOOD. Mr. President, I am about to move to table the amendment. I am not sure what the Senator from New Hampshire wishes to do.

Mr. HUMPHREY. Mr. President, if the Senator will yield, the Senator could probably secure a unanimous-consent agreement making it contingent upon the tabling motion succeeding, or whatever you want to do.

Mr. PACKWOOD. Mr. President, I think I probably should move to table the amendment now.

If the Senator is asking for 5 minutes to speak on the bill, I have no objection. I just want to move to table this amendment.

Mr. HUMPHREY. That is what I was seeking to do.

Mr. PACKWOOD. I will just yield the floor for the moment and let the Senator from New Hampshire speak.

Mr. HUMPHREY. Mr. President, I thank the Senator for his courtesy. I will only be about 5 minutes. I know Senators are anxious, including this Senator, to get out. But I do feel it is important to take this opportunity to sound a warning—sound a warning—about—may we have order, Mr. President?

The PRESIDING OFFICER. The Senate is in order.

Mr. HUMPHREY. May we have order, Mr. President?

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. HUMPHREY. Mr. President, I want to take this occasion to sound a warning of the impending and dangerous decline in the state of our national defense preparedness. I do make that statement loudly and I make it as chairman of the Subcommittee on Preparedness of the Senate Armed Services Committee.

Mr. President, in the early 1980's we substantially increased defense spending across the board. Not surprisingly, most of the standard measurements of preparedness began to rise.

But beginning in 1984, substantial cuts were made in the levels of funding anticipated by the preceding 5-year defense plans. And where were the cuts made? Largely in those accounts that are "outlay-rich," as we say. In the defense bill, the most outlay rich account is the operations and maintenance account. O&M has been cut deeply from levels anticipated in the 5-year defense plans. Cuts in funds associated with force structure and procurement of major weapons systems have been cut also, but the

O&M account has been cut disproportionately as measured against needs.

So what has happened? What does happen when you keep increasing force structure, keep adding major weapons, but cut back on operations and maintenance funds? You begin to cut back on training. You begin to defer maintenance on ships, aircraft and land vehicles. You begin to defer maintenance on real property—on living and working quarters, on runways and so on.

The backlogs of deferred maintenance on both equipment and real property begin to grow. You cut down on the purchase of spare parts and ammunition. That's what happens. And that is what is happening.

The irony is, we have been through this before. Remember how things were in the late 1970's? We had ships that could not sail. We literally had ships tied up for lack of trained crew and lack of spare parts. We had aircraft that could not fly. We literally had some of the most modern aircraft in the world sitting useless on the ramp. If you looked up their tailpipes you saw there were no engines. Aircraft were being canibalized for lack of spare parts. The Chief of Staff of the Army testified before the Congress that he commanded a hollow Army. Our military services had become slumlords, so run down were the living and working conditions of our servicemen and women. I know my colleagues remember that sorry state of affairs. It was not so long ago, and it was not the fault of any one administration.

As chairman of the Senate Subcommittee on Preparedness, I want my colleagues to know we are headed right back to that sorry situation. We are heading right back toward a hollow force structure. We are headed right back toward the situation of dangerous defense unpreparedness in which we found ourselves not so long ago and from which we extricated ourselves at such great expense. And we are headed back there for the same reason we got into that mess in those days, we are not providing operations and maintenance funds proportionate to the size of the force.

Let me review a few cardinal figures. The President requested $93 billion for operations and maintenance and readiness-related accounts for fiscal year 1987. The bill before us recommends $87.3 billion. This is a $5.7 billion cut. Now please listen carefully to this: The level of spending we are recommending in this bill for operations and maintenance and other readiness accounts for which the Preparedness Subcommittee is responsible is $800 million less than this year's appropriations. It is less. The kind of spending is literally going down in actual terms, and in real dollars. We are going to be spending less in fiscal year 1987 on the preparedness accounts than we are spending in fiscal year 1986.

Let me repeat that for emphasis. In fiscal year 1987 there will be less money in the operations and maintenance accounts and in the other readiness accounts for which the Preparedness Subcommittee is responsible than in fiscal year 1986. Have we less equipment and facilities to maintain? No. Has the force structure been cut? No, the number has grown, because these weapons ordered years ago are just now being delivered. Has inflation been eliminated? No; it is reduced but it is still there.

So in the face of increased force structure and continuing inflation, we are cutting back the preparedness accounts. The result will be another disaster like that of the 1970's.

O&M funding has been cut below last year's level in 8 of 15 service accounts. You should know, for instance, that the Air Force will have less O&M money next year. So will the Navy. So will the Air Force Reserve. So will the Army Reserve. So will the Navy Reserve. So will the Army National Guard.

Mr. PRYOR. How much less did the Senator say the Navy will have next year?

Mr. HUMPHREY. I am sorry. I do not have that figure with me. On overall, for DOD it is $800 million. But the point is it is not growing commensurate with the growing force structure.

And so will service account. All of this notwithstanding next year's larger force structure requires higher outlays in O&M. The cuts will translate into reduced flying hours, steaming days, and training days. Depot maintenance backlogs will grow to over $1 billion. Ship overhauls will be deferred. Real property maintenance backlogs will grow to over $3.2 billion.

Ammunition problems are alarming. Current shortages in the production base and ammo procurement are already affecting readiness and sustainability. As an example, the Navy is back to cross-decking ammunition again. They do not have enough to fully stock all operational ships. Hearing testimony reveals we have a $65 billion shortfall in the production base. Production facilities are in bad shape. There are shortfalls in the days of supply for the overwhelming majority of ammo requirements. Further, I use this occasion to notify and warn my colleagues days of supply of ammunition is going to begin declining again, starting around 1990.

Further, the economic assumptions in the O&M accounts leave little margin for error or adverse events. For example, the authorization for fuel assumes the price of oil will remain at $12 per barrel crude during the remainder of fiscal year 1986 and in fiscal year 1987. My colleagues know that OPEC has recently agreed to cut production and raise prices—as high as $18 to $22 per barrel.

Where will that shortfall be made up in the event it only goes to $13? It is likely to go that high and probably higher. You will know. It will be made up by forcing the services to cut back further on spending, further on maintenance, further on spare parts and further on ammunition. It is quite likely indeed that the services are going to have to give more in the way of funding cuts than is now apparent.

I hope we have learned the lessons of the past about short-shrifting the readiness accounts. Perhaps not. In any event, I feel it is my duty to notify my colleagues about very worrisome trends. I hope the conferees on the bill will take this information into account.

I hope the Appropriations Committee when they begin to do their work will take it into account, and the Members will take it into account when the appropriations bills get on the floor, and goes to conference.

I hope all Members will bear that in mind this year and in the coming years.

I thank the Chair.

Mr. GLENN. Will the Senator yield?

Mr. HUMPHREY. I will.

Mr. GLENN. I think the Senator is doing a good job in pointing out some of these deficiencies. I truly do. One thing we have to be fervent on is keeping up O&M and accounts. We had the sorry spectacle in the Indian Ocean with one carrier going over to relieve another, and they did not have enough missiles to take along to put on the airplanes. They had to cross deck them from one deck to the other.

We are in the sorry state right now of spending many, many billions of dollars for attack submarines, and we are proud of those forces. What do we do with what they are going to shoot? It is classified as to how many torpedo loads we have. I can tell you this. It is well under two torpedo loads. That is not classified. The actual figure is.

If we get into a real honest-to-goodness shooting war what the Senator is talking about is right. We are going to be out there shooting water slugs, and scaring people with bubbles.

We had better be watching out for these O&M accounts. It does not make any sense to spend a lot of money, to spend on big weapons systems for the carriers for the weapons system like submarines carrying torpedoes and not buy the weapons to put on it. It is preposterous.

So I think what the Senator is pointing out is really something we have to look at. We should be working on it next year. I think the Senator is doing a service by pointing it out.

Mr. HUMPHREY. Mr. President, I thank the Senator for his contribution.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I will be very brief.

The discussion I initiated here by the Senator from New Hampshire that the Senator from Ohio said is one that should have had a lot more attention in this body in my opinion. A few months ago I introduced a bill to take $5.2 billion away from some of the gold-plated weapons systems and programs and put it in things such as spare parts, ammunition, howitzers, and so on. The committee, I think, did its best to address that to some extent. I would like to hear one of the floor managers talk about that. I think we made more progress this year in addressing the shortage of ammunition supplies than we have made in some time. I personally do not think it was enough. The committee did, I think, probably more this year than they have done in years past. I note that the committee actually has provided more money for Army ammunition than the administration requested, and I applaud them for that.

But I never will forget how I got interested in this issue. I got interested in it incidentally from my experience in the Marine Corps. We never seemed to have enough of any of the mundane items. We always had plenty of the big ticket items, but we never had the things we really needed to fight the war with.

When I came to the Senate, the second year I was here I went on the Armed Services Committee for a year. I began to talk to some of the admirals and generals, and visit some of the Navy and Army bases around. I never will forget going down to Virginia to talk to Admiral Kidd, who at that time was commander of all of our Atlantic naval forces. And I said, "Admiral, if you had your choice between a nice, new, fully complemented *Nimitz* class carrier and a huge warehouse full of spare parts, which would you choose?"

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He said, "Senator, I will take the warehouse full of spare parts in a bird dog minute."

Subsequent to that, I came back and began to discuss that issue with then Defense Secretary Harold Brown.

Secretary Brown said, "You know, Congress talks a good game. They always talk about conventional warfare and readiness items. But when the voting begins, it is always for the fancy, gold-plated big-ticket items, never those mundane things that you have to have to fight the kind of war we are most likely to have to fight."

I am not on this committee so I do not get to have much input. I do serve on the Appropriations Committee, it was said that perhaps some of this could be addressed in the Appropriations Committee.

I would be very pleased to hear from the Senator from Georgia on what the committee did in addressing particularly our ammunition shortfall in Europe.

Mr. NUNN. I will say to the Senator from Arkansas that this year the committee decided before markup we were going to give priority to ammunition, O&M, steaming hours, flying hours, and those items. We did cut the number of production lines in terms of the per unit production of existing weapons systems.

What we do not do and what the Pentagon does not do is cut out weapons systems. So you have a real dilemma. When you trade off, you cut the production line of weapons systems down, and you make the production line less efficient. Each units costs more because you are not absorbing the overhead as effectively. In fact, that is the largest area, in my opinion, of waste of dollars we have.

The problem is we have too many weapons systems, to many production lines to have the money allocated in an effective and efficient way.

I say to the Senator from New Hampshire, you have to make a great presentation, and I agree with that. He has made an accurate presentation.

We spent the first day on this bill, the Senator from Arizona and myself, talking about the whole funding problem, but the funding problem is going to get worse every year for the next 4 years. No doubt O&M is going to suffer and ammunition will suffer. The only way we are going to avoid having some very serious erosion even worse in this year than the years past, is that we are going to have to have some weapons systems that we all would like to fund canceled, not cut back in numbers but canceled. We are going to have to slow down new starts.

I do not contend this bill has come to grips with all that. It has to start in the Department of Defense.

Any Senator who has tried to participate in killing a weapons system on Capitol Hill I think would understand that. It is just hard to do once you start.

In the operation and maintenance account, they do not have the protection that weapons systems do nor the lobbyists that weapons systems do.

I would say we have done a great deal in this bill to avoid further damage. We have not done nearly as much as I would have hoped for.

It starts not in the Congress but what Secretary Brown said is accurate in terms of the overall picture. I think in the last 3 to 4 years Congress has done a better job in protecting O&M and protecting the various components of readiness than we have for the last decade.

I think the executive branch is where it starts. The executive branch theory is, "Do not worry about the O&M accounts and ammunition as much as you worry about platforms because if you get in a war you are going to be able to get the funding for those items very quickly but platforms take a longer time to build."

When I say executive branch, I am not talking about this administration but I am talking about the Pentagon and any administration. That is the theory. This one has been perhaps a little bit more that way.

The individual we read about, Lawrence Core, who was recently put under tremendous pressure because of some frank statements he made, wrote a number of articles on readiness and the fact that readiness was not a priority in this administration and in the Pentagon. That caused some of his problems over there.

The Senator from New Hampshire makes a good point but I think you have to put what he says in the overall framework. The overall framework is that we have a terrible budget problem. We have a defense budget with a 5-year plan that they are working on over in the Defense Department right now, which is about $325 billion above the 5-year plan, or the 3-year plan projected out to 5 years, that the congressional budget resolution contains.

There is always a difference between Congress and the administration on that, but this is the largest gap, I think, in history. The next Secretary of Defense, even this Secretary of Defense, will have the hardest job in peacetime anyone has ever had. The Department of Defense will have to go back to the drawing boards with their 5-year plan. Congress will have to come to grips with the budget. We have not done that yet. We all know that. This year we are putting Band-Aids on a major wound.

In the Department of Defense, when we get through with the conference, the Senator from Arizona and I have pledged to do everything we can to meet the budget authority total. We believe we can do that. But that budget authority total does not meet the outlay total.

The Senator from Alaska, in the Appropriations Committee, will have to do that in the final analysis.

The administration has not decided whether they are going to ask for the activation of the contingency fund, the fund put in the resolution which is a request for additional funds if they have to be utilized either for national security or domestic purposes, but they also have to identify offsetting cuts or tax increases.

I urged the White House, the President, to come to an early decision on that. We need it before we finish the

conference. They have not decided yet.

To add to my frustration, we have received three letters this week—after hearing complaints about the budget squeeze, knowing the O&M problems, the ammunition problems, knowing we have to cut production lines—we have received three letters this week from the administration endorsing add-ons that Members of this Senate decided to put on. We have added nearly a billion dollars in non-defense purposes in this bill.

On the Coast Guard, I favor that. We have added $500 million for NASA on a rollcall vote, though I opposed it. We have added other money into this bill endorsed by Defense, while they cry that they do not have enough in their own programs.

I am perplexed about who is tending shop and minding the budget problems of the country in the Department of Defense. We have a long way to go.

The Senator from New Mexico and the Senator from Florida recognize this better than anybody in this body.

The Senator from New Hampshire is correct in what he is saying, but it goes further than the Defense Department. It goes to the budget.

Mr. BUMPERS. I want to make two observations: No. 1, when I introduced my bill earlier this year to take money away from exotic systems and put it into mundane items, I made a statement saying that the reason for this is that there is no lobby for spare parts or ammunition.

After I made that statement I found out that there is. I did have a few people come along and say, "Senator, there really is a lobby. We just do not have very much force."

The Senator from Georgia has put his finger right on one of the problems. That is we never kill a program.

I complimented Secretary Weinberger, and he is not one of my favorite Cabinet members. I complimented him because he had the courage to kill the Divad Weapon Program which Congress did not have the courage to kill. Everybody knew that weapons system. Two billion dollars into research for that thing and it never hit anything. I admire the Secretary for taking the bull by the horns and doing it.

I might also say that I think the AMRAAM missile has no potential unless it shapes up. I know the committee in the past has taken away some of its production money.

The amendment I wanted to offer, but did not, was to take more money from AMRAAM production and put it into readiness items, like missiles that the Navy used against Qadhafi, and ammunition and howitzers and spare parts for the Marines.

I yield the floor, Mr. President.

SEVERAL SENATORS. Vote! Vote!

Mr. DOMENICI. I just want to say to the Senate I do not think we need any more speeches. I would urge that they read Senator GOLDWATER's opening remarks of Tuesday and Senator NUNN's remarks. If we think we can maintain an adequate defense posture and cut the defense budget further, read the speeches.

If we think we can maintain an adequate defense, the type we are talking about here on the floor, and satisfy the concerns of informed people, read the speeches.

We are in for big trouble if we have to meet the budget resolution targets for the next 5 years if somebody does not come to their senses here and in the White House and decide that you cannot cut defense any more.

We have cut in excess of $180 billion in budget authority of the President's original 5-year request in 5 years.

That might not mean anything. They may have been too high. But if people think there is more and more blue sky in this budget, and that we are going to maintain the strong defense we have been talking about here, it is not going to happen.

□ 2020

You just ought to read the options because clearly, they are weapons reduction options and they are O&M personnel reduction options. The latter yields outlay savings "quick." The former yields outlay savings "slow." Since we are bent on outlays for deficit reduction, we are in one big bind and the sooner somebody in the White House and here decides to solve it with additional resources, the better off we are going to be.

We cannot find any more cuts here in the defense budget and nobody wants to cut the domestic programs. We seem to have reached bottom. Yet we wonder why the deficit does not go down.

Every penny we saved in defense this year over the projections of last year has been eaten up in increased costs for agriculture, bank failures, and revenue losses because we have not had sustained economic growth. How are we to make any headway? We get $20 billion out of defense, but we lose $25 billion on the other side. I do not believe we are going to keep on doing that and reduce the deficit. In fact, it is impossible.

I repeat, Mr. President: Read the options outlined by the managers of this bill and let us get together and fix it. They are not miracle men on armed services. There is no way to fit what everybody wants within the targets we have insisted upon. Even with the extra money the President can ask for in the contingency reserve, it will be awfully tight.

Mr. PACKWOOD. Mr. President, we are on the amendment of the Senator from West Virginia, which is not an operations and maintenance amendment. I do not want to put anybody off from talking on the amendment or the bill generally. I plan to move to lay it on the table if no one else wants to speak.

In that case, Mr. President, I move to lay the amendment of the Senator from West Virginia on the table and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment of the Senator from West Virginia.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Maine [Mr. COHEN], the Senator from Oregon [Mr. HATFIELD], the Senator from Pennsylvania [Mr. HEINZ], the Senator from Nevada [Mr. Laxalt], the Senator from Vermont [Mr. STAFFORD] are necessarily absent.

Mr. CRANSTON. I announce that the Senator from New Jersey [Mr. BRADLEY] and the Senator from Missouri [Mr. Eagleton] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 50, nays 43—as follows:

[Rollcall Vote No. 206 Leg.]

YEAS—50

| | | |
|---|---|---|
| Abdnor | Gorton | Nickles |
| Andrews | Gramm | Packwood |
| Armstrong | Grassley | Pressler |
| Boschwitz | Hart | Quayle |
| Broyhill | Hatch | Roth |
| Chafee | Hawkins | Rudman |
| Cochran | Hecht | Simpson |
| D'Amato | Helms | Specter |
| Danforth | Humphrey | Stevens |
| Denton | Kassebaum | Symms |
| Dodd | Kasten | Thurmond |
| Dole | Lugar | Trible |
| Domenici | Mathias | Wallop |
| Durenberger | Mattingly | Warner |
| Evans | McClure | Weicker |
| Garn | McConnell | Wilson |
| Goldwater | Murkowski | |

NAYS—43

| | | |
|---|---|---|
| Baucus | Gore | Mitchell |
| Bentsen | Harkin | Moynihan |
| Biden | Heflin | Nunn |
| Bingaman | Hollings | Pell |
| Boren | Inouye | Proxmire |
| Bumpers | Johnston | Pryor |
| Burdick | Kennedy | Riegle |
| Byrd | Kerry | Rockefeller |
| Chiles | Lautenberg | Sarbanes |
| Cranston | Leahy | Sasser |
| DeConcini | Levin | Simon |
| Dixon | Long | Stennis |
| Exon | Matsunaga | Zorinsky |
| Ford | Melcher | |
| Glenn | Metzenbaum | |

NOT VOTING—7

| | | |
|---|---|---|
| Bradley | Hatfield | Stafford |
| Cohen | Heinz | |
| Eagleton | Laxalt | |

So the motion to lay the amendment (No. 2680) on the table was agreed to.

Mr. GOLDWATER. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. PACKWOOD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

□ 2040

Mr. GOLDWATER. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2681

Mr. KASTEN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. KASTEN], for himself, Mr. LEVIN, and Mr. PROXMIRE, proposes an amendment numbered 2681.

Mr. KASTEN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 6, strike out lines 1 through 8, and insert the following new subsection:

(4) Funds may not be obligated or expended for the procurement of a lead minesweeper hunter ship or a partially outfitted hull of a minesweeper hunter ship from a foreign country until the Secretary of the Navy has certified to the Congress in writing (A) that purchase of up to two foreign built ships responds to an urgent national security requirement; (B) that no United States shipbuilder has demonstrated the capability, or that no shipbuilder can demonstrate the ability to acquire that capability to meet that requirement in a timely fashion.

Mr. KASTEN. Mr. President, I send this amendment to the desk on behalf of the Senator from Michigan [Mr. LEVIN] as well as the senior Senator from Wisconsin [Mr. PROXMIRE], and myself.

Our mine countermeasure capability in the United States is at a all-time low. Our available ships are over 20 years old.

Now we have many new ports beginning to be constructed under the strategic homeporting concept. The requirement for 32 ships under our current homeport situation will not be enough. And we do not even have 32 ships yet.

I agree with the committee that we need mine-hunting ships now. However, we must also support our own American shipbuilding industry. But times are difficult for them. We cannot and must not admit defeat and say that our shipbuilders are no longer competent to build ships with current technology.

Mr. President, we have made a change in this amendment which indicates that although funds may be obligated for the procurement of a lead minesweeper hunter ship or a partially outfitted hull of a minesweeper hunter ship from a foreign country, the Secretary of the Navy will also give strong consideration to our Nation's shipbuilders.

More particularly, the amendment points out that the urgent national security requirement would be responded to and that no U.S. shipbuilder has demonstrated the capability or—and this is the change—that no shipbuilder can demonstrate the ability to acquire that capability to meet that requirement in a timely fashion.

We must give our shipbuilders in the United States the opportunity to compete. The legislation in the bill was conveyed as being prescriptive instead of prohibitive. The prescription on the shipbuilders in the United States is running out. We support a strategic mobilization base. We support technology transfer.

Yet, efforts are made to preclude U.S. shipbuilders from competing for our own U.S. Navy ships.

I support the committee's concern for national security. I want the best ship we can get. I want the best competitor to win. However, we must have competitors. I am not trying to push the Navy to solely buy America. In all contracts I am not trying to give more preference to our NATO allies. I just want U.S. contractors to get a fair shake.

This amendment has been reviewed by the leadership on both sides. I want to thank the chairman and the Senator from Georgia for their help in working out a compromise on this issue. In the beginning we were seeking to strike the entire section on MSH's. In the interim a compromise has been worked out. We were also given answers that the design contract, that was negotiated, has licensing provisions in it so that any shipbuilder can acquire a production license and also train his workers. With this change in the language and the assurances we have received from the assistant Secretary of the Navy for shipbuilding I am confident that American shipbuilders have a better opportunity to compete.

Mr. NUNN. Mr. President, I think we can wrap up action on this amendment in a moment, with acceptance by both sides.

Mr. KASTEN. Mr. President, I yield to the Senator from Michigan.

Mr. LEVIN. Mr. President, this provision in the measure is a mistake, and we hope it will be corrected.

With this modification, it makes it clear that if a shipbuilder can demonstrate the ability to acquire a capability to build a ship in a timely fashion, then that U.S. shipbuilder will also be providing the minesweeper, instead of having this go abroad.

I congratulate the Senator from Wisconsin for this amendment. We have been given assurances by the Navy Department that the design contract that has been negotiated does have license provisions in it so that any shipbuilder can acquire a production license and train his workers.

With that assurance from the Navy and this change in the language, which is an improvement, I support the amendment.

Mr. NUNN. Mr. President, I recommend that the amendment be accepted.

Mr. GOLDWATER. I have nothing to say on the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wisconsin.

The amendment (No. 2681) was agreed to.

Mr. KASTEN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. EXON. Mr. President, I rise to speak in favor of the Defense Authorization Act for fiscal year 1987. This is not to say that I am pleased with every provision of this bill; that is impossible in a bill of this scope and size. Overall, however, under the leadership of Senators GOLDWATER and NUNN, the committee's effort, is as sound as it could be under the constraints we faced.

Defense spending is expensive. There is no way to escape this reality. No matter how difficult the economic times, no matter how large the deficit and the need to reduce it, large defense spending will remain a necessity. But this does not mean that the defense budget is isolated from the economic situation or immune to lower Federal spending. It does mean, however, that every single dollar spent on defense must be maximized. It means that the President, the Department of Defense, and the Congress are going to have to do a much better job of determining real defense priorities within realistic budget constraints. It means we have to change the way we do business in this town.

The President has refused to acknowledge that even our necessary defense modernization effort will have to be cut back in order to deal with our ruinous national debt. He also ruled out higher revenues to sustain growth in defense spending. The Defense Department also has been slow in assisting the Congress in identifying real priorities when it is clear that some reductions would have to be made.

The Congress is also suspect in not maximizing our defense dollars. While

highly critical of the Defense Department for not recognizing the present budget crunch, Members of the Congress are also scrambling about to make sure that the weapon built in their State or district is funded, even if there may be pressing military need for it. Not only are base closings still politically difficult, but new bases for the Navy's strategic homeporting plan are authorized in this bill. Given the size and changing nature of the Soviet Navy, a few additional ports to further disperse our fleet may be prudent. But one can only wonder at a plan that calls for not one or two new naval bases on the gulf coast but rather six entirely new ones in addition to increases at existing gulf Navy bases. Each of these new bases will be for only three or four ships! But that pork bait is too attractive for either the Defense Department not to use or the Congress not to bite. By going ahead with these politically attractive programs, real needs such as serious munitions shortfalls and maintenance backlogs remain shortfunded.

This tendency to place domestic political concerns ahead of overall national security interests is real waste in defense spending. While the $400 hammers and $600 washers we have heard so much about were largely the result of negligence and disinterest, the fact that, once again, the Congress has placed domestic political considerations ahead of legitimate, top priority national security concerns is evidence that we are not acting in total responsibility in this climate of budget constraints. That this bill contains over $250 million for items not even requested by the Defense Department is proof of that.

Nonetheless, credit is due Senators GOLDWATER and NUNN because they have worked to limit this. Most significantly, under their leadership, the committee's hearings this year focused on matters of military strategy and operations so that priorities could be better identified within the budget request. Many actual reductions in this bill are left up to the Defense Department to decide. That is the way it should be. The Congress should provide the guidelines and not micromanage.

Mr. President, it is important to allocate our resources and use every dollar wisely for another reason. We must never lose sight of the tremendous threat that we face with the Soviet Union and its allies and surrogates. Sometimes we tend to debate numbers and weapons systems and we lose sight of the real reason for the debate in the first place. Make no mistake about it—the Soviet bloc today represents the greatest military challenge the Free World has ever faced. While overall Western defenses have improved over the last 10 years, the threat has grown just as much or more. This bill, totaling almost $300 billion for next year, is basically a big insurance premium to guard against the loss of freedom and to protect our vital interests. The protection of our society is serious business and this bill represents our effort to met that responsibility with the limited resources we have.

I was also pleased that the committee has begun to approach the strategic defense initiative from a more realistic perspective, shaping a meaningful program with realistic goals and needed flexibility for arms control considerations. Indeed, this is the one area in which the committee identified real priorities by noting that SDI was breaking the bank, seriously reducing our conventional research and development efforts, and thereby hurting our efforts to counter the massive conventional buildup of the Soviet Armed Forces. Clearly, a more balanced research program into future technologies is needed to maintain an overall balance of power between ourselves and the Soviets, in the area of both nuclear and conventional weapons. Research into strategic defense is absolutely necessary and I strongly support it. The strategic defense initiative can be a powerful tool of leverage for the President to employ in reducing offensive weapons. I hope he uses this leverage wisely. However, SDI should not be oversold as our only hope for future peace and stability.

It remains to be seen what the final level of defense spending will be this year. I remain concerned that the House figure will be dangerously low. I hope that the final outcome of our effort and that of the Appropriations Committee will be at the level of the budget resolution. I hope that in future years we will ensure a higher, yet reasonable, level of spending so that the gains of our defense modernization effort will not be lost. We cannot afford the continued rapid growth in defense spending favored by the President. Neither can we afford to return to days of the fast funding of the Armed Forces. We have, as members of the Armed Services, done our best under difficult deficit and budget constraints. We shall revisit it again.

AMENDMENT NO. 2262

(Purpose: To extend and improve the National School Lunch Act and the Child Nutrition Act of 1966)

Mrs. HAWKINS. Mr. President, I send an amendment to the desk.

THE PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Florida [Mrs. HAWKINS] for herself and Senators DOLE, BOSCHWITZ, HARKIN, LEAHY, LUGAR, COCHRAN, MCCONNELL, MELCHER, SIMON, DANFORTH, WILSON, and ANDREWS, proposes an amendment numbered 2262.

Mrs. HAWKINS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

THE PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill insert the following:

REAUTHORIZATION OF CHILD NUTRITION PROGRAMS

SEC. . SUMMER FOOD SERVICE PROGRAM FOR CHILDREN.

Section 13(p) of the National School Lunch Act (42 U.S.C. 1761(p)) is amended by striking out "1984" and inserting in lieu thereof "1989".

SEC. . COMMODITY DISTRIBUTION PROGRAM.

Section 14(a) of the National School Lunch Act (42 U.S.C. 1762a(a)) is amended by striking out "1984" and inserting in lieu thereof "1989".

SEC. . STATE ADMINISTRATIVE EXPENSES.

Section 7(i) of the Child Nutrition Act of 1966 (42 U.S.C. 1776(i)) is amended by striking out "1984" and inserting in lieu thereof "1989".

SEC. . SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN.

Section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) is amended—

(1) in subsection (c)(2), by striking out "Subject to" and all that follows through "1984" and inserting in lieu thereof "Subject to amounts appropriated to carry out this section under subsection (g)";

(2) in subsection (g)—

(A) by designating the first and second sentences as paragraphs (1) and (3), respectively; and

(B) by amending paragraph (1) (as so designated) to read as follows:

"(1) There are authorized to be appropriated to carry out this section $1,570,000,000 for fiscal year ending September 30, 1986, such sums as may be necessary for each of the fiscal years ending September 30, 1987, and September 30, 1988, and $1,782,000,000 for the fiscal year ending September 30, 1989."; and

(3) in subsection (h)(2), by striking out "1984" and inserting in lieu thereof "1989".

SEC. . NUTRITION EDUCATION AND TRAINING PROGRAM.

The first sentence of section 19(j)(2) of the Child Nutrition Act of 1966 (42 U.S.C. 1788(j)(2)) is amended by striking out "1984" and inserting in lieu thereof "1989".

TITLE II—SCHOOL LUNCH AND BREAKFAST PROGRAMS

SEC. . BASIS OF COMMODITY ASSISTANCE.

Section 6(b) of the National School Lunch Act (42 U.S.C. 1755(b)) is amended—

(1) in the first sentence, by striking out "May 15" and inserting in lieu thereof "June 1"; and

(2) in the second sentence, by striking out "June 15" and inserting in lieu thereof "July 1".

SEC. . INCLUSION OF WHOLE MILK AS A SCHOOL LUHCH BEVERAGE.

Effective July 1, 1986, section 9(a) of the National School Lunch Act (42 U.S.C. 1758(a)) is amended—

(1) by designating the first, second, and third sentences as paragraph (1), (3), and (4), respectively; and

(2) by inserting after paragraph (1) (as so designated) the following new paragraph:

"(2) In addition to such other forms of milk as the Secretary may determine, the

lunches shall offer whole milk as a beverage.".

SEC. . AUTOMATIC ELIGIBILITY FOR CERTAIN PROGRAMS.

Effective July 1, 1986, section 9(b) of the National School Lunch Act (42 U.S.C. 1758(b)) is amended by adding at the end thereof the following new paragraph:

"(6)(A) A child shall be considered automatically eligible for a free lunch and breakfast under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), respectively, without further application or eligibility determination, if the child is a member of—

"(i) a household receiving assistance under the food stamp program authorized under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.); or

"(ii) an AFDC assistance unit (under the aid to families with dependent children program authorized under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.)), in a State where the standard of eligibility for the assistance does not exceed 130 percent of the poverty line (as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))).

"(B) Proof of receipt of food stamps or aid to families with dependent children shall be sufficient to satisfy any verification requirement imposed under paragraph (2)(C).".

SEC. . LIMITATION ON MEAL CONTRACTING.

Effective July 1, 1986, section 9 of the National School Lunch Act (42 U.S.C. 1758) is amended by adding at the end thereof the following new subsection:

"(e) A school or school food authority participating in a program under this Act may not contract with a food service company to provide a la carte food service unless the company agrees to offer free, reduced-price, and full-price reimbursable meals to all eligible children.".

SEC. . CHANGE IN TUITION LIMITATION FOR PRIVATE SCHOOLS.

(a) SCHOOL LUNCH PROGRAMS.—Section 12(d)(5)) of the National School Lunch Act (42 U.S.C. 1760(d)(5)) is amended—

(1) in clause (A) of the first sentence, by striking out "$1,500" and inserting in lieu thereof "$2,000"; and

(2) by adding at the end thereof the following new sentence: "On July 1, 1988, and each July 1 thereafter, the Secretary shall adjust the tuition limitation amount prescribed in clause (A) of the first sentence of this paragraph to reflect changes in the Consumer Price Index for All Urban Consumers during the most recent 12-month period for which the data is available.

(b) SCHOOL BREAKFAST PROGRAMS.—Section 15(c) of the Child Nutrition Act of 1966 (42 U.S.C. 1784(c)) is amended—

(1) in clause (A) of the first sentence, by striking out "$1,500" and inserting in lieu thereof "$2,000"; and

(2) by adding at the end thereof the following new sentence: "On July 1, 1988, and each July 1 thereafter, the Secretary shall adjust the tuition limitation amount prescribed in clause (A) of the first sentence of this paragraph to reflect changes in the Consumer Price Index for All Urban Consumers during the most recent 12-month period for which the date is available.".

(c) APPLICATION.—(1) The amendments made by subsections (a)(1) and (b)(1) shall apply for the fiscal year beginning on October 1, 1986, and each school year thereafter.

(2) The amendments made by subsections (a)(2) and (b)(2) shall apply for the school year beginning on July 1, 1988, and each school year thereafter.

SEC. . USE OF SCHOOL LUNCH FACILITIES FOR ELDERLY PROGRAMS.

Section 12 of the National School Lunch Act (42 U.S.C. 1760) is amended by adding at the end thereof the following new subsection:

"(i) Facilities, equipment, and personnel provided to a school food authority for a program authorized under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) may be used, as determined by a local educational agency, to support a nonprofit nutrition program for the elderly, including a program funded under the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.).".

SEC. . PILOT PROJECTS FOR ADMINISTRATION OF CHILD NUTRITION PROGRAMS BY CONTRACT OR DIRECT DISBURSEMENT.

(a) PILOT PROJECTS.—Section 20 of the National School Lunch Act (42 U.S.C. 1769) is amended by striking out subsection (d) and inserting in lieu thereof the following new subsection:

"(d) The Secretary may conduct pilot projects in not more than three States in which the Secretary is currently administering programs to evaluate the effects of the Secretary contracting with private profit and nonprofit organizations to act as a State agency under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) for schools, institutions, or service institutions referred to in section 10 of this Act and section 5 of the Child Nutrition Act of 1966 (42 U.S.C. 1774).".

(b) CONFORMING AMENDMENT.—The first sentence of section 20(c) of the National School Lunch Act is amended by striking out "except for the pilot projects conducted under subsection (d) of this section,".

SEC. . DEPARTMENT OF DEFENSE OVERSEAS DEPENDENTS' SCHOOLS.

(a) SCHOOL LUNCHES.—Section 22(d) of the National School Lunch Act (42 U.S.C. 1769b(d)) (as added by section 1408(a) of the Education Amendments of 1978 (92 Stat. 2368)) is amended by striking out "and for" and all that follows through "reduced-price lunch".

(b) SCHOOL BREAKFASTS.—Section 20(d) of the Child Nutrition Act of 1966 (42 U.S.C. 1789) is amended by striking out "and for" and all that follows through "reduced-price breakfast".

SEC. . RESTORATION OF CERTAIN KINDERGARTENS TO THE SPECIAL MILK PROGRAM.

Effective October 1, 1986, section 3(a) of the Child Nutrition Act of 1966 (42 U.S.C. 1772(a)) is amended—

(1) in the first sentence—

(A) by inserting "(1)" after the subsection designation;

(B) by redesignating clauses (1) and (2) as subparagraphs (A) and (B), respectively; and

(C) in subparagraph (A) (as so redesignated), by inserting "except as provided in paragraph (2)," after "and under,";

(2) by designating the second through eighth sentences as paragraphs (3) through (9), respectively; and

(3) by inserting after paragraph (1) (as so designated) the following new paragraph:

"(2) The limitation imposed under paragraph (1)(A) for participation of nonprofit schools in the special milk program shall not apply to split-session kindergarten programs conducted in schools in which children do not have access to the meal services program operating in schools the children attend as authorized under this Act or the National School Lunch Act (42 U.S.C. 1751 et seq.).".

SEC. 210. IMPROVEMENT OF BREAKFAST PROGRAM MEAL PATTERN.

(a) ADDITIONAL ASSISTANCE.—Effective October 1, 1986, section 4(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(b)) is amended by adding at the end thereof the following new paragraphs:

"(3) The Secretary shall increase by 3 cents the annually adjusted payment for each breakfast served under this Act and section 17 of the National School Lunch Act (42 U.S.C. 1766). These funds shall be used to assist States, to the extend feasible, in improving the nutritional quality of the breakfasts.

"(4) Notwithstanding any other provision of law, whenever stocks of agricultural commodities are acquired by the Secretary or the Commodity Credit Corporation and are not likely to be sold by the Secretary or the Commodity Credit Corporation or otherwise used in programs of commodity sale or distribution, the Secretary shall make such commodities available to school food authorities and eligible institutions serving breakfasts under this Act in a quantity equal in value to not less than 3 cents for each breakfast served under this Act and section 17 of the National School Lunch Act.

"(5) Expenditures of funds from State and local sources for the maintenance of the breakfast program shall not be diminished as a result of funds or commodities received under paragraph (3) or (4).".

(b) NUTRITION REQUIREMENTS.—The Secretary of Agriculture shall review and revise the nutrition requirements for meals served under the breakfast program authorized under the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) and section 17 of the National School Lunch Act (42 U.S.C. 1766) to improve the nutritional quality of the meals, taking into consideration both the findings of the National Evaluation of School Nutrition Programs and the need to provide increased flexibility in meal planning to local food authorities.

(2) Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall promulgate regulations to implement the revisions.

SEC. . EXTENSION OF OFFER VERSUS SERVE PROVISION TO THE SCHOOL BREAKFAST PROGRAM.

Section 4(e) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(e)) is amended—

(1) by inserting "(1)" after the subsection designation; and

(2) by adding at the end thereof the following paragraph:

"(2) At the option of a local school food authority, a student in a school under the authority that participates in the school breakfast program under this Act may be allowed to refuse not more than one item of a breakfast that the student does not intend to consume. A refusal of an offered food item shall not affect the full charge to the student for a breakfast meeting the requirements of this section or the amount of payments made under this Act to a school for the breakfast.".

SEC. . STAFFING STANDARDS.

Section 7 of the Child Nutrition Act of 1966 (42 U.S.C. 1776) (as amended by section 103) is further amended—

(1) by striking out subsection (b); and

(2) by redesignating subsections (c) through (i) as subsections (b) through (h), respectively.

TITLE III—SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN

SEC. . COSTS FOR NUTRITION SERVICES AND ADMINISTRATION.

(a) DEFINITIONS.—Section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)) is amended—

(1) by striking out paragraph (1);

(2) by redesignating paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively; and

(3) by inserting after paragraph (3) (as so redesignated) the following new paragraph:

"(4) 'Costs for nutrition services and administration' means costs that shall include, but not be limited to, costs for certification of eligibility of persons for participation in the program (including centrifuges, measuring boards, spectrophotometers, and scales used for the certification), food delivery, monitoring, nutrition education, outreach, startup costs, and general administration applicable to implementation of the program under this section, such as the cost of staff, transportation, insurance, developing and printing food instruments, and administration of State and local agency offices.".

(b) CONFORMING AMENDMENTS.—Section 17 of such Act is amended—

(1) by striking out "administrative funds" each place it appears in subsections (f)(11), (h)(2), (h)(3), and (h)(4) and inserting in lieu thereof "funds for nutrition services and administration"; and

(2) by striking out "administrative costs" each place it appears in subsection (h) and inserting in lieu thereof "costs for nutrition services and administration".

SEC. . STATE ELIGIBILITY FOR WIC FUNDS.

(a) ELIGIBILITY.—Section 17(c) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(c)) is amended by adding at the end thereof the following new paragraph:

"(4) A State shall be ineligible to participate in programs authorized under this section if the Secretary determines that State or local sales taxes are collected within the State on purchases of food made to carry out this section.".

(b) APPLICATION.—The amendment made by subsection (a) shall apply to a State beginning with the fiscal year that commences after the end of the first regular session of the State legislation following the date of the enactment of this Act.

SEC. . PARTICIPATION REPORT.

(a) BIENNIAL REPORT.—Section 17(d) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(d)) is amended by adding at the end thereof the following new paragraph:

"(4) The Secretary shall report biennially to Congress on—

"(A) the income and nutritional risk characteristics of participants in the program;

"(B) participation in the program by members of families of migrant farmworkers; and

"(C) such other matters relating to participation in the program as the Secretary considers appropriate.".

(b) USE OF EVALUATION FUNDS FOR REPORT.—Section 17(g)(3) of such Act (as amended by section 104(2)(A)) is further amended by inserting "preparing the report required under subsection (d)(4)," after "health benefits,".

SEC. . PLAN OF OPERATION AND ADMINISTRATION.

(a) PLAN.—Paragraph (1) of section 17(f) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(f)(1)) is amended to read as follows:

"(1)(A) Each State agency shall submit annually to the Secretary, by a date specified by the Secretary, a plan of operation and administration for a fiscal year.

"(B) To be eligible to receive funds under this section for a fiscal year, a State agency must receive the approval of the Secretary for the plan submitted for the fiscal year.

"(C) The plan shall include—

"(i) a description of the food delivery system of the State agency and the method of enabling participants to receive supplemental foods under the program, to be administered in accordance with standards developed by the Secretary;

"(ii) a description of the financial management system of the State agency;

"(iii) a plan to coordinate operations under the program with special counseling services, such as the expanded food and nutrition education program, immunization programs, prenatal care, well-child care, family planning, alcohol and drug abuse counseling, child abuse counseling, and with the aid to families with dependent children, food stamp, and maternal and child health care programs;

"(iv) a plan to provide program benefits under this section to, and to meet the special nutrition education needs of, eligible migrants and Indians;

"(v) a plan to expend funds to carry out the program during the relevant fiscal year;

"(vi) a plan to provide program benefits under this section to unserved and underserved areas in the State, if sufficient funds are available to carry out this clause;

"(vii) a plan to provide program benefits under this section to eligible persons most in need of the benefits and to enroll eligible women in the early months of pregnancy, to the maximum entent practicable; and

"(viii) such other information as the Secretary may require.

"(D) The Secretary may permit a State agency to submit only those parts of a plan that differ from plans submitted for previous fiscal years.

"(E) The Secretary may not approve any plan that permits a person to participate simultaneously in both the program authorized under this section and the commodity supplemental food program authorized under sections 4 and 5 of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note).".

"(b) APPLICATION.—The amendment made by subsection (a) shall apply to a plan submitted by a State agency under section 17(f)(1) of the Child Nutrition Act of 1966 for the fiscal year ending September 30, 1987, and each fiscal year thereafter.

SEC. . PUBLIC COMMENT.

Paragraph (2) of section 17(f) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(f)(2)) is amended to read as follows:

"(2) A State agency shall establish a procedure under which members of the general public are provided an opportunity to comment on the development of the State agency plan.".

SEC. . AVAILABILITY OF PROGRAM BENEFITS.

Paragraph (8) of section 17(f) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(f)(8)) is amended to read as follows:

"(8)(A) The State agency shall, in cooperation with participating local agencies publicly announce and distribute information on the availability of program benefits (including the eligibility criteria for participation and the location of local agencies operating the program) to offices and organizations that deal with significant numbers of potentially eligible persons (including health and medical organizations, hospitals and clinics, welfare and unemployment offices, social service agencies, farmworker organizations, Indian tribal organizations, and religious and community organizations in low income areas).

"(B) The information shall be publicly announced by the State agency and by local agencies at least annually.

"(C) The State agency and local agencies shall distribute the information in a manner designed to provide the information to potentially eligible persons who are most in need of the benefits, including pregnant women in the early months of pregnancy.".

SEC. . REPAYMENT OF CERTAIN BENEFITS BY RECIPIENTS.

Effective October 1, 1986, section 17(f) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(f)) is amended by adding at the end thereof the following new paragraph:

"(15) If a State agency determines that a member of a family has received an overissuance of food benefits under the program authorized by this section as the result of such member intentionally making a false or misleading statement or intentionally misrepresenting, concealing, or withholding facts, the State agency shall recover, in cash, from such member an amount that the State agency determines is equal to the value of the overissued food benefits, unless the State agency determines that the recovery of the benefits would not be cost effective.".

SEC. . PRIORITY FUNDS FOR WIC MIGRANT PROGRAMS.

(a) PRIORITY FUNDING.—Effective October 1, 1986, section 17(g) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(g)) (as amended by section 104(2)(A)) is further amended by inserting after paragraph (1) the following new paragraph:

"(2) Of the sums appropriated for any fiscal year for programs authorized under this section, not less than nine-tenths of 1 percent shall be available first for services to eligible members of migrant populations. The migrant services shall be provided in a manner consistent with the priority system of a State for program participation.".

(b) ACCOUNTABILITY.—To the extent possible, accountability for migrant services under section 17(g)(2) of the Child Nutrition Act of 1966 (as added by subsection (a)) shall be conducted under regulations in effect on the date of the enactment of this Act.

SEC. . IMPROVING STATE AGENCY ADMINISTRATIVE SYSTEMS.

Section 17(g)(3) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(g)(3)) (as amended by sections 104(2)(A) and 303(b)) is further amended by inserting "providing technical assistance to improve State agency administrative systems," after "subsection (d)(4),".

SEC. . PAPERWORK REDUCTION.

Section 17(h)(1) of the Child Nutrition Act of 1966 (42 U.S.C. 1766(h)(1)) is amended by adding at the end thereof the following new sentence: "The Secretary shall limit to a minimal level any documentation required under the preceding sentence.".

SEC. . ALLOCATION STANDARDS.

Section 17(h)(3) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(3)) is amended—

(1) in the second sentence, by striking out ", which satisfy allocation guidelines established by the Secretary"; and

(2) by striking out the last sentence.

SEC. . ADVANCE PAYMENTS.

Effective October 1, 1986, section 17(h)(4) of the Child Nutrition Act of 1966 (42 U.S.C.

1786(h)(4)) is amended by striking out "shall" and inserting in lieu thereof "may".

SEC. . AVAILABILITY OF FUNDS.

(a) AVAILABILITY.—Section 17(i) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(i)) is amended—

(1) by designating the first, second, third, fourth, and fifth sentences as paragraphs (1), (2), (4), (5), and (6), respectively; and

(2) by inserting after paragraph (2) (as so designated) the following new paragraph:

"(3)(A) Notwithstanding paragraph (2)—

"(i) not more than 1 percent of the amount of funds allocated to a State agency under this section for supplemental foods for a fiscal year may be expended by the State agency for expenses incurred under this section for supplemental foods during the preceding fiscal year; or

"(ii) not more than 1 percent of the amount of funds allocated to a State agency for a fiscal year under this section may be expended by the State agency during the subsequent fiscal year.

"(B) Any funds made available to a State agency in accordance with subparagraph (A)(ii) for a fiscal year shall not affect the amount of funds allocated to the State agency for such year.".

(b) APPLICATION.—Section 17(i)(3)(A)(i) of the Child Nutrition Act of 1966 (as amended by subsection (a)) shall not apply to appropriations made before the date of enactment of this Act.

## TITLE IV—OTHER NUTRITION PROGRAMS

SEC. . HEARINGS ON FEDERAL AUDIT ACTIONS UNDER THE CHILD CARE FOOD PROGRAM.

Section 17(e) of the National School Lunch Act (42 U.S.C. 1766(e)) is amended—

(1) by striking out "The" and inserting in lieu thereof "(1) Except as provided in paragraph (2), the"; and

(2) by adding at the end thereof the following new paragraphs:

"(2) A State is not required to provide a hearing to an institution concerning a State action taken on the basis of a Federal audit determination.

"(3) If a State does not provide a hearing to an institution concerning a State action taken on the basis of a Federal audit determination, the Secretary, on request, shall afford a hearing to the institution concerning the action.".

SEC. 402. BASIS FOR NUTRITION EDUCATION GRANTS.

Section 19(j)(2) of the Child Nutrition Act of 1966 (42 U.S.C. 1788(j)(2)) is amended by striking out "$75,000" each place it appears and inserting in lieu thereof "$50,000".

SEC. . EXTENSION OF ALTERNATIVE MEANS OF ASSISTANCE.

Section 14 of the National School Lunch Act (42 U.S.C. 1762a) is amended by adding at the end thereof the following new subsection:

"(g)(1) As used in this subsection, the term 'eligible school district' has the same meaning given such term in section 1581(a) of the Food Security Act of 1985.

"(2) In accordance with the terms and conditions of section 1581 of such Act, the Secretary shall permit an eligible school district to continue to receive assistance in the form of cash or commodity letters of credit assistance, in lieu of commodities, to carry out the school lunch program operated in the district.

"(3)(A) On request of a participating school district (and after consultation with the Comptroller General of the United States with respect to accounting procedures used to determine any losses) and subject to the availability of funds, the Secretary shall provide cash compensation to an eligible school district for losses sustained by the district as a result of the alteration of the methodology used to conduct the study referred to in section 1581(a) of such Act during the school year ending June 30, 1983.

"(B) There are authorized to be appropriated $50,000 to carry out this paragraph, to be available without fiscal year limitation.".

SEC. . NATIONAL DONATED COMMODITY PROCESSING PROGRAMS.

In accordance with the terms and conditions of section 1114(a)(2) of the Agriculture and Food Act of 1981 (7 U.S.C. 1431e(a)(2)), whenever a commodity is made available without charge or credit under any nutrition program administered by the Secretary of Agriculture, the Secretary shall encourage consumption of the commodity through agreements with private companies under which the commodity is reprocessed into end-food products for use by eligible recipient agencies.

## TITLE V—TECHNICAL CORRECTIONS

SEC. . OBSOLETE PROVISIONS.

(a) NUTRITION PROGRAM STAFF STUDY; TRUST TERRITORY APPROPRIATIONS.—(1) Sections 18 and 19 of the National School Lunch Act (42 U.S.C. 1767 and 1768) are repealed.

(2) The first sentence of section 3 of such Act (42 U.S.C. 1752) is amended by striking out "sections 13, 17, and 19" and inserting in lieu thereof "sections 13 and 17".

(b) STUDY OF MENU CHOICE.—Section 22 of such Act (42 U.S.C. 1769c) (as added by section 9 of the Child Nutrition Amendments of 1978 (92 Stat. 3623)) is repealed.

(c) CONFORMING AMENDMENTS.—(1) The National School Lunch Act (as amended by sections 207 and 208(a) and subsection (b)) is further amended by redesignating sections 20, 21, and 22 (42 U.S.C. 1769, 1769a, and 1769b) as sections 18, 19, and 20, respectively.

(2) Clause (3) of the first sentence of section 6(a) of such Act (42 U.S.C. 1755(a)) is amended by striking out "section 20" and inserting in lieu thereof "section 18".

SEC. . OBSOLETE REFERENCES TO HEALTH, EDUCATION, AND WELFARE.

(a) REFERENCE IN NATIONAL SCHOOL LUNCH ACT.—Clause (1) of the sixth sentence of section 17(a) of the National School Lunch Act (42 U.S.C. 1766(a)) is amended by striking out "Health, Education, and Welfare" and inserting in lieu thereof "Health and Human Services".

(b) REFERENCES IN CHILD NUTRITION ACT OF 1966.—(1) The Child Nutrition Act of 1966 is amended by striking out "Health, Education, and Welfare" each place it appears in section 4(a) (42 U.S.C. 1773(a)), subsections (b)(6), (b)(13), (e)(2), (k)(1), and (k)(2) of section 17 (42 U.S.C. 1786), and subsections (d)(2) and (d)(3) of section 19 (42 U.S.C. 1788) and inserting in lieu thereof "Health and human Services".

(2) Section 19(j)(3) of the Child Nutrition Act of 1966 (42 U.S.C. 1788(j)(3)) is amended by striking out "Office of Education of the Department of Health, Education, and Welfare" and inserting in lieu thereof "Department of Education".

SEC. . CONFORMING AMENDMENTS.

(a) DEFINITION OF SECRETARY.—Section 12(d) of the National School Lunch Act (42 U.S.C. 1760(d)) is amended by adding at the end thereof the following new paragraph:

"(8) 'Secretary' means the Secretary of Agriculture.".

(b) REDESIGNATION OF SUBSECTION.—Section 19 of the Child Nutrition Act of 1966 (42 U.S.C. 1788) (as amended by sections 105, 402, and 502(b)(2)) is further amended by redesignating subsection (j) as subsection (i).

Mrs. HAWKINS. Mr. President, I understand that this amendment has been cleared on both sides. It is being sponsored by myself and Senators DOLE, BOSCHWITZ, HARKIN, LEAHY, LUGAR, COCHRAN, MCCONNELL, MELCHER, SIMON, DANFORTH, WILSON, and ANDREWS.

Mr. HELMS. Mr. President, I certainly recognize the deep desire that the Senator from Florida has in seeing enactment of child nutrition legislation. She has been a tireless advocate on this subject. Even during her recent hospitalization, she was diligent in lobbying from her hospital bed for action and conclusion of child nutrition legislation.

The problem is, Mr. President, as it is so often these days, money. There simply is not enough room in the budget to accommodate the Senator's desire for this amendment which would add, according to the Congressional Budget Office, $46 million during fiscal year 1987, a total of $168 million during the next 3 fiscal years.

The Senator from North Carolina is more than willing to see a reauthorization of child nutrition programs—even a reauthorization that would include cost-of-living increases in reimbursements for meals served. What the Senator cannot agree to is additional increases which would have major budget ramifications.

All of us love children, and none of us opposes child nutrition programs that assist in providing valuable lunches and breakfasts for the Nation's school children. But what are the ramifications for the Nation if this amendment is adopted?

If we are ever to reduce the Federal deficit, we simply cannot shrink from our duty to refuse to increase Federal spending. It is a matter of principle with me, Mr. President.

Spending will be increased by nearly $50 million annually. That is spending for entitlement programs. There will be no second chance for the Appropriations Committee to restrain spending. If this amendment is adopted, entitlement spending will increase.

I know that the Senator believes that there was "room in the budget resolution" for the extra money. But it has become apparent since the budget resolution was adopted that it was a budget based more on wishful thinking than reality. Unofficial estimates emerging from OMB and CBO now indicate that the projected deficit for fiscal year 1987 will be something on the order of $164 to $169 billion. That is $20 to $25 billion more—more—than the budget resolution an-

ticipated. We'll find out for sure next week, on August 15.

Mr. President, under Gramm-Rudman-Hollings, for each dollar that projected spending is above the targets—$144 billion for fiscal year 1987—the automatic sequester will require that defense and nondefense spending will be reduced 50 cents each.

That means that this amendment is not only likely to contribute to reductions in defense spending, but reductions are likely to be made more severe for agriculture, education, and other nondefense spending programs that are not exempt from sequester under the Gramm-Rudman-Hollings legislation.

It is for these budgetary reasons, Mr. President, that this Senator has attempted to outline the consequences of this spending to my colleagues who also serve as conferees on the child nutrition legislation, H.R. 7.

In my judgment, the conferees for the Armed Services Committee will be faced with the same situation that has confronted the chairman of the Agriculture Committee. Inclusion of this amendment will make more difficult an overall budget that is within the Gramm-Rudman-Hollings parameters. Something else will have to be deleted or reduced to accommodate this additional spending. If Senators would rather reduce defense, or other important nondefense expenditures, so be it, but I must respectfully express my disagreement, with the greatest admiration and respect for Senator HAWKINS.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 2262) was agreed to.

Mr. GOLDWATER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mrs. HAWKINS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MELCHER. Mr. President, this year's defense authorization bill, like last year, is big on spending for weapons procurement and for further development of new weapons systems. But this bill again short changes operation and maintenance.

The momentum of this bill and last year's defense authorization plunges on to more and more spending for weapons systems that are very expensive with disproportionate amounts for training, repair, flying time for pilots, and steaming time for naval craft.

Although this is clear to the Senate, this bill is flawed with too many weapons systems on production lines, costing too much at a pace that is too quick.

Readiness suffers.

At a price tag of near $300 billion, this bill is over budget. The amendment which I offered to trim the loose overappropriation process that we pursue was nevertheless rejected as well as a cut in the $36 billion funds for development of new weapons systems.

The unsound disproportionate authorization of more weapons at the expense of operations and maintenance penalizes training ammunition, and the essentials of readiness.

That causes me to protest the bill. I shall vote "No".

AMENDMENT NO. 2682

(Purpose: Technical corrections)

Mr. GOLDWATER. Mr. President, I send to the desk an amendment correcting technical errors in the bill, as amended, which has been cleared by all Senators concerned, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment immediately.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. GOLDWATER] proposes an amendment numbered 2682.

Mr. GOLDWATER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of amendment No. 2620 as adopted, add the following new section:

"On page 268, line 9, strike "$2,148,689,000" and insert in lieu thereof "2,149,749,000".

In amendment No. 2633 as adopted, on page 1, line 6, strike "$8,866,000,000" and insert in lieu thereof "$8,370,800,000".

In amendment No. 2633 as adopted, on page 2, line 2, strike "$15,334,573,000" and insert in lieu thereof "$14,908,873,000".

In amendment No. 2633 as adopted, on page 2, line 4, strike "$19,687,171,000" and insert in lieu thereof "$19,304,871,000".

In amendment No. 2638 as adopted, beginning on page 1, line 9, strike all through page 3, line 15.

In amendment No. 2657 as adopted, on page 2, line 6, strike the period and insert ", and those provisions contained in amendments numbered 2597, 2641, 2645, 2654, and 2655.".

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 2682) was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. Is there further debate?

Mr. HOLLINGS. Mr. President, I would like briefly to discuss two Energy Department projects requested by the administration. Both concern environmental protection at the Savannah River Plant, SC. One project, 87-D-152, would provide $1,500,000 for plantwide environmental protection activities. The second, 86-D-154, would provide $15,650,000 for an effluent treatment facility at Savannah River. The defense bill, as reported, does not authorize funds for either of these projects.

I certainly understand the severe budget constraints that the Armed Services Committee faces this year. Many proposed projects must be cut. These two projects, however, have a special importance. The Department of Energy is now making good faith efforts to comply with environmental laws which the courts have ruled must be obeyed. To avoid potentially costly litigation, and to maintain the trust of citizens living near its weapons plants, the Energy Department has requested modest funding to meet these regulatory requirements.

Mr. President, I understand that the bill reported by the House Armed Services Committee recommends authorizing these two projects. I wonder if I might ask my good friend, the Senator from Georgia, whether he would be willing to consider the House position when Senate and House conferees meet to discuss this legislation. I think that these two projects not only would protect and benefit the citizens of our two States but also would help the nuclear weapons program—a program absolutely essential to our national defense—avoid unnecessary and costly litigation.

Mr. NUNN. Mr. President, I would be pleased to consider these two projects when Senate and House conferees meet. As the Senator from South Carolina says, the Armed Services Committee faces great budget difficulties this year. But I would be glad to give these projects every consideration.

Mr. HOLLINGS. I thank my good friend. As always, I deeply appreciate his courtesy and counsel.

Mr. President, in closing I would like to mention a third environmental project at Savannah River. The Federal Clean Water Act requires the Energy Department to cool the extremely hot water that flows out of two of the Savannah River plant's nuclear production reactors. The administration requested $5 million in fiscal year 1987 funds to begin work on cooling towers to meet this environmental requirement. Neither the Senate nor House authorization bills recommend funding this request. Some Members want time to review the environmental impact statement now being prepared on this subject. I understand their desire to review this matter. Soon, however, the Congress will need to decide how best to deal with this important legal requirement. I stand

ready to work with my distinguished colleagues on this issue.

GREAT LAKES SHIPPING OF MILITARY CARGO

Mr. GLENN. Mr. President, I had planned to bring up an amendment dealing with Great Lakes shipping of military cargo. However, I understand it may require extensive debate and a rollcall vote, and I recognize the severe time contraints that the Senate is working under. So I have decided to withdraw the amendment—but I would like to make the following points for the benefit of my colleagues.

In 1984, the Department of Defense moved 6.6 million measurement tons of cargo by ship from the four U.S. coasts. Interestingly, more than 20 percent of this cargo was manufactured in the Great Lakes States. Yet, Great Lakes ports' share of this cargo was less than 1 percent. One of the reasons why the Great Lakes got such a negligible portion of military cargo shipping was that there was not a U.S.-flag carrier in the Great Lakes trade before 1985.

Now, I want my colleagues to know that Great Lakes shipping service is good for DOD and for the taxpayer, and experience bears this out. In 1985, the first U.S.-flag service was inaugurated between the Great Lakes and northern Europe. As a direct result of this competition, DOD realized substantial transportation cost savings and was able to reduce its dependency on the Military Sealift Command [MSC] fleet of roll-on/roll-off [RO/RO] commercial charters:

Government cargo bids in October 1985 were more than 60 percent lower in may categories than they were in October 1984.

A competitor of the Great Lakes Service stated that the lower rates offered by all companies as a result of the Great Lakes roll-on/roll-off service saved the Department of Defense $68 million in 1985.

The Department of Defense has praised the Great Lakes Service. In a November 1, 1985 letter to me, Assistant Secretary of Defense for Acquisitions and Logistics Jim Wade wrote:

The initiation of [U.S.-flag] service earlier this year has been beneficial to shipping interests in the Great Lakes region as well as to the DOD. [This new service] has provided excellent service to the DOD in shipping both Government cargo and household goods of Service members between the Great Lakes and northern Europe * * * Based on the significantly lower shipping rates brought about by [the Great Lakes] competition with other commercial RO/RO carriers, we have been able to reduce to four the number of Military Sealift Command [MSC] commercially-owned chartered RO/RO ships operating on the east coast to European routes.

Since then, Dr. Wade has stated that the MSC commercially-owned chartered RO/RO ships serving the east coast will be further reduced to one by October 1, 1986. I ask unanimous consent that a copy of Dr. Wade's letter to me be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ASSISTANT SECRETARY OF DEFENSE,
*Washington, DC, November 1, 1985.*

Hon. JOHN GLENN,
*U.S. Senate, Washington, DC.*

DEAR SENATOR: Thank you for your October 4, 1985 letter which forwarded a copy of Mr. David Oberlin's letter describing Fednav Lakes Services, Inc. progress in shipping Department of Defense (DoD) cargoes.

The initiation of Fednav service earlier this year has been beneficial to shipping interests in the Great Lakes region as well as to the DoD. Fednav has provided excellent service to the DoD in shipping both government cargo and household goods of Service members between the Great Lakes and Northern Europe.

Since the initiation of Fednav service, we have closely monitored DoD roll-on/roll-off (RO/RO) shipping requirements and have evaluated the costs of using privately-owned MSC chartered ships and scheduled service such as that offered by Fednav. Based on the significantly lower shipping rates brought about by Fednav's competition with other commercial RO/RO carriers, we have been able to reduce to four the number of Military Sealift Command (MSC) commercially-owned chartered RO/RO ships operating on the East Coast to European routes. Further, MSC is attempting to redeliver two of these ships if they can negotiate a satisfactory arrangement with the ships owners that would minimize the cost to the government.

While it is difficult to accurately forecast long term DoD shipping requirements in any detail, you can be assured that we will continue to move DoD cargoes through the Great Lakes when the service meets our requirements and is cost competitive.

Sincerely,

JAMES P. WADE, Jr.

Mr. DIXON. Mr. President, I share the Senator from Ohio's support for Great Lakes shipping and I would like to share an example of the cost savings and excellent service with my colleagues. According to the Military Traffic Management Command, in 1985, the cost to the Department of Defense of moving Bradley Fighting Vehicles from their point of origin, San Jose, CA, to their southern port of embarkation (Beaumont, TX) and by ship to Europe cost $9,550 per vehicle. When the Great Lakes began offering this service in 1985, the cost of moving the Bradley Fighting Vehicle from San Jose to the Great Lakes port of embarkation and to Europe was just $5,293 per vehicle—A savings to DOD and the taxpayer of $4,257 per vehicle.

Mr. LEVIN. Mr. President, I agree with the distinguished Senators from Ohio and Illinois, that the Great Lakes offers a tremendous opportunity to the Department of Defense. A perception that shipping through the Great Lakes is more expensive and, in some cases, more time consuming has been a factor in decisions by Federal Government agencies and others to route cargo through tidewater ports rather than through the St. Lawrence Seaway. Yet the Lakes have in fact often been cost-competitive throughout the Seaway's 26-year history. A recent economic study by the Center for the Great Lakes in Chicago indicates that a Great Lakes routing would have been cost-competitive for 91 percent of outbound and 88 percent of inbound DOD cargoes shipped overseas from east coast ports between 1979 and 1984. Mr. President, I ask unanimous consent that excerpts from this report, "Moving Government Goods on the Great Lakes," by the Center for the Great Lakes, be printed in the RECORD.

Let me stress to my colleagues, we don't want special treatment in the Great Lakes. We just want it to be recognized that there is a fourth seacoast, and it offers economical and high quality service to the Government. We want our ports to be given the opportunity to compete with other ports for military cargo. Sometimes our ports are not even listed as an option in the bid where the military equipment manufacturer can deliver the equipment. This is despite the fact that the equipment is often manufactured in Great Lakes States.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

MOVING GOVERNMENT GOODS ON THE GREAT LAKES

(A Report from The Center for the Great Lakes)

THE GREAT LAKES AS COMPETITOR

A perception that shipping through the Great Lakes is more expensive and, in some cases, more time consuming has been a factor in decisions by federal government agencies and others to route cargo through tidewater ports rather than through the Great Lakes/St. Lawrence system. Yet the lakes have, in fact, often been cost competitive during the Seaway's 26-year history. Data presented in Appendix I, Tables 1 and 1-A indicate that a Great Lakes route has been used before and therefore could potentially have been cost-competitive for 91 percent of outbound and 88 percent of inbound Defense Department cargoes shipped between the East Coast and overseas ports between 1979 and 1984. (These figures represent 54 percent of outbound cargo and 45 percent of inbound cargo moving through the four U.S. coasts (Atlantic, Pacific, Gulf and Great Lakes).

TABLE 1.—SELECTED DEFENSE DEPARTMENT SHIPMENTS BY FISCAL YEAR, ORIGIN, AND DESTINATION

| DOD sponsored cargo | 1977 | 1978 | 1979 | 1980 | 1981 | 1982 | 1983 | 1984 | Average |
|---|---|---|---|---|---|---|---|---|---|
| Selected shipments by fiscal year: | | | | | | | | | |
| Million measurement tons: | | | | | | | | | |
| Total outbound and inbound | | | 7,468,674 | 7,156,488 | 6,633,418 | 7,024,227 | 7,498,797 | 7,768,988 | 7,258,432 |
| Total outbound cargo | | | 6,226,179 | 6,104,375 | 5,672,218 | 6,013,352 | 6,431,059 | 6,590,161 | 16,172,891 |
| Outbound east coast | | | 3,623,814 | 3,637,425 | 3,316,675 | 3,564,067 | 3,865,739 | 4,013,597 | 3,670,220 |
| Great Lakes [OBEC] | | | 558 | 12 | 77 | 509 | 1,351 | 1,277 | 631 |
| Outbound gulf coast | | | 599,143 | 529,301 | 470,773 | 339,856 | 414,516 | 359,683 | 452,212 |
| Outbound California | | | 1,653,793 | 1,579,566 | 1,535,051 | 1,736,490 | 1,759,925 | 1,802,106 | 1,677,822 |
| Outbound northwest coast | | | 349,429 | 358,083 | 349,719 | 372,939 | 390,879 | 414,775 | 372,637 |
| Selected shipments by percent of total and fiscal year | | | 100 | 100 | 100 | 100 | 100 | 100 | 100 |
| Outbound east coast | | | 58 | 60 | 58 | 59 | 60 | 61 | 59 |
| Great Lakes [OBEC] | | | 0.0090 | 0.0002 | 0.0014 | 0.0085 | 0.0210 | 0.0194 | 0.0102 |
| Outbound gulf coast | | | 10 | 9 | 8 | 6 | 6 | 5 | 7 |
| Outbound California | | | 27 | 26 | 27 | 29 | 27 | 27 | 27 |
| Outbound northwest coast | | | 6 | 6 | 6 | 6 | 6 | 6 | 6 |
| Great Lakes compatible | | | 3,280,855 | 3,302,839 | 3,030,889 | 3,233,098 | 3,545,408 | 3,656,103 | 3,341,532 |
| Selected OBEC percent of total | | | 91 | 91 | 91 | 91 | 92 | 91 | 91 |
| Arabian Gulf | | | 33,658 | 10,276 | 12,909 | 12,296 | 10,955 | 19,166 | 16,543 |
| Azores | | | 28,654 | 26,634 | 44,415 | 31,635 | 31,649 | 36,036 | 33,125 |
| Bermuda | | | 16,966 | 23,624 | 23,132 | 22,389 | 24,420 | 25,598 | 22,688 |
| Black Sea | | | 35 | 11 | 17 | 10 | 11 | 0 | 14 |
| British Isles | | | 247,860 | 219,610 | 218,245 | 253,677 | 296,690 | 291,934 | 259,169 |
| Caribbean | | | 21,660 | 22,680 | 14,899 | 17,370 | 30,884 | 44,311 | 25,301 |
| East coast South America | | | 817 | 764 | 179 | 124 | 187 | 121 | 365 |
| East Mediterranean | | | 97,866 | 103,550 | 103,170 | 121,322 | 152,287 | 119,788 | 116,330 |
| Europe | | | 2,433,490 | 2,539,018 | 2,259,955 | 2,414,057 | 2,611,093 | 2,748,325 | 2,500,990 |
| Guantanamo Bay | | | 53,343 | 65,392 | 59,167 | 61,523 | 65,275 | 70,325 | 62,504 |
| Iceland | | | 41,047 | 42,565 | 44,320 | 40,822 | 41,717 | 38,914 | 41,564 |
| Thule | | | 0 | 0 | 8,733 | 8,151 | 7,924 | 7,141 | 5,325 |
| West Africa | | | 0 | 4,700 | 5,432 | 5,342 | 5,520 | 4,919 | 4,335 |
| West Mediterranean | | | 277,901 | 244,002 | 236,412 | 243,872 | 265,446 | 248,250 | 252,647 |
| Great Lakes to west Mediterranean | | | 558 | 12 | 77 | 509 | 1,351 | 1,277 | 631 |

Source: Military Sealift Command: Dry Cargo Traffic/Route-Commodity-Carrier Reports.

TABLE 1–A.—SELECTED DEFENSE DEPARTMENT SHIPMENTS BY FISCAL YEAR, ORIGIN, AND DESTINATION

| DOD sponsored cargo | 1977 | 1978 | 1979 | 1980 | 1981 | 1982 | 1983 | 1984 | Average |
|---|---|---|---|---|---|---|---|---|---|
| Selected shipments by fiscal year: | | | | | | | | | |
| Million measurement tons: | | | | | | | | | |
| Total outbound and inbound | | | 7,468,674 | 7,156,488 | 6,633,418 | 7,024,227 | 7,498,797 | 7,768,988 | 7,258,432 |
| Total inbound cargo | | | 1,242,495 | 1,052,113 | 961,200 | 1,010,875 | 1,067,738 | 1,178,827 | 1,085,541 |
| Inbound east coast | | | 596,883 | 548,548 | 480,074 | 520,467 | 557,789 | 604,328 | 551,348 |
| Great Lakes [IBEC] | | | 2 | 0 | 0 | 0 | 0 | 0 | 0 |
| Inbound gulf coast | | | 255,894 | 155,084 | 147,948 | 124,394 | 130,734 | 203,293 | 169,558 |
| Inbound California | | | 332,130 | 286,761 | 276,820 | 315,347 | 315,443 | 294,607 | 303,518 |
| Inbound northwest coast | | | 57,586 | 61,721 | 56,357 | 50,668 | 63,772 | 76,599 | 61,117 |
| Selected shipments by percent of total and fiscal year | | | 100 | 100 | 100 | 100 | 100 | 100 | 100 |
| Inbound east coast | | | 48 | 52 | 50 | 51 | 52 | 51 | 51 |
| Great Lakes [IBEC] | | | 0.0001 | 0 | 0 | 0 | 0 | 0 | 0 |
| Inbound gulf coast | | | 21 | 15 | 15 | 12 | 12 | 17 | 15 |
| Inbound California | | | 27 | 27 | 29 | 31 | 30 | 25 | 28 |
| Inbound northwest coast | | | 5 | 6 | 6 | 5 | 6 | 6 | 6 |
| Great Lakes compatible | | | 532,307 | 484,336 | 424,684 | 462,791 | 493,847 | 516,501 | 485,744 |
| Selected IBEC percent of total | | | 89 | 88 | 88 | 89 | 89 | 85 | 88 |
| Arabian Gulf | | | 706 | 18 | 72 | 1,535 | 55 | 61 | 408 |
| Azores | | | 15,291 | 13,895 | 12,342 | 13,366 | 9,080 | 2,778 | 11,125 |
| Bermuda | | | 6,246 | 5,388 | 6,998 | 6,807 | 6,351 | 8,136 | 6,654 |
| British Isles | | | 63,020 | 33,856 | 38,834 | 41,548 | 40,945 | 38,953 | 42,859 |
| Caribbean | | | 14,200 | 11,458 | 6,972 | 7,174 | 11,569 | 31,634 | 13,835 |
| East coast South America | | | 30 | 0 | 0 | 0 | 22 | 64 | 19 |
| East Mediterranean | | | 18,426 | 16,772 | 15,544 | 26,687 | 12,429 | 22,804 | 18,777 |
| Europe | | | 281,602 | 294,974 | 253,460 | 261,952 | 321,921 | 311,715 | 287,604 |
| Guantanamo Bay | | | 20,590 | 21,549 | 21,636 | 20,943 | 20,665 | 18,966 | 20,725 |
| Iceland | | | 11,176 | 16,300 | 13,274 | 15,086 | 14,621 | 17,793 | 14,708 |
| Lesser Antilles | | | 5,544 | 1,914 | 0 | 2,973 | 1,705 | 28,949 | 6,847 |
| Newfoundland | | | 2,974 | 2,423 | 0 | 22 | 116 | 44 | 930 |
| Panama Atlantic | | | 5,444 | 3,729 | 0 | 0 | 0 | 0 | 1,529 |
| Puerto Rico | | | 22,083 | 19,787 | 19,277 | 22,065 | 21,435 | 0 | 17,441 |
| Thule | | | 491 | 3,803 | 0 | 2,131 | 2,832 | 2,612 | 1,978 |
| West Africa | | | 0 | 0 | 0 | 0 | 0 | 24 | 4 |
| West Mediterranean | | | 64,484 | 38,470 | 36,275 | 40,503 | 30,101 | 31,967 | 40,300 |
| Great Lakes to west Mediterranean | | | 2 | 0 | 0 | 0 | 0 | 0 | 0 |

Source: Military Sealift Command: Dry Cargo Traffic/Route-Commodity-Carrier Reports.

Mr. METZENBAUM. I wholeheartedly share the sentiments expressed by my colleague and friend from Ohio. The Department of Defense needs to ship more cargo from Great Lakes ports.

The Department of Defense spends approximately $750 million for the ocean transportation of defense cargo. It is only fitting that a fair share of military cargo manufactured in the Great Lakes be transported through Great Lakes ports on U.S.-flag vessels.

DOD ignored the fourth sea coast for too long. Two years ago, DOD shipped less than 1 percent of its total cargo through the Great Lakes, even though 20 percent of the cargo was manufactured in the eight Great Lakes States.

There is no excuse to bypass the Great Lakes ports. DOD can no longer overlook the cost savings which can accrue from shipping military cargo from these ports. Last year, U.S.-flag service was inaugurated between the Great Lakes and northern Europe. The increased competition from this helped reduce DOD's total shipping costs by 60 percent and saved DOD $68 million.

It is good public policy and good fiscal policy for DOD to ship a more

realistic portion of its cargo through the Great Lakes. I am confident that they will see the wisdom in doing so.

In summary, it is clear that the entry of Great Lakes service has resulted in savings to DOD and the taxpayer, and provides excellent service in shipping both military cargo and household goods between the Great Lakes and northern Europe.

THE LAUTENBERG AMENDMENT (No. 2628) OFFERED ON AUGUST 7

● Mr. LEVIN. Mr. President, during the debate on August 7 on the Lautenberg amendment which related to the wearing of religious apparel, I referred to a speech made by President Reagan to the Baptist Fundamentalism Convention in 1984. This statement by the President bears witness to the existence and the value of religious pluralism in the military and makes specific reference to the wearing of a skull cap in the military in a highly supportive way that the text of the President's remarks appear at this point in the record.

The remarks follow:

BAPTIST FUNDAMENTALISM 1984 CONVENTION

(Remarks at the Convention April 13, 1984)

Reverend [Jerry] Falwell, ladies and gentlemen, thank you very much, for there are no words to describe a welcome such as you've given me here. It's a real pleasure to be with so many who firmly believe that the answer to the world's problems can be found in the Word of God.

I'm only sorry I can't spend the entire evening with you, but I'm expected across town. [Laughter] But tonight, believe me, I came here with some trepidation, and your warm welcome didn't exactly make me feel any easier, because I'm going to do something that I haven't done before. I'm not going to talk to you about some of the things we've talked about before and some of the things that we've tried to accomplish and that we haven't yet. With regard to that, I will only say let us all heed the words of an old Scotch ballad, "For those defeats that we've had so far, we are hurt; we are not slain. We'll lie us down and rest a bit, and then we'll fight again."

What I'm going to do—and I know you're not supposed to apologize any time you start speaking for what you're going to say—but I know that even you, whose calling it is to keep the rest of us, if possible, on the right path, in these days of cynicism, in these day's when there are people that in the guise of separating church and state would go so far as to say we should not even have chaplains in the military service—I know that there are times when all of us wonder whether we're being effective. And tonight, I'd like to share an account that I received that shows how God works in our lives even in the darkest of hours.

This report concerns the marines in Beirut—brave men who believed that the goal we sought in that place was worthy of their best and gave their best. In the end, hatred centuries old made it impossible for Lebanon to achieve peace when we and so many others hoped it would. But while they were there, those young men of ours prevented widespread killing in Beirut, and they added luster, not tarnish to their motto, "Semper Fidelis."

I'm going to read to you another man's words. And they're words that, perhaps, answer what I said a moment ago about whether we sometimes were shaken in our faith and in our beliefs. On that October day when a terrorist truck bomb took the lives of 241 marines, soldiers, and sailors at the airport in Beirut, one of the first to reach the tragic scene was a chaplain, the chaplain of our Sixth Fleet, Rabbi Arnold E. Resnicoff. And here is what he finally felt urged at the end of that day to put down in writing of the experiences of that day.

He said, "I along with Lieutenant Commander George 'Pooch' Pucciarelli, the Catholic chaplain attached to the marine unit, faced a scene almost too horrible to describe. Bodies and pieces of bodies were everywhere. Screams of those injured or trapped were barely audible at first, as our minds struggled to grapple with the reality before us—a massive four-story building, reduced to a pile of rubble; dust mixing with smoke and fire, obscuring our view of the little that was left.

"Because we'd thought that the sound of the explosion was still related to a single rocket or shell, most of the marines had run toward the foxholes and bunkers while we, the chaplains, had gone to the scene of the noise, just in case someone had been wounded. Now, as the news spread quickly throughout the camp—news of the magnitude of the tragedy, news of the need for others to run to the aid of those comrades who still might be alive, marines came from all directions. There was a sense of God's presence that day in the small miracles of life which we encountered in each body that, despite all odds, still had a breath within. But there was more of His presence, more to keep our faith alive, in the heroism and in the humanity of the men who responded to the cries for help. We saw marines risk their own lives again and again as they went into the smoke and the fire to try to pull someone out or as they worked to uncover friends, all the while knowing that further collapse of huge pieces of concrete, precariously perched like dominos, could easily crush the rescuers.

"There was humanity at its best that day and a reminder not to give up the hope and dreams of what the world could be in the tears that could still be shed by these men, regardless of how cynical they had pretended to be before, regardless of how much they might have seen before.

"Certain images will stay with me always," he writes. "I remember a marine who found a wad a money amidst the rubble. He held it at arm's length as if it were dirty and cried out for a match or a lighter so that it could be burned. No one that day wanted to profit from the suffering of catastrophe. Later the chaplains would put the word out that the money should be collected and given to us, for we were sure that fund for widows and orphans would ultimately be established. But at that moment, I was hypnotized with the rest of the men and watched as the money was burned.

"Working with the wounded—sometimes comforting, simply letting them know help was on the way; sometimes trying to pull and carry those whose injuries appeared less dangerous in an immediate sense than the approaching fire or the smothering smoke—my *kippa* was lost. That is the little headgear that is worn by rabbis. The last I remember it. I'd used it to mop someone's brow. Father Pucciarelli, the Catholic chaplain, cut a circle out of his cap—a piece of camouflaged cloth which would become my temporary headcovering. Somehow he wanted those marines to know not just that we were chaplains, but that he was a Christian and that I was Jewish. Somehow we both wanted to shout the message in a land where people were killing each other—at least partially based on the differences in religion among them—that we, we Americans still believed that we could be proud of our particular religions and yet work side by side when the time came to help others, to comfort, and to ease pain.

"Father Pucciarelli and I worked that day as brothers. The words from the prophet Malachi kept recurring to me—words he'd uttered some 2,500 years ago as he had looked around at fighting and cruelty and pain. 'Have we not all one Father?' he had asked. 'Has not one God created us all?' It was painfully obvious, tragically obvious, that our world still could not show that we had learned to answer, yes. Still, I thought, perhaps some of us can keep the question alive. Some of us can cry out, as the marines did that day, that we believe the answer is yes.

"Before the bombing, Pooch"—that's his name for the other chaplain with him—"and I had been in a building perhaps a hundred yards away. There'd been one other chaplain, Lieutenant Danny Wheeler, a Protestant minister who'd spent the night in the building which was attacked. Pooch and I were so sure that he was dead that we had promised each other that when the day came to return to the States we would visit his wife together. Suddenly, Pooch noticed Danny's stole, what he used to call his Protestant tallit. Because it was far from the area Danny was supposed to have been in, there was cautious hope that perhaps he had been thrown clear, that perhaps he had survived. Later, Danny would tell the story of his terror. He was under the rubble, alive, not knowing what had happened and not knowing how badly he was hurt. Then he heard voices of the marines searching near his stole. And his cry for help was answered with digging, which lasted 4 hours before he was dragged out alive.

"Danny told me later that I treated him like a newborn baby when he came out; that I counted his fingers and toes, trying to see that he was whole. I didn't realize that I was so obvious, but the truth is that we couldn't believe that he was in one piece. I hugged him as they brought over a stretcher. I can still hear his first words. Wracked with pain, still unsure of his own condition, he asked how his clerk was. Like so many of the men we would save that day, he asked first about others.

"These men, the survivors, still had no idea of the extent of the damage. They still thought that perhaps they'd been in the one area of the building hit by a rocket or mortar. We would wait until later to sit with these men and tell them the truth, to share with them the magnitude of the tragedy. After the living were taken out there was much more work to be done. With the wounded, with those who had survived, there was the strange job of trying to ease a gnawing feeling of guilt that would slowly surface, guilt that they—"

[At this point, the President was interrupted by persons chanting, "Bread, not bombs."]

Wouldn't it be nice if a little bit of that marine spirit would rub off, and they would listen about brotherly love? [Applause.]

[The chanting continued.]

I was talking about the guilt that was felt by the men who were alive, the guilt that they had somehow let down their comrades by not dying with them. That is something that happens a great deal in combat.

"So our job," he said, "was to tell them how every life saved was important to us; how their survival was important to our faith and our hope. They had to give thanks with us that they still had the gift and the responsibility of life which would go on—"

[The chanting continued.]

I've got more decibels at work for me than they have. [Applause.]

[At this point, there was some commotion in the audience.]

I think they've leaving. [Applause.] Well, back to the chaplain. [Laughter.]

"With others, the marines who stayed behind to continue the job of digging—a terrible, horrifying job of collecting human parts for identification and for eventual burial—there was the job of comforting them as they mourned.

"Thankfully, the self-defense mechanism within us took over from time to time and we were able to work without reacting to each and every horror that we would encounter. But suddenly something would trigger our emotions, something would touch our humanity in a way impossible to avoid. For some it would be the finding of a friend's body, someone filled with life only days before. For others, it would be a scrap of paper or a simple belonging, a birthday card or a picture of someone's children which would remind them that this was no abstract body count of 240 military casualties. This was a tragedy of people where each was unique and each had a story. Each had a past and each had been cheated of a future. As the Mishnah puts it, 'Each was a world.' We were not digging up 240. We were digging up one plus one plus one.

"I have a personal memory of two things which brought to my mind images of life, images which haunt me still. One was a packet of three envelopes tied together with a rubber band. On top, under the band, was a note which read, 'To be mailed in case of death.' The other was a Red Cross message delivered the next morning. The American Red Cross is the agency used by many Navy families to communicate medical news from home. This message was a birth announcement. A baby had been born, and we were to deliver the good news. Only now, there was no father whom we could congratulate, no father to whom the news could be conveyed. That message stayed on the chaplains' desk for days. Somehow we couldn't throw it away, so it stayed on the desk and without mentioning it, we all seemed to avoid that desk.

"I stayed in Beirut for 4 more days before finally returning to Italy and to my family. During those days, as the work went on, a marine here or there would send a silent signal that he wanted me, that is a chaplain, near. Sometimes it was to talk. Sometimes it was so that he could shrug his shoulders or lift his eyes in despair. Sometimes it was just to feel that I was near. For despite the struggles I might be feeling on a personal level, I was a chaplain and, therefore, a symbol that there was room for hope and for dreams, even at the worst of times.

"In our tradition, of course, when we visit the home of a mourner during Shiva, the first week following the death of a loved one, visitors follow a simple rule: If the mourner initiates the conversation, the visitor responds. Otherwise, you sit in silence, communicating concern through your very presence, even without words. Somehow I applied those rules during those days of digging. When a soldier or sailor said something, I responded. Otherwise, I stood by.

"During all of my visits to Beirut, I, along with the other chaplains, spent much time simply speaking with the men. Informal discussions, whether going on while crouched in a foxhole or strolling toward the tents set up for chow, were just as important as anything formal we might set up.

"I remember the first time I jumped in a foxhole, the first time the shells actually fell within the U.S. area. Looking around at the others in there with me, I made the remark that we probably had the only interfaith foxholes in Beirut. The Druze, the Muslims, Christians, all had theirs. The Jewish forces in the Israeli Army had theirs. But we were together. I made the comment then that perhaps if the world had more interfaith foxholes, there might be less of a need for foxholes altogether.

"To understand the role of the chaplain—Jewish, Catholic, or Protestant—is to under stand that we try to remind others, and perhaps ourselves as well, to cling to our humanity even in the worst of times. We bring with us the wisdom of men and women whose faith has kept alive their dreams in ages past. We bring with us the images of what the world could be, of what we ourselves might be, drawn from the visions of prophets and the promises of our holy books. We bring with us the truth that faith not only reminds us of the holy in heaven, but also of the holiness we can create here on Earth. It brings not only a message of what is divine, but also of what it means to be truly human.

"It's too easy to give in to despair in a world sometimes seemingly filled with cruelty and brutality. But we must remember not just the depths to which humans might sink, but also the heights to which they may aspire.

"That October day in Beirut saw men reach heroic heights—indeed, heights of physical endurance and courage to be sure, but heights of sacrifice, of compassion, of kindness, and of simple human decency as well, and even if the admission might bring a blush to the cheeks of a few of the marines, heights of love.

"Long ago the rabbis offered one intepretation of the Biblical verse which tells us that we're created in the image of God. It does not refer to physical likeness, they explained, but to spiritual potential. We have within us the power to reflect as God's creatures the highest values of our Creator. As God is forgiving and merciful, so can we be; as He is caring and kind, so must we strive to be; as He is filled with love, so must we be.

"Because of the actions I witnessed during that hell in Beirut, I glimpsed at least a fleeting image of heaven, for in the hearts and hands of men who chose to act as brothers, I glimpsed God's hand as well. I did not stand alone to face a world forsaken by God. I felt I was part of one created with infinite care and wonderful, awesome potential.

"We live in a world where it's not hard to find cause for despair. The chaplain has the challenge to bring those who often see terror at its worst, some reason for hope. We need to keep faith and to keep searching, even in the worst of times. Only then may we find strength enough to keep believing that the best of times might still be."

"These were the words of Lieutenant Commander Resnicoff. I read them because I just felt that all of us—and I know how much you do of this—let us strive to live up to the vision of faith that Chaplain Resnicoff saw that day, and let us never stop praying and working for peace.

"Thank God, and thank you, and God bless you all.

### DEFENSE MAPPING AGENCY

Mr. PELL. Mr. President, I wish to record my concern about one aspect of the Department of Defense budget for the coming year which is of great concern to the State of Rhode Island, and that is the operation of the Defense Mapping Agency.

Technological innovations in mapmaking appear to be having a substantial impact on the operation and structure of the Defense Mapping Agency, but the effects are being distributed unevenly throughout the organization. Last March, the Agency singled out its Rhode Island field office for possible shutdown, throwing the work force of 225 civilian cartographers into a difficult period of anxiety and uncertainty while a feasibility study is conducted.

While a number of secondary reasons were given for the Agency's action, at base it appears to have resulted from the Agency's conversion to sophisticated computerized digital technology which involves new equipment to receive and convert signals from space satellites. The Agency, and its Director, Maj. Gen. Robert Rosenberg, are to be commended for the strides which are being made in converting to the new technology, which has important implications for defense navigational and guidance systems worldwide, as well as for mapmaking.

However, the Agency does not appear to have done a systematic job of planning and anticipating the impact of the new technology on its internal organizational structure, which includes five field offices as well as its headquarters in Washington and numerous other components. The selection of the Providence field office for possible closure appears to have been made at random, independent of any comprehensive and systematic plan for integrating the new technology into the overall structure of the Agency.

Because of this lapse, I believe that all steps to close the Providence field office should be suspended. There simply is no justification for proceeding with an ill-planned action and for placing in question the future status of the 225 skilled employees. They deserve far more consideration than they have received thus far, and they are entitled to the assurance that their future status is not being determined by whim or random chance.

Had it been appropriate to do so, I was prepared to move in conjunction with my able and distinguished colleague, Senator CHAFEE, to amend the pending bill to direct the Defense Mapping Agency to suspend all plans

for closing facilities until Congress has had the opportunity to review a detailed and comprehensive plan for integrating new technology into the structure of the Agency. Because the Armed Services Committee is opposed to legislative management of proposals to close defense installations, we are withholding our amendment at this time.

However, in doing so, we record our concern and our intention to seek administrative relief from the Department of Defense. The Secretary of Defense has a clear responsibility to review this matter and to insist that structural changes in the Defense Mapping Agency are undertaken only in a framework of prudent organizational planning.

Mr. CHAFEE. Mr. President, I join my distinguished colleague from Rhode Island in expressing my deep concern about the Defense Mapping Agency's apparent intention to close its Providence field office in West Warwick, RI. I regret that this bill does not present an opportunity for us to offer an amendment that would block any proposed closing of the field office.

The Providence field office, which compiles topographic and navigational charts for the Department of Defense, has operated continuously since 1951. By all accounts, including that of the Director of the Defense Mapping Agency, the Providence workers form a highly skilled team that has always performed outstandingly. Since their cartography skills are not easily marketable outside the Agency, many would be forced to leave Rhode Island if the field office were closed. These workers would be able to understand the Agency's feasibility study if it were looking at all options for best consolidating the Agency. Unfortunately, the Agency seems to have singled out the Providence office as their only candidate for termination, without any good explanation and despite the fact that this office has always been and can continue to be a great asset to the Agency.

In this regard, there are several important points to keep in mind;

First, although Defense Mapping Agency officials claim to be looking at the proposed closing of the Providence field office as part of a big cost-saving push involving the entire agency, they are not conducting any similar feasibility studies at any of their other five facilities.

Second, Agency officials initially claimed that the main reason for the proposed closing was that the current facility in Rhode Island has neither the electrical nor the floor loading capacity to handle their new, heavy computerized equipment. Recently, however, local town planners have demonstrated that this is not the case. And the landlord at the current facility has expressed his willingness to discuss modifications which would make the facility suitable.

Third, the proposed change is billed as a cost-saving measure, yet the fact is that on August 1, 1983, the Agency signed a 10-year lease for their current facility, at $485,000 per year. Thus, closing the facility will be a very costly move for the Department of Defense.

Fourth, the Director of the Defense Mapping Agency has said that he plans to explore every option for keeping the Providence field office open. His main concern, as expressed to me, was that constructing a new, suitable facility in Rhode Island would cost about $18 million, and he knew of no existing, available facilities that could serve as substitutes. Those conducting the study were shown an available facility in the same town which meets all of the Agency's requirements; however, I am concerned they are not seriously considering it.

It has been pointed out that centralization of our mapmaking facilities would not be in the best interest of national security. If all of mapmaking facilities are consolidated to a few locations, it is arguable that in the case of an attack, we could be without this vital service.

In the face of the fact that there are strong arguments for keeping the Providence office of the Defense Mapping Agency open, particularly in view of its excellent record, I remain deeply concerned over the way the Agency's feasibility study has been conducted. Since the study will be completed next month, I believe it is very important that the DOD step back, suspend the feasibility study and realize the wisdom of keeping the Defense Mapping Agency in Rhode Island.

I will continue to press the Department of Defense to review this matter at the highest level.

Mr. DURENBERGER. Mr. President, we have spent a considerable amount of time on this floor debating the Defense authorization bill for fiscal year 1988. The stakes associated with this bill are high: Approximately one third of all Federal spending, about 6 percent of the gross national product, and the security of the United States depends on the decisions we will make.

As chairman of the Select Committee on Intelligence, I would like to point out the importance of intelligence for these decisions, and, in particular, for decisions affecting the acquisition of weapons systems.

Intelligence for defense acquisition is produced by a number of agencies funded under the General Defense Intelligence Program, part of the National Foreign Intelligence Program. In the present system, each of the armed services generally produce their own intelligence for the weapons they propose for acquisition. For example, the Air Force develops the assessment of Soviet missile defense that are used to design the B–1B and Stealth bombers.

As I see the problem, intelligence for defense acquisition should serve two purposes. First, this intelligence should enable defense planners to build the best weapons possible. That is, if we have decided to build a new bomber, then we should make sure that we have the intelligence that will tell us how to build the bomber so that it can penetrate Soviet defenses effectively.

This part of the acquisition cycle seems to work well. Program managers work hard to make sure their weapons can beat the opposition. These managers usually designate red teams within their staffs, who then put themselves in the place of Soviet military leaders and try to think of how the system under development could be defeated. By the time most U.S. weapons reach production, they are, in a sense, already veterans of many wars.

The other purpose intelligence plays in the acquisition cycle is to tell defense officials which of several weapons is the best choice for meeting a given threat. For example, if the mission is to deliver a nuclear warhead to the Soviet Union, this intelligence should suggest whether the best choice is a bomber, or a ballistic missile, or a cruise missile, or perhaps some other vehicle.

I must admit that this part of the acquisition process does not seem to work as well. As I said before, the armed services usually develop their own threat assessment. Sometimes they are even developed by the company building the weapon. As one might understand, the Navy is reluctant to develop intelligence that shows aircraft carriers are a less efficient way to deliver bombs to Bering Sea ports than are manned bombers—just as the Air Force is reluctant to develop intelligence that might suggest that sea-based cruise missiles are better at beating Soviet air defenses than are bombers.

This is only natural. Program managers have many incentives to develop the intelligence necessary to make their weapon the best possible. They have few incentives to develop the intelligence that might kill their program by showing that a better alternative exists.

There are also other problems in the use of threat assessments in defense acquisition today. Many threat assessments are introduced into the acquisition cycle too late to do much good.

The acquisition of a major weapon system today, by law, is said to go through three phases: A first phase, in which the basic concept of the weapon is defined; a second phase, in which the design of the weapon is developed;

and a third phase, in which the weapon is actually manufactured and deployed. Under current law, the first formal requirement for developing a threat assessment to support the acquisition of a weapon occurs at the end of the first phase, when the concept of the weapon is determined. It is true that only a small amount of money will have been spent by that point; paper-and-pencil studies are cheap. Yet, the truth is, by defining just the basic concept of a weapon, one will have determined fully 70 percent of its entire lifetime costs before any assessment of the threat is required.

One might ask, "Does this really matter?" Plainly, it does.

Take one recent example, the Army's divisional air defense gun, or, as it was known, the "DIVAD."

The Army spent 7 years and $1.8 billion developing the DIVAD. As most of the Members will recall, the Defense Department canceled the DIVAD last year just after it entered production. Secretary Weinberger claimed at the time of the cancellation that DOD's decision was based on the fact that the DIVAD lacked the range of fire necessary to shoot down Soviet helicopters. The helicopter could remain out of range and destroy U.S. forces using stand-off missiles.

Why didn't the Army know about the Soviet helicopters? The Chief of Staff of the Army, Gen. John Wickham, recently met with some reporters and discussed the matter. General Wickham admitted that a mistake had been made, and said that there must have been, to use his words, "some disconnect" between the intelligence community and the Defense Department, at $1.8 billion, that was some disconnect.

In truth, what happened was that the DIVAD was optimized against a single threat—low-flying aircraft. The gun was simply never intended to shoot down motionless helicopters hovering 2 miles away. The DIVAD could carry out its intended mission. The problem was that, when the decision was being made whether to go with the DIVAD or to build some other system instead, the defense planners had an inadequate picture of the total Soviet threat. That is to say, they had inadequate intelligence.

It is difficult to know how widespread this problem is. The Select Committee on Intelligence will be holding hearings next month, at which we will ask representatives from the Defense Department and the intelligence community to tell the members how threat assessments are developed and how they are used to support acquisition decisions.

I can say, however, that one useful step has already been taken. In the defense authorization bill for fiscal year 1988, the Armed Services Committee has proposed creating an Under Secretary of Defense for Acquistion. This Under Secretary would have the authority—and the responsibility—to insure that U.S. weapons systems are designed so that they meet U.S. requirements for national security. In this capacity, the Under Secretary will also be responsible for establishing guidelines for the development of threat assessments and their use in acquisition decisions.

Compared to the costs of a poorly designed weapon, the cost of intelligence is cheap—which, I might add in passing, is one more reason why intelligence should be given special consideration in decisions affecting spending for national security. Also, properly used, threat assessment lets us make the most of our defense dollars by aiming for the opponent's weak spots. I support the initiatives taken by the members of the Armed Services Committee and would urge my colleagues to do the same.

Mr. President, for the past few years, more and more of us have begun to recognize that, in defense as in other programs, money is necessary but it is not sufficient to ensure our security. It's as foolish to increase spending for the sake of increase as it is to cut for the sake of cutting. We have to remember that there are a number of comparatively invisible programs and an array of intangibles which, when put together, are the things which really determine whether we will have a military that is trained, deployable, sustainable, and robust enough to handle the extraordinary demands which will be laid upon it.

In many respects, the past couple of years have been very encouraging. The Packard Commission has returned its report on procurement reform, and people are beginning to understand that the management of weapons acquisition is not simply a matter of driving down the costs of hammers and toilet seats.

The Secretary of Defense has enunciated a set of principles governing the use of force which both reflect the best of military thinking after Vietnam and help to ensure that we will never again repeat that disastrous slide into humiliation.

Congress has come to grips with such issues as military compensation and recruiting standards, with the result that the young men and women now serving in our Armed Forces are some of the finest and most talented people we have seen in years.

Finally, of course, we have begun to take some basic steps toward achieving a more rational system of planning, coordination, and command through the adoption of the JCS reorganization bill.

Are these signs encouraging? Yes. Are they enough? Certainly not.

I hope, Mr. President, that we do not rest on our laurels. I hope that, after the burst of energy we have witnessed over the past couple of years, we do not conclude that all is now well and that we can return to business as usual. Much more remains to be done, and in the austere budget environment which we are now facing, we will be forced to make some very hard decisions about trade-offs.

Consider the issue of force structure. At the moment, we are largely locked in to enormous commitments in shipbuilding. But this year, we are likely to see zero growth at best and an actual decline at worst in our overall defense budget. If this trend continues—and it probably will—it is going to mean that every additional nuclear carrier battle group we purchase will mean several fewer sets of equipment for Army divisions. Are we really prepared to address that trade-off? Or are we instead going to take the view that we have somehow empowered the Chairman of the Joint Chiefs of Staff to impose coherence on the budget?

At a lower level, the Army is currently moving toward a structure of 17 active service divisions. Yet these divisions will be configured around as many as seven separate types: armored, mechanized, motorized, light, airborne, airmobile, and "leg" infantry. Manning these diverse structures will be tough enough, and coordinating them on the battlefield tougher still, but the problem looks nearly insurmountable when we consider the Army's personnel end strength is now fixed at 781,000. I agree strongly with those who feel that the Army should squeeze more fighting power out of its people by trimming its "tail" in order to sharpen its "teeth." But at some point, we have to ask whether we aren't getting too much of a good thing. Are we prepared to ask that question? Or will we let the Army pursue its traditional "mobilization mentality," a mentality which emphasizes form over substance in the belief that it can fill out its understrength units when a crisis draws our attention?

At a still lower level, we continue to face the severe shortages of prosaic but vital equipment which must underpin every armed force. As a recent editorial by David Evans, a newly retired marine lieutenant colonel, makes clear, we continue to be hampered by deficiencies in such elementary items as a decent bazooka for the infantry; secure antennas for our tactical radios; or water cans which are lightweight enough to be carried by tired troops. As one who served a number of years in the Army, I am struck by Colonel Evans' description of so basic an item as the new helmet. Everybody I knew hated the old steel pot when forced to wear it, and few of us really believed

that it would actually keep us alive if it were struck by a bullet. But it did serve its basic purpose, and it was adaptable as a cooking pot, a shaving basin, and a small pail. The new helmet, as Colonel Evans points out, can't even be worn without first spending 30 minutes adjusting the headband.

This is perhaps a trivial example, but it was one which struck home. At a more serious level, I must ask myself why it is, after all these years of experience, that the armed services can't agree on such basic items as a common means of sharing data; a common radio for air-to-ground and ground-to-air communications; a common architecture for tactical intelligence; a common plan for airlift and sealift.

Problems like these are not new. As Arthur Hadley has made clear in his most recent book, our armed services have traditionally had great difficulty working together in joint operations because of interservice differences, and have often ignored such basics as logistical support or intelligence support because of intraservice problems. Lest we think that such difficulties are unimportant, we should remember that it was difficulties of this sort which contributed to the disaster at Desert One, which contributed to casualties in Grenada, and which were singled out by the Long Commission investigating the deaths of some 240 marines in Beirut.

In short, Mr. President, we have done much in the past few years, and the military services have themselves made great strides both toward modernizing their forces and improving their skills. I am particularly pleased that the Air Force and the Army have signed a long memorandum of agreement on common missions and joint doctrine.

But for all the progress we have made, much remains to be done, and it is distressing how much of this represents issues and problems which are decades old.

It is now common wisdom that the enormous surge in our defense budget which began in 1980 is tapering off. Most of us recognize that this will impose some tough choices with respect to the procurement of major systems—the MX or SDI or the B-1 or new aircraft carriers.

But our task is to do more than simply weigh the merits of major systems. It is to look deeper, to address the difficulties of joint operations, of sustainability, of micromanagement.

Reform of the Joint Chiefs of Staff is a vital step in this direction, but it is not sufficient in its own right. Moreover, we must always remember that simply because Congress has shifted some boxes around in an organizational diagram, this is no guarantee that the reform will achieve its goals. Powerful organizations have a tendency to resist change as long as possible, and then to adopt only the trappings of change once action is mandated. That's why so many of the most eloquent spokesmen for organizational change—people like Gen. David Jones or Gen. Bruce Palmer—seem always to have argued their case after they left the military, not while they were serving.

Many years ago, another reformer, the Civil War hero Emory Upton, wrote of his frustrations in trying to rationalize the Department of the Army. In particular, he found it difficult to convince people that work needed to be done, and that once done the effort needed to be sustained. His words should provide us all with some caution. He wrote:

> Ultimate success in all our wars has steeped people in the delusion that our military policy is correct and that any departure from it would be no less difficult than dangerous.

Today, we debate the defense authorizations bill while basking in the sunlight of the JCS reform measure. We look with understandable pride and satisfaction at the quality of the people now serving in our Armed Forces. We remember with gratitude those who reminded Muammar Qadhafi that our patience has limits. In short, we have reason to feel good.

But let us not feel so good that we ignore the need for more effort. Much remains to be done, and doing it will be difficult. But as General Upton reminds us, our failure to do what must be done will be dangerous.

Mr. DODD. Mr. President, I rise in support of S. 2638, the fiscal year 1987 Department of Defense authorization bill. We have spent 6 long days on this bill and these days, when the Senate so often gets mired in all kinds of legislative gridlocks, 6 productive days spent with meaningful debates, making continuous progress, is rare indeed. I hope it is a sign that television coverage will force us to tidy up our work habits and use our time more productively.

The other reason for this unusual expediency has certainly been the outstanding management team that shepherded this legislation through the floor. The Senate is fortunate to have had the Senator from Arizona and the Senator from Georgia as, respectively, the chairman and the ranking minority member of the Armed Services Committee. Their unquestioned expertise in military matters matched by legislative skills of similar caliber have given them the necessary authority to keep the Senate on track until the completion of the business.

Mr. President, as is always the case with a legislation of this size and complexity, I like many of its provisions and dislike many others. Overall, however, I have found less in it to be unhappy about than in some earlier years. Perhaps the severe budget crunch that we are facing made us more careful in allocating our funds. Indeed another general observation I can make about this year's authorization debate was that the level of acrimony and partisanship was considerably less than in some previous years. I hope this can be the standard for the future.

To raise a few thoughts about specific points in this bill I am not very happy with the overall funding level, no growth above the rate of inflation. It could hardly be otherwise, though, as the size of the deficit and our attempt to cope with it, the Gramm-Rudman legislation made it virtually impossible even to consider anything above a 1 to 3 percent real growth. My objection is of a longer perspective. I opposed the excessive growth rates of the early 1980's precisely because I was convinced that that rate was not sustainable, and the steep increases would inevitably be followed by equally steep declines. I would much prefer a sustainable, moderate, real growth of about 3 percent to this roller coaster ride that is terribly wasteful as it upsets the economies of scale whenever production schedules have to be revised to accommodate necessary funding reductions. We must find a way of thinking ahead institutionally.

To speak of another shortcoming in this bill, I wish the Senate had had a stronger inclination to express its sense of urgency on the important goal of arms control. I was pleased that the Senate has confirmed its commitment to the ratification of the two unratified treaties on nuclear testing and to the idea of negotiating a comprehensive test ban. It was also reassuring that the Armed Services Committee itself felt the need to include a sense of the Senate provision on the desirability of our continuing compliance with the provisions of the SALT II Treaty. I hope the administration will give sufficient weight to this recommendation.

On the negative side I was surprised and disappointed by the defeat of the proposal to continue the moratorium on antisatellite [Asat] weapons. Similarly, it is probably more than just bad luck that within about 2 years we had the third vote that was decided by the vote of the Vice President in favor of chemical weapons.

On the question of funding the SDI Program I voted with 48 of my colleagues to restrict it to a 3-percent real growth for this year. It is unfortunate that even the more generous proposal of 15 percent growth was too low for a majority of the Senate. I only hope that the committee mark of 28 percent growth which became the bill's final figure will prove to be a manageable and fruitful investment, though I have strong doubts on that score.

I proposed an amendment to the bill to provide relief for the troubled ball bearing industry whose importance for our defense industry hardly needs to be emphasized. Although the managers thought that this subject was too large to be handled in an amendment to the authorization bill I was satisfied by the offer of the managers to hold a hearing on this important subject in the Preparedness Subcommittee shortly after the convening of the 100th Congress.

Another amendment I proposed was passed unanimously by the Senate. Its aim was to increase individual responsibility for fraud and other felonies committed while performing a contract for the Department of Defense. The amendment raised from 1 to 3 years a prohibition on the employment of those convicted of such felonies in any supervisory or management position with a defense contractor.

One great anxiety that I have with respect to this year's defense budget concerns not this bill but rather its House counterpart. I am referring to the ill-advised decision of the House to delete the Trident submarine from this year's budget. I would have a hard time to think up a more irresponsible move with respect to our strategic deterrent forces. Of the three legs of the strategic triad it is only the sea-based leg, our strategic missile submarines, that we can have full confidence in at this point. The controversy about the MX Program, about the Midgetman Program, and the debate between those favoring one of these against the other is a good indication of the uncertainties surrounding the land-based force. Similarly, questions about the penetrating ability of the B-1 bomber, the progress the Stealth [ATB] Program is making, and the B-1 versus Stealth dispute highlight the shortcomings of our airborne deterrent. It is only the Trident Program where we are totally confident of the capability and the reliability of the weapon system. I ask my colleagues, does it really make sense to tinker with this system?

The Tridents are assembled in my State, Connecticut, and I never apologize for speaking up in defense of the livelihood of my constituents. I want to tell my colleagues, however, that, according to the last data I have seen, my State is only at fifth place in its share of the Trident funds. California, Massachusetts, Minnesota, and Pennsylvania each ends up with a higher share of the funds expended on the Trident Program. So even on the jobs front this is not a local concern. Nevertheless, I am not phrasing my warning in terms of a job issue. The defense budget is not, should not be, a jobs bill. My warning should be understood and judged in terms of what damaging the Trident Program, derailing its construction schedule can do to the defense of our country, our national security. For many years now, the Tridents are produced on schedule, under cost, and in superb quality. Let's keep it that way. I cannot implore our conferees strongly enough to assure that the Trident remain in the budget after the conference.

Mr. President, I agree with the managers that this is one of the most important bills that we pass in this Chamber. The very first objective of our Government is to preserve the physical and moral integrity of our Nation, preferably by maintaining peace, but, if needed, by using force. This is what this bill is all about. I think the Senate did a good job under the circumstances and I congratulate again our managers for a superb job. With my reservations notwithstanding I vote for this piece of legislation with confidence and urge my colleagues to do likewise.

### CONGRESSIONAL CALL FOR AN END TO NUCLEAR TESTING

Mr. MATHIAS. Mr. President, the Congress has called for immediate steps to bring an end to nuclear testing.

Two days ago the Senate with the affirmative votes of 64 Senators urged the President to immediately resume negotiations toward a comprehensive test ban and to seek ratification of the Threshold Test Ban Treaty and the Peaceful Nuclear Explosions Treaty. Just yesterday, the House of Representatives passed legislation that would prohibit nuclear tests above 1 kiloton as long as the Soviet Union accepts the same threshold and agrees to stringent verification measures.

These two actions send a clear message to the President that the time has come to seek an end to nuclear testing. A Gallup poll taken on June 8 shows that a clear majority of Americans favor a nuclear test ban. I hope the administration will respond to this sentiment and join with the Congress in a common effort to terminate nuclear testing.

For the past year, the Soviet Union has observed a unilateral test moratorium. The United States has not reciprocated. The United States has also rejected repeated Soviet offers to resume those negotiations despite overwhelming congressional support for such action. It is not clear whether the Soviet Union will continue to observe its nuclear testing moratorium in the face of ongoing United States nuclear testing and continued refusal to resume test ban negotiations. But I would urge the Soviet Union to extend its moratorium at least until we can determine the outcome of the recent action taken by Congress. It is now certain that the President will receive legislation that contains strong language in support of efforts to achieve a comprehensive test ban.

I also urge the President to respond to the calls of Congress and the American people to take immediate steps toward ending nuclear testing. I have great hope that negotiations on a comprehensive test ban could produce an agreement that would lead to a more secure world. But we will never know if a world free of nuclear testing can be realized if we refuse to talk to the Soviets about this critical issue.

We have the technology to verify a test ban and the Soviets seem prepared to allow onsite monitoring. The time for talking has arrived.

Mr. PELL. Mr. President, I will support the passage of S. 2638, the Department of Defense authorization bill for fiscal year 1987, but I do so only with reluctance and reservations.

Unfortunately, the bill is especially flawed with respect to the provisions relating to arms control.

Consider some of our actions in this area:

We have decided to lift the current ban on tests of antisatellite weapons against objects in space, by rejecting a measure that would have held off such testing by the United States as long as the Soviets also refrain.

We have contented ourselves with a most restrained reaction to the President's decision to abandon compliance with SALT restraints.

We have decided to move ahead with the production of chemical weapons despite the questions about the clear technical problems with the new weapon, despite its questionable military value even if the weapon works, despite the unlikely prospect that our allies will ever accept these weapons on their soil, and despite the probability that production will further diminish prospects for a chemical weapons ban.

We have authorized funding for the strategic defense initiative at a level which will assure substantial waste at a time of astonishing deficits.

Notwithstanding these flaws in the arms control provisions—and I would be much more enthusiastic if those sections of the bill were not flawed—I shall support the overall bill because I believe that on balance it represents another move in the direction of belt-tightening for the Department of Defense while still maintaining the strength of our conventional forces.

I am particularly pleased that the committee saw fit to trim the President's request by $25.4 billion in budget authority and $10.7 billion in outlays, and I hope there will be further trimming as a result of compromise with the House.

I especially support those elements of the bill which sustain a strong Navy, and I am very pleased that the bill makes provision for another *Ohio* class Trident submarine, which I hope will be built by Rhode Island workers.

And I was happy to support the Navy's proposal for strategic homeporting, representing as it does an endorsement of the very principles of dispersal which Senator Pastore and I joined in arguing, unfortunately without success, when the Navy withdrew from the Northeast seaboard in the early 1970's.

There is also, I should note, a postive side to the arms control provisions, notwithstanding the objections I have already registered. We have affirmed our support for ratification of the 1974 Threshold Test Ban Treaty and the 1976 Peaceful Nuclear Explosions Treaty, as well as resumption of negotiations on a comprehensive test ban treaty. And now the House has enacted an even stronger provision which would impose a 1-year moratorium on our tests if the Soviets do the same and allow onsite verification. It seems to me that in this area, the Congress has sent a message the administration would do well to heed.

I might just note, in conclusion, that the administration's record on arms control after 5 years is essentially nil. It has been clear that the Congress must be actively involved if there is to be meaningful progress leading to good agreements. Unfortunately, I have to conclude that we have bypassed important arms control opportunities. We should have sent a far stronger message to the administration not only that the Congress will stand with them if the present dialog leads in a productive direction, but, more signficantly, we will hold them to a high standard and insist that they put the Soviets to the test. We should tell the Soviets to put up or shut up. I hope that may happen in the next several months. I believe, however, that success would be much more likely if it were clearer that Congress wants arms control and is willing to insist that the administration do its utmost.

It is defensible if we do our utmost to achieve mutual and verifiable arms control but fail because the Soviets don't come through; it is indefensible if we content ourselves with talk and don't really try at all. Regrettably, there is no reason now to expect that our efforts so far in this decade will fare well when the history books are written.

STRENGTHEN U.S. SECURITY AND STAY WITH SALT

Mr. BUMPERS. Mr. President, a very important provision in this DOD authorization bill has gone virtually unnoticed, yet it sends a critical message to the White House and the world. This provision, section 1211 of the bill, says that the United States should continue to remain within the numerical sublimits of SALT II as long as the Soviets do. With the inclusion of that language in the bill, my colleagues Senators LEAHY, CHAFEE, and HEINZ and I have concluded that it is unnecessary for us to offer our amendment on SALT to this bill. But it is my strong hope that the administration will heed this message, endorsed by the tough-minded Senate Armed Services Committee and soon by the entire Senate, to stay with SALT II.

In 1984 the Senate supported this policy by 82 to 17, the first time we introduced our resolution. And everyone here, and in the White House, knew about Soviet violations then. In 1985 the Senate supported this policy by 90 to 5, and we supported the President's decision to dismantle that first Poseidon sub by 79 to 17. We knew all about the Soviet violations then, too.

Nothing has changed. The arguments for continuing SALT are just as compelling now as they were last year: It will enhance United States and allied security to stay within SALT's numerical limits, and it would dangerously weaken our security to break out of those limits. No one believes that SALT should last forever, but it makes no sense to get rid of SALT before we have something better to take its place. Until we get a new agreement, keeping SALT in place helps our military interests, it helps the Geneva negotiations, and it strengthens NATO.

Everyone wants success at Geneva, and we're more likely to get it if there are at least some restraints in place. Senator WARNER put it very well when he told a Washington Times reporter late last year that extending the SALT II agreement would be "conducive to continuation" of the arms control talks between the two countries. "A sharp turn away from that policy could well be detrimental to the atmosphere in which these talks are being conducted."

Even more important, SALT helps our security because it forces the Soviets to dismantle weapons that they otherwise would keep deployed. This is a key reason why the salt no-undercut policy has been consistently supported by the Joint Chiefs of Staff.

SALT supporters recognize the problem of Soviet violations and recommend steps to deal with it. SALT opponents almost never acknowledge what the Soviets have dismantled to keep within its limits. The facts are, the Soviets are continuing to dismantle missiles today to comply with SALT. Since 1978, the Soviets have dismantled 14 operational missile firing Yankee-class nuclear submarines, 4 in the last 2 years, to comply with SALT I's offensive limits, which technically have expired, and they continue to do this.

According to the Congressional Research Service, Soviets have dismantled 70 SS-11 ICBM's and 15 Bison bombers in the last year to compensate for the deployment of SS-25 missiles and Bear-H bombers. In fact, the Soviets have dismantled well over 500 operational missiles to comply with SALT.

The United States, by contrast, has had to dismantle only 48 operational missiles to comply with SALT. And if you believe the President, he ordered the dismantling of the latest two Poseidons for economic reasons, not for SALT, so the U.S. figure is actually just 16 missiles.

If we continue with SALT through 1987, the Soviets would have to dismantle about 10 times as many missiles as the United States, about 300 versus 32. Furthermore, the Poseidon subs to be scrapped for SALT would reach their 30 year life limits and have to be dismantled anyway in the early 1990's.

If we junk SALT, the Soviets will not have to make any of these reductions. Furthermore, they would be free to add up to 20 more warheads on each of their 308 SS-18 ICBM's, adding over 6,000 warheads to their totals. They could build still more SS-18's. They could easily exceed the SALT II limit of 820 MIRV'd ICBM launchers (since they now have 818), and are getting ready to deploy their new MIRV'd SS-24 this year.

Indeed, SALT II is about to have the biggest impact on the Soviets that it ever has. It is about to force the Soviets to begin dismantling the weapons that everyone agrees are the most destablilizing: MIRV'd, silo-based ICBM's. The Soviets will have to dismantle one SS-17 or SS-19 for every SS-24 they deploy. But if we junk SALT, they won't have to.

The fact is, opponents of SALT are unwittingly supporting the Russian SS-17 and SS-19 ICBM's. Why should we scrap SALT and allow the Soviets to keep more MIRV'd ICBM's than they otherwise would? This makes no sense at all. The Congressional Research Service estimates that the Soviets will have 10 SS-24's deployed by the end of this year. That means that unless we save SALT, the Soviets will have eight more MIRV'd ICBM's pointed at the United States than they otherwise would with SALT. And the numbers rapidly go up from there, as the Soviets deploy more SS-24's, more Typhoon and Delta IV submarines, and more SS-25 ICBM's. I ask unanimous consent that a factsheet describing the SS-17 and SS-19 ICBM's, that some people apparently want the Soviets to be allowed to keep, be placed in the RECORD at the conclusion of my remarks.

Some say the Soviets won't build up if we scrap SALT. The CIA doesn't agree. Last June they told Congress:

> While the Soviets would not necessarily expand their intercontinental attack forces beyond some 12,000 to 13,000 warheads . . . They clearly have the capability for significant further expansion, to between 16,000 and 21,000 deployed warheads by the mid-1990's. The lower figure represents a con-

tinuation of recent trends in deployment rates; the upper figure is not a maximum effort but would require a substantially greater commitment of resources.

The Pentagon publication, "Soviet Military Power 1986," says much the same thing, as does the Congressional Research Service, which has also studied this problem.

So if we junk SALT, the low end estimate for the mid-1990's is 3,000 to 4,000 more Soviet warheads, and the upper end estimate is 8,000 to 9,000 warheads. Why would we want to give the Soviets an opportunity to add these extra warheads? And who would feel safer as a result?

Perhaps if SALT kept us from doing something very important to our security it would be different. But it doesn't. SALT doesn't stop us from doing any part of the President's Strategic Modernization Program except Midgetman, and that is one proportional response that everyone agrees we should take for the SS-25.

In reality, the Soviets have many incentives to expand their warhead levels. Big increases in Soviet warheads would be a logical response to our Midgetman Program, because the Soviets could then try to barrage the area in which Midgetman would be deployed. More warheads would also help them in attacking our subs and bombers, too.

More Soviet warheads is also a logical response to our Star Wars Program. It's what we did in late 1960 as a response to Soviet ABM developments. And more Soviet warheads will mean a proportionately greater cost for star wars. There is little question but that if we built SDI, the Soviets will try to overwhelm it, not just with decoys, but with real warheads.

Every single one of our allies strongly support SALT, and every single one of them oppose our scrapping it. Every one of our NATO allies endorsed SALT II back in 1979, and they do so today. Listen to Hans-Dietrich Genscher, West Germany's Foreign Minister, as quoted by Stern magazine:

At the Lisbon NATO Conference in June we supported the United States Sentiment of commitment to the SALT II treaty, although it was never ratified. Because it is very difficult to make new agreements in arms control, it is all the more important to most carefully preserve existing treaties and adhere to them.

And at the NATO foreign ministers meeting in late May, it was reported that if a vote had been held on the President's new SALT policy, the vote would have been 15 to 1 against the United States.

Rejecting SALT now, before we have a new arms agreement in place, will be a body blow to the NATO alliance, and will give the Soviets a propaganda field day in Europe. The administration's decision on SALT is the worst blow that NATO has suffered since Caspar Weinberger talked about fighting a nuclear war limited to Europe.

Some say that because the Soviets have violated some of SALT's provisions we should junk the treaty. Ending SALT will not stop the SS-25, or Soviet missile encryption, or the Krasnoyarsk radar. All it will do is legalize them.

It's like saying that the best way to curb crime is to repeal the criminal code. It doesn't stop crime, it just legalizes it. Soviet violations are not militarily significant, and are essentially the same violation the United States plans to commit. Nevertheless, violations, no matter how small or big must not be disregarded, ignored or down-played. In this case we have a method of dealing with these violations and we should do it.

If these violations are not corrected or additional violations are committed the SCC doesn't satisfactorily resolve them. Or we can resolve them satisfactorily by direct negotiations, then we can either respond in kind or scrap the treaties. But for the moment, we would be the big losers by abandoning SALT II. The House of Representatives said as much in a recent vote by an overwhelming margin.

The President says it bothers him to be abiding by a treaty for 7 years that was never ratified. Well, we've been abiding by the Threshold Test Ban Treaty for 12 years and it hasn't been ratified either.

The President last year said that "appropriate and proportionate responses to Soviet noncompliance are called for to ensure our security." And he was right. What are such responses? Well, according to Secretary Weinberger, the Joint Chiefs believe that just continuing our current strategic modernization program constitutes the best response. But instead of following this sound military advice, the President's idea of proportionate response is to junk the entire treaty. That is a disproportionate response. The President ignored his own good counsel of last year. And unless that policy is changed, U.S. security will suffer because the Soviets will have more warheads than if we stayed with SALT.

Mr. BYRD. Mr. President, as the Senate completes consideration of S. 2638, the National Defense Authorization Act for Fiscal Year 1987, I urge my colleagues to approve this legislation.

I commend the managers of this bill—Chairman GOLDWATER and Ranking Minority Member NUNN—for their skillful achievement in guiding this detailed and lengthy legislation through the extended committee and floor deliberations.

All of us in the Senate, and the American people as a whole, owe a debt of gratitude to both Senators—and to all the members of the Armed Services Committee on both sides of the aisle—for completing so successfully their arduous responsibilities to review and reshape, for full Senate deliberation, the fiscal year 1987 Defense budget.

In this regard, Mr. President, there are no words eloquent enough to describe adequately the magnitude of the debt we all owe to Chairman GOLDWATER, not only for his contributions this year to U.S. national security, but for those many, many contributions he has made every year since he first entered the Senate.

It is difficult for me to acknowledge that this is Senator GOLDWATER's last year in the Senate, and that this bill we are about to vote on is the last annual Defense Authorization Act which will bear the direct, personal stamp of our beloved colleague.

The Senate will be the poorer, and the quality of the Senate's future deliberations on national security matters—while informed and influenced by many talented colleagues—will be diminished without Senator GOLDWATER's valuable and unique personal contributions.

I hope our distinguished colleague from Arizona, whose wit, wisdom, and humor all are renowned and appreciated, especially for their keenness, will honor us with his insights into defense matters when we ask his advice, even in his retirement.

Mr. President, the legislation before us is a tribute to Chairman GOLDWATER, because it represents an annual Defense program which will maintain and improve our national security.

This legislation also seeks to honor Chairman GOLDWATER's leadership and long service to the Nation by means of a provision establishing the Barry Goldwater Scholarship and Excellence in Education Foundation. This foundation will recognize the chairman's long-standing special interest in the quality and extent of science and mathematics education in the United States.

Our distinguished colleague from Arizona long ago recognized the importance to the national security and economic strength of the United States of improving our technological leadership.

Endowed by a $40 million trust fund, the Barry Goldwater Foundation will seek to maintain and expand America's technological advantages in two ways: By providing scholarships to outstanding undergraduate and graduate students in the fields of mathematics and science; and by providing honoraria to outstanding individuals in secondary schools who have made significant contributions to improve the quality of instruction in these fields.

It is a fitting testament to the distinguished chairman.

Mr. President, this bill represents a good faith attempt to satisfy the many competing budget and program claims on our scarce defense dollars.

There always will be honest differences among Senators on national security matters. That is to be expected with such a complex, and important, subject matter which affects all Americans, perhaps all the world's citizens.

For example, some of us might prefer that this complicated legislation has resulted in a different balance among the many legitimate defense priorities which must be met.

Some of us might believe that a better balance could have been struck between adequately funding and improving our conventional forces, and maintaining a necessary strategic nuclear deterrent.

Others might hold that this balance could have been struck better between funding the longer term procurement accounts and the daily combat readiness accounts. Still others will differ about the policy judgments in such disparate areas as arms control, procurement reform, and personnel policies.

However, on balance, this bill is a good bill—one which was produced through a healthy clash of views, and votes, and one which deserves the Senate's final approval.

I also note that this is the last defense budget authorization bill for another member of the Armed Services Committee—someone who also has made valuable contributions to improving our national security posture, and the country's thinking about military issues.

Our distinguished colleague from Colorado, Senator HART, was at the forefront of the military reform movement long before it became popular to challenge the established way of thinking about arms and armaments.

Long before there even was a recognized military reform movement, Senator HART was posing thoughtful questions and imaginative answers about the way we should organize our Armed Forces and our Defense Department to maximize military efficiency and effectiveness.

Mr. President, during the Senate's consideration of S. 2638, this legislation was strengthened in several ways by amendments from Senators on both sides of the aisle. I am particularly proud of many of my democratic colleagues, whose efforts—both successful and unsuccessful—to improve this legislation enhanced the quality of the Senate's national security deliberations, and the final outcome, in major ways.

Mr. President, much of the Senate's debate on S. 2638 focused on the dollars and cents of specific weapons procurement and research and development programs. Important policy statements and decisions ranging from nuclear testing arms control, to Pentagon acquisition reforms, to command structures for special operations forces, were discussed.

The bill, as reported from committee, also contained hundreds of other program funding decisions and statements of policy which the full Senate endorsed without debate. The fact that those decisions were approved by the Senate without comment makes them no less important and meaningful.

Particularly significant in this regard is the policy statement expressing the sense of the Senate that it is in the national security interests of the United States to continue voluntary compliance with strategic offensive arms agreements with the Soviet Union—by recognizing the central numerical sublimits on strategic systems in those accords so long as the Soviets comply with such sublimits.

Approval of the fiscal year 1987 Defense Authorization Act by the full Senate will place this body, which, under the Constitution, is a coequal partner with the executive branch in the treatymaking process, firmly on record in favor of continued U.S. compliance with the SALT accords.

Since the President seems determined to embark on a policy of abandoning U.S. compliance with SALT's central numerical sublimits—a policy fraught with many possible dangers to the United States and its allies—I hope he heeds the words of the full Senate and reconsiders his questionable course.

However, as important as all these specific policy statements and programs decisions are to our national security, it is reasonable to ask whether they sufficiently address the fundamental defense questions which Congress and the executive branch should confront if these many separate decisions—taken together—are to yield the most effective defense posture at an affordable cost.

Congress can vote billions of dollars each year for the defense budget, but if it authorizes and appropriates this money to continue business as usual in the way we think about, organize, develop, deploy, and manage our Armed Forces, there is reason to believe we will obtain far less security dividend than our taxpayers deserve for their large investment.

Many experienced and reflective military professionals and civilian defense experts have either written or spoken about the need for further reform of the Pentagon, the Armed Forces, and the basic philosophies we apply to national security.

The latest of these individuals to bring his views before the public is David Evans, a newly retired Marine Corps lieutenant colonel, combat veteran, and military planner in the Pentagon. On Sunday, August 3, 1986, the Washington Post editorial section ran a lengthy article entitled "We Still Don't Have the Arms and Tactics for a Major War," by Colonel Evans.

I do not agree with 100 percent of what Colonel Evans has written, but his observations and conclusions are provocative and important. They certainly deserve careful consideration by the Senate, and I commend this article to my colleagues.

Colonel Evans presents several major conclusions and raises disturbing, probing questions:

First, after stating an often forgotten fact that war—at least the ground combat without which no nation can achieve its war aims—"Remains very simple, direct, and brutal," he asks "Whether we are overdesigning forces that cannot win wars."

Second, he contends that "the American military is stuck in the rut of ingrained and comfortable habit," and that "too many of the lessons learned painfully years ago remain uncorrected."

Third, the design and complexity of American weapons result in systems too vulnerable on the battlefield and so rigid in their requirements for perfect operating conditions, and perfect operations, that "anything less than perfect execution can upset the game plan." Colonel Evans has concluded that less finely tuned weapons are "more forgiving (of mistakes) especially under the terrific and often unpredictable strains of combat."

Fourth, Colonel Evans questions, as have others, whether the military's peacetime planning for war is realistic enough, since he believes it has resulted in equipping our ground troops with some less-effective key weapons, and insufficient quantities of necessary ammunition. He also worries whether our peacetime combat exercises lack operational realism, thus, representing inadequate preparation for the extreme, harsh realities of actual combat.

Fifth, our command and control organization for ground combat is overcentralized, with too many decisionmakers too far removed from the front lines. "The swirling nature of a mechanized war of movement, slugged out at the small-unit level, calls for on-the-spot decisions. Leaders at the head of their troops will see more and react more quickly than their commanders in the rear," this 20-year veteran writes.

Sixth, Colonel Evans bemoans the American penchant to develop and procure weapons which embody revolutionary, not evolutionary, leaps in capability—a predilection which "aggravates technical and cost uncertainties. A vicious cycle of unrealized expectations and explosive cost growth is the usual result, with readiness cut-

backs and smaller forces in the field," he states.

Finally, Colonel Evans delivers a harsh conclusion about a popular concept unfortunately permeating the national defense debate. He states:

Perhaps the basic problem is the easy availability of money. It corrupted a sense of reality, and distorted the focus on fighting. * * * Instead of fighting power, the wealth poured into the business of war now stands as the measure of effectiveness. * * * Mindless buying is producing a military described by one former Army General as a "force without power—and at a cost the country cannot afford.

Mr. President, I am happy to say that the Senate already has led the way in trying to address the institutional and other fundamental problems besetting our national security establishment. The "BARRY GOLDWATER Department of Defense reorganization Act of 1986" is a historic example of this initiative.

Other solid reforms have been promoted first by the Senate, and ultimately enacted into law. The bill now before us contains additional improvements to our Defense Establishment.

However, the beneficial impacts of these reforms will not be realized fully for at least a year, and as Colonel Evans' article attests, additional reforms may well be necessary and must be considered.

As we vote on final passage of the National Defense Authorization Act for fiscal year 1987, the Senate should resolve to continue this reform effort so important to the national security of the United States and its allies.

I ask unanimous consent that the article to which I referred be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Aug. 3, 1986]

WE STILL DON'T HAVE THE ARMS AND TACTICS FOR A MAJOR WAR

(BY DAVID EVANS)

When I joined the 3d Marine Division on Okinawa last year, I was issued brand new equipment. Helmet, pack, canteens, the works. It was the first time in two decades the Marines had ever issued me anything new. Evidence, I thought, that the huge spending increases for defense were finally having an effect. Hard goods were trickling all the way to the tip of the national security spear.

Then I tried to install the leather sweatband in the new German-style helmet made of Kevlar. The simple spring clips on the sweatband of yore had been replaced by fasteners with little metal loops. It took a good half-hour, armed with pliers and jeweler's screwdriver, to work the sweatband into the helmet.

It was obvious the designers of the new headgear were sublimely ignorant of the infantryman's nustic lot in the field, where vise-grip pliers and miniature screwdrivers are as rare as Faberge eggs.

The helmet is symptomatic of the kind of military the United States is producing. It is rather like the British sports cars of the 1950s. Beautiful to look at, they were nevertheless cantankous and touchy to operate. Under less than optimum conditions—like rain—their electrical systems were maddening. They stand as an apt paradigm for today's combat systems.

War remains very simple, direct, and brutal. In contrast, our latest combat systems offer baroque complexity. They require the skills of highly trained technicians to understand and maintain. As we have pushed technology, the operating tolerances of our systems have narrowed. The military is now so complex it cannot go to war without air-conditioners. Not for the comfort of the troops, mind, but to keep its delicate computers from overheating. The question is whether we are oversesigning forces that cannot win wars.

Indeed, the American military system suffers from seven deadly flaws:

The system is not self-correcting. Instead, the American military is stuck in the rut of ingrained and comfortable habit. Too many of the lessons learned painfully years ago remain uncorrected.

When the Marines staggered out of the Chosin Reservoir 35 years ago, they said the standard five-gallon water can was too heavy for troops weakened by fatigue and cold. They suggested a three-gallon, insulated model.

In those engagements, only the simple M1 rifle, with its loose tolerances and robust operating mechanism, could be kept working in the extreme cold. The temperamental carbine, with its shorter bolt movement, jammed frequently. The complicated Browning Automatic Rifle (BAR) tended to clog with ice, and the Marines urged "simplification of the weapon."

Few of the men who fought that bitter campaign had received actual experience in cold-weather operations beforehand. Those who survived commented enviously on the white cloaks worn by the Chinese, which made them all but impossible to spot.

The situation today: White parkas are in the system. Genuine progress there. But the standard water can remains the five-gallon model, uninsulated. "How we're going to get water to the troops remains a basic, unanswered problem," one colonel told me. The M16A2 rifle, with its close tolerances and short bolt movement, experienced significant failures in cold weather tests in 1984.

The Marines have prepositioned a brigade's worth of equipment in Norway, but they have not designated or trained a specific unit for cold-weather operations.

Whether campaigning in the snow or desert, American troops are likely to encounter Soviet tanks. Their ability to kill them remains dismal. Recall the Army's experience with Task Force Smith, the Rapid Deployment Force of its day, fighting North Korean tanks at Osan in July, 1950. The forward companies were overrun because the Army's 2.36-inch bazooka lacked the punch to kill a tank from the front. Today, the infantryman's last-ditch weapon is still essentially a disposable bazooka—the M72—which fires a warhead that remains too small to inflict a kill.

The Army seems to have forgotten that fighting is largely psychological, and that battles are oftentimes won or lost on the strength of perceptions. If an attacking tank is hit from the front and explodes, an entire armored attack may be halted. Nobody wants to burn to death. On the other hand, if the tank is hit and keeps coming, what incentive does the defending infantryman have to stand and fight?

We're easy targets. Three rules for battlefield survival remain unchanged since World War I: Keep a low profile, stay off the skyline, and spread out. The U.S. military is distinguished by its billboard profile. The standard M923 cargo truck is a good 10 percent bigger than the M54 truck of 1960s vintage. Yet the new truck carries the same five-ton load.

The Army's M2 Bradley troop carrier is fully 10 feet high. Crashing through the woods at Fort Benning, it looks as big as a house.

Standing out against a neutral background is worse—troops moving along the crest of a ridge, for example. There is an electronic skyline, too. Anything that sends out electromagnetic radiation—radars and radios specifically—can reveal one's position. The need to transmit has to be balanced against the risk of detection. Instead, radios have become a convenient crutch. There are about 1,100 of them in a Marine division now, filling the air with mostly routine administrative messages, advertising our positions like so many searchlights on a dark night.

Omnidirectional antennas aggravate the situation by broadcasting in every direction. Directional antennas would greatly enhance communications security. One of the more powerful tactiful radios, the AN/TSC95, does not come so equipped, and pours out its 1,000 watts of power in all directions, like one of those faceted mirrored balls that hang from discotheque ceilings. Yet a good high-gain, directional antenna can be had for a fraction of the radio's cost. Claims one signals officer, "You can buy a better antenna for the TSC95 from Radio Shack than the one that comes with it."

Contrary to the need for dispersion, the massive and more powerful electronics tend to aggregate into large headquarters complexes. A division command post looks like an antenna farm, pumping out electromagnetic radiation, as well as heat and noise from ranks of diesel generators, fairly shouting its location.

We're too complicated. The virtue of simplicity runs counter to the reigning devotion to complex weapons. Although more can go wrong with complicated systems, the U.S. military is now freighted with unnecessary complexities.

The Pentagon's approach to weapons design is a major contributor. "Cost-effectiveness analysis," says one former Army officer, "tends to drive one to single-purpose weapons because of the one-on-one simulations and the fact that special interest communities conduct the analyses." The end effect was captured in one recent report, revealing for its frankness on the matter, "All combat-vehicle programs have designed their own unique weapons stations, resulting in a significant number of singlepurpose stations with unique logistics . . . heavy demands on training, and little or no interoperability or commonality . . . between different vehicles."

The Air Force and Navy have incompatible aerial refueling systems. The Air Force flies "female" fighters; its pilots fly next to the tanker and are plugged in by the boom on the mother ship. The Navy flies "male" fighters, mounting a probe that the pilot flies into the tanker's fuel receptacle. Unless both systems are mounted on the tanker, as in the case of the new hermaphroditic KC10, or the modification kit is handy for the older KC135, the two systems are not interchangeable.

At a more fundamental level, all the players on the battlefield are not dealing in the same units of measure. Infantry units use kilometers and meters for horizontal and vertical measure, using grid coordinates to mark locations. Pilots flying close air support for them deal in nautical miles, feet above sea level, and latitude-longitude locations.

Some aviators claim the difference is trivial, as it is easy to convert from one to the other. But why convert at all? The conversion process injects an unnecessary source of error. The military adopted 24-hour time to eliminate potential confusion. The same argument applies for problems of location.

There is not enough slack in the system. We are building systems where anything less than perfect execution can upset the game plan. Loose tolerances are more forgiving, especially under the terrific and often unpredictable strains of combat. The Navy's latest air-cushioned amphibious landing craft, the LCAC, is a good example of the kind or unforgiving systems now entering service. Since the LCAC is more like a helicopter with the roof off than a boat, the latest employment manual cautions that the "spotting of cargo is critical" to stay within center of gravity limits. Three inches is the allowed tolerance. Now imagine doing this with a 60-ton tank from a heaving loading ramp at sea.

Laser-guided bombs are the current rage in high-fashion weaponry. Accurate, yes, but they present unique problems. Laser spotters held by troops on the ground generated pulsed codes. These are meant to be read by a seeking device in the nose of the bomb hung under the wing of an aircraft. Yet the ground-based spotter pulses in a three-digit code while the bomb only "recognizes" a four-digit code. So, rather than having both components use the same three- or four-digit code, the bomb's coding has to be carefully translated beforehand into a three-digit equivalent.

There is absolutely no room for error here. Not only must the laser on the ground and the seeker in the air work perfectly, the pilot must be in constant radio contact with the infantryman to ensure that the ground laser is turned on at precisely the right time. If it is turned on prematurely, the bomb will lock on too early and fall short of the target. Moreover, since the pilot has to ride right down the laser beam, he must come in directly over the soldier's back. Thus, a bomb that falls short is likely to fall on friendly troops.

We are not ready for close-in fighting. The Army and Marine Corps have adopted a three-layer approach to antitank combat: TWO heavy antitank missiles for kills beyond two miles, the DRAGON medium antitank missile for kills at about a mile, and shoulder-launched rockets at belt-buckle range.

For these weapons, they have not invested in enough ammunition to do the job. The military does not buy munitions according to wartime need, but on the basis of what share of its peacetime budget it chooses to spend on ammunition. The planned consumption rates that result are absurdly low—in intense combat, one shot every two days for the TOW, and one shot every four days for each DRAGON, for example. "I'll shoot up my allowance in the first five minutes," said one astonished battalion commander when he was informed of these planned firing rates.

Even with adequate stocks of missiles, there are problems. The TOW can be spoofed by smoke and heat. The DRAGON is notoriously unreliable. After a decade of neglect the Army is finally moving to replace the near-useless DRAGON with an effective weapon of European design, but only for select units such as Rangers.

However, few battles are won or lost at long range. Opening fire early at long range can betray one's positions, and Rommel, a master at setting antitank ambushes, repeatedly inveighed against opening fire too soon for this very reason.

The nature of the battleground probably will not allow for the distant shots, anyway. Germany, for example, is heavily wooded and urbanized, and the Bundeswehr estimates 55 percent of all targets will be sighted at less than a quarter-mile. The Soviets, too, figure roughly 60 percent of all antitank engagements will take place within a half-mile range.

Army Gen. Frederick J. Kroesen, former commander of NATO's Central Army Group, is even more conservative: "Fog . . . and smoke-generating devices in abundance lead me to believe the next war will be won or lost at the 300-meter [fifth of a mile] range, just as in the past."

It is at this vital range that American troops are most vulnerable to the unnerving psychological impact of massed armored attacks, and where they stand virtually naked. The Army and Marines are buying the AT4 shoulder-fired rocket to replace the M72. It is not much of an improvement, and is known among cynics as "The Paint-Scratcher" because it will not penetrate the frontal armor of modern Soviet tanks.

Effective alternatives are available. Yet the situation now is that Soviet tanks will be able to break through at close range, and then there is almost no limit to what they can do. They will create havoc in the rear, overrunning artillery units with impunity. The standard U.S. 155mm artillery piece, although an excellent weapon for long-range fire, cannot kill tanks at close range, as it does not come supplied with antitank shells.

We are over-centralized. The swirling nature of a mechanized war of movement, slugged out at the small-unit level, calls for on-the-spot decisions. Leaders at the head of their troops will see more and react more quickly than commanders in the rear.

"There is no inspiration in the squeaking voice made dim and quavering by a mile of [telephone] wire," said Patton. But state of the art has come to mean centralized command, and a growing family of esoteric command-and-control systems are intended to push the flow of information to the rear.

This definition from a Marine Corps handbook is instructive: "Command-and-control is an active system for decision-making where decision makers are some distance from events [emphasis added] on which their decision is based," and [significantly] "from the people who must carry it out."

Note the shift away from officers as commanders and leaders to pallid "decision makers" who, like wingless queen bees, are absolutely dependent on a rich flow of information from engaged troops who have more pressing matters than sending detailed reports to the rear. The big difference from the bunker generalship of the First World War is that what was once done with telephones lines now takes place via radio.

The on-site, personal presence of the commander remains the greatest "force multiplier" of all. Instead, he has been pushed to the rear, snuggled up to a dozen or more radios, all broadcasting like beacons telling the enemy exactly where he is.

There are signs of change, Col. Creighton Abrams Jr., commander of the Army's 3rd Infantry Division's artillery in West Germany and son of the late Army chief of staff, suggests committing each artillery unit in a sector to support a designated front-line maneuver battalion. "This violates the time-honored principle of maximum feasible centralized control of artillery," Abrams admits, "but it frees up the bottleneck" of trying to control all the artillery firing from a central location. Abrams' argument for decentralization recognizes the fast-paced nature of modern maneuver combat, where there isn't time for elaborate coordination through centralized facilities far to the rear.

*We do not push ourselves in training.* The prospect of our complex systems working in battle is not likely to be discovered in peacetime, because our units and systems are rarely stressed under less than ideal conditons. Most large-scale exercises lack operational realism. Intended to orchestrate and rehearse the complicated command relationships stemming from over-centralization, the basic systems are not challenged.

We should start field problems with a quarter instead of a full tank of gas," says one logistician, in order to pressure the supply systems from the first hours.

Despite all the Pentagon hype about Soviet numerical superiority, we do not train to deal with it. Maneuvers typically are carried out against token and hopelessly outnumbered enemy forces. Although battalion commanders are admonished they must be prepared to fight outnumbered, they practice against company-size foes. Local air superiority is taken for granted. Frequently time-outs are provided to refresh and resupply units.

The ingrained and comfortable habits of peacetime exercises are not easily shed; recall that 6,500 troops were hurled against a few hundred haphazardly armed Cubans on Grenada.

Occasionally the defense establishment admits to itself things are badly amiss. Last spring the RAND Corp., a Pentagon-funded think tank, offered this confessional to its board of trustees: "The Army is currently deploying increasing numbers of technically sophisticated weapons that are hard to maintain, extremely expensive, and whose wartime demand rates are difficult to forecast." This assessment applies with equal, if not greater force, to the other armed services.

Appearances can lead to a false perception of power, and the U.S. military stands like a fine porcelain figure, good for display but best not dropped onto the hard surface of the battlefield. How did we get here? By not looking at the reality of war."Touchy, sensitive, delicate technology has no place at the front line," assets one Marine reserve colonel. He's right, of course, but that is what the troops have got.

An aura of "techno-prophecy" surrounds the promises of weapons now under development. But the current penchant for revolutionary leaps in capability aggravates technical and cost uncertainties. A vicious cycle of unrealized expectations and explosive cost growth is the usual result, with readiness cutbacks and smaller forces in the field. Steady, incremental improvements may not be dramatic, but they are likely to produce more usable combat power.

Other factors are at work. An absence of healthy skepticism, for one, leaving too many basic assumptions unchallenged. For example, the current rubric that "High-technology weapons are more lethal" is

belied by actual battlefield experience. Shrapnel and bullets are doing most of the killing in the war between Iran and Iraq, although both sides have invested in some of the most complex weaponry money can buy—from Exocet missiles to F14 fighters. In field exercises, the U.S. Army is discovering that large numbers of antitank missiles must be fired to achieve relatively few kills.

Counterproductive parochialism, for another, leads to endless compromises with special-interest fiefdoms. The Bradley troop carrier, for example, is the proverbial "camel"—a horse built by the committee. As an armored taxi, it carries too few troops. As a high-profile weapons platform, it will draw fire from every enemy weapon in range.

The Navy and Air Force have their own legacy of costly parochialism. The lightweight-fighter program of the 1970's was intended to produce a common first-line aircraft for both services. Instead, the Air Force flies the winner of that competition, the F16, and the Navy flies the loser, the F18.

Perhaps the basic problem is the easy availability of money. It has corrupted a sense of reality, and distorted the focus on fighting. "The battle's the thing," said the late military historian S.L.A. Marshall. Instead of fighting power, the *wealth* poured into the business of war now stands as the measure of effectiveness.

There is much earnest talk coming out of the Pentagon about the need for 3, 5, or 8 percent growth in defense spending. But when the argument shifts to the subject of fighting power, the certain rhetoric of an instant before devolves into vague ramblings about the "synergistic effects of combined arms," about the "single-pass multiple-kill" systems the troops will have five years hence, and the forthcoming marvels of "enhanced connectivity."

Faddish jargon has become a substitute for clear and serious thinking about the underlying foundations of combat effectiveness. Poetry devoid of philosophy is merely verse, and spending absent a sound concept of national defense is simply procurement. A freeze on defense spending would be an appropriate first step to sort things out. Mindless buying is producing a military described by one former Army general as a "force without power"—and at a cost the country cannot afford.

Mr. HART. Mr. President, I oppose this bill because I oppose both Gramm-Rudman-Hollings the idea, and Gramm-Rudman-Hollings the sequel. We continue to build a dangerous machine which has an unpredictable hair trigger and a vicious swing. We ignore our responsibilities and duties under the Constitution. We set our country at risk. It brings to mind a short parable of Kafka:

What are you building?

I want to dig a subterranean passage. Some progress must be made. My station up there is much too high. We are digging the pit of Babel.

Our pit of Babel is indeed a complicated subterranean passage. We dig downward in the name of progress. We denigrate the role of Congress under the Constitution to set the spending priorities of this Nation. We further the confusion of language that brought the end of the tower of Babel—we have replaced the language of Jefferson to argue in the jargon of accountants and economists. All in the name of expediency.

Beyond corrupting the debate, this bill puts our Nation at severe risk, a risk that goes unnoticed.

On August 20, CBO and OMB will propound an initial sequester order. I am told the average of the two estimates will lead to a sequester of about $22 billion. A sequester that would cut defense budget authority by over $20 billion, cut international affairs authority by $3.3 billion, and cut domestic programs by over 8 percent.

This preliminary order won't go into effect until October. Until then, we will have a chance to reduce the cut. Yet if we look at the CBO's most recent estimates, even if we enact all of the savings in the budget resolution—a fairly heroic assumption—the sequester should still be $17 billion.

Now we may, in the pressure of an election year and with the cooperation of the OMB, reduce this further by going back into the numbers kitchen. We may squeak by this year. But where does that leave us next year?

Under CBO baseline assumptions, it would leave us with a $30 billion sequester. Assuming the budget resolution is enacted, we stand a chance of meeting the Gramm-Rudman-Hollings targets—if the economy behaves.

If the economy behaves and produces $150 billion in revenue growth between 1986 and 1988, $90 billion of that between fiscal 1987 and fiscal 1988. If, in short, we grow out of the deficit. This brings to mind the last time we counted on growth to get us out of a budget bind. We all remember what we got—$200 billion deficits and the worst economic collapse since the Great Depression.

If growth falls short, we're in an entirely different ball game. Consider what would happen if growth proceeded at the pace it set in the first half of this year. The deficit projections go up by nearly $40 billion in fiscal 1988, according to the CBO. The threatened sequester falls into the range of $40 to $70 billion.

Even assuming the low end of these estimates, we face more than a 10-percent cut in defense outlays—and a 15- to 20-percent cut in defense budget authority. A $40 billion cut in defense spending is not far around the corner.

I don't know whether my distinguished colleague from New York is right in his diagnosis, but the phrase "cognitive dissonance" appears too polite and antiseptic a description of the inattention these threats are receiving. Maybe it has something to do with the election year. Maybe it means we think that if the numbers get that high a recession clause will spare us. The figure I just cited is what will happen if we have steady real growth of over 2 percent. That's no recession. I don't know why we can't look at these problems. Maybe that is the real cost of digging a pit of Babel.

In this bill, we're adding a new passage way, bringing in OMB but trying to tie its hands. It won't take Houdini to get out of the straight jacket we've designed. OMB has the motivation and ability. The minority staff of the Budget Committee have reviewed the administration's "Mid-Session Review of the Budget" and find that OMB has not changed its stripes. They've fudged inflation rates and twisted budget authority and outlay estimates. They've made unrealistic policy assumptions and relied, once again, on rosy scenario for their economics.

I am not alone in my concerns. Indeed, 36 Senators voted against the proposed fix, and 30 voted to repeal the entire contraption. Further, Senator MOYNIHAN and 12 other Senators joined me in expressing these concerns to our colleagues in the House of Representatives. I ask that our letter be inserted in the RECORD at the end of my statement.

Mr. President, these are perilous times for our Nation. We are losing our competitiveness abroad and our hope at home. Steelworkers, farmers, and families all know the failures we've had and the challenges we face. We need strong policies and we need fiscal responsibility. We need investments to make sure that the Laissez faire policies of this administration don't let the worst happen.

I proposed a fee on imported oil to actually reduce the deficit. I support the swift passage of the real deficit reductions in the budget resolution. I am willing to stay here day and night throughout August if we would spend the time arguing about our national priorities in the clear and simple language of governance. I cannot, however, support more and more procedural avoidance of the real choices.

Let me conclude with an observation that is relevant, I believe, to this bill and to the promises of the administration's economic program.

Henry Ford had made his fortune in manufacturing automobiles, and decided to do what many successful Americans do—he went back to Europe to discover his roots. And he traced his family back to a small county in Western Ireland. The local officials of the county and the community got together to host a reception for Mr. Ford.

It was a very cordial and warm reception, because they were honored by his presence. And he was so touched by their generosity, he asked if there was anything he could do for the community. They said, Mr. Ford, as a matter of fact, we are building a hospital—the first hospital this community would ever have—all our sick people have to go to the neighboring community to get treated. And we'er having a

fundraising drive, and we would certainly appreciate anything you could do for us. And Henry Ford, feeling very generous, wrote out a personal check for $5,000 and gave it to the community officials.

They thanked him very much. They saw him to his hotel, and he went to sleep. He woke up the next morning, and on the doorstep of his hotel room was the local newspaper, with the headline, "American Industrialist Henry Ford Contributes $50,000 to Hospital Drive."

Well, Mr. Ford was smart enough to know he was in big trouble. He called a meeting of the local officials and the hospital board. And he said, I gave you a check for $5,000 and you said that I gave $50,000—I don't know quite what to do. And they all looked around and said, "Well, Mr. Ford, the only thing we could think of is for you to give us the other $45,000." And Ford said, "OK, that's agreeable, I will write you a check for $45,000; but I want one request." He said, "I want to be able to put over the entryway to the hospital the words I feel are most appropriate under these circumstances—and I can assure you they will be appropriate for your circumstances as well." They said, that's agreeable.

And they took the $45,000 and built the hospital. And Mr. Ford insisted that when the carving was made, it remain veiled until the day the hospital was dedicated. The local officials got together and people gathered from miles around to dedicate this first hospital in the history of the community. Speeches were given. And then the time came to pull down the veil. And over the doorway to the hospital were these words: "I came as a stranger, and you took me in."

I urge my colleagues, let's not be taken in, yet again.

COMMUNICATIONS SECURITY

Mr. MOYNIHAN. Mr. President, I commend the members and staffs of the Armed Services Committee, and the Select Committee on Intelligence for including in next year's defense authorization a $129 million Communications Security Enhancement Program. This funding will permit the Department of Defense to protect classified and other sensitive domestic satellite communications. According to a recent Washington Post article, "the Pentagon spends $1 billion a year leasing communications lines that use commercial satellites. These lines carry everything from routine messages to secret, coded military orders. Figures for 1982, the latest available, show that the military leased 1,414 commercial satellite circuits." But it is not only military orders that are sent by satellite. Banking records, stock market transactions, law enforcement communications, to say nothing of common carrier long-distance calls are all sent by satellite as well. And, it is a truism in the communications world that the aggregate whole of unclassified messages often presents a classified picture.

Although it is not widely known, neither is it a secret that the Soviets operate a listening facility at Lourdes, just outside of Havana, Cuba. The State Department and Defense Department regularly publish satellite pictures of this facility. They note as well that approximately 2,100 Soviet technicians man the antennas and dishes at Lourdes—2,100. And the facility continues to grow. In fact, it is the largest and most sophisticated Soviet listening facility outside of its national territory—and it is aimed at our satellite communications. And now we learn that there are Soviet listening facilities being developed in Nicaragua. Will these, too, target our domestic communications and grow to the size of a Lourdes?

But you need not have a Lourdes to penetrate our satellite communications. Captain Midnight demonstrated that. An OPED in the May 17 New York Times notes: "It is a badly kept secret that an inexpensive device can be built and attached to a backyard dish that allows the dishowner to listen in on telephone calls." Another article lets us know that we can purchase this same device for just $395.

The message is loud and clear. We need to concern ourselves with communications security. The Armed Services Committee has done just that, and I encourage my colleague on the Appropriations Committee to do so as well. This is a national problem and its merits a National Government solution.

Communications security has no constituency. There is no product. And you can never really be sure that you have done anything. Moreover, this particular package is an add-on, and therefore a likely target for a cut; $129 million is no small sum in any year, most of all this year, but it would cost us so much more not to do it. That, at least, was the conclusion of my good colleagues on the Armed Services Committee and I commend them for it.

So I thank him very much for the attitude he has developed in this bill and for the spirit of cooperation he has shown for those who have been working and will be carrying on the work after he is through.

Mr. DOLE. Mr. President, I ask for the yeas and nays on final passage.

Mr. STEVENS. Mr. President, I did not join in the prior statements about my good friend, my long-time friend, from Arizona, and I think he understands why. But I do think we should recognize this bill to be a tribute to the Senator from Arizona.

We should recognize that by virtue of the work he has done and the attitude that he and the Senator from Georgia adopted, we believe that we may—I say we may—avoid the long, acrimonious battle between authorization and appropriations this year. We have pledged to try to do so, and we have done our best so far, through this bill. With the direction of the Senator from Arizona, we will say our prayers and hope it continues.

I personally congratulate you, Senator, for the work you have done and for the mark you have made on our Nation's defenses. I do not think there is anyone alive today who has had more to do in connection with our Nation's defenses over a longer period of time as an active participant.

□ 2050

We have another person on the floor, Senator STENNIS, who has had a long and illustrious career also in terms of the Department of Defense, and I certainly am not in any way casting a shadow on that, but I have known the Senator from Arizona now for almost 40 years, I think, and in all that time he has been one who has been quick to give wise counsel and also equally quick, as we have just seen, to give very quick criticism.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. DOLE. Mr. President, let me indicate after this vote we hope to very quickly have the unaimous consent agreed to and then there will be a vote on the debt limit yet this evening.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered and the clerk will call the roll.

The bill clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Maine [Mr. COHEN], the Senator from Oregon [Mr. HATFIELD], the Senator from Pennsylvania [Mr. HEINZ], the Senator from Nevada [Mr. LAXALT], the Senator from Vermont [Mr. STAFFORD], and the Senator from Connecticut [Mr. WEICKER] are necessarily absent.

On this vote, the Senator from Oregon [Mr. HATFIELD] is paired with the Senator from Pennsylvania [Mr. HEINZ].

If present and voting, the Senator from Oregon would vote "nay" and the Senator from Pennsylvania would vote "yea."

Mr. CRANSTON. I announce that the Senator from Montana [Mr. BAUCUS], the Senator from New Jersey [Mr. BRADLEY], the Senator from Missouri [Mr. EAGLETON], the Senator from Louisiana [Mr. JOHNSTON], and the Senator from Arkansas [Mr. PRYOR], are necessarily absent.

The PRESIDING OFFICER (Mr. STEVENS). Are there any other Sena-

tors in the Chamber who desire to vote?

The result was announced—yeas 86, nays 3, as follows:

[Rollcall Vote No. 207 Leg.]

YEAS—86

| | | |
|---|---|---|
| Abdnor | Glenn | Metzenbaum |
| Andrews | Goldwater | Mitchell |
| Armstrong | Gore | Moynihan |
| Bentsen | Gorton | Murkowski |
| Biden | Gramm | Nickles |
| Bingaman | Grassley | Nunn |
| Boren | Hart | Packwood |
| Boschwitz | Hatch | Pell |
| Broyhill | Hawkins | Pressler |
| Bumpers | Hecht | Quayle |
| Burdick | Heflin | Riegle |
| Byrd | Helms | Rockefeller |
| Chafee | Hollings | Roth |
| Chiles | Humphrey | Rudman |
| Cochran | Inouye | Sarbanes |
| Cranston | Kassebaum | Sasser |
| D'Amato | Kasten | Simon |
| Danforth | Kennedy | Simpson |
| DeConcini | Kerry | Specter |
| Denton | Lautenberg | Stennis |
| Dixon | Leahy | Stevens |
| Dodd | Levin | Symms |
| Dole | Long | Thurmond |
| Domenici | Lugar | Trible |
| Durenberger | Mathias | Wallop |
| Evans | Matsunaga | Warner |
| Exon | Mattingly | Wilson |
| Ford | McClure | Zorinsky |
| Garn | McConnell | |

NAYS—3

| | | |
|---|---|---|
| Harkin | Melcher | Proxmire |

NOT VOTING—11

| | | |
|---|---|---|
| Baucus | Hatfield | Pryor |
| Bradley | Heinz | Stafford |
| Cohen | Johnston | Weicker |
| Eagleton | Laxalt | |

So the bill (S. 2638), as amended, was passed as follows:

S. 2638

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE

This Act may be cited as the "National Defense Authorization Act for Fiscal Year 1987".

SEC. 2. ORGANIZATION

This Act is divided into four divisions as follows:

(1) Division A—Department of Defense Authorization.

(2) Division B—Military Construction Authorization.

(3) Division C—Department of Energy National Security and Military Applications of Nuclear Energy Authorization.

(4) Division D—Civil Defense.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATION

SEC. 100. SHORT TITLE

This division may be cited as the "Department of Defense Authorization Act, 1987".

TITLE I—PROCUREMENT

SEC 101. AUTHORIZATION OF APPROPRIATIONS, ARMY

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal year 1987 for procurement of aircraft, missiles, weapons, and tracked combat vehicles, and ammunition and for other procurement for the Army as follows:

For aircraft, $2,793,700,000.

For missiles, $2,198,200,000.

For weapons and tracked combat vehicles, $3,794,900,000.

For ammunition, $2,283,300,000.

For other procurement, $5,365,900,000.

(b) AQUILA REMOTELY PILOTED VEHICLE.—None of the funds appropriated to the Army pursuant to this title may be obligated or expended for the procurement of the Aquila Remotely Piloted Vehicle until—

(1) the Director of Operational Test and Evaluation has completed a comprehensive assessment of the Aquila system; and

(2) the Secretary of the Army has certified to the Committees on Armed Services of the Senate and the House of Representatives that—

(A) the Aquila system has satisfactorily demonstrated that it meets or exceeds all performance criteria established for the system by the Army; and

(B) the Army has negotiated a binding contract which provides for procurement of the entire system and limits overall liability of the United States under the contract.

SEC. 102. AUTHORIZATION OF APPROPRIATIONS, NAVY AND MARINE CORPS

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 1987 for procurement of aircraft, weapons (including missiles and torpedoes), shipbuilding and conversion, and other procurement for the Navy as follows:

For aircraft, $9,903,070,000.

For weapons (including missiles and torpedoes), $5,597,490,000.

For shipbuilding and conversion, $9,323,800,000.

For other procurement, $5,934,057,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 1987 for procurement for the Marine Corps (including missiles, tracked combat vehicles, and other weapons) in the amount of $1,328,700,000.

(c) P-3 AIRCRAFT.—(1) Of the funds provided for procurement of P-3 aircraft, the Secretary of the Navy may transfer up to $120,000,000 for modification of existing P-3 aircraft.

(2) Within the funds appropriated pursuant to an authorization in this or any other Act for the procurement of P-3C aircraft, the Secretary of the Navy may carry out Navy obligations under the classified Maritime Surveillance Agreement of 1986. Two of the P-3C aircraft authorized to be procured may be used to implement United States obligations under such classified agreement.

(d) DDG-51 DESTROYER PROGRAM.—(1) The Secretary of the Navy shall incorporate helicopter support facilities into each Arleigh Burke (DDG-51) class destroyer to be constructed with funds authorized to be appropriated by this title.

(2) Section 102(h) of the Department of Defense Authorization Act, 1985 (Public Law 98-525; 98 Stat. 2501), is repealed.

(e)(1) MSH-X.—The Secretary of the Navy is authorized to procure from one or more foreign countries which are allied with the United States and which have proven minesweeper hunter shipbuilding capabilities, lead minesweeper hunter ship and one partially outfitted hull of a minesweeper hunter ship. The lead ship may be procured in whole or in part from such a foreign country.

(2) Funds appropriated or otherwise made available to the Navy for fiscal year 1986 for shipbuilding and conversion shall be available for the procurement in connection with the MSH-X minesweeper hunter ship program authorized in subparagraph (1) in the amount of $100,000,000.

(3) Follow-on MSH-X minesweeper hunter ships shall be constructed in shipyards in the United States.

(4) Funds may not be obligated or expended for the procurement of a lead minesweeper hunter ship or a partially outfitted hull of a minesweeper hunter ship from a foreign country until the Secretary of the Navy has certified to the Congress in writing (A) that purchase of up to two foreign built ships responds to an urgent national security requirement; (B) that no United States shipbuilder has demonstrated the capability, or that no shipbuilder can demonstrate the ability to acquire that capability to meet that requirement in a timely fashion.

(f) CONSOLIDATION OF NAVY MUNITIONS FUNDS INTO SINGLE ACCOUNT.—The President shall include within a single account all budget requests for Navy munitions for fiscal year 1988 and subsequent fiscal years.

(g) ROLLING AIRFRAME MISSILE PROGRAM.—(1) None of the funds appropriated pursuant to an authorization in this title may be obligated or expended in connection with procurement of the Rolling Airframe Missile program until the Secretary of Defense has certified in writing to the Committee on Armed Services of the Senate and the House of Representatives that—

(A) the total Navy research and development cost of the Rolling Airframe Missile program will not exceed $219,700,000; and

(B) the Secretary will terminate the program if at any time he determines that the total Navy research and development cost will exceed the amount specified in subparagraph (A); and

(C) the recurring missile unit flyaway cost for a minimum of 4,900 missiles will not exceed $100,000 per missile (using fiscal year 1986 dollars as the base year); and

(D) the design of the Rolling Airframe Missile and its unique support equipment are complete and that the system performance has not been degraded from the original development specifications (as contained in Navy Decision Coordinating Paper No. SO-167-AA); and

(E) the Director of Operational Test and Evaluation has approved a test and evaluation master plan for the Rolling Airframe Missile.

(2) If the Secretary of Defense fails to make the certification described in paragraph (1) by March 30, 1987, he shall cause the Rolling Airframe Missile program to be terminated effective on that date.

(3) Subsection (d) of section 205 of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 608), is repealed.

(4) Department of Defense reprogramming request 85-91PA is approved.

SEC. 103. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal year 1987 for procurement of aircraft and missiles and for other procurement for the Air Force as follows:

For aircraft, $16,383,104,000.

For missiles, $8,116,200,000.

For other procurement, $10,068,348,000.

(b) 30MM GAU-8 AMMUNITION.—None of the funds appropriated pursuant to the authorization of appropriations in this title may be obligated or expended for procurement of 30 millimeter GAU-8 ammunition until such time as the depleted uranium penetrator part of such ammunition is obtained as a separate procurement item.

SEC. 104. RESERVE COMPONENTS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropri-

ated for fiscal year 1987 for procurement of aircraft, vehicles, communications equipment, and other miscellaneous equipment for the reserve components of the Armed Forces as follows:

For the Army National Guard, $140,000,000.

For the Air National Guard, $20,000,000.

For the Army Reserve, $90,000,000.

For the Naval Reserve, $45,000,000.

For the Air Force Reserve, $150,000,000.

For the Marine Corps Reserve, $20,000,000.

(b) AUTHORIZATIONS IN ADDITION TO OTHER AMOUNTS.—The authorizations of appropriations contained in subsection (a) are in addition to any other amounts authorized to be appropriated by this or any other division.

(c) Notwithstanding the amounts authorized to be appropriated by subsection (a), the total amount authorized to be appropriated by this subsection is $454,300,000.

SEC. 105. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

Funds are hereby authorized to be appropriated for fiscal year 1987 for the Defense Agencies in the amount of $1,431,300,000.

SEC. 106. AUTHORIZATION OF APPROPRIATIONS FOR CHEMICAL DEMILITARIZATION.

Funds are hereby authorized to be appropriated for fiscal year 1987 for the purposes of the destruction of lethal chemical weapons in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 747), in the amount of $120,100,000.

SEC. 107. EXTENSION OF CERTAIN AUTHORITY OF THE SECRETARY OF DEFENSE IN CONNECTION WITH THE NATO AIRBORNE WARNING AND CONTROL SYSTEM (AWACS) PROGRAM.

Effective on October 1, 1986, section 103(a) of the Department of Defense Authorization Act, 1982 (Public Law 97-86; Stat. 1100) is amended by striking out "fiscal year 1986" both places it appears and inserting in lieu thereof "fiscal year 1987".

SEC 108. MULTIYEAR CONTRACTS.

(a) IN GENERAL.—(1) Subject to paragraph (2), the Secretary of the military department concerned may enter into a contract in accordance with section 2306(h) of title 10, United States Code, for procurement of the following:

UH-60A Blackhawk and EH-60A Quick Fix Airframe.

Patriot Weapon System.

HARM Weapon System.

Defense Support Program.

(2) A multiyear contract authorized by paragraph (1) for a program may not be entered into unless the total anticipated cost over the period of the contract is no more than 90 percent of the total anticipated cost of carrying out the same program through annual contracts.

(b) STINGER MISSILE.—The Secretary of the Army may not enter into a contract for the multiyear procurement of the Stinger air defense missile until—

(1) the Secretary has—

(A) obtained and evaluated bids for a competitive second source for such missile; and

(B) certified to the Committees on Armed Services of the Senate and the House of Representatives that acquisition of such missile from more than one source would be more costly than a multiyear procurement program from a single source; and

(2) the Comptroller General of the United States has evaluated the estimates on the basis of which the Secretary made his decision and has submitted his evaluation of the estimates to the committees named in clause (1).

The Comptroller General shall submit his evaluation to the committees named in clause (1) not later than 60 days after the certification of the Secretary has been received by such committees.

(c) OTHER NAVY PROGRAMS.—The Secretary of the Navy may not enter into a multiyear contract for procurement of the following:

F/A-18 aircraft.

MK-45 gun mounts.

MK-6 ammunition hoists.

SEC. 109. TECHNICAL AMENDMENT TO PUBLIC LAW 99-145 RELATING TO BINARY CHEMICAL MUNITIONS.

Section 1411(b)(1) of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 745), is amended by striking out "North Atlantic Council" and inserting in lieu thereof "Defense Planning Committee of the North Atlantic Treaty Organization meeting in permanent session".

## TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 1987 for the use of the Armed Forces for research, development, test, and evaluation, in amounts as follows:

For the Army, $4,815,669,000.

For the Navy (including the Marine Corps), $9,289,678,000.

For the Air Force, $14,908,873,000.

For the Defense Agencies, $7,310,974,000, of which $141,800,000 is authorized for the activities of the Deputy Under Secretary of Defense, Test and Evaluation and of which $11,300,000 is authorized for the Director, Operational Test and Evaluation.

SEC. 202. PROGRAM RESTRICTIONS AND LIMITATIONS.

(a) ADVANCED FIELD ARTILLERY TACTICAL DATA SYSTEM/MARINE INTEGRATED FIRE AND AIR SUPPORT SYSTEMS, ARMY/NAVY.—None of the funds appropriated pursuant to this title for fiscal year 1987 may be obligated or expended for the development of the Army Advanced Artillery Tactical Data System or the Marine Integrated Fire and Support System until—

(1) a single program has been selected for both the Army and the Marine Corps; or

(2) the Secretary of Defense has certified to Congress, not later than December 15, 1986, that continuation of both programs is operationally sound and less costly to the United States than the development of a common system for use by both the Army and Marine Corps.

(b) ADVANCED TACTICAL AIRCRAFT, NAVY.—None of the funds appropriated pursuant to an authorization in this or any other Act may be obligated or expended for the full-scale development of the Navy Advanced Tactical Aircraft until the Secretary of Defense has certified to the Congress that the design selected for the aircraft will accommodate essential Air Force-peculiar requirements for such aircraft.

(c) TRIDENT II PROGRAM.—None of the funds appropriated pursuant to an authorization in this division for the Trident II missile development program or for the procurement of Trident II missiles and related support equipment may be used for any other purpose. In achieving any reductions required to be made in programs, projects, or activities for which funds have been appropriated pursuant to this division, the Secretary of the Navy may not reduce the amount of funds available for the program and equipment described in the first sentence.

(d) ADVANCED TACTICAL FIGHTER, AIR FORCE.—None of the funds appropriated pursuant to an authorization in this or any other Act may be obligated or expended for the full-scale development of the Air Force Advanced Tactical Fighter aircraft until the Secretary of Defense has certified to the Congress that the design selected for the aircraft will accommodate essential Navy-peculiar requirements for such aircraft.

(e) T-46 TRAINER AIRCRAFT, AIR FORCE.—None of the funds appropriated pursuant to an authorization in this or any other Act may be obligated or expended for research, development, test, evaluation, or procurement of or in connection with the T-46 trainer aircraft.

(f) DoD SOFTWARE ENGINEERING INSTITUTE AND VERY HIGH SPEED INTEGRATED CIRCUITS, AIR FORCE.—Of the funds appropriated pursuant to an authorization in this act, not more than $14,541,000 may be obligated and expended for the DoD Software Engineering Institute and not more than $127,897,000 may be obligated and expended for the Very High Speed Integrated Circuits program.

SEC. 203. TESTING OF ANTISATELLITE WEAPONS.

Section 8097 of the Department of Defense Appropriations Act, 1986 (as contained in section 101(b) of Public Law 99-190; 99 Stat. 1185), is repealed.

SEC. 204. ICBM MODERNIZATION.

(a) REPORT BY THE SECRETARY OF DEFENSE ON ICBM MODERNIZATION.—At the same time the Secretary submits his report to the Committees on Armed Services of the Senate and the House of Representatives on the ICBM modernization program pursuant to section 1231(c) of the Department of Defense Authorization Act, 1984 (Public Law 98-94; 97 Stat. 614), the Secretary of Defense shall submit a statement to such Committees containing the basis of the Secretary's recommendation to the President, and any decisions of the President, regarding the following matters:

(1) The configuration of a small intercontinental ballistic missile in terms of weight, number of warheads, and production schedule.

(2) The selected options for more survivable follow-on basing modes and basing locations for MX (Peacekeeper) missiles.

(3) The advisability of going forward with one or more selected basing modes to a full scale engineering development decision.

(b) LIMITATION OF FUNDING FOR THE SMALL ICBM.—(1) Of the $675,000,000 authorized to be appropriated in this Act for the development of the small ICBM and hard mobile launcher, not more than $337,750,000 may be obligated until the Secretary of Defense has submitted to the Committees on Armed Services of the Senate and the House of Representatives the report required by subsection (a) and a period of 30 days has elapsed following the date on which the report is received by such Committees. After the submission of such report and the period of 30 days has elapsed, the weight limitations specified in section 1231 of the Act referred to in subsection (a) shall no longer be effective.

(2) The limitations contained in section 1231 of the Department of Defense Authorization Act, 1984, on the deployment of the MX missile and the development of a small ICBM shall not apply if (A) the President requests funds from Congress adequate to

support the development schedule provided by law for the small ICBM, and (B) the full amount requested by the President to support that schedule has not been appropriated before September 30, 1987.

(c) LIMITATION OF FUNDING FOR FOLLOW-ON BASING DEVELOPMENT.—Of the $200,000,000 authorized to be appropriated for follow-on basing research and development for the MX (Peacekeeper) missile, not more than $100,000,000 may be obligated until the submission of the report required by subsection (a) and a period of 30 calendar days has elapsed following the date on which such report is received by the Committees on Armed Services of the Senate and the House of Representatives.

SEC. 205. BALANCED TECHNOLOGY INITIATIVE

(a) LIMITATION ON FUNDS FOR SDI PROGRAM.—Of the amount authorized in section 201 for Defense Agencies, not more than $3,597,000,000 is available for the Strategic Defense Initiative.

(b) EARMARKING FOR CERTAIN PROGRAMS.—(1) Of the amount authorized in section 201 for Defense Agencies, not less than $300,000,000 shall be used to expand research on innovative concepts and methods of enhancing conventional defense capabilities. The research and development efforts shall emphasize, but not be limited to the following:

(A) Armor/anti-armor initiatives.

(B) Defenses against armed helicopters.

(C) Hypervelocity missiles for ground combat use.

(D) Defense against anti-ship missiles, including those with "stealth" characteristics.

(E) "Smart" mines for both land and ocean warfare.

(F) Lightweight, air transportable vehicles with anti-armor capabilities for rapid transport to remote areas.

(G) Improved conventional anti-submarine warfare munitions.

(H) "Smart" standoff munitions and submunitions for aircraft delivery outside of lethal air defense ranges.

(2) The amount specified in paragraph (1) is in addition to the amount specified for the Strategic Defense Initiative in subsection (a) and is made available subject to the following conditions:

(A) That the Director of Defense Research and Engineering apportion the funds among the research, development, test, and evaluation accounts of the Army, the Navy, the Air Force, and the Defense Agencies on a merit basis, taking into consideration ongoing technology research and exploitation opportunities.

(B) That no portion of any undistributed reduction be applied against the funds appropriated for purposes of paragraph (1) and that no portion of any undistributed reduction be applied against any program, project, or activity for which additional funds are provided under subparagraph (A).

(C) That no portion of the funds provided for in paragraph (1) be applied to any program, project, or activity in support of the Strategic Defense Initiative.

(c) FUNDS FOR CONVENTIONAL DEFENSE TECHNOLOGY BASE.—Of the amount authorized in section 201 for Defense Agencies, not less than $153,000,000 shall be applied to restoration of the conventional defense technology base. Such amount is in addition to the amounts specified in subsections (a) and (b)(1) and is made available subject to the following conditions:

(1) That the Director of Defense Research and Engineering apportion the funds among the research, development, test, and evaluation accounts of the Army, the Navy, the Air Force, and Defense Agencies on a merit basis, either to augment ongoing but underfunded basic and exploratory research or to establish new basic or exploratory research programs.

(2) That no portion of such funds be applied to any program, project, or activity in support of the Strategic Defense Initiative.

(3) That no portion of any undistributed reduction made in any research, development, test, and evaluation account be applied against the technology base activities of any military department or Defense Agency in a greater proportion than the share of that department's or Agency's technology base as a proportion of the total research, development, test, and evaluation funds made available to that department or Agency for fiscal year 1987.

(4) That no portion of any undistributed reduction be applied against any program, project, or activity which has received additional funds under this subsection.

(d) REPORT.—Within 90 days after the date of the enactment of this Act, the Director of Defense Research and Engineering shall provide to the Committees on Armed Services and on Appropriations of the Senate and the House of Representatives a report on the implementation of this section. Such report shall include—

(1) the allocation by project of the amounts specified in subsections (b)(1) and (c);

(2) the identification of other ongoing research and development projects that should be included in a balanced defense technology effort to improve conventional defenses;

(3) for each program, project, or activity for which funds have been allocated under subsection (b)(1), or which is identified under clause (2) of this subsection, a 5-year funding profile sufficient to maintain significant progress in such program, project, or activity, including the major milestones and projected dates of accomplishment for such program, project, or activity; and

(4) a 5-year funding profile that would be required to restore by the end of fiscal year 1992 the defense technology base to the proportion of total research, development, test, and evaluation that such base was, on average, during the period from 1971 through 1980, and the effect of implementing that funding profile on the research, development, test, and evaluation defense programs of the United States.

(e) RESTRICTION ON OBLIGATION OF FUNDS.—None of the funds provided under subsections (b)(1) and (c) may be obligated until Congress has received the report required under subsection (d) and a period of 30 days has elapsed following the date on which the report is received by Congress.

(f) COMPLIANCE WITH THE ABM TREATY.—(1) The Congress finds—

(a) that the President's Commission on Strategic Forces declared in its report to the President, dated March 21, 1984, that "One of the most successful arms control agreements is the Anti-Ballistic Missile Treaty of 1972"; and

(b) that the Secretary of State has stated that the "ABM Treaty requires consultations, and the President has explicitly recognized that any ABM-related deployments arising from research into ballistic missile defenses would be a matter for consultations and negotiations between the Parties";

(c) that the Secretary of State declared on October 14, 1985, that "our research program has been structured and, as the President has reaffirmed, will continue to be conducted in accordance with a restrictive interpretation of the treaty's obligations";

(d) that the President has determined that the Krasnoyarsk radar is a violation of the ABM Treaty; and

(e) that the Krasnoyarsk radar therefore erodes the integrity of the ABM Treaty and is a matter of serious concern.

(2) The Congress therefore declares—

(a) that it fully supports the declared policy of the President that a principal objective of the United States in negotiations with the Soviet Union on nuclear and space arms is to reverse the erosion of the Treaty between the United States and America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems, signed on May 26, 1972; and

(b) that action by the Congress in approving funds in this Act for research on the Strategic Defense Initiative does not express or imply an intention on the part of the Congress that the United States should abrogate, violate, or otherwise erode such treaty, and does not express or imply any determination or commitment on the part of the Congress that the United States develop, test, or deploy ballistic missile strategic defense weaponry that would contravene such treaty.

SEC. 206. RESTRICTIONS ON USE OF RESEARCH AND DEVELOPMENT FUNDS OF THE DEPARTMENT OF DEFENSE

This Act does not authorize any research, development, test, and evaluation funds to or for the use of the Department of Defense for the purpose of making any grant or contribution to any educational institution unless the Secretary of Defense, using existing authority, determines—

(1) that the purpose of such grant or contribution has a potential relationship to a military function or operation; and

(2) that the grant or contribution is based on the technical merit of the proposed research that best satifies the requirements of the Department of Defense.

SEC. 207. REPORT ON PROJECTED COSTS OF SDI PROGRAM

Subsection (b) of section 223 of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 613), is amended to read as follows:

At the end of subsection (b) add the following:

"(c) The Secretary shall specifically include in such report the following information:

"(1) The cost goals or cost objectives for the production and deployment of a Strategic Defense Initiative System determined on the basis of capabilities expected to be developed in the future and the cost goals or cost objectives for the individual components of such system (determined on the basis of capabilities expected to be developed in the future).

"(2) The estimated cost for the production and deployment of the Strategic Defense Initiative System referred to in subparagraph (1) and determined on the basis of prices in effect and capabilities in existence at the time of the preparation of the report and the estimated cost for the production and deployment of the individual components of such system (determined on the basis of prices in effect and capabilities in existence at the time of the preparation of the report)."

SEC. 208. PROHIBITION AGAINST CERTAIN CONTRACTS

(a) IN GENERAL.—Funds appropriated pursuant to an authorization contained in this or any other Act to or for the use of the Department of Defense may not be used for the purpose of entering into or carrying out any contract with any foreign government or any foreign firm if the contract is to provide for the conduct of research, development, test, or evaluation in connection with the Strategic Defense Initiative program unless the Secretary of Defense certifies to the Congress in writing that the work to be performed under the contract cannot be reasonably performed by a United States firm.

(b) EXCEPTIONS.—The prohibition in subsection (a) does not apply to—

(1) funds used to carry out any contract entered into before the date of the enactment of this Act; or

(2) funds appropriated specifically for research, development, test, or evaluation in connection with antitactical ballistic missile systems.

(b) DEFINITION.—As used in subsection (a), the term "foreign firm" means a business entity owned or controlled by one or more foreign nationals or a business entity in which more than 50 percent of the stock is owned or controlled by one or more foreign nationals.

## TITLE III—OPERATION AND MAINTENANCE

SEC. 301. AUTHORIZATION OF APPROPRIATIONS

Funds are hereby authorized to be appropriated for fiscal year 1987 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance in amounts as follows:

For the Army, $20,596,070,000.

For the Navy, $24,009,960,000.

For the Marine Corps, $1,830,300,000.

For the Air Force, $19,029,371,000.

For the Defense Agencies, $8,332,928,000.

For the Army Reserve, $776,100,000.

For the Naval Reserve, $887,400,000.

For the Marine Corps Reserve, $12,800,000.

For the Air Force Reserve, $887,100,000.

For the Army National Guard, $1,714,800,000.

For the Air National Guard, $1,727,900,000.

For the National Board for the Promotion of Rifle Practice, $930,000.

For Defense Claims, $144,100,000.

For the Court of Military Appeals, $3,200,000.

For the Environmental Restoration Fund, Defense, $385,900,000.

SEC. 302. AUTHORIZATION OF APPROPRIATIONS FOR REVOLVING AND MANAGEMENT FUNDS

Funds are hereby authorized to be appropriated for fiscal year 1987 to provide capital for working-capital funds of the Department of Defense in amounts as follows:

For the Army Stock Fund, $271,700,000.

For the Navy Stock Fund, $438,500,000.

For the Marine Corps Stock Fund, $41,900,000.

For the Air Force Stock Fund, $219,400,000.

For the Defense Stock Fund, $125,800,000.

SEC. 303. ASSISTANCE FOR THE TENTH INTERNATIONAL PAN AMERICAN GAMES

(a) AUTHORITY TO PROVIDE SUPPORT SERVICES.—The Secretary of Defense may—

(1) provide logistical support and personnel services to the Tenth Pan Am Games;

(2) lend and provide equipment in support of the Tenth Pan Am Games; and

(3) provide such other services in support of the Tenth Pan Am Games as the Secretary considers advisable.

(b) AUTHORIZATION OF APPROPRIATIONS; LIMITATIONS.—(1) There is authorized to be appropriated to the Secretary of Defense for fiscal year 1987 an amount not to exceed $15,000,000 for the purpose of carrying out subsection (a).

(2) Except as provided in paragraph (3), funds may not be obligated for the purpose of carrying out subsection (a) unless specifically appropriated for such purpose.

(3) Paragraph (2) does not apply to funds used for pay and non-travel-related allowances for members of the Armed Forces (other than pay and allowances of members of the reserve components called or ordered to active duty to provide support for the Tenth Pan Am Games).

(4) The costs for pay and non-travel-related allowances of members of the Armed Forces (other than members of the reserve components called or ordered to active duty to provide support for the Tenth Pan Am Games) may not be charged to appropriations made pursuant to the authorization in paragraph (1).

(c) DEFINITION.—For the purpose of this section, the term "Tenth Pan Am Games" means the Tenth International Pan American Games, to be held at Indianapolis, Indiana, during the period beginning on August 7, 1987, and ending August 23, 1987.

SEC. 304. AUTHORIZATION OF APPROPRIATIONS FOR TRANSPORTATION OF HUMANITARIAN RELIEF SUPPLIES TO AFGHAN REFUGEES

(a) AUTHORIZATION OF FUNDS.—There is authorized to be appropriated to the Department of Defense for fiscal year 1987 the sum of $10,000,000 for the purpose of providing transportation for humanitarian relief for persons displaced or who are refugees because of the invasion of Afghanistan by the Soviet Union.

(b) AUTHORITY TO TRANSFER FUNDS.—The Secretary of Defense is authorized to transfer to the Secretary of State not more than 5 percent of the funds appropriated pursuant to the authorization in this section to provide local transportation outside the United States to accomplish the purposes of this section.

(c) TRANSPORTATION UNDER DIRECTION OF THE SECRETARY OF STATE.—Transportation provided with funds appropriated pursuant to the authorization in this section shall be under the direction of the Secretary of State.

(d) MEANS OF TRANSPORTATION TO BE USED.—Transportation for humanitarian relief provided with funds appropriated pursuant to the authorization in this section shall be by the most economical commercial or military means available, unless the Secretary of State determines that it is in the national interest of the United States to use means other than the most economical available. Such means may include the use of aircraft and personnel of the reserve components of the Armed Forces.

(e) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to the authorization in subsection (a) shall remain available until expended, to the extent provided in appropriation Acts.

SEC. 305. PROGRAM RESTRICTIONS AND LIMITATIONS

(a) PROHIBITION ON USE OF FUNDS FOR CERTAIN STUDIES, ARMY.—None of the funds appropriated to the Army pursuant to an authorization contained in this or any other Act may be obligated or expended, on or after the date of the enactment of this Act, for the purpose of continuing or completing any study, pursuant to the Office of Management and Budget Circular A-76, relating to converting the operation of the federally owned and operated McAlester Army Ammunition Plant, at McAlester, Oklahoma, or the Crane Army Ammunition Activity at the Naval Weapons Support Center, Crane, Indiana, from performance by personnel of the Department of Defense to performance by private contractor, until detailed reports have been submitted to the Congress by the General Accounting Office and the Department of Defense concerning the cost effectiveness of such a conversion and its effect on the defense readiness and mobilization base.

(b) TERMINATION OF PROHIBITION.—The prohibition in subsection (a) shall expire on March 31, 1987.

SEC. 306. AUTHORIZATION OF APPROPRIATIONS FOR FOREIGN CURRENCY PURCHASES

Funds are hereby authorized to be appropriated for fiscal year 1987 in the amount of $3,500,000 for the purchase of foreign currencies from the Treasury Department to pay expenses incurred in carrying out programs of the Department of Defense.

## TITLE IV—PERSONNEL AUTHORIZATIONS AND RELATED MATTERS

### PART A—ACTIVE FORCES

SEC. 401. AUTHORIZATION OF END STRENGTHS

The Armed Forces are authorized strengths for active-duty personnel as of September 30, 1987, as follows:

(1) The Army, 780,800.

(2) The Navy, 587,000.

(3) The Marine Corps, 199,600.

(4) The Air Force, 606,850.

SEC. 402. EXTENSION OF QUALITY CONTROL ON ENLISTMENTS INTO THE ARMY

Effective on October 1, 1986, section 302(a) of the Department of Defense Authorization Act, 1981 (10 U.S.C. 520 note), is amended by striking out "October 1, 1985" and "September 30, 1986" and inserting in lieu thereof "October 1, 1986" and "September 30, 1987", respectively.

SEC. 403. STRENGTH OF ACTIVE DUTY OFFICER CORPS

(a) REDUCTION IN SIZE OF OFFICER CORPS.—On and after each of the dates set forth in column 1 of the following table, the total number of commissioned officers serving on active duty in the Army, Navy, Air Force, and Marine Corps (excluding officers in categories specified in subsection (b)) may not exceed the percentage, set forth in column 2 opposite such date, of the total number of commissioned officers serving on active duty as of September 30, 1986 (excluding officers in categories specified in subsection (b)):

| Column 1 | Column 2 |
|---|---|
| On and after: | Percentage of total commissioned officers serving on active duty as of September 30, 1986: |
| September 30, 1987..... | 98 |
| September 30, 1988..... | 96 |
| September 30, 1989..... | 94 |

(b) EXCLUSIONS.—In computing the authorized strength of commissioned officers under subsection (a), officers in the following categories shall be excluded:

(1) Reserve officers—

(A) on active duty for training;

(B) on active duty under section 265, 270(b), 672a, 3033, 3496, 5251, 5252, 8033, or

8496 of title 10, United States Code, or under section 708 of title 32, United States Code;

(C) on active duty under section 672(d) of title 10, United States Code, in connection with organizing, administering, recruiting, instructing, or training the reserve components or the National Guard;

(D) on active duty to pursue special work;

(E) ordered to active duty under section 673(b) of title 10, United States Code; or

(F) on full-time National Guard duty.

(2) Warrant officers.

(3) Retired officers on active duty under a call or order to active duty for 180 days or less.

(4) Reserve or retired officers on active duty under section 10(b)(2) of the Military Selective Service Act (50 U.S.C. App. 460(b)(2)) for the administration of the Selective Service System.

(c) APPORTIONMENT OF REDUCTIONS BY SECRETARY OF DEFENSE.—The reductions in the number of commissioned officers serving on active duty required by subsection (a) shall be apportioned among the Army, Navy, Air Force, and Marine Corps by the Secretary of Defense. The Secretary shall report to the Committees on Armed Services of the Senate and House of Representatives not later than February 1 of each fiscal year in which reductions are required under subsection (a) on the manner in which the reductions have been or are to be apportioned for that fiscal year.

(d) REQUIREMENT FOR FUTURE AUTHORIZATION OF OFFICER CORPS STRENGTH.—(1) Section 138(c)(1) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

"(D) Congress shall authorize the end strength as of the end of each fiscal year for commissioned officers the Army, Navy, Air Force, and Marine Corps serving on active duty. No funds may be appropriated for any fiscal year to or for the use of commissioned officers on active duty in the Army, Navy, Air Force, or Marine Corps unless the end strength for commissioned officers serving on active duty in that military service for that fiscal year has been authorized by law.".

(2) The amendment made by paragraph (1) shall take effect on October 1, 1987.

## PART B—RESERVE FORCES

### SEC. 411. AUTHORIZATION OF AVERAGE STRENGTHS FOR SELECTED RESERVE

(a) IN GENERAL.—For fiscal year 1987, the Selected Reserve of the reserve components of the Armed Forces shall be programmed to attain average strengths of not less than the following:

(1) The Army National Guard of the United States, 440,025.

(2) The Army Reserve, 290,639.

(3) The Naval Reserve, 134,212.

(4) The Marine Corps Reserve, 41,900.

(5) The Air National Guard of the United States, 108,700.

(6) The Air Force Reserve, 75,600.

(7) The Coast Guard Reserve, 12,500.

(b) ADJUSTMENTS.—The average strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by (1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at any time during the fiscal year, and (2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at any time during the fiscal year. Whenever such units or such individual members are released from active duty during any fiscal year, the average strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be proportionately increased by the total authorized strength of such units and by the total number of such individual members.

### SEC. 412. AUTHORIZATION OF END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVE COMPONENTS

(a) IN GENERAL.—Within the average strengths prescribed in section 411, the reserve components of the Armed Forces are authorized, as of September 30, 1987, the following number of Reserves to be serving on full-time active duty or, in the case of members of the National Guard, on full-time National Guard duty for the purpose of organizing, administering, recruiting, instructing, or training the reserve components or the National Guard:

(1) The Army National Guard of the United States, 23,731.

(2) The Army Reserve, 12,157.

(3) The Naval Reserve, 19,010.

(4) The Marine Corps Reserve, 1,475.

(5) The Air National Guard of the United States, 7,269.

(6) The Air Force Reserve, 635.

(b) COUNTING OF PERSONNEL IN CERTAIN RESERVE CALL-UP SITUATIONS.—During any period that members of reserve components of the Armed Forces are serving on active duty pursuant to an order under section 673 or 673b of title 10, United States Code, members of reserve components serving on active duty may perform duties in connection with section 673 or 673b of such title and, for purposes of subsection (a), and shall not be counted against the number of Reserves ordered to active duty under those sections. Funds available for the pay and allowances of Reserves referred to in subsection (a) shall be available for the pay and allowances of such Reserves who perform duties in connection with section 673 or 673b of such title under the authority of this section.

### SEC. 413. ACCOUNTING FOR CERTAIN AUTHORIZED RESERVE COMPONENT MEMBERS

Section 138(c) of title 10, United States Code, is further amended—

(1) by striking out the text of paragraph (1)(A) and inserting in lieu thereof the following: "Congress shall authorize the end strengths as of the end of each fiscal year for each component of the armed forces for (i) active duty personnel who are to be paid from funds appropriated for active duty personnel, and (ii) active duty personnel and full-time National Guard duty personnel who are to be paid from funds appropriated for reserve personnel. Upon determination by the Secretary of Defense that such action is in the national interest, an end strength authorized pursuant to clause (i) of the first sentence for a fiscal year may be increased by a number equal to not more than 0.5 percent of the total end strength authorized for such component for that fiscal year and an end strength authorized pursuant to clause (ii) of the first sentence for a fiscal year may be increased by a number equal to not more than 2 percent of the total end strength authorized for such component for that fiscal year. No funds may be appropriated to or for the use of active duty personnel or full-time National Guard duty personnel of any component of the armed forces unless the end strength for such personnel of that component for that fiscal year has been authorized by law.";

(2) in paragraph (1)(B)—

(A) by striking out "for 180 days or less" in clause (v); and

(B) by adding at the end the following new clause:

"(vii) Members on full-time National Guard duty for 180 days or less."; and

(3) in paragraph (3)(D)—

(A) by striking out "and" at the end of clause (iii);

(B) by striking out the period at the end of clause (iv) and inserting in lieu thereof "; and"; and

(C) by adding at the end the following new clause:

"(v) an analysis of the number of officers and enlisted members serving on active duty for training under orders specifying a period in excess of 180 days as of the last day of the preceding fiscal year and an estimate for the current fiscal year of the number that will be ordered to such duty tabulated by the following categories:

"(I) Recruit and specialized training.

"(II) Flight training.

"(III) Professional training in military and civilian institutions.

"(IV) Officer acquisition training.".

## PART C—CIVILIAN PERSONNEL

### SEC. 421. AUTHORIZATION OF END STRENGTHS AND OBLIGATIONAL LIMITS

(a) IN GENERAL.—(1) The Department of Defense is authorized a strength in civilian personnel, as of September 30, 1987, of 1,084,836.

(2) Of the funds appropriated or otherwise made available to the Department of Defense for fiscal year 1987, the total amount that may be obligated for the employment of civilian personnel within the authorization prescribed by paragraph (1) may not exceed $31,811,640,000.

(b) APPORTIONMENT OF PERSONNEL.—The strength for civilian personnel prescribed in subsection (a)(1) shall be apportioned among the Department of the Army, the Department of the Navy, the Department of the Air Force, and the agencies of the Department of Defense (other than the military departments) in such numbers as the Secretary of Defense shall prescribe. The Secretary of Defense shall report to Congress within 60 days after the date of the enactment of this Act on the manner in which the initial allocation of civilian personnel is made among the military departments and the agencies of the Department of Defense (other than the military departments) and shall include the rationale for each allocation.

(c) COUNTING OF PERSONNEL.—(1) In computing the strength for civilian personnel, there shall be included all direct-hire and indirect-hire civilian personnel employed to perform military functions administered by the Department of Defense (other than those performed by the National Security Agency) whether employed on a full-time, part-time, or intermittent basis, but excluding personnel in special employment categories for students and disadvantaged youth (such as the stay-in-school campaign, the temporary summer aid programs, and the Federal junior fellowship program) and personnel participating in the worker-trainee opportunity program.

(2) Personnel employed under a part-time career employment program established by section 3402 of title 5, United States Code, shall be counted as prescribed by section

3404 of that title. Personnel employed in an overseas area on a part-time basis under a nonpermanent local-hire appointment who are dependents accompanying a Federal civilian employee or a member of a uniformed service on official assignment or tour of duty shall also be counted as prescribed by section 3404 of that title.

(3) Whenever a function, power or duty, or activity is transferred or assigned to a military department or an agency of the Department of Defense from a department or agency outside of the Department of Defense, or from another military department or agency within the Department of Defense, the civilian personnel end-strength authorized for each such military department or agency of the Department of Defense affected shall be adjusted to reflect any increases or decreases in civilian personnel required as a result of such transfer or assignment.

SEC. 422. REQUIREMENTS RELATING TO PROPOSED INCREASED UTILIZATION OF CIVILIAN PERSONNEL

(a) IN GENERAL.—No commercial or industrial type function of the Department of Defense that on or after the date of the enactment of this Act is being performed by a private contractor may be converted to performance by Department of Defense civilian employees—

(1) except in time of war, time of national emergency declared by the Congress or the President, or upon a written declaration of the Secretary of Defense (and not a delegate) that such conversion is required in the interests of national security; or

(2) unless the Secretary of Defense provides to the Congress in a timely manner—

(A) notification of any decision to study such commercial or industrial function for possible performance by Department of Defense civilian employees;

(B) a detailed summary of the comparison of the costs of performance of such function by private contractor and by Department of Defense civilian employees which demonstrates that the performance of such function by Department of Defense civilian personnel will result in a cost savings to the Government over the 5-year period following conversion and a certification that the entire cost comparison is available in the Department of Defense;

(C) a certification that the cost estimate for the performance by Department of Defense civilian employees (i) includes an estimate of indirect costs computed on the same basis as those of the private contractor, (ii) includes an estimate of the cost of retirement benefits provided to civilian employees (estimated on the basis of current data), and (iii) is based on an estimate of the organization for performance of such function by such civilian employees that is to be utilized if a decision is made to convert to performance by civilian employees; and

(D) a report, to be submitted with the certification required by subclause (C), showing—

(i) the potential economic effect on contractor employees, and, if more than 50 contractor employees are involved, the potential economic effect on the local community and Federal Government (including the effect on Federal tax revenues and Federal Government expenditures under Federal benefits programs) of converting to performance by Department of Defense civilian employees; and

(ii) the cost of performance of such function by private contractor and the cost of performance by Department of Defense civilian employees, including any incidental or one-time costs and expenditures which the Government will incur because of a decision to convert to performance by civilian employees.

(b) NOTIFICATION REQUIREMENT.—If, after the completion of the studies required for completion of the certification and report required by subclauses (C) and (D) of subsection (a)(2), a decision is made to convert to performance by civilian employees, the Secretary of Defense shall notify Congress of such decision.

PART D—MILITARY TRAINING

SEC. 431. AUTHORIZATION OF TRAINING STUDENT LOADS

(a) IN GENERAL.—For fiscal year 1987, the components of the Armed Forces are authorized average military training student loads as follows:

(1) The Army, 76,758.
(2) The Navy, 72,483.
(3) The Marine Corps, 19,433.
(4) The Air Force, 43,911.
(5) The Army National Guard of the United States, 18,262.
(6) The Army Reserve, 15,858.
(7) The Naval Reserve, 3,493.
(8) The Marine Corps Reserve, 3,944.
(9) The Air National Guard of the United States, 3,566.
(10) The Air Force Reserve, 2,127.

(b) ADJUSTMENT AND APPORTIONMENT.—The average military student loads for the Army, the Navy, the Marine Corps, and the Air Force and the reserve components authorized in subsection (a) for fiscal year 1987 shall be adjusted consistent with the personnel strengths authorized in parts A and B. Such adjustment shall be apportioned among the Army, the Navy, the Marine Corps, and the Air Force and the reserve components in such manner as the Secretary of Defense shall prescribe.

PART E—MANPOWER ANALYSES

SEC. 441. MANPOWER REPORTS ON MAJOR DEFENSE ACQUISITION PROGRAMS

(a) IN GENERAL.—Section 139c of title 10, United States Code, is amended—

(1) by striking out subsection (a) and inserting in lieu thereof the following:

"(a) The Secretary of Defense may not approve the full-scale engineering development or the production and deployment of a major defense acquisition program unless—

"(1) an independent estimate of the cost of the program first has been submitted to (and considered by) the Secretary of Defense; and

"(2) the Secretary of Defense has submitted to the Committees on Armed Services of the Senate and the House of Representatives at least 90 days in advance of such approval a manpower estimate of the program.";

(2) by adding at the end of subsection (b) the following new paragraph:

"(4) 'Manpower estimate' means, with respect to a major defense acquisition program, an estimate of—

"(A) the total number of personnel, including military, civilian, or contractor personnel, expressed both in total personnel and man-years, that will be required to operate, maintain, and support such program upon full operational deployment and to train personnel to operate, maintain, and support such program upon full operational deployment;

"(B) the increases in military and civilian end strengths that will be required for full operational deployment of such program above the end strengths authorized in the fiscal year in which such an estimate is submitted and the fiscal year or years in which such increases will be required; and

"(C) the manner in which such a program would be operationally deployed if no increases in military and civilian end strengths were authorized above the strengths authorized for the fiscal year in which such estimate is submitted."; and

(3) by striking out the section heading and inserting in lieu thereof the following:

"§ 139c. Major defense acquisition programs: independent cost estimates; operational manpower requirements".

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 4 is amended by striking out the item relating to section 139c and inserting in lieu thereof the following:

"139c. Major defense acquisition programs: independent cost estimates; operational manpower requirements.".

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect 30 days after the date of the enactment of this Act and shall apply to approvals of full-scale engineering development and approvals of production and deployment of major defense acquisition programs made on or after that date.

TITLE V—MILITARY PERSONNEL POLICY

SEC. 501. ASSIGNMENT OF PERSONNEL OUTSIDE THE UNITED STATES

The text of section 671 of title 10, United States Code, is amended to read as follows:

"A member of the armed forces may not be assigned to active duty on land outside the United States and its territories and possessions until the member has completed the basic training requirements of the armed force of which he is a member. In time of war or a national emergency declared by the Congress or the President, the period of required basic training may not be less than 12 weeks or the equivalent thereof.".

SEC. 502. TREATMENT OF EXCESS LEAVE UPON RE-ENLISTMENT

(a) AUTHORITY TO CARRY OVER EXCESS LEAVE.—Section 701 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(h) A member who has taken leave in excess of that authorized by this section and who is being discharged or released from active duty for the purpose of accepting an appointment or a warrant in an armed force, or of entering into an enlistment or an extension of an enlistment in an armed force, may elect to have excess leave of up to 30 days or the maximum number of days of leave that could be earned in the new term of service, whichever is less, carried over to that new term of service to count against leave that will accrue on the new term of service. A member shall be required, at the time of his discharge or release from active duty, to pay for excess leave not carried over under this subsection.".

(b) AUTHORIZATION FOR PAY AND ALLOWANCES FOR CARRIED OVER EXCESS LEAVE.—Section 502(b) of title 37, United States Code, is amended by inserting "and section 701(h) of title 10" after "subsection (a) of this section".

SEC. 503. EXTENSION OF AUTHORITY FOR THE TEMPORARY PROMOTION OF CERTAIN NAVY LIEUTENANTS

Section 5721(f) of title 10, United States Code, is amended by striking out "Septem-

ber 30, 1986" and inserting in lieu thereof "September 30, 1988".

SEC. 504. CORRECTION OF TECHNICAL ERROR RELATING TO AUTHORITY TO RETAIN UP TO 10 ARMY RESERVE BRIGADIER GENERALS IN AN ACTIVE STATUS UNTIL AGE 60

(a) IN GENERAL.—Subsections (c) and (d) of section 3851 of title 10, United States Code, are amended to read as follows:

"(c) Notwithstanding subsections (a) and (b), the Secretary of the Army may authorize the retention in an active status until age 60 of an officer in the reserve grade of brigadier general who would otherwise be removed from an active status under this section, except that not more than 10 officers may be retained under this subsection at any time.

"(d) Notwithstanding subsections (a) and (b), the Secretary of the Army may authorize the retention in an active status until age 60 of an officer who would otherwise be removed from an active status under this section who—

"(1) is an officer of the Army National Guard of the United States assigned to a headquarters or headquarters detachment of a State or territory, the Commonwealth of Puerto Rico, the Canal Zone, or the District of Columbia; or

"(2) is employed—

"(A) as a technician under section 709 of title 32 in a position for which membership in the National Guard is required as a condition of employment; or

"(B) as a technician of the Army Reserve in a position for which membership in the Army Reserve is required as a condition of employment.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as of November 8, 1985, and shall apply as if such amendment had been enacted on such date in place of the amendments enacted by section 522(a)(2) of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 631).

SEC. 505. INCREASED PRESIDENTIAL AUTHORITY TO AUGMENT ACTIVE FORCES WITH THE SELECTED RESERVE

Section 673b of title 10, United States Code, is amended—

(1) by striking out "100,000" in subsection (c) and inserting in lieu thereof "250,000"; and

(2) by adding at the end the following new subsection:

"(i) In any case in which one or more units of the Selected Reserve, or members of the Selected Reserve not assigned to a unit organized to serve as a unit, have been ordered to active duty under this section and the President determines that such action is necessary in the interests of national security, he may extend the 90-day period prescribed by subsection (a). The President shall immediately notify Congress in any case in which he exercises his authority under this subsection and shall include in the notification a statement of reasons for the extension. Nothing in this subsection shall be construed as amending or limiting the authority of Congress to terminate the service of units or members ordered to active duty under this section pursuant to the provisions of subsection (g).".

SEC. 506. ACTIVE DUTY STATUS OF RESERVE COMPONENT MEMBERS IN A CAPTIVE STATUS

(a) IN GENERAL.—Chapter 39 of title 10, United States Code, is amended—

(1) by adding after section 672 the following new section:

"§ 672a. Reserve components: members in a captive status

"(a) Under uniform regulations prescribed by the Secretary of Defense, a member of a reserve component may, without his consent, be ordered to active duty if it is determined, pursuant to such regulations, that the member is in a captive status. A member ordered to active duty under this section may not be retained on active duty, without his consent, for more than 30 days after his captive status is terminated.

"(b) For purposes of this section, the term 'captive status' means the status of a person who is in a missing status as defined in section 551(2) of title 37 which occurred as the result of hostile action and is related to the member's military status."; and

(2) by inserting in the table of sections at the beginning of such chapter the following new item immediately below the item relating to section 672:

"672a. Reserve components: members in a captive status.".

(b) EXCLUSION FROM END STRENGTHS.—Section 138(c)(1)(B) of such title, as amended by section 413(2)(B) of this Act, is further amended by adding at the end the following new clause:

"(viii) Members of reserve components ordered to active duty under section 672a of this title.".

(c) EXCLUSION FROM OFFICER STRENGTHS.—Chapter 32 of title 10, United States Code, is amended—

(1) by adding at the end the following new section:

"§ 527. Authorized strengths: exclusion of certain reserve officers

"Members ordered to active duty under section 672a of this title shall be excluded in computing and determining authorized strengths under this chapter.";

(2) by adding at the end of the table of sections at the beginning of such chapter the following new item:

"527. Authorized strengths: exclusion of certain reserve officers."; and

(3) in section 523(b)(1)(B), by inserting "672a," after "265,".

(d) EXCLUSION FROM APPLICABILITY OF CERTAIN LAWS.—Section 641(1)(B) of title 10, United States Code, is amended by inserting "672a," after "265,".

(e) EFFECT OF ACTIVE DUTY UPON PROMOTION.—(1) Section 3388 of title 10, United States Code, is amended by inserting "or under section 672a of this title" after "training".

(2) Section 8372(e) of such title is amended by inserting "(other than pursuant to section 672a of this title)" after "active duty".

SEC. 507. TECHNICAL CORRECTION RELATING TO PERSONNEL ADMINISTRATION AT AIR FORCE INSTITUTE OF TECHNOLOGY

Section 9314(b)(2)(B) of title 10, United States Code, is amended by striking out "rates of basic".

SEC. 508. TERMINATION OF GENDER-BASED DISTINCTIONS IN PROMOTIONS OF OFFICERS OF THE NAVAL RESERVE AND MARINE CORPS RESERVE

(a) IN GENERAL.—Chapter 549 of title 10, United States Code, is amended by striking out sections 5896 through 5899 and inserting in lieu thereof the following:

"§ 5896. Recommendations for promotion by selection boards

"(a) A selection board convened under section 5893 of this title shall recommend for promotion to the next higher grade those officers considered by the board whom the board, giving due consideration to the needs of the Navy or Marine Corps for officers with particular skills, considers best qualified for promotion within each competitive category considered by the board.

"(b) A selection board convened under section 5893 of this title may not recommend an officer for promotion unless—

"(1) the officer receives the recommendation of a majority of the members of the board; and

"(2) a majority of the members of the board finds that the officer is fully qualified for promotion.

"(c) Except as otherwise provided by law, an officer of the Naval Reserve or the Marine Corps Reserve may not be promoted to a higher grade under this chapter unless the officer is considered and recommended for promotion to that grade by a selection board convened under this chapter.

"§ 5897. Reports of selection boards

"Each selection board convened under section 5893 of this title shall submit to the Secretary of the Navy a written report, signed by each member of the board, containing a list of the names of the officers recommended for promotion and certifying (1) that the board has carefully considered the record of each officer whose name was furnished to the board under section 5895 of this title, and (2) that, in the opinion of a majority of the members of the board, the officers recommended for promotion by the board are best qualified for promotion to meet the needs of the Navy or the Marine Corps from among those officers whose names were furnished to the selection board.

"§ 5898. Action on reports of selection boards

"(a) If, after reviewing the report of a selection board submitted under section 5897 of this title, the Secretary of the Navy determines that the board has acted contrary to law or regulation, the Secretary shall return the report to the board for further proceedings. Upon receipt of a report returned by the Secretary under this subsection, the selection board (or a subsequent selection board convened under section 5893 of this title for the same grade and competitive category) shall conduct such proceedings as may be necessary in order to revise the report and shall resubmit the report, as revised, to the Secretary in accordance with section 5897 of this title.

"(b) The Secretary of the Navy shall, after final review of the report, submit it, together with the Secretary's recommendations, to the Secretary of Defense for transmittal to the President for approval, modification, or disapproval.

"(c) The name of an officer recommended for promotion by a selection board may be removed from the report of the selection board only by the President. Such action may be taken at any time before the promotion of the officer.

"(d) Upon approval by the President of the report of a selection board, the names of the officers recommended for promotion by the selection board (other than any name removed by the President) may be disseminated to the armed force concerned. If those names have not been sooner disseminated, those names (other than the name of any officer whose promotion the Senate failed to confirm) shall be promptly disseminated to the armed force concerned upon confirmation by the Senate.

"(e) Except as authorized or required by this section, proceedings of a selection board

convened under section 5893 of this title may not be disclosed to any person not a member of the board.

"§ 5899. Eligibility for consideration for promotion: running mates

"An officer is in the promotion zone and is eligible for consideration for promotion to the next higher grade by a selection board convened under section 5893 of this title when that officer's running mate is in or above the promotion zone established for that officer's present grade under chapter 36 of this title.".

(b) CONFORMING AMENDMENTS.—(1) The table of sections of chapter 549 of title 10, United States Code, is amended by striking out the items relating to sections 5896 through 5899 and inserting in lieu thereof the following:

"5896. Recommendations for promotion by selection boards.
"5897. Reports of selection boards.
"5898. Actions on reports of selection boards.
"5899. Eligibility for consideration for promotion: running mates.".

(2) Section 5903 of such title is amended—

(A) by striking out "(a)" at the beginning of such section; and

(B) by striking out subsection (b).

(3) Subsection (a) of section 5905 of such title is amended to read as follows:

"(a) The name of an officer recommended for promotion by a selection board may be removed from the report of the selection board only by the President. Such action may be taken at any time before the promotion of the officer.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1986, or on the date of the enactment of this Act, whichever is later, and shall apply to selection boards convened on or after the effective date.

SEC. 509. SENATE CONFIRMATION OF CERTAIN GENERAL AND FLAG OFFICER POSITIONS

(a) DEAN OF ACADEMIC BOARD OF UNITED STATES MILITARY ACADEMY.—Section 4335 of title 10, United States Code, is amended—

(1) by striking out the last sentence of subsection (b); and

(2) by adding at the end the following new subsection:

"(c) The Dean of the Academic Board has the grade of brigadier general while serving in such position, with the benefits authorized for regular brigadier generals of the Army, if appointed to that grade by the President, by and with the advice and consent of the Senate. However, the retirement age of an officer so appointed is that of a permanent professor of the Academy.".

(b) DEPUTY JUDGE ADVOCATE GENERAL AND ASSISTANT JUDGE ADVOCATES GENERAL OF THE NAVY.—Section 5149 of such title is amended—

(1) in subsection (a), by striking out the second sentence and inserting in lieu thereof the following: "While so serving, a judge advocate who holds a grade lower than rear admiral or major general shall hold the grade of rear admiral or major general, as appropriate, if he is appointed to that grade by the President, by and with the advice and consent of the Senate.";

(2) in subsection (b), by striking out the second sentence and inserting in lieu thereof the following: "While so serving, a judge advocate who holds a grade lower than rear admiral (lower half) shall hold the grade of rear admiral (lower half), if he is appointed to that grade by the President, by and with the advice and consent of the Senate."; and

(3) in subsection (c), by striking out the second sentence and inserting in lieu thereof the following: "While so serving, a judge advocate who holds a grade lower than brigadier general shall hold the grade of brigadier general, if he is appointed to that grade by the President, by and with the advice and consent of the Senate.".

(c) DEAN OF THE FACULTY OF THE UNITED STATES AIR FORCE ACADEMY.—Section 9335(b) of such title is amended to read as follows:

"(b) The Dean has the grade of brigadier general while serving in such position, with the benefits authorized for regular brigadier generals of the Air Force, if appointed to that grade by the President, by and with the advice and consent of the Senate. However, the retirement age of an officer so appointed is that of a permanent professor of the Academy.".

(d) ATTENDING PHYSICIAN TO THE UNITED STATES CONGRESS.—(1) Chapter 34 of such title is amended—

(A) by adding at the end the following new section:

"§ 600a. Attending Physician to the United States Congress

"While serving as Attending Physician to the United States Congress, a Reserve Officer who holds a reserve grade lower than major general or rear admiral shall hold the reserve grade of major general or rear admiral, as appropriate, if he is appointed to that grade by the President, by and with the advice and consent of the Senate."; and

(B) by adding at the end of the table of sections at the beginning of such chapter the following new item:

"600a. Attending Physician to the United States Congress.".

(2) Section 1374 of such title is amended—

(A) by redesignating subsection (e) as subsection (f); and

(B) by inserting after subsection (d) the following new subsection:

"(e) Unless entitled to a higher grade under another provision of law, a reserve commissioned officer who is transferred to the Retired Reserve after having served in the position of Attending Physician to the United States Congress is entitled to be placed on the retired list established by section 1376(a) of this title in the grade held by such officer while serving in such position.".

(e) CONFORMING AMENDMENT.—The second undesignated paragraph relating to the Office of the Attending Physician under the heading "JOINT ITEMS" in chapter V of the Supplemental Appropriations Act, 1973 (Public Law 92-607; 86 Stat. 1509) is repealed.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act but shall apply only with respect to appointments or details made on or after that date.

SEC. 510. POSITION OF STAFF JUDGE ADVOCATE TO THE COMMANDANT OF THE MARINE CORPS

(a) IN GENERAL.—Chapter 515 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 5205. Staff Judge Advocate to the Commandant of the Marine Corps: qualifications; appointment; retirement

"(a) An officer of the Marine Corps who is a judge advocate and a member of the bar of a Federal court or the highest court of a State or territory and who has had at least eight years of experience in legal duties as a commissioned officer may be detailed as Staff Judge Advocate to the Commandant of the Marine Corps. While so serving, a judge advocate who holds a grade lower than brigadier general shall hold the grade of brigadier general if appointed to that grade by the President, by and with the advice and consent of the Senate.

"(b) An officer retiring from the position of Staff Judge Advocate to the Commandant of the Marine Corps, after serving at least three years in such position, shall be retired in the highest grade in which that officer served on active duty satisfactorily, as determined by the Secretary of the Navy.

"(c) If an officer is retired in the grade of brigadier general pursuant to subsection (b), the officer is entitled to the retired pay of that grade, unless entitled to higher pay under another provision of law.".

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"5205. Staff Judge Advocate to the Commandant of the Marine Corps: qualifications; appointment; retirement.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, but shall apply only with respect to appointments as Staff Judge Advocate to the Commandant of the Marine Corps made on or after that date.

(d) TRANSITION PROVISION.—Notwithstanding section 1370(a)(2) of title 10, United States Code, an officer serving in the position of Staff Judge Advocate to the Commandant of the Marine Corps, or an equivalent position, on the day before the effective date of this section, if retired after having served in such position (or equivalent position) at least three years, including any service in such position (or its equivalent) before the effective date of this section, shall be retired in the highest grade in which the officer served on active duty satisfactorily, as determined by the Secretary of the Navy.

SEC. 511. TEMPORARY INCREASE IN THE NUMBER OF GENERAL AND FLAG OFFICERS AUTHORIZED TO BE ON ACTIVE DUTY IN THREE- AND FOUR-STAR GRADES

During fiscal year 1987, the numbers of officers authorized under section 525(b) of title 10, United States Code, to be on active duty in grades above major general and rear admiral are increased as follows:

(1) ARMY LIEUTENANT GENERALS.—The number of officers of the Army authorized to be serving on active duty in grades above major general is increased by one during any period of that fiscal year that an officer of the Army is serving as the Director of the Department of Defense Task Force on Drug Enforcement. An additional officer in a grade above major general by reason of this paragraph may not be in the grade of general.

(2) AIR FORCE GENERALS.—The number of officers of the Air Force authorized to be serving on active duty in the grade of general is increased by one during any period of that fiscal year that a general of the Air Force is serving as Director of the Strategic Defense Initiative Organization.

(3) NAVY VICE ADMIRALS.—The number of officers of the Navy authorized to be serving on active duty in a grade above rear admiral is increased by three. None of the additional officers in grades above rear admiral by reason of this paragraph may be in the grade of admiral.

(4) MARINE CORPS GENERAL OFFICERS.—The number of officers of the Marine Corps authorized to be serving on active duty in grades above major general is increased by one, plus an additional one during any period of that fiscal year that an officer of the Marine Corps is serving as the Commander-in-Chief of the United States Central Command. An additional officer in a grade above major general by reason of this paragraph may not be in the grade of general, unless a Marine Corps officer is serving as the Commander-in-Chief of the United States Central Command, in which case one of the additional officers authorized by this paragraph may serve in the grade of general.

## TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

### PART A—BASIC PAY AND ALLOWANCES

#### SEC. 601. MILITARY PAY RAISE FOR FISCAL YEAR 1987

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—Any adjustment required by section 1009 of title 37, United States Code, in elements of compensation of members of the uniformed services to become effective during fiscal year 1987 shall not be made.

(b) FOUR PERCENT INCREASE IN BASIC PAY AND BASIC ALLOWANCE FOR SUBSISTENCE.—The rates of basic pay and basic allowance for subsistence of members of the uniformed services are increased by 4 percent effective on October 1, 1986.

(c) AVERAGE FOUR PERCENT INCREASE IN BASIC ALLOWANCE FOR QUARTERS.—Effective October 1, 1986, the rates of basic allowance for quarters authorized by section 403(a) of title 37, United States Code, are as follows:

| Pay Grade | Without Dependents | | With Dependents |
|---|---|---|---|
| | Full rate | Partial rate[1] | |
| Commissioned officers: | | | |
| O-10 | $575.70 | $50.70 | $708.00 |
| O-9 | 575.70 | 50.70 | 708.00 |
| O-8 | 575.70 | 50.70 | 708.00 |
| O-7 | 575.70 | 50.70 | 708.00 |
| O-6 | 528.30 | 39.60 | 642.00 |
| O-5 | 498.60 | 33.00 | 591.60 |
| O-4 | 457.20 | 26.70 | 540.60 |
| O-3 | 368.40 | 22.20 | 445.20 |
| O-2 | 297.90 | 17.70 | 377.70 |
| O-1 | 253.20 | 13.20 | 333.30 |
| O-3[2] | 402.30 | 22.20 | 476.40 |
| O-2[2] | 344.40 | 17.70 | 434.70 |
| O-1[2] | 301.50 | 13.20 | 391.20 |
| Warrant officers: | | | |
| W-4 | 419.10 | 25.20 | 486.00 |
| W-3 | 353.70 | 20.70 | 435.00 |
| W-2 | 318.30 | 15.90 | 406.50 |
| W-1 | 269.40 | 13.80 | 354.30 |
| Enlisted members: | | | |
| E-9 | 337.80 | 18.60 | 460.50 |
| E-8 | 312.90 | 15.30 | 429.00 |
| E-7 | 267.00 | 12.00 | 399.00 |
| E-6 | 237.00 | 9.90 | 361.80 |
| E-5 | 219.30 | 8.70 | 321.60 |
| E-4 | 190.20 | 8.10 | 278.10 |
| E-3 | 184.80 | 7.80 | 259.80 |
| E-2 | 156.90 | 7.20 | 248.10 |
| E-1 | 142.80 | 6.90 | 245.70 |

[1]Payable to a member without dependents who under section 403 (b) or (c) of title 37, United States Code, is not entitled to receive a basic allowance for quarters.

[2]Applies to commissioned officers with over 4 years' active duty as an enlisted member, warrant officer, or both.

(d) FOUR PERCENT INCREASE IN CADET AND MIDSHIPMAN PAY.—Effective October 1, 1986, section 203(c)(1) of title 37, United States Code, is amended by striking out "$461.40" and inserting in lieu thereof "$499.20".

#### SEC. 602. REIMBURSEMENT FOR ACCOMMODATIONS IN PLACE OF QUARTERS

(a) LIMITATION ON AMOUNT AVAILABLE FOR REIMBURSEMENTS DURING FISCAL YEARS 1987 THROUGH 1991.—Section 7572(b)(3) of title 10, United States Code, is amended to read as follows:

"(3) The total amount of reimbursement under this subsection may not exceed $1,421,000 for fiscal year 1986 and $1,657,000 for each of the fiscal years 1987 through 1991.".

(b) EXTENSION OF AUTHORITY.—Section 3 of Public Law 96-357 (10 U.S.C. 7572 note) is amended by striking out "September 30, 1986" and inserting in lieu thereof "September 30, 1991".

#### SEC. 603. ADVANCE PAY FOR SENIOR ROTC MEMBERS IN CERTAIN CIRCUMSTANCES

Section 1006 of title 37, United States Code, is amended by adding at the end the following new subsection:

"(j) Under regulations prescribed by the Secretary concerned, not more than one month's pay may be paid in advance to a member enrolled in a program established under chapter 103 of title 10, who is ordered to participate in field training or a practice cruise authorized by section 2109 of title 10.".

#### SEC. 604. TERMINATION OF PAY INEQUITY BETWEEN OFFICERS AND ENLISTED PERSONNEL IN CERTAIN HEALTH PROFESSIONS TRAINING

(a) STUDENTS AT UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.—Section 2114(b) of title 10, United States Code, is amended by inserting "(but not in pay grade O-1E)" after "pay grade O-1" in the second sentence.

(b) STUDENTS IN HEALTH PROFESSIONS SCHOLARSHIP PROGRAM.—Section 2121(c) of title 10, United States Code, is amended by inserting "(but not in pay grade O-1E)" after "pay grade O-1" in the second sentence.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1987, but shall not apply to any person who on or before that date was attending, or had been selected to attend, the Uniformed Services University of the Health Sciences or who had signed an agreement pursuant to section 2122(2) of title 10, United States Code.

### PART B—TRAVEL AND TRANSPORTATION

#### SEC. 611. IMPROVED DISLOCATION ALLOWANCE

(a) IN GENERAL.—Section 407 of title 37, United States Code, is amended to read as follows:

**"§ 407. Travel and transportation allowances: dislocation allowance**

"(a) Except as provided in subsections (b), (c), and (d) of this section and under regulations prescribed by the Secretary concerned, a member of a uniformed service is entitled to a dislocation allowance equal to the basic allowance for quarters for two months as provided for the member's pay grade and dependency status in section 403 of this title if—

"(1) the member's dependents actually make an authorized move in connection with the member's change of permanent station, including—

"(A) a move to join the member at the member's duty station after an unaccompanied tour of duty when the member's next tour of duty is an accompanied tour at the same station; and

"(B) a move to a location designated by the member after an accompanied tour of duty when the member's next tour of duty is an unaccompanied tour at the same duty station;

"(2) the member's dependents actually move pursuant to section 405a(a), 406(e), 406(h), or 554 of this title;

"(3) the member's dependents actually move from their place of residence under circumstances described in section 406a of this title; or

"(4) the member is without dependents and—

"(A) actually moves to a new permanent station where not assigned to quarters of the United States; or

"(B) actually moves from a place of residence under circumstances described in section 406a of this title.

If a dislocation allowance is paid under clause (3) or (4)(B), the member is not entitled to a dislocation allowance under clause (1).

"(b) Under regulations prescribed by the Secretary concerned, whenever a member is entitled to a dislocation allowance under subsection (a)(3) or (a)(4)(B) of this section, the member is also entitled to a second dislocation allowance equal to the basic allowance for quarters for two months as provided for a member's pay grade and dependency status in section 403 of this title if, subsequent to the member or member's dependents actually moving from their place of residence under circumstances described in section 406a of this title, the member or member's dependents complete that move to a new location and then actually move from that new location to another location also under circumstances described in section 406a of this title. If a second dislocation allowance is paid under this subsection, the member is not entitled to a dislocation allowance under subsection (a)(1) of this section in connection with those moves.

"(c) A member is not entitled to more than one dislocation allowance during a fiscal year unless—

"(1) the Secretary concerned finds that the exigencies of the service require the member to make more than one change of permanent station during the fiscal year;

"(2) the member is ordered to a service school as a change of permanent station;

"(3) the member's dependents are covered by section 405a(a), 406(e), 406(h), or 554 of this title; or

"(4) the member or the member's dependents are covered by subsection (a)(3), (a)(4)(B), or (b) of this section.

This subsection does not apply in time of national emergency declared after April 1, 1975, or in time of war.

"(d) A member is not entitled to payment of a dislocation allowance when ordered from his home to the first duty station or from the last duty station to his home.

"(e) For purposes of this section, a member whose dependents may not make an authorized move in connection with a change of permanent station is considered a member without dependents.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1986, or the date of the enactment of this Act, whichever is later, and shall apply only to moves which commence on or after that effective date.

SEC. 612. OVERSEAS TRANSPORTATION OF PRIVATELY OWNED MOTOR VEHICLES

(a) IN GENERAL.—Section 2634 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking out "or" at the end of clause (3);

(B) by striking out the period at the end of clause (4) and inserting in lieu thereof "; or"; and

(C) by adding after clause (4) the following new clause:

"(5) in the case of movement to or from Europe by shipping services described in clause (1), (2), or (3), transportation between the ocean port and one or more inland points in Germany, designated by the Secretary concerned, by inland waterway or overland, whichever is most cost effective for the Government considering all operational, travel, and transportation requirements."; and

(2) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively, and inserting after subsection (a) the following new subsection:

"(b) When a member, assigned to a military unit, is ordered to make a change of permanent station incident to the overseas movement of that unit, one motor vehicle, as described in subsection (a), may be transported between the member's permanent stations at the expense of the United States.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1986, or the date of the enactment of this Act, whichever is later, and shall apply only with respect to the transportation of motor vehicles commencing on or after that effective date.

SEC. 613. GOVERNMENT TRANSPORTATION OF PRIVATELY OWNED MOTOR VEHICLES IN UNSAFE CONDITIONS

(a) IN GENERAL.—Section 2634 of title 10, United States Code, as amended by section 612 of this Act, is further amended by adding at the end the following new subsection:

"(e) If the Secretary concerned determines that transportation of a member's motor vehicle between such member's last duty station and the customary ports of embarkation or debarkation is—

"(1) a threat to security or the member's personal safety; or

"(2) dangerous because of hazardous road, terrain, weather, or similar adverse conditions,

such transportation may be provided at the expense of the United States.".

(b) PROHIBITION ON PAYMENT OF MONETARY ALLOWANCE WHEN GOVERNMENT TRANSPORTATION FURNISHED.—Section 406(b)(1)(B) of title 37, United States Code, is amended by adding at the end the following new sentence: "Such monetary allowance may not be paid when the motor vehicle is transported at the expense of the Government under subsection (b) or (e) of section 2634 of title 10.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1986, or the date of the enactment of this Act, whichever is later, and shall apply only with respect to the transportation of motor vehicles commencing on or after that effective date.

SEC. 614. TRANSPORTATION AND STORAGE OF HOUSEHOLD GOODS

(a) ADMINISTRATION OF STORAGE OF EXCESS HOUSEHOLD GOODS.—Section 406(d) of title 37, United States Code, is amended by inserting after the second sentence the following new sentence: "In the event a member's baggage and household effects exceed such maximum weight limitation, the Secretary concerned may pay the costs for the nontemporary storage of that excess weight and collect the amount paid from the member's pay and allowances, or collect the amount in such other manner as the Secretary concerned determines appropriate.".

(b) EARLY RETURN SHIPMENT OF HOUSEHOLD GOODS AND PRIVATELY OWNED MOTOR VEHICLES FROM OVERSEAS.—(1) Section 406 of such title is amended—

(1) by redesignating subsection (l) as subsection (m); and

(2) by inserting after subsection (k) the following new subsection (l):

"(l) Under uniform regulations prescribed by the Secretaries concerned, a member with dependents who is ordered to make an overseas permanent change of station and who, in anticipation of his dependents accompanying him overseas, ships baggage and household effects to that overseas station, may be authorized a return shipment of the baggage and household effects if, subsequent to the shipment, the member's dependents are unable to accompany him overseas and the Secretary concerned determines that such inability was unexpected and uncontrollable.".

(2) Section 2634 of title 10, United States Code, as amended by sections 612 and 613 of this Act, is further amended by adding at the end the following new subsection:

"(f) When the Secretary concerned makes a determination under section 406(l) of title 37 that the dependents of a member on a permanent change of station are unable to accompany the member to an overseas duty station because of unexpected and uncontrollable circumstances, and the member shipped a motor vehicle pursuant to this section in anticipation of a dependent accompanying the member to the new duty station, the member may reship or transship such motor vehicle in accordance with this section.".

(c) EFFECTIVE DATES.—(1) The amendment made by subsection (a) shall apply to members whose baggage and household goods enter nontemporary storage on or after such date.

(2) The amendments made by subsection (b) shall take effect on October 1, 1986, or the date of the enactment of this Act, whichever is later, and shall apply with respect to members whose dependents are unable to accompany them to an overseas permanent duty station because of circumstances arising on or after that effective date.

SEC. 615. CONTINGENT AUTHORIZATION FOR FLAT-RATE PER DIEM SYSTEM

(a) IN GENERAL.—Subsection (d) of section 404 of title 37, United States Code, is amended—

(1) in paragraph (1)(B) by striking out "Transportation" and inserting in lieu thereof "Subject to paragraph (2), transportation";

(2) in paragraph (1)(C), by striking out "clause (1) of this subsection" and inserting in lieu thereof "subparagraph (A) of this paragraph";

(3) by redesignating paragraph (2) as paragraph (3);

(4) by inserting after paragraph (1) the following new paragraph (2):

"(2)(A) With respect to any fiscal year for which a certification has been made by the Secretary of Defense under paragraph (5) of this subsection, the travel and transportation allowance in subparagraph (B) of this paragraph is authorized in the place of the travel and transportation allowance authorized under paragraph (1)(B) of this subsection.

"(B) The travel and transportation allowance authorized under subparagraph (A) of this paragraph with respect to a fiscal year referred to in such subparagraph is transportation in kind, reimbursement therefor, or monetary allowance as provided in paragraph (1)(A) of this subsection, plus a payment in lieu of subsistence as provided in paragraph (4) of this subsection. Such payment shall be sufficient to meet normal and necessary expenses in the area to which travel is performed."; and

(5) in paragraph (3), as redesignated by clause (3)—

(A) by striking out "Under" and inserting in lieu thereof "Except as provided in paragraph (4) of this subsection and under"; and

(B) by adding at the end the following new paragraphs:

"(4)(A) With respect to any fiscal year for which a certification has been made under paragraph (5) of this subsection, the provisions of subparagraphs (B), (C), and (D) of this paragraph shall apply rather than paragraph (3) of this subsection.

"(B) Under regulations prescribed by the Secretary of Defense, a member of a uniformed service entitled to travel and transportation allowances under subsection (a) is entitled to any of the following:

"(i) A per diem allowance at a rate not to exceed that established by the Secretary of Defense.

"(ii) Reimbursement for the actual and necessary expenses of official travel not to exceed an amount established by the Secretary of Defense.

"(iii) A combination of payments described in clauses (i) and (ii) of this subparagraph.

"(C) Any per diem allowance or maximum amount of reimbursement shall be established, to the extent feasible, by locality.

"(D) For travel consuming less than a full day, the payment prescribed by regulations shall be allocated in such manner as the Secretary of Defense may prescribe.

"(5)(A) The travel and transportation allowances authorized by paragraphs (2) and (4) of this subsection shall apply to any fiscal year with respect to which the Secretary of Defense has certified that the overall cost to the United States of the payment of allowances under such paragraphs would not exceed the overall cost to the United States of the payment of allowances under paragraphs (1)(B) and (3) of this subsection.

"(B) A certification by the Secretary of Defense under subparagraph (A) of this paragraph shall—

"(i) include a comparison of the overall costs to the United States under the two methods referred to in such subparagraph of computing allowances; and

"(ii) be transmitted to the Committees on Armed Services of the Senate and the House of Representatives at least 60 days before the beginning of a fiscal year with respect to which a certification is made under such subparagraph.".

(b) APPLICATION TO FISCAL YEAR 1987.—(1) Notwithstanding paragraph (5)(B)(ii) of section 404(d) of title 37, United States Code, as added by subsection (a), a certification under paragraph (5)(A) of such section with respect to fiscal year 1987 may be transmitted to the committees named in such paragraph at any time during such fiscal year.

(2) If a certification is made under paragraph (5)(A) of section 404(d) of title 37,

United States Code, with respect to fiscal year 1987, the amendments made by subsection (a) of this section shall apply to travel and transportation of members of the uniformed services commencing more than 60 days after the date on which the certification is made.

SEC. 616. TRAVEL EXPENSES FOR OVERSEAS DEPENDENTS REQUIRING MEDICAL CARE IN CERTAIN CIRCUMSTANCES

(a) IN GENERAL.—Section 1040(a) of title 10, United States Code, is amended by striking out the comma after "attendants" and all that follows in the third sentence and inserting in lieu thereof a period and the following: "In addition to transportation of a dependent at the expense of the United States authorized under this subsection, reasonable travel expenses incurred in connection with the transportation of the dependent may be paid at the expense of the United States. Travel expenses authorized by this section may include reimbursement for necessary local travel in the vicinity of the medical facility involved. The transportation and travel expenses authorized by this section may be paid in advance.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1986, or the date of the enactment of this Act, whichever is later, and shall apply only to travel performed on or after that effective date.

SEC. 617. AUTHORIZATION LIMIT ON FUNDS FOR PCS TRAVEL

There are authorized to be appropriated for fiscal year 1987 not more than $2,657,553,000 for permanent change of station travel for active duty military personnel.

PART C—BONUSES AND SPECIAL AND INCENTIVE PAYS

SEC. 621. ENHANCED AVIATION OFFICER CONTINUATION PAY

Section 301b(e) of title 37, United States Code, is amended—

(1) in paragraph (1), by inserting "executed before the date of the enactment of the Department of Defense Authorization Act, 1987," after "agreement"; and

(2) in the third sentence of paragraph (3), by striking out "less than seven years" and inserting in lieu thereof "less than eight years".

SEC. 622. INCLUSION OF AVIATION CADETS UNDER AVIATION CAREER INCENTIVE PAY

(a) IN GENERAL.—(1) Section 301a(a)(6) of title 37, United States Code, is amended—

(A) by striking out "and" at the end of clause (A);

(B) by striking out the period at the end of clause (B) and inserting in lieu thereof a semicolon and "and"; and

(C) by inserting after clause (B) the following new clause:

"(C) 'officer' includes an individual enlisted, and designated, as an aviation cadet under section 6911 of title 10.".

(2) Section 301a(b)(1) of such title is amended by striking out "an officer in pay grades O-1 through O-10" and inserting in lieu thereof "a member".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply only with respect to those members of the Armed Forces who are aviation cadets on or after the date of the enactment of this Act. Service as an aviation cadet before that date shall not be counted for any purpose under section 301a of title 37, United States Code.

SEC. 623. SPECIAL AUTHORITY RELATING TO THE PAYMENT OF SELECTED RESERVE ENLISTMENT BONUS

(a) IN GENERAL.—The Secretary concerned may pay an enlistment bonus under section 308c of title 37, United States Code, to any person who enlisted in the Selected Reserve of the Ready Reserve of an Armed Force during the period beginning on October 1, 1985, and ending on November 8, 1985, if such person—

(1) has not been paid an enlistment or reenlistment bonus under section 308c or 308b of title 37, United States Code, since that period; and

(2) enlisted in the good faith belief (as determined by the Secretary concerned) that he would be paid an enlistment bonus under section 308c of title 37, United States Code.

(b) DEFINITION.—As used in subsection (a), the term "Secretary concerned" has the meaning provided in section 101(5) of title 37, United States Code.

SEC. 624. SPECIAL PAY FOR MEMBERS PROFICIENT IN FOREIGN LANGUAGES

(a) AUTHORITY FOR SPECIAL PAY.—Chapter 5 of title 37, United States Code, is amended by adding at the end the following new section:

"§ 316. Special pay: foreign language proficiency pay

"(a) A member of the armed forces who—

"(1) is entitled to basic pay under section 204 of this title;

"(2) has been certified by the Secretary concerned within the past 12 months to be proficient in a foreign language identified by the Secretary of Defense as being a language in which it is necessary to have personnel proficient because of national defense considerations; and

"(3)(A) is qualified in a military specialty requiring such proficiency;

"(B) received training, under regulations prescribed by the Secretary concerned, designed to develop such proficiency;

"(C) is assigned to military duties requiring such a proficiency; or

"(D) is proficient in a foreign language for which the Secretary of Defense may have a critical need,

may be paid special pay under this section in addition to any other pay or allowance to which the member is entitled.

"(b) The monthly rate for special pay under subsection (a) of this section shall not exceed $100 as determined by the Secretary concerned.

"(c)(1) Under regulations prescribed by the Secretary concerned, and to the extent provided for in appropriation Acts, when a member of a reserve component of the armed forces who is entitled to compensation under section 206 of this title meets the requirements for special pay authorized in subsection (a), except the requirement prescribed in subsection (a)(1), the member may be paid an increase in compensation equal to 1/30th of the monthly special pay authorized under subsection (b) for a member who is entitled to basic pay under section 204 of this title.

"(2) A member eligible for increased compensation under paragraph (1) shall be paid such increase—

"(A) for each regular period of instruction, or period of appropriate duty, in which he is engaged for at least two hours, including instruction received or duty performed on a Sunday or holiday; and

"(B) for each period of performance of such other equivalent training, instruction, duty, or appropriate duties, as the Secretary concerned may prescribe.

"(3) This subsection does not apply to a member who is entitled to basic pay under section 204 of this title.

"(d) This section shall be administered under regulations prescribed by the Secretary of Defense for the armed forces under his jurisdiction and by the Secretary of Transportation for the Coast Guard when the Coast Guard is not operating as a service in the Navy.".

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"316. Special pay: foreign language proficiency pay.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1986, or the date of the enactment of this Act, whichever is later, and shall apply with respect to pay periods beginning on or after that effective date.

(d) LIMITATIONS ON OBLIGATIONS.—Of the funds appropriated or otherwise made available for military personnel during fiscal year 1987, not more than $7,300,000 may be obligated or expended for the payment of the special pay authorized by section 316 of title 37, United States Code, as added by this section.

SEC. 625. SPECIAL PAY FOR BOARD CERTIFIED PSYCHOLOGISTS

(a) IN GENERAL.—Chapter 5 of title 37, United States Code, is amended by inserting after section 302b the following new section:

"§ 302c. Special pay: psychologists

"(a) A member who is—

"(1) an officer in a corps of the Army Medical Department, an officer in the Bureau of Medicine and Surgery of the Navy, or an officer of the Air Force designated as a psychologist; and

"(2) has been awarded a diploma as a Diplomate in Psychology by the American Board of Professional Psychology,

is entitled to special pay, as provided in subsection (b).

"(b) The rate of special pay to which an officer is entitled pursuant to subsection (a) shall be—

"(1) $2,000 per year, if the officer has less than 10 years of creditable service;

"(2) $2,500 per year, if the officer has at least 10 but less than 12 years of creditable service;

"(3) $3,000 per year, if the officer has at least 12 but less than 14 years of creditable service;

"(4) $4,000 per year, if the officer has at least 14 but less than 18 years of creditable service; or

"(5) $5,000 per year, if the officer has 18 or more years of creditable service.".

(b) CONFORMING AMENDMENTS.—(1) Section 303a of title 37, United States Code, is amended by inserting "302c," after "302b," each place it appears.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 302b the following new item:

"302c. Special pay: psychologists.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1986, or on the date of the enactment of this Act, whichever is later, and shall apply with respect to pay periods beginning on or after that effective date.

PART D—MISCELLANEOUS BENEFITS

SEC. 631. IMPROVED DEATH GRATUITY

(a) IN GENERAL.—The first sentence of section 1478 of title 10, United States Code, is amended to read as follows: "The death gratuity payable under sections 1475 through 1477 of this title shall be equal to the total of three months' basic pay, basic allowance for quarters, and basic allowance for subsistence at the rates to which the decedent was entitled on the date of death, except that the gratuity may not be less than $3,000 or more than $9,000.".

(b) REPEAL OF HOUSING OCCUPANCY BENEFIT.—Section 403(l) of title 37, United States Code, is repealed.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1986, or on the date of the enactment of this Act, whichever is later, and shall apply with respect to deaths occurring on or after that effective date.

SEC. 632. AUTHORITY TO PAY BANK CHARGES IN THE EVENT OF GOVERNMENT ERROR IN MANDATORY DIRECT DEPOSIT OF MEMBERS' PAY

(a) IN GENERAL.—Chapter 53 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1051. Relief for expenses because of error in mandatory direct deposit of pay

"A member of an armed force who, pursuant to law or regulation, is required to participate in a program for the automatic deposit of pay to a financial institution, as provided by section 3332 of title 31, may be reimbursed, under regulations prescribed by the Secretary concerned, for overdraft charges levied by the financial institution when such charges result from an administrative or mechanical error on the part of the Government that causes such member's pay to be deposited late or in an incorrect amount or manner. Reimbursements made pursuant to this section shall be made from appropriations available for the pay and allowances of members of the armed force concerned.".

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1051. Relief for expenses because of error in mandatory direct deposit of pay.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1986, or the date of the enactment of this Act, whichever is later, and shall apply only with respect to charges levied as a result of errors occurring on or after that effective date.

SEC. 633. TRANSPORTATION AND MEDICAL CARE FOR DEPENDENTS OF CERTAIN SENTENCED, DISCHARGED, OR DISMISSED MEMBERS

(a) TRAVEL AND TRANSPORTATION ALLOWANCES.—Section 406 of title 37, United States Code, is amended—

(1) in subsection (a), by striking out the text of paragraph (2)(A) and inserting in lieu thereof the following: "Except as provided in subparagraph (B) of this paragraph, a member who—

"(i) is separated from the service or released from active duty; and

"(ii) on the date of his separation from the service or release from active duty, has not served on active duty for a period of time equal to at least 90 percent of the period of time for which he initially enlisted or otherwise initially agreed to serve,

may be provided transportation under this subsection for his dependents only by transportation in kind by the least expensive mode of transportation available or by a monetary allowance that does not exceed the cost to the Government of such transportation in kind."; and

(2) in subsection (h)—

(A) by striking out the first sentence and inserting in lieu thereof the following:

"(1) If the Secretary concerned determines that it is in the best interests of a member described in paragraph (2) or his dependents and the United States, the Secretary may, when orders directing a change of permanent station for the member concerned have not been issued, or when they have been issued but cannot be used as authority for the transportation of the member's dependents, baggage, and household effects—

"(A) authorize the movement of the member's dependents, baggage, and household effects at the station to an appropriate location in the United States or its possessions or, in the event the dependents are foreign nationals, the country of the dependents' origin and prescribe transportation in kind, reimbursement therefor, or a monetary allowance in place thereof, as the case may be, as authorized under subsection (a) or (b) of this section; and

"(B) in the case of a member described in paragraph (2)(A), authorize the transportation of one motor vehicle that is owned by the member (or a dependent of the member) and is for his dependents' personal use to that location by means of transportation authorized under section 2634 of title 10."; and

(B) by adding at the end the following new paragraph:

"(2) A member referred to in paragraph (1) is a member who—

"(A) is serving at a station outside the United States or in Hawaii or Alaska;

"(B) receives an administrative discharge under other than honorable conditions; or

"(C) is sentenced by a court-martial to be confined for a period of more than 30 days, to receive a dishonorable or bad-conduct discharge, or to be dismissed from a uniformed service, if the sentence is approved under section 860(c)(2) of title 10.".

(b) MEDICAL CARE.—(1) Section 1076 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(e)(1) Subject to paragraph (3), if—

"(A) a member of a uniformed service receives a dishonorable or bad-conduct discharge or is dismissed from a uniformed service as a result of a court-martial conviction for an offense involving abuse of a dependent of the member, as determined in accordance with regulations prescribed by the administering Secretary for such uniformed service; and

"(B) the abused dependent needs medical or dental care for an injury or illness resulting from the abuse,

the administering Secretary may, upon request of the abused dependent, furnish medical or dental care to the dependent for the treatment of such injury or illness in facilities of the uniformed services.

"(2) Subject to paragraph (3), upon request of any dependent of a member of a uniformed service punished for an abuse described in paragraph (1)(A), the administering Secretary for such uniformed service may furnish medical care in facilities of the uniformed services to the dependent for the treatment of any adverse health condition resulting from such dependent's knowledge of (A) the abuse, or (B) any injury or illness suffered by the abused person as a result of such abuse.

"(3) Medical and dental care furnished to a dependent of a member of the uniformed services in facilities of the uniformed services under paragraph (1) or (2)—

"(A) shall be limited to the health care prescribed by section 1077 of this title;

"(B) shall be subject to the availability of space and facilities and the capabilities of the medical and dental staff; and

"(C) shall terminate 1 year after the date on which the member is discharged or dismissed from a uniformed service as described in paragraph (1)(A).".

(2) Section 1079 of such title is amended by adding at the end the following new subsection:

"(l)(1) Contracts entered into under subsection (a) shall also provide for medical care for dependents of former members of the uniformed services who are authorized to receive medical and dental care under section 1076(e) of this title in facilities of the uniformed services.

"(2) Except as provided in paragraph (3), medical care in the case of a dependent described in section 1076(e) shall be furnished under the same conditions and subject to the same limitations as medical care furnished under this section to spouses and children of members of the uniformed services described in the first sentence of subsection (a).

"(3) Medical care may be furnished to a dependent pursuant to paragraph (1) only for an injury, illness, or other condition described in section 1076(e) of this title.".

(c) EFFECTIVE DATE.—(1) The amendments made by this section shall take effect on October 1, 1986, or the date of the enactment of this Act, whichever is later.

(2) The amendment made by subsection (a)(1) shall apply only with respect to members discharged or released from active duty on or after the effective date of this section.

(3) The amendments made by subsection (a)(2) shall apply with respect to dependents about whom a determination by the Secretary concerned is made on or after the effective date of this section.

(4) The amendment made by subsection (b)(1) shall apply only with respect to dependents who request medical or dental care on or after the effective date of this section.

(5) The amendment made by subsection (b)(2) shall apply only with respect to care furnished under section 1079 of title 10, United States Code, on or after the effective date of this section.

SEC. 634. IMPROVED EMPLOYMENT OPPORTUNITIES FOR MILITARY SPOUSES

(a) IN GENERAL.—Section 806(b)(2) of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 680) is amended by striking out "GS-7" and inserting in lieu thereof "GS-4".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1986, or on the date of the enactment of this Act, whichever is later.

SEC. 635. RETIREMENT CREDIT FOR CERTAIN FORMER NATIONAL GUARD TECHNICIANS

(a) IN GENERAL.—(1) Section 8332(b) of title 5, United States Code, is amended by striking out the next to the last sentence.

(2) Section 3(c) of the National Guard Technicians Act of 1968 (32 U.S.C. 709 note) is amended by striking out the last sentence.

(b) APPLICATION OF SUBSECTION (a).—(1) Except as provided in paragraph (2), the

amendment made by subsection (a)(1) applies only with respect to individuals separated from Government employment on or after the date of the enactment of this Act.

(2)(A) In the case of any individual who—

(i) was employed under section 709 of title 32, United States Code, or under any prior corresponding provision of law, before January 1, 1969; and

(ii) was separated from Government employment on or after January 1, 1969, and before the date of the enactment of this Act,

any annuity under subchapter III of chapter 83 of title 5, United States Code, based on such individual's service (as defined in section 8331(12) of such title) shall be redetermined to take into account the amendment made by subsection (a), if application therefor is received by the Office of Personnel Management within one year after the date of the enactment of this Act.

(B) Any change in an annuity resulting from a redetermination under subparagraph (A) shall apply only with respect to monthly payments accruing after the date of the enactment of this Act.

(C) Any individual described in subparagraph (A) or any survivor of such an individual may make a deposit under section 8334(c) of title 5, United States Code, with respect to the service of such individual under section 709 of title 32, United States Code.

(3) Except as provided in paragraph (4), the amendment made by subsection (a)(2) applies only with respect to an individual performing service as an officer or employee of the Government on or after the date of the enactment of this Act and only for the purpose of determining—

(A) any annual leave accruing under section 6303 of title 5, United States Code, to the individual on or after such date; and

(B) the individual's length of service for the purposes of entitlement to Federal employee death and disability compensation, group life insurance and health benefits, severance pay, tenure, and status.

(4)(A) The amendment made by subsection (a)(2) of this section applies with respect to any individual who separated from Government employment after December 31, 1968, and before the date of the enactment of this Act, for the purpose of determining whether such individual satisfies the length of service requirement under section 8901(3)(A) of title 5, United States Code (relating to the definition of the term "annuitant"), for the purposes of chapter 89 of such title.

(B) Any individual who satisfies the length of service requirement referred to in subparagraph (A) as a result of the application of the amendment made by subsection (a)(2) shall be enrolled in a health benefits plan (described in section 8903 of such title) of such individual's choice, if—

(i) application for enrollment is received by the Office of Personnel Management within one year after the date of the enactment of this Act; and

(ii) such individual qualifies under section 8905(b)(1)(A) of such title (taking into account years of service considered pursuant to subparagraph (A)).

**SEC. 636. DEATH AND DISABILITY BENEFITS FOR RESERVE COMPONENT MEMBERS**

(a) MEDICAL AND DENTAL CARE FOR RESERVISTS.—(1) Section 1074a of title 10, United States Code, is amended to read as follows:

**"§ 1074a. Medical and dental care: members performing inactive duty training, active duty for 30 days or less, or other reserve training**

"(a) Under joint regulations prescribed by the Secretary of Defense, the Secretary of Transportation, and the Secretary of Health and Human Services, the following persons are entitled to the benefits described in subsection (b):

"(1) Each member of a uniformed service who incurs, contracts, or aggravates an injury, disease, or illness in line of duty while performing inactive duty training, active duty for a period of 30 days or less, or full-time National Guard duty for a period of 30 days or less.

"(2) Each member of a uniformed service who incurs, contracts, or aggravates an injury, disease, or illness during voluntary participation or other training activities sponsored by a uniform service, but not while on inactive duty training, active duty, or full-time National Guard duty.

"(3) Each member of a uniformed service who incurs, contracts, or aggravates an injury, disease, or illness while traveling directly to or from the place at which he is to perform, or has performed, inactive-duty training, active duty for a period of 30 days or less, or full-time National Guard duty for a period of 30 days or less.

"(b) A person described in subsection (a) is entitled to—

"(1) the medical and dental care appropriate for the treatment of his injury, disease, or illness until the resulting disability cannot be materially improved by further hospitalization or treatment; and

"(2) subsistence during hospitalization.

"(c)(1) For purposes of subsection (a)(2), periods of work or study in connection with a correspondence course of a uniformed service, or attendance in an inactive Reserve status at an educational institution under the sponsorship of a uniformed service, do not constitute training activities.

"(2) An injury, disease, or illness incurred, contracted, or aggravated as a result of the member's own gross negligence or misconduct while performing travel referred to in subsection (a)(3) is not covered under this section.".

(2) The table of sections at the beginning of chapter 55 of such title is amended by striking out the item relating to section 1074a and inserting in lieu thereof the following:

"1074a. Medical and dental care: members performing inactive duty training, active duty for 30 days or less, or other reserve training.".

(b) PAY FOR RESERVISTS WHILE DISABLED.—Section 204 of title 37, United States Code, is amended—

(1) by striking out subsections (g), (h), and (i) and inserting in lieu thereof the following:

"(g) A member of the National Guard or a reserve component of an armed force is entitled to the pay and allowances provided by law or regulation for a member of a regular component of an armed force of corresponding grade and length of service whenever he is called or ordered to active duty for a period of more than 30 days and is physically disabled in line of duty from injury or disease while so employed.

"(h)(1) A member of the National Guard or a reserve component who, while performing active duty under a call or order to active duty for a period of 30 days or less or who, while performing inactive duty training, incurs or aggravates an injury, disease, or illness in line of duty while so employed or while traveling directly to or from that training, is entitled to a portion of the regular compensation provided by law or regulation for a member of a regular component of corresponding grade and length of service for each month such member applies for and demonstrates a loss of earned income (other than pay and allowances under this title) as a consequence of the injury, disease, or illness or aggravation thereof. The portion of the regular compensation shall be an amount which offsets the loss of earned income, but shall not exceed the monthly regular compensation for such member (as described in the preceding sentence) and shall be paid for a period not to exceed 6 months.

"(2) The procedures for determining and paying compensation pursuant to paragraph (1) shall be prescribed by the Secretary of Defense for the armed forces under his jurisdiction and by the Secretary of Transportation for the Coast Guard when the Coast Guard is not operating as a service in the Navy.

"(3) The Secretary concerned may continue the pay and allowances a member is receiving under this subsection beyond the 6-month delimiting period if he determines it to be in the interests of fairness and equity to do so."; and

(2) by redesignating subsection (j) as subsection (i).

(c) PAY FOR INACTIVE DUTY TRAINING WHILE DISABLED.—Section 206(a) of title 37, United States Code, is amended by striking out "grade entitled to basic pay," and all that follows through the period and inserting in lieu thereof the following: "grade entitled to basic pay—

"(1) for each regular period of instruction or period of appropriate duty, at which the member is engaged for at least two hours, including that performed on a Sunday or holiday;

"(2) for a regular period of instruction that the member is scheduled to perform but is unable to perform because of a disability resulting from an injury incurred or aggravated or a disease incurred or illness contracted or aggravated in line of duty during a call or order to active duty for a period of 30 days or less or during the performance of inactive duty training or while traveling to or from that training; or

"(3) for the performance of such other equivalent training, instruction, duty, or appropriate duties, as the Secretary concerned may prescribe.".

(d) MEDICAL AND DENTAL CARE FOR SURVIVORS OF CERTAIN RESERVISTS.—(1) Subsection (a) of section 1076 of title 10, United States Code, is amended to read as follows:

"(a) A dependent of a member of a uniformed service who is on active duty for a period of more than 30 days or a dependent who is a survivor of a member of a uniformed service who died—

"(1) while on active duty;

"(2) while performing inactive duty training; or

"(3) as a consequence of an injury, disease, or illness incurred, contracted, or aggravated while on active duty, while performing inactive duty training, or while traveling directly to or from such training,

is entitled, upon request, to the medical and dental care prescribed by section 1077 of this title in facilities of the uniformed services, subject to the availability of space and facilities and the capabilities of the medical and dental staff.".

(2) Paragraph (2) of section 1086(c) of such title is amended to read as follows:

"(2) A dependent (other than a dependent defined in section 1072(2)(E) of this title) who is a survivor of a member of a uniformed service who died—

"(A) while on active duty;

"(B) while performing inactive duty training; or

"(C) as a consequence of an injury incurred or aggravated or a disease or illness contracted or aggravated while on active duty, while performing inactive duty training, or while traveling directly to or from such training.".

(e) RETIREMENT OR SEPARATION OF RESERVISTS FOR DISABILITY.—(1)(A) Section 1204 of such title is amended by inserting "disease, or illness, or the aggravation thereof," after "injury,".

(B) The section heading of section 1204 of such title is amended to read as follows:

**"§ 1204. Members on active duty for 30 days or less; disability from injury, disease, or illness: retirement".**

(C) The table of sections at the beginning of chapter 61 of such title is amended by striking out the item relating to section 1204 and inserting in lieu thereof the following:

"1204. Members on active duty for 30 days or less; disability from injury, disease, or illness: retirement.".

(2)(A) Section 1206 of such title is amended by inserting "disease, or illness, or the aggravation thereof," after "injury,".

(B) The section heading of section 1206 of such title is amended to read as follows:

**"§ 1206. Members on active duty for 30 days or less: separation".**

(C) The table of sections at the beginning of chapter 61 of such title is amended by striking out the item relating to section 1206 and inserting in lieu thereof the following:

"1206. Members on active duty for 30 days or less: separation.".

(f) DEATH BENEFITS FOR RESERVISTS.—Chapter 71 of such title is amended—

(1) in section 1475(a)(3), by inserting "or aggravated or disease or illness contracted or aggravated" after "incurred";

(2) in section 1476, by striking out subsection (a) and inserting in lieu thereof the following:

"(a) Except as provided in section 1480 of this title, the Secretary concerned shall have a death gratuity paid to or for the appropriate survivor or survivors as designated in section 1477 of this title of each person who dies within 120 days after discharge or release from active duty or inactive duty training (other than work or study in connection with a correspondence course of an armed force or attendance, in an inactive status, at an educational institution under the sponsorship of an armed force or the Public Health Service) if the Administrator of Veterans' Affairs determines that the death resulted from an injury incurred or aggravated or a disease or illness contracted or aggravated by such duty or by an injury, disease, or illness incurred or aggravated during travel directly to or from such duty.";

(3) in section 1476, by striking out subsection (b) and redesignating subsections (c) and (d) as subsections (b) and (c), respectively; and

(4) in section 1481, by striking out clauses (2) and (3) of subsection (a) and inserting in lieu thereof the following:

"(2) any Reserve of an armed force under his jurisdiction who dies while (A) on active duty, (B) performing inactive duty training, (C) undergoing treatment or being hospitalized for an injury incurred or aggravated or a disease or illness contracted or aggravated while on active duty or performing inactive duty training, or (D) performing authorized travel directly to or from active duty or inactive duty training,

"(3) any member of the Army National Guard or Air National Guard who dies while entitled to pay from the United States and while (A) on active duty, (B) performing inactive duty training, (C) undergoing treatment or being hospitalized for an injury incurred or aggravated or a disease or illness contracted or aggravated while on active duty or performing inactive duty training, or (D) performing authorized travel directly to or from active duty or inactive duty training,".

(g) CONFORMING AMENDMENTS.—(1)(A) Title 10, United States Code, is amended by striking out sections 3687, 3721, 3722, 6148, 8687, 8721, and 8722.

(B) The table of sections at the beginning of chapter 353 of such title is amended by striking out the item relating to section 3687.

(C) The table of sections at the beginning of chapter 355 of such title is amended by striking out the items relating to sections 3721 and 3722.

(D) The table of sections at the beginning of chapter 561 of such title is amended by striking out the item relating to section 6148.

(E) The table of sections at the beginning of chapter 853 of such title is amended by striking out the item relating to section 8687.

(F) The table of sections at the beginning of chapter 855 of such title is amended by striking out the items relating to sections 8721 and 8722.

(2)(A) Title 32, United States Code, is amended by striking out sections 318, 319, 320, and 321.

(B) The table of sections at the beginning of chapter 3 of such title is amended by striking out the items relating to sections 318, 319, 320, and 321.

(h) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act but shall apply only to persons who become disabled on or after that date or, in the case of death benefits, who die on or after that date.

SEC. 637. LIMITED USE OF COMMISSARY STORES BY MEMBERS OF THE SELECTED RESERVE

(a) IN GENERAL.—Chapter 53 of title 10, United States Code, is amended by adding at the end the following new section:

**"§ 1051. Limited use of commissary stores by members of the Selected Reserve**

"(a) Under regulations prescribed by the Secretary concerned, members of the Selected Reserve of the Ready Reserve of a reserve component of an armed force shall be permitted to use commissary stores of the Department of Defense one day for each day of active duty for training performed by the member. Under such regulations, a member of the Selected Reserve shall be permitted a period of one year after the date on which the member performs such day of active duty for training to use the day of eligibility for using commissary stores.

"(b) A member may not use commissary stores under this section more than 14 days in any year.".

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1051. Limited use of commissary stores by members of the Selected Reserve.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1986, or the date of the enactment of this Act, whichever is later, and shall apply only with respect to active duty for training performed on or after that effective date.

(d) REPEAL PROVISION.—Section 1013 of the Department of Defense Authorization Act, 1984 (Public Law 98-94; 97 Stat. 665), is repealed effective October 1, 1986, or the date of the enactment of this Act, whichever is later.

PART E—ADMINISTRATION OF PERSONNEL BENEFITS

SEC. 641. ACCOUNTING FOR PAYMENTS OF CLAIMS FOR BENEFITS

Section 1552(c) of title 10, United States Code, is amended—

(1) by striking out ", from applicable current appropriations," in the first sentence; and

(2) by adding at the end the following new sentence: "A payment authorized under this subsection may be paid out of applicable current appropriations or from appropriations (if available) from which the expense would have been paid if payment had been made when due under the corrected record.".

SEC. 642. ENHANCED METHOD FOR DETERMINING TRUE COSTS OF MILITARY RETIREMENT

(a) USE OF DUAL PERCENTAGE DETERMINATIONS.—Section 1465 of title 10, United States Code, is amended—

(1) by striking out subsection (b)(1) and inserting in lieu thereof the following:

"(1) The Secretary of Defense shall determine each year, in sufficient time for inclusion in budget requests for the following fiscal year, the total amount of Department of Defense contributions to be made to the Fund during that fiscal year under section 1466(a) of this title. That amount shall be determined by adding—

"(A) the product of—

"(i) the current estimate of the value of the single level percentage of basic pay to be determined under subsection (c)(1)(A) at the time of the next actuarial valuation under subsection (c); and

"(ii) the total amount of basic pay expected to be paid during that fiscal year to members of the armed forces (other than the Coast Guard) on active duty (other than active duty for training) or full-time National Guard duty (other than full-time National Guard duty for training only); and

"(B) the product of—

"(i) the current estimate of the value of the single level percentage of basic pay and of compensation (paid pursuant to section 206 of title 37) to be determined under subsection (c)(1)(B) at the time of the next actuarial valuation under subsection (c); and

"(ii) the total amount of basic pay and of compensation (paid pursuant to section 206 of title 37) expected to be paid during that fiscal year to members of the Ready Reserve of the armed forces (other than the Coast Guard and other than members on full-time National Guard duty other than for training) who are not otherwise described in subparagraph (A)(ii).''; and

(2) by striking out subsection (c)(1) and inserting in lieu thereof the following:

"(c)(1) Not less often than every four years, the Secretary of Defense shall carry out an actuarial valuation of Department of Defense military retirement and survivor benefit programs. Each actuarial valuation of such programs shall include—

"(A) a determination (using the aggregate entry-age normal cost method) of a single level percentage of basic pay for members of the armed forces (other than the Coast Guard) on active duty (other than active duty for training) or full-time National Guard duty (other than full-time National Guard duty for training only); and

"(B) a determination (using the aggregate entry-age normal cost method) of a single level percentage of basic pay and of compensation (paid pursuant to section 206 of title 37) for members of the Ready Reserve of the armed forces (other than the Coast Guard and other than members on full-time National Guard duty other than for training) who are not otherwise described by subparagraph (A),

to be used for the purposes of subsection (b) and section 1466(a) of this title.".

(b) PAYMENTS INTO MILITARY RETIREMENT FUND BASED ON DUAL DETERMINATIONS.—Subsection (a) of section 1466 of such title is amended to read as follows:

"(a) The Secretary of Defense shall pay into the Fund at the end of each month as the Department of Defense contribution to the Fund for that month the amount that is the sum of—

"(1) the product of—

"(A) the level percentage of basic pay determined using all the methods and assumptions approved for the most recent (as of the first day of the current fiscal year) actuarial valuation under section 1465(c)(1)(A) of this title, except that any statutory changes in the military retirement and survivor benefit systems that became effective subsequent to the date of that valuation and on or before the first day of the current fiscal year shall be used in such determination; and

"(B) the total amount of basic pay paid that month to members of the armed forces (other than the Coast Guard) on active duty (other than active duty for training) or full-time National Guard duty (other than full-time National Guard duty for training only); and

"(2) the product of—

"(A) the level percentage of basic pay and of compensation (paid pursuant to section 206 of title 37) determined using all the methods and assumptions approved for the most recent (as of the first day of the current fiscal year) actuarial valuation under section 1465(c)(1)(B) of this title, except that any statutory changes in the military retirement and survivor benefit systems that became effective subsequent to the date of that valuation and on or before the first day of the current fiscal year shall be used in such determination; and

"(B) the total amount of basic pay and of compensation (paid pursuant to section 206 of title 37) paid that month to members of the Ready Reserve of the armed forces (other than the Coast Guard and other than members on full-time National Guard duty other than for training) who are not otherwise described in paragraph (1)(B).".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1986, or the date of the enactment of this Act, whichever is later, and shall apply to payments required to be made under section 1466(a) of title 10, United States Code, as amended by this section, for months beginning on or after that effective date.

## TITLE VII—HEALTH CARE

### SEC. 701. ALTERNATIVE HEALTH CARE PLANS

(a) INCENTIVES UNDER ALTERNATIVE PLANS.—Chapter 55 of title 10, United States Code, is amended by adding at the end the following new section:

**"§ 1095. Incentives for participation in cost-effective health benefit plans**

"(a) The Secretary of Defense may waive during any fiscal year or portion of a fiscal year the limitations set out in the second sentence of section 1079(a) of this title and the requirements for payments by the patient set out in section 1079(b) or 1086(b) of this title with respect to any plan contracted for under the authority of section 1079 or 1086 of this title if the Secretary determines and certifies in writing, as provided in subsection (b), that during the period of the waiver such a plan will—

"(1) be less costly to the Government; or

"(2) will provide better services at no additional cost to the Government,

than a plan under which such limitations or payment requirements are in effect.

"(b) The certification required by subsection (a)—

"(1) shall include a comparative analysis of costs of and benefits available under the plan to which a waiver of limitations and payment requirements would apply and under the plan to which the limitations and payment requirements would apply; and

"(2) shall be transmitted to the Committees on Armed Services of the Senate and the House of Representatives not later than 180 days before the beginning of any fiscal year or portion of a fiscal year for which the waiver is to be made.".

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1095. Incentives for participation in cost-effective health benefit plans.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1986, or the date of the enactment of this Act, whichever is later.

### SEC. 702. MILITARY-CIVILIAN HEALTH SERVICES COOPERATION

(a) AUTHORITY FOR COOPERATIVE SHARING OF RESOURCES.—Chapter 55 of title 10, United States Code, as amended by section 701, is further amended by adding at the end the following new section:

**"§ 1096. Military-civilian health services partnership program**

"(a) The Secretary of Defense may authorize agreements providing for the sharing of resources between treatment facilities of the uniformed services and civilian health care providers under sections 1079 and 1086 of this title if the Secretary determines that such sharing will result in more effective, efficient, or economical health care for persons authorized care under this chapter.

"(b) Resources that may be shared under an agreement entered into under subsection (a) include personnel (including support personnel), equipment, supplies, and other items and facilities necessary for the provision of health care services.

"(c) With respect to care provided in facilities of the uniformed services under a sharing agreement under this section, a dependent shall pay the charges prescribed by section 1078 of this title and a member or former member entitled to retired or retainer pay shall pay the charges prescribed by section 1075 of this title.".

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of such chapter (as amended by section 701) is amended by adding at the end the following new item:

"1096. Military-civilian health services partnership program.".

### SEC. 703. CONFIDENTIALITY OF MEDICAL QUALITY ASSURANCE RECORDS

(a) IN GENERAL.—Chapter 55 of title 10, United States Code, as amended by sections 701 and 702 of this Act, is further amended by adding at the end the following new section:

**"§ 1097. Confidentiality of medical quality assurance records: qualified immunity for participants**

"(a) Medical quality assurance records created by or for the Department of Defense as part of a medical quality assurance program are confidential and privileged. Such records may not be disclosed to any person or entity, except as provided in subsection (c).

"(b)(1) No part of any medical quality assurance record described in subsection (a) may be subject to discovery or admitted into evidence in any judicial or administrative proceeding, except as provided in subsection (c).

"(2) A person who reviews or creates medical quality assurance records for the Department of Defense or who participates in any proceeding that reviews or creates such records may not be permitted or required to testify in any judicial or administrative proceeding with respect to such records or with respect to any finding, recommendation, evaluation, opinion, or action taken by such person or body in connection with such records except as provided in this section.

"(c)(1) Subject to paragraph (2), a medical quality assurance record described in subsection (a) may be disclosed, and a person referred to in subsection (b) may give testimony in connection with such a record, only as follows:

"(A) To a Federal executive agency or private organization, if such medical quality assurance record or testimony is needed by such agency or organization to perform licensing or accreditation functions related to Department of Defense health care facilities or to perform monitoring, required by law, of Department of Defense health care facilities.

"(B) To an administrative or judicial proceeding commenced by a present or former Department of Defense health care provider concerning the termination, suspension, or limitation of clinical privileges of such health care provider.

"(C) To a governmental board or agency or to a professional health care society or organization, if such medical quality assurance record or testimony is needed by such board, agency, society, or organization to perform licensing, credentialing, or the monitoring of professional standards with respect to any health care provider who is or was a member or an employee of the Department of Defense.

"(D) To a hospital, medical center, or other institution that provides health care services, if such medical quality assurance record or testimony is needed by such institution to assess the professional qualifications of any health care provider who is or was a member or employee of the Depart-

ment of Defense and who has applied for or been granted authority or employment to provide health care services in or on behalf of such institution.

"(E) To an officer, employee, or contractor of the Department of Defense who has a need for such record or testimony to perform official duties.

"(F) To a criminal or civil law enforcement agency or instrumentality charged under applicable law with the protection of the public health or safety, if a qualified representative of such agency or instrumentality makes a written request that such record or testimony be provided for a purpose authorized by law.

"(G) In an administrative or judicial proceeding commenced by a criminal or civil law enforcement agency or instrumentality referred to in subparagraph (F), but only with respect to the subject of such proceeding.

"(2) With the exception of the subject of a quality assurance action, the identity of any person receiving health care services from the Department of Defense or the identity of any other person associated with such department for purposes of a medical quality assurance program that is disclosed in a medical quality assurance record described in subsection (a) shall be deleted from that record or document before any disclosure of such record is made outside the Department of Defense. Such requirement does not apply to the release of information pursuant to section 552a of title 5, United States Code.

"(d)(1) Nothing in this section shall be construed as authorizing or requiring the withholding from any person or entity aggregate statistical information regarding the results of Department of Defense medical quality assurance programs.

"(2) Nothing in this section shall be construed as authority to withhold any medical quality assurance record from a committee of either House of Congress, any joint committee of Congress, or the General Accounting Office if such record pertains to any matter within their respective jurisdictions.

"(e) A person or entity having possession of or access to a record or testimony described by this section may not disclose the contents of such record or testimony in any manner or for any purpose except as provided in this section.

"(f) Medical quality assurance records described in subsection (a) may not be made available to any person under section 552 of title 5, United States Code.

"(g) A person who participates in or provides information to a person or body that reviews or creates medical quality assurance records described in subsection (a) shall not be civilly liable for such participation or for providing such information if the participation or provision of information was in good faith based on prevailing professional standards at the time the medical quality assurance program activity took place.

"(h) Nothing in this section shall be construed as limiting access to the information in a record created and maintained outside a medical quality assurance program, including a patient's medical records, on the grounds that the information was presented during meetings of a review body that are part of a medical quality assurance program.

"(i) The Secretary of Defense shall prescribe regulations to implement this section.

"(j) In this section:

"(1) The term 'medical quality assurance program' means any activity carried out before, on, or after the date of the enactment of this section by or for the Department of Defense to assess the quality of medical care, including activities conducted by individuals, military medical or dental treatment facility committees, or other review bodies responsible for quality assurance, credentials, infection control, patient care assessment (including treatment procedures, blood, drugs, and therapeutics), medical records, health resources management review and identification and prevention of medical or dental incidents and risks.

"(2) The term 'medical quality assurance record' means the proceedings, records, minutes, and reports that emanate from quality assurance program activities described in paragraph (1) and are produced or compiled by the Department of Defense as part of a medical quality assurance program.

"(3) The term 'health care provider' means any military or civilian health care professional who, under regulations of a military department, is granted clinical practice privileges to provide health care services in a military medical or dental treatment facility or who is licensed or certified to perform health care services by a governmental board or agency or professional health care society or organization.

"(k) Any person who willfully discloses a medical quality assurance record other than as provided in this section, knowing that such record is a medical quality assurance record, shall be fined not more than $3,000 in the case of a first offense and not more than $20,000 in the case of a subsequent offense.".

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of such chapter is amended (as amended by sections 701 and 702) by adding at the end the following new item:

"1097. Confidentiality of medical quality assurance records: qualified immunity for participants.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to all records created before, on, or after the date of the enactment of this Act by or for the Department of Defense as part of a medical quality assurance program.

SEC. 704. AUTHORIZATION OF FUNDS FOR DENTAL INSURANCE PROGRAM

(a) AUTHORIZATION OF FUNDS FOR FISCAL YEAR 1987.—There are authorized to be appropriated for fiscal year 1987 not more than $18,000,000 for the purpose of providing a dental insurance program for dependents of active duty military personnel.

(b) PROGRAM REQUIREMENTS.—Notwithstanding subsection (a) or any other provision of law, none of the funds appropriated pursuant to an authorization in this Act may be used by the Department of Defense for the purpose of providing dental insurance for dependents of active duty military personnel unless such program of insurance—

(1) provides for voluntary enrollment of dependents of active duty military personnel;

(2) provides coverage for 100 percent of charges for preventive, diagnostic, and emergency services;

(3) provides coverage for at least 80 percent of charges for composite and amalgam fillings and dental appliance repair services;

(4) is available to families of active duty military personnel at a premium cost of not more than $10 per month per family;

(5) is structured so that the Department of Defense does not pay more than 60 percent of the total program costs; and

(6) is structured so that the total costs to the Department of Defense do not exceed an annual cost of $105,000,000 (in fiscal year 1986 dollars).

SEC. 705. ACQUISITION OF COMPOSITE HEALTH CARE SYSTEM

(a) Section 1203 of the Department of Defense Authorization Act, 1986 (Public Law 99-145) is repealed.

(b) The Secretary of Defense shall immediately undertake the acquisition of the Composite Health Care System utilizing the acquisition strategy described in Department of the Army Request for Proposal Number DAH 26-85-R-0009.

## TITLE VIII—MILITARY JUSTICE

SEC. 801. SHORT TITLE; REFERENCES TO UNIFORM CODE OF MILITARY JUSTICE

(a) SHORT TITLE.—This title may be cited as the "Military Justice Amendments of 1986".

(b) REFERENCES TO UCMJ.—Except as otherwise expressly provided in this title, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice).

SEC. 802. LACK OF MENTAL RESPONSIBILITY AS A DEFENSE IN CRIMINAL OFFENSES

(a) IN GENERAL.—Subchapter VII is amended by inserting after section 850 (article 50) the following new section (article):

"§ 850a. Art. 50a. Defense of lack of mental responsibility

"(a) It is an affirmative defense in a trial by court-martial that, at the time of the commission of the acts constituting the offense, the accused, as a result of a severe mental disease or defect, was unable to appreciate the nature and quality or the wrongfulness of the acts. Mental disease or defect does not otherwise constitute a defense.

"(b) The accused has the burden of proving the defense of lack of mental responsibility by clear and convincing evidence.

"(c) Notwithstanding section 852 of this title (article 52), the accused must be found not guilty under this section if—

"(1) a majority of the members of the court-martial present at the time the vote is taken determines that the defense of lack of mental responsibility has been established; or

"(2) in the case of a court-martial composed of a military judge only, the military judge determines that the defense of lack of mental responsibility has been established.".

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 850 (article 50) the following new item:

"850a. 50a. Defense of lack of mental responsibility.".

(c) EFFECTIVE DATE.—Section 850a of title 10, United States Code, as added by subsection (a), shall apply only to offenses committed on or after the date of the enactment of this Act.

SEC. 803. APPLICATION FOR ENLISTED MEMBERS TO SERVE ON COURT-MARTIAL

(a) IN GENERAL.—Section 825(c)(1) (article 25(c)(1)) is amended by striking out "has requested in writing" in the first sentence and inserting in lieu thereof "has requested orally on the record or in writing".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply only in cases in which arraignment has been completed on or after the effective date provided in section 808 of this Act.

SEC. 804. AUTHORITY OF RESERVE MEMBERS TO ADMINISTER OATHS

(a) IN GENERAL.—Section 936 (article 136) is amended by inserting "or performing inactive-duty training" in subsections (a) and (b) after "active duty".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 805. STATUTE OF LIMITATIONS

(a) REVISION OF STATUTE OF LIMITATION.—Subsections (a), (b), and (c) of section 843 (article 43) are amended to read as follows:

"(a) A person charged with absence without leave in time of war or missing movement in time of war, or with any offense punishable by death, may be tried and punished at any time without limitation.

"(b)(1) Except as otherwise provided in this section (article), a person charged with an offense is not liable to be tried by court-martial if the offense was committed more than five years before the receipt of sworn charges and specifications by an officer exercising summary court-martial jurisdiction over the command.

"(2) A person charged with an offense is not liable to be punished under section 815 of this title (article 15) if the offense was committed more than two years before the imposition of punishment.

"(c) Periods in which the accused is absent without authority or fleeing from justice shall be excluded in computing the period of limitation prescribed in this section (article).".

(b) TIME FOR REINSTATEMENT OF CHARGES.—Such section (article) is further amended by adding at the end the following new subsection:

"(g) If charges or specifications are dismissed as defective or insufficient for any cause and the period prescribed by the applicable statute of limitations—

"(1) has expired; or

"(2) will expire within 180 days after the date of the dismissal of the charges or specifications,

trial and punishment under new charges and specifications are not barred by a statute of limitations if new charges and specifications are received by an officer exercising summary court-martial jurisdiction over the command within 180 days after the date of the dismissal of the charges or specifications and the new charges and specifications allege the same acts or omissions that were alleged in the dismissed charges or specifications or allege acts or omissions that were included in the dismissed charges or specifications.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply only to offenses committed on or after the date of the enactment of this Act.

SEC. 806. TIME FOR DEFENSE POST-TRIAL SUBMISSIONS

(a) SIMPLIFICATION OF TIME FOR SUBMISSION.—Subsection (b) of section 860 (article 60) is amended—

(1) by striking out paragraph (3);

(2) by redesignating paragraph (2) as paragraph (3) and inserting a comma in that paragraph after "case"; and

(3) by striking out paragraph (1) and inserting in lieu thereof the following:

"(1) The accused may submit to the convening authority matters for consideration by the convening authority with respect to the findings and the sentence. Except in a summary court-martial case, such a submission shall be made within 10 days after the accused has been given an authenticated record of trial and, if applicable, the recommendation of the staff judge advocate or legal officer under subsection (d). In a summary court-martial case, such a submission shall be made within 7 days after the sentence is announced.

"(2) If the accused shows that, for good cause, additional time is required for the accused to submit such matters, the convening authority or other person taking action under this section may extend the applicable period under paragraph (1) for not more than an additional 20 days.".

(b) RECOMMENDATIONS OF STAFF JUDGE ADVOCATE.—Subsection (c)(2) of such section is amended by striking out "and, if applicable under subsection (d),".

(c) CONFORMING AMENDMENTS.—Subsection (d) of such section is amended—

(1) in the third sentence, by striking out "who shall have 5 days after the date of receipt in which to submit any matter in response" and inserting in lieu thereof "who may submit any matter in response under subsection (b)"; and

(2) by striking out the fourth sentence.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply in cases in which the sentence is adjudged on or after the effective date provided in section 808.

SEC. 807. DETAIL OF JUDGE ADVOCATES

(a) REPRESENTATION OF UNITED STATES INTERESTS.—Section 806(a) (article 6(a)) is amended by inserting after the second sentence the following: "A judge advocate who is assigned or detailed to perform the functions of a civil office in the Government of the United States under section 973(b)(2)(B) of this title may perform such duties as may be requested by the agency concerned, including representation of the United States in civil and criminal cases.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a)—

(1) shall take effect on the date of the enactment of this Act; and

(2) may not be construed to invalidate an action taken by a judge advocate, pursuant to an assignment or detail under section 973(b)(2)(B) of title 10, United States Code, before the date of the enactment of this Act.

SEC. 808. EFFECTIVE DATE

The amendments made by sections 803 and 806 of this Act shall take effect on the earlier of—

(1) the last day of the 120-day period beginning on the date of the enactment of this Act; or

(2) the date specified in an Executive order for such amendments to take effect.

## TITLE IX—PROCUREMENT IMPROVEMENTS AND OTHER PROCUREMENT MATTERS

SEC. 901. SHORT TITLE

This title may be cited as the "Defense Acquisition Reorganization and Improvements Act of 1986".

### PART A—UNDER SECRETARY OF DEFENSE FOR ACQUISITION

SEC. 911. ESTABLISHMENT OF POSITION OF UNDER SECRETARY OF DEFENSE FOR ACQUISITION

(a) IN GENERAL.—Section 135 of title 10, United States Code, is amended to read as follows:

"§ 135. Under Secretaries of Defense: appointment; powers and duties; precedence

"(a) There are two Under Secretaries of Defense, one of whom shall be the Under Secretary of Defense for Acquisition and one of whom shall be the Under Secretary of Defense for Policy. The Under Secretaries of Defense shall be appointed from civilian life by the President, by and with the advice and consent of the Senate.

"(b)(1) The Under Secretary of Defense for Acquisition shall be a person who is well qualified by reason of education, training, and experience in industry. He shall perform such duties and exercise such powers relating to acquisition as the Secretary of Defense may prescribe, including—

"(A) supervising the performance of the entire Department of Defense acquisition system;

"(B) establishing all policies for acquisition, procurement, research and development, logistics, testing, contract audit, and contract administration for all entities of the Department of Defense;

"(C) establishing all policies for maintenance of the defense industrial base of the United States;

"(D) serving as the acquisition executive of the Department of Defense;

"(E) serving as the senior procurement executive of the Department of Defense (as provided in section 16 of the Office of Federal Procurement Policy Act (41 U.S.C. 414(3));

"(F) supervising all personnel (civilian and military) in the Office of the Secretary of Defense with regard to matters for which the Under Secretary has responsibility, unless otherwise provided by law; and

"(G) the authority to direct the Secretaries of the military departments and the heads of all other entities of the Department of Defense with regard to matters for which the Under Secretary has responsibility.

"(2) The Under Secretary of Defense for Policy shall perform such duties and exercise such powers as the Secretary of Defense may prescribe.

"(c)(1)(A) The Under Secretary of Defense for Acquisition takes precedence in the Department of Defense with regard to—

"(i) all matters for which he has responsibility as set forth by law, and

"(ii) all matters for which he has responsibility as prescribed by the Secretary of Defense,

after the Secretary of Defense and the Deputy Secretary of Defense.

"(B) In all matters not described in subparagraph (A), the Under Secretary of Defense for Acquisition takes precedence in the Department of Defense after the Secretary of Defense, the Deputy Secretary of Defense, and the Secretaries of the military departments.

"(2) The Under Secretary of Defense for Policy takes precedence in the Department of Defense after the Secretary of Defense, the Deputy Secretary of Defense, the Secretaries of the military departments, and the Under Secretary of Defense for Acquisition.".

(b) EXECUTIVE SCHEDULE II PAY GRADE FOR UNDER SECRETARY OF DEFENSE FOR ACQUISITION.—Section 5313 of title 5, United States Code, is amended by adding at the end the following new item:

"Under Secretary of Defense for Acquisition.".

SEC. 912. ESTABLISHMENT OF POSITION OF DEPUTY UNDER SECRETARY OF DEFENSE FOR ACQUISITION

Chapter 4 of title 10, United States Code, is further amended by inserting after section 135 the following new section:

**"§ 135a. Deputy Under Secretary of Defense for Acquisition**

"There is a Deputy Under Secretary of Defense for Acquisition, appointed from civilian life, by the Secretary of Defense. The Deputy Under Secretary of Defense for Acquisition shall perform such duties and exercise such powers with respect to acquisition as the Secretary of Defense may prescribe.".

SEC. 913. ESTABLISHMENT OF POSITION OF DIRECTOR OF DEFENSE RESEARCH AND ENGINEERING

(a) IN GENERAL.—Chapter 4 of title 10, United States Code, is amended by inserting after section 136a the following new section:

**"§ 136b. Director of Defense Research and Engineering**

"(a) There is a Director of Research and Engineering in the Department of Defense, appointed from civilian life by the President, by and with the advice and consent of the Senate.

"(b) The Director of Defense Research and Engineering shall perform such duties relating to research and engineering as the Under Secretary of Defense for Acquisition may prescribe.

"(c) The Director of Defense Research and Engineering shall take precedence in the Department of Defense as prescribed by the Secretary of Defense.".

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 4 of such title is amended by adding at the end the following new item:

"136b. Director of Defense Research and Engineering.".

(c) EXECUTIVE SCHEDULE III PAY GRADE FOR UNDER SECRETARY OF DEFENSE FOR POLICY AND DIRECTOR OF DEFENSE RESEARCH AND ENGINEERING.—Section 5314 of title 5, United States Code, is amended by striking out "Under Secretaries of Defense (2)." and inserting in lieu thereof the following:

"Under Secretary of Defense for Policy.

"Director of Defense Research and Engineering.".

SEC. 914. DIRECTOR OF OPERATIONAL TEST AND EVALUATION TO REPORT TO UNDER SECRETARY OF DEFENSE FOR ACQUISITION

Section 136a of title 10, United States Code, is amended—

(1) in subsection (b)—

(A) by striking out "Secretary of Defense" in the matter preceding clause (1) and inserting in lieu thereof "Under Secretary of Defense for Acquisition";

(B) in clauses (1), (2), and (6), by striking out "Secretary of Defense" and inserting in lieu thereof "Under Secretary of Defense for Acquisition"; and

(C) in clause (5), by striking out "Secretary of Defense and to" and inserting in lieu thereof "Secretary of Defense, the Under Secretary of Defense for Acquisition, and";

(2) by striking out subsections (c) and (d) and inserting in lieu thereof the following:

"(c) Each report of the Director required under subsection (b)(5) shall be submitted to the Secretary of Defense, the Under Secretary of Defense for Acquisition, and the Committees on Armed Services and on Appropriations of the Senate and the House of Representatives without intervening review or approval and without any change or revision by any other officer or employee. The Under Secretary of Defense for Acquisition may submit such comments regarding the report as he considers appropriate to the Secretary of Defense and the Committees referred to in the preceding sentence.

"(d) The Director reports directly to the Under Secretary of Defense for Acquisition. The Director shall consult closely with, but the Director and the Director's staff are independent of, the Director of Defense Research and Engineering and all other officers and entities of the Department of Defense responsible for research and development.";

(3) in subsection (f)(2), by inserting "and the Under Secretary of Defense for Acquisition" after "Secretary of Defense"; and

(4) in subsection (g)(1)—

(A) by inserting ", through the Under Secretary of Defense for Acquisition," after "concurrently" in the second sentence; and

(B) by striking out "Secretary" in the last sentence and inserting in lieu thereof "Under Secretary of Defense for Acquisition".

SEC. 915. AMENDMENT TO THE SMALL BUSINESS ACT

Section 15(k)(3) of the Small Business Act (15 U.S.C. 644(k)(3)) is amended by inserting ", except in the case of the Department of Defense the Director of the office of Small and Disadvantaged Business shall be responsible only to, and report directly to, the Under Secretary of Defense for Acquisition".

PART B—MANAGEMENT AND AUTHORIZATION PROCEDURES FOR CERTAIN ACQUISITION PROGRAMS

SEC. 921. DEFENSE ENTERPRISE PROGRAMS

(a) IN GENERAL.—Part IV of subtitle A of title 10, United States Code, is amended by inserting after chapter 131 the following new chapter:

**"CHAPTER 132—DEFENSE ENTERPRISE PROGRAMS**

"Sec.
"2221. Definitions.
"2222. Defense enterprise programs; designation and management of programs.
"2223. Defense enterprise program managers.
"2224. Defense enterprise program staff.
"2225. Milestone authorizations.

**"§ 2221. Definitions**

"In this chapter:

"(1) 'Agency' means an agency named in clause (1), (2), (3), or (4) of section 2303(a) of this title.

"(2) 'Defense enterprise program' is any defense acquisition program designated as a defense enterprise program by the head of an agency under section 2222 of this title.

"(3) 'Head of an agency' means the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force.

**"§ 2222. Defense enterprise programs; designation and management of programs**

"(a) The head of an agency, with the approval of the Secretary of Defense, may designate any defense acquisition program conducted by such agency as a defense enterprise program.

"(b)(1) A defense enterprise program shall be managed by a program manager appointed as provided in section 2223 of this title.

"(2)(A) A defense enterprise program manager of an agency shall report to and be subject to the authority, direction, and control of the acquisition executive of the agency or his delegate who meets the requirements under subparagraph (B). A defense enterprise program manager shall not be subject to or be required to report to any other officer or employee of the agency.

"(B) An acquisition executive may delegate his functions under subparagraph (A) only to a person who is (i) subject to the authority, direction, and control of the acquisition executive, and (ii) reports only to such acquisition executive on defense enterprise programs.

"(c)(1) Except as specified by the acquisition executive of the agency, a defense enterprise program shall not be subject to any regulation, policy, directive, or administrative rule or guideline relating to the acquisition activities of the Department of Defense other than the Federal Acquisition Regulation and the Department of Defense supplement to the Federal Acquisition Regulation.

"(2) Paragraph (1) shall not be construed to limit or modify the application of Federal legislation relating to the acquisition activities of the Department of Defense.

**"§ 2223. Defense enterprise program managers**

"(a) The head of an agency conducting a defense enterprise program shall appoint a program manager for such program.

"(b)(1) The head of an agency shall select for appointment as a defense enterprise program manager a person from among (A) civilian employees of the agency who meet the requirements of paragraph (2), or (B) members of the armed forces who meet such requirements.

"(2) To be eligible for appointment as a defense enterprise program manager, a person shall have had (at the time of his appointment) at least 8 years of experience in acquisition, support, and maintenance of weapon systems.

"(3) A member of the armed forces who meets the requirements of paragraph (2) may be selected to serve as a defense enterprise program manager without regard to the grade of the member or any administrative policy relating to the duty assignments of members of the armed forces.

"(c)(1) The term of service of a defense enterprise program manager shall be not less than—

"(A) 4 years; or

"(B) the period beginning on the date of the appointment and ending on the first date (after such date of appointment) on which the defense enterprise program reaches a milestone established for the program by the defense systems acquisition review council or a similar review board, whichever period is shorter.

"(2) A defense enterprise program manager of an agency may be removed by the head of the agency only for inadequate job performance, misconduct, or to be appointed defense enterprise program manager of a more important or higher priority defense enterprise program (as determined by the head of such agency).

"(d)(1) Under regulations prescribed by the Secretary of Defense, the person to whom a defense enterprise program manager reports pursuant to section 2222(b)(2) of this title shall evaluate the job performance of such manager each year.

"(2) In evaluating the performance of a defense enterprise program manager, the person making the evaluation shall take into consideration (A) the extent to which the manager has been able to achieve the objectives of the program for which the manager is responsible, including quality, timeliness, and cost objectives, and (B) comments (if any) received pursuant to paragraph (3).

"(3) Under regulations prescribed by the Secretary of Defense, each officer or employee of an agency and each member of

the armed forces who, except for section 2222(b)(2) of this title, would supervise a defense enterprise program manager, would receive reports from such manager on the program managed by such manager, or would have the authority to approve or disapprove the decisions of such manager regarding the conduct of the program may submit comments on the performance of such manager to the person evaluating such manager.

**"§ 2224. Defense enterprise program staff**

"(a)(1) The manager of a defense enterprise program may establish a senior staff to assist in the management of the program. The manager may select the members of the senior staff from among employees of an agency and members of the armed forces.

"(2) A member of the armed forces selected for a position in the senior staff of a defense enterprise program shall be assigned to such position without regard to any administrative policy relating to the assignment of members of the armed forces.

"(b) The manager of a defense enterprise program may appoint a technical staff, including experts in business management, contracting, auditing, engineering, testing, and logistics.

**"§ 2225. Milestone authorizations**

"(a)(1) Not later than 90 days after the date on which a defense acquisition program is designated a defense enterprise program, the Secretary of Defense shall—

"(A) submit to Congress a program management baseline (as provided in subsection (b)) for the current acquisition phase of such program that is uncompleted on the date of the submission of the report; and

"(B) request from Congress the authority to obligate, in the fiscal year or years following the fiscal year in which such report is submitted, funds required to complete such phase.

"(2) For each subsequent acquisition phase of the defense enterprise program, the Secretary of Defense shall (A) submit a program management baseline for such phase at the same time the President submits the budget under section 1105(a) of title 31 for the fiscal year in which the new acquisition phase is to begin, and (B) request authority to obligate the funds required to complete such new phase for such fiscal year and for each subsequent fiscal year during which such phase is to be conducted.

"(b) For each acquisition phase described in paragraphs (1), (2), and (3), a program management baseline shall contain the following information described for the phase:

"(1) For the development phase before full-scale engineering development:

"(A) A schedule of development milestones.

"(B) The development costs of such phase, by fiscal year.

"(2) For the full-scale engineering development phase:

"(A) A schedule of development milestones.

"(B) The development costs of such phase, by fiscal year.

"(C) The performance goals for the system under development and the technical characteristics and configuration of such system.

"(3) For the procurement phase:

"(A) A schedule of procurement milestones.

"(B) The procurement costs, by fiscal year.

"(C) The performance goals for the system under procurement and the technical characteristics and configuration of such system.

"(D) The quantity of the system to be procured each fiscal year.

"(c) If Congress authorizes the appropriation of funds for completion of an acquisition phase of the defense enterprise program for which a program baseline has been submitted, the Secretary of Defense may, without further authorization, obligate such funds as are appropriated for the completion of that phase.

"(d)(1) If the manager of a defense enterprise program determines at any time during an acquisition phase that there is reasonable cause to believe that—

"(A) such acquisition phase cannot be completed with the funds authorized for such phase;

"(B) any milestone identified in the program management baseline cannot be accomplished within 270 days after the date specified for that milestone in the baseline; or

"(C) the performance or technical characteristics or the configuration of the system under acquisition is significantly different from the performance goals, technical characteristics, or configuration specified in such baseline,

the manager shall immediately submit a performance deficiency report for such program to the acquisition executive of the agency responsible for the program.

"(2) Upon receiving a performance deficiency report under paragraph (1), an acquisition executive of an agency shall immediately transmit a copy of the report to the head of the agency.

"(e)(1) Within 30 days after the date on which an acquisition executive of an agency receives a performance deficiency report on a defense enterprise program, the head of such agency shall conduct and complete a review of the program.

"(2)(A) Within 45 days after the date referred to in paragraph (1), the head of the agency shall notify the Secretary of Defense of the performance deficiency report and the results of the review conducted under paragraph (1).

"(B) If the review of the defense enterprise program required by paragraph (1) confirms any determination described in subsection (d)(1), the Secretary of Defense shall, within 60 days after the date referred to in paragraph (1), notify Congress of the performance deficiency report. The Secretary of Defense shall state in the notification whether or not he intends to continue the program. If the Secretary decides to continue the program he shall—

"(i) convene a board to formally review the program;

"(ii) submit a revised program management baseline for the defense enterprise program at the same time the President submits a budget under section 1105(a) of title 31 for the next fiscal year; and

"(iii) submit with the revised program management baseline referred to in clause (ii) the recommendations of the review board which was convened pursuant to clause (i).

"(C) If the Secretary of Defense is required to notify Congress of a performance deficiency report on a defense enterprise program under subparagraph (B) and the Secretary determines that it is necessary to continue to obligate funds for such program in order to preserve the option to continue the program in a subsequent fiscal year or years, the Secretary shall certify that determination in the notification to Congress.".

(b) CONFORMING AMENDMENT.—The table of chapters at the beginning of subtitle A and at the beginning of part IV of such subtitle is amended by inserting after the item relating to chapter 131 the following new item:

**"132. Defense Enterprise Programs ..... 2221".**

**PART C—PRIVATE EMPLOYMENT CONTACTS BY CERTAIN SENIOR DEPARTMENT OF DEFENSE OFFICIALS**

**SEC. 931. PROHIBITION OF CERTAIN PRIVATE EMPLOYMENT CONTACTS**

(a) IN GENERAL.—Chapter 141 of title 10, United States Code, is amended by inserting after section 2397a the following new section:

**"§ 2397b. Prohibition of private employment contacts between certain Department of Defense officials and defense contractors**

"(a) In this section:

"(1) 'Covered senior defense official' means—

"(A) the Secretary of Defense;

"(B) the Deputy Secretary of Defense;

"(C) the Under Secretary of Defense for Acquisition;

"(D) the Director of Defense Research and Engineering;

"(E) the Assistant Secretary of Defense for Acquisition and Logistics;

"(F) the Secretary of the Army;

"(G) the Secretary of the Navy;

"(H) the Secretary of the Air Force;

"(I) the Under Secretary of each military department;

"(J) the Assistant Secretary of the Army for Research, Development and Acquisition;

"(K) the Assistant Secretary of the Navy for Shipbuilding and Logistics;

"(L) the Assistant Secretary of the Navy for Research, Engineering and Systems;

"(M) the Assistant Secretary of the Air Force for Research, Development, and Logistics; and

"(N) any other official in the Department of Defense who is appointed by the President to a position which has been designated by the President for purposes of this section in an Executive order issued not less than 180 days before the date on which the official is appointed to such position by the President.

"(2) 'Defense contractor' has the same meaning provided in section 2397(a)(2) of this title.

"(3) 'Employment' has the same meaning provided in section 2397a(a)(5) of this title.

"(b) A covered senior defense official may not contact a defense contractor regarding future employment opportunities with the defense contractor.

"(c) A covered senior defense official shall immediately terminate any contact made by a defense contractor with the official regarding future employment opportunities with the defense contractor.

"(d)(1) Except as provided in paragraph (3), a covered senior defense official who, at the time of terminating Federal Government employment, has served in the position of such official for a period of not less than 24 consecutive months immediately preceding the date of the termination shall be entitled to receive as severance pay the lesser of—

"(A) the amount determined under paragraph (2); or

"(B) the greater of—

"(i) the amount determined by multiplying the number of days between the date on

which the covered senior defense official terminates such employment and the date on which he commences employment outside the Federal Government by the daily equivalent of the annual rate of basic pay for the position of the covered senior defense official on the day before the termination of his Federal Government employment; or

"(ii) an amount equal to one-twelfth of the annual rate of basic pay for the position of the covered senior defense official on the day before the termination of his Federal Government employment.

"(2) The amount referred to in paragraph (1)(A) is—

"(A) in the case of a covered senior defense official who has served in his position for at least 2 consecutive 12-month periods, but less than 3 consecutive 12-month periods, the amount equal to one-fourth of the annual rate of basic pay for such position on the day before the termination of his Federal Government employment;

"(B) in the case of a covered senior defense official who has served in the position of such official for at least 3 consecutive 12-month periods, but less than 4 consecutive 12-month periods, the amount equal to one-third of the annual rate of basic pay for such position on the day before the termination of his Federal Government employment; and

"(C) in the case of a covered senior defense official who has served in the position of such official for at least 4 consecutive 12-month periods, the amount equal to five-twelfths of the annual rate of basic pay for such position on the day before the termination of his Federal Government employment.

For the purpose of this paragraph, if the service of a person in the position of a covered senior defense official is terminated (voluntarily or involuntarily) by reason of a change of Presidents, as determined by the Director of the Office of Management and Budget, and the number of months of service as such an official is not divisible by 12, the number of months of such service shall be increased to the next higher number of months that is divisible by 12.

"(3) A covered senior defense official shall not be entitled to receive severance pay under this subsection if, on the day after the date of the termination of Federal Government employment, such official will be entitled to retired or retainer pay under this title, other than retired or retainer pay for nonregular service under chapter 67 of this title, or to an annuity under subchapter III of chapter 83 of title 5 or under any other retirement system for Federal Government employees.".

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2397a the following new item:

"2397b. Prohibition of private employment contacts between certain Department of Defense officials and defense contractors.".

(c) REPEAL PROVISION.—Section 921 of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 693), is repealed.

SEC. 932. REQUIREMENTS RELATING TO CERTAIN PRIVATE EMPLOYMENT CONTACTS

Section 2397a of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking out "any individual" in paragraph (2) and inserting in lieu thereof "a covered senior defense official and any other individual"; and

(B) by inserting at the end the following:

"(7) 'Covered senior defense official' has the same meaning provided in section 2397b(a)(1) of this title."; and

(2) in subsection (b)(1)—

(A) by striking out "the official (except as provided in paragraph (2)) shall" in the matter before clause (A) and by inserting in lieu thereof "or a covered senior defense official makes or receives such a contact from a defense contractor (or an agent of such contractor) regarding such an opportunity";

(B) by inserting "the official (except as provided in paragraph (2)) shall" in clause (A) after "(A)"; and

(C) by inserting "except in the case of a covered senior defense official, the official shall," after "(B)" in clause (B).

SEC. 933. PROHIBITION ON FELONS CONVICTED OF DEFENSE CONTRACT RELATED FELONIES AND PENALTY ON EMPLOYMENT OF SUCH PERSONS BY DEFENSE CONTRACTORS.

Subsection (a) of section 932 of the Department of Defense Authorization Act, 1986 (Public Law 99-145) is amended by—

(1) inserting after "management or supervisory capacity" the following: ", including the capacity of service on the board of directors,"; and

(2) striking out "one year" and inserting in lieu thereof "three years".

PART D—ACQUISITION OF COMMERCIAL AND OTHER DEVELOPED EQUIPMENT AND SUPPLIES

SEC. 941. COMMERCIAL PRICING FOR SPARE OR REPAIR PARTS

(a) IN GENERAL.—Section 2323 of title 10, United States Code, is amended to read as follows:

"§ 2323. Commercial pricing for spare or repair parts

"In this section:

"(1) 'Agency' means an agency named in section 2303(a) of this title.

"(2) 'Spare or repair part' means any individual piece, part, subassembly, or component which is furnished for the logistic support or repair of an end item and not as an end item itself.

"(3) 'Lowest commercial price', with respect to a spare or repair part to be supplied by a contractor, does not include the price for which the contractor sells such part—

"(A) to any person for resale by such person after such person performs some service or function in connection with such part which adds to the cost of the part, unless the agency procuring the part can demonstrate that the agency is procuring the part before such service or function has been performed by any such person;

"(B) to any of the contractor's subsidiaries, affiliates, parent business organizations, or other branches of the same business entity;

"(C) to any person at a price which has been substantially discounted below the fair market or regular price for the purpose of making a donation; or

"(D) to any customer located outside the United States.

"(b) Except in the case of an offer submitted with a written statement and justification under subsection (c)(2) and except as provided in subsection (d), if an agency uses procurement procedures other than competitive procedures to award a contract for the purchase of spare or repair parts to a contractor who also offers such parts for sale to the general public, the price charged the United States for such parts under the contract may not exceed the lowest commercial price charged by the contractor in sales of such parts to the general public during the period specified in subsection (c)(1).

"(c) In any case in which a contractor submits an offer to an agency to enter into a contract for the supply of spare or repair parts to that agency, the contract is to be entered into under procurement procedures other than competitive procurement procedures, and the contractor also offers such spare or repair parts to the general public, then the contractor shall be required—

"(1) to certify in the offer that, to the best of the contractor's knowledge and belief, the price offered does not exceed the lowest commercial price at which the contractor sold such parts during the most recent regular monthly, quarterly, or other longer period for which sales data are reasonably available; or

"(2) to submit with the offer a written statement specifying the amount of the difference between its lowest commercial price for the parts and the price offered and providing a justification for that difference.

"(d) Subsections (b) and (c) do not apply to a contract awarded by an agency if the contracting officer determines, in a written finding maintained by the agency for at least 6 years, that the use of the price otherwise required by subsection (b) for such contract is not appropriate because of—

"(1) national security considerations; or

"(2) significant differences in quantity, quality, delivery, or other terms and conditions of the contract from commercial contract terms.

"(e)(1) In order to verify any certificate or statement made in accordance with subsection (c) in connection with a contract for the supply of spare or repair parts, the contracting officer who awards the contract (or any representative of the contracting officer who is an employee of the Federal Government) shall have the right, during the period specified in paragraph (2), to examine and audit all records of sales maintained by or for the contractor that are directly pertinent to the contractor's sales of such spare or repair parts for the period covered by such certificate or statement, including any books, data, or other documents maintained by or for the contractor that are directly pertinent to such sales records.

"(2) During the 3-year period beginning on the date a contractor submits a certificate or statement to an agency pursuant to subsection (c), the contractor shall make available to the contracting officer (or his representative) for examination, audit, or reproduction for the purposes of paragraph (1) all records, books, data, and documents referred to in such paragraph.

"(3) Nothing in this subsection shall require a contractor to disclose or submit data relating to the underlying elements of the prices of commercial products.".

(b) TEMPORARY EXCEPTION TO "LOWEST COMMERCIAL PRICE".—As used in section 2323 of title 10, United States Code (as amended by subsection (a) of this section), during the 1-year period beginning on the date of the implementation of such section 2323, the term "lowest commercial price", with respect to a spare or repair part to be supplied by a contractor, does not include the price for which the contractor sells such part to any agency or instrumentality of the Federal Government.

(c) CONFORMING AMENDMENT.—The item relating to section 2323 in the table of sections at the beginning of chapter 137 of such title is amended to read as follows:

"2323. Commercial pricing for spare or repair parts.".

SEC. 942. REGULATIONS FOR ALLOCATING OVERHEAD TO PARTS TO WHICH THE CONTRACTOR HAS ADDED LITTLE VALUE

Section 1245 of the Department of Defense Authorization Act, 1985 (Public Law 98-525; 98 Stat. 2609) is amended to read as follows:

"REGULATIONS FOR ALLOCATING OVERHEAD TO PARTS TO WHICH THE CONTRACTOR HAS ADDED LITTLE VALUE.

"SEC. 1245. (a) Not later than 180 days after the date of the enactment of the Department of Defense Authorization Act, 1987, the Secretary of Defense shall prescribe by regulation the manner in which the Department of Defense negotiates prices for supplies to be obtained through the use of procedures other than competitive procedures, as defined in section 4(6) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(6)).

"(b) The regulations required by subsection (a) shall—

"(1) specify the incurred overhead a contractor may appropriately allocate to supplies referred to in such subsection; and

"(2) require the contractor to identify those supplies which it did not manufacture or to which it did not contribute significant value.

"(c) The regulations issued pursuant to subsection (a) shall not apply to any items of supply included in contracts or subcontracts for which the price is based on established catalog or market prices of commercial items sold in substantial quantities to the general public.

"(d) This section does not require the submission of cost or pricing data not otherwise required by law to be submitted.".

SEC. 943. REPEAL OF COST AND PRICE MANAGEMENT PROVISIONS

(a) IN GENERAL.—Section 2406 of title 10, United States Code, is repealed.

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 141 of such title is amended by striking out the item relating to section 2406.

SEC. 944. APPLICATION OF REQUIREMENTS TO MARK SUPPLIES TO IDENTIFY SUPPLIERS AND SOURCES

(a) IN GENERAL.—Section 2384 of title 10, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

"(c) This subsection shall not apply to any items of supply included in contracts for which the price is based on established catalog or market prices of commercial items sold in substantial quantities to the general public.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 180 days after the date of the enactment of this Act.

SEC. 945. PROCUREMENT OF NONDEVELOPMENT ITEMS

(a) PRIORITY REQUIREMENT FOR PROCUREMENT OF NONDEVELOPMENT ITEMS.—(1) Chapter 137 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2325. Procurement of nondevelopment items

"(a) In this section, the term 'nondevelopment item' means—

"(1) any item readily available in the commercial marketplace;

"(2) any item developed and in use by another department or agency of the Federal Government; or

"(3) any item described in clause (1) or (2) which requires only minor modification in order to meet the requirements of the procuring department or agency.

"(b) The Secretary of Defense, the Secretary of each military department, and the head of each Defense Agency, when procuring any item for the Department of Defense, shall, to the maximum extent practicable—

"(1) define the requirements for such item so that nondevelopment items may be used to fulfill the requirements; and

"(2) fulfill such requirements through the procurement of nondevelopment items rather than through the procurement of items made or manufactured to Department of Defense specifications.

"(c) The Secretary of Defense shall designate an officer or employee of the Department of Defense to be responsible for ensuring the effective implementation of this section.

"(d) The Secretary of Defense shall prescribe regulations to carry out subsection (b).".

(2) The table of sections at the beginning of chapter 137 of such title is amended by adding at the end the following new item:

"2325. Procurement of nondevelopment items.".

(b) DESIGNATION OF RESPONSIBLE OFFICIAL.—The Secretary of Defense shall make the designation required by section 2325(c) of title 10, United States Code (as added by subsection (a)(1) of this section), not later than 90 days after the date of the enactment of this Act.

(c) REPORT.—(1) The Secretary of Defense shall submit to Congress, not later than one year after the date of the enactment of this Act, a report on the actions that have been taken, including personnel training and changes in regulations and procurement procedures, to implement the requirements of section 2325 of title 10, United States Code (as added by subsection (a)(1) of this section).

(2) The report shall include recommendations for additional legislation that the Secretary considers desirable to increase procurement of nondevelopment items to meet the requirements of the Department of Defense.

SEC. 946. REQUIREMENTS RELATING TO OTHER THAN COMPETITIVE PROCEDURES

(a) CONTRACT FOR PROPERTY OR SERVICES.—Clause (A) of section 2304(d)(1) of title 10, United States Code, is amended by striking out "that demonstrates a unique and innovative concept" and inserting in lieu thereof "that, in the case of a product, demonstrates a unique and innovative concept or, in the case of a service, demonstrates a unique and innovative concept or a unique capability,".

(b) FOLLOW-ON CONTRACTS.—Clause (B) of such section is amended—

(1) by striking out "equipment" and inserting in lieu thereof "equipment, or the continued provision of highly specialized services,"; and

(2) by inserting "or services" after "such property" in subclause (ii).

SEC. 947. EVALUATION FACTORS IN AWARD OF CONTRACTS

Section 2305(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(3) In prescribing the evaluation factors to be included in each solicitation for sealed bids or competitive proposals, the relative importance of the quality of the services to be provided (including technical capability, management capability, and prior experience of the offeror), cost or price factors, and other factors should be clearly established. If, in the case of any contract to be awarded by an agency, the agency determines that the quality of the services, rather than the cost or price factors or other factors, is the highest priority, the agency should reflect that determination through appropriate weighting and evaluation factors.".

SEC. 948. OFFSETS FOR CONTRACT ADJUSTMENTS RELATING TO DEFECTIVE COST AND PRICING DATA

Section 2306(f)(2) of title 10, United States Code, is amended—

(1) by inserting "(A)" after "(2)"; and

(2) by adding at the end the following new subparagraph (B):

"(B) Cost or pricing data include only that data which are factual and verifiable and do not include judgmental data. No judgmental data or intentional understatement of cost or pricing data may be used as an offset to an adjustment under a contract provision required by subparagraph (A).".

PART E—MISCELLANEOUS PROCUREMENT POLICY MATTERS

SEC. 951. REQUIREMENT FOR A CONTRACTOR TO INFORM THE HEAD OF AN AGENCY THE EXTENT TO WHICH THE CONTRACTOR IS OWNED OR CONTROLLED BY A FOREIGN GOVERNMENT OR AGENT OR INSTRUMENTALITY OF A FOREIGN GOVERNMENT

(a) IN GENERAL.—Chapter 137 of title 10, United States Code (as amended by section 945(a)(1) of this Act), is amended by adding at the end the following new section:

"§ 2326. Disclosure of ownership or control by foreign government

"The head of an agency shall require a firm that submits a bid or proposal in response to a solicitation described in section 2305(a)(1) of this title to disclose in that bid or proposal, on the basis of the firm's best information and belief, whether, and to what extent, all or any part of such firm is owned or controlled by a foreign government or by an agent or instrumentality of a foreign government.".

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of such chapter (as amended by section 945(a)(2) of this Act) is amended by adding at the end the following new item:

"2326. Disclosure of ownership or control by foreign government.".

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective with respect to solicitations for bids and proposals issued under chapter 137 of title 10, United States Code) on and after the date of the enactment of this Act.

SEC. 952. FOREIGN POLICY AND NATIONAL SECURITY CONSIDERATIONS IN DEFENSE CONTRACTING

(a) IN GENERAL.—Chapter 141 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2408. Foreign policy and national security considerations in defense contracting

"(a)(1) An agency named in clause (1), (2), (3), or (4) of section 2303(a) of this title may not enter into, modify, or extend a contract under chapter 137 of this title in an amount in excess of $100,000 with any contractor owned or controlled, in whole or in significant part, by a foreign government or an

agent or instrumentality of a foreign government if the head of the agency determines that such contract (or the award, modification, or extension of such contract) is inconsistent with the foreign policy or national security objectives of the United States. Any such determination shall be made with the concurrence of the Secretary of State.

"(2) In making a determination under paragraph (1), the head of the agency shall consider, among other things, the following:

"(A) The relationship of the United States with the foreign government and with the agent or instrumentality, if any, of a foreign government referred to in paragraph (1).

"(B) The obligations of the United States under international agreements.

"(C) The extent of the ownership and control of the contractor by the foreign government or the agent or instrumentality.

"(D) Whether proceeds of or payments under the contract or proposed contract or information which would be made available to the contractor under the contract could be used for purposes inimical to the interests of the United States.

"(3) The head of the agency shall report to Congress regarding his determination to deny a contract award, modification, or extension under the authority of paragraph (1). The report shall identify the foreign government, the agent (if any) or instrumentality (if any) of such foreign government, the nature of the contract, and the reasons for denying the contract award, modification, or extension.

"(b)(1) Before an agency referred to in subsection (a)(1) enters into, modifies, or extends a contract with a contractor owned or controlled, in whole or in significant part, by a foreign government (or an agent or instrumentality of a foreign government) that the Secretary of State has determined, pursuant to section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)), has repeatedly provided support for acts of international terrorism, the head of the agency shall submit to Congress a report on the proposed contract, modification, or extension, as the case may be. The head of the agency shall include in such report the identity of the foreign government, agent, or instrumentality, as the case may be, the nature of the contract, modification, or extension, as the case may be, the extent of ownership or control of the foreign government, agent, or instrumentality, and the reasons for the agency entering into, modifying, or extending the contract.

"(2) After the head of an agency has submitted a report to Congress pursuant to paragraph (1) with regard to a contractor, the head of the agency is not required to submit an additional report before entering into any subsequent contract with such contractor or before modifying or extending a contract with such contractor unless the information required to be reported by such paragraph is materially different from the information previously submitted.

"(c) The Secretary of Defense, in consultation with the Secretary of State, shall prescribe regulations to carry out this section. Section 22 of the Office of Federal Procurement Policy Act (41 U.S.C. 418b) shall not apply to such regulations.".

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 141 of such title is amended by inserting at the end the following new item:

"2408. Foreign policy and national security considerations in defense contracting.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect with respect to contracts awarded, modified, or extended on or after the date of the enactment of this Act.

SEC. 953. RIGHTS RELATING TO THE USE, RELEASE, AND DISCLOSURE OF TECHNICAL DATA

(a) Rights in Technical Data.—Subsection (a) of section 2320 of title 10, United States Code, is amended to read as follows:

"(a)(1) The Secretary of Defense shall prescribe regulations to define the legitimate interest of the United States and of a contractor or subcontractor in technical data pertaining to a product or process. Such regulations shall be included in regulations of the Department of Defense prescribed as part of the Federal Acquisition Regulation. Such regulations may not impair any right of the United States or of any contractor or subcontractor with respect to patents or copyrights or any other right in technical data otherwise established by law.

"(2) Such regulations shall include the following provisions:

"(A) In the case of a product or process that is developed by a contractor or subcontractor exclusively with Federal funds, the United States shall have the unlimited right to use, release, or disclose technical data pertaining to the product or process.

"(B) In the case of a product or process that is developed by a contractor or subcontractor exclusively at private expense, the contractor or subcontractor may limit the right of the government to use, for other than internal operations and maintenance purpose, release, or disclose to persons outside the Government technical data pertaining to the product or process.

"(C) Notwithstanding subparagraph (B), the Government may use, release, or disclose technical data pertaining to a product or process to persons outside the Government if such technical data is otherwise publicly available or if—

"(i) such use, release, or disclosure—

"(I) is necessary for emergency repair and overhaul; or

"(II) is a use, release, or disclosure to a foreign government that is in the interest of the United States and is required for evaluational or informational purposes;

"(ii) such use, release, or disclosure is made subject to a prohibition that the person to whom the data is released or disclosed may not further use, release, or disclose such data; and

"(iii) the contractor or subcontractor asserting the restriction is notified of such use, release, or disclosure.

"(D) In the case of a product or process that is developed in part with Federal funds and in part at private expense, rights in technical data pertaining to such product or process shall be negotiated as early in the acquisition process as practicable (preferably during contract negotiations), based upon consideration of the following factors:

"(i) The statement of congressional policy and objectives in section 200 of title 35, the statement of purposes in section 2(b) of the Small Business Innovation Development Act of 1982 (15 U.S.C. 638 note), and the declaration of policy in section 2 of the Small Business Act (15 U.S.C. 631).

"(ii) The interest of the United States in increasing competition and lowering costs by developing and locating alternative sources of supply and manufacture.

"(iii) The interest of the United States in encouraging contractors to develop at private expense items for use by the Government.

"(E) A contractor or subcontractor, or a prospective contractor or subcontractor, that develops a product or process exclusively at private expense may not be required, as a condition of being responsive to a solicitation or as a condition for the award of a contract, to sell or otherwise relinquish to the United States any rights in technical data that would permit the use by, or release or disclosure of, such data to persons outside the Government except under the conditions described in paragraph (2)(C).

"(F) The Secretary of Defense may—

"(i) negotiate with a contractor or subcontractor to contract for the acquisition of rights in technical data pertaining to a product or process developed by such contractor or subcontractor exclusively at private expense if necessary to develop alternative sources of supply and manufacture; or

"(ii) agree to limit rights of the United States in technical data pertaining to a product or process developed entirely or in part with Federal funds if the United States receives a royalty-free license to use, release, or disclose the data for purposes of the United States (including purposes of competitive procurement).

"(2) In this subsection, the term 'Federal Acquisition Regulation' means the single system of Government-wide procurement regulations as defined in section 4(4) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(4)).".

(b) VALIDATION OF PROPRIETARY DATA RESTRICTIONS.—Section 2321 of title 10, United States Code, is amended—

(1) in subsection (a)(2), by inserting ", at any time before the end of the 3-year period beginning on the date the final payment is made on the contract," after "may review"; and

(2) in subsection (b)—

(A) by inserting "specific" after "state the" in clause (1); and

(B) by striking out "and" at the end of clause (1);

(C) by striking out the period at the end of clause (2) and inserting in lieu thereof "; and"; and

(C) by adding at the end the following new clause:

"(3) state that evidence of acceptance by any Federal agency of a restriction identical to the asserted restriction within the 3-year period preceding the challenge shall serve as justification for the asserted restriction if—

"(A) the acceptance occurred after a review of the accepted restriction under this section; and

"(B) the accepted restriction was asserted by the same contractor or subcontractor to whom such notice is being provided.".

(c) CONFORMING AMENDMENTS.—Section 1202 of the Department of Defense Authorization Act, 1985 (10 U.S.C. 2301 note), is amended—

(1) by inserting "and" at the end of paragraph (4);

(2) by striking out "; and" at the end of paragraph (5) and inserting in lieu thereof a period; and

(3) by striking out paragraph (6).

(d) DEADLINE FOR REVISION OF REGULATIONS.—The regulations required by section 2320(a)(1) of title 10, United States Code (as amended by subsection (a)), shall be prescribed not later than 180 days after the date of the enactment of this Act.

SEC. 954. GOALS FOR INCREASED USE OF MULTIYEAR CONTRACTING AUTHORITY IN FISCAL YEAR 1988.

(a) IN GENERAL.—The Secretary of Defense shall take appropriate actions to ensure that the Department of Defense increases the use of multiyear contracting authority in fiscal year 1988.

(b) MULTIYEAR PROCUREMENT GOAL.—The total amount obligated under multiyear contracts (authorized by section 2306(h) of title 10, United States Code) for Department of Defense procurement program eligible for multiyear contracting during fiscal year 1988 should be an amount that is not less than 10 percent of the total obligational authority used by the Department of Defense for procurement programs of the Department during such fiscal year.

(c) APPORTIONMENT OF GOAL.—The Secretary of Defense shall specify the percentage of obligational authority of each military department and Defense Agency that is to be used for multiyear contracts to achieve the goal prescribed in subsection (b).

(d) BASELINE REPORT.—Not later than January 1, 1987, the Secretary of Defense shall submit to the Committees on Armed Services and on Appropriations of the Senate and the House of Representatives a written report which contains (1) a list of all procurement programs which the Secretary determines to be Defense SAR procurement programs eligible for multiyear contracting, (2) the Secretary's assessment of the feasibility and desirability of the multiyear procurement goal prescribed in subsection (b), and (3) whether the Secretary expects to achieve the goal prescribed in subsection (b) for fiscal year 1988 and, if the Secretary does not expect to achieve such goal, the reasons why such goal will not be achieved.

(e) DEFINITIONS.—As used in this section:

(1) The term "SAR" means Selected Acquisition Report as defined in section 139a(b)(1) of title 10, United States Code.

(2) The term "Defense procurement program eligible for multiyear contracting" means a procurement program of the Department of Defense (A) which satisfies the conditions of clauses (A) through (F) of section 2306(H)(1) of title 10, United States Code, and (B) under which production of fully configured end items is planned for a period exceeding 3 fiscal years.

## TITLE X—DEPARTMENT OF DEFENSE EFFICIENCY AND ECONOMY MATTERS

SEC. 1001. SHORT TITLE

This title may be cited as the "Department of Defense Efficiency and Economy Act of 1986".

SEC. 1002. APPLICATION OF THE DAVIS-BACON ACT TO MILITARY CONSTRUCTION CONTRACTS

(a) IN GENERAL.—Subsection (a) of the first section of the Act entitled "An Act relating to the rate of wages for laborers and mechanics employed on public buildings of the United States and the District of Columbia by contractors and subcontractors, and for other purposes", approved March 3, 1931 (40 U.S.C. 276a(a)), commonly known as the Davis-Bacon Act, is amended—

(1) by inserting "(1)" after "(a)";

(2) by inserting "or, in the case of contracts awarded by the Department of Defense, every contract in excess of $250,000" after "$2,000" in the first sentence; and

(3) by adding at the end the following new paragraph:

"(2) A person contracting on behalf of the United States or the District of Columbia may not divide projects for construction, alteration, or repair into contracts of less than $250,000 for the purpose of avoiding the application of this Act to such contracts.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to solicitations for bids or proposals made on and after the date of the enactment of this Act.

SEC. 1003. INCREASE IN THRESHOLD APPLICABLE TO STATUTORY CONTRACTING-OUT PROCEDURES

(a) IN GENERAL.—Section 502(d) of the Department of Defense Authorization Act, 1981 (10 U.S.C. 2304 note) is amended by striking out "40 or fewer" and inserting in lieu thereof "50 or fewer".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 1987.

SEC. 1004. CONTRACTING OUT THE PERFORMANCE OF CERTAIN DEPARTMENT OF DEFENSE FUNCTIONS

(a) IN GENERAL.—Notwithstanding any other provision of law and except as provided in subsection (b), the Department of Defense shall procure from a private sector source each supply and service necessary for or beneficial to the accomplishment of the Department's authorized functions (other than military functions performed by the military departments) if a private sector source can provide such supply or service to the Department at a cost that is lower than the cost at which the Department can provide the same supply or service.

(b) EXCEPTIONS.—(1) Subsection (a) shall not apply to—

(A) firefighting functions until after September 30, 1987, and such functions may not be contracted out to the private sector before that date; or

(B) core logistics functions—

(i) identified by the Secretary of Defense pursuant to section 307 of the Department of Defense Authorization Act, 1985 (Public Law 98-525; 98 Stat. 2514); or

(ii) specified in section 1231 of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 731).

(2) The prohibition on contracting out firefighting functions before September 30, 1987, under paragraph (1)(A) shall not apply to a contract described in section 1221(b) of the Department of Defense Authorization Act, 1984 (Public Law 98-94; 97 Stat. 691).

(c) REPORTS.—Not later than January 15, 1987, the Secretary of Defense and the Administrator of the United States Fire Administration shall each submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the contracting out of firefighting functions, including the following information:

(1) Standards required to perform the activities of the firefighting functions, for activities performed by the Department of Defense personnel and by private contract.

(2) Determinations of those activities within the firefighting function that are inherently governmental and those that are not.

(3) A cost estimate of the savings, if any, over a five-year period that would be realized from contracting out those activities within the firefighting function not determined to be inherently governmental.

SEC. 1005. REALISTIC AND FAIR COST COMPARISONS IN DETERMINATIONS RELATING TO CONTRACTING OUT THE PERFORMANCE OF CERTAIN DEPARTMENT OF DEFENSE FUNCTIONS

For the purpose of determining whether to contract with private sector sources for the performance of any Department of Defense function on the basis of a comparison of the costs of procuring supplies or services from such sources with the costs of providing the same supplies or services by the Department of Defense, the Secretary of Defense should ensure that all costs considered, including the costs of quality assurance, technical monitoring of the performance of such function, liability insurance, employee retirement and disability benefits, and all other overhead costs, are realistic and fair.

## TITLE XI—NATIONAL DEFENSE STOCKPILE

SEC. 1101. EXTENSION OF PROHIBITION ON REDUCTIONS IN STOCKPILE GOALS

Section 1612(a)(1) of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 776), as amended by striking out "October 1, 1986" and inserting in lieu thereof "April 1, 1987".

SEC. 1102. SPECIAL AUTHORIZATION FOR DISPOSAL

(a) IN GENERAL.—(1) Notwithstanding section 5(b)(2) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98d(b)(2)), the Administrator of General Services is authorized to dispose of the following quantities of materials currently held in the National Defense Stockpile (established by section 3 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98b)), that are hereby determined to be excess to the current requirements of the stockpile:

| | |
|---|---|
| Aluminum Oxide, A.G | 5,700 short tons |
| Antimony | 1,500 short tons |
| Bismuth | 136,000 pounds |
| Cadmium | 265,000 pounds |
| Diamonds, Industrial Stone. | 1,125,000 carats |
| Graphite, Malagasy C.F. | 1,000 short tons |
| Iodine | 800,000 pounds |
| Lead | 30,000 short tons |
| Manganese, Battery Grade Natural. | 2,500 short dry tons |
| Manganese, Ore | 50,000 short dry tons |
| Manganese, Electrolytic Metal. | 1,000 short tons |
| Mercury | 3,700 flasks |
| Mica, Muscovite Film | 3,000 pounds |
| Mica, Muscovite Splittings. | 262,000 pounds |
| Mica, Phlogopite Splittings. | 100,000 pounds |
| Nickel | 3,750 short tons |
| Rutile | 10,300 short dry tons |
| Silicon Carbide | 7,600 short tons |
| Silver (Coinage Program Only). | 3,000,000 troy ounces |
| Tannin, Chestnut | 1,000 long tons |
| Tannin, Quebracho | 4,000 long tons |
| Thorium Nitrate | 10,000 pounds |
| Tin | 4,000 metric tons |
| Titanium, Non-Stockpile Grade. | 900 short tons |
| Tungsten | 1,900,000 pounds of tungsten metal equivalent |
| Zinc | 33,750 short tons |

(2) The Administrator of General Services may not dispose of any quantity of any material under subsection (a) if the disposal would cause the total receipts from disposals made under such subsection to exceed $120,000,000.

SEC. 1103. AUTHORIZATION OF APPROPRIATIONS

(a) IN GENERAL.—Notwithstanding section 5(a)(2) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98d(a)(2)), there is authorized to be appropriated $120,000,000 for fiscal year 1987 for the acquisition of strategic and critical materials for the National Defense Stockpile.

(b) ACQUISITION OF GERMANIUM.—The Administrator of General Services shall acquire not less than 30,000 kilograms of germanium during fiscal year 1987 with funds

appropriated pursuant to the authorization in this section or under the authority of section 6(c) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98e(c)).

SEC. 1104. EXTENSION OF USES OF STOCKPILE TRANSACTION FUND

Paragraph (2) of section 9(b) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(b)) is amended to read as follows:

"(2) Subject to section 5(a)(1), moneys covered into the fund under paragraph (1) shall be available for the following purposes when appropriated therefor:

"(A) The acquisition of strategic and critical materials under section 6(a)(1).

"(B) Transportation, storage, and other incidental expenses related to such acquisition.

"(C) Development of current specifications of stockpile materials and the upgrading of existing stockpile materials to meet current specifications (including transportation, when economical, related to such upgrading).

"(D) Testing and quality studies of stockpile materials.

"(E) Studying future material and mobilization requirements for the stockpile.

"(F) Other reasonable requirements for management of the stockpile.".

SEC. 1105. DEFINITION

As used in this title, the term "National Defense Stockpile" has the meaning provided in section 3 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98b).

SEC. 1106. CONVERSION OF CHROMIUM AND MANGANESE ORE TO HIGH CARBON FERROCHROMIUM AND HIGH CARBON FERROMANGANESE

(a) IN GENERAL.—During fiscal year 1987 and during each of the six succeeding fiscal years, the Administrator of General Services shall obtain bids from domestic producers of high carbon ferrochromium and of high carbon ferromanganese and award contracts for the conversion of chromium and manganese ores held in the National Defense Stockpile into high carbon ferrochromium and high carbon ferromanganese, respectively.

(b) STOCKPILE GOALS.—(1) Contracts awarded under subsection (a) shall provide for the addition of not less than 53,500 short tons of high carbon ferrochromium and 67,500 short tons of high carbon ferromanganese to the National Defense Stockpile in each of the fiscal years referred to in the preceding sentence.

(2) If, in any fiscal year referred to in subsection (a), the minimum quality of high carbon ferrochromium or high carbon ferromanganese to be added to the National Defense Stockpile, as prescribed in paragraph (1), is not met, the quantity of such material to be added to such stockpile in the succeeding fiscal year shall be increased by the quantity of the deficiency.

(c) SEVEN-YEAR MINIMUM QUANTITIES.—The total quantities of high carbon ferrochromium and high carbon ferromanganese to be added to the National Defense Stockpile over the seven fiscal years referred to in subsection (a) shall be as follows:

(1) High carbon ferrochromium, 374,000 short tons.

(2) High carbon ferromanganese, 472,000 short tons.

(d) In this section, the term "National Defense Stockpile" means the stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c).

## TITLE XII—GENERAL PROVISIONS

SEC. 1201. AUTHORIZATION OF APPROPRIATIONS FOR CIVILIAN PAY AND CONTINGENCIES

There are authorized to be appropriated for fiscal year 1987, in addition to other amounts authorized to be appropriated in this Act, such sums as may be necessary—

(1) for unbudgeted increases in fuel costs;

(2) for unbudgeted increases as a result of inflation in the cost of activities authorized in this Act; and

(3) for unbudgeted amounts for salary, pay, retirement, and other employee benefits authorized by law for civilian employees of the Department of Defense whose compensation is provided for by funds authorized to be appropriated in this Act.

SEC. 1202. DATES FOR REPORTING ON UNOBLIGATED BALANCES

Subsection (b) of section 1407 of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 745), is amended to read as follows:

"(d) SUBMISSION OF REPORTS.—The reports shall be submitted to Congress each year not later than March 1, April 25, and September 1.".

SEC. 1203. SELECTED ACQUISITION REPORTS

(a) REVISION OF REPORTING REQUIREMENTS.—Section 139a of title 10, United States Code, is amended—

(1) by adding at the end of subsection (a)(3) the following new sentence: "When the appropriated funds and quantities differ from those programmed, the procurement unit cost will be revised to reflect the appropriated amounts.";

(2) in subsection (a)(4), by striking out "$2,000,000" and inserting in lieu thereof "$40,000,000";

(3) in subsection (b)(2)(A), by striking out "5" and inserting in lieu thereof "10";

(4) in subsection (b)(2)(B), by striking out "three-month" and inserting in lieu thereof "six-month";

(5) by striking out paragraph (2) of subsection (c) and inserting in lieu thereof the following:

"(2) Each Selected Acquisition Report for the first quarter of a fiscal year shall be designed to provide the Committees on Armed Services of the Senate and the House of Representatives with the information such Committees need to perform their oversight functions. No change in the content of the Selected Acquisition Report from the content as reported for the first quarter of the previous year may be made until appropriate officials of the Department of Defense have consulted with such Committees regarding the proposed changes.";

(6) in subsection (c)(3)(C), by inserting "which is produced at a rate of six units or more per year," after "report," in the matter preceding subclause (i); and

(7) by adding at the end the following new subsection:

"(h) Total program reporting under this section shall apply without exception to a program when funds have been appropriated for such acquisition program and the Department of Defense has made the decision to proceed to full-scale engineering development on such program. Reporting may be limited to the development program before a Department of Defense decision is made to proceed to full-scale engineering development, subject to approval by the Committees on Armed Services of the Senate and the House of Representatives. A limited report under this subsection shall include:

"(1) The same information, in detail and summarized form, as is provided in reports submitted under subsections (c)(1) and (c)(3) of section 139 of this title.

"(2) Reasons for any change in the development cost and schedule.

"(3) The major contracts under the development program and the reasons for any cost or schedule variances under those contracts since the last Selected Acquisition Report.

"(4) The completion status of the development program (A) expressed as a percentage that the number of years for which funds have been appropriated for the development program is of the number of years for which it is planned that funds will be appropriated for the program, and (B) expressed as the percentage that the amount of funds that have been appropriated for the development program is of the total amount of funds which it is planned will be appropriated for the program.

"(5) Program highlights since the last Selected Acquisition Report.

"(6) Other information as the Secretary of Defense considers appropriate.

The submission requirements for quarterly Selected Acquisition Reports for development programs shall be governed by the same criteria as for quarterly Selected Acquisition Reports for total program reporting.".

(b) UNIT COST REPORTS.—Section 139b of title 10, United States Code, is amended—

(1) in subsection (b), by inserting "(excluding Saturdays, Sundays, and holidays)" after "days" each time it appears in the second sentence; and

(2) by adding at the end the following new subsection:

"(h) Reporting under this section shall not apply if a program has received a limited reporting waiver under section 139a(h) of this title.".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on January 1, 1987.

SEC. 1204. EXTENSION OF EXEMPTION FOR DOD POLYGRAPH TEST PROGRAM

Section 1221(e) of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 727), is amended—

(1) in clause (2), by striking out "or" at the end of such clause;

(2) in clause (3)—

(A) by striking out "cryptologic" and inserting in lieu thereof "cryptographic"; and

(B) by striking out the period at the end and inserting in lieu thereof a semicolon and "and"; and

(3) by adding at the end the following new clause:

"(4) to any polygraph examination conducted under the authorization granted by the Secretary of Defense on August 31, 1982, on a person who is participating in a national program—

"(A) which has as its purpose the collection of specialized intelligence through reconnaissance;

"(B) which is under the purview of the Director of Central Intelligence; and

"(C) for which a polygraph examination was established on or before October 1, 1985, as a condition for participation in such program.

The number of examinations that may be conducted pursuant to such authorization in fiscal year 1987 may not exceed the number conducted pursuant to such authorization in fiscal year 1986.".

SEC. 1205. MODERNIZATION OF DEFENSE CAPABILITIES OF COUNTRIES OF NATO'S SOUTHERN FLANK

(a) AUTHORITY TO TRANSFER EQUIPMENT.—Notwithstanding any other provision of law and subject to subsection (b), the President may transfer to those member nations of the North Atlantic Treaty Organization (NATO) on the southern flank of NATO which are eligible for United States security assistance and which are integrated into NATO's military structure such defense equipment as the President determines necessary to help modernize the defense capabilities of such nations. Such equipment may be transferred without cost to the recipient nations.

(b) LIMITATIONS ON TRANSFERS.—The President may transfer defense equipment under this section only if—

(1) the equipment is drawn from existing stocks of the Department of Defense;

(2) no funds available to the Department of Defense for the procurement of defense equipment are expended in connection with the transfer; and

(3) the President determines that the transfer of the equipment will not have an adverse impact on the Armed Forces of the United States.

(c) NOTIFICATION TO COMMITTEES OF CONGRESS.—The President may not transfer defense equipment under this section until—

(1) he has notified the Committees on Armed Services of the Senate and the House of Representatives, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives of the proposed transfer and included in such notification a certification of the need for the transfer and an assessment of the impact of the transfer on the Armed Forces of the United States; and

(2) a period of 30 days has elapsed following the date on which such notification is received by the committees named in clause (1).

(d) DEFINITION.—In subsection (a), the term "member nations of the North Atlantic Treaty Organization (NATO) on the southern flank of NATO" means Greece, Italy, Portugal, Spain, and Turkey.

SEC. 1206. NATO COOPERATIVE LOGISTIC SUPPORT AGREEMENTS

(a) GENERAL AUTHORITY.—The Secretary of Defense may enter into bilateral or multilateral Weapon System Partnership Agreements with one or more governments of other member nations of the North Atlantic Treaty Organization (NATO) for the purpose of providing cooperative logistics support for the armed forces of the countries which are parties to the agreements. Such agreements may include provision for the transfer of logistics support, supplies, and services by the United States to the NATO Maintenance and Supply Organization and for the acquisition of logistics support, supplies, and services by the United States from such organization.

(b) AUTHORITY OF SECRETARY OF DEFENSE.—Under the terms of a Weapon System Partnership Agreement entered into under subsection (a), the Secretary of Defense may—

(1) agree that the NATO Maintenance and Supply Organization may make contracts for supply and acquisition of logistics support in Europe for requirements of the United States, to the extent the Secretary determines that the procedures of that organization governing such supply and acquisition are appropriate; and

(2) share the costs of set-up charges of facilities for use by the NATO Maintenance and Supply Organization to provide cooperative logistics support and share in the costs of establishing a revolving fund for initial acquisition and replenishment of supply stocks to be used by the NATO Maintenance and Supply Organization to provide cooperative logistics support.

(c) SHARING OF ADMINISTRATIVE EXPENSES.—Each Weapon System Partnership Agreement shall provide for joint management by the participating nations and for the equitable sharing of the administrative costs incident to such agreement.

(d) APPLICATION OF CHAPTER 137.—Except as provided in this section, the provisions of chapter 137 of title 10, United States Code, shall apply to contracts entered into by the Secretary of Defense for the acquisition of logistics support under a Weapon System Partnership Agreement.

(e) APPLICATION OF ARMS EXPORT CONTROL ACT.—The transfer of defense articles or defense services to the NATO Maintenance and Supply Organization for the purposes of a Weapon System Partnership Agreement shall be in accordance with the provisions of the Arms Export Control Act (22 U.S.C. 2751 et seq.).

(f) SUPPLEMENTAL AUTHORITY.—The authority of the Secretary of Defense under this section is in addition to the authority of the Secretary under chapter 138 of title 10, United States Code, or under any other provision of law.

(g) DEFINITION.—For the purpose of this section, the term "Weapon System Partnership Agreement" means an agreement between the United States and one or more other NATO nations participating in the operation of the NATO Maintenance and Supply Organization, entered into pursuant to the terms of the charter of such Maintenance and Supply Organization, for the common logistic support of a specific weapon system common to the participating nations.

SEC. 1207. COOPERATIVE PROJECTS

(a) ARMS EXPORT CONTROL ACT.—(1) Section 27 of the Arms Export Control Act (22 U.S.C. 2767) is amended—

(A) in subsection (b)—

(i) by inserting ", in the case of an agreement with the North Atlantic Treaty Organization or with one or more member countries of that Organization," after "project' " in paragraph (1);

(ii) by striking out "and" at the end of paragraph (1);

(iii) by redesignating paragraph (2) as paragraph (3); and

(iv) by inserting after paragraph (1) the following new paragraph:

"(2) the term 'cooperative project', in the case of an agreement entered into under subsection (j), means a jointly managed arrangement, described in a written agreement among the parties, which is undertaken in order to enhance the ongoing multinational effort of the participants to improve the conventional defense capabilities of the participants and which provides—

"(A) for one or more of the other participants to share with the United States the costs of research on and development, testing, evaluation, or joint production (including follow-on support) of certain defense articles;

"(B) for concurrent production in the United States and in the country of another participant of a defense article jointly developed in accordance with subparagraph (A); or

"(C) for procurement by the United States of a defense article or defense service from another participant to the agreement; and";

and

(B) by adding at the end the following new subsection:

"(j) The President may enter into a cooperative project agreement with any friendly foreign country not a member of the North Atlantic Treaty Organization under the same general terms and conditions as the President is authorized to enter into such an agreement with one or more member countries of the North Atlantic Treaty Organization if the President determines that the cooperative project agreement with such country would be in the foreign policy or national security interests of the United States.".

(2) The section heading for such section is amended to read as follows:

"SEC. 27. AUTHORITY OF PRESIDENT TO ENTER INTO COOPERATIVE PROJECTS WITH FRIENDLY FOREIGN COUNTRIES.—".

(b) TITLE 10, UNITED STATES CODE.—(1) Section 2407 of title 10, United States Code, is amended—

(A) in subsection (a)(1), by striking out "North Atlantic Treaty Organization (NATO)";

(B) in subsection (c)(2), by striking out "NATO";

(C) in paragraphs (1) and (2) of subsection (e), by striking out "NATO" each place it appears; and

(D) by striking out the section heading and inserting in lieu thereof the following:

**"§ 2407. Acquisition of defense equipment under cooperative projects".**

(2) The table of sections at the beginning of chapter 141 of such title is amended by striking out the item relating to section 2407 and inserting in lieu thereof the following:

"2407. Acquisition of defense equipment under cooperative projects.".

SEC. 1208. ACQUISITION AND CROSS-SERVICING AGREEMENTS

(a) AUTHORITY TO ENTER INTO AGREEMENTS WITH COUNTRIES OUTSIDE EUROPE.—Section 2341 of title 10, United States Code, is amended to read as follows:

**"§ 2341. Authority to acquire logistic support, supplies, and services for armed forces of the United States deployed outside the United States**

"Subject to section 2343 of this title and subject to the availability of appropriations, the Secretary of Defense may—

"(1) acquire from the Governments of North Atlantic Treaty Organization countries and from North Atlantic Treaty Organization subsidiary bodies logistic support, supplies, and services for elements of the armed forces deployed in Europe and adjacent waters; and

"(2) acquire from any government not a member of the North Atlantic Treaty Organization in which armed forces of the United States are deployed, or are to be deployed, logistic support, supplies, and services for elements of the armed forces deployed (or to be deployed) in such country or in the military region in which such country is located if such country—

"(A) has a defense alliance with the United States;

"(B) permits the stationing of members of the armed forces of the United States in such country or the homeporting of Naval vessels of the United States in such country;

"(C) has agreed to pre-position materiel of the United States in such country; or

"(D) serves as the host country to military exercises which include the armed forces of the United States or permits other military operations by the armed forces of the United States in such country.".

(b) CROSS-SERVICING AGREEMENTS.—Section 2342 of such title is amended to read as follows:

"§ 2342. CROSS-SERVICING AGREEMENTS

"(a) Subject to section 2343 of this title and to the availability of appropriations, and after consultation with the Secretary of State, the Secretary of Defense may—

"(1) enter into agreements with the government of any North Atlantic Treaty Organization country and with any North Atlantic Treaty Organization subsidiary body under which the United States agrees to provide logistic support, supplies, and services to military forces of such country or subsidiary body deployed in Europe and adjacent waters in return for the reciprocal provision of logistic support, supplies, and services by such country or subsidiary body to elements of the armed forces deployed in Europe and adjacent waters;

"(2) enter into agreements with the government of any country designated by the Secretary of Defense which is not a member of the North Atlantic Treaty Organization under which the United States agrees to provide logistic support, supplies, and services to the armed forces of such country in return for the reciprocal provision of logistic support, supplies, and services by such country to elements of the armed forces of the United States deployed in such country or in the military region in which such country is located; and

"(3) enter into agreements with the government of any country referred to in clause (1) or (2) under which the United States agrees to provide logistic support, supplies, and services to the armed forces of such country in return for the reciprocal provision of support, supplies, and services for the armed forces of the United States from such country while the armed forces of such country are stationed in North America or are performing military exercises or training in North America.

"(b) A country may not be designated by the Secretary of Defense for cross-servicing agreements under this section unless the Secretary, after consultation with the Secretary of State, has determined that the designation of such country for such purpose is in the interest of the national security of the United States.

"(c) The Secretary of Defense may not use the authority of this chapter to procure from any foreign government as a routine or normal source any goods or services reasonably available from United States commercial sources.

"(d) The Secretary of Defense shall prescribe such regulations as may be necessary to ensure that contracts entered into under this chapter are free from self-dealing, bribery, and conflict of interests.".

(c) METHODS OF PAYMENT.—Section 2344(b) of such title is amended—

(1) in paragraph (1), by inserting "or other foreign country" after "country" in the material preceding subparagraph (A); and

(2) in paragraph (3), by inserting "or other foreign country" after "country".

(d) LIQUIDATION OF ACCRUED CREDITS AND LIABILITIES.—Section 2345 of such title is amended—

(1) by inserting "(a)" before "Credits" at the beginning of such section; and

(2) by adding at the end the following new subsection:

"(b) Payment-in-kind or exchange entitlements shall be satisfied within 12 months after the date of the delivery of the logistic support, supplies, or services.".

(e) LIMITATIONS ON AMOUNTS THAT MAY BE OBLIGATED OR ACCRUED BY THE UNITED STATES.—Section 2347 of such title is amended—

(1) in subsection (a)—

(A) by inserting "(1)" after "(a)"; and

(B) by adding at the end the following new paragraph:

"(2) Except during a period of active hostilities in the military region affecting a country which is not a member of the North Atlantic Treaty Organization, but with which the United States has one or more acquisition or cross-servicing agreements, the total amount of reimbursable liabilities that the United States may accrue under this chapter (before the computation of offsetting balances) with such country may not exceed $10,000,000 in any fiscal year, and of such amount not more than $2,500,000 in liabilities may be accrued for the acquisition of supplies (other than petroleum, oils, and lubricants). The $10,000,000 limitation specified in this paragraph is in addition to the limitation specified in paragraph (1).";

(2) in subsection (b), by inserting "(1)" after "(b)"; and

(3) by adding at the end the following new paragraph:

"(2) Except during a period of active hostilities in the military region affecting a country referred to in paragraph (1), the total amount of reimbursable credits that the United States may accrue under this chapter from such country (before computation of offsetting balances) may not exceed $10,000,000 in any fiscal year. The $10,000,000 limitation specified in this paragraph is in addition to the limitation specified in paragraph (1).".

(f) INVENTORIES OF SUPPLIES NOT TO BE INCREASED.—Section 2348 of such title is amended by striking out "to military forces of any North Atlantic Treaty Organization country or any North Atlantic Treaty Organization subsidiary body".

(g) DEFINITION.—Section 2350 of such title is amended by adding at the end the following new paragraph:

"(3) 'Military region' means the geographical area of responsibility assigned to the Commander of a Unified Command of the armed forces of the United States excluding Europe and adjacent waters.".

(h) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 138 of such title is amended by striking out the item relating to section 2341 and inserting in lieu thereof the following:

"2341. Authority to acquire logistic support, supplies, and services for armed forces of the United States deployed outside the United States.".

SEC. 1209. COOPERATIVE RESEARCH AND DEVELOPMENT WITH NON-NATO ALLIES AND OTHER FRIENDLY COUNTRIES

(a) FINDINGS.—The Congress finds—

(1) that the North Atlantic Treaty Organization Cooperative Research and Development program instituted during fiscal year 1986 has served to increase cooperation in research and development among NATO nations; and

(2) that additional benefits of cooperation in research and development might ensue from an extension of the program to include countries which have mutual security or mutual assistance treaties with the United States or which share with the United States a commitment to freedom and individual liberties.

(b) CONGRESSIONAL REQUEST FOR COOPERATION ON RESEARCH AND DEVELOPMENT.—The Congress urges and requests the President and the Secretary of Defense to pursue diligently opportunities for the United States and our major non-NATO allies to cooperate—

(1) in research and development on defense equipment and munitions; and

(2) in the production of defense equipment.

(c) FUNDS FOR COOPERATIVE PROJECTS.—Of the funds appropriated pursuant to the authorizations in section 201, not more than $40,000,000 shall be available only for cooperative research and development projects with major non-NATO allies.

(d) RESTRICTIONS.—(1) A memorandum of understanding (or other formal agreement) to conduct a cooperative research and development project may not be entered into under this section unless the Secretary of Defense determines that the proposed project enhances the ongoing multinational effort to improve conventional defense capabilities through the application of emerging technology.

(2) Each cooperative project shall require sharing of the costs of research between the participants on an equitable basis.

(3) The Secretary may not delegate the authority to make a determination under paragraph (1) except to the Deputy Secretary of Defense or the Under Secretary of Defense for Acquisition.

(e) RESTRICTIONS ON PROCUREMENT OF EQUIPMENT AND SERVICES.—(1) In order to assure substantial participation on the part of major non-NATO allies in cooperative research and development projects, funds made available under subsection (c) for such projects may not be used to procure equipment or services from any foreign government, foreign research organization, or other foreign entity.

(2) A major non-NATO ally may not utilize any United States military or economic assistance funds, grants, or loans for the purpose of making its contribution to a cooperative research and development program entered into with the United States under this section.

(f) NOTICE TO CONGRESS.—The Secretary of Defense and the Secretary of State shall jointly submit a letter to Congress not later than January 1 of each year enumerating those countries eligible for participation with the United States in a cooperative research and development program authorized by this section.

(g) DEFINITIONS.—As used in this section:

(1) The term "major non-NATO ally" means a country with which the United States has a mutual security treaty or mutual security assistance treaty or a country which shares with the United States a mutual commitment to freedom and individual freedoms.

(2) The term "cooperative research and development project" means a project involving joint participation by the United States and one or more major non-NATO allies under a memorandum of understanding (or other formal agreement) to carry out a joint research and development program—

(A) to develop new conventional equipment and munitions; or

(B) to modify existing military equipment to meet United States military requirements.

SEC. 1210. SENSE OF THE SENATE RELATING TO SALT II COMPLIANCE

It is the sense of the Senate that it is in the national security interests of the United States to continue voluntary compliance with strategic offensive arms agreements with the Soviet Union by recognizing the central numerical sublimits on strategic nuclear delivery systems contained in such agreements so long as the Soviet Union complies with such sublimits.

SEC. 1211. SENSE OF THE SENATE RELATING TO STRATEGIC ARMS AGREEMENTS

It is the sense of the Senate that, consistent with international law, it is not in the national interest of the United States to continue compliance with any strategic arms agreement that the Soviet Union has clearly violated.

SEC. 1212. LIMITATION ON OBLIGATION OF FUNDS FOR ESTABLISHING A FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTER FOR THE STRATEGIC DEFENSE INITIATIVE

(a) PROHIBITION ON USE OF FUNDS.—None of the funds authorized to be appropriated in this or any other Act may be obligated or expended for the purpose of establishing or operating a Federally Funded Research and Development Center for the support of the Strategic Defense Initiative Organization until Congress has received the reports described in subsection (b) and thirty (30) legislative days have elapsed following the date on which the Congress has received both reports.

(b) REPORT REQUIREMENT.— In order for Congress to make an informed decision on the need for the establishment of a Federally Funded Research and Development Center for the support of the Strategic Defense Initative Organization and on the ability of such an entity to function as an independent and objective source of technical support, the Secretary of Defense and the Comptroller General of the United States shall each submit to Congess a report that includes the following:

(1) An evaluation of alternative means of providing the stated objective of technical support and the comparative costs of the alternative means.

(2) A discussion of the competitive aspects pertaining to contract award for such technical support.

(3) A discussion of the process for evaluating technical support proposals which includes consideration of peer review procedures.

(4) A discussion of the steps being taken in the design of the proposed Federally Funded Research and Development Center to prevent conflicts of interest and the appearance of conflicts of interest.

(5) A discussion of procedures for staff selection, including the role of the sponsoring organization in that selection process.

SEC. 1213. SPECIAL DEFENSE ACQUISITION FUND

Section 138(g) of title 10, United States Code, is amended by striking out "$1,000,000,000" and inserting in lieu thereof "$1,100,000,000".

SEC. 1214. EXTENSION OF AUTHORITY OF SECRETARY OF DEFENSE TO TRANSPORT HUMANITARIAN RELIEF SUPPLIES TO CERTAIN COUNTRIES

Section 1540(a) of the Department of Defense Authorization Act, 1985 (Public Law 98-525; 98 Stat. 2637), is amended by striking out "fiscal years 1985 and 1986" and inserting in lieu thereof "fiscal years 1986 and 1987".

SEC. 1215. HUMANITARIAN AND CIVIC ASSISTANCE PROVIDED IN CONJUNCTION WITH A MILITARY OPERATION

(a) IN GENERAL.—Part I of subtitle A of title 10, United States Code, is amended by adding at the end the following new chapter:

"CHAPTER 20—HUMANITARIAN AND CIVIC ASSISTANCE PROVIDED IN CONJUNCTION WITH MILITARY OPERATIONS

"Sec.
"401. Armed forces participation in humanitarian and civic assistance activities.
"402. Approval of the Secretary of State.
"403. Payment of expenses.
"404. Report to Congress.
"405. Definition.

"§ 401. Armed forces participation in humanitarian and civic assistance activities

"(a) Under regulations prescribed by the Secretary of Defense, the Secretary of a military department may carry out humanitarian and civic assistance activities in conjunction with authorized military operations of the armed forces of the United States in countries in which it is determined, by the Secretary of the military department concerned, that the activities will promote—

"(1) both the security interests of the United States and the country in which the activities are to be carried out; and

"(2) the specific operational readiness skills of the members of the armed forces of the United States who participate in the activities.

"(b) Humanitarian and civic assistance activities carried out under this chapter shall fully complement, and may not duplicate, any other form of social or economic assistance which may be provided to the country concerned by any other department or agency of the United States. Such activities shall serve the basic economic and social needs of the people of the country concerned.

"(c) Humanitarian and civic assistance may not be provided under this chapter, directly or indirectly, to any individual, group, or organization engaged in military or paramilitary activity.

"§ 402. Approval of the Secretary of State

"Humanitarian and civic assistance may not be provided under this chapter to any foreign country unless the Secretary of State has specifically approved such assistance.

"§ 403. Payment of expenses

"Expenses incurred as a direct result of providing humanitarian and civic assistance under this chapter to any foreign country shall be paid for out of funds specifically appropriated for such purpose.

"§ 404. REPORT TO CONGRESS

"The Secretary of Defense shall report to Congress each year, not later than March 1, on activities carried out under this chapter during the preceding fiscal year. The Secretary shall include in each such report a list of the countries in which humanitarian and civic assistance activities were carried out in the preceding fiscal year, the type of such activities carried out in each country in the preceding fiscal year, and the amount expended in carrying out such activities in each such country in the preceding fiscal year.

"§ 405. Definition

"In this chapter, the term 'humanitarian and civic assistance' means—

"(1) medical, dental, and veterinary care provided in rural areas of a country;

"(2) construction of rudimentary transportation systems;

"(3) well drilling and construction of basic sanitation facilities;

"(4) rudimentary construction and repair of public facilities; and

"(5) similar or related types of assistance.".

(b) CONFORMING AMENDMENTS.—The tables of chapters at the beginning of subtitle A of such title and at the beginning of part I of such subtitle are each amended by adding at the end the following new item:

"20. Humanitarian and Civic Assistance Provided in Conjunction With Military Operations ..... 401".

SEC. 1216. AUTHORITY TO PAY EXPENSES OF DEVELOPING COUNTRIES FOR PARTICIPATION IN COMBINED MILITARY EXERCISES

(a) AUTHORITY TO PAY EXPENSES.—Chapter 101 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2010. Participation of developing foreign countries in combined exercises: payment of incremental expenses

"(a) The Secretary of Defense, after consultation with the Secretary of State, may pay the incremental expenses of a developing foreign country incurred by that country as the direct result of participation in a bilateral or multilateral military exercise if—

"(1) the exercise is undertaken primarily to enhance the security interests of the United States; and

"(2) the Secretary of Defense determines that the participation by such country is necessary to the achievement of fundamental exercise objectives and that those objectives cannot be achieved unless the United States provides the incremental expenses incurred by such country.

"(b) The Secretary of Defense shall submit a report to Congress each year, not later than March 1, containing a list of the developing countries for which expenses have been paid by the United States under this section during the preceding year and the amounts expended on behalf of each government.

"(c) The Secretary of Defense shall establish by regulation such accounting procedures as may be necessary to ensure that funds expended under the authority of this section are properly expended.

"(d) In this section, the term 'incremental expenses' means the reasonable and proper cost of the goods and services that are consumed by a developing foreign country as a direct result of that country's participation in a bilateral or multilateral military exercise with the United States, including but not limited to rations, fuel, training ammunition, and transportation. Such term does not include pay, allowance, and normal costs of host country personnel.".

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2010. Participation of developing foreign countries in combined exercises: payment of incremental expenses.".

SEC. 1217. AUTHORITY TO PAY CERTAIN EXPENSES OF DEFENSE PERSONNEL OF FOREIGN COUNTRIES

(a) IN GENERAL.—Chapter 53 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1051. Bilateral or regional cooperation programs: payment of personnel expenses

"(a) The Secretary of Defense may pay the travel, subsistence, and similar personal expenses of defense personnel of developing countries in connection with the attendance of such personnel at a bilateral or regional conference, seminar, or similar meeting if the Secretary determines that the attendance of such personnel at such conference, seminar, or similar meeting is in the national security interests of the United States.

"(b)(1) Except as provided in paragraph (2), expenses authorized to be paid under subsection (a) may be paid on behalf of personnel from a developing country only in connection with travel within the area of responsibility of the unified command in which the developing country is located.

"(2) In any case in which the headquarters of a unified command is located within the United States, expenses authorized to be paid under subsection (a) may be paid in connection with travel of personnel to the United States to attend a bilateral or regional conference, seminar, or similar meeting.

"(3) Expenses authorized to be paid under subsection (a) may not, in the case of any individual, exceed the amount that would be paid under chapter 7 of title 37 to a member of the armed forces of the United States (of a comparable grade) for authorized travel of a similar nature.

"(c) In addition to the expenses authorized to be paid under subsection (a), the Secretary of Defense may pay such other expenses in connection with any such conference, seminar, or similar meeting as the Secretary considers in the national security interests of the United States.

"(d) The authority to pay expenses under this section is in addition to the authority to pay certain expenses and compensation of officers and students of Latin American countries under section 1050 of this title.".

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1051. Bilateral or regional cooperation programs: payment of personnel expenses.".

SEC. 1218. DRUG INTERDICTION EFFORTS BY DOD

(a) REPORT.—The National Drug Enforcement Policy Board shall submit a report to the Committees on Armed Services of the Senate and the House of Representatives on the manner and the extent to which the Department of Defense should be involved in United States drug enforcement activities. The Board shall include in such report its recommendations for a 5-year funding plan for Department of Defense participation in United States drug enforcement activities.

(b) DRUG EDUCATIONAL AND COUNSELING REPORT.—The Secretary of Defense, in consultation with the National Drug Enforcement Policy Board and the Department of Education, shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report, not later than December 1, 1986, discussing (i) the extent to which youth in schools operated by the Department of Defense for dependent members of the Armed Forces are receiving education on drug and substance abuse, (ii) the types of drug education programs that are currently being provided, (iii) whether additional drug education programs are needed, and (iv) the extent to which drug education programs for youth in grades K through 12 include or should include preventive peer counseling classes.

(c) REPORT DEADLINE.—The report required by subsection (a) shall be submitted not later than December 1, 1986.

SEC. 1219. REPORTING OF TERRORIST THREATS

(a) IN GENERAL.—(1) Subject to subsection (b), the Secretary of Defense shall instruct all appropriate officials of the Department of Defense to take such action as may be necessary to ensure that all credible, time-sensitive intelligence concerning potential terrorist threats is promptly reported to the headquarters or office of the Department of Defense concerned.

(2) The Secretary shall also instruct such officials that such intelligence is to be reported through the most appropriate and expeditious communications networks available to the Department of Defense.

(b) WAIVER.—The Secretary of Defense shall not be required to issue the instructions referred to in subsection (a) if he determines that such instructions would be inappropriate or unwise and notifies Congress of that determination before March 1, 1987, and includes with the notification an explanation of the basis for such determination.

SEC. 1220. MILITARY IMPACT STATEMENT BY THE JOINT CHIEFS OF STAFF ON UNITED STATES NON-COMPLIANCE WITH EXISTING STRATEGIC OFFENSIVE ARMS AGREEMENTS

(a) Not later than October 1, 1986, the Chairman of the Joint Chiefs of Staff of the Armed Forces of the United States shall submit to Congress a report, in both classifed and unclassified versions, containing, a detailed assessment, including the individual views of each of the chiefs, of the military impacts on the national security of the United States, of the possible military responses of the Soviet Union to an American decision to no longer comply with major provisions of existing strategic offensive arms limitation agreements, including the central numerical sublimits on strategic nuclear delivery vehicles contained in the SALT II accord. This assessment shall concentrate on possible Soviet military responses during the period between fiscal year 1987 and fiscal year 1996, inclusive and shall address, among other considerations, the following:

(1) the impact on the ability of United States strategic forces to accomplish their nuclear deterrent mission, including the impacts on the survivability of United States strategic forces and on the ability of United States strategic forces to achieve required damage expectancies against Soviet targets, of any expansion of Soviet military capabilities undertaken in response to a United States decision to abandon compliance with existing strategic offensive arms agreements;

(2) the additional cost to the United States, above currently projected military expenditures for those periods for which such budget projections are available, of research, development, production, deployment, and annual operations and support for any additional strategic forces required to counter any expansion in Soviet military capabilities undertaken in response to a United States decision to abandon compliance with existing strategic offensive arms agreements;

(3) under average annual real growth projections in defense spending of 0 percent, 1 percent, 2 percent, and 3 percent, the percent of the annual defense budget in each year between fiscal year 1987 and fiscal year 1996 which would be consumed by increased United States strategic forces needed to counter the Soviet force expansions;

(4) the military impacts on United States national security of the diversion of the funds identified in subsection (a)(2) away from nonstrategic defense programs and to strategic programs to counter expanded Soviet strategic capabilities, including the military impacts of such a diversion on the ability of United States conventional forces to meet the Nation's specific non-nuclear defense commitments as a member of the North Atlantic Treaty Organization, and under the 1960 Treaty of Mutual Cooperation and Security with Japan;

(5) in addition, this report shall address the military implications for the United States of determined Soviet violations of offensive arms control agreements.

(b) Notwithstanding any other provision of law, none of the funds authorized or appropriated by this or any other Act may be obligated or expended, directly or indirectly, by the Organization of the Joint Chiefs of Staff for prospective studies and analyses to be accomplished by individual civilian contractors or civilian contractor entities, after October 1, 1986, if the report mandated in subsection (a) has not been received by the Congress; and

(c) The prohibition contained in subsection (b) on the obligation or expenditure of funds after October 1, 1986, shall cease to have effect upon the receipt by Congress of the report mandated in subsection (a).

SEC. 1221. CHEMICAL WEAPONS, AGENTS OR COMPONENT

(a) No chemical weapons, agents, or components used in chemical weapons may be shipped by any means into the Lexington-Bluegrass Depot in Richmond, Kentucky, for any purpose, including disposal;

(B) Following disposal of the chemical weapons stockpile stored at the Lexington-Bluegrass Depot, as required by PL 99-145, the facility may not be used for assembly, construction, testing, storage, or disposal of any chemical or biological weapon;

(c) The Secretary of Defense shall have the authority to waive these provisions in the event that he determines it is in the national security interest.

SEC. 1222. COAST GUARD

(a) Of the amounts authorized to be appropriated for the Department of Defense in fiscal year 1987:

(1) $200,000,000 shall be for the acquisition and maintenance of United States Coast Guard inventories related to the national defense; and

(2) $100,000,000 in operating funds for the performance of defense readiness responsibilities of the United States Coast Guard. Funds made available pursuant to the authorizations specified in this section shall be attributed to functional category 050 (National Defense) of the Budget of the Government of the United States.

(3) Of these amounts authorized, $15,000,000 shall be available for transfer to the Secretary of Transportation and shall be available only for the program described in paragraph (b).

(b) ENHANCED DRUG-INTERDICTION ASSISTANCE—

(1) ASSIGNMENT OF COAST GUARD PERSONNEL ON NAVAL VESSELS.—Chapter 18 of title 10, United States Code, is amended by

adding after section 378 the following new section:

"SEC. 379. ASSIGNMENT OF PERSONNEL TO NAVAL VESSELS FOR DRUG ENFORCEMENT PURPOSES

"(a) The Secretary of Defense and the Secretary of Transportation may provide that there be assigned on board surface naval vessels at sea in a drug-interdiction area members of the Coast Guard who are trained in law enforcement and have power to arrest, search, and seize property and persons suspected of violations of law.

"(b) Members of the Coast Guard assigned to duty on board naval vessels under this section shall perform such law enforcement functions (including drug-interdiction functions)—

"(1) as may be agreed upon by the Secretary of Defense and the Secretary of Transportation; and

"(2) as are otherwise within the jurisdiction of the Coast Guard.

"(c) No fewer than five hunderd active duty personnel of the Coast Guard shall be assigned each fiscal year to duty as provided in subsection (a).

"(d) As used in this section, the term 'drug-interdiction area' means an area outside the land area of the United States in which the Secretary of Defense (in consultation with the Attorney General) determines that activities involving smuggling of drugs into the United States are ongoing.".

(c) CONFORMING AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting immediately below the item relating to section 378 the following new item:

"378. Assignment of personnel to naval vessels for drug enforcement purposes.".

SEC. 1223. FACILITIES FOR THE DETENTION OF CERTAIN ALIENS

(a) Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall transmit to the Attorney General of the United States—

(1) a list of facilities under the jurisdiction of the Department of Defense which are suitable for use for the detention of Marielito criminal aliens;

(2) a statement of the estimated costs of using such facilities for the detention of such aliens; and

(3) a statement identifying the agencies of the Federal Government which would bear such costs.

(b) A copy of this report shall be made available, upon request to the Attorney General, to Members of the United States Senate and the United States House of Representatives.

SEC. 1224. SPECIAL OPERATIONS FORCES

(a) CONGRESSIONAL FINDINGS.—The Congress finds—

(1) that the threat to the United States and its allies from unconventional warfare, including terrorism and insurgency, continues to increase at an alarming rate;

(2) that, although the United States must continue to maintain and improve its strategic and conventional force capabilities in order to deter aggression and to protect the security of the United States and its allies, the use of armed force by the United States since the end of the Korean conflict has principally been in response to insurgencies against allies of the United States and to terrorist attacks directed at the United States and American citizens;

(3) that the most likely use of armed force by the United States in the foreseeable future will be counterterrorist, counterinsurgency, and other unconventional operations;

(4) that the capabilities needed to response to threats from unconventional warfare are not those traditionally fostered by the armed forces of the United States;

(5) that the Department of Defense has failed to recognize that conventional force capabilities can seldom be effectively employed in unconventional warfare missions;

(6) that conventional force commanders have a limited understanding of special operations forces capabilities and have misemployed such forces;

(7) that the Department of Defense has not given sufficient emphasis to the planning and preparation for unconventional warfare missions or to the appropriate integration of special operations forces capabilities into the national security strategy of the United States;

(8) that the National Security Council and the Office of the Secretary of Defense have not given sufficient attention to the formulation of policies to guide the development of special operations forces capabilities;

(9) that the Department of Defense has not provided adequate resources or support for special operations forces, particularly in airlift capability;

(10) that the Department of Defense has not given sufficient attention to ensuring the provision of adequate intelligence support for unconventional warfare missions;

(11) that the Department of Defense has not given sufficient attention to the tactics, doctrines, and training associated with unconventional warfare missions;

(12) that problems of command and control have repeatedly beset military forces of the United States engaged in unconventional warfare operations;

(13) that such problems were evident during the Mayaguez incident, the Iranian hostage rescue mission, the Grenada operation, and the Beirut peacekeeping mission;

(14) that the cooperation and coordination among the special operations forces of the Army, Navy, and Air Force are seriously deficient; and

(15) that the Department of Defense has not given sufficient attention to personnel policies, practices, and procedures to ensure the availability of sufficient numbers of officers with the skills required for unconventional warfare.

(b) ESTABLISHMENT OF SPECIAL OPERATIONS FORCES.—(1) The President shall establish, not later than 180 days after the date of the enactment of this Act, a unified combatant command for special operations forces.

(2)(A) The commander of the unified combatant command established pursuant to paragraph (1) shall hold the grade of general or, in the case of an officer of the Navy, admiral if appointed to that grade by the President, by and with the advice and consent of the Senate.

(B) The commander of such command shall be responsible for and shall have the authority necessary to conduct all affairs of such command relating to special operations forces, including the following matters:

(i) Developing strategy, doctrine, and tactics.

(ii) Training of assigned forces.

(iii) Prescribing professional military education.

(iv) Planning resources (including validating requirements).

(v) Ensuring combat readiness.

(vi) Developing special equipment.

(vii) Ensuring the interoperability of equipments and forces.

(viii) Tasking of intelligence support.

(ix) Monitoring the promotions, assignments, rention, training, and professional military education of special operations forces officers.

(C) The commander of such command shall be fully prepared to assume operational command of selected special operations missions if directed to do so by the National Command Authority.

(3) Unless otherwise directed by the National Command Authorities (NCA), all active and reserve special operations forces of the Army, Navy and Air Force based in the United States shall be assigned to the unified combatant command established pursuant to paragraph (1).

(4) The President shall assign special operations forces located outside the United States to the unified combatant command in whose geographic area such forces are stationed.

(5) Unless otherwise directed by the NCA, special operations missions shall be conducted under the operational command of the unified combatant commands in whose geographic areas such missions are to be conducted.

(6) The Secretary of Defense shall create for the special operations forces a major force program category for the Five-Year Defense Plan of the Department of Defense.

(7) The Secretary of Defense shall substantially augment the capabilities of the Office of the Secretary of Defense to provide effective policy and resource oversight of special operations forces.

(c) MINIMUM GRADE FOR COMMANDERS OF SPECIAL OPERATIONS COMMANDS.—Commanders of the special operations command assigned to the United States European Command and the United States Pacific Command shall be of general or flag officer grade.

(d) BOARD FOR UNCONVENTIONAL WARFARE.—The President shall establish within the National Security Council a board to be known as the "Board for Unconventional Warfare". The principal duty of such board shall be to coordinate the unconventional warfare policies of the United States.

(e) ASSISTANT SECRETARY OF DEFENSE FOR SPECIAL OPERATIONS AND LOW INTENSITY CONFLICT AND DEPUTY ASSISTANT TO THE PRESIDENT FOR NATIONAL SECURITY AFFAIRS FOR UNCONVENTIONAL WARFARE.—(1) Section 136(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(7) One of the Assistant Secretaries shall be the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict. He shall have full responsibility for policy and resource oversight of special operations forces.".

(2) It is the sense of the Congress that the President should designate within the Office of the President a Deputy Assistant to the President for National Security Affairs for Unconventional Warfare.

(f) FUNDING.—Programs and activities under the Special Operations Forces Master Plan shall be paid for with funds appropriated to the Department of Defense for such purposes.

(g) REPORT.—(1) The President shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the actions that the President and the Secretary of Defense have taken to correct the deficiencies identified in subsection (a) and to implement the provisions of subsections (b) through (e).

(2) Such report shall be submitted not later than March 1, 1987.

SEC. 1225. TAXATION ON MILITARY BENEFITS

It is the sense of the Senate with respect to the tax treatment of Military Benefits, that for purposes of paragraph (1) of section 61(a) of the Internal Revenue Code of 1954 (defining gross income), the term "fringe benefits" does not include the following military benefits;

(a) Subsistence and uniform allowances granted a member of the uniformed services (as defined in title 37) and amounts received by them as commutation of quarters.

(b) Any in-kind benefit received by a member or former member of the uniformed services and his family resulting from his status or service as a member of the Armed Forces of the United States other than those received as a result of such status or service being considered that of an "officer" or "employee" of the Government.

SEC. 1226. STRATEGIC DEFENSE INITIATIVE DEPLOYMENT

(a) The Department of Defense shall provide Congress on or before March 15, 1987, a report detailing what Strategic Defense Initiative technologies can be developed or deployed within the next 5 to 10 years to defend against significant military threats and help accomplish critical military missions including—

(1) defending our troops and allies abroad against tactical ballistic missiles particularly new and highly accurate Soviet shorter range ballistic missiles armed with conventional, chemical, or nuclear warheads,

(2) defending against a limited but militarily effective Soviet attack aimed at disrupting our National Command Authority and other valuable military assets,

(3) providing sufficient warning and tracking information to defend or effectively evade possible Soviet attacks against our military satellites including those in high orbits,

(4) providing early warning and attack assessment information and the necessary survivable command, control and communication to defend against possible Soviet conventional or strategic attacks.

(b) This report shall also—

(1) identify any other significant near-term military missions that the application of Strategic Defense Initiative technologies might help accomplish;

(2) list what specific program elements of the Strategic Defense Initiative are pertinent to these applications;

(3) estimate initial operating capability dates for the systems needed to accomplish these missions;

(4) estimate the level of funding necessary for each program to reach these operating capability dates;

(5) estimate the survivability and cost effectiveness at the margin of these systems against current and projected Soviet threats.

(c) The Department of Defense will provide the Senate and House Armed Services Committees an interim report of its findings not later than December 31, 1986.

SEC. 1227. AUTHORIZATION OF APPROPRIATIONS FOR ENHANCED DRUG INTERDICTION ACTIVITIES

(a) In General.—Funds are hereby authorized to be appropriated to the Department of Defense for fiscal year 1987 for enhancement of drug interdiction assistance activities of the Department as follows:

(1) For procurement of aircraft for the Navy, $138,000,000 to be available for refurbishment and upgrading of four existing E2C Hawkeye surveillance aircraft for drug interdiction purposes, and the procurement of four replacement E2C Hawkeye aircraft and related spares for the Navy.

(2) For procurement for the Air Force, $49,500,000, to be available for procurement of 3 aerostat radar systems, 3 aerostat radar spares for such system, and 1 aerostat radar spare for an aerostat radar system authorized and funded for location in the Bahamas by section 5(b) of the Urgent Supplemental Appropriations Act, 1986 (Public Law 99-349; 100 Stat. 723).

(3) For operation and maintenance for the Air Force, $12,615,000 to be available for the transfer of 6 Air Force helicopters to Davis-Monthan Air Force Base for use in carrying out drug interdiction missions.

(4) For the Secretary of Defense, $12,000,000 for enhanced intelligence collection activities concerning illegal importation into the United States of drugs originating in South America.

(b) Loans to the United States Customs Service.—The Secretary of Defense shall make available the refurbished, upgraded, and modified aircraft, using funds appropriated pursuant to authorizations in subsection (a)(1) to the United States Customs Service in accordance with chapter 18 of title 10, United States Code, except that the four replacement E2C Hawkeye aircraft procured using funds appropriated pursuant to authorizations in subsection (a)(1) shall be delivered to the Navy.

(c) Responsibilities of the United States Customs Service.—(1) The United States Customs Service shall have the responsibility for operation and maintenance costs attributable to the aircraft refurbished, upgraded, or modified using funds appropriated pursuant to authorizations in subsection (a)(1) and the aerostat radar systems using funds appropriated pursuant to authorizations in subsection (a)(2), except that responsibility for the operation and maintenance costs by the United States Customs Service shall commence upon receipt of the modified, refurbished, and upgraded aircraft authorized in subsection (a)(1) and upon completion of the installation of the aerostat radar systems authorized in subsection (a)(2).

(2) Upon enactment of this Act, the Commissioner of Customs shall immediately commence consultations with the Commandant of the United States Coast Guard regarding coordination of the deployment of the aircraft authorized in subsection (a)(1) and on loan to the United States Customs Service under subsection (b) in order to maximize the detection, surveillance, and intelligence gathering capabilities of the drug surveillance aircraft on loan to the United States Customs Service. The Commissioner of Customs shall make quarterly reports to the Committees on Appropriations and the Committees on Armed Services of the Senate and the House of Representatives regarding drug interdiction plans developed under this paragraph.

(d) Amounts in Addition to Other Amounts.—The amounts authorized by subsection (a) are in addition to any other amounts authorized to be appropriated to the Department of Defense in this Act for fiscal year 1987.

SEC. 1228. REPORT ON THE ANTI-BALLISTIC MISSILE TREATY

The Secretary of Defense shall, not later than February 1, 1987, transmit to Congress a report concerning the impact of the less restrictive interpretation of the Anti-Ballistic Missile Treaty. Such report shall include, but not be limited to the following:

(1) an analysis of the ramifications of the less restrictive interpretation on the development under the Strategic Defense Initiative program, of strategic defenses, including comprehensive strategic defense systems, and more limited defenses designed to protect vital U.S. military and command and control assets, based on "other physical principles". This analysis should compare research and development programs pursued under both the restrictive and less restrictive interpretations of the ABM Treaty, including a comparative analysis of—

(A) the overall cost of the research and development programs

(B) the schedule of the research and development programs, and

(C) the level of confidence attained in the research and development programs with respect to supporting a full-scale engineering development decision in the early 1990's; and

(2) a list of options under the less restrictive interpretation of the ABM Treaty that meet one or more of the following objectives: (a) reduce the overall development cost, (b) to advance the schedule for a full-scale engineering development decisions, or (c) to increase the level of confidence in the results of the research by the original full-scale development date.

SEC. 1229. AUTHORIZATION OF APPROPRIATIONS FOR THE AIR FORCE

Notwithstanding any other provision of this Act, funds are hereby authorized to be appropriated for fiscal year 1987 for the Air Force as follows:

For missiles, $8,370,800,000.

For research, development, test, and evaluation, $14,908,873,000.

For expenses, not otherwise provided for, for operation and maintenance, $19,304,871,000.

Of the funds authorized to be appropriated under this section, not less than $556,300,000 shall be available for the purpose of payment to the National Aeronautics and Space Administration to reimburse such agency for launch services and related expenses of the space shuttle system as agreed to between such agencies.

SEC. 1230. SENSE OF THE CONGRESS ON NUCLEAR EXPLOSIVE TESTING.

(a) Findings.—The Congress finds that—

(1) the United States is committed in the Limited Test Ban Treaty of 1963 and in the Non-Proliferation Treaty of 1968 to seek to achieve the discontinuance of all test explosions of nuclear weapons for all time;

(2) a comprehensive test ban treaty would promote the security of the United States by constraining the United States-Soviet nuclear arms competition and by strengthening efforts to prevent the proliferation of nuclear weapons;

(3) the Threshold Test Ban Treaty was signed in 1974 and the Peaceful Nuclear Explosions Treaty was signed in 1976, and both have yet to be considered by the full Senate for its advice and consent to ratification;

(4) the entry into force of the Peaceful Nuclear Explosions Treaty and the Threshold Test Ban Treaty will ensure full implementation of significant new verification procedures and so make completion of a comprehensive test ban treaty more probable;

(5) a comprehensive test ban treaty must be adequately verifiable, and significant progress has been made in methods for detection of underground nuclear explosions by seismological and other means;

(6) at present, negotiations are not being pursued by the United States and the Soviet Union toward completion of a comprehensive test ban treaty; and

(7) the past five administrations have supported the achievement of a comprehensive test ban treaty.

(b) Sense of Congress.—It is the sense of Congress that at the earliest possible date, the President of the United States should—

(1) request advice and consent of the Senate to ratification (with a report containing any plans the President may have to negotiate supplemental verification procedures, of if the President believes it necessary, any understanding or reservation on the subject of verification which should be attached to the treaty) of the Threshold Test Ban and Peaceful Nuclear Explosions Treaties, signed in 1974 and 1976, respectively; and

(2) propose to the Soviet Union the immediate resumption of negotiations toward conclusion of a verifiable comprehensive test ban treaty.

In accordance with international law, the United States shall have no obligation to comply with any bilateral arms control agreement with the Soviet Union that the Soviet Union is violating.

SEC. 1231. NUCLEAR NON-PROLIFERATION INFORMATION

Section 602 of the Nuclear Non-Proliferation Act of 1978 (22 U.S.C. 3281) is amended—

(1) in subsection (c), by inserting "the Department of Defense," after "Department of State,"; and

(2) by adding at the end the following new subsection:

"(f) Upon request, the Secretary of Defense shall have access to all information regarding nuclear proliferation matters which the Secretary of State or the Secretary of Energy has or is entitled to have, including all communications, materials, documents, and records relating to such matters, including cables from United States diplomatic missions.".

SEC. 1232. MINUTEMAN EDUCATION PROGRAM

Notwithstanding any other provision of this Act, none of the funds appropriated pursuant to an authorization contained in this or any other Act may be obligated or expended by the Air Force to award a contract for the conduct of the graduate Minuteman Education Program unless the contract requires the contractor—

(1) to integrate class schedules under the program with fulltime missile crew duty schedules;

(2) to provide a resident faculty, at each Air Force installation where the program is conducted, each member of which has obtained the terminal educational degree provided in the field the faculty member teaches under the program; and

(3) to provide library resources, at each such installation, adequate to support the program at such installation, including a fulltime librarian who has obtained degree in library science.

SEC. 1233. TREATMENT OF COMMUNIST COUNTRIES

(a) the Foreign Missions Act is amended by adding at the end thereof the following new section:

"APPLICATION TO CERTAIN COMMUNIST COUNTRIES

"SEC. 214. (a) Notwithstanding any other provision of this title, the Secretary shall apply to each foreign mission in the United States of the German Democratic Republic, Hungary, Czechoslovakia, Poland, Bulgaria, Rumania, and Cuba the same terms limitations, restrictions, and conditions which are applied under this title to the foreign mission in the United States of the Soviet Union unless the Secretary determines and so reports to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives that national security and foreign policy circumstances require that this section be waived in specific circumstances with respect to such country.

"(b) The Secretary shall prepare and transmit to the Select Committee on Intelligence and the committee on foreign relations of the Senate and the Permanent Select Committee on Intelligence and the committee on Foreign Affairs, of the House of Representatives a report describing—

"(1) not later than thirty days after date of the enactment of this section, the plans of the Secretary for implementing this section; and

"(2) not later than six months thereafter, the actions taken pursuant to these plans.".

(b) Section 202(a)(4) of the Foreign Missions Act is amended—

(1) in the text above clause (A) by inserting", including Government activities involving international trade," after "governmental activities"; and

(2) in clause (A), by inserting "or any instrumentality thereof" after "foreign government".

SEC. 1234. LIMITATION ON NEW SPENDING AUTHORITY.

(a) IN GENERAL.—Any new spending authority (as defined in section 401(c)(2) of the Congressional Budget Act of 1974) provided by—

(1) any of the sections of this Act specified in subsection (b), or

(2) any amendment made by any such section.

shall be effective for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts.

(b) SECTIONS SPECIFIED.—The sections to which subsection (a) applies are sections 611, 625, 631, 635, 636(f), 931, 1006, 1214, 2172, 2175, and 2183 of this Act, and those provisions contained in amendments numbered 2597, 2641, 2645, 2654, and 2655.

SEC. 1235. SUBMARINE OVERHAUL STUDY

The Secretary of the Navy shall conduct a detail study and investigation on the desirability and feasibility of applying production line techniques for the overhaul of Los Angeles class submarines. The Secretary shall submit the results of such study and investigation, together with such comments and recommendations as he determines appropriate, to Congress not later than May 1, 1987.

SEC. 1236. CORRECTIONAL FACILITIES AT FORT RILEY, KANSAS

The correctional facilities at Fort Riley, Kansas, may not be closed, transferred, or relocated unless—

(1) the Secretary of Defense has transmitted to Congress a written notice of the intent to close, transfer, or relocate such facilities, as the case may be; and

(2) the 180-day period beginning on the date on which Congress received such notice has expired.

SEC. 1237. PROHIBITION AGAINST USING FUNDS AUTHORIZED FOR THE ADVANCED TECHNOLOGY BOMBER AND THE ADVANCED CRUISE MISSILE PROGRAMS FOR ANY OTHER PURPOSE; AND LIMITATION OF THE B-1B BOMBER FLEET TO 100 AIRCRAFT.

(a) It is the sense of Congress that—

(1) the capabilities inherent in the technologies associated with the Advanced Technology Bomber and the Advanced Cruise Missile program are a critical national security asset for maintaining an adequate and credible deterrent posture;

(2) such technologies and programs should be developed as rapidly as feasible in order to produce and deploy advanced systems which will complicate the military planning of the Soviet Union and as a consequence enhance the deterrant posture of the United States;

(3) such technologies and programs should be funded at the levels authorized in this Act; and

(4) all the funds appropriated for such programs should be fully used for such programs.

(b) None of the funds appropriated pursuant to an authorization of appropriations in this Act to carry out the Advanced Technology Bomber program or the Advanced Cruise Missile program may be used for any other purpose.

(c) None of the funds appropriated pursuant to an authorization of appropriations in this or any other Act may be used for research, development, demonstration, procurement or any other purpose related to B-1B bombers beyond the 100 such bombers previously authorized.

SEC. 1238. ARMY NATIONAL GUARD REPORTING

The Secretary of Defense shall require the Chief of the National Guard Bureau to develop and implement procedures to monitor the backlog of maintenance and repair projects of Army National Guard armories.

## DIVISION B—MILITARY CONSTRUCTION

SEC. 2000. SHORT TITLE

This division may be cited as the "Military Construction Authorization Act, 1987".

## TITLE I—ARMY

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS

(a) INSIDE THE UNITED STATES.—The Secretary of the Army may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations inside the United States:

UNITED STATES ARMY FORCES COMMAND

Camp Dawson, West Virginia, $8,700,000.
Fort Bragg, North Carolina, $11,700,000.
Fort Campbell, Kentucky, $4,500,000.
Fort Carson, Colorado, $11,300,000.
Fort Devens, Massachusetts, $20,800,000.
Fort Drum, New York, $615,000,000.
Fort Hood, Texas, $10,600,000.
Fort Lewis, Washington, $20,500,000.
Fort McPherson, Georgia, $2,900,000.
Fort Ord, California, $6,550,000.
Fort Polk, Louisiana, $27,000,000.
Fort Richardson, Alaska, $11,200,000.
Fort Riley, Kansas, $8,250,000.
Fort Sheridan, Illinois, $2,050,000.
Fort Wainwright, Alaska, $96,700,000.
Presidio of San Francisco, California, $5,100,000.

UNITED STATES ARMY WESTERN COMMAND

Hawaii Various, $12,000,000.
Wheeler Army Air Field, Hawaii, $2,900,000.

UNITED STATES ARMY TRAINING AND DOCTRINE COMMAND

Fort Benning, Georgia, $9,100,000.
Fort Eustis, Virginia, $2,050,000.
Fort Jackson, South Carolina, $9,100,000.
Fort Lee, Virginia, $17,600,000.
Fort Leonard Wood, Missouri, $27,200,000.
Fort Rucker, Alabama, $44,500,000.

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MILITARY DISTRICT OF WASHINGTON

Fort Myer, Virginia, $3,800,000.

UNITED STATES ARMY MATERIEL COMMAND

Aberdeen Proving Ground, Maryland, $19,000,000.
Corpus Christi Army Depot, Texas, $9,350,000.
Dugway Proving Ground, Utah, $9,700,000.
Fort Monmouth, New Jersey, $4,900,000.
Navajo Depot Activity, Arizona, $3,900,000.
Redstone Arsenal, Alabama, $19,500,000.
Sierra Army Depot, California, $2,450,000.

UNITED STATES ARMY INFORMATION SYSTEMS COMMAND

Fort Huachuca, Arizona, $17,200,000.

UNITED STATES MILITARY ACADEMY

United States Military Academy, New York, $28,500,000.

ASSISTANT CHIEF OF ENGINEERS

Classified, United States, $7,400,000.

(b) OUTSIDE THE UNITED STATES.—The Secretary of the Army may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations outside the United States:

EIGHTH UNITED STATES ARMY

Camp Casey, Korea, $22,500,000.
Camp Castle, Korea, $2,850,000.
Camp Greaves, Korea, $2,350,000.
Camp Hovey, Korea, $9,000,000.
Camp Howze, Korea, $4,050,000.
Camp Humphreys, Korea, $15,300,000.
Camp Laguardia, Korea, $2,650,000.
Camp Long, Korea, $5,600,000.
Camp Red Cloud, Korea, $4,550,000.
Camp Stanley, Korea, $4,700,000.
H220, Korea, $2,750,000.
Pusan, Korea, $9,700,000.
Second Infantry, Korea, $5,150,000.
Taegu, Korea, $4,900,000.
Yongsan, Korea, $5,000,000.

UNITED STATES ARMY STRATEGIC DEFENSE COMMAND

Kwajalein, $20,600,000.

UNITED STATES ARMY FORCES COMMAND, OVERSEAS

Classified, $4,000,000.
Various, $4,900,000.

UNITED STATES ARMY EUROPE AND SEVENTH ARMY

Aschaffenburg, Germany, $7,000,000.
Baumholder, Germany, $28,850,000.
Bitburg, Germany, $16,350,000.
Einsiedlerhof, Germany, $4,750,000.
Frankfurt, Germany, $3,500,000.
Giessen, Germany, $5,600,000.
Hanau, Germany, $17,200,000.
Heilbronn, Germany, $2,100,000.
Hohenfels, Germany, $8,800,000.
Karlsruhe, Germany, $10,000,000.
Mannheim, Germany, $2,450,000.
Neu Ulm, Germany, $26,050,000.
Nuernberg, Germany, $5,500,000.
Rheinberg, Germany, $33,600,000.
Schweinfurt, Germany, $22,100,000.
Various, Germany, $17,500,000.
Vilseck, Germany, $50,300,000.
Wildflecken, Germany, $3,800,000.

UNITED STATES ARMY INTELLIGENCE AND SECURITY COMMAND, OVERSEAS

Location 276, $3,700,000.
Location 280, $2,100,000.

SEC. 2102. FAMILY HOUSING

The Secretary of the Army may construct or acquire family housing units (including land acquisition) at the following installations in the number of units shown, and in the amount shown, for each installation:

Fort Wainwright, Alaska, one hundred and fifty units, $33,000,000.
Fort Irwin, California, thirty-eight manufactured home spaces, $730,000.
Fort Ord, California, three hundred and eighty-five units, $34,000,000.
Crailsheim, Germany, forty units, $4,100,000.
Darmstadt, Germany, forty units, $3,150,000.
Erlangen, Germany, one hundred and six units, $9,400,000.
Herzo Base, Germany, thirty-four units, $3,300,000.
Schweinfurt, Germany, ninety units, $8,400,000.
Vilseck, Germany, two hundred and twenty-four units, $21,000,000.
Wildflecken, Germany, twenty-four units, $2,050,000.
Various Locations, Germany, one hundred and twenty units, funded under section 2103.
Fort Polk, Louisiana, five hundred and eighty-three units, $37,000,000.
Kwajalein, Marshall Island, one hundred and thirty-six units, $23,000,000.
Aberdeen Proving Ground, Maryland, one hundred and forty units and seventy manufactured home spaces, $10,800,000.
Fort Drum, New York, one thousand and two hundred units, $91,000,000.
Seneca Army Depot, New York, thirty units, $2,900,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS

(a) AMOUNT AUTHORIZED.—Subject to section 2825 of title 10, United States Code, the Secretary of the Army may make expenditures—

(1) to improve existing military family housing units in an amount not to exceed $79,500,000; and

(2) for energy conservation projects in an amount not to exceed $15,671,000 from funds which remain available for obligation from savings from prior years.

(b) WAIVER OF MAXIMUM PER UNIT COST FOR CERTAIN IMPROVEMENT PROJECTS.—Notwithstanding the maximum amount per unit for an improvement project under section 2825(b) of title 10, United States Code, the Secretary of the Army may carry out projects to improve existing military family housing units at the following installations in the number of units shown, and in the amount shown, for each installation:

Aschaffenburg, Germany, one hundred and forty-four units, $5,120,000.
Aschaffenburg, Germany, forty-eight units, $2,800,000.
Bremerhaven, Germany, twenty-four units, $1,400,000.
Karlsruhe, Germany, twenty-four units, $1,400,000.
Kitzingen, Germany, one hundred and two units, $5,950,000.
Mainz, Germany, one unit, $69,000.
Worms, Germany, six units, $350,000.
Fort Benjamin Harrison, Indiana, one hundred and sixty-six units, $6,000,000.
Pusan, Korea, forty-eight units, $2,237,000.
Yongsan, Korea, one unit, $70,000.
Fort Indiantown Gap, Pennsylvania, six units, $166,000.
Fort Sam Houston, Texas, twenty-three units, $930,000.
Fort Myer, Virginia, three units, $140,000.

(c) WAIVER OF SPACE LIMITATION FOR GENERAL OFFICER'S QUARTERS AT YONGSAN, KOREA.—(1) Notwithstanding the maximum space limitations under section 2826(a) of title 10, United States Code, the Secretary of the Army may carry out an improvement project to increase the net floor area of the housing unit for one general officer at the United States Army Garrison, Yongsan, Korea, to not more than 3,574 square feet.

(2) For purposes of this subsection, the term "net floor area" has the same meaning given that term by section 2626(f) of title 10, United States Code.

SEC. 2104. FORT DRUM, NEW YORK

The Secretary of the Army may enter into one or more contracts, in advance of appropriations therefor, for the military construction projects authorized by section 2101 to be accomplished at Fort Drum, New York, if such contracts limit the Government's liability to the amount of funds available for obligation at the time each contract is entered into. Such construction may be accomplished by using one-step turn-key selection procedures, or other competitive contracting methods.

SEC. 2105. COMMUNITY PLANNING ASSISTANCE

The Secretary of the Army may not use more than $400,000 from funds appropriated to the Department of the Army for fiscal year 1987 for planning and design purposes to provide planning assistance to local communities located near newly established Light Infantry Division Posts at Fort Drum, New York, and Fort Wainwright, Alaska, if the Secretary determines that the financial resources available to the community (by grant or otherwise) are inadequate.

SEC. 2106. CLEANUP OF CONTAMINATED WATER SUPPLIES ADJACENT TO ROCKY MOUNTAIN ARSENAL

(a) TRANSFER OF FUNDS TO THE ENVIRONMENTAL PROTECTION AGENCY.—(1) The Secretary of the Army (hereinafter in this section) referred to as the "Secretary") shall transfer funds available to the Department of Defense for military construction for fiscal year 1987 to the Administrator of the Environmental Protection Agency (hereinafter in this section referred to as the "Administrator") such sums, not to exceed $6,000,000, as may be necessary to enable the Administrator to continue with the selection, design, and implementation of response measures (consistent with the National Contingency Plan) with respect to the contamination of drinking water supplies in south Adams County, Colorado, to the west of the Rocky Mountain Arsenal and south of 80th Avenue. The Secretary may transfer funds under this section only if the Administrator has certified to the Secretary that the Army is a responsible party for the contamination in the area referred to in the preceding sentence.

(b) INTERAGENCY AGREEMENT.—(1) The transfer of funds under this section shall be carried out in accordance with the agreement between Environmental Protection Agency and the Department of the Army entered into on March 20, 1986. Funds transferred under this section shall be in addition to funds previously transferred to the Environmental Protection Agency for such purposes.

(2) The Secretary and the Administrator may enter into an agreement supplemental to the agreement referred to in paragraph (1) if the supplemental agreement can be concluded within seven days after the date of the enactment of the Act. A supplemental agreement entered into under this paragraph may not require the Secretary to transfer funds for the purpose of carrying out the response action described in subsec-

tion (a) after the date on which adequate funds become available to the Environmental Protection Agency for such purposes pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

(3) A supplemental agreement entered into under paragraph (2) shall contain provisions regarding the repayment of amounts transferred pursuant to subsection (a). If such provisions are not agreed to before the expiration of the seven-day period referred to in paragraph (1), repayment shall be made in accordance with the provisions of the agreement between the Environmental Protection Agency and Department of the Army entered into on March 20, 1986.

(c) CONTAMINATION NORTH OF 80TH AVENUE.—The Secretary shall, promptly after enactment of this Act, continue response action with respect to hazardous substances, pollutants, and contaminants affecting water supplies in south Adams County, Colorado, to the west and north of the Rocky Mountain Arsenal and north of 80th Avenue. The cost of such response action shall be paid for out of funds appropriated to the Department of Defense for purposes of the Environmental Restoration Program of the Department of the Army. Such response action shall be carried out in accordance with the recommendations of the Administrator and in consultation with the Colorado Department of Health.

(d) LIABILITY OF ARMY NOT AFFECTED.—Nothing in this subsection shall affect the liability of the Department of the Army or of any other potentially responsible person under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 or under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(e) LIABILITY OF OTHER PARTIES UNDER SUPERFUND.—Nothing in this section shall be construed to affect the rights of the Secretary to obtain reimbursement under section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 from any potentially responsible party of any amount expended by the Secretary for response action referred to in subsection (a).

SEC. 2107. AUTHORIZATION OF APPROPRIATIONS, ARMY; RECURRING ADMINISTRATIVE PROVISIONS

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1986, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $2,949,746,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $691,500,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $401,800,000.

(3) For military construction projects inside the United States authorized by section 101 of the Military Construction Authorization Act, 1986, $51,000,000.

(4) For military construction projects outside the United States authorized by section 101 of the Military Construction Authorization Act, 1986, $17,000,000.

(5) For minor construction projects under section 2805 of title 10, United States Code, $99,070,000.

(6) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $130,580,000.

(7) For military family housing functions—

(A) for construction and acquisition of military family housing and facilities, $387,330,000, of which $24,000,000 is available for planning and design;

(B) for support of military family housing (including the functions described in section 2833 of title 10, United States Code), $1,265,266,000, of which not more than $31,246,000 may be obligated or expended for the leasing of military family housing units in the United States, the Commonwealth of Puerto Rico, and Guam, and not more than $142,639,000 may be obligated or expended for the leasing of military family housing units in foreign countries, and

(C) for the Homeowners Assistance Program as authorized by section 2832 of title 10, United States Code, $5,500,000.

(8)(A) Notwithstanding the amounts authorized to be appropriated by paragraphs (1)–(6) of this subsection, the total amount authorized to be appropriated by this subsection for the purposes described in such paragraphs is $1,326,910,000.

(B) Notwithstanding the amounts authorized to be appropriated by subparagraphs (A) and (B) of paragraph (7) of this subsection, the total amount authorized to be appropriated by this subsection for the purposes described in such subparagraphs is $1,618,396,000.

(b) AUTHORIZATION OF UNOBLIGATED FUNDS FOR ENERGY CONSERVATION PROJECTS.—Funds appropriated to the Department of Defense for fiscal years before fiscal year 1987 which could be used for energy conservation projects for existing military family housing units of the Department of the Army that remain available for obligation are hereby authorized to be made available, to the extent provided in appropriation Acts, for energy conservation projects for military family housing of the Army in an amount not to exceed $15,671,000.

(c) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS AUTHORIZED IN TITLE I.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsections (a) and (b).

SEC. 2108. EXTENSION OF CERTAIN AUTHORIZATIONS

(a) EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 1984 PROJECTS.—Notwithstanding the provisions of section 607(a) of the Military Construction Authorization Act, 1984 (Public Law 98-115; 97 Stat. 780), authorizations for the following projects authorized in section 101 of that Act, as extended by section 606(b) of the Military Construction Authorization Act, 1986 (Public Law 99-167; 99 Stat. 983) shall remain in effect until October 1, 1987, or the date of enactment of the Military Construction Authorization Act for fiscal year 1988, whichever is later:

(1) Unaccompanied personnel housing in the amount of $1,400,000 at Argyroupolis, Greece.

(2) Operations building in the amount of $370,000 at Argyroupolis, Greece.

(3) Multipurpose recreation facility in the amount of $480,000 at Argyroupolis, Greece.

(4) Unaccompanied officer housing in the amount of $600,000 at Perivolaki, Greece.

(5) Operations building in the amount of $410,000 at Perivolaki, Greece.

(6) Multipurpose recreation facility in the amount of $620,000 at Perivolaki, Greece.

(7) Physical fitness training center in the amount of $1,000,000 at Elefsis, Greece.

(b) EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 1985 PROJECTS.—Notwithstanding the provisions of section 607(a) of the Military Construction Authorization Act, 1985 (Public Law 98-407; 98 Stat. 1515), authorizations for the following projects authorized in sections 101 of that Act shall remain in effect until October 1, 1987, or the date of enactment of the Military Construction Authorization Act for fiscal year 1988, whichever is later:

(1) Barracks with dining facility in the amount of $11,400,000 at Presidio of San Francisco, California.

(2) Child care center in the amount of $1,980,000 at Presidio of San Francisco, California.

(3) Barracks in the amount of $6,600,000 at Presidio of San Francisco, California.

(4) Multipurpose recreation facility in the amount of $1,150,000 at Koropi, Greece.

(5) Multipurpose recreation facility in the amount of $960,000 at Katsimidi, Greece.

(6) Barracks modernization in the amount of $660,000 at Argyroupolis, Greece.

(7) Barracks modernization in the amount of $660,000 at Perivolaki, Greece.

(8) Barracks with dining facility in the amount of $2,350,00 at Elefsis, Greece.

(9) Contingency Facility in the amount of $4,300,000 at Palmerola, Honduras.

## TITLE II—NAVY

SEC. 2111. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS

(a) INSIDE THE UNITED STATES.—The Secretary of the Navy may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations inside the United States:

UNITED STATES MARINE CORPS

Headquarters Marine Corps, Arlington, Virginia, $3,020,000.

Marine Corps Base, Camp Lejeune, North Carolina, $33,220,000.

Marine Corps Air Station, Camp Pendleton, California, $8,440,000.

Marine Corps Base, Camp Pendleton, California, $26,730,000.

Marine Corps Air Station, Cherry Point, North Carolina, $12,660,000.

Marine Corps Air Station, El Toro, California, $26,280,000.

Marine Corps Air Station, Kaneohe Bay, Hawaii, $31,580,000.

Marine Corps Air Station, New River, North Carolina, $20,020,000.

Marine Corps Recruit Depot, Parris Island, South Carolina, $7,250,000.

Marine Corps Air Station, Tustin, California, $13,250,000.

Marine Corps Air-Ground Combat Center, Twentynine Palms, California, $36,350,000.

Marine Corps Air Station, Yuma, Arizona, $5,600,000.

CHIEF OF NAVAL OPERATIONS

Naval Academy, Annapolis, Maryland, $2,260,000.

COMMANDER IN CHIEF, ATLANTIC FLEET

Naval Air Station, Brunswick, Maine, $2,160,000.

Naval Air Station, Cecil Field, Florida, $3,730,000.

Naval Air Station, Jacksonville, Florida, $4,810,000.

Naval Amphibious Base, Little Creek, Virginia, $5,890,000.

Naval Supply Center Detachment, Mayport, Florida, $3,730,000.

Naval Submarine Base, New London, Connecticut, $3,160,000.
Naval Station, New York, New York, $56,200,000.

COMMANDER IN CHIEF, PACIFIC FLEET

Naval Air Station, Adak, Alaska, $24,400,000.
Naval Facility, Adak, Alaska, $5,700,000.
Naval Air Station, Alameda, California, $17,675,000.
Naval Submarine Base, Bangor, Washington, $10,500,000.
Naval Amphibious Base, Coronado, California, $17,450,000.
Naval Station, Everett, Washington, $85,400,000.
Naval Air Station, Fallon, Nevada, $31,200,000.
Naval Station, Long Beach, California, $7,050,000.
Naval Magazine, Lualualei, Hawaii, $2,850,000.
Naval Air Station, Miramar, California, $21,550,000.
Naval Station, Pearl Harbor, Hawaii, $3,240,000.
Naval Station, San Diego, California, $18,200,000.
Naval Submarine Base, San Diego, California, $9,100,000.
Naval Station, Seattle, Washington, $2,950,000.
Naval Air Station, Whidbey Island, Washington, $3,510,000.

CHIEF OF NAVAL EDUCATION AND TRAINING

Naval Guided Missile School, Dam Neck, Virginia, $3,140,000.
Naval Training Center, Great Lakes, Illinois, $5,300,000.
Naval Air Station, Kingsville, Texas, $3,140,000.
Combat Systems Technical Schools Command, Mare Island, California, $5,200,000.
Naval Air Station, Memphis, Tennessee, $15,550,000.
Naval Air Station, Meridian, Mississippi, $3,170,000.
Naval Submarine School, New London, Connecticut, $9,540,000.
Naval Education and Training Center, Newport, Rhode Island, $11,700,000.
Fleet Training Center, Norfolk, Virginia, $5,400,000.
Naval Training Center, Orlando, Florida, $8,440,000.
Naval Diving and Salvage Training Center, Panama City, Florida, $2,850,000.
Naval Technical Training Center, Pensacola, Florida, $4,610,000.
Fleet Intelligence Training Center, Pacific, San Diego, California, $4,220,000.
Fleet Training Center, San Diego, California, $3,930,000.
Naval Training Center, San Diego, California, $18,170,000.
Naval Air Station, Whiting Field, Florida, $2,120,000.

NAVAL TELECOMMUNICATIONS COMMAND

Naval Communications Station, Stockton, California, $2,750,000.

NAVAL SECURITY GROUP COMMAND

Naval Security Group Activity, Adak, Alaska, $13,400,000.

NAVAL SUPPLY SYSTEMS COMMAND

Naval Supply Center, Norfolk, Virginia, $3,140,000.

NAVAL AIR SYSTEMS COMMAND

Pacific Missile Range Facility, Barking Sands, Kauai, Hawaii, $8,260,000.
Naval Air Rework Facility, Cherry Point, North Carolina, $37,200,000.
Naval Air Test Center, Patuxent River, Maryland, $19,780,000.
Naval Air Rework Facility, Pensacola, Florida, $8,050,000.

NAVAL FACILITIES ENGINEERING COMMAND

Naval Construction Battalion Center, Gulfport, Mississippi, $14,200,000.
Navy Public Works Center, Norfolk, Virginia, $8,050,000.
Navy Public Works Center, Pearl Harbor, Hawaii, $24,900,000.
Naval Construction Battalion Center, Port Hueneme, California, $3,040,000.

NAVAL SEA SYSTEMS COMMAND

Charleston Naval Shipyard, Charleston, South Carolina, $10,810,000.
Naval Weapons Station, Charleston, South Carolina, $6,130,000.
Naval Weapons Support Center, Crane, Indiana, $6,880,000.
Naval Weapons Station, Earle, New Jersey, $52,500,000.
Long Beach Naval Shipyard, Long Beach, California, $2,450,000.
Norfolk Naval Shipyard, Portsmouth, Virginia, $5,900,000.
Supervisor of Shipbuilding, Pascagoula, Mississippi, $4,120,000.
Portsmouth Naval Shipyard, Kittery, Maine, $22,190,000.
Naval Weapons Station, Seal Beach, California, $6,100,000.
Mare Island Naval Shipyard, Vallejo, California, $5,100,000.
Naval Weapons Station, Yorktown, Virginia, $4,220,000.

OFFICE OF THE CHIEF OF NAVAL RESEARCH

Naval Weapons Center, China Lake, California, $12,750,000.
Naval Surface Weapons Center, Dahlgren, Virginia, $15,960,000.
Naval Research Laboratory, Washington, District of Columbia, $8,730,000.

STRATEGIC SYSTEMS PROJECT OFFICE

Naval Submarine Base, Kings Bay, Georgia, $122,390,000.

(b) OUTSIDE THE UNITED STATES.—The Secretary of the Navy may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations outside the United States:

MARINE CORPS

Marine Corps Air Station, Futenma, Okinawa, Japan, $3,440,000.
Marine Corps Base, Camp Smedley D. Butler, Okinawa, Japan, $8,950,000.

COMMANDER IN CHIEF, ATLANTIC FLEET

Naval Station, Guantanamo Bay, Cuba, $2,600,000.
Naval Air Station, Keflavik, Iceland, $13,490,000.
Atlantic Fleet Weapons Training Facility, Roosevelt Roads, Puerto Rico, $4,220,000.
Naval Station, Roosevelt Roads, Puerto Rico, $6,290,000.

COMMANDER IN CHIEF, PACIFIC FLEET

Naval Air Facility, Atsugi, Japan, $5,300,000.
Administrative Support Unit, Bahrain Island, $2,550,000.
Naval Air Station, Cubi Point, Republic of the Philippines, $5,300,000.
Mobile Construction Battalion, Camp Covington, Guam, $15,500,000.

COMMANDER IN CHIEF, UNITED STATES NAVAL FORCES EUROPE

Naval Support Activity, Naples, Italy, $5,500,000.
Naval Station, Rota, Spain, $4,600,000.
Classified Locations, $15,700,000.

NAVAL TELECOMMUNICATIONS COMMAND

Naval Communications Area Master Station, Mediterranean, Naples, Italy, $8,250,000.

NAVAL SECURITY GROUP COMMAND

Naval Security Group Activity, Edzell, Scotland, $2,250,000.

OFFICE OF THE CHIEF OF NAVAL RESEARCH

Naval Underwater Systems Center, Andros Island, Bahamas, $3,730,000.

SEC. 2112. FAMILY HOUSING

The Secretary of the Navy may construct or acquire family housing units (including land acquisition) at the following installations in the number of units shown, and in the amount shown, for each installation:
Naval Station, Long Beach, California, three hundred units, $22,900,000.
Naval Air Station, Moffett Field, California, one hundred and twenty-six units, $11,600,000.
Navy Public Works Center, San Francisco, California, three hundred units, $26,450,000.
Marine Corps Air-Ground Combat Center, Twentynine Palms, California, three hundred and ninety-two units and seventy-five mobile home spaces, $35,300,000.
Marine Corps Base, Camp Pendleton, California, one hundred mobile home spaces, $1,800,000.
Marine Corps Base, Camp Lejeune, North Carolina, seventy-five mobile home spaces, $930,000.
Marine Corps Development and Education Command, Quantico, Virginia, fifty mobile home spaces, $790,000.
Naval Station, Keflavik, Iceland, two hundred and fifty units, $48,642,000.

SEC. 2113. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS

(a) AMOUNT AUTHORIZED.—Subject to section 2825 of title 10, United States Code, the Secretary of the Navy may make expenditures to improve existing military family housing units in an amount not to exceed $26,580,000.

(b) WAIVER OF MAXIMUM PER UNIT COST FOR CERTAIN IMPROVEMENT PROJECTS.—Notwithstanding the maximum amount per unit for an improvement project under 2825(b) of title 10, United States Code, the Secretary of the Navy may carry out projects to improve existing military family housing units at the following installations in the number of units shown, and in the amount shown, for each installation:
Naval Station, Mare Island, Vallejo, California, one hundred units, $5,200,000.
Marine Corps Logistics Base, Albany, Georgia, one unit, $33,300.
Navy Public Works Center, Great Lakes, Illinois, two hundred and ten units, $9,400,000.
Naval Air Station, Brunswick, Maine, forty-four units, $1,274,600.
Naval Construction Battalion Center, Gulfport, Mississippi, one unit, $28,700.
Naval Air Station, Fallon, Nevada, forty-four units, $1,868,500.
Naval Station, New York, New York, one hundred and twenty units, $9,600,000.
Naval Air Development Center, Warminster, Pennsylvania, six units, $256,800.
Naval Education and Training Center, Newport, Rhode Island, one hundred and eighty-six units, $10,200,000.
Navy Public Works Center, Guam, one unit, $64,700.
Navy Public Works Center, Guam, one hundred and nine units, $10,360,000.

Naval Air Station, Agana, Guam, one hundred units, $9,517,000.

Naval Air Station, Agana, Guam, one unit, $58,600.

SEC. 2114. ACQUISITION OF EXISTING HOUSING UNITS ON GUAM

The Secretary of the Navy may acquire, without reimbursement, eighty-nine existing family housing units constructed and used by the Federal Aviation Agency on land in Finegayan, Guam, held by the Navy under the provisions of section 9 of the International Aviation Facilities Act (49 U.S.C. 1158).

SEC. 2115. AUTHORIZATION OF APPROPRIATIONS, NAVY; RECURRING ADMINISTRATIVE PROVISIONS

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1986, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $2,161,343,000 as follows:

(1) For military construction projects inside the United States authorized by section 2111(a), $1,082,595,000.

(2) For military construction projects outside the United States authorized by section 2111(b), $107,670,000.

(3) For military construction projects at Kings Bay, Georgia, authorized by section 201(a) of the Military Construction Authorization Act, 1986, $45,450,000.

(4) For minor construction projects under section 2805 of title 10, United States Code, $114,375,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $143,770,000.

(6) For advances to the Secretary of Transportation for construction of defense access roads under section 210 of title 23, United States Code, $5,400,000.

(7) For military family housing functions—

(A) for construction and acquisition of military family housing and facilities, $176,992,000; and

(B) for support of military housing (including functions described in section 2833 of title 10, United States Code), $560,591,000 of which not more than $5,214,100 may be obligated or expended for the leasing of military family housing in the United States, the Commonwealth of Puerto Rico, and Guam, and not more than $17,244,900 may be obligated or expended for the leasing of military family housing units in foreign countries.

(8)(A) Notwithstanding the amounts authorized to be appropriated by paragraphs (1)-(6) of this subsection, the total amount authorized to be appropriated by this subsection for the purposes described in such paragraphs is $1,437,160,000.

(B) Notwithstanding the amount authorized to be appropriated by subparagraphs (A) and (B) of paragraph (7) of this subsection, the total amount authorized by this subsection for the purposes described by such subparagraphs is $724,183,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS AUTHORIZED IN TITLE II.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2111 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

SEC. 2116. EXTENSION OF AUTHORIZATION FOR CERTAIN FISCAL YEAR 1984 PROJECTS

Notwithstanding the provisions of section 607(a) of the Military Construction Authorization Act, 1985 (Public Law 98-407; 98 Stat. 1515), authorizations for the following projects authorized in section 201 of that Act shall remain in effect until October 1, 1987, or the date of enactment of the Military Construction Authorization Act for fiscal year 1988, whichever is later:

(1) Unaccompanied enlisted personnel housing in the amount of $10,740,000 at the Marine Corps Air Station, Yuma, Arizona.

(2) Antenna support facility in the amount of $320,000 at the Naval Security Group Activity, Adak, Alaska.

(3) Data processing center in the amount of $6,160,000 at the Naval Supply Center, Bremerton, Washington.

(4) Unaccompanied enlisted personnel housing in the amount of $12,130,000 at the Naval Air Station, Whidbey Island, Washington.

(5) Unaccompanied enlisted personnel housing in the amount of $6,600,000 at the Naval Station, Mare Island, Vallejo, California.

(6) Mountain Warfare Training Facility (Bridgeport) in the amount of $1,480,000 for the Marine Corps Base, Camp Pendleton, California.

(7) Medical/Dental Clinic (Bridgeport) in the amount of $1,410,000 for the Naval Hospital, Camp Pendleton, California.

(8) Hospital Modernization in the amount of $29,140,000 at the Naval Hospital, Oakland, California.

(9) Facility Energy Improvements in the amount of $5,770,000 at the Navy Public Works Center, San Francisco, California.

## TITLE III—AIR FORCE

SEC. 2121. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS

(a) INSIDE THE UNITED STATES.—The Secretary of the Air Force may acquire real property and may carry out military construction projects in the amount shown for each of the following installations and locations inside the United States:

AIR FORCE LOGISTICS COMMAND

Hill Air Force Base, Utah, $4,000,000.

Kelly Air Force Base, Texas, $39,000,000.

McClellan Air Force Base, California, $19,500,000.

Newark Air Force Station, Ohio, $3,000,000.

Robins Air Force Base, Georgia, $12,955,000.

Tinker Air Force Base, Oklahoma, $17,300,000.

Wright-Patterson Air Force Base, Ohio, $16,200,000.

AIR FORCE SYSTEM COMMAND

Arnold Air Force Station, Tennessee, $2,800,000.

Edwards Air Force Base, California, $15,000,000.

Hanscom Air Force Base, Massachusetts, $2,700,000.

Patrick Air Force Base, Florida, $2,600,000.

AIR TRAINING COMMAND

Chanute Air Force Base, Illinois, $11,300,000.

Goodfellow Air Force Base, Texas, $10,000,000.

Lackland Air Force Base, Texas, $21,500,000.

Laughlin Air Force Base, Texas, $3,700,000.

Williams Air Force Base, Arizona, $4,900,000.

AIR UNIVERSITY

Gunter Air Force Station, Alabama, $2,900,000.

ALASKAN AIR COMMAND

Eielson Air Force Base, Alaska, $11,600,000.

Galena Airport, Alaska, $11,600,000.

King Salmon Airport, Alaska, $4,050,000.

Shemya Air Force Base, Alaska, $22,300,000.

MILITARY AIRLIFT COMMAND

Andrews Air Force Base, Maryland, $25,000,000.

Charleston Air Force Base, South Carolina, $5,000,000.

Kirtland Air Force Base, New Mexico, $8,700,000.

McChord Air Force Base, Washington, $6,400,000.

McGuire Air Force Base, New Jersey, $7,000,000.

Pope Air Force Base, North Carolina, $2,300,000.

Travis Air Force Base, California, $4,700,000.

SPACE COMMAND

Cape Cod Air Force Station, Massachusetts, $4,300,000.

Falcon Air Force Station, Colorado, $6,400,000.

Peterson Air Force Base, Colorado, $3,050,000.

SPECIAL PROJECT

Various Locations, $37,056,000.

STRATEGIC AIR COMMAND

Beale Air Force Base, California, $7,516,000.

Ellsworth Air Force Base, South Dakota, $7,650,000.

Fairchild Air Force Base, Washington, $2,900,000.

F.E. Warren Air Force Base, Wyoming, $6,000,000.

Grand Forks Air Force Base, North Dakota, $17,040,000.

Grissom Air Force Base, Indiana, $3,000,000.

La Junta Radar Bomb Scoring Site, Colorado, $2,150,000.

Loring Air Force Base, Maine, $12,200,000.

Malmstrom Air Force Base, Montana, $30,770,000.

March Air Force Base, California, $13,600,000.

McConnell Air Force Base, Kansas, $32,760,000.

Minot Air Force Base, North Dakota, $26,660,000.

Offutt Air Force Base, Nebraska, $21,770,000.

Vandenburg Air Force Base, California, $2,700,000.

Whiteman Air Force Base, Missouri, $9,500,000.

Wurtsmith Air Force Base, Michigan, $9,550,000.

TACTICAL AIR COMMAND

Base 39, Classified Location, $2,300,000.

Bergstrom Air Force Base, Texas, $3,390,000.

Cannon Air Force Base, New Mexico, $7,250,000.

Davis-Monthan Air Force Base, Arizona, $11,100,000.

George Air Force Base, California, $7,650,000.

Holloman Air Force Base, New Mexico, $14,160,000.

Homestead Air Force Base, Florida, $3,400,000.

Langley Air Force Base, Virginia, $8,000,000.
Luke Air Force Base, Arizona, $19,480,000.
Mountain Home Air Force Base, Idaho, $12,700,000.
Myrtle Beach Air Force Base, South Carolina, $3,000,000.
Nellis Air Force Base, Nevada, $16,100,000.
Shaw Air Force Base, South Carolina, $3,700,000.
Tyndall Air Force Base, Florida, $13,950,000.
WESTCONUS, $10,300,000.

UNITED STATES AIR FORCE ACADEMY

Air Force Academy, Colorado, $4,000,000.

VARIOUS LOCATIONS

Various Energy Conservation Investment Projects, $9,470,000.

(b) OUTSIDE THE UNITED STATES.—The Secretary of the Air Force may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations outside the United States:

MILITARY AIRLIFT COMMAND

Lajes Field, Portugal, $15,750,000.

PACIFIC AIR FORCES

Kadena Air Base, Japan, $7,100,000.
Misawa Air Base, Japan, $10,300,000.
Kimhae Air Base, Korea, $3,050,000.
Kunsan Air Base, Korea, $4,650,000.
Osan Air Base, Korea, $14,350,000.
Suwon Air Base, Korea, $3,250,000.
Taegu Air Base, Korea, $2,350,000.
Clark Air Base, Republic of the Philippines, $55,350,000.
Saipan, $5,200,000.

SPACE COMMAND

Sondrestrom Air Base, Greenland, $5,860,000.
Thule Air Base, Greenland, $8,250,000.
Woomera Air Station, Australia, $2,300,000.

TACTICAL AIR COMMAND

Masirah, Oman, $3,500,000.
Thumrait, Oman, $3,400,000.

UNITED STATES AIR FORCES IN EUROPE

Hahn Air Base, Germany, $6,300,000.
Ramstein Air Base, Germany, $31,500,000.
Sembach Air Base, Germany, $7,100,000.
Spangdahlem Air Base, Germany, $6,050,000.
Zweibrucken Air Base, Germany, $2,750,000.
Aviano Air Base, Italy, $4,200,000.
San Vito Air Station, Italy, $3,300,000.
Woensdrecht Air Base, The Netherlands, $22,830,000.
Ankara Air Station, Turkey, $3,050,000.
Incirlik Air Base, Turkey, $9,400,000.
Pirinclik Air Station, Turkey, $3,000,000.
RAF Alconbury, United Kingdom, $13,350,000.
RAF Bentwaters, United Kingdom, $3,700,000.
RAF Fairford, United Kingdom, $2,750,000.
RAF Mildenhall, United Kingdom, $4,700,000.
RAF Upper Heyford, United Kingdom, $12,800,000.
Morocco, various locations, $25,400,000.
Base 30, Classified Location, $2,950,000.
Overseas Classified Location, $11,500,000.
Various Locations, Europe, $3,953,000.

SEC. 2122. FAMILY HOUSING

(a) IN GENERAL.—The Secretary of the Air Force may construct or acquire family housing units (including land acquisition) at the following installations, in the number of units shown, and in the amount shown, for each installation:

Bitburg Air Base, Germany, three hundred and thirty-two units, $26,415,000.
Hahn Air Base, Germany, one hundred and fifty units, $11,300,000.
Osan Air Base, Korea, one unit, $160,000.
La Junta Air Force Station, Colorado, forty units, $4,000,000.
Beale Air Force Base, California, family housing maintenance shop, $180,000.
Davis-Monthan Air Force Base, Arizona, family housing management office, $300,000.
McGuire Air Force Base, New Jersey, family housing management office, $325,000.
Pope Air Force Base, North Carolina, family housing management office, $300,000.
Edwards Air Force Base, California, twenty-four mobile home spaces, $376,000.

(b) OSAN AIR BASE, KOREA.—Notwithstanding the space limitations of section 2826 of title 10, United States Code, the Secretary of the Air Force may construct one family housing unit at Osan Air Base, Korea, with a maximum net floor area of 3,000 square feet at a cost not to exceed $160,000.

SEC. 2123. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS

(a) AMOUNT AUTHORIZED.—Subject to section 2825 of title 10, United States Code, the Secretary of the Air Force may make expenditures to improve existing military family housing units, including energy conservation projects, in an amount not to exceed $52,644,000.

(b) WAIVER OF MAXIMUM PER UNIT COST FOR CERTAIN IMPROVEMENT PROJECTS.—Notwithstanding the maximum amount per unit for an improvement project under section 2825(b) of title 10, United States Code, the Secretary of the Air Force may carry out projects to improve existing military family housing units at the following installations in the number of units shown, and in the amount shown, for each installation:

Eielson Air Force Base, Alaska, eighty-eight units, $6,186,000.
Elmendorf Air Force Base, Alaska, twelve units, $760,000.
Air Force Academy, Colorado, one unit, $120,000.
Peterson Air Force Base, Colorado, four units, $149,000.
MacDill Air Force Base, Florida, one hundred and fifty-eight units, $4,430,000; seven units, $553,000; seventy-one units, $2,103,000.
Scott Air Force Base, Illinois, one hundred and twelve units, $4,690,000.
Barksdale Air Force Base, Louisiana, one hundred and fourteen units, $5,342,000.
Bangor Air Force Station, Maine, one unit, $30,000.
Andrews Air Force Base, Maryland, seven units, $518,000.
Pease Air Force Base, New Hampshire, two hundred units, $7,177,000.
Plattsburgh Air Force Base, New York, twenty-nine units, $2,272,000.
Shaw Air Force Base, South Carolina, one hundred and twenty-five units, $4,385,000; seventy-four units, $2,598,000.
Carswell Air Force Base, Texas, two hundred and three units, $7,478,000.
Lackland Air Force Base, Texas, sixty-four units, $1,920,000.
Randolph Air Force Base, Texas, five units, $402,000.
Reese Air Force Base, Texas, one hundred units, $2,895,000.
Langley Air Force Base, Virginia, five units, $441,000.
Andersen Air Force Base, Guam, two hundred units, $14,517,000.
Kadena Air Base, Japan, one hundred units, $5,054,000; three units, $240,000.

SEC. 2124. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE; RECURRING ADMINISTRATIVE PROVISIONS

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1986, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $2,149,749,000 as follows:

(1) For military construction projects inside the United States authorized by section 2121(a), $695,057,000.

(2) For military construction projects outside the United States authorized by section 2121(b), $321,243,000.

(3) For minor construction projects under section 2805 of title 10, United States Code, $210,280,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $117,260,000.

(5) For advances to the Secretary of Transportation for construction of defense access roads under section 210 of title 23, United States Code, $32,700,000.

(6) For military family housing functions—

(A) for construction and acquisition of military family housing and facilities, $103,000,000; and

(B) for support of military housing (including functions described in section 2833 of title 10, United States Code), $751,409,000, of which not more than $5,600,000 may be obligated or expended for the leasing of military family housing units in the United States, the Commonwealth of Puerto Rico, and Guam, and not more than $74,176,000 may be obligated or expended for the leasing of military family housing units in the foreign countries.

(7)(A) Notwithstanding the amounts authorized to be appropriated by paragraphs (1)–(5) of this subsection, the total amount authorized to be appropriated by this subsection for the purposes described in such paragraphs is $1,313,280,000.

(B) Notwithstanding the amounts authorized to be appropriated by subparagraphs (A) and (B) of paragraph (6) of this subsection, the total amount authorized to be appropriated for the purposes described by such subparagraphs is $835,409,000.

(b) AUTHORIZATION OF UNOBLIGATED FUNDS FOR ENERGY CONSERVATION PROJECTS.—Funds appropriated to the Department of Defense for fiscal years before fiscal year 1987 which could be used for energy conservation projects of the Department of the Air Force that remain available for obligation are hereby authorized to be made available, to the extent provided in appropriation Acts, for energy conservation projects authorized in section 2121(a) in an amount not to exceed $9,470,000.

(c) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS AUTHORIZED IN TITLE III.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2121 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a) and the amount specified in subsection (b).

SEC. 2125. EXTENSION OF CERTAIN AUTHORIZATIONS

Notwithstanding the provisions of section 607(a) of the Military Construction Authorization Act, 1985 (Public Law 98-407; 98 Stat. 1515), authorizations for the following projects authorized in section 302 of that Act shall remain in effect until October 1, 1987, or the date of enactment of the Military Construction Authorization Act for fiscal year 1988, whichever is later:

(1) Cadet Gymnasium in the amount of $10,000,000 at the United States Air Force Academy, Colorado.

(2) GLCM—Clothing Sales Store in the amount of $300,000 at Comiso Air Base, Italy.

(3) GLCM—Library in the amount of $570,000 at Florennes Air Base, Belgium.

(4) Anti-Satellite Facilities in the total amount of $16,500,000 at Langley Air Force Base, Virginia, to include: Integrated Maintenance Facility for $9,870,000; Missile and Motor Storage Facility for $3,870,000; Administrative Building for $645,000; Hydrazine Storage for $370,000; Control Center for $860,000; and Cryogen Storage and Procurement Facility for $955,000.

## TITLE IV—DEFENSE AGENCIES

SEC. 2131. AUTHORIZED CONSTRUCTION PROJECTS AND LAND ACQUISITION FOR THE DEFENSE AGENCIES

(a) INSIDE THE UNITED STATES.—The Secretary of Defense may acquire real property and carry out military construction projects in the amounts shown for each of the following installations and locations inside the United States:

DEFENSE COMMUNICATIONS AGENCY

Scott Air Force Base, Illinois, $7,600,000.
Pentagon, Virginia, $2,300,000.

DEFENSE LANGUAGE INSTITUTE

Defense Language Institute, Monterey, California, $5,400,000.

DEFENSE LOGISTICS AGENCY

Defense Fuel Support Point, Naval Supply Center, Charleston, South Carolina, $5,130,000.
Defense Depot, Ogden, Utah, $9,780,000.
Defense Fuel Support Point, Mukilteo, Washington, $6,360,000.

DEFENSE MAPPING AGENCY

Aerospace Center, St. Louis, Missouri, $16,700,000.

DEFENSE MEDICAL FACILITIES OFFICE

Edwards Air Force Base, California, $3,950,000.
Pearl Harbor, Hawaii, $9,700,000.
Mountain Home Air Force Base, Idaho, $30,500,000.
Fort Polk, Louisiana, $2,650,000.
Keesler Air Force Base, Mississippi, $3,100,000.
McGuire Air Force Base, New Jersey, $3,800,000.
Kirtland Air Force Base, New Mexico, $16,000,000.
Camp Lejeune, North Carolina, $3,900,000.
Brooke Army Medical Center, San Antonio, Texas, $129,000,000.
Fort Hood, Texas, $3,450,000.
Randolph Air Force Base, Texas, $13,700,000.

DEFENSE NUCLEAR AGENCY

Naval Research Laboratory, Washington, District of Columbia, $3,200,000.

JOINT TACTICAL COMMAND, CONTROL, AND COMMUNICATIONS AGENCY

Fort Huachucha, Arizona, $9,890,000.

NATIONAL SECURITY AGENCY

Fort Meade, Maryland, $9,570,000.
Classified Location, $3,000,000.
Classified Location, $4,000,000.

OFFICE OF THE SECRETARY OF DEFENSE

Classified Location, $3,000,000.
Environmental Restoration, $6,000,000.

STRATEGIC DEFENSE INITIATIVE

Edwards Air Force Base, California, $4,140,000.
Pacific Missile Range, Kaui, Hawaii, $2,890,000.

(b) OUTSIDE THE UNITED STATES.—The Secretary of Defense may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations outside the United States:

DEFENSE LOGISTICS AGENCY

Defense Fuel Support Point, Chimu Wan, Japan, $6,640,000.
Defense Fuel Support Point, Tsurumi, Japan, $3,520,000.

DEFENSE MEDICAL FACILITIES OFFICE

Boeblingen, Germany, $3,650,000.
Grafenwoehr, Germany, $3,950,000.
Karlsruhe, Germany, $6,800,000.
Vilseck, Germany, $5,600,000.
Camp New Amsterdam, The Netherlands, $6,000,000.

DEPARTMENT OF DEFENSE DEPENDENT SCHOOLS

Naval Air Station, Bermuda, $4,280,000.
Aschaffenburg, Germany, $6,600,000.
Dexheim, Germany, $2,430,000.
Erlangen, Germany, $3,220,000.
Grafenwoehr, Germany, $2,500,000.
Hahn, Germany, $3,470,000.
Heidelberg, Germany, $3,190,000.
Hessisch-Oldendorf, Germany, $2,310,000.
Kaiserslautern, Germany, $7,880,000.
Nuernberg, Germany, $8,580,000.
Stuttgart, Germany, $4,530,000.
Wuerzburg, Germany, $7,760,000.
Woensdrecht, The Netherlands, $7,420,000.

(c) VARIOUS LOCATIONS.—The Secretary of Defense may acquire real property and may carry out military construction projects not otherwise authorized by law for the construction of hazardous waste storage facilities.

SEC. 2132. FAMILY HOUSING

The Secretary of Defense may construct or acquire three family housing units (including land acquisition) at classified locations in the total amount of $270,000.

SEC. 2133. BROOKE ARMY MEDICAL CENTER

(a) AUTHORIZATION TO CONTRACT IN ADVANCE OF APPROPRIATIONS.—The Secretary of Defense may enter into one or more contracts, in advance of appropriations therefor, for the design and construction of the military construction project authorized by section 2131 to be accomplished at Brooke Army Medical Center, San Antonio, Texas, if such contracts limit the Government's liability to the amount of funds available for obligation at the time each contract is entered into. Such design and construction may be accomplished by using one-step turn-key selection procedures, or other competitive contracting methods.

(b) REPEAL PROVISION.—Section 104 of the Military Construction Authorization Act, 1985 (Public Law 98-407; 98 Stat. 1498), is repealed.

SEC. 2134. PROHIBITION ON DESIGN OF PENTAGON ANNEX

None of the funds appropriated pursuant to an authorization contained in this or any other Act may be used for the purpose of designing an administrative complex on the property known as the Pentagon Reservation, Arlington, Virginia, for the purpose of supporting the headquarters of the Department of Defense or the military departments or the support functions of such headquarters.

SEC. 2135. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES; RECURRING ADMINISTRATIVE PROVISIONS

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1986 for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), in the total amount of $568,500,000 as follows:

(1) For military construction projects inside the United States authorized by section 2131(a), $189,710,000.

(2) For military construction projects outside the United States authorized by section 2131(b), $100,330,000.

(3) For military construction projects at Fort Meade, Maryland, authorized by section 401(a) of the Military Construction Authorization Act, 1986, $53,700,000.

(4) For military construction projects at Fort Lewis, Washington, authorized by section 101(a) of the Military Construction Authorization Act, 1985, $72,100,000.

(5) For minor construction projects under section 2805 of title 10, United States Code, $30,760,000.

(6) For construction projects under the contingency construction authority of the Secretary of Defense under section 2804 of title 10, United States Code, $5,000,000.

(7) For Conforming Storage Facilities at various locations authorized by section 2131(c), $21,400,000.

(8) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $100,700,000.

(9) For military family housing functions—

(A) for construction and acquisition of military family housing and facilities, $270,000; and

(B) for support of military housing (including functions described in section 2833 of title 10, United States Code), $17,330,000, of which not more than $14,027,000 may be obligated or expended for the leasing of military family housing units in foreign countries.

(10) Notwithstanding the amounts authorized to be appropriated by paragraphs (1)-(8) of this subsection the total amount authorized to be appropriated by this subsection for the purposes described by such paragraphs is $550,900,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS AUTHORIZED IN TITLE IV.—Notwithstanding the cost variations authorized by section 2858 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 2131 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

SEC. 2136. EXTENSION OF AUTHORIZATIONS

Notwithstanding the provisions of section 607(a) of the Military Construction Authorization Act, 1985 (Public Law 98-407; 98 Stat. 1515), the authorizations for the construction or acquisition of 6 family housing units in section 402 of such Act shall remain in effect until October 1, 1987, or the date of the Military Construction Authorization Act for fiscal year 1988, whichever is later.

## TITLE V—NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

### SEC. 2141. AUTHORITY OF THE SECRETARY OF DEFENSE TO MAKE CONTRIBUTIONS

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization infrastructure program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2142 of this Act and the amount collected from the North Atlantic Treaty Organization as a result of projects previously financed by the United States.

### SEC. 2142. AUTHORIZATION OF APPROPRIATIONS, NATO

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1986, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Infrastructure Program as authorized by section 2041 of this Act, in the amount of $239,000,000.

## TITLE VI—GUARD AND RESERVE FORCES FACILITIES

### SEC. 2151. AUTHORIZATION FOR GUARD AND RESERVE FACILITIES

There are authorized to be appropriated for fiscal years beginning after September 30, 1986, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 133 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $118,700,000, and

(B) for the Army Reserve, $83,200,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserves, $43,800,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $137,000,000, and

(B) for the Air Force Reserve, $55,400,000.

## TITLE VII—GENERAL PROVISIONS

### PART A—EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW

### SEC. 2161. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW

(a) EXPIRATION OF AUTHORIZATIONS AFTER TWO YEARS.—(1) Except as provided in subsection (b), all authorizations contained in titles I, II, III, IV, and V for military construction projects, land acquisition, family housing projects and facilities, and contributions to the NATO Infrastructure Program (and authorizations of appropriations therefor) shall expire on October 1, 1988, or the date of the enactment of the Military Construction Authorization Act for fiscal year 1989, whichever is later.

(b) EXCEPTION.—The provisions of paragraph (1) do not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the NATO Infrastructure Program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before October 1, 1988, or the date of the enactment of the Military Construction Authorization Act for fiscal year 1989, whichever is later, for construction contracts, land acquisition, family housing projects and facilities, or contributions to the NATO Infrastructure Program.

### SEC. 2162. ESTABLISHMENT OF CERTAIN AMOUNTS REQUIRED TO BE SPECIFIED BY LAW

For projects or contracts initiated during the period beginning on the date of enactment of this Act and ending on the date of the enactment of the Military Construction Authorization Act for fiscal year 1988 or October 1, 1987, whichever is later, the following amounts apply:

(1) The maximum amount for a minor military construction project under section 2805 of title 10, United States Code, is $2,000,000.

(2) The amount of a contract for architectural and engineering services or construction design that makes such a contract subject to the reporting requirement under section 2807 of title 10, United States Code, is $300,000.

(3) The maximum amount per unit for an improvement project for family housing units under section 2825 of title 10, United States Code, is $30,000.

(4) The maximum annual rental for a family housing unit leased in the United States, Puerto Rico, or Guam under section 2828(b) of title 10, United States Code, is $10,000.

(5)(A) The maximum annual rental for a family housing unit leased in a foreign country under section 2828(e)(1) of title 10, United States Code, is $16,800.

(B) The maximum number of family housing units that may be leased at any one time in foreign countries under section 2828(e)(2) of title 10, United States Code, is 34,500.

(6) The maximum rental per year for family housing facilities, or for real property related to family housing facilities, leased in a foreign country under section 2828(f) of title 10, United States Code, is $250,000.

### PART B—MILITARY CONSTRUCTION PROGRAM PROVISIONS

### SEC. 2171. MINOR CONSTRUCTION

(a) IN GENERAL.—Section 2805 of title 10, United States Code, is amended—

(1) in subsection (b)—

(A) by striking out paragraph (1) and inserting in lieu thereof the following:

"(1) A minor military construction project not identified in the Department of Defense annual budget request for a fiscal year may not be constructed if the estimated cost of such project exceeds 50 percent of the amount specified by law as the maximum amount for a minor military construction project unless the Secretary concerned has notified in writing the appropriate committees of Congress of that decision, of the justification for the project, and of the estimated cost of the project. The project may then be carried out only after the expiration of 21 days following the date on which the notification is received by the committees.";

(B) by striking out paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2);

(2) by striking out subsection (c) and inserting in lieu thereof the following:

"(c) The Secretary concerned may spend from funds available for operation and maintenance amounts necessary to carry out a minor construction project costing not more than 20 percent of the amount specified by law as the maximum amount for a minor military construction project."; and

(3) by striking out the section heading and inserting in lieu thereof the following:

"§ 2805. Minor construction".

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 169 of such title is amended by striking out the item relating to section 2805 and inserting in lieu thereof the following:

"2805. Minor construction.".

### SEC. 2172. RENOVATION OF FACILITIES

(a) IN GENERAL.—Chapter 169 of title 10, United States Code, is amended by adding at the end of subchapter I the following new section:

"§ 2810. Renovation of facilities

"(a) The Secretary concerned may carry out renovation projects that combine maintenance, repair, and minor construction projects for an entire single-purpose facility or for one or more functional areas of a multipurpose facility. In carrying out such projects, the Secretary concerned may use funds available for operations and maintenance.

"(b) The maximum amount that may be obligated on such a renovation project is the maximum amount specified by law for a minor construction project.

"(c) The construction of a new facility or an addition to an existing facility may not be carried out under the authority of this section.".

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

"2810. Renovation of Facilities.".

### SEC. 2173. TEST PROGRAM FOR MILITARY INSTALLATION MASTER PLANNING

In order to provide Congress with information necessary to determine the desirability and feasibility of using installation master plans as a basis for determining long-term military construction requirements, the Secretary of Defense shall, at the same time he submits the annual request for military construction authorization pursuant to section 2859 of title 10, United States Code, for fiscal year 1988, include in such request—

(1) master plans for at least two military installations of each military department; and

(2) a request for the authorization of those construction projects included in the installation master plans referred to in clause (1) that are scheduled to be constructed within five fiscal years after the fiscal year in which the request is submitted.

### SEC. 2174. TEST OF LONG-TERM FACILITIES CONTRACTS

Paragraph (1) of section 2809(a) of title 10, United States Code, is amended to read as follows:

"(1)(A) The Secretary concerned may enter into contracts for the construction, management, and/or operation of a facility on or near a military installation for the provision of an activity or service named in subparagraph (B) if the Secretary concerned has identified the proposed project in the budget proposal submitted to Congress and has determined that the facility can be more economically provided under a long-term contract than by conventional means.

"(B) The activities and services referred to in subparagraph (A) are as follows:

"(i) Child care services.

"(ii) Potable and waste water treatment services.

"(iii) Depot supply activities.

"(iv) Troop housing.

"(v) Transient quarters.

"(vi) Other logistic and administrative services, other than depot maintenance.".

SEC. 2175. PLANNING AND DESIGN

(a) IN GENERAL.—Section 2807 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(d) The Secretary of a military department may obtain architectural and engineering services and carry out construction design in connection with any military construction project in any fiscal year with any funds appropriated for such purpose for any previous fiscal year to the extent that such funds are available.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to funds appropriated for military construction projects after the date of the enactment of Public Law 99-103 (99 Stat. 471).

SEC. 2176. SPACE LIMITATIONS ON OFFICER HOUSING

Subsection (b) of section 2826 of title 10, United States Code, is amended to read as follows:

"(b) The applicable maximum net floor area prescribed by subsection (a)—

"(1) may be increased to 3,000 square feet for the housing unit of—

"(A) an officer holding a special command position (as designated by the Secretary of Defense);

"(B) a general or flag officer holding a position of commander; or

"(C) a general or flag officer holding a key and essential staff position which requires extensive official representational duties (as designated by the Secretary of the military department concerned);

"(2) may be increased to 2,100 square feet for the housing unit of the commanding officer of a military installation in the pay grade of O-6 or above; or

"(3) may be increased by 10 percent for the housing unit of the senior noncommissioned officer of a military installation, but an increase may not be made under this clause in the case of any housing unit if an increase is made for such housing unit under subsection (c).".

SEC. 2177. HAZARDOUS WASTE STORAGE

(a) AUTHORITY TO CONSTRUCT.—In order to meet the pressing need for the storage of hazardous and toxic materials and wastes on military installations, the Secretary of Defense may, using funds available for military construction, carry out military construction projects not otherwise authorized by law for the construction of hazardous waste storage facilities.

(b) NOTIFICATION TO CONGRESS.—When a decision is made to carry out a project under this section, the Secretary of Defense shall notify in writing the appropriate committees of Congress of that decision, of the justification for the project, and of the estimated cost of the project. The project may not be initiated until a period of 21 days has elapsed after the date on which the notification is received by the committees.

(c) INCREASE IN COST OF PROJECT.—The cost of a hazardous waste storage facility project carried out under this section may be increased by not more than 25 percent of the estimated cost of the project as contained in the notification provided to the committees pursuant to subsection (b) if the Secretary of Defense determines (A) that such an increase is required for the sole purpose of meeting unusual variations in cost, and (B) that such variations in cost could not have been reasonably anticipated at the time the project justification was originally submitted to the committees.

(d) DEFINITION.—As used in this section, the term "hazardous waste" includes both excess hazardous materials and hazardous wastes as defined by applicable laws and regulations.

(e) EXPIRATION OF AUTHORITY.—A military construction project for the erection of a hazardous waste storage facility may not be commenced under this section after September 30, 1991.

SEC. 2178. BUILD-TO-LEASE AND RENTAL GUARANTEE PILOT PROGRAMS

(a) RENTAL GUARANTEE PROGRAM.—(1) Subsection (b) of section 802 of the Military Construction Authorization Act, 1984 (10 U.S.C. 2821 note), is amended—

(A) by striking out "and" at the end of clause (10);

(B) by striking out the period at the end of clause (11) and inserting in lieu thereof "; and"; and

(C) by adding at the end the following new clause:

"(12) may provide in the agreement for the rental of a child care center, civic center building, and similar type buildings constructed for the support of family housing.".

(2) Subsection (h) of such section is amended by striking out "September 30, 1986" and inserting in lieu thereof "September 30, 1990".

(3) Subsection (b) of such section is amended—

(A) in paragraph (2), by striking out "for operation and maintenance costs which shall (if included) be effective for the term of agreement";

(B) in paragraph (4), by adding "or, at the discretion of the Secretary of the military department concerned, in compliance with the local building codes" after "specifications"; and

(C) in paragraph (5), by striking out "15 years" and inserting in lieu thereof "25 years".

(b) BUILD-TO-LEASE PROGRAM.—Section 2828(g) of title 10, United States Code, is amended—

(1) in paragraph (8)(B), by striking out "600" and inserting in lieu thereof "3,600";

(2) in paragraph (9), by striking out "September 30, 1986" and inserting in lieu thereof "September 30, 1988"; and

(3) by adding at the end the following new paragraph:

"(10) A contract for the lease of family housing under this subsection may include provision for the lease of a child care center, civic center building, and similar type buildings constructed for the support of family housing.".

SEC. 2179. FOREIGN LEASES FOR PERSONNEL HOLDING SPECIAL POSITIONS

Subsection (e)(1) of section 2828 of title 10, United States Code, is amended by striking out "200" and inserting in lieu thereof "220".

PART C—MISCELLANEOUS PROVISIONS

SEC. 2181. RESTRICTIONS ON CONVERSION OF HEATING FACILITIES AT UNITED STATES MILITARY INSTALLATION IN EUROPE

(a) IN GENERAL.—The Secretary of a military department may not convert a heating facility at any United States military installation in Europe from a coal-fired facility to an oil-fired facility, or to any other energy source facility, unless the Secretary of the military department concerned—

(1) determines that the conversion (A) is required by the government of the country in which the facility is located, or (B) is life cycle cost effective; and

(2) has notified Congress of the proposed conversion and a period of 30 days has elapsed following the date on which Congress received the notice.

(b) USE OF COAL.—(1)(A) The Secretary of Defense shall, in each case in which the Secretary determines such action would be cost effective, provide for the use of coal produced in the United States to operate heating facilities at military installations in the United States.

(B) The Secretary of Defense shall take such action as may be necessary to implement, at the earliest practicable date and with funds provided for such purpose by section 8110 of the Department of Defense Appropriations Act, 1986 (as contained in section 101(b) of Public Law 99-190; 99 Stat 1222), the program proposed by the Department of Defense in a letter dated August 30, 1985, from the Assistant Secretary of Defense for Acquisition and Logistics to rehabilitate and convert current steam generating plants at defense facilities in the United States to coal burning facilities in order to achieve a coal consumption target of 1,600,000 short tons of coal per year (including at least 300,000 short tons of anthracite coal) above current consumption levels at Department of Defense facilities in the United States by fiscal year 1994: *Provided further*, That during fiscal year 1987, the amount of anthracite coal purchased by the Department shall be at least 300,000 short tons.

(2) In carrying out the actions referred to in paragraph (1), the Secretary shall make maximum use of private venture capital and long-term contracting.

(3) The Secretary shall report to Congress not later than March 1 of each year on the actions taken by the Secretary in carrying out paragraph (1).

(c) REPEAL OF CERTAIN RESTRICTIONS.—Sections 8022 and 8070 of the Department of Defense Appropriations Act, 1986 (as contained in section 101(b) of Public Law 99-190; 99 Stat. 1207, 1214, and 1222), are repealed.

SEC. 2182. BASE CLOSURE TASK GROUP

(a) ESTABLISHMENT OF TASK GROUP.—The President shall establish a study group to be known as the "Blue Ribbon Task Group on Military Base Closures" (hereinafter in this section referred to as the "Task Group").

(b) FUNCTION OF TASK GROUP.—It shall be the function of the Task Group to study and evaluate military installations with a view to determining and recommending which installations should be closed.

(c) APPOINTMENT OF MEMBERS.—The Task Group shall be composed of 9 members appointed as follows:

(1) Five members appointed by the President.

(2) One member appointed by the majority leader of the Senate.

(3) One member appointed by the minority leader of the Senate.

(4) One member appointed by the Speaker of the House of Representatives.

(5) One member appointed by the minority leader of the House of Representatives.

(d) CHAIRMAN.—The President shall designate one of the members of the Task Group to serve as Chairman.

(e) QUORUM.—Five members of the Task Group shall constitute a quorum, but a lesser number may hold hearings. The Task Group shall meet at the call of the Chairman.

(f) VACANCIES.—A vacancy in the Task Group shall be filled in the manner in which the original appointment was made. Appointments may be made under subsec-

tion (c) without regard to section 5311(b) of title 5, United States Code. Members shall be appointed for the life of the Task Group.

(g) COMPENSATION OF MEMBERS.—Members of the Task Group may each be paid at a rate equal to the daily equivalent of the rate of basic pay payable for level IV of the Executive Schedule for each day (including travel time) during which they are engaged in the actual performance of the business of the Task Group.

(h) STAFF.—(1) The Task Group may appoint such staff as it considers appropriate. Such personnel shall be paid at a rate not to exceed the rate of basic pay payable for grade GS-18 of the General Schedule under section 5332 of title 5, United States Code.

(2) The Task Group may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(3) The Secretary of Defense may detail personnel of the Department of Defense to the Task Group to assist the Task Group in carrying out its duties under this section.

(4) The Secretary of Defense may provide the Task Group such administrative support services as the Task Group may require.

(i) REPORT DEADLINE.—Not later than July 31, 1987, the Task Group shall submit to the President and to Congress a report containing the results of its study together with a list of military installations the Task Group recommends be closed. The report shall be prepared and submitted without any prior review or approval by any official of the executive branch.

(j) TERMINATION OF TASK GROUP.—The Task Group shall cease to exist 90 days after the date on which the report referred to in subsection (i) is submitted to the President and Congress.

(k) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for fiscal years 1986 and 1987 a total of $1,000,000 to carry out this section. Any amount appropriated under this subsection shall remain available until the termination of the Task Group except that no amount shall remain available until the Secretary of the Navy (hereinafter in this section referred to as the "Secretary") transfers to the United States Postal Service (hereinafter in this section referred to as the "Postal Service") jurisdiction over approximately 3.2 acres of land, together with improvements thereon, located in Aiea, Hawaii, and the Postal Service pays, out of any funds available to the Postal Service, to the Secretary of the Navy an amount equal to the greater of the following:

(1) The approved fair market value of the property over which jurisdiction is to be transferred (as determined by the Secretary).

(2) The cost of providing to the Navy fleet laundry and dry cleaning facilities to replace facilities located on the land over which jurisdiction is to be transferred pursuant to this subsection.

(l) LEGAL DESCRIPTION OF LAND.—The exact acreage and legal description of the land over which jurisdiction is to be transferred under this section shall be determined by surveys that are satisfactory to the Secretary. The cost of the surveys shall be borne by the Postal Service.

(m) ADDITIONAL TERMS.—(1) The Secretary may require such additional terms and conditions under this section as the Secretary considers appropriate to protect the interest of the Navy.

(2) If the fair market value of the property over which jurisdiction is to be transferred to the Postal Service under subsection (k) exceeds the cost of the replacement fleet laundry and dry cleaning facilities, the Secretary shall deposit the exccess into the general fund of the Treasury.

SEC. 2183. DEVELOPMENT OF THE NAVY BROADWAY COMPLEX, SAN DIEGO, CALIFORNIA

(a) IN GENERAL.—(1) The Secretary of the Navy (hereinafter in this section referred to as the "Secretary") may enter into long-term leases or other arrangements for the construction of office and other administrative facilities on land under the jurisdiction of the Secretary in San Diego, California, known as the "Broadway Complex".

(2) The Broadway Complex shall be developed in accordance with detailed plans and terms of development which have been duly formulated by the Navy and the San Diego community through the San Diego Association of Governments' Broadway Complex Coordinating Group.

(3) Long-term leases or other arrangements entered into under this section may provide that facilities constructed on the Broadway Complex be privately owned, jointly owned by the Navy and private developers, or wholly owned by the Navy.

(4) Demolishment of existing facilities and construction of new facilities on the Broadway Complex may be carried out in whole or in part at the expense of private developers.

(5) The Secretary may—

(A) lease land at the Broadway Complex to private developers on a long-term basis; or

(B) enter into leases or other arrangements for provision by private developers of low cost office facilities for use by the Navy.

(6) The Secretary may also receive, obligate, and disburse any funds received from the lease of Navy land at the Broadway Complex for the construction and management of facilities constructed under this section.

(b) AWARD OF CONTRACT.—Contracts entered into by the Secretary under this section shall be awarded through the use of publicly advertised, competitively bid, or competitively negotiated contracting procedures.

(c) TERMS OF CONTRACTS.—(1) The Secretary may require as a condition for the award of a long-term lease of land at the Broadway Complex that the Navy be given the right of first refusal for the purchase of any facilities constructed on the land by or for the lessee.

(2) A long-term lease or other arrangement entered into by the Secretary under this section under which offices or other facilities are constructed by a private developer and leased to the Navy may provide for the operation and maintenance of such facilities by the private developer.

(3) The Secretary may require such additional terms and conditions in connection with any contract or other arrangement entered into under this section as the Secretary considers appropriate to protect the interests of the United States.

(d) PRECONDITION TO CONTRACT.—The Secretary may not enter into a long-term lease or other arrangement under this section until—

(1) a comprehensive plan for the proposed development of the Broadway Complex has been prepared and such plan clearly demonstrates that development under the proposed plan is more economically advantageous to the United States than development of the Complex by the Navy with appropriated funds;

(2) a copy of the proposed plan has been submitted to the appropriate committees of Congress; and

(3) a period of 21 days has elapsed following the date on which the plan is received by the committees referred to in clause (2).

SEC. 2184. SELECTION OF SITE FOR MILITARY FAMILY HOUSING AT SAN PEDRO, CALIFORNIA

(a) IN GENERAL.—(1) The Secretary of the Air Force (hereinafter in this section referred to as the "Secretary") shall consider appropriate sites in San Pedro, California, for the location and construction of 170 military family housing units for members of the Air Force assigned to duty in the area of San Pedro.

(2) The Secretary shall consider as an appropriate site for such housing only land in the San Pedro area in which the United States has a reversionary interest for national defense purposes or land which would be conveyed to the United States without charge.

(3) After the Secretary has selected one or more sites for such housing, he shall file a final environmental impact statement as required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) on each site determined by the Secretary to be appropriate for the purpose stated in paragraph (1). Within 10 days after the expiration of the 30-day period referred to in section 1506.10(b)(2) of title 40 of the Code of Federal Regulations, the Secretary shall select as a site for the location of the housing units referred to in subsection (a) one of the sites considered appropriate for such purpose.

(b) EXERCISE OF REVERSIONARY RIGHT.—(1) If the land selected as the site for the housing units is subject to a reversionary right on behalf of the United States, the Secretary shall notify the Attorney General of the United States or other appropriate official that the site selected is needed for national defense purposes.

(2) The Attorney General or other appropriate official shall, within 15 days after receiving the notification referred to in paragraph (1), take such action as may be necessary to exercise the reversionary right held by the United States in the land selected as the site for the housing.

(3) Within 15 days after the United States resumes ownership over the land, the Attorney General or other appropriate official shall transfer jurisdiction of such land to the Secretary.

(c) CONSTRUCTION OF MILITARY FAMILY HOUSING.—The Secretary shall use any land made available pursuant to this section as the site for the construction of the 170 military family housing units referred to in subsection (a).

SEC. 2185. GRANTING OF EASEMENTS AND REPLACEMENT OF FAMILY HOUSING UNITS AND OTHER FACILITIES AT MARINE CORPS AIR STATION, EL TORO, CALIFORNIA

(a) AUTHORITY TO GRANT EASEMENTS.—Subject to subsection (b) and other conditions the Secretary may specify in the agreements entered into for the purpose of carrying out this section, the Secretary of the Navy (hereafter in this section referred to as the "Secretary") may grant to Orange County, California, one or more easements through the Marine Corps Air Station, El Toro, California, for street, sidewalk, and related purposes.

(b) MANDATE TO REPLACE FAMILY HOUSING AND OTHER FACILITIES.—(1) Subject to subsection (c), the Secretary shall provide for

the replacement of all family housing units and other facilities that are to be demolished as a result of any easement granted under subsection (a).

(2) An easement granted under subsection (a) shall not become effective until the Secretary determines that—

(A) family housing units have been constructed to replace all the family housing units to be demolished as a result of such easement; and

(B) such replacement units meet the applicable requirements specified in the agreements referred to in subsection (a).

(3) Until the determination referred to in paragraph (2) is made, the Secretary shall continue to use, as military family housing, the housing units that are to be demolished as a result of an easement becoming effective.

(c) FUNDING.—(1) The Secretary may use not more than $2,300,000 of the amount appropriated pursuant to the authorization contained in section 2115(a)(7)(A) for payment in connection with the construction of replacement family housing units required by subsection (b).

(2) The Secretary may make available amounts for the construction of such replacement family housing units at the times specified in the agreements referred to in subsection (a).

(3) The Secretary may not make any funds available under this section for the demolition of existing facilities on the land on which easements are granted or for the replacement of any facilities other than family housing facilities.

SEC. 2186. POSTAL FACILITIES

Sections 4779 and 9779 of title 10, United States Code, are each amended—

(1) by striking out subsection (b); and

(2) by redesignating subsection (c) as subsection (b).

SEC. 2186A. STUDY OF NEEDS OF DEPENDENTS' EDUCATIONAL FACILITIES ON MILITARY INSTALLATIONS

(A) IN GENERAL.—The Secretary of Defense and the Secretary of Education shall conduct a joint study for the purposes of determining the needs for construction, extension, remodeling, and rehabilitation of dependent's educational facilities on military installations in the United States and shall develop a joint policy to meet those needs.

(b) REPORT.—(1) Not later than April 1, 1987, the Secretaries of Defense and Education shall submit to Congress a report containing—

(1) a description of the needs determined under subsection (a);

(2) the joint policy developed to meet such needs; and

(3) any recommendations for legislation the Secretaries consider necessary or appropriate to meet such needs.

SEC. 2186B. MULTIFUEL SOURCES FOR NEW HEATING SYSTEMS AT MILITARY INSTALLATIONS

(a) IN GENERAL.—Section 2690 of title 10, United States Code, is amended to read as follows:

"§ 2690. Multifuel sources for new heating systems.

"(a) Except as provided in subsection (b), each new heating or cogeneration system which is installed or constructed at any military installation located on lands under the jurisdiction of a military department and which requires 100 million British thermal units input per hour or more shall have multiple fuel capability. The primary and secondary fuel capability of any such system shall be a fuel from the solid fuel group or the liquid and gas hydrocarbon group (petroleum and natural gas). The fuel capability of a new heating or cogeneration system shall be determined on the basis of life cycle costs and availability of fuels.

"(b) In any case in which local restrictions or costs make the installation or construction of solid or dual fuel equipment infeasible, the Secretary concerned may waive the requirement of subsection (a), but such waiver shall not become effective until after the Secretary concerned has notified the appropriate committees of Congress in writing of the waiver and the reasons for exercising such waiver authority.

"(c) In this section, the term 'multiple fuel capability' means the capability of using two or more types of fuel.".

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of Chapter 159 of such title is amended by striking out the item relating to section 2690 and inserting in lieu thereof the following:

"2690. Multifuel sources for new heating systems.".

PART D—REAL PROPERTY TRANSACTIONS

SEC. 2187. LAND CONVEYANCE, FORT HUACHUCA, ARIZONA

(a) AUTHORITY TO CONVEY.—The Secretary of the Army (hereinafter in this section referred to as the "Secretary") is authorized to convey to the State of Arizona all right, title, and interest of the United States in and to approximately 26 acres of land which comprise a portion of Fort Huachuca, Arizona, and which border on State Highway 90 at Fort Huachuca. Such acres are located in the East half of Township 21 South, Range 20 East, Gila and Salt River Meridian.

(b) CONSIDERATION.—(1) In consideration for the conveyance authorized by subsection (a), the State of Arizona shall convey to the United States all right, title, and interest of the State in and to 1,536.47 acres of land owned by the State within the East Range at Fort Huachuca and to all mineral rights owned by the State in 12,943 acres located within the East Range at Fort Huachuca. Title to such land and mineral rights shall be conveyed free and clear of encumbrances and third party interests except to the extent waived by the Secretary.

(2) If the fair market value of the lands conveyed by the Secretary under subsection (a) exceeds the fair market value of the lands and mineral interests conveyed to the United States under subsection (b), as determined by the Secretary, the State shall pay the difference to the United States. Any funds received under this subsection shall be covered into the general fund of the Treasury.

(c) AUTHORITY TO SELL ADDITIONAL ACREAGE.—(1) In addition to the acreage authorized to be conveyed under subsection (a), the Secretary is authorized to sell, subject to paragraphs (2) and (3), all right, title, and interest of the United States in and to approximately 203 acres of land (designated by the Secretary) comprising a portion of Fort Huachuca, Arizona.

(2) The sale of the land referred to in paragraph (1) shall be conducted in accordance with competitive bidding procedures prescribed in section 2304 of title 10, United States Code. In no event may the land be sold for less than the fair market value thereof. The fair market value of the property shall be established by an appraisal approved by the Secretary.

(3) If the fair market value of the lands and mineral rights conveyed to the United States pursuant to subsection (b) exceeds the fair market value of the lands conveyed by the United States pursuant to subsection (a), the Secretary may use the proceeds of the sale under paragraph (1) to pay the difference in value to the State of Arizona. Any proceeds of the sale not used for such purposes shall be covered into the general fund of the Treasury.

(d) LEGAL DESCRIPTION OF LANDS.—The exact acreage and legal descriptions of any property conveyed or acquired under this section shall be based upon surveys which are satisfactory to the Secretary.

(e) ADDITIONAL TERMS.—The Secretary may require such additional terms and conditions in connection with the transactions authorized by this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2188. LAND CONVEYANCE, MARCH AIR FORCE BASE, CALIFORNIA

(a) AUTHORITY TO SELL.—Subject to subsections (b) through (g), the Secretary of the Air Force (hereafter in this section referred to as the "Secretary") may sell all or any portion of a tract of land (together with improvements thereon), comprising a portion of March Air Force Base, California, known as West March and consisting of 845 acres, more or less.

(b) CONDITIONS OF SALE.—The Secretary shall require as a condition of the sale of the property referred to in subsection (a) that the purchaser—

(1) agree to construct on Government-owned land at March Air Force Base, at the expense of the purchaser, in accordance with standards and specifications prescribed by the Secretary, a noncommissioned officers professional education center, a band center, and an addition to, or an alteration of, a combat operations center; and

(2) submit to the Secretary a master plan for the development of the land referred to in subsection (a) that (A) is consistent (as determined by the Secretary) with the Air Installations Compatible Use Zone recommendations of the Air Force, (B) is consistent (as determined by the Secretary) with the future plans of the Air Force for March Air Force Base and the plan for development of Air Force Village West; and (C) is acceptable to the appropriate local government officials of the city and county of Riverside, California.

(c) COMPETITIVE BID REQUIREMENT; MINIMUM SALE PRICE.—(1) The sale of any of the land referred to in subsection (a) shall be carried out under competitive contracting procedures.

(2) In no event may property referred to in subsection (a) be sold for less than fair market value of such property. The value of the property to be conveyed and the consideration to be received shall be determined by appraisals approved by the Secretary. Such appraisals may, in the Secretary's discretion, be paid for from any deposit made by the prospective purchaser or be reimbursed out of such deposit to the fund available for such purposes in the fiscal year reimbursement is made. Any portion of the deposit used to fund or reimburse the cost of appraisals shall be nonrefundable.

(d) REPORT REQUIREMENTS.—(1) The Secretary may not enter into any contract for the sale of any or all of the land referred to in subsection (a) unless—

(A) the Secretary has submitted a report to the appropriate committees of Congress containing the information required in section 2667a(b) of title 10, United States Code; and

(B) a period of 21 days has expired following the date on which the report referred to in such section is received by those committees.

(2) Any report submitted under paragraph (1) shall include—

(A) a description of the price and terms agreed to with the successful bidder; and

(B) a description of the procedures used in selecting a buyer for the land.

(e) USE OF EXCESS FUNDS.—If the fair market value of the property to be conveyed to a purchaser is greater than the fair market value of the facilities to be constructed by the purchaser for the United States, the difference in cash shall be deposited into the general fund of the Treasury.

(f) LEGAL DESCRIPTION OF LAND.—The exact acreage and legal description of the land to be conveyed under this section shall be determined by surveys approved by the Secretary. Such surveys shall be provided by the purchaser or paid for by the Secretary from a deposit made by the prospective purchaser at the time of award. Any portion of the deposit used for surveys shall be nonrefundable.

(g) ADDITIONAL TERMS.—The Secretary may require such additional terms and conditions in connection with any transaction authorized by this section as the Secretary considers appropriate to protect the interests of the United States.

(h) ADDITIONAL AUTHORITY.—The military construction authorized under this section is in addition to any other construction authorized by law.

SEC. 2189. LAND EXCHANGE, LONG BEACH NAVAL STATION, CALIFORNIA

(a) AUTHORITY TO EXCHANGE.—Subject to subsections (b) through (d), the Secretary of the Navy may exchange approximately 16 acres of real property (and improvements thereon) adjacent to Admiral Kidd Park which constitute a portion of the Long Beach Naval Station, California, to the city of Long Beach, California, in exchange for real property (and improvements thereon) located on Hill Street, between Webster Avenue and the Terminal Island Freeway, in Long Beach, California.

(b) CONDITION.—If the fair market value of the real property and improvements conveyed to the city under subsection (a) exceeds the fair market value of the real property and improvements conveyed to the United States, the city shall pay the difference to the United States, and the Secretary shall deposit any funds received under this subsection into the general fund of the Treasury.

(c) LEGAL DESCRIPTION OF LAND.—The exact acreage and legal description of the real property exchanged under this section shall be in accordance with surveys that are satisfactory to the Secretary. The cost of such surveys shall be borne by the city of Long Beach.

(d) ADDITIONAL TERMS.—The Secretary may require such additional terms and conditions under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2190. LAND CONVEYANCE, WHITTIER NARROWS DAM, LOS ANGELES COUNTY, CALIFORNIA

(a) AUTHORITY TO SELL OR EXCHANGE LAND.—The Secretary of the Army (hereafter in this section referred to as the "Secretary") is authorized to sell or exchange approximately 7.44 acres of land within the Whittier Narrows Flood Control Basin and located north of Rush Street and east of Walnut Grove Avenue in Los Angeles County, California.

(b) SALE OR EXCHANGE REQUIREMENT.—In no event may the land described in subsection (a) and more fully described in subsection (e) be sold or exchanged for less than the fair market value thereof.

(c) CONSIDERATION.—In consideration for the sale or exchange authorized in subsection (a), the Secretary may accept cash or may accept land in the Los Angeles area, or both.

(d) PROCEEDS OF SALE.—Any funds received by the Secretary under this section shall be deposited into the general fund of the Treasury.

(e) LEGAL DESCRIPTION OF LAND.—The real property referred to in subsection (a) is a tract of land containing approximately 7.44 acres, more or less, located on Whittier Narrows Flood Control Basin, Los Angeles County, California. The property comprises those portions of Lot A of Tract No. 3260, as per the map recorded in Book 34 of Maps, page 21, in the office of the Los Angeles County Recorder and that portion of Lots 27 and 28 of Tract No. 830, as per the map recorded in Book 16 of Maps, page 117, in the office of the County Recorder and more particularly described as follows:

Beginning at the Southeast corner of such Lot A; thence along the south line of such lot North 89° 50′ 27″ West (northerly line of Rush Avenue) 184.93 feet; thence North 17° 25′ 47″ East 439.37 feet; thence North 36° 48′ 56″ East 366.03 feet; thence South 0° 04′ 01″ East 868.23 feet more or less to the northerly line of Rush Avenue; thence westerly along the north line of Rush Avenue to the point of beginning.

(f) RESERVATIONS.—(1) The land shall be conveyed subject to a perpetual flowage easement in favor of the United States.

(2) The Secretary shall convey the land subject to an agreement by the purchaser to permit the County of Los Angeles to utilize the conveyed premises for the parking of automobiles in connection with recreation activities at Whittier Narrows Golf Course on weekends, holidays, and on such other days as may be specified from time to time by the Secretary.

(g) ADDITIONAL TERMS.—The Secretary may require such additional terms and conditions with respect to the conveyance as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2191. LAND EXCHANGE, SANTA FE, NEW MEXICO

(a) AUTHORITY TO CONVEY.—(1) Subject to subsections (b) through (f), the Secretary of the Army (hereinafter in this section referred to as the "Secretary") is authorized to make the conveyances described in paragraphs (2) and (3).

(2) The Secretary is authorized to convey to the city of Santa Fe, New Mexico (hereinafter in this section referred to as the "City"), all right, title, and interest of the United States in and to the southernmost 27.88 acres, more or less, of the parcel of land conveyed to the State of New Mexico in accordance with the Act of June 19, 1956 (70 Stat. 296). Such 27.88 acre parcel is currently being leased to the City as a public park.

(3) The Secretary is also authorized to convey to the New Mexico State Armory Board (hereinafter in this section referred to as the "Board"), all right, title, and interest of the United States in and to the northernmost 21.61 acres, more or less, of the parcel of land conveyed to the State of New Mexico in accordance with the Act of June 19, 1956 (70 Stat. 296). Such 21.61 acre parcel currently comprises the State headquarters and other facilities of the New Mexico National Guard.

(b) CONDITIONS.—The lands conveyed by the Secretary under subsection (a) shall be subject to the following conditions:

(1) That the City shall, in accordance with the agreement entered into under subsection (d), provide to the Board a site of not less than 250 acres determined by the Board to be acceptable for the construction of—

(A) an armory for all New Mexico National Guard units located in Santa Fe, New Mexico;

(B) an organizational maintenance shop;

(C) a United States property and fiscal office building and warehouse;

(D) a headquarters complex for the New Mexico National Guard;

(E) a local training area for the New Mexico National Guard units;

(F) a complex for the New Mexico Army National Guard officer candidate school and noncommissioned officer academy; and

(G) additional facilities specified by the National Guard Bureau or the New Mexico State Armory Board.

(2) That the Board shall use the land provided to it by the City pursuant to paragraph (1) for the training and support of the National Guard of New Mexico, and for other military purposes, and that if the site ever ceases to be used for such purposes, all right, title, and interest in and to such property shall revert to and become the property of the United States which shall have the immediate right of entry thereon.

(c) MINERAL RIGHTS.—The conveyances made by the Secretary under subsection (a) shall reserve all mineral rights, including oil and gas, to the United States in accordance with the Act of June 19, 1956 (70 Stat. 296).

(d) GENERAL AUTHORITY.—In order to implement the land exchange authorized by this section, the Secretary is authorized to enter into agreements with the City, the Board, and such other parties the Secretary determines are necessary to effectuate the purpose of this section.

(e) LEGAL DESCRIPTION OF LANDS.—The exact acreage and legal description of the site provided by the City to the Board in accordance with subsection (b) shall be determined by surveys that are satisfactory to the Secretary. The cost of any such surveys shall be borne by the City or the Board.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such other terms and conditions with respect to the transaction authorized by this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2192. COMMUNITY PLANNING ASSISTANCE

The Secretary of Defense may use funds appropriated to the Department of Defense for fiscal year 1987 to provide planning assistance to local communities if the Secretary determines that the financial resources available to the community (by grant or otherwise) are inadequate. The Secretary may use such funds to assist communities located near homeports proposed under the Naval Strategic Dispersal Program at Ingleside, Texas, and other Gulf Coast sites. For fiscal year 1987, not to exceed $200,000 may be used for this purpose at Gulf Coast sites.

SEC. 2193. RELEASE OF CERTAIN USE RIGHTS HELD BY THE UNITED STATES

(a) IN GENERAL.—The Administrator of General Services shall release to the Virginia Port Authority, an instrumentality of the Commonwealth of Virginia, all residuary rights of use held by the United States in three warehouses located in the city of Norfolk, Virginia, within the area operated as a public port facility and known as the Norfolk International Terminals.

(b) TIME LIMITATION; COMPENSATION.—The Administrator of General Services shall execute such documents and take such other actions as may be necessary to release, within 180 days after the date of the enactment of this Act, the rights referred to in subsection (a). The release shall be made without any compensation in addition to compensation paid to the United States for such warehouses and other facilities by the city of Norfolk, Virginia, in 1968.

SEC. 2194. LEASE OF PROPERTY AT THE NAVAL WEAPONS STATION, CHARLESTON, SOUTH CAROLINA

(a) IN GENERAL.—The Secretary of the Navy is authorized to lease to the South Carolina Ports Authority approximately 118 acres of land, together with improvements thereon, at the Naval Weapons Station, Charleston, South Carolina.

(b) TERM OF LEASE.—The lease entered into under subsection (a) may be for such term as the Secretary determines appropriate, but in no event to exceed 25 years.

(c) CONSIDERATION.—In addition to the fair rental value to be paid by the South Carolina Ports Authority for the premises leased pursuant to this section, such Authority shall pay for the cost of replacing certain facilities on the leased premises. The replacement facilities shall be constructed in a manner and at a site determined by the Secretary.

(d) AUTHORITY TO DEMOLISH AND CONSTRUCT FACILITIES.—The Secretary may, under the terms of the lease, authorize the South Carolina Ports Authority to demolish existing facilities on the leased land and to construct new facilities on such land for the use of such Authority.

## DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AND MILITARY APPLICATIONS OF NUCLEAR ENERGY AUTHORIZATION

SEC. 3101. SHORT TITLE

This division may be cited as the "National Security Programs Authorization Act for Fiscal Year 1987".

## TITLE I—NATIONAL SECURITY PROGRAMS

SEC. 3111. OPERATING EXPENSES

Funds are authorized to be appropriated to the Department of Energy for fiscal year 1987 for operating expenses incurred in carrying out national security programs (including scientific research and development in support of the Armed Forces, strategic and critical materials necessary for the common defense, and military applications of nuclear energy and related management and support activities) as follows:

(1) For weapons activities, $3,603,379,000.

(2) For materials production, $1,563,390,000.

(3) For defense waste and byproducts management, $455,050,000.

(4) For verification and control technology, $95,500,000.

(5) For nuclear safeguards and security, $61,100,000.

(6) For security investigations, $33,300,000.

(7) For naval reactors development, $509,800,000.

SEC. 3112. PLANT AND CAPITAL EQUIPMENT

Funds are authorized to be appropriated to the Department of Energy for fiscal year 1987 for plant and capital equipment (including planning, construction, acquisition, and modification of facilities, land acquisition related thereto, and acquisition and fabrication of capital equipment not related to construction) necessary for national security programs as follows:

(1) For weapons activities:

Project 87-D-101, general plant projects, various locations, $29,000,000.

Project 87-D-121, general plant projects, various locations, $32,000,000.

Project 87-D-104, safeguards and security enhancements, phase II, Lawrence Livermore National Laboratory, Livermore, California, $2,000,000.

Project 87-D-123, protective clothing decontamination facility, Rocky Flats Plant, Golden, Colorado, $500,000.

Project 87-D-130, receiving and shipping facility, Pinellas Plant, Saint Petersburg, Florida, $300,000.

Project 86-D-103, decontamination and waste treatment facility, Lawrence Livermore National Laboratory, Livermore, California, $0, for a total project authorization of $3,700,000.

Project 86-D-104, strategic defense facility, Sandia National Laboratories, Albuquerque, New Mexico, $13,000,000, for a total project authorization of $17,000,000.

Project 86-D-105, instrumentation systems laboratory, Sandia National Laboratories, Albuquerque, New Mexico, $5,800,000, for a total project authorization of $12,000,000.

Project 86-D-106, laboratory data communications center, Los Alamos National Laboratory, Los Alamos, New Mexico, $12,000,000, for a total project authorization of $15,000,000.

Project 86-D-122, structural upgrade of existing plutonium facilities, Rocky Flats Plant, Golden, Colorado, $0, for a total project authorization of $3,000,000.

Project 86-D-123, environmental hazards elimination, various locations, $0, for a total project authorization of $8,700,000.

Project 86-D-124, safeguards and site security upgrading, phase II, Mound Plant, Miamisburg, Ohio, $1,880,000, for a total project authorization of $4,880,000.

Project 86-D-125, safeguards and site security upgrade, phase II, Pantex Plant, Amarillo, Texas, $8,410,000, for a total project authorization of $9,910,000.

Project 86-D-130, Tritium loading facility replacement, Savannah River Plant, Aiken, South Carolina, $29,700,000, for a total project authorization of $34,700,000.

Project 85-D-102, nuclear weapons research, development, and testing facilities revitalization, phase I, various locations, $29,950,000, for a total project authorization of $130,750,000.

Project 85-D-103, safeguards and security enhancements, Lawrence Livermore National Laboratory and Sandia National Laboratories, Livermore, California, $6,500,000, for a total project authorization of $27,600,000.

Project 85-D-105, combined device assembly facility, Nevada Test Site, Las Vegas, Nevada, $9,400,000, for a total project authorization of $24,000,000.

Project 85-D-106, hardened engineering test building, Lawrence Livermore National Laboratory, Livermore, California, $330,000, for a total project authorization of $3,030,000.

Project 85-D-112, enriched uranium recovery improvements, Y-12 Plant, Oak Ridge, Tennessee, $19,000,000, for a total project authorization of $38,800,000.

Project 85-D-113, powerplant and steam distribution system, Pantex Plant, Amarillo, Texas, $1,790,000, for a total project authorization of $24,790,000.

Project 85-D-115, renovate plutonium building utility systems, Rocky Flats Plant, Golden, Colorado, $13,440,000, for a total project authorization of $34,040,000.

Project 85-D-121, air and water pollution control facilities, Y-12 Plant, Oak Ridge, Tennessee, $0, for a total project authorization of $19,000,000.

Project 85-D-125, tactical bomb production facilities, various locations, $12,800,000, for a total project authorization of $28,800,000.

Project 84-D-102, radiation-hardened integrated circuit laboratory, Sandia National Laboratories, Albuquerque, New Mexico, $3,000,000, for a total project authorization of $40,500,000.

Project 84-D-107, nuclear testing facilities revitalization, various locations, $13,300,000, for a total project authorization of $79,240,000.

Project 84-D-112, Trident II warhead production facilities, various locations, $14,500,000, for a total project authorization of $155,200,000.

Project 84-D-113, Antisubmarine Warfare/Standoff Weapon Warhead production facilities, various locations, $0, and not more than $5,000,000 of the funds authorized for such project in fiscal year 1986 may be obligated or expended for such project, for a total project authorization of $5,000,000.

Project 84-D-124, environmental improvements, Y-12 Plant, Oak Ridge, Tennessee, $0, for a total project authorization of $29,000,000.

Project 84-D-211, safeguards and site security upgrading, Y-12 Plant, Oak Ridge, Tennessee, $27,220,000, for a total project authorization of $50,220,000.

Project 82-D-107, utilities and equipment restoration, replacement, and upgrade, phase III, various locations, $97,904,000, for a total project authorization of $838,304,000.

Project 82-D-144, simulation technology laboratory, Sandia National Laboratories, Albuquerque, New Mexico, $6,000,000, for a total project authorization of $40,000,000.

(2) For materials production:

Project 87-D-146, general plant projects, various locations, $35,980,000.

Project 87-D-149, reduced chemical discharges to process sewers, Richland, Washington, $3,150,000.

Project 87-D-159, environmental, health, and safety improvements, phase I, Feed Materials Production Center, Fernald, Ohio, $10,000,000.

Project 86-D-149, productivity retention program, phases I and II, various locations, $71,625,000, for a total project authorization of $95,825,000.

Project 86-D-150, in-core neutron monitoring system, N reactor, Richland, Washington, $2,760,000, for a total project authorization of $7,220,000.

Project 86-D-151, PUREX electrical system upgrade, Richland, Washington, $3,780,000, for a total project authorization of $6,280,000.

Project 86-D-152, reactor electrical distribution system, Savannah River, South Carolina, $8,410,000, for a total project authorization of $10,410,000.

Project 86-D-153, additional line III furnace, Savannah River, South Carolina,

$7,605,000, for a total project authorization of $9,105,000.

Project 86-D-154, effluent treatment facility, Savannah River, South Carolina, $0, for a total project authorization of $2,500,000.

Project 86-D-156, plantwide safeguards systems, Savannah River, South Carolina, $13,610,000, for a total project authorization of $16,610,000.

Project 86-D-157, hydrofluorination system—FB-line, Savannah River, South Carolina, $2,310,000, for a total project authorization of $4,510,000.

Project 85-D-139, fuel processing restoration, Idaho Fuels Processing Facility, Idaho National Engineering Laboratory (INEL), Idaho, $36,530,000, for a total project authorization of $58,530,000.

Project 85-D-140, productivity and radiological improvements, Feed Materials Production Center, Fernald, Ohio, $23,500,000, for a total project authorization of $41,500,000.

Project 85-D-145, fuel production facility, Savannah River, South Carolina, $33,500,000, for a total project authorization of $59,300,000.

Project 84-D-134, safeguards and security improvements, plantwide, Savannah River, South Carolina, $7,515,000, for a total project authorization of $34,415,000.

Project 84-D-135, process facility modifications, Richland, Washington, $34,475,000, for a total project authorization of $66,975,000.

Project 84-D-136, enriched uranium conversion facility modifications, Y-12 Plant, Oak Ridge, Tennessee, $1,000,000, for a total project authorization of $20,600,000.

Project 82-D-124, restoration of production capabilities, phases II, III, IV, and V, various locations, $3,511,000, for a total project authorization of $352,045,000.

(3) For defense waste and byproducts management:

Project 87-D-171, general plant projects, interim waste operations and long-term waste management technology, various locations, $26,535,000.

Project 87-D-172, WESF K-3 filter upgrade, Richland, Washington, $500,000.

Project 87-D-173, 242-A evaporator crystallizer upgrade, Richland, Washington, $2,800,000.

Project 87-D-174, 241-AQ tank farm, Richland, Washington, $2,100,000.

Project 87-D-175, steam system rehabilitation, phase I, Richland, Washington, $900,000.

Project 87-D-177, test reactor area liquid radioactive waste cleanup system, phase III, Idaho National Engineering Laboratory (INEL), Idaho, $700,000.

Project 87-D-180, burial ground expansion, Savannah River, South Carolina, $6,300,000.

Project 87-D-181, diversion box and pump pit containment buildings, Savannah River, South Carolina, $1,360,000.

Project 86-D-172, B-plant F-filter, Richland, Washington, $2,949,000, for a total project authorization of $3,949,000.

Project 86-D-174, low-level waste processing and shipping system, Feed Materials Production Center, Fernald, Ohio, $9,872,000, for a total authorization of $12,372,000.

Project 86-D-175, Idaho National Engineering Laboratory security upgrade, Idaho National Engineering Laboratory (INEL), Idaho, $7,258,000, for a total project authorization of $9,258,000.

Project 85-D-158, central warehouse upgrade, Richland, Washington, $1,044,000, for a total project authorization of $6,744,000.

Project 85-D-159, new waste transfer facilities, Savannah River, South Carolina, $7,318,000, for a total project authorization of $27,318,000.

Project 85-D-160, test reactor area security system upgrade, Idaho National Engineering Laboratory (INEL), Idaho, $2,703,000, for a total project authorization of $6,953,000.

Project 81-T-105, defense waste processing facility, Savannah River, South Carolina, $123,967,000, for a total project authorization of $721,467,000.

(4) For verification and control technology:

Project 85-D-171, space science laboratory, Los Alamos, New Mexico, $2,000,000, for a total project authorization of $7,500,000.

(5) For naval reactors development:

Project 87-N-101, general plant projects, various locations, $4,800,000.

Project 87-N-102, Kesselring site facilities upgrade, Knolls Atomic Power Laboratory, West Milton, New York, $5,000,000.

Project 87-N-103, computation laboratory addition, Bettis Atomic Power Laboratory, West Mifflin, Pennsylvania, $2,300,000.

(6) For capital equipment not related to construction—

(A) for weapons activities, $287,870,000;

(B) for materials production, $126,090,000;

(C) for defense waste and byproducts management, $37,805,000;

(D) for verification and control technology, $4,200,000;

(E) for nuclear safeguards and security, $4,800,000; and

(F) for naval reactors development, $51,700,000.

SEC. 3113. UNDISTRIBUTED REDUCTIONS

(a) TOTAL AUTHORIZATION.—Notwithstanding sections 3111 and 3112, the total amount authorized to be appropriated to the Department of Energy in this division for national security programs is $7,425,225,000.

(b) REQUIREMENT FOR PROJECT REDUCTIONS.—The Secretary of Energy shall reduce such projects listed in sections 3111 and 3112 in such amounts as he determines appropriate to achieve a total reduction of $300,000,000.

SEC. 3114. BALANCED TECHNOLOGY INITIATIVE

(a) LIMITATION ON FUNDS FOR SDI.—Of the funds authorized to be appropriated in sections 3111 and 3112, not more than $356,000,000 shall be available for research, development, test, and evaluation, and other purposes, in connection with the Strategic Defense Initiative program.

(b) CONVENTIONAL MUNITIONS.—(1) Of the funds authorized to be appropriated in section 3111—

(A) $24,000,000 shall be available to Department of Energy laboratories only for research on advanced conventional munitions and warhead concepts; and

(B) $10,000,000 shall be available only to provide methodological support to the Office of Munitions of the Department of Defense.

(2) In achieving the reduction required to be made under section 3113(b), the Secretary of Energy may not apply any reduction to the amount of funds made available for the purposes specified in paragraph (1) of this subsection.

## TITLE II—GENERAL PROVISIONS

### PART A—RECURRING GENERAL PROVISIONS

SEC. 3121. REPROGRAMMING

(a) NOTICE TO CONGRESS.—Except as otherwise provided in this division—

(1) no amount appropriated pursuant to this division may be used for any program in excess of 105 percent of the amount authorized for that program by this division or $10,000,000 more than the amount authorized for that program by this division, whichever is the lesser, and

(2) no amount appropriated pursuant to this division may be used for any program which has not been presented to, or requested of, the Congress,

unless a period of 30 calendar days (not including any day on which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) has passed after receipt by the appropriate committees of Congress of notice from the Secretary of Energy (hereinafter in this title referred to as the "Secretary") containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or unless each such committee before the expiration of such period has transmitted to the Secretary written notice to the effect that such committee has no objection to the proposed action.

(b) LIMITATION ON AMOUNT OBLIGATED.—In no event may the total amount of funds obligated pursuant to this division exceed the total amount authorized to be appropriated by this title.

SEC. 3122. LIMITS ON GENERAL PLANT PROJECTS

(a) IN GENERAL.—The Secretary may carry out any construction project under the general plant projects provisions authorized by this division if the total estimated cost of the construction project does not exceed $1,200,000.

(b) REPORT TO CONGRESS.—If at any time during the construction of any general plant project authorized by this division, the estimated cost of the project is revised because of unforeseen cost variations and the revised cost of the project exceeds $1,200,000, the Secretary shall immediately furnish a complete report to the appropriate committees of Congress explaining the reasons for the cost variation.

SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS

(a) IN GENERAL.—Whenever the current estimated cost of a construction project, which is authorized by section 3112 of this division, or which is in support of national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent the higher of—

(1) the amount authorized for the project; or

(2) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to Congress,

construction may not be started or additional obligations incurred in connection with the project above the total estimated cost, as the case may be, unless a period of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three days to a day certain) has passed after receipt by the appropriate committees of the Congress of written notice from the Secretary containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of the action, or unless each committee before the expiration of such period has notified the Secretary it has no objection to the proposed action.

(b) EXCEPTION.—Subsection (a) shall not apply to any construction project which has

a current estimated cost of less than $5,000,000.

SEC. 3124. FUND TRANSFER AUTHORITY

To the extent specified in appropriation Acts, funds appropriated pursuant to this division may be transferred to other agencies of the Government for the performance of the work for which the funds were appropriated, and funds so transferred may be merged with the appropriations of the agency to which the funds are transferred.

SEC. 3125. AUTHORITY FOR EMERGENCY CONSTRUCTION DESIGN

In addition to the advance planning and construction design authorized by section 3112 of this division, the Secretary may perform planning and design utilizing available funds for any Department of Energy national security program construction project whenever the Secretary determines that the design must proceed expeditiously in order to meet the needs of national defense or to protect property or human life.

SEC. 3126. FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY

Subject to the provisions of appropriation Acts, amounts appropriated pursuant to this division for management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

SEC. 3127. AVAILABILITY OF FUNDS

When so specified in an appropriation Act, amounts appropriated for "Operating Expenses" or for "Plant and Capital Equipment" may remain available until expended.

PART B—MISCELLANEOUS PROVISION

SEC. 3131. COMPLIANCE WITH ENVIRONMENTAL REQUIREMENTS

Notwithstanding any other provision of law, none of the funds appropriated pursuant to an authorization in this or any other Act may be used to pay any penalty, fine, forfeiture, or settlement, or to perform any work or services requested by another department or agency of the Federal Government or of any agency of a State or local government for any failure by the Department of Energy to comply with an environmental requirement in connection with any defense activity or any defense related facility in excess of the amount specifically appropriated to the Department of Energy to comply with such environmental requirement.

SEC. 3132. IMPLEMENTATION OF THE RECOMMENDATIONS OF THE PRESIDENT'S BLUE RIBBON TASK GROUP ON NUCLEAR WEAPONS PROGRAM MANAGEMENT

(a) ESTABLISHMENT OF COUNCIL.—Chapter 7 of title 10, United States Code, is amended by adding at the end the following new section:

"(2) The Vice Chairman of the Joint Chiefs of Staff.

"(3) One senior representative of the Department of Energy appointed by the Secretary of Energy.

"(b)(1) Except as provided in paragraph (2), the Chairman of the Council shall be the member appointed under subsection (a)(1).

"(2) A meeting of the Council shall be chaired by the representative appointed under subsection (a)(3) whenever the matter under consideration is within the primary responsibility or concern of the Department of Energy, as determined by majority vote of the Council.

"(c)(1) The Secretary of Defense and the Secretary of Energy shall enter into an agreement with the Council to furnish necessary staff and administrative services to the Council.

"(2) The Assistant to the Secretary of Defense for Atomic Energy shall be the Staff Director of the Council.

"(d)(1) The Council shall be responsible for the following matters:

"(A) Preparing the annual Nuclear Weapons Stockpile Memorandum.

"(B) Developing nuclear weapons stockpiles options and the costs of such options.

"(C) Coordinating programming and budget matters pertaining to nuclear weapons programs between the Department of Defense and the Department of Energy.

"(D) Identifying various options for cost-effective schedules for nuclear weapons production.

"(E) Considering safety, security, and control issues for existing weapons and for proposed new weapon program starts.

"(F) Ensuring that adequate consideration is given to design, performance, and cost tradeoffs for all proposed new nuclear weapons programs.

"(G) Providing broad guidance regarding priorities for research on nuclear weapons.

"(H) Preparing comments on annual proposals for budget levels for research on nuclear weapons and transmitting those comments to the Secretary of Defense and the Secretary of Energy before the preparation of the annual budget requests by the Secretaries of those departments.

"(I) Providing—

"(i) broad guidance regarding priorities for research on improved conventional weapons, and

"(ii) comments on annual proposals for budget levels for research on improved conventional weapons,

"and transmitting such guidance and comments to the Secretary of Defense before the preparation of the annual budget request of the Department of Defense.

"(e) The Council shall submit to the Committees on Armed Services and on Appropriations of the Senate and the House of Representatives a report on the actions that have been taken by the Department of Defense and the Department of Energy to implement the recommendations of the President's Blue Ribbon Task Group on Nuclear Weapons Program Management. The Council shall include in such report its recommendations on the role and composition of the staff of the Council. The Council shall submit such report to the Committees not later than March 1, 1987.".

(f) CONFORMING AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"179. The Nuclear Weapons Council.".

(g) CHAIRMAN OF JCS TO SERVE ON COUNCIL IF THERE IS NO VICE CHAIRMAN OF JCS.—If on the date of the enactment of this section the position of Vice Chairman of the Joint Chiefs of Staff, or comparable position, has not been established by law, the Chairman of the Joint Chiefs of Staff shall be a member of the Nuclear Weapons Council established by section 179 of title 10, United States Code, as added by subsection (a). If the position of Vice Chairman of the Joint Chiefs of Staff (or comparable position) is established by law after the date of the enactment of this section, the Chairman of the Joint Chiefs of Staff shall remain a member of such Council only until an individual has been appointed Vice Chairman of the Joint Chiefs of Staff.

(h) REPEAL.—Section 26 of the Atomic Energy Act of 1946 (42 U.S.C. 2037) is repealed.

SEC. 3133. REPORT BY SECRETARY OF ENERGY

The Secretary of Energy shall submit a report to the Committees on Armed Services of the Senate and the House of Representatives on the costs and safety factors involved in constructing adequate containment facilities for nuclear reactors of the Department of Energy compared with the costs and safety factors involved in constructing a new production reactor.

SEC. 3134. EXTENSION OF DATE FOR CERTAIN CONTRACT AUTHORITY

Section 94 of the Atomic Energy Community Act of 1955 (42 U.S.C. 2394) is amended by striking out "June 30, 1986" and inserting in lieu thereof "June 30, 1996".

## DIVISION E—BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION PROGRAM

SEC. 5100. SHORT TITLE

This division may be cited as the "Barry Goldwater Scholarship and Excellence in Education Act".

SEC. 5101. STATEMENT OF PURPOSES

The Congress finds that—

(1) Senator Barry Goldwater has served his country for 56 years as a soldier and statesman, including service in the United States Senate for a period of 30 years;

(2) Senator Goldwater has a distinguished record as Chairman of the Select Committee on Intelligence of the Senate and as Chairman of the Committee on Armed Services of the Senate; and

(3) Senator Goldwater has long maintained a special interest in the education of America's youth, particularly in the fields of science and mathematics; and

(4) it would, therefore, be a fitting tribute to the leadership, courage, and vision of Senator Goldwater to establish in his name a scholarship program to foster and encourage excellence in science and mathematics.

SEC. 5102. DEFINITIONS

In this division:

(1) The term "Foundation" means the Barry Goldwater Scholarship and Excellence in Education Foundation established under section 5103(a).

(2) The term "Board" means the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation established under section 5103(b).

(3) The term "fund" means the Barry Goldwater Scholarship and Excellence in Education Fund provided for under section 5108.

(4) The term "institution of higher education" means any such institution as defined by section 1201(a) of the Higher Education Act of 1965.

(5) The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, and, considered as a single entity, Guam, the Virgin Islands, American Samoa, the Trust Territories of the Pacific Islands, and the Commonwealth of the Northern Marianas.

(6) The term "eligible person" means a citizen or national of the United States or a permanent resident alien of the United States.

SEC. 5103. ESTABLISHMENT OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION

(a) There is established, as an independent establishment of the executive branch of the United States Government, the Barry

Goldwater Scholarship and Excellence in Education Foundation.

(b) The Foundation shall be subject to the supervision and direction of the Board of Trustees. The Board shall be composed of 13 members, as follows:

(1) Two members from the Senate, one appointed by the majority leader and one appointed by the minority leader of the Senate.

(2) Two members of the House of Representatives, one appointed by the majority leader and one appointed by the minority leader of the House of Representatives.

(3) Eight members, not more than four of whom shall be of the same political party, to be appointed by the President, by and with the advice and consent of the Senate, at least one of whom shall be a representative of the aerospace industry and at least one of whom shall be a representative of a private foundation concerned with aerospace education.

(4) The Secretary of Education, or his designee, who shall serve ex officio as a member of the Board but shall not be eligible to serve as Chairman.

(c) The term of office of each member of the Board shall be six years, except that (1) the members first taking office shall serve as designated by the President, four for terms of two years, five for terms of four years, and four for terms of six years, and (2) any member appointed to fill a vacancy shall serve for the remainder of the term for which his predecessor was appointed and shall be appointed in the same manner as the original appointment for that vacancy was made.

(d) Members of the Board shall serve without pay, but shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of their duties.

SEC. 5104. BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION AWARDS

(a)(1) The Foundation is authorized to award scholarships and fellowships to eligible persons for study in the fields of science and mathematics. Such scholarships and fellowships shall be awarded to persons as provided in this division who meet the minimum criteria established by the Foundation.

(2) Scholarships shall be awarded to outstanding undergraduate students who intend to pursue careers in mathematics and the natural sciences.

(3) Fellowships shall be awarded to outstanding graduate students who intend to pursue advanced degrees in mathematics and the natural sciences.

(4) The Foundation shall also award scholarships to eligible persons selected on the basis of nationwide competition.

(b) Recipients of scholarships and fellowships under this division shall be known as "Barry Goldwater Scholars".

(c)(1) The Foundation is authorized to award honoraria to outstanding educators, teachers, and persons who have volunteered to assist in secondary schools who have made significant contributions to improve the quality of instruction in mathematics and sciences in the secondary school as follows:

(a) To two such persons selected at large from each State.

(B) To one such person selected from each county in each State.

(2) The Board shall establish a schedule of honoraria to be awarded under paragraph (1).

(3) The Board shall adopt regulations which provide that persons affiliated with secondary schools on military reservations and with the dependent overseas school system shall be appropriately represented among those persons who receive awards under this division.

SEC. 5106. STIPENDS.

Each person awarded a scholarship or fellowship under this division shall receive a stipend which shall not exceed the cost to such person for tuition, fees, books, room and board, or such lesser amount as may be prescribed by the Board.

SEC. 5107. SCHOLARSHIP CONDITIONS

(a) A person awarded a scholarship under this division may receive payments authorized under this division only during such periods as the Foundation finds that the person is maintaining satisfactory proficiency and devoting full time to study or research and is not engaging in gainful employment other than employment approved by the Foundation pursuant to regulations of the Board.

(b) The Foundation is authorized to require reports containing such information in such form and to be filed at such times as the Foundation determines to be necessary from any person awarded a scholarship under this division. Such reports shall be accompanied by a certificate from an appropriate official at the institution of higher education, approved by the Foundation, stating that such person is making satisfactory progress in, and is devoting essentially full time to, study or research, except as otherwise provided in subsection (a).

SEC. 5108. BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FUND

(a) There is established in the Treasury of the United States a trust fund to be known as the Barry Goldwater Scholarship and Excellence and Education Fund. The fund shall consist of amounts appropriated to it pursuant to section 5112.

(b) It shall be the duty of the Secretary of the Treasury to invest in full the amounts appropriated to the fund. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose, such obligations may be acquired (1) on original issue at the issue price, or (2) by purchase of outstanding obligations at the market place. The purposes for which obligations of the United States may be issued under the Second Liberty Bond Act are hereby extended to authorize the issuance at par of special obligations exclusively to the fund. Such special obligations shall bear interest at a rate equal to the average rate of interest, computed as to the end of the calendar month next preceding the date of such issue, borne by all marketable interest-bearing obligations of the United States then forming a part of the public debt, except that where such average rate is not a multiple of ⅛ of 1 percent, the rate of interest of such special obligations shall be the multiple of ⅛ of 1 percent next lower than such average rate. Such special obligations shall be issued only if the Secretary determines that the purchases of other interest-bearing obligations of the United States, or of obligations guaranteed as to both principal and interest by the United States or original issue or at the market price, is not in the public interest.

(c) Any obligation acquired by the fund (except special obligations issued exclusively to the fund) may be sold by the Secretary at the market price, and such special obligations may be redeemed at par plus accrued interest.

(d) The interest on, and the proceeds from the sale or redemption of, any obligations held in the fund shall be credited to and form a part of the fund.

SEC. 5109. EXPENDITURES FROM THE FUND

(a) The Secretary of the Treasury is authorized to pay to the Foundation from the interest and earnings of the fund such sums as the Board determines are necessary and appropriate to enable the Foundation to carry out the purposes of this division.

(b) The activities of the Foundation under this division may be audited by the General Accounting Office under such rules and regulations as may be prescribed by the Comptroller General of the United States. Representatives of the General Accounting Office shall have access to all books, accounts, records, reports, and files and all other papers, things, or property belonging to or in use by the Foundation pertaining to such activities and necessary to facilitate the audit.

SEC. 5110. EXECUTIVE SECRETARY

(a) There shall be an Executive Secretary of the Foundation who shall be appointed by the Board. The Executive Secretary shall be the chief executive officer of the Foundation and shall carry out the functions of the Foundation subject to the supervision and direction of the Board. The Executive Secretary shall carry out such other functions consistent with the provisions of this division as the Board shall prescribe.

(b) The Executive Secretary of the Foundation shall be compensated at the rate specified for employees in grade GS-18 of the General Schedule under section 5332 of title 5, United States Code.

SEC. 5111. ADMINISTRATIVE PROVISIONS

(a) In order to carry out the provisions of this division, the Foundation is authorized to—

(1) appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this division, except that in no case may an employee other than the Executive Secretary be compensated at a rate to exceed the maximum rate provided for employees in grade GS-15 of the General Schedule under section 5332 of title 5, United States Code;

(2) procure temporary and intermittent services of experts and consultants as are necessary to the extent authorized by section 3109 of title 5, United States Code, but at rates not to exceed the rate specified at the time of such service for grade GS-18 under section 5332 of such title;

(3) prescribe such regulations as it considers necessary governing the manner in which its functions shall be carried out;

(4) receive money and other property donated, bequeathed, or devised, without condition or restriction other than it be used for the purposes of the Foundation, and to use, sell, or otherwise dispose of such property for the purpose of carrying out its functions;

(5) accept and utilize the services of voluntary and noncompensated personnel and for travel expenses, including per diem, as authorized by section 5703 of title 5, United States Code;

(6) enter into contracts or other arrangements, or make grants, to carry out the provisions of this division, and enter into such contracts or other arrangements, or make such grants, with the concurrence of two-thirds of the members of the Board, with-

out performance or other bonds and without regard to section 3709 of the Revised Statutes (41 U.S.C. 5);

(7) make advances, progress, and other payments which the Board considers necessary under this division without regard to the provisions of section 3324 of title 31, United States Code;

(8) rent office space in the District of Columbia; and

(9) make other necessary expenditures.

(b) The Foundation shall submit to the President and to Congress an annual report of its operations under this division.

SEC. 5112. APPROPRIATIONS AUTHORIZED

There are authorized to be appropriated to the Department of Defense $40,000,000 to be transferred to the Treasury for the fund.

## DIVISION F—CHILD NUTRITION

## TITLE I REAUTHORIZATION OF CHILD NUTRITION PROGRAMS

SEC. 6101. SUMMER FOOD SERVICE PROGRAM FOR CHILDREN

Section 13(p) of the National School Lunch Act (42 U.S.C. 1761(p)) is amended by striking out "1984" and inserting in lieu thereof "1989".

SEC. 6102 COMMODITY DISTRIBUTION PROGRAM

Section 14(a) of the National School Lunch Act (42 U.S.C. 1762a(a)) is amended by striking out "1984" and inserting in lieu thereof "1989".

SEC. 6103. STATE ADMINISTRATIVE EXPENSES

Section 17(i) of the Child Nutrition Act of 1966 (42 U.S.C. 1776(i)) is amended by striking out "1984" and inserting in lieu thereof "1989".

SEC. 6104. SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN

Section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) is amended—

(1) in subsection (c)(2) by striking out "Subject to" and all that follows through "1984" and inserting in lieu thereof "Subject to amounts appropriated to carry out this section under subsection (g)";

(2) in subsection (g)—

(A) by designating the first and second sentences as paragraphs (1) and (3), respectively; and

(B) by amending paragraph (1) (as so designated) to read as follows:

"(1) There are authorized to be appropriated to carry out this section $1,570,000,000 for the fiscal year ending September 30, 1986, such sums as may be necessary for each of the fiscal years ending September 30, 1987, and September 30, 1988, and $1,782,000,000 for the fiscal year ending September 30, 1989."; and

(3) in subsection (h)(2), by striking out "1984" and inserting in lieu thereof "1989".

SEC. 6105 NUTRITION EDUCATION AND TRAINING PROGRAM

The first sentence of section 19(j)(2) of the Child Nutrition Act of 1966 (42 U.S.C. 1788(j)(2)) is amended by striking out "1984" and inserting in lieu thereof "1989".

## TITLE II—SCHOOL LUNCH AND BREAKFAST PROGRAMS

SEC. 6201. BASIS OF COMMODITY ASSISTANCE

Section 6(b) of the National School Lunch Act (42 U.S.C. 1755(b)) is amended—

(1) in the first sentence, by striking out "May 15" and inserting in lieu thereof "June 1"; and

(2) in the second sentence, by striking out "June 15" and inserting in lieu thereof "July 1".

SEC. 6202. INCLUSION OF WHOLE MILK AS A SCHOOL LUNCH BEVERAGE.

Effective July 1, 1986, section 9(a) of the National School Lunch Act (42 U.S.C. 1758(a)) is amended—

(1) by designating the first, second, and third sentences as paragraphs (1), (3), and (4), respectively; and

(2) by inserting after paragraph (1) (as so designated) the following new paragraph:

"(2) In addition to such other forms of milk as the Secretary may determine, the lunches shall offer whole milk as a beverage.".

SEC. 6203. AUTOMATIC ELIGIBILITY FOR CERTAIN PROGRAMS.

Effective July 1, 1986, section 9(b) of the National School Lunch Act (42 U.S.C. 1758(b)) is amended by adding at the end thereof the following new paragraph:

"(6)(A) A child shall be considered automatically eligible for a free lunch and breakfast under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), respectively, without further application or eligibility determination, if the child is a member of—

"(i) a household receiving assistance under the food stamp program authorized under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.); or

"(ii) an AFDC assistance unit (under the aid to families with dependent children program authorized under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.)), in a State where the standard of eligibility for the assistance does not exceed 130 percent of the poverty line (as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))).

"(B) Proof of receipt of food stamps or aid to families with dependent children shall be sufficient to satisfy any verification requirement imposed under paragraph (2)(C).".

SEC. 6204. LIMITATION ON MEAL CONTRACTING.

Effective July 1, 1986, section 9 of the National School Lunch Act (42 U.S.C. 1758) is amended by adding at the end thereof the following new subsection:

"(e) A school or school food authority participating in a program under this Act may not contract with a food service company to provide a la carte food service unless the company agrees to offer free, reduced-price, and full-price reimbursable meals to all eligible children.".

SEC. 6205 CHANGE IN TUITION LIMITATION FOR PRIVATE SCHOOLS.

(a) SCHOOL LUNCH PROGRAMS.—Section 12(d)(5) of the National School Lunch Act (42 U.S.C. 1760(d)(5)) is amended—

(1) in clause (A) of the first sentence, by striking out "$1,500" and inserting in lieu thereof "$2,000"; and

(2) by adding at the end thereof the following new sentence: "On July 1, 1988, and each July 1 thereafter, the Secretary shall adjust the tuition limitation amount prescribed in clause (A) of the first sentence of this paragraph to reflect changes in the Consumer Price Index for All Urban Consumers during the most recent 12-month period for which the data is available.".

(b) SCHOOL BREAKFAST PROGRAMS.—Section 15(c) of the Child Nutrition Act of 1966 (42 U.S.C. 1784(c)) is amended—

(1) in clause (A) of the first sentence, by striking out "$1,500" and inserting in lieu thereof "$2,000"; and

(2) by adding at the end thereof the following new sentence: "On July 1, 1988, and each July 1 thereafter, the Secretary shall adjust the tuition limitation amount prescribed in clause (A) of the first sentence of this paragraph to reflect changes in the Consumer Price Index for All Urban Consumers during the most recent 12-month period for which the data is available.".

(c) APPLICATION.—(1) The amendments made by subsections (a)(1) and (b)(1) shall apply for the fiscal year beginning on October 1, 1986, and each school year thereafter.

(2) The amendments made by subsections (a)(2) and (b)(2) shall apply for the school year beginning on July 1, 1988, and each school year thereafter.

SEC. 6206. USE OF SCHOOL LUNCH FACILITIES FOR ELDERLY PROGRAMS

Section 12 of the National School Lunch Act (42 U.S.C. 1760) is amended by adding at the end thereof the following new subsection:

"(i) Facilities, equipment, and personnel provided to a school food authority for a program authorized under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) may be used, as determined by a local educational agency, to support a nonprofit nutrition program for the elderly, including a program funded under the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.).".

SEC. 6207. PILOT PROJECTS FOR ADMINISTRATION OF CHILD NUTRITION PROGRAMS BY CONTRACT OR DIRECT DISBURSEMENT

(a) PILOT PROJECTS.—Section 20 of the National School Lunch Act (42 U.S.C. 1769) is amended by striking out subsection (d) and inserting in lieu thereof the following new subsection:

"(d) The Secretary may conduct pilot projects in not more than three States in which the Secretary is currently administering programs to evaluate the effects of the Secretary contracting with private profit and nonprofit organizations to act as a State agency under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) for schools, institutions, or service institutions referred to in section 10 of this Act and section 5 of the Child Nutrition Act of 1966 (42 U.S.C. 1774).".

(b) CONFORMING AMENDMENT.—The first sentence of section 20(c) of the National School Lunch Act is amended by striking out "except for the pilot projects conducted under subsection (d) of this section,".

SEC. 6208. DEPARTMENT OF DEFENSE OVERSEAS DEPENDENTS' SCHOOLS

(a) SCHOOL LUNCHES.—Section 22(d) of the National School Lunch Act (42 U.S.C. 1769b(d)) (as added by section 1408(a) of the Education Amendments of 1978 (92 Stat. 2368)) is amended by striking out "and for" and all that follows through "reduced-price lunch".

(b) SCHOOL BREAKFASTS.—Section 20(d) of the Child Nutrition Act of 1966 (42 U.S.C. 1789) is amended by striking out "and for" and all that follows through "reduced-price breakfast".

SEC. 6209. RESTORATION OF CERTAIN KINDERGARTENS TO THE SPECIAL MILK PROGRAM.

Effective October 1, 1986, section 3(a) of the Child Nutrition Act of 1966 (42 U.S.C. 1772(a)) is amended—

(1) in the first sentence—

(A) by inserting "(1)" after the subsection designation;

(B) by redesignating clauses (1) and (2) as subparagraphs (A) and (B), respectively; and

(C) in subparagraph (A) (as so redesignated), by inserting "except as provided in paragraph (2)," after "and under,";

(2) by designating the second through eighth sentences as paragraphs (3) through (9), respectively; and

(3) by inserting after paragraph (1) (as so designated) the following new paragraph:

"(2) The limitation imposed under paragraph (1)(A) for participation of nonprofit schools in the special milk program shall not apply to split-session kindergarten programs conducted in schools in which children do not have access to the meal service program operating in schools the children attend as authorized under this Act or the National School Lunch Act (42 U.S.C. 1751 et seq.).".

SEC. 6210. IMPROVEMENT OF BREAKFAST PROGRAM MEAL PATTERN.

(a) ADDITIONAL ASSISTANCE.—Effective October 1, 1986, section 4(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(b)) is amended by adding at the end thereof the following new paragraphs:

"(3) The Secretary shall increase by 3 cents the annually adjusted payment for each breakfast served under this Act and section 17 of the National School Lunch Act (42 U.S.C. 1776). These funds shall be used to assist States, to the extent feasible, in improving the nutritional quality of the breakfasts.

"(4) Notwithstanding any other provision of law, whenever stocks of agricultural commodities are acquired by the Secretary or the Commodity Credit Corporation and are not likely to be sold by the Secretary or the Commodity Credit Corporation or otherwise used in programs of commodity sale or distribution, the Secretary shall make such commodities available to school food authorities and eligible institutions serving breakfasts under this Act in a quantity equal in value to not less than 3 cents for each breakfast served under this Act and section 17 of the National School Lunch Act.

"(5) Expenditures of funds from State and local sources for the maintenance of the breakfast program shall not be diminished as a result of funds or commodities received under paragraph (3) or (4).".

(b) NUTRITION REQUIREMENTS.—(1) The Secretary of Agriculture shall review and revise the nutrition requirements for meals served under the breakfast program authorized under the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) and section 17 of the National School Lunch Act (42 U.S.C. 1766) to improve the nutritional quality of the meals, taking into consideration both the findings of the National Evaluation of School Nutrition Programs and the need to provide increased flexibility in meal planning to local food authorities.

(2) Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall promulgate regulations to implement the revisions.

SEC. 6211. EXTENSION OF OFFER VERSUS SERVE PROVISION TO THE SCHOOL BREAKFAST PROGRAM.

Section 4(e) of the Child Nutrition Act of 1966 (42 U.S.C. 1773 (e)) is amended—

(1) by inserting "(1)" after the subsection designation; and

(2) by adding at the end thereof the following new paragraph:

"(2) At the option of a local school food authority, a student in a school under the authority that participates in the school breakfast program under this Act may be allowed to refuse not more than one item of a breakfast that the student does not intend to consume. A refusal of an offered food item shall not affect the full charge to the student for a breakfast meeting the requirements of this section or the amount of payments made under this Act to a school for the breakfast.".

SEC. 6212. STAFFING STANDARDS.

Section 7 of the Child Nutrition Act of 1966 (42 U.S.C. 1776) (as amended by section 103) is further amended—

(1) by striking out subsection (b); and

(2) by redesignating subsections (c) through (i) as subsections (b) through (h), respectively.

## TITLE III—SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN

SEC. 6301. COSTS FOR NUTRITION SERVICES AND ADMINISTRATION.

(a) DEFINITIONS.—Section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)) is amended—

(1) by striking out paragraph (1);

(2) by redesignating paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively; and

(3) by inserting after paragraph (3) (as so redesignated) the following new paragraph:

"(4) 'Costs for nutrition services and administration' means costs that shall include, but not be limited to, costs for certification of eligibility of persons for participation in the program (including centrifuges, measuring boards, spectrophotometers, and scales used for the certification), food delivery, monitoring, nutrition education, outreach, startup costs, and general administration applicable to implementation of the program under this section, such as the cost of staff, transportation, insurance, developing and printing food instruments, and administration of State and local agency offices.".

(b) CONFORMING AMENDMENTS.— Section 17 of such Act is amended—

(1) by striking out "administrative funds" each place it appears in subsections (f)(11), (h)(2), (h)(3), and (h)(4) and inserting in lieu thereof "funds for nutrition services and administration"; and

(2) by striking out "administrative costs" each place it appears in subsection (h) and inserting in lieu thereof "costs for nutrition services and administration".

SEC. 6302. STATE ELIGIBILITY FOR WIC FUNDS

(a) ELIGIBILITY.—Section 17(c) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(c)) is amended by adding at the end thereof the following new paragraph:

"(4) A State shall be ineligible to participate in programs authorized under this section if the Secretary determines that State or local sales taxes are collected within the State on purchases of food made to carry out this section.".

(b) APPLICATION.— The amendment made by subsection (a) shall apply to a State beginning with the fiscal year that commences after the end of the first regular session of the State legislature following the date of the enactment of this Act.

SEC. 6303. PARTICIPATION REPORT

(a) BIENNIAL REPORT.— Section 17(d) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(d)) is amended by adding at the end thereof the following new paragraph:

"(4) The Secretary shall report biennially to Congress on—

"(A) the income and nutritional risk characteristics of participants in the program;

"(B) participation in the program by members of families of migrant farmworkers; and

"(C) such other matters relating to participation in the program as the Secretary considers appropriate.".

(b) USE OF EVALUATION FUNDS FOR REPORT.—Section 17(g)(3) of such Act (as amended by section 104(2)(A)) is further amended by inserting "preparing the report required under subsection (d)(4)," after "health benefits,".

SEC. 6304. PLAN OF OPERATION AND ADMINISTRATION

(a) PLAN.— Paragraph (1) of section 17(f) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(f)(1)) is amended to read as follows:

"(1)(A) Each State agency shall submit annually to the Secretary, by a date specified by the Secretary, a plan of operation and administration for a fiscal year.

"(B) To be eligible to receive funds under this section for a fiscal year, a State agency must receive the approval of the Secretary for the plan submitted for the fiscal year.

"(C) The plan shall include—

"(i) a description of the food delivery system of the State agency and the method of enabling participants to receive supplemental foods under the program, to be administered in accordance with standards developed by the Secretary;

"(ii) a description of the financial management system of the State agency;

"(iii) a plan to coordinate operations under the program with special counseling services, such as the expanded food and nutrition education program, immunization programs, prenatal care, well-child care, family planning, alcohol and drug abuse counseling, child abuse counseling, and with the aid to families with dependent children, food stamp, and maternal and child health care programs;

"(iv) a plan to provide program benefits under this section to, and to meet the special nutrition education needs of, eligible migrants and Indians;

"(v) a plan to expend funds to carry out the program during the relevant fiscal year;

"(vi) a plan to provide program benefits under this section to unserved and underserved areas in the State, if sufficient funds are available to carry out this clause;

"(vii) a plan to provide program benefits under this section to eligible persons most in need of the benefits and to enroll eligible women in the early months of pregnancy, to the maximum extent practicable; and

"(viii) such other information as the Secretary may require.

"(D) The Secretary may permit a State agency to submit only those parts of a plan that differ from plans submitted for previouis fiscal years.

"(E) The Secretary may not approve any plan that permits a person to participate simultaneously in both the program authorized under this section and the commodity supplemental food program authorized under sections 4 and 5 of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note).".

(b) APPLICATION.—The amendment made by subseciton (a) shall apply to a plan submitted by a State agency under section 17(f)(1) of the Child Nutrition Act of 1966 for the fiscal year ending Septemer 30, 1987, and each fiscal year thereafter.

SEC. 6305. PUBLIC COMMENT.

Paragraph (2) of section 17(f) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(f)(2)) is amended to read as follows:

"(2) A State agency shall establish a procedure under which members of the general public are provided an opportunity to comment on the development of the State agency plan.".

SEC. 6306. AVAILABILITY OF PROGRAM BENEFITS.

Paragraph (8) of section 17(f) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(f)(8)) is amended to read as follows:

"(8)(A) The State agency shall, in cooperation with participating local agencies, publicly announce and distribute information on the availability of program benefits (including the eligibility criteria for participation and the location of local agencies operating the program) to offices and organizations that deal with significant numbers of potentially eligible persons (including health and medical organizations, hospitals and clinics, welfare and unemployment offices, social service agencies, farmworkers organizations, Indian tribal organizations, and religious and community organizations in low income areas).

"(B) The information shall be publicly announced by the State agency and by local agencies at least annually.

"(C) The State agency and local agencies shall distribute the information in a manner designed to provide the information to potentially eligible persons who are most in need of the benefits, including pregnant women in the early months of pregnancy.".

SEC. 6307. REPAYMENT OF CERTAIN BENEFITS BY RECIPIENTS.

Effective October 1, 1986, section 17(f) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(f)) is amended by adding at the end thereof the following new paragraph:

"(15) If a State agency determines that a member of a family has received an overissuance of food benefits under the program authorized by this section as the result of such member intentionally making a false or misleading statement or intentionally misrepresenting, concealing, or withholding facts, the State agency shall recover, in cash, from such member an amount that the State agency determines is equal to the value of the overissued food benefits, unless the State agency determines that the recovery of the benefits would not be cost effective.".

SEC. 6308. PRIORITY FUNDS FOR WIC MIGRANT PROGRAMS.

(a) PRIORITY FUNDING.—Effective October 1, 1986, section 17(g) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(g)) (as amended by section 104(2)(A)) is further amended by inserting after paragraph (1) the following new paragraph:

"(2) Of the sums appropriated for any fiscal year for programs authorized under this section, not less than nine-tenths of 1 percent shall be available first for services to eligible members of migrant populations. The migrant services shall be provided in a manner consistent with the priority system of a State for program participation.".

(b) ACCOUNTABILITY.—To the extent possible, accountability for migrant services under section 17(g)(2) of the Child Nutrition Act of 1966 (as added by subsection (a)) shall be conducted under regulations in effect on the date of the enactment of this Act.

SEC. 6309. IMPROVING STATE AGENCY ADMINISTRATIVE SYSTEMS.

Section 17(g)(3) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(g)(3)) (as amended by sections 104(2)(A) and 303(b)) is further amended by inserting "providing technical assistance to improve State agency administrative systems," after "subsection (d)(4),".

SEC. 6310. PAPERWORK REDUCTION.

Section 17(h)(1) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(1)) is amended by adding at the end thereof the following new sentence: "The Secretary shall limit to a minimal level any documentation required under the preceding sentence.".

SEC. 6311. ALLOCATION STANDARDS.

Section 17(h)(3) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(3)) is amended—

(1) in the second sentence, by striking out ", which satisfy allocation guidelines established by the Secretary"; and

(2) by striking out the last sentence.

SEC. 6312. ADVANCE PAYMENTS.

Effective October 1, 1986, section 17(h)(4) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(4)) is amended by striking out "shall" and inserting in lieu thereof "may".

SEC. 6313. AVAILABILITY OF FUNDS.

(a) AVAILABILITY.—Section 17(i) of the Child Nutrition Act of 1966 (42 U.S.C. 1788(i)) is amended—

(1) by designating the first, second, third, fourth, and fifth sentences as paragraphs (1), (2), (4), (5), and (6), respectively; and

(2) by inserting after paragraph (2) (as so designated) the following new paragraph:

"(3)(A) Notwithstanding paragraph (2)—

"(i) not more than 1 percent of the amount of funds allocated to a State agency under this section for supplemental foods for a fiscal year may be expended by the State agency for expenses incurred under this section for supplemental foods during the preceding fiscal year; or

"(ii) not more than 1 percent of the amount of funds allocated to a State agency for a fiscal year under this section may be expended by the State agency during the subsequent fiscal year.

"(B) Any funds made available to a State agency in accordance with subparagraph (A)(ii) for a fiscal year shall not affect the amount of funds allocated to the State agency for such year.".

(b) APPLICATION.—Section 17(i)(3)(A)(i) of the Child Nutrition Act of 1966 (as amended by subsection (a)) shall not apply to appropriations made before the date of enactment of this Act.

## TITLE IV—OTHER NUTRITION PROGRAMS

SEC. 6401. HEARINGS ON FEDERAL AUDIT ACTIONS UNDER THE CHILD CARE FOOD PROGRAM.

Section 17(e) of the National School Lunch Act (42 U.S.C. 1766(e)) is amended—

(1) by striking out "The" and inserting in lieu thereof "(1) Except as provided in paragraph (2), the"; and

(2) by adding at the end thereof the following new paragraphs:

"(2) A State is not required to provide a hearing to an institution concerning a State action taken on the basis of a Federal audit determination.

"(3) If a State does not provide a hearing to an institution concerning a State action taken on the basis of a Federal audit determination, the Secretary, on request, shall afford a hearing to the institution concerning the action.".

SEC. 6402. BASIS FOR NUTRITION EDUCATION GRANTS.

Section 19(j)(2) of the Child Nutrition Act of 1966 (42 U.S.C. 1788(j)(2)) is amended by striking out "$75,000" each place it appears and inserting in lieu thereof "$50,000".

SEC. 6403. EXTENSION OF ALTERNATIVE MEANS OF ASSISTANCE.

Section 14 of the National School Lunch Act (42 U.S.C. 1762a) is amended by adding at the end thereof the following new subsection:

"(g)(1) As used in this subsection, the term 'eligible school district' has the same meaning given such term in section 1581(a) of the food Security Act of 1985.

"(2) In accordance with the terms and conditions of section 1581 of such Act, the Secretary shall permit an eligible school district to continue to receive assistance in the form of cash or commodity letters of credit assistance, in lieu of commodities, to carry out the school lunch program operated in the district.

"(3)(A) On request of a participating school district (and after consultation with the Comptroller General of the United States with respect to accounting procedures used to determine any losses) and subject to the availability of funds, the Secretary shall provide cash compensation to an eligible school district for losses sustained by the district as a result of the alteration of the methodology used to conduct the study referred to in section 1581(a) of such Act during the school year ending June 30, 1983.

"(B) There are authorized to be appropriated $50,000 to carry out out this paragraph, to be available without fiscal year limitation.".

SEC. 6404. NATIONAL DONATED COMMODITY PROCESSING PROGRAMS.

In accordance with the terms and conditions of section 1114(a)(2) of the Agriculture and Food Act of 1981 (7 U.S.C. 1431e(a)(2)), whenever a commodity is made available without charge or credit under any nutrition program administered by the Secretary of Agriculture, the Secretary shall encourage consumption of the commodity through agreements with private companies under which the commodity is reprocessed into end-food products for use by eligible recipient agencies.

## *TITLE V—TECHNICAL CORRECTIONS*

SEC. 6501 OBSOLETE PROVISIONS.

(a) NUTRITION PROGRAM STAFF STUDY; TRUST TERRITORY APPROPRIATIONS.—(1) Sections 18 and 19 of the National School Lunch Act (42 U.S.C. 1767 and 1768) are repealed.

(2) The first sentence of section 3 of such Act (42 U.S.C. 1752) is amended by striking out "sections 13, 17, and 19" and inserting in lieu thereof "sections 13 and 17".

(b) STUDY OF MENU CHOICE.—Section 22 of such Act (42 U.S.C. 1769(c) (as added by section 9 of the Child Nutrition Amendments of 1978 (92 Stat. 3623)) is repealed.

(c) CONFORMING AMENDMENTS.—(1) The National School Lunch Act (as amended by sections 207 and 208(a) and subsection (b)) is further amended by redesignating sections 20, 21, and 22 (42 U.S.C. 1769, 1769a, and 1769(b) as sections 18, 19, and 20, respectively.

(2) Clause (3) of the first sentence of section 6(a) of such Act (42 U.S.C. 1755(a)) is amended by striking out "section 20" and inserting in lieu thereof "section 18".

SEC. 6502. OBSOLETE REFERENCES TO HEALTH, EDUCATION, AND WELFARE.

(a) REFERENCES IN NATIONAL SCHOOL LUNCH ACT.—Clause (1) of the sixth sentence of section 17(a) of the National School Lunch Act (42 U.S.C., 1766(a)) is amended by striking out "Health, Education, and Welfare" and inserting in lieu thereof "Health and Human Services".

(b) REFERENCES IN CHILD NUTRITION ACT OF 1966.—(1) The Child Nutrition Act of 1966 is amended by striking out "Health, Education, and Welfare" each place it appears in section 4(a) (42 U.S.C. 1773(a)), subsections (b)(6), (b)(13), (e)(2), (k)(2) of sec-

tion 17 (42 U.S.C. 1788) and inserting in lieu thereof "Health and Human Services".

(2) Section 19(j)(3) of the Child Nutrition Act of 1966 (42 U.S.C. 1788(j)(3)) is amended by striking out "Office of Education of the Department of Health, Education, and Welfare" and inserting in lieu thereof "Department of Education".

SEC. 6503. CONFORMING AMENDMENTS.

(a) DEFEINITION OF SECRETARY.—Section 12(d) of the National School Lunch Act (42 U.S.C. 1760(d)) is amended by adding at the end thereof the following new paragraph:

"(8) 'Secretary' means the Secretary of Agriculture.".

(b) REDESIGNATION OF SUBSECTION.—Section 19 of the Child Nutrition Act of 1966 (42 U.S.C. 1788) (as amended by sections 105, 402, and 502(d)(2)) is future amended by redesignating subsection (j) as subsection (i).

DIVISION D—CIVIL DEFENSE

SEC. 4101. AUTHORIZATION OF APPROPRIATIONS FOR CIVIL DEFENSE

There is hereby authorized to be appropriated for fiscal year 1987 to carry out provisions of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 251 et seq.) the sum of $111,565,000.

□ 2110

Mr. GOLDWATER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GOLDWATER. Mr. President, I ask unanimous consent that the bill be printed in full as passed.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHILD NUTRITION AMENDMENT TO DOD REAUTHORIZATION

Mrs. HAWKINS. Mr. President, the amendment at the desk reauthorizes the major Federal child nutrition programs. These programs are the School Lunch and Breakfast Programs, the Summer Food Service Program, the Special Supplemental Food Program and Women, Infants, and Children, known as the WIC Program, and the Commodity Distribution Program.

This amendment reflects an agreement reached in the House-Senate conference on child nutrition programs that met earlier this year. Essentially, it is a cost-neutral amendment. However, the amendment does allow for program growth of 1 percent over current services. The amendment is consistent with the authorization levels in the fiscal year 1987 budget resolution for these programs. Furthermore, the Senate Agriculture Committee has met and reported out a measure that meets its reconciliation instructions under the budget resolution. Those reconciliation instructions do not include any reductions in these programs.

In sum, all of the secondary requirements for passage of this legislation to extend the child nutrition programs have been met.

Mr. President, some Senators may wonder why we are offering this amendment on child nutrition to the DOD authorization bill.

First of all let me say that we are offering this amendment at this time to insure that the child nutrition programs are acted on and sent to the President before the end of this Congress.

Furthermore, the extension of these programs is, in its own way, just as important to our Nation's future as are our defense capabilities. Let me remind Senators that the first of the Federal child nutrition programs, the National School Lunch Act, was enacted in 1946. The School Lunch Program was enacted in direct response to a problem that plagued the U.S. Armed Forces during World War II. During the war, 25 to 30 percent of the recruits were unable to pass their physical examinations because they were malnourished. Congress' response was the creation of a Federal Lunch Program. Let me read from the "Declaration of Congressional Policy" included in the 1946 act. This is a section that remains in the statute today.

§ 1751. Congressional declaration of policy

It is declared to be the policy of Congress, as a measure of national security, to safeguard the health and well-being of the Nation's children and to encourage the domestic consumption of nutritious agricultural commodities and other food, by assisting the States, through grants-in-aid and other means, in providing an adequate supply of foods and other facilities for the establishment, maintenance, operation, and expansion of nonprofit school-lunch programs. June 4, 1946, c. 218 § 2, 60 Stat. 230.

Today, the School Lunch Program provides millions of hot lunches in both public and private schools across the Nation. In my State alone, this program provides almost 170 million lunches a year.

In the years since, several smaller supplemental feeding programs have been created including the School Breakfast Program.

The other major component of this amendment is the WIC Program. Under this program, the people who are helped by the program are those most in need of good nutrition. These are pregnant women and new born infants. Now this is not a traditional "welfare" program. In fact, this is a tightly structured program based on a two-tiered standard of need. The first standard is income. To receive help under this program a person must have income below the 18.5 percent of the poverty line. The second standard is nutritional deficiency. Before the assistance can be provided the pregnant woman or new baby must also be found by a medical doctor to be nutritionally deficient.

When both these standards have been met, then the mother receives a voucher for exactly the foods that will supply the necessary nutritional supplement. Finally, since the WIC Program is not considered an entitlement program it is subject to appropriations. This has led to the development of a priority list that ensures that those most in need of nutritional assistance receive help first.

So the WIC Program is a tight program. It is not a income support program with lots of loopholes. It is, however, a vitally important program that should be extended along with the School Lunch and Breakfast Programs.

Mr. President, let me briefly summarize.

This amendment falls within the budget. Its spending levels are specifically identified in the fiscal year 1987 budget resolution.

These are popular and well-known programs and have broad support. The last major vote on these programs took place during the debate on the fiscal year 1986 budget resolution. An overwhelming majority of Senators supported the programs at that time.

The provisions of the amendment reflect a conference agreement reached between the House and Senate in May and a large majority of members of the Senate Agriculture Committee are cosponsors of the amendment.

We have been working for months to bring this legislation to the floor. Scheduling problems, work in the Agriculture Committee and in other committees, as well as the many important subjects such as aid to the Contras, South Africa, the tax bill, the farm bill technical corrections, have come before the Senate or are being discussed.

But now time is running out. This amendment needs to be acted on before the clock runs out on us. Since it meets the budetary requirements and the programs themselves are relatively noncontroversial it is my hope that we can go ahead with this amendment.

CHILD NUTRITION AMENDMENT ON DOD AUTHORIZATION BILL

Mr. HELMS. Mr. President, while I do not agree with the amendment, or with using this bill as a vehicle for it, I want to be sure we have a thorough explanation of the amendment's provisions regarding child nutrition programs.

I ask unanimous consent that a summary of provisions be printed at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY OF PROVISIONS

AUTHORIZATION OF APPROPRIATIONS UNDER THE NATIONAL SCHOOL LUNCH ACT

(a) Summer food service program: The amendment extends the authorization of appropriations for the summer food service program through fiscal year 1989.

(b) Commodity distribution program: The amendment extends authority for the commodity distribution program through fiscal year 1989.

AUTHORIZATION OF APPROPRIATIONS UNDER THE CHILD NUTRITION ACT OF 1966

(a) State administrative expenses [SAE]: The amendment extends the authorization of appropriations for the SAE provision through fiscal year 1989.

(b) Special supplemental food program for women, infants, and children [WIC]: The amendment extends the authorization of appropriations for the WIC program through fiscal year 1989 at a level of $1.57 billion for fiscal year 1986, such sums as may be necessary for fiscal years 1987 and 1988, and $1.782 billion for fiscal year 1989.

(c) Nutrition education and training [NET]: The amendment extends the authorization of appropriations for the NET program (at $5 million annually) through fiscal year 1989.

BASIS FOR COMMODITY ASSISTANCE

The amendment changes the dates specified in current law by which the Secretary is to make an estimate of the value of agricultural commodities to be delivered to schools and by which he must provide cash payments for any difference between the estimates of available commodities and the amount of commodity support mandated by law.

Specifically, the amendment requires that the Secretary make estimates of the amount of commodity support available by June 1, instead of May 15; and requires the Secretary to make cash payments for the difference between these estimates and the mandated commodity level by July 1, instead of June 14, of each school year.

INCLUSION OF WHOLE MILK AS A SCHOOL LUNCH BEVERAGE

The amendment requires that schools participating in the school lunch program offer whole milk as a beverage, along with such other forms of milk as the Secretary might require to meet the nutritional requirements of the program.

AUTOMATIC ELIGIBILITY FOR CERTAIN PROGRAMS

The amendment requires that a child who is a member of a household receiving food stamps, or who is a member of an AFDC assistance unit in a State where the income standard of eligibility does not exceed 130 percent of poverty, be served a free lunch and breakfast without further application or eligibility determinations.

Under this amendment, a parent or guardian is still required to complete an application, the local school authorities are still required to determine the applicant's eligibility, and the Secretary, States, and local school for authorities may continue to verify the data contained in the application. However, it is the intent that the application procedure under section 109(b)(2)(B) and the eligibility determination and verification procedures under section 109(b)(2)(C) be simplified by substantially reducing the number of type of inquires made by the applicable agency.

More specifically, indication on the application of receipt of food stamps or AFDC (under the circumstances in the amendment) would be sufficient to satisfy the eligibility requirement and proof of receipt of food stamps or AFDC would be sufficient to satisfy the verification requirement.

LIMITATION OF MEAL CONTRACTING

The amendment prohibits a school or school food authority participating in the school lunch program from contracting with a food service company to provide a la carte meal service unless such company offers free, reduced-price, and full price reimbursable meals to all eligible children.

CHANGE IN TUITION LIMITATION FOR PRIVATE SCHOOLS

The amendment raises from $1500 to $2000 the maximum tuition that a private school may charge and be eligible to participate in federally-assisted child nutrition programs—effective October 1, 1986. The amendment also indexes this limit to inflation by requiring an annual adjustment each July 1, beginning July 1, 1988, to reflect changes in the Consumer Price Index for All Urban Consumers for the most recent 12-month period for which data is available.

USE OF SCHOOL LUNCH FACILITIES FOR ELDERLY PROGRAMS

The amendment provides for local education agencies to use school lunch program facilities, equipment, and personnel to support a nonprofit nutrition program for the elderly.

ADMINISTRATION OF CHILD NUTRITION PROGRAMS BY CONTRACT OR DIRECT DISBURSEMENT

The amendment revised the current requirement for the Secretary of Agriculture to administer directly child nutrition programs in certain schools, institutions, and service institutions by allowing the Secretary to meet this requirement by contracting with an organization to administer such programs in not more than three States on a pilot project basis to test the concept of contracting with private nonprofit and profit organizations to administer the child nutrition programs currently administered by the Secretary. The direct administration of such programs by either the Secretary, or through a contract between the Secretary and an organization, is applicable to cases where such programs have been directly administered by the Secretary continuously since October 1, 1980, or where a State educational agency is prohibited by law from doing so. The amendment maintains current law authority for States to assume direct administration of programs. It also expands current law provisions regarding the appropriate withholding, disbursal and use of program and administrative funds in cases where the Secretary directly administers programs to include situations where the program is administered by a contracting organization.

(NOTE.—The Department of Agriculture has reported that 19 States do not directly administer one or more of the child nutrition programs, thus requiring the Secretary to operate such progams in those States. According to the Department, those States are Alaska, California, Colorado, Delaware, Georgia, Hawaii, Kansas, Michigan, Minnesota, Missouri, Nebraska, New York, North Dakota, Oregon, South Carolina, Tennessee, Virginia, Washington, and Wyoming.)

The Comptroller General should monitor the making and implementation of contracts under the pilot projects and make a report to the Senate Committee on Agriculture, Nutrition, and Forestry and the House Committee on Education and Labor concerning the pilot projects. Concerns have been expressed with the continued reluctance of some States to operate various child nutrition programs. The States should assume operation of these programs.

DEPARTMENT OF DEFENSE OVERSEAS DEPENDENTS' SCHOOLS

The amendment deletes the authorization of appropriations for the higher Federal payment required for free and reduced-price meals served in such schools when the cost of such meals is higher than the amount provided by the regular free and reduced-price meal reimbursement rates.

RESTORATION OF CERTAIN KINDERGARTENS TO SPECIAL MILK PROGRAM

The amendment extends eligibility for the special milk program to kindergarten children who do not have access to either the school breakfast or school lunch program.

The provision intends that children attending partial day kindergartens (so-called "split sessions") and not having access to either the school breakfast or school lunch programs currently operating in schools they attend be permitted to participate in the special milk program. Full day kindergartens and other programs where children receive either breakfast or lunch would continue to be ineligible to participate in the special milk program.

ADDITIONAL FUNDING TO IMPROVE SCHOOL BREAKFAST PROGRAM MEAL PATTERN

(1) Additional breakfast reimbursement: The amendment provides an additional 3 cents in cash in each reimbursement for each breakfast served in schools or in the child care food program. Additionally, the amendment provides that, subject to availability, the Secretary shall make available at least 3 cents per breakfast in commodities acquired by the Secretary or the Commodity Credit Corporation. These provisions are effective October 1, 1986.

It should be emphasized that commodities to be made available under this provision are to include only those that the Secretary has acquired for price support and surplus removal reasons, and that are not necessary for other domestic and foreign support programs or activities. This commodity support provision does not require the Secretary to make purchases for the specific purposes of meeting the needs of breakfast programs.

The provision envisions that both the cash and commodity assistance be used to supplement existing levels of Federal, State, and local assistance. The Secretary is expected to ensure a maintenance of effort by State and local sources so that the additional Federal reimbursements are not used to displace existing levels of support.

The provision also envisions that eligible institutions would not be required to accept any or all of the full value of commodities. In order to minimize reporting and recordkeeping burdens, the Department would not require a separate accounting of commodities ordered for use in breakfasts.

(b) Nutrition requirements for breakfasts: The amendment requires the Secretary of Agriculture to review and revise the nutritional requirements for breakfasts to improve their nutritional quality and to promulgate regulations implementing such revisions within 180 days after enactment of the bill. In reviewing the program requirements, the Secretary is to take into consideration the findings of the National Evaluation of School Nutrition Programs and the need to provide increased flexibility in meal planning to local school food authorities.

EXTENSION OF OFFER VERSUS SERVE PROVISION TO THE SCHOOL BREAKFAST PROGRAM

The amendment permits local school food authorities to allow students to refuse up to one item in each school breakfast. Any such refusal may not affect the charge to students, or the amount of Federal reimbursement for the breakfast.

STATE ADMINISTRATIVE EXPENSE STAFFING STANDARDS

The amendment deletes the requirement that the Secretary of Agriculture develop State staffing standards for the administration of the school lunch, school breakfast, child care food, and special milk programs.

SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN [WIC]

(a) Costs for nutrition services and administration: The amendment maintains the current law definition of the types of costs for which WIC administrative funds are to be used, but changes the term "administrative costs" to "costs for nutrition services and administration" in this definition. Additionally, the amendment deletes the costs of warehouse facilities from the list of items defining the types of costs for which WIC administrative funds are to be used.

(b) State eligibility for WIC funds: The amendment makes a State ineligible to participate in the WIC program if State or local sales taxes are collected on food purchased under the WIC program. The amendment makes the State sales tax provision applicable to a State beginning with the fiscal year beginning after the end of the first regular session of the State legislature after enactment of the bill.

(c) Participation report: The amendment requires the Secretary of Agriculture to report biennially to Congress on the income and nutritional risk characteristics of participants; migrant participation in the program; and such other matters relating to participation in the program as the Secretary deems appropriate. The amendment also authorizes the Secretary to use WIC evaluation funds to pay for the costs of preparing this report.

(d) Plan of operation and administration: The amendment deletes from the current list of State plan requirements the following: (1) a description of how administrative funds are distributed and budgeted; (2) a description of methods for determining nutritional risk; (3) staffing patterns; (4) nutrition education goals; (5) plans for informing persons of eligibility; (6) a copy of the State procedure manual; (7) a list of all areas and special populations in need; and (8) plans to initiate or expand operations in areas most in need. The amendment also adds new requirements that the State plan include a plan to provide program benefits to underserved areas if sufficient funds are available, to provide program benefits to those most in need, and to enroll eligible women in the early months of pregnancy.

The amendment adds a requirement that a State plan describe how both the AFDC and maternal and child health care programs are coordinated with WIC program operations. The amendment also authorizes the Secretary to permit States to submit only those portions of their State plans which differ from previous years.

(e) Public comment: The amendment deletes specific State requirements for public hearings on the State plan one month prior to submission to the Governor, and replaces this with a general requirement that State agencies establish procedures to assure that the public has an opportunity to comment on the development of the State plan.

(f) Availability of program benefits: The amendment adds a requirement that State and local agencies distribute information in a manner designed to provide such information to potentially eligible persons most in need of benefits.

(g) Repayment of benefits by recipients: The amendment requires a State agency to recover from a person making an intentional misrepresentation the amount that the State agency determines is equal to the value of the overissued food benefits, unless the State agency determines that the recovery of the benefits would not be cost effective.

It is intended that this provision impose no new requirement on the States, and that State agencies would be expected to provide a hearing where necessary, and to provide procedural protections, including proper notice and opportunity to be heard.

(h) Priority funds for the WIC Migrant Program: The amendment requires that not less than nine-tenths of 1 percent of the funds appropriated for the WIC program be first made available for services to eligible migrant populations and that migrant services be provided in a manner consistent with a State's priority system for participation. Additionally, the amendment provides that to the extent possible, accountability for migrant services be conducted under regulations in effect on the date of enactment of the bill.

(i) Improving State agency administrative systems: The amendment adds the provision of technical assistance to improve State agency administrative systems to the types of activities the Secretary of Agriculture may conduct with WIC evaluation funds.

(j) Paperwork reduction: The amendment requires the Secretary of Agriculture to keep to a minimum the documentation that States provide to be exempted from the requirement that not less than one-sixth of their WIC administrative funds be used for nutrition education activities.

(k) Allocation standards: The amendment deletes the requirement that a State agency satisfy allocation guidelines established by the Secretary of Agriculture when distributing administrative funds to local agencies under allocation standards developed by the State agency in cooperation with local agencies. The amendment also deletes the requirement that the State allocation standards be included in the required State plan of operation and administation.

(l) *Advance payments:* The amendment allows, instead of requires, State agencies to forward advance administrative funds to local agencies initiating WIC program operations.

(m) Expenditure of funds for the Special Supplemental Food Program: The amendment allows a State to use up to 1 percent of the amount of funds allocated to the State for supplemental foods in a fiscal year to cover expenses incurred for supplemental foods in the preceding fiscal year, and specifies that this provision is not to apply to appropriations made before enactment of the bill. The amendment further allows a State agency to keep up to 1 percent of the amount of funds allocated to the agency in a fiscal year for use during the subsequent fiscal year, and specifies that use of such funds in a subsequent year may not affect the amount of funds allocated to the State agency for that year.

It is not the intent of the provision that States overspend or underspend their allocations year after year. Further, it is the intent of the provision that States should use the provision as a tool to enable the States to spend as close to 100 percent of their respective allocation as possible. Funds available for carryover to the next fiscal year are available for food and administrative expenses, while funds used to cover expenses for previous year costs are only applicable for food costs.

CHILD CARE FOOD PROGRAM

The amendment permits a hearing at the Federal level in cases where the State does not provide such a hearing, and eliminates the requirement that States provide such a hearing.

NUTRITION EDUCATION AND TRAINING PROGRAMS

The amendment lowers from $75,000 to $50,000 the minimum grant provided to States for the nutrition education and training programs.

(NOTE.—The provision reflects language included in the fiscal year 1982 appropriations law (P.L. 97-370) that permanently lowered the minimum grant amount a State could receive from $75,000 to $50,000. This change followed the enactment of the Omnibus Budget Reconciliation Act of 1981, P.L. 97-35, which reduced the authorization for annual NET grants from $15 million to $5 million, but did not lower the $75,000 minimum grant States could receive if their allocation did not provide that amount. State grant allocations are based on student enrollment. Had the fiscal year 1982 appropriations law not reduced the minimum grant amount, States with small student enrollments which were receiving the minimum $75,000 grants would have continued to receive that amount while other States with larger student enrollments would have had to bear the full loss of funding resulting from P.L. 97-35.)

EXTENSION OF ALTERNATIVE MEANS OF ASSISTANCE

(a) Pilot projects: The amendment references section 1581 of Public Law 99-198 with respect to the ability of school districts that participated in the pilot project on cash or commodity letters of credit in lieu of commodities to continue to receive entitlement commodity support in this alternative form through the school year ending June 30, 1987.

(NOTE.—Section 1581 also provides that such school districts can receive bonus commodities to the same extent as other school districts, but only in the form of commodities (no cash or letter of credit).)

(b) Compensation to pilot projects: The amendment requires the Secretary of Agriculture to provide cash compensation, subject to availability of funds, and not to exceed $50,000, to school lunch pilot project school districts for losses they incurred as a result of a change in the methodology used to conduct the study on cash or commodity letters of credit in lieu of commodities during the school year ending June 30, 1983. The Comptroller General is to be consulted with respect to the accounting procedures used to determine such losses, and such sums as may be necessary to carry out this provision are authorized to be appropriated.

(NOTE.—The change in methodology was related to a change in the form of bonus commodity assistance offered to the schools participating in the pilot project during the 1982-83 school year.)

NATIONAL COMMODITY PROCESSING SYSTEM

(a) *Extension*: The amendment references section 1114(a)(2) of the Agriculture and Food Act of 1981, as amended by Public Law 99-198, with respect to processing agreements.

(NOTE.—Section 1114(a)(2) provides that for the period July 1, 1985 through June 30, 1987, whenever a commodity is made available without charge or credit under any nutrition program administered by the Secretary of Agriculture, the Secretary must encourage consumption of the commodity through agreements with private companies under which the commodity is reprocessed into end food products for use by eligible recipient agencies. The expense of the reprocessing would be paid by the eligible agencies.)

(b) *Annual settlement of accounts*: The amendment references section 1114(a)(2) of the Agriculture and Food Act of 1981, as amended by Public Law 99-198, with respect to annual settlement of accounts.

(NOTE.—Section 1114(a)(2) of the Agriculture and Food Act of 1981, as amended by Public Law 99-198, requires private companies participating in processing agreements to annually settle all accounts with the Secretary and appropriate State agencies regarding commodities processed under such agreements in order to enter into and continue agreements with the Secretary.)

TECHNICAL AND CONFORMING AMENDMENTS

(a) The amendment repeals misdesignated section 22 in the National School Lunch Act (Study of Menu Choice) as an obsolete provision.

(b) The amendment strikes out "Health, Education, and Welfare" each place it appears in sections 4(a), 17(e)(2), 17(k) (1) and (2), and 19(d) (2) and (3) of the Child Nutrition Act of 1966, and inserts in lieu thereof "Health and Human Services". The amendment also makes the same change to sections 17(b)(6) and 17(b)(13) of the Child Nutrition Act of 1966 and to section 17(a) of the National School Lunch Act.

(c) The amendment strikes out "Office of Education of the Department of Health, Education, and Welfare" and inserts in lieu thereof "Department of Education" in section 19(j)(3) of the Child Nutrition Act of 1966.

(d) The amendment defines the Secretary to mean the Secretary of Agriculture.

(e) The amendment redesignates section 19(j) of the Child Nutrition Act of 1966 in proper alphabetical sequence as section 19(i).

OBSOLETE PROVISIONS AND REFERENCES

(a) The amendment repeals sections 18 (Nutrition Program Staff Study) and 19 (Appropriations for the Trust Territory of the Pacific Islands) of the National School Lunch Act and deletes the reference to section 19 in section 3 of such Act.

(b) The amendment redesignates sections 20, 21, and 22 of the National School Lunch Act as sections 18, 19, and 20, respectively, to conform to the amendment's repeal of sections 18 and 19, and conforms references to section 20 in current law as section 18 accordingly.

(c) The amendment deletes the provision and reference in section 20 of the National School Lunch Act relating to the authorization for the Secretary of Agriculture to conduct pilot projects during the 1979-1980 school year to determine the feasibility, cost, and consequences of providing lunches free to all children.

EFFECTIVE DATES

The amendment specifies that the provisions of the bill take effect as follows:

| Provisions | Effective date |
|---|---|
| Summer Food Service Program for children | Enactment. |
| Commodity Distribution Program | Do. |
| State administrative expenses | Do. |
| Special Supplemental Food Program | Do. |
| Nutrition Education and Training Program | Do. |
| Basis for commodity assistance | Do. |
| Inclusion of whole milk as a school lunch beverage | July 1, 1986. |
| Automatic eligibility for certain programs | Do. |
| Limitation on meal contracting | Do. |
| Change in tuition limitation for private schools | Oct. 1, 1986. |
| Use of school lunch facilities for elderly programs | Enactment. |
| Pilot projects for administration of child nutrition programs by contract or direct disbursement. | Do. |
| Department of Defense overseas dependents' school | Do. |
| Restoration of certain kindergartens to Special Milk Program | Oct. 1, 1986. |
| Improvement of School Breakfast Program meal pattern | Do. |
| Extension of offer versus serve provision to the School Breakfast Program. | Do. |
| Staffing standards | Do. |
| Costs for nutrition services and administration | Do. |
| State eligibility for WIC funds | [1] |
| Participation report | Enactment. |
| Plan of operation and administration | Do. |
| Public comment | Do. |
| Availability of program benefits | Enactment. |
| Repayment of certain benefits by recipients | Oct. 1, 1986. |
| Priority funds for WIC migrant programs | Do. |
| Improving State agency administrative systems | Enactment. |
| Paperwork reduction | Do. |
| Allocation standards | Do. |
| Advance payments | Oct. 1, 1986. |
| Availability of funds (WIC) | Enactment. |
| Hearings on Federal audit actions under the child care food program. | Do. |
| Basis for nutrition education grants | Do. |
| Extension of alternative means of assistance | Do. |
| National donated commodity processing programs | Do. |
| Obsolete provisions | Do. |
| Obsolete references to Health, Education, and Welfare | Do. |
| Conforming amendments | Do. |

[1] The fiscal year beginning after the end of the first regular session of the State legislature following the date of enactment of this Act.

## MILITARY CONSTRUCTION AUTHORIZATION ACT FISCAL YEAR 1987

Mr. GOLDWATER. Mr. President, I ask unanimous consent that the Senate proceed to Calendar Order No. 719, S. 2641, the Military Construction Authorization Act of 1987.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

A bill (S. 2641) to authorize certain construction at military installations for fiscal year 1987, and for other purposes.

There being no objection, the Senate proceeded to the immediate consideration of the bill.

Mr. GOLDWATER. Mr. President, I ask unanimous consent to strike all after the enacting clause of S. 2641, and insert in lieu thereof the text of division B of S. 2638, as passed by the Senate, and that the bill be considered to have been engrossed for third reading, to have been read a third time, and to be passed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GOLDWATER. Mr. President, I ask unanimous consent that S. 2641 be printed in full as passed.

The PRESIDING OFFICER. Without objection it is so ordered.

The text of the bill (S. 2641), being the text of division B of S. 2638, is as follows:

S. 2641

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE

This Act may be cited as the "Military Construction Authorization Act, 1987".

TITLE I—ARMY

SEC. 101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS

(a) INSIDE THE UNITED STATES.—The Secretary of the Army may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations inside the United States:

UNITED STATES ARMY FORCES COMMAND

Camp Dawson, West Virginia, $8,700,000.
Fort Bragg, North Carolina, $11,700,000.
Fort Campbell, Kentucky, $4,500,000.
Fort Carson, Colorado, $11,300,000.
Fort Devens, Massachusetts, $20,800,000.
Fort Drum, New York, $615,000,000.
Fort Hood, Texas, $10,600,000.
Fort Lewis, Washington, $20,500,000.
Fort McPherson, Georgia, $2,900,000.
Fort Ord, California, $6,550,000.
Fort Polk, Louisiana, $27,000,000.
Fort Richardson, Alaska, $11,200,000.
Fort Riley, Kansas, $8,250,000.
Fort Sheridan, Illinois, $2,050,000.
Fort Wainwright, Alaska, $96,700,000.
Presidio of San Francisco, California, $5,100,000.

UNITED STATES ARMY WESTERN COMMAND

Hawaii Various, $12,000,000.
Wheeler Army Air Field, Hawaii, $2,900,000.

UNITED STATES ARMY TRAINING AND DOCTRINE COMMAND

Fort Benning, Georgia, $9,100,000.
Fort Eustis, Virginia, $2,050,000.
Fort Jackson, South Carolina, $9,100,000.
Fort Lee, Virginia, $17,600,000.
Fort Leonard Wood, Missouri, $27,200,000.
Fort Rucker, Alabama, $44,500,000.

MILITARY DISTRICT OF WASHINGTON

Fort Myer, Virginia, $3,800,000.

UNITED STATES ARMY MATERIEL COMMAND

Aberdeen Proving Ground, Maryland, $19,000,000.
Corpus Christi Army Depot, Texas, $9,350,000.
Dugway Proving Ground, Utah, $9,700,000.
Fort Monmouth, New Jersey, $4,900,000.
Navajo Depot Activity, Arizona, $3,900,000.
Redstone Arsenal, Alabama, $19,500,000.
Sierra Army Depot, California, $2,450,000.

UNITED STATES ARMY INFORMATION SYSTEMS COMMAND

Fort Huachuca, Arizona, $17,200,000.

UNITED STATES MILITARY ACADEMY

United States Military Academy, New York, $28,500,000.

ASSISTANT CHIEF OF ENGINEERS

Classified, United States, $7,400,000.

(b) OUTSIDE THE UNITED STATES.—The Secretary of the Army may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations outside the United States:

EIGHTH UNITED STATES ARMY

Camp Casey, Korea, $22,500,000.
Camp Castle, Korea, $2,850,000.
Camp Greaves, Korea, $2,350,000.
Camp Hovey, Korea, $9,000,000.
Camp Howze, Korea, $4,050,000.
Camp Humphreys, Korea, $15,300,000.
Camp Laguardia, Korea, $2,650,000.
Camp Long, Korea, $5,600,000.
Camp Red Cloud, Korea, $4,550,000.
Camp Stanley, Korea, $4,700,000.
H220, Korea, $2,750,000.
Pusan, Korea, $9,700,000.
Second Infantry, Korea, $5,150,000.
Taegu, Korea, $4,900,000.
Yongsan, Korea, $5,000,000.

UNITED STATES ARMY STRATEGIC DEFENSE COMMAND

Kwajalein, $20,600,000.

UNITED STATES ARMY FORCES COMMAND, OVERSEAS

Classified, $4,000,000.
Various, $4,900,000.

UNITED STATES ARMY EUROPE AND SEVENTH ARMY

Aschaffenburg, Germany, $7,000,000.
Baumholder, Germany, $28,850,000.
Bitburg, Germany, $16,350,000.
Einsiedlerhof, Germany, $4,750,000.
Frankfurt, Germany, $3,500,000.
Giessen, Germany, $5,600,000.
Hanau, Germany, $17,200,000.
Heilbronn, Germany, $2,100,000.
Hohenfels, Germany, $8,800,000.
Karlsruhe, Germany, $10,000,000.
Mannheim, Germany, $2,450,000.
Neu Ulm, Germany, $26,050,000.
Nuernberg, Germany, $5,500,000.
Rheinberg, Germany, $33,600,000.
Schweinfurt, Germany, $22,100,000.
Various, Germany, $17,500,000.
Vilseck, Germany, $50,300,000.
Wildflecken, Germany, $3,800,000.

UNITED STATES ARMY INTELLIGENCE AND SECURITY COMMAND, OVERSEAS

Location 276, $3,700,000.
Location 280, $2,100,000.

SEC. 102. FAMILY HOUSING

The Secretary of the Army may construct or acquire family housing units (including land acquisition) at the following installations in the number of units shown, and in the amount shown, for each installation:

Fort Wainwright, Alaska, one hundred and fifty units, $33,000,000.

Fort Irwin, California, thirty-eight manufactured home spaces, $730,000.

Fort Ord, California, three hundred and eighty-five units, $34,000,000.

Crailsheim, Germany, forty units, $4,100,000.

Darmstadt, Germany, forty units, $3,150,000.

Erlangen, Germany, one hundred and six units, $9,400,000.

Herzo Base, Germany, thirty-four units, $3,300,000.

Schweinfurt, Germany, ninety units, $8,400,000.

Vilseck, Germany, two hundred and twenty-four units, $21,000,000.

Wildflecken, Germany, twenty-four units, $2,050,000.

Various Locations, Germany, one hundred and twenty units, funded under section 103.

Fort Polk, Louisiana, five hundred and eighty-three units, $37,000,000.

Kwajalein, Marshall Island, one hundred and thirty-six units, $23,000,000.

Aberdeen Proving Ground, Maryland, one hundred and forty units and seventy manufactured home spaces, $10,800,000.

Fort Drum, New York, one thousand and two hundred units, $91,000,000.

Seneca Army Depot, New York, thirty units, $2,900,000.

SEC. 103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS

(a) AMOUNT AUTHORIZED.—Subject to section 2825 of title 10, United States Code, the Secretary of the Army may make expenditures—

(1) to improve existing military family housing units in an amount not to exceed $79,500,000; and

(2) for energy conservation projects in an amount not to exceed $15,671,000 from funds which remain available for obligation from savings from prior years.

(b) WAIVER OF MAXIMUM PER UNIT COST FOR CERTAIN IMPROVEMENT PROJECTS.—Notwithstanding the maximum amount per unit for an improvement project under section 2825(b) of title 10, United States Code, the Secretary of the Army may carry out projects to improve existing military family housing units at the following installations in the number of units shown, and in the amount shown, for each installation:

Aschaffenburg, Germany, one hundred and forty-four units, $5,120,000.

Aschaffenburg, Germany, forty-eight units, $2,800,000.

Bremerhaven, Germany, twenty-four units, $1,400,000.

Karlsruhe, Germany, twenty-four units, $1,400,000.

Kitzingen, Germany, one hundred and two units, $5,950,000.

Mainz, Germany, one unit, $69,000.

Worms, Germany, six units, $350,000.

Fort Benjamin Harrison, Indiana, one hundred and sixty-six units, $6,000,000.

Pusan, Korea, forty-eight units, $2,237,000.

Yongsan, Korea, one unit, $70,000.

Fort Indiantown Gap, Pennsylvania, six units, $166,000.

Fort Sam Houston, Texas, twenty-three units, $930,000.

Fort Myer, Virginia, three units, $140,000.

(c) WAIVER OF SPACE LIMITATION FOR GENERAL OFFICER'S QUARTERS AT YONGSAN, KOREA.—(1) Notwithstanding the maximum space limitations under section 2826(a) of title 10, United States Code, the Secretary of the Army may carry out an improvement project to increase the net floor area of the housing unit for one general officer at the United States Army Garrison, Yongsan, Korea, to not more than 3,574 square feet.

(2) For purposes of this subsection, the term "net floor area" has the same meaning given that term by section 2626(f) of title 10, United States Code.

SEC. 104. FORT DRUM, NEW YORK

The Secretary of the Army may enter into one or more contracts, in advance of appropriations therefor, for the military construction projects authorized by section 2101 to be accomplished at Fort Drum, New York, if such contracts limit the Government's liability to the amount of funds available for obligation at the time each contract is entered into. Such construction may be accomplished by using one-step turn-key selection procedures, or other competitive contracting methods.

SEC. 105. COMMUNITY PLANNING ASSISTANCE

The Secretary of the Army may not use more than $400,000 from funds appropriated to the Department of the Army for fiscal year 1987 for planning and design purposes to provide planning assistance to local communities located near newly established Light Infantry Division Posts at Fort Drum, New York, and Fort Wainwright, Alaska, if the Secretary determines that the financial resources available to the community (by grant or otherwise) are inadequate.

SEC. 106. CLEANUP OF CONTAMINATED WATER SUPPLIES ADJACENT TO ROCKY MOUNTAIN ARSENAL

(a) TRANSFER OF FUNDS TO THE ENVIRONMENTAL PROTECTION AGENCY.—(1) The Secretary of the Army (hereinafter in this section) referred to as the "Secretary") shall transfer funds available to the Department of Defense for military construction for fiscal year 1987 to the Administrator of the Environmental Protection Agency (hereinafter in this section referred to as the "Administrator") such sums, not to exceed $6,000,000, as may be necessary to enable the Administrator to continue with the selection, design, and implementation of response measures (consistent with the National Contingency Plan) with respect to the contamination of drinking water supplies in south Adams County, Colorado, to the west of the Rocky Mountain Arsenal and south of 80th Avenue. The Secretary may transfer funds under this section only if the Administrator has certified to the Secretary that the Army is a responsible party for the contamination in the area referred to in the preceding sentence.

(b) INTERAGENCY AGREEMENT.—(1) The transfer of funds under this section shall be carried out in accordance with the agreement between Environmental Protection Agency and the Department of the Army entered into on March 20, 1986. Funds transferred under this section shall be in addition to funds previously transferred to the Environmental Protection Agency for such purposes.

(2) The Secretary and the Administrator may enter into an agreement supplemental to the agreement referred to in paragraph (1) if the supplemental agreement can be concluded within seven days after the date of the enactment of the Act. A supplemental agreement entered into under this paragraph may not require the Secretary to transfer funds for the purpose of carrying out the response action described in subsection (a) after the date on which adequate funds become available to the Environmental Protection Agency for such purposes pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

(3) A supplemental agreement entered into under paragraph (2) shall contain provisions regarding the repayment of amounts transferred pursuant to subsection (a). If such provisions are not agreed to before the expiration of the seven-day period referred to in paragraph (1), repayment shall be made in accordance with the provisions of the agreement between the Environmental Protection Agency and Department of the Army entered into on March 20, 1986.

(c) CONTAMINATION NORTH OF 80TH AVENUE.—The Secretary shall, promptly after enactment of this Act, continue response action with respect to hazardous substances, pollutants, and contaminants affecting water supplies in south Adams County, Colorado, to the west and north of the Rocky Mountain Arsenal and north of 80th Avenue. The cost of such response action shall be paid for out of funds appropriated to the Department of Defense for purposes of the Environmental Restoration Program of the Department of the Army. Such response action shall be carried out in accordance with the recommendations of

the Administrator and in consultation with the Colorado Department of Health.

(d) LIABILITY OF ARMY NOT AFFECTED.—Nothing in this subsection shall affect the liability of the Department of the Army or of any other potentially responsible person under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 or under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(e) LIABILITY OF OTHER PARTIES UNDER SUPERFUND.—Nothing in this section shall be construed to affect the rights of the Secretary to obtain reimbursement under section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 from any potentially responsible party of any amount expended by the Secretary for response action referred to in subsection (a).

SEC. 107. AUTHORIZATION OF APPROPRIATIONS, ARMY; RECURRING ADMINISTRATIVE PROVISIONS

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1986, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $2,949,746,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $691,500,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $401,800,000.

(3) For military construction projects inside the United States authorized by section 101 of the Military Construction Authorization Act, 1986, $51,000,000.

(4) For military construction projects outside the United States authorized by section 101 of the Military Construction Authorization Act, 1986, $17,000,000.

(5) For minor construction projects under section 2805 of title 10, United States Code, $99,070,000.

(6) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $130,580,000.

(7) For military family housing functions—

(A) for construction and acquisition of military family housing and facilities, $387,330,000, of which $24,000,000 is available for planning and design;

(B) for support of military family housing (including the functions described in section 2833 of title 10, United States Code), $1,265,266,000, of which not more than $31,246,000 may be obligated or expended for the leasing of military family housing units in the United States, the Commonwealth of Puerto Rico, and Guam, and not more than $142,639,000 may be obligated or expended for the leasing of military family housing units in foreign countries, and

(C) for the Homeowners Assistance Program as authorized by section 2832 of title 10, United States Code, $5,500,000.

(8)(A) Notwithstanding the amounts authorized to be appropriated by paragraphs (1)-(6) of this subsection, the total amount authorized to be appropriated by this subsection for the purposes described in such paragraphs is $1,326,910,000.

(B) Notwithstanding the amounts authorized to be appropriated by subparagraphs (A) and (B) of paragraph (7) of this subsection, the total amount authorized to be appropriated by this subsection for the purposes described in such subparagraphs is $1,618,396,000.

(b) AUTHORIZATION OF UNOBLIGATED FUNDS FOR ENERGY CONSERVATION PROJECTS.—Funds appropriated to the Department of Defense for fiscal years before fiscal year 1987 which could be used for energy conservation projects for existing military family housing units of the Department of the Army that remain available for obligation are hereby authorized to be made available, to the extent provided in appropriation Acts, for energy conservation projects for military family housing of the Army in an amount not to exceed $15,671,000.

(c) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS AUTHORIZED IN TITLE I.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsections (a) and (b).

SEC. 108. EXTENSION OF CERTAIN AUTHORIZATIONS

(a) EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 1984 PROJECTS.—Notwithstanding the provisions of section 607(a) of the Military Construction Authorization Act, 1984 (Public Law 98-115; 97 Stat. 780), authorizations for the following projects authorized in section 101 of that Act, as extended by section 606(b) of the Military Construction Authorization Act, 1986 (Public Law 99-167; 99 Stat. 983) shall remain in effect until October 1, 1987, or the date of enactment of the Military Construction Authorization Act for fiscal year 1988, whichever is later:

(1) Unaccompanied personnel housing in the amount of $1,400,000 at Argyroupolis, Greece.

(2) Operations building in the amount of $370,000 at Argyroupolis, Greece.

(3) Multipurpose recreation facility in the amount of $480,000 at Argyroupolis, Greece.

(4) Unaccompanied officer housing in the amount of $600,000 at Perivolaki, Greece.

(5) Operations building in the amount of $410,000 at Perivolaki, Greece.

(6) Multipurpose recreation facility in the amount of $620,000 at Perivolaki, Greece.

(7) Physical fitness training center in the amount of $1,000,000 at Elefsis, Greece.

(b) EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 1985 PROJECTS.—Notwithstanding the provisions of section 607(a) of the Military Construction Authorization Act, 1985 (Public Law 98-407; 98 Stat. 1515), authorizations for the following projects authorized in sections 101 of that Act shall remain in effect until October 1, 1987, or the date of enactment of the Military Construction Authorization Act for fiscal year 1988, whichever is later:

(1) Barracks with dining facility in the amount of $11,400,000 at Presidio of San Francisco, California.

(2) Child care center in the amount of $1,980,000 at Presidio of San Francisco, California.

(3) Barracks in the amount of $6,600,000 at Presidio of San Francisco, California.

(4) Multipurpose recreation facility in the amount of $1,150,000 at Koropi, Greece.

(5) Multipurpose recreation facility in the amount of $960,000 at Katsimidi, Greece.

(6) Barracks modernization in the amount of $660,000 at Argyroupolis, Greece.

(7) Barracks modernization in the amount of $660,000 at Perivolaki, Greece.

(8) Barracks with dining facility in the amount of $2,350,00 at Elefsis, Greece.

(9) Contingency Facility in the amount of $4,300,000 at Palmerola, Honduras.

## TITLE II—NAVY

SEC. 201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS

(a) INSIDE THE UNITED STATES.—The Secretary of the Navy may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations inside the United States:

UNITED STATES MARINE CORPS

Headquarters Marine Corps, Arlington, Virginia, $3,020,000.

Marine Corps Base, Camp Lejeune, North Carolina, $33,220,000.

Marine Corps Air Station, Camp Pendleton, California, $8,440,000.

Marine Corps Base, Camp Pendleton, California, $26,730,000.

Marine Corps Air Station, Cherry Point, North Carolina, $12,660,000.

Marine Corps Air Station, El Toro, California, $26,280,000.

Marine Corps Air Station, Kaneohe Bay, Hawaii, $31,580,000.

Marine Corps Air Station, New River, North Carolina, $20,020,000.

Marine Corps Recruit Depot, Parris Island, South Carolina, $7,250,000.

Marine Corps Air Station, Tustin, California, $13,250,000.

Marine Corps Air-Ground Combat Center, Twentynine Palms, California, $36,350,000.

Marine Corps Air Station, Yuma, Arizona, $5,600,000.

CHIEF OF NAVAL OPERATIONS

Naval Academy, Annapolis, Maryland, $2,260,000.

COMMANDER IN CHIEF, ATLANTIC FLEET

Naval Air Station, Brunswick, Maine, $2,160,000.

Naval Air Station, Cecil Field, Florida, $3,730,000.

Naval Air Station, Jacksonville, Florida, $4,810,000.

Naval Amphibious Base, Little Creek, Virginia, $5,890,000.

Naval Supply Center Detachment, Mayport, Florida, $3,730,000.

Naval Submarine Base, New London, Connecticut, $3,160,000.

Naval Station, New York, New York, $56,200,000.

COMMANDER IN CHIEF, PACIFIC FLEET

Naval Air Station, Adak, Alaska, $24,400,000.

Naval Facility, Adak, Alaska, $5,700,000.

Naval Air Station, Alameda, California, $17,675,000.

Naval Submarine Base, Bangor, Washington, $10,500,000.

Naval Amphibious Base, Coronado, California, $17,450,000.

Naval Station, Everett, Washington, $85,400,000.

Naval Air Station, Fallon, Nevada, $31,200,000.

Naval Station, Long Beach, California, $7,050,000.

Naval Magazine, Lualualei, Hawaii, $2,850,000.

Naval Air Station, Miramar, California, $21,550,000.

Naval Station, Pearl Harbor, Hawaii, $3,240,000.

Naval Station, San Diego, California, $18,200,000.

Naval Submarine Base, San Diego, California, $9,100,000.

Naval Station, Seattle, Washington, $2,950,000.
Naval Air Station, Whidbey Island, Washington, $3,510,000.

CHIEF OF NAVAL EDUCATION AND TRAINING

Naval Guided Missile School, Dam Neck, Virginia, $3,140,000.
Naval Training Center, Great Lakes, Illinois, $5,300,000.
Naval Air Station, Kingsville, Texas, $3,140,000.
Combat Systems Technical Schools Command, Mare Island, California, $5,200,000.
Naval Air Station, Memphis, Tennessee, $15,550,000.
Naval Air Station, Meridian, Mississippi, $3,170,000.
Naval Submarine School, New London, Connecticut, $9,540,000.
Naval Education and Training Center, Newport, Rhode Island, $11,700,000.
Fleet Training Center, Norfolk, Virginia, $5,400,000.
Naval Training Center, Orlando, Florida, $8,440,000.
Naval Diving and Salvage Training Center, Panama City, Florida, $2,850,000.
Naval Technical Training Center, Pensacola, Florida, $4,610,000.
Fleet Intelligence Training Center, Pacific, San Diego, California, $4,220,000.
Fleet Training Center, San Diego, California, $3,930,000.
Naval Training Center, San Diego, California, $18,170,000.
Naval Air Station, Whiting Field, Florida, $2,120,000.

NAVAL TELECOMMUNICATIONS COMMAND

Naval Communication Station, Stockton, California, $2,750,000.

NAVAL SECURITY GROUP COMMAND

Naval Security Group Activity, Adak, Alaska, $13,400,000.

NAVAL SUPPLY SYSTEMS COMMAND

Naval Supply Center, Norfolk, Virginia, $3,140,000.

NAVAL AIR SYSTEMS COMMAND

Pacific Missile Range Facility, Barking Sands, Kauai, Hawaii, $8,260,000.
Naval Air Rework Facility, Cherry Point, North Carolina, $37,200,000.
Naval Air Test Center, Patuxent River, Maryland, $19,780,000.
Naval Air Rework Facility, Pensacola, Florida, $8,050,000.

NAVAL FACILITIES ENGINEERING COMMAND

Naval Construction Battalion Center, Gulfport, Mississippi, $14,200,000.
Navy Public Works Center, Norfolk, Virginia, $8,050,000.
Navy Public Works Center, Pearl Harbor, Hawaii, $24,900,000.
Naval Construction Battalion Center, Port Hueneme, California, $3,040,000.

NAVAL SEA SYSTEMS COMMAND

Charleston Naval Shipyard, Charleston, South Carolina, $10,810,000.
Naval Weapons Station, Charleston, South Carolina, $6,130,000.
Naval Weapons Support Center, Crane, Indiana, $6,880,000.
Naval Weapons Station, Earle, New Jersey, $52,500,000.
Long Beach Naval Shipyard, Long Beach, California, $2,450,000.
Norfolk Naval Shipyard, Portsmouth, Virginia, $5,900,000.
Supervisor of Shipbuilding, Pascagoula, Mississippi, $4,120,000.
Portsmouth Naval Shipyard, Kittery, Maine, $22,190,000.
Naval Weapons Station, Seal Beach, California, $6,100,000.
Mare Island Naval Shipyard, Vallejo, California, $5,100,000.
Naval Weapons Station, Yorktown, Virginia, $4,220,000.

OFFICE OF THE CHIEF OF NAVAL RESEARCH

Naval Weapons Center, China Lake, California, $12,750,000.
Naval Surface Weapons Center, Dahlgren, Virginia, $15,960,000.
Naval Research Laboratory, Washington, District of Columbia, $8,730,000.

STRATEGIC SYSTEMS PROJECT OFFICE

Naval Submarine Base, Kings Bay, Georgia, $122,390,000.

(b) OUTSIDE THE UNITED STATES.—The Secretary of the Navy may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations outside the United States:

MARINE CORPS

Marine Corps Air Station, Futenma, Okinawa, Japan, $3,440,000.
Marine Corps Base, Camp Smedley D. Butler, Okinawa, Japan, $8,950,000.

COMMANDER IN CHIEF, ATLANTIC FLEET

Naval Station, Guantanamo Bay, Cuba, $2,600,000.
Naval Air Station, Keflavik, Iceland, $13,490,000.
Atlantic Fleet Weapons Training Facility, Roosevelt Roads, Puerto Rico, $4,220,000.
Naval Station, Roosevelt Roads, Puerto Rico, $6,290,000.

COMMANDER IN CHIEF, PACIFIC FLEET

Naval Air Facility, Atsugi, Japan, $5,300,000.
Administrative Support Unit, Bahrain Island, $2,550,000.
Naval Air Station, Cubi Point, Republic of the Philippines, $5,300,000.
Mobile Construction Battalion, Camp Covington, Guam, $15,500,000.

COMMANDER IN CHIEF, UNITED STATES NAVAL FORCES EUROPE

Naval Support Activity, Naples, Italy, $5,500,000.
Naval Station, Rota, Spain, $4,600,000.
Classified Locations, $15,700,000.

NAVAL TELECOMMUNICATIONS COMMAND

Naval Communications Area Master Station, Mediterranean, Naples, Italy, $8,250,000.

NAVAL SECURITY GROUP COMMAND

Naval Security Group Activity, Edzell, Scotland, $2,250,000.

OFFICE OF THE CHIEF OF NAVAL RESEARCH

Naval Underwater Systems Center, Andros Island, Bahamas, $3,730,000.

SEC. 202. FAMILY HOUSING

The Secretary of the Navy may construct or acquire family housing units (including land acquisition) at the following installations in the number of units shown, and in the amount shown, for each installation:

Naval Station, Long Beach, California, three hundred units, $22,900,000.
Naval Air Station, Moffett Field, California, one hundred and twenty-six units, $11,600,000.
Navy Public Works Center, San Francisco, California, three hundred units, $26,450,000.
Marine Corps Air-Ground Combat Center, Twentynine Palms, California, three hundred and ninety-two units and seventy-five mobile home spaces, $35,300,000.
Marine Corps Base, Camp Pendleton, California, one hundred mobile home spaces, $1,800,000.
Marine Corps Base, Camp Lejeune, North Carolina, seventy-five mobile home spaces, $930,000.
Marine Corps Development and Education Command, Quantico, Virginia, fifty mobile home spaces, $790,000.
Naval Station, Keflavik, Iceland, two hundred and fifty units, $48,642,000.

SEC. 203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS

(a) AMOUNT AUTHORIZED.—Subject to section 2825 of title 10, United States Code, the Secretary of the Navy may make expenditures to improve existing military family housing units in an amount not to exceed $26,580,000.

(b) WAIVER OF MAXIMUM PER UNIT COST FOR CERTAIN IMPROVEMENT PROJECTS.—Notwithstanding the maximum amount per unit for an improvement project under 2825(b) of title 10, United States Code, the Secretary of the Navy may carry out projects to improve existing military family housing units at the following installations in the number of units shown, and in the amount shown, for each installation:

Naval Station, Mare Island, Vallejo, California, one hundred units, $5,200,000.
Marine Corps Logistics Base, Albany, Georgia, one unit, $33,300.
Navy Public Works Center, Great Lakes, Illinois, two hundred and ten units, $9,400,000.
Naval Air Station, Brunswick, Maine, forty-four units, $1,274,600.
Naval Construction Battalion Center, Gulfport, Mississippi, one unit, $28,700.
Naval Air Station, Fallon, Nevada, forty-four units, $1,868,500.
Naval Station, New York, New York, one hundred and twenty units, $9,600,000.
Naval Air Development Center, Warminster, Pennsylvania, six units, $256,800.
Naval Education and Training Center, Newport, Rhode Island, one hundred and eighty-six units, $10,200,000.
Navy Public Works Center, Guam, one unit, $64,700.
Navy Public Works Center, Guam, one hundred and nine units, $10,360,000.
Naval Air Station, Agana, Guam, one hundred units, $9,517,000.
Naval Air Station, Agana, Guam, one unit, $58,600.

SEC. 204. ACQUISITION OF EXISTING HOUSING UNITS ON GUAM

The Secretary of the Navy may acquire, without reimbursement, eighty-nine existing family housing units constructed and used by the Federal Aviation Agency on land in Finegayan, Guam, held by the Navy under the provisions of section 9 of the International Aviation Facilities Act (49 U.S.C. 1158).

SEC. 205. AUTHORIZATION OF APPROPRIATIONS, NAVY; RECURRING ADMINISTRATIVE PROVISIONS

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1986, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $2,161,343,000 as follows:

(1) For military construction projects inside the United States authorized by section 2111(a), $1,082,595,000.

(2) For military construction projects outside the United States authorized by section 2111(b), $107,670,000.

(3) For military construction projects at Kings Bay, Georgia, authorized by section 201(a) of the Military Construction Authorization Act, 1986, $45,450,000.

(4) For minor construction projects under section 2805 of title 10, United States Code, $114,375,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $143,770,000.

(6) For advances to the Secretary of Transportation for construction of defense access roads under section 210 of title 23, United States Code, $5,400,000.

(7) For military family housing functions—

(A) for construction and acquisition of military family housing and facilities, $176,992,000; and

(B) for support of military housing (including functions described in section 2833 of title 10, United States Code), $560,591,000 of which not more than $5,214,100 may be obligated or expended for the leasing of military family housing in the United States, the Commonwealth of Puerto Rico, and Guam, and not more than $17,244,900 may be obligated or expended for the leasing of military family housing units in foreign countries.

(8)(A) Notwithstanding the amounts authorized to be appropriated by paragraphs (1)–(6) of this subsection, the total amount authorized to be appropriated by this subsection for the purposes described in such paragraphs is $1,437,160,000.

(B) Notwithstanding the amounts authorized to be appropriated by subparagraphs (A) and (B) of paragraph (7) of this subsection, the total amount authorized by this subsection for the purposes described by such subparagraphs is $724,183,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS AUTHORIZED IN TITLE II.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2111 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

SEC. 2116. EXTENSION OF AUTHORIZATION FOR CERTAIN FISCAL YEAR 1984 PROJECTS

Notwithstanding the provisions of section 607(a) of the Military Construction Authorization Act, 1985 (Public Law 98–407; 98 Stat. 1515), authorizations for the following projects authorized in section 201 of that Act shall remain in effect until October 1, 1987, or the date of enactment of the Military Construction Authorization Act for fiscal year 1988, whichever is later:

(1) Unaccompanied enlisted personnel housing in the amount of $10,740,000 at the Marine Corps Air Station, Yuma, Arizona.

(2) Antenna support facility in the amount of $320,000 at the Naval Security Group Activity, Adak, Alaska.

(3) Data processing center in the amount of $6,160,000 at the Naval Supply Center, Bremerton, Washington.

(4) Unaccompanied enlisted personnel housing in the amount of $12,130,000 at the Naval Air Station, Whidbey Island, Washington.

(5) Unaccompanied enlisted personnel housing in the amount of $6,600,000 at the Naval Station, Mare Island, Vallejo, California.

(6) Mountain Warfare Training Facility (Bridgeport) in the amount of $1,480,000 for the Marine Corps Base, Camp Pendleton, California.

(7) Medical/Dental Clinic (Bridgeport) in the amount of $1,410,000 for the Naval Hospital, Camp Pendleton, California.

(8) Hospital Modernization in the amount of $29,140,000 at the Naval Hospital, Oakland, California.

(9) Facility Energy Improvements in the amount of $5,770,000 at the Navy Public Works Center, San Francisco, California.

## TITLE III—AIR FORCE

SEC. 301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS

(a) INSIDE THE UNITED STATES.—The Secretary of the Air Force may acquire real property and may carry out military construction projects in the amount shown for each of the following installations and locations inside the United States:

AIR FORCE LOGISTICS COMMAND

Hill Air Force Base, Utah, $4,000,000.
Kelly Air Force Base, Texas, $39,000,000.
McClellan Air Force Base, California, $19,500,000.
Newark Air Force Station, Ohio, $3,000,000.
Robins Air Force Base, Georgia, $12,955,000.
Tinker Air Force Base, Oklahoma, $17,300,000.
Wright-Patterson Air Force Base, Ohio, $16,200,000.

AIR FORCE SYSTEM COMMAND

Arnold Air Force Station, Tennessee, $2,800,000.
Edwards Air Force Base, California, $15,000,000.
Hanscom Air Force Base, Massachusetts, $2,700,000.
Patrick Air Force Base, Florida, $2,600,000.

AIR TRAINING COMMAND

Chanute Air Force Base, Illinois, $11,300,000.
Goodfellow Air Force Base, Texas, $10,000,000.
Lackland Air Force Base, Texas, $21,500,000.
Laughlin Air Force Base, Texas, $3,700,000.
Williams Air Force Base, Arizona, $4,900,000.

AIR UNIVERSITY

Gunter Air Force Station, Alabama, $2,900,000.

ALASKAN AIR COMMAND

Eielson Air Force Base, Alaska, $11,600,000.
Galena Airport, Alaska, $11,600,000.
King Salmon Airport, Alaska, $4,050,000.
Shemya Air Force Base, Alaska, $22,300,000.

MILITARY AIRLIFT COMMAND

Andrews Air Force Base, Maryland, $25,000,000.
Charleston Air Force Base, South Carolina, $5,000,000.
Kirtland Air Force Base, New Mexico, $8,700,000.
McChord Air Force Base, Washington, $6,400,000.
McGuire Air Force Base, New Jersey, $7,000,000.
Pope Air Force Base, North Carolina, $2,300,000.
Travis Air Force Base, California, $4,700,000.

SPACE COMMAND

Cape Cod Air Force Station, Massachusetts, $4,300,000.
Falcon Air Force Station, Colorado, $6,400,000.
Peterson Air Force Base, Colorado, $3,050,000.

SPECIAL PROJECT

Various Locations, $37,056,000.

STRATEGIC AIR COMMAND

Beale Air Force Base, California, $7,516,000.
Ellsworth Air Force Base, South Dakota, $7,650,000.
Fairchild Air Force Base, Washington, $2,900,000.
F.E. Warren Air Force Base, Wyoming, $6,000,000.
Grand Forks Air Force Base, North Dakota, $17,040,000.
Grissom Air Force Base, Indiana, $3,000,000.
La Junta Radar Bomb Scoring Site, Colorado, $2,150,000.
Loring Air Force Base, Maine, $12,200,000.
Malmstrom Air Force Base, Montana, $30,770,000.
March Air Force Base, California, $13,600,000.
McConnell Air Force Base, Kansas, $32,760,000.
Minot Air Force Base, North Dakota, $26,660,000.
Offutt Air Force Base, Nebraska, $21,770,000.
Vandenburg Air Force Base, California, $2,700,000.
Whiteman Air Force Base, Missouri, $9,500,000.
Wurtsmith Air Force Base, Michigan, $9,550,000.

TACTICAL AIR COMMAND

Base 39, Classified Location, $2,300,000.
Bergstrom Air Force Base, Texas, $3,390,000.
Cannon Air Force Base, New Mexico, $7,250,000.
Davis-Monthan Air Force Base, Arizona, $11,100,000.
George Air Force Base, California, $7,650,000.
Holloman Air Force Base, New Mexico, $14,160,000.
Homestead Air Force Base, Florida, $3,400,000.
Langley Air Force Base, Virginia, $8,000,000.
Luke Air Force Base, Arizona, $19,480,000.
Mountain Home Air Force Base, Idaho, $12,700,000.
Myrtle Beach Air Force Base, South Carolina, $3,000,000.
Nellis Air Force Base, Nevada, $16,100,000.
Shaw Air Force Base, South Carolina, $3,700,000.
Tyndall Air Force Base, Florida, $13,950,000.
WESTCONUS, $10,300,000.

UNITED STATES AIR FORCE ACADEMY

Air Force Academy, Colorado, $4,000,000.

VARIOUS LOCATIONS

Various Energy Conservation Investment Projects, $9,470,000.

(b) OUTSIDE THE UNITED STATES.—The Secretary of the Air Force may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations outside the United States:

MILITARY AIRLIFT COMMAND

Lajes Field, Portugal, $15,750,000.

PACIFIC AIR FORCES

Kadena Air Base, Japan, $7,100,000.

Misawa Air Base, Japan, $10,300,000.
Kimhae Air Base, Korea, $3,050,000.
Kunsan Air Base, Korea, $4,650,000.
Osan Air Base, Korea, $14,350,000.
Suwon Air Base, Korea, $3,250,000.
Taegu Air Base, Korea, $2,350,000.
Clark Air Base, Republic of the Philippines, $55,350,000.
Saipan, $5,200,000.

SPACE COMMAND

Sondrestrom Air Base, Greenland, $5,860,000.
Thule Air Base, Greenland, $8,250,000.
Woomera Air Station, Australia, $2,300,000.

TACTICAL AIR COMMAND

Masirah, Oman, $3,500,000.
Thumrait, Oman, $3,400,000.

UNITED STATES AIR FORCES IN EUROPE

Hahn Air Base, Germany, $6,300,000.
Ramstein Air Base, Germany, $31,500,000.
Sembach Air Base, Germany, $7,100,000.
Spangdahlem Air Base, Germany, $6,050,000.
Zweibrucken Air Base, Germany, $2,750,000.
Aviano Air Base, Italy, $4,200,000.
San Vito Air Station, Italy, $3,300,000.
Woensdrecht Air Base, The Netherlands, $22,830,000.
Ankara Air Station, Turkey, $3,050,000.
Incirlik Air Base, Turkey, $9,400,000.
Pirinclik Air Station, Turkey, $3,000,000.
RAF Alconbury, United Kingdom, $13,350,000.
RAF Bentwaters, United Kingdom, $3,700,000.
RAF Fairford, United Kingdom, $2,750,000.
RAF Mildenhall, United Kingdom, $4,700,000.
RAF Upper Heyford, United Kingdom, $12,800,000.
Morocco, various locations, $25,400,000.
Base 30, Classified Location, $2,950,000.
Overseas Classified Location, $11,500,000.
Various Locations, Europe, $3,953,000.

SEC. 302. FAMILY HOUSING

(a) IN GENERAL.—The Secretary of the Air Force may construct or acquire family housing units (including land acquisition) at the following installations, in the number of units shown, and in the amount shown, for each installation:

Bitburg Air Base, Germany, three hundred and thirty-two units, $26,415,000.
Hahn Air Base, Germany, one hundred and fifty units, $11,300,000.
Osan Air Base, Korea, one unit, $160,000.
La Junta Air Force Station, Colorado, forty units, $4,000,000.
Beale Air Force Base, California, family housing maintenance shop, $180,000.
Davis-Monthan Air Force Base, Arizona, family housing management office, $300,000.
McGuire Air Force Base, New Jersey, family housing management office, $325,000.
Pope Air Force Base, North Carolina, family housing management office, $300,000.
Edwards Air Force Base, California, twenty-four mobile home spaces, $376,000.

(b) OSAN AIR BASE, KOREA.—Notwithstanding the space limitations of section 2826 of title 10, United States Code, the Secretary of the Air Force may construct one family housing unit at Osan Air Base, Korea, with a maximum net floor area of 3,000 square feet at a cost not to exceed $160,000.

SEC. 303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS

(a) AMOUNT AUTHORIZED.—Subject to section 2825 of title 10, United States Code, the Secretary of the Air Force may make expenditures to improve existing military family housing units, including energy conservation projects, in an amount not to exceed $52,644,000.

(b) WAIVER OF MAXIMUM PER UNIT COST FOR CERTAIN IMPROVEMENT PROJECTS.—Notwithstanding the maximum amount per unit for an improvement project under section 2825(b) of title 10, United States Code, the Secretary of the Air Force may carry out projects to improve existing military family housing units at the following installations in the number of units shown, and in the amount shown, for each installation:

Eielson Air Force Base, Alaska, eighty-eight units, $6,186,000.
Elmendorf Air Force Base, Alaska, twelve units, $760,000.
Air Force Academy, Colorado, one unit, $120,000.
Peterson Air Force Base, Colorado, four units, $149,000.
MacDill Air Force Base, Florida, one hundred and fifty-eight units, $4,430,000; seven units, $553,000; seventy-one units, $2,103,000.
Scott Air Force Base, Illinois, one hundred and twelve units, $4,690,000.
Barksdale Air Force Base, Louisiana, one hundred and fourteen units, $5,342,000.
Bangor Air Force Station, Maine, one unit, $30,000.
Andrews Air Force Base, Maryland, seven units, $518,000.
Pease Air Force Base, New Hampshire, two hundred units, $7,177,000.
Plattsburgh Air Force Base, New York, twenty-nine units, $2,272,000.
Shaw Air Force Base, South Carolina, one hundred and twenty-five units, $4,385,000; seventy-four units, $2,598,000.
Carswell Air Force Base, Texas, two hundred and three units, $7,478,000.
Lackland Air Force Base, Texas, sixty-four units, $1,920,000.
Randolph Air Force Base, Texas, five units, $402,000.
Reese Air Force Base, Texas, one hundred units, $2,895,000.
Langley Air Force Base, Virginia, five units, $441,000.
Andersen Air Force Base, Guam, two hundred units, $14,517,000.
Kadena Air Base, Japan, one hundred units, $5,054,000; three units, $240,000.

SEC. 304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE; RECURRING ADMINISTRATIVE PROVISIONS

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1986, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $2,149,749,000 as follows:

(1) For military construction projects inside the United States authorized by section 2121(a), $695,057,000.

(2) For military construction projects outside the United States authorized by section 2121(b), $321,243,000.

(3) For minor construction projects under section 2805 of title 10, United States Code, $210,280,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $117,260,000.

(5) For advances to the Secretary of Transportation for construction of defense access roads under section 210 of title 23, United States Code, $32,700,000.

(6) For military family housing functions—

(A) for construction and acquisition of military family housing and facilities, $103,000,000; and

(B) for support of military housing (including functions described in section 2833 of title 10, United States Code), $751,409,000, of which not more than $5,600,000 may be obligated or expended for the leasing of military family housing units in the United States, the Commonwealth of Puerto Rico, and Guam, and not more than $74,176,000 may be obligated or expended for the leasing of military family housing units in the foreign countries.

(7)(A) Notwithstanding the amounts authorized to be appropriated by paragraphs (1)–(5) of this subsection, the total amount authorized to be appropriated by this subection for the purposes described in such paragraphs is $1,313,280,000.

(B) Notwithstanding the amounts authorized to be appropriated by subparagraphs (A) and (B) of paragraph (6) of this subsection, the total amount authorized to be appropriated for the purposes described by such subparagraphs is $835,409,000.

(b) AUTHORIZATION OF UNOBLIGATED FUNDS FOR ENERGY CONSERVATION PROJECTS.—Funds appropriated to the Department of Defense for fiscal years before fiscal year 1987 which could be used for energy conservation projects of the Department of the Air Force that remain available for obligation are hereby authorized to be made available, to the extent provided in appropriation Acts, for energy conservation projects authorized in section 2121(a) in an amount not to exceed $9,470,000.

(c) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS AUTHORIZED IN TITLE III.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2121 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a) and the amount specified in subsection (b).

SEC. 305. EXTENSION OF CERTAIN AUTHORIZATIONS

Notwithstanding the provisions of section 607(a) of the Military Construction Authorization Act, 1985 (Public Law 98-407; 98 Stat. 1515), authorizations for the following projects authorized in section 302 of that Act shall remain in effect until October 1, 1987, or the date of enactment of the Military Construction Authorization Act for fiscal year 1988, whichever is later:

(1) Cadet Gymnasium in the amount of $10,000,000 at the United States Air Force Academy, Colorado.

(2) GLCM—Clothing Sales Store in the amount of $300,000 at Comiso Air Base, Italy.

(3) GLCM—Library in the amount of $570,000 at Florennes Air Base, Belgium.

(4) Anti-Satellite Facilities in the total amount of $16,500,000 at Langley Air Force Base, Virginia, to include: Integrated Maintenance Facility for $9,870,000; Missile and Motor Storage Facility for $3,870,000; Administrative Building for $645,000; Hydrazine Storage for $370,000; Control Center for $860,000; and Cryogen Storage and Procurement Facility for $955,000.

## TITLE IV—DEFENSE AGENCIES

### SEC. 401. AUTHORIZED CONSTRUCTION PROJECTS AND LAND ACQUISITION FOR THE DEFENSE AGENCIES

(a) INSIDE THE UNITED STATES.—The Secretary of Defense may acquire real property and carry out military construction projects in the amounts shown for each of the following installations and locations inside the United States:

DEFENSE COMMUNICATIONS AGENCY

Scott Air Force Base, Illinois, $7,600,000.
Pentagon, Virginia, $2,300,000.

DEFENSE LANGUAGE INSTITUTE

Defense Language Institute, Monterey, California, $5,400,000.

DEFENSE LOGISTICS AGENCY

Defense Fuel Support Point, Naval Supply Center, Charleston, South Carolina, $5,130,000.
Defense Depot, Ogden, Utah, $9,780,000.
Defense Fuel Support Point, Mukilteo, Washington, $6,360,000.

DEFENSE MAPPING AGENCY

Aerospace Center, St. Louis, Missouri, $16,700,000.

DEFENSE MEDICAL FACILITIES OFFICE

Edwards Air Force Base, California, $3,950,000.
Pearl Harbor, Hawaii, $9,700,000.
Mountain Home Air Force Base, Idaho, $30,500,000.
Fort Polk, Louisiana, $2,650,000.
Keesler Air Force Base, Mississippi, $3,100,000.
McGuire Air Force Base, New Jersey, $3,800,000.
Kirtland Air Force Base, New Mexico, $16,000,000.
Camp Lejeune, North Carolina, $3,900,000.
Brooks Army Medical Center, San Antonio, Texas, $127,000,000.
Fort Hood, Texas, $3,450,000.
Randolph Air Force Base, Texas, $13,700,000.

DEFENSE NUCLEAR AGENCY

Naval Research Laboratory, Washington, District of Columbia, $3,200,000.

JOINT TACTICAL COMMAND, CONTROL, AND COMMUNICATIONS AGENCY

Fort Huachucha, Arizona, $9,890,000.

NATIONAL SECURITY AGENCY

Fort Meade, Maryland, $9,570,000.
Classified Location, $3,000,000.
Classified Location, $4,000,000.

OFFICE OF THE SECRETARY OF DEFENSE

Classified Location, $3,000,000.
Environmental Restoration, $6,000,000.

STRATEGIC DEFENSE INITIATIVE

Edwards Air Force Base, California, $4,140,000.
Pacific Missile Range, Kaui, Hawaii, $2,890,000.

(b) OUTSIDE THE UNITED STATES.—The Secretary of Defense may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations outside the United States:

DEFENSE LOGISTICS AGENCY

Defense Fuel Support Point, Chimu Wan, Japan, $6,640,000.
Defense Fuel Support Point, Tsurumi, Japan, $3,520,000.

DEFENSE MEDICAL FACILITIES OFFICE

Boeblingen, Germany, $3,650,000.
Grafenwoehr, Germany, $3,950,000.
Karlsruhe, Germany, $6,800,000.
Vilseck, Germany, $5,600,000.
Camp New Amsterdam, The Netherlands, $6,000,000.

DEPARTMENT OF DEFENSE DEPENDENT SCHOOLS

Naval Air Station, Bermuda, $4,280,000.
Aschaffenburg, Germany, $6,600,000.
Dexheim, Germany, $2,430,000.
Erlangen, Germany, $3,220,000.
Grafenwoehr, Germany, $2,500,000.
Hahn, Germany, $3,470,000.
Heidelberg, Germany, $3,190,000.
Hessisch-Oldendorf, Germany, $2,310,000.
Kaiserslautern, Germany, $7,880,000.
Nuernberg, Germany, $8,580,000.
Stuttgart, Germany, $4,530,000.
Wuerzburg, Germany, $7,760,000.
Woensdrecht, The Netherlands, $7,420,000.

(c) VARIOUS LOCATIONS.—The Secretary of Defense may acquire real property and may carry out military construction projects not otherwise authorized by law for the construction of hazardous waste storage facilities.

### SEC. 402. FAMILY HOUSING

The Secretary of Defense may construct or acquire three family housing units (including land acquisition) at classified locations in the total amount of $270,000.

### SEC. 403. BROOKE ARMY MEDICAL CENTER

(a) AUTHORIZATION TO CONTRACT IN ADVANCE OF APPROPRIATIONS.—The Secretary of Defense may enter into one or more contracts, in advance of appropriations therefor, for the design and construction of the military construction project authorized by section 2131 to be accomplished at Brooke Army Medical Center, San Antonio, Texas, if such contracts limit the Government's liability to the amount of funds available for obligation at the time each contract is entered into. Such design and contruction may be accomplished by using one-step turn-key selection procedures, or other competitive contracting methods.

(b) REPEAL PROVISION.—Section 104 of the Military Construction Authorization Act, 1985 (Public Law 98-407; 98 Stat. 1498), is repealed.

### SEC. 404. PROHIBITION ON DESIGN OF PENTAGON ANNEX

None of the funds appropriated pursuant to an authorization contained in this or any other Act may be used for the purpose of designing an administrative complex on the property known as the Pentagon Reservation, Arlington, Virginia, for the purpose of supporting the headquarters of the Department of Defense or the military departments or the support functions of such headquarters.

### SEC. 405. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES; RECURRING ADMINISTRATIVE PROVISIONS

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1986 for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), in the total amount of $568,500,000 as follows:

(1) For military construction projects inside the United States authorized by section 2131(a), $189,710,000.

(2) For military construction projects outside the United States authorized by section 2131(b), $100,330,000.

(3) For military construction projects at Fort Meade, Maryland, authorized by section 401(a) of the Military Construction Authorization Act, 1986, $53,700,000.

(4) For military construction projects at Fort Lewis, Washington, authorized by section 101(a) of the Military Construction Authorization Act, 1985, $72,100,000.

(5) For minor construction projects under section 2805 of title 10, United States Code, $30,760,000.

(6) For construction projects under the contingency construction authority of the Secretary of Defense under section 2804 of title 10, United States Code, $5,000,000.

(7) For Conforming Storage Facilities at various locations authorized by section 2131(c), $21,400,000.

(8) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $100,700,000.

(9) For military family housing functions—

(A) for construction and acquisition of military family housing and facilities, $270,000; and

(B) for support of military housing (including functions described in section 2833 of title 10, United States Code), $17,330,000, of which not more than $14,027,000 may be obligated or expended for the leasing of military family housing units in foreign countries.

(10) Notwithstanding the amounts authorized to be appropriated by paragraphs (1)-(8) of this subsection the total amount authorized to be appropriated by this subsection for the purposes described by such paragraphs is $550,900,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS AUTHORIZED IN TITLE IV.—Notwithstanding the cost variations authorized by section 2858 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 2131 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

### SEC. 406. EXTENSION OF AUTHORIZATIONS

Notwithstanding the provisions of section 607(a) of the Military Construction Authorization Act, 1985 (Public Law 98-407; 98 Stat. 1515), the authorizations for the construction or acquisition of 6 family housing units in section 402 of such Act shall remain in effect until October 1, 1987, or the date of the Military Construction Authorization Act for fiscal year 1988, whichever is later.

## TITLE V—NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

### SEC. 501. AUTHORITY OF THE SECRETARY OF DEFENSE TO MAKE CONTRIBUTIONS

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization infrastructure program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2142 of this Act and the amount collected from the North Atlantic Treaty Organization as a result of projects previously financed by the United States.

### SEC. 502. AUTHORIZATION OF APPROPRIATIONS, NATO

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1986, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Infrastructure Program as authorized by section 2041 of this Act, in the amount of $239,000,000.

## TITLE VI—GUARD AND RESERVE FORCES FACILITIES

### SEC. 601. AUTHORIZATION FOR GUARD AND RESERVE FACILITIES

There are authorized to be appropriated for fiscal years beginning after September 30, 1986, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 133 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $118,700,000, and

(B) for the Army Reserve, $83,200,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserves, $43,800,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $137,000,000, and

(B) for the Air Force Reserve, $55,400,000.

## TITLE VII—GENERAL PROVISIONS

### PART A—EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW

### SEC. 701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW

(a) EXPIRATION OF AUTHORIZATIONS AFTER TWO YEARS.—(1) Except as provided in subsection (b), all authorizations contained in titles I, II, III, IV, and V for military construction projects, land acquisition, family housing projects and facilities, and contributions to the NATO Infrastructure Program (and authorizations of appropriations therefor) shall expire on October 1, 1988, or the date of the enactment of the Military Construction Authorization Act for fiscal year 1989, whichever is later.

(b) EXCEPTION.—The provisions of paragraph (1) do not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the NATO Infrastructure Program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before October 1, 1988, or the date of the enactment of the Military Construction Authorization Act for fiscal year 1989, whichever is later, for construction contracts, land acquisition, family housing projects and facilities, or contributions to the NATO Infrastructure Program.

### SEC. 702. ESTABLISHMENT OF CERTAIN AMOUNTS REQUIRED TO BE SPECIFIED BY LAW

For projects or contracts initiated during the period beginning on the date of enactment of this Act and ending on the date of the enactment of the Military Construction Authorization Act for fiscal year 1988 or October 1, 1987, whichever is later, the following amounts apply:

(1) The maximum amount for a minor military construction project under section 2805 of title 10, United States Code, is $2,000,000.

(2) The amount of a contract for architectural and engineering services or construction design that makes such a contract subject to the reporting requirement under section 2807 of title 10, United States Code, is $300,000.

(3) The maximum amount per unit for an improvement project for family housing units under section 2825 of title 10, United States Code, is $30,000.

(4) The maximum annual rental for a family housing unit leased in the United States, Puerto Rico, or Guam under section 2828(b) of title 10, United States Code, is $10,000.

(5)(A) The maximum annual rental for a family housing unit leased in a foreign country under section 2828(e)(1) of title 10, United States Code, is $16,800.

(B) The maximum number of family housing units that may be leased at any one time in foreign countries under section 2828(e)(2) of title 10, United States Code, is 34,500.

(6) The maximum rental per year for family housing facilities, or for real property related to family housing facilities, leased in a foreign country under section 2828(f) of title 10, United States Code, is $250,000.

### PART B—MILITARY CONSTRUCTION PROGRAM PROVISIONS

### SEC. 711. MINOR CONSTRUCTION

(a) IN GENERAL.—Section 2805 of title 10, United States Code, is amended—

(1) in subsection (b)—

(A) by striking out paragraph (1) and inserting in lieu thereof the following:

"(1) A minor military construction project not identified in the Department of Defense annual budget request for a fiscal year may not be constructed if the estimated cost of such project exceeds 50 percent of the amount specified by law as the maximum amount for a minor military construction project unless the Secretary concerned has notified in writing the appropriate committees of Congress of that decision, of the justification for the project, and of the estimated cost of the project. The project may then be carried out only after the expiration of 21 days following the date on which the notification is received by the committees.";

(B) by striking out paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2);

(2) by striking out subsection (c) and inserting in lieu thereof the following:

"(c) The Secretary concerned may spend from funds available for operation and maintenance amounts necessary to carry out a minor construction project costing not more than 20 percent of the amount specified by law as the maximum amount for a minor military construction project."; and

(3) by striking out the section heading and inserting in lieu thereof the following:

"§ 2805. Minor construction".

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 169 of such title is amended by striking out the item relating to section 2805 and inserting in lieu thereof the following:

"2805. Minor construction.".

### SEC. 712. RENOVATION OF FACILITIES

(a) IN GENERAL.—Chapter 169 of title 10, United States Code, is amended by adding at the end of subchapter I the following new section:

"§ 2810. Renovation of facilities

"(a) The Secretary concerned may carry out renovation projects that combine maintenance, repair, and minor construction projects for an entire single-purpose facility or for one or more functional areas of a multipurpose facility. In carrying out such projects, the Secretary concerned may use funds available for operations and maintenance.

"(b) The maximum amount that may be obligated on such a renovation project is the maximum amount specified by law for a minor construction project.

"(c) The construction of a new facility or an addition to an existing facility may not be carried out under the authority of this section.".

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

"2810. Renovation of Facilities.".

### SEC. 713. TEST PROGRAM FOR MILITARY INSTALLATION MASTER PLANNING

In order to provide Congress with information necessary to determine the desirability and feasibility of using installation master plans as a basis for determining long-term military construction requirements, the Secretary of Defense shall, at the same time he submits the annual request for military construction authorization pursuant to section 2859 of title 10, United States Code, for fiscal year 1988, include in such request—

(1) master plans for at least two military installations of each military department; and

(2) a request for the authorization of those construction projects included in the installation master plans referred to in clause (1) that are scheduled to be constructed within five fiscal years after the fiscal year in which the request is submitted.

### SEC. 714. TEST OF LONG-TERM FACILITIES CONTRACTS

Paragraph (1) of section 2809(a) of title 10, United States Code, is amended to read as follows:

"(1)(A) The Secretary concerned may enter into contracts for the construction, management, and/or operation of a facility on or near a military installation for the provision of an activity or service named in subparagraph (B) if the Secretary concerned has identified the proposed project in the budget proposal submitted to Congress and has determined that the facility can be more economically provided under a long-term contract than by conventional means.

"(B) The activities and services referred to in subparagraph (A) are as follows:

"(i) Child care services.

"(ii) Potable and waste water treatment services.

"(iii) Depot supply activities.

"(iv) Troop housing.

"(v) Transient quarters.

"(vi) Other logistic and administrative services, other than depot maintenance.".

### SEC. 715. PLANNING AND DESIGN

(a) IN GENERAL.—Section 2807 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(d) The Secretary of a military department may obtain architectural and engineering services and carry out construction design in connection with any military construction project in any fiscal year with any funds appropriated for such purpose for any previous fiscal year to the extent that such funds are available.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to funds appropriated for military construction projects after the date of the enactment of Public Law 99-103 (99 Stat. 471).

### SEC. 716. SPACE LIMITATIONS ON OFFICER HOUSING

Subsection (b) of section 2826 of title 10, United States Code, is amended to read as follows:

"(b) The applicable maximum net floor area prescribed by subsection (a)—

"(1) may be increased to 3,000 square feet for the housing unit of—

"(A) an officer holding a special command position (as designated by the Secretary of Defense);

"(B) a general or flag officer holding a position of commander; or

"(C) a general or flag officer holding a key and essential staff position which requires extensive official representational duties (as designated by the Secretary of the military department concerned);

"(2) may be increased to 2,100 square feet for the housing unit of the commanding officer of a military installation in the pay grade of O-6 or above; or

"(3) may be increased by 10 percent for the housing unit of the senior noncommissioned officer of a military installation, but an increase may not be made under this clause in the case of any housing unit if an increase is made for such housing unit under subsection (c).".

SEC. 717. HAZARDOUS WASTE STORAGE

(a) AUTHORITY TO CONSTRUCT.—In order to meet the pressing need for the storage of hazardous and toxic materials and wastes on military installations, the Secretary of Defense may, using funds available for military construction, carry out military construction projects not otherwise authorized by law for the construction of hazardous waste storage facilities.

(b) NOTIFICATION TO CONGRESS.—When a decision is made to carry out a project under this section, the Secretary of Defense shall notify in writing the appropriate committees of Congress of that decision, of the justification for the project, and of the estimated cost of the project. The project may not be initiated until a period of 21 days has elapsed after the date on which the notification is received by the committees.

(c) INCREASE IN COST OF PROJECT.—The cost of a hazardous waste storage facility project carried out under this section may be increased by not more than 25 percent of the estimated cost of the project as contained in the notification provided to the committees pursuant to subsection (b) if the Secretary of Defense determines (A) that such an increase is required for the sole purpose of meeting unusual variations in cost, and (B) that such variations in cost could not have been reasonably anticipated at the time the project justification was originally submitted to the committees.

(d) DEFINITION.—As used in this section, the term "hazardous waste" includes both excess hazardous materials and hazardous wastes as defined by applicable laws and regulations.

(e) EXPIRATION OF AUTHORITY.—A military construction project for the erection of a hazardous waste storage facility may not be commenced under this section after September 30, 1991.

SEC. 718. BUILD-TO-LEASE AND RENTAL GUARANTEE PILOT PROGRAMS

(a) RENTAL GUARANTEE PROGRAM.—(1) Subsection (b) of section 802 of the Military Construction Authorization Act, 1984 (10 U.S.C. 2821 note), is amended—

(A) by striking out "and" at the end of clause (10);

(B) by striking out the period at the end of clause (11) and inserting in lieu thereof "; and"; and

(C) by adding at the end the following new clause:

"(12) may provide in the agreement for the rental of a child care center, civic center building, and similar type buildings constructed for the support of family housing.".

(2) Subsection (h) of such section is amended by striking out "September 30, 1986" and inserting in lieu thereof "September 30, 1990".

(3) Subsection (b) of such section is amended—

(A) in paragraph (2), by striking out "for operation and maintenance costs which shall (if included) be effective for the term of agreement";

(B) in paragraph (4), by adding "or, at the discretion of the Secretary of the military department concerned, in compliance with the local building codes" after "specifications"; and

(C) in paragraph (5), by striking out "15 years" and inserting in lieu thereof "25 years".

(b) BUILD-TO-LEASE PROGRAM.—Section 2828(g) of title 10, United States Code, is amended—

(1) in paragraph (8)(B), by striking out "600" and inserting in lieu thereof "3,600";

(2) in paragraph (9), by striking out "September 30, 1986" and inserting in lieu thereof "September 30, 1988"; and

(3) by adding at the end the following new paragraph:

"(10) A contract for the lease of family housing under this subsection may include provision for the lease of a child care center, civic center building, and similar type buildings constructed for the support of family housing.".

SEC. 719. FOREIGN LEASES FOR PERSONNEL HOLDING SPECIAL POSITIONS

Subsection (e)(1) of section 2828 of title 10, United States Code, is amended by striking out "200" and inserting in lieu thereof "220".

PART C—MISCELLANEOUS PROVISIONS

SEC. 720. RESTRICTIONS ON CONVERSION OF HEATING FACILITIES AT UNITED STATES MILITARY INSTALLATION IN EUROPE

(a) IN GENERAL.—The Secretary of a military department may not convert a heating facility at any United States military installation in Europe from a coal-fired facility to an oil-fired facility, or to any other energy source facility, unless the Secretary of the military department concerned—

(1) determines that the conversion (A) is required by the government of the country in which the facility is located, or (B) is life cycle cost effective; and

(2) has notified Congress of the proposed conversion and a period of 30 days has elapsed following the date on which Congress received the notice.

(b) USE OF COAL.—(1)(A) The Secretary of Defense shall, in each case in which the Secretary determines such action would be cost effective, provide for the use of coal produced in the United States to operate heating facilities at military installations in the United States.

(B) The Secretary of Defense shall take such action as may be necessary to implement, at the earliest practicable date and with funds provided for such purpose by section 8110 of the Department of Defense Appropriations Act, 1986 (as contained in section 101(b) of Public Law 99-190; 99 Stat. 1222), the program proposed by the Department of Defense in a letter dated August 30, 1985, from the Assistant Secretary of Defense for Acquisition and Logistics to rehabilitate and convert current steam generating plants at defense facilities in the United States to coal burning facilities in order to achieve a coal consumption target of 1,600,000 short tons of coal per year (including at least 300,000 short tons of anthracite coal) above current consumption levels at Department of Defense facilities in the United States by fiscal year 1994: *Provided further,* That during fiscal year 1987, the amount of anthracite coal purchased by the Department shall be at least 300,000 short tons.

(2) In carrying out the actions referred to in paragraph (1), the Secretary shall make maximum use of private venture capital and long-term contracting.

(3) The Secretary shall report to Congress not later than March 1 of each year on the actions taken by the Secretary in carrying out paragraph (1).

(c) REPEAL OF CERTAIN RESTRICTIONS.—Sections 8022 and 8070 of the Department of Defense Appropriations Act, 1986 (as contained in section 101(b) of Public Law 99-190; 99 Stat. 1207, 1214, and 1222), are repealed.

SEC. 721. BASE CLOSURE TASK GROUP

(a) ESTABLISHMENT OF TASK GROUP.—The President shall establish a study group to be known as the "Blue Ribbon Task Group on Military Base Closures" (hereinafter in this section referred to as the "Task Group").

(b) FUNCTION OF TASK GROUP.—It shall be the function of the Task Group to study and evaluate military installations with a view to determining and recommending which installations should be closed.

(c) APPOINTMENT OF MEMBERS.—The Task Group shall be composed of 9 members appointed as follows:

(1) Five members appointed by the President.

(2) One member appointed by the majority leader of the Senate.

(3) One member appointed by the minority leader of the Senate.

(4) One member appointed by the speaker of the House of Representatives.

(5) One member appointed by the minority leader of the House of Representatives.

(d) CHAIRMAN.—The President shall designate one of the members of the Task Group to serve as Chairman.

(e) QUORUM.—Five members of the Task Group shall constitute a quorum, but a lesser number may hold hearings. The Task Group shall meet at the call of the Chairman.

(f) VACANCIES.—A vacancy in the Task Group shall be filled in the manner in which the original appointment was made. Appointments may be made under subsection (c) without regard to section 5311(b) of title 5, United States Code. Members shall be appointed for the life of the Task Group.

(g) COMPENSATION OF MEMBERS.—Members of the Task Group may each be paid at a rate equal to the daily equivalent of the rate of basic pay payable for level IV of the Executive Schedule for each day (including travel time) during which they are engaged in the actual performance of the business of the Task Group.

(h) STAFF.—(1) The Task Group may appoint such staff as it considers appropriate. Such personnel shall be paid at a rate not to exceed the rate of basic pay payable for grade GS-18 of the General Schedule under section 5332 of title 5, United States Code.

(2) The Task Group may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(3) The Secretary of Defense may detail personnel of the Department of Defense to the Task Group to assist the Task Group in carrying out its duties under this section.

(4) The Secretary of Defense may provide the Task Group such administrative support services as the Task Group may require.

(i) REPORT DEADLINE.—Not later than July 31, 1987, the Task Group shall submit to the President and to Congress a report containing the results of its study together with a list of military installations the Task Group recommends be closed. The report shall be prepared and submitted without any prior review or approval by any official of the executive branch.

(j) TERMINATION OF TASK GROUP.—The Task Group shall cease to exist 90 days after the date on which the report referred to in subsection (i) is submitted to the President and Congress.

(k) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for fiscal years 1986 and 1987 a total of $1,000,000 to carry out this section. Any amount appropriated under this subsection shall remain available until the termination of the Task Group, except that no amount shall remain available until the Secretary of the Navy (hereinafter in this section referred to as the "Secretary") transfers to the United States Postal Service (hereinafter in this section referred to as the "Postal Service") jurisdiction over approximately 3.2 acres of land, together with improvements thereon, located in Aiea, Hawaii, and the Postal Service pays, out of any funds available to the Postal Service, to the Secretary of the Navy an amount equal to the greater of the following:

(1) The approved fair market value of the property over which jurisdiction is to be transferred (as determined by the Secretary).

(2) The cost of providing to the Navy fleet laundry and dry cleaning facilities to replace facilities located on the land over which jurisdiction is to be transferred pursuant to this subsection.

(l) LEGAL DESCRIPTION OF LAND.—The exact acreage and legal description of the land over which jurisdiction is to be transferred under this section shall be determined by surveys that are satisfactory to the Secretary. The cost of the surveys shall be borne by the Postal Service.

(m) ADDITIONAL TERMS.—(1) The Secretary may require such additional terms and conditions under this section as the Secretary considers appropriate to protect the interest of the Navy.

(2) If the fair market value of the property over which jurisdiction is to be transferred to the Postal Service under subsection (k) exceeds the cost of the replacement fleet laundry and dry cleaning facilities, the Secretary shall deposit the excess into the general fund of the Treasury.

SEC. 722. DEVELOPMENT OF THE NAVY BROADWAY COMPLEX, SAN DIEGO, CALIFORNIA

(a) IN GENERAL.—(1) The Secretary of the Navy (hereinafter in this section referred to as the "Secretary") may enter into long-term leases or other arrangements for the construction of office and other administrative facilities on land under the jurisdiction of the Secretary in San Diego, California, known as the "Broadway Complex".

(2) The Broadway Complex shall be developed in accordance with detailed plans and terms of development which have been duly formulated by the Navy and the San Diego community through the San Diego Association of Governments' Broadway Complex Coordinating Group.

(3) Long-term leases or other arrangements entered into under this section may provide that facilities constructed on the Broadway Complex be privately owned, jointly owned by the Navy and private developers, or wholly owned by the Navy.

(4) Demolishment of existing facilities and construction of new facilities on the Broadway Complex may be carried out in whole or in part at the expense of private developers.

(5) The Secretary may—

(A) lease land at the Broadway Complex to private developers on a long-term basis; or

(B) enter into leases or other arrangements for provision by private developers of low cost office facilities for use by the Navy.

(6) The Secretary may also receive, obligate, and disburse any funds received from the lease of Navy land at the Broadway Complex for the construction and management of facilities constructed under this section.

(b) AWARD OF CONTRACT.—Contracts entered into by the Secretary under this section shall be awarded through the use of publicly advertised, competitively bid, or competitively negotiated contracting procedures.

(c) TERMS OF CONTRACTS.—(1) The Secretary may require as a condition for the award of a long-term lease of land at the Broadway Complex that the Navy be given the right of first refusal for the purchase of any facilities constructed on the land by or for the lessee.

(2) A long-term lease or other arrangement entered into by the Secretary under this section under which offices or other facilities are constructed by a private developer and leased to the Navy may provide for the operation and maintenance of such facilities by the private developer.

(3) The Secretary may require such additional terms and conditions in connection with any contract or other arrangement entered into under this section as the Secretary considers appropriate to protect the interests of the United States.

(d) PRECONDITION TO CONTRACT.—The Secretary may not enter into a long-term lease or other arrangement under this section until—

(1) a comprehensive plan for the proposed development of the Broadway Complex has been prepared and such plan clearly demonstrates that development under the proposed plan is more economically advantageous to the United States than development of the Complex by the Navy with appropriated funds;

(2) a copy of the proposed plan has been submitted to the appropriate committees of Congress; and

(3) a period of 21 days has elapsed following the date on which the plan is received by the committees referred to in clause (2).

SEC. 723. SELECTION OF SITE FOR MILITARY FAMILY HOUSING AT SAN PEDRO, CALIFORNIA

(a) IN GENERAL.—(1) The Secretary of the Air Force (hereinafter in this section referred to as the "Secretary") shall consider appropriate sites in San Pedro, California, for the location and construction of 170 military family housing units for members of the Air Force assigned to duty in the area of San Pedro.

(2) The Secretary shall consider as an appropriate site for such housing only land in the San Pedro area in which the United States has a reversionary interest for national defense purposes or land which would be conveyed to the United States without charge.

(3) After the Secretary has selected one or more sites for such housing, he shall file a final environmental impact statement as required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) on each site determined by the Secretary to be appropriate for the purpose stated in paragraph (1). Within 10 days after the expiration of the 30-day period referred to in section 1506.10(b)(2) of title 40 of the Code of Federal Regulations, the Secretary shall select as a site for the location of the housing units referred to in subsection (a) one of the sites considered appropriate for such purpose.

(b) EXERCISE OF REVERSIONARY RIGHT.—(1) If the land selected as the site for the housing units is subject to a reversionary right on behalf of the United States, the Secretary shall notify the Attorney General of the United States or other appropriate official that the site selected is needed for national defense purposes.

(2) The Attorney General or other appropriate official shall, within 15 days after receiving the notification referred to in paragraph (1), take such action as may be necessary to exercise the reversionary right held by the United States in the land selected as the site for the housing.

(3) Within 15 days after the United States resumes ownership over the land, the Attorney General or other appropriate official shall transfer jurisdiction of such land to the Secretary.

(c) CONSTRUCTION OF MILITARY FAMILY HOUSING.—The Secretary shall use any land made available pursuant to this section as the site for the construction of the 170 military family housing units referred to in subsection (a).

SEC. 724. GRANTING OF EASEMENTS AND REPLACEMENT OF FAMILY HOUSING UNITS AND OTHER FACILITIES AT MARINE CORPS AIR STATION, EL TORO, CALIFORNIA

(a) AUTHORITY TO GRANT EASEMENTS.—Subject to subsection (b) and other conditions the Secretary may specify in the agreements entered into for the purpose of carrying out this section, the Secretary of the Navy (hereafter in this section referred to as the "Secretary") may grant to Orange County, California, one or more easements through the Marine Corps Air Station, El Toro, California, for street, sidewalk, and related purposes.

(b) MANDATE TO REPLACE FAMILY HOUSING AND OTHER FACILITIES.—(1) Subject to subsection (c), the Secretary shall provide for the replacement of all family housing units and other facilities that are to be demolished as a result of any easement granted under subsection (a).

(2) An easement granted under subsection (a) shall not become effective until the Secretary determines that—

(A) family housing units have been constructed to replace all the family housing units to be demolished as a result of such easement; and

(B) such replacement units meet the applicable requirements specified in the agreements referred to in subsection (a).

(3) Until the determination referred to in paragraph (2) is made, the Secretary shall continue to use, as military family housing, the housing units that are to be demolished as a result of an easement becoming effective.

(c) FUNDING.—(1) The Secretary may use not more than $2,300,000 of the amount appropriated pursuant to the authorization contained in section 2115(a)(7)(A) for pay-

ment in connection with the construction of replacement family housing units required by subsection (b).

(2) The Secretary may make available amounts for the construction of such replacement family housing units at the times specified in the agreements referred to in subsection (a).

(3) The Secretary may not make any funds available under this section for the demolition of existing facilities on the land on which easements are granted or for the replacement of any facilities other than family housing facilities.

SEC. 725. POSTAL FACILITIES

Sections 4779 and 9779 of title 10, United States Code, are each amended—

(1) by striking out subsection (b); and

(2) by redesignating subsection (c) as subsection (b).

SEC. 726. STUDY OF NEEDS OF DEPENDENTS' EDUCATIONAL FACILITIES ON MILITARY INSTALLATIONS

(A) IN GENERAL.—The Secretary of Defense and the Secretary of Education shall conduct a joint study for the purpose of determining the needs for construction, extension, remodeling, and rehabilitation of dependents' educational facilities on military installations in the United States and shall develop a joint policy to meet those needs.

(b) REPORT.—(1) Not later than April 1, 1987, the Secretaries of Defense and Education shall submit to Congress a report containing—

(1) a description of the needs determined under subsection (a);

(2) the joint policy developed to meet such needs; and

(3) any recommendations for legislation the Secretaries consider necessary or appropriate to meet such needs.

SEC. 727. MULTIFUEL SOURCES FOR NEW HEATING SYSTEMS AT MILITARY INSTALLATIONS

(a) IN GENERAL.—Section 2690 of title 10, United States Code, is amended to read as follows:

"§ 2690. MULTIFUEL SOURCES FOR NEW HEATING SYSTEMS

"(a) Except as provided in subsection (b), each new heating or cogeneration system which is installed or constructed at any military installation located on lands under the jurisdiction of a military department and which requires 100 million British thermal units input per hour or more shall have multiple fuel capability. The primary and secondary fuel capability of any such system shall be a fuel from the solid fuel group or the liquid and gas hydrocarbon group (petroleum and natural gas). The fuel capability of a new heating or cogeneration system shall be determined on the basis of life cycle costs and availability of fuels.

"(b) In any case in which local restrictions or costs make the installation or construction of solid or dual fuel equipment infeasible, the Secretary concerned may waive the requirement of subsection (a), but such waiver shall not become effective until after the Secretary concerned has notified the appropriate committees of Congress in writing of the waiver and the reasons for exercising such waiver authority.

"(c) In this section, the term 'multiple fuel capability' means the capability of using two or more types of fuel.".

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of Chapter 159 of such title is amended by striking out the item relating to section 2690 and inserting in lieu thereof the following:

"2690. Multifuel sources for new heating systems.".

PART D—REAL PROPERTY TRANSACTIONS

SEC. 731. LAND CONVEYANCE, FORT HUACHUCA, ARIZONA

(a) AUTHORITY TO CONVEY.—The Secretary of the Army (hereinafter in this section referred to as the "Secretary") is authorized to convey to the State of Arizona all right, title, and interest of the United States in and to approximately 26 acres of land which comprise a portion of Fort Huachuca, Arizona, and which border on State Highway 90 at Fort Huachuca. Such acres are located in the East half of Township 21 South, Range 20 East, Gila and Salt River Meridian.

(b) CONSIDERATION.—(1) In consideration for the conveyance authorized by subsection (a), the State of Arizona shall convey to the United States all right, title, and interest of the State in and to 1,536.47 acres of land owned by the State within the East Range at Fort Huachuca and to all mineral rights owned by the State in 12,943 acres located within the East Range at Fort Huachuca. Title to such land and mineral rights shall be conveyed free and clear of encumbrances and third party interests except to the extent waived by the Secretary.

(2) If the fair market value of the lands conveyed by the Secretary under subsection (a) exceeds the fair market value of the lands and mineral interests conveyed to the United States under subsection (b), as determined by the Secretary, the State shall pay the difference to the United States. Any funds received under this subsection shall be covered into the general fund of the Treasury.

(c) AUTHORITY TO SELL ADDITIONAL ACREAGE.—(1) In addition to the acreage authorized to be conveyed under subsection (a), the Secretary is authorized to sell, subject to paragraphs (2) and (3), all right, title, and interest of the United States in and to approximately 203 acres of land (designated by the Secretary) comprising a portion of Fort Huachuca, Arizona.

(2) The sale of the land referred to in paragraph (1) shall be conducted in accordance with competitive bidding procedures prescribed in section 2304 of title 10, United States Code. In no event may the land be sold for less than the fair market value thereof. The fair market value of the property shall be established by an appraisal approved by the Secretary.

(3) If the fair market value of the lands and mineral rights conveyed to the United States pursuant to subsection (b) exceeds the fair market value of the lands conveyed by the United States pursuant to subsection (a), the Secretary may use the proceeds of the sale under paragraph (1) to pay the difference in value to the State of Arizona. Any proceeds of the sale not used for such purposes shall be covered into the general fund of the Treasury.

(d) LEGAL DESCRIPTION OF LANDS.—The exact acreage and legal descriptions of any property conveyed or acquired under this section shall be based upon surveys which are satisfactory to the Secretary.

(e) ADDITIONAL TERMS.—The Secretary may require such additional terms and conditions in connection with the transactions authorized by this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 732. LAND CONVEYANCE, MARCH AIR FORCE BASE, CALIFORNIA

(a) AUTHORITY TO SELL.—Subject to subsections (b) through (g), the Secretary of the Air Force (hereafter in this section referred to as the "Secretary") may sell all or any portion of a tract of land (together with improvements thereon), comprising a portion of March Air Force Base, California, known as West March and consisting of 845 acres, more or less.

(b) CONDITIONS OF SALE.—The Secretary shall require as a condition of the sale of the property referred to in subsection (a) that the purchaser—

(1) agree to construct on Government-owned land at March Air Force Base, at the expense of the purchaser, in accordance with standards and specifications prescribed by the Secretary, a noncommissioned officers professional education center, a band center, and an addition to, or an alteration of, a combat operations center; and

(2) submit to the Secretary a master plan for the development of the land referred to in subsection (a) that (A) is consistent (as determined by the Secretary) with the Air Installations Compatible Use Zone recommendations of the Air Force, (B) is consistent (as determined by the Secretary) with the future plans of the Air Force for March Air Force Base and the plan for development of Air Force Village West; and (C) is acceptable to the appropriate local government officials of the city and county of Riverside, California.

(c) COMPETITIVE BID REQUIREMENT; MINIMUM SALE PRICE.—(1) The sale of any of the land referred to in subsection (a) shall be carried out under competitive contracting procedures.

(2) In no event may property referred to in subsection (a) be sold for less than fair market value of such property. The value of the property to be conveyed and the consideration to be received shall be determined by appraisals approved by the Secretary. Such appraisals may, in the Secretary's discretion, be paid for from any deposit made by the prospective purchaser or be reimbursed out of such deposit to the fund available for such purposes in the fiscal year reimbursement is made. Any portion of the deposit used to fund or reimburse the cost of appraisals shall be nonrefundable.

(d) REPORT REQUIREMENTS.—(1) The Secretary may not enter into any contract for the sale of any or all of the land referred to in subsection (a) unless—

(A) the Secretary has submitted a report to the appropriate committees of Congress containing the information required in section 2667a(b) of title 10, United States Code; and

(B) a period of 21 days has expired following the date on which the report referred to in such section is received by those committees.

(2) Any report submitted under paragraph (1) shall include—

(A) a description of the price and terms agreed to with the successful bidder; and

(B) a description of the procedures used in selecting a buyer for the land.

(e) USE OF EXCESS FUNDS.—If the fair market value of the property to be conveyed to a purchaser is greater than the fair market value of the facilities to be constructed by the purchaser for the United States, the difference in cash shall be deposited into the general fund of the Treasury.

(f) LEGAL DESCRIPTION OF LAND.—The exact acreage and legal description of the land to be conveyed under this section shall be determined by surveys approved by the Secretary. Such surveys shall be provided by the purchaser or paid for by the Secretary from a deposit made by the prospective purchaser at the time of award. Any portion

of the deposit used for surveys shall be nonrefundable.

(g) ADDITIONAL TERMS.—The Secretary may require such additional terms and conditions in connection with any transaction authorized by this section as the Secretary considers appropriate to protect the interests of the United States.

(h) ADDITIONAL AUTHORITY.—The military construction authorized under this section is in addition to any other construction authorized by law.

SEC. 733. LAND EXCHANGE, LONG BEACH NAVAL STATION, CALIFORNIA

(a) AUTHORITY TO EXCHANGE.—Subject to subsections (b) through (d), the Secretary of the Navy may exchange approximately 16 acres of real property (and improvements thereon) adjacent to Admiral Kidd Park which constitute a portion of the Long Beach Naval Station, California, to the city of Long Beach, California, in exchange for real property (and improvements thereon) located on Hill Street, between Webster Avenue and the Terminal Island Freeway, in Long Beach, California.

(b) CONDITION.—If the fair market value of the real property and improvements conveyed to the city under subsection (a) exceeds the fair market value of the real property and improvements conveyed to the United States, the city shall pay the difference to the United States, and the Secretary shall deposit any funds received under this subsection into the general fund of the Treasury.

(c) LEGAL DESCRIPTION OF LAND.—The exact acreage and legal description of the real property exchanged under this section shall be in accordance with surveys that are satisfactory to the Secretary. The cost of such surveys shall be borne by the city of Long Beach.

(d) ADDITIONAL TERMS.—The Secretary may require such additional terms and conditions under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 734. LAND CONVEYANCE, WHITTIER NARROWS DAM, LOS ANGELES COUNTY, CALIFORNIA

(a) AUTHORITY TO SELL OR EXCHANGE LAND.—The Secretary of the Army (hereafter in this section referred to as the "Secretary") is authorized to sell or exchange approximately 7.44 acres of land within the Whittier Narrows Flood Control Basin and located north of Rush Street and east of Walnut Grove Avenue in Los Angeles County, California.

(b) SALE OR EXCHANGE REQUIREMENT.—In no event may the land described in subsection (a) and more fully described in subsection (e) be sold or exchanged for less than the fair market value thereof.

(c) CONSIDERATION.—In consideration for the sale or exchange authorized in subsection (a), the Secretary may accept cash or may accept land in the Los Angeles area, or both.

(d) PROCEEDS OF SALE.—Any funds received by the Secretary under this section shall be deposited into the general fund of the Treasury.

(e) LEGAL DESCRIPTION OF LAND.—The real property referred to in subsection (a) is a tract of land containing approximately 7.44 acres, more or less, located on Whittier Narrows Flood Control Basin, Los Angeles County, California. The property comprises those portions of Lot A of Tract No. 3260, as per the map recorded in Book 34 of Maps, page 21, in the office of the Los Angeles County Recorder and that portion of Lots 27 and 28 of Tract No. 830, as per the map recorded in Book 16 of Maps, page 117, in the office of the County Recorder and more particularly described as follows:

Beginning at the Southeast corner of such Lot A; thence along the south line of such lot North 89° 50' 27" West (northerly line of Rush Avenue) 184.93 feet; thence North 17° 25' 47" East 439.37 feet; thence North 36° 48' 56" East 366.03 feet; thence South 0° 04' 01" East 868.23 feet more or less to the northerly line of Rush Avenue; thence westerly along the north line of Rush Avenue to the point of beginning.

(f) RESERVATIONS.—(1) The land shall be conveyed subject to a perpetual flowage easement in favor of the United States.

(2) The Secretary shall convey the land subject to an agreement by the purchaser to permit the County of Los Angeles to utilize the conveyed premises for the parking of automobiles in connection with recreation activities at Whittier Narrows Golf Course on weekends, holidays, and on such other days as may be specified from time to time by the Secretary.

(g) ADDITIONAL TERMS.—The Secretary may require such additional terms and conditions with respect to the conveyance as the Secretary considers appropriate to protect the interests of the United States.

SEC. 735. LAND EXCHANGE, SANTA FE, NEW MEXICO

(a) AUTHORITY TO CONVEY.—(1) Subject to subsections (b) through (f), the Secretary of the Army (hereinafter in this section referred to as the "Secretary") is authorized to make the conveyances described in paragraphs (2) and (3).

(2) The Secretary is authorized to convey to the city of Santa Fe, New Mexico (hereinafter in this section referred to as the "City"), all right, title, and interest of the United States in and to the southernmost 27.88 acres, more or less, of the parcel of land conveyed to the State of New Mexico in accordance with the Act of June 19, 1956 (70 Stat. 296). Such 27.88 acre parcel is currently being leased to the City as a public park.

(3) The Secretary is also authorized to convey to the New Mexico State Armory Board (hereinafter in this section referred to as the "Board"), all right, title, and interest of the United States in and to the northernmost 21.61 acres, more or less, of the parcel of land conveyed to the State of New Mexico in accordance with the Act of June 19, 1956 (70 Stat. 296). Such 21.61 acre parcel currently comprises the State headquarters and other facilities of the New Mexico National Guard.

(b) CONDITIONS.—The lands conveyed by the Secretary under subsection (a) shall be subject to the following conditions:

(1) That the City shall, in accordance with the agreement entered into under subsection (d), provide to the Board a site of not less than 250 acres determined by the Board to be acceptable for the construction of—

(A) an armory for all New Mexico National Guard units located in Santa Fe, New Mexico;

(B) an organizational maintenance shop;

(C) a United States property and fiscal office building and warehouse;

(D) a headquarters complex for the New Mexico National Guard;

(E) a local training area for the New Mexico National Guard units;

(F) a complex for the New Mexico Army National Guard officer candidate school and noncommissioned officer academy; and

(G) additional facilities specified by the National Guard Bureau or the New Mexico State Armory Board.

(2) That the Board shall use the land provided to it by the City pursuant to paragraph (1) for the training and support of the National Guard of New Mexico, and for other military purposes, and that if the site ever ceases to be used for such purposes, all right, title, and interest in and to such property shall revert to and become the property of the United States which shall have the immediate right of entry thereon.

(c) MINERAL RIGHTS.—The conveyances made by the Secretary under subsection (a) shall reserve all mineral rights, including oil and gas, to the United States in accordance with the Act of June 19, 1956 (70 Stat. 296).

(d) GENERAL AUTHORITY.—In order to implement the land exchange authorized by this section, the Secretary is authorized to enter into agreements with the City, the Board, and such other parties the Secretary determines are necessary to effectuate the purpose of this section.

(e) LEGAL DESCRIPTION OF LANDS.—The exact acreage and legal description of the site provided by the City to the Board in accordance with subsection (b) shall be determined by surveys that are satisfactory to the Secretary. The cost of any such surveys shall be borne by the City or the Board.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such other terms and conditions with respect to the transaction authorized by this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 736. COMMUNITY PLANNING ASSISTANCE

The Secretary of Defense may use funds appropriated to the Department of Defense for fiscal year 1987 to provide planning assistance to local communities if the Secretary determines that the financial resources available to the community (by grant or otherwise) are inadequate. The Secretary may use such funds to assist communities located near homeports proposed under the Naval Strategic Dispersal Program at Ingleside, Texas, and other Gulf Coast sites. For fiscal year 1987, not to exceed $200,000 may be used for this purpose at Gulf Coast sites.

SEC. 737. RELEASE OF CERTAIN USE RIGHTS HELD BY THE UNITED STATES

(a) IN GENERAL.—The Administrator of General Services shall release to the Virginia Port Authority, an instrumentality of the Commonwealth of Virginia, all residuary rights of use held by the United States in three warehouses located in the city of Norfolk, Virginia, within the area operated as a public port facility and known as the Norfolk International Terminals.

(b) TIME LIMITATION; COMPENSATION.—The Administrator of General Services shall execute such documents and take such other actions as may be necessary to release, within 180 days after the date of the enactment of this Act, the rights referred to in subsection (a). The release shall be made without any compensation in addition to compensation paid to the United States for such warehouses and other facilities by the city of Norfolk, Virginia, in 1968.

SEC. 738. LEASE OF PROPERTY AT THE NAVAL WEAPONS STATION, CHARLESTON, SOUTH CAROLINA

(a) IN GENERAL.—The Secretary of the Navy is authorized to lease to the South Carolina Ports Authority approximately 118 acres of land, together with improvements thereon, at the Naval Weapons Station, Charleston, South Carolina.

(b) TERM OF LEASE.—The lease entered into under subsection (a) may be for such term as the Secretary determines appropriate, but in no event to exceed 25 years.

(c) CONSIDERATION.—In addition to the fair rental value to be paid by the South Carolina Ports Authority for the premises leased pursuant to this section, such Authority shall pay for the cost of replacing certain facilities on the leased premises. The replacement facilities shall be constructed in a manner and at a site determined by the Secretary.

(d) AUTHORITY TO DEMOLISH AND CONSTRUCT FACILITIES.—The Secretary may, under the terms of the lease, authorize the South Carolina Ports Authority to demolish existing facilities on the leased land and to construct new facilities on such land for the use of such Authority.

Mr. GOLDWATER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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## AUTHORIZATION FOR NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY FOR FISCAL YEAR 1987

Mr. GOLDWATER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 720, S. 2642, the Department of Energy National Security Programs Authorization Act of 1987.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

Calendar Order No. 720, a bill (S. 2642) to authorize appropriations or the Department of Energy for national security programs for fiscal year 1987, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. GOLDWATER. Mr. President, I ask unanimous consent to strike all after the enacting clause of S. 2642, and to insert in lieu thereof the text of division C of S. 2638, as passed by the Senate, and that the bill be considered to have been engrossed for third reading, be read a third time, and passed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GOLDWATER. Mr. President, I ask unanimous consent that S. 2642 be printed in full as passed.

The PRESIDING OFFICER. Without objection, it is so ordered.

The text of the bill (S. 2642) being the text of division C of S. 2638, is as follows:

S. 2642

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SEC. 1. SHORT TITLE

This Act may be cited as the "National Security Programs Authorization Act for Fiscal Year 1987".

TITLE I—NATIONAL SECURITY PROGRAMS

SEC. 101. OPERATING EXPENSES

Funds are authorized to be appropriated to the Department of Energy for fiscal year 1987 for operating expenses incurred in carrying out national security programs (including scientific research and development in support of the Armed Forces, strategic and critical materials necessary for the common defense, and military applications of nuclear energy and related management and support activities) as follows:

(1) For weapons activities, $3,603,379,000.

(2) For materials production, $1,563,390,000.

(3) For defense waste and byproducts management, $455,050,000.

(4) For verification and control technology, $95,500,000.

(5) For nuclear safeguards and security, $61,100,000.

(6) For security investigations, $33,300,000.

(7) For naval reactors development, $509,800,000.

SEC. 102. PLANT AND CAPITAL EQUIPMENT

Funds are authorized to be appropriated to the Department of Energy for fiscal year 1987 for plant and capital equipment (including planning, construction, acquisition, and modification of facilities, land acquisition related thereto, and acquisition and fabrication of capital equipment not related to construction) necessary for national security programs as follows:

(1) For weapons activities:

Project 87-D-101, general plant projects, various locations, $29,000,000.

Project 87-D-121, general plant projects, various locations, $32,000,000.

Project 87-D-104, safeguards and security enhancements, phase II, Lawrence Livermore National Laboratory, Livermore, California, $2,000,000.

Project 87-D-123, protective clothing decontamination facility, Rocky Flats Plant, Golden, Colorado, $500,000.

Project 87-D-130, receiving and shipping facility, Pinellas Plant, Saint Petersburg, Florida, $300,000.

Project 86-D-103, decontamination and waste treatment facility, Lawrence Livermore National Laboratory, Livermore, California, $0, for a total project authorization of $3,700,000.

Project 86-D-104, strategic defense facility, Sandia National Laboratories, Albuquerque, New Mexico, $13,000,000, for a total project authorization of $17,000,000.

Project 86-D-105, instrumentation systems laboratory, Sandia National Laboratories, Albuquerque, New Mexico, $5,800,000, for a total project authorization of $12,000,000.

Project 86-D-106, laboratory data communications center, Los Alamos National Laboratory, Los Alamos, New Mexico, $12,000,000, for a total project authorization of $15,000,000.

Project 86-D-122, structural upgrade of existing plutonium facilities, Rocky Flats Plant, Golden, Colorado, $0, for a total project authorization of $3,000,000.

Project 86-D-123, environmental hazards elimination, various locations, $0, for a total project authorization of $8,700,000.

Project 86-D-124, safeguards and site security upgrading, phase II, Mound Plant, Miamisburg, Ohio, $1,880,000, for a total project authorization of $4,880,000.

Project 86-D-125, safeguards and site security upgrade, phase II, Pantex Plant, Amarillo, Texas, $8,410,000, for a total project authorization of $9,910,000.

Project 86-D-130, Tritium loading facility replacement, Savannah River Plant, Aiken, South Carolina, $29,700,000, for a total project authorization of $34,700,000.

Project 85-D-102, nuclear weapons research, development, and testing facilities revitalization, phase I, various locations, $29,950,000, for a total project authorization of $130,750,000.

Project 85-D-103, safeguards and security enhancements, Lawrence Livermore National Laboratory and Sandia National Laboratories, Livermore, California, $6,500,000, for a total project authorization of $27,600,000.

Project 85-D-105, combined device assembly facility, Nevada Test Site, Las Vegas, Nevada, $9,400,000, for a total project authorization of $24,000,000.

Project 85-D-106, hardened engineering test building, Lawrence Livermore National Laboratory, Livermore, California, $330,000, for a total project authorization of $3,030,000.

Project 85-D-112, enriched uranium recovery improvements, Y-12 Plant, Oak Ridge, Tennessee, $19,000,000, for a total project authorization of $38,800,000.

Project 85-D-113, powerplant and steam distribution system, Pantex Plant, Amarillo, Texas, $1,790,000, for a total project authorization of $24,790,000.

Project 85-D-115, renovate plutonium building utility systems, Rocky Flats Plant, Golden, Colorado, $13,440,000, for a total project authorization of $34,040,000.

Project 85-D-121, air and water pollution control facilities, Y-12 Plant, Oak Ridge, Tennessee, $0, for a total project authorization of $19,000,000.

Project 85-D-125, tactical bomb production facilities, various locations, $12,800,000, for a total project authorization of $28,800,000.

Project 84-D-102, radiation-hardened integrated circuit laboratory, Sandia National Laboratories, Albuquerque, New Mexico, $3,000,000, for a total project authorization of $40,500,000.

Project 84-D-107, nuclear testing facilities revitalization, various locations, $13,300,000, for a total project authorization of $79,240,000.

Project 84-D-112, Trident II warhead production facilities, various locations, $14,500,000, for a total project authorization of $155,200,000.

Project 84-D-113, Antisubmarine Warfare/Standoff Weapon Warhead production facilities, various locations, $0, and not more than $5,000,000 of the funds authorized for such project in fiscal year 1986 may be obligated or expended for such project, for a total project authorization of $5,000,000.

Project 84-D-124, environmental improvements, Y-12 Plant, Oak Ridge, Tennessee, $0, for a total project authorization of $29,000,000.

Project 84-D-211, safeguards and site security upgrading, Y-12 Plant, Oak Ridge, Tennessee, $27,220,000, for a total project authorization of $50,220,000.

Project 82-D-107, utilities and equipment restoration, replacement, and upgrade, phase III, various locations, $97,904,000, for a total project authorization of $838,304,000.

Project 82-D-144, simulation technology laboratory, Sandia National Laboratories, Albuquerque, New Mexico, $6,000,000, for a total project authorization of $40,000,000.

(2) For materials production:

Project 87-D-146, general plant projects, various locations, $35,980,000.

Project 87-D-149, reduced chemical discharges to process sewers, Richland, Washington, $3,150,000.

Project 87-D-159, environmental, health, and safety improvements, phase I, Feed Materials Production Center, Fernald, Ohio, $10,000,000.

Project 86-D-149, productivity retention program, phases I and II, various locations, $71,625,000, for a total project authorization of $95,825,000.

Project 86-D-150, in-core neutron monitoring system, N reactor, Richland, Washington, $2,760,000, for a total project authorization of $7,220,000.

Project 86-D-151, PUREX electrical system upgrade, Richland, Washington, $3,780,000, for a total project authorization of $6,280,000.

Project 86-D-152, reactor electrical distribution system, Savannah River, South Carolina, $8,410,000, for a total project authorization of $10,410,000.

Project 86-D-153, additional line III furnace, Savannah River, South Carolina, $7,605,000, for a total project authorization of $9,105,000.

Project 86-D-154, effluent treatment facility, Savannah River, South Carolina, $0, for a total project authorization of $2,500,000.

Project 86-D-156, plantwide safeguards systems, Savannah River, South Carolina, $13,610,000, for a total project authorization of $16,610,000.

Project 86-D-157, hydrofluorination system—FB-line, Savannah River, South Carolina, $2,310,000, for a total project authorization of $4,510,000.

Project 85-D-139, fuel processing restoration, Idaho Fuels Processing Facility, Idaho National Engineering Laboratory (INEL), Idaho, $36,530,000, for a total project authorization of $58,530,000.

Project 85-D-140, productivity and radiological improvements, Feed Materials Production Center, Fernald, Ohio, $23,500,000, for a total project authorization of $41,500,000.

Project 85-D-145, fuel production facility, Savannah River, South Carolina, $33,500,000, for a total project authorization of $59,300,000.

Project 84-D-134, safeguards and security improvements, plantwide, Savannah River, South Carolina, $7,515,000, for a total project authorization of $34,415,000.

Project 84-D-135, process facility modifications, Richland, Washington, $34,475,000, for a total project authorization of $66,975,000.

Project 84-D-136, enriched uranium conversion facility modifications, Y-12 Plant, Oak Ridge, Tennessee, $1,000,000, for a total project authorization of $20,600,000.

Project 82-D-124, restoration of production capabilities, phases II, III, IV, and V, various locations, $3,511,000, for a total project authorization of $352,045,000.

(3) For defense waste and byproducts management:

Project 87-D-171, general plant projects, interim waste operations and long-term waste management technology, various locations, $26,535,000.

Project 87-D-172, WESF K-3 filter upgrade, Richland, Washington, $500,000.

Project 87-D-173, 242-A evaporator crystallizer upgrade, Richland, Washington, $2,800,000.

Project 87-D-174, 241-AQ tank farm, Richland, Washington, $2,100,000.

Project 87-D-175, steam system rehabilitation, phase I, Richland, Washington, $900,000.

Project 87-D-177, test reactor area liquid radioactive waste cleanup system, phase III, Idaho National Engineering Laboratory (INEL), Idaho, $700,000.

Project 87-D-180, burial ground expansion, Savannah River, South Carolina, $6,300,000.

Project 87-D-181, diversion box and pump pit containment buildings, Savannah River, South Carolina, $1,360,000.

Project 86-D-172, B-plant F-filter, Richland, Washington, $2,949,000, for a total project authorization of $3,949,000.

Project 86-D-174, low-level waste processing and shipping system, Feed Materials Production Center, Fernald, Ohio, $9,872,000, for a total authorization of $12,372,000.

Project 86-D-175, Idaho National Engineering Laboratory security upgrade, Idaho National Engineering Laboratory (INEL), Idaho, $7,258,000, for a total project authorization of $9,258,000.

Project 85-D-158, central warehouse upgrade, Richland, Washington, $1,044,000, for a total project authorization of $6,744,000.

Project 85-D-159, new waste transfer facilities, Savannah River, South Carolina, $7,318,000, for a total project authorization of $27,318,000.

Project 85-D-160, test reactor area security system upgrade, Idaho National Engineering Laboratory (INEL), Idaho, $2,703,000, for a total project authorization of $6,953,000.

Project 81-T-105, defense waste processing facility, Savannah River, South Carolina, $123,967,000, for a total project authorization of $721,467,000.

(4) For verification and control technology:

Project 85-D-171, space science laboratory, Los Alamos, New Mexico, $2,000,000, for a total project authorization of $7,500,000.

(5) For naval reactors development:

Project 87-N-101, general plant projects, various locations, $4,800,000.

Project 87-N-102, Kesselring site facilities upgrade, Knolls Atomic Power Laboratory, West Milton, New York, $5,000,000.

Project 87-N-103, computation laboratory addition, Bettis Atomic Power Laboratory, West Mifflin, Pennsylvania, $2,300,000.

(6) For capital equipment not related to construction—

(A) for weapons activities, $287,870,000;

(B) for materials production, $126,090,000;

(C) for defense waste and byproducts management, $37,805,000;

(D) for verification and control technology, $4,200,000;

(E) for nuclear safeguards and security, $4,800,000; and

(F) for naval reactors development, $51,700,000.

SEC. 3103. UNDISTRIBUTED REDUCTIONS

(a) TOTAL AUTHORIZATION.—Notwithstanding sections 3111 and 3112, the total amount authorized to be appropriated to the Department of Energy in this division for national security programs is $7,425,225,000.

(b) REQUIREMENT FOR PROJECT REDUCTIONS.—The Secretary of Energy shall reduce such projects listed in sections 3111 and 3112 in such amounts as he determines appropriate to achieve a total reduction of $300,000,000.

SEC. 3104. BALANCED TECHNOLOGY INITIATIVE

(a) LIMITATION ON FUNDS FOR SDI.—Of the funds authorized to be appropriated in sections 3111 and 3112, not more than $356,000,000 shall be available for research, development, test, and evaluation, and other purposes, in connection with the Strategic Defense Initiative program.

(b) CONVENTIONAL MUNITIONS.—(1) Of the funds authorized to be appropriated in section 3111—

(A) $24,000,000 shall be available to Department of Energy laboratories only for research on advanced conventional munitions and warhead concepts; and

(B) $10,000,000 shall be available only to provide methodological support to the Office of Munitions of the Department of Defense.

(2) In achieving the reduction required to be made under section 3113(b), the Secretary of Energy may not apply any reduction to the amount of funds made available for the purposes specified in paragraph (1) of this subsection.

## TITLE II—GENERAL PROVISIONS

### PART A—Recurring General Provisions

SEC. 3201. REPROGRAMMING

(a) NOTICE TO CONGRESS.—Except as otherwise provided in this division—

(1) no amount appropriated pursuant to this division may be used for any program in excess of 105 percent of the amount authorized for that program by this division or $10,000,000 more than the amount authorized for that program by this division, whichever is the lesser, and

(2) no amount appropriated pursuant to this division may be used for any program which has not been presented to, or requested of, the Congress, unless a period of 30 calendar days (not including any day on which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) has passed after receipt by the appropriate committees of Congress of notice from the Secretary of Energy (hereinafter in this title referred to as the "Secretary") containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or unless each such committee before the expiration of such period has transmitted to the Secretary written notice to the effect that such committee has no objection to the proposed action.

(b) LIMITATION ON AMOUNT OBLIGATED.—In no event may the total amount of funds obligated pursuant to this division exceed the total amount authorized to be appropriated by this title.

SEC. 3202. LIMITS ON GENERAL PLANT PROJECTS

(a) IN GENERAL.—The Secretary may carry out any construction project under the general plant projects provisions authorized by this division if the total estimated cost of the construction project does not exceed $1,200,000.

(b) REPORT TO CONGRESS.—If at any time during the construction of any general plant project authorized by this division, the estimated cost of the project is revised because of unforeseen cost variations and the revised cost of the project exceeds $1,200,000, the Secretary shall immediately furnish a complete report to the appropriate committees of Congress explaining the reasons for the cost variation.

SEC. 3203. LIMITS ON CONSTRUCTION PROJECTS

(a) IN GENERAL.—Whenever the current estimated cost of a construction project, which is authorized by section 3112 of this division, or which is in support of national security programs of the Department of Energy and was authorized by any previous

Act, exceeds by more than 25 percent the higher of—

(1) the amount authorized for the project; or

(2) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to Congress,

construction may not be started or additional obligations incurred in connection with the project above the total estimated cost, as the case may be, unless a period of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three days to a day certain) has passed after receipt by the appropriate committees of the Congress of written notice from the Secretary containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of the action, or unless each committee before the expiration of such period has notified the Secretary it has no objection to the proposed action.

(b) EXCEPTION.—Subsection (a) shall not apply to any construction project which has a current estimated cost of less than $5,000,000.

SEC. 3204. FUND TRANSFER AUTHORITY

To the extent specified in appropriation Acts, funds appropriated pursuant to this division may be transferred to other agencies of the Government for the performance of the work for which the funds were appropriated, and funds so transferred may be merged with the appropriations of the agency to which the funds are transferred.

SEC. 3205. AUTHORITY FOR EMERGENCY CONSTRUCTION DESIGN

In addition to the advance planning and construction design authorized by section 3112 of this division, the Secretary may perform planning and design utilizing available funds for any Department of Energy national security program construction project whenever the Secretary determines that the design must proceed expeditiously in order to meet the needs of national defense or to protect property or human life.

SEC. 3206. FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY

Subject to the provisions of appropriation Acts, amounts appropriated pursuant to this division for management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

SEC. 3207. AVAILABILITY OF FUNDS

When so specified in an appropriation Act, amounts appropriated for "Operating Expenses" or for "Plant and Capital Equipment" may remain available until expended.

PART B—MISCELLANEOUS PROVISION

SEC. 3211. COMPLIANCE WITH ENVIRONMENTAL REQUIREMENTS

Notwithstanding any other provision of law, none of the funds appropriated pursuant to an authorization in this or any other Act may be used to pay any penalty, fine, forfeiture, or settlement, or to perform any work or services requested by another department or agency of the Federal Government or of any agency of a State or local government for any failure by the Department of Energy to comply with an environmental requirement in connection with any defense activity or any defense related facility in excess of the amount specifically appropriated to the Department of Energy to comply with such environmental requirement.

SEC. 3212. IMPLEMENTATION OF THE RECOMMENDATIONS OF THE PRESIDENT'S BLUE RIBBON TASK GROUP ON NUCLEAR WEAPONS PROGRAM MANAGEMENT

(A) ESTABLISHMENT OF COUNCIL.—Chapter 7 of title 10, United States Code, is amending by adding at the end the following new section:

"§ 172. The Nuclear Weapons Council

"(a) There is a Joint Nuclear Weapons Council (hereinafter in this section referred to as the 'Council') composed of three members as follows:

"(1) The Director of Defense Research and Engineering.

"(2) The Vice Chairman of the Joint Chiefs of Staff.

"(3) One senior representative of the Department of Energy appointed by the Secretary of Energy.

"(b)(1) Except as provided in paragraph (2), the Chairman of the Council shall be the member appointed under subsection (a)(1).

"(2) A meeting of the Council shall be chaired by the representative appointed under subsection (a)(3) whenever the matter under consideration is within the primary responsibility or concern of the Department of Energy, as determined by majority vote of the Council.

"(c)(1) The Secretary of Defense and the Secretary of Energy shall enter into an agreement with the Council to furnish necessary staff and administrative services to the Council.

"(2) The Assistant to the Secretary of Defense for Atomic Energy shall be the Staff Director of the Council.

"(d)(1) The Council shall be responsible for the following matters:

"(A) Preparing the annual Nuclear Weapons Stockpile Memorandum.

"(B) Developing nuclear weapons stockpiles options and the costs of such options.

"(C) Coordinating programming and budget matters pertaining to nuclear weapons programs between the Department of Defense and the Department of Energy.

"(D) Identifying various options for cost-effective schedules for nuclear weapons production.

"(E) Considering safety, security; and control issues for existing weapons and for proposed new weapon program starts.

"(F) Ensuring that adequate consideration is given to design, performance, and cost tradeoffs for all proposed new nuclear weapons programs.

"(G) Providing broad guidance regarding priorities for research on neclear weapons.

"(H) Preparing comments on annual proposals for budget levels for research on nuclear weapons and transmitting those comments to the Secretary of Defense and the Secretary of Energy before the preparation of the annual budget requests by the Secretaries of those departments.

"(I) Providing—

"(i) broad guidance regarding priorities for research on improved conventional weapons, and

"(ii) comments on annual proposals for budget levels for research on improved conventional weapons,

"and transmitting such guidance and comments to the Secretary of Defense before the preparation of the annual budget request of the Department of Defense.

"(e) The Council shall submit to the Committees on Armed Services and Appropriations of the Senate and the House of Representatives a report on the actions that have been taken by the Department of Defense and the Department of Energy to implement the recommendations of the President's Blue Ribbon Task Group on Nuclear Weapons Program Management. The Council shall include in such report its recommendations on the role and composition of the staff of the Council. The Council shall submit such report to the Committees not later than March 1, 1987.".

(f) CONFORMING AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"179. THE NUCLEAR WEAPONS COUNCIL.".

(g) CHAIRMAN OF JCS TO SERVE ON COUNCIL IF THERE IS NO VICE CHAIRMAN OF JCS.—If on the date of the enactment of this section the position of Vice Chairman of the Joint Chiefs of Staff, or comparable position, has not been established by law, the Chairman of the Joint Chiefs of Staff shall be a member of the Nuclear Weapons Council established by section 179 of title 10, United States Code, as added by subsection (a). If the position of Vice Chairman of the Joint Chiefs of Staff (or comparable position) is established by law after the date of the enactment of this section, the Chairman of the Joint Chiefs of Staff shall remain a member of such council only until an individual has been appointed Vice Chairman of the Joint Chiefs of Staff.

(h) REPEAL.—Section 26 of the Atomic Energy Act of 1946 (42 U.S.C. 2037) is repealed.

SEC. 213. REPORT BY SECRETARY OF ENERGY

The Secretary of Energy shall submit a report to the Committees on Armed Services of the Senate and the House of Representatives on the costs and safety factors involved in constructing adequate containment facilities for nuclear reactors of the Department of Energy compared with the costs and safety factors involved in constructing a new production reactor.

SEC. 214. EXTENSION OF DATE FOR CERTAIN CONTRACT AUTHORITY

Section 94 of the Atomic Energy Community Act of 1955 (42 U.S.C. 2394) is amended by striking out "June 30, 1986" and inserting in lieu thereof "June 30, 1996".

Mr. GOLDWATER. I yield to my good friend from Georgia, Senator NUNN.

Mr. NUNN. Mr. President, very briefly, I thank the chairman for a splendid job. I think the chairman and I will both join together in thanking our staff, the majority and minority staff, and the staff headed by Jim McGovern on the majority side.

[Applause and Senators rising.]

□ 2120

Mr. NUNN. I must add, Mr. President, that our own side and our minority staff have worked together in great fashion. I believe we have had great bipartisan support this week on the bill and in the whole year under the guidance of a great American, the Honorable BARRY GOLDWATER.

Mr. GOLDWATER. Mr. President, it would be impossible for me to enumerate those to whom both sides and I are indebted in the passage of this bill. It is impossible to describe the amount of

work that goes into the preparation and presentation of a bill pertaining to the military. We have had unusual cooperation from both sides. There has never been a feeling of partisanship at any point in our consideration.

Mr. President, I just want to close by once again thanking my good friend from Georgia, Senator SAM NUNN. I am not going to say publicly what I would like to say, but if you ask me sometime, I will tell you.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. McCLURE. Mr. President, I cannot help but make a comment, and I apologize to my friends in the Senate, particularly the Senator from Arizona.

Twenty-two years ago this summer, I was a young alternate to the Republican Convention in San Francisco. Many Americans were saying what many of us were saying at that time, "In your heart, you know he is right."

What a difference it would have made to this country and to the world had that election turned out differently in 1964.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, let me give a quick rundown.

We considered this bill for 7 days. We consumed, as of 9:09 p.m., 66 hours, 25 minutes. There were 32 rollcall votes.

I am reminded by the chairman that we probably lost almost 4 hours on overtime on each of those votes.

There were 84 amendments and motions considered. Fifty-four were agreed to, 7 rejected, 14 tabled, 6 withdrawn, and 2 were not acted upon.

If that does not count up to 84, the others were lost.

That is an indication of the work that has been going on here for the past week.

I would also indicate to my colleagues that I wish to thank them very much.

They talk about whether or not we work around here. This week it has been about 75 hours, 30 minutes in session. So we have had a good week's work.

What we would like to do now, as quickly as we can, is to get the unanimous-consent agreement. I want to submit additions.

Additional amendments to title 1 of H.R. 5052 by Senator BENTSEN, earmarking funds for homeporting community assistance.

Excuse me. Let me withhold until the distinguished minority leader comes to the floor.

I can say, while waiting for Senator BYRD, that if we get the agreement, there will be a vote on the debt limit. Under the debt limit, there will be 1 hour of time equally divided. I am advised by Senator PACKWOOD he does not want any time. He is prepared to yield it back.

I do not know whether Senator LONG wants any time.

Mr. LONG. Mr. President, I will be happy not to make a speech if everybody else will not make a speech.

Mr. DOLE. Good. If that is the case, we can get the agreement.

## UNANIMOUS-CONSENT AGREEMENT

Mr. DOLE. Mr. President, I ask unanimous consent to review my unanimous-consent agreement, as previously stated, with respect to S. 655, H.R. 5052, S. 2701, H.R. 4868, and H.J. 668, with the following changes:

Additional amendment to title I., of H.R. 5052, by Senator BENTSEN, earmarking funds for homeporting community assistance from plan and design account within available funds; additional amendment to S. 2701, by Senator HEINZ, directing the President to work to multilateralize any sanctions enacted; and to replace the Murkowski amendment to S. 2701, with a substitute amendment clarifying the definition of Parastatles, (organizations owned or controlled by South Africa.

Mr. President, I wish to make those modifications.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. No objection.

The PRESIDING OFFICER. Hearing no objection, the agreement that the majority leader has requested is agreed to.

Mr. DOLE. Just the modifications.

The PRESIDING OFFICER. Just the modifications.

Mr. BYRD. Mr. President, I have some modifications also. This pertains to the arrangement for Senators LEAHY, KERRY, and HARKIN to reserve a portion of their time for Tuesday to be incorporated, and that 30 minutes for Mr. DODD from the overall 10 hours on the bill, the Contra aid bill, will be made part of the agreement.

The PRESIDING OFFICER. Is there objection to the modification of the minority leader? Without objection, it is so modified.

Is there objection to the basic request by the majority leader for the overall time agreement as previously stated and as modified by the majority leader and the minority leader?

Mr. BYRD. Mr. President, I think there are one or two other modifications we better have understood.

## CLOTURE MOTIONS

Mr. DOLE. Mr. President, I send a cloture motion to the desk on H.R. 5052 and ask unanimous consent that one cloture motion on H.R. 5052 serve as both motions.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. May I combine with the majority leader's request a similar request with respect to a cloture motion on S. 2701?

The PRESIDING OFFICER. Both motions will be stated and each counts for two.

The cloture motions having been presented under rule XXII, the Chair directs the clerk to read the motions.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on Titles II and III, en bloc, to H.R. 5052, the Military Construction Appropriations Bill.

Bob Dole, Bill Cohen, Strom Thurmond, Dan Quayle, Pete Wilson, John Warner, John Heinz, Paul Laxalt, Pete V. Domenici, Lowell Weicker, Mack Mattingly, Ted Stevens, Phil Gramm, John Danforth, Mitch McConnell, Frank Murkowski, Al Simpson, Don Nickles, Richard G. Lugar, and Paula Hawkins.

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CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on S. 2701.

Edward M. Kennedy, Don Riegle, Howard Metzenbaum, Paul Sarbanes, John F. Kerry, Jeff Bingaman, Jay Randolph, Carl Levin, Lowell Weicker, Christopher Dodd, Frank R. Lautenberg, Alan Cranston, Spark Matsunaga, John Glenn, Claiborne Pell, Jim Sasser, Robert C. Byrd, Bob Dole, Bill Cohen, Strom Thurmond, Dan Quayle, Peter Wilson, John Warner, Paul Laxalt, Peter V. Domenici, Richard Lugar, Mack Mattingly, Ted Stevens, Phil Gramm, John C. Danforth, Mitch McConnell, Frank Murkowski, Al Simpson, Don Nickles, and Paula Hawkins.

Mr. DOLE. Mr. President, I also ask unanimous consent that no provisions of rule XXII be in effect if only one issue is clotured and the "timely filed" provision of rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I was also reminded earlier by the now Presiding Officer that we may need to interrupt for brief periods during the week to take care of matters that may come before the Senate, as long as there is an understanding of that on the part of all parties.

Mr. BYRD. I will be happy to work with the distinguished majority leader in that event.

The PRESIDING OFFICER. Is there objection to the basic agreement?

Mr. BYRD. Mr. President, I have two other modifications. There are a number of substitute amendments that we heard read.

□ 2130

Mr. BYRD. Mr. President, I wonder if the majority leader would put in the request to provide that in the event a substitute amendment is offered and adopted prior to the opportunity for the other first-degree amendments to be called up, the substitute be considered as original text for the purposes of further amendments so that no amendment would be offered in the second degree.

Mr. DOLE. I have no objection.

Mr. BYRD. Mr. President, I have a request that any rollcall votes that are ordered on Monday not occur before 6:30 p.m. on Monday. Would that be agreeable?

Mr. DOLE. I have no objection. Also, I think I need to announce that we are not going to be able to observe the no-vote-after-6 p.m. rule on Monday because of the tight agreement we have. So I have no objection to the request.

Mr. BYRD. I thank the majority leader.

The PRESIDING OFFICER. It is the Chair's understanding that all these requests modify the basic original unanimous-consent request presented by the majority leader. That is modified by the statements of the two leaders at this time. Is there any objection to this renewed request for unanimous consent covering both of these bills with all of the details that have been laid out?

Mr. BYRD. Mr. President, reserving the right to object only for the purpose that we can understand that the majority leader's reference to the interruption of action on this measure to take up other bills in the event that they are very urgent is not a part of this request. That is an understanding on the part of all.

Mr. DOLE. That is correct. Just a notice to Members that we may have to do that.

Mr. BYRD. We will try to work together.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. I withdraw my reservation.

The PRESIDING OFFICER. Without objection, the majority leader's overall request is agreed on.

## EXPLANATION OF UNANIMOUS-CONSENT AGREEMENT

Mr. DOLE. At 10 a.m., on Monday, August 11, the Senate will begin 3 hours of debate on the Boren PAC issue to S. 655, only two amendments are in order, the Boren amendment, and the Boschwitz amendment relating to campaign financing. Tuesday, August 12, prior to 12 noon, the Senate will vote on both the Boren and the Boschwitz amendment.

At 1 p.m., on Monday, the Senate will consider the military construction part (title I) of the military construction appropriations bill, with a limited number of germane amendments in order. After conclusion of title I, the title in effect will be closed off from further amendments.

The Senate will then begin Contra aid, title II, and III, and 10 hours will be equally divided, with 2 hours to each of the following Senators: Senators LEAHY, KERRY, and HARKIN. Also, during this time, amendments are in order, which are listed and germane or relevant, and limited to 1 hour each.

On Wednesday, of next week, at 10 a.m., the Senate will vote on cloture on Contra aid. Then, the Senate will vote cloture on South Africa. Assuming both fail, but regardless of the outcome, the Senate will have another cloture vote on Contra aid and South Africa, thereby giving all Senators two options for cloture on the two issues. There will be 30 minutes of debate between cloture votes, to be equally divided.

Cloture must be invoked on each issue—South Africa, and Contra aid, or the agreement falls. Once cloture is invoked, there will be 4 more hours for debate on Contras and to finish the amendments which have been identified. Then, at the end of the 4 hours, if anyone still has an amendment not disposed of, they will have 2 minutes for debate. Following the amendments, and debate, the Senate will vote passage of the military construction appropriations bill, and then appoint conferees.

After Contras, the Senate will begin the 8 hours for South Africa, with 2 additional hours for Senators WALLOP and DENTON to debate. At this point amendments may be called up that have been previously identified, and 2 minutes for the amendments not disposed of if the time expires. Then the Senate votes on passage on the South Africa House bill, after a strike and insert, and the Chair appoints conferees, no later than 6 p.m. next Friday.

Also, if the agreement is entered, debt limit will be advanced to third reading, and passed after 1 hour of debate tonight.

Under the unanimous-consent request, Mr. President, I believe the next order of business would be the debt limit extension. Is that correct?

The PRESIDING OFFICER. The majority leader is correct.

## INCREASE IN THE STATUTORY LIMIT ON THE PUBLIC DEBT

The PRESIDING OFFICER. The clerk will state the unfinished business.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 668) increasing the statutory limit on the public debt.

The Senate resumed consideration of the joint resolution.

The PRESIDING OFFICER. Under this agreement, there is a 1-hour time limitation equally divided between the distinguished Senator from Oregon [Mr. PACKWOOD] and the distinguished Senator from Louisiana [Mr. LONG].

Mr. PACKWOOD. Mr. President, I believe I understood the distinguished Senator from Louisiana to say he is prepared to yield back his time. I am prepared to yield back the half hour I have and vote.

Mr. BYRD. Mr. President, I ask unanimous consent that all Senators who may wish to insert statements in the RECORD as though read be permitted to do so.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BYRD. Mr. President, the bill before us represents the 13th time since January 1981 that the debt limit has been raised. This is a national tragedy. We are living far beyond our means. And in the process, we are damaging our economy and mortgaging our children's future.

A few weeks after his first inauguration, the President stated in a national address, "We may, in spite of our best efforts see a national debt in excess of a trillion dollars. Now, this is a figure that's literally beyond our comprehension."

Shortly afterward, he illustrated the enormity of such an amount by explaining, "If you had a stack of thousand-dollar bills in your hand only 4-inches high, you'd be a millionaire. A trillion dollars would be a stack of thousand-dollar bills 67 miles high. Later, that figure was amended to a stack only 64 miles high.

In September 1981, President Reagan signed into law a debt ceiling that topped $1 trillion. At that time he said, "The $1 trillion debt figure can stand as a monument to the policies of the past that brought it about—policies which as of today are reversed."

That was the rhetoric in 1981. Today, the reality is that the debt has more than doubled since that statement was made. And it continues to grow. Far from reversing the trend in budget deficits that account for the growth in the public debt, this administration has accelerated it.

In 3 of the past 4 years, this administration has produced record budget deficits. It is now on its way to yet another record deficit this year, currently estimated at some $224 billion.

Since 1981, those deficits have added over $1 trillion to the public debt. And they have added another 64 miles to that stack of thousand-dollar bills.

What took 39 previous administrations the entire history of the U.S. Government to do, this administration has accomplished in just 5 years.

The President was right in one regard. A trillion dollars is beyond

comprehension. What is more understandable is the amount of interest the Nation must pay on that $2 trillion debt. This finance charge is paid each and every year. This year, the carrying charge for the public debt will be about $137 billion. That is a stack of thousand-dollar bills nearly 9 miles high—every year.

Just to pay the interest on the debt consumes 37 cents out of every dollar paid in individual income taxes. Just 20 years ago, $137 billion would have run the entire Government for a year.

The enormous debt, and the interest costs to finace it, are mortgaging our future. We are borrowing for today's consumption against future generations, lowering their standard of living and saddling them with a mountain of bills to be paid.

The budget deficits and the resulting debt has helped exacerbate another record deficit—the trade deficit—which saps our manufacturing base, sends jobs overseas, and seriously erodes our future economic competitiveness.

As responsible legislators, we should not continue to allow these huge budget deficits to keep sapping the strength from our economy—hurting our people, our industry, and our country.

Unfortunately, the frustration that many feel at the seeming inability to reduce those deficits led to a supposed cure—the Gramm-Rudman process—that I believe is worse than the disease. That was true last year when the process was conceived, and it remains true today, despite the changes that have been made in it. In fact, since the changes have given virtual complete authority to the Office of Management and Budget to determine whether a sequester will occur, and its amount, it is even more flawed than the original procedure.

While Gramm-Rudman would reduce the deficit—a proposition with which I am in complete agreement—it would do so in an irresponsible and potentially dangerous way. For example, the current estimate for the fiscal year 1987 deficit is about $174 billion—$30 billion above the limit set by Gramm-Rudman. Thus, unless the process is changed, Congress must vote next month on a resolution which will reduce Pentagon spending by about 8 percent and domestic spending by about 11 percent.

Those across-the-board cuts could translate into a reduction in budget authority of some $30 billion for military spending and perhaps $40 billion, or more, for domestic programs. And as I would remind my colleagues, we cannot make any changes in that resolution. Gramm-Rudman prohibits any amendments.

What would a $30 billion cut in defense spending mean? It would bring total budget authority for next year to about $256 billion, $36 billion below the amount contained in the congressional budget resolution and $64 billion below the level requested by the President.

Such a cut in defense spending could be devastating to our military preparedness. I do not believe that the Congress would agree to such a cut. Speaking as one Senator, I know that I could not.

Likewise for domestic programs. Is it truly in the national interest to cut funds for drug enforcement by 11 percent when the Nation faces an epidemic of illegal drug use, especially among our children? Is it wise to reduce funds for air traffic control and related activities by 11 percent when the margin of safety in air travel has been declining recently? Similarly for cancer research, or flood control, or drought relief.

Mr. President, our responsibility is not to wield an across-the-board budget ax without regard to the consequences. If deficits are to be reduced, as I believe they must be, then the Congress must face up to the difficult task of setting priorities—and sticking by them.

The budget resolution adopted by Congress in June did just that. While it was not perfect, the budget resolution was a good start at establishing budget priorities for the coming year. The task now is to implement the priorities set forth in that resolution. It will not be easy. But it is far preferable to the alternative of a Gramm-Rudman process that will cut all programs equally, regardless of merit.

This debt limit bill compounds the fundamental flaws in the original Gramm-Rudman process. Rather than keeping a check and balance in the process by having the GAO arbitrate any differences in estimates between the OMB and CBO, the latest changes would effectively turn the entire process over to OMB. The potential for turning the process into a political football are obvious. And it is a further abdication of congressional responsibility.

The bill also would once again raise the limit on the public debt, this time to over $2.3 trillion. For these reasons, I will vote against this measure.

The PRESIDING OFFICER. Does the Senator from Louisiana yield back the time allotted to him under this agreement?

Mr. LONG. I yield back the time, Mr. President.

Mr. DOLE. Mr. President, this will be the last vote this week, but I will say that there is still about an hour and a half of work here to do with the wrap-up.

The PRESIDING OFFICER. Is there a desire for the yeas and nays?

Mr. DOLE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. DOLE. Mr. President, I might say to my colleagues, do not get too far away in case we need your vote on this debt limit extension.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and third reading of the joint resolution.

The amendments were ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution (H.J. Res. 668) was read the third time.

The PRESIDING OFFICER. The question is, Shall the joint resolution pass?

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Maine [Mr. COHEN], the Senator from Arizona [Mr. GOLDWATER], the Senator from Oregon [Mr. HATFIELD], the Senator from Pennsylvania [Mr. HEINZ] the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Nevada [Mr. LAXALT], the Senator from Vermont [Mr. STAFFORD], the Senator from Connecticut [Mr. WEICKER] are necessarily absent.

I further announce that, if present and voting, the Senator from Pennsylvania [Mr. HEINZ], would vote "yea."

Mr. CRANSTON. I announce that the Senator from Montana [Mr. BAUCUS], the Senator from New Jersey [Mr. BRADLEY], the Senator from Missouri [Mr. EAGLETON], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Arkansas [Mr. PRYOR], are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 47, nays 40, as follows:

[Rollcall Vote No. 208 Leg.]

YEAS—47

| | | |
|---|---|---|
| Abdnor | Gorton | Nickles |
| Bentsen | Gramm | Packwood |
| Biden | Hawkins | Pell |
| Boren | Hecht | Quayle |
| Boschwitz | Heflin | Roth |
| Chafee | Hollings | Rudman |
| Chiles | Inouye | Sasser |
| Cochran | Kennedy | Simon |
| D'Amato | Levin | Simpson |
| Danforth | Long | Specter |
| Dodd | Lugar | Stennis |
| Dole | Mathias | Stevens |
| Domenici | Matsunaga | Thurmond |
| Durenberger | McConnell | Wallop |
| Evans | Moynihan | Wilson |
| Gore | Murkowski | |

NAYS—40

| | | |
|---|---|---|
| Andrews | Denton | Hatch |
| Armstrong | Dixon | Helms |
| Bingaman | Exon | Humphrey |
| Broyhill | Ford | Kasten |
| Bumpers | Garn | Kerry |
| Burdick | Glenn | Lautenberg |
| Byrd | Grassley | Leahy |
| Cranston | Harkin | Mattingly |
| DeConcini | Hart | McClure |

| | | |
|---|---|---|
| Melcher | Proxmire | Trible |
| Metzenbaum | Riegle | Warner |
| Mitchell | Rockefeller | Zorinsky |
| Nunn | Sarbanes | |
| Pressler | Symms | |

NOT VOTING—13

| | | |
|---|---|---|
| Baucus | Hatfield | Pryor |
| Bradley | Heinz | Stafford |
| Cohen | Johnston | Weicker |
| Eagleton | Kassebaum | |
| Goldwater | Laxalt | |

So the joint resolution (H.J. Res. 668) was passed.

□ 2150

Mr. DOLE. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. PACKWOOD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PACKWOOD. Mr. President, I move that the Senate insist upon its amendments and request a conference with the House, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to, and the Chair appointed the following Senators as conferees on the part of the Senate:

For all purposes and sections: Mr. Packwood, Mr. Dole, Mr. Roth, Mr. Chafee, Mr. Heinz, Mr. Long, Mr. Moynihan, Mr. Baucus, and Mr. Boren.

As conferees on Title III and Sections 604 and 611 of Title VI only: Mr. Domenici, Mr. Rudman, Mr. Gramm, Mr. Chiles, and Mr. Hollings.

Mr. PACKWOOD. Mr. President, I ask unanimous consent that House Joint Resolution 668, the debt limit bill, as amended and passed by the Senate, be printed in full.

The PRESIDING OFFICER. Without objection, it is so ordered.

House Joint Resolution 668 as amended is as follows:

*H.J. RES. 668*

*TITLE II—SOCIAL SECURITY TRUST FUNDS*

*SEC. 201. SHORT TITLE.*

*This title may be cited as the "Social Security Trust Funds Management Act of 1986".*

*SEC. 202. INVESTMENT AND RESTORATION OF TRUST FUNDS.*

*(a) Subsection (d) of section 201 of the Social Security Act (42 U.S.C. 401(d)) is amended—*

*(1) by striking out "(1) on original issue" and inserting in lieu thereof "(A) on original issue",*

*(2) by striking out "(2) by purchase" and inserting in lieu thereof "(B) by purchase";*

*(3) by striking out "It shall be" and inserting in lieu thereof "(1) It shall be", and*

*(4) by adding at the end thereof the following new paragraphs:*

*"(2) If—*

*"(A) any amounts in the Trust Funds have not been invested solely by reason of the public debt limit, and*

*"(B) the taxes described in clause (3) or (4) of subsection (a) with respect to which such amounts were appropriated to the Trust Funds have actually been received into the general fund of the Treasury of the United States,*

*such amounts shall be invested by the Managing Trustee as soon as such investments can be made without exceeding the public debt limit and without jeopardizing the timely payment of benefits under this title or under any other provision of law directly related to the programs established by this title.*

*"(3)(A) Upon expiration of any debt limit impact period, the Managing Trustee shall immediately—*

*"(i) reissue to each of the Trust Funds obligations under chapter 31 of title 31, United States Code, that are identical, with respect to interest rate and maturity, to public debt obligations held by such Trust Fund that—*

*"(I) were redeemed during the debt limit impact period, and*

*"(II) as determined by the Managing Trustee on the basis of standard investment procedures for such Trust Fund in effect on the day before the date on which the debt limit impact period began, would not have been redeemed if the debt limit impact period had not occurred, and*

*"(ii) issue to each of the Trust Funds obligations under chapter 31 of title 31, United States Code, that are identical, with respect to interest rate and maturity, to public debt obligations which—*

*"(I) were not issued during the debt limit impact period, and*

*"(II) as determined by the Managing Trustee on the basis of such standard investment procedures, would have been issued if the debt limit impact period had not occurred.*

*"(B) Obligations issued or reissued under subparagraph (A) shall be substituted for obligations that are held by the Trust Fund, and for amounts in the Trust Fund that have not been invested, on the date on which the debt limit impact period ends in a manner that will ensure that, after such substitution, the holdings of the Trust Fund will replicate to the maximum extent practicable the obligations that would be held by such Trust Fund if the debt limit impact period had not occurred.*

*"(C) In determining, for purposes of this paragraph, the obligations that would be held by a Trust Fund if the debt limit impact period had not occurred, any amounts in the Trust Fund which have not been invested, and any amounts required to be invested under paragraph (2), shall be treated as amounts which were required to be invested upon transfer to the Trust Fund.*

*"(4) The Managing Trustee shall pay, on the first normal interest payment date that occurs on or after the date on which any debt limit impact period ends, to each of the Trust Funds, from amounts in the general fund of the Treasury of the United States not otherwise appropriated, an amount determined by the Managing Trustee to be equal to the excess of—*

*"(A) the net amount of interest that would have been earned by such Trust Fund during such debt limit impact period if—*

*"(i) amounts in such Trust Fund that were not invested during such debt limit impact period solely by reason of the public debt limit had been invested, and*

*"(ii) redemptions and disinvestments with respect to such Trust Fund which occurred during such debt limit impact period solely by reason of the public debt limit had not occurred, over*

*"(B) the sum of—*

*"(i) the net amount of interest actually earned by such Trust Fund during such debt limit impact period, plus*

*"(ii) the total amount of the principal of all obligations issued or reissued under paragraph (3)(A) at the end of such debt limit impact period that is attributable to interest that would have been earned by such Trust Fund during such debt limit impact period but for the public debt limit.*

*"(5) For purposes of this section—*

*"(A) The term 'public debt limit' means the limitation imposed by subsection (b) of section 3101 of title 31, United States Code.*

*"(B) The term 'debt limit impact period' means any period for which the Secretary of the Treasury determines that the issuance of obligations of the United States sufficient to orderly conduct the financial operations of the United States may not be made without exceeding the public debt limit.".*

*(b) Subsection (a) of section 201 of the Social Security Act is amended by adding at the end thereof the following new sentence: "All amounts so transferred shall be immediately available exclusively for the purpose for which amounts in the Trust Fund are specifically made available under this title or under any other provisions of law directly related to the programs established by this title.".*

*SEC. 203. REPEAL OF NORMALIZED TAX TRANSFER.*

*(a) Subsection (a) of section 201 of the Social Security Act is amended by striking out the matter following clause (4) and inserting in lieu thereof the following: "The amounts appropriated by clauses (3) and (4) shall be transferred from the general fund of the Treasury of the United States to the Federal Old-Age and Survivors Insurance Trust Fund, and the amounts appropriated by clauses (1) and (2) of subsection (b) shall be transferred from the general fund of the Treasury to the Federal Disability Insurance Trust Fund, upon receipt by the general fund of taxes specified in clauses (3) and (4) of this subsection (as estimated by the Secretary). Proper adjustments shall be made in amounts subsequently transferred to the extent amounts previously transferred were in excess of, or were less than, the taxes specified in such clauses (3) and (4). All amounts so transferred shall be immediately available exclusively for the purpose for which amounts in the Trust Fund are specifically made available under this title or under other provisions of law directly related to the programs established by this title.".*

*(b) The amendment made by subsection (a) shall take effect on July 1, 1990.*

*SEC. 204. FAITHFUL EXECUTION OF DUTIES BY MEMBERS OF BOARD OF TRUSTEES OF TRUST FUNDS.*

*Section 201(c) of the Social Security Act is amended by striking the last sentence and inserting the following: "A person serving on the Board of Trustees (including the Managing Trustee) shall not be considered to be a fiduciary, but each such person shall faithfully execute the duties imposed on such person by this section. A person serving on the Board of Trustees (including the Managing Trustee) shall not be personally liable for actions taken in such capacity with respect to the Trust Funds.".*

*SEC. 205. REPORTS REGARDING THE OPERATION AND STATUS OF THE TRUST FUNDS.*

*Subsection (c) of section 201 of the Social Security Act is amended—*

*(1) by striking "once" in the fourth sentence and inserting "twice",*

*(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively,*

*(3) by redesignating paragraphs (3), (4), and (5) as subparagraphs (D), (E), and (F), respectively,*

(4) by inserting after subparagraph (B) (as redesignated by paragraph (2) of this section) the following:

"(C) Report to the Congress as soon as possible, but not later than the date that is 30 days after the first normal interest payment date occurring on or after the date on which any debt limit impact period for which the Managing Trustee is required to take action under paragraph (3) or (4) of subsection (d) ends, on—

"(i) the operation and status of the Trust Funds during such debt limit impact period, and

"(ii) the actions taken under paragraphs (3) and (4) of subsection (d) with respect to such debt limit impact period;",

(5) by striking out "in paragraph (2) above" and inserting in lieu thereof "in subparagraph (B) above",

(6) by inserting "(1)" after "(c)", and

(7) by adding at the end thereof the following:

"(2) The Managing Trustee shall report monthly to the Board of Trustees concerning the operation and status of the Trust Funds and shall report to Congress and to the Board of Trustees not less than 15 days prior to the date on which, by reason of the public debt limit, the Managing Trustee expects to be unable to fully comply with the provisions of subsection (a) or (d)(1), and shall include in such report an estimate of the expected consequences to the Trust Funds of such inability.".

SEC. 206. ELIMINATION OF UNDUE DISCRETION IN THE INVESTMENT OF TRUST FUNDS.

(a) Section 201(d) of the Social Security Act is amended, in the first sentence—

(1) by inserting "immediately" after "to invest"; and

(2) by striking ", in his judgment,".

(b)(1) Paragraph (2) of section 201(d) of the Social Security Act, as added by section 202 of this Act, is amended to read as follows:

"(2) If any amount in either of the Trust Funds is not invested solely by reason of the public debt limit, such amount shall be invested as soon as such investment can be made without exceeding the public debt limit and without jeopardizing the timely payment of benefits under this title or under any other provision of law directly related to the programs established by this title."

(2) The amendment made by paragraph (1) shall take effect on July 1, 1990.

SEC. 207. SALES AND REDEMPTIONS BY TRUST FUNDS.

Section 201(e) of the Social Security Act is amended—

(1) by inserting "(1)" after "(e)"; and

(2) by adding at the end the following:

"(2)(A) The Managing Trustee may effect any such sale or redemption with respect to either Trust Fund only for the purpose of enabling such Trust Fund to make payments authorized by this title or under any other provisions of law directly related to the programs established by this title. If either of the Trust Funds holds any amounts which are not invested by reason of the public debt limit, the Managing Trustee is nevertheless directed to make such sales and redemptions if, and only to the extent, necessary to assure timely payment of benefits and other payments authorized by this title or by any other provisions of law directly related to the programs established by this title, but the principal amount of obligations sold or redeemed pursuant to this sentence shall not exceed the principal amount of obligations that would have been sold or redeemed under normal operating procedures in order to make such payments.".

SEC. 208. EFFECTIVE DATE.

Except as otherwise provided by this title, the amendments made by this title shall take effect on the date of enactment of this Act.

## TITLE III—BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL

SEC. 301. SHORT TITLE.

This title may be cited as the "Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1986".

SEC. 302. REVISION OF PROCEDURES.

(a) REFERENCE.—Except as otherwise specifically provided, whenever in this section an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be a reference to a section or other provision of the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) REVISION OF REPORTING RESPONSIBILITIES.—(1) Section 251(b) is amended to read as follows:

"(b) REPORTS BY THE COMPTROLLER GENERAL AND THE DIRECTOR OF OMB.—

"(1) REPORT TO THE DIRECTOR OF OMB AND THE CONGRESS BY THE COMPTROLLER GENERAL.—

"(A) REPORT TO BE BASED ON OMB–CBO REPORT.—The Comptroller General shall review and consider the report issued under subsection (a) by the Directors for the fiscal year and, with due regard for the data, assumptions, and methodologies used in reaching the conclusions set forth therein, shall issue a report to the Director of the Office of Management and Budget and the Congress on August 25 of the calendar year in which such fiscal year begins, estimating the budget base levels of total revenues and total budget outlays for such fiscal year, stating whether such deficit excess will be greater than $10,000,000,000 (zero in the case of fiscal year 1991), specifying the estimated rate of real economic growth for such fiscal year, for each quarter of such fiscal year, and for each of the last two quarters of the preceding fiscal year, indicating whether the estimate includes two or more consecutive quarters of negative economic growth, and specifying (if the excess is greater than $10,000,000,000, or zero in the case of fiscal year 1991) the percentages by which defense and non-defense accounts must be reduced during such fiscal year in order to eliminate such deficit excess. Such report shall be based on the estimates, determinations, and specifications contained in the report submitted by the Directors under subsection (a) and shall utilize the budget base, criteria, and guidelines set forth in subsection (a)(6) and in sections 255, 256, and 257.

"(B) CONTENTS OF REPORT.—The report of the Comptroller General under this paragraph shall contain such views as the Comptroller General considers appropriate concerning the estimates, determinations, and specifications contained in the report submitted by the Directors under subsection (a). The report of the Comptroller General shall explain fully any differences between the contents of such report and the report of the Directors under subsection (a).

"(2) REPORT TO PRESIDENT AND CONGRESS BY THE DIRECTOR OF OMB.—

"(A) REPORT TO BE BASED ON GAO REPORT.—The Director of the Office of Management and Budget shall review and consider the report issued by the Comptroller General under paragraph (1) of this subsection for the fiscal year and, with due regard for the data, assumptions, and methodologies used in reaching the conclusions set forth therein, shall issue a report to the President and the Congress on September 1 of the calendar year in which such fiscal year begins, estimating the budget base levels of total revenues and total budget outlays for such fiscal year, identifying the amount of any deficit excess for such fiscal year, stating whether such deficit excess will be greater than $10,000,000,000 (zero in the case of fiscal year 1991), specifying the estimated rate of real economic growth for such fiscal year, for each quarter of such fiscal year, and for each of the last two quarters of the preceding fiscal year, indicating whether the estimate includes two or more consecutive quarters of negative economic growth, and specifying (if the excess is greater than $10,000,000,000, or zero in the case of fiscal year 1991), by account, for non-defense programs, and by account and programs, projects, and activities within each account, for defense programs, the base from which reductions are taken and the amounts and percentages by which such accounts must be reduced during such fiscal year in order to eliminate such deficit excess. Such report shall be based on the estimates, determinations, and specifications, and views of the Comptroller General under paragraph (1) and shall utilize the budget base, criteria, and guidelines set forth in subsection (a)(6) and in sections 255, 256, and 257.

"(B) CONTENTS OF REPORT.—The report of the Director of the Office of Management and Budget under this paragraph shall—

"(i) provide for the determination of reductions in the manner specified in subsection (a)(3);

"(ii) contain estimates, determinations, and specifications for all of the items contained in the report submitted by the Directors under subsection (a); and

"(iii) state whether the estimates, determinations, and specifications contained therein are consistent with the views contained in the report of the Comptroller General under paragraph (1)(B), and, if not, shall justify the reasons for any deviation.".

(2) Section 251(c) is amended—

(A) by striking out "President" in subparagraph (A) of paragraph (2) and inserting in lieu thereof "Director of the Office of Management and Budget";

(B) by striking out "subsection (b)" in such subparagraph and inserting in lieu thereof "subsection (b)(1)";

(C) by striking out subparagraph (B) of such paragraph and inserting in lieu thereof the following new subparagraph:

"(B) The report of the Comptroller General under this paragraph shall revise (to the extent necessary) the views contained in the report submitted pursuant to subsection (b)(1)(B).."; and

(D) by adding at the end thereof the following new paragraph:

"(3) REPORT BY THE DIRECTOR OF OMB.—

"(A) On October 15 of the fiscal year, the Director of the Office of Management and Budget shall submit to the President and the Congress a report revising the report submitted by the Director of the Office of Management and Budget under subsection (b)(2), adjusting the estimates, determinations, and specifications contained in that report to the extent necessary in the light of the revised report submitted to the Director of the Office of Management and Budget by the Comptroller General under paragraph (2) of this subsection.

"(B) The revised report of the Director of the Office of Management and Budget under this paragraph shall provide for the determination of reductions as specified in subsection (a)(3), shall contain all of the estimates, determinations, and specifications

required (in the case of the report submitted under subsection (b)(2)) pursuant to subsection (b)(2)(B)(ii), and shall justify any deviation between the revised report of the Director under this paragraph and the report of the Comptroller General under paragraph (2).

"(C) The revised report of the Director under this paragraph shall contain estimates, determinations, and specifications for all of the items contained in the initial report and shall be based on the same economic and technical assumptions, employ the same methodologies, and utilize the same definition of the budget base and the same criteria and guidelines as those used in the report submitted by the Director under subsection (b)(2), and shall provide for the determination of reductions in the manner specified in subsection (a)(3).

"(D) The revised report of the Director under this paragraph for a fiscal year shall not contain, with respect to any item, an amount of budget authority, outlays, spending authority (as defined in section 401(c)(2) of the Congressional Budget Act of 1974), revenues, obligation limitation, obligated balances, unobligated balances, loan guarantee commitments, or direct loan obligations, which is different than the amount of budget authority, outlays, spending authority (as so defined), obligation limitation, obligated balances, unobligated balances, loan guarantee commitments, or direct loan obligations specified for such item in the report of the Director under subsection (b)(2) for such fiscal year unless, after the Director submits the report required under such subsection (b)(2)—

"(i) legislation is enacted,

"(ii) a final regulation is promulgated, or

"(iii) a sale of assets is announced,

which requires a change in the estimate of such budget authority, outlays, spending authority (as so defined), obligation limitation, obligated balances, unobligated balances, loan guarantee commitments, or direct loan obligations for such item.".

(3)(A) Section 251(e) is amended by striking out "Directors or the Comptroller General" and inserting in lieu thereof "Directors, the Comptroller General, or the Director of the Office of Management and Budget".

(B) Section 251(f) is amended by striking out "subsections (b) and (c)(2)" and inserting in lieu thereof "subsections (b)(1) and (c)(2), and the reports of the Director of the Office of Management and Budget submitted to the Congress under subsections (b)(2) and (c)(3),".

(c) PRESIDENTIAL ORDERS.—(1) Section 252(a) is amended—

(A) by striking out "Comptroller General" the first place it appears in paragraph (1) and inserting in lieu thereof "Director of the Office of Management and Budget";

(B) by striking out "section 251(b)" each place it appears in paragraphs (1) and (3) and inserting in lieu thereof "section 251(b)(2)";

(C) by striking out "September 1" in paragraph (1) and inserting in lieu thereof "September 3"; and

(D) by striking out "COMPTROLLER GENERAL'S" in the heading for paragraph (3) and inserting in lieu thereof "DIRECTOR'S".

(2) Section 252(b) is amended—

(A) by striking out "Comptroller General" each place it appears and inserting in lieu thereof "Director of the Office of Management and Budget";

(B) by striking out "section 251(b)" each place it appears and inserting in lieu thereof "section 251(b)(2)";

(C) by striking out "section 251(c)(2)" each place it appears and inserting in lieu thereof "section 251(c)(3)"; and

(D) by striking out "October 15" in paragraph (1) and inserting in lieu thereof "October 17".

(d) TERMINATION OR MODIFICATION PROCEDURES.—(1) Section 251(d) is amended by striking out paragraph (3).

(2) The last sentence of section 251(c)(1) is amended by striking out "and authorized under subsection (d)(3)(D)(i)".

(3) Section 256(l)(2) is amended by striking out ", in accordance with section 251(d)(3),".

(e) TECHNICAL AMENDMENTS.—(1) Section 254(b)(1)(A) is amended by striking out "Comptroller General under section 251(c)(2)" and inserting in lieu thereof "Director of the Office of Management and Budget under section 251(c)(3)".

(2) Section 274(f)(5) is amended by striking out "section 251 (b) or (c)(2)" and inserting in lieu thereof "section 251 (b)(2) or (c)(3)".

(3) Section 274(h) is amended—

(A) by striking out "Comptroller General" the first place it appears and inserting in lieu thereof "Director of the Office of Management and Budget"; and

(B) by striking out "Comptroller General under section 251 (b) or (c)(2)" and inserting in lieu thereof "Director of the Office of Management and Budget under section 251 (b)(2) or (c)(3)".

(f) ECONOMIC ASSUMPTIONS; METHODOLOGY.—(1) Section 251 is amended by adding at the end thereof the following new subsections:

"(h) ECONOMIC ASSUMPTIONS.—

"(1) REQUIRED ECONOMIC ASSUMPTIONS FOR FISCAL YEAR 1987.—In preparing each report required under this section for fiscal year 1987, the Director of the Office of Management and Budget, the Director of the Congressional Budget Office, and the Comptroller General shall use the following economic assumptions:

"The average level of the nominal gross national product is $4,438,000,000,000 for fiscal year 1987.

"The average level of the real gross national product is $3,788,600,000,000 for fiscal year 1987.

"The average level of the gross national product deflator is 117.15 for fiscal year 1987.

"The average level of the CPI-U index is 334.8 for fiscal year 1987.

"The average level of the CPI-W index is 330.0 for fiscal year 1987.

"The average level of the civilian unemployment rate is 6.8 percent for fiscal year 1987.

"The average level of the three-month Treasury bill rate is 6.2 percent for fiscal year 1987.

"The average level of the ten-year government bond rate is 7.6 percent for fiscal year 1987.

"The average level of corporate profits (economic) is $332,600,000,000 for fiscal year 1987.

"The average level of wage and salary disbursements is $2,184,200,000,000 for fiscal year 1987.

"The average level of other taxable income is $893,000,000,000 for fiscal year 1987.

"The average level of the capital consumption allowance is $55,600,000,000 for fiscal year 1987.

"The average level of the inventory valuation adjustment is negative $6,600,000,000 for fiscal year 1987.

"The average level of oil prices is $12.90 for fiscal year 1987.

"(2) FISCAL YEARS 1988 THROUGH 1991.—

"(A) REPORTS BY THE DIRECTORS AND THE COMPTROLLER GENERAL.—By July 15 of the calendar year in which a fiscal year begins (beginning with fiscal year 1988), the Director of the Office of Management and Budget, the Director of the Congressional Budget Office, and the Comptroller General shall each submit to the Temporary Joint Committee on Deficit Reduction established by section 274 a report proposing economic assumptions (for each of the items specified in paragraph (1)) for use by the Directors and the Comptroller General in preparing each report required by subsections (a), (b), and (c) for such fiscal year.

"(B) REPORTING OF JOINT RESOLUTION.—The Temporary Joint Committee on Deficit Reduction established under section 274 may, at any time before September 15 of a fiscal year (beginning with fiscal year 1988), report to the Senate and the House of Representatives a joint resolution for such fiscal year which—

"(i) specifies, for one or more economic assumptions, the amount (within the range of the amounts proposed for each such economic assumption by the Director of the Office of Management and Budget, the Director of the Congressional Budget Office, and the Comptroller General in the reports required under subparagraph (A)) for such economic assumption for such fiscal year;

"(ii) directs the Directors and the Comptroller General to use the amount specified in such joint resolution for each such economic assumption in preparing each report required under subsections (a), (b), and (c) or such fiscal year; and

"(iii) directs the President to modify the most recent order issued under section 252 for such fiscal year in a manner which implements the amount specified in such joint resolution for each such economic assumption.

"(C) PROCEDURES.—The provisions relating to the consideration of joint resolutions under section 254(a)(4) shall apply to the consideration of a joint resolution reported pursuant to subparagraph (A), except that debate in each House shall be limited to two hours.

"(D) ACTION IF ECONOMIC ASSUMPTION IS NOT SPECIFIED BY JOINT RESOLUTION.—In any case in which a joint resolution is not enacted under this paragraph specifying an amount for an economic assumption for a fiscal year, the Director of the Office of Management and Budget, the Director of the Congressional Budget Office, and the Comptroller General shall use the amount for such economic assumption proposed by such Director or Comptroller General in the report required under subparagraph (A) for a fiscal year.

"(E) DEFINITION.—For purposes of this paragraph, the term 'range of amounts' means, with respect to an economic assumption, any of the amounts for such economic assumption which is—

"(i) not less than the lesser of the amounts proposed for such economic assumption by either Director or by the Comptroller General in the reports required by subparagraph (A) for a fiscal year; or

"(ii) not more than the higher of the amounts proposed for such economic assumption used by either Director or the Comptroller General in such reports.

"(i) BUDGETARY RESOURCE-OUTLAY RATIOS.—

"(1) IN GENERAL.—

"(A) BASIC RULE.—Except as provided in paragraph (2) and in subparagraph (E), in preparing each report required under this section for a fiscal year, the Director of the Office of Management and Budget, the Director of the Congressional Budget Office, and the Comptroller General shall calculate budget outlays resulting from each item of budgetary resources (specified in subclauses (I) through (VI) of subparagraph (F)(i)) for an account in accordance with this subsection, for purposes of—

"(i) determining under subsection (a) budget base levels of budget outlays for such fiscal year;

"(ii) determining the amount of budget outlays for such fiscal year for defense programs to which subsections (a)(3)(E)(ii) and (d) apply; and

"(iii) determining the amount of budget outlays for such fiscal year for non-defense programs to which subsection (a)(3)(F)(iv) applies.

"(B) COMPUTATION RULES.—For purposes of subparagraph (A), in order to determine the amount of budget outlays for a fiscal year resulting from an item of budgetary resources for each account to which clause (i), (ii), or (iii) of such subparagraph applies, the Director of the Office of Management and Budget, the Director of the Congressional Budget Office, and the Comptroller General shall make the following determinations:

"(i) The amount of such item of budgetary resources for such account for such fiscal year shall be determined.

"(ii) The ratio described in subparagraph (C) shall be determined for such item of budgetary resources for such account.

"(iii) The amount of budget outlays resulting from such item of budgetary resources for such account for such fiscal year shall be equal to the product of the amount determined under clause (i) of this subparagraph for such item of budgetary resources multiplied by the ratio determined under clause (ii) of this subparagraph for such item of budgetary resources.

"(C) DETERMINATION OF RATIO.—For each item of budgetary resources for each account, the ratio referred to in clause (ii) of such paragraph (B) shall be equal to the quotient of—

"(i) the amount of budget outlays specified as the average of the amounts of budget outlays proposed by each of the Directors for fiscal year 1986 for such account in the first appendix of the report submitted by the Directors under subsection (a) for fiscal year 1986 (as such report was modified by the report of the Comptroller General under subsection (b) for such fiscal year and reaffirmed by H. J. Res. 672, as adopted on July 17, 1986), except as provided by subparagraph (D) of this paragraph, divided by

"(ii) the amount for such item of budgetary resources specified as the average of the amounts for such item proposed by each of the Directors for fiscal year 1986 for such account in such appendix.

"(D) ACCOUNTS WITH MORE THAN ONE ITEM OF BUDGETARY RESOURCES.—In any case in which, in the appendix described in subparagraph (C)(i), there is—

"(i) more than one item of budgetary resources for an account to which clause (i), (ii), or (iii) of subparagraph (A) applies;

"(ii) or an excluded budgetary resource for such an account,

the amount of budget outlays for each such item of budgetary resources, for purposes of subparagraph (C)(i), shall be the amount of budget outlays determined by the Director of the Office of Management and Budget, the Director of the Congressional Budget Office, or the Comptroller General, as the case may be, that was associated with such item of budgetary resources for fiscal year 1986 in the preparation of such appendix.

"(E) EXCEPTION.—Subparagraph (A) shall not apply to the calculation of budget outlays resulting from an item of budgetary resources for an account if the appendix described in clause (i) of subparagraph (C) does not specify the amount of budget outlays described in such subparagraph or the amount for an item of budgetary resources described in clause (ii) of such subparagraph.

"(F) DEFINITION.—For purposes of this subsection—

"(i) the term 'item of budgetary resources' means—

"(I) budget authority;

"(II) spending authority (as defined in section 401(c)(2) of the Congressional Budget Act of 1974);

"(III) offsetting collection amounts for spending authority (as so defined);

"(IV) direct loan limitations;

"(V) obligation limitations; and

"(VI) unobligated balances for defense programs; and

"(ii) the term 'excluded budgetary resource' means—

"(I) spending authority (as defined in section 401(c)(2) of the Congressional Budget Act of 1974) for automatic spending increases;

"(II) direct loan floors;

"(III) guaranteed loan limitations;

"(IV) guaranteed loan floors;

"(V) unobligated balances for administrative expenses;

"(VI) budget authority for automatic spending increases; and

"(VII) budget authority for programs subject to special sequestration rules.

"(2) PROPOSAL OF ALTERNATIVE RATIOS.—

"(A) IN GENERAL.—By June 20 of the calendar year in which a fiscal year begins (beginning with fiscal year 1988), the Directors may submit a joint report to the Temporary Joint Committee on Deficit Reduction established under section 274(f) which proposes, for one or more items of budgetary resources, the use, for purposes of paragraph (1), of a ratio for such fiscal year which is different than the ratio prescribed by subparagraph (C) of such paragraph. The report shall include, for each such item for which a different ratio is recommended, an explanation of the reasons why the ratio prescribed by paragraph (1)(C) is no longer adequate for purposes of paragraph (1) and a justification for the ratio proposed for such account.

"(B) REPORTING OF JOINT RESOLUTION.—Within 5 days after receiving a report under subparagraph (A), the Temporary Joint Committee may report to the Senate and the House of Representatives a joint resolution affirming the report submitted under subparagraph (A). The provisions relating to the consideration of joint resolutions under section 254(a)(4) shall apply to the consideration of a joint resolution reported pursuant to this subparagraph, except that debate in each House shall be limited to two hours.

"(C) EFFECT OF JOINT RESOLUTION.—If a joint resolution is enacted under subparagraph (B) for a fiscal year, the Director of the Office of Management and Budget, the Director of the Congressional Budget Office, and the Comptroller General shall each, in preparing each report required under subsections (a) and (b) and for purposes of paragraph (1), use for each item of budgetary resources for which a ratio is contained in the report submitted under subparagraph (A), the ratio contained in such report (as affirmed pursuant to such joint resolution).

"(j) COMPUTATION OF BUDGET BASE OUTLAYS RESULTING FROM OBLIGATED BALANCES.—In determining the amount of budget base outlays resulting from obligated balances for defense programs and non-defense programs for a fiscal year—

"(1) the Director of the Office of Management and Budget shall use the methodology used by such Director in determining such budget base outlays in the report required under subsection (a) for fiscal year 1986; and

"(2) the Director of the Congressional Budget Office shall use the methodology used by such Director in determining such budget base outlays in the report required under subsection (a) for fiscal year 1986.

"(k) FEDERAL REGULATIONS.—Except as provided in subsection (a)(6)(D)(ii), in preparing each report required under this section for a fiscal year, the Director of the Office of Management and Budget, the Director of the Congressional Budget Office, and the Comptroller General shall assume that only regulations which have been promulgated as final regulations by August 15 of the calendar year in which the fiscal year begins (with respect to reports required under subsection (a) or (b) for such fiscal year), or by October 5 of the fiscal year (with respect to reports required under subsection (c) for such fiscal year), shall be in effect during such fiscal year.

"(l) ASSET SALES.—In preparing each report required under this section for a fiscal year, the Director of the Office of Management and Budget, the Director of the Congressional Budget Office, and the Comptroller General shall assume that only those sales of assets by the Federal Government which are announced for such fiscal year by August 15 of a calendar year in which such fiscal year begins (with respect to reports required under subsection (a) or (b) for such fiscal year), or by October 5 of the fiscal year (with respect to reports required under subsection (c) for such fiscal year), will occur during such fiscal year.

"(m) PAY INCREASES.—

"(1) IN GENERAL.—In preparing each report required under this section for a fiscal year, the Director of the Office of Management and Budget, the Director of the Congressional Budget Office, and the Comptroller General shall—

"(A) include amounts of budget authority and budget outlays necessary to pay for any Federal pay adjustments for statutory pay systems if such adjustments have been recommended by the President or, notwithstanding subsection (a)(6)(D)(i), have been enacted by law;

"(B) include amounts of budget authority and budget outlays necessary to pay for any pay adjustments for elements of military pay if such adjustments occur pursuant to law or are specifically enacted by law; and

"(C) assume that the percentage of the amounts of budget authority and budget outlays necessary to pay for such adjustments that will be absorbed by all Federal agencies will not exceed the average of the percentages of such amounts absorbed by all Federal agencies for the three most recently completed fiscal years for which such adjustments were made.

"(2) DEFINITION.—For purposes of this paragraph—

"(A) the term 'statutory pay system' has the same meaning as in section 256(g)(2)(A); and

"(B) the term 'elements of military pay' has the same meaning as in section 256(g)(2)(B).

"(n) FARM DEFICIENCY PAYMENTS.—In preparing each report required under this section for fiscal year 1987, the Director of the Office of Management and Budget, the Director of the Congressional Budget Office, and the Comptroller General shall assume that advance deficiency payments shall be made available to producers who agree to participate in an acreage limitation or set-aside program for the crop year relating to such fiscal year based on an amount under section 107C(a)(2)(F)(iii) of the Agricultural Act of 1949 (7 U.S.C. 1445b-2(a)(2)(F)(iii)) of—

"(A) in the case of wheat and feed grains, 40 percent of the projected payment rate, as determined by the Secretary of Agriculture; and

"(B) in the case of upland cotton and rice, 30 percent of the projected payment rate, as determined by such Secretary.".

(g) ENTITLEMENTS.—Section 251(a)(6)(A) is amended by inserting before the semicolon a comma and "including the continuation of current law with respect to entitlements funded through annual appropriation Acts and with respect to the Food Stamp Act of 1977".

(h) COMPLIANCE REPORT.—Section 253 is amended to read as follows:

"SEC. 253. COMPLIANCE REPORT BY COMPTROLLER GENERAL.

"On or before November 15 of each fiscal year, the Comptroller General shall submit to the Congress and the President a report on—

"(1) the extent to which the President's order issued under section 252(b) for such fiscal year complies with all of the requirements contained in section 252, either certifying that the order fully and accurately complies with such requirements or indicating the respects in which it does not;

"(2) the extent to which each report of the Director of the Office and Management and Budget under section 251 (b)(2) and (c)(3) for such fiscal year complies with all of the requirements contained in this part, either certifying that the order fully and accurately complies with such requirements or indicating the respects in which it does not; and

"(3) any recommendations of the Comptroller General for improving the procedures set forth in this part.".

(i) EXEMPT PROGRAM.—Section 255(g)(1) is amended by inserting before the first item relating to the Western Area Power Administration the following new item:

"Washington Metropolitan Area Transit Authority, Interest payments (46-0300-0-1-401);".

(j) TEMPORARY JOINT COMMITTEE.—Section 274(f)(2) is amended—

(1) by striking out "Upon the invalidation of any such procedure there" in the first sentence and inserting in lieu thereof "There";

(2) by striking out "and" before "to report" in the third sentence and inserting in lieu thereof a comma; and

(3) by inserting before the period in the third sentence a comma and "and to carry out the functions specified in subsections (h) and (i) of section 251".

(k) APPLICABILITY.—The amendments made by this section shall apply with respect to any report required to be submitted, and any order issued, after the date of enactment of this Act under part C of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 303. RESTORATION OF AUTHORITY OF COMPTROLLER GENERAL.

(a) If, at any time after the date of enactment of this Act, provisions of law are enacted which—

(1) establish the Comptroller General of the United States as an officer of the executive branch of the Government; or

(2) establish an independent agency in the executive branch of the Government to carry out the functions of the Comptroller General which are executive in nature,

the provisions of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect on the date of enactment of such Act) shall be restored or revived and shall be effective as if this Act, and the amendments made by this Act, had not been enacted.

(b) If, pursuant to subsection (a), the provisions of the Balanced Budget and Emergency Deficit Control Act of 1985 are restored and revived, the responsibilities assigned by such Act (as so revived and restored) to the Comptroller General shall be carried out by—

(1) the Comptroller General (if provisions of law described in subsection (a)(1) have been enacted); or

(2) the head of the agency established pursuant to provisions of law described in subsection (a)(2),

as the case may be.

SEC. 304. MODIFICATION OF DEADLINE FOR SUBMISSION OF PRESIDENT'S BUDGET.

(a) Section 1105(a) of title 31, United States Code, is amended by striking out "first Monday after January 3 of each year (or on or before February 5 in 1986)" and inserting in lieu thereof "first Tuesday in February of each year".

(b) Section 300 of the Congressional Budget Act of 1974 is amended by striking out "First Monday after January 3" and inserting in lieu thereof "First Tuesday in February".

## TITLE IV—UNLAWFUL LAUNDERING OF MONEY

SEC. 401. This title may be cited as the "Money Laundering Crimes Act of 1986".

SEC. 402. (a) Chapter 95 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 1956. Laundering of monetary instruments

"(a)(1) Whoever, knowing that the property involved in a financial transaction represents the proceeds of some form of unlawful activity, conducts or attempts to conduct such a financial transaction which in fact involves the proceeds of specified unlawful activity—

"(A) with the intent to facilitate the carrying on of specified unlawful activity; or

"(B) knowing that the transaction is designed in whole or in part—

"(i) to conceal or disguise the nature, the location, the source, the ownership, or the control of the proceeds of specified unlawful activity; or

"(ii) to avoid a transaction reporting requirement under State or Federal law,

shall be sentenced to a fine of not more than $250,000 or twice the value of the property involved in the transaction, whichever is greater, or imprisonment for not more than twenty years, or both.

"(2) Whoever transports or attempts to transport a monetary instrument or funds from a place in the United States to or through a place outside the United States or to a place in the United States from or through a place outside the United States—

"(A) with the intent to facilitate the carrying on of specified unlawful activity; or

"(B) knowing that the monetary instrument or funds involved in the transportation represent the proceeds of some form of unlawful activity and knowing that such transportation is designed in whole or in part—

"(i) to conceal or disguise the nature, the location, the source, the ownership, or the control of the proceeds of specified unlawful activity; or

"(ii) to avoid a transaction reporting requirement under State or Federal law,

shall be sentenced to a fine of $250,000 or twice the value of the monetary instrument or funds involved in the transportation, whichever is greater, or imprisonment for not more than twenty years, or both.

"(3) Whoever conducts or attempts to conduct a financial transaction that in whole or in part involves the proceeds of specified unlawful activity with intent to violate or facilitate a violation of section 7201 or 7206 of the Internal Revenue Code of 1954 shall be sentenced to a fine of not more than $250,000 or twice the value of the monetary instrument or funds involved in the transaction, whichever is greater, or imprisonment for not more than twenty years, or both.

"(b) Whoever conducts or attempts to conduct a transaction described in subsection (a)(1) or (a)(3) or a transportation described in subsection (a)(2) is liable to the United States for a civil penalty of not more than the greater of—

"(1) the value of the property, funds, or monetary instruments involved in the transaction; or

"(2) $10,000.

"(c) As used in this section—

"(1) the phrase 'knowing that the property involved in a financial transaction represents the proceeds of some form of unlawful activity' means that the person knew the property involved in the transaction represented proceeds from some form, though not necessarily which form, of activity that constitutes a felony under State or Federal law, regardless of whether or not such activity is specified in paragraph (7);

"(2) the term 'conducts' includes but is not limited to initiating, concluding, or participating in initiating, or concluding a transaction;

"(3) the term 'transaction' includes but is not limited to a purchase, sale, loan, pledge, gift, transfer, delivery, or other disposition, and with respect to a financial institution includes but is not limited to a deposit, withdrawal, transfer between accounts, exchange of currency, loan, extension of credit, purchase or sale of any stock, bond, certificate of deposit, or other monetary instrument, or any other payment, transfer, or delivery by, through, or to a financial institution, by whatever means effected;

"(4) the term 'financial transaction' means a transaction involving the movement of funds by wire or other means or involving one or more monetary instruments, which in any way or degree affects interstate or foreign commerce, or a transaction involving the use of a financial institution which is engaged in, or the activities of which affect, interstate or foreign commerce in any way or degree;

"(5) the term 'monetary instruments' means coin or currency of the United States or of any other country, travelers' checks, personal checks, bank checks, money orders, investment securities in bearer form or otherwise in such form that title thereto passes upon delivery, and negotiable instruments

in bearer form or otherwise in such form that title thereto passes upon delivery;

"(6) the term 'financial institution' has the definition given that term in section 5312(a)(2) of title 31, United States Code, and the regulations promulgated thereunder;

"(7) the term 'specified unlawful activity' means—

"(A) any act or activity occurring in whole or in part in, or directed at, the United States, and constituting an offense listed in section 1961(1) of this title except an act which is indictable under the Currency and Foreign Transactions Reporting Act;

"(B) with respect to a financial transaction occurring in whole or in part in the United States, an offense against a foreign nation involving the manufacture, importation, sale, or distribution of a controlled substance (as such term is defined for the purposes of the Controlled Substances Act);

"(C) any act or acts constituting a continuing criminal enterprise, as that term is defined in section 408 of the Controlled Substances Act (21 U.S.C. 848); or

"(D) an offense under section 152 (relating to concealment of assets; false oaths and claims; bribery), section 215 (relating to commissions or gifts for procuring loans), sections 500 through 503 (relating to certain counterfeiting offenses), section 511 (relating to securities of States and private entities), section 545 (relating to smuggling goods into the United States), section 641 (relating to public money, property, or records), section 656 (relating to theft, embezzlement, or misapplication by bank officer or employee), section 666 (relating to theft or bribery concerning programs receiving Federal funds), section 793, 794, or 798 (relating to espionage), section 875 (relating to interstate communications), section 1201 (relating to kidnaping), section 1203 (relating to hostage taking), section 1344 (relating to bank fraud), or section 2113 or 2114 (relating to bank and postal robbery and theft) of this title, section 38 of the Arms Export Control Act (22 U.S.C. 2778), the Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.), the International Emergency Economic Powers Act (50 U.S.C. 1702 et seq.), and the Trading with the Enemy Act (50 U.S.C. App. 1 et seq.).

"(d) Nothing in this section shall supersede any provision of Federal, State, or other law imposing criminal penalties or affording civil remedies in addition to those provided for in this section.

"(e) Violations of this section may be investigated by such components of the Department of Justice as the Attorney General may direct, and by such components of the Department of the Treasury as the Secretary of the Treasury may direct, as appropriate.

"(f) There is extraterritorial jurisdiction over the conduct prohibited by this section if—

"(1) the conduct is by a United States citizen or, in the case of a non-United States citizen, the conduct occurs in substantial part in the United States; and

"(2) the transaction or series of related transactions involves funds or monetary instruments of a value exceeding $10,000.".

(b) The table of sections at the beginning of chapter 95 of title 18 is amended by adding at the end the following new item:

"1956. Laundering of monetary instruments".

SEC. 403. (a) Subsection 1103(c) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3403(c)) is amended by adding at the end thereof the following: "Such information may include only the name or names of and other identifying information concerning the individuals and accounts involved in and the nature of the suspected illegal activity. Such information may be disclosed notwithstanding any law or regulation of any State or political subdivision thereof to the contrary. Any financial institution, or officer, employee, or agent thereof, making a disclosure of information pursuant to this subsection in good faith, shall not be liable to the customer under any law or regulation of the United States or any State or political subdivision thereof, for such disclosure or for any failure to notify the customer of such disclosure.".

(b) Section 1113(i) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3413(i)) is amended by inserting immediately before the period at the end thereof a comma and the following: "except that a court shall have authority to order a financial institution, on which a grand jury subpoena for customer records has been served, to delay notifying the customer of the existence of the subpoena or information that has been furnished to the grand jury, under the circumstances specified and pursuant to the procedures established in section 1109 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3409)".

SEC. 404. (a) Section 5318 of title 31, United States Code, is amended to read as follows:

"§ 5318. Compliance, exemptions, and summons authority

"(a) The Secretary of the Treasury may (except under section 5315 of this title and regulations prescribed under section 5315)—

"(1) delegate duties and powers under this subchapter to an appropriate supervising agency, except as provided in subsection (c);

"(2) require a class of domestic financial institutions to maintain appropriate procedures to ensure compliance with this subchapter and regulations prescribed under this subchapter;

"(3) examine any books, papers, records, or other data of domestic financial institutions relevant to the recordkeeping or reporting requirements of this subchapter;

"(4) summon a financial institution or an officer or employee of a financial institution, or a former officer or employee, or any person having possession, custody, or care of the reports and records required under this subchapter, to appear before the Secretary of the Treasury or his delegate at a time and place named in the summons and to produce such books, papers, records, or other data, and to give testimony, under oath, as may be relevant or material to an investigation described in subsection (c); and

"(5) prescribe an appropriate exemption from a requirement under this subchapter and regulations prescribed under this subchapter. The Secretary may revoke an exemption by actually or constructively notifying the parties affected. A revocation is effective during judicial review.

"(b) The purposes for which the Secretary of the Treasury may take any action described in paragraph (3) of subsection (a) include the purpose of civil and criminal enforcement of the provisions of this subchapter, section 21 of the Federal Deposit Insurance Act (12 U.S.C. 1829b), section 411 of the National Housing Act (12 U.S.C. 1730d), or chapter 2 of Public Law 91-508.

"(c) The purpose for which the Secretary of the Treasury may take any action described in paragraph (4) of subsection (a) is limited to investigating violations of this subchapter, violations of section 21 of the Federal Insurance Act (12 U.S.C. 1829b), violations of section 411 of the National Housing Act (12 U.S.C. 1730d), or violations of chapter 2 of Public Law 91-508 for the purpose solely of civil enforcement of these provisions or any regulation issued thereunder. A summons may be issued under paragraph (4) of subsection (a) only by, or with the approval of, the Secretary of the Treasury or a supervisory level delegate of the Secretary of the Treasury.

"(d) A summons pursuant to this section may require that books, papers, records, or other data stored or maintained at any place be produced at any designated location in any State or in any territory or other place subject to the jurisdiction of the United States not more than five hundred miles distant from any place where the financial institution operates or conducts business in the United States. Persons summoned under this section shall be paid the same fees and mileage for travel in the United States that are paid witnesses in the courts of the United States. The United States shall not be liable for any other expenses incurred in connection with the production of books, papers, records, or other data pursuant to the provisions of this section.

"(e) Service of a summons issued under this section may be by registered mail or in such other manner calculated to give actual notice as the Secretary may provide by regulation.

"(f) In the case of contumacy by or refusal to obey a summons issued to any person under this section, the Secretary shall refer the matter to the Attorney General. The Attorney General may invoke the aid of any court of the United States within the jurisdiction of which the investigation which gave rise to the summons is being or has been carried on or of which the person summoned is an inhabitant, or in which he carries on business or may be found, to compel compliance with the summons. The court may issue an order requiring the person summoned to appear before the Secretary or his delegate to produce books, papers, records, and other data, to give testimony as may be necessary to explain how such material was compiled and maintained, and to pay the costs of the proceeding. Any failure to obey the order of the court may be punished by the court as a contempt thereof. All process in any such case may be served in any judicial district in which such person may be found.".

(b)(1) Paragraph (1) of subsection (a) of section 5321 of title 31, United States Code, is amended to read as follows:

"(1) A domestic financial institution, and a partner, director, officer, or employee of a domestic financial institution, willfully violating this subchapter or a regulation prescribed under this subchapter (except sections 5314 and 5315 of this title or a regulation prescribed under sections 5314 and 5315), or any person causing such a violation, is liable to the United States Government for a civil penalty of not more than the amount of the transaction (but not more than $1,000,000) or $25,000, whichever is greater. For a willful violation of section 5318(a)(2) of this title, or a regulation prescribed under section 5318(a)(2), a separate violation occurs for each day the violation continues and at such office, branch, or place of business at which a violation occurs or continues.".

(2) Paragraph (2) of subsection (a) of section 5321 of title 31, United States Code, is amended to read as follows:

"(2) A civil penalty under paragraph (1) is reduced by an amount forfeited under section 5317(b).".

(3) Subsection (a) of section 5321 of title 31, United States Code, is amended by adding at the end thereof the following new paragraphs:

"(4) A person willfully violating the provisions of section 5314 of this title or of a regulation prescribed under section 5314 is liable to the United States Government for a civil penalty of not more than—

"(A) where the violation involves a transaction, the amount of the transaction or $25,000, whichever is greater, or

"(B) where the violation involves the failure to report the existence of an account or any required identifying data pertaining to the account, the amount of the account (but not more than $250,000) or $25,000, whichever is greater.

"(5) Any financial institution negligently violating any provision of this subchapter or a regulation prescribed under this subchapter is liable to the United States for a civil penalty of not more than $1,000.

"(6) A civil penalty assessed pursuant to this section is in addition to any criminal penalty under section 5322 of this title based on the same transaction.".

(c) Subsection (b) of section 5321 of title 31, United States Code, is amended to read as follows:

"(b) The Secretary may assess a civil penalty under this section within six years from the date of the transaction in which the penalty is based. The Secretary may bring a civil action to recover a civil penalty under this section within two years from the date of a penalty assessment or the conclusion of a criminal action under section 5322 of this title based on the same transaction, whichever is later.".

(d) Subsection (c) of section 5321 of title 31 is amended to read as follows:

"(c) The Secretary of the Treasury may remit any part of a forfeiture under subsection 5317(b) of this title or may mitigate any civil penalty under subsection (a) of this section.".

(e) Subsection (b) of section 5322 of title 31, United States Code, is amended by striking out "pattern of illegal activity involving transactions of more than $100,000" and inserting in lieu thereof "pattern of any illegal activity involving more than $100,000", and by striking out "5" and inserting in lieu thereof "10".

(f) Section 5312(a)(3)(B) of title 31, United States Code, is amended by striking the period at the end thereof and inserting in lieu thereof: "payable to a fictitious payee.".

(g) Section 5312(a)(5) of title 31, United States Code, is amended to read as follows:

"(5) 'United States' means the States of the United States, the District of Columbia, and, when the Secretary prescribes by regulation, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, American Samoa, the Trust Territory of the Pacific Islands, any other territory or possession of the United States, or a military or diplomatic establishment.".

(h) Subsection (a) of section 5313 of title 31, United States Code, is amended by adding at the end thereof the following: "No person shall, for the purpose of evading the reporting requirements of this subsection—

"(1) cause or attempt to cause a domestic financial institution to fail to file a report required by this subsection;

"(2) cause or attempt to cause a domestic financial institution to file a report required by this subsection that contains a material omission or misstatement of fact; or

"(3) structure or attempt to structure or assist in structuring a transaction.".

SEC. 405. (a) Subsection (b) of section 1952 of title 18, United States Code, is amended by striking out "or" before "(2)", and by striking out the period at the end thereof and inserting in lieu thereof the following: ", or (3) any act which is indictable under subchapter II of chapter 53 of title 31, United States Code, or under section 1956 of this title.".

(b) Subsection (l) of section 1961 of title 18, United States Code, is amended by inserting "section 1956 (relating to the laundering of monetary instruments)," after "section 1955 (relating to the prohibition of illegal gambling businesses),".

(c) Subsection (l) of section 2516 of title 18, United States Code, is amended in paragraph (c) by inserting "section 1956 (laundering of monetary instruments)," after "section 1955 (prohibition of business enterprises of gambling),".

SEC. 406. (a) Title 18 of the United States Code is amended by adding after chapter 45 a new chapter 46 as follows:

"CHAPTER 46—FORFEITURE

"Sec.
"981. Civil Forfeiture.
"982. Criminal Forfeiture.

"§ 981. Civil forfeiture

"(a)(1) Except as provided in paragraph (2), the following property is subject to forfeiture to the United States:

"(A) Any property, real or personal, which represents the gross receipts a person obtains, directly or indirectly, as a result of a violation of section 1956 of this title, or which is traceable to such gross receipts.

"(B) Any property involved in a financial transaction (as such term is defined in section 1956(c) of this title) within the jurisdiction of the United States, which represents the proceeds of an offense against a foreign nation involving the manufacture, importation, sale, or distribution of a controlled substance (as such term is defined for the purposes of the Controlled Substances Act), within whose jurisdiction such offense or activity would be punishable by death or imprisonment for a term exceeding one year and which would be punishable by imprisonment for a term exceeding one year if such act or activity had occurred within the jurisdiction of the United States.

"(C) Any property involved in a transaction which the owner of the property knows to be conducted in violation of section 5313(a) or 5316 of title 31, except that no property shall be seized or forfeited under this subparagraph if the property is owned by a domestic financial institution examined by a Federal bank supervisory agency or a financial institution regulated by the Securities and Exchange Commission.

"(2) No property shall be forfeited under this section to the extent of the interest of an owner by reason of any act or omission established by that owner to have been committed without the knowledge of that owner.

"(b) Any property subject to forfeiture to the United States under subsection (a)(1)(A) or (a)(1)(B) of this section may be seized by the Attorney General, and any property subject to forfeiture under subsection (a)(1)(C) of this section may be seized by the Secretary of the Treasury, in each case upon process issued pursuant to the Supplemental Rules for certain Admiralty and Maritime Claims by any district court of the United States having jurisdiction over the property, except that seizure without such process may be made when—

"(1) the seizure is pursuant to a lawful arrest or search; or

"(2) the Attorney General or the Secretary of the Treasury, as the case may be, has obtained a warrant for such seizure pursuant to the Federal Rules of Criminal Procedure, in which event proceedings under subsection (d) of this section shall be instituted promptly.

"(c) Property taken or detained under this section shall not be repleviable, but shall be deemed to be in the custody of the Attorney General or the Secretary of the Treasury, as the case may be, subject only to the orders and decrees of the court or the official having jurisdiction thereof. Whenever property is seized under this subsection, the Attorney General or the Secretary of the Treasury, as the case may be, may—

"(1) place the property under seal;

"(2) remove the property to a place designated by him; or

"(3) require that the General Services Administration take custody of the property and remove it, if practicable, to an appropriate location for disposition in accordance with law.

"(d) For purposes of this section, the provisions of the customs laws relating to the seizure, summary and judicial forfeiture, condemnation of property for violation of the customs laws, the disposition of such property or the proceeds from the sale of this section, the remission or mitigation of such forfeitures, and the compromise of claims (19 U.S.C. 1602 et seq.), insofar as they are applicable and not inconsistent with the provisions of this section or of title 31, shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under this section, except that such duties as are imposed upon the customs officer or any other person with respect to the seizure and forfeiture of property under the customs laws shall be performed with respect to seizures and forfeitures of property under this section by such officers, agents, or other persons as may be authorized or designated for that purpose by the Attorney General or the Secretary of the Treasury, as the case may be.

"(e) Notwithstanding any other provision of the law, the Attorney General or the Secretary of the Treasury, as the case may be, is authorized to retain property forfeited pursuant to this section, or to transfer such property on such terms and conditions as he may determine to—

"(1) any other Federal agency; or

"(2) any State or local law enforcement agency which participated directly in any of the acts which led to the seizure or forfeiture of the property.

The Attorney General or the Secretary of the Treasury, as the case may be, shall ensure the equitable transfer pursuant to paragraph (2) of any forfeited property to the appropriate State or local law enforcement agency so as to reflect generally the contribution of any such agency participating directly in any of the acts which led to the seizure or forfeiture of such property. A decision by the Attorney General or the Secretary of the Treasury pursuant to paragraph (2) shall not be subject to review. The United States shall not be liable in any action arising out of the use of any property the custody of which was transferred pursuant to this section to any non-Federal agency. The Attorney General or the Secretary of the Treasury may order the discontinuance of any

*forfeiture proceedings under this section in favor of the institution of forfeiture proceedings by State or local authorities under an appropriate State or local statute. After the filing of a complaint for forfeiture under this section, the Attorney General may seek dismissal of the complaint in favor of forfeiture proceedings under State or local law. Whenever forfeiture proceedings are discontinued by the United States in favor of State or local proceedings, the United States may transfer custody and possession of the seized property to the appropriate State or local official immediately upon the initiation of the proper actions by such officials. Whenever forfeiture proceedings are discontinued by the United States in favor of State or local proceedings, notice shall be sent to all known interested parties advising them of the discontinuance or dismissal. The United States shall not be liable in any action arising out of the seizure, detention, and transfer of seized property to State or local officials.*

*"(f) All right, title, and interest in property described in subsection (a) of this section shall vest in the United States upon commission of the act giving rise to forfeiture under this section.*

*"(g) The filing of an indictment or information alleging a violation of law which is also related to a forfeiture proceeding under this section shall, upon motion of the United States and for good cause shown, stay the forfeiture proceeding.*

*"(h) In addition to the venue provided for in section 1395 of title 28 or any other provision of law, in the case of property of a defendant charged with a violation that is the basis for forfeiture of the property under this section, a proceeding for forfeiture under this section may be brought in the judicial district in which the defendant owning such property is found or in the judicial district in which the criminal prosecution is brought.*

*"(i) In the case of property subject to forfeiture under subsection (a)(1)(B), the following additional provisions shall apply:*

*"(1) Notwithstanding any other provision of law, whenever property is civilly or criminally forfeited under this subchapter, the Attorney General may equitably transfer any conveyance, currency, and any other type of personal property which the Attorney General may designate by regulation for equitable transfer, or any amounts realized by the United States from the sale of any real or personal property forfeited under this subchapter to an appropriate foreign country to reflect generally the contribution of any such foreign country participating directly or indirectly in any acts which led to the seizure or forfeiture of such property. Such property when forfeited pursuant to subsection (a)(1)(B) of this section may also be transferred to a foreign country pursuant to a treaty providing for the transfer of forfeited property to such foreign country. A decision by the Attorney General pursuant to this paragraph shall not be subject to review. The foreign country shall, in the event of a transfer of property or proceeds of sale of property under this subchapter, bear all expenses incurred by the United States in the seizure, maintenance, inventory, storage, forfeiture, and disposition of the property, and all transfer costs. The payment of all such expenses, and the transfer of assets pursuant to this paragraph, shall be upon such terms and conditions as the Attorney General may, in his discretion, set.*

*"(2) The provisions of this section shall not be construed as limiting or superseding any other authority of the United States to provide assistance to a foreign country in obtaining property related to a crime committed in the foreign country, including, but not limited to, property which is sought as evidence of a crime committed in the foreign country.*

*"(3) A certified order or judgment of forfeiture by a court of competent jurisdiction of a foreign country concerning property which is the subject of forfeiture under this section and was determined by such court to be the type of property described in subsection (a)(1)(B) of this section, and any certified recordings or transcripts of testimony taken in a foreign judicial proceeding concerning such order or judgment of forfeiture, shall be admissible in evidence in a proceeding brought pursuant to this section. Such certified order or judgment of forfeiture, when admitted into evidence, shall constitute probable cause that the property forfeited by such order or judgment of forfeiture is subject to forfeiture under this section and creates a rebuttable presumption of the forfeitability of such property under this section.*

*"(4) A certified order or judgment of conviction by a court of competent jurisdiction of a foreign country concerning an unlawful drug activity which gives rise to forfeiture under this section and any certified recordings or transcripts of testimony taken in a foreign judicial proceeding concerning such order or judgment of conviction shall be admissible in evidence in a proceeding brought pursuant to this section. Such certified order or judgment of conviction, when admitted into evidence, creates a rebuttable presumption that the unlawful drug activity giving rise to forfeiture under this section has occurred.*

*"(5) The provisions of paragraphs (3) and (4) of this subsection shall not be construed as limiting the admissibility of any evidence otherwise admissible, nor shall they limit the ability of the United States to establish probable cause that property is subject to forfeiture by any evidence otherwise admissible.*

*"(k) For purposes of this section—*

*"(1) the term 'Attorney General' means the Attorney General or his delegate; and*

*"(2) the term 'Secretary of the Treasury' means the Secretary of the Treasury or his delegate.*

*"§ 982. Criminal forfeiture*

*"(a) The court, in imposing sentence on a person convicted of an offense under section 1956 of this title shall order that the person forfeit to the United States any property, real or personal, which represents the gross receipts the person obtained, directly or indirectly, as a result of such offense, or which is traceable to such gross receipts.*

*"(b) The provisions of subsections 413 (c) and (e) through (o) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853 (c) and (e)–(o)) shall apply to property subject to forfeiture under this section, to any seizure or disposition thereof, and to any administrative or judicial proceeding in relation thereto, if not inconsistent with this section.".*

*(b) The chapter analysis of part I of title 18, United States Code, is amended by inserting after the item for chapter 45 the following:*

*"46. Forfeiture ..... 981".*

## *TITLE V—FARMERS AND RANCHERS DISASTER ASSISTANCE*

*SEC. 501. EMERGENCY DISASTER ASSISTANCE.*

*(a) Notwithstanding any other provision of law, the President and the Secretary of Agriculture shall make emergency disaster assistance available, as provided in this title, to farmers and ranchers in drought disaster areas.*

*SEC. 502. DEFINITIONS.*

*For the purposes of this title—*

*(1) the term "drought disaster areas" includes any area in the United States in which farming and ranching operations have been adversely affected by a drought or excessively hot weather disaster such that assistance is available in the area under subtitle C of the Consolidated Farm and Rural Development Act for such disaster; and*

*(2) the term "livestock" includes all classes of beef and dairy cattle, sheep, goats, and swine.*

*SEC. 503. EMERGENCY FEED DONATIONS.*

*Notwithstanding any other provision of law:*

*(a) The Secretary of Agriculture shall make available to farmers and ranchers in each drought disaster area, at no cost, surplus stocks of commodities held by the Commodity Credit Corporation (in the area or in the State in which the area is located or an adjoining State), for the purpose of, and under the conditions set out in, subsection (b) of this section.*

*(b)(1) The Secretary shall make such commodities available, in any drought disaster area in which the Secretary determines there is a critical need for livestock or poultry feed, in amounts necessary to preserve livestock herds and poultry flocks in the area. For purposes of this section, the phrase "critical need for livestock or poultry feed" means that (A) the total supply of feed grains and forage available to livestock and poultry producers in the area involved is insufficient to cover the combined feed needs of such producers for more than seventy-two hours or such other period, determined by the Secretary, reasonably needed for supplies of feed to arrive in the area for commercial use from feed surplus areas, whichever is a longer period; and (B) as a result of such deficient supply levels, it reasonably can be expected that, without the assistance made available under this section, farmers and ranchers in the area will suffer significant losses of livestock or poultry due to mortality.*

*(2) Subject to section 8(b), the Secretary shall cover any costs involved in transporting such surplus commodities to the drought disaster area, using the funds, facilities, and authorities of the Commodity Credit Corporation for such purposes.*

*(3) The Secretary shall continue to make commodities available under this section until there no longer is a critical need for livestock or poultry feed, as determined by the Secretary.*

*(4) In determining the feed needs of producers in an area and the amount of commodities to be made available in the area under this section, the Secretary shall use the regulations issued under section 1105 of the Food and Agriculture Act of 1977 (7 C.F.R. 1475.52(n) and 1475.55(f)(1)) and comparable rules for poultry.*

*(5) Donations under this section shall be made available during the period beginning three days after the date of enactment of this Act and ending March 31, 1987, or the date, as determined by the Secretary, on which the*

emergency created by the drought, excessively hot weather no longer exists, whichever is earlier.

SEC. 504. EMERGENCY LIVESTOCK FEED ASSISTANCE.

(a) Notwithstanding any other provision of law:

(1) The Secretary of Agriculture shall make emergency livestock and poultry feed assistance under section 1105 of the Food and Agriculture Act of 1977 to farmers and ranchers in drought disaster areas. Reimbursement for purchased feed provided to such farmers and ranchers under section 1105 shall be made in kind, as provided in section 508(a) of this Act, using surplus stocks of commodities held by the Commodity Credit Corporation. Whenever, under any export development program conducted by the Secretary of Agriculture, a feed grain or other commodity used for animal feed is made available to foreign purchasers at prices less than the average domestic market price for the commodity, as determined by the Secretary, reimbursement under this paragraph for purchases of such commodity shall be made at a level in excess of 50 percent of the cost of the purchased commodity if necessary to ensure that the net cost to the producer for such commodity (taking into account the reimbursement under this paragraph) is not in excess of the average price at which the commodity is made available to foreign purchasers under such export development program.

(2) The Secretary of Agriculture shall permit any producer of the 1986 crop of wheat, feed grains, upland cotton, or rice (A) who is participating in the program under the Agricultural Act of 1949 for such crop, and (B) whose farm is located in a drought disaster area, to devote acreage on the farm diverted from the production of the crop under such program to hay or grazing without regard to limitations on when haying or grazing may take place otherwise imposed under the Agricultural Act of 1949.

(3)(A) In carrying out any emergency assistance program, for farmers and ranchers in a drought disaster area under the Disaster Relief Act of 1974, subject to subparagraph (B), the President shall direct the Secretary of Agriculture to implement an emergency hay program to assist such farmers and ranchers in obtaining hay to feed their livestock. Under such program, the Secretary, subject to section 508(b), shall pay 80 percent of the cost of transporting hay from areas in which hay is in plentiful supply to the area in which the farmers and ranchers are located.

(B) The President shall take the action required under subparagraph (A) only if the Secretary of Agriculture reports to the President that—

(i) as a result of the drought or excessively hot weather, the amount of hay readily available to such farmers and ranchers at reasonable prices to feed their livestock is substantially below the amount normally available; and

(ii) the assistance to be made available under paragraph (1) and haying or grazing permitted under paragraph (2) together will be insufficient to prevent substantial losses of livestock or liquidation of herds by such farmers and ranchers in such area.

(C) The Secretary of Agriculture shall determine whether the conditions described in clauses (i) and (ii) of subparagraph (B) exist for each drought disaster area, and if such conditions exist to report to the President, within thirty days after the date of enactment of this Act and after reasonable intervals of time thereafter.

(D) Prior to making any determination under subparagraph (B), the Secretary of Agriculture shall consult with the Governor and the Secretary of Agriculture (or comparable official) of the State involved, and give due consideration to the views of such persons.

(4) Paragraphs (1) and (3) shall become effective fifteen days after the date of enactment; and assistance under such subsections shall be available until March 30, 1987, or the date, as determined by the Secretary of Agriculture, on which the emergency created by the drought or excessively hot weather no longer exists, whichever is earlier.

(b) Effective October 1, 1986, section 1105 of the Food and Agriculture Act of 1977 (7 U.S.C. 2267) is amended by adding at the end thereof the following:

"(h) If—

"(1) The Secretary of Agriculture makes emergency livestock or poultry feed assistance available to producers in a county under section 407 of the Agricultural Act of 1949, or comparable law; but

"(2) surplus commodities of adequate nutritive value are not made available under such program for distribution to such producers within ten days after the announcement of the program for such county,

the Secretary shall make assistance available to such producers under this section until such time as surplus commodities are made available under the announced program.".

SEC. 505. DISASTER PAYMENT PROGRAM.

Notwithstanding any other provision of law:

(a) The Secretary of Agriculture shall make disaster payments available, at the request of the producer, on the 1986 crops of wheat, feed grains, upland cotton, rice, and soybeans and peanuts under sections 107D(c)(2)(D), 105C(c)(2)(D), 103A(c)(2)(D), 101A(c)(2)(D), and 201(k) of the Agricultural Act of 1949, respectively, to producers located in drought disaster areas.

(b) For the purposes of this section, the conditions set out in sections 107D(c)(2)(D)(i), 105C(c)(2)(D)(i), 103A(c)(2)(D)(i), and 101A(c)(2)(D)(i) of the Agricultural Act of 1949 shall be considered as having been met.

(c) Payments under this section shall be made in kind, as provided in section 508(a) of this Act, using surplus stocks held by the Commodity Credit Corporation.

(d) The total amount of in kind payments that a producer shall be entitled to receive for the producer's crops of wheat, feed grains, upland cotton, rice, peanuts, and soybeans under this section shall not exceed an amount of commodities of a combined value of more than $100,000.

SEC. 506. MILK PROGRAM PRODUCER ASSESSMENTS.

Notwithstanding any other provision of law:

(a)(1) At the option of the producer, no reductions in the price received by producers for milk marketed for commercial use under section 201(d)(2)(A) of the Agricultural Act of 1949 shall be made on milk produced by producers in drought disaster areas and marketed for commercial use during the period beginning October 1, 1986, and ending December 31, 1986.

(2) The reductions in the price of milk required under section 10 of the Food Security Improvements Act of 1987 shall not be increased as a result of the implementation of the temporary prohibition on reduction in the price of milk provided for under paragraph (1).

(b) The Secretary of Agriculture shall increase the amount of the reduction in the price received by producers in drought disaster areas for milk produced and marketed by such producers for commercial use under section 201(d)(2)(A) of the Agricultural Act of 1949 during the period beginning January 1, 1987, and ending September 30, 1987, by an amount that will ensure that, to the extent practicable, the aggregate amount of reductions applicable to milk of such producers for the period beginning October 1, 1986, and ending September 30, 1987, will be the same aggregate amount of reductions that would have been made if the prohibition on reductions under subsection (a) had not been in force.

SEC. 507. COST-SHARING FOR SOIL CONSERVATION MEASURES AND TIMBER STAND RESEEDING EXPENSES.

Notwithstanding any other provision of law:

(a) The Secretary of Agriculture shall make available—

(1) cost-share payments under the agricultural conservation program to producers in drought disaster areas for conservation measures designed to prevent anticipated soil erosion due to loss of vegetative cover; and

(2) cost-share payments under the forestry incentives program to forest landowners in drought disaster areas for the reestablishment of stands of pine trees lost to drought conditions.

(b) The Secretary shall share not less than 50 percent of the cost of such measures or reestablishment of timber stands; and such cost-share payments shall be made in kind, as provided in section 508(a) of this title, using surplus stocks of commodities held by the Commodity Credit Corporation.

(c) Payments made under this section shall be in addition to, and not in lieu of, payments made under the Soil Conservation and Domestic Allotment Act or the Cooperative Forestry Assistance Act of 1978 using funds appropriated for such purposes.

(d) Assistance under this section shall be made available to persons in drought disaster areas during the period beginning fifteen days after the date of enactment of this Act and ending March 30, 1987.

SEC. 508. PAYMENTS.

Notwithstanding any other provision of law:

(a)(1) In making in-kind payments under section 504(a)(1), 505, or 507, or subsection (b) of this section, the Secretary of Agriculture may—

(A) acquire and use commodities that have been pledged to the Commodity Credit Corporation as security for price support loans under the Agricultural Act of 1949, including loans made to producers under section 110 of such Act; and

(B) use other commodities owned by the Commodity Credit Corporation.

(2) The Secretary may make in-kind payments by—

(A) if requested by the producer, delivery of the commodity to the producer at a warehouse or other similar facility, as determined by the Secretary; or

(B)(i) the transfer of negotiable warehouse receipts;

(ii) the issuance of negotiable certificates that the Commodity Credit Corporation shall redeem for a commodity in accordance with regulations prescribed by the Secretary; or

(iii) such other methods as the Secretary determines appropriate to enable the pro-

ducer to receive payments in an efficient, equitable, and expeditious manner so as to ensure that the producer receives the same total return as if the payments had been made in cash.

(3) In carrying out this subsection, the Secretary, to the maximum extent practicable, shall use Commodity Credit Corporation commodities stored in storage deficient areas such as the midwestern United States.

(b) Transportation cost payments made under section 503(b)(2) or 504(a)(3) of this title prior to October 1, 1986, shall be made in kind, as provided in subsection (a), using surplus stocks of commodities held by the Commodity Credit Corporation. Such payments made after September 30, 1986, may be made in kind or in cash. The Secretary of Agriculture shall assist recipients of in-kind payments in marketing warehouse receipts, certificates, or other documents representing such in-kind payments.

SEC. 509. CREDIT FORBEARANCE.

It is the sense of Congress that, with respect to farm borrowers who are adversely affected by drought disaster conditions in 1986—

(1) the Secretary of Agriculture should exercise the authority provided under section 331A of the Consolidated Farm and Rural Development Act and instruct the Farmers Home Administration to defer loan repayments and forgo foreclosures in cases where such farm borrowers are unable to make loan payments in full due to no fault of their own; and

(2) the lending institutions of the Farm Credit System and commercial lending institutions are encouraged, insofar as practicable, to adopt lenient lending, forbearance, and foreclosure policies, and to the maximum extent possible participate and cooperate with Federal and State lenders in assistance programs, with respect to such borrowers who are under financial stress due to no fault of their own.

SEC. 510. COORDINATION OF ASSISTANCE EFFORTS.

It is the sense of Congress that, with respect to the provision of Federal assistance to farmers and ranchers in drought disaster areas, the Secretary of Agriculture should take steps immediately to—

(1) establish an overall coordinating mechanism within the Department of Agriculture to ensure that the assistance provided by each agency within the executive branch is coordinated with, and complements, the assistance provided by other agencies;

(2) ensure that government and voluntary agencies, and the farmers and ranchers, in each drought disaster area are provided a single contact person or unit for Federal assistance, and that a similar such Federal contact person or unit is provided for government and voluntary agencies, farmers and ranchers, and other persons outside drought disaster areas who wish to contribute additional assistance to drought disaster areas; and

(3) consult with the Governors, Secretaries of Agriculture (or comparable officials), and the State disaster relief agency in each State in which a drought disaster area is located, on the disaster assistance needs of farmers and ranchers located in the State.

SEC. 511. ASSISTANCE UNDER DISASTER RELIEF ACT.

Title IV of the Disaster Relief Act of 1974 (42 U.S.C. 5121 et seq.) is amended by adding at the end the following new section:

"FEDERAL SHARE OF ASSISTANCE

"SEC. 420. (a)(1) The Federal share of assistance under section 402 or 403 of this Act—

"(A) shall be at least 75 percent of the actual cost of providing assistance under such section, and

"(B) shall be made only on condition that the remaining portion of such cost is paid from funds made available by a State or local government.

"(2) Where a State or local government is unable immediately to pay its share the President is authorized to advance to such government such 25 percent share, and any such advance shall be repaid to the United States.

"(b) The Federal share of assistance under sections 404, 407, and 413 shall be equal to 100 percent of the actual cost of providing assistance under such sections.

"(c) No State shall be ruled ineligible to receive assistance under subsections (a) and (b) of this section by virtue of an arithmetic formula based on income or population if such State has qualified for Federal disaster assistance within the past twenty-four months.".

## TITLE VI—MISCELLANEOUS PROVISIONS

SEC. 601. ADVANCE DEFICIENCY PAYMENTS.

Notwithstanding any other provision of law, the Secretary of Agriculture shall, in accordance with the criteria in section 107C of the Agriculture Act of 1949, make advance deficiency payments available for the 1987 crops of wheat, feed grains, upland cotton, and rice: Provided, That the percentage of the projected payment rate used in computing such payments shall not be less than (1) 40 percent in the case of wheat and feed grains, or (2) 30 percent in the case of rice and upland cotton.

SEC. 602. AIR TRANSPORTATION SYSTEM SAFETY.

(a) The Congress finds that—

(1) safe and efficient air transportation is essential to the flow of interstate commerce in this Nation;

(2) airline traffic is estimated to increase to a record 400,000,000 passengers aboard United States commercial aircraft in 1986 and the number of aircraft operations is projected by the Federal Aviation Administration to increase by 46 percent through the coming decade;

(3) recent studies by the National Transportation Safety Board and the General Accounting Office have indicated serious concerns with the Federal Aviation Administration's safety-related air traffic control and aircraft inspection and surveillance programs, particularly with respect to the need for additional trained and experienced personnel;

(4) the effect of air traffic controller staffing shortages, increased numbers of aircraft operations, and delays in the installation of automated systems has been a reduction in aviation safety, as evidenced by a record number of near-misses between aircraft, including fourteen near-misses recorded thus far this year at Chicago O'Hare Airport, the Nation's busiest airport; and

(5) the growth of the United States commercial airline industry since deregulation and the inability of the Federal Aviation Administration to impose and enforce compliance of airline industry standards for operations and maintenance have further diminished the margin of aviation safety.

(b) It is therefore declared to be the sense of the Congress that the Secretary of Transportation—

(1) should undertake immediate action to ensure the safety of the Nation's air transportation system by increasing the number of qualified air traffic controllers and supervisors to a minimum level of sixteen thousand two hundred and fifty, consistent with the number employed prior to 1981;

(2) should undertake immediate action to ensure the safe operation of aircraft by expanding further the Federal Aviation Administration's workforce for inspection and enforcement of aircraft operations, maintenance and reporting procedures;

(3) should consider, if necessary, restricting air traffic under the control of the Federal Aviation Administration at certain airports, or limiting the certification of new airlines, if such actions would improve aviation safety; and

(4) shall report to the Congress within ninety days after the date on which this joint resolution is enacted regarding what action will be undertaken to achieve increased air traffic safety staffing levels, the proposed timeframe for completing such actions, and any required additional funding which the Secretary considers necessary to carry out such action.

SEC. 603. REPEAL OF THE WINDFALL PROFIT TAX.

(a) IN GENERAL.—Chapter 45 of the Internal Revenue Code of 1954 (relating to windfall profit tax on domestic crude oil) is hereby repealed.

(b) EFFECTIVE DATE.—The repeal made by subsection (a) shall apply to oil removed from the premises after October 1, 1987.

(c) Provided further, That reports or filings required under chapter 45 of the Internal Revenue Code of 1954 relating to Windfall Profit Tax on domestic crude oil for oil removed from the premises after the date of enactment shall not be required as provided in the Act from and after the date of enactment of this Act unless and until the wellhead price of domestic crude oil reaches or exceeds the tier one base price as defined in the Crude Oil Windfall Profit Tax Act of 1980.

SEC. 604. POINT OF ORDER.

(a) IN GENERAL.—Section 310(f) of the Congressional Budget Act of 1974 is amended by adding at the end thereof the following new paragraph:

"(3) It shall not be in order in either the House of Representatives or the Senate to consider any resolution providing for the adjournment sine die of either House unless action has been completed on the concurrent resolution on the budget required to be reported under section 301(a) for the fiscal year beginning on October 1 of such year, and, if a reconciliation bill or resolution, or both, is required to be reported under subsection (b) of this section for such fiscal year, unless the Congress has completed action on that bill or resolution, or both.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this joint resolution.

SEC. 605. REMOVAL OF THREE PERCENT THRESHOLD FOR COST-OF-LIVING ADJUSTMENTS.

(a) SHORT TITLE.—This section may be cited as the "Cost-of-Living Adjustment Reform Act of 1986".

(b) IN GENERAL.—

(1) Section 215(i) of the Social Security Act is amended by striking out "is 3 percent or more" in paragraph (1)(B) and inserting in lieu thereof "is greater than zero".

(2) Section 215(i)(1)(B) of such Act, as in effect in December 1978 and applied in certain cases under the provisions of such Act as in effect after December 1978, is amended by striking out "exceeds, by not less than 3 per centum, such Index" and inserting in lieu thereof "exceeds such Index".

(3) Section 215(i)(2)(C) of such Act is amended—

(A) by striking out clause (i) and redesignating clauses (ii) and (iii) as clauses (i) and (ii), respectively; and

(B) by striking out "under clause (ii)" in clause (ii) as so redesignated and inserting in lieu thereof "under clause (i)".

(4) Section 215(i)(2)(C) of such Act, as in effect in December 1978 and applied in certain cases under the provisions of such Act as in effect after December 1978, is amended by striking out clause (i) and by striking out "(ii)".

(5) Section 215(i)(4) of such Act is amended by inserting "and by the Cost-of-Living Adjustment Reform Act of 1986" after "Social Security Amendments of 1983".

(6) Section 215(i)(5)(A)(i) of such Act is amended by striking out "because the wage percentage increase was less than 3 percent" and inserting in lieu thereof "because there was no wage percentage increase greater than zero".

(c) EFFECTIVE DATE.—

(1) Except as otherwise provided in this subsection, the amendments made by this section shall apply with respect to cost-of-living increases determined in 1986 and all subsequent years.

(2) The amendments made by paragraphs (3) and (4) of subsection (b) shall apply with respect to months beginning after September 1986.

SEC. 606. INDIAN FISHING RIGHTS.

(a) Notwithstanding any other provision of law—

(1) income derived by an Indian from fishing, whether for commercial or subsistence purposes, shall not be subject to, or taken into account in determining, any income tax imposed by the Internal Revenue Code of 1954, by any other provision of Federal law, or by any law of a State or political subdivision of a State, and

(2) any activities conducted by any Indian in connection with fishing shall not be subject to any tax imposed by the Internal Revenue Code of 1954, by any other Federal law, or by any law of a State or political subdivision of a State,

if the rights of such Indian to fish are provided for, or secured by, any treaty or other provision of Federal law, regardless of whether such rights are limited to subsistence or commercial fishing.

(b) The provisions of subsection (a) shall apply notwithstanding any other provision of Federal law that may be enacted on or after the date of enactment of this Act, unless such subsequent provision of Federal law specifically cites this section.

SEC. 607. FOOD BANK SPECIAL NUTRITION PROJECTS.

The first sentence of section 211(d) of the Agricultural Act of 1980 (7 U.S.C. 4004(d)) is amended by striking out "a progress report on July 1, 1983, and a final report on January 1, 1984," and inserting in lieu thereof "an annual report".

SEC. 608. CONTRIBUTIONS OF AGRICULTURAL PROPERTY FOR VICTIMS OF NATURAL DISASTERS.

(a) IN GENERAL.—Subsection (e) of section 170 of the Internal Revenue Code of 1954 (relating to contributions of ordinary income and capital gain property) is amended by adding at the end thereof the following new paragraph:

"(6) SPECIAL RULE FOR CONTRIBUTIONS OF AGRICULTURAL PRODUCTS FOR VICTIMS OF NATURAL DISASTERS.—

"(A) IN GENERAL.—For purposes of this paragraph, a qualified contribution means a charitable contribution of an agricultural product by a taxpayer who produced such agricultural product, if such taxpayer is actively and regularly engaged in the trade or business of farming, but only if—

"(i) the donee is a State, political subdivision of a State, or an agency of such State or political subdivision,

"(ii) the agricultural product is to be used by the donee within the 3-month period beginning on the date on which such contribution is made for the care of individuals who have been adversely affected by a drought, flood, or other major natural disaster that occurred during the 6-month period ending on such date,

"(iii) the agricultural product is not transferred by the donee in exchange for money, other property, or services,

"(iv) the taxpayer receives from the donee a written statement certifying that the donee's use and disposition of the agricultural product will be in accordance with the provisions of clauses (ii) and (iii), and

"(v) in the case in which the agricultural product is subject to regulation under the Federal Food, Drug, and Cosmetic Act, such product fully satisfies the applicable requirements of such Act and regulations promulgated thereunder for 180 days before the date of contribution.

"(B) AMOUNT OF DEDUCTION.—Notwithstanding any other provision of this subsection, the amount allowable as a deduction under subsection (a) for any qualified contribution (as defined in subparagraph (A)) shall be an amount equal to the wholesale market value of the agricultural product reduced by the amount of any costs or expenses incurred in the production of such product and for which a deduction has been taken by the taxpayer.

"(C) DEFINITIONS.—For purposes of this paragraph—

"(i) FAIR MARKET VALUE.—The term 'fair market value' means, with respect to any agricultural product, the lowest wholesale market price for such product in the regional market nearest the taxpayer during the month in which the contribution is made.

"(ii) AGRICULTURAL PRODUCT.—The term 'agricultural product' means any hay, feed, crop, livestock, poultry, or product thereof, which is not subject to any excise tax imposed under chapters 51 and 52.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to contributions made after June 30, 1986, in taxable years ending after June 30, 1986.

SEC. 609. DENIAL OF CERTAIN TAX BENEFITS WITH RESPECT TO ACTIVITIES IN CERTAIN FOREIGN COUNTRIES.

(a) DENIAL OF FOREIGN TAX CREDIT.—Section 901 (relating to taxes of foreign countries and of possessions of the United States) is amended by redesignating subsection (i) as subsection (j) and by inserting after subsection (h) the following new subsection:

"(i) DENIAL OF FOREIGN TAX CREDIT, ETC. WITH RESPECT TO CERTAIN FOREIGN COUNTRIES.—

"(1) IN GENERAL.—Notwithstanding any other provision of this part—

"(A) no credit shall be allowed under subsection (a) for any income, war profits, or excess profits taxes paid or accrued (or deemed paid under section 902 or 960) during the taxable year to any country to which this subsection applies, and

"(B) subsections (a), (b), and (c) of section 904 and sections 902 and 960 shall be applied separately with respect to income for such taxable year from sources within any country so identified.

"(2) COUNTRIES TO WHICH SUBSECTION APPLIES.—

"(A) IN GENERAL.—This subsection shall apply to any foreign country—

"(i) the government of which the United States does not recognize, unless such government is otherwise eligible to purchase defense articles or services under the Arms Export Control Act,

"(ii) with respect to which the United States has severed diplomatic relations,

"(iii) with respect to which the United States has not severed diplomatic relations but does not conduct such relations, or

"(iv) which the Secretary of State has, pursuant to section 6(j) of the Export Administration Act of 1979, as amended, designated as a foreign country which repeatedly provides support for acts of international terrorisms.

"(B) PERIOD FOR WHICH SUBSECTION APPLIES.—This subsection shall apply to any foreign country described in subparagraph (A) during the period—

"(i) beginning on the later of—

"(I) January 1, 1987, or

"(II) 6 months after such country becomes a country described in subparagraph (A), and

"(ii) ending on the date the Secretary of State certifies to the Secretary of the Treasury that such country is no longer described in subparagraph (A).

"(3) PART-YEAR RULE.—If this subsection applies to any foreign country for any period less than an entire taxable year, paragraph (1) shall be applied by taking into account only that proportion of the taxes and income described in paragraph (1) for the taxable year as the portion of the taxable year which includes such period bears to the entire taxable year.".

(b) DENIAL OF DEFERRAL OF INCOME.—

(1) GENERAL RULE.—Section 952(a) (defining subpart F income) is amended by striking out "and" at the end of paragraph (3), by striking out the period at the end of paragraph (4) and inserting in lieu thereof ", and", and by inserting immediately after paragraph (4) the following new paragraph:

"(5) the income of such corporation derived from any foreign country during any period during which section 904(i) applies to such foreign country.".

(2) INCOME DERIVED FROM FOREIGN COUNTRY.—Section 952 (defining subpart F income) is amended by adding at the end thereof the following new subsection:

"(e) INCOME DERIVED FROM FOREIGN COUNTRY.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of subsection (a)(5), including regulations which treat income paid through 1 or more entities as derived from a foreign country to which section 904(i) applies if such income was, without regard to such entities, derived from such country.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1987.

SEC. 610. DISAPPROVAL OF ACTION OF THE DISTRICT OF COLUMBIA COUNCIL.

The Congress disapproves of the action of the District of Columbia Council described as follows: The Prohibition of Discrimination in the Provision of Insurance Act of 1986 (D.C. Law 6-170); and, notwithstanding any other provision of law, D.C. Law 6-170 shall be null and void effective from June 6, 1986.

SEC. 611. MODIFICATION OF SCHEDULE UNDER "FALLBACK" PROCEDURE.

(a) IN GENERAL.—

(1) Section 274 of the Balanced Budget and Emergency Deficit Control Act (2 U.S.C. 922) is amended by striking subsection (f) and redesignating subsections (g) and (h) as subsections (f) and (g), respectively.

(2) Part E of the Balanced Budget and Emergency Deficit Control Act is amended by redesignating section 275 as section 276 and inserting after section 274 the following new section:

"SEC. 275. ALTERNATIVE SEQUESTRATION PROCEDURES.

"(a) REPORTS TO JOINT COMMITTEE.—In the event that any of the reporting procedures described in section 251 are invalidated, then any report of the Comptroller General under subsection (b) or (c)(2) of section 251 shall be transmitted to the Speaker of the House of Representatives (in this section referred to as the 'Speaker') and the President of the Senate, who shall refer the report to the Temporary Joint Committee on Deficit Reduction in accordance with subsection (c).

"(b) ESTABLISHMENT OF TEMPORARY JOINT COMMITTEE.—

"(1) Upon the invalidation of any such procedure, there is established a Temporary Joint Committee on Deficit Reduction (in this section referred to as the 'Joint Committee'), composed of the entire membership of the Committees on the Budget of the House of Representatives and the Senate. The Chairmen of such committees shall act as Co-Chairmen of the Joint Committee.

"(2) Actions taken by the Joint Committee shall be determined by a majority vote of the members representing each House.

"(3) The purposes of the Joint Committee are to receive any report referred to it pursuant to paragraph (3) or (7) of subsection (c) and to report (with respect to each such report) a joint resolution under paragraph (1) or (2) of subsection (d).

"(c) ALTERNATIVE SCHEDULE.—Notwithstanding any other provision of this Act, in the event that the reports of the Comptroller General for a fiscal year are to be transmitted to the Speaker and the President of the Senate pursuant to subsection (a)—

"(1) the Directors shall transmit the report under section 251(a)(2) for such fiscal year to the Comptroller General on August 20 of the calendar year in which the fiscal year begins (as provided in such section),

"(2) the Comptroller General shall transmit the report under section 251(b) for such fiscal year to the Speaker and the President of the Senate on August 25 of the calendar year in which the fiscal year begins (as provided in such section);

"(3) the Speaker and the President of the Senate shall refer the report of the Comptroller General under section 251(b) to the Joint Committee—

"(A) on August 25 of the calendar year in which the fiscal year begins, or

"(B) if August 25 of such year falls during an adjournment of the Congress for a period of more than three days, on the day after the last day on which either House of the Congress stands adjourned pursuant to the concurrent resolution providing for such adjournment;

"(4) the President shall issue an initial order under section 252(a) for the fiscal year after a joint resolution reported pursuant to subsection (d)(1) becomes law and before the later of—

"(A) September 2 of the calendar year in which the fiscal year begins, or

"(B) two calendar days after the day on which the joint resolution becomes law;

"(5) the Directors shall transmit the report under section 251(c)(1) for such fiscal year to the Comptroller General on the second calendar day of the fiscal year;

"(6) the Comptroller General shall transmit the report under section 251(c)(2) for such fiscal year to the Speaker and the President of the Senate on the third calendar day of such fiscal year;

"(7) the Speaker and the President of the Senate shall refer the report of the Comptroller General under section 251(c)(2) to the Joint Committee on the third calendar day of such fiscal year; and

"(8) the President shall issue a final order under section 252(b) for the fiscal year within one calendar day after a joint resolution reported pursuant to subsection (d)(2) becomes law.

"(d) JOINT RESOLUTION.—

"(1) Not later than two calendar days after the date on which the Speaker and the President of the Senate refer a report of the Comptroller General under section 251(b) to the Joint Committee (pursuant to subsection (c)(3) of this section), the Joint Committee shall report a joint resolution certifying the contents of the report.

"(2) Not later than one calendar day after the date on which the Speaker and the President of the Senate refer a report of the Comptroller General under section 251(c)(2) to the Joint Committee (pursuant to subsection (c)(7) of this section), the Joint Committee shall report a joint resolution certifying the contents of the report.

"(3)(A) In the event that any of the reporting procedures described in section 251 are invalidated, the Joint Committee may report a joint resolution affirming as law any order issued by the President under section 252 that was rendered invalid by the invalidation of such procedures.

"(B) Any joint resolution reported pursuant to this paragraph shall provide that—

"(i) the order is affirmed as of the date on which the order was issued, and

"(ii) the joint resolution affirming the order does not supersede any laws enacted after the date on which the order was issued and before the date on which the joint resolution becomes law.

"(e) PROCEDURES FOR CONSIDERATION OF JOINT RESOLUTION.—

"(1) Except as provided in paragraph (2), the provisions of section 254(a)(4) shall apply to consideration of a joint resolution reported pursuant to subsection (d).

"(2)(A) In the case of any joint resolution reported pursuant to subsection (d), debate in each House of the Congress shall be limited to two hours.

"(B)(i) In the case of a joint resolution reported to a House of the Congress pursuant to paragraph (1) or (3) of subsection (d), a vote on final passage shall be taken by such House on or before the second calendar day of session after the date on which the joint resolution is reported to that House.

"(ii) In the case of a joint resolution reported to a House of the Congress pursuant to paragraph (2) of subsection (d), a vote on final passage shall be taken by such House within one calendar day after the date on which the joint resolution is reported to that House.

"(f) DISCHARGE OF JOINT RESOLUTIONS.—Any joint resolution of the type described in paragraph (1) or (2) of subsection (d) that is introduced in either House of the Congress shall be referred to the Joint Committee. If the Joint Committee fails to report a joint resolution under such paragraph by the requisite date, any joint resolution referred to the Joint Committee pursuant to the preceding sentence shall be automatically discharged to the House in which it was introduced and shall be placed upon the appropriate calendar.

"(g) EFFECT OF ENACTMENT OF JOINT RESOLUTION.—Upon the enactment of a joint resolution under paragraph (1) or (2) of subsection (d), such joint resolution shall be deemed to be the report received by the President under subsection (b) or (c)(2) of section 251 (whichever is applicable).

"(h) DATES FOR SUBMISSION OF REPORTS AND ISSUANCE OF ORDERS.—The provisions of section 251(e) shall apply to reports submitted and orders issued in accordance with this section.".

(3) The table of contents set forth in section 200(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901 note) is amended by striking the item relating to section 275 and inserting in lieu thereof the following new items:

"Sec. 275. Alternative sequestration procedures.

"Sec. 276. Effective dates.".

(b) EFFECTIVE DATE.—The amendments made by this section shall become effective on the date of the enactment of this joint resolution.

SEC. 612. URANIUM ENRICHMENT CRITERIA.

Pursuant to the provisions of section 161 v. of the Atomic Energy Act of 1954, the Congress disapproves the uranium enrichment criteria submitted to Congress pursuant to such section on July 24, 1986. Notwithstanding any other provision of law, the Secretary of the Department of Energy shall not implement the uranium enrichment criteria as submitted to the Congress.

SEC. 613. COST-OF-LIVING ADJUSTMENTS IN CERTAIN FEDERAL BENEFITS.

(a) IN GENERAL.—Benefits which are payable in calendar year 1987, 1988, 1989, 1990, or 1991, under programs listed in section 257(1)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), including any cost-of-living adjustment in such benefits, shall not be subject to modification, suspension, or reduction in such calendar year pursuant to a Presidential order issued under such Act.

(b) DEFINITION.—For purposes of this section, the term "cost-of-living adjustment" means any increase or change in the amount of a benefit or in standards relating to such benefit under any provision of Federal law which requires such increase or change as a result of any change in the Consumer Price Index (or any component thereof) or any other index which measures costs, prices, or wages.

SEC. 614. LIMITATION ON RECOMMENDED INCREASES IN THE PUBLIC DEBT LIMIT.

(a) IN GENERAL.—Section 1105(c) of title 31, United States Code, is amended—

(1) by striking "The President" the first place it appears and inserting in lieu thereof "Notwithstanding any other provision of law, the President",

(2) by inserting "(other than action that would require an increase in the borrowing authority or an increase in the limit imposed by section 3101(b) of this title by more than the maximum deficit amount for the fiscal year for which the budget is submitted)" after "action" the first place it appears, and

(3) by adding at the end the following new paragraph:

"(2) For purposes of this subsection, the term 'maximum deficit amount' means with respect to a fiscal year—

"(A) the maximum deficit amount determined for that fiscal year under section 3(7) of the Congressional Budget and Impoundment Control Act of 1974, or

"(B) in the case of any fiscal year beginning after September 30, 1991, zero.".

(b) APPLICATION.—The amendment made by subsection (a) shall apply to fiscal years beginning after September 30, 1987.

SEC. 615. CIVIL SERVICE RETIREMENT AND DISABILITY FUND.

(a) INVESTMENT AND RESTORATION OF THE FUND.—Section 8348 of title 5, United States Code, is amended by adding at the end the following new subsection:

"(j)(1) Notwithstanding subsection (c) of this section, the Secretary of the Treasury may suspend additional investment of amounts in the Fund if necessary to ensure that the public debt of the United States does not exceed the public debt limit.

"(2) Any amounts in the Fund which, solely by reason of the public debt limit, are not invested shall be invested by the Secretary of the Treasury as soon as such investments can be made without exceeding the public debt limit.

"(3) Upon expiration of the debt issuance suspension period, the Secretary of the Treasury shall immediately issue to the Fund obligations under chapter 31 of title 31 that (notwithstanding subsection (d) of this section) bear such interest rates and maturity dates as are necessary to ensure that, after such obligations are issued, the holdings of the Fund will replicate to the maximum extent practicable the obligations that would be held by the Fund if the debt issuance suspension period had not occurred.

"(4) On the first normal interest payment date after the expiration of any debt issuance suspension period, the Secretary of the Treasury shall pay to the Fund, from amounts in the general fund of the Treasury of the United States not otherwise appropriated, an amount determined by the Secretary to be equal to the excess of—

"(A) the net amount of interest that would have been earned by the Fund during such debt issuance suspension period if—

"(i) amounts in the Fund that were not invested during such debt issuance suspension period solely by reason of the public debt limit had been invested, and

"(ii) redemptions and disinvestments with respect to the Fund which occurred during such debt issuance suspension period solely by reason of the public debt limit had not occurred, over

"(B) the net amount of interest actually earned by the Fund during such debt issuance suspension period.

"(5) For purposes of this subsection and subsections (k) and (l) of this section—

"(A) the term 'public debt limit' means the limitation imposed by section 3101(b) of title 31; and

"(B) the term 'debt issuance suspension period' means any period for which the Secretary of the Treasury determines that the issuance of obligations of the United States sufficient to orderly conduct the financial operations of the United States may not be made without exceeding the public debt limit.".

(b) SALES AND REDEMPTIONS BY THE FUND.—Section 8348 of title 5, United States Code, as amended by subsection (a), is further amended by adding at the end the following new subsection:

"(k) The Secretary of the Treasury may sell or redeem securities, obligations, or other invested assets of the Fund only for the purpose of enabling the Fund to make payments authorized by the provisions of this subchapter or chapter 84 of this title or related provisions of law. If the Fund holds any amounts which, by reason of the public debt limit, are not invested, the Secretary may nevertheless make such sales and redemptions if, and only to the extent, necessary to ensure that such payments are made in a timely manner.".

(c) REPORTS REGARDING THE OPERATION AND STATUS OF THE FUND.—Section 8348 of title 5, United States Code, as amended by subsections (a) and (b), is further amended by adding at the end the following new subsection:

"(l)(1) The Secretary of the Treasury shall report to Congress on the operation and status of the Fund during each debt issuance suspension period for which the Secretary is required to take action under paragraph (3) or (4) of subsection (j) of this section. The report shall be submitted as soon as possible after the expiration of such period, but not later than the date that is 30 days after the first normal interest payment date occurring after the expiration of such period. The Secretary shall concurrently transmit a copy of such report to the Comptroller General of the United States.

"(2) Whenever the Secretary of the Treasury determines that, by reason of the public debt limit, the Secretary will be unable to fully comply with the requirements of subsection (c) of this section, the Secretary shall immediately notify Congress of the determination. The notification shall be made in writing.".

SEC. 616. TRANSPORTING OF HAY.

Notwithstanding any other provision of law:

(a) The Secretary of Agriculture shall reimburse farmers or ranchers for the cost incurred by such farmers or ranchers for transporting hay during the period July 1, 1985, to June 1, 1986, as a result of a natural disaster caused by flood, excessive moisture, or drought;

(b) The Secretary shall reimburse such farmers or ranchers in an amount which does not exceed 80 percent of the cost of such transportation (but not to exceed $50 per ton);

(c) The Secretary shall carry out the provisions of this through the Commodity Credit Corporation.

SEC. 617. PROJECTED PAYMENT RATE.

Section 22(b)(1) of Public Law 99-349 is amended by deleting "40 percent of the projected payment rate" and inserting in lieu thereof "100 percent of the projected payment rate".

SEC. 618. DEFER LOAN REPAYMENTS AND FORECLOSURES.

It is the sense of Congress that with respect to farm and ranch borrowers who were adversely affected by drought disaster in 1985 or flood disaster in 1985 and 1986—

(1) the Secretary of Agriculture should exercise the authority provided under section 331A of the Consolidated Farm and Rural Development Act and instruct the Farmers Home Administration to defer loan repayments and forgo foreclosures in cases where such farm and ranch borrowers are unable to make loan payments in full due to no fault of their own; and

(2) the lending institutions of the Farm Credit System and commercial lending institutions are encouraged, insofar as practicable, to adopt lenient lending, forbearance, and foreclosure policies, and to the maximum extent possible participate and cooperate with Federal and State lenders in assistance programs, with respect to such borrowers who are under financial stress due to no fault of their own.

SEC. 619. SOYBEAN PRICE SUPPORT.

The Senate finds that:

(a) Soybean production and processing are two of the fastest growing sectors in agriculture, with production having increased seven fold over the last thirty years;

(b) Soybeans rank number two in value in the United States for all crops grown, and nearly 50 percent of all soybeans grown in the United States are produced on farms harvesting 50 acres or less;

(c) One-fifth of all United States cropland is planted to soybeans, and soybeans account for over 30 percent of all land in production in Appalachia, over 40 percent in the southeast, and over 50 percent in the delta States;

(d) The United States is the leading exporter of soybeans, exporting over 40 percent of the soybean crop each year, and over 15 percent of the value of all United States agricultural exports is due to the sale of soybeans, oil, and meal;

(e) It is widely speculated that the Secretary of Agriculture will announce a new formula price support loan of $4.77 per bushel for soybeans in August 1986, and that required budget cuts could push actual loan prices lower for 1987 soybeans;

(f) Trading of soybeans is currently hovering near the $5.02 loan rate, USDA soybean acreage figures for 1986 were higher than predicted by trade analysts thus putting further pressure on prices, and export sales are slow with foreign buyers anticipating lower soybean prices with the expected lowering of the loan rate;

(g) United States soybean stocks are likely to remain near the 1985-1986 record level of 14,000,000 metric tons (515,000,000 bushels) and world soybean stocks are forecast to reach a record 23,000,000 metric tons, and the anticipation of continued large supplies led the Secretary to announce a 12-month extension of 1985 price support loans in order to encourage continued on-farm storage, thereby relieving pressure on commercial storage;

(h) Although world soybean exports are forecast to show a slight gain, United States soybean exports are forecast to remain near current levels during 1986-1987, and Brazil and Paraguay are expected to capture the small amount of projected gain;

(i) Although drought conditions affect areas of the South, currently less than 5 percent of the United States soybean production lies within the drought area, and this has no significant impact on prices;

(j) Soybeans are an important crop grown on 550,000 farms in the United States, and a drop in prices, whether brought on by higher than expected production, level exports sales, a decrease in the loan rate, or a combination of these, will have a serious negative impact on net farm income;

(k) In the Food Security Act of 1985, Public Law 99-198, under section 801, the Secretary is directed to establish the price support rate for soybeans at $5.02 per bushel for 1986 and 1987, and the Secretary, at his discretion, may reduce the support rate no more than 5 percent per year nor below $4.50 per bushel in an effort to maintain domestic and export sales;

(l) Under section 801 the Secretary may authorize the use of a marketing loan to assist in the maintenance of the "competi-

*tive relationship of soybeans and domestic and export markets . . .";*

*(m) Under the authority of the Commodity Credit Corporation Charter Act, the Secretary has the authority to implement for soybeans a so-called producer option payment program, under which the Government will pay (in cash or certificate) a producer not to put his soybeans into loan or will pay a producer who has a loan to opt out of the loan; and in either case the producer would sell his soybeans at the world price, therefore, it is the sense of the Senate, That:*

*(1) the Secretary of Agriculture should institute a marketing loan program for soybeans as authorized in the 1985 Food Security Act, or a so-called producer option payment program; and*

*(2) The Secretary should maintain the formula price support loan rate for soybeans at $5.02 per bushel.*

*SEC. 620. SURETY BOND GUARANTEES.*

*Section 20(u)(4) of the Small Business Act is amended by striking out "$1,050,000,000" and inserting in lieu thereof "$1,200,000,000".*

*SEC. 621. WHEAT CROP LOAN LEVELS.*

*Section 107D(c)(1)(E)(ii) of the Agricultural Act of 1949 is amended by striking out "marketing year for such crop" and inserting in lieu thereof "the first five months of the marketing year for the 1986 crop and the marketing year for each of the 1987 through 1990 crops".*

*SEC. 622. DEPARTMENT OF THE TREASURY COSTS OF SOCIAL SECURITY SERVICES.*

*Subsection (g) of section 201 of the Social Security Act (42 U.S.C. 401(g)) is amended—*

*(1) in paragraph (1)(A)(ii), by inserting after "(ii)" the following:*

*"the sum derived by adding (I) the amounts required to be expended from the Trust Funds for such three-month period pursuant to paragraph (5), and (ii)", and*

*(2) by adding at the end of the subsection the following:*

*"(5) Notwithstanding any other provision of law, the Managing trustee is directed to pay from each of the Trust Funds to the Department of the Treasury, for allocation to the Fiscal Service of such Department, the amounts estimated by the Managing Trustee which will be expended by such Service during the three-month period referred to in paragraph (1)(I)(i) in connection with the nonpersonnel costs of administration of title II relating to such Trust Funds. Payments made pursuant to this paragraph shall be finally accounted for in coordination with the final accounting provided for in paragraph (1)(A) and shall be subject to annual audit. Proper adjustments shall be made in payments subsequently made pursuant to this paragraph to the extent prior payments were greater than or less than actual expenditures by such Services.".*

*SEC. 623. EXEMPT PROGRAMS AND ACTIVITIES.*

*(a) IN GENERAL.—Section 255(g)(1) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 905(g)(1)) is amended by inserting after the item relating to Compensation of the President the following new item:*

*"Dual benefits payments account (60-0111-0-1-601);".*

*(b) APPLICATION.—The amendment made by subsection (a) shall apply to fiscal years beginning after September 30, 1986.*

*SEC. 624. OFFSETTING RECEIPTS UNDER BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985.*

*(a) Congress finds:*

*(1) that United States competitiveness depends on the productivity and creativity that is promoted and protected by the proper administration of patent, copyright, and trademark laws;*

*(2) that the user fees paid by those applying for patents and registering claims for copyrights and trademarks are an important source of revenue for the proper administration of intellectual property laws;*

*(3) that under the current interpretation of the Gramm-Rudman-Hollings statute user fees are included in the baseline for purposes of sequestration;*

*(4) that this interpretation, by reducing taxpayer support as patent, copyright and trademark user fees increase, may discourage use of the intellectual property law system, and have adverse effects on creativity and innovation.*

*(b) The General Accounting Office is directed to conduct a study of the budgetary treatment of user fees in the Patent and Trademark Office and Copyright Office, and report to Congress within six months of the date of enactment to show how such budgetary treatment and user fee policy may affect the proper administration of patent, copyright and trademark laws.*

*(c) The General Accounting Office is further directed to include in such study an examination of offsetting collections credited to appropriation accounts, offsetting receipts, and governmental receipts dedicated to trust funds under the Balanced Budget and Emergency Deficit Control Act of 1985. The study shall identify the amount of spending that is supported by such collections and receipts and discuss the treatment of such spending under a sequester order.*

Mr. SIMPSON. Mr. President, I want to commend Senator PACKWOOD and Senator LONG for their work on the debt limit. Senator HEINZ managed the bill with great skill, and we appreciate that very much.

The debt limit extension consumed the dates of July 23, 24, 25, 28, 30, 31, and August 1 and 9. We had 8 days of consideration of that measure, and the time consumed was 41 hours and 10 minutes. There were 11 rollcall votes; 37 amendments and motions were considered.

I ask unanimous consent to have printed in the RECORD the statistics in connection with this bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEBT LIMIT

Measure: H.J. Res. 668.
Dates considered: July 23-24-25-28-30-31, Aug. 1-9.
(Total days considered): 8.
Time Consumed (as of 9:50 P.M.) *41* hr. *10* min.
Rollcall votes: 11.
Amendments plus motions considered: 37.
Disposition of amendments plus motions:
Agreed to 27.
Rejected: 1.
Tabled: 3.
Withdrawn: 1.
Not Acted on 5.

## DEPARTMENT OF DEFENSE AUTHORIZATION BILL

Mr. SIMPSON. Mr. President, I thank Senator GOLDWATER and Senator NUNN for the extraordinary efforts on the Department of Defense authorization bill. We all know exactly how we feel about those two fine gentlemen. They bring us great pride in this institution, and I commend them both.

BARRY GOLDWATER is a very special Senator. The tribute paid to him tonight by Senator NUNN is evidence of the comity and affection we have for one another.

Senator GOLDWATER put aside his deep, personal, physical discomfort and kept plugging away on an issue he wanted very badly, and Senator NUNN was there to assist him, and they did a perfect job together.

Mr. BYRD. Mr. President, I wish to associate myself with the remarks of the distinguished acting Republican leader.

Mr. NUNN and Mr. GOLDWATER make a good team, and that was demonstrated throughout the action on this bill. They were knowledgeable and skillful.

May I say that the debate on this DOD bill is the kind of high-level, substantive, probing, thoughtful debate that makes this Senate look like a deliberative body. There were very few quorum calls during the consideration of that bill.

Mr. SIMPSON. Mr. President, I concur in the words of the Democratic leader.

## COMMENDATION FOR ACCOMPLISHMENT OF THE UNANIMOUS-CONSENT AGREEMENT

Mr. SIMPSON. Mr. President, with respect to the unanimous-consent agreement, the occupant of the chair, Mr. STEVENS, has been here many years longer than I, and the Democratic leader longer than that. But in my 8 years here, I have never seen a more interesting challenge for us all than on that particular issue.

I want to commend Senator DOLE, Senator BYRD, and Senator CRANSTON particularly, because where we were headed on that was to an arena of continual discord and suspicion and distrust. That can certainly be destructive of a legislative body, regardless of who is in the majority or who is in the minority.

For a time during the last days before we came to this arrangement, we looked like a bunch of Wall Street lawyers on a leverage buyout as we ravelled around every word, every letter, and both doing it to each other—I did not say with each other.

Finally, in these exhaustive procedures, the Democratic leader—indeed, that would be the word—worked until 2 or 3 in the morning, going through the documents. Then they would come back to us, and we would do the same.

I think we see a theme—the theme is there, the essence is there—that we will accept each other's word in our deliberations as we propound unanimous-consent agreements, as in the

past. I know that the occupant of the chair, Senator STEVENS, is familiar with that, as is the Democratic leader.

The object is to give people a chance to vote, and that is what a legislature has to do. Sometimes we lose a vote, and that is tough, but that is what the game is about.

I thank Senator DOLE very much for a splendid job, as well as Senator BYRD, Senator CRANSTON, Senator KENNEDY, Senator LUGAR, Senator MATTINGLY, and Senator SASSER. They were the participants in the final shot, and they came to an accommodation for everyone, realizing the exigencies of the day and the pending recess time.

We do not have a Rules Committee over here that monitors our floor schedule. We do have a rule, though—it is called "Friday is coming" or "recess is coming," and that is a modified closed rule of some kind.

We had some brutal issues that confronted us, and we resolved that, and it was done with great skill by the participants. I was proud to be a part of it.

Mr. BYRD. Mr. President, will the distinguished acting Republican leader yield?

Mr. SIMPSON. I yield.

Mr. BYRD. Mr. President, I want to add to the Senator's comments. The distinguished acting Republican leader has enumerated the distinguished majority leader, together with others. I do not recall whether Senator PELL's name was mentioned, or Senator LUGAR, Senator WEICKER, Senator HARKIN, Senator KERRY, Senator MELCHER. There were a great number of Senators on both sides who participated in the effort.

I thank the distinguished acting Republican leader for his kind, charitable, and overly gracious remarks concerning me. I think we all rejoice that an agreement has been reached.

## ORDERS FOR MONDAY, AUGUST 11, 1986

Mr. SIMPSON. Mr. President, after consulting the Democratic leader, I ask unanimous consent that when the Senate convenes on Monday, August 11, 1986, the reading of the Journal be dispensed with; that no resolutions come over under the rule; that the call of the calendar be dispensed with; that following the recognition of the two leaders under the standing order, there be special orders in favor of Senators PROXMIRE and MELCHER for not to exceed 5 minutes each, to be followed by a period for the transaction of routine morning business, not to extend beyond 10 a.m., with Senators permitted to speak therein for not more than 5 minutes each; provided, further, that the morning hour be deemed to have expired.

The PRESIDING OFFICER. Without objection, it is so ordered.

□ 2200

## FEDERAL TECHNOLOGY TRANSFER ACT

Mr. SIMPSON. Mr. President, after conferring with the Democratic leader, I ask unanimous consent that the Senate now turn to Calendar No. 662, H.R. 3773, the Federal Technology Transfer Act.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Wyoming?

Mr. BYRD. There is no objection.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

H.R. 3773 to amend the Stevenson-Wydler Technology Innovation Act of 1980 to promote technology transfer by authorizing Government-operated laboratories to enter into cooperative research agreements and by establishing a Federal Laboratory Consortium for Technology Transfer within the National Science Foundation, and for other purposes,

The Senate proceeded to consider the bill which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike out all after the enacting clause, and insert the following:

That this Act may be cited as the "Federal Technology Transfer Act of 1986".

UTILIZATION OF FEDERAL TECHNOLOGY

SEC. 2. (a) Section 11(a) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710(a)) is amended—

(1) by inserting "(1)" after "POLICY.—"; and

(2) by adding at the end thereof the following:

"(2) Each laboratory director shall ensure that efforts to transfer technology are considered positively in laboratory job descriptions, employee promotion policies, and evaluation of the job performance of scientists and engineers in the laboratory.".

(b)(1) Section 11(b) of such Act (15 U.S.C. 3710(b)) is amended—

(A) by striking "a total amount budget exceeding $20,000,000 shall provide at least one professional individual full-time" and inserting in lieu thereof "200 or more full-time scientific, engineering, and related technical positions shall provide one or more full-time evaluation positions";

(B) by striking "requirements set forth in (1) and/or (2) of this subsection" and inserting in lieu thereof "requirement set forth in clause (2) of the preceding sentence"; and

(C) by striking "either requirement (1) or (2)" in the last sentence and inserting in lieu thereof "such requirement".

(2) Section 11(c) of such Act (15 U.S.C. 3710(c)) is amended—

(A) by amending paragraph (1) to read as follows:

"(1) to prepare application assessments for selected research and development projects in which that laboratory is engaged and which in the opinion of the laboratory may have potential commercial applications;";

(B) by striking "the Center for the Utilization of Federal Technology" in paragraph (3) and inserting in lieu thereof "the National Technical Information Service, the Federal Laboratory Consortium for Technology Transfer,", and by striking "; and" inserting in lieu thereof a semicolon;

(C) by striking "in response to requests from State and local government officials." in paragraph (4) and inserting in lieu thereof "to State and local government officials; and"; and

(D) by adding after paragraph (4) the following:

"(5) to participate, where feasible, in regional, State, and local government programs designed to facilitate or stimulate the transfer of technology for the benefit of the region, State, or local jurisdiction in which the Federal laboratory is located.".

(c) Section 11(d) of such Act (15 U.S.C. 3710(d)) is amended—

(1) by striking all from "(d)" through "shall—" and inserting in lieu thereof the following:

"(d) DISSEMINATION OF TECHNICAL INFORMATION.—The National Technical Information Service shall—";

(2) by striking paragraph (2);

(3) by striking "existing" in paragraph (3), and redesignating such paragraph as paragraph (2);

(4) by striking paragraph (4) and inserting in lieu thereof the following:

"(3) receive requests for technical assistance from State and local governments, respond to such requests with published information available to the Service, and refer such requests to the Federal Laboratory Consortium for Technology Transfer to the extent that such requests require a response involving more than the published information available to the Service;";

(5) by redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively; and

(6) by striking "(c)(4)" in paragraph (4), as so redesignated, and inserting in lieu thereof "(c)(3)".

(d) Section 11(e) of such Act (15 U.S.C. 3710(e)) is amended by striking "Center for the Utilization of Federal Technology" and inserting in lieu thereof "Secretary".

ESTABLISHMENT OF FEDERAL LABORATORY CONSORTIUM FOR TECHNOLOGY TRANSFER

SEC. 3. Section 11 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710), is amended by section 2 of this Act, is further amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

"(e) ESTABLISHMENT OF FEDERAL LABORATORY CONSORTIUM FOR TECHNOLOGY TRANSFER.—(1) There is hereby established the Federal Laboratory Consortium for Technology Transfer (hereinafter referred to as the 'Consortium') which, in cooperation with Federal laboratories and private sector, shall—

"(A) develop and, with the consent of the Federal laboratory concerned, administer techniques, training courses, and materials concerning technology laboratory employees regarding the commercial potential of laboratory technology and innovations;

"(B) furnish advise and assistance requested by Federal agencies and laboratories for use in their technology transfer programs (including the planning of seminars for small business and other industry);

"(C) provide a clearinghouse, at the laboratory level, for requests for technical assistance from States and units of local governments, businesses, industrial development organizations, not-for-profit organizations (including universities), Federal agencies and laboratories, and other persons, and—

"(i) to the extent that a response to such requests can be made with published information available to the National Technical Information Service, refer such requests to that Service; and

"(ii) otherwise refer such requests to the appropriate Federal laboratories and agencies;

"(D) facilitate communication and coordination between Offices of Research and Technology Applications of Federal laboratories;

"(E) utilize (with the consent of the agency involved) the expertise and services of the National Science Foundation, the Department of Commerce, the National Aeronautics and Space Administration, and other Federal agencies, as necessary;

"(F) with the consent of any Federal laboratory, facilitate the use by such laboratory of appropriate technology transfer mechanisms such as personnel exchanges and computer-based systems;

"(G) with the consent of any Federal laboratory, assist such laboratory to establish programs, such as technical volunteer services, for the purpose of providing technical assistance to communities related to such laboratory; and

(H) facilitate communication and cooperation between Office of Research and Technology Applications of Federal laboratories and regional, State, and local technology transfer organizations.

"(2) The membership of the Consortium shall consist of the Federal laboratories described in clause (1) of subsection (b) and such other laboratories as may choose to join the Consortium. The representatives to the Consortium shall include a senior staf member of each Federal laboratory which is a member of the Consortium and a representative appointed from each Federal agency with one or more member laboratories.

"(3) The representatives to the Consortium shall elect a Chairman of the Consortium.

"(4) The Director of the National Bureau of Standards shall provide the Consortium, on a reimbursable basis, with administrative services, such as office space, personnel, and support services of the Bureau, as requested by the Consortium and approved by such Director.

"(5) Not later than 1 year after the date of the enactment of this subsection, and every year thereafter, the Chairman of the Consortium shall submit a report to the President, to the appropriate authorization and appropriation committees of both Houses of the Congress, and to each agency with respect to which a transfer of funding is made (for the fiscal year or years involved) under paragraph (6), concerning the activities of the Consortium and the expenditures made by it under this subsection during the year for which the report is made.

"(6)(A) Subject to subparagraph (B), an amount equal to 0.005 percent of that portion of the research and development budget of each Federal agency that is to be utilized by the laboratories of such agency for a fiscal year referred to in subparagraph (B)(ii) shall be transferred by such agency to the National Bureau of Standards at the beginning of the fiscal year involved. Amounts so transferred shall be provided by the Bureau of the Consortium for the purpose of carrying out activities of the Consortium under this subsection.

"(B) A transfer may be made by any Federal agency under subparagraph (A), for any fiscal year, only if—

"(i) the amount so transferred by the agency (as determined under such subparagraph) would exceed $10,000; and

"(ii) such transfer is made with respect to the fiscal year 1987, 1988, 1989, 1990, or 1991.

"(C) The heads of Federal agencies and their designees, and the directors of Federal laboratories, may provide such additional support for operations of the Consortium as they consider appropriate.".

FUNCTIONS OF THE SECRETARY OF COMMERCE

SEC. 4. Section 11 of such Act (15 U.S.C. 3710), as amended by this Act, is further amended by adding at the end thereof the following:

"(g) FUNCTIONS OF THE SECRETARY.—(1) The Secretary, in consultation with other Federal agencies, may—

"(A) make available to interested agencies the expertise of the Department of Commerce regarding the commercial potential of inventions and methods and options for commercialization which are available to Federal laboratories, including research and development limited partnerships;

"(B) develop and disseminate to appropriate agency and laboratory personnel model provisions for use on a voluntary basis in cooperative research and development arrangements; and

"(C) furnish advice and assistance, upon request, to Federal agencies concerning their cooperative research and development programs and projects.

"(2) Two years after the date of enactment of this subsection, and every 2 years thereafter, the Secretary shall submit a report to the President and Congress on the use by the agencies and the Secretary of the authorities specified in this Act. Other Federal agencies shall, to the extent permitted by law, provide the Secretary with all information necessary to prepare such reports.".

COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS

SEC. 5. The Stevenson-Wydler Technology Innovation Act of 1980 is amended by redesignating sections 12 through 15 as sections 15 through 18, respectively, and by inserting after section 11 the following:

"SEC. 12. COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS.

"(a) GENERAL AUTHORITY.—(1) Each Federal agency may permit the director of any of its Government-operated Federal laboratories—

"(A) to enter into cooperative research and development arrangements (subject to such regulations or review procedures as the agency considers appropriate) with other Federal agencies, units of State or local government, industrial organizations (including corporations, partnerships, and limited partnerships), public and private foundations, non-profit organizations (including universities), or other persons (including licensees of inventions owned by the Federal agency); and

"(B) to negotiate licensing agreements under section 207 of title 35, United States Code, or other authorities for Government-owned inventions made at the laboratory and other inventions of Federal employees that may be voluntarily assigned to the Government.

"(2) Under arrangements entered into pursuant to paragraph (1), a laboratory may—

"(A) accept funds, services, and property from collaborating parties and provide services and property to collaborating parties;

"(B) grant or agree to grant in advance to a collaborating party patent licenses, assignments; or options thereto, in any invention made by a Federal employee under the arrangement, retaining such rights as the Federal agency considers appropriate;

"(C) waive, in whole or in part, any right of ownership which the Government may have under any other statute to any inventions made by a collaborating party or employee of a collaborating party under the arrangement; and

"(D) to the extent consistent with any applicable agency requirements, permit employees or former employees to the laboratory to participate in efforts to commercialize inventions they made while in the service of the United States.

"(3) Each agency shall maintain a record of all agreements entered into under this section.

"(b) DEFINITION.—As used in this section, the term—

"(1) 'cooperative research and development agreement' means any agreement between one or more Federal laboratories and one or more non-Federal parties under which the Government provides personnel, services, facilities, equipment, or other resources (but not funds to non-Federal parties) and the non-Federal parties provide funds, personnel, services, facilities, equipment, or other resources toward the conduct of specified research or development efforts which are consistent with the missions of the agency, except that such term does not include a procurement contract or cooperative agreement as those terms are used in sections 6303, 6304, and 6305 of title 31, United States Code; and

"(2) 'laboratory' means a facility or group of facilities owned, or otherwise used by a Federal agency, a substantial purpose of which is the performance of research and development by employees of the Federal Government.".

"(c) RELATIONSHIP TO OTHER LAWS.—Nothing in this section is intended to limit or diminish existing authorities of any agency.".

REWARDS FOR SCIENTIFIC, ENGINEERING AND TECHNICAL PERSONNEL OF FEDERAL AGENCIES

SEC. 6. The Stevenson-Wydler Technology Innovation Act of 1980, as amended by this Act, is further amended by inserting after section 12 the following:

"SEC. 13. REWARDS FOR SCIENTIFIC, ENGINEERING, AND TECHNICAL PERSONNEL OF FEDERAL AGENCIES.

"(a) CASH AWARDS PROGRAM.—The head of each Federal agency that is making expenditures at a rate of more than $50,000,000 per fiscal year for research and development in its Government-operated laboratories shall use the appropriate statutory authority to develop and implement a cash awards program to reward its scientific, engineering, and technical personnel for—

"(1) inventions, innovations, or other outstanding scientific or technological contributions of value to the United States due to commercial applications or due to contributions to missions of the Federal agency or the Federal Government; and

"(2) exemplary activities that promote the domestic transfer of science and technology

developed within the Federal Government and result in utilization of such science and technology by American industry or business, universities, State or local governments, or other non-Federal parties.

"(b) PAYMENT OF ROYALTIES.—Any royalties or other income received by an agency from the licensing or assignment of inventions under this section or under section 207 of title 35, United States Code, or other authority shall be retained by the agency whose laboratory produced the invention, except that beginning with fiscal year 1988, such royalties or other income shall be subject to appropriations, and shall be disposed of as follows:

"(1) At least 15 percent of the royalties or other income received each year by the agency on account of any invention shall be paid to the inventor or coinventors if they were employees of the agency at the time the invention was made. Payments made under this paragraph are in addition to the regular pay of the employee and to any awards made to that employee, and such payments shall not affect the entitlement or limit the amount of the regular pay, annuity, or other awards to which the employee is otherwise entitled or for which the employee is otherwise eligible.

"(2) The balance of any royalties or related income earned during any fiscal year after paying the inventors' portions under paragraph (1) shall be transferred to the agency's Government-operated laboratories with a substantial percentage being returned to the laboratories whose inventions produced the royalties or income. Such royalties or income may be retained by the laboratory up to the limits specified in this paragraph, and used—

"(A) for mission-related research and development of the laboratory;

"(B) to support development and education programs for employees of the laboratory;

"(C) to reward employees of the laboratory for contributing to the development of new technologies and assisting in the transfer of technology to the private sector, and for inventions of value to the Government that will not produce royalties;

"(D) to further scientific exchange to and from the laboratory; and

"(E) for payment of patenting costs and fees and other expenses incidental to promoting, administering, and licensing inventions, including the fees or costs for services of other agencies or other persons or organizations for invention management and licensing services.

If the balance for any laboratory after paying the inventors' shares under paragraph (1) exceeds 5 percent of the annual budget of the laboratory, 75 percent of the excess shall be paid to the Treasury of the United States and the remaining 25 percent shall be used for the purposes listed in subparagraphs (A) through (E), by the end of the fiscal year subsequent to the one in which they were received. Any funds not so used or obligated by the end of such fiscal year shall be paid to the Treasury of the United States.

"(c) ASSIGNED INVENTIONS.—If the invention was one assigned to the agency either (1) by a contractor, grantee, or the recipient of a cooperative agreement of the agency, or (2) by an employee of the agency that was not working in the laboratory at the time the invention was made, the agency unit that funded or employed or assigned the assignee shall, for purposes of this section, be considered to be a laboratory.

"(d) REPORTS.—In making their annual budget submissions, Federal agencies shall submit to the appropriate authorization and appropriations committees of both Houses of the Congress summaries of the amount of royalties or other income received and expenditures made (including inventor awards) under this section.".

EMPLOYEE ACTIVITIES

SEC. 7. The Stevenson-Wydler Technology Innovation Act of 1980, as amended by this Act, is further amended by inserting after section 13 the following:

"SEC. 14. EMPLOYEE ACTIVITIES.

"(a) IN GENERAL.—If a Federal agency which has the right of ownership to an invention under this Act does not intend to file for a patent application or otherwise to promote commercialization of such invention, the agency may allow the inventor, if the inventor is a Government employee or former employee who made the invention during the course of employment with the Government, to retain title to the invention (subject to reservation by the Government of a nonexclusive, nontransferable, irrevocable, paid up license to practice or have practiced the invention throughout the world by or on behalf of the Government). In addition, the agency may condition the inventor's right to title on the timely filing of a patent application in cases when the Government determines that it has or may have a need to practice the invention.

"(b) DEFINITION.—For purposes of this section, Federal employees include 'special Government employees' as defined in section 202 of title 18, United States Code.

"(c) RELATIONSHIP TO OTHER LAWS.—Nothing in this section is intended to limit or diminish existing authorities of any agency.".

MISCELLANEOUS AND CONFORMING AMENDMENTS

SEC. 8. (a) Section 10 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3709) is repealed.

(b)(1) Section 3(2) of such Act (15 U.S.C. 3702(2)) is amended by striking "centers for industrial technology" and inserting in lieu thereof "cooperative research centers".

(2) Section 4 of such Act (15 U.S.C. 3703) is amended—

(A) by striking "Industrial Technology" in paragraph (1) and inserting in lieu thereof "Productivity, Technology, and Innovation";

(B) by striking "Director' means the Director of the Office of Industrial Technology" in paragraph (3) and inserting in lieu thereof "'Assistant Secretary' means the Assistant Secretary for Productivity, Technology, and Innovation";

(C) by striking "Centers for Industrial Technology" in paragraph (4) and inserting in lieu thereof "Cooperative Research Centers";

(D) by striking paragraph (6), and redesignating paragraphs (7) and (8) as paragraphs (6) and (7), respectively; and

(E) by striking "owned and funded" in paragraph (6), as so redesignated, and inserting in lieu thereof "owned, leased, or otherwise used by a Federal agency and funded".

(3) Section 5(a) of such Act (15 U.S.C. 3704(a)) is amended by striking "Industrial Technology" and inserting in lieu thereof "Productivity, Technology, and Innovation".

(4) Section 5(b) of such Act (15 U.S.C. 3704(b)) is amended by striking "DIRECTOR" and inserting in lieu thereof "ASSISTANT SECRETARY", and by striking all from "a Director of the Office" and inserting in lieu thereof "an Assistant Secretary for Productivity, Technology, and Innovation.".

(5) Section 5(c) of such Act (15 U.S.C. 3704(c)) is amended by striking "the Director" each place it appears and inserting in lieu thereof "the Assistant Secretary".

(6) The heading of section 6 of such Act is amended to read as follows:

"SEC. 6. COOPERATIVE RESEARCH CENTERS.".

(7) Section 6(a) of such Act (15 U.S.C. 3705(a)) is amended by striking "Centers for Industrial Technology" and inserting in lieu thereof "Cooperative Research Centers".

(8) Section 6(b)(1) of such Act (15 U.S.C. 3705(b)(1)) is amended by striking "basic and applied".

(9) Section 6(e) of such Act (15 U.S.C. 3705(e)) is amended to read as follows:

"(e) RESEARCH AND DEVELOPMENT UTILIZATION.—In the promotion of technological innovation and commercialization of research development efforts by Centers under this section, chapter 18 of title 35, United States Code, shall apply.".

(10) Section 6(f) of such Act (15 U.S.C. 3705(f)) is repealed.

(11) The heading of section 8 of such Act is amended by striking "CENTERS FOR INDUSTRIAL TECHNOLOGY" and inserting in lieu thereof "COOPERATIVE RESEARCH CENTERS".

(12) Section 8(a) of such Act (15 U.S.C. 3707(a)) is amended by striking "Centers for Industrial Technology" and inserting in lieu hereof "Cooperative Research Centers".

(c) Section 4 of such Act (15 U.S.C. 3703), as amended by subsection (b)(2) of this section, is further amended by adding at the end thereof the following:

"(8) 'Federal agency' means any executive agency as defined in section 105 of title 5, United States Code, and the military departments, as defined in section 102 of such title.

"(9) 'Invention' means any invention or discovery which is or may be patentable or otherwise protected under title 35, United States Code, or any novel variety of plant which is or may be protectable under the Plant Variety Protection Act (7 U.S.C. 2321 et seq.).

"(10) 'Made', when used in conjunction with any invention, means the conception or first actual reduction to practice of such invention.".

(d)(1) Such Act (as amended by this Act) is further amended by redesignating sections 11 through 18 as sections 10 through 17, respectively.

(2)(A) Section 5(d) of such Act (15 U.S.C. 3704(d)) is amended by inserting "(as then in effect)" after "Act" the second time it appears.

(B) Section 8(a) of such Act (15 U.S.C. 3707(a)) is amended by striking the last sentence.

(C) Section 9(d) of such Act (15 U.S.C. 3708(d)) is amended by striking "or 13" and inserting in lieu thereof "10, or 14".

AMENDMENT NO. 2683

(Purpose: To make various amendments)

Mr. SIMPSON. Mr. President, I send an amendment to the desk on behalf of Senator GORTON to the committee substitute.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Wyoming [Mr. SIMPSON] for Mr. GORTON, proposes an amendment numbered 2683.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 33, line 15, insert "personnel," immediately after "funds,".

On page 33, line 16, insert "personnel," immediately after "provide".

On page 33, line 22, insert the following immediately before the semicolon: ", and subject to reservation by the Government of a nonexclusive nontransferable, irrevocable, paid up license to practice or have practiced the invention throughout the world by or on behalf of the Government".

On page 34, line 2, insert the following immediately before the semicolon: ", and subject to reservation by the Government of a nonexclusive nontransferrable, irrevocable, paid up license to practice or have practiced the invention throughout the world by or on behalf of the Government".

On page 34, line 11-12, strike "agreement" and insert in lieu thereof "arrangement".

On page 34, line 15, insert ", with or without reimbursement" immediately after "resources".

On page 36, line 9, strike "this section" and insert in lieu thereof "section 12".

On page 39, line 9, strike "may" and insert in lieu thereof "shall".

● Mr. GORTON. Mr. President, I am offering an amendment to the committee amendment to the bill. This amendment does two things. First, it incorporates a suggestion by the distinguished Senator from Maryland, the chairman of the Judiciary Committee's Subcommittee on Patents, Copyrights and Trademarks, which clarifies that the Government will retain a right to use an invention resulting from cooperative research for its own purposes, royalty free, and in perpetuity.

Second, the amendment corrects an error in drafting in section 7, the employee activities section of the bill. This section was intended to codify an Executive order which requires that agencies turn over to the inventor rights to patents in which the Government has no interest. The committee amendment inadvertently provides that the agency may turn over these rights. The Executive order, which dates from the Truman administration, says the agency shall turn over these rights. Because the objective of the bill is to codify this policy and therefore strengthen it, it is important that the bill track the Executive order correctly. This is what the amendment accomplishes.

Let me also note one error in the committee report which may be misleading. Section 5 of the bill defines cooperative research and development arrangments as not including a procurement contract or cooperative agreement as those terms are used in sections 6303, 6304, and 6305 of title 31, United States Code. The report, in its discussion of this section on page 11, inadvertently left out the word "not."

Mr. President, these amendments are largely technical and are not controversial. I urge their adoption.●

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2683) was agreed to.

AMENDMENT NO. 2684

(Purpose: To provide that in certain research and development arrangements, a Federal laboratory may consider reciprocity of treatment by foreign governments relating to such arrangements and licensing agreements)

Mr. SIMPSON. Mr. President, I send an amendment to the desk on behalf of Senator DOLE and Senator ROCKEFELLER to the committee substitute.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Wyoming [Mr. SIMPSON], for Mr. DOLE and Mr. ROCKEFELLER proposes an amendment numbered 2684.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 34, line 2, strike out "and".

On page 34, insert between lines 2 and 3 the following:

"(D) in the case of any industrial organization or other person subject to the control of a foreign company or government, take into consideration whether or not such foreign government permits United States agencies, organizations or other persons to enter into cooperative research and development arrangements and licensing agreements.

On page 34, line 3, strike out "(D)" and insert in lieu thereof "(E)".

Mr. DOLE. Mr. President, this amendment which I am submitting today would clarify the authority of Federal Laboratory Directors with regard to granting foreign access to research information. It is my understanding that this language has been cleared by the necessary parties, and that it will be accepted. I believe this amendment also has the support of the administration.

U.S. industries are suffering from a serious trade imbalance, and it is important that we protect our interests where there is a lack of reciprosity. Foreign countries like Japan have become our very strong competitors in the world market, and perhaps we should not be quite so free with sharing our own research, especially in the high tech field.

Our universities and Federal laboratories have traditionally been very open, and there has always been easy access to the results of our basic research. The language which the Senator from Kansas is adding to this bill would give Federal Laboratory Directors the discretionary authority to deny foreign industrial organizations and persons subject to the control of a foreign company or Government access to U.S. research, when the foreign country in question does not grant similar privileges to American persons and industrial organizations.

It is only fair that Federal laboratory directors have control over the fruits of their endeavors, without the concern that foreign entities will take advantage of the foundation our laboratories have established. This type of information has been all too freely available, and foreign competitors have saved themselves a lot of time, energy, and expense by taking the results of our research and capitalizing on the free information they have obtained—to our disadvantage. It is time that we ask for reciprocal treatment.

I ask unanimous consent that a Washington Post article dealing with this problem be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHY SUBSIDIZE IMPORTERS? FOREIGNERS USE OUR UNIVERSITIES TO BURY OUR INDUSTRY

(By Michael Schrage)

Even as the trade deficit soars to a record $150 billion, the U.S. is funding a multibillion-dollar program that effectively sells the best of America's computer and engineering research to its Japanese and European competiiton for less than 50 cents on the dollar.

Not a bad deal—if you're a Hitachi, Daewoo or a Siemens AG looking for a technical edge in today's competitive global marketplace.

What kind of policy is it that subsidizes America's corporate rivals with millions of dollars worth of our vital research?

It's the foreign policy practiced by America's leading research universities.

According to National Science Foundation statistics, nearly half the engineering and computer science graduate students in this country are from overseas; nearly half of them will return to the countries and companies that sponsored them. There they will apply their newly acquired knowledge to kick the stuffing out of U.S. companies.

These best and brightest minds will have studied in America the latest in semiconductor technology; the best ways to create new design software; the intricacies of developing novel composite materials for automobiles and airplanes. Expressly selected by their governments or companies to learn at America's finest universities, many of these students will become the captains of overseas industries.

Now, it's terrific that U.S. universities define the state of the art in so many engineering disciplines and that this country encourages the international exchange of research and a free flow of information.

But let's not confuse a free flow of information with an unwitting policy of subsidizing the research and development efforts of Japan, Korea and Europe.

Take, for example, the University of Michigan at Ann Arbor, one of the finest engineering schools in the country.

According to the University's 1985 figures, there are 1,452 graduate students enrolled in Michigan's College of Engineering; 751—more than half—are foreign students.

"Out-of-state" students (which is what foreign students are considered) pay tuition

of approximately $7,916 per year—"less than half" of the yearly cost of training a graduate engineering student, according to a Michigan spokesman.

Who makes up that eight-grand per-student annual shortfall? Why, U.S. and Michigan taxpayers do. Ironically, so do American corporations like General Motors and Ford—which help fund Michigan's research in science and engineering. They help pay to train the very engineers who will end up competing with them back in Japan, Korea and Germany.

What entitles Japan or Korea to an American subsidy for higher education? More explicitly, why should a Michigan or an Illinois charge the government-sponsored grad student from Tokyo the same as the kid from Toledo? Should out-of-state and out-of-nation be treated the same way?

If, as many in the university community believe, the answer is yes—then let's have a rationale that goes a bit beyond "promoting the free flow of information."

The university structure was built with American tax dollars. The U.S. has chosen—rightly—to make its universities a resource for the world. But the world has changed dramatically in the last decade. The lines between pure and applied research have blurred; universities, now more than ever, are seen as a source of commercial innovation.

What is the compelling reason for American taxpayers to subsidize Cadillac-quality education for foreign students at Toyota-like prices? Especially since many of those students will end up competing directly with American companies?

"History shows that the Japanese students get more 'rubber on the road' [practical applications of what they've learned] when they get back home," said James Williams, dean of Carnegie-Mellon's College of Engineering.

The issue here is not banning foreign students or placing import quotas on them—it's eliminating a free ride for this country's economic competition. It's making countries and companies that can afford to pay for the value of a graduate education pay the full and fair price.

Tuition and fees aside, there are numerous ways foreign countries and companies could show their support for the U.S. research institutions they patronize. They could give donations or help fund research programs.

What of the Japanese, Korean and European donations to Michigan, for example?

"Virtually none," said M. Joseph Roverson, director of corporate relations for the University.

In fact, a "not intended for release" National Science Foundation inquiry of over 100 leading research universities reveals that total foreign contributions to universities accounted for less than 2 percent of their research budgets.

"It's very unlikely that the amount exeeded 1 percent," said an NSE researcher, who asked not to be named.

Even if one excludes funds for national-security related research, the percentage of foreign contributions is still disproportionately low compared to the numbers of foreign graduate students now in the U.S. There's the distinct aroma of foreign free-loading on the campus.

Now, there are institutions that benefit from foreign largesse. The Massachusetts Institute of Technology has 12 professorial chairs endowed by Japanese companies and has enjoyed millions of dollars in research support over the years.

"We get most of our graduate students sponsored by industries in Japan," said Eugene Chamberlain, an MIT associate dean and international students adviser.

However, even a MIT total foreign funding of research represents barely 2 percent of the total. Roughly 29 percent of MIT's grad students are from overseas.

But the MITs are the exceptions, not the rule. The fact remains that American universities are seemingly neutral in the global economic competition—as ready to subsidize a Korean or Taiwanese company as one in the U.S.

(One notable exception is Pittsburgh's top-flight Carnegie-Mellon, which declines to accept Japanese funds and "restricts" the number of Japanese grad students precisely because it is concerned about technology transfer.)

Believers in the subsidy argue that many of these foreign students remain in the U.S. and that American companies can reap the benefit of their training. This is certainly true.

However, how do U.S. industry benefits balance with the potential problems? Does the U.S. keep the best of these post-graduate engineers or do the best ones go back to the Thomson CSFs, Matsushitas and Hyundais?

Academics assert that foreign students have become an indispensable part of the university research establishment; teaching undergraduates and assisting in research. That may also be true. On the other hand, does charging a full price for an education mean that the number of foreign students will drop dramatically? Or will it more likely spark a sheepish recognition that overseas companies have been cream-skimming off the investments made by American taxpayers?

Foreign countries and companies should be required to pay a fair price for the educational benefits they receive from American universities. Moreover, countries which send thousands of grad students and "research associates" to the U.S. should be compelled to fund non-proprietary research projects in the U.S.

These suggestions should not imply a form of intellectual or academic protectionism; there should continue to be an international exchange of information. But U.S. policy makers and universities should recognize that while it is wise to encourage an international research effort for the betterment of all; it is foolish and counterproductive to let potential partners in that endeavor behave as parasites.

● Mr. GORTON. Mr. President, as I noted in my floor statement, I commend Senator DOLE for his leadership in the area of technology transfer and for his concern about research and development in this country. Senator ROCKEFELLER, as well, has been an active member of the Science, Technology, and Space Subcommittee with whom it has been a pleasure to work.

This issue of access to our universities and laboratories by foreign nationals, without reciprocal access to foreign research establishments, is extremely important. Senators DOLE and ROCKEFELLER's amendment is an improvement to the bill which clarifies the laboratory director's discretion to reject a potential collaborator for this reason. I am pleased to accept the amendment.●

● Mr. ROCKEFELLER. Mr. President, I am pleased to join the distinguished majority leader in offering this amendment to H.R. 3773, the Stevenson-Wydler legislation. Our purpose is to improve the access of Americans to technology developed with the help of foreign governments. Apart from the military, our Government places few restrictions on the ability of foreign companies and individuals to acquire technology developed in our Federal laboratories. But unless other countries are more willing to provide equivalent treatment for our companies and researchers, the flow of technical information will remain largely one way.

Under section 11 of this bill, Federal laboratory directors are empowered to approve cooperative R&D arrangements and licensing agreements with private industry. Where applications to enter into these agreements come from foreign parties, our amendment would permit the laboratory directors to take into account whether or not the countries involved permit U.S. agencies, companies, or other parties to participate in similar arrangements. The provision would apply to U.S. subsidiaries of foreign companies, as well as to other persons and organizations subject to the control of a foreign government. The amendment is fully consistent with the language of both Public Law 96-517 and the House version of the pending bill, which stipulates a preference for U.S. industry in the granting of licenses to inventions generated by Government laboratories.

At present, many U.S. corporations and researchers believe they are denied reciprocal access to foreign government-supported laboratories, particulary in Japan. Meanwhile, U.S. research laboratories—such as those connected with the National Institutes of Health, NASA, the Department of Energy, and many others—provide almost unlimited access to their work to interested parties in foreign countries. Without an amendment of this nature, H.R. 3773 could exacerbate the current imbalance in the international flow of information about technology, as we step up efforts to promote the transfer of technology from U.S. Government-operated laboratories to private industry.

If foreign companies seek to participate in cooperative research arrangements or apply for patent licenses, they would be permitted under H.R. 3773 to have access to literally billions of dollars of U.S. research results. This would occur regardless of whether their governments permit American companies to join similar Government-sponsored research projects or receive licenses to Government-held patents. Under our amendment, Federal laboratory directors could consider wheth-

er to require a quid pro quo before granting access for foreign applicants.

Let me emphasize, Mr. President, that we are not proposing to cut off foreign participation in Federal laboratories if the foreign governments refuse to offer reciprocal access. The provision is entirely discretionary on the part of the Federal laboratory directors; simply, they may take reciprocity into consideration when deciding whether to admit a foreign applicant to a cooperative research program or to allow the negotiation of a licensing agreement with a foreign party.

Americans are right to be concerned when they perceive that foreign scientists, engineers, and other researchers enjoy virtually unrestricted access to federally supported research while foreign governments systematically deny equivalent opportunities to our researchers. Because of this lack of reciprocal access to Government-developed technology, the flow of technology between the United States and other countries is largely outward: Our research results, licenses to patents, and other scientific know-how are put to good use by foreigners, while we often find ourselves shut out. Indeed, some of our leading edge technologies are routinely absorbed by foreign researchers and used to develop new products which compete successfully in our markets.

For example, according to a report by the Japan Economic Institute, the U.S. transferred to Japan six times as much electronics technology and almost eight times as much machine tool technology as it acquired from Japan in 1983. Altogether, 70 percent of Japan's worldwide technology imports that year came from the United States. While the Japanese bought technology from this country worth 191 billion yen, their exports of technology to us totaled 52 billion yen.

This asymmetry in the international flow of knowledge has real repercussions for our country's competitiveness in world markets. America's comparative advantage has always been superior technology—the fruits of our ability to innovate and invent. If our cutting edge technology is made fully available to our rivals in international trade, however, we stand to lose not only foreign markets but also jobs and income at home. We must recognize that the United States is no longer self-sufficient in technology: unless we insist on reciprocal access to technology developed elsewhere, major advances could pass us by.

I am encouraged that the Japanese Government intends soon to consider legislation to revise laws that presently prohibit acquisition of Government-owned patents by foreigners. Since Government laboratories develop some of Japan's most innovative technologies, access to such patents is extremely important to American companies. It's our hope that this legislation passes and is implemented in a way that improves U.S. access to Japanese technology and makes it possible for our researchers to work on cooperative research projects there.

H.R. 3773 will open up research conducted in Federal laboratories to private industry, domestic and foreign. It correctly seeks to encourage cooperative R&D projects and licensing agreements to help turn promising technologies developed under Government auspices into commercially viable products. This amendment, in my view, will strengthen the process of technology transfer which the Stevenson-Wydler Act hopes to facilitate. And by doing this, it will strengthen the international competitiveness of our industries. I urge my colleagues to consider and adopt it.●

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2684) was agreed to.

AMENDMENT NO. 2685

(Purpose: To make amendments regarding technology transfer)

Mr. SIMPSON. Mr. President, I send an amendment to the desk on behalf of Senator DOMENICI to the committee substitute.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Wyoming [Mr. SIMPSON] for Mr. DOMENICI proposes an amendment numbered 2685.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 29, line 16, strike "(2)" and insert in lieu thereof "(3)"; on page 29, line 24, strike "(3)" and insert in lieu thereof "(4)"; on page 30, line 1, strike "(4)" and insert in lieu thereof "(5)"; on page 30, line 6, strike "(5)" and insert in lieu thereof "(6)"; on page 30, line 16, strike "(6)" and insert in lieu thereof "(7)"; and on page 29, insert the following immediately after line 15:

"(2)(A) The Consortium shall not engage in the direct transfer of technology, but shall furnish information and respond to requests for technical assistance only in the manner specified in paragraph (1)(C).

"(B) Each Federal laboratory or agency shall transfer technology directly to users or representatives of users, and shall not transfer technology directly to the Consortium. Each Federal laboratory shall conduct any transfer of technology only in accordance with the practices and policies of the Federal agency which owns, leases, or otherwise uses such Federal laboratory.".

On page 30, line 17, strike "0.005" and insert in lieu thereof "0.0025".

On page 31, line 11, strike "appropriate.'." and insert in lieu thereof the following: "appropriate.

"(8)(A) The Consortium shall use 10 percent of the funds provided in paragraph (7) to establish demonstration projects in technology transfer. To carry out such projects, the Consortium may make grants or awards to, or enter into agreements with, nonprofit State, local or private organizations or entities whose primary purposes are to facilitate cooperative research between the Federal laboratories and organizations not associated with the Federal laboratories, to transfer technology from the Federal laboratories, and to advance State and local economic activity.

"(B) The demonstration projects established under subparagraph (A) shall serve as model programs. Such projects shall be designed to develop programs and mechanisms for technology transfer from the Federal laboratories which may be utilized by the States and which will enhance Federal, State and local programs for the transfer of technology.

"(C) Application for such grants, awards or agreements shall be in such form and contain such information as the Consortium shall specify.

"(D) Any person who receives or utilizes any proceeds of a grant or award made, or agreement entered into, under this paragraph shall keep such records as the Consortium shall determine are necessary and appropriate to facilitate effective audit and evaluation, including records which fully disclose the amount and disposition of such proceeds and the total cost of the project in connection with which such proceeds were used.".

● Mr. DOMENICI. Mr. President, the amendment I am offering, which I understand is acceptable to the sponsors of the bill, would accomplish three things. First, it clarifies an ambiguity in the bill about the proper role of the Federal Laboratory Consortium. It provides that the Consortium shall not transfer technology directly, but that those interested in a technology shall continue to deal with the laboratory or the agency, depending on agency policy, as they do now, to obtain rights to that technology.

● Mr. GORTON. The Senator from New Mexico is correct that the Federal Laboratory consortium is not intended to transfer technology directly. The Consortium's function is that of a clearinghouse for information about technology in the Federal laboratories. His amendment is a good addition to the bill which clarifies this point.

● Mr. DOMENICI. The second provision in my amendment reduces the set-aside of funds for the Consortium by half. Instead of setting aside approximately $1 million per year for 5 years for the Consortium, my amendment would set aside approximately $500,000. The reason for this provision is twofold. First, this set-aside comes out of agencies' research and development budgets. Although small, any reduction in these budgets at this time should be approached cautiously. Second, the Federal Laboratory Consortium has been functioning for some time on a budget of approximately $500,000 per year in cash and in kind services. My amendment gives them a

secure source of funds, but keeps them at essentially a freeze level.

● Mr. GORTON. Mr. President, I am willing to accept this amendment. I believe the Federal Laboratory Consortium will prove to be of great benefit, not only to the Federal laboratories, but to the States as well. I appreciate the Senator from New Mexico's concern about its potential effect on agency research budgets, however, and his desire to go slowly in this area.

● Mr. DOMENICI. Mr. President, the third provision in my amendment takes the bill's efforts to improve technology transfer one logical step further—to the recipients. All of our efforts to improve the use of technology in the Federal laboratories is wasted if there are no working organizations or mechanisms outside the labs to locate and acquire this technology. My amendment directs the Consortium to transfer 10 percent of its funds to fund existing projects in technology transfer. The Consortium is to fund these demonstration projects through contracts, grants, or agreements with nonprofit State, local, or private entities whose primary purposes are to facilitate cooperative research between the Federal laboratories and outside organizations; to transfer technology from the Federal laboratories; and to advance State and local economic activity.

Mr. President, most of our States have active programs to promote economic development; many have programs to promote high technology industries. The States are experimenting with a wide variety of diverse programs, and this experimentation should be encouraged by the Federal Government. That is why my amendment funds demonstration projects, which should serve as models programs for other States.

In my State of New Mexico, there are several organizations which promote development in high technology. One, however, is especially devoted to technology transfer. The Rio Grande Technology Foundation is a nonprofit, privately funded organization whose purpose is to establish cooperative research centers at New Mexico's universities and Federal laboratories. It is distinct in its focus on the Federal laboratories, in its goal of linking the technological resources of the Federal, State, and private sectors, and in its reliance on private funding. This is the kind of organization which I believe could serve as a model program, and which should receive funding from the Consortium.

● Mr. GORTON. Mr. President, I could not agree more with my friend from New Mexico about the importance of recognizing the wealth of technological development programs going on at the State and local level. His amendment is an appropriate way to encourage this experimentation and I am pleased to accept it. I also agree with him about the unique nature of the Rio Grande Technology Foundation. I anticipate that the Consortium will create one or two demonstration projects, and that Rio Tech will be one of them.●

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2685) was agreed to.

AMENDMENT NO. 2686

(Purpose: To make various amendments)

Mr. BYRD. Mr. President, I send to the desk an amendment by Mr. PELL.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for Mr. PELL, proposes an amendment numbered 2686.

Mr. BYRD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following:

(e) The second sentence of section 2(10) of such Act (15 U.S.C. 3701(10)) is amended by inserting ", which include inventions, computer software, and training technologies," immediately after "developments".

(f) Section 3(3) of such Act (15 U.S.C. 3702(3)) is amended by inserting ", including inventions, software, and training technologies," immediately after "technology".

On page 43, line 5, strike "invention.'." and insert in lieu thereof the following: "invention.

"(11) 'Training technology' means computer software and related materials which are developed by a Federal agency to train employees of such agency, and includes software for computer-based instructional systems and for interactive video disc systems.'.".

On page 26, insert the following immediately after line 12:

(2) in paragraph (2), by inserting ", including software and training technologies," immediately after "technologies";

On page 26, line 13, strike "(2)" and insert in lieu thereof "(3)"; on line 14, strike "(3)" and insert in lieu thereof "(4)"; on line 16, strike "(4)" and insert in lieu thereof "(5)"; on page 27, line 1, strike "(5)" and insert in lieu thereof "(6)"; and on line 3, strike "(6)" and insert in lieu thereof "(7)".

On page 32, line 12, strike "reports.'." and insert in lieu thereof the following: "reports.

(3) Not later than one year after the date of enactment of the Federal Technology Transfer Act of 1986, the Secretary shall submit to the President and the Congress a report regarding—

"(A) any copyright provisions or legal or other barriers which restrict or limit the transfer of federally funded computer software to the private sector and to State and local governments, and agencies of such State and local governments; and

"(B) the feasibility and cost of compiling and maintaining a current and comprehensive inventory of all federally funded training software.'.".

AMENDMENT EXPANDING COVERAGE OF H.R. 3773

● Mr. PELL. Mr. President, I am offering an amendment, which I understand has the approval of the managers of the bill, to expand the coverage of H.R. 3773 to include the transfer of training technology which has been developed by the Federal Government and which could be of great benefit to the private sector and to the educational community.

Training technology is defined by the amendment to mean computer software for computer based instructional systems, such as interactive videodisc systems. Such systems combine visual representations of training problems with computerized instruction programs which offer a high degree of interactivity between the trainee and the system.

My amendment would add training technology to the innovations found suitable for transfer under the bill, and would make training technology subject to the clearinghouse function of the National Technical Information Service. The amendment also directs the Secretary of Commerce to report to the President and the Congress regarding legal barriers to such transfers, including patent and copyright issues, and also with regard to the feasibility and cost of compiling a current and comprehensive inventory of all federally funded training technology.

This is a no-cost amendment. But it fulfills to a substantial degree the purposes of S. 1662, the Training Technology Transfer Act which I introduced in 1985, and its predecessor, S. 2561, which I introduced in the 98th Congress. The amendment I offer today embodies the general intent of those bills, but omits their specific provisions for cataloging training technology and for promoting its transfer.

I should note that these bills originated out of a desire to utilize all available techniques to train civilian workers who were dislocated as a result of changes in the pattern of international trade. While that remains a major goal of this amendment, I am pleased to note that the prospective beneficiaries cover a far broader spectrum than originally anticipated. As a result, the prospective return on the original public investment in this technology could be even greater than first suggested.

Finally, I wish to note that the amendment is the product of extensive bipartisan dialog between my office and the Department of Commerce, and particularly the office of the Assistant Secretary for Productivity, Technology and Innovation, Dr. D. Bruce Merrifield. The amendment, I believe, gives legislative expression to mutually acceptable goals while omitting features of S. 1662 which were controversial.

I thank the managers of the bill for their courtesy and consideration in accepting the amendment.●

● Mr. GORTON. Mr. President, the Senator from Rhode Island has identified a weakness in the Federal Government's Technology Transfer Program. Training technology, because of its great potential for education, should be an area in which we have an aggressive transfer program. I am happy to accept his amendment.●

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2686) was agreed to.

AMENDMENT NO. 2687

(Purpose: To Make Various Amendments Regarding Technology Extension)

Mr. BYRD. Mr. President, I send an amendment to the desk on behalf of Mr. LEAHY.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for Mr. LEAHY, proposes an amendment numbered 2687.

Mr. BYRD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 41, strike lines 12 through 14 and insert in lieu thereof the following:

(5) Section 5(c) of such Act (15 U.S.C. 3704(c)) is amended—

(1) by striking "the Director" each place it appears and inserting in lieu thereof "the Assistant Secretary";

(2) by redesignating paragraphs (7) and (8) as paragraphs (9) and (10), respectively; and

"(3) by inserting immediately after paragraph (6) the following:

"(7) encourage and assist the creation of centers and other joint initiatives by State or local governments, regional organizations, private businesses, institutions, or Federal laboratories to encourage technology transfer, to stimulate innovation, and to promote an appropriate climate for investment in technology-related industries;

"(8) propose and encourage cooperative research among the Federal laboratories, State or local governments, regional organizations, colleges or universities, non-profit organizations, or private industry to promote the common use of resources, to improve training programs and curricula, to stimulate interest in high technology careers, and to encourage the effective dissemination of technology skills within the wider community;".

On page 29, line 11, strike "and"; on line 15, strike the period and insert in lieu thereof"; and"; and insert immediately after line 15 the following:

"(I) when requested, assist colleges or universities, businesses, non-profit organizations, State or local governments, or regional organizations to establish cooperative programs to stimulate research and to encourage technology transfer in such areas as technology program development, curriculum design, long-term research planning, personnal needs projections, and productivity assessments.".

● Mr. LEAHY. Mr. President, our Nation faces two important challenges for the future. We must compete with the Soviet Union to maintain a strong defense and to keep a secure peace, and at the same time we must compete with many other nations to ensure a healthy economic future. Meeting both challenges will depend on Americans continuing to be the world's best researchers, the world's brightest inventors, and the world's most skilled workers.

When I introduced the Technology Education and Extension Act last year, I addressed some of the benefits of the sharing of information between higher education and industry. The bill we are considering today is designed to improve the transfer of commercially useful technology from Federal laboratories.

Before describing my amendment, I want to thank the distinguished managers of the Federal labs bill for their cooperation in working with me and my staff to make the goals of the Technology Education and Extension Act part of the mission of the Office of Productivity, Technology and Innovation at the Department of Commerce and of the Federal Laboratory Consortium.

Our economic future depends on encouraging the efficient dissemination of skills and information within our communities. The Federal laboratories bill reported by the Commerce Committee took steps to encourage the Federal labs to participate with regional, State, and local governments to do that and to transfer technology. My amendment takes the committee proposal one step further.

It puts the Federal Laboratory Consortium in a position to help area colleges and universities, private businesses, State and local governments, and others to develop cooperative programs. I want to make clear that such joint programs may include any combination of the groups referred to in the amendment. Thus, one such program may combine the resources of a college and a Federal lab, while another would combine the efforts of one or more local businesses and nonprofit groups, a State university, and a regional authority. These programs will stimulate research and encourage technology transfer in such areas as industrial program development, curriculum design, long-term research planning, personnel, and productivity.

The amendment makes the Department of Commerce an equal partner in this effort to encourage technology transfer and to promote an appropriate climate for investment in American technology-related industries.

I understand my amendment has been accepted by the distinguished floor managers.

In closing, Mr. President, I would like to thank Senator HOLLINGS and Patrick Windham of his staff for their invaluable help in our continuing effort to promote technology extension.●

● Mr. GORTON. Mr. President, my fellow members of the Committee on Commerce, Science, and Transportation and I share the Senator from Vermont's concern about the contribution our Federal resources could make to local economies. That is precisely the concern that led us to report this bill, and I am pleased to accept his amendment.●

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2687) was agreed to.

AMENDMENT NO. 2688

(Purpose: To require agencies to make a separate determination of the mission of each of their laboratories)

Mr. BYRD. Mr. President, I send an amendment by Mr. BUMPERS to the committee substitute.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] for Mr. BUMPERS proposes an amendment numbered 2688.

Mr. BYRD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 34, line 20, strike the term "agency" and in lieu thereof insert "laboratory".

On page 35, between lines 3 and 4 insert the following: "(c) For the purposes of this section, an agency shall make a separate determination of the mission or missions of each of its laboratories."

On page 35, line 4, strike "(c)" and insert in lieu thereof "(d)".

● Mr. BUMPERS. Mr. President, I am pleased to offer this amendment to H.R. 4337, the Federal Technology Transfer Act of 1986. My amendment is a simple clarification of the bill to ensure that agencies give special consideration to certain Government laboratories. The amendment requires that agencies make a separate determination of the mission of each laboratory to determine whether the laboratory should participate in the cooperative research provisions of the bill. I am further pleased that the distinguished managers of the bill, Senators DANFORTH and HOLLINGS, have agreed to accept my amendment.

Let me first state that I am especially gratified to be a cosponsor of S. 1914, which this bill incorporates. This legislation, which amends the Stevenson-Wydler Technology Innovation Act of 1980, will most certainly be a boon to academic institutions and pri-

vate industry in the United States through greater cooperation in and participation with the wide range of Government sponsored research. More importantly, the bill will be a springboard to economic development in many areas of our Nation.

This legislation will assuredly be a stimulant to innovators, whether they be employed by the Government or other institutions, to turn their ideas into commercial enterprises to provide jobs, income, and a better way of life for us all. As ranking minority member on the Senate Small Business Committee, I am particularly enthused about the unique opportunities this legislation will offer with respect to the creation of new, specialized small businesses.

The Federal Government is spending about $18 billion this year in research and development at some 700 Government laboratories. This effort employs a full one-sixth of our Nation's brightest and best scientific minds. In order to encourage the proper transfer of Government-sponsored research to the private sector, and to provide incentive for promising scientists and engineers to work in Government programs, the Federal Government should allow individual laboratory directors to engage in cooperative efforts to solve Government's problems and make the solutions available to the private sector.

This bill has been carefully crafted to allow for a cooperative approach to commercial uses of Government-sponsored research, while ensuring that the official mission of the laboratory is carried out with the best and most motivated minds. It will provide for extended cooperation between Government laboratories, State offices charged with technology transfer, universities, charitable organizations, and the private sector.

As a nation, we cannot afford to have the public and private sectors working in an environment alienated from one another. This bill will greatly facilitate a nationwide approach to research and development. We all recognize that the future economic health and development of our Nation rests firmly on our ability to more efficiently and cleanly manage our resources. We must make technological advancement. Unless we allow our Nation's institutions to pool their resources and talent, we will fall short of the demand for commercial innovation. This legislation represents a simple, important first step down that road.

The amendment I am offering clarifies the bill's language to ensure that all Government agencies take a look at each laboratory on a separate basis to determine whether the laboratory's mission is consistent with the provisions of the bill. My particular concern is with laboratories that are operated by regulatory agencies, but are not involved with the enforcement of regulations. The amendment is to make it clear that regulatory agencies consider each laboratory on an individual basis. Those that are not involved in the enforcement of regulations should be encouraged in the cooperative research agreements outlined in the bill.

Laboratories of this kind should not be excluded from the provisions of the bill, both now and in the future. I offer this amendment because of the great opportunities that will be provided by this legislation for the State of Arkansas and for the entire mid-South region. The National Center for Toxicological Research [NCTR], in Pine Bluff, AR, is such a laboratory that needs to benefit from the cooperative research and other provisions of this bill.

NCTR's parent agency is a regulatory agency—the Food and Drug Administration [FDA]—but NCTR is not involved in enforcement of that agency's regulations. It is important to note that NCTR is the only such Government laboratory separate and distinct from the enforcement functions of its parent. My amendment would require the FDA and the Department of Health and Human Services to consider NCTR's participation in cooperative research programs separate from the other FDA labs concerned with regulatory enforcement.

I fully expect NCTR to be included in the cooperative research agreements authorized by this legislation. I will be exercising vigorous oversight to ensure that FDA considers NCTR as a unique situation and will fully expect that NCTR will be encouraged by FDA to participate actively in the programs established. I have received assurances from the Commerce Committee that they, too, will exercise such oversight.

We in Arkansas are excited about the possibilities this legislation will provide with respect to NCTR. NCTR is the only Federal laboratory of its kind in the mid-South, and is the largest research lab in its field. It is by far the most unique and capable Federal research facility in the Nation. Started in 1972, the center serves not only the FDA, but also does research and development in connection with the Department of Defense, the Department of Energy, the Department of Commerce, and many other Federal entities.

NCTR is engaged in four primary areas of research. The largest area is biomedical research, which encompasses subjects from preventing birth defects to the relationship between diet, nutrition, and human disease. The next largest area is the development of computer hardward and software technology related to toxic substances. The center also performs research and development in analytical chemistry and environmental engineering.

NCTR is in a special situation to promote economic development in Arkansas and throughout the mid-South. With all of the jobs that we in Arkansas have lost as a result of competition from abroad, we know that technological development can help us regain the competitive edge necessary to secure comparative advantages in world trade. With the space, equipment, talent and experience at NCTR, we want to encourage this vital research to be made available to the public for commercial purposes.

It is also important to note that the Arkansas Science and Technology Authority—the agency of the Arkansas State government charged with technology development and promotion—is just 3 years old. The Arkansas Science and Technology Authority and NCTR promise to be very effective partners in the application of research. I commend the leaders of these institutions for being in the forefront of the cooperative agreement approach of solving Government's problems and their enthusiasm for the application of this research for the private sector.

Once again, I am pleased to cosponsor this legislation and to offer this technical amendment. NCTR must be considered separate from the other enforcement laboratories under FDA, and, again, I expect that this consideration will lead to participation in the great opportunities of this legislation by NCTR. The Federal Government can do much to better the quality of life in our Nation if given the proper incentives, resources, and encouragement. This legislation provides the opportunity for the Federal Government to get in step with the State governments, academic institutions, and private enterprises toward a cooperative approach to the crucial questions we face together as a Nation. I urge the Senate to adopt my amendment and H.R. 4337.●

● Mr. GORTON. Mr. President, I thank the Senator from Arkansas, Mr. BUMPERS, for his amendment. The amendment helps clarify the bill to require agencies to take a look at the special considerations of each laboratory when they implement the cooperative research provisions. Clearly, the special case of the National Center for Toxicological Research in Pine Bluff, AR, indicates that it is a prime candidate for participation in cooperative research, and I believe it should be included in these agreements. We on the Science, Technology, and Space Subcommittee will exercise vigorous oversight on the inclusion of the National Center for Toxicological Research.●

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2688) was agreed to.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment, as amended, was agreed to.

● Mr. DANFORTH. Mr. President, it is significant that the Senate is considering this legislation. To a great extent, the United States and its people enjoy our present stature because of our success in transforming science into technology. By allowing Government-operated laboratories to enter into cooperative agreements with industry, universities, and others, and by strengthening the organizations that transfer Federal technology, this bill will improve the abilities of these labs to transfer technology to the private and non-Federal public sectors. Technology transfer is an important process throughout the innovation cycle, and the Federal labs are the gatekeeper of large amounts of technology. This legislation should lead to the development of many new products and processes as new linkages are formed between the Federal labs and the rest of our economy.

I am pleased to support this bill. It was referred to the Senate Committee on Commerce, Science, and Transportation and considered with S. 1914. The committee ordered H.R. 3773 reported favorably, with an amendment in the nature of a substitute. The language of the amendment reported by the committee is that of S. 1914, with minor amendments. I am a cosponsor of S. 1914, which includes most of S. 65, which Senator DOLE and I introduced earlier in the 99th Congress.

Technological innovation is a complex process normally involving many resources and personnel. It invariably requires technology transfer. Technology transfer may occur as the scientist transfers information to the engineer converting the information into a working model; as a potential investor is informed of the state of the art in a specific technology; as a market analyst is informed of the potential uses of a technology; or as a producer provides know-how to the end user of the resulting product. If the United States is to maintain its premier position in this ever-growing technological world, it is absolutely necessary that we facilitate the technology transfer processes visualized by this legislation.

Linkages among scientists, between scientists and engineers, between inventors and entrepreneurs, between entrepreneurs and customers are essential. We must not only permit these linkages; we must encourage them.

This legislation helps accomplish this goal. It provides for royalty sharing with the inventor as an incentive for the inventor to be a champion in pushing potentially commercially significant technology from the Federal labs. This is important because the process of moving an innovation into the marketplace requires a champion. This bill also institutionalizes the Federal Laboratory Consortium to provide needed infrastructure to facilitate technology transfer and linkage development. It also clears away any legal impediments to cooperative research at the Federal laboratories.

Mr. President, I am pleased to join my fellow Senators from both parties in sponsoring this bill, and join them in urging the full Senate to pass it.●

Mr. GORTON. Mr. President, American businesses face an unprecedented challenge to their ability to compete, both at home and abroad, against foreign competition. On few issues is there as much of a consensus about the seriousness of the problem; and on few issues is there as little of a consensus on the solution.

Last year the President's Commission on Industrial Competitiveness identified a broad range of problems and made recommendations ranging from increasing support for basic research, to reducing the Federal deficit, to strengthening U.S. trade laws, to encouraging investments in worker training. The extent of this list indicates the difficulty of dealing with the entire issue of industrial competitiveness in any one piece of legislation. The problem is far too large for that, and demands steady action on a number of fronts.

The bill we are considering today, the Federal Technology Transfer Act of 1986, is aimed at one of those fronts: the use of the almost $20 billion in federally funded research and development done in the Federal laboratories each year. The Federal Technology Transfer Act of 1986 is designed to improve the transfer of technology out of the Federal laboratories and into the marketplace. It has three major provisions:

First. It opens up the Federal laboratories to industry, universities, and others for cooperative research;

Second. It creates the Federal Laboratory Consortium for Technology Transfer; and

Third. It improves the incentives for Federal scientists to put in the time and effort to explore the commercial possibilities of their inventions by requiring agencies to share at least 15 percent of the royalties received from patents with the inventor. In addition, it strengthens the existing cash award system to reward employees contributing to the missions of their agencies.

The bill also contains other amendments to the Stevenson-Wydler Technology Innovation Act of 1980 to bring it into conformity with existing practice.

The Federal Government will spend approximately $18 billion in fiscal year 1986 on research and development at over 700 Federal laboratories. These laboratories employ one-sixth of the Nation's scientists and engineers. Although their main purpose is to serve Government needs, these laboratories also have produced over 28,000 patents. Many of these inventions may have commercial applications. Over the years, however, only approximately 5 percent of Federal patents have been licensed.

Senator DOLE has led the Senate in the enactment of several laws to improve the use of Government-funded research. One of the first was the Dole-Bayh Patent and Trademark Amendments of 1980—Public Law 96-517. The new patent policy led to increased efforts by universities to report, license, and develop inventions. In 1984, Congress extended the new policy to Federal laboratories operated by universities and nonprofit corporations—Public Law 98-620.

Also in 1980, Congress enacted the Stevenson-Wydler Technology Innovation Act of 1980—Public Law 96-480. The act makes the transfer of Federal technology to industry, States, and localities a national policy and the duty of each laboratory.

Despite these advances, there is broad agreement that we can and should improve the flow of technology from these laboratories to the private sector. The National Governors' Association, for example, issued a report in 1983 critical of the lack of cooperation or collaboration between the Federal laboratories and industry or universities.

In addition, in 1982, the White House Science Council created a Federal Laboratory Review Panel, chaired by David Packard. The panel surveyed both the Government-operated and contractor-operated Federal laboratories. In its 1983 report, the panel concluded that "Federal laboratories should encourage much more access to their facilities by universities and industry," and that "R&D interactions between Federal laboratories and industry should be greatly increased by more exchange of knowledge and personnel, collaborative projects, and industry funding of laboratory work." * * *

This bill implements that recommendation. It also uses the cooperative research being done at universities, including royalty-sharing, as a model for the Federal laboratories.

Mr. President, I urge my colleagues to support this legislation. It contains no authorizations and requires no new Federal spending. There will also be no indirect drain on Federal funds, because the Federal laboratories are allowed to contribute personnel, facilities, and equipment to a cooperative agreement, but not funds. And, unlike the House bill, the stream of royalty

income flowing through the agencies to the laboratories in the Senate bill is subject to appropriations; therefore, no entitlements are created.

The Federal Laboratory Consortium is funded through a set-aside of money from each agency. This set-aside is small—0.005 percent of an agency's R&D budget, for a total of $900,000 in 1986; it is temporary—5 years; and it gives the Consortium the money it needs to fund one staffer in the District of Columbia and to set up an electronic mail system. The Consortium is a respected, existing organization which already receives discretionary funds from many agencies.

The provision requiring an agency to share at least 15 percent of royalties with an inventor has proved to be the only controversial provision in the bill. It has been criticized as unfair, but the Senate bill addresses this criticism by incorporating the House bill's cash award system in addition to royalty sharing, specifically to reward productive employees and laboratories which do not work in commercial areas. It also allows the royalty income, after the inventor's 15 percent has come off the tops, to be used by the laboratories to reward other employees.

Royalty sharing has also been criticized as inflexible and bad management, but this has not proven to be true in the experience of universities, which have been required to share royalties with inventors since 1980. Their experience has led universities to increase the share going to inventors, because the incentives lead to more invention reporting and more technology transfer. The Federal labs are more like the universities in their inability to reward employees with raises and promotions easily than they are like private industry, which can, indeed, have a completely flexible management system.

Royalty sharing has also been criticized as setting a dangerous precedent for the private sector. The bill has no effect on the private sector, however. Any precedent set by revenue sharing was set already with the universities in the Dole-Bayh Act in 1980.

All-in-all, Mr. President, the arguments against royalty sharing are unconvincing. And they are far outweighed by the potential gain from giving Federal employees a stake in the outcome of their work.

I would like to express my gratitude to Senator DOLE, who has done more for technology transfer than any other single Member of Congress. I am also grateful to Senator MATHIAS and his staff for their expertise and suggestions. Senator DANFORTH, the distinguished chairman of the Commerce Committee, was the original cosponsor of S. 65, Senator DOLE's bill which is at the heart of the legislation we are considering today. Senators DANFORTH, HOLLINGS, RIEGLE, PRESSLER, GORE, ROCKEFELLER, and INOUYE cosponsored S. 1914, the substance of which we are considering today, and contributed to the unanimous, bipartisan support the bill enjoyed in the Commerce Committee.

Mr. President, I believe this is a sound piece of legislation. It takes extremely valuable national assets, the Federal laboratories, and makes them more accessible to our businesses, our universities, and our State and local governments. It involves no increased Federal spending or regulation. It will not solve the problem of lagging international competitiveness in one blow, but it is a solid step in the right direction, and I urge its enactment.

Mr. President, the latest issue of Business Week contains an especially timely article on technology transfer. I ask unanimous consent that the article appear following my statement.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Business Week, Aug. 11, 1986]

BUILDING BRIDGES BETWEEN PUBLIC AND PRIVATE R&D

For Richard A. Cortese, it's a dream coming true. The president of Alpha Microsystems has long—and longingly—admired the Jet Propulsion Laboratory. After all, that National Aeronautics & Space Administration lab in nearby Pasadena, Calif., is a technological powerhouse. But even though his little computer company is just 45 mi. away in Irvine, Cortese never figured he stood much change of tapping JPL's technology storehouse.

But thanks to Rimtech, a nonprofit company that aims to push JPL technology into the commercial arena, Alpha Microsystems and other Southern California companies are getting a crack at pulling JPL's space-age developments into their businesses. "The JPL expertise may give us a leg up on the competition," says Cortese, who wants to learn about JPL's techniques for compressing computer data. That could boost the capacity of Alpha's tape-based storage system for personal computers.

Rimtech—which is short for Research Institute for the Management of Technology—is a new twist in the way the country's national labs interact with industry. For an entry fee of $25,000, Rimtech helps find solutions to specific problems. It asks a company to list its technical hurdles, then checks with JPL researchers to see if they can help. The Company also markets JPL technology to likely prospects. "We see ourselves as a catalyst," explains Rimtech President Steven M. Panzer.

The new program at JPL is the latest step in an effort to better utilize the enormous scientific resources of the federally funded labs. In addition to such venerable institutions at Los Alamos, Lawrence Livermore, and Brookhaven, there are 700 more lesser-known lights. Collectively, they spend more than one-third of the government's annual research and development budget—$55 billion in fiscal 1986. Their work has produced some important commercial technologies; clean rooms for the semi-conductor industry and nuclear magnetic resonance imaging, to name just two.

That's why Congress told the national labs in 1980 to get more bang for the tax buck by identifying R&D with commercial potential and passing it on to industry. Most labs, however, still aren't adept at spinning off R&D. Technology transfer has often meant little more than publishing research results and hiring someone to stage seminars. "It's catch-as-catch-can," admits Ronald W. Hart, director of the National Center for Toxicological Research.

SALES INCENTIVES

NASA, for example, spends $11 million a year to peddle its technology to industry. But since it began charging for technology licenses only in 1981, it collects a paltry $100,000 a year in royalties. Even lab officials admit they haven't been very effective at transferring technology. Partly that's because their researchers have little incentive to think along commercial lines, since they don't share in patent royalties. Eugene E. Stark, chairman of an action group called the Federal Laboratory Consortium for Technology Transfer, concedes that "at best, we're only at 20% of the optimum level of transferring technology."

But Washington is about to crack the whip again. This month, Congress will probably send President Reagan new legislation aimed at fostering even tighter links between the labs and industry. The ticket to mobilizing the labs in defense of U.S. interests, Congress believes, is to make them more businesslike—and what better way to do that than to apply the profit motive? A key provision of the House bill, passed last December, will give each lab director the authority to sell licenses to his facility's work—and allow the lab to bank the royalties. An amendment in the Senate version would compel the labs to pay at least 15% of all royalties to the researchers who patented the technology.

Some labs are already implementing new mechanisms for technology transfer. In New Mexico, both Los Alamos National Laboratory and Sandia National Laboratories have emulated a recent university practice and set up "incubator" operations to nurture enterpreneurs. Tennessee's Oak Ridge National Laboratory even has its own for-profit venture capital group. "We've spun off seven companies in the last year," boasts E. Jon Soderstrom, director of technical applications. And if Rimtech is successful at JPL, NASA plans to roll out similar programs at all of its labs.

AN ACTIVE VENDOR

The National Bureau of Standards has long been effective at transferring its technology. That agency's secret: encouraging industry to assign researchers to temporary duty in NBS labs. As many as 900 industry-sponsored researchers have augmented the NBS staff of 1,400 professionals "Technology is in the minds of people," observes Alfred S. Joseph, chairman and founder of startup Vitesse Electronics Corp. in Camarillo, Calif. "You can either send your people to the labs, or you can bring the federal-lab people out."

Industry, however, is hardly without blame for the poor results of technology transfer. Many companies are ignorant of the new openness of federal labs. Others remain unaware that Washington had changed the rules governing licenses to permit exclusive deals. As a result, says Robert H. Pry, a technology consultant who advises Washington, "you have to do a lot of evangelism just to get them interested."

Foreign companies don't need prodding. Overseas businesspeople are flocking to the national labs. Some lab officials confide

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that the number of visitors from offshore, especially Japan, is frightening: They far outnumber the representatives from U.S. companies. So unless more executives like Cortese take advantage of such programs as Rimtech, promising new technologies may go begging in America, while foreigners become the first to reap the benefits of U.S. tax-supported research.—By Scott Ticer in Los Angeles.

Mr. DOLE. Mr. President, in fiscal year 1986 the Federal Government will spend approximately $18 billion on research and development at over 700 Federal Laboratories. Over the years these laboratories have produced well over 28,000 Federal patents, yet only 5 percent of these patents have been licensed to date. This legislation addresses this problem by amending the Stevenson-Wydler Technology Innovation Act of 1980 in an effort to promote technology transfer to the private sector by authorizing government-operated laboratories to enter into cooperative research agreements and by establishing a Federal laboratory consortium for technology.

DOLE LEGISLATION

As I am sure many of my colleagues are aware, I have long been a promoter of more private sector involvement with our Government's research facilities. Six years ago, I was pleased to join our former colleague, Birch Bayh, in working to eliminate much of the tangle of bureaucratic brambles that impeded the ability of universities and small businesses to transform federally assisted research into a patented invention. Specifically, with the enactment of Public Law 96-517, we established, for the first time, a rule in favor of university and small business ownership of inventions developed. Now, university and industry collaborative research is at an all-time high, and whole new technologies have flourished as a result.

Despite my efforts on the Bayh-Dole Act and the Stevenson-Wydler Act, I soon discovered that the Federal laboratories still faced problems and disincentives in trying to transfer technology. Last year, I returned to the field to propose the next logical step with the introduction of the Uniform Patent Procedures Act—a bill that extended the principles of the 1980 law to large business contractors and repealed all existing laws which were inconsistent with those principles. It established a clear and consistent presumption in favor of invention ownership for all contractors and eliminated once and for all the hodgepodge of agency patent requirements built up over the years. It had the further effect of luring research investments from large business with their specialized skills, technological expertise, and healthy respect for the dollar.

On the first day of the 99th Congress, I also introducd a second bill, S. 65, designed to enable Federal laboratories to enter into the kinds of successful joint university research and licensing arrangements that have resulted from Public Law 96-517. That bill expressly permitted agency heads to authorize lab directors to undertake a wide range of cooperative R&D arrangements. The labs would negotiate and issue patent licenses, assign ownership rights, and require outside parties to pay royalties for the right to use Government inventions. It provided for direct payment of at least 15 percent of royalties so received to lab investors and allowed labs to keep royalties they receive after payments to investors. This bill further permitted lab inventors to own their inventions if the Government had an insufficient interest in seeking its own patent.

COMMITTEE BILL

Mr. President, I am happy to report today, that the committee reported bill incorporates nearly all of the initiatives I identified in my two previous legislative efforts. As reported, this legislation will improve the technology transfer provisions of the Stevenson-Wydler Act by bringing them into conformity with actual practice and by eliminating some waivers. It will create a Federal laboratory consortium for technology transfer and permit laboratories to enter into cooperative research agreements and negotiate patent licensing agreements. It will also create a system of cash rewards for scientists, engineers, and others and will give 15 percent of the royalties received from an invention to the inventor with the balance distributed amongst the laboratories.

CONCLUSION

Mr. President, America's future demands the liberation of her brightest intellects and broadest imaginations. Over and over, throughout our history, our system of free enterprise, with its incentives and rewards for the new and innovative, has replaced what was adequate for one generation with what is superior for the next. Far better than Government, that system can explore new realms of possiblity. But it cannot compete with foreign challengers with one hand tied behind its back. This legislation will help untie a few knots. I urge my colleagues to join me in supporting it.

● Mr. HOLLINGS. Mr. President, I am pleased that the Senate is considering this important legislation. By allowing Government-operated laboratories to enter into cooperative agreements with industry, and by strengthening the organizations that transfer Federal expertise to the business community and the States, this bill will improve the contribution that Federal labs make to the Nation's industrial modernization, economic development, and overall competitiveness. And it will do this without spending any new Federal dollars.

The bill also enjoys strong bipartisan support, both in the Senate and in the House. In fact, H.R. 3773 passed the House unanimously late last year. Many Senators from both parties have been involved in writing our version. It incorporates many provisions first offered by Senators DOLE and DANFORTH in their bill, S. 65. Later a distinguished group of members, including many colleagues from the Commerce Committee, introduced S. 1914. In March, the Commerce Committee reported that bill without objection, changing the bill number to H.R. 3773. Other Senators have helped us write the noncontroversial amendments that we propose adding to the bill today. Finally, both our bill and the similiar House bill have been written in consultation with executive agencies. The Commerce Department has played a particularly valuable role.

Mr. President, this bill makes a great deal of sense. The Federal Government's laboratories are a tremendous national resource, employing one-sixth of the Nation's scientists and engineers. Of course, their primary function is to perform research in support of essential Federal missions, from defense and energy to health, food, and natural resources. At the same time, however, hearings and research by the Commerce Committee's Science Subcommittee show that these labs also have unique facilities, expertise, and inventions which could help the private sector if they only had legal authority to cooperate with private industry, universities, and the States. For example, the Federal laboratories have patented over 25,000 inventions, many of which could lead to valuable commercial products if Government laboratories and industry were allowed to work together more closely. Moreover, Federal scientists and engineers could provide advice and technical assistance to State and local governments on a wide range of issues.

A few Federal laboratories have the necessary legal authority now, particularly several of the Energy Department facilities run by contractors. Already we are seeing beneficial results. For example, scientists at Los Alamos National Laboratory have invented a process that identifies viruses and bacteria in minutes, rather than the days and weeks now needed. A private company is not working with Los Alamos to develop the product commercially. In addition, the National Bureau of Standards and Oak Ridge National Laboratory are working with the steel industry to modernize steelmaking. The bill that we introduce today would extend this legal authority to over 300 Federal laboratories operated by the Government itself rather than by contractors.

The legislation would allow agencies with Government-operated laboratories to allow these labs to enter into cooperative agreements with corpora-

tions, universities, and State and local government—at the partner's expense—for the purpose of developing new technologies, products, and companies. The labs could waive patent rights to resulting inventions, if that seemed the best way to encourage commercialization of a product, or they could negotiate royalty requirements and reserve such rights as they deem appropriate.

In addition, the new bill also would strengthen the laboratory organizations that provide information and assistance to industry and to State and local officials. These organizations include the small Federal Laboratory Consortium, the one nationwide group that links laboratory technical information specialists to each other.

I want to put to rest one particular concern about cooperative agreements. Some people fear that allowing Government labs to work with private industry may lead the labs to neglect their fundamental Government responsibilities. Believe me, if I thought for a moment that this bill would compromise Federal programs, I would oppose it. But this bill provides the proper safeguards. No agency is required to work with industry—the bill simply permits agency heads, at their discretion, to allow some cooperation with industry. The agency head determines the level of cooperation, the kinds of projects, and what royalties to collect. At the same time, Federal labs would continue to perform their Government responsibilities.

Mr. President, this bill will not magically solve the Nation's economic problems or instantly rejuvenate all industries. It is not a panacea. Many other steps can and should be taken to help American industry regain its technological lead and international competitiveness. This legislation, however, is a concrete and valuable step toward better utilization of the tremendous technology and expertise present in our national laboratories. It will not cost the taxpayers a dime, and it may actually make some money for the Government.

This is an important, innovative bill. I was pleased to join my colleagues from both parties in sponsoring it, and I am pleased today to join them in urging the full Senate to pass it.●

● Mr. RIEGLE. Mr. President, today the Senate is considering an important bill to let our Federal laboratories contribute more fully to American industrial innovation and to State economic development. Recent economic developments clearly show the need for this vital amendment.

As I pointed out when we introduced the original version of this bill, over the last decade this country has become less competitive in world markets for high technology products. The American share of the world market for 8 out of the 10 leading high technology exports has fallen. As developing countries begin to mass produce high technology as well as low technology products, we must push even harder to maintain an advantage in the newest and technologically most advanced product markets. Unfortunately, we are failing to do so.

Federal scientists and engineers have not been as helpful to American industry as they might be—not because they have failed to come up with new ideas, but because Government restrictions have prevented many innovations from being commercially developed. Last year, the Federal Government spent nearly $18 billion on research and development in our national labs. Historically, less than 5 percent of the patents granted to personnel in Federal labs were developed into commercial products. We must do more to foster inventiveness and promote technology transfer.

Congress has acted to help America get more of its money's worth from Federal-funded technology. The original Stevenson-Wydler Act set technology transfer from labs to industry and the States as a national priority. The Bayh-Dole Act of 1980 set a valuable precedent for Federal technology in general by allowing nonprofits and small for-profit businesses to retain ownership of inventions and receive royalties, the incentive needed to persuade companies to invest the money needed to move Federal technology from the laboratory shelf to the commercial marketplace. In 1984, this right was extended to one type of Federal laboratory—labs operated by nonprofits under contracts with the Government. In recent years, the Department of Energy has used separate authority to allow some corporations that operate several other labs under contract to commercialize Federal inventions.

Most Federal laboratories, however, fall into another category; they are operated by Government employees. Inventions at these labs can currently be licensed to private sector firms, with the Government receiving the royalties. The problem, however, has been that these innovations often need a great deal of development before they can be commercialized. Many of these Government-owned, Government-operated facilities lack legal authority to enter into cooperative research arrangements with industry and the States in order to refine these inventions and make them commercially valuable.

The bill before us today would remedy this problem. It would further encourage technology transfer in several ways.

First, agencies could allow their lab directors to enter into cooperative research and development arrangements with industrial organizations and State governments. This provision is discretionary. It does not require labs to work with anyone, but it does allow them to cooperate with American industry to pursue opportunities created by their work. The agencies and labs themselves would decide when, and under what conditions, to work with industry and the States. National security controls on classified information would, of course, be maintained. The national labs would be enabled to receive funds and property from their partners in return for royalties. The labs could negotiate royalties and retain Federal rights to the inventions.

Second, this bill would improve currently existing technology transfer organizations. It would strengthen existing technology transfer offices at the laboratories—the Offices of Research and Technology Applications [ORTA's]. In addition, it would provide modest funding to support the already existing Federal Laboratory Consortium, a volunteer organization helping to transfer technology from the labs to private businesses with a small set-aside from the National Bureau of Standards. This limited amount of funding would begin in fiscal year 1987 and end automatically in fiscal year 1991.

These provisions contain no new authorization and require no new Federal spending. In fact, the Government could receive a stream of new income from negotiating royalties when unused patents are brought to the market.

Mr. President, this is a valuable and important step toward better utilizing the taxpayer's investment in Federal technology. The bill enjoys broad bipartisan support, and I urge our colleagues to support it.●

The PRESIDING OFFICER. The question is on the engrossment of the committee amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (H.R. 3773) was passed.

Mr. SIMPSON. Mr. President, I move to reconsider the vote by which the bill passed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## CENTRAL VALLEY PROJECT

Mr. SIMPSON. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 3113.

The PRESIDING OFFICER laid before the Senate the following mes-

sage from the House of Representatives:

*Resolved*, That the House disagree to the amendments of the Senate to the bill (H.R. 3113) entitled "An Act providing for the coordinated operation of the Central Valley project and the State water project in California", and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

*Ordered*, That Mr. UDALL, Mr. MILLER of California, Mr. COELHO, Mr. LEHMAN of California, Mr. YOUNG of Alaska, Mr. CHENEY, and Mr. PASHAYAN be the managers of the conference on the part of the House

Mr. SIMPSON. Mr. President, I move that the Senate insist upon its amendments to H.R. 3113 agree to the conference asked by the House, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to and the Chair appointed Mr. MCCLURE, Mr. DOMENICI, Mr. WALLOP, Mr. MURKOWSKI, Mr. EVANS, Mr. JOHNSTON, Mr. FORD, Mr. METZENBAUM, and Mr. MELCHER conferees on the part of the Senate.

Mr. SIMPSON. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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## INSULAR AREAS REGULATION ACT

Mr. SIMPSON. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 2478.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

*Resolved*, That the House agree to the amendment of the Senate numbered 1 to the bill (H.R. 2478) entitled "An Act to amend the Revised Organic Act of the Virgin Islands, to amend the Covenant to Establish a Commonwealth of the Northern Mariana Islands, to amend the Organic Act of Guam, to provide for the governance of the insular areas of the United States, and for other purposes.".

*Resolved*, That the House agree to the amendment of the Senate numbered 2 to the aforesaid bill, with the following amendment: In lieu of the sum named in said amendment, insert: *$1,200,000*

*Resolved*, That the House agree to the amendment of the Senate numbered 4 to the aforesaid bill, with the following amendment: In lieu of the matter inserted by said amendment, insert:

*SEC. 9. (a) Section 506 of the Education Amendments of 1972, Public Law 92-318 (86 Stat. 235) is further amended by inserting, "the Northern Marianas College", after "the College of Micronesia" in subsection (a).*

*(b) Section 5 of the Act of August 30, 1980, c. 841, 26 Stat. 417 (the Second Morill Act), as added by section 506(c) of Public Law 92-318 (86 Stat. 235) is amended by striking out "and Micronesia, and Guam" and inserting in lieu thereof "Guam, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands (other than the Northern Mariana Islands)".*

*(c) Subsection (c) of section 1361 of Public Law 96-374 (94 Stat. 1367) is amended by striking out "American Samoa and in Micronesia" and inserting in lieu thereof "American Samoa, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands (other than the Northern Mariana Islands)".*

*(d) Section 22 of the Act of June 29, 1935, c. 388, 49 Stat. 439, as amended (7 U.S.C. 329) is further amended—*

*(1) by striking out "and Guam" wherever it appears and inserting in lieu thereof "Guam, and the Northern Mariana Islands";*

*(2) by striking out "$8,100,000" and inserting in lieu thereof "$8,250,000"; and*

*(3) by striking out "$4,360,000" and inserting in lieu thereof "$4,380,000".*

*(e) The first sentence of section 3(b)(2) of the Act of May 8, 1914, c. 79, 38 Stat. 372, as amended (7 U.S.C. 343), is further amended by striking out "and Guam" and inserting in lieu thereof "Guam, and the Northern Mariana Islands".*

*(f) Section 10 of the Act of May 8, 1914, c. 79, 38 Stat. 372, as added by section 1(i) of Public Law 87-749 (76 Stat. 745) and as amended (7 U.S.C. 349), is further amended to read as follows: "The term 'State' means the States of the Union, Puerto Rico, the Virgin Islands, Guam and the Northern Mariana Islands.".*

*SEC. 10. The Act of March 24, 1976 (Public Law 94-241; 90 Stat. 263), is amended by adding the following new sections at the end thereof:*

*"SEC. 3. Pursuant to section 701 of the foregoing Covenant, enactment of this section shall constitute a commitment and pledge of the full faith and credit of the United States for the payment of $228 million at guaranteed annual amounts of direct grant assistance for the Government of the Northern Mariana Islands for an additional period of seven fiscal years after the expiration of the initial seven-year period specified in section 702 of said Covenant, which assistance shall be provided according to the schedule of payments contained in the Agreement of the Special Representatives on Future United States Financial Assistance for the Government of the Northern Mariana Islands, executed July 10, 1985, between the special representative of the President of the United States and the special representatives of the Governor of the Northern Mariana Islands. The islands of Rota and Tinian shall each receive no less than a 1/8 share and the island of Saipan shall receive no less than a 1/4 share of annualized capital improvement project funds, which shall be no less than 80 per centum of the capital development funds identified in the schedule of payments in paragraph 2 of part II of the Agreement of the Special Representatives. Funds shall be granted according to such regulations as are applicable to such grants.*

*"SEC. 4. (a) Section 704(c) of the foregoing Covenant shall not apply to the Federal financial assistance which is provided to the Government of the Northern Mariana Islands pursuant to section 3 of this Act.*

*"(b) Upon the expiration of the period of Federal financial assistance which is provided to the Government of the Northern Mariana Islands pursuant to section 3 of this Act, payments of direct grant assistance shall continue at the annual level provided for the last fiscal year of the additional period of seven fiscal years until Congress otherwise provides by law.*

*"SEC. 5. Should the Secretary of the Interior believe that the performance standards of the agreement identified in section 3 of this Act are not being met, he shall notify the Government of the Northern Mariana Islands in writing with the intent to resolve such issue in a mutually agreeable and expeditious manner and notify the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate. Should the issue not be resolved within thirty days after the notification is received by the Government of the Northern Mariana Islands, the Secretary of the Interior may request authority from Congress to withhold payment of an appropriate amount of the operations funds identified in the schedule of payments in paragraph 2 of part II of the Agreement of the Special Representatives for a period of less than one year but no funds shall be withheld except by Act of Congress.".*

*SEC. 11. The final rule of June 18, 1986, amending part 697 of title 29 of the Code of Federal Regulations shall have no effect. The minimum rates of wages paid to the employees in American Samoa shall be those in effect July 1, 1986, until new rates are established by another industry committee acting pursuant to the Fair Labor Standards Act of 1938.*

*SEC. 12. (a) In awarding assistance grants, consolidated under the provisions of title V of the Act entitled "An Act to authorize certain appropriations for the territories of the United States, to amend certain Acts related thereto, and for other purposes" (91 Stat. 1159, as amended), to the Trust Territory of the Pacific Islands, American Samoa, Guam, the Northern Mariana Islands or the Virgin Islands, the Administrator of the Environmental Protection Agency may, in his discretion, adjust or otherwise modify maintenance or level of effort requirements.*

*(b) In awarding grants to the Trust Territory of the Pacific Islands, American Samoa, Guam, the Northern Mariana Islands and the Virgin Islands under section 201(g)(1) of the Clean Water Act (33 U.S.C. 1251 et seq.), the Administrator of the Environmental Protection Agency may waive limitations regarding grant eligibility for sewerage facilities and related appurtenances, insofar as such limitations relate to collector sewers, based upon a determination that applying such limitations could hinder the alleviation of threats to public health and water quality. In making such a determination, the Administrator shall take into consideration the public health and water quality benefits to be derived and the availability of alternate funding sources. The Administrator shall not award grants under this section for the operation and maintenance of sewerage facilities, for construction of facilities which are not an essential component of the sewerage facilities, or any other activities or facilities which are not concerned with the management of wastewater to alleviate threats to public health and water quality.*

*SEC. 13. (a) Section 29 of the Organic Act of Guam (64 Stat. 392) as amended, is further amended—*

*(1) by striking "at such places" and all thereafter in subsection (b) and inserting in lieu thereof "according to the laws of Guam."; and*

*(2) by adding the following new subsection at the end thereof:*

*"(c) The Government of Guam may by law establish an Office of Public Prosecutor and an Office of Public Auditor. The Public*

Prosecutor and Public Auditor may be removed as provided by the laws of Guam.".

SEC. 14. (a) Subsection (l) of section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) is amended to read as follows:

"(l)(1) The requirement of paragraph (26)(B) of subsection (a) of this section may be waived by the Attorney General, the Secretary of State, and the Secretary of the Interior, acting jointly, in the case of an alien applying for admission as a nonimmigrant visitor for business or pleasure and solely for entry into and stay on Guam for a period not to exceed fifteen days, if the Attorney General, the Secretary of State, and the Secretary of the Interior, after consultation with the Governor of Guam, jointly determine that—

"(A) an adequate arrival and departure control system has been developed on Guam, and

"(B) such a waiver does not represent a threat to the welfare, safety, or security of the United States or its territories and commonwealths.

"(2) An alien may not be provided a waiver under this subsection unless the alien has waived any right—

"(A) to review or appeal under this Act of an immigration officer's determination as to the admissibility of the alien at the port of entry into Guam, or

"(B) to contest, other than on the basis of an application for asylum, any action for deportation against the alien.

"(3) If adequate appropriated funds to carry out this subsection are not otherwise available, the Attorney General is authorized to accept from the Government of Guam such funds as may be tendered to cover all or any part of the cost of administration and enforcement of this subsection.

"(b) After consultation with the Secretary of State, the Secretary of the Interior, and the Governor of Guam and within ninety days after the date of the enactment of this Act, the Attorney General shall issue regulations governing the admission, detention, and travel of nonimmigrant aliens pursuant to the visa waiver authorized by the amendment made by subsection (a).

"(c) Each year the Attorney General shall submit a report on the implementation of section 212(l) of the Immigration and Nationality Act to the Committees on the Judiciary and Interior and Insular Affairs of the House of Representatives and the Committees on the Judiciary and Energy and Natural Resources of the Senate.".

SEC. 15. (a) Section 308 of the Immigration and Nationality Act (8 U.S.C. 1408) is amended by adding at the end the following new paragraph:

"(4) A person born outside the United States and its outlying possessions of parents one of whom is an alien, and the other a national, but not a citizen, of the United States who, prior to the birth of such person, was physically present in the United States or its outlying possessions for a period or periods totaling not less than seven years in any continuous period of ten years—

"(A) during which the national parent was not outside the United States or its outlying possessions for a continuous period of more than one year, and

"(B) at least five years of which were after attaining the age of fourteen years.

The proviso of section 301(g) shall apply to the national parent under this paragraph in the same manner as it applies to the citizen parent under that section.".

(b) The amendment made by subsection (a) shall apply to persons born before, on, or after the date of the enactment of this Act. In the case of a person born before the date of the enactment of this Act—

(1) the status of a national of the United States shall not be considered to be conferred upon the person until the date the person establishes to the satisfaction of the Secretary of State that the person meets the requirements of section 308(4) of the Immigration and Nationality Act, and

(2) the person shall not be eligible to vote in any general election in American Samoa earlier than January 1, 1987.

SEC. 16. (a) Section 341 of the Immigration and Nationality Act (8 U.S.C. 1452) is amended—

(1) in the heading, by inserting "OR U.S. NON-CITIZEN NATIONAL STATUS" after "CITIZENSHIP",

(2) by inserting "(a)" after "SEC. 341.", and

(3) by adding at the end the following new subsection:

"(b) A person who claims to be a national, but not a citizen, of the United States may apply to the Secretary of State for a certificate of non-citizen national status. Upon—

"(1) proof to the satisfaction of the Secretary of State that the applicant is a national, but not a citizen, of the United States, and

"(2) in the case of such a person born outside of the United States or its outlying possessions, taking and subscribing, before an immigration officer within the United States or its outlying possessions, to the oath of allegiance required by this Act of a petitioner for naturalization,

the individual shall be furnished by the Secretary of State with a certificate of non-citizen national status, but only if the individual is at the time within the United States or its outlying possessions.".

(b) The item in the table of contents of such Act relating to section 341 is amended to read as follows:

"Sec. 341. Certificates of citizenship or U.S. non-citizen national status; procedure.".

(c) The Secretary of State may not impose a fee exceeding $35 for the processing of an application for a certificate of non-citizen national status under section 341(b) of the Immigration and Nationality Act filed before the end of fiscal year 1987.

SEC. 17. The Act of June 12, 1906 (34 Stat. 259, 43 U.S.C. 391), is amended by inserting a comma after "State of Texas" and adding "American Samoa, Guam, the Northern Mariana Islands and the Virgin Islands.".

SEC. 18. (a) Section 9(a) of the Organic Act of Guam (64 Stat. 387) is amended by adding the following new sentence at the end thereof: "The Government of Guam may by law establish a Civil Service Commission to administer the merit system. Members of the commission may be removed as provided by the laws of Guam.".

SEC. 19. (a) There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

(b) Pursuant to the terms of the Organic Act of Guam (64 Stat. 384), as amended; the Joint resolution to Approve the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union With the United States of America (90 Stat. 263), as amended; the Puerto Rican Federal Relations Act (64 Stat. 319), as amended and supplemented; and the Revised Organic Act of the Virgin Islands (86 Stat. 497), as amended and supplemented and an Act to authorize appropriations for certain insular areas of the United States, and for other purposes (92 Stat. 487), as amended; there shall be paid into the treasuries of Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands respectively the full amounts which are to be covered into the treasuries of said islands or paid pursuant to said laws as amended and supplemented and such amounts shall not be reduced, notwithstanding Public Law 99-177, Public Law 99-366, or any other provision of law.

"SEC. 20. (a) Section 105(b)(2) of Public Law 99-239 is amended to read as follows:

"(2)(a) Except for programs or services provided by or through other federal agencies or officials to the Federated States of Micronesia or the Republic of the Marshall Islands, or for which residents thereof are eligible pursuant to the Compact or any other provision of this joint resolution, appropriations made pursuant to the Compact or any other provision of this joint resolution may be made only to the Secretary of the Interior. The Secretary of the Interior shall coordinate and monitor any programs or activities, including such activities for which funding is made directly to such other agencies, provided to the Federated States of Micronesia or the Republic of the Marshall Islands by agencies of the Government of the United States and related economic development planning pursuant to the Compact or pursuant to any other authorization except for the provisions of sections 161(e), 313, and 351 of the Compact and the authorization of the President to agree to an effective date pursuant to this resolution. Funds appropriated to the Secretary of the Interior pursuant to this paragraph shall not be allocated to other Departments or agencies, except that the Secretary of the Interior shall be able to reimburse Departments or agencies for purposes authorized by this joint resolution.

"(b) The programs and services specified in section 105(h)(1), sections 105(i) (1) and (2), section 111(a), the services of the National Health Service Corps pursuant to section 105(k), and the Technical Assistance and National Historic Preservation Act grants pursuant to section 105(l), of Public Law 99-239 shall be provided on a nonreimbursable basis.".

SEC. 21. (a) Section 373 of title 28, United States Code, is amended to read as follows:

"§ 373. Judges in Territories and Possessions

"(a) Any judge of the District Court of Guam, the District Court of the Northern Mariana Islands, or the District Court of the Virgin Islands who retires from office after attaining the age and meeting the service requirements whether continuous or otherwise, of subsection (b) shall, during the remainder of his lifetime, receive an annuity equal to the salary he is receiving at the time he retires.

"(b) The age and service requirements for retirement under subsection (a) of this section are as follows:

| "Attained age: | Years of service: |
|---|---|
| 65 | 15 |
| 66 | 14 |
| 67 | 13 |
| 68 | 12 |
| 69 | 11 |
| 70 | 10 |

"(c)(1) Any judge or former judge who is receiving an annuity pursuant to this section may elect to become a senior judge of the court upon which he served before retiring.

*"(2) The chief judge of a judicial circuit may recall any such senior judge, with the judge's consent, to perform, for the court from which he retired, such judicial duties for such periods of time as the chief judge may specify.*

*"(3) Any act or failure to act by a senior judge performing judicial duties pursuant to recall under paragraph (2) of this subsection shall have the same force and effect as if it were an act or failure to act of a judge on active duty; but such senior judge shall not be counted as a judge of the court on which he is serving as a recalled annuitant for purposes of the number of judgeships authorized for that court.*

*"(4) Any senior judge performing judicial duties pursuant to recall under paragraph (2) of this subsection shall be paid, while performing such duties, the same compensation (in lieu of the annuity payable under subsection (a) of this section) and the same allowances for travel and other expenses as a judge on active duty with the court being served.*

*"(5) Any senior judge performing judicial duties pursuant to recall under paragraph (2) of this subsection shall at all times be governed by the code of judicial conduct for United States judges approved by the Judicial Conference of the United States.*

*"(d) Any judge who elects to become a senior judge under subsection (c) of this section and who thereafter—*

*"(1) accepts civil office or employment under the Government of the United States (other than the performance of judicial duties pursuant to recall under subsection (c) of this section);*

*"(2) engages in the practice of law; or*

*"(3) materially violates the code of judicial conduct for United States judges,*

*shall cease to be a senior judge and to be eligible for recall pursuant to subsection (c) of this section.*

*"(e) Any judge of the District Court of Guam, the District Court of the Northern Mariana Islands, or the District Court of the Virgin Islands who is removed by the President of the United States upon the sole ground of mental or physical disability, or who is not reappointed (as judge of such court), shall be entitled, upon attaining the age of sixty-five years or upon relinquishing office if he is then beyond the age of sixty-five years, (1) if his judicial service, continuous or otherwise, aggregates fifteen years or more, to receive during the remainder of his life an annuity equal to the salary he received when he left office, or (2) if his judicial service, continuous or otherwise, aggregated less than fifteen years but not less than ten years, to receive during the remainder of his life an annuity equal to that proportion of such salary which the aggregate number of his years of his judicial service bears to fifteen.*

*"(f) Service at any time as a judge of the courts referred to in subsection (a) or of any other court of the United States, as defined by section 451 of this title, shall be included in the computation of aggregate years of judicial service for purposes of this section.*

*"(g) Any retired judge who is entitled to receive an annuity under subsection (a) shall be entitled to a cost of living adjustment in the amount payable to him computed as specified in section 8340(b) of title 5, except that in no case may the annuity payable to such retired judge, as increased under this subsection, exceed 95 per centum of the salary of a United States district judge in regular active service.".*

*(b)(1) Subsection (a)(1)(B) of section 376 of title 28, United States Code, is amended to read as follows:*

*"(B) a judge of the District Court of Guam, the District Court of the Northern Mariana Islands, or the District Court of the Virgin Islands;".*

*(2) Subsection (a)(2)(B) of section 376 of title 28, United States Code, is amended to read as follows:*

*"(B) in the case of a judge of the District Court of Guam, the District Court of the Northern Mariana Islands, or the District Court of the Virgin Islands, (i) an annuity paid under subsection (a) of section 373 of this title or (ii) compensation paid under paragraph (4) of subsection (c) of section 373 of this title;".*

*(c) The amendments made by this section shall not affect the amount payable to a judge who retired in accordance with the provisions of section 373 of title 28, United States Code, in effect on the day before the date of enactment of this Act.*

*SEC. 22. (a) The first proviso of section 2(a)(2) of Public Law 94-204 (89 Stat. 1146) as amended by section 1411(a) of Public Law 96-487 (94 Stat. 2498) is amended to read as follows: "Provided, That the interest on proceeds received prior to January 2, 1976, shall be calculated and paid at the rate of the earnings on Individual Indian Moneys in the custody of the Secretary of the Interior pursuant to sections 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9) and invested by him pursuant to the Act of June 24, 1938 (25 U.S.C. 162a), from the date of receipt to January 2, 1976. Effective January 2, 1976, the interest so calculated shall be added to the principal amount of such proceeds. The interest on this total amount and on proceeds received on or after January 2, 1976, shall be calculated and paid as though such proceeds and previously calculated interest had been deposited in the escrow account from January 2, 1976, or the date of receipt, whichever occurs later, to the date of payment to the affected Corporation.".*

*(b) Section 2(e) of Public Law 94-204 (89 Stat. 1146) as added by section 1411(b) of Public Law 96-487 (94 Stat. 2498) is amended to read as follows:*

*"(e) The Secretary shall calculate the amounts payable pursuant to this section and notify the affected Corporation of the results of his calculations. The affected Corporation shall have thirty days in which to appeal the Secretary's calculations after which the Secretary shall promptly make a final determination of the amounts payable. The Secretary shall certify such final determinations to the Secretary of the Treasury and each determination shall constitute a final judgment, award, or compromise settlement under section 1304 of title 31 of the United States Code. The Secretary of the Treasury is authorized and directed to pay such amounts to the appropriate Corporation out of funds in the Treasury: Provided, That if the lands from which the proceeds and interest entitlement are derived have not been conveyed to the selecting Native Corporation at the time the Secretary makes his final determination, the Secretary of the Treasury is authorized and directed to pay such amount into the escrow account where it will earn interest and be disbursed in the same manner as other proceeds and interest.".*

*Resolved,* That the House disagree to the amendment of the Senate numbered 3 to the aforesaid bill.

● Mr. McCLURE. Mr. President, each year the Congress endeavors to pass an omnibus territories measure containing legislative provisions on matters concerning the territories of the United States. Although it has been the practice of Congress to pass such a measure annually, in 1985 the House passed the year's omnibus territories measure, H.R. 2478, with only 3 weeks left in the session and the Senate had insufficient time for consideration and passage in the 1st session of the 99th Congress. On April 24, 1986, the Senate passed the measure with amendments which would, in addition to making technical modifications, concur in the original nine House provisions and would add six additional provisions that had come to light during the few months since House passage. On August 1, 1986, the House passed amendments to the Senate amendments which would, in addition to making certain technical changes, delete two of the Senate provisions and add nine new provisions.

These House amendments represent a considerable amount of effort on the part of House and Senate staff who, in working with the various authorizing committees, administrative agencies, and territorial governments and representatives, have developed a consensus on a variety of provisions of interest to the territories. Rather than describe all 22 provisions which would be approved by the House amendments, I have listed a description of the 9 new provisions as well as a description of the 2 provisions that the House deleted from the 15 provisions passed by the Senate on April 24, 1986.

The nine new provisions which would be added by the House amendments are new section 11, and sections 15 through 22.

Section 11 requires that the Labor Department call a Special Industry Committee on minimum wages in American Samoa pursuant to the Fair Labor Standards Act [FLSA]. It is the intent of the FLSA that the minimum wage in American Samoa shall be increased to the national minimum wage at a rate that "will not substantially curtail employment." However, the previous Special Committee's recommendation, effective July 7, 1986, have already resulted in the loss of 700 jobs. This provision would void the July 7 final rule and require a reexamination of the wage increase in American Samoa by a new Special Industry Committee. House and Senate Labor Subcommittee staff are willing to agree to this provision because it does not amend the FLSA nor does it alter the intent of FLSA that the minimum wage shall apply in American Samoa.

Section 15 grants U.S. national status to certain long-term alien residents of American Samoa who were born outside of the United States to one U.S. national parent. This provision makes treatment of nationals con-

sistent with the treatment of citizens in regard to their being born outside the United States to one parent who is a national or a citizen, respectively. It is estimated that there are some 400 such persons in Samoa, almost all of whom were born in Western Samoa to one Western Samoan and one American Samoan parent. These persons would be eligible to become U.S. nationals.

Section 16 is closely related to section 15 and is technical in nature. It would authorize the issuance of certificates of U.S. nationality by the State Department to U.S. noncitizen nationals in order to improve record keeping with regard to the status of American Samoans.

Section 17 authorizes American Samoa, Guam, the Northern Mariana Islands, and the Virgin Islands to receive assistance from the Bureau of Reclamation. All of the insular areas have critical water resource needs and it is intended that the authority granted by this section will enable the Bureau to assist in meeting those needs. It is noteworthy that, on occasion, the Bureau has detailed personnel to the insular areas under the Department of the Interior's technical assistance efforts.

Section 18 authorizes Guam to establish a Civil Service Commission to administer a merit system. The provision is similar to the provision authorizing offices of public prosecutor and public auditor which were previously included in the bill by Senate amendment. Because of uncertainty over Guam's authority to create independent agencies, this provision is enacted as Federal law at the request of the Delegate from Guam, Mr. BLAZ.

Section 19 has two parts. First, it authorizes whatever appropriations may be needed to carry out this act. This part was added at the request of the House Immigration Subcommittee to cover any additional costs associated with the three immigration related sections of the bill. Although it is open-ended, only minimal, if any, additional appropriations are expected to be needed. Second, this section would require the full amounts required to be paid to Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands under the laws establishing their relationships with the United States, shall be paid. It would supersede the Balanced Budget and Emergency Deficit Control Act of 1985 (Gramm-Rudman) which is temporarily withholding a portion of these payments. In an appearance before the Budget Committee, OMB Director Miller identified this problem as a technical deficiency in the Gramm-Rudman law. He noted that these payments "appear in the Federal budget as an incidental matter for convenience of administration rather than as a means of resource allocation". Gramm-Rudman failed to exempt these payments from sequestration although the full amount of payments will eventually be paid to the insular governments. In the case of Puerto Rico, tax collections are required to be placed in a trust fund, the unobligated balance of which can only be released to the Commonwealth. Discrepancies between advance estimate payments of tax collections for Guam and the Virgin Islands are reconciled and paid to these governments at the end of each fiscal year. In the case of the Northern Mariana Islands, the payments are guaranteed grants and can be obtained, ultimately, through court action. Failure to provide these funds is serious because they are each required under mutual agreements reached between the United States and these respective territories. In any case, sequestration of these funds cannot reduce the deficit because they will eventually be released. The effect of the delay is to exacerbate territorial deficit problems and sour Federal/territorial relations.

Section 20 would amend the law approving the Compact of Free Association (Public Law 99-239) to clarify how appropriations are to be made for certain programs and services required by that law. The Office of Management and Budget has taken the view that all programs and services provided to the Federated States of Micronesia [FSM] and the Marshall Islands [RMI] under the compact must be funded by appropriations to the Department of the Interior despite the fact that such an interpretation is illogical and contrary to congressional intent. This provision would make explicit congressional intent that only programs for which a specific authorization is included in Public Law 99-239 are to be funded through the Department of the Interior. Programs and services extended to the FSM and RMI under the compact for which the compact only provides eligibility to participate, shall continue to be funded and administered in the FSM and RMI on a nonreimbursable basis as they are in other areas of the United States through the normal appropriations process for such agencies. It is important to note the strong bipartisan support for this provision in both Houses of Congress. Without this provision it is likely that OMB will continue to misinterpret congressional intent regarding the extension of programs and services to Micronesia under the terms of Public Law 99-239.

Section 21 authorizes judges of the U.S. District Courts of Guam, the Northern Mariana Islands, and the Virgin Islands to receive the full salary of office if and when they elect to take senior status. In the 1984 omnibus territories bill the territorial judges—article 3 judges—were authorized to "elect" senior status. However, their retirement benefits were not adjusted equal to that of other lifetime senior judges—article 1 judges. This provision would authorize the same retirement pay for territorial judges who elect senior status as is provided to other senior status judges in the United States and Puerto Rico. There are four judges affected by this provision. The language was revised by the Administrative Offices of the Courts.

Section 22 does not relate to the territories but would provide for the payment and compounding of interest to Alaska Native corporations on the proceeds from Native lands committed to the Alaska National Interest Lands Conservation Act. This section was added at the request of Congressman DON YOUNG.

The House amendments would delete two of the sections of H.R. 2478, which would have been added to the bill by the Senate amendments of April 24, 1986.

The House dropped the Senate provision, section 11, which would have exempted aircraft flying between the Pacific territories and Honolulu from FAA noise regulations. The provision was deleted because the chairman of the House Aviation Subcommittee, Mr. MINETA, objected to a noise exemption for aircraft stopping in nonterritorial areas, such as Honolulu. Without the ability to stop in Honolulu, the exemption was considered to be of no value and it was agreed to drop it.

The House also dropped the Senate provisions of section 14 which would have amended the Immigration and Nationality Act to correct an inconsistency in the immigration law that allows alien crewmen on foreign vessels to get shore leave while denying the same alien crewmen shore leave if they work on U.S. vessels. This section was dropped because the House Immigration Subcommittee insisted that the provision be moved as a freestanding bill under its jurisdiction. The subcommittee has since passed such a measure and it is expected to be passed by the Senate Immigration Subcommittee shortly.

In addition to these changes the House amendments made modifications to section 10, approving the new 7-year financial assistance agreement between the United States and the Northern Mariana Islands. This agreement is sound and has the full support of the United States and the Northern Mariana Islands, the two governments that negotiated the agreement. There are certain provisions of the agreement, and of the House amendment modifying the agreement, on which it would be appropriate to comment.

The language of the House amendment states that these financial assistance funds shall be provided according to the schedule of payments contained in the agreement. It is, of course, in-

tended that the funds will be provided only if and upon fulfillment of the other provisions of the agreement by the Northern Mariana Islands, particularly the fulfillment of the performance standards provisions of the agreement.

This section of H.R. 2478, as amended by the House, remains consistent with the section as it was reported by the Committee on Energy and Natural Resources and with the intent as described in the committee report, Senate Report 99-262.

First, the agreement provides that the financial assistance payments for operations shall be subject to withholding if the Northern Mariana Islands fails to meet the performance standards of the agreement. It is congressional intent that the authorization for such withholding shall be by act of Congress—this is specifically intended to include acts of appropriation. Furthermore, it is also congressional intent that this process for the withholding of funds pursuant to this agreement is in no way related to the President's existing authority to defer funds under the Budget and Impoundment Act.

Second, the grants under the new financial assistance agreement, although covered by a pledge of full faith and credit, shall be subject to all regulations as are applicable to such grants.

Finally, concerns have been raised as to the amounts which would be paid after termination of this agreement, that is, in the eighth year. It is intended that amounts provided in the eighth year shall be as provided by Congress.

I would like to thank Senators WEICKER and JOHNSTON, two of my colleagues on the Committee on Energy and Natural Resources, and their staffs for their continuing interest and assistance on legislation regarding territorial matters. I would also like to acknowledge the efforts of staff of the House and of the several Senate subcommittees who assisted in the development of these amendments.

I urge my colleagues to join with me in adoption of these House amendments to the Senate amendments and in final passage of H.R. 2478.●

● Mr. MURKOWSKI. Mr. President, I commend the members of the Senate Energy and Natural Resources Committee and the House Interior and Insular Affairs Committee for pursuing this important legislation. A significant provision was included by the House of Representatives that will resolve an issue affecting Alaska's Native Corporations, and I commend the efforts of Representative DON YOUNG, Chairman MORRIS UDALL and Representative LUJAN for including this provision.

Section 22 of this bill amends section 2 of Public Law 94-204 to provide for expeditious payment of interest to Alaska Native Corporations. Section 2 was enacted in 1976 and was amended by section 1411 of the Alaska National Interest Lands Conservation Act in 1980.

Section 2 established an escrow account to collect and preserve for the ultimate Native landowners the proceeds that the Federal Government was receiving on lands selected by Native corporations, including revenues received from proportionate economic interests and property rights under section 14(g) of the Alaska Native Claims Settlement Act. In 1980 amendments, Congress pledged to pay interest on these proceeds, whether escrowed or not. These amounts were intended to constitute an interest in land within the meaning of the Alaska Native Claims Settlement Act. The bill now before the Senate will complete this long-delayed pledge.

The legislation directs the Department of the Interior to calculate any remaining principal amounts—including in-kind economic benefits—and the interest amounts owed and directs the Treasury Department to pay this amount to the affected Native corporation using 31 U.S.C. 1304 funds. These amounts may be calculated and paid on a corporation-by-corporation basis, or by such other methods as will expedite payment. After the Native corporation is notified of the Secretary of the Interior's initial calculation, this legislation allows the Native corporation 30 days to appeal to the Secretary for reconsideration of the amount owed and the administrative appeal does not affect existing rights to judicial review.

The fiscal year 1986 Interior and Related Agencies Appropriation Act (Public Law 99-450) appropriated the principal amount of the proceeds identified by the Secretary of the Interior, but did not appropriate funds for interest due to unresolved issues as to how the interest would be calculated. The Conference Report (H.R. Rept. No. 99-450) on the Appropriation Act required the Secretary to report to Congress on resolving the interest issue. The Conference Report directed that compound interest—"periodic addition of accrued interest to principal"—under prevailing Bureau of Indian Affairs interest rates, be paid to "make the Native corporations whole." The Secretary's report, dated July 18, 1986, ignores this directive and would award only simple interest for pre-1976 proceeds. That is not what Congress intended and this amendment would correct any latent ambiguity.

Consistent with the objective of making the Native corporations whole, this legislation directs the payment of compound interest on all the proceeds. For time periods prior to January 2, 1976—the date of enactment of Public Law 94-204—the interest rate shall be the monthly rate of earnings on invested funds of the individual Indian moneys account of the Secretary of the Interior, with monthly compounding of those rates. For time periods on or after January 2, 1976, the interest rate shall be the monthly rates of return actually earned on the Alaska Native escrow account, with monthly compounding of those rates.

This legislation fairly resolves the ambiguities in the section 2 interest methodology. Portions of section 2 suggest a fixed interest rate at the "time of payment"—which could mean either the time of payment receipt by the Government or the time of payment to the Natives—while other portions suggest a floating interest rate determined on a "semiannual" basis. This legislation provides for a floating interest rate reflecting the Government's rate of return on the Native's money, so that Natives will not be penalized or receive a windfall from a fixed interest rate.

While section 2 referred to "simple interest," it also described "semiannual computations," thereby suggesting that the simple interest would be reinvested or compounded every 6 months. Aside from these ambiguities, section 2(a)(2) provided a commitment to pay the money within 2 years; by 1982—a short time where there would be no great difference between compounded and simple interest rates. This deadline was not met. Compound interest now is required to "make the Natives whole," as Congress recognized in the 1985 conference report. The Government effectively earned compound interest on the Natives' money by foregoing compounded borrowing costs and denied the Natives the ability to earn compound interest, so only a compounded rate of return will make the Natives whole.

The legislation appropriately uses the judgment and settlement fund of the Treasury—31 U.S.C. 1304—since the bill settles an outstanding Federal debt, avoids litigation, and settles land-related claims under the Alaska Native Claims Settlement Act. The Treasury fund also allows a more expeditious certification of interest amounts and payment to the Natives because it avoids the need for individual appropriations each year. The money is desperately needed by many Native corporations. This bill fulfills the long-delayed legislative commitment to pay interest, and eliminates a greater Federal interest debt in the future.

Mr. President, I thank all those who have been involved in the resolution of this long outstanding debt to Alaska Native corporations. I remind my colleagues that the funds have been owed for over 15 years, and today Congress

finally is making a proper accounting, with interest.

I extend my warmest appreciation to Alaska's Congressman, DON YOUNG, and to Rich Agnew of his staff for responding so ably in securing this provision in the House of Representatives. DON has consistently shown his strong commitment to Alaska's Natives, and this measure is but one more example of DON's continuing legislative efforts on their behalf.

My senior colleague and friend, Senator TED STEVENS, has given his strong support to resolve the escrow account problem through his good work on the Interior Appropriations Subcommittee.

Mr. President, I cannot conclude my remarks without paying special tribute to my executive assistant, Mary McGuire, who, along with George Kriste, Frank Klett, and Steve Hillard of the Cook Inlet Regional Corp., worked for over 3 years to seek the return of funds owned to the Native corporations. Mary's relentless pursuit of this issue was an extraordinary effort which involved highly complex research and constant communication with the Federal Government to insure that funds were properly identified. Through Mary's efforts, $10.1 million was returned to the Native corporations by the Minerals Management Service from funds received in oil and gas production. Later, $7.8 million was appropriated for non oil and gas funds owed to the Native corporations. Now, with the legislation before the Senate, the complex question of interest payments on these funds will be resolved and systematically paid. Clearly, Mr. President, Mary McGuire's diligence and tireless work resulted in the successful resolution of this issue, and I am deeply grateful for her efforts.

Mr. President, I urge the Senate to pass H.R. 2478.●

Mr. SIMPSON. Mr. President, I move that the Senate recede from the amendment No. 3 and concur in the House amendments to the Senate amendments numbered 2 and 4.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Wyoming.

The motion was agreed to.

Mr. SIMPSON. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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## TITLE 17—UNITED STATES CODE AMENDMENT

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Senate now turn to H.R. 3108 making technical changes in the Copyright Act.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Wyoming?

Mr. BYRD. No objection.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3108) To amend title 17, United States Code, to clarify the definition of the local service area of a primary transmitter in the case of a low power television station.

AMENDMENT NO. 2689

(Purpose: To eliminate certain requirements of cable systems)

Mr. SIMPSON. Mr. President, I send an amendment to the desk on behalf of Senator Mathias and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Wyoming [Mr. SIMPSON] for Mr. MATHIAS, proposes an amendment numbered 2689.

Mr. SIMPSON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place add the following new section:

Sec. . (a) Section 111(d) of title 17, United States Code, is amended—

(1) in paragraph (3) by striking out "clause (2)" and inserting in lieu thereof "paragraph (1)";

(2) in paragraph (2) by striking out "clause (5)" and inserting in lieu thereof "paragraph (4)";

(3) in paragraph (2)(B) by striking out "clause (5)" and inserting in lieu thereof "paragraph (4)";

(4) by striking out paragraph (1); and

(5) by redesignating paragraphs (2), (3), (4), and (5) as paragraph (1), (2), (3), and (4), respectively. (b) Section 111(f) of title 17, United States Code, is amended by striking our "subsection (d)(2)" in the third undesignated paragraph defining a cable system and inserting in lieu thereof "subsection (d)(1)".

(c) Section 801(b)(2) of title 17, United States Code, is amended by striking out "111(d)(2)(B)" each place it appears and inserting in lieu thereof "111(d)(1)(B)".

(d) Section 801(d)(2)(D) of title 17, United States Code, is amended by striking out "111(d)(2) (C) and (D)" and inserting in lieu thereof "111(d)(1) (C) and (D)".

Mr. MATHIAS. Mr. President, my amendment to H.R. 3108 would amend section 111(d)(1) of title 17 of the United States Code to eliminate the notice of identity and notice of change requirements of the Copyright Act.

Under current law, cable systems must file with the Copyright Office prior to going into operation a statement of identify, and within 30 days of changing ownership a notice of change. The elimination of these requirements is in no way controversial, and would relieve the Copyright Office and cable system operators of the administrative burden of filing and processing duplicative information. Neither copyright owners, the Copyright Royalty Tribunal, nor the general public make use of this information.

Under section 111(d)(2) of the Copyright Act, cable system operators file with the Copyright Office semiannual statements of account. Those statements contain all the information required in the section 111(d)(1) notices as well as detailed information about the signal carriage complement and revenues of each cable system. The statements of account are kept in a public file at the Copyright Office so that copyright owners, the Copyright Royalty Tribunal and other interested parties have access to all information contained in the statements. It thus serves no useful purpose for cable system operator to file with the Copyright Office, and for the Copyright Office to maintain records of, section 111(d)(1) notices of identity and change of ownership. This amendment would merely eliminate section 111(d)(1) of the Copyright Act, and technically adjust other references in the act to conform with the redesignation of the remaining subsections of section 111(d).

This amendment was requested by the Copyright Office. It will assist the Office in promoting administrative efficiency and alleviate the burden on the Copyright Office's Licensing Division of maintaining records that are not utilized by the Office or the public. This change is supported by the Motion Picture Association of America, Broadcast Music, Inc., the National Association of Broadcasters, and the cable industry. I ask unanimous consent that letters from these organizations be printed in the RECORD following these remarks.

It appears that this amendment is both useful and uncontroversial, and I urge its immediate adoption.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL ASSOCIATION OF BROADCASTING,
*June 26, 1986.*

Mr. STEVEN J. METALITZ,
*Chief Counsel, Subcommittee on Patents, Copyrights and Trademarks, Dirksen Senate Office Building, Washington, DC.*

DEAR STEVE: On May 29, 1986, I received a letter from Ms. Dorothy Schrader, General Counsel of the Copyright Office suggesting the elimination of two reporting and filing requirements found in 17 U.S.C. Section 111(d)(1).

After consulting with counsel, I can inform you that we are in agreement with Ms. Schrader regarding the elimination of the Notice of Identity and the Notice of Signal Carriage.

I hope this information has been helpful. Please let me know if I can be of any further assistance.

Sincerely,

JOHN B. SUMMERS.

BROADCAST MUSIC INC.,
*New York, NY, June 30, 1986.*

Mr. STEVEN J. METALITZ, Esq.,
*Subcommittee on Patents, Copyrights and Trademarks, Senate Committee on the Judiciary, Senate Dirksen Office Building Washington, DC.*

Re: Elimination of Notice of Identity and Notice of Change Requirements in Section 111(d)(1) of the Copyright Act.

DEAR MR. METALITZ: We have been advised that the General Counsel of the Copyright Office has recommended the elimination of two reporting and filing requirements of 17 U.S.C. §111(d)(1).

On behalf of BMI, I wish to advise you that the Notice of Identity and the Notice of Signal Carriage. reports serve no useful function for our organization. We therefore, would have no objection to the elimination of these reports.

We believe that at a time when the Copyright Office must make every effort to reduce staff, the elimination of unnecessary paperwork should certainly be fostered.

We therefore, urge that the proposed legislation to eliminate these filings be adopted.

Very truly yours,

EDWARD W. CHAPIN.

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NATIONAL CABLE TELEVISION ASSOCIATION
*Washington, DC, August 1, 1986.*

Hon. CHARLES MCC. MATHIAS,
*Chairman, Subcommittee on Copyrights, Patents and Trademarks, Committee on the Judiciary, U.S. Senate, Washington, DC.*

DEAR CHAIRMAN MATHIAS: The National Cable Television Association is pleased to provide you with its views on H.R. 3108, "the Low Power Television bill."

NCTA is the principal trade association of the cable TV industry and represents over 2,400 cable systems serving more than 75% of the 40 million cable homes in the United States. We also represent 56 cable programming services who create, package, and provide quality TV programming for cable subscribers.

H.R. 3108 is legislation that has been urged upon Congress by the low power television industry in order to dispel some confusion about whether or not carriage of local low power stations on cable systems triggers copyright royalty payment liability for those systems. Because low power television stations did not qualify for mandatory carriage under the old rules of the FCC that have since been invalidated by the District of Columbia Circuit Court of Appeal on First Amendment grounds, there is some uncertainty whether these low power stations might be considered "local" for purposes of copyright royalty liability.

As you recall from the deliberations on the Copyright Reform Act of 1976, cable was given a compulsory license to retransmit any domestic television broadcast signal, but only incurs copyrights liability if that signal is "distant." The then-existing must-carry rules were used as a conventient discription of which signals would be deemed "local," but, as the legislative history to the Act makes abundantly clear, neither the compulsory license nor the attendant copyright liability was made contingent upon must-carry. The two simply were deemed separate and unrelated concepts.

With this legislative history, NCTA has long believed that carriage of "local" low power television stations on cable systems triggers no liability. If the low power television industry and Congress feel that the clarifications of H.R. 3108 are desirable in order to facilitate carriage of low power stations on cable systems, NCTA certainly does not object. NCTA also has reviewed the technical amendments prepared by the Copyright Office which would reduce the reporting burdens on cable systems and the compilation burdens of the Copyright Office. NCTA supports these amendments.

Sincerely,

JAMES P. MOONEY.

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MOTION PICTURE ASSOCIATION OF AMERICA, INC.,
*Washington, DC, June 1, 1986.*

DOROTHY SCHRADER, Esq.,
*General Counsel, Library of Congress, Washington, DC.*

DEAR MS. SCHRADER: This is in response to your letter of May 29 concerning the proposed elimination of the reporting and filing requirements of 17 U.S.C. Section 111(d)(1)—Notice of Identity and Notice of Signal Carriage.

MPAA supports the elimination of unnecessary and burdensome filing requirements and endorses your recommendation to the Chief Counsels of the House and Senate copyright subcommittees.

However, having expressed support for elimination of unnecessary filing requirements, I would like to take this opportunity to urge you to adopt appropriate regulations and/or procedures that would assign a permanent identification number to each cable system using the cable compulsory license. The reasons for this request and a suggestion for its implementation are set forth in the attached memorandum from my colleague, Allen Cooper.

A permanent cable system identification number would, in our opinion, be of great assistance to the Copyright Office and all parties who must refer to and assimilate statement of account information each year. I trust that you will give this request your careful consideration and conclude that the effort required to assign permanent identification numbers is both justified and appropriate in light of the substantial paperwork reduction that will be accomplished by elimination of the Notices of Identity and Signal Carriage.

Sincerely,

FRITZ E. ATTAWAY.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2689) was agreed to.

● Mr. MATHIAS. Mr. President, the Senate is now considering H.R. 3108, which makes a technical amendment to the Copyright Act to clarify the status of low power television. This new communications technology has great potential to expand television viewing opportunities, particularly in rural areas. H.R. 3108 is identical to S. 1526, which I introduced in July of last year.

H.R. 3108 will clarify that cable television systems may carry nearby low power television signals as local broadcasts, rather than as "distant" signals. When Congress revised the copyright law in 1976, low-power television was not yet in use to any significant degree. The compulsory copyright license for cable transmission of broadcast signals was based on Federal Communications Commission regulations then in force, and as a result the status of this new technology is not completely clear under the law. This minor change in the copyright law will assure that low-power stations can be carried on local cable systems without incurring distant signal copyright royalty liability. This legislation is strongly supported by the low-power television industry and by cable operators. It is also supported by the Copyright Office which assisted in its drafting.

Representative KASTENMEIER, Chairman of the Subcommittee on Courts, Civil Liberties and the Administration of Justice of the House Judiciary Committee, introduced H.R. 3108 in the House and guided it to passage by the other body by voice vote on July 28. I commend his initiative and leadership on this issue. I would also like to thank Senators LAXALT and HECHT for their cosponsorship and support of this change in the copyright law.●

● Mr. LEAHY. Mr. President, I compliment the senior Senator from Maryland, the Chairman of the Senate Subcommittee on Copyrights, Patents and Trademarks, for his effort at moving this legislation along. By clarifying the terms of section 111 of the Copyright Act, the Senator's legislation will help make the promise of the low power television industry a reality, especially in rural areas which are underserved by conventional television stations. Before we take final action on this legislation, however, I would like to ask the Senator from Maryland a couple of questions concerning the need for and purpose of the legislation.

Am I correct that this bill really makes only a technical clarification of the cable compulsory license contained in the Copyright Act? The need for this technical clarification arises from the fact that low power television stations had not been licensed in 1976 when the Copyright Act revision was enacted?

● Mr. MATHIAS. The Senator is correct. In 1976, when Congress enacted section 111 governing the retransmission of broadcast signals on cable television systems, low power television stations did not exist. It wasn't until 6 years later, in 1982, that the Federal Communications Commission first authorized the licensing of low power television stations. When Congress enacted the cable compulsory license it referred the FCC's "must carry" rules in existence at the time. This reference was made to distinguish between "local" and "distant" signals for purposes of determining the fees which a cable system would pay under the terms of the compulsory license. Since low power television stations did not exist at that time, they were, of

course, not part of the FCC's must carry regulations in existence in 1976.

● Mr. LEAHY. Does the Senator agree that in enacting section 111(f) which defines "local service area of a primary transmission" Congress was attempting to set down a policy which distinguished "local" from "distant" signals for purposes of copyright royalty payments? Therefore, treating the retransmission of a low power television signal within its own local service area as a "local" signal for purposes of section 111 affectuates the original intent of Congress in enacting section 111(f)?

● Mr. MATHIAS. Absolutely. Whether or not local retransmission of low power television signals falls within the black letter definition of the 1976 act, it was certainly the intent of Congress that such local transmission be treated as a local signal for purposes of calculating copyright payments.

● Mr. LEAHY. Then this bill does not create a new compulsory license in the Copyright Act for the retransmission of low power television signals?

● Mr. MATHIAS. This bill does not create a new compulsory license. It simply makes a technical clarification of the existing compulsory license for cable retransmissions of broadcast signals.

● Mr. HATCH. Program producers represented by the Motion Picture Association of America have opposed this bill because they believe that it broadens the current cable compulsory license, which they object to, in principle. Does the Senator believe that this bill, in fact, broadens the current cable compulsory license?

● Mr. MATHIAS. No. As I stated earlier, I believe that Congress intended in 1976 to treat all local retransmission of broadcast signals as "local" signals as distinct from "distant" signals for purposes of calculating copyright royalty payments. This bill merely affectuates that policy.

● Mr. HATCH. Program producers have also argued that low power television stations do not need this bill because they can obtain cable retransmission rights from program owners and transfer those rights to the local cable system operator. Therefore, they do not need to resort to compulsory licensing. Can we rely on the free market to insure that low power television station owners are able to secure cable carriage?

● Mr. MATHIAS. The Senator from Utah has raised an excellent point, but it really goes to the larger question of the continued need and vitality of the cable compulsory license and whether its current terms are fair and equitable. I would have no objection to exploring that question further in our subcommittee, but as long as we continue to make the benefits and burdens of compulsory licensing available for full power television, I think it is only fair and equitable to treat low power television in a consistent manner.

Mr. LEAHY. The Senator from Maryland has been at the forefront of efforts to have the United States adhere to the Berne Copyright Convention. I think it is generally agreed among experts who have examined the U.S. Copyright Law that the cable compulsory license is consistent with Berne. Is that the Senator's understanding, also?

● Mr. MATHIAS. It is.

● Mr. LEAHY. I was pleased to hear the Senator state earlier that we are not creating or expanding an existing compulsory license. I do not believe we should create any new compulsory licenses without a thorough inquiry into the question of compatibility with the Berne Convention. To do so would only complicate the United States adherence process. I have one last question for the Senator from Maryland. As the Senator is well aware, the U.S. Court of Appeals for the District of Columbia struck down the FCC's must carry rules in Quincy Cable against FCC. The court ruled that the existing rules violated the first amendment. The FCC is currently considering whether to adopt a new set of must carry rules which would pass first amendment muster. Do you believe that passage of this legislation would in any way affect the process underway at the FCC or impede the ability of the Commission or Congress to create a set of constitutionally valid must carry rules?

● Mr. MATHIAS. No, the legislation makes clear that if a cable system decides to carry a local low power television station, it does so on a may carry basis. Therefore, I think this legislation would have absolutely no effect on the ability to put in place a valid set of must carry rules.

● Mr. LEAHY. I thank the Senator from Maryland for his answers to our questions and for his leadership in steering this legislation through the Senate. As I said at the outset, I think the public interest will be well served by fulfilling the promise of low power television to expand the choices and viewpoints available to television viewers.●

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (H.R. 3108) was passed.

Mr. SIMPSON. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## COLLEGE OF WILLIAM AND MARY

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Senate now turn to House Joint Resolution 630, to designate the College of William and Mary as official U.S. representative to the Tercentenary Celebration of the Glorious Revolution to be celebrated jointly in the United States, the Netherlands, and the United Kingdom, which is being held at the desk.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Wyoming?

The resolution will be stated by title.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 630) designating the College of William and Mary as the official United States representative to the Tercentenary Celebration of the Glorious Revolution to be celebrated jointly in the United States, the Netherlands, and the United Kingdom.

The PRESIDING OFFICER. The joint resolution is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the joint resolution.

The resolution (H.J. Res. 630) was ordered to a third reading, was read the third time, and passed.

The preamble was agreed to.

Mr. SIMPSON. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SIMPSON. Mr. President, Senator MOYNIHAN has indicated it really was not as glorious as all that for the Irishman.

I thank my colleague from New York and friend.

## CONGRESSIONAL REPORTS ELIMINATION ACT

Mr. SIMPSON. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 992.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

*Resolved*, That the bill from the Senate (S. 992) entitled "An Act to discontinue or amend certain requirements for agency reports to Congress", do pass with the following amendment:

Strike out all after the enacting clause and insert: *That this Act may be cited as the "Congressional Reports Elimination Act of 1986".*

TITLE I—ELIMINATIONS

REPORTS BY MORE THAN ONE AGENCY

SEC. 101. (a) Section 218(a) of the Biomass Energy and Alcohol Fuels Act of 1980 (42 U.S.C. 8818(a)) is repealed.

(b) Section 3104 of title 5, United States Code, is amended by—

(1) striking out subsection (b);

(2) redesignating paragraphs (1), (2), and (3) of subsection (a) as subsections (a), (b), and (c), respectively; and

(3) striking out "paragraph (1) of this subsection" each place it appears in subsections (b) and (c) (as redesignated by paragraph (2) of this subsection) and inserting in lieu thereof "subsection (a) of this section ".

REPORTS BY THE DEPARTMENT OF COMMERCE

SEC. 102. Section 5 of the Central, Western and South Pacific Fisheries Development Act (16 U.S.C. 758e-2) is repealed.

REPORTS BY THE DEPARTMENT OF EDUCATION

SEC. 103. (a) Section 117(d) of the Higher Education Act of 1965 (20 U.S.C. 1017(d)) is repealed.

(b) Section 553(c) of the Higher Education Act of 1965 (20 U.S.C. 1119c-2(c)) is repealed.

(c) Section 605(b) of the Higher Education Act of 1965 (20 U.S.C. 1125(b)) is repealed.

REPORTS BY THE DEPARTMENT OF ENERGY

SEC. 104. (a) Section 7(b)(7) of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5906(b)(7)) is amended by—

(1) striking out subparagraph (A); and

(2) striking out the subparagraph designator "(B)".

(b) Section 11 of the Wind Energy Systems Act of 1980 (42 U.S.C. 9210) is amended by—

(1) striking out paragraph (5);

(2) inserting "and" at the end of paragraph (4); and

(3) redesignating paragraph (6) as paragraph (5).

REPORTS BY THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SEC. 105. (a) Section 505(f) of the Housing and Urban Development Act of 1970 (12 U.S.C. 1701z-4(f)) is repealed.

(c) Section 506(c) of the Housing and Urban Development Act of 1970 (12 U.S.C. 1701z-5(c)) is repealed.

REPORTS BY THE DEPARTMENT OF JUSTICE

SEC. 106. Section 2101(d) of title 18, United States Code, is amended by striking out the semicolon and all that follows and inserting in lieu thereof a period.

REPORTS BY THE DEPARTMENT OF TRANSPORTATION

SEC. 107. Section 13 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1746) is repealed.

REPORTS BY THE NATIONAL SCIENCE FOUNDATION

SEC. 108. Section 8 of the National Science Foundation Authorization Act, 1977 (42 U.S.C. 1883) is amended by—

(1) inserting "and" after the semicolon at the end of paragraph (3);

(2) striking out "; and" at the end of paragraph (4) and inserting in lieu thereof a period; and

(3) striking out paragraph (5).

REPORTS BY THE NUCLEAR REGULATORY COMMISSION

SEC. 109. Section 201(h) of the Energy Reorganization Act of 1974 (42 U.S.C. 5841(h)) is repealed

REPORTS BY THE OFFICE OF PERSONNEL MANAGEMENT

SEC. 110. (a) Section 5114 of title 5, United States Code, is repealed.

(b) The table of sections for chapter 51 of such title is amended by striking out the item relating to section 5114.

TITLE II—MODIFICATIONS

REPORTS BY MORE THAN ONE AGENCY

SEC. 201. Section 203(o) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(o)) is amended—

(1) striking out "The Administrator" and all that follows through "shall submit" and inserting in lieu thereof the following: "The Administrator with respect to property disposed of under subsection (j) or (p) of this section, and the head of each executive agency disposing of property under subsection (k) of this section, or under section 13(d) or 13(g) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(d) or (g)), shall submit"; and

(2) by striking out "personal property so donated and of all real"; and

(3) by striking out "donations and transfers" and inserting in lieu thereof "disposals".

REPORTS BY THE DEPARTMENT OF AGRICULTURE

SEC. 202. The last sentence of the paragraph under the heading "GENERAL SALES MANAGER—(ALLOTMENT FROM THE COMMODITY CREDIT CORPORATION in title IV of Public Law 97-370 (15 U.S.C. 713a-10; 96 Stat. 1808) is amended by striking out "quarterly" and inserting in lieu thereof "annual".

REPORTS BY THE DEPARTMENT OF COMMERCE

SEC. 203. (a) Section 7(a) of the Marine Resources and Engineering Development Act of 1966 (33 U.S.C. 1106(a)) is amended by striking out "in January of each year" and inserting in lieu thereof "biennially in January".

(b) Section 16 of the Act of June 18, 1934 (48 Stat. 1002, chapter 590; 19 U.S.C. 81p) is amended by—

(1) striking out "containing a full statement of all the operations, receipts, and expenditures, and such other information as the Board may require" in subsection (b) and inserting in lieu thereof "on zone operations"; and

(2) striking out subsection (c) and inserting in lieu thereof the following:

"(c) The Board shall make a report to Congress annually containing a summary of zone operations.".

REPORTS BY THE DEPARTMENT OF EDUCATION

SEC. 204. Section 653(c) of the Education of the Handicapped Act (20 U.S.C. 1453(c)) is amended by striking out "The Secretary shall make an annual" and inserting in lieu thereof "Every three years, the Secretary shall make a".

REPORTS BY THE DEPARTMENT OF TRANSPORTATION

SEC. 205. Section 107 of the Federal Aviation Act of 1958 (49 U.S.C. 1307) is amended by—

(1) striking out "each January 31 thereafter" in subsection (b) and inserting in lieu thereof "each April 1 thereafter"; and

(2) striking out "each January 31 thereafter" in subsection (c) and inserting in lieu thereof "each April 1 thereafter".

REPORTS BY THE DEPARTMENT OF THE TREASURY

SEC. 206. (a) Section 201(f)) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1821(f)) is amended by—

(1) striking out "Secretary of the Treasury, in cooperation with the"; and

(2) striking out the comma after "the Secretary of State".

(b) Section 6103(p)(5) of the Internal Revenue Code of 1954 (26 U.S.C. 6103(p)(5)) is amended by striking out "quarter" and inserting in lieu thereof "year".

GENERAL SERVICES ADMINISTRATION

SEC. 207. Section 203(j)(4)(E) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(j)(4)(E)) is amended by striking out "$3,000" and inserting in lieu thereof "$5,000".

REPORTS BY THE UNITED STATES MERIT SYSTEMS PROTECTION BOARD

SEC. 208. Section 7701(i)(2) of title 5, United States Code, is amended by striking out "calendar" and inserting in lieu thereof "fiscal".

Mr. SIMPSON. Mr. President, I move that the Senate concur in the House amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Wyoming.

The motion was agreed to.

Mr. SIMPSON. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

□ 2210

## ORDER FOR STAR PRINT—S. 2481

Mr. BYRD. Mr. President, on behalf of Mr. METZENBAUM, I ask unanimous consent that S. 2481 be star printed.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

## THE CALENDAR

Mr. SIMPSON. Mr. President, I would like to inquire of the minority leader if he is in a position to pass the following calendar items: Calendar Order Nos. 738, 745, 746, 747, 748, 749, 757, 758, 760, 761, 763, 765, 766, 767, 777, 778, 779, 780, 781, 782, 783, 784, 786, 787, 788, 789, 790, 791, 792, 793, 800, 801, 802, 803, and 805?

Mr. BYRD. Mr. President, of the calendar orders numbered by the distinguished acting Republican leader, I have to say that not all of those are clear on this side. I can state that the following calendar orders were included in those identified by the distinguished acting leader. They are as follows: 745, 746, 747, 748, 749, 777, 778, 779, 780, 781, 782, 783, 784, 786, 787, 788, 789, 790, 791, 792, 793, 800, 801, 802, 803, and 805.

Mr. SIMPSON. Mr. President, I would then ask unanimous consent

that the calendar items just identified by the Democratic leader be——

Mr. BYRD. I am now cleared on 735, also.

Mr. SIMPSON. To include calendar order No. 735—well, that is not cleared on our side.

Mr. President, I find that 735 is acceptable for clearance on our side.

Mr. President, I would then ask unanimous consent that the calendar items just identified by the Democratic leader, together with calendar item No. 735, be considered en bloc and passed en bloc, and that all the committee-reported amendments be considered and agreed to en bloc.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. There is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

## NATIONAL SOFTWARE AWARENESS WEEK

The joint resolution (S.J. Res. 332) to designate the week of November 16 through 22, 1986, as "National Software Awareness Week," was considered, ordered to be engrossed for a third reading, read the third time and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 332

Whereas the security of our Nation is a basic and fundamental responsibility of the United States Government;

Whereas computer software is vital to the economic security and defense of the United States;

Whereas the application of software engineering has brought about significant technological advances and innovations in computer science, space science, mathematics, medical science, defense, and government;

Whereas software engineering is recognized as a professional occupation; and

Whereas is is the intent of the Congress of the United States to ensure there are no impediments to the technological advances in software development, and that a climate is maintained to nurture innovation in the software industry: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the week of November 16, 1986, through November 22, 1986, is designated as "National Software Awareness Week" and the President is authorized and requested to issue a proclamation calling upon the people of the United States, all Federal, State, and local government agencies, and the software industry to observe such week with appropriate programs and activities.

## NATIONAL COMMUNITY EDUCATION DAY

The joint resolution (S.J. Res 338) to designate November 18, 1986, as "National Community Education Day," was considered.

Mr. RIEGLE. Mr. President, I am pleased that the Senate has agreed today to designate November 18, 1986 as National Community Education Day. Community education is a philosophy which encourages all members in a community to work together to enhance the education process. It recognizes that the community has a wealth of resources that can enrich the educational process. It strives to create what the National Commission on Excellence in Education's study "A Nation at Risk" calls a learning society. I believe the concept of community education is as important and relevant today as it was when it was originated over 50 years ago in my hometown of Flint, MI.

Community education recognizes that no school is an island, that schools must build bridges with the larger community to make the education process valuable and meaningful for the students and the communities they serve. Community education promotes programs for learners of all ages, backgrounds and needs. It encourages the full use of school facilities for recreation and human services as well as formal schooling. It seeks citizen involvement in meeting the needs of the community.

It has helped to improve the performance of students and has helped open up classrooms for adult education programs to fight illiteracy and teach job skills. The program also reaches out to alienated and isolated groups in our society, to strengthen the connection between learning and living.

Community Education Day has been observed in many States since 1982. This year's theme is "Schools and Communities Learning Together." We hope that this day will provide communities and schools across the country the opportunity to show how community resources can enrich public education. It is designed to give educators a chance to reach out to members of the community to invite them to participate in the education process. It will focus on parents as partners in education, and will make an effort to involve nonparents in education as well.

The concept of community education is supported by groups involved in every aspect of public education. This year, the National School Volunteers Program is cosponsoring community education day with the National Community Education Association. Other supporters include the National Education Association, the National School Board Association, the American Association of School Administrators, the National School Public Relations Association, the Council of Great City Schools, the American Association of Adult and Continuing Education, the National Association of Elementary School Principals, the National Coalition for Parent Involvement in Education, and the Home and School Institute. Each of these organizations is contributing its resources to promote community education across the country. They recognize the importance of strengthening the bond between local residents and their schools to meet the community's needs.

Mr. President, community education has proven it can help build strong bridges between public schools and their communities. I believe these bridges are essential to improving education so that it can help all citizens meet the challenges of the future. I hope that Community Education Day will help strengthen existing community education programs and will encourage other cities, towns, and communities across the country to develop their own programs.

Mr. DOMENICI. Mr. President, I am pleased to be a cosponsor of National Community Education Day. I believe that learning is a lifelong process and that the most effective education takes place when the public schools and the community work together.

In New Mexico we have a number of examples of this interaction. The National Laboratories at Los Alamos provide demonstrations and discussions to attract young students into learning about science. Local school districts make facilities available after hours for continuing education and community activities. All of these programs indicate how much we value education.

Educators have long recognized the need for an educated community, a community in which the school is recognized, valued, and supported by everyone. The success of the old one-room schoolhouse is now clearly understood as the product of a totally supportive community that was willing to pay in cash, goods, and services for the education of the next generation.

The recent Department of Education publication, "What Works," reaffirmed what we all suspected, that a child's education is greatly enhanced when parents become involved to support and extend what the child learns in school. I think research would show that the community's support also has a positive effect on making young people feel that education is a very valuable commodity.

Our period of history is being referred to as the Information Age. That description is far too passive. Its not enough to have information available to us, we must develop the skills for analyzing and using that information effectively. Schools can teach us the skills for analyzing information but only the interaction of schools and the community can define how that information can be used effectively. In recognizing this cooperative effort with "National Community Education Day," we are laying the foundation for

our next period of history, the Education Age.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill (S.J. Res. 338) was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 338

Whereas public education is a community enterprise, and everyone in the community has a stake in the mission of educating adults as well as the community's children;

Whereas local citizens have a right and a responsibility to be involved in deciding how the educational resources of the community should be used;

Whereas education reform should, in the words of A Nation at Risk, "focus on the goal of creating a Learning Society";

Whereas education is a lifelong process;

Whereas each community should promote the use of community resources in schools and colleges, citizen involvement in educational decisionmaking, the use of community resources to provide educational opportunities for learners of all ages and educational backgrounds, and interagency cooperation to assure effective use of limited resources; and

Whereas the goal of community education is a sharing, learning society; Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That November 18, 1986, is designated as "National Community Education Day", and the President is requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

## ADULT LITERACY AWARENESS MONTH

The joint resolution (S.J. Res. 358) to designate the month of September 1986 as "Adult Literacy Awareness Month," was considered, ordered to be engrossed for a third reading, read the third time and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 358

Whereas the incidence of illiteracy and functionally illiteracy among the Nation's adult population has critical effects on our economy, our social institutions, and our security; and unquantifiable personal implications and limitations for millions of Americans;

Whereas estimates of illiterate or functionally illiterate Americans range from twenty-three million to over fifty million individuals lacking effective communications skills;

Whereas adult illiteracy has not been the focus of general awareness and understanding;

Whereas illiteracy is not limited to any region of the Nation, nor to any social, economic, or ethnic group, but is widespread and present in every community;

Whereas adult illiterates are family members, providers, and citizens of a community, and are motivated to improve their skills and lives by seeking remediation when it is provided;

Whereas Americans traditionally have responded to the call to air their fellow citizens when they are aware of and understand a problem, and can help resolve the problem of adult illiteracy by volunteering to serve as tutors, providing inkind services, and supporting in numerous ways efforts to combat illiteracy;

Whereas the problem of adult illiteracy is amendable to solution if there is maximum private initiative, public-private cooperation, and community action to provide assistance to those in need;

Whereas the Federal Government is beginning to recognize the critical need to address adult illiteracy and the private sector is beginning to address the problem through a number of initiatives;

Whereas one thousand four hundred newspapers will focus on the problem of adult literacy beginning the month of September 1986; and a major broadcast network and public broadcasting have joined together in an awareness and information campaign called Project Literacy US (PLUS) which will begin on-air programming in September 1986;

Whereas more than seventy major national organizations including those involved in education, religion, business, labor, employee associations, agriculture, veterans, service clubs, trade and professional associations have pledged to support PLUS at the local level and among their membership; and

Whereas others in communications—television, magazine publishers, book publishers, broadcasters, and advertising agencies—will support and encourage efforts to raise awareness of the problems of adult illiteracy in September of 1986 and beyond: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the month of September 1986 is designated as "Adult Literacy Awareness Month" and the President of the United States is authorized and requested to issue a proclamation to that effect, calling on the American people and organizations of every kind to observe the month with activities to increase awareness of the problem of adult illiteracy and engage in programs to address the need to remediate illiteracy and functional illiteracy among adults in our Nation.

## EMERGENCY MEDICAL SERVICES WEEK

The joint resolution (H.J. Res. 529) designating the week of September 21, 1986, through September 27, 1986, as "Emergency Medical Services Week", was considered, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

## NATIONAL TOURISM WEEK

The joint resolution (H.J. Res. 642) to designate the week beginning May 17, 1987, as "National Tourism Week", was considered, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

## RELIEF OF SHYN-FANN TYAN-NOREM AND BIN-TI YAO TYAN-NOREM

The bill (S. 306) for the relief of Shyn-Fann Tyan-Norem and Bin-Ti Yao Tyan-Norem, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 306

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, for the purposes of the Immigration and Nationality Act, Shyh-Fann Tyan-Norem and Bin-Ti Yao Tyan-Norem shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required vias fees. Upon the granting of permanent residence of such aliens as provided for in this Act, the Secretary of State shall instruct the proper office to reduce by the required number, during the current fiscal year or the fiscal year next following, the total number of immigrant visas and conditional entries which are made available to natives of the country of the aliens' birth under section 203(a) of the Immigration and Nationality Act or, if applicable, from the total number of such visas and entries which are made available to such natives under section 202(e) of such Act.

## RELIEF OF BHASKARBHAI S. PATEL

The Senate proceeded to consider the bill (S. 330) for the relief of Bhaskarbhai S. Patel, which had been reported from the Committee on the Judiciary, with an amendment:

On page 1, line 7, strike "fees.", and insert "fee."

So as to make the bill read:

S. 33

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, in the administration of the Immigration and Nationality Act, Bhaskarbhai S. Patel shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by the proper number, duirng the current fiscal year or the fiscal year next following, the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under section 202(e) of such Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## RELIEF OF MARY PATRICIA McLAUGHLIN

The bill (S. 363) for the relief of Mary Patricia McLaughlin, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 363

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, notwithstanding any provision of the Immigration and Nationality Act, in the administration of such Act, Mary Patricia McLaughlin shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by the proper number, during the current fiscal year or the fiscal year next following, the total number of immigrant visas which are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas which are made available to natives of the country of the alien's birth under section 202(e) of such Act.

## RELIEF OF PRAVINCHANDRA AND KAMALA BHUVA

The bill (S. 527) for the relief of Pravinchandra and Kamala Bhuva, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 527

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, notwithstanding paragraph (14) of section 212(a) of the Immigration and Nationality Act, for purposes of such Act, Pravinchandra and Kamala Bhuva shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fees. Upon the granting of permanent residence to such aliens as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by the proper number, during the current fiscal year or the fiscal year next following, the total number of immigrant visas which are made available under section 203(a) of the Immigration and Nationality Act to natives of the countries in which the aliens were born or, if applicable, the total number of immigrant visas which are made available under section 202 of such Act to natives of the countries in which the aliens were born.

## RELIEF OF MADARIAGA FAMILY

The bill (S. 773) for the relief of Dr. Oscar Raul Espinoza Madariaga, his wife Maria Inez, his son Felipe Andres, and daughter Claudia Paola, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 773

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, notwithstanding section 212(e) of the Immigration and Nationality Act, for the purpose of such Act, Doctor Oscar Raul Espinoza Madariaga, his wife, Maria Inez, his son, Felipe Andres, and daughter, Claudia Paola, shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fees. Upon the granting of permanent residence to such aliens as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by the proper number, during the current fiscal year or the fiscal year next following, the total number of immigrant visas which are made available to natives of the country of the aliens' birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas which are made available to natives of the country of the aliens' birth under section 202(e) of such Act.

## RELIEF OF ESQUIVEL FAMILY

The bill (S. 1708) for the relief of Fernando Esquivel, Marcos Antonio Esquivel, and Nieves Julio Esquivel, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 1708

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, in the administration of the Immigration and Nationality Act, Fernando Esquivel, Marcos Antonio Esquivel, and Julio Esquivel shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fees. Upon the granting of permanent residence to such aliens as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by the proper number, during the current fiscal year or the fiscal year next following, the total number of immigrant visas which are made available to natives of the country of the aliens' birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas which are made available to natives of the country of the aliens' birth under section 202(e) of such Act.

## RELIEF OF KIL JOON YU CALLAHAN

The Senate proceeded to consider the bill (S. 1878) for the relief of Kil Joon Yu Callahan, which had been reported from the Committee on the Judiciary, with an amendment to strike out all after the enacting clause, and insert the following:

That, notwithstanding the provisions of section 212(a)(23) of the Immigration and Nationality Act, Kil Joon Yu Callahan may be issued a visa and admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of that Act: Provided, That this exemption shall apply only to grounds for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## RELIEF OF LYNNE CLEAVER AND LEIGH ALISON CLEAVER

The bill (S. 1957) for the relief of Lynne Cleaver and her child Leigh Alison Cleaver, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, in the administration of the Immigration and Nationalilty Act, Lynne Cleaver and her child Leigh Alison Cleaver shall be held and considered to have been lawfuly admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fees. Upon the granting of permanent residence to such aliens as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by the proper number, during the current fiscal year or the fiscal year next following, the total number of immigrant visas which are made available to natives of the country of the aliens' birth under section 203(a) of the immigration and Nationality Act or, if applicable, the total number of immigrant visas which are made available to natives of the country of the aliens' birth under section 202(e) of such Act.

## RELIEF OF EDWIN AND GEOVANNA RIOS

The bill (H.R. 483) for the relief of Edwin Rios and Geovanna Rios, was considered, ordered to a third reading, read the third time, and passed.

## RELIEF OF ENRIQUE MONTANO UGARTE

The bill (H.R. 1693) for the relief of Enrique Montano Ugarte, was considered, ordered to a third reading, read the third time, and passed.

## RELIEF OF LEONARD LESLIE GAMBIE

The bill (H.R. 1757) for the relief of Leonard Leslie Gambie, was considered, ordered to a third reading, read the third time, and passed.

## RELIEF OF JUAN RICARDO McRAE

The bill (H.R. 3093) for the relief of Juan Ricardo McRae, was considered, ordered to a third reading, read the third time, and passed.

## RELIEF OF BRADY FAMILY

The bill (H.R. 3154) for the relief of John Patrick Brady, Ann M. Brady,

and Mark P. Brady, was considered, ordered to a third reading, read the third time, and passed.

## RELIEF OF ALEXANDER LOCKWOOD

The bill (H.R. 3323) for the relief of Alexander Lockwood, was considered, ordered to a third reading, read the third time, and passed.

## RELIEF OF MOUNTAHA BOU-ASSALI SAAD

The bill (H.R. 3365) for the relief of Mountaha Bou-Assali Saad, was considered, ordered to a third reading, read the third time, and passed.

## RELIEF OF MILANIE C. ESCOBAL NORMAL AND ANGELA DAWN NORMAN

The bill (H.R. 2577) for the relief of Milanie C. Escobal Norman and Angela Dawn Norman, was considered, ordered to a third reading, read the third time and passed.

## NATIONAL PEARL HARBOR REMEMBRANCE DAY

The joint resolution (S.J. Res. 322) to designate December 7, 1986, as "National Pearl Harbor Rememberance Day" of the occasion of the anniversary of the attack on Pearl Harbor, was considered, ordered to be engrossed for a third reading, read the third time and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 322

Whereas on the morning of December 7, 1941, the Imperial Japanese Navy and Air Force launched an unprovoked surprise attack upon units of the Armed Force of the United States stationed at Pearl Harbor, Hawaii;

Whereas over two thousand four hundred citizens of the United States were killed in action and one thousand one hundred and seventy-eight were wounded in this attack;

Whereas President Franklin Delano Roosevelt referred to the date of the attack as "a date that will live in infamy";

Whereas the attack on Pearl Harbor marked the entry of this Nation into World War II;

Whereas the people of the United States owe a tremendous debt of gratitude to all members of our Armed Forces who served at Pearl Harbor, in the Pacific Theater of World War II, and in all other theaters of action of that war; and

Whereas the veterans of World War II and all other people of the United States will commemorate December 7, 1986, in remembrance of this tragic attack on Pearl Harbor: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That December 7, 1986, the anniversary of the attack on Pearl Harbor, is designated as "National Pearl Harbor Remembrance Day" and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States—

(1) to observe this solemn occasion with appropriate ceremonies and activities; and

(2) to pledge eternal vigilance and strong resolve to defend this Nation and its allies from all future aggression.

## NATIONAL REYE'S SYNDROME AWARENESS WEEK

The joint resolution (S.J. Res. 345) to designate the week beginning November 9, 1986, as "National Reye's Syndrome Awareness Week", was considered, ordered to be engrossed for a third reading, read the third time and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

Whereas over 30 per centum of individuals with Reye's syndrome die, and between 15 and 25 per centum of survivors of the disease suffer injury to the brain;

Whereas medical research has shown a relationship between the use of salicylate (commonly known as aspirin) by children who are recovering from viral illnesses and the development of Reye's syndrome in such children;

Whereas warnings against the use of aspirin by such children have been issued by the Surgeon General of the Public Health Service and officials or officers of the Centers for Disease Control, the American Academy of Pediatrics, and the National Reye's Syndrome Foundation;

Whereas most people, including health professionals, are unfamiliar with the symptoms of Reye's syndrome, and such unfamiliarity often results in misdiagnosis and improper treatment;

Whereas current records with respect to the incidence of Reye's syndrome are inaccurate because comprehensive records are not maintained throughout the United States;

Whereas the inaccuracy of such current records is evidenced by the fact that more incidences of Reye's syndrome are reported annually to the National Reye's Syndrome Foundation that are reported to the Centers for Disease Control;

Whereas the National Reye's Syndrome Foundation, which is supported by thousands of parents, is a volunteer organization with affiliates throughout the continental United States;

Whereas the purposes of the National Reye's Syndrome Foundation include providing support to individuals afflicted with Reyes' syndrome and to the families of such individuals;

Whereas such purposes further include efforts to increase the awareness and understanding of Reye's syndrome by disseminating available information about the disease and by supporting research that can develop a cure for, and preventive measures against, the disease; and

Whereas research with respect to developing a cure for, and preventive measures against, Reye's syndrome should be increased: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the week beginning November 9, 1986, is designated "National Reye's Syndfome Awareness Week", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

## NATIONAL KIDNEY PROGRAM DAY

The Senate proceeded to consider the bill (S.J. Res. 367) to designate July 31, 1986, as "National Kidney Program Day", which had been reported from the Committee on the Judiciary, with an amendment:

On page 2, line 4, strike "July 31, and insert in lieu of "September 24"

So as to make the joint resolution read:

S.J. RES. 367

Whereas, the tens of thousands of Americans suffering from irreversible kidney disease are treated by Medicare's End Stage Renal Disease (ESRD) Program;

Whereas, this program has assured that every American suffering from otherwise fatal kidney failure has access to lifesaving dialysis or transplantation therapy;

Whereas, ESRD beneficiaries may remain economically productive and are able to continue to make irreplaceable contributions to family, community and country;

Whereas, this extraordinarily successful program has a special significance as an example of the power of partnership between Government and the healthcare industry in dealing with catastrophic illness; and

Whereas, this partnership has achieved economy in health services without compromising quality of care or social responsibility: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President is authorized and requested to designate the day of September 24, 1986, as National Kidney Program Day and call upon the Federal, State, and local government agencies and the people of the United States to observe such day with the appropriate programs, ceremonies and activities.

The amendment was agreed to.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "Joint resolution to designate September 24, 1986, as "National Kidney Program Day".

## NATIONAL SPINA BIFIDA MONTH

The joint resolution (S.J. Res. 368) to designate the month of October 1986, as "National Spina Bifida Month," was considered, ordered to be engrossed for a third reading, read the third time and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 368

Whereas spina bifida is a birth defect in the spinal column which occurs in one of every one thousand births in the United States;

Whereas spina bifida is the most common crippler of newborns, resulting when one or more bones in the back (vertebrae) fail to

close completely during prenatal development;

Whereas while the cause of spina bifida is not known, it appears to be the result of multiple environmental and genetic factors;

Whereas although most of the March of Dimes and Easter Seal poster children have spina bifida, many people have not heard of the defect;

Whereas only a few cities in the United States have proper care centers and specialized professionals that can provide the most effective, aggressive treatment for children and adults with spina bifida; and

Whereas an increase in the national awareness of the problem of spina bifida may stimulate the interest and concern of the American people, which may lead, in turn, to increased research and eventually to the discovery of a cure for spina bifida: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the month of October 1986, is designated "National Spina Bifida Month" and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such month with appropriate ceremonies and activities.

## NATIONAL DRUG ABUSE EDUCATION DAY

The joint resolution (S.J. Res. 386) to designate October 6, 1986, as "National Drug Abuse Education Day," was considered, ordered to be engrossed for a third reading, read the third time and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 386

Whereas drug abuse in the United States is a major health problem that damages our social institutions and threatens our most valuable human resource—our young people;

Whereas the 1984 National Strategy for Prevention of Drug Abuse and Drug Trafficking stated that "prevention has come to the forefront as the essential element in the long-range goal of eliminating drug abuse"; and

Whereas President Reagan has called drug abuse one of the gravest problems facing the Nation and has further warned that if we, as a Nation, fail to act we run the risk of losing a great part of a whole generation: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) October 6, 1986, the first school day of Drug Abuse Awareness Week as established in Senate Joint Resolution 354, is designated as National Drug Abuse Education Day. The purpose of National Drug Abuse Education Day is to focus national attention on the rapidly escalating threat that drug abuse poses to the Nation's health, by calling on the President of the United States to proclaim a national day.

(b) As a part of National Drug Abuse Education Day, the President shall—

(1) call upon every elementary and secondary school, and all institutions of higher education to devote the day's curriculum to instruction of the physiological, psychological, social, and legal consequences of drug use and abuse; and

(2) call upon students, parents, community groups, and local law enforcement agencies to actively participate in programs sponsored in conjunction with National Drug Abuse Education Day.

SEC. 2. For purposes of this Act, the term "drug" shall include—

(1) any substance listed in section 102(17) of the Controlled Substances Act (21 U.S.C. 802(17)); and

(2) alcohol.

## CONVEYANCE OF CERTAIN FEDERAL LAND

The Senate proceeded to consider the bill (S. 565) to direct the Secretary of Agriculture to convey, without consideration, to the town of Payson, AZ, approximately 31.14 acres of Forest Service lands, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike out all after the enacting clause, and insert the following:

That, notwithstanding any other provision of law, the Secretary of Agriculture is authorized and directed to convey, without consideration except for administrative costs associated with the preparation of title and legal description, to the Town of Payson, Arizona, and parcel of land comprising approximately 30.96 acres, known as North Rumsey Park, in the Town of Payson, County of Gila, Arizona.

SEC. 2. Title to any real property acquired by the Town of Payson pursuant to this Act shall revert to the United States if the town attempts to convey or otherwise transfer ownership of any portion of such property to any other party or attempts to encumber such title, or if the town permits the use of any portion of such property for any purpose incompatible with the purposes of specified in section 3 of this Act.

SEC. 3. Real property conveyed to the Town of Payson pursuant to this Act shall be used for public open space, park and recreational purposes.

SEC. 4. There are reserved to the United States all minerals that may be found in the lands described in section 1, together with the right of the United States, its permittees, lessees, or grantees, at any time, to prospect for, mine and remove such minerals.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read "A bill to direct the Secretary of Agriculture to convey, without consideration, to the town of Payson, AZ, approximately 30.96 acres of Forest Service lands."

Mr. SIMPSON. Mr. President, I move to reconsider the vote by which the various items were passed or agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

□ 2215

## NATIONAL SOFTWARE AWARENESS WEEK

Mr. BYRD. Mr. President, I want to take note of the passsage of Calendar Order No. 745, Senate Joint Resolution 332, by Mr. BYRD, a joint resolution to designate the week of November 16, 1986 through November 22, 1986 as "National Software Awareness Week."

## EXECUTIVE CALENDAR

Mr. SIMPSON. Mr. President, I would like to inquire of the minority leader if he is in a position to confirm the following nominations on the Executive Calendar: Calendar No. 958, Thomas Lynch Adams, Jr.; Calendar No. 959, Kenneth M. Carr; Calendar No. 961, Mary McNally Rose; Calendar No. 962, Justin W. Dart, Jr.; Calendar No. 963, Carol Fraser Risk; Calendar No. 964, Louis G. DeFalaise; and all nominations placed on the Secretary's desk under the Coast Guard.

Mr. BYRD. Mr. President, all nominations identified by the distinguished acting Republican leader have been cleared by all Members on this side, and we are ready to proceed to confirm those nominations.

## EXECUTIVE SESSION

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Senate go into executive session in order to consider the nominations just identified, and that thay be considered en bloc and confirmed en bloc.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The nominations will be stated.

The nominations considered and confirmed are as follows:

ENVIRONMENTAL PROTECTION AGENCY

Thomas Lynch Adams, Jr., of Kentucky, to be an Assistant Administrator of the Environmental Protection Agency.

NUCLEAR REGULATORY COMMISSION

Kenneth M. Carr, of California, to be a member of the Nuclear Regulatory Commission for the term of 5 years expiring June 30, 1991.

DEPARTMENT OF EDUCATION

Mary McNally Rose, of Maryland, to be Deputy Under Secretary for Management, Department of Education.

Justin W. Dart, Jr., of Texas, to be Commissioner of the Rehabilitation Services Administration.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Carol Fraser Fisk, of Virginia, to be Commissioner on Aging.

DEPARTMENT OF JUSTICE

Louis G. DeFalaise, of Kentucky, to be U.S. Attorney for the Eastern District of Kentucky for the term of 4 years.

IN THE COAST GUARD

Coast Guard nominations beginning Brian R. Aldrich, and ending Adolph L. Keyes, which nominations were received by the Senate and appeared in the Congressional Record of July 22, 1986.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

NOMINATION OF JUSTIN DART

Mr. WEICKER. I am pleased to support the nomination of Justin Dart for Commissioner of the Rehabilitation Services Administration. Mr. Dart has had an impressive career in the disability field and his credentials reflect an abiding commitment to improving the lives of our Nation's disabled citizens.

Justin Dart has received numerous awards for his work in the disability area, including the American Coalition of Citizens with Disabilities Award for the individual who has contributed the most to the advancement of the rights of disabled Americans, and the Outstanding Achievement Award of the National Council of Independent Living Programs.

A distinguished member of the National Council on the Handicapped since 1982, Mr. Dart has ably served as vice chairperson of this council, which is responsible for making policy recommendations to the President and the Congress.

Justin Dart has long been involved in the independent living movement and in promoting the employment of handicapped individuals. His work in the State of Texas as well as his national involvement in these areas make him a uniquely qualified candidate for the position of Commissioner of the Rehabilitation Services Administration and I am gratified that he has now been confirmed.

Mr. SIMPSON. Mr. President, I move to reconsider the vote by which the nominations were considered and confirmed en bloc.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the President be immediately notified that the Senate has given its consent to these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

## LEGISLATIVE SESSION

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER FOR RECESS ON THURSDAY, SEPTEMBER 18, 1986, FOR JOINT MEETING TO HEAR AN ADDRESS BY THE PRESIDENT OF THE REPUBLIC OF THE PHILIPPINES, CORAZON AQUINO

Mr. SIMPSON. Mr President, I ask unanimous consent that the Senate stand in recess at 10:30 a.m. on Thursday, September 18, 1986, and proceed to the House Chamber for a joint meeting at 11 a.m. to hear an address by the President of the Republic of the Philippines, Corazon Aquino.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER FOR STAR PRINT—S. 2000

Mr. BYRD. Mr. President, I ask unanimous consent that S. 2000 be star printed. S. 2000 was introduced by Senator ROCKEFELLER and myself during the last session. Companion legislation has been sponsored in the House by the chairman of the Energy Conservation and Power Subcommittee [Mr. MARKEY]. The Senate and House legislation will permit the restructuring into a wholly owned subsidiary of a natural gas public utility in West Virginia. The restructuring is desired by both the West Virginia Public Service Commission and the subject company, Cabot Corp. It is also desirable from the standpoint of West Virginia's public utility customers.

Our revised S. 2000 is a legislative remedy I believe available and of valid interest only to West Virginia. It has been drafted so as to address only the Cabot situation, and it does not extend beyond that remedy. The star print I offer today bears this out. It differs from the original text of S. 2000 by limiting its application to a previously organized single subsidiary of a nonutility holding company. The subsidiary must have been created by July 1 of this year, and the operations of the single gas subsidiary must not extend beyond the State of its incorporation.

Of particular importance, this measure is drafted to preserve the integrity of the Public Utility Holding Company Act of 1935. S. 2000 neither creates new exemptive authority under the act, nor diminishes the act's proscriptions and public purpose. Rather, S. 2000 removes a single, anomalous circumstance from the ambit of the act's operation. I am confident I have brought before my colleagues today a proposal so narrow in scope and application that we will achieve corrective legislation without undermining of congressional intent in this field of law.

## A RESOLUTION TO RECOGNIZE AND HONOR WILLIAM SMITH "BILL" MONROE

Mr. BYRD. Mr. President, I send a resolution to the desk on behalf of myself, Mr. SASSER, and Mr. GORE, and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated.

The assistant legislative clerk read as follows:

S. RES. 463

Whereas September 13, 1986, is the seventy-fifth birthday of the father of bluegrass music, William Smith "Bill" Monroe;

Whereas Mr. Monroe has been an innovator, creator, shaper, performer, and promoter of a genre in music which was developed in a particular region of the United States, the upper South;

Whereas Mr. Monroe's music is national in scope, is a part of American culture, and is now being shared internationally;

Whereas since 1938, Mr. Monroe and his "Blue Grass Boys", a band that has served as a training ground for most of the leading musicians in bluegrass music, have provided entertainment and sustenance to Americans from all walks of life;

Whereas Mr. Monroe has been a member of the Grand Ole Opry since 1939, a member of the Country Music Hall of Fame since 1969, and has gone from pioneer to patriarch of this popular and important style of American music; and

Whereas as a musician, showman, composer, and teacher, Mr. Monroe has become a cultural figure and force of signal importance in our time: Now, therefore, be it

*Resolved*, That the United States Senate recognizes and honors William Smith "Bill" Monroe for his many contributions to American culture and music, and his many years of helping the American people to enjoy themselves, and extends its best wishes to "Bill" Monroe on the occasion of his seventy-fifth birthday.

SEC. 2. The Secretary of the Senate is authorized to transmit a copy of this resolution to William Smith "Bill" Monroe.

Mr. BYRD. Mr. President, as I suppose as the U.S. Senate's foremost admirer and lover of Bluegrass music, and as a friend of Bill Monroe, as one who has been listening to Bill Monroe's Bluegrass music for almost close to 50 years, as one who has been listening to the "Grand Ole Opry" for more than 50 years, I would like to say that Erma and I join with the two Senators from Tennessee who are cosponsors of this resolution, and all Senators on both sides of the aisle in wishing Bill Monroe not only a very happy 75th birthday, but also best wishes for many, many more happy birthdays.

Mr. President, I hope Bill Monroe will be able to continue with his Blue Grass Boys, Bluegrass songs, and Bluegrass music to inspire the Nation, old and young, with that music from the Tennessee hills, and may God's blessing continue to be on him as he provides this great recreational music for all the people in the hill country. May we all continue to be inspired by him.

I hope that I may be able to learn a few more tunes from Bill Monroe and the Blue Grass Boys before I lay down my fiddle and bow.

Mr. SIMPSON. Mr. President, I join in these expressions of congratulations to Bill Monroe, and would say that even though I believe he is mandolin player, and the Democratic leader is a fiddler player, I am sure that music is important. I believe one of the greatest pieces was Uncle Pen if I recall. We even caught that in Wyoming where we had a bluegrass group called Joe Bananas and the Bunch, Music with Appeal.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 463) was agreed to.

The preamble was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. SIMPSON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SIMPSON. Mr. President, does the Democratic leader have any further business?

Mr. BYRD. I thank the acting majority leader. No, I do not.

## NATIONAL PEARL HARBOR REMEMBRANCE DAY

Mr. LAUTENBERG. Mr. President, I urge the passage of this resolution to designate December 7, 1986, the 45th anniversary of the attack on Pearl Harbor, as "National Pearl Harbor Remembrance Day."

The resolution also authorizes and requests the President to issue a proclamation calling upon the people of the United States to observe this solemn occasion with appropriate ceremonies and activities, and pledge our strong resolve to defend this Nation and its allies from all future aggression.

I would like to commend the New Jersey members of the Pearl Harbor Survivors Association, particularly Lee Goldfarb, the State chairman, and the approximately 10,000 members throughout the country, for their active interest and support in commemorating this 45th anniversary through a Presidential proclamation of National Pearl Harbor Remembrance Day.

On December 7, 1941, "a date which will live in infamy," while talks between Japanese and American diplomats were going on in Washington, the United States was attacked by the Imperial Japanese Navy and Air Force. Pearl Harbor was caught totally unprepared. The blow was deliberately planned for Sunday morning, when the ships of the Pacific Fleet were moored in perfect alignment, and their crews were ashore, having breakfast, or relaxing on board. There was no advance warning.

About 360 Japanese planes attacked Pacific Fleet units at the naval base, and Army aircraft at Hickam Field and other nearby military installations. The surprise attack, launched entirely without provocation, took the lives of 2,403 Americans, and wounded 1,178. Some of those lost were civilians.

Fortunately, no aircraft carriers were tied up at the base during the attack. When the assault ended nearly 2 hours later, the Pacific Fleet had lost eight battleships, three light cruisers, three destroyers and four other vessels. The attack also destroyed about 170 U.S. planes. The Japanese had concentrated on ships and planes, leaving repair facilities, the submarine base, and fuel oil storage facilities relatively undamaged.

In short, the attack had dealt the Pacific Fleet and Hawaii's air defense a devastating blow. In less than 2 hours, the Japanese had crippled the Pacific Fleet and undermined the American strategic position in the Pacific.

The unification of the country under the impact was swift. It was the first time in U.S. history that we had been attacked first, and it wiped away the last vestige of isolationist sentiment. The entire country stood behind the President and gave him wholehearted support. The attack united United States public opinion against Japan, and propelled the United States into World War II. On 4:10 p.m., Monday, December 8, 1941, the United States declared war on the Japanese Empire.

As "Remember Pearl Harbor" became the American war cry throughout World War II, so today we must "Remember Pearl Harbor." We must recall and pay tribute to those who died in that tragedy, and we must remember so that we will never be caught short or unprepared again.

Mr. President, I urge my colleagues to approve this bill.

## TRIBUTE TO THE LATE LONIS C. BALLARD

Mr. HEFLIN. Mr. President, I rise today to pay special tribute to a former retired air force major and distinguished Tuskegee airman, the late Lonis C. Ballard (1916-86). Memorial Services were held for him today at the Church of the Resurrection, Alexandria, VA, where he was eulogized by Dr. Luther H. Foster, president emeritus, Tuskegee University, and many others.

Commissoned as a 2d lieutenant in the Air Force, Lonis C. Ballard rose to the rank of Major and served with distinction at Maxwell Field, AL; Scott Air Force Base, IL; Lackland Air Force Base, TX, and Tuskegee, AL. A registered physical therapist who served as physical training officer, he kept the Tuskegee Air Force cadets in excellent physical condition by conducting and participating in a rigorous exercise program on the campus of what was then called Tuskegee Institute.

Among his many volunteer activities, Lonis Ballard lent his deep bass voice to the choir of St. Andres Episcopal Church in Tuskegee, where his wife was the choir director. He was also chairman of the Macon County, AL, March of Dimes, Vice-President of the United Negro College Fund in Tuskegee, State Athletic Director for Elks, and founder and president of the Tuskegee Little Theatre (community).

As a Federal employee for over 35 years, Lonis Ballard served as officer, coordinator, chief assistant to the administrator, and Director of Veterans Administration Hospital, Tuskegee, AL; St. Elizabeths Hospital, Office of the Surgeon General, Office of Economic Opportunity, Office of Equal Health Opportunity, and Office of Equal Opportunity, Health Services and Mental Health Administration, Public Health Service, Department of Health Education and Welfare—all in Washington, DC.

Lonis Ballard authored a number of significant articles, papers, and monographs, and produced and directed rehabilitation training films in the field of physical therapy,

In spite of his many community and organizational responsibilities, Lonis Ballard found time to be a caring, loving, attentive husband and father, and included his family in all of his activities.

He is survived by his lovely wife, Ruth Booker Ballard, of Falls Church, VA (Former Deputy Director of Health and Social Services, Department of Health, Education and Welfare); a daughter, Lisa Maria Ballard, of Arlington, VA; three sisters—Mrs. Alberta Blackwell and Mrs. Maude Bell of Philadelphia, PA, and Mrs. Dorothy Webb of Houston, TX; and two brothers—Charles Ballard, of Philadelphia, PA, and Harold Ballard, of Houston, TX.

Lonis will long be remembered by his family, friends, and all who knew him for his pioneering humanitarian efforts and a career of distinguished service to mankind.

## "RETURN TO FLANDER'S FIELD"

Mr. WARNER. Mr. President, I recently read a commentary in the Washington Post which I would like to share with the Senate.

The author, David M. Abshire, is presently the U.S. Ambassador to NATO.

As a founder and former president of the Georgetown University Center

for strategic and international studies, a member of the President's foreign intelligence advisory board, and former assistant Secretary of State, David M. Abshire's experience in the area of foreign affairs is extensive.

He draws on this experience in addressing the pertinent issue of the U.S. military commitment in Europe.

I would like to commend his remarks to the attention of the Senate and for that reason, Mr. President, I request unanimous consent for Mr. Abshire's commentary, "Return to Flanders Field" to be reprinted in the CONGRESSIONAL RECORD.

There being no objection, the commentary was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 26, 1986]

RETURN TO FLANDERS FIELD

(By David M. Abshire)

BRUSSELS—As a schoolchild I learned the poem "In Flanders Field." Today, as U.S. ambassador to NATO, I will be standing at a ceremony in Flanders. The wreath will be laid, shots fired, "Taps" played. Why did these men fight and die?

If we are to prevent World War III, we must understand how we could have prevented World Wars I and II. In my opinion, two great villains are responsible: uncertainty and miscalculation. Unclear alliances, secret agreements and differing perceptions led to tragic miscalculations.

In the summer of 1914, not one European leader believed that a worldwide catastrophe would result from his decisions. There had been earlier Balkan crises in 1908 and 1912. They had been resolved without major power conflict. Russia had backed down. Some commentators said trade relationships made war impossible. The kaiser believed that Britain would not respond to the violation of Belgian neutrality. But there were too many ambiguous commitments and secret agreements, and war came.

Many historians argue that World War II was a product of Hitler's calculated actions. I disagree. Hilter wanted conquest without war, at least without major war. Having seen the democracies back down over Germany's rearmament, Austria's annexation, the Sudetenland, Czechoslovakia and then Munich, Hitler reasoned quite naturally that they would back down again over indefensible Poland. In 1939 the history of 1914 was repeated through a series of miscalculations stemming from a lack of clear commitments by democratic alliances.

NATO represents unambiguous commitments and credible deterrence. Dean Acheson once said that NATO was "not an improvisation. It was born out of the facts and lessons of history." The founders of the Atlantic Alliance were determined to avoid the mistakes that had catapulted the world into two wars. If ambiguous commitments led potential aggressors wrongly into believing they could successfully use or threaten to use military power, then an unambiguous commitment would be the centerpiece of their new alliance.

The idea of war in this year of 1986 is remote. After 40 years of peace in Europe, influential Americans—some neoconservatives on the right, some revisionist historians on the left, some in a quandary over Gramm-Rudman-Hollings budget cuts—want to set off a process that would take us out of Europe.

"Time to let Europe build its own defense," one reads on the op-ed page of The Wall Street Journal. In the wake of the initial lack of European support for the U.S. action against Libya, a country outside the NATO area of defense, a distinguished editor writes, "what starts with the withdrawal of American tourists ends in the withdrawal of American soldiers." Another commentator ominously notes: "The cost of defending Japan is fuzzier to calculate, but it would be hard to figure less than $150 billion for Europe and Japan together. And guess what? That's just about the size of the deficit." Others say NATO can't act, that it is a constraint on our other commitments around the world.

Today I will gaze on those white crosses in Flanders Field. Fifteen million died in World War I. Fifty million in World War II. Oh, but it would never happen again, say our new isolationists. Some left-wing revisionist historians say there is no threat anyway, that we caused the cold war in the first place. Some neoconservatives say the Soviets stalk us elsewhere, that there is no danger in Europe. Reduce the commitment to Europe, toss out Article V of the North Atlantic Treaty; the Pacific basin is what counts anyway.

The Soviets have been unsuccessful in splitting Europe from America. But their purposes remain constant. Having been dealt setbacks from the Berlin crises to the deployment of intermediate-range missiles, the Soviets know that their huge conventional superiority in the 1990s, when nuclear weapons will not have the deterrent value of earlier years, will give them new opportunities. They may reason that blackmail could work, that they could achieve their purposes without war, or without much of one. They would be encouraged in this by the fraying of the American commitment.

This same fraying would introduce precisely those elements of ambiguity and uncertainty that had such deadly effects in 1914 and 1939. "If ye break faith with us who die, we shall not sleep, though poppies grow in Flanders Fields." The writer of these lines, Canadian Dr. John McRae, treated patients who were rolled down a bank into his station. He could not have known the consequences of a war in our time. Even to us they are scarcely imaginable.

## NEW YORK'S APPROACH TO DRUG PROBLEM

Mr. BIDEN. Mr. President, I have read with great interest an August 5 article in the New York Times by Todd Purdum and an article printed this morning in the Washington Post by William Raspberry on a program in New York City that has sent a loud and clear message to drug traffickers and users throughout New York City.

This program utilizes the civil and administrative forfeiture provisions of a law which I introduced as part of the Comprehensive Crime Control Act of 1984. In April 1980, as chairman of the Senate Judiciary Subcommittee on Criminal Justice, I chaired hearings on the subject of the Government's efforts to seize and forfeit the assets of those involved in the drug trade. Since that time, I have been actively promoting the use of forfeiture as a means of attacking the drug trade, and I am still convinced that the use of forefeiture laws remains the most effective and the most underutilized law enforcement tool in the Federal narcotics control arsenal. I am encouraged to see that the Department of Justice is beginning to recognize the versatility and usefulness of the forfeiture provisions enacted in the 1984 crime bill.

Under the New York program, which I might add is less than 2 weeks old, 43 persons arrested for buying illicit drugs have also had their cars confiscated. This is permissible under the provisions of the 1984 crime bill, in which we sought to make the use of forfeiture of assets a more viable tool for law enforcement.

The effectiveness of New York City's forfeiture policy cannot be overstated. New York, like so many other cities who have taken a strong stand against the drug trade, faces a voluminous court calendar and scarce prison space. In these times of public skepticism about our criminal justice process, the value of this program lies in the immediate message it sends throughout New York City. As Sterling Johnson, New York City's special narcotics prosecutor, has commented: "Under this program a $10 vial of crack can cost upward of $10,000 to $15,000." This program also sends another message: The drug trade, both buying and selling, will not be tolerated. As William Raspberry noted:

> Drug abusers aren't victims; they are coconspirators in crime, and its about time they were treated as such.

I applaud the efforts of the mayor and police commissioner of New York City, the city's district attorney and special narcotics prosecutor and the U.S. attorney for Manhattan in this program, and I hope other cities will look to this program as an example of the effectiveness of laws aimed at the assets of the drug trade.

Mr. President, I ask unanimous consent that the two articles I mentioned previously be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, Aug. 5, 1986]

NEW YORK POLICE NOW SEIZING CARS IN ARRESTS FOR POSSESSION OF CRACK

(By Todd S. Purdum)

When law-enforcement officials stopped 43 people whose cars were cruising last week in areas of Manhattan where drugs are widely sold, they not only arrested them on charges of possessing crack. They also seized their cars.

In the latest wrinkle in the battle against the potent cocaine derivative, the police and Federal drug agents have expanded their use of a 16-year-old Federal law that allows the confiscation of property used in drug transactions. In the four-day period that ended Saturday, 30 cars were taken, the ma-

jority from middle-class suburban communities in New Jersey.

"If you come to New York to buy crack, bring car fare and be prepared to take the bus back," Police Commissioner Benjamin Ward said yesterday afternoon as he and other officials announced the seizure of the vehicles, which ranged from a 1971 Chevrolet van to a 1986 two-door Pontiac Fiero.

GOAL SUGGEST BY MAYOR

In the past, the 1970 civil statute used as the basis for the seizures has been applied mostly to drug dealers, according to Rudolph W. Giuliani, the United States Attorney in Manhattan, who appeared with Mr. Ward yesterday at a news conference at a Manhattan garage where the vehicles are being stored. But he said a recent review of the law had confirmed that it could be applied equally to any property used as an instrument in drug transactions.

Mayor Koch said that he thought officials should set a goal of confiscating 5,000 vehicles during the program and that the city would provide some garage space if Federal space proved inadequate.

No individual took credit for the new policy yesterday, and a Police Department spokeman, Officer Fred Elwick, said it was the result of a recent brainstorming session among city and Federal officials, who in recent weeks have been grappling with strategies for fighting the spread of crack.

Officials acknowledged that the vehicle seizures would likely be challenged by about 50 percent of the people whose cars are taken, but they said they hoped that the new policy would be a potent deterrent, particularly to the suburban drug buyers—many of them young people using their parents' cars—who drive across the George Washington Bridge to buy crack in Upper Manhattan.

All of those arrested in the four-day sweep last week were charged after agents and officers saw them engaged in "blatant transactions, in plain sight," the officials said. They said those arrested ranged in age from 16 to 39, and the average age was about 25.

Even if the arrested people are acquitted of the drug charges, they may not get their cars back, according to Robert Strang, a spokesman for the Federal Drug Enforcement Administration. That is because under the civil statute used to seize the vehicles, the Government must only produce a preponderance of evidence that the car was used in a drug transaction, not prove it beyond a reasonable doubt as in a criminal case.

"When they come home without momma's car or without daddy's car, the criminal-justice system is going to be the least of their worries, and it's about time," said Sterling Johnson, the special state narcotics prosecutor for New York City, who also appeared at the news conference with Mayor Koch and Robert Stutman, special agent in charge of the Drug Enforcement Administration's New York office.

IT'S NOT FAIR

Some of the people whose cars were taken expressed anger at the new policy when reached by telephone yesterday.

"It's not fair," said Giuseppi Martino of Hackensack, N.J., whose 1985 Pontiac Trans-Am was confiscated as he drove it alone in the Washington Heights section of Manhattan. "I still owe an $8,000 bank loan on it. I'm going to fight to get it back," said Mr. Martino, who was charged with criminal possession of a controlled substance.

Tara Treanor, a 20-year-old waitress from Glen Rock, N.J., whose 1982 Chervolet Cavalier was seized, also said she thought the penalty was "too steep, especially for first offenders."

"I'm not happy about it," said Ms. Treanor, who faces the same charges as Mr. Martino. "But I think it'll teach people a lesson. It certainly taught me one. I'm not going back until I go to court. I don't think I'll even go to bars in the city."

Rhea Brecker, an assistant United States Attorney and the head of the narcotics unit in Mr. Giuliani's office, said people whose cars were seized could choose one of two avenues of appeal.

The first, she said, is an administrative procedure in which the person whose property is seized writes the Justice Department to request a hearing. A departmental hearing officer then reviews the case, and his ruling is final, Ms. Brecker said.

Alternatively, a person could opt to post a bond for 10 percent of the car's value, or $2,500, whichever is less, and take the case to Federal court for adjudication. The trial procedure is usually more expensive and time-consuming, officials said.

Mr. Giuliani said the civil standard that governs the confiscation of cars only requires the Government to produce a preponderance of evidence that the property was used as an instrument in a drug transaction.

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CAN THEY GET THEIR CARS BACK?

(By William Raspberry)

The price of crack has escalated sharply in New York. Not only might it cost you upwards of $50 for a "snow pack" of the highly addictive smokable cocaine derivative; it might also cost you your car.

New York City policy and officers of the federal Drug Enforcement Agency, using a federal law authorizing the seizure of vehicles used to transport contraband, have started confiscating the cars of street purchasers of the drug.

In one four-day period over last weekend, they netted 30 automobiles, ranging from an old van to a Porsche and a pair of nearly new Mercedes Benzes. All but three of the cars bore New Jersey plates.

A DEA spokesman said there was no effort to target New Jersey cars. "It just happened that way." The cars, whose drivers ranged in age from 16 to 39, reportedly had crossed the George Washington Bridge from affluent Jersey communities to purchase the drug from upper Manhattan street venders. Many of the transactions were "blatant," officials said.

The law under which the cars were seized has been used almost exclusively against dealers and traffickers in narcotics, but officials say their research convinced them that it was equally applicable to street purchasers.

Its potential deterrent effect is unarguable.

As Police Commissioner Benjamin Ward said at a press conference called to show off the booty, "If you come to New York to buy crack, bring carfare and be prepared to take the bus back." Added the city's special narcotics prosecutor, "When they come back home without Mommy or Daddy's car, the criminal justice system will be the least of their worries".

But is it fair?

The astonished victims clearly don't think so. A 20-year waitress who lost her 1982 Chevy said the penalty was "too steep," especially for first offenders. A Hackensack man whose 1985 Pontiac Trans-Am was seized said it was grossly unfair. "I still owe an $8,000 loan on it, and I'm going to fight to get it back."

He might have a tough fight on his hands. Under the seizure law, the government must present only a preponderance of evidence—not proof beyond reasonable doubt—that the vehicle was used to transport contraband.

Nor does it matter whether the person caught with the drugs actually owns the car. I recall a Washington case in which a man involved in a fight went home and returned to the scene with a sawed-off shotgun in his wife's car (his was in the shop). The DEA determined the weapon to be contraband under the federal statutes and took her car.

Given the relatively small haul (100 vials of crack, an ounce of cocaine and 47 unidentified pills) the confiscation of 30 cars might seem excessive. But it does make the point, as no official proclamation or occasional sweep ever could, that the authorities are serious about moving against crack.

Only against crack? Doesn't that imply some level of condonement for abuse of other substances—cocaine, heroin or PCP? Should exceptions be made for marijuana? For first offenders? In cases involving cars borrowed from innocent friends or relatives?

In short, there are problems with the New York approach.

But there are pluses too, the chief one being to deny the fiction that drug abusers are somehow "victims" of drug peddlers. That is the theory that has Maryland prosecutors looking to file murder charges against the man who allegedly provided Len Bias his fatal dose of cocaine. Well, drug abusers aren't victims; they are co-conspirators in crime, and it's about time they were treated as such.

The draconian approach adopted by New York—Mayor Ed Koch says the city should set a target of 5,000 confiscations—won't solve the drug problem. The most likely results will be the creation of a new breed of go-between suppliers and an escalation in the sale price of the drug.

New York City has already raised the potential price to a level that at least some prospective users will find unacceptable. As the dismayed waitress put it, "I think it will teach people a lesson. It certainly taught me one."

At a minimum, New York has served notice that it is serious—at least about the deadly crack.

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## THE EFFECTS OF GRAMM-RUDMAN-HOLLINGS ON DEFENSE SPENDING

Mr. MOYNIHAN. Mr. President, there are two articles in the Washington Post of August 6 which merit special attention by the Members of the Senate.

Both articles refer to a meeting attended by Senator GOLDWATER, Senator NUNN, President Reagan and others yesterday at the White House. The two Senators, the chairman and ranking member of the Armed Services Committee, went to the White House to express their concerns about the fate of defense programs given the constraints of the budget process.

Senator NUNN is reported to have told the President: "We're going over the cliff as far as defense is con-

cerned." Later, in answer to a reporter's inquiry about the response his comments received, he said, "I would say they listened. I'm not sure they heard. There's a distinction." Senator GOLDWATER reported after the meeting that President Reagan and Defense Secretary Weinberger were "shocked at some of the things we might have to do."

There ought not be such "shock" any longer. One would have hoped that the message had gotten through.

Last October 3, even before formal consideration of Gramm-Rudman-Hollings began, I took advantage of the hour of Morning Business to make some preliminary remarks on the proposition we were about to discuss. I said:

In the name of forcing reductions in "bloated Federal programs," or however they are called, we are going to be asked to cut . . . defense procurement not subject to prior contracts. . . .

We are going to cut back on the FBI and its efforts to combat terrorism. We are going to cut back the CIA. . . .

We are preparing to cut our defense, cut our counterintelligence; we are cutting the National Security Agency; we are cutting the CIA. . . .

Four days later, on Monday, October 7, I warned of large cuts to come in defense readiness:

We are putting in place a measure which, in the long run, will bring draconian, automatic reductions in the defense and foreign policy activities of the United States.

I elaborated—

We would start cutting [foreign aid] and defense, and would do so arbitrarily in response to a formula which is implicit in this legislation but has never been avowed, has never been subjected to the test of inquiry, question and response . . .

[T]his would be . . . disabling to American foreign policy which is the first instance depends very much on the strength of the American Government.

I returned to the floor later the same day to offer the thought again—

That the world's largest debtor nation with a declining defense budget is not going to be seen as the world's most powerful nation. That will be an interesting legacy of these days of nondebate on this floor. . . . We are putting in place the decline of the United States.

And again on October 8 I went to the floor and attempted to explain the course I saw the Senate charting for the Nation:

We will wonder what happened to that vaunted and strong America which was to have commenced at the outset of this decade . . . there will be very sharp cuts which fall almost entirely in the field of national defense and foreign relations.

You will find yourself retreating from the world. You are going to find yourself being driven from places in the world by virtue of a self-inflicted weakness which will originate in decisions being made in this Chamber in the next few days.

The next day the amendment was passed by the Senate on a 75-to-24 vote. The day following I observed that we had just witnessed a most remarkable event in American party politics.

A majority of Democrats agreed to dismantle the domestic policies of Franklin D. Roosevelt, in return for a majority of Republicans agreeing to dismantle the defense policies of Ronald Reagan.

The Senate began debate on a slightly modified proposal on November 4. I returned to the Senate floor with Senator HART, offering an amendment to require OMB and CBO to estimate just how much defense spending would have to be cut under this scheme, and directing the Department of Defense to report to Congress just how these cuts could be achieved. We were gambling, I said:

With the defenses of this Nation in a manner that just cannot be described in my view as responsible.

I tried to warn the Senate that we are at risk of:

Returning to the readiness situation that President John F. Kennedy encountered when he became President in 1961. At that time, a long period of decline in conventional forces had left us with no serious military capacity save that of nuclear war. * * * It took Kennedy and Johnson a long time to build away from that condition.

Is it possible that in one measure, never heard in committee, never debated in anything more than the context of the debt ceiling, that had to be passed, we are going to return to that situation?

If we do, we shall have a lot to answer for.

On March 1, defense programs were cut across-the-board by 4.9 percent. Congress reaffirmed those cuts on July 17. On August 15, we will hear once more from CBO and OMB how much defense must be cut. If we are $30 billion over the deficit target for fiscal year 1987 of $144 billion, defense will be cut about 8 percent.

I am not sure the White House has ever come to grips with this devastating effect of Gramm-Rudman-Hollings—a law endorsed by the administration.

I am quite certain that Gramm-Rudman-Hollings will bring nothing but harm to the defenses of the Nation. Funding for defense programs continue to face an uncertain future until the administration and Congress commit to a serious and responsible plan to reduce the deficit.

I ask unanimous consent that the two stories from the Washington Post be printed in the RECORD at this point.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Aug. 6, 1986]

REAGAN PLEADS FOR HILL SUPPORT

(By Lou Cannon)

President Reagan appealed to congressional leaders yesterday to rescue his embattled legislative programs, and, while he won a pair of narrow victories, White House officials and key senators warned that major administration goals are in danger on Capitol Hill.

Republican leaders told Reagan that he could lose his attempt to sustain a veto of legislation to protect the textile industry. Senate Majority Leader Robert J. Dole (R-Kan.) said it is becoming increasingly harder to meet the deficit-reduction targets of the Gramm-Rudman-Hollings law. Sen. Sam Nunn (Ga.), ranking Democrat on the Senate Armed Services Committee, met with Reagan and said that "we're going over the cliff as far as defense is concerned."

Public and private surveys indicate that Reagan is at near-record levels of voter approval. He is popular with members of Congress, too, but his popularity is not necessarily translating into support for his policies.

Sen. Strom Thurmond (R-S.C.) summed up the president's predicament after a morning meeting at the White House where the president made an emotional plea to sustain the veto of the textile bill. Thurmond bluntly responded that the veto was "ill-advised" and a blow to a domestic industry that has lost 350,000 jobs.

"I hope we can override," Thurmond said afterward. "I think President Reagan has made the best president in the 32 years I've been in the Senate, but I hope we can override."

After this meeting Reagan, joined by Defense Secretary Caspar W. Weinberger and Budget Director James C. Miller III, lunched with Nunn and Senate Armed Services Committee Chairman Barry Goldwater (R-Ariz). The message from Nunn and Goldwater was that Reagan's defense buildup is endangered because of his efforts to invoke cutbacks mandated by the deficit-reduction law.

But Nunn emerged from the meeting dissatisfied with the response. Asked whether the president and his advisers had responded to his plea to evoke contingency provisions of the law and reconsider the entire budget, Nunn said, "I would say they listened. I'm not sure they heard. There's a distinction."

A White House official said later that the administration is "fighting too many wars on too many fronts" in Congress during an election year in which domestic political considerations have become increasingly dominant. Another official said the administration's greatest problem could be the budget because the House is "quietly passing" appropriations bills that undermine deficit-reduction targets.

Rep. Dick Chency (Wyo.), a member of the House Republican leadership, said, "There's so much on the platter right now that we spent an hour and a half at the White House today and never even talked about the budget or tax reform, which are pretty big items." But Cheney, while saying that the textile bill's fate is "too close to call," predicted that the President will prevail on most issues.

House Minority Leader Robert H. Michel (R-Ill.) expressed concern after the leadership meeting that a presidental defeat on the textile bill might be interpreted as a sign that Reagan's leadership is slipping.

The multiplicity of administration concerns was reflected yesterday in Reagan's private meeting with congressional leaders. After asking Congress to uphold his textile veto, the president pleaded for Senate passage of a $100 million package to aid the Nicaraguan rebels and asked the Senate to resist further cuts in his Stragegic Defense Initiative (SDI).

Reagan was quoted by White House spokesman Larry Speakes as saying that SDI is "indispensable" in the process of "se-

curing an arms control agreement" with the Soviet Union.

The Senate yesterday gave Reagan twin one-vote victories in defeating attempts to cut fiscal 1987 funding for SDI from the $3.9 billion the Armed Services panel has approved to $3.2 billion and then $3.5 billon. The administration also won a one-vote victory, 15 to 14, when the Senate Appropriations Committee agreed to attach the aid package for the Nicaraguan rebels to the military construction bill.

In a speech by satellite television to the Knights of Columbus convention in Chicago, the president said congressional delays in aiding the Nicaraguan rebels are risking lives at a time that Soviet-bloc nations are increasing military support for the Sandinista government.

"We need that assistance now," Reagan said. "Further delays is risking the lives of the Nicaraguan patriots."

Reagan also reported to Congress yesterday his view that abandoning the unratified SALT II arms control treaty would not necessarily prompt a bigger arms buildup by the Soviet Union. The president said May 27 that he would no longer be bound by the limits of the pact because of Soviet violations.

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[From the Washington Post, Aug. 6, 1986]

SENATE SANCTIONS BATTLE DELAYS DEFENSE DEBATE

(By Helen Dewar and Edward Walsh)

The Senate erupted in a bitter partisan dispute over South Africa sanctions and aid to Nicaraguan rebels last night, sidetracking debate over defense policy shortly after President Reagan's already scaled-back "Star Wars" missile defense program narrowly survived two attempts at further cutbacks.

Couched in the elaborately polite language used on the Senate floor, Majority Leader Rober J. Dole (R-Kan,) and Minority Leader Robert C. Bryd (D-W,Va.) traded charges of bad faith in attempts to deal with the two explosive foreign policy issues.

As a result, the fiscal 1987 defense authorization bill containing Reagan's Strategic Defense Initiative (SDI), was stalled while the two leaders and their allies sought an elusive agreement to allow the sanctions legislation and the aid package for the counterrevolutionaries, or contras, to be voted on before Congress recesses Aug. 15.

At the center of the dispute was jockeying over Dole's attempt to force Democratic liberals to allow a vote on contra aid in exchange for action on South Africa sanctions. Expressing "surprise and disappointment," Dole accused Democrats of a "violation of the spirit" of earlier plans for dealing with the two issues. Byrd bristled at what he said was Dole's suggestion that Democrats had "sneaked" the sanctions measure onto the floor to force an early vote on it, thereby leaving the contra aid package in abeyance.

"I've had enough of this business of the majority leader acting as traffic cop, defining who can offer amendments." Byrd said.

Only minutes before the dispute broke out, the SDI program, already slashed by the Senate Armed Services Committee, escaped even deeper cuts when the Senate rejected two proposals for further reductions in back-to-back 50-to-49 votes.

Reagan's $5.3 billion request for SDI in fiscal 1987 already has been cut to $3.9 billion by the Armed Services panel. The first proposal defeated yesterday would have cut the amount to $3.2 billion; the second would have trimmed it to $3.5 billion.

After the two votes, Sens. J. Bennett Johnston (D-La.) and Daniel J. Evans (R-Wash.), leaders of the SDI cutback effort, indicated they would not offer additional amendments, contending the closeness of the votes sent a powerful message about the need for further reductions.

The committee proposal provides for a 28 percent increase over current SDI spending after adjustment for inflation. The defeated proposals would have reduced the after-inflation increase to 3 percent and 15 percent, respectively. Reagan had proposed to increase spending more than 70 percent.

Action on the antimissile shield came as both houses debated fiscal 1987 defense authorization bills that are sharply reduced from levels proposed by Reagan—$295 billion in the Senate and $292 billion in the House, compared with $320 billion proposed by the president.

It was accompanied by stern warnings to Reagan and Defense Secretary Caspar W. Weinberger from Armed Services Chairman Barry Goldwater (R-Ariz.) and the panel's ranking Democrat, Sen, Sam Nunn (Ga.), that the administration's military buildup faces what Nunn called a full-scale "budget disaster."

Additional cuts that will be required by the Gramm-Rudman-Hollings budget control act could force cutbacks that would "devastate our current military capabilities and contribute to major future deficiencies," Nunn told the Senate before delivering the same message personally to Reagan, Weinberger and Office of Management and Budget Director James C. Miller III.

In the meeting with Reagan, Goldwater laid out what he described as severe cuts that could be required next year and Nunn urged a joint effort by the White House and Congress to revise defense plans for the next five years and reexamine requirements of the Gramm-Rudman-Hollings law.

Both Goldwater and Nunn said they believe that additional revenues will be required for defense needs, and Nunn said major benefit programs, including Social Security, should be put on the bargaining table for budget cuts. Reagan has adamantly opposed tax increases and Social Security cutbacks.

Asked how Reagan and Weinberger had responded, Goldwater said they were "shocked at some of the things we might have to do." Nunn said, however, that he saw no change in thinking at the White House and added, "I would say they listened. I'm not sure they heard."

The votes on the SDI cutback proposals were largely along party lines. Maryland senators supported the cutbacks; Virginia senators opposed them.

The House, in action on its version of the defense authorization bill for fiscal 1987, which begins Oct. 1, voted overwhelmingly yesterday for a major restructing of the Defense Department.

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## DEATH OF THE HONORABLE W. AVERELL HARRIMAN

Mr. MOYNIHAN. Mr. President, some days ago, 23 U.S. Senators traveled to New York City to attend funeral services for W. Averell Harriman. His death, though not unexpected, was even so a shock.

For this Senator, Averell Harriman's death brings especially rich memories. My first job in politics was as an aide to the then Governor in 1955. And it was there in Albany that I met my wife Elizabeth, also a member of his staff. He was a part of our lives for a third of a century, and of the Nation's for more than half a century. And as much as we are diminished by his death, we are enhanced by his life.

Mr. President, as a measure of respect for this great New Yorker and revered American, I ask unanimous consent that the homily delivered at the service by Bishop Paul Moore, as well as four articles from the New York Times, "The Lives of Averell Harriman," "U.S. Leaders Laud Harriman," "Ex-Gov. Averell Harriman, Advisor to 4 Presidents, Dies," and "Harriman: A Tribute" by James Reston be printed in the RECORD.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

HOMILY ON THE OCCASION OF THE BURIAL SERVICE FOR W. AVERELL HARRIMAN

(By The Rt. Rev. Paul Moore, Jr., Bishop of New York)

A great and extraordinary person has departed this life—one of the last giants of our day. A man in love with life and the living of it—with history and the making of it.

We gather here to give thanks for him, not only on our own behalf but on behalf of the millions, perhaps the billions of human persons whom he has touched; who are alive today because of his efforts for peace throughout the world, who are sane today because of his work for mental health, who have a roof over their heads because he believed every citizen has a right to a home. Many are free today because of his belief in human rights, and we breathe a nuclear-clean atmosphere because he worked through the test ban treaty many years ago.

To read his life story, even in summary, is a staggering experience: to see history through the eyes of one who was there, with common sense and deep commitment to justice and peace and freedom; who was there at almost every dangerous lurch of events in this strange century of ours.

We do not describe a plaster saint but we do paint a picture of a man filled with the obligation of his nobility. He was one to whom was given, and he gave and gave and gave so much more to us all. Would that everyone, however great or small his heritage, could be such a steward of his talents. He spread himself across this whole earth: Asia, Africa, Russia again and again, he lifted up a broken Europe to her feet. He was tough yet balanced with the most abstruse problem, the most wily adversary.

Where did he learn the resilient pragmatism of his trade? Why did one so rich who loved to play so hard feel such a mighty drive to service? Whence came the patience to wrestle down the unwieldy institutions of society until he won a victory for the people of the world? He wrestled, indeed, like Jacob with the Angel, but the angels with whom he wrestled were angels of darkness, of Fascism, Communism, lust for power, and greed.

Where did he learn that to work for justice, all ideology and personal bias must be set aside in humility, lest that ideology block the way for those very people it was created to save? From what deep springs

came that intensity—that force—which made him so often succeed? From his father, from his sister, to be sure. But I woud like to think that it may well have been also in Groton chapel that his mind and heart were set, perhaps unconsciously, by some divine osmosis. And that there he found the Anglican way of balance, decency, order, and dedication to the persecuted children of God; that it was in that beautiful place that the spirit we see took its deep roots.

Today we also, as always at a time like this, speak of a person who was loved and who loved, who had so many friends and who sought out especially young friends, a person himself young in heart through all the years; one who leaves behind a sorrowing family and friends.

He is gone and we face death here in its darkness and mystery and terror. We experience the paradox of love and pain—that the pain of separation is as deep as the love for the one who has gone. But who would trade the love to ease the pain? This passion—this suffering and love is the heart of the Cross. Pain, love, dying are all one in the rhythm of creation, and you can find your Lord most present in the heart of darkness; for He has been there long before. And believe me, on the other side of the darkness is new life and new joy for him who leaves us and for us all.

We pray that Averell will go from strength to strength in the life of perfect service. We pray that God will comfort his family, but above all, we give thanks and celebrate his life. And we dedicate ourselves anew to the great causes for which he fought and to the people of this suffering world whom he served so well.

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[From the New York Times, July 27, 1986]

THE LIVES OF AVERELL HARRIMAN

Averell Harriman could have devoted his life to his beloved polo and in other ways squandered the millions he inherited from his railroad-baron father. But if some Americans were born richer, none have been less idle.

As a leading diplomat, entrepreneur, politician and philanthropist, he was in the thick of things for an astonishing eight decades. Having dealt with Stalin, he became above all a voice for sanity in coping with that dictator's successors. And still he became America's fourth-ranking player at polo.

Mr. Harriman's wealth gave him independence and patrician self-assurance, qualities that contributed to his success as a gray eminence under four Democratic Presidents. He was also aloof and a dull public speaker, and failed, despite election to one term as Governor of New York, in two bids for the Presidency. So at 69 he undertook a fresh career as an Assistant Secretary in President Kennedy's State Department, running younger New Frontiersmen ragged.

He became something of a legend in what others would call the advanced years, as negotiator of the Laos accords, of the landmark treaty banning atmospheric nuclear tests and in the first probes for peace with North Vietnam. His great influence had been established in World War II by his clearheaded prescience about the aggressive expansion of Stalin's empire. Precisely because he had no illusions about Moscow and carried that armor in American politics, he could take the lead in efforts to curb the arms race and to negotiate with other adversaries.

In an age that overrates charisma, Mr. Harriman's dogged virtues stood out. He had respect for intelligence and a shrewd eye for talent. If scarcely a great Governor, he nevertheless assembled an impressive team, including talented rookies like Daniel Patrick Moynihan and the late Jonathan Bingham.

He generously donated Arden House, his boyhood home north of New York City, to Columbia University, and most recently gave the university new resources to finance the rebuilding of its Russian Institute.

To the end, this well-born capitalist waged a compassionate politics and feared ignorant passion in the global competition with Communism. He served when he could have played and he served abundantly.

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[From the New York Times, July 27, 1986]

U.S. LEADERS LAUD HARRIMAN

President Reagan, Senator Edward M. Kennedy and other leading political figures paid tribute yesterday to W. Averell Harriman.

Mr. Reagan said, "The world has lost one of her most respected statesmen; the death of Averall Harriman closes a chapter in diplomatic history which only someone of his talent and statute could have written."

"Nancy and I offer our sympathy to his wife, Pamela, and to his family," the President continued. "On behalf of my predecessors whom he served with such loyalty and dedication, I join all who mourn his passing."

Senator Kennedy said Mr. Harriman was "one of the greatest Americans of his time."

"Business leader, Governor, Statesman, Ambassador, he was the Renaissance man of American public life," Mr. Kennedy, a Massachusetts Democrat, added. "In many respects, we could not have had the 20th century without him.

"I remember when my brother, Jack, first became President, he announced that the torch had passed to a new generation of Americans," Senator Kennedy continued, "then he turned around and realized that Averall Harriman still had it."

"There was no mission President Kennedy would not have given him," he observed. "The young President and the elder statesman made a remarkable couple, and his skillful negotiation of the Test Ban Treaty of 1963 stands as a monument in our quest for nuclear arms control. America has lost a extraordinary leader and the Kennedy family has lost a wonderful friend and counselor."

A LIFE NOBLY LED

Former Secretary of State Dean Rusk said, "He was one of the finest diplomats this country has had in the entire postwar period; one cannot grieve after a life so long and so nobly led."

Like Mr. Harriman, Mr. Rusk served in the Truman, Kennedy and Johnson Administrations. He said Mr. Harriman was "a very skillful and patient and determined negotiator; he was especially good at troubleshooting during sudden crises."

The national chairman of the Democratic Party, Paul G. Kirk Jr., said, "The United States and Democratic Party have lost a statesman, a diplomat, a benefactor and a friend."

Governor Cuomo said Mr. Harriman left "a monumental record of public service" and added' "New York will remember him as a Governor who led an administration deeply concerned with problems of mental health, civil rights and aging. Nationally, he will be remembered as a participant in many of the events and decisions that have shaped our history."

EXPERIENCE MADE HIM WISE

Former Secretary of State Cyrus Vance said, "He was a great patriot and one of our outstanding statesmen—we will all miss him terribly."

Mr. Vance said that Mr. Harriman "was extraordinary for what he did for his country. His vast experience made him very wise; and so when you wanted good judgment you always looked to Averell, because he had plenty of common sense based on superb intelligence."

"He was warm and friendly, but he could be strong and sharp," Mr. Vance said, "He was very human; if you were his friend, there was nothing he wouldn't do for you."

The State Department said in a communique: "Few diplomats in American public life have served their country in as many important capacities or taken part in so many history-shaping events. His loss will be deeply felt.

"Secretary and Mrs. Shultz wish to express their heartfelt condolences to Mrs. Harriman and to the rest of the Harriman family. With them go the condolences of the many thousands of State Department and Foreign Service personnel past and present who had the honor of knowing and working with Ambassador Harriman. While we all mourn his passing, we are comforted and uplifted by the knowledge that his was a long life, nobly spent in the best tradition of American diplomacy."

In tribute to Mr. Harriman, Mayor Koch order flags flown at half staff in the city.

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[From the New York Times, July 27, 1986]

EX-GOV. AVERELL HARRIMAN, ADVISER TO FOUR PRESIDENTS, DIES

(By Alan S. Oser)

W. Averell Harriman, the durable Democrat who was Governor of New York from 1955 to 1959 and served four Presidents in key diplomatic roles, died early yesterday at Birchgrove, his home in Yorktown Heights, N.Y. He was 94-years old.

Mr. Harriman, who had been in failing health for about a month, died of kidney failure complicated by pneumonia, according to a family spokesman, Robert M. Shrum.

Mr. Harriman, a patrician heir to a railroad fortune, first went to the Soviet Union as a businessman in 1926, and in subsequent decades he played a major part in the development of Soviet-American relations. As Ambassador in Moscow during Wordl War II, he had a rough-and-tumble relationship with Stalin, going on to carry out crucial negotiations with Communist governments in later years.

He served also as Secretary of Commerce in the Truman Administration and held a variety of important positions in business and finance.

PERSISTENT ON WAYS TO SUCCESS

Patience, persistence, and resourcefulness, a grasp of detail and a shrewd sense of how to get things done were among the qualities that helped Mr. Harriman win his high government appointments in the administration of four Democratic Presidents—Roosevelt, Truman, Johnson and Kennedy—and to get his work done, decade after decade, with a striking degree of success.

He also benefited from much hard work and, notably as Ambassador in Moscow, from an independent-mindedness that was

nourished by the awareness that he did not need his salary. As he put it: "Fortunately, I'm not dependent on my job to eat and, therefore, have a certain independence.

That is a great advantage."

And there was his sheer gusto: Neither age nor shifting political winds could wither the enthusiasm of William Averell Harriman for affairs of state. His lanky, somewhat stooped figure was present in the highest councils of the nation and the world for four decades, so long that to many Americans he was the country's superdiplomat.

AMERICAN PLENIPOTENTIARY

It was in the later years of his life, when he had already distinguished himself in business, diplomacy and politics, that he blossomed as the American plenipotentiary supreme. By the time most of his contemporaries of World War II diplomacy had died or retired, he was just beginning to amaze his countrymen with his durability and seemingly inexhaustible vitality.

Mr. Harriman was 70 years old when he negotiated Geneva accords on a civil war in Laos; 72 when he led the American team that negotiated the 1963 Moscow treaty banning above-ground nuclear tests; and 76 when he went to Paris to start the negotiations to end the Vietnam War. To his chagrin, the election in 1968 of a Republican, Richard M. Nixon, compelled him to turn that task over to other hands.

All this came in the 1960's, with Presidents Kennedy and Johnson. But he had already had a long period of diplomatic work under Presidents Roosevelt and Truman.

"In the last 10 years," Mr. Harriman said in 1952, "I guess I've seen most of the important political characters—Benes, de Gaulle, Chiang, Adenauer, de Gasperi and the rest. I've seen Stalin more than any other foreigner has, you know. Some name did come up the other day—someone I'd never met. I've forgotten who it was, for the instant. Oh, yes, Nehru." Later he also met Jawaharial Nehru, the Indian leader.

Among other things, he had been in those years Roosevelt's lend-lease chief in Britain as well as the United States Ambassador to the Soviet Union, from 1943 to 1946, and to Britain, later in 1946, and Truman's advisor on postwar foreign policy and coordinator of the Marshall Plan recovery effort in Europe.

In the Democratic Presidential hiatus of the Eisenhower years, Mr. Harriman tried his hand at politics. His Presidential aspirations were snuffed out at two Democratic Party conventions, but he managed to win election, by a thin margin, to his term as Governor of New York.

While he was Governor, and known to some as "Honest Ave," be followed faithfully in the liberal footsteps of his great predecessors in that office but left an impression of plodding colorlessness.

And yet, much earlier, in the years after World War I, he had won a reputation as a shrewd, driving shipping magnate and a vigorous Wall Street financier. He had gone on to be the chairman of the board of the Union Pacific Railroad, from 1932 to 1942, before serving as an innovative, though unimposing, Secretary of Commerce from 1946 to 1948.

THE LOOK OF A LEADER

There was no lack of the physical attributes for political popularity or boardroom leadership. He was a slim and handsome 6 feet 1, with deeply intent brown eyes, a square jaw and a demeanor of seriousness that made his sudden broad smile all the more disarming.

His style was not of the outgoing warmth generally associated with the successful politician, but it fitted the successful negotiator perfectly. First there were his almost legendary patience and tenacious perseverance. "Persistence is the key," he once said. One official described how that applied during the test-ban negotiations in 1963: "He just keeps on talking in that low monotone."

Then there was a crafty instinct for dealing with those at the source of power. An associate described the talent harshly: "Averell's a power snob." Another put it more generously: "He wants to know the right people all the time, not the 'right people' socially but the 'right people' to get things done. He thinks if you sit down and talk things over sensibly you can work out almost anything."

There was also a painstaking mastery of the issues. Mr. Harriman awed his associates with his grasp of detail—a grasp as firm on the other side's point of view as on the American.

There were a no-nonsense, businesslike attitude, candor, even bluntness when called for, and an uncanny ability to maintain the personal respect even of those with whom he differed. A member of Congress once said of him: "Averell's nonprovocative. You just never get mad at him." Stalin, who argued vigorously with Mr. Harriman as Soviet-American relations deteriorated at the close of the war, expressed his respect with the gift of a white stallion that the Ambassador had admired in a Soviet military film.

Finally, Mr. Harriman had a resolute grasp of the principles of policy and an unswerving and rather grand notion of America's role in the international firmament. "We must have our hand out in friendship but our guard up," he would say, meaning that in practice the national interest lay in reaching accommodation, wherever possible, with a Soviet Union whose postwar international motives he distrusted.

On the personal level, Mr. Harriman had few of the conventional attributes of the diplomat. He was indifferent to clothes, bored by purely social gatherings to the point of occasional rudeness and sometimes absent-minded on personal matters. He was fluent in no foreign language, not even French, the language of diplomacy. "My French is excellent, except for the verbs," he once remarked, and it was said that this was about as close to making a joke as he ever came.

This "last tall timber of the New Deal," as Theodore H. White called him, was born in New York on Nov. 15, 1891, into one of America's wealthiest families. He was one of six children of the railroad baron E.H. Harriman, who began as a $5 a week office boy, rose to head the Union Pacific Railroad and left a fortune estimated at $70 million to $100 million. His mother was Mary Williamson Averell, a banker's daughter. The family lived in Arden House, a 40-bedroom Renaissance-style chateau on 20,000 acres overlooking the Hudson River between Tuxedo Park and West Point.

His strong-minded father impressed on him the virtues of a healthy body, strong nerves, an ability to mix with others and public service. "Great wealth is an obligation," his father declared. "Whatever you have to do with, you should try to improve it."

This view emerged later from the mouth of the son: "It is as indefensible for a man who has capital not to apply himself to using it in a way that will be of most benefit for the country as it is for a laborer to refuse to work. It is the duty of everyone rich or poor, to work. I love work—I cannot see how anyone can prefer to remain idle."

At Groton and Yale, young Harriman received C's but distinguished himself athletically. As a rower at Yale, he was made coach of the freshman crew and then of the varsity. Polo, bowling, handball, badminton, pool, skiing and croquet were passions at various times. At one time he was the fourthranked polo player in the country.

He taught himself skiing in middle age and became so proficient that when Soviet security agents were shadowing him while he was Ambassador in the 1940's, a champion skier had to be assigned to him when he went out on the slopes. And the croquet games at the Harriman home in Sands Point, L.I., became widely celebrated.

While he was a senior at Yale, Mr. Harriman was elected to the board of directors of Union Pacific. He went to work for the railroad as a trackwalker after graduation from Yale in 1913 and became a vice president a year later. But he was restless under the shadow of his father's reputation, so he bought a rundown shipyard in Chester, Pa., in 1917 and quit the railroad to run it.

After World War I his company took over the facilities and prewar trade routes of the Hamburg-American Line in a deal that was called the biggest in the history of American shipping. By the age of 29, Mr. Harriman was one of the most powerful figures in American shipping—shy, astute and hard-working, shipping writers called him—and he had dreams of establishing an international maritime empire.

He was also active on Wall Street, forming the investment house of W.A. Harriman & Company in 1919 and, with his brother, E. Roland Harriman, the private bank of Harriman Brothers & Company a year later. Later these merged with Brown Brothers to become Brown Brothers Harriman & Company, in which he was a general partner before becoming a limited partner when he went into government service full time.

His investment ventures of the 1920's had a strong international tone. One that arrested the attention of Wall Street was a deal with the young Bolshevik Government in the Soviet Union giving the Harriman interests a 20-year concession to exploit a manganese mine in the Caucasus.

Two years later, in 1926, he visited the Soviet Union and had a four-hour audience with Trotsky, whom he found brisk, businesslike and penetrating. But he also found the Soviet Union to be no place for foreign investment. Convinced that the xenophobic Stalin would win out in the power struggle to come, he recommended withdrawal from the Soviet venture, and a settlement was negotiated. "We got our money out with a small profit," he said.

His grandiose shipping aspirations gradually expired, and in 1926 he sold his ships. Six years later he was a railroad man again with his election as chairman of the board of Union Pacific.

Until 1928 Mr. Harriman was a faithful Republican, but that year brought a change. There have been various explanations of his turn to the Democrats. Some said he greatly admired Alfred E. Smith, the New York Governor who ran for President that year.

Others have pointed to Mr. Harriman's sister Mary, an intellectual who was the wife of the sculptor Charles Cary Rumsey

and a close friend of Frances Perkins, Secretary of Labor in the Roosevelt Administration. The theory was that Mrs. Rumsey had something to do with arousing her brother's social conscience and redirecting his political allegiance.

Years later he himself gave several reasons for his shift. He objected to Republican isolationism, he said, and favored support for the League of Nations. He also favored a change in protectionist tariff policies and restraints on speculative expansion in stock investments.

"I have frequently said, and it has usually gotten a laugh, that I've had a lot more fun out of life since I've been a Democrat," he said.

JOB NEGOTIATIONS AT CROQUET GAME

The New Deal found work for a man of great wealth, broad experience and wide connections in business and finance. It is said that Harry Hopkins, the New Deal official, recruited him during a game of croquet. The first important job, in 1934, was as state chairman of the National Recovery Administration, which prepared and enforced codes of fair competition for business to encourage economic recovery. He later was named the agency's administrative officer.

In these years he was also a member of the Business Advisory Council of the Department of Commerce, and in 1937 he was named chairman. His public comments at the time expressed his strong belief that business must show a sense of public responsibility.

"People in this country, I believe, are ready to listen to businessmen with more confidence than they are to the politican," he said. "But when business people don't offer any hope, don't offer any solution, why, they turn to the politician for the political cure."

In early 1941, when the United States was only months away from entering World War II, Mr. Harriman became chief of the materials branch of the production division in the Office of Production Management. From there Mr. Hopkins sent him to Britain just before the passage of the lend-lease bill.

In a matter of months he was flying everywhere from Moscow to the Middle East to expedite, shipments of war aid to the British: "By my direction he was shown everything," Winston Churchill, then the British Prime Minister, wrote in his memoirs. So began a vigorously peripatetic international career.

With Lord Beaverbrook of Britain he went to Moscow in 1941 to arrange lend-lease shipments to the Soviet Union, the new ally of the West. In August 1942 he returned there, this time with Churchill, to talk about opening a second front in Europe. A year later he was named Ambassador to Moscow.

During the war Mr. Harriman twice flew in planes that mistakenly came under Allied fire. "I once mentioned to Stalin that I had been shot at by the British and the Russians," he recalled. "Stalin rather liked that."

The Soviet leader learned to stand for some unaccustomed backtalk from Ambassador Harriman to his own blunt criticism of American policy. On one occasion, the American Ambassador to China, Maj. Gen. Patrick J. Hurley, was witness to an agrument that waxed so hot that he interposed, "Come, come, gentlemen, things can't be as bad as all that."

The combatants stopped only long enough to turn to General Hurley with a disdainful, who-let-him-in expression and then returned to the fray. Later Mr. Harriman told General Hurley, "That was nothing compared to what usually goes on."

As Ambassador, Mr. Harriman showed a willingness to make independent decisions without instructions from Washington.

When the Russians wanted him to forward to Washington a proposed draft for an Allied reply to a Japanese surrender statement, he declined, telling Stalin that its language seemed to give the Soviet Union a veto over the selection of personnel for the Allied High Command that would rule Japan. Stalin changed the language.

In the aftermath of the war, the Ambassador became convinced that the Soviet Union intended to extend its control over neighboring countries in violation of the Yalta agreement, as the United States understood it.

As James V. Forestal, who was to become the first Secretary of Defense, recalled it, Mr. Harriman said "that the outward thrust of Communism was not dead and that we may have to face an ideological warfare just as vigorous and dangerous as Fascism or Nazism."

Mr. Harriman therefore advocated a policy of strength and firmness and, according to Truman, an abandonment of any illusion that the Soviet Union was likely to act in accordance with the principles of international relations to which the rest of the world held.

Some later critics said Mr. Harriman's viewpoint helped set the cold war in motion. In any event, it proved persuasive to Truman and guided his position, for example, in the wrangling over Poland's postwar government. The West strove for a broadly representative interim government pending free elections, while Stalin insisted that the pro-Soviet Lublin regime hold power. Mr. Harriman told Truman, "I am afraid Stalin does not and never will understand our interest in a free Poland as a matter of principle."

Mr. Harriman placed great emphasis on the importance of the United Nations, then being formed, in keeping world peace. "It is a fact that the Russian ideology is completely different from ours," he said, "but if we both adopt the attitude of live and let live as to internal affairs and we both respect the right of all people to choose their own way of life, this barrier needn't be insurmountable."

In 1946 Truman acceded to Mr. Harriman's request, to be relieved of the Moscow post but only a month later asked him to go to London as Ambassador. He was welcomed warmly by the British, but scarcely seven months later he was back in Washington as Secretary of Commerce.

At Commerce, Mr. Harriman headed a committee that produced a study that helped bring about the passage of the Economic Cooperation Act, the basis of assistance to postwar Europe.

But in the public aspects of the post, he was less than a success. He acquired a reputation as a dreadful public speaker, talking in a slow monotone and sounding unsure of himself.

In the spring of 1948 Truman had a new assignment for his loyal lieutenant. He was given the title Special Representative in Europe for the Economic Cooperation Administration, in effect making him the White House watchdog over the Marshall Plan in Europe. During the next several years Mr. Harriman traveled widely and supervised the disbursement of billions of dollars in American goods and money to American allies, past, present and potential.

Later Truman made Mr. Harriman a special assistant on foreign policy and head of the Mutual Security Administration. But hardly anyone, until the 1950's thought of him as a likely political candidate.

When Truman withdrew from consideration for renomination to the Presidency in 1952, Mr. Harriman came forward as an uncompromising New Deal-Fair Deal liberal. At the Democratic convention in that year he allied himself with Senator Estes Kefauver of Tennessee in an attempt to stop the nomination of Adlai E. Stevenson. They failed.

So Mr. Harriman, still ambitious, still dogged, turned two years later, to New York State, where uncompromising New Deal liberalism had a strong appeal. With the support of state Democratic chieftains, and especially the Tammany Hall leader, Carmine G. DeSapio, he won the 1954 gubernatorial nomination over the antiboss candidate, Franklin D. Roosevelt Jr. For that he paid a price: Independent voices as well as the Republican opposition charged that he was the captive of the bosses.

The charge did not die even after the election, in which Mr. Harriman squeaked through against his Republican opponent, Senator Irving M. Ives by 11,791 votes out of five million cast.

"HONEST AVE" DROPS THE "W."

According to one colleague, Adrian S. Fisher, the election changed Mr. Harriman. "I think in Harriman's life being elected rather than appointed was the equivalent of meeting a payroll," he said. "Where he was jumpy before, he's now self-confident. His diffidence in speaking is completely gone."

Nevertheless, as the Governor—who had adopted the sobriquet "Honest Ave" and dropped the "W." in front of Averell—he never succeeded in inflaming the imagination or stirring the affection of the New York public.

Once he was said to have telephoned his close assistant, Milton Stewart, during dinner and reprimanded him in exceptionally strong language for something. Those at the table kept an embarrassed silence, and soon the Governor placed a second call to Mr. Stewart. Everyone expected an apology, but instead Mr. Harriman grumbled into the telephone, "Milt, I just wanted you to know I meant everything I said."

Mr. Harriman himself always felt that he compiled a good record as Governor, and four years later, running for re-election, he set it out before the voters in rigorous if tedious statistical prose: programs to help the aged; an increase of 77 percent in state aid to education; a quadrupling of the number of authorized Regents' scholarships; a change in emphasis in mental health from custodial care to research and treatment aimed at reducing the mental-hospital population, which fell by 4,000; pioneering advances in privately financed middle-income housing; legislation providing increased benefits to workers, and steps to strengthen small business.

Despite all that, Nelson A. Rockefeller won a smashing half-million vote victory over Mr. Harriman in 1958. Commentators were not inclined to attribute the defeat to Mr. Harriman's performance as Governor. There were Mr. Rockefeller's electric qualities as a campaigner to consider, as well as the public's sour reaction to a Democratic convention in Buffalo that seemed to fall under Tammany Hall's domination.

The defeat came on top of Mr. Harriman's second failure, in 1956, to capture the Presidential nomination. Truman, whose relations with Mr. Stevenson had cooled, announced support for Mr. Harriman a few days before the Democratic convention. But Governor Harriman could not get the support of the South, and Mr. Stevenson was nominated on the first ballot.

With the gubernatorial defeat in 1958, Mr. Harriman declared his political ambitions ended and the "W." returned to his stationery. He sent out on a tour to India and then to the Soviet Union, where his reception was the most enthusiastic received by an American in some time.

"Within 48 hours of my arrival no less than three members of the Cabinet offered me everything from a bear hunt to a nonaggression pact," he said. But that did not prevent what he described as a blunt and brutal talk with Prime Minister Nikita S. Khrushchev about Soviet-American problems.

As the Presidential campaign of 1960 neared, Mr. Harriman announced for Senator Kennedy, who, after his nomination, named the former Ambassador one of his foreign policy advisers. In that capacity Mr. Harriman toured Africa.

After the election Kennedy hesitated to give Mr. Harriman a Government post, fearing, as Arthur M. Schlesinger wrote in "A Thousand Days," that "at 69 and slightly deaf he was too old for active service." But there was wide-spread enthusiasm for him on the New Frontier, and Kennedy relented with the proviso that Mr. Harriman be persuaded to wear a hearing aid. He was persuaded.

For his part, Mr. Harriman suffered from no self-doubts. "I am confident that before things end up, I will be in the inner circle." he told a friend. "I started as a private with Roosevelt and worked to the top. And then I had to start as a private all over again with Truman and work to the top. That is what I intend to do again."

Thus Mr. Harriman took on the relatively vague job of Ambassador at Large among the vigorous young folk in the Kennedy camp. His first task, in 1961, concerned Laos, where a conflict with cold war overtones was going on among rightists, neutralists and a pro-Communist faction. Mr. Harriman went to see the neutralist leader, Prince Souvanna Phouma, in New Delhi and reported favorably on the Prince's desire for a coalition government with international guarantees of Laotian neutrality.

The White House was impressed, and in time the United States moved away from its support of the rightist anti-Communist leader, Phoumi Nosavan, which had been fostered in the Eisenhower period, toward support of a neutral regime.

BALANCED TICKET AT GENEVA

The tortuous 14-nation negotiations at Geneva on Laos involved putting together a government of national union that the Russians, the Chinese and the Americans, as well as the Laotians themselves, could agree to. Mr. Harriman was effective at that. "He's putting together a New York State balanced ticket; he's doing a good job," Kennedy remarked.

The pleased President made Mr. Harriman Assistant Secretary of State for Far Eastern Affairs. In that post he acquired the nickname "the Crocodile" because he tended to bite off abruptly proposals that seemed to him foolish or irrelevant. And he sought persistently to bring along youthful and audacious people. "Do you know what this department needs?" he was said to have declared at the age of 71. "Young blood!"

In 1963 another promotion came—to Under Secretary for Political Affairs, the No. 3 post in the State Department. In that year he was also named to head the American team that negotiated with the Soviet Union the treaty banning all nuclear tests except those conducted underground.

Mr. Harriman never claimed credit for the success of the negotiations. He said that he knew after speaking to Mr. Khrushchev on the first day that the Russians had decided that a test-ban treaty would be advantageous, and that the problem then was merely to agree on the working. But it was widely agreed that his deft touch moved the negotiations smartly along and made basic agreement among the Soviet Union, Britain and the United States possible within five days.

After Kennedy was assassinated in November 1963, Mr. Harriman stayed on with President Johnson, supporting his controversial determination to press on with the Vietnam War and undertaking numerous Presidential missions. Meanwhile, at his own request, Mr. Harriman reverted to the title of Ambassador at large.

As the 1960's wore on, he played a larger role in the Vietnam problem. He traveled to Moscow for two meetings with Prime Minister Aleksei N. Kosygin during one American "peace offensive," trying to persuade the Soviet Union to coax Hanoi toward the negotiating table. But that effort failed. From there he went to Belgrade, Bonn, Brussels, Rome and London, explaining Johnson's decision to escalate the war in the absence of peace talks.

When he returned, Johnson placed him in charge of coordinating the American effort to get talks started, and in 1966 he traveled throughout the world to emphasize this American aim. But he remained faithful to the Johnson view that Vietnam was a critical test of the non-Communist world's ability to stop so-called wars on national liberation.

He was far from a hawk in the end, however, and as chief of the United States delegation at the Paris peace talks in 1986 he strove for accommodation. The South Vietnamese no less than the North Vietnamese frustrated the efforts, and finally Mr. Harriman was among those who felt that the Nixon Administration dog has been wagged by the Saigon tail for too long.

After the new Administration has replaced him in Paris, those views made him popular within the peace movement that kept up pressure on the Republicans for military withdrawal.

Mr. Harriman remained active in foreign affairs late in his life. In June 1983, he went to Moscow to confer with Yuri V. Andropov, then the Soviet leader. At their meeting, in Mr. Andropov's office at the headquarters of the Central Committee of the Soviet Communist party, Mr. Andropov said his country had a "sincere and fervent desire" to restore normal relations with the United States. He contended that the Reagan Administration was to blame for a situation that "cannot but give rise to alarm," and he called for a return to peaceful coexistence.

Reporting on the talks afterward, Mr. Harriman said he had been frank in voicing his view "that it was possible for the Soviet Government to take steps which can improve relations."

Mr. Harriman married three times. His first wife was Kitty Lanier Lawrence, the daughter of a New York banker. The couple were divorced in 1929 and a year later Mr. Harriman married the former Marie Norton, who has been the wife of Cornelius Vanderbilt Whitney. Mrs. Harriman operated an art gallery in New York, and she and her husband acquired a notable collection of paintings. She died in 1970.

The following year Mr. Harriman married Pamela Digby Hayward. She was the widow of Leland Hayward, the theatrical producer, and was the mother, by a previous marriage to Churchill's son, Randolph, of Sir Winston's grandson, who bears his grandfather's name.

The home in which Mr. Harriman grew up, Arden House—named after the forest in "As You Like It"—was donated to Columbia University. Years earlier, the family had donated 10,000 acres in its 20,000-acre estate to New York State as a park, leading the town nearby to change its name from Turner to Harriman.

In 1982 Mr. Harriman donated $10 million, to which his family's Gladys and Roland Harriman Foundation added $1.5 million, to the Russian Institute of Columbia University, to promote American studies of the Soviet Union.

Mr. Harriman did so, he said, because the popularity of Soviet studies had declined in recent years and American ignorance of the Soviet Union was "very dangerous."

The university renamed the institute the W. Averell Harriman Institute for the Advanced Study of the Soviet Union.

Mr. Harriman is survived by his wife; two daughters by his first marriage, Mary Harriman Fisk and Kathleen Harriman Mortimer, both of Manhattan; six grandchildren and six great-grandchildren.

A funeral service is to be held at noon Tuesday at St. Thomas Episcopal Church, 53d Street and Fifth Avenue. Burial will be later in the day at the Harriman family estate in Harriman, N.Y.

A memorial service is to be held on Sept. 16 at noon at the National Cathedral in Washington.

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[From the New York Times, July 27, 1986]

HARRIMAN: A TRIBUTE

(By James Reston)

Averell Harriman lived long enough to fight the central political battles of the age and still retain the respect and admiration of both his colleagues and his critics.

For more than half a century, as Governor of New York, Secretary of Commerce, Ambassador to Great Britain and the Soviet Union—to mention only a few of his responsibilities—he was a model of the public servant, ranking in the memory of this capital with George Catlett, Marshall, Dean Acheson, George Kennan and a few others who have devoted their lives to the ideals of the Republic.

He was both a politician and a statesman, with qualities of character that enabled him to fight for his party without losing sight of the larger interests of the nation. Unlike so many of his contemporaries, he knew that simplicity and concentration produce lucidity and decision.

Thus, he devoted most of his public life to the great struggles of the economic Depression, the fight against Fascism in the Second World War and the tangles of U.S.-Soviet relations in the postwar atomic age.

The issue of Soviet-American relations was his enduring concern over the last 40 years, and even at the end he established a center for Soviet studies at Columbia Uni-

versity to keep the cold war, as he saw it, in historical perspective.

It should probably be noted that he did not follow the prevailing fashions of his class and time. He came out of a great conservative railroad tradition, but joined Franklin Roosevelt's New Deal in what he regarded as an essential crusade to modify and preserve the capitalist system.

Likewise, he came out of his stewardship in Moscow, as Mr. Kennan did, with a clear determination to contain the spread of Soviet power and Communist influence, though always with the conviction that war between these atomic giants must and could be avoided.

He worried about the tendency among his fellow countrymen to think of the Soviet leaders as comparable to the Nazis. Even in his declining years, he was presiding with his wife over seminars in his Georgetown house where men and women of different political and philosophical persuasions debated the issues of the arms race.

It irritated him to hear it said, on the one hand, that the Soviet Union was so strong as to threaten the existence of the United States, and on the other, that it existed mainly by borrowing and stealing modern technology and therefore was so weak that it would be overwhelmed by the rush of science in the computer age.

Not long before he died, his wife, Pamela, formerly the daughter-in-law of Winston Churchill, published one of his favorite Churchillian passages, in which Churchill had proposed that Communism should be "strangled in its cradle," and had warned the world against Moscow's imperialistic designs and materialistic philosophy. Nevertheless, like Tocqueville, Mr. Harriman believed that the United States and the Soviet Union had emerged as the presiding giants of the world and had to keep negotiating until they found some common ground in their common interest.

If Averell Harriman's eloquence had matched his thought, he might have been chosen to represent his party in its bid for the Presidency. But it would be a mistake to say that he was a pioneer in the ideas of his age. He was a servant and a collector of the best thought he could find. Though fiercely partisan, he never forgot that after the political battles were over, those engaged, in them would have to go on working and living together.

This is a rare quality in Washington. For all too often, officials here cannot bear public criticism without private resentment. Averell Harriman was not like that. He spoke his mind and when his dander was up, he could be almost recklessly frank; but his storms of thunder and lightning soon passed and he could forgive even the press for what he often regarded as its impudent condemnation of his ideas.

In short, he was a gentleman who did not apologize for his old-fashioned concept of noblesse oblige. He was particularly fond of Walter Lippmann's definition of the ideal standards of a public man, and tried to live by them.

"Those in high places," Lippmann wrote shortly before Mr. Harriman came to Washington, "are more than the administrators of government bureaus. They are more than the writers of laws. They are the custodians of a nation's ideals, of the beliefs it cherishes, of its permanent hopes, of the faith which makes a nation out of a mere aggregation of individuals . . ."

When we have said that, it will be understood why those who knew Averell Harriman best admired him most, and why he will be remembered here and in Albany as a symbol of the best in our public service.

## LT. COL. CHARLES A. SEWELL

Mr. MOYNIHAN. Mr. President, the Senate will be saddened to learn of the death of Lt. Col. Charles A. Sewell, the chief test pilot for the Grumman Corp. and former Marine aviator who flew 330 combat missions over Korea, Vietnam, and Laos.

Colonel Sewell died Monday when the small single-engine World War II Avenger bomber he was flying crashed shortly after takeoff from Danielson Airport near Brooklyn, CT.

A sometime flight instructor of our gallant colleague from Ohio, Senator GLENN, Colonel Sewell led an extraordinary military career, earning the Legion of Merit, two Distinguished Flying Crosses, 15 Air Medals and two Purple Hearts.

As chief test pilot at Grumman, Colonel Sewell was the first to fly the X-29, the experimental aircraft with swept-forward wings that maneuvers at twice the speed of sound. Col. Michael Myers of the test pilot school at Edwards Air Force Base called Colonel Sewell "one of the outstanding people in aviation test flight."

Mr. President, Charles Sewell is mourned today at Grumman headquarters on Long Island, and indeed all over New York State and the Nation. He was a man of rare talent and bravery, and he will be greatly missed.

As a small measure of respect for this exceptionally inspired aviator, I ask unanimous consent that the account from today's Newsday be printed in the RECORD. Our hearts go out to his wife Bonnie and family, and our prayers are with them.

[From the Newsday, Aug. 5, 1986]

CRASH KILLS GRUMMAN TEST PILOT

BROOKLYN, CONN.—Charles A. Sewell, who was the first to fly an odd-shaped experimental fighter that dives and turns at more than twice the speed of sound, was killed yesterday in the crash of a single-engine World War II bomber he was ferrying to Florida for a friend.

"Im going to crash," Sewell's voice boomed out over a loudspeaker at the small rural airport the Grumman Corp. chief test pilot had taken off from—and was desperately trying to return to. Moments later, the crippled Avenger plunged into dense forest a mile from the runway and burned.

"The engine malfunctioned and beyond that, who knows?" said William M. Simmons, the mechanic who worked on the plane before it took off and watched it disappear over a ridge. "I knew when it went up that something was wrong."

Authorities said they did not know what caused the failure of Grumman-designed Navy bomber several minutes after takeoff from Danielson Airport in eastern Connecticut, near the Rhode Island border. But witnesses reporting seeing black puffing from the engine as the propeller-driven plane taxied and then billowing as the plane rose several hundred feet above the treetops

On the runway, said Ed Vicent, a pilot who flies out of Danielson, "The plane fired up full throttle, and an enormous amount of smoke came out of the engine—black smoke. As he taxied, the smoke should have leveled off, but it didn't. As the plane went off, I started seeing intermittent puffs. It shouldn't have been doing that."

Witnesses said that after making what appeared to be an otherwise normal banking maneuver, the plane—piloted by a man known for his uncanny ability to solve potentially deadly flight problems—began to lose altitude and dipped out of sight.

Another witness saw the smoking, sputtering craft try to turn again toward the field. Suddenly, about 100 feet above the treetops, the plane plunged into the woods, where it burned furiously for nearly three hours.

"The plane sheared off the tops of several trees in the immediate vicinity of the crash site and plowed into the ground upside down," said Jeffrey Otto, chief of the Mortlake Fire Co., one of four volunteer departments that sent about 30 fire fighters to the scene.

Thwarted by the intense heat and dense foliage, fire fighters said it took nearly 20 minutes to reach the site.

Gumman officials and pilots across the country were stunned at the death of Chuck Sewell, 56, a heavily decorated former Marine and member of the elite Society of Experimental Test Pilots. He was the first to fly the X-29, an experimental plane with forward-swept wings.

"He was one of the outstanding people in aviation test flight," said Col. Michael Meyers of the Edwards Air Force Base test pilot school. "We'll really miss him."

The World War II plane Sewell died in was owned by a friend, Richard Foote, who collected and flew vintage aircraft. After a stopover at the Grumman plant at Calverton, L.I., Sewell was to have flown the plane to New Smyrna Beach, on Florida's east coast. The trip was unrelated to Sewell's work for Grumman.

Sewell had logged more than 10,000 hours of flying time on 140 types of aircraft, including the X-29.

As a highly decorated Marine Corps pilot, he flew 110 missions over Korea, where he was shot down behind enemy lines and escaped by swimming miles before being rescued, and 220 more over Vietnam and Laos. Mild-mannered and soft-spoken with a Texas drawl, he earned the Legion of Merit, two Distinguished Flying Crosses, 15 air medals and two Purple Hearts. After 20 years as a fighter pilot, the Fort Worth native went to work for Grumman.

Sewell is survived by his wife, Bonnie; a son, Richard of Port St. Lucie, Fla., and a daughter, Cynde Bell of Melbourne, Fla. Funeral arrangements were incomplete last night.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3579. A communication from the Director of the Office of Management and Budget. Executive Office of the President, transmitting, pursuant to law, a report on

the reapportionment of the appropriation for operation of Radio Free Europe/Radio Liberty, Inc.; to the Committee on Appropriations.

EC-3580. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report on the Department of Defense's system for management of technical data; to the Committee on Armed Services.

EC-3581. A communication from the Secretary of the Air Force, transmitting, pursuant to law, a report on the decision to cancel the precision location strike system production program; to the Committee on Armed Services.

EC-3582. A communication from the Secretary of Defense, transmitting, pursuant to law, a report on the Impact of Foreign Exports on the Defense Industrial Base of the United States; to the Committee on Armed Services.

EC-3583. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Financial Audit—Federal Deposit Insurance Corporation's Financial Statements for 1985 and 1984"; to the Committee on Banking, Housing, and Urban Affairs.

EC-3584. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the annual report on the operations of the Exchange Stabilization Fund for fiscal year 1985; to the Committee on Banking, Housing, and Urban Affairs.

EC-3585. A communication from the Administrator of the National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, a report on export potential of ocean thermal energy conversion components, facilities, and plantships; to the Committee on Commerce, Science, and Transportation.

EC-3586. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report on certain actions taken with respect to Manila International Airport; to the Committee on Commerce, Science, and Transportation.

EC-3587. A communication from the Secretary of the Interior, transmitting, pursuant to law, the Secretary's 20th anniversary report on the National Historic Preservation Act; to the Committee on Energy and Natural Resources.

EC-3588. A communication from the Deputy Associate Director for Royalty Management, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of overpayment of certain offshore oil lease revenues; to the Committee on Energy and Natural Resources.

EC-3589. A communication from the Deputy Associate Director for Royalty Management, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of overpayment of certain offshore oil lease revenues; to the Committee on Energy and Natural Resources.

EC-3590. A communication from the Deputy Associate Director for Royalty Management, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of overpayment of certain offshore oil lease revenues; to the Committee on Energy and Natural Resources.

EC-3591. A communication from the Deputy Associate Director for Royalty Management, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of overpayment of certain offshore oil lease revenues; to the Committee on Energy and Natural Resources.

EC-3592. A communication from the Deputy Associate Director for Royalty Management, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of overpayment of certain offshore oil lease revenues; to the Committee on Energy and Natural Resources.

EC-3593. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on the implications of raising the retirement age in the next century on individuals who, because they are engaged in physically demanding employment or are unable to attend their working careers for health reasons, may not benefit from improvements in longevity; to the Committee on Finance.

EC-3594. A communication from the General Counsel of the Department of the Treasury, transmitting, a draft of proposed legislation to amend the Tariff Act of 1930 to increase the effectiveness of the Customs Service in enforcement matters, and for other purposes; to the Committee on Finance.

EC-3595. A communication from the President of the United States, transmitting, pursuant to law, and unclassified version of a report on U.S. interim restraint policy and on representative Soviet and U.S. forces with and without SALT I and II; to the Committee on Foreign Relations.

EC-3596. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Review of the Use of General Obligation Bond Proceeds During Fiscal Year 1985"; to the Committee on Government Affairs.

EC-3597. A communication from the District of Columbia Auditor transmitting, pursuant to law, a report entitled "District of Columbia Statehood Constitutional Convention and Statehood Commission"; to the Committee on Government Affairs.

EC-3598. A communication from the Director of Benefits, Farm Credit Banks of Texas, transmitting, pursuant to law, the report for the plan year ended December 31, 1985, for the Farm Credit Banks of Texas Pension Plan; to the Committee on Governmental Affairs.

EC-3599. A communication from the Deputy Assistant Secretary of Defense (Administration), transmitting, pursuant to law, a report on a new Privacy Act system of records for the Department of the Navy; to the Committee on Governmental Affairs.

EC-3600. A communication from the Deputy Assistant Secretary of Defense (Administration), transmitting, pursuant to law, a report on a new Privacy Act system of records for the Defense Intelligence Agency; to the Committee on Governmental Affairs.

EC-3601. A communication from the Secretary of the American Battle Monuments Commission, transmitting, pursuant to law, the annual report of the Commission under the Freedom of Information Act for calendar year 1985; to the Committee on the Judiciary.

EC-3602. A communication from the Chief Immigration Judge, Executive Office for Immigration Review, Department of Justice, transmitting, pursuant to law, a report on the suspension of deportation of certain aliens under sections 244(a)(1) and 244 (a)(2) of the Immigration and Nationality Act; to the Committee on the Judiciary.

EC-3603. A communication from the Chief Justice of the United States, transmitting a draft of proposed legislation to preserve the authority of the Supreme Court Policy to provide protective services for Justices and Court personnel; to the Committee on the Judiciary.

EC-3604. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations for the National Direct Student Loan Program; to the Committee on Labor an Human Resources.

EC-3605. A communication from the Secretary of Education, transmitting, pursuant to law, notice of final priorities for Educational Media Research, Production, Distribution, and Training; to the Committee on Labor and Human Resources.

EC-3606. A communication from the Secretary of Education, transmitting, pursuant to law, notice of final priorities for rehabilitation long-term training—rehabilitation counselors; to the Committee on Labor and Human Resources.

EC-3607 A communication from the Secretary of Education transmitting, pursuant to law, notice of final priorities for experimental and innovative training; to the Committee on Labor and Human Resources.

EC-3608 A communication from the Secretary of Education, transmitting, pursuant to law, notice of final priorities for rehabilitation long-term training workshop and facilities; to the Committee on Labor and Human Resources.

EC-3609 A communication from the Assistant Secretary of Education (Special Education and Rehabilitative Services), transmitting, pursuant to law, notice of the appointment of members of the Commission on Education of the Deaf; to the Committee on Labor and Human Resources.

EC-3610 A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report on the status of handicapped children in Head Start Programs; to the Commission on Labor and Human Resources.

## PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-835. A joint resolution adopted by the Legislature of the State of California; to the Committee on Commerce, Science, and Transportation.

"ASSEMBLY JOINT RESOLUTION No. 72—

"Whereas, The Legislature has declared telephone service to be a modern necessity of life in California, as it is throughout this country; and

"Whereas, The cost of telephone service for California businesses and residents is a matter of particular state and local concern; and

"Whereas, The Federal Communications Commission has attempted to usurp the traditional ratemaking authority of California and the other states by prescribing accounting methods and rules for intrastate telephone service in violation of the letter, spirit, and intent of the specific delegation of authority to the states made by the Communications Act of 1934; and

"Whereas, This usurpation by the Federal Communications Commission is intended to, and will, raise local telephone rates for California businesses and residents, as well as for businesses and residents in other states; and

"Whereas, The Public Utilities Commission has regulated intrastate telephone service in California effectively without interference from the federal government; and

"Whereas, The preservation of the power of the several states to affect rates and practices of public utilities, including telephone corporations, is a fundamental element of the federal structure of the United States, which ought to be preserved against the depredations of federal agencies; now, therefore, be it

*"Resolved by the Assembly and Senate of the State of California, Jointly,* That the Legislature of the State of California respectfully memorializes the Congress of the United States to investigate the usurpation of state authority by the Federal Communications Commission and to amend the Communications Act of 1934, as necessary, to preserve state authority over intrastate telephone service to enable the states to protect the interests of their residents and ratepayers; and be it further

*"Resolved,* That the Legislature hereby supports the position of the Public Utilities Commission before the Federal Communications Commission, and in the federal courts, that the Communications Act of 1934 does not deprive the states of the power to regulate accounting methods and other details of the utility regulation process that directly affect local telephone rates; and be it further

*"Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the Chairperson of the Committee on Commerce, Transportation, and Science of the United States Senate, to the Chairperson of the Committee on Energy and Commerce and to the Chairperson of the Subcommittee on Telecommunications, Consumer Protection, and Finance of the United States House of Representatives, and to the Public Utilities Commission."

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POM-836. A resolution adopted by the Nevada Commission on Nuclear Projects regarding the Department of Energy's implementation of the Nuclear Waste Policy Act; to the Committee on Energy and Natural Resources.

POM-837. A resolution adopted by the Linn County, Oregon Board of Commissioners relating to assurances of compliance; to the Committee on Governmental Affairs.

POM-838. A petition from a citizen of Washington, D.C. relating to the confirmation of the nomination of William H. Rehnquist as Chief Justice of the United States; to the Committee on the Judiciary.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MATHIAS (for himself, Mr. SARBANES and Mr. STEVENS):

S. 2734. A bill to amend chapter 83 of title 5, United States Code, to provide civil service retirement credit for service performed under the Railroad Retirement Act, and for other purposes; to the Committee on Governmental Affairs.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BYRD (for himself, Mr. SASSER and Mr. GORE):

S. Res. 463. A resolution to recognize and honor William Smith "Bill" Monroe, the father of bluegrass music, on his seventy-fifth birthday; considered and agreed to.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTION

By Mr. MATHIAS (for himself, Mr. SARBANES, and Mr. STEVENS):

S. 2734. A bill to amend chapter 83 of title 5, United States Code, to provide civil service retirement credit for service performed under the Railroad Retirement Act, and for other purposes; to the Committee on Governmental Affairs.

RAILROAD SERVICE RETIREMENT CREDIT ACT

● Mr. MATHIAS. Mr. President, I today introduce legislation which will provide retirement credit under the Civil Service Retirement System (CSRS) for certain employees covered by the Railroad Retirement Act. This bill provides a fair resolution to an inequitable situation involving certain employees who worked for the railroads, and later for the Federal Government.

Since 1911, the Federal Government has employed a small number of individuals recruited from the railroad industry to implement Government programs on rail transportation. These experts, all highly knowledgable in the construction, maintenance, repair and operation of railroads, have been employed in five agencies of the Federal Government—the Interstate Commerce Commission, the Federal Railroad Administration, the National Transportation Safety Board, the National Mediation Board, and the Railroad Retirement Board. In creating these agencies, Congress has indicated that they should look to the railroads for the specialized personnel to fill those positions that demand an intimate understanding of the railroad industry. Within the entire Federal service there is now a group of 458 employees who fit this description.

But those who embark on this dual career face a serious disadvantage in their retirement years. During their railroad service, these employees contributed to and were vested in the railroad retirement system, which was established by Congress to ensure that employees on our Nation's railroads would be amply provided for in their retirement years. When these experts were recruited into the Federal Government, however, they also contributed to and became vested in the CSRS. The two federally established retirement programs required substantially equal contributions and, with roughly equivalent service, one could reasonably assume that benefits at retirement would be approximately equal and not adversely affected by the movement from the railroad industry into Federal employment. This is not the case. The annuity income from railroad retirement and civil service retirement combined is significantly less than had all of the work been covered continuously under either of the two systems. In addition, the economic inequities are now compounded by the changes to windfall benefits under the Social Security Amendments of 1983.

Mr. President, this is an anomalous situation that needs immediate attention. Just as railroad retirement is portable between railroad jobs, and civil service retirement portable between civil service jobs, railroad retirement should be portable to the civil service in this limited situation. It does not benefit the Federal Government to maintain a situation in which there is an adverse effect for having left the railroad to accept Federal employment.

If enacted, this legislation would rectify a situation that, while inadvertent, is no less distressing to the employees involved. Those covered by this bill constitute a finite number, and all were hired prior to January 1, 1984. More equitable treatment will be achieved if service years in the railroad industry are made portable to an employee who is vested in the civil service retirement program. The bill I propose would create such equitable treatment.

The number of persons who will be affected by this legislation is relatively small, and the cost, in comparison with the benefit to these employees, will be negligible. Therefore, I join those who introduce this legislation today with me in urging my colleagues to support this much needed change.

Mr. President, I ask unanimous consent that the text of my bill be included in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2734

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the "Railroad Service Retirement Credit Act of 1985".

SEC. 2. SERVICE CREDIT COMPUTATION.

Subsection (b) of section 8332 of title 5, United States Code, is amended—

(A) by striking out "and" at the end of paragraph (14);

(B) by striking out the period at the end of paragraph (15) and inserting in lieu thereof "; and"; and

(C) by inserting after paragraph (15) the following new paragraph:

"(16) in the case of any individual who first becomes an employee of the Department of Transportation, the Interstate

Commerce Commission, the National Mediation Board, the National Transportation Safety Board, or the Railroad Retirement Board on or before December 31, 1983, service performed on or after December 31, 1935, as an employee subject to the provisions of the Railroad Retirement Act of 1935, the Railroad Retirement Act of 1937, or the Railroad Retirement Act of 1974 (45 U.S.C. 231 et seq.), if such employee—

"(A) acquires 5 years or more of creditable civilian service (other than service performed on or after December 31, 1935, as an employee subject to the provisions of such Railroad Retirement Acts); and

"(B) makes a deposit to the Fund in an amount equal to the excess of the amount which would be required under section 8334(c) of this title, but for section 8334(g)(7) of this title, over the total amount contributed by such employee under such Railroad Retirement Acts.".

SEC. 3. DEPOSITS.

Section 8334(g) of title 5, United States Code, is amended—

(1) by striking out "or" at the end of paragraph (5);

(2) by striking out the period at the end of paragraph (6) and inserting in lieu thereof "; or"; and

(3) by adding at the end thereof the following new paragraph;

"(7) service creditable under paragraph (16) of section 8332 (b) of this title, except to the extent provided in subparagraph (B) of such paragraph.".

SEC. 4. INELIGIBILITY FOR ANNUITY UNDER RAILROAD RETIREMENT ACT OF 1974.

Section 2 of the Railroad Retirement Act of 1974 (45 U.S.C. 231a) is amended by adding at the end of the following new subsection:

"(i) An individual who is entitled to an annuity under subchapter III of chapter 83 of title 5, United States Code, is not eligible to receive an annuity under this section on the basis of the same service.".●

● Mr. SARBANES. Mr. President, I am pleased to join my colleague Senator MATHIAS in introducing the "Railroad Service Retirement Credit Act of 1986". Mr. President, a small group of individuals who left the private railroad industry have contributed years of practical knowledge and experience to guarantee the safe and efficient operation of America's rail service. During the early 1900's Congress deemed it was in the public interest to provide uniformity in the rules and regulations relating to rail operations and safety and decided that the Federal Government, not the rail carrier, should have that responsibility. Railroad safety rules and regulations were enacted and over the course of time five agencies: and Interstate Commerce Commission [ICC], the Federal Railroad Administration [FRA], the National Transportation Safety Board [NTSB], the National Mediation Board [NMB], and the Railroad Retirement Board [RRB] were established to enforce and approve any future changes in the rules and regulations. In order to ensure that the agencies hired competent personnel with the necessary technical experience and knowledge to carry out their goals, the Congress directed the five agencies to recruit only those individual with expertise in railroad construction, repairs, operation, testing, and inspection. It was within the rail industry that the expertise and technical experience were found, thus many railroad employees were encouraged to join the Federal service. The expert knowledge of former railroad employees has been vital to the Government's supervision of our rail service, and it is conceivable that the objectives of the five oversite agencies may not have been accomplished without such capable and experienced personnel.

Ironically the dedicated civil servants who have played a crucial role in overseeing the safe operation of our rail service, unknowingly made an enormous sacrifice when they chose to leave the private railroad industry to join public service. Under current law these employees are unable to combine their service under the Railroad Retirement System with their service under the Civil Service Retirement system and subsequently their basic annuity will be less than the annuity they would receive had they worked exclusively with either the railroad industry or the Civil Service. To remedy this situtation our bill will allow the employees of the ICC, FRA, NTSB, NMB, and the RRB, to combine their years of service in the Federal Government with their years of railroad service for pension computation under the Civil Service Retirement System. Mr. President, the bill we are introducing today would correct an injustice to the individuals who have contributed so much to the safety of our rail transportation, and I urge my colleagues to support it.●

## ADDITIONAL COSPONSORS

AMENDMENT NO. 2610

At the request of Mr. ANDREWS, the names of the Senator from Hawaii [Mr. INOUYE], the Senator from South Dakota [Mr. ABDNOR], the Senator from North Dakota [Mr. BURDICK], and the Senator from Oklahoma [Mr. NICKLES] were added as cosponsors of amendment No. 2610 proposed to S. 2638, A bill to authorize appropriations for military functions of the Department of Defense and to prescribe military personnel levels for such Department for fiscal year 1987, to revise and improve military compensation programs, to improve defense procurement procedures, to authorize certain construction at military installations for fiscal year 1987, to authorize appropriations for national security programs of the Department of Energy for fiscal year 1987, and for other purposes.

## SENATE RESOLUTION 463—RECOGNIZING WILLIAM SMITH "BILL" MONROE ON HIS SEVENTY-FIFTH BIRTHDAY

Mr. BYRD (for himself, Mr. SASSER, and Mr. GORE) submitted the following resolution; which was considered and agreed to:

S. RES. 463

Whereas September 13, 1986, is the seventy-fifth birthday of the father of bluegrass music, William Smith "Bill" Monroe;

Whereas Mr. Monroe has been an innovator, creator, shaper, performer, and promoter of a genre in music which was developed in a particular region of the United States, the upper South;

Whereas Mr. Monroe's music is national in scope, is a part of American culture, and is now being shared internationally;

Whereas since 1938, Mr. Monroe and his "Blue Grass Boys", a band that has served as a training ground for most of the leading musicians in bluegrass music, have provided entertainment and sustenance to Americans from all walks of life;

Whereas Mr. Monroe has been a member of the Grand Ole Opry since 1939, a member of the Country Music Hall of Fame since 1969, and his gone from pioneer to patriarch of this popular and important style of American music; and

Whereas as a musician, showman, composer, and teacher, Mr. Monroe has become a cultural figure and force of signal importance in our time: Now, therefore, be it

*Resolved*, That the United States Senate recognizes and honors William Smith "Bill" Monroe for his many contributions to American culture and music, and his many years of helping the American people to enjoy themselves, and extends its best wishes to "Bill" Monroe on the occasion of his seventy-fifth birthday.

SEC. 2. The Secretary of the Senate is authorized to transmit a copy of this resolution to William Smith "Bill" Monroe.

## AMENDMENTS SUBMITTED

## DEPARTMENT OF DEFENSE AUTHORIZATION ACT, FISCAL YEAR 1987

### MELCHER AMENDMENT NO. 2672

Mr. MELCHER proposed two amendments to the bill [S. 2638] to authorize appropriations for military functions of the Department of Defense and to prescribe military personnel levels for such Department for fiscal year 1987, to revise and improve military compensation programs, to improve defense procurement procedures, to authorize certain construction at military installations for fiscal year 1987, to authorize appropriations for national security programs of the Department of Energy for fiscal year 1987, and for other purposes; as follows:

On page 229, between lines 14 and 15, add the following new section:

"SEC. . REQUIREMENT FOR RETURN OF UNOBLIGATED FUNDS TO THE TREASURY

Notwithstanding any other provision of law or of this Act, the authorization for appropriations is reduced by an amount equal to twenty (20) percent of any funds appropriated to or for the use of the Department of Defense that remain unobligated as of September 30, 1986. Twenty percent of any funds appropriated to or for the use of the Department of Defense that remain unobligated as of September 30, 1986, shall be made available for the programs authorized by this Act."

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## SIMON AMENDMENT NO. 2673

Mr. SIMON proposed an amendment to the bill S. 2638, supra, as follows:

On page 78, line 17, strike out "$100" and insert in lieu thereof "$250".

On page 80, line 5, strike out "$7,300,000" and insert in lieu thereof "$18,300,000".

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## CHILES (AND OTHERS) AMENDMENT NO. 2674

Mr. CHILES (for himself, Mr. BENTSEN, Mr. BRADLEY, Mr. GRASSLEY, Mr. GLENN, and Mr. RIEGLE) proposed an amendment to the bill S. 2638, supra, as follows:

On page 186, between lines 9 and 10, insert the following:

SEC. 963. GOALS FOR INCREASED USE OF MULTIYEAR CONTRACTING AUTHORITY IN FISCAL YEAR 1988

(a) IN GENERAL.—The Secretary of Defense shall take appropriate actions to ensure that the Department of Defense increases the use of multiyear contracting authority in fiscal year 1988.

(b) MULTIYEAR PROCUREMENT GOAL.—The total amount obligated under multiyear contracts (authorized by section 230(h) of title 10, United States Code) for Department of Defense procurement programs eligible for multiyear contracting during fiscal year 1988 should be an amount that is not less than 10 percent of the total obligational authority used by the Department of Defense for procurement programs of the Department during such fiscal year.

(c) APPORTIONMENT OF GOAL.—The Secretary of Defense shall specify the percentage of obligational authority of each military department and Defense Agency that is to be used for multiyear contracts to achieve the goal prescribed in subsection (b).

(d) BASELINE REPORT.—Not later than January 1, 1987, the Secretary of Defense shall submit to the Committees on Armed Services and on Appropriations of the Senate and the House of Representatives a written report which contains (1) a list of all procurement programs which the Secretary determines to be Defense SAR procurement programs eligible for multiyear contracting, (2) the Secretary's assessment of the feasibility and desirability of the multiyear procurement goal prescribed in subsection (b), and (3) whether the Secretary expects to achieve the goal prescribed in subsection (b) for fiscal year 1988 and, if the Secretary does not expect to achieve such goal, the reasons why such goal will not be achieved.

(e) DEFINITIONS.—As used in this section:

(1) The term "SAR" means Selected Acquisition Report as defined in section 139a(b)(1) of title 10, United States Code.

(2) The term "Defense procurement program eligible for multiyear contracting" means a procurement program of the Department of Defense (A) which satisfies the conditions of clauses (A) through (F) of section 2306(h)(1) of title 10, United States Code, and (B) under which production of fully configured end items is planned for a period exceeding 3 fiscal years.

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## MOYNIHAN AMENDMENT NO. 2675

Mr. MOYNIHAN proposed an amendment to the bill S. 2638, supra, as follows:

At the end of the bill, add the following new section:

SEC. . Notwithstanding any other provision of law, the United States Government shall not expend any funds to subsidize the sale or transfer of goods or services to a Communist government or subdivision thereof.

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## LEVIN (AND OTHERS) AMENDMENT NO. 2676

Mr. LEVIN (for himself, Mr. CHAFEE, and Mr. KENNEDY) proposed an amendment to the bill S. 2638, supra, as follows:

On page 19, line 19, insert the following new section:

(f) COMPLIANCE WITH THE ABM TREATY.—

(1) The Congress finds—

(a) that the President's Commission on Strategic Forces declared in its report to the President, dated March 21, 1984, that "One of the most successful arms control agreements is the Anti-Ballistic Missile Treaty of 1972"; and

(b) that the Secretary of State has stated that the "ABM Treaty requires consultations, and the President has explicitly recognized that any ABM-related deployments arising from research into ballistic missile defenses would be a matter for consultations and negotiation between the Parties";

(c) that the Secretary of State declared on October 14, 1985, that "our research program has been structured and, as the President has reaffirmed, will continue to be conducted in accordance with a restrictive interpretation of the treaty's obligations";

(d) that the President has determined that the Krasnoyarsk radar is a violation of the ABM Treaty; and

(e) that the Krasnoyarsk radar therefore erodes the integrity of the ABM Treaty and is a matter of serious concern.

(2) The Congress therefore declares—

(a) that it fully supports the declared policy of the President that a principal objective of the United States in negotations with the Soviet Union on nuclear and space arms is to reverse the erosion of the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems, signed on May 26, 1972; and

(b) that action by the Congress in approving funds in this Act for research in the Strategic Defense Initiative does not express or imply an intention on the part of the Congress that the United States should abrogate, violate, or otherwise erode such treaty, and does not express or imply any determination or commitment on the part of the Congress that the United States develop, test, or deploy ballistic missile strategic defense weaponry that would contravene such treaty.

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## NUNN (AND OTHERS) AMENDMENT NO. 2677

Mr. NUNN (for himself, Mr. THURMOND, Mr. BYRD, Mr. STENNIS, Mr. STEVENS, Mr. LAXALT, Mr. DECONCINI, Mr. EXON, Mr. COHEN, Mr. GLENN, Mr. GRAMM, Mr. MATTINGLY, Mr. ABDNOR, Mr. PRESSLER, Mr. ANDREWS, Mr. BIDEN, Mr. ROCKEFELLER, Mr. CHAFEE, Mr. HOLLINGS, Mr. ZORINSKY, Mr. COCHRAN, Mrs. KASSEBAUM, Mr. DOMENICI, Mr. DURENBERGER, Mr. LEVIN, Mr. CHILES, Mr. WILSON, Mr. SYMMS, Mr. PRYOR, Mr. PROXMIRE, Mr. RUDMAN, Mr. WARNER, Mr. PELL, Mr. MOYNIHAN, Mr. HART, Mr. INOUYE, Mr. JOHNSTON, Mr. CRANSTON, Mr. SPECTER, and Mr. SIMPSON) proposed an amendment to the bill S.2638, supra, as follows:

At the end of the bill, insert the following new division:

DIVISION E—BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION PROGRAM

This division may be cited as the "Barry Goldwater Scholarship and Excellence in Education Act".

SEC. 5101. STATEMENT OF PURPOSES

The Congress finds that—

(1) Senator Barry Goldwater has served his country for 56 years as a soldier and statesman, including service in the United States Senate for a period of 30 years;

(2) Senator Goldwater has a distinguished record as Chairman of the Select Committee on Intelligence of the Senate and as Chairman of the Committee on Armed Services of the Senate; and

(3) Senator Goldwater has long maintained a special interest in the education of America's youth, particularly in the fields of science and mathematics; and

(4) it would, therefore, be a fitting tribute to the leadership, courage, and vision of Senator Goldwater to establish in his name a scholarship program to foster and encourage excellence in science and mathematics.

SEC. 5102. DEFINITIONS

In this division:

(1) The term "Foundation" means the Barry Goldwater Scholarship and Excellence in Education Foundation established under section 5103(a).

(2) The term "Board" means the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation established under section 5103(b).

(3) The term "fund" means the Barry Goldwater Scholarship and Excellence in Education Fund provided for under section 5108.

(4) The term "institution of higher education" means any such institution as defined by section 1201(a) of the Higher Education Act of 1965.

(5) The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, and, considered as a single entity, Guam, the Virgin Islands, American Samoa, the Trust Territories of the Pacific Islands, and the Commonwealth of the Northern Marianas.

(6) The term "eligible person" means a citizen or national of the United States or a permanent resident alien of the United States.

SEC. 5103. ESTABLISHMENT OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION

(a) There is established, as an independent establishment of the executive branch of the United States Government, the Barry Goldwater Scholarship and Excellence in Education Foundation.

(b) The Foundation shall be subject to the supervision and direction of the Board of Trustees. The Board shall be composed of 13 members, as follows:

(1) Two members from the Senate, one appointed by the majority leader and one appointed by the minority leader of the Senate.

(2) Two members of the House of Representatives, one appointed by the majority leader and one appointed by the minority leader of the House of Representatives.

(3) Eight members, not more than four of whom shall be of the same political party, to be appointed by the President, by and with the advice and consent of the Senate, at least one of whom shall be a representative of the aerospace industry and at least one of whom shall be a representative of a private foundation concerned with aerospace education.

(4) The Secretary of Education, or his designee, who shall serve ex officio as a member of the Board but shall not be eligible to serve as chairman.

(c) The term of office of each member of the Board shall be six years, except that (1) the members first taking office shall serve as designated by the President, four for terms of two years, five for terms of four years, and four for terms of six years, and (2) any member appointed to fill a vacancy shall serve for the remainder of the term for which his predecessor was appointed and shall be appointed in the same manner as the original appointment for that vacancy was made.

(d) Members of the Board shall serve without pay, but shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of their duties.

SEC. 5104. BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION AWARDS

(a)(1) The Foundation is authorized to award scholarships and fellowships to eligible persons for study in the fields of science and mathematics. Such scholarships and fellowships shall be awarded to persons as provided in this division who meet the minimum criteria established by the Foundation.

(2) Scholarships shall be awarded to outstanding undergraduate students who intend to pursue careers in mathematics and the natural sciences.

(3) Fellowships shall be awarded to outstanding graduate students who intend to pursue advanced degrees in mathematics and the natural sciences.

(4) The Foundation shall also award scholarships to eligible persons selected on the basis of nationwide competitions.

(b) Recipients of scholarships and fellowships under this division shall be known as "Barry Goldwater Scholar."

(c)(1) The Foundation is authorized to award honoraria to outstanding educators, teachers, and persons who have volunteered to assist in secondary schools who have made significant contributions to improve the quality of instruction in mathematics and sciences in the secondary school as follows:

(A) To two such persons selected at large from each State.

(B) To one such person selected from each county in each State.

(2) The Board shall establish a schedule of honoraria to be awarded under paragraph (1).

(3) The Board shall adopt regulations which provide that persons affiliated with secondary schools on military reservations and with the dependent overseas school system shall be appropriately represented among those persons who receive awards under this division.

SEC. 5106. STIPENDS

Each person awarded a scholarship or fellowship under this division shall receive a stipend which shall not exceed the cost to such person for tuition, fees, books, room and board, or such lesser amount as may be prescribed by the Board.

SEC. 5107. SCHOLARSHIP CONDITIONS

(a) A person awarded a scholarship under this division may receive payments authorized under this division only during such periods as the Foundation finds that the person is maintaining satisfactory proficiency and devoting full time to study or research and is not engaging in gainful employment other than employment approved by the Foundation pursuant to regulations of the Board.

(b) The Foundation is authorized to require reports containing such information in such form and to be filed at such times as the Foundation determines to be necessary from any person awarded a scholarship under this division. Such reports shall be accompanied by a certificate from an appropriate official at the institution of higher education, approved by the Foundation, stating that such person is making satisfactory progress in, and is devoting essentially full time to study or research, except as otherwise provided in subsection (a).

SEC. 5108. BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FUND

(a) There is established in the Treasury of the United States a trust fund to be known as the Barry Goldwater Scholarship and Excellence in Education Fund. The fund shall consist of amounts appropriated to it pursuant to section 5112.

(b) It shall be the duty of the Secretary of the Treasury to invest in full the amounts appropriated to the fund. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose, such obligations may be acquired (1) on original issue at the issue price, or (2) by purchase of outstanding obligations at the market place. The purposes for which obligations of the United States may be issued under the Second Liberty Bond Act are hereby extended to authorize the issuance at par of special obligations exclusively to the fund. Such special obligations shall bear interest at a rate equal to the average rate of interest, computed as to the end of the calendar month next preceding the date of such issue, borne by all marketable interest-bearing obligations of the United States then forming a part of the public debt, except that where such average rate is not a multiple of ⅛ of 1 percent, the rate of interest of such special obligations shall be the multiple of ⅛ of one percent next lower than such average rate. Such special obligations shall be issued only if the Secretary determines that the purchases of other interest-bearing obligations of the United States, or of obligations guaranteed as to both principal and interest by the United States or original issue or at the market price, is not in the public interest.

(c) Any obligation acquired by the fund (except special obligations issued exclusively to the fund) may be sold by the Secretary at the market price, and such special obligations may be redeemed at par plus accrued interest.

(d) The interest on, and the proceeds from the sale or redemption of, any obligations held in the fund shall be credited to and form a part of the fund.

SEC. 5109. EXPENDITURES FROM THE FUND

(a) The Secretary of the Treasury is authorized to pay to the foundation from the interest and earnings of the fund such sums as the Board determines are necessary and appropriate to enable the Foundation to carry out the purposes of this division.

(b) The activities of the Foundation under this division may be audited by the General Accounting Office under such rules and regulations as may be prescribed by the Comptroller General of the United States. Representatives of the General Accounting Office shall have access to all books, accounts, records, reports, and files and all other papers, things, or property belonging to or in use by the Foundation pertaining to such activities and necessary to facilitate the audit.

SEC. 5110. EXECUTIVE SECRETARY

(a) There shall be an Executive Secretary of the Foundation who shall be appointed by the Board. The Executive Secretary shall be the chief executive officer of the Foundation and shall carry out the functions of the Foundation subject to the supervision and direction of the Board. The Executive Secretary shall carry out such other functions consistent with the provisions of this division as the Board shall prescribe.

(b) The Executive Secretary of the Foundation shall be compensated at the rate specified for employees in grade GS-18 of the General Schedule under section 5332 of title 5, United States Code.

SEC. 5111. ADMINISTRATIVE PROVISIONS

(a) In order to carry out the provisions of this division, the Foundation is authorized to—

(1) appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this division, except that in no case may an employee other than the Executive Secretary be compensated at a rate to exceed the maximum rate provided for employees in grade GS-15 of the General Schedule under section 5332 of title 5, United States Code;

(2) procure temporary and intermittent services of experts and consultants as are necessary to the extent authorized by section 3109 of title 5, United States Code, but at rates not to exceed the rate specified at the time of such service for grade GS-18 under section 5332 of such title;

(3) prescribe such regulations as it considers necessary governing the manner in which its functions shall be carried out;

(4) receive money and other property donated, bequeathed, or devised, without condition or restriction other than it be used for the purposes of the Foundation, and to use, sell, or otherwise dispose of such property for the purpose of carrying out its functions;

(5) accept and utilize the services of voluntary and noncompensated personnel and for travel expenses, including per diem, as authorized by section 5703 of title 5, United States Code;

(6) enter into contracts or other arrangements, or make grants, to carry out the provisions of this division, and enter into such contracts or other arrangements, or make such grants, with the concurrence of two-thirds of the members of the Board, without performance or other bonds and without regard to section 3709 of the Revised Statutes (41 U.S.C. 5);

(7) make advances, progress, and other payments which the Board considers necessary under this division without regard to the provisions of section 3324 of title 31, United States Code;

(8) rent office space in the District of Columbia; and

(9) make other necessary expenditures.

(b) The Foundation shall submit to the President and to Congress an annual report of its operations under this division.

SEC. 5112. APPROPRIATIONS AUTHORIZED

There are authorized to be appropriated to the Department of Defense $40,000,000 to be transferred to the Treasury for the fund.

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## BYRD AMENDMENT NO. 2678

Mr. BYRD proposed an amendment to the bill S. 2638, supra, as follows:

At the end of the bill add the following new section:

PROHIBITION AGAINST USING FUNDS AUTHORIZED FOR THE ADVANCED TECHNOLOGY BOMBER AND THE ADVANCED CRUISE MISSILE PROGRAMS FOR ANY OTHER PURPOSE; AND LIMITATION OF THE B-1B BOMBER FLEET TO 100 AIRCRAFT

SEC. . (a) It is the sense of Congress that—

(1) the capabilities inherent in the technologies associated with the Advanced Technology Bomber and the Advanced Cruise Missile program are a critical national security asset for maintaining an adequate and credible deterrent posture;

(2) such technologies and programs should be developed as rapidly as feasible in order to produce and deploy advanced systems which will complicate the military planning of the Soviet Union and as a consequence enhance the deterrant posture of the United States;

(3) such technologies and programs should be funded at the levels authorized in this Act; and

(4) all the funds appropriated for such programs should be fully used for such programs.

(b) None of the funds appropriated pursuant to an authorization of appropriations in this Act to carry out the Advanced Technology Bomber program or the Advanced Cruise Missile program may be used for any other purpose.

(c) None of the funds appropriated pursuant to an authorization of appropriations in this or any other Act may be used for research, development, demonstration, procurement or any other purpose related to B-1B bombers beyond the 100 such bombers previously authorized.

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## GLENN (AND McCLURE) AMENDMENT NO. 2679

Mr. GLENN (for himself and Mr. MCCLURE) proposed an amendment to amendment No. 2678 proposed by Mr. BYRD to the bill S. 2638, supra, as follows:

Strike out subsection (c) of the amendment and insert in lieu thereof the following:

(c) None of the funds authorized to be appropriated under this Act may be used for the purpose of assembly or intergration of more than 100 B-1B aircraft.

(d) The Defense Science Board shall conduct a study to determine the most operational and cost-effective mix of strategic bombers consistent with national security objectives. The study is to be completed by February 1, 1987, and submitted to the Committee on Armed Services of the Senate and House of Representatives.

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## BYRD AMENDMENT NO. 2680

Mr. BYRD proposed an amendment to the bill S. 2638, supra, as follows:

At the end of the bill, add the following:

SEC. . IMPORTS THAT THREATEN NATIONAL SECURITY.

(a) IN GENERAL.—Subsection (b) of section 232 of the Trade Expansion Act of 1962 (19 U.S.C. 1862) is amended—

(1) by striking out "Upon request" and inserting in lieu thereof "(1) Upon request",

(2) by striking out ", Secretary of Commerce,",

(3) by striking out "Secretary of the Treasury" and inserting in lieu thereof "Secretary of Commerce",

(4) by striking out "within one year after receiving an application from an interested party or otherwise beginning" and inserting in lieu thereof "by no later than the date that is 6 months after the date on which the Secretary receives a request for an investigation under this section or on which the investigation otherwise begins", and

(5) by adding at the end thereof the following new paragraphs:

"(2)(A) The Secretary shall immediately notify the Secretary of Defense of any investigation initiated under paragraph (1) with respect to imports of an article. Upon receiving such notice, the Secretary of Defense shall conduct a separate defense needs assessment with respect to such article.

"(B) By no later than the date that is 3 months after the date on which the investigation under paragraph (1) of imports of an article is initiated, the Secretary of Defense shall complete the defense needs assessment conducted under subparagraph (A) with respect to such article and submit to the Secretary a report on the assessment. Such report shall be submitted by the Secretary to the President with (and be considered a part of) the report that the Secretary is required to submit to the President under paragraph (1).

"(3)(A) The report submitted by the Secretary under paragraph (1) shall include a written statement by the Secretary of Defense expressing concurrence or disagreement with the findings and recommendations of the Secretary contained in such report and the reasons for such concurrence or disagreement.

"(B) The report submitted by the Secretary under paragraph (1), or any portion of such report (including the report submitted by the Secretary of Defense under paragraph (2)(B)), may be classified only if public disclosure of such report, or of such portion of such report, would clearly be detrimental to the security of the United States.

"(C) Any portion of the report submitted under paragraph (1) which—

"(i) is not classified in accordance with subparagraph (B), and

"(ii) is not proprietary information described in paragraph (5)(A),

shall be published in the Federal Register.

"(4)(A) The President shall take action, or refuse to take action, under paragraph (1) with respect to any report submitted under paragraph (1) by no later than the date that is 90 days after the date on which such report is submitted to the President.

"(B) The President shall make a written statement of the reasons why the President has decided to take action, or refused to take action, under paragraph (1) with respect to each report submitted to the President under paragraph (1). Such statement shall be published in the Federal Register.

"(5)(A) Proprietary information which is provided by a person who has made a written request to the Secretary or the Secretary of Defense that such proprietary information not be disclosed to the public—

"(i) shall only be disclosed to those persons who are directly involved—

"(I) in investigations conducted under this section, or

"(II) in carrying out the provisions of this section, and

"(ii) shall not be disclosed in any statement or report which is required to be published under this section.

"(B) The Secretary is authorized to prescribe regulations that—

"(i) ensure compliance with the requirements of subparagraph (A), and

"(ii) impose sanctions against any person who violates the provisions of subparagraph (A).".

(b) CLARIFYING AMENDMENT.—Subsection (d) of section 232 of the Trade Expansion Act of 1962 (19 U.S.C. 1862) is amended by inserting "in the Federal Register" after "published".

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## KASTEN (AND OTHERS) AMENDMENT NO. 2681

Mr. KASTEN (for himself, Mr. LEVIN, Mr. PROXMIRE, and Mr. RIEGLE) proposed an amendment to the bill S. 2638, supra, as follows:

On page 6, strike out lines 1 through 8, and insert the following new subsection:

(4) Funds may not be obligated or expended for the procurement of a lead minesweeper hunter ship or a partially outfitted hull of a minesweeper hunter ship from a foreign country until the Secretary of the Navy has certified to the Congress in writing (A) that purchase of up to two foreign built ships responds to an urgent national security requirement; (B) that no United States shipbuilder has demonstrated the capability, or that no shipbuilder can demonstrate the ability to acquire that capability to meet that requirement in a timely fashion.

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## GOLDWATER AMENDMENT NO. 2682

Mr. GOLDWATER proposed an amendment to the bill S. 2638, supra, as follows:

At the end of amendment No. 2620 as adopted, add the following new section:

"On page 268, line 9, strike "$2,148,689,000" and insert in lieu thereof "$2,149,749,000".

In amendment No. 2633 as adopted, on page 1, line 6, strike "$8,866,000,000" and insert in lieu thereof "$8,370,800,000".

In amendment No. 2633 as adopted, on page 2, line 2, strike "'$15,334,573,000" and insert in lieu thereof "$14,908,873,000".

In amendment No. 2633 as adopted, on page 2, line 4, strike "$19,687,171,000" and insert in lieu thereof "$19,304,871,000".

In amendment No. 2638 as adopted beginning on page 1, line 9, strike all through page 3, line 15.

In amendment No. 2657 as adopted on page 2, line 6, strike the period and insert ", and those provisions contained in amendments numbered 2597, 2641, 2645, 2654, and 2655.".

## STEVENSON-WYDLER TECHNOLOGY INNOVATION ACT

### GORTON AMENDMENT NO. 2683

Mr. SIMPSON (for Mr. GORTON) submitted an amendment to the bill (H.R. 3773) to amend the Stevenson-Wydler Technology Innovation Act of 1980 to promote technology transfer by authorizing Government-operated laboratories to enter into cooperative research agreements and by establishing a Federal Laboratory Consortium for Technology Transfer within the National Science Foundation, and for other purposes; as follows:

On page 33, line 15, insert "personnel," immediately after "funds,".

On page 33, line 16, insert "personnel," immediately after "provide".

On page 33, line 22, insert the following immediately before the semi-colon: ", and subject to reservation by the Government of a nonexclusive, nontransferrable, irrevocable, paid up license to practice or have practiced the invention throughout the world by or on behalf of the Government".

On page 34, line 2, insert the following immediately before the semi-colon: ", and subject to reservation by the Government of a nonexclusive, nontransferrable, irrevocable, paid up license to practice or have practiced the invention throughout the world by or on behalf of the Government".

On page 34, lines 11-12, strike "agreement" and insert in lieu thereof "arrangement".

On page 34, line 15, insert ", with or without reimbursement" immediately after "resources".

On page 36, line 9, strike "this section" and insert in lieu therof "section 12".

On page 39, line 9, strike "may" and insert in lieu thereof "shall".

### DOLE AND ROCKEFELLER AMENDMENT NO. 2684

Mr. SIMPSON (for Mr. DOLE and Mr. ROCKEFELLER) submitted an amendment to the bill (H.R. 3773), supra, as follows:

On page 34, line 2, strike out "and".

On page 34, insert between lines 2 and 3 the following:

"(D) in the case of any industrial organization or other person subject to the control of a foreign company or government, take into consideration whether or not such foreign government permits United States agencies, organizations or other persons to enter into cooperative research and development arrangements and licensing agreements.

On page 34, line 3, strike out "(D)" and insert in lieu thereof "(E)".

### DOMENICI AMENDMENT NO. 2685

Mr. SIMPSON (for Mr. DOMENICI) submitted an amendment to the bill (H.R. 3773), supra, as follows:

On page 29, line 16, strike "(2)" and insert in lieu therof "(3)"; on page 29, line 24, strike "(3)" and insert in lieu thereof "(4)"; on page 30, line 1, strike "(4)" and insert in lieu thereof "(5)"; on page 30, line 6, strike "(5)" and insert in lieu thereof "(6)"; on page 30, line 16, strike "(6)" and insert in lieu thereof "(7)"; and page 29, insert the following immediately after line 15:

"(2)(A) The Consortium shall not engage in the direct transfer of technology, but shall furnish information and respond to requests for technical assistance only in the manner specified in paragraph (1) (C).

"(B) Each Federal laboratory or agency shall transfer technology directly to users or representatives of users, and shall not transfer technology directly to the Consortium. Each Federal laboratory shall conduct any transfer of technology only in accordance with the practices and policies of the Federal agency which owns, leases, or otherwise uses such Federal laboratory."

On page 30, line 17, strike "0.005" and insert in lieu thereof "0.0025".

On page 31, line 11, strike "appropriate.'." and inset in lieu thereof the following: "appropriate.

"(8)(A) The Consortium shall use 10 percent of the funds provided in paragraph (7) to establish demonstration projects in technology transfer. To carry out such projects, the Consortium may make grants or awards to, or enter into agreements with, nonprofit State, local or private organizations or entities who primary purposes are to facilitate cooperative research between the Federal laboratories and organizations not associated with the Federal laboratories, to transfer technology from the Federal laboratories, and to advance State and local economic activity.

(B) The demonstration projects established under subparagraph (A) shall serve as model programs. Such projects shall be designed to develop programs and mechanisms for technology transfer from the Federal laboratories which may be utilized by the States and which will enhance Federal, State and local programs for the transfer of technology.

"(C) Application for such grants, awards or agreements shall be in such form and contain such information as the Consortium shall specify.

"(D) Any person who receives or utilizes any proceeds of a grant or award made, or agreement entered into, under this paragraph shall keep such records as the Consortium shall determine are necessary and appropriate to facilitate effective audit and evaluation, including records which fully disclose the amount and disposition of such proceeds and the total cost of the project in connection with which such proceeds were used.".

### PELL AMENDMENT NO. 2686

Mr. BYRD (for Mr. PELL) submitted an amendment to the bill (H.R. 3773), supra, as follows:

At the end of the bill, add the following:

(e) The second sentence of section 2(10) of such Act (15 U.S.C. 3701(10)) is amended by inserting ", which include inventions, computer software, and training technologies," immediately after "developments".

(f) Section 3(3) of such Act (15 U.S.C. 3702(3)) is amended by inserting ", including inventions, software, and training technologies," immediately after "technology".

On page 43, line 5, strike "invention.'." and insert in lieu thereof the following: "invention."

"(11) 'Training technology' means computer software and related materials which are developed by a Federal agency to train employees of such agency, and includes software for computer-based instructional systems and for interactive video disc systems.'.".

On page 26, insert the following immediately after line 12:

(2) in paragraph (1), by inserting ", including software and training technologies," immediately after "technologies";

On page 26, line 13, strike "(2)" and insert in lieu thereof

"(3)"; on line 14, strike "(3)" and insert in lieu thereof "(4)"; on line 16, strike "(4)" and insert in lieu thereof "(5)"; on page 27, line 1, strike "(5)" and insert in lieu thereof "(6)"; and on line 3, strike "(6)" and insert in lieu thereof "(7)".

On page 32, line 12, strike "reports.'." and insert in lieu thereof the following: "reports."

"(3) Not later than one year after the date of enactment of the Federal Technology Transfer Act of 1986, the Secretary shall submit to the President and the Congress a report regarding—

"(A) any copyright provisions or legal or other barriers which restrict or limit the transfer of federally funded computer software to the private sector and to State and local governments, and agencies of such State and local governments; and

"(B) the feasibility and cost of compiling and maintaining a current and comprehensive inventory of all federally funded training software,'.".

### LEAHY AMENDMENT NO. 2687

Mr. BYRD (for Mr. LEAHY) submitted an amendment to the bill (H.R. 3773), supra, as follows:

On page 41, strike lines 12 through 14 and insert in lieu thereof the following:

(5) Section 5(c) of such Act (15 U.S.C. 3704(c)) is amended—

(1) by striking "the Director" each place it appears and inserting in lieu thereof "the Assistant Secretary";

(2) by redesignating paragraphs (7) and (8) as paragraphs (9) and (10), respectively; and

(3) by inserting immediately after paragraph (6) the following:

"(7) encourage and assist the creation of centers and other joint initiatives by State or local governments, regional organizations, private businesses, institutions of higher education, nonprofit organizations, or Federal laboratories to encourage technology transfer, to stimulate innovation, and to promote an appropriate climate for investment in technology-related industries;

"(8) propose and encourage cooperative research among the Federal laboratories, State or local governments, regional organizations, colleges or universities, nonprofit organizations, or private industry to promote the common use of resources, to improve training programs and curricula, to stimulate interest in high technology careers, and to encourage the effective dissemination of technology skills with the wider community;".

On page 29, line 11, strike "and", on line 15, strike the period and insert in lieu thereof "; and"; and insert immediately after line 15 the following:

"(I) when requested, assist colleges or universities, businesses, nonprofit organizations, State of local governments, or regional organizations to establish cooperative programs to stimulate research and to encourage technology transfer in such areas as technology program development, curriculum design, long-term research planning, personnel needs projections, and productivity assessments.".

## BUMPERS AMENDMENT NO. 2688

Mr. BYRD (for Mr. BUMPERS) submitted an amendment to the bill (H.R. 3773), supra, as follows:

On page 34, line 20, strike the term "agency" and in lieu thereof insert "laboratory".

On page 35, between lines 3 and 4 insert the following: "(c) For the purposes of this section, an agency shall make a separate determination of the mission or missions of each of its laboratories."

In page 35, line 4, strike "(c)" and insert in lieu thereof "(d)".

## DEFINITION OF LOCAL SERVICE AREA

## MATHIAS AMENDMENT NO. 2689

Mr. SIMPSON (for Mr. MATHIAS) proposed an amendment to the bill (H.R. 3108) to amend title 17, United States Code, to clarify the definition of the local service area of a primary transmitter in the case of a low-power television station; as follows:

At the appropriate place add the following new section:

SEC. . (a) Section 111(d) of title 17, United States Code, is amended—

(1) in paragraph (3) by striking out "clause (2)" and inserting in lieu thereof "paragraph (1)";

(2) in paragraph (2) by striking out "clause (5)" and inserting in lieu thereof "paragraph (4)";

(3) in paragraph (2)(B) by striking out "clause (5)" and inserting in lieu thereof "paragraph (4)";

(4) by striking out paragraph (1); and

(5) by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (1), (2), (3), and (4), respectively.

(b) Section 111(f) of title 17, United States Code, is amended by striking out "subsection (d)(2)" in the third undesignated paragraph defining a cable system and inserting in lieu thereof "subsection (d)(1)".

(c) Section 801(b)(2) of title 17, United States Code, is amended by striking out "111(d)(2)(B)" each place it appears and inserting in lieu thereof "111(d)(1)(B)".

(d) Section 801(d)(2)(D) of title 17, United States Code, is amended by striking out "111(d)(2) (C) and (D)" and inserting in lieu thereof "111(d)(1) (C) and (D)".

## ADDITIONAL STATEMENTS

## REBUILDING THE AIR TRAFFIC CONTROL SYSTEM

● Mr. LAUTENBERG. Mr. President, the Washington Post has published an excellent series of two articles by Doug Feaver on the attempts by the Federal Aviation Administration to rebuild the Nation's air traffic control and aviation safety system. We are in the heart of the summer travel and violent weather season. The adequacy of our aviation safety system is of a paramount concern to millions of American travelers.

Here in the Congress, we are focusing on this issue as well. Recently, I joined the distinguished minority leader, Senator BYRD, in exploring the challenges facing air safety and the FAA at a hearing before the Aviation Subcommittee of the Committee on Commerce, Science, and Transportation.

Mr. President, soon we will be considering funding for the Department of Transportation and the FAA. The excellent reporting in the Washington Post provides some insight by which to make our decisions on air safety funding.

I ask that copies of the articles appear in the RECORD along with an article on wind shear detection technology from the August 2 New York Times.

The articles follow.

[From the Washington Post, Aug. 3, 1986]

AIR TRAFFIC CONTROL—SYSTEM UNDER STRESS

1981 STRIKE STILL A DRAG ON AIR TRAFFIC MONITORS

(By Douglas B. Feaver)

Five years ago this morning, almost 12,000 air traffic controllers walked off their jobs, seeking more money and a little respect from Federal Aviation Administration managers who for years had minimized suggestions that controllers jobs were stressful.

By midmorning, Drew Lewis, then secretary of transportation, was able to advise President Reagan that supervisors and nonstriking controllers were keeping the airplanes flying, although with many delays. It would be possible to do so for months, Lewis advised.

It was also possible for Reagan to deliver an ultimatum that still reverberates throughout the FAA and the airline industry: Controllers who didn't return to work would be fired. In all, 11,400 of about 16,500 controllers were dismissed, and the federal government began a massive program to replace thousands of people with unusual skills. The system would be back to normal by January 1984, the government promised.

It didn't happen. FAA Administrator Donald D. Engen says today that it will be another "12 to 18 months" before the term "normal" can be used, and although the system is handling more airplanes than it did before the strike, it is showing signs of stress.

A controller at Washington National Airport recently wrote, "the shortage of experienced controllers combined with the lack of time to allow developmentals [trainees] to gain experience before letting them work alone causes severe safety problems."

The comment was one of many expressing similar sentiments volunteered by controllers nationwide who responded to a General Accounting Office survey. Their opinions buttress concerns of aviation specialists who work closely with the intricate web of people, radios, data links, radar antennas and computers that make up the air traffic control system.

That system, they say, is:

Less safe than it once was.

Short of trained personnel despite a continually increasing number of flights. The FAA labels as critical the controller and experience shortages at seven of its 20 regional traffic centers.

Dependent on tired, overloaded computers. Replacements are taking longer to acquire than scheduled and costing more than planned, thus calling into question FAA claims that fewer controllers will be able to handle more planes because of increased automation.

Subject to unpredictable federal budget pressures that have made management more witchcraft than science.

The air traffic control system "is not unsafe," said the GAO's Charles Cotton, whose office supervised the survey and constantly studies the FAA. "However, the level of safety has diminished."

That opinion is shared at the National Transportation Safety Board, on Capitol Hill and by some safety consultants. It is contested by the FAA and the airlines, which have an enormous economic stake in continued growth, dependent in large part on a public perception that flying is safe.

William F. Bolger, president of the Air Transport Association (ATA), the airlines' lobbying group, said recently that "the air traffic control system is safe, but it could be better. We need a system that is able to accommodate growth."

Jim Burnett, chairman-designate of the safety board, said, "There has to be a stop in traffic growth at some point. I wonder if the FAA has the willingness to pinch the industry."

Everybody wants to help. Sen. Nancy Landon Kassebaum (R-Kan.), chairman of the Senate Commerce subcommittee on aviation, wondered whether "maybe . . . a moratorium" on traffic growth will be necessary.

FIVE YEARS AFTER STRIKE, AIR TRAFFIC SYSTEM SEEKS RETURN TO NORMAL

The ATA is pushing a program to divorce the FAA's air traffic control and airport operations responsibility from the Department of Transportation and place them in an independent federal authority that presumably would have more flexibility than an agency buried in a Cabinet-level department.

Last week, for the first time, congressional proponents of rehiring fired controllers got legislation as far as the House floor. It failed, but attracted 193 votes.

Senate Minority Leader Robert C. Byrd (D-W. VA.) says he wants a commission to study "the management of aviation safety by the FAA."

Engen, noting that "We certainly have had oversight," said, "Running this outfit is like taking a shower in Times Square. There are no secrets.

Seventeen percent of the controllers who answered the GAO survey said safety was

poor or very poor, which means that 83 percent said it was adequate or better. But those are nationwide figures. The look at specific FAA facilities shows a higher level of concern.

At the Washington Air Route Traffic Control Center in Leesburg, which handles flights from the Ohio River to the Atlantic and from New York to South Carolina, only 72 percent said safety was adequate or better. Ninety-two percent said they were handling "much more or somewhat more" traffic than they should be handling.

There are 19 other Air Route Traffic Control Centers in the 48 contiguous states. At the Chicago Center in Aurora, Ill., which feeds the world's busiest airport, Chicago O'Hare, only 69 percent of the controllers said safety was at least acceptable, and 81 percent thought they were working too much.

"TWO-FACED" MANAGEMENT

"Management is two-faced," a Washington Center controller wrote. "They want you to move heavy traffic at all costs, but come down on you if you try to use short cuts to move it. A disaster is waiting to happen . . . ."

Another controller wrote about how lucky the FAA has been to avoid "the Big One," shorthand for a collision between two loaded jets.

The GAO survey was made last year and the FAA insists that it has progressed since then in rebuilding the air traffic control system and in completing the training of more controllers.

The GAO is not so sure. "For the first six months of this fiscal year, they added a net of 30 controllers," the GAO's Joseph McGrail said, because of higher than expected retirements and slower than expected replacements rates.

It takes from 18 months to three years for a newly hired controller to become fully qualified. Early months of training are at the FAA Academy in Oklahoma City; the rest is at the center or tower that employs the controller. Much on-the-job training with an experienced controller is necessary to complete the job.

Transportation Secretary Elizabeth Hanford Dole has promised that the FAA will hire 500 new controllers by the end of September, for a total strength of 14,480, and 500 more controllers in fiscal 1987.

However, 216 of those 14,480 will be students who just entered the FAA Academy, and half of all students usually wash out before becoming full-fledged controllers. Another 1,465 or so of the 14,480 will not really be controllers, but "air traffic assistants" who handle many bookkeeping chores that controllers did before the strike.

Further, the GAO contends that the FAA is underestimating the number of senior controllers and supervisors who will retire because of the way anticipated changes in tax law will affect federal workers.

Top FAA officials say they think the GAO is being picky. They say the guarantees they have placed in the system to protect green controllers and airline passengers assure a level of safety at least as great as that before the strike.

"I can't define what the mystical margin of safety is . . . but I am satisfied the system is safe," said Walter Luffsey, the FAA's associate administrator for air traffic.

He points to a 23.7 percent decrease in "operational errors" in the first six months of this year compared with the same period of 1985. An operational error occurs when planes get closer to each other than they are supposed to; the minimum permissible distances between aircraft vary, depending on the flight situation.

One reason the errors are down, Luffsey and others agree, is a computerized error-catcher installed in the system two years ago. It alerts supervisors when two planes approach within error range of each other, and results in official inquiries. Its existence has programmed controllers to keep planes farther apart than standards require.

Controllers, call the device the "snitch patch" and universally dislike it, charging that insignificant but technical errors help them move traffic efficiently and should not be counted. Safety proponents think the device is a good idea.

TOWERS EMPTIER, SKIES FULLER

Concerns about safety have centered on the dramatic increase in traffic over the past five years. In 1980, the last full year before the strike, there were 9.9 million takeoffs and landings by airlines in the United States; last year, with about 5,000 fewer fully qualified controllers working, the number was 11.5 million, or 16,585 flights a day.

During the first five months of this year there were 5 million airline takeoffs and landings, an 8.7 percent increase over the same period a year earlier and a 19.1 percent increase over the same period in 1980, the last year before the strike. Those numbers do not include the thousands of private, business and military flights that also require services from the air traffic control system.

"I say the system is at optimum efficiency," Luffsey said. "We feel we're overdriving the system as far as we can, but we're working hard to improve capacity. There is not a direct-line relationship between people and capacity."

Engen asserts that the system is and will be safe because, no matter how many flights are scheduled, "We will not let it go critical."

The FAA has made two significant changes in the air traffic system since the strike. One is the emergency of a flight-metering program called flow control as the dictator of whether a plane will take off on time.

The other is administrative: Air traffic centers and towers are now responsible operationally to Washington, not to their regional headquarters. That makes it easier for central flow control in Washington to tell controllers in Denver what to do to alleviate a problem in Cleveland.

A flight from Washington National to Chicago O'Hare will be handled first by a controller in the glassed-in room on the top of the National tower. Immediately after takeoff, control is transferred to a radar-monitoring controller at National, then to a series of radar controllers at the Washington Center, the Cleveland Center, the Indianapolis Center and the Chicago Center. When the flight approaches O'Hare, it will be taken over by a controller in the radar room there, then finally by a tower controller.

Each time the plane changes controllers, it is "handed off," and the pilot switches radio frequencies to talk to the new controller.

AVOIDING TRAFFIC JAMS

Before the strike, a controller viewing his radar screen would accept or reject aircraft as they arrived at his "sector" of airspace. If he had too much traffic, he would deny the handoff, or "slam the door" as controllers say, and the rejected plane would be stuck in a holding pattern.

Holding patterns are not popular with pilots and can be dicey for controllers, especially if several planes get stacked on top of each other. The history of air traffic control is replete with near collisions resulting from communications foulups involving airplanes in holding patterns.

So planes are held on the ground until the FAA can be sure there is room for a flight to proceed undeterred, barring bad weather. That makes the industry unhappy. It wants a small number of airbone holds programmed into the FAA's planning so there are flights aloft to take advantage of gaps that sometimes appear in the FAA's traffic stream. "You've got to tweak the system a little bit," said the ATA's Paul Leonard.

Not on my watch, said Luffsey. "Airborne holding will not be planned for in the system," he said.

Once a plane is permitted off the ground, a big brother controller in an air route center's "traffic management unit" sorts out the airplanes to assure an even flow miles before flights reach a critical sector, such as the one handling all the traffic from the west destined for Washington National.

The 20 traffic management units are connected with central flow control, on the fourth floor of the FAA building at 800 Independence Ave. SW. Central flow controllers try to solve the same problems from center to center that the traffic management unit does from sector to sector within centers. If there is a line of thunderstorms between Chicago and Cleveland, for instance, traffic handled in regional centers in Minneapolis and Kansas City will be slowed down or held on the ground on the orders of central flow control.

It is an imperfect business, much of it done by guesswork and manual computation. The FAA is writing computer programs to predict problems and remove gaps, but there is a shortage of capacity in the present FAA computers.

CONTROLLERS SEE AIR TRAVEL AS LESS SAFE

The controllers who do all these things, said the GAO's McGrail, "are not ordinary people. They have a uniqueness of skills, and what they do requires a lot of conceptualization and an ability to deal in three dimensions. It has nothing to do with education."

FAA managers have had problems communicating with controllers for years. There was a brief, illegal strike in 1970, a decade of turmoil and the big strike in 1981. The 1981 walkout, McGrail said, "was a great opportunity for the FAA. They got a whole new work force, but there was no change" in the underlying personnel management problems that led to the strike. "I was really dismayed by that."

"It's like the late, late movie," said Rep. James L. Oberstar (D-Minn.), "You've seen it before." Oberstar is chairman of the House Public Works Subcommittee on Investigations, which periodically calls the FAA on the carpet.

Charles E. Weithoner, FAA associate administrator for human resource management, points out that while the FAA fired the controllers, it kept the managers. A management training program to improve employe relations has been instituted, the agency is in the midst of its second employe attitude survey, labor-management committees have been established at all FAA facilities and new ways to choose supervisors and managers are being tried.

Nonetheless, Weithoner said, "It will take us a number of years. . . . No cultural change is ever rapid." He said the "can-do" attitude of controllers and supervisors that followed the strike has been replaced with fatigue. Controllers "are all pressed hard. They're working overtime on the boards, and they're in traffic up to their eyebrows," he said.

In addition, the 4.3 percent federal budget cut forced this year by the Gramm-Rudman-Hollings deficit-reduction law has pinched the rebuilding effort. Luffsey said he would like to transfer some controllers from towers to the seven critical air route centers—Cleveland, Chicago, Indianapolis, Minneapolis, New York, Los Angeles and Oakland—but there is no money to pay for such moves.

"If I had unlimited money I could be very close to full recovery today," said Don A. Enders, manager of the Cleveland Center. The cuts this year, he said, have added six to nine months to the time it takes to complete the training of one controller. That is because Enders cannot pay overtime for qualified controllers to provide on-the-job training. He is authorized 329 fully qualified controllers and has 210, he said.

So the personnel problems continue, with a tired work force, old computers and money problems. And the traffic continues to grow.

"Yes, someday there's going to be a midair collision," FAA Chief Engen conceded. "There's nobody in this world who can prevent two pilots or two automobile drivers, both failing to do what they're supposed to do, coming together sometime . . . . Unfortunately, people make mistakes. A controller can make a mistake. That doesn't make the system unsafe."

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REBUILDING FAA: HIGH COST, HIGH RISK—$12 BILLION LABOR-CUTTING PLAN WILL DEPEND ON UNTESTED COMPUTER

(By Douglas B. Feaver)

The government is engaged in a multibillion-dollar computer acquisition program that has fallen behind schedule and will cost billions more than planned.

It sounds like a Pentagon procurement. Instead, it's the Federal Aviation Administration's $12 billion replacement air traffic control system, a super computer-radar network that is supposed to permit more flights and increase safety while reducing the number of people required to control air traffic.

First, the rosy scenario:

Computers will monitor airplanes' progress, predict and resolve conflicts between them and provide fuel-efficient routes that avoid severe weather. Pilots will receive instructions over automatic data links, eliminating cumbersome voice communications. Humans, who make mistakes, will mostly monitor the system.

It is an ambitious high-tech public works project and Congress has for the most part enthusiastically supported it. There is a special 8 percent tax on airline tickets to pay for it, the classic user fee. The aviation industry loves its potential for feeding growth.

There's only one problem. Nobody has ever built a computer like this, and the FAA plans to buy it without first making sure it works.

The computer in question is the heart of the National Airspace System Plan (NASP), a multiproject FAA modernization program drafted in 1981. The General Accounting Office, in a series of reports over six years, says the FAA is seriously overestimating NASP benefits and not doing enough pre-contract award testing to mitigate risks and keep costs under control.

FAA MODERNIZATION PLAN CHALLENGED ON COST CONTROLS, TECHNOLOGY

A secondary question being raised by the GAO and others is whether the FAA is taking advantage of the best technology.

The planned FAA system is ground-based, requiring enormous investments in radar stations and data links, at a time when satellite-based precision navigation systems seem increasingly attractive and are being tried by the Air Force.

The debate comes at a time the FAA's labor-intensive air traffic control system is under considerable stress, still trying to recover from the 1981 strike in which 11,400 controllers were fired. One suspicion of the aviation industry is that the FAA, anticipating personnel savings from the NASP, has not hired as many controllers as it could have.

ADVANCED AUTOMATION SYSTEM IS KEY

The keystone of the FAA's planned air traffic control system of the future is the Advanced Automation System (AAS). It is scheduled to cost $3.2 billion and to be installed in the 1990s.

The FAA plans to purchase the basic AAS in two phases, then add bells and whistles as they become available. The emphasis is on automating as much of the labor-intensive air traffic controller process as possible.

In Phase I, already under way, IBM and Hughes Aircraft Corp. are developing competing designs for the AAS, including computer concepts and work stations for controllers. Then the FAA will choose the plan it likes better and award the Phase II contract, full production. The GAO's problem is that the design phase does not include what it regards as realistic testing of the computer system.

The GAO's Carl Palmer said in recent congressional testimony that government acquisitions usually involve four phases, not two, with successive approvals "based on demonstrated results and extended competition." By skipping some of those interim steps, he said, the FAA's process "represents an unacceptably high risk to the government."

The design competition contracts started out at $247 million, but the FAA subsequently changed some of the specifications, adding $121.8 million.

Phase II, the production contract that will go to either IBM or Hughes, was scheduled to be awarded in mid-1987. That decision has been delayed at least to January 1988.

The key to AAS is its software, the computer's instructions, which have to be written by humans and stored in code on magnetic tape. Because AAS is supposed to automate many functions now performed by people, writing the software is considered a daunting task.

Under the FAA's current plan, the AAS software will not be written until after the production contract is awarded; thus, the GAO argues, potential problems cannot be discovered and resolved before the taxpayers' money is on the table. Further, the more automated the system, the higher the imperative that it not break down.

"FAA requires the system to be operational or available to perform emergency mode functions 99.99999 percent of the time," Palmer said. "This requirement means that system outages cannot exceed 3 seconds per year." If ever there was a need to keep a contractor's feet to the fire and prove that a concept will work before buying it, this is the time, the GAO is saying.

EXTENSIVE TESTING CALLED EXTRAVAGANT

Frank L. Frisbee, the FAA's acting associate administrator for development and logistics, said that "to take the risk out, we would have to literally fly before we buy. To have two contractors develop 1.2 million lines of [computer] code, then throw away 1.2 million lines, is extravagant, and we think you don't substantially improve the product."

If the GAO is correct, however, a significant number of difficult and unanswered technical questions may result in further expensive delays.

Pressure from the GAO and the congressional appropriations committees is having an effect. After Frisbee and his boss, FAA Administrator Donald D. Engen, were interviewed for this article, department sources volunteered on background that the AAS acquisition strategy is under review, although the goal remains "to get it done as quickly and correctly as possible and not keep two contractors on board," one source said.

While the debate on the AAS warms up, other acquisitions in the FAA's air traffic rebuilding program have provided the GAO with ammunition.

Consider the FAA's experience with Host, for example.

Host is an interim computer system that is supposed to keep air traffic humming between the 20 air route traffic control centers in the 48 contiguous states from now until AAS goes to work. An interim system is regarded as necessary because the FAA's existing computers are 20 years old, run on vacuum tubes, are difficult to find parts for and do not have the capacity to handle everything the FAA would like to throw at them.

The idea is to feed the software from the existing system in Host, which is supposed to find it acceptable and purr along for several years, providing growth without changing any basic operational concepts.

The first Host computer, an IBM 3083, was scheduled to be installed at the FAA Seattle Center in May, with deliveries to the other 19 centers to be completed by June 1987. That schedule has been delayed by six months because the Host couldn't digest the old software. IBM and FAA specialists are busily adding sweeteners. The cost implications are not yet clear.

The Host production contracts is for $197 million, but the FAA can add options that could run it as high as $432 million, the FAA said. IBM won the contract in a design competition, but the competition did not include operational testing, as the GAO had recommended. GAO is now saying, "I told you so." The FAA's view is that it saved time when time was important.

COMPETITION SEEN TO LIMIT "DIALOGUE"

Jack Winters, IBM's federal systems division vice president, defended the FAA decision to award the production contract without operational testing because, he said, "I think it was very important to get a single contractor in place and open up the dialogue to make sure the system we were implementing was the system [the FAA] wanted. One of the problems in a competition is that the dialogue has to be constrained."

He said the same arguments would apply in favor of the FAA's current plan to award

the AAS production contract without operational testing.

There is enormous potential risk involved in building air traffic control computers, because a software glitch might result in air planes colliding or hitting fog-enshrouded mountains the computer says aren't there.

"We certainly understand the responsibility," Winters said. The potential liability cost in case of such an accident also is enormous. "We were concerned about that, and a prerequisite to us participating in the Host program was indemnification from the FAA," Winters said.

The ambitious FAA plan that includes Host and the AAS was constructed in 1981 by J. Lynn Helms, then FAA administrator. "What Helms did was pick up about 80 marbles off the floor, put them in a bag, tie it with a string and call it a plan," a source familiar with the process said.

The bag of marbles became a brown-bound book with pictures, charts and graphs and the title "National Airspace System Plan." It ended years of internal FAA debate about what to do and how and provided the documentation needed to buy support from the Air Transport Association, the airlines' lobbying group, and from Congress.

Warren G. Reed, director of GAO's information management and technology division, has a certain feeling of *deja vu*. "There is a great temptation to take shortcuts at the beginning" of a major procurement, he said, citing experience with computer fiascos at the Defense Department, the Internal Revenue Service and the Social Security Administration. Those experiences, he said, have resulted in the GAO's "insistence there should be real operational testing."

The House Appropriations transportation subcommittee said in a recent report that the costs of the FAA's overall modernization plan, officially estimated at $11.7 billion, could exceed $15 billion because of delays and cost overruns.

MESSAGE IS REACHING CONGRESS

That report reflects the fact the both House and Senate transportation appropriations subcommittees are beginning to hear the GAO. Rep. William Lehman (D-Fla.), chairman of the House Subcommittee, said, "I understand the politics of this and that there are big bucks involved. But the final analysis is that there is safety involved, too. We have to minimize risk, and one way to do that is to do more testing under actual conditions."

On the other hand, Rep. Normal Y. Mineta (D-Calif.), chairman of the House Public Works aviation subcommittee, which authorized the NASP, said, "There have been cases where the GAO has recommended more testing where I think that testing would have done nothing more than slow down the whole process. I think the procurement decision on the Host computer is that kind of decision." He said he supports more testing for the AAS, however.

Nonetheless, there is unusual political and technical agreement on the need for new radar antennas, computers and communications links to rejuvenate the air traffic control system. Even the FAA's harshest GAO critics concede the need, and the FAA wants to get on with the job.

"We have overcome the inertia it takes to get a project moving," Frisbee said. "We all should be careful in the way we treat that."

GUIDANCE PROGRAM STILL IN THE SHOP—CONTRACTOR CITES COMPUTER SOFTWARE NEEDS AS REASON FOR DELAY

One of the first major projects the Federal Aviation Administration was supposed to complete in its $12 billion reconstruction of the air traffic control and aviation communications network was the construction and installation of precision landing system for use in poor visibility.

As just one component in a new generation of technology the FAA is buying, this was regarded as a relatively small technical challenge, and it may yet prove that way. Nonetheless, the precision guidance system has run into delays.

Problems in writing software—the coded instructions computers, understand—have contributed to delays in other elements of the FAA modernization, and this is no exception.

The first new microwave landing system (MLS) was supposed to be installed about now, It has yet to clear the production line at Hazeltine Corp., which has a $79 million FAA contract to build 178 systems and install them at airports around the country, starting in Boston. The manufacturer's best estimate now is July 1987.

"The MLS works; it is rock-solid technology," said Frank L Frisbee, the FAA's acting associate administrator for development and logistics. "The fact Hazeltine hasn't gotten one off the production line I don't think is a criticism of MLS."

Donald L. Miller, a Hazeltine vice president, said that "the summary of the problem is that the software requirement was larger than we thought it would be. It is not a technical issue per se. We underestimated." Although MLS technology has existed for at least 20 years, it has not been mass-produced.

Hazeltine won the contract with a low bid that it concedes was an effort to "buy in," or significantly underbid its competitors to assure itself of a place in the market. The FAA has plans to buy 1,250 MLS systems and there is a potentially huge market worldwide because MLS will become the official international standard system in 1987.

The MLS is supposed to replace the existing precision guidance system, the Instrument Landing System (ILS), which the FAA regards as temperamental and difficult to install. "It's time to get out of the ILS," said FAA Administrator Donald D. Engen. "If a bird defaces an antenna you've got to recalibrate it."

The MLS the FAA wants is supposed to be quick and easy to install and virtually self-maintaining. Unlike the ILS—which can provide only straight-in landing guidance to aircraft—the MLS can give precision directions to pilots or autopilots making curved approaches to runways.

Washington National Airport provides a good example of how the system might be used for a noise-abatement approach. Planes landing to the south at National cannot follow the center of the Potomac River in foul weather because pilots cannot see the river. As a result, the pilots follow a straight-line radio beacon that takes planes and their noise over the Potomac Palisades.

With a functioning MLS, it would be possible to program a completely automatic approach that would keep the plane over the center of the river until just before touchdown.

One problem with MLS is that few aircraft in service have the necessary electronic receivers to make use of the guidance the MLS would offer. "We've adopted a selling campaign," said Engen. He and other FAA officials said they believe that once there are enough MLS units in place, their advantages will encourage airlines to buy the receivers.

[From the New York Times, Aug. 3, 1986]

CONCERN IS ON RISE OVER WIND SHEAR

PILOTS' CAUTION SAID TO CAUSE MORE WEATHER DELAYS—NEW DETECTORS SOUGHT

(By Dennis Hevesi)

Pilots, air traffic controllers and airline operators are warier than ever of thunderstorms and potentially disastrous wind shears, the sudden shifts of wind that can slam a low-flying plane to the ground, and their caution has led to more delays on landings and takeoffs, according to officials of the Federal Aviation Administration and the Airline Pilots Association.

Although there are no data to confirm, the assessment, the officials believe pilots have been more inclined to fly around storm systems.

The greater caution among airline personnel apparently stems from the crash last year of a Delta Air Lines jet that ran into a violent wind shear at the Dallas-Fort Worth airport, killing 136 of those aboard, the officials said.

According to F.A.A. statistics, the number of flights from January to June of this year rose 4.6 percent, to 4.5 million, over the corresponding period in 1985. At the same time, delays were up 29.9 percent over last year.

NEW WARNING SYSTEMS SOUGHT

While the F.A.A. does not specifically note what caused each delay, a spokesman for the agency, Bob Buckhorn, said that, in general, 70 percent of all delays are a result of weather conditions.

The concern about wind shear has prompted renewed calls for installation of a new generation of on-ground and on-board warnings systems.

Bill Cahill, a spokesman for the Port Authority of New York and New Jersey, which operates the three major airports in the metropolitan area, said, "My own personal sense is the reason there didn't seem to be a greater concern about wind shear prior to that incident in Dallas is that not very much was known about, wind shear."

Wind shears usually occur during thunderstorms. The most dangerous ones are produced by fast-decending microbursts of air that fall from a storm cloud and fan out in all directions. A pilot flying into a headwind can be buffeted by a sharp downdraft and then have to contend with a sudden tailwind. The loss of airflow over the wings, coupled with the downdraft, dissipates the lift needed to keep the craft flying.

CONCERN DATES FROM 1970'S

Wind shears can last as little as one minute and affect an area as small as two miles in width.

The search for solutions began in the 1970's. On June 25, 1975, a wind shear caused the crash of an Eastern Airlines jet on an approach to Kennedy International Airport, killing 112 people. Official concern mounted in 1982 with the crash of a Pan American Boeing 727 taking off from New Orleans, killing 153 people.

"As a result of the Dallas accident with Delta last year, " said a spokesman for the F.A.A., Ben Kocivar, "I sense a greater sensitivity on the part of airline operators, pilots and controllers making them more reluctant to fly into a really bad weather situ-

ation. As a result, you probably have gotten more delays."

John Mazor, an official of the Airline Pilots Association, which represents 39,000 pilots flying for 47 United States carriers, concurred. "It is fact," he said, "that after any kind of an accident there is an increased awareness, increased sensitivity to whatever it was that was related to the accident."

Pointing out that the F.A.A. does not have precise criteria or an ironclad policy on when a runway should be closed, Mr. Kocivar said: "Basically, the information about weather is transmitted by the controller to the pilot. It's the pilot's decision about what he does about it."

This leaves gaps in the system, Mr. Mazor said, "The air traffic controller's manual says that one of the things he should be doing is passing on pertinent weather information to the pilots," he said. "However, that is a secondary duty and if the controller has to concentrate on directing the air traffic, one of the first things that he's going to drop in order to concentrate on that is weather information."

Another problem, he said, is that the latest system for wind-shear detection has not been installed at major airports.

The F.A.A.'s existing system uses six or more sensors to measure wind speed and direction around an airport and one near the center of the field. If a sensor measures a hazardous difference in direction, an alert flashes on a display in the control tower. The trouble with the system is that the sensors are so far apart that a wind shear can slip between them.

The next generation detection system makes use of the Doppler effect, which—like the shift in the perceived pitch of a train's whistle as the train moves closer or farther—enables a sensor to record the motion of an object as it comes toward or speeds away from a fixed point.

When the radar beam in a Doppler system hits stormy air, the beam is reflected back at a differing wavelength, depending on whether the air is advancing or receding. The system displays a picture of the wind shear on a terminal in the airport tower.

Concurrently, aircraft manufacturers are hastening the development of on-board wind-shear detection systems. According to the May 29 issue of Aviation Daily, an industry newspaper, the McDonnell Douglas Corporation of Long Beach, Calif., expects that by 1988 the F.A.A. will certify its in-flight wind-shear system for its current line of twin-jet commercial craft.

The director of flight guidance and control for McDonnell Douglas, John McDonnell, said the system would detect the difference in wind speed on the ground and at the aircraft's elevation and alert the pilot, who can elect to go around or complete the landing. On takeoffs, it will give both sight and sound warnings to indicate that the aircraft has entered a wind shear.

A separate wind-shear computer, he said, will be tied into the plane's autothrottle and autopilot mechanisms, and be capable of automatically flying the plane at the correct pitch and speed to penetrate the wind shear.

A spokesman for McDonnell Douglas, Don Hanson, said: "The other manufacturers are working on their own systems. It is something that all manufacturers of commercial planes are trying to do."

In 1984, the on-ground Doppler system worked very well during a 45-day test by the National Center for Atmospheric Research at Stapleton International Airport in Denver. It is currently being tested at the Huntsville, Ala., airport. Experiments last year at the Memphis airport resulted in the detection of 92 potentially hazardous microbursts, according to Aviation Daily.

The cost of installing such a system at an airport has been estimated at $4.5 million.

BETWEEN TWO AIRPORTS

In its budget proposal for fiscal year 1987, the F.A.A. has requested funds to install Doppler systems at 14 airports across the country. The Port Authority of New York and New Jersey has protested the plan to install only one detection system between Kennedy and La Guardia Airports, and none at Newark.

Testifying before the Senate Subcommittee on Transportation Appropriations on May 14, the Port Authority's deputy director for aviation, Morris Sloane, said: The one radar to be used for the two airports would be located somewhere between them. These airports are 11 miles apart.

"Because of the height of the buildings and other terrain features," Mr. Sloane said, "it would be extremely difficult to site one radar between Kennedy and La Guardia that would provide the low-altitude coverage needed to detect microbursts."

An F.A.A spokesman, Dick Stafford, said on Thursday: "Granted it would be better to have it at both airports. But there's only 14 systems in for the first go-round. It's entirely possible that when we go down the line we would have individual Dopplers for both airports.●

## PROGRAM

Mr. SIMPSON. Mr. President, the Senate will convene at 9:30 a.m. on Monday, August 11, 1986. The two leaders will then have their time under the standing order of 10 minutes each. There are special orders in favor of the following Senators for not to exceed 5 minutes each; Senators PROXMIRE and MELCHER.

That will be followed by routine morning business, not to extend beyond the hour of 10 a.m., with Senators permitted to speak therein for not more than 5 minutes each.

At 10 a.m., under a previous unanimous-consent agreement, the Senate will then turn to the consideration of the Boren PAC issue.

At 1 p.m., under a previous unanimous-consent agreement, the Senate will turn to the consideration of H.R. 5052, the military construction appropriations bill.

For details on the unanimous-consent agreements, Senators may consult their CONGRESSIONAL RECORD.

Therefore, Mr. President, votes could occur on Monday, August 11, 1986. The Senate will likely be asked to remain in session into the evening, but votes will not occur prior to 6:30 p.m.

Mr. President, I think we all know what the unanimous-consent agreements are. It is going to be a very long week. The charm of it is that we will conclude without question. If we do not, then we will chew our way through the August recess, which is a pretty good inducement to keep going.

## ADJOURNMENT UNTIL MONDAY, AUGUST 11, 1986, AT 9:30 A.M.

Mr. SIMPSON. Mr. President, I move, in accordance with the previous order, that the Senate stand in adjournment until the hour of 9:30 a.m., Monday, August 11, 1986.

The motion was agreed to and the Senate, at 10:27 p.m., adjourned, to reconvene on Monday, August 11, 1986, at 9:30 a.m.

## CONFIRMATIONS

Executive nominations confirmed by the Senate August 9, 1986:

ENVIRONMENTAL PROTECTION AGENCY

Thomas Lynch Adams, Jr., of Kentucky, to be an Assistant Administrator of the Environmental Protection Agency.

NUCLEAR REGULATORY COMMISSION

Kenneth M. Carr, of California, to be a Member of the Nuclear Regulatory Commission for the term of 5 years expiring June 30, 1991.

DEPARTMENT OF EDUCATION

Mary McNally Rose, of Maryland, to be Deputy Under Secretary for Management, Department of Education.

Justin W. Dart, Jr., of Texas, to be Commissioner of the Rehabilitation Services Administration.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Carol Fraser Fisk, of Virginia, to be Commissioner on Aging.

The above nominations were approved subject to the nominees' commitments to respond to requests to appear and testify before any duly constituted committee of the Senate.

DEPARTMENT OF JUSTICE

Louis G. DeFalaise, of Kentucky, to be U.S. Attorney for the Eastern District of Kentucky for the term of 4 years.

IN THE COAST GUARD

Coast Guard nominations beginning Brian R. Aldrich, and ending Adolph L. Keyes, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of July 22, 1986.

# SENATE—*Monday, August 11, 1986*

The Senate met at 9:30 a.m., and was called to order by the President pro tempore (Mr. THURMOND).

## PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

God of truth and order, we are grateful for passage of the defense authorization bill—but we regret the cost in time and energy, emotional strain and frustration. Dear God, the Senate faces a week with an impossible load of work. Spare the Senators another week of inordinate hours and stress which threatens dignity, civility, health, and sanity.

Father, I honor the Senate and count it a great privilege to serve here. I love the Senators and respect them, but feel profound concern that it not neutralize its effectiveness by the weight of its own practices. Save it, Lord, from becoming like a powerful engine frozen because of the friction of its parts—powerless to maintain its own schedule or meet its own deadlines. Preserve it, gracious God, from becoming a musclebound giant, victim of its own rules, procedures and precedents.

Prove that you are real, alive and relevant to the political process. Grant to the Senate and its Members a special dispensation of grace, wisdom, love, and peace. Make this a profitable, productive week of satisfaction and fulfillment. In the name of Him who is incarnate love. Amen.

## RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able and distinguished acting majority leader is recognized.

## THE CHAPLAIN'S PRAYER

Mr. RUDMAN. I thank the President pro tempore, and I also want to thank our Chaplain for his prayer. I think we ought to send a copy of that prayer to the Rules Committee.

## SCHEDULE

Mr. RUDMAN. Mr. President, the two leaders under the standing order each have 10 minutes this morning. There are special orders in favor of Senators PROXMIRE and MELCHER for not to exceed 5 minutes each.

Following the special orders, there will be a period for routine morning business not to extend beyond the hour of 10 this morning, with Senators permitted to speak therein for not more than 5 minutes each.

At 10 a.m., under a previous unanimous-consent agreement, the Senate will turn to consideration of the Boren PAC issue.

At 1 p.m., under that consent agreement, the Senate will turn to consideration of H.R. 5052, the military construction appropriations bill.

Votes will occur during today's session, but not prior to the hour of 6:30 p.m.

The Senate will likely be in session late into this evening.

## RESERVATION OF MAJORITY LEADER'S TIME

Mr. RUDMAN. Mr. President, I shall reserve the remainder of the leader's time and yield to the distinguished acting Democratic leader.

## RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDENT pro tempore. The distinguished acting minority leader is recognized.

## RESERVATION OF MINORITY LEADER'S TIME

Mr. PROXMIRE. I ask unanimous consent that the time of the minority leader be reserved for his use later today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

## THE CHAPLAIN'S PRAYER

Mr. PROXMIRE. Mr. President, I join the distinguished acting majority leader, Mr. RUDMAN, in his praise of our Chaplain. I have been here many, many years, but he is the first Chaplain who always seems to be able to tie the prayer into what is going on here every day and call our attention to what should be expected by the good Lord in our carrying on our business here. He does it with such dignity and such good grace that I have to call attention to it.

## A GREAT DAY FOR ARMS CONTROL

Mr. PROXMIRE. Mr. President, this Senator takes special pride in the astonishing accomplishment of Representative LES ASPIN of Wisconsin's First District in winning a smashing victory in the House for his amendment to stop funding for nuclear weapons testing above 1 kiloton beginning on January 1, 1987. The Aspin amendment would provide this cutoff of funds for nuclear weapons testing on two conditions. First, the Soviet Union will have to agree to stop testing on January 1, 1987. Second, the Soviet Union will have to agree to the location of seismic monitoring stations throughout the Soviet Union in sufficient numbers to assure verification of compliance.

The Aspin amendment passed the House by a 234-to-155 vote, a remarkable 79-vote margin. Mr. President, that amendment did not just edge through; it was a smashing victory.

Mr. President, if the House can preserve this arms control victory in substantial part in conference with the Senate, it will constitute the best news for arms control since President Carter signed the SALT II Treaty in 1979. Why is this House vote so important? Because testing lies at the heart of the nuclear weapons technology arms race. Arms control derives pitifully small benefit from the reduction of the number of nuclear weapons by 50 percent or even 75 percent, if the nuclear technology races ahead so that each of the remaining nuclear weapons has 10 times its previous lethal force. Unless both powers stop nuclear weapons testing, the onrushing nuclear technology will overwhelm the significance of any limitation or reduction of nuclear weapons.

Why is testing so crucial to the advance of the nuclear arms race? Because research to make nuclear weapons more devastating cannot advance without testing. The testing is crucial.

Representative ASPIN, the House leadership that so effectively supported him, the 200 Democrats, and the 34 Republicans who voted with him, deserve the thanks of our country, and indeed of all mankind.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

□ 1000

Mr. BOREN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SIMPSON). Without objection, it is so ordered.

## ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. There will now be a period for the transaction of routine morning business.

## THE TELECOMMUNICATIONS POLICY ACT OF 1986

Mr. DOLE. Mr. President, I ask unanimous consent that the following Senators be added as cosponsors of S. 2565, the Telecommunications Policy Act of 1986: Mr. COCHRAN, Mr. CRANSTON, Mr. HECHT, Mr. HELMS, Mr. ROTH, Mr. RUDMAN, and Mr. WEICKER.

Mr. President, I would like to inquire about the attitude of the distinguished chairman of the Commerce Committee toward this bill which I introduced in June. It is my understanding that he shares my concerns about the process by which Federal telecommunications policy is currently being made.

Mr. DANFORTH. Mr. President, the distinguished majority leader is correct. Many in Congress, myself included, have questioned the conditions under which the restrictions should remain in place and have expressed concern with the Federal judiciary deciding matters of broad telecommunications policy.

On May 27, 1986, I indicated that I was considering introducing legislation that would modify these restrictions or change the forum in which modifications to the MFJ are made. In order to have the benefit of a wide range of viewpoints before beginning to draft a bill, I asked interested parties to comment on a series of questions relating to the need for such legislation, and the form that such legislation should take. In order to expedite the process, I asked that all comments be submitted by July 3.

On June 18, the distinguished majority leader significantly advanced this process by introducing S. 2565. Senator DOLE's bill not only was carefully drafted, it enjoyed the administration's support upon introducton. I asked the parties that were responding to my call for comments to expand their filings to include a discussion of S. 2565. Although there were only 2 weeks remaining in the comment period, many parties responded to this request. As a result, I believe that the Commerce Committee now has a good record upon which to base further action.

Mr. DOLE. Mr. President, am I correct in my understanding that a broad range of interests submitted comments in the committee's proceeding, and that the chairman has now had an opportunity to review those comments?

Mr. DANFORTH. Almost 60 parties submitted comments in the proceeding. A wide range of views were represented. My staff and I have had the opportunity to review the comments, and the conclusion I have reached is that a change of forum, as advocated by Senator DOLE, is both necessary and appropriate. It makes no sense to have issues involving matters of broad telecommunications policy decided by the judiciary or by a department whose sole responsibility in this matter should be antitrust enforcement. As a matter of both practicality and jurisdiction, questions regarding universal and affordable service, ratepayer protection, international trade, availability of new services, and other public interest concerns should be addressed by agencies of expertise.

However, the comments the committee has received indicate to me that certain modifications to S. 2565 are in order to insure that the congressional concerns about protecting ratepayers, enhancing competition, and promoting international trade are addressed.

My staff is drafting language to insure that the present Commission, or a future Commission, will have no doubt about congressional intent in this area. It is important that S. 2565 insures that on matters of telecommunications policy, trade policy, and antitrust policy, the FCC consults with the executive branch agencies of expertise, and guarantees that the congressional goal of maintaining universal, affordable, and up-to-date telephone service for all customers is met.

In addition, the newspaper publishers have expressed some concerns to me, and I believe that their concerns merit attention.

Mr. DOLE. When I introduced S. 2565, I noted that there were questions that remained to be resolved. It is the function of the committee process to perfect legislation, and I thank the chairman for his work on this issue. However, I do think that the fundamental thrust of the legislation is sound, and I hope that the committee holds to the concept of transferring jurisdiction over telecommunications policy from where it doesn't belong to where it does belong.

I have been stressing to colleagues that it is not inconsistent for them to cosponsor S. 2565, and then support the chairman's amendments in committee. Would the chairman agree with this assessment that the principal thrust of the bill and his amendments will not necessarily be mutually exclusive?

Mr. DANFORTH. It is my intention to move S. 2565 through the Commerce Committee. The majority leader and I are in agreement that the Federal judiciary should not be deciding matters of broad telecommunications policy. These decisions belong to Congress and the President. Although I cannot, at this time, precisely define the parameters of the amendments I will offer, I can assure the majority leader that they will not conflict with the basic concept that the FCC is a more appropriate forum than the Federal district court for making administrative decisions regarding removal or waiver of MFJ restrictions. Therefore, Mr. President, to those Senators who believe the FCC is the appropriate forum for the resolution of issues under the MFJ, I would say that I see no conflict in cosponsoring S. 2565 and then supporting my amendments in committee.

Mr. DOLE. One final question, Mr. President. What is the chairman's timeframe for action on S. 2565?

Mr. DANFORTH. The Commerce Committee staff is in the process of drafting. It is my desire to complete this drafting expeditiously, distribute the fruits of these labors to interested parties, and hold a formal committee hearing on S. 2565 and my amendments immediately upon our return from the August recess. This would leave sufficient time on the calendar for committee action and floor consideration before adjournment. I know that it is the majority leader's hope to pass a bill this year. I share that goal.

Mr. DOLE. I thank the distinguished chairman. It is no secret that there will be a number of items competing for time on the Senate's schedule in September. As always, those items which will not require extended debate will be given priority, so I would just like to offer any help I may be able to provide in moving this bill into the posture of "not requiring extended debate."

Mr. DANFORTH. The distinguished majority leader is famous for his ability to forge consensus. I appreciate his offer of assistance.

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

## CENTRAL INTERSTATE LOW-LEVEL RADIOACTIVE WASTE COMPACT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of S. 655, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 655) granting the consent of Congress to the Central Interstate Low-Level Radioactive Waste Compact.

The Senate resumed consideration of the bill.

AMENDMENT NO. 1168

(Purpose: To amend the Federal Election Campaign Act of 1971 to change certain contribution limits for congressional elections and to amend the Communications Act of 1934 regarding the broadcasting of certain material regarding candidates for Federal elective office, and for other purposes)

The PRESIDING OFFICER. The question pending before the Senate is the amendment of the Senator from Oklahoma.

Mr. BOREN. Mr. President, I thank the Chair, and I welcome the opportunity to return to the subject that was discussed on the Senate floor last year. At that time, as my colleagues will

recall, there was a campaign reform proposal pending which would limit the amount of money which PAC's, political action committees, can contribute to congressional campaigns. An effort was made to table that amendment at that time. The tabling motion failed on a vote of 84 to 7. So this amendment now recurs for our consideration.

Mr. President, I can think of no more important subject to the Members of this body and indeed for consideration by the national agenda than the need to reform the way in which campaigns are financed in this country. We send observers to other countries where we have strong interests and alliances to make sure that the election process in those countries is carried out in a fair and impartial basis.

I have had the privilege at the request of the President, for example, to go to El Salvador to watch the election process there, to observe it, and report back to our colleagues on the fairness of that process. Recently I had an opportunity to be a part of the process of observing the elections in the Philippines.

Mr. President, it is appropriate that we show this kind of concern for elections in other countries. It is appropriate that we try to make certain that the people in other parts of the world have an opportunity to express themselves in fair and open elections.

But how much more important is it, Mr. President, that we turn our attention to the integrity of the election process here in our own country.

What is going on and what has gone on in this country over the past decade threatens the very integrity of that process.

As Archibald Cox has said, we are engaged in a struggle to determine whether or not we shall keep government of the people, for the people, and by the people or whether we shall have that government replaced by a government of the special interests, for the special interests, and by the special interests.

I do not think that any of our colleagues would say that what has happened in the financing of elections in the United States over the past several years has been good for the country or good for the political process.

We do not have a fair impartial election process. The whole cornerstone of this democracy is endangered.

And it is time for all of us to turn our attention to what we know is a mounting problem.

First, we are faced with a tidal wave of money pouring into the election process and influencing the election process. We run the risks that instead of elections being decided by the people themselves at the local level on the basis of the integrity and the policy positions taken by candidates, that elections more and more will be decided on the basis of which candidate has the funds to buy the access time necessary to get his or her message across to the people.

We must not allow the highest policymaking positions of this Government which should belong to the people themselves to be placed on the auction block and determined primarily by the impact on money available for the campaigns instead of the merits of the candidates and the issues of the election process.

What has happened? The facts are all too clear for all of us to see. In 1976 the average winning candidate for the U.S. Senate spent $600,000 on his or her campaign. In 1976, Mr. President, $600,000.

In 1984 in the last elections the average winning candidate for the U.S. Senate, the average, spent $2.9 million.

So in just 8 short years the cost of running a successful campaign to be elected to the U.S. Senate has gone from $600,000 to $2.9 million, in some cases well over $10 million in some individual elections.

Where is it going to end, Mr. President? Can anyone in this body say that this tidal wave of money pouring into congressional campaigns has been good for the country? Can anyone say that it has enhanced the ability of the average citizen at the local level to have an impact on the campaigns where the campaigns are supposed to be decided? Can anyone, Mr. President, say that it has helped the Senate of the United States as a deliberative body? Has it helped us that campaigns now cost an average of $2.9 million, requiring the time and attention of the Members of the Senate constantly to the money-raising process instead of being able to spend their time on the pressing issue of the day that determine the well-being of the next generation of Americans?

□ 1010

It is a shame and a disgrace, Mr. President, that we have allowed this situation to go on so long. How much longer will we let it happen? How long will we wait, Mr. President? How long will we close our eyes to this growing avalanche of money that threatens the integrity of the political process. Will we wait until the average Senate campaign costs $5 million or $20 million or $50 million?

It is obvious the problem is not taking care of itself. It is obvious that this spiral is now slowing down. Like the arms race, it is increasing every single day that we wait to act.

Mr. President, some of my colleagues say:

> Well, that is a serious problem, I understand it. We really ought to do something about it some day. Let us just wait until after the next election before we grapple with this problem.

Mr. President, there will always be another election. We are always within 2 years of an election. And if we continue to wait until after the next election and after the election after that, we will never come to grips with this problem until it is too late, until it will already have destroyed the confidence of the people themselves in the integrity of the political process.

Already millions of Americans do not even go to the polls and vote. And I am convinced that part of the reason is that they are not convinced that their own individual votes, their own individual ideas, any longer have any impact and influence on the Government, where money is having an undue influence in the outcome of campaigns.

Mr. President, it is not only the amount of money that should concern all of us that is going into campaigns, it is also where that money is coming from. The money is no longer coming from small, individual donations from citizens at the grassroots in the way in which the political process ought to work in this Government of the people and for the people and by the people. That is where the money should be coming from to finance campaigns; from that average citizen back home in the State or district that the Congressman or Senator is sworn to represent in the national interests.

What has happened? Over the past decade, the proportion of funds coming for campaigns from that individual contributor back home at the grassroots has been cut in half. Where, then, is all this money coming from, as the cost of campaigns has been skyrocketing?

Mr. President, it is coming from special interest groups, largely headquartered in the Nation's Capital. During that same period of time in which the costs of campaigns have been going out of sight, the amount of money given by political action committees, PAC's, special interest groups, has increased in just one decade—in 1974, from $12 million being given to congressional candidates and in 1984 that figure was $104 million.

Can anyone be naive enough to believe, Mr. President, that you can pump in $104 million of special interest money into the political process and not have that money spent in campaigns? Is there anyone naive enough to believe that there is not an indirect relationship between the skyrocketing costs of campaigns and the tens of millions of new money being pumped into campaign financing by special interest groups?

And what about the people back home? What is happening to the grassroots control of the election process itself?

Mr. President, in 1982, 98 Members were elected to Congress, the House

and Senate, by receiving more than 50 percent of all of their campaign contributions from political action committees instead of from the people back home. That was in 1982. In 1984, just 2 years later, the 163 Members elected to the House and Senate, virtually one-third of the membership of the Congress of the United States, had more than 50 percent of their campaign contributions come not from the people back home, not from the individuals at the grassroots, but from political action committees largely controlled here in Washington, DC.

What is going to happen to the concept of grassroots democracy if we allow this trend to continue?

Mr. President, I was in a group the other day and someone honestly came up to me and said:

Well, Senator, don't you think it is a good thing that all the money now is being raised here in Washington, half a million or more sometimes in a single night, because now Members of Congress do not have to inconvenience the people back home in their own Districts and in their own States by having to ask them to support their campaigns and contribute financially to their campaigns any more?

Well, Mr. President, I answered that comment by simply saying:

Thank God that the Constitution of the United States requires that the people back home have to vote in elections. Otherwise, I suppose those same special interests would rather just not inconvenience the people by having them involved in the election process anymore. It can all be decided here in Washington, DC. In addition to the tens of millions of dollars raised here to finance political campaigns and to determine which candidates will have access to the voters, just cast all the ballots here as well and we would not have to worry about grassroots input at all.

So, Mr. President, the tidal wave of money; that is a concern. It is a concern of what it is doing to this process, where that money is coming from, from special interest groups instead of people back home. That is a concern about the process; what it is doing in terms of foreclosing opportunity for new people to enter this process.

It is not surprising that it has been difficult to get the Congress of the United States to put this matter on the agenda; not surprising at all. It was reported just this week in the Washington Post that those who will be voting on this particular proposal have received $87 million in political contributions since those committees began to be active in 1972. It is an incumbent protection plan, the current system. Eighty percent of all the money contributed by political action committees—80 percent of it, Mr. President—goes to incumbents rather than to challengers.

And so that new person back home that wants to have an opportunity to bring their thoughts, their creative ideas, into the political process is discouraged from running for office. They might be able to raise money back home at the grassroots. They might be able to have support of the people. But what happens when they are overwhelmed with the out-of-State PAC contributions, the millions of dollars, 80 percent of which go to incumbents? It is distorting the political process, Mr. President, because it is also discouraging others, new people, from becoming involved in the political process.

In addition, Mr. President, the current system is fragmenting this country and fragmenting this Congress at a time in which we need to be building a consensus to deal with problems like the budget deficit and the trade deficit and when we need to be bringing people together to sacrifice as Americans, not as members of special interest fragmented groups, but as Americans, as one community to form a consensus to do something about the pressing problems of this country.

Can we be surprised, I would ask my colleagues, when we have difficulty forming a consensus to act in the national interest in this Congress, when our reelection campaigns are more and more and more being financed by the special interests instead of by all of the people?

People have asked me: "Senator, you take contributions from people back in your home State." I am proud of the fact that over 90 percent of my contributors come from my home State. That is where they should come from.

They say: "But how is it different? Obviously, every single individual that gives to you has to earn a living in some way."

In my State, some are in the oil business—fewer than used to be as we all know with the current economic conditions—some are in agriculture, they are farmers and ranchers; they are in small businesses; some are in real estate, and other occupations.

They say:

How is it different? You get a contribution from a farmer or from an oil man or from a realtor or from a union member, how is that different from receiving money from the PAC of the oil company or the political action committee of the agriculture group? How is it different?

It is essentially different, Mr. President, because of this: That individual citizen can look at my whole record and the whole record of all of my colleagues in the Senate. They can say: "You know, I am a farmer, but that Senator may only vote only half the time on issues that affect farmers, and I like what he or she does on national defense," or "I like the fact that they are honest and they bring an overall independence, which is protective to Government."

They can view the whole record, in other words, of the Member of the Senate.

Is that true of a political action committee? No. The political action committee has to take those two or three votes in a year's time, those two or three votes on that special economic issue, and see how the Senator voted on them, and then decide, "We will support candidates that have a 75 percent rating or more on that little issue of the special interest groups."

In other words, it becomes a mechanism for encouraging single-issue and single-interest politics in this country, further fragmenting us, further causing us to think of ourselves in our own self-centered identities with our own economic self-interests instead of thinking of ourselves as Americans seeking a consensus as to what is right in the national interest.

So, Mr. President, we badly need to change this system—this system is causing the money to flow in without limit, this system that is causing the people at the grassroots to have less and less say in electing their own officials to the public office, the system that is discouraging new people with new ideas from entering the political process, and this system that has continued to fragment us at a time in which we need to build a national consensus.

I know there are those who raise the phony argument that it is a fine thing that people are contributing to PAC's now, and that in fact it is causing more people to be involved in the political process. We have a brief study done by Professor Sorauf at the University of Minnesota—and I will be later inserting some comments from his study in the RECORD—in which he found the average person that donates to a political action committee is much less likely to read the newspaper, to watch broadcast reports of what is going on, and have a much lower familiarity with the issues and with the candidate than those who contribute individually. I can understand why, Mr. President, if you really care about something you are not going to delegate out your participation in the process to someone else. We would not delegate out our right to vote to some committee just because we have to, to realtors, bankers, oil men, or union members. We would not let some boss, or some small committee cast our vote for us in the election.

Mr. President, we should not let them cast our dollars in elections, either, in a way that will have the kind of impact on the ultimate result.

So we have before us a proposal that has won bipartisan support, wide support from a whole cross-section of the Members of the U.S. Senate, who are concerned about what is happening to this country, who are concerned about what is happening to this institution as Members more and more must devote their time to raising money for

campaigns instead of solving the real problems of the country.

I want to mention to my colleagues, those who join in cosponsoring this amendment, and the number continues to grow: The distinguished senior Senator from Arizona, Senator GOLDWATER, is the principal cosponsor. He understands from his long service here the threat to the institution; another one of the original cosponsors, the distinguished Senator from Mississippi, Senator STENNIS, who has served in this body longer than any other Senator now serving, a man of absolute integrity, who is concerned about what we are passing on to the next generation, the distortion of this system, the integrity of the election process itself if we do not take action; the distinguished minority leader, Senator BYRD, who is here on the floor this morning, who knows from his long service and his leadership responsibilities what has happened to the Senate of the United States; Senator HART, Senator KASSEBAUM, Senator LEVIN, Senator RUDMAN, Senator DECONCINI, Senator CHILES, Senator BINGAMAN, Senator BIDEN, Senator LEAHY, Senator ROCKEFELLER, Senator PROXMIRE, Senator MOYNIHAN—I believe I also mentioned Senator RUDMAN—who have joined together in a bipartisan effort to present this proposal to the Senate.

I will just take one moment before yielding time to my colleagues, and I see the distinguished Senator from Minnesota here who undoubtedly would like to also make some opening comments to mention again, and place into the RECORD a brief description of the provisions of this bill. It limits the amount that a House candidate can accept from a political action committee to $100,000, $125,000 if there is a runoff, and $150,000 if there are three contested elections. It limits what Senate candidates can receive to $35,000, and under a congressional district in the State, with an overall cap of any State of a maximum of $750,000. It reduces the amount that PAC's can give to candidates or that candidates can receive from $5,000 to $3,000. It also closes the loophole under which now PAC's can bundle together contributions. Once they have given their $5,000 they can give under law, they can go out, solicit so-called individual contributions which they raise, bundle up, and pass on to the candidate so that the PAC gets the credit for the contribution, and in this manner they get around the limits.

Once they have given the $5,000 they can go out and in one case it is estimated they raised $125,000 from individuals. They then took that $125,000, and in the name of the PAC gave it to a candidate for the Congress of the United States.

So the bundling which is going on because of misconstruction of the law by the Federal Election Commission must be stopped. Otherwise even the current PAC limits are totally meaningless.

It also provides that PAC's, so-called independent PAC's, when they make broadcasts on advertising they must carry disclaimers to show that these ads are not being carried on the air subject to any campaign spending limits.

It also tightens up the definition of what is an independent expenditure. We all know that there are independent groups—groups claiming they are independent. They go out, do the dirty work for a candidate, make the savage, negative attacks on candidates, and then claim that they are totally independent of the other candidate in the race. We know very often that is only a veil, only a cloak for collusion between the so-called independent groups and the candidates.

So we provide, if they have the same media consultant, if they have been consulting with one another, sharing advice, that they can no longer pretend to be independent committees.

We also provide that if a candidate is attacked, if a candidate is attacked by these so-called independent groups on stations that have voluntarily accepted advertising, they must make free, equal time available to respond to the candidate who has been the subject of the attack by those who have bought the time.

So, Mr. President, we have an opportunity. We can stand aside as we have been doing before and say let us wait until after the next election before we do anything about it. Let us wait until the problem is more serious. Let us wait until, instead of having one-third of all the Members of Congress receive half or more of all their campaign contributions from PAC's and interest groups in Washington instead of the people back home. Let us wait until the whole Congress is in that situation and let us wait until they have 90 percent of their money. We are always within 2 years of an election.

Mr. President, for the sake of this country, for the sake of the integrity of the political process, for the sake of the confidence of the American citizens in their own Government, for the sake of restoring their belief that their own vote back at the local level expressing their own views and opinions about the election process can make a difference, it is time for us to act. It is time for us to stop waiting until after the next election, to root out a cancer, a malignancy that is eating at the heart of the political process and the democratic process itself.

Mr. President, I reserve the balance of my time.

The PRESIDING OFFICER. Who yields time?

Mr. BINGAMAN. Mr. President, may I be yielded 6 minutes?

Mr. BOREN. Mr. President, I am happy to yield 6 minutes to my distinguished cosponsor, Senator BINGAMAN, of New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I rise to commend the Senator from Oklahoma for his leadership on this very important issue. As he says, this is an issue that goes to the heart of all the deliberations we are engaged in here in the Congress. It underlies our action or inaction on every issue. It goes to the very heart of our democratic system, and I think it is crucial that it be addressed. Without not only his leadership on the issue but his persistence, I am persuaded that this is a subject which would not be before the Senate today; and, if it were not for the dogged determination that the Senator from Oklahoma has demonstrated in continuing to urge this on the leadership and bring this to the Senate's attention today.

In my opinion, Mr. President, the issue is vital because of the alarming increase in the influence that PAC's are having on our campaign process. We have a saying in this town which has become prevalent in recent years, that if it is not broke, do not fix it. The corollary to that should be if it is broke, do fix it. And this is clearly something that is broke. This is a problem that needs attention. As the Senator from Oklahoma said, this is a problem which should be fixed now instead of it being put off beyond this election, beyond the next election, and essentially indefinitely.

□ 1030

PAC contributions have an influence over the issues that get the attention and get the time of the Congress. PAC contributions have an influence over the actions that are taken in the Congress on specific issues.

There are two interconnected problems here, both of which were very ably discussed by the Senator from Oklahoma.

The first is the enormous cost of campaigns with all the disadvantages which go with those costs, with that increase in cost; and, second, the disproportionate amount of that cost being borne by special interest groups.

First, let me mention just a few things about the enormous cost. The facts are clear and I will not repeat those. We have seen a dramatic increase from 1976 until the last election in the amount that it takes to run a Senate campaign. The consequences that flow from that increased cost are also clear. Many who would seek public office are discouraged from doing so because of these enormous costs.

It is clear that Liz Holtzman, a former Congresswoman, considered a

race for the Senate this year and I thought made a very telling statement when she announced that she would not seek election to the Senate. Her statement was she had determined that if she sought election, she would spend all her time raising money and none of her time raising issues. I think that is an accurate assessment of what she was up against.

Officeholders who wish to remain in office are required to commit substantial amounts of their time and effort to fundraising on almost a year-round basis because of this enormous additional cost. It is time taken away from their other duties in this body; their other duties to their constituents.

Let me say a few words about the disproportionate amount of the cost now being borne by PAC's.

With few exceptions PAC's are established and continued in order to pursue very specific and narrow interests. These may be valid interests. I do not suggest that they are not. They may be meritorious interests and the position that the PAC takes may be the correct position on the issue. But it is clear that PAC's are not established to promote the general welfare of the economy. They are established to promote specific interests.

Again, with few exceptions, PAC's represent those with wealth and, as such, they generally have a bias toward maintaining the status quo.

One aspect of maintaining the status quo is maintaining those encompassed in office who are already there.

One simple example of that were the PAC contributions to the last Presidential race, Mr. President. In the 1984 Presidential race, PAC's spent $15.8 million in support of the incumbent and $803 million in support of the challenger. I think that nearly 20 to 1 disparity in spending is one example of the kind of bias toward the incumbent which clearly exists in the system we have.

A major reason that it is going to be difficult to pass this legislation is because of the tremendous benefit that incumbents receive from PAC contributions.

Mr. President, the ultimate solution to this problem probably involves some type of public financing of congressional campaigns, similar to the public financing we have for Presidential campaigns. But in the interim, Mr. President, I am persuaded that we need to take some action to begin to deal with the problem, and S. 1806, which is Senator BOREN's bill, the Boren-Goldwater amendment now before us, is clearly a step in the right direction.

Again, I commend the Senator from Oklahoma for his leadership in bringing this issue before the Congress. I am proud to be a cosponsor of the legislation and I urge my colleagues to support this amendment. I yield the floor.

Mr. BOREN. Mr. President, an editorial appeared in the New York Times this morning which I think puts the case very well. It said this bill would work important change.

Had it been in effect in 1984, calculates Common Cause, the public affairs lobby, PAC contributions to Senate candidates would have been cut in half.

Then they conclude:

A half-empty swamp is healthier than one that's overflowing. The public will soon find out which Senators want higher ground and which ones like the muck, slosh, and smell.

I ask unanimous consent that this editorial from the New York Times, which I have placed on all desks, appear in the RECORD in full at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Times, Aug. 11, 1986]

THE MONEY CURVE FOR CONGRESS

Exponential growth is Washington, D.C.'s middle name. In two generations, the Federal Government has gone from worrying about millions to billions to trillions. In five years, the national debt has doubled. There's similarly steep growth evident in the money curve for Congress. Campaign contributions are flooding out of the PAC's, the political action committees that have sprung up on behalf of every imaginable special interest.

Does Congress care? A bipartisan bill sponsored by Senator David Boren, Oklahoma Democrat, and others offers an opportunity to control that soaring curve, with a Senate vote possible as soon as tomorrow. Its provisions are so reasonable and clear that senators of both parties should be embarrassed to duck and eager to vote yes.

Even in a sluggish economy, political influence is a growth industry.

Consider the curve line for the total number of PAC's. In 1975, there were 600. Now there are 4,100, an amazing array of interests. A supermarket chain is represented by the Piggly Wiggly Southern Good Government Committee. A beer distributors' group employs what is informally called the Six-PAC. The Michigan blueberry growers have a PAC. So does the American Horse Council.

Consider the curve line for the amounts the PAC's shovel into campaigns. At this point in the 1978 campaign, they had given $11 million. As of June 30, the 1985–86 total was $66 million.

Consider the weight of all those PAC dollars. In 1978, they comprised 12 percent of total campaign contributions. So far in this campaign, they account for 24 percent.

At present, each PAC can give each member $5,000 for each primary and general election. Frequently there are overlaps. Several PAC's interested in the same outcome can each give $5,000 to a candidate. There's no limit to the total amount of PAC money any one candidate can collect.

Senator Boren's bill would reduce the amount of the individual PAC contribution from $5,000 to $3,000. And it would limit the total amount a member could receive from the PAC's. House candidates could get only $100,000. The limit for Senate candidates would depend on state population. In view of the PAC's muscle, these proposals seem modest. The only sure reform is to wean politicians from private campaign money completely—with public money. One day, Congress will recognize that need, just as the country has already accepted public funding for Presidential campaigns.

Meanwhile, the Boren bill would work important change. Had it been in effect in 1984, calculates Common Cause, the public affairs lobby, PAC contributions to Senate candidates would have been cut in half. A half-empty swamp is healthier than one that's overflowing. The public will soon find out which senators want higher ground and which ones like the muck, slosh, and smell.

Mr. BOREN. Mr. President, I also ask unanimous consent to have printed in the RECORD at this point an excellent editorial from the Boston Sunday Globe, which makes the very same point, that we should make the change, that we should help Congress pay more attention, as the Globe says, to the larger message of the public good. It says the Senate should pass this amendment without delay and without crippling amendments. I ask unanimous consent that the editorial be printed in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Boston (MA) Globe, Aug. 10, 1986]

CUTTING PACS

When lobbyists of ideologies and interests converge to battle a bill in Congress, the measure is probably one of outstanding merit. A measure that would change the financing of political campaigns, however, can also be killed by odd bedfellows.

The US Senate is scheduled to vote on the Boren-Goldwater amendment to campaign-finance legislation, a first step in freeing congressional politics from the hammerlock of political action committees.

Neither cosponsor is a zealot. Sen. David L. Boren (D-Okla.) found out that PACs screened him from his constituents and made him too attentive to lobbyists representing anonymous contributors.

Sen. Barry Goldwater (R-Ariz.), ending a long and distinguished career, is the ideological opposite of another congressional retiree, Speaker O'Neill. Yet, they agree on one profound fact. As O'Neill says, "The PACs are destroying this government. Too many guys have big money and no opponent."

The amendment would limit to $100,000 the amount each House candidate can receive from all PACs. Similar restrictions would be placed on Senate candidates, and the limit of each PAC contribution would be lowered from $5,000 to $3,000.

To the average citizen, these sums seem reasonable. They are. To the average lobbyist, the limits are an outrage. "If it ain't broke, don't fix it," says Charles Walker, a former Treasury official and now a leading lobbyist. "The presence of so many PACs," he says, "helps assure wide dispersal of financial power in the electoral process."

Walker's business clients are not the only ones enjoying the PAC status quo. In 1984, labor unions like the National Education Association and the United Auto Workers contributed almost as heavily as the National Association of Realtors and the American Medical Association.

PACs amplify the message of every special interest. The Boren-Goldwater amendment would help Congress pay more attention to the larger message of the public good. The Senate should pass it without delay and without crippling amendments.

Mr. BOREN. Let me also say, Mr. President, that over 150 newspapers across the country in 33 States have endorsed this proposal. I ask unanimous consent to insert into the RECORD at this point a list of those major newspapers across the country that have endorsed the proposal.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

NEWSPAPER EDITORIALS SUPPORTING THE BOREN-GOLDWATER AMENDMENT

The Ada Evening News, Ada, Oklahoma.
Albuquerque Journal, Albuquerque, New Mexico.
Anchorage Daily News, Anchorage, Alaska.
The Asheville Citizen, Asheville, North Carolina.
The Press, Atlantic City, New Jersey (2).
Examiner-Enterprise, Bartlesville, Oklahoma.
Beaver County Daily Times, Beaver, Pennsylvania (2).
The Globe-Times, Bethlehem, Pennsylvania.
Bluefield Daily Telegraph, Bluefield, West Virginia.
Idaho Statesman, Boise, Idaho.
The Boston Globe, Boston, Massachusetts.
The Christian Science Monitor, Boston, Massachusetts.
Daily Camera, Boulder, Colorado (2).
The Bradenton Herald, Bradenton, Florida.
Brattleboro Reformer, Brattleboro, Vermont.
The Brazil Times, Brazil, Indiana.
The Sun, Bremerton, Washington (2).
The Brookings Daily Register, Brookings, South Dakota.
The Chandler Arizonan, Chandler, Arizona.
The Chattanooga Times, Chattanooga, Tennessee.
The Sampson Independent, Clinton, North Carolina.
The Columbia Record, Columbia, South Carolina.
The State, Columbia, South Carolina.
The Columbus Enquirer, Columbus, Georgia.
Dallas Times Herald, Dallas, Texas (2).
Quad-City Times, Davenport, Iowa.
Journal, Daytona Beach, Florida (3).
Rocky Mountain News, Denver, Colorado.
Elmira Star-Gazette, Elmira, New York.
Enid Daily Eagle, Enid, Oklahoma.
Enid Morning News, Enid, Oklahoma.
Erie Daily Times, Erie, Pennsylvania.
News, Estherville, Iowa.
Fort Myers News-Press, Fort Myers, Florida.
The News-Herald, Franklin, Pennsylvania.
Gainesville Sun, Gainesville, Florida.
The Register-Mail, Galesburg, Illinois.
Post-Tribune, Gary, Indiana.
Grand Forks Herald, Grand Forks, North Dakota.
The Grand Rapids Press, Grand Rapids, Michigan.
Greeley Daily Tribune and Republican, Greeley, Colorado.
Greenfield Recorder, Greenfield, Massachusetts.
Greensboro News & Record, Greensboro, North Carolina.
The Times, Hammond, Indiana.
Sunday Patriot News, Harrisburg, Pennsylvania.
The Hartford Courant, Hartford, Connecticut.
Transcript-Telegram, Holyoke, Massachusetts.
The Herald-Dispatch, Huntington, West Virginia (3).
The Post-Register, Idaho Falls, Idaho.
The Clarion-Ledger, Jackson, Mississippi.
Daily News, Jacksonville, North Carolina.
The Post-Journal, Jamestown, New York.
The Janesville Gazette, Janesville, Wisconsin.
The Joplin Globe, Joplin, Missouri.
The Kansas City Star, Kansas City, Missouri (2).
Kansas City Times, Kansas City, Missouri (3).
The Keene Sentinel, Keene, New Hampshire.
The Ledger, Lakeland, Florida (2).
Sunday News, Lancaster, Pennsylvania.
Lansing State Journal, Lansing, Michigan.
Leesburg Commercial, Leesburg, Florida.
Lenoir News-Topic, Lenoir, North Carolina.
Bucks County Courier-Times, Levittown, Pennsylvania (2).
The Dispatch, Lexington, North Carolina.
The Lincoln Star, Lincoln, Nebraska.
Arkansas Gazette, Little Rock, Arkansas (2).
Newsday, Long Island, New York.
The News and Daily Advance, Lynchburg, Virginia.
The Capital Times, Madison, Wisconsin (2).
Wisconsin State Journal, Madison, Wisconsin (2).
Medford Daily Mercury, Medford, Massachusetts.
Melrose Evening News, Melrose, Massachusetts.
Mesa Tribune, Mesa, Arizona (2).
The Modesto Bee, Modesto, California.
Dominion-Post, Morgantown, West Virginia (3).
Nashville Banner, Nashville, Tennessee.
The Tennessean, Nashville, Tennessee.
The Herald, New Britain, Connecticut.
The Day, New London, Connecticut (2).
The Journal, New Ulm, Minnesota.
The New York Times, New York, New York (2).
The Advocate, Newark, Ohio.
The Virginian-Pilot, Norfolk, Virginia.
The Norman Transcript, Norman, Oklahoma (2).
Norwich Bulletin, Norwich, Connecticut.
Ocala Star-Banner, Ocala, Florida (3).
The Daily News of Johnson County, Olathe, Kansas.
The Orlando Sentinel, Orlando, Florida.
Tri-City Herald, Pasco, Washington.
The Berkshire Eagle, Pittsfield, Massachusetts.
Times Herald, Port Huron, Michigan.
The Portsmouth Herald, Portsmouth, New Hampshire.
The Reidsville Review, Reidsville, North Carolina.
Democrat and Chronicle, Rochester, New York.
Times-Union, Rochester, New York.
The Sacramento Bee, Sacramento, California.
News-Press, St. Joseph, Missouri (2).
St. Louis Globe Democrat, St. Louis, Missouri.
St. Louis Post-Dispatch, St. Louis, Missouri (4).
St. Petersburg Times, St. Petersburg, Florida (4).
The Salina Journal, Salina, Kansas.
Express-News, San Antonio, Texas.
San Antonio Light, San Antonio, Texas.
Sarasota Herald Tribune, Sarasota, Florida.
Scottsdale Daily Progress, Scottsdale, Arizona.
Tribune, Scranton, Pennsylvania.
Seattle Post-Intelligencer, Seattle, Washington.
The Shelby Star, Shelby, North Carolina.
Argus Leader, Sioux Falls, South Dakota (2).
Daily American, Somerset, Pennsylvania.
Centre Daily Times, State College, Pennsylvania.
News-Press, Stillwater, Oklahoma.
News-Sun, Sun City, Arizona (3).
The Post-Standard, Syracuse, New York.
Syracuse Herald-Journal, Syracuse, New York.
Tallahassee Democrat, Tallahassee, Florida (2).
News, Tempe, Arizona (2).
Topeka Capital-Journal, Topeka, Kansas (2).
Register Citizen, Torrington, Connecticut (2).
Trenton Times, Trenton, New Jersey.
The Northeast Mississippi Daily Journal, Tupelo, Mississippi.
Tyler Courier-Times, Tyler, Texas.
Tyler Morning Telegraph, Tyler, Texas.
Waco Tribune-Herald, Waco, Texas.
Watertown Public Opinion, Watertown, South Dakota.
Watertown Daily Times, Watertown, Wisconsin.
Daily Local News, West Chester, Pennsylvania.
The Palm Beach Post, West Palm Beach, Florida.
Wheeling News-Register, Wheeling, West Virginia.
The Wichita Eagle-Beacon, Wichita, Kansas.
Wichita Falls Record News, Wichita Falls, Texas.
The Burlington County Times, Willingboro, New Jersey.
York Daily Record, York, Pennsylvania.
The York Dispatch, York, Pennsylvania (2).
Vindicator, Youngstown, Ohio.

Mr. BOREN. Finally, I see the distinguished minority leader, the distinguished Democratic leader, the Senator from West Virginia, is now on the floor.

Mr. President, last month, a compelling column on the subject of limiting PAC contributions was printed in the Charleston Gazette of West Virginia. The author was the distinguished minority leader, Senator BYRD, who is a cosponsor of this amendment.

In the Op/Ed piece, Senator BYRD states:

The PAC system tends to give special interests a disproportionate amount of influence in the decisionmaking process. Therefore it is with good reason that the focal point of growing public concern is on the floodtide of PAC contributions.

Mr. President, in our effort to take this first-step approach in reforming the congressional election system, we

must put the reins on the greatest growing concern—the millions of special interest dollars that influence the action and inaction in the Congress.

I ask unanimous consent that the article written by my distinguished colleague from West Virginia be printed in the RECORD followed by a column I wrote on the subject of campaign reform.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PUTTING SOME LIMITS ON PAC'S

(By Robert C. Byrd)

Most of us have had some contact with the video games that were "the rage" across the country for several years. PAC-MAN was one of the most popular. The game could be won only if the player could control the movement of a screen figure in such a way as to keep it from being devoured by another figure—the PAC-MAN—with an apparently limitless appetite.

By coincidence, both the nature of this popular video game and its name are in many ways analogous to the circumstances in which our democratic system of government finds itself. The objectivity, independent judgment, and absolute allegiance to the well-being of our nation and the majority of its citizens—which our nation's founders demanded of their elected representatives—are being dangerously eroded by the influence of special interest money in the electoral process.

Spending for congressional campaigns is getting to be like the arms race. Each election year, candidates raise and spend greater and greater sums to get elected. And more and more of that money is coming from PAC's—or Political Action Committees—representing special interests.

It is time to call a halt to this spiraling explosion of ever-higher campaign cost and the receipt and use of PAC dollars by establishing a system of spending limits for congressional campaigns that is tied to a system of public financing. This would liberate candidates from having to go "hat in hand" to special interest groups to pay for their election races, and would prevent the voice of the average citizen from being drowned out by all of the special interest money.

Although many of the so-called special interests have goals which reflect the sentiments of most Americans, the PAC system tends to give special interests a disproportionate amount of influence in the decisionmaking process. Therefore, it is with good reason that the focal point of growing public concern is on the floodtide of PAC contributions.

Most PACs concentrate the influence of their particular special interests by collecting money from group members and making large contributions to candidates for office. Given the very high and increasing costs of running for public office in this age of television, many candidates conclude that they have no choice but to accept PAC contributions. Unfortunately, the effort it takes to raise sufficient campaign contributions to run an effective race for federal office saps a candidate's time and energy and interferes with official and family responsibilities.

This "money chase" has additional detrimental effects. Even for the most scrupulous elected officials, taking money for election campaigns and, certainly, actively asking for contributions for campaigns, can create some sense of obligation to the contributors. Respondents to polls indicate a belief that one of the principal purposes of PAC contributions is to secure access to the candidate once he arrives in Washington.

Our campaign financing laws and the orgy of mega-buck spending which they encourage unquestionably contribute directly to cynicism on the part of many citizens about the integrity of our government and its elected officials.

This is a problem which strikes at the vital underpinnings of our representative form of government. The problem must be addressed. We need to look at extending public financing of campaigns to congressional elections. Public financing is currently used in presidential elections and is the only sure way to minimize the "money chase" that so contorts the election process.

Meanwhile, stricter guidelines and lower limits must be imposed on contributions from PACs. On this front, I hope we will soon see definitive action. Sen. David Boren of Oklahoma and I are sponsoring legislation that places a population-based celling on the total amount of PAC contributions congressional candidates may accept and restricts the capability of PACs to exploit loopholes in the law and, thereby, elude even the current inadequate limitations on PAC contributions.

Ours is a government of representatives elected by the people—representatives who, in their official actions make judgments which, in their view, best serve the national interest and best reflect the wishes of the people who elect them. It doesn't always work as everyone would like.

We Americans continue to put our faith in that system. But, once that faith is undermined, America is in trouble. Our current system of campaign financing undermines that faith, and that is why it must be changed. It will not be easy to achieve the reforms that are badly needed.

It is an effort of such importance to our form of government that it must be faced. And it must be met successfully. That will occur only when the people across this nation demand it from their elected representatives. For the sake of all of us, I hope that occurs soon.

Mr. BOREN. Mr. President, I now take great pride in yielding to the distinguished Senator from West Virginia, the minority leader, such time as he may require.

Mr. BYRD. Mr. President, I thank the very distinguished senior Senator from Oklahoma for the leadership that he is showing on this very important, far-reaching matter—so vital to this institution and to our respresentative democracy. I thank him for allowing me to be a cosponsor of the legislation. I thank him for the courage that he has displayed in the statements that he has made and is making. I compliment him and thank him on the leadership that I know he will continue to provide as we continue our efforts to deal with this serious question.

Most of us have had some contact with the video games that were "the rage" across the country for several years. PAC-MAN was one of the most popular. The game could be won only if the player could control the movement of a screen figure in such a way as to keep it from being devoured by another figure—the PAC-MAN— with an apparently limitless appetite.

By coincidence, both the nature of this popular video game and its name are in many ways analogous to the circumstances in which our democratic system of government finds itself. The objectivity, independent judgment, and absolute allegiance to the well-being of our Nation and the majority of its citizens—which our Nation's founders demanded of their elected representatives—are being dangerously eroded by the influence of special interest money in the electoral process.

Spending for congressional campaigns is getting to be like the arms race.

I think the distinguished Senator from Oklahoma made the same allusion.

Each election year, candidates raise and spend greater and greater sums to get elected. And more and more of that money is coming from PAC's—or political action committees—representing special interests.

It is time to call a halt to this spiraling explosion of ever-higher campaign cost and the receipt and use of PAC dollars by establishing a system of spending limits for congressional campaigns that is tied to a system of public financing. This would liberate candidates from having to go "hat in hand" to special interest groups to pay for their election races, and would prevent the voice of the average citizen from being drowned out by all of the special interest money.

Although many of the so-called special interests have goals which reflect the sentiments of most Americans—I think that should be stated again, many of the so-called special interests have goals which do reflect the sentiments of most Americans—the PAC system tends to give special interests a disproportionate amount of influence in the decisionmaking process. Therefore, it is with good reason that the focal point of growing public concern is on the floodtide of PAC contributions.

Most PAC's concentrate the influence of their particular special interests by collecting money from group members and making large contributions to candidates for office. Given the very high and increasing costs of running for public office in this age of television, many candidates conclude that they have no choice but to accept PAC contributions.

Our campaign financing laws and the orgy of mega-buck spending which they encourage unquestionably contribute directly to cynicism on the part of many citizens about the integrity of our Government and its elected officials.

This is a problem which strikes at the vital underpinnings of our repre-

sentative form of goverment. The problem must be addressed. We need to look at extending public financing of campaigns to congressional elections. Public financing is currently used in Presidential elections and is the only sure way to minimize the "money chase" that so contorts the election process.

Meanwhile, stricter guidelines and lower limits must be imposed on contributions from PAC's. On this front, I hope we will soon see definitive action. Senator DAVID BOREN of Oklahoma and I are sponsoring legislation that places a population-based ceiling on the total amount of PAC contributions congressional candidates may accept and restricts the capability of PAC's to exploit loopholes in the law and, thereby, elude even the current inadequate limitations on PAC contributions.

Ours is a government of representatives elected by the people—representatives who, in their official actions make judgments which, in their view, best serve the national interest and best reflect the wishes of the people who elect them. It doesn't always work as everyone would like.

Mr. President, I must say that as one who has been in politics now for 40 years, as one who has been on this Hill for 34 years and in the Senate for 28 years, I am deeply concerned by what I see as a growing threat to our representative form of government and a growing threat to this institution. When my former colleague, Jennings Randolph, and I first ran for the U.S. Senate in 1958, we ran on a combined political funding war chest of less than $50,000. In 1982, when I ran for reelection to this body to serve my fifth term here as a Senator, I had to raise about $2 million. That is a lot of money as compared with the kind of money that is spent in some States with much bigger populations. But $2 million is a lot of money to have to raise in a race for reelection from a State of less than 2 million people—the State of West Virginia.

This kind of money cannot be raised in West Virginia. I suppose I probably raised—I am only speaking from memory now—but I think I raised about a quarter of a million dollars in West Virginia. This means that I had to raise seven times that amount outside West Virginia.

Mr. President, not all special interest groups are bad, by any means, and that is not what I am implying. I am sure that is not what the distinguished Senator from Oklahoma is saying. Many of these special interest groups do represent the beliefs of a majority of Americans on this issue or that issue or the other issue. But there is the appearance of evil here. Senators are having to go out and spend time when they ought to be here, voting; here, working in committees; here, looking after the mail from their constitutents; here, meeting with their constituents. Instead, they are forced to go out and spend hours and days and weekends traveling all over this country in order to raise money for their next campaign.

They are not violating the law in doing this. They are playing by the present rules. But the present law and the present rules are not conducive to the building of confidence of the people in the political process, confidence toward this institution, confidence toward those of us who are elected by the people to help to govern. This process is not conducive to the building of faith and trust on the part of the people toward their elected representatives.

It is just the opposite. It is destroying the faith and trust which are so important in a representative form of democracy. This is a major, major threat to our form of representative democracy and a major threat to this institution.

As a former majority leader and as the current minority leader, I know something about how Senators have to go out and spend their time in this grubby, demeaning task of trying to raise money for their reelection campaigns. They are forced to do it by necessity.

They are simply facing up to the realities of the era in which we live, the electronic age—computers, media consultants, expensive mailing lists, all of these things. And more and more, the time that they are taking away from their duties here is salvaging their responsibilities to their own families. But they have to do it. It is a case of survival. Self-survival is one of the first laws of nature and they are being forced to engage in this unceasing, ever-increasing demand for money, money, money—the money chase.

I am concerned that if something is not done about it, we are going to see things go from bad to worse, and the faith and confidence and trust that the people should accord to this institution, the legislative branch, are going to be undermined, eroded, and that will result in lasting injury to this institution that we all love.

I compliment the distinguished Senator. Something has to be done about this matter, and I hope that action will be taken soon. We Americans continue to put our faith in this system that has proved to be the best system in the world. It has all of its faults but nobody has ever been able to come up with another one that is as good. Once this faith of the people is undermined, America is in trouble. Our current system of campaign financing undermines that faith and that is why it must be changed. It will not be easy to achieve the reforms that are badly needed. This is not a condemnation of PAC's per se. It is not a condemnation of the people who work with PAC's and who work for PAC's. It is a condemnation of a process that is growing and that is a sinister process, sinister because of the time that it takes Senators to raise money, sinister because of the appearance of evil that it can carry, sinister because it ultimately will prove to be evil, and sinister because it is going to force a change in the makeup of the legislature, to the point where only those individuals who are filthy rich and able to spend money hand over fist can win campaigns of election to this body.

Not all of us are able to do that. Not very many of us are that fortunate. That is no criticism of people who have wealth. I wish I were able to be as well off. But we are talking about the institution now, and we are talking about this institution's place in the overall constitutional universe of government.

It is an effort of such importance to our form of government that it must be faced. And it must be met successfully. That will occur only when the people across this Nation demand it from their elected representatives. For the sake of all of us, I hope that that will occur soon.

Mr. President, Oscar Wilde said:

Yet each man kills the thing he loves,
By each let this be heard,
Some do it with a bitter look,
Some with a flattering word.
The coward does it with a kiss,
The brave man with a sword!

I say that Oscar Wilde could have very well added another element: Each man kills the thing he loves. We love this Senate. And money, money, the use of money, even in ways that are legal, as provided by the current laws, the forcing upon Members of this Senate as well as challengers and Members of the other body to expend the energy and time to go all over this country to do the grubby, demeaning, enervating work to raise money for campaigns, is going to kill this institution—and by "this institution" I mean the other body as well—and more deeply than that, the form of representative democracy for which other Americans have bled and died and given their all.

Yet each man kills the thing he loves,
By each let this be heard,
Some do it with a bitter look,
Some with a flattering word.
The coward does it with a kiss,
The brave man with a sword!

Money, money, too, can kill the thing we love.

□ 1050

Mr. BOSCHWITZ. Mr. President, will the minority leader yield for a question?

Mr. BYRD. Yes.

Mr. BOSCHWITZ. I heard my friend, the minority leader, speak about the fact that he raised $2 mil-

lion for his last campaign, 85 percent or more of which came from outside of his own State. He then spoke about the fact that he and his colleague, Jennings Randolph, in their first pass in 1958 raised only $50,000—between the two Senators, I gathered from the minority leader's comments. However, the Senator spoke a little later about the fact that this could become a club that was dominated by people who were extraordinarily wealthy, as is the Senator's present colleague, who spent more money really on his election than perhaps anybody else because he had no fundraising costs.

I might say to my friend, the minority leader, that I attempted to expand the amendment of my friend from Oklahoma including certain provisions that would ameliorate the advantages of a person with great individual wealth, and that that effort to broaden the amendment the Senator from Oklahoma is offering today was rejected by him. It would be my hope in view of the minority leader's words that when such an amendment is offered he would join with me and others in that effort. Of course, I understand that he will have to see the essence of it and how it is framed, and so forth. But I quite agree that limiting the amounts which can be raised or collected, will indeed, give an advantage to people who have expansive personal wealth, and it is unfortunate we are not able to deal with that simultaneously. One of my objections or criticisms to my friend from Oklahoma is that his amendment is too narrow.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. BOSCHWITZ. I do not have the floor, Mr. President. I believe the Senator does.

Mr. BYRD. I am sorry. Mr. President, I regret that the distinguished Senator has made reference to a particular instance in which a colleague spent considerable amounts of money to be elected to this body. I regret that the distinguished Senator made that reference. I think it should be stated that many Members on both sides of the aisle have over the years been able to spend vast sums of money out of their own wealth, and I do not mean to cast any reflection on any of them. There are some Members of this body right now, I would imagine, on both sides of the aisle who have been financially able to do that and have done it. The present laws allow it. I did not mean by what I said to cast any aspirations on any particular Senator who is able to spend out of his own wealth the moneys used in a campaign.

The thrust of my remarks was directed toward the present laws, which allow practices which are growing and which are becoming more intensified—and will become more and more and more incumbent upon Members who are running for reelection and individuals who are challengers—to continue to have their hands out to PAC's representing special interest groups in order to get money to wage effective and, in their view, successful campaigns.

Mr. BOREN and Mr. BOSCHWITZ addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

□ 1100

Mr. BOSCHWITZ. Mr. President, I say to my friend the minority leader that I am not casting aspersions on anybody, on any Senator, on either side of the aisle. That is not the purpose.

He brought up the fact that some Senators were able to spend a great deal of their personal funds. I, too, find that to be objectionable. There are certainly many on the floor who could be mentioned, not by way of aspersion or otherwise, but I only mentioned it by way of wanting to broaden the scope of the amendment of the distinguished Senator from Oklahoma so that we could have real reform, not just pick one area or another.

I will talk about the PAC's in just a few moments, when I make my opening statement.

I believe the Senator from Mississippi wishes to speak.

Mr. BYRD. Mr. President, it is up to the Chair to recognize Senators, and I am sure the Chair will do that, under the rule.

The PRESIDENT pro tempore. Who yields time?

Mr. BOREN. I yield to the Senator from West Virginia.

Mr. BYRD. Mr. President, as to the public financing of campaigns, reference has been made by Mr. BOSCHWITZ. I have my own ideas on that. I support public financing in congressional campaigns. I do not know what his proposal does. In due time, I will probably have my own, or I will join with others.

I am simply saying that I regret that personal reference has been made to a certain Senator. That Senator is not on the floor to speak for himself. I have always made it a practice in this body, if I had anything to say about a Senator or to a Senator, to wait until that Senator is on the floor, or to send for him to come to the floor.

I am simply saying that many Senators and many challengers spend huge amounts of their own money. They are not going outside the law in doing that. The present law allows that. That was not the gravamen of my thesis today. I will go into it some other time, when I talk about public financing.

Here, we are talking about PAC's. I am simply bemoaning that one of the spilloffs of the present system is that most Senators are forced to raise increasing amounts of money under this system. Of course there are Senators who do not have to depend on PAC's. They have vast wealth, and they are able to resort to the spending of their own moneys. That is allowable. The reason why any Member has to spend these astronomical sums is because of the system. A Member is forced to buy TV time.

My last race for reelection was the first time in which I had to have media consultants, but everybody else has media consultants now. So I was forced to do that. It costs a lot of money to have media consultants. I do not have that kind of money, and not many others have.

We all want to be reelected—or most of us do. There are those who choose not to run again, and that is certainly their decision to make, as to whether they choose not to run again. But most of us who feel we have something yet to offer and are dedicated to the institution and who want to run again certainly find it harder and harder and more and more difficult to meet all these necessary costs that are concomitant to present-day campaigning. So we have to get consultants, and we have to buy TV time and have a host of other things. These are things which drive these costs sky high.

I again compliment my colleague from Oklahoma. I will continue to work with him in the effort to bring about enactment of this legislation.

Mr. BOREN. I thank the Senator from West Virginia. I appreciate very much the statements he has made.

Mr. President, I think it is not coincidental that this concern is shared by those who are senior Members of this body, who care about the institution, who have a historical perspective about this institution, including the Senator from West Virginia [Mr. BYRD], the Senator from Mississippi [Mr. STENNIS]—to whom I referred earlier and who has served here longer than any other Senator—Senator GOLDWATER, and others.

I say to my good friend from Minnesota that I hope we will hear from him today the exact proposal he intends to offer later. I hope we will have the opportunity to look at it.

I have said all along that my proposal will not solve every problem there is with campaign financing, but it is an important first step.

Let us not continue to wait. We are already up to the average cost of a Senate race being $2.9 million, a 500-percent increase in 8 years. How long are we going to wait? We already have one-third of the Members of Congress who have received half of their campaign contributions not from the people back home but from special interst groups principally controlled by lobbyists in Washington. How long are we going to wait? How long is enough?

How bad is this cancer going to have to get before we do something to cut it out of the body politic before it destroys the integrity of the election process?

Mr. President, last year, when this legislation was considered and voted on by the Senate, criticism was raised about the constitutionality of the aggregate limits on what candidates could accept from multicandidate political committees [PAC's].

I have a legal opinion drafted by a Washington law firm defending this charge by concluding that this provision of S. 1806 and amendment No. 1168 should survive any constitutional challenge.

Let me also remind my colleagues, Mr. President, that the basis for this provision of my legislation was taken from the House passed bill which established such aggregate PAC limits for House candidates. This legislation passed that body October 17, 1979—after which point a threatened Senate filibuster killed its chances for final action.

Mr. President, I ask unanimous consent to have printed in the RECORD a legal brief by the firm of Wilmer, Cutler & Pickering, of Washington.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MEMORANDUM ON THE CONSTITUTIONALITY OF A LIMITATION ON THE TOTAL AGGREGATE CONTRIBUTIONS A CANDIDATE MAY RECEIVE FROM PAC'S

This memorandum considers the constitutionality of legislation limiting the total aggregate amount a candidate for elective public office may receive from political action committees, or "PACs," in support of the candidate's election campaign. Applicable Supreme Court decisions indicate that such legislation should survive any constitutional challenge that may be made to it.

I. CHARACTERISTICS OF AN AGGREGATE PAC CONTRIBUTION LIMIT

As commonly proposed, an aggregate PAC contribution limit would subject every candidate to a ceiling on the aggregate amount of contributions he or she could accept from PACs. Candidates could accept, for any election, total PAC contributions no greater than the amount specified by statute. The PAC contribution ceiling would be high enough to permit contributions by a number of PACs before the ceiling is reached. Each individual PAC (as well as individuals and other persons) would continue to be subject to any applicable limit imposed by campaign finance laws on the amount it may give any candidate in any election.

II. PURPOSE OF A PAC CONTRIBUTION LIMIT

The primary objective of an aggregate PAC contribution limit is to remove the threat to the integrity of the electoral system presented by the fact that special interests—organized as PACs—have become one of the principal sources of money used to finance election campaigns.

The number of PACs registered with the Federal Election Commission has increased from 608 in 1974 to 4,000 today. Published data show that this growth in numbers has produced a concentration of PACs representing various special interests. For example, there are today reportedly more than 100 insurance company PACs, more than 100 PACs sponsored by electrical utilities, and some 300 union-sponsored PACs. More than one-third of the approximately 4,000 PACs active in the 1984 congressional elections were concentrated in a handful of special interest sectors.[1]

Not surprisingly, the increase in the number of PACs has been accompanied by a large increase in PAC contributions to congressional candidates. In 1974 PACs gave $12.5 million to candidates for Congress. By the 1984 elections, their contributions exceeded $100 million—an eightfold increase in ten years.

PAC money also represents a far more important part of the average candidate's campaign treasury than it did ten years ago. Published data show that, in 1974, 15.7 percent of congressional candidates' campaign money came from PACs; by the 1984 elections, that proportion had increased to 30 percent. In the Congress elected in 1984, over 150 House Members received 50 percent or more of their campaign funds from PACs, including 20 of the 27 current committee chairs and party leaders. The 435 House winners in the 1984 election received 41 percent of their campaign funds from PACs. Senators also find that PAC contributions are becoming a more important source of campaign dollars. In the 1984 elections, 23 winning Senate candidates raised more than $500,000 each from PACs.

The concentrations of PACs aligned in support of particular special interests has increased the ability of those interests to bring pressure to bear on both candidates and officeholders. This phenomenon increasingly has been observed by officeholders themselves. For example, Representative David Obey has said that frequently

"[A]n issue affects an entire industry and all of the companies and labor unions in that industry . . . When that occurs, when a large number of groups which have made substantial contributions to members are all lobbying on the same side of an issue, the pressure generated from those aggregate contributions is enormous and warps the process. It is as if they had made a single, extremely large contribution."[2]

The growing practice of "double giving"—PACs contributing to competing candidates in the same race—provides further insight into the inappropriate role that PAC money is playing in Congress.[3] These patterns tend strongly to confirm that PACs are giving to gain lobbying influence with the successful candidate or current officeholder, rather than to express a political view.

A campaign finance system driven, as the foregoing shows, by special interest PAC money gives rise to the appearance and reality of corruption or undue influence. Candidates accept substantial portions of their campaign funds from special interests engaged in ongoing lobbying of Congress and then, if elected, vote on matters affecting those interests. Such a system necessarily diminishes the electorate's confidence in the integrity of its representatives. As Senator Barry Goldwater has testified:

"Unlimited campaign spending eats at the heart of the democratic process. It feeds the growth of special interest groups created solely to channel money into political campaigns. It creates an impression that every candidate is bought and owned by the biggest givers."[4]

And as Senator Robert Dole has said:

"When these political action committees give money, they expect something in return other than good government."[5]

Former Representative Jim Shannon has said:

"What's bothering me is when you start seeing guys acting against what you know are their philosophies and constituencies and instincts. When you see non-oil-state people acting for oil interests, you have to ask why."[6]

An aggregate ceiling on PAC contributions would reduce this threat to the American system in two ways: first, by restricting the potentially insidious impact on candidates of their receipt of large aggregated amounts from a number of PACs representing the same or related interest groups or industries; and, second, by encouraging candidates to turn for a larger portion of their financial support directly to individual citizens rather than to organized special interest lobbies.

The ceiling on aggregate PAC contributions would restore the integrity and effectiveness of existing—and constitutionally sound[7]—limits on contributions by any single PAC, person, or other individual to a candidate. Unlimited aggregate PAC contributions undermine the $5,000 per candidate ceiling applicable to an individual PAC's contributions to federal campaigns,[8] and dwarf the $25,000 maximum aggregate contribution that any individual may make in any year.[9] A recent study of PAC contributions to Senate Finance Committee members showed that, on average, each member Senator received $47,837 from energy-related PACs, $48,460 from insurance PACs, and $57,692 from labor PACs for his current or most recent election campaign.[10] Those figures further illustrate how multiple PACs respresenting the same special interest can and do provide very large sums to congressional candidates far in excess of the existing limits on giving by a single PAC. The potential impact on legislative decisions caused by such very large sums underscores the need for an overall cap on the amount of PAC money candidates may accept.

III. CONSTITUTIONALITY OF A PAC CONTRIBUTION CEILING

Courts have consistently recognized that preserving the role of the individual voter in the federal electoral process and preserving the integrity and appearance of integrity of elected federal officeholders are paramount governmental interests. In *FEC v. National Right to Work Committee*,[11] *Buckley v.*

[1] These were: 117 business/food PACs; 112 insurance PACs; 111 oil and gas PACs; 98 communications PACs; 295 banking PACs; 128 real estate and construction PACs; 101 business/transportation PACs; 274 labor PACs; 124 agricultural PACs; and 72 law firm PACs. (Data compiled by Common Cause from Federal Election Commission records.)

[2] Statement of Rep. David R. Obey, Democratic Study Group (July 26, 1979).

[3] *PACs Giving to Both Senate Candidates In Four Hotly Contested Races, Common Cause Study Shows* (Sept. 30, 1984) (Common Cause news release).

[4] *Political Action Committees: Creating a Scandal*, Business Forum, Winter 1984, at 13.

[5] *Id.*

[6] *Id.*

[7] *See Buckley v. Valeo*, 424 U.S. 1, (1976) (per curiam).

[8] *See* 2 U.S.C. § 441a(2)(A) (multicandidate political committees).

[9] *See* 2 U.S.C. § 441a(a)(3).

[10] Common Cause, *Financing The Finance Committee* (March 1986).

[11] 103 S. Ct. 552 (1982).

*Valeo*,[12] and *California Medical Association v. FEC*,[13] the Supreme Court specifically affirmed the importance of preserving "the responsibility of the individual citizen for the successful functioning of th[e] [electoral] process"[14] and of preventing actual corruption and the erosion of public confidence in the electoral process through the appearance of corruption. Congress' power to legislate to protect federal election process from those evils is clear.

Challenges may nonetheless be made to the constitutionality of an aggregate PAC contribution limit on the ground that it would violate the First and Fifth Amendment rights of candidates and their supporters, as well as the First Amendment rights of PACs and their contributors. We believe that any such constitutional challenge would be baseless under existing precedents.

*A. A PAC contribution ceiling would not infringe the first amendment rights of PACs or PAC contributors*

PACs or PAC contributors may contend that the PAC contribution ceiling infringes their First Amendment rights of free expression by limiting their ability to propagate their views. Such a contention is foreclosed by the Supreme Court's ruling in *Buckley v. Valeo* upholding Congress' power to limit the amount of money that any single PAC may contribute to a federal candidate.[15]

In *Buckley v. Valeo* and *California Medical Association v. FEC*, the Supreme Court characterized campaign contributions as "speech by proxy" entitled only to limited First Amendment protection.[16] A contributor—whether an individual or a PAC—seeks only to pay for the speech of another, which contributor neither composes, nor publishes, nor controls. Congress constitutionally may limit such "speech by proxy" to preserve public confidence in government and protect the integrity of federal elections and elected officeholders. Even a " 'significant interference' with . . . associational freedoms" can constitutionally be imposed to achieve these goals where—as under an aggregate PAC ceiling—everyone remains free to "discuss candidates and issues."[17]

Moreover, the proposed PAC ceiling would accomplish the legislative purposes directly and with the least restriction on candidates and their supporters. Under the proposed legislation, PACs would continue to be free to contribute to candidates of their choice, subject to existing per-candidate limits, so long as the candidate has not yet received the maximum aggregate amount from PACs. In addition, both PACs and their contributors would remain free to express themselves by engaging in other election-related activities.

The Supreme Court's decision in *FEC v. National Right to Work Committee ("NRWC")*[18] further confirms these conclusions. In *NRWC*, the Supreme Court unanimously sustained the constitutionality of section 441b of the Federal Election Campaign Act, as amended, which prohibits all expenditures and all contributions by corporations, labor unions, and national banks in connection with federal elections.[19] The Court's ruling was expressed in broad terms that readily apply to a PAC contribution ceiling.

The Court began in *NRWC* by reaffirming that "[n]either the right to associate nor the right to participate in political activities is absolute,"[20] and that " '[t]he constitutional power of Congress to regulate federal elections is well established. . . .' "[21] The Court emphasized the importance of the anticorporation rationale that supports section 441b's total ban on corporate and labor union contributions and expenditures—a rationale that also supports the much lesser restriction of an aggregate PAC contribution limitation.[22] And the Court particularly emphasized the "considerable deference" due to Congress' "careful legislative adjustment of the federal election laws" to deal with the dangers posed by large aggregations of private wealth:[23]

"[W]e accept Congress' judgment that it is the potential for such influence that demands regulation. Nor will we second guess a legislative determination as to the need for prophylactic measures where corruption is the evil feared."[24]

The Court in *NRWC* specifically endorsed Congress' judgment that the "special characteristics" of corporations and similar entities "require particularly careful regulation" and that "the differing structures and purposes" of different entities "may require different forms of regulation in order to protect the integrity of the electoral process."[25] A PAC ceiling reflects an expert legislative determination that the "special characteristics" of PACs and the possible effects of predominantly PAC-financed elections "require particularly careful regulation."[26] Under *NRWC*, this determination and the PAC contribution cap that stems from it should withstand constitutional challenge.

Nothing in the Supreme Court's decision in *FEC v. National Conservative Political Action Committee ("FEC v. NCPAC")*[27] is to the contrary. In that case the Supreme Court held that 26 U.S.C. § 9012(f)(1) violated the First Amendment because it imposed a ban on independent expenditure by any "committee, association or organization" to further the election of a candidate who receives public financing for the general election campaign under the Presidential Election Campaign Fund Act.

In *NCPAC* the Court reaffirmed that preventing corruption or the appearance of corruption are legitimate and compelling governmental interests that justify campaign finance restrictions. However, it held that section 9012(f)(1)'s restriction on independent expenditures had not been justified by Congress' interest in preventing corruption or the appearance of corruption.

The Court's analysis helps to elucidate why a PAC contribution ceiling is constitutional. Such a ceiling applies only to contributions, not independent expenditures, and accordingly is not subject to the *FEC v. NCPAC* rationale, which was based in part on a perceived "fundamental constitutional difference" between contributions (which can corrupt) and independent expenditures (which the Court assumed were not equally corrupting). Moreover, with respect to a PAC ceiling, Congress has identified "precisely what the 'corruption' may consist of":[28] namely, the corrupting influence of aggregate special interest contributions on candidates who, as elected representatives, are required to vote on matters affecting their benefactors.

*B. Requiring candidates to abide by a PAC contribution limit would not violate their first amendment rights*

A PAC contribution ceiling may be challenged on the ground that it restricts a candidate's exercise of First Amendment rights by limiting the funds available to him or her to pay for campaign activities. In our opinion, such a challenge would lack merit.

It is established that First Amendment freedoms are not absolute. Where restrictions on speech or expressive activity are designed to obviate serious public evils other than a danger supposedly inherent in the ideas or information expressed, the accepted test of constitutionality is whether the regulation is necessary to achieve a "compelling" or "paramount" public purpose.[29] Even a statute that directly restricts a person's speech may be sustained if the statute is "a narrowly tailored means of serving a compelling state interest."[30]

A PAC contribution ceiling is constitutional because it is supported by "sufficiently important governmental interests and does not unfairly or unnecessarily burden the political opportunity of any party or candidate."[31] A principal purpose of the PAC ceiling proposal, as stated above, is to reduce the improper influence (or appearance thereof) of large special interest contributions on the political system. The Supreme Court found that anticorruption purpose sufficient in *Buckley v. Valeo* to sustain limits on the size of contributions by individuals and PACs, and in *Buckley* and *Republican National Committee v. FEC* to sustain the Presidential Election Campaign Fund Act.[32] The aggregate PAC ceiling is needed to preserve the effectiveness of the existing and constitutionally valid individual PAC contribution limits. The corollary purpose of the PAC contribution ceiling—to encourage broadly based campaign financing through contributions directly from citizens, thereby helping to ensure that candidates are responsive to the citizenry's concerns also should be recognized as a legitimate and compelling state interest. These governmental interests justify any incidental impact the PAC contribution ceiling might have on a candidate's First Amendment rights.

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[12] 424 U.S. 1 (1976) (per curiam).

[13] 453 U.S. 182 (1981) (plurality opinion).

[14] *FEC v. National Right to Work Committee*, 103 S. Ct. at 560 (quoting *United States v. UAW*, 352 U.S. 567, 570 (1957)); *See Burroughs v. United States*, 290 U.S. 534, 545 (1934).

[15] 424 U.S. at 35.

[16] *See id.* at 20–21; *California Medical Association*, 453

[17] 424 U.S. at 21, 25.

[18] 103 S. Ct. 552 (1982).

[19] 2 U.S.C. § 441b.

[20] 103 S. Cit. at 559 (quoting *Civil Service Commission v. Letter Carriers*, 413 U.S. at 587).

[21] *Id.* at 559 (quoting *Buckley v. Valeo*, 424 U.S. at 13).

[22] *Id.* at 559.

[23] *Id.* at 560.

[24] *Id.* (emphasis added).

[25] *Id.* (footnote omitted) (quoting *California Medical Association v. FEC*, 453 U.S. at 201).

[26] *Id.*

[27] 105 S. Ct. 1459 (1985).

[28] *Id.* at 1469.

[29] *See, e.g., Consolidated Edision Co. v. Public Service Commission*, 447 U.S. 530, 535 (1980). *Accord FEC v. National Right to Work Committee, supra; Buckley v. Valeo*, 424 U.S. at 25.

[30] *See id.*

[31] *Buckley v. Valeo*, 424 U.S. at 95–96. *See also Republican National Committee v. FEC*, 487 F. Supp. 280, 285–86 (S.D.N.Y.) (3-judge court), *aff'd*, 616 F.2d 1 (2d Cir.) (en banc), *aff'd men.*, 445 U.S. 955 (1980).

[32] 26 U.S.C. §§ 9001 *et seq.*

*C. An aggregate PAC contribution limit would not discriminate invidiously against unmonied voters or the candidates they support.*

A PAC contribution limit might be challenged on the ground that it discriminates against (a) citizens who can afford only to make small contributions and who contribute to PACs so that their voices will be amplified to an extent that they cannot achieve by direct contributions to campaigns; and/or (b) candidates with unmonied individual supporters but substantial PAC support. We believe such arguments also would be unsuccessful.

These two potential arguments are closely related. The argument available to unmonied citizens is that the ceiling will lessen their ability to magnify the impact of their contributions through PACs, thereby enhancing the relative ability of citizens with more resources to influence candidates through substantial direct campaign contributions. The argument that could be made by candidates with unmonied supporters is that the PAC ceiling leaves them with smaller campaign coffers than those of other candidates. In effect, both arguments assert that the PAC ceiling works an unconstitutional discrimination on the basis of wealth. Both versions of that contention are foreclosed by the Supreme Court's decision in *Buckley v. Valeo.*

In *Buckley,* the Court upheld the limit in the Federal Election Campaign Act on the amount a candidate may accept from any contributor against a challenge that the limit resulted in "an invidious discrimination" between incumbents and challengers.[33] The Court said: "To be sure, the limitations may have a significant effect on particular challengers or incumbents"; but, "[s]ince the danger of corruption and the appearance of corruption apply with equal force to challengers and to incumbents, Congress had ample justification for imposing the same fundraising constraints on both."[34] What the Court said there applies equally to an aggregate PAC contribution ceiling: The evils at which the PAC cap are directed require that all candidates be treated equally, including those candidates who might raise less money directly from individuals than other candidates.

This conclusion is also established by the Court's ruling in *Buckley* upholding the Presidential Election Campaign Fund Act. The Court there rejected an argument that the Fund Act's system of subsidizing candidates by providing public funds to match privately raised contributions in presidential primary campaigns is impermissibly biased in favor of wealthy voters and candidates.[35] The Court found that, to the contrary, "[t]he thrust of the legislation is to reduce financial barriers [to candidacies] and to enhance the importance of smaller contributions." [36] Candidates "with lesser fundraising capabilities" on the whole would gain from the availability of matching funds because they would "be able to increase their spending relative to candidates capable of raising large amounts in private funds." [37]

The proposed PAC contribution limit is clearly permissible under the *Buckley* rationale. Far from discriminating against unmonied voters or the candidates they support, a PAC ceiling would deny all candidates equally the opportunity to raise very large amounts from PACs. There is no reason to assume that individuals with access to relatively greater resources (who are, in any event, subject to a $1,000 per election contribution limit) cannot outgive unmonied individuals through PACs as well as directly to candidates. Similarly, there is no basis for the assumption that candidates who are able to appeal to individuals with greater resources are less capable than other candidates of appealing to PACs. Therefore, like the matching funds system upheld in *Buckley,* the PAC ceiling is at least as likely as not to assist unmonied donors and candidates with lesser fundraising capabilities, because they would be better able to compete with wealthy PAC contributors and with candidates capable of amassing huge war chests of PAC money. In view of the Court's ruling sustaining the Fund Act, a PAC contribution limitation ceiling cannot persuasively be attacked as discriminatory.

CONCLUSION

A limit on the total aggregate contributions a candidate may receive from PACs is a constitutionally permissible means of protecting the political process from corruption and the appearance of corruption.

Mr. BOREN. Mr. President, our bill also would close a loophole that increasingly is used by PAC's and other political committees to evade the current limits on campaign contributions. Under this loophole, PAC's and other political committees are raising contributions made out to a particular candidate instead of to the PAC or political committee and then turning over these checks or otherwise channeling them to that candidate without counting the contributions against the PAC's or political committee's contribution limits. This practice, known as "bundling," is a direct evasion of the existing statutory contribution limits.

In 1974, Congress enacted a series of limits of campaign contributions to congressional candidates designed to protect the integrity of the political process by preventing corruption or the appearance of corruption. In the case of what have come to be known as PAC's, for example, the law says that no individual PAC can give a candidate more than $5,000 for an election.

Thus, if a PAC raises individual contributions and uses those funds to make a contribution to a congressional candidate in the PAC's own name the PAC is limited to giving $5,000. Unfortunately, in an interpretation that makes no sense at all the Federal Election Commission has said that if the PAC instead raises or gathers together individual contributions in the name of a particular candidate and turns them over or channels them to the candidate, then the PAC can provide unlimited amounts to that candidate.

This incorrect interpretation of the law by the FEC has seriously undermined the contribution limits in the Federal Election Campaign Act. It has allowed a PAC to do indirectly what it cannot do directly and by doing so to get the kind of political credit and influence from providing large sums of money to a candidate that the $5,000 contribution limit is intended to prevent.

Not surprisingly, an increasing number of PAC's are taking advantage of the bundling loophole. For example, Alignpac, a PAC of insurance agents, contributed $1,000 in its own name to one Member of Congress. In addition, Alignpac provided that Member with $215,000 in bundled contributions—contributions that the PAC was required to disclose but did not count against its statutory limits. This bundled contribution was 43 times the amount that the PAC is allowed to contribute as an individual PAC.

Defense-related PAC's—such as Litton and General Electric—also have been taking advantage of the bundling loophole to deliver and get political credit for contributions beyond their individual PAC limits. And so has an arms control group, the Council for a Livable World, which has regularly used bundling to provide Members of Congress with large contributions.

Our amendment would overturn the Federal Election Commission's incorrect interpretation of the law legislatively, rather than waiting for the courts or the Federal Election Commission to make the correction. The provision in our bill requires that any PAC or other political committee that raises or otherwise gathers contributions made out to a particular candidate and then turns over or channels or otherwise directs the contributions to the candidate has to count those contributions against its statutory contribution limits.

Thus, in the case of the Alignpac situation, that PAC would no longer be able to turn over $215,000 to a congressional candidate but would be limited to $5,000.

Similarly, if a PAC did not directly turn over the checks to a candidate but arranged for the checks to be received by the candidate in a manner that made clear to the candidate that the PAC was responsible for arranging for the contributions, this too would be treated as a contribution by the PAC subject to the $5,000 limit.

This provision has a very simple purpose. It restores the integrity of the existing contribution limits in the Federal Election Campaign Act by preventing PAC's and other political committees from using "bundling" practices to circumvent these limits in a manner that was never intended to be allowed by Congress.

The Boren-Goldwater PAC limit amendment includes a response time provision designed to address the problem faced by candidates who are the targets of independent broadcast advertisements. The provision does not

[33] 424 U.S. at 30.
[34] *Id.* at 33.
[35] *Id.* at 107.
[36] *Id.* (footnotes omitted).
[37] *Id.* at 107-08.

limit such independent expenditures but rather awards free and equal air time to reply. Response time is a constitutionally sound way of restoring some measure of accountability to independent spending activities in a way that provides more opportunities for speech that informs the public of all sides of a political debate.

Under our response time proposal, radio and television stations would be required to provide free and equal response time to Federal candidates in cases where a broadcaster sells time to any person other than a candidate to broadcast material which either endorses or opposes a candidate. The provision would apply only if the broadcaster originally chose to sell the time—a decision which under existing law remains solely up to the broadcaster. If the broadcast advertisement endorses a candidate, other legally qualified candidates for the same office would be entitled at no cost to an equal amount of broadcast time. If the advertisement opposes a candidate, that candidate would be entitled at no cost to an equal amount of broadcast time.

A similar response time provision is contained in S. 1310—legislation introduced by Senator DANFORTH, Senator HOLLINGS, and Senator GOLDWATER. As Senator HOLLINGS noted:

> We all have seen how PACs can seriously damage the balance in a campaign through the expenditure of enormous amounts of money. In effect, a candidate budgets to fight one well-financed opponent but then ends up fighting many.

In short, the response time provision in both bills promotes fair play in increasingly complex Federal campaigns.

The response time provision in our bill is an extension of existing Federal communication standards which have been upheld by the courts and are consistent with the interpretation of the first amendment. The concept of response time builds upon responsibilities already placed on broadcasters—responsibilities designed to promote fairness and to ensure public access to all sides of the political dialog.

For example, the courts have upheld a Federal Communications doctrine that requires broadcasters to provide free time to individuals to respond to personal attacks on the airways. The purpose of this requirement and of the response time provision in our bill is the same.

The response time provision also builds on the Federal communication law that requires broadcasters to provide candidates for Federal office with reasonable access to the airways. Again, this law was enacted in recognition of the benefit to the public that results from the most fair and complete public airing of the dialog between candidates.

Congress has long recognized that an essential ingredient of our democratic system of government is a well-informed, voting citizenry. And citizens increasingly are turning to the airways for news and information.

The critical role of Federal elections requires that candidates for Federal office have the opportunity to fairly put their case to the American public. The response time provision fills in a gap—a gap that allows independent advertisements to undermine this opportunity. Promoting public access to a full and fair dialog between candidates—thus enhancing the prospects for good government—can only benefit the American public.

The central feature of our proposal is the provision establishing for the first time a limit on the total contributions a congressional candidate may accept from all political action committees [PAC's]. Under the amendment, a candidate for the House of Representatives could accept a maximum of $100,000 in PAC contributions, and candidates for the Senate would be limited to an amount ranging from $175,000 to $750,000, depending on the size of their State.

The congressional campaign finance system is in need of fundamental reform. Major changes are needed and none is more compelling than the need to come to grips with the dangerous and growing role being played by PAC's in congressional elections and the legislative decision-making process.

The last decade of congressional campaign financing has been marked by an explosion in the number of PAC's, the amounts PAC's contribute to congressional campaigns, and the influence PAC's wield in Congress. The number of PAC's has skyrocketed, from 608 in 1974 to over 4,000 in 1984. Over those same years, PAC contributions to congressional candidates have increased eightfold, from $12.5 million in 1974 to over $100 million in the 1984 elections. And the growth of PAC's is accelerating at a quickening pace: PAC contributions to 1986 Senate candidates totaled $24.2 million as of June 30, compared to a total of $14.6 million during the same time period in the 1984 election cycle.

The dependence of congressional candidates on PAC contributions to finance their campaign war chests has also grown dramatically: In 1974, 15.7 percent of all candidates' general election campaign contributions came from PAC's; today, that portion has nearly doubled to 29 percent. In the 1984 election, the 435 candidates elected to the House of Representatives received 41 percent of their total campaign contributions from PAC's, and more than 150 members received more than 50 percent of their total contributions from PAC's.

The growing number of PAC's has served to significantly increase the pressure a single special interest is able to exert on a candidate or Member of Congress. More than one-third of all PAC's active in the 1984 elections were aligned around the following special interests:

Banking—295 PAC's;
labor—274 PAC's;
real estate and construction—128 PAC's;
agriculture—124 PAC's;
food—117 PAC's;
insurance—112 PAC's;
oil and gas—111 PAC's.

Obviously, through their aggregate contributions, PAC's representing the same or similar interests can and do bring intense pressure to bear on a candidate or Member of Congress.

The purpose of the $5,000 limit on individual PAC giving in the Federal Election Campaign Act was to prevent corruption or the appearance of corruption by limiting the ability of a particular interest to influence Members of Congress through large PAC contributions. The law also contains provisions to prevent a single entity such as a corporation or a labor union that has many subsidiaries or affiliates from establishing many PAC's and thereby evading the corporation's or union's contribution limit.

Unfortunately, an alternative route of undermining the contribution limits still exists—the creation of numerous PAC's by separate entities with the same interest who make contributions to Members of Congress and who align themselves to lobby on behalf of that interest. The limitations on PAC's in the current law are too narrow to prevent the damaging effect on Congress and the public of large aggregate PAC giving by corporations, unions and other special interests who align around a legislative issue and work together on that issue. Thus, a special interest may unduly influence or appear to unduly influence Congress through aggregate contributions by PAC's representing that interest.

Certainly, the pressure brought to bear on a Member of Congress by PAC's representing a single special interest—PAC's that have made substantial contributions to that Member—is as intense and carries the same potential for abuse as a large contribution from a single PAC. As Representative DAVID OBEY has said,

> [A]n issue affects an entire industry and all of the companies and labor unions in that industry * * * When that occurs, when a large number of groups which have made substantial contributions to members are all lobbying on the same side of an issue, the pressure generated from those aggregate contributions is enormous and warps the process. It is as if they had made a single, extremely large contribution.

A recent Common Cause study demonstrates this point. The study found that the 20 Members of a Senate Committee received a total of $956,742 from energy-related PAC's, $969,213

from insurance PAC's, and $1,153,857 from labor PAC's in their most recent election campaigns. Members of Congress recognize, as Representative OBEY has said, that such contributions can have the same purpose—and the same effect—as a "single, extremely large contribution."

The phenomenon I have just described has become widespread in the past decade and threatens the integrity of the congressional decisionmaking process and our representative system of government. There is a growing awareness, both in Congress and in the general public, that PAC contributions can make a difference in the legislative process. PAC dollars often are given by special interests to increase their access to and influence on Members of Congress. PAC contributions, in other words, are generally made with a legislative purpose. As Senator ROBERT DOLE has said:

When these political action committees give money, they expect something in return other than good government. It is making it much more difficult to legislate. We may reach a point where if everybody is buying something with PAC money, we can't get anything done.

Other Members of Congress also are recognizing the dangers caused by the role PAC's are playing in financing congressional elections. Senator THOMAS EAGLETON has warned that the current campaign financing system, "virtually forces Members of Congress to go hat in hand, begging for money from special interests whose sole purpose for existing is to seek a quid pro quo. The scandal is taking place every day and will continue to do so while the present system is in place."

Congressman JIM LEACH has said:

A government of the people, by the people, and for the people cannot be a government where influence is purchaseable through substantial campaign contributions. It is simply a fact of life that when big money in the form of group contributions enters the political arena, big obligations are entertained.

And Senator GARY HART has noted:

It seems the only group without a well-heeled PAC is the average citizen—the voter who has no special interest beyond low taxes, an efficient government, an honorable Congress, and a humane society. Those are the demands the PACs have drowned out * * * But there is a direct correlation between the amount of money, the places where it is being given, the membership on committees that are attracting that kind of money, and the kind of low quality legislation we are passing.

The absence of an aggregate limit on total PAC contributions to a congressional candidate undermines the campaign limits already in place and makes it possible for candidates to rely largely on numerous PAC contributions to fund their campaigns and to neglect the need for broad constituent participation. A Member of Congress who owes his or her successful campaign to broad citizen support, rather than to extensive special interest assistance, is likely to feel more accountable to constitutents' interests. As Senator BARRY GOLDWATER has warned:

PAC money is destroying the election process. It is breaking down public confidence in free elections and it is ruining the character and quality of campaigns. As far as the general public is concerned, it is no longer "we the people," but PAC's and the special interests they represent who set the country's political agenda and control nearly every candidate's position on the important issues of the day.

And Senator JOHN STENNIS has observed:

We need a plan which brings the responsibility of these elections closer to the people at home, not further away. PAC's tend to push the election machinery away from the people at home for whom a Representative or Senator is being chosen. These PAC's step in at a key time with plenty of money and to a degree take over the election. There is no doubt about it; it can be done.

Courts have consistently recognized that preserving the integrity of the Federal electoral process, and preserving the role of the individual voter in the electoral process, are paramount governmental interests. The provision in our bill to limit aggregate PAC contributions, in my opinion, clearly meets these tests. I ask consent to include in the RECORD at the end of my statement a memorandum prepared by Wilmer, Cutler & Pickering that supports this conclusion.

The need for limits on aggregate PAC contributions to congressional candidates is urgent. Without these limits, we are allowing our current system of limits on campaign contributions to be eroded. Without aggregate PAC limits, we are permitting special interests increasingly to dominate our legislative and electoral processes. In short, unless we enact the limits proposed in this legislation, we are standing by while the individual voter becomes, effectively, a second-class participant in representative democracy.

Mr. President, I appreciate the patience of my colleague from Minnesota.

The distinguished senior Senator from Mississippi [Mr. STENNIS] has been on the floor throughout this debate. I should like to yield 10 minutes to him at this point, if the Senator from Minnesota has no objection, and reserve the remainder of my time after that.

I see him nodding in the affirmative, so at this time I yield 10 minutes to the distinguished Senator from Mississippi [Mr. STENNIS].

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Mr. STENNIS. Mr. President, I highly commend and thank the Senator from Oklahoma for the splendid work and leadership that he has given on this highly important and rather very difficult subject matter.

Mr. President, this matter strikes at the very vitals, the very hard core of our Constitution. We are going to celebrate next year the completion of 200 consecutive years of the administration of these election laws that were boldly written in the face of the Constitution.

There has not been a serious or grievous failure of any kind connected with those election laws. They are bottomed totally on the fact that the election of individuals to carry out the functions of the Constitution will be chosen by the people of the district involved, whether it is statewide, or whether it is election districts within a State. They have the sole power, Mr. President, of making those choices, and I have no doubt that as soon as we remove from those people this power, which God forbid we will not, that provision of our Constitution will be corrupted and interrupted and will become a failure.

It is the very first article of the Constitution, the creation of the House of Representatives that states that its Members will be chosen every second year by the people, by the people of the several States. Over here now is amendment No. 17 passed in 1913. I remember that date. I remember when it happened. There was a change in the Constitution of the United States from the method of electing Senators by having the State legislators make the choice. We put that power in the hands of the people, the same people that had been selecting the Members of the House of Representatives, and it has rested there now those years and has been highly successful. There have been maybe a few irregularities here and there, but basically it operates as of course.

I think there is no doubt now, because it has been proven over and over, that this system of campaign finance that we wandered into and we are now using puts the people further and further and further away—I am talking about the real people now of the congressional district or a State—puts them further and further away from the mission that they have in choosing their own representatives in Congress, both House and the Senate.

Now you can take exception to that and you can point out cases where it does not take it away from them, but, by and large, the people have already caught on and have the feeling that is growing all the time, that in every election they are being actually left out, that the determining factor, the thing that makes the wheels turn—the money—the money is coming from other areas of the United States.

Mr. President, that cannot be successfully denied. We just made a mistake here in the method of financing these elections. We have to go back and find a better way.

I voted against the current law, but I was mainly against the idea of using Federal money to make some of the essential downpayments of a candidate's funds.

I do not favor that yet. But I will quickly take it to a degree as a better method than the one that we have now on our law books.

I think the demands, and I mean demands in its harshest and most strict terms, of the occasion are in this field of our self-government and it is the key field after all. The demand is that a better system be inaugurated, not for the immediate impending elections, of course—the Senator from Oklahoma wisely skipped over that election on to the one coming 2 or 4 years hereafter—to get back the living spirit and the responsibility of the people of these political districts so they will feel their responsibility and their opportunity to make these choices of the individuals representing them. That is who they represent, not anyone else; they represent the people.

Unless we rise to the occasion and in some way find a method that will serve the purpose of fairness, justice, and right, something that is in the hands and the control of the people so that the responsibility and the opportunity are in their control, then we are headed for unhappy experiences, we are headed for trouble, and we are headed for a pattern that will develop and will destroy our operation of self-government.

Already we are being tested as never before just on the sheer volume, the massive responsibilities of our Federal Government now, having to direct our interest and attention daily around the world, having to go into every function almost of home life. All those things tend to tax not only in money but tax our time, resourcefulness, ability, and know-how. We have enough burdens, more than we can adequately cover now.

We must not further complicate this matter by taking away from the people of the respective areas the responsibility, as I say, the opportunity of performing their part of this major function in selecting their own—I do not say rulers—I say servants, who serve in this body and in the House of Representatives.

So I am delighted to see the opportunity that is given by the leadership for a debate on both sides, for repeated debates, that is unusual and extraordinary, repeated chances to debate this matter in and out and forward and backward, a chance that the people would not otherwise have in finding out even more about the infirmities and what will develop into the failure of this system.

I do not have any doubt about it myself. I am proud of the fact that more and more people are taking recognition of this condition and I think that in that way an adequate remedy of some kind will be found and will be put into effect as soon as it reasonably can.

I thank the Senator again from Oklahoma and all others who are working on this important matter.

I imagine my time is up and I yield the floor, Mr. President.

The PRESIDING OFFICER. The distinguished Senator from Wisconsin.

Who yields time.

Mr. BOREN. Mr. President, I yield 5 minutes to the distinguished Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, will the Senator make that 12½ minutes?

Mr. BOREN. I am told that we have only 16 minutes.

I ask the Chair how much time remains to this side.

The PRESIDING OFFICER. Sixteen minutes.

Mr. BOREN. I am told that is all we have and there are three or four others.

Mr. PROXMIRE. I will put my speech in the RECORD later.

I thank the Senator.

Mr. BYRD. Mr. President, do I not have some time remaining? Will the Senator from Wisconsin wait just a minute? I think I can get him time. I was going to say I believe I have some time under the leaders' order earlier.

The PRESIDING OFFICER. The leader has 10 minutes.

Mr. BYRD. I was going to yield some of that to the distinguished Senator but he now has left the Chamber.

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

□ 1120

Mr. BOSCHWITZ. Mr. President, I say to the distinguished Senator from Oklahoma that I will be speaking for a while.

Mr. BOREN. Mr. President, I am happy to yield at this time, if it does not offend the Senator from Minnesota, 3 minutes to my friend from Illinois.

The PRESIDENT pro tempore. The distinguished Senator from Illinois.

Mr. SIMON. Mr. President, since I am on the Judiciary Committee, I am used to having you preside. It is good to have you there.

I support the amendment of the Senator from Oklahoma. I commend Senator BOREN for his leadership in this. I think it is a small, small downpayment on where we have to go.

This thing is just out of control. We have to do some things a lot more substantial than this bill, laudable as this particular amendment is.

In my last campaign for the Senate, counting both the primary and the general election, I spent—I say this with reluctance—I spent $5.3 million. My opponent spent more than I did.

Right next door to me over in the Dirksen Office Building is the office of Senator JESSE HELMS. Senator HELMS spent somewhere between $16 million and $18 million in a State that is one-half the size of the State of Illinois. And I do not say that critically of Senator HELMS. He is taking advantage of the system. But something is wrong with a system that permits these kinds of expenditures.

Now what is wrong? Here is what is wrong. Let us be candid about it. If I get back to my home to or in a hotel at midnight and there are 20 phone calls waiting, 19 of them from names I do not recognize, the 20th from someone who gave me $1,000 campaign contribution, I am not going to make 20 phone calls. I might make one. Which one do I make? Well, you are right.

And what it means is the financially articulate have inordinate access to policymakers. The person who may be out of a job, the person who is having a tough time getting by on a Social Security check, does not have as much access to Members of the U.S. Senate. It is one of the reasons, frankly, I have a lot of town meetings in my State, so people can have access.

I have never promised anyone a thing for a campaign contribution. But the system means that those who contribute have much greater access. And we all know it and we ought to face up to it.

Public financing, a bill that Senator MATHIAS and I have cosponsored—he is the chief sponsor—makes sense, calling for a checkoff just like we have a voluntary checkoff for the Presidency.

The PRESIDENT pro tempore. The Senator's 3 minutes have expired.

Mr. SIMON. I thank the Chair and I strongly support the amendment of the Senator from Oklahoma.

Mr. BOSCHWITZ addressed the Chair.

The PRESIDENT pro tempore. The distinguished Senator from Minnesota.

Mr. BOSCHWITZ. Mr. President, today we are back on the floor again discussing campaign finance reform and this time the target is political action committees or, as we know them better here, PAC's.

Mr. President, those calling for campaign reform today echo two basic phrases: One, there is too much money in the political system; and, second, that there is too much special-interest influence in the political system, as well.

They believe that if PAC's could only be controlled those issues would go a long way toward being resolved. The plan they are backing, offered by my friend from Oklahoma, Senator BOREN, is designed to both reduce the level of direct contributions a PAC can make to a candidate as well as set an

overall limit of PAC dollars that a candidate can receive.

With this plan in place, the supporters of the Boren amendment argue that $50 million will be squeezed out of the campaign process, and that is an important first step to be taken, they maintain.

But I believe that his plan, while well-intentioned, will only worsen the problems that he seeks to resolve.

Before I outline the problems I see in the Boren bill, let me make two very basic and important points. The first is that we remember campaign reform for the unintended effects that it so often has; not the initial premise of why the reform was made. PAC's boomed as a result of the 1974 and 1976 campaign reform. That reform was designed to curb the influence of wealthy individuals. We have to look beyond the intent of the reform that my friend from Oklahoma is addressing this morning and look at some of its other effects as well.

You will recall, Mr. President, back in the 1972 elections, the vast sums were given by individuals. One person gave, I believe, in the millions of dollars, many people gave hundreds of thousands of dollars. It was for that purpose that PAC's were suggested and that PAC's were part of the reform at that time, so wealthy individuals could not have an inordinate amount of influence on a particular candidate.

Second, Mr. President, you cannot put the genie back in the bottle. It is a sad fact, and I wish it were not the fact, but campaigns cost money and campaign reform is not going to make them cheaper. So with those thoughts in mind, let me discuss the Boren amendment.

My opposition to the approach of the Senator from Oklahoma is based on three basic points: First, I do not buy the premise that PAC's are, by definition, bad. I believe that PAC's have increased many people's participation in politics. In fact, more than twice as many people, 4.5 million, gave to PAC's in the 1983-84 election cycle as gave to Senate candidates.

Is that not an extraordinary fact? Twice as many people gave to PAC's as gave to Senate candidates. Yet, my friend from Oklahoma would have us think that PAC's look at special types of people. I heard him say this morning that these are individuals who give to PAC's do not look at broad range of issues. They do not read the papers as much as people who give to Senate candidates on a different kind of a basis. That is an elitist argument. Are we now to make a distinction on individuals and who gives to campaigns?

I would point out that 4½ million people, many of whom were never before invovled in the political process, now are involved because of the PAC system and because they are able to give to PAC's. This morning I received a telegram from an official of the PAC associated with the Honeywell Corp. in Minneapolis. I would like to read it.

Dear Rudy:

I am pleased to hear you are leading the opposition to the Boren amendment to limit political action committees. As you know, we believe * * *

As you know, we believe the Honeywell employees PAC has been important in increasing the political participation of our employees. Our PAC is managed by its employees, many of whom have had little or no involvement with the political process before they joined the PAC.

Thank you for your work on this important issue.

And that is the case over and over again, that people who were never involved in the political system before have become involved because they have given to PAC's.

My friend from Oklahoma would rather have a single individual give $1,000 than have 20 individuals give through a PAC. The average contribution to a PAC is about $50. He prefers that an individual sit down and write out a check for $1,000. Indeed, he wants to raise that to $1,500. I do not think that is necessary, either. He wants to raise that. Part of his amendment that we are discussing this morning is to raise the amount an individual can give.

The average contribution to a PAC is about $50 during the course of a year. This may be a series of contributions, not all at one time, often a withholding from a payroll check. Some 4.5 million people gave to political action committees, twice as many people as the number that gave directly to Senate campaigns.

In addition, I do not buy the implication implicit in the Boren amendment that Senators and Congressmen are for sale. I am certainly not for sale. I think I can speak for all of my colleagues when I say that they are not for sale either. I think the tax bill that we are now considering that would revolutionize the tax system in the United States is evidence of that. Some very long-term tax preferences, tax shelters, loopholes, call them what you will, all of them are being closed despite the best efforts of a number of people in the lobbying business. I think that is evidence that special interests are not ruling this place.

Last week we voted on the defense bill which restrained the growth of the Defense Department. The level of spending, various weapons systems, and the other moneys that are spent was the subject of a great deal of activity by various lobbyists. They sought to protect their particular interests. Many were unsuccessful.

So I do not buy the argument that it is implicit in the amendment of the Senator from Oklahoma that Senators and Congressmen are for sale. Unfortunately, that happens sometimes, but very seldom in our system, and that is a good thing. But I cannot adopt the argument that Senators or Congressmen are going to be that influenced by the amount of money that now can be given by a PAC. It is small. As the minority leader pointed out, the amount that he had to raise, the amount that a single PAC could give would be less than one-half of 1 percent of the total that he spent in his campaign.

But unfortunately too many people find it easy to label all PAC's as some kind of an evil, as a special interest bearer. Somehow the idea of a group of people giving $50 a year to a PAC which then turns around and contributes a thousand dollars at a crack to a candidate is viewed as worse than a single contributor writing out a check for a thousand dollars to his favorite candidate. The average PAC contribution to candidates is less than $1,000.

So I do not believe it is a good idea that a president of a large company sitting down together with his wife and his two or three children, can give more than a PAC, particularly under the new rules being suggested by the Senator from Oklahoma. Another thing about PAC's is at least they are easily traced.

You can find out who has given and who has not given, and because you can also find exactly how much special interest money, if that is what it is, goes to a particular candidate.

Let me read from a campaign practice report of May 1986 that was put out by the Congressional Quarterly. It talks about a particular instance where PAC money was not accepted by a candidate. The study of the candidates campaign receipts turned out to be harder to conduct than it would have been had the Senator accepted PAC money. Instead of studying a list of corporate or labor PAC contributors whose affiliations are required by law to be clearly indicated in their titles, the staff of the Congressional Quarterly had to comb through hundreds of pages of receipts to identify the interests of the Senator's individual donors. This included using a number of business directories; in some cases, they telephoned contributors to learn or verify their affiliation.

(Mr. STAFFORD assumed the chair.)

Mr. BOSCHWITZ. So I suggest, Mr. President, the fact that a particular candidate did not take PAC money did not indeed help his constituency find out whether or not he was being influenced by a particular group. The results show that the Senator here received money from people involved in a wide range of businesses with certain evident trends. The majority of his contributors lived in his own State, but sizable numbers of his larger con-

tributors are located in Texas, Louisiana, and Washington, DC.

In conclusion, this article says "But Larry Sabato, an expert on PAC's at the University of Virginia, does find one difference between PAC money and large contributions. Large contributions, such"—as the Senator received "* * * coming from private individuals and not PAC's, are harder to track. Special interests may come in many forms"—Sabato says—"the difference being that PAC money, since it's pooled * * * is easily identified by interest. Individual gifts are much more difficult to trace and, therefore, the special influence can be far more insidious than PAC money."

I suggest, Mr. President, that it simply is difficult to legislate away the idea of special interest money. It is just difficult to do. As a matter of fact, when it is PAC money it is far more easily identified as pointed out in this article.

My second concern about the amendment by the Senator from Oklahoma is even more important. If we recall, PAC's really became players after the last round of campaign reform in the middle seventies. It is only prudent to at least make an effort to see what else could well happen if the Boren amendment were to become law.

My friend says PAC's are bad and should be controlled, and his solution is to limit direct PAC contribution. If we do that Mr. President, then my friend from Oklahoma makes it plain that he believes $50 million—count them—$50 million are going to be squeezed out of the campaign pot.

Mr. President, it is very clear to me, and frankly I am surprised it is not clear to the supporters of the amendment of my friend from Oklahoma as well, that if you limit direct contributions it only follows that the money will flow instead into indirect contributions; namely, independent expenditures. And the Supreme Court has already ruled that these contributions cannot be limited. Indeed, my friend from Oklahoma pointed out that his amendment is constitutional because it does not limit spending. It only limits the amount that a candidate can receive from a certain group. But PAC's, having learned how to raise money and now are raising more and more money, as my friend from Oklahoma has pointed out. Well then indeed we are going to have some money left over. It is not unlikely that they are going to involve themselves in independent expenditures.

So what has my friend from Oklahoma really done? I hope my colleagues pay special attention to this point, because all he has really done is take dollars out of the reported, out of the controlled, out of the regulated channels and put those dollars into the uncontrolled abyss of independent expenditures.

That is the first step toward reform, he says. I think not.

Perhaps the proponents of my friend's amendment will argue that they have taken care of the independent expenditure problem by including language in their amendment which will force broadcasters to grant special free equal time in response to any independent media buy, either negative ads or positive endorsements. However, it is my understanding that commitments have been made by the proponents of the amendment to delete this provision from the amendment because it is unconstitutional—I share that feeling that it is unconstitutional, and it violates the first amendment. As soon as it is parliamentarily possible that will be achieved. Given that, I hope no one attempts to use the broadcasters provision as their defense in this argument.

Or if there is no such commitment by my friend from Oklahoma, I hope my colleagues will recognize what in fact they are voting for.

Some may also argue that limiting dollars any one PAC can give to a candidate will not have that profound an effect because 90 percent of the moneys now given to candidates, Mr. President, come in amounts of $3,000 or less. However, when coupled with the aggregate cap limit it is clear that many PAC's will have no outlet for the dollars they have raised other than independent expenditures. And independent expenditures will probably be the next round of reform that my friend from Oklahoma will then come to us with.

My final concern is also fairly simple. If we really are serious about campaign reform, then we must measure all proposals against the basic fairness yardstick of who comes out ahead. Who comes out ahead, the incumbent or the challenger? Clearly today the cards are stacked in favor of the incumbents. My friend from Oklahoma quite properly points out the PAC's give to incumbents at the rate of about 4-to-1 or not quite 4-to-1 over challengers.

So it is with all other moneys, I might say, in the political system, not just PAC's. Incumbents get more from individuals, they get more from all sources that wish to participate in the political process because they are incumbents, because by and large they have the upper hand in these races.

□ 1140

Furthermore, they have all the powers of incumbency, the frank, the large staff, and access to the press.

Clearly, the cards are stacked in favor of an incumbent.

I will ask then, What does the amendment of my friend from Oklahoma do to change that? Well, I think it makes the challenger's role even more difficult. Often a challenger's biggest single problem is raising his first dollars. All campaigns need seed money to get going, and until he has the initial base of funds for staff, media and so forth, it is difficult. Today, most of the seed money is provided by the national party committees, by the Republican Senatorial Committee, the Republican National Committee or its counterpart on the Democratic side, and by State committees.

But the Boren bill reduces the amount of these early dollars that can be received from the parties. It actually lessens the impact of parties. If the primary objection to PAC's is that they have a narrow band of interest, then certainly the parties should be allowed to increase their input. But when I suggested that to my friend from Oklahoma, he rejected that approach.

Really, Mr. President, the objection to PAC's is that they all have a narrow scope of interest. I challenge that as well.

On the labor PAC's, which, by and large, give money to my friends on the other side of the aisle and not much money to the Republicans on this side of the aisle, the breadth of their interest amazes me.

My friend from Minnesota, Congressman FRENZEL, is always annoyed that the scope of interests of PAC's which contribute to him seem to be broader than they ought to be. Very frankly, sometimes the only philosophy PAC's have is something like a horsetrader; they want to bet on a winner. They are not too much concerned about what the philosophy of the guy is, but they want to go back to the members of their PAC's and say, "Look at the 80 or 90 percent of the dollars we expended; see how well we did. We bet on the winner and had a high degree of success."

Most of the PAC's in the business community also have a very, very broad agenda. They do not have a single issue type of agenda.

Certainly, however, there are single-issue types of PAC's, and they play a very important part in our legislative community.

Interestingly, Mr. President, the number of PAC's is no longer rising, or is rising very slowly. Indeed, the number of PAC's went down in number in recent years.

The scope of most PAC's is very broad and represents the fact that they have brought 4.5 million contributors into the political process. As I mentioned earlier, 4.5 million contributors to PAC is twice as many contributors who contributed directly to Senate campaigns in the last election.

So the challenger's role, Mr. President, is not made easier. Parties are

limited and parties are where the challenger finds his original moneys in very many instances.

My friend from Oklahoma, and the minority leader, spoke also about the fact that challengers have more problems. This amendment is making those problems more acute.

In summary, Mr. President, let me outline what the Boren amendment will really accomplish if signed into law.

First, millions of dollars will be shifted from direct reportable and limited contributions, into independent, unlimited, and uncontrolled expenditures.

Second, political parties will be further limited as to assistance they can provide to their candidates, and they are clearly the best defense against wealthy candidates or single issue politics.

Third, the already sizable advantage of the incumbency will be further strengthened.

Fourth, Mr. President, the individual big contributor will gain a larger role. The president of a corporation and his wife will now be able to give as much as a PAC gives to an individual candidate. If he has a couple of kids or a couple of friends or some vice presidents in his corporation, they can really make a large contribution and by limiting PAC's, you simply will drive candidates to that kind of an end.

I must also say, that to me, it is not sensible to raise the individual contribution from $1,000 to $1,500, which is the equivalent of about 30 or 40 people who give to a PAC because PAC contributions are quite small.

However, I have several options which I believe would be a real force in campaign reform. If limiting the dollars a PAC gives to a candidate is judged a sound idea, we should also prohibit PAC's from giving to political parties as well. An amendment I will offer a little later will do just that.

If the Senator from Oklahoma thinks that PAC's should be limited—and I am not in entire disagreement with that, but I think there is a very narrow band of political reform he is addressing—then he should not allow the PAC's to just get around the rules by giving to the parties and then allow the parties to give to the candidates and build their influence in that way.

If limiting the dollars that PAC's can give to a candidate is just and sound, then we also ought to prohibit PAC's from giving to political parties. Otherwise, the efforts of my friend from Oklahoma will be frustrated. His bill, however, does not address that at all.

We should also do something about a wealthy candidate who spends his own money. I spoke about this somewhat earlier in my discussion with the minority leader as well.

My friend, the senior Senator from the State of Washington, Senator GORTON, has a very good proposal to increase contribution limits of parties and individuals for those candidates who face opponents who spend large amounts of their own money. This is not addressed at all by the Boren amendment. I will have an amendment for that problem a little later on.

Another issue that we should deal with is the disclosure of so-called soft money that national party committees receive and that they need not now disclose.

I believe it should be disclosed, and in my amendment, it will be required to be disclosed.

I also believe we should expand, not contract, the involvement of political parties. If PAC's are subject to any criticism, it is that some of them, and certainly not most of them, as I earlier stated, have very narrow political agendas. It is not so with political parties. That is why political scientists uniformly support strengthening the party role.

At this point, Mr. President, I ask unanimous consent that an article that appeared in the Washington Times be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PAC's FILING SOME OLD ROLES OF PARTIES, ANALYST BELIEVES

(By Thomas D. Brandt)

One of the nation's premier election analysts, Richard Scammon, said yesterday that political action committees have taken over some of the old roles of political parties—to promote candidates, raise funds and identify issues.

But while some of the parties' lost power went to PAC's part went directly to the voters, he told the Woman's National Democratic Club in a luncheon speech.

The shift is partly due to the evolution of primary elections, which started spreading rapidly in the United States about the turn of the century as a reaction to dictatorial party bosses.

Mr. Scammon said that shift American politics more democratic by taking the selection of Republican and Democratic candidates away from party bosses and giving it to those who vote in primaries.

"The whole essence of a party, when you've only got two big ones, is to bring people of different viewpoints together on a common ground of agreement," Mr. Scammon said. But on complex issues such as trade or aid to Nicaraguan rebels forces, he said, it is often impossible to forge a partywide consensus so the "ideological roles, the action roles" have been assumed by PACs.

"This means that [now] the PACs represent strong views—anti-abortion, pro-abortion, anti-gun control, pro-gun control. In the state of Minnesota they've even got PACs prosnowmobile, anti-snowmobile. You've got ideological PACs . . . unions, dental associations," and so on, he said.

"The [PACs] do provide a lot of the wherewithal of campaigning," he said.

Mr. Scammon is director of the Elections Research Center and is a former director of "the U.S. Bureau of Census. He also is a visiting fellow at the American Enterprise Institute and senior elections consultant for NBC television.

Mr. Scammon, 70, who has studied elections firsthand in the United States and in dozens of foreign countries, does not share the alarm expressed by groups such as Common Cause over the growth of PACs.

But he favors public financing of congressional races, as is done for presidential elections.

"I'm not convinced that the PACs are totally evil, but I think the acceptance of public financing would be a bolstering up of the faith we have in our democratic system," he said.

"The idea that the PACs go out and buy somebody is pretty far fetched. What they do is find where their friends are and finance them," he said.

Mr. Scammon said if he ran a PAC, "I don't want to have to buy the fellows. If I can buy him, somebody else can. I want to find somebody who'll agree with me and then give him as much support as I can within the law, which is really not very much for each individual PAC." There are so many of them.

For several years, Common Cause has studied the impact of PACs on the electoral and legislative process. It has lobbied Congress to put more restrictions on PACs, which they believe give unfair advantage to incumbents. Common Cause also believes that PACs use their influence to shape legislation that may be against the public interest.

In the 1983–84 election cycle, special interest PACs, which include corporations, unions, professional and ideological groups, gave $113 million to House and Senate candidates. Most of this money, which compares to the $87 million provided in the 1981–82 cycle, went to incumbents.

Mr. BOSCHWITZ. In that article Dick Scammon, one of the leading political analysts in the country, points out that PAC's are fulfilling some roles that parties used to because PAC's indeed have grown more rapidly than parties and the party contributions are limited. He finds the shift to the PAC's not to be as threatening as my friend from Oklahoma believes. He said. "The idea that PAC's go out and buy somebody is pretty far-fetched." He said, "If I ran a PAC, I don't want to go out and buy a fellow. If I can buy him, somebody else can."

It is silly to think that that happens in the political process.

One additional proposal is to establish a bipartisan commission to review campaign financing and make recommendations. This is really perhaps the most important proposal and hopefully this will survive in this whole debate.

A commission would be formed, not for the purpose of delaying, stalling or doing anything else, but just as a recognition of the fact that Senators have a very hard time not only voting on their own pay, but Senators have a very difficult time voting constructively on campaign financing. As I said early there are many aspects of campaign financing that need attention

that are not addressed by either the amendments that I will file or that my friend from Oklahoma is filing. Realistically, it is very difficult to get people in office to pass ballot reform legislation that may affect their own reelection.

In addition, the commission would be much less likely to develop partisan solutions, or ones that have a proincumbent slant. If we really want to level off the playing field between the incumbent and challenger, this may be the only way to do it.

I might say, Mr. President, that I have made a number of efforts, and others have also, to broaden the amendments that are being offered here this morning by my friend from Oklahoma. Those efforts have resulted in some progress. I think the idea of a commission is indeed the best idea and the one that should survive this debate.

□ 1150

Mr. President, I ask unanimous consent that an article in the New York Times of August 7 be printed in the RECORD. That article is by Richard Moe, a Minnesotan and chief of staff to former Vice President Walter Mondale. This article calls for a commission as well.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times Aug. 7, 1986]

GET IT RIGHT FOR ONCE

(By Richard Moe)

WASHINGTON.—One of the features of every Congressional election cycle is the attention focused on the increased amounts of money spent on various campaigns, where it came from and what it all means for the integrity of the legislative process. Congress then attempts to grapple with the problem, but inevitably fails because there is no consensus on what should be done. The problem then gets worse next time around and the process starts anew.

The latest chapter in this biennial ritual was played out in December when the Senate sidestepped the issues raised by Senator David L. Boren's amendment limiting the amount political action committees, or PAC's, may give to candidates for Congress. After laying the matter aside with the promise of future action, Bob Dole, the majority leader, who has seen it all before, said the issue of Congressional campaign financing should be reviewed by "some kind of a commission."

He's right. It's likely that only a properly constituted commission, mandated by Congress and composed in part of its members, can hope to address this troublesome issue in a way that compels bipartisan agreement and thereby real action.

As luck would have it, the Senate has an opportunity to consider such a proposal when it revisits the campaign finance issue in the next few weeks. Nearly 30 Senators and 100 Representatives have introduced legislation to establish a 1-year, 11-person bipartisan commission charged with examining the campaign financing system, particularly its impact on the legislative process.

The case for such a commission is compelling. Campaign financing is an area where every Senator and Representative is an expert. Because each member's views are born of personal experience and seen through the prism of political survival, there is nothing approaching a consensus within either house—or even within either party. The result has been a decade of legislative stalemate.

Yet there have been dramatic changes in the way Congressional campaigns are financed since Congress last addressed the issue seriously in the mid-1970's. The average cost of a successful Senate campaign has more than quadrupled, to nearly $3 million, in only about eight years. House races now average about $500,000. The role of PAC's has exploded: in 1974 some 600 PAC's contributed $12.5 million to Congressional candidates, while a decade later 4,000 PAC's gave out more than $100 million. Fundraising is now a year-round affair—not just election year but every year.

What are the consequences of this huge infusion of money? How much more time are members spending on fund-raising? What do PAC's really get for their contributions? What are the effects of our legislative and political systems, including the public confidence essential to both?

Not surprisingly, members of Congress themselves are troubled by these questions. Growing numbers dislike what they have to do to raise ever more funds. Many worry about the time and resources devoted to fund-raising that could be devoted to legislating. And more than a few are troubled by the compromising effect that so much money can have on the way public policy is formed.

If there is an emerging consensus in Congress, it is that the present system of financing campaigns is gravely flawed and needs to be changed. But there are widely differing views on what a new system should look like. Some favor public financing, others argue for new limits on PAC's, while still others prefer greater tax incentives for individual giving or higher individual limits.

Whatever the answer, it is unlikely to be found through the normal legislative process. Congress usually enacts major new legislation only when it reaches a consensus on its own or when it is compelled by public opinion to act. Thus about the only alternative to a consensus-forcing commission is a major scandal, which some people believe is coming.

Before that happens, why not try to get serious people holding different views together in an environment detached from the urgency of immediate deadlines and the need for public posturing to see if common ground can be found? Such an approach worked several years ago on the financing of Social Security. It can work here as well.

Mr. BOSCHWITZ. Mr. President, campaign reform, as I noted earlier, is always popular but is never easy for people in office to legislate. I hope that, as the Senate takes up the bill this week, we look beyond the policies of the moment. Otherwise, we shall soon be back reforming the reforms of 1986.

The PRESIDING OFFICER. Who yields time?

Mr. BOSCHWITZ. Mr. President, how much time is remaining on this side?

The PRESIDING OFFICER. The Senator has 55 minutes remaining.

Mr. BOREN. Mr. President, how much time remains on this side?

The PRESIDING OFFICER. The Senator has 13 minutes remaining.

Mr. BOSCHWITZ. Mr. President, I yield 20 minutes to my friend from Texas [Mr. GRAMM].

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. GRAMM. Mr. President, I thank the distinguished Senator for yielding. I would like to try to begin by taking a broader look at this question than normally is given to it. I start out by asking the question: Why do people give to politicians? Why do people contribute?

I would like then to address this whole issue about how, all of a sudden, because of Common Cause and all of these self-appointed "public interest" groups promoting their agendas, if 100 hardware and implement dealers in Texas get together and each of them gives $10 and they contribute it to me, that is special interest, and how, if some individual gives $1,000, that is not special interest.

I would like to talk about how the political process works in terms of political power, about the fact that PAC's did not create political power, and eliminating their influence will not eliminate it. Then I would like to suggest that if somebody really wants to address this problem, the solution really has nothing to do with eliminating the ability of people to contribute, it has to do with trying to affect the things that Government does that encourage people to want to give for reasons that we deem not to be in the national interest.

Mr. President, when I ran for the Senate, I had about $10 million contributed to my campaign. I had about 80,000 individual contributors. So far as I am aware, that is more individual contributors than any nonincumbent candidate for the Senate in American history. In fact, if it were not for the distinguished Senator from North Carolina [Mr. HELMS], it would, I believe, be the largest number of individual contributions received by a candidate for the Senate in American history.

About 15 percent of my contributions came from PAC's. I find that, in this last election, the average Member of the Senate got 27.8 percent of their money from PAC's. I guess what that means is, I need to get out and work a little harder.

Mr. BOSCHWITZ. If the Senator would yield, I was close behind the Senator. I had 60,000 contributors to my campaign and raised about half as much as he did. That is 16 percent. I was down to the 15- or 16-percent level, too, with respect to PAC contributions.

Mr. GRAMM. I suggest to my colleague that maybe we ought to get out and get to work.

Mr. President, why did these people give to me? I am not going to speculate about why people gave to anybody else; why did they contribute to me? I think a lot of people gave to me because they agreed with me. They did not give to me because they like my face; they gave to me because they agreed with what I was saying. They looked at my record in the House and they liked the way I voted and they contributed. I like to think some gave because they love America and they thought my election might be good for America. But I would be naive not to think that a few people gave because they—mistakenly—thought maybe later, they might influence me.

In fact, when you get right down to it, why do people give? They give because they like the individual candidate; they give because they think the individual candidate is promoting their philosophy in the interest of the country; they give because they want to influence Government; they give because they hope their contribution will have some impact on public policy.

Mr. President, I submit to my colleagues that when somebody contributes to a campaign, that is democracy at work.

If you want to know who supports me, all you need do is walk down Main Street, America. You walk down the street and there is McDonald's and the employees of McDonald's who, through their political action committee, contributed to my campaign.

There is Sears, Roebuck & Co. There is the independent baker, there is the independent banker. I could go on and on listing companies and groups that contributed to my campaign. That is not special interest, Mr. President, any more than any contribution is special interest.

How do we bring together the concerns of all the special interest groups to make the national interest?

I submit, Mr. President, if we really wanted to do something about those people who contribute to try to influence Government, the way to do that is to try to do something about the reason they contribute. If Government controls the price of mustard seeds, we should not be shocked that people in the mustard-seed business are going to be active politically. Is that a problem with democracy? Because the Government sets the price of a commodity, should we be trying to limit the ability of citizens who believe in the principles of Jefferson to further their interests? I think not. Maybe we ought to look at the fact that the Government sets the price of mustard seeds.

I submit if we eliminated the ability of Government to set the price of mustard seeds, then the people who are in the mustard-seed business would be contributing because they want to affect general policy, not because they want to affect the mustard-seed business. But I do not see those who support this reform effort urging us to stop Government from doing all these things that create the special-interest demands. I do not hear that at all.

My point is that if people are in the political process through political action committees and other groups in trying to influence government policy, it is because the Government sets the prices of things. It is because Government exercises discretionary power, because Government grants favors. If we are concerned about that, Mr. President, what we ought to do is change the law: Limit the amount of Government intervention; limit the discretionary decisions that produce winners and losers, that give gifts, that fix things for special interests. That is the source of the problem. If one wants to argue that people are active politically because of special-interest concerns, deal with the concerns; do not limit the freedom of those who want to contribute.

How did political action committees suddenly become the main villain in the political process? If you read some of the editorials that are being written, if you read the "Dear Colleague" letter that was sent out, you might conclude that there is a problem and that it is getting worse.

□ 1200

Well, let me submit, Mr. President, that PAC's did not create political power. Political power is a zero sum game. If we voted to eliminate political action committees, we would not eliminate political power. Political power exists because government is powerful, because government spends money, because government sets policies that affect us and our children.

The truth is, those who scream the loudest about political action committees are the very special interest groups that lost power to political action committees. They are the groups that have powerful endorsements and big memberships that can be activated to go out and run political telephone banks. They are the groups that once exercised power, the political parties, the power brokers who operated from smoke-filled rooms, the media. Those are the people who complain the loudest about political action committees. Political action committees did not create a situation where government is a megaplayer in the economy. That existed before political action committees. The groups that complain the most about political action committees are the groups that feel they must now share power with another group, and they do not like it. They like having all the power themselves.

Well, if you believe in democracy, if you believe in the principles of Jefferson, you believe that you cannot do away with political power and the best that you can achieve is to disperse it in as many hands as possible. I submit, Mr. President, that political action committees, as another competitor in the political arena, have helped to strengthen democracy, not weaken it. And many of those who self-righteously preach against PAC's are the very groups that had the power before and now feel the heat of competition.

I submit, Mr. President, there is nothing more special interest about the political action committee of the hardware and implement dealers of Texas or America than there is about Common Cause. I submit, Mr. President, that Common Cause exercises its power by making its case very effectively through the media, whereas the hardware and implement dealers are too busy carrying buckets of nails and selling paint brushes to be that active politically. But what is wrong with them passing the hat and putting in a few dollars apiece and contributing to a candidate who believes in free enterprise, who wants to keep government's hand out of their cash register and out of their pockets.

Mr. KERRY. Will the Senator yield for a question?

Mr. GRAMM. I will be happy to yield at the end of my statement, but we are on a time limit, and I want to be sure I get my points across.

I submit, Mr. President, that there is nothing more special interest about the hardware and implement dealers than about Common Cause. But yet Common Cause and other groups like it have, through very effective use of the media, created the impression that somehow their involvement, their activism, their methods are not special interest but a group of hardware and implement dealers who get together and pass the hat and put in money and look at candidates, review their qualifications, decide who is best and contribute, somehow they are special interest. I do not buy it, Mr. President.

I remember when we were voting on whether to exempt the physicians from the general rulemaking of the Federal Trade Commission. Many of you remember that debate. I remember one of our public interest lobbies putting together meticulous data on who the American Medical Association PAC contributed to and how they voted. It is a very interesting thing, Mr. President. There was a quirk in the law where we eliminated the ability of the Federal PAC and the State PAC to both give. It occurred in the midst of an election cycle where I was in a special election. And as the result of a consent agreement, I was the last person who got a double contribution. By the time this contribution-vote

comparison was made, I had received more money from individual physicians contributing through their PAC than any other candidate in America and I had voted against exempting physicians from general rulemaking of the Federal Trade Commission. And guess what? When this study came out and ran in every newspaper in the country, miraculously, I was left out. And I was left out, Mr. President, because I did not fit the thesis that was being argued by this so-called public interest group.

The truth is, there is nothing more special interest about a group of individuals who get together and give as a group than there is about one individual giving. It is basically a falsehood and myth that is perpetrated by those who hope to tilt the balance of political power in their own favor by constraining their competitors.

Let me talk about that problem very briefly, if I may. Running for office is expensive. I remember when I first successfully ran for office, I did not know many people. I was a college professor. I was running against the aide of the former Congressman and against a fellow who had been on television as a weatherman. I was amazed, when I took my first poll, that the weatherman was better known in two-thirds of the district than the Congressman who had served for 32 years. The aide I was running against was a good-looking fellow who responded to voters who asked him, "How do you feel about this issue?" he would always say, "Well, how do you feel? What do you say? I'm not going to Washington, like PHIL GRAMM, to represent a philosophy or a viewpoint. I'm going there to represent you." And let me tell you, it sold like hotcakes.

But there was a difference. The people who were concerned enough to contribute their money looked at everybody's record, and they decided I would be most effective. They contributed to me. I went out, told my story, put the issues before the people and I was elected.

If you start limiting the ability of people to contribute and be involved, who are you going to elect? You will end up electing media personalities to the exclusion of every other group of citizens. You are going to prevent people who have something to say, but do not happen to be well known and do not happen to be especially charming, from reaching the public with an idea that they want heard.

That is the problem with this amendment. First of all, this amendment does not lessen political power. All it does is give more power back to the power brokers, more power back to the smoke-filled room, more power back to the media, more power back to those special interest groups that use different techniques to influence candidates and public opinion.

Is that good for the country? I say no, because it allows a smaller number of groups to exert political power.

Now, any time a Member of this body is willing to say we need to do something about the desire of people to give because they want to affect policy for their own individual interest and therefore we should go out and look at everything government does that would induce individual groups to want to line their own pockets by getting contracts or by getting benefits or by government setting a higher price for their commodity, all you have to do is let me know and I would be interested in joining in that effort. But I am not interested in joining a self-righteous crusade to try to limit the ability of people who have just as much right to be involved as Common Cause and the myriad of Ralph Nader groups. I do not accept for 1 minute that Mr. Nader has more public spirit than the average hardware store dealer in this country; that because his method of affecting public opinion is trying to use the media to make his case, his cause is any more notable than that of a group of hardware dealers who get together and say: "We have plenty of problems in the hardware business. The government is always trying to get its hands in our cash register, trying to regulate our business. Let's try to elect people who are promoting a business environment that is good for the hardware business."

I submit that if you take the hardware and implement dealers, the bakers, the bankers, Sears-Roebuck, Montgomery Ward, Burger King, McDonalds, Coca Cola and Pepsi Cola, their employees giving voluntarily, you have some special interests in there. But together they come a lot closer to producing the public interest than the self-righteous, self-appointed public interest groups that are trying to promote a single objective—more government.

Quite frankly, Mr. President, I think we ought to be running on the basis of a set of values. And let people decide if they support that set of values.

I am not worried about being bought by some special interest group, for a simple reason—I am not for sale. When people contributed to my campaign, 80,000 of them in the last campaign, they knew what I stood for. As a result, I assume that when they contributed, they were supporting that philosophy—and if they were not, they probably have been disappointed. I believe the vast majority shared the values I hold.

The issue here is, will we allow democracy to work? Will we allow people to be involved? Will we allow power to be competed for, to lessen the power that any single group has? That is the issue here. That is why I am against the Boren amendment.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BOSCHWITZ. Mr. President, I thank the Senator from Texas for his statement. His reference to the hardware owners in Texas or my State or any other State are very well put.

I say to the Senator from Texas that in my statement earlier, I pointed out that 4.5 million people have given to PAC's and that is twice as many people as gave to Senate campaigns in 1984. So the Senator is entirely right, that the PAC's have broadened the political interests.

My friend from Oklahoma pointed out that a study showed that those people who gave to PAC's did not read the newspapers quite as often as people who individually gave to campaigns for other reasons. Maybe they are too busy selling hardware. Maybe they are too busy making the wheels of our economy go for the benefit of everybody.

The Senator is entirely correct, that unless you withdraw the things that almost compel people to give to the political process, we are not going to reduce the amount of money in the political process, the impact of money in the political process, and that our best route is broadening that and getting as many people involved as possible.

It is pleasing to note that 4.5 million members of the general community have contributed to PAC's and that is twice as many people as gave to the Senate campaigns in 1984.

I yield the floor.

Mr. BOREN. Madam President, I yield 3 minutes to the Senator from Massachusetts [Mr. KERRY], and I ask unanimous consent that his name be added as the 17th author of this proposal.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. Mr. President, I will speak more on this matter tomorrow.

I should like to comment on one of the comments of the distinguished Senator from Texas. His own Dallas Times newspaper has editorialized as follows:

> The power of PAC money threatens increasingly to turn Members of Congress into legalized political prostitutes. It drives them to sell to the highest bidders their one most easily and legally salable product—access. But, worst of all, it erodes the public's confidence in the integrity of the congressional system.

What I would like to ask him and about which I would enjoy having a colloquy with him, but we do not have time, is as to whether or not one can share the perception that that perception is part of the problem. It almost becomes the reality.

If people in the United States perceive, as they do, that that is the case, that what the Dallas Times Herald says is the way we are perceived, then

we have a problem. I think that is the perception across this country, but it is more than a perception.

The distinguished majority leader has said that when PAC's contribute, they expect something more than good government as a consequence of that contribution. He said that 16 percent of his money came from PAC's. In a $12 million race, 16 percent is almost $2 million. Studies show that if you have a 4-percent margin in a race in this country, everytime the 4 percent will be made up by money, and the person who spends more will win by a 4-percent margin. That is frightening.

I am one of three U.S. Senators who does not take PAC money. When I ran for the Senate in 1984, I did not take PAC money. We succeeded in making our race in Massachusetts one of the first PAC-free races, because no candidate took money. We pledged not to do so. That makes it more expensive. I wound up with a $500,000 debt and I still have some debt.

I cannot tell you how many lobbyists have come to me in Washington and said, "If you only took PAC money, we could wipe your debt out in a week or with one event." What does that mean? It means it is easy. It means it would be easier for me not to have a debt if I took PAC money. If it is easier not to have a debt and easier to get elected, we are changing the process, changing the relative importance of who has influence and who has not.

That is perversion of the process. Not that somebody's vote is inherently for sale. I do not believe that. Not that PAC's are not democratic, because it is good to bring people together. But when they bring that money under one roof and when they have a special interest in legislation and give you the money, it has changed the process from an individual giving you that money, and it is a change that we have to undo.

I am limited to $1,000 that I can receive in a contribution.

Madam President, I ask unanimous consent for 1 additional minute.

Mr. BOREN. I yield 1 additional minute to the Senator.

Mr. KERRY. The most I can get is $1,000 from an individual, but a PAC can give $5,000. That is an institutionalized difference in effect and clout. The $1,000 limit that I can receive from an individual was set back in 1974, when it might have been worth $1,000. The costs of campaigning have gone up, the price of television has gone up, and I am trying to pay for that with a limit of $1,000, when in fact it is worth $400 or $500, and the costs have gone up, but PAC's can give $5,000 to an individual.

It is very clear from the countless studies. Last year the National Rifle Association spent $1.5 million on current Members of the House, which approved the Volkmer bill, a measure which weakened gun control. Eighty percent of the 248 Members who voted with the NRA on a key vote received financial support from them. Eighty percent of the Members who did not, did not get any money.

The PRESIDING OFFICER. The Senator's 1 minute has expired.

Mr. KERRY. I will continue this tomorrow.

Mr. BOREN. Mr. President, it is my understanding that the distinguished minority leader was prepared to yield some of his time to the distinguished Senator from Wisconsin, who has been waiting patiently to join in this debate. At this time I yield 2 minutes of my time to the Senator from West Virginia; and I understand that the Senator from West Virginia would like to yield 10 minutes of his time, so that the Senator from Wisconsin may share his thoughts with us.

Mr. BYRD. Madam President, I have 10 minutes today under the standing leader's time. I did not use it.

I ask unanimous consent that I may yield to Mr. PROXMIRE.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOSCHWITZ. Madam President, reserving the right to object, will any of that time be reducing the amount of time that I shall have remaining on this side?

The PRESIDING OFFICER. The effect is to reduce by 5 minutes each the time of the Senator from Minnesota and the Senator from Oklahoma. The Senator is correct.

Mr. BYRD. Mr. President, that is not my desire to see that done.

I ask unanimous consent that the yielding of my time to the Senator from Wisconsin does not have that effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

### TIME TO SLOW DOWN RUN-AWAY POLITICAL ACTION COMMITTEES

Mr. PROXMIRE. Madam President, what is wrong with political action committees? Answer: with the advent of political action committees we have formalized and legalized political corruption. Is that too strong? No way. It is true that long before political action committees came on the scene, political contributions were given for the purpose of winning access to policy-making elected officials. Even without political action committees, that will continue. It has always been true that political contributions have been a way of winning the support of elected officials for the economic advantage of those who make the contribution. So what's wrong with political action committees? Isn't this all that political action committees do? No: PAC's add a new and a specially corrupting dimension. Consider: a trade association representing real estate or banks or insurance or a labor union representing the interests of organized labor forms a political action committee. It raises money from its membership for a single purpose. It doesn't raise a nickle because it believes in the character or dedication or competence of a particular public official. It raises money to advance the special economic interest of the members of that trade association or union. And where does the money raised by the PAC go? The head of a homebuilders PAC put it precisely and succinctly. He said, "When I contribute from my PAC I buy legislation." It's that simple. It's that crude. It's that obvious that PAC contributions constitute an attempt—however subtle or sophisticated or gentlemanly to pay hard cash in return for support of a policy action that will benefit the contributing PAC. PAC contributions may go to the public official whose character make the membership of the PAC hold their collective noses. They may know the official is grossly incompetent. But they buy a piece of him because they know he can deliver. It may be a tax break. It may be an expenditure. It may be a change in regulations, or pressure on a regulator to go easy. But it is a way for a special interest group that can't win on the merits of its case to prevail against the public interest.

Can anyone argue that elected officials can't be bought this way? The answer to that is ha, ha, ha, and I might add ho, ho, ho. This is exactly the way elected officials are bought. If elected officials were not bought this way, PAC's would dry up and disappear. After all, no one voluntarily parts with thousands of dollars to a politician for whom you may have absolutely no respect unless there's a pay off. So PAC's pay out that cash, that legalized bribe because they believe it brings a return. And anyone who has been around the Congress or a State legislature or a city council knows that over time the payoff by public officials for the PAC contribution they receive is as real and sure and certain as the sunrise. Oh, sure sometimes the public action by the elected official may not come immediately. It may not come in a vote. It may come in a speech not delivered. The PAC payoff may come in a colleague not influenced. It may come in a calling off of a meeting that otherwise would result in advancing legislation. It may come in a minor change in one paragraph in a 240-page bill. It may come in a witness, not invited to testify before a committee. It may come in hiring a key staff member for a committee who is sympathetic to the PAC. Or it may come in laying off or transferring a staff member who is unsympathetic to a PAC.

Madam President, I have seen this happen. In 29 years, I have seen it happen not once, but again and again

and again. Not a week goes by that I do not see one of these forms of corruption happen.

This is the way policy is determined here in the U.S. Senate, and it is determined that way today.

PAC's are so effective because the myriad kinds of action they can win for the contributors are largely invisible. How often can anyone actually prove that any of these actions that advance the interest of a particular PAC flowed from the PAC contributions? In the eyes of both the elected officials and the contributing PAC's this is exactly the beauty of the PAC. Their contributions constitute gilded corruption that has no sight, no taste, no smell, no feel, no sound and, of course—no smoking gun or even an empty cartridge to prove the crime. This is one reason why it is so insidious. The other reason is that everybody does it or almost everybody.

For a candidate for the Senate who has little name recognition the acceptance of PAC contributions has become a virtual necessity. Most well established incumbents don't need PAC contributions. But if you're a well-established incumbent these days it's oh so hard to break the habit. Gathering these hundreds of thousands of dollars of campaign cash is a cinch. You don't have to go to PAC's. PAC's come to you. They come with their tongue hanging out and their wallets wide open. It is like sitting under an apple tree, loaded with apples in a windstorm. It's almost an embarrassment of riches. Let's face it. Ninety percent of the incumbents running for reelection take PAC contributions.

To summarize, PAC contributions are effective. They do win the preference special interests seek. They are subtle. They are invisible. They are almost universal.

Some defenders of PAC's agree with all this. But how do they defend their PAC's? They say—after all the law requires full disclosure. The voting public knows all about it. If the voting public really believes this is corruption, they would defeat those who accept PAC contributions. Wouldn't they? Why not? Because the voting public has no chance to do this. Oh sure there is disclosure of a sort. The PAC contributions are disclosed in newspaper stories once or twice a year. An occasional editorial may angrily protest them. A challenger may briefly and slightly embarrass an incumbent by charging the incumbent takes PAC money. But the incumbent has an easy answer. Everybody does it. And the public almost never sees the subtle connection between the PAC contributions and the behind the scenes influence on behalf of the PAC by the elected official. So it has become politically smart to take the PAC money. PAC money buys TV time that brings the candidate charging into every home looking like the perfect public interest champion. PAC contributions buy the billboards that tell the State over and over again that the candidates is "Mr. Integrity." PAC money buys the direct mail expressly designed to appeal to the special interest of the recipients. PAC money buys campaign workers in droves. All of this translates into many thousands of votes. Worst of all—it becomes politically stupid in most cases not to take this subtle, sophisticated, invisible and legalized big money payoff.

Mr. President, this is why the Boren amendment should pass. The Boren amendment doesn't kill PAC's. It does provide a realistic basis for bringing them under a degree of limitation and control.

I earnestly hope the Senate will take the opportunity.

Madam President, I congratulate my good friend from Oklahoma, and I yield the floor.

□ 1230

(Mr. BOSCHWITZ assumed the chair.)

Mr. BOREN. Mr. President, I am proud to yield 3 minutes to the distinguished Senator from Kansas, Senator KASSEBAUM, who was one of the original coauthors of this particular proposal.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mrs. KASSEBAUM. Mr. President, I am proud to be a cosponsor of the Boren amendment. I have listened to some of the earlier debate on the floor this morning and would certainly agree with those who have said that PAC's have broadened political interests. I think this is very true. I think PAC's serve an important role. I certainly do not believe that an elected official's vote is for sale.

But where I come to strong support for the Boren amendment is in my belief that the campaign costs have simply gone beyond control. They sap our time and our energies and our talents. It seems to me the Boren amendment is the beginning and a first step in beginning to gain control.

We created them by an amendment to the Federal Election Campaign Act in 1974. That is why I think we bear some responsibility in beginning to take a step in the right direction. We have all heard the figures. And as the costs of running a campaign are increased, the need for contributions increases. And certainly the political action committees are very visible forums for those contributions and have really fallen over each other in their attempt to fill the tin cup that has been offered by Members of Congress.

We must accept part of the responsibility, but we must also understand that the influence of the fundraising cycle and the participation of PAC's is a cycle that is out of control. Reforms are necessary and this is the time to start.

Mr. President, over the past several Congresses, we have seen dozens of campaign reform proposals come and go. They have included efforts to expand or eliminate tax credits for political contributions, to mandating public financing of Federal campaigns to establish commissions to study the issue and to prohibit borrowing by candidates. No substantive reforms have succeeded.

At least a dozen major reform proposals have been offered in the 99th Congress by members of both parties. And certainly I know the Presiding Officer, the Senator from Minnesota [Mr. BOSCHWITZ] has some very good suggestions. But the Boren amendment is but one of them and I think it offers us the best opportunity at this point to make the step in the right direction.

I will be speaking further on this tomorrow. I appreciate the Presiding Officer's substituting for me and allowing me the opportunity to make these comments at this time.

I yield the floor.

Mr. BOREN. Mr. President, I thank the Senator from Kansas for her comments. They are convincing and very helpful. It is time for us to take this first step.

I reserve the remainder of my time.

Mr. DURENBERGER addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is yielded 5 minutes.

(Mrs. KASSEBAUM assumed the chair.)

Mr. DURENBERGER. Madam President, I appreciate the opportunity to speak briefly on this subject and I congratulate my colleague from Minnesota for his leadership on this issue and for taking on a very difficult task, which is to try to explain that it is not the tin cups that my colleague, who now occupies the chair, says are involved here, but a much more complicated subject than tin cups, special interests, lobbyists, and all this sort of thing, as I think all the rest of us well know.

Madam President, the current system of financing elections, with its increased numbers of PAC's and growing reliance on PAC contributions, did not simply spring from the woodwork of American politics. It did not, in effect, happen because of the nature of politics in this country. It arose directly out of the woodwork of American politics. It arose directly out of the 1974 amendments to the Federal Election Campaign Act and the Supreme Court's 1976 decision in Buckley against Valeo. These were supposed to be the reforms to end all reforms. Instead, as we heard on the floor today

from our colleague from Oklahoma and others, they encouraged a sevenfold increase in the number of PAC's, opened the flood gates to unlimited campaign spending by independently wealthy candidates and so-called independent groups, and sharply reduced political party contributions to congressional campaigns. Some "reform"!

Can it happen again? You bet it can. And it will happen if the Boren amendment is adopted. That is according to one of our most astute students of campaign finance laws. Having examined this legislation and its likely effects on campaign practices, Michael Malbin suggests that the most descriptive title for this amendment would be "The Rich People's, Independent Spenders, and Incumbents' Protection Act."

These are harsh words, but they underscore an important point. Effective campaign finance reform can only be accomplished by examining the whole system in a comprehensive manner, by looking at all sources of contributions. If we do, one fact immediately stands out. Rather than limiting PAC's, the most important need in campaign finance is to focus on strengthening political parties—especially at the State and local level.

Madam President, today we are considering an amendment that would significantly restructure Federal laws governing campaign finance practices for Federal elections. I had two amendments which I had hoped to offer today: One that would comprehensively restructure the financing of congressional campaigns; and a second that would strengthen State and local political parties. Under the unanimous-consent order entered into by the Senate on Saturday, I will not offer my amendments this afternoon. I hope, however, that whatever the outcome of the vote tonight, we will broaden our efforts to reform the campaign finance laws, and I will continue to play a role in that process.

As described by its chief sponsor, my distinguished colleague from Oklahoma, the amendment before us is supposed to enhance public confidence in congressional elections by restricting the role of narrow special interests and by increasing the role of individual contributors in electoral campaigns.

These are worthy goals which I know are shared by all the Members of this body and by our constituents back home. As is so often the case, the controversy centers not on the goals of this legislation but on the most effective means of obtaining these ends. If we have learned one thing during the past 15 years of continuous changes in our campaign finance laws, it is simply this: Beware of quick fixes. Beware of unintended consequences.

Madam President, my reelection campaign in 1982 goes down in political history as a monument to the biggest loophole in our campaign finance laws. This loophole is only exacerbated by the Boren amendment. This travesty of equal representation in the election process was created by the Supreme Court and has nothing to do with PAC's or lobbies. This gaping loophole in our laws permits wealthy candidates to spend unlimited amounts of their own funds on their campaigns.

And there are other problems which require citizen concern.

Madam President, it is outcomes like these which underscore the need for truly comprehensive reform—not the ad hoc approach represented by the legislation before us.

Madam President, though I am relatively new to elected service, I am no Johnny-come-lately to campaign finance. I was appointed by the Democratic Governor of Minnesota in 1974 to serve as vice-chair of Minnesota's first election and lobby law reform agency—the State Ethical Practices Board. I served as vice-chair until I became a candidate for the 1978 general election for the Senate in my State.

As a Senator, and as chair of the Intergovernmental Relations Subcommittee of Governmental Affairs, I have held several days of hearings on lobby reform legislation, and my subcommittee has issued three prints and publications on lobbying, PAC's, and campaign finance.

Madam President, one finding that emerged from these reports is very important: the current system of financing elections, with its increased numbers of PAC's and growing reliance on PAC contributions, didn't simply spring from the woodwork of American politics. It arose directly out of the 1974 amendments to the Federal Election Campaign Act and the Supreme Court's 1976 decision in Buckley against Valeo. These were supposed to be the reforms to end all reforms. Instead, they encouraged a sevenfold increase in the number of PAC's, opened the flood gates to unlimited campaign spending by independently wealthy candidates and so-called independent groups, and sharply reduced political party contributions to congressional campaigns. Some reform.

Can it happen again? You bet it can. And it will happen if the Boren amendment is adopted, according to one of our most astute students of campaign finance laws. Having examined this legislation and its likely effects on campaign practices, Michael Malbin suggests that the most descriptive title for this amendment would be "The Rich People's, Independent Spenders, and Incumbents' Protection Act."

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And there are other problems which require citizen concern. As far as PAC's go, there is one new and growing kind of PAC that raises disturbing questions about electoral accountability—the so-called candidate PAC's that funnel funds from one candidate's coffers to another.

Before I address the general issue of PAC's and parties in our political process.

ARE PAC'S THE PROBLEM?

Reforms that focus first and foremost on limiting the role of PAC's in

our electoral system are doomed to failure. They will fail because they deal with a symptom, and not the cause, of what ails our political process. The growth of PAC's is only a reflection of a fundamental change from corporate to entreprenurial politics. Capping PAC contributions without dealing with the broader implications of this tranformation will only drive PAC dollars to other, less accountable uses like independent expenditures, while doing nothing to strengthen our institutional decision making.

We used to run for office as members of a collective entity called political parties. The parties guided voters' decisions and provided most of the resources candidates required to run for office. They supplied the volunteers and the bumper stickers, they contacted the voters, nominated the candidates, and defined the issues.

But the parties have lost their dominant position in the electoral process. All of us—voters, candidates, and policymakers—are worse off for it. As candidates, all of us here now run as independent entrepreneurs. We're individually responsible for buying time on television, sending out letters by the million, hiring our own campaign staffs and consultants, coordinating our own volunteers and, above all, finding the money to pay for it all.

Combined with the skyrocketing costs of new technologies like television and direct mail, this new process has sent campaign costs through the roof. Spending on congressional campaigns rose fourfold between 1974 and 1984, rising from $72 million to $295 million in just 10 years.

And where are the parties in all of this? In 1984 Senate races, direct party contributions to Senate candidates comprised only 1 percent of total campaign contributions—1 percent. That's compared with 6 percent in 1974 and over 10 percent in 1972. Although campaign costs more than doubled during this period, the average size of party contributions to candidates actually declined by 40 percent—not counting inflation.

WHAT'S RIGHT WITH PAC'S

So the problem is much larger than PAC's and will not be solved by clamping down on PAC contributions. The Boren approach ignores the positive role that PAC's can play as one part of a balanced approach to campaign funding; it gives an unfair advantage to wealthy candidates; and it ignores the most effective means of reducing PAC influence—by strengthening our parties.

Although they are hardly perfect, in some ways PAC's have gotten a bum rap. In fact, they are the product of earlier reforms, and a real improvement over earlier fundraising practices. I have called PAC's the "united way of political giving" and I meant it. Consider the situation before 1974. At that time, campaign finance all too often was the province of a few big corporations and wealthy fatcats, who found ways to give nearly unlimited amounts of campaign funds with little or no disclosure.

In contrast, PAC's allow average citizens and small contributors to pool their resources and get involved in the political process. In fact, PAC's can act as a sort of half-way house to parties as a means of getting citizens involved in the process of self-government. As research by Prof. Frank Sorauf of the University of Minnesota has shown, people who donate to PAC's are more active, knowledgeable, and interested in the political process than the average citizen. And it's all done in the open, above board, with full disclosure.

So why do we hear more and more about the growing influence of PAC's in our elections? Because if you look at total campaign contributions, at all the money in politics, PACs are up; parties and individual contributions are down. In the Republican-controlled Senate, PAC's now provide about 18 percent of all campaign funds, up from 11 percent 12 years ago. In the Democratic-controlled House, PAC's now provide 31 percent of all campaign dollars, up from 17 percent in 1974.

Those are the totals. But PAC's are not a single entity. They are a mirror of American society and getting more divided all the time. We've all heard the numbers on the growth of PAC's. Their numbers have increased from 608—12 years ago to over 3,500 today. What does that mean? For any given PAC, that doesn't mean it is getting stronger. On the contrary, it means that each PAC's contributions are becoming less and less significant. And it means that on any given issue, we are more and more likely to find competing PAC's on every side.

Take health care, for example. I know of very few issues where the AMA, the American Hospital Association, the HMO's, the hospital and nursing home employees, and the health insurance companies are united. Far from it. They generally have very different views, and all have PAC's.

What is more, the real value of each PAC's contribution has declined by half since 1974. Adjusted for inflation, the maximum PAC contribution of $5,000 in 1974 is worth only $2,417 today. That's a 52-percent decline in only 12 years.

WHAT'S WRONG WITH PAC'S

The only problem with PAC's is that they accurately reflect the pluralism of our democracy. Most PAC's, it is true, represent narrow single interests in our society. There is nothing wrong with that. Such social and economic interests have a right to such representation in our political process if they choose to exercise it.

Each of us was elected to represent the interests of our State and our constituents. If you are like me, your PAC contributions mirror the social and economic makeup of your State. In my case that means agriculture, food processing, health care, transportation, and insurance.

Such representation is important, but it is not our only responsibility. As U.S. Senators, we also have a responsibility to represent the broader public interest as we understand it. That is where the problem may arise with PAC's, if we permit it to occur. For however worthy any single cause may be, this Nation cannot afford a political process that separates complex problems into tiny fragments, blindly hoping that the cumulative outcome will somehow total the general public interest. If we are to deal responsibly with the difficult issues that confront the Congress, we must assure that the electoral process enables us to place the collective interests of society above the growing multitude of special interest claimants.

THE ROLE OF POLITICAL PARTIES

That brings us back, to the political parties. Because the problem of representing the broader public interest can not be solved by limiting PAC's. It can only be solved in a positive way, by enhancing the role of parties.

This approach is nothing new. Our electoral system historically relied on the parties to perform this important representative function of combining disparate interests into broad coalitions, each representing a distinct public philosophy about the proper role of Government in society. Our political parties have never been rigid and disciplined collections of single-minded ideologues—they allowed ample room for expressing individual interests and opinions.

But the parties were by far the most important organizations in our electoral system, providing a framework of shared ideals within which different points of view could be debated. And because our parties were decentralized, they provided avenues for representing regional and local values within the Federal Government as well as other social and economic concerns.

In recent years, the broadly based system of representation provided by the parties has been eroded. Though still important, the parties' role in Government and elections has been diminished by the rise of new forms of campaign finance, heightened reliance on narrow single issue organizations, and new modes of political communication which flood your mail box and mine with carefully crafted appeals. These changes were documented in research conducted by the Advisory Commission on Intergovernmental Relations, which concluded that:

America's political system has changed substantially since 1960. Patterns of politics based upon lasting commitments to party and place—community, state, and region—have eroded. They are being replaced by an increasingly national political marketplace in which competing candidates, interest groups, and parties vie for media attention and rely upon modern marketing techniques to win support from an ever more volatile and skeptical public. The past 25 years have witnessed the final withering away of once powerful political machines, . . . the declining role of state and local party leaders at national political conventions, and the rise of television as possibly the most important force in modern politics. As strong party loyalties have waned, the role of independent politicians, voters, and issue-oriented activists has expanded in contemporary elections. There has been an explosion of organized interest groups, single issue politics, and new group-related sources of campaign finance.

The upshot of this new system—including PAC's, single issue groups, and grassroots mail campaigns—has been to encourage citizens and Congress alike to deal with complex issues on a parochial, ad hoc basis. They encourage us to look at every problem in simple terms of "what's in it for me, right here, right now?" They make it easy to avoid, if only temporarily, the tough but unavoidable decisions we all must make to reconcile our competing goals with the resources available, and to consider how our individual interests fit within a framework of the broader interests of society at large.

STRENGTHENING THE PARTIES: WHAT WE CAN DO

In such decisions, the parties play an irreplaceable role. They begin the process of building coalitions, of identifying areas of consensus, of focusing attention on priorities. Far from limiting the role of parties in our electoral process, as we have done in recent years, we should be raising and removing limitations on party contributions in campaigns.

If our goal is to limit the influence of PAC's and improve our legislative process, this is clearly the way to proceed. If parties are allowed to contribute more, candidates would rely less on PAC's. This would not only limit PAC influence, it would enable the parties once again to command serious attention from both voters and candidates.

Despite what we often hear, this is not a matter of partisan advantage or debate. Although many Democrats believe they have some catching up to do in terms of fundraising, leaders of both parties are in agreement on the basic goal of easing limitations on effective party competition. As former Democratic National Committee Director Eugene Eidenberg expressed it:

The political process should be regulated by government only to the degree necessary to insure the integrity and legitimacy of its results. I support the principle of political parties being free to make unlimited expenditures on behalf of their candidates.

Or, in the words of Republican National Committee Chairman Frank Fahrenkopf:

If the concern is really on the amount of money going to candidates from PACs, a simple logical solution is readily apparent. There should be no limit on the amount political parties can spend or contribute to candidates for public office.

Raising the limits on party contributions and expenditures would mark a beginning toward strengthening the parties. Such an approach does most to enhance the role of the national party committees, since this is where most of both parties' resources are concentrated. But there is also a need to strengthen parties at the grassroots. As the ACIR has documented, it is at the State and local levels that the decline of party influence has been the sharpest. And it is there that the foundations for stronger parties must be built.

Is there a role for Congress to play in revitalizing parties at the grassroots level? I believe there is. As a first step, we can end the discrimination against State and local parties under Federal law. Current Federal campaign finance laws subject State and local parties to stricter spending and contribution limits than the national committees. Therefore, at the appropriate time, I would urge consideration of an amendment that would equalize the treatment of all party committees and enhance the role of grassroots parties in four specific ways:

First, we should raise the maximum limit on individual contributions to State and local parties from $5,000 to $20,000 per year, the level permitted national party committees;

Second, we should increase State party contributions to senatorial candidates to $17,500 per election, again equaling the national committees' limit;

Third, we should ease restrictions on local party contributions to congressional candidates by assuming their independence from State party committees, unless proved otherwise; and

Fourth, we should place congressional elections on the same footing as Presidential elections by permiting unlimited expenditures for voter registration, phone banks, get-out-the-vote drives and similar party building efforts at the local level.

OTHER REFORMS

Rebuilding our parties at the grassroots is the most important reform we can undertake. But there are other problems that need to be addressed as well.

One new kind of PAC that may indeed be in need of immediate reform is the candidate PAC. Such PAC's are growing rapidly in number, and they raise unique questions of accountability.

Candidate PAC's take two forms. Some are formally established multicandidate committees, established by Members of Congress, for the explicit purpose of providing campaign contributions to other candidates for Congress. Such committees usually have impressive sounding names like "Salute America Committee," "Effective Government Committee," "Campaign for Prosperity," and "Fund for a Democratic Majority." In other cases, Members do not formally establish a PAC. They simply make substantial contributions to other candidates from funds in their own personal campaign committee, and then go out and raise more—ostensibly for their own election.

Such PAC's are becoming more and more common. The FEC estimates there were at least 23 formally organized congressional PAC's as of March, 1986, and they handed out more than $9 million to congressional candidates in 1984.

I believe there are two aspects of candidate PAC's which give cause for concern. First, they weaken public accountability. Citizens give contributions to a particular candidate with the expectation that those funds will be used on behalf of that candidate. What is more, for those who are concerned about the origins of campaign contributions, when campaign contributions are funneled through a candidate PAC or campaign committee, their origins are nearly impossible to trace. That is why DAN ROSTENKOWSKI, who handed out $140,000 to other House candidates in the last election cycle, has called for an end to the practice. In ROSTENKOWSKI's view, this practice is like washing money.

In addition to clouding public accountability, congressional PAC's distort the legislative process. According to some reports, such PAC's have been used to circumvent normal selection procedures for electing subcommittee chairs. One pioneer of this practice, Representative HENRY WAXMAN, has openly defended its use "to move legislation forward."

Madam President, I don't have a specific proposal in mind at this time for dealing with this situation. But it is clearly a growing phenomenon that deserves careful attention by the Congress in the near future.

A second issue that deserves immediate attention is independent expenditures. This is one of the most egregious loopholes in our campaign finance laws, thanks to the Supreme Court's decision in Buckley versus Valeo.

As the law now stands, there are no limits on independent expenditures by PAC's or single wealthy individuals, so long as the independent spender does not communicate with or coordinate his activities with any candidates in an election. The effects of this provision,

though unintended, can be substantial.

The most significant impact has been negative advertising. Of the $5.3 million spent independently by PAC's in 1981-82, $4.5 million was spent to oppose rather than in support of candidates. The grandaddy of them all was NCPAC, the National Conservative Political Action Committee, which spent 96 percent of its funds in 1982—over $3 million—on negative advertising. And this practice is not confined to PAC's. It is widely accepted that one former Member of this body, Chuck Percy, owed his defeat in no small part to the large amounts of negative, independent advertising paid for by Michael Gohlan.

Madam President, the point is not that independent expenditures are inherently negative. I was cochair of Americans for Change, which spent millions on behalf of Ronald Reagan's candidacy in 1980; we were not interested in negative advertising. Rather, my point is that this is a serious loophole in our present laws which is aggravated by the Boren amendment. Rest assured, once we cap PAC contributions to candidates, those funds will not simply dry up. They will find another outlet, and negative independent expenditures are likely to be it.

The third aspect of our present campaign finance laws that needs immediate reforming is unlimited campaign spending by wealthy candidates. This is another loophole opened up by the Supreme Court's Buckley decision.

Again, the result was never intended by Congress when it passed the Federal Elections Campaign Act in 1971. But its impact is very real. I ran against an opponent in 1982 who raised and spent $7.3 million, and $2 million was his own money. He could have spent $73 million if he had the money and could have found something to spend it on. As a result, the law's limits on party, PAC, and individual contributions applied only to me—even though I raised only about 60 percent as many funds as my opponent.

Madam President, it is outcomes like these which underscore the need for truly comprehensive reform—not the ad hoc approach represented by the legislation before us. By themselves, the PAC limitations in the Boren amendment would aggravate the inequality posed by wealthy candidates. By lowering the maximum PAC contribution from $5,000 to $3,000, and by placing an overall ceiling on all such contributions, they would make the playing field even more uneven. Had these provisions been in effect in 1982, I probably would not be here today. Although I raised only 24 percent of my total campaign funds from PAC's in that election, these limits would have capped that figure at about 6 percent. Since it costs my campaign committee 10 to 15 times as much to raise funds from small contributors—about 50 cents on the dollar—how is an average guy like myself expected to run against a millionaire under the Boren limits? It would be like David's slingshot before his battle with Goliath.

Fortunately, there are ways of dealing with this situation. SLADE GORTON has proposed legislation which would raise contribution limits for candidates faced with a wealthy opponent. There may be other solutions. The point is, unless the complex system of campaign finance is approached as a whole, we are bound to aggravate existing inequities and create new ones, thus perpetuating the cycle of "reforming the reforms."

Mr. President, we owe it to ourselves and our constituents to do better than that.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BOSCHWITZ. Madam President, although he was elected in 1978, DAVE DURENBERGER has been involved in this issue of campaign finance reform for a long time. He was appointed by the Democratic Governor of Minnesota as vice chair of the State's first elected lobby law reform agency.

As Senator, and as chair of the Intergovernmental Relations Subcommittee, he held days of hearings and published two reports on this subject.

Madam President, I ask unanimous consent that Senator DURENBERGER's remarks to the Mainstream Republican National Leadership Conference be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY SENATOR DAVE DURENBERGER TO THE MAINSTREAM REPUBLICAN NATIONAL LEADERSHIP CONFERENCE "GENERATIONAL POLITICS: A PARTY FOR POSTERITY"

I have been looking forward to this leadership conference with a special sense of anticipation because you're a special group of people. You're my kind of people.

The one thing we have in common is that we are, all of us, Republicans. We may differ in the reason for being Republican and the reason for being here today with what we presume to be similar kinds of Republicans. But we are all Republicans.

My own Republicanism is a gift from both my parents. I am here to share with you my concern that my gift to my four sons will not be very Republican.

It is that concern which is the heart of the special message I have for you this morning. I want to tell you about a new organization that has been formed and the message that it is tying to communicate across this land. The organization is called Americans for Generational Equity . . . A-G-E . . . or AGE. I am its chairman.

The purpose of AGE as an organization is to represent the interests of younger and future generations of Americans in the public policy process. It is an educational and research organization that looks into the future to see if the fundamental promise of America can be passed on to the next generation as it has been passed on to us.

It is sometimes a difficult message to communicate. We are not accustomed to looking at the generational aspects of public policy. And it is a message that is sometimes misunderstood or taken out of context because it deals with many of the most sensitive elements of our basic social contract.

So I thought I would start this morning by taking you out of our world . . . where political discussion is so loaded with symbols and slogans that it is hard to recognize a new message . . . and take you back a couple of centuries into another world . . . back into the world of the French Revolution . . . to create a metaphor to illustrate the concept of generational equity.

In the late 1960's, we had at the University of Minnesota a professor of political science who made the French Revolution his life's work. He was determined to find the cause of the French Revolution. And he did! After thorough study he published a learned thesis saying that it was all explained by the revenue policy of the French Kings.

In the early period of French national history—in the late 1500's and early 1600's before the economy was developed and well-regulated—the kings of France invented a unique policy to raise government revenue. They sold aristocratic titles. Whenever the King of France wished to embark on some new project, say a summer palace in the country-side or a small war in Central Europe, the King would go off and find the richest man in all of France . . . the richest man who was not a blue blood by birth . . . and would sell this rich man a noble birthright for a princely fee.

This revenue policy worked quite well for a very long time. Not only did it raise significant funds for the court, but it also had the effect of binding the most successful, free-thinking elements of the growing mercantile classes to the very traditional aristocracy of the old regime.

There was, however, a hitch in this revenue policy of the French court. A noble title in France was the badge of an office-holder in the French government. When you bought the title, you brought the office, as well. And holding an office in government meant that you were "en-titled" to an annual income from the King. So the King got his princely fee in the first year, but every year thereafter he was forced to pay some portion of it back as a salary to the new member of the aristocracy.

And the titles were hereditary, passed on from father to son to grandson, always, each-and-every year, requiring the payment of a salary to the entitled heir.

I am sure that all of you are way ahead of my story. You can see the pyramid effect of this policy. It's like a very early chain letter. Each year the King of France has to sell an ever greater number of titles to pay the salaries for those who bought an entitlement in the years before. And so on and so on.

The political science professor from the University of Minnesota actually gathered the data that allowed him to plot the path of this revenue policy over the reign of several kings. The result is very much like one of those exponential curves that you see so often. It starts off very slow in about 1600 and over a whole century rises only gradually. But then it begins to build momentum and all of a sudden, in the late 1700's, swoosh, off it goes . . . up into the stratosphere . . . like a jet fighter plane. It is just that kind of policy . . . policies that cannot

be sustained . . . policies that jump off the chart . . . that bring us together today.

Think for a moment about the recent growth in the annual interest payments on the national debt. Do you see the curve? Or add Star Wars on top of the defense buildup of the 1980s. Does the cost of the arms race all of a sudden jump off of the charts?

I said our professor found the cause of the French Revolution. As it happened the point where the professor's curve went critical . . . where it took off . . . coincided precisely with the outbreak of the revolution in France. It was not so much that the King could not raise sufficient revenue, but rather that everyone in France had become a marquis . . . a member of the ruling class. And when you have the King of France selling noble titles to the butchers and bakers and candlestick makers to keep the great-grandson of the first marquis of France in satin britches, you're bound to have a revolution. Or so said our professor . . . proved by publishing his curve in a well-respected journal.

I have used this example of the French Revolution because it describes the problem of generational equity. It describes a policy of borrowing from the future. The curve continually rises. Each year borrowing more from the next. That is the generational part.

And it describes an inequity, because the curve cannot be sustained. At some point it reaches a critical momentum and heads off in a vertical direction that reflects social, political and economic impossibilities.

Curves like this didn't die with the old regime in France. The purpose, in my mind, for the organization, Americans for Generational Equity, is to identify policies like this long before they reach the critical stage and to inform the Congress and the public so that steps might be taken to correct the path that we are on. AGE doesn't lack for work. Examples abound.

Take, for instance, the national debt. About two weeks ago your government announced that the national debt had officially passed the $2 trillion mark. It has more than doubled in the past five years. The debt curve went critical during the Administration of a Republican President who campaigned for twenty years against deficit spending. As Dave Stockman now tells us, the curve went critical in August 1981. We turned on the afterburners with an enormous tax cut and headed for the stratosphere.

In the most recent fiscal year, 1985, the budget deficit of the United States set an all-time record at more than $200 billion. In that year 77 percent of all federal expenditures were paid for by our taxpayers and 23 percent were borrowed from our children.

If you go simply by those who file forms, there are about 100 million individual taxpayers in this country. If you spread the $200 billion deficit out across that group, each taxpayer managed to avoid about $2,000 in additional taxes in 1985. But at what cost?

The government never actually repays its debt, so the cost of the 1985 borrowing is simply the interest that will be paid on that loan by future taxpayers. Let's say you're a twenty-year old just coming into the economy and that you pay taxes every year for the next fifty years or so. If interest rates average 10 percent over that period of time, your share of the interest paid on that $200 billion worth of borrowing for the 1985 budget will be $10,000. That's for just that one year of borrowing. It's also $10,000 for the $200 billion deficit of 1983 and $10,000 for 1984 and $10,000 for 1986. Pending our luck with the Gramm-Rudman process, perhaps $10,000 for each remaining year in this decade, as well.

So here is a problem of generational equity simply drawn. Each of us from this generation who were taxpayers in 1985 saved $2,000 by borrowing from the future. But at a lifetime cost of $10,000 for each taxpayer who joins our fold beginning in 1986.

I have given this part of the speech many times before. In fact, it was the debt and deficit of the United States Government that first led me into the thicket that we are now calling generational equity. But I find that many of my constituents have a hard time relating to this problem of debt.

So, I frequently illustrate the problem of generational equity by turning to trends outside the sphere of government altogether. I sometimes tell them about the largest body of freshwater in the world. It's not a lake. It's an aquifer . . . the Ogallala . . . an underground water formation that lies below eight states in the High Plains stretching from South Dakota to Texas.

That part which is under West Texas has been subject to intensive development for agricultural and other purposes. At the end of World War II the Ogallala in Texas held 500 million acre feet of water. That's an enormous amount of water. An acre foot is 325,000 gallons . . . enough water to flood one acre one foot deep.

And the Texas portion of the Ogallala was 500 million acre feet at the end of World War II. It's only 360 million acre feet today. By the end of the century . . . just 15 years from now . . . it is projected that water stored in that region will have fallen to 196 million acre feet. 60 percent of the resource will have been used up in just 60 years time.

It will take generations to restore. Today, the annual withdrawal rate is 6 million acre feet. The recharge rate . . . the rate at which rainfall soaks in to replenish the aquifer . . . is only 3 percent of that. Nature is putting back only 3 percent of what we take out each year. It will take 1,000 years to restore the water that we have mined from the region just since the end of World War II.

Think of that. The largest body of freshwater in the world built up over thousands of years drunk dry in a few decades time. If you were from West Texas, you would know that will mean the end of a whole way of life. In fact, the changes are already beginning. Each year thousands of acres are lost . . . back to dryland farming.

A policy that consumes the resource . . . that borrows from the future . . . a policy that cannot possibly be sustained . . . that has already passed the critical point . . . it is a too frequent picture when we look at the world's natural resources.

I could have substituted the topsoil of Iowa for the ground water of Texas. Same period of time . . . since the end of World War II. Roughly, the same percentage of loss . . . more than 50% of the topsoil in Iowa has been lost to wind and soil erosion since the end of World War II. And when I talk about the loss of half of our topsoil in a single generation, when I express the problem of generational equity in that way, you can be sure the concept grabs the attention of my constituents.

Being the chairman of an organization like Americans for Generational Equity, and an elected politician at the same time, can be a very difficult task . . . so my myths and misperceptions out there. One misperception is that the message is a criticism of where we are today. Folks don't believe that the nation is fundamentally on the wrong course. In fact, things don't seem that bad at all, so why make an issue of what might go wrong in the future?

Because we can. There were no actuaries or statisticians or policy analysts . . . no citizens for generational equity . . . to save King Louis of France from the logic of his revenue policy. But we have that vision. We can study and consider the likely effects of our policies on those Americans who will follow us.

And when we look, we find that there is a fundamental misunderstanding of the plight of the new generation . . . the baby boom generation . . . that is about to inherit the political and economic responsibility for the course of our nation.

There is an impression that they are all yuppies . . . .MBAs who go through life in BMWs making the tough choices . . . like whether to put this year's IRA in a bank deposit or a mutual fund. Again, a myth to be exploded. Boom has not been the economic byword of the new generation.

During the 1950's, the average American male passing from the age of 25 to the age of 35 saw his income rise by 188 percent. During the next decade, the 1960s, a man making the same transition realized a 108 percent gain in income. But the fellow who was 25 in 1970 gained only 16 percent by the time he had reached 35.

While incomes stagnated, the cost of living has risen dramatically, best reflected at the center of the family budget, housing costs. In 1949, the average 30-year old could meet the mortgage payment on the median-priced house with just 14 percent of his income. By 1984, the mortgage payment on the median-priced house had risen to 44 percent of the average 30-year old's income.

But perhaps the most threatening economic prospect facing the 78 million Americans born between 1947 and 1964 is their retirement.

And they know it. It is still thirty years away, but they can see it. They know where we're headed. When the public opinion polls say that the children of the Baby Boom generation don't believe that Social Security will be around to help them with their retirement, they are simply expressing an intuitive understanding of that same impossible policy curve that I have described this morning.

Social Security was begun in 1935 with a very modest tax on a very small part of the income of the American worker matched by an equal contribution from his or her employer. And it stayed a modest tax through its first few decades. By 1965, when we added Medicare and the Hospital Insurance Trust Fund, total old age taxes—both the employee and employer contribution—amounted to only 8.4 percent of taxable earnings. But the momentum for increases was gathering.

By 1975 the tax was 11.7 percent of total taxable earnings and it climbed again to 14.1 percent in 1985. Total payroll taxes will likely rise to 16 percent of taxable earnings during the next decade and perhaps to 20 percent by 2010.

But it is with the retirement of the Baby Boomers beginning at about 2020 that we see the staggering increases. The pay-as-you-go plan of Social Security stacking the huge numbers of the Baby Boom on the shoulders of the too small baby bust, will

produce, by most projections, numbers we know to be politically impossible.

One of the so-called pessimistic accounts . . . one which you might call realistic, if the past few years are the pattern of the future . . . projects payroll tax rates of 27 percent in 2020, 35 percent in 2030, 39 percent in 2040 and topping out at 42 percent in the year 2060 as the tail-end of the Baby Boom moves through the retirement system. I don't think anybody in this room believes that we can sustain a policy that calls for a tax of 42 percent on the incomes of American workers for the sole purpose of paying the public pensions and the hospital costs of the elderly.

Those numbers simply do not describe a political reality. They describe a generation inequity of huge proportions.

So what has all of this to do with being a Republican? I am sure you didn't expect to hear stories of the French Revolution, the debt of the United States, the depletion of the Ogallala Aquifer and the retirement prospects of the Baby Boom . . . all in one speech . . . perhaps not all in one week . . . and certainly not at an event like this. But you are precisely the group who can make the most of the message that links these seemingly unrelated stories.

Return to the debt of the United States for a moment and consider how we got all these programs we dare not cut. They came in the first instance from our view of ourselves as a nation and as citizens. We are a country of doers. When we see a problem—in health care or education or environmental protection—we think of it as an opportunity to do something. We don't turn the problem over to a bureaucracy or an aristocracy or even the Congress. We go out and invent a solution for ourselves. We organize some association of persons—a nonprofit or a charity or a neighborhood group—we get together a collection of folks who also think it is a problem, and we work together to find a solution.

And if that solution works, it catches on. People in other communities and in other parts of the country try to follow the example. They often turn to local or state government to get the effort underway. Pretty soon you have the problem under attack in various parts of the country and a network of people sharing ideas. America is one great community. If the problem gets solved, at home, we also want it solved down the block, in the next town, and down in Mississippi. We judge our nation and we judge ourselves that way.

And then a Congressman or a Senator will catch on to the idea and will go out to Washington and advocate that the whole nation have this particular solution. Maybe the whole nation doesn't even have the problem. So the problem gets redefined some. We attack the main issue and several issues that are closely related. Soon there is a caucus or coalition of members in the Congress who develop a stake in the solution. And when it gets defined broadly enough and you get a majority, a bill is passed and a national program to respond to the problem is put in place.

A government agency is established to carry out the program and an interest group grows up around it. The members of the group develop a stake in seeing the program continued. Whether the federal program works or not—even if it completely eradicates the original problem—the interest group will hang on because their program is their reason for being.

That's how we got 1,100 programs of domestic assistance, a tax code which is mostly loopholes and a public that doesn't want anything changed. We start with a problem. We apply our definition of good citizen. We form an association. Mix in a politician or two acting as an entrepreneur for the idea. And we end up with thousands of iron triangles driving a $200 billion wedge between spending and revenues.

Americans have always been that way. Americans have always organized as groups and associations to promote their interests. And they have always petitioned government for programs that would serve those interests. And for the whole of our history, the Congress has been responsive. The men and women who serve in Congress today are not less inclined toward the public interest or more inclined toward the special interest. We have no less spine than the stalwarts of the 19th century. In fact, I think Congress gets better all the time. We work harder at our jobs. We are better informed. We are more experienced in other facets of life.

So why is it that in this decade . . . with this President . . . with this Congress . . . that the deficit is all of a sudden out of control?

Well, there is a new element which has greatly changed the balance between the demands of the public organized as special interests and the willingness of the government to respond with spending programs or tax breaks. It is an institutional change . . . a sea change in American politics. It is the decline of the political party. We have lost the use of the only institution that can define and put into practice the interest of all Americans . . . the political party . . . seeking out . . . and speaking for . . . the majority of our citizens.

There are many reasons for the decline of the party but two are especially important in understanding the problems that we are discussing today. One is reform of the policy-making process in the Congress. And the second is the change in the technology of campaigns and elections.

The congressional process has been made responsive—one might even say extremely sensitive—to the will of the people by making it completely open to the people. There are no more backroom deals. No bourbon and branch water at four in the afternoon for our leaders.

We have greatly diminished the authority of our leadership, proliferated the number of subcommittees and staff and focused the spotlight—and now the TV camera—on every detail of the legislative process.

These legislative reforms have separated me from my party. Because of them, I am much more the legislative entrepreneur, much less the subsidiary of a larger corporate endeavor. I chair a full committee and three subcommittees in the Senate. Each is a platform from which I can launch my own legislative initiatives. Each staffed by professionals. Each followed closely by the other parts of the triangle, the interest groups and government agencies, who work closely with the subcommittees to protect our cherished programs.

Along with the reforms in the legislative process there has been a revolution in the technology of campaigns and elections and the means by which I and my colleagues in the Congress communicate with our constituents. Public opinion polling. Thirty second spots on TV and the radio. Direct mail.

Computer tape has replaced shoe leather as the most important hardware in a campaign. Parties, which had a near monopoly on the labor-intensive shoe-leather technology, have been replaced by the adman, the mailman and the PACman delivering high-tech products designed by the candidate and tailored for narrow and multiple audiences.

There is no shortage of ideas on how to balance the budget. In fact, there are at least 536 plans in nation's capitol to get us out of the fiscal mess that we're in. But what we don't have is a single instrument of policy that will bring us together on the one plan that is best for the nation.

Some were hopeful that the so-called Gramm-Rudman legislation would be the silver bullet that we had been looking for. But even the threat of automatic across-the-board cuts has moved us no closer to consensus. The first deadline in Gramm-Rudman has already been missed and the Republicans in the Senate are, if anything, more divided this year than at any time in the past. And we are not even communicating with the Republican in the White House about the budget.

Let me see if I can bring the two themes of this speech . . . generational equity and the decline of the political party . . . together now into a clear message for the people in this room. The message has four parts.

First, we need the discipline of a strong political party to solve the problems that face this nation.

Political parties have been the instrument to solve difficult national problems in the past. There was a time when a Republican was necessarily an abolitionist. And at another time in our history a Democrat was by definition a New Dealer. But today the labels Republican and Democrat tell you next to nothing about the views of a candidate or a voter. The party has lost its role in directing the course of national affairs and there is no other institution at the top of the pyramid of interests that can represent the grand interest—our shared interest as citiznes. We need to bring back the party to end the chaos of continuing deficits and to get on with the other reforms sought by our people.

The second part of this message is that we as Republicans need to lead the way in bringing the political parties back into the policy-making process. Trading in the political machines like Mayor Richard Daley for the independent, citizen-candidates like Ronald Reagan or Clint Eastwood may seem like a good deal for Republicans, but it also means losing the power to implement a consistent philosophy of government at every level from the town board to the county commission to the state capitol to the halls of Congress. And to keep the philosophy going from one administration or generation to the next.

We Republicans need to lead the way, because it will be the most difficult for us, particularly those of us who are Republican officeholder, to give up the advantages we enjoy under the current rules. After all, it has been the candidates of our party who have benefited most by the revolution in campaign and communications technology. So, the second part of the message is that political reforms . . . campaign and legislative reforms . . . must be at the top of our agenda.

The third part of the message is that the Republicans in this room have nothing to fear from a strong Republican Party. I have delivered this message before and had someone say, "Durenberger, if the Party had the power to discipline Republicans who strayed from the party platform, it's guys like you who would feel the lash first."

Well, I don't believe that for a moment. It is only when a party is weak that it tends to wander off in the direction of a political extremism. We Republicans have some problems in that respect, but let me use the example of the followers of Lyndon LaRouche right here in Illinois to illustrate the point. Does anyone here think those folks would have had a chance to capture the name of the Democratic Party . . . to force its gubernatorial candidate off the ballot . . . if the party had been working for the people of Illinois? Of course not.

If we would strengthen our party . . . make it once again the instrument we use to contest elections and make public policy . . . live by its discipline and follow its fortunes . . . do you doubt but what it would move toward the mainstream . . . toward the ideas represented in this room? That's the third part of my message today.

The fourth part of the message is that a strong Republican Party, a party carrying the political agenda we all share, can be a majority party. However, difficult its current economic condition, the Baby Boom is about to come of age politically. It is about to become the majority of the electorate. In elections this fall, voters who are under the age of forty will for the first time be more than half of the people going to the polls.

If we can adopt their vision . . . understand the impact of our policies and proposals on their future . . . we also will rise with that new majority.

We need to have a positive message about government. It is not just a necessary evil. It is easy to beat up on government until your street doesn't get plowed, your kid flunks out of school, your wife or husband dies from poor health care or an epidemic and the Soviets take control of the Middle East and the oil cartel. It's only when the going gets a little bit tough that people also come to understand the need for good government.

Our shared agenda . . . from education to environmental protection to arms control to women's rights to a sane fiscal policy for the nation . . . is the same agenda that motivates the new generation. They can see that too many of the policies we have today are just a way of borrowing from the future. And borrowing at a rate that cannot be sustained.

So the fourth part of my message is that generational equity needs to be at the heart of our political philosophy. Every good politician . . . and every good parent . . . knows has always known . . . the fundamental rule of generations in America. Pass on to the next generation choices better than our own.

To the extent that we renew that old value . . . and put it to work in the Republicanism that we all share . . . we can have a strong party . . . a majority party . . . that can be the instrument to serve the interests of all Americans . . . those in our generation . . . and those who follow.

Thank you very much for giving me the opportunity to share this special message with you today.

□ 1240

Mr. BOSCHWITZ. Madam President, I yield 6 minutes to the junior Senator from the State of Washington.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. EVANS. Madam President, the amendment which is now in front of us offered by Senators BOREN and GOLDWATER seeks a worthy goal. We would all like to broaden involvement in the political process. We would all like to reduce, if we could, what we consider unusual and detrimental influences.

Of course, what is someone's broad public interest is another person's narrow special interest. We have different descriptions depending on where we stand, who we endorse, and who we support.

Madam President, this is not as simple a subject as some would suggest. I think some would suggest that all PAC contributions are evil, that all PAC's are bad; that all individual contributions are beneficial, and that all individual contributors are good.

Madam President, I reject that suggestion. The last time we tried to amend or change campaign contribution laws we changed some things that have led to our current situation. In 1976, contribution limits were placed on individuals and political parties, and PAC's have grown simply meeting the demands of today's expensive financial reality.

Madam President, we never pass laws in this Chamber, whether they have to do with farm subsidies, international affairs or PAC contributions that we do not set in motion a whole new set of reactions. People react to the laws we pass. They find new ways of accomplishing the purposes they seek to accomplish, and the laws themselves simply guide them in new directions, or they open or keep open such vast loopholes that they do not carry out what was purported.

I had an interesting experience in 1983 after an 11-year hiatus from the last time I ran for public office. I came back into the political arena. The special election for the Senate in the State of Washington was only 60 days in length. During that period of time, we raised and spent more than $2 million. Not very much of that, certainly a minor share, was from PAC contributions. But it was a staggering amount of money considering that all of the previous races that I had run, four races for the State legislature, and three races for Governor combined did not cost that much money.

I began searching to find out why we were spending so much money. Was it just because we could raise it and, as a result, could have an infinitely more lavish and elaborate campaign? Not really so. We did the same things we had done before. We advertised. We went on television. We put ads in the newspapers. But by and large we did what we had done before. And that was to use people, thousands of people, as individual volunteers. They volunteered on the telephones, they volunteered on the doorbell, they volunteered to go out and raise small campaign contributions, and we had thousands of contributors to that campaign.

The fundamental reason that it cost so much compared with previous campaigns is we found compared with that last campaign 11-years earlier that television advertising had gone up by more than 400 percent. Newspaper and radio advertising had more than doubled.

Madam President, the reason campaigns cost so much today by and large is because those who rail against campaign contributions, those who editorialize on television and in the newspapers against the size of campaign contributions are the very ones who are ensuring that campaigns cost what they do today. Their charges to candidates have gone up far more than the cost of living in the same period of time. They represent, I suppose, the classic management of supply and demand. They also, as I think any Member of this Senate knows as a candidate, require payment in advance so they have no accounts receivable. They have no bad debts. They make sure they get their money. It does not keep them from charging extraordinary prices.

We have seen campaign contributions from PAC's go up in a staggering fashion. I am sure those who advocate these amendments or this amendment have set forth the increase. But let me just remind you that during the 10-year period since the 1974 election PAC's have grown from $12.5 million in congressional candidate contributions to 1984 where it was $110 million. Over this 10-year period total Senate campaign funds from individuals contributing under $100——

The PRESIDING OFFICER. The Senator's 6 minutes have expired.

Mr. BOSCHWITZ. How much more time does the Senator desire? He is doing so well.

Mr. EVANS. If there are 4 more minutes available.

Mr. BOSCHWITZ. How about 3? I ask unanimous consent.

Mr. EVANS. I will try to do better faster.

The PRESIDING OFFICER. The Senator from Washington.

Mr. EVANS. Individual campaign contributions fell from 38 percent to 28 percent while PAC's contributions rose from 11 to 18. But it still means today that three-quarters of the contributions are coming from other sources than PAC's. This amendment, and this proposal would suggest that we eliminate the evil of bundling PAC contributions so that someone can come in and say to a candidate, here on behalf of these various PAC's purportedly representing the same or similar interests is $50,000, $60,000, $70,000, or $80,000.

Madam President, what this amendment does not do is prevent precisely the same thing from happening through individual contributions. In fact, it makes it easier by increasing those contributions from $1,000 to $1,500. But that $1,000 to $1,500 can come from a husband, a wife, each child, the nephews, nieces, and the grandmothers and who else can contribute. They can ask other individuals to contribute also. There is nothing, to my knowledge, that would prevent one of those individuals from coming to a candidate and saying here are a number of individual campaign contributions. Whether that does or does not happen, it is a fact that many individuals today perfectly legally, especially when you consider what comes from members of the same family, can have extraordinary impacts on elections.

All I want to point out, Madam President, is that PAC's are not all bad. Individual contributions are not all good. I think there is change to be made. But we only hit the tip of the iceberg with the Boren amendment. I think we can do better. And I think we ought to do better.

AMENDMENT NO. 2690

Mr. BOSCHWITZ. Madam President, I send to the desk an amendment and ask that it be printed.

(The text of the amendment follows:)

AMENDMENT NO. 2690

(Purpose: To amend the Federal Election Campaign Act of 1971, to prohibit PAC contributions to national parties, require disclosure of soft money, and for other purposes)

At the appropriate place, add the following new section:

SEC. . (a) Section 315(a)(2)(B) of the Federal Election Campaign Act of 1971 is amended by striking out all after "party" and inserting in lieu thereof a semicolon.

(b) Section 304(b) of the Federal Election Campaign Act of 1971 is amended—

(1) in paragraph (2)—

(A) by striking out "and" after the semicolon in subparagraph (J);

(B) by inserting "and" after the semicolon at the end of subparagraph (K); and

(C) by adding at the end thereof the following:

"(L) for a national committee of a national party, all funds received, from any source, for purposes other than to influence a Federal election, except funds received in accordance with section 301(8)(E)(viii);";

(2) in paragraph (3)—

(A) by striking out "and" after the semicolon in subparagraph (F);

(B) by inserting "and" after the semicolon at the end of subparagraph (G); and

(C) by adding at the end thereof the following:

"(H) for a national committee of a political party, person or organization providing funds reportable under subsection (b)(2)(L) of this section;"; and

(3) in paragraph (4)—

(A) by striking out "and" after the semicolon in subparagraph (H)(v);

(B) by inserting "and" after the semicolon at the end of subparagraph (I); and

(C) by adding at the end thereof the following:

"(J) for a national committee of a political party, all disbursements from funds reportable under subsection (b)(2)(L) of this section;".

(c)(1) Notwithstanding any other provision of law, section 315 of the Communication Act of 1934 (47 U.S.C. 315), as amended by this Act, is amended—

(A) by striking out subsection (b), as added by this Act; and

(B) by redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d), respectively.

(2) Section 315(a) of the Communication Act of 1934 (47 U.S.C. 315(a)), as amended by this Act, is amended by striking out, "subsection" and inserting in lieu thereof "section".

(3) Section 315(c) of the Communication Act of 1934 (47 U.S.C. 315(c)), as redesignated by subsection (a), is amended to read as follows:

"(c) For purposes of this section—

"(1) the term 'broadcast station' includes a community antenna television system; and

"(2) the term 'license' and 'station license' when used with respect to a community antenna television system mean the operator of such system.".

Mr. BOSCHWITZ. Madam President, one of my objections to the Boren amendment is that it is a very limited attempt at campaign finance reform that is being achieved if the Boren amendment passes.

As I noted earlier in response to the remarks made by the Senator from Kansas [Mrs. KASSEBAUM], because you restrict PAC's contributions to candidates, and because PAC's have learned how to raise money, we fear independent expenditures will be made by PAC's because those are in no way restricted. And, as a matter of fact, that probably is the result.

I pointed out in my remarks that it is the unintended result of campaign reform that we remember that PAC's arose because of the campaign reform of 1974 and 1978 when people gave hundreds of thousands and in some instances millions of dollars to campaigns.

□ 1250

It was an effort to restrict the impact on wealthy individuals that the campaign reform bills of 1974 and 1976 were passed. Now some of that is being undone by the Boren amendment because, as my friend from Washington just pointed out, the individual restrictions are raised to $1,500, and the PAC contributions are lowered.

I also pointed out that twice as many people gave through PAC's in Senate campaigns. So PAC's had the impact of broadening the participation in politics.

I ask unanimous consent, Madam President, that an article by Michael Malbin, which appeared in the Washington Post, entitled "Fixing Up the Boren Bill," be inserted in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Dec. 2, 1985]

(By Michael J. Malbin)

FIXING UP THE BOREN BILL

Sen. David Boren's campaign finance bill is expected to come up for debate and a vote during the first week of December. Taken by itself, the Boren bill would cause as many problems as it would solve. But if the Oklahoma Democrat's ideas are joined with some other good ones on tax credits and political parties, Congress just might end up with a politically feasible package that would improve elections in this country.

Boren and his cosponsors believe candidates depend too much on political action committees (PACs) for their campaign contributions. Their solution is to limit how much candidates can accept from all PACs combined. Assuming both a primary and general election, the bill would limit House candidates to $125,000 in PAC receipts and Senate candidates to between $200,000 and $750,000, depending on the size of their state. The figures are close to the present average for the House, but would prevent further growth. (The bill does not have a cost-of-living escalator.) Senate races would be put on an immediate financial diet.

The bill has an obvious appeal. Almost nobody likes how much some candidates depend on PACs for campaign money. I am skeptical that the bill will reduce dependence as much as the sponsors say, but let us assume that it does. To achieve this result, the Boren bill would leave equally serious problems in its wake. These must be identified before Congress can think about corrections.

Why do I think that the bill will not achieve its stated objective? Because any limit on PACS will stimulate well organized groups to form ad hoc independent expenditure committees in competitive districts or states. The bill tries to address independent spending with a constitutionally dubious provision requiring broadcasters to give free time to attacked candidates. Even if the limit on broadcasters slips by the Supreme Court, however, there is no way Congress can stop groups from spending unlimited amounts on telephoning, mailing or other activities. If this happens, and PACs end up going around the campaigns, the bill paradoxically may end up making elections more dependent on the strategies of large and well-organized PACs instead of less.

Let us go along with the sponsors, though, and assume the bill would cut the role of PCAs. How would the lost money be replaced? The Boren bill would work most heavily against PAC money that comes to a campaign late. But late money—crucial in a close race—cannot possibly be raised in small contributions.

Without late money, underdogs cannot buy advertising for the final push against a front-runner. The underdog cannot hoard money, because the underdog has to work hard to reach the point where late spending might even make a difference. But this bill would dry up the one source of money the law still allows for large, last-minute gifts. About the only people who could raise large amounts late, therefore, would be rich candidates who are willing to open their personal checkbooks.

To top it off, the candidates catching up during a campaign's final days are much more likely to be challengers than incum-

bents. The bill as it stands, therefore, unintentionally turns out to be a Rich People's, Independent Spender's and Incumbents' Protection Act.

There is a way out of this box. If the main problem is that a PAC limit would dry up needed funds, the solution is to find replacement money. Ordinary public financing would not do the job because matching funds could not supply late money, and because most public financing bills include spending limits that favor incumbents. But two other approaches will work, if they are joined.

The first is to loosen up the limits on political parties. It would clearly be healthier if candidates relied more on parties than on PACs for late money. Unfortunately, the Republicans have a financial advantage over Democrats now, and Boren has said he would kill his own bill if a party amendment were added to it. I assume he reasons it would be better to help rich candidates and incumbents than give the other party a fund-raising edge.

Instead of threatening to pull the bill, it would be more sensible for Boren to see the Republicans and raise them one. Boren should think about accepting a party amendment if the GOP will adopt one promoted by the House Democratic Study Group: a 100 percent tax credit for individuals who give small contributions to candidates from their own state.

The Democratic Study Group bill would change the mix of contributions more than any other single approach I can imagine. Unfortunately, the odds against ever passing a 100 percent tax credit will go up unless Congress moves quickly. The House Ways and Means Committee removed the existing 50 percent credit in its version of tax reform. Today's broad 50 percent credit does little to stimulate giving and does not deserve to be law. A targeted 100 percent credit is a revenue-neutral replacement for the existing law.

So the Boren bill can be looked at two ways: by itself, or as part of a package. By itself, the bill would limit PAC receipts, decrease the supply of late campaign money and stimulate independent expenditures—a clear formula for trouble. A package could limit PAC receipts, stimulate small givers and make candidates depend more on their parties. That would be a bill worth supporting.

Mr. BOSCHWITZ. Madam President, the amendment I have submitted for printing addresses three other issues. First, it requires disclosure of all so-called soft money to the national party committees. Currently parties may receive unreported contributions to fund activities not directly benefiting candidates for Federal office. This soft money is not subject to the Federal election contribution law nor needs to be reported. The contribution of these funds would otherwise be prohibited by Federal election laws. This important campaign reform issues is not addressed in the Boren amendment.

A July 21 issue of U.S. News & World Report includes an article on soft money. That article states that in the last 5 years upward of $55 million in corporation and union money has flowed into Federal campaigns despite laws barring those groups from contributing to the Federal races. Soft money is used for so-called party building. Soft money may also be used for building buildings or for other things that are not associated directly to the candidates.

I ask unanimous consent that the article referred to in U.S. News & World Report be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From U.S. News & World Report, July 21, 1986]

"SOFT MONEY" HITS HARD IN 1986 RACES

(By Steven Emerson with Jonathan Rosenbloom)

The approach of another election is sparking fresh demands for a crackdown on massive funding of federal candidates by corporations and unions.

Laws dating back to 1907 have barred business and labor from contributing to federal races—prohibitions that were toughened by Watergate-era reform measures that imposed strict limits on campaign contributions as well as public disclosure of all donations.

Yet in the past five years, upward of $55 million in corporate and union money has flowed into federal campaigns. How? National political parties are relying on a lawyerly distinction between federal and nonfederal campaign activity to defend the collection of large and often undisclosed contributions from corporations, unions, and wealthy individuals.

These funds, called "soft money" in political circles, are given to state and local parties ostensibly for nonfederal use such as voter-registration drives. But much of this spending, only loosely regulated by the states, is also designed to help elect candidates for President and Congress.

"The post-Watergate campaign-reform legislation has totally unraveled," declares Ed Zuckerman, editor of the PACs and Lobbies newsletter.

For this year's elections, the Republican National Committee plans to pump at least $10 million, including some $2 million in soft money, into GOP coffers in 15 to 17 states with close Senate races. Is this money going to help these Republican senatorial candidates? "Absolutely," says Mark Braden, general counsel of the RNC, "but it's not going to count against our overall spending limit because the money is for generic Republican Party building efforts."

Both parties refuse to release figures from six key soft-money accounts—their building funds. Although earmarked for headquarters expenses, these funds handle millions of dollars free of auditing by any government agency.

U.S. News & World Report obtained copies of the contributor lists for two of these building funds. Donors were not always aware of the allocation, and some gave to both parties.

Among those recorded as contributors to the Republican National Committee's building fund in 1985 and 1986: Philip Morris ($10,000), Bethlehem Steel ($40,000), Sun Company ($20,000), American Express ($10,000), Burlington Industries ($10,000), Touche Ross ($20,000), American Financial Corporation ($55,000), Bell Atlantic ($10,000), Texaco ($10,000), Drexel Burnham Lambert ($24,120).

Among donors identified as recent contributors to the Democratic Congressional Campaign Committee's building fund are the Tobacco Institute ($20,000), Atlantic Richfield Company ($20,000), the International Brotherhood of Painters and Allied Trades ($50,000), Phillips Petroleum Company ($15,000), Communications Workers of America ($10,000), National Community Action Program of the United Auto Workers ($10,000), Chicago Mercantile Exchange ($15,000), Continental Airlines ($10,000), the Machinist Union's Non-Partisan Political League ($5,000), Toyota ($20,000).

Candidates have been equally creative in finding avenues for collecting and spending money outside the provisions of federal law. Undeclared presidential candidates have set up tax-exempt foundations to promote their views, subsidize their travels and even mobilize delegates for the 1988 conventions. Not subject to restrictive limits, donations to such supposedly nonpolitical foundations are considered to be deductible for tax purposes.

Officeholders who have created tax-exempt foundations include: Democratic Senator Bill Bradley of New Jersey, Democratic Governor Bruce Babbitt of Arizona, Republican Representative Jack Kemp of New York, Democratic Senator Gary Hart of Colorado and GOP Senators Bob Packwood of Oregon and Jesse Helms of North Carolina. The Freedom Council, a "nonpartisan" foundation set up by TV evangelist Pat Robertson, spent over $350,000 in Michigan alone on recruiting precinct candidates for GOP convention delegates.

"These new quasi-political, tax deductible foundations are outrageous," says Herbert Alexander, a political-funding expert and head of the Citizens' Research Foundation. An official of the Internal Revenue Service concedes that the agency rarely investigates the applications of tax-exempt foundations.

Presidential aspirants also have found it advantageous to sponsor political-action committees, purportedly created to raise campaign funds for other candidates. Records of the Federal Election Commission show that up to 65 percent of the money collected by Vice President George Bush and 89 percent of the funds raised by Representative Kemp have been used to pay fund-raising expenses, staff salaries and the cost of ferrying the candidates around the country for political appearances.

Says Ellen Miller of the Center for Responsive Politics, a nonprofit election-reform group: "If the corporations and fat cats aren't buying special influence with their soft-money contributions, why are both parties denying the pubic the right to know who foots the bill in the elections?"

Martin Franks of the Democratic Congressional Campaign Committee doubts that such contributions gain the giver any additional sway. "If you can afford to write out a check for $50,000," he argues, "then you already have influence."

In late June, the self-described citizens' lobby Common Cause filed a lawsuit against the Federal Election Commission for not curbing the use of soft money in federal elections.

Responded commission chief Joan Aikens: "The commission has found little evidence of abuse. The states have to spend money on voter registration, even though it may affect the outcome of federal races. Yet if the Congress wants to change the law, we will regulate soft money."

Mr. BOSCHWITZ. I am not charging that there are illegalities, but I am saying that these funds should be

fully disclosed and my amendment would do just that.

The second part of my amendment would prohibit political action committee contributions to political parties. Presuming the success of the Boren amendment which would limit PAC contributions to candidates, one result would be that PAC's would give to political parties, which, in turn, could give to the candidates. So if the purpose of the amendment that Senator BOREN has offered is to limit the role of PAC's, he is frustrating his own amendment unless we are able to pass my amendment that would limit political parties receiving large PAC contributions.

I do not believe that it is the intent of the Senator from Oklahoma to have that result.

The third part of my amendment strikes a section of the Boren amendment which would require broadcasters to provide free response time to opponents. That provision is of questionble constitutional merit. I believe the senior Senator from Connecticut will want to come down and talk about it, though he may not be here today. He will present his remarks tomorrow. I believe the Senator from Oklahoma has also agreed that it can be dropped from his package.

Those are the three things that the amendment will do.

Also, Madam President, I will offer other amendments tomorrow for printing. Under the unanimous-consent agreement we can only vote on two amendments, the amendment I have just offered for printing which I will offer tomorrow, and the amendment of the Senator from Oklahoma.

The other thing that I hope will come from this debate is that a commission be appointed and that the commission look in a nonpartisan way over the whole business of campaign expenditures. Very frankly, it is very difficult for Senators to vote on their own pay, and it is also equally as difficult to vote on this floor in a manner that would constructively limit or control or in some way improve the financing of campaigns.

It would also be my hope that political parties could be strengthened by yet another amendment which would increase their role.

I ask unanimous consent, Madam President, at this point to include in the RECORD statements of a number of political scientists with regard to expanding the role of the political parties in the process.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

THE FUTURE OF AMERICAN POLITICAL PARTIES: THE CHALLENGE OF GOVERNANCE

(Edited by Joel L. Fleishman)

THE CHANGING STYLES OF AMERICAN PARTY POLITICS

(By Gary R. Orren)

On the whole, however, the federalization of campaign finances has hampered political parties.

While the finance laws have hamstrung political parties, they have also encouraged the rise of other sources of funding and thus brought new competitors to the arena of election campaigns. The law has helped to foster the growth of PACs, which are the fastest growing source of money in congressional and senatorial campaigns. These committees directly compete with political parties for influence over public officials. Independent expenditure committees are another increasingly important source of competition for the parties. Unlike the parties, the amount they may spend is unrestricted.

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STATE PARTIES IN AN ERA OF POLITICAL CHANGE

(By Robert J. Huckshorn and John F. Bibby)

Because of the restrictions on the amount of money that state and local party organizations can contribute to federal candidates under this legislation (the Federal Election Campaign Act of 1971 as amended), the state parties have been rather effectively excluded from a major role in financing the campaigns of federal candidates. At the same time, the FECA encourages the creation of political action committees (PACs)—a major competitor of the parties for political influence.

Financing Congressional Campaigns—In congressional and senatorial elections, the role of state and local parties has also been limited by the FECA. The act imposes expenditure and contribution limits on the support that can be provided by parties to candidates. As a result, congressional and senatorial candidates must rely heavily on nonparty sources for funds. Therefore, representatives and senators, once in office, feel little sense of obligation to their state and local parties, and the parties lack significant influence on the behavior of legislators in the halls of Congress.

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POLITICAL MONEY AND PARTY STRENGTH

(By F. Christopher Arterton)

Party scholars who believe that the finance laws are detrimental to political parties raise some strong arguments to support their position. Where the law provides public funding in the presidential race, the money goes directly to the candidates rather than through the party committees. The act also limits parties in what they can spend on behalf of their candidates, while wealthy individuals and political action committees are able to spend unlimited amounts on independent expenditures. While the act does not directly encourage the growth of political action committees, it has provided the environment in which contributions by PACs are increasingly important in the receipts of congressional and senatorial candidates. Finally, the law restricts campaign budgets, either through the limitations on spending by presidential candidates or through sharply circumscribed contribution limits for all federal candidates. Since there is some evidence to support the contention of campaign managers that meager resources force them to rely more heavily upon the mass media, the act may have indirectly undercut the volunteer, person-to-person activities that have traditionally been the strength of party committees.

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THE FEDERAL ELECTION CAMPAIGN ACT: AFTER A DECADE OF POLITICAL REFORM

(By Herbert E. Alexander and Brian A. Haggerty)

Report of a Conference Sponsored by Citizens' Research Foundation, April 2-3, 1981:

The well-publicized decline of major-party influence was blamed by conference participants on a variety of factors, direct and indirect, within and outside the federal election campaign laws. Thomas McCoy attributed a measure of responsibility for party decline to the FECA itself. "All the proponents of this act sit around talking about supporting and finding ways of strengthening the parties," he said. "This act does exactly the opposite. It's anti-political and anti-good sense." Ruth Hinerfeld, speaking for the League of Women Voters, likewise blamed the FECA for diminishing the role of the parties, though for her organization that consequence was unforeseen. "We never expected an insistence on limitations for contributions from all sources could inhibit grassroots political participation or the roles of the political parties in the American body politic," she said.

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THE CASE FOR PAC'S: A PUBLIC AFFAIRS COUNCIL MONOGRAPH

(By Herbert E. Alexander, Director, Citizens' Research Foundation)

Advocates of such party-strengthening measures maintain that parties with more funds to help candidates—through direct contributions as well as the provision of services and the latest in campaign technologies—might well earn the respect, and even the loyalty, of party candidates. In fact, many candidates would prefer to accept campaign funds from their political parties rather than from PACs. Stronger parties, party advocates hold, would strengthen the political system by encouraging elected representatives not only to serve their constituencies, but also to serve the public interest as formulated by their parties in terms of reasonably coherent programs. Strengthening the parties could be accomplished without further restricting the activities of political action committees. In addition, to the degree that effective parties counteract the fragmentation many observers note in American politics, they will diminish the misguided tendency to blame PACs for that phenomenon.

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APPLICATION AND ADMINISTRATION OF THE FEDERAL ELECTION CAMPAIGN ACT OF 1971, as Amended

(Remarks of Anthony S. Harrington, General Counsel, Democratic National Committee)

Hearings before the Committee on Rules and Administration, United States Senate, November 20, 1981:

The CHAIRMAN. What about Chairman Richards' suggestion that legal and accounting and administrative expenses should be exempted from the computation of contributions or expenditures?

Mr. HARRINGTON. I would say that I am pretty much 100 percent sympathetic with his views there, having seen it from the side of the lawyer, as well as the side of the political committees and candidates. It does

seem to me that we have imposed—with good reason, perhaps, but we have imposed—a substantial burden on candidates and campaigns. There are presently some exemptions in the law from the definition of contribution, the limits and the reporting requirements, but there remains some regulation. And I would say that it is certainly worth further consideration to remove the differences which I believe exist between the national political party exemption and other political committee exemptions, whereby the exemption applies for the national party across the board with respect to legal services and for other political committees only for services relating to campaign finance laws. I also do not believe it is an area that requires reporting; even if we are exempting them from the contribution limits, I do not believe that it requires reporting as well. So I would agree.

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FINANCING PRESIDENTIAL CAMPAIGNS: AN EXAMINATION OF THE ONGOING EFFECTS OF THE FEDERAL ELECTION CAMPAIGN LAWS UPON THE CONDUCT OF PRESIDENTIAL CAMPAIGNS

(A Research Report by the Campaign Finance Study Group to the Committee on Rules and Administration of the United States Senate, January 1982, Institute of Politics, John F. Kennedy School of Government, Harvard University)

Finally, we turn to the goal of strengthening political parties. Our politics now are dominated by candidate organizations and interest groups, many of whom have no interest in or concern for parties. This report is not the proper forum in which to air fully the debate of the advantages and disadvantages of political parties. Suffice it to say that we believe the finance Act should not disadvantage parties as institutional actors in the political system, and that channeling money into electoral politics through political parties is preferable to the current trend toward greater outside spending.

Mr. BOSCHWITZ. One reason that the role of political parties should be expanded is that their agenda is very broad. If there is an objection to a legitimate PAC, it is that their agenda sometimes is limited. Of the 4,000 PAC's, and I have not made a study to see how many have a broad or how many a limited agenda, but I would imagine that most of the 4,000 have very broad agendas. So tomorrow, when we continue this debate, I will offer this amendment, and will also send to the desk for printing other amendments. I reserve the remainder of my time.

Mr. BOREN. Madam President, how much time remains to both sides?

The PRESIDING OFFICER. The Senator from Oklahoma has 4 minutes and the Senator from Minnesota has 9 minutes.

Mr. BOSCHWITZ. I would say to the Senator from Oklahoma that there is a unanimous-consent agreement that at 1 o'clock debate begins on the Contra issue.

The PRESIDING OFFICER. That has been extended to 1:10.

Mr. BOSCHWITZ. I would be perfectly willing, Madam President, to yield back the remainder of my time. Others on our side who wish to speak are not here yet on Monday morning.

Mr. BOREN. I would like to use my 4 minutes in concluding remarks. I yield myself the remainder of my time.

Madam President, the comments we heard this morning are encouraging to me because when we began this debate on campaign reform many, many months ago we were facing an uphill fight. I am encouraged to hear the Senator from Minnesota today speak of his amendment more or less as an amendment to mine, presuming its passage.

I would remind my colleagues, let us be very, very careful about where we are going. There is an old saying in the legislative process that a good way to kill a bill is to love it to death, to throw up a smokescreen and say it is a good start, but let us do all these other things in addition.

Madam President, I am not against any improvements that might be possible in the legislation which I and others have proposed. I said from the very beginning that it is only a step, it is a first step, an important first step, in the process of reforming the way we finance campaigns in the Senate. It is not the total solution. But let us remember, we do not get to those so-called additional protections in the amendment of the Senator from Minnesota unless we have first passed the basic proposal included in this legislation to see if we can move this country away from the tidal wave of spending that is going on, to begin moving us away from special-interest financing that is replacing the grassroots as a source of campaign money in this country.

So I would say, Madam President, there are many other amendments that could be offered on both sides of the aisle. Some of my colleagues on this side of the aisle have ideas of their own how we can improve and refine the present proposal. Some of these ideas I may be willing to accept and support myself. I want to see us do everything we can to effectively reform this process.

But I would simply say, Madam President, let us not wait to take this first step. That must come first. Then we can work on refining and improving the proposal before us.

General MacArthur once said that as he looked at the history of warfare, that the history of defeat time and time again was the history of those who waited too long, those who waited too long to prepare for the attack, those who waited too long to see the impending danger.

I would say, Madam President, let us not wait too long, let us take this first step. No one can say that it is good for the country, that it is good for the people of this country, that campaign spending has gone up 500 percent in the last 8 years. The average cost of a successful U.S. Senate race has gone from $600,000 to $2.9 million.

Let us not wait, Mr. President, to do something about it. No one can say that it is good that one-third of all the people elected to Congress last year received over half of all their campaign contributions—not from the people at the grassroots, but from special interests domiciled here, in Washington, D.C. It is time for us to take the first step to do something about it, to bring power back to the grassroots.

No one can tell us that a system is fair and open to new ideas and the creative talents of new people when massive amounts, 80 percent of the $104 million given by PAC's in this last election, went to incumbents with challengers being frozen out. I find it difficult, Mr. President, to understand how anyone can say to us that it is good for the country as we try to form a national consensus on problems like trade and budget deficits when campaigns are being financed more and more by special interests whose focus is not on our total interest but only on the votes that apply to that one interest. Let us not wait to take the first step.

The PRESIDING OFFICER (Mr. COCHRAN). The time of the Senator from Oklahoma has expired. The Senator from Minnesota is recognized.

Mr. BOSCHWITZ. Mr. President, I thank the Chair.

This Senator on this side of the argument is not trying to put up any smokescreens, as the Senator from Oklahoma suggests. We are not trying to delay the resolution on campaign finance reform. We are simply trying to do it in an intelligent, organized manner.

The Senator from Oklahoma said we have to stop this tidal wave of spending. Well, he does not do it in his bill. In my family, I have four sons. Under his bill, we will be able to expand our political contributions. We presumptively have similar interests and I, with my four sons and my wife, under his bill, will be able to expand our political contributions so we can given $18,000 to a particular candidate in the course of a primary and general election. On the other hand, a PAC that may represent thousands of people will only be able to give $6,000. Somehow, this is supposed to be campaign reform.

Mr. BOREN. Will the Senator yield?

Mr. BOSCHWITZ. No; the Senator will not yield.

Somehow, let me repeat, this is supposed to be campaign reform. Somehow, by increasing the amount that individuals can give by 50 percent and decreasing the amount PAC's can give by 40 percent, we are going to stop the tidal wave of spending. I submit, Mr. President, we are not going to stop the tidal wave of spending, that the

amendment of the Senator from Oklahoma simply is not going to achieve that; that there are too many loopholes to it; that it is going to direct the money of the PAC's into different types of expenditures, individual or independent expenditures, which are far more difficult to control and which are far more insidious than the present role of PAC's.

The Senator from Oklahoma says that one-third of those running for reelection get more than half of their contributions from PAC's. As a matter of interest, Mr. President, most of that group of one-third are Democrats. So perhaps it should be the role of this Senator and others on our side to say, yes, we should allow the amendment of the Senator from Oklahoma to go forward. It will be strict and penalize Democrats more than Republicans. And interestingly, in the past, historically, PAC's have given more to Democrats than they have to Republicans.

But we believe that campaign finance reform should be a full, complete, and broad type of reform that simply will not lead to further problems. We believe that an independent commission should be formulated, that will indeed put together a nonpartisan approach, a broad approach, to campaign reform.

We believe that 4.5 million people who give to PAC's—twice as many people, Mr. President, as gave to the Senate campaigns in 1984; let me repeat, twice as many people gave to PAC's as gave to Senate campaigns in 1984—those people deserve the right to participate in the political process and they should not be summarily disenfranchised.

We believe that PAC's, too, have a much broader type of agenda, by and large, than the Senator from Oklahoma would ask us to believe. Some PAC's, indeed, have a very narrow agenda. As I mentioned in my opening speech, PAC's, including the labor PAC's, always amaze me at how broad their agenda is. Most PAC's on the business side have a very broad agenda as well.

So we are sending up no smokescreens. We do not wish to delay, and we hope that a broad campaign finance reform that will help not only the incumbent but the challenger can be achieved. That is our purpose in speaking on the floor this morning. That is our purpose in participating in the debate. It probably would be politically much more acceptable, or much easier, to just say to the Senator from Oklahoma, yes, we are with you. It would receive the plaudits of many, I am sure. But we feel that if campaign finance reform is to take place, it should be done broadly, it should be done to the benefit of incumbent and challenger alike. It should be done for the benefit of the 4.5 million people who participate in the PAC process, who were brought into the political process by the formation of PAC's, which were formed as a result of campaign reform of about 10 years ago.

We feel that there is much to be done and that the Boren amendment addresses only a very narrow scope. And we feel that the Boren amendment is so riddled with loopholes and riddled with exceptions that it will do more damage than good.

Mr. President, I yield back the remainder of my time.

## MILITARY CONSTRUCTION APPROPRIATIONS, FISCAL YEAR 1987

The PRESIDING OFFICER. The clerk will state H.R. 5052.

The legislative clerk read as follows:

A bill (H.R. 5052) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1987, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the part of the bill intended to be inserted are shown in italic.)

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

TITLE I—MILITARY CONSTRUCTION

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1987, for military construction functions administered by the Department of Defense, and for other purposes, namely:

MILITARY CONSTRUCTION, ARMY

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, and for construction and operation of facilities in support of the functions of the Commander-in-Chief, [$1,200,070,000] *$1,262,570,000*, to remain available until September 30, 1991: *Provided*, That of this amount, not to exceed [$131,640,000] *$128,440,000* shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor. [In addition, for construction at Fort Drum, New York, there is appropriated in advance to be available for obligation in fiscal year 1988, $221,000,000, to remain available until September 30, 1992, and to be available for obligation in fiscal year 1989, $214,000,000, to remain available until September 30, 1993.]

MILITARY CONSTRUCTION, NAVY

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, [$1,224,290,000] *$1,282,995,000*, to remain available until September 30, 1991: *Provided*, That of this amount, not to exceed $143,770,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

MILITARY CONSTRUCTION, AIR FORCE

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, [$1,220,130,000] *$1,252,710,000*, to remain available until September 30, 1991: *Provided*, That of this amount, not to exceed [$127,260,000] *$117,260,000* shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: *Provided further, That of the amount available for study, planning, design, architect and engineer services, $324,000 shall be available for the design of Keesler Air Force Base facilities in support of the Aircrew Survival Training School consolidation.*

MILITARY CONSTRUCTION, DEFENSE AGENCIES

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, [$541,563,000] *$505,110,000*, to remain available until September 30, 1991: *Provided*, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction as he may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided further*, That of the amount appropriated, not to exceed [$78,200,000] *$88,200,000*, shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committee on Appropriations of both Houses of Congress of his determination and the reasons therefor [: *Provided further*, That of the amount available for study, planning, design, architect and engineer services, $10,000,000, shall be available for site preparation construction in conjunction with the replacement hospital at Brooke Army Medical Center, Texas.]

NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

For the United States share of the cost of North Atlantic Treaty Organization Infrastructure programs for the acquisition of personal property, for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized in military con-

struction Acts and section 2806 of title 10, United States Code, [$247,000,000] *$232,000,000,* to remain available until expended.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, [$115,724,000] *$133,271,000,* to remain available until September 30, 1991.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, [$140,000,000] *$148,925,000,* to remain available until September 30, 1991.

MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, [$76,417,000] *$86,700,000,* to remain available until September 30, 1991.

MILITARY CONSTRUCTION, NAVAL RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, $44,500,000, to remain available until September 30, 1991.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, $58,900,000, to remain available until September 30, 1991.

FAMILY HOUSING, ARMY

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, [$367,680,000] *$423,830,000*; for Operation and maintenance, [$1,198,248,000] *$1,236,084,000*; for debt payment, $8,063,000; in all [$1,573,991,000] *$1,667,977,000*: *Provided*, That the amount provided for construction shall remain available until September 30, 1991.

FAMILY HOUSING, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, [$171,392,000] *$169,912,000*; for Operation and maintenance, [$532,031,000] *$534,383,000*; for debt payment, $9,071,000; in all [$712,494,000] *$713,366,000*: *Provided*, That the amount provided for construction shall remain available until September 30, 1991.

FAMILY HOUSING, AIR FORCE

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, [$96,840,000] *$101,240,000*; for operation and maintenance, [$703,215,000] *$724,330,000*; for debt payment, $7,365,000; in all [$807,420,000] *$832,935,000*: *Provided*, That the amount provided for construction shall remain available until September 30, 1991.

FAMILY HOUSING, DEFENSE AGENCIES

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, leasing, and minor construction, as authorized by law, as follows: for Construction, [$240,000] *$250,000*; for Operation and maintenance, [$16,230,000] *$17,040,000*; in all [$16,470,000] *$17,290,000*: *Provided*, That the amount provided for construction shall remain available until September 30, 1991.

*HOMEOWNERS ASSISTANCE FUND, DEFENSE*

*For use in the Homeowners Assistance Fund established pursuant to section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (Public Law 89-754, as amended), $3,000,000.*

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in this title shall be expended for payments under a cost-plus-a-fixed-fee contract for work, where cost estimates exceed $25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

SEC. 102. Funds herein appropriated to the Department of Defense for construction shall be available for hire of passenger motor vehicles.

SEC. 103. Funds appropriated to the Department of Defense for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

SEC. 104. None of the funds appropriated in this title may be used to begin construction of new bases inside the continental United States for which specific appropriations have not been made.

SEC. 105. No part of the funds provided in this title shall be used for purchase of land or land easements in excess of 100 per centum of the value as determined by the Corps of Engineers or the Naval Facilities Engineering Command, except; (a) where there is a determination of value by a Federal court, or (b) purchases negotiated by the Attorney General or his designee, or (c) where the estimated value is less than $25,000, or (d) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 106. None of the funds appropriated in this title shall be used to (1) acquire land, (2) provide for site preparation, or (3) install utilities for any family housing, except housing for which funds have been made available in annual military construction appropriation Acts.

SEC. 107. None of the funds appropriated in this title for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations.

SEC. 108. No part of the funds appropriated in this title may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. No part of the funds appropriated in this title for dredging in the Indian Ocean may be used for the performance of the work by foreign contractors: *Provided*, That the low responsive and responsible bid of a United States contractor does not exceed the lowest responsive and responsible bid of a foreign contractor by greater than 20 per centum.

SEC. 110. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation *except where required by nation-to-nation agreements.*

SEC. 111. No part of the funds appropriated in this title may be used to pay the compensation of an officer of the Government of the United States or to reimburse a contractor for the employment of a person for work in the continental United States by any such person if such person is an alien who has not been lawfully admitted to the United States.

SEC. 112. The expenditure of any appropriation under this title for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

[SEC. 113. None of the funds appropriated by this title may be obligated and expended in any way for the express purpose of sale, lease, or rental of any portion of land currently identified as Fort DeRussy, Honolulu, Hawaii.]

*SEC. 113. (a) Notwithstanding any other provision of law, including but not limited to section 809 of the Military Construction Act, 1968, section 807(d) of the Military Construction Act, 1984, or any provision of an annual Appropriation Act restricting the use of funds for the sale, lease, rental, or excessing of any portion of land currently identified as Fort DeRussy, Honolulu, Hawaii, the Secretary of Defense (hereinafter referred to as the "Secretary") is prohibited to sell or convey, except to the State of Hawaii or the city and/or county of Honolulu and at the appraised fair market value as determined by the Secretary, all right title and interest of the United States in up to forty-five acres of land and improvements northwest of Kalia Road comprising a portion of Fort DeRussy, Hawaii, to the City and County of Honolulu or the State of Hawaii, upon such terms and conditions as*

*are acceptable to the Secretary. The exact acreages and legal descriptions of the property to be sold under this section shall be determined by surveys which are satisfactory to the Secretary. The cost of any such surveys shall be borne by the buyer.*

*(b) The Secretary is authorized to acquire land and design and construct such facilities as are necessary to replace those on the land to be sold pursuant to subsection (a). The Secretary is also authorized to relocate activities currently located at Fort DeRussy to such replacement facilities.*

*(c) The proceeds of the sale authorized to be conducted pursuant to subsection (a) shall be available without fiscal year limitation to acquire land and replace facilities authorized to be acquired or constructed pursuant to subsection (b) and to pay associated relocation costs. The remainder of the proceeds shall be converted into the Treasury as miscellaneous receipts.*

*(d) Any action under this section shall insure adequate parking for the Hale Koa Hotel—Armed Forces Recreational Area. Authority provided by subsections (b) and (c) shall extend to replacement and relocation of facilities at Fort Shafter to another site to accommodate relocation of Reserve facilities from Fort DeRussy.*

SEC. 114. None of the funds in this title may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations.

[SEC. 115. None of the funds appropriated in this title for F-16 beddown projects in Misawa, Japan, may be obligated or expended unless there has been notification to the Committees on Appropriations that the approved Government of Japan budget for fiscal year 1987 includes projects associated with the F-16 beddown as an additive over the level of funding provided in Japanese fiscal year 1986 for the facilities improvement program.]

SEC. [116] *115.* None of the funds appropriated in this title may be obligated for architect and engineer contracts estimated by the Government to exceed [$500,000] *$1,000,000* for projects to be accomplished in Japan or in any NATO member country, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. [117] *116.* None of the funds appropriated in this title for military construction in the United States territories and possessions in the Pacific and on Kwajalein Island may be used to award any contract estimated by the Government to exceed [$1,000,000] *$5,000,000* to a foreign contractor: *Provided,* That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 per centum.

SEC. [118] *117.* The Secretary of Defense is to inform the Committees on Appropriations and Committees on Armed Services of the plans and scope of any proposed military exercise involving United States personnel 30 days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed $100,000.

(TRANSFER OF FUNDS)

SEC. [119] *118.* Unexpended balances in the Military Family Housing Management Account established pursuant to section 2831 of title 10, United States Code, as well as any additional amounts which would otherwise be transferred to the Military Family Housing Management Account during fiscal year 1987, shall be transferred to the appropriations for Family Housing provided in this title, as determined by the Secretary of Defense, based on the sources from which the funds were derived, and shall be available for the same purposes, and for the same time period, as the appropriation to which they have been transferred.

SEC. [120] *119.* Not more than 20 per centum of the appropriations in this title which are limited for obligation during the current fiscal year shall be obligated during the last two months of the fiscal year.

(TRANSFER OF FUNDS)

SEC. [121] *120.* Funds appropriated to the Department of Defense for construction in prior years are hereby made available for construction authorized for each such military department by the authorizations enacted into law during the second session of the Ninety-ninth Congress.

SEC. [122] *121.* For transfer by the Secretary of Defense to and from appropriations and funds available during fiscal year 1987, or thereafter, for military construction or expenses of family housing for the military departments and Defense agencies, in order to maintain the budgeted level of operations for such appropriations and thereby eliminate substantial gains and losses to such appropriations caused by fluctuations in foreign currency exchange rates that vary substantially from those used in preparing budget submissions, an appropriation, to remain available until expended: *Provided,* That funds transferred from this appropriation shall be merged with and be available for the same purpose, and for the same time period, as the appropriation or fund to which transferred, and funds transferred to this appropriation shall be merged with, and available for the purpose of this appropriation until expended: *Provided further,* That transfers may be made from time to time from this appropriation to the extent the Secretary of Defense determines it may be necessary to do so to reflect downward fluctuations in the currency exchange rates from those used in preparing the budget submissions for such appropriations, but transfers shall be made from such appropriations to this appropriation to reflect upward fluctuations in currency exchange rates to prevent substantial net gains in such appropriations: *Provided further,* That authorizations or limitations now or hereafter contained within appropriations or other provisions of law limiting the amounts that may be obligated or expended for military construction and family housing expenses are hereby increased to the extent necessary to reflect downward fluctuations in foreign currency exchange rates from those used in preparing the applicable budget submission: *Provided further,* That for the purposes of the appropriation "Foreign Currency Fluctuations, Construction, Defense," the foreign currency rates used in preparing budget submissions shall be the foreign currency exchange rates as adjusted or modified, as reflected in applicable Committee reports on the Acts making appropriations for military construction for the Department of Defense: *Provided further,* That the Secretary of Defense shall provide an annual report to the Congress on all transfers made to or made from this appropriation: *Provided further,* That contracts or other obligations entered into payable in foreign currencies may be recorded as obligations based on the currency exchange rates used in preparing budget submissions and adjustments to reflect fluctuations in such rates may be recorded as disbursements are made: *Provided further,* That no later than the end of the second fiscal year following the fiscal year for which appropriations for Family Housing Operation and Maintenance have been made available to the Department of Defense, and no later than the end of the sixth fiscal year following the fiscal year for which the appropriations for Military Construction and Family Housing Construction have been made available to the Department of Defense, unobligated balances of such appropriations may be transferred into the appropriation "Foreign Currency Fluctuations, Construction, Defense": *Provided further,* That, at the discretion of the Secretary of Defense, any savings generated in the military construction and family housing programs may be transferred to this appropriation.

[SEC. 123. The Secretary of the Navy shall enter into negotiations with shipyards located on Sampson Street, San Diego, California, and on Fort George Island, Jacksonville, Florida, to determine what liability (if any) the United States has for damages suffered by such a shipyard resulting from facility improvements made by such shipyard during 1982 in good faith reliance on representations and assurances provided to officials of such shipyard by representatives of the Department of the Navy in 1981 and 1982 with respect to future work of the Department of the Navy at such shipyard.]

SEC. [124] *122.* For Military Construction for the strategic homeporting initiative, no more than $799,000,000 shall be appropriated or obligated through fiscal year 1991.

[SEC. 125. No part of the funds appropriated in this title may be obligated or expended for any purpose in connection with a replacement hospital at Brooke Army Medical Center, Texas, if such replacement hospital is designed to contain less than 450 beds.]

*SEC. 123. Of the total amount of budget authority provided for fiscal year 1987 by this Act that would otherwise be available for consulting services, management and professional services, and special studies and analyses, 10 per centum of the amount intended for such purposes in the President's budget for 1987, as amended, for any agency, department or entity subject to apportionment by the Executive shall be placed in reserve and not made available for obligation or expenditure: Provided, That this section shall not apply to any agency, department or entity whose budget request for 1987 for the purposes stated above did not amount to $5,000,000.*

*SEC. 124. (a) None of the funds appropriated in this Act may be available for any country if the President determines that the government of such country is failing to take adequate measures to prevent narcotic drugs or other controlled substances cultivated or produced or processed illicitly, in whole or in part, in such country, or transported through such country, from being sold illegally within the jurisdiction of such country to United States personnel or their dependents, or from being smuggled into the United States. Such prohibition shall continue in force until the President determines and reports to the Congress in writing that—*

*(1) the government of such country has prepared and committed itself to a plan presented to the Secretary of State that would eliminate the cause or basis for the application to such country of the prohibition contained in the first sentence; and*

*(2) the government of such country has taken appropriate law enforcement meas-*

*ures to implement the plan presented to the Secretary of State.*

*(b) The provisions of subsection (a) shall not apply in the case of any country with respect to which the President determines that the application of the provisions of such subsection would be inconsistent with the national security interests of the United States.*

*SEC. 125. Section 4, chapter III of Public Law 99-349, dated July 2, 1986, is amended to read as follows: Of the amounts available to the Department of Defense, not to exceed $5,000,000 shall be available for such claims arising from property losses caused by the explosion of Army munitions near Checotah, Oklahoma, on August 4, 1985, and claims determined by the Department to be bona fide shall be paid from the funds made available by this section without a determination of legal liability based on an act or omission of an agent or employee of the Federal Government.*

This title may be cited as the "Military Construction Appropriations Act, 1987".

## TITLE II—CENTRAL AMERICA

### PURPOSES

SEC. 201. The purposes of this title are to promote economic and political development, peace, stability and democracy in Central America, to encourage a negotiated resolution of the conflict in the region, and towards these ends, to enable the President to provide additional economic assistance for the Central American democracies as well as assistance for the Nicaraguan democratic resistance, subject to the terms and conditions of title.

### POLICY TOWARD CENTRAL AMERICA

SEC. 202. (a) It is the policy of the United States that—

(1) the building of democracy, the restoration of peace, economic development, the improvement of living conditions, and the application of equal justice under law in Central America are important to the interests of the United States and the community of American States;

(2) the interrelated issues of social and human progress, economic growth, political reform, and regional security must be effectively dealt with to assure a democratic and economically and politically secure Central America; and

(3) the September 1983 Contadora Document of Objectives, which sets forth a framework for negotiating a peaceful settlement to the conflict and turmoil in the region, is to be encouraged and supported.

(b) The United States strongly supports as essential to the objectives set forth in subsection (a)—

(1) a long-term commitment of economic assistance to the Central American democracies in amounts recommended by the National Bipartisan Commission on Central America;

(2) national reconciliation in Nicaragua and the creation of a framework for negotiating a peaceful, democratic settlement to the Nicaraguan conflict; and

(3) efforts to reach a comprehensive and verifiable final agreement based on the Contadora Document of Objectives, including efforts to encourage the Government of Nicaragua to pursue a dialogue with the representatives of all elements of the Nicaraguan democratic opposition for the purpose of achieving a democratic political settlement of the conflict, including free and fair elections.

### POLICY TOWARD THE GOVERNMENT OF NICARAGUA

SEC. 203. (a) United States policy toward the Government of Nicaragua shall be based upon that government's responsiveness to continuing concerns affecting the national security of the United States and Nicaragua's neighbors about—

(1) Nicaragua's close military and security ties to Cuba and the Soviet Union and its Warsaw Pact allies including the presence in Nicaragua of military and security personnel from those countries and allies;

(2) Nicaragua's buildup of military forces in numbers disproportionate to those of its neighbors and equipped with sophisticated weapons systems and facilities designed to accommodate even more advanced equipment;

(3) Nicaragua's unlawful support for armed subversion and terrorism directed against the democratically elected governments of other countries;

(4) Nicaragua's internal repression and lack of opportunity for the exercise of civil and political rights which would allow the people of Nicaragua to have a meaningful voice in determining the policies of their government through participation in regularly scheduled free and fair elections and the establishment of democratic institutions; and

(5) Nicaragua's refusal to negotiate in good faith for a peaceful resolution of the conflict in Central America based upon the comprehensive implementation of the September 1983 Contadora Document of Objectives and, in particular, its refusal to engage in a serious national dialogue with all elements of the Nicaraguan democratic opposition.

(b) The United States will address the concerns described in subsection (a) through economic, political, and diplomatic measures (including efforts to secure the cooperation of other democratic nations in such measures), as well as through support for the Nicaraguan democratic resistance. In order to assure every opportunity for a peaceful resolution of the conflict in Central America, the United States will—

(1) engage in bilateral discussions with the Government of Nicaragua with a view toward facilitating progress in achieving a peaceful resolution of the conflict, if the Government of Nicaragua simultaneously engages in a serious dialogue with representatives of all elements of the Nicaraguan democratic opposition; and

(2) limit the types and amounts of assistance provided to the Nicaraguan democratic resistance and take other positive action in response to steps taken by the Government of Nicaragua toward meeting the concerns described in subsection (a).

(c) The duration of bilateral discussions with the Government of Nicaragua and the implementation of additional measures under subsection (b) shall be determined, after consultation with the Congress, by reference to Nicaragua's actions in response to the concerns described in subsection (a). Particular regard will be paid to whether—

(1) freedom of speech, assembly, religion, and political activity are being respected in Nicaragua and progress is being made toward the holding of regularly scheduled free and fair elections;

(2) there has been a halt to the flow of arms and the introduction of foreign military personnel into Nicaragua, and a withdrawal of all foreign military personnel has begun;

(3) a cease-fire with the Nicaraguan democratic resistance is being respected; and

(4) Nicaragua is refraining from acts of aggression, including support for insurgency and terrorism in other countries.

(d) The actions by the United States under this title in response to the concerns described in subsection (a) are consistent with the right of the United States to defend itself and to assist its allies in accordance with international law and treaties in force. Such actions are directed, not to determine the form or composition of any government of Nicaragua, but to achieve a comprehensive and verifiable agreement among Central American countries, based upon the 1983 Contadora Document of Objectives, including internal reconciliation within Nicaragua based upon democratic principles, without the use of force by the United States.

(e) Notwithstanding any other provision of this title, no member of the United States Armed Forces or employee of any department, agency, or other component of the United States Government may enter Nicaragua to provide military advice, training, or logistical support to paramilitary groups operating inside that country. Nothing in this title shall be construed as authorizing any member or unit of the Armed Forces of the United States to engage in combat against the Government of Nicaragua.

### POLICY TOWARD THE NICARAGUAN DEMOCRATIC RESISTANCE

SEC. 204. (a) It is the policy of the United States to assist all groups within the Nicaraguan democratic resistance which—

(1) are committed to work together for democratic national reconciliation in Nicaragua based on the document issued by the six Nicaraguan opposition parties on February 7, 1986, entitled "Proposal to the Nicaraguan Government for a Solution to the Crisis in Our Country"; and

(2) respect international standards of conduct and refrain from violations of human rights or from other criminal acts.

(b) No assistance under this title may be provided to any group that retains in its ranks any individual who has been found to engage in—

(1) gross violations of internationally recognized human rights (as defined in section 502B(d)(1) of the Foreign Assistance Act of 1961); or

(2) drug smuggling or significant misuse of public or private funds.

(c)(1) It is recognized that the Nicaraguan democratic resistance has been broadening its representative base, through the forging of cooperative relationships between the United Nicaraguan Opposition (UNO) and other democratic resistance elements, and has been increasing the responsiveness of military forces to civilian leadership.

(2) The President shall use the authority provided by this title to further the developments described in paragraph (1) and to encourage the Nicaraguan democratic resistance to take additional steps to strengthen its unity, pursue a defined and coordinated program for representative democracy in Nicaragua, and otherwise increase its appeal to the Nicaraguan people.

(d) In furtherance of the policy set out in this section, not less than $10,000,000 of the funds transferred by section 6(a) shall be available only for assistance to resistance forces otherwise eligible and not currently included within UNO, of which amount $5,000,000 shall be available only for the Southern Opposition Bloc (BOS) and

$5,000,000 shall be available only for the Indian resistance force known as Misurasata.

ASSISTANCE FOR THE CENTRAL AMERICAN DEMOCRACIES

SEC. 205. (a) There are hereby transferred to the President for assistance to the Central American democracies (Costa Rica, El Salvador, Guatemala, and Honduras) in accordance with the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, $300,000,000 of unobligated funds from the accounts specified in subsection (b). Amounts transferred under this section shall be administered in accordance with the terms and conditions of chapter 6 of part I of the Foreign Assistance Act of 1961. Notwithstanding any other provision of law, funds made available by this section—

(1) shall be in addition to amounts previously appropriated for the fiscal year 1986 and allocated for assistance to Central American countries, and

(2) shall remain available for obligation until September 30, 1987, except that not less than $100,000,000 shall be obligated on or before September 30, 1986.

(b) Amounts made available by this section shall be transferred from such accounts as the President may designate for which appropriations were made by title II of the Foreign Assistance and Related Programs Appropriations Act, 1986, title IV of the Agriculture, Rural Development and Related Agencies Appropriations Act, 1986, (as contained in Public Law 99-190), and title II of the Urgent Supplemental Appropriations Act, 1985 (Public Law 99-10).

(c)(1) The Secretary of State, the Administrator of the Agency for International Development, and the Director of the Office of Management and Budget, shall—

(A) develop a plan for fully funding the assistance to the Central American democracies (Costa Rica, El Salvador, Guatemala, and Honduras) proposed in the January 1984 report of the National Bipartisan Commission on Central America; and

(B) provide a report describing this plan to the President and the Congress no later than March 1, 1987.

(2) The report required by paragraph (1) shall include an analysis and recommendations, prepared in consultation with the Secretary of Agriculture, on how more effective use can be made of agricultural commodities from the United States in alleviating hunger in Central America and contributing to the economic development of the Central American democracies.

(d)(1) There are hereby transferred to the President out of funds appropriated by the Supplemental Appropriations Act, 1985 (Public Law 99-88), under the heading "Assistance For Implementation of a Contadora Agreement" such sums as the President may require, but not more than $2,000,000, to facilitate the participation of Costa Rica, El Salvador, Guatemala, and Honduras in regional meetings and negotiations to promote peace, stability, and security in Central America.

(2) Funds transferred under paragraph (1) shall remain available for the same period of time as such funds would have been available under the Supplemental Appropriations Act, 1985 (Public Law 99-88), but for the enactment of this title.

(e) The Congress reaffirms its support for the establishment of a Central American Development Organization, authorized by section 464 of the Foreign Assistance Act of 1961, as an effective forum for dialogue on, and the continuous review and advancement of, Central America's political, economic, and social development, including the strengthening of democratic pluralism and respect for internationally recognized human rights. Toward this end, not less than $750,000 of the funds transferred by this section should be used to establish the Central American Development Organization and its administrative apparatus so as to ensure that Central American development objectives are encouraged.

ASSISTANCE FOR THE NICARAGUAN DEMOCRATIC RESISTANCE

SEC. 206. (a)(1) The Congress hereby approves the provision of assistance for the Nicaraguan democratic resistance in accordance with the provisions of this title.

(2) There are hereby transferred to the President for the purposes of this section $100,000,000 of unobligated funds from such accounts for which appropriations were made by the Department of Defense Appropriations Act, 1986 (as contained in Public Law 99-190), as the President shall designate.

(b) Notwithstanding the Impoundment Control Act of 1974, not more than 40 percent of the funds transferred under subsection (a) may be available for obligation or expenditure in accordance with this title upon the date of its enactment; not more than an additional 20 percent of such funds may be so available no earlier than October 15, 1986, and 15 days after the transmittal to the Congress of the determination required by section 11(c); and not more than the remaining 40 percent may be so available no earlier than February 15, 1987, and 15 days after the transmittal to the Congress of the determination required by section 11(e).

(c) Funds transferred under subsection (a) shall remain available for the same periods of time, but not to exceed September 30, 1987, as such funds would have been available under the Department of Defense Appropriations Act, 1986 (as contained in Public Law 99-190), but for the enactment of this title.

COORDINATION OF AND ACCOUNTABILITY FOR ASSISTANCE TO THE NICARAGUAN DEMOCRATIC RESISTANCE

SEC. 207. (a) The Secretary of State (or his designee) shall be responsible for policy guidance, coordination, and supervision of United States Government activities under this title.

(b) Any agency to which funds transferred under section 6(a) are allocated shall establish standards, procedures and controls necessary to assure that such funds are fully accounted for and are used exclusively for the purposes authorized by this title. Such standards, procedures and controls shall be developed in consultation with the Comptroller General and the appropriate committees of the Congress, and shall include such safeguards as segregation of accounts, monitoring of deliveries, and requirements for the keeping of complete records available for audit by authorized representatives of the United States Government.

FUNDS FOR HUMANITARIAN ASSISTANCE

SEC. 208. (a) Of the amounts transferred under section 6(a), $30,000,000 shall be available only for the provision of humanitarian assistance to the Nicaraguan democratic resistance.

(b) Of the $30,000,000 made available only for purposes of subsection (a), $3,000,000 shall be available only for strengthening programs and activities of the Nicaraguan democratic resistance for the observance and advancement of human rights.

APPLICATION OF EXISTING LAWS

SEC. 209. (a) Except as otherwise provided in this title, funds transferred under section 6(a) shall be available for the purposes described in section 105(a) of the Intelligence Authorization Act for Fiscal Year 1986, and all the requirements, terms, and conditions of such section and sections 101 and 102 of such Act, section 502 of the National Security Act of 1947, and section 106 of the Supplemental Appropriations Act, 1985 (Public Law 99-88), shall be deemed to have been met for such use of such funds.

(b) The use of funds made available under this title is subject to all applicable provisions of law and established procedures relating to the oversight by the Congress of operations of departments and agencies.

(c) Nothing in this title shall be construed as permitting the President to furnish additional assistance to the Nicaraguan democratic resistance from funds other than the funds transferred under section 6(a) or otherwise specifically authorized by the Congress for assistance to the Nicaraguan democratic resistance.

(d) No limitation or restriction contained in section 10 of Public Law 91-672, section 8109 of the Department of Defense Appropriations Act, 1986, section 502 of the National Security Act of 1947, or any other provision of law shall apply to the transfer or use of funds transferred to the President under this title.

USE OF FUNDS AFTER A PEACEFUL SETTLEMENT

SEC. 210. If the President determines and so reports to the Congress that a peaceful settlement of the conflict in Central America has been reached, then—

(1) the unobligated balance, if any, of funds transferred under section 6(a) shall be available for the purposes of relief, rehabilitation, and reconstruction in Central American countries in accordance with the authorities contained in chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to economic support fund assistance);

(2) the President shall terminate any economic embargo of Nicaragua then in effect; and

(3) the President shall take such further actions as are appropriate to carry out the policy described in section 2(a)(1) of this title with respect to all Central American countries, including Nicaragua.

INCENTIVES FOR A NEGOTIATED SETTLEMENT

SEC. 211. (a) Assistance to the Nicaraguan democratic resistance under this title shall be provided in a manner designed to encourage the Government of Nicaragua to respond favorably to the many opportunities available for achieving a negotiated settlement of the conflict in Central America. These opportunities include the following proposals:

(1) Six opposition Nicaraguan political parties on February 7, 1986, called for an immediate cease-fire, an effective general amnesty, abolition of the state of emergency agreement on a new electoral process and general elections, effective fulfillment of international commitments for democratization, and observance of implementation of these actions and commitments by appropriate international groups and organizations;

(2) President Reagan on February 10, 1986, offered simultaneous talks between the Government of Nicaragua and all elements of the Nicaraguan democratic opposition in Nicaragua and between the Govern-

ment of Nicaragua and the United States Government;

(3) President Jose Napoleon Duarte of El Salvador on March 5, 1986, offered an additional dialogue between the Government of El Salvador and the insurgents in El Salvador if the Government of Nicaragua would simultaneously engage in a dialogue with all elements of the Nicaraguan democratic opposition; and

(4) The United Nicaraguan Opposition on May 29, 1986, reiterated its support for the six-party proposal described in paragraph (1) as a means to achieve national reconciliation and democratization.

(b)(1) In furtherance of the objectives set forth in subsection (a), and except as provided in subsection (e), assistance to the Nicaraguan democratic resistance under this title shall be limited to the following:

(A) humanitarian assistance (as defined in section 722(g)(5) of the International Security and Development Cooperation Act of 1985);

(B) logistics advice and assistance;

(C) support for democratic political and diplomatic activities;

(D) training, services, equipment and supplies for radio communications, collection, and utilization of intelligence, logistics, and small-unit skills, tactics and operations; and

(E) equipment and supplies necessary for defense against air attacks.

(2) The assistance described in paragraph (1) shall be limited, by type and value, to the matters specified in the classified annex to the communication from the President to the Speaker of the House of Representatives and the President of the Senate dated June 24, 1986.

(3) No weapons or ammunition shall be delivered under this title to the Nicaraguan democratic resistance prior to September 1, 1986.

(c) On and after October 15, 1986, an additional $20,000,000 of the funds transferred under section 6(a) may be made available for obligation and expenditure for assistance to the Nicaraguan democratic resistance 15 days after the President determines and reports to the Congress that—

(1) the Central American countries have not concluded a comprehensive and effective agreement based on the Contadora Document of Objectives;

(2) the Government of Nicaragua is not engaged in a serious dialogue with representatives of all elements of the Nicaraguan democratic opposition, accompanied by a cease-fire and an effective end to the existing constraints on freedom of speech, assembly, religion, and political activity, leading to regularly scheduled free and fair elections and the establishment of democratic institutions; and

(3) there is no reasonable prospect of achieving such agreement, dialogue, cease-fire, and end to constraints described in paragraphs (1) and (2) through further diplomatic measures, multilateral or bilateral, without additional assistance to the Nicaraguan democratic resistance.

(d)(1) Notwithstanding any other provision of this title, on or after October 15, 1986, funds transferred under section 6(a) may be obligaged or expended only if the President determines and reports to the Congress that the Nicaraguan democratic resistance groups receiving assistance under this title have agreed to and are beginning to implement—

(A) confederation and reform measures to broaden their leadership base;

(B) the coordination of their efforts;

(C) the elimination of human rights abuses;

(D) the pursuit of a defined and coordinated program for achieving representative democracy in Nicaragua; and

(E) the subordination of military forces to civilian leadership; and

(F) the application of rigorous standards, procedures and controls to assure that funds transferred under section 6(a) are fully accounted for and are used exclusively for the purposes authorized by this title.

(2) In making his determination under paragraph (1), the President shall take into account the effectiveness and legitimacy of the political leadership of those Nicaraguan democratic resistance groups receiving assistance under this title, including the ability of that political leadership—

(A) to reflect the views and objectives of the internal and external Nicaraguan democratic opposition;

(B) to function as the spokesman for the Nicaraguan democratic opposition with Central Americans, international organizations, and the United States Government;

(C) to represent the Nicaraguan democratic opposition in dealing with the Government of Nicaragua;

(D) to provide command and control for the military forces of all resistance groups receiving assistance under this title and to establish the goals for their military operations;

(E) to determine the distribution of and maintain accountability for assistance provided under this title; and

(F) to provide the legal mechanisms necessary for the enforcement of standards of conduct applicable to all members of the resistance groups receiving assistance under this title.

(e) On and after February 15, 1987, the restrictions in subsection (b) shall cease to apply and the remaining funds transferred under section 6(a) may be made available for obligation and expenditure for assistance to the Nicaraguan democratic resistance 15 days after the President determines and reports to the Congress that—

(1) the Central American countries have not concluded a comprehensive and effective agreement based on the Contadora Document of Objectives;

(2) the Government of Nicaragua is not engaged in a serious dialog with representatives of all elements of the Nicaraguan democratic opposition, accompanied by a cease-fire and an effective end to the existing constraints on freedom of speech, assembly, religion, and political activity leading to regularly scheduled free and fair elections and the establishment of democratic institutions; and

(3) there is no reasonable prospect of achieving such agreement, dialog, cease-fire, and end to constraints described in paragraphs (1) and (2) through further diplomatic measures, multilateral or bilateral, without additional assistance to the Nicaraguan democratic resistance,

unless the Congress has enacted a joint resolution under section 12 disapproving the provision of additional assistance (other than assistance described in subsection (b)(1) within the limits of funds previously made available).

(f)(1) Notwithstanding subsection (e), no assistance (other than the assistance described in subparagraphs (A) through (C) of subsection (b)(1)) shall be provided at any time to the Nicaraguan democratic resistance under this title if—

(A) the President determines that—

(i) the Central American countries have concluded a comprehensive and effective agreement based on the Contadora Document of Objectives; or

(ii) the Government of Nicaragua is engaging in a serious dialog with representatives of all elements of the Nicaraguan democratic opposition, accompanied by a cease-fire and an effective end to the existing constraints on freedom of speech, assembly, religion, and political activity leading to regularly scheduled free and fair elections and the establishment of democratic institutions; or

(B) the Congress enacts a joint resolution under section 12 disapproving the provision of additional assistance (other than assistance described in subparagraphs (A) through (C) of subsection (b)(1)).

(2) The prohibition contained in paragraph (1) shall not apply—

(A) with respect to assistance described in subparagraph (D) of subsection (b)(1) if the Government of Nicaragua fails to observe an applicable cease-fire; or

(B) with respect to assistance described in subparagraph (E) of subsection (b)(1) if the Government of Nicaragua acquires additional equipment or materiel to carry out air attacks.

CONGRESSIONAL PRIORITY PROCEDURES

SEC. 212. (a)(1) A joint resolution described in subsection (e) of section 11 shall be one without a preamble, the matter after the resolving clause of which is as follows: "That the Congress disapproves the provision of additional assistance to the Nicaraguan democratic resistance pursuant to title of the Military Construction Appropriations Act, 1987, except as provided in section 11(b) thereof within the limits of funds previously made available.".

(2) A joint resolution described in subsection (f)(1)(B) of section 11 shall be one without a preamble, the matter after the resolving clause of which is as follows: "That the Congress disapproves the provision of additional assistance to the Nicaraguan democratic resistance pursuant to title of the Military Construction Appropriations Act, 1987, except as provided in subparagraphs (A) through (C) of section 11(b)(1) and paragraph (2) of section 11(f) thereof.".

(b) A joint resolution described in subsection (a)(1) or (a)(2) shall be considered in the House of Representatives and in the Senate in accordance with the provisions of paragraphs (3) through (7) of section 8066(c) of the Department of Defense Appropriations Act, 1985 (as contained in Public Law 98-473), except that—

(1) references in such paragraphs to a joint resolution shall be deemed to be references to the respective joint resolution set forth in subsection (a)(1) or subsection (a)(2);

(2) references in such paragraphs to the Committee on Appropriations shall be deemed to be references to the appropriate committee or committees of the respective House of Congress; and

(3) references in such paragraphs to the eighth day and to fifteen calendar days shall be deemed to be references to the fifth day and to five calendar days, respectively.

(c) The provisions of this section are enacted—

(1) as exercises of the rulemaking powers of the House of Representatives and Senate, and as such they are deemed a part of the Rules of the House and the Rules of the Senate, respectively, but applicable only with respect to the procedure to be followed

in the House and the Senate in the case of joint resolutions under section 11, and they supersede other rules only to the extent that they are inconsistent with such rules; and

(2) with full recognition of the constitutional right of the House and the Senate to change their rules at any time, in the same manner, and to the same extent as in the case of any other rule of the House or Senate, and of the right of the Committee on Rules of the House of Representatives to report a resolution for the consideration of any measure.

COMMISSION ON CENTRAL AMERICAN NEGOTIATIONS

SEC. 213. (a)(1) There is established the Commission on Central American Negotiations (hereafter in this section referred to as the "Commission"), which shall be composed of five members appointed as follows:

(A) One individual appointed by the Speaker of the House of Representatives;

(B) One individual appointed by the Minority Leader of the House of Representatives;

(C) One individual appointed by the Majority Leader of the Senate;

(D) One individual appointed by the Minority Leader of the Senate; and

(E) One individual, who shall serve as Chairman of the Commission, selected by majority vote of the other members of the Commission.

(2) No officer or employee of the United States may be appointed as a member of the Commission.

(3) The appointments referred to in subparagraphs (A), (B), (C), and (D) of paragraph (1) shall be made within 5 calendar days following enactment of this title, and the selection of a chairman referred to in subparagraph (E) of paragraph (1) shall be made within 10 days following enactment of this title.

(b) The purpose of the Commission is to monitor and report on the efforts of the Nicaraguan democratic resistance to coordinate and reform and on the status of any negotiations on the peace, stability, and security of Central America, including negotiations conducted between or among—

(1) the Government of Nicaragua and all elements of the Nicaraguan democratic opposition, including the Nicaraguan democratic resistance;

(2) the governments of Central American countries;

(3) the Government of the United States and the Government of Nicaragua;

(4) the governments of the Contadora and Support Group countries and the governments of the Central American countries; and

(5) the Government of El Salvador and the insurgents in El Salvador.

(c)(1) The Commission may appoint and fix the pay of not more than seven staff personnel, but at such rates not in excess of the rate of pay for GS-18 of the General Schedule under section 5332 of title 5, United States Code.

(2)(A) Each member of the Commission shall be entitled to receive the daily equivalent of the annual rate of basic pay in effect for grade GS-18 of the General Schedule under section 5332 of title 5, United States Code, for each day during which such member is engaged in the performance of duties as a member of the Commission.

(B) While away from his home or regular place of business in the performance of duties for the Commission, a member or staff personnel of the Commission shall be allowed travel expenses, including a per diem in lieu of subsistence, not to exceed the expenses allowed persons employed intermittently in Government service under section 5703 of title 5, United States Code.

(3) For purposes of pay and other employment benefits, rights, and privileges and for all other purposes, any employee of the Commission shall be considered to be a congressional employee as defined in section 2107 of title 5, United States Code.

(d)(1) A majority of the members of the Commission shall constitute a quorum.

(2) All decisions of the Commission shall be by majority vote.

(e) The Commission may make such reports in connection with its duties as it deems necessary to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate, except that—

(1) not later than 5 days after receipt by the Congress of a report by the President under section 14 the Commission shall prepare and transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report addressing all the matters which are required to be included in reports of the President by paragraphs (1), (3), and (4) of section 14; and

(2) not later than September 30, 1986, the Commission shall prepare and transmit to the Congress a report on whether the Nicaraguan democratic resistance groups receiving assistance under this title have agreed to and are beginning to implement measures described in subparagraphs (A) through (F) of section 11(d)(1) and an evaluation of the factors described in section 11(d)(2).

(f)(1) Salaries and expenses of the Commission, but not more than $400,000, shall be paid from the contingent fund of the Senate out of the Account for Miscellaneous Items, in accordance with the provisions of this section.

(2) Funds made available to the Commission by paragraph (1) shall be disbursed on vouchers approved by the Chairman, except that no voucher shall be required for the disbursement of the salary of an individual appointed under subsection (c).

(3) For purposes of section 502(b) of the Mutual Security Act of 1954, the Commission shall be deemed to be a standing committee of the Congress and shall be entitled to use of funds in accordance with such section.

(g) The Commission shall terminate not later than 90 days after transmittal of the reports required by subsection (e).

PRESIDENTIAL REPORTING REQUIREMENT

SEC. 214. The President shall prepare and transmit to the Congress with each determination required by section 11 a report on actions taken to achieve a resolution of the conflict in Central America in a manner that meets the concerns described in section 3(a). Each such report shall include—

(1) a detailed statement of the status of negotiations toward a negotiated settlement of the conflict in Central America, including the willingness of the Nicaraguan democratic resistance and the Government of Nicaragua to negotiate a settlement;

(2) a detailed accounting of the disbursements made to provide assistance with the funds transferred under section 6(a) and a detailed statement of how the accountability standards, procedures and controls established under section 7(b) and 11(d)(1)(F) are being implemented so as to assure that all such funds are fully accounted for and are being used exclusively for the purposes authorized by this title;

(3) a discussion of alleged human rights violations by the Nicaraguan democratic resistance and the Government of Nicaragua, including a statement of the steps taken by the Nicaraguan democratic resistance to remove from their ranks any individuals who have engaged in human rights abuses; and

(4) an evaluation of the progress made by the Nicaraguan democratic resistance in broadening its political base and defining a unified and coordinated program for achieving representative democracy in Nicaragua.

REQUESTS FOR ADDITIONAL ASSISTANCE

SEC. 215. The provisions of subsections (s) and (t) of section 722 of the International Security and Development Cooperation Act of 1985 shall apply—

(1) with respect to any request described in section 722(p) of such Act submitted by the President to the Congress on or after the date of enactment of this title, and

(2) with respect to any request by the President for additional economic assistance for the Central American democracies to carry out recommendations contained in the report required by section 5(c)(1)(B) (in which case references to a joint resolution in subsections (s) and (t) of section 722 of such Act shall be deemed to be references to a joint resolution without a preamble, the matter after the resolving clause of which is as follows: "That the Congress approves the additional economic assistance for the Central American democracies that the President requested pursuant to title of the Military Construction Appropriation Act, 1987."),

except that, for purposes of consideration in a House of Congress of a joint resolution under subsection (s) or (t) of such section, amendments to such a joint resolution may be in order but only if such amendments are germane.

LIMITATION ON PARTICIPATION OF UNITED STATES GOVERNMENT PERSONNEL IN DELIVERY OF ASSISTANCE

SEC. 216. (a) United States Government personnel may not provide any training or other service, or otherwise participate directly or indirectly in the provision of any assistance, to the Nicaraguan democratic resistance pursuant to this title within those land areas of Honduras and Costa Rica which are within 20 miles of the border with Nicaragua.

(b) As used in this section, the term "United States Government personnel" means—

(1) any member of the United States Armed Forces who is on active duty or is performing inactive duty training; and

(2) any employee of any department, agency, or other component of the executive branch of the United States Government;

but does not include any officer or employee of the United States General Accounting Office of any employee of the Inspector General of the Department of State and the Foreign Service who is carrying out inspections, investigations, or audits with respect to assistance for the Nicaraguan democratic resistance pursuant to this title.

*TITLE III—EMERGENCY RESERVE FOR AFRICAN FAMINE RELIEF*

*SEC. 301. Title II of Public Law 99-10 is amended, under the heading "Emergency Reserve for African Famine Relief", by strik-*

*ing out "$225,000,000" and inserting in lieu thereof "$525,000,000".*

*SEC. 302. Of the funds appropriated under title II of Public Law 99-10, as amended by this Act, $300,000,000 shall remain available for obligation until September 30, 1987, notwithstanding any other provision of law or this Act.*

Mr. MATTINGLY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. To whose time will the quorum be charged?

Mr. MATTINGLY. To be equally divided.

The PRESIDING OFFICER. Is there objection?

Mr. MATTINGLY. I ask unanimous consent that it be charged to my time.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

□ 1310

Mr. MATTINGLY. Mr. President, I ask unanimous consent that the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MATTINGLY. Mr. President, I am pleased to recommend to the Senate, H.R. 5052, as amended, which provides appropriations for military construction for fiscal year 1987. This very important bill makes it possible for our aircraft to have a place to land, our ships a place to dock, our tanks a place to train and be maintained, and most important, our outstanding military personnel to have the quality of life they deserve.

Mr. President, this bill is the first of the regular appropriations bills to be considered by the Senate. This bill, and the others to follow, will start the real budget process moving. It has taken us over 7 months to get here with the first appropriation bill. I think we need to keep that in mind as we proceed.

Mr. President, just bringing this bill to the floor has required an enormous amount of time and effort. I want to commend the majority leader, Senator DOLE, and the minority leader, Senator BYRD, for their outstanding leadership in getting the Senate to agree to the unanimous-consent agreement under which we are proceeding today. I believe this agreement proves the importance of the legislation we begin to debate this afternoon.

Mr. President, title I of this legislation provides for the military construction accounts; provisions for military and economic aid to Central America and the freedom fighters in Nicaragua will be referred to in titles II and III. I recommend these provisions to the Senate as part of the military construction appropriations bill for fiscal year 1987.

In accordance with the agreement, my initial statement will address title I, the military construction portion of the bill.

Mr. President, the committee recommendation for title I provides $8.2 billion for accounts in the military construction appropriations bill for fiscal year 1987. The bill is $1.9 billion under the President's January 1986 budget request. The bill before us meets the targets for budget authority and outlays as included in the budget resolution.

The bill provides no real growth, nor inflation factor, for military construction. However, I believe that while reductions have been made, the bill provides for a balanced program which will allow the Department of Defense to meet its most urgent and vital requirements in the military construction area.

This legislation continues the course taken for the past several years with regard to military construction funding.

Mr. President, I ask unanimous consent that a chart be included in the RECORD at this point which shows the budget request, committee recommendation and conference agreement for this legislation since fiscal year 1984.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

MILITARY CONSTRUCTION APPROPRIATION BILLS—FISCAL YEARS 1984–87

| Fiscal year | Budget request | Committee recommendation | Conference agreement |
|---|---|---|---|
| 1984 | $8,655,127 | $7,240,336 | $7,104,237 |
| 1985 | 10,318,200 | 8,535,964 | 8,405,206 |
| 1986 | 10,340,200 | 8,720,353 | [1] 8,081,465 |
| 1987 | 10,137,200 | 8,224,081 | [2] 8,220,000 |
| Totals | 39,450,727 | 32,720,734 | 31,810,908 |

[1] As adjusted by Gramm-Rudman-Hollings budget provision.
[2] Budget allocation for fiscal year 1987.

Mr. MATTINGLY. Mr. President, what the chart shows is that under the leadership of myself and the Senator from Tennessee the Appropriations Subcommittee on Military Construction was cut $7.6 billion from the budget requests. I make this point only to show that budgets can be reduced and the Defense Department does take its fair share of cuts. The military construction accounts have taken a 20-percent reduction from the budget requests during fiscal year 1984–87. I know that there is much left to be accomplished in military construction for the Defense Department; but in these times of budgetary constraint, I believe that no account is a sacred cow—except maybe in the Dairy Program as included in the fiscal year 1987 farm bill—and military construction programs have been constrained. I believe that the committee recommendation provides for the military construction needs of our country, but we have indeed the frills.

Mr. President, this bill provides for about 1,200 different projects around the world which support our military forces. The projects vary from barracks and dining halls to target ranges to support the strategic defense initiative. There are a few large items to which I want to make special reference. These include $141 million for facilities to support the Navy's strategic homeports; $321 million for the Army's new light divisions' being stationed at Fort Drum, NY and Forts Wainwright and Richardson, AK; and $168 million for projects to support the Trident submarine base being constructed at Kings Bay, GA.

It would take hours to even highlight all of the important projects in this legislation—hours we can use for other purposes. The committee recommendation—in the form of the bill and report—has been available for nearly 2 weeks, and I am sure, Mr. President, that all of our colleagues have reviewed it carefully.

Mr. President, I am particularly pleased about some other provisions included in the military construction part of the bill.

One, which I have proposed and that has been included for several years, involves section 124. It provides the President with the authority to withhold these military construction dollars to be spent in any country which is failing to take adequate measures to prevent drugs or other controlled substances cultivated, produced or processed illicitly from being sold illegally within the jurisdiction of that country to U.S. personnel or their dependents or from being smuggled into the United States.

Mr. President, I ask unanimous consent that an article from the Wall Street Journal in reference to illegal drugs be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

U.S. SHOULD GET TOUGH ON COUNTRIES THAT ARE BIG SOURCES OF ILLEGAL DRUGS

(By Walter S. Mossberg)

WASHINGTON.—When American lives are threatened by the behavior of foreign nations, Ronald Reagan is usually quick to take action.

He justified the U.S. invasion of Grenada as necessary to rescue American medical students from a pro-Cuban Communist regime and bombed Libya to retaliate for Libyan-supported terrorist attacks on Americans.

Yet the U.S. continues to maintain amicable relations with several nations that help cause more death and mayhem in America than all the terrorist groups and all the Communist dictators combined. They are the "friendly nations" from which vast quantities of deadly and illegal drugs, primarily cocaine, are relentlessly shipped to the U.S.

RELATIONS UNAFFECTED

The other day Mr. Reagan went on television to declare again that the drug epidemic

in the U.S. is "a threat to our national security." Yet Mexico, Colombia, Bolivia, Peru and other drug-tafficking countries, where some officials are paid to overlook narcotics trade, have failed to snuff out shipments of the poison to this country with little, if any, cost to their relations with the U.S.

According to the latest U.S. intelligence estimate, covering 1984, Colombia was the principal site for the processing and distribution of cocaine bound for the U.S. Bolivia and Peru were the major growing areas for the raw material, coca leaf, Mexico was believed to be the source of 32% of the heroin used in the U.S. 20% of the marijuana and a major transshipment point for cocaine.

Yet the administration is seeking large foreign-aid increases for Bolivia, Colombia and Peru, and it has worked hard to arrange a new financial rescue package, including a large bridge loan, for Mexico. The linkage between aid and good behavior that the U.S. enforces elsewhere apparently doesn't apply to these countries.

Of course, the narcotics issue can't be the sole determinant of U.S. policy toward its neighbors, particularly in the case of Mexico, where there are many other pressing issues. A total aid stoppage might do more harm than good. But there is real danger that U.S. policy imposes too few costs on the governments involved for tolerating the drug trade.

The U.S. hasn't let the drug issue control its stance on trade, military cooperation or other aspects of relations with the four countries. Last week, Secretary of State George Shultz even attended the presidential inauguration in Colombia, where almost nothing was said publicly about the drug problem.

"We have tried for years to get the State Department to be tough on them," says a Republican Senate aide involved in the issue. "But there are those in the government who haven't had the stomach for it." Adds a Democratic staffer in the House: "They aren't serious. When they decide on aid, narcotics isn't the only issue. There are competing interests and narcotics usually comes out at the bottom of the list."

Rayburn F. Hesse, special assistant for policy in the State Department's Bureau of International Narcotics Matters, argue that even without totally withdrawing aid, U.S. pressure and concerns has yielded important progress in each of the nations "They haven't solved the problem yet but . . . if a country is cooperating on narcotics, we cooperate with them," he explains. "If we cut off aid, we in effect shut off all political access," and thus the opportunity to continue cooperative anti-drug ventures.

Mr. Hesse cites as success the recent U.S.-aided military operation against cocaine facilities in Bolivia, Colombia's eradication of some of its coca drop and Mexican permission to allow U.S. planes to help wipe out some opium fields. He notes that the Bolivian operation came only after the U.S. suspended about $7 million out of the current year's $58 million in aid to that nation.

But the administration can't take credit for that. The suspension was triggered by a law Congress passed over administration opposition. The measure required the cutoff if Bolivia didn't live up to an earlier pact promising partial elimination of its coca crop, which has been legal under Bolivian law.

WRONG FOCUS

And even when the administration does act, its focus is often wrong. U.S. and Bolivian forces merely destroyed some cocaine-processing labs, leaving undisturbed the coca crop that is Bolivia's main contribution to the U.S. drug problem. The U.S. has cheered Colombia for eradicating some of its coca crop but concedes that cocaine processing, not coca growing, is the bigger problem there.

Thus Bolivia is still tied with Peru as the main sourced of coca leaves for the cocaine used in the U.S. And, despite the destruction of some labs, Colombia still is the major processing center. Mexico has lapsed badly from earlier U.S.-backed success in eradicating drug supplies.

The governments of these nations may not be sufficiently powerful or incorruptible to win an all-out fight with the criminal warlords who run the drug trade. But, by settling for temporary and incremental gains, the U.S. isn't pressing them hard enough to test their resolve.

Mr. MATTINGLY. Mr. President, this bill provides funding for facilities in over 25 different countries totaling well over $1 billion.

Mr. President, I call upon the President of the United States to use this provision in order to bring the problem of illegal drugs under control.

Another provision I have included for several years makes a 10-percent reduction for consultants and studies utilized by the Department of Defense in association with this bill. Mr. President, getting a firm hold on the number of consulting services and studies used by the Federal Government is undoubtedly a most difficult task. I believe that the savings are worthwhile, however, and a further help in solving our budgetary problems.

In that regard, Mr. President, the bill before us makes a $25 million general reduction for the Davis-Bacon Act provision changes adopted last week as part of the defense authorization bill. The amount reduced in this bill is but a fraction of what can be saved through more Davis-Bacon changes. I only hope that more substantial changes will be made in the future.

Mr. President, I believe that the bill before us provides for a balanced military construction program, and I urge the full support of my colleagues for this legislation.

Mr. President, before the ranking member of the subcommittee begins his statement, I want to thank him for his cooperation in preparing the military construction bill. While we share differing views on the Central American issue, Senator SASSER and I, this year as in the past, have agreed on the importance of the accounts in the bill and are providing the moneys necessary for the Department of Defense.

Mr. President, that concludes my opening remarks in title I.

Mr. SASSER. Mr. President, I join the distinguished Senator from Georgia, the chairman of the subcommittee, in recommending approval of title I of this legislation.

Mr. President, title I of the military construction appropriation is a very important piece of legislation. We are providing funding for almost 2,000 military construction projects worldwide, as the distinguished chairman earlier indicated.

Relative to the defense bill, the Milcon bill is very small in comparison. But the dollars appropriated by this legislation are vital to force readiness, sustainability, power projection, and probably as important if not more important than any of the others, the morale of our military manpower.

The bill before us provides for some very high priority initiatives.

We are continuing to fund the east coast base for the Trident II submarine at Kings Bay, GA. The Trident II, when deployed, will be the Nation's most survivable counterforce nuclear deterrent in our arsenal.

We are providing funds to continue the homeporting initiative of the Department of the Navy. There is no gainsay in the fact that this initiative has been very controversial. But last week, the Senate expressed its will with regard to homeporting during debate on the authorization bill.

□ 1320

We are providing funding for the construction of new facilities at Fort Drum, NY, to accommodate the 10th Light Infantry Division. The formation of Light Divisions to respond to crises around the world in a timely manner has been a high priority of the Army. The committee is fully supportive of this initiative, which I believe will strengthen conventional deterrence in critical locations around the world.

There are dozens of other very important projects provided in this bill which are too numberous to mention here. Suffice it to say that the subcommittee has provided, I believe, the proper balance between the need to exercise budgetary restraint and the need to provide for adequate facilities which are necessary to preserve our national security.

Mr. President, I continue to be concerned that our NATO allies and Japan are failing to provide a fair share of the common defense burden. This is an interdependent world. Our allies are as threatened by the Soviets and communism as the United States, perhaps even more so. But they continue to let Uncle Sam substantially assume the burden of protecting the free world.

In a few moments, I will offer an amendment which deals with the whole question of burden sharing—what is fair and what is equitable. So I will defer further comments on this matter until the amendment is called up.

Mr. President, I regret that the leadership and the administration have seen fit to burden this bill with the

Contra legislation. There is no obligation on the Senate to approve the Contra legislation on the military construction appropriation merely because the House did so.

Before yielding, Mr. President, I want to state my intention to offer an amendment at the appropriate time during the debate which would strike titles II and III, which relate to Central America.

I will make that motion for two reasons. First, I do not believe the military construction bill is the appropriate legislative vehicle for the Contra legislation.

Second, and most important, I believe the administration's Nicaraguan policies are fatally flawed and, if approved by the Senate, will ultimately lead to a wider war in Central America—a war that could ultimately involve American troops.

So, later in the debate I will urge my colleagues to strike those sections of the bill which relate to the Contra issue, so that the appropriate committees of the Senate and officials of the administration can go back to the drawing board and devise a policy toward the Sandinista government in Nicaragua which can achieve a broad consensus that will have bipartisan support not just in Congress but among the citizenry of our country, and a policy which does not divide our country and set us one against another on this very vital issue.

Mr. President, I would be remiss if in closing I did not express my appreciation to the distinguished chairman of our subcommittee. As usual, he and I have found substantial common ground, particularly on title I of this bill. Even though we differ on the Contra issue, as he stated earlier, we have not let those differences impact upon our primary duty to bring before the Senate the best military construction appropriation bill possible.

I want to express my appreciation and commendation to the chairman of the subcommittee for the splendid work he has done in this regard.

I yield the floor.

Mr. MATTINGLY. Mr. President, I thank the ranking minority member for his kind remarks.

Mr. President, I ask unanimous consent that the committee amendment in title I of the bill be agreed to en bloc and that the bill as thus amended be regarded for the purpose of amendments as original text, provided that no point of order shall be considered to have been waived by agreeing to this request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MATTINGLY. Mr. President, I know of just a couple of amendments on the military construction section of this bill. I believe Senator SASSER has an amendment on burden sharing which can probably be addressed at this time.

The PRESIDING OFFICER. The Senator from Tennessee.

AMENDMENT NO. 2691

(Purpose: To prohibit the expenditure of funds for construction projects in Europe and Japan until the Secretary of Defense submits a report containing certain information to Congress)

Mr. SASSER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. SASSER] proposes an amendment numbered 2691.

Mr. SASSER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 20, between lines 23 and 24, insert the following new section:

SEC. 126. None of the funds appropriated in this Act may be obligated or expended in connection with construction at any military installation in Europe or Japan until the Secretary of Defense has provided the Committees on Appropriations of the Senate and the House of Representatives with a report containing details of the specific actions proposed to be taken by the Department of Defense during fiscal year 1987 to encourage other member nations of the North Atlantic Treaty Organization and Japan to assume a greater share of the common defense burden of such nations and the United States.

Mr. SASSER. Mr. President, last week—in fact, late Saturday evening—the Senate passed one of the largest defense authorization bills in the history of the United States.

Despite the need for budgetary restraint and the cuts and reductions the Congress will have to make in the President's defense request, the United States will still spend more than 6 percent of our gross national product on defense activities during the coming fiscal year.

Roughly half of our military budget is devoted to the defense of Europe.

We have on station in Europe 340,000 American troops, almost 70 percent of our forward deployed forces.

It has been calculated that the American taxpayer spends $400 million per day to pay for the defense of Europe, a total on a yearly basis of $140 billion.

Let us think about that for a moment, Mr. President. At that rate of spending, the defense of Europe has cost us over $1 million just since this amendment was called up a moment ago.

Mr. President, that is not the end of it. We spend another $25 billion for the defense of northwest Asia, primarily Japan and Korea.

We spend another $50 billion on rapid deployment capabilities for the defense of the Persian Gulf.

Quite simply, we are protecting Europe's and Japan's oil supplies. It appears to this Senator that our allies have been getting almost a free ride in that regard.

In the military construction bill alone, over the past 5 years, we have provided over $1 billion for facilities in the Persian Gulf-Middle East region. Our allies have provided not one thin dime, not one thin dime, in that long multithousand mile oil lifeline from the Persian Gulf to the Japanese islands. The Japanese get over 90 percent of their oil out of the Persian Gulf. Not a single Japanese naval vessel is defending that oil pipeline or oil lifeline until within less than 100 miles of the Japanese home islands. It is defended all the way, Mr. President, by the U.S. Navy, nuclear aircraft carriers, battle groups, all to the tune of billions of dollars, paid for by the taxpayers of the United States.

□ 1330

Mr. President, it costs every man, woman and child in the United States almost $1,000 a year for national defense. Yet our allies are spending less than one-fourth that amount per capita.

So it is clear that Uncle Sam, at least in the judgment of this Senator, is being played for a sucker.

Our European allies and our Japanese allies are letting us pay for their defense while they crowd us out on the international trade markets.

So, Mr. President, I say the time has come to make it clear to our allies that the free ride is over. It is time that they pay a larger share for the common defense of the free world.

For several years we included language in the military construction appropriations bill expressing the sense of the Senate that the executive branch should seek a more fair allocation of defense burdens.

I am sorry to say that language never accomplished its intent.

For the past several years we have required an annual report from the Secretary of Defense assessing the free world's defense burden. Every year that report says the same thing.

It says that the allies are doing better but somehow inexplicably the gap continues to widen between what they spend and what we spend.

So, I am forced to the conclusion, Mr. President, that the executive branch of our Government does not share the same commitment that we share here in the U.S. Senate and in the House of Representatives on this particular issue.

Oh, sure, the Secretary of Defense and the Secretary of State will give lip service to the proposition that defense

burdens need to be more adequately shared. But the question comes what are they actually doing to bring about more equitable burden sharing in the common defense of the free world.

Included in this bill before us today is more than $500 million, one-half billion dollars, for construction at United States military bases in Europe and in Japan.

My amendment simply states that the Department of Defense cannot sign a single contract for the construction of those projects until Congress is provided a report which outlines specific actions and steps to be taken by the Department of Defense to encourage more equitable burden sharing.

The time has come when we must take this type of legislative action to get the attention of the executive branch of Government that we have to have on this issue.

Now, I think it is important to emphasize that this amendment does not preclude the Department of Defense from designing projects or advertising for bids. It does prevent, however, any contract from being signed until the specific report on how we intend to increase our allies' contributions to the common defense is received.

So, if the Department of Defense wants to continue to modernize facilities overseas, it must come forward with the report to Congress in a time limitation.

I am not attempting to halt overseas military construction by this amendment. Quite the contrary.

What I am attempting to do is to get the attention of the Department of Defense and the executive branch of Government and send a clear message that more must be done by the United States to encourage our allies to contribute more, to act in a more fair and equitable manner, as we try to provide for a common defense.

The report mandated by my amendment would provide Congress with a clear indication of the executive branch's commitment on this issue.

For the first time, Congress will have in writing a report from which we can judge the adequacy of the administration's actions to achieve equity in defense spending.

I would say to my colleagues that in my home State of Tennessee constituents are asking me, "How can we continue to pay more and more for defense when our allies do not pay more and more?"

It is time that Congress begins to go on record that the status quo is unacceptable. Let me just quote a few statistics, Mr. President: The population of Western Europe is larger than that of the Soviet Union, a little known fact. The gross national product of Western Europe is 1.5 times that of the Soviet Union, a little known fact.

Western Europe pays less than half per capita for defense——

The PRESIDING OFFICER. The time of the Senator on this amendment has expired.

Mr. SASSER. I ask unanimous consent that I be allowed additional time from the bill not to exceed 2 minutes.

The PRESIDING OFFICER. The Senator has the right to take time from the bill.

The Senator is recognized.

Mr. SASSER. So it is time, Mr. President, that Congress goes on record that the status quo is unacceptable.

It is time that the executive branch begins applying pressure on our allies to shift their priorities just as we have done here in the U.S. Senate.

I would say to my colleagues that if the executive branch does not begin to apply more pressure we in Congress will have to find a more direct legislative way of doing so.

So, I hope that my amendment will send a message, first, to our allies, and second, to the executive branch of our own Government that patience here on Capitol Hill among the elected representatives of the people of the United States is running out.

Mr. President, I will urge the adoption of this amendment.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. MATTINGLY. Mr. President, I rise in support of the amendment being offered by the distinguished Senator from Tennessee. I believe that this amendment is another indication of Congress concern that Japan and our NATO allies must provide assistance in the matter of burden sharing.

For the past several years, the committee had included a similar general provision on burden sharing which I had supported.

In addition, though, I had included, sponsored, and introduced and we passed into law an amendment which limited the obligations from the NATO infrastructure account. The NATO infrastructure amendment has not been included this year because I believe NATO has now improved their construction program and the United States will recoup all the prefinanced funds within the next 5 years.

But as this legislation is required, so was it required to try to get the NATO infrastructure account recouped when it was owed to this country; and there was a great reluctance upon not only some of our people, but also on the other countries, of not wanting to repay the debt.

The intent of this amendment, I am certain, is not to hold up any necessary construction but it is merely designed to put down on paper a plan of action by which the Defense Department can show Congress what direction is being taken to encourage our allies to increase their share of the common defense burden.

While I support this amendment, I will ask the distinguished Senator from Tennessee if he would be willing to make a slight modification. I would like to see a date certain, say November 15 of this year, for the report and by including that date that we could assure that no projects would be delayed.

Mr. SASSER. If the distinguished Senator from Georgia will yield, I welcome his suggestion. I think that would be a constructive modification.

And does the Senator have a date that he would suggest?

Mr. MATTINGLY. I believe November 15 of this year would be an acceptable date.

Mr. SASSER. In that context, Mr President, I then ask unanimous consent to modify my amendment to insert on line 8 after the word "report" add the language "by November 15, 1986."

The PRESIDING OFFICER. The Senator has that right.

Without objection, the modification is agreed to.

The modified amendment is as follows:

On page 20, between lines 23 and 24, insert the following new section:

SEC. 126. None of the funds appropriated in this Act may be obligated or expended in connection with construction at any military installation in Europe or Japan until the Secretary of Defense has provided the Committees on Appropriations of the Senate and the House of Representatives with a report by November 15, 1986, containing details of the specific actions proposed to be taken by the Department of Defense during fiscal year 1987 to encourage other member nations of the North Atlantic Treaty Organization and Japan to assume a greater share of the common defense burden of such nations and the United States.

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Mr. MATTINGLY. Mr. President, I thank the Senator for his cooperation. This side offers no objection to the amendment.

The PRESIDING OFFICER. Do the Senators yield back their time on the amendment? The Senator from Georgia has 7 minutes remaining.

Mr. MATTINGLY. Mr. President, I yield back my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2691), as modified, was agreed to.

Mr. SASSER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MATTINGLY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2692

(Purpose: To make adjustments to various projects to be provided appropriations during fiscal year 1987)

Mr. MATTINGLY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. MATTINGLY] proposes an amendment numbered 2692.

Mr. MATTINGLY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment reads as follows:

On page 2, line 11, strike "128,440,000" and insert in lieu thereof "129,440,000".

On page 2, line 17, strike the punctuation after the word "therefor" and after the stricken lines insert the following: ": *Provided further,* That of the amount available for study, planning, design, architect and engineer services, $1,000,000 shall be available for the design of facilities at Fort Benning, Georgia necessary due to the establishment of the U.S. Army School of the Americas at Fort Benning".

On page 3, line 5, strike "1,282,995,000" and insert in lieu thereof "1,282,985,000".

On page 3, line 12, strike the punctuation at the end of the section and insert the following: ": *Provided further,* That of the amount available for study, planning, design, architect and engineer services, $200,000 shall be available for the purpose of providing community impact assistance funds as necessary in support of the Gulf Coast Strategic Homeporting Initiative.".

On page 3, line 17, strike "1,252,710,000" and insert in lieu thereof "$1,250,620,000.

Mr. MATTINGLY. Mr. President, the amendment I have sent to the desk provides for a few changes from the committee recommendation.

The amendment, in total, makes a reduction of $1.1 million from the recommendation.

I ask unanimous consent that a list of the individual changes be printed in the RECORD at this point.

There being no objection, the changes were ordered to be printed in the RECORD, as follows:

| | |
|---|---|
| Project/account adjustments in Mattingly amendment: | |
| Army: Planning and design | +$1,000,000 |
| Army total change | +1,000,000 |
| Navy: | |
| Naval Station, San Diego, CA: Personal Property Office | +1,360,000 |
| Naval Air Station, Sigonella, Italy Chapel | −1,370,000 |
| Navy total change | −10,000 |
| Air Force: | |
| Blytheville AFB, AR: Add/alter target intelligence facility | +820,000 |
| Chanute AFB, IL: Weather training facility | +870,000 |
| RAF Fairford, United Kingdom: Add/alter vehicle maintenance facility | −1,700,000 |
| Organization maintenance/support equipment complex | −2,750,000 |
| Aviano AB, Italy: Visiting officers quarters | −3,000,000 |
| Kimhae AB, Korea: Portomod Warehouse | −570,000 |
| Unaccompanied personnel housing | −3,050,000 |
| Blytheville AFB, AR: Petroleum operations facility | −540,000 |
| Air Force total change | −2,090,000 |
| Total change to the bill | −1,100,000 |

Mr. MATTINGLY. Mr. President, in addition to the project changes, language is included to provide specific funds for design of the facilities at Fort Benning, GA, to support the U.S. Army's School of Americas which, on August 6 of this year, was permanently established at Fort Benning. Senator NUNN joins me in support of this part of the amendment.

Mr. President, this amendment also includes the proposed amendments noted in the unanimous-consent agreement for the other Senators who had reserved time. This has been cleared and will merely allow for a more simple procedure.

Mr. President, I believe that this amendment is agreeable to the other side of the aisle and I ask for its adoption.

Mr. SASSER. Mr. President, I have no objection to this amendment. It provides for the needs of a number of our colleagues that were pointed out to us just over the past weekend. I think it is a constructive amendment. It provides for projects that, in my view, are necessary. So I have no objection.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 2692) was agreed to.

Mr. MATTINGLY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SASSER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

● Mr. BOREN. I want to express my appreciation to the chairman and ranking minority member of the Subcommittee on Military Construction, of the Committee on Appropriations, for a job well done under extremely difficult circumstances. To meet the fiscal year 1987 budget allocation, a cut of nearly one-fifth of the budget request had to be made. This subcommittee had one of the most difficult tasks to be faced by appropriating committees this year.

The report language addresses the need for the new warehouse at Tinker Air Force Base, one of the six Air Force logistics centers, which was authorized and appropriated in the House for fiscal year 1987. This facility will consolidate the base supply and mobility activities located in seven scattered sites cutting the time for gathering supplies for deployments from 4½ hours to 30 minutes. I appreciate the willingness for serious consideration of this project once it is authorized.

I commend the approval by the committee in the fiscal year 1987 report language that the sewage treatment project at Vance Air Force Base is necessary and would save taxpayers dollars by the cooperative effort with the new facility for the city of Enid. The city of Enid is ready and now must wait until the Air Force comes through with their share. I urge the Air Force training command to expedite their approval for the appropriation which is a mere $1,350,000.

In the report language the committee recognizes the need for the ramp space at Altus Air Force Base for the additional C-5B's that are now being delivered. I am proud of the job that Altus is doing as a MAC training base and add my appeal that the Air Force follow the instruction to include this project in the next budget.

Mr. President, I thank the committee for making the technical correction to the appropriation language in the fiscal year 1986 supplemental for the expeditious payment to victims of the truck accident with the resulting ammunitions explosion in Checotah, OK. This should enable the Army to settle this matter in the near future.

Oklahomans demonstrate their pride of country through the community support of the military bases, the Army ammunition depot, and the role of the Guard and Reserve located in our State. I know they join me in appreciation of the work of the Congress in helping to fulfill the military missions assigned to these forces in Oklahoma.

Mr. NICKLES. Mr. President, I would like to note that the Military Construction Subcommittee and the Appropriations Committee itself appropriated over $24 million for military construction projects in the State of Oklahoma. Important projects such as land acquisition at Altus AFB, maintenance, storage, and treatment buildings, as well as an addition to the terminal facilities at Tinker AFB were funded. In addition, an antiarmor weapons range at Camp Gruber and storage buildings at armories for the Army National Guard were approved in order to keep our active duty personnel and reservists up to date.

While the $10 million warehouse at Tinker AFB was deferred without prejudice due to lack of a Senate authorization, the committee report notes that this is an important project

and that therefore careful consideration should be given to the project in the conference on this legislation.

While two add-on projects, the sewage waste treatment system at Vance AFB and the additional ramp space at Altus AFB were not appropriated, we are pleased to note that the committee added legislative report language to the effect that the Air Force should include these vitally needed projects in the next available budget cycle. This is because the wastewater treatment system at Vance is badly needed in order to satisfy a court mandate and to save the taxpayer money by sharing a new sewage system with the city of Enid. The Altus ramp expansion is also sorely needed to provide space for the C-5 aircraft, which currently are operating under a wing-to-wing spacing exemption for parking its aircraft at that base.

Mr. MATTINGLY. Mr. President, I believe that completes action on title I, the military construction title of this bill.

Mr. President, if Senator SASSER is in agreement, I would propose we yield back any remaining time on title I and proceed to title II, as agreed upon in the unanimous-consent agreement on this bill.

Mr. SASSER. That would be acceptable, Mr. President. I have no objection.

The PRESIDING OFFICER. Is all time yielded back on title I? All time is yielded back.

The question is on agreeing to title I, as amended.

Title I, as amended, was agreed to.

Mr. MATTINGLY. Mr. President, I move to reconsider the vote by which title I was agreed to.

Mr. SASSER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

TITLES II AND III

Mr. MATTINGLY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MATTINGLY. Mr. President, I ask unanimous consent that the order for quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MATTINGLY. Mr. President, titles II and III of the military construction appropriations bill contain the recommendations of assistance to the Central American democracies and to the Nicaraguan democratic resistance.

These provisions are in accord with the recommendations of the National Bipartisan Commission on Central America and of the President. The legislation recommends $300 million in economic and development assistance to the Central American democracies of Costa Rica, El Salvador, Guatemala and Honduras. It also provides $100 million in humanitarian and other assistance to the Nicaraguan resistance forces.

The legislation that has been reported to the Senate in title II of this bill is identical to the legislation that passed the House of Representatives on June 25 of this year. The recommendations on aid to the resistance forces closely follow the outline of Senate Joint Resolution 283, which passed the Senate on March 27 of this year by a bipartisan vote of 53 to 47.

Title III of the bill was added by the subcommittee because under the funding methods proposed by the House, the emergency famine relief and the Public Law 480 food aid accounts could have been depleted. The Senate language restores these funds.

My preference, as I told my colleagues during the Appropriations Committee and subcommittee markup of this legislation, would have been to have had the House of Representatives act on the freestanding resolution (S.J. Res. 283) that the Senate had passed and not have the military construction appropriations bill used as a vehicle to provide assistance to Central America. However, that was not the case and we find ourselves confronted with the issue on the Milcon bill operating now under the terms of one of the most complex unanimous-consent agreements that the Senate has ever approved. In my view, it is unfortunate that the Senate finds itself in a position of once again having to debate a matter that has already been thoroughly aired in this body. The time of the Senate could be better spent on many other issues.

Unique though it may be to consider this sort of legislation on a military constuction appropriations bill, we must not fail to act, Mr. President. In deciding this issue and in passing this legislation, we will be deciding the level of freedom and human dignity that will be enjoyed by millions of people living in Nicaragua and throughout Central America. To me, that is the critical issue involved and we should not loose sight of it.

Indeed, we should pass title II with no changes because to change it would put us in a situation where these changes would become conference items with our House colleagues and, in essence, we would be starting the whole process all over again.

That is probably what the opponents of the assistance package would like. But the issue is too important for us to allow it to become a ping-pong game between the House and Senate without ever coming to a final resolution. That is why I will ask my colleagues to support a tabling motion to all amendments to title II.

The President has endorsed this package although it certainly contains elements that he would probably prefer not to have in it. The House of Representatives has endorsed the package after much debate and great effort and certainly, every Member who voted for it is probably not in total agreement with every recommendation. But a majority of the House has approved this method of assisting the Central American democracies.

Now the matter once again comes before the Senate and I urge my colleagues to exercise some legislative self-restraint; forget about the TV; support the proposal that is before us; and finally act decisively and reaffirm the vote we took in March.

The $100 million in assistance to the democratic resistance would be released in three increments over a period of 6 months; $30 million of the $100 million would be available only for humanitarian aid; $40 million of the $100 million would be available upon enactment; $20 million would become available on October 15 but only if the resistance forces have made internal reforms in their organization; only if the Nicaraguan Government refuses to negotiate; only if the President reports to the Congress that the funds should be released; and only if the Congress has not enacted a resolution expressing disapproval of such additional assistance. These same criteria would apply to the release of the final $40 million in February 1987 and the limitations on assistance would be lifted.

The legislation before us contains the provision that was included in the earlier version passed by the Senate in March of this year. That section prohibits assistance to any group that retains in its ranks any individual who is engaging in drug smuggling; violates human rights; or misuses funds. No evidence has been presented that the leadership of the larger resistance groups is engaged in drug trafficking or that such activity is widespread within their forces. However, in order to emphasize the importance that the Congress places on this issue, the legislation before us contains a provision that would result in the halt of any assistance to any group that keeps such individuals within its ranks. This provision not only serves as a strong impetus for the resistance forces to rid themselves of anybody engaged in such activity, it also serves as a strong deterent and self-policing mechanism.

This legislation incorporates many of the suggestions that were made by Senators during our consideration of Senate Joint Resolution 283 in March. Included in the proposal before us is the amendment offered by Senator DIXON that prohibits United States troop activity in Nicaragua for the purpose of providing training or any other support to resistance groups.

In addition, the language originally suggested by Senators KASSEBAUM, RUDMAN, and COHEN relating to the need for the resistance groups to broaden their leadership base and implement other reforms has been included in the proposal before us.

In other words, Mr. President, we have before us a balanced proposal that gradually elevates the type of assistance available to the resistance but only if the combination of continued diplomatic, political, and economic measures have failed to bring about the results that we seek.

Those results, the policy goals of the legislation, are contained in the first section of title II. We seek to "promote economic and political development, peace, stability and democracy in Central America—and—to encourage a negotiated resolution of the conflict in the region, and toward these ends * * *."

I urge the Senate to support the legislation before us because, in my opinion, it represents our last, best chance to secure peace in that troubled region and national reconciliation in Nicaragua.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER (Mr. HATFIELD). The Senator from Rhode Island is recognized.

Mr. PELL. Mr. President, once again the Senate is debating an administration request for assistance to the Contras fighting to overthrow the Sandinista government in Nicaragua. Although discussion of this issue has become an annual, sometimes biannual, ritual in both Houses of Congress, what we are considering today represents a serious departure from the previous norm. We are not merely considering a measure to give more boots and food to a ragtag bunch of people who do not like the Sandinistas. We are far beyond that with the proposal that is now before us. We are being asked to finally put in place a policy of escalating military action against the Government of Nicaragua.

We are being asked to take the wraps off a policy which commits our Nation to the military overthrow of the present Government of Nicaragua. We are being asked to commit the U.S. Goverment far beyond the $100 million that is in this proposal. We are being asked to commit ourselves to a military policy from which there will be little room for turning back. We have reached a historic watershed in United States policy toward Nicaragua in this long hot summer of 1986. In essence, this issue in today's context has to be cast as one of war or peace.

I have spoken many times these past years about my concerns regarding our Nation's suport for the Contras but they bear reiteration under this new circumstance we face. It could very well be the last time that issues such as the makeup and the character of the Contras—our terrorists—waging brutal warfare against their own people, are relevant. The issues of the resumption of bilateral discussions with the Sandinistas, and the need to support the Contadora peace process are also on the verge of becoming irrelevant. If we approve the administration's proposal, we will be far beyond these issues, because the United States will be committed to pursuing a Contra victory that cannot be achieved unless U.S. forces are directly engaged. I fear that future issues for discussion before this body will have a familiar ring, echoing the trauma of Vietnam. War powers, massive U.S. troop involvement, no-win strategies, military quagmire, domestic turmoil, national frustration, and other remembrances permanently implanted on our national psyche are on the verge of being vividly revived.

Before some of you slough this off as idle, alarmist talk, I remind my colleagues of my warnings of deeper U.S. military involvement in Central America back in 1982. In June of that year, I proposed an amendment which would have withheld funds for the improvement of several airfields in Honduras. The funds were in a virtually unnoticed line item in the military construction bill, which to me represented much more than mere modernization of airstrips in friendly Honduras. I argued that it signaled the beginning of intense United States military pressure on Nicaragua. I further argued that approval of the measure would involve the United States in a deepening military role in the Central American region. Sorry to say, I have been proven right. The measure prepared the way for the joint military exercises which continue today. They have evolved into a U.S. military presence which now has become a U.S. military permanence—involving thousands of troops—which is on the verge of turning Honduras into a United States military reservation. I lament the fact that only 29 of my colleagues agreed with me back in 1982. But we still have time, albeit very little, to step back and reconsider what we are doing.

I would like my colleagues to dwell for a moment on certain elements of administration policy in Nicaragua in an effort to understand for whom and for what you are voting. First of all, the Contra military leadership still is dominated by members of former dictator Somoza's National Guard. The report of the Arms Control and Foreign Policy Caucus has found that 12 of the 13 principal military leaders of the FDN Contra force are former guardsmen. It is especially important to note that the Department of State, while differing on what constitutes the "High Command," confirmed my contention, based on the caucus report, that the FDN leadership is largely in the hands of former Guard officers. This past March, in response to my letter requesting information on Contra leaders, the State Department confirmed that 9 of the 13 names listed by the caucus were members of the FDN leadership. While service in the National Guard need not be viewed as itself disreputable, the leaders I have cited have presided over the murder, pillage, and rape of the very people they profess to want to liberate—just as they did when they worked for Somoza.

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Despite declarations that they are improving their human rights conduct, there is ample documentation that the Contras continue to commit barbaric, inhumane acts against civilians—noncombatants—resulting in deaths, maimings, and destruction of property. Amnesty International recently reported that the Contras have been responsible for "a persistent pattern of abuses * * *." Amnesty has testimony from witnesses attesting to "execution-style killings in which captives were bound and tortured and their throats slit by FDN forces." An Americas Watch report refers to mutilation and murder of civilians who the Contras believe are Sandinista activitists. A report commissioned by the Washington Office on Latin America and conducted by the former assistant attorney general of the State of Missouri, with the assistance of the Witness for Peace organization, reported indiscriminate kidnappings, rapes, assassinations, and other forms of violence.

The testimony of victims who have survived Contra atrocities offer graphic examples of how the Contras—our terrorists—fight their battle for the so-called freedom of the Nicaraguan people. If the definition of a terrorist is one who employs wanton, indiscriminate violence against civilians in an effort to influence government policy, then the Contras are indeed our terrorists, fulfilling the definition, and I, for one, do not believe that we in Congress, want to fund terrorism.

U.S. support for the Contras brings to mind our involvement, through the CIA incidently, three decades ago when we conspired to overthrow the Arbenz government in Guatemala. We achieved that objective and at the same time condemned the people of Guatemala to over 30 years of brutal military rule characterized by killings, torture, and other forms of human rights abuse. Let us not condemn the people of Nicaragua to that fate of Guatemala or to relive the Somoza era.

Mr. President, we are proud of our standing in the world as a Nation where the rule of law prevails. We, as a Nation, have carried this principle

into our international relations and are looked upon as a leader in the world community of nations. The United States long ago accepted the principle that our action in world affairs should be subject to the scrutiny of the International Court of Justice, which we were instrumental in establishing 41 years ago.

I well remember the brave hopes and aspirations we had at the conference in San Francisco 41 years ago when we were setting up the organization that we through would provide for the rule of law and peace in the years to come.

The United States was one of 45 nations to abide by compulsory jurisdiction of the court in legal disputes. Our adherence to the rule of law and our belief in the value of truth in the competition of ideas are what distinguishes and differentiates the United States from the totalitarian regimes that have rejected the compulsory jurisdiction of the Court. Our standing in the world community, however, was given a severe jolt last year when the United States, in the face of a suit initiated by Nicaragua, canceled our acceptance of the compulsory jurisdiction of the World Court, causing us to join the totalitarian nations in their blatant disregard for the rulings of the International Court of Justice.

This past June 27, the International Court of Justice, at the Hague, rejected "the justification of collective self-defense maintained by the United States in connection with the military and paramilitary activities in and against Nicaragua * * *." The Court further decided that the United States by "training, arming, equipping, financing, and supplying the Contra forces or otherwise encouraging, supporting, and aiding military and paramilitary activities in and against Nicaragua, has acted, against the Republic of Nicaragua, in breach of its obligation under customary international law not to intervene in the affairs of another State." Here we stand, the United States, condemned by the World Court and suffer damage to our international prestige because the administration refused to participate and defend its actions.

We must bear in mind that very World Court came into being originally, in great part, as a result of American leadership. Now we thumb our nose at them.

As Richard Gardner, professor of international law at Columbia University and former U.S. Ambassador to Italy, pointed out in an op-ed piece in the New York Times, the decision was inevitable because the administration waived its opportunity to present its case. Nevertheless, the decision has been rendered and in the eyes of the international community, the United States stands condemned. As this point, Mr. President, I ask unanimous consent that the article by Ambassador Gardner, which appeared in the New York Times on July 2, 1986, be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A REAGAN FIASCO IN THE WORLD COURT

(By Richard N. Gardner)

Suppose you had a lawyer who failed to shield you from an impending lawsuit by neglecting to exercise in a timely manner your right to refuse the court's jurisdiction? And, having missed that opportunity, suppose your lawyer then failed to present the merits of your case to the court, thus helping to assure a judgment against you? That is essentially what our Government had done in the case we lost last week to Nicaragua in the International Court of Justice.

Nicaragua brought its case to the court in April 1984, nearly three years after we started organizing, training and financing a 10,000-man contra army for operations inside Nicaragua. We could easily have blocked the Sandinistas' suit well before it came to the court by refusing to accept the court's jurisdiction in cases involving armed conflict—on the reasonable grounds that the security interests involved are too great, the factual issues too hard to resolve and the law on the subject insufficiently developed. But we failed to do so, and now we stand condemned before the world of breaking international law and violating Nicaraguan sovereignty.

To be sure, the International Court of Justice is not the same as a domestic court. Its decision that we should stop aiding the contras and pay damages to Nicaragua cannot be enforced. Nevertheless, the court's judgment will influence public opinion and policy in other countries, undermining confidence in our foreign policy and tarnishing our reputation as a law-abiding nation.

Significantly, no member of the court was prepared to accept President Reagan's argument that we have a right to aid "freedom fighters" seeking to overthrow or force the liberalization of Communist regimes. But even the judges who voted against us acknowledged that our aid to the contras might be justified if it were shown to be part of a "collective self-defense"—if it were proved that Nicaragua was aiding leftist guerrillas in El Salvador and if our response was necessary and proportional.

The United States' refusal to come to court to make that case meant that the court heard only the self-serving arguments of the Sandinista witnesses, many of whom, to put it bluntly, lied through their teeth in denying Nicaragua's substantial involvement in the Salvadoran insurgency.

With such self-destructive behavior on our part, it is not surprising that we obtained scant support from the court, since it is difficult for judges to resolve factual issues in favor of a litigant who does not appear to present his case. In the larger court of international opinion, many will conclude that we have no case at all.

There is a new "realism" in vogue in our country today that considers international law a utopian dream and international institutions irrelevant or worse to the advancement of our national interests. That view, which is not shared by most other democratic countries, is itself unrealistic.

International law is a system of mutual restraints and concessions that nations accept because it serves their interests. The fact that the Soviet Union and its allies repeatedly violate international law does not mean that it does not exist; nor does it justify our doing the same. Democratic governments, unlike totalitarian ones, hold themselves accountable for their actions under a rule of law. When we exercise our lawful right to use armed force in individual or collective self-defense, as we must in some cases, we should be willing to justify our actions in legal as well as political terms.

To say that we cannot do so in the Nicaraguan case because we would compromise vital intelligence sources is simply not credible. We were willing to show satellite photographs of Soviet missile sites during the Cuban missile crisis, and we revealed intercepts of Libyan messages to help justify our recent air strike against that country. If our case against Nicaragua is a good one, we must also have nonsensitive evidence from Salvadoran sources.

The Administration could still salvage something from its errors by publishing a full statement of the international law basis for aiding the contras. Other nations have the right to expect this from the world's greatest democracy. The American people, who correctly like to think of themselves as a law-abiding nation, have the right to demand no less.

Mr. PELL. The U.S. Government missed the opportunity to work within the community of nations on the World Court case but there is still an opportunity, albeit slight, for the United States to be on the side of peace in Central America. I am referring to the Contadora process, which, sadly at this point, is all but forgotten. Although the process is on hold, it is still out there as a viable alternative to war in Central America. On June 6 a new draft was submitted by the Contadora countries. It includes provisions calling for the withdrawal of foreign military advisers, the halting of shipments of arms, strict reductions and limitations on troop strength and weapons, and the halting of the illegal flow of arms. The draft provides for a commission empowered to verify compliance and investigate reported violations. The draft also strongly supports democracy in Nicaragua and calls for elections, amnesty, and a dialog with the opposition.

Nicaragua announced its acceptance of this latest Contadora draft on June 20. The United States rejected Nicaragua's acceptance on June 22, as an effort to defeat the Contra aid request in the House. Costa Rica, El Salvador, and Honduras were unhappy with the new draft because they wanted to reopen discussion of the political chapter referring to democratization and national reconciliation; and Costa Rica and El Salvador had additional problems with verification measures.

Mr. President, the Contadora process, which has produced a draft that with a bit more work can become an instrument for peace in Central America, needs a strong boost, not a squelch, from the United States. There are those who say that Conta-

dora is dead and question even bringing it up at this late date. I would answer that it can be revived if the administration would only support it. I am realistic enough to know that this is not likely to happen. I also am realistic enough to know what will happen if the Senate approves more aid to the Contras. With a United States funded war against the Government of Nicaragua, Contadora will be relegated to being a footnote in history.

Daniel Ortega has been in the United States this past week, first for his visit to the United Nations and then for various appearances throughout the country. He has struck a conciliatory position with regard to many of the problems that exist in his country and especially with regard to the will of the Sandinista government to resume negotiations with the United States. Ortega said that the Sandinistas are willing to establish discussions with the Vatican regarding the serious problems that are said to have arisen between the Government of Nicaragua and the church. The Nicaraguan President also proposed talks with the publishers of La Prensa the opposition newspaper that has been closed down. We ought to test whether he is or is not serious, not just squelch them and ignore them.

Mr. President, we are facing what could be the last chance for peace in Central America. For the sake of peace, our Government should get its priorities straight and deal with the Contadora process in a serious way and should followup on the recent indication of willingness on the part of the Nicaraguan Government to resume negotiations with us and with those major elements of opposition within the Nicaraguan system. We are dealing with a war or peace issue here. This is the moment, maybe the last, to stand for peace.

Mr. SASSER. Mr. President, I want to commend the distinguished Senator from Rhode Island for a very thoughtful and perceptive statement he has made on the floor of the Senate.

I also want to express my appreciation and commendation to the distinguished Senator and ranking member of the Foreign Relations Committee for his farsightedness in 1982 in offering an amendment to preclude the construction of any further American military bases in the country of Honduras.

The distinguished Senator from Rhode Island saw at that time what many were not aware of. He sounded the alarm to his colleagues here in the Senate and to the country at large when he called attention to the fact the administration was engaged at that time, 4 years ago, in a backdoor military buildup in the country of Honduras.

Unfortunately, the amendment which he offered was defeated and, since that time, I say to my distinguished friend from Rhode Island [Mr. PELL], 10 new airfields have been constructed by the administration in the tiny country of Honduras. As a matter of fact, as we stand here debating this issue today, there are more airfields per capita in the country of Honduras than in any country in the world. So I commend our distinguished colleague for the perception and good judgment that he showed 4 years ago.

Mr. President, the United States of America is plowing new ground with the policy that we are now following with regard to the tiny country of Nicaragua and the government that controls that country. I think it should be said at the outset that I know of none of our colleagues, and certainly not this Senator, who shares any sympathies or has any illusions about those who constitute the Sandinista government of Nicaragua. There is no question in my mind that it is a Marxist-Leninist government. It is one that wishes the United States no good and one that seeks to emulate the model of Cuba.

Having said that, we are engaged in establishing a precedent with regard to our policy toward Nicaragua that has not been established before in the history of the United States. We are engaged in a policy of seeking the military overthrow of a government that we have recognized as the legitimate, legal government of the country of Nicaragua. As my distinguished friend from Rhode Island has pointed out, we exchange Ambassadors with the Government of Nicaragua. We maintain diplomat relations with them. It is well established in international law that when two governments engage in that sort of diplomatic discourse, one recognizes the other as the legitimate government of the country in which that diplomatic mission resides. What we are doing now is financing openly, on the floor of the United States Senate, or being asked to finance openly on the floor of the United States Senate a military operation and a military group that seeks to overthrow this government that we recognize as the legitimate government of Nicaragua.

This is a country, our country, which has traditionally prided itself on upholding the rule of law internally, domestically, here, and we have also stood for a rule of law internationally. Yet here we are, clearly violating that.

As my distinguished friend from Rhode Island has pointed out, we have even refused to subject our actions to the review of the International Court of Justice, something that is also unprecedented in our history.

Mr. President, perhaps we might be able to make a case for this policy if it had a chance of success. But this policy pursued by this administration toward the tiny country of Nicaragua is so fatally flawed that it has virtually no chance of succeeding.

I toured the Central American countries. I talked to the leaders of El Salvador, Honduras, Costa Rica, Guatemala. Not a single person in the leadership of those countries believes that there is a chance that the Contras maintain the military competence to succeed in a military victory in their efforts against the Sandinista government of Nicaragua.

In the unlikely event—and I want to emphasize the highly unlikely event—that the Contras could be successful, not a single leader of the governments of Central America believes that the Contras have the political savoir faire to govern that country; nor would they have the support of the majority of the people who constitute the country of Nicaragua.

So we are supporting a group that cannot succeed militarily and should they succeed militarily, they cannot govern the country. Yet we are committed to eliminating the Sandinista government from Nicaragua, it appears, at whatever cost to our international reputation.

It is interesting to note, Mr. President, that the recent U.S. Ambassador to the country of Honduras, Mr. John Ferch, who was forced out of that post by the administration just a few weeks ago, indicated in an interview with the Washington Post that he went to the country of Honduras laboring under the illusion that the administration wished a negotiated settlement of the problems plaguing that region of the world vis-a-vis the Sandinista government of Nicaragua. Mr. Ferch now tells the Washington Post that it is clear the administration is not interested in a negotiated settlement of the problems, but is driven by a need for a military defeat and a military eradication of the Government of Nicaragua, the Sandinista government of Nicaragua.

If that be the case, and competent military people in this country and the leaders of Central America are correct in that the Contras cannot succeed militarily, where do we go from there? The conclusion is irresistible that, at some time in the not-too-distant future, if this administration hews to the policy of deposing the Sandinista government militarily, military units of the United States will be fighting in Central America against Sandinista troops.

What do we wish for our country in Central America? Mr. President, the Sandinista government has indicated that they are willing to negotiate in a bilateral manner with the United States. They have stated that they are willing to negotiate on the question of whether there should be an exodus of foreign advisers from the country of

Nicaragua. They are willing to negotiate on the question of no Soviet bases and no Cuban bases in the country of Nicaragua. They are willing to negotiate on the question of limitation of weaponry in Central America, the importation of other foreign weapons. They are willing to agree that they will not be a party to the subversion of any of their neighbors or subversion of any country in Central or South America.

Last, Mr. President, they are willing to agree that a group of unbiased observers, made up principally of countries in the Contadora group, could have onsite inspection in Nicaragua to ascertain whether or not the Sandinista government was carrying out these commitments.

Faced with that proposition, the United States Government refuses to enter into bilateral negotiations with the Sandinista government of Nicaragua. So it is clear that we are not willing to settle for no Soviet or Cuban bases in Nicaragua; we are not willing to settle for an exodus of Cuban or Soviet advisers or other Eastern bloc advisers out of Nicaragua.

□ 1420

We are not willing to settle for a limitation on imported weaponry into Central America, and that includes the country of Nicaragua. We are not wiling to settle for an agreement that the Sandinista government will not constitute a threat to its neighbors in Central and South America. We are not willing to settle for onsite verification of these conditions. So what are we asking? It is clear that this administration has set its feet on the path that former Ambassador John Ferch, our ex-Ambassador to Honduras, stated, and that is a military defeat and a military eradication of the Sandinista government from Nicaragua.

Mr. President, I do not believe that the people of the United States are willing at this time to embark on a course of action that will inexorably lead to the commitment of United States troops in that region if the administration continues to use a policy of a military victory in Nicaragua. And if that is a policy of this administration—and that accusation has been made by this administration's own Ambassador to the country of Honduras—if that is the administration's policy, then they should say so. They should tell the American people that is what they wish to do, and we should conclude this business of back door military buildups in the country of Honduras, using funds out of the operation and maintenance fund of the Department of Defense rather than coming before the military construction subcommittee and saying we wish funds to build airfields so we may project American military power against the Sandinista government of Nicaragua.

They are not saying that, and I think this administration, and I think this President, has an obligation to tell the American people what the ultimate goals of our policy are against the Sandinista government of Nicaragua and what our ultimate policy will be in Central America.

Well, Mr. President, I am going to have more to say about this whole matter in coming days. Many of my colleagues will have much to say about it. Our views are not uniform. This body is fairly evenly divided on the question of what should be done with regard to our policy toward Nicaragua, and I expect we will hear much stimulating debate and this matter will receive much illumination this afternoon and tomorrow and Wednesday, and I think that is as it should be, because the more the American people learn about this matter, the more the American people I think will rise up and speak in one voice, and that is we do not want a policy pursued by our Government in Central America that is historically wrong, one that is an embarrassment to the American people internationally and one that could ultimately lead to the involvement of United States troops in that region of the world.

Mr. HARKIN. I would like to ask if the Senator will yield for a moment.

Mr. SASSER. I yield the floor to the distinguished Senator if he wishes.

Mr. HARKIN. I compliment the distinguished Senator from Tennessee on an excellent opening statement. The Senator is absolutely correct. The more the American people know of the various aspects of the Contras, who they are, where they came from, how they came to be, their involvement in drug smuggling, their involvement in gunrunning, the siphoning off of our hard-earned taxpayers' dollars to bank accounts in the Grand Cayman Islands and Lord only knows where else, the brutality, the terrorist activities they are engaged in throughout that world region, the more the American people know of this, the more the American people are going to insist that this Senate hold fast and that we do not approve any more funding, certainly no more CIA involvement, and certainly not military advisers engaged in that dirty little war in Central America. It is this Senator's intention this afternoon, under the time agreement announced last week, to lay out the case for the American people about who the Contras are, where they came from, how they came to be, and what their involvement has been over the last 6 years in that region. I intend to name names, name places, and to point the finger at those who have been responsible for leading us to this point in time, for supporting the Contras with money, with materiel, with support.

The Senator from Massachusetts, I know, is going to take his time to lay out the case to show the American people how the Contras have been involved in drug smuggling and gunrunning. I know others will also begin to tell the American people that these Contras are far from the equivalent of our Founding Fathers. They are more the equivalent of those terrorists who roam the world today, killing innocent people, terrorizing civilians, and seeking to impose their murderous will upon others.

So, Mr. President, very shortly, I intend to take my time to outline just who the Contras are and where they came from.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. I suggest the absence of a quorum, the time to be equally divided between both sides.

Mr. MATTINGLY. I object.

The PRESIDING OFFICER. Is there objection?

Mr. MATTINGLY. I object.

The PRESIDING OFFICER. Objection is heard. The quorum call has been lifted.

Mr. PELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

□ 1430

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HARKIN. Under the unanimous-consent agreement reached last week, how much time does the Senator from Iowa have now?

The PRESIDING OFFICER. The Senator from Iowa has 2 hours, and he has utilized 3 minutes of that time.

Mr. HARKIN. I thank the Chair.

Mr. President, as I indicated a moment ago, it is my intention today, in this opening debate on the issue of whether or not to fund the Contras, to

lay out who the Contras are and how they came to be, to dispel the myth that they are freedom fighters, individuals who are seeking only to replace the Sandinista government in Nicaragua with a truly democratic form of government, and that somehow these freedom fighters, these Contras, are the moral equivalent of our Founding Fathers. It is my intention to lay out for Senators and for the American people just how treacherous and murderous these Contras really are, who runs them, and how they came to be.

Mr. President, today, as we consider a proposal to provide $100 million in aid to the Contras, we are beginning to undertake a dramatic escalation of America's commitment to war in Central America.

As we begin the Contra debate, echoes of another debate—a debate that occurred a generation ago—still echo off the walls of this historic Chamber.

I hear the words of a former distinguished Senator from Idaho, Frank Church, who on another foreign policy matter 20 years ago stressed that:

> The [President] has stated that it is not our policy or our purpose to expand the war. If that expansion occurs, then it will be the choice of others—not our own.

The Senator offered assurances that our Nation was committed to the peaceful resolution of another foreign conflict—not in Nicaragua but in Vietnam.

I also hear the Senator from West Virginia, Jennings Randolph, speaking of the need for military pressure to force a negotiated solution to the foreign conflict in Vietnam:

> But it has been apparent from the start that we should not go to the negotiating table from a stance of weakness. We must first set up a system there through military strength where negotiations might be conducted on the basis of equity.

The distinguished Senator from Wisconsin, Gaylord Nelson, 22 years ago, during that debate, advised that America's engagement would be limited, that our objective was not to overthrow the government of another country:

> Our objective has not been to take over the Government . . . and has not been to provide military forces. . . . Our mission has been to supply a military cadre for training personnel, and advisory military personnel as well as equipment and material.

Mr. President, these promises were offered on this same floor nearly 22 years ago on the night of August 6, 1964, when the U.S. Senate debated the Gulf of Tonkin resolution.

That resolution was overwhelmingly approved the next day, but—and I am now quoting from the distinguished Senator from Oregon, Mr. Wayne Morse—"The Senators who vote for it will live to regret it."

What happened because of the Gulf of Tonkin resolution?

Mr. President, the result of the Gulf of Tonkin resolution and our involvement in Vietnam is carved in a black sculpture that occupies a hallowed space near the Lincoln Memorial. On that black granite structure are engraved the names of 58,312 Americans who lost their lives fighting in Vietnam.

Mr. President, this is a book put out by the Vietnam Veterans Memorial Fund listing the names of 58,132 young Americans who lost their lives in that tragic war in Vietnam: a telephone directory—no, bigger than a telephone directory—of young men who would be alive today, would be with their families, with their loved ones, enjoying the dreams in America, living out their lives as they should have been lived out, not snuffed short by that conflict in Vietnam.

Mr. President, are we about to go down that road again?

The distinguished Senator from Idaho, Frank Church, wrote in a Washington Post article, published just before his tragic death 2 years ago:

> If any lessons were learned from our ordeal in Southeast Asia, they have yet to show up in the Western Hemisphere, where our objective is not simply to contain, but to eradicate communism, regardless of the circumstances in each case.

But the most chilling warning, which still rings true today as we prepare to escalate our commitment to a new conflict, not in Vietnam, but in Central America, was uttered by Senator Morse. They are courageous words, spoken by a public official who expressed his views and his opposition to a policy of the President, even though that policy, at the time, received the support of the overwhelming majority of his colleagues.

> Mr. President, this problem in Asia cannot be settled by war. The problem in Asia requires a political and economic settlement. It requires a negotiated settlement. It requires a conference table settlement. It requires the application of reason, not bullets.
>
> I cannot understand what is happening to my country. I cannot understand what makes people think that way. There are not many at the grassroots of America who think that way.

□ 1440

I want to repeat that, Mr. President. Twenty-two years ago, Senator Morse said at that time of the Gulf of Tonkin resolution, "There are not many at the grassroots of America who think that way."

The same is true in America today. When I go back to my home State of Iowa or if I travel around the Midwest or the South, no matter where I go, the overwhelming majority of the American people say no, they do not want to go down that path of war in Central America. They do not want their hard-earned taxpayers' dollars, 100 million of them, going to fund the Contras. We need that help here at home. They believe that the answer lies as it did in Vietnam in a negotiated settlement, not a settlement by way of war.

Ten years later, after the loss of 58,132 Americans and hundreds of thousands of Vietnamese who were killed in that war, the conflict in Vietnam was finally settled. And where and how? It was settled at the conference table through negotiations, but not after puppet government after puppet government was established in South Vietnam under the ruse of setting up a Democratic form of government, not until, as I said, hundreds of thousands of Vietnamese were killed, 58,000 Americans, and after that country was laid to waste by day after day and month after month of carpet bombing where today the wounds of that war still scar the countryside of Vietnam. And yet we hear the same echos, we hear the same echo and we see the same thing happening today, under this, our present Gulf of Tonkin resolution, this resolution to provide the $100 million, this tremendous escalation, under this we are giving the President the right to make war without declaring war.

If it is this President's firm belief that the Government of Nicaragua represents a threat to this Nation, an imminent threat to our security, that small country of 2½ million people, about the size of my State of Iowa, with a per capita income of $800 a year, if the President thinks that that little beleaguered, impoverished country is really a threat to our freedoms and democracy in this hemisphere, then the proper thing to do is to submit a declaration of war and let Congress vote on whether or not we really want to go to war rather than doing it clandestinely as we are now doing it with the Contras.

Now, of course, Mr. President, I understand that Nicaragua is not Vietnam. Central America is far closer to our shores than Vietnam. However, the President's justification for American involvement in Central America sounds increasingly similar to those used a generation ago.

First, the President wanted to give the Contras money to interdict arms that were supposedly going from Nicaragua to El Salvador. Well, money went down there, Contras were hired, not one cache of arms was ever interdicted.

In fact, the very Contras that were supposed to be used to interdict the arms were not even put in that border area where the arms were supposed to be going across. They were put in another area.

Well then the Contras were given money and arms to pressure the San-

dinistas to democratize their regime. Now the purpose is much more grandiose. The purpose now is to defend the entire western hemisphere against a Communist onslaught funded and equipped by the Sandinista Government backed by the Soviet Union.

So it was with Vietnam. At times our involvement in Southeast Asia was part of an effort to preserve democracy in Vietman. At other times, we were attempting to thwart the Communists and stop the Chinese onslaught of Communism in that area or alternately we were to stop the Soviet goal of expansionism.

Confusion surfaced not just on the question of aims, but on the means used to implement policy.

At each step along the way, policymakers during the Vietnam era acted in precisely the manner in which policymakers for the Contra war are acting now.

Like their predecessors, the best and brightest of the Reagan administration lack the honesty or courage to tell the country just how ambitious their war aims are, and what the true cost in dollars and blood of achieving them is. Instead, this administration seeks incremental increases in involvement—from $14 million in 1984, to $27 million last year, to $100 million this year.

Where will it stop; $14 million, $27 million, $100 million. If the Sandinista Government is not overthrown next year will it be $200 million and then $500 million? How much more is it going to take? How many more lives?

The result I submit is that each investment cannot in itself bring success, but it can make it extremely difficult, perhaps impossible, for our Nation to extricate itself at a later date.

Today, Americans by the thousands walk past the black granite walls of the Vietnam Memorial. The names of 58,132 people who died in that war are etched on its surface.

I ask each Senator before casting his or her vote to go down to that mall and walk in front of that Vietnam Memorial.

As one walks past one will look at the names and one sees behind the polished granite one's own reflection.

The wonder of that monument is that it reminds one not just of those who died in Vietnam but also of those who, in the final analysis, since this is after all a representative democracy of ours, you also see one's own reflection, perhaps those of us who stood by and did not raise our voice in protest, perhaps even some of us who may have voted to continue that policy.

So I ask each of my colleagues just as I have looked at the Vietnam Memorial, I ask each of my colleagues to look into their own consciences and decide whether from their actions and votes today they want their children and the next generation of Americans to gaze into the walls of another monument to those who died in another aimless and unsuccessful war in Central America, not in Vietnam.

For although this aid package may very well pass, the Senators who approve it will likely, as I now use the words of Senator Morse, "Those Senators who approve it, I believe, will live to regret that vote."

So, Mr. President, who are the Contras? Are they really freedom fighters? Are they really a band of high-minded individuals gathered together to seek to overthrow or repress a Communist government and to install therein a democratic form of government respecting human rights, insuring justice, and peace, insuring reforms, both economic and political.

I think it is important for us to trace the history of the Contras and now it is my intention at this time to look into the past, the recent past, to trace what happened in Nicaragua just prior to 1979 under Somoza and then to trace as I said by name, activity, position, those who now run what is called the FDN or the Contras in Honduras.

In March 1985, President Reagan referred to the Contras as "our brothers." These freedom fighters, according to the President, "are the moral equivalent of the Founding Fathers and the brave men and women of the French Resistance."

It has been said that truth is the first victim of war. For someone to use this kind of language to identify and to characterize the Contras only indicates to this Senator that for this administration truth is such a precious commodity that it rarely uses it.

In 1983, the President's so-called freedom fighters had been engaged in such human rights abuses that the Central Intelligence Agency prepared a manual for them. That manual, "Psychological Operations in Guerrilla Warfare," is not a textbook on freedom, or a tome of human rights. It's the Contras little red book on how to kill—or I should use the Agency's word—neutralize people properly. It's a textbook on terrorism. Its purpose—to train the Contras in controlled terror. But do not take my word for it. The following passage from the manual prepared by the CIA tells the story:

> An armed guerrilla force always carries with it implicit terror because the population, without saying it out loud, fears the arms can be turned against them.

I searched my memory and I searched the history of our Revolutionary War and could not recall any of our Founding Fathers or their loyal soldiers with names like "Suicida" or "Krill." Nor did George Washington have offshore bank accounts in the Grand Cayman Island. And George Morris, the revolution's financier, never made money from exchanges on the black market. Nor did our revolutionary soldiers "neutralize" public officials, rape young women, or set up land mines to kill innocent people.

□ 1450

But again, do not trust my words, listen to what other Nicaraguan exiles, those who have taken up arms against the Sandinistas, say about their brothers, the Contras.

Most United States aid goes to the FDN, which commands the army fighting out of the mountains along Nicaragua's border with Honduras. Arturo Cruz is a former member of the junta, former director of the Central Bank of Nicaragua, former Nicaraguan Ambassador to the United States, and currently a member of the directorate of UNO—the United Nicaraguan Opposition. Two years ago, Cruz wrote in Foreign Affairs:

> The fact remains, however, that most of those persons in positions of military authority within the FDN are ex-members of the national guard who unconditionally supported Somoza, until the end, against the will of the Nicaraguan people.

Arturo Cruz went on to write that in the event of a complete Contra victory, there might well be a "reinitiation of the vicious cycle of extreme right wing oppression and exploitation."

Or listen to the words of Alfonso Robelo, also a former member of the junta, and now, along with Cruz a member of UNO:

> The military leadership—of the FDN—is made up of former members of the national guard. This poses a problem for the return to power of the guard as a military institution.

Or listen to Eden Pastora, former commander of ARDE And now exiled in Costa Rica, the famous commander Zero, who headed the Sandinistas in their final overthrow of Somoza.

> They—the FDN—are the objectives of a general staff of former Somozan guardsmen. For example, their staff includes Captain Lagos: the feared members of the National Security Office: Lieutenant colonels and captains of the Somozan guard. In other words, I don't think that they want a revolution full of love. They have lists of the people they kill. They have not even presented a single prisoner they have taken.

I continue to quote from Pastora:

> The people will not help the national guard. The national guard killed our people for 45 years. The guardsmen killed this guy's brother. They killed my father. Everybody in Nicaragua has a relative killed by the national guard. Therefore, the Nicaraguan people will not support the national guard. So they—the United States—are doing the National Directorate (Sandinistas) a big favor by trying to win through a general staff of former Somozan guardsmen. This must be clearly stated and understood.

But the problem with the Contras rests not just with the ex-guardsmen, but with Adolfo Calero and his cronies in the FDN leadership. This assessment is not mine, but that of Salvador

Icaza, formerly a human rights officer for the FDN. In a 1985 letter, Icaza—again, a human rights officer with the Contras—writes:

How can Adolfo Calero speak of democracy? The Nicaraguan Democratic Force continues to be what it was since its founding. Now Bermudez occupies the place of Suicida. * * * It is the same gang of former national guardsmen, Somocists and followers of the former regime, with the "spice" of having "tirelessly" struggled against Somoza's regime and belonging to the Conservative Party.

In short, according to Icaza, "Honest people have no place in the Nicaraguan Democratic Force."

There is no difference—only the names—between Calero and Somoza; between Bermudez and company and the Ortega Brothers and company; one is backed by the gringos; and the other by the Russians.

CONGRESSIONAL STUDY

Facts, not the fictionalized account of this administration, must guide Congress in determining whether we should invest our foreign policy, our money, and our sons on the Contras.

And the fact of the matter is that the primary Contra army is organized and commanded by former national guardsmen.

That is not just my conclusion. It is that of UNO leader Arturo Cruz, who conceded in a March 9 interview with the Washington Post that "the largest number in the inner staff" are ex-guardsmen.

It is the conclusion of one of the principal intellectual architects of the administration's Contra program, Robert Leiken of the Carnegie Institute. Mr. Leiken wrote in a March 13 New York Review of Books piece that "the FDN high cmmand, with one exception, is drawn entirely from the National Guard."

These facts are confirmed in greater detail by the report prepared by the respected Congressional Arms Control and Foreign Policy Caucus.

That report concludes that 12 of the 13 commanders of the FDN high command are today, as they have been since they were first organized in 1980, former officers in Somoza's National Guard. Of particular concern in this group of 13 are a number of high-ranking ex-guardsmen with controversial backgrounds: Captain Armando "The Policeman" Lopez, Maj. Ricardo "Chino" Lau—about whom I will have more to say later—Capt. Juan Gomez, and Capt. Justician "Tino" Perez.

Mr. President, I believe it is especially important this year to focus on the military rather than the civilian leadership of the Contras. Seventy percent of the President's aid request is for military aid, which will fall under the military leaders' jurisdiction, rather than that of the political leaders such as Arturo Cruz and Alfonso Robelo.

So I think it is important to find out who and what these military leaders are. Who are they? Who are these Contra leaders organized by the CIA, the same agency which authored the assassination manual, born out of Somoza's hated National Guard, the same force that terrorized Nicaraguans for 40 years, and first trained by the Argentine military, the same military responsible for disappearing over 6,000 a decade ago, given this pedigree, it should come as no surprise that the Contras, despite all the disclaimers of the Reagan administration, are terrorists, not freedom fighters.

For over 40 years the Somoza family had gathered around it individuals in Nicaragua who then formed what they called the Garde Nationale, the national guard. It became, among all of the nations in this hemisphere, perhaps, the most ruthless in keeping the Somozas in power. As Eden Pastora said, there was not one Nicaraguan who did not have a brother, sister, father, mother, or close relative who had not been killed by the national guard during that individual's lifetime.

When Somoza fell in July 1979, thousands of Nicaraguan national guardsmen, who had supported the Somozas for so many years, dropped their weapons, some took to boats, and they took off their uniform so they would not be recognized by the civilian population, and fled the country to El Salvador, Honduras, Guatemala, and many of them came to the United States.

During 1980, that is about 3 months after the fall of Somoza in July-August 1979, an individual by the name of Aristedes Sanchez, a wealthy business and party associate of General Somoza, who then operated out of Miami and Honduras, began to contact former officers of this national guard and put them on the payroll of what began to be called the 15th of September Legion. We may hear more talk about the 15th of September Legion. That commemorates the date of Nicaragua's independence from Spain in 1821.

Aristedes Sanchez began to pull these Nicaraguan guardsmen out of Honduras, El Salvador, Guatemala, and some who have come to Miami.

According to Edgar Chamorro, a former member of the Contra directorate, funds for the legion's payroll came from Argentine intelligence officials operating in Honduras and from personal funds amassed during Somoza's rule by Sanchez and his brother, plantation-owner and Somoza party legislator Enrique "The Cuckoo" Sanchez.

The Sanchez brothers continue their association with the Contra. Aristedes is a member of the Contra directorate, and Enrique, believe it or not, is the paymaster for the Contra army.

Founding legionnaires, as they were called—all of whom remain in the high command—including Col. Enrique Bermudez, who was, at the time, Somoza's military attaché in Washington. There are those who are saying that Bermudez was here in Washington, he was not really down there with Somoza.

□ 1500

Let no one be mistaken about this. Somoza never sent anyone to be his military attaché in Washington who was not the closest of his personal friends because this is where he got his support, and this is where he got his money. So the very fact that he sent Bermudez here means he was a very, very close friend of Somoza.

Other founding legionnaires, who remain in the high command, include Colonel Bermudez, the overall commander; Ricardo Lau, Somoza's top counterintelligence officer; Capt. "Tino" Perez, commander of the guard training center; Capt. Armando Lopez, who commanded units of the Managua police, which carried out arrests and attacks on Somoza's political opponents; and Capt. Juan Gomez, Somoza's personal pilot.

These are the individuals who made up the core group of the leadership of the FDN or the Contras. These are moral equivalents of our founding fathers.

Now, after Somoza's fall, and after the Sanchez brothers began to pull these disparate groups together, we had another involvement, an involvement by the Argentine generals. This involvement began within months of the overthrow of Somoza. Some Nicaragua exiles were sent to Argentina where they received military and intelligence training, military and intelligence training from the generals who brought a rein of terror perhaps unseen in this hemisphere ever to Argentina over a 10-year period of time.

We are just now beginning to see—because Argentina has returned to a democratic form of government—the dimensions of what happened in Argentina under the rule of the generals. Thousands of people disappeared. There was torture and death squads throughout Argentina during that period of time. These were the people who brought the Nicaraguan exiles, the old former Somoza guardsmen down to Argentina for training. At the same time Argentine personnel were sent on covert training support and intelligence missions to Central America primarily to Honduras.

The Argentine force included personnel from the army's intelligence battalion, paramilitary irregulars who had been used against opponents of the military junta in Argentina during their reign of terror. This military regime which ruled Argentina from 1976 to 1983 was responsible for the disappearance of at least 9,000 people, perhaps more that were never accounted for; never even mentioned by their families for fear of reprisal.

They were workers, professionals, students, clerks, housewives, journalists, actors, and artists. Some were members of the underground terrorist organization to the left. Many were simply political opponents of the regime who raised their voices in protest against what was happening.

In all there were more than 300 secret detention centers set up in Argentina by the generals for tortures which were commonplace on a daily basis. Atrocities, as I said, were commonplace, and tortures were varied, sadistic, and imaginative. Corpses were often mutilated or destroyed. We now know of incidents where airplanes of people would fly out over the ocean and the people were simply pushed out of the airplanes into the ocean.

So this Argentine military, the same military which killed 9,000 of their own countrymen, could rightly be called the fathers of the Contras because they first took them under their wings—again, the same Contras that are now being called our moral equivalent of our Founding Fathers.

Some Argentines came to Honduras to train and equip the Contras.

In late 1980, some of the Nicaraguan exiles trained in Guatemala but those who trained there had become just another bunch of hired guns in Guatemala's bloody underworld of politics and crime. Instead of fighting the Sandinistas, these people were called on for special operations, robberies, kidnapings, threats, extortion, and murder. The orders came through one man, Col. Ricardo Lau, a former Somoza National Guardsman.

Lau had spend much of his career connected to Somoza's Office of National Security, the OSN, a service better known for brutality than effectiveness. A top official at the CIA who knew the records called Lau a "Somoza hatchet man." A guardia who worked with him called Lau "a torturer."

According to another guardia officer, Lau "operated where they put on the hood and the 220 current."

While in Guatemala Ricardo Lau and other exiles found support from the godfather of the Guatemalan right, Mario Sandoval Alarcon, who a quarter centruy earlier helped the CIA bring down the government of Jacobs Arbenz.

The Handprint of LaMano Blanca, the white hand, the most famous of Guatemala's death squads, was the symbol which they used.

Sandoval became the godfather of right wing Salvadorans and Nicaraguans in 1980. One of his protégés was a young exiled major from El Salvador whose name was Roberto D'Aubuisson.

(Mr. WILSON assumed the chair.)

1980 was the year the death squads in El Salvador became the most ruthless. And the darling of those squads was Major D'Aubuisson.

D'Aubuisson's hit teams flew back and forth from Guatemala City to San Salvador. Their targets were carefully selected; they went after names, people whose faces everyone knew, the sensational cases of people they thought were Communists at the top of Salvadoran society: A Christian Democratic cabinet member; the Archbishop of San Salvador, Oscar Romero.

They worked with the intelligence branches of the Salvadoran National Guard and the Treasury Police.

But for the biggest operations they contacted outside talent, specialists taken from Guatemala and the right-wing underworld. The man to contact was Chino Lau, Ricardo Lau, the right-hand man of the man who now heads the Contra military operations, Col. Enrique Bermudez.

When D'Aubuisson was captured briefly by his political ememies in El Salvador in May 1980, an appointment book and other papers were found on one of his aides.

In the middle of his appointment book there is an entry under the date March 27, 1980. That was 3 days after the Archbishop of San Salvador, Oscar Romero, was shot while saying mass.

The seized notes recorded a contact with Orlando De Solo, one of the richest and most radical of El Salvador's rightists, in a room of the El Dorado American, a luxury hotel in Guatemala City.

Then there is the name of Juan Wright, another wealthy Salvadoran.

Then two notes: "Contributions to Nicaraguans $40,000" and "Contributions to NICA—$80,000."

An exiled Salvadoran colonel and head of intelligence who had been d'Aubuisson's boss prior knew several of the people involved in the murder. He has said that the notes in the major's book recorded the payoff for the murder of Archbishop Romero.

He also said that the next annotation is the most significant of all since it is the name of the Nicaraguan who contracted out his men to do the job. "Col. Ricardo Lao tel. 67-475."

Again, I point out Ricardo Lau is the right-hand man of Col. Enrique Bermudez, the chief of the staff of the FDN army. Ricardo Lau, according to a congressional study, still serves in the high command of the FDN.

So now we begin to see the picture unfold. Former Somoza Guardsmen leave the country after Somoza falls. They are brought together by Sandoval, in Guatemala. They begin to then hire themselves out as killers to go into San Salvador, to be involved in the death squad activities in El Salvador.

□ 1510

The contact person was always Ricardo Lau, the right-hand man of Enrique Bermudez, who is now the head of the Contra army.

Can anyone doubt that if they were to take back over the Nicaraguan Government what Lau's role would be? As Arturo Cruz once also said, if they were to take over, there would be a killing of flowering of youth of Nicaragua by these very men.

So we got to 1980 with these various groups beginning to get organized in Guatemala City.

At the beginning of March 1981, the first 20 Nicaraguans arrived in the Argentine capital.

Buenos Aires was numbed by 5 years of the dirty war that had brought it constant fear and disappearances.

The Guardias, Chino Lau among them, found little that was new in the Argentine courses.

"Mostly it was psychological: how to put pressure on an individual. Techniques like the good guy and the bad guy."

Meanwhile, in Honduras, the Argentines worked closely with Gen. Gustavo Alvarez, chief of security forces of the second poorest country in the hemisphere, in the training of the Nicaraguan exiles.

Alvarez had graduated from the Argentine Military Academy, class of 1961. In the two decades following his return from Buenos Aires, Alvarez worked his way toward the top of the Honduran military.

The fall of Somoza, the triumph of the Sandinistas, the panic that spread through the region in the following months brought out the worst in Alvarez.

The threat of Communists just across his country's southern border gave him a cause. More than that, it was a kind of license to kill.

To Alvarez, "Everything you do to destroy a Marxist regime is moral." In other words, the end justifies the means.

In 1981, his old friends from Argentina gave him a framework for his cause.

The Argentines chose Col. Osvaldo Ribeiro to run their program on the ground. Ribeiro had known Alvarez since his days at the academy 20 years earlier, Colonel Ribiero, the ex-Guardia, and the Argentines eventually decided on to oversee the troops in the field with an ex-Guardia, Emilio Echaverry, the son-in-law of an Argentine officer and a fellow graduate, with Alvarez, of the Argentine Military Academy.

Colonel Ribeiro, working with Bermudez and Chino Lau who by the spring of 1981 had moved the base of operations for the September 15 Legion from Guatemala City to Tegucigalpa, became a prominent figure in

the Honduran capital, disbursing huge sums of money, and according to the CIA, unsound military advice. For example, since his own experience was in urban rather than rural combat, he advised the Contras to mount a program of urban terrorism.

The Argentines also tolerated a practice of killing prisoners. A former Contra official describes the informal rule for dealing with captives: If a prisoner has ammunition when captured, let him live, since he has not fought to the last bullet; if a prisoner hasn't any ammunition, kill him.

All the terrorist training of the Argentines, along with the fine art of killing mastered by such ex-Guardia as Chino Lau, did not help the Nicaraguan exiles into transforming themselves into a credible counterrvolutionary force. In March 1981, Jose Francisco Cardenal, former Nicaraguan business leader and Contra leader, described his situation as follows:

Nicaragua cannot be liberated only by Nicaraguans, just as Somoza was not overthrown only by Nicaraguans. But we can't wait six months. By then the Sandinistas will be strong. The green light has to come soon from the United States.

I might also point out here, Mr. President, that the same Jose Cardenal paid a visit to my office just a couple of weeks, a Contra leader. He came to ask us not to give money to the Contras. He knows full well my opposition to the Contras. Why would he come to visit me? He came to visit me because he was convinced, and he was able to offer proof—which I will also talk about later on in the debate—about how these present Contra leaders are siphoning off money and putting it into their own bank accounts.

So I guess the best that can be said about this group is there is no honor among thieves.

The green light soon came. On March 9, 6 weeks after Reagan took office, he issued a finding for stepped-up covert action in Central America. Now, the Central Intelligence Agency, working through the Argentines, would direct and coordinate the fledging Nicaraguan exile group.

The first task was to merge the disparate groups under a single umbrella. On this point, let me quote from the affidavit of Edgar Chamorro, a former member of the UDN and later member of the FDN Directorate:

In 1981, the UDN underwent a transformation. During the first half of the year, Cardenal was contacted by representatives of the United States Central Intelligence Agency, and he began to make frequent meetings with them in Washington and in Miami. . . . He was told that the United States Government was prepared to help us remove the FSLN [the Sandinistas] from power in Nicaragua, but that, as a condition for receiving this help, we had to join forces with the ex-National Guardsmen who had fled to Honduras when the Somoza Government fell. . . .

Cardenal and other members of the UDN resisted joining with the ex-Guardsmen, who had organized into the 15th of September Legion. According to Chamorro, "We were well aware of the crimes the Guardsmen had committed against the Nicaraguan people while in the service of President Somoza, and we wanted nothing to do with them."

But the CIA "insisted that we merge with the Guardsmen. In fact, I continue to quote from Chamorro, "Lt. Gen. Vernon Walters himself arranged for all the bands to be incorporated within the 15th of September Legion, and for the military government of Argentina to send several army officers to serve as advisers and trainers." The same Argentine military responsible for the disappearance of thousands of their own countrymen.

In August 1981, the merger was consummated in Guatemala City at a meeting arranged by the CIA. Some UDN members resigned because they would not associate with the National Guard under any circumstances. Cardenal and Chamorro, both private businessmen in prerevolutionary days, stayed, believing CIA assurances that they, the civilians, would control the Guardsmen in the newly created organization.

The new organization was called the FDN, or Nicaraguan Democratic Force. It was to be headed, as promised, by a political junta, consisting of Cardenal, Aristedes Sanchez, a politician loyal to General Somoza and closely associated with Enrique Bermudez and Mariano Mendoza, formerly a labor leader in Nicaragua.

The political junta established itself in Tegucigalpa, taking up residence in a house rented for it by the CIA. Bermudez was assigned to head the military general staff. The name of the organization, the members of the political junta, and the members of the general staff, according to Edgar Chamorro, were all chosen or approved by the CIA.

CIA involvement—and the covert war—began in earnest in late November 1981, when the President requested $19 million to support a 500-man Contra forces to conduct operations "against the Cuban presence and the Cuban Sandinista support infrastructure in Nicaragua and elsewhere in Central America."

The hand of the United States was not, itself, supposed to touch the gun. According to NSC Directive 17, the Agency would "work with foreign governments as appropriate." The intent of the program, according to CIA Director William Casey, was to interdict arms transhipped from Nicaragua to the Salvadoran rebels.

CIA Director Bill Casey first waited until meeting with Argentine Chief of Staff, Gen. Leopoldo Galtieri, before formalizing the expanded Contra aid program. According to sources who attended the November 1 meeting in Washington, "the two hit it off very well. The Argentines said they'd be happy to manage a U.S. interdiction operation with U.S. money, weapons, uniforms."

A year earlier, the Argentines were pariahs in the eyes of the Carter administration, and I might add, most of the civilized world. The Congress had passed a law against selling them arms, the State Department regularly condemned them for atrocities and interfered with credits from international organizations.

But now, a year later, in late 1981, the United States and Argentina were the best of friends. Nothing had really changed, however. These were the same generals who had disappeared more than 9,000 Argentinians. These same generals were terrorizing innocent civilians.

Only the administration, which now speaks so loudly about its support for freedom in Nicaragua, had changed—sea change.

The first signal of this sea change occurred in March 1981, when President Roberto Viola visited Washington. Since April, Galtieri and his American counterpart, the Chairman of the Joint Chiefs of Staff, had carefully cultivated each other with reciprocal visits and dinners. In August, Galtieri visited military bases all over the United States in a jet supplied by his American friends.

There was detailed talk about a role for Argentine forces in a regional alliance against the Communists, there were joint maneuvers, there were consultations with the Reagan administration's top emissaries.

□ 1520

Jeane Kirkpatrick had come to Buenos Aires. So had Vernon Walters, then U.S. Ambassador at large and former Deputy Director of the CIA.

There was much talk of a South Atlantic Treaty Organization in which, of course, Argentina would be a major partner.

There was every sign of approval and mutual admiration.

This administration which pays such close attention to freedoms in Nicaragaua suffered a major blind spot when it came to Argentina.

1982: A YEAR OF TRANSITION

For the new-formed FDN, 1982 was a year of transition. From a collection of small, disorganized, and ineffectual bands of ex-National Guardsmen, the FDN grew into a well-organized, well-trained, well-equipped, and well-armed fighting force of approximately 4,000 men.

Attracted by regular salaries, courtesy of the CIA, former National Guardsmen who had previously sought exile in El Salvadore, Guatemala, and the United States joined the FDN. Argentine military officers,

funded by the CIA, trained the Nicaraguan exiles. A special unit created for sabotage, and specializing in demolitions, was trained directly by CIA personnel.

Arms, ammunition, equipment, and food were supplied the Contras, courtesy the CIA.

I make these points, Mr. President, about the CIA's involvement with the Argentine military, with the ex-National Guardsmen, with the training of these exiles in sabotage, to point out that this measure now before us, the funding of the Contras, is not just $100 million for the Contras. It also includes approval for the CIA once again to be involved with the Contras—approval which was taken away by Congress a little more than 1 year ago. So now we are being asked once again to let the CIA have the run of the mill with the Contras. We saw what they did in the beginning.

Composed of ex-National Guardsmen, trained by Argentine generals, and funded by the CIA, these heirs of George Washington and Abraham Lincoln escalated their "freedom fighting" by early 1982.

On the night of March 14, 1982, a commando team of Nicaraguan exiles, trained by the CIA, blew up two bridges in western Nicaragua, along the Honduran border.

The blowing of the bridges was an announcement that the scale of things was changing. The first forces of Nicaraguan exiles, along with Miskitos along the eastern coast, were trained under United States patronage.

Their war was set in motion.

The Sandinistas responded as if they were at war. And they were. They were the object of a secret war orchestrated by the CIA and funded, without their knowledge, by American taxpayers.

The day after the bridges were blown, the Sandinistas declared a state of emergency. Direct censorship began for the first time. Surveillance of the population increased. Sandinista mobs went into action with a vengeance against suspected counterrevolutionaries.

Six weeks after the bridges were blown, Daniel Ortega was in Moscow.

Throughout 1982, the FDN increased their numbers. Some Nicaraguans joined the force voluntarily, either because of dissatisfaction with the Sandinistas, family ties with leaders of the force, or promises of food, clothing, boots, and weapons.

According to Edgar Chamorro, many were recruited forcibly. FDN forces would arrive at an undefended village, assemble all the residents in the town square and then proceed to kill—in full view of the others—all persons suspected of working for the Nicaraguan Government, including police, local militia members, party members, health workers, teachers, and farmers from government-sponsored cooperatives.

It was not difficult to persuade those able-bodied men left alive to return with the FDN units to their base camps in Honduras. This was a widespread practice that accounted for many recruits.

Meanwhile, the CIA was not completely forthcoming to Congress, and the administration was even less clear about its goals.

An inquiry, Mr. President: The Senator from Iowa would like to know how much time he has used.

The PRESIDING OFFICER. The Senator has used 56 minutes of his 2 hours.

Mr. HARKIN. I thank the Chair.

In February 1982, the Agency reported to the intelligence committees that "economic targets" such as agricultural cooperatives were off limits to the Contras. The following week the U.S. press reported Contra strikes against cooperatives.

The administration was even less clear about its policy. In its official line, the administration proclaimed that its goal was a political settlement in which Nicaragua could keep its Marxist government only if it would quit aiding the lefist guerrillas in El Salvador.

To the Contras, CIA officials left no doubt about their real goal. "In private," according to Edgar Chamorro, "they always told us the objective was to overthrow the government in Managua."

To the President, the Contras have been, and will continue to be freedom fighters. But to the Defense Intelligence Agency, in a 1982 report, the main military force of the FDN, the 15th of September Legion, was a "terrorist group" responsible for assassinating government officials and a Cuban adviser.

Worried by the guerrillas' unsavory image, by late 1982 the CIA created a new seven-member National Directorate of prominent Nicaraguans with no ties with the National Guard or with Somoza. Edgar Chamorro was among the seven. Joining him in early 1983 was Adolfo Calero, a former Coca-Cola bottler and opponent of General Somoza.

The National Directorate was organized, selected, and directed by the CIA, and created as a civilian front for what was then, and is still today, an army controlled by ex-National Guardsmen.

Those military commanders, with the combination of Argentine training and National Guard mentality, remain, according to Edgar Chamorro, who served on the FDN directorate for 2 years, "one of the major obstacles for putting the Contra movement on a truly democratic path."

Soon, Bermudez, the chief Contra commander, cemented his authority by allying with Adolfo Calero and the former Coca-Cola bottler's top aid, a civilian Somocista named Aristedes Sanchez. Together, according to Chamorro, the three were referred to as the "Bermudez triangle" for countless sums of money would go into it, never to be seen again.

THE ARGENTINES AND HONDURAN DEATH SQUADS

That the Contras, and their military commanders, cannot be reformed—despite all the cosmetic efforts made first by the CIA and later by the State Department, aided by its cabal of neoconservative Democrats—is most clearly demonstrated by reports that the FDN was involved in death squad activities in Honduras.

There are those who say, well, yes, they are former national guardsmen; yes, in a previous life, they were bad, bad people. But they have reformed themselves. They are no more like they used to be. But let us look at what has happened in Honduras since they have been there.

According to a confidential Honduran military report completed last year, between 1980 and 1984, foreign agents in Honduras were responsible for more than 200 murders, kidnappings, and disappearances.

According to the study, many of the victims of the death squads were Salvadorans suspected of running arms between the Sandinistas and rebels in El Salvador. Others, including Nicaraguans and Hondurans, were marked as "spies" for Managua.

According to one Honduran military officer, "The [Contras] would pick them up, question them and sometimes torture and kill them."

This charge is echoed by the head of the Honduran Human Rights Commission, Ramon Custodio, who has said:

> We have found direct and indirect evidence that the Contras were responsible for some of the human rights violations that we have denounced.

Death squad activities, which have been commonplace in neighboring El Salvador and Guatemala, had been virtually unknown in Honduras until 1981. That year Gen. Alvaro Martinez became chief of staff of the Honduran military, and the United States, with the aid of the Argentines, escalated its support of the Honduran-based Contras.

At the same time, a special Honduran Armed Forces crack intelligence squad, the division of special investigations, was created to crush clandestine support networks for Honduran and Salvadoran leftist movements.

The Argentine military, who had waged their "dirty war" a decade earlier, trained the Hondurans in their techniques—safehouses, electric shock torture, disappearances.

□ 1530

To carry out this new dirty war, the Hondurans worked closely with the Contras. The mastermind of Contra killings—once again showing up in Honduras as he did in Guatemala City—was Maj. Ricardo "Chino" Lau, the FDN's chief of counterintelligence, a former head of Somoza's intelligence network in Nicaragua.

Chino Lau, the same Chino Lau, who, according to Edgar Chamorro, remains the best friend of Enrique Bermudez, the chief military officer of the Contras. Even after his announced resignation from the FDN, Lau was still the last person to talk to Bermudez at night and the first person to talk to him in the morning.

Ricardo Lau, one of the most notorious and brutal National Guardsmen under Somoza and head of Contra death squads in Honduras from 1981 to 1984, the best friend of Mr. Bermudez, remains today close to FDN military operations.

A freedom fighter he is not.

He is more like Jack the Ripper, not George Washington.

And the Contras, who, from 1981 until early 1984, were used by Honduran military commanders to carry out military intelligence operations that left 200 Hondurans dead, have not been brought to justice. No Nicaraguan has been prosecuted.

Instead they have been lauded as our brothers, praised as freedom fighters, and rewarded with millions of taxpayers' dollars and now, if the Senate so votes, about to be rewarded with $100 million.

THE "REFORMED" FDN

From late 1982 until last year, the FDN underwent a number of changes. The Argentines, who had been the Contras' godfathers since the days after the revolution, left the fold, angered because of United States support for the British during their war over the Falklands Islands.

The Contra army expanded from the small band of 500 to a force of 18,000. And the new FDN political leaders all had been active in the struggle against Somoza.

Yet little had really changed. The Contra army remained under the control of Enrique Bermudez, Somoza's military attaché, and he continued to surround himself with the same National Guard who had helped start the insurgency so many years before, including among them Ricardo Lau.

Although the ranks of the Contras grew, they still lacked a significant military victory, and they still failed to take any Nicaraguan territory.

And for all the shuffling of Contra political leaders, control over the operation remained in the hands of Bermudez, and now the Agency, not the Argentines, directed the secret war, not the Argentines.

The FDN, according to Edgar Chamorro—again, I keep quoting him because for 2 years he was a leader of the Contras—"was created by the CIA, it was supplied, equipped, armed, and trained by the CIA and its activities—both political and military—were directed and controlled by the CIA."

As for Calero and Bermudez, who now lead the Contra political and military operations, they were chosen because they "best demonstrated their willingness to unquestionably follow the instructions of the CIA. They, like the organization itself, became nothing more than executioners of the CIA's orders."

The CIA has left a lasting and troubling legacy. In 1983, it prepared a manual that advocated explicit and implicit terror against the civilian population. It urged neutralizing government employees and sympathizers, in violation of the President's 1981 Executive order prohibiting such practices.

In January 1984, the CIA hired Latin American operatives to mine Nicaraguan ports, in violation of international law, and so found by the International Court of Justice at The Hague.

Throughout this time, the CIA instructed FDN political leaders how to lobby Congress, and how to misinform the press and the American public, in violation of domestic laws against such practices.

While the CIA worked hard to improve the image of the FDN, they encouraged the Contras to use the same tactics the Agency attributed to Communist insurgencies elsewhere: killing, kidnaping, robbing, and torturing.

Finally Congress had had enough of the duplicity of the CIA, under the leadership of Director William Casey.

Congress barred Agency involvement with the Contras in late 1984, yet administration covert support and direction continued, thanks to the efforts of Col. Oliver North of the NSC. In violation of the congressionally imposed ban, throughout 1985, North served as a liaison between private U.S. groups and the administration, establishing links essential to maintaining the flow of dollars and guns to the Contras.

CRUZ, ROBELO AND UNO: THE NEW CONTRA

So failing to gain popular support either in Nicaragua or in Washington, the Contras continue to try to refurbish their image. In 1985, two prominent opponents of Somoza helped create a new political wing of the Contra, the United Nicaraguan Opposition.

Arturo Cruz served as Nicaraguan Ambassador to the United States during the first years of the revolution; Alfonso Robelo sat on the first junta in 1981. I know them both personally; in fact, it was this Senator who helped get Robelo out of Nicaragua, after he chose to leave the government.

Yet, despite their presence, and despite the efforts of so-called Contra reformers, former liberals who have or are now converts to the Contra cause, Enrique Bermudez, today as in 1980, remains in control. Today, as in 1983, Adolfo Calero has the final say over FDN political operations in Honduras.

And Calero's cronies, his brother Mario and his chief ally, Aristedes Sanchez, control Contra finances, and, I submit, are principally responsible for the mismanagement, misuse, and pilfering of U.S. humanitarian assistance funds.

The legacy left by the Argentines, by the ex-National Guardsmen, and the CIA have left an indelible mark on the Contras. They are, to put it quite simply, a Frankenstein monster.

This fact is apparent to the Nicaraguans, even to those who have left the Sandinista cause, the true democrats who seek an alternative to the current government in Managua.

Those who have left their farms to fight the Sandinistas have in many cases real grievances. Some of their land has been confiscated, and some have suffered persecution for their religious views or for resisting the draft.

But they are being used as an instrument of U.S. foreign policy and the Reagan administration.

And they are being used by the National Guardsmen and Somocista politicians who simply want to return to Managua and recover the power and money they lost in 1979.

For Nicaraguans, the Contra cause, to quote from Edgar Chamorro, offers nothing but a return to the past.

For Americans, continued commitment to the Contras offers a return to our recent tragic past—to Vietnam. So long as it seeks the overthrow of the Sandinistas, this administration, as the prospect of a Contra military victory becomes increasingly unlikely, will finally decide it has no option left but open, direct U.S. military action.

Mr. President, I am about to wrap up my comments regarding the development of the Contras.

□ 1540

Mr. President, I believe the statements I have made over the preceding hour and a few minutes outline who they are and where they came from; who supplied them and trained them; what kind of military force they are.

I have known Adolfo Calero since pre-Somoza days, and if you want to return Somoza to Nicaragua, return Calero. We may not be proud of some of the others. We may not be proud of Arturo Cruz. We may not be proud of Robelo and a few others.

I remember that Calero's chief gripe against Somoza was not that Somoza was destroying his country, keeping

the people in poverty and illiteracy, not helping his country to progress. His chief complaint was that Somoza was taking more money out of this Coca-Cola plant than Somoza should.

Now the same Adolfo Calero has joined with Enrique Bermudez and Ricardo Lau and all the rest of them now running those operations.

Mr. President, these Contras do not need $100 million. What they need is to be disbanded. What we need is to reach an agreement with the Governments in that region to disband this Contra force organized by the CIA and the Argentines, pulled together out of disparate national guard elements who left the Somoza government; who, in many cases, forcibly took young men into their ranks in Nicaragua.

We need to reach a negotiated settlement with all the Contadora countries to provide for the disbanding of the Contras, lest they become a force so powerful, with so much money, so engrained in that area that they become not a threat just to the Sandinista government but a threat to the Honduran Government, which, quite rightly, fears 10,000 to 20,000 armed Contras inside their borders, Contras who may find it impossible for a military victory in Nicaragua, but who just might find it possible to overthrow the Honduran military and set up their own government, a government they want to run in Honduras.

I think we have seen indications of this from many Hondurans who feel very frightened, and in fact that is exactly what may happen with these Contras.

Let there be not doubt about it. From our generals who have commanded the southern command, the military people with whom I have spoken, and others, there is not doubt in anyone's mind that even with $100 million, these Contras are not going to be able to overthrow the Government of Nicaragua—a government, I might add, with whom we have full diplomatic relations and exchange ambassadors.

I wonder what kind of message is sent to the rest of the world when the United States is funding a war to overthrow a government with whom we have full diplomatic relations.

They cannot overthrow the Government of Nicaragua. But what happens? One of two things.

We will then find, as we have in the past, that $14 million was not enough. Then it was $24 million for the Contras. That was not enough. Now it is $100 million, and that will not be enough, either.

I want to continue to make this point: that the $100 million we are debating here is not just $100 million. It is $100 million plus CIA involvement, which we barred over a year ago, plus the use of CIA contingency funds; which might mean that the $100 million will mushroom to about $500 million, and it also will result in the use of military advisers and personnel in that area.

Talk about a setup for sucking us into that war in Central America!

One-hundred million dollars will not do it. We are going to come back again next year, and it is going to be $150 million or perhaps $200 million, or we are going to come back and say that we need more personnel, we need more advisers. No, we are not going to go to war there. All we need is trainers and advisers. And once again, this Chamber will echo with the words of those who warned us on the Gulf of Tonkin resolution.

The time to end the mistaken policy of our Central Intelligence Agency, which ran amok from 1981 through 1984 in Central America; the time to put an end to this adventurism; the time to put an end to the tortures and the murders, the Ricardo Lauś, the Enrique Bermudeź, and everyone else associated with the Contras is now. The best way to do it is to defeat this proposal for $100 million, support the Contadora nations, and put the pressure of their neighbors upon Nicaragua to reform.

Again I point out that it was not until the United States, through the Central Intelligence Agency and the Argentines, grouped the Contras together into that force, until they began to actively mine harbors, blow up bridges, and actively kill people in Nicaragua—that was when the Nicaraguans began to clamp down. That is when they clamped down on the Contras. That is when they went to the Soviet Union for more and more military aid. That was their excuse, and we gave them the excuse to do so. Let us not give them any more excuses. Let us shut it down now, and let us say "no" to this request.

Mr. President, how much time have I consumed?

The PRESIDING OFFICER. The Senator has consumed 77 minutes of his allotted 2 hours.

Mr. HARKIN. Mr. President, I reserve the remainder of my time, and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BINGAMAN. Mr. President, I ask that I be allowed up to 10 minutes to make a statement on this amendment.

Mr. SASSER. Mr. President, I yield such time to the Senator from New Mexico as he may consume, not to exceed 15 minutes.

Mr. BINGAMAN. I thank the floor manager, the Senator from Tennessee, for his courtesy.

Mr. President, I rise to oppose the proposed $100 million in aid to the so-called Contras.

With this vote we will be making one of the single most significant and long-term decisions about the direction of American foreign policy in the Western Hemisphere. It is difficult for me to overestimate the importance of this vote, for it may mean a commitment, albeit in 4 or 8 years, to send our young men south to fight. With that in mind, I would like to share with you my reasons for so strongly opposing the proposed $100 million in aid to the Contras.

My reasons essentially fall into four categories: First, the recent ruling by the World Court; second, the existence of a viable means of negotiation in the Contadora initiative; third, the flaws in the current policy, which the legislation asks us to rubberstamp without significant alteration; and, fourth, the need for us to redefine American interests, and therefore American policy, in Latin America.

THE WORLD COURT RULING

On June 27, just 2 days after the House narrowly voted to grant the President's request, the International Court of Justice issued its rulings in the case of Nicaragua versus the United States. By a vote of 12 to 3, the World Court found that America's "training, arming, equipping, financing, and supplying the Contra forces * * *" violated international law.

□ 1550

Now, what does it mean that the World Court has labeled the policy of aiding the Contras. Illegal? Indeed, why should this Nation or this Senate listen to the World Court?

The World Court is comprised of distinguished jurists, and I point out they are jurists from countries which are Western-oriented or traditionally friendly toward the United States. Yet this body found our backing of the antigovernment Contras to be a violation of international law.

But, not only have we ignored international law by seeking to overthrow another government without declaring war, the administration has rejected the World Court's claim that it has jurisdiction in this case. In so doing, we have violated two charters which this body has previously approved: the United Nations Charter and the Statute of the International Court of Justice. I would ask my colleagues to consider another instance in which a government ignored the verdict of the World Court. It was, in that case, a ruling in favor of the United States and against the Iranian Government, which was, as you recall, holding Americans hostage.

This is the company that we are keeping with our decision to deny the World Court's jurisdiction.

There is one additional reason for the significance of the decision from The Hague. It is a clear indication

that we have lost the moral high-ground in the international community. Our refusal to act on the Court's ruling subverts our foreign policy efforts in other settings. These other settings include, in particular, our endeavors in the area of arms control, human rights, and international terrorism.

Of the World Court's 16 decisions involving our policy in Nicaragua, only one has earned unanimous endorsement. It was the call that the United States and Nicaragua seek to settle their dispute with diplomatic rather than military solutions. The Court specifically endorsed the Contadora initiative, proposed by Mexico, Colombia, Venezuela, and Panama.

THE CONTADORA INITIATIVE

It is this Senator's belief that the Contadora process offers a viable, nonmilitary approach to our differences with the Sandinista government. The Contadora initiative represents the effort on the part of four of the major Latin American countries to deal with the escalating conflict in Central America and the United States role in this conflict. The group has drafted four proposals for conflict resolution in the region in the past 3 years. While the latest of these proposals, the Declaration of Panama, which was reached only last month, is far from perfect as far as U.S. needs are concerned, it is a process through which we can work to achieve our ends in the region without resorting to military means.

My greatest reason for urging our commitment to Contadora is that it has the backing of the major powers in the region. I think it is telling that none of these countries involved in the Contadora deliberations endorse our backing of the Contras in Nicaragua.

The original Contadora countries have also incorporated the direct participation of the Central American countries which have a large stake in how conflict there is resolved. These countries recognize that Nicaragua's ties to Cuba and the Soviet Union are of serious consequence, but they do not see Central America solely as the front line against Communist expansion. To the Contadora countries, Nicaragua is as well symptomatic of the need for progress against poverty, unemployment, and international indebtedness. I believe that they have a more accurate understanding of the depth of the problem there than does the administration.

From the beginning, the administration has merely given lip-service to the work of the Contadora group. It has been unwilling, at almost every juncture, to engage in serious dialog unless Nicaragua ceases its support for the rebels in El Salvador. The evidence indicates, however, that Nicaragua has significantly reduced its direct support for the rebels since 1981, when the United States first made the demand that it do so. More recently the administration has sent special envoy Phillip Habib to Central America. But it is clear the President and other high-ranking officials have not given Mr. Habib the support he needs to be effective. As long as we continue to fund the Contras, we are blocking any possibility for a negotiated settlement.

Simply stated, Mr. President, we cannot have both aid. We cannot continue to both aid the forces trying to overthrow a government in the region and also sincerely work toward a diplomatic settlement with those governments as this legislation pretends to do.

For its part Nicaragua has not always been willing to participate Contadora negotiations. In recent months, however, the Sandinistas have exhibited a growing interest in entering negotiations. I believe they are presently in a weakened position, a position from which they might make genuine concessions. In other words, I believe the time is ripe to give the Contadora process genuine change.

THE ADMINISTRATION POLICY

Let me speak for a moment about the administration's policy.

In his initial request for Contra aid, the President stated that our support of the rebels would be a way of enhancing our bargaining position for working out a diplomatic solution to the Nicaraguan problem. I agree that military aid can be a way to improve leverage, but I question whether this is or ever was this administration's intention. The President has virtually admitted that our goal in funding the Contras is to overthrow the Nicaraguan Government.

If the President's objective was to improve our diplomatic posture with these military overtures, he would not today be asking us to provide more military aid to the Contras. Instead, he would be announcing our reentrance into the Contadora process. As John Ferch, whom the President recently fired as Ambassador to Honduras, said recently, the time is ripe for negotiations. Let me quote from Mr. Ferch. He said: "You've got them to the point where they're panicked so much they would negotiate some meaningful concessions." Mr. Ferch has had a long and distinguished career in the foreign service of some 27 years.

Mr. Ferch also said he has serious doubts about whether the American objective has really ever been one of seeking diplomatic leverage through military aid. Let me quote him again. He said: "Our goal is something different. It's a military goal." I am afraid, my fellow Senators, that Mr. Ferch is correct. It is clear to me that the administration is now seeking the overthrow of the Sandinista government by its increasingly larger role in the Contra war. What else does the President mean when he says he wants to make President Ortega holler uncle?

The course on which this administration is leading us is fraught with serious pitfalls. For one, our policy is downright counterproductive. If our objective is that the Sandinistas liberalize their policies, lessen their censorship, end the repression of certain Catholic leaders, and generally become more democratic, if that is our goal, we are giving them an excuse to be more repressive. The closing down of La Prensa, Nicaragua's only opposition newspaper, is a clear illustration of this.

If our goal is to weaken support for the Sandinistas within Nicaragua, our current policy is having the opposite effect. We are giving fuel to their shouts of impending invasion from the North and general anti-American rhetoric. If we vote to increase aid to the Contras, we will be providing more fuel to the Sandinistas' nationalist appeal.

Last, if our ultimate objective in Central America is to ward off the Communist threat, our current policy achieves quite the opposite result. For, when the Sandinistas not only cannot turn to the United States as an ally in their hemisphere, but have no choice but to see us as the uncontroverted enemy, they have no alternative but to continue to increase their dependence on the Soviets. If we continue to pursue this course by voting aye this week, we are saying to the Sandinistas, "You have no choice but to go even further into the Soviet fold. We will not allow you to even make an effort to be a nonaligned country." That is the message we will be sending.

In addition to being counterproductive, our policy of backing the Contras is flawed because we have no way of controlling how our support is used. In recent testimony before the House Foreign Affairs' Western Hemisphere Subcommittee, a high-level General Accounting Office official, who oversaw that committee's request of a review of how the $27 million we gave to the Contras last year was spent, said, and I quote: "We have concluded that the State Department does not have sufficient procedures and controls to ensure that program funds are being used for purposes intended by law."

When we debureaucratize that statement, what it says is, we don't know and we have no way of finding out how the Contras are spending taxpayers' money. We do not know whether they are buying drugs or guns, or laundering money, or buying houses for their personal use or what. In its audit, the GAO found itself unable to account for $15 million, that is $15 million, of $27 million the Contras had been given for 1986.

□ 1600

This year, we are being asked upfront to provide $70 million in direct military aid. Yet we have no control over what they do with the tanks, planes, and guns which we buy them. Of course, we can say these weapons are reserved for combat with Sandinista soldiers. But, clearly, as has been the case, they can be used against civilians and against innocent children. Our bombs can be used to blow up civilian clinics and farming cooperatives. Indeed, there are far too many cases like this already well-documented. So, what we are doing, is giving these men—whom the President calls freedom-fighters a blank check. In a time of this Nation's greatest fiscal restraint, when we are asking the elderly, veterans, youth who want to go to college, virtually everyone, to tighten their belts, the President is asking us to give a $100 million blank check to the Contras.

A NEW AMERICAN POLICY

We are at a crucial crossroads regarding U.S. policy in Central America. Since the Monroe Doctrine of 1823, we have realized our interests in the Caribbean Basin area. Over too much of that time, we have seen our role as one of simply preserving our economic dominance in these countries. In more recent decades, we have supplemented that view with the vision of our role as fighting encroaching Communist revolution in our hemisphere. While these are certainly important components of our interests in Latin America, they are not the only elements needed to formulate a workable and advantageous policy in this region.

Policies, like laws and armies, need to be updated. We need to, in effect, modernize our foreign policy in Central and South America.

Today, it is surrogate American troops we are sending into Nicaragua from our Costa Rican and Honduran bases. We are training, equipping, advising, and financing the Contra forces. If we are prepared to vote for a continuation of this, however, we had better be prepared to eventually send the real thing—American soldiers. Because the millions which we have already invested in the Contras and the $100 million we are being asked to approve today are only the downpayment on what will surely be a long-term commitment. If we vote yes on this measure this week, we had better be prepared to go home and say we are committed to overthrowing the Nicaraguan Government, even if it means sending our troops south to fight a war.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. MCCONNELL). Who yields time?

Mr. PROXMIRE. Mr. President, will the distinguished Senator from Tennessee yield me 10 minutes? Not now, necessarily, but as soon as he can.

Mr. SASSER. Mr. President, I yield to the distinguished Senator from Wisconsin 10 minutes.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, I wish to thank my good friend from Tennessee for yielding.

Mr. President, the United States stands condemned by the International Court of Justice. The Court has found our country of breaking international law by violating sovereignty. The Court may be wrong. But I think we should take that very seriously and we should certainly understand the basis for the charge, and we have not done that.

Late last month, just 36 hours before—I repeat, before—this finding by the World Court, the House of Representatives voted to send $100 million to aid the so-called Contras in their mission, which is to overthrow the Government of Nicaragua.

Now, I think there is a good chance that if that decision had come from the World Court in advance, there might have been a different vote in the House. At any rate, we have no excuse. We know now where the World Court stands.

Before the Senate acts on this expenditure that has passed the House, the Senate should insist it not be treated within the same short shrift given to the World Court. We must insist to a detailed justification from the administration of this major expenditure. We should have an answer, chapter and verse, of the basis in international law for this country's assistance to the Contras. The Senate should not act on this matter until we have had a point-by-point answer to the charges of our country's violation of international law by the World Court.

Frankly, Mr. President, I think the administration has given new meaning to arrogance in its shocking refusal to plead this country's case before the International Court of Justice. Here is a court that was established, in no small part, because of the vigorous support of the United States. Here is a court which supported this country's position in the Iranian hostage crisis. I think all of us recall how reassuring that was. It was not a matter just of loving our country and of patriotism. It was a matter that a relatively dispassionate court said we are right.

Above all, here is an instrument of justice struggling to establish a rule of law in a jungle of competing, warring nationalism in this increasingly dangerous nuclear world. Could the World Court ever threaten U.S. security? No way. No country has less to lose by the actions of the Court.

Consider: how does the World Court enforce its decisions? It relies on the only international enforcement arm on Earth, the Security Council of the United Nations. And how can this Security Council act? The Security Council can only enforce the decisions of the Court by majority vote and only then if one of the prominent members of the Security Council does not veto the majority decision.

Now, the United States, all alone, by itself, can veto any action the Security Council majority chose to take. If the Security Council majority decided to act against the United States in Nicaragua, the President of the United States can and would direct a representative of the Security Council to exercise our veto.

So our country stands immune from any international discipline. We stand above international law in that important sense.

But, Mr. President, there is one court the administration and both bodies of Congress ignores at its peril. That is the court of American public opinion.

Now, of course, American public opinion is strongly disposed to support our country in any foreign policy dispute. After all, this is our country. We are proud of it. We love it. Americans are patriotic. In any dispute between a popular President speaking for our country, on the one hand, and the World Court, on the other, it would be truly extraordinary for a great majority of our countrymen not to support our President.

Well, Mr. President, we have one of those truly extraordinary situations.

According to the most reliable professional public opinion polls, the American people oppose aid to the Nicaraguan Contras by the resounding margin of 2 to 1.

Now, Mr. President, let me explain to the Senate that just last month I returned from a 10-day tour of my State. I spent most of those 10 days at an event called Summerfest in the city of Milwaukee. I stood at the entrance of Summerfest shaking hands. I shake, on the average, at least 100,000 hands a year. I have done that for 30 years. I have shaken over 3 million hands. I shake a lot of those hands at events like Summerfest and the State fair and so forth. People came there not only from Wisconsin, but from Illinois, from Iowa, from Michigan, from Indiana, from all over the Midwest, but primarily from Wisconsin.

Mr. President, how did these people stand on the Contra aid? I did not bring that up. I did not have any Contra sign. It was shortly after the vote in the House of Representatives.

But I would say I have never seen, never seen an issue that is so unified by people on one side. I would say the opposition to Contra aid in my State is at least 40 to 1 or 50 to 1 among those constituents who felt deeply enough

about the issue to bring it up. And I was amazed at how many did. I can tell you, this is the most controversial, hotly disputed issue of foreign policy I have seen in a long time; perhaps in the last 10 years, since the Vietnam war.

Before the Senate acts on this Contra aid matter, we should demand from the administration a thorough, detailed justification of this $100 million expenditure that appears to be in direct contradiction of international law and the overwhelming opinion of Americans who will have to pay for it.

Mr. President, the American people are opposed to this for many obvious reasons. One reason is they are opposed to spending. I have learned that and I think other Senators who have been back to their States have learned that. They think the Federal Government is spending too much money. They can understand it if we spend money on helping farmers, although many of them dispute that. They cannot understand it when we are spending money in Nicaragua, money to overthrow a government which we recognize, money which the head of the National Security Council, Mr. McFarlane, and the administration itself, said it would be a waste of money if we do not spend $100 million, but $500 million.

Americans feel we are going to have to send troops in there. Of course, the President denies that. Presidents always deny that kind of thing. There is no question if we spend $100 million or $500 million, and then more, we are probably not going to make it, almost certainly are not going to make it, unless we send in American troops.

□ 1610

Mr. President, there is one particular reason why the people are so unified against Contra aid; that is, that almost everybody loves an underdog. Certainly in this case, little Nicaragua is an underdog. You compare the Nicaraguan Navy with our Navy, who are we trying to kid? They have a few patrol boats. We have the strongest Navy on the face of the Earth. Compare their Air Force with our Air Force. We have a superb Air Force, probably the best in the world, certainly competitive with the Soviet Union, and probably superior to the Soviet Union. They have nothing but a few little old helicopters from the Soviet Union. As far as their Army is concerned, they have a few worn-out old tanks but that is about it. We have, of course, an Army that is devastating.

Nobody likes a bully and we are viewed as a bully in South America. There is no question about that. We have the power. They do not have the power. Certainly they do not constitute the slightest remnant, not even a pitiful threat to this country.

Under those circumstances, Mr. President, in view of the overwhelming sentiment of my people, and a 2-to-1 sentiment according to the polls throughout the country—only in the southeastern part of the United States is there anything like that sentiment for this kind of intervention—Mr. President, I earnestly hope that we will not proceed with the Contra aid, and will recognize an event has occurred since the House acted. And that is an important event—that the International Court of Justice made it very clear that we are violating international law. We should insist on a thorough rebuttal of that from the administration. They did not give it to the International Court of Justice. They certainly ought to give it to the U.S. Senate.

Mr. President, I thank my good friend from Tennessee.

I yield the floor.

Mr. MATTINGLY. Mr. President, there has been some discussion by the Senator from Wisconsin about the World Court decision against the United States and I would like to comment briefly on the Court and the events that surrounded its judgment.

I find it somewhat ironic, Mr. President, that as we approach the 200th anniversary of our Constitution with all that that implies, that we find ourselves somehow having to defend our nations respect for the rule of law.

The World Court is the judicial arm of the United Nations. When the United States accepted its jurisdiction in 1946, we specifically reserved from court jurisdiction certain matters affecting national security and foreign policy. Certainly, no nation could realistically be expected to place all such responsibility in the hands of any international body.

In fact, the United States was one of the few nations to agree to Court jurisdiction. When the Court issued its puzzling ruling that it had jurisdiction over the matter brought before the Court by Nicaragua, 10 of the 15 judges came from countries that had refused to accept the compulsory jurisdiction of the Court.

Many people may perhaps view the World Court as similar to our Supreme Court or perhaps hold it in an even higher esteem. But the truth of things, Mr. President, is that there are significant differences between our highest Court and our judicial proceedings and the World Court operations.

For example, unlike our system of litigation where each side has access to evidence and related information held by the other, the World Court proceedings cannot provide such opportunities.

The United States claimed that Nicaragua was involved in support for the guerrillas in El Salvador who were trying to overthrow that Government. We had the Kissinger Commission conclusions as well as intelligence data and congressional proceedings to support that claim but there is no mechanism that would allow for the orderly transfer and use of all this data during Court proceedings.

There are appropriate times and places for World Court jurisdiction and the United States has stated that it will continue to accept them. It seems to me, though, that this case was clearly not one of them and to have pretended otherwise would have cheapened the deep and lasting respect that our Nation has demonstrated for the rule of law and true justice.

Mr. PROXMIRE. Mr. President, will the Senator from Georgia yield for a question?

Mr. MATTINGLY. Yes.

Mr. PROXMIRE. May I ask the Senator, is it not true that the Senator from Wisconsin simply said that we should have presented our case to the World Court? Certainly, they can have the other side because we did not go to the World Court to present our case. We did not do that. Why did we not do that? We had such an important case and we had such a persuasive case, we had the intelligence, we had the knowledge of what is going on, why did we not do that? And why, furthermore, may I ask my good friend from Georgia, should the administration come to the U.S. Senate and make the case before us that we were not violating international law? Have they done that?

Mr. MATTINGLY. To answer the first question, when the United States accepted the jurisdiction of the World Court in 1946, we specifically reserved from court jurisdiction, meaning the World Court, matters affecting our national security and our national foreign policy.

Mr. PROXMIRE. I recognize that. Nevertheless, certainly the World Court jurisdiction means nothing if you have a situation where the World Court says we are violating international law. We simply say, well, after all, this is our national security, and, therefore, we reserve for the Court of 1946, and therefore this decision by the World Court is not relevant.

Mr. MATTINGLY. The final answer, I would say is that questions involving security concerns are the province of political and not judicial authorities.

Mr. PROXMIRE. I thank my good friend.

The PRESIDING OFFICER. Who yields time?

Mr. SASSER. Mr. President, I assume the distinguished Senator from Massachusetts wishes to exercise the prerogative now of utilizing some of his time reserved to him under the previous order.

Mr. KERRY. Mr. President, I want to utilize up to 45 minutes of that

time. But I reserve of the 2 hours set aside for me the remainder of that until tomorrow or prior to the cloture vote. I request of the distinguished Senator whether or not, if I come close to time, he might yield me a little bit of time off the bill.

Mr. SASSER. Mr. President, I say to my distinguished friend from Massachusetts, we will do our dead level best to accommodate the Senator from Massachusetts. The concern now is that we are getting a little pressed for time. We will certainly do our dead level best to accommodate the Senator.

Mr. KERRY. I thank the distinguished Senator.

Mr. President, I ask for recognition at this time. I do so with the understanding that I will reserve my hour and 15 minutes of my time subsequent to this time.

The PRESIDING OFFICER. The Senator can only reserve 1 hour until tomorrow under the agreement.

Mr. KERRY. I thank the Presiding Officer.

Mr. President, there are those who have argued in the course of the last few weeks that the Senate has indeed expressed its will enough times, thereby questioning why it is that we need to have a lengthy debate. But I think that the opening statements thus far from the distinguished Senator from Tennessee who is manager for the Democratic side, the Senator from Iowa, the Senator from Rhode Island, the Senator from Wisconsin, and others have all begun to open a framework as to why it is that the U.S. Senate should probably be debating considerably longer than we have available to us.

This is a matter today of life and death, if not for Americans today, potentially in the near future. But it is certainly a matter of life and death for Nicaraguans, Costa Ricans, Hondurans, and for others who are caught up in the turmoil, the immediate turmoil, and the immediate consequences of the decisions that we make or do not make here in Washington.

□ 1620

As one who served in Southeast Asia during the years of the Vietnam war, I recall all too well the feelings of people there about the arrogance that they felt was expressed in our willingness to Vietnamize the war by which we were willing to see body bags, as long as they were not our body bags, as long as they did not come back to our homes, as long as it was not our mothers, fathers, brothers, and sisters who were suffering the grief of these losses.

That is what we are debating now, because thousands of people are being killed as a result of United States policy in Central America.

The Senate is facing what may be the watershed vote on whether or not a peaceful solution can be found to the Central American conflict. Let there be no mistaking that what we are being asked to do by our votes by this administration. It is to approve a program of lethal military aid in a manner that carries with it a promise of escalation and increased American involvement in the war against Nicaragua, and with it, obviously, the potential price tag to the American taxpayers of a half-billion dollars or so just over the next few months.

This is not a vote on simply another $100 million. It is a vote over a transition in our policy whereby we are once again unleashing the CIA, whereby we are once again involving American supply lines and advisers in a way that puts them into harm's way and may ultimately result in larger American involvement.

Mr. President, we are talking about a policy of war, not a policy of peace. We are talking about foregoing any possibility of really pushing a Contadora process to which the administration pays lip service; we are talking about prolonging the conflict, increasing the tensions, complicating if not terminating negotiations, isolating us from our friends, and dividing Americans.

And for what? This Senator asks for what, and this Senator asks why. Why will the United States, the greatest power on the face of this planet, avoid a more legal and a more temperate approach to the problem of Nicaragua, not only in the interest of seeking a solution, but in the interest of bringing America together rather than dividing it, in the interest of trying to build the kind of consensus on which in the 1950's and 1960's American foreign policy was built?

A New York Times editorial yesterday, I think, laid out the case against Contra aid very well. It said:

Yet many Americans remain passionately opposed to the contra war, and rightly so, for the President's promises remain unrealized.

Congress may vote dollars to the contras but the country has not rallied to their cause. It cannot sensibly do so in the face of a policy with such incoherent intent and such bloody effect.

Why the skepticism? A short answer is that the President is caught up in a web of contradictions. His purpose, unstated, is nonetheless evident: the destruction of a Marxist regime. Unwilling and unable to do what is necessary to achieve that goal, he refuses to pursue the alternate course, containing the Sandinistas within Nicaragua.

Mr. Reagan's best argument is supplied by the Sandinistas themselves. Since seizing power in 1979, they have indeed betrayed their democratic promises. They put off elections, stifled the press, harassed opponents and made common cause with leftist guerrillas in El Salvador. Most recently, after the House voted aid for the contras, the commandantes banished a Catholic bishop and suspended the only opposition newspaper, La Prensa.

These are sins against democracy. But which of these sins justify waging war? If tyranny and abuse of human rights are in themselves a casus belli, America would be at war in much of the world. Threats to national security may warrant war, but as a last resort. There are, short of that, a dozen ways for the United States to make its influence felt for democratic purposes.

Mr. President, I ask unanimous consent that the entire text of that editorial be reprinted in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WHY KILL NICARAGUANS?

President Reagan urges the Republican Senate to give him $100 million in aid for the "contra" rebels in Nicaragua and he's likely to prevail. The big test, after all, was in the Democratic House, where he won in June, after a speech in which he promised that the contras would clean up their act and American diplomacy would seek "real democracy." Yet many Americans remain passionately opposed to the contra war, and rightly so, for the President's promises remain unrealized.

Congress may vote dollars to the contras but the country has not rallied to their cause. It cannot sensibly do so in the face of a policy with such incoherent intent and such bloody effect.

Despite Mr. Reagan's popularity, the conservative mood and palpable provocations from Managua, the contra war has not caught on. Polls continue to show that a majority of Americans disapprove of arming the rebels, and doubt dire Administration warnings of a red tide sweeping up to the front porches of Harlingen, Texas.

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Mr. Reagan's hostility to Nicaragua is surely animated by its ties to Havana and Moscow and its comradely help for guerrilas elsewhere. But the Sandinistas insist they are prepared to bargain on security issues. Why not test that willingness in the context of the draft Contadora treaty, fashioned by Latins, that has been on the table for years? It calls for a regional reduction of forces, a verifiable ban on foreign bases and advisers,

mutual respect for frontiers and advancement of democracy.

Speaking before the House vote in June, Mr. Reagan seemed favorable to this diplomatic course. He acknowledged abuses by the contras and proposed a monitoring commission. But however welcome, the commission seems unlikely to reform an army whose high command is dominated by former Somoza National Guardsmen scornful of any civilian authority.

The President insisted he favored any settlement or Contadora treaty "that will bring real democracy to Nicaragua." The tricky "real" aside, that seemed to hold some hope, but it quickly faded after the House vote. When Secretary of State Shultz met in Colombia last week with Central America's leaders, Contadora was barely mentioned. The only answer to the region's problems, insisted Mr. Shultz, is a democratic government in Nicaragua.

That is not a prescription for compromise, but for war without end, spreading ever more destruction and death over a country the United States claims it wants to save. If the President has a discernible purpose, senators might find it tolerable this week to vote yes. But he cannot send enough force to win this sordid war; he knows the American public would not stand for that. Alternatively, he might use the contras to strengthen his negotiating hand. But repeatedly, he shrinks from that.

His only policy amounts to "stay the course." Toward what? Without a sounder answer, for America to keep arming the contras is to make more Nicaraguan people suffer and die, for no good reason. Mr. Reagan can call that fighting for freedom if he likes; it still amounts to wanton, bloody war.

Mr. KERRY. Mr. President, what we are talking about is not just how many ex-Somocista guards make up the Contras, not just about whether or not the Contras can effect negotiations; we are not just talking about whether or not they are involved in extracurricular activities that involve gunrunning or drug smuggling.

We are talking about a fundamental flaw in the approach that utilizes the Contras as a realistic means of dealing with the Sandinistas.

I urge my colleagues to very carefully read an article that appeared recently in the Washington Post entitled "Contra See Aid Bringing Victory in Year."

The groundwork is being laid in that article, I suggest, Mr. President, for future involvement by the United States because as the Contra leadership begins to promise a victory that they have promised every year since their inception, they begin to lead us further into the process where in order to ensure that victory, we become involved.

Mr. President, we clearly have interests in Central America. I know it is fashionable in this debate to get caught up over the Contras and some would accuse those who oppose aid to the Contras of not taking note of the abuses of the Sandinistas. But I do not think that any Democrat or any individual, whether Democrat or Republican, who is opposed to this policy, is somehow myopic with respect to our interests in Central America.

Yes, we do have important interests in Central America, and it is important to set out those interests before we make a judgment about how we can best achieve those interests.

I think it is safe to say, Mr. President, that we all agree that we do not want Soviet missiles that could threaten the United States being based in Central America and Nicaragua.

We do not want, nor should we have to endure, Soviet or Cuban military advisors in Central America and particularly in Nicaragua.

We want the sovereign integrity of each nation in Central America protected.

We want, at a minumum, a neutral Nicaragua and at very best we would like to have a Nicaragua that is positively and definitely aligned with the United States.

We want, to a degree that we can achieve it and effect it anywhere in the world, a pluralistic, democratic society in Nicaragua.

So the fight, I think, Mr. President, is not over these goals. If I have left out a goal, I would certainly welcome anyone saying what goal there is beyond those I have described that would merit the United States setting itself up to a potential of military involvement.

The fight is not over these goals. Americans are in agreement about what our interests are in Central America.

The fight is over whether or not the Contras can, by any sense of the imagination, contribute anything toward the fulfillment of those goals, to the achievement of those goals, or to the protection of those interests.

I would suggest very respectfully, Mr. President, that it is such a fundamentally flawed policy that not only do they not contribute to the achievement of those goals, but support for the Contras contributes in fact to the detriment interests of the United States and builds and creates a self-fulfilling prophecy by which the very things we are trying to prevent will happen.

You can trace the history of Soviet involvement with the history of American intransigence in the negotiating process and see how it is that as America steps up our efforts, so it is that they ask for and receive greater quantities of weapons from the Soviet Union.

□ 1630

Why not the Contras? Why are the Contras, then, in light of those stated goals, not the way to proceed? I think there are uncounted numbers of reasons, but I am going to suggest as many as 13 to my colleagues?

No. 1, because the Contras violate American standards of behavior and decency at home and abroad. I shall describe later the ways in which I think they do so;

Because the Contras drag the United States itself and individual Americans into illegal activities both at home and abroad;

Because the Contras themselves are engaging in activities that break our law as well as international law and do injury to the United States;

Because far from being freedom fighters or a party to an internal armed conflict, they have been guilty of their own form of terrorism directed against the civilian population of Nicaragua;

Because, as many have said, they cannot win;

Because they undermine the negotiation process in general and the Contradora process in particular;

Because they increase the militarization of the region rather than diminishing tensions within countries who can ill-afford such a wasteful expenditure of scarce resources;

Because they isolate us from our own allies;

Because they afford cheap victories to our adversaries, particularly a cheap victory on a daily basis to the Soviet Union;

Because rather than focusing attention on economic mismanagement and on the abuses of the Sandinistas, which are real, they allow the Sandinistas to focus the energy of their nation on war and on opposing the colossus from the north;

And because they are the primary instrument of our policy in Nicaragua, the Contras place in jeopardy the long-term interests in the region and throughout Latin America;

Because, what is worse, the Contras bring with them an inevitability of greater American involvement;

Because, finally, Mr. President, and I think this is perhaps the most important thing of all, there are better alternatives by which we could pursue a sensible policy in Central America without dividing Americans, without being responsible for additional killing, and without laying the groundwork for the first instance in which the United States of America has ever overtly sought the overthrow of a government with whom we have diplomatic relations and are supposedly at peace.

Thus, I think, Mr. President, any proposal that suggests that the Contras are a viable alternative for our policy in Central America is a flawed and mistaken and tragic assumption.

Let me examine some of the reasons I have stated in greater depth and I shall not go into greater detail.

The Senator from Iowa has adequately drawn a picture of where the

Contras came from, how they were funded, how the CIA aided in their training through Argentina, how they were first set up to interdict weapons, and how, now, they sit in Honduras with a leadership that does not want to lead them into Nicaragua and that has not been able to provide a purpose and a democratic cohesion to their efforts. When one looks at the nature of the Contras in this country, it is possible to see why the United Nicaraguan Opposition, or UNO, as it is commonly known, which supposedly represents the exiled Nicaraguan community, increasingly within that exile community are those in opposition to the leadership of UNO itself.

During the months-long investigation which my office has been conducting into the Contra program, we have received considerable information from former FDN members and supporters regarding allegations involving drug trafficking, corruption, human rights violations, illegal gunrunning in the region. There has been considerable information regarding these allegations that has appeared in the news media nationally, information which later in this debate, conceivably tomorrow, I shall go into. But I did want to point out that just in the public statements, Mr. President, there is enough cause for concern.

There has been a trial in Costa Rica in which, in the course of the trial, in the course of the wiretapping, it became evident that members of the Contras were involved in drug trafficking. Yet we here in the Senate, notwithstanding the knowledge that the greatest priority of the President of the United States is now to stop people running drugs and the Vice President is at the head of his task force and Nancy Reagan is busy having people at the White House and they are talking up how we have to stop the demand in the United States—here we are with countless stories of drug running all across the United States—San Francisco, Miami, Washington. CBS News has run these stories; countless newspapers have. And Congress sort of sits here, willynilly, and says, Oh, we are now going to not just give them the $27 million of humanitarian assistance; by God, we are going to reward them and give them lethal aid because they are such nice people.

This is from CBS News with Dan Rather, Mike O'Connor reporting from Central America, saying that the wiretap shows drug dealers have ties to the highest leaders in Costa Rica. Edmundo Chamorro, brother of the top military man, was consulted about vehicles for obtaining favors for those awaiting narcotics sentences in Costa Rica. But the Contras were not charged. Chamorro says Gonzalez has left the movement and the Contras and the drug smugglers were not available.

It goes on through other articles, a mere smidgen of a book full of articles from around this country by reporters who have been pursuing this story. But Congress does not seem interested in pursuing the story.

"Contra Funds Traced to Drug Trade" is the headline in the Hartford Courant in an AP story. "Nicaraguans Engaged in Cocaine Trafficking."

Another story from the San Francisco Examiner: "Nicaraguan Exiles Cocaine Contra Connection." A big story about how Mr. Norwin Meneses who has been in contact with members of the FDN and directly how moneys from drug trafficking have been going to support the Contras.

Mr. President, these are not the moral equivalent of the Founding Fathers; these are the moral equivalent of mobsters and it ought to be incumbent upon Congress to find out what kind of people we are giving money to before we give it to them.

These are not the only things we know about the Contras. We know about gun running, about defrauding of the Government of the United States. A GAO report says that $27 million in humanitarian aid went to the Contras and only 40 percent can be accounted for. Much of the money has gone directly into Contras bank accounts and out of the country, making it difficult to trace.

The stories go on to show how thousands of items were billed where there were only hundreds of items purchased; how whole amounts of money were never distributed to directly benefit Contra fighters; how equipment that was supposed to be bought was never bought.

What do we do? We turn around and say, well, we will get the CIA involved. They are the guys who got us in here in the first place, they are the ones who got us to the World Court in the first place.

Mr. President, there is much more to be said on this, but I question whether the American people, who are watching program after program, whether it is budget cuts for people trying to send their children to college, or whether it is health money, money for the handicapped, aid to farmers, drought aid in the South, will be happy to know that once again, we are going to reward those who bilk the hard-earned money of the American taxpayers for personal gain.

That is the choice or part of the choice that we are making here also.

Then there is the issue of how these people behave out in the field, Mr. President. Let me read a story from the New York Times:

"A Nicaraguan Rebel Tells of Killings as a Device For Forced Recruitment."

Is that not a wonderful way to build up the Contras into a significant force about which the United States can be proud? How wonderful it is to call these people freedom fighters.

□ 1640

Let me tell you what they do, Mr. President. And I read from this article from Miami dated September 12, 1985:

A former director of the largest Nicaraguan rebel group says in a court affidavit that the rebels routinely forcibly recruited new fighters by publicly killing Sandinista officials and their sympathizers in many small Nicaraguan towns. In an affidavit to the World Court that is to be made public on Thursday, Edgar Chamorros, who was a leader of the Nicaraguan democratic force until last fall, said that the forced recruitment was widespread and that it was done with the knowledge and acquiesence of the Central Intelligence Agency. Rebel units "would arrive at an undefended village, assemble all the residents in the town square and then proceed to kill in full view of the others all persons working for the Nicaraguan Government, including police, local militia members, party members, health workers, teachers, and farmers on government cooperatives. It was easy to persuade those left alive to join," he added.

Mr. Chamorros' affidavit also states that two officials from the National Security Council assured the rebels 16 months ago that they would take over supervision of their military operations just after Congress voted to forbid further American aid.

Mr. President, there is far, far more to cover regarding these kinds of allegations than this Senator can cover in the brief time that we have for this debate. But suffice it to say that as a former prosecutor who spent a period of time trying to prosecute drug runners and murderers and others, as a Senator, I am disturbed when I see the repetition of these allegations, when I see people from different parts of the country corroborating what other people have said. And when I begin to see that repetition and that corroboration, then I suspect there is more there than mere smoke. Before we again reward these people with $100 million and allow them to go back and recruit some more people by killing, we ought to think twice.

I am recalling the words of the Roman historian Tacitus who said of the Romans' pillage and rape and murder in those days, "They made a desert and they called it peace."

I wonder, Mr. President, as we look back on Vietnam and the village of Bien Tre that we destroyed to save, whether that is our intention in Central America. Will we teach more and more Contras how to kill and destroy and by so doing we will liberate the Nicaraguans so that those who are left alive may, indeed, enjoy the pursuit of life and liberty?

I do not think that is in the greatest standards of behavior of the United States, Mr. President. That is not what I was raised to believe and I do

not think this Senate should so easily sit or stand and vote and make believe that by giving these people greater license and by arming them we are somehow solving the problems of this region.

Time and again this administration has pointed out that reforms were going to be undertaken; time and again very little has happened, Mr. President. Just last May, with great fanfare, an agreement was signed which would give the UNO troika, if you will, of Calero, Cruz, and Robelo equal power, but what has happened to that? As Time magazine points out most recently:

Political unity continues to elude the rebels. Last May Washington pressured the contra's three civilian leaders into announcing that they would share all decisionmaking. Since then Adolfo Calero, the member of the trio with the closest ties to the CIA and contra military, is rumored to have struck out on his own. As top Calero aid Aristedes Sanchez said——

And he pointed out in the Preston article in the Washington Post——

We are fighting two wars here, one in Nicaragua and the other in Miami.

The administration continues to maintain that there is not any corruption among the top leadership and American taxpayers' dollars previously made available have not been diverted. But who knows, Mr. President, who knows? And the wealth of evidence and documentation says otherwise.

The President on January 24 of this year submitted a report to Congress saying the Contras were cleaning up their human rights act, and he said since the submission to Congress of the previous report UNO has continued and expanded its effort to improve its front's record on human rights. Toward that end UNO has established an autonomous human rights commission

Well, Mr. President, according to Time magazine, last week a high-ranking Contra told Time that both Calero and Bermudez have decided to shut down the Contra's human rights office. "I think they fail to understand the importance of it."

Mr. President, do we really have a coherent policy with respect to Nicaragua? More importantly, are the goals that are sought by our ever-changing rationale of the administration achievable? The Contra policy has been subject to extraordinary contradictory statements from the administration since its inception in 1981. And when the arms interdiction program did not work as they first said, then they became the primary instrument for focusing efforts against the Sandinistas, to keep them preoccupied with their internal problems. Then our Contra policy changed and it became one of pressuring the Sandinistas to negotiate. But when the Sandinistas came to negotiate and did negotiate, lo and behold, the administration found yet another reason for saying we need the Contras. And then the rationale became something else when the Sandinistas decided that they would sign the September 1984 Contadora agreement.

Last year the administration promised the Senate bilateral negotiations. Where are those bilateral negotiations, Mr. President? In order to get $27 million of humanitarian aid, the President of the United States sent a letter to us in the Senate, to the majority leader, saying, "I am going to start bilateral negotiations if you guys will just give me $47 million," signed "Sincerely, Ronald Reagan." The majority leader stood up and explained that that meant that all Senators voting were going to have the assurance that the President was, indeed, going to have these negotiations.

We never had these negotiations, Mr. President. We have never resumed bilateral negotiations. And so we see the President again moving away from that promise and now we are going to turn around and reward the failure to fulfill that promise with not another gift of humanitarian assistance but instead lethal assistance. Not even the latest rationale has now made that much more sense, because after the Sandinistas made it clear they were willing to sign the June 6 Contadora agreement, the administration has found a new reason to turn away from that process by saying that the Sandinistas have to, in fact, become a democratic regime in totality and must implement all of those changes to pluralism and requirements of democracy before, in fact, the Contras will not be funded.

Well, Mr. President, that is the catch-22 of this process, and that is precisely what the administration has been seeking—a way of frustrating the Contadora proposals and the Contadora process. Because of the restraints on time, I cannot go into the whole history of Contadora and what has happened, but there are many who believe, and much evidence that has been made available, including evidence from a recently fired Ambassador to Honduras who said that, to his amazement, he found that the United States was not pursuing a policy of peace that he thought we were.

Mr. President, may I ask how much time I have remaining?

The PRESIDING OFFICER. The Senator has 1 hour and one-half remaining. I gather that means he has 30 minutes remaining.

Mr. KERRY. I thank the Chair.

Mr. President, no one will argue, as I said earlier in my remarks, that the Sandinistas have in fact lived up to their promises and their revolution.

They continue to harass their opponents with increasing frequency. They have suspended the publication of the only opposition newspaper in Nicaragua, La Prensa. They recently banished a Catholic bishop in the aftermath of the House vote, and they have made a miserable mess of their own economy and of much that has to do with civil rights and human rights.

But, Mr. President, as the New York Times said, these are offenses against the notion of democracy. These are not the reasons that a nation like ours creates a mercenary army and sets itself up in a position to take arms against a nation the size of 2.7 million people, a nation that is harbored in the confines of a territory smaller than the State of North Carolina, a nation that is incapable of carrying out the threat that the President has talked of on national television, of being in Harlingen, TX, in 2 days.

□ 1650

Mr. President, Ambassador John Ferch, to whom I referred earlier, who was in Honduras, stated that he always thought that the administration meant what it said about negotiating; that the United States wanted to put pressures on the Sandinistas so that we could negotiate, and he thought the time was ripe for diplomacy. He was fired because it finally dawned on him—and these are his words, not mine. He served with great distinction for 27 years in the Foreign Service. He was a Reagan administration Ambassador to Honduras—he said that it finally dawned on him that the Reagan administration was seeking a military solution in Nicaragua, despite public protestations that a negotiated settlement was the priority of the United States in the region.

I think we should heed the warning of our former Ambassador. He said: "The hundred million we are being asked to approve is nothing more than a downpayment on war."

He said that unless the administration seizes the moment and presses for negotiations, the $100 million would go fast. "It is really just the first step. The logic of it all means that the next stage is an expanded military operation."

Mr. President, that is what the Senate is being asked to vote on this week. We are voting on a down payment, a miniscule amount compared to what will be coming down the road in the months ahead. Will it be any easier a few months from now to turn off this spigot?

I have already heard my distinguished colleagues who support this aid talk of them as freedom fighters, talk about the need to prevent this Marxist-Leninist beachhead, why we must proceed forward.

I can already hear the rhetoric of next year and the rhetoric of the year after, when they come to us and say: "Wait a minute, my colleagues. Wait

just a minute. This is the U.S. Senate that voted $100 million in aid. This is the U.S. Senate that said to these people, 'We are your hope. We are behind you. We are going to give you the opportunity to turn the events in Nicaragua.' "

So, just as it was with the arguments about leaving Vietnam and about who lost China and about all the other recriminations of American foreign policy, we find that the time will come on this floor when people will say: "If you don't continue to give this money, then the blood of the Contras will be on your hands and the bloodbath of Central America will be on your hands"; and that hysteria will begin to grip us.

Now, before that happens, while we have the opportunity, we, in the Senate, ought to state, as we know, that there are many other alternatives than the funding of our own terrorist organization.

When do we reach the point when we will say to the administration that they do not really have a policy in Latin America or Central America and that the American people understand that today? That is why, after all those imposing advertisements of Russian helicopters, and after all those deep bass voices of advertisers on television talking of that great threat, and even after the President's discussions on national television—after all that has been said and done, the American citizen is further away from the policy of the President than when we started.

Opposition to this incipient war has grown, and the American citizens, once again, in 1986, as they were in the 1960's, are ahead of the U.S. Congress.

If my colleagues want to answer these questions and vote no, then I think that is simple; but if the vote is yes, then the Senate supports an ever-expanding military conflict.

Mr. President, I have not had the experience of many of my colleagues in the U.S. Senate. I am not prescient when it comes to issues of foreign policy, and I have much to learn. But some of what I have learned, I have learned in personal ways. I learned as the son of a Foreign Service Officer when I lived in other countries and talked to people in those countries. I learned as a soldier in another country when I saw what happens when you try to force your will on a group of people whose language you cannot speak and whose customs are different from yours.

Out of that also comes a sense of what this country is best at, what we are about.

It seems to me that one of the things we are about, and one of the responsibilities we have, as a consequence of the development of our policy through this century and before, is that we have a special place in the world; that other countries view us differently from other nations; that we have a burden that goes with our power; that people look to us for a responsible exercise of our power; and, most important, I think other nations looks to us to uphold the institutions that we helped to create. That is part of the tradition of the United States, a role that we assumed in the aftermath of World War II, most especially one that has been consistent with traditional American values and traditional respect for the rule of law and adherence to the basic principles.

I think it is this sense of our role and our affection as Americans for the rule of law and for how we protect individual liberties that has brought us to the point that we began to understand better than other people the business, if you will, of constructing a global order of extraordinary sweep as a means of demonstrating to the world that we have learned something from the lessons of history; that we fought World War I and World War II for something bigger than just ourselves; that we fought it to uphold those notions about democracy and freedom and individual liberties.

Part of what we created was the United Nations. Part of what we created was a sense that we were going to try to have a rule of law, of international law, and that all nations, ourselves included, were better off when we adhered to that law, and that it was adherence to that law that gave us strength.

Mr. President, it is interesting that the charter of the United Nations begins: "We the people of the United Nations," not unlike our own Constitution. That charter was a statement of contractual law by which we would voluntarily enter into if you will, to protect our interests. So we established that.

Throughout the 1950's and 1960's, we were most effective when we behaved in a way that acted in concert with that rule of law.

However, on May 13, 1985, for the first time in the history of the United States, our Government failed to appear before an international tribunal to respond to charges against us in connection with the charter of that tribunal.

We compounded the problem by notifying the court that we would not any longer be bound by any compulsory jurisdiction of the court. Why was this? Supposedly, there was a direct danger to the national security of the United States. No, there was not such a direct threat to our security. We did so because the Government of Nicaragua filed a suit against us for something that all Americans know was wrong: Because we had the gall to mine the harbors of Nicaragua, a country with which we were not at war. The kind of thing the United States has always condemned other nations for doing, we went ahead and did. Nicaragua, obviously, had standing in the World Court.

I ask my colleagues, does Nicaragua present the kind of threat that merited the United States turning its back on an institution of world order? Not if you believe former CIA Director and former Defense Secretary James Schlesinger, who wrote in the summer 1985 edition of "Foreign Affairs":

> While the Sandinista regime is a geopolitical nuisance which we wish would wither and disappear or moderate in behavior, it can scarcely be described as a major threat to the Republic. It remains an impoverished country, almost like an Albania situated in the Western Hemisphere.

□ 1700

Mr. President, I ask my colleagues to think back on the tradition of this country.

From President Woodrow Wilson we heard:

> Cooperation is possible only when supported at every turn by the orderly processes of just government based upon law, not upon arbitrary or irregular force. We hold, as I am sure all thoughtful leaders of republican governments everywhere hold, that just government rests always upon the consent of the governed and that there can be no freedom without order based upon law and upon the public conscience and approval.

From Franklin Roosevelt in his first inaugural address we heard:

> In the field of world policy I would dedicate this Nation to the policy of the good neighbor—the neighbor who resolutely respects himself and because he does so, respects the rights of others—the neighbor who respects his obligations and respects the sanctity of his agreements in and with a world of neighbors.

Or from Dwight David Eisenhower:

> In a very real sense, the world no longer has a choice between force and law. If civilization is to survive, it must choose the rule of law.

Again from President Eisenhower:

> There can be no peace in the world unless there is a fuller dedication to the basic principles of the United Nations Charter. If ever the United States fails to support these principles, the result would be to open the floodgates to direct and indirect aggression throughout the world.

From John F. Kennedy:

> World peace, like community peace, does not require that each man love his neighbor; it requires only that they live together in mutual tolerance, submitting their disputes to a just and peaceful settlement.
>
> The badge of responsibility in the modern world is a willingness to seek peaceful solutions.

Again from President Kennedy:

> Peace requires positive American leadership in a more effective United Nations, working toward the establishment of a worldwide system of law, enforced by worldwide sanctions of justice.

And Robert Kennedy, writing in a magazine in 1968 on the Kennedy administration's quarantine against Cuba;

> It was the vote of the Organization of American States that gave legal basis for the quarantine. . . . It had a major psychological and practical effect on the Russians and changed our position from that of outlaws acting in violation of international law into a country acting in accordance with 20 allies legally protecting their position.

Mr. President, one of the things that I remember in those years when I came back from Vietnam and opposed the war was the degree to which this country was divided, the degree to which that war was able to tear at the very fabric of our society.

We have an option now which we could exercise if we choose to do the things that Woodrow Wilson, President Kennedy, Dwight Eisenhower, Robert Kennedy, and all the others referred to. We have an opportunity to go to the very organizations that we helped to create and to appeal to them to assist, to hold Nicaragua to a standard of behavior.

I referred back to those years of Vietnam, Mr. President, because that taught us something about not having a consensus in our foreign policy. You cannot pursue policies of war and conflict without bringing the American people behind you. While there are many lessons from that war and nobody knows all of them, one of them on which we can certainly agree as Americans is that never again should we pursue that kind of policy without having brought the American people into the process, without giving Americans an opportunity to be able to decide and understand why it is their sons and daughters may have to go off and die somewhere. That is not what we have done in Central America, Mr. President, and this is not what we are doing.

I believe that there are many reasons to doubt whether or not Nicaragua would adhere to every single part of an agreement. I do not trust them. I will not take them at face value. That is why we negotiate agreement because we do not trust people and we do not take them at face value.

I do, Mr. President, think if this country had a Contadora agreement in which all the nations of the region had said, "We will adhere to this standard of behavior," we would be far better off in the world community if they did violate it to hold up that document and say to the world community, "Here is violation of article I, article II, article III, and we demand that Nicaragua be held accountable according to the standards of international law."

Mr. President, it is ironic that at the very time that Nicaragua said, "We will sign the agreement of Contadora," at the same time the President was saying we cannot do this because we will not achieve our goals, the very document that Nicaragua was willing to sign was a document that would have prohibited the buildup of any military, that would have prohibited them from bringing in Soviet helicopters, there would not be a Soviet helicopter in Nicaragua today legally under this document if we had permitted them to sign it.

If we had helped that process to completion, they would not be allowed to have any Cuban or Soviet advisers but we did not, we frustrated it.

Mr. President, not only did we frustrate it but I think Members of this Senate may recall, I do not know exactly where it is in my notes here, but a document of the National Security Council, in which the National Security Council gloated over the fact that they were able to frustrate the Contadora process.

There is an internal memorandum the NSC is quoted as being exultant over the fact that they were able to block the 1984 signing of the Contadora agreement.

Mr. President, last year the United States put an embargo on Nicaragua, an economic embargo.

At the same time, as we did that we were pointing out to Americans the dangers of the PLO in Nicaragua, of the Libyans, of the Bulgarians, of the North Koreans, of the Cubans, and the Russians. It is very interesting to note, Mr. President, that when we put that embargo in Nicaragua it was not the PLO or the Libyans or the Cubans or the Soviets who picked up the loss of trade with Nicaragua. No, Mr. President. It was our allies. It was Japan, and Italy, and the Netherlands, and others who turned around and supplied Nicaragua, not the people that we were supposed to be most fearful of. What that indicates is that our own allies do not support the kind of unilateral action that we took in Central America, and that is even the case of Margaret Thatcher, who has been probably the single biggest booster and supporter of most of the policies of the President. Even the Prime Minister stood up and she said she thought the economic sanctions was the wrong way for the United States to go.

Mr. President, if we were to pursue a policy whereby we were to go through the Organization of American States and go through the United Nations, we could build a consensus in this country, we could allow Americans to see that we are taking every step available to us in the efforts to be able to negotiate an agreement. Then, Mr. President, we would be able to hold that document up to the people of this country and say to them, "Look, Nicaragua persists." Then what would we do? Is it a mere document? Are we stuck with a piece of paper about which we can do nothing? No, Mr. President, because the fact is that we have ample recourse under the treaties that we have already signed and have in effect, and we have ample recourse under the Contadora agreement itself.

I would like to read a few of the documents.

Mr. President, may I ask how much time I have remaining?

The PRESIDING OFFICER (Mr. WARNER). The Senator has used 50 minutes.

Mr. KERRY. Thank you, Mr. President.

Mr. President, I am reading from the Inter-American Treaty of Reciprocal Assistance, known as the Rio Treaty. This is a treaty which we have signed which Central American countries have signed to which we are duty bound to uphold.

Article I of this treaty says to which we are a party, "The high contracting parties formally condemn war and undertake in their international relations not to resort to the threat or the use of force in any manner inconsistent with the provisions of the charter of the United Nations or this treaty."

We are in violation of this, Mr. President.

Article II: "As a consensus of the principles set forth in this treaty, the high contracting parties undertake to submit every controversy which may arise between them to methods of peaceful settlement and to endeavor to settle any such controversy among themselves by means of the procedures enforced in the inter-American system before referring it to the General Assembly."

So we could go to the Organization of American States with this complaint.

In addition, those parties have contracted to follow rule of law and a process for resolution of the conflict.

Article VI: "If the individuality or the integrity of the territory or sovereignty or political independence of any American State should be affected by an aggression which is not an armed attack or by an extracontinental or intercontinental conflict or by any other organization which might endanger the peace of America, the organ of consultation shall meet immediately in order to agree on the measures which must be taken." Those measures, Mr. President, include for the purposes of this treaty, the measures on which the organ of consultation may agree will comprise of one or more of the following: the breaking of diplomatic relations. That is what we did with Cuba in the 1962 missile crisis and that was effective and the Organization of American States unanimously voted to undertake that kind of action. "The breaking of consular relations, the partial or

complete interruption of economic relations or air, sea, rail, postal, telegraphic, telephone, or radiotelephonic communications and the use of armed force."

□ 1710

So, Mr. President, if there is a true threat to the security of the United States of America—if there is really this threat of Nicaragua moving up to Arlington, TX, if somehow their tanks, which cannot even cross their bridges because they are not strong enough to hold them, could ever get out of the country—we are entitled under our own treaties to take the act in self-defense.

So, Mr. President, we have adequate legal, diplomatic and other means available to us to be able to pursue this process.

What is most tragic about the lack of support for the Contradora process is not only the duplicity about which we indicate to the people of the world that we are willing to pursue negotiations that we are not really willing to see brought to fruition—that is one part of it—but the more significant part of it, Mr. President, is the fact that this treaty, if signed in its current form in the draft of June 6, 1986, has adequate means of verification, sets up a control commission with on-sight inspection in Nicaragua, permits a process by which we would gain the securing of each of the goals I set out and even sets forth a standard, though general, but a standard which Nicaragua is supposed to adhere to with respect to pluralism and democracy.

I think most Americans would believe that we would be far, far better off trying to enforce those kinds of standards rather than pursuing the policy we pursue today.

Mr. President, I refer back to my comments earlier about the United States blocking the treaty. I read: "On the day it was issued, U.S. Secretary of State George Shultz praised the treaty draft"—this is referring back to 1984. And at the time the treaty first came out, the Secretary of State said this is terrific. He called it "an important step forward." He noted its conditional acceptance by Costa Rica, El Salvador, Guatemala, and Honduras. And then he added, "Nicaragua, on the other hand, had rejected key elements of the draft, including those dealing with the binding obligation."

It came as a complete surprise to the State Department when, 2 weeks later, Nicaraguan President Ortega sent a letter to the Contadora countries agreeing to sign the Contadora agreement.

We inform you of the Nicaraguan Government's decision to accept in its totality, immediately and without modifications, the revised proposals submitted September 7 by the Contadora group.

The Nicaraguan acceptance included the sections dealing with binding obligations to internal democratization and to reductions in arms and troop levels referred to by Secretary Shultz:

A State Department spokesman, reflecting the Department's surprise and confusion at this turn of events said, "It is not at all clear to me that in the long run Nicaragua won't come to regret its precipitous acts."

The U.S. Government, losing its earlier enthusiasm for the agreement, was now calling it unsatisfactory and one-sided.

Immediately after Nicaragua agreed to sign, what did we do? The United States initiated "intensive consultation" with Costa Rica, Honduras, and El Salvador, who subsequently, having said they would sign it, expecting Nicaragua to say no, said,"Wait, We have got to get revisions in this draft." And a month later, the National Security Council could exult in that secret memo and I quote from the memo: "We have effectively blocked Contadora group efforts to impose the second draft of the revised Contadora Act." So, while publicly continuing to support the Contadora negotiations, the administration privately rejoiced. And I quote: "We have trumped the latest Nicaraguan-Mexican effort to rush signature of an unsatisfactory Contadora agreement."

If the American people knew that that unsatisfactory agreement was an agreement that said no Cuban advisers, no Russian advisers, no offensive weapons, no Soviet bases, democratization and pluralism at elections, indeed would have reduced the size of the army, Americans would question seriously whether it is necessary to send $100 million of lethal aid to the killings in Central America.

Later in the continuation of this debate, Mr. President, I will touch on some other aspects of this policy. I yield, and reserve further time to myself.

Mr. SASSER. Mr. President, I thank the distinguished Senator from Massachusetts for his very thoughtful and perceptive statement here on the floor of this Chamber this afternoon. The Senator from Massachusetts has long been a leader on this issue, calling the attention of the country to the mistaken policy of this administration vis-a-vis Central America.

We are not unmindful, when the distinguished junior Senator from Massachusetts speaks on matters of war and peace, that he knows whereof he speaks. He is a Member of this body who was three times decorated for valor in Vietnam. I would urge upon my colleagues to listen to his views with great care and interest when he speaks on matters of war and peace.

I yield 3 minutes to the distinguished Senator from Rhode Island.

Mr. PELL. Mr. President, I thank the Senator from Tennessee.

Earlier on this floor I spoke of the idea that we should test the intentions of the Nicaraguan Government and they should put up or shut up. If they talk about wanting to negotiate, we should give them a chance.

In this regard, I received a letter just a couple of days ago from the Embassy of Nicaragua, enclosing the proposal made in Chicago a little over a week ago, by President Ortega which pretty well goes along with the objectives that we have in mind.

I think if we went down his proposals point by point we would see that we are saying this is what we want Nicaragua to do. But when Nicaragua offers to do it we say, "Oh, no, we have in mind something different."

So for illumination at this point, I ask unanimous consent that there be printed in the RECORD a copy of the letter from Ambassador Tunnermann, with an enclosure entitled "The Chicago Proposals for Peace."

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

EMBAJADA DE NICARAGUA,
*Washington, DC, August 6, 1986.*

Hon. CLAIBORNE PELL,
*U.S. Senate, Washington, DC.*

DEAR SENATOR PELL: As you know, the International Court of Justice formally delivered its verdict on the Government of Nicaragua's case against the United States of America on June 27, 1986. After twenty-six months of argument, review of evidence and careful deliberation the Court ruled that "by training, arming, equipping, financing and supplying the contra forces or otherwise encouraging, supporting and aiding military and paramilitary activities in and against Nicaragua, (the United States) has acted, against the Republic of Nicaragua, in breach of its obligation under customary international law not to intervene in the affairs of another state".

After reviewing the merits of the case of each of the parties in the dispute, the Court ordered the United States to immediately cease and desist from all illegal activities and to pay reparations to Nicaragua for the damages it has suffered.

On July 29, President Daniel Ortega appeared before the United Nations Security Council to present the principal findings of the World Court and to appeal to the international community for its support and assistance in implementing the Court's ruling. President Ortega also responded to the Court's unanimous decision that called upon both parties to seek a peaceful solution to their disputes by formally stating before the U.N. Security Council that "Nicaragua is willing to immediately engage in negotiations with the U.S. Government in order to overcome the existing problems and normalize the relations".

A Security Council Resolution was later introduced by Congo, Ghana, Madagascar, Trinidad and Tobago and The United Araba Emirates that requested nothing more than compliance with international law and that the Court's ruling be upheld. Of the 15 different member states represented in the Security Council, only the United States voted against the Resolution.

It is my Government's firm conviction that a peaceful solution to our disputes and to the problems in Central America are not only possible, but imperative for the peace and development of the region. Yet for an alternative to succeed, it requires the active support of all the parties involved.

President Ortega reaffirmed Nicaragua's willingness to cooperate in this endeavour in Chicago where he made an urgent request to the United States' Government to agree to begin negotiations that would lead to a prompt signing of a new Treaty of Friendship, Commerce and Navigation requiring both to respect the legitimate security interests of each nation, and to solemnly commit themselves to respect international law, particularly the principles of non-intervention, the non-use of force and the peaceful settlement of disputes.

Mr. Senator, Nicargua, by taking its case to the International Court of Justice, through its proposals and active participation in the Contadora peace process, has committed itself voluntarily and irrevocably to respect and obey international law.

I am enclosing for your consideration the full text of President Ortega's speech before the U.N. Security Council which summarizes all the pertinent legal aspects of Nicaragua's case at the Hague, as well as the Security Council Resolution. In addition, I am enclosing the text of the recent "Chicago Proposals for Peace" announced by President Ortega during his recent visit to Chicago, as well as other materials.

Once again, if you or your staff persons should have any questions regarding the recent ruling by the International Court of Justice, my Government's position on Contadora or bilateral negotiations with the United States Government, please feel free to call us.

Sincerely yours,

CARLOS TUNNERMANN B.,
*Ambassador of Nicaragua*

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THE CHICAGO PROPOSALS FOR PEACE

(1) The Government of Nicaragua is willing to immediately establish a constructive, frank and systematic dialogue with the Vatican in regard to the relationship between Church and State.

(2) The Government of Nicaragua, with a view to renewing the dialogue with the Bishops' Conference of Nicaragua is requesting a meeting with the Conference during August, and should it be necessary Nicaragua proposes the establishment of an economical mediation commission.

(3) The Government of Nicaragua urgently calls on the other Central American countries to immediately renew the Contadora sponsored negotiations, so that on Septemnber 15, the anniversary of Central American Independence, the Contadora Act can be signed.

(4) The Government of Nicaragua calls upon the owners of La Prensa newspaper to break all their ties with those who direct and finance the war of aggression waged against Nicaragua, thereby maintaining themselves within the boundaries of the law and legal institutions of the nation. Under such conditions the temporary measures that have been applied would be reconsidered.

(5) The Government of Nicaragua urges the U.S. Government to comply with the June 27 verdict of the World Court, in keeping with its solemn international obligations.

(6) The Government of Nicaragua urgently requests that the U.S. Government agree to begin negotiations that would lead to a prompt signing of a new Peace and Friendship Treaty requiring both to:

a) Respect the legitimate security interest of each nation, and,

b) Solemnly commit themselves to respect international law, particularly the principles of non-intervention, the non-use of force and the peaceful settlement of disputes.

(7) The Government of Nicaragua appeals to the other Central American countries to join us in an effort to make all of Central America an internationally acknowledged and protected demilitarized zone of peace, under the auspices of the Contadora and Support Group countries. At the same time Nicaragua proposes that the Governments of Honduras and Costa Rica join us in establishing joint border patrol forces with the participation of the Contadora and Support Group countries and under the United Nations supervision.

(8) The Government of Nicaragua extends a formal invitation to His Excellency, the President of the United States of America, Ronald Reagan to visit Nicaragua. During this visit President Reagan will be granted unlimited access to the Nicaraguan media, including the opportunity to personally deliver a message to the Nicaraguan people in a national televised address to the nation. Likewise, President Reagan would be free to meet with all sectors of Nicaraguan society that he so desires.

AUGUST 2, 1986,
Chicago.

Mr. PELL. Perhaps as we get into the debate and the voting tomorrow, these specific proposals will be brought to the attention of our colleagues and will illuminate the discussion to a certain degree.

Mr. SASSER. Mr. President, I thank the Senator from Rhode Island. At this juncture, I yield 10 minutes to the distinguished Senator from Illinois.

□ 1720

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. SIMON. Thank you, Mr. President, I thank my colleague from Tennessee whose work I had observed from a distance in the House but I never had a chance to work with him closely. I am one of many who appreciate his leadership, and a leadership that is above average also in that he is not a member of the Foreign Relations Committee but he has been in here leading the way on this.

Let me touch on a few areas very briefly. I will not be speaking about this, but I have had a chance to glance through this document. It must be 300 or 400 pages long. That is the decision in the World Court in our involvement over there. I frankly was not aware that the World Court really went into things as thoroughly as they did. For anyone who seriously wants to take a look at the international legal implications this is a document you ought to take a look at.

There are a number of questions that we are faced with in Nicaragua, one that I have been faced with because I support granting weapons to those who are fighting for freedom in Afghanistan, and people say how can you be consistent in opposing aid to the Contras. We are fighting Marxism in Nicaragua and at the same time you help and you believe in aid in Afghanistan. There is one major, major difference. In Afghanistan there was an invasion. In Afghanistan people are fighting for freedom from an outside force that has moved in. In Nicaragua, it is a revolution. We are aiding people who are trying to overthrow a government, and a very fundamental question that I am sure my friend from Rhode Island has struggled with who formerly chaired the Senate Foreign Relations Committee, is should we be involved in trying to overthrow governments in other countries? My conclusion is that we should not, that if we want to overthrow governments we do not like that is basically about two-thirds of the governments on the face of the Earth.

I spoke, I guess it was a year ago or so now, to a group of educators from around the world gathered here in Washington, and I spoke at the request of the State Department about our views and educational system. Before I began speaking, I asked the group, "Is there anyone in your group from Nicaragua?" Two men raised their hands. I said "I would like to talk to you afterwards." They came down in front. I asked them what they thought the United States ought to be doing in Nicaragua. Both of them said, "We do not like the Sandinistas, but do not send down your weapons that are killings us. Let us solve our own problems." And I think their advice is sound. I think we ought to be listening to them.

My fear is as we push Nicaragua, and the Government there we are not going to overthrow that Government. In fact, the Contras after having received more than $100 million in aid from us as of right now do not control one single village, nor one single town. They are across the border in Honduras, and a few of them are across the border down in Costa Rica. But I think we are making the same mistake, frankly, that we have made with Cuba.

I am not in love with the Sandinistas; I am not in love with Fidel Castro. But I think we have through our policy helped the Soviet Union by making Castro more of a puppet of the Soviet Union regime than is Rumania, than is Hungary, I have to believe. And I picked up this morning's New York Times, and I see we are going even further in that direction. I cannot believe it is sound public policy. It is easy when you are talking about Nicaragua, Cuba, or someplace like that to respond to the national passion rather than the national interest. What I hope we will do is respond

to the national interest. I think that interest is not to push the Nicaraguan Government closer to the Soviets but to pull them away from the Soviets.

I also have concerns about our involvement—we now have 5,600 National Guard troops down in Honduras. I am concerned about what we are doing to destabilize what is the finest Government that Honduras has probably ever had. You cannot have a sizable American presence in Latin America where we are regarded—sometimes rightfully, sometimes wrongfully—as an exploiter and a bully, without having that become a major issue domestically in that country.

And our presence I am afraid does not help that. Plus, what happens if our troops that are down there obviously helping the Contras if the Nicaraguan Government sends a bomb there where our troops are stationed? I think we could overnight get enmeshed in that thing much more than anyone now wants or believes possible. Who supports us? Virtually no one. Our Western European allies have sent $200 million in economic assistance to the Government of Nicaragua, and the Government that we are trying to overthrow. Of the countries of Latin America, there is not a single government in Central America that is not critical of the Sandinista Government but you do not find the governments down there supporting what we are doing.

Where are we going to be a year from now if we provide the $100 million? Well, I think we are going to be just about where we are right now, probably another 6,000 Nicaraguans killed, it is not going to help the United States any, and it is going to further tarnish our image.

What happens to all our money? Well, we know from the $27 million in "humanitarian aid"—I put that in quotes—that we voted here a year ago, not with my vote, but we know that $15 million of that we are not sure what happened to. When you talk about weapons it is going to be even harder to find out. It is not simply the $100 million. Part of this package is $300 million to some of the neighboring countries. Why? Because frankly it is our way of getting them not to holler too much about the $100 million we are giving the Contras.

Does that mean finally that we are just going to let Marxism move ahead? Absolutely not. Where does Marxism have appeal? Marxism has appeal not because of Castro, Ortega, or anybody else. It is desperate, hungry people who want food for their children, and who are going to go to anyone who comes along with a promise. If we were to offer economic assistance, half of this amount to their area, we would do a heck of a lot more to counter Marxism.

I remember reading the Kissinger Commission report, the headlines from that report where the weapons that went down there—but the Kissinger Commission report said among other things that the United States in that area of the world is offering 391 scholarships to young people to go to colleges in the United States, while the Soviets are offering 7,500 scholarships.

My friends, we can win a battle and lose the war. We ought to be fighting for the hearts and minds of these people down there and not sending down our weapons that are killing people. It is just not going to do us any good.

I would finally close with one story. I have used this on the floor before. But back some years ago our family long before I was in Congress drove down the Pan American Highway to San Jose, Costa Rica, and visited with Jose Figueres Ferrer, who was then the President of Costa Rica. We came into his living room of his home, and in the living room of his home was one autographed picture. This was right after Richard Nixon became President of the United States. That autographed picture was an autographed picture of Hubert Humphrey. I said to him, "Mr. President, I am curious. Why do you have this autographed picture of Hubert Humphrey there?"

His response was a significant one. He said, "We sense that Hubert Humphrey really cares about us."

And my friends, I think we have to care about the people of Central America, and then our policies are going to be right and we are going to be effective. We can send down all the weapons we want. As long as we basically view these people as some kind of pawns in an East-West struggle, we are not going to be effective. I think this is money that is not going to do this country any good. This is money that is going to hurt the people in that area of the world. I think it is money that is going to do harm for our global struggle against Marxism.

□ 1730

It is not well spent.

Again, I commend my colleague from Tennessee for his leadership.

I want to also commend Senator PELL, who has provided leadership on this and so many other issues, and who knows when I talk about foreign exchanges and the importance of that, he knows it better than any Member of this body.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. Mr. President, I thank the distinguished Senator from Illinois for his kind words, and thank him also for his very intelligent and perceptive observations.

I think the Senator from Illinois has been a leader in this whole issue. His observations have been very helpful to us during the course of these deliberations. I hope we will have an opportunity to hear further from the Senator from Ilinois on this issue.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. MATTINGLY. Mr. President, it is important to make a distinction between the Contra's of 1981, when they numbered a small band of 400 men, and today's force, which numbers 20,000 men and women, mostly peasants, Indians and other civilians.

This is the result not of U.S. policy, but of the Sandinista treatment of the Nicaraguan people.

Mr. President, let me bring to the attention of my colleagues a trip report submitted by three staff members of the Senate intelligence committee and dated March 18, 1986. I ask unanimous consent that a copy of the report appear in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MARCH 18, 1986.

Subject: Trip Report, Staff Visit to Central America, March 13-16, 1986.

Submitted by: Jim Currie, Larry Kettlewell, and George Tenet.

The attached "substantive report" is submitted in accordance with committee rules. It consists of two parts: (1) an unclassified section with attached documents obtained while on the trip and photographs taken there and (2) a classified annex.

TRIP REPORT: INTELLIGENCE COMMITTEE STAFF VISIT TO THE CONTRAS

FOREWORD

Three professional staff members of the Senate Select Committee on Intelligence (Jim Currie, Larry Kettlewell, and George Tenet) spent March 15 and 16 on a visit to both civilian and military headquarters and field units of the contra forces fighting against the current government of Nicaragua. These staff members did not go inside Nicaragua at any time during their trip. The material in this report is based upon their own observations, plus information supplied by both the contras themselves and other sources. All information that is not based upon direct, personal observation is so identified.

VISITING THE CONTRAS

*Civilian Headquarters*

Staff members devoted Friday, March 15, to visits to the civilian headquarters and support facilities of UNO, the Unified Nicaraguan Opposition. There were visits to three different sites, including the main civilian headquarters, the communications headquarters, and the logistics headquarters.

Staff members were told of UNO efforts to emphasize proper treatment of civilians and prisoners by troops under their direction. Staff was also told that approximately 1000 reports of Sandinista atrocities had been submitted to the headquarters of the Organization of American States over the past year and that the OAS has not even acknowledged receipt of these reports.

The facilities at each location were serviceable and appeared to be suitable to the accomplishment of the particular missions of each. The logistics headquarters records of weapons, ammunition, and other supplies. The records the staff viewed are detailed, showing quantities of each type of weapon in the warehouse, the quantity of ammunition on hand in the warehouse and committed to specific field units, with quarterly and yearly summaries.

The general observations made by the group were two: (1) The record-keeping was much better and more detailed than had been anticipated, both with regard to the ordnance and to rations. Though the staff group was always aware of the possibility of records having been "dummied" for the purpose of giving a false and enhanced impression, the group's judgment was that this was most unlikely. The records were too extensive for this to have been done easily, and there were all the signs of their having been compiled and used over a period of time (i.e., worn pages, erasures, different handwriting, different writing instruments). Furthermore, one member of the staff group observed at the UNO Command Headquarters one category of weapons in which the numbers were substantially the same as what had been observed in the logistics center records.

(2) The quantities of weapons and ammunition shown as on-hand revealed the types of anomalies that would be expected of an insurgent movement that has obtained weapons from many sources. The main assault weapon was the Soviet-designed AK-47, of which on paper there appeared to be an adequate number. The quantity of 7.62 × 39mm ammunition (AK-47) shown in the records was an impressive amount, though not enough for sustained combat operations over more than a few months. There were many "cats and dogs" shown in the records, that is, such a wide variety of weapons as to make the ammunition procurement and the operation of the logistics system quite complicated. There were also examples of small quantities of a particular weapon with large amounts of ammunition or large quantities of a particular type of weapon with little ammunition. The records showed obvious shortages of support-weapons, i.e., M-60 machine guns and ammunition and mortars of various calibers.

*Field Visits*

The staff group visited four areas in the field, devoting all day Saturday to this task. Places visited were the UNO Command Headquarters, a field hospital, the logistics center, and another hospital near the logistics center.

Command headquarters

The field headquarters consisted of wooden buildings and tents in an area which would be hard to approach on the ground without alerting the camp occupants. The buildings, which housed the headquarters and several of the staff sections, were constructed of rough-sawed boards which the staff was told the soldiers had made themselves from trees cut nearby and roughed out with a chainsaw. The staff observed the construction in progress on one building, with a soldier truing the board using a machete.

In the communications section, staff observed an operator receiving an incoming voice message of coded numbers off a one-time pad, transmitted from a task force in Nicaragua. Approximately 20 minutes later, what was said to be this same message, decrypted and typed, was handed to the FDN Commander as the SSCI staffers sat with him in a briefing. Earlier, the staff had observed an operator in the communications center sending a message in Morse code, and staff was told that operator proficiency of 17 words per minute is achieved using that method of communication.

There were perhaps 200 or so FDN troops in the camp at the time of the staff visit. While staff was there, it was able to observe the pre-launch preparations of a reconnaissance patrol which was being sent out to investigate a report of a Sandinista patrol in the area. The staff observed the patrol members, both men and women, being issued their basic load of ammunition, loading their gear, checking each other's equipment, and falling in for inspection. The patrol divided into two groups of perhaps 35-50 soldiers each, formed into ranks, and numbered off as someone the equivalent of an NCO called a roll.

Weapons carried by the patrol members were primarily AK-47 assault rifles, with Belgian-designed FALs making up the balance. The FALs, the group was told, are used to lay down a base of fire during initiation of contact. Other weapons in evidence were H & K 40mm grenade launchers, Chinese versions of the Soviet-designed RPG-7 (a light anti-tank weapon), and standard fragmentation hand-grenades. Each patrol member was carrying a field pack, personal first aid kit, and canteen. The area in which they were operating was quite dusty, but a random examination of half a dozen magazines taken from the assault rifles showed no evidence of dirt or corrosion. The individual rounds could be taken easily from the magazine and reinserted. Cleaning fluid in use appeared to be a mixture of diesel fuel and some other substance, but whatever it was, it appeared to work. Staff was able to observe cleaning rags stuffed in the stocks of numerous personal weapons, leaving the impression that weapons cleaning was a part of the individual soldier's routine.

Troops were observed close-up. Some, according to appearance and what they said, were as young as thirteen years of age. In response to a staff question, an FDN officer stated that individuals that young were not allowed to join the force unless accompanied by an older relative such as a father or brother. There were a number of young women in the group who were carrying the same weapons, equipment, and packs as the men. Most soldiers appeared to be in their late teens or early twenties, but given staff inexperience in judging the ages of Central American campesinos, the average age could well be higher.

There were two older men who serve as armorers for the group, and they were observed at work cleaning, repairing, and cannibalizing weapons for parts. There was a large pile—perhaps several hundred or more—of unserviceable weapons, largely Spanish copies of the West German G-3 assault rifle, plus assorted AKs, some U.S. Army M-1s, and at least one U.S. Army M-14. Staff was told that the G-3 has not proven serviceable under field conditions, and other sources confirmed that the Spanish copy wears out quickly because of the heavier powder load of the standard NATO round.

The visiting staff was then given an operations briefing at the command headquarters. Staff was shown a detailed operational map, with plots of Sandinista order-of-battle information, and overlays of current contra operations and locations. Other sources confirm the overall accuracy of the information presented to the staff.

Current operations inside Nicaragua, according to information given in the abovementioned briefing, are being conducted by 6000 soldiers of the Jorge Salazar Task Forces I, II, and III who have been inside Nicaragua for over a year, plus 3500 members of at least five other task forces that have succeeded in reinfiltrating into Nicaragua in recent weeks. These 3500 soliders are on their way toward ten well-defined objectives, which were indicated on the situation map.

One of the task forces, according to the briefing, has met with such substantial Sandinista opposition that it has taken an alternative route toward its objective; another has been unable to push through a Sandinista blocking force on the way to its objective, and fighting was going on there. Another had nearly reached its objective, according to the briefing. Staff was also told of a recent attack (unconfirmed by other sources) on a government-owned tobacco warehouse in the northwestern part of Nicaragua in which the contra forces succeeded in destroying a large quantity of tobacco.

SSCI staff were told that headquarters staff positions are not occupied permanently by the same officers, but are rotated among individuals who are back from the field, some of them recovering from wounds. Among the staff section chiefs was "Mike Lima," who lost an arm in the fighting.

Refugees, according to statements made at the Field Headquarters, are extensive in the area. Unconfirmed statements were that approximately 40,000 refugees are currently in the vicinity of the headquarters and that 18,000 of these had followed the contras out of Nicaragua when they withdrew this past year for lack of supplies.

Military training center

During the past six months, according to information given the staff by the FDN Commander and confirmed by other sources, the contras have constructed a training center at which several military courses are taught. This was accomplished during the time when supplies were in short supply and troops had to be withdrawn from Honduras. The SSCI staff visited this facility, which goes by the acronym "CIM." It is constructed on three terrain levels, and there was evidence of proper attention to perimeter defensive needs, such as a comprehensive system of trenches and foxholes appropriately sited to protect the facility.

The camp is well-appointed with various training aids and devices, including a rappelling tower about 40 feet high, which staff saw demonstrated, a small arms range, an obstacle course, what appeared to hand grenade pits, plus a drill field. There are some wooden buildings with the same construction as at the HQ, housing a communications section, a training library, a chaplain, and a training headquarters. The director of the CIM is known as "Commandante Mack," and he told the staff that he had been a sergeant in the Guardia Nacional before the revolution. He stated that he had received training at Lancera, the Columbian Jungle Warfare School.

Courses of instruction offered at the CIM, according to briefings and course materials obtained by staff, include what might be termed "Basic Officer Training," consisting of 250 hours of instruction in 5 weeks; "NCO Training," consisting of 300 hours in 6 weeks; "Basic Infantry Training," consisting of 200 hours in 4 weeks; and "Artillery

Training," meaning all indirect fire weapons, taught in 200 hours over 4 weeks.

Troops in training at the center, staff was told, numbered approximately 900 men and women, and consisted of both experienced and new recruits. Staff was able to observe perhaps 500–600 troops there. Other troops were engaged in small arms training being conducted at a nearby range. Trainees were for the most part clad in uniforms consisting of very heavy, olive drab fatigues, and all the men had their hair cropped short. Staff observed them engaged in physical training, which they were told was the prescribed course of instruction for a Saturday. Staff was told, and had confirmed from other sources, that this was the second group of trainees, and that this group was in its second week of instruction. The first training session had resulted in the graduation of 1200 soldiers.

Staff observed a bulletin board with UNO declarations posted, including the listing of UNO objectives. There were also a dozen or so sets of "orders" posted, listing court martials conducted against contra troops for specific violations of articles of war.

Staff observed evidence of close-order drill practice among the 500–600 trooops who assembled on the drill field. Upon command, for example, troops executed "open ranks" across a front of perhaps fifty individuals. NCOs and officers were clearly in charge of the trainees, and there was proper military courtesy (coming to attention and saluting) as appropriate. Altogether, the impression at the CIM was one of order, planning, and appropriate training.

Field hospital

The staff then visited a nearby field hospital, which consisted of one permanent structure and several tents. There was one person there identified as the doctor, plus several nurses. The hospital has one operating room and perhaps three dozen beds. In his briefing, the man identified as the doctor stated that people treated there include both combatants and civilians. The civilian patients include both dependents of contra troops and locals. There was one infant at the facility and a young boy of perhaps six who had an eye injury. Severl patients were being administered intravenous dextrose solution. Most of the combat wounds, according to the doctor there, were in the extremities; he said that those wounded in the chest or abdomen did not often survive to reach the hospital. He also stated that there were surprisingly few post-op infections, although he could not offer any explanation for this situation.

Logistics center and hospital

Staff members then visited the primary logistics center for the contras. The main impression there was of both organization and great need. The warehouses were well-organized, with supplies stacked or palletized and prepared for airdrop. The most evident need was for aircraft. There was at this location a DC–6 configured for cargo. It was in evident need of repair; one tire was so bad that it could not fly until a spare was obtained. A DC–3 was at the center, but confirmed information was that it had not been able to fly in a year. Other unserviceable aircraft, including two OV–2 push-pulls, were in evidence, as was one small twin-engine Beechcraft Queen Air which belongs to the UNO.

The runway at this facility is rock-surfaced and not suitable for extensive operations. The contras have four parachute riggers here and would require about thirty if resupply were to be attempted deep into Nicaragua to a substantial number of troops. Staff judgment based upon visiting this facility is that heavy aerial delivery capability is presently non-existent. This would have to be an area of prime attention if significant additional aid were to reach the contras.

The Hospital here is larger and better equipped than the previously-mentioned field facility, but it is still primitive by U.S. standards. There are two medical doctors here, one of whom stated that he had served with the Sandinistas during the revolution and had continued to serve with them until about three years ago. At that time, he stated, he raised objection to the Russian military advisors coming in and claiming to be medical personnel. He was accused of having a "counterrevolutionary attitude" and was told he would need re-education. He fled to the United States, he said, and then returned to work for the contras. He stated that he was a urologist by training.

Many of the humanitarian medical supplies furnished by the United States under the present program are stored here at this hospital, stacked under tents. On the shelves of the pharmacy are supplies of bandages, ointments, and antibiotics (outdated ampicillin), plus a large supply of Tylenol capsules. There was no way of determining which of these supplies were furnished through the present humanitarian assistance program and which had been acquired from other sources. There were perhaps a dozen beds at this facility, which has recently acquired an x-ray machine as part of the humanitarian aid program. The machine had just arrived and was not operational. As at the field hospital, the doctors here stated that soldiers with wounds other than in the extremities did not usually survive the trip out of Nicaragua to get to this point. There was also a fear that the Sandinistas might decide to take out this facility, which they could certainly do with their MI–24s.

PHOTOGRAPHS

Staff members took photographs of the facilities they visited and will make these a part of the record and of the trip report.

CONCLUSIONS

The contributing staff members do not take a position in this report as to the desirability of U.S. assistance to the contras and do not present this topic as one for them to comment upon here. They are unanimous in stating, however, that decisions about the desirability of such assistance should be made with the best and latest information at hand. Overall observations, based upon what was seen while visiting the contras are that, first, it is a well-organized fighting force, and not a "rag-tag bunch of refugees sitting around in camps getting fat off of U.S. largesse," as portrayed in some accounts. Second, the military appearance of the contras, and all of the outward signs that were observable by the visiting staff, indicate a clear understanding of the task at hand and motivation required to fight the Sandinistas. Military objectives were well-defined, reasonable, and presented in logical fashion. Third, there is an obvious need for continued external assistance if the contras are going to present a continuing significant military challenge to the Sandinistas. There is both lethal and non-lethal material in existence, but if the quantities indicated on the inventory reports are accurate, it will not last more than a few months. Fourth, at every facility visited there was a sense of order and organization that belies the press reports of chaos among the contras.

Finally, it should be pointed out that no Congressional delegation—staff or Member led—has ever been to all of the areas visited by the SSCI group, according to information given the visiting staff members.

Mr. MATTINGLY. The committee staff members spent 2 days at the civilian and military headquarters of the Unified Nicaraguan Opposition, the largest resistance organization. They visited civilian, logistics, and communications headquarters.

In reading the report, Mr. President, it becomes clearly evident that this is not a rag-tag operation. That these forces are not the ill-kempt, poorly led, and undisciplined force that some have made it out to be.

For example, the report notes that the records made available for inspection at the logistics headquarters were in good order. They were serviceable and appeared to adequately reflect the quantities of weapons and ammunition stored in warehouses.

Further, it was noted that the records were too extensive and comprehensive to have been doctored and prepared merely for show to visitors.

Troops were seen preparing for patrol and the visitors noted that standard weapons and equipment checks were carried out. Ammunition magazines inspected at random were free of dirt or corrosion despite the fact that the level of dust in the area was high. Weapons cleaning appeared to be a regular part of the individual soldier's routine. There were a number of women carrying the same equipment and weapons as the men. The average age of the soldiers appeared to be late teens or early twenties which would mean they were barely into their teens when Somoza was overthrown in 1979. They certainly were not members of his national guard.

The Intelligence Committee staff members visited a training center complete with weapons ranges, a drill field, and a communications section and a training headquarters.

They visited a field hospital and a logistics center and inspected the storage of medical supplies that had been provided under the Humanitarian Aid Program from the United States.

I urge that all my colleagues look at the conclusions in the report. The resistance forces are not a rag-tag outfit, they are well disciplined and organized. The soldiers appear to be well trained. Military objectives were well defined. Finally, the staff noted that at every facility they visited the prevailing sense of order was in direct contrast to the reports of confusion and disarray that appear so often in the press.

One press report that appeared earlier this year, Mr. President, by Fred Barnes in the New Republic, seemed though, to do a good job of capturing

the nature of the freedom fighters in Nicaragua.

According to Mr. Fred Barnes' account, two preconceived notions of his quickly disappeared after his visit to the Contra camps. First, the rag-tag reputation was undeserved.

And second, the resistance forces, contrary to many accounts, are not an army of former Somoza guardsmen. Fred Barnes notes that the foot soldiers are, quote, " * * * exactly the stoical peasant fighters that the 1960's radicals fantisized about * * *"

Many of the teen-aged soliders interviewed stated that they joined the Contra forces in order to avoid service in the Sandinista military. It is interesting to note that serving in these forces is far preferable to being conscripted into the Sandinista army.

Fred Barnes concludes his account by noting that, "The thousands of young men—and some women—who have flocked to the Contras in the last 2 years have * * * given the anti-Sandinista army a democratic face."

It seems to me, Mr. President, that these two first-hand accounts come closer to capturing the true nature of the Contras than do so many of the reports that have appeared. It is indeed true that former national guardsmen make up about 27 percent of the Contra forces but 25 percent of those forces, Mr. President, are former Sandinista soldiers. Most importantly, 53 percent are civilians who were unaffiliated with either and who have taken up arms as a direct result of the totalitarian stranglehold that grips their country.

It may be tempting, Mr. President, to dismiss the resistance forces as a bunch of disgruntled Somoza soldiers but the truth is quite the opposite and if we fail to recognize this fact we are missing an essential element of exactly what is taking place in Nicaragua.

Mr. President, let me comment briefly on the questions of drug trafficking.

Mr. President, the legislation before us makes it clear that no U.S. assistance will go to any organization that harbors drug traffickers within its ranks.

There is no dispute about this. There is no argument about this. There is no appeals process available to dispute this.

The U.S. position about this is clear.

This policy will do much to ensure that the resistance forces expel anyone identified as a drug trafficker. I believe that it will also serve to strengthen the resolve of the resistance leadership to establish strong self-policing and deterrent mechanisms in an effort to avoid even having the problem arise.

I have not seen any evidence that links the leaders of the resistance forces to a concerted effort that would use the resistance infrastructure in a drug smuggling scheme. There have been allegations made about individual cases and these have been investigated by the appropriate authorities. This is as it should be and as it will continue to be.

We have obtained assurances from the leadership of the primary resistance organization that they will not tolerate this sort of activity. The individual cases that have surfaced will heighten the awareness of everyone about this problem and about the need to ensure that every step is taken to ensure that it doesn't arise and those cases where it does, to eliminate it immediately and thoroughly.

The Secretary of State has made it clear that U.S. aid will immediately be terminated to any group or individual engaged in this activity, period, no argument, end of case. We have incorporated this into the legislation before us and by doing so, I believe that we have stated the U.S. position in the clearest and strongest possible terms.

Mr. President, I ask unanimous consent that a series of questions and answers related to the legislation before us appear at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

QUESTIONS AND ANSWERS

*Question:* Why is there a need for U.S. funding for the Nicaraguan Democratic resistance?

Answer:

SITUATION ON THE GROUND

The Nicaraguan people's hope for freedom die hard. After two years with no U.S. military assistance and authorization for only $27 million in humanitarian aid they continue the fight.

The $27 million is gone. The resistance needs food, clothing and medical equipment. The battlefield situation, with the increasingly well-equipped Sandinista military, makes it essential that we be able to provide defensive equipment quickly and provide additional military equipment if negotiations fail.

Sandinistas have received steady and massive military aid from the Soviet bloc. Deliveries are up this year, and include more MI-17 HIP helicopters to complement the HIND gunships.

The U.S. does not seek a military victory, but we must give the resistance the help it needs to force the communists to accept full participation of opposition groups in free elections and an open democratic system.

SANDINISTA POSITION

Nicaragua will not negotiate unless pressured. As our aid to the democratic resistance begins to flow, it will provide incentive for Nicaragua to negotiate in earnest both domestically and regionally.

The Sandinista's recent closure of *La Prensa* and their treatment of Church leaders confirm that theirs is a repressive, brutal government unwilling to tolerate opposition.

We can expect further crackdowns against the opposition. The armed resistance is essential to prevent the consolidation of a communist totalitarian regime.

DETAILS OF THE LEGISLATION

The House-passed bill provides adequate Congressional oversight and mandates rigorous financial controls.

It requires strict observance of acceptable human rights practices by resistance groups receiving aid.

The major difference between House bipartisan amendment and Senate bill passed in March is inclusion of $300 million in economic aid for Central American democracies.

While military pressure through the resistance essential must also support democracies' efforts to address underlying causes of social unrest.

With this additional assistance we will approach levels recommended by National Bipartisan Commission; funding levels authorized but not fully appropriated.

*Question:* Will the CIA involvement in the program lead to new abuses like the mining of Nicaraguan harbors in 1983?

Answer: There are specific restrictions in the law on the types of assistance which may be provided.

The Secretary of State (or his designee) shall be responsible for policy guidance, coordination, and supervision of U.S.G. assistance to the resistance.

Any agency administering funds must establish the standards, procedures, and controls necessary to assure that all funds are fully accounted for and used exclusively for the purposes authorized.

Standards, procedures, and controls shall be developed in consultation with the Comptroller General and the appropriate committees of the Congress.

Safeguards shall include segregation of accounts, monitoring of deliveries, and requirements for keeping complete records available for audit by authorized representatives of the U.S. Government.

The entire program will be subject to normal oversight by the appropriate committees of Congress.

LATINS DO NOT SUPPORT US

*Question:* Do our Latin American allies agree with our policy?

Answer: Privately, many Latin American governments have told U.S. officials that they agree with the U.S. assessment of the Sandinista regime and with our policy of assisting the resistance.

These governments do not speak out publicly because they cannot breach Latin solidarity (on which all of them must rely at one time or another) and continue to function in their community.

Many Latin governments, e.g. Colombia and Venezuela, have condemned recent Sandinista acts of repression.

The Central American democracies have certainly made clear their agreement with our policy. Salvadoran President Duarte acknowledges that the resistance is a barrier to Sandinista support for the Salvadoran insurgents. President Azcona of Honduras and President Arias of Costa Rica have asserted that there can be no peace in Central America without democracy.

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DEMOCRACY IN NICARAGUA CALLED ONLY 'REAL ANSWER'

BOGOTA, COLUMBIA.—Secretary of State George Shultz said he and three Central American presidents agreed yesterday the only "real answer" to their regional problems is a democratic government in Nicaragua.

Mr. Shultz, in Bogota for the inauguration of Virgilio Barcos, 64, as Colombia's

91st president, called Colombia a "standup country" committed to fighting the "unholy combination" of drug traffickers and Marxist guerrillas.

Several hours before being sworn in, Mr. Barco met with Mr. Shultz, who later told reporters, Mr. Barco shares the United States' determination to battle narcotics traffickers and terrorists.

A bomb scare last night delayed Mr. Shultz's flight home from Colombia, but no explosives were found, civil aeronautics officials said.

As Mr. Shultz sat in his car waiting for the all-clear sign, bomb-sniffing dogs checking Catam military airport began growling and barking at a suspicious cardboard box, which turned out to be a harmless carton of flares.

The day before Mr. Barco became president, guerrillas attacked two towns and killed five people, including three policemen trying to defuse a bomb left by rebels in Nemocon, east of Bogota.

The chief of police was killed when the guerrillas attacked the station house and leveled it with a bomb, police said. An army colonel also was killed in an attack on Belcazar, south of Bogota.

Before the simple inauguration ceremony—held amid one of the most impressive security operations ever seen in Bogota, with tanks parked at strategic locations and heavily armed troops patrolling the streets—Mr. Shultz lunched with Salvadoran President Jose Napoleon Duarte, Costa Rican President Oscar Arias and Honduran President Jose Azcona Hoyo. The foreign ministers of those Central American countries plus the foreign minister of Guatemala joined the lunch at the Bogota residence of U.S. Ambassador Charles Gillespie.

Mr. Shultz also met separately with Mr. Duarte, Venezuelan President Jaime Lusinchi, Peruvian Vice President Luis Alberto Sanchez and with outgoing Colombian President Belisario Betancur.

Mr. Shultz cited a "common conviction the only real answer in Central America is a Nicaraguan goverment based on the consent of the people, with freedom to speak, freedom to write." He said one leader at the meeting indicated there is a strong wedge between Nicaragua and the other four Central American countries represented because their governments are willing to face opposition and Nicaragua's is not.

A senior U.S. official, who asked not to be identified, said the only new idea mentioned during the day came from Mr. Barco, who suggested that the Organization of American States play a role in the search for regional peace.

The so-called Contadora process, the main effort to bring peace to the region, was not even mentioned during the meeting, the official said.

He said the omission was "highly illuminating" on current regional attitudes toward Contadora, which the United States officially still supports.

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*Question:* Who is holding up the peace process the U.S. or the Sandinistas?

Answer: Nicaraguan intransigence in the Contadora process.

In early 1983, Colombia, Mexico, Panama, and Venezuela initiated the Contadora process to search for a negotiated settlement to the crisis in Central America. In September of that year, these four countries—known as the Contadora Group—and the five Central American states produced a Document of Objectives listing 21 points essential to a lasting peace. Since that time, the Contadora process has worked to incorporate these points into an effective treaty.

Nicaragua has repeatedly hampered efforts to conclude an agreement:

The Sandinistas disrupted a Contadora meeting in June 1985, causing a four-month hiatus in the talks.

In November 1985, Nicaragua went public with extensive, detailed objectives to the September 1985 Contadora draft that was similar to the September 1984 draft they had said they would accept.

In December 1985, Nicaragua requested a suspension in negotiations until May 1986. It was isolated at the OAS General Assembly when all other members voted in favor of continuing the negotiations.

At a Condadora meeting in February 1986, Nicaragua refused to address key areas of disagreement on the treaty.

Nicaraguan intransigence at an April 1986 meeting led the Contadora Group in frustration to call upon the Central Americans to resolve the outstanding issues of arms limits and maneuvers and to conclude the treaty on June 6.

During negotiations in May, Nicaragua refused to negotiate in earnest. It presented a list of arms it was willing to limit, most of which were not even in its inventory.

In an effort to influence the Congressional vote on aid to the democratic resistance, the Sandinistas announced on June 21 that they were responding positively to the new June 7, 1986, draft agreement. They knew this was a cost-free gambit, since the Central American democracies had already voiced their concerns about deficiencies in the new draft.

The United States has consistently supported the Contadora process and will support and abide by a comprehensive, verifiable, and simultaneous implementation of the 1983 Document of Objectives, as long as such an agreement is being fully respected by all the parties. In February 1986, Secretary of State Shultz met with the Contadora foreign ministers to offer to renew U.S. bilateral talks with Nicaragua simultaneously with the beginning of Sandinista talks with the United Nicaragua Opposition (UNO). The Secretary also said that the United States would adjust its policies in response to any real change in Nicaraguan behavior in our areas of concern.

*Question:* Is there religious persecution in Nicaragua?

Answer: The Sandinistas have attempted to undermine the Catholic Church's influence among the population through intimidation of religious workers, legal measures to circumscribe Church activities, censorship, and promotion of an alternate Church.

Soon after Somoza's overthrow, the Government of Nicaragua confiscated the Managua synagogue. Nearly the entire Jewish population has since left Nicaragua, after being subjected to threats and various forms of persecution.

The Sandinistas have attempted to discredit the Catholic Church heirarchy and to promote the so-called "Popular Church." Despite official efforts on its behalf, this church has failed to gain popular support.

In July 1981, the Sandinistas banned the televised masses of Archbishop Obando y Bravo.

In February 1983, Sandinista groups heckled the Pope during religious services in Managua.

In October 1983, Sandinista mobs attacked more than twenty Catholic churches.

In 1983 and 1984, several Catholic Church publications were censored, including the April 1984 Easter Pastoral letter on national reconciliation.

In early September 1985 the Sandinistas ended a long-standing policy of exempting those studying priesthood and drafted 11 seminarians.

On October 12, the Sandinistas seized the Church newspaper Iglesia, confiscated all printing equipment, and have refused to allow it to resume publication.

On October 15, State Security officers occupied the Church's Social Services Office. In April, the Ministry of Justice declared the Church's social services agency to be an "illicit organization" and granted the state ownership of all property "found in the possession" of the agency. Such property included furnishings, baptismal records, files, and the Cardinal's official seal.

Beginning in October, efforts were made to interfere with people wishing to attend Cardinal Obando y Bravo's masses; priests were interrogated and warned to avoid "political statements"; evangelical workers and ministers were interrogated; and foreign priests threatened with explusion.

On January 1, 1986, Radio Catolica was closed by the Sandinistas.

In August 1982, Sandinista groups took over more than twenty Protestant churches; some of the buildings remain in Sandinista control.

Evangelical minister Juan Pablo Pineda was murdered by Sandinista soldiers in October 1985, at the same time that other evangelicals were being rounded up for arrest and interrogation. The murder was not reported until January 9.

Beginning in late October, the leaders of the National Council of Evangelical Pastors (CNPEN) were arrested and interrogated.

One CNPEN leader, Rev. Boanerges Mendoza, was arrested again on November 15 for discussing his first arrest. He was not released until November 21.

In April, 1985, an entire Christian community from Yacalwas left for Honduras, escorted by members of the armed resistance, fleeing religious persecution. According to community members, the decision to leave was prompted by continuing arrests and murders of Christians by Sandinista authorities, and disappearances of many others.

Sandinista press continued throughout past year to attack Catholic Church hierarchy in media, labeling various Bishops and the Cardinal traitors and agents of the CIA. Sandinista Foreign Minister Miguel D'Escoto repeatedly attacked the Cardinal in public, threatening further action against him for his opposition to the regime.

In July the Bishop of Juigalpa, Pablo Vega was expelled to Honduras and Monsignor Carballo, Director of Information for the Archdiocese denied reentry into Nicaragua.

Mr. MATTINGLY. Mr. President, I yield the floor.

□ 1740

Mr. GORTON. Mr. President, would the distinguished Senator from Tennessee yield me 5 to 10 minutes of his time?

Mr. SASSER. Mr. President, I yield to the Senator from Washington such time as he may consume not to exceed 10 minutes.

Mr. GORTON. I thank the distinguished Senator.

The PRESIDING OFFICER. The Chair recognizes the Senator from Washington.

Mr. GORTON. I thank the Chair.

Mr. President, I speak to oppose title II to this military construction bill as I opposed its predecessor in 1985. I do not do so out of any feeling that the present Government of Nicaragua is dedicated to democratic institutions or to a pluralistic political system or because it may not present a potential threat to existing or struggling democratic governments in Central America.

I oppose this $100 million in aid, Mr. President, because it seems to me that it not only fails to help the cause of democracy in Nicaragua but in all probability, it postpones the day of democracy for the Nicaraguan people.

We have in this administration, a policy which calls for the development of democratic institutions in Nicaragua and the removal of any threat which the Government of Nicaragua may pose for other governments in Central America. That policy, it is now proposed, is to be accomplished through a relatively modest infusion of aid to the so-called Contras based in Honduras, Costa Rica, and, in a few cases, on the ground in Nicaragua itself. The more I hear and debate this issue, and the more I read about it, the more convinced I am that this is a self-defeating proposition. Whatever the difficulties of working with the Contadora process, it offers more hope of containing the Nicaraguan revolution within Nicaragua than does aid to the Contras in the amount here requested, or, for that matter, in any conceivable amount.

I question seriously the commitment of the Contra military leadership to democratic institutions, although they certainly have some personnel with such commitments. Far more importantly, Mr. President, is my concern that this $100 million, while it certainly will succeed in further disturbing the situation in Nicaragua, while it certainly will succed in the destruction of property and the substantial loss of life—many of those lives being those of noncombatants—will do nothing to weaken—and in all probability will strengthen—the Sandinista government in Nicaragua itself. Given the strength of the Sandinista movement within Nicaragua and the assistance which it is receiving from others, the aid proposed by the administration can do nothing but be a total and complete failure.

□ 1750

Because our policy will ultimately be a failure, but because in the meantime it will increase unrest within Nicaragua itself, it simply becomes an excuse for an ever greater degree of repression on the part of the Sandinistas. This policy insures the repression of the church and of what little remains of the political opposition there. I remind my colleagues that the editor of La Prensa, the only opposition paper in Nicaragua and the most recent victim of Sandinista repression, is opposed to aid to the Contras.

We have in consequence, Mr. President, a policy which is utterly and completely inadequate to meet the stated goals of that policy. We have a policy for which other Latin American governments, even governments in Central America most threatened by the Sandinistas, are unwilling to offer public support. We are often told that some of them at least support it privately.

I am convinced, Mr. President, that we cannot succeed in the development of democratic institutions or peaceful intentions in Nicaragua by pursuing this course of action. Other courses of action do, of course, run risks as well. But fundamentally, Mr. President, it is wrong to attempt to overthrow the government of Nicaragua or of any other country with means inadequate to meet that goal, without the slightest assurance that the goal will be met even if the government is overthrown, but with an attendant considerable loss of life. This, Mr. President, is not a policy which will succeed in meeting the goals of the administration. It is a policy which will succeed in killing and maiming people and in destroying property. It is not an appropriate course of action for the United States of America.

Mr. President, I yield the floor.

□ 1810

Mr. MATTINGLY. Mr. President, I ask unanimous consent that if I put in a quorum call it be evenly divided.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Georgia.

Mr. BUMPERS. No objection, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MATTINGLY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURENBERGER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURENBERGER. Mr. President, I ask the ranking minority member if he might yield me, say, 20 minutes off of his side of the bill?

Mr. BUMPERS. I am happy to yield 20 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DURENBERGER. I thank my colleagues.

I appreciate the difficulty of the managers of this bill in scheduling opportunities for all of us to be heard on this issue.

Unfortunately, there are times in the day in which we assume there are more people listening than other times of the day. This may very well be one of those times when people have disconnected their boxes around the Senate.

But I felt that I had to take that chance since the construction of the unanimous-consent agreement might make it difficult for me to say some of the things that I would like to say on this proposal.

Mr. President, let me begin by saying that in Greek mythology Cassandra was a prophet who was allegedly able to foretell the future and the power was a gift. But as we recall, it was accompanied by an unfortunate curse. The curse was that no one would believe her.

With somewhat the same sense of futility Cassandra must have felt when she told the Trojans that the wooden horse contained Greek soldiers, I rise to speak against the proposal to provide $100 million in lethal and humanitarian aid to the armed resistance in Nicaragua.

I do, however, Mr. President, with little expectation that I will be able to convince enough of my colleagues that this proposal is a mistake.

Every Member of the Senate who votes for this proposal does so because they are aware of the need to achieve peace and stability in Central America and they see this proposal as a means to that end.

The hope is based on the erroneous assumption that this proposal supports a larger U.S. policy objective.

the unfortunate truth is that $100 million is not a part of the United States Government policy because the United States Government does not have a policy with regard to Nicaragua.

The administration knows it. The American people know it, the Nicaraguans know it, and the Central Americans know it. Everybody knows it. The President has substituted this $100 million aid package for a policy. There is no inclination here to defeat that request, for if the Senate votes against that substitute, we will be left with responsibility to fill the policy void ourselves. Then, you vote no and you get a majority of the people in this place to vote no, then the consequence, as my colleague, the chairman of the subcommittee said earlier today:

To amend this would require a conference and that would start the whole thing all over again. We cannot afford to have a ping pong game between the House and the Senate.

□ 1820

So, the unfortunate consequence in a body structured as we are, with our recess periods and our lack of depth and experience and knowledge about the specifics of parts of the world to which many of us have not gone and visited and know a great deal, the problem for us in voting no is that we might have to come back here and decide what the United States policy ought to be with regard to Nicaragua. Nicaragua then becomes our problem—a problem—a problem which no one here wishes to take the responsibility for solving. If we vote the President his $100 million, we leave the problem where it should be—with the President. But make no mistake, whether we vote yes or no, the fact is that we will still be left without a policy in Central America.

Perhaps a year from now, by some stroke of incredible luck, by some cosmic coincidence, all the forces could come together to miraculously produce a solution in Nicaragua. But I see absolutely nothing in the proposal before the Senate that leads me to see why a vote for $100 million in aid will be the harbinger of such a miracle. This coincidence, this miracle we hope for, is a simple recognition by all parties of the need to recognize interdependence of Central Americans, Nicaraguans, and the United States. This relationship only can operate when we have established a political environment where there is a free exchange between and among all the parties and they all recognize that an economic relationship is necessary for the health of the region.

We drink their coffee and eat their bananas; we exchange manufactured goods, labor service, and products with each other; we set the price of world debt; we train their businessmen; the points of economic contact are almost infinite.

How does the FDN and their military training and equipment fit into this situation? I simply do not see how. Does $100 million in aid to the armed resistance bring us closer to reestablishing the economic health of Central America through political normalization? The answer is, in my view, no. The great tragedy of mistaking this vote for a policy decision is that we will never be forced to address the root cause of the problem. As long as Central America remains economically sick, social and political turmoil will continue, violence and insurgency will spread, conflict and insecurity will grow, and opportunity for Soviet/Cuban mischief will expand.

How did we get ourselves into this predicament?

In 1979–80, we came very close to setting out on the right path to avoid the political crisis we now face. Then, with our help, the Democrats have captured the revolution. With our economic help, they could have done it. We tried here in the Senate to provide that help by generating interest in investment in the private sector but we could not. Senator LUGAR, who is now the chairman of the Foreign Relations Committee, and a few of us saw that the real issue was the economic survival of Nicaragua. With the financial leverage we would have provided, the Democrats in the revolution would have had a good chance to prevail over the few Marxists. They would have had a power base. But U.S. foreign policy was unimaginative and was driven by a President who failed to recognize the opportunity and who was beset by other problems. And, on the floor of this Senate and in the other body, opponents of aiding any revolution which involved any number of Marxist-Leninists prevailed on this body until it was too late. We did not try to capture the revolution in the first couple months of this revolution.

But then we had a second chance. President Reagan came to office in 1981 and he could have politically trumped the Sandinistas by supporting the internal political opposition who were then still operating within the framework of the revolution. The Democrats were still there in 1981. The Sandinista revolution could have become our means for promoting change. We, rather than Castro, could have been the saviour—the patrone—the friend of the revolution and what it represented to the Nicaraguan people.

Instead, we chose to denounce all of the revolution—the whole revolution, every one of the revolutionaries—lock, stock, and barrel. The revolution became the enemy because some of its members were avowed Marxist-Leninists. In the eyes of the Reagan administration, it was totally evil. We lost the option of condemning those parts which were in fact represssive and supporting those elements of the revolution which were coincident with our view of democratic revolution. Elements which we supported in Guatemala, El Salvador, and Honduras. We abandoned our option of siding with the goals of the majority in Nicaragua who opposed Somoza—but who also opposed Daniel Ortega and his cabal of commandantes. This was the first in a continuing series of inconsistencies in our actions.

Instead of strengthening the church and the democratic opposition, we strengthened the armed resistance in the hills. We brought in the CIA and the Argentine surrogate trainers for the ex-national guard. Bermudez and the nationals became the symbol of U.S. involvement. We left the true Democratic revolutionaries—those who had opposed everything that the national guard stood for—totally stranded. The Sandinistas with good effect could now accuse anyone who criticized the revolution, inside or outside the country, with being also pro-Somoza, pro-Gringo, pro-CIA with being against all the principles of the revolution. The lines were drawn—there was no longer any common ground of principles where pro-U.S. and prorevolution democrats could meet to influence the course of the revolution from within. The opportunity for internal moderation evaporated. At our urging, the opposition boycotted the 1984 elections and effectively ended any hope for future internal dialog. External pressure became our only alternative.

Our characterization of the Sandinista revolution as a Marxist-Leninist instrument for domination of Nicaragua became a self-fulfilling prophecy, the purge of the democratic elements and the loss of Nicaragua to the Communist camp was assured by the obstinacy of our policy.

From then on, everything sadly went awry as we tried to square the inconsistency between the public rhetoric of anti-Sandinistaism with the reality of the situation in Nicaragua, which all of our constituents were seeing for themselves firsthand. The administration simply didn't know how to form a policy and take actions to support it which accommodated its total public opposition to the Sandinista government with the hard fact that that government possessed a degree of legitimacy. Some of this legitimacy stemmed from the fact that they were in physical control, but some also stemmed from the fact that they still represented the aspirations of many Nicaraguans.

This fundamental dichotomy, I would suggest, is the reason that the objectives of the armed opposition had never been clear to us or anyone else. What began as an arms interdiction effort—as the occupant of the chair, Mr. CHAFEE, and a few others who have been on the Intelligence Committee know—what began as an arms interdiction effort evolved into an instrument of leverage to achieve a negotiated settlement. It has now apparently developed into the means to achieve an alternative government by inciting the country to revolution or establishing a liberated zone within the country.

And I must say "apparently," because this all boils down to the fact that the U.S. Senate never had an understanding of U.S. policy objectives and still does not.

Policymakers have never accepted the fact that ultimately—and this is important, Mr. President—ultimately the Nicaraguans are the ones who must decide what will happen in Nicaragua.

The other Central American countries cannot march in and dictate a solution. They have neither the will nor

the ability. And everybody knows it. It is not possible for the United States to march in, either. The political price is too high at home and the practical affect in Nicaragua would be a disaster. The Contadora process, the great hope, has not worked because it is fundamentally flawed.

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The Contadora process has not worked because it is fundamentally an attempt to impose outsiders' solutions on Nicaragua; Mazatlan suffered the same flaw. We dictated the terms. They had to accept. The process ended.

This does not mean the United States can pull the plug on Nicaragua—the security of Central America is too important to let nature take its course. We can only bemoan our mistakes. We cannot go back and rewrite the history of our involvement or retroactively pursue a rational policy. We must now deal with today and the issue before us.

I do not know what the answer is. But I do know what it is not. It is not voting in favor of the proposal before us.

We must not kid ourselves; $300 million does not buy us economic health in Central America. From the beginning, my deepest disappointment has been that no one in the administration has a genuine interest in the economic recovery. As soon as the Kissinger Commission priced the recovery at $800 million, interest in solving the real problems in Central America evaporated. Instead of stepping up to the problem, we are approaching it piecemeal by taking money away from famine victims. We cannot get economic recovery on the cheap—it may cost $800 million or $8 billion but no political solution will work unless it is pursued against a backdrop of long-term commitment of the resources for economic stability in the region.

What will $70 million in military aid buy for United States?

We do not know the answer to that. I do not even have the intelligence reports from the administration to make a good stab at answering that question. We are struggling with it in the Intelligence Committee trying to figure out what our rule is going to be in spending $70 million. I cannot get intelligence reports from this administration to make a good stab at answering this quesiton. You all expect me or us on the Committee to represent your interests in some way or those of your constituents in this process.

We never have had realistic assessments of the situation in Nicaragua because we do not have the sources.

We have never had balanced, unbiased reporting a President of the United States desperately needs to make policy decisions, the kind that we would like to have so we know what effect what we are doing or the alternatives might have on the outcome. What is the reality?

Most people are out here required to go to Chris Dickey or Shirley Christian or some other more recent chronology of the events to get intelligence estimates. I do not believe, Mr. President, that the policymakers in this administration really know what is going on. I do not say that as pejorative of their intelligence. It is just that they do not have the facts. They assign the intelligence function in the freedom fighting operations to the same people they assign the success of the tactical operations to. How do they expect to get the kind of intelligent intelligence when the people that have the success of this tactical operation are also the ones that are supposed to tell the President what is really going on?

Where are the objectives defined for the $70 million? What are we going to spend it on and why? Is it going for training and tactical support as well as weapons? Fine—but what purpose are the training, tactics, and weapons going to serve once the FDN crosses the Rio Coco? Are they going to take Managua? Fine—because you had better do what several others have done, and one of our colleagues, DAVE MCCURDY over in the House side speaks pretty good Spanish. You had better ask for a show of hands in the first Contra battalion or FDN battalion you can find to see how many of these farmers have ever been to Managua. It is the sad truth, Mr. President. Almost none of these poor campesinos have ever been in the western part of Nicaragua. They have never been to Leon, to Managua, to these cities that are at the heart of changing Nicaragua. But you better ask for a show of hands to see how many of those farmers have ever been to Managua to say nothing of Leon.

We are lead to understand that the United States plans to provide $100 million in humanitarian and military aid to the armed resistance focused on the FDN with the expectation that the resistance will provide the UNO—the political branch, the united Nicaraguan opposition—with sufficient leverage to force the Sandinistas to negotiate and if the Sandinistas refuse, provide momentum for their removal by force of arms. How vulnerable are the Sandinistas to this military pressure, how capable is the FDN of applying that pressure, and how likely is it that the FDN can become a rallying point for the population at large? I cannot get answers to these questions from the intelligence community. Here are the answers from other sources:

I am told that the Nicaraguan military at all levels is confident and shows no sign whatsoever of even a minimal need for security measures to protect themselves or thier installations from the population or the FDN:

I am told that there is only token guarding of the helicopter bases and that MI-8's are routinely parked along the roadsides in the north unguarded.

I am told the military camps in the north are lightly guarded, have no perimeter wire and unchallenged access can be achieved to ammo, POL, barracks, communications, and so forth.

I am told the BLI's on operations on the Rio Coco are unmolested and unconcerned about their own security.

I am told that one can travel alone night and day throughout the FDN triangle of control and not encounter a single roadblock, pass a single military checkpoint nor cross a single guarded bridge.

I am told there is virtually no evidence of FDN activity beyond the odd burned out vehicle or occasional story of an individual who has been killed.

I am told the military commander in the north has full knowledge of the numbers, general location, and intentions of the FDN in his region and generally let them "walk about" as they posed no threat, which they do not.

I am told that FDN ambushes when they occur are brief firefights or raids which resulted in few casualties to either side and had no military effect.

I am told the EPS are well trained, well equipped, confident, content, and not threatened by the FDN.

So if you wonder why there was no spring offensive, if you wonder why the helicopter gunships have not attacked and wiped out the Contras, the freedom fighters, the FDN, it is because they do not have to. They do not have to.

Does one conclude that the reality is that the FDN does not provide any military pressure whatsoever on the Sandinista government? Is the government apparently not concerned that the FDN is likely to become a threat in the future?

And what about the FDN? Are they likely to become a threat?

I am told that they and their dependents are better fed, better clothed, wear uniforms with insignia, and have quality boots and web gear.

I am told that there is no shortage of small arms or ammunition.

I am told that there are medical facilities for both troops and civilians.

I am told that morale is high and motivation is great to join the FDN.

However, I am told that the FDN are 99 percent Campesinos who come from the region just south of the Rio Coco. Campesinos' standard of living is mid-14th century—mud floors, beans and corn diet, mother, father, naked children, pigs and chickens all in cohabitation. The FDN provides the entrance to the promised land.

I am told that 99 percent of the FDN have never been out of Campe-

sino country. To them, the coastal plain is France and Managua is Paris.

I read that the FDN leadership has transitioned into a Pancho Villa mode with gold-plated 44 magnums, horses and giant flags in troops review, spit and polish, calisthenics and close order drill.

I am told that 14 sons of middle class emigres flew to Honduras to volunteer 3 weeks ago and were turned down as not fitting into the image of the peasant army.

I am told that even the old hands lack the most rudimentary understanding of ambush, logistics, fire and maneuver demolition, and so forth. That they themselves describe their tactics as "wait by the road, empty the magazines and run away."

I am told that there are 30,000 FDN in Honduras, 4,000 on the Rio Coco and 1,000 walking around in Nicaragua. When the troops go back into Nicaragua, they do so primarily to deliver food and visit their families. They start out as a unit and melt away. Reforming only for an ambush or raid.

I am told that the penetration south to the Rama Road achieved nothing.

I am told that the FDN are courageous but totally ineffective because they lack imagination and motivation and are undisciplined. They have no political objectives or will to win. It is inconceivable that a guerrilla organization uses lack of outside materiel support as an excuse for not accomplishing anything whatsoever. Every other guerrilla band with which I am familiar is self-sustaining.

I am told that Bermudez closed the FDN human rights office on Tuesday and refused to pay the $65,000 in salary owed the employees.

I am told that internal factions are forming around competition for a "piece" of the $100 million.

If the reality is that the Sandinistas are extremely vulnerable to military pressure then the FDN's failure to take any advantage of the opportunity tells us all something about what to expect from them in the future.

It appears to me that they are content with operating in Campesino territory—lack the fundamental capability to progress beyond a second-rate infantry organization and are led by individuals who are self-serving, militarily cautious if not incompetent and are not politically oriented toward any objective.

And, therefore, it appears to me the result of the $100 million will be a better trained, better equipped, second-rate infantry organization which will continue to operate in Campesino country with higher casualties to themselves, civilians and the EPS but the EPS will contain them. This fighting will be irrelevant and bring no pressure on the Nicaraguan Government which will continue to operate freely within their enclave on the coastal plain.

This tells me the formulation which this administration uses to justify $100 million in aid is wrong.

I may lack Cassandra's power to read the future, but anyone with common sense can see that we are making a serious mistake in voting for this commitment to a military solution without even the slightest knowledge or confidence in the objectives or ultimate outcome.

Mr. President, I see the Senator from Massachusetts and the Senator from Vermont on the floor. If they are going to speak, let me express my appreciation to the Senator from Arkansas for permitting me this time. I hope perhaps in the next day or so I might have time to finish this.

Mr. KENNEDY. Mr. President, I am just wondering whether the Senator from Minnesota would answer a very brief question.

Mr. DURENBERGER. I would be glad to.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, may I have recognition? May I have 15 minutes?

Mr. BUMPERS. Mr. President, I yield to the Senator from Massachusetts such time as he may use not to exceed 15 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts has 15 minutes.

Mr. KENNEDY. I listened with great interest to the comments of the Senator from Minnesota. I think all of us in this body know his work on the Intelligence Committee.

I was just interested in whether he intended, over the course of the debate and discussion, to address the kind of limitation of restrictions on various intelligence activities, and if he is prepared to provide some guidance to this body on that issue given the fact that many of these restrictions are at the point of exploration, or can they be refuted?

Mr. DURENBERGER. Mr. President, let me say to my colleague that I am prepared within the parameters of some of the prohibitions involved in the committee to respond to specifics. I think in the general though—and I may talk to the Senator from Georgia about this—it probably is appropriate to respond to the Senator from Massachusetts by saying yes, the intelligence subcommittee is concerned about the parameters in which intelligence information and other information is available to Members of this body through the intelligence committees. And if it were possible to get a few minutes on tomorrow, I might take a little time to explain to my colleagues just what the oversight process is all about without again getting into all of the specifics to illustrate the difficulty that the Senator from Massachusetts, and all who are not the committee to say nothing of the difficulty that we have in providing some responsible oversight for the conduct of this kind of an operation.

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Mr. KENNEDY. I appreciate the statement of the Senator. I do think one of the issues which will be addressed in the course of this debate will be just that. It does address an area which I think is of enormous importance.

When some of us think back to recent times, such as mining harbors, I think very few if any in this body were actually aware of the dimensions or scope of those activities, and not only with regard to Nicaragua but it had serious implications in terms of other countries around the world.

I appreciate the opportunity to have the Senator develop this. I know the Senator from Vermont and the Senator from Minnesota have been working on these issues as well as other of our colleagues. I hope we will have a chance to address that particular question because I think it is one of the most important parts of this discussion.

Mr. President, 22 years ago, on August 7, 1964, the U.S. Congress approved the most ill-advised piece of legislation in modern history—the Gulf of Tonkin resolution. I wonder what that vote would be today, knowing what that vote meant 22 years ago. First it was money, then it was advisors, then it was U.S. combat troops. It ended costing $156 billion, 58,000 U.S. men and women's lives and 153,000 American casualties. That resolution produced a divided country at home and a communist government in Vietnam. It all began for the purpose of keeping up the pressure.

Now, 22 years later, the Senate is again being asked to give carte blanche to an undefined, ill-advised Presidential request to send more money and more arms, all in the name of "keeping up the pressure." No combat troops, no U.S. casualties. None of that yet. But this action takes us down that road.

It is inevitable—but also instructional—that parallels are drawn between our experience in Vietnam 20 years ago and what is happening today in Nicaragua. There are obvious differences, but there are also important similarities that should at least cause us to pause before plunging ahead into a national commitment that the American people may not want and, if given the chance, might not choose.

As I look back at the history of our involvement in Vietnam, I see the following parallels to our experience today in Nicaragua:

First, in Vietnam we supported a government that did not share our most fundamental ideals and that could not capture either the minds or the hearts of the Vietnamese people. In Nicaragua, we are in an alliance with individuals who represent the worst in Nicaraguan history and who do not share our commitment to democratic values or human rights. We know that Contra troops have been guilty of enormous atrocities, and we now suspect that their leaders are also guilty of drug-dealing, gunrunning and corruption. These people are not partners the American people will support over time. More importantly, the Contras, have demonstrated no capacity to rally the people of Nicaragua to their cause.

Second, solemn Presidential pledges on Vietnam that American "boys" will not be sent to fight a war that the Vietnamese should be fighting were broken and U.S. involvement increased. It soon became clear that the Vietnamese could not do the job alone, and that American troops would be needed for the policy to have any hope of success. First, came military assistance. Then, came military advisers. Finally, came U.S. combat troops. That same progression is now beginning with respect to our involvement in Nicaragua. We have been providing military assistance to the Contras. We have also had military and CIA advisers in Honduras, working with the Contras. That involvement and those advisers will increase if we now provide them with an additional $100 million that President Reagan has requested for the Contras. It is already clear that the President's policy cannot succeed without the use of U.S. combat troops. The syndrome of the quagmire—slowly but surely sucking us deeper into an endless military conflict that we cannot escape—applies to Nicaragua as much as it did to Vietnam.

Third, the initial publicly-stated purpose of the policy in Vietnam was to apply pressure to force the Viet Cong and the North Vietnamese to the negotiating table. The logic then was that U.S. military pressure would increase so long as the other side refused to negotiate. That same argument and the same logic are at work here. The ostensible purpose of our aid to the Contras is to pressure the Sandinistas to negotiate with their internal opponents. But in Nicaragua, as was the case in Vietnam 20 years ago, the true objective is to achieve a military victory, an objective that cannot be achieved without the use of U.S. troops.

Fourth, during the early years of the Vietnam conflict, the American public—and the Congress—were deceived about the administration's real plans, about the extent of our involvement, the scope of U.S. military activities in Laos and Cambodia, and the reasonable prospects for success as determined by our Nation's top military and intelligence officials. That same atmosphere of deception and distrust already pervades the debate about Nicaragua—with good reason.

Although the Boland amendment adopted in 1982 specifically prohibited the United States from assisting in any effort to overthrow the government of Nicaragua, U.S. personnel in Washington and in Central America actively supported individuals and organizations whose only purpose was to overthrow the Sandinistas.

Although Congress in 1985 prohibited the United States from assisting "paramilitary forces" in Nicaragua, U.S. officials—in the White House and the intelligence community—continued to advise and assist the Contras;

Although Congress has a constitutional obligation to oversee the activities of our intelligence agencies, CIA officials reportedly instructed Contra representatives to deceive and mislead Members of Congress when lobbying on the Hill;

Although administration spokesmen continue to deny any plans to use U.S. troops to invade Nicaragua, U.S. troops have in fact conducted many rehearsals in Honduras for a possible invasion; and finally

Although the Pentagon steadfastly denies any plan for a permanent U.S. military presence in Honduras, its activities belie those denials. We have built airstrips, roads, barracks and motor pools in Honduras, and the infrastructure is now available for a long-term U.S. military presence.

Such deception is the inevitable product of a policy that does not have the support of Congress or the American people. The mistrust and suspicion that grew out of Vietnam—between Congress and the President, between the American people and their elected leaders—poisoned the politics of this country for nearly two decades. Not since the Depression has there been such a serious attack on the political and governmental institutions of the United States as there was during the war in Vietnam. The price that we paid for Vietnam in terms of loss of faith and confidence in our most precious institutions and the democratic process damaged the Nation nearly as much as the price we paid in lives lost and dollars spent. We must not let that happen again.

Fifth, as United States involvement increased in Vietnam and the policy became increasingly controversial, the stakes in the struggle were escalated out of all proportion, as was the rhetoric used to justify the policy. Initially, we were said to be in Vietnam as part of a nation-building enterprise, to help the South Vietnamese government eliminate the Viet Cong Communist insurgency. Next, we were there to defend South Vietnam against invasion by the north, to stop the spread of Communism throughout all of Southeast Asia, to halt Chinese expansionism. If we did not prevail in South Vietnam, the dominoes would fall and all of Southeast Asia would be lost. Finally, we were told that the entire Pacific was at risk, and that the United States could be driven back to Pearl Harbor as our line of first defense.

That same dynamic is already at work here. We are told today that, if the Contras are not successful in Nicaragua, all of Central America will be lost, Mexico will fall, and the shore of California will be lapped by a sea of red. We have seen escalation of the rhetoric before, and it is a necessary precondition for the use of U.S. troops.

Finally, in Vietnam, as the policy became increasingly controversial and as the domestic debate intensified, the defenders of the policy resorted to attacks on the patriotism and personal courage of the policy's critics. Those Americans who opposed the war in Vietnam were criticized as un-American, soft on Communism, neverous nellies, neoisolationists, and those young people who sought to avoid serving in what they regarded to be an immoral and unjust war were accused of being cowards and traitors. That was the climate that gave rise to the bumper sticker: "America. Love it or Leave it."

Today, that same flavor has already been creeping into the debate about United States policy toward Nicaragua. Those of us who have been critical of this administration's policies have been labeled "spokesmen for the Sandinistas" and "servants of Sandinista interests." Whenever anyone brings to light evidence of another Contra human rights abuse, or of Contra leaders being involved in corrupt or illegal activities, the critic is accused of being a Sandinista pawn or, an outlet for Sandinista disinformation.

We have seen it all before, and it is time to call a halt. Aid to the Contras is the first step toward a Vietnam in Nicaragua, and it is a step that America should not take. We lost the war in Vietnam, and the right wing is wrong to fight it in Central America.

President Reagan knows that the Contras cannot topple the Sandinistas. He knows that $100 million cannot bring peace to the region. He knows that he will be coming back next year for more funds, more advisers and deeper U.S. involvement. And I suspect he knows that his policy toward Nicaragua, to be successful, will require United States troops in Nicaragua.

Make no mistake about it. President Reagan will not rest until the Sandinistas are driven from power. One

moment he claims his policy is simply to interdict the flow of arms to El Salvador; the next moment, he says his real purpose is to pressure the Sandinistas into reforms. But the truth is that he will not stop until the Sandinistas cry uncle. That won't happen without United States troops and United States deaths in Nicaragua.

The President's policy has been an utter failure by any measure. The Contras have neither the popular support, the power, nor the ability to oust the Sandinistas. President Reagan has presented no military strategy, no timetables, and no estimates of casualties. In fact, no plan at all accompanies the President's request for $100 million.

The real issue we are debating today is not whether to keep up the pressure—it is, in fact, a vote to overthrow the Sandinista regime, something that cannot be done without U.S. troops.

A vote to send this military aid to the Contras is more than sheer folly; it is a dangerous vote; it will only lead to more death, more repression and more turmoil in the region.

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Mr. President, may I have 7 more minutes?

Mr. LEAHY. A parliamentary inquiry: How much time does the Senator from Vermont have, Mr. President?

The PRESIDING OFFICER. The Senator from Vermont has 2 hours.

Mr. LEAHY. I yield such time as the Senator from Massachusetts needs.

Mr. KENNEDY. I thank the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. In the 5 years since President Reagan endorsed the CIA's plan to overthrow the Nicaraguan Government, the Sandinistas have moved farther and farther away from the goal we all hope for—a democratic, free, and just Nicaragua. If there is any consensus to be found in the Senate today, it is that the Sandinistas have fallen short of their pledge to build an open, tolerant, pluralistic, democratic society in Nicaragua. They have violated the human rights of thousands of Indians inside Nicaragua. They have aligned themselves with the enemies of freedom throughout the world. They have made their country a host to sponsors of international terrorism—the Libyans, the Bulgarians, the PLO. They have established mechanisms of social control and political oppression, and they have supported the guerrillas in El Salvador. They have closed down the free press, and they have persecuted their critics in the Catholic Church.

This has been the real product of our pressure: More repression and more reliance on the enemies of freedom. Five years of U.S. pressure has not moved the Sandinistas toward democracy. And 5 more years of the same will be no different. We can only expect more death, more polarization, more repression and less and less democracy inside Nicaragua.

The logic that drew us into Vietnam is already at work here. This policy has no hope of success without sending United States combat troops to Nicaragua. As the commander of United States forces in Central America, General Paul F. Gorman, has stated, the Nicaraguan rebels are incapable of overthrowing the Sandinista government "in the foreseeable future," and it will take "years" before any Contra pressure can be expected to produce any significant change in the Nicaraguan Government. One hundred million to the Contras will not bring peace to Central America. It will only sustain an ill-fated misdirected policy which only push the region farther from peace and democracy.

Putting aside, for a moment, the fact that the administration's policies have failed and cannot be expected to work without U.S. troops, even with $100 million more, there are other compelling reasons to oppose this request.

For one thing, this policy and this appropriation are illegal. It is not, as President Reagan has so often stated, "totally consistent with the OAS and U.N. charters". United States military support for the Contras is in blatant violation of international law.

Article 2(4) of the charter of the United Nations prohibits the threat or use of force against the territorial integrity or political independence of any state, and article 18 of the charter of the Organization of American States says that, "no state * * * has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other state." The United States is a party to these agreements and a decent respect for international law requires us to honor them. We have even breached our treaty obligations of the International Court of Justice. Rather than defend his policies in the World Court, President Reagan withdrew the United States from the Court's jurisdiction and made a mockery of our Nation's tradition of support for international law.

Our rejection of the World Court places us among the outlaw nations that show no respect for international law. The shameful decision to obey the Court only when it is in our own interests will haunt us for years to come. The next time we use the World Court to attempt to reign in another outlaw state—such as Iran—we will regret our actions regarding Nicaragua.

In fact, the administration has also violated U.S. laws. Despite a ban of U.S. aid—direct or indirect—to the Contras in 1984, National Security Council officials provided the Contras political advice, help with arms purchases, fundraising and the enlistment of military trainees.

The United States Government has also skirted the law prohibiting permanent installations in Honduras. It has avoided mandatory spending caps in that region by breaking up construction projects into smaller units, such as directing one continuous road-building project into a series of separate projects.

Second, support for the Contras has actually been counterproductive. It has helped the Sandinistas to consolidate support among the Nicaraguan people by identifying their revolution with Nicaraguan nationalism. It has inspired a wave of anti-Americanism in that country and throughout the hemisphere. It has provided the Sandinistas a convenient justification for the failure of their economic reforms and with a handy excuse to close down la Prensa and expel the nation's church leaders.

Third, while we deplore the misdeeds of the Sandinistas, their abuses do not justify the abuses of the U.S. backed Contras. We have heard pious pledges that the Contras' human rights abuses would cease, but that has not happened. Numerous, credible reports continue of outrages by the Contras.

Fourth, U.S. taxpayers dollars are being diverted. The money is not being spent for the intended purposes. The $27 million in humanitarian aid approved by Congress last year ended up in Contra broker's pockets and offshore banks. What money did get through has certainly not been used to promote a respect for personal life and liberty among the Contras. The Contras have continued planting landmines in roads traveled by civilians, kidnaping, raping, maiming—and the administration continues to deny such abuses occur.

Fifth, the current policy is leading to increased and direct involvement in the conflict of U.S. personnel. The United States now has a permanent military presence of over 1,000 soldiers stationed in Honduras. We have built airstrips, roads, barracks, and radar stations. After maneuvers we conveniently leave behind helicopters, weapons, and equipment.

Last March, United States helicopters and pilots were used to fly Honduran troops to an area near the Nicaraguan border where a reported conflict was occurring. If this current policy continues, we can expect more U.S. troops entering the fields of battle.

Sixth, the countries of Latin America do not support Reagan's aid to the Contras.

Last January, I visited each of the four nations that make up the Contadora Support Group—Argentina,

Brazil, Peru, and Uruguay. Each of the leaders of those nations expressed dismay that U.S. policy was prolonging the civil war and enabling the Sandinistas to create a totalitarian state.

The Contadora nations—with the support of 13 Latin American countries—have repeatedly called for an end to U.S. support for the Contras and a negotiated solution in the region.

This administration has never supported Contadora. It refused to support Contadora because the process is not aimed at the goal this administration has pursued relentlessly over 5 years—to overthrow the Sandinista government. We all recognize the difficulties of reaching an acceptable agreement. We all recognize the need to assure verification of any arms agreement and any guarantees of internal reforms. But those are all issues which can be resolved—but not while the administration refuses to put its full weight and support behind the process.

I urge the Senate to give negotiations a fair chance.

Finally, the people of the United States are not behind President Reagan and his so called freedom fighters. The most recent Harris poll shows that a decisive 62 to 33 percent of the American people oppose sending $100 million to the Contras; 54 to 39 percent oppose even just humanitarian aid. And a staggering 83 to 16 percent are concerned about the prospect that United States troops will be sent to fight in Nicaragua.

After 5 years of failed policy, it is time to change course. The United States must remain committed to the restoration of democracy in Nicaragua. But it is time we realized the Contras will never achieve that goal. Conceivably, we could work over the next few years to purge them of their Somoza ties and of their human rights abuses—but no amount of American aid can buy popular support for the Contras. No matter how harsh the administration's rhetoric, the Contras do not now have and will probably never have, the true support of the Nicaraguan people.

Unless we deny military aid, there will be no chance for a peaceful end to the cirsis. It is time for the United States to halt support for the Contras—and start negotiating with Nicaragua and the other nations of Latin America for an end to the violence.

Last March 5, a group of leading Nicaraguan businessmen issued a strong denunciation of the Sandinista government saying they feared for their lives and liberty. They called on democratic governments to "act vigorously to defend and protect our existence, before you have to lament a sin of omission." But no one listened.

Last February, a coalition of six democratic parties inside Nicaragua joined together in signing a significant peace proposal to the Nicaraguan Government. It called for a cease-fire, general amnesty for political crimes, abolition of the state of emergency, reestablishment of citizen's rights and guarantees, signing of agreements among the political parties for general elections, calls for fufillment of international commitments in favor of Nicaragua's democratization and invites the regional organizations to support their proposal. But no one listened.

Thirteen Latin American nations—including Nicaragua—are working with the Contadora framework to reach an end to the crisis. Their most recent proposal called for an end to support for the Contras, a removal of all foreign military advisers and installations from the region, a freeze on the procurement of armaments and respect for self-determination, territorial integrity, political pluralism and human rights. But the administration is not listening.

I welcome the appointment of Ambassador Habib as a special envoy to the region. But his hands are tied as long as the United States maintains its surrogate war on Nicaragua. It is possible to achieve a comprehensive and verifiable Contadora agreement—but not as long as the United States continues to undercut the process.

We should be providing our full support—diplomatic, economic, and political—to these efforts. We should be meeting with them and encouraging other nations to meet with them. The Contras will never topple the Sandinistas, but the people of Nicaragua—the true democratic opposition—just might.

Unless the administration—and the U.S. Congress—reverses course, we will revisit this issue each year, and each year, the administration will be back asking for increasing U.S. involvement. I urge my colleagues to vote for a change in U.S. policy in Central America—before it is too late.

□ 1900

Mr. LUGAR and Mr. LEAHY addressed the Chair.

Mr. KENNEDY. I thank the Senator from Vermont.

The PRESIDING OFFICER (Mr. STEVENS). The Senator from Indiana.

Mr. LUGAR. Mr. President, I yield myself such time as I may require.

Mr. LEAHY. Mr. President, parliamentary inquiry. Was not the Senator from Massachusetts speaking on my time?

The PRESIDING OFFICER. The Chair does not know what the arrangements have been. I have just taken over the Chair.

Mr. MATTINGLY. I say, Mr. President, that he was yielded time from the——

Mr. KENNEDY. From the Senator from Vermont.

Mr. LEAHY. I have 2 hours and I yielded from my time.

Mr. MATTINGLY. Yes, by Senator Kennedy was yielded time from the opponents, I believe.

Mr. KENNEDY. No. No. Mr. President——

Mr. LEAHY. Yielded from my time.

Mr. KENNEDY. Mr. President, I was yielded time, which I used completely, from the Senator from Arkansas as the floor manager. I had run out of time. The Senator from Vermont, who is making inquiry, was entitled to 2 hours of time. He was good enough prior to beginning his address to yield me such time as not to exceed 7 minutes I think.

The PRESIDING OFFICER. The Parliamentarian advises that the Senator from Vermont controls 2 hours of time and yielded a portion of that time to the Senator from Massachusetts but that did not constitute recognition of the Senator from Vermont. The Senator from Indiana also controls time. He sought recognition and was recognized.

Mr. LEAHY. I thank the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. I thank the Chair.

Mr. President, the Foreign Relations Committee has sought from the beginning of the 99th Congress, in a series of well-attended and well-reported hearings reviewing the overall direction of American foreign policy, to try to fashion a sense of bipartisanship in American foreign policy. I believe to a great extent we established a strong leadership, a bipartisanship in a large majority of tough foreign policy issues.

We passed the first foreign aid bill in 4 years with 75 votes on the Senate floor. We reasserted the committee's policy making powers by shaping and approving a number of funding authorization bills. We are monitoring closely the work of U.S. arms control efforts in Geneva in preparation for managing hopefully the ratification of a treaty on the Senate floor. We believe that we have worked successfully with President Reagan to bring constructive change to American foreign policy in South Africa and in the Philippines.

We have not achieved, however, the bipartisan success that we must have if we are to be successful in our foreign policy toward Nicaragua. We truly need to do better.

I believe there is a way to build the necessary consensus in Congress in due course and with the President to bring democracy to Nicaragua. This would further the democratic gains already achieved in El Salvador, Guatemala, Honduras, and Costa Rica, and enhance prosperity in all of Central America.

The Nicaraguan debate currently languishes in the Congress, although it has been revived with a vengeance this week, given the parliamentary situation that we have, and hopefully will reach conclusion when we vote on Wednesday or Thursday of this week. In the meanwhile the debate has gone back and forth between both Houses and the White House as we attempt to agree as Americans on what objectives are attainable and on the means we have and the willingness to obtain those objectives.

On March 27, we passed legislation on the Senate floor that authorized $100 million of military and humanitarian aid over 18 months of time to the forces fighting the Sandinista regime in Nicaragua. The $70 million of military assistance would not be available until attempts to bring the Contras and the Sandinistas to the negotiating table had failed. Having taken on such negotiations, all reasonable prospects of success had ended. The Senate bill provided a time limit of roughly 100 days for the negotiating track to succeed. The House of Representatives did not take definitive action at that time. It subsequently, of course, has taken definitive action and the legislation the House passed is before us. And as my distinguished colleague, the Senator from Georgia, pointed out this afternoon, we are hopeful of passing it in identical form so that once again we are not back and forth between the House and the Senate with another interminable delay of this necessary action.

The Senate legislation passed by a vote of 53-47 with 11 Republicans voting "no" and 11 Democrats voting "yes." A degree of bipartisanship was apparent, but I—and I suspect many other Senators—had hoped for a much broader consensus. I believe that many Democratic Senators along with Republicans shared that aspiration. Lengthy negotiations with Senate Democratic Leader ROBERT BYRD of West Virginia and Senator JAMES SASSER of Tennessee, who has been managing this legislation today, encouraged Majority Leader ROBERT DOLE and me to believe that over two-thirds of the Senate might be prepared to adopt a strong consensus policy. I hope that this will be the case in subsequent votes.

A growing problem for such consensus building is that Senators have been casting votes on the Nicaraguan issue for several years, in addition to earlier votes on El Salvador policies. Many Senators have been voting "no" for so long that it is very difficult for them to rationalize, and to explain to constituents, that they are now in favor of policies which involve risks and expenses in Central America.

Furthermore, the safest political course for any legislator has been to note that a majority of the American people are not aware of the contending parties in Central America, and want only to make certain that American military forces are not committed there. Every poll shows, by substantial majorities, American voters oppose military and even economic assistance to friendly forces anywhere in Latin America.

At the same time, however, American citizens and most of their legislators are unified on the proposition that neither Nicaragua nor any other Central American country should become a military base for the Soviet Union, a second Cuba in our hemisphere.

It is ironic that a few Senators who regard Contra aid as provocative and militaristic have no trouble saying they would advocate something far more drastic such as the use of American troops in certain cases. Yet, those who argue that the Contras have acted as a "spur" for the Nicaraguan Government to invite the intervention of the Soviets and their bloc allies into the country simply do not know their chronologies. Events in Nicaragua have unfolded according to a logic of their own. American policy tried to stake out its goals under the Carter administration, but could not compel the Sandinistas to forget their ideological commitments just because we were willing to forget ours.

In earlier years, the administration argued for Contra aid to interdict supplies coming out of Nicaragua to insurgent guerrilla forces battling the democratic government of El Salvador and Guatemala. This year, the administration's objective does appear to be clearly, a change of government in Nicaragua. Assistance to the Contras, the administration argues, will force the Marxist Sandinistas to negotiate the terms of a new constitution, and then agree to free and fair elections for a government which has the democratic consent of the governed.

Our country has been confused about our objectives and our prospects for success. Sharp divisions in the Congress reflect that public mood.

For too long, the United States took the path of least resistance in its Central American policies. This meant regarding as normal and acceptable, without comment or criticism, governments which had come to power by irregular means, ruled without reference to law or human rights, and which denied large segments of the community an opportunity to participate in both public life and the rewards of economic activity. The United States followed this unfortunate policy under the guise of anti-communism.

This was certainly the case for many years in Nicaragua. But one has to ask whether the way to make up for this record is to begin to practice non-intervention now, so that the Sandinistas, like Somoza, can benefit from a new era of American complicity. If we owe a debt to the Nicaraguan people, we should pay it in the currency of our own discomfort, not theirs.

The Nicaraguans have a long historical memory. So do their neighbors. It is the role of the United States in the past, rather than the present, which dominates the minds of Sandinistas, and to a very great degree, other Latin American countries. The Sandinistas broadcast rumors of imminent invasion daily. Other Central and South American nations that have no affinity for the Marxists in Nicaragua are nonetheless extremely sensitive to the possibility, however remote, of American military intervention. The presidents of the new South American democracies in Argentina, Uruguay, and Brazil have expressed to me their opposition to American military intervention and the severe political reactions within their countries that such American action would incite.

In due course, the United States opposed the Somoza regime, but many American liberals and church people who have taken a strong interest in Nicaragua believe that the Contras are composed of Somoza remnants who are eager to establish another repressive rightwing regime.

Furthermore, the liberals believe that the poorest people in Nicaragua are now receiving some long delayed attention. This notwithstanding, an estimated 500,000 Nicaraguans, not oligarchs but primarily Miskito Indians, farmers, and shopkeepers, have fled from the country. The less than 3 million who remain are growing poorer still.

Liberal humanitarians argue that continued U.S. pressure through aid to the Contras ensures a continuing decline in standard of living and continued abnormal allocation of scarce economic resources to a large Nicaraguan military establishment. Yet, the Nicaraguan Army is apparently larger than those of all its neighbors combined; and let the record show, it was organized and grew during the period in which the United States aided the Sandinistas. It continues to buy or borrow offensive and defensive Soviet bloc and Cuban arms.

Leaving aside, for the moment, any deficiencies in the specifics of the policy argued by President Reagan and a majority of Senators, the only other rival congressional policy is one which provides for a defensive quarantine of Nicaragua. The assumptions of this containment policy are that surrounding countries would be assisted in defending their borders, and that Nicaragua should assume a massive direct strike of American forces if the Sandinistas tried to base Soviet troops or offensive aircraft and submarines.

In the meanwhile, the Sandinistas would be left to stew in their misery with human rights suspended for ordinary people. This policy assumes disastrous internal experiences and pressure from Central American neighbors would lead toward Nicaraguan democratization and a rejoining of the family of democracies.

Some variations of this quarantine policy assume continued United States food and clothing appropriations for an estimated 15,000 Nicaraguan freedom fighters who now reside outside Nicaragua. Other variations simply leave the Contras to do the best they can without any further American Government ties.

This rival policy argument presumes that the Cubans and the Soviets would leave things alone. However, the reasons for any automatic Soviet laissez faire are not apparent. Even in the midst of difficult domestic times, the Soviets continue to subsidize Cuba at an annual cost of approximately $3 billion to $4 billion. For projects which cause anxiety for us, less than 2 hours flight time from our borders, Soviet support has been enthusiastic and generous to a fault.

Many supporters of the quarantine policy are not deeply wedded to the concept. After I returned from the Philippines with the American election observer group, and even more after Mrs. Aquino assumed power in the Philippines, the cry went up, "Let's have Philippine success in Nicaragua."

□ 1920

At the time, I tried to point out potentially similar pathways. The administration indicated that my "free and fair election ideas," derived from recent adventures in Manila, were interesting, but not especially welcome as a distracting avenue of action. Secretary George Shultz offered calm but firm advice that the President had a bill on which he wanted an up or down vote in the Senate.

So with the strong help of Secretary Shultz, Adm. John Poindexter, Majority Leader BOB DOLE, and the President's personal phone calls, we ground out a 53–47 vote in the Senate to save the President's legislation a few days after it had been defeated 222–210 in the House, and was absolutely dead in the water. Unfortunately, the House leadership saw no need to act further for a while. With March 31 past, no more money of any kind is available to the Contras. That remains the case today.

I am still convinced that our objective in Nicaragua should be to build the circumstances which will make it possible, some day, to observe a democratic election preceded by the restoration of civil liberties; true freedom of the press to cover the candidates, issues, and procedures of the election; and freedom for candidates to roam the whole country without harassment and intimidation. Prior to that time, a constituent assembly or constitutional convention should be elected in similar open circumstances to draft a democratic constitution similar to those of Costa Rica, Guatemala, El Salvador, or Honduras.

This is the kind of policy goal the American people can understand and support. It was clear after the events in the Philippines that the American people were genuinely excited about how the United States had helped encourage the resurgence of democracy in a troubled nation. After the strong public disagreements over the Vietnam war and the frustrations over Iran, the American people saw in our strong support for democracy in the Philippines a foreign policy that made them proud.

We must have equal pride in the idealism of our Nicaraguan policy. We want the Soviets, the Cubans, the East Germans, the Bulgarians, and their ilk to get out of Nicaragua and to stay out for our own valid national security reasons.

We also want a new government in Nicaragua that cherishes freedom, and that builds democratic institutions. We want to assist only those Nicaraguans who share our idealism, and our pride in a foreign policy that can be sustained through many years.

A democratic Nicaragua will not be a threat to its neighbors or a security threat in our hemisphere. A democratic Nicaragua would finally make it possible for economic progress to resume in all of Central America. Without threats of continued civil wars, the United States could initiate the second major facet of the Central American policy: the generous economic assistance to friends who are close neighbors and whose remarkable democratic achievements in the past 5 years alone merit our enthusiastic political and economic support.

Parenthetically, let me comment that we must adopt that second stage of economic assistance policy toward the Philippines in a timely and generous manner now. That democracy is a triumph for the Filipino people and for us. Both countries have won a major foreign policy victory. We must consolidate that gain.

All of the things which a democratic Nicaragua will accomplish need to be balanced against what will happen without it. To quote President Oscar Arias of Costa Rica, "There will never be peace in Central America as long as there is a Marxist regime in Nicaragua with the characteristics of the nine commandantes." This means that if there is no democratic Nicaragua, every other Central American democracy will feel the need to be more heavily armed and militarized than would otherwise be the case. A quarantine or the containment of a Marxist Nicaragua, therefore, is a far less simple solution for the other Central American democracies than the many advocates of that policy claim.

The steps we must take to set up the final stage of free and fair elections for a democratic Nicaragua are a balanced combination of diplomatic and military elements.

Even while we have been debating Central American issues in the Congress, extraordinarily talented and courageous presidents have been elected in four neighboring countries. Vinicio Cerezo, the new President of Guatemala, is determined to push for a Central American parliament. Oscar Arias, the new President of Costa Rica, is determined to press for democratic elections of all members of that Parliament, including those to be elected in Nicaragua. President Duarte in El Salvador and President Azcona in Honduras are equally eager to press for a democratization timetable in Nicaragua, in addition to sound verification procedures to monitor the reduction of Nicaraguan military forces and withdrawal of all foreign military elements.

These four Presidents have kept the United States informed of their plans and aspirations. We have been well represented in that planning by Assistant Secretary of State Elliott Abrams and special Ambassador Phil Habib, who had barely finished his own diplomatic observation in the Philippines when he was called by President Reagan to proceed to Central America.

On the day that President Arias was inaugurated in Costa Rica, I sat with Presidents Cerezo, Azcona, Durarte, and Febres Cordero of Ecuador, Vice President Bush and Phil Habib around a breakfast table in San Jose. The conversation on our mutual objectives was direct and constructive. Later, I visited with President Arias and his wife at their residence. I believe that I have a good understanding of what each wants to achieve.

If Nicaragua poses a security problem for the United States, the Sandinistas pose a more immediate and dangerous threat to Central American democracies. The democracies need peace to undertake desperately needed economic growth measures. They need security from insurgent guerrilla attacks.

The romance of revolutionaries attacking rightwing authoritarian governments is over. It is perverse nonsense when the governments are headed by distinguished democrats such as Duarte, Cerezo, Arias, and Azcona. They and not the Marxists are the ones legitimately fighting for religious and civil liberties, land reform, judicial reform, and economies which will merit new investment capital. The four have told President

Daniel Ortega of Nicaragua, face to face, that a Marxist totalitarian government at the throat of Central America will not do. The Central American Presidents have delivered that message in forceful and extended conversations.

There is no point in underestimating the task before us and our Central American allies. Marxist governments typically do not permit themselves to be voted out of office in free elections. They abolish civil rights, curtail a free press, harass religious expression, build ridiculously outsized armed forces, and deliberately subvert their neighbors. The Sandinistas themselves have coined the phrase "revolution without frontiers."

Unfortunately, every successive internal change in Nicaragua since 1979 has narrowed the space for political pluralism and dialog. This was emphatically the case even during the 18 months in which the Carter administration bent over backward to be helpful and comprehending. Today, of course, all measures are attributed to a supposedly imminent U.S. invasion, or to our assistance to the armed opposition.

Before Phil Habib took his first trip to Central America in the early spring of this year, he told me and others that he could not negotiate a successful formula for the future of Central America unless the Congress voted military assistance to the Contras. He still believes that, and so do I.

The Marxists in Nicaragua know that the Contras are a military threat. Given the fragile economic underpinnings of their regime, the Marxists face internal destabilization long before military defeat. They show no signs of embracing democracy and free and fair elections for the good of the people and the prosperity of their country. They must be compelled to face negotiations with the Contras and with neighboring states who insist upon democracy.

Let me underline the obvious, again. Military assistance to the Contras is the essential factor for any reasonable hope of successful negotiations.

The American people have been skeptical about the Contras. In addition to alleged ties with Somoza's national guard, public charges have been made that some Contra elements have engaged in drug dealing and other criminal activity. Secretary Abrams has been active in spurring Contra leadership reform. Senators NANCY KASSEBAUM, WARREN RUDMAN, SAM NUNN, and BILL COHEN were successful during Senate debate in demanding greater accountability by the Contras, and the unification of their efforts toward assurances of legal and democratic procedures.

If the Contras are not as strongly for democracy, for civil rights, and for legal procedure as we are, they will become irrelevant. The American people and the Central American democracies will not back any Nicaraguan freedom fighters who have any other agenda than a passion for democracy. The Contras need to know that. I am spelling it out clearly, again, today. I want to see much more evidence that the Contras can articulate loudly and clearly the Constitution that they want to cherish and for which they are willing to risk their lives with our assistance.

Even while Congress has debated these issues and while aid to the Contras has been cut off for the last 11 weeks, substantial progress has occurred in reform of the Contras, and in discussion by the Contadora countries, the support group, and Central American countries about the fate of Nicaragua.

The U.S. Government has taken the Senate legislation seriously. Phil Habib has been active and successful in bringing about new support for the U.S. positions.

Habib's success has, in fact, set off alarm bells among some Members of Congress and the administration sufficient to surface a Department of Defense publication entitled "Prospects for Containment of Nicaragua's Communist Government." The paper argues that a Contadora treaty might be signed soon that would be deficient in enforcement mechanisms against insurgency and military buildup, and which would leave Marxist Nicaragua unchanged internally despite all of the discussion of democratization.

The Defense Department report cites other treaties violated routinely by Marxist governments that should not have been trusted because they never intended to abide by any inconvenient treaty provisions. It estimates that in 3 years, with no Contras still available, the United States would be asked by Honduras and Costa Rica for assistance in containing the Nicaraguan menace. The upgrading of the military forces of friendly Central American countries would cost $1.5 billion. The estimated annual cost of U.S. containment forces would be $7.2 to $9.1 billion to quarantine Nicaragua.

□ 1930

Thus some Defense Department analysts began to argue that the Contadora process was getting out of hand and that Latin American countries, simply weary of the whole process might throw in all their cards, sign a document, and leave themselves and the United States open to an ongoing, expensive debacle.

Washington abounds with partisans who are convinced that diplomacy will not make it in Nicaragua. Many others are convinced that the Contras are unworthy of military support or incapable of effecting a successful military effort.

I contend that neither the Contadora process nor Phil Habib plus the Central American democratic presidents are likely to bring about free and fair elections in Nicaragua without military assistance to the Contras. And the Contras are unlikely to reach the bargaining table without very sophisticated alliances with the Central American countries and the most skillful of diplomatic efforts by Elliott Abrams, Phil Habib, and others.

Only a combination of diplomats, presidents, and Contras, has a high probability of getting the job done with a minimum of intervention by the United States in Latin American affairs, a very important requirement by Latins, and with a minimum of financial and military support commitments by the United States, a very important domestic political requirement.

I have congressional friends who want the Senate Foreign Relations Committee to investigate alleged drug dealing by the Contras. Others want to investigate Phil Habib for his alleged willingness to terminate aid to the Contras if a satisfactory Contadora treaty is signed.

Without demeaning any of these friendly suggestions, they are reminiscent of earlier demands on the Foreign Relations Committee. At that time, some wanted investigations of scandalous financial dealings by Ferdinand and Imelda Marcos. Others questioned whether U.S. Ambassador to the Philippines Stephen Bosworth, was so pro-opposition that President Marcos was being undercut even as Marcos claimed that he was trying to protect our bases against the Communist New Peoples Army.

My advice then and now is to keep all tracks clear for the main chance. The main chance is democracy through free and fair elections, freedom of speech, freedom of religion, freedom of the press, freedom to congregate and campaign, justice in the courts, and free enterprise. The United States must position itself for that chance just as we did in the Philippines.

I witnessed the November 3, 1985, presidential election in Guatemala. It was an election that could be replicated in Nicaragua with a few months of preparation. The heartbeat of Latin America is democracy, not Marxism. Every Latin yearns for the dignity of self-expression. That means the right to vote secretly and to know that the vote is correctly counted as a part of national decisionmaking for leadership and the proper democratic checks and balances on that leadership.

This belies the notion of many cynics of the right and the left that Central Americans are not "ready" for democracy, or that some sort of dictatorship, benevolent or well inten-

tioned, is preferable to the imperfections and difficulties of an open political system.

When Vice President BUSH, Ambassador Lou Tambs, Elliott Abrams, Phil Habib, and I marched behind the American flag into the San Jose soccer stadium for the Costa Rican Presidential inauguration, the stands erupted in a spontaneous demonstration for the United States of America. The applause continued for our 200-yard procession and was recorded by live television throughout Central America. By contrast, the Nicaraguan ambassador marching behind her flag was booed. That too was noted and recorded throughout Central America.

Outgoing President Monge and incoming President Arias both told me in separate conversations that people all over Costa Rica had watched on cable television the experiences of our election observer delegation in the Philippines, and my reports to the American people

They pointed out that Costa Ricans had come to a new appreciation of the willingness of the United States to support democracy, even against an authoritarian regime which claimed to be anti-Communist.

In that spirit, I count upon liberal friends in Congress who were enthusiastic about democracy in the Philippines to demonstrate a similar commitment for Nicaragua. We should demand of Managua nothing less than we did of Marcos.

Marcos with all his faults permitted lively opposition newspapers. Even in the highly flawed 1984 election, genuine opposition parties won 30 percent of the seats in the National Assembly, and the government faced a serious parliamentary opposition. The Catholic Church and its radio station, Veritas, were a major force rallying in democratic opinion. Marcos may have miscalculated monumentally, but he did call for a special election, and invited observers from the United States to validate his aniticipated landslide victory.

No such circumstances are presently available in Nicaragua. The opposition is fighting for its life. In the 1984 Nicaraguan elections, the major Presidential candidate of the opposition felt obliged to withdraw because of threats to his safety and that of his followers. The radio station of the Catholic Church has been silenced, and the principal daily, La Prensa, strongly censored, and finally closed. Ortega and Borge have suppressed civil liberties, and locked up and tortured more political prisoners than Marcos, whose country is 18 times as large as Nicaragua. Unlike Marcos, however, Ortega and Borge are unlikely to respond to any challenge which the United States raises to their democratic bona fides.

Those liberals who insist that it is naive or simply inappropriate to ask a Marxist government to open up its system are wrong. They are as wrong as those conservatives who argued only yesterday that a democratic system was a luxury which the Government of El Salvador, fighting for its life against Communist guerrillas, simply could not afford.

The American people do not support the idea of Americans engaged in war in Central America. The American people do support democracy. They should reasonably anticipate that this will require our support of Nicaraguans who are willing to fight for freedom and a democracy which they must define explicitly. It will also require support of diplomacy with democratic governments in Central and South America who want to assist negotiations now, and are willing to stand with us as guarantors of the new democratic order as it is established by Latin Americans for Latin Americans.

The United States of America has enjoyed success in working with those who cherish political freedom to regain that freedom from authoritortian governments of the right. It is equally important that we assist those who are striving for freedom against dictatorships of the left. I believe that this universal fight for democratic institutions deserves bipartisan support. I am certain that Americans want a commonsense sorting out of what we should do in Nicaragua. I hope that I have provided a good measure of that commonsense today in this overview.

□ 1940

Mr. President, I support titles II and III of H.R. 5052, which authorize the appropriation of $400 million to strengthen democracy where it exists in Central America for the good reasons I have suggested this evening, and to help bring it about in the troubled Republic of Nicaragua.

Titles II and III deal with the Central American issue in a fully comprehensive manner. It balances economic, social, military, and diplomatic instruments. It addresses both Central American interests and our own. With regard to the Nicaraguan problem, it provides not merely resources, but a mechanism to assure that our goals are effectively met.

In many ways this bill is the product of a growing consensus in the United States on Central America. We are far from the controversies that agitated this Chamber in the 97th and 98th Congresses—over the nature of the Nicaraguan regime; over the viability of the democratic center in El Salvador; over the possibilities of democratization in Honduras and Guatemala; over the relationship of the Central American drama to our larger security interests.

We have always been closer to that consensus in the Senate than the House. The fact that the bill before us today is the product of a House vote is highly significant. It seems to me we have reached a turning point in our perception of the situation in Central America, and in our willingness to act together as a united people, together with our allies and friends in Central America.

I recognize that in one important particular this legislation continues to be highly controversial—that provision which provides for $100 million in assistance to the Nicaraguan democratic resistance. But just because some issues are difficult does not mean that they can be wished or talked away. The Nicaraguan problem forces us, as representatives of the American people, to face up to serious political, strategic, and moral questions. Nonetheless, they cannot be avoided, since how we vote will determine the fate of the long-stifled democratic aspirations of the Nicaraguan people, and by extension, of the fate of democratic institutions in Central America.

Whatever our views on this particular bill, I am sure that no Member of this Chamber believes that we can afford the luxury as a free society, to be indifferent to the fate of our closest neighbors. That concern lies behind much of what I shall say today.

Let me remind my colleagues that the provisions of titles II and III are virtually identical to those found in Senate Joint Resolution 283. That resolution was approved by the Senate March 27 by a vote of 53 to 47.

Like Senate Joint Resolution 283, H.R. 5052 transfers $100 million in unobligated funds from the Defense Department to the President to assist the Nicaraguan democratic resistance. Like the legislation we approved in March, $30 million of this $100 million is available only for humanitarian aid. The remaining $70 million may be used as the President sees fit. Again like Senate Joint Resolution 283, the bill before us today gives the President maximum flexibility to use this $70 million. He may channel it through any agency of the Federal Government. He may spend it on whatever items he believes necessary to help the resistance forces.

Many Senators had a hand last March in crafting Senate Joint Resolution 283. Senators KASSEBAUM, COHEN, and RUDMAN, for example, added language requiring the various resistance groups to put forward a program for democracy in Nicaragua and to work together to achieve this end. Their language is found in section 211(d) of H.R. 5052. The distinguished Senator from Illinois [Senator DIXON] offered a floor amendment to Senate Joint Resolution 283 barring United States personnel from entering Nicaragua for military purposes. That amendment is now section 203(e) of H.R. 5052.

There are only two real differences between the legislation before us today and that which we approved last March. First, the House had added $300 million for the Central American democracies—Costa Rica, Guatemala, El Salvador, and Honduras. This money does not represent a new aid program. Rather, it makes up part of the shortfall in the aid the Congress and the President has promised these countries in previous years.

The second change between the legislation we approved in March and H.R. 5052 is the timing of the release of the funds. In March we legislated on the expectation that the aid package would be approved in mid-April. It is now, of course, early August. As a result of the delays in approving this package, the House has revised the timing on the release of funds. Untouched, however, are the conditions we in the Senate put on the release of these funds. Funds may not be released if negotiations are going forward between the resistance forces and the Sandinistas. Nor may funds be made available to groups that do not have effective human rights policies.

I do not propose to review the entire history of the Nicaraguan question, but several points seem to bear repeating here.

First, there is no question but that Nicaragua today is well advanced on the road to communism—with all that implies for a military and strategic alliance with Cuba and the Soviet Union. At home, this means the militarization of society, the suppression of free trade unions, of the church, of the press. Abroad, it means participation in an international terror network which includes Libya and the PLO.

Second, this has happened not because of the United States, but indeed in spite of it. It has been said many times before, but I cannot forebear from repeating it now—between 1979 and 1981 the United States gave Nicaragua over 100 million dollars' worth of assistance, what would indeed have been a down payment on a much larger program, in the hope that the new leaders of Managua would keep their promise to the OAS and their own people—of a society committed to pluralism, a mixed economy, and a nonaligned foreign policy.

Third, the completion of this process in Nicaragua will have profound implications for democratic neighbors, particularly Costa Rica, which has no army at all, and is now facing across an unfortified border a military machine which is larger than that of all of the other Central American nations combined. The Sandinistas are also engaged in the shipment of small arms, the training of cadres, and the coordination of politico-military actions for the guerrillas in El Salvador. While they claim that it is not possible to export revolution, their actions suggest that they believe otherwise.

Fourth, the Sandinistas have shown by their own actions that the only language they understand is that of force, or the threat of force. They have betrayed every well-meaning American or Latin American who has chosen to speak to them in the language of sweet reason and conciliation. Even the most optimistic advocates of a negotiated solution—the Contadora countries—have nothing to show for their efforts by frustration and evasion.

The one thing the Sandinistas fear above all others is the promise of the revolution they themselves betrayed—the democratic, popular, nationalist movement which ousted the Somoza dictatorship. This bill makes it possible for that hope to endure, flourish, and hopefully triumph at last.

There are those, I know, who believe that Nicaragua's international political order is of no particular interest to us; or that we have no moral right to criticize, much less attempt to improve it. I have heard often—from constituent letters, from visitors, and indeed from some Members of this Chamber—that we have no business trying to get involved in the affairs of this small country, which—so I am told—poses no threat to the United States.

I believe, however, that quite apart from humanitarian considerations, the internal order in Nicaragua is the crucial determinant of its international role.

As Mrs. Violeta Chamorro, publisher of La Prensa, the courageous independent daily finally shut down a few weeks ago by the Sandinistas, explained recently to the presidents of the Contadora countries:

> The external dimension * * * is no more than the reflection and the echo of an interior disturbance, revealed in popular discontent, emigration, and exile; which nourishes subversion and the war of those who seek through violent means what they cannot achieve peaceably. * * *
>
> Every demand for democratic participation in the development of Nicaragua's destiny has been relected with intimidation and force.
>
> Only the Sandinista Front has rights and guarantees in Nicaragua. But peace begins by giving back these rights that belong to all our people: by yielding power. By living together civilly and practicing democracy, the only system that allows for opposition-government relations, and that guarantees something essential * * * freedom.
>
> Without liberty first, there will never be peace. If not, she concluded, Nicaragua will keep on destroying itself, our youth will keep dying, and the danger of violent confrontation in Central America will increase.

How does this bill address those concerns?

First, it sustains the unified democratic resistance fighters and their families, and provides a counterweight to the Sandinistas' massive military might and repressive police apparatus.

Second, it provides the Sandinistas with some positive incentives to reopen serious discussions with the opposition, since it ties the type and amounts of assistance we disburse to the democratic resistance to the future conduct of the Nicaraguan Government. Thus, if Managua wishes to see us end our military assistance to the democratic resistance, this bill puts that instrument in their hands.

All they need do is restore political freedoms, demonstrate some progress toward the holding of free and fair elections, and refrain from acts of aggression against their neighbors. True, the bill also requires them to engage in a cease-fire and serious negotiations with resistance leaders, but this is no more than what President Duarte is offering the insurgents in El Salvador.

Third, because it staggers disbursement over several tranches, it gives the Sandinistas more than one opportunity to reconsider their policies and actions.

Fourth, it puts the Soviet Union, Cuba, Libya, and other allies of the Sandinistas on notice that the United States is not going to abandon the cause of freedom in Nicaragua—that they can no longer count upon the experience of Vietnam to stay our hand wherever they propose to intervene.

Let me now state what this bill is not.

It is not the beginning of "another Vietnam." Section 3(d) specifically states that "nothing in this title shall be construed as authorizing any member or unit of the Armed Forces to engage in combat against the Government of Nicaragua."

It does not provide the democratic resistance with a blank check. Quite the contrary, it establishes strict norms of accountability and human rights monitoring. In fact, this gives us the kind of leverage we need to assure that the most creditable members of the democratic opposition prevail within the ranks of the resistance.

It does not undermine the efforts of the Contadora countries to reach a negotiated solution in Nicaragua. I am aware that many leaders of these countries publicly oppose this legislation, but I must respectfully differ with them. If the purposes of this bill are attained—namely, a cease-fire in Nicaragua, a serious process of negotiation between government and opposition, and the ground established for free elections—then Contadora's own purposes, which are national reconciliation and pluralism, will be fully satisfied.

But without the leverage which this aid provides, it is frankly difficult for me to imagine how the Contadora vision can ever be fulfilled.

It does not neglect the needs of the four Central American democracies—El Salvador, Honduras, Costa Rica,

and Guatemala. Rather, it specifically appropriates three times as much to sustain and nourish social and economic development. By indirection it lets the Sandinistas know that this is the kind of positive relationship we are prepared to have with nations that are committed to open, free and representative institutions—a relationship we wanted to have, and in fact, still want to have with Nicaragua.

I am aware that serious charges have been raised concerning the alleged activities of some members of the democratic resistance. They will, of course, be fully investigated, and, if found to be true, lead to appropriate action.

But we must not confuse allegations with facts, or allow controversies over peripheral matters to deflect our attention from the main issue at hand, which is the political situation in Nicaragua and its implications for Central America and for us.

In this connection, I cannot forebear from mentioning that the sensational charges that the $27 million in humanitarian aid appropriated last year were somehow misappropriated, or never reached its destination, have been shown to be false.

Mr. President, it is not easy or pleasant to be forced to recur to such measures as this bill requires. But the choice is not really ours—and, in fact, never has been. The Sandinistas always had it within their power to determine the kind of relationship Nicaragua would have with its neighbors, and with the United States. They still do.

But until they understand that we mean business, they will have no incentive to rethink the consequences of their policies, their treatment of their own people, and their alliances with the enemies of freedom.

I urge my colleagues to join with me in support of this bill. It is a challenge we cannot fail to meet.

Mr. President, I yield the floor.

Mr. LEAHY. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Vermont has 1 hour and 53 minutes remaining at this time.

Mr. LEAHY. I thank the President.

Mr. President, I have listened carefully to the words of my good friend from Indiana. I know how hard he has worked on this and the fact that he has spent a great deal of time both in this capacity as the chairman of the Foreign Relations Committee and Senator from Indiana. I know he is not one to jump headlong into matters.

But I would say to my friend from Indiana, Mr. President, that there has been a lot of discussion of the Philippines, and eventually American policy toward the Philippines in helping to bring about democratic elections there was the right one. It was one unfortunately slow in coming. It was after the President of the United States had said at the elections, well, there was probably those on both sides who showed little or no inclination to do much to bring about the unraveling of democracy in the Philippines, and unraveling that could have endangered our bases, our interests, and the interests of democracy there. It was only after a heavy pressure by Members of the Congress, including my good friend from Indiana, and I like to think of myself and others, the President came to a policy which gives democracy a chance in the Philippines.

But I would say, Mr. President, that the analogy is not between Nicaragua and the Philippines. Let us not lose sight of the fact that we are having this debate now and today because the analogy is between Nicaragua and Vietnam. That is what the analogy is. That is why we are here. We cannot say the Contras are the only alternative in Nicaragua, not by any means. The Contras are what they are and they are the first step to U.S. military involvement in Nicaragua. That, and that alone, is the issue here today: Are we going to allow ourselves to be drawn into a situation of dangerous parallels to Vietnam?

Mr. President, my good friend from Maine is on the floor. I know he seeks time. I would ask that I be allowed to yield him 10 minutes from the bill without losing my right to the floor, and to have him then be able to yield back to me at the end of that time.

The PRESIDING OFFICER. The Senator has that right. The Senator from Maine is recognized.

Mr. SASSER. Mr. President, I have no objection to yielding 10 minutes off the bill to the Senator from Maine.

The PRESIDING OFFICER. May the Chair inquire: Did the Senator also include a unanimous-consent request that he retain his right to the floor?

Mr. LEAHY. The Senator from Vermont does include that, I will tell the distinguished Presiding Officer.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Vermont?

Hearing no objection, the request is granted.

The Senator from Maine is recognized for 10 minutes.

Mr. MITCHELL. I thank the Senator from Vermont and the distinguished Senator from Tennessee, the Democratic manager of the bill.

□ 1950

NICARAGUA: NO MILITARY AID TO THE CONTRAS

Mr. MITCHELL. Mr. President. I oppose military aid to the Contras.

The administration's policy in Central America lacks a coherent strategy. It has not worked. It is wrong.

For 5 years, the administration's policy has undermined American interests and ideals, and has violated international law.

The proposal now before the Senate represents the culmination of the failures of the last 5 years. It also represents a tragic step toward a wider war.

Let there be no mistake about the importance of the matter before us.

This proposal will arm the Contras for a wider war, a civil war against a government duly recognized by the United States, a government with which we still maintain diplomatic relations.

This proposal will extend and escalate a policy which has been condemned by the World Court.

This proposal will move, slowly but surely, toward a regional military conflict—a conflict which will ultimately induce direct American military intervention.

The United States has two related interests in Central America. One is our national security. The other is democracy in that region.

First and foremost in our consideration must be our security interest. Under modern application of the Monroe Doctrine, we should not and will not permit the presence of Soviet, or otherwise hostile forces on the mainland of the American continent. We cannot tolerate the buildup of hostile, offensive weapons in Central or Latin America.

The administration's policy has had the perverse result of an increased flow of Soviet bloc weapons to Nicaragua. Action produces reaction. Instead of working toward demilitarization of the region, we are contributing to a more rapid military buildup and escalation.

The administration is turning Honduras into a military camp. It is indifferent to Costa Rica's tradition of peace.

The administration claims only to want to pressure the Government of Nicaragua. But its objective plainly is the complete overthrow of that Government by military force. For that objective, $70 million in military aid—the amount contained in the pending bill—is certainly not enough. It is obviously only a down-payment. There will be more to come.

We are told that only American money is necessary. But the proposal now before the Senate also allows for CIA advisors. That's the way it happens. First, American money. Then, American advisors. And then, inevitably, American troops.

Make no mistake about it. Voting for military aid to the Contras is a vote for a wider war—and the risk of direct American military involvement in that war.

We should heed the words of John Ferch, for 27 years a career Foreign Service officer, who recently was fired

by the Reagan administration from his post as Ambassador to Honduras.

The administration's Contra aid package, he said:

is going to go so fast, it is really just the first step. The logic of it all means that the next stage is an expanded military operation.

"I always thought we meant what we said," Ambassador Ferch told the Washington Post after his dismissal. "We wanted pressures so we could negotiate." However, he said: "I'm beginning to think I accepted something that wasn't true. Our goal is something different, It's a military goal."

An expanded military operation in Central America will pose immediate risks to American lives. The House bill prohibits American personnel from providing assistance in Honduras or Costa Rica within 20 miles of the Nicaraguan border. Tellingly, the administration opposes the provision.

Our first interest in Latin America is our national security. But by stocking the fires around a powder keg, we are contributing to our own long-term insecurity.

The second interest of the United States in Central America—and it is related to the first—is to promote democracy in that region. We support the causes of individual human rights, democratic institutions and representative governments. This reflects the Monroe Doctrine, in which our Nation, fresh from its own revolutionary period, stood firmly in support of movements for freedom and independence in Latin America.

The administration's policy also undermines this interest. The administration opposes the antidemocratic character of the Sandinista government by supporting a rebel army whose character is no better. It is a policy which also provides the Sandinistas with a convenient excuse to curtail basic individual liberties, and deflects attention from their own shortcomings.

The administration's policy provides scapegoats for Sandinista sympathizers, and backfires by weakening the regime's opponents. A case in point is the current trade embargo against Nicaragua. The Overseas Development Council and the Center for International Policy recently reported that the trade embargo largely has irritated our allies; provided the Sandinistas with another excuse for their economic problems; and weakened private producers inside Nicaragua who depend on imports, and who generally oppose the Sandinista regime.

The administration's policy will not advance democracy in Nicaragua. On June 26 of this year, the Nicaraguan Government shut down the opposition newspaper, La Prensa. Nicaragua's President urged that Violeta Barios de Chamorro, the newspaper's owner, and widow of La Prensa editor Pedro Chamorro, whose assassination sparked the overthrow of Somoza, should be jailed. In an open letter of reply, Mrs. Chamorro defended the Nicaraguan revolution and condemned the treachery of the Sandinistas. However, she also firmly declared:

The grave crisis afflicting Nicaragua must be resolved among ourselves, without the interference of Cubans, Soviets or Americans. She labelled the Reagan Administration's support of the contras a "terrorist plan.

The Sandinistas are the antithesis of American ideals. But the Contras are not the modern equivalent of our Founding Fathers. Their leaders have never demonstrated a commitment to democratic principles. Their intention is to overthrow the Nicaraguan Government, but their tactic is to terrorize the Nicaraguan people.

Last month, a civilian passenger bus in Nicaragua was allegedly destroyed by a Contra landmine. Thirty-one civilians were killed. Fourteen were women. Twelve were children. Two were nursing infants.

The American people do not want to send $70 million in military aid to kill innocent women and children.

The American people do not want to send $70 million in military aid to a group who still cannot fully account for how the last $27 million in assistance was spent.

The American people do not want to send $70 million to Contra leaders who siphon off the money for their own enrichment—and who traffic in drugs and weapons, and plot bombings and assassinations.

The American people do not want money which previously had been earmarked to provide relief to starving people in Africa to be used instead to support a policy of failure in Central America.

The American people instead favor a search for a peaceful solution in Central America. They favor negotiations. They oppose an administration policy which uses military force as a first course of action, rather than as a last resort.

Opposition to the administration on this issue does not require that we ignore the antidemocratic character of the Nicaraguan Government, or the threat which the Sandinista military buildup poses to regional security. These are serious concerns, which we have sought constantly to address.

We have opposed the direction of the administration toward war, and worked instead to move concretely toward peaceful initiatives.

We have sought consensus at home, and consensus in Central America.

We have sought compromise alternatives, such as the 1985 Biden amendment and the 1986 Sasser substitute—which would have provided strict conditions on Contra aid, designed both to protect American interests and to lead to negotiations.

We have supported the Contadora process, led by Mexico, Venezuela, Colombia, and Panama—aimed at providing a regional peace accord.

Our best hopes for the future lie in working in true partnership with the other nations of Latin America. The United States must seek consensus, not the imposition of its will by force upon its neighbors.

At best, the United States will gain an illusory security by pursuing the course which the administration has charted. Just as American military intervention in Nicaragua earlier in this century planted seeds for the current conflict, the actions we take today will confront future generations.

For their sake, and ours, we should vote no on military aid to the Contras.

Mr. LEAHY. Mr. President, I yield such time as I may require from my own time under the previous unanimous consent agreement.

Mr. President, we should know precisely what it is we are speaking to here. We are really speaking of an historical analogy, of Vietnam to Nicaragua. The distinguished Senator from Maine [Mr. MITCHELL] has spoken of the money that is included in this bill for Nicaragua. He has talked about $70 million in military aid.

He has talked of the hundreds of millions of dollars that are going to be taken out of African famine relief.

He has talked of the $30 million in humanitarian aid.

Before anybody is distracted or fooled by those who say they would support humanitarian aid but not military aid, they should know what that humanitarian aid is.

Humanitarian aid is money that then becomes available for everything from rifles and bazookas to missiles. That is what it is.

Let us not fool ourselves by labels. This is not money for humanitarian aid. This is money for weapons of war and weapons to kill.

□ 2000

I am reminded of the fact that another Vermonter, President Calvin Coolidge, sent the Marines into Nicaragua in what now history shows us was a colossal mistake, a mistake that led eventually to the murder of Sandino and to the installation of the brutal Somoza regime. Mr. President, Calvin Coolidge was a native of my State of Vermont, but just because that Vermonter made a mistake does not mean this one has to make a mistake. I think I reflect the opinion of the people in my State in being against U.S. involvement in the war in Nicaragua.

When I spoke on this subject 4 months ago in opposition to U.S. involvement, there had been a vote in the Senate for it but a vote against it in the House of Representatives. Since then, the House of Representatives, in response to unprecedented lobbying

by the administration—last-minute phone calls from the President, arm twisting on a scale that I have not seen in my 12 years in the U.S. Senate—reversed its earlier vote to stay out of the war. At the same time, the World Court ruled that United States aid to the Contras is illegal under international law.

The United States military presence in Honduras continues, as do the heavyhanded policies of the Sandinistas discussed here tonight; and also as do all the actions of the Contras that bring shame on the United States for our involvement with that group—involvement that this country cannot even catalog, define, or control, but involvement that has led to terrorism and death of innocent civilians in a continuing involvement of our country, the greatest country in the world, in one of the most sordid exercises in my lifetime.

Four months ago, I said the issue we faced was no more and no less than whether the United States should take a major step toward direct engagement in the war in Central America. That issue has not changed. In fact, we are faced with the same issue today.

The American people have a right to know the full implications of what their Government is doing. It is, after all, their sons who may be ordered to fight and die in the jungles and mountains of Central America before this is over.

For the past 4 years, Congress has gone along with more and more military aid to the Contra forces who are fighting to overthrow the Government of Nicaragua. In the early days of this secret war, a secret war that was displayed on the front pages of our newspapers almost every day, we were told that the purpose of this aid was to interdict the flow of arms that was supposed to be coming into El Salvador. None were.

Soon it became apparent that blocking the flow of arms had very little to do with the rapidly growing Contra force.

Then it was suggested that our purpose was to force the Sandinistas back to pluralism, to make them cry uncle and, although never explicitly admitted, to overthrow the Nicaraguan Government itself. But that did not go over well with the American people, who were way ahead of their own Government in their commitment to justice and to honesty.

Then Contadora came along, and peace became our objective. Now, once again, as the recently fired Ambassador to Honduras has said, the goal is military victory.

The administration no longer suggests that if we keep the heat on the Sandinistas, they will negotiate away their own revolution. Indeed, the Sandinistas have repeatedly refused to modify their Marxist ideology. The only things that have not changed in all this time are the inability of the Contras to hold even 1 inch of the countryside and the overwhelming support of the Nicaraguan people for their own Government. To them, this war is just the most recent in a long history of military interventions into Nicaragua by the United States.

We should not lose sight and the American people should not lose sight of that part of our history, a very unsavory part of our history. The United States has intervened in that country before and always with disastrous results. Nothing indicates that it will be any different today. The same warnings that were given by Calvin Coolidge are being given today and with the same lack of any historical, factual, strategic or intelligence basis.

After 4 years of spreading terror among Nicaraguan communities along the Honduran border, the Contras now sit in their camps along the Honduran border, waiting for another $100 million from the United States. In 4 years, besides killing and wounding hundreds of civilians, the Contras have only demonstrated that they cannot possibly win this war by themselves.

What they have also demonstrated is that they can involve themselves in one scandal after another, whether it is a manipulation of currency, drug dealing or terrorism.

The American people fear that the Contras' failure will require a tremendous commitment of U.S. dollars but ultimately, also, of U.S. troops. That is a commitment which the people of this country are unwilling to give by a 2-to-1 margin. They are opposed to U.S. aid to the Contras. They are unwilling to see their sons fighting and dying in the streets of Managua or on the mountains of Matagalpa. There should be no mistake about it. If we decide to go down that road, this war will be our war for years to come.

Once again, a Vermont Senator may finally have to say, as the late Senator George Aiken said about United States troops in Vietnam in 1966, "Let's say we won and bring our boys home."

I remember shortly after I got out of law school watching the nightly news about Vietnam. My son, who was then just 3 or 4 years old, came to me in tears and climbed in my lap. The television was showing the battles of Vietnam. He said, "Daddy, promise me I will never have to go there to kill people." I wonder, if we go down this road, how many other parents will hear that from their children or how many of the children who might have felt that way at the time of Vietnam when they were children, will now find, as adults, that they are fighting in a war that makes no sense. A war that does nothing for the security of the United States, does nothing to bring glory to our country.

□ 2010

After 4 years of a policy that legitimizes the Sandinistas' efforts to obtain more Soviet weaponry and given them an excuse for internal repression, we are now facing what I believe may be Congress' most far-reaching foreign policy decision in over two decades.

The choice today is unmistakable. Either we forget the lessons of Vietnam and have the United States totally take over this war to overthrow the Sandinistas, or we adopt a new policy in Central America. Whatever we decide, this vote will be remembered as a major turning point in United States involvement in the Nicaraguan civil war.

I want to remind my fellow Senators and the American people who are listening to this debate of two things. The first is that the United States has been often called the conscience of the world. And the other point of course are the lessons of the Vietnam war.

Twenty-two years ago this month the U.S. Senate approved by a vote of 98 to 2 the Gulf of Tonkin resolution. That resolution put the United States in the middle of the Vietnam war. It was used to justify sending hundreds of thousands of United States troops to Vietnam during the next 10 years. Several of the Senators who voted for it will vote this week on the President's request for United States aid to the Contras in Nicaragua.

They, and those of us who were not Senators then but who saw what was done in the name of Tonkin Gulf, will be asked to vote to send American military advisers and trainers into this insurgency. American advisers and trainers. Those words bring back haunting memories for those of us who were college students at the time Vietnam began.

We will be asked to vote on allowing the President to send the CIA back into the war. Most importantly, we will be asked to vote on giving the Contras a commitment that they will have the money and equipment to carry on a bloody war for years to come. I am one Senator who will not cast that vote. I will not cast that vote and send us down that road.

I would like to quote from what the late Senator Wayne Morse said in his lonely fight against the Gulf of Tonkin resolution 22 years ago:

> Mr. MORSE. Mr. President, I rise to speak in opposition to the joint resolution. I do so with a very sad heart. But I consider the resolution, as I considered the resolution of 1955, known as the Formosa resolution, and the subsequent resolution, known as the Middle East resolution, to be naught but a resolution which embodies a predated declaration of war.

Article I, section 8 of our Constitution does not permit the President to make war at his discretion. Therefore I stand on this issue as I have stood before in the Senate, perfectly willing to take the judgment of history as to the merits of my cause.

I yield to no other Senator, or to anyone else in this country in my opposition to communism and all that communism stands for.

In our time a great struggle, which may very well be a deathlock struggle, is going on in the world between freedom on the one hand and the totalitarianism of communism on the other.

However, I am satisfied that that struggle can never be settled by war. I am satisfied that if the hope of anyone is that the struggle between freedom and communism can be settled by war, and that course is followed, both freedom and communism will lose, for there will be no victory in that war.

Because of our own deep interest in the struggle against communism, we in the United States are inclined to overlook some of the other struggles which are occupying others. We try to force every issue into the context of freedom versus communism. That is one of our great mistakes in Asia. There is much communism there, and much totalitarianism in other forms. We say we are opposing communism there, but that does not mean we are advancing freedom, because we are not.

Senators will note as I proceed in the presentation of my case in opposition to the resolution that I believe the only hope for the establishment of a permanent peace in the world is to practice our oft-repeated American professing that we believe in the substitution of the rule of law for the jungle law of military force as a means of setting disputes which threaten the peace of the world.

The difficulty with that professing or preaching by the United States is that the United States, like some Communist nations, does not practice it.

When the high emotionalism of the present crisis has passed, and historians of the future will disclose some of the provocative things that have occurred, I have no doubt that they will disclose that for quite some time past, there have been violations of the North Vietnamese border and the Cambodian border by South Vietnam, as well as vice versa.

I am also satisfied that they will disclose that the United States was not an innocent bystander. We will not receive a verdict of innocence from the jury box of history on several counts.

Our extensive military aid to South Vietnam was a violation of the Geneva acccords in the first instance. Our sending troops into South Vietnam, even under the semantic camouflage of designation as military advisers, was a violation of the Geneva accords. In fact, both of those two counts were also a clear violation of the spirit and intent of the peaceful purposes of the United Nations Charter itself.

Any violations of the borders of Cambodia and North Vietnam by the South Vietnamese were not conducted in a vacuum so far as U.S. assistance was concerned.

We assisted not only with materiel, but we advised on war plans, and our military presence in South Vietnam served as an ever-present strong back-stop to the South Vietnamese. I doubt if their military leaders acted at any time without the tacit approval of their American advisers.

Does anyone mean to tell me that with a population of 15 million, and military forces consisting of 400,000 to 450,000 South Vietanmese troops, of various types and various services, they are incapacitated, and that we must send American boys over there to die in what amounts basically to a civil war?

Mr. President, criticism has not prevented, and will not prevent me from saying that, in my judgment, we cannot justify the shedding of American blood in that kind of war in southeast Asia. France learned that lesson. France tried to fight it for 8 years, and with 240,000 casualties. The French people finally pulled down the French Government and said they had had enough.

I do not believe that any number of American conventional forces in South Vietnam, or in Asia generally, can win a war, if the test of winning a war is establishing peace. We can win military victories. We can kill millions of people, but not without losses of our own. Then, at the end of that blood march, we shall end with the same job to perform; namely, establishing peace, but in a war-wracked world, if we survive.

Mr. President, the formula is archaic. The formula will no longer work. The nuclear age has outmoded war as an instrument for establishment and maintaining peace. The issues and problems of southeast Asia cannot be solved by military force.

(Mr. DOMENICI assumed the chair.)

Mr. LEAHY. I also want to read from a speech by the mother of a Vermont veteran of that war, a Vermont veteran who did not return from Vietnam.

Louise Ransom of Williston, Vermont said this at the dedication of the Vermont Vietnam Veterans' Memorial in 1982. I remember this so very well because I was there and like so many of those who heard her speech felt the emotion of the moment. She said in part:

We remember how we awaited the letters home. In one Mike wrote: "There is not a man over here that wants to see this war go on any longer. This is not to say that anybody shrinks from doing a job. But everyone is as confused as I as to exactly what, if anything, we're accomplishing."

Then we remember our desperate prayers during those last few days in a surgical field hospital after we had learned of the critical wounds.

But this is our personal pain. We also remember our national pain:

Our anger at our government:

For covering up so many truths about the war, including how we got into it, and for lacking the courage to pull out, as Senator George Aiken so wisely said we should.

If our cause was so righteous and just, how did it happen that no member of Congress lost a son or a grandson there?

For not putting a stop to the huge profits made by Americans here and in Vietnam at the expense of our soldiers.

Most of all, we remember our disillusionment:

In the bleak fear that the lives of our beloved sons, husbands, brothers, and some sisters, may have been wasted by the nation we love—for no visible gain to its people.

In the perception that the war brought out the worst in us: our racism, our egotism, our intolerance and our unquestioning chauvinism.

In the knowledge that a whole generation has become cynical and lost faith in their government and in the American dream of freedom for all, for which our fore-fathers fought and died.

The true meaning of these deaths can only be determined by how we, the survivors, regard the monuments and the value we find for ourselves in what they stand for.

If we use them to glorify the Vietnam War, rather than as a tribute to its warriors, righteously feeling that now we have done our bit, (remembering that it is the veterans and not we that put up the monuments) and then wash our hands of the whole tragic business with no concern for its victims at home and abroad, we shall have failed.

But if we can strive mightily to seek creative and not military solutions to overwhelming world problems, if we can acknowledge in humanity the possibility of error in ourselves, and above all if we can learn to love one another as we love them, their sacrifice for us will not have been in vain.

Mr. President, the lessons of Vietnam were not lost on the generals and policymakers of that war:

General Westmoreland said, "the cardinal lesson of Vietnam is that we can't send troops to war and expect them to make good any foreign commitment unless American public opinion is behind it."

General Edward Meyer, retired Chief of Staff of the Army, said, "Armies don't fight wars. Nations fight wars. When the U.S. Army, which is genuinely a people's army, is committed, the American people are committed. And when the American people drop that commitment, then the Army cannot remain committed."

William Bundy, Assistant Secretary of Defense under President John Kennedy, said that "if there is one overriding lesson of Vietnam, it is that an administration must level with the Congress and the American people, accepting the burdens of a great debate in which objectives and strategy are clarified, with their costs and implications, and submitted for a clear vote of approval or rejection."

□ 2020

Mr. President, I came to the U.S. Senate in January 1975. I was 34 years old.

I saw the debate over Vietnam, the demonstrations, the dissension in our country and in my own State of Vermont.

When I came here in 1975 I made a promise to myself to do everything I could to prevent this country from repeating the tragic mistake of the Vietnam War. I intend to keep that promise. I intend to keep my promise by doing everything possible to oppose aid to the Contras this year and next year and in the future.

The Vietnam war was a watershed for the United States. At times like this, it is incumbent upon us to recall the lessons of that war. How can we prove to ourselves and to our country that those 59,000 Americans did not die in vain?

Mr. President, in the city of Washington, the most moving monument we have is the Vietnam Memorial monument—stark, black marble slabs, containing the names of 59,000 Americans who died in Vietnam. It would take a monument much bigger than that to contain the names of the millions of Vietnamese who died.

Since that monument went up, I have been drawn to it over and over again. I have gone to it in the rain, in the snow. I have gone there at night. I have gone on weekends and on work days.

One thing strikes me every time I go there: There are always people there. It makes no difference what time of day or night it is. And the reaction is the same. No matter how much they might have been talking or laughing or approaching sadly, their reaction is the same. They walk the whole length of it. Some look for a particular name of a father or a brother, a family member or friend. They are always silent—serious and somber.

I have to think that the same thought went through them as went through me, my wife, and my children when we went through there: How do we make sure this never happens again?

Of the thousands of letters I have received from Vermonters urging me to oppose any U.S. involvement in the war in Nicaragua, many contain the plea that Vietnam not be forgotten.

Many Vermonters have gone by that same monument and have come to my office or seen me back home in Vermont and said, "Let us not forget."

I would like to read from a newspaper article by William Boardman of Woodstock, VT. I ask unanimous consent that the entire article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Valley News, Apr. 3, 1986]

IN NICARAGUA, AS IN VIETNAM, AMERICA'S ACTIONS ARE WRONG

(By William Boardman)

WOODSTOCK—In Nicaragua, as in Vietnam, the United States government has chosen to wage war on the simplest aspirations or ordinary people—for food, for shelter, for literacy, for health, for a life longer than 40 years.

In Nicaragua, as in Vietnam, the United States government justifies waging war on basic human needs by making rhetorical appeals for freedom and democracy for the native population—even as the U.S. government fights on the side of the violent elite which had for years forcibly subjugated and impoverished the large majority of its own people.

In Nicaragua, as in Vietnam, the United States government has chosen to defy American law and lie to the American people.

In Nicaragua, as in Vietnam, the United States government has exhibited an arrogant disdain for both freedom and democracy—by its willingness to destroy another country in order to save it, and by its unwillingness to defend its actions forthrightly and honestly to its allies or its own people.

In Nicaragua, as in Vietnam, the American news media have failed to get out in front of the emerging crisis. Too much reporting is superficial and capitol-bound, either repeating or reacting to government handouts, without getting out into the countryside for independent verification of any side's claims. In the dominant media (TV networks, major news magazines and papers), with the resources to cover any story in depth, these cowardly policies are shaped at stateside corporate headquarters, by men (mostly) ever-alert to doing the "responsible" thing that won't interfere later with a high government appointment. For more than five years now, the major American news media have failed to ask, much less attempt to answer the hard questions about Nicaragua and Central America, they have failed to inform the American people, and so have allowed demagoguery more power to determine our future. Nicaragua has not been a difficult place to cover in recent years, certainly not as difficult as Afghanistan, or El Salvador, or even South Vietnam circa 1954–1960. It is disgraceful and inexcusable that what reliable coverage there has been is largely the work of independent journalists with limited means.

In Nicaragua, as in Vietnam, whatever is really at stake for those making the fundamental decisions of war and peace—whether commercial, ideological, or other obsessions—it's clear that there is no serious interest among our leaders in fostering real political freedom for the people of a former western colony.

However, not all the parallels with Vietnam are neat and clean.

Indeed, some would surely object that Nicaragua was never a U.S. colony as Vietnam was French. That's as true as it is irrelevant. American colonialism has generally been more oblique than the classic European variety, but not less effective. Any country which was occupied for years by American Marines and subjected to an American puppet-dictatorship for more than 40 years has surely experienced a form of colonialism.

Perhaps the least neat, but most interesting parallel between Vietnam and our Central American situation is that the United States is now in a position analogous to that of North Vietnam. Of course the U.S. was never part of a single country with Nicaragua, but our willingness to wage a proxy guerrilla war against Nicaragua, to use neighboring countries as sanctuaries, and perhaps to use regular army troops are all in the Vietnamese pattern.

Like the Viet Cong, the U.S.-backed contras use terror as their primary weapon, assassinating teachers, doctors, and leading businessmen, destroying schools, hospitals, and business, all as part of a general campaign to tear apart the country's infrastructure.

Unlike the Viet Cong, however, the contras seem not to be committed revolutionaries, but merely mercenaries whose fighting fervor fades whenever the pace of their paychecks flags. There's no sign that contra commitment to the cause is anywhere close to the intensity that enabled the Viet Cong to build vast complexes of underground tunnels or to survive in the jungle for a generation.

In great part this is because, again unlike the Viet Cong, the contras have no substantial popular support, theirs is not an indigenous revolution. On the contrary, as their name implies, the contras are opposed to Nicaragua's only indigenous revolution. Worse than that, the contras have made no significant effort to appeal to the popular spirit of their native revolution, they have issued no manifestos promising such basic revolutionary staples as life, liberty, and the pursuit of happiness, or anything credibly resembling them. That's why the contras refused to take part in the 1984 Nicaraguan election—not because it wasn't reasonably free and open, but because they were afraid they would be humiliated by their lack of any significant constituency.

Like North Vietnam in the early years of the war there, the Reagan administration has so far been able to strike at Nicaragua pretty much with impunity. Using Costa Rica, El Salvador, and Honduras as sanctuaries, our government has fought proxy war on the ground, it has mined Nicaraguan ports (in violations of American and international law), it has provided varieties of tactical air support (most recently helicopter troop lifts), and it has waged brutal economic war against an impoverished peasant country of 3 million people with a per capita income of perhaps $700 a year.

The consequences of all this, but especially of the economic war, have been brutal, especially for the lives of essentially medieval peasants who had gotten their first glimpses of a better life from the Sandinistas. (On the other hand, one might acknowledge a certain Reaganomic consistency here, since the administration has sought to treat American poor people just as harshly.)

Nevertheless, none of the American-sponsored military or economic terror has moved the region any closer to calm, much less peace, social justice, or political democracy. Rather the effect seems to have been to spread instability, particularly to Honduras, where a near-permanent garrison of thousands of American troops are turning the country into a honky-tonk brothel reminiscent of Saigon. Perhaps even more dispiriting, Honduras is no longer in control of its own destiny semi-occupied by two foreign armies and subject to attack at will by a third—Honduras is well on its way to becoming the Cambodia of Central America.

But there is one important difference between the all-too-similar interventionist spirits of the early Kennedy years and the late Reagan ones. In 1961 the American people didn't think much about increasing the number of U.S. military advisers in Vietnam, much less resist the decision. Today a large proportion of our population, perhaps a majority, has learned the lesson of Vietnam differently from its government. Today Americans want to know what the government thinks it's doing with military force, and expects the government to convince us of the wisdom of its desires before it takes action, not after.

It's a hopeful, if ironic sign that a society can mature faster than its leadership.

That leadership's childish effort to inflate a common border raid into an invasion does not inspire confidence in its honesty or good sense (recall the 1970 Nixon "incursion" into Cambodia for Orwellian resonance). That behavior is even more disquieting when one remembers that Nicaragua has negotiated a border control agreement with Costa Rica, and offered the same to Honduras, only to have any peaceful settlement blocked by the United States.

This is not the mature behavior of a great power seeking peace, but a dangerously im-

mature intransigence with tragic potential out of all proportion to any realistic threat.

The President and other proponents of this aid have said over and over that this war is different—that no American men will be sent to fight in Nicaragua. We heard that, and yet how quickly we forget. How quickly we are prepared to say that those 59,000 American lives were lost for nothing. Let me remind you what we heard back then:

"Using United States ground forces in the Indochina jungle would be like trying to cover an elephant with a handkerchief. You just can't do it." That was Senate Majority Leader Lyndon Johnson in 1954.

In 1961, Under Secretary of State George Ball told President Kennedy that "to commit American forces to South Vietnam would be a tragic error. Once that process started there would be no end to it. Within 5 years we'll have 300,000 men in the jungles and never find them again." The President responded: "George, you're just crazier than hell. That just isn't going to happen."

"I would oppose the use of United States troops as the direct means of suppressing guerrillas in South Vietnam." That was the Chairman of the Joint Chiefs of Staff in 1964.

"We have no plans at present to send combat troops to South Vietnam." Robert McNamara, 1964.

"I don't feel expanded use of American ground troops to be an effective addition to the war." Arizona Senator Carl Hayden, in 1965.

"The commitment of American troops anywhere on Asian soil is a mistake." Senator Carl Hayden, in 1966.

□ 2030

Those words unfortunately either meant nothing or were quickly forgotten. Then we were in the war, and we began to hear "we do not want to widen it".

Lyndon Johnson said: "The United States seeks no wider war."

Then he said: "We still seek no wider war."

General Westmoreland said: "The United States could not win militarily in a classic sense because of our national policy of not expanding the war."

All of that was said before the secret bombing of Cambodia.

Years later, after the repeal of the Gulf of Tonkin Resolution, Senator Fulbright, who had played an important role in its passage, had this to say:

In Vietnam we fought a long, costly and ultimately futile war with no more cover of constitutional sanction than the dubious and later discredited Gulf of Tonkin Resolution. To my lasting regret I played a major role in securing the enactment of that Resolution, which I surely did not anticipate would be invoked as legal sanction for a full-scale war. If the Gulf of Tonkin Resolution was, as claimed, the "functional equivalent" of a declaration of war, it must stand as the only instance in the nation's history in which Congress authorized war without knowing that it was doing so—indeed, in the belief, as the legislative history shows, that it was acting to prevent war.

Mr. President, this time we will vote with our eyes open.

If this debate accomplishes nothing else, it will at least prevent any Senator from saying regretfully years later that they did not know they were committing this country to a costly and prolonged war in Central America.

Historical analogies are never perfect. Vietnam in 1964 was a country of 40 million people half way around the world. It had the steady support of neighbors like China and the Soviet Union. Nicaragua has less than 3 million people and is in our hemisphere. I for one do not believe the Soviet Union would risk a direct confrontation with the United States over Nicaragua.

The differences between the two countries are important. But the parallels between the Vietnam war becoming an American war and what is occurring today in Central America, are unmistakable. The most striking analogy involves the administration's justification for U.S. aid to the Contras. In the 1960's, U.S. leaders viewed the war in South Vietnam as a challenge from Peking and Moscow that threatened the security of the West.

In much the same spirit, President Reagan has called Nicaragua the first casualty in the Soviets' game of dominoes in Central America. He said—

If we don't want to see the map of Central America covered in a sea of red, eventually lapping at our own borders, we must act now. Nothing less than the security of the United States is at stake.

Mr. President, the security of the United States is not at stake because of Nicaragua. If it is we are in great trouble.

Another striking similarity is that in both Vietnam and Nicaragua the United States began by trying to fight a proxy war and assume an advisory role. In Vietnam, we saw how much wishful thinking that proxy war was:

The first U.S. trainers arrived in South Vietnam in 1955. Inevitably, the trainers became advisers and the advisers became the planners and supervisors of tactical missions.

Increased involvement brought greater danger, and in 1962 President Kennedy said that American advisers in South Vietnam would shoot back if fired upon.

By the end of 1963 we were truly running the war. There were 15,000 American troops in Vietnam and U.S. aid to South Vietnam exceeded $500 million. In 1964 after the Gulf of Tonkin Resolution, the American troop buildup began in earnest. It peaked at 543,000 in 1969.

By 1969, that same year, the United States military had already intervened in Nicaragua a dozen times.

In 1962, U.S. Marines arrived in Nicaragua to protect the U.S. imposed President, Adolfo Diaz, from rebel forces seeking his overthrow. The administration defended the intervention to protect American economic interests, and to stop Central America from becoming "a base for communist activity against the United States."

In what historians have called America's first Vietnam, the United States became embroiled in a 6-year war with the forces of Augusto Sandino, Nicaragua's first nationalist hero. One more time not only did we blunder in but we blundered in on the wrong side. At the height of the intervention in 1929, over 5,000 marines were deployed in this little backward country. During the first year of Sandino's rebellion, the marines suffered 66 casualties.

The battle against Sandino became not a question of our national security nor of what might help the people of Nicaragua or anywhere else in Central America. It became simply a question of face saving for the United States.

By 1928, a tide of criticism was rising in Congress and the public of U.S. policy. Protesters were marching on the White House with signs reading "Wallstreet and Not Sandino Is the Real Bandit."

Many people quoted Will Rogers when he said: "Why are we in Nicaragua and what the hell are we doing there?" That summed up popular sentiment. There was no significant threat to U.S. security, and American soldiers were being killed. After Sandino killed eight more Marines, they were withdrawn altogether.

I would like to read some of the things Senators were saying about the Marines in Nicaragua in 1928. Their words will sound hauntingly familiar. Those Senators were saying the same things about U.S. policy in Nicaragua 58 years ago that we are saying today. Senator HEFLIN's uncle, the late Senator J. Thomas Heflin, was an eloquent and resolute opponent of U.S. military intervention in Nicaragua in 1928. This is what he said:

[From the Congressional Record, Mar. 20, 1928]

DEMAND OF RETURN OF MARINES FROM NICARAGUA

Mr. HEFLIN. Mr. President, I have on my desk a copy of the Washington Post of last Friday, I believe, stating that a thousand more American marines are going to Nicaragua. I do not know just how many marines or soldiers we have in Nicaragua. We must have some 10,000 or more. We have been in a state of war in Nicaragua for more than a year. I want to remind the Senate and the country that the Constitution has not been changed and that Congress is still charged with responsibility and is the only body that has authority to declare war and to conduct war. Yet the President of the United States

is conducting a war in Nicaragua, and here sits the Congress supinely bowing submissively to this usurpation of the power of Congress.

I wonder if Congress has made up its mind to surrender the right that belongs to it under the Constitution and permit the President to continue these operations in Nicaragua against natives who are fighting each day to preserve the independence of their country free from foreign interference.

Mr. President, this performance in Nicaragua is enough to make our Nation hang its head in shame. Sandino crying for liberty, begging for the deliverance of his country from the invader, sounds like the cries our fathers made in the days of the Revolution when they were asking that the British forces be withdrawn.

I have here an editorial from some paper entitled "Americans In '76 and Nicaraguans in '28," which reads in part, as follows:

"They will not surrender," said Benjamin Franklin to a member of the House of Commons in the American Revolution, "so long as they have their woods and their liberty."

"I shall never recognize a government imposed by a foreign power," said Sandino, head of the Nicaraguan revolutionists, in answer to Admiral Seller's inquiry concerning what condition Sandino would accept to lay down his arms.

They asked him upon what conditions he would surrender and turn over his government to the invader. Here is his reply:

I demand the immediate withdrawal of the [American] invading troops.

He had just said:

I shall never recognize a government imposed by a foreign power.

That is good American doctrine. That is the doctrine that we have inculcated in our children from Revolutionary days to this good time, and now we are in Nicaragua pursuing a patriot who is fighting for the same principle, and we are asking him upon what terms he will surrender.

Continuing, this editorial reads:

It was Edmund Burke, in his speech on conciliation of the American Colonies, who quoted with commendation Franklin's words on the floor of the British House of Commons.

What American will now quote with commendation these words of Sandino's on the floor of the American Congress?

Franklin's countrymen were rebelling against the oppression of their mother country.

Sandino's countrymen are rebelling not against their mother country but rather against the authority imposed upon them by a foreign nation. Sandino's men are striving to rescue the sovereignty of Nicaragua from the grip of a foreign power into which that sovereignty has been betrayed by the weakling—the American puppet—Diaz.

If Franklin was justified in predicting that the American colonists would never lay down their arms so long as they had their woods and their liberty, what American nowdays may justly find fault with Sandino and Sandino's men because these Nicaraguan liberals dare to better the instruction provided for them by American revolutionists of 1776?

We are seeking this man out to kill him for fighting for principles that we fought for in 1776. Some day the American people are going to send to this body Senators who will take the American viewpoint and seek to preserve this Government and hold it true to its constitutional purpose and limitations.

I also want to quote from a recent article in the Washington Post about one of the Marines who spent 2 years fighting Sandino. He returned to Nicaragua this year, at the age of 77, on a very different mission.

[From the Washington Post, Mar. 2, 1986]

IN NICARAGUA, AN EX-MARINE'S CAMPAIGN OF CONSCIENCE

(By Colman McCarthy)

Some people have a conscience; others, a conscience has them. Bill Gandall, 77, a retired labor organizer who lives in Juno Beach, Fla., is in the second group. He spent eight days recently in Nicaragua as part of a delegation of North Americans that presented 15 ambulances to the Sandinista government. Gandall helped raise $200,000 for the ambulances, which were shipped from Japan to Managua.

It was Gandall's second stay in Nicaragua. The first came in 1928 when, as a teen-aged Marine, he spent two years fighting Augusto Ceasar Sandino, the leader for whom the Sandinistas are named. "We never caught him," Gandall recalls, "because no matter how we tortured, we could never get people to inform."

As a Marine in Nicaragua, Gandall remembers the fervent way the corps spread U.S. democracy: "I shot a guy at the polls" in the fraudulent election of 1928. After that, it was "taking part in rapes, burning huts, cutting off genitals. I had nightmares for years. I didn't have much of a conscience while I was in the Marines. We were taught not to have a conscience."

The teaching didn't last long. Gandall left the Marines in his early twenties and went into union organizing. "That woke me up," he says. Another jolt was realizing the uselessness and destructiveness of current U.S. military intervention in Nicaragua: "It's a disaster to support the contras because they are mostly led by former Somoza people. I saw some of the atrocities committed by them. They learned from the Marines and carried on our work."

The efforts of Gandall—a man prodded by his conscience to make reparations—are a positive contrast to the drive by the Reagan administration to rearm and refund the contras. As much as $130 million is expected to be requested. The significance of someone like Bill Gandall is that he represents the third—and usually hidden—side in the debate. He is one of a large number of North Americans who, while opposing the waste of money on the contras, is working to increase personal nongovernmental aid to the Nicaraguan government.

The breadth of the movement is seldom reported.

A freighter is now sailing from a port in New Brunswick, Canada, to Nicaragua loaded with 560 tons of clothing, medical supplies, corn, grain, books, fishing equipment and other goods. A major force behind the shipment is Bernard Sanders, the mayor of Burlington, Vt. About two years ago, wanting to go beyond mere complaining that funding the contras was neither moral nor practical, Sanders persuaded the citizens of Burlington to commit themselves to their own foreign-aid program.

The mayor, stating the obvious, which seems to keep being forgotten, said: "Instead of invading Nicaragua and spending tremendous amounts of tax dollars on a war there, money which could be much better used at home, it seems to me that it would be worthwhile for us to get to know the people of Nicaragua, understand their problems and concerns, and see how we can transform the present tension-filled relationship into a positive one based on mutual respect."

About the contras, a recent report documented "a pattern of indiscriminate attacks against civilian targets, kidnappings, rapes, assassinations, mutilations and other forms of violence."

According to Bill Gandall, that's the story of the Marines in 1928. The difference between then and now is that the United States paid American kids to brutalize Nicaragua. Now we pay Nicaraguans directly. Either way, Gandall's conscience won't be still.

The United States failed to eliminate Sandino during the 6-year occupation, but it did accomplish another objective—to create, train, and equip the Nicaraguan National Guard. American officials selected Anastacio Somoza as its leader.

Somoza transformed the National Guard into a political-military machine to achieve his own political ambitions. It was used to murder Sandino, and to maintain what would become the most corrupt and enduring dictatorship in Latin American history.

The Somoza family ruled Nicaragua single-handedly for over four decades with the open approval of the United States. Their brutal and corrupt regime decimated the country. By 1979, when the Sandinistas ousted Somoza in a guerrilla war that attracted broad popular support, the country was among the poorest in the hemisphere.

While belatedly congratulating the Nicaraguans for overthrowing a dictatorship the United States installed and treated as a friend, the President now supports an insurgency led by Somoza's former officers.

The President says "American troops have not been asked for and are not needed," but the Secretary of State was more honest when he said that sending U.S. troops "must realistically be recognized as an option given our stakes in the region."

The administration's actions speak for themselves.

Mr. President, I ask how much time remains to the Senator from Vermont?

The PRESIDING OFFICER. The Senator has 1 hour and 10 minutes remaining.

Mr. LEAHY. I thank the President.

In the past 4 years, the United States has built new airfields in Honduras, staged war games there involving tens of thousands of United States troops, and equipped and trained thousands of Honduran and Contra soldiers.

I recall someone from the administration testifying one time about how we have to do this. We have to do these things because the Cubans are sending doctors and teachers to Nicaragua who spend an hour every day teaching communism.

Mr. President, I asked a member of the administration how many doctors and teachers we are sending down there who spend an hour every day teaching about democracy?

I was told we do not have a program for that, it was too expensive.

□ 2040

With all that we have spent on military exercises to intimidate the Nicaraguan Government, to bolster either the Hondurans or others to back our policy, we could flood Central America with doctors and teachers, with agronomists and nutritionists. We could send people who could help remove the real enemies of the people of Central America, the enemies of illiteracy and hunger and poverty. To help create the kind of a middle class that is the best buffer against revolution, to remove the enormous gap between the haves and the have nots.

Mr. President, I think I know my colleagues in the Senate very, very well. Just about any of us would be a revolutionary if we were among the downtrodden and the poor and the deprived in those countries.

I remember when the Contras were nothing more than a gleam in the President's eye. And now, of course, they are a force of 20,000. I remember when United States military aid to Nicaragua's neighbors was $10 million a year. Now it exceeds $200 million.

I remember the time when we did not have military trainers or advisers in Central America—when United States helicopters were not ferrying soldiers to the Honduran-Nicaraguan border; when we were not conducting aerial reconnaissance missions over Nicaragua; when we did not have radar stations or Navy ships stationed there.

All that has changed.

The lessons of Vietnam are not that Central America and Southeast Asia are the same, nor that the United States should never fight another war. I hope we never have to. Rather, they have to do with when it is worth killing and being killed for your country, and how to bring democracy to a country battered by years of dictatorship.

Mr. President, the administration has not leveled with the American people about the full costs and implications of this war.

The American people remember Vietnam. They remember seeing on the evening news how that country was destroyed—the pictures of weeping mothers and fathers holding the bleeding, lifeless bodies of their children. They do not want that tragedy replayed in our own hemisphere.

Mr. President, I remember it well. I remember the effect it had on me and my family and my children.

The American people do not want their sons to fight it. They do not want their tax dollars used to pay the Contras to fight it for them.

If we approve the President's request for this aid, we will be responsible for the bloodshed that will follow.

Twenty thousand Contras and $100 million will not bring down the Sandinistas, any more than the $150 million that they will need next year. Mr. President, we will keep pouring the money in to overthrow the Government of Nicaragua. And we will find that it does not work and the killing will go on. Eventually, if history is any prelude—and it is, it is in this case—the American advisers will become American fighters. And for what? To enhance the security of the United States? Is the Sandinista army going to march into the United States? They cannot even feed their own people.

Are they going to march on Texas? I will put my money on the Texas National Guard. And I do not mean that facetiously.

Ultimately, if we are going to achieve the President's goal, we will have to send in American troops.

And if, with the help of U.S. troops, the Contras are able to seize power, does anyone believe that the Sandinistas will simply lay down their arms? Is it not more likely that they will go back to the hills—the hills they know so well—and continue to fight a government now imposed on them by the same foreign power that gave them the Somozas?

And how would a new government survive unless we sustain it economically and militarily, probably for decades?

There is another way.

Contadora has not succeeded, but contrary to the administration's claim, it has not failed. It has not succeeded because the United States has never become serious about supporting Contadora and about engaging in bilateral talks with Nicaragua. Our goal should be a regional settlement which provides for a complete termination of external support for insurgencies and noninterference in the internal affairs of the countries of the region.

Our national security is the first concern of those of us who oppose a military solution to this conflict. There should be no mistake—this is not a question of patriotism. Congress and the President should reach an understanding that the United States will act to prevent a Soviet or Cuban challenge in Central America. This includes a prohibition on Soviet or Cuban military bases and on the placement of advanced offensive weapons from the Soviet bloc. The United States should provide congressionally approved security guarantees to Nicaragua's neighbors.

The United States should provide full political, economic, and, where necessary, military support to the emerging democracies of the region. We cannot force the Sandinistas to change their domestic policies. That will be up to the Nicaraguan people, who have no more in common with the Soviets than their Guatemalan and Honduran neighbors do. The sooner they stop thinking of the United States as their enemy, the sooner they will lose patience with policies that restrict their freedom.

Mr. President, I have gone to a number of refugee camps in Central America. I spoke to the people who have been displaced. They have lost their families, because of this war, lost everything they have.

I remember talking to a woman whose family had been killed. I said, "Who did it?" She said, "I don't know." I said, "Did you try to find out? Was it the Contras or Sandinistas? She said, "No; you don't go back and ask questions like that."

I said, "Well, whose side are you on, the opposition, or the government?" She said, "All I wanted to do was live. All I wanted to do was raise my children. All I wanted to do was to have my family." She said, "I'm not interested in politics."

What do we say to the people of Nicaragua when their own government can say: "You must go without. We cannot give you the things you want because the United States is trying to destroy us. The United States is sending the CIA. The United States is supporting the Contras. We have got to rally together." Why do we have to continue to be the enemy in Nicaragua?

Mr. President, it was not easy for the United States to get into a war that cost the lives of tens of thousands of Americans and millions of Indo-Chinese. Vietnam was not a quagmire in the sense that we somehow stumbled blindly into it and were unable to get out, despite our best efforts.

□ 2050

It took enormous amounts of time, money, and the energies of a great many people to get half a million American troops into that war. The American people do not want their country to fight a war in Nicaragua and they never will.

Mr. President, the Senate of the United States should be the conscience of the Nation. Many throughout our 200-year history have thought of it that way. People across this country, Republicans, Democrats, Independents, Conservatives, Liberals, Moderates, all parts of the country, are crying out to us. Their consciences are speaking, and they are saying to us, the conscience of the Nation, speak for us; stop this war.

We are the greatest power in the world, not just because of our military power, not just because of our economic power, but because of the power of

our ideals, and the power of our example. We are the longest existing democracy on the face of this Earth. Our ideals shine as a beacon to countries throughout the world on both sides of the Iron Curtain and in the Third World. We have resisted terrorism in so many other parts of the world, let us show we will not support terrorism in our own hemisphere. This country that has shown the magnificence of a Marshall Plan can also find ways to bring people within our own hemisphere out of poverty.

Let's put an end to this hopeless struggle and get on with a policy worthy of the United States of America.

Mr. President, how much time remains to the Senator from Vermont?

The PRESIDING OFFICER. The Senator has 55 minutes remaining.

Mr. LEAHY. Mr. President, I withhold the balance of my time.

The PRESIDING OFFICER. Who yields time?

If no one yields time, the time will be charged equally.

AMENDMENT NO 2700

(Purpose: To strike out titles II and III of the bill.

Mr. SASSER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Tennessee [Mr. SASSER] proposes an amendment numbered 2700.

On page 21, beginning with line 1, strike out all down through line 15 on page 51.

Mr. SASSER. Mr. President, the amendment that I just called up will be the pending business tomorrow, and I now yield the floor to the Senator from Connecticut who will be speaking on his own time under the unanimous-consent agreement.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, first, I ask unanimous consent to be named as a cosponsor of the Sasser amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, though the hour is getting late, I feel I would be remiss as we pursue this debate today on the Central American question if I did not take a few minutes to try to outline myself what I feel are the central questions before us.

We just heard a very empassioned and strongly felt set of views by the distinguished Senator from Vermont. We have listened earlier today to other Members of the Senate on both sides of this issue express their views. Over the next several days this body will try to address and deal with, in the time we have remaining under this unanimous-consent request, some 31 different amendments on this issue alone, and I think at least that number if not more on the question of sanctions on South Africa.

I see my good friend and colleague and chairman of the Foreign Relations Committee sitting across the way. He has a long week in front of him. So I am going to try to keep these remarks brief.

As he knows, this issue, particularly for this Member of the Senate, has been one that I have lived with during my first 5 years in the Senate; in fact, I first offered an amendment on this issue in December 1982 in opposition to Contra aid in Nicaragua. But I happen to feel that the amendment just offered by our colleague from Tennessee is the central amendment. To me, this will be the vote, by and large. All these other amendments that will be offered will try to improve one way or the other the particular question struck by this amendment.

With all due respect, in fact, I have a couple of amendments that I may raise on all of this. Yet those amendments do not address the central question, while that of the Senator from Tennessee's does. If I understand the unanimous-consent agreement properly, sometime around 10 or 11 o'clock tomorrow morning, August 12, we will fundamentally decide whether or not this country is going to go forward, finance, and fund this Contra operation.

So to me this is the central vote. The question of whether or not some of the Contras are doing things that we do not find particularly attractive, or that the Sandinistas do things that we find deplorable, are significant questions but they do not address the fundamental, central question of whether or not this policy, this particular choice of solutions, is in the best interests of the United States.

We have heard over the last 4 years, 4 or 5 years, a debate that has tried to frame this question in a way I think which does not really address what we have to decide as Members of this body.

Each and every one of us stood in this well not very far from where I am standing here this evening, and to one Vice President or another acting as the President of this Chamber raised our right hands and we took an oath. We swore to defend and uphold the Constitution of the United States, and to protect the interests of this country. That is our job here, whether we be Republicans, Democrats, conservatives or liberals. We have sworn to do whatever we can to see to it that our country, our Nation, would be safe, would be secure with its ideals and its values, and would be perpetuated in such a way that another generation yet unborn could serve in this Chamber and carry on the debates of their day.

□ 2100

My problem with this particular question of Contra aid is not over whether or not one likes the Contras, not over whether or not one can accept the Sandinistas, or to try to make choices between those two groups of people. The question should be fundamentally whether or not this particular approach advances the interests of the United States and its allies.

If it does, it ought to be pursued. If it does not, we ought to seek another course.

I have felt from the very beginning that this particular approach is not in our interest. For that reason, we ought to seek another course.

I do not reject the notion that military force is a legitimate way to extend your legitimate foreign policy interests. Time and time again, regrettably, we have had to use force in order to extend those interests. So we ought never to say that we would never use military force.

I do not subscribe or join those who would embrace that particular point of view.

But I do embrace the view that says that military force for a great power, a power that does embrace the values of democracy, liberty, that we so frequently talk about on the most meaningful holidays of this country, implies a responsibility that that great power ought to be very judicious—very, very judicious—in the exercise of the use of that military power; that if you use that power inappropriately, in an untimely fashion, or prematurely or too late, then great powers such as ours can be hurt—hurt seriously and deeply for years to come.

So the question is not whether or not we ought to use military power. I reject that at this particular juncture. I think there is a better way to proceed in Central America.

The question ought to be before us, how do we deal with this problem? How do we confront this problem that we perceive? What is that problem? Is the problem merely the emergence of a Marxist state in Nicaragua? Does that state and the leaders in that country pose such a serious threat to this country that they ought to be dealt with quickly and at great risk? Is that the only question?

If it is, I would suggest we are choosing the wrong means to deal with that. If, in fact, that is the problem, it is unclear to this Senator having listened to the various rationales that have been offered over the last 4 years as to in fact what is the central question to this administration; if during the summer of 1986 the question is: How do we get rid of the Sandinistas, Daniel Ortega, and all who have joined them, then it seems to me that in that little country we are choosing

the wrong means, that there are other alternatives to us and we ought to possibly exercise those means.

If the question is how do we bring peace and stability and improve the economic development of that country, to shore up democracies that are fragile, it seems to me we ought to be looking in another direction rather than merely casting fuel into a situation that could explode in our very face.

It seems to me we probably will be casting that fuel, and given the inclination of the Members as I judge it this evening, tomorrow at about 10 or 11 o'clock the Senate will vote to support Contra aid.

But I would suggest that once you start down that road, once you made that decision, as we all have learned painfully over the years, once you begin that process, it becomes so much harder to change that course for individual Senators and for the entire body in the Senate because of all the problems associated with retreating from policy.

Tomorrow morning I suggest we are going to start down that course, down that road, and my great fear is that it is going to lead to a situation that is going to become uncontrollable, that we are going to see countries that are struggling—Guatemala, a fragile democracy; Costa Rica, in desperate shape economically; El Salvador, trying to resolve its own internal conflict—countries that are struggling to join the democractic nations of the world, affected in a very, very adverse way.

This policy, it seems to me, is one that ought to be rejected; we ought to try and seek a better course. We might at some future date be able to deal with this. But in the interim, it seems to me that we ought to try to see if there is not a better way of resolving those concerns we have and of understanding the problems that we face in this region.

If the Senate supports and joins this decision to move forward on Contra aid, I would suggest it would be a fundamental break of 50 years of history in this hemisphere.

It was a little more than 50 years ago that Franklin Roosevelt initiated a Good Neighbor policy throughout Latin America. It was not a perfect policy. The Roosevelt administration supported Trujillo and supported other dictators throughout the hemisphere. But it was an effort to change what had been a history of almost a century of U.S. activity there characterized primarily by military intervention.

Franklin Roosevelt tried to change that course of history, to move us in a different direction. Every President, by and large, Republican and Democrat, one way or the other has tried to advance that fundamental notion that Franklin Roosevelt initiated some 50 years ago.

We can see it in the creation of John Kennedy's Alliance for Progress Program, the Food for Peace Program, the Peace Corps Program, efforts to try to resolve difficulties through diplomatic means, the Ford-Nixon administrations, all desperately trying to move the hemisphere forward, to try to shore up the alliances between one nation and another, obviously, with the United States being a central ingredient to all of that.

Even on the Panama Canal treaties, debated for 30 days in this body, today those who were the most severe critics of those treaties during their consideration in this body, the Reagan administration, the President himself, admit that in fact those treaties are working, and the interests of the United States are not being harmed but, in fact, enhanced.

I would suggest over these last 50 years we have moved in the direction that has improved the quality of life, that has strengthened our own interests, because we have sought means by and large that would improve the relationships rather than to risk and endanger or raise the prospects of war.

I think it is interesting to consider an event, Mr. President, going back some 24 years ago when President Kennedy assumed office and tried to deal with the newly established government of Fidel Castro in Cuba.

The Bay of Pigs is something all of us have read about and followed over the last 24 years. The Bay of Pigs did not work. It was a failure. There are a lot of reasons that people can argue why it failed. Nonetheless it failed.

We stood pretty much alone in that effort. Even had there been the backing and support of the U.S. military, there are many who would suggest that even with that support it would not have succeeded, and even had it succeeded there would have been significant damage. We would have paid for it.

Since that time, or in the following years, of course, we were confronted with a far more serious situation in Cuba, the Cuban missile crisis, that situation posing a far greater threat.

President Kennedy sought a different solution. In 1962 during the Cuban missile crisis, a far more serious and threatening situation for the United States, President Kennedy went out and sought the support of other nations in this hemisphere and around the world that would say to the Castro government that they would not tolerate missiles and, if necessary, would use military force to deal with them.

That situation was resolved by the missiles being removed. A shot was never fired. The United States had the broad-based support of countries throughout this hemisphere in that particular effort.

I think those examples, the examples of the Bay of Pigs and the Cuban missiles crisis, are extremely illustrative of an approach.

We have an opportunity, it seems, in Central America to deal with this issue by building a broad coalition of nations that would look for diplomatic and political means to resolve those difficulties and minimize those threats. That opportunity, I think, still exists. We ought to be taking every advantage of that opportunity to try to pursue that approach.

It is interesting to note that in the last 7 years we have seen more countries in Latin America embrace democratic forms of government: Argentina, Peru, Brazil, Uruguay, of course Colombia, Venezuela, and Guatemala. All have chosen that particular form of government, even with the fact that they are still very fragile, very delicate. They want to be moving in that direction, and hope to establish their own democratic tradition.

□ 2110

That to me is a unique opportunity, it seems, to try to build on that base, to shore up those democracies and to see to it that that form of government becomes the choice of other nations that have yet to move in that particular direction.

The general economy of this region is a shattered one. These nations are in an almost impossible debt situation; there is malnutrition, hunger, and disease, throughout this region. It seems to me that that ought to be, as well, a part of our goals. The issue should be for us not just how to deal with the Sandinistas, but how to deal with these broader questions as well.

Again, my hope would be that we would move in that direction.

We cannot formulate or write a policy as part of an amendment process during consideration of a bill on the floor of the Senate. We do not have that opportunity; it is not the place to do it. But we do have an opportunity at least to start that process, it seems to me, if we reject this present course, the one that is before us this evening, the one that will be before us tomorrow morning. That is to reject this request of $100 million, to reject this disasterous process, before we get into an abyss from which we are apt to spend years trying to extricate ourselves.

So, Mr. President, my hope would be that the Sasser amendment will be adopted, that we would start getting on the right track here, that we would say to this administration, Democrats and Republicans alike, that we are not rejecting the goals of trying to bring some peace and stability to Central America; it is a rejection of means.

We all share the common concerns the President has identified and

talked about, but just sharing those goals is not enough. It seems to me we also have to come to some terms about a policy, not a policy that passes the House of Representatives by 5 votes or 10 votes or one that squeaks by the Senate with 3 votes or 4 votes, but one that can enjoy a broad base of support here and across the country and which we can sustain for a period of years.

This issue will not be resolved, obviously, by the vote that is cast tomorrow or next week, but is one that we will have to deal with for many, many months to come. It seems to me the sooner we start to move toward a policy that makes sense, one that our allies throughout Central America and the rest of the world can embrace jointly with us, the better off we will be in achieving the kinds of goals, the success that the President has talked about and others have discussed as well.

Tomorrow morning, Mr. President, with the Sasser amendment being raised as, I believe, the first order of business, my hope would be that our colleagues will support that amendment, that we would build a majority for it, that we would say to the President that we are willing to be supportive in a bipartisan fashion on a policy for Central America. But the current administration policy is not the course we want to follow. This is not the cloak that we want to drape ourselves in. It is one that we will have, it seems to me, great difficulty in shedding in the months and years ahead once we begin that process of greater involvement.

Mr. President, I urge that tomorrow, our colleagues support this amendment and that we get about the business of trying to bring some peace and stability to this region and try to fashion a policy all Americans can be proud of.

Mr. President, I yield back the remainder of my time.

(Mr. LUGAR assumed the Chair.)

Mr. SASSER. Mr. President, I thank the Senator from Connecticut for his remarks this evening. I think they have been most illuminating. The observation of the Senator from Connecticut that once we initiate policy and once we are committed to a particular course of action, it makes it doubly difficult to pull back from that policy because of various and sundry commitments that have been made, is, I think, a very telling observation.

Mr. President, I yield the floor.

Mr. DODD. Mr. President, will the Senator yield?

Mr. SASSER. I have yielded, Mr. President.

Mr. DODD. Mr. President, a moment ago, I said I yield back the remainder of my time. I ask unanimous consent that I be allowed to reserve 12 minutes that I think I have remaining under the unanimous consent agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ROUTINE MORNING BUSINESS

Mr. DOLE. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business not to extend beyond the hour of 9:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

## UNANIMOUS CONSENT AGREEMENT ADDITIONS

Mr. DOLE. Mr. President, if the distinguished minority leader is ready, the first thing I have is unanimous consent additions. I ask unanimous consent that the unanimous consent agreement of August 9 be amended to add four amendments as follows: HELMS' antiterrorist substitute—germane or relevant; HELMS' landing rights for political purposes—germane or relevant; two amendments by the distinguished minority leader, germane or relevant.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, reserving the right to object. The reason for these four amendments being added at this time is the two by Mr. HELMS were on the Republican list. We were not able to check the list on this side, but my staff member saw the list and knows the names were on there, so they were inadvertently left off the list. I asked for two amendments, germane or relevant, to be included on the list. They were left off inadvertently. So I have no objection.

I think this statement should be made for the RECORD so other Senators will not feel that the distinguished majority leader and I came in at this hour and are adding amendments. These were inadvertently left off the list, and I think it would be only fair to the authors thereof to include them at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I thank the distinguished minority leader.

## THE CALENDAR

Mr. DOLE. Mr. President, I inquire of the distinguished minority leader if he is in a position to pass or indefinitely postpone any of the following calendar items: starting with Calendar No. 757, then 758, 760, 761, 763, 765, 766, 767, 796.

Mr. BYRD. Mr. President, all of the items that have been identified by the distinguished majority leader have been cleared by all Members on this side and we are ready to proceed.

Mr. DOLE. Mr. President, I ask unanimous consent that the calendar items just identified be considered en bloc and passed or indefinitely postponed en bloc and that all committee-reported amendments be considered agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM OF CLEANUP AND MAINTENANCE ON PUBLIC LANDS, PARKS, AND RECREATION AREAS

The Senate proceeded to consider the bill (S. 1888) to provide for a program of cleanup and maintenance on Federal public lands, national parks, recreation areas, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italic.)

A bill to provided a program of cleanup and maintenance on Federal public lands, national parks, recreation areas, and for other purposes

S. 1888

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SHORT TITLE

SECTION 1. This Act may be cited as the [Public Lands] *"Federal Lands* Cleanup Act of 1985".

FINDINGS

SEC. 2. Congress finds that—

(1) [public lands,] *Federal lands,* parks, recreation areas, and waterways provide recreational opportunities for millions of Americans each year;

(2) the [public lands] *Federal lands* administered by the several Federal land management agencies contain valuable wildlife, scenery, natural and historic features, and other resources which may be damaged by litter and misuse;

(3) it is in the best interest of our country and its citizens to maintain and preserve the beauty, safety, and availability of these [public lands;] *Federal lands;*

(4) these land management agencies have been designated as the caretakers of these [public lands] *Federal lands* and have been given the responsibility for maintaining and preserving these areas and facilities;

(5) there is great value in volunteer involvement in maintaining and preserving [public lands] *Federal lands* for recreational use;

(6) the Federal land management agencies should be concerned with promoting a sense of pride and ownership among citizens toward these lands;

(7) the use of citizen volunteers in a national cleanup effort promotes these goals and encourages the thoughtful use of these [public lands] *Federal lands* and facilities;

(8) the positive impact of annual cleanup events held at various recreation sites has already been proven by steadily declining levels of litter at these sites; and

(9) a national program for cleaning and maintaining [public lands] *Federal lands* using volunteers will save millions of tax dollars.

DESIGNATION OF PUBLIC LANDS CLEANUP DAY

SEC. 3. The first Saturday after Labor Day of each year is designated as ["Public Lands] *Federal Lands* Cleanup Day". The President shall issue a proclamation calling upon the people of the United States to observe [Public Lands] *Federal Lands* Cleanup Day with appropriate ceremonies, programs, and [activities.] *activities: Provided, however, That the activities associated with Federal Lands Cleanup Day may be undertaken in individual States on a day other than the first Saturday after Labor Day if the affected Federal land managers determine that because of climatological or other factors, an alternative date is more appropriate.*

FEDERAL PARTICIPATION IN [PUBLIC LANDS] *FEDERAL LANDS* CLEANUP DAY

SEC. 4. (a)(1) In order to observe [Public Lands] *Federal Lands* Cleanup Day at the Federal level, each Federal land management agency shall organize, coordinate, and participate with citizen volunteers and State and local agencies in cleaning and providing for the maintenance of Federal public lands, recreation areas, and waterways within the jurisdiction of such agency.

(2) For purposes of this Act, the term "Federal land management agency" shall include—

(A) the Forest Service of the Department of Agriculture;

(B) the Bureau of Land Management of the Department of the Interior;

(C) the National Park Service of the Department of the Interior;

(D) the Fish and Wildlife Service of the Department of the Interior; [and]

*(E) the Bureau of Reclamation of the Department of the Interior; and*

[(E)] *(F)* the Army Corps of Engineers.

(b) Each Federal land management agency shall [plan] *plan for and carry out* activities on [Public Lands] *Federal Lands* National Cleanup Day which—

(1) encourage continuing public and private sector cooperation in preserving the beauty and safety of areas within the jurisdiction of such agency;

(2) increase citizen's sense of ownership and community pride in such areas:

(3) reduce litter on [public lands,] *Federal lands,* along trails and waterways, and within such areas; and

(4) maintain and improve trails, recreation areas, waterways and facilities.

Such activities shall be held in cooperation with appropriate State, county, and local government agencies.

[(c)(1) Before the first Public Lands Cleanup Day occurring after the date of enactment of this Act, each Federal land management agency shall prepare a plan for such day which shall include—

[(A) a listing of the sites to be involved in the cleanup activities;

[(B) an explanation of how the agency will coordinate and work with national and local civic groups and volunteers in the cleanup effort;

[(C) if applicable, an explanation of how the agency will utilize existing volunteer cleanup activities at these sites; and

[(D) a listing of the State, county, and local governmental entities to be included in the cleanup effort.

[(2) Within ninety days after the first Public Lands Cleanup Day occurring after the date of enactment of this Act, each Federal public lands management agency shall report to Congress with respect to the success of such agency in observing Public Lands Cleanup Day and in implementing the agency plan.]

*(c)(1) Within ninety days following the first Federal Lands Cleanup Day occurring after the date of enactment of this Act, each Federal land managment agency shall provide a summary report to Congress briefly outlining the types of activities undertaken; the sites involved; the nature and extent of the volunteer involvement; the cost savings realized from the program and the overall success of such agency in observing Federal Lands Cleanup Day.*

*(2) Such reporting requirements shall remain in effect for two years after the submission of the first report.*

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for a program of cleanup and maintenance on Federal lands."

Mr. DOLE. Mr. President, I move to reconsider the vote by which the bill passed.

Mr. BYRD. I move to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

## RELEASE OF RESTRICTIONS ON THE CONVEYANCE OF CERTAIN LANDS

The Senate proceeded to consider the bill (S. 1911) to direct the Administrator of General Services to release, on behalf of the United States, certain conditions and reservations contained in a conveyance of land to the State of Utah, which had been reported from the Committee on Energy and Natural Resources, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italic.)

S. 1911

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. RELEASE OF CONDITIONS AND RESERVATIONS.

(a) RELEASE.—[Not later than thirty days after the date of enactment of this Act,] *Subject to subsection (c) of this section,* the Administrator of General Services shall execute such instruments as may be necessary to release the conditions and reservations set forth in subsection (b) as they apply to the land described in section 2.

(b) CONDITIONS AND RESERVATIONS DESCRIBED.—The conditions and reservations referred to in subsection (a) are—

(1) the condition that such land be used only as and for the conservation of wildlife, other than migratory birds, and that in the event such land is no longer used for such purposes, the title and immediate right to possession of such land shall revert to the United States;

(2) the condition that in the event the President of the United States, the Congress of the United States, the Secretary of Defense of the United States, or the Secretaries of the Army, Navy, or the Air Force, or either of them, make a determination that such land is needed for national defense purposes, the title and immediate right of possession to such land shall revert to the United States;

(3) the reservation to the United States of the right to enter upon such land at any time and prospect for, mine and remove uranium, thorium, and all other minerals determined pursuant to section 5(b)(1) of the Atomic Energy Act of 1946 (60 Stat. 781) to be peculiarly essential to the production of the fissionable material, and oil, gas, and other minerals in such land.

*(c) In consideration for the release authorized in subsection (a) of this section, the State of Utah shall pay to the United States the fair market value of the land described in section 2 of this Act or acquire land which shall be subject to the same conditions and restrictions as the land originally conveyed and which provides an equivalent wildlife conservation habitat as determined by the Secretary of the Interior.*

SEC. 2. LAND DESCRIPTION.

The land referred to in section 1(a) is approximately one hundred and fifty acres, more or less, in Salt Lake County, Utah, which comprises a portion of approximately one thousand two hundred and eighty acres of land conveyed by the United States to the State of Utah by quitclaim deed dated July 26, 1950, and recorded on August 1, 1950, in book 786, page 48, of the official land records of Salt Lake County, Utah. Such land is more particularly described as follows:

All that portion of the east half of section 14, township 1 south, range 2 west of the Salt Lake Meridian, Salt Lake City, Salt Lake County, State of Utah, lying easterly of that certain parcel of land conveyed by the United States of America to Utah Power and Light Company by quitclaim deed recorded as Entry Numbered 1182555 in the records of said county.

Excepting therefrom the rights of way of 1300 South Street, 5600 West Street, and 2100 South Street.

Said parcel contains an area of one hundred and fifty acres, more or less.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the bill passed.

Mr. BYRD. I move to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

## ACQUISITION OF PUBLIC LANDS

The bill (S. 2091) to amend the provisions of the Federal Land Policy and Management Act of 1976 relating to the acquisition of public lands, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 2091

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 205 of the Federal Land Policy and

Management Act of 1976 (43 U.S.C. 1715(c)) is amended—

(1) in the first sentence of subsection (c) by striking out "Lands and interests" and inserting in lieu thereof "Except as provided in subsection (e), lands and interests"; and

(2) by adding at the end thereof the following new subsection:

"(e) Lands acquired by the Secretary pursuant to this section or section 206 in exchange for lands which were revested in the United States pursuant to the provisions of the Act of June 9, 1916 (39 Stat. 218) or reconveyed to the United States pursuant to the provisions of the Act of February 26, 1919 (40 Stat. 1179), shall be considered for all purposes to have the same status as, and shall be administered in accordance with the same provisions of law applicable to the revested or reconveyed lands exchanged for the lands acquired by the Secretary.".

Mr. DOLE. Mr. President, I move to reconsider the vote.

Mr. BYRD. I move to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

## BOUNDARY MODIFICATION TO THE HUMBOLDT NATIONAL FOREST

The bill (H.R. 850) to modify the boundary of the Humboldt National Forest in the State of Nevada, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the bill passed.

Mr. BYRD. I move to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

## SUPPORT OF NATIONAL MARITIME MUSEUM IN SAN FRANCISCO, CA

The Senate proceeded to consider the bill (H.R. 1343) to authorize the use of funds from rental of floating drydock and other marine equipment to support the National Maritime Museum in San Francisco, CA, which had been reported from the Committee on Energy and Natural Resources, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italic.)

H.R. 1343

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 4(f) of the Act entitled "An Act to establish the Golden Gate National Recreation Area in the State of California, and for other purposes", approved October 27, 1972 (Public Law 92-589; 16 U.S.C. 460bb-3(f)) is amended by—

(1) inserting in the second proviso after the words "the administration of said parcels" the following "and of the AFDL-38 Drydock or other vessels or heavy marine equipment,"; [and]

(2) striking out "for the management of said parcels of property" in such proviso and substituting "for the management (including rental or lease) of said [properties".] *properties; and*

*(3) inserting in the first paragraph after the words "National Maritime Museum," the word "and" and deleting ", and for a coordinated public and private access system to and within the recreation area and other units of the national park system in Marin and San Francisco Counties".*

SEC. 2. (a) Section 4(e) of the Act of October 27, 1972 (16 U.S.C. 460bb-3; 92 Stat. 3486), is amended by deleting the phrase ", for a period not exceeding five years from the date of the enactment of this legislation," and by inserting after "sailing vessel Balclutha" the following new phrase "and other historic vessels of the National Maritime Museum."

(b) Notwithstanding any other provisions of law, moneys collected pursuant to section 4(e) of the Act of October 27, 1972 (16 U.S.C. 460bb-3; 92 Stat. 3486), since November 10, 1983, shall be deemed to have been collected in accordance with such section as amended by this Act.

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time. The bill was read the third time, and passed.

Mr. DOLE. I move to reconsider the vote by which the bill passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## AUTHORIZATION OF APPROPRIATIONS FOR CERTAIN HISTORIC SITE AND NATIONAL MEMORIAL IN PENNSYLVANIA

The bill (H.R. 1963) to increase the development ceiling at Allegheny Portage Railroad National Historic Site and Johnstown Flood National Memorial in Pennsylvania, and for other purposes and to provide for the preservation and interpretation of the Johnstown Flood Museum in the Cambria County Library Building, Pennsylvania, was considered, ordered to a third reading, read the third time, and passed.

Mr. DOLE. I move to reconsider the vote by which the bill passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## TRUST LANDS FOR THE RENO SPARKS INDIAN COLONY

The bill (H.R. 3212) to decide that the United States holds certain lands in trust for the Reno Sparks Indian Colony, was considered, ordered to a third reading, read the third time, and passed.

Mr. DOLE. I move to reconsider the vote by which the bill passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## EXCHANGE OF LAND FOR CAPE HENRY MEMORIAL SITE

The bill (H.R. 3556) to provide for the exchange of land for the Cape Henry Memorial site in Fort Story, VA, was considered, ordered to a third reading, read a third time, and passed.

Mr. DOLE. I move to reconsider the vote by which the bill passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## NEZ PERCE (NEE-ME-POO) NATIONAL TRAIL

The Senate proceeded to consider the bill (S. 1542) to amend the National Trails System Act by designating the Nez Perce (Nee-Me-Poo) Trail as a component of the National Trails System, which had been reported from the Committee on Energy and Natural Resources, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italic.)

S. 1542

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the National Trails System Act (82 Stat. 919), as amended, is further amended as follows: Section 5(a) is amended to insert the following new paragraph:

"[16]*"(14)* The Nez Perce National Historic Trail, a route of approximately eleven hundred and seventy miles extending from the vicinity of Wallowa Lake, Oregon, to Bear Paw Mountain, Montana, as generally depicted in 'Nez Perce (Nee-Me-Poo) Trail Study Report' prepared by the Department of Agriculture and dated March 1982. The report shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Washington, District of Columbia. The trail shall be administered by the Secretary of [Agriculture."] *Agriculture. No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the Nez Perce National Historic Trail. The Secretary of Agriculture may designate lands outside of federally administered areas as segments of the trail upon application from the States or local governmental agencies involved if such segments meet the criteria established in this Act and are administered by such agencies without expense to the United States. So that significant route segments and sites recognized as associated with the Nez Perce Trail may be distinguished by suitable markers, the Secretary of Agriculture is authorized to accept the donation of suitable markers for placement at appropriate locations. Any such markers associated with the Nez Perce Trail which are to be located on lands administered by any other department or agency of the United States may be placed on such lands only with the concur-*

*rence of the head of such department or agency.".*

*AUTHORIZATION OF APPROPRIATIONS*

*SEC. 2. There are authorized to be appropriated $550,000 to carry out the purposes of this Act.*

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. DOLE. I move to reconsider the vote by which the bill passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## STRENGTHENING THE POSITION OF CHAIRMAN OF THE JOINT CHIEFS OF STAFF

Mr. DOLE. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 3622.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

*Resolved,* That the House insist upon its amendments to the amendments of the Senate to the bill (H.R. 3622) entitled "An Act to amend title 10 United States Code, to strengthen the position of Chairman of the Joint Chiefs of Staff, to provide for more efficient and effective operation of the Armed Forces, and for other purposes", and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

*Ordered,* That Mr. Aspin, Mr. Nichols, Mr. Skelton, Mr. Mavroules, Mr. Dickinson, Mr. Hopkins, and Mr. Kasich be the managers of the conference on the part of the House.

□ 2120

Mr. DOLE. Mr. President, I move that the Senate disagree to the House amendments and agree to the conference requested by the House and the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer (Mr. LUGAR) appointed Mr. GOLDWATER, Mr. THURMOND, Mr. WARNER, Mr. HUMPHREY, Mr. COHEN, Mr. QUAYLE, Mr. WILSON, Mr. DENTON, Mr. GRAMM, Mr. BROYHILL, Mr. NUNN, Mr. STENNIS, Mr. HART, Mr. EXON, Mr. LEVIN, Mr. KENNEDY, Mr. BINGAMAN, Mr. DIXON, and Mr. GLENN.

## FALSE CLAIMS ACT AMENDMENTS

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 742, S. 1562, a bill to amend the False Claims Act.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, there is no objection on this side.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1562) to amend the False Claims Act and title 18 of the United States Code regarding penalties for false claims, and for other purposes, reported with an amendment.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

AMENDMENT NO. 2701

(Purpose: To make technical and clarifying amendments)

Mr. DOLE. Mr. President, I send an amendment to the desk on behalf of Senator GRASSLEY and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE], for Mr. GRASSLEY, proposes an amendment numbered 2701:

Mr. DOLE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 9, beginning with line 21, strike out through line 16 on page 42, and insert in lieu thereof the following:

That section 3729 of title 31, United States Code, is amended by—

(1) inserting "(a)" before "A person";

(2) striking out "$2,000," and inserting in lieu thereof "$10,000, unless the court finds:

"(A) the defendant furnished officials of the United States responsible for investigating false claims violations with all information known to such defendant about such violation within 30 days after the date on which the defendant first obtained the information;

"(B) the defendant fully cooperated with any Government investigation of such violation; and

"(C) at the time the defendant furnished the United States with the information about the violation, no criminal prosecution, civil action, or administrative action had commenced under this title, with respect to such violation, and the defendant did not have actual knowledge of the existence of an investigation into such violation;

in which case the court may assess not less than $5,000, or unless the court finds that the defendant is a partnership, corporation, association, or organization, the annual gross receipts of which did not exceed $1,000,000 at the time the action was brought, and which had not more than 80 employees at the time the action was brought, and the court finds the assessment of $10,000 will result in substantial hardship under the circumstances for the defendant, in which case the court may assess not less than $5,000";

(3) striking out "2 times the amount of damages" and inserting in lieu thereof "3 times the amount of damages unless the court finds the provisions of paragraphs (A) through (C), in which case the court may assess not less than 2 times the amount of damages, in addition to the amount of the consequential damages";

(4) striking out "not a member of the armed forces of the United States" the first place it appears;

(5) striking out "or" at the end of clause (5);

(6) striking out the period in clause (6) and inserting in lieu thereof "; or"; and

(7) adding at the end thereof the following:

"(7) knowingly makes, uses, or causes to be made or used, a false record or statement to conceal, avoid, or decrease an obligation to pay or transmit money or property to the Government.

"(b) Consequential damages as used in subsection (a) shall include damages which the United States would not have sustained but for—

"(1) the doing or commission of any of the acts prohibited by subsection (a); or

"(2) having entered into or made any contract or grant as a result of any material part of any false statement,

and which were reasonably foreseeable to the defendant at the time the alleged fraud was committed or at the time of the submission of the claim or statement.

"(c) For purposes of this section, the terms 'knowing' and 'knowingly' mean the defendant—

"(1) had actual knowledge;

"(2) acted in deliberate ignorance of the truth or falsity of the information; or

"(3) acted in reckless disregard of the truth or falsity of the information;

and no proof of specific intent to defraud is required.

"(d) For purposes of this section, 'claim' includes any request or demand whether under a contract or otherwise for money or property which is made to a contractor, grantee, or other recipient if the Government provides any portion of the money or property which is requested or demanded or if the Government will reimburse such contractor, grantee, or other recipient for any portion of the money or property which is requested or demanded.

"(e)(1) The Attorney General or his designee may apply for provisional relief to any district court having jurisdiction pursuant to section 3732 whenever he has reasonable cause to believe this section or section 3730, or 3731 may have been violated. If the court finds there is a reasonable likelihood that the United States will prevail after trial on the merits of its claims, the court shall enjoin the defendant from taking any action which the court, in the exercise of its discretion, finds reasonably likely to hinder or delay the United States in the collection of any judgment which may be obtained in such action.

"(2) In addition, the court may from time to time make such other orders as it deems appropriate, including requiring the defendant to post security for judgment, to seek the prior approval of the court before making any transfer without adequate and full consideration, paying an antecedent debt which has matured more than thirty days prior to the date of payment, or otherwise engaging in any transaction not in the usual and regular course of the defendant's business. Except as provided in this section, such application and proceedings by the Attorney General shall be governed by Rule 65 of the Federal Rules of Civil Procedure.

"(f) Any information furnished pursuant to clauses (A) through (C) of subsection (a) shall be exempt from disclosure under section 552 of title 5.".

SEC. 2. Section 3730 of title 31, United States Code, is amended to read as follows:

"§ 3730. Civil actions for false claims

"(a) The Attorney General diligently shall investigate a violation under section 3729 of this title. If the Attorney General finds that a person has violated or is violating section 3729, the Attorney General may bring a civil action under this section against the person.

"(b)(1) Except as provided in subsection (e), a person may bring a civil action for a violation of section 3729 of this title for the person and for the United States Government. The action shall be brought in the name of the Government. An action may be dismissed only if the court and the Attorney General give written consent and their reasons for consenting.

"(2) A copy of the complaint and written disclosure of substantially all material evidence and information the person possesses shall be served on the Government under Rule 4(d)(4) of the Federal Rules of Civil Procedure. The complaint shall be filed in camera, shall remain under seal for at least 60 days, and shall not be served on the defendant until the court so orders. The Government may elect to intervene and proceed with the action within 60 days after it receives both the complaint and the material evidence.

"(3) The Government may, for good cause shown, move the court for stays and for extensions of the time during which the complaint shall remain under seal. Any such motions may be supported by affidavits or other submissions in camera. The defendant shall not be required to respond to any complaint filed under this section until 20 days after the complaint is unsealed and served upon him pursuant to Rule 4 of the Federal Rules of Civil Procedure.

"(4) Before the expiration of the initial 60-day period or any stays obtained, the Government shall—

"(A) proceed with the action, in which case the action shall be conducted only by the Government; or

"(B) notify the court that it declines to take over the action, in which case the action shall be conducted by the person bringing the action.

"(5) Where a person brings an action under this subsection, no person other than the Government may intervene or bring a related action based on the facts underlying the pending action.

"(c)(1) If the Government proceeds with the action, the action is conducted solely by the Government and it shall not be bound by an act of the person who initiated the action. If he so requests, the person bringing the action shall be served with copies of all pleadings filed in the action, shall be supplied with copies of all deposition transcripts (at his expense), and shall be permitted to file objections with the court and petition for an evidentiary hearing to object to any proposed settlement or to any motion to dismiss filed by the Government. The court may grant such an evidentiary hearing only upon a showing of substantial and particularized need. The person bringing the action may move the court for leave to conduct the action in the name of the United States if, after making its election to take over the suit, the Government does not proceed with the action with reasonable diligence within six months or such reasonable additional time as the court may allow after notice.

"(2) If the Government elects not to proceed with the action, the action shall be conducted by the person who initiated the action. If the Government so requests, it shall be served with copies of all pleadings filed in the action and shall be supplied with copies of all deposition transcripts (at its expense). Where a person proceeds with the action in the name of the United States pursuant to subsection (b), the court may nevertheless permit the Government to intervene and proceed with the action by its own attorneys at a later date upon a showing of good cause.

"(3) Notwithstanding subsection (b), the Government may elect to pursue its claim through any alternate remedy available to it, including, but not limited to, any administrative civil money penalty proceeding.

"(d)(1) If the Government proceeds with the action, including any proceeding pursuant to subsection (c)(3), the person bringing the action may receive an amount the court decides is reasonable. The amount may not be less than 10 percent, nor more than 20 percent, of the proceeds of the action or settlement of a claim and shall be paid out of those proceeds.

"(2) If the Government does not proceed with an action, the person bringing the action or settling the claim may receive an amount the court decides is reasonable for collecting the civil penalty and damages. The amount may not be less than 20 percent, nor more than 30 percent, of the proceeds of the action or settlement and shall be paid out of those proceeds.

"(3) The amount awarded under this section shall be in the discretion of the court, taking into account—

"(A) the significance of the information provided to the Government;

"(B) the contribution of the person bringing the action to the result obtained; and

"(C) whether the information which formed the basis for the suit was known to the Government.

"(4) Where the persons brought an action based primarily on disclosures of specific information relating to allegations or transactions in a criminal, civil, or administrative hearing, a congressional or Government Accounting Office report or hearing, or from the news media, the court may award such sums as it deems appropriate, not to exceed 10 percent of the recovery and taking into account the significance of the information and the role of the person in advancing the case to litigation.

"(5) In addition to any other amounts awarded by the court, the court may also award the person bringing the action reasonable attorney fees and other expenses. The Government shall not be liable for the expenses or legal fees a person incurs in bringing or defending an action under this section.

"(6) If the Government does not proceed with the action and it is litigated by the person bringing the action, the court shall award to the defendant its reasonable attorney fees and expenses if the defendant prevails in such action and the court finds that the claim of the person bringing the action was clearly frivolous, vexatious, or brought for purposes of harassment. In cases where it appears that the person is bringing an action which is frivolous, vexatious, or brought for purposes of harassment, the court shall require such assurances that payment of legal fees and expenses will be made, if such are awarded, as it deems appropriate before allowing the action to proceed.

"(7) After any final judgment is issued in any action brought under this section, or any alternate remedy available to the Government, any person who brought an action under subsection (b) shall have 60 days to petition the court for any award to which he is entitled under this section.

"(e)(1) No court shall have jurisdiction over an action brought by a former or present member of the armed services under subsection (b) of this section against a member of the armed forces arising out of such person's service in the armed forces.

"(2) No court shall have jurisdiction over an action brought against a member of Congress, a member of the judiciary, or a senior executive branch official if the action is based on evidence or information known to the Government when the action was brought.

"(3) For purposes of this subsection, 'senior executive branch official' means those officials listed in section 201(f) of Appendix IV of title 5.

"(4) In no event may a person bring an action under this section based upon allegations or transactions which are the subject of a civil suit or an administrative civil money penalty proceeding in which the Government is already a party.

"(5)(A) No court shall have jurisdiction over an action under this section based upon the public disclosure of allegations or transactions in a criminal, civil, or administrative hearing, a congressional, administrative, or Government Accounting Office report, hearing, audit or investigation, or from the news media, unless the action is brought by the Attorney General or the person bringing the action is an original source of the information.

"(B) For purposes of this paragraph, 'original source' means an individual who has direct and independent knowledge of the information on which the allegations are based and has voluntarily informed the Government or the news media prior to an action filed by the Government.

"(f) The district courts shall have jurisdiction over any action brought under State law for the recovery of funds paid by State or local governments where such action grows out of the same transaction or occurrence as an action brought under this section.

"(g) The Attorney General or his designee is authorized to make payments from Department of Justice appropriations for information or assistance leading to a civil or criminal recovery under this section, section 3729, or sections 3731 through 3734, known as the False Claims Act or under section 286, 287, or 1001 of title 18. Any such payment shall be at the discretion of the Attorney General or his designee.

"(h) In civil actions brought under this section by the United States, the provisions of section 2412(d) of title 28 shall apply.".

SEC. 3. Section 3731 of title 31, United States Code, is amended by—

(1) inserting before the period at the end of subsection (b) the following: "or within three years after the date when facts material to the right of action are known or reasonably should have been known by the official of the United States charged with responsibility to act in the circumstances, whichever occurs last"; and

(2) inserting after subsection (b), the following new subsections:

"(c) In any action brought under this section or section 3729, 3730, 3732, or 3733, the United States shall be required to prove all essential elements of the cause of action, including damages, by a preponderance of the evidence.

"(d) Notwithstanding any contrary provision of law, the Federal Rules of Criminal Procedure, or the Federal Rules of Evidence, a final judgment rendered in favor of the United States in any criminal proceeding charging fraud or false statements, whether upon a verdict after trial or upon a plea of guilty or nolo contendere, shall estop the defendant from denying the essential elements of the offense in any action brought by the United States pursuant to this section or section 3729, 3730, 3732, or 3733.".

SEC. 4. Subchapter III of chapter 37 of title 31, United States Code, is amended by adding at the end thereof the following:

"§ 3732. False claims jurisdiction

"(a) The district courts of the United States, including such courts for Puerto Rico, the Virgin Islands, Guam, and any territory or possession of the United States, shall have jurisdiction over any action commenced by the United States under this section, or under section 3729, 3730, 3731, 3733, or 3734. Venue of any such action shall be proper in any district in which any defendant, or in the case of multiple defendants, any one defendant can be found, resides, transacts business, or in which any act prescribed by such sections is alleged by the United States to have occurred. A summons as required by the Federal Rules of Civil Procedure shall be issued by the district court and served at any place within the United States, Puerto Rico, the Virgin Islands, Guam, any territory or possession of the United States, or in any foreign country.

"(b) The United States Claims Court shall also have jurisdiction of any such action if the action is asserted by way of counterclaim by the United States. The United States may join as additional parties in such counterclaim all persons who may be jointly and severally liable with such party against whom a counterclaim is asserted by reason of having violated this section, or section 3729, 3730, 3731, or 3733, except that no cross-claims or third-party claims shall be asserted among such additional parties unless such claims are otherwise within the jurisdiction of the United States Claims Court.".

SEC. 5. Subchapter III of chapter 37 of the title 31, United States Code is further amended by adding at the end thereof the following:

"§ 3733. Civil investigative demands

"(a) For purposes of this section, the term—

"(1) 'False Claims Act law' means—

"(A) this section and sections 3729 through 3731 of this title, commonly known as the False Claims Act; and

"(B) any Act of Congress enacted after this section which prohibits, or makes available to the United States in any court of the United States any civil remedy with respect to any false claim, bribery, or corruption of any officer or employee of the United States;

"(2) 'False Claims Act investigation' means any inquiry conducted by any False Claims Act investigator for the purpose of ascertaining whether any person is or has been engaged in any violation of any provision of the False Claims Act law;

"(3) 'False Claims Act investigator' means any attorney or investigator employed by the Department of Justice who is charged with the duty of enforcing or carrying into effect any False Claims Act law or any officer or employee of the United States acting under direction and supervision of such attorney or investigator in connection with a False Claims Act investigation;

"(4) 'person' means any natural person, partnership, corporation, association, or other legal entity, including any State or political subdivision;

"(5) 'documentary material' includes the original or any copy of any book, record, report, memorandum, paper, communication, tabulation, chart, or other document, or data compilations stored in or accessible through computer or other information retrieval systems, together with instructions and all other materials necessary to use or interpret such data compilations, and any product or discovery;

"(6) 'custodian' means the custodian, or any deputy custodian, designated by the Attorney General; and

"(7) 'product of discovery' includes without limitation the original or duplicate of any deposition, interrogatory, document, thing, result of an inspection of land or other property, examination, or admission obtained by any method of discovery in any judicial or administrative litigation or action of an adversarial nature, any digest, analysis, selection, compilation, or any derivation thereof, and any index or manner of access thereto.

"(b)(1)(A) Whenever the Attorney General has reason to believe that any person may be in possession, custody, or control of any documentary material, or may have any information relevant, and not otherwise reasonably available, to a False Claims Act investigation, he may, prior to the institution of a civil proceeding, issue in writing and cause to be served upon such person, a civil investigative demand requiring such person to produce such documentary material for inspection and copying, to answer in writing written interrogatories, to give oral testimony concerning documentary material or information, or to furnish any combination of such material, answers, or testimony. Whenever a civil investigative demand is an express demand for any product of discovery, the Attorney General shall cause to be served, in any manner authorized by this section, a copy of such demand upon the person from whom the discovery was obtained and notify the person to whom such demand is issued of the date on which such copy was served.

"(B) Notwithstanding the provisions of section 510 of title 28, the Attorney General may not authorize the performance of any function of the Attorney General vested in him pursuant to this paragraph, by any other officer, employee, or agency.

"(2)(A) Each such demand shall state the nature of the conduct constituting the alleged violation of a False Claims Act law which is under investigation, and the applicable provision of law.

"(B) If such demand is for production of documentary material, the demand shall—

"(i) describe each class of documentary material to be produced with such definiteness and certainty as to permit such material to be fairly identified;

"(ii) prescribe a return date for each such class which will provide a reasonable period of time within which the material so demanded may be assembled and made available for inspection, and copying; and

"(iii) identify the False Claims Act investigator to whom such material shall be made available.

"(C) If such demand is for answers to written interrogatories, the demand shall—

"(i) set forth with definiteness and certainty the written interrogatories to be answered;

"(ii) prescribe dates at which time answers to written interrogatories shall be submitted; and

"(iii) identify the False Claims Act investigator to whom such answers shall be submitted.

"(D) If such demand is for the giving of oral testimony, the demand shall—

"(i) prescribe a date, time, and place at which oral testimony shall be commenced;

"(ii) identify a False Claims Act investigator who shall conduct the examination and the custodian to whom the transcript of such examination shall be submitted;

"(iii) specify that such attendance and testimony are necessary to the conduct of the investigation;

"(iv) notify the person receiving the subpoena of the right to be accompanied by an attorney and any other representative; and

"(v) describe the general purpose for which the subpoena is being issued and the general nature of the testimony, including the primary areas of inquiry, which will be taken pursuant to the subpoena.

Any such demand which is an express demand for any product of discovery shall not be returned or returnable until twenty days after a copy of such demand has been served upon the person from whom the discovery was obtained.

"(E) The date prescribed for the commencement of oral testimony pursuant to a civil investigation demand issued under this section shall be a date which is not less than seven days after the date on which demand is received, unless the Attorney General or an Assistant Attorney General designated by the Attorney General determines that exceptional circumstance are present which warrant the commencement of such testimony within a lesser period of time.

"(F) Any official before whom oral testimony under this section is to be taken shall exclude from the place where the testimony is to be taken all persons except the person giving the testimony, the attorney and any other representative for the person giving the testimony, the attorney for the Government, any person who may be agreed upon by the attorney for the Government, and the person giving the testimony, and any stenographer taking such testimony.

"(G) The Attorney General shall not authorize a second demand for oral testimony to a person unless such person requests otherwise or unless the Attorney General, after investigation, notifies that person in writing that an additional demand for oral testimony is necessary. The Attorney General may not authorize the performance of any function vested in him under this subparagraph, by any other officer, employee, or agency, notwithstanding section 510 of title 28.".

"(c)(1) No such demand shall require the production of any documentary material, the submission of any answers to written interrogatories, or the giving of any oral testimony if such material, answers, or testimony would be protected from disclosure under—

"(A) the standards applicable to subpoenas or subpoenas duces tecum issued by a court of the United States to aid in a grand jury investigation; or

"(B) the standards applicable to discovery requests under the Federal Rules of Civil Procedure, to the extent that the application of such standards to any such demand is appropriate and consistent with the provisions and purposes of this section and sections 3729 through 3731.

"(2) Any such demand which is an express demand for any product of discovery supersedes any inconsistent order, rule, or provision of law (other than this section) preventing or restraining disclosure of such product of discovery to any person. Disclosure of any product of discovery pursuant to any such express demand does not constitute a waiver of any right or privilege which may be invoked to resist discovery of trial preparation materials to which the person making such disclosure may be entitled.

"(d)(1) Any such demand may be served by any False Claims Act investigator, or by any United States Marshal or Deputy Marshal, at any place within the United States.

"(2) Any such demand or any petition filed under subsection (k) may be served upon any person who is not found within the United States, in such manner as the Federal Rules of Civil Procedures prescribe for service in a foreign country. To the extent that the courts of the United States can assert jurisdiction over such person consistent with due process, the United States District Court for the District of Columbia shall have the same jurisdiction to take any action respecting compliance with this section by such person that such court would have if such person were personally within the jurisdiction of such court.

"(e)(1) Service of any such demand or of any petition filed under subsection (k) may be made upon a partnership, corporation, association, or other legal entity by—

"(A) delivering an executed copy thereof to any partner, executive officer, managing agent, or general agent thereof, or to any agent thereof authorized by appointment or by law to receive service of process on behalf of such partnership, corporation, association, or entity;

"(B) delivering an executed copy thereof to the principal office or place of business of the partnership, corporation, or entity to be served; or

"(C) depositing such copy in the United States mails, by registered or certified mail, return receipt requested, addressed to such partnership, corporation, association, or entity at its principal office or place of business.

"(2) Service of any such demand or of any petition filed under subsection (k) may be made upon any natural person by—

"(A) delivering an executed copy thereof to the person to be served; or

"(B) depositing such copy in the United States mails by registered or certified mail, return receipt requested, addressed to such person at his residence or principal office or place of business.

"(f) A verified return by the individual serving any such demand or petition setting forth the manner of such service shall be proof of such service. In the case of service by registered or certified mail, such return shall be accompanied by the return post office receipt of delivery of such demand.

"(g) The production of documentary material in response to a demand served pursuant to this section shall be made under a sworn certificate, in such form as the demand designates, by the person, if a natural person, to whom the demand is directed or, if not a natural person, by a person having knowledge of the facts and circumstances relating to such production and authorized to act on behalf of such person. The certificate shall state that all of the documentary material required by the demand and in the possession, custody, or control of the person to whom the demand is directed has been produced and made available to the custodian.

"(h) Each interrogatory in a demand served pursuant to this section shall be answered separately and fully in writing under oath unless it is objected to, in which event the reasons for the objection shall be stated in lieu of any answer, and it shall be submitted under a sworn certificate, in such form as the demand designates, by the person, if a natural person, to whom the demand is directed or, if not a natural person, by a person or persons responsible for answering each interrogatory. The certificate shall state that all information required by the demand and in the possession, custody, control, or knowledge of the person to whom the demand is directed has been submitted. To the extent that any materials are not furnished, they shall be identified and reasons set forth with particularity for each.

"(i)(1) The examination of any person pursuant to a demand for oral testimony served under this section shall be taken before an officer authorized to administer oaths and affirmations by the laws of the United States or of the place where the examination is held. The officer before whom the testimony is to be taken shall put the witness on oath or affirmation and shall personally, or by someone acting under his direction and in his presence, record the testimony of the witness. The testimony shall be taken stenographically and transcribed. When the testimony is fully transcribed, the officer before whom the testimony is taken shall promptly transmit a copy of the transcript of the testimony to the custodian. This subsection shall not preclude the taking of testimony by any means authorized by, and in a manner consistent with, the Federal Rules of Civil Procedure.

"(2) The False Claims Act investigator conducting the examination shall exclude from the place where the examination is held all other persons except the person being examined, his counsel, the officer before whom the testimony is to be taken, and any other stenographer taking such testimony.

"(3) The oral testimony of any person taken pursuant to a demand served under this section shall be taken in the judicial district of the United States within which such person resides, is found, or transacts business, or in such other place as may be agreed upon by the False Claims Act investigator conducting the examination and such person.

"(4) When the testimony is fully transcribed, the False Claims Act investigator or the officer shall afford the witness, who may be accompanied by counsel, a reasonable opportunity to examine the transcript and the transcript shall be read to or by the witness, unless such examination and reading are waived by the witness. Any changes in form or substance which the witness desires to make shall be entered and identified upon the transcript by the officer or the False Claims Act investigator with a statement of the reasons given by the witness for making such changes. The transcript shall then be signed by the witness, unless the witness in writing waives the signing, is ill, cannot be found, or refuses to sign. If the transcript is not signed by the witness within thirty days after his being afforded a reasonable opportunity to examine it, the officer or the False Claims Act investigator shall sign it and state on the record the fact of the waiver, illness, absence of the witness, or the refusal to sign, together with the reason, if any, given therefor. A refusal to sign or an unreasonable absence shall be deemed to be an acknowledgment of its accuracy and an affirmation of its contents.

"(5) The officer shall certify on the transcript that the witness was sworn by him and that the transcript is a true record of the testimony given by the witness, and the officer or False Claims Act investigator shall promptly deliver it or send it by registered or certified mail to the custodian.

"(6) Upon payment of reasonable charges therefor, the False Claims Act investigator shall furnish a copy of the transcript to the witness only, except that the Attorney General, the Deputy Attorney General, or an Assistant Attorney General may, for good cause, limit such witness to inspection of the official transcript of his testimony.

"(7)(A) Any person compelled to appear under a demand for oral testimony pursuant to this section may be accompanied, represented, and advised by counsel. Counsel may advise such person, in confidence, with respect to any question asked of such person. Such person or counsel may object on the record to any question, in whole or in part, and shall briefly state for the record the reason for the objection. An objection may be properly made, received, and entered upon the record when it is claimed that such person is entitled to refuse to answer the question on grounds of any constitutional or other legal right or privilege, including the privilege against self-incrimination. Such person shall not otherwise object to or refuse to answer any question, and shall not by himself or through counsel otherwise interrupt the oral examination. If such person refuses to answer any question, the False Claims Act investigator conducting the examination may petition the district court of the United States pursuant to subsection (k)(1) for an order compelling such person to answer such question.

"(B) If such person refuses to answer any question on the grounds of the privilege against self-incrimination, the testimony of such person may be compelled in accordance with the provisions of part V of title 18.

"(8) Any person appearing for oral examination pursuant to a demand served under this section shall be entitled to the same fees and mileage which are paid to witnesses in the district courts of the United States.

"(j)(1) The Attorney General, or his authorized designee shall designate a False Claims Act investigator to serve as custodian of documentary material, answers to interrogatories, and transcripts of oral testimony received under this section, and shall designate such additional False Claims Act investigators as he determines from time to time to be necessary to serve as deputies to such officer.

"(2) Any person upon whom any demand under subsection (b)(1) for the production of documentary material has been served shall make such material available for inspection and copying to the False Claims Act investigator designated therein at the principal place of business of such person, or at such other place as such False Claims Act investigator and such person thereafter may agree and prescribe in writing, or as the court may direct pursuant to subsection (k)(1) on the return date specified in such demand, or on such later date as such custodian may prescribe in writing. Such person may, upon written agreement between such person and the custodian, substitute copies for originals of all or any part of such material.

"(3)(A) The False Claims Act investigator to whom any documentary material, answers to interrogatories, or transcripts of oral testimony are delivered shall take phys-

ical possession thereof, and shall transmit them to the custodian who shall be responsible for the use made thereof and for the return of documentary material pursuant to this section.

"(B) The custodian may cause the preparation of such copies of such documentary material, answers to interrogatories, or transcripts of oral testimony as may be required for official use by any authorized official or employee of the Department of Justice or any authorized officer or employee of the United States acting under the direction and supervision of an attorney or investigator of the Department of Justice in connection with any False Claims Act investigation, under regulations promulgated by the Attorney General. Notwithstanding subparagraph (C) of this subsection, such material, answers, and transcripts may be used by any such person in connection with the taking of oral testimony pursuant to this section.

"(C) Except as otherwise provided in this section, while in the possession of the custodian, no documentary material, answers to interrogatories, or transcripts of oral testimony, or copies thereof, so produced shall be available for examination, without the consent of the person who produced such material, answers, or transcripts, and, in the case of any product of discovery produced pursuant to an express demand for such material, of the person from whom the discovery was obtained, by any individual other than an authorized official or employee of the Department of Justice, or an authorized officer or employee of the United States acting under the direction and supervision of an attorney or investigator of the Department of Justice in connection with any False Claims Act investigation. Nothing in this section is intended to prevent disclosure to either body of the Congress or to any authorized committee or subcommittee thereof, or to any other agency of the United States for use by such agency in furtherance of its statutory responsibilities. Disclosure to any other agency of the United States shall be allowed only upon application, made by the custodian to a United States district court, showing substantial need for use by such agency in furtherance of its statutory responsibilities.

"(D) While in the possession of the custodian and under such reasonable terms and conditions as the Attorney General shall prescribe—

"(i) documentary material and answers to interrogatories shall be available for examination by the person who produced such material or answers, or by an authorized representative of such person; and

"(ii) transcripts of oral testimony shall be available for examination by the person who produced such testimony, or his counsel.

"(4) Whenever any attorney of the Department of Justice has been designated to appear before any court, grand jury, or Federal administrative or regulatory agency in any case or proceeding, the custodian of any documentary material, answers to interrogatories, or transcripts of oral testimony may deliver to such attorney such material, answers, or transcripts for official use in connection with any such case, grand jury, or proceeding as such attorney determines to be required. Upon the completion of any such case, grand jury, or proceeding, such attorney shall return to the custodian any such material, answers, or transcripts so delivered which have not passed into the control of such court, grand jury, or agency through the introduction thereof into the record of such case or proceeding.

"(5) If any documentary material has been produced in the course of any False Claims Act investigation by any person pursuant to a demand under this section, and—

"(A) any case or proceeding before any court or grand jury arising out of such investigation, or any proceeding before any Federal administrative or regulatory agency involving such material, has been completed, or

"(B) no case or proceeding in which such material may be used has been commenced within a reasonable time after completion of the examination and analysis of all documentary material and other information assembled in the course of such investigation,

the custodian shall, upon written request of the person who produced such material, return to such person any such material (other than copies thereof furnished to the custodian pursuant to paragraph (2) of this subsection or made by the Department of Justice pursuant to paragraph (3)(B) of this subsection) which has not passed into the control of any court, grand jury, or agency through the introduction thereof into the record of such case or proceedings.

"(6) In the event of the death, disability, or separation from service in the Department of Justice of the custodian of any documentary material, answers to interrogatories, or transcripts of oral testimony produced under any demand issued pursuant to this section, or of the official relief of such custodian from responsibility for the custody and control of such material, answers or transcripts, the Attorney General or his authorized designee shall promptly (A) designate another False Claims Act investigator to serve as custodian of such material, answers, or transcripts, and (B) transmit in writing to the person who produced such material, answers, or testimony notice as to the identity and address of the successor so designated. Any successor designated under this subsection shall have, with regard to such material, answers or transcripts, all duties and responsibilities imposed by this Act upon his predecessor in office with regard thereto, except that he shall not be held responsible for any default or dereliction which occurred prior to his designation.

"(k)(1) Whenever any person fails to comply with any civil investigative demand served upon him under subsection (b) or whenever satisfactory copying or reproduction of any such material cannot be done and such person refuses to surrender such material, the Attorney General, through such officers or attorneys as he may designate, may file in the district court of the United States for any judicial district in which such person resides, is found, or transacts business, and serve upon such person a petition for an order of such court for the enforcement of this section.

"(2)(A) Within twenty days after the service of any such demand upon any person, or at any time before the return date specified in the demand, whichever period is shorter, or within such period exceeding twenty days after service or in excess of such return date as may be prescribed in writing, subsequent to service, by any False Claims Act investigator named in the demand, such person may file, in the district court of the United States for the judicial district within which such person resides, is found, or transacts business, and serve upon such False Claims Act investigator a petition for an order of such court, modifying or setting aside such demand. In the case of a petition addressed to an express demand for any product of discovery, a petition to modify or set aside such demand may be brought only in the district court of the United States for the judicial district in which the proceeding in which such discovery was obtained is or was last pending.

"(B) The time allowed for compliance with the demand, in whole or in part, as deemed proper and ordered by the court shall not run during the pendency of such petition in the court, except that such person shall comply with any portions of the demand not sought to be modified or set aside. Such petition shall specify each ground upon which the petitioner relies in seeking such relief, and may be based upon any failure of such demand to comply with the provisions of this section or upon any constitutional or other legal right or privilege of such person.

"(3) Within twenty days after the service of any express demand for any product of discovery upon, or at any time before, the return date specified in the demand, whichever period is shorter, or within such period exceeding twenty days after service or in excess of such return date as may be prescribed in writing, subsequent to service, by any False Claims Act investigator named in the demand, the person from whom such discovery was obtained may file, in the district court of the United States for the judicial district in which the proceeding in which such discovery was obtained is or was last pending, and serve upon any False Claims Act investigator named in the demand and upon the recipient of the demand, a petition for an order of such court modifying or setting aside those portions of the demand requiring production of any such product of discovery. Such petition shall specify each ground upon which the petitioner relies in seeking such relief and may be based upon any failure of such portions of the demand to comply with the provisions of this section, or upon any constitutional or other legal right or privilege of the petitioner. During the pendency of such petition, the court may stay, as it deems proper, compliance with the demand and the running of the time allowed for compliance with the demand.

"(4) At any time during which any custodian is in custody or control of any documentary material, answers to interrogatories delivered, or transcripts of oral testimony given by any person in compliance with any such demand, such person, and in the case of an express demand for any product of discovery, the person from whom such discovery was obtained, may file, in the district court of the United States for the judicial district within which the office of such custodian is situated, and serve upon such custodian, a petition for an order of such court requiring the performance by such custodian of any duty imposed upon him by this section.

"(5) Whenever any petition is filed in any district court of the United States under this section, such court shall have jurisdiction to hear and determine the matter so presented, and to enter such order or orders as may be required to carry into effect the provisions of this section. Any final order so entered shall be subject to appeal pursuant to section 1291 of title 28. Any disobedience of any final order entered under this section by any court shall be punished as a contempt thereof.

"(6) To the extent that such rules may have application and are not inconsistent with the provisions of this section, the Fed-

eral Rules of Civil Procedure shall apply to any petition under this subsection.

"(7) Any documentary material, answers to written interrogatories, or oral testimony provided pursuant to any demand issued under this section and sections 3729 through 3731 shall be exempt from disclosure under section 552 of title 5.".

SEC. 6. (a) Subchapter III of chapter 37 of title 31, United States Code, is further amended by adding at the end thereof the following:

"§ 3734. Whistleblower protection

"Any employee who is discharged, demoted, suspended, threatened, harassed, or in any other manner discriminated against in the terms or conditions of such employment by his employer because of the good faith exercise by such employee on behalf of himself or others of any option afforded by this Act, including investigation for, initiation of, testimony for, or assistance in an action filed or to be filed under this Act, shall be entitled to all relief necessary to make him whole. Such relief shall include reinstatement with full seniority rights, backpay with interest, and compensation for any special damages sustained as a result of the discrimination, including litigation costs and reasonable attorney fees. In addition, the employer shall be liable to such employee for twice the amount of backpay and special damages and, if appropriate under the circumstances, the court shall award punitive damages.".

(b) The table of sections for chapter 37 of title 31, United States Code, is amended by adding at the end thereof the following new items:

"3732. False claims jurisdiction.

"3733. Civil investigative demands.

"3734. Whistleblower protection.".

SEC. 7. (a) Section 286 of title 18, United States Code, is amended by striking out "$10,000" and inserting in lieu thereof "$1,000,000 notwithstanding the provisions of section 3623,".

(b) Section 287 of title 18, United States Code, is amended by striking out "$10,000, or imprisoned not more than five years" and inserting in lieu thereof "$1,000,000, or imprisoned for not more than ten years, or both, notwithstanding the provisions of section 3623".

SEC. 8. This Act and the amendments made by this Act shall become effective upon the date of enactment.

Mr. GRASSLEY. Mr. President, the False Claims Act is the Government's primary weapon against fraud, yet it is in need of substantial reform. A review of the current environment is sufficient proof that the Government needs help—lots of help—to adequately protect the Treasury against growing and increasingly sophisticated fraud.

We have spent a considerable amount of time in the Judiciary Subcommittee on Administrative Practice and Procedure examining different types of frauds which steal away much needed taxpayer funds. In the face of our current Federal debt crisis, it is more important than ever that we maintain an efficient, fair, and most of all, effective enforcement system to protect our Federal dollars from fraud and abuse.

No single piece of legislation can absolutely guarantee an efficient, fair, and effective enforcement system. We would be deluding ourselves to assume that security. However, to the extent we can strengthen weaknesses in the law which allow frauds to go undetected or unaddressed and fraudulently obtained funds uncollected—that is the type of legislative remedy we should enact without delay.

There is no question that the current state of affairs begs for reform. Fraud allegations are climbing at a steady rate while the Justice Department's own economic crime council last year termed the level of enforcement in defense procurement fraud inadequate.

No one knows, of course, exactly how much public money is lost to fraud. Estimates range from hundreds of millions of dollars to more than $50 billion per year. Sadly, only a fraction of the fraud is reported and an even smaller fraction of the funds recovered.

Part of the solution—something I consider essential to any meaningful improvements in cutting down fraud—is the establishment of a solid partnership between public law enforcers and private taxpayers. The Federal Government has a big job on its hands as it attempts to ensure the integrity of the nearly $1 trillion we spend each year on various programs and procurement. That job is simply too big if Government officials are working alone.

The concept of private citizen assistance is embodied in S. 1562, the False Claims Reform Act which was unanimously approved by the Senate Judiciary Committee last December.

This bill, which I sponsored along with bipartisan cosponsors including my colleagues Senators DECONCINI, LEVIN, HATCH, COHEN, and METZENBAUM, is strongly supported by the administration and its amendments have received endorsements from both the Packard Commission and the Grace Commission's committee against Government waste.

S. 1562 will enhance the Government's litigative and investigative tools under the False Claims Act, as well as increase the fines and penalties assessed against those who cheat the Government.

I have worked together with my colleagues Senators HATCH, THURMOND, and HAWKINS, as well as others, to arrive at a consensus on S. 1562, the False Claims Reform Act. This final language addresses various concerns raised by those Members as well as a broad-based business coalition led by the chamber of commerce and including the Aerospace Industries Association, the Electronic Industries Association, and the Professional Services Council. I am pleased that this group has produced a comprehensive anti-fraud bill that will enhance both the effectiveness and the fairness of our fraud law enforcement effort.

I would like to take this opportunity to thank my colleagues who have worked with me to produce this very important and comprehensive legislation. I would especially like to thank Senator HATCH as well as Senator HAWKINS for working in a cooperative manner to resolve the concerns that they raised.

The agreed-upon amendments which are incorporated in the committee modification are as follows:

KNOWLEDGE STANDARD

While throughout consideration of this bill there has been general agreement that liability should attach to one who "knows or has reason to know" of the falsity of his claim, debate has focused on the specific standard to be used to define "reason to know" or constructive knowledge.

The fundamental issue in designing a standard of knowledge is to reach not only defendants with actual knowledge of a false claim, but also defendants who insulate themselves from that knowledge which a prudent person should have before submitting a claim to the Government, It is this problem of defining constructive knowledge, or of dealing with the "ostrich"—the individual who ignores or fails to inquire about readily discoverable facts which would alert him that fraudulent claims are being submitted—that has led to various formulations of the standard of knowledge.

S. 1562 as considered by the Subcommittee on Administrative Practice and Procedure, contained a "reckless disregard" standard which the sponsors as well as the Department of Justice believed would cover those persons who insulate themselves by design from knowledge about the truth of falsity of a claim. The concern was raised, however, that some case law exists in which reckless disregard is construed as requiring an intentional, deliberate, or willful act—a considerable escalation of the scienter requirement. To avoid the risk of such a misconstruction, the full Judiciary Committee then adopted a "gross negligence" standard which would appear to be less susceptible to this misinterpretation. The committee was aware that the two standards are very similar and in fact are often used to define each other; that is, reckless disregard often is defined as gross negligence and gross negligence frequently is said to require a reckless disregard.

While the committee expressed in its report accompanying S. 1562 that mistake, inadvertence or mere negligence in the submission of a false claim would not be actionable under the bill, concerns, stemming mainly from the Government contracting community, were raised that such examples of

mere negligence might be construed as grossly negligent acts.

To address those concerns, I, along with the other sponsors of this bill, have agreed to return to a "reckless disregard" standard, but only with the express qualification that "no proof of specific intent is required." Our intent in returning to the reckless disregard standard is only to assure that mere negligence, mistake, and inadvertence are not actionable under the False Claims Act. In doing so, we reconfirm our belief that reckless disregard and gross negligence define essentially the same conduct and that under this act, reckless disregard does not require any proof of an intentional, deliberate, or willful act.

The constructive knowledge standard proposed by some has required a "conscious culpability." See, testimony of representatives of the Aerospace Industrial Association before the Committee on Government Affairs, Hearing on Program Fraud Civil Penalties Act of 1985, Senate Hearing 99-202, page 106. Under this formulation, "no duty to ascertain facts" may be imposed unless "deduced as inferences from facts already known." Id., page 119. Such conceptualizations of the standard exceed the committee's intent and leave unaddressed the "ostrich" problem which it is in agreement must be included.

QUI TAM

Several minor changes will be made in the qui tam section of S. 1562. Specifically, jurisdiction for qui tam actions based on information that has been publicly disclosed will be limited to those people who were "original sources" of the information. "Original source" is further defined as "an individual who has direct and independent knowledge of information on which the allegations are based and has voluntarily informed the Government or the news media prior to an action filed by the Government."

This amendment seeks to assure that a qui tam action based solely on public disclosures cannot be brought by an individual with no direct or independent knowledge of the information or who had not been an original source to the entity that disclosed the allegations.

In the definition of "original source," the requirement that the individual "voluntarily" informed the Government or news media is meant to preclude the ability of an individual to sue under the qui tam section of the False Claims Act when his suit is based solely on public information and the individual was a source of the allegations only because the individual was subpeonaed to come forward. However, those persons who have been contacted or questioned by the Government or the news media and cooperated by providing information which later led to a public disclosure would be considered to have "voluntarily" informed the Government or media and therefore considered eligible qui tam relators.

The use of the term "Government" in the definition of original source is meant to include any Government source of disclosures cited in subsection (5)(A); that is, Government includes Congress, the General Accounting Office, any executive or independent agency as well as all other governmental bodies that may have publicly disclosed the allegations.

The amendments also limit the possible portion of the judgment recoverable by a qui tam plaintiff to 10 percent or less when the action is based primarily on public information. This limitation will affect those persons who have brought a qui tam action based almost entirely on information of which they did not have independent knowledge but had derived from a public source.

The bill as reported by the Judiciary Committee contains a provision for the award of attorneys fees to prevailing defendants if the court finds that the plaintiff's action was clearly frivolous, vexatious, or brought for purposes of harassment. Additionally, the bill provides that the court at any time, may make certain assurances the plaintiff will be able to pay such costs if it appeares an action is being brought in bad faith or is clearly frivolous.

The committee amendment makes consistent the standards for both attorney's fees sanctions and the court-required assurances. While the standards are meant to be consistent, concern was raised that a court would find it impossible to rule any action "appeared" "clearly frivolous." Because the court could be making a judgment of apparent frivolity at an earlier stage of the case, as opposed to concluding the action's frivolity at the end of the proceedings, the conclusive term "clearly" was removed.

These amendments also make clear that no jurisdiction will lie for qui tam actions based on allegations upon which the Government has already initiated administrative civil money penalty proceedings.

CONSEQUENTIAL DAMAGES

The committee amendment limits consequential damages to those that are reasonably foreseeable to the defendant at the time the alleged fraud was committed or at the time of the submission of the claim or statement.

CIVIL INVESTIGATIVE DEMANDS

The committee amendment requires that only the Attorney General can authorize issuance of a Civil Investigative Demand. Second, these amendments make clear that prior to issuing a Civil Investigative Demand, the Justice Department must make reasonable efforts to obtain the same information through other, less burdensome sources. These other sources would include the material already in the possession of the agency investigative office which has made the referral of the fraud case as well as information which the Department could obtain through an informal request to the person who might otherwise be the target of the Civil Investigative Demand.

However, this amendment would not require the Department to seek a court order for access to grand jury material—under rule 6(e) of the Federal Rules of Criminal Procedure—in cases where such information might be available. Some circuits interpreting rule 6(e) have concluded that the Department should use other investigative techniques, including CID's, before seeking a 6(e) order. See, *In Re Grand Jury Investigation*, 774 F.2d 34 (2d Cir. 1985, cert. granted. This amendment would mirror the trend in that caselaw, by authorizing the Justice Department to issue a CID without requiring it to first attempt to obtain a 6(e) order.

In addition, this amendment would not require the Justice Department to justify why it had not prevailed upon agency investigators to utilize their subpoena powers, either under the Inspector General Act of 1978 or any investigative powers associated with any civil money penalty authority.

Finally, these amendments should not be construed to allow the recipient of a CID to argue that the Justice Department should be required to file suit and use ordinary civil discovery. The term "not otherwise reasonably available" refers to presuit investigative techniques only.

STATUTE OF LIMITATIONS

The committee has added a tolling provisions to the False Claims Act which is adopted directly from 28 U.S.C. 2416(c). While section 2416(c) is a provision of general applicability, the committee intends that the False Claims Act tolling provision be liberally construed because the conduct addressed here is so inherently deceptive and carefully concealed. Thus, courts should be leary of finding that the Government had knowledge of the existence of a possible cause of action based merely upon the discovery of irregularities that fall short of a concrete suspicion that fraud has occurred. Some corroborative information to support that suspicion should be required. Similarly, care should be taken to assure that the information has reached an official in a position both to recognize the existence of a possible violation of this act and to take steps to address it.

SELF-POLICING INCENTIVE

The amendments add a provision intended to provide incentive for self-policing among those who conduct business with the Government. Under this

new provision, the court in its discretion may limit damages to an amount between double and treble and the civil forfeiture between $5,000 and $10,000 if the defendant satisfies certain criteria. Given the deceitful nature of fraud, courts should construe narrowly the requirements defendants must satisfy in order to be eligible for liability limitations. Particularly, courts should guard against defendants attempting to take advantage of this provision once they realize Government or public discovery of violations are impending.

SMALL BUSINESS FINE LIMITATION

Under the committee amendment, defendant businesses or organizations meeting a certain size standard may be eligible for a reduction in fines if the court finds assessment of a $10,000 fine to that particular defendant would result in substantial hardship for the defendant.

The applicable size standard—gross annual receipts of $1 million or less and 800 employees or less—is adapted from statistics compiled by the National Federation of Independent Businesses. Based on its statistically representative sampling of the small business community, approximately 80 percent of such businesses would fall within this size standard.

EQUAL ACCESS TO JUSTICE ACT APPLICATION

The committee amendment clarifies that the Equal Access to Justice Act applies to actions brought by the Government under the False Claims Act.

Thank you, Mr. President.

Mr. President, I ask unanimous consent that Senator HAWKINS be added as a cosponsor to S. 1562.

Mr. President, I ask unanimous consent that the statements of Senators HAWKINS, THURMOND, and DECONCINI, be inserted as if read.

Mr. President, I urge adoption of the committee amendment.

Mrs. HAWKINS. Mr. President, I would like to join with my colleagues to commend Senator GRASSLEY for his sponsorship of S. 1562 and national leadership in efforts to combat contract fraud.

As a cosponsor, I have had an opportunity to work closely with Senator GRASSLEY and his staff to assure that S. 1562 is as effective as possible in addressing this problem. I believe that it will increase the ability of our agencies to investigate and prosecute frauds without depriving individuals of the right to a jury trail.

I am also pleased with the assurances that I have received from the sponsor and proponents that S. 1562 will be defended in conference.

Senator HATCH and Senator THURMOND also deserve to be recognized and applauded for their vision and tireless efforts to fight fraud while defending due process and individual rights. I call on my colleagues to join me in supporting and promoting the swift passage of S. 1562 in the Senate and urge that conferees fight for adoption of the Senate-passed version.

Mr. DECONCINI. Mr. President, I want to state my strong support for these amendments to the False Claims Act and my admiration for Senator GRASSLEY for having so tenaciously and successfully pursued their adoption. These amendments will substantially enhance the Government's ability to recover losses sustained as a result of fraud and corruption.

Several years ago, I developed, introduced, and attempted to process legislation similar to today's amendments. I was only partially successful. Senator GRASSLEY has picked up this issue and done an outstanding job of making the necessary adjustments and compromises that have enabled us to bring this bill to the floor tonight. The essence of the bill remains: to tighten the Federal laws as they apply to persons who violate the False Claims Act. The Government will now have several new legal weapons in its arsenal with which to pursue and prosecute incidences of fraud against the Government. I applaud the changes increasing the penalites, modifying the standards of proof, and modernizing the jurisdiction and venue provisions. Numerous other provisions of the bill will also prove of benefit.

The country and its taxpayers are the beneficiaries of this bill. I am pleased to have been the lead in Democratic cosponsor of this bill and to associate myself with the principles of law enforcement and responsible Government oversight for which this bill stands. I certainly urge our colleagues on the House side to process this legislation with the urgency it deserves.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2701) was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed as follows:

S. 1562

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

That section 3729 of title 31, United States Code, is amended by—

(1) inserting "(a)" before "A person";

(2) striking out "$2,000," and inserting in lieu thereof "$10,000, unless the court finds:

"(A) the defendant furnished officials of the United States responsible for investigating false claims violations with all information known to such defendant about such violation within 30 days after the date on which the defendant first obtained the information;

"(B) the defendant fully cooperated with any Government investigation of such violation; and

"(C) at the time the defendant furnished the United States with the information about the violation, no criminal prosecution, civil action, or administrative action had commenced under this title, with respect to such violation, and the defendant did not have actual knowledge of the existence of an investigation into such violation;

in which case the court may assess not less than $5,000, or unless the court finds that the defendant is a partnership, corporation, association, or organization, the annual gross receipts of which did not exceed $1,000,000 at the time the action was brought, and which had not more than 80 employees at the time the action was brought, and the court finds the assessment of $10,000 will result in substantial hardship under the circumstances for the defendant, in which case the court may assess not less than $5,000;

(3) striking out "2 times the amount of damages" and inserting in lieu thereof "3 times the amount of damages unless the court finds the provisions of paragraphs (A) through (C), in which case the court may assess not less than 2 times the amount of damages, in addition to the amount of the consequential damages";

(4) striking out "not a member of the armed forces of the United States" the first place it appears;

(5) striking out "or" at the end of clause (5);

(6) striking out the period in clause (6) and inserting in lieu thereof "; or"; and

(7) adding at the end thereof the following:

"(7) knowingly makes, uses, or causes to be made or used, a false record or statement to conceal, avoid, or decrease an obligation to pay or transmit money or property to the Government.

"(b) Consequential damages as used in subsection (a) shall include damages which the United States would not have sustained but for—

"(1) the doing or commission of any of the acts prohibited by subsection (a); or

"(2) having entered into or made any contract or grant as a result of any material part of any false statement,

and which were reasonably foreseeable to the defendant at the time the alleged fraud was committed or at the time of the submission of the claim or statement.

"(c) For purposes of this section, the terms 'knowing' and 'knowingly' mean the defendant—

"(1) had actual knowledge;

"(2) acted in deliberate ignorance of the truth or falsity of the information; or

"(3) acted in reckless disregard of the truth or falsity of the information;

and no proof of specific intent to defraud is required.

"(d) For purposes of this section, 'claim' includes any request or demand whether under a contract or otherwise for money or property which is made to a contractor, grantee, or other recipient if the Government provides any portion of the money or property which is requested or demanded or if the Government will reimburse such contractor, grantee, or other recipient for any portion of the money or property which is requested or demanded.

"(e)(1) The Attorney General or his designee may apply for provisional relief to any district court having jurisdiction pursuant

to section 3732 whenever he has reasonable cause to believe this section or section 3730, or 3731 may have been violated. If the court finds there is a reasonable likelihood that the United States will prevail after trial on the merits of its claims, the court shall enjoin the defendant from taking any action which the court, in the exercise of its discretion, finds reasonably likely to hinder or delay the United States in the collection of any judgment which may be obtained in such action.

"(2) In addition, the court may from time to time make such other orders as it deems appropriate, including requiring the defendant to post security for judgment, to seek the prior approval of the court before making any transfer without adequate and full consideration, paying an antecedent debt which has matured more than thirty days prior to the date of payment, or otherwise engaging in any transaction not in the usual and regular course of the defendant's business. Except as provided in this section, such application and proceedings by the Attorney General shall be governed by Rule 65 of the Federal Rules of Civil Procedure.

"(f) Any information furnished pursuant to clauses (A) through (C) of subsection (a) shall be exempt from disclosure under section 552 of title 5.".

SEC. 2. Section 3730 of title 31, United States Code, is amended to read as follows:

**"§ 3730. Civil actions for false claims**

"(a) The Attorney General diligently shall investigate a violation under section 3729 of this title. If the Attorney General finds that a person has violated or is violating section 3729, the Attorney General may bring a civil action under this section against the person.

"(b)(1) Except as provided in subsection (e), a person may bring a civil action for a violation of section 3729 of this title for the person and for the United States Government. The action shall be brought in the name of the Government. An action may be dismissed only if the court and the Attorney General give written consent and their reasons for consenting.

"(2) A copy of the complaint and written disclosure of substantially all material evidence and information the person possesses shall be served on the Government under Rule 4(d)(4) of the Federal Rules of Civil Procedure. The complaint shall be filed in camera, shall remain under seal for at least 60 days, and shall not be served on the defendant until the court so orders. The Government may elect to intervene and proceed with the action within 60 days after it receives both the complaint and the material evidence.

"(3) The Government may, for good cause shown, move the court for stays and for extensions of the time during which the complaint shall remain under seal. Any such motions may be supported by affidavits or other submissions in camera. The defendant shall not be required to respond to any complaint filed under this section until 20 days after the complaint is unsealed and served upon him pursuant to Rule 4 of the Federal Rules of Civil Procedure.

"(4) Before the expiration of the initial 60-day period or any stays obtained, the Government shall—

"(A) proceed with the action, in which case the action shall be conducted only by the Government; or

"(B) notify the court that it declines to take over the action, in which case the action shall be conducted by the person bringing the action.

"(5) Where a person brings an action under this subsection, no person other than the Government may intervene or bring a related action based on the facts underlying the pending action.

"(c)(1) If the Government proceeds with the action, the action is conducted solely by the Government and it shall not be bound by an act of the person who initiated the action. If he so requests, the person bringing the action shall be served with copies of all pleadings filed in the action, shall be supplied with copies of all deposition transcripts (at his expense), and shall be permitted to file objections with the court and petition for an evidentiary hearing to object to any proposed settlement or to any motion to dismiss filed by the Government. The court may grant such an evidentiary hearing only upon a showing of substantial and particularized need. The person bringing the action may move the court for leave to conduct the action in the name of the United States if, after making its election to take over the suit, the Government does not proceed with the action with reasonable diligence within six months or such reasonable additional time as the court may allow after notice.

"(2) If the Government elects not to proceed with the action, the action shall be conducted by the person who initiated the action. If the Government so requests, it shall be served with copies of all pleadings filed in the action and shall be supplied with copies of all deposition transcripts (at its expense). Where a person proceeds with the action in the name of the United States pursuant to subsection (b), the court may nevertheless permit the Government to intervene and proceed with the action by its own attorneys at a later date upon a showing of good cause.

"(3) Notwithstanding subsection (b), the Government may elect to pursue its claim through any alternate remedy available to it, including, but not limited to, any administrative civil money penalty proceeding.

"(d)(1) If the Government proceeds with the action, including any proceeding pursuant to subsection (c)(3), the person bringing the action may receive an amount the court decides is reasonable. The amount may not be less than 10 percent, nor more than 20 percent, of the proceeds of the action or settlement of a claim and shall be paid out of those proceeds.

"(2) If the Government does not proceed with an action, the person bringing the action or settling the claim may receive an amount the court decides is reasonable for collecting the civil penalty and damages. The amount may not be less than 20 percent, nor more than 30 percent, of the proceeds of the action or settlement and shall be paid out of those proceeds.

"(3) The amount awarded under this section shall be in the discretion of the court, taking into account—

"(A) the significance of the information provided to the Government;

"(B) the contribution of the person bringing the action to the result obtained; and

"(C) whether the information which formed the basis for the suit was known to the Government.

"(4) Where the persons brought an action based primarily on disclosures of specific information relating to allegations or transactions in a criminal, civil, or administrative hearing, a congressional or Government Accounting Office report or hearing, or from the news media, the court may award such sums as it deems appropriate, not to exceed 10 percent of the recovery and taking into account the significance of the information and the role of the person in advancing the case to litigation.

"(5) In addition to any other amounts awarded by the court, the court may also award the person bringing the action reasonable attorney fees and other expenses. The Government shall not be liable for the expenses or legal fees a person incurs in bringing or defending an action under this section.

"(6) If the Government does not proceed with the action and it is litigated by the person bringing the action, the court shall award to the defendant its reasonable attorney fees and expenses if the defendant prevails in such action and the court finds that the claim of the person bringing the action was clearly frivolous, vexatious, or brought for purposes of harassment. In cases where it appears that the person is bringing an action which is frivolous, vexatious, or brought for purposes of harassment, the court shall require such assurances that payment of legal fees and expenses will be made, if such are awarded, as it deems appropriate before allowing the action to proceed.

"(7) After any final judgment is issued in any action brought under this section, or any alternate remedy available to the Government, any person who brought an action under subsection (b) shall have 60 days to petition the court for any award to which he is entitled under this section.

"(e)(1) No court shall have jurisdiction over an action brought by a former or present member of the armed services under subsection (b) of this section against a member of the armed forces arising out of such person's service in the armed forces.

"(2) No court shall have jurisdiction over an action brought against a member of Congress, a member of the judiciary, or a senior executive branch official if the action is based on evidence or information known to the Government when the action was brought.

"(3) For purposes of this subsection, 'senior executive branch official' means those officials listed in section 201(f) of Appendix IV of title 5.

"(4) In no event may a person bring an action under this section based upon allegations or transactions which are the subject of a civil suit or an administrative civil money penalty proceeding in which the Government is already a party.

"(5)(A) No court shall have jurisdiction over an action under this section based upon the public disclosure of allegations or transactions in a criminal, civil, or administrative hearing, a congressional, administrative, or Government Accounting Office report, hearing, audit or investigation, or from the news media, unless the action is brought by the Attorney General or the person bringing the action is an original source of the information.

"(B) For purposes of this paragraph, 'original source' means an individual who has direct and independent knowledge of the information on which the allegations are based and has voluntarily informed the Government or the news media prior to an action filed by the Government.

"(f) The district courts shall have jurisdiction over any action brought under State law for the recovery of funds paid by State or local governments where such action grows out of the same transaction or occurrence as an action brought under this section.

"(g) The Attorney General or his designee is authorized to make payments from Department of Justice appropriations for information or assistance leading to a civil or criminal recovery under this section, section 3729, or sections 3731 through 3734, known as the False Claims Act or under section 286, 287, or 1001 of title 18. Any such payment shall be at the discretion of the Attorney General or his designee.

"(h) In civil actions brought under this section by the United States, the provisions of section 2412(d) of title 28 shall apply.

SEC. 3. Section 3731 of title 31, United States Code, is amended by—

(1) inserting before the period at the end of subsection (b) the following: "or within three years after the date when facts material to the right of action are known or reasonably should have been known by the official of the United States charged with responsibility to act in the circumstances, whichever occurs last"; and

(2) inserting after subsection (b), the following new subsections:

"(c) In any action brought under this section or section 3729, 3730, 3732, or 3733, the United States shall be required to prove all essential elements of the cause of action, including damages, by a preponderance of the evidence.

"(d) Notwithstanding any contrary provision of law, the Federal Rules of Criminal Procedure, or the Federal Rules of Evidence, a final judgment rendered in favor of the United States in any criminal proceeding charging fraud or false statements, whether upon a verdict after trial or upon a plea of guilty or nolo contendere, shall estop the defendant from denying the essential elements of the offense in any action brought by the United States pursuant to this section or section 3729, 3730, 3732, or 3733.".

SEC. 4. Subchapter III of chapter 37 of title 31, United States Code, is amended by adding at the end thereof the following:

**"§ 3732. False claims jurisdiction**

"(a) The district courts of the United States, including such courts for Puerto Rico, the Virgin Islands, Guam, and any territory or possession of the United States, shall have jurisdiction over any action commenced by the United States under this section, or under section 3729, 3730, 3731, 3733, or 3734. Venue of any such action shall be proper in any district in which any defendant, or in the case of multiple defendants, any one defendant can be found, resides, transacts business, or in which any act prescribed by such sections is alleged by the United States to have occurred. A summons as required by the Federal Rules of Civil Procedure shall be issued by the district court and served at any place within the United States, Puerto Rico, the Virgin Islands, Guam, any territory or possession of the United States, or in any foreign country.

"(b) The United States Claims Court shall also have jurisdiction of any such action if the action is asserted by way of counterclaim by the United States. The United States may join as additional parties in such counterclaim all persons who may be jointly and severally liable with such party against whom a counterclaim is asserted by reason of having violated this section, or section 3729, 3730, 3731, or 3733, except that no cross-claims or third-party claims shall be asserted among such additional parties unless such claims are otherwise within the jurisdiction of the United States Claims Court.".

SEC. 5. Subchapter III of chapter 37 of the title 31, United States Code is further amended by adding at the end thereof the following:

**"§ 3733. Civil investigative demands**

"(a) For purposes of this section, the term—

"(1) 'False Claims Act law' means—

"(A) this section and sections 3729 through 3731 of this title, commonly known as the False Claims Act; and

"(B) any Act of Congress enacted after this section which prohibits, or makes available to the United States in any court of the United States any civil remedy with respect to any false claim, bribery, or corruption of any officer or employee of the United States;

"(2) 'False Claims Act investigation' means any inquiry conducted by any False Claims Act investigator for the purpose of ascertaining whether any person is or has been engaged in any violation of any provision of the False Claims Act law;

"(3) 'False Claims Act investigator' means any attorney or investigator employed by the Department of Justice who is charged with the duty of enforcing or carrying into effect any False Claims Act law or any officer or employee of the United States acting under direction and supervision of such attorney or investigator in connection with a False Claims Act investigation;

"(4) 'person' means any natural person, partnership, corporation, association, or other legal entity, including any State or political subdivision;

"(5) 'documentary material' includes the original or any copy of any book, record, report, memorandum, paper, communication, tabulation, chart, or other document, or data compilations stored in or accessible through computer or other information retrieval systems, together with instructions and all other materials necessary to use or interpret such data compilations, and any product or discovery;

"(6) 'custodian' means the custodian, or any deputy custodian, designated by the Attorney General; and

"(7) 'product of discovery' includes without limitation the original or duplicate of any deposition, interrogatory, document, thing, result of an inspection of land or other property, examination, or admission obtained by any method of discovery in any judicial or administrative litigation or action of an adversarial nature, any digest, analysis, selection, compilation, or any derivation thereof, and any index or manner of access thereto.

"(b)(1)(A) Whenever the Attorney General has reason to believe that any person may be in possession, custody, or control of any documentary material, or may have any information relevant, and not otherwise reasonably available, to a False Claims Act investigation, he may, prior to the institution of a civil proceeding, issue in writing and cause to be served upon such person, a civil investigative demand requiring such person to produce such documentary material for inspection and copying, to answer in writing written interrogatories, to give oral testimony concerning documentary material or information, or to furnish any combination of such material, answers, or testimony. Whenever a civil investigative demand is an express demand for any product of discovery, the Attorney General shall cause to be served, in any manner authorized by this section, a copy of such demand upon the person from whom the discovery was obtained and notify the person to whom such demand is issued of the date on which such copy was served.

"(B) Notwithstanding the provisions of section 510 of title 28, the Attorney General may not authorize the performance of any function of the Attorney General vested in him pursuant to this paragraph, by any other officer, employee, or agency.

"(2)(A) Each such demand shall state the nature of the conduct constituting the alleged violation of a False Claims Act law which is under investigation, and the applicable provision of law.

"(B) If such demand is for production of documentary material, the demand shall—

"(i) describe each class of documentary material to be produced with such definiteness and certainty as to permit such material to be fairly identified;

"(ii) prescribe a return date for each such class which will provide a reasonable period of time within which the material so demanded may be assembled and made available for inspection, and copying; and

"(iii) identify the False Claims Act investigator to whom such material shall be made available.

"(C) If such demand is for answers to written interrogatories, the demand shall—

"(i) set forth with definiteness and certainty the written interrogatories to be answered;

"(ii) prescribe dates at which time answers to written interrogatories shall be submitted; and

"(iii) identify the False Claims Act investigator to whom such answers shall be submitted.

"(D) If such demand is for the giving of oral testimony, the demand shall—

"(i) prescribe a date, time, and place at which oral testimony shall be commenced;

"(ii) identify a False Claims Act investigator who shall conduct the examination and the custodian to whom the transcript of such examination shall be submitted;

"(iii) specify that such attendance and testimony are necessary to the conduct of the investigation;

"(iv) notify the person receiving the subpoena of the right to be accompanied by an attorney and any other representative; and

"(v) describe the general purpose for which the subpoena is being issued and the general nature of the testimony, including the primary areas of inquiry, which will be taken pursuant to the subpoena.

Any such demand which is an express demand for any product of discovery shall not be returned or returnable until twenty days after a copy of such demand has been served upon the person from whom the discovery was obtained.

"(E) The date prescribed for the commencement of oral testimony pursuant to a civil investigation demand issued under this section shall be a date which is not less than seven days after the date on which demand is received, unless the Attorney General or an Assistant Attorney General designated by the Attorney General determines that exceptional circumstance are present which warrant the commencement of such testimony within a lessor period of time.

"(F) Any official before whom oral testimony under this section is to be taken shall exclude from the place where the testimony is to be taken all persons except the person giving the testimony, the attorney and any other representative for the person giving the testimony, the attorney for the Government, any person who may be agreed upon by the attorney for the Government, and

the person giving the testimony, and any stenographer taking such testimony.

"(G) The Attorney General shall not authorize a second demand for oral testimony to a person unless such person requests otherwise or unless the Attorney General, after investigation, notifies that person in writing that an additional demand for oral testimony is necessary. The Attorney General may not authorize the performance of any function vested in him under this subparagraph, by any other officer, employee, or agency, notwithstanding section 510 of title 28.".

"(c)(1) No such demand shall require the production of any documentary material, the submission of any answers to written interrogatories, or the giving of any oral testimony if such material, answers, or testimony would be protected from disclosure under—

"(A) the standards applicable to subpoenas or subpoenas duces tecum issued by a court of the United States to aid in a grand jury investigation; or

"(B) the standards applicable to discovery requests under the Federal Rules of Civil Procedure, to the extent that the application of such standards to any such demand is appropriate and consistent with the provisions and purposes of this section and sections 3729 through 3731.

"(2) Any such demand which is an express demand for any product of discovery supersedes any inconsistent order, rule, or provision of law (other than this section) preventing or restraining disclosure of such product of discovery to any person. Disclosure of any product of discovery pursuant to any such express demand does not constitute a waiver of any right or privilege which may be invoked to resist discovery of trial preparation materials to which the person making such disclosure may be entitled.

"(d)(1) Any such demand may be served by any False Claims Act investigator, or by any United States Marshal or Deputy Marshal, at any place within the United States.

"(2) Any such demand or any petition filed under subsection (k) may be served upon any person who is not found within the United States, in such manner as the Federal Rules of Civil Procedures prescribe for service in a foreign country. To the extent that the courts of the United States can assert jurisdiction over such person consistent with due process, the United States District Court for the District of Columbia shall have the same jurisdiction to take any action respecting compliance with this section by such person that such court would have if such person were personally within the jurisdiction of such court.

"(e)(1) Service of any such demand or of any petition filed under subsection (k) may be made upon a partnership, corporation, association, or other legal entity by—

"(A) delivering an executed copy thereof to any partner, executive officer, managing agent, or general agent thereof, or to any agent thereof authorized by appointment or by law to receive service of process on behalf of such partnership, corporation, association, or entity;

"(B) delivering an executed copy thereof to the principal office or place of business of the partnership, corporation, or entity to be served; or

"(C) depositing such copy in the United States mails, by registered or certified mail, return receipt requested, addressed to such partnership, corporation, association, or entity at its principal office or place of business.

"(2) Service of any such demand or of any petition filed under subsection (k) may be made upon any natural person by—

"(A) delivering an executed copy thereof to the person to be served; or

"(B) depositing such copy in the United States mails by registered or certified mail, return receipt requested, addressed to such person at his residence or principal office or place of business.

"(f) A verified return by the individual serving any such demand or petition setting forth the manner of such service shall be proof of such service. In the case of service by registered or certified mail, such return shall be accompanied by the return post office receipt of delivery of such demand.

"(g) The production of documentary material in response to a demand served pursuant to this section shall be made under a sworn certificate, in such form as the demand designates, by the person, if a natural person, to whom the demand is directed or, if not a natural person, by a person having knowledge of the facts and circumstances relating to such production and authorized to act on behalf of such person. The certificate shall state that all of the documentary material required by the demand and in the possession, custody, or control of the person to whom the demand is directed has been produced and made available to the custodian.

"(h) Each interrogatory in a demand served pursuant to this section shall be answered separately and fully in writing under oath unless it is objected to, in which event the reasons for the objection shall be stated in lieu of any answer, and it shall be submitted under a sworn certificate, in such form as the demand designates, by the person, if a natural person, to whom the demand is directed or, if not a natural person, by a person or persons responsible for answering each interrogatory. The certificate shall state that all information required by the demand and in the possession, custody, control, or knowledge of the person to whom the demand is directed has been submitted. To the extent that any materials are not furnished, they shall be identified and reasons set forth with particularity for each.

"(i)(1) The examination of any person pursuant to a demand for oral testimony served under this section shall be taken before an officer authorized to administer oaths and affirmations by the laws of the United States or of the place where the examination is held. The officer before whom the testimony is to be taken shall put the witness on oath or affirmation and shall personally, or by someone acting under his direction and in his presence, record the testimony of the witness. The testimony shall be taken stenographically and transcribed. When the testimony is fully transcribed, the officer before whom the testimony is taken shall promptly transmit a copy of the transcript of the testimony to the custodian. This subsection shall not preclude the taking of testimony by any means authorized by, and in a manner consistent with, the Federal Rules of Civil Procedure.

"(2) The False Claims Act investigator conducting the examination shall exclude from the place where the examination is held all other persons except the person being examined, his counsel, the officer before whom the testimony is to be taken, and any other stenographer taking such testimony.

"(3) The oral testimony of any person taken pursuant to a demand served under this section shall be taken in the judicial district of the United States within which such person resides, is found, or transacts business, or in such other place as may be agreed upon by the False Claims Act investigator conducting the examination and such person.

"(4) When the testimony is fully transcribed, the False Claims Act investigator or the officer shall afford the witness, who may be accompanied by counsel, a reasonable opportunity to examine the transcript and the transcript shall be read to or by the witness, unless such examination and reading are waived by the witness. Any changes in form or substance which the witness desires to make shall be entered and identified upon the transcript by the officer or the False Claims Act investigator with a statement of the reasons given by the witness for making such changes. The transcript shall then be signed by the witness, unless the witness in writing waives the signing, is ill, cannot be found, or refuses to sign. If the transcript is not signed by the witness within thirty days after his being afforded a reasonable opportunity to examine it, the officer or the False Claims Act investigator shall sign it and state on the record the fact of the waiver, illness, absence of the witness, or the refusal to sign, together with the reason, if any, given therefor. A refusal to sign or an unreasonable absence shall be deemed to be an acknowledgment of its accuracy and an affirmation of its contents.

"(5) The officer shall certify on the transcript that the witness was sworn by him and that the transcript is a true record of the testimony given by the witness, and the officer or False Claims Act investigator shall promptly deliver it or send it by registered or certified mail to the custodian.

"(6) Upon payment of reasonable charges therefor, the False Claims Act investigator shall furnish a copy of the transcript to the witness only, except that the Attorney General, the Deputy Attorney General, or an Assistant Attorney General may, for good cause, limit such witness to inspection of the official transcript of his testimony.

"(7)(A) Any person compelled to appear under a demand for oral testimony pursuant to this section may be accompanied, represented, and advised by counsel. Counsel may advise such person, in confidence, with respect to any question asked of such person. Such person or counsel may object on the record to any question, in whole or in part, and shall briefly state for the record the reason for the objection. An objection may be properly made, received, and entered upon the record when it is claimed that such person is entitled to refuse to answer the question on grounds of any constitutional or other legal right or privilege, including the privilege against self-incrimination. Such person shall not otherwise object to or refuse to answer any question, and shall not by himself or through counsel otherwise interrupt the oral examination. If such person refuses to answer any question, the False Claims Act investigator conducting the examination may petition the district court of the United States pursuant to subsection (k)(1) for an order compelling such person to answer such question.

"(B) If such person refuses to answer any question on the grounds of the privilege against self-incrimination, the testimony of such person may be compelled in accordance with the provisions of part V of title 18.

"(8) Any person appearing for oral examination pursuant to a demand served under this section shall be entitled to the same

fees and mileage which are paid to witnesses in the district courts of the United States.

"(j)(1) The Attorney General, or his authorized designee shall designate a False Claims Act investigator to serve as custodian of documentary material, answers to interrogatories, and transcripts of oral testimony received under this section, and shall designate such additional False Claims Act investigators as he determines from time to time to be necessary to serve as deputies to such officer.

"(2) Any person upon whom any demand under subsection (b)(1) for the production of documentary material has been served shall make such material available for inspection and copying to the False Claims Act investigator designated therein at the principal place of business of such person, or at such other place as such False Claims Act investigator and such person thereafter may agree and prescribe in writing, or as the court may direct pursuant to subsection (k)(1) on the return date specified in such demand, or on such later date as such custodian may prescribe in writing. Such person may, upon written agreement between such person and the custodian, substitute copies for originals of all or any part of such material.

"(3)(A) The False Claims Act investigator to whom any documentary material, answers to interrogatories, or transcripts of oral testimony are delivered shall take physical possession thereof, and shall transmit them to the custodian who shall be responsible for the use made thereof and for the return of documentary material pursuant to this section.

"(B) The custodian may cause the preparation of such copies of such documentary material, answers to interrogatories, or transcripts of oral testimony as may be required for official use by any authorized official or employee of the Department of Justice or any authorized officer or employee of the United States acting under the direction and supervision of an attorney or investigator of the Department of Justice in connection with any False Claims Act investigation, under regulations promulgated by the Attorney General. Notwithstanding subparagraph (C) of this subsection, such material, answers, and transcripts may be used by any such person in connection with the taking of oral testimony pursuant to this section.

"(C) Except as otherwise provided in this section, while in the possession of the custodian, no documentary material, answers to interrogatories, or transcripts of oral testimony, or copies thereof, so produced shall be available for examination, without the consent of the person who produced such material, answers, or transcripts, and, in the case of any product of discovery produced pursuant to an express demand for such material, of the person from whom the discovery was obtained, by any individual other than an authorized official or employee of the Department of Justice, or an authorized officer or employee of the United States acting under the direction and supervision of an attorney or investigator of the Department of Justice in connection with any False Claims Act investigation. Nothing in this section is intended to prevent disclosure to either body of the Congress or to any authorized committee or subcommittee thereof, or to any other agency of the United States for use by such agency in furtherance of its statutory responsibilities. Disclosure to any other agency of the United States shall be allowed only upon application, made by the custodian to a United States district court, showing substantial need for use by such agency in furtherance of its statutory responsibilities.

"(D) While in the possession of the custodian and under such reasonable terms and conditions as the Attorney General shall prescribe—

"(i) documentary material and answers to interrogatories shall be available for examination by the person who produced such material or answers, or by an authorized representative of such person; and

"(ii) transcripts of oral testimony shall be available for examination by the person who produced such testimony, or his counsel.

"(4) Whenever any attorney of the Department of Justice has been designated to appear before any court, grand jury, or Federal administrative or regulatory agency in any case or proceeding, the custodian of any documentary material, answers to interrogatories, or transcripts of oral testimony may deliver to such attorney such material, answers, or transcripts for official use in connection with any such case, grand jury, or proceeding as such attorney determines to be required. Upon the completion of any such case, grand jury, or proceeding, such attorney shall return to the custodian any such material, answers, or transcripts so delivered which have not passed into the control of such court, grand jury, or agency through the introduction thereof into the record of such case or proceeding.

"(5) If any documentary material has been produced in the course of any False Claims Act investigation by any person pursuant to a demand under this section, and—

"(A) any case or proceeding before any court or grand jury arising out of such investigation, or any proceeding before any Federal administrative or regulatory agency involving such material, has been completed, or

"(B) no case or proceeding in which such material may be used has been commenced within a reasonable time after completion of the examination and analysis of all documentary material and other information assembled in the course of such investigation,

the custodian shall, upon written request of the person who produced such material, return to such person any such material (other than copies thereof furnished to the custodian pursuant to paragraph (2) of this subsection or made by the Department of Justice pursuant to paragraph (3)(B) of this subsection) which has not passed into the control of any court, grand jury, or agency through the introduction thereof into the record of such case or proceedings.

"(6) In the event of the death, disability, or separation from service in the Department of Justice of the custodian of any documentary material, answers to interrogatories, or transcripts of oral testimony produced under any demand issued pursuant to this section, or of the official relief of such custodian from responsibility for the custody and control of such material, answers or transcripts, the Attorney General or his authorized designee shall promptly (A) designate another False Claims Act investigator to serve as custodian of such material, answers, or transcripts, and (B) transmit in writing to the person who produced such material, answers, or testimony notice as to the identity and address of the successor so designated. Any successor designated under this subsection shall have, with regard to such material, answers or transcripts, all duties and responsibilities imposed by this Act upon his predecessor in office with regard thereto, except that he shall not be held responsible for any default or dereliction which occurred prior to his designation.

"(k)(1) Whenever any person fails to comply with any civil investigative demand served upon him under subsection (b) or whenever satisfactory copying or reproduction of any such material cannot be done and such person refuses to surrender such material, the Attorney General, through such officers or attorneys as he may designate, may file in the district court of the United States for any judicial district in which such person resides, is found, or transacts business, and serve upon such person a petition for an order of such court for the enforcement of this section.

"(2)(A) Within twenty days after the service of any such demand upon any person, or at any time before the return date specified in the demand, whichever period is shorter, or within such period exceeding twenty days after service or in excess of such return date as may be prescribed in writing, subsequent to service, by any False Claims Act investigator named in the demand, such person may file, in the district court of the United States for the judicial district within which such person resides, is found, or transacts business, and serve upon such False Claims Act investigator a petition for an order of such court, modifying or setting aside such demand. In the case of a petition addressed to an express demand for any product of discovery, a petition to modify or set aside such demand may be brought only in the district court of the United States for the judicial district in which the proceeding in which such discovery was obtained is or was last pending.

"(B) The time allowed for compliance with the demand, in whole or in part, as deemed proper and ordered by the court shall not run during the pendency of such petition in the court, except that such person shall comply with any portions of the demand not sought to be modified or set aside. Such petition shall specify each ground upon which the petitioner relies in seeking such relief, and may be based upon any failure of such demand to comply with the provisions of this section or upon any constitutional or other legal right or privilege of such person.

"(3) Within twenty days after the service of any express demand for any product of discovery upon, or at any time before, the return date specified in the demand, whichever period is shorter, or within such period exceeding twenty days after service or in excess of such return date as may be prescribed in writing, subsequent to service, by any False Claims Act investigator named in the demand, the person from whom such discovery was obtained may file, in the district court of the United States for the judicial district in which the proceeding in which such discovery was obtained is or was last pending, and serve upon any False Claims Act investigator named in the demand and upon the recipient of the demand, a petition for an order of such court modifying or setting aside those portions of the demand requiring production of any such product of discovery. Such petition shall specify each ground upon which the petitioner relies in seeking such relief and may be based upon any failure of such portions of the demand to comply with the provisions of this section, or upon any constitutional or other legal right or privilege of the petitioner. During the pendency of such petition, the court may stay, as it deems

proper, compliance with the demand and the running of the time allowed for compliance with the demand.

"(4) At any time during which any custodian is in custody or control of any documentary material, answers to interrogatories delivered, or transcripts of oral testimony given by any person in compliance with any such demand, such person, and in the case of an express demand for any product of discovery, the person from whom such discovery was obtained, may file, in the district court of the United States for the judicial district within which the office of such custodian is situated, and serve upon such custodian, a petition for an order of such court requiring the performance by such custodian of any duty imposed upon him by this section.

"(5) Whenever any petition is filed in any district court of the United States under this section, such court shall have jurisdiction to hear and determine the matter so presented, and to enter such order or orders as may be required to carry into effect the provisions of this section. Any final order so entered shall be subject to appeal pursuant to section 1291 of title 28. Any disobedience of any final order entered under this section by any court shall be punished as a contempt thereof.

"(6) To the extent that such rules may have application and are not inconsistent with the provisions of this section, the Federal Rules of Civil Procedure shall apply to any petition under this subsection.

"(7) Any documentary material, answers to written interrogatories, or oral testimony provided pursuant to any demand issued under this section and sections 3729 through 3731 shall be exempt from disclosure under section 552 of title 5.".

SEC. 6. (a) Subchapter III of chapter 37 of title 31, United States Code, is further amended by adding at the end thereof the following:

"§ 3734. Whistleblower protection

"Any employee who is discharged, demoted, suspended, threatened, harassed, or in any other manner discriminated against in the terms or conditions of such employment by his employer because of the good faith exercise by such employee on behalf of himself or others of any option afforded by this Act, including investigation for, initiation of, testimony for, or assistance in an action filed or to be filed under this Act, shall be entitled to all relief necessary to make him whole. Such relief shall include reinstatement with full seniority rights, backpay with interest, and compensation for any special damages sustained as a result of the discrimination, including litigation costs and reasonable attorney fees. In addition, the employer shall be liable to such employee for twice the amount of backpay and special damages and, if appropriate under the circumstances, the court shall award punitive damages.".

(b) The table of sections for chapter 37 of title 31, United States Code, is amended by adding at the end thereof the following new items:

"3732. False claims jurisdiction.
"3733. Civil investigative demands.
"3734. Whistleblower protection.".

SEC. 7. (a) Section 286 of title 18, United States Code, is amended by striking out "$10,000" and inserting in lieu thereof "$1,000,000 notwithstanding the provisions of section 3623,".

(b) Section 287 of title 18, United States Code, is amended by striking out "$10,000, or imprisoned not more than five years" and inserting in lieu thereof "$1,000,000, or imprisoned for not more than ten years, or both, notwithstanding the provisions of section 3623".

SEC. 8. This Act and the amendments made by this Act shall become effective upon the date of enactment.

□ 2130

Mr. DOLE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## DIPLOMATIC SECURITY ACT

Mr. DOLE. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 4151.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representative:

*Resolved*, That the House disagree to the amendment of the Senate to the bill (H.R. 4151) entitled "An Act to provide enhanced diplomatic security and combat international terrorism, and for other purposes", and ask for a conference with the Senate on the disagreeing votes of the two Houses thereon.

*Ordered*, That the following are appointed as conferees for consideration of all matters: Mr. Fascell, Mr. Yatron, Mr. Mica, Mr. Kostmayer, Mr. Smith of Florida, Mr. Weiss, Mr. MacKay, Mr. Broomfield, Mr. Gilman, Ms. Snowe, Mr. Mack, and Mr. McCain.

Appointed as additional conferees, for consideration of title IX of the House bill and modifications thereof committed to conference: Mr. Jones of North Carolina, Mr. Biaggi, Mr. Studds, Mr. Davis, and Mr. Snyder.

Appointed as additional conferees, for consideration of Titles III, VIII, XI, and section 603 of the House bill and modifications thereof committed to conference: Mr. Aspin, Mr. Price, and Mr. Dickinson.

Appointed as additional conferees, for consideration of sections 702 and 703, 711, 713 714 of the Senate amendment, and modifications thereof committed to conference: Mr. Rodino, Mr. Hughes, Mr. Edwards of California, Mr. Conyers, Mr. McCollum, Mr. Lungren, and Mr. Gekas.

Appointed as additional conferees, for consideration of title III and title VIII of the House bill and modifications thereof committed to conference: Mr. Ford of Michigan, Mrs. Schroeder, Ms. Oakar, Mr. Horton, and Mr. Young of Alaska.

Mr. DOLE. Mr. President, I move that the Senate insist on its amendment and agree to the request for conference with the House, and ask that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Chair appointed the following conferees on the part of the Senate:

Senators LUGAR, HELMS, MATHIAS, KASSEBAUM, PELL, BIDEN, and SARBANES.

Additonal conferees for consideration of sections 702, 703, 711, 713, and 714 of the Senate-passed measure: Senators GRASSLEY, DENTON, SPECTER, DECONCINI, and LEAHY.

Additional conferees for the consideration of section 702 of the Senate-passed Measure: Senators MATHIAS and EAGLETON.

Additional conferees for the consideration of sections 706 and 707 of the Senate-passed measure: Senators DANFORTH and HOLLINGS.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## TARIFF ON CHOCOLATE

Mr. DOLE. Mr. President, I send to the desk a resolution and ask for its immediate consideration. The resolution is submitted on behalf of myself and the following cosponsors: Senators PACKWOOD, LUGAR, HELMS, SIMPSON, GORTON, EVANS, HEINZ, D'AMATO, ROTH, MURKOWSKI, CHAFEE, MATSUNAGA, BENTSEN, LAUTENBERG, ZORINSKY, NUNN, BRADLEY, MOYNIHAN, HARKIN, PRYOR, HEFLIN, DIXON, WARNER, GRASSLEY, ABDNOR, and LEAHY.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 465) relating to a tariff on chocolate.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. BYRD. There is no objection.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DOLE. Mr. President, American confectionery manufacturers are among this Nation's largest industrial consumers of sugar, milk, peanuts, and a variety of other agricultural products including wheat, corn, almonds, and raisins. They are not a subsidized industry and meet the challenge of strong import competition without a buffer of tariffs and quotas.

The confectionery industry is attempting to expand exports and is meeting a serious tariff obstacle in Japan. The administration, backed by members of both Houses of Congress, has pressed Japan to lower its 20-percent tariff on chocolate to the United States duty rate of 7 percent. Even though Japan has promised to open its markets to imported goods, it has refused to lift the tariff barrier to this competitive United States export.

This issue transcends the $12 million in United States confectionery exports to Japan. The "chocolate issue" symbolizes the inequity of many of our bilateral trade relationships where U.S. exports are blocked by the very na-

tions who benefit most from the openness of the U.S. markets.

I urge Members of the Senate to vote for this resolution, in the realization of fair and reciprocal confectionery trade between the United States and Japan.

Mr. BYRD. Mr. President, I ask unanimous consent that Mr. LEAHY's name be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

*Resolved,*

Whereas, the U.S. confectionery industry is a major industrial consumer of domestically grown sugar, milk, peanuts, and other U.S. agricultural commodities; and,

Whereas, the expansion of overseas markets for U.S. chocolate and confectionery exports will directly benefit supplier industries including sugar and milk producers, and growers of peanuts, almonds, raisins, corn and wheat; and,

Whereas, increased U.S. exports of chocolate enhances demand for cocoa beans and cocoa by products from developing nations whose economies depend on cocoa for export earnings; and

Whereas, the United States includes among its trade policy objectives reciprocity in confectionery trade with Japan and other nations; and,

Whereas, the U.S. confectionery market is open and tariffs are among the lowest in the world; and,

Whereas, Japan has restricted competitive U.S. exports of chocolate by maintaining tariffs that are among the highest of any industrialized nation;

It is therefore the sense of the Senate that:

The President should use all appropriate powers of his office to secure from Japan a reduction of that nation's tariff on chocolate to a level at parity with the United States by April 1987.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## CORRECTION IN ENROLLMENT OF S. 1708

Mr. DOLE. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to correct the enrollment of S. 1708 to reflect the proper name, which I send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The correction is as follows:

On page 1, line 5, before the word "Julio", insert the word "Nieves".

## EXECUTIVE SESSION

Mr. DOLE. Mr. President, I inquire of the minority leader if he is in a position to confirm either of the following nominations on the Executive Calendar: No. 957, Robert W. Beuley; No. 965, James Eugene Burnett, Jr.

Mr. BYRD. Mr. President, those nominations have been cleared on this side of the aisle by all Members, and we are ready to proceed to the confirmation thereof.

Mr. DOLE. I thank the distinguished minority leader.

I ask unanimous consent that the Senate go into executive session to consider the nominations just identified and that the nominations be considered and confirmed en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered, and the nominations are considered en bloc and confirmed en bloc.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF AGRICULTURE

Robert W. Beuley, of Virginia, to be Inspector General, Department of Agriculture, vice John V. Graziano, resigned.

NATIONAL TRANSPORTATION SAFETY BOARD

James Eugene Burnett, Jr., of Arkansas, to be Chairman of the National Transportation Safety Board for a term of two years. (Reappointment)

JAMES EUGENE BURNETT, JR.

Mr. BYRD. Mr. President, I wish to express support for the nomination of James Eugene Burnett, Jr., to be chairman of the National Transportation Safety Board for the term of 2 years.

Mr. Burnett certainly performed very, very well. He has been a strong advocate of aviation safety. I think that his services that have been rendered have been exemplary. I believe he is entitled to the position for which he is being nominated, and I am very proud to support the nomination.

Mr. DOLE. Mr. President, I move to reconsider the votes by which the nominations were confirmed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, I ask unanimous consent that the President be immediately notified that the Senate has given its consent to these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

## LEGISLATIVE SESSION

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate now resume the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

## DROPOUT PREVENTION AND REENTRY

Mr. BYRD. Mr. President, there is a message at the desk from the House of Representatives on H.R. 3042, Dropout Prevention and Reentry Act. I ask that the bill be read for the first time.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The legislative clerk read as follows:

A bill (H.R. 3042) to authorize the Secretary of Education to make grants to local educational agencies for dropout prevention and reentry demonstration projects.

Mr. DOLE. Is that the first reading or second?

Mr. BYRD. Mr. President, I ask the bill be read the second time.

Mr. DOLE. Mr. President, I object to further consideration.

The PRESIDING OFFICER. Objection is heard.

## EMERGENCY ASSISTANCE TO FARMERS AND RANCHERS

The PRESIDING OFFICER. The clerk will read H.R. 5288.

The legislative clerk read as follows:

A bill (H.R. 5288) to provide emergency assistance to farmers and ranchers adversely affected by natural disasters in 1986.

Mr. DOLE. Mr. President, I object to further consideration.

The PRESIDING OFFICER. Objection is heard. The bill will be placed on the calendar.

## ON THE OCCASION OF GEORGE SHAPIRO'S RETIREMENT

Mr. MOYNIHAN. Mr. President, it has become very fashionable to criticize Government employees, and overlook the contribution made by public servants at all levels of Government. While such views about Government are often strongly held, they cannot belong to those who know of the career of George L. Shapiro, retiring today from full-time service at age 70, as an auditor for the office of deputy attorney general for Medicaid fraud in New York.

A lifelong New Yorker, George Shapiro spent most of his career as an accountant in the private sector. At the age of 60, when many other men and women are already contemplating retirement, Mr. Shapiro chose to begin a new career with the State of New York. He joined the office that was established in response to the revelations of Special Prosecutor Charles Hynes and the major scandal that shook public confidence in the nursing home industry. He lent—with dedication and energy—his skills as an auditor to rooting out fraud and corruption, first in the nursing home industry, and then in all aspects of the Medicaid Program, after the jurisdiction of his office was expanded.

New York's effort to investigate and prosecute Medicaid fraud became a model for the other States; today 37 States are operating Medicaid fraud units. Mr. Shapiro's audit work has

contributed to many convictions and the recovery of millions of dollars in civil penalties in the past 10 years. Even more important, his work, and the work of his colleagues, have done much to restore public confidence in our Medicaid Program. That is a priceless contribution, for which all New Yorkers are in his debt.

Mr. President, I commend George Shapiro, and send all good wishes and great congratulations to him upon his retirement.

## A SPECIAL EVENING FOR SENATOR MATHIAS

Mr. BYRD. Mr. President, the 99th Congress is pressing on toward its crest and climax. Though we have much work remaining before this session of Senate business comes to a close, already a certain wistfulness attends our duties.

After several cumulative decades of service, a number of Senators have declared their intentions of retiring. We all respect the decisions that those Senators have made and we understand many of the motives that led to those decisions to retire, but we likewise regret the departure of several of our distinguished colleagues, and come January, we shall miss these absent, good friends.

Undoubtedly, one of the most regretted of those retirements will be that of the senior Senator from Maryland, CHARLES MCC. "MAC" MATHIAS. I, for one, have been privileged to serve in the Senate with Senator MATHIAS for nearly 17 years. Over all of those years, I have found Senator MATHIAS to be one of the most cooperative, most decent, most principled Members of the Senate. Regardless of the situation or circumstances in which he has found himself, Senator MATHIAS has ever shown that grace, integrity, objectivity, reason, and statesmanship are integral and innate qualities of his character, I count the earning of Senator MATHIAS's friendship one of the intangible rewards of my own years in this body of distinguished Senators.

Of course, I am not alone in the esteem in which I hold the senior Senator from Maryland. Last month on July 14, approximately 1,300 of Senator MATHIAS's friends, admirers, and constituents gathered at the Baltimore Convention Center to register their regard for this outstanding Senator. The purpose of that occasion was to help underwrite the Charles McC. Mathias Scholarship Fund of the Johns Hopkins University's School of Advanced International Studies. Among those attending that dinner were Maryland Gov. Harry Hughes, Senator PAUL SARBANES, the distinguished Senate majority leader ROBERT DOLE, Senator NANCY KASSEBAUM, former Tennessee Senator Howard Baker, Baltimore Mayor Schaefer, and a wide range of leaders from the international, national, and Maryland State arenas. The transcript of the proceedings of that dinner contains the encomiums of many of Senator MATHIAS' friends, colleagues, associates, and peers, as they gave sincere expression to their gratitude, appreciation, respect, and love for an outstanding U.S. Senator and an outstanding American.

Mr. President, I ask unanimous consent that the transcript of that special tribute to Senator MATHIAS, along with the message that I sent him that evening, be printed in the RECORD.

There bring no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
OFFICE OF THE DEMOCRATIC LEADER,
*Washington, DC.*

Hon. CHARLES MCC. MATHIAS, Jr.,
*U.S. Senate,*
*Washington, DC.*

DEAR MAC: Although I cannot be present for tonight's special occasion for you in Baltimore, I send my greetings and congratulations, and I commend your friends throughout the State of Maryland for planning tonight's special celebration in recognition of your countless contributions to your home state and to our nation.

Throughout your Senate career, you have won for yourself a well deserved reputation as a statesman, a clear-thinking patriot, and a Senator who is able to see the many sides of issues objectively and fairly. Your departure from the Senate and from the affairs of our nation will create a deficit in leadership and wisdom that will be difficult to correct. All of your Senate colleagues and fellow-citizens stand forever in your debt.

That Johns Hopkins University will continue the "Mathias" tradition is appropriate, and I commend that great institution for its foresight in establishing the Charles McC. Mathias, Jr. Fund for The Johns Hopkins University's School of Advanced International Studies—a worthy monument to the legacy that you leave the United States because of your many years of public service.

Again, congratulations on the singular honor being shown you tonight, and best wishes as you enter a new phase of a sparkling career.

Sincerely yours,

ROBERT C. BYRD

### TRIBUTE TO SENATOR CHARLES MCC. MATHIAS, JR.

Rt. Rev. THEODORE EASTMAN. Let us Pray. Lord God Almighty, we acknowledge Your presence in our midst, and ask You to attend to our hesitant and inadequate words. In the midst of this celebration, we pause to thank You for the life and work of Your servant, Mac Mathias. He has responded to the promptings of Your spirit, and pursued with passion the ways of justice and truth to the benefit of many of this land and beyond. May all of us, and especially all who continue in public service, learn from the standard he has set and rededicate ourselves to guide this society along the road of freedom and equality for all. May the more than ample food and the unfettered conversation of this table remind us of the bounty and freedom You have bestowed on us favored few and strengthen our resolve to share such benefits with those less fortunate. As we now bless Your holy name we pray that You continue to bless us and all Your people for ever and ever. Amen.

JAMES W. ROUSE. Good evening. I am Jim Rouse. It is my pleasant role to be traffic cop tonight as we celebrate 34 extraordinary years of service by Maryland's great statesman, Mac Mathias. It is right and proper that we launch this celebration with words of welcome from the distinguished Governor of the State of Maryland: Harry Hughes.

Governor HARRY HUGHES. In the Reception Hall off the Senate Chamber hang the portraits of five of our greatest senators: Calhoun, Clay, La Follette, Taft and Webster. Interestingly, they each share several traits in common: a passion for independent thinking; a profound knowledge of government; and a reputation for statesmanship in the Senate. We honor tonight a senator who has exhibited these very attributes in his 26 years in the Congress. Indeed, because of these qualities, because of his areas of interest, service and knowledge, Charles McC. Mathias has fashioned a legacy rarely seen in the Senate.

Consider that today he is the only senator who serves on four major committees, one of which he chairs, and those committees are involved in, and affect, the most far-reaching and important aspects of our nation: Foreign Relations, Government Operations, the Judiciary and the Electoral Process. In the past, he was a ranking minority member of the Senate Subcommittee on Foreign Operations (of the Appropriations Committee) which oversees all foreign aid programs and defense-related matters. He is Chairman of the Subcommittee on International Economic Policy, which is concerned with such vital economic matters as the oil crisis and the Third World debt. He has also headed the committees that investigated the CIA's role, and helped reorganize the U.S. intelligence operation. On the domestic scene his efforts have benefited the lives of all Marylanders. In Baltimore, when you travel through the Fort McHenry Tunnel, take a subway ride or tour the Inner Harbor, you can thank Mac for his key efforts in Washington.

But Mac's greatest legacy may be that for a quarter of a century, he has stood for principle above politics, and he has done it in our nation's most important forum, the United States Senate. He has been one of those rare senators who has been popular in spite of, and not because of what they did. For more than often than not, his values and forsight made him speak out against popular or party line. The importance of the Senate and its members can be seen in the powers that are assigned to it. The framers of the Constitution intended the Senate to serve as an advisory council to the President. To the Senate alone is given the power to confirm the President's nominations for major federal offices, and to approve treaties by giving the President its advice and consent. Senator Mathias has, throughout his years in the Senate, given often of his council and wisdom, offered advice and consent on issues far broader than treaties. For this, he has at times been castigated and vilified, even by his own party, but he has held steadfast. He has articulated his position in speeches on the floor of the Senate, in addresses at forums around our state and in many editorial page articles, in private and also in public conversation. Some say that for his independence of thought he is a man without a party. But

I think history will show he is a man of both parties. Indeed, Charles McC. Mathias may be the rare senator who is a man above the party. And he is, because of both his intelligence and his integrity, for which senators on both sides of the aisle hold him in great respect. Integrity is a rare and precious attribute; unlike intelligence, integrity is, I believe, a self-made characteristic. Integrity is not inborn, it is the one characteristic that, not genes, but the generosity of our own spirit gives to us. It takes great integrity in politics to speak out and stand for what is not popular, for politics by definition is the art of pleasing the populace.

But Senator Mathias first educated and then led voters. His distinguished career is proof to elected officials that integrity in public office, the willingness to make the tough decisions on behalf of the greater good, ultimately serves one's constituencies the best. Yes, Charles McC. Mathias is a true statesman. His quarter of a century of service has earned him a special place among those Senators who have most influenced our nation. I'm proud to call him a friend and I'm also proud as Commander of Chief of the Maryland Navy, which isn't terribly big, and as a friend to make him an Admiral of that estuary that he has been so helpful in restoring, the Chesapeake Bay.

JIM ROUSE. If all the candidates and their potential supporters would sit down, I think we could probably move ahead. One of the really remarkable things about this evening is that we are on time. If all of our speakers obey the disciplines that have been carefully handed to them at their tables, we'll stay on time.

Our governor has expressed a welcome from the state of Maryland. The heart of Baltimore goes out to Mac Mathias. He has served us well. He is a great friend of the city and a good friend of our mayor who now comes to express greetings from the City of Baltimore, our distinguished mayor, Donald Schaefer.

Mayor WILLIAM DONALD SCHAEFER. I would like to welcome all of you to this great place called Baltimore, Maryland, this city. Baltimoreans are supposed to clap. Everything I say recently is controversial, but what I am going to say tonight is not debatable, because I am going to talk about a great American. It is truly a pleasure to be here tonight along with so many distinguished guests to honor one of Maryland's finest sons. When I say distinguished guests, I mean that. I haven't seen so many distinguished guests since Barbara Mikulski invited me to hear the President's State of the Union message over in Washington.

Walking down here Mr. Coleman said, "I gave you the Subway," and I said "Thank you". And I also said, "If you've got any more money I would like to extend it up to around Johns Hopkins!"

Mac Mathias. I sat down and I thought what am I going to write about this guy, what am I going to say about this wonderful, very special person. Those of us who have crossed paths with Senator Mathias are most fortunate. Sometimes when you attain a very lofty, very special and very prestigious position of a United States senator, you can lose touch with people. Well, that never happened to our senator. No matter who you are—a member of Congress, dignitary, rich or poor, young or old—he takes time to listen, to be concerned, to be interested and to help to bring about a better quality of life for all Americans. He has had a role in housing, civil rights, education, veterans affairs, world peace and all of these, of course, attest to his dedication to people. As mayor of this city, as mayor, I know of the impact on the local level. Never too busy to talk to the mayor, never too busy to help, no problem too large or too small, the door was always open and if he was not there his staff was there, and his staff was instructed: "Help him," and I appreciate that. He helped us with the programs for the poor, with the handicapped, housing for elderly, economic development; he helped to make the City of Baltimore, make our dreams become a reality, and for that we are eternally grateful.

As a member of the Appropriations Committee for several years, and I was over there, he always saw that we got a fair share of the federal tax dollar. Senator Mathias is the loving father of the Chesapeake Bay and the person that led the way to its salvation and he is known as Mr. Chesapeake Bay. The list is endless and we are very much aware of his accomplishments. One of the things that you like about a man like that, he was always quick to share and to give credit rather than take it for himself and that's one of the reasons for his greatness. Let me close by saying that all of us wish you the best, Mac in your new career, the establishment of the Mathias Fellowship at the School for International Studies at Johns Hopkins. We are going to continue to need and seek your advice in making Maryland America's best. When Mac Mathias speaks we will continue to listen and to profit. Mac, thank you on behalf of the City of Baltimore.

JIM ROUSE. This evening has grown out of a yearning on the part of many of us here tonight to express our affection, respect and gratitude for one the greatest statesmen in our country's history, and for one of the humblest men to hold high public office. That's not two men, but one: Mac Mathias, whose performance in office will become a legend of American political history.

We locals are honored together with Mac by having among us tonight a quorum of the United States Senate. How many times does that happen? There are justices from all levels of the court system, the head of Washington's diplomatic corps, and ambassadors from other great nations, and many others of distinguished service to our country, including some who disagree with Mac on almost all political issues, but have come to honor him for the person he is, as we all do.

You have noticed, I'm sure, by now that there is no speakers' table tonight, but that does not mean no speakers. In fact, there will be a number of speakers to remind us of the breadth and depth of Mac's service to his state and country. There will be farmers and watermen, leaders of labor and of business, of civil rights and the environment, those who will speak of his work for reconciliation among nations, the control of arms and for economic and social justice in the world. We will see Mac Mathias as a great, kind, reasonable man, of deep human values with an abiding sense of history, with a sparkling common sense and independent thought and action. The speakers will use a microphone near their tables—there are six. The speakers promise to be very brief, a little better than our governor and our mayor. Just one minute, maybe 90 seconds, maybe two minutes to provide flashes of light on the multitude of persons that conmstitute Mac Mathias.

We have to begin now, at the beginning. A great lady of the Republican party, a former Republican National Committeewoman from Maryland, who, together with her husband Eldred Rinehart, gave Mac the spur to make his first run for the state legislature (I won't tell you how long ago that was, but I will, 34 years ago): Kitty Massenburg Rinehart.

Mrs. KATHERINE BLACK RINEHART. We began as young Republicans in the 1950's and we went on from there to become McKeldin Republicans, Eisenhower Republicans, Rockefeller Republicans and, ultimately, Mathias Republicans. We were so fortunate in the fifties because we had a Republican president in the White House, we had a Republican governor in the State House, we had two U.S. senators and half of the congressional delegation, so they were heady times for all of us. Mac went to the Attorney General's office and was assigned immediately to the Maryland Racing Commission, of which my husband, Eldred Rinehart was the chairman. That began a personal and political friendship that was to last for many, many years. They were to serve in positions of leadership in the Republican Party for the next twenty years. And then Mac announced for the Congress from the back steps of Eldred Rinehart's home in Western Maryland.

But the proudest moment in my life was when I sat in the gallery in the Senate with Bill Rouse and Eldred Rinehart to see Mac sworn into the United States Senate. And as I looked down on some of those young men who were becoming Senators for the first time and realized that many of them had been young Republicans with us, I couldn't help but think: here, these young men, now a little older, were going to run the Senate and run the nation. And I thought, "Ye gods, them is us!" Maybe it is time to get off the merry-go-round, Mac, but we've had a lovely ride.

JIM ROUSE. Thank you, Kitty. And now at microphone four is a man who Mac would say has been "my friend all my life," a man who plants his fields and harvests his crops, a fine farmer from Frederick County: Bill Crum.

WILLIAM CRUM. Mac, I wonder how many people here tonight know that in ten days you are going to celebrate your 39th birthday. Well, it certainly is a pleasure for Barbara and me to be here tonight to honor you, Mac, as you prepare to leave the United States Senate. Your contributions are many and varied as I am sure the speaker will reveal. It doesn't seem like over 35 years that we've been friends and shared experiences together. I remember us discussing politics, and yes, agriculture as well, many times over the years. And I am sure that you share my feelings about the family farm, that it is a part of the very foundation of America. Important not only for the food and fiber it produces, but just as important for the molding of its youth, the fostering of integrity of character and the pride in the job well done. The family is the most important unit in our world, working together for a common goal, the work ethic personified.

Mac, do you remember the tour that we took in the early sixties over drought-stricken Frederick County? The farms we visited, the expressions on the farmers' faces and the words of appreciation that they gave, that you took the time to come and see what they were suffering and to do what you could for them? Mac, as this era ends and another begins, we hope the future keeps you just as busy as you want to be. Mac, we salute you as a public servant and as a friend. Of all the titles that can be be-

stowed upon us, none is as meaningful or as important as the title "Friend".

JIM ROUSE. Thank you, Bill. And now at table five, right out in front, is one of the really great, wonderful people of our state, a vigorous worker in the civil rights movement in Maryland and in the nation, a lawyer, the wife of one of our all-time greatest citizens and leaders, the mother of a distinguished family and friend of Mac's since he was a young Congressman who marched at Selma (not many people did that): Juanita Jackson Mitchell.

Mrs. JUANITA JACKSON MITCHELL. Jim, this goes back to 1951. I was a new lawyer, I had been admitted to the Bar in 1950, I was in my office and a voice came over the phone: "Mrs. Mitchell, this is Mac." Yes. "I'm Mac Mathias from Frederick." Yes. He said, "I have talked with the Mayor and City Council of Frederick and they have agreed with me that we will enter a consent decree and desegregate the theatre in the City Opera House which houses the City Council. They have agreed that that is right and just. And I said, "Oh! Mr. Mathias!" We were young, new lawyers, we were giving ourselves in the NAACP's cause, there wasn't much money and I thought, "No appeals, just a consent decree."

My mother said, "God has put His hand on the shoulder of that young man," and so He had. He became a state legislator, then a congressman and then a senator. He worked with my husband in getting the landmark civil rights bills into law.

Mac, we have come a long way in Maryland. Clarence and I have twelve grandchildren, we have even a little boy who thinks he'd like to be President. They have such hope in their eyes in this great nation of ours that it can be what it was meant to be. So Mac, we thank you, and especially for my grandchildren, that the America we hope and dream will be. They will help to make it because you paved the way. Thank you Mac.

JIM ROUSE. And Juanita, we all thank God for you and Clarence. We have with us tonight one of the political legends of Maryland, a man who, for 28 years of Maryland has been elected to serve as comptroller of the State of Maryland, and before that was a member of the senate, a wonderful, political character, a man: Louis Goldstein.

The Honorable LOUIS L. GOLDSTEIN. A pleasant good evening to Admiral, Senator Mac and Ann, and all the wonderful friends of Mac's, ladies and gentlemen. As Maryland's senior senator, Charles McC. Mathias has forged a reputation as a man with a far-reaching intellect, integrity and various interests—a real Jeffersonian Republican. To those of us who knew Mac Mathias when he was in the Maryland House of Delegates, his eventual national stature came as no surprise.

I went over and checked the legislative records for Mac's days in the House of Delegates, to which he was elected in 1958 from the great County of Frederick. He served in the 1959 and 1960 legislative sessions, he sponsored a bill to construct a new physics building at Johns Hopkins University (where he'll be serving with honor) and that has been accomplished. He also sponsored bills affecting farmland assessments and horse racing, the sport of the kings in Maryland, to name just a few that reflected his wide-ranging interests. By 1959 I had moved across the street from the senate to be State Comptroller, but I remember Mac from many lunchtime conversations at a little campus restaurant on Maryland Avenue during the legislative sessions. What Mac Mathias learned as a distinguished legislator in the historic Maryland State House benefited all Americans. Then he took his seat on Capitol Hill in Washington, D.C., as a member of the United States House of Representatives in 1961 and later as a United States Senator, where he has served his state and nation with honor and distinction for 26 long years. Mac, we wish you the best of luck in the future, and may God love and bless you and Ann and your wonderful family real good with continued success, good health and happiness. I thank you.

JIM ROUSE. Thank you Louis. We have another member of Congress from Maryland who retired at the height of his power and influence, and who might have gone on a long time. He is a former member of Congress who managed Mac's campaign for the House, who succeeded him as a congressman from Montgomery County, and served with him in Congress (figure that one out): Gil Gude.

The Honorable GILBERT GUDE. As everybody knows in the audience, Mac is not a secretive man, but one of the best kept secrets of his career was his hideaway up on Little Bullskin Creek, which is, I have to say, over in West Virginia. (It is) his farm, where he went to soak up much of the tradition and the greatness of the statesmen of West Virginia and Virginia, as well as of Maryland. And I think that it reflected Mac's hours and meditation over there on Little Bullskin, reflected his love for the Potomac Valley—the Chespeake and Ohio Canal, the Potomac River—one of the greatest valleys in America. One of the accomplishments of Mac Mathias, through his leadership, the Chesapeake and Ohio Canal National Historic Park was established. It is a legacy for the Potomac Valley, one of the richest slices of American history, and Mac we are everlastingly grateful for your leadership. I've benefited and all of Maryland has benefited. Thank You.

JIM ROUSE. And now a labor leader from the State of Maryland, president of the Western Maryland Central Labor Council, which took the radical action under his leadership of endorsing a young Republican for Congress: Stanley Zorick.

STANLEY ZORICK. Labor recognized in the very early years, in fact many more than twenty years ago, that here was a man who stood above the crowd, a man with inherent qualities of decency, honesty and fairness. His decisions were made only after he gathered and studied all of the facts on the issue at hand, never prejudging and never being vindictive. The years that he has served his country have more than proven that. So from the mountains of western Maryland to the shores of Maryland's Atlantic shore, we salute you, we thank you, and may God bless you, Charles McC. Mathias, Senator and Statesman.

JIM ROUSE. Thank you Stanley Zorick. We have a distinguished new citizen of Maryland here tonight. Many of you will be surprised to find that he is a citizen of Maryland. He's a national leader in the civil rights movement, executive director of the NAACP, which has just established its national headquarters in Baltimore: Ben Hooks.

Dr. BENJAMIN L. HOOKS. Charles McC. Mathias stands as a towering, illuminous and powerful personality in the midst of the world's greatest deliberative body, the United States Senate. As Executive Director of the NAACP and Chairman of the Leadership Conference on Civil Rights, an organization of more than 165 civil rights groups, I can tell you that Senator Mathias has been there when we needed him. We could not only count him, we could count on him. He has stood tall and acted with compassion and concern. As he leaves the Senate, I thank God that he is not leaving his dedication and devotion to the democratic process and the concept of equal justice under the law for all Americans. We salute and felicitate him and wish him many more years of constructive and useful life. Tonight I say, "Thank God for this Senator and may his tribe increase, and may his brand of Republicanism spread and grow until it shall become the credo for all America." I am glad to be here on this occasion. As a black man I have felt the slings and arrows of outrageous segregation. I've sat on the back of the bus, the front of the train and the third balcony of the movie theatre, and yet through pains and tears I always kept the faith that one day America would redeem its promise made many years ago in the Declaration of Independence that all of us were created equal. Thanks to people like Senator Mac Mathias, we have begun that process and we are well on the way. And I believe that with your support and his continued guidance and help we shall one day reach that land where all of us could say, "Oh Beautiful for spacious skies, for amber waves of grain, for purple mountains majesty above the fruited plain. America, America God shed His grace on thee." And now, let us go out and, "Crown that good with sisterhood and brotherhood from sea to shining sea."

JIM ROUSE. Over here at microphone number six is a great leader of the Senate, who came to the House of Representatives with Mac in 1961,and to the Senate in 1969 together, the Majority Leader of the Senate, best known as the husband of the Secretary of Transportation Elizabeth Dole: Senator Robert Dole.

Senator ROBERT DOLE. Senators only speak now on television, so I am waiting for the set, but we are there (on TV) because of Mac Mathias. (That is) another area that many people may not give Mac credit for, but it has been Mac's insistence along with Senator Baker's over the years to bring us into the twentieth century. As Jim indicated, I am the only one in this room who served every day, every week, every month, every year with Mac Mathias in the Congress. We were both elected in 1960, Maryland and Kansas; we both moved to the Senate, we say the upper body, some say we're promoted, some said goodbye. But in any event, Mac and I have known each other for a long, long time and we've been friends, and we understand one another. When I go to Mac, I say, "Mac, can you help me on this one?" and he says. "No." And we understand one another. But I don't give up, I go back on the next day and say, "Mac, can you help me on this one?" and he says, "Yes." That's really what it is all about.

I am very proud of Mac Mathias, my friend, and a Republican member of the United States Senate. We have been trying to urge Mac to delay this farewell party. We promised him a bigger crowd in 1992. We did everything we could think of to change Mac's mind. I guess maybe he witnessed what I witnessed in my state recently, this is a tough year to run for re-election. I was in Kansas only last week and on the front row there were four farmers seated in this little town meeting and they all had baseball caps on. Across the top of the cap, there were two words "Dump Dole". Well, I put them down as undecided. But this is a very tough

year. It is one of those years in politics where it is going to be very exciting.

We are going to miss Mac Mathias. I want to say on behalf of all of my colleagues—and there may be others of my colleagues speaking tonight—in both parties because Mac has reached across both parties over the years, he has set an example for many of us in the area of civil rights, as Ben Hooks just alluded to. He has been a leader in many, many areas, but above all he has been our friend.

I know of no better Senator than Mac Mathias. I have known of no one who could be more convincing on the Senate floor than Mac Mathias. I know of no one who can make his point in less time on the Senate floor, and believe me that is appreciated. So I will say to this audience, many of you who have grown up with Mac, and support Mac, Republicans and Democrats and Independents, and maybe even one or two that stole into the wrong meeting. We're very pleased to be here, we're pleased to salute Mac and Ann from my state, from all of the states of America, Thank You.

JIM ROUSE. Thank you Bob Dole. And now a senator who is blessed with a special heritage, which we share as Eastern Shoremen, and for those of you from outside the state, you better ask, because it's very important in Maryland. He speaks for the Maryland Delegation in Congress, he's a good friend of Mac's and he's a leader of remarkable unity of Democrats and Republicans in the House and the Senate, Senator Paul Sarbanes.

Senator PAUL S. SARBANES. I know I speak for my colleagues in the Maryland Delegation, and indeed for my colleagues in the Senate and the House, when I say it has been a honor to work with Mac Mathias and to be his colleague and his friend. Mac is a leader of integrity and intellect, of courage and compassion, for whom we all have the deepest respect and admiration.

For more than 30 years in public service at the local, state and federal levels, Mac has been steadfast in his commitment to the vision of our Founding Fathers, to the principles of our Constitution, and to the well-being of all our people. His eloquent advocacy of humane values, his deep belief in the words inscribed above the Supreme Court, "equal justice under law", have elevated our national life and made a singular contribution to a just and decent society.

Mac's politics have been marked by a civility and grace which ennoble our national life and drive from the political scene the mean and the petty. Maryland and the nation have indeed been fortunate to have a man of Mac's quality in public office. Christine and I are delighted to join all of you in this salute to Mac and to Ann, whose strength of conviction and kindness we also deeply treasure. Thank you.

JIM ROUSE. Thank you, Paul. And now the daughter of a Republican nominee for president, first woman to be elected in her own right to the Senate, who sits with Mac on the Foreign Relations Committee, and lives by him very closely in the Russell Building as a neighbor in the Senate: Nancy Kassebaum.

The Honorable NANCY L. KASSEBAUM. Mac, now that you have chosen full-time farming instead of another term in the Senate, you have only confirmed what I have believed your qualities as colleague to have always been: wise and discriminating. You have debated the issues of the day with measured purpose and a twinkle in your eye, separating the wheat from the chaff. I have tended to believe this is because the measured purpose stems from a great love, respect and a keen appreciation for history and for the land. You will be sorely missed, by all of us, you and your old blue car, but your presence will be there always as a guide for future generations of lawmakers. With best wishes for you and Ann in your new challenges and adventures.

JIM ROUSE. Thank you, Senator Kassebaum. And now we're going to have a special intervention in the program tonight, not planned, but it has come upon some of us as being just right. Any of you who don't have wine in your glasses, and can find it at your tables, pour yourself a bit because we're going to have a toast. As a very special and honored guest tonight, there's a person who honors Mac very specially just by being here. He comes as a matter of national sacrifice, while his staff and family stay in the embassy of their country to celebrate an important national holiday with important national significance to them. The Ambassador from France comes to us tonight on Bastille Day to give a toast to whomever and however he chooses: Ambassador de Margerie.

AMBASSADOR EMMANUEL DE MARGERIE. This is indeed Bastille Day for us, tonight, as the band kindly remembered a moment ago. I really ought not be here at all. I ought to be celebrating in Washington with the French war veterans. But how could one not be here tonight, when the occasion is given to celebrate a great man, a man to whom so many ambassadors, and I among them in Washington, have turned to get wisdom and good advice. A man whom we have asked to unravel the complexities of a political situation which he tried to understand. A man whom we ask to show us what the ways of the world are in the official dome of the Capitol of the United States. A man who could judge events both from a lofty point of view and with a great good common sense. So this is why I am here tonight, this is why I am coming to pay my respects to someone who has caused us to admire even more your great institution, and this is why I am sure that the French veterans in Washington are forgiving me for not being with them because I am celebrating Mac Mathias, United States Senator. Mac, to your health! A toast.

JIM ROUSE. And a toast to you, Emmanuel de Margerie for being here with us tonight. For 20 years there has been a great statesman in the struggle to control militarism, the negotiator of SALT I, head of the national arms control and disarmament agency, and a close friend of Mac Mathias: Gerard C. Smith.

The Honorable GERARD C. SMITH. There are many notable public figures who pay lip service to the importance of bringing some control over nuclear weapons. But Mac Mathias is one of the few that I have known over the years who has tried to do something about it. He has introduced a resolution which has been passed by the Senate to stop all nuclear testing. A similar resolution has been passed by the House. We are facing a great dilemma in this country as to whether, and how far, we should go in trying to mount strategic defenses. I think Mac Mathias, without being against or in any way subjective about it, has generated an area, an arena of feeling of prudence about this, which I share, and so I would say for all of those in this country who would like to escape from the thralldom of nuclear weapons, we thank you very much, Mac. Keep it up.

JIM ROUSE. Thank you, sir. Formerly an executive director of the American Civil Liberties Union, a lawyer, and now vice-president of the Harvard Corporation: John Shattuck.

JOHN SHATTUCK. Trying to capture in a few moments what Mac Mathias has meant to the defense of civil liberties for the last three decades, is a little like trying to speed-read through a contemporary history of the Bill of Rights. I would hazard to guess that Mac Mathias knows the truth that H. L. Mencken told another Baltimore audience many years ago. He said, "The trouble about fighting for human freedom is that you have to spend much of your life defending the unpopular, for oppressive laws are always aimed at them first, and oppression must be stopped in the beginning if it is to be stopped at all." That's a very tough calling for a U.S. Senator. In defending freedom, Mac Mathias has been the kind of leader Edmund Burke aspired to be two centuries ago, the kind of leader Burke was talking about when he told his Bristol constituents in 1774, "Your representative owes you not his industry only, but his independent judgment, for he betrays, instead of serving you, if he sacrifices his judgment to your opinion."

There are countless examples of what Mac Mathias has done for civil liberties. Let me cite just one because it encompasses them all. For three years, from 1981 to 1983 he was at the forefront of the defense of federal courts against efforts in the Congress to strip off their jurisdiction over certain unpopular constitutional issues. He summed up what was at stake at the beginning of that great debate which occupied the greater part of two years in the Congress when he asked the Senate on June 18, 1981, if we were to deprive the federal courts of jurisdiction over one constitutional issue, would it not then be possible to vitiate the entire Bill of Rights on which our country was founded. Later that month, Mac Mathias thanked another Senator for joining him in the debate. And what he said captured the kind of man he is far better than anything further I could say about him.

Let me tell you what Mac Mathias had to say about a fellow senator on July 8, 1981: "Mr. President, I have taken great heart in the Senator's statement. I take great confidence from the fact that he stands shoulder-to-shoulder with me. That is not a question of physical size. We are dealing here with a matter of principle, a matter of philosophy, a matter of very basic national policy and the stature of people that engage in this battle will not be measured by feet and inches but by the breath of their concepts. That does not exclude people on either side of this debate, because there will be room, not only room but also demand for very clear understanding of the constitutional principles. It is in that realm of dimension that I know senators will be engaging in this battle."

Senator Mathias, it is in that realm of dimension that you are without peer. Thank you.

JIM ROUSE. Thank you, sir. The next speaker was to be a distinguished man, the president of one of our fine liberal arts colleges on the Eastern Shore of Maryland, the President of Washington College, Douglass Cater, but he injured his leg and could not be here. But we have a wonderful substitute. We have Mac's son, Charles Mathias, who has been a distinguished student at Harvard and at University of Virginia Law

School, a marvelous young man, Charles Mathias.

DOUGLASS CATER (read by CHARLES MATHIAS). Thank you very much, it is very difficult to stand in Douglass Cater's shoes this evening and it's quite frankly sort of a surprise. But, I think when you hear the citation that he prepared for this evening, I think that you will agree that I am very lucky that he wrote a very, very eloquent script for me to follow.

He has written: "To step down from high elective office while still in the prime whether measured by age or public esteem takes a special resolve. Those who have watched and admired the career of Charles McCurdy Mathias, Jr. hold no fear that he will soon disappear from public life. His capacities are not confined by loyalty to the state he represents or the party with which he is affiliated. He is the quintessential independent—reflective, sagacious, almost serene. Maryland has never been served by a finer senator. Washington College has already bestowed its highest academic award on Senator Mathias in recognition of his many contributions to this state. Now as he takes on the mantle of a young elder statesman, we award him this special citation, adding a gold trim to his maroon and black doctoral hood for achievements yet to be recorded in the dedicated service of mankind."

JIM ROUSE. And now, a man of the Chesapeake Bay, fishing, crabbing, oystering, since 1973, president of the Maryland Watermen's Association, a worker with Mac to renew the nation's greatest estuary: Larry Simms.

LARRY SIMMS. I am very proud to be here tonight for such a special occasion, honoring such a great man. I can tell you for one that he is a great man and I will explain that. He not only represents the big people in the big metropolitan area where he gets his most votes, but he represents small areas like the county I come from which is the smallest county in the state, which is Kent County. I also represent a small segment of the population in the state of Maryland. But that hasn't made any difference to the Senator, because he listens to me just likes he listens to the Governor, or the Mayor of Baltimore.

I want to tell you a little story about a man that does something that is not popular in his time and how great that has turned out. Back in the early seventies when we first formed the Maryland Watermen's Association, we were faced with knowing what was happening to the Bay and no one else knowing it because we saw it everyday. And we would go to the bureaucrats and the scientists and the biologists and say, "look, this here treatment plant is harming our reproduction of a certain species, maybe striped bass." And they would say, "Well, that is fine that you would say that, but where is your proof? Where is your evidence that this is so? We think that you are overharvesting it and we should cut back on your production." Well, it was very frustrating to say the least. So we talked to many politicians and many bureaucrats with the same answer: that we did not have scientific evidence to prove our case. So one day when Senator Mathias was forming a boat trip around the Bay, which I helped him get together, (in fact he has been on my boat many times seeing how we harvested different species) he asked me what were the problems that we saw as watermen that needed correcting. I explained to him that we were having problems convincing the people that the bay was declining. Even though we were catching plenty at the time, we saw a trend that was beginning to happen that wasn't going to be good for us. He asked me what the problems were, and I told him what we were running up against. We couldn't prove it scientifically.

So, after talking to so many people, I said that it was nice to talk to him and it was nice that he listened to me, but that is probably as far as it is going to go. The next thing I heard, he had called my office a couple of times and got some more information and then I heard about a bill that he introduced for a $27 million study, to study the Chesapeake Bay and the problems. Now that was not a popular thing to do in those days. There were a lot of big businesses that did not want to see that happen. Lots of people did not think anything was wrong. They thought it was a waste of money. But he started that ball rolling, and it was like a snowball; he started with a little ball and he had to roll uphill and let it roll downhill and he picked up a few people along the way. But he never stopped, he kept right on driving that snowball trying to make it bigger. He got the public involved and all the politicians involved and now we are on the way to saving the Bay.

We know what the problems are and we know what needs to be corrected, and I will tell you that he is still in there fighting and I think that that shows what kind of man he is, and makes him a great man in my book. My people that I represent, the watermen of the Chesapeake Bay, are direct benefactors of that move, but every person in the state of Maryland and as far as that goes, any person in the United States benefits by saving the Chesapeake Bay because you have sampled some of the fine seafood here tonight and everybody in the country knows the Chesapeake Bay for its seafood and I think that we have Senator Mac Mathias to thank for starting that ball rolling and for that I say on behalf of myself, and the watermen that I represent, the people that use that Chesapeake Bay, and the Chesapeake Bay itself: Thank you, thank you, thank you.

JIM ROUSE. Thank you, Larry Simns. The Regional Vice President of America's Federation of Government Employees, a worker with Mac for the rights of government workers: John Gage.

JOHN GAGE. Senator Mathias was never one to follow the crowd down in Washington, neither crowd down there. When it was popular to bash federal workers, Mac always saw federal workers as real people, like those who get the Social Security checks out on time and not as faceless bureaucrats. I remember when the Panama Canal business was before the Senate, there was Senator Mathias who stood up and made sure that the workers down in Panama maintained their collective bargaining rights. Or a little later when some outlandish RIF regulations were proposed, it was Senator Mathias who took to the floor of the Senate and very eloquently blocked them. Even more recently, when a certain confirmation came before his committee, Mac did not even have to make up his mind, he simply sat there and made sure that all the facts came out and that seemed to be enough. I don't think there will ever be another one like him, a true man of style as well as substance. Best wishes to you Senator, we will miss you greatly.

JIM ROUSE. Thank you, John Gage. One of Mac's distinguished constituents, and woman of the year in Baltimore County in 1986: Lillian Lee Kim.

Ms. LILLIAN LEE KIM. Whenever I have communicated with Senator Mathias concerning immigration, social security and other matters for members of the Chinese community, he and his aides have endeared themselves to us. His staff, reflecting his interest in the concerns and problems of those who have turned to him for advice and assistance are prompt and courteous in replying. The senator's follow-through has always shown a personal touch, genuine interest with direct appeal to the proper source for the information requested, reporting back to us as soon as possible. We have always been deeply impressed with his thoroughness, kindness and understanding. We shall miss Senator Mathias when he leaves the Senate and retires from political life. He takes with him our deep gratitude for outstanding service through his constituents and to our country. We're happy he will still be sharing his wisdom and knowledge with future leaders in his academic endeavors at Johns Hopkins University. Thank you, Senator Mathias and best for the future.

JIM ROUSE. Thank you, Ms. Kim. A great man in the Senate with 18 years of service, a close friend of Mac's—Mac nominated him for majority leader of the Senate, where he served for four years before his retirement from the Senate two years ago—Senator Howard Baker.

Senator HOWARD BAKER. Ladies and gentlemen, it may be that my principle function tonight is to prove to my friend Mac Mathias that there is indeed life after the Senate. Mac, there is, and I must tell you however, in all candor, that, notwithstanding your many years of public service and your distinguished service in the Congress of the United States, that political fame is fleeting, and I can prove that by telling you what happened to me the other day. I had just been out of the Senate, I thought, a very brief time, when I was walking through the National Airport in Washington and a man came over and says, "I know you, now don't tell me your name I'll think of it." I said, "It's Howard Baker," and he said, "No, that's not it."

Well, my friends, it is a special pleasure for me to be here tonight and to pay tribute to one of the great men of the Congress, and Congress has had many. Congress is indeed the people's branch, it has been the home, and it has been the central place that the people of this nation express the full dimension of their sovereignty. The Congress has been very special in another way, in that it takes very seriously, and very literally, the Constitution and judicial admonition, that it is a separate and equal branch. Mac Mathias, I think, more than most, and perhaps more than any that I have known, personifies that independence and separateness: his understanding of the speciality of his constitutional role in the Senate, his ability to joust with presidents, to agree with his colleagues and to disagree on great issues, and to express the very unique and special power of the Congress of the United States.

Tonight is Mac Mathias' night, and I simply want to join his many other friends, his admirers in this room in congratulating Mac as he completes a tenure in the Senate that I think has been characterized by integrity, by civility, decency, by intelligence and courage, and most, my friends, by surpassing devotion to the people of Maryland and the best interest of our country. And this state and this nation are richer, fairer and better in every way because of his tal-

ented and thoughtful service. And with all of you I am glad to call Mac Mathias my friend and to wish him well.

JIM ROUSE. Thank you, Senator Baker. We are especially honored tonight by the presence of the Dean of Washington's Diplomatic Corps, the Ambassador from Sweden: Wilhelm Wachtmeister.

Ambassador WILHELM WACHTMEISTER. To speak for one minute about Senator Mac-Mathias' importance for international cooperation would not be fair either to him nor to the historical record. I have chosen to solve this problem by quoting from somebody who would know what qualities are necessary for a diplomat. The quotation is from a French gentleman called de Callieres, who was a senior diplomat to the court of Louis XIV. I think that's very proper to quote him on this day, the 14th of July.

This is what de Callieres says about the qualities of a diplomat, and you can draw your own conclusions to what extent they apply to Mac: "A diplomat must have an observant mind, a gifted application which rejects being diverted by pleasures or frivolous amusements. He must have a sound judgement, which takes the measure of things as they are. He must have a gift of penetration, such as will enable him to discern the thoughts of men and to deduce from the least movement of features which passions are stirring within. A diplomat must be quick, resourceful, a good listener, courteous and agreeable. He should not seek to gain a reputation as a wit. Above all he must possess enough self-control to resist the longing to speak before he has thought out what he intends to say. He should pay attention to women but never lose his heart. He must have courage, he must have a calm nature, he must be able to suffer fools gladly and should not be given to drink, gambling, women and any other wayward humors or fancies. He should study history and memoirs, be acquainted with foreign institutions and habits and be able to tell where in any foreign countries real sovereignty lies. He should also have knowledge of literature, science, mathematics and law."

This is a tall order, but it is not enough. He should also, de Callieres says, "have good knowledge of the German, Italian and Spanish languages as well as, of course, the Latin." Now I must confess that I have never spoken with Mac in either German, Italian or Spanish, let alone Latin so I cannot vouch for his proficiencies in these languages. But that is not the point. I think it is irrelevant which language Mac Mathias speaks, because what he says makes sense. On behalf of the international community as expressed by the Diplomatic Corps in Washington, I would like to express our very best wishes for Mac Mathias and wish him all the best for the future. We salute a great good friend and a great American. Thank you.

JIM ROUSE. Thank you, Ambassador. There's a great man here who knows Mac as president of the North Atlantic Assembly (an arm of NATO), a great friend of our country and of Mac, the Ambassador of Great Britain: Sir Oliver Wright.

Sir OLIVER WRIGHT. Mr. Chairman, Admiral Mathias, as a guest from overseas nothing better could have fallen upon my ears this evening than to hear your fellow Americans sing your praises. But as a NATO Ambassador, may I grab him back from you and remind you that Mac is held in equal affection on our side of the Atlantic. His fellow NATO parliamentarians have elected him President of the North Atlantic Assembly. He is to become Chairman of the American Council on Germany. He is co-chairman of the Chicago-based Atlantic Conference, he is on the steering committee of the Bilderburg Conference where he regularly argues the task with my Prime Minister Margaret Thatcher. How is it that this splendid American should be so much in demand on both sides of the Atlantic? In part, it is because he has taken upon himself the task as necessary as it is unremitting, of interpreting America to Europe and Europe to America.

In part, it is because when differences arise between us as they do, people instinctively turn to him to reconcile them because when passions run high as they often do, his is the voice of reason and good sense to which reasonable and sensible men and women listen. More important to my mind is that he embodies in his own person the advice that Shakespeare and Hamlet gave to all of us: "This above all, to thine own self be true, and it must follow as the night the day, thou canst not then be false to any man." For Mac indeed it true to himself and therefore true to his friends. Mac is one who makes of the Atlantic an ocean that does not divide us, but binds us. My prayer is that Admiral Mathias will continue to serve the Alliance and continue to narrow the ocean between.

JIM ROUSE. Thank you, Ambassador Wright. A brilliant, resourceful man, who Mac says carries international banking into high political values, the managing director of the International Monetary Fund, Jacques de Larosiere.

JACQUES DE LAROSIERE. Dear Senator Mathias, it is a privilege and a pleasure to pay tribute tonight to you on this occasion. I have deeply admired your wisdom, your leadership, your openness to international issues and problems, your concerns for the plight of the Third World. Your commitment to a world of free trade, to a world of development, a world of international cooperation has been relentless. As the head of the International Monetary Fund, I am particularly indebted to you for your untiring support for the Bretton Woods institutions.

The international financial system is experiencing very difficult and troubled times, times of threat for the well-being for all countries, even those which might believe that they are not involved in the problems. If we want to avoid the type of developments and break-downs of the twenties, we need international copperation, we need financial stability, we need strong financial international institutions. Senator Mathias has understood these problems, but not only has he understood them—and they are complex—but he has helped and he is one of the members of the Senate who has taken time to ask me to visit him to explain some of these problems. When the time came for voting and to support the fund quotas and the World Bank capital increases, the unpopular things which consist in supporting these institutions, he did them. For all this, I want to thank Senator Mathias, we will miss you greatly.

JIM ROUSE. Thank you, sir. And now, making the closing speech in this parade of honors and respect and affection for Mac Mathias is one of the great men of our country. He is former Ambassador to Soviet Russia, former Chairman of IBM, a force for a rational relationship with Russia, and against the rising tide of militarism. He has the special distinction of having given the commencement address when Mac's son Charles graduated from Harvard, when his son Rob graduated from the University of Vermont, and tonight he also speaks when the Senator graduates himself from the Senate: Thomas J. Watson.

The Honorable THOMAS J. WATSON. Senator Mac, fellow maniac Ann, I really learned something in this audience tonight. I went to college in Rhode Island, and listening to people talk at meetings like this in Rhode Island for the last fifty years, I thought Rhode Island was the largest state in the Union. Not so. Listening to all of you talk about Mac from the vast reaches of Maryland, I now know that Maryland is the largest state in the Union and I congratulate you.

How to speak for one minute about a great man and my favorite senator? Very, very difficult and I shall be only a minute. Mac radiates a sterling character, Mac understands a great many things, Mac does his homework. He understood a long time ago a great deal about the nature of thermal nuclear weapons, as Gerry Smith mentioned earlier. He understands the terminal quality of those weapons; he understands the great difficulty of getting along with the difficult Russian people; and further he understands the complete necessity of coping with both of those great problems of our country. I am sorry, as all of you are, to see Mac leave the Senate of the United States, but I am completely confident that what he does from this point on will equal or far outdistance his record in the United States Senate. Thank you very much.

JIM ROUSE. Thank you, Ambassador Watson. And now, have you ever known a man so richly widely, earnestly honored by so many diverse people as Mac Mathias has been tonight? We come so close to people sometimes that we don't see their greatness. And this easily in the state where we have a senator who we've known so well and so long. But I think the hope of all of us tonight is that this presentation of so many people unrehearsed, undirected, spontaneous, helps us to know this great, great man who has served us in public office for 34 years, for 18 years in the Senate, and how richly he has earned the right to be honored by us.

In such events as this there had to be a team, an expanding team, of people who led the way. If there was a single person who led this it was our strong client, powerful citizen leader of Baltimore, Robert Levi. He first hoisted the flag for the others of us to follow. Anne Boucher was retained as coordinator and staff leader, and what a marvelous job she's done! And Furlong Baldwin pitched in and gave his strength and leadership as dinner chairman, and he will present this evening's gift from all of us to the Johns Hopkins School of Advanced International Studies. Steve Muller, President of Johns Hopkins, will accept the gift.

H. FURLONG BALDWIN. I echo what we have heard continuously over and over again this evening, that I, too, am proud to be numbered amongst those who say, "Senator Mac Mathias, my friend, it is a very great privilege for me." Also, what I am about to say, I must give you the premise that I am unabashed, unashamedly prejudiced. Maryland has been honored by Mac Mathias, the United States has been honored by Mac Mathias, and the free world has been honored by Mac Mathias. When this evening was planned, Ann and Mac suggested that the beneficiary of what we are doing here this evening should be the Johns Hopkins University School of Advanced International

Studies, and that is only fitting because Johns Hopkins does honor to Maryland and to the United States and to the free world. It is truly an honorable alliance, and so, Steve, I ask you to accept this check, which is the initial contribution to the Charles McC. Mathias Fund at the Johns Hopkins University School of Advanced International Studies.

Dr. STEVEN J. MULLER. Thank you so very much. The Johns Hopkins University is deeply honored by the extraordinary privilege of the Charles McC. Mathias Fund, a permanent endowment that will always bear Mac's name. I pledge to you that we will strive always to be worthy of that name, of that unrivaled record of public service, and devotion to the common good to Maryland and the United States, and in this strife-torn world. The Mathias fund will inspire and support the teaching and research at the School of Advanced International Studies in the cause of better relations among the peoples of our globe and of the peaceful resolution of international disputes. We honor not only a true statesman, but also a true gentleman who embodies the very essense of human decency and human integrity. We will miss him sorely in the Senate of the United States. I must confess, however, that I do look foward to the day next January when I can address Mac as "Professor Mathias" and when our students and faculty will have the blessing of his wisdom and vision in his new part-time role as the first Milton S. Eisenhower Distinguished Professor of Public Policy. Thank you, Mac and Ann. God bless you for what you have given to all of us. Thank you all, ladies and gentlemen.

JIM ROUSE. And now we introduce to you the great and wonderful lady who has worked tirelessly with Mac in his many campaigns and who supplies a steady flow of wisdom to his work, Ann Mathias, who can bring along her husband, senior Senator from Maryland, Mac Mathias: Ann and Mac.

CHARLES MCC. MATHIAS, Jr. Gratitude is supposed to be the most difficult emotion to express, but I want you all to know that I have no difficulty whatsoever in doing so. Of course, a special thanks go to Jim Rouse and to Bob Levi, for suggesting this gathering and for making it happen. Ann Boucher and Bill Boucher and Furlong Baldwin have given it direction. Steve Muller has given purpose as he helped develop the concept of the fund, and as he has accepted the administration of it.

It's certainly an understatement to say that I have appreciated all of the gracious things that have been said. If some of them have seem to be overly generous, just consider how much pleasure they gave. But whatever may have been said this evening, the truth is that I am what I am because of the people with whom I have been lucky enough to live, and the world that it has been my privilege to inhabit. There has been my family, and the community where I was born, where I spent my boyhood. There has been Ann, who has been so many things in my life and without whom, as I think most of you know, I would not be standing here at this moment.

A little later, there were Charlie and Rob, and it may be paradoxical, but they have taught me so much through the years by sharing with me their special perspective on life. I have had a loyal staff, that has helped me look better than I am. And I have loyal friends who have given me more strength than I could ever have mustered by myself. And the people of Maryland have given me such a degree of understanding and patience and support, that they granted Ann and me this unique experience of the last quarter century.

But beyond these personal debts, I am proud to claim to be the product of a remarkable society, and a great culture, and of an extraordinary political process. During my years in the Congress, three historic events tested the foundations of the Republic: the Civil Rights movement, the Vietnam War, and Watergate. Cumulatively and individually, they might have destroyed our society, but they did not. We came through that time of challenge, not destroyed, but actually strengthened as a Nation and as a people. And we came through strong, not because of any single person or any group of people, but because of the rational principles of government laid down for us two hundreds years ago by those exceptional men who wrote the Constitution. So, finally tonight, I am thankful for the opportunity to support and defend that Constitution. And I thank all of you from the bottom of my heart for making it possible. Thank You.

ANN MATHIAS. I stand behind this microphone wondering if there is anything more to say. Ladies and gentlemen, I thank you for being here, I thank you from the bottom of my heart for making this rather extraordinary evening possible. From the "clustered spires of Frederick," to this very moment we have traveled a long varied route together. You and Mac and I, and of course our boys—Charlie who is here, Rob who sends his love from Saudi Arabia, where he is helping to establish the emergency medical system for the Kingdom. Twenty-eight consecutive years is a telling period of time, just shy of a generation and as I have relived with you tonight Mac's political career, I want you to know that for the opportunity you have also given to me, I am grateful, I am wiser and I am richer. Thank you very, very much.

JIM ROUSE. The evening will close with a benediction by Rabbi Murray Saltzman.

RABBI MURRAY SALTZMAN. In appreciation and in gratitude and in honor, we invoke divine blessing upon Senator Mathias, his beloved wife and his children. May the Lord bless you and keep you. May the Lord cause the light of His countenance to shine upon you, and be gracious unto you. May the lord lift up His presence to you and bless you with peace. Amen.

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting a nomination which was referred to the Committee on the Judiciary.

(The nominations received today are printed at the end of the Senate proceedings.)

## MESSAGES FROM THE HOUSE

At 1:50 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 3042. An act to authorize the Secretary of Education to make grants to local educational agencies for dropout prevention and reentry demonstration projects;

H.R. 3263. An act to establish a Federal program to strengthen and improve the capability of State and local educational agencies and private nonprofit schools to identify gifted and talented children and youth and to provide those children and youth with appropriate educational opportunities, and for other purposes;

H.R. 5081. An act to promote democracy in the Philipines and Haiti, and for other purposes; and

H.J. Res. 686. Joint resolution to designate August 12, 1986 as "National Civil Rights Day."

At 2:55 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has agreed to the amendments of the Senate to the bill (H.R. 3622) to amend title 10, United States Code, to strengthen the position of Chairman of the Joint Chief of Staff, to provide for more efficient and effective operation of the Armed Forces, and for other purposes, with amendments; it insists upon its amendment, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. ASPIN, Mr. NICHOLS, Mr. SKELTON, Mr. MAVROULES, Mr. DICKINSON, Mr. HOPKINS, and Mr. KASICH as managers of the conference on the part of the House.

## MEASURES REFERRED

The following bills and joint resolution were read the first and second times by unanimous consent, and referred as indicated:

H.R. 3263. An act to establish a Federal program to strengthen and improve the capability of State and local educational agencies and private nonprofit schools to identify gifted and talented children and youth and to provide those children and youth with appropriate educational opportunities, and for other purposes; to the Committee on Labor and Human Resources.

H.R. 5081. An act to promote democracy in the Philipines and Haiti, and for other purposes; to the Committee on Foreign Relations.

H.J. Res. 686. Joint resolution to designate August 12, 1986 as "National Civil Rights Day"; to the Committee on the Judiciary.

## MEASURE PLACED ON THE CALENDAR

The following bill was read the second time and placed on the calendar:

H.R. 5288. An act to provide emergency assistance to farmers and ranchers adversely affected by natural disasters in 1986.

## MEASURE READ THE FIRST TIME

The following bill was read the first time.

H.R. 3042. An act to authorize the Secretary of Education to make grants to local educational agencies for dropout prevention and reentry demonstration projects.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on Labor and Human Resources, with amendments:

S. 2536. A bill to provide for block grants to States to pay for the costs of immunosuppressive drugs for organ transplant patients (with additional views) (Rept. No. 99-389).

By Mr. ROTH, from the Committee on Governmental Affairs, with an amendment and an amendment to the title:

S. 1657. A bill to extend and revise the authority of the President under chapter 9 of title 5, United States Code, to transmit to the Congress plans for the reorganization of the agencies of the executive branch of the Government.

By Mr. THURMOND, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 2334. A bill to amend section 207 of title 18, United States Code, to prohibit Members of Congress and officers and employees of any branch of the United States Government from attempting to influence the United States Government or from representing or advising a foreign entity for a proscribed period after such officer or employee leaves Government service, and for other purposes.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. INOUYE (for himself, Mr. MCCLURE, Mr. JOHNSTON, and Mr. WEICKER):

S. 2735. A bill to implement the recommendations of the Commission on the Commonwealth of the Northern Mariana Islands; to the Committee on Energy and Natural Resources.

By Mr. KERRY (for himself and Mr. KENNEDY):

S. 2736. A bill to waive the congressional review period required by section 28(w)(2) of the Mineral Leasing Act of 1920, as amended, for the creation of an easement for private construction on certain Federal lands in Massachusetts; to the Committee on Energy and Natural Resources.

By Mr. ABDNOR:

S. 2737. A bill to amend the Commodity Exchange Act to remove the application of such Act to the trading of cattle; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. LUGAR (for himself, Mr. GLENN, Mr. BOSCHWITZ, Mr. SARBANES, Mr. BURDICK, Mr. WEICKER, Mr. DANFORTH, Mr. QUAYLE, Mr. DODD, Mr. ABDNOR, Mr. PRESSLER, Mrs. HAWKINS, Mr. HOLLINGS, Mr. LEAHY, Mr. KERRY, Mr. DENTON, Mr. NUNN, Mr. LEVIN, Mr. ZORINSKY, Mr. DIXON, Mr. CHAFEE, Mr. WARNER, Mr. BRADLEY, Mr. D'AMATO, Mr. HART, Mr. KASTEN, Mr. MOYNIHAN, Mr. MATTINGLY, Mr. CHILES, Mr. GARN, and Mr. DECONCINI):

S.J. Res. 391. A joint resolution to designate August 12, 1986, as "National Civil Rights Day"; to the Committee on the Judiciary.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ROTH;

S. Res. 464. A resolution to designate October 1986 as "Crack/Cocaine Awareness Month"; to the Committee on the Judiciary.

By Mr. DOLE (for himself, Mr. PACKWOOD, Mr. LUGAR, Mr. HELMS, Mr. SIMPSON, Mr. GORTON, Mr. EVANS, Mr. HEINZ, Mr. D'AMATO, Mr. ROTH, Mr. MURKOWSKI, Mr. CHAFEE, Mr. MATSUNAGA, Mr. BENTSEN, Mr. LAUTENBERG, Mr. ZORINSKY, Mr. NUNN, Mr. BRADLEY, Mr. MOYNIHAN, Mr. HARKIN, Mr. PRYOR, Mr. DIXON, Mr. WARNER, Mr. GRASSLEY, Mr. ABDNOR, and Mr. LEAHY):

S. Res. 465. A resolution relating to the tariff on chocolate; considered and agreed to.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. INOUYE (for himself, Mr. MCCLURE, Mr. JOHNSTON, and Mr. WEICKER):

S. 2735. A bill to implement the recommendations of the Commission on the Commonwealth of the Northern Mariana Islands; to the Committee on Energy and Natural Resources.

### NORTHERN MARIANA ISLANDS FEDERAL RELATIONS ACT

● Mr. INOUYE. Mr. President, the relationship between the State of Hawaii and our Pacific territories and commonwealth continues to become significantly important to these governments and people. Because of Hawaii's close proximity to the islands, the unique similarities of Pacific Island cultures, and Hawaii's experiences as a former territory, coupled with existing cooperation in such organizations as the Pacific Basin Development Council—these Pacific Islands governments tend to look to Hawaii as a "big brother" for economic and political cooperation and assistance.

The territories, while having nonvoting representation in the other body of Congress, have no representation in this body and, the Commonwealth of the Northern Mariana Islands, America's newest territory, at the present time is not represented in the Congress of the United States. I am therefore, privileged and very pleased to today propose legislation for the Northern Mariana Islands.

The covenant to establish a commonwealth of the Northern Mariana Islands in political union with the United States of America, U.S. Public Law 94-241, established a Northern Mariana Islands Commission on Federal Laws which is instructed "to survey the laws of the United States and to make recommendations to the U.S. Congress as to which laws of the United States not applicable to the Northern Mariana Islands should be made applicable and to what extent and in what manner, and which applicable laws should be made inapplicable and to what extent and in what manner. The Commission, in its second interim report to Congress, issued recommendations for 44 changes to U.S Law.

Mr. President, I am pleased to be joined by Senators MCCLURE, JOHNSTON, and WEICKER to introduce legislation to enact these recommendations. I hope my colleagues will join us in supporting this much-needed legislation, and I ask unanimous consent that the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2735

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SHORT TITLE AND TABLE OF CONTENTS

SECTION 1. (a) This Act may be cited as the "Commonwealth of the Northern Mariana Islands Federal Relations Act".

(b) The table of contents of this Act is as follows:

TABLE OF CONTENTS

Sec. 1. Short title and table of contents.
Sec. 2. Nonvoting delegate to Congress.
Sec. 3. Land-grant colleges.
Sec. 4. Immigration and naturalization.
Sec. 5. Appointments to serve academies by the Resident Representative to the United States from the Commonwealth of the Northern Mariana islands.
Sec. 6. Banking laws.
Sec. 7. Surveillance of ocean areas.
Sec. 8. Investment companies.
Sec. 9. Act of August 8, 1956, extended to the Commonwealth of the Northern Mariana Islands.
Sec. 10. Fishery trade officers.
Sec. 11. Restrictions on garnishment.
Sec. 12. Fair Credit Reporting Act.
Sec. 13. Electronic Fund Transfer Act.
Sec. 14. Petroleum Marketing Practice Act.
Sec. 15. Fishery conservation and management.
Sec. 16. Tuna fisheries.
Sec. 17. Federal crimes.
Sec. 18. Consolidated grant for higher education.
Sec. 19. Special temporary passports.
Sec. 20. Commonwealth of the Northern Mariana Island financial institutions as Federal depositaries.
Sec. 21. Issuance of substitute checks.
Sec. 22. Federal employee allotments to Commonwealth of the Northern Mariana Islands financial organizations.

Sec. 23. Public participation in block grant proposals.
Sec. 24. Rivers and harbors.
Sec. 25. Judicial venue under the Federal Water Pollution Control Act.
Sec. 26. Ocean dumping judicial venue.
Sec. 27. Judicial venue under the Ocean Thermal Energy Conservation Act.
Sec. 28. Nonprofit lottery mailings.
Sec. 29. Authority to waive medicaid requirements for the Commonwealth of the Northern Mariana Islands.
Sec. 30. Submerged lands.
Sec. 31. Government depository libraries.
Sec. 32. Enforcement of Federal laws in the Commonwealth of the Northern Mariana Islands.

NONVOTING DELEGATE TO CONGRESS

SEC. 2. (a) The Commonwealth of the Northern Mariana Islands shall be represented in the United States Congress by the Resident Representative to the United States authorized by section 901 of the Convenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America (approved by Public Law 94-241, 90 Stat. 263). The Resident Representative shall be a nonvoting Delegate to the House of Representatives, elected as provided in this section.

(b)(1) The Resident Representative shall be elected by the people qualified to vote for the popularly elected officials of the Commonwealth of the Northern Mariana Islands at the regular general election, on the day and month set by section 1 of Article VIII of the Constitution of the Northern Mariana Islands, in the first odd-numbered year subsequent to enactment of this Act and thereafter at such general election every second year thereafter.

(2) The Resident Representative shall be elected at large, by separate ballot, and by a majority of the votes cast for the office of Resident Representative. If no candidate receives such majority, on the fourteenth day following such election a runoff election shall be held between the candidates receiving the highest and the second highest number of votes cast for the office of Resident Representative. In case of a permanent vacancy in the office of Resident Representative by reason of death, resignation, or permanent disability, the office of Resident Representative shall remain vacant until a successor shall have been elected and qualified.

(3) The term of the Resident Representative shall commence on the second Monday of January following the date of the election.

(c) To be eligible for the office of Resident Representative, a candidate shall—

(1) be at least twenty-five years of age on the date of the election;

(2) be a citizen of the United States: *Provided, however,* That prior to termination of the Trusteeship Agreement for the former Japanese Mandated Islands, 61 Stat. 3301, the candidate shall be a person defined as a United States citizen or United States national in section 8 of the Schedule on Transitional Matters of the Constitution of the Northern Mariana Islands, as approved by Presidential Proclamation 4534 of October 24, 1977;

(3) have been a resident and domiciliary of the Northern Mariana Islands for at least seven years prior to the date of taking office; and

(4) not be, on the date of the election, a candidate for any other office.

(d) Acting pursuant to legislation enacted in accordance with the Constitution of the Northern Mariana Islands, the Government of the Northern Mariana Islands shall determine the order of names on the ballot for election of Resident Representative, the method by which a special election to fill a vacancy in the office of Resident Representative shall be conducted, the method by which ties between candidates for the office of Resident Representative shall be resolved, and all other matters of local application pertaining to the election and the office of Resident Representative not otherwise expressly provided for in this section.

(e) Until the Rules of the House of Representatives are amended to provide otherwise, the Resident Representatives for the Northern Mariana Islands shall receive the same compensation, allowance, and benefits as a Member of the House of Representative, and shall be entitled to whatever privileges and immunities that are granted to the nonvoting Delegate from the Territory of Guam.

LAND-GRANT COLLEGES

SEC. 3. Subsections (a) and (b) of section 506 of the Education Amendments of 1972 are amended to read as follows:

"(a) The College of the Virgin Islands, the Community College of American Samoa, the College of Micronesia, the University of Guam, and an institution in the Commonwealth of the Northern Mariana Islands designated by the legislature of the Commonwealth of the Northern Mariana Islands shall be considered land-grant colleges established for the benefit of agriculture and mechanic arts in accordance with the provision of the Act of July 2, 1862, as amended (7 U.S.C. 301-305, 307-308).

"(b) In lieu of extending to the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands those provisions of the Act of July 2, 1862, as amended, relating to donations of public land or land scrip for the endowment and maintenance of colleges for the benefit of agriculture and the mechanic arts, there is authorized to be appropriated $3,000,000 to the Virgin Islands, $3,000,000 to Guam, and $3,000,000 to the Commonwealth of the Northern Mariana Islands and an equal amount to American Samoa. Amounts appropriated pursuant to this section shall be held and considered to have been granted to the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands subject to the provisions of that Act applicable to the proceeds from the sale of land or land scrip.".

(b) Section 1361(c) of the Education Amendments of 1980 is amended to read as follows:

"(c) Any provision of any Act of Congress relating to the operation of or provision of assistance to a land-grant college in the Virgin Islands or Guam shall apply to land grant colleges in American Samoa, and the Commonwealth of the Northern Mariana Islands, in the same manner and to the same extent.".

(c) Section 5 of the Act of August 30, 1980 (7 U.S.C. 326a) (commonly known as the Second Morrill Act), is amended to read as follows:

SEC. 5. There is authorized to be appropriated annually for payment to the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands the amount they would receive under this Act if they were States. Sums appropriated under this section shall be treated in the same manner and be subject to the same provisions of law, as would be the case if they had been appropriated by the first sentence of this Act.".

(d) Section 22 of the Act of June 29, 1935 (49 Stat. 439; 7 U.S.C. 329), is amended—

(1) by striking out "and Guam" wherever it appears and inserting in lieu thereof "Guam, and the Commonwealth of the Northern Mariana Islands";

(2) by striking out "$8,100,000" and inserting in lieu thereof "$8,250,000"; and

(3) by striking out "$4,360,000" and inserting in lieu thereof "$4,380,000".

(e)(1) The first sentence of section 3(b)(2) of the Act of May 8, 1914 (38 Stat. 372, chapter 79; 7 U.S.C. 343(b)(2)) (commonly known as the Smith-Lever Act) is amended by striking out "and Guam" and inserting in lieu thereof ", Guam, and the Commonwealth of the Northern Mariana Islands".

(2) Section 10 of such Act (7 U.S.C. 349) is amended by striking out "and Guam" and inserting in lieu thereof "Guam, and the Commonwealth of the Northern Mariana Islands".

(f) Notwithstanding any other provision of law, subparagraphs (C) and (E) of section 1404(4) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103(4)(C) and (E)) shall not apply to the Northern Marianas College located in the Commonwealth of the Northern Mariana Islands.

(g) The first sentence of section 3(b)(2) of the Act of March 2, 1887 (24 Stat. 441, chapter 314; 7 U.S.C. 361c(b)(2)) (commonly known as the Hatch Act of 1887) is amended by striking out "and Guam" and inserting in lieu thereof ", Guam, and the Commonwealth of the Northern Mariana Islands".

IMMIGRATION AND NATURALIZATION

SEC. 4. (a)(1)(A) Persons who, on the date of enactment of this Act, are immediate relatives of citizens of the Commonwealth of the Northern Mariana Islands shall be treated as though they were immediate relatives of citizens of the United States for purposes of the Immigration and Nationality Act.

(B) Any citizen of the Commonwealth of the Northern Mariana Islands claiming that an alien is entitled to status as an immediate relative may file a petition with the Attorney General for such classification in accordance with section 204 of the Immigration and Nationality Act.

(2) For purposes of this subsection—

(A) the term "citizens of the Commonwealth of the Northern Mariana Islands" means those persons defined as United States citizens or United States nationals in section 8 of the Schedule on Transitional Matters of the Constitution of the Northern Mariana Islands, as approved by Presidential Proclamation 4534 of October 24, 1977; and

(B) the term "immediate relatives" means the children, spouses, and parents of the citizen, except that, in the case of parents, such citizen shall be at least 21 years of age.

(3) This subsection shall terminate upon the establishment of the Commonwealth of the Northern Mariana Islands.

(b)(1) A person who elects to become a national of the United States rather than a citizen of the United States pursuant to section 302 of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America (approved by Public Law 94-241; 90 Stat. 263) may thereafter be naturalized as a citizen of the United States upon compliance with applicable require-

ments of the Immigration and Nationality Act, except that residence and physical presence within the United States within the meaning of the Immigration and Nationality Act shall be deemed to include residence and physical presence within the Commonwealth of the Northern Mariana Islands.

(2) For purposes of the requirements of the judicial naturalization of persons eligible for naturalization under this subsection, the Commonwealth of the Northern Mariana Islands shall be deemed to constitute a State as defined in section 101(a)(36) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(36)).

(3) The courts of record of the Commonwealth of the Northern Mariana Islands and the United States District Court for the Northern Mariana Islands shall have jurisdiction to naturalize persons who become eligible for naturalization under this subsection and who reside within their respective jurisdictions.

APPOINTMENTS TO SERVICE ACADEMIES BY THE RESIDENT REPRESENTATIVE TO THE UNITED STATES FROM THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

SEC. 5. (a)(1) Section 4342 of title 10, United States Code, is amended—

(A) in subsection (a)—

(i) by inserting after clause (10) the following new clause:

"(11) One cadet from the Commonwealth of the Northern Mariana Islands, nominated by the Resident Representative to the United States for the Commonwealth of the Northern Mariana Islands."; and

(ii) in the last sentence, by inserting "and the Resident Representative to the United States for the Commonwealth of the Northern Mariana Islands" after "Puerto Rico,";

(B) in subsection (d)—

(i) by striking out "paragraph" in the second sentence and inserting in lieu thereof "subsection"; and

(ii) by striking out "or (10)" in the second sentence and inserting in lieu thereof "(10), or (11)"; and

(C) in subsection (f)—

(i) by striking out "and (10)" and inserting in lieu thereof ", (10), and (11)"; and

(ii) by striking out "or the Virgin Islands," and inserting in lieu thereof ", the Virgin Islands, or the Commonwealth of the Northern Mariana Islands,".

(2) Section 4343 of such title is amended by inserting "and (11)" in the second sentence after "clauses (2)–(9)".

(b)(1) Section 6954 of title 10, United States Code, is amended—

(A) in subsection (a)—

(i) by inserting after clause (10) the following new clause:

"(11) One from the Commonwealth of the Northern Mariana Islands, nominated by the Resident Representative to the United States for the Commonwealth of the Northern Mariana Islands."; and

(ii) in the last sentence, by inserting "and the Resident Representative to the United States for the Commonwealth of the Norther Mariana Islands" after "Puerto Rico,"; and

(B) in subsection (d)—

(i) by striking out "paragraph" in the second sentence and inserting in lieu thereof "subsection"; and

(ii) by striking out "or (10)" in the second sentence and inserting in lieu thereof "(10), or (11)".

(2) Section 6956 of such title is amended—

(A) in subsection (a)—

(i) by inserting "and the Resident Representative to the United States for the Commonwealth of the Northern Mariana Islands" after "Congress"; and

(ii) by striking out "or delegate" and inserting in lieu thereof ", delegate, or Resident Representative"; and

(B) in subsection (c), by inserting "and (11)" after "clause (2)–(9)" in the second sentence.

(3) Section 6958(b) of such title is amended—

(A) by striking out "and (10)" and inserting in lieu thereof "(10), and (11)"; and

(B) by striking out "or the Virgin Islands," and inserting in lieu thereof "the Virgin Islands, or the Commonwealth of the Northern Mariana Islands,".

(c)(1) Section 9342 of title 10, United States Code, is amended—

(A) in subsection (a)—

(i) by inserting after clause (10) the following new clause:

"(11) One cadet from the Commonwealth of the Northern Mariana Islands, nominated by the Resident Representative to the United States for the Commonwealth of the Northern Mariana Islands."; and

(ii) in the last sentence, by inserting "and the Resident Representative to the United States for the Commonwealth of the Northern Mariana Islands" after "Puerto Rico,";

(B) in subsection (d)—

(i) by striking out "paragraph" in the second sentence and inserting in lieu thereof "subsection"; and

(ii) by striking out "or (10)" in the second sentence and inserting in lieu thereof "(10), or (11); and

(C) in subsection (f)—

(i) by striking out "and (10)" and inserting in lieu thereof ", (10), and (11)"; and

(ii) by striking out "or the Virgin Islands," and inserting in lieu thereof "Virgin Islands, or the Commonwealth of the Northern Mariana Islands,".

(2) Section 9343 of title 10, United States Code, is amended by inserting "and (11)" in the second sentence after "clauses (2)–(9)".

BANKING LAWS

SEC. 6. (a) Subsection (a) of section 1 of the Act of August 17, 1950 (12 U.S.C. 214(a)) is amended by striking out "or the Virgin Islands" and inserting in lieu thereof "the Virgin Islands, or the Commonwealth of the Northern Mariana Islands".

(b) Paragraph (2) of section 3 of the Act of November 7, 1918 (12 U.S.C. 215b) is amended by inserting "the Commonwealth of the Northern Islands," after "the Virgin Islands,".

(c) Section 214 of the National Housing Act (12 U.S.C. 1715d) is amended by striking out "or Hawaii" each place it appears and inserting in lieu thereof ", the Commonwealth of the Northern Mariana Islands, or Hawaii".

(d) Subsection (b) of section 401 of the National Housing Act (12 U.S.C. 1724(b)) is amended by inserting "of the Commonwealth of the Northern Mariana Islands," after "of the Virgin Islands.

(e) The first sentence of section 5.0 of the Farm Credit Act of 1971 (12 U.S.C. 2221) is amended by inserting "and the Commonwealth of the Northern Mariana Islands" after "the Virgin Islands of the United States" each place it appears.

(f) The Commonwealth of the Northern Mariana Islands shall be considered a "State" for purposes of sections 601, 602, and 603 of Public Law 93-495 (12 U.S.C. 2501, 2502, and 2503).

(g) The fifth sentence of section 101 of the National Consumer Cooperative Bank Act (12 U.S.C. 3011), is amended by striking out "and in the Commonwealth of Puerto Rico" and inserting in lieu thereof "in the Commonwealth of Puerto Rico, and in the Commonwealth of the Northern Mariana Islands".

(h) Section 1(b)(7) of the International Banking Act of 1978 (12 U.S.C. 3101(b)(7)) is amended by striking out "or the Virgin Islands" and inserting in lieu thereof "the Virgin Islands, or the Commonwealth of the Northern Mariana Islands".

(i) Section 205(4) of the Depository Institutions Management Interlocks Act (12 U.S.C. 3204(4)) is amended by striking out "or the Virgin Islands" and inserting in lieu thereof "the Virgin Islands, or the Commonwealth of the Northern Mariana Islands".

(j) Section 1101(1) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3401(1)) is amended by striking out "or the Virgin Islands" and inserting in lieu thereof "the Virgin Islands, or the Commonwealth of the Northern Mariana Islands".

SURVEILLANCE OF OCEAN AREAS

SEC. 7. (a) The Congress finds and declares the following:

(1) The Commonwealth of the Northern Mariana Islands, on termination of the Trusteeship Agreement between the United States and the United Nations, will become a self-governing commonwealth in political union with and under the sovereignty of the United States, pursuant to section 101 of the Covenant to establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America approved by the joint resolution entitled "Joint Resolution to approve the 'Covenant to Establish a Commonwealth of Northern Marianas Islands in Political Union with the United States of America', and for other purposes", approved March 24, 1976 (48 U.S.C. 1681 note).

(2) The United States is obligated to protect the resources of the Commonwealth of the Northern Mariana Islands, including resources found within two hundred miles of the coastlines of the Northern Mariana Islands, against unlawful exploitation by nationals or residents of other nations.

(3) The United States, to fulfill its obligation to the people of the Commonwealth of the Northern Mariana Islands, should increase its surveillance of all ocean areas within two hundred miles of the coastlines of the Northern Mariana Islands. The United States should ensure that all applicable Federal laws, including such laws governing the exploitation of marine resources, are enforced within such areas.

(b) The Secretary of the Department in which the Coast Guard is operating may, by agreement, on a reimbursable basis or otherwise, utilize the personnel, services, equipment (including aircraft and vessels) and facilities of any other Federal agency, including the Department of Defense, and of the Government of the Commonwealth of the Northern Mariana Islands in patrolling waters within two hundred miles of the coastlines of the Northern Mariana Islands.

INVESTMENT COMPANIES

Sec. 8. Section 6(a)(1) of the Investment Company Act of 1940 (15 U.S.C. 80a-6(a)(1)) is amended by inserting "the Commonwealth of the Northern Mariana Islands," before "the Virgin Islands,".

ACT OF AUGUST 8, 1956, EXTENDED TO THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Sec. 9. The first section of the Act of August 8, 1956 (15 U.S.C. 1221), is amended by adding at the end thereof the following:

"(f) The term 'Territory' shall be considered to include the Commonwealth of the Northern Mariana Islands.".

FISHERY TRADE OFFICERS

Sec. 10. The Commonwealth of the Northern Mariana Islands shall be considered as part of the United States for purposes of section 211 of the American Fisheries Promotion Act (15 U.S.C. 1511b), and section 3 of the Act entitled "An Act to establish the Department of Commerce and Labor", approved February 14, 1903, as amended (15 U.S.C. 1512).

RESTRICTIONS ON GARNISHMENT

Sec. 11. Section 302 of the Consumer Credit Protection Act (15 U.S.C. 1672) is amended by adding at the end thereof the following:

"(d) The term 'State' includes the Commonwealth of the Northern Mariana Islands. Employers, employees, and earnings within the Commonwealth of the Northern Mariana Islands are subject to the provisions of this title.".

FAIR CREDIT REPORTING ACT

Sec. 12. Section 603(b) of the Fair Credit Reporting Act (15 U.S.C. 1681a(b)) is amended by inserting before the final period the following: ", and includes persons in the Commonwealth of the Northern Mariana Islands".

ELECTRONIC FUND TRANSFER ACT

Sec. 13. Section 903(10) of the Electronic Fund Transfer Act (15 U.S.C. 1693a(10)) is amended by inserting "the Northern Mariana Islands," after "the Commonwealth of Puero Rico,".

PETROLEUM MARKETING PRACTICES ACT

Sec. 14. Paragraph 19 of section 101 of the Petroleum Marketing Practices Act (Public Law 95-297) is amended by adding after "Guam," the following: "the Commonwealth of the Northern Mariana Islands,".

FISHERY CONSERVATION AND MANAGEMENT

Sec. 15. (a) Section 3(21) of the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1802(21) (popularly known as the Magnuson Fishery Conservation and Management Act)), is amended to read as follows:

"(21) The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, and any other territory or possession of the United States, except the Commonwealth of the Northern Mariana Islands.".

(b) Paragraph (8) of subsection (a) of section 302 of the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1852(a)(8)), is amended to read as follows:

"(8) WESTERN PACIFIC COUNCIL.—The Western Pacific Management Council shall consist of the State of Hawaii, American Samoa, and Guam and shall have authority over the fisheries in the Pacific Ocean seaward of such States. The Western Pacific Council shall have 11 voting members, including 7 appointed by the Secretary pursuant to subsection (b)(2) of this section (at least one of whom shall be appointed from each of the following States: Hawaii, American Samoa, and Guam). The Western Pacific Council shall also have a nonvoting observer who shall be appointed and may be removed by the Governor of the Commonwealth of the Northern Mariana Islands.".

TUNA FISHERIES

SEC. 16. (a) The Congress finds and declares the following:

(1) In the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America approved by the joint resolution entitled "Joint Resolution to approve the 'Covenant to Establish a Commonwealth of Northern Mariana Islands in Political Union with the United States of America', and for other purposes", approved March 24, 1976 (48 U.S.C. 1681 note), the United States agreed to assist in developing the economic resources of the Northern Mariana Islands for the benefit of the inhabitants of such islands.

(2) Tuna in waters adjacent to the Northern Mariana Islands are a valuable and renewable resource, which can contribute to the food supply, economy, and health of the Commonwealth of the Northern Mariana Islands and of the Nation as a whole.

(3) Foreign fishing vessels catch substantial quantities of tuna in waters adjacent to the Northern Mariana Islands, but neither the Commonwealth of the Northern Mariana Islands nor the United States derive revenues from tuna caught by such vessels.

(4) Negotiation of an international agreement to conserve and manage tuna in the Western Pacific Ocean, including the waters adjacent to the Northern Mariana Islands, is in the best interests of the United States and the Commonwealth of the Northern Mariana Islands.

(b)(1) The Secretary of State shall, upon the request of and in cooperation with the Governor of the Commonwealth of the Northern Mariana Islands, initiate and conduct negotiations for the purpose of entering into one or more international fisheries agreements for the conservation and management of any highly migratory species of fish within the fishery conservation zone of the Northern Mariana Islands or any appropriate region that includes such fishery conservation zone. The Governor of the Commonwealth of the Northern Mariana Islands may designate an observer, who may be removed by the Governor, to attend such negotiations.

(2) All payments or other consideration received pursuant to any agreement concluded under the authority granted by paragraph (1) of this subsection and attributable to the taking of fish, or to the right to take fish, by the vessels of foreign nations within the fishery conservation zone of the Northern Mariana Islands shall be paid to the Government of the Commonwealth of the Northern Mariana Islands.

(3) For purposes of this subsection, the fishery conservation zone of the Commonwealth of the Northern Mariana Islands shall be defined in relation to the Northern Mariana Islands in the same manner as the fishery conservation zone of the United States is defined in relation to the United States by the Fishery Conservation and Management Act of 1976 (popularly known as the Magnuson Fishery Conservation and Management Act).

(4) For purposes of this subsection, the term "highly migratory species" means species of tuna, which, in the course of the life cycle, spawn and migrate over great distances in waters of the ocean.

FEDERAL CRIMES

SEC. 17. (a)(1) Chapter 27 of title 18, United States Code, is amended by adding at the end thereof the following:

**"§ 554. Imports to and exports from the Commonwealth of the Northern Mariana Islands**

"This chapter and sections 496, 1364, and 1915 of this title shall not apply to the entry of goods or articles into the Commonwealth of the Northern Mariana Islands nor to the export of goods or articles from the Commonwealth of the Northern Mariana Islands.".

(2) The table of sections for chapter 27 of title 18, United States Code, is amended by adding at the end thereof the following new item:

**"554. Imports to and exports from the Commonwealth of the Northern Mariana Islands.**

(b) Subsection (a) of section 42 of title 18, United States Code, is amended by adding at the end thereof the following:

"(6) Nothing in this subsection shall restrict the importation of species of so-called flying foxes or fruit bats of the genus Pteropus into the Commonwealth of the Northern Mariana Islands.".

(c)(1) Section 969 of title 18, United States Code, is repealed.

(2) The chapter analysis of chapter 45 of title 18, United States Code, is amended by striking out the item for section 969 and inserting in lieu thereof the following:

"[969. Repealed.]".

(d) Section 2114 of title 18, United States Code, is amended by inserting after "Guam." the following: "the Commonwealth of the Northern Mariana Islands."

(e)(1) Chapter 61 of title 18, United States Code, is amended by adding at the end thereof the following new section:

**"§ 1308. Certain lotteries in the Commonwealth of the Northern Mariana Islands**

"(a) Nothing in this chapter shall prohibit an advertisement, a list of prizes, or information concerning a qualified lottery conducted in the Northern Mariana Islands in accordance with the laws of the Commonwealth of the Northern Mariana Islands—

"(1) disseminated in a newspaper published in the Commonwealth of the Northern Mariana Islands; or

"(2) broadcast by a radio or television station licensed to a location in the Commonwealth of the Northern Mariana Islands.

"(b) Nothing in this chapter shall prohibit the transportation or mailing to addresses within the Commonwealth of the Northern Mariana Islands of equipment, tickets, or materials concerning a qualified lottery conducted in the Commonwealth of the Northern Mariana Islands in accordance with the laws of the Commonwealth of the Northern Mariana Islands.

"(c) For purposes of this section, 'qualified lottery' means a lottery conducted by a nonprofit organization for religious, charitable, educational, or benevolent purposes, in which no part of the gross receipts derived therefrom inures to the benefit of any private shareholder, member, or employee of such organization except as compensation for actual expenses incurred by that person in the conduct of the lottery.".

(f) Section 2279 of title 18, United States Code, is amended by adding at the end thereof the following new paragraph:

"Nothing in this section shall be construed to restrict officers or employees of the Government of the Commonwealth of the Northern Mariana Islands, in the performance of their official duties, from boarding any vessel about to arrive at any port of the Commonwealth of the Northern Mariana Islands.".

(g)(1) Section 7 of title 18, United States Code, is amended by adding at the end thereof the following: "For purposes of this section the Commonwealth of the Northern Mariana Islands shall be considered a State.".

(2) Subsection (c) of section 245 of title 18, United States Code, is amended by inserting at the end thereof the following: "For purposes of this section the Commonwealth of the Northern Mariana Islands shall be considered a State.".

(3) Section 402 of title 18, United States Code, is amended by adding at the end thereof the following: "For purposes of this section the Commonwealth of the Northern Mariana Islands shall be considered a State.".

(4) Section 659 of title 18, United States Code, is amended by adding at the end thereof the following: "For purposes of this section the Commonwealth of the Northern Mariana Islands shall be considered a State.".

(5) Subsection (b) of section 1761 of title 18, United States Code, is amended by inserting at the end thereof the following: "For purposes of this subsection the Commonwealth of the Northern Mariana Islands shall be considered a State.".

(6) Section 1901 of title 18, United States Code, is amended by adding at the end thereof the following: "For purposes of this section the Commonwealth of the Northern Mariana Islands shall be considered a State.".

(h)(1) Section 1715 of title 18, United States Code, is amended by adding at the end thereof the following: "For purposes of this section, the Commonwealth of the Northern Mariana Islands shall be considered a State or Territory.".

(2) Section 1716 of title 18, United States Code, is amended by adding at the end thereof the following: "For purposes of this section, the Commonwealth of the Northern Mariana Islands shall be considered a State or Territory.".

CONSOLIDATED GRANT FOR HIGHER EDUCATION

SEC. 18. (a) The Secretary of Education shall make a grant in each fiscal year for which appropriations are made under the Higher Education Act of 1965 (hereafter in this section referred to as the "Act") to the Commonwealth of the Northern Mariana Islands for the postsecondary educational needs in the Commonwealth of the Northern Mariana Islands. The block grant authorized by this section for each fiscal year shall be made from such appropriations for each such year and shall consist of—

(1) an amount equal to the amounts of any funds that would otherwise be allotted to the commonwealth of the Northern Mariana Islands or any institution of higher education in the Commonwealth of the Northern Mariana Islands on the basis of a formula prescribed by the Act under—

(A) section 119 of the Act, relating to education outreach programs;

(B) section 415A of the Act, relating to State student incentives; and

(C) section 419 and 420 of the Act, relating to assistance to institutions of higher education; and

(2) thirty-three hundredths of 1 percent of each appropriation under—

(A) sections 201 and 347 of the Act, relating to college and research library assistance and library training research, strengthening institutions, and aid to institutions with special needs;

(B) section 417A of the Act, relating to special programs for students from disadvantaged backgrounds;

(C) section 531 of the Act, relating to teacher training programs;

(D) sections 546, 607, and 613 of the Act, relating to training for elementary and secondary school teachers to teach handicapped children, and international education programs;

(E) section 702 of the Act, but only to the extent the appropriation is available for grants, relating to grants for the construction, reconstruction, and renovation of undergraduate and graduate academic facilities;

(F) section 801 of the Act, relating cooperative education;

(G) section 901 of the Act, relating to grants to institutions of higher education; and

(H) sections 942, 953, 1005, and 1102 of the Act, relating to assistance for training in the legal profession, law school clinical experience programs, fund for the improvement of postsecondary education, and urban grant university program.

(b)(1) The block grant authorized by this section shall be made available directly to a college or community college established or to be established by the Government of the Commonwealth of the Northern Mariana Islands and designated by the Board of Education of the Commonwealth of the Northern Mariana Islands as the recipient of the block grant authorized by this section for the purpose of meeting postsecondary educational needs in the Commonwealth of the Northern Mariana Islands. The block grant shall not be restricted in use to the uses permitted under the Act.

(2) Nothing in this section shall preclude the Secretary of Education from—

(A) providing adequate procedures for accounting for, auditing, evaluating, and reviewing any programs or activities receiving benefits from the block grant authorized under this section; or

(B) providing technical assistance otherwise available under the Act.

(c)(1) The institution designated as the recipient of the block grant pursuant to subsection (b) of this section shall receive the block grant authorized by this section without regard to whether it is accredited.

(2) No funding otherwise available under the Act shall be denied the institution because the institution lacks accreditation. The Secretary of Education shall waive any requirement for matching funds otherwise required by the Act to be provided by the Commonwealth of the Northern Mariana Islands or by any institution of higher education in the Commonwealth of the Northern Mariana Islands.

(d)(1) No allotment or other financial assistance may be made to the Commonwealth of the Northern Mariana Islands under any provision of the Act set forth in subsection (a) in any fiscal year in which there is a block grant made under this section.

(2) Nothing in this section shall preclude the Commonwealth of the Northern Mariana Islands, or any institution of higher education in the Commonwealth of the Northern Mariana Islands, from receiving assistance under the Act if that assistance is available under a program or programs not included in determining the amount of the block grant available to the Commonwealth of the Northern Mariana Islands under subsection (a) of this section.

(e) Funds made available under this section shall remain available until expended.

SPECIAL TEMPORARY PASSPORTS

SEC. 19. (a)(1) Notwithstanding section 4076 of the Revised Statutes of 1878 (22 U.S.C. 212), the Secretary of State or persons designated by the Secretary of State shall issue special United States passports to citizens of the Commonwealth of the Northern Mariana Islands.

(2) Such passports shall recite the privilege of citizens of the Commonwealth of the Northern Mariana Islands to enter, reside in, and be employed in the United States and to enjoy the diplomatic and consular protection of the United States in foreign countries.

(b) For purposes of this section, the term "citizens of the Commonwealth of the Northern Mariana Islands" means those persons defined as United States citizens or United States nationals in section 8 of the Schedule on Transitional Matters of the Constitution of the Northern Mariana Islands, as approved by Presidential Proclamation 4534 of October 24, 1977.

(c) This section shall terminate upon the establishment of the Commonwealth of the Northern Mariana Islands.

NORTHERN MARIANA ISLANDS FINANCIAL INSTITUTIONS AS FEDERAL DEPOSITARIES

SEC. 20. Section 3303(b) of title 31, United States Code, is amended—

(1) by striking out "and" before "in territories" in the first sentence and inserting in lieu thereof a comma; and

(2) by inserting a comma and "and in the Commonwealth of the Northern Mariana Islands" after "United States" in such sentence.

ISSUANCE OF SUBSTITUTE CHECKS

SEC. 21. Section 3331(c) of title 31, United States Code, is amended—

(1) by striking out "or" before "a territory" in the first sentence and inserting in lieu thereof a comma; and

(2) by inserting a comma and "and the Commonwealth of the Northern Mariana Islands" after "United States" in such sentence.

FEDERAL EMPLOYEE ALLOTMENTS TO NORTHERN MARIANA ISLANDS FINANCIAL ORGANIZATIONS

SEC. 22. Section 3332(a) of title 31, United States Code, is amended to read as follows:

"(a) In this section—

"(1) 'financial organization' means a bank, savings and loan association or similar institution, or a credit union chartered by the United States Government or a State; and

"(2) 'State' includes the Commonwealth of the Northern Mariana Islands.".

PUBLIC PARTICIPATION IN BLOCK GRANT PROPOSALS

SEC. 23. Section 7303(2) of title 31, United States Code, is amended by inserting a comma and "the Commonwealth of the Northern Mariana Islands," after "Columbia".

RIVERS AND HARBORS

SEC. 24. The Act of March 3, 1899 (33 U.S.C. 401 et seq.) shall apply to the Commonwealth of the Northern Mariana Islands.

JUDICIAL VENUE UNDER THE FEDERAL WATER POLLUTION CONTROL ACT

SEC. 25. (a) Section 311(n) of the Federal Water Pollution Control Act (33 U.S.C. 1321(n)) is amended (1) by striking out "Trust Territory of the Pacific Islands" wherever it appears therein and inserting in lieu thereof "Trust Territory of the Pacific Islands (other than the Commonwealth of

the Northern Mariana Islands)", and (2) by inserting immediately after the second sentence thereof the following new sentence: "In the case of the Commonwealth of the Northern Mariana Islands, such actions may be brought in the District Court for the Commonwealth of the Northern Mariana Islands.".

(b) Section 312(m) of the Federal Water Pollution Control Act (33 U.S.C. 1322(m)) is amended (1) by striking out "Trust Territory of the Pacific Islands" wherever it appears therein and inserting in lieu thereof "Trust Territory of the Pacific Islands (other than the Commonwealth of the Northern Mariana Islands)", and (2) by inserting immediately after the first sentence thereof the following new sentence: "In the case of the Commonwealth of the Northern Mariana Islands, such actions may be brought in the District Court for the Commonwealth of the Northern Mariana Islands.".

OCEAN DUMPING JUDICIAL VENUE

SEC. 26. Section 3(g) of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1403(g)) is amended (1) by inserting immediately after "Puerto Rico," the following: "the District Court for the Commonwealth of the Northern Mariana Islands,", and (2) by inserting immediately after "Trust Territory of the Pacific Islands" the following: "(other than the Commonwealth of the Northern Mariana Islands)".

JUDICIAL VENUE UNDER THE OCEAN THERMAL ENERGY CONVERSION ACT

SEC. 27. Subsection (c) of section 303 of the Ocean Thermal Energy Conversion Act (Public Law 96-320) is amended in the sentence beginning "In the case of Guam" by striking out the period at the end thereof and inserting in lieu thereof "and in the case of the Commonwealth of the Northern Mariana Islands, the appropriate court is the District Court for the Northern Mariana Islands.".

NONPROFIT LOTTERY MAILINGS

SEC. 28. Section 3005 of title 39, United States Code, is amended by adding at the end thereof the following new subsection:

"(f)(1) Nothing in this section shall prohibit the mailing to addresses within the Commonwealth of the Northern Mariana Islands of equipment, tickets, or materials concerning a qualified lottery conducted in the Commonwealth of the Northern Mariana Islands in accordance with the laws of the Commonwealth of the Northern Mariana Islands.

"(2) For the purposes of this section, 'qualified lottery' means a lottery conducted by a nonprofit organization for religious, charitable, educational, or benevolent purposes, in which no part of the gross receipts derived therefrom inures to the benefit of any private shareholder, member, or employee of such organization except as compensation for actual expenses incurred by such shareholder, member, or employee in the conduct of the lottery.".

AUTHORITY TO WAIVE MEDICAID REQUIREMENTS FOR THE NORTHERN MARIANA ISLANDS

SEC. 29. Section 1902(j) of the Social Security Act (42 U.S.C. 1396a(j)) is amended—

(1) by striking out "the medical assistance program in American Samoa," and inserting in lieu thereof "a medical assistance program in the Commonwealth of the Northern Mariana Islands or American Samoa, or both,", and

(2) by striking out "American Samoa" the second place it appears and inserting in lieu thereof "such jurisdiction".

SUBMERGED LANDS

SEC. 30. (a) Subject to valid existing rights, the United States releases, relinquishes, and conveys to the Commonwealth of the Northern Mariana Islands any and all rights, title, and interest it may have in submerged lands within the boundaries of the Commonwealth of the Northern Mariana Islands, to be administered in trust for the benefit of the people thereof.

(b) For purposes of this section, the term:

(1) "Submerged lands" shall include—

(A) all lands permanently or periodically covered by tidal waters up to but not above the ordinary high water mark as heretofore or hereafter modified by accretion, erosion, and reliction, and seaward to a line three geographical miles distant from the coastlines of the Commonwealth of the Northern Mariana Islands;

(B) all filled in, made, or reclaimed lands which were formerly lands described in subparagraph (A) of this paragraph; and

(C) all improvements on and all natural resources on or within lands described in subparagraphs (A) and (B) of this paragraph.

(2) "Covenant" shall mean the Government to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, as approved by Public Law 94-241, 90 Stat. 263 (1976).

(c) There are excepted from the transfer made by subsection (a) of this section any and all submerged lands leased to the Government of the United States pursuant to sections 802 and 803 of the Covenant for so long as such lands are leased.

(d) Nothing in this section shall affect such rights, if any, the Commonwealth of the Northern Mariana Islands may have in the seabed and its subsoil, and their natural resources, more than three geographical miles distant from the coastlines of the Commonwealth of the Northern Mariana Islands.

(e) This section shall become effective on establishment of the Commonwealth of the Mariana Islands pursuant to sections 101 and 1003(c) of the Covenant.

GOVERNMENT DEPOSITORY LIBRARIES

SEC. 31. (a) Section 1905 of title 44, United States Code, is amended—

(1) by striking out "and the Virgin Islands," in the first sentence and inserting in lieu thereof "the Virgin Islands, and the Commonwealth of the Northern Mariana Islands,"; and

(2) by striking out "the Governor of Guam and the Governor of American Samoa may each designate one depository library in Guam and American Samoa," in the last sentence and inserting in lieu thereof "the Governor of Guam, the Governor of American Samoa, and the Governor of the Commonwealth of the Northern Mariana Islands may each designate one depository library in Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.".

(b) Section 1909 of such title is amended by inserting "the Commonwealth of the Northern Mariana Islands," after "American Samoa," each place it appears.

ENFORCEMENT OF FEDERAL LAWS IN THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

SEC. 32. (a)(1) Subject to the provisions of paragraph (2) the Governor of the Commonwealth of the Northern Mariana Islands is authorized to enforce or execute in the Commonwealth of the Northern Mariana Islands any Federal laws applicable to the Northern Mariana Islands.

(2) In enforcing or executing any Federal law pursuant to paragraph (1), the authority exercised by the Governor of the Commonwealth of the Northern Mariana Islands shall be subject to the direction or control of the Federal agency principally charged with the enforcement or execution of that law or, if no Federal agency is so charged, by the Department of Justice.

(b) The authority granted to the Governor of the Commonwealth of the Northern Mariana Islands by subsection (a) may be delegated by the Governor of the Commonwealth of the Northern Mariana Islands to any officer or employee of the Government of the Commonwealth of the Northern Mariana Islands either directly, or indirectly by one or more redelegations of authority.

(c)(1) Any department or agency of the Federal Government may provide financial and technical assistance to the Government of the Commonwealth of the Northern Mariana Islands in enforcing or executing within the Commonwealth of the Northern Mariana Islands laws normally enforced or executed by that agency.

(2) Any program for financial and technical assistance provided pursuant to this subsection shall be developed in cooperation with the Government of the Commonwealth of the Northern Mariana Islands or the Government of American Samoa.●

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By Mr. ABDNOR:

S. 2737. A bill to amend the Commodity Exchange Act to remove the application of such act to the trading of cattle; to the Committee on Agriculture, Nutrition, and Forestry.

ELIMINATION OF CATTLE FUTURES

● Mr. ABDNOR. Mr. President, today I am introducing legislation to eliminate cattle as a subject for trading on the commodity futures market. Simply said, my legislation delists the two contracts of cattle from the futures market.

The call to ban cattle futures comes from cattlemen themselves. The stockgrower and cattlemen associations of South Dakota, North Dakota, Colorado, Wyoming, Montana and Arizona all have passed resolutions calling for the elimination or suspension of cattle futures trading. The American Cowman's Association has requested that the Chicago Mercantile Exchange and the Commodity Futures Trading Commission permanently drop live cattle and feeder cattle futures. Additionally, petitions calling for the ban on cattle futures are being circulated in some 30 States. From what I've been told, there has been an overwhelming positive response to these petitions.

The live cattle futures was created in late 1964 and the feeder cattle futures in 1971. Last year there was more than 5 million such cattle futures contracts traded at the Chicago Mercantile Exchange [CME].

When the cattle futures market was established, cattlemen were told that

it would help stabilize the cattle market and be good for the cattle industry. Cattlemen in my home State of South Dakota and across the Nation are saying that the futures have not stabilized the market. In fact, most cattlemen would argue that futures markets have made markets more volative, during the last year.

Within 2 months this last spring, there were 14 limit or near limit moves in live cattle contracts. One daily limit move of $1.50 per hundredweight results in a $16.50 per head change in the value of a 1,100 pound steer. Such volatility was dramatically illustrated on the heels of the announcement of cow slaughter numbers under the Government's Dairy Cow Termination Program.

During the period of 1960 to 1964, the difference between the high and low end of the fed cattle market was 23.6 percent. This time frame is before live cattle futures were established. In 1985 alone, however, the fed cattle market moved 21 percent. That's a 21-percent change in just 1 year with futures as compared to a 23.6-percent change over a period of 5 years without futures.

Perhaps the November 16, 1983 edition of Farm Talk stated the sentiment of cattlemen best when it argued:

> The futures markets have become so hyper-responsive to rumor, supply and demand estimates and so inter-related to such things as the price of gold, silver, Treasury bills and foreign exchange rates, that they are but tenuously connected to the real world. Futures trading is geared to benefit those with inside information and those with tremendous market clout. Unfortunately, beef producers have neither.
>
> A system can't be right when non-producers set and oversee the rules, when non-producers influence the price of commodities they never own and never intend to own.

I'm not going to argue that volatility in cash prices of cattle, measured in percentage terms, has increased since the creation of futures. Studies done by the CME have indicated that volatility declined following the introduction of futures, but even in the words of the CME, "None of these declines proved to be statistically significant." (The Impact of the Cattle Futures Market on the Cash Market: An Analysis of Current Concerns; Chicago Mercantile Exchange, July 22, 1986.)

I would like to note that the CME studies compared to an 11-year period of variability in weekly steer prices before futures with a 22-year period following the introduction of futures. I'm not a trained economist, but I feel it's unorthodox to compare an 11-year period with a 22-year period.

I also would like to point out that cattle price volatility measured in dollar rather than percentage terms was higher during the 22 years following futures. During the first week after the March 28, 1986, dairy buyout announcement, for example, the panhandle price for cattle dropped almost 9 percent.

Mr. President, one of the things that really angers cattlemen and me is that the livelihoods of cattlemen are being controlled by speculators playing the futures markets. The rough-faced and windburned cattleman has no control over the price he receives. It is controlled by speculators.

In the May 29, 1986, issue of Livestock Weekly, Wade Choate of San Angelo, TX, states the following in his letter to the editor:

> As I see it, the futures have taken control of our live market and have given it to people who have no interest in our business.
>
> Probably the worst thing about the futures is that they have so much leverage on us. One load of live cattle will cost about $20,000 to place on feed. The futures trader can buy about 29 contracts or loads with the same money that we have to put up to buy one pen of cattle. They can push us around very easily.
>
> I am not complaining as a result of being on the wrong side. Our brokers would tell you that the futures have been very good to us personally the last 2 years. My complaint is because of what they are doing to our industry.
>
> Incidentally, I stepped into a local commodity office a little while ago. There were seven people playing the cattle commodities: One lawyer, three construction people, one beer joint operator and just two of us cow traders.

Still another problem with cattle futures is that futures prices affect cash prices. Immediately following the March 28 dairy buyout announcement, both futures and cash prices plunged. But why did the cash prices plunge? Not a single dairy cow had been slaughtered.

In the May 19, 1986, edition of the Western Livestock Journal, Pete Crow of Albuquerque, NM, states:

> The commodities markets control the cash market. What seems to have happened is we have removed supply and demand from the market and have created future supply and future demand, for which you need a crystal ball to forecast. The fact of the matter is that the futures markets are out of control and are not working to the benefit of most producers or feeders.

Another well-stated argument about the futures' influence on cash prices is made by even those who have made their living on the floor of the CME.

In the April 24, 1986, issue of Drovers Journal, Marvin J. Walter of Carriage House Meat and Provision Co., Inc., in Ames, IA, writes:

> As one who for a period of time made a living as a floor trading member of the Mercantile, I feel more sure now than ever before that the entire cattle industry is suffering serious setbacks because of the way trading activity moves the cash beef market both up and down. Until this became so apparent, I was never critical of the futures market and, in fact, felt it was a very viable tool in the marketing process.
>
> Probably the most damaging force emerges on the floor of the exchange by floor traders and the "mob psychology" created when they are successful in pushing the market in one direction for a prolonged period of time. Recently, of course, this movement has worked to the detriment of the cattle industry as floor traders continue to add to their short positions on the basis of some exaggerated rumors that in most cases they help create and foster.
>
> Because packers have no real incentive to step into the live cattle market and bid up prices with a rapidly declining futures market and a higher percentage of their needs tied up in contracts, the live market collapses also. Because retailers and other large beef users see the futures market dropping and they have a percentage of their purchases made against a contract, they have no real interest in stepping into a declining market. Why buy today when we can buy cheaper later as the futures market continues to decline.
>
> A very good example of this was seen on April 3 when the futures market opened and appeared to stabilize, and the cash beef market was called steady. Suddenly, the floor started selling heavily and moved the futures down the limit. By late afternoon the bottom fell out of the cash market and it was quoted $1 to $2.50 lower. This all happened even though slaughter numbers were not abnormally high and the live cattle market was already abnormally low."
>
> I suggest this just doesn't happen. The futures market has far too much influence and control of the cash and it is getting to be a serious situation. The cattle industry is being crippled in the process.
>
> Because a preponderance of those of us in the cattle and beef industry are free enterprise entrepreneurs, we are hesitant to interfere with this "bastion" of our economy and marketing system. Rather, we sit on the sidelines and see an entire industry devastated . . . something must be done and I urge all people interested in this business to raise their voices and ask that this nonsense be stopped.

The Chicago Mercantile Exchange does not have a rule prohibiting or limiting short selling on a downward market. The New York Stock Exchange, however, has such a rule. The Big Board's rule to prohibit selling short on the heels of a transaction which produced a price decline or no change in price was instituted in the 1930's when such short selling was discovered to be a common way to deliberately depress stock shares. The Big Board's rule therefore bars short selling except where the last transaction in a stock resulted in a price increase, or "uptick."

I am not asserting that there is widespread manipulation in cattle futures. Although many cattlemen across the Nation may believe such, I cannot substantiate their claim. Personally, I tend to agree with cattlemen on this subject, but manipulation is difficult to discover and prove.

It has been suggested for years that a similar rule be initiated for commodity futures trading. Very simply, the rule would prohibit selling short unless the trader had a legitimate long-hedge position or unless the transaction takes place during an "uptick" in the market.

It is interesting to note that even large feeders who have used the futures markets for years now advocate delisting the two contracts of cattle on the futures market. Such is the case with Paul Engler, president of Cactus Feeders, Inc., the Nation's largest cattle-feeding operation. I would like to read for the record a portion of an article highlighting Paul Engler's thoughts which appeared in the June 1986 issue of National Cattlemen:

ENGLER ADVOCATES DELISTING

Paul Engler, president of Cactus (Texas) Feeders, Inc., the Nation's largest feeding business, says flatly "That the industry should work to get cattle futures contracts delisted." Engler says that "the only economic justification for any futures contract is that it: (1) is a useful risk management tool; and (2) provides a price dicovery mechanism. The cattle contract," he says, "does neither."

Engler long has used futures, but he always has questioned if the cattle contract is a viable one. "Cattle, as compared with soybeans, for example, are not really a deliverable commodity," he says, "and the contract has suffered from the lack of long hedgers. Theoretically, the packer should be a long hedger, but has not participated that way."

"Compounding the problem was 1984 tax legislation," Engler added. "This legislation effectively eliminated spreads and straddles, and that eliminated much of the speculator interest in the back months. There thus is less liquidity in the back months."

"There definitely is a downward bias in the futures," Engler says. "The normal hedgers (cattlemen) must sell short, and there is not enough long hedger or speculator interest on the other side."

"The futures now have an overwhelming effect on the cash markets," Engler said. "People, including retailers and packers, watch the board and make buy and sell decisions in the cash markets on the basis of the futures."

Engler urges that action to delist the cattle contract be taken now. "Cattle numbers are going down," he notes. "We're turning the corner on fat and cholesterol. The next five years could be good. But the golden years will not come to pass if we keep the futures."

"Those who have suffered the most from futures," Engler says, "are the basic producers and ranchers. They can't use the contract, and they have felt most of the price pressure."

Mr. Engler points out the most appropriate reason for eliminating cattle futures—that is the shortage of long hedgers which results in a downward bias in the market.

Cattlemen are the short hedgers in the market. They are the ones that must sell their products. The problem is that there are six times more short hedgers in the market than long hedgers. If there are six times more sellers than buyers, this puts downward pressure on the market. For various reasons, legitimate buyers of cattle like retailers and packers have not used futures to a great extent for long hedges. This is why a downward bias exists.

Mr. President, it is my intent to offer this bill as an amendment to the Commodity Exchange Act when it is taken up by the Senate in September.

Cattlemen across the country are demanding that cattle futures be eliminated. They feel that instead of being a tool which they can use, the futures have become a leg iron which is contributing to the problems being faced by the cattle industry.

Some say that cattlemen are looking for a scapegoat to blame for the problems they are facing. I submit to my colleagues that cattle futures are part of the problem. The inherent downward bias in the futures market, the effect of futures on cash market prices, the control that speculators have on the prices received by real cattlemen, and the recent volatility in futures prices all are compelling reasons why cattle futures should be eliminated.

The legitimate producers of beef are calling for elimination of cattle futures. We should heed their call.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2737

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. NONAPPLICABILITY OF COMMODITY EXCHANGE ACT TO TRADING OF CATTLE.

(a) DEFINITION OF COMMODITY.—The third sentence of section 2(a)(1)(A) of the Commodity Exchange Act (7 U.S.C. 2) is amended—

(1) by inserting "(other than cattle)" after "livestock"; and

(2) by inserting "and cattle" after "except onions as provided in Public Law 85-839".

(b) REPORT ON HEDGING.—The last sentence of 4a(3) of such Act (7 U.S.C. 6a(3)) is amended by striking out "cattle, hog, or pork" and inserting in lieu thereof "hog or pork".

(c) APPLICATION OF AMENDMENTS.—The amendments made by this section shall not apply to a contract of sale of cattle for future delivery that was entered into before the date of enactment of this Act.●

## ADDITIONAL COSPONSORS

S. 1822

At the request of Mr. THURMOND, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 1822, a bill to amend the Copyright Act in section 601 of title 17, United States Code, to provide for the manufacturing and public distribution of certain copyrighted material.

S. 1917

At the request of Mr. BRADLEY, the name of the Senator from Washington [Mr. EVANS] was added as a cosponsor of S. 1917, a bill to amend the Foreign Assistance Act of 1961 to provide assistance to promote immunization and oral rehydration, and for other purposes.

S. 2181

At the request of Mr. D'AMATO, the name of the Senator from Colorado [Mr. HART] was added as a cosponsor of S. 2181, a bill entitled the "Construction Industry Labor Law Amendments of 1986".

S. 2209

At the request of Mr. DOLE, the name of the Senator from Alabama [Mr. DENTON] was added as a cosponsor of S. 2209, a bill to make permanent and improve the provisions of section 1619 of the Social Security Act, which authorizes the continued payment of SSI benefits to individuals who work despite severe medical impairment; to amend such act to require concurrent notification of eligibility for SSI and medicaid benefits and notification to certain disabled SSI recipients of their potential eligibility for benefits under such section 1619; to provide for a GAO study of the effects of such section's work incentive provisions; and for other purposes.

S. 2370

At the request of Mr. MURKOWSKI, the name of the Senator from Mississippi [Mr. STENNIS] was added as a cosponsor of S. 2370, a bill to allow the Francis Scott Key Park Foundation, Inc. to erect a memorial in the District of Columbia.

S. 2454

At the request of Mr. MURKOWSKI, the name of the Senator from Tennessee [Mr. GORE] was added as a cosponsor of S. 2454, a bill to repeal section 1631 of the Department of Defense Authorization Act, 1985, relating to the liability of Government contractors for injuries or losses of property arising out of certain atomic weapons testing programs, and for other purposes.

S. 2455

At the request of Mr. MITCHELL, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of S. 2455, a bill entitled the National Organ and Tissue Donor Act.

S. 2565

At the request of Mr. DOLE, the names of the Senator from Mississippi [Mr. COCHRAN], the Senator from California [Mr. CRANSTON], the Senator from Nevada [Mr. HECHT], the Senator from North Carolina [Mr. HELMS], the Senator from Delaware [Mr. ROTH], the Senator from New Hampshire [Mr. RUDMAN], and the Senator from Connecticut [Mr. WEICKER] were added as cosponsors of S. 2565, a bill to ensure the orderly and competitive development of the telecommunications industry.

S. 2618

At the request of Mr. DANFORTH, the name of the Senator from Maine [Mr. MITCHELL] was added as a cosponsor of S. 2618, a bill to amend the Tariff Schedules of the United States to change the classification of certain

prefabricated bitumen roofing membranes.

S. 2660

At the request of Mr. BENTSEN, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of S. 2660, a bill to prevent burdens or restrictions upon the international trade of the United States by reason of the activities of State trading enterprises.

S. 2667

At the request of Mr. BENTSEN, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 2667, a bill to amend title XIX of the Social Security Act to permit States the option of providing prenatal, delivery, and postpartum care to low-income pregnant women and of providing medical assistance to low-income infants and children under 6 years of age.

S. 2717

At the request of Mr. QUAYLE, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 2717, a bill to amend the Agricultural Act of 1949 to require the Commodity Credit Corporation to pay producers for on-farm storage of commodities, and for other purposes.

SENATE JOINT RESOLUTION 348

At the request of Mr. GLENN, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of Senate Joint Resolution 348, a joint resolution to designate the week beginning November 24, 1986, as "National Family Caregivers Week".

AMENDMENT NO. 1168

At the request of Mr. BOREN, the names of the Senator from Delaware [Mr. BIDEN], the Senator from Vermont [Mr. LEAHY], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Wisconsin [Mr. PROXMIRE], the Senator from New York [Mr. MOYNIHAN], and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of Amendment No. 1168 proposed to S. 655, a bill granting the consent of Congress to the Central Interstate Low-Level Radioactive Waste Compact.

## SENATE RESOLUTION 464—DESIGNATING "CRACK/COCAINE AWARENESS MONTH"

Mr. ROTH submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 464

Whereas cocaine is a drug that medical authorities consider to be very dangerous;

Whereas the amount of cocaine entering the United States from other countries has increased substantially in recent years;

Whereas in the past, the most common method of taking cocaine into the body was by inhaling the drug through the nose;

Whereas cocaine may be smoked if the drug is subjected to certain procedures designed to harden the drug;

Whereas the form of cocaine that may be smoked is commonly known as crack;

Whereas crack can be developed easily from the standard form of cocaine, and law enforcement authorities are encountering difficulties in stopping the production of crack;

Whereas crack is extremely addictive, and a single incident of smoking crack may result in addiction;

Whereas crack may cause death or injury as a result of heart attacks, seizures, strokes, or damage to the lungs;

Whereas the use of crack is increasing rapidly;

Whereas the use of cocaine has become widespread among all socioeconomic groups, including young athletes;

Whereas the awareness of the people of the United States with respect to the danger of the use of cocaine, and with respect to available treatments for addiction to cocaine, should be increased; and

Whereas parents, drug prevention agencies at all levels of government, civic organizations, and other individuals and groups should work to increase such awareness: Now, therefore be it

*Resolved by the Senate of the United States of America,* That October 1986 is designated "Crack/Cocaine Awareness Month", and the President of the United States is requested to issue a proclamation calling upon the people of the United States to observe such month with appropriate ceremonies and activities.

● Mr. ROTH. Mr. President, in a hearing last month, the Permanent Subcommittee on Investigations learned about the dangers of crack, the smokable form of cocaine. Not only is it highly addictive, but it is also deadly. We heard from reformed users that you only need to smoke it once to get hooked on it—or die from it. That is why I believe that it is vitally important to educate the public, especially our youth, about the facts about crack. To stop them before they take that first puff and ultimately see their lives go up in smoke. To meet this need, I have submitted Senate Resolution 464 designating October as "Crack/Cocaine Awareness Month" with the objective that we can focus all of our resources—the media, educators, social services and law enforcement—to make everyone aware of the dangers of crack and cocaine use.

As we are acutely aware, our Nation is currently experiencing a cocaine epidemic. Despite dedicated law enforcement efforts—the most recent of which was the destruction of cocaine labs in Bolivia—the influx of cocaine into this country has drastically increased, invading our communities and endangering our society like a white plague.

Crack has accelerated this epidemic. It is the marketing marvel of cocaine traffickers. It is much more pure than powder cocaine, making it more potent and, therefore, more addictive, creating a craving for more. Unlike powder cocaine, once the glamorous drug of the rich, crack is cheap. Anyone, even the young, can afford it. Treatment centers are reporting crack addicts as young as 8 years old. It is as easy to use as breathing in. And it is easy to find practically anywhere in the United States. In my home State of Delaware in the rural town of Seaford, more than 15 people have been arrested for selling crack.

Crack poses a serious health hazard to all who smoke it. It has been associated with heart seizures, strokes, lung problems and death. The recent deaths of outstanding athletes Len Bias and Don Rogers vividly demonstrated that cocaine kills.

Crack use has also contributed to a significant increase in violent crimes as users become desperate to obtain this seductive drug by any means. Law enforcement efforts have been frustrated, because manufacturers can set up shop almost anywhere and use youngsters to peddle their insidious product.

Crack has permeated every segment of our society. The law enforcement community is working hard to contain this problem, but it gets more threatening every month. I think it is time to reach out to the individual. To inform the people, particularly our youth, about the health hazards of cocaine before they experiment with it—before it is too late.

By this resolution, we encourage parents, civic associations, local and State prevention agencies, reformed addicts, educators, and law enforcement authorities to dedicate their resources to inform the citizenry. We encourage the media to portray the facts about crack and cocaine. We encourage the individual to listen and read and to learn and heed the messages that are being provided.

I call upon all my colleagues to support the resolution designating October as "Crack/Cocaine Awareness Month" and to promote it with appropriate ceremonies and activities in your home States.●

## SENATE RESOLUTION 465—RELATING TO A TARIFF ON CHOCOLATE

Mr. DOLE (for himself, Mr. PACKWOOD, Mr. LUGAR, Mr. HELMS, Mr. SIMPSON, Mr. GORTON, Mr. EVANS, Mr. HEINZ, Mr. D'AMATO, Mr. ROTH, Mr. MURKOWSKI, Mr. CHAFEE, Mr. MATSUNAGA, Mr. BENTSEN, Mr. LAUTENBERG, Mr. ZORINSKY, Mr. NUNN, Mr. BRADLEY, Mr. MOYNIHAN, Mr. HARKIN, Mr. PRYOR, Mr. HEFLIN, Mr. DIXON, Mr. WARNER, Mr. GRASSLEY, Mr. ABDNOR, and Mr. LEAHY) submitted the following resolution; which was considered and agreed to:

S. RES. 465

Whereas, the U.S. confectionary industry is a major industrial consumer of domestically grown sugar, milk, peanuts and other U.S. agricultural commodities; and,

Whereas, the expansion of overseas markets for U.S. chocolate and confectionary

exports will directly benefit supplier industries including sugar and milk producers, and growers of peanuts, almonds, raisins, corn and wheat; and,

Whereas increased U.S. exports of chocolate enhances demand for cocoa beans and cocoa by products from developing nations whose economies depend on cocoa for export earnings; and

Whereas the United States includes among its trade policy objectives reciprocity in confectionery trade with Japan and other nations; and,

Whereas, the U.S. confectionary market is open and tariffs are among the lowest in the world; and,

Whereas, Japan has restricted competitive U.S. exports of chocolate by maintaining tariffs that are among the highest of any industrialized nation;

It is therefore the sense of the Senate that:

The President should use all appropriate powers of his office to secure from Japan a reduction of that nation's tariff on chocolate to a level at parity with the United States by April, 1987.

## AMENDMENTS SUBMITTED

### CONSENT OF CONGRESS TO THE CENTRAL INTERSTATE LOW LEVEL RADIOACTIVE WASTE COMPACT

### BOSCHWITZ AMENDMENT NO. 2690

(Ordered to lie on the table.)

Mr. BOSCHWITZ submitted an amendment intended to be proposed by him to the bill (S. 655) granting the consent of Congress to the Central Interstate Low Level Radioactive Waste Compact; as follows:

At the appropriate place, add the following new section:

SEC. —. (a) Section 315(a)(2)(B) of the Federal Election Campaign Act of 1971 is amended by striking out all after "party" and inserting in lieu thereof a semicolon.

(b) Section 304(b) of the Federal Election Campaign Act of 1971 is amended—

(1) in paragraph (2)—

(A) by striking out "and" after the semicolon in subparagraph (J);

(B) by inserting "and" after the semicolon at the end of subparagraph (K); and

(C) by adding at the end thereof the following:

"(L) for a national committee of a national party, all funds received, from any source, for purposes other than to influence a Federal election, except funds received in accordance with section 301(8)(B)(viii);";

(2) in paragraph (3)—

(A) by striking out "and" after the semicolon in subparagraph (F);

(B) by inserting "and" after the semicolon at the end of subparagraph (G); and

(C) by adding at the end thereof the following:

"(H) for a national committee of a political party, person or organization providing funds reportable under subsection (b)(2)(L) of this section;"; and

(3) in paragraph (4)—

(A) by striking out "and" after the semicolon in subparagraph (H)(v);

(B) by inserting "and" after the semicolon at the end of subparagraph (I); and

(C) by adding at the end thereof the following:

"(J) for a national committee of a political party, all disbursements from funds reportable under subsection (b)(2)(L) of this section;".

(c)(1) Notwithstanding any other provision of law, section 315 of the Communication Act of 1934 (47 U.S.C. 315), as amended by this Act, is amended—

(A) by striking out subsection (b), as added by this Act; and

(B) by redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d), respectively.

(2) Section 315(a) of the Communication Act of 1934 (47 U.S.C. 315(a)), as amended by this Act, is amended by striking out "subsection" and inserting in lieu thereof "section".

(3) Section 315(c) of the Communication Act of 1934 (47 U.S.C. 315(c)), as redesignated by subsection (a), is amended to read as follows:

"(c) For purposes of this section—

"(1) the term 'broadcast station' includes a community antenna television system; and

"(2) the term 'license' and 'station license' when used with respect to a community antenna television system mean the operator of such system.".

### MILITARY CONSTRUCTION APPROPRIATION FISCAL YEAR 1987

### SASSER AMENDMENT NO. 2691

Mr. SASSER proposed an amendment, which was subsequently modified, to the bill (H.R. 5052) making appropriations for military construction of the Department of Defense for the fiscal year ending September 30, 1987, and for other purposes, as follows:

On page 20, between lines 23 and 24, insert the following new section:

SEC. 126. None of the funds appropriated in this Act may be obligated or expended in connection with construction at any military installation in Europe or Japan until the Secretary of Defense has provided the Committee on Appropriations of the Senate and the House of Representatives with a report by November 15, 1986 containing details of the specific actions proposed to be taken by the Department of Defense during fiscal year 1987 to encourage other member nations of the North Atlantic Treaty Organization and Japan to assume a greater share of the common defense burden of such nations and the United States.

### MATTINGLY AMENDMENT NO. 2692

Mr. MATTINGLY proposed an amendment to the bill H.R. 5052, supra, as follows:

On page 2, line 11, strike "128,440,000" and insert in lieu thereof "$129,440,000".

On page 2, line 17, strike the punctuation after the word "therefor" and after the stricken lines insert the following: ": *Provided further,* That of the amount available for study, planning, design, architect and engineer services, $1,000,000 shall be available for the design of facilities at Fort Benning, Georgia necessary due to the establishment of the U.S. Army School of the Americas at Fort Benning.".

On page 3, line 5, strike "1,282,995,000" and insert in lieu thereof "1,282,985,000".

On page 3, line 12, strike the punctuation at the end of the section and insert the following: ": *Provided further,* That of the amount available for study, planning, design, architect and engineer services, $200,000 shall be available for the purpose of providing community impact assistance funds as necessary in support of the Gulf Coast Strategic Homeporting Initiative.".

On page 3, line 17, strike "1,252,710,000" and insert in lieu thereof "1,250,625,000".

### COMPREHENSIVE ANTI-APARTHEID ACT

### PRESSLER (AND OTHERS) AMENDMENT NO. 2693

(Ordered to lie on the table.)

Mr. PRESSLER (for himself, Mr. MURKOWSKI, Mr. ABDNOR, Mr. LAXALT, Mr. BROYHILL, Mr. MELCHER, and Mr. WALLOP) proposed an amendment to the bill (S. 2701) to provide a comprehensive policy for the United States in opposition to the system of apartheid in South Africa, and for other purposes; as follows:

Delete Section 309.

### PRESSLER AMENDMENT NOS. 2694 THROUGH 2699

(Ordered to lie on the table)

Mr. PRESSLER submitted six amendments intended to be proposed by him to the bill S. 2701, supra, as follows:

AMENDMENT No. 2694

On page 79 of the bill, strike lines 10 through 13 of Section 311(b).

AMENDMENT No. 2695

At the end of title II, add the following:

SEC. . (a) The Congress finds that actions taken in this Act will probably lead, directly or indirectly, to intense economic hardship for African countries near to South Africa that are recipients of United States assistance.

(b) Accordingly, there are authorized to be appropriated $1,000,000,000 to assist these states in copying with the economic dislocations resulting from the imposition of sanctions on South Africa in this Act during the fiscal years 1987 through 1990.

AMENDMENT No. 2696

At the end of title II, add the following:

SEC. . In order to expand the participation of nonwhite South Africans in their country's economy as required in section 203 and the amendment made by section 204 of this Act, the provisions of sections 303 and 312 shall not apply to new investment in or loans to South African companies which are at least 51 percent owned or controlled by nonwhite South Africans.

AMENDMENT No. 2697

At the end of title III, add the following new section:

EFFECTIVE DATA OF CERTAIN PROVISIONS

SEC. 314. Notwithstanding any other provision of this title, no prohibition contained in section 303 or 311 shall take effect until—

(1) the President prepares and transmits to the Congress, not later than 90 days after the date of enactment of this Act, a report describing the employment costs to South Africa, the United States, and the southern African region of the implementation of such prohibition; and

(2) the Congress enacts a joint resolution or bill approving the implementation of such prohibition.

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AMENDMENT No. 2698

Delete section 501(a).

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AMENDMENT No. 2699

Delete Section 303.

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## SASSER (AND DODD) AMENDMENT NO. 2700

Mr. SASSER (for himself and Mr. DODD) proposed an amendment to the bill (H.R. 5052), supra; as follows:

On page 21, beginning with line 1, strike out all down through line 16 on page 51.

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## PENALTIES FOR FALSE CLAIMS

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## GRASSLEY AMENDMENT NO. 2701

Mr. DOLE (for Mr. GRASSLEY) proposed an amendment to the bill (S. 1562) to amend the False Claims Act, and title 18 of the United States Code regarding penalties for false claims, and for other purposes; as follows:

On page 9, beginning with line 21, strike out through line 16 on page 42, and insert in lieu thereof the following:

That section 3729 of title 31, United States Code, is amended by—

(1) inserting "(a)" before "A person";

(2) striking out "$2,000," and inserting in lieu thereof "$10,000, unless the court finds:

"(A) the defendant furnished officials of the United States responsible for investigating false claims violations with all information known to such defendant about such violation within 30 days after the date on which the defendant first obtained the information;

"(B) the defendant fully cooperated with any Government investigation of such violation; and

"(C) at the time the defendant furnished the United States with the information about the violation, no criminal prosecution, civil action, or administrative action had commenced under this title, with respect to such violation, and the defendant did not have actual knowledge of the existence of an investigation into such violation;

in which case the court may assess not less than $5,000, or unless the court finds that the defendant is a partnership, corporation, association, or organization, the annual gross receipts of which did not exceed $1,000,000 at the time the action was brought, and which had not more than 80 employees at the time the action was brought, and the court finds the assessment of $10,000 will result in substantial hardship under the circumstances for the defendant, in which case the court may assess not less than $5,000;

(3) striking out "2 times the amount of damages" and inserting in lieu thereof "3 times the amount of damages unless the court finds the provisions of paragraphs (A) through (C), in which case the court may assess not less than 2 times the amount of damages, in addition to the amount of the consequential damages";

(4) striking out "not a member of the armed forces of the United States" the first place it appears;

(5) striking out "or" at the end of clause (5);

(6) striking out the period in clause (6) and inserting in lieu thereof "; or"; and

(7) adding at the end thereof the following:

"(7) knowingly makes, uses, or causes to be made or used, a false record or statement to conceal, avoid, or decrease an obligation to pay or transmit money or property to the Government.

"(b) Consequential damages as used in subsection (a) shall include damages which the United States would not have sustained but for—

"(1) the doing or commission of any of the acts prohibited by subsection (a); or

"(2) having entered into or made any contract or grant as a result of any material part of any false statement,

and which were reasonably foreseeable to the defendant at the time the alleged fraud was committed or at the time of the submission of the claim or statement.

"(c) For purposes of this section, the terms 'knowing' and 'knowingly' mean the defendant—

"(1) had actual knowledge;

"(2) acted in deliberate ignorance of the truth or falsity of the information; or

"(3) acted in reckless disregard of the truth or falsity of the information;

and no proof of specific intent to defraud is required.

"(d) For purposes of this section, 'claim' includes any request or demand whether under a contract or otherwise for money or property which is made to a contractor, grantee, or other recipient if the Government provides any portion of the money or property which is requested or demanded or if the Government will reimburse such contractor, grantee, or other recipient for any portion of the money or property which is requested or demanded.

"(e)(1) The Attorney General or his designee may apply for provisional relief to any district court having jurisdiction pursuant to section 3732 whenever he has reasonable cause to believe this section or section 3730, or 3731 may have been violated. If the court finds there is a reasonable likelihood that the United States will prevail after trial on the merits of its claims, the court shall enjoin the defendant from taking any action which the court, in the exercise of its discretion, finds reasonably likely to hinder or delay the United States in the collection of any judgment which may be obtained in such action.

"(2) In addition, the court may from time to time make such other orders as it deems appropriate, including requiring the defendant to post security for judgment, to seek the prior approval of the court before making any transfer without adequate and full consideration, paying an antecedent debt which has matured more than thirty days prior to the date of payment, or otherwise engaging in any transaction not in the usual and regular course of the defendant's business. Except as provided in this section, such application and proceedings by the Attorney General shall be governed by Rule 65 of the Federal Rules of Civil Procedure.

"(f) Any information furnished pursuant to clauses (A) through (C) of subsection (a) shall be exempt from disclosure under section 552 of title 5.".

SEC. 2. Section 3730 of title 31, United States Code, is amended to read as follows:

"§ 3730. Civil actions for false claims

"(a) The Attorney General diligently shall investigate a violation under section 3729 of this title. If the Attorney General finds that a person has violated or is violating section 3729, the Attorney General may bring a civil action under this section against the person.

"(b)(1) Except as provided in subsection (e), a person may bring a civil action for a violation of section 3729 of this title for the person and for the United States Government. The action shall be brought in the name of the Government. An action may be dismissed only if the court and the Attorney General give written consent and their reasons for consenting.

"(2) A copy of the complaint and written disclosure of substantially all material evidence and information the person possesses shall be served on the Government under Rule 4(d)(4) of the Federal Rules of Civil Procedure. The complaint shall be filed in camera, shall remain under seal for at least 60 days, and shall not be served on the defendant until the court so orders. The Government may elect to intervene and proceed with the action within 60 days after it receives both the complaint and the material evidence.

"(3) The Government may, for good cause shown, move the court for stays and for extensions of the time during which the complaint shall remain under seal. Any such motions may be supported by affidavits or other submissions in camera. The defendant shall not be required to respond to any complaint filed under this section until 20 days after the complaint is unsealed and served upon him pursuant to Rule 4 of the Federal Rules of Civil Procedure.

"(4) Before the expiration of the initial 60-day period or any stays obtained, the Government shall—

"(A) proceed with the action, in which case the action shall be conducted only by the Government; or

"(B) notify the court that it declines to take over the action, in which case the action shall be conducted by the person bringing the action.

"(5) Where a person brings an action under this subsection, no person other than the Government may intervene or bring a related action based on the facts underlying the pending action.

"(c)(1) If the Government proceeds with the action, the action is conducted solely by the Government and it shall not be bound by an act of the person who initiated the action. If he so requests, the person bringing the action shall be served with copies of all pleadings filed in the action, shall be supplied with copies of all deposition transcripts (at his expense), and shall be permitted to file objections with the court and petition for an evidentiary hearing to object to any proposed settlement or to any motion to dismiss filed by the Government. The court may grant such an evidentiary hearing only upon a showing of substantial and particularized need. The person bringing the action may move the court for leave to conduct the action in the name of the United States if, after making its election to take over the suit, the Government does not proceed with the action with reasonable diligence within six months or such reasonable

additional time as the court may allow after notice.

"(2) If the Government elects not to proceed with the action, the action shall be conducted by the person who initiated the action. If the Government so requests, it shall be served with copies of all pleadings filed in the action and shall be supplied with copies of all deposition transcripts (at its expense). Where a person proceeds with the action in the name of the United States pursuant to subsection (b), the court may nevertheless permit the Government to intervene and proceed with the action by its own attorneys at a later date upon a showing of good cause.

"(3) Notwithstanding subsection (b), the Government may elect to pursue its claim through any alternate remedy available to it, including, but not limited to, any administrative civil money penalty proceeding.

"(d)(1) If the Government proceeds with the action, including any proceeding pursuant to subsection (c)(3), the person bringing the action may receive an amount the court decides is reasonable. The amount may not be less than 10 percent, nor more than 20 percent, of the proceeds of the action or settlement of a claim and shall be paid out of those proceeds.

"(2) If the Government does not proceed with an action, the person bringing the action or settling the claim may receive an amount the court decides is reasonable for collecting the civil penalty and damages. The amount may not be less than 20 percent, nor more than 30 percent, of the proceeds of the action or settlement and shall be paid out of those proceeds.

"(3) The amount awarded under this section shall be in the discretion of the court, taking into account—

"(A) the significance of the information provided to the Government;

"(B) the contribution of the person bringing the action to the result obtained; and

"(C) whether the information which formed the basis for the suit was known to the Government.

"(4) Where the persons brought an action based primarily on disclosures of specific information relating to allegations or transactions in a criminal, civil, or administrative hearing, a congressional or Government Accounting Office report or hearing, or from the news media, the court may award such sums as it deems appropriate, not to exceed 10 percent of the recovery and taking into account the significance of the information and the role of the person in advancing the case to litigation.

"(5) In addition to any other amounts awarded by the court, the court may also award the person bringing the action reasonable attorney fees and other expenses. The Government shall not be liable for the expenses or legal fees a person incurs in bringing or defending an action under this section.

"(6) If the Government does not proceed with the action and it is litigated by the person bringing the action, the court shall award to the defendant its reasonable attorney fees and expenses if the defendant prevails in such action and the court finds that the claim of the person bringing the action was clearly frivolous, vexatious, or brought for purposes of harassment. In cases where it appears that the person is bringing an action which is frivolous, vexatious, or brought for purposes of harassment, the court shall require such assurances that payment of legal fees and expenses will be made, if such are awarded, as it deems appropriate before allowing the action to proceed.

"(7) After any final judgment is issued in any action brought under this section, or any alternate remedy available to the Government, any person who brought an action under subsection (b) shall have 60 days to petition the court for any award to which he is entitled under this section.

"(e)(1) No court shall have jurisdiction over an action brought by a former or present member of the armed services under subsection (b) of this section against a member of the armed forces arising out of such person's service in the armed forces.

"(2) No court shall have jurisdiction over an action brought against a member of Congress, a member of the judiciary, or a senior executive branch official if the action is based on evidence or information known to the Government when the action was brought.

"(3) For purposes of this subsection, 'senior executive branch official' means those officials listed in section 201(f) of Appendix IV of title 5.

"(4) In no event may a person bring an action under this section based upon allegations or transactions which are the subject of a civil suit or an administrative civil money penalty proceeding in which the Government is already a party.

"(5)(A) No court shall have jurisdiction over an action under this section based upon the public disclosure of allegations or transactions in a criminal, civil, or administrative hearing, a congressional, administrative, or Government Accounting Office report, hearing, audit or investigation, or from the news media, unless the action is brought by the Attorney General or the person bringing the action is an original source of the information.

"(B) For purposes of this paragraph, 'original source' means an individual who has direct and independent knowledge of the information on which the allegations are based and has voluntarily informed the Government or the news media prior to an action filed by the Government.

"(f) The district courts shall have jurisdiction over any action brought under State law for the recovery of funds paid by State or local governments where such action grows out of the same transaction or occurrence as an action brought under this section.

"(g) The Attorney General or his designee is authorized to make payments from Department of Justice appropriations for information or assistance leading to a civil or criminal recovery under this section, section 3729, or sections 3731 through 3734, known as the False Claims Act or under section 286, 287, or 1001 of title 18. Any such payment shall be at the discretion of the Attorney General or his designee.

"(h) In civil actions brought under this section by the United States, the provisions of section 2412(d) of title 28 shall apply.

SEC. 3. Section 3731 of title 31, United States Code, is amended by—

(1) inserting before the period at the end of subsection (b) the following: "or within three years after the date when facts material to the right of action are known or reasonably should have been known by the official of the United States charged with responsibility to act in the circumstances, whichever occurs last"; and

(2) inserting after subsection (b), the following new subsections:

"(c) In any action brought under this section or section 3729, 3730, 3732, or 3733, the United States shall be required to prove all essential elements of the cause of action, including damages, by a preponderance of the evidence.

"(d) Notwithstanding any contrary provision of law, the Federal Rules of Criminal Procedure, or the Federal Rules of Evidence, a final judgment rendered in favor of the United States in any criminal proceeding charging fraud or false statements, whether upon a verdict after trial or upon a plea of guilty or nolo contendere, shall estop the defendant from denying the essential elements of the offense in any action brought by the United States pursuant to this section or section 3729, 3730, 3732, or 3733.".

SEC. 4. Subchapter III of chapter 37 of title 31, United States Code, is amended by adding at the end thereof the following:

"§ 3732. False claims jurisdiction

"(a) The district courts of the United States, including such courts for Puerto Rico, the Virgin Islands, Guam, and any territory or possession of the United States, shall have jurisdiction over any action commenced by the United States under this section, or under section 3729, 3730, 3731, 3733, or 3734. Venue of any such action shall be proper in any district in which any defendant, or in the case of multiple defendants, any one defendant can be found, resides, transacts business, or in which any act prescribed by such sections is alleged by the United States to have occurred. A summons as required by the Federal Rules of Civil Procedure shall be issued by the district court and served at any place within the United States, Puerto Rico, the Virgin Islands, Guam, any territory or possession of the United States, or in any foreign country.

"(b) The United States Claims Court shall also have jurisdiction of any such action if the action is asserted by way of counterclaim by the United States. The United States may join as additional parties in such counterclaim all persons who may be jointly and severally liable with such party against whom a counterclaim is asserted by reason of having violated this section, or section 3729, 3730, 3731, or 3733, except that no cross-claims or third-party claims shall be asserted among such additional parties unless such claims are otherwise within the jurisdiction of the United States Claims Court.".

SEC. 5. Subchapter III of chapter 37 of the title 31, United States Code is further amended by adding at the end thereof the following:

"§ 3733. Civil investigative demands

"(a) For purposes of this section, the term—

"(1) 'False Claims Act law' means—

"(A) this section and sections 3729 through 3731 of this title, commonly known as the False Claims Act; and

"(B) any Act of Congress enacted after this section which prohibits, or makes available to the United States in any court of the United States any civil remedy with respect to any false claim, bribery, or corruption of any officer or employee of the United States;

"(2) 'False Claims Act investigation' means any inquiry conducted by any False Claims Act investigator for the purpose of ascertaining whether any person is or has been engaged in any violation of any provision of the False Claims Act law;

"(3) 'False Claims Act investigator' means any attorney or investigator employed by the Department of Justice who is charged

with the duty of enforcing or carrying into effect any False Claims Act law or any officer or employee of the United States acting under direction and supervision of such attorney or investigator in connection with a False Claims Act investigation;

"(4) 'person' means any natural person, partnership, corporation, association, or other legal entity, including any State or political subdivision;

"(5) 'documentary material' includes the original or any copy of any book, record, report, memorandum, paper, communication, tabulation, chart, or other document, or data compilations stored in or accessible through computer or other information retrieval systems, together with instructions and all other materials necessary to use or interpret such data compilations, and any product or discovery;

"(6) 'custodian' means the custodian, or any deputy custodian, designated by the Attorney General; and

"(7) 'product of discovery' includes without limitation the original or duplicate of any deposition, interrogatory, document, thing, result of an inspection of land or other property, examination, or admission obtained by any method of discovery in any judicial or administrative litigation or action of an adversarial nature, any digest, analysis, selection, compilation, or any derivation thereof, and any index or manner of access thereto.

"(b)(1)(A) Whenever the Attorney General has reason to believe that any person may be in possession, custody, or control of any documentary material, or may have any information relevant, and not otherwise reasonably available, to a False Claims Act investigation, he may, prior to the institution of a civil proceeding, issue in writing and cause to be served upon such person, a civil investigative demand requiring such person to produce such documentary material for inspection and copying, to answer in writing written interrogatories, to give oral testimony concerning documentary material or information, or to furnish any combination of such material, answers, or testimony. Whenever a civil investigative demand is an express demand for any product of discovery, the Attorney General shall cause to be served, in any manner authorized by this section, a copy of such demand upon the person from whom the discovery was obtained and notify the person to whom such demand is issued of the date on which such copy was served.

"(B) Notwithstanding the provisions of section 510 of title 28, the Attorney General may not authorize the performance of any function of the Attorney General vested in him pursuant to this paragraph, by any other officer, employee, or agency.

"(2)(A) Each such demand shall state the nature of the conduct constituting the alleged violation of a False Claims Act law which is under investigation, and the applicable provision of law.

"(B) If such demand is for production of documentary material, the demand shall—

"(i) describe each class of documentary material to be produced with such definiteness and certainty as to permit such material to be fairly identified;

"(ii) prescribe a return date for each such class which will provide a reasonable period of time within which the material so demanded may be assembled and made available for inspection, and copying; and

"(iii) identify the False Claims Act investigator to whom such material shall be made available.

"(C) If such demand is for answers to written interrogatories, the demand shall—

"(i) set forth with definiteness and certainty the written interrogatories to be answered;

"(ii) prescribe dates at which time answers to written interrogatories shall be submitted; and

"(iii) identify the False Claims Act investigator to whom such answers shall be submitted.

"(D) If such demand is for the giving of oral testimony, the demand shall—

"(i) prescribe a date, time, and place at which oral testimony shall be commenced;

"(ii) identify a False Claims Act investigator who shall conduct the examination and the custodian to whom the transcript of such examination shall be submitted;

"(iii) specify that such attendance and testimony are necessary to the conduct of the investigation;

"(iv) notify the person receiving the subpoena of the right to be accompanied by an attorney and any other representative; and

"(v) describe the general purpose for which the subpoena is being issued and the general nature of the testimony, including the primary areas of inquiry, which will be taken pursuant to the subpoena.

Any such demand which is an express demand for any product of discovery shall not be returned or returnable until twenty days after a copy of such demand has been served upon the person from whom the discovery was obtained.

"(E) The date prescribed for the commencement of oral testimony pursuant to a civil investigation demand issued under this section shall be a date which is not less than seven days after the date on which demand is received, unless the Attorney General or an Assistant Attorney General designated by the Attorney General determines that exceptional circumstance are present which warrant the commencement of such testimony within a lessor period of time.

"(F) Any official before whom oral testimony under this section is to be taken shall exclude from the place where the testimony is to be taken all persons except the person giving the testimony, the attorney and any other representative for the person giving the testimony, the attorney for the Government, any person who may be agreed upon by the attorney for the Government, and the person giving the testimony, and any stenographer taking such testimony.

"(G) The Attorney General shall not authorize a second demand for oral testimony to a person unless such person requests otherwise or unless the Attorney General, after investigation, notifies that person in writing that an additional demand for oral testimony is necessary. The Attorney General may not authorize the performance of any function vested in him under this subparagraph, by any other officer, employee, or agency, notwithstanding section 510 of title 28.".

"(c)(1) No such demand shall require the production of any documentary material, the submission of any answers to written interrogatories, or the giving of any oral testimony if such material, answers, or testimony would be protected from disclosure under—

"(A) the standards applicable to subpoenas or subpoenas duces tecum issued by a court of the United States to aid in a grand jury investigation; or

"(B) the standards applicable to discovery requests under the Federal Rules of Civil Procedure, to the extent that the application of such standards to any such demand is appropriate and consistent with the provisions and purposes of this section and sections 3729 through 3731.

"(2) Any such demand which is an express demand for any product of discovery supersedes any inconsistent order, rule, or provision of law (other than this section) preventing or restraining disclosure of such product of discovery to any person. Disclosure of any product of discovery pursuant to any such express demand does not constitute a waiver of any right or privilege which may be invoked to resist discovery of trial preparation materials to which the person making such disclosure may be entitled.

"(d)(1) Any such demand may be served by any False Claims Act investigator, or by any United States Marshal or Deputy Marshal, at any place within the United States.

"(2) Any such demand or any petition filed under subsection (k) may be served upon any person who is not found within the United States, in such manner as the Federal Rules of Civil Procedures prescribe for service in a foreign country. To the extent that the courts of the United States can assert jurisdiction over such person consistent with due process, the United States District Court for the District of Columbia shall have the same jurisdiction to take any action respecting compliance with this section by such person that such court would have if such person were personally within the jurisdiction of such court.

"(e)(1) Service of any such demand or of any petition filed under subsection (k) may be made upon a partnership, corporation, association, or other legal entity by—

"(A) delivering an executed copy thereof to any partner, executive officer, managing agent, or general agent thereof, or to any agent thereof authorized by appointment or by law to receive service of process on behalf of such partnership, corporation, association, or entity;

"(B) delivering an executed copy thereof to the principal office or place of business of the partnership, corporation, or entity to be served; or

"(C) depositing such copy in the United States mails, by registered or certified mail, return receipt requested, addressed to such partnership, corporation, association, or entity at its principal office or place of business.

"(2) Service of any such demand or of any petition filed under subsection (k) may be made upon any natural person by—

"(A) delivering an executed copy thereof to the person to be served; or

"(B) depositing such copy in the United States mails by registered or certified mail, return receipt requested, addressed to such person at his residence or principal office or place of business.

"(f) A verified return by the individual serving any such demand or petition setting forth the manner of such service shall be proof of such service. In the case of service by registered or certified mail, such return shall be accompanied by the return post office receipt of delivery of such demand.

"(g) The production of documentary material in response to a demand served pursuant to this section shall be made under a sworn certificate, in such form as the demand designates, by the person, if a natural person, to whom the demand is directed or, if not a natural person, by a person having knowledge of the facts and circumstances relating to such production and authorized to act on behalf of such person. The certificate shall state that all of the documentary material required by the

demand and in the possession, custody, or control of the person to whom the demand is directed has been produced and made available to the custodian.

"(h) Each interrogatory in a demand served pursuant to this section shall be answered separately and fully in writing under oath unless it is objected to, in which event the reasons for the objection shall be stated in lieu of any answer, and it shall be submitted under a sworn certificate, in such form as the demand designates, by the person, if a natural person, to whom the demand is directed or, if not a natural person, by a person or persons responsible for answering each interrogatory. The certificate shall state that all information required by the demand and in the possession, custody, control, or knowledge of the person to whom the demand is directed has been submitted. To the extent that any materials are not furnished, they shall be identified and reasons set forth with particularity for each.

"(i)(1) The examination of any person pursuant to a demand for oral testimony served under this section shall be taken before an officer authorized to administer oaths and affirmations by the laws of the United States or of the place where the examination is held. The officer before whom the testimony is to be taken shall put the witness on oath or affirmation and shall personally, or by someone acting under his direction and in his presence, record the testimony of the witness. The testimony shall be taken stenographically and transcribed. When the testimony is fully transcribed, the officer before whom the testimony is taken shall promptly transmit a copy of the transcript of the testimony to the custodian. This subsection shall not preclude the taking of testimony by any means authorized by, and in a manner consistent with, the Federal Rules of Civil Procedure.

"(2) The False Claims Act investigator conducting the examination shall exclude from the place where the examination is held all other persons except the person being examined, his counsel, the officer before whom the testimony is to be taken, and any other stenographer taking such testimony.

"(3) The oral testimony of any person taken pursuant to a demand served under this section shall be taken in the judicial district of the United States within which such person resides, is found, or transacts business, or in such other place as may be agreed upon by the False Claims Act investigator conducting the examination and such person.

"(4) When the testimony is fully transcribed, the False Claims Act investigator or the officer shall afford the witness, who may be accompanied by counsel, a reasonable opportunity to examine the transcript and the transcript shall be read to or by the witness, unless such examination and reading are waived by the witness. Any changes in form or substance which the witness desires to make shall be entered and identified upon the transcript by the officer or the False Claims Act investigator with a statement of the reasons given by the witness for making such changes. The transcript shall then be signed by the witness, unless the witness in writing waives the signing, is ill, cannot be found, or refuses to sign. If the transcript is not signed by the witness within thirty days after his being afforded a reasonable opportunity to examine it, the officer or the False Claims Act investigator shall sign it and state on the record the fact of the waiver, illness, absence of the witness, or the refusal to sign, together with the reason, if any, given therefor. A refusal to sign or an unreasonable absence shall be deemed to be an acknowledgment of its accuracy and an affirmation of its contents.

"(5) The officer shall certify on the transcript that the witness was sworn by him and that the transcript is a true record of the testimony given by the witness, and the officer or False Claims Act investigator shall promptly deliver it or send it by registered or certified mail to the custodian.

"(6) Upon payment of reasonable charges therefor, the False Claims Act investigator shall furnish a copy of the transcript to the witness only, except that the Attorney General, the Deputy Attorney General, or an Assistant Attorney General may, for good cause, limit such witness to inspection of the official transcript of his testimony.

"(7)(A) Any person compelled to appear under a demand for oral testimony pursuant to this section may be accompanied, represented, and advised by counsel. Counsel may advise such person, in confidence, with respect to any question asked of such person. Such person or counsel may object on the record to any question, in whole or in part, and shall briefly state for the record the reason for the objection. An objection may be properly made, received, and entered upon the record when it is claimed that such person is entitled to refuse to answer the question on grounds of any constitutional or other legal right or privilege, including the privilege against self-incrimination. Such person shall not otherwise object to or refuse to answer any question, and shall not by himself or through counsel otherwise interrupt the oral examination. If such person refuses to answer any question, the False Claims Act investigator conducting the examination may petition the district court of the United States pursuant to subsection (k)(1) for an order compelling such person to answer such question.

"(B) If such person refuses to answer any question on the grounds of the privilege against self-incrimination, the testimony of such person may be compelled in accordance with the provisions of part V of title 18.

"(8) Any person appearing for oral examination pursuant to a demand served under this section shall be entitled to the same fees and mileage which are paid to witnesses in the district courts of the United States.

"(j)(1) The Attorney General, or his authorized designee shall designate a False Claims Act investigator to serve as custodian of documentary material, answers to interrogatories, and transcripts of oral testimony received under this section, and shall designate such additional False Claims Act investigators as he determines from time to time to be necessary to serve as deputies to such officer.

"(2) Any person upon whom any demand under subsection (b)(1) for the production of documentary material has been served shall make such material available for inspection and copying to the False Claims Act investigator designated therein at the principal place of business of such person, or at such other place as such False Claims Act investigator and such person thereafter may agree and prescribe in writing, or as the court may direct pursuant to subsection (k)(1) on the return date specified in such demand, or on such later date as such custodian may prescribe in writing. Such person may, upon written agreement between such person and the custodian, substitute copies for originals of all or any part of such material.

"(3)(A) The False Claims Act investigator to whom any documentary material, answers to interrogatories, or transcripts of oral testimony are delivered shall take physical possession thereof, and shall transmit them to the custodian who shall be responsible for the use made thereof and for the return of documentary material pursuant to this section.

"(B) The custodian may cause the preparation of such copies of such documentary material, answers to interrogatories, or transcripts of oral testimony as may be required for official use by any authorized official or employee of the Department of Justice or any authorized officer or employee of the United States acting under the direction and supervision of an attorney or investigator of the Department of Justice in connection with any False Claims Act investigation, under regulations promulgated by the Attorney General. Notwithstanding subparagraph (C) of this subsection, such material, answers, and transcripts may be used by any such person in connection with the taking of oral testimony pursuant to this section.

"(C) Except as otherwise provided in this section, while in the possession of the custodian, no documentary material, answers to interrogatories, or transcripts of oral testimony, or copies thereof, so produced shall be available for examination, without the consent of the person who produced such material, answers, or transcripts, and, in the case of any product of discovery produced pursuant to an express demand for such material, of the person from whom the discovery was obtained, by any individual other than an authorized official or employee of the Department of Justice, or an authorized officer or employee of the United States acting under the direction and supervision of an attorney or investigator of the Department of Justice in connection with any False Claims Act investigation. Nothing in this section is intended to prevent disclosure to either body of the Congress or to any authorized committee or subcommittee thereof, or to any other agency of the United States for use by such agency in furtherance of its statutory responsibilities. Disclosure to any other agency of the United States shall be allowed only upon application, made by the custodian to a United States district court, showing substantial need for use by such agency in furtherance of its statutory responsibilities.

"(D) While in the possession of the custodian and under such reasonable terms and conditions as the Attorney General shall prescribe—

"(i) documentary material and answers to interrogatories shall be available for examination by the person who produced such material or answers, or by an authorized representative of such person; and

"(ii) transcripts of oral testimony shall be available for examination by the person who produced such testimony, or his counsel.

"(4) Whenever any attorney of the Department of Justice has been designated to appear before any court, grand jury, or Federal administrative or regulatory agency in any case or proceeding, the custodian of any documentary material, answers to interrogatories, or transcripts of oral testimony may deliver to such attorney such material, answers, or transcripts for official use in connection with any such case, grand jury, or proceeding as such attorney determines to be required. Upon the completion of any such case, grand jury, or proceeding, such

attorney shall return to the custodian any such material, answers, or transcripts so delivered which have not passed into the control of such court, grand jury, or agency through the introduction thereof into the record of such case or proceeding.

"(5) If any documentary material has been produced in the course of any False Claims Act investigation by any person pursuant to a demand under this section, and—

"(A) any case or proceeding before any court or grand jury arising out of such investigation, or any proceeding before any Federal administrative or regulatory agency involving such material, has been completed, or

"(B) no case or proceeding in which such material may be used has been commenced within a reasonable time after completion of the examination and analysis of all documentary material and other information assembled in the course of such investigation,

the custodian shall, upon written request of the person who produced such material, return to such person any such material (other than copies thereof furnished to the custodian pursuant to paragraph (2) of this subsection or made by the Department of Justice pursuant to paragraph (3)(B) of this subsection) which has not passed into the control of any court, grand jury, or agency through the introduction thereof into the record of such case or proceedings.

"(6) In the event of the death, disability, or separation from service in the Department of Justice of the custodian of any documentary material, answers to interrogatories, or transcripts of oral testimony produced under any demand issued pursuant to this section, or of the official relief of such custodian from responsibility for the custody and control of such material, answers or transcripts, the Attorney General or his authorized designee shall promptly (A) designate another False Claims Act investigator to serve as custodian of such material, answers, or transcripts, and (B) transmit in writing to the person who produced such material, answers, or testimony notice as to the identity and address of the successor so designated. Any successor designated under this subsection shall have, with regard to such material, answers or transcripts, all duties and responsibilities imposed by this Act upon his predecessor in office with regard thereto, except that he shall not be held responsible for any default or dereliction which occurred prior to his designation.

"(k)(1) Whenever any person fails to comply with any civil investigative demand served upon him under subsection (b) or whenever satisfactory copying or reproduction of any such material cannot be done and such person refuses to surrender such material, the Attorney General, through such officers or attorneys as he may designate, may file in the district court of the United States for any judicial district in which such person resides, is found, or transacts business, and serve upon such person a petition for an order of such court for the enforcement of this section.

"(2)(A) Within twenty days after the service of any such demand upon any person, or at any time before the return date specified in the demand, whichever period is shorter, or within such period exceeding twenty days after service or in excess of such return date as may be prescribed in writing, subsequent to service, by any False Claims Act investigator named in the demand, such person may file, in the district court of the United States for the judicial district within which such person resides, is found, or transacts business, and serve upon such False Claims Act investigator a petition for an order of such court, modifying or setting aside such demand. In the case of a petition addressed to an express demand for any product of discovery, a petition to modify or set aside such demand may be brought only in the district court of the United States for the judicial district in which the proceeding in which such discovery was obtained is or was last pending.

"(B) The time allowed for compliance with the demand, in whole or in part, as deemed proper and ordered by the court shall not run during the pendency of such petition in the court, except that such person shall comply with any portions of the demand not sought to be modified or set aside. Such petition shall specify each ground upon which the petitioner relies in seeking such relief, and may be based upon any failure of such demand to comply with the provisions of this section or upon any constitutional or other legal right or privilege of such person.

"(3) Within twenty days after the service of any express demand for any product of discovery upon, or at any time before, the return date specified in the demand, whichever period is shorter, or within such period exceeding twenty days after service or in excess of such return date as may be prescribed in writing, subsequent to service, by any False Claims Act investigator named in the demand, the person from whom such discovery was obtained may file, in the district court of the United States for the judicial district in which the proceeding in which such discovery was obtained is or was last pending, and serve upon any False Claims Act investigator named in the demand and upon the recipient of the demand, a petition for an order of such court modifying or setting aside those portions of the demand requiring production of any such product of discovery. Such petition shall specify each ground upon which the petitioner relies in seeking such relief and may be based upon any failure of such portions of the demand to comply with the provisions of this section, or upon any constitutional or other legal right or privilege of the petitioner. During the pendency of such petition, the court may stay, as it deems proper, compliance with the demand and the running of the time allowed for compliance with the demand.

"(4) At any time during which any custodian is in custody or control of any documentary material, answers to interrogatories delivered, or transcripts of oral testimony given by any person in compliance with any such demand, such person, and in the case of an express demand for any product of discovery, the person from whom such discovery was obtained, may file, in the district court of the United States for the judicial district within which the office of such custodian is situated, and serve upon such custodian, a petition for an order of such court requiring the performance by such custodian of any duty imposed upon him by this section.

"(5) Whenever any petition is filed in any district court of the United States under this section, such court shall have jurisdiction to hear and determine the matter so presented, and to enter such order or orders as may be required to carry into effect the provisions of this section. Any final order so entered shall be subject to appeal pursuant to section 1291 of title 28. Any disobedience of any final order entered under this section by any court shall be punished as a contempt thereof.

"(6) To the extent that such rules may have application and are not inconsistent with the provisions of this section, the Federal Rules of Civil Procedure shall apply to any petition under this subsection.

"(7) Any documentary material, answers to written interrogatories, or oral testimony provided pursuant to any demand issued under this section and sections 3729 through 3731 shall be exempt from disclosure under section 552 of title 5.".

SEC. 6. (a) Subchapter III of chapter 37 of title 31, United States Code, is further amended by adding at the end thereof the following:

"§ 3734. Whistleblower protection

"Any employee who is discharged, demoted, suspended, threatened, harassed, or in any other manner discriminated against in the terms or conditions of such employment by his employer because of the good faith exercise by such employee on behalf of himself or others of any option afforded by this Act, including investigation for, initiation of, testimony for, or assistance in an action filed or to be filed under this Act, shall be entitled to all relief necessary to make him whole. Such relief shall include reinstatement with full seniority rights, backpay with interest, and compensation for any special damages sustained as a result of the discrimination, including litigation costs and reasonable attorney fees. In addition, the employer shall be liable to such employee for twice the amount of backpay and special damages and, if appropriate under the circumstances, the court shall award punitive damages.".

(b) The table of sections for chapter 37 of title 31, United States Code, is amended by adding at the end thereof the following new items:

"3732. False claims jurisdiction.
"3733. Civil investigative demands.
"3734. Whistleblower protection.".

SEC. 7. (a) Section 286 of title 18, United States Code, is amended by striking out "$10,000" and inserting in lieu thereof "$1,000,000 notwithstanding the provisions of section 3623,".

(b) Section 287 of title 18, United States Code, is amended by striking out "$10,000, or imprisoned not more than five years" and inserting in lieu thereof "$1,000,000, or imprisoned for not more than ten years, or both, notwithstanding the provisions of section 3623".

SEC. 8. This Act and the amendments made by this Act shall become effective upon the date of enactment.

## AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES AND THE SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. BOSCHWITZ. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources and the Select Committee on Indian Affairs be authorized to hold a joint hearing, during the session of the Senate on Monday, August 11, to consider S. 2676, to provide for the settlement of water rights claims of the La Jolla, Rincon, San Pasqual, Pauma, Pala Bands of Mission Indians in San Diego County, CA, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER AND POWER

Mr. BOSCHWITZ. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Monday, August 11, to hold hearing on S. 2635, to protect the integrity and quality of certain reaches of the Henry's Fork of the Snake River, ID, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ADDITIONAL STATEMENTS

### CHILD NUTRITION AMENDMENT

● Mr. BOSCHWITZ. Mr. President, I rise in support of the amendment offered by Senator HAWKINS. It has taken many months and a lot of work on all sides to hammer out this compromise on H.R. 7. The Senate passed reauthorization legislation in November and we began to conference with the House in February.

This represents a compromise agreement worked out with the House Committee on Education and Labor. It is a 4-year reauthorization and adds $46 million for modest increases in school breakfast, special milk, and private schools with limited tuitions. There are several provisions designed to streamline and improve the programs, but there is no major rearrangement of priorities. I want to point out as a member of the Senate Budget Committee committed to getting our fiscal affairs in order that passage of this conference agreement was assumed in the budget resolution and is specifically referred to in the conference report on the budget resolution.

Some of the improvements made in this bill include: requiring whole milk to be offered in all school lunches; categorical eligibility for free lunches and breakfast for children who participate in AFDC or Food Stamps; allowing the use of school food service personnel and facilities to support elderly feeding programs; and, making States ineligible to administer the program if State or local sales tax is collected on WIC food purchases.

I'd like to commend Senator HAWKINS for bringing child nutrition reauthorization to the attention of the Senate. The five expiring child nutrition programs were due to be reauthorized by the end of fiscal year 1984. It's time the Senate be allowed to consider the conference agreement on reauthorization. The Senate Agriculture Committee has certainly had a full agenda this year with little opportunity to turn its attention to child nutrition. However, I think the hearings that were held both last year and this year and the staff work that was done both last year and this year have brought us to the point of being ready to pass a child nutrition reauthorization bill.

The five expiring child nutrition programs include: the Special Supplemental Food Program for Women, Infants and Children; the Summer Food Service Program; the State Administrative Expense [SAE] Program, the Commodity Distribution Program, and the Nutrition Education and Training Program. All other child nutrition programs, for example school lunch and school breakfast, are permanently authorized.

The Special Supplemental Food Program for Women, Infants and Children, better known as WIC, provides supplemental foods and nutrition education to low-income pregnant, postpartum, and lactating women, infants and children up to 5 years old. The Summer Food Program provides meals in the summer to children in low-income areas through schools, local government agencies and summer camps. The State Administrative Expense Program authorizes funding to States for their administrative expenses associated with operating the School Lunch, School Breakfast, Special Milk, and Child Care Food Programs. The Commodity Distribution Program requires the use of agricultural support funds to purchase commodities for the child nutrition programs and for the elderly programs—Meals on Wheels and Congregate Dining. The Nutrition Education and Training Program provides grants to State education agencies for comprehensive nutrition education and training programs. This is the second year these programs have been appropriated but not authorized.

In my opinion this is an eminently reasonable compromise that will enable us to get the child nutrition programs reauthorized and signed into law. I urge my colleagues to support his amendment.●

### THANK YOU TO VOLUNTEERS FOR KIDS HOT AIR BALLOON RALLY

● Mr. NUNN. Mr. President, I should like to take this opportunity to commend a group of dedicated volunteers for their outstanding and successful efforts in the second annual KIDS Hot Air Balloon Rally, which took place June 6-8, 1986 on Comsat properties in Clarksburg, MD. KIDS, Inc., is a national nonprofit charitable organization, working to fulfill the wishes of 200 gravely ill children this year. Toward this purpose, 40 balloonists and their crews, a host of volunteers, a number of generous sponsors and civic emergency teams all worked diligently to ensure that the KIDS Balloon Rally was both safe and enjoyable for the several thousand spectators who attended.

I particularly wish to commend Mrs. Sherry Shannon, who chaired the event, and U.S. Capitol Police Officer Robert Fitzpatrick, who was the master of ceremonies. Along with other members of the U.S. Capitol Police: Chief James J. Carvino; Sgt. Lee Bierly, Sgt. Amy Phillips, Sgt. Mike Garifo, Sgt. Paul Basak, Officers Rick Pasciuto, Brian Sherrill, Alan Morris, Sean Norton, Bob Dinndorf, Thomas Williams, Brian Southard, Mark Hood, Glen O'Neil; Mrs. Mary Lou Duggan; Christine and Bill covey; Ms. Marie Tracz; Mrs. Andrea Gray; Ms. Lesa Sawicki; Ms. Kaye Sloan Burke; Ms. Judith Whittlesey; and Mrs. Beth Fitzpatrick all volunteered an enormous amount of time and effort to make the event a success.

Sponsors of the organization and the event include Anton Nissan-BMW; BDM International; Comsat; the Adolph Coors Co.; Criswell Chevrolet; the Susan Davis Co.'; Dravo; Embassy Dairy; The Equitable; Gould Electronics; The Harvey Co.; The Hechinger Foundation; Hughes Aircraft Co.; Kool-Aid; Lederle Laboratories; Lipsen, Hamberger, Whitten & Hamberger; Lockheed International; Mantech International; Manufacturers Financial Group; McDonnell Douglas Corp.; Milk Industry Foundation; Phillip Morris, Inc.; Planning Research Corp.; Potato Chip/Snack Food Association; Ramada; R.J. Reynolds Tobacco Co.; Rockwell International, Inc.; and Virginia Financial Group. The Montgomery County Police and Fire and Rescue Departments, as well as the Maryland State Police, ensured a safe weekend. As a member of the board of advisers I extend my congratulations on an outstanding event to all who worked so industriously and gave so generously to assist children who cannot assist themselves.●

### NELLIE'S FARM FUND AND THE SPIRIT OF PRIVATE AID

● Mr. KASTEN. Mr. President, it is no secret that farm families across America are suffering through difficult times.

Many who farm in drought-stricken areas of the Nation are watching their life work burn away. Virtually all farmers are struggling with low prices for agricultural goods, declining farm land values, and foreign markets that are difficult, if not impossible, to enter.

Mr. President, hardly a bill comes to the Senate floor that doesn't carry in it a proposal for legislative relief for farmers. The Congress of the United States has worked to legislate equity for farmers since Thomas Jefferson praised the virtues of agrarian society. We agonize over every detail of every

farm bill that comes before us, hoping to find the perfect combination of Federal assistance and free enterprise incentives to keep our farm economy strong and productive.

But for every Federal fix Congress has devised, new wrinkles have developed in the business of agriculture. And the continuing crisis in rural America has led many to question if perhaps increased private sector involvement isn't a viable route to turning the tide.

Mr. President, I offer the story of Milwaukee's Don Nelson as an example of a unique private sector initiative to help alleviate the devastating effects of the farm crisis.

Those of us in the Senate who represent States boasting National Basketball Association teams, or who have played NBA basketball, know well the name Don Nelson.

A former basketball player who starred on many Boston Celtics' NBA championship teams, Don Nelson now is the coach of the Milwaukee Bucks. But, today, he is gaining a reputation that extends far beyond the bounds of a basketball court. While his mind certainly is focused on how he can lead the Bucks to next season's NBA championship, his heart and energy are concentrated on helping those less fortunate than himself.

Don Nelson is becoming a leader among private individuals who have committed themselves and their personal resources to helping struggling farm families.

Nr. Nelson is developing what has come to be affectionately termed in the Wisconsin media as Nellie's Farm Fund. The fund isn't designed to funnel cash to financially strapped farmers. Rather, it is designed to help underwrite the work of experts who will provide farmers with an extensive financial analysis and management plan to help those farmers help themselves.

Mr. President, this is an inspired free enterprise approach to a financial crisis that is forcing many of Wisconsin farmers off the land. Mr. Nelson's idea is that if farmers learn how to better manage the resources at hand they will be able to pull themselves out of the flood of financial woes that threatens to sink them.

And now Mr. Nelson is challenging the people of Wisconsin and America to join together to help our beleaguered farmer families—not by doling out cash to buy financially distressed farmers out of their troubles, but by providing the resources to help farmers help themselves.

He has contributed his time and his energy to get this well-thought-out farm fund off the ground. And now he is turning to people across Wisconsin to join in his effort.

This week, Nelson will be driving a tractor pulling a giant piggy bank from Milwaukee to Wausau, WI, to draw attention to the plight of Wisconsin's farm families. Case International Harvester Corp. of Racine donated the tractor, which Nelson will give to a needy farmer at the conclusion of his drive. Along the way, with stops in Menomonee Falls, West Bend, Fond du Lac, Oshkosh, Appleton, Green Bay, Shawano, and Birnamwood, he will be collecting donations.

Since beginning his fund in June, Nelson has staged a charity basketball game between Milwaukee Bucks' rookies and former University of Wisconsin-Stevens Point players which raised $50,000 and has taken pledges on a personal weight loss program that could net another $100,000. Nelson's goal is to collect half-a-million dollars this year.

Mr. President, Don Nelson is a fine example of the spirit of private America in which our President has placed so much faith to help turn America back onto the trail of expanded economic growth and success.

I commend Mr. Nelson and all he is doing for Wisconsin's beleaguered farmers. And I hope others in other farm States that are suffering from the current malaise in the agriculture economy and the devastating drought will follow his lead.●

## BUDGET SCOREKEEPING REPORT

● Mr. DOMENICI. Mr. President, I hereby submit to the Senate the budget scorekeeping report for this week, prepared by the Congressional Budget Office in response to section 308(b) of the Congressional Budget Act of 1974, as amended. This report also serves as the scorekeeping report for the purposes of section 311 of the Budget Act.

The report follows:

CONGRESSIONAL BUDGET OFFICE,
U.S. CONGRESS,
*Washington, DC, August 11, 1986.*

Hon. PETE V. DOMENICI,
*Chairman, Committee on the Budget, U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal years 1986 and 1987. The estimated totals of budget authority, outlays, and revenues for each fiscal year are compared to the appropriate or recommended levels contained in the most recent budget resolutions, S. Con. Res. 32 for fiscal year 1986, and S. Con. Res. 120 for fiscal year 1987. This report meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32 and is current through August 8, 1986. The report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended.

No changes have occurred since my last report.

With best wishes,
Sincerely,

RUDOLPH G. PENNER.

### CBO WEEKLY SCOREKEEPING REPORT FOR THE U.S. SENATE 99TH CONGRESS, 2D SESSION AS OF AUGUST 8, 1986

[In billions of dollars and fiscal year 1986]

| | Current level [1] | Budget resolution S. Con. Res. 32 | Current level +/− resolution |
|---|---|---|---|
| Budget authority | 1,053.0 | 1,069.7 | −16.7 |
| Outlays | 980.0 | 967.6 | 12.4 |
| Revenues | 778.5 | 795.7 | −17.2 |
| Debt subject to limit | 2,076.8 | [2] 2,078.7 | −1.9 |

[1] The current level represents the estimated revenue and direct spending effects (budget authority and outlays) of all legislation that Congress enacted in this or previous sessions or sent to the President for his approval. In addition, estimates are included of the direct spending effects for all entitlement or other programs requiring annual appropriations under current law even though the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[2] The current statutory debt limit is $2,078.7 billion.

### CBO WEEKLY SCOREKEEPING REPORT FOR THE U.S. SENATE 99TH CONGRESS, 2D SESSION AS OF AUGUST 8, 1986

[In billions of dollars and fiscal year 1987]

| | Current level [1] | Budget resolution S. Con. Res. 120 | Current level +/− resolution |
|---|---|---|---|
| Budget authority | 636.2 | 1,039.4 | −457.2 |
| Outlays | 737.2 | 995.0 | −257.8 |
| Revenues | 845.6 | 852.4 | −6.8 |
| Debt subject to limit | 2,076.8 | [2] 2,322.8 | −246.0 |
| Direct loan obligations | 20.4 | 34.6 | −14.1 |
| Guaranteed loan commitments | 33.1 | 100.8 | −67.7 |

[1] The current level represents the estimated revenue and direct spending effects (budget authority and outlays) of all legislation that Congress enacted in this or previous sessions or sent to the President for his approval. In addition, estimates are included of the direct spending effects for all entitlement or other programs requiring annual appropriations under current law even though the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions billion.

[2] The current statutory debt limit is $2,078.7 billion.

### FISCAL YEAR 1986 SUPPORTING DETAIL FOR CBO WEEKLY SCOREKEEPING REPORT U.S. SENATE 99TH CONGRESS, 2ND SESSION AS OF AUGUST 8, 1986

[In millions of dollars]

| | Budget authority | Outlays | Revenues |
|---|---|---|---|
| I. Enacted in previous sessions: | | | |
| Revenues | | | 777,794 |
| Permanent appropriations and trust funds | 723,461 | 629,772 | |
| Other appropriations | 525,778 | 544,947 | |
| Offsetting receipts | −188,561 | −188,561 | |
| Total enacted in previous sessions | 1,060,679 | 986,159 | 777,794 |
| II. Enacted this session: | | | |
| Commodity Credit Corporation Urgent Supplemental Appropriation, 1986 (Public Law 99–243) | | | |
| Federal Employees Benefits Improvement Act of 1986 (Public Law 99–251) | | 4 | |
| VA Home Loan Guarantee Amendments (Public Law 99–255) | | −51 | |
| Omnibus Budget Reconciliation Act of 1985 (Public Law 99–272) | −4,259 | −6,001 | 765 |
| Department of Agriculture Urgent Supplemental, 1986 (Public Law 99–263) | | | |
| Advance to Hazardous Substance Response Trust Fund (Public Law 99–270) | | | |
| FHA and GNMA Credit Commitment Assistance Act (Public Law 99–289) | | −380 | |
| Federal Employees Retirement Act of 1986 (Public Law 99–335) | | | −90 |
| Temporary Extension of Certain Housing Programs (Public Law 99–345) | | −304 | |
| Military Retirement Reform Act (Public Law 99–348) | −25 | | |
| Urgent Supplemental Appropriations, 1986 (Public Law 99–349) | −3,508 | 475 | |
| Panama Canal Commission Authorizing Act (Public Law 99–368) | 18 | 16 | |

FISCAL YEAR 1986 SUPPORTING DETAIL FOR CBO WEEKLY SCOREKEEPING REPORT U.S. SENATE 99TH CONGRESS, 2ND SESSION AS OF AUGUST 8, 1986—Continued

[In millions of dollars]

| | Budget authority | Outlays | Revenues |
|---|---|---|---|
| Total | −7,773 | −6,240 | 675 |
| III. Continuing resolution authority | | | |
| IV. Conference agreements ratified by both Houses | | | |
| V. Entitlement authority and other mandatory items requiring further appropriation action: | | | |
| Compact of free association | 3 | 3 | |
| Special benefits (Federal employees) | 14 | 14 | |
| Family social services | 100 | 75 | |
| Payment to civil service retirement [1] | (37) | (37) | |
| Total entitlements | 118 | 93 | |
| Total current level as of August 8, 1986 | 1,053,024 | 980,012 | 778,469 |
| 1986 Budget resolution (S. Con. Res. 32) | 1,069,700 | 967,600 | 795,700 |
| Amount remaining: | | | |
| Over budget resolution | | 12,412 | |
| Under budget resolution | 16,676 | | 17,231 |

[1] Interfund transactions do not add to budget totals.

Note.—Numbers may not add due to rounding.

FISCAL YEAR 1987 SUPPORTING DETAIL FOR CBO WEEKLY SCOREKEEPING REPORT U.S. SENATE 99th CONGRESS, 2d SESSION AS OF AUGUST 8, 1986

[In millions of dollars]

| | Budget authority | Outlays | Revenues |
|---|---|---|---|
| I. Enacted in previous sessions: | | | |
| Revenues | | | 843,799 |
| Permanent appropriations and trust funds | 733,558 | 647,692 | |
| Other appropriations | | 195,861 | |
| Offsetting receipts | −163,823 | −163,823 | |
| Total enacted in previous sessions | 569,735 | 679,730 | 843,799 |
| II. Enacted this session: | | | |
| Federal Employees Benefits Improvement Act of 1986 (Public Law 99–251) | | 2 | |
| Technical Corrections Amends to Food Security Act (Public Law 99–253) | 50 | 50 | |
| VA Home Loan Guarantee Amendments (Public Law 99–255) | | 49 | |
| Food Security Improvements Act of 1986 (Public Law 99–260) | −115 | −115 | |
| White Earth Reservation Land Settlement Act of 1985 (Public Law 99–264) | 10 | 10 | |
| Consolidated Omnibus Budget Reconciliation Act of 1986 (Public Law 99–272) | 155 | −3,553 | 2,503 |
| FHA and GNMA Credit Commitment Assistance Act (Public Law 99–289) | −178 | | |
| Federal Employees' Retirement System Act of 1986 (Public Law 99–335) | −150 | −1,670 | −666 |
| Judicial Improvements Act (Public Law 99–336) | 2 | | |
| Temporary Extension of Certain Housing Programs (Public Law 99–345) | | −85 | |
| Military Retirement Reform Act (Public Law 99–348) | −47 | 146 | |
| Urgent Supplemental Appropriations, 1986 (Public Law 99–349) | −278 | −914 | |
| Panama Canal Commission Authorizing Act (Public Law 99–368) | | 2 | |
| Total enacted this session | −373 | −6,255 | 1,837 |
| III. Continuing resolution authority | | | |
| IV. Conference agreements ratified by both Houses | | | |
| V. Entitlement authority and other mandatory items requiring further appropriation action: | | | |
| Payment to the CIA retirement fund | 126 | 126 | |
| Claims, defense | 156 | 150 | |
| Payment to the foreign service retirement trust fund [1] | (173) | (173) | |
| Range improvements | 10 | 7 | |
| BLM: Miscellaneous trust fund | (1) | (1) | |
| Compact of free association | 42 | 42 | |

FISCAL YEAR 1987 SUPPORTING DETAIL FOR CBO WEEKLY SCOREKEEPING REPORT U.S. SENATE 99th CONGRESS, 2d SESSION AS OF AUGUST 8, 1986—Continued

[In millions of dollars]

| | Budget authority | Outlays | Revenues |
|---|---|---|---|
| Payments to air carriers, DOT | 32 | 30 | |
| Retired pay—Coast Guard | 370 | 341 | |
| Maritime, operating-differential subsidies | | 297 | |
| BIA: Miscellaneous trust funds | 1 | 1 | |
| Social services block grant | 2,700 | 2,538 | |
| Family social services | 758 | 584 | |
| Guaranteed student loans | 3,219 | 2,580 | |
| Higher education facilities loans and insurance | 19 | | |
| Government payment for annuitants | 1,459 | 1,301 | |
| Retirement pay for PHS officers | 83 | 81 | |
| Medicaid | 19,595 | 19,241 | |
| Medical facilities guarantee and loan fund | 20 | 19 | |
| Payments to health care trust funds [2] | (20,826) | (20,826) | |
| Special milk program | 16 | 11 | |
| Child nutrition programs | 4,212 | 3,791 | |
| Federal unemployment benefits and allowances | 103 | 102 | |
| Advances to unemployment trust fund [2] | (9) | (9) | |
| Special benefits (general retirement and federal employee retirement) | 257 | 257 | |
| Black lung disability trust fund | 549 | 549 | |
| Supplemental security income | 7,846 | 7,846 | |
| Special benefits for disabled coal miners | 698 | 638 | |
| Assistance payments | 7,350 | 7,350 | |
| Child support enforcement | 599 | 583 | |
| Payments to Social Security trust funds [2] | (501) | (501) | |
| Veterans insurance and indemnities | 5 | 4 | |
| Venterans readjustment benefits | 750 | 723 | |
| Veterans compensation | 10,300 | 9,360 | |
| Veterans pensions | 3,684 | 3,385 | |
| Veterans burial benefits | 138 | 138 | |
| Salaries of judges | 104 | 103 | |
| Fees and expenses of witnesses | 46 | 37 | |
| Compensation of the President | (1) | (1) | |
| Payment to civil service retirement trust fund [2] | (4,557) | (4,557) | |
| National wildlife refuge fund | 6 | 6 | |
| Military pay raises and benefits | 1,566 | 1,539 | |
| Total entitlements | 66,820 | 63,763 | |
| Total current level as of August 8, 1986 | 636,181 | 737,237 | 845,636 |
| 1987 budget resolution (S. Con. Res. 120) | 1,093,350 | 995,000 | 852,400 |
| Amount remaining: | | | |
| Over budget resolution | | | |
| Under budget resolution | 457,169 | 257,763 | 6,764 |

[1] Less than $500 thousand.

[2] Interfund transactions do not add to budget totals.

Note.—Numbers may not add due to rounding.

## A SALUTE TO BARRY AND HOMER, INC.

● Mr. SPECTER. Mr. President, I would like to recognize and commend a company that has been an immense service to the community of Philadelphia, PA. As one of America's oldest custom photographic labs, Barry & Homer, Inc., has remained 88 years within Philadelphia and has strengthened the city's economy by providing jobs for many Pennsylvanians.

In an age of technological advancement and competition, Barry & Homer, Inc., has the newest and largest facilities of its type anywhere. Barry & Homer, Inc., demonstrates its commercial strength and health by conducting business in all 50 States and by aiding many of the Nation's photographers, advertising agencies, graphic design studios, museums, and other industrial firms.

Under the leadership of President Joseph B. Thompson, now sole owner of Barry & Homer, Inc., the firm continues to be a major employer. Through Mr. Thompson's dedication and personal involvement with the firm and employees, he has made an outstanding contribution to national industry and has brought great credit upon himself, upon Barry & Homer, Inc., and upon the national photo processing industry.

The quality of work from Barry & Homer, Inc., has entitled them to process, print, and mount photos, slides, and transparencies for photographers, museums, architects, advertising agencies, and other commercial uses. Their mural works are displayed in museums and government installations throughout Pennsylvania and the Nation. Barry & Homer quality sets the standard for many enterprises in Pennsylvania.

Mr. President, this U.S. Senate recognition of Barry & Homer, Inc., serves as a citation of excellence of their professionalism and high reputation.●

## IN MEMORY OF BILL SCHROEDER

● Mr. McCONNELL. Mr. President, it is with great sadness that I bring to the attention of my colleagues the death of William J. Schroeder in Louisville, KY. Mr. Schroeder, a 54-year-old Jasper, IN native, lived for 620 days after becoming the second of five recipients since 1982 who have received Jarvik-7 permanent heart implants.

Dr. William C. DeVries, a surgeon at the Humana Heart Institute has been in the forefront of the movement to test the Jarvik-7 heart as a permanent replacement. Dr. DeVries has performed a total of five transplants and is eager to continue the program.

Mr. Schroeder's family has voiced unqualified support for the Artificial Heart Program and feels it should continue. It is noteworthy that Bill Schroeder was the only recipient of an artificial heart who was able to leave the hospital during his recuperation. In fact, he lived for a time in a specially equipped apartment and was able to attend a German festival in his hometown last August.

We all mourn his death and express our sympathy to this family, but we should be inspired by spunky Bill Schroeder's attitude and outlook. In addition, we wish the Humana Heart Institute success with its program in the future.

Mr. President, I ask that the two attached New York Times articles which highlight the strength and courage of artificial heart recipient Bill Schroeder be printed in the RECORD:

TURBULENT STORY OF LONGEST SURVIVAL BEGAN ON BRINK OF DEATH

(By Robert D. McFadden)

William J. Schroeder, who died yesterday after surviving 620 days with a permanent artificial heart, had been given little more than a week to live when he became the second recipient of the device in an operation on Nov. 25, 1984, at Humana Hospital-Audubon in Louisville, Ky.

In succeeding months he recovered somewhat, but episodes of fever, weakness, depression and, finally, a series of seizures left him listless and disoriented. Doctors repeatedly put off plans to discharge him from the hospital, although he was twice able to live for brief periods in a specially equipped apartment nearby.

Mr. Schroeder, a 54-year-old retired Federal worker from Jasper, Ind., returned to the Louisville hospital last November after suffering yet another stroke. Yesterday, he took a turn for the worse and his family was summoned to his bedside. He died at 1:35 p.m.

Mr. Schroeder received the artificial heart in a seven-hour operation performed by a 17-member surgical team led by Dr. William C. DeVries, the surgeon who two years earlier implanted the first permanent artificial heart in Dr. Barney B. Clark, a retired Seattle dentist. Dr. Clark lived 112 days before succumbing to complications that were not directly related to his plastic-and-metal heart.

A SERIES OF STROKES

Mr. Schroeder was making a remarkable recovery from the implant operation when he suffered several strokes Dec. 13, 1984, that damaged small areas of his brain and affected his speech, movements and memory.

Mr. Schroeder had recovered sufficiently by April 6, 1985 to leave Humana and move into a nearby apartment, a specially equipped "half-way house," where he could receive round-the-clock nursing care and where he and his wife, Margaret, could have a more normal life.

His spirits, which had been depressed, were reported improved in that period. He took several excursions in a special van, including a visit to two of his doctors' homes and a fishing trip to a small lake near Louiville.

In early May, however, he took a turn for the worse, becoming listless and too weak to leave his bed. He was given blood transfusions, but because of the lethargy he was returned to the hospital.

BLEEDING IN BRAIN

A CAT scan, an advanced X-ray technique showed that he had suffered from bleeding in the brain, said Robert Irvine, a spokesman for the hospital. The cause of the hemorrhage was unknown, he said. The CAT scan, or computerized axial tomography, records thin cross-sections of soft tissue and bone and provides more detailed images than conventional X-rays.

Mr. Schroeder was released from the hospital in August and returned to the apartment, where he lived until Nov. 10, when he suffered another stroke.

At the time of his implant operation, Mr. Schroeder (pronounced SHRAYder) was in the last and worst stage of heart disease.

An outgoing, active man who smoked cigarettes for 30 years before quitting in 1982, Mr. Schroeder was described by companions as a hard worker who found it difficult to slow down. His parents both died of heart attacks in their 50's.

Mr. Schroeder had his first heart attack in 1982, and suffered another one a year later.

He underwent a coronary bypass operation in 1983 but continued to suffer from coronary artery disease, a condition that afflicts millions of Americans, and congestive heart failure, a devastating condition that can be fatal and had resulted from deterioration of Dr. Clark's heart muscle.

By the fall of 1984, Mr. Schroeder was unable to carry out normal physical activity without discomfort. He could not walk 20 feet without stopping to catch his breath and was often troubled at night by breathing difficulties, a result of his failing heart.

One day after he underwent successful gall bladder surgery Nov. 17 he was unanimously selected for an artificial heart by a committee at Humana.

In the week preceding his operation, Mr. Schroeder's condition deteriorated rapidly. He was suffering from diabetes as well as severe heart disease, and the artificial heart surgery was considered an urgent, though not an emergency, procedure. The doctors said they would have preferred to wait another week, but they could not because of his failing condition.

"He can't live much longer without it, yet I think he is strong enough to survive it." Dr. Allan M. Lansing, chairman and medical director of the institute, said on the eve of the operation.

Dr. Lansing, who had performed the 1983 coronary bypass on Mr. Schroeder, characterized the patient's mood as hopeful but realistic about the odds against him. Mr. Schroeder, a Roman Catholic, was given the last rites of his church.

The operation began at 8 A.M. and as it proceeded, music floated through the operating room, including pieces by Vivaldi, Mendelssohn and Grover Washington Jr. Dr. DeVries, who likes to listen to music while he operates, had listened to Ravel's "Bolero" during the surgery on Dr. Clark.

Mr. Schroeder was wheeled into the recovery room at 2:45 P.M., and at 4:18 he opened his eyes and squeezed the outstretched hands of Dr. DeVries and Dr. Lansing.

"Everything went well, perfectly," Dr. DeVries told him.

A bleeding complication later in the evening required additional surgery and an infusion of 16 pints of blood, but that, too, was completed successfully as Mr. Schroeder's wife and their six children waited in the hospital.

POSSIBLE COMPLICATIONS

Connected to a mechanical respirator, Mr. Schroeder faced a host of difficulties in the days after the implant.

Heading the list, in addition to bleeding, were infections and blood clots that could lodge in the lungs or brain. He was listed in critical but stable condition, with the artificial heart beating 75 times a minute and delivering what the doctors called excellent circulation.

Two days later Mr. Schroeder was removed from the respirator that had been hooked up to help him breathe and he asked for a beer. The doctors said the new heart was working "beautifully." They refused to let him have any beer, but said they might at a later time as his diet was expanded.

On Nov. 29, Mr. Schroeder got out of bed and walked a few steps to a chair for the first time since the operation four days earlier. He also drank most of a can of beer.

"I feel great today," he told a photographer. His apparent vigor contrasted sharply with his capacities before the operation. The next day he was hooked up for brief periods to the portable power source, replacing the bulky machine to which he had been connected.

HOPES FOR MOVING ABOUT FREELY

The successful experiment raised hopes that Mr. Schroeder and other artificial heart recipients would someday be able to move about more freely, carrying the portable unit with them. Dr. Clark's health had never improved sufficiently to test the smaller unit.

On Dec. 1, Mr. Schroeder's temperature returned to the normal range, down to 98.3 degrees from readings of 100 to 101, and his doctors said he looked stronger and felt better. They cautioned, however, that they were remaining alert to the possibility of postoperative infections and other complications.

Mr. Schroeder was taken off the critical list on Dec. 3 and said that this artifical heart had made a "fantastic" difference in his life." I feel I could go out fishing and watch ball games," he said in a videotaped interview with Dr. DeVries.

Doctors also disclosed that he had given them permission to begin certain tests that would enable them to determine how some drugs react on the body.

The patient began mild exercise on Dec. 5, taking short walks around his hospital bed. A day later he walked to a window to look out on the snowy woods nearby.

On Dec. 7, as he continued to show dramatic improvement, Mr. Schroeder was removed from the hospital's intensive-care unit and put in a private room. His appetite as well as his strength had improved, doctors noted, and a nurse said she had noted "a dramatic improvement in his spirits."

Two days later, in his first face-to-face interview with reporters since the operation, he declared the experiment a success. Mr. Schroeder, who weighed 215 pounds, appeared relaxed, alert and eager to talk, and his color was good.

"With the new heart," he said, "I feel like I've got 10 years."

Asked what his new heart felt like, he put his hand to his chest and said. "It just sits there. I can feel it, it doesn't bother me at all. I've gotten used to it and don't know it's there. There it goes, it's taking off like a horse. Who knows, I may be as well as the bionic man."

Later in the interview, as the embraced his wife, tears came to his eyes as he declared: "I've got a new purpose in life. That purpose is to be with God, and I feel like He's No. 1. He saved me."

Mr. Schroeder got a call from President Reagan on Dec. 12 and used the occasion to complain that he was having trouble getting his Social Security disability benefits. The next day a Social Security official arrived in Louisville with his first check.

A SERIES OF STROKES

But that same day, Dec. 13, Mr. Schroeder suffered a series of strokes that partly paralyzed his right side, affected his speech and left him weak and disoriented, at first unable even to recognize his wife or Dr. DeVries.

His speech and ability to move later improved, but progress was slow and the recovery was incomplete. His memory was severely impaired and the episode left him in a deep psychological slump. By late January, however, he was taking walks around the hospital and his spirits were improving somewhat with antidepressive drugs.

Despite a series of mild seizures that began in January, he seemed sufficiently improved in February for doctors to consider discharging him from the hospital to a specially equipped apartment across the street. The move was designed to lift his spirits, give his family more responsibility for his care and ease his eventual return home.

A discharge date was set for Feb. 14, his 53d birthday, but the plan had to be put off because of a fever that sometimes rose to 105 degrees and had been troubling him for two weeks, and because of an illness with symptoms akin to influenza that sapped his strength. A diminishing appetite prompted doctors to supplement his diet with tube-fed liquids.

Later in February, even as Mr. Schroeder was beginning to make brief wheelchair trips outside the hospital and doctors said his progress might soon justify his discharge from the hospital, his recovery was further set back by a new series of mild seizures.

The seizures, apparently caused by scar tissue in the brain left by the strokes in December, lasted 5 to 20 minutes each. During these he became disoriented, lapsing into periods in which he stared into space and did not respond to his surroundings.

After a more pronounced seizure on Feb. 26, his discharge was again put off. Doctors said the delay would give him a chance to regain some strength, give neurologists time to find the right dosage of medication to control the seizures and give the family, described as "a little insecure," a chance to rebuild shaken confidence.

On March 17, Mr. Schroeder completed his 112th day with the artificial heart, surpassing the time that Dr. Clark, had survived with his heart device two years earlier.

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WILLIAM SCHROEDER DIES 620 DAYS AFTER RECEIVING ARTIFICIAL HEART

(By Lawrence K. Altman)

William J. Schroeder, the world's last remaining the longest-surviving recipient of a permanent artificial heart, died yesterday at Humana Hospital-Audubon in Louisville, Ky.

Mr. Schroeder, the second of five patients who received the experimental Jarvik-7 artificial heart on a permanent basis, suffered several strokes in the 620 days he survived after Dr. William C. DeVries implanted the device at Humana on Nov. 25, 1984. [Page A25.]

His survival, and that of Murray P. Hayden, an artificial heart recipient who lived for 488 days, showed that people could live long-term on the plastic and metal device. But the strokes and other complications both men suffered impaired the quality of their lives and blunted initial enthusiasm for the mechanical heart.

The seriousness of the complications suffered by recipients has prompted developers of the device to take another look at its basic design to try to overcome the problems.

But the artificial heart has in recent months been used successfully in several instances as a bridge to keep patients alive until a human heart was available for transplant. For the time being, most medical experts believe that use of the artificial heart as a bridge is its chief value.

Doctors have not implanted a permanent artificial heart since 1985.

Dr. DeVries has said he intends to continue using the device. The Federal Food and Drug Administration has given him permission to implant a total of seven permanent artificial hearts. It has also given surgeons in several other medical centers permission to implant two types of artificial hearts, the Jarvik-7 and one developed at Penn State University.

But, acting on the recommendations of an advisory panel, the Federal agency decided last year to allow the implants only under heightened Government supervision. As a result, the agency now requires added reporting on patient care and a case-by-case review of proposed recipients.

Dave Duarte, a spokesman for the agency, said Dr. DeVries has proposed no new candidates for the operation. "They will tell us when they have a patient," Mr. Duarte said.

He said he did not believe that Mr. Schroeder's death would result in other restrictions. The advisory panel was aware that he was seriously ill, Mr. Duarte said.

FIRST TO LIVE OUTSIDE HOSPITAL

Mr. Schroeder, a 54-year-old retired Federal worker from Jasper, Ind., was the first heart-implant patient to live outside a hospital. His artificial heart, a plastic and metal air-powered device, worked flawlessly despite a number of medical setbacks, including a series of debilitating strokes he began to suffer within a month of the implant surgery.

The hospital gave no immediate details on Mr. Schroeder's death.

Mr. Schroeder, who lived in a specially equipped apartment near the hospital for two brief periods in 1985, suffered another stroke Nov. 10, 1985, and had been hospitalized since Nov. 11. His condition worsened yesterday and members of his family were summoned to his bedside.

Four other people received permanent Jarvik-7 artificial hearts. Dr. DeVries implanted three of them with the approval of the Food and Drug Administration.

The first was in Dr. Barney B. Clark, a Seattle dentist, in December 1982 at the University of Utah. Dr. Clark lived for 112 days on the device and died of multiple organ failure on March 23, 1983. The complications were not directly related to his mechanical heart, which had not failed.

In 1984, Dr. DeVries moved to Louisville to the Humana Hospital-Audubon, where he implanted similar devices in Mr. Schroeder and two other patients.

One, Jack Burcham Sr., 62, of Le Roy, Ill., was the fifth permanent artificial heart recipient. He died of massive bleeding on April 24, 1985, after living 10 days on the air-powered Jarvik-7.

The other was Mr. Hayden, 59, of Louisville, who received his artifical heart on Feb. 17, 1985. Mr. Hayden, who required the use of a mechanical ventilator because of a chronic lung problem, lived in the hospital's intensive care unit for more than a year. He was declared brain dead June 19. He left the hospital only on rare occasions.

SWEDISH PATIENT DIES

Leif Stenberg of Sweden became the world's fourth Jarvik-7 receipient in an operation performed April 7, 1985, at the Karolinska Hospital in Sweden. He died Nov. 21, 1985.

The Jarvik-j heart, named for its designer, Dr. Robert Jarvik, is manufactured by Symbion Inc. It is powered by a 323-pound air compressor about the size of a small refrigerator. It was also designed to be powered by an 11-pound system the size of a large camera bag that could be worn over a shoulder.

Although it is an experimental device, it consists in part of four artifical valves that the Food and Drug Administration has licensed for use in heart surgery. Artifical valves can cause several medical problems ranging from anemia resulting from the destruction of red blood cells to the formation of clots in and near the valve. Such clots can break off and lodge in arteries supplying the brain and other organs, depriving them of life-sustaining oxygen.

Scientists have not yet developed a synthetic material that rivals the inside lining of human blood vessels for its ability to allow blood to flow freely without clotting.

The strokes that have developed among artificial heart recipients have resulted from either blood clots that lodge in the arteries of the brain or from anticoagulant therapy to prevent clots that can cause internal bleeding.

In research undertaken independent of the artificial heart but that could have a bearing on the design of future models, researchers at New York University's Courant Institute have devised what they describe as the first computer model of the flow of blood through the heart. The model has already led to a new valve design that is being tested by Carbo-medics, a Houston company that is the world's largest supplier of heart valve components.

The Courant researchers' computer generates diagrams that the researchers use to make dramatic motion pictures of a vividly recognizable beating heart. Hundreds of dots, representing particles of blood stream through the valve, stretching the elastic walls of the heart and creating whirling vortices.

The pictures enable researchers to spot areas of pooled blood where clots can form.

Humana Hospital-Audubon is one of 89 hospitals owned by Humana Inc., a Louisville-based business with $2 billion in annual revenue.

Humana has announced that it plans to carry out about 100 operations in the hope of eventually turning a daring experimental technique into a commonplace therapy for heart disease, which killed more than 750,000 Americans in 1984 and is the leading cause of death in industrialized countries of the Western world.●

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## ADMINISTRATION'S NEW PROPOSALS FOR CASH WELFARE AID

● Mr. MOYNIHAN. Mr. President, yesterday's New York Times ran a front page article by Robert Pear titled, "White House Urges Cash Welfare Aid" (Sunday, August 10, 1986). The article outlines a Reagan administration effort to encourage State welfare officials to provide low-income Americans with direct cash assistance in place of their current welfare, Medicaid, and food stamp benefits.

My colleagues with an interest in such matters will recall that the President, during his State of the Union Address last February, commissioned a comprehensive study of the welfare system to be conducted by a special task force of his Domestic Policy Council. Members of the task force, under the direction of Charles D. Hobbs, have been meeting in recent months with officials from a number of States. Administration officials

have reportedly encouraged State officials to "consider ways of consolidating social welfare programs and substituting a single monthly cash payment or check for food, medical and housing assistance, day care, employment and training programs and other social services."

Mr. President, some of us are experiencing something of a sense of deja vu. Some of my colleagues may remember similar efforts in the late 1960's. Social policymakers then undertook to substitute a "guaranteed annual income" for the four welfare programs then in existence under the Social Security Act: Aid to the Blind, Aid to the Disabled, Old Age Assistance, and Aid to Families with Dependent Children. Under the Family Assistance Plan [FAP]—which I had the honor to help draft in 1969 as President Nixon's Assistant for Urban Affairs—the Federal Government would have paid a minimum cash subsidy to all needy children. Although it passed the House in several different incarnations, the Family Assistance Plan was never accepted by the Senate.

It is admittedly premature to suggest a similar fate awaits the administration's proposals. There are significant differences between the type of reform proposed under the Family Assistance Plan and the signals we are now receiving from the Reagan administration. Most important among these differences is the level of Federal commitment to assistance for the needy: the Family Assistance Plan, unlike current proposals being formulated, mandated a minimum benefit level to have been met by the Federal Government. The forthcoming recommendations of the welfare task force will demand close scrutiny and careful consideration. Only then will we in Congress be in a position to make an informed decision as to their desirability. Yet it does appear that the notion of cash assistance—in place of the network of support services and in-kind subsidies to the poor—has captured the attention of some policymakers once again.

Mr. President, I ask that the New York Times article from August 10, 1986 be printed in the RECORD.

The article follows:

[From the New York Times, Aug. 10, 1986]

WHITE HOUSE URGES CASH WELFARE AID

(By Robert Pear)

WASHINGTON, Aug. 9.—White House officials are quietly encouraging state welfare officials to make proposals that would provide poor people with cash in place of assistance such as food stamps, Medicaid, public housing and school lunch subsidies.

The White House is soliciting such proposals as it conducts a comprehensive study of the social welfare system in an effort to reduce dependency on Government programs. President Reagan announced the yearlong study in his State of the Union Message Feb. 4.

State officials in North Carolina, New Jersey, Tennessee, Oklahoma, West Virginia, Vermont, Arizona and Pennsylvania said they had had discussions with welfare experts from the White House led by Charles D. Hobbs, deputy assistant to the President for policy development.

In many of the discussions, they said, the Federal officials urged them to consider ways of consolidating social welfare programs and substituting a single monthly cash payment or check for food, medical and housing assistance, day care, employment and training programs and other social services.

Mr. Hobbs told state officials that he would do everything possible to obtain Congressional approval for "demonstration projects" testing these proposals in several counties of each state that wanted to participate.

Under the present system, according to the White House, the Federal Government spends more than $95 billion a year on social welfare programs augmented by $27 billion from state and local governments. The White House says this is much more than the $59 billion that would be needed to "lift all Americans out of poverty," based on the standards defined by the Census Bureau.

In a document prepared for discussion with state officials, the White House proposes, "Individual and family public assistance benefits should be capped at a state or locally determined assistance standard, to insure that benefits from federally funded programs are only provided to those who cannot otherwise meet their basic living requirements."

Among its "policy goals," according to the White House, are to strengthen two-parent families, establish a work requirement for welfare recipients, increase local control of public assistance programs and give beneficiaries more responsibility for managing their own resources.

Administration officials said the use of cash grants in place of noncash benefits would give recipients much more discretion in how the money would be spent, under the guidance of the local authorities.

"OPEN-MINDED AND RECEPTIVE"

Marguerite W. Sallee, Commissioner of the Tennessee Department of Human Services, said Mr. Hobbs was "open-minded and genuinely receptive" to ideas from the states.

She and other state officials said that instead of dictating the terms of changes in the welfare system, the Reagan Administration might encourage the states to experiment for several years.

In the document outlining "reform policy goals," the White House says, "Because individual needs vary, public assistance benefits should not be tied to a federally determined standard." This represents a fundamental change in the direction of social welfare policy, which for two decades has been marked by a growing number of Federal standards and guarantees.

The White House document said that "individual needs for public assistance can be assessed most effectively at the level of government closest to the need," the local level.

Reaction to the White House suggestion varied. West Virginia, for example, is enthusiastically drafting a proposal to consolidate 10 programs and substitute cash grants. But a welfare official in Vermont was skeptical, and an Oklahoma official called the White House ideas "unrealistic, far-out."

Thomas R. Tinder, administrative assistant to Gov. Arch A. Moore Jr. of West Virginia, said, "The Governor was very enthusiastic about our state's involvement in these model projects."

Donald H. Roberts, an assistant commissioner in West Virginia's Department of Human Services, said the idea was to give low-income families "a lump sum of cash" in place of the benefits they received under the 10 programs, including food stamps, Medicaid, day care, school lunch and breakfast and the Special Supplemental Food Program for Women, Infants and Children.

Under such a proposal, he said, it would be essential to provide families with "intensive counseling" on how to manage their money. Otherwise, according to state officials, there would be no guarantee that the money would be used for the purposes originally intended by Congress.

Veronica H. Celani, the Commissioner of Social Welfare in Vermont, said after hearing a presentation by Mr. Hobbs: "The Federal Government with its deficit is attempting to remove itself from the business of providing benefits for poor people. It's a way of trying to shift financial responsibility to the states."

The present collection of cash and noncash benefit programs grew piecemeal over the last 50 years. "With such a variety of benefits, you have a wide range of constituencies willing to help the poor," Prof. Richard P. Nathan of Princeton University, a political economist, said today.●

## COMMUNITY PLANNING ASSISTANCE FOR GULF COAST HOMEPORTS

● Mr. BENTSEN. Mr. President, I am pleased that the distinguished managers of the bill have chosen to incorporate into their amendment the language which I recommended to earmark funds for community planning assistance for gulf coast sites of the Navy's Strategic Homeporting Program.

Last week, the Senate approved my amendment to authorize up to $200,000 for fiscal year 1987 for this purpose. This amendment guarantees that money will be appropriated pursuant to that authorization. The funds are not an addition to the budget, but will come from planning and design accounts.

Mr. President, community planning assistance enables local authorities to make careful preparations for the arrival of major military installations and the people that accompany them. Often the issues are of a complexity and magnitude to overwhelm local authorities. The community planning assistance helps them to cope with these matters in a thorough and professional way.

Already some initial Federal assistance has been provided to Corpus Christi, TX homeport planners. The additional funds provided by this amendment will enable that process to continue and will also help out at Galveston and other gulf coast homeport sites.

Since the managers have included the funds which I sought for the gulf coast, I no longer plan to offer the amendment permitted by the unanimous-consent agreement for this bill.●

## ORDERS FOR TUESDAY

RECESS UNTIL 8:30 A.M.

Mr. DOLE. Mr. President, I ask unanimous consent that once the Senate completes its business today, it stand in recess until the hour of 8:30 am, on Tuesday, August 12, 1986.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. DOLE. Mr. President, I ask unanimous consent that following the two leaders under the standing order, there be a period for the transaction of routine morning business not to extend beyond the hour of 9 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. DOLE. Mr. President, at 9 a.m., under a previous unanimous consent, the Senate will resume the Boren PAC amendment to S. 655, with a 1-hour time agreement. A vote will occur on the Boren amendment to be followed by 1 hour of debate on the Boschwitz amendment to be followed by a vote.

Following the Boschwitz vote, the Senate will resume consideration of H.R. 5052, the military construction appropriations bill. Pending is the Sasser amendment striking titles II, and III.

Votes will occur during Tuesday's session, and the first vote could occur as early as 10 a.m. Also, the Senate can be expected to be in session late on Tuesday, in order to make substantial progress on the military construction appropriations bill.

Mr. President, I might sort of alert my colleagues, the distinguished chairman of the Armed Services Committee said he calculated a loss of about 4 hours on a total of 32 votes because of overtime. It would seem to me that if we could maybe agree that on the first vote tomorrow we can tolerate maybe a few minutes late because it will be the first vote, but I would hope that our colleagues will understand that we have a very tight time agreement and the loss of 2 or 3 hours the next 2 days could be vital. The last thing that either the majority or minority wish to do is to cut someone off. It happens on either side.

Sometimes, it may be without fault of the Senator. But we are going to have to insist in the next I think 2 or 3 days that we keep pretty much to the 15-minute vote after the first vote each day if the minority leader has no objection to that.

Mr. BYRD. Mr. President, there is no question about it. Time is going to be very much at a premium and if some time on rollcalls overrun, it simply means that a Senator or Senators at the end of the day are going to be deprived of the time on the amendment that they call up. At some point we will get to the point where the amendments only have 2 minutes on each amendment.

So, I join with the distinguished majority leader in urging Senators, and I am going to put this word out on the Cloakroom hotline all day long and at my conference tomorrow with Democrats I am going to emphasize it, because it is in each Senator's interest to see that the time is utilized as well as possible so that Senators will not be prejudiced to the time when they call up their amendment.

Mr. DOLE. The point just made, the very Senator who might be late might have an amendment pending and he might be the one cut off at the end of the trail here.

Mr. BYRD. Right.

Mr. DOLE. Maybe along about Friday. So we will on the first vote be flexible, but I would hope that once we give notice, and we will do the same on our hotline, we will do the same. Even though we do not have a recess period in the morning, we will be having a policy luncheon. I think it is in the interest of all of us to try to stick to the 15-minute rule.

Mr. BYRD. Mr. President, if the distinguished majority leader will yield, I think I should emphasize also that each time a rollcall goes out beyond 15 minutes, the additional time is just that much longer that the Senate may be in on Friday evening or Saturday, and just that much more time that the Senate will cut into its Labor Day recess. It is just that simple. It may be added on here, but it will come off the other end.

Mr. DOLE. I believe everyone has gotten the message. I hope if not personally through staff.

## RECESS UNTIL 8:30 A.M. TOMORROW

Mr. DOLE. Mr. President, there being no further business to come before the Senate, I move that the Senate stand in recess until 8:30 a.m. Tuesday, August 12, 1986, and I thank the Presiding Officer for staying.

The motion was agreed to, and at 9:30 p.m., the Senate recessed until tomorrow, Tuesday, August 12, 1986, at 8:30 a.m.

## NOMINATIONS

Executive nominations received by the Senate August 11, 1986.

THE JUDICIARY

Diarmuid F. O'Scannlain, of Oregon, to be U.S. circuit judge for the ninth circuit vice Robert Boochever, retired.

## CONFIRMATIONS

Executive nominations confirmed by the Senate August 11, 1986:

DEPARTMENT OF AGRICULTURE

Robert W. Beuley, of Virginia, to be Inspector General, Department of Agriculture.

NATIONAL TRANSPORTATION SAFETY BOARD

James Eugene Burnett, Jr., of Arkansas, to be Chairman of the National Transportation Safety Board for a term of 2 years.

The above nominations were approved subject to the nominees' commitments to respond to requests to appear and testify before any duly constituted committee of the Senate.

# HOUSE OF REPRESENTATIVES—*Monday, August 11, 1986*

The House met at 12 noon.

## DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. WRIGHT) laid before the House the following communication from the Speaker:

WASHINGTON, DC,
*August 8, 1986.*

I hereby designate the Honorable JIM WRIGHT to act as Speaker pro tempore on Monday, August 11, 1986.

THOMAS P. O'NEILL, Jr.,
*Speaker of the House of Representatives.*

## PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We recognize, O God, that the people of our Nation have been given power in ways unknown to generations before. Help us, gracious God, to use that power with a judgment tempered by a concern for the welfare of all people. Give us discernment to comprehend the needs of people, give us wisdom in deciding what is the important rather than the transient, give us courage to speak for justice in our land and in the world, and give us compassion to always care for the least and neediest among us. In Your name, we pray. Amen.

## THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a joint resolution of the House of the following title:

H.J. Res. 668. Joint resolution increasing the statutory limit on the public debt.

The message also announced that the Senate insists upon its amendment to the joint resolution (H.J. Res. 668) "Joint resolution increasing the statutory limit on the public debt," requests a conference with the House on the disagreeing votes of two Houses thereon, and appoints for all purposes and sections, Mr. PACKWOOD, Mr. DOLE, Mr. ROTH, Mr. CHAFEE, Mr. HEINZ, Mr. LONG, Mr. MOYNIHAN, Mr. BAUCUS, and Mr. BOREN; for title III and sections 604 and 611 of title VI only, Mr. DOMINICI, Mr. RUDMAN, Mr. GRAMM, Mr. CHILES, and Mr. HOLLINGS to be the conferees on the part of the Senate.

## SPACE LEADERSHIP

(Mr. NELSON of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NELSON of Florida. Mr. Speaker, I rise to note the leaderless status of the U.S. Space Program and some steps that I believe must be taken to correct the situation.

The U.S. Space Program is at "a historical juncture" with a "critical need" for a coherent space policy to reclaim the U.S. leadership in space.

Mr. Speaker, since the administration has been unable to provide the necessary leadership in this crisis situation, it is time for the Congress to step in and exercise that leadership. On Thursday, the Space Science and Applications Subcommittee will remarkup the fiscal year 1987 NASA authorization bill. At that time, I plan to propose that we take action to resolve two important policy matters that have been hanging in limbo for too many months.

The first action will be for us to authorize the production of a space shuttle orbiter to replace *Challenger*, which was so tragically lost in January. This country must have an adequate fleet of orbiters if it is to exercise space leadership throughout the rest of this century.

In addition to the fourth orbiter, the development of a viable, commercial expendable launch vehicle industry is important to the country to ensure adequate access to space as well as to increase private sector involvement in private sector launch services. Congress recognized the importance of this industry when it enacted the Commercial Space Launch Act in 1984. However, since its enactment, little progress has been made toward the establishment of a commercially viable, private sector, expendable launch vehicle industry.

Our subcommittee has reexamined the policies which were designed to assure this country access to space in light of the circumstances we now face. Additional Government action is necessary to stimulate a commercial expendable launch vehicle industry.

In the absence of direction from the administration, Congress must offer the space policy leadership this Nation requires at this critical time. These suggested legislative actions will be an important first step.

## THE WATCHMAN ON THE TOWER OF THE GOVERNMENT OF FREE MEN

(Mr. DANNEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANNEMEYER. Mr. Speaker, let me quote the words of Orval W. Adams, one-time president of the American Bankers Association:

Reestablish the gold standard. Gold is a gift to the world from an all-wise Creator. There is no substitute. There will not be. Without it as a base for national and international exchange, civilization could not have emerged from its barter period of the Dark Ages. It is the only insurance against ruthless politicians debasing and corrupting the world exchanges and money systems of a free people. I repeat, it is a blessing from all-wise Providence, to prevent the tragedy that follows from a debased, corrupted and politically managed medium of exchange. The gold standard is the automatic watchman on the tower of the government of free men, to guard against the poison of totalitarianism entering the bloodstream of sound money. (Inflation—The Termite of Civilization; The Commercial and Financial Chronicle, October 4, 1956.)

Mr. Speaker, the watchman was removed from the tower in 1971, and we suffered as a consequence. It is time now to put the watchman back, in order to avoid further catastrophes.

## TIME TO HONOR DOD REQUEST ON JET TRAINER

(Mr. GLICKMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GLICKMAN. Mr. Speaker, it's hard to believe, but true: For once the Department of Defense has decided to cut out a program, and now the House is considering saying no, we have to keep that spending program. The Air Force has stated unequivocally, after careful review, that it wants to cancel the production funds for a new Air Force trainer, the T-46, being developed by the Fairchild Corp. The reason for the Air Force's decision is simple: Schedule delays, manufacturing problems, and most importantly, lack of affordability.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Time and again Members of the House have looked for ways to cut the Defense budget without cutting back on the security of our constituents. Now we have a way to do this. We have the support of the Pentagon, and we can save the taxpayers from $1 to $2 billion by cutting the funds for the T-46. Our colleague from South Carolina [Mr. SPRATT], will be offering an amendment to strike the authorization for the T-46 trainer and direct the Air Force to evaluate the alternatives for the new trainer. Isn't it time to practice what we preach? We can cut the Defense budget without harming national security. Support the Spratt amendment.

## THERE IS NO POLITICAL CONSENSUS ON CHEMICAL WEAPONS IN NATO

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, last year, Congress made production of new chemical weapons dependent on some political consensus in NATO. This May, the meeting of NATO's Defense Planning Committee showed there is no consensus.

Let me quote only a few NATO countries' positions:

Denmark: "Denmark is opposed to any new production of chemical weapons. Consequently we could not support the adoption of a chemical weapons force goal in NATO."

Norway: "Norway cannot support the American decision to resume its production of chemical weapons. This stance must be put forth in such manner that it is brought to the attention of Congress."

Greece: "Against the production, modernization and storage of chemical weapons."

The Netherlands: "Profoundly regretted the development of chemical weapons." A NATO approval to the chemical force goal would be "an enormous embarrassment to my government."

No NATO country will even consider peacetime deployments of the new binary chemical weapons on their soil. This is no consensus, but a mandate for the United States to not produce any new chemical weapons at all.

Mr. FASCELL. Mr. Speaker, will the gentleman yield?

Mr. PORTER. I yield to the gentleman from Florida.

Mr. FASCELL. I thank the gentleman for yielding to me.

Mr. Speaker, not only do our allies not want the weapons, but we have entered into an agreement to unilaterally remove the only deterrence we have got by removing the weapons that are now in storage in Europe, without getting anything in return. Am I correct?

Mr. PORTER. The gentleman is absolutely correct. Absolutely.

## MAY THE UNITED STATES-MEXICO RELATIONSHIP RETURN TO NORMALCY

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, the upcoming meeting between President Reagan and President de la Madrid of Mexico is long overdue; 1986 has been one of the rockiest years in the United States-Mexico relationship. It has degenerated into the worst name calling in the history of United States-Mexican relations.

From the United States side we have not given Mexican problems the attention they deserve. We treat Mexico as another Third World country with a big debt. We have called each other corrupt and incompetent. From the Mexican side, however, President de la Madrid has failed to realize that the debt and immigration are also Mexican problems. There are also problems he has not addressed: Corruption, debt, political participation to name a few.

We have serious bilateral relationships and problems that have to be addressed at the Presidential level. Drug interdiction, immigration, Central America; many problems that have to be addressed at the Presidential level and not at lower levels.

Mr. Speaker, hopefully this meeting will mean that the United States-Mexico relationship will return to normalcy.

□ 1210

## TRADE NEGOTIATIONS END WITH AGREEMENT ON CITRUS AND PASTA TRADE

(Mr. SHUMWAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHUMWAY. Mr. Speaker, United States and European Economic Community [EEC] officials have announced agreement on settling a dispute over citrus and pasta trade which has lasted for 16 years and persisted despite years of mediation under the auspices of the General Agreement on Tariffs and Trade [GATT].

While the details of the agreement have yet to be announced, this development represents an important step in opening EEC markets to citrus exports from the United States. Hopefully, this will allow the walnut and lemon growers to regain their previous share of the European market.

At the same time, this lengthy dispute demonstrates the importance of bringing agriculture within the GATT framework and enhancing GATT procedures for dispute settlement.

Next month, the GATT member nations will meet in Uruguay to determine the scope of the next round of multilateral trade negotiations.

I hope my colleagues will join me in a resolution which I will introduce later this week calling on the GATT member nations to agree to broad negotiations designed to bring agriculture, services, and foreign investment within the framework of GATT and to strengthen and streamline the procedures for settling trade disputes.

## THE BRADLEY FIGHTING VEHICLE

(Mr. DANIEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIEL. Mr. Speaker, one of our country's most authoritative and respected military leaders is Bernie Rogers, the Supreme Allied Commander in Europe. General Rogers is also well known to us from his tenure as Army Chief of Staff where he built up a reputation for candor as well as knowledge.

I think it would be useful for us in this debate to hear what General Rogers has to say about the Bradley, so I want to read a letter he wrote recently on the subject:

For many years, we have needed an infantry fighting vehicle as an appropriate and adequate complement to our modern armored forces. As Army Chief of Staff, I pressed hard for the development of such a system. We are now fielding the Bradley Fighting Vehicle (BFV) in Europe, meeting that longstanding requirement—and meeting it well. The Bradley is a winner. Our soldiers will confirm that statement.

The current controversy over testing of the BFV is of great concern to me, because it threatens to stop production of this extremely important system. I am particularly concerned because the issue seems to center around the Bradley's vulnerability to direct-fire antitank weapons, something it was never intended or designed to withstand.

The Bradley Fighting Vehicle is not a tank. Rather, it is a vastly superior replacement for the M113 Armored Personnel Carrier. Its purpose is to place infantry troops on the ground where they are needed when the environment will not allow soldiers to walk or move by truck. This vehicle is able to accompany and support our modern tank forces as an integral part of a combined arms team. The Bradley will defeat comparable-threat vehicles in an infantry battle environment. In a tank battle environment, the Bradley will deploy dismounted forces whose mission is to protect friendly armor by defeating enemy antiarmor systems. Its TOW and 25mm Chain Gun provide protective fires for armor and dismounted infantry, both day and night. With this capability, the Bradley is a major combat multiplier on the mechanized battlefield.

When it is shown that the Bradley is incapable of doing what it was designed to do, I will be in the vanguard of those demanding that the system be redesigned or scrapped. We must not, however, allow a much-needed, modern, and effective infantry system to be scrapped because it is vulnerable to enemy weapons systems which it

was never designed or intended to withstand. I need and ask your support to ensure that it is not.

With my respect and best wishes.

Sincerely,

BERNARD W. ROGERS,
*General, U.S. Army,*
*Commander in Chief, Europe.*

I believe the letter speaks for itself and I urge my colleagues to consider it carefully before voting on this issue.

## TRUCE IN TRADE WAR POINTS UP NEED FOR ACTION ON TRADE BILL

(Mr. BONKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONKER. Mr. Speaker, on May 22 the House of Representatives passed by a sizable vote H.R. 4800, trade legislation to reclaim America's competitive position and bring down the trade deficit. That was last May. Since then our trade deficit continues to go up. The Senate refuses to act on a bill that is languishing in the other body, and administration policies, while they have been a little more active in recent months, are still ineffective.

I would like to cite an example that was reported in today's Washington Post. The headline is: "U.S. and EC Reach Truce in 16-Year-Old Trade War." This is a war over citrus fruit which receives preferential treatment from the EC to Mediterranean countries. We had retaliated with a tariff on pasta, and they came back with a tariff on lemons and walnuts. According to the article, here is what happened in that agreement: The restrictions on pasta, lemons, and walnuts will be removed. Fine, but the United States also agreed to recognize the validity of the EC's preferential arrangements for Mediterranean products and not challenge them in the future.

What kind of an agreement is this? Regrettably this is another example of why this administration's policies have not been that effective and why we need Senate action now on the trade bill.

## UNSUSPECTED PITFALLS IN WIDESPREAD DRUG TESTING

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, today, Vice President BUSH will undergo his "voluntary" drug testing, and later this week, 78 senior members of the White House staff will similarly undergo voluntary drug testing. It seems that our Nation is about to march headlong into a frenzy of nationwide drug testing.

Not too many seem to be opposed now, but if drug testing becomes widespread, it will become a bubbling and boiling caldron of controversy. How many people know that the standard test has a 2- to 11-percent-inaccuracy rate? If you have never touched drugs in your life, the odds are approximately 1 in 20 that the test will reveal that you did use drugs within the last 6 months.

Vice President BUSH, with your luck, even though you never used drugs, your test is going to come out positive. And the odds are that a few of those senior White House aides will be listed as positively engaging in using drugs. Indeed we ought to be careful before going forward with this kind of controversial and un-thought-out massive testing.

True, there is a better test, with a much smaller inaccuracy rate, but it costs several hundred dollars. Are employees and the Federal Government going to be using the more accurate but more expensive federal test. It will cost billions of dollars.

Finally, Mr. Speaker, the amendments in the Bill of Rights were put there for a reason. There ought to be trust between the government and the people. If we violate that trust, if we have every person suspected of drug use with no probable cause, we will be doing greater damage to this Nation than the drug cancer we are trying to eradicate.

## GRAIN STORAGE CRISIS DRIVES GRAIN PRICES DOWN

(Mrs. SMITH of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SMITH of Nebraska. Mr. Speaker, I have introduced two bills designed to take emergency action to solve the intensifying grain storage crisis caused by large carryover stocks and bumper 1986 harvests just ahead.

The grain price slump of recent days almost certainly stems directly from the Government's failure to act swiftly and decisively to solve the grain storage crisis.

In Nebraska alone the storage shortage may amount to as much as 145 million bushels, not counting 1986's bumper crops.

My bills would mandate immediate entry into the farmer-owned reserve and require the Commodity Credit Corporation to begin making grain storage facilities loans. The Secretary of Agriculture already has power to take both these actions and should exercise that power forthwith.

The truth is that the President has other options in existing laws that should be examined carefully for other solutions.

Whatever is done must be done urgently because the price situation amounts to an emergency for our beleaguered grain producers.

While the Government offers price-support loans at $1.92 a bushel for corn, producers cannot obtain such loans unless they can find acceptable storage facilities.

Cash prices for corn in some areas of Nebraska are as low as $1.21 currently, and without appropriate storage, the Government's price-support program is almost useless for protecting farm income.

Our producers are being overwhelmed by an overwhelming situation. It is long past time for the Government to move effectively to find places to store our abundance.

One Smith bill would amend the CCC Charter Act to require the corporation to make loans to grain growers needing storage facilities on their farms. The bill strikes language that says the Corporation "may" make loans to grain growers and substitutes the word "shall" to force the Department to act.

The other Smith bill would require the Government to begin making storage payments for grain stored by producers on their farms without making them wait for 9 months until their price-support loans mature. The Smith bill would make the producers eligible for storage payments as soon as they obtain price-support loans.

Such payments would help producers find credit for building their own grain bins and might be the fastest way to solve this intensifying problem.

The fact that these bills were introduced puts pressure on the Department to act immediately, and every cosponsor I sign up on these bills has the effect of turning up the heat under the administration. I intend to turn it up as high and as quickly as possible.

## JOINT CHIEFS OF STAFF REORGANIZATION ACT OF 1985

Mr. NICHOLS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3622) to amend title 10, United States Code, to strengthen the position of Chairman of the Joint Chiefs of Staff, to provide for more efficient and effective operation of the Armed Forces, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments with amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments and the House amendments to the Senate amendments, as follows:

Senate amendments:

Strike out all after the enacting clause and insert:

*SECTION 1. SHORT TITLE*

*This Act may be cited as the "Barry Goldwater Department of Defense Reorganization Act of 1986".*

SEC. 2. REFERENCES TO TITLE 10, UNITED STATES CODE

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 10, United States Code.

TITLE I—DEPARTMENT OF DEFENSE

SEC. 101. MODIFICATION OF AUTHORITY OF SECRETARY OF DEFENSE TO REORGANIZE THE DEPARTMENT OF DEFENSE

Section 125 is amended—

(1) in subsection (a), by striking out "unless the Secretary" in the second sentence and all that follows down through the rest of the subsection and inserting in lieu thereof a period;

(2) in subsection (b)—

(A) by inserting "vested by law in the Department of Defense, or an officer, official, or agency thereof" after "function, power, or duty"; and

(B) by striking out "5012, 5013" and inserting in lieu thereof "5242, 5243"; and

(3) by striking out subsection (d).

SEC. 102. ORGANIZATION OF THE DEPARTMENT OF DEFENSE

Section 131 is amended to read as follows:

"§ 131. Executive department

"The Department of Defense is an executive department of the United States. It is composed of the following:

"(1) The Office of the Secretary of Defense.

"(2) The Joint Chiefs of Staff.

"(3) The Joint Staff.

"(4) The Defense Agencies.

"(5) Department of Defense Field Activities.

"(6) The Department of the Army.

"(7) The Department of the Navy.

"(8) The Department of the Air Force.

"(9) The unified and specified combatant commands of the Department of Defense.

"(10) Such other offices as may be established or designated by the President.

"(11) All functions and activities under the control or supervision of any element named in clauses (1) through (10).".

SEC. 103. POWERS AND DUTIES OF THE SECRETARY OF DEFENSE

(a) IN GENERAL.—Section 133 is amended—

(1) in subsection (c)(2), by striking out "section 125" and inserting in lieu thereof "sections 125 and 191";

(2) in subsection (e)—

(A) by inserting ", major military missions," in clause (1) after "policy";

(B) by striking out "that policy" in clause (2) and inserting in lieu thereof "such policy, missions,"; and

(C) by striking out "the policy" in clause (3) and inserting in lieu thereof "such policy, missions,"; and

(3) by adding at the end the following new subsections:

"(f) When a vacancy occurs in an office within the Department of Defense and the person appointed to that office is to be appointed from civilian life by the President, by and with the advice and consent of the Senate, the Secretary of Defense shall inform the President of the qualifications needed by an appointee to carry out effectively the duties and responsibilities of that office.

"(g) The Secretary of Defense, with the approval of the President, shall provide annually to the Chairman of the Joint Chiefs of Staff written policy guidance for the preparation and review of contingency plans.

"(h) The Secretary of Defense shall keep the Secretaries of the Army, Navy, and Air Force informed on military operations and activities of the Department of Defense that directly affect their respective responsibilities.".

(b) CONFORMING AMENDMENTS.—The section heading of section 133 is amended to read as follows:

"§ 133. Secretary of Defense: appointment; powers and duties; delegation authority".

SEC. 104. REDESIGNATION OF SECTIONS

Chapter 4 is further amended by redesignating the sections of chapter 4 as follows:

(1) Section 133a as section 142.
(2) Section 133b as section 2780.
(3) Section 134 as section 135.
(4) Section 135 as section 136.
(5) Section 136 as section 137.
(6) Section 136a as section 139.
(7) Section 137 as section 140.
(8) Section 138 as section 2871.
(9) Section 139 as section 2872.
(10) Section 139a as section 2873.
(11) Section 139b as section 2874.
(12) Section 139c as section 2875.
(13) Section 140 as section 143.
(14) Section 140a as section 144.
(15) Section 140b as section 145.
(16) Section 140c as section 146.

SEC. 105. OFFICE OF THE SECRETARY OF DEFENSE

Chapter 4 is further amended by inserting after section 133 the following new section:

"§ 134. Office of the Secretary of Defense

"(a) There is in the Department of Defense an Office of the Secretary of Defense. The function of the Office is to assist the Secretary of Defense in carrying out his duties and responsibilities.

"(b) The Office of the Secretary of Defense is composed of the following:

"(1) The Deputy Secretary of Defense.

"(2) The Under Secretaries of Defense.

"(3) The Assistant Secretaries of Defense.

"(4) The Comptroller of the Department of Defense.

"(5) The Director of Operational Test and Evaluation.

"(6) The General Counsel of the Department of Defense.

"(7) The Inspector General of the Department of Defense.

"(8) Such other offices and officers as the Secretary of Defense may establish or designate.

"(c) Officers of the armed forces may be detailed for duty as assistants or personal aides to the Secretary of Defense. However, the Secretary may not establish a military staff other than that designated by section 151(d) of this title.

"(d) The Secretary of each military department, his civilian assistants, and members of the armed forces under the jurisdiction of his department shall cooperate fully with personnel of the Office of the Secretary of Defense to achieve efficient administration of the Department of Defense and to carry out effectively the authority, direction, and control of the Secretary of Defense.".

SEC. 106. UNDER SECRETARIES OF DEFENSE

Section 136 (as redesignated by section 104(4)) is amended—

(a) The title of the section is changed to read:

"§ 136. Under Secretaries of Defense: appointment; powers and duties";

(b) in subsection (a), by striking the entire subsection and substituting in lieu thereof the following:

"(a) There are two Under Secretaries of Defense, one of whom shall be the Under Secretary of Defense for Acquisition and one of whom shall be the Under Secretary of Defense for Policy. The Under Secretaries of Defense shall be appointed from civilian life by the President, by and with the advice and consent of the Senate.";

(c) in subsection (b), by striking all after the first sentence;

(d) in subsection (c), by striking all after the first sentence.

SEC. 107. ASSISTANT SECRETARIES OF DEFENSE

Section 137 (as redesignated by section 104(5)) is amended—

(1) in subsection (b)—

(A) by striking out paragraphs (2) and (3);

(B) by redesignating paragraph (4) as paragraph (2); and

(C) by striking out paragraphs (5) and (6);

(2) in subsection (c)—

(A) by striking out "him" in paragraph (1) and inserting in lieu thereof "the Assistant Secretary"; and

(B) by striking out ", or his designee" in paragraph (2);

(3) by striking out subsection (d);

(4) by redesignating subsection (e) as subsection (d); and

(5) by inserting at the end of subsection (d) (as redesignated) the following: "The order of precedence among the Assistant Secretaries shall be the order prescribed by the Secretary of Defense.".

SEC. 108. COMPTROLLER OF THE DEPARTMENT OF DEFENSE

Chapter 4 is further amended by inserting after section 137 (as redesignated by section 104(5)) the following new section:

"§ 138. Comptroller of the Department of Defense

"(a) There is a Comptroller of the Department of Defense, appointed from civilian life.

"(b) The Comptroller of the Department of Defense shall—

"(1) advise and assist the Secretary in performing such budgetary and fiscal functions and duties, and in exercising such budgetary and fiscal powers, as are needed to carry out the powers of the Secretary;

"(2) supervise and direct the preparation of budget estimates of the Department of Defense;

"(3) establish and supervise the execution of principles, policies, and procedures to be followed in connection with organizational and administrative matters relating to—

"(A) the preparation and execution of budgets;

"(B) fiscal, cost, operating, and capital property accounting; and

"(C) progress and statistical reporting;

"(4) establish and supervise the execution of policies and procedures relating to the expenditure and collection of funds administered by the Department of Defense; and

"(5) establish uniform terminologies, classifications, and procedures concerning matters covered by clauses (1) through (4).".

SEC. 109. INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE

Chapter 4 is further amended by inserting after section 140 (as redesignated by section 104(7)) the following new section:

"§ 141. Inspector General of the Department of Defense

"(a) There is an Inspector General of the Department of Defense, who shall be appointed as provided in section 3 of the Inspector General Act of 1978 (Public Law 95-452; 5 U.S.C. App. 3).

"(b) The Inspector General of the Department of Defense shall perform the duties, have the responsibilities, and exercise the powers specified in the Inspector General

Act of 1978 (Public Law 95-452; 5 U.S.C. App. 3).".

SEC. 110. TECHNICAL AND CONFORMING AMENDMENTS

(a) REORGANIZATION OF CHAPTER 4.—(1) The table of sections at the beginning of chapter 4 is amended to read as follows:

"Sec.
"131. Executive department.
"132. Department of Defense: seal.
"133. Secretary of Defense: appointment; powers and duties; delegation authority.
"134. Office of the Secretary of Defense.
"135. Deputy Secretary of Defense: appointment; powers and duties; precedence.
"136. Under Secretaries of Defense: appointment; powers and duties; precedence.
"137. Assistant Secretaries of Defense: appointment; powers and duties; precedence.
"138. Comptroller of the Department of Defense.
"139. Director of Operational Test and Evaluation: appointment; powers and duties.
"140. General Counsel: appointment; powers and duties.
"141. Inspector General of the Department of Defense.
"142. Secretary of Defense: annual report on North Atlantic Treaty Organization readiness.
"143. Emergencies and extraordinary expenses.
"144. Secretary of Defense: funds transfers for foreign cryptologic support.
"145. Prohibition of certain civilian personnel management constraints.
"146. Secretary of Defense: authority to withhold from public disclosure certain technical data.".

(2) Section 132 is amended by striking out the section heading and inserting in lieu thereof the following:

"§ 132. Department of Defense: seal".

(3) Except as provided in subsections (b) and (c), the sections of chapter 4 redesignated by section 104 and the sections added to such chapter by sections 105, 108, and 109 shall appear in such chapter in the order of their numerical designations.

(b) RELOCATION OF SECTION.—(1) Section 2780, as redesignated by section 104(2), is transferred to and made a part of chapter 165, and is inserted immediately after section 2779.

(2) The table of sections at the beginning of chapter 165 is amended by adding at the end the following new item:

"2780. Sale or transfer of defense articles: report to Congress.".

(c) CREATION OF NEW CHAPTER.—(1) Part IV of subtitle A is amended by adding after chapter 169 the following:

"CHAPTER 171—REQUIREMENT FOR AUTHORIZATION OF APPROPRIATIONS; OVERSIGHT OF COST GROWTH IN MAJOR PROGRAMS

"Sec.
"2871. Annual authorization of appropriations and personnel strengths for the armed forces; annual manpower requirements and operations and maintenance reports.
"2872. Weapons development and procurement schedules for armed forces; reports; supplemental reports.
"2873. Oversight of cost growth in major programs: Selected Acquisition Reports.
"2874. Oversight of cost growth of major programs: unit cost reports.
"2875. Major defense acquisition programs: independent cost estimates.".

(2) Sections 2871 through 2875, as redesignated by section 104, are transferred to and made a part of chapter 171 (as added by subsection (c) of this section).

(3) The catchline of section 2872, as redesignated by section 104(9), is amended to read as follows:

"2872. Weapons development and procurement schedules for armed forces; reports; supplemental reports.".

(4) The tables of chapters at the beginning of subtitle A and at the beginning of part IV of such subtitle are each amended by inserting after the item relating to chapter 169 the following new item:

"171. Requirement for Authorization of Appropriations; Oversight of Cost Growth in Major Programs ..... 2871.".

(d) REPEAL OF SECTION.—Chapter 41 is amended—

(1) by striking out section 718; and

(2) by striking out in the table of sections at the beginning of such chapter the item relating to section 718.

SEC. 111. JOINT CHIEFS OF STAFF

(a) COMPOSITION; FUNCTIONS; CHAIRMAN; VICE CHAIRMAN; JOINT STAFF.—Chapter 5 is amended to read as follows:

"CHAPTER 5—JOINT CHIEFS OF STAFF

"Sec.
"151. Composition; functions.
"152. Chairman.
"153. Vice Chairman.
"154. Joint Staff.

"§ 151. Composition; functions

"(a)(1) There are in the Department of Defense the Joint Chiefs of Staff consisting of the following:
"(A) The Chairman.
"(B) The Vice Chairman.
"(C) The Chief of Staff of the Army.
"(D) The Chief of Naval Operations.
"(E) The Chief of Staff of the Air Force.
"(F) The Commandant of the Marine Corps.

"(2) The President may assign to serve as members of the Joint Chiefs of Staff only officers who have served in one or more joint duty positions for a substantial period of time. The President may waive such requirement in the case of any officer if the President determines such action is necessary in the national interest.

"(b) The Chairman of the Joint Chiefs of Staff is the principal military adviser to the President, the National Security Council, and the Secretary of Defense.

"(c) The members of the Joint Chiefs of Staff are military advisers to the President, the National Security Council, and the Secretary of Defense, as specified in this section.

"(d) The Joint Chiefs of Staff, assisted by the Joint Staff, constitute the immediate military staff of the Secretary of Defense.

"(e) In performing his duties, the Chairman shall—

"(1) convene regular meetings of the Joint Chiefs of Staff;

"(2) unless impracticable, consult with and seek the advice of, individually or collectively, the other members of the Joint Chiefs of Staff; and

"(3) when appropriate, consult with and seek the advice of the commanders of the unified and specified combatant commands.

"(f) When the Chairman of the Joint Chiefs of Staff provides advice to the Secretary of Defense, the National Security Council, or the President, any other member of the Joint Chiefs of Staff may submit advice or an opinion in disagreement or advice or an opinion in addition to the advice provided by the Chairman. If such member submits such advice or opinion, the Chairman shall present the advice or opinion of such member at the same time the Chairman presents his own advice to the President, the National Security Council, or the Secretary of Defense, as the case may be.

"(g) After first informing the Secretary of Defense, a member of the Joint Chiefs of Staff may make such recommendations to Congress relating to the Department of Defense as he may consider appropriate.

"(h) In addition to any advice or opinion submitted under subsection (f) by members of the Joint Chiefs of Staff other than the Chairman, such members, in their capacity as military advisers, shall provide advice to the President, the National Security Council, or the Secretary of Defense on a particular matter when the President, the National Security Council, or the Secretary requests such advice.

"§ 152. Chairman

"(a)(1) The Chairman of the Joint Chiefs of Staff shall be appointed by the President, by and with the advice and consent of the Senate, from the officers of the regular components of the armed forces. He serves at the pleasure of the President for a term of two years and, subject to paragraph (3), may be reappointed in the same manner for two additional terms. However, in time of war declared by Congress there is no limit on the number of reappointments.

"(2) Notwithstanding paragraph (1), the term of a Chairman shall end not later than six months after the accession to office of a new President. The requirement of the preceding sentence does not apply in the case of a Chairman appointed or reappointed during the first six months of the term of a new President. As used in this paragraph, the term 'new President' shall not include a President who is elected to a second consecutive term.

"(3) An officer may not serve as Chairman or Vice Chairman of the Joint Chiefs of Staff if the total combined period of service of such officer in both such positions exceeds six years. The President may extend the combined period of service for such officer to eight years if he determines such action is necessary in the national interest. The limitations of this paragraph do not apply in time of war declared by Congress.

"(b) In addition to his other duties as a member of the Joint Chiefs of Staff, the Chairman shall, subject to the authority, direction, and control of the President and the Secretary of Defense—

"(1) preside over the Joint Chiefs of Staff; and

"(2) provide agenda for the meetings of the Joint Chiefs of Staff (including any subject for the agenda recommended by the Joint Chiefs of Staff), assist them in carrying on their business as promptly as practicable, and determine when issues under consideration shall be decided.

"(c) The Chairman, while so serving, holds the grade of general or, in the case of an officer of the Navy, admiral and outranks all other officers of the armed forces. However, he may not exercise military command over the Joint Chiefs of Staff or any of the armed forces.

"(d) Subject to the authority, direction, and control of the President and the Secretary of Defense, the Chairman of the Joint Chiefs of Staff shall—

"(1) prepare strategic plans to provide for the strategic direction of the armed forces, including plans which conform with resource levels projected by the Secretary of Defense;

"(2) advise the Secretary on the extent to which the program recommendations and budget proposals of the military departments and other components of the Department of Defense for each fiscal year conform with the priorities established in strategic plans and the operational requirements of the unified and specified combatant commands;

"(3) advise the Secretary on the extent to which the major manpower programs and policies of the armed forces conform with strategic plans;

"(4) provide for the preparation and review of contingency plans which conform to policy guidance from the President and the Secretary of Defense;

"(5) prepare joint logistic and mobility plans to support the contingency plans and recommend the assignment of logistic and mobility responsibilities to the military departments and armed forces in accordance with such logistic and mobility plans;

"(6) advise the Secretary on critical deficiencies and strengths in force capabilities, including manpower, logistic, and mobility support, identified during the preparation and review of contingency plans and assess the effect of such deficiencies and strengths on meeting national security objectives and policy and on strategic plans;

"(7) assess joint military requirements for defense acquisition programs, especially in the area of communications, in order to enhance the ability of the armed forces to operate jointly;

"(8) develop doctrine, for the approval of the Secretary of Defense, for the joint employment of the armed forces;

"(9) formulate policies, for the approval of the Secretary of Defense, for the joint training of the armed forces that enhance their ability to operate jointly;

"(10) formulate policies, for the approval of the Secretary of Defense, for coordinating the military education and training of the armed forces, particularly the education and training of officers who serve in joint duty positions;

"(11) provide for representation of the United States on the Military Staff Committee of the United Nations in accordance with the Charter of the United Nations; and

"(12) perform such other duties as the President or the Secretary of Defense may prescribe.

"(e)(1) Not less than once every three years, or upon the request of the President, the Chairman shall submit a report to the Secretary of Defense containing such recommendations for changes in the function assignments of the armed forces as the Chairman considers necessary to ensure maximum effectiveness of the armed forces. In preparing each report, the Chairman shall take into consideration—

"(A) changes in the nature of the threats faced by the armed forces;

"(B) unnecessary duplication of effort among the armed forces; and

"(C) changes in technology that can be applied effectively to warfare.

"(2) The Chairman shall also include in each such report recommendations for such changes in policies, directives, regulations, and legislation as may be necessary to achieve the changes in function assignments recommended by the Chairman.

"§ 153. Vice Chairman

"(a)(1) There is a Vice Chairman of the Joint Chiefs of Staff. The Vice Chairman shall be appointed by the President, by and with the advice and consent of the Senate, from the officers of the regular components of the armed forces.

"(2) The Chairman and Vice Chairman may not be members of the same armed force. However, the Secretary of Defense may waive the restriction in the preceding sentence for a limited period of time in order to effect the orderly transition of officers appointed to serve in the positions of Chairman and Vice Chairman.

"(3) The Vice Chairman serves at the pleasure of the President for a term of two years and may be reappointed in the same manner for two additional terms. However, in time of war declared by Congress there is no limit on the number of reappointments.

"(b)(1) The Vice Chairman exercises such duties as may be delegated by the Chairman with the approval of the Secretary of Defense.

"(2) When there is a vacancy in the office of Chairman or in the absence or disability of the Chairman, the Vice Chairman, unless otherwise directed by the President or the Secretary of Defense, acts as Chairman and performs the duties of the Chairman until a successor is appointed or the absence or disability ceases.

"(c) The Vice Chairman may attend all meetings of the Joint Chiefs of Staff but may not vote on a matter before the Joint Chiefs of Staff except when acting as Chairman.

"(d) The Vice Chairman, while so serving, holds the grade of general or, in the case of an officer of the Navy, admiral and outranks all other officers of the armed forces except the Chairman. The Vice Chairman may not exercise military command over the Joint Chiefs of Staff or any of the armed forces.

"§ 154. Joint Staff

"(a)(1) There is in the Department of Defense a Joint Staff under the Chairman of the Joint Chiefs of Staff. Subject to the authority, direction, and control of the Chairman, the Joint Staff shall assist the Chairman and the other members of the Joint Chiefs of Staff in carrying out their responsibilities.

"(2) The Joint Staff shall include officers selected by the Chairman in approximately equal numbers from—

"(A) the Army;

"(B) the Navy and the Marine Corps; and

"(C) the Air Force.

"(3) Selection of officers of an armed force to serve on the Joint Staff shall be made by the Chairman from a list of officers submitted by the armed force. Each officer whose name is submitted shall be among those officers considered to be the most outstanding officers of that armed force. The Chairman may specify the number of officers to be included on any such list.

"(4) The tenure of the members of the Joint Staff is subject to the approval of the Chairman of the Joint Chiefs of Staff.

"(b) The Chairman of the Joint Chiefs of Staff, after consultation with the other members of the Joint Chiefs of Staff and with the approval of the Secretary of Defense, may select a Director of the Joint Staff.

"(c) The Chairman of the Joint Chiefs of Staff manages the Joint Staff and the Director of the Joint Staff. The Joint Staff shall perform such duties as the Chairman shall prescribe and shall perform such duties under such procedures as the Chairman shall prescribe.

"(d) The Joint Staff shall not operate or be organized as an overall Armed Forces General Staff and shall have no executive authority. The Joint Staff may be organized and may operate along conventional staff lines to support the Chairman and the other members of the Joint Chiefs of Staff in discharging their assigned responsibilities.

"(e)(1) An officer who is assigned or detailed to duty on the Joint Staff may not serve for a tour of duty of more than four years. However, such tour of duty may be extended with the approval of the Secretary of Defense.

"(2) An officer completing a tour of duty with the Joint Staff may not be assigned or detailed to duty on the Joint Staff within two years after relief from that duty except with the approval of the Secretary.

"(3) This subsection does not apply in time of war declared by Congress or in time of national emergency declared by the President.

"(f)(1) The total number of civilian and military personnel assigned or detailed to permanent duty on the Joint Staff may not exceed 1,617. Such limitation does not apply in time of war or during a national emergency declared by Congress.

"(2)(A) For purposes of this section, the Joint Staff includes all civilian and military personnel assigned or detailed to permanent duty to assist the Chairman and Vice Chairman in carrying out their responsibilities and to assist the other members of the Joint Chiefs of Staff in carrying out their responsibilities specified in section 151 of this title.

"(B) The Joint Staff does not include civilian or military personnel assigned or detailed to permanent duty in a military department.".

(b) CONFORMING AMENDMENTS.—(1) The item relating to chapter 5 in the tables of chapters at the beginning of subtitle A and at the beginning of part I of such subtitle are each amended to read as follows:

"5. Joint Chiefs of Staff ..... 151".

(2) Section 525(b)(3) is amended by inserting "or Vice Chairman" after "Chairman".

(3) Section 743 is amended—

(A) by striking out "and" after "Operations,";

(B) by inserting ", and the Commandant of the Marine Corps" after "Air Force"; and

(C) by inserting "and the Vice Chairman" after "Chairman".

(c) DATE FOR FIRST REPORT.—The first report under section 152(e) of title 10, United States Code (as added by subsection (a) of this section), shall be submitted by the Chairman of the Joint Chiefs of Staff not later than one year after the date of the enactment of this Act.

(d) EFFECTIVE DATE.—The limitation prescribed in section 154(f) of title 10, United States Code (as added by subsection (a) of this section), shall be effective after September 30, 1988.

SEC. 112. COMBATANT COMMANDS

(a) IN GENERAL.—Part I of subtitle A is amended by inserting after chapter 5 the following new chapter:

"CHAPTER 6—COMBATANT COMMANDS

"Sec.
"161. Definitions.
"162. Combatant commands: establishment; composition; functions.

"163. Operational chain of command.
"164. Commanders of combatant commands: assignment; powers and duties.
"165. Combatant commands: administration and support.

**"§ 161. Definitions**

"In this chapter:

"(1) 'Unified combatant command' means a command which has broad, continuing missions and which is composed of combatant forces from two or more military departments.

"(2) 'Specified combatant command' means a command which has broad, continuing missions and which is composed of combatant forces from a single military department.

"(3) 'Combatant command' means a unified combatant command or a specified combatant command.

"(4) 'Combatant forces' means those forces of the armed forces whose primary mission is to engage in combat.

**"§ 162. Combatant commands: establishment; composition; functions**

"(a) With the advice and assistance of the Chairman of the Joint Chiefs of Staff, the President, through the Secretary of Defense, shall—

"(1) establish unified combatant commands and specified combatant commands to perform military missions;

"(2) prescribe the force structure of those commands;

"(3) review periodically, but not less often than every two years, the missions, tasks, responsibilities (including geographic boundaries), and force structure of each combatant command and revise such missions, tasks, responsibilities, and force structures as may be necessary to respond to changing conditions; and

"(4) notify Congress, except during time of hostilities or imminent threat of hostilities, at least 60 days before (A) establishing a new combatant command, or (B) significantly revising the missions, tasks, responsibilities, or force structure of an existing combatant command.

"(b)(1) Unless otherwise directed by the Secretary of Defense, all combatant forces of the military departments shall be assigned to combatant commands, established under this section, to perform the missions of those commands.

"(2) Consistent with the force structure prescribed by the President for each combatant command, the Secretary of each military department, with the approval of the Secretary of Defense, shall assign combatant forces of his department to combatant commands.

"(3) A combatant force so assigned may be transferred from the command to which it is assigned only by authority of the Secretary of Defense and only under procedures prescribed by the Secretary and approved by the President.

"(c) Combatant commands established under this section are responsible to the President and to the Secretary of Defense for the performance of such military missions as may be assigned to such commands by the Secretary with the approval of the President.

**"§ 163. Operational chain of command**

"(a) Unless otherwise directed by the President, the chain of command for the operational direction of the combatant commands runs from the President to the Secretary of Defense to the commanders of the unified and specified combatant commands.

"(b) Subject to the limitations of section 152(c) of this title, the President or the Secretary of Defense may direct communications to run from the Secretary of Defense to the commanders of the unified and specified combatant commands through the Chairman of the Joint Chiefs of Staff.

"(c) Unless otherwise directed by the President or the Secretary of Defense, the commander of a combatant command shall prescribe the chain of command to, and the organizational relationship among, the commands and forces within that command.

"(d)(1) As a means of providing for more effective control and coordination of the combatant commands, the Secretary of Defense may assign responsibility to the Chairman of the Joint Chiefs of Staff for overseeing the activities of the combatant commands. Such assignment by the Secretary to the Chairman does not confer any command authority on the Chairman and does not alter the responsibility of the combatant commanders prescribed in section 164(b) of this title.

"(2) Subject to the authority, direction, and control of the Secretary of Defense, the Chairman of the Joint Chiefs of Staff serves as the spokesman for the commanders of the combatant commands on operational requirements. In performing such responsibility, the Chairman shall—

"(A) confer with and obtain information from the commanders of the combatant commands about the operational requirements of their commands;

"(B) evaluate and integrate such information;

"(C) advise and make recommendations to the Secretary of Defense about the operational requirements of the combatant commands, individually and collectively; and

"(D) perform such other activities as may be required to communicate clearly the operational requirements of the combatant commands.

**"§ 164. Commanders of combatant commands: assignment; powers and duties**

"(a) The President may assign to serve as commanders of unified combatant commands only officers who have served in one or more joint duty positions for a substantial period of time. The President may waive the requirement of the preceding sentence in the case of any officer if the President determines such action is necessary in the national interest.

"(b) Each commander of a combatant command performs his duties under the authority, direction, and control of the Secretary of Defense and is directly responsible to the Secretary for the performance of his command and its preparedness to execute assigned missions.

"(c) Subject to the authority, direction, and control of the Secretary of Defense, each commander of a combatant command shall—

"(1) maintain the security of his command and protect the United States, its possessions, and bases against attack or hostile incursion;

"(2) carry out assigned missions, tasks, and responsibilities; and

"(3) assign tasks to, and direct coordination among, his subordinate commanders so as to ensure unity of effort in the accomplishment of the missions assigned to his command.

"(d)(1) Unless otherwise directed by the President or the Secretary of Defense, forces assigned to combatant commands are under the full operational command of the commander of the combatant command to which they are assigned. Full operational command includes all aspects of military operations and joint training.

"(2) In addition to the full operational command provided for under paragraph (1), the commander of a combatant command shall have authority as assigned by the Secretary of Defense, after consultation with the Secretaries of the military departments and the combatant commander, for coordination and approval of those aspects of administration and support, including planning for wartime logistics, necessary for the accomplishment of the missions assigned to the command.

"(e) Unless otherwise directed by the President or the Secretary of Defense—

"(1) commanders of commands and forces assigned to a combatant command are under the authority, direction, and control of, and are responsible to, the commander of the combatant command on all matters for which the combatant commander has been assigned full operational command under subsection (d)(1) or other authority under subsection (d)(2);

"(2) the commander of a command or force referred to in clause (1) shall communicate with other elements of the Department of Defense on any matter for which the combatant commander has been assigned full operational command under subsection (d)(1) or other authority under subsection (d)(2) in accordance with procedures, if any, established by the commander of the combatant command; and

"(3) if directed by the combatant commander, the commander of a command or force referred to in clause (1) shall advise the combatant commander of all communications with other elements of the Department of Defense on any matter for which the combatant commander has not been assigned full operational command under subsection (d)(1) or other authority under subsection (d)(2).

"(f)(1) Selection of an officer of an armed force to serve as commander of a command directly subordinated to the commander of a combatant command may be made only with the concurrence of the commander of the combatant command and only in accordance with procedures established by the Secretary of Defense. However, the Secretary of Defense may waive the requirement for the concurrence of the commander of a combatant command with regard to the selection of a particular commander if the Secretary of Defense determines such action is necessary in the national interest.

"(2) The commander of a combatant command shall evaluate the duty performance of each commander of a command directly subordinated to the commander of such combatant command and submit the evaluation to the Secretary of the military department of which the commander being evaluated is a member.

"(g)(1) Each unified combatant command shall have a joint staff with officers in key positions of responsibility from each military department having forces assigned to the combatant command.

"(2) Selection of officers of an armed force to serve on the joint staff of a unified combatant command in any grade above lieutenant colonel or, in the case of an officer of the Navy, any grade above commander shall be made only with the concurrence of the commander of such command and only in accordance with procedures established by the Secretary of Defense.

"(h) In accordance with procedures established by the Secretary of Defense, the commander of a combatant command may suspend from duty and recommend the reas-

signment of any officer assigned to such combatant command.

"§ 165. Combatant commands: administration and support

"(a) The Secretary of Defense, with the advice and assistance of the Chairman of the Joint Chiefs of Staff, shall provide for the administration and support of combatant forces assigned to each combatant command.

"(b) Subject to the authority, direction, and control of the Secretary of Defense and consistent with the full operational command and other authority assigned to combatant commanders by section 164(d) of this title, the Secretary of a military department is responsible for the administration and support of forces assigned by him to a combatant command.

"(c) After consultation with the Secretary of each military department, the Secretary of Defense may also assign the responsibility or any part of the responsibility for the administration and support of combatant forces assigned to the combatant commands to other components of the Department of Defense. A component assigned such a responsibility shall discharge that responsibility under the authority, direction, and control of the Secretary of Defense and consistent with the full operational command and other authority assigned to combatant commanders by section 164(d) of this title.".

(b) CONFORMING AMENDMENTS.—(1) The tables of chapters at the beginning of subtitle A and at the beginning of part I of such subtitle are each amended by inserting after the item relating to chapter 5 the following new item:

"6. Combatant Commands ..... 161".

(2) Section 124 is repealed.

(3) The table of sections at the beginning of chapter 3 is amended by striking out the item relating to section 124.

SEC. 113. REPEAL OF PROHIBITION AGAINST CONSOLIDATING FUNCTIONS OF THE MILITARY TRANSPORTATION COMMANDS

Section 1110 of the Department of Defense Authorization Act, 1983 (Public Law 97-252; 96 Stat. 747), is repealed.

SEC. 114. POSITIONS OF IMPORTANCE AND RESPONSIBILITY

Section 601 is amended by adding at the end thereof the following new subsections:

"(d) When an officer is recommended to the President for an initial appointment to the grade of lieutenant general or vice admiral, or for an initial appointment to the grade of general or admiral, the Chairman of the Joint Chiefs of Staff shall submit to the Secretary of Defense the Chairman's evaluation of the performance of that officer as a member of the Joint Staff and in other joint duty positions. The Secretary of Defense shall submit the Chairman's evaluation to the President at the same time the recommendation for the appointment is submitted to the President.

"(e) Each time a vacancy occurs in a military office or position within the Department of Defense that the President has designated as a position of importance and responsibility to carry the grade of general or admiral or lieutenant general or vice admiral, the Secretary of Defense shall inform the President of the qualifications needed by an appointee to carry out effectively the duties and responsibilities of that office or position.".

SEC. 115. SERVICE OF OFFICERS IN JOINT DUTY POSITIONS

(a) IN GENERAL.—Section 646 is amended to read as follows:

"§ 646. Service of officers in joint duty positions

"(a) The Secretary of Defense, after consultation with the Chairman of the Joint Chiefs of Staff and the Secretary of each military department, shall ensure that the personnel practices, policies, and procedures of the Army, Navy, Air Force, and Marine Corps enhance the abilities of those officers assigned to joint duty positions to perform effectively the duties of such positions.

"(b) In carrying out subsection (a), the Secretary of Defense shall ensure that—

"(1) officers are well prepared to assume joint duty positions as the result of previous experience (including, as appropriate, previous duty in joint duty positions), formal education, and training;

"(2) continuity is attained and preserved in joint organizations through appropriate periods of service by officers serving in joint organizations;

"(3) the promotion, retention, and assignment policies of the Army, Navy, Air Force, and Marine Corps provide sufficient incentives for officers to seek joint duty assignments;

"(4) the curricula of joint military colleges and schools are oriented to preparing officers for joint duty assignments;

"(5) a substantial percentage of the graduates of joint military colleges and schools are assigned to joint duty positions soon after they complete their courses of study; and

"(6) the curricula of the military colleges and schools of the Army, Navy, Air Force, and Marine Corps give appropriate emphasis to instruction in joint military matters.".

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of subchapter V of chapter 36 is amended by striking out the item relating to section 646 and inserting in lieu thereof the following:

"646. Service of officers in joint duty positions.".

SEC. 116. DEFENSE AGENCIES AND DEPARTMENT OF DEFENSE FIELD ACTIVITIES

(a) IN GENERAL.—Chapter 8 is amended—

(1) by redesignating sections 191 and 192 as sections 195 and 196, respectively;

(2) by striking out the table of sections at the beginning of such chapter and inserting in lieu thereof the following:

"Subchapter Sec.
I. Common Supply and Service Activities ..... 191
II. Defense Intelligence Agency ..... 195

"SUBCHAPTER I—COMMON SUPPLY AND SERVICE ACTIVITIES

"Sec.
"191. Common supply and service activities.

"§ 191. Common supply and service activities

"(a)(1) In any case in which the Secretary of Defense determines such action would be more effective, economical, or efficient, he may provide for the performance of a supply or service activity which is common to more than one military department by a single agency of the Department of Defense.

"(2) The Secretary of Defense shall establish within the Department of Defense a Defense Agency or a Department of Defense Field Activity to perform any supply or service activity referred to in paragraph (1).

"(b) The Secretary of Defense shall assign responsibility for the overall supervision of each supply or service agency referred to in subsection (a) to the Deputy Secretary of Defense, an Under Secretary of Defense, an Assistant Secretary of Defense, the Comptroller of the Department of Defense, the General Counsel of the Department of Defense, or the Chairman of the Joint Chiefs of Staff. In discharging such responsibility, an official assigned such a responsibility shall advise the Secretary of Defense on the extent to which the program recommendations and budget proposals of such supply or service agency conform with the material requirements of the military departments and the operational requirements of the unified and specified combatant commands. This subsection shall not apply to the Defense Intelligence Agency and the National Security Agency.

"(c) The Secretary of Defense shall establish procedures to ensure the full and effective review of the program recommendations and budget proposals of each such supply or service agency.

"(d)(1) The Chairman of the Joint Chiefs of Staff shall be responsible for advising the Secretary of Defense on the preparedness of each such supply or service agency which has wartime support responsibilities to perform those responsibilities. As part of such advice, the Chairman shall assess the adequacy of the contingency plans, participation in joint exercises, and readiness reporting systems of each such supply or service agency.

"(2) The Secretary of Defense, in consultation with the Director of Central Intelligence, shall develop and implement, as they may determine to be necessary, policies and programs to correct such deficiencies as the Chairman of the Joint Chiefs of Staff and other officials of the Department of Defense may identify in the wartime support capabilities of the Defense Intelligence Agency and the National Security Agency.

"(e) The Secretary of Defense shall periodically assess the continuing need for each such supply or service agency. In making such assessment, the Secretary shall also examine the division of responsibilities between such supply or service agency and other components of the Department of Defense.

"SUBCHAPTER II—DEFENSE INTELLIGENCE AGENCY

"Sec.
"195. Unauthorized use of Defense Intelligence Agency name, initials, or seal.
"196. Benefits for certain employees of the Defense Intelligence Agency."; and

(3) by striking out the chapter heading and inserting in lieu thereof the following:

"CHAPTER 8—DEFENSE AGENCIES AND DEPARTMENT OF DEFENSE FIELD ACTIVITIES".

(b) CONFORMING AMENDMENT.—The tables of chapters at the beginning of subtitle A and at the beginning of part I of such subtitle are each amended by striking out the item relating to chapter 8 and inserting in lieu thereof the following:

"8. Defense Agencies and Department of Defense Field Activities ..... 191".

SEC. 117. REDUCTION IN PERSONNEL ASSIGNED TO DEFENSE AGENCIES AND DEPARTMENT OF DEFENSE FIELD ACTIVITIES

(a) MANAGEMENT HEADQUARTERS ACTIVITIES AND MANAGEMENT HEADQUARTERS SUPPORT ACTIVITIES.—Not later than September 30, 1988, the Secretary of Defense shall reduce the total number of military and civilian personnel assigned to duty in the management headquarters activities or management headquarters support activities in the Defense Agencies and Department of Defense Field Activities by a number that is at least

15 percent of the total number of personnel performing such activities on September 30, 1985. The number of personnel reduced under this subsection in excess of the reduction required by this subsection may be included in the number required to be reduced by subsection (b).

(b) OTHER ACTIVITIES.—Not later than September 30, 1988, the Secretary of Defense shall reduce the total number of military and civilian personnel assigned to duty in the Defense Agencies and Department of Defense Field Activities, other than personnel assigned to management headquarters activities or management headquarters support activities, by a number that is at least 10 percent below the total number of personnel performing such activities on September 30, 1985.

(c) PROHIBITION AGAINST CERTAIN ACTIONS TO ACHIEVE REDUCTIONS.—The reductions required by subsections (a) and (b) may not be accomplished by recategorizing or redefining duties, functions, offices, or organizations.

(d) ALLOCATIONS TO BE MADE BY SECRETARY OF DEFENSE.—(1) The Secretary of Defense shall allocate the reductions required by subsections (a) and (b) in a manner consistent with the efficient operation of the Department of Defense.

(2) The Secretary shall also consolidate and eliminate unnecessary management headquarters activities and management headquarters support activities.

(e) REDUCTION NOT APPLICABLE TO NATIONAL SECURITY AGENCY.—The reductions required by this section do not apply to the National Security Agency.

(f) PROHIBITION ON FUTURE INCREASES.—After September 30, 1988, the number of civilian and military personnel assigned to perform activities described in subsections (a) and (b) may not be increased above the number of such personnel assigned to perform such activities on September 30, 1988. The limitation provided in this subsection shall not apply in time of war or during a national emergency declared by Congress.

(g) DEFINITIONS.—For purposes of this section, the term "management headquarters activities" and "management headquarters support activities" have the same meanings as prescribed for such terms in Department of Defense Directive 5100.73 entitled "Department of Defense Management Headquarters and Headquarters Support Activities" dated January 7, 1985.

SEC. 118. ADDITIONAL CONFORMING AMENDMENTS

(a) AMENDMENTS TO TITLE 10, UNITED STATES CODE.—(1) Section 139(a)(2)(B) (as redesignated by section 104(6) of this Act) is amended by striking out "section 139a(a)(1)" and inserting in lieu thereof "section 2873(a)(1)".

(2) Paragraphs (1) and (2) of section 2403(e) are each amended by striking out "section 139a" and inserting in lieu thereof "section 2873".

(3) Section 2872 (as redesignated by section 104(9) of this Act) is amended by striking out "section 138(a)" in subsection (a) and inserting in lieu thereof "section 2871(a)".

(4) Section 2873(c) (as redesignated by section 104(10) of this Act) is amended by striking out "section 139" in subsection (c)(1) and inserting in lieu thereof "section 2872".

(5) Section 2874 (as redesignated by section 104(11) of this Act) is amended—

(A) in subsection (a)(1), by striking out "section 139a(a)" and inserting in lieu thereof "section 2873(a)"; and

(B) in subsection (b), by striking out "section 139a(b)(3) and inserting in lieu thereof "section 2873(b)(3)".

(6) Section 2875(b)(1) (as redesignated by section 104(12) of this Act) is amended by striking out "section 139a(a)(1)" and inserting in lieu thereof "section 2873(a)(1)".

(7) Section 8062(e) is amended by striking out "section 138" and inserting in lieu thereof "section 2871".

(b) AMENDMENTS TO ARMS EXPORT CONTROL ACT.—(1) Section 51(c)(1) of the Arms Export Control Act (22 U.S.C. 2795(c)(1)) is amended by striking out "section 138(g)" and inserting in lieu thereof "section 2871(g)".

(2) Section 53(b) of the Arms Export Control Act (22 U.S.C. 2795b(b)) is amended by striking out "section 139(a)" and inserting in lieu thereof "section 2872(a)".

## TITLE II—ARMY

SEC. 201. DEPARTMENT OF THE ARMY

(a) IN GENERAL.—(1) Chapter 303 is amended—

(A) by striking out section 3039;

(B) by redesignating section 3040 as section 3039; and

(C) by redesignating section 3015 as section 3040, transferring such section (as redesignated) to chapter 305, and inserting such section immediately after section 3039 (as redesignated by clause (B) of this paragraph).

(2) Such chapter is further amended by striking out sections 3012, 3013, 3014, and 3016 and inserting in lieu thereof the following:

**"§ 3013. Secretary of the Army: appointment; powers and duties; delegation authority**

"(a) There is a Secretary of the Army appointed from civilian life by the President, by and with the advice and consent of the Senate. The Secretary is the head of the Department of the Army. A person may not be appointed as Secretary of the Army within five years after relief from active duty as a commissioned officer of a regular component of an armed force.

"(b) Subject to the authority, direction, and control of the Secretary of Defense and the provisions of chapter 6 of this title, the Secretary of the Army is responsible for and has the authority necessary to conduct all affairs of the Department of the Army, including the following:

"(1) Recruiting.
"(2) Organizing.
"(3) Supplying.
"(4) Equipping (including research and development).
"(5) Training.
"(6) Servicing.
"(7) Mobilizing.
"(8) Demobilizing.
"(9) Administering.
"(10) Maintaining.
"(11) The construction, outfitting, and repair of military equipment.
"(12) The construction, maintenance, and repair of buildings, structures, and utilities and the acquisition of real property and interests therein necessary to carry out the responsibilities specified in clauses (1) through (11).

"(c) Subject to the authority, direction, and control of the Secretary of Defense, the Secretary of the Army is also responsible to the Secretary of Defense for—

"(1) the functioning and efficiency of the Department of the Army;

"(2) the formulation of policies and programs by the Department of the Army that are fully consistent with national security objectives and policies established by the President or the Secretary of Defense;

"(3) the effective and timely implementation of policy, program, and budget decisions and instructions of the President or the Secretary of Defense relating to the functions of the Department of the Army;

"(4) carrying out the functions of the Department of the Army so as to fulfill (to the maximum extent practicable) the current and future operational requirements of the unified and specified combatant commands;

"(5) effective cooperation and coordination between the Department of the Army and the other military departments and agencies of the Department of Defense to provide for more effective, efficient, and economical administration and to eliminate duplication;

"(6) the presentation and justification of the positions of the Department of the Army on the plans, programs, and policies of the Department of Defense; and

"(7) the effective supervision and control of the intelligence activities of the Department of the Army.

"(d) The Secretary of the Army is also responsible for such other activities as may be prescribed by law, the President, or the Secretary of Defense.

"(e) After first informing the Secretary of Defense, the Secretary of the Army may make such recommendations to Congress relating to the Department of Defense as he considers appropriate.

"(f) The Secretary of the Army may assign such of his functions, powers, and duties as he considers appropriate to the Under Secretary of the Army and to the Assistant Secretaries of the Army. Officers of the Army shall, as directed by the Secretary, report on any matter to the Secretary, the Under Secretary, or any Assistant Secretary.

"(g) The Secretary may assign, detail, and prescribe the duties of members of the Army and civilian personnel of the Department of the Army.

"(h) The Secretary may change the title of any officer or activity of the Department of the Army not prescribed by law.

"(i) The Secretary may prescribe regulations to carry out his functions, powers, and duties under this title.

**"§ 3014. Office of the Secretary of the Army**

"(a) There is in the Department of the Army an Office of the Secretary of the Army to assist the Secretary in carrying out his responsibilities.

"(b) The Office of the Secretary of the Army shall consist of the following:

"(1) The Under Secretary of the Army.
"(2) The Assistant Secretaries of the Army.
"(3) The Inspector General of the Army.
"(4) The Army Reserve Forces Policy Committee.
"(5) Such other offices and officers as the Secretary of the Army may establish or designate.

"(c) The Secretary of the Army shall ensure that the Office of the Secretary of the Army does not duplicate specific functions for which the Secretary has assigned responsibility to the Army Staff.

"(d) The total number of military and civilian personnel assigned or detailed to permanent duty in the Office of the Secretary of the Army may not exceed 313. However, such limitation does not apply in time of war or during a national emergency declared by Congress.

**"§ 3015. Under Secretary of the Army: appointment; powers and duties**

"(a) There is an Under Secretary of the Army appointed from civilian life by the

President, by and with the advice and consent of the Senate.

"(b) The Under Secretary shall perform such duties and exercise such powers as the Secretary of the Army may prescribe.

**"§ 3016. Assistant Secretaries of the Army: appointment; powers and duties**

"(a) There are five Assistant Secretaries of the Army in the Department of the Army. They shall be appointed from civilian life by the President, by and with the advice and consent of the Senate.

"(b)(1) The Assistant Secretaries shall perform such duties and exercise such powers as the Secretary of the Army may prescribe.

"(2) One of the Assistant Secretaries shall be the Assistant Secretary of the Army for Manpower and Reserve Affairs. He shall have as his principal duty the overall supervision of manpower and reserve component affairs of the Department of the Army.

"(3) One of the Assistant Secretaries shall be the Assistant Secretary of the Army for Civil Works. He shall have as his principal duty the overall supervision of the functions of the Department of the Army relating to programs for conservation and development of the national water resources including flood control, navigation, shore protection, and related purposes.".

(3) Section 3017 is amended—

(A) in subsection (a), by striking out clause (2) and inserting in lieu thereof the following:

"(2) The Assistant Secretaries of the Army in the order prescribed by the Secretary of the Army and approved by the Secretary of Defense.".

(B) by striking out "(a)" at the beginning of such section; and

(C) by striking out subsection (b).

(4) Chapter 303 is further amended by striking out section 3019.

(5) Chapter 303 is further amended by inserting after section 3017 the following new section:

**"§ 3018. Inspector General of the Army: detail; duties**

"(a) There is in the Office of the Secretary of the Army an Inspector General of the Army who shall be detailed to such position by the Secretary of the Army from general officers of the Army. An officer may not be detailed to such position for a tour of duty of more than four years, except that the Secretary may extend such a tour of duty if he makes a special finding that the extension is necessary in the public interest.

"(b) The Inspector General, when directed by the Secretary or the Chief of Staff, shall inquire into and report upon the discipline, efficiency, and economy of the Army and shall perform any other duties prescribed by the Secretary or by the Chief of Staff.

"(c) The Inspector General shall periodically propose programs of inspections to the Secretary of the Army and shall recommend additional inspections and investigations as may appear appropriate.

"(d) The Inspector General shall have such deputies and assistants as the Secretary of the Army may prescribe. Each such deputy and assistant shall be an officer detailed by the Secretary to that position from the officers of the Army for a tour of duty of not more than four years, under a procedure prescribed by the Secretary.".

(6)(A) Section 3033 is redesignated as section 3019, is transferred to and made a part of chapter 303, and is inserted immediately after section 3018.

(B) Section 3019 (as redesignated by subparagraph (A)) is amended—

(i) in subsection (a)—

(I) by striking out "office" and inserting in lieu thereof "Office";

(II) by inserting "and the mobilization preparedness" after "reserve components"; and

(III) by striking out "Chief of Staff and the Assistant Secretary responsible for reserve affairs" and inserting in lieu thereof "Secretary of the Army and the Chief of Staff"; and

(ii) in the section heading, by striking out the semicolon and inserting in lieu thereof a colon.

(b) CONFORMING AMENDMENTS.—(1) Such chapter is further amended by redesignating sections 3010 and 3011 as sections 3011 and 3012, respectively.

(2) The table of sections at the beginning of such chapter is amended to read as follows:

"Sec.
"3011. Organization.
"3012. Department of the Army: seal.
"3013. Secretary of the Army: appointment; powers and duties; delegation authority.
"3014. Office of the Secretary of the Army.
"3015. Under Secretary of the Army: appointment; powers and duties.
"3016. Assistant Secretaries of the Army: appointment; powers and duties.
"3017. Secretary of the Army: successors to duties.
"3018. Inspector General of the Army: detail; duties.
"3019. Reserve components of Army: policies and regulations for government of.".

(3) Section 175(d) is amended by striking out "3033" and "8033" and inserting in lieu thereof "3019" and "8019", respectively.

(c) EFFECTIVE DATE.—The limitation provided for in section 3014(d) of title 10, United States Code (as amended by subsection (a)(2) of this section), shall be effective after September 30, 1988.

SEC. 202. THE ARMY STAFF

(a) COMPOSITION OF THE ARMY STAFF.—Section 3031 is amended to read as follows:

**"§ 3031. The Army Staff: composition; assignment and detail of members of Army and civilians**

"(a) There is in the executive part of the Department of the Army an Army Staff to assist the Secretary of the Army in carrying out his responsibilities.

"(b) The Army Staff shall consist of the following:

"(1) The Chief of Staff.

"(2) The Vice Chief of Staff.

"(3) Not more than four Deputy Chiefs of Staff, as prescribed by the Secretary of the Army.

"(4) Not more than three Assistant Chiefs of Staff, as prescribed by the Secretary.

"(5) The Chief of Engineers.

"(6) The Surgeon General of the Army.

"(7) The Judge Advocate General of the Army.

"(8) The Chief of Chaplains of the Army.

"(9) The Chief of Army Reserve.

"(10) Other members of the Army assigned or detailed to the Army Staff.

"(11) Civilians in the Department of the Army assigned or detailed to the Army Staff.

"(c) Except as otherwise specifically prescribed by law, the Army Staff shall be organized in such manner, and its members shall perform such duties and have such titles, as the Secretary may prescribe. A part of the Army Staff may be designated as the Army General Staff.

"(d)(1) The total number of military and civilian personnel assigned or detailed to permanent duty to the Army Staff may not exceed 2,729. Such limitation does not apply in time of war or during a national emergency declared by Congress.

"(2) Not more than 1,825 officers of the Army may be assigned or detailed to permanent duty in the Office of the Secretary of the Army and the Army Staff. Of such number, not more than 1,000 may be detailed or assigned to duty on or with the Army General Staff. However, such limitations do not apply in time of war or during a national emergency declared by Congress, or whenever the President finds that it is in the national interest to increase the number of officers in the Office of the Secretary of the Army and the Army Staff or on or with the Army General Staff.".

(b) THE ARMY STAFF; GENERAL DUTIES.—Section 3032 is amended—

(1) in subsection (a), by inserting before the period ", and the Chief of Staff of the Army";

(2) in subsection (b)—

(A) by striking out "direction and control of the Secretary" in the matter preceding clause (1) and inserting in lieu thereof "authority, direction, and control of the Secretary of the Army";

(B) by striking out ", training, serving, mobilizing, and demobilizing" in clause (1) and inserting in lieu thereof "(including research and development), training, servicing, mobilizing, demobilizing, administering, and maintaining"; and

(C) by striking out "for military operations" in clause (2) and inserting in lieu thereof "to support military operations by combatant commands"; and

(3) by striking out the section heading and inserting in lieu thereof the following:

**"§ 3032. The Army Staff: general duties".**

(c) CHIEF OF STAFF.—Section 3034 is redesignated as section 3033 and (as redesignated) is amended—

(1) in subsection (a)—

(A) by striking out "The Chief of Staff shall be" and inserting in lieu thereof "There is a Chief of Staff of the Army"; and

(B) by striking out "national emergency, declared by the Congress after December 31, 1968" and inserting in lieu thereof "during a national emergency declared by Congress";

(2) by striking out subsections (c) and (d) and inserting in lieu thereof the following:

"(c) Except as otherwise prescribed by law and subject to section 3013(f) of this title, the Chief of Staff performs his duties under the authority, direction, and control of the Secretary of the Army and is directly responsible to the Secretary.

"(d) Subject to the authority, direction, and control of the Secretary of the Army, the Chief of Staff shall—

"(1) preside over the Army Staff;

"(2) transmit the plans and recommendations of the Army Staff to the Secretary and advise the Secretary with regard to such plans and recommendations;

"(3) after approval of the plans or recommendations of the Army Staff by the Secretary, act as the agent of the Secretary in carrying them into effect;

"(4) exercise supervision, consistent with the full operational command and other authority assigned to unified or specified combatant commanders under chapter 6 of this title, over such of the members and organizations of the Army as the Secretary determines;

"(5) perform the duties prescribed for him by section 171 of this title and other provisions of law;

"(6) keep the Secretary fully informed on matters considered or acted upon by the Joint Chiefs of Staff; and

"(7) perform such other military duties, not otherwise assigned by law, as are assigned to him by the President, the Secretary of Defense, or the Secretary of the Army.

"(e) The Chief of Staff shall also perform the duties prescribed for him as a member of the Joint Chiefs of Staff under section 151 of this title."; and

(3) by striking out the section heading and inserting in lieu thereof the following:

"§ 3033. Chief of Staff: appointment; term of office; powers and duties".

(d) VICE CHIEF OF STAFF.—Section 3035 is redesignated as section 3034 and (as redesignated) is amended—

(1) by striking out subsections (a) and (b) and inserting in lieu thereof the following:

"(a) There is a Vice Chief of Staff of the Army appointed by the President, by and with the advice and consent of the Senate, from the general officers of the Army.

"(b) The Vice Chief of Staff of the Army, while so serving, has the grade of general without vacating his regular or reserve grade.";

(2) by adding at the end the following new subsection:

"(d) When there is a vacancy in the office of Chief of Staff or during the absence or disability of the Chief of Staff—

"(1) the Vice Chief of Staff shall perform the duties of the Chief of Staff until a successor is appointed or the absence or disability ceases; or

"(2) if there is a vacancy in the office of the Vice Chief of Staff or the Vice Chief of Staff is absent or disabled, unless the President directs otherwise, the most senior officer of the Army in the Army Staff who is not absent or disabled and who is not restricted in performance of duty shall perform the duties of the Chief of Staff until a successor to the Chief of Staff or the Vice Chief of Staff is appointed or until the absence or disability of the Chief of Staff or Vice Chief of Staff ceases, whichever occurs first."; and

(3) by striking out the section heading and inserting in lieu thereof the following:

"§ 3034. Vice Chief of Staff: appointment; powers and duties; succession to duties of Chief of Staff".

(e) DEPUTY CHIEFS OF STAFF.—Chapter 305 is further amended by inserting after section 3034 (as redesignated by subsection (d)) the following new section:

"§ 3035. Deputy Chiefs of Staff and Assistant Chiefs of Staff: detail

"The Deputy Chiefs of Staff and the Assistant Chiefs of Staff shall be general officers detailed to those positions.".

(f) RELOCATION OF SECTIONS.—(1) Chapter 305 is further amended by inserting after section 3037 the following new section:

"§ 3038. Office of Army Reserve: appointment of Chief

"(a) There is in the executive part of the Department of the Army an Office of the Army Reserve which is headed by a chief who is the adviser to the Chief of Staff on Army Reserve matters.

"(b) The President, by and with the advice and consent of the Senate, shall appoint the Chief of Army Reserve from officers of the Army Reserve not on active duty, or on active duty under section 265 of this title, who—

"(1) have had at least 10 years of commissioned service in the Army Reserve;

"(2) are in grade of brigadier general and above; and

"(3) have been recommended by the Secretary of the Army.

"(c) The Chief of Army Reserve holds office for four years but may be removed for cause at any time. He is eligible to succeed himself. If he holds a lower reserve grade, he shall be appointed in the grade of major general for service in the Army Reserve.".

(2) Subsection (a) of section 3039 (as redesignated by section 201(a) of this Act) is amended by striking out "sections 3036 and 3039" and inserting in lieu thereof "section 3036".

(g) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 305 is amended to read as follows:

"Sec.
"3031. The Army Staff: composition; assignment and detail of members of Army and civilians.
"3032. The Army Staff: general duties.
"3033. Chief of Staff: appointment; term of office; powers and duties.
"3034. Vice Chief of Staff: appointment; powers and duties; succession to duties of Chief of Staff.
"3035. Deputy Chiefs of Staff and Assistant Chiefs of Staff: detail.
"3036. Chiefs of branches: appointment; duties.
"3037. Judge Advocate General, Assistant Judge Advocate General, and general officers of Judge Advocate General's Corps: appointment; duties.
"3038. Office of Army Reserve: appointment of Chief.
"3039. Deputy and assistant chiefs of branches.
"3040. Chief of National Guard Bureau: appointment; acting chief.".

(h) EFFECTIVE DATE.—The limitations provided for in section 3031(d) of title 10, United States Code (as amended by subsection (a) of this section), shall be effective after September 30, 1988.

SEC. 203. COMMANDS

Section 3074(a) is amended by inserting "or the Secretary of Defense" after "by law".

## TITLE III—NAVY

SEC. 301. DEPARTMENT OF THE NAVY

(a) ORGANIZATION.—(1) Chapter 503 is amended—

(A) in section 5011—

(i) by striking out the third and fourth sentences; and

(ii) by striking out the section heading and inserting in lieu thereof the following:

"§ 5011. Organization";

(B) by striking out sections 5012 and 5013; and

(C) by inserting after section 5011 the following new sections:

"§ 5012. Department of the Navy: seal

"The Secretary of the Navy shall have a seal for the Department of the Navy. The design of the seal must be approved by the President. Judicial notice shall be taken of the seal.

"§ 5013. Secretary of the Navy: appointment; powers and duties; delegation authority

"(a) There is a Secretary of the Navy appointed from civilian life by the President, by and with the advice and consent of the Senate. The Secretary is the head of the Department of the Navy. A person may not be appointed as Secretary of the Navy within five years after relief from active duty as a commissioned officer of a regular component of an armed force.

"(b) Subject to the authority, direction, and control of the Secretary of Defense and the provisions of chapter 6 of this title, the Secretary of the Navy is responsible for and has the authority necessary to conduct all affairs of the Department of the Navy, including the following:

"(1) Recruiting.
"(2) Organizing.
"(3) Supplying.
"(4) Equipping (including research and development).
"(5) Training.
"(6) Servicing.
"(7) Mobilizing.
"(8) Demobilizing.
"(9) Administering.
"(10) Maintaining.
"(11) The construction, outfitting, and repair of military equipment.
"(12) The construction, maintenance, and repair of buildings, structures, and utilities and the acquisition of real property and interests therein necessary to carry out the responsibilities specified in clauses (1) through (11).

"(c) Subject to the authority, direction, and control of the Secretary of Defense, the Secretary of the Navy is also responsible to the Secretary of Defense for—

"(1) the functioning and efficiency of the Department of the Navy;

"(2) the formulation of policies and programs by the Department of the Navy that are fully consistent with national security objectives and policies established by the President or the Secretary of Defense;

"(3) the effective and timely implementation of policy, program, and budget decisions and instructions of the President or the Secretary of Defense relating to the functions of the Department of the Navy;

"(4) carrying out the functions of the Department of the Navy so as to fulfill (to the maximum extent practicable) the current and future operational requirements of the unified and specified combatant commands;

"(5) effective cooperation and coordination between the Department of the Navy and the other military departments and agencies of the Department of Defense to provide for more effective, efficient, and economical administration and to eliminate duplication;

"(6) the presentation and justification of the positions of the Department of the Navy on the plans, programs, and policies of the Department of Defense; and

"(7) the effective supervision and control of the intelligence activities of the Department of the Navy.

"(d) The Secretary of the Navy is also responsible for such other activities as may be prescribed by law, the President, or the Secretary of Defense.

"(e) After first informing the Secretary of Defense, the Secretary of the Navy may make such recommendations to Congress relating to the Department of Defense as he considers appropriate.

"(f) The Secretary of the Navy may assign such of his functions, powers, and duties as he considers appropriate to the Under Secretary of the Navy and to the Assistant Secretaries of the Navy. Officers of the Navy and the Marine Corps shall, as directed by the Secretary, report on any matter to the Secretary, the Under Secretary, or any Assistant Secretary.

"(g) The Secretary may assign, detail, and prescribe the duties of members of the Navy and Marine Corps and civilian personnel of the Department of the Navy.

"(h) The Secretary may change the title of any officer or activity of the Department of the Navy not prescribed by law.

"(i) The Secretary may prescribe regulations to carry out his functions, powers, and duties under this title.

"§ 5013a. Secretary of the Navy: powers with respect to Coast Guard

"(a) Whenever the Coast Guard operates as a service in the Navy under section 3 of title 14, the Secretary of the Navy has the same powers and duties with respect to the Coast Guard as the Secretary of Transportation has when the Coast Guard is not so operating.

"(b) While operating as a service in the Navy, the Coast Guard is subject to the orders of the Secretary of the Navy, who may order changes in Coast Guard operations to make them uniform, to the extent he considers advisable, with Navy operations.

"§ 5014. Office of the Secretary of the Navy

"(a) There is in the Department of the Navy an Office of the Secretary of the Navy to assist the Secretary in carrying out his responsibilities.

"(b) The Office of the Secretary of the Navy shall consist of the following:

"(1) The Under Secretary of the Navy.

"(2) The Assistant Secretaries of the Navy.

"(3) The Naval Inspector General.

"(4) The Chief of Naval Research.

"(5) The Judge Advocate General of the Navy.

"(6) Such other offices and officers as the Secretary of the Navy may establish or designate.

"(c) The Secretary of the Navy shall ensure that the Office of the Secretary of the Navy does not duplicate specific functions for which the Secretary has assigned responsibility to the Office of the Chief of Naval Operations or to the Headquarters, Marine Corps.

"(d) The total number of military and civilian personnel assigned or detailed to permanent duty in the Office of the Secretary of the Navy may not exceed 685. However, such limitation does not apply in time of war or during a national emergency declared by Congress.

"§ 5015. Under Secretary of the Navy: appointment; powers and duties

"(a) There is an Under Secretary of the Navy appointed from civilian life by the President, by and with the advice and consent of the Senate.

"(b) The Under Secretary shall perform such duties and exercise such powers as the Secretary of the Navy may prescribe.

"§ 5016. Assistant Secretaries of the Navy: appointment; powers and duties

"(a) There are four Assistant Secretaries of the Navy in the Department of the Navy. They shall be appointed from civilian life by the President, by and with the advice and consent of the Senate.

"(b)(1) The Assistant Secretaries shall perform such duties and exercise such powers as the Secretary of the Navy may prescribe.

"(2) One of the Assistant Secretaries shall be the Assistant Secretary of the Navy for Manpower and Reserve Affairs. He shall have as his principal duty the overall supervision of manpower and reserve component affairs of the Department of the Navy.

"§ 5017. Secretary of the Navy: successors to duties

"If the Secretary of the Navy dies, resigns, is removed from office, is absent, or is disabled, the person who is highest on the following list and who is not absent or disabled shall perform the duties of the Secretary until the President, under section 3347 of title 5, directs another person to perform those duties or until the absence or disability ceases:

"(1) The Under Secretary of the Navy.

"(2) The Assistant Secretaries of the Navy in the order prescribed by the Secretary of the Navy and approved by the Secretary of Defense.

"(3) The Chief of Naval Operations.

"(4) The Commandant of the Marine Corps.".

(2)(A) Section 5088 is redesignated as section 5018, is transferred to and made a part of chapter 503, and is inserted immediately after section 5017.

(B) Section 5018 (as redesignated by subparagraph (A) of this paragraph) is amended by striking out "Chief of Naval Operations" in subsections (a) and (c) and inserting in lieu thereof "Secretary of the Navy".

(b) REDESIGNATION OF SECTIONS.—Sections 5150, 5151, 5152, and 5153 are redesignated as sections 5019, 5020, 5021, and 5022, respectively, are transferred to and made a part of chapter 503, and are inserted in numerical sequence immediately after section 5018 (as redesignated by subsection (a)(2) of this section).

(c) TECHNICAL AND CONFORMING AMENDMENTS.—(1) Section 5021 (as redesignated by subsection (b) of this section) is amended by striking out "section 5151" in subsection (a) and inserting in lieu thereof "section 5020".

(2) Subsection (c) of section 5022 (as redesignated by subsection (b) of this section) is amended by striking out "claim proceeding" and inserting in lieu thereof "claim, proceeding,".

(3) Chapters 505 and 507 are repealed.

(4) The tables of chapters at the beginning of subtitle C and the beginning of part I of such subtitle are each amended by striking out the items relating to chapters 505 and 507.

(5) The table of sections at the beginning of chapter 503 is amended to read as follows:

"Sec.
"5011. Organization.
"5012. Department of the Navy: seal.
"5013. Secretary of the Navy: appointment; powers and duties; delegation authority.
"5013a. Secretary of the Navy: powers with respect to Coast Guard.
"5014. Office of the Secretary of the Navy.
"5015. Under Secretary of the Navy: appointment; powers and duties.
"5016. Assistant Secretaries of the Navy: appointment; powers and duties.
"5017. Secretary of the Navy: successors to duties.
"5018. Naval Inspector General: detail; duties.
"5019. Office of Naval Research: Chief; appointment, term, emoluments; Assistant Chief; succession to duties.
"5020. Office of Naval Research: duties.
"5021. Office of Naval Research: appropriations; time limit.
"5022. Naval Research Advisory Committee.".

(6) Chapter 513 is amended—

(A) by striking out the chapter heading and inserting in lieu thereof the following:

"CHAPTER 513—BUREAUS; OFFICE OF THE JUDGE ADVOCATE GENERAL";

(B) in the table of sections at the beginning of such chapter—

(i) by striking out the items relating to sections 5150, 5151, 5152, and 5153; and

(ii) by redesignating the item relating to section 5155 as 5150; and

(C) by redesignating section 5155 as section 5150.

(7) The tables of chapters at the beginning of subtitle C and at the beginning of part I of such subtitle are each amended by striking out the item relating to chapter 513 and inserting in lieu thereof the following:

"513. Bureaus; Office of the Judge Advocate General ..... 5131".

(8) Chapter 661 is amended—

(A) by redesignating sections 7861 and 7862 as sections 7862 and 7863, respectively; and

(B) by striking out the table of sections at the beginning of such chapter and inserting in lieu thereof the following:

"Sec.
"7861. Custody of departmental records and property.
"7862. Accounts of paymasters of lost or captured naval vessels.
"7863. Disbursements by order of commanding officer.

"§ 7861. Custody of departmental records and property

"The Secretary of the Navy has custody and charge of all books, records, papers, furniture, fixtures, and other property under the lawful control of the executive part of the Department of the Navy.".

(d) EFFECTIVE DATE.—The limitation prescribed in section 5014(d) of title 10, United States Code (as amended by subsection (a)(1) of this section), shall be effective after September 30, 1988.

SEC. 302. OFFICE OF THE CHIEF OF NAVAL OPERATIONS

(a) IN GENERAL.—Part I of subtitle C is amended—

(1) by striking out chapter 509; and

(2) by inserting after chapter 503 the following new chapter:

"CHAPTER 505—OFFICE OF THE CHIEF OF NAVAL OPERATIONS

"Sec.
"5031. Office of the Chief of Naval Operations.
"5032. Office of the Chief of Naval Operations: general duties.
"5033. Chief of Naval Operations: appointment; term of office; powers and duties.
"5034. Chief of Naval Operations: retirement.
"5035. Vice Chief of Naval Operations: appointment; powers and duties; succession to duties of Chief of Naval Operations.
"5036. Deputy Chiefs of Naval Operations: detail; duties.
"5037. Assistant Chiefs of Naval Operations: detail; duties.

"§ 5031. Office of the Chief of Naval Operations

"(a) There is in the executive part of the Department of the Navy an Office of the Chief of Naval Operations to assist the Secretary of the Navy in carrying out his responsibilities.

"(b) The Office of the Chief of Naval Operations shall consist of the following:

"(1) The Chief of Naval Operations.

"(2) The Vice Chief of Naval Operations.

"(3) Not more than four Deputy Chiefs of Naval Operations, as prescribed by the Secretary of the Navy.

"(4) Not more than three Assistant Chiefs of Naval Operations, as prescribed by the Secretary.

"(5) The Surgeon General of the Navy.

"(6) The Chief of Naval Personnel.

"(7) The Chief of Chaplains of the Navy.

"(8) Other members of the Navy and Marine Corps assigned or detailed to the Office of the Chief of Naval Operations.

"(9) Civilians in the Department of the Navy assigned or detailed to the Office of the Chief of Naval Operations.

"(c) Except as otherwise specifically prescribed by law, the Office of the Chief of Naval Operations shall be organized in such manner, and its members shall perform such duties and have such titles, as the Secretary may prescribe.

"(d)(1) The total number of military and civilian personnel assigned or detailed to permanent duty in the Office of the Chief of Naval Operations may not exceed 1,725. Such limitation does not apply in time of war or during a national emergency declared by Congress.

"(2) Not more than 1,300 officers of the Navy and Marine Corps may be assigned or detailed to permanent duty in the Office of the Chief of Naval Operations. However, such limitation does not apply in time of war or during a national emergency declared by Congress, or whenever the President finds that it is in the national interest to increase the number of officers in the Office of the Chief of Naval Operations.

**"§ 5032. Office of the Chief of Naval Operations: general duties**

"(a) The Office of the Chief of Naval Operations shall furnish professional assistance to the Secretary, the Under Secretary, and the Assistant Secretaries of the Navy, and the Chief of Naval Operations.

"(b) Under the authority, direction, and control of the Secretary of the Navy, the Office of the Chief of Naval Operations shall—

"(1) prepare for such employment of the Navy, and for such recruiting, organizing, supplying, equipping (including research and development), training, servicing, mobilizing, demobilizing, administering, and maintaining of the Navy, as will assist in the execution of any power, duty, or function of the Secretary or the Chief of Naval Operations;

"(2) investigate and report upon the efficiency of the Navy and its preparation to support military operations by combatant commands;

"(3) prepare detailed instructions for the execution of approved plans and supervise the execution of those plans and instructions;

"(4) act as agent of the Secretary and the Chief of Naval Operations in coordinating the actions of all organizations of the Navy; and

"(5) perform such other duties, not otherwise assigned by law, as may be prescribed by the Secretary.

**"§ 5033. Chief of Naval Operations: appointment; term of office; powers and duties**

"(a) There is a Chief of Naval Operations appointed by the President, by and with the advice and consent of the Senate. The Chief of Naval Operations shall be appointed for a term of four years, from officers on the active-duty list in the line of the Navy who are eligible to command at sea and who hold the grade of rear admiral or above. He serves at the pleasure of the President. In time of war or during a national emergency declared by Congress, he may be reappointed for a term of not more than four years.

"(b) The Chief of Naval Operations, while so serving, has the grade of admiral without vacating his regular or reserve grade. In the performance of his duties within the Department of the Navy, the Chief of Naval Operations takes precedence above all other officers of the naval service.

"(c) Except as otherwise prescribed by law and subject to section 5013(f) of this title, the Chief of Naval Operations performs his duties under the authority, direction, and control of the Secretary of the Navy and is directly responsible to the Secretary.

"(d) Subject to the authority, direction, and control of the Secretary of the Navy, the Chief of Naval Operations shall—

"(1) preside over the Office of the Chief of Naval Operations;

"(2) transmit the plans and recommendations of the Office of the Chief of Naval Operations to the Secretary and advise the Secretary with regard to such plans and recommendations;

"(3) after approval of the plans or recommendations of the Office of the Chief of Naval Operations by the Secretary, act as the agent of the Secretary in carrying them into effect;

"(4) exercise supervision, consistent with the full operational command and other authority assigned to unified or specified combatant commanders under chapter 6 of this title, over such of the members and organizations of the Navy and the Marine Corps as the Secretary determines;

"(5) perform the duties prescribed for him by section 171 of this title and other provisions of law;

"(6) keep the Secretary fully informed on matters considered or acted upon by the Joint Chiefs of Staff; and

"(7) perform such other military duties, not otherwise assigned by law, as are assigned to him by the President, the Secretary of Defense, or the Secretary of the Navy.

"(e) The Chief of Naval Operations shall also perform the duties prescribed for him as a member of the Joint Chiefs of Staff under section 151 of this title.

**"§ 5034. Chief of Naval Operations: retirement**

"An officer who is retired while serving as Chief of Naval Operations, or who, after serving at least two and one-half years as Chief of Naval Operations, is retired after completion of that service while serving in a lower grade than admiral, may, in the discretion of the President, be retired with the grade of admiral. The retired pay of such an officer shall be computed at the highest rates of basic pay applicable to him while he served in that office.

**"§ 5035. Vice Chief of Naval Operations: appointment; powers and duties; succession to duties of Chief of Naval Operations**

"(a) There is a Vice Chief of Naval Operations appointed by the President, by and with the advice and consent of the Senate, from officers on the active-duty list in the line of the Navy serving in grades above captain and eligible to command at sea.

"(b) The Vice Chief of Naval Operations, while so serving, has the grade of admiral without vacating his regular or reserve grade.

"(c) The Vice Chief of Naval Operations has such authority and duties with respect to the Department of the Navy as the Chief of Naval Operations, with the approval of the Secretary of the Navy, may delegate to or prescribe for him. Orders issued by the Vice Chief of Naval Operations in performing such duties have the same effect as those issued by the Chief of Naval Operations.

"(d) When there is a vacancy in the office of Chief of Naval Operations or during the absence or disability of the Chief of Naval Operations—

"(1) the Vice Chief of Naval Operations shall perform the duties of the Chief of Naval Operations until a successor is appointed or the absence or disability ceases; or

"(2) if there is a vacancy in the office of the Vice Chief of Naval Operations or the Vice Chief of Naval Operations is absent or disabled, unless the President directs otherwise, the most senior officer in the Office of the Chief of Naval Operations who is not absent or disabled and who is not restricted in performance of duty shall perform the duties of the Chief of Naval Operations until a successor to the Chief of Naval Operations or the Vice Chief of Naval Operations is appointed or until the absence or disability of the Chief of Naval Operations or Vice Chief of Naval Operations ceases, whichever occurs first.

**"§ 5036. Deputy Chiefs of Naval Operations: detail; duties**

"(a) There are in the Office of the Chief of Naval Operations not more than four Deputy Chiefs of Naval Operations, detailed by the Secretary of the Navy from officers on the active-duty list in the line of the Navy serving in grades above captain.

"(b) The Deputy Chiefs of Naval Operations are charged, under the direction of the Chief of Naval Operations, with the execution of the functions of their respective divisions. Orders issued by the Deputy Chiefs of Naval Operations in performing the duties assigned them are considered as coming from the Chief of Naval Operations.

**"§ 5037. Assistant Chiefs of Naval Operations: detail; duties**

"(a) There are in the Office of the Chief of Naval Operations not more than three Assistant Chiefs of Naval Operations, detailed by the Secretary of the Navy from officers on the active-duty list in the line of the Navy and officers on the active-duty list of the Marine Corps.

"(b) The Assistant Chiefs of Naval Operations shall perform such duties as the Secretary of the Navy prescribes.".

(b) CONFORMING AMENDMENTS.—The tables of chapters at the beginning of subtitle C and at the beginning of part I of such subtitle are each amended by striking out the items relating to chapter 509 and inserting in lieu thereof the following new item:

"505. Office of the Chief of Naval Operations ..... 5031".

(c) EFFECTIVE DATE.—The limitations provided for in section 5031(d) of title 10, United States Code (as amended by subsection (a)(2) of this section), shall be effective after September 30, 1988.

SEC. 303. HEADQUARTERS, MARINE CORPS

(a) IN GENERAL.—Chapter 515 is amended to read as follows:

**"CHAPTER 515—HEADQUARTERS, MARINE CORPS**

"Sec.
"5201. Headquarters, Marine Corps.
"5202. Headquarters, Marine Corps: general duties.
"5203. Commandant of the Marine Corps: appointment; term of office; powers and duties.
"5204. Assistant Commandant of the Marine Corps: appointment; powers and duties; succession to duties of Commandant.

**"§ 5201. Headquarters, Marine Corps**

"(a) There is in the executive part of the Department of the Navy a Headquarters, Marine Corps, to assist the Secretary of the Navy in carrying out his responsibilities.

"(b) The Headquarters, Marine Corps, shall consist of the following:

"(1) The Commandant of the Marine Corps.

"(2) The Assistant Commandant of the Marine Corps.

"(3) The Chief of Staff of the Marine Corps.

"(4) Not more than four Deputy Chiefs of Staff, as prescribed by the Secretary of the Navy.

"(5) Not more than three Assistant Chiefs of Staff, as prescribed by the Secretary of the Navy.

"(6) Other members of the Navy and Marine Corps assigned or detailed to the Headquarters, Marine Corps.

"(7) Civilians in the Department of the Navy assigned or detailed to the Headquarters, Marine Corps.

"(c) Except as otherwise specifically prescribed by law, the Headquarters, Marine Corps, shall be organized in such manner, and its members shall perform such duties and have such titles, as the Secretary of the Navy may prescribe.

"(d)(1) The total number of military and civilian personnel assigned or detailed to permanent duty in the Headquarters, Marine Corps, shall not exceed 428. Such limitation does not apply in time of war or during a national emergency declared by Congress.

"(2) Not more than 325 officers of the Marine Corps and Navy may be assigned or detailed to permanent duty in the Headquarters, Marine Corps. However, such limitation does not apply in time of war or during a national emergency declared by Congress, or whenever the President finds that it is in the national interest to increase the number of officers in the Headquarters, Marine Corps.

**"§ 5202. Headquarters, Marine Corps: general duties**

"(a) The Headquarters, Marine Corps, shall furnish professional assistance to the Secretary, the Under Secretary, and the Assistant Secretaries of the Navy, and the Commandant of the Marine Corps.

"(b) Under the authority, direction, and control of the Secretary of the Navy, the Headquarters, Marine Corps, shall—

"(1) prepare for such employment of the Marine Corps, and for such recruiting, organizing, supplying, equipping (including research and development), training, servicing, mobilizing, demobilizing, administering, and maintaining of the Marine Corps, as will assist in the execution of any power, duty, or function of the Secretary or the Commandant;

"(2) investigate and report upon the efficiency of the Marine Corps and its preparation to support military operations by combatant commanders;

"(3) prepare detailed instructions for the execution of approved plans and supervise the execution of those plans and instructions;

"(4) act as agent of the Secretary and the Commandant in coordinating the action of all organizations of the Marine Corps; and

"(5) perform such other duties, not otherwise assigned by law, as may be prescribed by the Secretary.

**"§ 5203. Commandant of the Marine Corps: appointment; term of office; powers and duties**

"(a) There is a Commandant of the Marine Corps appointed by the President by and with the advice and consent of the Senate. The Commandant shall be appointed for a term of four years from officers on the active-duty list of the Marine Corps not below the grade of colonel. He serves at the pleasure of the President. In time of war or during a national emergency declared by Congress, he may be reappointed for a term of not more than four years.

"(b) The Commandant of the Marine Corps, while so serving, has the grade of general without vacating his regular or reserve grade.

"(c) An officer who is retired while serving as Commandant of the Marine Corps, or who, after serving at least two and one-half years as Commandant, is retired after completion of that service while serving in a lower grade than general, may, in the discretion of the President, be retired with the grade of general. The retired pay of such an officer shall be computed at the highest rates of basic pay applicable to him while he served in that office.

"(d) Except as otherwise prescribed by law and subject to section 5013(f) of this title, the Commandant performs his duties under the authority, direction, and control of the Secretary of the Navy and is directly responsible to the Secretary.

"(e) Subject to the authority, direction, and control of the Secretary of the Navy, the Commandant shall—

"(1) preside over the Headquarters, Marine Corps;

"(2) transmit the plans and recommendations of the Headquarters, Marine Corps, to the Secretary, and advise the Secretary with regard to such plans and recommendations;

"(3) after approval of the plans and recommendations of the Headquarters, Marine Corps, by the Secretary, act as the agent of the Secretary in carrying them into effect;

"(4) exercise supervision, consistent with the full operational command and other authority assigned to unified or specified combatant commanders under chapter 6 of this title, over such of the members and organizations of the Marine Corps and the Navy as the Secretary determines;

"(5) perform the duties prescribed for him by section 171 of this title and other provisions of law;

"(6) keep the Secretary fully informed on matters considered or acted upon by the Joint Chiefs of Staff; and

"(7) perform such other military duties, not otherwise assigned by law, as are assigned to him by the President, the Secretary of Defense, or the Secretary of the Navy.

"(f) The Commandant shall also perform the duties prescribed for him as a member of the Joint Chiefs of Staff under section 151 of this title.

**"§ 5204. Assistant Commandant of the Marine Corps: appointment; powers and duties; succession to duties of Commandant**

"(a) There is an Assistant Commandant of the Marine Corps appointed by the President, by and with the advice and consent of the Senate, from officers on the active-duty list of the Marine Corps not restricted in the performance of duty.

"(b) The Assistant Commandant of the Marine Corps, while so serving, has the grade of general without vacating his regular or reserve grade.

"(c) The Assistant Commandant has such authority and duties with respect to the Marine Corps as the Commandant, with the approval of the Secretary of the Navy, may delegate to or prescribe for him. Orders issued by the Assistant Commandant in performing such duties have the same effect as those issued by the Commandant.

"(d) When there is a vacancy in the office of Commandant of the Marine Corps, or during the absence or disability of the Commandant—

"(1) the Assistant Commandant of the Marine Corps shall perform the duties of the Commandant until a successor is appointed or the absence or disability ceases; or

"(2) if there is a vacancy in the office of the Assistant Commandant of the Marine Corps or the Assistant Commandant is absent or disabled, unless the President directs otherwise, the most senior officer of the Marine Corps in the Headquarters, Marine Corps, who is not absent or disabled and who is not restricted in performance of duty shall perform the duties of the Commandant until a successor to the Commandant or the Assistant Commandant is appointed or until the absence or disability of the Commandant or Assistant Commandant ceases, whichever occurs first.".

(b) CONFORMING AMENDMENTS.—The tables of chapters at the beginning of subtitle C and at the beginning of part I of such subtitle are each amended by striking out the item relating to chapter 515 and inserting in lieu thereof the following:

**"515. Headquarters, Marine Corps..... 5201".**

(c) EFFECTIVE DATE.—The limitations provided for in section 5201(d) of title 10, United States Code (as amended by subsection (a) of this section), shall be effective after September 30, 1988.

**SEC. 304. COMPOSITION OF THE DEPARTMENT OF THE NAVY**

(a) IN GENERAL.—Part I of subtitle C is amended by inserting after chapter 515 the following new chapter:

**"CHAPTER 518—COMPOSITION OF THE DEPARTMENT OF THE NAVY**

"Sec.

"5241. Department of the Navy: composition.

"5242. United States Navy: composition; functions.

"5243. United States Marine Corps: composition; functions.

**"§ 5241. Department of the Navy: composition**

"The Department of the Navy is composed of the following:

"(1) The Office of the Secretary of the Navy.

"(2) The Office of the Chief of Naval Operations.

"(3) The Headquarters, Marine Corps.

"(4) The entire operating forces, including naval aviation, of the United States Navy and of the United States Marine Corps, and the reserve components of those operating forces.

"(5) All field activities, headquarters, forces, bases, installations, activities, and functions under the control or supervision of the Secretary of the Navy.

"(6) The United States Coast Guard when it is operating as a service in the Navy.

**"§ 5242. United States Navy: composition; functions**

"(a) The Navy, within the Department of the Navy, includes, in general, naval combat and service forces and such aviation as may be organic therein. The Navy shall be organized, trained, and equipped primarily for prompt and sustained combat incident to operations at sea. It is responsible for the preparation of naval forces necessary for the effective prosecution of war except as otherwise assigned and is generally responsible for naval reconnaissance, antisubmarine warfare, and protection of shipping.

"(b) All naval aviation shall be integrated with the naval service as part thereof within the Department of the Navy. Naval aviation consists of combat and service and training forces, and includes land-based naval avia-

tion, air transport essential for naval operations, all air weapons and air techniques involved in the operations and activities of the Navy, and the entire remainder of the aeronautical organization of the Navy, together with the personnel necessary therefor.

"(c) The Navy shall develop aircraft, weapons, tactics, technique, organization, and equipment of naval combat and service elements. Matters of joint concern as to these functions shall be coordinated between the Army, the Air Force, and the Navy.

"(d) The Navy is responsible, in accordance with integrated joint mobilization plans, for the expansion of the peacetime components of the Navy to meet the needs of war.

**"§ 5243. United States Marine Corps: composition; functions**

"(a) The Marine Corps, within the Department of the Navy, shall be so organized as to include not less than three combat divisions and three air wings, and such other land combat, aviation, and other services as may be organic therein. The Marine Corps shall be organized, trained, and equipped to provide fleet marine forces of combined arms, together with supporting air components, for service with the fleet in the seizure or defense of advanced naval bases and for the conduct of such land operations as may be essential to the prosecution of a naval campaign. In addition, the Marine Corps shall provide detachments and organizations for service on armed vessels of the Navy, shall provide security detachments for the protection of naval property at naval stations and bases, and shall perform such other duties as the President may direct. However, these additional duties may not detract from or interfere with the operations for which the Marine Corps is primarily organized.

"(b) The Marine Corps shall develop, in coordination with the Army and the Air Force, those phases of amphibious operations that pertain to the tactics, technique, and equipment used by landing forces.

"(c) The Marine Corps is responsible, in accordance with integrated joint mobilization plans, for the expansion of peacetime components of the Marine Corps to meet the needs of war.".

(b) CONFORMING AMENDMENTS.—The tables of chapters at the beginning of subtitle C and at the beginning of part I of such subtitle are each amended by inserting after the item relating to chapter 515 the following new item:

"518. Composition of the Department of the Navy..... 5241".

## TITLE IV—AIR FORCE

**SEC. 401. DEPARTMENT OF THE AIR FORCE**

(a) IN GENERAL.—(1) Chapter 803 is amended by striking out sections 8012, 8013, and 8014 and inserting in lieu thereof the following:

**"§ 8013. Secretary of the Air Force: appointment; powers and duties; delegation authority**

"(a) There is a Secretary of the Air Force appointed from civilian life by the President, by and with the advice and consent of the Senate. The Secretary is the head of the Department of the Air Force. A person may not be appointed as Secretary of the Air Force within five years after relief from active duty as a commissioned officer of a regular component of an armed force.

"(b) Subject to the authority, direction, and control of the Secretary of Defense and the provisions of chapter 6 of this title, the Secretary of the Air Force is responsible for and has the authority necessary to conduct all affairs of the Department of the Air Force, including the following:

"(1) Recruiting.

"(2) Organizing.

"(3) Supplying.

"(4) Equipping (including research and development).

"(5) Training.

"(6) Servicing.

"(7) Mobilizing.

"(8) Demobilizing.

"(9) Administering.

"(10) Maintaining.

"(11) The construction, outfitting, and repair of military equipment.

"(12) The construction, maintenance, and repair of buildings, structures, and utilities and the acquisition of real property and interests therein necessary to carry out the responsibilities specified in clauses (1) through (11).

"(c) Subject to the authority, direction, and control of the Secretary of Defense, the Secretary of the Air Force is also responsible to the Secretary of Defense for—

"(1) the functioning and efficiency of the Department of the Air Force;

"(2) the formulation of policies and programs by the Department of the Air Force that are fully consistent with national security objectives and policies established by the President or the Secretary of Defense;

"(3) the effective and timely implementation of policy, program, and budget decisions and instructions of the President or the Secretary of Defense relating to the functions of the Department of the Air Force;

"(4) carrying out the functions of the Department of the Air Force so as to fulfill (to the maximum extent practicable) the current and future operational requirements of the unified and specified combatant commands;

"(5) effective cooperation and coordination between the Department of the Air Force and the other military departments and agencies of the Department of Defense to provide for more effective, efficient, and economical administration and to eliminate duplication;

"(6) the presentation and justification of the positions of the Department of the Air Force on the plans, programs, and policies of the Department of Defense; and

"(7) the effective supervision and control of the intelligence activities of the Department of the Air Force.

"(d) The Secretary of the Air Force is also responsible for such other activities as may be prescribed by law, the President, or the Secretary of Defense.

"(e) After first informing the Secretary of Defense, the Secretary of the Air Force may make such recommendations to Congress relating to the Department of Defense as he considers appropriate.

"(f) The Secretary of the Air Force may assign such of his functions, powers, and duties as he considers appropriate to the Under Secretary of the Air Force and to the Assistant Secretaries of the Air Force. Officers of the Air Force shall, as directed by the Secretary, report on any matter to the Secretary, the Under Secretary, or any Assistant Secretary.

"(g) The Secretary may assign, detail, and prescribe the duties of members of the Air Force and civilian personnel of the Department of the Air Force.

"(h) The Secretary may change the title of any officer or activity of the Department of the Air Force not prescribed by law.

"(i) The Secretary may prescribe regulations to carry out his functions, powers, and duties under this title.

**"§ 8014. Office of the Secretary of the Air Force**

"(a) There is in the Department of the Air Force an Office of the Secretary of the Air Force to assist the Secretary in carrying out his responsibilities.

"(b) The Office of the Secretary of the Air Force shall consist of the following:

"(1) The Under Secretary of the Air Force.

"(2) The Assistant Secretaries of the Air Force.

"(3) The Inspector General of the Air Force.

"(4) The Air Reserve Forces Policy Committee.

"(5) Such other offices and officers as the Secretary of the Air Force may establish or designate.

"(c) The Secretary of the Air Force shall ensure that the Office of the Secretary of the Air Force does not duplicate specific functions for which the Secretary has assigned responsibility to the Air Staff.

"(d) The total number of military and civilian personnel assigned or detailed to permanent duty in the Office of the Secretary of the Air Force may not exceed 258. However, such limitation does not apply in time of war or during a national emergency declared by Congress.

**"§ 8015. Under Secretary of the Air Force: appointment; powers and duties**

"(a) There is an Under Secretary of the Air Force appointed from civilian life by the President, by and with the advice and consent of the Senate.

"(b) The Under Secretary shall perform such duties and exercise such powers as the Secretary of the Air Force may prescribe.

**"§ 8016. Assistant Secretaries of the Air Force: appointment; powers and duties**

"(a) There are three Assistant Secretaries of the Air Force in the Department of the Air Force. They shall be appointed from civilian life by the President, by and with the advice and consent of the Senate.

"(b)(1) The Assistant Secretaries shall perform such duties and exercise such powers as the Secretary of the Air Force may prescribe.

"(2) One of the Assistant Secretaries shall be the Assistant Secretary of the Air Force for Manpower and Reserve Affairs. He shall have as his principal duty the overall supervision of manpower and reserve component affairs of the Department of the Air Force.".

(2) Section 8017 is amended—

(A) in subsection (a), by striking out clause (2) and inserting in lieu thereof the following:

"(2) The Assistant Secretaries of the Air Force in the order prescribed by the Secretary of the Air Force and approved by the Secretary of Defense.".

(B) by striking out "(a)" at the beginning of such section; and

(C) by striking out subsection (b).

(3) Chapter 803 is further amended by striking out section 8019.

(4) Chapter 803 is further amended by inserting after section 8017 the following new section:

**"§ 8018. Inspector General of the Air Force: detail; duties**

"(a) There is in the Office of the Secretary of the Air Force an Inspector General of the Air Force who shall be detailed to such position by the Secretary of the Air Force from general officers of the Air Force. An officer may not be detailed to such position for a tour of duty of more than four years, except that the Secretary may extend such a tour of

duty if he makes a special finding that the extension is necessary in the public interest.

"(b) The Inspector General, when directed by the Secretary or the Chief of Staff, shall inquire into and report upon the discipline, efficiency, and economy of the Air Force and shall perform any other duties prescribed by the Secretary or by the Chief of Staff.

"(c) The Inspector General shall periodically propose programs of inspections to the Secretary of the Air Force and shall recommend additional inspections and investigations as may appear appropriate.

"(d) The Inspector General shall have such deputies and assistants as the Secretary of the Air Force may prescribe. Each such deputy and assistant shall be an officer detailed by the Secretary to that position from the officers of the Air Force for a tour of duty of not more than four years, under a procedure prescribed by the Secretary.".

(5)(A) Section 8033 is redesignated as section 8019, is transferred to and made a part of chapter 803, and is inserted immediately after section 8018.

(B) Section 8019 (as redesignated by subparagraph (A)) is amended—

(i) in subsection (a)—

(I) by inserting "and the mobilization preparedness" after "reserve components"; and

(II) by striking out "Chief of Staff, and the Assistant Secretary responsible for reserve affairs" and inserting in lieu thereof "Secretary of the Air Force and the Chief of Staff";

(ii) in subsection (b), by inserting "and" after the semicolon in clause (2); and

(iii) by striking out the section heading and inserting in lieu thereof the following:

**"§ 8019. Reserve components of Air Force: policies and regulations for government of; functions of National Guard Bureau with respect to Air National Guard".**

(b) CONFORMING AMENDMENTS.—(1) Such chapter is further amended by redesignating sections 8010 and 8011 as sections 8011 and 8012, respectively.

(2) The table of sections at the beginning of such chapter is amended to read as follows:

"Sec.
"8011. Organization.
"8012. Department of the Air Force: seal.
"8013. Secretary of the Air Force: appointment; powers and duties; delegation authority.
"8014. Office of the Secretary of the Air Force.
"8015. Under Secretary of the Air Force: appointment; powers and duties.
"8016. Assistant Secretaries of the Air Force: appointment; powers and duties.
"8017. Secretary of the Air Force: successors to duties.
"8018. Inspector General of the Air Force: detail; duties.
"8019. Reserve components of Air Force: policies and regulations for government of; functions of National Guard Bureau with respect to Air National Guard.".

(c) EFFECTIVE DATE.—The limitation provided for in section 8014(d) of title 10, United States Code (as amended by subsection (a)(1) of this section), shall be effective after September 30, 1988.

**SEC. 402. THE AIR STAFF**

(a) COMPOSITION OF THE AIR STAFF.—Section 8031 is amended to read as follows:

**"§ 8031. The Air Staff: composition; assignment and detail of members of Air Force and civilians**

"(a) There is in the executive part of the Department of the Air Force an Air Staff to assist the Secretary of the Air Force in carrying out his responsibilities.

"(b) The Air Staff shall consist of the following:

"(1) The Chief of Staff.

"(2) The Vice Chief of Staff.

"(3) Not more than four Deputy Chiefs of Staff, as prescribed by the Secretary of the Air Force.

"(4) Not more than three Assistant Chiefs of Staff, as prescribed by the Secretary.

"(5) The Surgeon General of the Air Force.

"(6) The Judge Advocate General of the Air Force.

"(7) The Chief of the Air Force Reserve.

"(8) Other members of the Air Force assigned or detailed to the Air Staff.

"(9) Civilians in the Department of the Air Force assigned or detailed to the Air Staff.

"(c) Except as otherwise specifically prescribed by law, the Air Staff shall be organized in such manner, and its members shall perform such duties and have such titles, as the Secretary may prescribe.

"(d)(1) The total number of military and civilian personnel assigned or detailed to permanent duty to the Air Staff may not exceed 2,354. Such limitation does not apply in time of war or during a national emergency declared by Congress.

"(2) Not more than 1,575 officers of the Air Force may be assigned or detailed to permanent duty in the Office of the Secretary of the Air Force and the Air Staff. However, such limitation does not apply in time of war or during a national emergency declared by Congress, or whenever the President finds that it is in the national interest to increase the number of officers in the Office of the Secretary of the Air Force and the Air Staff.".

(b) THE AIR STAFF: GENERAL DUTIES.—Section 8032 is amended—

(1) in subsection (a), by inserting "of the Air Force" after "Chief of Staff";

(2) in subsection (b)—

(A) by striking out "The" at the beginning of the subsection and inserting in lieu thereof "Under the authority, direction, and control of the Secretary of the Air Force, the";

(B) by striking out ", training, serving, mobilizing, and demobilizing" in clause (1) and inserting in lieu thereof "(including research and development), training, servicing, mobilizing, demobilizing, administering, and maintaining"; and

(C) by striking out "for military operations" in clause (2) and inserting in lieu thereof "to support military operations by combatant commands"; and

(3) by striking out the section heading and inserting in lieu thereof the following:

**"§ 8032. The Air Staff: general duties"**

(c) CHIEF OF STAFF.—Section 8034 is redesignated as section 8033 and (as redesignated) is amended—

(1) in subsection (a)—

(A) by striking out "The Chief of Staff shall be" and inserting in lieu thereof "There is a Chief of Staff of the Air Force"; and

(B) by striking out "national emergency declared by the Congress after December 31, 1968" and inserting in lieu thereof "during a national emergency declared by Congress";

(2) by striking out subsections (c) and (d) and inserting in lieu thereof the following:

"(c) Except as otherwise prescribed by law and subject to section 8013(f) of this title, the Chief of Staff performs his duties under the authority, direction, and control of the Secretary of the Air Force and is directly responsible to the Secretary.

"(d) Subject to the authority, direction, and control of the Secretary of the Air Force, the Chief of Staff shall—

"(1) preside over the Air Staff;

"(2) transmit the plans and recommendations of the Air Staff to the Secretary and advise the Secretary with regard to such plans and recommendations;

"(3) after approval of the plans or recommendations of the Air Staff by the Secretary, act as the agent of the Secretary in carrying them into effect;

"(4) exercise supervision, consistent with the full operational command and other authority assigned to unified or specified combatant commanders under chapter 6 of this title, over such of the members and organizations of the Air Force as the Secretary determines;

"(5) perform the duties prescribed for him by section 171 of this title and other provisions of law;

"(6) keep the Secretary fully informed on matters considered or acted upon by the Joint Chiefs of Staff; and

"(7) perform such other military duties, not otherwise assigned by law, as are assigned to him by the President, the Secretary of Defense, or the Secretary of the Air Force.

"(e) The Chief of Staff shall also perform the duties prescribed for him as a member of the Joint Chiefs of Staff under section 151 of this title."; and

(3) by striking out the section heading and inserting in lieu thereof the following:

**"§ 8033. Chief of Staff: appointment; term of office; powers and duties"**

(d) VICE CHIEF OF STAFF.—Section 8035 is redesignated as section 8034 and (as redesignated) is amended—

(1) by striking out subsections (a) and (b) and inserting in lieu thereof the following:

"(a) There is a Vice Chief of Staff of the Air Force appointed by the President, by and with the advice and consent of the Senate, from the general officers of the Air Force.

"(b) The Vice Chief of Staff of the Air Force, while so serving, has the grade of general without vacating his regular or reserve grade.";

(2) by striking out subsection (c);

(3) by redesignating subsection (d) as subsection (c);

(4) by inserting after subsection (c) (as redesignated by clause (3)) the following new subsection:

"(d) When there is a vacancy in the office of Chief of Staff or during the absence or disability of the Chief of Staff—

"(1) the Vice Chief of Staff shall perform the duties of the Chief of Staff until a successor is appointed or the absence or disability ceases; or

"(2) if there is a vacancy in the office of the Vice Chief of Staff or the Vice Chief of Staff is absent or disabled, unless the President directs otherwise, the most senior officer of the Air Force in the Air Staff who is not absent or disabled and who is not restricted in performance of duty shall perform the duties of the Chief of Staff until a successor to the Chief of Staff or the Vice Chief of Staff is appointed or until the absence or disability of the Chief of Staff or Vice Chief of Staff ceases, whichever occurs first."; and

(5) striking out the section heading and inserting in lieu thereof the following new heading:

"§ 8034. Vice Chief of Staff: appointment; powers and duties; succession to duties of Chief of Staff"

(e) DEPUTY CHIEFS OF STAFF.—Chapter 805 is further amended by inserting after section 8034 the following new section:

"§ 8035. Deputy Chiefs of Staff and Assistant Chiefs of Staff: detail

"The Deputy Chiefs of Staff and the Assistant Chiefs of Staff shall be general officers detailed to those positions.".

(f) JUDGE ADVOCATE GENERAL, DEPUTY JUDGE ADVOCATE GENERAL.—Section 8072 is redesignated as section 8037, is transferred to and made a part of chapter 805, and is inserted immediately after section 8036.

(g) OFFICE OF THE AIR FORCE RESERVE.—Chapter 805 is further amended by inserting after section 8037 (as redesignated by subsection (f) of this section) the following new section:

"§ 8038. Office of Air Force Reserve: appointment of Chief

"(a) There is in the executive part of the Department of the Air Force an Office of Air Force Reserve which is headed by a chief who is the adviser to the Chief of Staff, on Air Force Reserve matters.

"(b) The President, by and with the advice and consent of the Senate, shall appoint the Chief of Air Force Reserve from officers of the Air Force Reserve not on active duty, or on active duty under section 265 of this title, who—

"(1) have had at least 10 years of commissioned service in the Air Force;

"(2) are in grade of brigadier general and above; and

"(3) have been recommended by the Secretary of the Air Force.

"(c) The Chief of Air Force Reserve holds office for four years, but may be removed for cause at any time. He is eligible to succeed himself. If he holds a lower reserve grade, he shall be appointed in the grade of major general for service in the Air Force Reserve.".

(h) CONFORMING AMENDMENTS.—(1) The table of sections at the beginning of chapter 805 is amended to read as follows:

"Sec.
"8031. The Air Staff: composition; assignment and detail of members of Air Force and civilians.
"8032. The Air Staff: general duties.
"8033. Chief of Staff: appointment; term of office; powers and duties.
"8034. Vice Chief of Staff: appointment; powers and duties; succession to duties of Chief of Staff.
"8035. Deputy Chiefs of Staff and Assistant Chiefs of Staff: detail.
"8036. Surgeon General: appointment; grade.
"8037. Judge Advocate General, Deputy Judge Advocate General: appointment; duties.
"8038. Office of Air Force Reserve: appointment of Chief.".

(2) The section heading for section 8036 is amended by striking out the comma after "appointment" and inserting in lieu thereof a semicolon.

(3) The table of sections at the beginning of chapter 807 is amended by striking out the item relating to section 8072.

(i) EFFECTIVE DATE.—The limitations provided for in section 8031(d) of title 10, United States Code (as amended by subsection (a) of this section), shall be effective after September 30, 1988.

SEC. 403. COMMANDS

Section 8074(a) is amended by striking out "The" and inserting in lieu thereof "Except as otherwise prescribed by law or the Secretary of Defense, the".

## TITLE V—GENERAL PROVISIONS AND EFFECTIVE DATE

SEC. 501. REDUCTION IN PERSONNEL ASSIGNED TO MANAGEMENT HEADQUARTERS ACTIVITIES

(a) IN GENERAL.—(1) Not later than September 30, 1988, the Secretary of Defense shall reduce the total number of military and civilian personnel assigned or detailed to permanent duty in the military departments and in the unified and specified combatant commands to perform management headquarters activities or management headquarters support activities by a number that is at least 10 percent of the total number of personnel assigned or detailed to perform such activities on September 30, 1985.

(2) In computing and in making the reduction required under paragraph (1), the Secretary of Defense shall exclude personnel in the Office of the Secretary of the Army, the Army Staff, the Office of the Secretary of the Navy, the Office of the Chief of Naval Operations, the Headquarters, Marine Corps, the Office of the Secretary of the Air Force, and the Air Staff who are assigned or detailed to permanent duty to perform management headquarters activities or management headquarters support activities.

(b) ALLOCATION OF REDUCTIONS TO BE MADE BY THE SECRETARY OF DEFENSE.—(1) The Secretary of Defense shall allocate the reductions required under subsection (a) among management headquarters activities and management headquarters support activities in a manner consistent with the efficient operation of the Department of Defense.

(2) The Secretary shall also consolidate and eliminate unnecessary management headquarters activities and management headquarters support activities.

(c) PROHIBITION AGAINST CERTAIN ACTIONS TO ACHIEVE REDUCTIONS.—The personnel reduction required by subsection (a) may not be accomplished by recategorizing or redefining duties, functions, offices, or organizations.

(d) AUTHORITY OF COMBATANT COMMANDERS WITH REGARD TO REDUCTIONS.—In the case of a reduction under this section made applicable by the Secretary of Defense to a unified or specified combatant command, the commander of that command, after consultation with the commanders of commands directly subordinated to the commander of the combatant command, shall determine the manner in which the reduction shall be accomplished.

(e) PROHIBITION ON FUTURE INCREASE.—After September 30, 1988, the number of civilian and military personnel assigned to perform activities described in subsection (a) may not be increased above a number that is 10 percent less than the number of such personnel assigned or detailed to perform such activities on September 30, 1985. The limitation provided in this subsection shall not apply in time of war or during a national emergency declared by Congress.

(f) DEFINITIONS.—For purposes of this section, the terms "management headquarters activities" and "management headquarters support activities" have the same meanings prescribed for such terms in Department of Defense Directive 5100.73 entitled "Department of Defense Management Headquarters and Headquarters Support Activities," dated January 7, 1985.

SEC. 502. ANNUAL REPORT ON NATIONAL SECURITY STRATEGY

(a) REPORT REQUIREMENT.—The President shall submit to the Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and Foreign Affairs of the House of Representatives each year a comprehensive written report on the national security strategy of the United States. The President shall submit such report on the same date each year on which he submits the budget to Congress pursuant to section 1105 of title 31, United States Code.

(b) CONTENTS OF REPORT.—The report referred to in subsection (a) shall include—

(1) a comprehensive discussion of the vital interests, goals, and objectives of the United States throughout the world;

(2) a coordinated and comprehensive description of the foreign policy, worldwide commitments, and national defense capabilities of the United States necessary to deter aggression and to implement the national security strategy of the United States;

(3) a discussion of the proposed short-term and long-term uses of the political, economic, military, and other elements of the national power of the United States to protect or promote the interests and achieve the goals and objectives referred to in clause (1);

(4) a discussion of the adequacy of the capabilities of the United States to carry out the national security strategy of the United States, including an evaluation of the balance among the capabilities of all elements of the national power of the United States to support the implementation of the national security strategy; and

(5) such other pertinent information as may be necessary to help inform Congress on matters relating to the overall foreign policy strategy and military strategy of the United States.

(c) The report referred to in subsection (a) shall be submitted in a classified and an unclassified form.

SEC. 503. WAIVER OF CERTAIN REPORTING, NOTIFICATION, AND STUDY REQUIREMENTS

(a) IN GENERAL.—Except as provided in subsection (b), effective on January 1, 1987, any provision of law contained in title 10, United States Code, title 37, United States Code, or in any other provision of law contained in any Act authorizing appropriations to or for the Department of Defense or in any Act making appropriations to or for the Department of Defense that requires the President or any official or employee of the Department of Defense to submit in writing any report, notification, or study to Congress or to any committee of Congress shall not be effective to the extent that such provision requires the submission in writing of such report, notification, or study.

(b) EXCEPTIONS.—Subsection (a) of this section shall not apply to any provision of law enacted on or after the date of enactment of this Act or to any provision of law that requires the submission of the following reports, notifications, and studies:

(1) The annual reports, statements, and recommendations required by section 133(c) of title 10, United States Code, relating to the accomplishments of the Department of Defense.

(2) The annual report required by section 133(e) of such title, relating to foreign policy, major military missions, and military force structure.

(3) The reports required by subsection (b)(5) of section 139 of such title (as redesignated by section 104(6) of this Act) and the annual report required by subsection (g) of such section, relating to operational test and evaluation activities.

(4) The annual report required by section 142 of such title (as redesignated by section 104(1) of this Act), relating to North Atlantic Treaty Organization readiness.

(5) The reports required by section 1464(c) of such title, relating to the status of the Department of Defense Military Retirement Fund.

(6) The annual report required by section 2208(k) of such title, relating to the condition and operation of working-capital funds.

(7) The notifications required by section 2233a(a)(1) of such title, relating to expenditures and contributions for acquisition of facilities for reserve components.

(8) The notifications required by section 2304(c)(7) of such title, relating to the use of procurement procedures other than competitive procedures.

(9) The notifications required by section 2306(h)(3) of such title, relating to cancellation ceilings in certain multiyear contracts.

(10) The annual report required by section 2313(d)(4) of such title, relating to subpoenas issued by the Director of the Defense Contract Audit Agency to obtain contractor records.

(11) The annual report required by section 2349 of such title, relating to North Atlantic Treaty Organization acquisition and cross-servicing agreements.

(12) The semiannual report required by section 2357 of such title, relating to contracts in excess of $50,000 entered into by the military departments for research and development.

(13) The notifications required by section 2394(b)(2) of such title, relating to contracts for energy or fuel.

(14) The annual report required by section 2397(e) of such title, relating to the names of certain employees and former employees of defense contractors.

(15) The notifications required by clauses (B) and (C) of section 2401(b)(1) of such title, the cost analyses required by section 2401(e)(1) of such title, and the reports required by section 2401(e)(2) of such title, all relating to the long-term lease or charter of vessels and aircraft by the military departments.

(16) The notifications required by subsection (e)(1) of section 2403 of such title and the annual report required by subsection (e)(2) of such section, relating to waivers of certain requirements for contractor guarantees.

(17) The notifications required by paragraphs (1) and (2) of section 2407(d) of such title, relating to certain contracts awarded by the Department of Defense in connection with North Atlantic Treaty Organization cooperative agreements.

(18) The annual report required by section 2457(d) of such title, relating to the policy to standardize equipment, ammunition, and fuel procured for the use of United States military forces stationed in Europe under the North Atlantic Treaty.

(19) The reports required by subsection (a) or (e) of section 2662 of such title and the annual report required by subsection (b) of such section, relating to certain real property transactions.

(20) The proposals referred to in section 2667a(b)(1) of such title, relating to sale and replacement of nonexcess real property.

(21) The notifications required by section 2672(b) of such title, relating to acquisitions of interests in land for more than $100,000.

(22) The notifications required by section 2676(d) of such title, relating to reductions in scope and increases in cost of a land acquisition.

(23) The notifications and submissions required by section 2687(b) of such title, relating to base closures and realignments.

(24) The annual report required by section 2779(b)(4) of such title, relating to the use of funds appropriated for the elimination of certain losses caused by fluctuations in currency exchange rates of foreign countries.

(25) The reports required by section 2780 of such title (as redesignated by section 104(2) of this Act), relating to sales or transfers of certain defense articles.

(26) The reports required by section 2803(b) of such title, relating to emergency military construction projects carried out under section 2803 of such title.

(27) The reports required by section 2804(b) of such title, relating to military construction projects not authorized by law.

(28) The notifications required by paragraphs (2) and (3) of section 2805(b) of such title, relating to minor construction in connection with certain relocations of activities from one installation to another.

(29) The reports required by section 2806(c)(2) of such title, relating to contributions for North Atlantic Treaty Organization Infrastructure.

(30) The notifications required by subsection (b) of section 2807 of such title and the reports required by subsection (c) of such section, relating to architectural and engineering services and construction design in connection with military construction or military family housing projects.

(31) The notifications required by section 2808(b) of such title, relating to military construction projects in the event of a declaration of war or national emergency.

(32) The justifications and economic analyses required by section 2809(a)(4) of such title, relating to long-term contracts for the construction, management, and operation of certain facilities.

(33) The notifications and justifications required by section 2823(b) of such title, relating to disagreements on the availability of suitable alternative housing at locations in the United States where family housing is proposed to be constructed.

(34) The notifications required by section 2827(b) of such title, relating to relocation of military family housing units.

(35) The economic analyses required by section 2828(g)(6)(A) of such title, relating to leasing military family housing facilities.

(36) The notifications required by section 2834(b) of such title, relating to agreements with the Secretary of State for the use of Department of State housing and related services by Department of Defense personnel.

(37) The notifications required by subsections (d) and (e) of section 2853 of such title, relating to reductions in the scope of work or increases in the cost of military construction projects.

(38) The notifications required by section 2854(b) of such title, relating to repair, restoration, or replacement of damaged or destroyed military facilities.

(39) The annual request required by section 2859 of such title, relating to military construction authorizations.

(40) The annual report required by section 2861(a) of such title, relating to military construction activities and military family housing activities.

(41) The annual report required by section 2871(c)(3) of such title (as redesignated by section 104(8) of this Act), relating to military and civilian personnel end strength levels, certain other manpower requirements, base structures, and certain requirements for and information on officers.

(42) The annual report required by section 2871(d)(2) of such title (as redesignated by section 104(8) of this Act), relating to average student training loads.

(43) The annual report required by section 2871(e) of such title (as redesignated by section 104(8) of this Act), relating to operations and maintenance.

(44)(A) The annual and supplemental reports required by section 2872 of such title (as redesignated by section 104(9) of this Act), relating to weapons development and procurement schedules, including the matter required by section 53(b) of the Arms Export Control Act (95 Stat. 1524; 22 U.S.C. 2795b(b)) to be included in such annual reports.

(B) The notifications in lieu of such supplemental reports under subsection (b) of such section 2872.

(45) The Selected Acquisition Reports required by section 2873 of such title (as redesignated by section 104(10) of this Act).

(46) The notifications required by subsection (d)(3) of section 2874 of such title (as redesignated by section 104(11) of this Act) and reports required by subsection (e) of such section, relating to increases in program acquisition unit costs and procurement unit costs of certain major defense acquisition programs.

(47) The notifications required by section 7307(b)(2) of such title, relating to the disposition of naval vessels to foreign nations.

(48) The quarterly report required by section 7434 of title 10, United States Code, relating to the production from the naval petroleum reserve.

(49) The annual report required by section 406(i) of title 37, United States Code, relating to dependents accompanying members of the Armed Forces stationed outside the United States.

(50) The statements and quarterly report required by subsections (c) and (e) of section 709 of the Department of Defense Appropriation Authorization Act, 1975 (88 Stat. 408; 50 U.S.C. App. 2403-1(e)), relating to the export of certain goods, technology, and industrial techniques.

(51) The notifications, summaries, certifications, and reports required by subsections (a), (b), and (c) of section 502 of the Department of Defense Authorization Act, 1981 (10 U.S.C. 2304 note), relating to conversion of performance of commercial and other type functions from Department of Defense personnel to private contractors.

(52) The notifications required by section 1201(c) of the Department of Defense Authorization Act, 1984 (Public Law 98-94; 97 Stat. 678), relating to transfers of amounts of authorizations.

(53) The reports and assessments required by section 1231 of the Department of Defense Authorization Act, 1984 (Public Law 98-94; 97 Stat. 693), relating to certain intercontinental ballistic missile systems.

(54) The reports required by section 307(b)(3) of the Department of Defense Authorization Act, 1985 (98 Stat. 2515; 10 U.S.C. 2304 note), relating to waivers of a prohibition on contracting out certain logistics activities.

(55) The annual report required by section 1002(d)(1) of the Department of Defense Authorization Act, 1985 (98 Stat. 2575; 22 U.S.C. 1928 note), relating to the supply of munitions and certain aircraft facilities in support of the North Atlantic Treaty Organization.

(56) The annual report required by section 1002(d)(2) of the Department of Defense Authorization Act, 1985 (98 Stat. 2575; 22

U.S.C. 1928 note), relating to the status and cost of the United States commitment to the North Atlantic Treaty Organization and certain activities of other North Atlantic Treaty Organization members.

(57) The annual reports required by subsections (c) and (d) of section 1003 of the Department of Defense Authorization Act, 1985 (98 Stat. 2576; 22 U.S.C. 1928 note (formerly 10 U.S.C. 139 note)), relating to allied contributions to the common defense.

(58) The annual report required by section 1102 of the Department of Defense Authorization Act, 1985 (98 Stat. 2580; 10 U.S.C. 2872 note (formerly 10 U.S.C. 139 note)), relating to the Strategic Defense Initiative and any other antiballistic missile defense program.

(59) The notifications required by section 1501(c) of the Department of Defense Authorization Act, 1985 (Public Law 98–525; 98 Stat. 2626), relating to transfers of amounts of authorizations.

(60) The reports required by section 1536(g) of the Department of Defense Authorization Act, 1985 (98 Stat. 2633; 46 U.S.C. 1120 note), relating to the Commission on Merchant Marine and Defense.

(61) The certification required by section 125(a)(1) of the Department of Defense Authorization Act, 1986 (Public Law 99–145; 99 Stat. 601), relating to any new contract for the procurement of 5-ton trucks.

(62) The legislative environmental impact statement required by section 209(c) of the Department of Defense Authorization Act, 1986 (Public Law 99–145; 99 Stat. 610), relating to full-scale development of a small intercontinental ballistic missile or the selection of basing areas for the deployment of such missile.

(63) The certification required by section 222 of the Department of Defense Authorization Act, 1986 (Public Law 99–145; 99 Stat. 613), relating to termination of a prohibition of deployment of a strategic defense system.

(64) The reports required by section 223 of the Department of Defense Authorization Act, 1986 (Public Law 99–145; 99 Stat. 613), relating to the Strategic Defense Initiative.

(65) The quarterly reports required by section 502(c) of the Department of Defense Authorization Act, 1986 (Public Law 99–145; 99 Stat. 621), relating to the obligation of funds appropriated for civilian personnel.

(66) The report required by section 1002 of the Department of Defense Authorization Act, 1986 (Public Law 99–145; 99 Stat. 705), relating to Soviet compliance with arms control commitments.

(67) The annual report required by section 1221(d)(2) of the Department of Defense Authorization Act, 1986 (Public Law 99–145; 99 Stat. 727), relating to a research program to support the polygraph activities of the Department of Defense.

(68) The annual reports required by section 1407 of the Department of Defense Authorization Act, 1986 (Public Law 99–145; 99 Stat. 745), relating to unobligated balances in appropriation accounts.

(69)(A) The certifications required by subsections (b) and (c)(2) of section 1411 of the Department of Defense Authorization Act, 1986 (Public Law 99–145; 99 Stat. 745), relating to the procurement or assembly of binary chemical weapons.

(B) The report required by subsection (e) of such section, relating to consultations among North Atlantic Treaty Organization member nations concerning North Atlantic Treaty Organization's chemical deterrent posture.

(70) The annual reports required by section 704 of the Military Construction Authorization Act, 1982 (Public Law 97–99; 95 Stat 1377), relating to contracts for construction in the United States and its possessions.

(71) The economic analyses required by section 802(d)(1) of the Military Construction Authorization Act, 1984 (97 Stat. 784; 10 U.S.C. 2821 note), relating to proposed military housing rental guarantee agreements.

(72) The notifications required by section 803(b)(2) of the Military Construction Authorization Act, 1984 (97 Stat. 785; 10 U.S.C. 2821 note), relating to waivers of a requirement to use manufactured or factory-built housing fabricated in the United States by a United States contractor for military family housing construction in foreign countries.

(73) The report required by section 840(d) of the Military Construction Authorization Act, 1986 (Public Law 99–167; 99 Stat. 998), relating to the sale of land at Fort Jackson, South Carolina.

(74) The notifications required by the proviso in section 8005(m) of the Department of Defense Appropriations Act, 1985 (as contained in section 101(h) of the Joint Resolution entitled "Joint Resolution making continuing appropriations for fiscal year 1985, and for other purposes", approved October 12, 1984 (Public Law 98–473; 98 Stat. 1923)), relating to unusual cost overruns incident to overhaul, maintenance, and repair for certain ships.

(75) The annual report required by section 8104(b) of the Department of Defense Appropriations Act, 1985 (as contained in section 101(h) of the Joint Resolution entitled "Joint Resolution making continuing appropriations for fiscal year 1985, and for other purposes", approved October 12, 1984 (Public Law 98–473; 98 Stat. 1942; 10 U.S.C. 2872 note (formerly 10 U.S.C. 139 note))), relating to consultations with members of common defense alliances concerning Strategic Defense Initiative research.

(76) The notifications required by section 8020 or 8021 of the Department of Defense Appropriations Act, 1986 (as contained in section 101(b) of the Joint Resolution entitled "Joint Resolution making further continuing appropriations for the fiscal year 1986, and for other purposes", approved December 19, 1985 (Public Law 99–190; 99 Stat. 1206)), relating to transfers of working capital funds.

(77) The notifications required by section 8021 of the Department of Defense Appropriations Act, 1986 (as contained in section 101(b) of the Joint Resolution entitled "Joint Resolution making further continuing appropriations for the fiscal year 1986, and for other purposes", approved December 19, 1985 (Public Law 99–190; 99 Stat. 1206)), relating to the obligation of working capital funds to procure war reserve material inventory.

(78) The notifications required by section 8042 of the Department of Defense Appropriations Act, 1986 (as contained in section 101(b)) of the Joint Resolution entitled "Joint Resolution making further continuing appropriations for the fiscal year 1986, and for other purposes", approved December 19, 1985 (Public Law 99–190; 99 Stat. 1210), relating to the availability of appropriated funds for intelligence or special activities different from activities justified to the Congress.

(79) The notification required by section 8075 of the Department of Defense Appropriations Act, 1986 (as contained in section 101(b) of the Joint Resolution entitled "Joint Resolution making further continuing appropriations for the fiscal year 1986, and for other purposes", approved December 19, 1985 (Public Law 99–190; 99 Stat. 1214), relating to the acquisition of certain types of weapons, subsystems, and munitions of European North Atlantic Treaty Organization manufacture.

(80) The certification required by section 8097 of the Department of Defense Appropriations Act, 1986 (as contained in section 101(b) of the Joint Resolution entitled "Joint Resolution making further continuing appropriations for the fiscal year 1986, and for other purposes", approved December 19, 1985 (Public Law 99–190; 99 Stat. 1219)), relating to the obligation or expenditure of funds to carry out a test of the Space Defense System (anti-satellite weapon) against an object in space.

(81) The annual report required by the third proviso in the undesignated paragraph under the heading "FOREIGN CURRENCY FLUCTUATION, CONSTRUCTION, DEFENSE" in the Military Construction Appropriation Act, 1980 (Public Law 96–130; 93 Stat. 1019), relating to transfers of appropriated funds to eliminate losses in military construction or expenses of family housing caused by fluctuations in foreign currency exchange rates of foreign countries.

(82) The reports required by section 125(a) of the Military Construction Appropriations Act, 1985 (as contained in section 101(e) of the Joint Resolution entitled "Joint Resolution making continuing appropriations for fiscal year 1985, and for other purposes", approved October 12, 1984 (Public Law 98–473; 98 Stat. 1883)), relating to terminations of a prohibition on the availability of appropriated military construction funds to foreign governments ineligible to receive such funds by reason of inadequate drug control measures.

(83)(A) The semiannual report required by section 5(b) of the Inspector General Act of 1978 (5 U.S.C. App. 3), relating to activities of the Inspector General of the Department of Defense.

(B) The reports required by section 5(d) of such Act (5 U.S.C. App. 3), relating to particular cases of problems, abuses, or deficiencies which have come to the attention of the Inspector General of the Department of Defense.

(C) The statements required by paragraphs (3) and (4) of section 8(b) of such Act (5 U.S.C. App. 3), relating to the exercise of certain authority of the Secretary of Defense with respect to the activities of the Inspector General of the Department of Defense.

(84) The requirement to furnish information and to report to Congress concerning intelligence activities as provided in subsections (a) and (b) of section 501 of the National Security Act of 1947 (50 U.S.C. 413).

(c) CHANGE FROM QUARTERLY TO ANNUAL REPORT.—Section 406(i) of title 37, United States Code, is amended—

(1) by striking out "quarter" in the matter preceding clause (1); and

(2) by striking out "quarter" in clauses (1) and (2) and inserting in lieu thereof "fiscal year".

SEC. 504. EFFECTIVE DATE.

Except as otherwise provided in this Act, the provisions of this Act and the amendments made by this Act shall take effect on such date or dates as the Secretary of Defense may specify, but in no event may the effective date for any provision or amend-

*ment be later than 180 days following the date of the enactment of this Act.*

Amend the title so as to read: "An Act to amend title 10, United States Code, to reorganize and strengthen certain elements of the Department of Defense, to improve the military advice provided the President, the National Security Council, and the Secretary of Defense, to enhance the effectiveness of military operations, to increase attention to the formulation of strategy and to contingency planning, to provide for the more efficient use of resources, to strengthen civilian authority in the Department of Defense, and for other purposes.".

House amendments to the Senate amendments to H.R. 3622:

In lieu of the matter proposed to be inserted by the Senate amendment to the text of the bill, insert the following:

*SECTION 1. SHORT TITLE.*

*This Act may be cited as the "Bill Nichols Department of Defense Reorganization Act of 1986".*

*TITLE I—COMBATANT COMMANDS*

*SEC. 101. ENHANCEMENT OF AUTHORITY OF COMMANDERS OF UNIFIED AND SPECIFIED COMBATANT COMMANDS.*

*(a) REVISION AND EXTENSION OF COMBATANT COMMAND AUTHORITY.—(1) Title 10, United States Code, is amended by inserting after chapter 5 the following new chapter:*

*"CHAPTER 6—COMBATANT COMMANDS*

*"161. Establishment.*
*"162. Forces assigned to combatant commands.*
*"163. Functions and supervision.*
*"164. Administration and support of assigned forces.*
*"165. Unified and specified commands: program and budget proposals; net assessments.*
*"166. Combatant command subordinate commanders and CINC staff officers: selection and tenure.*
*"167. Joint Commanders Council.*

***"§ 161. Establishment***

*"(a) UNIFIED AND SPECIFIED COMMANDS.—With the advice and assistance of the Chairman of the Joint Chiefs of Staff, the President, through the Secretary of Defense, shall—*

*"(1) establish unified combatant commands and specified combatant commands to perform military missions; and*

*"(2) prescribe the force structure of those commands.*

*"(b) SPECIAL COMBATANT COMMANDS.—(1) If the President determines that a situation warrants the creation for a specific military mission of a force outside the existing unified and specified commands, the President, with the advice and assistance of the Chairman of the Joint Chiefs of Staff and acting through the Secretary of Defense, may—*

*"(A) establish a special combatant command to respond to that situation; and*

*"(B) prescribe the mission, force structure, and support and administrative arrangements of that command.*

*"(2) In the case of any such special combatant command, the President, with the advice and assistance of the Chairman of the Joint Chiefs of Staff and acting through the Secretary of Defense, shall prescribe the chain of command from the President and Secretary of Defense to the commander of that command. Such chain of command shall be the shortest practicable for each force deployed consistent with proper supervision and support.*

*"(c) PERIODIC REVIEW.—(1) The Chairman shall periodically (and not less often than every other year)—*

*"(A) review the overall structure of the unified and specified combatant commands (including the relationship among their respective functions, missions, areas of responsibility, and chains of command); and*

*"(B) recommend to the President, through the Secretary of Defense, any changes that the Chairman considers necessary or appropriate.*

*"(2) The President shall promptly inform Congress of any action taken in response to recommendations made by the Chairman under paragraph (1)(B).*

***"§ 162. Forces assigned to combatant commands***

*"(a) ASSIGNMENT OF FORCES.—(1)(A) Except as provided in paragraph (2), the Secretaries of the military departments shall assign all forces under their jurisdiction to unified and specified combatant commands to perform the missions assigned to those commands. Such assignments shall be made as directed by the Secretary of Defense, including direction as to the command to which forces are to be assigned.*

*"(B) As directed by the Secretary of Defense, the commanders of the unified and specified combatant commands and the Secretaries of the military departments shall assign forces under their jurisdiction to any special combatant command established under this chapter to perform the missions assigned to that command.*

*"(2) Except as otherwise directed by the Secretary of Defense, forces to be assigned by the Secretaries of the military departments to the combatant commands under paragraph (1) do not include forces assigned to the recruiting, organizing, training, or supplying of the armed forces.*

*"(3) A force assigned to a combatant command under this section may be transferred from the command to which it is assigned only by authority of the Secretary of Defense and under procedures prescribed by the Secretary with the approval of the President.*

*"(4) A force not assigned to a combatant command remains, for all purposes, in the military department concerned.*

*"(5) Unless otherwise directed by the Secretary of Defense, all forces operating within the geographic area assigned to the commander of a unified command shall be assigned to and under the command of the commander of that command. The preceding sentence applies to forces assigned to a specified command or a special combatant command only as prescribed by the Secretary of Defense.*

*"(b) COMMAND OF ASSIGNED FORCES.—(1) Notwithstanding any other provision of law, a force assigned to a combatant command under this section is under the command of the commander of that command. In this section, the term 'command' means the authority to give authoritative direction to subordinate forces necessary to accomplish assigned missions.*

*"(2) The Secretary of Defense shall ensure that commanders of combatant commands have sufficient authority over the forces assigned to their commands to exercise effective command over those forces.*

*"(3) If a commander of a combatant command at any time considers his authority over any of the forces assigned to that command to be insufficient to command effectively, the commander shall promptly inform the Secretary of Defense.*

*"(c) ORGANIZATION, TRAINING, AND EMPLOYMENT OF ASSIGNED FORCES.—(1) The commander of each combatant command shall prescribe the chain of command and organizational structure of forces assigned to that command. To the extent practicable, the structure established should be the structure that would be used in the event of war or hostilities.*

*"(2) The commander of a combatant command shall have authority—*

*"(A) to train forces assigned to that command; and*

*"(B) to employ those forces to accomplish assigned missions.*

***"§ 163. Functions and supervision***

*"(a) FUNCTIONS.—Commanders of combatant commands established under this chapter are responsible to the President and to the Secretary of Defense for such missions as may be assigned to them by the Secretary with the approval of the President.*

*"(b) SUPERVISION BY JCS CHAIRMAN.—Subject to the authority, direction, and control of the Secretary of Defense, the Chairman of the Joint Chiefs of Staff supervises the commanders of the combatant commands and is their spokesman at the seat of Government.*

***"§ 164. Administration and support of assigned forces***

*"(a) ADMINISTRATION.—Subject to the authority, direction, and control of the Secretary of Defense, the Secretary of each military department is responsible for the administration of forces assigned by that department to combatant commands.*

*"(b) SUPPORT.—Unless otherwise directed by the Secretary of Defense, the Secretary of each military department is responsible for the support of forces assigned by that department to combatant commands. The Secretary of Defense may assign the responsibility for the support of forces assigned to a combatant command (or any part of that responsibility) to—*

*"(1) one or more of the military departments;*

*"(2) other agencies of the Department of Defense; or*

*"(3) the commander of the combatant command concerned.*

*"(c) REQUESTS BY CINCS TO PROVIDE OWN SUPPORT.—(1) If a commander of a combatant command decides that performance of a support function (or any part of such a function) by elements of that command would improve the capability of the command to carry out assigned missions or would otherwise be more effective, economical, or efficient, the commander may submit to the Secretary of Defense a proposal for the transfer of that function (or any part of that function) to the command.*

*"(2) Parts of a support function with respect to which a commander may submit a proposal under this subsection include the authority, with respect to that function, to establish requirements and to plan and direct distribution.*

*"(d) ADVICE OF CHAIRMAN.—The functions of the Secretary under this section shall be carried out with the advice and assistance of the Chairman of the Joint Chiefs of Staff.*

***"§ 165. Unified and specified commands: program and budget proposals; net assessments***

*"(a) COMBATANT COMMAND BUDGETS.—The Secretary of Defense shall include in the annual budget of the Department of Defense submitted to Congress a separate budget proposal for such activities of each of the unified and specified combatant commands as may be determined under subsection (b).*

*"(b) CONTENT OF PROPOSALS.—A budget proposal under subsection (a) for funding of activities of a combatant command shall include funding proposals for such activities of the combatant command as the Secretary (after consultation with the Chairman of*

the Joint Chiefs of Staff) determines to be appropriate for inclusion. Activities of a combatant command for which funding may be requested in such a proposal include the following:

"(1) Joint exercises.

"(2) Force training.

"(3) Contingencies.

"(4) Selected operations.

"(c) SUBMISSION BY CINCS.—The commander of each unified or specified combatant command shall submit to the Chairman an annual program and budget proposal for that command for consideration for inclusion under subsection (a) in the next budget of the Department of Defense.

"(d) SUBMISSION OF BUDGET PROPOSALS BY CHAIRMAN.—The Chairman shall—

"(1) review and analyze the combatant command budget proposals submitted under subsection (c);

"(2) establish priorities in accordance with guidance provided by the Secretary; and

"(3) recommend to the Secretary for the purposes of subsection (a) a budget proposal for each command.

"(e) SECRETARY OF DEFENSE GUIDANCE.—Budget proposals under subsections (c) and (d) shall be prepared in accordance with, and subject to, guidance furnished by the Secretary of Defense, including guidance with respect to anticipated budget limitations.

"(f) NET ASSESSMENTS.—(1) In accordance with guidelines established by the Secretary of Defense, the findings, conclusions, and recommendations of any net assessment conducted by an organization of the Department of Defense shall be made available to the commanders of the unified and specified combatant commands.

"(2) The Chairman of the Joint Chiefs of Staff shall establish procedures by which—

"(A) each commander of a combatant command may require the Joint Staff to assist the commander with respect to net assessments relating to the commander's duties; and

"(B) each commander shall contribute to the preparation, conduct, and findings of net assessments performed by the Joint Staff.

"(3) The Secretary of Defense shall establish procedures by which a commander of a combatant command may require organizations of the Department of Defense that perform net assessments (in addition to the Joint Staff) to assist the commander with respect to net assessments relating to the commander's duties.

"(4) The commander of a unified or specified combatant command shall include the results of any current net assessment conducted by or on behalf of his command—

"(A) in preparing any evaluation of the capabilities of his command for submission to the Secretary or the Chairman; and

"(B) in developing operations plans for the command.

**"§ 166. Combatant command subordinate commanders and CINC staff officers: selection and tenure**

"(a) SELECTION.—

"(1) SENIOR GENERAL AND FLAG OFFICERS.—The selection of a general or flag officer for recommendation to the President for nomination to an assignment as a principal subordinate officer of the commander of a unified or specified combatant command, or to the staff of such a commander, in a position of importance and responsibility designated by the President under section 601 of this title shall be made by the commander of that command in accordance with procedures prescribed by the Secretary of Defense. Such procedures shall provide for the selection to be made from a list of officers submitted to the commander by the Secretary of the military department concerned and that the commander may specify the number of officers to be included on such a list.

"(2) OTHER OFFICERS.—Except as provided under paragraph (1), the selection of an officer to an assignment as a principal subordinate officer of the commander of a unified or specified combatant command, or to the staff of such a commander, shall be made by that commander. Such selection shall be made from a list of officers submitted to the commander by the Secretary of the military department concerned. The commander may specify the number of officers to be included on such a list.

"(b) TENURE.—The tenure of an officer assigned to a combatant command under subsection (a) is subject to the approval of the commander of the combatant command.

**"§ 167. Joint Commanders Council**

"(a) ESTABLISHMENT.—There is hereby established in the Department of Defense a council to be known as the 'Joint Commanders Council'. The Council consists of—

"(1) the Chairman of the Joint Chiefs of Staff, who is the head of the Council; and

"(2) the commanders of the unified and specified combatant commands.

"(b) FUNCTIONS.—The Council, as a body, shall—

"(1) provide advice to the President and Secretary of Defense on matters with respect to which such advice is requested; and

"(2) advise the Chairman, as requested by him, on the execution of the Chairman's responsibilities.".

(2) The tables of chapters at the beginning of subtitle A, and at the beginning of part I of subtitle A, of such title are amended by inserting after the item relating to chapter 5 the following new item:

"6. Combatant Commands ..... 161".

(b) COURT-MARTIAL JURISDICTION.—Section 822(a) of title 10, United States Code (article 22(a) of the Uniform Code of Military Justice), is amended—

(1) by redesignating paragraphs (2) through (7) as paragraphs (4) through (9), respectively; and

(2) by inserting after paragraph (1) the following new paragraphs (2) and (3):

"(2) the Secretary of Defense;

"(3) the commanding officer of a unified or specified combatant command;".

(c)(1) Notwithstanding any other provision of law, the President and the Secretary of Defense may assign missions, roles, and functions to the military departments, unified and specified commands, and other elements of the Department of Defense.

(2) Section 5012 of title 10, United States Code, is amended—

(A) by striking out "is generally" and all that follows in the third sentence of subsection (a) and inserting in lieu thereof ", in accordance with integrated joint mobilization plans, for the expansion of the peacetime components of the Navy to meet the needs of war."; and

(B) by striking out subsection (d).

(d) CONFORMING AMENDMENTS.—

(1) REPEAL OF SECTION 124.—(A) Section 124 of such title is repealed.

(B) The table of sections at the beginning of chapter 3 of such title is amended by striking out the item relating to section 124.

(2) COMMAND AUTHORITY OF CINCS.—Sections 3034(d)(4), 5081(c), 5201(d), and 8034(d)(4) of such title are amended by striking out "full operational command vested in unified or specified combatant commanders under section 124 of this title" and inserting in lieu thereof "command authority vested in the commanders of unified and specified combatant commands under chapter 6 of this title".

**SEC. 102. FUNCTIONS OF CHAIRMAN OF JOINT CHIEFS OF STAFF.**

(a) IN GENERAL.—Section 141(c) of title 10, United States Code, is amended—

(1) by striking out the matter preceding clause (1) and inserting in lieu thereof the following:

"(c) Subject to the authority and direction of the President and the Secretary of Defense, the Chairman (in consultation, as appropriate, with the other members of the Joint Chiefs of Staff and with the commanders of the unified and specified commands) shall—";

(2) by striking out "and" at the end of paragraph (7);

(3) by redesignating paragraph (8) as paragraph (15); and

(4) by inserting after paragraph (7) the following new paragraphs:

"(8) submit to the Secretary recommendations for the allocation of defense resources under the proposed national defense budget for each fiscal year, to be developed within anticipated limits on funding levels available for defense functions and based on—

"(A) guidance provided by the Secretary;

"(B) recommendations submitted by the commanders of the unified and specified combatant commands based on the requirements of their assigned missions; and

"(C) recommendations (as appropriate) submitted by the Secretaries of the military departments and the heads of other components of the Department of Defense;

"(9) review the program objectives and budget proposals of the Secretary of each military department and of those defense agencies with a combat support mission and recommend to the Secretary changes in such proposals in accordance with the Chairman's recommendations under clause (8);

"(10) in accordance with section 165(d) of this title, recommend to the Secretary a budget for each unified and specified combatant command, including the functions of each such command for which funds should be appropriated to the command;

"(11) establish and maintain, in consultation with the commanders of the unified and specified combatant commands, a uniform system of evaluating the overall capabilities of each such command to accomplish its missions;

"(12) monitor the extent to which each military department provides officers for joint duty assignments and report to the Secretary of Defense when any department provides substantially fewer than one-third of the positions on the Joint Staff and one-third of the total number of joint duty assignments;

"(13) develop doctrine for the joint employment of the armed forces;

"(14) perform net assessments to determine the capabilities of the armed forces to carry out military operations under unified command; and".

(b) CONSULTATION.—Section 141 of such title is further amended by adding at the end the following new subsection:

"(e) In carrying out his functions under this chapter or any other provision of law, the Chairman shall consult, as appropriate, with the other members of the Joint Chiefs

of Staff and the commanders of the unified and specified commands.".

(c) JOINT STAFF NET ASSESSMENT CAPABILITY.—Section 143 of title 10, United States Code, is amended by adding at the end thereof the following new subsection:

"(f) The Chairman shall ensure that the Joint Staff is organized and staffed so as to provide the Chairman the necessary staff expertise to enable him to carry out section 141(a)(14) of this title.".

SEC. 103. TRANSFERS OF STAFF PERSONNEL.

(a) TRANSFERS OF STAFFS TO CINC HEADQUARTERS.—The Secretary of Defense shall provide that personnel assigned to the headquarters staffs of the military departments and of the separate Armed Forces and personnel assigned to the staffs of the commanders of subordinate forces of the unified and specified commands shall, to the maximum extent practicable, be transferred to the staffs of the commanders of the unified and specified commands to reflect transfers of functions provided for or authorized by this Act. Such transfers shall be carried out as expeditiously as possible.

(b) LIMITATION ON TOTAL STAFF SIZE.—The total size of the headquarters staffs of the commanders of the unified and specified commands, the military departments, the separate Armed Forces, and the commanders of subordinate forces of the unified and specified commands may not be greater after any such transfer of functions than it was before such transfer.

SEC. 104. INITIAL REVIEW OF UNIFIED COMMAND PLAN.

(a) MATTERS TO BE CONSIDERED.—The first review of the structure of the unified and specified commands under section 161(c) of title 10, United States Code, as added by section 101, shall include consideration of the following:

(1) Creation of a unified strategic command combining the missions, functions, and forces of the Strategic Air Command, the strategic forces of the Navy, and other appropriate forces.

(2) Creation of a unified command for special operations missions.

(3) Creation of a unified command for missions, functions, and responsibilities relating to security of United States borders.

(4) Revision of the geographic area that is the responsibility of the Central Command, to include the ocean areas adjacent to Southwest Asia.

(5) Revision of the geographic area that is the responsibility of the Southern Command, to include the ocean areas adjacent to Central America.

(6) Revision of the missions, functions, and responsibilities of the Readiness Command and of the Central Command.

(7) Elimination of the United States Forces Caribbean Command.

(b) DEADLINE.—The first report to the President under such section shall be made not later than one year after the date of the enactment of this Act.

SEC. 105. REPEAL OF CERTAIN LIMITATIONS ON DEFENSE MANAGEMENT.

(a) PROHIBITION AGAINST CONSOLIDATING FUNCTIONS OF THE MILITARY TRANSPORTATION COMMANDS.—Section 1110 of the Department of Defense Authorization Act, 1983 (Public Law 97-252; 96 Stat. 747), is repealed.

(b) PROHIBITION AGAINST ALTERING COMMAND STRUCTURE FOR MILITARY FORCES IN ALASKA.—Section 8106 of the Department of Defense Appropriations Act, 1986 (as contained in section 101(b) of Public Law 99-190 (99 Stat. 1221)), is repealed.

SEC. 106. TRANSITION.

(a) GENERAL RULE.—Except as otherwise provided in this section, this title and the amendments made by this title shall take effect on the date of the enactment of this Act.

(b) ASSIGNMENT OF FORCES TO COMBATANT COMMANDS.—Section 162 of title 10, United States Code, as added by section 101, shall take effect at the end of the 90-day period beginning on the date of the enactment of this Act.

(c) PROGRAM AND BUDGET PROPOSALS.—Section 165 (other than subsection (f)) of title 10, United States Code, as added by section 101, shall take effect with respect to program and budget proposals for fiscal year 1989.

(d) SELECTION AND TENURE OF SUBORDINATE OFFICERS.—Section 166 of title 10, United States Code, as added by section 101, shall take effect at the end of the 90-day period beginning on the date of the enactment of this Act.

(e) COMBATANT COMMAND EVALUATION SYSTEM.—The uniform system of evaluating the overall capabilities of each unified and specified combatant command required to be established by paragraph (11) of section 141(c) of title 10, United States Code, as added by section 102(a), shall be established not later than the end of the one-year period beginning on the date of the enactment of this Act.

## TITLE II—DEFENSE AGENCIES

SEC. 201. OVERSIGHT REQUIREMENTS WITH RESPECT TO DEFENSE AGENCIES.

(a) IN GENERAL.—(1) Chapter 8 of title 10, United States Code, is amended—

(A) by redesignating section 191 as section 196; and

(B) by inserting after the table of sections the following new sections:

**"§ 191. Authority to provide for common performance of supply or service activities**

"Whenever the Secretary of Defense determines it will be more effective, economical, or efficient, the Secretary shall provide for the performance of a supply or service activity common to more than one military department by one agency or such other organization as the Secretary considers appropriate.

**"§ 192. Defense agencies: oversight by the Secretary of Defense**

"(a) PERIODIC REVIEW.—Periodically (and not less often than every two years), the Secretary of Defense shall review the services and supplies provided by the defense agencies to ensure that the provision of those services and supplies by those agencies, rather than by the military departments, is a more effective, economical, or efficient manner of providing those services and supplies consistent with the requirements for combat readiness of the armed forces.

"(b) INFORMATION REQUIRED FOR REVIEW.—(1) In performing the review required by subsection (a), the Secretary shall obtain, as appropriate, the views of—

"(A) the directors of the defense agencies;

"(B) the Chairman of the Joint Chiefs of Staff;

"(C) the Secretaries of the military departments;

"(D) the Chief of Staff of the Army, the Chief of Staff of the Air Force, the Chief of Naval Operations, and the Commandant of the Marine Corps; and

"(E) the commanders of the unified and specified combatant commands.

"(2) Paragraph (1) shall apply to the National Security Agency as determined appropriate by the Secretary. The Secretary shall establish procedures under which information required for review of the National Security Agency shall be obtained.

**"§ 193. Combat support agencies: duties of the Chairman of the Joint Chiefs of Staff**

"(a) COMBAT READINESS.—(1) Periodically (and not less often than every two years), the Chairman of the Joint Chiefs of Staff shall submit to the Secretary of Defense a report on the combat support agencies. Each such report shall include—

"(A) a determination with respect to the responsiveness and readiness of each such agency to support operating forces in the event of a war or threat to national security; and

"(B) any recommendations that the Chairman considers appropriate.

"(2) In preparing each such report, the Chairman shall review the plans of each such agency with respect to its support of operating forces in the event of a war or threat to national security. After consultation with the Secretaries of the military departments and the commanders of the unified and specified combatant commands, as appropriate, the Chairman may, in accordance with guidelines established by the Secretary of Defense, take steps to provide for any revision of those plans that the Chairman considers appropriate.

"(b) PARTICIPATION IN JOINT TRAINING EXERCISES.—The Chairman shall—

"(1) provide for the participation of the combat support agencies in joint training exercises to the extent necessary to ensure that those agencies are capable of performing their support missions with respect to a war or threat to national security; and

"(2) assess the performance in joint training exercises of each such agency and, in accordance with guidelines established by the Secretary of Defense, take steps to provide for any change that the Chairman considers appropriate to improve that performance.

"(c) READINESS REPORTING SYSTEM.—The Chairman shall develop, in consultation with the director of each combat support agency, a uniform system for reporting to the Secretary of Defense, the commanders of the unified and specified combatant commands, and the Secretaries of the military departments concerning the readiness of each such agency to perform with respect to a war or threat to national security.

"(d) REVIEW OF NATIONAL SECURITY AGENCY.—(1) This section shall apply to the National Security Agency, but only with respect to functions the Agency performs for the Department of Defense.

"(2) The Secretary, after consulting with the Director of Central Intelligence, shall establish policies and procedures with respect to the application of this section to the National Security Agency.

"(3) The Secretary shall submit to Congress a report on any revision of the policies and procedures established under paragraph (2).

**"§ 194. Combat support agency representatives: combatant command headquarters**

"Upon the request of the commander of a unified or specified combatant command, the director of a combat support agency shall assign a representative of that agency to the headquarters of that command.

**"§ 195. Definition of combat support agency**

"In this chapter, the term 'combat support agency' means any of the following:

"(1) The Defense Communications Agency.

"(2) The Defense Intelligence Agency.

"(3) The Defense Logistics Agency.

"(4) The Defense Mapping Agency.

"(5) Any other defense agency designated as a combat support agency by the Secretary of Defense.".

(2) The table of sections at the beginning of such chapter is amended to read as follows:

"Sec.
"191. Authority to provide for common performance of supply or service activities.
"192. Defense agencies: oversight by the Secretary of Defense.
"193. Combat support agencies: duties of the Chairman of the Joint Chiefs of Staff.
"194. Combat support agency representatives: combatant command headquarters.
"195. Definition of combat support agency.
"196. Unauthorized use of Defense Intelligence Agency name, initials, or seal.".

(b) DEFENSE AGENCY DEFINED.—Section 101 of such title is amended by adding at the end the following new paragraph:

"(43) 'Defense agency' means an agency established by the Secretary of Defense under section 191 of this title (or under the second sentence of section 125(d) of this title (as in effect before the date of the enactment of the Department of Defense Reorganization Act of 1986)) to perform a supply or service activity common to more than one military department.".

(c) CONFORMING AMENDMENT.—Section 125 of such title is amended by striking out the last sentence of subsection (d).

(d) TRANSITION PROVISIONS.—

(1) SECRETARY OF DEFENSE REVIEW OF DEFENSE AGENCIES.—The first review under section 192 of title 10, United States Code (as added by subsection (a)(1)), shall be completed not later than the end of the two-year period beginning on the date that the report required by section 202(f) is required to be submitted to Congress.

(2) FUNCTIONS OF CHAIRMAN OF JOINT CHIEFS OF STAFF.—The first report under subsection (a) of section 193 of such title (as added by subsection (a)(1)) shall be submitted, and subsections (b) and (c) of such section shall be implemented, not later than the end of the one-year period beginning on the date of the enactment of this Act. The Secretary of Defense shall provide an interim report on the implementation of such subsections (b) and (c) in the report of the Secretary submitted to Congress for 1987 under section 133(c) of title 10, United States Code, and shall provide a final report on such implementation in the report of the Secretary under such section submitted for 1988.

(3) APPLICATION TO NATIONAL SECURITY AGENCY.—The Secretary of Defense shall, before the end of the 120-day period beginning on the date of the enactment of this Act—

(A) establish the policies and procedures required to be established by subsection (d)(2) of section 193 of such title (as added by subsection (a)(1)) with respect to the application of such section to the National Security Agency; and

(B) submit to Congress a report on such policies and procedures.

SEC. 202. REASSESSMENT OF DEFENSE AGENCIES.

(a) SECRETARY OF DEFENSE.—(1) The Secretary of Defense shall conduct a study of the functions and organizational structure of the defense agencies. The study shall determine the most appropriate means of providing the supplies and services now provided by those agencies, after considering the matters set forth in subsection (d) and the reports submitted under subsection (b).

(2) To the extent that the most appropriate means of providing those supplies and services is determined under paragraph (1) to be the existing defense agency structure, the study shall analyze methods to improve the performance and responsiveness of the defense agencies with respect to the entities to which they provide those supplies and services, particularly with regard to the unified and specified combatant commands.

(b) SERVICE SECRETARIES AND CHAIRMAN OF THE JOINT CHIEFS OF STAFF.—The Chairman of the Joint Chiefs of Staff and the Secretaries of the military departments shall each conduct a study of functions and organizational structure of the defense agencies. The Chairman and Secretaries shall each submit a report to the Secretary of Defense on such study at a time specified by the Secretary. Each such report shall include a discussion of and recommendations concerning each matter set forth in subsection (d).

(c) NATIONAL SECURITY AGENCY.—This section shall apply to the National Security Agency as determined appropriate by the Secretary. The Secretary shall establish procedures under which information required for review of the National Security Agency shall be obtained.

(d) MATTERS CONSIDERED.—The studies required by subsections (a) and (b) shall consider the following matters:

(1) Whether the existing allocation of functions to, and organizational structure of, the defense agencies meets the statutory requirement of providing more effective, economical, or efficient provision of a supply or service activity common to more than one military department and eliminating duplication in the provision of that supply or service activity.

(2) Alternative allocations of authority and functions assigned to the defense agencies, including—

(A) various possible redistributions of responsibilities among those agencies;

(B) transfer of those functions to the military departments;

(C) transfer of those functions to the Office of the Secretary of Defense;

(D) transfer of those functions to the Chairman of the Joint Chiefs of Staff, the commanders of the unified and specified combatant commands, or other joint entities of the Department of Defense;

(E) creation of new defense agencies; and

(F) other organizational changes in the Department of Defense designed to make the performance of those functions more effective, economical, or efficient.

(3) The effect of the amendments made by section 201 on ensuring the readiness and responsiveness of the defense agencies in the event of a war or threat to national security and any additional legislation that the Secretary considers necessary to ensure such readiness and responsiveness.

(4) Additional legislative or administrative actions that the Secretary considers necessary to ensure effective oversight of defense agency resource management, personnel policies, and budget procedures and to clarify the chain of command.

(5) The findings of the report of March 1979 entitled "Report to the Secretary of Defense of the Defense Agency Review" and directed by Major General Theodore Antonelli, United States Army (Retired).

(e) CONSULTATION WITH APPROPRIATE OFFICIALS.—The Secretary, in carrying out the study required by subsection (a), shall consult with the directors of the defense agencies and such other officials as the Secretary considers appropriate.

(f) REPORT.—The Secretary of Defense shall submit to Congress a report that includes the following:

(1) A report on the study required by subsection (a) that includes—

(A) a discussion of and recommendations concerning each matter set forth in subsection (d); and

(B) a discussion of the reports required by subsection (b).

(2) A copy of each report required by subsection (b) and the comments of the Secretary concerning each such report.

(g) DEADLINE FOR SUBMISSION.—The report required by subsection (f) shall be submitted not later than the end of the one-year period beginning on the date of the enactment of this Act.

SEC. 203. REPORT ON IMPROVED APPLICATION OF COMPUTER SYSTEMS TO DEFENSE AGENCY FUNCTIONS.

(a) IN GENERAL.—The Secretary of Defense shall prepare a report describing a plan for the improved application of computer systems to defense agency functions and activities, particularly with respect to the application of new automated data processing equipment and systems to such activities and the replacement of existing equipment and systems with new equipment and systems. The report shall set forth a plan for the rapid replacement of existing automated data processing equipment and systems when necessary for agency functions.

(b) SUBMISSION OF REPORT.—The report required by subsection (a) shall be submitted as part of the report of the Secretary under section 202(f).

## TITLE III—JOINT OFFICER PERSONNEL POLICY

SEC. 301. JOINT OFFICER MANAGEMENT.

(a) ESTABLISHMENT OF JOINT SPECIALTY.—Part II of subtitle A of title 10, United States Code, is amended by inserting after chapter 37 the following new chapter:

### "CHAPTER 38—JOINT OFFICER MANAGEMENT

"Sec.
"661. Joint specialty.
"662. Selection for senior military positions.
"663. Training and education.
"664. Length of joint duty assignments.
"665. Procedures for monitoring careers of joint officers.
"666. Reserve officers not on the active duty list.
"667. Annual report to Congress.
"668. Definitions.

"§ 661. Joint specialty

"(a) ESTABLISHMENT.—The Secretary of Defense shall establish an occupational category for officers of the Army, Navy, Air Force, and Marine Corps on the active-duty list who (in addition to their principal military occupational specialty) are particularly trained in and oriented toward joint matters (as defined in section 668 of this title). Officers with that occupational category shall be identified or designated in such manner as the Secretary of Defense directs. For purposes of this chapter, that category is referred to as the 'joint specialty'.

"(b) NUMBERS AND SELECTION.—

"(1) NUMBER.—The number of officers with the joint specialty shall be determined by the Secretary. Such number shall be large enough to meet the requirements of subsection (d).

"(2) SELECTION OF OFFICERS FOR JOINT SPECIALTY.—Officers shall be selected for the

joint specialty by the Secretary of Defense with the advice of the Chairman of the Joint Chiefs of Staff. The Secretaries of the military departments shall nominate officers for selection for the joint specialty. Nominations shall be made from among officers—

"(A) who meet qualifications prescribed by the Secretary of Defense; and

"(B) who—

"(i) are senior captains or, in the case of the Navy, lieutenants; or

"(ii) are serving in the grade of major or lieutenant commander or a higher grade.

"(c) TRAINING AND EXPERIENCE REQUIREMENTS.—

"(1) GENERAL RULE.—An officer who is nominated for the joint specialty may not be selected for the joint specialty until the officer—

"(A) successfully completes an appropriate program at a joint professional military education school; and

"(B) after completing such program of education, successfully completes a full tour of duty in a joint duty assignment.

"(2) EXCEPTION FOR OFFICERS WITH CRITICAL SKILLS.—An officer who has a critical occupational specialty involving combat operations (as designated by the Secretary of Defense) who is nominated for the joint specialty may be selected for the joint specialty after successful completion of a joint duty assignment of not less than two years and successful completion of a program under paragraph (1)(A). An officer selected for the joint specialty under this paragraph shall be required to complete the generally applicable requirements for selection under paragraph (1)(B) as soon as practicable after such officer's selection.

"(d) JOINT DUTY ASSIGNMENTS.—

"(1) 50 PERCENT REQUIREMENT.—The Secretary of Defense shall ensure that approximately one-half of the joint duty assignment positions in grades above captain or, in the case of the Navy, lieutenant are filled at any time by officers who have (or have been nominated for) the joint specialty.

"(2) CRITICAL ASSIGNMENTS.—The Secretary of Defense shall designate not fewer than 1,000 joint duty assignment positions as critical joint duty assignment positions. Each such position shall be held only by officers with the joint specialty.

"(e) CAREER GUIDELINES.—The Secretary, with the advice of the Chairman of the Joint Chiefs of Staff, shall establish career guidelines for officers with the joint specialty. Such guidelines shall include guidelines for—

"(1) selection;

"(2) training;

"(3) military education;

"(4) types of duty assignments;

"(5) information and guidelines to be furnished by the Secretary of a military department under section 615 of this title for officer selection boards; and

"(6) such other matters as the Secretary considers appropriate.

**"§ 662. Selection for senior military positions**

"(a) POLICY FOR SELECTION FOR SENIOR POSITIONS.—The Secretary of Defense shall establish policies to ensure that, whenever practicable, the criteria set forth in subsection (b) are applied to the selection of an officer for recommendation to the President for—

"(1) appointment as Chairman of the Joint Chiefs of Staff or as a Chief of Service; or

"(2) assignment as the commander of a unified or specified combatant command.

"(b) CRITERIA.—The criteria referred to in subsection (a) are as follows:

"(1) JCS CHAIRMAN.—The criteria for selection of an officer for recommendation for appointment as Chairman of the Joint Chiefs of Staff are that the officer have served as a Chief of Service or as the commander of a unified or specified combatant command.

"(2) CHIEF OF SERVICE.—The criteria for selection of an officer for recommendation for appointment as a Chief of Service are that the officer have had significant experience in joint duty assignments and that such experience include at least one joint duty assignment as a general or flag officer.

"(3) CINC.—The criteria for selection of an officer for recommendation for assignment as the commander of a unified or specified combatant command are that the officer—

"(A) have the joint specialty; and

"(B) have had at least one joint duty assignment as a general or flag officer.

"(c) CHIEF OF SERVICE DEFINED.—In this section, the term 'Chief of Service' means the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, or the Commandant of the Marine Corps.

**"§ 663. Training and education**

"(a) CAPSTONE COURSE FOR NEW GENERAL AND FLAG OFFICERS.—

"(1) REQUIREMENT.—Each officer selected for promotion to the grade of brigadier general or, in the case of the Navy, rear admiral (lower half) shall be required, after such selection, to attend a military education course designed specifically to prepare new flag and general officers to work with the other armed forces.

"(2) WAIVER AUTHORITY.—Subject to paragraph (3), the Secretary of Defense may waive paragraph (1)—

"(A) in the case of an officer whose immediately previous assignment was in a critical joint duty assignment and who is thoroughly familiar with joint warfare matters;

"(B) when necessary for the good of the service;

"(C) in the case of an officer whose proposed selection for promotion is based primarily upon scientific and technical qualifications for which joint requirements do not exist (as determined under regulations prescribed under section 619(e)(4) of this title); and

"(D) in the case of a medical officer, dental officer, veterinary officer, medical service officer, nurse, biomedical science officer, chaplain, or judge advocate.

"(3) LIMITATION ON WAIVER AUTHORITY.—The authority of the Secretary of Defense to grant a waiver under paragraph (2) may only be delegated to the Deputy Secretary of Defense or an Assistant Secretary of Defense. Such a waiver may be granted only on a case-by-case basis in the case of an individual officer.

"(b) JOINT MILITARY EDUCATION SCHOOLS.—The Secretary of Defense shall periodically review and revise the curriculum of schools of the National Defense University (and of any other joint professional military education school) to enhance the education and training of officers in joint military matters. Such schools shall be required to maintain rigorous standards for the military education of officers with the joint specialty.

"(c) OTHER PROFESSIONAL MILITARY EDUCATION SCHOOLS.—The Secretary of Defense shall require that each Department of Defense school concerned with professional military education periodically review and revise its curricula for senior and intermediate grade officers in order to strengthen the focus on—

"(1) joint military operations; and

"(2) preparing officers for joint duty assignments.

"(d) POST-TRAINING DUTY ASSIGNMENTS.—The Secretary shall ensure that—

"(1) unless waived by the Secretary in an individual case, each officer with the joint specialty who graduates from a joint professional military school shall be assigned to a joint duty assignment for that officer's next duty assignment; and

"(2) a high proportion (which shall be significantly greater than 50 percent) of the other officers graduating from a joint professional military school also receive assignments to a joint duty assignment as their next duty assignment.

"(e) OTHER REQUIREMENTS FOR SENIOR OFFICERS.—The Secretary shall take all other practicable measures to improve the training and experience of officers serving in senior joint duty assignments.

**"§ 664. Length of joint duty assignments**

"(a) GENERAL RULE.—The length of a joint duty assignment—

"(1) for general and flag officers shall be not less than three years; and

"(2) for other officers shall be not less than three and one half years.

"(b) WAIVER AUTHORITY.—The Secretary of Defense may waive subsection (a) in any case, but the Secretary shall ensure that the average length of joint duty assignments meets the standards prescribed in that subsection.

"(c) CERTAIN OFFICERS WITH CRITICAL COMBAT OPERATIONS SKILLS.—Joint duty assignments of less than the period prescribed by subsection (a), but not less than two years, may be authorized for the purposes of section 661(c)(2) of this title. Any such assignment shall not be counted for the purposes of determining the average length of joint duty assignments under subsection (b).

**"§ 665. Procedures for monitoring careers of joint officers**

"(a) PROCEDURES.—(1) The Secretary of Defense, with the advice of the Chairman of the Joint Chiefs of Staff, shall establish procedures for overseeing the careers of—

"(A) officers with the joint specialty; and

"(B) other officers who serve in joint duty assignments.

"(2) Such oversight shall include monitoring of the implementation of the career guidelines established under section 661(e) of this title.

"(b) ADVICE OF CHAIRMAN OF JOINT CHIEFS OF STAFF.—The Chairman of the Joint Chiefs of Staff shall advise the Secretaries of the military departments with respect to duty assignments of—

"(1) officers with the joint specialty; and

"(2) other officers serving in joint duty assignments.

"(c) FUNCTION OF JOINT STAFF.—The Secretary shall take such action as necessary to enhance the capabilities of the Joint Staff so that it can—

"(1) monitor the promotions and career assignments of officers with the joint specialty and of other officers who have served in joint duty assignments; and

"(2) otherwise advise the Chairman on joint personnel matters.

**"§ 666. Reserve officers not on the active duty list**

"The Secretary of Defense shall establish personnel policies emphasizing training and experience in joint matters for reserve officers not on the active duty list. Such policies shall, to the extent practicable for the re-

serves components, be similar to the policies provided by this chapter.

"§ 667. Annual report to Congress

"(a) IN GENERAL.—The Secretary of Defense shall include in the annual report of the Secretary to Congress (in that portion of the report relating to management) the following information:

"(1) The number of officers qualifying for the joint specialty and their education and training.

"(2) The promotion rate for officers in the joint specialty compared with the promotion rates for officers in the same armed force and at the same competitive category, shown for all officers of the armed force and for officers serving on the headquarters staff of the military department concerned.

"(3) The promotion rates of other officers serving in joint duty assignments, compared in the same manner as specified in paragraph (2).

"(4) Promotion rates for officers below the zone, shown for officers with the joint specialty and other officers who have served in joint duty assignments, compared in the same manner as specified in paragraph (2).

"(5) An analysis of assignments of officers after selection for the joint specialty.

"(6) The average length of tours of duty in joint duty assignments—

"(A) for general and flag officers, shown separately for assignments to the Joint Staff and other joint duty assignments; and

"(B) for other officers, shown separately for assignments to the Joint Staff and other joint duty assignments.

"(7) In any case in which the information under paragraphs (2) through (6) shows a significant imbalance between officers serving in joint duty assignments and other officers, a description of what action has been taken (or is planned to be taken) by the Secretary to correct the imbalance.

"(8) Any other information or comparative data that shows performance of the Department of Defense and the performance of each military department in carrying out this chapter and section 626a of this title.

"(b) ANNUAL REPORT OF THE SECRETARY DEFINED.—In this section, the term 'annual report of the Secretary' means the annual report of the Secretary of Defense required by section 133(c) of this title.

"§ 668. Definitions

"(a) JOINT MATTERS.—In this chapter, the term 'joint matters' means matters relating to the integrated employment of land, sea, and air forces, including matters relating to—

"(1) national military strategy;

"(2) long-range and contingency planning; and

"(3) command and control of combat operations under unified command.

"(b) JOINT DUTY ASSIGNMENT.—

"(1) IN GENERAL—The Secretary of Defense shall by regulation define the term 'joint duty assignment' for the purposes of this chapter. That definition shall be limited to assignments in which the officer gains significant experience in joint matters and shall exclude—

"(A) assignments for joint training or joint education; and

"(B) assignments within an officer's own military department.

"(2) PUBLICATION.—The Secretary shall publish a list showing—

"(A) the positions that are joint duty assignment positions under such regulation and the number of such positions; and

"(B) of the positions listed under subparagraph (A), those that are critical joint duty assignment positions and the number of such positions.".

(b) CLERICAL AMENDMENTS.—The tables of chapters at the beginning of subtitle A, and at the beginning of part II of subtitle A, of title 10, United States Code, are amended by inserting after the item relating to chapter 37 the following new item:

"38. Joint Officer Management..... 661".

SEC. 302. PROMOTION POLICY FOR JOINT SERVICE OFFICERS.

(a) COMPOSITION OF SELECTION BOARDS.—Section 612 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c) Each selection board that will consider officers who have served in joint duty assignments shall include at least one officer designated by the Chairman of the Joint Chiefs of Staff who is currently serving in a joint duty assignment. The Secretary of Defense may waive the preceding sentence in the case of any selection board of the Marine Corps.".

(b) REVIEW OF PROMOTION LISTS BY CHAIRMAN OF JCS.—Section 618 of such title is amended—

(1) by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively; and

(2) by inserting after subsection (a) the following new subsection (b):

"(b)(1) After completing the requirements of subsection (a), the Secretary concerned shall submit the report to the Chairman of the Joint Chiefs of Staff.

"(2) The Chairman shall review the report in accordance with guidelines prescribed by the Secretary of Defense. After reviewing the report of a selection board, the Chairman may recommend for promotion officers who—

"(A) were considered by the board and not recommended for promotion; and

"(B) have served or are serving in joint duty assignments.

"(3) The number of such officers that the Chairman recommends for promotion in any competitive category considered by the board may not exceed 10 percent of the number of officers that the board was authorized to recommend for promotion in that competitive category (but in any case the Chairman may recommend one such officer).

"(4) After reviewing the report of a selection board, the Chairman shall return the report to the Secretary concerned with the names of officers (if any) who were not recommended for promotion by the selection board and who the Chairman recommends for promotion under paragraph (2). Except as provided under paragraph (5), each such name shall be added to the report of the selection board.

"(5) If the Chairman recommends officers for promotion under paragraph (2), and if (after consulting with the Chairman) the Secretary concerned disagrees with any such recommendation of the Chairman, the Secretary—

"(A) may return the report, together with the Chairman's recommendations and comments, to the selection board for further proceedings in accordance with subsection (a);

"(B) may convene a special selection board in the manner provided for under section 628 of this title for consideration of any such officer on his record; or

"(C) may take other appropriate action to satisfy the concerns of the Chairman.

"(6) If, after completion of all actions taken under paragraph (5), the Secretary concerned and the Chairman remain in disagreement with respect to the selection for promotion of an officer, the Secretary concerned shall indicate such disagreement, and the reasons for such disagreement, as part of his transmittal of the report of the selection board to the Secretary of Defense under subsection (c). Such transmittal shall include the name of each officer recommended by the Chairman."; and

(3) by adding at the end of paragraph (1) of subsection (c) (as redesignated by paragraph (1)) the following new sentences: "If the Secretary concerned and the Chairman of the Joint Chiefs of Staff disagree with respect to a recommendation for promotion by the Chairman under subsection (b), the Secretary of Defense shall, before transmitting the report to the President, decide the matter by directing that the name of an officer recommended for promotion by the Chairman be added to, or not be added to, the report of the selection board for officers recommended for promotion. After final action by the Secretary of Defense, the report of the selection board, as modified in accordance with subsection (b) and the decisions of the Secretary of Defense, shall be considered for all purposes to be the report of the selection board.".

(c) PROMOTION POLICIES FOR JOINT SERVICE OFFICERS.—

(1) RELATIVE PROMOTION RATES.—Chapter 36 of such title is amended by inserting after section 626 the following new section:

"§ 626a. Promotion policy for joint service officers

"The Secretary of Defense shall establish policies to ensure that, whenever practicable, selection of officers on the active-duty list for promotion under this chapter is carried out in a manner consistent with the following policies:

"(1) JOINT STAFF OFFICERS.—Officers who are serving on, or have served on, the Joint Staff shall, as a group, be promoted at a rate not less than the rate for officers of the same armed force in the same grade and competitive category who are serving or have served on the headquarters staff of their armed force.

"(2) JOINT SPECIALTY OFFICERS.—Officers with the joint specialty under chapter 38 of this title shall, as a group, be promoted at a rate not less than the rate for officers of the same armed force in the same grade and competitive category who are serving or have served on the headquarters staff of their armed force.

"(3) OTHER JOINT ASSIGNMENT OFFICERS.—Officers who are serving in, or have served in, joint assignments (other than officers covered by paragraphs (1) and (2)) shall, as a group, be promoted at a rate determined by the Secretary of Defense between—

"(A) the rate for all officers of that armed force in the same grade and competitive category; and

"(B) the rate for officers of the same armed force in the same grade and competitive category who are serving or have served on the headquarters staffs of the military departments.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of such chapter is amended by adding at the end the following new item:

"626a. Promotion policy for joint service officers.".

SEC. 303. JOINT DUTY ASSIGNMENT AS PREREQUISITE FOR PROMOTION TO GENERAL OR FLAG OFFICER RANK.

Section 619 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(e)(1) An officer may not be selected for promotion to the grade of brigadier general or, in the case of the Navy, rear admiral (lower half) unless the officer has served in a joint duty assignment.

"(2) Subject to paragraph (3), the Secretary of Defense may waive paragraph (1)—

"(A) when necessary for the good of the service;

"(B) in the case of an officer whose proposed selection for promotion is based primarily upon scientific and technical qualifications for which joint requirements do not exist;

"(C) in the case of a medical officer, dental officer, veterinary officer, medical service officer, nurse, biomedical science officer, chaplain, or judge advocate; and

"(D) until January 1, 1992, in the case of an officer who the Secretary determines served before the date of the enactment of this subsection in an assignment (other than a joint duty assignment) that involved significant experience in joint matters.

"(3)(A) A waiver may be granted under paragraph (2) only on a case-by-case basis in the case of an individual officer.

"(B) In the case of a waiver under paragraph (2)(A), the Secretary shall provide that the first duty assignment as a general or flag officer of an officer for whom the waiver is granted shall be in a joint duty assignment.

"(C) The authority of the Secretary of Defense to grant a waiver under paragraph (2)(B) or (2)(C) may only be delegated to the Deputy Secretary of Defense or an Assistant Secretary of Defense.

"(4) The Secretary of Defense shall prescribe regulations to carry out this subsection. Such regulations shall specifically identify those categories of officers for which selection for promotion to brigadier general is based primarily upon scientific and technical qualifications for which joint requirements do not exist.".

SEC. 304. ANNUAL REPORT ON IMPLEMENTATION.

The Secretary of Defense shall include in the annual report of the Secretary to Congress under section 133(c) of title 10, United States Code, for each year from 1987 through 1991 (in that portion of the report relating to management) a detailed report on the implementation of this title and the amendments made by this title.

SEC. 305. TRANSITION.

(a) JOINT SPECIALTY.—

(1) INITIAL SELECTIONS.—The Secretary of Defense shall make the initial selections of officers for the joint specialty under chapter 38 of title 10, United States Code, as added by section 301, from among officers in such grades as the Secretary determines.

(2) SPECIAL RULES.—In making such selections, the Secretary—

(A) may waive the requirement of either subparagraph (A) or (B) (but not both) of section 661(c)(1) of title 10, United States Code, as added by section 301, in the case of officers in a grade above captain or, in the case of the Navy, lieutenant and below the grade of brigadier general or rear admiral (lower half); and

(B) may waive the requirements of both subparagraphs (A) and (B) of such sentence in the case of general and flag officers who have served in joint duty assignments.

(3) SUNSET.—The authority provided by this section shall expire two years after the date of the enactment of this Act.

(b) JOINT DUTY ASSIGNMENTS.—(1) Section 661(d) of title 10, United States Code, as added by section 301, shall be implemented as rapidly as possible and not later than two years after the date of the enactment of this Act.

(2) The list of positions that are joint duty assignments required to be published by section 668(b)(2) of such title shall be published not later than the end of the six-month period beginning on the date of the enactment of this Act.

(c) CAREER GUIDELINES.—The career guidelines required to be established by section 661(e) of such title, the procedures required to be established by section 665(a) of such title, and the personnel policies required to be established by section 666 of such title shall be established not later than the end of the six-month period beginning on the date of the enactment of this Act. The provisions of section 665(c) of such title shall be implemented not later than the end of such period.

(d) TRAINING AND EDUCATION.—

(1) CAPSTONE COURSE.—Subsection (a) of section 663 of such title, as added by subsection (a), shall apply with respect to officers selected in reports of officer selection boards submitted to the Secretary concerned after the end of the 120-day period beginning on the date of the enactment of this Act.

(2) REVIEW OF MILITARY EDUCATION SCHOOLS.—(A) The first review under subsections (b) and (c) of such section shall be completed not later than 120 days after the date of the enactment of this Act. The Secretary of Defense shall submit to Congress a report on the results of the review at each Department of Defense school not later than 60 days thereafter.

(B) Such subsections shall be implemented so that the revised curricula take effect with respect to courses beginning after August 1987.

(e) PROMOTION POLICY.—(1) The amendments made by subsections (a) and (b) of section 302 shall take effect with respect to selection boards convened under section 611(a) of title 10, United States Code, after the end of the 120-day period beginning on the date of the enactment of this Act.

(2) Section 626a of title 10, United States Code, as added by section 302(c), shall take effect with respect to selection boards convened under section 611(a) of title 10, United States Code, after the end of the 180-day period beginning on the date of the enactment of this Act.

## TITLE IV—MILITARY DEPARTMENT ORGANIZATION

SEC. 401. REORGANIZATION OF MILITARY DEPARTMENTS BY THE SECRETARY OF DEFENSE.

(a) IN GENERAL.—The Secretary of Defense shall reorganize the executive part of the military departments in accordance with the provisions of this title.

(b) REORGANIZATION POLICIES.—In carrying out the reorganization required by subsection (a), the Secretary of Defense shall implement the following policies:

(1) Each military department shall have a single integrated staff for the executive part of the department, rather than separate civilian secretariat and military staffs.

(2) Commissioned officers serving on the new military department staff shall not constitute or be organized as a separate component within the staff (other than the personal staff of a Service Chief).

(3) The functional assignments of the assistant secretaries of the military departments shall be as uniform as possible across the military departments. In implementing this policy, the Secretary shall limit exceptions to the greatest extent possible.

(4) Senior civilian officials on the department staff who are political appointees shall not be placed in a position subordinate to a military officer.

(5) The size of the department staffs shall be substantially reduced from the combined size of the prior secretariat and military staffs, with functions to be shifted to appropriate joint staffs or to subordinate commands outside the seat of government.

(6) The existing staff functions in the executive part of a military department relating to the reserve components shall not be abolished or consolidated with other elements of the military department staff (other than the consolidation of existing military staff and civilian secretariat staff functions relating to the reserve components).

(7) The position of Administrative Assistant in the Department of the Army provided for under section 3016 of title 10, United States Code, shall not be abolished and the other military departments may be authorized to have a similar position.

(c) LIMITATION ON FUTURE ADMINISTRATIVE REORGANIZATION OF THE MILITARY DEPARTMENTS.—After the reorganization required by this section is implemented, no reorganization may be made within the Department of Defense that would be inconsistent with the policies set forth in subsection (b).

(d) SUPERVISORY CONTROL OF MILITARY PERSONNEL.—Nothing in this title limits the authority of a Service Chief, under the authority, direction, and control of the Secretary concerned, to exercise supervisory control over members of the Armed Forces under his jurisdiction, especially with respect to personnel matters, in the manner exercised by the Service Chief before the enactment of this Act.

SEC. 402. EXECUTIVE PART OF MILITARY DEPARTMENTS.

(a) IN GENERAL.—The executive part of each of the military departments is composed of the following:

(1) The Secretary of the military department.

(2) The Under Secretary.

(3) The Assistant Secretaries.

(4) The general counsel.

(5) The Chief of Staff and, in the case of the Department of the Navy, the Chief of Naval Operations and the Commandant of the Marine Corps.

(6) The Vice Chief of Staff or, in the case of the Department of the Navy, the Vice Chief of Naval Operations and the Assistant Commandant of the Marine Corps.

(7) Deputy Chiefs of Staff and, in the case of the Department of the Navy, Deputy Chiefs of Naval Operations.

(8) The Administrative Assistant, in the case of the Department of the Army and any other military department with a similar position.

(9) Other offices or positions provided by law to be in the executive part of the military department.

(10) Civilian personnel in the military department assigned or detailed to the executive part of the military department.

(11) Other members of the Armed Forces assigned or detailed to the executive part of the military department.

(b) ASSISTANT SECRETARIES.—

(1) FUNCTIONS.—The Assistant Secretaries of the military departments shall be assigned the following areas of responsibility by the Secretary of Defense:

(A) Manpower functions.

(B) Reserve affairs functions.

(C) Financial management and comptroller functions.

(D) Research and development functions.

(E) Acquisition functions.
(F) Logistics functions.
(G) Installations functions.
(H) In the case of the Department of the Army, civil works functions.

(2) NUMBER.—There shall be four Assistant Secretaries in each military department, plus an additional Assistant Secretary in the Department of the Army for civil works functions.

(c) PERSONAL STAFFS OF SERVICE SECRETARIES AND SERVICE CHIEFS.—The Secretary of each military department and each Service Chief may each have a personal staff of not more than 30 persons. The Administrative Assistant, and the staff of the Administrative Assistant, of a military department shall not be counted as part of the personal staff of the Secretary of the military department under this subsection.

(d) LIMITATION ON SIZE OF MILITARY DEPARTMENT STAFF.—The total number of persons assigned or detailed to the department staff or staffs of a military department may not exceed 85 percent of the total number of persons on the service secretariat and headquarters staff or staffs of that military department before the reorganization of that department under this Act. The Secretary of Defense shall ensure that the reduction of the number of persons on staffs of military headquarters results in a reduction in the number of persons that are assigned to duty in the Washington, D.C., area.

SEC. 403. LIMITATION OF DEPARTMENT STAFF FUNCTIONS.

(a) JOINT STAFF.—The Secretary of Defense, in carrying out the reorganization required by this title, shall provide that operation and planning responsibilities that are duplicated by the staff of the Joint Chiefs of Staff shall be shifted to that staff.

(b) DECENTRALIZATION OF NON-HEADQUARTERS FUNCTIONS.—The Secretary of Defense, in carrying out the reorganization required by this title, and the Secretaries of the military departments shall provide that functions that may be performed by subordinate commands outside of the Washington, D.C., area shall be reassigned to those commands.

SEC. 404. RESPONSIBILITIES OF SERVICE SECRETARIES.

(a) INTELLIGENCE ACTIVITIES.—Subject to the authority, direction, and control of the Secretary of Defense, the Secretary of a military department is responsible to the Secretary of Defense for the effective supervision and control of the intelligence activities of that military department.

(b) OPERATIONAL READINESS.—The Secretary of a military department, in organizing, training, and equipping forces under the jurisdiction of the Secretary, shall ensure the operational readiness of such forces.

SEC. 405. IMPLEMENTATION AND REPORT.

(a) IMPLEMENTATION.—The Secretary of Defense shall complete implementation of this title not later than September 30, 1987.

(b) REPORT.—The Secretary shall submit to Congress a report on such implementation. The report shall be submitted not later than 30 days after the date provided under subsection (a). The report shall include a draft of legislation to make conforming changes to title 10, United States Code, and other appropriate provision of law to reflect the reorganization carried out pursuant to section 401 and the effect of the other provisions of this title.

SEC. 406. DEFINITION.

For purposes of this title, the term "Service Chief" means any of the following:
(1) The Chief of Staff of the Army.
(2) The Chief of Naval Operations.
(3) The Chief of Staff of the Air Force.
(4) The Commandant of the Marine Corps.

## TITLE V—MISCELLANEOUS

SEC. 501. ANNUAL REPORT ON NATIONAL SECURITY STRATEGY.

(a) REPORT REQUIREMENT.—The President shall submit to the Committees on Armed Services and Foreign Relations and the Select Committee on Intelligence of the Senate and the Committees on Armed Services and Foreign Affairs and the Permanent Select Committee on Intelligence of the House of Representatives each year a comprehensive written report on the national security strategy of the United States. The President shall submit such report on the same date each year on which he submits the budget to Congress pursuant to section 1105 of title 31, United States Code.

(b) CONTENTS OF REPORT.—The report referred to in subsection (a) shall include—

(1) a comprehensive discussion of the vital interests, goals, and objectives of the United States throughout the world;

(2) a coordinated and comprehensive description of the foreign policy, worldwide commitments, and national defense capabilities of the United States necessary to deter aggression and to implement the national security strategy of the United States;

(3) a discussion of the proposed short-term and long-term uses of the political, economic, military, and other elements of the national power of the United States to protect or promote the interests and achieve the goals and objectives referred to in clause (1);

(4) a discussion of the adequacy of the capabilities of the United States to carry out the national security strategy of the United States, including an evaluation of the balance among the capabilities of all elements of the national power of the United States to support the implementation of the national security strategy; and

(5) such other pertinent information as may be necessary to help inform Congress on matters relating to the overall foreign policy strategy and military strategy of the United States.

(c) CLASSIFICATION.—The report referred to in subsection (a) shall be transmitted in a classified and an unclassified form.

SEC. 502. MANAGEMENT STUDIES OF OFFICE OF THE SECRETARY OF DEFENSE.

(a) SECRETARY OF DEFENSE STUDY.—The Secretary of Defense shall conduct a study on the functions and organization of the Office of the Secretary of Defense. The study shall examine the functions, divisions of responsibility, and management structure of the Office, including each of the matters specified in subsection (c).

(b) SERVICE SECRETARIES AND CHAIRMAN OF THE JOINT CHIEFS OF STAFF.—The Chairman of the Joint Chiefs of Staff and the Secretaries of the military departments shall each conduct a study of the functions and organization of the Office of the Secretary of Defense. The Chairman and Secretaries shall each submit a report to the Secretary of Defense on such study at a time specified by the Secretary. Each such report shall include a discussion of and recommendations concerning each matter specified in subsection (c).

(c) MATTERS TO BE INCLUDED.—The studies required by subsections (a) and (b) shall include consideration of the following:

(1) Whether the present allocation of functions to, and the organizational structure of, the Office constitutes the most effective, efficient, and economical allocation and structure.

(2) Whether the present organization of the Office is the most effective and efficient for the functions of policy initiation, development, and articulation.

(3) Whether the present organization of the Office best ensures that military strategy and military planning are dictated by considerations of national policy and strategy.

(4) Whether effective civilian control of the Department of Defense is best provided by the present structure of the Office, including civilian control of—
(A) policy planning;
(B) force planning;
(C) program development;
(D) budget development;
(E) program execution; and
(F) program review.

(5) Means to improve and strengthen the evaluation function, with particular reference to the findings and recommendations set forth in the final report of the Defense Organization Project of the Georgetown University Center for Strategic and International Studies, entitled "Toward A More Effective Defense" and published in February 1985.

(6) Means to improve and strengthen the oversight function within each element of the Office.

(7) Factors inhibiting efficient and effective execution of the functions of the Office, including factors relating to—
(A) duplication of functions (both within the Office and between the Office and other elements of the Department);
(B) insufficient information; and
(C) insufficient resources (including personnel).

(8) Alternative allocations of authorities and functions of the Office and other reorganization proposals for the Office, including the desirability of—
(A) establishing the Office by law;
(B) establishing Under Secretaries of Defense for mission-oriented areas of responsibility;
(C) establishing the Secretaries of the military departments as Undersecretaries of Defense;
(D) eliminating functional descriptions or designations of Assistant Secretaries of Defense by law;
(E) revising the planning, programming, and budgeting system to strengthen policy and strategy direction;
(F) decentralizing functions of the Office;
(G) reducing the number of officials reporting directly to the Secretary of Defense; and
(H) changing the number of military and civilian personnel in the Office.

(d) ANALYSIS OF CIVILIAN CONTROL.—The Secretary of Defense, in considering under subsection (c)(4) whether effective civilian control of the Department of Defense is best provided by the current structure of the Office, shall examine the functions performed in the Office by members of the Armed Forces on active duty and the functions performed by members in a retired status serving in civilian positions. Such examination shall include determination of—

(1) the number of positions in the Office in grades GS-9 (or the military equivalent) and above held by members of the Armed Forces on active duty, shown for each pay grade by number and as a percentage of the total number of positions in the Office in the pay grade concerned; and

(2) the number of such positions held by members of the Armed Forces in a retired status, shown in the same manner as provided under paragraph (1).

(e) CONSULTATION WITH OTHER APPROPRIATE OFFICIALS.—The Secretary of Defense, in car-

rying out the study required by subsection (a), shall consult with and obtain the views of the Under Secretaries and Assistant Secretaries of Defense, the directors of the defense agencies, and such other officials as the Secretary considers appropriate.

(f) INDEPENDENT CONTRACTOR STUDY.—The Secretary shall provide for an independent study to be carried out by a contractor to consider the same matters considered in the study of the Secretary under subsection (a). The Secretary shall ensure that the contractor has full access to such information as the contractor requires and that the contractor otherwise receives full cooperation from all Department of Defense officials and entities.

(g) REPORT TO CONGRESS.—(1) The Secretary of Defense shall submit to Congress a report on the Secretary's study under subsection (a). The report shall include—

(A) the findings and conclusions of the Secretary with respect to each of the matters set forth in subsection (c);

(B) the findings and statistical determinations required under subsection (d); and

(C) any recommendations of the Secretary for organizational changes in the Office of the Secretary of Defense and a description for the means for implementing each such recommendation.

(2) The Secretary shall include with the report a copy of each report to the Secretary under subsection (b) and a copy of the report of the independent contractor under subsection (e), together with such comments on each such report as the Secretary considers appropriate.

(3) The report under this subsection shall be submitted not later than one year after the date of the enactment of this Act.

SEC. 503. REDUCTION OF REPORTING REQUIREMENTS.

(a) POLICY.—It is the policy of Congress to reduce the administrative burden placed on the Department of Defense by requirements for reports, studies, and notifications to be submitted to Congress through the elimination of outdated, redundant, or otherwise unnecessary report requirements.

(b) COMPILATION OF EXISTING REPORT REQUIREMENTS.—(1) The Secretary of Defense shall compile a list of all provisions of law currently in effect that require the President, with respect to national defense functions of the Government, or any official or employee of the Department of Defense to submit in writing any report, notification, or study to Congress or any committee of Congress.

(2) The Secretary shall submit to Congress the list compiled under paragraph (1) not later than six months after the date of the enactment of this Act. The Secretary shall include with such list (with respect to each report, notification, or study shown on the list) the following:

(A) The date the requirement for such report, notification, or study was first imposed by law.

(B) The Secretary's assessment of the continuing utility of such requirement to Congress and to the executive branch.

(C) The Secretary's assessment of the administrative burden of such requirement and how such burden relates to the utility of the report, notification, or study.

(D) The Secretary's recommendation as to whether such requirement should be retained, modified, or repealed.

(3) The matter submitted under paragraph (2) shall also include any recommendation of the Secretary for consolidation of different requirements for reports, notifications, and studies and a draft of legislation to implement any changes in law recommended by the Secretary.

(c) PARTIAL TERMINATION OF PROGRAMS ON LIST.—Except as provided in subsection (d), effective as of the end of the first session of the 100th Congress, each provision of law shown on the list submitted under subsection (b) that is contained in title 10, 32, or 37, United States Code, or in any Act authorizing appropriations or making appropriations for military functions of the Department of Defense (including military construction and military family housing functions) and that is recommended by the Secretary of Defense under subsection (b)(2)(D) to be repealed shall not be effective to the extent such provision requires the submission in writing of a report, notification, or study shown on the list.

(d) EXCEPTIONS.—Subsection (c) shall not apply to any provision of law enacted on or after the date of enactment of this Act or to any provision of law that requires the submission of the following reports, notifications, and studies:

(1) The annual reports, statements, and recommendations required by section 133(c) of title 10, United States Code, relating to the accomplishments of the Department of Defense.

(2) The annual report required by section 133(e) of such title, relating to foreign policy, major military missions, and military force structure.

(3) The reports required by subsection (b)(5) of section 136a of such title and the annual report required by subsection (g) of such section, relating to operational test and evaluation activities.

(4) The annual report required by section 133a of such title, relating to North Atlantic Treaty Organization readiness.

(5) The reports required by section 1464(c) of such title, relating to the status of the Department of Defense Military Retirement Fund.

(6) The annual report required by section 2208(k) of such title, relating to the condition and operation of working-capital funds.

(7) The notifications required by section 2233a(a)(1) of such title, relating to expenditures and contributions for acquisition of facilities for reserve components.

(8) The notifications required by section 2304(c)(7) of such title, relating to the use of procurement procedures other than competitive procedures.

(9) The notifications required by section 2306(h)(3) of such title, relating to cancellation ceilings in certain multiyear contracts.

(10) The annual report required by section 2313(d)(4) of such title, relating to subpoenas issued by the Director of the Defense Contract Audit Agency to obtain contractor records.

(11) The annual report required by section 2349 of such title, relating to North Atlantic Treaty Organization acquisition and cross-servicing agreements.

(12) The semiannual report required by section 2357 of such title, relating to contracts in excess of $50,000 entered into by the military departments for research and development.

(13) The notifications required by section 2394(b)(2) of such title, relating to contracts for energy or fuel.

(14) The annual report required by section 2397(e) of such title, relating to the names of certain employees and former employees of defense contractors.

(15) The notifications required by clauses (B) and (C) of section 2401(b)(1) of such title, the cost analyses required by section 2401(e)(1) of such title, and the reports required by section 2401(e)(2) of such title, all relating to the long-term lease or charter of vessels and aircraft by the military departments.

(16) The notifications required by subsection (e)(1) of section 2403 of such title and the annual report required by subsection (e)(2) of such section, relating to waivers of certain requirements for contractor guarantees.

(17) The notifications required by paragraphs (1) and (2) of section 2407(d) of such title, relating to certain contracts awarded by the Department of Defense in connection with North Atlantic Treaty Organization cooperative agreements.

(18) The annual report required by section 2457(d) of such title, relating to the policy to standardize equipment, ammunition, and fuel procured for the use of United States military forces stationed in Europe under the North Atlantic Treaty.

(19) The reports required by subsection (a) or (e) of section 2662 of such title and the annual report required by subsection (b) of such section, relating to certain real property transactions.

(20) The proposals referred to in section 2667a(b)(1) of such title, relating to sale and replacement of nonexcess real property.

(21) The notifications required by section 2672(b) of such title, relating to acquisitions of interests in land for more than $100,000.

(22) The notifications required by section 2676(d) of such title, relating to reductions in scope and increases in cost of a land acquisition.

(23) The notifications required by section 2687(b) of such title, relating to base closures and realignments.

(24) The annual report required by section 2779(b)(4) of such title, relating to the use of funds appropriated for the elimination of certain losses caused by fluctuations in currency exchange rates of foreign countries.

(25) The reports required by section 133b of such title, relating to sales or transfers of certain defense articles.

(26) The reports required by section 2803(b) of such title, relating to emergency military construction projects carried out under section 2803 of such title.

(27) The reports required by section 2804(b) of such title, relating to military construction projects not authorized by law.

(28) The notifications required by paragraphs (2) and (3) of section 2805(b) of such title, relating to minor construction in connection with certain relocations of activities from one installation to another.

(29) The reports required by section 2806(c)(2) of such title, relating to contributions for North Atlantic Treaty Organization Infrastructure.

(30) The notifications required by subsection (b) of section 2807 of such title and the reports required by subsection (c) of such section, relating to architectural and engineering services and construction design in connection with military construction or military family housing projects.

(31) The notifications required by section 2808(b) of such title, relating to military construction projects in the event of a declaration of war or national emergency.

(32) The justifications and economic analyses required by section 2809(a)(4) of such title, relating to long-term contracts for the construction, management, and operation of certain facilities.

(33) The notifications and justifications required by section 2823(b) of such title, re-

lating to disagreements on the availability of suitable alternative housing at locations in the United States where family housing is proposed to be constructed.

(34) The notifications required by section 2827(b) of such title, relating to relocation of military family housing units.

(35) The economic analyses required by section 2828(g)(6)(A) of such title, relating to leasing military family housing facilities.

(36) The notifications required by section 2834(b) of such title, relating to agreements with the Secretary of State for the use of Department of State housing and related services by Department of Defense personnel.

(37) The notifications required by subsections (d) and (e) of section 2853 of such title, relating to reductions in the scope of work or increases in the cost of military construction projects.

(38) The notifications required by section 2854(b) of such title, relating to repair, restoration, or replacement of damaged or destroyed military facilities.

(39) The annual request required by section 2859 of such title, relating to military construction authorizations.

(40) The annual report required by section 2861(a) of such title, relating to military construction activities and military family housing activities.

(41) The annual report required by section 138(c)(3) of such title, relating to military and civilian personnel and strength levels, certain other manpower requirements, base structures, and certain requirements for and information on officers.

(42) The annual report required by section 138(d)(2) of such title, relating to average student training loads.

(43) The annual report required by section 138(e) of such title, relating to operations and maintenance.

(44)(A) The annual and supplemental reports required by section 139 of such title, relating to weapons development and procurement schedules, including the matter required by section 53(b) of the Arms Export Control Act (95 Stat. 1524; 22 U.S.C. 2795b(b)) to be included in such annual reports.

(B) The Selected Acquisition Reports required by section 139a of such title. The notifications in lieu of such supplemental reports under subsection (b) of such section.

(46) The notifications required by subsection (d)(3) of section 139b of such title and reports required by subsection (e) of such section, relating to increases in program acquisition unit costs and procurement unit costs of certain major defense acquisition programs.

(47) The notifications required by section 7307(b)(2) of such title, relating to the disposition of naval vessels to foreign nations.

(48) The quarterly report required by section 7434 of title 10, United States Code, relating to the production from the naval petroleum reserve.

(49) The annual report required by section 406(i) of title 37, United States Code, relating to dependents accompanying members of the Armed Forces stationed outside the United States.

(50) The statements and quarterly report required by subsections (c) and (e) of section 709 of the Department of Defense Appropriation Authorization Act, 1975 (88 Stat. 408; 50 U.S.C. App. 2403-1(e)), relating to the export of certain goods, technology, and industrial techniques.

(51) The notifications, summaries, certifications, and reports required by subsections (a), (b), and (c) of section 502 of the Department of Defense Authorization Act, 1981 (10 U.S.C. 2304 note), relating to conversion of performance of commercial and other type functions from Department of Defense personnel to private contractors.

(52) The notifications required by section 1201(c) of the Department of Defense Authorization Act, 1984 (Public Law 98-94; 97 Stat. 678), relating to transfers of amounts of authorizations.

(53) The reports and assessments required by section 1231 of the Department of Defense Authorization Act, 1984 (Public Law 98-94; 97 Stat. 693), relating to certain intercontinental ballistic missile systems.

(54) The reports required by section 307(b)(3) of the Department of Defense Authorization Act, 1985 (98 Stat. 2515; 10 U.S.C. 2304 note), relating to waivers of a prohibition on contracting out certain logistics activities.

(55) The annual report required by section 1002(d)(1) of the Department of Defense Authorization Act, 1985 (98 Stat. 2575; 22 U.S.C. 1928 note), relating to the supply of munitions and certain aircraft facilities in support of the North Atlantic Treaty Organization.

(56) The annual report required by section 1002(d)(2) of the Department of Defense Authorization Act, 1985 (98 Stat. 2575; 22 U.S.C. 1928 note), relating to the status and cost of the United States commitment to the North Atlantic Treaty Organization and certain activities of other North Atlantic Treaty Organization members.

(57) The annual reports required by subsections (c) and (d) of section 1003 of the Department of Defense Authorization Act, 1985 (98 Stat. 2576; 22 U.S.C. 1928 note), relating to allied contributions to the common defense.

(58) The annual report required by section 1102 of the Department of Defense Authorization Act, 1985 (98 Stat. 2850; 10 U.S.C. 2872 note (formerly 10 U.S.C. 139 note)), relating to the Strategic Defense Initiative and any other antiballistic missile defense program.

(59) The notifications required by section 1501(c) of the Department of Defense Authorization Act, 1985 (Public Law 98-525; 98 Stat. 2626), relating to transfers of amounts of authorizations.

(60) The reports required by section 1536(g) of the Department of Defense Authorization Act, 1985 (98 Stat. 2633; 46 U.S.C. 1120 note), relating to the Commission on Merchant Marine and Defense.

(61) The certification required by section 125(a)(1) of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 601), relating to any new contract for the procurement of 5-ton trucks.

(62) The legislative environmental impact statement required by section 209(c) of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 610), relating to full-scale development of a small intercontinental ballistic missile or the selection of basing areas for the deployment of such missile.

(63) The certification required by section 222 of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 613), relating to termination of a prohibition of deployment of a strategic defense system.

(64) The reports required by section 223 of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 613), relating to the Strategic Defense Initiative.

(65) The quarterly reports required by section 502(c) of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 621), relating to the obligation of funds appropriated for civilian personnel.

(66) The report required by section 1002 of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 705), relating to Soviet compliance with arms control commitments.

(67) The annual report required by section 1221(d)(2) of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 727), relating to a research program to support the polygraph activities of the Department of Defense.

(68) The annual reports required by section 1407 of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 745); relating to unobligated balance in appropriation accounts.

(69)(A) The certifications required by subsections (b) and (c)(2) of section 1411 of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 745), relating to the procurement or assembly of binary chemical weapons.

(B) The report required by subsection (e) of such section, relating to consultations among North Atlantic Treaty Organization member nations concerning North Atlantic Treaty Organization's chemical deterrent posture.

(70) The annual reports required by section 704 of the Military Construction Authorization Act, 1982 (Public Law 97-99; 95 Stat. 1377), relating to contracts for construction in the United States and its possessions.

(71) The economic analyses required by section 802(d)(1) of the Military Construction Authorization Act, 1984 (97 Stat. 784; 10 U.S.C. 2821 note), relating to proposed military housing rental guarantee agreements.

(72) The notifications required by section 803(b)(2) of the Military Construction Authorization Act, 1984 (97 Stat. 785; 10 U.S.C. 2821 note), relating to waivers of a requirement to use manufactured or factory-built housing fabricated in the United States by a United States contractor for military family housing construction in foreign countries.

(73) The report required by section 840(d) of the Military Construction Authorization Act, 1986 (Public Law 99-167; 99 Stat. 998), relating to the sale of land at Fort Jackson, South Carolina.

(74) The notifications required by the proviso in section 8005(m) of the Department of Defense Appropriations Act, 1985 (as contained in section 101(h) of Public Law 98-473 (98 Stat. 1923)), relating to unusual cost overruns incident to overhaul, maintenance, and repair for certain ships.

(75) The annual report required by section 8104(b) of the Department of Defense Appropriations Act, 1985 (as contained in section 101(h) of Public Law 98-473; (98 Stat. 1942)), relating to consultations with members of common defense alliances concerning Strategic Defense Initiative research.

(76) The notifications required by section 8020 or 8021 of the Department of Defense Appropriations Act, 1986 (as contained in section 101(b) of Public Law 99-190; (99 Stat. 1206)), relating to transfers of working capital funds.

(77) The notifications required by section 8021 of the Department of Defense Appropriations Act, 1986 (as contained in section 101(b) of Public Law 99-190; (99 Stat. 1206)), relating to the obligation of working capital funds to procure war reserve material inventory.

*(78) The notifications required by section 8042 of the Department of Defense Appropriations Act, 1986 (as contained in section 101(b) of Public Law 99-190 (99 Stat. 1210)), relating to the availability of appropriated funds for intelligence or special activities different from activities justified to the Congress.*

*(79) The notification required by section 8075 of the Department of Defense Appropriations Act, 1986 (as contained in section 101(b) of Public Law 99-190; 99 Stat. 1214), relating to the acquisition of certain types of weapons, subsystems, and munitions of European North Atlantic Treaty Organization manufacture.*

*(80) The certification required by section 8097 of the Department of Defense Appropriations Act, 1986 (as contained in section 101(b) of Public Law 99-190; 99 Stat. 1219), relating to the obligation or expenditure of funds to carry out a test of the Space Defense System (anti-satellite weapon) against an object in space.*

*(81) The annual report required by the third proviso in the undesignated paragraph under the heading "FOREIGN CURRENCY FLUCTUATION, CONSTRUCTION, DEFENSE" in the Military Construction Appropriation Act, 1980 (Public Law 96-130; 93 Stat. 1019), relating to transfers of appropriated funds to eliminate losses in military construction or expenses of family housing caused by fluctuations in foreign currency exchange rates of foreign countries.*

*(82) The reports required by section 125(a) of the Military Construction Appropriations Act, 1985 (as contained in section 101(e) of Public Law 98-473; 98 Stat. 883), relating to terminations of a prohibition on the availability of appropriated military construction funds to foreign governments ineligible to receive such funds by reason of inadequate drug control measures.*

*(83)(A) The semiannual report required by section 5(b) of the Inspector General Act of 1978 (5 U.S.C. App. 3), relating to activities of the Inspector General of the Department of Defense.*

*(B) The reports required by section 5(d) of such Act (5 U.S.C. App. 3), relating to particular cases of problems, abuses, or deficiencies which have come to the attention of the Inspector General of the Department of Defense.*

*(C) The statements required by paragraphs (3) and (4) of section 8(b) of such Act (5 U.S.C. App. 3), relating to the exercise of certain authority of the Secretary of Defense with respect to the activities of the Inspector General of the Department of Defense.*

*(84) The requirement to furnish information and to report to Congress concerning intelligence activities as provided in title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.).*

*(85) Reports and information required to be furnished under the following provisions of law:*

*(A) Section 1601(e) of title 10, United States Code, relating to the Defense Intelligence Senior Executive Service.*

*(B) Section 1604(e) of title 10, United States Code, relating to termination of certain Defense Intelligence Agency personnel.*

*(C) Section 1605 of title 10, United States Code, relating to benefits and allowances for certain Defense Intelligence Agency civilian personnel.*

*(D) Section 431 of title 37, United States Code, relating to benefits and allowances for certain military personnel assigned to the Defense Intelligence Agency.*

*(e) CHANGE FROM QUARTERLY TO ANNUAL REPORT.—Section 406(i) of title 37, United States Code, is amended—*

*(1) by striking out "quarter" in the matter preceding clause (1); and*

*(2) by striking out "quarter" in clauses (1) and (2) and inserting in lieu thereof "fiscal year".*

## *TITLE VI—JOINT CHIEFS OF STAFF*

### *SEC. 601. CHAIRMAN OF JOINT CHIEFS OF STAFF TO BE PRINCIPAL MILITARY ADVISER.*

*(a) ROLE OF CHAIRMAN AS HEAD OF JCS AND PRINCIPAL MILITARY ADVISER.—(1) Subsections (a) and (b) of section 141 of title 10, United States Code, are amended to read as follows:*

*"(a) There are in the Department of Defense the Joint Chiefs of Staff, headed by the Chairman of the Joint Chiefs of Staff. In addition to the Chairman, the Joint Chiefs of Staff consist of the following:*

*"(1) The Chief of Staff of the Army.*

*"(2) The Chief of Naval Operations.*

*"(3) The Chief of Staff of the Air Force.*

*"(4) The Commandant of the Marine Corps.*

*"(b) The Chairman of the Joint Chiefs of Staff is the principal military adviser to the President, the National Security Council, and the Secretary of Defense. The Joint Chiefs of Staff, as a body, shall provide advice to the President and the Secretary of Defense on matters with respect to which such advice is requested.".*

*(2) Subsection (c) of such section is amended—*

*(A) by striking out the matter preceding clause (1) and inserting in lieu thereof the following:*

*"(c) Subject to the overall authority and direction of the President and the Secretary of Defense, the Chairman (in consultation, as appropriate, with the other members of the Joint Chiefs of Staff and with the commanders of the unified and specified commands) shall—";*

*(B) by striking out "and" at the end of paragraph (7);*

*(C) by redesignating paragraph (8) as paragraph (9); and*

*(D) by inserting after paragraph (7) the following new paragraph (8):*

*"(8) submit program recommendations and budget proposals to the Secretary during each budget cycle based on—*

*"(A) guidance provided by the Secretary;*

*"(B) program and budget proposals submitted by the commanders of the unified and specified combatant commands; and*

*"(C) recommendations (as appropriate) submitted by the military departments and other components of the Department of Defense; and".*

*(b) CHAIRMAN TO FORWARD JCS ADVICE.—Section 142(b)(3) of such title is amended by striking out "of those issues upon which the Joint Chiefs of Staff have not agreed" and inserting in lieu thereof "of the military advice of the Joint Chiefs of Staff as a body on those matters with respect to which such advice is requested by the President or the Secretary of Defense (including advice on those matters on which the members of the Joint Chiefs of Staff have not agreed)".*

*(c) ADVICE CONCERNING ESTABLISHMENT OF COMBATANT COMMANDS.—Section 124(a) of such title is amended by inserting "of the Chairman" after "advice and assistance".*

*(d) CONFORMING AMENDMENT.—Section 5081(d) of such title is amended by striking out "to the President and".*

### *SEC. 602. RIGHT OF INDIVIDUAL MEMBERS OF JCS TO PROVIDE SEPARATE VIEWS.*

*Section 141(d) of title 10, United States Code, is amended—*

*(1) by inserting "(1)" after "(d)"; and*

*(2) by adding at the end thereof the following new paragraph:*

*"(2) A member of the Joint Chiefs of Staff other than the Chairman may submit to the Secretary of Defense any opinion in disagreement with military advice of the Chairman or of the Joint Chiefs of Staff. The Chairman shall submit to the Secretary of Defense any opinion by another member of the Joint Chiefs of Staff in disagreement with military advice of the Chairman that is submitted to the Secretary. Any such opinion in disagreement shall accompany such military advice. If that military advice is submitted to the President, such opinion in disagreement shall be submitted with such military advice. After first informing the Secretary of Defense, such a member of the Joint Chiefs of Staff may submit to the President any opinion in disagreement with military advice of the Chairman or of the Joint Chiefs of Staff.".*

### *SEC. 603. CHAIN OF COMMAND.*

*Section 142(c) of title 10, United States Code, is amended—*

*(1) by inserting "(1)" after "(c)"; and*

*(2) by adding at the end thereof the following new paragraph:*

*"(2) The President or Secretary of Defense may direct that the national military chain of command runs to the commanders of the unified and specified combatant commands through the Chairman.".*

### *SEC. 604. SUPERVISION OF COMBATANT COMMANDS.*

*Section 124(c)(2) of title 10, United States Code, is amended by striking out "acts as the spokesman for the commanders of the combatant commands" and inserting in lieu thereof "supervises the commanders of the combatant commands and acts as their spokesman".*

### *SEC. 605. TERM OF CHAIRMAN.*

*(a) EXTENSION OF TERM TO FOUR YEARS.—Section 142(a) of title 10, United States Code, is amended—*

*(1) by inserting "(1)" after "(a)";*

*(2) by striking out "for a term of two years,"; and*

*(3) by adding at the end thereof the following new paragraphs:*

*"(2) Except as provided in paragraph (3), the Chairman serves for a term of four years.*

*"(3) In the event of the death, retirement, resignation, or reassignment of the officer serving as Chairman before the end of the term for which the officer was appointed, an officer appointed to fill the vacancy shall serve as Chairman only for the remainder of the original term.".*

*(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to appointments to the position of Chairman of the Joint Chiefs of Staff made on or after the date of the enactment of this Act, except that the first such appointment made on or after the date of the enactment of this Act shall be for a term ending on June 30, 1990.*

### *SEC. 606. DEPUTY CHAIRMAN.*

*(a) ESTABLISHMENT OF POSITION OF DEPUTY CHAIRMAN.—(1) Chapter 5 of title 10, United States Code, is amended by inserting after section 142 the following new section:*

***"§ 142a. Deputy Chairman***

*"(a)(1) There is a Deputy Chairman of the Joint Chiefs of Staff. The Deputy Chairman*

*shall be appointed by the President, by and with the advice and consent of the Senate, from the officers of the regular components of the armed forces.*

*"(2) The Chairman and Deputy Chairman may not be members of the same armed force. However, the Secretary of Defense may waive the limitation in the preceding sentence for a limited period of time.*

*"(3) The Deputy Chairman serves at the pleasure of the President for a term of four years and may be reappointed in the same manner for one additional term. However, in time of war declared by Congress there is no limit on the number of reappointments.*

*"(b)(1) The Deputy Chairman exercises such duties as may be delegated by the Chairman with the approval of the Secretary of Defense.*

*"(2) When there is a vacancy in the office of Chairman or in the absence or disability of the Chairman, the Deputy Chairman acts as Chairman and performs the duties of the Chairman until a successor is appointed or the absence or disability ceases.*

*"(c) The Deputy Chairman is the director of the Joint Staff.*

*"(d) The Deputy Chairman may attend all meetings of the Joint Chiefs of Staff but may not vote on a matter before the Joint Chiefs of Staff except when acting as Chairman.*

*"(e) The Deputy Chairman, while so serving, holds the rank of general or, in the case of an officer of the Navy, admiral and outranks all other officers of the armed forces except the Chairman. The Deputy Chairman may not exercise military command over the Joint Chiefs of Staff or over any of the armed forces.".*

*(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 142 the following new item:*

*"142a. Deputy Chairman.".*

*(b) EXEMPTION FROM GRADE LIMITATIONS.—Section 525(b)(3) of such title is amended by inserting "or Deputy Chairman" after "Chairman".*

*(c) CONFORMING AMENDMENT.—Subsection (b) of section 143 of such title is repealed.*

*SEC. 607. JOINT STAFF.*

*(a) JOINT STAFF TO BE UNDER THE CHAIRMAN.—Subsection (a) of section 143 of title 10, United States Code, is amended by inserting "Chairman of the" after "There is under the".*

*(b) MANAGEMENT OF JOINT STAFF.—(1) Subsection (c) of such section is redesignated as subsection (b) and is amended to read as follows:*

*"(b) The Joint Staff shall perform such duties as the Chairman prescribes.".*

*(2) Subsection (d) of such section is redesignated as subsection (c) and is amended by striking out "Joint Chiefs of Staff in discharging their" and inserting in lieu thereof "Chairman in discharging his".*

*(c) TENURE OF MEMBERS OF JOINT STAFF.—Subsection (e) of such section is redesignated as subsection (d) and is amended by inserting after the first sentence the following new sentence: "Such a tour of duty, however, may be extended with the approval of the Secretary of Defense.".*

*(d) OPERATION OF JOINT STAFF.—Such section is further amended by adding at the end thereof the following new subsection (e):*

*"(e) The Secretary of Defense shall ensure that the Joint Staff is independently organized and operated so that the Joint Staff, and the members of the Joint Staff, support the Chairman of the Joint Chiefs of Staff in meeting the congressional purpose set forth in the last clause of section 2 of the National Security Act of 1947 (50 U.S.C. 401) to provide—*

*"(1) for the unified strategic direction of the combatant forces;*

*"(2) for their operation under unified command; and*

*"(3) for their integration into an efficient team of land, naval, and air forces.".*

*SEC. 608. CONSIDERATION OF JOINT SERVICE IN SENIOR GENERAL AND FLAG OFFICER APPOINTMENTS.*

*Section 601 of title 10, United States Code, is amended by adding at the end thereof the following new subsection:*

*"(d) In the case of an officer who is selected for recommendation to the President for an initial appointment to the grade of lieutenant general or vice admiral, or to the grade of general or admiral, the Chairman of the Joint Chiefs of Staff shall submit to the President the evaluation of the Chairman of the performance of that officer as a member of the Joint Staff and in other assignments involving joint military experience. Such recommendation shall be submitted to the President at the same time as the submission of the recommendation for the appointment.".*

*SEC. 609. PARTICIPATION IN NATIONAL SECURITY COUNCIL MEETINGS.*

*Section 101 of the National Security Act of 1947 (50 U.S.C. 402) is amended by adding at the end thereof the following new subsection:*

*"(e) The Chairman (or in his absence the Deputy Chairman) of the Joint Chiefs of Staff shall, subject to the direction of the President, attend meetings of the National Security Council and may, as directed by the President, participate in its deliberations.".*

*SEC. 610. REPORT TO CONGRESS ON PLANS FOR FURTHER IMPROVEMENTS.*

*(a) REQUIREMENT FOR REPORT.—The Secretary of Defense shall submit to Congress a report containing plans for the manner in which the matters described in subsection (b) could be implemented.*

*(b) MATTERS FOR WHICH PLANS TO BE DEVELOPED.—The matters referred to in subsection (a) are the following:*

*(1) Creation of a joint specialty for officers within each of the Armed Forces, including—*

*(A) measures to ensure the preferential selection for duty in joint assignments of officers with such a joint specialty;*

*(B) means to provide a role for the Chairman of the Joint Chiefs of Staff in the consideration and selection for promotion of officers who have served on the Joint Staff or in other joint positions; and*

*(C) procedures to ensure the representation of officers serving in joint positions on each promotion board considering officers for selection for promotion to a grade above the grade of lieutenant colonel or, in the case of the Navy, the grade of commander.*

*(2) Modifications to administrative directives in effect on the date of the enactment of this Act in order to specify that the military chain of command runs from the President to the Secretary of Defense and from the Secretary of Defense through the Chairman of the Joint Chiefs of Staff to the commanders of the unified and specified combatant commands.*

*(3) Provision for a program and budget for each of the unified and specified combatant commands—*

*(A) separate from the programs and budgets of the military department and other elements of the Department of Defense; and*

*(B) developed and administered by the commanders of those commands under the supervision of the Chairman.*

*(4) Establishment of procedures under which the Chairman (with the support of the Joint Staff and the advice of the other members of the Joint Chiefs of Staff) may recommend to the Secretary of Defense a force posture and five-year defense program to achieve national security objectives within the policy and budgetary guidelines established by the President and Secretary of Defense.*

*(5) Establishment of procedures for periodic submission to the President and Secretary of Defense by the Chairman of a report containing the Chairman's recommendations for such modifications to the unified command plan as the Chairman considers to be required to ensure that the combatant commands are properly structured to contribute to achieving national objectives, with each such report to be preceded by the formal review of—*

*(A) the international situation as it relates to United States theater forces; and*

*(B) the adequacy of the existing structure of the combatant commands, in responding to these conditions, to provide for the unified and strategic direction of the combatant forces, for their operation under unified command, and for their integration into an efficient team of land, naval, and air forces, in accordance with the congressional purpose set forth in the last clause in section 2 of the National Security Act of 1947 (50 U.S.C. 401).*

*(6) Establishment within the Joint Staff of a directorate of net assessment reporting directly to the Chairman to furnish him the necessary staff expertise to render his independent judgment on the capabilities of United States forces to successfully execute combat operations under unified command.*

*(c) DEADLINE FOR REPORT.—The report required by this section shall be submitted not later than six months after the date of the enactment of this Act.*

*In lieu of the Senate amendment to the title of the bill, amend the title so as to read: "An Act to amend title 10, United States Code, to reorganize the Department of Defense.".*

Mr. NICHOLS [during the reading]. Mr. Speaker, I ask unanimous consent that the Senate amendments and the House amendments to the Senate amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore (Mr. GLICKMAN). Is there objection to the request of the gentleman from Alabama?

Mr. WHITEHURST. Mr. Speaker, reserving the right to object, I shall not object, but I take this time to yield to the gentleman from Alabama [Mr. NICHOLS] and allow him to explain the purpose of his unanimous-consent request.

Mr. NICHOLS. Mr. Speaker, I thank the gentleman for yielding.

As the gentleman knows, the House passed the Joint Chiefs of Staff Reorganization Act, H.R. 3622, last November 20 by a vote of 383 to 27.

The JCS bill, as amended, was passed by the Senate on May 7 by a vote of 95 to 0. The Senate amendment expanded the scope of the House

bill to include all major elements of the Department of Defense.

Last Tuesday, August 5, by a vote of 406 to 4, the House approved my amendment to the Department of Defense reorganization bill that would reorganize the Department of Defense. My amendment, and the House JCS bill, taken together, constitute a comprehensive reform of the Department of Defense of comparable scope to the Senate amendment to H.R. 3622 which is now at the Speaker's table. The rule on the Department of Defense Authorization Act would allow, after passage of the Department of Defense authorization bill this coming Thursday, a motion that would have the effect of amending the Senate amendment to the House JCS bill with the original text of the JCS bill and the DOD reorganization amendment that passed last week. The motion allowed by the rule would further allow a request for a conference with the Senate.

It is my intention with this unanimous-consent request and three others to follow to effect the procedure set out in the rule. If the House accepts my request, we will gain almost an entire week of work in conference on this important legislation. It is now a foregone conclusion that what I am asking to be done now will be done in any case by this House on Thursday. But that time, however, it will be too late to convene a conference and accomplish any meaningful work before the recess.

The amendments that I have placed at the desk consist of the text of the JCS bill passed by the House and the amendment to the Defense authorization bill that was accepted on Tuesday with one exception: Both pieces of legislation contained language that would create a Deputy Chairman of the JCS. The amendments at the desk contain only the language accepted by the House last Tuesday.

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Mr. WHITEHURST. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. GLICKMAN). Is there objection to the request of the gentleman from Alabama?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Alabama?

There was no objection.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 3622

Mr. NICHOLS. Mr. Speaker, I ask unanimous consent that the House insist on its amendments to the Senate amendments to the bill, H.R. 3622, and request a conference with the Senate thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama? The Chair hears none and, without objection, appoints the following conferees: Messrs. ASPIN, NICHOLS, SKELTON, MAVROULES, DICKINSON, HOPKINS, and KASICH.

There was no objection.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken on Wednesday, August 13, 1986.

## INDIAN SELF-DETERMINATION AMENDMENTS OF 1986

Mr. UDALL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4174) to amend the Indian Self-Determination Act of 1974, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4174

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this act may be cited as the "Indian Self-Determination Amendments of 1986."

SEC. 2. (a) The Congress finds that:

(1) the Indian Self-Determination and Education Assistance Act of 1975, P.L. 93-638, 25 U.S.C. §§ 450, et seq., (the "Act") has furthered the development of local self-government and education opportunities for Indian tribes but its goals and progress have been impeded by lack of clarity and direction on the part of Federal agencies regarding their roles in implementing the Federal policy of Indian self-determination;

(2) the Federal responsibility for welfare of Indian tribes demands effective self-government by Indian tribal communities; and

(3) additional legislation is necessary to assure that Indian tribes have an effective voice in the planning and implementation of programs for the benefit of Indians.

SEC. 3. Section 4 of the Act is amended as follows:

(1) In subsection (b), after the words "village corporation" add "or regional association".

(2) At the end of subsection (c), replace the semi-colon by a colon and add the following:

"Provided, That in areas where the Indian Health Service has no direct care facilities and the tribes are served by a tribal organization, such tribal organization shall be eligible to receive a contract under the authority of this Act if it has the approval of each tribe it proposes to serve.

(3) Resignate subsection (f) as subsection (e) and add the following new subsection.

"(f) Construction means the planning, design, construction, repair, improvement, and expansion of buildings or facilities including, but not limited to, housing, sanitation, roads, schools, administration and health facilities, irrigation and agricultural and works and water conservation, flood control, or port facilities.".

(4) Add the following new subsection (g):

"(g) Contract Support Costs means reasonable costs for activities which must be carried on by a tribal organization as a contractor under the Act to ensure compliance with the terms of the contract and prudent management but which (i) normally are not carried on by the respective Secretary in his direct operation of the program or (ii) are provided by the Secretary in support of the contracted program from resources other than those under contract.".

SEC. 4. Subsection (a) of section 102 is amended by inserting the words "including construction programs" after the words "administer programs" and by inserting after the words "subsequent thereto" the following:

"including (i) any program or portion thereof, including construction program, administered by the Secretary for the benefit of Indians for which appropriations are made to agencies other than the Department of the Interior, and (ii) any program, or portion thereof, for the benefit of Indians without regard to the agency or office of the Department of the Interior within which it is performed;".

SEC. 5. (a) Subsection (a) of section 103 of the Act is amended by inserting after the words "as amended" a comma and the following:

"or any program, or portion thereof, which the Secretary is authorized to administer for the benefit of Indians including (i) any such program, or portion thereof for which appropriations are made to agencies other than the Department of Health and Human Services and (ii) any such program, or portion thereof, without regard to the agency, or office within which it is performed within the Department of Health and Human Services".

(b) Subsection (c) of section 103 of the Act is amended to read as follows:

"(c) Notwithstanding the provisions of section 2671, title 28, any tribal organization which has entered into a contract, grant or cooperative agreement with the Secretary of Health and Human Services shall be treated as an agency within the Department of Health and Human Services for purposes of the Federal Torts Claims Act with respect to any tort arising out of its performance of such contract, grant or cooperative agreement. For purposes of this subsection and the Federal Tort Claims Act, the Secretary of Health and Human Services is designated as the head of the agency within the meaning of section 2672, title 28.".

SEC. 6. Subsection (e) of section 105 of the Act is amended by deleting the words "on or before December 31, 1985.".

SEC. 7. (a) Subsection (a) of section 106 of the Act is amended by changing the period at the end thereof to a colon and adding the following:

*"Provided further,* That any request by an Indian tribe or tribal organization for a waiver of such laws or regulations or other regulations of the appropriate Secretary shall be granted unless declined in accordance with the criteria provided in section 102 or 103 of this Act and under the procedures established by regulations for the declination of tribal requests under such sections."

(b) Subsection (e) of section 106 of the Act is further amended by changing the period at the end of the sentence to a colon and inserting in lieu the following: *"Provided,* That at his discretion, the appropriate Sec-

retary may transfer the title to the Indian tribes to any personal property found to be in excess to the need of the Bureau of Indian Affairs or Indian Health Service.".

SEC. 8. Section 106 of the Act is amended by changing subsection (h) to read as follows:

"(h)(1) The amount of funds provided under the terms of contracts entered pursuant to this Act shall be no less than appropriate Secretary would have otherwise provided for his direct operation of the programs or portion thereof for the period covered by the contract: *Provided*, That—

"(i) for other than school or education programs, to such amount shall be added contract support costs which shall be negotiated with each contractor annually and which shall include costs attributable to all non-school or non-education programs for which the tribal organization has contracted pursuant to sections 102 and 103 of this Act, and

"(ii) for school and education programs, the Secretary of the Interior shall adopt regulations establishing a formula for determining the amount of administrative overhead costs necessary to sustain the administration of such programs. This formula shall among others, include such factors as school enrollment, education program scope, organization and administrative plans, support services plan, size of facilities, size or area within the school's service area boundaries, isolation, unique regional costs, presence of non-educational programs, personnel training plan, and the allowable indirect costs standards. Funds for administrative overhead costs allocated by this formula shall be promptly added to each contract.

"(2) Once contract obligations are negotiated, the contract amount may be increased or decreased only with the consent of the contractor to reflect an increase or decrease in the level of appropriations.

"(3) Any savings in operation or administration of such contract shall be utilized to provide additional services or benefits under the contract and may be carried over to the succeeding fiscal year without any reduction in the funding to which the contractor is otherwise entitled. Grounds for declining to carry over such saving shall be limited to those grounds specified in sections 102 and 103 of the Act.

"(4) At the request of any Indian tribe, the appropriate Secretary shall disclose the most current amount of funding planned, obligated and expended for any program, or portion thereof, administered for the benefit of such tribe down to the fourth level of each agency's accounting system.

"(5) The appropriate Secretary shall include in annual budget requests to the Congress a request for the funds necessary to provide contract support costs for all contracts anticipated in the fiscal period covered by the request and shall provide a supplemental report to the Congress on or before June 15th of each year identifying any deficiency of funds requested below estimated needs.".

SEC. 9. Section 106 of the Act is further amended by adding the following new subsection (i):

"(i) The appropriate Secretary shall insure the responsive and efficient consideration of tribal requests under section 102, 103 and 104 of the Act by designating an official within the Bureau of Indian Affairs or the Indian Health Service, as appropriate, to supervise the review of applications and the negotiations, award and monitoring of contracts, grants or cooperative agreements by the appropriate agency. These two officials shall be charged with the duty to further the purposes of this Act. The appropriate Secretary shall also delegate to such official the authority to review, at the request of the contractors, decisions to decline such contract, grant or cooperative agreement applications subject to the right of any applicant to an appeal and hearing as provided in this Act.".

SEC. 10. Title I of the Act is amended by adding a new section 111 as follows:

"SEC. 111. (a) The appropriate Secretary shall designate officials who are not employed by the Bureau of Indian Affairs or the Indian Health Service for the purpose of conducting hearings in declination appeals.

"(b) Appeals and hearings on any declination to contract based on insufficient funding shall be conducted under the same procedures as apply in the case of other declinations.

"(c) The appropriate agency shall give notice of any disallowance of costs within 365 days of receiving any required audit report and shall provide for an appeal and hearing to the appropriate officials on any such disallowance. Any right of action or other remedy relating to any such disallowance shall be barred unless notice has been given within the designated period.".

"SEC. 11. Title 1 of this Act is further amended by adding a new section 112 as follows:

"SEC. 112. All contracts, grants and cooperative agreements entered into or issued pursuant to this Act shall be subject to the Contract Dispute Act of 1978, P.L. 95-563.".

SEC. 12. Title 1 of the Act is further amended by adding a new section 113 as follows:

"SEC. 113. Whenever an indirect cost rate is negotiated annually between a tribe or tribal organization and the cognizant federal agency, that rate shall be applicable to all contracts and grants made with such tribe or tribal organization pursuant to sections 102, 103 and 104 of this Act. If not otherwise specifically prohibited by any other provisions of law, such rate shall be applicable to any other federal program administered by such tribe or tribal organization, and each federal agency responsible for such program shall apply such negotiated indirect cost rate and pay the full indirect costs incurred by the tribe or tribal organization in connection with the administration of such program. Whenever, in any fiscal year, a tribe or tribal organization does not receive full payment of its indirect costs from any federal, state or other entity funding a program, such lack of full payment shall not be considered in determining the Federal indirect cost rate for the subsequent fiscal years.".

SEC. 13. Section 8 of the Act is amended by adding after the period, the following sentence:

"In the event such funds are obligated but not expended during such succeeding fiscal year they may be expended during the next succeeding fiscal year. If the funds are to be expended in the succeeding fiscal years for the purpose for which they were originally appropriated, contracted or granted, no additional justification or documentation of such purposes need be provided by the tribal organization to the agency as a condition of receiving and expending such funds. At least 80% of such funds, as determined by the agency and the contractor or grantee, shall be made available on the first day of the succeeding fiscal year.".

The SPEAKER pro tempore. Is a second demanded?

Mr. McCAIN. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Arizona [Mr. UDALL] will be recognized for 20 minutes and the gentleman from Arizona [Mr. MCCAIN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Arizona [Mr. UDALL].

Mr. UDALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4174 is a bill to amend the Indian Self-Determination Act of 1975. The purpose of that act was to promote self-determination for Indian tribes by authorizing them to enter into contracts with Federal agencies for the administration of Federal programs.

Since the act was passed, Indian tribes have encountered many problems in contracting these programs from the Federal agencies. The tribes have complained that the agencies, instead of focusing on self-determination, have mainly attempted to transform the tribes into regular Government contractors. Because the Federal contracting requirements and the bureaucratif regulations are too rigid and burdensome, Indian tribes have not been able to implement their own agenda and priorities for self-determination.

H.R. 4174's intent is to facilitate the contracting process between the tribes and the Federal agencies and to give Indian tribes a stronger voice in their own self-determination.

Mr. Speaker, this bill is widely supported by the Indian community and would resolve many problems encountered by Indian tribes in their effort toward self-determination. I therefore urge my colleagues to vote in favor of H.R. 4174.

Mr. McCAIN. Mr. Speaker, I yield myself such time as I may consume,

Mr. Speaker, I rise in support of H.R. 4174, the Indian Self-Determination Act Amendments of 1986. In 1975, Congress passed the Indian Self-Determination Act—Public Law 93-638—with a stated purpose of encouraging tribes to contract for the administration of programs previously run by the Indian Health Service and the Bureau of Indian Affairs.

H.R. 4174 would clarify and strengthen certain provisions to allow tribes access to other programs, and provide that funding of a program under a 638 contract will be no less than what the appropriate Secretary would have provided for his direct operation of the program. H.R. 4174 is designed to allow tribes a greater voice

in the provision of programs and services to the tribes.

The bill does not contain any new authorizations, and the committee has tried to address the concerns of the Bureau of Indian Affairs, and of the Indian Health Service. This bill has bipartisan support in the Congress, and strong support among Indian tribes. I urge my colleagues to support H.R. 4174.

Mr. UDALL. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Speaker, I rise in support of H.R. 4174. I believe that this bill is an important and good one. In the decade since the passage of Public Law 93-638, many tribes have made strong and concerted efforts toward self-determination by contracting for programs which provide services to their people. A great number of the tribes in my district have successfully established such 638 programs. Through the establishment of these programs, a number of problems with the original Public Law 93-638 language have been discovered. This bill addresses these problems and facilitates tribal opportunities to contract for and run successfully contract programs.

At the May hearing on H.R. 4174, representatives of several tribes and tribal enterprises in my district offered their suggestions on improving the language in the original bill. During the Interior Committee markup, an amendment I offered to incorporate these tribal comments was accepted. I feel that H.R. 4174 now addresses the problems and inadequacies in the original Public Law 93-638.

The purpose of this bill is to encourage self-determination by resolving problems with indirect cost determinations and cost overruns. It stipulates that in doing Public Law 93-638 contracts, funds provided by the BIA and the IHS will be no less than the Secretary would use to administer the programs. The bill also states that reasonable support costs must be included when determining amounts needed to run the contract programs. This provision ensures that money intended to be used in the provision of services is used for provision of services and not for "indirect" costs, such as accounting, which must be done to satisfy 638 or agency regulations.

This bill is particularly important now in these times of critical Federal deficits. It is very important that tribes continue to be encouraged to take over programs under Public Law 93-638. This bill will encourage and support tribal efforts to run their own programs by giving them a fair and even chance at doing so. I am pleased to be an original cosponsor of this bill, which will have a positive impact on the tribes in my district. I urge my colleagues to support it.

GENERAL LEAVE

Mr. UDALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4174, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. McCAIN. Mr. Speaker, I yield back the balance of my time.

Mr. UDALL. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona [Mr. UDALL] that the House suspend the rules and pass the bill, H.R. 4174, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## FEDERAL LAND EXCHANGE FACILITATION ACT OF 1986

Mr. SEIBERLING. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4814) Entitled the "Federal Land Exchange Facilitation Act of 1986," as amended.

The Clerk read as follows:

H.R. 4814

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Federal Land Exchange Facilitation Act of 1986".

FINDINGS AND PURPOSES

SEC. 2. (a) The Congress finds and declares that—

(1) land exchanges are a very important tool for Federal and State land managers and private landowners to consolidate Federal, State, and private holdings of land or interests in land for purposes of more efficient management and to secure important objectives including the protection of fish and wildlife habitat and aesthetic values; the enhancement of recreation opportunities; the consolidation of mineral and timber holdings for more logical and efficient development; the expansion of communities; the promotion of multiple-use values; and fulfillment of public needs;

(2) needs for land ownership adjustments and consolidation consistently outpace available funding for land purchases by the Federal Government and thereby make land exchanges an increasingly important method of land acquisition and consolidation for both Federal and State land managers and private landowners;

(3) the Federal Land Policy and Management Act of 1976 and other laws provide a basic framework and authority for land exchanges involving lands under the jurisdiction of the Secretary of the Interior and the Secretary of Agriculture; but

(4) such existing laws are in need of certain revisions to streamline and facilitate land exchange procedures and expedite exchange timetables.

(b) The purposes of this Act are to—

(1) facilitate and expedite land exchanges pursuant to the Federal Land Policy and Management Act of 1976 and other laws applicable to exchanges involving the Secretaries of the Interior and Agriculture by:

(A) providing more uniform rules and regulations pertaining to land appraisals which reflect nationally recognized appraisal standards but which also reflect any differences between appraisals of lands and interests being considered for acquisition by the Federal Government and appraisals of lands and interests being considered for transfer out of Federal ownership;

(B) establishing procedures and timetables for the arbitration of appraisal disputes; and

(C) providing to the Secretary having jurisdiction over the Federal land involved unified surveying and other authority for land exchanges; and

(2) provide sufficient resources to the Secretaries of the Interior and Agriculture to insure that land exchange activities can proceed consistent with the public interest.

LAND EXCHANGES AND APPRAISALS

SEC. 3. (a) Section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716) is hereby amended by adding the following new subsections:

"(d)(1) The Secretary of the Interior and the Secretary of Agriculture shall promulgate regulations providing that unless it is mutually agreed otherwise prior to the expiration of ninety days after entering an agreement to initiate an exchange of land or interests therein pursuant to this Act or other applicable law, no later than ninety days after entering into such an agreement the Secretary concerned and the other party or parties involved in the exchange shall arrange for an appraisal of the lands or interests therein involved in the exchange in accordance with subsection (g) of this section.

(2) If within one hundred and eighty days after the submission of an appraisal for review and approval by the Secretary concerned, the Secretary concerned and the party or parties involved cannot agree to accept the findings of the appraisal, the appraisal shall be submitted to an arbitration to be conducted in accordance with the real estate valuation arbitration rules of the American Arbitration Association. Such arbitration shall be binding on the Secretary concerned and the other party or parties involved in the exchange insofar as concerns the value of the lands which were the subject of the appraisal.

(3) Within thirty days after the completion of the arbitration, the Secretary concerned and the party or parties involved in the exchange shall determine whether to proceed with the exchange, modify the exchange to reflect the findings of the arbitration or any other factors, or to terminate the exchange. A decision to terminate the exchange may be made by either the Secretary or the other party or parties involved.

"(4) After submission of an appraisal for review by the Secretary concerned but prior to submission of an appraisal to arbitration pursuant to paragraph (2) of this subsection, if both the Secretary concerned and the other party or parties involved in an exchange determine it is in the best interest of consummating an exchange pursuant to this Act or other applicable law, they may mutually agree to employ a process of bargaining

or some other process (instead of arbitration) to determine the values of the properties involved in the exchange, or they may mutually agree to suspend or modify any of the following:

"(A) The arbitration requirements of this subsection.

"(B) The deadlines for submission of an appraisal to arbitration.

"(C) The deadline for determinations subsequent to completion of an arbitration.

"(e) Notwithstanding any other provision of law, and unless the Secretary or Secretaries involved in an exchange of land or interests therein pursuant to this Act or other applicable law agree otherwise, the Secretary having jurisdiction over Federal land which would be included in such exchange is henceforth authorized to and shall have the responsibility to perform all necessary land surveys. All surveys shall be in accordance with the manual of surveying instructions of the Secretary of the Interior in effect at the time of survey and shall be filed with the Secretary of the Interior.

"(f) Unless mutually agreed otherwise by the Secretary concerned and the other party or parties involved in an exchange pursuant to this Act or other applicable law, all patents or titles to be issued for lands or interests therein to be acquired by the Federal Government and lands or interests therein to be transferred out of Federal ownership shall be issued simultaneously.

"(g)(1) Within one year of the enactment of subsections (d) through (i) of this section, the Secretaries of the Interior and Agriculture shall promulgate new and comprehensive rules and regulations governing exchanges of land and interests therein pursuant to this Act and other applicable law. Such rules and regulations shall fully reflect the changes in law made by subsections (d) through (i) of this section and shall include provisions pertaining to appraisals of lands and interests therein involved in such exchanges.

"(2) The provisions of the rules and regulations issued pursuant to paragraph (1) of this subsection governing appraisals shall reflect nationally recognized appraisal standards, including, to the extent appropriate, The Uniform Appraisal Standards for Federal Land Acquisition: *Provided*, however, That the provisions of such rules and regulations shall—

"(A) Insure that appraisal standards henceforth cover both the acquisition and disposal of land by the Federal government and adequately reflect any differences involved between appraising lands or interests therein being acquired by the Federal government and appraising lands or interests therein being transferred out of Federal ownership; and

"(B) Permit the Secretary to make adjustments to the relative values assigned to properties involved in an exchange in order to reflect the costs (including, but not limited to, such costs as land surveys, mineral examinations, archaeological surveys and salvage, removal of encumbrances, arbitration pursuant to subsection (d) of this section, curing deficiencies preventing highest and best use, and other costs to comply with laws, regulations and policies applicable to exchange transactions), time and other factors necessary to bring the Federal and non-Federal lands or interests therein involved to their highest and best use for the appraisal and exchange purposes.

"(h) Until such time as new and comprehensive rules and regulations governing exchange of land and interests therein are promulgated pursuant to subsection (g) of this section, land exchanges may proceed in accordance with existing laws and regulations, and nothing in this Act shall be construed to require any delay in, or otherwise hinder, the processing and consummation of land exchanges pending the promulgation of such new and comprehensive rules and regulations. Where the Secretary concerned and the party or parties involved in an exchange have agreed to initiate an exchange of land or interests therein prior to the date of enactment of this Act, the time deadlines and other provisions of subsections (d) through (i) of this section shall not apply to such exchanges unless the Secretary concerned and the party or parties involved in the exchange mutually agree otherwise.

"(i)(1) Notwithstanding the provisions of this Act and other applicable laws which require that exchanges of lands or interests therein be for equal value, where the Secretary concerned determines it is in the public interest and that the consummation of a particular exchange will be expedited thereby, the Secretary concerned may exchange lands or interests therein which are of approximately equal value in cases where:

"(A) the combined value of the lands or interests therein to be transferred from federal ownership by the Secretary concerned in such exchange is not more than $150,000; and

"(B) the Secretary concerned finds in accordance with the regulations to be promulgated pursuant to subsection (g) of this section that a determination of approximately equal value can be made without formal appraisals, as based on a certification by a qualified appraiser; and

"(C) the definition of and procedure for determining 'approximately equal value' has been set forth in regulations by the Secretary concerned and the Secretary concerned documents how such determination was made in the case of the particular exchange involved.

(2) As used in this subsection, the term 'approximately equal value' shall have the same meaning as it does in the Act of January 22, 1983 (commonly known as the 'Small Tracts Act').".

(b) The first sentence of section 206(b) (43 U.S.C. 1716(b)) of the Federal Land Policy and Management Act of 1976 is hereby amended by inserting the word "concerned" after the words "the Secretary".

LAND EXCHANGE FUNDING

SEC. 4. In order to ensure that there are increased funds and personnel available to the Secretaries of the Interior and Agriculture to consider, process, and consummate land exchanges pursuant to the Federal Land Policy and Management Act of 1976 and other applicable law, there are hereby authorized to be appropriated for fiscal years 1988 through 1997 an annual amount not to exceed $4,000,000 which shall be used jointly or divided among the Secretaries as they determine appropriate for the consideration, processing, and consummation of land exchanges pursuant to the Federal Land Policy and Management Act of 1976, as amended, and other applicable law. Such moneys are expressly intended by Congress to be an addition to, and not offset against, moneys otherwise annually requested by the Secretaries, and appropriated by Congress for land exchange purposes.

SEC. 5. (a) Section 205 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1715(c)) is amended in the first sentence of subsection (c) by striking out "Lands and interests" and inserting in lieu thereof "Except as provided in subsection (e), lands and interests".

(b) Section 205 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1715(c)) is further amended by adding at the end thereof the following new subsection:

"(e) Lands acquired by the Secretary pursuant to this section or section 206 in exchange for lands which were revested in the United States pursuant to the provisions of the Act of June 9, 1916 (39 Stat. 218) or reconveyed to the United States pursuant to the provisions of the Act of February 26, 1919 (40 Stat. 1179), shall be considered for all purposes to have the same status as, and shall be administered in accordance with the same provisions of law applicable to, the revested or reconveyed lands exchanged for the lands acquired by the Secretary.".

SEC. 6. Nothing in this Act shall be construed as amending the Alaska Native Claims Settlement Act (P.L. 92-203, as amended) or the Alaska National Interest Lands Conservation Act (P.L. 96-487, as amended) or as enlarging or diminishing the authority with regard to exchanges conferred upon either the Secretary of the Interior or the Secretary of Agriculture by either of such Acts.

The SPEAKER pro tempore. Is a second demanded?

Mr. MARLENEE. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. SEIBERLING] will be recognized for 20 minutes and the gentleman from Montana [Mr. MARLENEE] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. SEIBERLING].

Mr. SEIBERLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4814, the Federal Land Exchange Facilitation Act is a modest but, I think, very worthwhile measure.

A number of us, including the gentleman from Colorado [Mr. STRANG] and other members of the committee, introduced the bill in order to streamline some of the procedures now applicable to land exchanges involving the Forest Service or the Department of the Interior.

The bill would not fundamentally revise the legal framework which is already in place for land exchanges. Rather, it is aimed at giving the Interior and Agriculture Departments more usable tools to work out such exchanges. The bill is not premised on any idea that exchanges can be considered an adequate substitute for Federal land purchases for conservation, where authorized by Congress, nor is it a substitute for continued adequate funding for such acquisitions.

However, land exchanges can be a useful option for solving various Federal and private land management

problems and it is my belief that this bill can help in making them an even better instrument for advancing the public interest in appropriate cases.

The bill as reported to the House has been improved through the committee process so as to remove any element of controversy, so far as I am aware.

To briefly summarize, the bill as reported is aimed at facilitating land exchanges by overcoming bottlenecks and roadblocks that now have the effect of impeding the completion of exchanges even in those cases where both the agency and the other party or parties involved wish for the exchange to be consumated.

Nothing in this bill limits the discretion of the landmanaging agencies as to which exchange possibilities they may wish to pursue, or relieves them from the requirement that they determine that a particular exchange would be in the public interest.

The bill would explicitly authorize the Forest Service to do survey work for National Forest lands, but such surveys would have to be done in accordance with the general standards established by the Interior Department. Interior would remain responsible for issuing titles to lands being transferred out of Federal ownership.

The central feature of the bill would be establishment of the general rule that cases of disagreements over the appraised values of lands involved in an exchange would be resolved through arbitration, unless the parties to the exchange agree to proceed otherwise. But such an arbitration, while it would dispose of questions as to the appraised values, would not force either party to go forward with an exchange. After an arbitration, as before, either party could decide not to go forward for whatever reason, and if such a decision was made within the allotted time, the exchange would not occur.

We have also included a number of other provisions suggested by the Department of Agriculture that they believe will be helpful in facilitating exchanges or improved management of the national forests.

Mr. Speaker, as I mentioned, this is a modest but good bill. I believe that it can be a useful refinement of existing law dealing with exchanges, and I urge its passage.

Mr. MARLENEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, when this bill was considered by the Interior Committee I urged a degree of caution. I still have strong reservations about it.

Although the sponsors argue that the bill only makes minor technical adjustments to existing law and regulations, the changes suggested make major philosophical changes in the way exchanges are handled from several points including budgetary, use of Federal land, and from the standpoint of congressional oversight.

I believe some of the concerns of the Forest Service and BLM have been met, but I believe the BLM remains strongly opposed. Their concerns are legitimate and not a turf battle as the chairman of the Public Lands Subcommittee has suggested.

One of their major concerns and one which I share is from a budgetary standpoint. The bill proposes to use Federal land to pay for the costs of exchanges—costs that the private party would otherwise assume. This is because of the difficulty in financing the Federal Government's share of the administrative costs of exchanges through appropriated funds. Under this legislation the agency could take these expenses into account and compensation would be made in land rather than in cash. Obviously the intent is to bypass the budget and appropriations process of the Congress. Further, one could take this idea and use it on countless public land projects and pay for certain projects in land whenever the agency coffers were empty. Basically this means you are giving away or selling off Federal lands to a vested few, those who are involved in the exchange rather than identifying land and opening it up to sale to the general public.

From a congressional standpoint, streamlining a law can have drawbacks that relate to public participation and congressional oversight. If an exchange is truly in the public interest and time factors are involved, the Congress certainly has the right to mandate the exchange and mandate special handling of the exchange.

What is the real purpose of this legislation? If it is to expedite exchanges, there is certainly some question whether it will accomplish much of anything, and may cause more confusion and delay.

The major holdup in exchanges is because of the overly zealous, far-reaching effects of the National Wildlife Federation lawsuit which has frozen all realty actions on millions of acres of BLM land. If we want to do something meaningful, we could strike down that lawsuit.

I also question the bill in terms of recreational needs. Should we be moving on this legislation at a time when the President's commission is looking at recommendations for major changes in the way we manage public lands?

I also doubt that expedited exchanges will benefit the everyday recreationalists or hunter. Scattered tracts of public land are used extensively by them for motorized recreation and hunting. Exchanges tend to block up lands in single purpose categories such as parks or wilderness where public access is not as easy. I am told by some people that exchanges benefit wildlife. No doubt they do but they are not the type of public land my constituents like to use on a casual, daily basis because they are often remote, inaccessible areas.

Why does the world come to an end because of a backlog of exchanges? Every agency in Government is forced to make priority decisions. Why can't our land managing agencies do the same?

I believe the bottomline on an exchange is the personnel involved. We have dedicated agency people doing a hell of a good job. I believe we should listen to their concerns before we move forward on this bill.

Last, the substitute contains a new section 5 dealing with O&C lands proposed by my colleague from Oregon Mr. [BOB SMITH]. I support this provision.

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Mr. ROBERT F. SMITH. Mr. Speaker, will the gentleman yield?

Mr. MARLENEE. I yield to the gentleman from Oregon.

Mr. ROBERT F. SMITH. Mr. Speaker, I thank my colleague, the gentleman from Montana [Mr. MARLENEE], for yielding.

Mr. Speaker, I would like to thank my colleague from Montana, Mr. [MARLENEE], and the distinguished chairman of the Subcommittee on Public Lands, Mr. SEIBERLING, for adding a new section 5 to the bill. This section allows lands coming into Federal ownership in an Oregon and California railroad grant lands (O&C) or Coos Bay Wagon Road grant lands exchange to receive the same management status as the exchanged lands. This section, identical to my bill H.R. 4214, was incorporated into the bill presently under consideration during subcommittee markup.

As I indicated, the purpose of section 5 is to authorize the Secretary of the Interior to manage lands received in exchange for O&C or Coos Bay Wagon Roads under the same laws as the lands which were released. The current law, as interpreted, acts as a disincentive for such exchanges that would otherwise be mutually beneficial to both the Federal Government and the localities. The management objectives of these grant lands differ from those of public lands. The receipts sharing formulas are different, and the funding mechanism differs as well. Because of these potential revenue losses, county and State officials are reluctant to endorse otherwise good land use opportunities. It also allows the Federal Government to continue its historic practice of seeking land exchanges to create contiguous ownership where checkerboard patterns exist now, and improve public land management.

I may add that a committee of the other body has also reported identical legislation to section 5. During committee hearings in the other body, the Department of the Interior indicated the administration's strong support for enactment. The Associate Director of the Bureau of Land Management, during committee hearings, stated that enactment of this legislation would "enable a viable exchange program to go forward."

Once again I thank the chairman and ranking member of the subcommittee for accommodating my request for this language, and urge my colleagues to support this bill, H.R. 4814, the Federal Land Exchange Facilitation Act of 1986.

Mr. STRANG. Mr. Speaker, will the gentleman yield?

Mr. MARLENEE. I yield to the gentleman from Colorado.

Mr. STRANG. I thank the gentleman for yielding.

Mr. Speaker, as an original cosponsor of H.R. 4814, I am pleased to rise in support of this legislation and to recognize some of the concerns expressed by my distinguished colleague, the gentleman from Montana [Mr. MARLENEE].

The chairman of the subcommittee, Mr. SEIBERLING, has explained the details of the bill. I very much appreciate his strong support and rapid consideration of the bill. In addition to wide bipartisan support, the bill enjoys broad-based constituent support as well.

The purpose of the bill is to streamline land exchange processes of the Forest Service and the Bureau of Land Management. In doing so, the goal is not only to expedite land exchanges, consistent with sound management and environmental practices, but also to save money on the part of the Federal Government and local governments or private individuals seeking exchanges.

The bottom line is one of efficiency, consistency, fairness, and economy. I urge my colleagues to support passage of H.R. 4814.

Mr. MARLENEE. Mr. Speaker, I would like to say that I have a great deal of respect for the chairman of the Subcommittee on Public Lands, and I have worked with him on a number of pieces of legislation. I know that he has some concerns about the exchange, about the process, and about getting this bill passed to facilitate exchanges.

I will not urge my colleagues to oppose the bill. I am not asking them to oppose the bill, but I am asking them to look very carefully at this piece of legislation to see that it is not abused in future exchange processes, and I am quite certain that there will be some modification of this legislation in the other body.

Mr. SEIBERLING. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, let me just say that I am a little bit surprised to hear the gentleman from Montana speak in opposition to this bill. As the gentleman from Oregon [Mr. ROBERT F. SMITH] and the gentleman from Colorado [Mr. STRANG] both alluded to, the Department of the Interior and the Forest Service already have a program and it is one that has received great emphasis since the Reagan administration took office, which tries to develop a more rational land-management pattern so that the Federal Government is not in the position of trying to manage isolated tracts of land scattered all over the country.

When this administration came in, they started out with a program of trying to dispose of isolated tracts and acquiring land within existing Federal lands where there were isolated holdings. The land-exchange process is made to order for dealing with this kind of situation. So I am a little bit surprised at this late date to hear somebody on that side opposing this bill, which is simply an effort to provide more flexible and better controlled methods of handling land exchanges and appraisals within the Federal system.

That is the only purpose of this bill. I am surprised that there is any opposition to the bill, but I feel that the gentleman is of course entitled to express his views. I really feel that there is nothing in this bill that is going to produce anything but a more flexible, less costly, and more effective way for the Federal Government to deal with its land administration problems.

Mr. Speaker, I yield 1 minute to our distinguished colleague, the gentleman from New Mexico [Mr. RICHARDSON], a member of the committee.

Mr. RICHARDSON. Mr. Speaker, I am proud to be an original cosponsor of this bill, which will go a long way toward expediting Federal land exchanges and eliminating a lot of red-tape. H.R. 4814 has enjoyed a wide variety of support from various States to 18 western and national outdoor groups who have reviewed the legislation and endorse its enactment.

Mr. Speaker, this bill will provide more uniform rules and regulations pertaining to land appraisals and set up regulations to arbitrate appraisal disputes—which is one of the biggest stumbling blocks in completing a transaction. In addition, the bill provides for unified surveying, title transfer, and other authority for land exchanges in which the Secretary of the Interior has jurisdiction over Federal lands. Overall, the bill will facilitate and expedite land exchanges.

Mr. Speaker, I commend my colleagues, the chairman of the House Public Lands Subcommittee, JOHN SEIBERLING, and Congressman MIKE STRANG of Colorado, for their leadership role on this legislation. I urge my colleagues to support the bill.

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Mr. SEIBERLING. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from the State of Oregon [Mr. WEAVER], a member of our committee.

Mr. WEAVER. Mr. Speaker, I thank the gentleman for yielding me this time. I want to compliment him on this bill. It is a good reform and one that is needed.

There is a section in the bill dealing with the Oregon and California railroad land-grant lands, a majority of which are in my congressional district.

I asked the gentleman from Ohio [Mr. SEIBERLING], chairman of the committee, to place an amendment in the substitute that would facilitate the BLM handling any trades with the O&C lands. What this amendment essentially does is say if, O&C lands are traded, the lands received back by the government will then become O&C lands as were the lands traded out. I appreciate very much the chairman of the committee accepting my amendment and making this transfer of O&C lands more fair. We in the Fourth Congressional District of Oregon thank the gentleman.

Mr. SEIBERLING. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington [Mr. MORRISON].

Mr. MORRISON of Washington. Mr. Speaker, I am pleased to be an original cosponsor of the Federal Land Exchange Facilitation Act and to see it come to the floor today. In these times of budgetary constraint, the Department of the Interior and the Forest Service will have to rely increasingly on land exchanges to consolidate their holdings or to acquire lands desirable for conservation or other public purposes.

Since there are several laws and regulations already in place governing the exchange of land between the Federal Government and States or private parties, why do we need another piece of legislation? One reason is that the rules and regulations used by the Forest Service, the Fish and Wildlife Service, the Park Service, and the Bureau of Land Management do not agree with each other, leading to needless confusion, particularly when a single exchange involves more than one agency. H.R. 4814 requires the Secretaries of Agriculture and Interior to revise their rules and regulations with an eye to Government-wide consistency.

A number of my constituents have been involved in land exchanges with the Forest Service and have kept me well-informed of the problems they encountered. Perhaps the most frustrating roadblock occurs when there is basic agreement between the landholder and the Forest Service that a particular exchange is desirable, but a dispute about the value of the lands puts the exchange into a limbo that can last for months or even years.

As the Interior Committee notes in its report, the role of the Forest Service and the Department of the Interior as both interested party and judge and jury in land appraisals can lead these agencies to delay final resolution of a dispute in order to win favorable terms. The layers of bureaucracy provide many opportunities to do so. To the extent that these delays discourage private landholders from dealing with the Federal Government, they do a disservice to the public interest.

H.R. 4814 requires that within 90 days of reaching an informal or formal agreement to initiate a land exchange, the government must make arrangements with the landholder for an appraisal by whomever and on whatever terms the two parties agree to. The bill also contains a mechanism for conflict resolution in the event a dispute over a completed appraisal drags on for more than 6 months. The purpose of these provisions is simply to speed decisions and not to stack them in favor of the private landholder. The bill in no way relieves the government from its duty to ensure that exchanges are in the public interest.

The Agriculture Committee and the Subcommittee on Forests, Family Farms, and Energy, of which I am the ranking member, agreed to waive review of this legislation in the interest of expediting its consideration. I can speak for myself only in supporting the bill, but I can assure my colleagues that the subcommittee will oversee its implementation and will search for other ways to improve the land exchange procedure.

Mr. MARLENEE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SEIBERLING. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GLICKMAN). The question is on the motion offered by the gentleman from Ohio [Mr. SEIBERLING] that the House suspend the rules and pass the bill, H.R. 4814, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

## ADMIRALTY ISLAND LAND EXCHANGE ACT OF 1986

Mr. SEIBERLING. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4883) to provide options for land exchanges involving lands on Admiralty Island, AK, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4883

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE AND PURPOSE.

(a) SHORT TITLE.—This Act may be cited as the "Admiralty Island Land Exchange Act of 1986".

(b) PURPOSE.—The purpose of this Act is to provide an offer for Shee Atika, Incorporated, and Sealaska Incorporated, Alaska Native Corporations, to voluntarily relinquish and convey to the United States certain lands and interests therein on Admiralty Island and receive in lieu thereof lands and other valuable consideration as provided herein, and to provide for acquisition of certain other lands and interests.

SEC. 2. DEFINITIONS AND MAPS.

(a) GENERAL DEFINITIONS.—As used in this Act:

(1) The term "the Act" means the Alaska National Interest Lands Conservation Act (Public Law 96-487 as amended).

(2) The term "Secretary" means the Secretary of Agriculture.

(3) The terms "lands", "Federal lands", and "public lands" have the same meanings as specified in section 102 of the Act.

(4) The term "Cube Cove lands" means the surface and subsurface lands and interests in lands on Admiralty Island conveyed to Shee Atika Incorporated and Sealaska Incorporated pursuant to section 506(c) of the Act and pursuant to the land exchange agreement dated October 17, 1985 between the Corporations and the United States.

(5) The term "Shee Atika" means Shee Atika, Incorporated, an Alaska Native Urban Corporation (as such term is defined in section 102(9) of the Act) existing under the laws of the State of Alaska.

(6) The term "Sealaska" means Sealaska Corporation, an Alaska Native Regional Corporation (as such term is defined in section 102(7) of the Act) existing under the laws of the State of Alaska.

(7) The term "Corporations" means Sealaska and Shee Atika.

(8) The term "Settlement Act" means the Alaska Native Claims Settlement Act (85 Stat. 688; Public Law 92-203 as amended).

(9) The term "subsurface estate" shall have the same meaning when used in this Act as such term has when used in the Settlement Act.

(b) LAND DEFINITIONS.—As used in this Act:

(1) The term "Baranof Island Lands" means those lands above mean high tide generally depicted on a map entitled "Baranof Island Lands" dated May 1986, and consisting of approximately 11,400 acres.

(2) The term "Bay of Pillars Lands" means those lands above mean high tide generally depicted on a map entitled "Bay of Pillars Lands" dated August 1986 and consisting of approximately 12,100 acres.

(3) The term "Greens Creek Subsurface Lands" means the subsurface estate to those lands generally depicted on a map entitled "Greens Creek Subsurface Lands" dated May 1986, and consisting of approximately 15,000 acres.

(4) The term "Greens Creek Surface Lands" means those lands generally depicted on a map entitled "Greens Creek Surface Lands" dated May 1986 and consisting of approximately 4,000 acres.

(5) The term "Hetta Inlet Subsurface Lands" means the subsurface estate to those lands generally depicted on a map entitled "Hetta Inlet Subsurface Lands" dated May 1986 and consisting of approximately 4,709 acres.

(c) MAPS.—All maps referred to in this Act shall be on file with the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate and also on file and available for public inspection in the office of the Chief, Forest Service, Washington, D.C. The acreages cited in this Act was approximate, and in the event of discrepancies between cited acreages and the lands depicted on referenced maps, the maps shall control, but such maps shall not be construed as attempts by the United States to convey State or private lands.

SEC. 3. OFFER TO SHEE ATIKA.

For and in consideration of the relinquishment and conveyance to the United States of all Shee Atika's rights, title, and interest in Cube Cove lands, the lands, interests in lands, and other valuable consideration listed in paragraphs (1) through (6) of this section are offered to Shee Atika for its voluntary acceptance as provided in section 5, subject to valid existing rights and rights reserved to the United States:

(1) The surface and subsurface estate of Baranof Island Lands.

(2) The surface estate of the Bay of Pillars Lands.

(3) An opportunity to have two-fifths (40 percent) equity ownership of any corporation or partnership formed to receive the subsurface estate to the Greens Creek Subsurface Lands, or the entire equity ownership of such a corporation or partnership as provided in section 6.

(4) Acceptance by Shee Atika as provided in section 5, and conveyance of the Cube Cove lands to the United States, shall be deemed to constitute satisfaction of all principal and interest (including penalties) due on any outstanding loans (including loan guarantees on which default has occurred) to Shee Atika and its subsidiaries by the Bureau of Indian Affairs.

(5) The Secretary's contractual agreement to construct a road of approximately 20 miles in length (proposed Forest Road No. 7579) as provided in section 11 and generally located on the map entitled "Baranof Island Lands".

(6) A payment by the United States to Shee Atika in the sum of $25,000,000 in 2 installments. The first installment of $15,000,000 shall be paid in accordance with section 15 and no later than 180 days after the date of Shee Atika's acceptance pursuant to section 5. The second installment of $10,000,000 shall be paid in the next fiscal year following payment of the first installment but no later than 12 months after payment of the first installment.

SEC. 4 OFFER TO SEALASKA.

For and in consideration of the relinquishment and conveyance to the United States of all Sealaska's subsurface estate and other right, title, and interest in Cube Cove lands, the interests in lands referred to in paragraphs (1), (2), and (3) are offered to Sealaska for its voluntary acceptance as provided in section 5, subject to valid existing rights and rights reserved to the United States and the provisions of section 6(b):

(1) An opportunity to have three-fifths (60 percent) equity ownership in any corporation or partnership formed pursuant to section 6 to receive the Greens Creek Subsurface Lands, and leasehold interest in the

Green Creek Surface Lands as provided in section 9.

(2) The Hetta Inlet Sursurface Lands.

(3) Any federally owned subsurface estate underlying lands conveyed to Goldbelt, Incorporated, at Hobart Bay pursuant to the exchange agreement dated April 11, 1979, ratified by section 506(b) of the Act.

SEC. 5. ACCEPTANCE.

(a) PROCEDURE.—Within the periods after the enactment of this Act specified in subsection (b) of this section, Shee Atika or both the corporations may accept the offers provided in sections 3 and 4, respectively, by delivering to the Secretary properly executed and certified corporate resolutions binding upon the corporation or corporations with respect to the offers, and an opinion of the appropriate counsel of the respective corporations stating that the corporation is empowered to take such action and that the action comports with all requirements of Federal and State law and the rules and bylaws of the corporation. If the Secretary deems the resolutions and counsel's opinions delivered by Shee Atika or by both corporations to be legally sufficient and all requirements of this Act fulfilled, the Secretary shall so notify the President of each accepting and the Secretary shall forthwith proceed to implement exchanges authorized by this Act with each such corporation.

(b) DEADLINES.—

(1) SHEE ATIKA.—No acceptance by Shee Atika pursuant to subsection (a) of this section shall be effective unless the documents described in such subsection are delivered on or before the one-hundred-twentieth day after the date of enactment of this Act, except to the extent a later date may be allowed by the Secretary pursuant to subsection (c) of this section.

(2) SEALASKA.—No acceptance by Sealaska pursuant to subsection (a) of this section shall be effective unless the documents described in such subsection are delivered on or before the ninetieth day after the date of enactment of this Act, except to the extent a later date may be allowed by the Secretary pursuant to subsection (c) of this section.

(c) ADDITIONAL TIME.—If the Secretary finds that a resolution or opinion of counsel delivered pursuant to subsection (a) of this section is inadequate, the Secretary shall apprise the relevant corporation and give such corporation an opportunity to remedy the inadequacy. In no event shall the Secretary permit the time to remedy to exceed 30 calendar days beyond the relevant deadline specified in subsection (b) of this section.

SEC. 6. ACCEPTANCE CONTINGENCIES.

(a) ACCEPTANCE BY SHEE ATIKA ONLY.—If, pursuant to section 5, Shee Atika accepts the offer of section 3, but Sealaska fails to accept the offer of section 4, then there shall be conveyed to any corporation which is formed to receive such estate and which is wholly owned by Shee Atika the entire undivided subsurface estate to the Greens Creek Subsurface Lands, and the Secretary shall reduce the Bay of Pillars Lands offered by section 3(2) to a total offer of 4,800 acres, and no surface leases shall be issued by the Secretary.

(b) REJECTION BY SHEE ATIKA.—If Shee Atika fails to accept the offer of section 3, the provisions of sections 3 and 4 shall not be effective, the Secretary shall not accept any conveyances tendered in accordance with section 5, no conveyances shall be made pursuant to section 7, no leases shall be issued pursuant to section 9, and no other provisions of this Act relating to Shee Atika or Sealaska shall have any force or effect.

(c) CORPORATION OPTION.—If both the Corporations accept the offers of sections 3 and 4, and if no later than 60 days after the latter of such corporations to accept has informed the Secretary of such acceptance both corporations further inform the Secretary that they have taken appropriate steps to form a new corporation or partnership to receive conveyance of the interests described in sections 3(3) and 4(1), the Secretary is authorized and directed to convey such interests to such new corporation or partnership. Any such corporation or partnership shall be formed on the basis of 60 percent equity ownership by Sealaska and 40 percent equity ownership by Shee Atika, unless Sealaska fails to accept the offer of section 4, in which case such corporation or partnership shall be wholly owned by Shee Atika. Any such corporation or partnership shall be formed and governed pursuant to applicable law of the State of Alaska.

SEC. 7. CONVEYANCES.

(a) INTERIM CONVEYANCE.—Upon acceptance by Shee Atika, or both Shee Atika and Sealaska, and the conveyance to the United States by the accepting corporation or corporations of the interests of such corporation or corporations in the Cube Cove lands, the Secretary shall notify the Secretary of the Interior, and no later than 180 days after such notification the Secretary of the Interior shall issue interim conveyances to the appropriate lands and interests in lands, except that leasehold interests provided in section 9 shall be issued only by the Secretary. All nonleasehold lands conveyed to either Shee Atika or Sealaska shall be considered as lands conveyed pursuant to the Settlement Act. Lands or interests therein conveyed to Shee Atika pursuant to this Act shall be deemed to have been conveyed as of December 9, 1981, but this effective date shall not be construed in any way so as to obligate any payments by the United States, or to require the escrow of any funds which may have been generated on such lands prior to the effective date of this Act.

(b) RELEASES.—Upon notification from the Secretary pursuant to subsection (a) that Shee Atika has conveyed to the United States its interests in the Cube Cove lands, the Bureau of Indian Affairs shall promptly execute and deliver to Shee Atika appropriate releases or other documents evidencing the satisfaction of loans as provided in section 3(4).

(c) SURVEYS.—No later than two years after the issuance of an interim conveyance to Shee Atika or Sealaska pursuant to subsection (a), the Secretary of the Interior shall make a boundary survey of the lands which are the subject of such interim conveyance.

SEC. 8. CUBE COVE LANDS.

(a) EFFECT OF ACCEPTANCE.—Upon an acceptance by Shee Atika pursuant to section 5—

(1) All timber harvest and related activities on the Cube Cove lands (except as occurring under a contract in existence on May 21, 1986) shall cease. At the end of any such timber harvest and related activities pursuant to such contract, the Secretary, notwithstanding any other provision of law, on the harvested portion of the Cube Cove lands shall carry out the removal of culverts, bridges, timber harvest equipment, and other personal property, and the closing and seeding of road surfaces in accordance with management practices applicable to Tongass National Forest commercial forest lands. In carrying out such steps, the Secretary shall to the maximum extent practicable employ local residents, in accordance with the provisions of section 1308 of the Act. All such steps shall be completed as soon as possible, but no later than three years after an acceptance by Shee Atika pursuant to this Act.

(2) Corps of Engineers permit Number 071-OYD-2-810133, Chatham Strait 92, shall be assigned to the Secretary for use in connection with the steps required by paragraph (1).

(b) STATUS AFTER ACCEPTANCE.—(1) Upon their conveyance to the United States pursuant to this Act, the Cube Cove lands shall be incorporated into the Admiralty Island National Monument and Admiralty Island Wilderness and shall be managed accordingly.

(c) REPORTS.—The Secretary shall incorporate into each report submitted to the Congress pursuant to section 706(b) of the Act after the date of enactment of this Act information regarding each of the following:

(A) State selections of land in the Tongass National Forest, and the effects of such selections on management of the Tongass National Forest.

(B) An account of the status of the adjustment of 15,000,000 board feet annually which the Secretary in the first such report identified as having been applied to the original yield calculation in the forest plan in anticipation that Native corporations and selection rights on Admiralty Island would exchange those rights or lands received in fulfillment thereof for lands elsewhere in the Tongass National Forest.

SEC. 9. MINING ACTIVITIES AT GREENS CREEK.

(a) SURFACE LEASE.—Upon an acceptance by both Sealaska and Shee Atika, in accordance with the provisions of sections 5 and 6, the Secretary shall issue to Sealaska a use and occupancy lease to the Greens Creek Surface lands on the following terms and conditions:

(1) The lease shall permit the use and occupancy of the area solely for purposes related to mining or milling.

(2) An operating plan or plans approved by the Secretary shall be required for mining and related operations utilizing all or any portion of the Greens Creek Subsurface Lands, the Greens Creek Surface Lands, or both such lands. Operations pursuant to such plan or plans shall be subject to standards and procedures for control and mitigation of surface disturbances and environmental impacts required by the Act and other applicable law, except that the provisions of section 503(f)(2)(A) of the Act shall not apply to the Greens Creek Surface Lands while a lease issued pursuant to this section is in effect.

(3) Within the leasehold area, the lessee shall be allowed to harvest and sell any timber required to be removed for mining and access related activities, subject to reasonable conditions established by the Secretary in order to protect values of the Admiralty Island National Monument. No other commercial use of timber or other surface resources on the leasehold area shall be permitted.

(4) Public occupancy and use of the Greens Creek Surface Lands during the term of the lease shall be governed by the provisions of the Greens Creek Final Environmental Impact Statement. The lease holder shall continue to permit the use of any roads, docks, and related access facili-

ties in accordance with the requirements of permits issued pursuant to applicable law.

(5) The Secretary shall require reclamation of the surface to standards as established by the provisions of the Greens Creek Final Environmental Impact statement upon relinquishment or termination of the leasehold. The Secretary shall continue to require the posting of an adequate reclamation bond pending completion of such reclamation activities.

(6) The lease shall terminate 25 years from the date of issuance, and shall then be renewed for an additional 25 years, without charge but subject to the terms specified in this section and such other reasonable terms consistent with this Act as the Secretary shall prescribe, unless the lessee voluntarily elects to relinquish the lease at the end of the first 25 year period. If mining activities are ongoing at the end of the period ending 50 years after the date of initial issuance of the lease, or at the time of an earlier relinquishment of the lease, the Secretary, in his discretion and subject to valid existing rights, including rights of access may permit continued surface occupancy and use.

(7) A lease issued pursuant to this subsection may be assigned or transferred by its holder, who shall provide appropriate notice to the Secretary concerning such assignment or transfer. An assigned or transferred lease shall remain subject to the terms and conditions imposed pursuant to this section. A lease issued pursuant to this subsection may be relinquished by the holder thereof at any time.

(8) Leases issued pursuant to this section shall be subject to valid existing rights, including the rights of holders of valid mining claims for access to such claims and for utilization of so much of the surface of such claims as necessary for maintenance and development of such claims.

(b) SAVINGS CLAUSE.—Except as specifically provided in this section, nothing in this Act shall be construed as modifying the applicability to mining or related activities in the Greens Creek area or any other position of the Tongass National Forest of any laws, regulations, standards, or rules applicable to such activities on the day before the date of enactment of this Act. Nothing in this Act shall be construed as limiting the ability of any party otherwise entitled to bring such an action to bring an action based on a claim that any such activities are inconsistent with any such law, regulation, standard, or rule.

SEC. 10. RESERVATIONS.

(a) VALID EXISTING RIGHTS AND PERPETUAL EASEMENTS.—Any and all conveyances of land by the United States pursuant to this Act shall be subject to valid existing rights and to the perpetual easements delineated on the maps referenced in this Act, which easements are hereby reserved in the United States for such purposes as the Secretary deems necessary for National Forest and other public purposes, and such conveyances shall also be subject to the Federal administrative sites and installations which the Secretary prior to patent of such lands determines were existing as of the date of enactment of this Act.

(b) TERMS OF RESERVATIONS.—The following terms shall apply to reservations in the United States made by subsection (a):

(1) Public easements shall be identified by the Secretary for actual or potential uses as reasonably necessary to guarantee a full right of public use of and access to adjacent Federal lands for public recreation, hunting, transportation, docks, and other public uses.

(2) Site easements may be utilized for any National Forest and other public purpose and shall be reasonably compact areas delineated by the Secretary.

(3) All easements reserved by this section shall include the right of the Secretary to utilize without charge any timber, rock and common varieties of mineral materials located within the easement area for uses allowed within such area. The owner of the adjacent lands may use any easement in accordance with applicable regulations of the Secretary.

(4) All easements reserved by this Act shall be located as generally depicted on the maps referenced in this Act. The actual surveyed location of the easements may be modified on-the-ground by the Secretary due to the feasibility of construction, maintenance, use and the avoidance of unnecessary costs or time delays due to acts of God, unfavorable engineering requirements, unsuitable terrain such as excess slope, erosive surface, muskeg, wetlands and/or hazards, or potentially adverse impacts on or disruption to fish, wildlife, botanical, or other resources.

(5) Any valid existing right shall continue to have whatever right of access as is now provided for under existing law, and this section shall not operate in any way to diminish or limit such right of access.

SEC. 11. BARANOF ROAD.

The road offered by section 3(5) shall be generally located as indicated on the map entitled "Baranof Island Lands" referred to in section 2(b)(1). Utilizing monies available pursuant to section 15, the Secretary shall during the 12 years following the date of an acceptance by Shee Atika construct the road to that standard generally utilized for logging roads elsewhere on the Tongass National Forest. At least 5 miles of such road shall be constructed within 3 years after the date of such acceptance, and at least 10 miles of such road shall be constructed within 6 years after the date of such acceptance. The Secretary may utilize without charge such timber, rock and common varieties of mineral materials from the right of way and adjacent lands as are necessary or desirable for construction. The United States shall retain a perpetual easement to utilize the road for public access and National Forest purposes, but the Secretary shall permit use of such easement for general public access only to the extent consistent with protection of the resources and values of the Tongass National Forest.

SEC. 12. STATUS OF RELINQUISHED LANDS.

Cube Cove lands and interests therein conveyed by Shee Atika and Sealaska to the United States pursuant to this Act shall not be subject to any levy, foreclosure, or any other action which would encumber or divest the United States of any right, title, or interest in such lands. No action may be brought by any party in any United States district court pursuant to title 28, United States Code, section 2409a, to quiet title to such lands.

SEC. 13. WITHDRAWALS AND INTERIM MANAGEMENT.

(a) WITHDRAWALS.—Subject to valid existing rights, all lands identified in sections 3 and 4 as available for conveyance to Shee Atika, Sealaska, or both, pursuant to this Act are withdrawn from all forms of location, entry, and selection under the mining and public land laws of the United States, from leasing under the mineral and geothermal leasing laws, and against issuance of preliminary permits and licenses pursuant to the Federal Power Act. This withdrawal shall expire at midnight local time at Juneau, Alaska, on the day 180 days after the date of enactment of this Act unless prior to such hour either Shee Atika or both Shee Atika and Sealaska accept the offers afforded them under this Act, in which case this subsection shall remain in effect until the appropriate lands are conveyed pursuant to this Act.

(b) INTERIM MANAGEMENT.—Subject to valid existing rights, during the acceptance period of 120 days after the date of enactment of this Act, and thereafter if either Shee Atika or both the Corporations accept the offers afforded them herein, the Secretary and the Secretary of the Interior shall manage the lands available for conveyance or leasing to the Corporations so as to maintain their existing character and resources until conveyed or leased.

(c) SAVINGS PROVISIONS.—Nothing in this Act shall be deemed as a cloud of title of lands or interests therein owned on the date of enactment of this Act by Shee Atika or Sealaska nor shall this Act be construed in any way as affecting the existing ownership or as limiting the use of lands owned by the respective Corporations on the date of enactment of this Act. Nothing in this Act shall be construed to limit the ability of Shee Atika to harvest timber on Cube Cove lands during the time periods prescribed in section 5 for acceptance of this offer, or require that any agency of the United States withhold action on any permit or other application pending before it during such time periods. Nothing in this Act shall be construed to limit the authority of the Secretary to enter into land exchanges with either Shee Atika or Sealaska pursuant to existing exchange authorities. Nothing in this Act shall be construed as a taking by the United States of lands which as of the date of enactment of this Act are not the property of the United States.

SEC. 14. JUDICIAL REVIEW.

(a) SPECIAL RULES.—With respect to any conveyances or transfers of lands and interests in lands to and from the United States pursuant to this Act, or the issuance of any leases by the United States pursuant to section 9 of this Act, or the location of easements pursuant to this Act, the application of laws, rules, and regulations shall be limited as provided in paragraphs (1) through (7) as follows:

(1) The National Environmental Policy Act of 1969 (83 Stat. 852) shall not apply and an environmental impact statement or environmental assessment shall not be required. This paragraph shall not preclude the Secretary from exercising sole discretion to prepare any environmental assessment or environmental impact statement if the Secretary desires, but such assessment or statement shall not be subject to judicial review.

(2) Section 810 of the Act shall not apply.

(3) Sections 17(b) and 22(k) of the Settlement Act shall not apply.

(4) Sections 208, 306, 402, and 404 of the Clean Water Act (33 U.S.C. 1261, et seq.) shall not apply.

(5) Section 10 of the Rivers and Harbors Act (33 U.S.C. 403) shall not apply.

(6) The Coastal Zone Management Act (16 U.S.C. 1451, et seq.) shall not apply.

(7) The Historic Preservation Act (80 Stat. 915), the American Indian Religious Freedom Act (92 Stat. 469), and the Archaeologi-

cal Resources Protection Act (88 Stat. 174) shall not apply.

Nothing in this section shall be construed as limiting the applicability of any law, rule, or regulation to any action or activity other than those specified in this subsection.

(b) CLAIMS.—

(1) LIMITATION.—Except for actions described in section 9(b), actions alleging that an action or activity described in subsection (a) of this section undertaken by a Federal officer or agency pursuant to this Act is in excess of statutory jurisdiction, authority, limitation, or statutory right may only be brought no later than the 60th day following the date of such action or activity.

(2) JURISDICTION.—Any action based on a claim based on the provisions of this Act shall be barred unless prior to the expiration of any applicable time limit a complaint is filed in the United States District Court for the District of Alaska, and such court shall have exclusive jurisdiction with respect to any such action.

(3) STANDING.—Except with respect to an action described in section 9(b), the only parties who shall have standing to bring any action challenging any action or activity described in subsection (a) of this section by a Federal officer or agency shall be—

(A) Shee Atika,

(B) Sealaska,

(C) the State of Alaska,

(D) Kootznoowoo Incorporated, and

(E) parties with valid existing property rights or valid rights arising under a contract with the United States, but only to the extent such property or contract rights can be shown to be affected by this Act.

SEC. 15. FUNDING.

(a) SOURCE.—Payments required by section 3(6), all costs associated with road construction required by section 3(5), and all costs to the government associated with the activities required pursuant to section 8 shall be defrayed from receipts from timber and other resources from National Forest System lands, notwithstanding any other law providing for the distribution of such receipts. All funds required for these purposes are authorized and shall be made available without appropriation to the Secretary by the Secretary of the Treasury and these funds shall not be subject to deferral, rescission or any reduction under the Congressional Budget and Impoundment Control Act of 1974 or any other authority. This section shall not affect payments to States and counties as provided by the Act of May 23, 1908, and section 13 of the Act of March 11, 1911 (16 U.S.C. 500).

(b) LIENS.—Before the Secretary pays Shee Atika the first installment of the payment specified in section 3(6), Shee Atika shall provide the Secretary with written releases satisfactory to the Secretary from all liens and encumbrances to the title of the Cube Cove lands, except for valid existing rights as of the date the Cube Cove lands were conveyed by the United States to Shee Atika. In cooperation with Shee Atika, the Secretary is authorized to establish such procedures and take such steps as the Secretary, in his discretion, deems necessary or desirable to provide for the release of all liens and encumbrances to the Cube Cove lands and for payment of the net balance to Shee Atika. If Shee Atika is unable to provide the Secretary with a written release for any lien or encumbrance as required by this section, at the request of Shee Atika the Secretary shall release to a court of competent jurisdiction an amount as prescribed by such court as necessary to secure release of any such lien, and the remaining amount shall be paid over to Shee Atika. Nothing in this Act shall preclude Shee Atika from assigning all or part of the cash payment offered in this Act for the benefit of Shee Atika's creditors.

(c) CREDITS.—If on the date of Shee Atika's acceptance pursuant to section 5, the Secretary and Shee Atika have entered an agreement pursuant to section 504(k) of the Act as amended by Public Law 99-235, and a payment or payments have been made to Shee Atika pursuant to or in consideration for such agreement, the amount of any such payment or payments shall be credited against the first installment of the payment specified in section 3(6), and such installment shall be reduced accordingly.

SEC. 16. STATUS OF LANDS CONVEYED.

(a) SATISFACTION OF ENTITLEMENTS.—In the event that the offer contained in section 3 of this Act is accepted by Shee Atika, the lands, interests therein, and rights conveyed by this Act shall constitute full satisfaction of all rights and entitlements of Shee Atika under the Settlement Act and the Act, and shall supersede and void all previous land selections of, and conveyances to, Shee Atika of lands on Admiralty Island. Of the offer contained in section 4 of this Act, the lands, interests therein, and rights conveyed by this Act shall likewise constitute full satisfaction of the land entitlement rights of Sealaska arising from its relinquishment of interests to Cube Cove Lands, and shall supersede and void all previous land selections of and conveyances to Sealaska of subsurface rights on Cube Cove Lands pursuant to this Act. Nothing in this Act shall be deemed to in any way create or establish a fiduciary relationship between the United States and Shee Atika, Sealaska or any other corporation or entity.

(b) SCOPE OF OFFER.—All lands listed in sections 3 and 4 are of approximate acreages and are subject to valid existing rights and to reservations as provided in this Act.

SEC. 17. MISCELLANEOUS.

(a) AMENDMENT TO SECTION 103.—Section 103 of the Act is hereby amended by inserting "(but not as National Forest Monuments)" after the words "and national recreation areas" in the third sentence of subsection (b) of such section.

(b) AMENDMENTS TO SECTION 504.—Section 504 of the Act as amended by Public Law 99-235 is hereby further amended by striking from paragraph (2) of subsection (e) of such section the words and figures "December 2, 1986" and by inserting in lieu thereof "December 2, 1986, except that with respect to any such claim involving lands within the Greens Creek area of the Admiralty Island National Monument such shall occur on December 2, 1987".

(c) TRANSFERS.—Lands transferred, exchanged, or granted pursuant to section 506(a)(2) of the Act shall be deemed to have been transferred, exchanged, or granted as of December 31, 1979: *Provided,* That this effective date shall not be construed in any way so as to obligate any payments by the United States, or as to require the escrow of any funds which may have been generated on such lands prior to December 2, 1980.

(d) AMENDMENTS TO SECTION 506.—(1) Section 506(a)(5) of the Act is hereby amended by adding at the end thereof the following new subparagraph:

"(C) If such sale is voluntarily terminated, or is cancelled or forfeited in accordance with applicable laws and regulations, for one year after such termination, cancellation, or forfeiture all lands within the sale area and lands between such sale area and lands lying to the east of such sale area which have been or may be conveyed to Kootznoowoo pursuant to this paragraph (5), shall be made available to Kootznoowoo, Incorporated, for exchange, on the basis of equal timber and other property values and other terms mutually agreeable to the Secretary of Agriculture and Kootznoowoo, Incorporated, for lands previously selected by or conveyed to Kootznoowoo, Incorporated, pursuant to this paragraph (5).".

(2) Section 506(a)(8) of the Act is hereby amended by adding at the end thereof the following new subparagraph:

"(D)(i) The Secretary of Agriculture is authorized and directed to acquire the lands and interests of Kootznoowoo, Incorporated on Admiralty Island specified in clause (iv) of this subparagraph.

"(ii) The acquisition shall be by the exchange of Federal lands and interests for those acquired from Kootznoowoo and shall be for equal value as determined by consideration of relevant market and other data and negotiations between the parties, and arbitration, if necessary.

"(iii) No later than 120 days after the date of enactment of the Admiralty Island Exchange Act of 1986, the Secretary shall offer to acquire, by exchange for some or all of the Federal lands identified in part (iv) of this subparagraph, the following lands and interests of Kootznoowoo on the 3,500 acres conveyed to Kootznoowoo on Admiralty Island under the terms of section 506(a)(3)(A): all rights to the commercial harvest of timber (but reserving other surface and subsistence uses) and all right, title, and interest in the subsurface estate of such lands (but reserving sand, gravel, and other common varieties of mineral materials on such lands). Any rights to timber on Admiralty Island acquired by the United States from Kootznoowoo shall be retained by the United States, and such timber shall not be harvested except in accordance with section 503(d) of this Act.

"(iv) As compensation for lands and interests acquired pursuant to this subparagraph (D), the Secretary, on behalf of the United States, shall offer to convey in exchange all or such part of the following Federal lands (as depicted on the maps entitled "Kootznoowoo Selection Lands" dated July 1986) in fee, in the order listed, as is necessary to achieve equality of value between the Kootznoowoo lands and interests acquired and the Federal lands conveyed: (I) North Point Higgins Coast Guard Base; (II) Betton Island and Back Island; (III) Hawk Inlet; (IV) Couverden Point; (V) Porpoise Islands; (VI) Southeast End of Krestof Island; (VII) Pleasant Island; (VIII) Shelter Island; (IX) Eagle River; (X) Douglas Island; (XI) Seal Cove; (XII) Nahenia Bay; and (XIII) other Federal lands in Southeast Alaska outside any conservation system unit identified by the Secretary in consultation with Kootznoowoo, Incorporated, to the extent that lands identified in this clause are insufficient to provide equal value for the lands to be conveyed to the United States.

"(v) Upon receipt of a notice setting forth the Secretary's offer and the Secretary's valuation of the lands and interests to be acquired by the United States and those offered to Kootznoowoo, Kootznoowoo shall have 60 days within which to either accept the offer or to notify the Secretary that the corporation differs with the Secretary's valuation of lands and interests involved in the exchange and desires to submit this

issue to arbitration on terms which are acceptable to both parties. If Kootznoowoo neither accepts the offer nor requests an arbitration within 60 days after Kootznoowoo's receipt of the offer, the Secretary may in his discretion either rescind the offer or provide additional time for Kootznoowoo to respond. If Kootznoowoo accepts the offer, conveyance of the exchange lands between the Secretary and Kootznoowoo shall be within 60 days of acceptance by Kootznoowoo, whether following the Secretary's offer or the conclusion of arbitration.".

(e) SHAREHOLDER HOMESITES.—Section 21 of the Settlement Act, as amended by section 1407 of the Act, is further amended by inserting ", a Regional Corporation, or an Urban Corporation" after the words "Village Corporation" each time such words occur in subsection (j) of such section 21.

The SPEAKER pro tempore. Is a second demanded?

Mr. YOUNG of Alaska. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. SEIBERLING] will be recognized for 20 minutes and the gentleman from Alaska [Mr. YOUNG] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. SEIBERLING].

Mr. SEIBERLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill is aimed at consolidating land ownership on Admiralty Island, AK, so as to facilitate mineral exploration and development in a nonwilderness area while also enhancing the protection of the resources and values of the wilderness areas within the Admiralty Island National Monument.

Toward these ends, the bill extends to Shee Atika, Inc., and Sealaska, Inc., two Alaska Native corporations with holdings on the island, an offer to exchange those holdings for other lands, cash, and other things of value.

Included in the offer are subsurface rights. The transfer of these to private ownership would lead to expanded and prolonged mineral exploration and development in the Greens Creek area on Admiralty Island, which was specifically recognized in the Alaska Lands Act of 1980 as an area where such exploration and development would take place.

The bill also amends several provisions of the Alaska Lands Act dealing with Admiralty Island so as to enhance the protection of the national monument and the wilderness area.

Mr. Speaker, this is not a new subject. Proposals to provide a special protective status for Admiralty Island date at least back to 1901, when President Theodore Roosevelt proposed that the island be designated as a bear sanctuary. In 1978, President Carter designated most of the island as a national monument. The 1980 Alaska Lands Act provided a legislative designation for the monument, and designated most of the monument as wilderness.

The 1980 act also provided for transfer to Shee Atika, Inc., and Sealaska, Inc., of the surface and subsurface estates, respectively, in about 23,000 acres of land within the monument boundaries. This represented part of the land transferred to these and other Alaska Native corporations pursuant to the Alaska Native Claims Settlement Act of 1971.

The 1980 act also included special provisions to facilitate mineral exploration and development in the Greens Creek area on Admiralty Island, which is within the monument boundaries but outside the wilderness area. Those provisions allowed continued exploration and validation of claims until December 2, 1985. Last year, Congress acted to maintain the status of existing claims until December 2, 1986. This bill would permit extension for another year, to December 2, 1987.

Those involved in mineral exploration and development in the Greens Creek area would like to have such activities continue in ways not permitted under the Alaska Lands Act provisions. Those seeking to enhance the protected status of the national monument as a whole have sought to facilitate an exchange whereby Shee Atika and Sealaska would transfer their present holdings on Admiralty Island for other lands and things of value, so that their present holdings could be incorporated into the national monument and the wilderness. H.R. 4883 is intended to make possible both of these objectives.

The bill is designed to be an offer for an exchange of closely approximate values. If Shee Atika should accept the offer, it would transfer to the United States the surface estate in about 23,000 acres on Admiralty Island, and in return would receive lands, cash, and other things of value. The cash component would be $25 million, to be paid in installments of $15 million and $10 million in successive fiscal years. In addition, the United States would forgive about $11 million which Shee Atika owes under two Bureau of Indian Affairs loans.

If Sealaska accepts the offer, it would not receive cash, but would receive lands and interests therein closely approximating the values of its present subsurface holdings underlying the Shee Atika lands on Admiralty Island, which it would transfer to the Federal Government.

Mr. Speaker, in conclusion, let me express my appreciation for the cooperation and assistance that the gentleman from Alaska has provided with regard to working out this rather complicated and important matter. With his help, I believe that our committee has produced a sound, balanced bill that is fair to the interests of all concerned, including the American people who are the owners of the Admiralty Island National Monument, and the State of Alaska which has a strong interest in the increased economic development that this bill will make possible.

I urge the passage of the bill.

Mr. Speaker, I reserve the balance of my time.

GENERAL LEAVE

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, at this time, I would like to thank the gentleman from Ohio [Mr. SEIBERLING], the chairman of the committee, for the work that he and his staff and our staffs respectively have put into this legislation. It is legislation that is historical. It is a solution to a very serious problem.

Mr. Speaker, I rise in strong support of H.R. 4883, a bill to provide for a land exchange in the Tongass National Forest in southeast Alaska. The legislation we have before us today is a carefully crafted compromise designed to end years of bitter struggle between Natives of the same family and region, and environmentalists. Because of litigation and endless court actions, the Natives of Shee Atika, Inc., have been unable to achieve the economic development from their lands promised them under the Alaska Native Claims Settlement Act of 1971. Because their lands are located on Admiralty Island National Monument in southeastern Alaska, environmental groups have sued to enjoin their harvest of timber, paralyzing their economic future and forcing them to near-bankruptcy. As in the case of most environmental lawsuits, they are designed to inflict economic damage, coming at the most critical moments of investment of time and capital. In this case, once Shee Atika had invested millions in the developmental stage of their timber operations, the environmentalists sued to preclude them from economically moving timber already cut off of Admiralty Island. It is akin to allowing a farmer to harvest all of his crops and then blocking the road to the market.

The suits have had their desired effect, and today Shee Atika faces an uphill battle to financial solvency. This legislation would assist them in that end, and by so doing, return to

the United States 23,000 acres of national monument lands on Admiralty Island. It is not a perfect compromise; they seldom are. Nevertheless, it is a workable deal. I urge the Members adopt the measure.

□ 1255

Mr. Speaker, I again thank the chairman and all parties involved in trying to solve this very ticklish situation that was created, I actually believe, against the congressional will, as an attempt that we tried to solve; a monument that could be destroyed.

By this legislation, we will be able to preserve it and make it the one area that we can continue to be proud of in southeast Alaska.

Mr. SEIBERLING. Mr. Speaker, I yield 2 minutes to the distinguished chairman of the National Parks and Recreation Subcommittee of the Interior and Insular Affairs Committee, the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Speaker, I thank the gentleman for yielding, and I want to commend the subcommittee chairman, Mr. SEIBERLING, and the ranking member on that subcommittee and of our committee, Mr. YOUNG, for their work on this Admiralty Island land exchange.

Indeed, this legislation does, as the chairman outlined in his initial remarks, provide for the consolidation of land and for the monument; and most of this grows out of policies that were moving in different directions at the same time and, obviously, that policy resulted in a great deal of litigation in which neither those conservationists that sought the monument protection or those that sought economic development were very happy about it.

The consequence, of course, and the solution as proposed here is to provide consolidation of those lands so that we would avoid the conflicts that have been inherent in the double-track policy that has affected Admiralty Island. That is, by moving the timber harvesting that is now going on by Shee Atika, and the economic development by Sealaska to areas where that will be consolidated in terms of Admiralty Island mineral extraction and move off of Admiralty Island with regard to cutting of timber.

I hope that this will work. It obviously provides some waivers and some legal exceptions which I think are not a precedent for action with respect to other land decisions or policy decisions with regards to Alaska or anyplace else, but I think, in this case, the judgment, the decision was that they were necessary to make this as near permanent a solution as possible for the future.

I commend those that have worked on this measure and rise to offer my support.

Mr. SEIBERLING. Mr. Speaker, I yield myself 2 additional minutes.

Let me thank my colleagues on both sides of the aisle for their support of this legislation. This legislation had its incipience 3 years ago when the Committee on Interior and Insular Affairs, under the leadership of Chairman UDALL, made an inspection trip to Alaska. Among other things, we visited the Greens Creek mineral development site. At that time, it was pointed out to us that the development of that area could not take place under the deadlines that were then in effect. The other problems on Admiralty Island have already been mentioned by the other speakers. It seemed to me that this was an opportunity to try to resolve these various issues in one piece of legislation.

For 2 years almost, negotiations have gone forward with all the parties concerned. While I do not think anybody is 100-percent happy with this result, it does seem to me that it is a fair, balanced result, and from the standpoint of the overall public interest, it is a desirable one.

Let me just say one other thing, Mr. Speaker. The U.S. Government and in particular the Congress, have a continuing responsibility with respect to native peoples under the Constitution. In addition to that, in the treaty under which the United States acquired Alaska from Russia, we undertook to protect the interests of Alaska Native populations.

In this particular case, through no fault of their own, these Native village corporations have found themselves in an increasingly difficult economic situation because of continued controversies over the management of lands on Admiralty Island.

This is an effort to resolve the factors that gave rise to those controversies, promote balanced economic development in southeast Alaska, which the Federal Government has already made commitments to do, and at the same time to restore these Native corporations to a viable economic position as best we can.

So I feel that this is a piece of legislation that is in the public interest and also carrying out treaty and constitutional responsibilities of the Congress and the Federal Government.

Mr. Speaker, on that basis, I strongly urge support of this legislation.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, the gentleman from Ohio [Mr. SEIBERLING] is absolutely correct in his statement, and I would like to at this time acknowledge again his dedication to the State of Alaska.

I very rarely agree with many of his dedicated moments and thoughts, but there is no one who understands the issue greater and a gentleman that has a great opportunity, that I think he has given the State of Alaska of understanding the issues.

I would suggest that, one that respects another colleague that takes the time to visit and to study and to understand, although he may differ from my opinions, I have the greatest respect for. I am going to deeply miss him because of his efforts and his belief for the State of Alaska, because he does know what he is talking about; he is not always right as far as I am concerned, but he does understand his position well and presents it very admirably.

Mr. SEIBERLING. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Speaker, looking back some years to the rather strenuous contests that the gentleman from Alaska [Mr. YOUNG] and I had over the Alaska lands legislation, let me say that despite our differences at that time and occasionally on other issues, that I have enjoyed working with him on the committee. He is a real gentleman, he is a great guy, and I hope I can go fishing with him sometime in Alaska, and that way we will see eye to eye, and the only argument we will have is over who caught the biggest fish.

Mr. YOUNG of Alaska. Mr. Speaker, I yield back the balance of my time.

Mr. SEIBERLING. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GLICKMAN). The question is on the motion offered by the gentleman from Ohio [Mr. SEIBERLING] that the House suspend the rules and pass the bill, H.R. 4883, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

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## ESTABLISHING THE SAN PEDRO RIPARIAN NATIONAL CONSERVATION AREA, ARIZONA

Mr. SEIBERLING. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4811) to establish the San Pedro Riparian National Conservation Area in Cochise County, Arizona, in order to assure the protection of the riparian, wildlife, archaeological, paleontological, scientific, cultural, educational, and recreational resources of the conservation area, and for other purposes as amended.

The Clerk read as follows:

H.R. 4811

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. ESTABLISHMENT OF SAN PEDRO RIPARIAN NATIONAL CONSERVATION AREA.

(a) ESTABLISHMENT.—In order to protect the riparian area and the aquatic, wildlife, archeological, paleontological, scientific, cultural, educational, and recreational resources of the public lands surrounding the San Pedro River in Cochise County, Arizona, there is hereby established the San Pedro Riparian National Conservation Area (hereafter in this Act referred to as the "conservation area").

(b) AREA INCLUDED.—The conservation area shall consist of public lands as generally depicted on a map entitled "San Pedro Riparian National Conservation Area—Proposed" dated July 1986, comprising approximately 43,000 acres.

(c) MAP.—As soon as is practicable after enactment of this Act, a map and legal description of the conservation area shall be filed by the Secretary of the Interior (hereafter in this Act referred to as the "Secretary") with the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the United States Senate. Each such map shall have the same force and effect as if included in this Act. Such map shall be on file and available for public inspection in the Office of the Director of the Bureau of Land Management, Department of the Interior, and in the Bureau of Land Management offices of the State Director for Arizona, and the district office responsible for the management of the conservation area.

SEC. 2. MANAGEMENT OF THE CONSERVATION AREA.

(a) GENERAL AUTHORITIES.—The Secretary shall manage the conservation area in a manner that conserves, protects, and enhances the riparian area and the aquatic, wildlife, archeological, paleontological, scientific, cultural, educational, and recreational resources of the conservation area. Such management shall be guided by this Act and, where not inconsistent with this Act, by the provisions of the Federal Land Policy and Management Act of 1976 (hereinafter in this Act referred to as "FLPMA").

(b) USES.—The Secretary shall only allow such uses of the conservation area as he finds will further the primary purposes for which the conservation area is established. Except where needed for administrative or emergency purposes, the use of motorized vehicles in the conservation area shall only be allowed on roads specifically designated for such use as part of the management plan prepared pursuant to section 3 of this Act. The Secretary shall have the power to implement such reasonable limits to visitation and use of the conservation area as he finds appropriate for the protection of the resources of the conservation area, including requiring permits for public use, or closing portions of the conservation area to public use.

(c) LIVESTOCK.—In order to provide an opportunity for the study, evaluation, and monitoring of riparian areas in the absence of livestock grazing, the Secretary shall not, subject to valid existing contractual rights, issue any permit for the grazing of livestock on lands designated as part of the conservation area by this Act for a period of 15 years from the date of enactment of this Act.

(d) WITHDRAWALS.—Subject to valid existing rights, all Federal lands within the conservation area are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws; from location, entry, and patent under the United States mining laws; and from disposition under all laws pertaining to mineral and geothermal leasing and all amendments thereto.

(e) ENFORCEMENT.—Any person who violates any provision of this Act or any regulation promulgated by the Secretary to implement this Act shall be subject to a fine of up to $10,000 or imprisonment for up to one year, or both.

SEC. 3. MANAGEMENT PLAN.

(a) DEVELOPMENT OF PLAN.—No later than 2 years after the enactment of this Act, the Secretary shall develop a comprehensive plan for the long-range management and protection of the conservation area. The plan shall be developed with full opportunity for public participation and comment, and shall contain provisions designed to assure protection of the riparian area and the aquatic, wildlife, archeological, paleontological, scientific, cultural, educational, and recreation resources and values of the conservation area.

(b) RECOMMENDATIONS.—The Secretary shall, in the comprehensive plan referred to in subsection (a), develop recommendations to Congress on whether additional lands should be included in the conservation area.

(c) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with appropriate State and local agencies, pursuant to section 307(b) of FLPMA, to better implement the plan developed pursuant to subsection (a).

(d) RESEARCH.—In order to assist in the development of appropriate management strategies for the conservation area, the Secretary may authorize research on matters including the environmental, biological, hydrological, and cultural resources of the conservation area, pursuant to section 307(a) of FLPMA.

SEC. 4. ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—The Secretary shall establish a San Pedro Riparian National Conservation Area Advisory Committee, whose purpose shall be to advise the Secretary with respect to the preparation and implementation of the comprehensive, long-range plan required pursuant to section 3 of this Act.

(b) REPRESENTATION.—There shall be 7 members of the Committee, who shall be appointed by the Secretary. Members of the Committee shall be appointed for terms of three years, except that of the members first appointed 2 shall be appointed for terms of 1 year and 3 shall be appointed for terms of 2 years. The Secretary shall appoint one member from nominations supplied by the Governor of the State of Arizona, and one member from nominations supplied by the Supervisors of Cochise County, Arizona. The other members shall be persons with recognized backgrounds in wildlife conservation, riparian ecology, archeology, paleontology, or other disciplines directly related to the primary purposes for which the conservation area was created.

SEC. 5. LAND ACQUISITION.

The Secretary may acquire lands or interests in lands within the boundaries of the conservation areas by exchange, purchase, or donation, except that any lands or interests therein owned by the State or local government may be acquired by donation or exchange only. Any purchase or exchange of lands to be added to the conservation area shall require the consent of the owner of those lands or rights.

SEC. 6. REPORT TO CONGRESS.

No later than 5 years after the enactment of this Act, and every 10 years thereafter, the Secretary shall report to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, on the implementation of this Act. Such report shall include a detailed statement on the condition of the resources within the conservation area and of the progress of the Bureau of Land Management in achieving the purposes of this Act.

SEC. 7. AUTHORIZATION.

There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

The SPEAKER pro tempore. Is a second demanded?

Mr. MARLENEE. Mr. President, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. SEIBERLING] will be recognized for 20 minutes and the gentleman from Montana [Mr. MARLENEE] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. SEIBERLING].

Mr. SEIBERLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4811 would designate a San Pedro Riparian National Conservation Area on Bureau of Land Management lands in Arizona. Its purpose is to protect an outstanding desert riparian area which the BLM recently acquired in southern Arizona. The reason BLM acquired the area was to protect it, and this bill is intended to help them accomplish that.

The San Pedro River area is a rare remnant of the desert streamside forests that have mostly been lost to development over the years. It is an unusually rich wildlife area, with an incredible total of 260 different species of birds, as well as an abundance of other wildlife. The river flows north out of Mexico, and serves as a corridor into the United States for many species only rarely seen here.

In addition, the area has important archeological, historic, and paleontological resources.

This would be the fourth national conservation area designated by Congress. Each one is managed by the BLM, but each has its own, unique mandate. H.R. 4811 would require the BLM to manage the San Pedro area to protect the resources I have mentioned, it would withdraw the area from mining, and it would prevent the Secretary of the Interior from issuing new grazing permits in the area for a period of 15 years.

Mr. Speaker, I want to thank our colleague JIM KOLBE, whose district includes the area affected by this bill, and the distinguished Arizonians on the Interior Committee, Chairman Mo

UDALL and Representative JOHN MCCAIN, as well as the other members of the Arizona delegation, for working out the language the committee has reported to the House. The strong bipartisan support for this bill from the Arizona delegation is testimony to the importance all Arizonians give to their natural heritage, and to their recognition that the San Pedro River area is a unique and valuable area that fully deserves the recognition and the protection that this bill would provide.

I strongly urge my colleagues to pass this legislation.

□ 1305

Mr. Speaker, I reserve the balance of my time.

Mr. MARLENEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4811, a bill to designate approximately 43,000 acres of BLM land in Arizona as the San Pedro National Conservation Area.

Conservation area designations are some what rare—only three such areas exist currently. However, I believe it is a useful designation because it allows us to shape the management of the area to fit particular needs while leaving the basic management scheme as one of multiple use.

In this regard, two issues came up during our hearings and markups on this legislation of concern to me because they do restrict multiple uses of the area. One, the bill bans grazing for 15 years. While I can appreciate the chairman's fear that overgrazing could occur, I believe grazing is a useful, discretionary tool which should be available to the BLM and should be addressed in the management plan for the area. The authors of the bill did, however, agree to a 15-year sunset after which time grazing can resume in the area.

Second, I was concerned that an effort might be made to close the area to hunting. I have been assured by the authors of the bill that this is not the case. Wildlife management will continue to be under the control of the State and nothing in the legislation affects their authority.

I commend my colleague from Arizona [Mr. KOLBE], in whose district the area is, and the gentleman from Arizona [Mr. MCCAIN], a member of the committee, for their leadership on this bill and urge my colleagues to support it.

Mr. MCCAIN. Mr. Speaker, will the gentleman from Montana yield?

Mr. MARLENEE. I yield to the gentleman from Arizona.

Mr. MCCAIN. I thank the gentleman for yielding.

Mr. Speaker, I also very much appreciate the gentleman's important support of this bill. I understand his concerns particularly in the area of hunting. We really very much appreciate his support of this bill.

Mr. Speaker, I would like to speak in strong support of this bill. The San Pedro Riparian National Conservation Area will be a welcome addition to the lands already set aside in my State of Arizona for the purpose of preserving our natural heritage. It contains important riparian, aquatic, wildlife, archeological, paleontological, scientific, cultural, educational, and recreational resources which are not presently well represented in my State.

This legislation contains some important features which I believe are important. First, grazing will be banned for 15 years. This will give us a unique opportunity to have a river in Arizona that exists in a near natural state, which does not exist, that I am aware of, anywhere else in Arizona. At the same time we will have the opportunity to review the effect of this procedure and the chance to modify it if the results indicate we should. Second, ORV use will be limited in the area. ORV use will not be prohibited but it will be controlled to certain defined areas. I do not think this area is compatible with unrestricted ORV use.

This legislation retains the unique approach of a management council with plenty of local representation to assist BLM in devising a long-term management plan for the use of the San Pedro Area. This should insure that the wishes of those who will make the most use of this area are given maximum input. I think this is a wise approach.

Finally, I would like to congratulate Congressman KOLBE for his unflagging efforts to gain passage of this measure and extend my personal thanks to Mr. SEIBERLING and Chairman UDALL for their time and attention to this relatively small matter. I am sure the people of Cochise County and all of Arizona appreciate the efforts of these three gentleman in preserving such a unique area as the San Pedro for them and their children.

Mr. Speaker, this bill along with the Arizona wilderness bill and others has contributed an enormous amount to the preservation of the great natural beauty of the most beautiful State in our Nation and that of Arizona. I am grateful and proud to have the opportunity today to be part of an effort to complete that very important effort of that great preservation of the wonderful State of Arizona.

Mr. KOLBE. Mr. Speaker, will the gentleman yield?

Mr. MARLENEE. I would be happy to yield to my colleague, JIM KOLBE, who is the author of this particular piece of legislation and in whose district this legislation would create a conservation district.

I would also request of the gentleman that I have the opportunity early on to view that area with him and at some later time we can go back and review the progress that is made in conservation and in improved vegetation habitation in that particular area.

Mr. Speaker, I yield to the gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. Mr. Speaker, I look forward to having the opportunity to show the gentleman from Montana as well as the distinguished chairman of the subcommittee this area, as I explained to him in a letter. I am looking forward to showing them myself.

Mr. Speaker, I rise in support of H.R. 4811. This is a bill I sponsored, with every member of the Arizona delegation, to designate the San Pedro riparian national conservation area in Cochise County, AZ. For those Members who believe that Arizona is a sunbaked and desolate State, with only the Grand Canyon as a redeeming feature, then I hope that what we say here today will dispel that myth.

We're all proud of the districts and State we represent—and I'm no exception to that. I grew up on a ranch in Santa Cruz County, in southeastern Arizona, where we have rolling green hills, streams that nourish giant cottonwoods, and air as clean and clear as anywhere on Earth. The House of Representatives has played an active role in seeing that we're able to maintain that natural beauty, and for that, Mr. Speaker, I salute my colleague from Ohio, Mr. SEIBERLING; the distinguished members of the House Interior Committee, including JOHN MCCAIN who is also a sponsor of this legislation; and most especially the chairman of the Interior Committee, my colleague from Arizona, and cosponsor, MO UDALL.

The San Pedro River—the subject of this legislation—flows north from Mexico into the United States. It passes near the city of Sierra Vista, and the towns of Hereford, Charleston, Fairbank, and Saint David. The area for designation consists of 43,000 acres lying in a narrow strip along 30 miles of river bottom between Saint David and Hereford. Along this river can be found one of the most important areas in the country for riparian wildlife, as well as archaeological and historical sites.

The ecosystem along the river is one of the best remaining in Arizona. Because of the year round water, and the riparian forests, the San Pedro is home to approximately 161 species of birds, including nearly 20 percent of the Nation's nesting population of the rare gray hawk.

It's home to 80 species of mammals, including racoons, muledeer, whitetail deer, javelina and bobcats.

It's home to at least 12 species of fish and 69 species of reptiles and amphibians.

And finally, the area is home to over 100 known prehistoric and historic

sites and nine known fossil sites. We can only guess as to how many more will be discovered given the time to study the area.

The Federal Government acquired this land a few months ago by means of a land exchange. Since then it has been closed to the public until legislation can be passed and a management plan prepared. But controlled access to the area could eventually include significant opportunities for hiking, horseback riding, bird watching, nature studies, camping, and hunting. The extent of these possible uses will be determined in the management plan based on the guidelines dictated in H.R. 4811.

The purposes of this bill are several:

To place the area under the stewardship of the Bureau of Land Management;

To define the resources which Congress believes to be preeminent, and therefore to be protected;

To provide direction to the bureau as they attempt to formalize their management guidelines;

To ensure that the bureau is carrying out the purposes of this act in line with congressional intent by requiring a report to the House and Senate on the progress and implementation of this act;

To ensure full public participation and comment by establishing an advisory council to assist in the development of the management plan and in carrying out that plan;

To establish legal enforcement provisions which would enable the U.S. Government to prosecute individuals found guilty of violating the provisions or regulations of this act.

I want to take a moment to mention that I believe the Bureau of Land Management in the State of Arizona, including Dean Bibles, the State director, and Les Rosenkrance the manager of the Safford District BLM Office, and their entire staff, deserves commendation for the job they have done on this project. The kind of support this bill enjoys in Arizona is directly related to their work. They have done a marvelous job of educating the public about the importance of this area, holding numerous public hearings throughout the State to hear everyone's concerns about possible uses and abuses in the area. In March, they completed a complicated land exchange in order to acquire the property at no cost to the taxpayer, and they are working with a volunteer management steering committee in developing the management guidelines in order to ensure that the process continues in a very wide open and public way.

Without their dedication and high professionalism, this bill, and the support that exists for its passage, would not exist.

I would also like to commend the majority and minority staff of the House Interior Committee. They have worked with my staff to ensure that the concerns of all interested groups would be addressed in this bill. The result was a substantial redraft of the original legislation which more clearly fits the unusual and particular needs of this land.

The changes to my bill which were adopted in committee significantly improves the bill by more specifically directing the kind of management that is foreseen for this area. It accomplishes this, I might add, without unnecessarily tying the hands of the actual land managers, those folks who are in the field and must deal with the reality of managing large, valuable tracts of land in a manner that will protect and enhance this area for the enjoyment of generations to come.

As one member of the committee stated when the bill was marked up last week, this bill is an example of reality dictating the substance of legislation, rather than legislation being thrust upon reality.

The list of groups who have expressed support for passage of this bill include the Sierra Club, the Audubon Society, the Arizona Chapter of the Wildlife Society, the Arizona Nature Conservancy, the Arizona Native Plant Society, the Arizona Game and Fish Commission, as well as the Bureau of Land Management and the Office of Management and Budget. This is a farflung group of varied interests and perspectives. The 3 months since I introduced this legislation have been filled with numerous meetings, conferences and telephone calls to make sure that this legislation is right for the land. I can stand here today and say that, with the help of all of these groups, and many other interested individuals, this legislation is right.

I urge my colleagues to pass this legislation today, that we might let the other body know that we want this legislation passed this session.

Mr. MCCAIN. Mr. Speaker, will the gentleman from Montana yield further?

Mr. MARLENEE. I yield to the gentleman from Arizona [Mr. MCCAIN].

Mr. MCCAIN. Mr. Speaker, I would just like to mention that our great Arizona historian Marshall Trimble in his book "Arizona Adventure" talks about the riparian habitat in Arizona in the days gone by. In his book he says:

In the high country, abundant stands of quaking aspens were a gourmet's delight for the wily, paddle-tailed critters. Further downstream, cottonwood and willows lined the banks of rivers and streams. During this pristine period, prior to giant irrigation projects, tree-cutting and overgrazing, the verdant land was a veritable paradise.

I believe this legislation today can at least restore a small part of Arizona to that degree of pristine beauty.

Mr. MARLENEE. Mr. Speaker, I reserve the balance of my time.

Mr. SEIBERLING. Mr. Speaker, I yield myself 1 minute.

As has already been pointed out, this bill makes no changes in existing law relating to hunting on public lands. All it does is to provide a general guide to the BLM as to the objectives that it is to follow in managing this land and developing a management plan.

I would point out, however, that that does include the right and duty where necessary to limit access to certain areas, and by controlling access it may obviously have an effect on hunting in those areas, but it is all to be done within the overall framework of this bill. It does not change the existing law with respect to which entity, the State or the Federal Government, decides which species may be hunted and where.

I just wanted to clarify that point for the RECORD.

Mr. MARLENEE. Mr. Speaker, will the gentleman yield?

Mr. SEIBERLING. I yield to the gentleman from Montana [Mr. MARLENEE].

Mr. MARLENEE. I thank the gentleman for yielding.

Mr. Speaker, the BLM and the Forest Service do have the ability and the right to limit access, ingress, or egress on any of the current public lands that they are managing.

Mr. SEIBERLING. That is correct. And, as has already been pointed out, this area presently is closed by the BLM pending action by Congress on this legislation.

□ 1320

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MARLENEE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. UDALL. Mr. Speaker, I am very pleased to rise in strong support today of H.R. 4811, which would designate the San Pedro Riparian National Conservation Area. This new area lies in Cochise County, AZ which I represented here in Congress for many years.

The lands covered by the bill are 43,000 acres of private lands that were acquired by the BLM in a major land exchange earlier this year. The lands are all in a narrow strip along about 30 miles of the San Pedro River that runs north from the Mexican border. Arizonans, as well as Federal officials, have been interested in protecting these special lands for many years.

The riparian area still retains about 75 percent of its native flora which is very unusual for a river in the Southwest. The nearby Gila, for example, has retained only about 10 percent and the Pecos about 15 percent. It is habitat for at least 20 species of raptors, a third of the entire United States population of gray hawks, and a total of about 210 species of birds. The diversity of mammals is considered the greatest of any area of comparable size in the country. The water that attracts

wildlife also has attracted man for thousands of years so the area is rich in archeological sites from early man, through 20th century Indians and Spanish settlers. The public recreation possibilities are outstanding.

The bill designates the area a "national conservation area." There are no real standards for what makes a national conservation area and we have approached the construction of this particular designation very carefully. Although generally my committee frowns on such designations because they are not well defined, we also recognize that this particular situation presents an opportunity to craft a management scheme that fits the unusual circumstances on the San Pedro.

The basic approach is to define the essential resources of the area—wildlife, archeologic, paleontologic, scientific, cultural, educational and recreational—and instruct BLM to draft a management plan promoting activities that further the protection and development of these resources while discouraging or prohibiting all activities that do not.

BLM is given pretty wide latitude in this regard, but there are some significant exceptions. First, all mining is banned after two current contracts signed by the former private landholder expire. Second, all vehicles are banned except on roads designated for their use by the management plan.

And finally, grazing is banned for at least 15 years. Like all too much of the lands in the Southwest, and especially its riparian lands, this area has been overgrazed. Our purpose in banning grazing, however, is not to make an antigrazing statement. Rather, it is an effort to create a riparian zone that has not been grazed by livestock, to study its ecosystem and provide a benchmark by which we can judge other riparian areas that may be characterized by good, bad, or indifferent grazing management practices. The ban against livestock grazing expires in 15 years so BLM can be given an opportunity to reevaluate this approach at that time. I want to emphasize that the fact that the ban sunsets in 15 years should in no way be interpreted as congressional intent to resume grazing after 15 years. It is my strong belief that grazing should be reintroduced only if the land managers believe it is necessary to do so for the ecological health of the riparian area and only then in such limited areas and for such limited time as they think is necessary.

There are essentially three current commercial activities in the area. All of them are operating under contracts with the former private landowner. These contracts all expire at the end of this year or the next. BLM intends to move all three of them—a grazing operation, a sand and gravel mine, and a "slumpblock" operation—out of the area when their contracts expire, and we fully support that intention.

Mr. Speaker, we have had unusual bipartisan cooperation and support from the very beginning of the effort to conserve the San Pedro. I want to offer a special note of appreciation to Dean Bibles, the Arizona State Director of BLM, for making the acquisition and protection of this area a personal priority and for meeting this challenge with great skill and dedication. I also would like to thank the rest of the Arizona congressional delegation for their help and to offer my congratulations to those many private citizens in southern Arizona who have worked so hard for this day for many years.

The SPEAKER pro tempore (Mr. GLICKMAN). The question is on the motion offered by the gentleman from Ohio [Mr. SEIBERLING] that the House suspend the rules and pass the bill, H.R. 4811, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

## SOCORRO COUNTY, NM, LAND CONVEYANCE

Mr. SEIBERLING. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4971) to direct the Secretary of the Interior to convey certain interests in lands in Socorro County, NM, to the New Mexico Institute of Mining and Technology, as amended.

The Clerk read as follows:

H.R. 4971

*Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,*

SECTION 1. TRANSFER OF LANDS.

(a) CONVEYANCE.—Subject to valid existing rights and except as provided in section 3, the Secretary of the Interior (hereafter in this Act referred to as the "Secretary") is authorized and directed to convey to the New Mexico Institute of Mining and Technology (hereafter in this Act referred to as the "Institute"), Sorocco, New Mexico, at fair market value, as determined by the Secretary, all right, title and interest of the United States in and to the public lands aggregating approximately 8,501.55 acres in Sorocco County, New Mexico, as generally depicted on a map entitled "New Mexico Institute of Mining and Technology Land Transfer, Socorro, New Mexico," dated 1985, to be used for research and education.

(b) SURVEY.—The conveyance required by subsection (a) shall occur only after the Institute performs and provides to the Secretary a survey of the archeological resources of the area which identifies the mitigation measures, if any, that the Institute, in coordination with the State of New Mexico Historic Preservation Office, will implement following the conveyance and shall be conditioned on the implementation of such mitigation measures.

SEC. 2. MAPS AND DESCRIPTION OF LANDS.

As soon as practicable after the enactment of this Act, the Secretary shall submit a map and legal description of the public lands designated in the first section of this Act to the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives. Such a map and legal description shall have the same force and effect as if included in this Act, except that any clerical or typographical errors or legal description may be corrected. The Secretary shall place such map and legal description on file, and make them available for public inspection, in the Office of the Director, New Mexico State Office, Bureau of Land Management, Santa Fe, New Mexico.

SEC. 3. RESERVATION OF RIGHTS.

There are reserved to the United States all minerals that may be found in the lands described in the first section: *Provided, however,* That such lands, except for valid existing rights, shall not be available for location and patent under the U.S. Mining Law, Act of May 10, 1872, 17 Stat. 91, 30 U.S.C. 22, 28, 28b.

The SPEAKER pro tempore. Is a second demanded?

Mr. MARLENEE. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. SEIBERLING] will be recognized for 20 minutes and the gentleman from Montana [Mr. MARLENEE] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. SEIBERLING].

Mr. SEIBERLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill would authorize and direct the Secretary of the Interior to convey to the New Mexico Institute of Mining and Technology the surface estate in 8,500 acres of Federal lands in Socorro County, NM.

The conveyance would be for fair market value as determined by the Secretary, and the mineral rights in the lands would be retained by the United States.

The conveyance would allow the expansion of the field laboratory which the New Mexico Institute of Mining and Technology uses for research purposes.

Legislation is required if the sale is to occur in a timely manner, as BLM has not completed the necessary revisions of its plans to enable them to dispose of the lands.

Mr. Speaker, the administration testified they had no objection to the bill, and I note that a similar bill (S. 1963) has been passed by the other body.

Our committee has reported the bill with a number of technical amendments which will require us to send this matter back to the Senate for further action. However, so far as I know, the changes are not controversial and I urge passage of the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. MARLENEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4971, a bill to convey, after payment of fair market value, approximately 8,501 acres of public land in Socorro County, NM, to the new Mexico Institute of Mining and Technology. Preliminary estimates are that the land is valued at $650,000 or approximately $75 to $80 an acre.

The land will be purchased by the institute for use by them as a testing area for explosives. We were told in our hearing on this bill that acquisition of the land is very important to the college and local community which depend on them a great deal for employment. Acquisition of additional testing sites will allow the college to better compete for several Government research contracts. In particular, we were told they are working on ways to better protect our embassies from such things as car bombs.

BLM supports the legislation. Section 202 of the Federal Land Policy and Management Act [FLPMA] would allow BLM to sell the land. However, a revison in the land use plan would have to be made first, which could take a long time. We are told that the institute is anxious to move ahead quickly.

The legislation protects valid existing rights, such as the mining claims and geothermal leases which exist on the land.

I commend my colleague from New Mexico [Mr. RICHARDSON], for his efforts in moving this legislation. I hope we can continue to work in a bipartisan fashion on other bills of this type.

I urge my colleagues to support the legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. SEIBERLING. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from New Mexico [Mr. RICHARDSON], the author of the bill.

Mr. RICHARDSON. Mr. Speaker, this bill is not only important to the future research capabilities for the New Mexico Institute of Mining and Technology in Socorro, MN, but for our Nation as a whole.

This is a relatively simple, noncontroversial bill which would allow New Mexico Tech—to buy at fair market value—some 8,505.55 acres of Bureau of Land Management land so that valuable educational research and testing work can continue to take place.

At the present time, the university's field laboratory does not have enough usable space. If the university's present laboratory space is not expanded an important component of our Nation's defense related research and testing capabilities will be hurt.

New Mexico Tech is nationally known for the work it has completed in the areas of petroleum recovery research, military hardware research, and explosive technology research. The entire military community is looking to New Mexico Tech to assume more of a role to fulfill their explosive testing obligations. This work requires large expanses of land for safety and security reasons. The land that would be conveyed to the school is necessary to meet both line-of-site and safety requirements. The land is adjacent to the present laboratory and is well situated for security purposes. The land will allow for economies of operation that might otherwise not exist in a location removed from the existing facility.

Mr. Speaker, this bill is fiscally responsible. The administration has no objection to the bill as the land would be purchased at fair market value. In addition, the bill recognizes and respects all current land uses. All valid and existing rights are protected, such as—grazing permits, geothermal leases and mining claims. The school has agreed to undertake, at its own expense, a survey of any archeological resources and will install air, water, and ground monitoring equipment.

This bill is necessary. New Mexico Tech needs to have clear title to this land because they cannot lease it from the Bureau of Land Management. BLM would be prohibited from issuing any permits or leases under the Federal Land Policy and Management Act [FLPMA] of 1976, because of the unique purpose that the land would be used for. The only way to ensure that these nationally important research projects can continue is if the bill is enacted into law.

Mr. Speaker, the testing at New Mexico Tech has proven to be economical—costing one-eighth to one-tenth of what it costs the Federal Government to conduct similar tests. The bill is supported by the Socorro, NM, city and county governments and the State of New Mexico. The ultimate effect of the expansion of the educational research and testing facility at New Mexico Tech would mean up to 200 to 300 new jobs.

Mr. Speaker, New Mexico Tech is a unique and important component in our overall defense related testing facilities. I would appreciate the support of my colleagues on this bill.

Mr. Speaker, another issue that was brought up in the markup and in the hearings on the legislation is the protection of the isopod, which is a unique species. The gentleman from New Mexico, in explaining what an isopod was, made a gross error in calling it a bug.

The bill protects the isopod by ensuring that a water reservoir is built.

In order to clarify the nature of an isopod, which was raised by the gentleman from Idaho [Mr. CRAIG], a distinguished biologist and also colleague, the gentleman from Minnesota [Mr. VENTO], will explain the correct terminology. Mr. Speaker, I yield to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, it is important that we clarify the record, because in both the full committee and in the subcommittee the isopod was referred to as a bug by my colleague, the gentleman from New Mexico. The gentleman from New Mexico claimed that the Library of Congress informed him that it was a bug, but I doubt that they would subscribe to the authorship of such nomenclature. Then it was described by one of my other colleagues as being an arachnid.

It is not an arachnid, and it is certainly not an insect, but rather an isopod is a crustacean, a small crustacean that occurs in this New Mexico environment. I believe it is a freshwater environment. Isopoda is one of the orders in the larger group of invertebrates known as arthropods. No doubt the references in this instance are to a specific isopod, for as a group they can be found under almost any rock in a damp habitat.

Mr. Speaker, I commend my colleague, the gentleman from New Mexico, for his work in trying to provide adequate protection for this type of species.

Mr. RICHARDSON. Mr. Speaker, I thank the gentleman for that clarification.

For that reason, Mr. Speaker, and the others that I listed, I urge support for this bill. I also think my colleagues who, in a bipartisan way, have helped us produce this consensus legislation.

I also thank the gentleman from Ohio [Mr. SEIBERLING] for his outstanding work on behalf of all people, isopods included, around this country, and for his leadership on environmental issues. We certainly are going to miss the gentleman.

Mr. SEIBERLING. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, maybe when we leave this body, we should form a new organization called "Anthropods for Isopods," and see what other invertebrates we can find that need protection.

Seriously, I think the gentleman has done a real service to the institute and to the people of his State and to the country. This institute is conducting extremely important work for the national defense and the national security, and they need this additional land. The bill provides the appropriate protection for isopods and other natural resources.

Mr. Speaker, I urge approval of the bill.

Mr. Speaker, I yield back the balance of my time.

□ 1330

Mr. MARLENEE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. (Mr. GRAY of Illinois). The question is on the motion offered by the gentleman from Ohio [Mr. SEIBERLING] that the House suspend the rules and pass the bill, H.R. 4971, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent that the Committee on Interior and Insular Affairs be discharged from further consideration of the Senate bill (S. 1963) to direct the Secretary of the Interior to convey certain interests in lands in Socorro County, NM, to the New Mexico Institute of Mining and Technology, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1963

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

TRANSFER OF LANDS

(a) Subject to valid existing rights and except as provided in section 3, the Secretary of the Interior (hereafter in this Act referred to as the "Secretary") is authorized and directed to convey to the New Mexico Institute of Mining and Technology (hereafter in this Act referred to as the "Institute"), Socorro, New Mexico, at fair market value, as determined by the Secretary, all right, title, and interest of the United States in and to the public lands aggregating approximately 8,501.55 acres in Socorro County, New Mexico, as generally depicted on a map entitled "New Mexico Institute of Mining and Technology Land Transfer, Socorro, New Mexico" dated 1985, to be used for research and education.

(b) The conveyance required by subsection (a) shall occur only after the Institute performs and provides to the Secretary a survey of the archeological resources of the area which identifies the mitigation measures, if any, that the Institute, in coordination with the State of New Mexico Historic Preservation Office, will implement following the conveyance and shall be conditioned on the implementation of such mitigation measures.

MAPS AND DESCRIPTION OF LANDS

SEC. 2. As soon as practicable after the date of the enactment of this Act, the Secretary of the Interior shall submit a map and legal description of the public lands designated in the first section of this Act to the Committee on Energy and Natural Resources of the Senate, and the Committee on Agriculture and the Committee on Interior and Insular Affairs of the House of Representatives. Such map and legal description shall have the same force and effect as if included in this Act, except that any clerical or typographical errors in such map or legal description may be corrected. The Secretary of the Interior shall place such map and legal description on file, and make them available for public inspection, in the Office of the Director, New Mexico State Office, Bureau of Land Management, Santa Fe, New Mexico.

RESERVATION OF RIGHTS

SEC. 3. There are reserved to the United States all minerals that may be found in the lands described in the first section, *Provided, however,* That such lands, except for valid existing rights, shall not be available for location and patent under the United States Mining Law, Act of May 10, 1872 (17 Stat. 91; 30 U.S.C. 22, 28, 28b).

MOTION OFFERED BY MR. SEIBERLING

Mr. SEIBERLING. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SEIBERLING moves to strike all after the enacting clause of the Senate bill, S. 1963, and to insert in lieu thereof the text of H.R. 4971 as passed by the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 4971) was laid on the table.

## GENERAL LEAVE

Mr. SEIBERLING, Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

## CUYAHOGA VALLEY NATIONAL RECREATION AREA AMENDMENTS

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4645) to modify the boundaries of the Cuyahoga Valley National Recreation Area, as amended.

The Clerk read as follows:

H.R. 4645

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. BOUNDARY ADJUSTMENT.

Section 2 of the Act entitled "An Act to provide for the establishment of the Cuyahoga Valley National Recreation Area", approved December 27, 1974 (16 U.S.C. 460ff et seq.), is amended as follows:

(1) In subsection (a), strike "numbered 655-90,001-A and dated May 1978" and insert "numbered 644-80,054 and dated July 1986".

(2) At the end of subsection (a), insert the following:

"The recreation area shall also comprise any lands designated as 'City of Akron Lands' on the map referred to in the first sentence which are offered as donations to the Department of the Interior or which become privately owned. The Secretary shall revise such map to depict such lands as part of the recreation area.".

(3) In subsection (b), after the first sentence, insert the following:

"The Secretary may not acquire fee title to any lands included within the recreation area in 1986 which are designated on the map referred to in subsection (a) as 'Scenic Easement Acquisition Areas'. The Secretary may acquire only scenic easements in such designated lands. Unless consented to by the owner from which the easement is acquired, any such scenic easement may not prohibit any activity, the subdivision of any land, or the construction of any building or other facility if such activity, subdivision, or construction would have been permitted under laws and ordinances of the unit of local government in which such land was located on April 1, 1986, as such laws and ordinances were in effect on such date.".

The SPEAKER pro tempore. Is a second demanded?

Mr. LAGOMARSINO. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes and the gentleman from California [Mr. LAGOMARSINO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to bring to the House H.R. 4645, introduced by our colleague, JOHN SEIBERLING.

The measure would authorize the inclusion of approximately 1,100 acres within the park, with all but two parcels being added on to the present southern boundary of the park. Of the additions, approximately 640 acres are proposed to be acquired in fee and 487 acres in easements, plus donation.

The vast majority of the contemplated fee acreage is owned by the city of Akron, which under the provisions of the park's enabling act can only be acquired by donation. H.R. 4645, as amended, clarifys the status of lands owned by the city of Akron. The bill specifies that the city-owned property identified will be included in the boundary only upon its donation to the United States or in the event the city disposes of the land to private interests.

The remaining fee acreage included in H.R. 4645 consists of the right-of-way for the historic steam railroad that operates in the park. The scenic easements authorized by the legislation will, if so acquired, protect one parcel in the Brecksville portion of the park, while the remainder of the easements would protect the southern viewshed of the park. H.R. 4645, as amended, stipulates that unless con-

sented to by the owner, no scenic easement acquired may prohibit any activity, subdivision, or construction on the property acquired if so permitted under local laws and ordinances which are in effect in the local political subdivision in which the land is located, as of April 1, 1986.

Mr. Speaker, I want to take this opportunity to commend the gentleman from Ohio [Mr. SEIBERLING] for putting together this farsighted proposal. Our colleague, JOHN SEIBERLING, has announced that he will conclude his service and therefore this measure will be his last formal touch to the Cuyahoga Valley NRA area, but certainly we will continue to seek his counsel whether formal or informal as we guide policy with respect to Cuyahoga Valley NRA—it certainly represents the realization of JOHN SEIBERLING's work close to his home and doubtless his heart. This measure adds very little to the present administrative demands of the park. The policy advocated will provide the National Park Service with new flexibility to deal with future changes in the use and management of lands that are important to the park.

I urge adoption of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. LAGOMARSINO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as you know, this bill would increase the Cuyahoga Valley National Recreation Area by approximately 1,127 acres. Of that amount, 640 acres would be acquired in fee title with conservation easements purchased for the remaining 487 acres. Of the acreage to be acquired in fee, 60 acres are owned by the Chessie Railroad and will be used for a historic steam train. The railroad right-of-way is a priority acquisition for the National Park Service and will enhance the transportation system for the National Recreation Area.

I would like to commend the bill's sponsor, the gentleman from Ohio, Mr. SEIBERLING, for his sincere efforts to improve this bill and alleviate some of the concerns expressed earlier with regard to the bill. Furthermore, I would hope that the gentleman's intent that the Park Service not acquire any of the lands authorized in this bill becomes a reality. During these times of necessary fiscal restraint, I feel it is important that new acquisitions not be authorized unless absolutely critical, in an effort to reduce the current backlog of authorized, but unacquired park lands. However, I understand the gentleman's intent to have this bill serve as an insurance policy against future high-rise developments adjacent to the national recreation area. Hopefully, local zoning will prevent such actions and render Park Service acquisition of the lands and interests unnecessary. However, I believe the gentleman's intentions are meritorious and I therefore support enactment of H.R. 4645.

Mr. Speaker, I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio [Mr. SEIBERLING].

Mr. SEIBERLING. I thank the gentleman for yielding to me.

Mr. Speaker, first of all, let me thank my distinguished colleague, Mr. VENTO, the chairman of the subcommittee, and the ranking minority member, Mr. LAGOMARSINO, for their sympathetic consideration of this legislation and for the kind words they have just said.

Mr. Speaker, I would feel very great misgivings about retiring from this body at the end of the year were it not for the fact that the future of this national recreation area, which is very dear to my heart, is likely to remain in their hands as well as the distinguished chairman of the Interior Appropriations Subcommittee, Mr. YATES and Mr. RALPH REGULA, the ranking minority member on that subcommittee.

They have all shown great consideration for ensuring that the needs of this important national asset are properly considered, I appreciate all that they have done in the past, and I have great confidence that they will continue that kind of support in the future.

I also want to thank the Director of the Park Service, Mr. William Mott, whose interest in this and other urban national recreation areas has established a new high for the Park Service and whose particular interest and knowledge about the Cuyahoga National Recreation Area has given me great satisfaction.

Mr. Speaker, H.R. 4645 makes only minor changes in the boundaries of the Cuyahoga Valley National Recreation Area [CVNRA] but is important in fine-tuning the current boundaries and providing the Park Service with a means of protecting key scenic areas in the park from future incompatible development that could mar the scenic quality of the valley.

As reported from committee, the bill takes a nonintrusive approach toward this objective that is not likely to involve any cost to the Government in the foreseeable future.

It provides for the boundary to include lands presently owned by the city of Akron but only if those lands are donated by the city or transferred to private ownership. In this way, those lands could one day form a protected southern gateway to the national recreation area. However, they will remain outside the park and under complete control of the city of Akron as long as they are needed for municipal purposes. If the lands eventually are donated to the Park Service, of course, it would be at no cost to the CVNRA.

The bill would add three scenic easement zones, the two largest of which are at the southern end of the park. Within these zones the Park Service could not use eminent domain to acquire from residential property owners any development rights permitted under local zoning in effect as of April 1986. No fee title could be acquired by the Park Service in these areas, but only easement purchases, and these only to the extent needed to prevent development that is presently prohibited by current zoning laws. So as long as such zoning is in force, there will be no need for any purchase by the Park Service in these areas. This would not only be a boon to property owners who want to preserve the residential character of the area, but would also increase the scenic value of lands already purchased at the southern boundary of the park which are extremely sensitve to scenic intrusion from development to the south.

The bill also authorizes the entire Cuyahoga Valley Line steam train tracks to be included in the boundaries. The right-of-way is currently owned by the Chessie System, but the Park Service is negotiating to acquire it. To facilitate operation of the train and preserve an important corridor for future rail transportation of visitors to the park, this means adding some 90 acres of the Chessie right-of-way between the northern southern boundaries of the park and the terminal facilities in Cleveland and Akron. Since the acquisition of those portions of the line already within the boundary of the park would have left so-called uneconomic remainders outside the park, the Park Service would have had to pay for the resultant reduction in value of the portions outside of the park even if it did not acquire them—so this provision is not expected to increase land acquisition costs in the CVNRA.

I urge my colleagues to support this modest measure to give the Park Service the tools it needs to protect the important recreational, scenic, and historic resources in the CVNRA.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just want to point out to my colleagues that when I said that this recreation area was close to the home and to the heart, obviously, of our colleague Mr. SEIBERLING. I was incorrect; his home is actually in the Cuyahoga Valley National Recreation Area. He has himself been very generous in terms of supporting that recreation area by donation of easements to the recreation area and himself has personally negotiated with many of the landowners and constituents that also, incidentally have to elect him,

negotiating away some of their rights in this area. No mean task, Mr. Speaker.

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So JOHN SEIBERLING has been as hard and tough in terms of developing public policy here with respect to his own area as he has been with respect to so many other areas where the deft touch of the gentleman from Ohio, Mr. JOHN SEIBERLING, has been left in public policy from Alaska to Florida. Our conservation units and resources are in far better shape because of his contributions.

I wanted to make these observations and to correct my statement so the record is clear. I thank the gentleman from Ohio, for his kind comments about our work, and in the future we will continue to look forward to his help regarding the Cuyahoga National Recreation Area as well as other topics.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LAGOMARSINO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. (Mr. GRAY of Illinois). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 4645, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

## AUTHORIZING THE ESTABLISHMENT OF A PEACE GARDEN

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4467) to authorize the establishment of a Peace Garden on a site to be selected by the Secretary of the Interior, as amended.

The Clerk read as follows:

H.R. 4467

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. ESTABLISHMENT OF PEACE GARDEN.

The Secretary of the Interior, acting through the Director of the National Park Service is authorized to enter into an agreement with the Peace Garden Project, Incorporated (a nonprofit corporation organized under the laws of the State of California) pursuant to which the Peace Garden Project, Incorporated may construct a garden to be known as the "Peace Garden" on a site on Federal land in the District of Columbia to honor the commitment of the people of the United States to world peace. The site for the Peace Garden shall be selected by the Secretary of the Interior, subject to the approval of the Commission of Fine Arts and the National Capital Planning Commission.

SEC. 2. PROCEDURES AND DOCUMENTATION.

(a) PROCEDURES.—The site selection, design and contruction of the Peace Garden shall comply with all procedures, rules, policies, and provisions of law applicable to the establishment of commemorative works on Federal land in the District of Columbia.

(b) DOCUMENTATION.—The agreement under section 1 shall require that the Peace Garden Project, Incorporated provide complete documentation of the design and construction of the Peace Garden to the Director of the National Park Service. Such documentation shall be permanently maintained.

SEC. 3. PREPARATION AND APPROVAL OF DESIGN PLANS.

The agreement under section 1 shall require the Peace Garden Project, Incorporated to be responsible for the preparation of the design plans for the Peace Garden. Such plans shall be subject to the approval of the Secretary of the Interior, the Commission of Fine Arts, and the National Capital Planning Commission.

SEC. 4. APPROVAL FOR COMMENCEMENT OF CONSTRUCTION.

The Peace Garden Project, Incorporated may not commence construction of the Peace Garden until both of the following conditions have been met:

(1) The Secretary of the Interior has determined that the full amount of funds estimated to be necessary for the completion of such construction in accordance with the design plans approved under section 3 are available from non-Federal sources.

(2) An additional amount equal to 10 percent of the estimated construction cost has been made available from non-Federal sources to the Secretary of the Interior to provide for maintenance of the Peace Garden.

SEC. 5. MAINTENANCE.

The Secretary of the Interior shall, upon the completion of the construction of the Peace Garden, maintain the garden. Notwithstanding any other provision of law, the Secretary may retain and use for such purpose the monies made available under paragraph (2) of section 4.

SEC. 6. PAYMENT OF EXPENSES.

The United States may not pay any expense of the construction of the Peace Garden except that technical advice may be provided by the Secretary of the Interior as he deems necessary.

SEC. 7. EXPIRATION OF AUTHORITY.

The authority to establish the Peace Garden under this Act shall expire at the end of the 5-year period beginning on the date of the enactment of this Act, unless construction of such garden begins during such period.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes and the gentleman from California [Mr. LAGOMARSINO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4467, introduced by my good friend and colleague, GEORGE MILLER, authorizes the Peace Garden Project, Inc., to establish a Peace Garden here in our Nation's Captial. This garden will serve to further demonstrate our national commitment to world peace and to reinforce its importance to all of us.

As a Nation, we are dedicated to peace. Visitors to our National Capital, however, seeing all the great memorials to military heroes and service, might well not perceive their purpose and commitment to peace and what it means to our Nation. Presently, this city does not reflect the degree of our commitment to peace as fully as it could. The Peace Garden project proposes to modify this appearance by constructing a garden dedicated to the principles of peace. Such a garden would be nonsectarian and non-ideological, and reflect American values and design.

H.R. 4467 authorizes the Secretary of the Interior, acting through the Director of the National Park Service, to enter into an agreement with the Peace Garden Project, Inc., to design and construct such a Peace Garden in Washington, DC. The bill requires approvals from the Secretary of the Interior, the Commission of Fine Arts, and the National Capital Planning Commission. The Peace Garden Project, Inc., is also responsible for raising the funds for the garden's construction and toward its maintenance.

Mr. Speaker, I wish to commend our colleague, GEORGE MILLER for his work on H.R. 4467. This is a good bill working for the worthy goal of lasting peace.

I urge all of my colleagues to support this bill.

Mr. SEIBERLING. Mr. Speaker, will the gentleman yield?

Mr. VENTO. I am happy to yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Speaker, I would like to add my comments in commendation of our colleague, the gentleman from California [Mr. GEORGE MILLER] and also of the gentleman from Minnesota [Mr. VENTO], for moving this legislation.

As has already been pointed out, it is fitting and appropriate that we have some memorial in Washington in recognition of the tremendous desire of this Government and the people of the United States to promote the cause of peace both here and abroad. In the words of Abraham Lincoln, we have "to do all that may achieve and cherish a just and lasting peace among ourselves with all nations."

During the hearing on this bill, I was moved to recall an old English poem from the Elizabethan period by an anonymous poet which I felt expressed the philosophy behind this bill, and for the RECORD, I will give it to my colleagues right now. it is very short. It goes like this:

A garden is a lovesome thing, God wot.
Rose plot, fringed pool, ferned grot.
The veriest school of peace.
And yet the fool contends that God is not.
Not God, in gardens?
Nay, when the eye is cool,
I have a sign.
'Tis very sure God walks in mine.

Mr. VENTO. Mr. Speaker, I thank the gentleman from Ohio [Mr. SEIBERLING], and I reserve the balance of my time.

Mr. LAGOMARSINO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to make a few brief comments on H.R. 4467.

This bill would authorize the establishment of a Peace Garden to honor the U.S. commitment to world peace. The garden will be located on Federal land in the District of Columbia on a site selected by the Secretary of Interior, presumably outside of the National Mall or West Potomac Park. The garden will be developed and constructed by a nonprofit organization, the Peace Garden project. The bill provides that the authority to establish the garden will expire 5 years after its enactment unless construction has begun.

I want to commend the subcommittee chairman, Mr. VENTO, for his efforts to improve the bill during the committee process. The changes made were in keeping with the intent of a bill this body passed earlier this year which developed standards for the establishment of commemorative works within the National Capital region of the National Park System. One of the most significant perfecting amendments requires that 10 percent of the estimated construction cost be provided to the Secretary of the Interior by the organization for future maintenance of the garden.

Mr. Speaker, H.R. 4467 provides that no Federal funds may be used to establish the garden. In addition, future maintenance costs should be minimal due to the trust fund provision. Furthermore, I believe that such a garden would enhance the beauty of our Nation's Capital and serve as a reminder of our commitment to world peace. Therefore, I support its passage.

Mr. Speaker, I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 4467, as amended.

The question was taken; and (two-thirds have voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

## INDIANA DUNES NATIONAL LAKESHORE AMENDMENTS

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4037) relating to the Indiana Dunes National Lakeshore, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4037

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. INDIANA DUNES NATIONAL LAKESHORE.

(a) BOUNDARY CHANGES.—The first section of the Act entitled "An Act to provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes", approved November 5, 1966 (16 U.S.C. 460u), is amended by striking out "December 1980, and bearing the number 626-91014" and inserting in lieu thereof "July 1986, and numbered 626-80033".

(b) DEFINITION OF IMPROVED PROPERTY.—Section 4 of such Act is amended by striking out the first sentence and substituting: "As used in this Act, the term 'improved property' means a detached, one-family dwelling which meets each of the following criteria.

"(1) The construction of the dwelling began before the date (shown in the table contained in this section) corresponding to the appropriate map.

"(2) The property is located within the boundaries delineated on the map described in such table which corresponds to such date.

"(3) The property is not located within the boundaries of any other map referred to in such table which bears an earlier date.

The term 'appropriate map', means a map identified as 'Boundary Map-Indiana Dunes National Lakeshore' (or 'A Proposed Indiana Dunes National Lakeshore' in the case of a dwelling the construction of which was begun before January 4, 1965) which is dated and numbered as provided in the following table.

| Property Within Boundaries of Map | Construction Began Before |
|---|---|
| Dated January 1986, #626-80033 | February 1, 1986 |
| Dated December 1980, #626-91014 | January 1, 1981 |
| Dated September 1976, #626-91007 | February 1, 1973 |
| Dated September 1966, #LNPNE-1008-ID | January 4, 1965 |

The term 'improved property' also includes the land on which the dwelling is situated which meets both of the following criteria:

"(A) The land is in the same ownership as the dwelling.

"(B) The Secretary has designated the land as reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use.

Such term also includes any structures accessory to the dwelling which are situated on the lands so designated. The maps referred to in this section shall be on file and available for public inspection in the Office of the Director of the National Park Service, Department of the Interior. The Secretary shall designate the land referred to in subparagraph (B).".

(c) RETAINED RIGHTS.—Section 5(a) of such Act (16 U.S.C. 460u-5a) is amended as follows:

(1) Strike out "the first section" and inserting in lieu thereof "section 4, dated December 1980, and numbered 626-91014."

(2) Strike out ": Provided, That" and substitute a period followed by "In the case of improved property within the boundaries of the map dated December 1980 and numbered 626-91014".

(3) After "(a)" strike "Except for" and insert "(1) Except for owners described in paragraph (2) and".

(4) Strike "(1)" in each place it appears and substitute "(A)" and strike "(2)" and substitute "(B)".

(5) Add the following at the end thereof:

"(2)(A) In the case property included within the boundaries of the lakeshore after 1980, any owner or owners of record of improved propery may retain a right of use and occupancy for noncommercial residential purposes for a term ending at either of the following:

"(i) A fixed term not to extend beyond September 30, 2010, or such lesser fixed term as the owner or owners may elect at the time of acquisition.

"(ii) A term ending at the death of any owner or of a spouse of any owner, whichever occurs last.

The owner shall elect the term to be reserved.

"(B) The retention of rights under subparagraph (A) shall be available only to individuals who are homeowners of record as of July 1, 1986, who have attained the age of majority as of that date and who make a bona fide written offer not later than July 1, 1991 to sell to the Secretary.".

(d) AUTHORIZATION.—Section 9 of such Act (16 U.S.C. 460u-9) is amended as follows:

(1) In the first sentence strike "$11,000,000" and insert in lieu thereof "$25,000,000".

(2) Add after the last paragraph "In addition to any other sums authorized for the acquisition of lands and interests in lands pursuant to the provisions of this Act there are authorized to be appropriated in additional $3,807,000 to be used for such purposes. The Secretary shall conduct a feasibility study of establishing U.S. Highway 12 as the 'Indiana Dunes Parkway' under the jurisdiction of the National Park Service. The Secretary shall submit the results of such study to the Committee on Interior and Insular Affairs of the United States

House of Representatives and the Committee on Energy and National Resources of the United States Senate within 2 years after the enactment of this sentence. Effective October 1, 1986, there is authorized to be appropriated such sums as may be necessary for the purposes of conducting the feasibility study.".

(e) OWNER CONSENT REQUIRED.—Section 13 of such Act (16 U.S.C. 460u-13) is amended by striking out "the first section" and inserting in lieu thereof "section 4, dated December 1980, and numbered 626-91014".

(f) MAP REFERENCE.—Section 16 of such Act (16 U.S.C. 460u-16) is amended by inserting at the end of the first sentence "on the map referred to in section 4, dated September 1976, and numbered 626-9100".

(g) RIGHTS-OF-WAY.—Section 15 of such Act is amended by adding the following at the end thereof: "The Secretary may acquire only such interest in the rights-of-way designated 'Crossing B' and 'Crossing C' on the map dated July 1986 and numbered 626-80033 as he determines to be necessary to assure public access to the banks of the Little Calumet River and the banks of Salt Creek within 50 feet on either side of the centerline of said river and creek.".

(h) COOPERATIVE AGREEMENT AND STUDY.—Add the following new section at the end of such Act:

"SEC. 24. LITTLE CALUMET RIVER AND BURNS/PORTAGE WATERWAY.

"(a) COOPERATIVE AGREEMENT.—The Secretary may enter into a cooperative agreement with the Little Calumet River Basin Development Commission, the State of Indiana or any political subdivision thereof for the planning, management, and interpretation of recreational facilities on the tract within the boundaries of Indiana Dunes National Lakeshore identified as tract number 09-177 or on lands under the jurisdiction of the State of Indiana or political subdivision thereof along the Little Calumet River and Burns Waterway. The cooperative agreement may include provisions for the planning of public facilities for boating, canoeing, fishing, hiking, bicycling, and other compatible recreational activities. Any recreational developments on lands under the jurisdiction of the National Park Service planned pursuant to this cooperative agreement shall be in a manner consistent with the purposes of this Act, including section 6(b).

"(b) STUDY.—The Secretary shall conduct a study regarding the options available for linking the portions of the lakeshore which are divided by the Little Calumet River and Burns/Portage Waterway so as to coordinate the management and recreational use of the lakeshore. The Secretary shall submit the results of the study to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and National Resources of the United States Senate within 2 years after the enactment of this section. Effective October 1, 1986, there is authorized to be appropriated such sums as may be necessary for the purposes of conducting the study.".

**The SPEAKER pro tempore. Is a second demanded?**

**Mr. LAGOMARSINO. Mr. Speaker, I demand a second.**

**The SPEAKER pro tempore. Without objection, a second will be considered as ordered.**

**There was no objection.**

The SPEAKER pro tempore. The gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes and the gentleman from California [Mr. LAGOMARSINO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4037 was introduced by our colleague PETER VISCLOSKY. The legislation, as amended, would modify the boundaries of the Indiana Dunes National Lakeshore, make adjustments in the development and land acquisition ceilings and authorize a cooperative agreement and several studies on lands related to the national lakeshore.

As an urban national park unit, carved out of a major population and industrial center, the national lakeshore has developed in an area greatly altered by residential and industrial development. With over 2 million visitors annually, the extensive sand beaches, dunes, marshes, woodlands, and prairie vegetation found within the national lakeshore provide a rich resource for residents of and visitors to the area.

The changes proposed by the legislation before the House today will further enhance the use and management of this national lakeshore. H.R. 4037, as amended, authorizes the inclusion of eight parcels within the "lakeshore boundary." The Committee on Interior and Insular Affairs received extensive testimony and even petitions from affected landowners on including additional property within the boundary. The parcels included represent some of the most significant in terms of addressing the resource protection and utilization needs of the lakeshore. Likewise, with the existing authority for development and land acquisition funding having been exhausted, the funding increases included in H.R. 4037 will enable the National Park Service to meet identified development and land acquisition needs.

H.R. 4037, as amended, also includes language giving the Secretary authority to enter into a cooperative agreement concerning the development of recreational facilities along the Little Calumet River and Burns/Portage Waterway. This cooperative agreement is intended to be limited to technical assistance only. The bill also includes language authorizing a study of U.S. Highway 12 through the lakeshore for possible designation as the "Indiana Dunes Parkway" and a study of the options available for linking the east and west units of the national lakeshore.

Mr. Speaker, I think the gentleman from Indiana [Mr. VISCLOSKY] has done an excellent job in putting together a proposal that reflects positively on the national lakeshore and its neighboring communities. The legislation before us today will further the care and management of this national resource for the benefit of all the people of the United States.

I urge adoption of H.R. 4037.

Mr. Speaker, I reserve the balance of my time.

Mr. LAGOMARSINO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to comment briefly on H.R. 4037.

As the subcommittee chairman has explained, this measure, as approved by the Subcommittee on National Parks and Recreation, would add approximately 860 acres to the Indiana Dunes National Lakeshore and increase its appropriations ceiling for development by $14 million. The bill also authorizes studies to establish ways to link the east and west units of the lakeshore and to determine the feasibility of establishing U.S. Highway 12 as the "Indiana Dunes Parkway." In addition, the bill authorizes cooperative agreements between the Federal, State and local agencies to develop recreational facilities within the lakeshore.

Mr. Speaker, I believe this bill was improved during the committee process and I want to commend the bill's sponsor, Mr. VISCLOSKY for his cooperation in resolving some of the issues associated with this bill. I believe he's done a good job and I'm pleased the subcommittee chairman, Mr. VENTO, is moving this bill forward.

Although I strongly feel that Congress needs to carefully consider the authorization of new funding for studies, such as those included in H.R. 4037, particularly during these times of fiscal restraint, I believe that the intent of the bill is meritorious and that several of its provisions will serve to improve the Indiana Dunes National Lakeshore. Therefore, I support its passage.

Mr. VENTO. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana [Mr. VISCLOSKY.]

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Mr. VISCLOSKY. Mr. Speaker, first of all, I want to use this opportunity to thank my subcommittee chairman, the gentleman from Minnesota [Mr. VENTO], as well as the gentleman from California and the staff for the fine cooperation I have had during the last year and a half in developing this legislation, in amending it and trying to perfect its provisions. They have been of great help and it could not have been done without them and I certainly want the record to reflect that.

I would also like before I begin my remarks to make one item extremely clear and that regards parcel 2(i) as identified on the map in section 1(A);

that is to say, as with section 10 in the existing act, the exercise of the authority of the Secretary to acquire interest in the right of way designated as parcel 2(i) as identified on the map in section 1(A) is not intended to permit the diminishment or interruption, change in ownership or change in operation of any existing electrical or railroad right-of-way on the above referenced parcel.

I would like to take this time now, Mr. Speaker, simply to emphasize the three elements that I attach the most importance to regarding the passage of this bill.

The first is that a natural area has been set aside in northwest Indiana, an area that is undergoing great structural change. We would like to develop this resource so that we can have new job opportunities by improving the quality of life, new job opportunities in the short term through the increase of the developmental ceiling and possible recreational development between the Ogden Dunes and the national steel area; also job opportunities in the future because we have improved the quality of life.

Second, as far as the recreational development of the dunes themselves, to make sure that access is assured for all the people living in northwest Indiana, the great Chicago metropolitan area and the Nation as a whole.

Last and paramount is to make sure that additional natural areas are preserved for future generations. I believe the legislation accomplishes all three of these goals in a balanced fashion that has met the objections of all the parties involved and has sought to be positive in supporting the emphasis in areas that they are concerned about.

I would also encourage the Members of this body to support passage.

Mr. VENTO. Mr. Speaker, I yield 4 minutes to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Speaker, I thank my colleague, the gentleman from Minnesota. I appreciate this opportunity to speak on this important measure which I wholeheartedly support.

It was my great fortune in life to have at one time served on the staff of the former U.S. Senator from Illinois, Paul Douglas. Paul Douglas was elected to the U.S. Senate in 1948 and served for 18 years.

Paul Douglas said of himself when he came to the U.S. Senate that it was his goal to save the world. After having served one term, he decided that he would be satisfied if he could just save the State of Illinois, and by the time he was ready to retire he said that he would have been happy just to save the Indiana Dunes.

Those who can recall the valiant effort made by Paul Douglas from 1957 to 1966 know that he was richly rewarded in 1966 when we passed the legislation which created the Indiana Dunes National Lakeshore.

There were many Members of Congress, in fact, many still sitting today, who played an integral role in the creation of the Indiana Dunes and helped Paul Douglas make this dream a reality. Among those from Illinois included my colleague who serves now from Illinois, MEL PRICE. In fact, the gentleman who is now serving as the Speaker in this particular Chamber, the gentleman from Illinois [KENNY GRAY] played an important role in the creation of the Indiana Dunes.

The gentleman from Arizona [Mr. MO UDALL] was also instrumental in that, as well as former Congressman Abner Mikva, who went on to become a Federal judge.

It is interesting as we stand here today to pass this important legislation expanding the Indiana Dunes National Lakeshore that we are, in fact, about to celebrate the 20th anniversay of that momentous legislative accomplishment. Twenty years ago Paul Douglas, caught up in what was to be his last political campaign, called on then Speaker John McCormack to lobby for him on the floor of this very House of Representatives and successfully brought the votes together to create the Indiana Dunes.

In a few weeks we will be commemorating the 10th anniversary of the death of Paul Douglas. It is fitting that as we do that we take a step forward in this Chamber on a project that was so near and dear to his heart.

Mr. Speaker, I rise in support of this bill. I commend it to my colleagues and I ask them to join me in pledging the support of this generation to the noble cause of saving the Indiana Dunes.

Mr. VENTO. Mr. Speaker, I just want to commend the gentleman for his observation of Paul Douglas' role and others with regard to the Indiana Dunes. There have been and continues to be an outstanding effort to try to improve the public policy and the designations that have been made in the past. It is a continuing battle to preserve these urban parks. The gentleman from Indiana [Mr. VISCLOSKY], our colleague on the committee, and the important work done on the Appropriations Committee by Mr. YATES and Mr. DURBIN, are absolutely essential if we are to finally realize what the hopes of those who initially sponsored these measures were. There is a lot of work to be done here. It may not receive as much attention as it should, but it is very significant in realizing the dream of what the Indiana Dunes envisioned when Paul Douglas initiated the policy and what we have to do tomorrow in achieving its realization.

Our colleague, the gentleman from Indiana [Mr. VISCLOSKY], is working hard on that with others and I commend these gentleman for their continuing attention and interest in the national lakeshore.

Mr. LAGOMARSINO. Mr. Speaker, I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GRAY of Illinois). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 4037, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

## MAKING IN ORDER, DURING CONSIDERATION OF H.R. 4428, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1987, THE OFFERING OF MONTGOMERY AMENDMENTS BY ANOTHER MEMBER

Mr. MONTGOMERY. Mr. Speaker, because of an emergency in my home, it is possible that I may be unable to be here when my amendments to H.R. 4428 are called up.

I ask unanimous consent that, notwithstanding the requirements of the rule (H. Res. 531), amendments made in order to H.R. 4428, if offered by me, be in order if offered by the gentleman from Missouri [Mr. SKELTON].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

## JOB TRAINING PARTNERSHIP AMENDMENTS OF 1986

Mr. HAWKINS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5185) to make certain amendments to the Job Training Partnership Act, as amended.

The Clerk read as follows:

H.R. 5185

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the "Job Training Partnership Amendments of 1986".

(b) REFERENCES.—References in this Act to "the Act" are references to the Job Training Partnership Act.

SEC. 2. DEFINITION OF ECONOMICALLY DISADVANTAGED.

Section 4(8)(B) of the Act is amended by striking out "six-month period" and inserting in lieu thereof "12-month period".

SEC. 3. DESIGNATION OF SERVICE DELIVERY AREAS BASED ON LABOR MARKET AREAS.

Section 101(a)(4)(A)(ii) of the Act is amended by striking out "a labor market area" and inserting in lieu thereof "one or more labor market areas.".

SEC. 4. LITERACY AND DROPOUT PREVENTION PROGRAMS.

Section 123 of the Act is amended—

(1) in subsection (a)—

(A) by striking out "and" at the end of paragraph (1);

(B) by striking out the period at the end of paragraph (2) and inserting in lieu thereof "; and"; and

(C) by inserting at the end of such subsection the following new paragraph:

"(3) to provide, in accordance with agreements under subsection (a)—

"(A) literacy training to youth and adults;

"(B) dropout prevention and reenrollment services to youth, giving priority to youth who are at risk of becoming dropouts;

"(C) a State-wide school-to-work transition program operated in a manner consistent with section 205(e); or

"(D) any combination of the activities described in subparagraphs (A), (B), and (C) of this paragraph."; and

(2) in subsection (c)—

(A) by striking out the first sentence of paragraph (2)(B) and inserting in lieu thereof the following: "At least 80 percent of the funds available under this section shall be used for clauses (1) and (3) of subsection (a) for the Federal share of the cost of carrying out activities described in such clauses, and at least 40 percent of the funds available under this subparagraph shall be used for clause (3) for the Federal share of the cost of carrying out activities described in such clause."; and

(B) by striking out "clause (1)" in paragraph (3) and inserting in lieu thereof "clause (1) and (3)".

SEC. 5. INTRASTATE HOLD HARMLESS ALLOCATION REQUIREMENT.

(a) Section 202(a) of the Act is amended—

(1) in paragraph (2), by striking out "Of" and inserting in lieu thereof "Subject to the provisions of paragraph (3), of";

(2) by redesignating paragraph (3) as paragraph (4); and

(3) by inserting after paragraph (2) the following new paragraph:

"(3) For fiscal years beginning after September 30, 1986, no service delivery area within any State shall be allocated an amount equal to less than 90 percent of its allocation percentage for the fiscal year preceding the fiscal year for which the determination is made. The allocation percentage for a service delivery area is the percentage which the service delivery area received of the total amount allocated pursuant to this subsection to all service delivery areas in all the States for such preceding fiscal year. If the amounts appropriated pursuant to section 3 (a) and (b) are not sufficient to provide an amount equal to at least 90 percent of such allocation percentages to each such area, the amounts allocated to each area shall be ratably reduced.".

(b) Section 251(b) of the Act is amended by striking out "section 202(a) (2) and (3)" and inserting in lieu thereof "section 202(a) (2), (3), and (4)".

SEC. 6. USE OF FUNDS TO SUPPORT SUMMER YOUTH PROGRAMS.

Section 203(b)(2) of the Act is amended—

(1) by inserting "(A)" after "(2)"; and

(2) by adding at the end thereof the following new subparagraph:

"(B) A service delivery area may use funds provided under this part to provide or support remedial education under part B of this title during the interval between participants' regular school years, if the service delivery area sets forth in its plan a description of the methods by which the services, facilities, or equipment provided or supported will be available for use by participants under this part and part B throughout the program year. Any funds made available under part B of this title that are used to provide or support such remedial education may be counted toward not more than one-fourth of the amount required (by paragraph (1)) to be expended under this part to provide authorized services to eligible youth.".

SEC. 7. USE OF INCENTIVE GRANT FUNDS.

Section 202(b)(3)(B) of the Act is amended—

(1) by striking out "which do not qualify for incentive grants under this subparagraph"; and

(2) by adding at the end thereof the following: "Funds available under this subparagraph may, without regard to section 108(a), be used by the Governor or a service delivery area during not more than five program years to develop and implement a data collection system to track the postprogram experience of participants under this part.".

SEC. 8. AVAILABILITY OF SUMMER YOUTH PROGRAMS DURING NONSUMMER MONTHS.

Section 253(a) of the Act is amended by inserting before the period at the end the following: ", except that a service delivery area may, within the jurisdiction of any local educational agency that operates its schools on a year-round, full-time basis, offer the programs under this part to participants during a vocation period treated as the equivalent of a summer vacation".

SEC. 9. PROHIBITION OF MATCHING ON GRANTS FROM SECRETARY'S DISCRETIONARY FUNDS UNDER TITLE III.

Section 301(c) of the Act is amended by adding at the end thereof the following new sentence: "Such criteria shall not include any requirement that, in order to receive assistance under this subsection, the State shall provide a matching amount with funds available from one or more other sources.".

SEC. 10. IDENTIFICATION OF DISLOCATED WORKERS.

Section 302(a) of the Act is amended—

(1) by striking out "or" at the end of clause (2);

(2) by striking out the period at the end of clause (3) and inserting in lieu thereof a semicolon and the word "or"; and

(3) by inserting at the end thereof the following:

"(4) were self-employed (including farmers) and are unemployed as a result of general economic conditions in the community in which they reside or because of natural disaster, subject to the next sentence.

The Secretary shall establish categories of self-employed individuals and of economic conditions and natural disasters to which clause (4) of the preceding sentence applies.".

SEC. 11. TAXATION OF JOB CORPS OPERATIONS PROHIBITED.

Section 437(c) of the Act is amended to read as follows:

"(c) Transactions conducted by a private for-profit contractor or a nonprofit contractor in connection with the contractor's operation of a Job Corps Center, program, or activity shall not be considered as generating gross receipts. Such contractors shall not be liable, directly or indirectly, to any State or subdivision thereof (nor to any person acting on behalf thereof) for any gross receipts taxes, business privilege taxes measured by gross receipts, or any similar taxes imposed on, or measured by, gross receipts in connection with any payments made to or by such contractor for operating a Job Corps Center, program, or activity. Such contractors shall not be liable to any State or subdivision thereof to collect or pay any sales, excise, use, or similar tax imposed upon the sale to or use by such contractors of any property, service, or other item in connection with the operation of a Job Corps Center, program, or activity.".

SEC. 12. COOPERATIVE LABOR MARKET INFORMATION.

Section 462 of the Act is amended—

(1) by inserting before the period at the end of the first sentence in subsection (d)(1) the following: ", taking into account both urban and rural areas"; and

(2) by adding at the end thereof the following new subsection:

"(f)(1) The Secretary shall develop a means by which statistical data relating to permanent dislocation of farmers and ranchers due to farm and ranch failures can be collected and shall collect such data.

"(2) The Secretary shall publish a report based upon such data as soon as practicable after the end of each calendar year. Such report shall include a comparison of data contained therein with data currently used by the Bureau of Labor Statistics in determining the Nation's annual employment and unemployment rates and an analysis of whether farmers and ranchers are being adequately counted in such employment statistics.".

The SPEAKER pro tempore. Is a second demanded?

Mr. GUNDERSON. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from California [Mr. HAWKINS] will be recognized for 20 minutes and the gentleman from Wisconsin [Mr. GUNDERSON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. HAWKINS].

Mr. HAWKINS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Job Training Partnership Amendments of 1986, H.R. 5185, does not make major programmatic changes in current law. It seeks only to make clarifying and perfecting changes in the existing act, and therefore, has broad bipartisan committee support.

In 1982, Congress enacted the Job Training Partnership Act which established employment and training programs for the Nation's disadvantaged youth, adults, and dislocated workers. Since that time, the committee has

conducted extensive oversight on implementation of the act. After more than 3 years of operation, certain amendments have become necessary. These amendments stem primarily from issues which arose after JTPA's enactment. The purpose of these amendments is to address these concerns without disrupting basic program operations.

The major impetus behind the need for these amendments stems from the fact that existing law does not include a substate hold harmless provision for title II-A, the basic training program for adults and youth, and title II-B, the Summer Youth Employment and Training Program. As a result, many service delivery areas are experiencing significant fluctuations in their funding levels which undermine program stability. H.R. 5185 mandates a 90-percent substate hold harmless provision based on the allocation for the preceding program year. This provision takes effect July 1, 1987.

Another compelling reason for these amendments is to clarify the use of the 6-percent incentive grant set-aside to include preventative technical assistance and postprogram data collection. Recently, the Department of Labor promulgated regulations which prohibit the use of these funds for such purposes after October 1, 1986. The committee supports the Department's new postprogram data collection plans and believes that States and service delivery areas should be permitted to utilize the 6-percent funds for this purpose. These new postprogram data collection plans will provide the national data necessary to implement longer term performance standards as originally envisioned in the act. The committee also believes that ongoing technical assistance should be available to all service delivery areas, not just those who fail to exceed performance standards.

H.R. 5185 addresses the plight of the growing numbers of dislocated farmers. When JTPA was first enacted, the farm crisis had not grown to the magnitude that it has today. This bill clarifies that self-employed individuals, including farmers, are eligible to participate in the Dislocated Worker Program if they are unemployed as a result of general economic conditions in the community.

Finally, the bill attempts to improve services to disadvantaged youth by targeting a portion of the education coordination grants for literacy training, dropout prevention, or statewide school-to-work transition assistance or any combination thereof. The bill also encourages service delivery areas to provide remediation for disadvantaged youth in need of such service who are served under the Summer Youth Employment Program. However, this bill should not be viewed as a panacea for addressing the severe youth unemployment problem facing our Nation today. Much more needs and should be done.

Mr. Speaker, I urge my colleagues to support H.R. 5185.

Mr. GUNDERSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 5185, the Job Training Partnership Act Amendments of 1986, and urge my colleagues to join with us in support of this legislation, for it represents a strong bipartisan effort to update and perfect America's job training programs.

As the distinguished chairman of our committee indicated earlier, since 1982 the Job Training Partnership Act has been the cornerstone for the Federal Government's efforts to provide employment and training assistance, No. 1, to the economically disadvantaged youth and adults in our society; and No. 2, to those workers who have become dislocated from their jobs.

In particular, this program has worked well because it is truly a partnership between the Federal Government, the State, and local governments, and business and industry. However, there are still a number of problems within JTPA for which fine tuning changes are needed. And today that is exactly our goal, to try to provide these technical changes, to make sure that this legislation will continue to be responsive to all populations that it is designed to serve.

The intent of this bill, first and foremost as I indicated, is to make these fine tuning, updating and technical changes, but to do so in a way that avoids substantive alterations in the act, a problem that many of us experienced with the previous Employment and Training Act known as CETA.

The chairman has discussed at length the intrastate hold-harmless provisions that are included under this act and as a result I am not going to spend much time on that particular issue. However, I would like to elaborate on a few of the other important points included in this legislation. One such area of interest relates to the provision of services to disadvantaged youth.

□ 1405

The need for increased remedial education—in particular, services targeted at our high-risk youth—has become an increased concern among all of us involved with education and training in our society. As a result, we want to enhance even further the targeting for this population that was included in the original 1982 act.

We attempt to improve services to disadvantaged youth in a couple of different ways. First, our bill provides incentives to service-delivery areas to provide remedial education to our youth participating in the Summer Youth Employment Program. Second, we place more emphasis on literacy, dropout prevention, and school-to-work transition programs by requiring that approximately 40 percent of our States' educational coordination money go toward these programs serving high-risk youth.

Another areas over which I and a number of my rural colleagues on both sides of the aisle have experienced a great deal of concern, and on which we have placed a great deal of attention over the past few months has been in dealing with the problems of those unfortunate constituents of ours who have been dislocated by the farm crisis. As a result, we have made a number of changes to update the Job Training Partnership Act in response to this continuing economic crisis which confronts our Nation's farmers. These changes are intended to: First, encourage the delivery of services to these dislocated farmers and their family members who are otherwise eligible; and second, to direct the Secretary of Labor to improve existing data collection methods to more accurately account for this population in need of such transitional assistance.

When enacted in 1982, the farm crisis had not yet risen to the proportion it has today. Therefore, the need to specifically address the employment and training needs of displaced farmers was not addressed in the statute. Since that time, as the problems of the agricultural sector have increased, it has become more and more evident that those increasing numbers of farmers leaving farming are and will be in need of substantive employment and training services.

Despite last year's efforts by the Department of Labor to issue new regulations allowing distressed farmers to participate in both titles II-A and title III of JTPA, there still seems to be some concern in certain areas of this country that we are experiencing problems in identifying and serving the displaced farm or rural population.

As a result of these findings, title II-A is modified in this legislation to change the definition of the economically disadvantaged. We do this in a way that would change the time period on which eligibility is based for determining who in particular is eligible for title II-A Program participation. This alteration to the statute should assist many farmers in qualifying for job search, support, and job training assistance under this program.

Present eligibility is based on a 6-month lookback or 6 months' prior income. The legislation that we have in front of us would change this from a 6-month to a 12-month lookback which gives a much more realistic view of the economic circumstances of the financially distressed farmer. The pur-

pose of this is quite obvious. If you think of a typical farmer who happens to have just sold his crop, a 6-month income review would reflect this sale which will probably result in a substantial, short-term income increase to that farmer. But this 6-month lookback will not recognize that despite that increased income, he has had high costs earlier in the year. A 12-month review would take into account these costs, reflecting more accurately that farmer's true income.

What we do in title III of JTPA, the Dislocated Worker Program, is to identify as eligible the dislocated self-employed and dislocated farmer through this clarifying amendment we simply allow the self-employed including farmers and for the most part even their small-town entrepreneur brothers and sisters, to become eligible for the dislocated workers program. Further, in the Education and Labor Committee report language, we encourage the Department of Labor and the States to develop definitions for dislocated farmers that would allow for earlier intervention for these individuals making the transition from farming to alternative employment much more effective.

Finally, in title IV of the Job Training Partnership Act, we require the Secretary of Labor to develop methods for collecting data on permanently dislocated farmers in order that we may adequately identify farmers who may qualify for services under JTPA. We further require that the Secretary report such findings to the Congress, including a comparison of this data with that used by the Bureau of Labor Statistics in determining our national unemployment rates, with an analysis of whether or not farmers are being adequately accounted for in such employment land unemployment statistics.

To bring all of this down to plain English, what we are talking about here is an effort to address the concern that evidence suggests that in rural areas we do not adequately calculate unemployment statistics. As an example, if you take a farm family which has become dislocated from that farm, chances are pretty good you have not only eliminated the job of the man on that farm, but you have also perhaps eliminated the wife from a full-time job, and perhaps even a son or daughter who might be working for the most part full time on the farm. Present unemployment statistics do not in any way, shape, or form account for all of this. We want to find a way, not to spend more money, but to more accurately reflect unemployment ratios across this country so that the areas which truly have the greatest unemployment are going to be benefited in terms of the formulas governing distribution of our Federal funds under the Job Training Partnership Act, and other Federal programs influenced by such statistics.

With that, I want to pay a special tribute to the distinguished chairman of our full committee, the gentleman from California [Mr. HAWKINS], and the distinguished ranking minority member [Mr. JEFFORDS], for their work along with the gentleman from California [Mr. MARTINEZ], the gentleman from Montana [Mr. WILLIAMS] and myself and others on the bipartisan way in which we have moved through what I believe are very positive changes for all of our country's employment training programs.

Mr. HAWKINS. Mr. Speaker, I yield 5 minutes to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, I was delighted to join Chairman HAWKINS, Mr. JEFFORDS, Chairman MARTINEZ, and Mr. GUNDERSON in introducing amendments to the Job Training Partnership Act (H.R. 5185). This bipartisan bill represents a consensus of opinion on the Education and Labor Committee and should be adopted by the House in expeditious fashion.

There are several issues that I would like to call to the attention of my colleagues as we move from action today to conference with the Senate: First, with regard to a compromise on the hold harmless provision, I would recommend that we look at a 2-year base and at total availability or only provide the hold harmless to SDA's with very limited carry in; and second, with regard to a compromise on the education component, I would recommend that we encourage the effort with incentives that do not create a situation where SDA's spend less money on youth.

One issue that this bill did not address is the growth in the number of service delivery areas [SDA's] under the Job Training Partnership Act resulting in a sharp increase in the number of SDA's receiving relatively small allocations under title IIA. With limited resources, economies of scale must somehow achieve a balance with the wish of the Congress for locally determined and managed delivery systems.

According to a study by Job Training Partnership, Inc., in program year 1986, there are now 62 SDA's receiving allocations of less than $500,000, and 175 SDA's with allocations less than $1,000,000. This is a marked increase over the prior year, since in program year 1985, 35 SDA's received allocations below $500,000, and 138 SDA's received allocations below $1,000,000.

These facts are driven by the following statistics. In fiscal year 1982, there were 476 prime sponsors under the Comprehensive Employment and Training Act [CETA]. Through program year 1985 of JTPA, there were 597 SDA's, while in program year 1986, there are now 627 SDA's, an increase of 151 over CETA or a dramatic 32-percent increase. To be fair, this increase is somewhat overstated since balance-of-state areas counted as one prime sponsor under CETA, while under JTPA, they were broken up into SDA's.

The bill includes a provision encouraging the development of a remedial education component in the Summer Youth Employment Program [SYEP]. This bill is a culmination of my efforts to achieve recognition of this need. In 1985, I introduced H.R. 1090 to mandate the inclusion of a competency-based remedial education component in SYEP. Eighty-four Members of the House cosponsored this effort and hearings were held on the bill on May 22, 1985. This year I revised the bill in light of these hearings and comments we received from all partners in the JTPA system. On January 23, 1986, I introduced H.R. 4050 to encourage a remedial education component rather than mandate it. Ninety-five Members of the House joined me in cosponsoring this bill.

The bill being debated today incorporates three components from H.R. 4050: First, encouraging a remedial education component within the Summer Youth Employment Program; second, allowing programs to be conducted during the interval between the participant's regular school year; and, third, providing a 90-percent hold harmless for the SYEP allocations to service delivery areas.

H.R. 5185 also incorporates a number of the amendments that I introduced in H.R. 4115 on February 4, 1986. These include: First, designating of service delivery areas based on one or more labor market areas; second, providing a 90-percent hold harmless for the title II–A allocations to service delivery areas; and, third, prohibiting a matching requirement on grants from the Secretary's discretionary funds under title III.

□ 1415

Mr. HAWKINS. Mr. Speaker, I yield 2 minutes to the gentleman from Alabama [Mr. ERDREICH].

Mr. ERDREICH. Mr. Speaker, I appreciate the gentleman yielding me this time and want to compliment the committee for moving these technical amendments to the Job Training Partnership Amendments Act of 1986.

I just want to add, though, as someone who participated in the manpower program at the local level in Jefferson County, AL, last year we were able to train barely 4,500 adults and had some 2,600 jobs available for summer youth, with more than 12,000 summer youths seeking employment. I realize in this era of limited funding that it is difficult to expand upon these much needed programs, but if there were any time in our Nation's history that

we need, in a very major way, to rethink our training activities, it is 1986 and into the future. We need a large, new program with a comprehensive approach from the private sector and public involvement to deal with the severe dislocation going on in my own State in the steel industry, the textile industry and other areas of major sectoral changes in our economy.

Job training is a No. 1 priority, I think, for the future economic growth of this country. I commend the committee for bringing these amendments forward.

I hope we can fashion new legislation in the future that will deal with this basic problem in America.

Mr. LIGHTFOOT. Mr. Speaker, I rise in support of H.R. 5185, a bill making changes in the Job Training Partnership Act [JTPA]. I commend my colleagues on the Education and Labor Committee for bringing this bill to the floor today. I also want to thank them for acknowledging the job training needs of farmers affected by the downturn in agricultural economy and by including provisions in the bill to better serve and accommodate these farmers and other self-employed people.

In November 1985, at my request, the Government Operations' Subcommittee on Employment and Housing held a hearing in Council Bluffs, IA, to examine the role of the Job Training Partnership Act in serving dislocated farmers. The main reason for this hearing was to discuss how JTPA was serving the farm community, the problems encountered while serving farmers, and how we might improve JTPA to better accommodate this group of people.

At the hearing we heard that farmers were being served under JTPA, but that it was a difficult task. Some of the reasons for the difficulties were that farmers were harder to reach, harder to convince that JTPA could help them, and harder to qualify for the program because of the way their income is determined.

The witnesses suggested several changes which could be made in JTPA to resolve these problems. First, it was agreed that service delivery areas needed to do a better job reaching out to the farm population to encourage them to check into the program for assistance.

Outreach and support groups were mentioned as ways to increase farmer participation in the program and to inform more farmers of the program's benefits. One farmer testified that if more farmers knew how the program could help them fine tune their skills in order to find new employment, then more would be interested in enrolling in the program.

Second, it was suggested at the hearing that the eligibility criteria be adjusted to take into consideration the special financial circumstances of farmers. In particular, it was advocated that title II–A eligibility under the economically disadvantaged training program be revised to allow for a lookback period of 12 months rather than the current 6 months. Under title II–A, an individual must be considered economically disadvantaged, which is determined by reviewing the applicant's last 6 months of income.

In the case of the farmer, a 6-month lookback period does not accurately reflect his financial picture because a farmer typically determines his income on a yearly basis. Further, in an example cited during the hearing, one service delivery area director had to turn away a farmer who had sold his soybeans prior to coming into the JTPA office.

The income for the soybeans pushed him above the eligibility guidelines, but if the director had been allowed to take into consideration the farmer's income and expenses for the past year, then the farmer would have been eligible. Overall, his expenses has been greater than his income for the year, but not for the 6-month period in which is used to determine eligibility.

I am pleased that the bill before us today revises the definition of economically disadvantaged to allow for a 12-month period over which a family's income must fall below the poverty level or other measurements in order to qualify for title II–A assistance. This change alone should help more farmers qualify for assistance under JTPA.

Another change included in this bill was discussed at the hearing was expanding the definition of dislocated workers under title III to include self-employed people and farmers. In April 1985, the Department of Labor issued a policy statement clarifying that title III participants could include dislocated farmers. Many States, including Iowa, were already serving farmers under title III, but the Department's policy statement assures these States that they were acting within the law. This language codifying that farmers and self-employed people can be considered dislocated workers guarantees that this population will be served under title III. It also acknowledges JTPA's role in serving this special population.

Finally, H.R. 5185 requires the Department of Labor to establish a better way to identify dislocated farmers and to collect data on this population to determine how current economic conditions have caused a permanent dislocation of farmers. Further, the Secretary of Labor is required to compare this information with the official employment/unemployment statistics gathered by the Bureau of Labor Statistics.

This information will be helpful in determining labor trends in rural areas. It has long been argued that the Bureau of Labor Statistics' official unemployment statistics do not accurately reflect the true unemployment picture in rural areas. Generally, this is due to the fact that farmers and their wives do not easily fit into the definition of who is considered unemployed and very few rural areas are sampled when monthly unemployment figures are determined.

In the November 1985 JTPA hearing and in a March 1986 Employment and Housing Subcommittee hearing to examine official unemployment statistics in rural and urban areas, I advocated that funding for Federal programs, including JTPA, should not be allocated on the basis of unemployment figures. This would make sure that rural areas are not disadvantaged because of the undercounting of the unemployed.

A General Accounting Office study conducted last November underscores the importance of allocating program funding based upon factors other than unemployment statistics. This study estimated that if the official unemployment rate was underreported by 1 to 3 percent in rural areas, then this could translate into a 7- to 21-percent reduction in JTPA funds going into rural areas.

The provision in this bill calling upon the Department of Labor to gather better statistics on rural labor trends, especially those affecting the farm community, should help identify the number of dislocated farmers who might be seeking job training assistance. It would also provide us with a better picture of unemployment in rural areas and lead to a more accurate distribution of funding under JTPA.

Overall, the bill before us today makes positive changes to ensure that more farmers are eligible for services under JTPA. It includes several of the provisions contained in a farmer JTPA bill introduced earlier this summer by Congressman GUNDERSON and me. It also recognizes that farmers can and should be served under JTPA and that their special circumstances should be considered when determining eligibility.

However, one area not directly addressed by this legislation, but which I hope the Department of Labor reviews, is the question of when a farmer can enter the program for assistance. In the case of a factory worker, he or she can start training under the title III program while still employed and still receiving an income. Even if they are no longer working, in most cases these workers are receiving unemployment compensation.

In the case of farmers, however, it is unclear when a farmer can and should enter JTPA's title III program. During the November hearing, witnesses advocated that farmers should be allowed to begin the program before they are completely out of farming. In some cases, this would provide them with an income to help pay for living expenses. It would also allow for a smoother transition from farming to another career. I hope the Department of Labor works with the States on the difficult question of when farmers can seek help under JTPA.

In conclusion, this is a good bill because it fine tunes JTPA without making major changes. One problem with the past employment program, CETA, was that Congress was continually changing the program. We need to make sure that this does not happen to JTPA. However, we must also make sure that Congress revises JTPA when necessary to meet the needs of a changing work force. I encourage my colleagues to vote for this bill.

Mr. GILMAN. Mr. Speaker, I rise in strong support of H.R. 5185, expanding and improving the Job Training Partnership Act [JTPA] and I want to express my appreciation to the gentleman from California, the distinguished chairman of the Committee on Education and Labor, Mr. HAWKINS, and other members of the committee, for bringing this package before us today.

Since it was adopted during the 97th Congress, JTPA has provided job training for economically disadvantaged and other individuals who face serious barriers to employment. Just

some of the many successful job training programs administered through JTPA are: Job Corps, the Work Incentive Program [WIN], employment and training assistance for dislocated workers, and general job training. JTPA replaced the CETA Program, and represents, I believe, a vast improvement in the delivery and management of employment training services. H.R. 5185 extends and clarifies JTPA in several important areas, contributing to the overall effectiveness of the JTPA.

As the U.S. economy continues its upward trend, there are still far too many Americans who are out of work. The programs authorized under JTPA, provide these citizens, citizens who want to work but who because of lack of training or the need for retraining, are unable to find suitable employment. H.R. 5185 extends to substates the hold harmless provision in JTPA which ensures that a State will receive at least 90 percent of their previous year's funding under the program, regardless of fluctuations in the unemployment figure. Current law requires that 40 percent of State grant money be used for youth programs; however many States have not met the requirement. H.R. 5185 allows State SDA's to use basic State grant money for summer youth-employment programs that provide remedial education for up to 25 percent of their 40 percent requirement.

This is an important provision which recognizes the strong link between remedial education and an individual's overall potential on the job market. Additionally, H.R. 5185 improves the eligibility criteria, extending from 6 to 12 months the period over which a family's income must fall below the poverty level or other measurements in order to qualify as economically disadvantaged. By incorporating this change, we will be making certain that only those who most need this assistance receive it.

Two other timely provisions address the current farm crisis: First, expanding the definition of dislocated workers for the purposes of employment, training, and assistance, to include the self-employed and farmers; and second, requiring the Department of Labor to compile statistical data for publication on the permanent dislocation of farmers and ranchers.

Mr. Speaker, this is an important, necessary piece of legislation, which will enhance and improve all JTPA Programs accordingly, I urge and invite you to support this measure.

Mr. FORD of Michigan. Mr. Speaker, I rise in support of H.R. 5185, the Job Training Partnership Act Amendments of 1986.

Mr. Speaker, H.R. 5185 received the unanimous approval of the Committee on Education and Labor. The bill represents a consensus developed through extensive oversight that a few clarifying changes to the act are needed at this time.

These amendments are as insightful as they are timely. They refine the act to ensure program stability, target areas needing immediate attention and expand program services to address a recent crisis. The changes take care of immediate needs, yet avoid making sweeping changes which would impair administrative efficiency. This a wise and prudent course of action. I commend and congratulate the bipartisan coalition from the Committee on Education and Labor for their skillful approach to the problem.

H.R. 5185 will correct a deficiency in the law that was causing program instability, clarify congressional intent with respect to assisting service providers, and require and encourage more intensive concentration of services in several critical areas.

The major provisions of the bill will reduce the fluctuations in the funding of service delivery areas by including a substate hold harmless for titles II-A and B of the act; target funds for programs to combat the high incidences of school dropout and illiteracy; and encourage SDA's to provide remedial education in the summer youth program. The bill also recognizes the recent farm crisis by encouraging the delivery of employment and training services to displaced farmers.

The amendments address only those areas which need urgent correction or accommodation, and avoid extensive programmatic changes that could disrupt programs which have been operational for a very short period of time in terms of administrative experience.

This legislation is an expeditious yet judicious response to our Nation's job training needs. I urge the overwhelming approval of my colleagues.

Mr. JEFFORDS. Mr. Speaker, I rise today in support of this bill, H.R. 5185, the JTPA Amendments of 1986. First, I want to thank the chairman, Mr. HAWKINS, for his leadership and willingness to work with the Republicans on the Education and Labor Committee in putting this bill together. Further, I want to congratulate Mr. MARTINEZ and Mr. GUNDERSON for their efforts, especially with respect to the dislocated farmer provisions in the bill.

The Job Training Partnership Act [JTPA] was passed and signed into law in late 1982 it has been hailed by the President as the most important domestic legislation of his administration. JTPA assumed substantial changes from the previous employment and training programs we had enacted. First, a greater role was given to the private sector. Second, the emphasis in the law was on training. Third, the States were given greater administrative responsibility under the program. Fourth, the program was performance, not program, driven. Those of us involved in the initial development of JTPA also agreed that stability was essential to the success of any structure and program implemented under the law. For over 3 years we have managed to forestall any attempt to amend the law, allowing the program to take hold before any changes were made.

Even now, as we propose these amendments, there is little support for any wholesale rewriting of the law. In fact, the information we have regarding program performance is positive. This bill is not in response to major disappointment with the law. It is not intended to make significant program changes or redirection. Instead, it is to fine tune, to correct oversights, and to clarify and strengthen original legislative intent.

These amendments address a variety of concerns. However, two provisions form the overriding reason for these amendments. First, when JTPA was enacted, a holdharmless provision was included to protect States from dramatic shifts in funding levels. Unfortunately, because we could not anticipate how many substate units there would be, the law did not include a hold-harmless provision for substate entities. Subsequently, there have been significant shifts in funding among substate units within some States. This bill contains a substate hold-harmless provision that we believe provides a temporary resolution to the problem. Ultimately, the distribution formula factors under the law will need to be reviewed, but until that time, this provision should bring interim relief to the funding uncertainties that some substate units have experienced.

Second, it is necessary to clarify our intent with respect to the use of a specified portion of funds under the law. Currently, States have the authority to hold 6 percent of their allocation of funds at the State level for incentive grants and technical assistance. Recently, the Department of Labor issued guidelines that would place restrictions as of October 1, 1986 on the use of these funds. In order to assure that such restrictions do not go into effect, these amendments must be passed. It was not our intent in enacting JTPA to withhold "preventative" technical assistance. Without these amendments, the Department would not allow the 6-percent funds to be used for this purpose.

Further, under the law, postprogram follow-up data are to be collected. The Department has recently outlined the type of data to be collected for these purposes. No additional funding was provided to enable States or substate units to collect this information. These amendments allow the 6-percent funds to be used for a period not to exceed 5 years for the development and implementation of a postprogram data collection system. The long-term implications of collecting such data cannot be ignored. Without it, we will not have the tools by which to assess the overall effectiveness of JTPA.

Several other provisions are included in these amendments: targeting education funds at the State level toward dropout prevention, illiteracy and school-to-work transition programs; addressing sales and use tax issues related to Job Corps centers; providing remediation as part of the Summer Youth Employment Program; assuring that self-employed individuals and farmers can be served under dislocated worker provisions of the law; and clarifying that the discretionary moneys under the dislocated worker program do not include a match requirement.

Each of these provisions improves the law. I believe that with these amendments, not only will we have clarified our original intent, but in several cases, assured that those who participate in these programs receive better, more comprehensive services, without eliminating flexibility from those who administer and provide the services.

I am pleased to have joined with Mr. HAWKINS and others in introducing and supporting these bipartisan amendments to the Job Training Partnership Act. These amendments are a reasonable response to the concerns of the field, while continuing to support the original intent of the law. I urge my colleagues to support these amendments.

Mr. GUNDERSON. Mr. Speaker, I yield back the balance of my time.

Mr. HAWKINS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GRAY of Illinois). The question is on the motion offered by the gentleman from California [Mr. HAWKINS], that the House suspend the rules and pass the bill, H.R. 5185, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HAWKINS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 5185, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HAWKINS. Mr. Speaker, I ask unanimous consent that the Committee on Education and Labor be discharged from the further consideration of the Senate bill (S. 2069) to amend the Job Training Partnership Act.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2069

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SHORT TITLE

SECTION 1. This Act may be cited as the "Job Training Partnership Act Amendments of 1986".

TRAINING PROGRAMS FOR OLDER INDIVIDUALS

SEC. 2. Section 124(d) of the Job Training Partnership Act (hereafter in this Act referred to as the "Act") is amended to read as follows:

"(d)(1) An individual shall be eligible to participate in the training program authorized by this section—

"(A) if the individual has attained 55 years of age; and

"(B)(i) is economically disadvantaged, or

"(ii) has a low income.

"(2) For the purpose of this subsection, low income includes any individual whose income is not more than 125 percent of the poverty guideline established pursuant to the Community Services Block Grant Act.".

PRESIDENTIAL AWARDS FOR OUTSTANDING BUSINESS INVOLVEMENT IN JOB TRAINING PROGRAMS

SEC. 3. Part D of title I of the Act is amended by adding at the end thereof the following new section:

"PRESIDENTIAL AWARDS FOR OUTSTANDING BUSINESS INVOLVEMENT IN JOB TRAINING PROGRAMS

"SEC. 172. (a)(1)(A) The President is authorized to make Presidential awards for outstanding achievement by business in the job training partnership program authorized by this Act. The President is authorized to make such awards to individual executive officers who, and business concerns which, have demonstrated outstanding achievement in planning and administering job training partnership programs or in contributing to the success of the job training partnership program.

"(B) In making the awards pursuant to subparagraph (A) of this paragraph, the President shall consider the effectiveness of the program for which the award is made.

"(2) The President is authorized to make Presidential awards for model programs in the job training partnership program authorized by this Act which demonstrate effectiveness in addressing the job training needs of groups of individuals with multiple barriers to employment.

"(b)(1) Each year the President is authorized to make such awards under subsection (a) of this section as the President determines will carry out the objectives of this Act.

"(2) the President shall establish such selection procedures, after consultation with the Secretary and the Governors of the States, as may be necessary.".

WITHIN STATE ALLOCATION

SEC. 4. (a)(1) Section 202(a) of the Act is amended—

(A) by striking out "Of" in paragraph (2) and by inserting in lieu thereof the following: "Subject to the provisions of paragraph (3), of";

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following new paragraph:

"(3)(A) Each Governor may provide that any service delivery area within a State may receive more than the allocation for a fiscal year determined under this subsection for that fiscal year, but in no event more than 90 percent of the average share or amount which the service delivery area received for each fiscal year for the 3 fiscal years prior to the fiscal year for which the determination is made.

"(B) Each fiscal year in which a Governor revises the allocation pursuant to subparagraph (A) of this paragraph, the Governor shall reallocate the allocations among service delivery areas not affected by the adjustments made pursuant to subparagraph (A) of this paragraph.".

(2) For the purpose of determining the hold harmless for the program year beginning July 1, 1986, under the amendment made by paragraph (1) of this subsection, the Governor shall recalculate the 9-month transition period described in section 161(c)(1) of the Job Training Partnership Act on a 12-month basis.

(b) The last sentence of section 202(b)(3)(B) of the Act is amended by striking out "which do not qualify for incentive grants under this subparagraph".

SERVICES TO YOUTH

SEC. 5. Section 203(b)(1) of the Act is amended by adding at the end thereof the following new sentence: "For the purpose of the preceding sentence, the term 'eligible youth' includes individuals who are 14 and 15 years of age.".

SUMMER YOUTH EMPLOYMENT PERFORMANCE STANDARDS

SEC. 6. (a) Part B of title II of the Act is amended by inserting at the end thereof the following:

"REMEDIAL EDUCATION SET-ASIDE AND PERFORMANCE STANDARDS

"SEC. 255. (a) For fiscal year 1987 and for each of the three succeeding fiscal years, in each service delivery area 25 percent of the amount available for this part for such year for the service delivery area shall be reserved for the conduct of remedial education programs.

"(b) During the period described in subsection (a), the Secretary shall develop standards to be applied to programs conducted under this part. Such standards may include (A) improvement in basic educational skills, (B) improvement in English language proficiency, and (C) attainment of recognized youth employment competencies prescribed pursuant to section 106(b)(2)(A).

"(c) Beginning after September 30, 1990, the Secretary shall establish and apply standards of performance for programs under this part based upon subsection (b).".

(b) The table of contents of the Act is amended by inserting after item "Sec. 254." the following new item:

"Sec. 255. Performance standards.".

IDENTIFICATION OF DISLOCATED WORKERS

SEC. 7. (a) Section 302(a) of the Act is amended—

(1) by striking out "or" at the end of clause (2);

(2) by striking out the period at the end of clause (3) and inserting in lieu thereof a semicolon and the word "or"; and

(3) by inserting at the end thereof the following:

"(4) were self-employed and are unemployed as a result of general economic conditions in the community in which they reside or because of natural disasters subject to the next sentence.

The Secretary shall establish categories of self-employed individuals and of economic conditions and natural disasters to which clause (4) of the preceding sentence applies.".

(b) Section 302(d) of the Act is amended—

(1) by inserting "(1)" after the subsection designation; and

(2) by adding at the end thereof the following new paragraph:

"(2) Whenever the State determines that it is practicable, the State is authorized, in carrying out the provisions of this title, to assist eligible individuals who reside outside the State but are employed in a labor market area, part of which is located within the State or employed in a service delivery area that is contiguous to a service delivery area in the State.".

REFERRAL OF APPLICANTS

SEC. 8. Section 424 of the Act is amended by adding at the end thereof the following new subsection:

"(d) The Secretary shall improve the coordination between training programs authorized by this Act conducted in service delivery areas and the Job Corps program. In carrying out the provisions of the preceding sentence, the Secretary shall assure that applicants for programs in service delivery areas should be referred to Job Corps centers, and vice versa, where the requirement of this subsection is appropriate and feasible.".

VETERANS' AMENDMENTS

SEC. 9. (a)(1) Section 4(5) of the Act is amended by inserting after "handicapped" a comma and the following: "including disabled veterans".

(2) Section 4(27) of the Act is amended by adding at the end thereof the following new subparagraph:

"(C) The term 'recently separated veteran' means any veteran who applies for participation under any title of this Act within 48 months of the discharge or release from active military, naval, or air service.

"(D) The term 'Vietnam era veteran' means a veteran any part of whose active military service occurred between August 5, 1964, and May 7, 1975.".

(b) Section 106(d)(3) of the Act is amended by striking out "and offenders" and inserting in lieu thereof "disabled and Vietnam era veterans, including veterans who served in the Indochina Theater between August 5, 1964, and May 7, 1975, and offenders".

(c) Section 108(c)(2)(B)(ii) of the Act is amended by inserting after "handicapped individuals" a comma and the following: "including disabled veterans".

(d) Section 121(c)(10) of the Act is amended by adding before the period at the end thereof a comma and the following: "including Veterans' Administration programs".

(e) Section 123(c)(1) of the Act is amended by inserting after "offenders" a comma and the following: "veterans,".

(f) Section 124(b) of the Act is amended by inserting after "nonprofit private organizations" a comma and the following: "including veterans organizations".

ADDITIONAL EXPERIMENTAL AND DEVELOPMENTAL PROJECTS AUTHORIZED

SEC. 10. Section 453(a) of the Act is amended—

(1) by inserting "(1)" after the subsection designation, and

(2) by adding at the end thereof the following new paragraph:

"(2) From funds made available under this part, the Secretary may provide financial assistance for pilot projects for the training of individuals who are threatened with loss of their jobs due to technological changes, international economic policies or, general economic conditions.".

PROJECTS FOR SPECIAL POPULATIONS

SEC. 11. (a) Part D of title IV of the Act is amended by adding at the end thereof the following new section:

"PROJECTS FOR SPECIAL POPULATIONS

"SEC. 456. In carrying out this part, the Secretary shall include projects designed to serve populations with multiple barriers to employment, such as individuals listed in section 203(a)(2) and individuals not otherwise targeted for assistance under this Act, with special consideration for displaced homemakers and the handicapped.".

(b)(1) Section 4 of the Act is amended by inserting at the end thereof the following new paragraph:

"(29) The term 'displaced homemaker' means an individual who—

"(A) was a full-time homemaker for a substantial number of years; and

"(B) derived the substantial share of his or her support from—

"(i) a spouse and no longer receives such support due to the death, divorce, or permanent disability of the spouse; or

"(ii) public assistance on account of dependents in the home and no longer receives such support.".

(2) The table of contents of the Act is amended by adding after item "Sec. 455." the following new item:

"Sec. 456. Projects for special populations.".

MOTION OFFERED BY MR. HAWKINS

Mr. HAWKINS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. HAWKINS moves to strike out all after the enacting clause of the Senate bill (S. 2069) and to insert in lieu thereof the provisions of H.R. 5185 as passed by the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: "An Act to make certain amendments to the Job Training Partnership Act."

A motion to reconsider was laid on the table.

A similar House bill, H.R. 5185, was laid on the table.

## PERMISSION FOR COMMITTEE ON EDUCATION AND LABOR TO SIT ON TUESDAY, AUGUST 12, 1986, DURING THE 5-MINUTE RULE

Mr. HAWKINS. Mr. Speaker, I ask permission for the Committee on Education and Labor to meet during proceedings under the 5-minute rule on tomorrow, August 12, 1986.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

## PROVIDING FOR FURTHER CONDITIONS FOR OFFERING OF AMENDMENTS TO H.R. 4428, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1987

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that, during further consideration of the bill (H.R. 4428) pursuant to House Resolution 531, notwithstanding the requirement of the rule that amendments made in order pursuant to paragraph 3 of section 2 of the rule be offered only in the order listed in the report of the Committee on Rules (H. Rept. 99-766), the chairman of the Committee on Armed Service or his designee may ask unanimous consent of the Committee of the Whole that he be permitted to offer en bloc certain amendments made in order under the rule, including modifications in the text of any amendment, that no amendment to such amendments en bloc be in order, that such amendments en bloc not be subject to a demand for a division of the question in the House or in the Committee of the Whole, that such amendments en bloc be debatable for not to exceed 30 minutes, and that the original proponents of amendments offered en bloc may have their statement inserted in the RECORD immediately before the disposition of the amendments en bloc.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

## NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1987

The SPEAKER pro tempore. Pursuant to House Resolution 523 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4428.

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IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4428) to authorize appropriations for fiscal year 1987 for the Armed Forces for procurement, for research, development, test, and evaluation, for operation and maintenance, and for working capital funds, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, with Mr. GEJDENSON (Chairman pro tempore) in the Chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Friday, August 8, 1986, amendments made in order pursuant to paragraph 2 of House Resolution 531 had been completed. The committee amendment in the nature of a substitute, as modified, made in order as original text for the purpose of amendment by House Resolution 523 is considered as having been read for amendment under the 5-minute rule.

The text of H.R. 4428, as modified, is printed herewith, said text including certain modifications agreed to on Tuesday, August 5, 1986, and pursuant to provisions of House Resolution 523 but not including amendments adopted by the Committee of the Whole on Tuesday, August 5, 1986, and August 8, 1986:

H.R. 4428

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

*SECTION 1. SHORT TITLE.*

*This Act may be cited as the "National Defense Authorization Act for Fiscal Year 1987".*

*SEC. 2. ORGANIZATION.*

*This Act is divided into four divisions as follows:*

*(1) Division A—Department of Defense Authorization.*

*(2) Division B—Military Construction Authorization.*

*(3) Division C—Other National Defense Authorizations.*

*(4) Division D—Miscellaneous General Provisions.*

## DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATION

SEC. 100. SHORT TITLE.

This division may be cited as the "Department of Defense Authorization Act, 1987".

## TITLE I—PROCUREMENT

### PART A—FUNDING AUTHORIZATIONS

SEC. 101. ARMY.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 1987 for procurement for the Army as follows:

(1) For aircraft, $2,741,700,000.

(2) For missiles, $2,361,900,000.

(3) For weapons and tracked combat vehicles, $3,924,300,000.

(4) For ammunition, $2,100,600,000.

(5) For other procurement, $5,093,600,000, of which—

(A) $824,900,000 is for tactical and support vehicles;

(B) $2,861,500,000 is for communications and electronics equipment; and

(C) $1,407,200,000 is for other support equipment.

(b) LIMITATION ON OBLIGATIONS.—The maximum amount that may be obligated from a procurement account of the Army for fiscal year 1987 is the amount authorized to be appropriated for such account under subsection (a) plus the following:

(1) For aircraft, $22,200,000.

(2) For missiles, $0.

(3) For weapons and tracked combat vehicles, $0.

(4) For ammunition, $0.

(5) For other procurement, $47,600,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) AIRCRAFT.—(1) Funds are hereby authorized to be appropriated for procurement of aircraft for the Navy for fiscal year 1987 in the amount of $9,758,000,000.

(2) The maximum amount that may be obligated for procurement of aircraft for the Navy for fiscal year 1987 is the amount authorized to be appropriated under paragraph (1).

(b) WEAPONS.—(1) Funds are hereby authorized to be appropriated for fiscal year 1987 in the total amount of $5,587,600,000 for procurement of weapons (including missiles and torpedoes) for the Navy.

(2) Funds appropriated or otherwise made available for procurement of weapons (including missiles and torpedoes) for the Navy for fiscal year 1987 may not be obligated in excess of the following amounts:

(A) For missile programs, $4,538,400,000.

(B) For torpedo programs:

For the MK-48 torpedo program, $214,800,000.

For the MK-46 torpedo program, $97,900,000.

For the MK-60 CAPTOR mine program, $59,500,000.

For the MK-50 torpedo program, $94,900,000.

For the antisubmarine rocket (ASROC) program, $13,600,000.

For the vertical Launched ASROC program, $74,300,000.

For the modification of torpedoes and related equipment, $97,700,000.

For the torpedo support equipment program, $32,500,000.

For the antisubmarine warfare range support program, $20,100,000.

(C) For other weapons:

For the MK-15 close-in weapon system program, $105,600,000.

For the MK-75 76-millimeter gun mount program, $14,900,000.

For other weapons programs, $72,700,000.

(D) For spares and repair parts, $150,700,000.

(c) SHIPBUILDING AND CONVERSION.—(1) Funds are hereby authorized to be appropriated for fiscal year 1987 for shipbuilding and conversion for the Navy in the total amount of $9,153,900,000.

(2) Funds appropriated or otherwise made available for shipbuilding and conversion for fiscal year 1987 may not be obligated in excess of the following amounts:

For the SSN-688 nuclear attack submarine program, $2,332,600,000.

For the SSN-21 nuclear attack submarine program, $454,300,000.

For the aircraft carrier service life extension program (SLEP), $83,500,000.

For the CG-47 Aegis cruiser program, $2,725,600,000.

For the DDG-51 guided missile destroyer program, $1,750,100,000.

For the LHD-1 amphibious assault ship program, $232,000,000.

For the TAO-187 fleet oiler program, $275,500,000.

For the TAGOS ocean surveillance ship program, $98,300,000.

For the AOE fast combat support ship program, $612,700,000.

For the oceanographic research ship program, $33,000,000.

For the strategic sealift and sealift enhancement ready reserve program, $48,500,000.

For the TACS auxiliary crane ship program, $61,100,000.

For service craft and landing craft, $58,900,000.

For ship contract design, $69,400,000.

For outfitting and post delivery, $393,900,000.

(d) OTHER PROCUREMENT, NAVY.—(1) Funds are hereby authorized to be appropriated for fiscal year 1987 for other procurement for the Navy in the amount of $5,848,000,000.

(2) Funds appropriated or otherwise made available for other procurement for the Navy for fiscal year 1987 may not be obligated in excess of the following amounts:

(A) For the ship support equipment program, $990,400,000.

(B) For the communications and electronics equipment program, $1,910,700,000.

(C) For aviation support equipment, $735,800,000.

(D) For the ordnance support equipment program, $1,169,100,000, of which $54,000,000 is available only for procurement of six Coherent Receiver Transmitter production kits for the MK-92 system.

(E) For civil engineering support equipment, supply support equipment, and command support equipment, $739,600,000.

(F) For spares and repair parts, $302,400,000.

(e) MARINE CORPS.—(1) Funds are hereby authorized to be appropriated for fiscal year 1987 for procurement for the Marine Corps in the amount of $1,497,100,000.

(2) Funds appropriated or otherwise made available for procurement for the Marine Corps for fiscal year 1987 may not be obligated in excess of the amount authorized to be appropriated in paragraph (1).

SEC. 103. AIR FORCE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 1987 for procurement of aircraft and missiles and for other procurement for the Air Force as follows:

(1) For aircraft, $16,746,800,000.

(2) For missiles, $6,071,000,000.

(3) For other procurement, $8,854,800,000, of which—

(A) $975,400,000 is for munitions and associated support equipment;

(B) $300,200,000 is for vehicular equipment;

(C) $2,142,900,000 is for electronics and telecommunications equipment; and

(D) $5,535,100,000 is for other base maintenance and support equipment.

(b) LIMITATION ON OBLIGATIONS.—The maximum amount that may be obligated from a procurement account of the Air Force for fiscal year 1987 is the amount authorized to be appropriated for such account under subsection (a) plus the following:

(1) For aircraft, $423,200,000.

(2) For missiles, $61,800,000.

(3) For other procurement, $98,800,000.

SEC. 104. DEFENSE AGENCIES.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 1987 for the Defense Agencies in the amount of $1,406,200,000.

(b) LIMITATION OF OBLIGATION.—Funds appropriated or otherwise made available for procurement for fiscal year 1987 for the Defense Agencies may not be obligated in excess of the amount authorized to be appropriated in subsection (a).

SEC. 105. AMOUNT FOR GUARD AND RESERVE EQUIPMENT.

(a) FY87 LIMITATION ON OBLIGATIONS FOR UNBUDGETED ITEMS.—Of the amount appropriated or otherwise made available to the Department of Defense for fiscal year 1987 for procurement, not more than $509,100,000 may be obligated or expended for procurement of equipment for the reserve components of the Armed Forces (including the National Guard) for items not included in the President's budget for fiscal year 1987, as set forth in the budget justification documents submitted to Congress in support of the budget request for the Department of Defense.

(b) FUTURE BUDGET REQUESTS FOR GUARD AND RESERVE EQUIPMENT.—Section 138 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(j) In each budget submitted by the President to Congress under section 1105 of title 31, amounts requested for procurement of equipment for the reserve components of the armed forces (including the National Guard) shall be set forth separately from other amounts requested for procurement for the armed forces.".

SEC. 106. AUTHORIZATION OF APPROPRIATIONS FOR CHEMICAL DEMILITARIZATION PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Secretary of Defense for fiscal year 1987 for the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 747), in the amount of $120,100,000.

(b) LIMITATION OF OBLIGATION.—Funds appropriated or otherwise made available for procurement for fiscal year 1987 for the program described in subsection (a) may not be obligated in excess of the amount authorized to be appropriated in that subsection.

SEC. 107. STRATEGIC BOMBER CONTINGENCY FUND.

(a) DESIGNATION OF FUND.—(1) The amount of $200,000,000 described in paragraph (2) shall be administered as a Strategic Bomber Contingency Fund in accordance with this section.

(2) Of amounts appropriated for procurement of aircraft for the Air Force for fiscal

year 1985 that remain available for obligation, $200,000,000 shall be available only for the purpose of the Strategic Bomber Contingency Fund under this section.

(b) AUTHORIZED USES OF AMOUNTS IN FUND.—

(1) OBLIGATION FOR ADDITIONAL LONG-LEAD ITEMS FOR B-1B AIRCRAFT.—Subject to subsection (e), the Strategic Bomber Contingency Fund shall be available for procurement of long-lead production components and subsystems for the B-1 aircraft. The Secretary of Defense shall obligate not less than $100,000,000 of such amount for procurement of such components and subsystems not later than 30 days after the later of—

(A) October 1, 1986, or

(B) the date of the enactment of an appropriation law referred to in subsection (e).

(2) COMPETITIVE ALTERNATIVE SOURCES FOR ATB— The Secretary of Defense (subject to subsection (e)) may use amounts in the Strategic Bomber Contingency Fund not used for the purpose described in paragraph (1) to establish competitive alternative sources for the Advanced Technology Bomber.

(c) REPORT ON ATB PROGRAM.—Not later than February 1, 1987, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report concerning the progress of the Advanced Technology Bomber program.

(d) REPORT ON USE OF FUNDS.—Not later than March 1, 1987, the Secretary of Defense shall submit to such committees a report on the plans of the Secretary for unobligated funds forming the balance of the Strategic Bomber Contingency Fund (beyond the amount required to be obligated under subsection (b)(1) and other amounts obligated under subsection (b)). Such report shall describe whether, and to what extent, the Secretary plans to—

(1) use such funds for a purpose described in subsection (b); or

(2) seek the submittal of a rescission with respect to such funds.

(e) AUTHORITY SUBJECT TO APPROPRIATION ACTS.—The authority to obligate funds forming the Strategic Bomber Contingency Fund is effective only to the extent provided in an appropriation law enacted after the date of the enactment of this Act.

(f) LIMITATION ON TOTAL NUMBER OF B-1 AIRCRAFT.—The Secretary of Defense may not obligate or expend funds for the assembly or integration of more than 100 B-1 aircraft.

(g) CONGRESSIONAL NOTICE.—This section is subject to section 1512 of the Department of Defense Authorization Act, 1985 (Public Law 98-525; 98 Stat. 2627).

SEC. 108. ADVANCED TECHNOLOGY BOMBER.

(a) LIMITATION ON AMOUNT AVAILABLE FOR FY87.—(1) The Secretary of Defense may not obligate funds appropriated pursuant to authorizations in this Act for the Advanced Technology Bomber program in an amount greater than the amount appropriated for such program for fiscal year 1986 unless—

(A) the Secretary prepares an acquisition strategy for such program; and

(B) the Secretary submits to the Committees on Armed Services of the Senate and House of Representatives a report describing the acquisition strategy for such program.

(2) If the Secretary proposes to revise the acquisition strategy prepared under paragraph (1) after the report on that strategy is submitted under that paragraph, the Secretary shall submit to the committees a report describing the proposed revision. Such a revision may not be implemented until 60 days after the date on which the report on the revision is received by those committees.

(3) The Secretary shall ensure that contracts for the Advanced Technology Bomber program are awarded in accordance with the acquisition strategy for the program.

(b) COMPETITIVE ALTERNATIVE SOURCES.—(1) The acquisition strategy prepared under subsection (a) for the Advanced Technology Bomber program shall provide that there will be competitive alternative sources available for the system (and each major subsystem) under the program during the production stage.

(2) In carrying out this subsection, the Secretary may provide that the requirement for competitive alternative sources for a system or subsystem is satisfied even though the sources for that system or subsystem do not develop or produce identical systems if the systems developed or produced serve similar functions and compete effectively with each other.

(c) WAIVER AUTHORITY.—(1) In preparing an acquisition strategy under subsection (a), the Secretary may waive part or all of subsection (b) with respect to production under the program if the Secretary determines that the application of that subsection to production under the program—

(A) would increase the total cost for the program;

(B) would result in unacceptable delays in fulfilling the needs of the Department of Defense; or

(C) would be adverse to the national security interests of the United States.

(2) If the Secretary grants a waiver under paragraph (1), the report submitted under subsection (a) with respect to the acquisition strategy for the Advanced Technology Bomber program—

(A) shall include notice that the waiver has been made; and

(B) shall set forth the reasons for the waiver, together with supporting documentation of comparative cost and schedule estimates and other background material.

(d) FINANCIAL ANALYSIS.—(1) The Secretary of Defense shall conduct a detailed financial analysis on the projected cost of procurement of 132 advanced technology bomber aircraft. On the basis of such analysis, the President shall certify to Congress the projected cost of such procurement. Such certification shall be submitted with the submittal to Congress of the President's budget for fiscal year 1988 budget.

(2) Not more than 60 days after the date of the enactment of the Department of Defense Appropriation Act for fiscal year 1987, the Secretary shall submit to Congress a written report setting forth the results of the analysis required under paragraph (1). The Secretary shall include in such report the current estimate of the projected total cost for the procurement of 132 advanced technology bombers.

(3) The Secretary shall transmit a copy of the report under paragraph (2) to the Comptroller General of the United States for review and shall make available to the Comptroller General (consistent with those provisions of title 31, United States Code, replacing the Budget and Accounting Act, 1921, and provisions of law contained in the amendments made by Public Law 96-226) such additional data and information as the Comptroller General requires for the purposes of such review. Such data and information as the Comptroller General receives under this section shall not be disclosed to anyone other than those persons specially agreed upon by the Comptroller General and the Secretary of Defense to have access to that data and information. Any report by the Comptroller General concerning data and information provided pursuant to this section may, consistent with the classification of such report, be provided to Congress and shall be prepared with due regard to the sensitivity of the information received in such matter as to avoid disclosure of data which could adversely affect ongoing contract negotiations or the national security.

(e) DEFINITION.—In this section, the term "major subsystem", with respect to the Advanced Technology Bomber program, means a subsystem of the system developed under such program that is purchased directly by the United States and for which—

(1) the amount estimated by the Secretary of Defense for research, development, test and evaluation is 10 percent or more of the amount specified in section 139a(a)(1)(B) of this title as the research, development, test, and evaluation expenditure threshold for a major defense acquisition program; or

(2) the amount estimated by the Secretary of Defense for production is 10 percent or more of the amount specified in that section as the production expenditure threshold for a major defense acquisition program.

SEC. 109. EXTENSION OF AUTHORITY PROVIDED THE SECRETARY OF DEFENSE IN CONNECTION WITH THE NATO AIRBORNE WARNING AND CONTROL SYSTEM (AWACS) PROGRAM.

Effective on October 1, 1986, section 103(a) of the Department of Defense Authorization Act, 1982 (Public Law 97-86; 95 Stat. 1100), is amended by striking out "fiscal year 1986" both places it appears and inserting in lieu thereof "fiscal year 1987".

SEC. 110. MULTIYEAR CONTRACTS FOR FISCAL YEAR 1987.

(a) ARMY.—(1) The Secretary of the Army may not enter into a multiyear contract for procurement for the UH-60A Black Hawk and EH-60A Quick Fix Airframe Program.

(2) The Secretary of the Army may enter into a multiyear contract under section 2306(h) of title 10, United States Code, for the following programs:

(A) Patriot Missile system.

(B) Stinger Missile system.

(b) NAVY.—The Secretary of the Navy may not enter into a multiyear contract for procurement of the following programs:

(1) F/A-18 aircraft.

(2) HARM Missile.

(c) AIR FORCE.—The Secretary of the Air Force may not enter into a multiyear contract for procurement of the following programs:

(1) Defense Support Program.

(2) Complementary Expendable Launch Vehicle.

(d) LIMITATIONS ON AUTHORIZED MULTIYEAR PROCUREMENTS.—During fiscal year 1987, the Secretary of a military department may enter into a multiyear contract under section 2306(h) of title 10, United States Code, with respect to the procurement of a program only if—

(1) the multiyear contract contains options to allow changes in quantity of the end-item to be procured under the contract of not more than 30 percent in any program year; and

(2) the Secretary certifies to Congress that multiyear contracting for such program provides a saving of at least 12 percent over the amount that would be spent under annual contracts.

SEC. 111. DEPLETED URANIUM PENETRATORS.

The Secretary of Defense may only procure ammunition containing a depleted uranium

penetrator component if the procurement of such component is on a Government-furnished material basis from at least two sources in the existing production base for such component.

SEC. 112. PROCUREMENT OF NEW FLIGHT INSPECTION AIRCRAFT.

(a) PROCUREMENT.—The Secretary of the Air Force shall, before the end of the 180-day period beginning on the date of the enactment of this Act, commence procurement of new flight inspection aircraft. Such procurement shall be carried out using funds—

(1) previously authorized and appropriated for such purpose; and

(2) such additional funds as the Secretary determines to be required for such procurement, to be derived from funds appropriated for fiscal year 1987 pursuant to authorizations of appropriations of this Act.

(b) COMPETITION.—The procurement described in subsection (a) shall be conducted using competitive procedures in accordance with the requirements of chapter 137 of title 10, United States Code.

(c) SPECIFICATIONS.—The performance characteristics of the aircraft required to be procured by subsection (a) shall be as specified in paragraph 2C(2) of Department of the Air Force Program Management Directive for Flight Inspection Aircraft dated July 11, 1984.

SEC. 113. AIR FORCE FIGHTER COMPETITION.

(a) MULTIYEAR CONTRACTS.—Subject to provisions of appropriations Acts, the Secretary of the Air Force may award a multiyear contract, that employs economic order quantity procurement, for the purchase of Air Defense Aircraft in accordance with section 2306(h) of title 10, United States Code, without prior notice to Congress if the results of the competitive source selection demonstrate that—

(1) a multiyear contract will yield significant savings over the amount that would have resulted under an annual contract with the selected offeror; and

(2) those savings have a positive present value.

(b) CANCELLATION CEILING.—Subject to provisions of appropriations Acts, the cancellation ceiling associated with the first year of a multiyear contract under subsection (a) may be carried as an unfunded contingent liability subject to section 2306(h)(5) of title 10, United States Code.

PART B—PROGRAM LIMITATIONS

SEC. 121. TESTING OF BRADLEY FIGHTING VEHICLE.

(a) TEST PLAN FOR SURVIVABILITY ENHANCEMENTS.—(1) The Secretary of Defense shall carry out live-fire testing of the Bradley Fighting Vehicle in accordance with this section.

(2) In developing a plan for such testing, the Secretary shall develop a plan for testing and evaluating proposed survivability enhancements for the vehicle. Such plan—

(A) shall include a proposal and an expedited schedule for testing the concept of the so-called "minimum casualty vehicle"; and

(B) shall be developed in consultation with the Assistant Secretary of Defense for Operational Test and Evaluation and the National Academy of Sciences.

(3) After developing the plan required by paragraph (2), the Secretary shall certify to Congress that the conditions and plan for the live-fire testing of the Bradley Fighting Vehicle represent the most realistic and suitable conditions and plan to evaluate the proposed survivability enhancements.

(4) The Comptroller General shall—

(A) review all materials of the Department of Defense used to develop the plan with respect to which the certification under paragraph (3) is made; and

(B) submit to the Committees on Armed Services and on Appropriations of the Senate and House of Representatives a report giving the assessment of the Comptroller General as to the realism and suitability of the conditions and plan to evaluate the proposed survivability enhancements of the Bradely Fighting Vehicle.

(b) CONDUCT OF LIVE-FIRE TESTING.—(1) The Secretary of the Army shall conduct live-fire testing of the Bradley Fighting Vehicle so as to test proposed survivability enhancements of such vehicle in accordance with the plan with respect to which the certification under subsection (a)(3) was made.

(2) The Assistant Secretary of Defense for Operational Test and Evaluation shall review the results of such testing.

(3) The Comptroller General shall provide oversight of the testing.

(4) The Assistant Secretary and the Comptroller General shall each observe the conduct of the testing.

(c) REPORTS.—(1) The Secretary of Defense shall submit to Congress a report on the results of the live-fire testing of the Bradley Fighting Vehicle.

(2) The Comptroller General shall review the report of the Secretary of Defense under paragraph (1) and shall submit to Congress a report giving the Comptroller General's evaluation of such report.

SEC. 122. OTHER LIMITATIONS ON ARMY PROCUREMENT.

(a) 120-MILLIMETER MORTAR PROGRAM.—(1) Except as provided in paragraph (3), funds appropriated or otherwise available for procurement for the Army may not be obligated for procurement of 120-millimeter mortars manufactured or assembled outside the United States or for procurement of ammunition manufactured outside the United States for 120-millimeter mortars.

(2) Funds appropriated or otherwise made available for procurement for the Army may not be obligated for procurement of 120-millimeter mortars or for ammunition for 120-millimeter mortars until the Secretary of the Army—

(A) purchases and validates a technical data package for the manufacture and assembly of such mortars; and

(B) conducts a cost-effectiveness analysis of potential domestic sources for the manufacture of such mortars using that technical data package.

(3) Paragraph (1) does not apply to procurement of mortars required—

(A) for testing, evaluation, or type classification; or

(B) for equipping the Ninth Infantry Division.

(b) COPPERHEAD PROJECTILE PROGRAM.—Funds appropriated or otherwise made available for fiscal year 1987 for procurement of ammunition for the Army may not be obligated for the Copperhead Projectile program until the Secretary of Defense certifies to Congress that a second production source for that program has been established.

(c) MOTORCYCLES.—Funds appropriated or otherwise made available for fiscal year 1987 for procurement for the Army may not be obligated for procurement of motorcycles until the Secretary of the Army certifies to Congress that the acquisition strategy of the Army for procurement of motorcycles includes consideration of—

(1) life-cycle costs;

(2) safety;

(3) maintenance; and

(4) durability.

(d) AIR-TO-AIR STINGER MISSILE.—Funds appropriated or otherwise made available for fiscal year 1987 for procurement of aircraft for the Army may not be obligated for the modification program for the air-to-air Stinger missile until—

(1) the Secretary of the Army establishes a comprehensive acquisition plan for procurement of air-to-air Stinger missiles for Army aircraft;

(2) such plan is integrated into the overall Army forward area air defense plan; and

(3) a report on such plan is submitted to the Committees on Armed Services of the Senate and House of Representatives and a period of 30 days passes after receipt of such report.

(e) 10-TON TRUCK PROGRAM.—The Secretary of the Army shall acquire and validate the technical data package for the Heavy Expanded Mobility Tactical Truck (HEMTT).

(f) OPTION TO CONTINUE PRODUCTION OF HEMMT TRUCKS.—

(1) REQUIREMENT TO PROCURE ADDITIONAL HEMMT TRUCKS.—In order to preserve the option for continued production of Heavy Expanded Mobility Tactical Trucks (HEMTT), the Secretary of the Army (subject to paragraph (3)) shall modify the existing contract for such trucks to permit the exercise of the original contract option for 412 additional HEMTT trucks in fiscal year 1986 and shall obligate $49,900,000 for procurement of such trucks under such contract option.

(2) SOURCE OF FUNDS.—Funds shall be derived for purposes of this subsection from amounts appropriated for procurement for the Army for fiscal year 1985 or 1986 that remain available for obligation.

(3) AUTHORITY SUBJECT TO APPROPRIATION ACTS.—The authority of the Secretary to exercise a contract option and obligate funds under paragraph (1) is effective only to the extent provided in appropriation laws enacted after the date of the enactment of this Act.

(4) DEADLINE FOR OBLIGATION.—Funds required to be obligated by paragraph (1) shall be obligated not later than 30 days after the later of—

(A) October 1, 1986, or

(B) the date of the enactment of an appropriation law referred to in paragraph (3).

(g) AT-4 LIGHTWEIGHT MULTIPURPOSE SYSTEM/M72E4 LIGHT ANTIARMOR WEAPON.—None of the funds appropriated pursuant to the authorizations of appropriations in this title may be obligated or expended for the AT-4 Lightweight Multipurpose System until the Secretary of the Army—

(1) completes development and operational testing of the M72E4 light antiarmor weapon;

(2) type classifies such weapon; and

(3) acquires a technical data package for such weapon.

SEC. 123. BIGEYE BOMB.

(a) LIMITATION ON OBLIGATION.—Of funds appropriated for fiscal year 1987 for other procurement for the Navy, $10,000,000 shall be available for the Bigeye bomb program, but none of such amount may be obligated for such program until—

(1) all operational testing of the Bigeye bomb programed to be carried out using funds appropriated for fiscal year 1986 is completed; and

(2) the Secretary of Defense submits to Congress a report—

(A) describing such testing and the results of such testing; and

(B) on the basis of such results, certifying that the bomb meets all design and performance specifications.

(b) GAO REPORT.—The Comptroller General shall monitor the testing described in subsection (a) and shall submit to Congress a report on such testing. The report shall include an analysis of the testing and such comments on the report and certification of the Secretary under that subsection as the Comptroller General considers appropriate.

(c) REPORT ON LONG-RANGE STAND-OFF CHEMICAL WEAPONS.—(1) The Secretary of Defense shall submit to Congress a report on the military requirements for long-range stand-off chemical weapons. The report shall address the military advantages and disadvantages of such weapons and the potential of such weapons as a substitute for the Bigeye bomb.

(2) The report shall be submitted before the date on which the President's budget for fiscal year 1988 is submitted to Congress.

SEC. 124. DDG-51 DESTROYER PROGRAM.

(a) REPEAL OF LIMITATION.—Section 102(h) of the Department of Defense Authorization Act, 1985 (Public Law 98-525; 98 Stat. 2501), is repealed.

(b) PLAN FOR RACER SYSTEM.—The Secretary of the Navy shall plan for the installation of the RACER system on the "second flight" of DDG-51 vessels. Such planning shall include the preparation of a ship design that includes the RACER system.

SEC. 125. BASIC POINT MISSILE SYSTEM ON AMPHIBIOUS VESSELS.

The Secretary of the Navy shall maintain in an operational status the Basic Point Defense Missile System on any amphibious vessel equipped on the date of the enactment of this Act with such system until a follow-on system, of comparable capability, is available for immediate replacement of the system on such vessel. This section does not apply to a vessel that is retired.

SEC. 126. OTHER LIMITATIONS ON NAVY PROCUREMENT.

(a) SH-2F AIRCRAFT.—Funds appropriated for fiscal year 1987 for procurement of aircraft for the Navy may be obligated for procurement of SH-2F aircraft only for aircraft that are configured so as to incorporate the T-700 engine.

(b) P-3G AIRCRAFT.—Funds appropriated for fiscal year 1987 for procurement of aircraft for the Navy may be obligated for advance procurement of P-3 aircraft—

(1) only for P-3G update IV aircraft; and

(2) only after the use of competitive procedures.

SEC. 127. LIMITATIONS ON AIR FORCE PROCUREMENT.

(a) F-15E FIGHTER PROGRAM.—None of the funds appropriated or otherwise made available to the Air Force for fiscal year 1987 for procurement may be obligated for the F-15E aircraft program until the Secretary of the Air Force—

(1) decides whether to recommend to the President that for fiscal years after fiscal year 1987 the Air Force procure the F-15E aircraft or the Advanced Tactical Fighter aircraft; and

(2) reports that decision to Congress.

(b) ADVANCED CRUISE MISSILE.—Funds appropriated or otherwise made available to the Air Force for fiscal year 1987 for procurement may not be obligated until the Secretary of the Air Force—

(1) decides whether to recommend to the President that for fiscal years after fiscal year 1987 the Air Force procure the Advanced Cruise Missile or the SHRAM II weapon system.

(2) reports that decision to Congress.

(c) C-17 AIRCRAFT PROGRAM.—Funds appropriated or otherwise made available to the Air Force for fiscal year 1987 for procurement may not be obligated for the C-17 aircraft program until 60 legislative days after the date on which the Committees on Armed Services of the Senate and House of Representatives receive the report of the Comptroller General on such program requested by the Committee on Armed Services of the House of Representatives on April 28, 1986. If a decision is made that the C-17 aircraft is not to be procured, funds available for procurement of such aircraft may be used for the procurement of additional Air Force airlift aircraft, including the C-5B aircraft.

(d) AMRAAM PROGRAM.—(1) Funds appropriated or otherwise made available for fiscal year 1987 for procurement of missiles for the Air Force may not be obligated for low-rate production procurement of the Advanced Medium-Range Air-to-Air Missile (AMRAAM) until—

(A) the results of the flight test of the performance of the missile are evaluated against the established program specifications (DS32050000B, as amended by the draft development concept paper of June 14, 1985);

(B) the Secretary of the Air Force reports such results to the Committees on Armed Services of the Senate and House of Representatives; and

(C) a period of 60 days passes after such Committees receive the report of such results.

(2) The program for flight testing the AMRAAM missile shall include testing of AMRAAM missiles that incorporate the producibility enhancements established for the program. Such testing shall be carried out before full-rate production is begun. Such production may not then be begun until the Secretary submits a report on the test results of the flight test program to the respective Committees on Armed Services and a period of 60 calendar days expire after receipt of such report.

(3) The cost of the AMRAAM program may not exceed $7,000,000,000 (in fiscal year 1984 dollars), based upon procurement of 24,000 missiles.

(e) T-46A TRAINER AIRCRAFT PROGRAM.—(1) The maximum program production cost for the T-46A Trainer aircraft program is $3,100,000,000 (in fiscal year 1986 dollars), based upon procurement of 650 production aircraft. The maximum production unit cost for such program is $4,800,000 (in fiscal year 1986 dollars). The program production cost and the production unit cost for such program determined for the purposes of this paragraph shall be determined without regard to amounts for initial spares.

(2) If during any fiscal year either maximum cost specified in paragraph (1) is exceeded, the Secretary of the Air Force may not procure any T-46A Trainer aircraft during a later fiscal year until the Secretary has conducted a competition for procurement of that aircraft.

(f) F-16 AIRCRAFT PROGRAM.—Funds appropriated or otherwise made available for fiscal year 1987 for procurement of aircraft for the Air Force may not be obligated for the F-16 aircraft program until—

(1) the Secretary of Defense, after considering the recommendations of the Joint Requirements and Management Board of the Department of Defense, establishes an acquisition plan for such program;

(2) the plan is submitted to the Committees on Armed Services of the Senate and House of Representatives; and

(3) a period of 30 days passes after receipt of such plan by the Committees.

(g) LIMITATION ON PROCUREMENT OF T-9 NOISE SUPPRESSORS.—The Secretary of the Air Force may not obligate or expend any amounts appropriated or otherwise made available to the Air Force for purposes of procuring A/F32T-9 Noise Suppressor Systems unless in procuring such systems the Secretary uses competitive procedures (within the meaning of such term in section 2302(2) of title 10, United States Code).

## TITLE II—RESEARCH, DEVELOPMENT, TEST AND EVALUATION

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal year 1987 for the use of the Armed Forces for research, development, test, and evaluation in amounts as follows:

(1) For the Army, $4,818,064,000.

(2) For the Navy (including the Marine Corps), $9,097,089,000.

(3) For the Air Force, $14,129,058,000.

(4) For the Defense Agencies, $7,678,782,000, of which—

(A) $136,800,000 is authorized for the activities of the Deputy Under Secretary of Defense, Test and Evaluation; and

(B) $11,300,000 is authorized for the Director of Operational Test and Evaluation.

(b) GENERAL AUTHORIZATION FOR CIVILIAN PAY CONTINGENCIES.—There are authorized to be appropriated for fiscal year 1987, in addition to the amounts authorized to be appropriated in subsection (a), such amounts as may be necessary for unbudgeted amounts for salary, pay, retirement, and other employee benefits authorized by law for civilian employees of the Department of Defense whose compensation is provided by funds authorized to be appropriated in subsection (a).

(c) LIMITATION ON OBLIGATIONS.—The maximum amount that may be obligated from an account for which funds are authorized to be appropriated in subsection (a) is the amount authorized to be appropriated for such account under that subsection plus any amount authorized for such account under subsection (b) plus the following:

(1) For the Army, $5,000,000.

(2) For the Navy, $0.

(3) For the Air Force, $3,900,000.

(4) For the Defense Agencies, $0.

SEC. 202. AUTHORIZATION OF APPROPRIATIONS FOR FOREIGN CURRENCY PURCHASES.

There is hereby authorized to be appropriated for fiscal year 1987 the amount of $3,500,000 for the purchase of foreign currencies from the Treasury Department to pay expenses incurred in carrying out programs of the Department of Defense.

SEC. 203. LIMITATIONS ON FUNDS FOR THE ARMY.

(a) COPPERHEAD GUIDED PROJECTILE.—The Secretary of the Army may not carry out or enter into a contract for any product improvement or modifications to the Copperhead Guided Projectile until the Secretary of Defense—

(A) submits to the Committees on Armed Services of the Senate and the House of Representatives a plan that is designed to provide maximum commonality of all subsystems (to include guidance and control and fuze between the Copperhead and Five-Inch Guided Projectiles); and

(B) certifies to such Committees in writing that a second source contract has been

entered into for production of the Copperhead and Five-Inch Guided Projectiles.

(b) PRODUCT IMPROVEMENT OR MODIFICATION.—For purposes of subsection (a), a product improvement or modification is any change to the production configuration of the Copperhead Guided Projectile as in effect on January 1, 1986.

(c) EXPIRATION OF LIMITATION.—The limitation in subsection (a) expires upon the enactment of a law making appropriations for the Department of Defense for fiscal year 1988.

SEC. 204. LIMITATIONS ON FUNDS FOR THE NAVY.

(a) V-22 OSPREY AIRCRAFT.—Of the funds authorized in section 201 for the Navy, not more than $340,000,000 is available for the V-22 Osprey aircraft. Not more than one-half of such amount may be obligated or expended until the Secretary of the Navy certifies to the Committees on Armed Services of the Senate and the House of Representatives in writing that—

(1) such aircraft is capable of performing the antisubmarine warfare mission currently performed by the S-3A aircraft; and

(2) such aircraft is the most cost effective aircraft to perform that mission.

(b) STANDOFF ATTACK MISSILE.—

(1) IN GENERAL.—Of the amount authorized in section 201 for the Navy, not more than $37,500,000 is available for the Standoff Land Attack Missile (SLAM) program.

(2) LIMITATION.—(A) No funds may be obligated or expended for the Standoff Land Attack Missile (SLAM) program until—

(i) the Secretary of the Navy completes a trade-off analysis of the SLAM program with the Medium Range Air-to-Surface Missile; and

(ii) 15 days of continuous session of Congress expire following the submission to Congress by the Secretary of the Navy of a report containing the results of the analysis described in clause (i).

(B) For purposes of subparagraph (A)(ii), the continuity of a session of Congress is broken only by an adjournment of Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of such period.

(c) INTER-COOLED RECOUPERATED CYCLE GAS TURBINE PROPULSION SYSTEM.—Funds appropriated for fiscal year 1987 or any previous fiscal year may not be used for research, development, test, and evaluation of the Inter-Cooled Recouperated Cycle Gas Turbine Propulsion System.

(d) MARINE INTEGRATED FIRE AND AIR SUPPORT SYSTEM (MIFASS).—Funds appropriated for fiscal year 1987 or any previous fiscal year may not be used for research, development, test, and evaluation of the Marine Corps Marine Integrated Fire and Air Support System (MIFASS).

(e) MARINE CORPS PEGASUS ENGINE.—Of the funds appropriated pursuant to authorizations in this title not less than $16,000,000 shall be used for safety and reliability improvements for the Marine Corps AV-8B aircraft Pegasus engine program.

(f) AVIONICS RACK SYSTEM.—Of the funds appropriated pursuant to authorizations in this title not less than $10,000,000 shall be used for test and evaluation of the Floating Beam Avionics Racking system and the interface of that system with the Navy's S-3A antisubmarine warfare aircraft and other aircraft.

(g) RANKINE CYCLE ENERGY RECOVERY (RACER) SYSTEM.—Funds appropriated for fiscal year 1987 may not be used for research, development, test, and evaluation for the DDG-51 class ship until the Secretary of the Navy notifies the Committees on Armed Services of the Senate and the House of Representatives that—

(1) testing of the Rankine Cycle Energy Recovery (RACER) system has resumed;

(2) testing of that system will continue through completion of land-based and at-sea testing; and

(3) compatibility of the RACER system with the second flight of the DDG-51 class ship will be maintained and no design changes will be implemented on the DDG-51 class ships that will obviate the installation or retrofit of the RACER system.

(h) LOW-COST SEEKER MISSILE.—Of the funds authorized in section 201 for the Navy, $39,704,000 is available only for the Low-Cost Seeker Missile program.

(i) FUNDS FOR LIBYAN LESSONS-LEARNED EQUIPMENT MODIFICATIONS.—Of the amount appropriated for research, development, test, and evaluation for the Navy for fiscal year 1987, $50,000,000 may not be obligated or expended until the Secretary of the Navy submits to the Committees on Armed Services of the Senate and House of Representatives a written certification that the expenditure—

(1) is directly related to the Libyan lessons-learned study; and

(2) will be used for equipment modifications and associated development, test, and evaluation that will have a significant affect on the war-fighting capacity of the United States.

(j) 5-INCH ROLLING AIRFRAME MISSILE.—Funds appropriated to the Department of Defense for fiscal year 1987 (or any prior fiscal year) may not be obligated or expended for the 5-Inch Rolling Airframe Missile until the Secretary of Defense—

(1) enters into a firm fixed price production contract for such missile with the development contractor or any other alternative production source at a total unit price of not more than $110,000 (in fiscal year 1986 dollars) for the first procurement lot of missiles with not-to-exceed options for any later purchase of such missiles at $110,000 or less; and

(2) certifies to the Committees on Armed Services of the Senate and House of Representatives that the average unit fly-away cost for the entire planned procurement of such missiles shall not exceed $85,000 per unit (using fiscal year 1986 dollars as the base year index).

SEC. 205. LIMITATION ON FUNDS FOR THE AIR FORCE.

(a) CRUISE MISSILE SHORT-RANGE ATTACK MISSILE II.—Of the funds authorized in section 201 for the Air Force, not more than $148,000,000 is available for research, development, test, and evaluation of either (but not both) the Advanced Cruise Missile or the Short-Range Attach Missile II system.

(b) AMRAAM.—Of the amount authorized in section 201 for the Air Force, not more than $39,000,000 is available for the Advanced Medium Range Air-to-Air Missile (AMRAAM) program. Funds appropriated for fiscal year 1987 may not be obligated or expended for such program until the Secretary of Defense advises the Committees on Armed Services of the Senate and House of Representatives in writing that the certification required by section 210(b) of the Department of Defense Authorization Act, 1986 (Public Law 99-145, 99 Stat. 611), remains valid.

(c) SPACE DEFENSE SYSTEM.—Of the amount authorized in section 201 for the Air Force, not more than $140,000,000 is available for the Space Defense system. None of such amount may be used for the production verification of the Miniature Homing Vehicle.

(d) LOW-COST SEEKER MISSILE.—Of the funds authorized in section 201 for the Air Force, $17,375,000 is available only for the Low-Cost Seeker Missile program.

SEC. 206. LIMITATION ON FUNDS FOR DEFENSE AGENCIES.

(a) MEDICAL APPLICATION OF FREE ELECTRON LASER.—Of the amount authorized in section 201 for the Defense Agencies (including the Strategic Defense Initiative Organization), $15,000,000 may be used only for the application of Free-Electron Lasers for medical research and material.

(b) ASSISTANT SECRETARY OF DEFENSE (C3I).—Of funds appropriated for fiscal year 1987, not more than $488,857,000 shall be available for the Assistant Secretary of Defense for Command, Control, Communications, and Intelligence for research, development, test, and evaluation of electronic warfare systems. Of such amount, not less than $125,000,000 is available only for the development and demonstration of the Integrated Communication Navigation Identification Avionics and the Integrated Electronic Warfare System and the Associated Very High-Speed Integrated Circuit Based Modular Architecture programs.

(c) LASER PANTOGRAPHY.—Of the amount authorized to be appropriated for the Defense Agencies in section 201 for Microwave/Millimeter Wave Monolithic Integrated Circuit Technology efforts, $4,000,000 is available only for the Laser Pantography project.

SEC. 207. CONVENTIONAL DEFENSE INITIATIVE.

(a) IN GENERAL.—In this Act, Congress commences a program of Conventional Defense Initiatives to provide an emphasis on improving the conventional weapons of the Armed Forces (and the testing of such weapons) and to enhance cooperation with the other member nations of the North Atlantic Treaty Organization. The initiative is intended to improve the fighting power and survivability of the combat forces of the United States and to raise the threshold for nuclear war.

(b) AMOUNT AUTHORIZED.—Of the amount authorized in section 201 for the Army, Navy, and Air Force, $462,313,000 is available only for the Conventional Defense Initiatives program.

SEC. 208. STRATEGIC DEFENSE INITIATIVE.

Of the amount authorized in section 201 for research, development, test, and evaluation for the Defense Agencies, not more than $3,400,000,000 is available for the Strategic Defense Initiative (SDI) program.

SEC. 209. TACTICAL BALLISTIC MISSILE DEFENSE.

(a) AUTHORITY FOR PROGRAM.—The Secretary of Defense shall provide that the Strategic Defense Initiative Organization (SDIO) of the Department of Defense shall carry out a research, development, and test program in accordance with this subsection. The program shall be carried out through a separate office established within the SDIO. Through such program, the Secretary shall carry out research, development, and test of systems for defense against tactical ballistic missiles. In carrying out such program, the Secretary shall, to the extent practicable, make use of technologies for defense against intercontinental ballistic missiles developed through programs of the Strategic Defense Initiative.

(b) FUNDING.—Of the funds appropriated pursuant to the authorization in section 201 for the Strategic Defense Initiative, up to $50,000,000, shall be available to initiate de-

velopment and deployment of an antitactical ballistic missile system.

SEC. 210. MODIFICATION OF LINKAGE OF DEPLOYMENT OF THE MX MISSILE AND DEVELOPMENT OF SMALL MOBILE MISSILE.

(a) LIMITATION.—The Secretary of Defense may not deploy more than 10 MX missiles until—

(1) the major elements (including the guidance and control subsystems) of a mobile missile weighing less than 37,000 pounds as a part of an intercontinental ballistic missile system have been tested;

(2) the major elements of the prototype small mobile intercontinental ballistic missile system (including the missile, the prototype mobile transporter-launcher basing system, and the command, control, and communications system) have been designed and functionally integrated and the system has been validated;

(3) contractors for the full-scale engineering development of such missile system have been selected and full-scale engineering development contracts have been awarded to those contractors;

(4) full-scale engineering development of such a mobile system has begun; and

(5) the Secretary has provided to the Committees on Armed Services of the Senate and the House of Representatives written certification that the small mobile missile system program has been structured to provide an initial operational capability of not later than December 31, 1992.

(b) REPEAL OF PRIOR MX LIMITATION.—Subsections (a) and (b) of section 1231 of the Department of Defense Authorization Act, 1984 (Public Law 98-94; 97 Stat. 693), are repealed.

SEC. 211. COOPERATIVE MEDICAL RESEARCH PROGRAM WITH VETERANS' ADMINISTRATION.

(a) AUTHORITY FOR PROGRAM.—The Secretary of Defense shall, in cooperation with the Administrator of Veterans' Affairs, establish a cooperative medical research program to be administered by the Secretary and the Administrator.

(b) FUNDING.—Not less than $10,000,000 of each of the following amounts is available only for the cooperative medical research program established under subsection (a):

(1) ARMY.—The amount authorized in section 201 for the Army.

(2) NAVY.—The amount authorized in section 201 for the Navy.

(3) AIR FORCE.—The amount authorized in section 201 for the Air Force.

(c) DEADLINE.—The Secretary of Defense shall, before the end of the 30-day period beginning on the date of the enactment of a law making appropriations for the Department of Defense for fiscal year 1987—

(1) establish the program required to be established under subsection (a); and

(2) make available the amounts appropriated for that program.

SEC. 212. HIGH-SPEED ANTI-RADIATION MISSILE (HARM).

No funds appropriated or otherwise made available to the Department of Defense may be used for research, development, test, and evaluation for the High-Speed Anti-Radiation Missile (HARM) unless the Secretary of Defense certifies to the Committees on Armed Services of the Senate and House of Representatives that—

(1) the Block IV design (or any derivative of the Block IV design) shall be integrated into the HARM at no cost to the government; and

(2) the development, test, and evaluation of the Low-Cost Seeker Missile compatible with the HARM shall be completed.

SEC. 213. CONVERSION OF POSITION OF DIRECTOR OF OPERATIONAL TEST AND EVALUATION TO ASSISTANT SECRETARY LEVEL.

(a) ASSISTANT SECRETARY OF DEFENSE.—Section 136 of title 10, United States Code, is amended—

(1) by striking out "eleven" in subsection (a) and inserting in lieu thereof "12"; and

(2) by adding at the end of subsection (b) the following new paragraph:

"(7) One of the Assistant Secretaries shall be the Assistant Secretary of Defense for Operational Test and Evaluation. That Assistant Secretary shall have the functions and shall perform the duties prescribed by section 136a of this title.".

(b) STAFF.—Section 136a of such title is amended by adding at the end the following new subsection:

"(i) The Assistant Secretary shall have a professional staff of not less than 40 military and civilian personnel of the Department of Defense.".

(c) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 136a of such title is amended—

(A) in subsection (a)(1)—

(i) by striking out the first sentence;

(ii) by striking out "The Director" the first place it appears and inserting in lieu thereof "The Assistant Secretary of Defense for Operational Test and Evaluation";

(iii) by striking out "of Director"; and

(iv) by striking out "The Director" the second place it appears and inserting in lieu thereof "The Assistant Secretary";

(B) by striking out "Director" each place it appears in subsections (b) through (g) and inserting in lieu thereof "Assistant Secretary"; and

(C) in subsection (h)—

(i) by striking out "the Director of" and inserting in lieu thereof "the Assistant Secretary of Defense for"; and

(ii) by striking out "Director under" and inserting in lieu thereof "Assistant Secretary under".

(2) EXECUTIVE SCHEDULE.—Section 5315 of title 5, United States Code, is amended—

(A) by striking out "Director of Operational Test and Evaluation, Department of Defense."; and

(B) by striking out "(11)" after "Assistant Secretaries of Defense" and inserting in lieu thereof "(12)".

(d) CLERICAL AMENDMENTS.—

(1) HEADING.—The heading of section 136a of such title is amended to read as follows:

"§ 136a. Assistant Secretary of Defense for Operational Test and Evaluation: powers and duties".

(2) TABLE OF SECTIONS.—The item relating to such section in the table of sections at the beginning of chapter 4 of such title is amended to read as follows:

"136a. Assistant Secretary of Defense for Operational Test and Evaluation: powers and duties.".

(e) TRANSITION.—The conversion by the amendments made by this section of the position of Director of Operational Test and Evaluation of the Department of Defense to Assistant Secretary of Defense for Operational Test and Evaluation shall not affect the appointment in such position of the person serving in such position on the date of the enactment of this Act.

SEC. 214. LIVE-FIRE TESTING AND OPERATIONAL TESTING.

(a) TESTING REQUIREMENTS.—

(1) IN GENERAL.—Chapter 139 of title 10, United States Code, is amended by adding at the end the following new sections:

"§ 2364. Live-fire testing: covered systems, major munitions programs, and missile programs

"(a) REQUIREMENTS.—The Secretary of Defense shall provide that—

"(1) a contract for production of a covered system may not be entered into until live-fire testing of the system is completed in accordance with this section; and

"(2) a contract for production of a major munitions program or a missile program may not be entered into until live-fire testing of the program is completed in accordance with this section.

"(b) DIRECTOR OF LIVE-FIRE TESTING.—

"(1) APPOINTMENT.—There is in the Department of Defense a Director of Live-Fire Testing. The Director shall be appointed from civilian life by the Secretary of Defense and shall be under the Director of Defense Research and Engineering.

"(2) DUTIES.—The Director shall—

"(A) before full-scale engineering development begins with respect to a covered system, major munitions program, or missile program—

"(i) review the adequacy of the plan, schedule, and proposed funding of the Secretary of the military department concerned for live-fire testing of that system or program; and

"(ii) report to the Director of Defense Research and Engineering on the adequacy or inadequacy of the plan for such live-fire testing and (if the Director of live-fire testing determines that the plan is inadequate) on what would constitute an adequate test plan; and

"(B) while such live-fire testing is carried out, continue to review the adequacy and progress of such testing.

"(3) IMPROVEMENT OF TESTING.—(A) The Director shall carry out programs to improve the conduct of live-fire tests by the Department of Defense and shall develop improved methods, instruments, and facilities for such tests.

"(B) The Secretary of Defense shall provide to the Director specific funds for the functions of the Director under subparagraph (A).

"(4) OVERSIGHT OF TESTING.—The Director—

"(A) may observe any live-fire test conducted by the Secretary of a military department; and

"(B) shall have access to all live-fire test data and reports produced by the Secretary of a military department.

"(5) STAFF OF DIRECTOR.—The Secretary shall provide to the Director an adequate staff to enable the Director to carry out the duties of the Director under this section.

"(c) LIVE-FIRE TESTING BY SERVICE SECRETARIES.—

"(1) IN GENERAL.—The Secretary of the military department concerned shall carry out live-fire testing of each covered system, major munitions program, or missile program for which the Secretary has responsibility for development and production. Such testing—

"(A) shall be planned and funded by that Secretary; and

"(B) shall be carried out early enough during the developmental phase of the system or program to allow any design deficiency demonstrated by the testing to be corrected and integrated into the design of the system, munition, or missile before production is begun.

"(2) SUBMISSION OF TEST PLAN.—Before full-scale engineering development of the system, munitions program, or missile program is

begun (or, in the case of a naval vessel, before contract design is begun), the Secretary concerned shall submit to the Director the plan, schedule, and proposed funding for live-fire testing of the system or program to be carried out by the Secretary.

"(3) REPORT TO DIRECTOR.—After such testing is completed, the Secretary concerned shall submit to the Director a report (in both classified and unclassified forms) on the test conducted by the Secretary. Such report shall include—

"(A) a complete description of the firing parameters used in the test;

"(B) an analysis of the effect on the target of each test shot, with primary emphasis on effect on potential casualties;

"(C) a comparison (including a description and justification of the merit and criteria used in carrying out the comparison) of the results of such live-fire test with results of—

"(i) any live-fire test of the system, munition, or missile that would be replaced by the system, munition, or missile tested; or

"(ii) if there is no system, munition, or missile that would be replaced by the system, munition, or missile tested or if such system, munition, or missile was not subjected to live-fire tests, any live-fire test of the system, munition, or missile that is the nearest competition to the system, munition, or missile tested;

"(D) a description of the potential shortcomings of the system, munition, or missile that were revealed by the testing and (if any were revealed) the plan of the Secretary concerned to incorporate into the design of the system, munition, or missile changes that are necessary to overcome such shortcomings and the associated costs; and

"(E) a test plan for further live-fire testing to verify that the planned design changes are effective in overcoming such shortcomings.

"(4) INDEPENDENT LIVE-FIRE TEST.—If in any case the Director determines that the plan of the Secretary of a military department for a live-fire test is inadequate to determine vulnerability of users of a system or the lethality of a munition or missile, the Director may independently plan and carry out a live-fire test of the system, munition, or missile involved. Such testing may be conducted at the same time as, or after, a similar test by the Secretary concerned. Funds for such testing shall be provided from the program budget for the program concerned.

"(d) USE OF SURROGATE FOREIGN ROUNDS OR TARGETS.—In the case of a live-fire test of a covered system for which sufficient actual foreign rounds are not available or of a major munitions program or missile program for which sufficient actual foreign targets are not available, the Director—

"(1) shall establish plans for obtaining or producing surrogate foreign rounds or surrogate foreign targets or United States targets, as appropriate;

"(2) shall test the realism of such surrogates; and

"(3) when required, shall obtain such surrogate rounds or targets.

"(e) USE OF SURROGATES FOR TESTING.—In the case of a covered system for which the Director determines that it is extraordinarily expensive to test an actual prototype or production model, the Director shall configure or produce realistic surrogates of the system for test purposes.

"(f) REPORT TO DIRECTOR, DEFENSE RESEARCH AND ENGINEERING.—Before production of a covered system, major munitions program, or missile program begins, the Director shall submit to the Director of Defense Research and Engineering a report on each live-fire test conducted with respect to that system or program. The report shall include an analysis of the adequacies and inadequacies of the test and any differences in interpretation of the Director and Secretary concerned of the firing results, and any differences and conclusions. Each such report shall be independent of, and uncoordinated with, the report of the Secretary concerned and shall be submitted in both classified and unclassified forms.

"(g) REPORT TO DEFENSE COMMITTEES.—At the conclusion of live-fire testing for a covered system, major munitions program, or missile program, the Director shall submit to the defense committees a report on such testing.

"(h) WAIVER.—The Secretary of Defense may waive the application of this section to a covered system, munitions program, or missile program if the Secretary, before such system or program enters full-scale engineering development, certifies to Congress that live-fire testing of such system or program (even if a surrogate is used as provided in subsection (e)) would be extraordinarily expensive and unnecessary.

"(i) DEFINITIONS.—In this section:

"(1) COVERED SYSTEM.—The term 'covered system' means a vehicle, weapon platform, or conventional weapon system—

"(A) that includes features designed to provide some degree of protection to users in combat; and

"(B) that is a major system within the meaning of that term in section 2302(5) of this title.

"(2) MAJOR MUNITIONS PROGRAM.—The term 'major munitions program' means—

"(A) a munitions program for which more than 1,000,000 rounds are planned to be acquired; or

"(B) a conventional munitions program that is a major system within the meaning of that term in section 2302(5) of this title.

"(3) LIVE-FIRE TESTING.—The term 'live-fire testing' means—

"(A) in the case of a covered system, testing for vulnerability and survivability of the system in combat by firing foreign conventional munitions (including all threat munitions that would likely be encountered by the system in combat) at the system configured for combat, with the primary emphasis on testing vulnerability with respect to potential user casualties; and

"(B) in the case of a major munitions program or a missile program, testing for lethality by firing the munition or missile concerned at foreign targets configured for combat, including each principal foreign target against which the munition or missile is intended to be used during combat.

"(4) CONFIGURED FOR COMBAT.—The term 'configured for combat', with respect to a weapon system, platform, or vehicle, means loaded or equipped with all dangerous conventional materials (including all flammables and explosives) that would normally be on board in combat.

"(5) DEFENSE COMMITTEES.—The term 'defense committees' has the meaning given that term in section 2362(e)(3) of this title.

**"§ 2365. Operational testing: certain major defense acquisition programs**

"(a) INDEPENDENT TEST AND EVALUATION BY SERVICE SECRETARIES.—

"(1) IN GENERAL.—The Secretary of the military department concerned shall conduct an independent operational test and evaluation with respect to a major defense acquisition program under which there is to be acquired a conventional weapons system that—

"(A) is a major system within the meaning of that term in section 2302(5) of this title; and

"(B) is designed for use in combat.

"(2) LIMITATION ON PRODUCTION CONTRACTS.—(A) An operational test and evaluation required by paragraph (1) shall be conducted before a major defense acquisition program may proceed into the production stage.

"(B) A contract for production of a major defense acquisition program may not be entered into until the requirements of this section with respect to such program are fulfilled.

"(C) Subparagraph (B) does not apply to a contract for production of weapons systems that are required for operational test and evaluation required by paragraph (1).

"(3) DESCRIPTION OF INDEPENDENT TEST AND EVALUATION.—(A) Except as provided in subparagraph (B), an operational test and evaluation is not independent for purposes of this subsection if any person employed by the contractor for the system being tested is involved in any stage of the operational test and evaluation.

"(B) This paragraph does not apply to the involvement in an operational test and evaluation of a person employed by the contractor who is involved in depot-level maintenance of the system being tested to the same extent and in the same manner as that person would be involved in such maintenance in time of war.

"(b) SIDE-BY-SIDE TESTING.—

"(1) IN GENERAL.—The operational test and evaluation required by subsection (a) shall include a side-by-side test of the system being acquired with equal-cost quantities of—

"(A) the system intended to be replaced (if the system being acquired is intended to replace another system); or

"(B) the nearest, most effective competitor of the system being acquired (if the system being acquired is not intended to replace another system) that is manufactured in the free world.

"(2) COST OF SYSTEMS.—For purposes of the side-by-side test described in paragraph (1)—

"(A) the cost of the system being acquired is the projected program unit cost included in the most recent Selected Acquisition Report with respect to that system; and

"(B) the cost of the system intended to be replaced or the competitor system is the cost of acquiring that system.

"(c) INDEPENDENT ANALYSIS OF RESULTS OF OPERATIONAL TEST AND EVALUATION.—

"(1) IN GENERAL.—The Assistant Secretary for Operational Test and Evaluation shall independently analyze the results of each operational test and evaluation carried out under subsection (a). At the conclusion of that operational test and evaluation, the Assistant Secretary shall submit a report to the Secretary of Defense on that analysis.

"(2) INDEPENDENT OPERATIONAL TEST AND EVALUATION.—If in any case the Assistant Secretary determines that the operational test and evaluation carried out under subsection (a) is inadequate to determine effectiveness, suitability, vulnerability of users, or lethality, the Assistant Secretary may independently plan and carry out an operational test and evaluation of the system involved.

"(3) REIMBURSEMENT OF COSTS.—The Secretary of Defense shall provide that costs of the Assistant Secretary incurred incident to operational test and evaluation under para-

graph (1) or (2) (as such costs are determined by the Assistant Secretary) shall be reimbursed to funds available to the Assistant Secretary from funds available for the system concerned.

"(d) CONTENT OF REPORTS.—Each report under subsection (c) shall include an analysis of whether the extent and realism of the test and evaluation performed were adequate to assess confidently, in comparison with the system intended to be replaced or the competitor system, each of the following to the extent appropriate with respect to the particular item or component tested:

"(1) SURVIVABILITY.—The ability of the system to survive (with primary emphasis on casualties) when hit in a combat situation by weapons likely to be encountered in such a situation.

"(2) MAINTAINABILITY.—The ability of military personnel of average skill, operating under the stress of combat, to maintain the system in an operational status.

"(3) PROBABILITY OF SYSTEM FAILURE.—The probability of system failure in a combat situation under the maintenance conditions described in paragraph (2).

"(4) MOBILITY.—The time required to move, with no prior notice, combat units containing the system in a realistic combat environment over typical deployment distances and battlefield distances.

"(5) MANEUVERABILITY.—The maneuverability of the system in a combat situation with respect to—

"(A) survival; and

"(B) firing advantage.

"(6) EFFECTIVENESS.—The effectiveness of the system as indicated by results of the side-by-side test required in subsection (b)(1).

"(e) SUBMISSION OF REPORTS TO DEFENSE COMMITTEES.—Each report of the Assistant Secretary under subsection (c) shall be submitted to the defense committees in precisely the same form and with precisely the same content as the report originally was submitted to the Secretary and shall be accompanied by such comments as the Secretary of Defense may wish to make on such report.

"(f) APPROVAL OF TEST PLANS.—

"(1) IN GENERAL.—Operational testing of a major defense acquisition program may not be conducted until the Assistant Secretary approves in writing the adequacy of the plans (including the adequacy of projected levels of funding) for operational test and evaluation to be conducted in connection with that program.

"(2) WAITING PERIOD.—(A) A final decision within the Department of Defense to proceed with a major defense acquisition program beyond low-rate initial production may not be made until 15 days of continuous session of Congress expire following after the date that the defense committees receive the report required under subsection (e).

"(B) For purposes of subparagraph (A), the continuity of a session of Congress is broken only by an adjournment of Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of such period.

"(g) WAIVER.—In time of war or mobilization, the President may suspend the operation of any provision of this section.

"(h) DEFINITIONS.—In this section:

"(1) MAJOR DEFENSE ACQUISITION PROGRAM.—The term 'major defense acquisition program' means a program subject to the Selected Acquisition Report requirements of section 139a of this title.

"(2) OPERATIONAL TEST AND EVALUATION.—The term 'operational test and evaluation' has the meaning given that term in section 136a(a)(2)(A) of this title.

"(3) DEFENSE COMMITTEES.—The term 'defense committees' has the meaning given that term in section 2362(e)(3) of this title.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new items:

"2364. Live-fire testing: covered systems, major munitions programs, and missile programs.
"2365. Operational testing: certain major defense acquisition programs.".

(b) ANNUAL REPORT.—Subsection (g)(1) of section 136a of such title is amended—

(1) by striking out "January 15" in the second sentence and all that follows through "is prepared" and inserting in lieu thereof "10 days after the transmission of the budget for the next fiscal year pursuant to section 1105 of title 31";

(2) by striking out "evaluation and" in the third sentence and inserting in lieu thereof "evaluation,"; and

(3) by striking out "activities" in the third sentence and inserting in lieu thereof "activities, and the resources and personnel assigned to the Director to enable the Director to carry out his duties under this section".

(c) CONFORMING AMENDMENTS.—Such section is further amended—

(1) by striking out clause (i) of subsection (a)(2)(A) and inserting in lieu thereof the following:

"(i) the field test under realistic operational conditions of a production representative item of a weapon system, equipment or munition for purposes of assessing and determining the effectiveness and suitability of the weapon system, equipment, or munition for use by typical users, and, if appropriate, additional operational testing including analysis of tactical and doctrinal concepts for and key components of weapon systems, equipment, or munitions; and";

(2) in subsection (b)—

(A) by adding "and" at the end of paragraph (4);

(B) by striking out paragraph (5); and

(C) by redesignating paragraph (6) as paragraph (5);

(3) by striking out subsection (c);

(4) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively;

(5) by striking out subsection (f);

(6) by redesignating subsection (g) (as amended by subsection (b)) as subsection (e) and in that subsection striking out "such comments" in the third sentence and inserting in lieu thereof "a detailed explanation of the points of agreement and disagreement between the Assistant Secretary and the Secretary of the military department concerned with respect to each evaluation conducted by the Secretary during the preceding fiscal year and such other comments"; and

(7) by redesignating subsection (h) and subsection (i) (as added by section 213(b)) as subsections (f) and (g), respectively.

(d) EFFECTIVE DATES.—

(1) LIVE-FIRE TESTING REQUIREMENTS.—Section 2364 of title 10, United States Code, as added by subsection (a), shall apply with respect to systems, munitions programs, and missile programs that have not begun full-scale engineering development by the end of the 90-day period beginning on the date of the enactment of this Act.

(2) OPERATIONAL TESTING REQUIREMENTS.—Section 2365 of title 10, United States Code, as added by subsection (a), and the amendments made by subsection (b) shall apply with respect to major defense acquisition programs under which, on the date of the enactment of this Act, the Secretary of Defense or the Secretary of the military department concerned has not entered into a contract to proceed beyond low-rate initial production.

SEC. 214. LIMITATION ON TESTING OF ANTI-SATELLITE WEAPONS.

(a) MORATORIUM.—The Secretary of Defense may not carry out a test of the Space Defense System (anti-satellite weapon) against an object in space after the date on which the President certifies to Congress that the Soviet Union has dismantled all of its dedicated anti-satellite weapons. Notwithstanding any other provision of this Act or any other provision of law, no other limitation shall apply during fiscal year 1987 with respect to the testing of the Space Defense System (anti-satellite weapon) against an object in space.

(b) EXPIRATION OF MORATORIUM.—Subsection (a) expires on October 1, 1987.

## TITLE III—OPERATION AND MAINTENANCE

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 1987 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance in amounts as follows:

For the Army, $20,742,770,000.
For the Navy, $24,437,000,000.
For the Marine Corps, $1,845,700,000.
For the Air Force, $19,562,600,000.
For the Defense Agencies, $6,728,097,000.
For the Army Reserve, $789,800,000.
For the Naval Reserve, $907,500,000.
For the Marine Corps Reserve, $64,800,000.
For the Air Force Reserve, $927,100,000.
For the Army National Guard, $1,790,100,000.
For the Air National Guard, $1,783,100,000.
For the National Board for the Promotion of Rifle Practice, $4,330,000.
For the Military Health Care Account, $1,569,503,000.
For Defense Claims, $153,100,000.
For the Court of Military Appeals, $3,400,000.
For Foreign Currency Fluctuations, Defense, $495,000,000.
For Environmental Restoration, Defense, $385,900,000.

(b) GENERAL AUTHORIZATION FOR CONTINGENCIES.—There are authorized to be appropriated for fiscal year 1987, in addition to the amounts authorized to be appropriated in subsection (a), such sums as may be necessary—

(1) for unbudgeted increases in fuel costs;

(2) for unbudgeted increases as the result of inflation in the cost of activities authorized by subsection (a); and

(3) for unbudgeted amounts for salary, pay, retirement, and other employee benefits authorized by law for civilian employees of the Department of Defense whose compensation is provided for by funds authorized to be appropriated in subsection (a).

(c) LIMITATION ON OBLIGATIONS.—The maximum amount that may be obligated from an appropriation account for which funds are authorized to be appropriated by this section or section 302 or 303 is the amount authorized to be appropriated for that account plus any amount authorized under subsection (b).

SEC. 302. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 1987 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working-capital funds in amounts as follows:

For the Army Stock Fund, $286,700,000.

For the Navy Stock Fund, $458,500,000.

For the Marine Corps Stock Fund, $44,400,000.

For the Air Force Stock Fund, $239,400,000.

For the Defense Stock Fund, $126,800,000.

SEC. 303. AUTHORIZATION OF APPROPRIATIONS FOR ASSISTANCE TO PAN AMERICAN GAMES.

Funds are hereby authorized to be appropriated for fiscal year 1987 for assistance to the Tenth International Pan American Games in accordance with section 304 of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 583), in the amount of $15,000,000.

SEC. 304. PROHIBITIONS ON MANAGING CIVILIAN PERSONNEL BY END STRENGTHS AND ON CONTROLLING PERSONNEL NOT FUNDED BY GOVERNMENT.

(a) IN GENERAL.—Section 140b of title 10, United States Code, is amended—

(1) by inserting "(a)" at the beginning of the text of such section;

(2) by inserting "and" before "(2)";

(3) by striking out ", and (3)" and all that follows through "such fiscal year";

(4) by striking out the period at the end of the second sentence and inserting in lieu thereof "or any constraint or limitation (known as an 'end-strength') on the number of such personnel who may be employed on the last day of such fiscal year."; and

(5) by adding at the end the following:

"(b) The number of, and the amount of funds available to be paid to, indirectly funded Government employees of the Department of Defense may not be—

"(1) subject to any constraint or limitation on the number of such personnel who may be employed on the last day of a fiscal year;

"(2) managed on the basis of any end-strength; or

"(3) controlled under any policy of the Secretary of a military department for control of civilian manpower resources.

"(c) In this section, the term 'indirectly funded Government employees' means civilian employees of the Department of Defense—

"(1) who are employed by industrial-type activities or commercial-type activities described in section 2208 of this title; and

"(2) whose salaries and benefits are funded from sources other than appropriated funds.".

(b) EFFECTIVE DATE.—Subsections (b) and (c) of section 140b of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 1986.

(c) CONFORMING AMENDMENTS.—Section 138(c) of title 10, United States Code, is amended—

(1) by striking out paragraph (2);

(2) by redesignating paragraph (3) as paragraph (2) and in subparagraph (A) of that paragraph—

(A) by striking out "annual" before "active duty" the first place it appears in the first sentence;

(B) by striking out "the annual civilian personnel end strength level" in the first sentence and inserting in lieu thereof "projecting civilian personnel strength levels";

(C) by striking out "next fiscal year, and shall include in that report justification for the strength levels recommended and an explanation of the relationship between the personnel strength levels recommended for that fiscal year" and inserting in lieu thereof "next fiscal year. The Secretary shall include in that report justification for the strength levels recommended for active duty end strengths and projected for civilian personnel and an explanation of the relationship between such strength levels";

(3) by redesignating paragraph (4) as paragraph (3) and in that paragraph striking out "or civilian"; and

(4) by redesignating paragraph (5) as paragraph (4).

SEC. 305. CONTRACT PERSONNEL TO BE INCLUDED IN BUDGET JUSTIFICATION.

Section 2203 of title 10, United States Code, is amended by adding at the end the following new sentences: "The Secretary of Defense shall provide that the budget justification documents for such budget include information on the number of employees of contractors estimated to be working on contracts of the Department of Defense during the fiscal year for which the budget is submitted. Such information shall be set forth in terms of employee-years or such other measure as will be uniform and readily comparable with civilian personnel of the Department of Defense.".

SEC. 306. PROCUREMENT OF CERTAIN BAKERY AND DAIRY PRODUCTS OUTSIDE THE UNITED STATES.

(a) PROCUREMENT OF BAKERY AND DAIRY PRODUCTS.—Chapter 143 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2422. Bakery and dairy products: procurement outside the United States

"(a) The Secretary of Defense may authorize any element of the Department of Defense that procures bakery and dairy products for use by the armed forces outside the United States to procure any products described in subsection (b) through the use of procedures other than competitive procedures.

"(b) The products referred to in subsection (a) are bakery or dairy products produced by the Army and Air Force Exchange Service in a facility outside the United States that began operating before July 1, 1986.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2422. Bakery and dairy products: procurement outside the United States.".

SEC. 307. FUNCTIONS OF MILITARY COMMISSARIES; PURCHASE OF ALCOHOLIC BEVERAGES BY NONAPPROPRIATED FUND INSTRUMENTALITIES.

(a) IN GENERAL.—Chapter 147 of title 10, United States Code, is amended by adding at the end the following new sections:

"§ 2486. Commissary stores: merchandise that may be sold; uniform surcharges

"(a) Commissary stores are similar to commercial grocery stores and may sell merchandise similar to that sold in commercial grocery stores.

"(b) Merchandise sold in commissary stores may include items in the following categories:

"(1) Health and beauty aids.

"(2) Meat and poultry.

"(3) Fish and seafood.

"(4) Produce.

"(5) Food and non-food grocery items.

"(6) Bakery goods.

"(7) Dairy products.

"(8) Tobacco products.

"(9) Delicatessen items.

"(10) Frozen foods.

"(11) Other categories designated in regulations prescribed by the Secretary of a military department and approved by the Secretary of Defense.

"(c) An adjustment of or surcharge on sales prices in commissary stores under section 2484(b) or 2685(a) of this title or for any other purpose shall be applied as a uniform percentage of the sales price of all merchandise sold in commissary stores.

"§ 2487. Commissary stores: limitations on release of sales information

"(a) In order to protect commercially valuable information, the Secretary of a military department, except as provided in subsection (b), may not release to the public those portions of computer data generated by electronic scanners used in military commissaries, and those portions of reports generated by such scanners, that contain the following information:

"(1) The unit prices of items sold.

"(2) The number of units of items sold.

"(b) Information subject to subsection (a) may be released under a written agreement. Any such agreement shall require payment for such information and shall specify the amount of such payment.

"(c) Amounts received by the United States under an agreement described in subsection (b) with respect to a commissary shall be deposited in the Commissary Trust Revolving Fund of the military department under which the commissary is operated.

"§ 2488. Nonappropriated fund instrumentalities: purchase of alcoholic beverages

"(a) The Secretary of Defense shall provide that—

"(1) covered alcoholic beverage purchases made for resale on a military installation located in the United States shall be made from the most competitive source, price and other factors considered, except that

"(2) in the case of malt beverages and wine purchased for resale on a military installation located in the contiguous States, such purchases shall be made from, and delivery shall be accepted from, a source within the State in which the military installation concerned is located.

"(b) If a military installation located in the contiguous States is located in more than one State, a source of supply in any State in which the installation is located shall be considered for the purposes of subsection (a)(2) to be a source within the State in which the installation is located.

"(c) In this section:

"(1) The term 'covered alcoholic beverage purchases' means purchases of alcoholic beverages by a nonappropriated fund instrumentality of the Department of Defense with nonappropriated funds.

"(2) The term 'State' includes the District of Columbia.".

(b) REPEAL OF LIMITATION ON FY86 FUNDS.—Section 8099 of the Department of Defense Appropriations Act, 1986 (as contained in section 101(b) of Public Law 99-190), is repealed.

(c) EXEMPTION FROM WRITTEN NOTICE REQUIREMENTS.—Section 2305(b) of title 10, United States Code, is amended by adding at the end of paragraph (4) the following new subparagraph:

"(E) Subparagraph (D) does not apply with respect to the award of a contract for the acquisition of perishable subsistence items.".

(d) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new items:

"2486. Commissary stores: merchandise that may be sold; uniform surcharges.
"2487. Commissary stores: limitation on release of sales information.
"2488. Nonappropriated fund instrumentalities: purchase of alcoholic beverages.".

SEC. 308. AUTHORITY FOR SECRETARY OF DEFENSE TO ACCEPT GIFTS FOR THE DEFENSE DEPENDENTS' EDUCATION SYSTEM.

(a) IN GENERAL.—Chapter 155 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2605. Acceptance of gifts for defense dependents' education system

"(a) The Secretary of Defense may accept, hold, administer, and spend any gift (including any gift of an interest in real property) made on the condition that it be used in connection with the operation or administration of the defense dependents' education system provided for under the Defense Dependents' Education Act of 1978 (20 U.S.C. 921 et seq.). The Secretary may pay all necessary expenses in connection with the acceptance of a gift under this subsection.

"(b) There is established in the Treasury a fund to be known as the 'Department of Defense Dependents' Education Gift Fund'. Gifts of money, and the proceeds of the sale of property, received under subsection (a) shall be deposited in the fund. The Secretary may disburse funds deposited under this subsection for the benefit or use of the defense dependent's education system, subject to the terms of the gift.

"(c) Subsection (c) of section 2601 of this title applies to property that is accepted under subsection (a) in the same manner that such subsection applies to property that is accepted under subsection (a) of that section.

"(d)(1) Upon request of the Secretary of Defense, the Secretary of the Treasury may—

"(A) retain money, securities, and the proceeds of the sale of securities, in the Department of Defense Dependents' Education Gift Fund; and

"(B) invest money and reinvest the proceeds of the sale of securities in that fund in securities of the United States or in securities guaranteed as to principal and interest by the United States.

"(2) The interest and profits accruing from those securities shall be deposited to the credit of the fund and may be disbursed as provided in subsection (b).

"(e) In this section, the term 'gift' includes a devise of real property or a bequest of personal property.

"(f) The Secretary of Defense shall prescribe regulations to carry out this section.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2605. Acceptance of gifts for defense dependents' education system.".

SEC. 309. RENOVATION OF FACILITIES.

(a) IN GENERAL.—Chapter 169 of title 10, United States Code, is amended by adding at the end of subchapter I the following new section:

"§ 2810. Renovation of facilities

"(a) The Secretary concerned may carry out renovation projects that combine maintenance, repair, and minor construction projects for an entire single-purpose facility, or one or more functional areas of a multipurpose facility, using funds available for operations and maintenance.

"(b) The amount obligated on such a renovation project may not exceed the maximum amount specified by law for a minor construction project under section 2805 of this title.

"(c) Construction of new facilities or additions to existing facilities may not be carried out under the authority of this section."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

"2810. Renovation of facilities.".

SEC. 310. PROHIBITION OF PURCHASE OF PETROLEUM PRODUCTS FROM COMPANIES PRODUCING OIL IN ANGOLA.

(a) GENERAL RULE.—The Secretary of Defense may not enter into a contract for the purchase of a petroleum product from a company if the company (or a subsidiary or partnership of the company)—

(1) is engaged in the production of petroleum products in Angola; or

(2) during the preceding 12 months has purchased petroleum products, directly or indirectly, from Angola.

(b) PETROLEUM PRODUCT DEFINED.—For the purposes of this section, the term "petroleum product" means crude oil, residual fuel oil, or any refined petroleum product (including any natural gas liquid or any natural gas liquid product).

(c) EFFECTIVE DATE.—This section shall take effect six months after the date of the enactment of this Act. Purchases of petroleum products before the date on which this section takes effect shall not be considered for purposes of subsection (a)(2).

SEC. 311. PROHIBITION OF CONTRACTS FOR THE PERFORMANCE OF CERTAIN ARMY AMMUNITION ACTIVITIES.

(a) PROHIBITIONS OF CONTRACTING.—The Secretary of Defense and the Secretary of the Army may not enter into a contract for the performance by contractor personnel of functions performed by employees of the Department of Defense at the Crane Army Ammunition Activity, Crane, Indiana, or the McAlester Army Ammunition Plant, McAlester, Oklahoma.

(b) EXCEPTION.—The prohibition in subsection (a) does not apply to a contract (or the renewal of a contract) for the performance of a function that on the date of the enactment of this Act is under contract for performance by contractor personnel.

SEC. 312. EXTENSION OF AUTHORIZATION FOR HUMANITARIAN ASSISTANCE.

(a) TRANSPORTATION, ADMINISTRATION, AND DELIVERY OF HUMANITARIAN RELIEF SUPPLIES TO AFGHAN REFUGEES.—Section 305 of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 617), is amended—

(1) by inserting after "sum of $10,000,000" in subsection (a) the following: "and for fiscal year 1987 the sum of $3,000,000";

(2) by striking out "for the purpose of" in subsection (a) and inserting in lieu thereof "for the purposes of (1)";

(3) by inserting after "Soviet Union" in subsection (a) the following: ", (2) paying administrative costs of providing such transportation, and (3) providing for the acquisition of transportation assets for the distribution of supplies as part of such relief"; and

(4) by adding at the end the following new subsection:

"(d) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to the authorization in subsection (a) shall remain available until expended, if so provided in appropriation Acts."

(a) TRANSPORTATION OF HUMANITARIAN RELIEF SUPPLIES WORLDWIDE.—Section 1540 of the Department of Defense Authorization Act, 1985 (Public Law 98-525; 98 Stat. 2637), is amended—

(1) effective on October 1, 1986, by striking out "fiscal years 1985 and 1986" and inserting in lieu thereof "fiscal year 1987"; and

(2) by adding at the end the following new subsection:

"(f) There is hereby authorized to be appropriated to the Secretary of Defense for fiscal year 1987 the sum of $3,000,000 to carry out this section.".

(c) DISTRIBUTION OF EXCESS NONLETHAL SUPPLIES FOR HUMANITARIAN RELIEF.—Section 2547(b) of title 10, United States Code, is amended to read as follows:

"(b) Excess supplies made available for humanitarian relief purposes under this section shall be transferred—

"(1) to the Secretary of State, who shall be responsible for the distribution of such supplies; or

"(2) following notification to the Secretary of State, to a component of the Department of Defense which plans to distribute such supplies under otherwise authorized humanitarian and civic assistance programs.".

SEC. 313. NATIONAL BOARD FOR THE PROMOTION OF RIFLE PRACTICE.

(a) PERSONNEL SERVICES.—Section 4308 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c) The Secretary may provide personnel services (in addition to pay and non-travel related allowances for members of the armed forces) in carrying out the authority of the Secretary under this section and sections 4310 through 4312 of this title.".

(b) ALLOWANCES FOR COMPETITORS AT NATIONAL MATCHES.—Section 4313 of such title is amended—

(1) by striking out "draw not more than" in subsection (a) and all that follows through the end of the subsection and inserting in lieu thereof "be paid a subsistence allowance in such amount as the Secretary of the Army shall prescribe."; and

(2) by striking out "of five cents a mile" in subsection (b) and inserting in lieu thereof "in such amount as the Secretary of the Army shall prescribe".

## TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active-duty personnel as of September 30, 1987, as follows:

(1) The Army, 780,800.
(2) The Navy, 583,300.
(3) The Marine Corps, 198,800.
(4) The Air Force, 606,470.

SEC. 402. END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—For fiscal year 1987, the Selected Reserve of the reserve components of the Armed Forces shall be programmed to attain strengths as of September 30, 1987, of not less than the following:

(1) The Army National Guard of the United States, 459,310.
(2) The Army Reserve, 326,600.
(3) The Naval Reserve, 153,013.
(4) The Marine Corps Reserve, 44,263.
(5) The Air National Guard of the United States, 115,013.

(6) The Air Force Reserve, 80,489.

(7) The Coast Guard Reserve, 13,000.

(b) ADJUSTMENTS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year; and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

SEC. 403. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVE COMPONENTS.

(a) IN GENERAL.—Within the end strengths prescribed in section 402, the reserve components of the Armed Forces are authorized, as of September 30, 1987, the following number of Reserves to be serving on full-time active duty or, in the case of members of the National Guard, on full-time National Guard duty for the purpose of organizing, administering, recruiting, instructing, or training the reserve components or the National Guard:

(1) The Army National Guard of the United States, 25,231.

(2) The Army Reserve, 12,657.

(3) The Naval Reserve, 20,510.

(4) The Marine Corps Reserve, 1,645.

(5) The Air National Guard of the United States, 8,169.

(6) The Air Force Reserve, 665.

(b) AUTHORITY TO INCREASE END-STRENGTH LIMIT.—Upon a determination by the Secretary of Defense that such action is in the national interest, the end strengths prescribed by subsection (a) may be increased by a total of not more than the number equal to 2 percent of the total end strengths prescribed.

SEC. 404. MILITARY TRAINING STUDENT LOADS.

(a) IN GENERAL.—For fiscal year 1987, the components of the Armed Forces are authorized average military training student loads as follows:

(1) The Army, 76,758.

(2) The Navy, 72,483.

(3) The Marine Corps, 19,433.

(4) the Air Force, 43,911.

(5) The Army National Guard of the United States, 18,262.

(6) The Army Reserve, 15,858.

(7) The Naval Reserve, 3,493.

(8) The Marine Corps Reserve, 3,944.

(9) The Air National Guard of the United States, 3,566.

(10) The Air Force Reserve, 2,127.

(b) ADJUSTMENTS.—The average military student loads for the Army, the Navy, the Marine Corps, and the Air Force and the reserve components authorized in subsection (a) for fiscal year 1987 shall be adjusted consistent with the personnel strengths authorized in sections 401 and 402. Such adjustment shall be apportioned among the Army, the Navy, the Marine Corps, and the Air Force and the reserve components in such manner as the Secretary of Defense shall prescribe.

## TITLE V—DEFENSE PERSONNEL POLICY

### PART A—ACTIVE FORCES

SEC. 501. ASSIGNMENT OF ACTIVE-DUTY MEMBERS OUTSIDE THE UNITED STATES.

(a) REPEAL OF 12-WEEK REQUIREMENT.—Section 671 of title 10, United States Code, relating to assignment of members outside the United States before the completion of training, is amended by striking out "until he has had twelve weeks of basic training or its equivalent" and inserting in lieu thereof "until the member has completed basic training or its equivalent".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to individuals who begin basic training on or after the date of the enactment of this Act.

SEC. 502. WEARING OF RELIGIOUS APPAREL BY MEMBERS OF THE ARMED FORCES WHILE IN UNIFORM.

(a) IN GENERAL.—Chapter 45 of title 10, United States Code, is amended—

(1) by redesignating section 774 as section 775; and

(2) by inserting after section 773 the following new section 774:

"§ 774. Religious apparel: wearing while in uniform

"(a) GENERAL RULE.—Except as provided under subsection (b), a member of the armed forces may wear an item of religious apparel while wearing the uniform of the member's armed force.

"(b) EXCEPTIONS.—The Secretary concerned may prohibit the wearing of an item of religious apparel—

"(1) in circumstances with respect to which the Secretary determines that the wearing of the item would interfere with the performance of the member's military duties; or

"(2) if the Secretary determines, under regulations under subsection (c), that the item of apparel is not neat and conservative.

"(c) REGULATIONS.—The Secretary concerned shall prescribe regulations concerning the wearing of religious apparel by members of the armed forces under the Secretary's jurisdiction while the members are wearing the uniform. Such regulations shall be consistent with subsections (a) and (b).

"(d) RELIGIOUS APPAREL DEFINED.—In this section, the term 'religious apparel' means apparel the wearing of which is part of the observance of the religious faith practiced by the member.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by striking out the item relating to section 774 and inserting in lieu thereof the following:

"774. Religious apparel: wearing while in uniform.

"775. Applicability of chapter.".

(c) REGULATIONS.—The Secretary concerned shall prescribe the regulations required by section 774(c) of title 10, United States Code, as added by subsection (a), not later than the end of the 120-day period beginning on the date of the enactment of this Act.

SEC. 503. SERVICE OF MEMBERS ON STATE AND LOCAL JURIES.

(a) IN GENERAL.—Chapter 49 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 982. Members: service on State and local juries

"(a) A member of the armed forces on active duty may not be required to serve on a State or local jury if the Secretary concerned determines that such service—

"(1) would unreasonably interfere with the performance of the member's military duties; or

"(2) would adversely affect the readiness of the unit, command, or activity to which the member is assigned.

"(b) A determination by the Secretary concerned under this section is conclusive.

"(c) The Secretary concerned shall prescribe regulations for the administration of this section.

"(d) In this section, the term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, and each territory of the United States.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"982. Members: service on State and local juries.".

SEC. 504. EXTENSION OF EXPIRING AUTHORITY FOR SPOT PROMOTIONS OF NAVY LIEUTENANTS.

Section 5721(f) of title 10, United States Code, is amended by striking out "September 30, 1986" and inserting in lieu thereof "September 30, 1987".

SEC. 505. REPEAL OF REQUIREMENT REGARDING ENLISTMENT OF WOMEN IN THE AIR FORCE DURING FISCAL YEAR 1987.

Section 551(a) of the Department of Defense Authorization Act, 1985 (Public Law 98-525; 98 Stat. 2530), is amended by striking out "the period beginning on October 1, 1986" and all that follows through the end of the subsection and inserting in lieu thereof "fiscal year 1988, not less than 22 percent shall be women.".

SEC. 506. AUTHORITY TO EXEMPT PHYSICIANS AT UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES FROM REDUCTIONS IN RETIRED PAY.

Section 2113(f) of title 10, United States Code, is amended—

(1) by inserting "(1)" after "(f)"; and

(2) by adding at the end the following:

"(2) The Board may exempt, at any time, a physician who is a member of the faculty from the restrictions in subsections (a), (b), and (c) of section 5532 of title 5, if the Board determines that such exemption is necessary to recruit or retain well-qualified physicians for the faculty of the University. An exemption granted under this paragraph shall terminate upon any break in employment with the University by a physician of three days or more. An exemption granted under this paragraph to a person shall apply to the retired pay of such person beginning with the first month after the month in which the exemption is granted.".

### PART B—RESERVE FORCES

SEC. 511. AUTHORITY FOR PRESIDENT TO CALL SELECTED RESERVE MEMBERS TO ACTIVE DUTY.

Section 673b(c) of title 10, United States Code, is amended by striking out "100,000" and inserting in lieu thereof "200,000".

SEC. 512. PAY, ALLOWANCES, AND BENEFITS FOR MEMBERS OF THE RESERVE COMPONENTS.

(a) MEDICAL AND DENTAL CARE.—(1) Section 1074a of title 10, United States Code, is amended to read as follows:

"§ 1074a. Medical and dental care: members on duty other than active duty for a period of more than 30 days

"(a) Under joint regulations prescribed by the administering Secretaries, the following persons are entitled to the benefits described in subsection (b):

"(1) Each member of a uniformed service who incurs or aggravates an injury, illness, or disease in the line of duty while performing—

"(A) active duty for a period of 30 days or less; or

"(B) inactive-duty training.

"(2) Each member of a uniformed service who incurs or aggravates an injury, illness, or disease while traveling directly to or from the place at which that member is to perform or has performed—

"(A) active duty for a period of 30 days or less; or

"(B) inactive-duty training.

"(b) A person described in subsection (a) is entitled to—

"(1) the medical and dental care appropriate for the treatment of the injury, illness, or disease of that person until the resulting disability cannot be materially improved by further hospitalization or treatment; and

"(2) subsistence during hospitalization.

"(c) A member is not entitled to benefits under this section if the injury, illness, or disease, or aggravation of an injury, illness, or disease described in subsection (a)(2), is the result of the gross negligence or misconduct of the member.".

(2) The item relating to section 1074a in the table of sections at the beginning of chapter 55 of such title is amended to read as follows:

"1074a. Medical and dental care: members on duty other than active duty for a period of more than 30 days.".

(b) PAY AND ALLOWANCES FOR DISABLED MEMBERS.—Section 204 of title 37, United States Code, is amended as follows:

(1) Subsections (g) and (h) are amended to read as follows:

"(g) A member of a reserve component of a uniformed service is entitled to the pay and allowances provided by law or regulation for a member of a regular component of a uniformed service of corresponding grade and length of service whenever such member—

"(1) is called or ordered to active duty for a period of more than 30 days; and

"(2) is physically disabled in line of duty from injury, illness, or disease.

"(h)(1) A member of a reserve component of a uniformed service is entitled, upon request, to a portion of the monthly pay and allowances provided by law or regulation for a member of a regular component of a uniformed service of corresponding grade and length of service for each month for which the member demonstrates a loss of income from non-military compensation as a result of an injury, illness, or disease incurred or aggravated—

"(A) in line of duty while performing active duty for a period of 30 days or less;

"(B) in line of duty while performing inactive-duty training (other than work or study in connection with a correspondence course of an armed force or attendance in an inactive status at an educational institution under the sponsorship of an armed force or the Public Health Service); or

"(C) while traveling directly to or from that duty or training.

"(2)(A) Subject to subparagraphs (B) and (C), pay and allowances paid under paragraph (1) shall be in an amount which offsets the loss of income from non-military compensation.

"(B) Pay and allowances may not be paid under paragraph (1) to a member who is enrolled in any other income protection insurance plan to the extent that such payment would result in total benefits to the member of more than the demonstrated loss of income from non-military compensation.

"(C) The total amount of pay and allowances paid under paragraph (1) and compensation paid under section 206(a) of this title for any period may not exceed the amount of pay and allowances provided by law or regulation for a member of a regular component of a uniformed service of corresponding grade and length of service for that period.

"(3) Pay and allowances may be paid under paragraph (1)—

"(A) for a period of not more than six months; or

"(B) for a longer period, if the Secretary concerned determines that it is in the interests of fairness and equity to do so.

"(4) A member is not entitled to benefits under this subsection if the injury, illness, disease, or aggravation of an injury, illness, or disease described in paragraph (1)(B) is the result of the gross misconduct of the member.

"(5) Regulations with respect to procedures for paying pay and allowances under paragraph (1) shall be prescribed—

"(A) by the Secretary of Defense for the armed forces under the jurisdiction of the Secretary; and

"(B) by the Secretary of Transportation for the Coast Guard when the Coast Guard is not operating as a service in the Navy.".

(2) Subsection (i) is repealed.

(3) Subsection (j) is redesignated as subsection (i).

(c) INACTIVE-DUTY TRAINING PAY FOR DISABLED MEMBERS.—Section 206(a) of title 37, United States Code, is amended by striking out "entitled to basic pay" the second place it appears and all that follows and inserting in lieu thereof the following: "entitled to basic pay—

"(1) for each regular period of instruction, or period of appropriate duty, at which the member is engaged for at least two hours, including that performed on a Sunday or holiday;

"(2) for the performance of such other equivalent training, instruction, duty, or appropriate duties, as the Secretary may prescribe; or

"(3) for a regular period of instruction that the member is scheduled to perform but is unable to perform because of physical disability resulting from an injury, illness, or disease incurred or aggravated—

"(A) in line of duty while performing—

"(i) active duty for a period of 30 days or less; or

"(ii) inactive-duty training; or

"(B) while traveling directly to or from that duty or training (unless such injury, illness, disease, or aggravation of an injury, illness, or disease is the result of the gross negligence or misconduct of the member).".

(d) RETIREMENT FOR DISABILITY.—(1) Sections 1204 and 1206 of title 10, United States Code, are amended by striking out "resulting from an injury".

(2)(A) The heading of section 1204 of such title is amended to read as follows:

"§ 1204. Members on active duty for 30 days or less: retirement".

(2) The heading of section 1205 of such title is amended to read as follows:

"§ 1205. Members on active duty for 30 days or less: temporary disability retired list".

(3) The heading of section 1206 of such title is amended to read as follows:

"§ 1206. Members on active duty for 30 days or less: separation".

(4) The items relating to sections 1204, 1205, and 1206 in the table of sections at the beginning of chapter 61 of such title are amended to read as follows:

"1204. Members on active duty for 30 days or less: retirement.

"1205. Members on active duty for 30 days or less: temporary disability retired list.

"1206. Members on active duty for 30 days or less: separation.".

(e) DEATH BENEFITS.—(1) Section 1475(a) of title 10, United States Code, is amended by striking out "from an injury incurred by him after December 31, 1956," in paragraph (3).

(2) Section 1476 of such title is amended—

(A) by striking out subsection (a) and inserting in lieu thereof the following:

"(a)(1) Except as provided in section 1480 of this title, the Secretary concerned shall pay a death gratuity to or for the survivors prescribed in section 1477 of this title of each person who dies within 120 days after discharge or release from—

"(A) active duty; or

"(B) inactive-duty training (other than work or study in connection with a correspondence course of an armed force or attendance, in an inactive status, at an educational institution under the sponsorship of an armed force or the Public Health Service).

"(2) A death gratuity may be paid under paragraph (1) only if the Administrator of Veterans' Affairs determines that the death resulted from an injury or disease incurred or aggravated during—

"(A) the active duty or inactive-duty training described in paragraph (1); or

"(B) travel directly to or from such duty.";

(B) by striking out subsection (b); and

(C) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

(3) Section 1481(a) of such title is amended—

(A) by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) a member of a reserve component of an armed force who dies while—

"(A) on active duty;

"(B) performing inactive-duty training;

"(C) performing authorized travel directly to or from active duty or inactive-duty training; or

"(D) hospitalized or undergoing treatment for an injury, illness, or disease incurred or aggravated while on active duty or performing inactive-duty training;"; and

(B) by striking out paragraph (3).

(f) TECHNICAL AND CONFORMING AMENDMENTS.—(1) Title 10, United States Code, is amended as follows:

(A) Sections 3687, 3721, 3722, 6148, 8687, 8721, and 8722 are repealed.

(B)(i) The table of sections at the beginning of chapter 353 is amended by striking out the item relating to section 3687.

(ii) The table of sections at the beginning of chapter 355 is amended by striking out the items relating to sections 3721 and 3722.

(iii) The table of sections at the beginning of chapter 561 is amended by striking out the item relating to section 6148.

(iv) The table of sections at the beginning of chapter 853 is amended by striking out the item relating to section 8687.

(v) The table of sections at the beginning of chapter 855 is amended by striking out the items relating to sections 8721 and 8722.

(C) Sections 1076(a)(2)(B) and 1086(c)(2)(B) are amended by striking out "injury or illness" and inserting in lieu thereof "injury, illness, or disease".

(D) Sections 3723 and 8723 are amended by striking out "was injured, or contracted a disease," and inserting in lieu thereof "incurred an injury, illness, or disease,".

(2)(A) Sections 318, 319, 320, and 321 of title 32, United States Code, are repealed.

(B) The table of sections at the beginning of chapter 3 of such title is amended by striking out the items relating to sections 318, 319, 320, and 321.

(g) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to persons who, after the date of enactment of this Act—

(1) incur or aggravate an injury, illness, or disease; or

(2) die.

## TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

### PART A—PAY AND ALLOWANCES

SEC. 601. ENHANCEMENT OF AVIATION OFFICER CONTINUATION PAY.

(a) ELIMINATION OF OFFSET FOR RECEIPT OF HAZARDOUS DUTY INCENTIVE PAY.—Section 301b(e) of title 37, United States Code, is amended by striking out paragraph (4).

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to payments made for periods beginning after September 30, 1986, under agreements entered into under section 301b of title 37, United States Code.

SEC. 602. AUTHORITY TO PAY ROTC MEMBERS IN ADVANCE FOR FIELD TRAINING.

(a) IN GENERAL.—Section 1006 of title 37, United States Code, is amended by adding at the end the following new subsection:

"(j) Under regulations prescribed by the Secretary concerned, not more than one month's pay may be paid in advance to a member of the Senior Reserve Officers' Training Corps who is ordered to field training or a practice required under section 2109 of title 10.".

(b) EFFECTIVE DATE.—Subsection (j) of title 37, United States Code, as added by subsection (a), shall apply with respect to pay payable for months beginning after the later of September 30, 1986, and the date of the enactment of this Act.

### PART B—TRAVEL AND TRANSPORTATION

SEC. 611. TRANSPORTATION OF MOTOR VEHICLES FOR MEMBERS MAKING PERMANENT CHANGES OF STATION.

Section 2634 of title 10, United States Code, is amended—

(1) by striking out "in the case of" and all that follows through "debarkation" in subsection (a)(4) and inserting in lieu thereof "by other surface transportation"; and

(2) by striking out ", or his designee," in the second sentence of subsection (a);

(3) by striking out the first and second sentences of subsection (b) and inserting in lieu thereof the following: "In this section, the term 'change of permanent station' means the transfer or assignment of a member of the armed forces from a permanent station inside the continental United States to a permanent station outside the continental United States or from a permanent station outside the continental United States to another permanent station.".

SEC. 612. REIMBURSEMENT FOR ACTUAL LODGING EXPENSES PLUS PER DIEM FOR MEMBERS ENTITLED TO TRAVEL ALLOWANCES.

(a) IN GENERAL.—Section 404(d) of title 37, United States Code, is amended—

(1) by striking out "per diem in place of subsistence in an amount not more than $50 determined by the Secretaries concerned to be sufficient" in paragraph (1)(B) and inserting in lieu thereof "payment in lieu of subsistence as provided in paragraph (2) of this subsection in an amount sufficient";

(2) by striking out "to be" in paragraph (1)(B) after "travel is"; and

(3) by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) Under regulations prescribed by the Secretaries concerned, a member of a uniformed service entitled to travel and transportation allowances under subsection (a) of this section is entitled to any of the following:

"(A) A per diem allowance at a rate not to exceed that established by the Secretaries concerned.

"(B) Reimbursement for the actual and necessary expenses of official travel not to exceed an amount established by the Secretaries concerned.

"(C) A combination of payments described in subparagraphs (A) and (B) of this paragraph.

"(3) A per diem allowance or maximum amount of reimbursement established for purposes of paragraph (2) of this subsection shall be established, to the extent feasible, by locality.

"(4) For travel consuming less than a full day, the payment prescribed by regulation under paragraph (2) of this subsection shall be allocated in such manner as the Secretaries concerned prescribe.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to travel performed after the end of the 180-day period beginning on the date of the enactment of this Act.

SEC. 613. PER DIEM FOR DEPENDENTS RECEIVING TRANSPORTATION ALLOWANCE.

(a) IN GENERAL.—Section 406 of title 37, United States Code, is amended as follows:

(1) The first sentence of subsection (e) is amended by striking out ", as the case may be," and inserting in lieu thereof the following: "(as the case may be), plus a per diem,".

(2) Subsection (f) is amended by inserting after "member" the following: ", plus a per diem for the member's dependents,".

(3) Subsection (g)(1) is amended by inserting after "404(c) of this title" the following: ", and to a per diem for his dependents".

(4) Subsection (h)(1) is amended by striking out ", as the case may be," and inserting in lieu thereof the following: "(as the case may be), plus a per diem,".

(5) Subsection (j) is amended by inserting after "household effects," the following: "plus a per diem for the member's dependents,".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to travel performed after the later of September 30, 1986, and the date of the enactment of this Act.

SEC. 614. MODIFICATION OF FAMILY SEPARATION ALLOWANCE.

(a) DENIAL OF ALLOWANCE TO CERTAIN MEMBERS.—(1) Section 427(b) of title 37, United States Code, is amended—

(1) by inserting "(1)" after "(b)";

(2) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(3) by designating the second sentence as paragraph (2) and striking out "clause (2) or (3)" in that sentence and inserting in lieu thereof "subparagraph (B) or (C) of paragraph (1)"; and

(4) by adding at the end the following:

"(3) A member who elects to serve a tour of duty unaccompanied by his dependents at a permanent station to which the movement of his dependents is authorized at the expense of the United States under section 406 of this title is not entitled to an allowance under this subsection. The Secretary concerned may waive the preceding sentence in situations in which it would be inequitable to deny the allowance to the member because of unusual family or operational circumstances.".

(b) SAVINGS PROVISION.—Notwithstanding the amendments made by subsection (a), a member who on September 30, 1986, was assigned to a permanent station to which the movement of his dependents was authorized at the expense of the United States under section 406 of title 37, United States Code, and who elected to serve a tour of duty at that station unaccompanied by his dependents, shall, until he departs that station as a result of a change of permanent station, be entitled to receive the allowance authorized by section 427(b) of such title without regard to paragraph (3) of such section, as added by subsection (a).

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1986.

SEC. 615. TRANSPORTATION AND TRAVEL ALLOWANCES FOR ESCORTS FOR CERTAIN DEPENDENTS.

(a) IN GENERAL.—(1) Chapter 7 of title 37, United States Code, is amended by adding at the end the following new section:

"§ 431. Travel and transportation: members escorting certain dependents

"(a) Under regulations prescribed by the Secretary concerned, a member of a uniformed service may be provided round trip transportation and travel allowances for travel performed or to be performed under competent orders as an escort for the member's dependent when travel by the dependent is authorized by competent authority and the dependent is incapable of traveling alone because of age, mental or physical incapacity, or other extraordinary circumstances.

"(b) Whenever possible, the Military Airlift Command or Military Sealift Command shall be used, on a space-required basis, for the travel authorized by this section.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"431. Travel and transportation: members escorting certain dependents.".

(b) EFFECTIVE DATE.—Section 431 of title 37, United States Code, as added by subsection (a), shall apply with respect to travel performed after September 30, 1986.

### PART C—BENEFITS FOR SURVIVORS AND FORMER SPOUSES

SEC. 631. COURT-ORDERED SURVIVOR ANNUITIES FOR FORMER SPOUSES.

(a) GENERAL RULE.—Paragraph (4) of section 1450(f) of title 10, United States Code, is amended to read as follows:

"(4) A court order may require a person to elect (or to enter into an agreement to elect) under section 1448(b) of this title to provide an annuity to a former spouse (or to both a former spouse and child).".

(b) CONFORMING AMENDMENTS.—

(1) Section 1448(b)(5) of such title is amended by inserting "(A) whether the election is being made pursuant to the requirements of a court order, or (B)" after "setting forth".

(2) Paragraph (2) of section 1450(f) of such title is amended—

(A) by striking out "enters into" and all that follows through "pursuant to such agreement" and inserting in lieu thereof "is required by a court order to elect under section 1448(b) of this title to provide an annuity to a former spouse (or to both a former spouse and child), or who enters into a writ-

ten agreement (whether voluntary or required by a court order) to make such an election, and who makes an election pursuant to such order or agreement,";

(B) by striking out "in a case in which such agreement" at the beginning of subparagraph (A) and inserting in lieu thereof "in a case in which the election is required by a court order, or in which an agreement to make the election";

(C) by striking out "relating to the agreement to make such election" and inserting in lieu thereof "relating to such election, or the agreement to make such election,"; and

(D) by striking out "in which such agreement" at the beginning of subparagraph (B) and inserting in lieu thereof "of a written agreement that".

(3) Paragraph (3)(A) of such section is amended—

(A) by striking out "voluntary" both places it appears;

(B) by inserting "or if such person is required by a court order to make such an election," after "applicable State law" the first place it appears; and

(C) by inserting "requires such election or" after "on its face, which".

(c) EFFECTIVE DATE.—The amendments made by this section apply to court orders issued on or after the date of the enactment of this Act.

SEC. 632. MISCELLANEOUS SURVIVOR BENEFIT AND FORMER SPOUSE AMENDMENTS.

(a) ANNUITY FOR A DEPENDENT CHILD.—

(1) REPEAL OF COMMON-ACCIDENT LIMITATION.—(A) Subsection (d)(2) of section 1448 of title 10, United States Code, is amended by striking out "if the member and the member's spouse die as a result of a common accident" and inserting in lieu thereof "if there is no surviving spouse or if the member's surviving spouse subsequently dies".

(B) Subsection (f)(2) of such section is amended by striking out "if the person and the person's spouse die as a result of a common accident" and inserting in lieu thereof "if there is no surviving spouse or if the person's surviving spouse subsequently dies".

(2) AMOUNT OF ANNUITY FOR DISABLED CHILD OVER AGE 62.—(A) Subsection (a) of section 1451 of such title is amended—

(i) by inserting "or is a dependent child" in paragraphs (1)(A) and (2)(A) after "under 62 years of age"; and

(ii) by inserting "(other than a dependent child)" in paragraphs (1)(B) and (2)(B) after "beneficiary".

(B) Subsection (c)(1) of such section is amended—

(i) by inserting "or is a dependent child" in subparagraph (A) after "under 62 years of age"; and

(ii) by inserting "(other than a dependent child)" in subparagraph (B) after "receiving the annuity".

(3) EFFECTIVE DATES.—The amendment made by paragraph (1) shall apply only to claims arising on or after the date of the enactment of this Act. The amendments made by paragraph (2) shall apply to payments for periods after the later of September 30, 1986, and the date of the enactment of this Act.

(b) AGE AT WHICH REMARRIAGE TERMINATES SPOUSE SURVIVOR BENEFIT.—

(1) REDUCTION FROM AGE 60 TO AGE 55.—Section 1450(b) of such title is amended by striking out "age 60" both places it appears and inserting in lieu thereof "age 55".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply with respect to remarriages that occur on or after the date of the enactment of this Act, but only with respect to payments for periods after the later of September 30, 1986, and the date of the enactment of this Act.

(c) REVISION OF DEFINITION OF DISPOSABLE RETIRED PAY FOR PURPOSES OF COURT ORDERS.—(1) Section 1408(a)(4) of such title is amended—

(A) by striking out "(other than" and all that follows through "title)" in the matter preceding subparagraph (A); and

(B) by striking out subparagraph (E) and inserting in lieu thereof the following:

"(E) in the case of a member entitled to retired pay under chapter 61 of this title, are equal to the amount of retired pay of the member under that chapter computed using the percentage of the member's disability on the date when the member was retired (or the date on which the member's name was placed on the temporary disability retired list); or".

(2) The amendments made by paragraph (1) shall apply with respect to court orders issued after the date of the enactment of this Act.

SEC. 633. REVISION OF OPEN PERIOD TO ELECT FORMER SPOUSE AND CHILD COVERAGE.

Section 716(b) of the Survivor Benefit Plan Amendments of 1985 (title VII of Public Law 99-145; 99 Stat. 674) is amended—

(1) by striking out "the date of the enactment of this Act" and inserting in lieu thereof "March 1, 1986,";

(2) by striking out ", within the one-year period beginning on that date of enactment,"; and

(3) by adding at the end the following new sentence: "Such an election must be made—

"(1) not later than March 1, 1987, in the case of a person who made the election to provide an annuity for a former spouse before November 8, 1985; and

"(2) not later than the end of the one-year period beginning on the date of the enactment of the Department of Defense Authorization Act, 1987, in the case of a person who made the election to provide an annuity for a former spouse during the period beginning on November 8, 1985, and ending on February 28, 1986.".

SEC. 634. EXTENSION OF MEDICAL BENEFITS FOR CERTAIN FORMER SPOUSES.

Section 645(c) of the Department of Defense Authorization Act, 1985 (Public Law 98-525; 98 Stat. 2549), is amended by striking out "during the two-year period" and inserting in lieu thereof "until the later of (1) April 1, 1988, and (2) the last day of the two-year period".

PART D—EDUCATIONAL ASSISTANCE PROGRAM

SEC. . TUITION ASSISTANCE FOR ARMY RESERVE COMPONENT OFFICERS.

(a) IN GENERAL.—Section 2007 of title 10, United States Code, is amended—

(1) by inserting "on active duty" in subsection (a)(3) after "a commissioned officer"; and

(2) by adding at the end of the following new subsection:

"(c)(1) Subject to paragraph (2) and (3), the Secretary of the Army may pay not more than 75 percent of the charges of an educational institution for the tuition or expenses of an officer in the Selected Reserve of the Army National Guard or the Army Reserve for education or training of such officer in a program leading to a baccalaureate degree.

"(2) The Secretary may not pay charges under paragraph (1) for tuition or expenses of an officer unless the officer agrees to remain a member of the Selected Reserve for at least four years after completion of the education or training for which the charges are paid.

"(3) The Secretary may not pay charges under paragraph (1)—

"(A) for a warrant officer; or

"(B) for an officer on active duty or full-time National Guard duty.".

(b) LIMITATION ON AMOUNT FOR FISCAL YEAR 1987.—The total amount obligated by the Secretary of the Army under subsection (c) of section 2007 of title 10, United States Code, as added by subsection (a), during fiscal year 1987 may not exceed $4,200,000.

(c) EFFECTIVE DATE.—Subsection (c) of section 2007 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 1986.

PART E—COST REDUCTIONS

SEC. 651. COST REDUCTIONS FOR FISCAL YEAR 1987.

(a) PCS MOVES.—The total amount expended by the Department of Defense during fiscal year 1987 for permanent change of station moves may not exceed $2,209,060,000.

(b) SELECTIVE REENLISTMENT BONUS.—(1) During fiscal year 1987, the Secretary concerned may not pay more than 50 percent of an amount paid to any person under section 308 of title 37, United States Code, in a lump sum.

(2) During fiscal year 1987, the total amount obligated for payments under such section with respect to reenlistments and extensions of enlistments after September 30, 1986, may not exceed $291,600,000.

(c) ENLISTMENT BONUSES.—An enlistment bonus under section 308a of title 37, United States Code, may not be paid by the Secretary of the Navy or the Secretary of the Air Force with respect to an enlistment after September 30, 1986.

(d) ENLISTED TO OFFICER RATIO.—The Secretary of Defense shall require that officer personnel strengths be managed so as to attain a ratio within the armed forces (other than the Coast Guard) of enlisted members to officers of not less than 6.12 to 1 by September 30, 1987, with a goal of achieving a ratio of 6.5 to 1 by September 30, 1990.

(e) RESERVE UNIT AND INDIVIDUAL TRAINING.—During fiscal year 1987, the amount spent for reserve unit and individual training may not exceed $5,084,500,000.

## TITLE VII—UNIFORM CODE OF MILITARY JUSTICE

SEC. 701. SHORT TITLE; REFERENCES TO UNIFORM CODE OF MILITARY JUSTICE.

(a) SHORT TITLE.—This title may be cited as the "Military Justice Amendments of 1986".

(b) REFERENCES TO UCMJ.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice).

SEC. 702. ESTABLISHMENT OF DEFENSE OF LACK OF MENTAL RESPONSIBILITY.

(a) IN GENERAL.—(1) Subchapter VII is amended by inserting after section 850 (article 50) the following new section (article):

"§ 850a. Art. 50a. Defense of lack of mental responsibility

"(a) It is an affirmative defense in a trial by court-martial that, at the time of the commission of the acts constituting the offense, the accused, as a result of a severe mental disease or defect, was unable to appreciate the nature and quality or the

wrongfulness of the acts. Mental disease or defect does not otherwise constitute a defense.

"(b) The accused has the burden of proving the defense of lack of mental responsibility by clear and convincing evidence.

"(c) Notwithstanding the provisions of section 852 of this title (article 52), the accused may be found not guilty under this section only if—

"(1) a majority of the members of the court-martial present at the time the vote is taken determines that the defense of lack of mental responsibility has been established; or

"(2) in the case of a court-martial composed of a military judge only, the military judge determines that the defense of lack of mental responsibility has been established.".

(2) The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 850 (article 50) the following new item:

"850a. 50a. Defense of lack of mental responsibility.".

(b) EFFECTIVE DATE.—Section 850a of title 10, United States Code, as added by subsection (a)(1), shall apply only to offenses committed on or after the date of the enactment of this Act.

SEC. 703. APPLICATION FOR ENLISTED MEMBERS TO SERVE ON COURT-MARTIAL.

(a) IN GENERAL.—Section 825(c)(1) (article 25(c)(1)) is amended by striking out "has requested in writing" and inserting in lieu thereof "has requested orally on the record or in writing".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply only to a case in which arraignment is completed on or after the effective date of this part.

SEC. 704. COURT-MARTIAL JURISDICTION OVER RESERVE MEMBERS.

(a) JURISDICTION OVER RESERVE MEMBERS UNDER CERTAIN CIRCUMSTANCES.—(1) Paragraph (3) of section 802(a) (article 2(a)) is amended to read as follows:

"(3) Members of a reserve component while—

"(A) on active duty; or

"(B) on inactive-duty training, but in the case of members of the Army National Guard of the United States or the Air National Guard of the United States only when in Federal service.".

(2) Section 802 (article 2) is further amended by adding at the end the following new subsection:

"(d)(1) A member of a reserve component who is charged with having committed an offense against this chapter may be called or ordered to active duty involuntarily for the purpose of—

"(A) investigation under section 832 of this title (article 32);

"(B) trial by court-martial; or

"(C) nonjudicial punishment under section 815 of this title (article 15).

"(2) A member of a reserve component may not be called or ordered to active duty under paragraph (1) except with respect to an offense committed while the member was—

"(A) on active duty; or

"(B) on inactive-duty training, but in the case of members of the Army National Guard of the United States or the Air National Guard of the United States only when in Federal service.

"(3) Authority to call or order a member to active duty under paragraph (1) shall be exercised under regulations prescribed by the Secretary concerned.".

(b) CONTINUED AMENABILITY TO JURISDICTION.—Section 803 (article 3) is amended by adding at the end the following new subsection:

"(d) A member of a reserve component who is subject to this chapter is not, by virtue of the termination of a period of active duty or inactive-duty training, relieved from amenability to the jurisdiction of this chapter for an offense against this chapter committed during such period of active duty or inactive-duty training.".

(c) AUTHORITY TO ADMINISTER OATHS.—Section 936 (article 136) is amended by inserting "or performing inactive-duty training" in subsections (a) and (b) after "active duty".

(d) ARTICLES TO BE EXPLAINED.—The text of section 937 (article 137) is amended to read as follows:

"(a)(1) The sections of this title (articles of the Uniform Code of Military Justice) specified in paragraph (3) shall be carefully explained to each enlisted member at the time of (or within six days after)—

"(A) the member's initial entrance on active duty; or

"(B) the member's initial entrance into a duty status with a reserve component.

"(2) Such sections (articles) shall be explained again—

"(A) after the member has completed six months of active duty or, in the case of a member of a reserve component, after the member has completed basic or recruit training; and

"(B) at the time when the member reenlists.

"(3) This subsection applies with respect to sections 802, 803, 807–815, 825, 827, 831, 837, 838, 855, 877–934, and 937–939 of this title (articles 2, 3, 7–15, 25, 27, 31, 37, 38, 55, 77–134, and 137–139).

"(b) The text of the Uniform Code of Military Justice and of the regulations prescribed by the President under such Code shall be made available to a member on active duty or to a member of a reserve component, upon request by the member, for the member's personal examination.".

(e) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply only to an offense committed on or after the effective date of this part.

SEC. 705. STATUTE OF LIMITATIONS.

(a) REVISION OF STATUTES OF LIMITATION.—Subsections (a), (b), and (c) of section 843 (article 43) are amended to read as follows:

"(a) A person charged with absence without leave or missing movement in time of war, or with any offense punishable by death, may be tried and punished at any time without limitation.

"(b)(1) Except as otherwise provided in this section (article), a person charged with an offense is not liable to be tried by court-martial if the offense was committed more than five years before the receipt of sworn charges and specifications by an officer exercising summary court-martial jurisdiction over the command.

"(2) A person charged with an offense is not liable to be punished under section 815 of this title (article 15) if the offense was committed more than two years before the imposition of punishment.

"(c) Periods in which the accused is absent without authority or fleeing from justice shall be excluded in computing the period of limitation prescribed in this section (article).".

(b) TIME FOR REINSTATEMENT OF CHARGES.—Such section is further amended by adding at the end the following new subsection:

"(g) If charges or specifications are dismissed as defective or insufficient for any cause and the period prescribed by the applicable statute of limitations—

"(1) has expired; or

"(2) will expire within six calendar months of the date of dismissal of the charges and specifications,

trial and punishment under new charges and specifications are not barred by a statute of limitations if the new charges and specifications are received by an officer exercising summary court-martial jurisdiction over the command within six calendar months of the dismissal of the charges or specifications.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to an offense committed on or after the date of the enactment of this Act.

SEC. 706. TIME FOR DEFENSE POST-TRIAL SUBMISSIONS.

(a) SIMPLIFICATION OF TIME FOR SUBMISSION.—Subsection (b) of section 860 (article 60) is amended—

(1) by striking out paragraph (3);

(2) by redesignating paragraph (2) as paragraph (3) and inserting a comma in that paragraph after "case"; and

(3) by striking out paragraph (1) and inserting in lieu thereof the following:

"(1) The accused may submit to the convening authority matters for consideration by the convening authority with respect to the findings and the sentence. Except in a summary court-martial case, such a submission shall be made within 10 days after the accused has been given an authenticated record of trial and, if applicable, the recommendation of the staff judge advocate or legal officer under subsection (d). In a summary court-martial case, such a submission shall be made within seven days after the sentence is announced.

"(2) If the accused shows that additional time is required for the accused to submit such matters, the convening authority or other person taking action under this section, for good cause, may extend the applicable period under paragraph (1) for not more than an additional 20 days.".

(b) RECOMMENDATIONS OF STAFF JUDGE ADVOCATE.—Subsection (c)(2) of such section is amended by striking out "and, if applicable, under subsection (d),".

(c) CONFORMING AMENDMENTS.—Subsection (d) of such section is amended—

(1) in the third sentence, by striking out "who shall have five days from the date of receipt in which to submit any matter in response" and inserting in lieu thereof "who may submit any matter in response under subsection (b)"; and

(2) by striking out the fourth sentence.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply in cases in which the sentence is adjudged on or after the effective date of this part.

SEC. 707. DETAIL OF JUDGE ADVOCATES.

(a) REPRESENTATION OF UNITED STATES INTERESTS.—Section 806(a) (article 6(a)) is amended by inserting after the second sentence the following: "A judge advocate who is assigned or detailed to perform the functions of a civil office in the Government of the United States under section 973(b)(2)(B) of this title may perform such duties as may be requested by the agency concerned, including representation of the United States in civil and criminal cases.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a)—

(1) shall take effect on the date of the enactment of this Act; and

(2) may not be construed to invalidate an action taken by a judge advocate, pursuant to an assignment or detail under section 973(b)(2)(B) of title 10, United States Code, before the date of the enactment of this Act.

SEC. 708. EFFECTIVE DATE.

Except as provided in sections 702(b), 705(c), and 707(b), the amendments made by this title shall take effect on the earlier of—

(1) the last day of the 120-day period beginning on the date of the enactment of this Act; or

(2) the date specified in an Executive order for such amendments to take effect.

## TITLE VIII—DEPARTMENT OF DEFENSE MANAGEMENT

### PART A—MANAGEMENT OF CERTAIN PROCUREMENT MATTERS

SEC. 801. CONTRACTS FOR OVERHAUL, REPAIR, AND MAINTENANCE OF NAVAL VESSELS.

(a) IN GENERAL.—Section 7299a of title 10, United States Code (relating to construction of combatant and escort vessels and assignment of naval vessel projects), is amended by adding at the end the following new subsections:

"(c) In evaluating bids or proposals for a contract for the overhaul, repair, or maintenance of a naval vessel, the Secretary of the Navy shall, in determining the price of work to be performed in an area outside the area of the homeport of the vessel, consider all costs of performing the work in that area (including costs to the Navy of performing the work in that area that are subject to estimation before contract award).

"(d)(1) Notwithstanding subsections (b) and (c), the Secretary may award a contract for short-term work for the overhaul, repair, or maintenance of a naval vessel only to a contractor that is able to perform the work at the homeport of the vessel, if the Secretary determines that adequate competition is available among firms able to perform the work at the homeport of the vessel.

"(2) In this subsection, the term 'short-term work' means work that will be for a period of six months or less.".

(b) REPEAL OF LIMITATION ON FY86 FUNDS.—Section 8104 of the Department of Defense Appropriations Act, 1986 (as contained in section 101(b) of Public Law 99-190 (99 Stat. 1221)), is repealed.

SEC. 802. HANDLING OF HAZARDOUS WASTE GENERATED DURING REPAIR OR MAINTENANCE OF NAVAL VESSELS.

(a) REQUIRED CONTRACT PROVISIONS.—Chapter 633 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 7311. Repair or maintenance of naval vessels: handling of hazardous waste

"(a) CONTRACTUAL PROVISIONS.—The Secretary of the Navy shall ensure that a contract entered into for repair or maintenance of a naval vessel includes the following provisions:

"(1) IDENTIFICATION OF HAZARDOUS WASTES.—Provisions identifying the type and amounts of hazardous wastes that are expected to be generated during the performance of the repair or maintenance.

"(2) COMPENSATION.—Provisions specifying that the contractor shall be compensated under the contract for work performed by the contractor for duties of the contractor specified under paragraph (3).

"(3) STATEMENT OF WORK.—Provisions specifying the responsibilities of the Navy and of the contractor, respectively, for the removal, handling, storage, transportation, and disposal of hazardous wastes generated during the performance of the repair or maintenance.

"(b) RENEGOTIATION OF CONTRACT.—The Secretary of the Navy shall renegotiate a contract described in subsection (a) if—

"(1) the contractor, during the performance of repair or maintenance under the contract, discovers hazardous wastes different in type or amount from those identified in the contract; and

"(2) such hazardous wastes originated on the naval vessel on which the repair or maintenance is being performed.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"7311. Repair or maintenance of naval vessels: handling of hazardous waste.".

SEC. 803. LIMITATION ON TRANSFER OF CERTAIN TECHNICAL DATA PACKAGES.

(a) TECHNICAL DATA PACKAGES FOR PRODUCTION OF LARGE-CALIBER CANNON.—(1) Chapter 433 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 4542. Technical data packages for large-caliber cannon: prohibition on transfers to foreign countries; exception

"(a) GENERAL RULE.—Funds appropriated to the Department of Defense may not be used—

"(1) to transfer to a foreign country a technical data package for a defense item being manufactured or developed in an arsenal; or

"(2) to assist a foreign country in producing such a defense item.

"(b) EXCEPTION.—The Secretary of the Army may use funds appropriated to the Department of Defense to transfer a technical data package, or to provide assistance, described in subsection (a) if—

"(1) the transfer or provision of assistance is to a friendly foreign country (as determined by the Secretary of Defense in consultation with the Secretary of State);

"(2) the Secretary of the Army determines that such action—

"(A) would have a clear benefit to the preservation of the production base for the production of cannon at the arsenal concerned; and

"(B) would not transfer technology (including production techniques) considered unique to the arsenal concerned; and

"(3) the Secretary of Defense enters into an agreement with the country concerned described in subsection (c).

"(c) COPRODUCTION AGREEMENTS.—An agreement under this subsection shall be in the form of a Government-to-Government Memorandum of Understanding and shall include provisions that—

"(1) prescribe the content of the technical data package or assistance to be transferred to the foreign country participating in the agreement;

"(2) require that production by the participating foreign country of the defense item to which the technical data package or assistance relates be shared with the arsenal concerned;

"(3) subject to such exceptions as may be approved under subsection (d), prohibit transfer by the participating foreign country to a third party or country of—

"(A) any defense article, technical data package, technology, or assistance provided by the United States under the agreement; and

"(B) any defense article produced by the participating foreign country under the agreement; and

"(4) require the Secretary of Defense to monitor compliance with the agreement and the participating foreign country to report periodically to the Secretary of Defense concerning the agreement.

"(d) TRANSFERS TO THIRD PARTIES.—A transfer described in subsection (b)(3) may be made if—

"(1) the defense article, technical data package, or technology to be transferred is a product of a cooperative research and development program in which the United States and the participating foreign country were partners; or

"(2) the President—

"(A) complies with all requirements of section 3(d) of the Arms Export Control Act (22 U.S.C. 2753(d)) with respect to such transfer; and

"(B) certifies to Congress, before the transfer, that the transfer would provide a clear benefit to the production base of the United States for large-caliber cannon.

"(e) NOTICE AND REPORTS TO CONGRESS.—(1) The Secretary of the Army shall submit to Congress a notice of each agreement entered into under this section.

"(2) The Secretary shall submit to Congress a semi-annual report on the operation of this section and of agreements entered into under this section.

"(f) ARSENAL DEFINED.—In this section, the term 'arsenal' means a Government-owned, Government-operated defense plant that manufactures large-caliber cannon.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"4542. Technical data packages for large-caliber cannon: prohibition on transfers to foreign countries; exception.".

(b) EFFECTIVE DATE.—Section 4542 of title 10, United States Code, as added by subsection (a), shall apply with respect to funds appropriated for fiscal years after fiscal year 1986.

SEC. 804. INFORMATION CONCERNING USE IN MAJOR SYSTEMS OF COMPONENTS MANUFACTURED OUTSIDE THE UNITED STATES.

(a) INCLUSION OF INFORMATION IN COMPREHENSIVE ANNUAL SELECTED ACQUISITION REPORTS.—Section 139a(c)(3) of title 10, United States Code, is amended—

(1) by striking out "and" at the end of subparagraph (B);

(2) by striking out the period at the end of subparagraph (C) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new subparagraph:

"(D) for each major defense acquisition program included in the report, information detailing the use of components manufactured outside the United States, including the dollar value and country of origin of such components.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a)(3) shall apply to comprehensive annual Selected Acquisition Reports submitted for fiscal years beginning after the date of the enactment of this Act.

SEC. 805. REQUIREMENTS CONCERNING TRANSPORTATION OF MEMBERS OF THE ARMED FORCES BY CHARTERED AIRCRAFT.

(a) IN GENERAL.—(1) Chapter 157 of title 10, United States Code, is amended by adding at the end the following new section:

*"§ 2640. Charter air transportation of members of the armed forces*

*(a) REQUIREMENTS.—(1) The Secretary of Defense may not enter into a contract with an air carrier for the charter air transportation of members of the armed forces unless the air carrier—*

*"(A) meets, at a minimum, the safety standards established by the Secretary of Transportation under title VI of the Federal Aviation Act of 1958 (49 U.S.C. App. 1421 et seq.);*

*"(B) has at least 12 months of experience operating services in air transportation that are substantially equivalent to the service sought by the Department of Defense; and*

*"(C) undergoes a technical safety evaluation.*

*"(2) For purposes of paragraph (1)(C), a technical safety evaluation—*

*"(A) shall include inspection of a representative number of aircraft; and*

*"(B) shall be conducted in accordance with regulations prescribed by the Secretary, after consultation with the Secretary of Transportation.*

*(b) INSPECTIONS.—The Secretary shall provide for inspections of each air carrier that contracts with the Department of Defense for the charter air transportation of members of the armed forces. The inspections shall be conducted in accordance with standards established by the Secretary, after consultation with the Secretary of Transportation, and shall include, at a minimum, the following:*

*"(1) An on-site capability survey of the air carrier conducted at least once every two years.*

*"(2) A performance evaluation of the air carrier conducted at least once every six months.*

*"(3) A preflight safety inspection of each aircraft conducted not more than 72 hours before each flight to ensure a high degree of flying safety.*

*"(4) Operational check-rides on aircraft conducted periodically.*

*(c) COMMERCIAL AIRLIFT REVIEW BOARD.—The Secretary shall establish a Commercial Airlift Review Board within the Department of Defense. The Board shall consist of personnel from the Department of Defense and other Government personnel as may be appropriate. The duties of the Board shall be—*

*"(1) to make recommendations to the Secretary on suspension and reinstatement of air carriers under subsection (d);*

*"(2) to make recommendations to the Secretary on waivers under subsection (g); and*

*"(3) to carry out such other duties and make recommendations on such other matters as the Secretary considers appropriate.*

*"(d) SUSPENSION AND REINSTATEMENT.—(1) The Secretary shall establish guidelines for the suspension of air carriers under contract with the Department of Defense for the charter air transportation of members of the armed forces and for the reinstatement of air carriers that have been so suspended. The guidelines—*

*"(A) shall require the immediate determination of whether to suspend an air carrier if an aircraft of the air carrier is involved in a fatal accident; and*

*"(B) may require the suspension of an air carrier—*

*"(i) if the carrier is in violation of any order, rule, regulation, or standard prescribed under title VI of the Federal Aviation Act of 1958 (49 U.S.C. App. 1421 et seq.); or*

*"(ii) if an aircraft of the air carrier is involved in a serious accident.*

*"(2) The Commercial Airlift Review Board shall make recommendations to the Secretary on suspension and reinstatement under this subsection.*

*"(3) The Secretary shall include in each contract subject to this section the provisions on suspension and reinstatement established under this subsection.*

*"(e) AUTHORITY TO LEAVE UNSAFE AIRCRAFT.—A representative of the Military Airlift Command, the Military Traffic Management Command, or such other agency as may be designated by the Secretary of Defense (or if there is no such representative reasonably available, the senior officer on board a chartered aircraft) may order members of the armed forces to leave a chartered aircraft if the representative (or officer) determines that a condition exists on the aircraft which may endanger the safety of the members.*

*"(f) FAA INFORMATION.—The Secretary shall request the Secretary of Transportation to provide to the Secretary a report on each inspection performed by Federal Aviation Administration personnel, and the status of corrective actions taken, on each aircraft of an air carrier under contract with the Department of Defense for the charter air transportation of members of the armed forces.*

*"(g) WAIVER.—After considering recommendations by the Commercial Airlift Review Board, the Secretary may waive any provision of this section in an emergency.*

*"(h) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section, including requirements and identification of inspecting personnel with respect to preflight safety inspections required by subsection (b)(3).*

*"(i) DEFINITIONS.—In this section:*

*"(1) The terms 'air carrier', 'aircraft', 'air transportation', and 'charter air transportation' have the meanings given such terms by sections 101(3), 101(5), 101(10), and 101(15), respectively, of the Federal Aviation Act of 1958 (49 U.S.C. App. 1301(3), 1301(5), 1301(10), and 1301(15)).*

*"(2) The term 'members of the armed forces' means members of the Army, Navy, Air Force, and Marine Corps.".*

*(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:*

*"2640. Charter air transportation of members of the armed forces.".*

*(b) DEADLINE FOR REGULATIONS.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe the regulations required by section 2640 of title 10, United States Code, as added by subsection (a).*

*(c) EFFECTIVE DATE.—Section 2640 of title 10, United States Code, as added by subsection (a), shall apply only to contracts which are entered into on or after the date on which the regulations required by subsection (b) are prescribed.*

*SEC. 806. FUEL SOURCES FOR HEATING SYSTEMS ON MILITARY INSTALLATIONS.*

*(a) USE OF MOST COST-EFFECTIVE FUEL IN NEW HEATING SYSTEMS.—(1) Section 2690 of title 10, United States Code, is amended to read as follows:*

*"§ 2690. Fuel sources for heating systems*

*"(a) The Secretary of the military department concerned shall provide that the primary fuel source to be used in any new heating system constructed on lands under the jurisdiction of the military department is the most cost-effective fuel for that heating system over the life cycle of the system.*

*"(b) The Secretary of Defense shall prescribe regulations for the determination of the life-cycle cost effectiveness of a fuel for the purposes of subsection (a).*

*"(c) In the case of a military installation in the Federal Republic of Germany, the Secretary of the military department concerned shall, where practical, use the German utility system for purposes of heating.".*

*(2) The item relating to such section in the table of sections at the beginning of chapter 159 of such title is amended to read as follows:*

*"2690. Fuel sources for heating systems.".*

*(b) REPEAL OF REQUIREMENT FOR CONVERSION OF EXISTING STEAM-GENERATING PLANTS.—Section 8110 of the Department of Defense Appropriations Act, 1986 (as contained in section 101(b) of Public Law 99-190 (99 Stat. 1222)), is repealed.*

*PART B—HEALTH CARE MANAGEMENT*

*SEC. 811. IMPROVEMENT OF MILITARY HEALTH-CARE DELIVERY SYSTEM.*

*(a) IN GENERAL.—(1) Chapter 55 of title 10, United States Code, is amended by adding at the end the following new sections:*

*"§ 1096. Contracts for medical care for retirees, dependents, and survivors: alternative delivery of health care*

*"(a) IN GENERAL.—The Secretary of Defense, after consulting with the other administering Secretaries, may contract for the delivery of health care to which covered beneficiaries are entitled under this chapter. The Secretary may enter into a contract under this section with any of the following:*

*"(1) Health maintenance organizations.*

*"(2) Preferred provider organizations.*

*"(3) Individual providers, individual medical facilities, or insurers or consortiums of such providers, facilities, or insurers.*

*"(b) SCOPE OF COVERAGE UNDER HEALTH CARE PLANS.—A contract entered into under this section may provide for the delivery of—*

*"(1) selected health care services;*

*"(2) total health care services for selected covered beneficiaries; or*

*"(3) total health care services for all covered beneficiaries who reside in a geographical area designated by the Secretary.*

*"(c) CHARGES FOR HEALTH CARE.—The Secretary of Defense may prescribe by regulation a premium, deductible, copayment, or other charge for health care provided under this section.*

*"(d) DEFINITION.—In this section, the term 'covered beneficiary' means a beneficiary under this chapter other than a beneficiary under section 1074(a) of this title.*

*"§ 1097. Military Health Care Account*

*"(a) ESTABLISHMENT OF ACCOUNT.—*

*"(1) ESTABLISHMENT.—There is hereby established in the Department of Defense an account to be known as the 'Military Health Care Account'. All sums appropriated to carry out the functions of the Secretary of Defense with respect to the Civilian Health and Medical Program of the Uniformed Services shall be appropriated to the account.*

*"(2) AVAILABILITY OF AMOUNTS.—Amounts appropriated to the account shall remain available until obligated or expended under subsection (c) or (d).*

*"(b) ALLOCATION OF AMOUNTS IN ACCOUNT FOR PROVISION OF MEDICAL CARE BY SERVICE SECRETARIES.—*

*"(1) REQUESTS FOR ALLOCATIONS.—The Secretary of a military department shall, before the beginning of a fiscal year quarter, pro-*

vide to the Secretary of Defense a description of the amounts necessary to pay for charges for benefits under the program for covered beneficiaries under the jurisdiction of the Secretary for that quarter.

"(2) ALLOCATION BY SECRETARY OF DEFENSE.—The Secretary of Defense shall, subject to amounts provided in advance in appropriation Acts, make available to each Secretary of a military department the amount from the account that the Secretary of Defense determines is necessary to pay for charges for benefits under the program for covered beneficiaries under the jurisdiction of that Secretary for that quarter.

"(c) EXPENDITURE OF AMOUNTS FROM ACCOUNT BY SERVICE SECRETARIES.—The Secretary of a military department shall provide medical and dental care to covered beneficiaries for a fiscal-year quarter from amounts appropriated to the Secretary and from amounts from the account made available for that quarter to the Secretary by the Secretary of Defense.

"(d) OBLIGATION OF AMOUNTS FROM ACCOUNT BY SECRETARY OF DEFENSE.—The Secretary of Defense may obligate or expend funds from the account for purposes of entering into a contract under section 1096 of this title to the extent amounts are available in the account.

"(e) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section.

"(f) DEFINITIONS.—In this section:

"(1) The term 'account' means the Military Health Care Account established in subsection (a).

"(2) The term 'Civilian Health and Medical Program of the Uniformed Services' means the program authorized under sections 1079 and 1086 of this title and includes contracts entered into under section 1091 or 1096 of this title and demonstration projects under section 1092 of this title.

"(3) The term 'covered beneficiary' has the meaning given that term in section 1095(d) of this title.

"(4) The term 'program' means the Civilian Health and Medical Program of the Uniformed Services.

**"§ 1098. Health care enrollment system**

"(a) ESTABLISHMENT OF SYSTEM.—The Secretary of Defense, after consultation with the other administering Secretaries, shall establish a system of health care enrollment for covered beneficiaries who reside in the United States.

"(b) DESCRIPTION OF SYSTEM.—Such system shall—

"(1) allow covered beneficiaries to elect a health care plan from eligible health care plans designated by the Secretaries; or

"(2) if necessary in order to ensure full use of facilities of the uniformed services in a geographical area, assign covered beneficiaries who reside in such area to a health care plan.

"(c) HEALTH CARE PLANS AVAILABLE UNDER SYSTEM.—A health care plan designated by the Secretary of Defense shall provide all health care to which a covered beneficiary is entitled under this chapter. Such a plan may consist of any of the following:

"(1) Use of facilities of the uniformed services.

"(2) The Civilian Health and Medical Program of the Uniformed Services.

"(3) Any other health care plan contracted for by the Secretary of Defense.

"(d) ISSUANCE OF REGULATIONS.—The Secretary of Defense, after consultation with the other administering Secretaries, shall prescribe regulations to carry out this section.

"(e) DEFINITIONS.—In this section:

"(1) The term 'Civilian Health and Medical Program of the Uniformed Services' has the meaning given that term in section 1097(f)(2) of this title.

"(2) The term 'covered beneficiary' has the meaning given that term in section 1096(d) of this title.

**"§ 1099. Diagnosis-related groups**

"(a) ESTABLISHMENT OF DRGs.—The Secretary of Defense, after consultation with the other administering Secretaries, shall establish by regulation the use of diagnosis-related groups as the primary criteria for allocation of resources to facilities of the uniformed services.

"(b) CONTENT OF REGULATIONS.—Such regulations shall establish a system of diagnosis-related groups similar to that established under section 1886(d)(4) of the Social Security Act (42 U.S.C. 1395ww(d)(4)). Such regulations shall include the following:

"(1) A classification of inpatient treatments by diagnosis-related groups and a similar classification of outpatient treatment.

"(2) A methodology for classifying specific treatments within such groups.

"(3) An appropriate weighting factor for each such diagnosis-related group which reflects the relative resources used by a facility of a uniformed service with respect to treatments classified within that group compared to treatments classified within other groups.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new items:

"1096. Contracts for medical care for retirees, dependents, and survivors: alternative delivery of health care.
"1097. Military Health Care Account.
"1098. Health care enrollment system.
"1099. Diagnosis-related groups.".

(b) REPORTS TO CONGRESS.—

(1) HEALTH CARE ENROLLMENT SYSTEM.—Not later than March 1, 1987, the Secretary of Defense shall submit to Congress a report detailing—

(A) the establishment and initial implementation of a system of health care enrollment under section 1098(a) of title 10, United States Code (as added by subsection (a)); and

(B) the plan of the Secretary for completing the implementation of such system.

(2) DIAGNOSIS-RELATED GROUPS.—The Secretary shall submit to Congress—

(A) not later than May 1, 1987, a report on plans of the Secretary for establishing diagnosis-related groups for inpatient services under section 1099(a) of title 10, United States Code (as added by subsection (a)); and

(B) not later than May 1, 1988, a report on plans of the Secretary for establishing diagnosis-related groups for outpatient services under such section.

(c) EFFECTIVE DATES.—The Secretary of Defense shall prescribe regulations—

(1) as required by section 1097(e) of title 10, United States Code (as added by subsection (a)), to take effect after September 30, 1986;

(2) as required by section 1098(d) of such title (as added by subsection (a)), to gradually implement the system of health care enrollment for covered beneficiaries during the period beginning on October 1, 1987, and ending on September 30, 1990; and

(3) as required by section 1099(a) of such title (as added by subsection (a)), to take effect—

(A) in the case of inpatient treatments, after September 30, 1987; and

(B) in the case of outpatient treatments, after September 30, 1988.

SEC. 812. MEDICAL INFORMATION SYSTEMS ACQUISITION.

(a) SELECTION OF MEDICAL INFORMATION SYSTEM.—

(1) IN GENERAL.—After carrying out the testing required by subsection (b) and the demonstration project described in subsection (c), the Secretary of Defense shall designate for use in all military medical treatment facilities the medical information system tested that is the most advantageous to the Government based on the recommendations of the Secretary required by subsection (e).

(2) RESTRICTION.—The Secretary may not obligate or expend funds appropriated or otherwise made available to the Department of Defense to—

(A) deploy a medical information system in military medical treatment facilities before the Secretary submits the report required by subsection (e); or

(B) conduct an extended benchmark test of the system known as the Composite Health-Care System.

(3) WAITING PERIOD.—The Secretary may not designate a medical information system under paragraph (1) until the end of the 30-day period beginning on the date on which the Comptroller General submits the report required by subsection (f)(2)(B).

(b) OPERATIONAL TESTING OF MEDICAL INFORMATION SYSTEMS.—

(1) IN GENERAL.—The Secretary shall carry out operational tests on medical information systems for purposes of selecting the medical information system for use in military medical treatment facilities that is the most advantageous to the Government based on the recommendations of the Secretary required by subsection (e).

(2) REQUIREMENTS FOR TEST.—(A) The tests required by paragraph (1) shall be carried out over a one-year period at six test sites designated by the Secretary.

(B) Each test site designated by the Secretary shall include not less than one medium-to-large military medical treatment facility and not less than one small military medical treatment facility.

(C) Each branch of the services shall be represented at not less than one of the test sites designated by the Secretary.

(D) The Secretary shall designate vendors to participate in the tests required by paragraph (1), including—

(i) not less than three vendors for the system known as the Composite Health-Care System; and

(ii) not less than one vendor who uses and adapts the existing Veterans' Administration software with respect to the hospital management computer system of the Veterans' Administration known as the Veterans' Administration's decentralized hospital computer program.

(E) Each vendor that participates in such tests shall—

(i) demonstrate the functions included in phases I, II, and IID of Solicitation No. DAHC26-85-R-0009 (relating to acquisition of the Composite Health-Care System); and

(ii) calculate an incremental price and delivery schedule, at the appropriate level, for each of the functions offered in phases I, II, IID, and III of such solicitation.

(3) SPECIAL INTEREST USER GROUPS.—The Secretary shall establish a special interest user group at each test site designated under paragraph (2)(A) to facilitate the implementation and development of the medical information system at each such site. Each such group shall include—

(A) representatives from the program office of the Tri-Service Medical Information Systems of the Department of Defense;

(B) representatives from the military medical treatment facilities at the site; and

(C) representatives of the vendor.

(c) VETERANS' ADMINISTRATION DECENTRALIZED HOSPITAL COMPUTER PROGRAM.—

(1) IN GENERAL.—The Secretary shall continue to carry out the demonstration project required by section 1203 of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 718), with respect to the hospital-management computer system of the Veterans' Administration known as the Veterans' Administration Decentralized Hospital Computer Program.

(2) EXTENSION OF DEMONSTRATION PROJECT.—The Secretary shall extend the duration of the demonstration project described in paragraph (1) so that such project shall be completed on the same date as the tests required by subsection (b).

(3) USE OF ALL COMPONENTS OF DHCP.—Section 1203 of the Department of Defense Authorization Act, 1986, is amended in subsection (c)—

(A) by striking out "available"; and

(B) by inserting "that are available at least six months before the date on which the demonstration project is expected to be completed" after "software)".

(d) EVALUATIONS.—

(1) MILITARY EVALUATION TEAMS.—The Secretary shall establish teams of military medical personnel assigned to military medical facilities to assist in evaluating each medical information system being tested. Each such team shall travel to each test site included in the operational tests under subsection (b) or the demonstration project described in subsection (c) in order to compare all the medical information systems being tested.

(2) INDEPENDENT EVALUATION.—The Secretary shall enter into a contract with an independent technical firm to conduct an evaluation of the demonstration project. For purposes of this paragraph, an independent technical firm is a technical firm that is not involved in any aspect of the operational tests under subsection (b) or the demonstration project described in subsection (c).

(3) CONTENT OF EVALUATIONS.—An evaluation under this paragraph shall include—

(A) an assessment of the benefits (including quality and timeliness of care) and cost-effectiveness of the use of each of the medical information systems tested under subsection (b) or under the demonstration project described in subsection (c) and the technical factors of each of such systems;

(B) an assessment of the impact of initiatives of the Department of Defense (including proposed reform, initiative of the Department of Defense with respect to the Civilian Health and Medical Program of the Uniformed Services (commonly known as "Project Imprint") on the functioning and required workload of each medical information system tested; and

(C) the formulation of a life cycle management plan for automation of military medical facilites.

(e) REPORT.—The Secretary shall submit to Congress a report describing the testing carried out under subsection (b) and the demonstration project referred to in subsection (c). The report shall include—

(1) specific findings and recommendations by the Secretary with respect to—

(A) the benefits (including quality and timeliness of care) and cost-effectiveness of the use of each of the medical information systems tested under subsection (b) or under the demonstration project described in subsection (c) and the technical factors of each of such systems; and

(B) the benefits to be achieved by each function referred to in subsection (b)(2)(E);

(2) a plan for implementing the systems recommended by the Secretary under paragraph (1);

(3) findings and recommendations with respect to the impact of the initiatives described in subsection (d)(3)(B); and

(4) a complete life cycle management plan for automation of military medical facilities.

(f) EVALUATIONS AND REPORTS BY COMPTROLLER GENERAL.—

(1) SELECTION OF VENDORS.—(A) The Comptroller General shall evaluate the selection of vendors by the Secretary for the testing of the Composite Health-Care System.

(B) The Comptroller General shall submit to Congress a report on such evaluation before the end of the 45-day period beginning on the date that the Secretary completes the selection of vendors for such testing.

(2) EVALUATION BY COMPTROLLER GENERAL.—(A) The Comptroller General shall evaluate the conduct of the evaluations required by subsection (d) and the report of the Secretary required by subsection (e).

(B) The Comptroller General shall submit to Congress a report on such evaluation before the end of the 45-day period beginning on the date that the Secretary submits such report to Congress.

(g) DEFINITIONS.—In this section:

(1) The term "medical information system" means a computer-based information system that—

(A) receives data normally recorded concerning patients;

(B) creates and maintains from such data a computerized medical record for each patient; and

(C) provides access to data for patient care, hospital administration, research, and medical care resource planning.

(2) The term "medium-to-large military medical treatment facility" means a military hospital with 150 or more beds.

(3) The term "military medical treatment facility" means a hospital, medical center, or clinic under the jurisdiction of the Secretary of a military department or the Secretary of Defense.

(4) The term "Secretary" means the Secretary of Defense.

(5) The term "small military medical treatment facility" means a military hospital with fewer than 50 beds or a free-standing ambulatory clinic.

SEC. 813. CHAMPUS CATCHMENT AREAS.

(a) REIMBURSEMENT FOR INPATIENT SERVICES WITHIN CATCHMENT AREA.—Section 1079(a)(7) of title 10, United States Code, is amended by striking out "pays for at least 75 percent of the services" and inserting in lieu thereof "provides primary coverage for the services".

(b) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on October 1, 1986.

## TITLE IX—PROCUREMENT POLICY REFORM

SEC. 900. SHORT TITLE.

This title may be cited as the "Defense Procurement Improvement Act of 1986".

### PART A—MANAGEMENT OF THE ACQUISITION PROCESS

SEC. 901. DUTIES OF UNDER SECRETARY OF DEFENSE FOR ACQUISITION.

(a) DUTIES OF POSITIONS.—

(1) IN GENERAL.—Section 134a of title 10, United States Code, is amended to read as follows:

"§ 134a. Under Secretary of Defense for Acquisition: appointment; powers and duties; precedence

"(a) There is an Under Secretary of Defense for Acquisition, appointed from civilian life by the President, by and with the advice and consent of the Senate. The Under Secretary shall be appointed from among persons who have an extensive management background in the private sector.

"(b) Subject to the authority, direction, and control of the Secretary of Defense, the Under Secretary of Defense for Acquisition—

"(1) is responsible for setting overall policy for, and supervises, all acquisition activities of the Department of Defense; and

"(2) shall perform such duties and exercise such powers as the Secretary of Defense may prescribe.

"(c) The Under Secretary—

"(1) is the senior procurement executive for the Department of Defense for the purposes of section 16(3) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(3));

"(2) is the Defense Acquisition Executive for purposes of regulations and procedures of the Department providing for a Defense Acquisition Executive; and

"(3) to the extent directed by the Secretary, supervises all other officers in the Office of the Secretary of Defense who have acquisition responsibilities.

"(d) Supervision of the audit and oversight functions performed by the Defense Contract Audit Agency on the date of the enactment of this section shall be carried out in the same manner as in effect on such date.

"(e) The Secretary of Defense shall prescribe the precedence of the Under Secretary in the Department of Defense.".

(2) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 4 of such title is amended to read as follows:

"134a. Under Secretary of Defense for Acquisition: appointment; powers and duties; precedence.".

(b) INDEPENDENCE OF DIRECTOR OF OPERATIONAL TEST AND EVALUATION.—Section 136a(d) of title 10, United States Code (relating to the Director of Operational Test and Evaluation), is amended by inserting "personally" after "Secretary of Defense" in the first sentence.

(c) ARMED FORCES POLICY COUNCIL.—Section 171(a) of such title (relating to the Armed Forces Policy Council) is amended—

(1) by redesignating paragraphs (3) through (11) as paragraphs (4) through (12), respectively;

(2) by inserting after paragraph (2) the following new paragraph (3):

"(3) the Under Secretary of Defense for Acquisition;"; and

(3) by striking out "Under Secretaries of Defense" in paragraph (7) (as so redesignated) and inserting in lieu thereof "Under Secretary of Defense for Policy and the Director of Defense Research and Engineering".

(d) PREVENTION OF DUPLICATION OF CERTAIN CONTRACT AUDIT AND OVERSIGHT ACTIVITIES.—Chapter 131 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2214. Audit and oversight of contractor activities: coordination and prevention of duplicative policies

"(a) COORDINATION.—The Secretary of Defense shall prescribe procedures to ensure that Department of Defense policies for the audit and oversight of contractor activities are coordinated and carried out in a manner to prevent duplication of audit and oversight activities by different elements of the Department.

"(b) CONSULTATION.—In carrying out this section, the Secretary shall consult with the Under Secretary of Defense for Acquisition and the Inspector General of the Department of Defense.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2214. Audit and oversight of contractor activities: coordination and prevention of duplicative policies.".

SEC. 902. STREAMLINING PROGRAM MANAGEMENT.

(a) IN GENERAL.—

(1) PROGRAM TO STREAMLINE MANAGEMENT.—The Secretary of Defense shall conduct, through the Secretaries of the military departments, a program with respect to increasing the efficiency of the management structure of major defense acquisition programs by reducing the number of officials through whom a program manager reports to the senior procurement executive of the military department concerned.

(2) DESIGNATION OF PARTICIPATING PROGRAMS.—The Secretary shall require that the Secretary of each military department designate at least two major defense acquisition programs of that department, and as many as practicable, to participate in the program described in paragraph (1).

(3) ELIGIBILITY.—A program may be designated under paragraph (2) only if the program has not proceeded into full-scale engineering development as of September 30, 1986.

(b) GUIDELINES.—The Secretary of Defense shall issue guidelines governing the management of the major defense acquisition programs designated by the Secretaries of the military departments under subsection (a)(2). Such guidelines shall include the following requirements:

(1) PROGRAM EXECUTIVE OFFICER.—The Secretary concerned shall designate a program executive officer for each program.

(2) SUPERVISION OF PROGRAM MANAGER.—The program manager for each program shall report directly, without intervening review or approval, to the program executive officer for that program. The program manager shall consider recommendations received from the competition advocate for the department with respect to decisions concerning that program.

(3) SUPERVISION OF PROGRAM EXECUTIVE OFFICER.—The program executive officer for a program shall report directly, without intervening review or approval, to the senior procurement executive of the military department concerned designated pursuant to section 16(3) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(3)).

(c) DEFINITION.—In this section, the term "major defense acquisition program" has the meaning given that term in section 139a(a)(1) of title 10, United States Code.

SEC. 903. MILESTONE AUTHORIZATION AND BASELINING.

(a) PROGRAM STABILITY.—

(1) Chapter 4 of title 10, United States Code, is amended by inserting after section 139c the following new section:

"§ 139d. Major defense acquisition programs: enhanced program stability

"(a)(1) The Secretary of Defense shall include in a request to Congress for funding for a major defense acquisition program, before full-scale engineering development and before full-rate production, the following:

"(A) In the case of the full-scale engineering development stage—

"(i) a baseline description of the total program; and

"(ii) the total program cost (including the cost of all elements included in the baseline description), which may not exceed the amount of the independent estimate for that program submitted to the Secretary under section 139c of this title.

"(B) In the case of the production stage, a revision of the most recent baseline description and of the most recent total program cost.

"(2) The Secretary shall include in the baseline description of a program all elements related to the development, production, and initial provisioning of the system to be developed under the program, including—

"(A) system performance;
"(B) number of end items;
"(C) scheduling;
"(D) testing;
"(E) initial training; and
"(F) initial provisioning.

"(b) The Secretary of Defense shall designate for each fiscal year not more than three major defense acquisition programs in each military department to be considered for multiyear authorization under subsection (c). A program may not be designated under this subsection if—

"(1) the program is being submitted for approval by Congress to proceed into the full-rate production stage; and

"(2) initial operational test and evaluation of the program has not been completed.

"(c)(1) If a program designated by the Secretary of Defense under subsection (b) is approved by Congress to proceed into the full-scale engineering development stage, or into the full-rate production stage, Congress shall authorize funds for that stage in a single amount sufficient to carry out that stage, but not for a period in excess of five years.

"(2) The Secretary concerned may not begin full-scale engineering development, or full-rate production, for such a program until Congress authorizes funds for that stage in an amount sufficient to carry out that stage.

"(d)(1) If, in carrying out a full-scale engineering development or full-rate production for which Congress has authorized funds, the Secretary concerned determines that there is a significant adverse program deviation—

"(A) the Secretary concerned shall notify Congress in writing of that determination and of the significant adverse program deviation before the end of the 10-day period beginning on the date that the determination is made; and

"(B) except as provided in paragraph (2), funds appropriated for that program may not be obligated on or after the date of that determination.

"(2) The prohibition in paragraph (1)(B) on the obligation of funds for a major defense acquisition program shall cease to apply at the end of the 45-day period beginning on the date on which the Secretary concerned submits the report required under paragraph (1)(A), except that the Secretary may not obligate funds appropriated for the fiscal year following the fiscal year in which the deviation occurred unless such funds are authorized by law.

"(3) In this subsection, the term 'significant adverse program deviation', with respect to a program, means—

"(A) an adverse change in the capability of the system being acquired under the program that results in a capability for the system that does not meet the thresholds specified in the current baseline description for the program;

"(B) an increase in the current total program cost, in constant year dollars, above the total program cost associated with that baseline description; or

"(C) a delay in program schedule beyond the threshold specified in the current baseline description.

"(e)(1) After Congress authorizes funds for full-scale engineering development, or for full-rate production, for a program under this section, the Secretary of Defense or the Secretary concerned may (except as provided in subsection (d)) change the current baseline description with respect to the program and the total program cost associated with that baseline description.

"(2) The Secretary of Defense or the Secretary concerned shall notify the Committees on Armed Services of the Senate and House of Representatives of a change under paragraph (1) not later than 10 days after the date on which the change is made.

"(3) Except for a change required by mandatory safety concerns, authority under paragraph (1) may only be delegated—

"(A) in the case of the Secretary of Defense, to the Deputy Secretary of Defense or to the Under Secretary of Defense for Acquisition; and

"(B) in the case of a Secretary of a military department, to the Under Secretary (or to any other official designated by the Secretary concerned as the Service Acquisition Executive of that military department).

"(f) The Secretary is not required to report under section 139a of this title on any program that is designated under subsection (b).

"(g) In this section, the term 'major defense acquisition program' has the meaning given that term in section 139a(a)(1) of this title.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 139c the following new item:

"139d. Major defense acquisition programs: enhanced cost control.".

(b) EFFECTIVE DATE.—The Secretary of Defense shall make the designations required by subsection (b) of section 139d of title 10, United States Code, as added by subsection (a), as part of the budget submission of the Department of Defense for fiscal year 1988.

SEC. 904. COMPARABLE BUDGETING FOR SIMILAR SYSTEMS.

(a) MATTERS TO BE INCLUDED IN ANNUAL DEFENSE BUDGETS.—In preparing the defense budget for any fiscal year, the Secretary of Defense shall—

(1) specifically identify each common procurement weapon system included in the budget;

(2) take all feasible steps to minimize variations in procurement unit costs for any such system as shown in the budget requests of the different armed forces requesting procurement funds for the system; and

(3) identify and justify in the budget all such variations in procurement unit costs for common procurement weapon systems.

(b) ASSISTANT SECRETARY (COMPTROLLER).—The Secretary of Defense shall carry out this section through the Assistant Secretary of Defense (Comptroller).

(c) DEFINITIONS.—In this section:

(1) DEFENSE BUDGET.—The term "defense budget" means the budget of the Department of Defense included in the President's budget submitted to Congress under section 1105 of title 31 United States Code, for a fiscal year.

(2) COMMON PROCUREMENT WEAPON SYSTEM.—The term "common procurement weapon system" means a weapon system for which two or more of the Army, Navy, Air Force, and Marine Corps request procurement funds in a defense budget.

SEC. 905. PREFERENCE FOR NONDEVELOPMENTAL PRODUCTS.

(a) IN GENERAL.—

(1) ESTABLISHMENT OF PREFERENCE.—Chapter 137 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2325. Preference for nondevelopmental items

"(a) IN GENERAL.—

"(1) STATEMENT OF PROCUREMENT REQUIREMENTS.—The Secretary of Defense shall ensure, that, to the maximum extent practicable—

"(A) requirements of the Department of Defense with respect to a procurement of supplies are stated in the broadest possible functional description; and

"(B) such requirements are defined so that nondevelopmental items may be procured to fulfill such requirements when such items are adequate to meet the needs of the Department.

"(2) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out this section.

"(b) DEFINITION.—In this section, the term 'nondevelopmental item' means—

"(1) any item of supply, or component of such item, that is available in the commercial marketplace;

"(2) any previously-developed item of supply, or component of such item, that is in use by a department or agency of the United States, a State or local government, or a foreign government with which the United States has a mutual defense cooperation agreement; or

"(3) any item of supply, or component of such item, described in paragraph (1) or (2) that requires only minor modification in order to meet the requirements of the procuring agency.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2325. Preference for nondevelopmental items.".

(3) EFFECTIVE DATE.—The Secretary of Defense shall prescribe regulations as required by section 2325(a)(2) of title 10, United States Code (as added by subsection (a)(1)), before the end of the 120-day period beginning on the date of the enactment of this Act.

(b) EVALUATION BY COMPTROLLER GENERAL.—

(1) EVALUATION.—The Comptroller General shall conduct an independent evaluation of the actions taken by the Secretary of Defense to carry out the requirements of section 2325 of title 10, United States Code (as added by subsection (a)(1)).

(2) REPORT.—The Comptroller General shall submit to Congress a report on the evaluation required by paragraph (1). Such report shall include—

(A) an analysis of the effectiveness of the actions taken by the Secretary to carry out the requirements of section 2325 of title 10, United States Code (as added by subsection (a)(1));

(B) a description of any programs conducted to notify acquisition personnel of the Department of Defense of the requirements of such section and to train such personnel in the appropriate procedures for carrying out such section;

(C) a description of each law, regulation, and procedure which prevents or restricts maximum practicable use of nondevelopment items to fulfill the supply requirements of the Department of Defense; and

(D) such recommendations for additional legislation as the Comptroller General considers necessary or appropriate to promote maximum procurement of nondevelopmental items to fulfill the supply requirements of the Department of Defense.

(3) The report required by paragraph (2) shall be submitted before the end of the one-year period beginning on the date of the enactment of this Act.

(c) REMOVAL OF IMPEDIMENTS TO ACQUISITION OF NONDEVELOPMENTAL ITEMS.—

(1) REPORT.—The Secretary of Defense shall submit to the defense committees a report—

(A) identifying all statutes and regulations that are determined by the Secretary to impede the acquisition of nondevelopmental products by the Department of Defense; and

(B) recommending any legislation that the Secretary considers necessary or appropriate to promote maximum procurement of nondevelopmental items to fulfill the supply requirements of the Department of Defense.

(2) ACTIONS BY SECRETARY.—The Secretary shall take appropriate steps to remove any impediments identified by the Secretary under paragraph (1)(A) that are under the jurisdiction of the Secretary.

(3) DEFENSE COMMITTEES.—In this subsection, the term "defense committees" means the Committees on Armed Services and on Appropriations of the Senate and House of Representatives.

SEC. 906. REPORT ON OPPORTUNITIES FOR ADVANCEMENT FOR PROGRAM MANAGERS AND OTHER ACQUISITION PERSONNEL.

(a) REPORT.—The Secretary of Defense shall submit to Congress a report that describes methods to enhance career opportunities for program managers and other acquisition personnel of the Department of Defense.

(b) DEADLINE FOR REPORT.—The report shall be submitted not later than the end of the 90-day period following the date of the enactment of this Act.

PART B—AMENDMENTS TO EXISTING LAW

SEC. 911. SMALL BUSINESS SET-ASIDES.

(a) PROPORTION OF CONTRACTS SET ASIDE DETERMINED ON INDUSTRY CATEGORY BASIS.—Paragraph (3) of section 15(a) of the Small Business Act (15 U.S.C. 644(a)(3)) is amended—

(1) by inserting "in each industry category" after "Government", and

(2) by adding at the end the following new sentences: "For purposes of clause (3) of the first sentence of this subsection, an industry category is a discrete group of similar goods and services. Such groups shall be determined by the Administration in accordance with the four-digit standard industrial classification codes contained in the Standard Industrial Classification Manual published by the Office of Management and Budget, except that the Administration shall limit such an industry category to a greater extent than provided under such classification codes if the Administration receives evidence indicating that further segmentation for purposes of this paragraph is warranted due to special capital equipment needs or special labor or geographic requirements or to recognize a new industry. A market for goods or services may not be segmented under the preceding sentence due to geographic requirements unless the Government typically designates the area where work for contracts for such goods or services is to be performed and Government purchases comprise the major portion of the entire domestic market for such goods or services and, due to the fixed location of facilities, high mobilization costs, or similar economic factors, it is unreasonable to expect competition from business concerns located outside of the general areas where such concerns are located.".

(b) AWARDING OF CONTRACTS AT FAIR MARKET PRICES.—(1) Section 15(a) of such Act (15 U.S.C. 644(a)) is further amended by adding at the end the following new sentence: "A contract may not be awarded under this subsection if the award of the contract would result in a cost to the awarding agency which exceeds a fair market price.".

(2) Section 8(a)(1)(A) of such Act (15 U.S.C. 637(a)(1)(A)) is amended by striking out the semicolon at the end and adding in lieu thereof the following: ". A contract may not be awarded under this subsection if the award of the contract would result in a cost to the awarding agency which exceeds a fair market price;".

(c) ASSURANCE AS TO COMPOSITION OF LABOR FORCE.—(1) Section 8(a) of such Act (15 U.S.C. 637(a)) is amended by adding at the end the following new paragraph:

"(13)(A) A concern may not be awarded a contract under this subsection as a small business concern unless the concern agrees that—

"(i) in the case of a contract for services (except construction), the concern will perform at least 50 percent of the cost of the contract with its own employees; and

"(ii) in the case of a contract for procurement of supplies (other than procurement from a regular dealer in such supplies), the concern will perform work for at least 50 percent of the cost of manufacturing the supplies (not including the cost of materials).

"(B) The Administrator may change the percentage under clause (i) or (ii) of subparagraph (A) if the Administrator determines that such change is necessary to reflect conventional industry practices. A percentage established under the preceding sentence may not differ from a percentage established under section 15(n).

"(C) Not later than 180 days after the date of the enactment of this paragraph, the Administration shall establish, through public rulemaking, requirements similar to those specified in subparagraph (A) to be applicable to contracts for general and specialty construction and to contracts for any other industry category not otherwise subject to the requirements of such subparagraph. The

percentage applicable to any such requirement shall be determined in accordance with subparagraph (B), except that such a percentage may not differ from a percentage established under section 15(n) for the same industry category.".

(2) Section 15 of such Act (15 U.S.C 644) is amended by adding at the end the following new subsection:

"(n)(1) A concern may not be awarded a contract under this subsection as a small business concern unless the concern agrees that—

"(A) in the case of a contract for services (except construction), the concern will perform at least 50 percent of the cost of the contract with its own employees; and

"(B) in the case of a contract for procurement of supplies (other than procurement from a regular dealer in such supplies), the concern will perform work for at least 50 percent of the cost of manufacturing the supplies (not including the cost of materials).

"(2) The Administrator may change the percentage under subparagraph (A) or (B) of paragraph (1) if the Administrator determines that such change is necessary to reflect conventional industry practices. A percentage established under the preceding sentence may not differ from a percentage established under section 15(n).

"(3) Not later than 180 days after the date of the enactment of this paragraph, the Administration shall establish, through public rulemaking, requirements similar to those specified in paragraph (1) to be applicable to contracts for general and specialty construction and to contracts for any other industry category not otherwise subject to the requirements of such subparagraph. The percentage applicable to any such requirement shall be determined in accordance with paragraph (2), except that such a percentage may not differ from a percentage established under section 15(n) for the same industry category.".

(d) DISCLOSURE OF INFORMATION CONCERNING APPLICANTS FOR PROCUREMENT SET-ASIDES.—(1) Section 8 of such Act is amended by adding at the end the following new subsection:

"(k)(1) The head of any Federal agency shall, within five days of the agency's decision to set aside a procurement for an identifiable small business concern under this section, provide the name and address of the small business concern expected to receive the procurement and the names and addresses of the principals of such concern to any person who requests such information.

"(2) The Secretary of Defense may decline to provide information under paragraph (1) in order to protect national security interests.".

(2) Section 15 of such Act is amended by adding at the end the following new subsection:

"(o)(1) The head of any Federal agency shall, within five days of the agency's decision to set aside a procurement for small business concerns under this section, provide the names and addresses of the small business concerns expected to respond to the procurement to any person who requests such information.

"(2) The Secretary of Defense may decline to provide information under paragraph (1) in order to protect national security interests.".

(e) REVIEW OF SIZE STANDARDS.—(1) Section 3 of the Small Business Act is amended by inserting "(1)" after "SEC. 3. (a)" and adding at the end of subsection (a) the following:

"(2) Within six months after the date of the enactment of this paragraph, the Small Business Administration shall establish a program for the review of the size standards for eligibility of business concerns for a procurement restricted to small business concerns under section 8(a) or 15(a).

"(3) If the Administrator determines, on the basis of any such review, that contracts awarded under the set-aside programs under such sections exceed 30 percent of the dollar value of the total contract awards for that industry category, as determined under the last sentence of section 15(a)(3), the Administrator shall adjust the size standards for such industry category establishing eligibility for a set-aside program to a size that will likely reduce the number of contracts which may be set aside to approximately 30 percent of the value of contracts to be awarded under such sections.

"(4) The Administrator shall conduct a review under the program established under paragraph (2) at least once during every three years. Such review shall be completed and appropriate size standard adjustments made with the expiration of 180 days after each three-year review period. The first review shall review the periods of fiscal years 1984, 1985, and 1986 and shall begin on January 1, 1987.".

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect at the end of the 180-day period beginning on the date of the enactment of this Act.

SEC. 912. TRUTH IN NEGOTIATIONS ACT AMENDMENTS.

(a) STRENGTHENING OF PREVENTION OF UNEARNED AND EXCESSIVE CONTRACTOR PROFITS.—Chapter 137 of title 10, United States Code, is amended by inserting after section 2306 the following new section:

"§ 2306a. Cost or pricing data: truth in negotiations

"(a) REQUIRED COST OR PRICING DATA AND CERTIFICATION.—(1) The head of an agency shall require offerors, contractors, and subcontractors to make cost or pricing data available as follows:

"(A) An offeror for a prime contract under this chapter to be entered into using procedures other than sealed-bid procedures shall be required to submit cost or pricing data before the award of the contract if the price of the contract to the United States is expected to exceed $100,000.

"(B) The contractor for a contract under this chapter shall be required to submit cost or pricing data before the pricing of a change or modification to the contract if the price adjustment is expected to exceed $100,000 (or such lesser amount as may be prescribed by the head of the agency).

"(C) An offeror for a subcontract (at any tier) of a contract under this chapter shall be required to submit cost or pricing data before the award of the subcontract if—

"(i) the price of the subcontract is expected to exceed $100,000; and

"(ii) the prime contractor and each higher-tier subcontractor have been required to make available cost or pricing data under this subsection.

"(D) The subcontractor for a subcontract covered by subparagraph (C) shall be required to submit cost or pricing data before the pricing of a change or modification to the subcontract if the price adjustment is expected to exceed $100,000 (or such lesser amount as may be prescribed by the head of the agency).

"(2) A person required, as an offeror, contractor, or subcontractor, to submit cost or pricing data under paragraph (1) (or required by the head of the agency concerned to submit such data under subsection (c)) shall be required to certify that, to the best of the person's knowledge and belief, the cost or pricing data submitted are accurate, complete, and current.

"(3) Cost or pricing data required to be submitted under paragraph (1) (or under subsection (c)), and a certification required to be submitted under paragraph (2), shall be submitted to the contracting officer for the prime contract concerned (or to a representative of the contracting officer designated by the contracting officer for the purposes of the negotiation of the contract).

"(4) Except as provided under subsection (b), this section applies to contracts entered into by the head of an agency on behalf of a foreign government.

"(b) EXCEPTIONS.—This section need not be applied to a contract or subcontract—

"(1) for which the price agreed upon is based on—

"(A) adequate price competition;

"(B) established catalog or market prices of commercial items sold in substantial quantities to the general public; or

"(C) prices set by law or regulation; or

"(2) in an exceptional case when the head of the agency determines that the requirements of this section may be waived and states in writing his reasons for such determination.

"(c) AUTHORITY TO REQUIRE COST OR PRICING DATA—When cost or pricing data are not required to be submitted by this section, such data may nevertheless be required to be submitted by the head of the agency if the head of the agency determines that such data are necessary for the evaluation by the agency of the reasonableness of the price of the contract or subcontract.

"(d) PRICE REDUCTIONS FOR DEFECTIVE COST OR PRICING DATA.—(1)(A) A prime contract (or change or modification to a prime contract) under which a certificate under subsection (a)(2) is required shall contain a provision that the price of the contract to the United States, including profit or fee, shall be adjusted to exclude any significant amount by which it may be determined by the head of the agency that such price was increased because the contractor (or any subcontractor required to make available such a certificate) submitted defective cost or pricing data.

"(B) For the purposes of this section, defective cost or pricing data are cost or pricing data which, as of the date of agreement on the price of the contract (or another date agreed upon between the parties), were inaccurate, incomplete, or noncurrent. If for purposes of the preceding sentence the parties agree upon a date other than the date of agreement on the price of the contract, the date agreed upon by the parties shall be as close to the date of agreement on the price of the contract as is practicable.

"(2)(A) A contractor shall not be allowed to offset an amount against the amount of a contract price adjustment under a contract provision required by paragraph (1) unless—

"(i) the contractor certifies to the contracting officer (or to a representative of the contracting officer designated by the contracting officer) that, to the best of the contractor's knowledge and belief, the contractor is entitled to the offset; and

"(ii) the contractor proves that the cost or pricing data were available before the date of agreement on the price of the contract (or price of the modification) and that the data were not submitted as specified in subsection (a)(3) before such date.

"(B) A contractor shall not be allowed to offset an amount otherwise authorized to be offset under subparagraph (A) if the United States proves that, had the cost or pricing data referred to in subparagraph (A)(ii) been submitted to the United States before the date of agreement on the price of the contract (or price of the modification), the submission of such cost or pricing data would not have resulted in an increase in that price in the amount to be offset.

"(3) In determining for purposes of a contract price adjustment under a contract provision required by paragraph (1) whether, and to what extent, a contract price was increased because the contractor (or a subcontractor) submitted defective cost or pricing data, it shall be a defense that the United States did not rely on the defective data submitted by the contractor or subcontractor.

"(4) It is not a defense to an adjustment of the price of a contract under a contract provision required by paragraph (1) that—

"(A) the price of the contract would not have been modified even if accurate, complete, and current cost or pricing data had been submitted by the contractor or subcontractor because the contractor or subcontractor—

"(i) was the sole source of the property or services procured; or

"(ii) otherwise was in a superior bargaining position with respect to the property or services procured;

"(B) the contracting officer should have known that the cost and pricing data in issue were defective even though the contractor or subcontractor took no affirmative action to bring the character of the data to the attention of the contracting officer;

"(C) the contract was based on an agreement between the contractor and the United States about the total cost of the contract and there was no agreement about the cost of each item procured under such contract; or

"(D) the prime contractor or subcontractor did not submit a certification of cost and pricing data relating to the contract as required under subsection (a)(2).

"(e) INTEREST AND PENALTIES FOR CERTAIN OVERPAYMENTS.—(1) If the United States makes an overpayment to a contractor under a contract with the Department of Defense subject to this section and the overpayment was due to the submission by the contractor of defective cost or pricing data, the contractor shall be liable to the United States—

"(A) for interest on the amount of such overpayment, to be computed—

"(i) for the period beginning on the date the overpayment was made to the contractor and ending on the date the contractor repays the amount of such overpayment to the United States; and

"(ii) at the current rate prescribed by the Secretary of the Treasury under section 6621 of the Internal Revenue Code of 1954; and

"(B) if the submission of such defective data was a knowing submission, for an additional amount equal to the amount of the overpayment.

"(2) Except as provided under subsection (d), the liability of a contractor under this subsection shall not be affected by the contractor's refusal to submit a certification under subsection (a)(2) with respect to the cost or pricing data involved.

"(f) RIGHT OF UNITED STATES TO EXAMINE CONTRACTOR RECORDS.—(1) For the purpose of evaluating the accuracy, completeness, and currency of cost or pricing data required to be submitted by this section with respect to a contract or subcontract, the head of the agency, acting through any authorized representative of the head of the agency who is an employee of the United States or a member of the armed forces, shall have the right to examine all records of the contractor or subcontractor related to—

"(A) the proposal for the contract or subcontract;

"(B) the discussions conducted on the proposal;

"(C) pricing of the contract or subcontract; or

"(D) performance of the contract or subcontract.

"(2) The right of the head of an agency under paragraph (1) shall expire three years after final payment under the contract or subcontract.

"(3) In this subsection, the term 'records' includes books, documents, and other data.

"(g) COST OR PRICING DATA DEFINED.—In this section, the term 'cost or pricing data' means all facts that, as of the time of agreement on the price of a contract (or the price of a contract modification), a prudent buyer or seller would reasonably expect to affect price negotiations significantly. Such term does not include information that is judgmental and not subject to verification.".

(b) CONFORMING AMENDMENTS.—(1) Subsection (f) of section 2306 of such title is amended to read as follows:

"(f) So-called 'truth-in-negotiations' provisions relating to cost or pricing data to be submitted by certain contractors and subcontractors are provided in section 2306a of this title.".

(2) Section 934(a) of the Defense Procurement Improvement Act of 1985 (title IX of Public Law 99-145; 99 Stat. 700) is repealed.

(c) CLERICAL AMENDMENTS.—(1) The heading of section 2306 of title 10, United States Code, is amended to read as follows:

"§ 2306. Kinds of contracts".

(2) The table of sections at the beginning of chapter 137 of such title is amended by striking out the item relating to section 2306 and inserting in lieu thereof the following:

"2306. Kinds of contracts.
"2306a. Cost or pricing data: truth in negotiations.".

(d) EFFECTIVE DATES.—(1) Except as provided in paragraph (2), section 2306a of title 10, United States Code, as added by subsection (a), and the amendments made by subsection (b) shall apply with respect to contracts entered into after the end of the 120-day period beginning on the date of the enactment of this Act.

(2) Subsection (e) of such section 2306(a) shall apply with respect to contracts entered into after November 7, 1985.

SEC. 913. RIGHTS IN TECHNICAL DATA.

(a) RIGHTS IN TECHNICAL DATA.—Subsection (a) of section 2320 of title 10, United States Code, is amended to read as follows:

"(a)(1) The Secretary of Defense shall prescribe regulations to define the legitimate interest of the United States and of a contractor or subcontractor in technical data pertaining to a product or process. Such regulations shall be included in regulations of the Department of Defense prescribed as part of the Federal Acquisition Regulation. Such regulations may not impair any right of the United States or of any contractor or subcontractor with respect to patents or copyrights or any other right in technical data otherwise established by law.

"(2) Such regulations shall include the following provisions:

"(A) In the case of a product or process that is developed by a contractor or subcontractor exclusively with Federal funds, the United States shall have the unlimited right to use, release, or disclose technical data pertaining to the product or process.

"(B) In the case of a product or process that is developed by a contractor or subcontractor exclusively at private expense, the contractor or subcontractor may limit the right to use, release, or disclose to persons outside the Government technical data pertaining to the product or process.

"(C) Notwithstanding subparagraph (B), the Government may use, release, or disclose technical data pertaining to a product or process to persons outside the Government if such technical data is otherwise publicly available or if—

"(i) such use, release, or disclosure—

"(I) is necessary for emergency repair and overhaul; or

"(II) is a use, release, or disclosure to a foreign government that is in the interest of the United States and is required for evaluational or informational purposes; and

"(ii) such use, release, or disclosure is made subject to a prohibition that the person to whom the data is released or disclosed may not further use, release, or disclose such data.

"(D) In the case of a product or process that is developed in part with Federal funds and in part at private expense, rights in technical data pertaining to such product or process shall be established as early in the acquisition process as practicable (preferably during contract negotiations), based upon consideration of the following factors:

"(i) The statement of congressional policy and objectives in section 200 of title 35, the statement of purposes in section 2(b) of the Small Business Innovation Development Act of 1982 (15 U.S.C. 638 note), and the declaration of policy in section 2 of the Small Business Act (15 U.S.C. 631).

"(ii) The interest of the United States in increasing competition and lowering costs by developing and locating alternative sources of supply and manufacture.

"(iii) The interest of the United States in encouraging contractors to develop at private expense items for use by the government.

"(E) A contractor or subcontractor, or a prospective contractor or subcontractor, that develops a product or process exclusively at private expense may not be required, as a condition of being responsive to a solicitation or as a condition for the award of a contract, to sell or otherwise relinquish to the United States any rights in technical data that would permit the use by, or release or disclosure of, such data to persons outside the Government except under the conditions described in paragraph (2)(C).

"(F) The Secretary of Defense may—

"(i) enter into a contract with a contractor or subcontractor for the acquisition of rights in technical data pertaining to a product or process developed by such contractor or subcontractor exclusively at private expense if necessary to develop alternative sources of supply and manufacture; or

"(ii) agree to limit rights of the United States in technical data pertaining to a product or process developed entirely or in part with Federal funds if the United States receives a royalty-free license to use, release, or disclose the data for purposes of the United States (including purposes of competitive procurement).

"(2) The Secretary of Defense shall include definitions of the terms 'developed' and 'pri-

vate expense' in regulations prescribed under paragraph (1).

"(3) In this subsection, the term 'Federal Acquisition Regulation' means the single system of Government-wide procurement regulations as defined in section 4(4) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(4)).".

(b) VALIDATION OF PROPRIETARY DATA RESTRICTIONS.—Subsections (a) and (b) of section 2321 of title 10, United States Code, are amended to read as follows:

"(a) A contract for supplies or services entered into by the Department of Defense which provides for the delivery of technical data shall provide that a contractor or subcontractor at any tier shall be prepared to furnish to the contracting officer a written justification for any restriction asserted by the contractor or subcontractor on the right of the United States to use such technical data.

"(b)(1) The Secretary of Defense shall ensure that there is a thorough review of the appropriateness of any restriction on the right of the United States to use, release, or disclose technical data delivered under a contract. Such review shall be conducted before the end of the three-year period beginning on the date on which final payment is made on a contract under which technical data is required to be delivered, or the date on which the technical data is delivered under such contract, whichever is later.

"(2)(A) If the Secretary determines, at any time before the end of the three-year period beginning on the date on which final payment is made on a contract under which technical data is required to be delivered, or the date on which the technical data is delivered under such contract, whichever is later, that a challenge to a restriction asserted in the contract is warranted, the Secretary shall provide written notice to the contractor or subcontractor asserting the restriction. Such a determination shall be based on a finding by the Secretary that reasonable grounds exist to question the current validity of the asserted restriction and that the continued adherence to the asserted restriction by the United States would make it impracticable to procure the item competitively at a later time. Such notice shall—

"(i) state the specific grounds for challenging the asserted restriction;

"(ii) require a response within 60 days justifying the current validity of the asserted restriction; and

"(iii) state that evidence of a validation by any agency of the Department of Defense of a restriction identical to the asserted restriction within the three-year period preceding the challenge shall serve as justification for the asserted restriction if—

"(I) the validation occurred after a review of the validated restriction under this subsection; and

"(II) the validated restriction was asserted by the same contractor or subcontractor to whom such notice is being provided.".

"(B) Notwithstanding subparagraph (A), if technical data delivered under a contract is otherwise publicly available, the United States may challenge a restriction on the use, release, or disclosure of such technical data at any time.".

(c) CONFORMING AMENDMENTS.—Section 1202 of the Department of Defense Authorization Act, 1985 (10 U.S.C. 2301 note), is amended—

(1) by inserting "and" at the end of paragraph (4);

(2) by striking out "; and" at the end of paragraph (5) and inserting in lieu thereof a period; and

(3) by striking out paragraph (6).

(d) DEADLINE FOR REVISION OF REGULATIONS.—The regulations required by section 2320(a)(1) of title 10, United States Code (as amended by subsection (a)), shall be prescribed not later than 180 days after the date of the enactment of this Act.

SEC. 914. PRICES FOR PRODUCTS SOLD COMMERCIALLY.

(a) ESTABLISHMENT OF COMMERCIAL PRICING REQUIREMENT.—

(1) IN GENERAL.—Section 2323 of title 10, United States Code, is amended to read as follows:

"§ 2323. Commercial pricing for items of supply

"(a) LIMITATION ON PRICE OF COMMERCIALLY AVAILABLE SUPPLIES.—Except in the case of an offer submitted with a written statement under subsection (b)(2) and except as provided in subsection (c), if the head of an agency, using procedures other than competitive procedures, enters into a contract with a contractor for the purchase of items which such contractor also offers for sale to the general public, the price charged the United States for such items under the contract may not exceed the lowest commercial price charged by the contractor in sales of such items to the general public, under similar circumstances, terms, and conditions, during a period described in subsection (b)(1).

"(b) REQUIREMENTS FOR INCLUSION IN OFFER.—The head of an agency, with respect to an offeror who submits an offer to the head of an agency to enter into a contract for the supply of items under a contract awarded using procedures other than competitive procedures, and who also offers such items for sale to the general public, shall require that the offeror—

"(1) certify in such offer that, to the best of the knowledge and belief of the offeror, the price proposed in the offer does not exceed the lowest commercial price at which such offeror sold such items during the most recent regular monthly, quarterly, or other period for which sales data are reasonably available; or

"(2) submit with such offer a written statement—

"(A) specifying the amount of the difference between the price proposed in the offer and the lowest commercial price at which such offeror sold such items during a period described in paragraph (1); and

"(B) providing a justification for that difference.

"(c) EXCEPTION TO LIMITATION.—Subsections (a) and (b) do not apply in the case of a contract with respect to which the contracting officer includes in the file on the contract a written determination by such officer that the use of the lowest commercial price with respect to such contract is not appropriate because of—

"(1) national security considerations; or

"(2) significant differences between the terms of the commercial sales of the items to be acquired under such contract and the terms of such contract, including differences in—

"(A) quantity;

"(B) quality;

"(C) delivery requirements; or

"(D) other terms and conditions.

"(d) AUDITING.—

"(1) IN GENERAL.—In order to verify any certification or statement made under subsection (b) with respect to a contract, the contracting officer who awards such contract, or any representative of the contracting officer who is an employee of the United States or a member of the armed forces, during the time period specified in paragraph (2), may examine and audit all records of sales (including contract terms and conditions) maintained by or for the contractor that are directly pertinent to such certification or statement.

"(2) TIME LIMITATION.—The head of an agency shall require an offeror who submits a certification or written statement under subsection (b) to make available the records, books, data, and documents described in paragraph (1) for examination, audit, or reproduction for the purposes of such paragraph during the three-year period beginning on the date that the offeror submits such certification or statement to such head of an agency.

"(3) EFFECT ON OTHER RIGHTS.—The authority established in this section is in addition to the authority of the head of an agency under section 2306(f) of this title.

"(e) REGULATIONS.—The Secretary of Defense, after consultation with the Secretary of Transportation and the Administrator of the National Aeronautics and Space Administration, shall prescribe regulations to carry out this section. Such regulations may not require the disclosure or submission of any data related to any element underlying the price of a commercial product not otherwise required by law.

"(f) LOWEST COMMERCIAL PRICE.—In this section, the term 'lowest commercial price' means the lowest price at which a sale was made to the general public of a particular item. Such term does not include the price at which a sale was made to—

"(1) to any agency of the United States;

"(2) a dealer, distributor, or original equipment manufacturer of the contractor, or any other remarketer unless the Government can demonstrate that the sale is under the same terms and conditions as a sale to a dealer, distributor, or original equipment manufacturer of the contractor, or any other remarketer;

"(3) a subsidiary, affiliate, or parent business organization of the contractor, or any other branch of the same business entity;

"(4) an educational institution if the item sold is to be used for educational purposes; or

"(5) a customer located outside the United States.

"(g) APPLICABILITY.—This section does not apply to a contract entered into utilizing simplified small purchase procedures established under section 2304(g) of this title.".

(2) CLERICAL AMENDMENT.—The table of sections for chapter 137 of such title is amended by striking out the item relating to section 2323 and inserting in lieu thereof the following:

"2323. Commercial pricing for items of supply.".

(b) EFFECTIVE DATE.—The Secretary of Defense shall prescribe regulations as required by section 2323(e) of title 10, United States Code (as amended by subsection (a)(1)), before the end of the 30-day period beginning on the date of the enactment of this Act.

SEC. 915. FUNDING OF PROCUREMENT TECHNICAL ASSISTANCE PROGRAMS SERVING DISTRESSED AREAS.

(a) DEFINITION.—Section 2411(2) of title 10, United States Code, is amended by striking out "entity' means an eligible entity (within the meaning of paragraph (1)(B))" and inserting in lieu thereof "area' means an area".

(b) SERVICE AREAS.—Section 2413(b) of such title is amended by striking out "is a distressed entity" and inserting in lieu thereof "serves a distressed area".

SEC. 916. EDUCATIONAL REQUIREMENTS FOR ACQUISITION PERSONNEL.

Section 1622(b)(1) of title 10, United States Code, is amended by striking out "attended" and inserting in lieu thereof "completed".

PART C—MISCELLANEOUS

SEC. 921. SAFEGUARDING OF MILITARY WHISTLEBLOWERS.

(a) FINDINGS.—The Congress makes the following findings:

(1) In the course of their duties, members of the Armed Forces may become aware of information evidencing wrongdoing or waste of funds.

(2) It is generally the duty of members of the Armed Forces to report such information through the chain of command.

(3) Reporting such information through the chain of command does not always result in correction and may, in some cases, be futile.

(4) Members of the Armed Forces who become aware of such information should be encouraged to disclose it to an Inspector General or Member of Congress if necessary.

(5) Members of the Armed Forces who disclose such information should be protected from adverse personnel consequences (or threats thereof) as a result of such disclosures.

(6) Members of the Armed Forces who believe they have been subject to retaliation (or the threat thereof) should have the right to a speedy Inspector General investigation and administrative review of their cases.

(b) WHISTLEBLOWER PROTECTION.—(1) Section 1034 of title 10, United States Code, relating to communicating with a Member of Congress, is amended to read as follows:

"§ 1034. Communicating with a Member of Congress or Inspector General

"(a) RESTRICTING COMMUNICATIONS WITH MEMBERS OF CONGRESS AND INSPECTORS GENERAL PROHIBITED.—

"(1) GENERAL RULE.—No person may restrict a member of an armed force in communicating with a Member of Congress or an Inspector General.

"(2) EXCEPTIONS.—Paragraph (1) does not apply to a communication that—

"(A) is unlawful; or

"(B) violates a regulation necessary to the security of the United States.

"(b) PROHIBITION OF RETALIATORY PERSONNEL ACTIONS.—No person may take (or threaten to take) an unfavorable personnel action, or withhold (or threaten to withhold) a favorable personnel action, as a reprisal against a member of an armed force for making or preparing a communication to a Member of Congress or an Inspector General that (under subsection (a)) may not be restricted.

"(c) INSPECTOR GENERAL INVESTIGATION.—

"(1) INVESTIGATION OF CERTAIN ALLEGATIONS.—The Inspector General of the Department of Defense shall expeditiously investigate an allegation by a member of the armed forces that a reprisal prohibited by subsection (b) has been taken (or threatened) against the member with respect to a communication to a Member of Congress or an Inspector General making a complaint or disclosing information that the member of the armed forces reasonably believes evidences—

"(A) a violation of a law, rule, or regulation; or

"(B) mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.

"(2) TIME FOR ALLEGATION.—The Inspector General is not required to make an investigation under paragraph (1) in the case of an allegation made more than 90 days after the reprisal (or threatened reprisal) that is the subject of the allegation.

"(3) INVESTIGATION OF SUBJECT MATTER OF DISCLOSURE.—If the Inspector General has not already done so, the Inspector General shall commence a separate investigation of the information that the member believes evidences wrongdoing as described in subparagraph (A) or (B) of paragraph (1).

"(4) REPORT.—Not later than 10 days after completion of an investigation under this subsection, the Inspector General shall submit a report on the results of the investigation to the Secretary of Defense. The Inspector General shall provide an unclassified copy of that report to the member concerned.

"(5) TIME FOR REPORT.—If, in the course of an investigation of an allegation under this section, the Inspector General determines that it is not possible to submit the report required by paragraph (2) within 30 days of the date of receipt of the allegation being investigated, the Inspector General shall provide to the Secretary of Defense and to the member making the allegation a notice—

"(A) of that determination (including the reasons why the report may not be submitted within that time); and

"(B) of the time when the report will be submitted.

"(6) CONTENT OF REPORT.—The report on the results of the investigation shall contain a thorough review of the facts and circumstances relevant to the allegation and the complaint or disclosure and shall include documents acquired during the course of the investigation, including summaries of interviews conducted. If a person agrees to be interviewed only on the condition that the person's identity not be disclosed, the report shall not contain any information about such interview. The report shall contain no findings of disputed fact or recommendations as to the disposition of the complaint.

"(7) DELEGATION.—The Inspector General of the Department of Defense may delegate any function, power, or duty of the Inspector General under this subsection to any other Inspector General in the Department of Defense.

"(d) CORRECTION OF RECORDS.—

"(1) BOARDS FOR CORRECTION OF MILITARY RECORDS.—In resolving an allegation made by a member of an armed force to whom the Inspector General has reported under subsection (c), a correction board acting under section 1552 of this title, on the request of the member or otherwise, may—

"(A) direct further investigation;

"(B) direct the production of evidence;

"(C) direct the examination of witness;

"(D) receive oral argument; or

"(E) direct or conduct an evidentiary hearing.

"(2) LEGAL ASSISTANCE.—A member to whom the Inspector General has reported under subsection (c) is entitled to the assistance of a judge advocate in filing a petition for correction under section 1552 of this title.

"(3) BOARD DECISIONS.—The Board shall issue a final decision with respect to the petition within 120 days after the filing of such petition. If the Board fails to issue such a final decision within such time, the member shall be deemed to have exhausted administrative remedies under section 1552 of this title to the extent that such exhaustion may be required in any judicial proceeding concerning the relief sought in the petition for correction. The decision of the Board shall be in writing and shall include findings of fact and a statement of reasons. The Board shall cause its decision to be served on the petitioner by first class mail to the address listed in the petition for correction within 10 days of the date of the decision. A determination by the Board by a preponderance of the evidence that a personnel action adversely affecting a member would not have been taken in the absence of a complaint or disclosure of information described in subsection (c)(1) shall constitute a determination of a prohibited retaliatory personnel action under subsection (b).

"(4) CORRECTIVE ACTION.—The Board shall order such action as is necessary to correct the record and the effect of a prohibited retaliatory personnel action.

"(5) DISCIPLINARY ACTION.—If the Board determines that a prohibited retaliatory personnel action, as defined in subsection (b), has occurred, the Board shall refer the record of the matter to the officer exercising general court-martial jurisdiction over the person who committed the prohibited retaliatory personnel action.

"(e) REGULATIONS.—The Secretary of Defense, and the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, shall prescribe regulations to carry out this section. Such regulations shall include regulations for which violations are subject to section 892 of this title (article 92 of the Uniform Code of Military Justice).".

(2) The item relating to such section in the table of sections at the beginning of chapter 53 of such title is amended to read as follows:

"1034. Communicating with a Member of Congress or Inspector General.".

(c) DEADLINE FOR REGULATIONS.—The Secretary of Defense and the Secretary of Transportation shall prescribe regulations required by subsection (e) of section 1034 of title 10, United States Code, as added by subsection (a), not later than 120 days after the date of the enactment of this Act.

SEC. 922. PROTECTION OF CONTRACTOR EMPLOYEES FROM REPRISAL FOR DISCLOSURE OF CERTAIN INFORMATION.

(a) IN GENERAL.—(1) Chapter 141 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2408. Contractor employees: protection from reprisal for disclosure of certain information

"(a) PROHIBITION OF REPRISALS.—(1) A contractor of the Department of Defense may not take a reprisal action against any officer or employee of that contractor for disclosing to an appropriate Government official information relating to a contract (or the negotiation or competition for a contract) between such contractor and the Department of Defense which the officer or employee reasonably believes evidences—

"(A) a violation of law, rule, or regulation; or

"(B) mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.

"(2) In this section, the term 'appropriate Government official' includes—

"(A) an officer or employee of the Department of Defense;

"(B) a Member of Congress or an officer or employee of Congress, the General Accounting Office, the Congressional Budget Office, or the Office of Technology Assessment;

"(C) any other officer or employee of the United States whose duties include the investigation or enforcement of any law, rule, or regulation relating to defense acquisition; and

"(D) a member or employee of any authorized commission established for purposes related to defense acquisition.

"(b) REMEDIES.—(1) An officer or employee of a defense contractor who believes that such officer or employee has been subject to a reprisal prohibited by subsection (a) may file a complaint with the Secretary of Defense.

"(2)(A) Under procedures prescribed by the Secretary of Defense by regulation, the Secretary shall investigate each complaint filed under paragraph (1).

"(B) If, after an investigation under subparagraph (A), the Secretary believes there is a reasonable likelihood that a reprisal prohibited by subsection (a) has occurred, the Secretary shall provide the contractor with an opportunity to show cause why the Secretary should not order corrective action and assess penalties under subparagraph (C).

"(C) If, after considering the presentation of the contractor under subparagraph (B), the Secretary finds that a reprisal prohibited by subsection (a) has occurred, the Secretary shall—

"(i) order the contractor to take action to eliminate the adverse effect of the reprisal on the complainant; and

"(ii) assess a monetary penalty against such contractor.

"(D) The Secretary shall impose penalties, which may include monetary fines and debarment from further contracts, against any contractor who fails to comply promptly with an order of the Secretary under subparagraph (C).

"(E) The Secretary shall issue a decision on a complaint filed under paragraph (1) within 45 days of receipt of the complaint.

"(3)(A) The decision of the Secretary under paragraph (2) shall be a final agency action for purposes of chapter 7 of title 5.

"(B) Failure of the Secretary to decide on a complaint within the period provided in paragraph (2)(E) shall be deemed to be final agency action for purposes of chapter 7 of title 5.

"(C) In any action brought under chapter 7 of title 5 related to a reprisal under subsection (a), a court may assess against the defense contractor, or against the United States, reasonable attorney fees and other litigation costs reasonably incurred by an officer or employee of the contractor who substantially prevails in such action.

"(c) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out this section (other than subsection (b)(3)). Such regulations shall provide that any firm which negotiates with the Department of Defense for a contract or competes for a Department of Defense contract thereby submits to the jurisdiction of the Secretary of Defense for purposes of this section.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2408. Contractor employees: protection from reprisal for disclosure of certain information.".

(b) INITIAL REGULATIONS.—The Secretary of Defense shall prescribe the regulations required by subsection (c) of section 2408 of title 10, United States Code, as added by subsection (a), not later than the end of the 90-day period beginning on the date of the enactment of this Act.

(c) EFFECTIVE DATE.—Section 2408 of title 10, United States Code, as added by subsection (a), shall apply with respect to any reprisal action taken on or after the date of the enactment of this Act.

SEC. 923. COST AND PRICE MANAGEMENT.

(a) REPEAL.—Section 2406 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 141 of such title is amended by striking out the item relating to section 2406.

SEC. 924. FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS.

(a) INCREASED USE OF COMPETITIVE PROCEDURES.—Except as provided in subsection (b), the Secretary of Defense may not place work with a federally funded research and development center unless such work is within the purpose, mission, and general scope of effort of such center as established in the sponsoring agreement with such center.

(b) EXCEPTION.—This section does not apply to a federally funded research and development center that performs applied scientific research under laboratory conditions.

(c) STUDY.—The Comptroller General shall conduct a study of the national defense role of federally funded research and development centers. Such study shall consider the following:

(1) The appropriate circumstances for establishing such centers.

(2) The role presently served by such centers in the procurement process of the Department of Defense.

(3) The growth in the size of such centers during fiscal years 1982 through 1986.

(4) The validity of typical reasons given for such growth.

(5) The cost efficiency of such centers, particularly in comparison with other suppliers of similar services.

(6) The appropriateness of the exemption of contracts with such centers from the competitive procedures required by section 2304 of title 10, United States Code.

(7) The relationship of such centers to their sponsors.

(d) REPORT.—(1) The Comptroller General shall submit to Congress a report on the study required by subsection (a). Such report shall include a discussion of each of the matters listed in subsection (a).

(2) The report required by paragraph (1) shall be submitted not later than one year after the date of the enactment of this Act.

(e) LIMITATION.—No funds appropriated pursuant to authorizations in this or any other Act may be expended or obligated on or after the date of the enactment of this Act for purposes of operating a federally funded research center that was not in existence on or before June 1, 1986, until the end of the 60-day period beginning on the date that the head of an agency submits to Congress a report with respect to such center that describes the purpose, mission, and general scope of effort of such center.

## TITLE X—GENERAL PROVISIONS

SEC. 1001. TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—(1) Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division between any such authorizations (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations that the Secretary of Defense may transfer under the authority of this section may not exceed $2,000,000,000.

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON OBLIGATION LIMITATIONS.—A transfer made under the authority of this section—

(1) increases by the amount of the transfer the obligation limitation provided in this division on the account (or other amount) to which the transfer is made; and

(2) decreases by the amount of the transfer the obligation limitation provided in this division on the account (or other amount) from which the transfer is made.

(d) NOTICE TO CONGRESS.—The Secretary of Defense shall promptly notify Congress of transfers made under the authority of this section.

SEC. 1002. LIMITATION ON OBLIGATION OF UNAUTHORIZED DEFENSE APPROPRIATIONS.

(a) IN GENERAL.—(1) Part I of subtitle A of title 10, United States Code, is amended by redesignating chapter 9 as chapter 10 and inserting after chapter 8 the following new chapter:

"CHAPTER 9—OBLIGATION OF APPROPRIATIONS

"Sec.
"211. Unauthorized defense appropriations: limitation on obligation; definition.
"212. Appropriated amounts available for obligation: limitation with respect to unauthorized programs, projects, and activities.
"213. Contingent general continuing authorization for Department of Defense operations.
"214. Exclusion of permanent appropriations and trust funds.
"215. Unauthorized defense appropriations: waiver of Impoundment Control Act.
"216. Exemption of National Security Act of 1947.
"217. Rule of construction.
"218. Definition: defense appropriation.

"§ 211. Unauthorized defense appropriations: limitation on obligation; definition

"(a) LIMITATION ON OBLIGATIONS.—An unauthorized defense appropriation may not be obligated—

"(1) except as provided in section 213(b) of this title; or

"(2) unless (and only to the extent that) the obligation of such appropriation is specifically authorized by law after the enactment of such appropriation.

"(b) SPECIFICATION OF UNAUTHORIZED APPROPRIATIONS.—A defense appropriation is unauthorized to the extent it is made without having been authorized by law as required by section 138(a) of this title.

**"§ 212. Appropriated amounts available for obligation: limitation with respect to unauthorized programs, projects, and activities**

"(a) REDUCTION IN AMOUNTS AVAILABLE FOR OBLIGATION ATTRIBUTABLE TO UNAUTHORIZED PROGRAMS, PROJECTS, AND ACTIVITIES.—(1) Of any amount appropriated to the Department of Defense in an appropriation Act, the amount that may be obligated or expended is the amount appropriated reduced by any amount determined with respect to that appropriation under paragraph (2)(B).

"(2) After the enactment of a law making a defense appropriation, the Secretary of Defense shall determine, with respect to each defense appropriation provided in such law—

"(A) whether any part of such appropriation provides funds for an unauthorized program, project, or activity (as defined in subsection (c)); and

"(B) if there are funds provided as part of any such appropriation for an unauthorized program, project, or activity, the total amount of funds provided under such appropriation for all such unauthorized programs, projects, and activities.

"(3) A determination under paragraph (2) shall be made with respect to a defense appropriation for a fiscal year immediately after enactment of the law making that appropriation. However, if as of the enactment of such law there has not been enacted a law specifically authorizing appropriations for that fiscal year for the purposes named in section 138(a) of this title, such determination shall be made immediately after enactment of such an authorization law.

"(4) Not later than 30 days after the enactment of such an appropriation or authorization law (whichever is applicable), the Secretary shall submit to Congress a report identifying—

"(A) any unauthorized program, project, or activity; and

"(B) any amount determined under paragraph (2)(B).

"(b) COMPTROLLER GENERAL REVIEW AND REPORT.—(1) The Comptroller General shall promptly review each report of the Secretary under subsection (a). The Comptroller General shall submit a report to Congress if the Comptroller General determines—

"(A) that the law with respect to which the Secretary submitted a report provides appropriations for an unauthorized program, project, or activity in addition to those identified in the report of the Secretary; or

"(B) that a program, project, or activity identified in that report as an unauthorized program, project, or activity is not unauthorized.

"(2) A report under paragraph (1)—

"(A) shall identify those defense appropriations, and programs, projects, and activities under appropriations, with respect to which the Comptroller General made determinations under subparagraphs (A) and (B), respectively, of such paragraph; and

"(B) shall include such comments and recommendations as the Comptroller General considers appropriate.

"(3) Such a report shall be submitted not later than 30 days after the date on which the report of the Secretary under subsection (a) is received by Congress.

"(c) UNAUTHORIZED PROGRAM, PROJECT, OR ACTIVITY DEFINED.—In this section, the term 'unauthorized program, project, or activity' means a program, project, or activity of the Department of Defense for which an amount is provided under a defense appropriation (whether or not specified in the appropriation Act concerned) in an amount greater than the amount authorized by law to be appropriated for such program, project, or activity (whether or not such authorized amount is specified by law), determined by taking into consideration statutory language, legislative history, and budget documents submitted to Congress by the Department of Defense.

**"§ 213. Contingent general continuing authorization for Department of Defense operations**

"(a) GENERAL RULE.—If as of the first day of a fiscal year there has not been enacted a law specifically authorizing appropriations for that fiscal year for a purpose named in section 138(a) of this title, then funds appropriated or otherwise made available for that fiscal year and for that purpose may not be obligated except as provided in subsections (b) and (c).

"(b) RATE AT WHICH OPERATING FUNDS MAY BE OBLIGATED UNDER GENERAL CONTINUING AUTHORITY.—(1) Funds described in subsection (a) that are appropriated or otherwise made available for a purpose named in paragraph (2) may be obligated at the rate which is the least of the following:

"(A) The rate at which those funds may be obligated as provided under the law appropriating those funds.

"(B) The rate at which funds could be obligated for that purpose for the previous fiscal year.

"(C) The rate at which funds could be obligated if appropriated as requested for that purpose in the President's Budget for the fiscal year concerned.

"(2) Paragraph (1) applies with respect to funds appropriated for any of the following purposes:

"(A) Civilian pay.

"(B) Operation and maintenance activities.

"(C) Continuing research, development, test, and evaluation activities.

"(c) RULE UPON SUBSEQUENT ENACTMENT OF AN AUTHORIZATION.—If subsection (a) is applicable to funds appropriated or otherwise made available for a fiscal year for a purpose described in section 138(a) of this title, then upon the enactment of a law specifically authorizing appropriations for that fiscal year for such purpose—

"(1) this section shall cease to apply with respect to those funds; and

"(2) such funds may be obligated subject to section 211 of this title.

**"§ 214. Exclusion of permanent appropriations and trust funds**

"The provisions of this chapter do not apply to, or affect in any manner, permanent appropriations, trust funds, and other similar accounts administered by the Department of Defense as authorized by law.

**"§ 215. Unauthorized defense appropriations: waiver of Impoundment Control Act**

The provisions of the Impoundment Control Act of 1974 (2 U.S.C. 681 et seq.) do not apply to an unauthorized defense appropriation.

**"§ 216. Exemption of National Security Act of 1947**

"Nothing in this chapter shall be considered to affect the application of section 502 of the National Security Act of 1947 (50 U.S.C. App. 413).

**"§ 217. Rule of construction**

"A provision of law does not supersede this chapter unless it does so by specifically referring to this section and stating that it supersedes this chapter.

**"§ 218. Definition: defense appropriation**

"In this chapter, the term 'defense appropriation' means an amount appropriated or otherwise made available by Congress in an appropriation law for one of the purposes stated in section 138(a) of this title.".

(2) The tables of chapters at the beginning of subtitle A, and at the beginning of part I of subtitle A, of title 10, United States Code, are amended by striking out the item relating to chapter 9 and inserting in lieu thereof the following:

"9. Obligation of Appropriations ..... 211.
"10. Regular Components .....[no present sections]".

(b) RESTATEMENT OF REQUIREMENT OF AUTHORIZATION OF DEFENSE APPROPRIATIONS.—(1) Subsection (a) of section 138 of title 10, United States Code, is amended to read as follows:

"(a) Funds may not be appropriated for any fiscal year for the military functions of the Department of Defense for any of the following purposes unless such funds are specifically authorized by law:

"(1) Procurement.

"(2) Research, development, test, or evaluation (or acquisition or production related thereto).

"(3) Operation and maintenance.

"(4) A working-capital fund established under section 2208 of this title.

"(5) Military construction (as defined in subsection (f)).".

(2) The second sentence of section 2208(d) of such title is amended to read as follows: "Further amounts may be provided for working capital-funds from appropriations made for that purpose.".

(c) EFFECTIVE DATE.—Chapter 9 of title 10, United States Code, as added by subsection (a), shall apply with respect to funds appropriated for fiscal years after fiscal year 1986.

SEC. 1003. DEBT COLLECTION.

(a) IN GENERAL.—Chapter 165 of title 10, United States Code, is amended by adding at the end the following new section:

**"§ 2780. Debt collection**

"(a)(1) Subject to paragraph (2), the Secretary of Defense shall enter into one or more contracts with a person for collection services to recover indebtedness owed to the United States Government (arising out of activities related to Department of Defense) that is delinquent by more than three months.

"(2) The authority of the Secretary to enter into a contract under this section for any fiscal year is subject to the availability of appropriations.

"(3) Any such contract shall provide that the person submit to the Secretary a status report on the person's success in collecting such debts at least once each six months. Section 3718 of title 31 shall apply to any such contract, to the extent not inconsistent with this subsection.

"(b) The Secretary shall disclose to consumer reporting agencies, in accordance with paragraph (1) of section 3711(f) of title 31, information concerning any debt described in subsection (a) of more than $100 that is delinquent by more than 31 days.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2780. Debt collection.".

SEC. 1004. LIMITATION ON CERTAIN SPENDING AUTHORITY.

A provision of this Act (including an amendment made by this Act) under which the United States is obligated to make pay-

ments to a person or government who meets the requirements established by law for such payments may only be construed as providing authority to make such payments if the budget authority for such payments is provided for in advance by appropriation Acts.

PART B—SPECIAL OPERATIONS MATTERS

SEC. 1011. ESTABLISHMENT OF NATIONAL SPECIAL OPERATIONS AGENCY.

(a) SHORT TITLE.—This section may be cited as the "Dan Daniel Special Operations Forces Act".

(b) AGENCY CHARTER.—Chapter 8 of title 10, United States Code, is amended—

(1) by redesignating section 191 as section 192; and

(2) by inserting after the table of sections the following new section:

"§ 191. National Special Operations Agency

"(a) ESTABLISHMENT.—(1) There is hereby established in the Department of Defense the National Special Operations Agency (hereinafter in this section referred to as the 'Agency'). The head of the Agency shall be a Director, who shall be appointed by the President, by and with the advice and consent of the Senate. The Director may not be an officer of the armed forces on the active-duty list.

"(2) The Director reports directly to the Secretary of Defense and has rank in the Department of Defense equivalent to that of an Assistant Secretary of Defense. The Director is the principal adviser to the Secretary of Defense and the Chairman of the Joint Chiefs of Staff for all matters pertaining to special operations forces and activities.

"(b) AUTHORITY OF DIRECTOR.—Subject to the authority, direction, and control of the President and the Secretary of Defense, the Director—

"(1) shall exercise command and operational control of all special operations forces (including reserve component forces) of the Department of Defense (other than those forces assigned or allocated to a unified combatant command); and

"(2) shall be responsible for—

"(A) all training, exercises, plans, and doctrine of the Department of Defense relating to special operations, including professional military education and preparation for joint staff assignments; and

"(B) all special operations activities (including special operations missions) assigned to elements of the Department of Defense by the President or Secretary of Defense.

"(c) DEPUTY DIRECTORS.—(1) There shall be not less than three Deputy Directors of the Agency. The Deputy Directors shall include—

"(A) a Deputy Director for Policy, who shall be a civilian;

"(B) a Deputy Director for Programs, who may be a civilian or an officer on the active-duty list; and

"(C) a Deputy Director for Operations, who shall be an officer on the active-duty list and who shall serve in such position in a grade above major general or rear admiral, if appointed to such grade by the President for service in such position under section 601 of this title.

"(2) Deputy Directors shall be selected by the Director, except that officers on the active-duty list shall be selected by the Director in accordance with procedures approved by the Secretary of Defense.

"(d) ASSIGNED FORCES.—(1) Notwithstanding any other provision of law, the Secretary of Defense shall provide that all special operations forces shall be assigned to the Agency. The Secretary may assign or allocate such forces from the Agency to a combatant command.

"(2) Forces assigned to the Agency shall be organized as the Joint Special Operations Command. The Deputy Director for Operations of the Agency shall be the commander of the Joint Special Operations Command.

"(e) THEATER SPECIAL OPERATIONS FORCES.—(1) The Director shall assign to each unified combatant command an officer to serve as the theater special operations commander. Such officer shall also be the liaison of the Agency to the commander of the command. The theater special operations commander assigned to a unified combatant command is under the command of the commander of that command, and the assignment of an officer to a position as theater special operations commander is subject to the approval of the commander of the command.

"(2) The commander of a unified combatant command exercises command and operational control of special operations forces assigned or allocated to that command. Except in the case of elements of the Navy assigned to fleet operations, such operational control shall be exercised through the theater special operations commander.

"(f) BUDGET MATTERS.—(1) The Secretary of Defense shall provide that the budget justification documents of the Department of Defense for any fiscal year shall be prepared so that the presentation of major force programs in those documents sets out funding for all activities and elements of the Agency as a separate major force program category.

"(2) The responsibility for preparation, justification, and execution of budgets for the Agency shall be vested solely in the Director. The Director shall carry out such functions in accordance with guidance furnished by the Secretary of Defense and, in carrying out such functions, shall consider the views and recommendations of the commanders of the combatant commands.

"(g) PERSONNEL.—The Director shall have the authority to select, train, and assign military and civilian personnel of the Agency (including the personnel of forces assigned to the Agency).

"(h) UNAUTHORIZED ACTIVITIES.—This section does not constitute authority to conduct any activity which, if carried out as an intelligence activity by the Department of Defense, would require—

"(1) a finding under section 662 of the Foreign Assistance Act of 1961 (22 U.S.C. 2422); or

"(2) a notice to the intelligence committees under section 501(a)(1) of the National Security Act of 1947 (50 U.S.C. 413).

"(i) REGULATIONS.—The Secretary of Defense shall prescribe regulations for the activities of the Agency. Those regulations shall include provisions authorizing the Director to provide for operational security of special operations forces and activities. The regulations may not authorize the Agency to engage in clandestine foreign intelligence collection or (except in time of war) in covert action activities.

"(j) SPECIAL OPERATIONS FORCES DEFINED.—(1) Except as provided in paragraph (2), the term 'special operations forces', for the purposes of this section, means those forces of the armed forces that—

"(A) are identified as core forces or as augmenting forces in the Joint Chiefs of Staff Joint Strategic Capabilities Plan, Annex E, dated December 17, 1985;

"(B) are described in the Terms of Reference and Conceptual Operations Plan for the Joint Special Operations Command, as in effect on April 1, 1986; or

"(C) are designated as special operations forces by the Secretary of Defense.

"(2) Subject to paragraph (3), the term 'special operations forces' does not include forces identified, described, or designated under paragraph (1) that the Director (in conjunction with the Chairman of the Joint Chiefs of Staff) determines—

"(A) are augmenting forces (rather than core forces); and

"(B) are not necessary to the performance of nonpriority special operations activities.

"(3) When required by the Director, forces described in paragraph (2)—

"(A) shall immediately be assigned or otherwise made available to the Director; and

"(B) shall be considered to be special operations forces for the purposes of this section. The Secretary of Defense shall ensure that this paragraph is implemented so as to give the Director clear and unambiguous authority under the preceding sentence.

"(k) SPECIAL OPERATIONS ACTIVITIES DEFINED.—In this section, the term 'special operations activities' includes each of the following insofar as it relates to special operations:

"(1) Direct action.

"(2) Strategic reconnaissance.

"(3) Unconventional warfare.

"(4) Foreign internal defense.

"(5) Civil affairs.

"(6) Psychological operations.

"(7) Counterterrorism.

"(8) Drug interdiction (including coordination with other Government agencies).

"(9) Humanitarian assistance.

"(10) Theater search and rescue.

"(11) Such other matters as may be specified by the President or Secretary of Defense.".

(c) CLERICAL AMENDMENTS.—The table of sections at the beginning of such chapter is amended—

(1) by redesignating the item relating to section 191 to conform to the redesignation made by paragraph (1)(A); and

(2) by inserting before such item the following new item:

"191. National Special Operations Agency.".

(d) IMPLEMENTATION.—

(1) DIRECTOR.—The nomination of an individual for appointment as Director of the National Special Operations Agency shall be made by the President not later than 30 days after the date of the enactment of this Act.

(2) AGENCY.—The establishment of the National Special Operations Agency, including the assignment of forces to the Agency, shall be completed not later than six months after the date of the enactment of this Act.

(3) INITIAL FUNDING.—The Secretary of Defense may spend unobligated funds appropriated to the Department of Defense for fiscal years before fiscal year 1987 in such sums as necessary in order to carry out this section and section 191 of title 10, United States Code, as added by subsection (a).

(4) PERSONNEL.—The Secretary of Defense shall provide that the initial assignment of personnel to the Agency (including military and civilian personnel) shall, to the maximum extent practicable, be made from among personnel assigned to the headquarters staffs of the Department of Defense, military departments, and military services (including the Joint Staff) whose functions are rendered redundant by the establishment of the Agency.

SEC. 1012. SPECIAL OPERATIONS AIRLIFT READINESS.

(a) CONFIGURATION CONTROL OF SPECIAL OPERATIONS AIRCRAFT.—Funds appropriated or otherwise made available to the Department of Defense for fiscal year 1987 for the development, modification, or procurement of special operations and combat rescue aircraft shall be obligated and expended subject to the following requirements:

(1) PAVE LOW MODIFICATION.—The Secretary of the Air Force shall develop a plan that provides that, during the modification of the airframes for the HH-53H helicopters, there will be a transition from the Pave Low III Enhanced configuration to the Pave Low IV (HH-60H Nighthawk) configuration.

(2) HH-60A/MH-60X DEVELOPMENT.—The Secretary of Defense shall designate the Air Force as the Executive Agent—

(A) for the development of a joint-service HH-60A/MH-60X aircraft variant for special operations and combat rescue missions; and

(B) to ensure maximum commonality and economic procurement for an avionics suite to be adapted to the variant airframe selected by the Navy for those missions.

(3) MH-47E DEVELOPMENT.—The Secretary of the Army shall carry out further development of the MH-47E special operations variant of the CH-47D helicopter—

(A) subject to full and open competition; and

(B) so that such helicopter is configured to maximum commonality between a MH-47E and the joint-service HH-60A/MH-60X and Pave Low IV aircraft, as provided in paragraphs (1) and (2).

(4) CV-22A OSPREY AND MC-130H SYSTEMS.—The Secretary of the Navy shall carry out development of the special operations variant of the CV-22A Osprey tilt-rotor aircraft so that—

(A) such development is expedited to the maximum extent possible; and

(B) the configuration of such aircraft is conformed to the maximum extent possible with that of the aircraft referred to in paragraphs (1), (2), and (3) and the MC-130H Combat Talon II aircraft currently in production.

(b) AIR FORCE HH-60A AIRCRAFT.—The Secretary of the Air Force shall retain the initial HH-60A test aircraft in its existing configuration and shall make such aircraft available as necessary for joint-service testing purposes until sufficient numbers of aircraft under the programs referred to in paragraphs (1) through (4) of subsection (a) have been produced in a common configuration to make continued use of such HH-60A aircraft for such testing purposes unnecessary. At such time, such aircraft may be assigned for operational use in an Air Force special operations/combat rescue squadron.

PART C—REPORTS

SEC. 1021. REPORT ON CHEMICAL WEAPONS DEMILITARIZATION PROGRAM.

(a) REPORT REQUIREMENT.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the chemical weapons demilitarization program required by section 1412 of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 747). The report shall describe—

(1) methods for carrying out such program that would optimize safety considerations; and

(2) methods for carrying out such program that would optimize cost-effectiveness considerations.

(b) DEADLINE FOR REPORT.—The report required by subsection (a) shall be submitted not later than February 1, 1987.

PART D—MISCELLANEOUS

SEC. 1031. USE OF MARINE MAMMALS FOR NATIONAL DEFENSE PURPOSES.

(a) IN GENERAL.—Chapter 645 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 7524. Use of marine mammals for national defense purposes

"(a) IN GENERAL.—Notwithstanding the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.) and subject to subsection (b), the Secretary of Defense, with the concurrence of the Secretary of Commerce and after consultation with the Marine Mammal Commission established by section 201 of such Act (16 U.S.C. 1401), may authorize the taking of not more than 25 marine mammals each year for national defense purposes. Any mammal taken under this section shall be captured, supervised, cared for, transported, and deployed in a humane manner consistent with conditions established by the Secretary of Commerce.

"(b) RESTRICTIONS.—A mammal may not be taken under this section if such mammal is determined to be a member of an endangered or threatened species under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new subsection:

"7524. Use of marine mammals for national defense purposes.".

SEC. 1032. CONTRACT SET-ASIDE REQUIREMENTS.

(a) SET-ASIDE REQUIREMENT.—Except as provided in subsection (c), not less than five percent of the amount described in subsection (b) shall be obligated during any fiscal year for contracts entered into with—

(1) small business concerns owned and controlled by socially and economically disadvantaged individuals (as defined by section 8(d) of the Small Business Act (15 U.S.C. 637(d)) and regulations issued under such section);

(2) historically black colleges and universities; or

(3) minority institutions (as defined by the Secretary of Education pursuant to the General Education Provisions Act (20 U.S.C. 1221 et seq.).

(b) AMOUNT TO BE SET ASIDE.—The amount referred to in subsection (a) for any fiscal year is the total of the following amounts:

(1) Funds appropriated to the Department of Defense for such fiscal year for procurement.

(2) Funds appropriated to the Department of Defense for such fiscal year for research, development, test, and evaluation.

(3) Funds appropriated to the Department of Defense for such fiscal year for military construction.

(c) APPLICABILITY.—Subsection (a) does not apply—

(1) to the extent to which the Secretary of Defense determines that compelling national security considerations require otherwise; and

(2) if the Secretary making such a determination notifies Congress of such determination and the reasons for such determination.

(d) ANNUAL REPORT.—(1) Not later than May 1 of each fiscal year, the Secretary of Defense shall submit to Congress a report on the compliance of the Secretary with the requirements of subsection (a) during the preceding fiscal year. Each such report shall include—

(A) a full explanation of any failure to comply with such requirements; and

(B) a plan to remedy such failure.

(2) The first report required by subsection (a) shall be submitted not later than May 1, 1987.

## DIVISION B—MILITARY CONSTRUCTION AUTHORIZATION

SEC. 2001. SHORT TITLE.

This division may be cited as the "Military Construction Authorization Act, 1987".

## TITLE I—ARMY

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—The Secretary of the Army may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations inside the United States:

UNITED STATES ARMY FORCES COMMAND

Camp Dawson, West Virginia, $8,700,000.
Fort Bragg, North Carolina, $24,600,000.
Fort Campbell, Kentucky, $21,240,000.
Fort Carson, Colorado, $11,300,000.
Fort Devens, Massachusetts, $20,800,000.
Fort Drum, New York, $615,000,000.
Fort Hood, Texas, $13,350,000.
Fort Irwin, California, $820,000.
Fort Lewis, Washington, $25,980,000.
Fort McPherson, Georgia, $2,900,000.
Fort Ord, California, $6,550,000.
Fort Polk, Louisiana, $27,000,000.
Fort Riley, Kansas, $12,500,000.
Fort Sam Houston, Texas, $3,700,000.
Fort Sheridan, Illinois, $2,050,000.
Fort Stewart, Georgia, $1,550,000.

UNITED STATES ARMY WESTERN COMMAND

Wheeler Army Air Field, Hawaii, $2,900,000.
Various locations, Hawaii, $12,000,000.

UNITED STATES ARMY TRAINING AND DOCTRINE COMMAND

Carlisle Barracks, Pennsylvania, $800,000.
Fort Belvoir, Virginia, $5,600,000.
Fort Benning, Georgia, $16,180,000.
Fort Eustis, Virginia, $2,050,000.
Fort Jackson, South Carolina, $1,300,000.
Fort Knox, Kentucky, $3,200,000.
Fort Leavenworth, Kansas, $1,100,000.
Fort Lee, Virginia, $17,600,000.
Fort Leonard Wood, Missouri, $43,200,000.
Fort McClellan, Alabama, $540,000.
Fort Rucker, Alabama, $44,500,000.
Fort Story, Virginia, $2,700,000.

UNITED STATES ARMY MATERIEL COMMAND

Aberdeen Proving Ground, Maryland, $42,750,000.
Anniston Army Depot, Alabama, $1,950,000.
Badger Army Ammunition Plant, Wisconsin, $980,000.
Corpus Christi Army Depot, Texas, $10,650,000.
Detroit Arsenal, Michigan, $1,350,000.
Dugway Proving Ground, Utah, $12,900,000.
Fort Monmouth, New Jersey, $4,900,000.
Fort Wingate, New Mexico, $350,000.
Harry Diamond Laboratory, Maryland, $680,000.
Letterkenny Army Depot, Pennsylvania, $1,900,000.
Lexington-Blue Grass Depot Activity, Kentucky, $540,000.
Navajo Army Depot, Arizona, $3,900,000.
Pueblo Depot Activity, Colorado, $600,000.
Red River Army Depot, Texas, $1,350,000.
Redstone Arsenal, Alabama, $19,500,000.

Savanna Army Depot, Illinois, $320,000.
Seneca Army Depot, New York, $1,100,000.
Sierra Army Depot, California, $2,450,000.
Tooele Army Depot, Utah, $1,850,000.
Umatilla Army Depot, Oregon, $1,050,000.
Yuma Proving Ground, Arizona, $820,000.

UNITED STATES ARMY INFORMATION SYSTEMS COMMAND

Fort Huachuca, Arizona, $17,200,000.

UNITED STATES MILITARY ACADEMY

U.S. Military Academy, New York, $24,500,000.

MILITARY TRAFFIC MANAGEMENT COMMAND

Sunny Point Military Ocean Terminal, North Carolina, $650,000.

ASSISTANT CHIEF OF ENGINEERS

Classified, United States, $7,400,000.

(b) OUTSIDE THE UNITED STATES.—The Secretary of the Army may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations outside the United States:

UNITED STATES ARMY, JAPAN

Kawakami, Japan, $1,200,000.

EIGHTH UNITED STATES ARMY

Camp Carroll, Korea, $1,740,000.
Camp Casey, Korea, $24,940,000.
Camp Castle, Korea, $4,800,000.
Camp Essayons, Korea, $3,000,000.
Camp Greaves, Korea, $3,650,000.
Camp Hovey, Korea, $9,000,000.
Camp Howze, Korea, $5,850,000.
Camp Humphreys, Korea, $16,100,000.
Camp Jackson, Korea, $1,800,000.
Camp Laguardia, Korea, $2,970,000.
Camp Libby, Korea, $1,100,000.
Camp Liberty Bell, Korea, $780,000.
Camp Long, Korea, $5,600,000.
Camp Market, Korea, $540,000.
Camp Nimble, Korea, $1,950,000.
Camp Page, Korea, $1,400,000.
Camp Pelham, Korea, $2,280,000.
Camp Red Cloud, Korea, $4,550,000.
Camp Stanley, Korea, $4,700,000.
H220, Korea, $2,750,000.
K-16 Army Airfield, Korea, $2,520,000.
Pusan, Korea, $12,940,000.
Second Infantry, Korea, $5,150,000.
Taegu, Korea, $4,900,000.
Yongsan, Korea, $8,760,000.

UNITED STATES ARMY STRATEGIC DEFENSE COMMAND

Kwajalein, $20,600,000.

UNITED STATES ARMY FORCES COMMAND, OVERSEAS

Classified, $4,000,000.

UNITED STATES ARMY EUROPE AND SEVENTH ARMY

Ansbach, Germany, $1,790,000.
Aschaffenburg, Germany, $7,000,000.
Bad Kreuznach, Germany, $11,100,000.
Bamberg, Germany, $18,000,000.
Baumholder, Germany, $18,450,000.
Bitburg, Germany, $19,920,000.
Enisiedlerhof, Germany, $4,750,000.
Fulda, Germany, $1,000,000.
Giessen, Germany, $6,570,000.
Goeppingen, Germany, $1,850,000.
Hanau, Germany, $26,150,000.
Heidelberg, Germany, $1,600,000.
Heilbronn, Germany, $2,100,000.
Hohenfels, Germany, $8,800,000.
Kaiserslautern, Germany, $1,400,000.
Karlsruhe, Germany, $10,000,000.
Mannheim, Germany, $2,450,000.
Neu Ulm, Germany, $26,050,000.
Nuernberg, Germany, $5,500,000.
Rheinberg, Germany, $29,150,000.
Schweinfurt, Germany, $23,000,000.
Stuttgart, Germany, $820,000.
Various, Germany, $6,350,000.
Vilseck, Germany, $53,020,000.
Wuerzburg, Germany, $1,000,000.
Katsimidhi Site, Greece, $560,000.
Zelo, Italy, $610,000.

UNITED STATES ARMY INTELLIGENCE AND SECURITY COMMAND, OVERSEAS

Location 177, $1,950,000.
Location 276, $3,700,000.
Location 280, $2,100,000.

SEC. 2102. FAMILY HOUSING.

The Secretary of the Army may construct or acquire family housing units (including land acquisition) at the following installations in the number of units shown, and in the amount shown, for each installation:

Fort Irwin, California, thirty-eight manufactured home spaces, $730,000.
Fort Ord, California, three hundred and eighty-five units, $34,000,000.
Crailsheim, Germany, forty units, $4,100,000.
Darmstadt, Germany, forty units, $3,150,000.
Erlangen, Germany, one hundred and six units, $9,400,000.
Herzo Base, Germany, thirty-four units, $3,300,000.
Schweinfurt, Germany, ninety units, $8,400,000.
Vilseck, Germany, two hundred and twenty-four units, $21,000,000.
Wildflecken, Germany, twenty-four units, $2,050,000.
Various Locations, Germany, one hundred and twenty units, funded in the manner authorized in section 2103(a).
Fort Polk, Louisiana, five hundred and eighty-three units, $37,000,000.
Kwajalein, Marshall Island, one hundred and thirty-six units, $23,000,000.
Aberdeen Proving Ground, Maryland, one hundred and forty units and seventy manufactured home spaces, $10,800,000.
Fort Drum, New York, one thousand and two hundred units, $91,000,000.
Seneca Army Depot, New York, thirty units, $2,900,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

(a) AMOUNT AUTHORIZED.—Subject to section 2825 of title 10, United States Code, the Secretary of the Army may make expenditures, using amounts appropriated pursuant to section 2110(a)(7)(A), to improve existing military family housing units in an amount not to exceed $145,930,000, of which not more than $11,900,000 may be used to convert portions of existing facilities at various locations in Germany to military family housing units, and may make additional expenditures not to exceed $15,671,000 for energy conservation projects using amounts appropriated pursuant to section 2110(b)(1).

(b) WAIVER OF MAXIMUM PER UNIT COST FOR CERTAIN IMPROVEMENT PROJECTS.—Notwithstanding the maximum amount per unit for an improvement project under section 2825(b) of title 10, United States Code, the Secretary of the Army may carry out projects to improve existing military family housing units at the following installations in the number of units shown, and in the amount shown, for each installation:

Aschaffenburg, Germany, one hundred and forty-four units, $5,120,000.
Aschaffenburg, Germany, forty-eight units, $2,800,000.
Bremerhaven, Germany, twenty-four units, $1,400,000.
Karlsruhe, Germany, twenty-four units, $1,400,000.
Kitzingen, Germany, one hundred and two units, $5,950,000.
Mainz, Germany, one unit, $69,000.
Worms, Germany, six units, $350,000.
Fort Benjamin Harrison, Indiana, one hundred and sixty-six units, $6,000,000.
Pusan, Korea, forty-eight units, $2,237,000.
Fort Indiantown Gap, Pennsylvania, six units, $166,000.
Fort Sam Houston, Texas, twenty-three units, $930,000.
Fort Myer, Virginia, three units, $140,000.

SEC. 2104. FORT DRUM, NEW YORK.

(a) AUTHORIZATION.—The Secretary of the Army may, in advance of the availability of appropriations authorized to be appropriated by section 2110(c), enter into one or more contracts for the military construction projects authorized by section 2101 at Fort Drum, New York, if each such contract limits the amount of payments that the Federal government is obligated to make under such contract to the amount of appropriations available, at the time the contract is entered into, for obligation under such a contract. Such construction may be accomplished by using one-step turn-key selection procedures or other competitive contracting methods.

(b) FAMILY HOUSING.—(1) Of the family housing units authorized by section 102 of the Military Construction Authorization Act, 1986, to be constructed at Fort Drum, New York—

(A) three of those units shall be constructed for assignment to general officers, and notwithstanding section 2826 of title 10, United States Code, each such unit may be constructed with a maximum net floor area of 3,000 square feet; and

(B) seven of those units shall be constructed for assignment to colonels who hold positions as commanders, and notwithstanding section 2826 of title 10, United States Code, each such unit may be constructed with a maximum net floor area of 2,100 square feet.

(2) For purposes of this subsection, the term "net floor area" has the meaning given that term by section 2826(f) of title 10, United States Code.

SEC. 2105. LAND EXCHANGE, ORLANDO, FLORIDA.

(a) IN GENERAL.—Subject to subsections (b) through (e), the Secretary of the Army may convey to the City of Orlando, Florida, all right, title, and interest of the United States in and to a tract of land located in Orlando, Florida, consisting of approximately 36 acres, together with improvements thereon, comprising the United States Army Reserve training facility located at the former McCoy Air Force Base, Orlando, Florida.

(b) CONSIDERATION.—In consideration for the conveyance by the Secretary under subsection (a), the City shall—

(1) convey to the United States a tract of real property consisting of approximately 36 acres located at Orlando Jetport, Orlando, Florida; and

(2) design, and construct on such real property, suitable replacement facilities, in accordance with the requirements of the Secretary, for the training activities of the United States Army Reserve.

(c) PAYMENT BY THE CITY.—If the fair market value (as determined by the Secretary) of the land and improvements conveyed by the United States to the City under subsection (a) exceeds the sum of the fair market value (as determined by the Secretary) of the property conveyed by the City to the United States and the fair market value of the facilities constructed by the City on the land conveyed to the United States under subsection (b), the City shall pay to the United States the amount of the difference.

(d) LEGAL DESCRIPTION OF THE LAND.—The exact acreages and legal description of properties to be conveyed under subsections (a) and (b) shall be determined by surveys that are satisfactory to the Secretary. The cost of such surveys shall be borne by the City.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions as the Secretary considers appropriate to carry out the provisions of this section and to protect the interests of the United States.

SEC. 2106. SALE OF LAND AND REPLACEMENT OF CERTAIN WAREHOUSING FACILITIES.

(a) IN GENERAL.—Subject to subsections (b) through (g), the Secretary of the Army may convey approximately 14.41 acres of real property, and improvements thereon, at Kapalama Military Reservation, Hawaii, and may replace and relocate warehousing facilities located on such property.

(b) CONSIDERATION.—In consideration for the real property and improvements described in subsection (a), the purchaser of such property and improvements shall pay—

(1) for the cost of the design and construction of suitable replacement warehousing facilities to be constructed at Schofield Barracks, Hawaii, in a manner determined by the Secretary;

(2) for any cost incurred by the Department of the Army under this section with respect to the relocation of warehousing facilities; and

(3) the amount described in subsection (d).

(c) SALE AND REPLACEMENT ACTIVITIES.—The Secretary may use any amount received from the purchaser under paragraphs (1) and (2) of subsection (b) for the purpose of carrying out this section.

(d) PAYMENT OF EXCESS INTO TREASURY.—If the fair market value of the real property and improvements described in subsection (a) exceeds the costs described in paragraphs (1) and (2) of subsection (b), as determined by the Secretary, the purchaser shall pay the amount of such difference to the Secretary, and the Secretary shall deposit such amount into the Treasury as miscellaneous receipts.

(e) COMPETITIVE BID PROCEDURES.—The conveyance described in subsection (a) shall be carried out under competitive bid procedures.

(f) LEGAL DESCRIPTION OF LAND.—The exact location and legal description of the real property described in subsection (a) shall be determined by a survey which is satisfactory to the Secretary. The cost of such survey shall be borne by the purchaser.

(g) ADDITIONAL TERMS.—The Secretary may require such additional terms and conditions under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2107. PLAN FOR CLEANUP OF ROCKY MOUNTAIN ARSENAL.

Section 822(b)(7) of the Military Construction Authorization Act, 1986 (Public Law 99-167; 99 Stat. 991), is amended by inserting before the semicolon the following: ", including establishing methods of assisting local governments near the Arsenal with the planning and design of water treatment facilities in appropriate cases".

SEC. 2108. COMMUNITY PLANNING ASSISTANCE.

The Secretary of the Army may not use more than $200,000 from funds appropriated to the Department of the Army for fiscal year 1987 for planning and design purposes to provide planning assistance to local communities located near the newly established light infantry division at Fort Drum, New York, if the Secretary determines that the financial resources available to the community (by grant or otherwise) are inadequate.

SEC. 2109. LAND CONVEYANCE, WHITTIER NARROWS DAM, LOS ANGELES COUNTY, CALIFORNIA.

(a) AUTHORITY TO CONVEY.—Subject to subsections (b) through (f), the Secretary of the Army may convey to Southern California Edison Company approximately 7.44 acres of real property, and improvements thereon, within the Whittier Narrows Flood Control Basin located north of Rush Street and east of Walnut Grove Avenue in Los Angeles County, California, for not less than the fair market value, as determined by the Secretary.

(b) CONSIDERATION.—In consideration for the conveyance authorized by subsection (a), the Secretary may accept land in the Los Angeles area or cash, or both.

(c) CONDITIONS.—(1) The Secretary may convey the real property described in subsection (a) only if—

(A) the Company grants the United States a perpetual easement that enables the Federal Government to carry out necessary flood control activities with respect to such real property; and

(B) the Company agrees to permit the County of Los Angeles to use a portion of such real property for parking in connection with recreation activities at Whittier Narrows Golf Course, as the Secretary considers appropriate.

(d) USE OF FUNDS.—Any funds received by the Secretary under this section shall be deposited into the general fund of the Treasury.

(e) LEGAL DESCRIPTION OF LAND.—The exact location and legal description of the real property described in subsection (a) shall be determined by a survey which is satisfactory to the Secretary. The cost of such survey shall be borne by the company.

(f) ADDITIONAL TERMS.—The Secretary may require such additional terms and conditions under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2110. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1986, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $3,013,060,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $678,350,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $456,310,000.

(3) For the construction of the Eastern Distribution Center, New Cumberland Army Depot, Pennsylvania, as authorized by section 101 of the Military Construction Authorization Act, 1986, $43,000,000.

(4) For Pershing II security upgrade at various locations, Germany, as authorized by section 101 of the Military Construction Authorization Act, 1986, $7,000,000.

(5) For unspecified minor construction projects under section 2805 of title 10, United States Code, $20,000,000.

(6) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $131,640,000.

(7) For military family housing functions—

(A) for construction and acquisition of military family housing and facilities, $420,760,000;

(B) for support of military family housing (including the functions described in section 2833 of title 10, United States Code), $1,250,000,000, of which—

(i) not more than $31,246,000 may be obligated or expended for the leasing of military family housing units in the United States, the Commonwealth of Puerto Rico, and Guam; and

(ii) not more than $142,639,000 may be obligated or expended for the leasing of military family housing units in foreign countries; and

(C) for the Homeowners Assistance Program as authorized by section 2832 of title 10, United States Code, $6,000,000.

(b) AUTHORIZATION OF UNOBLIGATED FUNDS.—(1) Funds appropriated to the Department of Defense for fiscal years before fiscal year 1987 which could be used for energy conservation projects for existing military family housing units of the Department of the Army that remain available for obligation are hereby authorized to be made available, to the extent provided in appropriation Acts, for energy conservation projects for military family housing of the Army in an amount not to exceed $15,671,000.

(2) Funds appropriated to the Department of Defense for fiscal years before fiscal year 1987 for military construction functions of the Army (other than funds described in paragraph (1)) that remain available for obligation are hereby authorized to be made available, to the extent provided in appropriation Acts, for the construction of an Army aviation museum at Fort Rucker, Alabama, in an amount not to exceed $2,500,000.

(c) ADVANCE AUTHORIZATION OF APPROPRIATIONS FOR FORT DRUM, NEW YORK.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1986, for the military construction projects and land acquisition authorized at Fort Drum, New York, by sections 2101(a) and 2104 as follows:

(1) $221,000,000 in fiscal year 1988.

(2) $214,000,000 in fiscal year 1989.

(d) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS AUTHORIZED IN THIS TITLE.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 2101 may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a) and under subsection (c).

SEC. 2111. EXTENSION OF CERTAIN PRIOR YEAR AUTHORIZATIONS.

(a) EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 1984 PROJECTS.—Notwithstanding the provisions of section 607(a) of the Military Construction Authorization Act, 1984 (Public Law 98-115, 97 Stat. 780), authorizations for the following projects authorized in section 101 of that Act, as extended by section 606(b) of the Military Construction Authorization Act, 1986 (Public Law 99-167, 99 Stat. 983) shall remain in effect until October 1, 1987, or the date of enactment of the Military Construction Authorization Act for fiscal year 1988, whichever is later:

(1) Unaccompanied personnel housing in the amount of $1,400,000 at Argyroupolis, Greece.

(2) Operations building in the amount of $370,000 at Argyroupolis, Greece.

(3) Multipurpose recreation facility in the amount of $480,000 at Argyroupolis, Greece.

(4) Unaccompanied officer housing in the amount of $600,000 at Perivolaki, Greece.

(5) Operations building in the amount of $410,000 at Perivolaki, Greece.

(6) Multipurpose recreation facility in the amount of $620,000 at Perivolaki, Greece.

(7) Physical fitness training center in the amount of $1,000,000 at Elefsis, Greece.

(b) EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 1985 PROJECTS.—Notwithstanding the provisions of section 607(a) of the Military Construction Authorization Act, 1985 (Public Law 98-407, 98 Stat. 1515), authorizations for the following projects authorized in sections 101 of that Act shall remain in effect until October 1, 1987, or the date of enactment of the Military Construction Authorization Act for fiscal year 1988, whichever is later:

(1) Barracks with dining facility in the amount of $11,400,000 at Presidio of San Francisco, California.

(2) Child care center in the amount of $1,980,000 at Presidio of San Francisco, California.

(3) Barracks in the amount of $6,600,000 at Presidio of San Francisco, California.

(4) Multipurpose recreation facility in the amount of $1,150,000 at Koropi, Greece.

(5) Multipurpose recreation facility in the amount of $960,000 at Katsimidi, Greece.

(6) Barracks modernization in the amount of $660,000 at Argyroupolis, Greece.

(7) Barracks modernization in the amount of $660,000 at Perivolaki, Greece.

(8) Barracks with dining facility in the amount of $2,350,000 at Elefsis, Greece.

## TITLE II—NAVY

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—The Secretary of the Navy may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations inside the United States:

UNITED STATES MARINE CORPS

Headquarters Marine Corps, Arlington, Virginia, $3,020,000.

Marine Corps Air Station, Beaufort, South Carolina, $4,250,000.

Camp H. M. Smith, Oahu, Hawaii, $1,570,000.

Marine Corps Base, Camp Lejeune, North Carolina, $36,120,000.

Marine Corps Air Station, Camp Pendleton, California, $10,410,000.

Marine Corps Base, Camp Pendleton, California, $37,140,000.

Marine Corps Air Station, Cherry Point, North Carolina, $15,510,000.

Marine Corps Air Station, El Toro, California, $13,450,000.

Marine Corps Air Station, Kaneohe Bay, Hawaii, $39,440,000.

Marine Corps Air Station, New River, North Carolina, $21,710,000.

Marine Corps Recruit Depot, San Diego, California, $8,440,000.

Marine Corps Air Station, Tustin, California, $14,910,000.

Marine Corps Air-Ground Combat Center, Twentynine Palms, California, $32,630,000.

Marine Corps Air Station, Yuma, Arizona, $8,860,000.

SPACE AND NAVAL WARFARE SYSTEMS COMMAND

Naval Electronic Systems Engineering Center, Portsmouth, Virginia, $1,870,000.

CHIEF OF NAVAL OPERATIONS

Naval Academy, Annapolis, Maryland, $2,660,000.

Navy Tactical Interoperability Support Activity, Long Beach, California, $510,000.

Naval Legal Service Office, Norfolk, Virginia, $1,080,000.

Naval Legal Service Office Detachment, Oceana, Virginia, $540,000.

Commandant Naval District, Washington, District of Columbia, $2,000,000.

COMMANDER IN CHIEF, ATLANTIC FLEET

Naval Air Station, Brunswick, Maine, $1,160,000.

Naval Air Station, Cecil Field, Florida, $8,640,000.

Naval Station, Charleston, South Carolina, $1,400,000.

Naval Ocean Processing Facility, Dam Neck, Virginia, $540,000.

Naval Air Station, Jacksonville, Florida, $9,030,000.

Naval Air Station, Key West, Florida, $10,140,000.

Naval Amphibious Base, Little Creek, Virginia, $6,970,000.

Naval Station, Mayport, Florida, $880,000.

Naval Supply Center Detachment, Mayport, Florida, $3,730,000.

Naval Submarine Base, New London, Connecticut, $4,630,000.

Naval Station, New York, New York, $52,950,000.

Fleet Intelligence Center Europe and Atlantic, Norfolk, Virginia, $1,880,000.

Naval Air Station, Norfolk, Virginia, $1,570,000.

COMMANDER IN CHIEF, PACIFIC FLEET

Naval Air Station, Adak, Alaska, $24,400,000.

Naval Facility, Adak, Alaska, $5,700,000.

Naval Air Station, Alameda, California, $18,625,000.

Naval Submarine Base, Bangor, Washington, $5,900,000.

Trident Refit Facility, Bangor, Washington, $1,570,000.

Naval Facility, Centerville Beach, California, $1,370,000.

Naval Amphibious Base, Coronado, California, $21,170,000.

Naval Air Station, Fallon, Nevada, $31,200,000.

Naval Air Station, Lemoore, California, $980,000.

Naval Station, Long Beach, California, $7,260,000.

Naval Magazine, Lualualei, Hawaii, $4,350,000.

Naval Air Station, Miramar, California, $40,400,000.

Naval Station, Pearl Harbor, Hawaii, $3,240,000.

Naval Submarine Base, Pearl Harbor, Hawaii, $690,000.

Naval Station, San Diego, California, $19,460,000.

Naval Submarine Base, San Diego, California, $6,500,000.

Naval Station, Seattle, Washington, $2,950,000.

Naval Air Station, Whidbey Island, Washington, $5,180,000.

CHIEF OF NAVAL EDUCATION AND TRAINING

Naval Air Station, Corpus Christi, Texas, $690,000.

Naval Guided Missile School, Dam Neck, Virginia, $3,140,000.

Naval Training Center, Great Lakes, Illinois, $5,300,000.

Naval Construction Training Center, Gulfport, Mississippi, $1,180,000.

Naval Air Station, Kingsville, Texas, $3,780,000.

Combat Systems Technical Schools Command, Mare Island, California, $5,200,000.

Naval Air Station, Memphis, Tennessee, $3,010,000.

Naval Air Station, Meridian, Mississippi, $4,410,000.

Naval Submarine School, New London, Connecticut, $9,540,000.

Naval Education and Training Center, Newport, Rhode Island, $11,700,000.

Surface Warfare Officers School Command, Newport, Rhode Island, $8,840,000.

Fleet Training Center, Norfolk, Virginia, $5,400,000.

Naval Training Center, Orlando, Florida, $12,620,000.

Naval Diving and Salvage Training Center, Panama City, Florida, $2,850,000.

Naval Technical Training Center, Pensacola, Florida, $7,360,000.

Naval Construction Training Center, Port Hueneme, California, $3,240,000.

Fleet Intelligence Training Center, Pacific, San Diego, California, $4,220,000.

Fleet Training Center, San Diego, California, $3,930,000.

Naval Training Center, San Diego, California, $18,170,000.

Naval Technical Training Center, San Francisco, California, $9,820,000.

Naval Air Station, Whiting Field, Florida, $2,120,000.

NAVAL MEDICAL COMMAND

Naval Hospital, Camp Lejeune, North Carolina, $1,670,000.

Naval Hospital, Pensacola, Florida, $690,000.

NAVAL OCEANOGRAPHY COMMAND

Naval Observatory, Washington, District of Columbia, $980,000.

NAVAL SECURITY GROUP COMMAND

Naval Security Group Activity, Adak, Alaska, $14,600,000.

NAVAL SUPPLY SYSTEMS COMMAND

Naval Supply Center, Bremerton, Washington, $500,000.

Naval Supply Center, Jacksonville, Florida, $830,000.

Navy Ships Parts Control Center, Mechanicsburg, Pennsylvania, $1,670,000.

Naval Supply Center, Norfolk, Virginia, $3,140,000.

Naval Supply Center, Oakland, California, $3,490,000.

Naval Supply Center, Pearl Harbor, Hawaii, $11,820,000.

Naval Supply Center, San Diego, California, $2,450,000.

NAVAL AIR SYSTEMS COMMAND

Pacific Missile Range Facility, Barking Sands, Kauai, Hawaii, $8,260,000.

Naval Air Rework Facility, Cherry Point, North Carolina, $37,200,000.

Naval Air Test Center, Patuxent River, Maryland, $21,140,000.

Naval Air Rework Facility, Pensacola, Florida, $8,050,000.

Pacific Missile Test Center, Point Mugu, California, $590,000.

NAVAL FACILITIES ENGINEERING COMMAND

Naval Construction Battalion Center, Gulfport, Mississippi, $17,650,000.

Navy Public Works Center, Norfolk, Virginia, $8,740,000.

Navy Public Works Center, Pearl Harbor, Hawaii, $25,690,000.

Navy Public Works Center, Pensacola, Florida, $2,120,000.

Naval Construction Battalion Center, Port Hueneme, California, $7,120,000.

Navy Public Works Center, San Francisco, California, $450,000.

NAVAL SEA SYSTEMS COMMAND

Charleston Naval Shipyard, Charleston, South Carolina, $10,810,000.

Naval Weapons Station, Charleston, South Carolina, $22,630,000.

Naval Weapons Station, Concord, California, $790,000.

Naval Weapons Support Center, Crane, Indiana, $6,880,000.
Naval Weapons Station, Earle, New Jersey, $54,760,000.
Naval Ordnance Station, Indian Head, Maryland, $1,450,000.
Naval Undersea Warfare Engineering Station, Keyport, Washington, $5,890,000.
Long Beach Naval Shipyard, Long Beach, California, $3,630,000.
Norfolk Naval Shipyard, Portsmouth, Virginia, $5,900,000.
Naval Sea Combat Systems Engineering Station, Norfolk, Virginia, $980,000.
Supervisor of Shipbuilding, Pascagoula, Mississippi, $4,120,000.
Naval Ship System Engineering Station, Philadelphia, Pennsylvania, $400,000.
Portsmouth Naval Shipyard, Kittery, Maine, $12,270,000.
Naval Weapons Station, Yorktown, Virginia, $4,220,000.

OFFICE OF THE CHIEF OF NAVAL RESEARCH

Naval Weapons Center, China Lake, California, $1,370,000.
Naval Surface Weapons Center, Dahlgren, Virginia, $15,960,000.
Naval Coastal Systems Center, Panama City, Florida, $880,000.
Naval Research Laboratory Annex, Quantico, Virginia, $1,500,000.

STRATEGIC SYSTEMS PROJECT OFFICE

Naval Submarine Base, Kings Bay, Georgia, $117,610,000.

(b) OUTSIDE THE UNITED STATES.—The Secretary of the Navy may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations outside the United States:

MARINE CORPS

Marine Corps Air Station, Futenma, Okinawa, Japan, $4,270,000.
Marine Corps Base, Camp Smedley D. Butler, Okinawa, Japan, $8,950,000.

COMMANDER IN CHIEF, ATLANTIC FLEET

Naval Station, Guantanamo Bay, Cuba, $2,600,000.
Naval Air Station, Keflavik, Iceland, $13,840,000.
Naval Facility, Keflavik, Iceland, $1,570,000.
Atlantic Fleet Weapons Training Facility, Roosevelt Roads, Puerto Rico, $4,220,000.
Naval Station, Roosevelt Roads, Puerto Rico, $7,080,000.

COMMANDER IN CHIEF, PACIFIC FLEET

Administrative Support Unit, Bahrain Island, $2,550,000.
Mobile Construction Battalion, Camp Covington, Guam, $15,500,000.
Naval Facility, Guam, $820,000.
Naval Supply Depot, Guam, $400,000.

COMMANDER IN CHIEF, UNITED STATES NAVAL FORCES EUROPE

Naval Support Activity, Naples, Italy, $1,570,000.
Naval Station, Rota, Spain, $4,600,000.
Classified Locations, $15,700,000.

NAVAL TELECOMMUNICATIONS COMMAND

Naval Communications Area Master Station, Western Pacific, Guam, $480,000.
Naval Communications Station, Harold E. Holt, Exmouth, Australia, $2,180,000.
Naval Communications Area Master Station, Mediterranean, Naples, Italy, $8,250,000.
Naval Communication Station, Thurso, United Kingdom, $350,000.

NAVAL SECURITY GROUP COMMAND

Naval Security Group Activity, Edzell, Scotland, $2,250,000.
Naval Security Group Detachment, Guam, $2,150,000.
Naval Security Group Activity, Sabana Seca, Puerto Rico, $790,000.

NAVAL FACILITIES ENGINEERING COMMAND

Navy Public Works Center, Guam, $1,570,000.

OFFICE OF THE CHIEF OF NAVAL RESEARCH

Naval Underwater Systems Center, Andros Island, Bahamas, $3,730,000.

SEC. 2202. FAMILY HOUSING.

The Secretary of the Navy may construct or acquire family housing units (including land acquisition) at the following installations in the number of units shown, and in the amount shown, for each installation:

Naval Station, Long Beach, California, three hundred units, $22,900,000.
Naval Air Station, Moffett Field, California, one hundred and twenty-six units, $11,600,000.
Navy Public Works Center, San Francisco, California, three hundred units, $26,450,000.
Marine Corps Air-Ground Combat Center, Twentynine Palms, California, three hundred and ninety-two units and seventy-five mobile home spaces, $35,300,000.
Marine Corps Base, Camp Pendleton, California, one hundred mobile home spaces, $1,800,000.
Marine Corps Base, Camp Lejeune, North Carolina, seventy-five mobile home spaces, $930,000.
Marine Corps Development and Education Command, Quantico, Virginia, fifty mobile home spaces, $790,000.
Naval Station, Keflavik, Iceland, two hundred and fifty units, $48,642,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

(a) AMOUNT AUTHORIZED.—Subject to section 2825 of title 10, United States Code, the Secretary of the Navy may make expenditures, using amounts appropriated pursuant to section 2210(a)(7)(A), to improve existing military family housing units in an amount not to exceed $51,580,000.

(b) WAIVER OF MAXIMUM PER UNIT COST FOR CERTAIN IMPROVEMENT PROJECTS.—Notwithstanding the maximum amount per unit for an improvement project under 2825(b) of title 10, United States Code, the Secretary of the Navy may carry out projects to improve existing military family housing units at the following installations in the number of units shown, and in the amount shown, for each installation:

Naval Station, Mare Island, Vallejo, California, one hundred units, $5,200,000.
Marine Corps Logistics Base, Albany, Georgia, one unit, $33,300.
Navy Public Works Center, Great Lakes, Illinois, two hundred and ten units, $9,400,000.
Naval Air Station, Brunswick, Maine, forty-four units, $1,274,600.
Naval Construction Battalion Center, Gulfport, Mississippi, one unit, $28,700.
Naval Air Station, Fallon, Nevada, forty-four units, $1,868,500.
Naval Station, New York, New York, one hundred and twenty units, $9,600,000.
Naval Air Development Center, Warminster, Pennsylvania, six units, $256,800.
Naval Education and Training Center, Newport, Rhode Island, one hundred and eighty-six units, $10,200,000.
Navy Public Works Center, Guam, one unit, $64,700.
Navy Public Works Center, Guam, one hundred and nine units, $10,360,000.
Naval Air Station, Agana, Guam, one hundred units, $9,517,000.
Naval Air Station, Agana, Guam, one unit, $58,600.

SEC. 2204. ACQUISITION OF EXISTING HOUSING UNITS ON GUAM.

The Secretary of the Navy may acquire, without reimbursement, 89 existing family housing units constructed and used by the Federal Aviation Administration on land in Finegayan, Guam, held by the Secretary of the Navy under the provisions of section 1158 of title 49, United States Code.

SEC. 2205. INCREASE IN TITLE TOTAL AMOUNT FOR MILITARY CONSTRUCTION PROJECT AT KINGS BAY, GEORGIA.

Section 602(c) of the Military Construction Authorization Act, 1986 (Public Law 99-167; 99 Stat. 981), is amended by striking "may not exceed the total amount authorized" and all that follows and inserting the following:

"may not exceed—

"(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a);

"(2) the amount specified in subsection (b); and

"(3) $85,600,000 (the balance of the amount authorized under section 201(a) for military construction projects at Kings Bay, Georgia).".

SEC. 2206. GRANTING OF EASEMENTS AND REPLACEMENT OF FAMILY HOUSING UNITS AND OTHER FACILITIES AT MARINE CORPS AIR STATION, EL TORO, CALIFORNIA.

(a) AUTHORITY TO GRANT EASEMENTS.—Subject to subsection (b) and other conditions the Secretary may specify in the agreements entered into for the purpose of carrying out this section, the Secretary of the Navy may grant to the County of Orange, California, one or more easements through the Marine Corps Air Station, El Toro, California.

(b) MANDATE TO REPLACE FAMILY HOUSING AND OTHER FACILITIES.—(1) Subject to subsection (c), the Secretary shall provide for the replacement of all family housing units and other facilities that are to be demolished as a result of any easement granted under subsection (a).

(2) An easement granted under subsection (a) shall not become effective until the Secretary determines that—

(A) family housing units have been constructed to replace all the family housing units to be demolished as a result of such easement; and

(B) such replacement units meet the applicable requirements specified in the agreements referred to in subsection (a).

(3) Until the determination referred to in paragraph (2) is made, the Secretary shall continue to use, as military family housing, the housing units that are to be demolished as a result of an easement becoming effective.

(c) FUNDING.—(1) The Secretary may use not more than $2,300,000 of the amount appropriated pursuant to section 2210(a)(7)(A) for payment in connection with the construction of replacement family housing units required by subsection (b).

(2) The Secretary may make available amounts for the construction of such replacement family housing units at the times specified in the agreements referred to in subsection (a).

(3) The Secretary may not make any funds available for the replacement of facilities that are not family housing facilities.

SEC. 2207. LAND EXCHANGE, LONG BEACH NAVAL STATION, CALIFORNIA.

(a) AUTHORITY TO EXCHANGE.—Subject to subsections (b) through (d), the Secretary of the Navy may exchange approximately 16 acres of real property (and improvements

thereon) adjacent to Admiral Kidd Park at the Long Beach Naval Station, California, to the City of Long Beach, California, for real property (and improvements thereon) located on Hill Street, between Webster Avenue and the Terminal Island Freeway, in Long Beach, California.

(b) CONDITION.—If the fair market value of the real property and improvements conveyed to the City under subsection (a) exceeds the fair market value of the real property and improvements conveyed to the United States as described in such subsection, the City shall pay the difference to the United States. The Secretary shall deposit any funds received under this subsection as miscellaneous receipts in the Treasury.

(c) LEGAL DESCRIPTION OF LAND.—The exact acreage and legal description of the real property exchanged under this section shall be in accordance with surveys that are satisfactory to the Secretary.

(d) ADDITIONAL TERMS.—The Secretary may require such additional terms and conditions under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2208. LEASE AND DEVELOPMENT OF CERTAIN REAL PROPERTY, SAN DIEGO, CALIFORNIA.

(a) IN GENERAL.—Subject to subsections (b) through (g), the Secretary of the Navy may enter into leases of real property located within the Broadway Complex of the Department of the Navy, San Diego, California.

(b) CONSIDERATION.—(1) In consideration for leasing the real property described in subsection (a), the Secretary shall obtain, without compensation or at substantially below market value, facilities or the use of facilities, or both, constructed on such real property by the lessees.

(2) The Secretary shall provide that the value of the facilities or the use of facilities, or both, obtained under paragraph (1) shall be at least equal to the value of the use of the real property leased under subsection (a), as determined by the Secretary.

(c) CONDITIONS.—(1) The Secretary shall provide that the real property leased under subsection (a) be developed in a manner that is in the best interests of the Department of the Navy, taking into consideration the appropriate use of the real property and the maximum economic return that can be realized by the Department with respect to such property.

(2) A lease may not be entered into under this section until 21 days after the Secretary submits a plan for the development of the real property described in subsection (a) to the Committees of the Armed Services of the Senate and the House of Representatives, including a justification of how this plan is more advantageous to the United States than developing the real property with Federal funds.

(d) COMPETITIVE PROCEDURES.—Each lease entered into under subsection (a) shall be awarded through the use of competitive procedures.

(e) RIGHT TO ACQUIRE.—The Secretary may provide that, upon the termination of a lease entered into under this section, the United States shall have the right of first refusal to acquire all right, title, and interest to the facilities constructed on the real property subject to such lease.

(f) ADDITIONAL TERMS.—The Secretary may require such additional terms and conditions in connection with the leases authorized by this section as the Secretary considers appropriate to protect the interests of the United States.

(g) LIMITATION.—The Secretary may obligate or expend amounts to obtain facilities or use of facilities under subsection (b)(1) only to the extent funds are available for such purpose.

SEC. 2209. CERTAIN ENLISTED QUARTERS, GUAM.

Section 201(b) of the Military Construction Authorization Act, 1986 (Public Law 99-167; 99 Stat. 970), is amended—

(1) by striking out "Naval Magazine, Guam, $11,270,000." and inserting in lieu thereof "Naval Magazine, Guam, $6,570,000."; and

(2) by striking out "Naval Station, Guam, $10,200,000." and inserting in lieu thereof "Naval Station, Guam, $14,900,000.".

SEC. 2210. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1986, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $2,210,683,000 as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $1,138,005,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $105,420,000.

(3) For military construction projects at Kings Bay, Georgia, authorized by section 2201(a) of the Military Construction Authorization Act, 1986, $40,905,000.

(4) For unspecified minor construction projects under section 2805 of title 10, United States Code, $15,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $143,770,000.

(6) For advances to the Secretary of Transportation for construction of defense access roads under section 210 of title 23, United States Code, $5,400,000.

(7) For military family housing functions—

(A) for construction and acquisition of military family housing and facilities, $204,292,000; and

(B) for support of military housing (including functions described in section 2833 of title 10, United States Code), $557,891,000, of which—

(i) not more than $5,214,100 may be obligated or expended for the leasing of military family housing in the United States, the Commonwealth of Puerto Rico, and Guam; and

(ii) not more than $17,244,900 may be obligated or expended for the leasing of military family housing units in foreign countries.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS AUTHORIZED IN THIS TITLE.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this division may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

SEC. 2211. EXTENSION OF CERTAIN PRIOR YEAR AUTHORIZATIONS.

(a) EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 1984 PROJECTS.—Notwithstanding the provisions of section 607(a) of the Military Construction Authorization Act, 1984 (Public Law 98-115, 97 Stat. 780), authorizations for the following projects authorized in section 201 of that Act, as extended by section 606(b) of the Military Construction Authorization Act, 1986 (Public Law 99-167, 99 Stat. 983) shall remain in effect until October 1, 1987, or the date of enactment of the Military Construction Authorization Act for fiscal year 1988, whichever is later:

(1) Land acquisition in the amount of $830,000 at the Naval Weapons Station, Concord, California.

(2) Unaccompanied enlisted personnel housing in the amount of $10,000,000 at the Naval Air Station, Jacksonville, Florida.

(3) Electrical distribution lines in the amount of $7,200,000 at the Mare Island Naval Shipyard, Vallejo, California.

(b) EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 1985 PROJECTS.—Notwithstanding the provisions of section 607(a) of the Military Construction Authorization Act, 1985 (Public Law 98-407, 98 Stat. 1515), authorizations for the following projects authorized in sections 201 of that Act shall remain in effect until October 1, 1987, or the date of enactment of the Military Construction Authorization Act for fiscal year 1988, whichever is later:

(1) Unaccompanied enlisted personnel housing in the amount of $10,740,000 at the Marine Corps Air Station, Yuma, Arizona.

(2) Antenna support facility in the amount of $320,000 at the Naval Security Group Activity, Adak, Alaska.

(3) Data processing center in the amount of $6,160,000 at the Naval Supply Center, Bremerton, Washington.

(4) Unaccompanied enlisted personnel housing in the amount of $12,130,000 at the Naval Air Station, Whidbey Island, Washington.

(5) Unaccompanied enlisted personnel housing in the amount of $6,600,000 at the Naval Station, Mare Island, Vallejo, California.

(6) Engine test cell in the amount of $9,700,000 for the Naval Air Rework Facility, Cherry Point, North Carolina.

(7) Security building in the amount of $850,000 for the Naval Station, Norfolk, Virginia.

(8) Unaccompanied enlisted personnel housing in the amount of $1,580,000 for the Naval Station, Panama Canal, Panama.

(9) Heating, ventilation and air conditioning in the amount of $4,540,000 for the Naval Air Station, Alameda, California.

(10) Land acquisition in the amount of $4,750,000 for the Marine Corps Air Station, El Toro, California.

(11) Maintenance hangar in the amount of $5,000,000 for the Naval Air Station, Fallon, Nevada.

(12) Construction battalion unit complex in the amount of $1,090,000 for the Naval Station, Mare Island, Vallejo, California.

(13) Airframes shop in the amount of $1,680,000 for the Pacific Missile Test Center, Point Mugu, California.

(14) Unaccompanied enlisted personnel housing in the amount of $6,650,000 for the Pacific Missile Test Center, Point Mugu, California.

(15) Maintenance hangar in the amount of $13,200,000 for the Marine Corps Air Station, Tustin, California.

(16) Oil spill prevention facility in the amount of $710,000 for the Marine Corps Air Station, Tustin, California.

(17) Energy monitoring and control system in the amount of $1,100,000 for the Naval Air Station, Chase Field, Texas.

(18) Host nation infrastructure support in the amount of $2,970,000 for various locations.

## TITLE III—AIR FORCE

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—The Secretary of the Air Force may acquire real property and may carry out military construction projects in the amount shown for each of the following installations and locations inside the United States:

AIR FORCE LOGISTICS COMMAND

Hill Air Force Base, Utah, $20,550,000.
Kelly Air Force Base, Texas, $10,900,000.
McClellan Air Force Base, California, $28,900,000.
Newark Air Force Station, Ohio, $3,000,000.
Robins Air Force Base, Georgia, $16,055,000.
Tinker Air Force Base, Oklahoma, $32,900,000.
Wright-Patterson Air Force Base, Ohio, $19,500,000.

AIR FORCE SYSTEM COMMAND

Arnold Air Force Station, Tennessee, $3,530,000.
Edwards Air Force Base, California, $14,100,000.
Eglin Air Force Base, Florida, $720,000.
Hanscom Air Force Base, Massachusetts, $4,000,000.
Patrick Air Force Base, Florida, $2,600,000.
Sunnyvale Air Force Station, California, $2,600,000.

AIR TRAINING COMMAND

Chanute Air Force Base, Illinois, $11,300,000.
Keesler Air Force Base, Mississippi, $1,970,000.
Lackland Air Force Base, Texas, $16,000,000.
Laughlin Air Force Base, Texas, $3,700,000.
Mather Air Force Base, California, $740,000.
Randolph Air Force Base, Texas, $2,250,000.
Williams Air Force Base, Arizona, $4,900,000.

AIR UNIVERSITY

Gunter Air Force Station, Alabama, $2,900,000.
Maxwell Air Force Base, Alabama, $5,310,000.

ALASKAN AIR COMMAND

Eielson Air Force Base, Alaska, $12,590,000.
Elmendorf Air Force Base, Alaska, $8,170,000.
Galena Airport, Alaska, $11,600,000.
King Salmon Airport, Alaska, $4,050,000.
Shemya Air Force Base, Alaska, $22,300,000.

MILITARY AIRLIFT COMMAND

Altus Air Force Base, Oklahoma, $310,000.
Andrews Air Force Base, Maryland, $25,430,000.
Charleston Air Force Base, South Carolina, $6,290,000.
Kirtland Air Force Base, New Mexico, $11,800,000.
Little Rock Air Force Base, Arkansas, $2,750,000.
McChord Air Force Base, Washington, $6,400,000.
McGuire Air Force Base, New Jersey, $13,595,000.
Norton Air Force Base, California, $1,450,000.
Pope Air Force Base, North Carolina, $3,400,000.
Scott Air Force Base, Illinois, $1,100,000.
Travis Air Force Base, California, $8,200,000.

PACIFIC AIR FORCES

Hickam Air Force Base, Hawaii, $4,700,000.

SPACE COMMAND

Cape Cod Air Force Station, Massachusetts, $4,300,000.
Cavalier Air Force Station, North Dakota, $2,820,000.
Falcon Air Force Station, Colorado, $6,400,000.
Peterson Air Force Base, Colorado, $3,640,000.

SPECIAL PROJECT

Various Locations, $37,056,000.

STRATEGIC AIR COMMAND

Beale Air Force Base, California, $9,516,000.
Blytheville Air Force Base, Arkansas, $3,870,000.
Carswell Air Force Base, Texas, $490,000.
Castle Air Force Base, California, $2,630,000.
Dyess Air Force Base, Texas, $4,130,000.
Ellsworth Air Force Base, South Dakota, $10,910,000.
Fairchild Air Force Base, Washington, $7,520,000.
F. E. Warren Air Force Base, Wyoming, $3,550,000.
Grand Forks Air Force Base, North Dakota, $23,130,000.
Griffiss Air Force Base, New York, $1,590,000.
Grissom Air Force Base, Indiana, $3,850,000.
Holbrook Radar Bomb Score Site, Arizona, $630,000.
K. I. Sawyer Air Force Base, Michigan, $1,730,000.
La Junta Radar Bomb Scoring Site, Colorado, $5,460,000.
Loring Air Force Base, Maine, $1,300,000.
Malmstrom Air Force Base, Montana, $33,770,000.
March Air Force Base, California, $14,440,000.
McConnell Air Force Base, Kansas, $35,740,000.
Minot Air Force Base, North Dakota, $33,100,000.
Offutt Air Force Base, Nebraska, $24,970,000.
Pease Air Force Base, New Hampshire, $2,200,000.
Plattsburgh Air Force Base, New York, $9,610,000.
Vandenburg Air Force Base, California, $2,700,000.
Whiteman Air Force Base, Missouri, $10,700,000.
Wurtsmith Air Force Base, Michigan, $11,740,000.

TACTICAL AIR COMMAND

Avon Park Auxiliary Air Field, Florida, $4,100,000.
Bangor International Airport, Maine, $1,250,000.
Base 39, Classified Location, $2,300,000.
Bergstrom Air Force Base, Texas, $1,860,000.
Davis-Monthan Air Force Base, Arizona, $12,430,000.
England Air Force Base, Louisiana, $2,300,000.
George Air Force Base, California, $9,550,000.
Holloman Air Force Base, New Mexico, $14,760,000.
Homestead Air Force Base, Florida, $6,550,000.
Indian Springs Auxiliary Air Field, Nevada, $1,700,000.
Langley Air Force Base, Virginia, $9,640,000.
Luke Air Force Base, Arizona, $24,140,000.
MacDill Air Force Base, Florida, $3,730,000.
Moody Air Force Base, Georgia, $900,000.
Mountain Home Air Force Base, Idaho, $14,760,000.
Nellis Air Force Base, Nevada, $23,800,000.
Seymour-Johnson Air Force Base, North Carolina, $2,760,000.
Shaw Air Force Base, South Carolina, $3,700,000.
Tyndall Air Force Base, Florida, $15,310,000.
WESTCONUS, Various Locations, $10,300,000.

UNITED STATES AIR FORCE ACADEMY

Air Force Academy, Colorado, $12,620,000.

(b) OUTSIDE THE UNITED STATES.—The Secretary of the Air Force may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations outside the United States:

MILITARY AIRLIFT COMMAND

Lajes Field, Portugal, $15,750,000.
Rhein-Main Air Base, Germany, $1,300,000.

PACIFIC AIR FORCES

Kadena Air Base, Japan, $7,365,000.
Misawa Air Base, Japan, $10,300,000.
Totsuka Air Base, Japan, $700,000.
Yokosuka Air Base, Japan, $600,000.
Yokota Air Base, Japan, $4,900,000.
Camp Humphreys, Korea, $8,300,000.
Camp Red Cloud, Korea, $1,450,000.
Kimhae Air Base, Korea, $3,620,000.
Kunsan Air Base, Korea, $8,170,000.
Kwang-Ju Air Base, Korea, $600,000.
Osan Air Base, Korea, $14,350,000.
Suwon Air Base, Korea, $3,850,000.
Taegu Air Base, Korea, $5,170,000.
Saipan, $5,200,000.

SPACE COMMAND

Sondrestrom Air Base, Greenland, $5,860,000.
Thule Air Base, Greenland, $9,790,000.
Woomera Air Station, Australia, $2,300,000.

STRATEGIC AIR COMMAND

Andersen Air Force Base, Guam, $7,600,000.

TACTICAL AIR COMMAND

Keflavik Naval Air Station, Iceland, $1,600,000.
Masirah, Oman, $3,500,000.
Thumrait, Oman, $3,400,000.

UNITED STATES AIR FORCES IN EUROPE

Florennes Air Base, Belgium, $1,200,000.
Bitburg Air Base, Germany, $5,350,000.
Hahn Air Base, Germany, $12,640,000.
Lindsey Air Station, Germany, $1,200,000.
Ramstein Air Base, Germany, $31,230,000.
Sembach Air Base, Germany, $11,870,000.
Spangdahlem Air Base, Germany, $8,310,000.
Wueschheim Air Station, Germany, $310,000.
Zweibrucken Air Base, Germany, $6,740,000.
Iraklion Air Station, Greece, $320,000.
Aviand Air Base, Italy, $4,200,000.
Camp Darby, Italy, $270,000.
Comiso Air Station, Italy, $3,230,000.
San Vito Air Station, Italy, $3,790,000.
Camp New Amsterdam, The Netherlands, $1,500,000.
Woensdrecht Air Base, The Netherlands, $30,780,000.
Ankara Air Station, Turkey, $6,780,000.
Incirlik Air Base, Turkey, $12,250,000.
Pirinclik Air Station, Turkey, $3,000,000.

Martlesham Heath, United Kingdom, $1,650,000.
RAF Alconbury, United Kingdom, $17,170,000.
RAF Bentwaters, United Kingdom, $7,550,000.
RAF Chicksands, United Kingdom, $950,000.
RAF Croughton, United Kingdom, $630,000.
RAF Fairford, United Kingdom, $4,450,000.
RAF Lakenheath, United Kingdom, $500,000.
RAF Mildenhall, United Kingdom, $4,700,000.
RAF Molesworth, United Kingdom, $2,430,000.
RAF Upper Heyford, United Kingdom, $11,700,000.
RAF Welford, United Kingdom, $1,590,000.
RAF Wethersfield, United Kingdom, $650,000.
RAF Woodbridge, United Kingdom, $3,400,000.
Base 30, Classified Location, $2,950,000.
Overseas Classified Location, $11,500,000.
Various Locations, Europe, $3,953,000.

SEC. 2302. FAMILY HOUSING.

The Secretary of the Air Force may construct or acquire family housing units (including land acquisition) at the following installations, in the number of units shown, and in the amount shown, for each installation:

Bitburg Air Base, Germany, three hundred and thirty-two units, $26,415,000.
Hahn Air Base, Germany, one hundred and fifty units, $11,300,000.
La Junta Air Force Station, Colorado, forty units, $4,000,000.
Beale Air Force Base, California, family housing maintenance shop, $180,000.
Davis-Monthan Air Force Base, Arizona, family housing management office, $300,000.
McGuire Air Force Base, New Jersey, family housing management office, $325,000.
Pope Air Force Base, North Carolina, family housing management office, $300,000.
Edwards Air Force Base, California, twenty-four mobile home spaces, $376,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

(a) AMOUNT AUTHORIZED.—Subject to section 2825 of title 10, United States Code, the Secretary of the Air Force may make expenditures, using amounts appropriated pursuant to section 2306(a)(6)(A), to improve existing military family housing units, including energy conservation projects, in an amount not to exceed $58,644,000.

(b) WAIVER OF MAXIMUM PER UNIT COST FOR CERTAIN IMPROVEMENT PROJECTS.—Notwithstanding the maximum amount per unit for an improvement project under section 2825(b) of title 10, United States Code, the Secretary of the Air Force may carry out projects to improve existing military family housing units at the following installations in the number of units shown, and in the amount shown, for each installation:

Eielson Air Force Base, Alaska, eighty-eight units, $6,186,000.
Elmendorf Air Force Base, Alaska, twelve units, $760,000.
Air Force Academy, Colorado, one unit, $120,000.
Peterson Air Force Base, Colorado, four units, $149,000.
MacDill Air Force Base, Florida, one hundred and fifty-eight units, $4,430,000; seven units, $553,000; seventy-one units, $2,103,000.
Scott Air Force Base, Illinois, one hundred and twelve units, $4,690,000.
Barksdale Air Force Base, Louisiana, one hundred and fourteen units, $5,342,000.
Bangor Air Force Station, Maine, one unit, $30,000.
Andrews Air Force Base, Maryland, seven units, $518,000.
Pease Air Force Base, New Hampshire, two-hundred units, $7,177,000.
Plattsburgh Air Force Base, New York, twenty-nine units, $2,272,000.
Shaw Air Force Base, South Carolina, one hundred and twenty-five units, $4,385,000; seventy-four units, $2,598,000.
Carswell Air Force Base, Texas, two hundred and three units, $7,478,000.
Lackland Air Force Base, Texas, sixty-four units, $1,920,000.
Randolph Air Force Base, Texas, five units, $402,000.
Reese Air Force Base, Texas, one hundred units, $2,895,000.
Langley Air Force Base, Virginia, five units, $441,000.
Andersen Air Force Base, Guam, two hundred units, $14,517,000.
Kadena Air Base, Japan, one hundred units, $5,054,000; three units, $240,000.

SEC. 2304. RESTRICTION ON CERTAIN MILITARY CONSTRUCTION FUNDING.

Funds appropriated for military construction may not be used during fiscal year 1987 in connection with the basing at any military installation or facility other than Little Rock Air Force Base, Jacksonville, Arkansas, the eight KC-135 tanker aircraft that, as of June 1, 1986, were based at such Air Force base and assigned to the 189th Air Refueling Group of the Air National Guard.

SEC. 2305. LIMITATION ON CERTAIN EXTENSION OF AUTHORIZATION AND OBLIGATION OF CERTAIN APPROPRIATIONS.

(a) LIMITATION ON AUTHORIZATION.—The extension of authorization in section 2307 for 140 units of family housing at Fort MacArthur, California, shall become effective on the date on which the Secretary of Defense submits to the Committees on Armed Services of the Senate and the House of Representatives a report containing a description of—

(1) all Federal land in the Los Angeles, California, metropolitan area that is suitable for military family housing;

(2) the family housing needs of each military department in such area; and

(3) the sites at which the personnel who will reside in the military family housing planned for the area will carry out their military responsibilities.

(b) LIMITATION ON OBLIGATION OF PRIOR YEAR APPROPRIATIONS.—Funds appropriated for military family housing units at Fort MacArthur, California, for fiscal year 1983 or fiscal year 1985 that have not been obligated by June 9, 1986, may not be obligated until the date on which the Secretary of Defense submits the report described in subsection (a).

SEC. 2306. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1986, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $2,206,440,000 as follows:

(1) For military construction projects inside the United States authorized by section 2301(a) $835,042,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $347,158,000.

(3) For unspecified minor construction projects under section 2805 of title 10, United States Code, $16,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $127,260,000.

(5) For advances to the Secretary of Transportation for construction of defense access roads under section 210 of title 23, United States Code, $32,700,000.

(6) For military family housing functions—

(A) for construction and acquisition of military family housing and facilities, $108,840,000; and

(B) for support of military housing (including functions described in section 2833 of title 10, United States Code), $739,440,000, of which—

(i) not more than $5,600,000 may be obligated or expended for the leasing of military family housing units in the United States, the Commonwealth of Puerto Rico, and Guam; and

(ii) not more than $74,176,000 may be obligated or expended for the leasing of military family housing units in the foreign countries.

(b) AUTHORIZATION OF UNOBLIGATED FUNDS FOR ENERGY CONSERVATION PROJECTS.—Funds appropriated to the Department of Defense for fiscal years before fiscal year 1987 which could be used for energy conservation projects of the Department of the Air Force that remain available for obligation are hereby authorized to be made available, to the extent provided in appropriation Acts, for energy conservation projects authorized in section 2301(a) in an amount not to exceed $9,470,000.

(c) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS AUTHORIZED IN THIS TITLE.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a) and the amount specified in subsection (b).

(d) USE OF CERTAIN FUNDS.—The Secretary of the Air Force may use not more than $350,000 of the amount appropriated pursuant to subsection (a)(3) to acquire a 20-acre tract of real property, and improvements thereon, located adjacent to Lake Wateree near Shaw Air Force Base, South Carolina.

SEC. 2307. EXTENSION OF CERTAIN PRIOR YEAR AUTHORIZATIONS.

Notwithstanding the provisions of section 607(a) of the Military Construction Authorization Act, 1985 (Public Law 98-407, 98 Stat. 1515) and subject to section 2305 of this division, authorizations for the following projects authorized in section 302 of that Act shall remain in effect until October 1, 1987, or the date of enactment of the Military Construction Authorization Act for fiscal year 1988, whichever is later:

(1) Fort MacArthur, California, 140 units, $15,100,000.

(2) RAF Greenham Common, United Kingdom, 250 units, $22,441,000.

(3) RAF Bentwaters, United Kingdom, 200 units, $20,163,000.

## TITLE IV—DEFENSE AGENCIES

SEC. 2401. AUTHORIZED CONSTRUCTION PROJECTS AND LAND ACQUISITION FOR THE DEFENSE AGENCIES.

(a) INSIDE THE UNITED STATES.—The Secretary of Defense may acquire real property and carry out military construction projects in the amounts shown for each of the following installations and locations inside the United States:

DEFENSE COMMUNICATIONS AGENCY

Scott Air Force Base, Illinois, $7,600,000.

DEFENSE LANGUAGE INSTITUTE

Defense Language Institute, Monterey, California, $5,400,000.

DEFENSE LOGISTICS AGENCY

Defense Fuel Support Point, Estero Bay, California, $680,000.
Hazardous Materials and Waste Storage Facility, Fort Stewart, Georgia, $730,000.
Hazardous Materials and Waste Storage facility Naval Air Station, Brunswick, Maine, $510,000.
Hazardous Materials and Waste Storage Facility, Kirtland Air Force Base, New Mexico, $620,000.
Defense Construction Supply Center, Columbus, Ohio, $860,000.
Hazardous Materials and Waste Storage Facility, Navy Ship Parts Control Center, Mechanicsburg, Pennsylvania, $318,000.
Defense Fuel Support Point, Charleston, South Carolina, $460,000.
Defense Fuel Support Point, Naval Supply Center, Charleston, South Carolina, $5,130,000.
Hazardous Materials and Waste Storage Facility, Fort Bragg, North Carolina, $825,000.
Defense Depot, Memphis, Tennessee, $1,160,000.
Hazardous Materials and Waste Storage Facility, Fort McCoy, Wisconsin, $260,000.

DEFENSE MAPPING AGENCY

Aerospace Center, St. Louis, Missouri, $16,700,000.

DEFENSE MEDICAL FACILITIES OFFICE

Edwards Air Force Base, California, $3,950,000.
March Air Force Base, California, $2,350,000.
Fort Ord, California, $530,000.
Vandenberg Air Force Base, California, $1,900,000.
Pearl Harbor, Hawaii, $9,700,000.
Mountain Home Air Force Base, Idaho, $30,500,000.
Fort Polk, Louisiana, $2,650,000.
Andrews Air Force Base, Maryland, $2,000,000.
Keesler Air Force Base, Mississippi, $3,100,000.
McGuire Air Force Base, New Jersey, $3,800,000.
Camp Lejeune, North Carolina, $3,900,000.
Fort Hood, Texas, $3,450,000.
Randolph Air Force Base, Texas, $13,700,000.
Fort Sam Houston, Texas, $10,000,000.

DEFENSE NUCLEAR AGENCY

Armed Forces Radiobiology Research Institute, Bethesda, Maryland, $790,000.
Field Command, Kirtland Air Force Base, New Mexico, $900,000.

JOINT TACTICAL COMMAND, CONTROL, AND COMMUNICATIONS AGENCY

Fort Huachucha, Arizona, $9,890,000.

NATIONAL SECURITY AGENCY

Fort Meade, Maryland, $5,200,000.
Classified Location, $3,000,000.
Classified Location, $4,000,000.
Classified Location, $1,000,000.

DEPARTMENT OF DEFENSE SECTION 6 SCHOOLS

Fort McClellan, Alabama, $2,830,000.
Fort Benning, Georgia, $1,080,000.
Robbins Air Force Base, Georgia, $2,440,000.
Fort Campbell, Kentucky, $1,340,000.
Fort Knox, Kentucky, $4,350,000.
Governors Island, New York, $2,600,000.
Camp Lejeune, North Carolina, $1,190,000.
Dahlgren, Virginia, $1,130,000.
Quantico, Virginia, $420,000.

UNIFORMED SERVICES UNIVERSITY OF HEALTH SCIENCES

Bethesda, Maryland, $900,000.

(b) OUTSIDE THE UNITED STATES.—The Secretary of Defense may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations outside the United States:

DEFENSE LOGISTICS AGENCY

Defense Fuel Support Point, Chimu Wan, Japan, $6,640,000.
Defense Fuel Support Point, Tsurumi, Japan, $3,520,000.
Defense Reutilization and Marketing Office, Bupyong, Korea, $1,290,000.
Defense Fuel Support Point, Toegeywon, Korea, $1,010,000.

DEFENSE MEDICAL FACILITIES OFFICE

Boeblingen, Germany, $3,650,000.
Grafenwoehr, Germany, $3,950,000.
Karlsruhe, Germany, $6,800,000.
Vilseck, Germany, $5,600,000.
Camp Edwards, Korea, $1,800,000.
Camp Long, Korea, $1,850,000.
Camp Pelham, Korea, $720,000.
Camp New Amsterdam, The Netherlands, $6,000,000.

DEPARTMENT OF DEFENSE DEPENDENT SCHOOLS

Florennes, Belgium, $1,260,000.
Naval Air Station, Bermuda, $4,280,000.
Aschaffenburg, Germany, $6,600,000.
Bad Kissingen, Germany, $1,330,000.
Baumholder, Germany, $1,600,000.
Dexheim, Germany, $2,430,000.
Erlangen, Germany, $3,220,000.
Gelnhausen, Germany, $1,130,000.
Grafenwoehr, Germany, $2,500,000.
Hahn, Germany, $3,470,000.
Heidelberg, Germany, $3,190,000.
Hessisch-Oldendorf, Germany, $2,310,000.
Hohenfels, Germany, $1,190,000.
Kaiserslautern, Germany, $7,880,000.
Nuernberg, Germany, $8,580,000.
Schwaebish Gmuend, Germany, $1,640,000.
Stuttgart, Germany, $4,530,000.
Wuerzburg, Germany, $7,760,000.
Seoul, Korea, $510,000.
Woensdrecht, The Netherlands, $7,420,000.

SEC. 2402. FAMILY HOUSING.

The Secretary of Defense may construct or acquire three family housing units (including land acquisition) at classified locations in the total amount of $270,000.

SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1986, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), in the total amount of $516,403,000 as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $175,843,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $115,660,000.

(3) For the construction of a research and engineering facility at Fort Meade, Maryland, authorized by section 401(a) of the Military Construction Authorization Act, 1986, $38,000,000.

(4) For the construction of the Madigan Army Medical Center, Fort Lewis, Washington, authorized by section 101(a) of the Military Construction Authorization Act, 1985, $72,100,000.

(5) For unspecified minor construction projects under section 2805 of title 10, United States Code, $4,000,000.

(6) For construction projects under the contingency construction authority of the Secretary of Defense under section 2804 of title 10, United States Code, $5,000,000.

(7) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $88,200,000.

(8) For military family housing functions—

(A) for construction and acquisition of military family housing and facilities, $270,000; and

(B) for support of military housing (including functions described in section 2833 of title 10, United States Code), $17,330,000, of which not more than $14,027,000 may be obligated or expended for the leasing of military family housing units in foreign countries.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS AUTHORIZED IN THIS TITLE.—Notwithstanding the cost variations authorized by section 2858 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 2401 may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

SEC. 2404. EXTENSION OF PRIOR YEAR AUTHORIZATIONS.

Notwithstanding the provisions of section 607(a) of the Military Construction Authorization Act, 1985 (Public Law 98-407, 98 Stat. 1515), the authorizations for the following projects authorized in sections 401 and 402 of such Act shall remain in effect until October 1, 1987, or the date of the Military Construction Authorization Act for fiscal year 1988, whichever is later:

(1) Defense property disposal office in the amount of $1,950,000 at Pearl Harbor Naval Shipyard, Hawaii.

(2) Six family housing units at classified locations in the amount of $693,000.

## TITLE V—NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

SEC. 2501. AUTHORITY OF THE SECRETARY OF DEFENSE TO MAKE CONTRIBUTIONS.

(a) IN GENERAL.—The Secretary of Defense may make contributions for the North Atlantic Treaty Organization infrastructure program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

(b) LIMITATION.—The Secretary may obligate funds under this section only to the extent funds are appropriated for use under section 2806 of title 10, United States Code.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1986, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of

the United States of the cost of projects for the North Atlantic Treaty Organization Infrastructure Program as authorized by section 2501, in the amount of $247,000,000.

SEC. 2503. AMENDMENT TO NATO INFRASTRUCTURE PROGRAM.

(a) IN GENERAL.—Section 2806(a) of title 10, United States Code, is amended by inserting "and for related expenses" after "headquarters)".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1986, and shall apply only with respect to contributions made with funds appropriated for fiscal years after fiscal year 1986.

SEC. 2504. RESTRICTION ON CERTAIN FUNDING.

The Secretary of Defense may not obligate or expend any funds after fiscal year 1987 with respect to the North Atlantic Treaty Organization infrastructure program as provided in section 2806 of title 10, United States Code, until the Secretary submits to the Committees on Armed Services of the Senate and the House of Representatives—

(1) a comprehensive master plan for establishing adequate active defenses for—

(A) air bases in Europe at which operations of United States aircraft are planned; and

(B) sites in Europe used by the United States for logistic support of the North Atlantic Treaty Organization or for prepositioned overseas materiel configured to unit sets; and

(2) a report containing a certification by the Secretary that sufficient funds have been budgeted by the Department of Defense in the fiscal year 1988 five-year defense plan to meet the objectives of such comprehensive master plan.

## TITLE VI—GUARD AND RESERVE FORCES FACILITIES

SEC. 2601. AUTHORIZATION FOR GUARD AND RESERVE FACILITIES.

There are authorized to be appropriated for fiscal years beginning after September 30, 1986, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 133 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $121,100,000, and

(B) for the Army Reserve, $86,700,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserves, $44,500,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $140,000,000, and

(B) for the Air Force Reserve, $58,900,000.

## TITLE VII—GENERAL PROVISIONS

### PART A—EXPIRATION OF AUTHORIZATIONS

SEC. 2701. EXPIRATION OF AUTHORIZATIONS.

(a) IN GENERAL.—Except as provided in subsection (b), all authorizations contained in titles I, II, III, IV, and V for military construction projects, land acquisition, family housing projects and facilities, and contributions to the NATO Infrastructure Program (and authorizations of appropriations therefor) shall expire on October 1, 1988, or the date of the enactment of the Military Construction Authorization Act for fiscal year 1989, whichever is later.

(b) EXCEPTION.—The provisions of subsection (a) do not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the NATO Infrastructure Program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before October 1, 1988, or the date of the enactment of the Military Construction Authorization Act for fiscal year 1989, whichever is later, for construction contracts, land acquisition, family housing projects and facilities, or contributions to the NATO Infrastructure Program.

### PART B—MILITARY CONSTRUCTION PROGRAM PROVISIONS

SEC. 2711. CODIFICATION OF CERTAIN AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) MAXIMUM AMOUNT FOR UNSPECIFIED MINOR MILITARY CONSTRUCTION PROJECTS.—Section 2805 of title 10, United States Code, is amended—

(1) in subsection (a), by striking out "the amount specified by law as the maximum amount for a minor military construction project" in clause (2) and inserting in lieu thereof "$1,000,000";

(2) in subsection (b)(1), by striking out "50 percent" and all that follows through "project" and inserting in lieu thereof "$500,000"; and

(3) in subsection (c), by striking out "20 percent" and all that follows through "project" and inserting in lieu thereof "$200,000".

(b) MAXIMUM AMOUNT FOR ARCHITECTURAL AND ENGINEERING SERVICES.—Section 2807(b) of such title is amended by striking out "the maximum amount specified by law for the purposes of this section" and inserting in lieu thereof "$300,000".

(c) MAXIMUM AMOUNT PER UNIT FOR AN IMPROVEMENT PROJECT FOR FAMILY HOUSING UNITS.—Section 2825(b)(1) of such title is amended by striking out "an amount specified by law for such purpose" and inserting in lieu thereof "$30,000".

(d) MAXIMUM ANNUAL RENTAL FOR A FAMILY HOUSING UNIT IN THE UNITED STATES.—Section 2828(b) of such title is amended—

(1) in paragraph (2), by striking out "the amount specified by law as the maximum annual domestic family housing unit lease amount" and inserting in lieu thereof "$10,000"; and

(2) in paragraph (3)(A), by striking out "the maximum annual domestic" and all that follows through the period and inserting in lieu thereof "$10,000 but does not exceed $12,000.".

(e) MAXIMUM ANNUAL RENTAL FOR A FAMILY HOUSING UNIT OUTSIDE THE UNITED STATES.—Section 2828(e)(1) of such title is amended by striking out "the amount specified by law as the maximum annual foreign family housing unit lease amount" and inserting in lieu thereof "$16,800".

(f) MAXIMUM NUMBER OF FAMILY HOUSING UNITS LEASED IN FOREIGN COUNTRIES.—Section 2828(e)(2) of such title is amended by striking out "shall be specified by law" and inserting in lieu thereof "is 32,000".

(g) MAXIMUM ANNUAL RENTAL FOR FAMILY HOUSING FACILITIES, OR FOR REAL PROPERTY RELATED TO FAMILY HOUSING FACILITIES, LEASED IN A FOREIGN COUNTRY.—Section 2828(f) of such title is amended by striking out "the amount specified by law for such purpose" and inserting in lieu thereof "$250,000".

SEC. 2712. FAMILY HOUSING IN FOREIGN COUNTRIES.

(a) IN GENERAL.—Subsection 2828(e)(1) of title 10, United States Code, is amended by striking out "200" and inserting in lieu thereof "220".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply only with respect to funds appropriated for fiscal years after fiscal year 1986.

SEC. 2713. PLANNING AND DESIGN.

(a) IN GENERAL.—Section 2807 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(d) For study, planning, design, architectural, and engineering services related to military construction and family housing projects, the Secretaries of the military departments may incur obligations for contracts or portions of contracts using military construction and family housing appropriations from different fiscal years to the extent that those appropriations are available for obligation.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply only to funds appropriated for fiscal years after fiscal year 1986.

SEC. 2714. BUDGETING FOR GUARD AND RESERVE.

Section 2859 of title 10, United States Code, is amended by adding at the end the following sentence: "Beginning with fiscal year 1988, the Secretary of Defense shall provide that at least 10 percent of the total amount requested for military construction authorization (excluding the amount requested for military family housing) for a fiscal year shall be requested for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 133 of this title (including the cost of acquisition of land for those facilities).".

### PART C—REAL PROPERTY TRANSACTIONS

SEC. 2721. PROPERTY MANAGEMENT.

In accordance with the provisions of section 202 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483) governing transfers of excess property, the Administrator of General Services shall transfer, without reimbursement, to the Secretary of the Army approximately 235 acres of real property (and improvements thereon) near Beltsville, Maryland, for such use as the Secretary of the Army considers appropriate.

SEC. 2722. AUTHORIZATION OF LAND CONVEYANCE TO CITY OF ARCADIA, CALIFORNIA.

(a) IN GENERAL.—Subject to subsection (b), the County of Los Angeles, California, may convey the land described in the Act entitled "An Act to convey certain land in the county of Los Angeles, State of California", approved March 24, 1933, to the City of Arcadia, California.

(b) REVERTER.—Any conveyance made under subsection (a) may be made only on the condition that the land shall revert to the United States if it is used for purposes other than public park, playground, and recreation purposes.

### PART D—MISCELLANEOUS

SEC. 2731. PROHIBITION OF FUNDING FOR CERTAIN MILITARY CONSTRUCTION CONTRACTS ON GUAM.

(a) IN GENERAL.—Except as provided in subsection (b), funds appropriated pursuant to any authorization made by this division may not be expended with respect to any contract for a military construction project on Guam if any work is carried out on such project by any person who is a nonimmigrant described in section 101(a)(15)(H)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)).

(b) EXCEPTION.—In any case in which there is no acceptable bid made in response to a solicitation by the Secretary of a military department for bids on a contract for a mili-

tary construction project on Guam and the Secretary concerned makes a determination that the prohibition contained in subsection (a) is a significant deterrent to obtaining bids on such contract, the Secretary concerned may make another solicitation for bids on such contract and the prohibition contained in subsection (a) shall not apply to such contract after the end of the 21-day period beginning on the date on which the Secretary concerned transmits a report concerning such contract to the Committees on Armed Services of the Senate and the House of Representatives.

(c) EFFECTIVE DATE.—This section shall apply only to contracts entered into, amended, or otherwise modified on or after the date of the enactment of this division.

SEC. 2732. POSTAL FACILITIES.

(a) ARMY.—Section 4779 of title 10, United States Code, is amended—

(1) by striking out subsection (b); and

(2) by redesignating subsection (c) as subsection (b).

(b) AIR FORCE.—Section 9779 of such title is amended—

(1) by striking out subsection (b); and

(2) by redesignating subsection (c) as subsection (b).

SEC. 2733. REPORT.

The Secretary of the Army shall, within 45 days of the date of the enactment of this Act, submit a real estate acquisition report for the lease of temporary facilities located in Rio Rancho, New Mexico, for the Hawk Missile Battalion of the New Mexico Army National Guard that is to be permanently located near Rio Rancho, New Mexico.

## DIVISION C—OTHER NATIONAL DEFENSE AUTHORIZATIONS

## TITLE I—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

SEC. 3001. SHORT TITLE.

This title may be cited as the "Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1987".

### PART A—NATIONAL SECURITY PROGRAMS AUTHORIZATIONS

SEC. 3011. OPERATING EXPENSES.

Funds are authorized to be appropriated to the Department of Energy for fiscal year 1987 for operating expenses incurred in carrying out national security programs (including scientific research and development in support of the Armed Forces, strategic and critical materials necessary for the common defense, and military applications of nuclear energy and related management and support activities) as follows:

(1) For weapons activities, $3,327,454,000, to be allocated as follows:

(A) For research and development, $895,200,000, of which $17,000,000 shall be used for the plasma separation process program.

(B) For weapons testing, $539,800,000.

(C) For production and surveillance, $1,833,604,000.

(D) For program direction, $58,850,000.

(2) For the defense inertial confinement fusion program, $148,200,000, to be allocated as follows:

(A) $61,000,000 shall be used to support the program at the Lawrence Livermore National Laboratory.

(B) $33,000,000 shall be used to support the program at the Los Alamos National Laboratory.

(C) $29,000,000 shall be used to support the program at the Sandia National Laboratory, Albuquerque, New Mexico.

(D) $25,200,000 shall be used for supporting services.

(3) For verification and control technology, $90,500,000.

(4) For defense nuclear materials production, $1,565,990,000, to be allocated as follows:

(A) For uranium enrichment for naval reactors, $176,000,000.

(B) For other uranium enrichment, $14,500,000.

(C) For production reactor operations, $616,660,000.

(D) For processing of defense nuclear materials, including naval reactors fuel, $493,830,000, of which $70,900,000 shall be used for special isotope separation.

(E) For supporting services, $242,100,000.

(F) For program direction, $22,900,000.

(5) For defense nuclear waste and byproduct management, $431,050,000, to be allocated as follows:

(A) For interim waste management, $314,345,000.

(B) For long-term waste management technology, $75,205,000.

(C) For terminal waste storage, $39,100,000.

(D) For program direction, $2,400,000.

(6) For nuclear materials safeguards and security technology development program, $60,100,000.

(7) For security investigations, $33,300,000.

(8) For naval reactors development, $523,800,000.

SEC. 3012. PLANT AND CAPITAL EQUIPMENT.

Funds are authorized to be appropriated to the Department of Energy for fiscal year 1987 for plant and capital equipment (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, land acquisition related thereto, and acquisition and fabrication of capital equipment not related to construction) necessary for national security programs as follows:

(1) For weapons activities:

Project 87-D-101, general plant projects, various locations, $29,000,000.

Project 87-D-121, general plant projects, various locations, $32,000,000.

Project 87-D-122, short-range attack missile II (SRAM II) warhead production facilities, various locations, $5,000,000.

Project 87-D-123, protective clothing decontamination facility, Rocky Flats Plant, Golden, Colorado, $500,000.

Project 86-D-103, decontamination and waste treatment facility, Lawrence Livermore National Laboratory, Livermore, California, $5,300,000, for a total project authorization of $9,000,000.

Project 86-D-104, strategic defenses facility, Sandia National Laboratories, Albuquerque, New Mexico, $7,000,000, for a total project authorization of $11,000,000.

Project 86-D-105, instrumentation systems laboratory, Sandia National Laboratories, Albuquerque, New Mexico, $5,800,000, for a total project authorization of $12,000,000.

Project 86-D-106, laboratory data communications center, Los Alamos National Laboratory, Los Alamos, New Mexico, $1,000,000, for a total project authorization of $4,000,000.

Project 86-D-122, structural upgrade of existing plutonium facilities, Rocky Flats Plant, Golden, Colorado, $2,420,000, for a total project authorization of $5,420,000.

Project 86-D-123, environmental hazards elimination, various locations, $16,840,000, for a total project authorization of $25,540,000.

Project 86-D-124, safeguards and site security upgrading, Phase II, Mound Plant, Miamisburg, Ohio, $1,880,000, for a total project authorization of $4,880,000.

Project 86-D-125, safeguards and site security upgrade, Phase II, Pantex Plant, Amarillo, Texas, $8,410,000, for a total project authorization of $9,910,000.

Project 86-D-130, tritium loading facility replacement, Savannah River Plant, Aiken, South Carolina, $29,700,000, for a total project authorization of $34,700,000.

Project 85-D-102, nuclear weapons research, development, and testing facilities revitalization, Phase I, various locations, $29,950,000, for a total project authorization of $130,750,000.

Project 85-D-103, safeguards and security enhancements, Lawrence Livermore National Laboratory and Sandia National Laboratories, Livermore, California, $6,500,000, for a total project authorization of $27,600,000.

Project 85-D-105, combined device assembly facility, Nevada Test Site, Las Vegas, Nevada, $5,400,000, for a total project authorization of $20,000,000.

Project 85-D-106, hardened engineering test building, Lawrence Livermore National Laboratory, Livermore, California, $330,000, for a total project authorization of $3,030,000.

Project 85-D-112, enriched uranium recovery improvements, Y-12 Plant, Oak Ridge, Tennessee, $19,000,000, for a total project authorization of $38,800,000.

Project 85-D-113, power plant and steam distribution system, Pantex Plant, Amarillo, Texas, $1,790,000, for a total project authorization of $24,790,000.

Project 85-D-115, renovate plutonium building utility systems, Rocky Flats Plant, Golden, Colorado, $13,440,000, for a total project authorization of $34,040,000.

Project 85-D-121, air and water pollution control facilities, Y-12 Plant, Oak Ridge, Tennessee, $9,160,000, for a total project authorization of $28,160,000.

Project 85-D-125, tactical bomb production facilities, various locations, $12,800,000, for a total project authorization of $28,800,000.

Project 84-D-102, radiation-hardened integrated circuit laboratory, Sandia National Laboratories, Albuquerque, New Mexico, $3,000,000, for a total project authorization of $40,500,000.

Project 84-D-107, nuclear testing facilities revitalization, various locations, $13,300,000, for a total project authorization of $79,240,000.

Project 84-D-112, Trident II warhead production facilities, various locations, $14,500,000, for a total project authorization of $155,200,000.

Project 84-D-124, environmental improvements, Y-12 Plant, Oak Ridge, Tennessee, $9,280,000, for a total authorization of $38,280,000.

Project 84-D-211, safeguards and site security upgrading, Y-12 Plant, Oak Ridge, Tennessee, $27,220,000, for a total project authorization of $40,220,000.

Project 82-D-107, utilities and equipment restoration, replacement, and upgrade, Phase III, various locations, $97,904,000, for a total project authorization of $838,304,000.

Project 82-D-144, simulation technology laboratory, Sandia National Laboratories, Albuquerque, New Mexico, $6,000,000, for a total project authorization of $40,000,000.

(2) For materials production:

Project 87-D-146, general plant projects, various locations, $32,100,000.

Project 87-D-149, reduced chemical discharges to process sewers, Richland, Washington, $3,150,000.

Project 87-D-150, radioactive liquid effluent treatment facility, partial design only, Richland, Washington, $4,000,000.

Project 87-D-152, environmental protection plantwide, Savannah River, South Carolina, $1,500,000.

Project 87-D-159, environmental, health, and safety improvements, Phase I, Feed Materials Production Center, Fernald, Ohio, $10,000,000.

Project 86-D-149, productivity retention program, Phase I and II, various locations, $65,625,000, for a total project authorization of $89,825,000.

Project 86-D-150, in-core neutron monitoring system, N reactor, Richland, Washington, $2,760,000, for a total project authorization of $7,220,000.

Project 86-D-151, PUREX electrical system upgrade, Richland, Washington, $2,480,000, for a total project authorization of $4,980,000.

Project 86-D-152, reactor electrical distribution system, Savannah River, South Carolina, $8,410,000, for a total project authorization of $10,410,000.

Project 86-D-153, additional line III furnace, Savannah River, South Carolina, $7,605,000, for a total project authorization of $9,105,000.

Project 86-D-154, effluent treatment facility, Savannah River, South Carolina, $15,650,000, for a total project authorization of $18,150,000.

Project 86-D-156, plantwide safeguards systems, Savannah River, South Carolina, $13,610,000, for a total project authorization of $16,610,000.

Project 85-D-139, fuel processing restoration, Idaho Fuels Processing Facility, Idaho National Engineering Laboratory, Idaho, $32,430,000, for a total project authorization of $54,430,000.

Project 85-D-140, productivity and radiological improvements, Feed Materials Production Center, Fernald, Ohio, $23,500,000, for a total project authorization of $41,500,000.

Project 85-D-145, fuel production facility, Savannah River, South Carolina, $27,500,000, for a total project authorization of $53,300,000.

Project 84-D-134, safeguards and security improvements, plantwide, Savannah River, South Carolina, $5,765,000, for a total project authorization of $32,665,000.

Project 84-D-135, process facility modifications, Richland, Washington, $24,475,000, for a total project authorization of $56,975,000.

Project 84-D-136, enriched uranium conversion facility modifications, Y-12 Plant, Oak Ridge, Tennessee, $500,000, for a total project authorization of $20,100,000.

Project 82-D-124, restoration of production capabilities, Phases II, III, IV, and V, various locations, $3,511,000, for a total project authorization of $352,045,000.

(3) For defense waste and byproducts management:

Project 87-D-171, general plant projects, interim waste operations and long-term waste management technology, various locations, $24,535,000.

Project 87-D-172, WESF K-3 filter upgrade, Richland, Washington, $500,000.

Project 87-D-173, 242-A evaporator crystallizer upgrade, Richland, Washington, $2,800,000.

Project 87-D-174, 241-AQ tank farm, Richland, Washington, $2,100,000.

Project 87-D-175, steam system rehabilitation, Phase I, Richland, Washington, $900,000.

Project 87-D-177, test reactor area liquid radioactive waste cleanup system, Phase III, Idaho National Engineering Laboratory, Idaho, $700,000.

Project 87-D-180, burial ground expansion, Savannah River, South Carolina, $2,000,000.

Project 87-D-181, diversion box and pump pit containment buildings, Savannah River, South Carolina, $960,000.

Project 86-D-172, B-plant F-filter, Richland, Washington, $2,949,000, for a total project authorization of $3,949,000.

Project 86-D-174, low-level waste processing and shipping system, Feed Materials Production Center, Fernald, Ohio, $8,072,000, for a total authorization of $10,572,000.

Project 86-D-175, Idaho National Engineering Laboratory security upgrade, Idaho National Engineering Laboratory, Idaho, $5,258,000, for a total project authorization of $7,258,000.

Project 85-D-158, central warehouse upgrade, Richland, Washington, $1,044,000, for a total project authorization of $6,744,000.

Project 85-D-159, new waste transfer facilities, Savannah River, South Carolina, $4,118,000, for a total project authorization of $24,118,000.

Project 85-D-160, test reactor area security system upgrade, Idaho National Engineering Laboratory, Idaho, $2,703,000, for a total project authorization of $6,953,000.

Project 81-T-105, defense waste processing facility, Savannah River, South Carolina, $123,967,000, for a total project authorization of $721,467,000.

(4) For naval reactors development:

Project 87-N-101, general plant projects, various locations, $4,800,000.

Project 87-N-102, Kesselring site facilities upgrade, Knolls Atomic Power Laboratory, West Milton, New York, $5,000,000.

Project 87-N-103, computation laboratory addition, Bettis Atomic Power Laboratory, West Mifflin, Pennsylvania, $2,300,000.

(5) For capital equipment not related to construction:

(A) For weapons activities, $273,570,000.

(B) For the defense inertial confinement fusion program, $9,500,000.

(C) For materials production, $110,120,000.

(D) For defense waste and byproducts management, $35,505,000.

(E) For verification and control technology, $4,200,000.

(F) For nuclear safeguards and security, $4,800,000.

(G) For naval reactors development, $46,700,000.

SEC. 3013. AUTHORIZATION FOR STRATEGIC DEFENSE INITIATIVE.

Of the funds authorized to be appropriated in sections 3011 and 3012, $371,000,000 is authorized for programs, projects, and activities of the Strategic Defense Initiative.

PART B—RECURRING GENERAL PROVISIONS

SEC. 3021. REPROGRAMMING.

(a) NOTICE TO CONGRESS.—(1) Except as otherwise provided in this title—

(1) no amount appropriated pursuant to this title may be used for any program in excess of 105 percent of the amount authorized for that program by this title or $10,000,000 more than the amount authorized for that program by this title, whichever is the lesser, and

(2) no amount appropriated pursuant to this title may be used for any program which has not been presented to, or requested of, the Congress,

unless a period of 30 calendar days (not including any day on which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) has passed after receipt by the Committees on Armed Services and Appropriations of the Senate and House of Representatives of notice from the Secretary of Energy (hereinafter in this part referred to as the "Secretary") containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or unless each such committee before the expiration of such period has transmitted to the Secretary written notice to the effect that such committee has no objection to the proposed action.

(b) LIMITATION ON AMOUNT OBLIGATED.—In no event may the total amount of funds obligated pursuant to this title exceed the total amount authorized to be appropriated by this title.

SEC. 3022. LIMITS ON GENERAL PLANT PROJECTS.

(a) IN GENERAL.—The Secretary may carry out any construction project under the general plant projects provisions authorized by this title if the total estimated cost of the construction project does not exceed $1,200,000.

(b) REPORT TO CONGRESS.—If at any time during the construction of any general plant project authorized by this title, the estimated cost of the project is revised because of unforeseen cost variations and the revised cost of the project exceeds $1,200,000, the Secretary shall immediately furnish a complete report to the Committees on Armed Services and Appropriations of the Senate and House of Representatives explaining the reasons for the cost variation.

SEC. 3023. LIMITS ON CONSTRUCTION PROJECTS.

(a) IN GENERAL.—Whenever the current estimated cost of a construction project, which is authorized by section 3012 of this title, or which is in support of national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent the higher of—

(1) the amount authorized for the project; or

(2) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to Congress,

construction may not be started or additional obligations incurred in connection with the project above the total estimated cost, as the case may be, unless a period of 30 calendar days (not including any day on which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) has passed after receipt by the Committees on Armed Services and Appropriations of the Senate and House of Representatives of notice from the Secretary of Energy containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or unless each such committee before the expiration of such period has transmitted to the Secretary written notice to the effect that such committee has no objection to the proposed action.

(b) EXCEPTION.—Subsection (a) shall not apply to any construction project which has a current estimated cost of less than $5,000,000.

SEC. 3024. FUND TRANSFER AUTHORITY.

(a) IN GENERAL.—Funds appropriated pursuant to this title may be transferred to other agencies of the Government for the performance of the work for which the funds were appropriated, and funds so transferred may be merged with the appropriations of the agency to which the funds are transferred.

(b) SPECIFIC TRANSFER.—The Secretary of Defense may transfer to the Secretary of Energy not more than $200,000,000 of the funds appropriated for fiscal year 1987 to the Department of Defense for research, development, test, and evaluation for the Defense Agencies for the performance of the work for which the funds were authorized to be appropriated, and funds so transferred shall be merged with appropriations of the Department of Energy. The authority granted in this subsection may not be exercised until—

(1) the Secretary of Defense notifies the Committees on Armed Services and Appropriations of the Senate and House of Representatives of the intent of the Secretary to exercise such authority; and

(2) a period of 30 days passes after such Committees receive such notification.

SEC. 3025. AUTHORITY FOR CONSTRUCTION DESIGN.

(a) IN GENERAL.—(1) Within the amounts authorized by this title for plant engineering and design, the Secretary may carry out advance planning and construction designs (including architectural and engineering services) in connection with any proposed construction project if the total estimated cost for such planning and design does not exceed $2,000,000.

(2) In any case in which the total estimated cost for such planning and design exceeds $300,000, the Secretary shall notify the Committees on Armed Services and Appropriations of the Senate and House of Representatives in writing of the details of such project at least 30 days before any funds are obligated for design services for such project.

(b) SPECIFIC AUTHORITY REQUIRED.—In any case in which the total estimated cost for advance planning and construction design in connection with any construction project exceeds $2,000,000, funds for such design must be specifically authorized by law.

SEC. 3026. AUTHORITY FOR EMERGENCY CONSTRUCTION DESIGN.

In addition to the advance planning and construction design authorized by section 3012, the Secretary may perform planning and design utilizing available funds for any Department of Energy defense activity construction project whenever the Secretary determines that the design must proceed expeditiously in order to meet the needs of national defense or to protect property or human life.

SEC. 3027. FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY.

Subject to the provisions of appropriation Acts, amounts appropriated pursuant to this title for management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

SEC. 3028. ADJUSTMENTS FOR PAY INCREASES.

Appropriations authorized by this title for salary, pay, retirement, or other benefits for Federal employees may be increased by such amounts as may be necessary for increases in such benefits authorized by law.

SEC. 3029. AVAILABILITY OF FUNDS.

When so specified in an appropriation Act, amounts appropriated for "Operating Expenses" or for "Plant and Capital Equipment" may remain available until expended.

PART C—SPECIAL PROGRAM PROVISIONS

SEC. 3031. PROTECTION OF SENSITIVE TECHNICAL INFORMATION.

(a) SECRETARY OF ENERGY DETERMINATION.—Whenever any invention or discovery is made or conceived in the course of or under any Government contract or subcontract of the Naval Nuclear Propulsion Program or the nuclear weapons programs or other atomic energy defense activities of the Department of Energy, the Secretary of Energy shall decide (in each such case) whether to assert, or not to assert, a claim that such invention or discovery is the property of the Government. Any such decision shall be made within a reasonable time.

(b) MILITARY LIAISON COMMITTEE.—In making a determination under this section, the Secretary shall consider the recommendation and written determination of the Military Liaison Committee (established by section 27 of the Atomic Energy Act of 1954 (42 U.S.C. 2037)) as to whether or not, if such a claim is not asserted—

(1) national security will be compromised;

(2) sensitive technical information (whether classified or unclassified) under the Naval Nuclear Propulsion Program or the nuclear weapons programs or other atomic energy defense activities of the Department of Energy for which dissemination is controlled under Federal statutes and regulations will be released to unauthorized persons;

(3) an organizational conflict of interest contemplated by Federal statutes and regulations will result; or

(4) failure to assert such a claim will adversely affect the operation of any program of the Naval Nuclear Propulsion Program or the nuclear weapons programs or other atomic energy defense activities of the Department of Energy.

(c) CONSULTATIONS BY COMMITTEE.—(1) In making a recommendation and determination under subsection (b) for matters pertaining to the Naval Nuclear Propulsion Program, the Committee shall consult the Director of that program.

(2) In making a recommendation and determination under subsection (b) for matters affecting nuclear weapons and other atomic energy defense activities of the Department of Energy, the Committee shall consult the Assistant Secretary of Energy for Defense Programs.

(d) CONSULTATION WITH SECRETARY OF DEFENSE.—In carrying out this section, the Secretary of Energy shall consult with the Secretary of Defense.

SEC. 3032. RESTRICTION ON USE OF FUNDS TO PAY PENALTIES UNDER ENVIRONMENTAL LAWS.

Funds appropriated to the Department of Energy for fiscal year 1987 pursuant to authorizations of appropriations in this title for the Naval Nuclear Propulsion Program or the nuclear weapons programs or other atomic energy defense activities of the Department of Energy may not be used to pay a penalty, fine, forfeiture, or settlement in regard to a defense activity or facility of the Department of Energy due to a failure to comply with any environmental requirement, or to perform work or services required by another Federal agency or by a State or local agency in regard to a defense activity or facility of the Department of Energy due to a failure to comply with any environmental requirement, if—

(1) the Secretary of Energy finds that, from a practical standpoint, compliance with that requirement was, or is, impossible within the time prescribed for compliance with such requirement; or

(2) the President has specifically requested appropriations for compliance with such requirement and funds have not been appropriated for such purpose or funds appropriated for such purpose have been sequestered, deferred, or rescinded by law.

SEC. 3033. STUDY OF PRODUCTION REACTOR SAFETY.

(a) REQUIREMENT FOR INDEPENDENT STUDY.—(1) The Secretary of Energy shall request the National Academy of Sciences and the National Academy of Engineering—

(A) to make an independent assessment of the safety of continuing operations of the "N" Production Reactor, located near Richland, Washington, including any technical and safety issues raised by the nuclear reactor accident at Chernobyl in the Soviet Union; and

(B) to provide a report on such assessment, together with findings and recommendations, concurrently to Congress and the Secretary not later than March 1, 1987.

(2) The assessment should—

(A) be made by distinguished scientists and engineers drawn from the councils of the National Academy of Sciences, the National Academy of Engineering, and the National Institute of Medicine chosen with regard for their special competence and expertise; and

(B) be conducted in a manner that would allow for appropriate public participation in the review process consistent with statutory requirements to prevent the unauthorized disclosure of classified information.

(b) REVIEW AND COMMENT BY SECRETARY.—The Secretary shall review the findings and recommendations contained in the report under subsection (a) and shall separately provide to Congress a report containing—

(1) the Secretary's comments on such findings and recommendations; and

(2) a description (including cost assessments) of plans of the Secretary to correct any technical problems described in the report or to carry out recommendations set forth in the report.

SEC. 3034. COMMUNITY ASSISTANCE PAYMENTS.

Section 1532 of the Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1986 (title XV of Public Law 99-145; 99 Stat. 773) is amended by adding at the end the following new subsection:

"(d) RULE OF CONSTRUCTION.—The authority of the Secretary of Energy under subsection (a) to provide a final financial settlement with Anderson County and Roane County, Tennessee, and with the City of Oak Ridge, Tennessee, and terminate all annual assistance payments made to those entities pursuant to section 91 of the Atomic Energy Community Act of 1955 (42 U.S.C. 2391) does not affect any other right, function, or duty of the Secretary with respect to such Act (42 U.S.C. 2301), and the Secretary shall consider the purposes of such Act a continuing atomic energy defense function of the Department of Energy.".

SEC. 3035. AUTHORITY FOR DEPARTMENT OF ENERGY CONTRACTOR EMPLOYEES TO CARRY FIREARMS BEYOND BOUNDARIES OF A DOE FACILITY.

Section 161k. of the Atomic Energy Act of 1954 is amended—

(1) by inserting "and subcontractors (at any tier)" in the second sentence after "employees of its contractors";

(2) by striking out "owned by the United States and" in the second sentence and in-

serting in lieu thereof "under the jurisdiction of the United States";

(3) by inserting "or being transported to or from such facilities" in the second sentence after "contracted to the United States";

(4) by inserting after the third sentence the following new sentence: "An employee of a contractor or subcontractor authorized to carry firearms under this subsection may make such arrests only when the individual to be arrested is within, or in direct flight from, the area of such offense."; and

(5) by striking out the semicolon at the end and inserting in lieu thereof the following: ". The Secretary, with the approval of the Attorney General, shall issue guidelines to implement this subsection;".

## TITLE II—NATIONAL DEFENSE STOCKPILE

SEC. 3101. SHORT TITLE.

This title may be cited as the "Strategic and Critical Materials Stock Piling Amendments of 1986".

SEC. 3102. STOCKPILE REQUIREMENTS.

(a) PURPOSE OF STOCKPILE.—Section 2 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98a) is amended by adding at the end the following new subsection:

"(c) It is the intent of Congress—

"(1) that the National Defense Stockpile be used to serve the interest of national defense only and not be used for economic or budgetary purposes; and

"(2) that the quantities of materials stockpiled under this Act should be sufficient to sustain the United States for a period of not less than three years in the event of a national emergency.".

(b) ESTABLISHMENT OF STOCKPILE REQUIREMENTS BY LAW.—Section 3 of such Act (50 U.S.C. 98b) is amended to read as follows:

"ESTABLISHMENT BY LAW OF STOCKPILE REQUIREMENTS

"SEC. 3. (a) The materials that are strategic and critical materials for the purposes of this Act, and the quality and quantity of each such material to be acquired for the purposes of this Act and the form in which each such material shall be acquired and stored, shall be established by law.

"(b) Such materials when acquired, together with the other materials described in section 4, shall constitute and be collectively known as the National Defense Stockpile (hereinafter in this Act referred to as the 'stockpile').

"(c) Determinations under subsection (a) shall be known as 'stockpile requirements'.".

(c) INITIAL LEVEL OF STOCKPILE REQUIREMENTS.—The determinations in effect as of October 1, 1984, under section 3(a) of the Strategic and Critical Materials Stock Piling Act shall be the stockpile requirements for the purposes of such section, as amended by this title, until otherwise provided by law.

SEC. 3103. TRANSFER OF CERTAIN STOCKPILE FUNCTIONS TO THE SECRETARY OF DEFENSE.

(a) IN GENERAL.—Sections 5, 6, 10, and 11 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98d, 98e, 98h-1, 98h-2) are amended by striking out "President" each place it appears and inserting in lieu thereof "Secretary".

(b) DEFINITION OF SECRETARY.—Section 12 of such Act (50 U.S.C. 98h-3) is amended by adding at the end the following new paragraph:

"(3) The term 'Secretary' means the Secretary of Defense.".

(c) TECHNICAL AMENDMENT.—Section 11(b) of such Act (50 U.S.C. 98h-1) is amended by striking out "each year" and all that follows through "the next fiscal year" and inserting in lieu thereof "each year, at the time that the Budget is submitted to Congress pursuant to section 1105 of title 31, United States Code, for the next fiscal year,".

SEC. 3104. ANNUAL RECOMMENDATION OF STOCKPILE REQUIREMENTS BY SECRETARY OF DEFENSE.

The Strategic and Critical Materials Stock Piling Act is amended by adding at the end the following new section:

"ANNUAL RECOMMENDATIONS BY SECRETARY OF DEFENSE

"SEC. 14. (a) IN GENERAL.—In order to assist Congress in establishing stockpile requirements under section 3, the Secretary shall submit to Congress an annual report on stockpile requirements. Each such report shall be submitted with the annual report submitted under section 11(b) and shall include—

"(1) the Secretary's recommendations with respect to stockpile requirements; and

"(2) the matters required under subsections (b) through (e).

"(b) NATIONAL EMERGENCY PLANNING ASSUMPTIONS.—Each report under this section shall set forth the national emergency planning assumptions used in determining the stockpile requirements recommended by the Secretary. Assumptions to be set forth include assumptions relating to each of the following:

"(1) Length and intensity of the assumed emergency.

"(2) The military force structure to be mobilized.

"(3) Losses from enemy action.

"(4) Military, industrial, and essential civilian requirements to support the national emergency.

"(5) The availability of supplies of strategic and critical materials from foreign sources, taking into consideration possible shipping losses.

"(6) Domestic production of strategic and critical materials.

"(7) Civilian austerity measures.

"(c) CONSIDERATION OF MATERIALS BASED ON NET IMPORT RELIANCE.—

"(1) IN GENERAL.—In determining the materials to be recommended to Congress under subsection (a)(1) as strategic and critical materials (and the quantity and quality of such materials to be recommended), the Secretary shall consider—

"(A) whether each of the materials determined under paragraph (3) should be recommended as a strategic and critical material; and

"(B) in the case of any such material, whether the quantity determined under paragraph (5) with respect to such material is the appropriate quantity of such material to be established by Congress as the stockpile requirement for that material.

"(2) MATTERS TO BE INCLUDED IN REPORT.—In each report under this section, the Secretary shall identify—

"(A) each material determined under paragraph (3); and

"(B) the quantity determined under paragraph (5) with respect to each such material.

"(3) MATERIALS TO BE IDENTIFIED.—The Secretary shall identify each material that the Secretary determines is necessary for the security of the United States, essential to the economy of the United States, and obtained from foreign sources.

"(4) CLASSIFICATION OF MATERIALS BASED ON NET IMPORT RELIANCE.—Each of the materials identified under paragraph (3) shall be classified by the Secretary for the purposes of this section as follows:

"(A) CLASS A MATERIALS.—A material shall be classified as a class A material if—

"(i) the material is not produced in the United States or is produced in the United States in limited quantities; and

"(ii) the net import reliance of the United States for the material is greater than or equal to 65 percent.

"(B) CLASS B MATERIALS.—A material shall be classified as a class B material if—

"(i) the material is produced in the United States but is not available in sufficient quantities in the United States; and

"(ii) the net import reliance of the United States for the material is greater than or equal to 30 percent but less than 65 percent.

"(C) CLASS C MATERIALS.—A material shall be classified as a class C material if—

"(i) the material is produced in substantial quantities in the United States; and

"(ii) the net import reliance of the United States for the material is less than 30 percent.

"(5) QUANTITY TO BE DETERMINED.—For each material identified under paragraph (3), the Secretary shall determine the following:

"(A) CLASS A MATERIALS.—In the case of a material classified under paragraph (4) as a class A material, the Secretary shall determine the quantity of such material equal to three years' net imports of such material.

"(B) CLASS B MATERIALS.—In the case of a material classified under paragraph (4) as a class B material, the Secretary shall determine the quantity of such material equal to two years' net imports of such material.

"(C) CLASS C MATERIALS.—In the case of a material classified under paragraph (4) as a class C material, the Secretary shall determine the quantity of such material equal to one year's net imports of such material.

"(6) DETERMINATION OF NET IMPORTS.—For purposes of paragraph (5), a year's net imports of a material is the quantity of the material equal to the amount by which—

"(A) the sum of—

"(i) the average annual imports of such material into the United States during the base period; and

"(ii) the average annual shipment of such material from the stockpile as excess material during the base period; exceeds

"(B) the average annual exports of such material from the United States during the base period.

"(7) BASE PERIOD DEFINED.—For purposes of paragraph (6), the term 'base period' means the most recent period of five calendar years for which data is available.

"(d) EFFECT OF ESTABLISHING STOCKPILE REQUIREMENTS IN ACCORDANCE WITH DETERMINATIONS UNDER SUBSECTION (c).—The Secretary shall include in each report under this section an analysis of the effect (including the cost and the impact on world markets) of establishing the stockpile requirements in accordance with the materials, and the quantities of materials, identified under subsection (c).

"(e) DIFFERENCES BETWEEN RECOMMENDATIONS AND NET IMPORT RESULTS.—When the stockpile requirements recommended by the Secretary in a report under this section differ from the materials and quantities that are identified under subsection (c), the Secretary shall also include in the report a detailed explanation for such differences, including—

"(1) a description of the assumptions used to determine the recommended stockpile requirements; and

"(2) a detailed analysis supporting the recommended quantity and quality for each

material recommended as a strategic and critical material.

"(f) PERIODIC REVIEW.—The Secretary shall conduct a detailed review of the stockpile requirement for each strategic and critical material at least once every five years. If the Secretary determines at any time that the stockpile requirement for a material should be revised, the Secretary shall submit to Congress a report that—

"(1) notifies Congress of that determination;

"(2) sets forth the Secretary's recommended stockpile requirement for that material; and

"(3) sets forth the assumptions used by the Secretary in determining that recommended requirement.".

SEC. 3105. STOCKPILE MANAGEMENT.

The Strategic and Critical Materials Stock Piling Act is amended by adding after section 14 (as added by section 3104) the following new sections:

"INTERAGENCY AGREEMENTS

"SEC. 15. (a) AUTHORITY TO ENTER INTO AGREEMENTS.—The Secretary may enter into an interagency agreement with the head of any other department or agency for the performance of functions of the Secretary relating to section 6.

"(b) REIMBURSEMENT.—The Secretary shall reimburse the head of any such agency for expenses incurred by that agency in the administration of functions relating to the stockpile assigned to that agency by the Secretary under such an interagency agreement.

"APPROPRIATIONS TO BE MADE TO DEPARTMENT OF DEFENSE

"SEC. 16. Appropriations for the operation and management of the stockpile and for deposit to the National Defense Stockpile Transaction Fund shall be made as part of appropriations made to the Department of Defense for the military functions of the Department.".

SEC. 3106. EXTENSION OF USES OF STOCKPILE TRANSACTION FUND AND CODIFICATION OF REVOLVING FUND PROVISIONS.

(a) IN GENERAL.—Section 9(b) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(b)) is amended—

(1) by striking out the second sentence of paragraph (1); and

(2) by striking out paragraphs (2) and (3) and inserting in lieu thereof the following:

"(2) Subject to section 5(a)(1), moneys covered into the fund under paragraph (1) are hereby made available (subject to such limitations as may be provided in appropriation Acts) for—

"(A) the acquisition of strategic and critical materials under section 6(a)(1);

"(B) transportation, storage, and other incidental expenses related to such acquisition;

"(C) development of current specifications of stockpile materials and the upgrading of existing stockpile materials to meet current specifications (including transportation related to such upgrading);

"(D) testing and quality studies of stockpile materials; and

"(E) other reasonable requirements for management of the stockpile.

"(3) Moneys in the fund shall remain available until expended.".

(b) CONFORMING AMENDMENT.—Section 110 of Public Law 97-377 (96 Stat. 1911) is amended by striking out "Notwithstanding" and all that follows through "That during" and inserting in lieu thereof "During".

(c) APPLICABILITY OF AMENDMENTS.—The amendments made by subsection (a) apply with respect to funds covered into the National Defense Stockpile Fund before, on, or after the date of the enactment of this Act.

SEC. 3107. MISCELLANEOUS TECHNICAL AMENDMENTS.

(a) TECHNICAL AMENDMENTS.—Section 4(a) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c(a)) is amended—

(1) by striking out "on the day before the date of the date of the enactment of the Strategic and Critical Materials Stock Piling Revision Act of 1979" in paragraphs (1) and (3) and inserting in lieu thereof "on July 29, 1979", and

(2) by striking out "on or after the date of the enactment of the Strategic and Critical Materials Stock Piling Revision Act of 1979" in paragraph (2) and inserting in lieu thereof "after July 29, 1979".

(b) CLARIFYING AMENDMENT.—Section 6(a)(3) of such Act (50 U.S.C. 98e(a)(3)) is amended by striking out "the form most" and inserting in lieu thereof "a form more".

## TITLE III—CIVIL DEFENSE

SEC. 3201. AUTHORIZATION OF APPROPRIATIONS FOR CIVIL DEFENSE FUNCTIONS.

There is hereby authorized to be appropriated for fiscal year 1987 the sum of $126,565,000 to carry out the provisions of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2251 et seq.).

## DIVISION D—MISCELLANEOUS GENERAL PROVISIONS

SEC. 4001. CLERICAL AMENDMENTS.

(a) AMENDMENTS TO TITLE 10.—Title 10, United States Code, is amended as follows:

(1) The text of section 775 (as amended by section 502) is amended to read as follows:

"This chapter applies in—

"(1) the United States;

"(2) the territories, commonwealths, and possessions of the United States; and

"(3) all other places under the jurisdiction of the United States.".

(2) Section 976(a)(1) is amended by striking out the second comma before "(B)".

(3) Section 1035 is amended—

(A) by striking out "armed force" in subsection (a) and inserting in lieu thereof "armed forces"; and

(B) by striking out "the date designated by the President by Executive order as the date of the termination of combatant activities in Vietnam" in subsection (b) and inserting in lieu thereof "May 7, 1975".

(4) Section 1087(b)(2) is amended by striking out "title XVIII" and all that follows and inserting in lieu thereof "title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.).".

(5) Section 1094(d) is amended by realigning paragraph (2) so as to be indented two ems (rather than four ems).

(6) Section 1208 (a)(2)(A) is amended by striking out "after February 2, 1901".

(7) Section 1216(d) is amended by striking out "who is in pay grade" and all that follows through "Air Force" and inserting in lieu thereof "who is a general officer or flag officer or is a medical officer".

(8)(A) Section 1447(2)(A) is amended by striking out "or retainer" both places it appears.

(B) Section 1448(a)(5) is amended by striking out "an annuity by virtue of eligiblity under paragraph (1)(B)" in the fourth sentence and inserting in lieu thereof "a reserve-component annuity".

(C) Section 1450(c) is amended by inserting "dependency and indemnity" before "compensation" the first place it appears in the first sentence.

(D) Section 1451(a)(1)(A) is amended by striking out "subsection" and inserting in lieu thereof "section".

(E) Section 1452(h) is amended by striking out "and retainer".

(9) Section 1603 is amended—

(A) by striking out "this" after "Nothing in"; and

(B) by striking out "this sections 1601 and 1602 of this title" and inserting in lieu thereof "those sections".

(10) The heading of section 1623 is amended to read as follows:

"§ 1623. Education, training, and experience requirements: flag and general officers".

(11) Section 2236(b) is amended by striking out ", territory, the Commonwealth of Puerto Rico, or the District of Columbia, as the case may be,".

(12) The item relating to section 2319 in the table of sections at the beginning of chapter 137 is amended to read as follows:

"2319. Encouragement of new competitors.".

(13) Section 2302(2)(A) is amended by striking out "(41 U.S.C." and inserting in lieu thereof "(40 U.S.C.".

(14) Section 2304(b)(2) is amended by striking out "15 U.S.C. 639;" and inserting in lieu thereof "15 U.S.C. 638,".

(15) Section 2407(g)(2) is amended by striking out "the Military Cargo Preference Act of 1904 (10 U.S.C. 2631) and the Cargo Preference Act of 1954 (46 U.S.C. 1241(b))" and inserting in lieu thereof "section 2631 of this title and section 901(b) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1241(b))".

(16) Section 2672 is amended—

(A) by inserting "(1)" in subsection (a) after "(a)";

(B) by striking out "he or his designee" in clause (A) of subsection (a) and inserting in lieu thereof "the Secretary";

(C) by designating the second sentence of subsection (a) as paragraph (2);

(D) by transferring the third sentence of subsection (a) to the end of the section and designating that sentence as subsection (c); and

(E) by striking out "interest" in the section heading and inserting in lieu thereof "interests".

(17)(A) Section 2676(c)(2)(B) is amended by striking out "the agreed" and all that follows through "exceeds the" and inserting in lieu thereof "the agreed price for the land or, in the case of land to be acquired by condemnation, the amount to be deposited with the court as just compensation for the land, exceeds the".

(B) The amendment made by subparagraph (A) shall take effect as if included in the enactment of section 802(2) of the Military Construction Authorization Act, 1985 (Public Law 98-407; 98 Stat. 1519).

(18) Section 2683(b) is amended by striking out "this" before "subsection (a)".

(19) Section 2775 is amended—

(A) in subsection (a)(1), by striking out "it is" and all that follows through "that the" and inserting in lieu thereof "(as determined under regulations prescribed by the Secretary of Defense or the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy) the";

(B) in subsection (b)—

(i) by inserting a comma after "Secretary of Defense"

(ii) by striking out "when the Coast Guard" and inserting in lieu thereof "with respect to the Coast Guard when it"; and

(iii) by inserting a comma after "Navy"; and

(C) in subsection (e), by striking out "when the Coast Guard" and inserting in lieu thereof "with respect to the Coast Guard when it".

(20) Section 2809 is amended—

(A) in subsection (a)(1)—

(i) by striking out "contracts" and inserting in lieu thereof "a contract";

(ii) by striking out "facilities" the first place it appears and inserting in lieu thereof "a facility";

(iii) by striking out "military installations" and inserting in lieu thereof "a military installation";

(iv) by inserting a comma after "waste water treatment";

(v) by striking out "cases" and inserting in lieu thereof "a case"

(vi) by striking out "facilities" the second place it appears and inserting in lieu thereof "facility"; and

(vii) by striking out "long-term contracts" and inserting in lieu thereof "a long-term contract";

(B) in subsection (a)(2), by striking out "subsection (a)" and inserting in lieu thereof "this section";

(C) in subsection (a)(3), by striking out "twenty" and inserting in lieu thereof "20";

(D) in subsection (a)(4), by striking out "the" before "Congress"; and

(E) in subsection (b), by striking out "the authority of subsection (a) of".

(21)(A) Section 2860 is amended—

(i) by striking out "defense agency" and inserting in lieu thereof "to the Secretary of Defense";

(ii) by inserting "for obligation" after "remain available"; and

(iii) by striking out "the" before "appropriation Acts".

(B) The item relating to that section in the table of sections at the beginning of subchapter III of chapter 169 is amended by striking out the last three words.

(22) The items relating to chapter 138 in the table of chapters at the beginning of subtitle A, and in the table of chapters at the beginning of part IV of subtitle A, are amended by striking out "2321" and inserting in lieu thereof "2341".

(23) Section 5155(c) is amended by striking out "commodore" and inserting in lieu thereof "rear admiral (lower half)".

(24) The heading of section 5442 is amended by striking out the second colon and inserting in lieu thereof a semicolon.

(b) AMENDMENTS TO TITLE 37.—

(1) Section 302(h) is amended by striking out "paragraph (1) of this subsection" and inserting in lieu thereof "subsection (c)(2) or (f) of this section".

(2) Section 404(d)(1)(C) of title 37, United States Code, is amended by striking out "clause (1) of this subsection" and inserting in lieu thereof "subparagraph (A) of this paragraph".

(3) The heading of section 405a of such title is amended to read as follows:

"§ 405a. Travel and transportation allowances: departure allowances".

(c) AMENDMENTS TO TITLE 14.—Sections 256(b) and 288(a) of title 14, United States Code, are amended by striking out "commodore" and inserting in lieu thereof "rear admiral (lower half)".

SEC. 4002. TECHNICAL CORRECTION TO DEPARTMENT OF DEFENSE AUTHORIZATION ACT, 1985.

(a) CORRECTION OF BAQ SAVE-PAY.—Section 602(a)(2) of the Department of Defense Authorization Act, 1985 (Public Law 98-525; 98 Stat. 2534), is amended—

(1) by striking out "During the period" and all that follows through "paragraph (1)" and inserting in lieu thereof "(A) During the period described in subparagraph (B)";

(2) by striking out "on or after January 1, 1985, and before the date of any such change" and inserting in lieu thereof "during such period"; and

(3) by adding at the end the following:

"(B) The period referred to in subparagraph (A) is the period beginning on January 1, 1985, and ending on the effective date of a change made by law in the rates of basic allowance for quarters that increases the rates for such allowance to a level not less than 7 percent greater than the rates in effect on January 1, 1985.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1986, or the date of the enactment of this Act, whichever is later.

SEC. 4003. TECHNICAL CORRECTIONS TO PROVISIONS ENACTED BY DEPARTMENT OF DEFENSE AUTHORIZATION ACT, 1986.

(a) AVIATION PAY.—Paragraph (1) of section 301(a) of title 37, United States Code (as amended by section 635(a)(1)(A) of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 647)), is amended to read as follows:

"(1) involving frequent and regular participation in aerial flight as a crew member, as determined by the Secretary concerned, except for a member who is entitled to incentive pay under section 301a of this title;".

(b) CLARIFICATION OF VHA SAVE PAY.—Section 602(f)(2) of the Department of Defense Authorization Act, 1985 (Public Law 98-525) (as amended by section 603(b) of the Department of Defense Authorization Act, 1986 (99 Stat. 637)), is amended—

(1) by striking out "departs that station as a result of" in subparagraph (B)(i) and inserting in lieu thereof "changes residence in conjunction with"; and

(2) in subparagraph (C)—

(A) by striking out "Any member" and inserting in lieu thereof "A member"; and

(B) by striking out "under paragraph" and all that follows and inserting in lieu thereof ", except that such a member serving an unaccompanied tour of duty in Alaska or Hawaii may be paid a variable housing allowance based on the residence of the member's dependents in another State.".

(c) DENTAL OFFICERS' SAVE PAY.—Section 639(d) of the Department of Defense Authorization Act, 1986 (99 Stat. 651), is amended—

(1) by striking out "shall be entitled to such pay in an annual amount that is not less than" and inserting in lieu thereof "may (notwithstanding the provisions of such section and in the discretion of the Secretary concerned) be paid such pay, in order to prevent inequities, in an annual amount equal to"; and

(2) by striking out "was entitled on September 30, 1985." and inserting in lieu thereof "would have been entitled on September 30, 1985, in accordance with the status of the officer (as determined by the Secretary concerned) during the period for which the pay is paid. Notwithstanding the preceding sentence, an officer may not be paid special pay by reason of this paragraph in an amount greater than the amount of special pay to which the officer was entitled under such sections on September 30, 1985.".

(d) RESERVE MEDICAL OFFICERS SPECIAL PAY.—Subparagraph (B) of section 302(h)(1) of title 37, United States Code (as amended by section 640 of the Department of Defense Authorization Act, 1986 (99 Stat. 652)), is amended to read as follows:

"(B) who is on active duty under a call or order to active duty for a period of less than one year;".

(e) REPEAL OF DUPLICATIVE AMENDMENTS.—Subsection (a) of section 1102 of the Department of Defense Authorization Act, 1986 (99 Stat. 708), and the amendments made by that subsection are repealed, and the Arms Export Control Act shall apply as if that subsection had not been enacted.

(f) CORRECTION OF SECTION REFERENCE.—Section 719(h)(1) of the Defense Production Act of 1950 (50 U.S.C. App. 2169(h)(1)), as amended by section 934(b) of such Act, is amended by striking out "Public Law 92-41" in the third sentence and inserting in lieu thereof "section 105(b)(2) of the Renegotiation Act of 1951".

(g) CORRECTION OF SECTION AMENDED.—Section 522(a)(2) of Department of Defense Authorization Act, 1986 (99 Stat. 631), is amended by striking out "Section 3851(c)" and inserting in lieu thereof "Section 3851(d)", and the subsection inserted by the amendment made by that section is redesignated as subsection (d).

(h) EFFECTIVENESS OF AMENDMENTS.—

(1) The amendments made by subsections (a) through (d) shall take effect on October 1, 1986, or the date of the enactment of this Act, whichever is later.

(2) The amendments made by subsections (f) and (g) shall apply as if included in the enactment of the Department of Defense Authorization Act, 1986 (Public Law 99-145).

SEC. 4004. CIVIL AIR PATROL.

(a) PAYMENT OF EXPENSES OF PLACING EQUIPMENT INTO SERVICEABLE CONDITION.—Section 9441(b)(9) of title 10, United States Code, is amended by striking out "a major item of equipment furnished to the Civil Air Patrol under clause (1)" and inserting in lieu thereof "major items of equipment (including aircraft, motor vehicles, and communications equipment) owned by the Civil Air Patrol".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to funds appropriated for fiscal years after fiscal year 1986.

Amend the title so as to read: "A bill to authorize appropriations for fiscal year 1987 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, to improve the defense acquisition process, and for other purposes.".

The CHAIRMAN pro tempore. Amendments printed in House Report 99-766 are in order at this point. Said amendments shall be considered only in the order listed and may be offered by the Members designated for each amendment in said report. The time on each amendment shall not exceed the time designated in said report, equally divided and controlled by the proponent and a Member opposed thereto. Debate is limited to 10 minutes on any amendment offered to said amendments or offered to a substitute for said amendments. Pro forma amendments for the purpose of debate are only in order if offered by the chairman or ranking minority member of the Committee on Armed Services. The Chair will announce the

number of the next eligible amendment.

Pursuant to the order of the House of today, the chairman of the Committee on Armed Services, or his designee, may make a unanimous-consent request in the Committee of the Whole to consider amendments printed in House Report 99-766 en bloc and if the unanimous consent is granted in Committee, said amendments shall not be subject to amendment or to a division of the question but shall be debatable for 30 minutes each,

Mr. DICKINSON. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN (Mr. ROSTENKOWSKI). Evidently a quorum is not present.

Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 315]

| | | |
|---|---|---|
| Ackerman | Combest | Gradison |
| Akaka | Conyers | Gray (IL) |
| Anderson | Cooper | Green |
| Andrews | Coughlin | Gregg |
| Annunzio | Courter | Guarini |
| Anthony | Coyne | Gunderson |
| Applegate | Craig | Hall (OH) |
| Archer | Crane | Hall, Ralph |
| Armey | Daniel | Hamilton |
| Aspin | Dannemeyer | Hammerschmidt |
| AuCoin | Daschle | Hansen |
| Badham | Daub | Hatcher |
| Barnard | Davis | Hawkins |
| Bartlett | DeLay | Hayes |
| Barton | Dellums | Hefner |
| Bateman | Derrick | Hendon |
| Bates | DeWine | Henry |
| Beilenson | Dickinson | Hiler |
| Bennett | Dicks | Hopkins |
| Bentley | Donnelly | Howard |
| Bereuter | Dorgan (ND) | Hoyer |
| Berman | Dornan (CA) | Hubbard |
| Bevill | Dowdy | Huckaby |
| Bilirakis | Downey | Hughes |
| Billey | Dreier | Hunter |
| Boehlert | Duncan | Hutto |
| Boggs | Durbin | Hyde |
| Boland | Dwyer | Ireland |
| Bonior (MI) | Dymally | Jacobs |
| Bonker | Dyson | Jeffords |
| Borski | Early | Johnson |
| Bosco | Eckart (OH) | Jones (NC) |
| Boucher | Eckert (NY) | Jones (OK) |
| Boulter | Edwards (CA) | Kanjorski |
| Boxer | Emerson | Kasich |
| Brooks | English | Kastenmeier |
| Broomfield | Erdreich | Kemp |
| Brown (CA) | Evans (IA) | Kennelly |
| Brown (CO) | Fascell | Kildee |
| Bruce | Fawell | Kindness |
| Bryant | Fazio | Kleczka |
| Burton (IN) | Fields | Kolbe |
| Bustamante | Florio | Kolter |
| Byron | Foglietta | Kostmayer |
| Callahan | Foley | Kramer |
| Carney | Frank | Lagomarsino |
| Carper | Frenzel | Lantos |
| Carr | Frost | Latta |
| Chandler | Fuqua | Leach (IA) |
| Chapman | Gallo | Leath (TX) |
| Chappell | Gaydos | Lehman (CA) |
| Chappie | Gejdenson | Lehman (FL) |
| Cheney | Gekas | Leland |
| Clinger | Gephardt | Lent |
| Coats | Gibbons | Levine (CA) |
| Cobey | Gilman | Lewis (FL) |
| Coble | Gingrich | Lightfoot |
| Coleman (MO) | Glickman | Lipinski |
| Coleman (TX) | Gonzalez | Livingston |
| Collins | Gordon | Lloyd |
| Loeffler | Pease | Solarz |
| Lowry (WA) | Penny | Solomon |
| Lungren | Perkins | Spence |
| Mack | Petri | Spratt |
| MacKay | Pickle | St Germain |
| Madigan | Porter | Staggers |
| Manton | Price | Stallings |
| Markey | Pursell | Stangeland |
| Marlenee | Quillen | Stark |
| Martin (IL) | Rangel | Stenholm |
| Martin (NY) | Ray | Stokes |
| Matsui | Regula | Strang |
| Mavroules | Reid | Stratton |
| Mazzoli | Richardson | Studds |
| McCain | Rinaldo | Stump |
| McCandless | Roberts | Sundquist |
| McCloskey | Robinson | Sweeney |
| McCollum | Roe | Swift |
| McCurdy | Roemer | Synar |
| McDade | Rogers | Tallon |
| McEwen | Rose | Tauke |
| McGrath | Rostenkowski | Tauzin |
| McHugh | Roth | Thomas (CA) |
| McKernan | Roukema | Thomas (GA) |
| McMillan | Rowland (CT) | Torres |
| Meyers | Rowland (GA) | Torricelli |
| Mica | Roybal | Towns |
| Michel | Russo | Traficant |
| Miller (OH) | Sabo | Traxler |
| Miller (WA) | Saxton | Valentine |
| Mineta | Schneider | Vento |
| Mitchell | Schroeder | Visclosky |
| Moakley | Schuette | Volkmer |
| Molinari | Schulze | Vucanovich |
| Mollohan | Schumer | Waldon |
| Monson | Sensenbrenner | Walgren |
| Montgomery | Sharp | Walker |
| Moody | Shaw | Watkins |
| Moorhead | Shelby | Weaver |
| Morrison (WA) | Shumway | Weber |
| Mrazek | Sikorski | Wheat |
| Myers | Siljander | Whitehurst |
| Natcher | Sisisky | Whitley |
| Neal | Skeen | Whittaker |
| Nelson | Skelton | Whitten |
| Nichols | Slattery | Wilson |
| Nowak | Slaughter | Wirth |
| Oakar | Smith (FL) | Wise |
| Oberstar | Smith (NE) | Wolf |
| Obey | Smith (NJ) | Wolpe |
| Olin | Smith, Denny (OR) | Wortley |
| Ortiz | | Wright |
| Owens | Smith, Robert (NH) | Wyden |
| Oxley | | Wylie |
| Packard | Smith, Robert (OR) | Yatron |
| Panetta | | Young (AK) |
| Parris | Snowe | Young (MO) |
| Pashayan | Snyder | |

□ 1435

The CHAIRMAN. Three hundred fifty Members have answered to their names, a quorum is present, and the Committee will resume its business.

Pending is amendment No. 1 offered by the gentleman from Florida [Mr. BENNETT].

AMENDMENT OFFERED BY MR. BENNETT

Mr. BENNETT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BENNETT: Page 8, line 18, strike out "$6,071,000,000" and insert in lieu thereof "$4,971,000,000".

At the end of part A of title I of division A (page 21, after line 14), add the following new sections:

SEC. 114. PROHIBITION ON USE OF FUNDS FOR MX MISSILE PROGRAM.

None of the funds appropriated or otherwise made available to the Air Force for fiscal year 1987 may be obligated or expended for test missiles under the MX missile program.

SEC. 115. INCREASED AUTHORIZATIONS FOR CONVENTIONAL WEAPONS PROGRAMS.

(a) ARMY.—The amount authorized to be appropriated in section 101(a)(4) for ammunition for the Army is increased by $85,000,000, none of which shall be available for nuclear weapons programs or chemical weapons programs.

(b) NAVY AND MARINE CORPS.—The amounts authorized to be appropriated in section 102 for the Navy and Marine Corps are increased as follows:

(1) For aircraft procurement, Navy, $46,800,000 of which—

(A) $45,800,000 is for modification of aircraft for the following progams and amounts:

(i) A-4 series, $10,000,000.

(ii) EA-6 series, $3,000,000.

(iii) F-4 series, $1,600,000.

(iv) SH-60 series, $1,800,000.

(v) Common ECM equipment $29,400,000.

(B) $1,000,000 is for repair parts for the AH-IT aircraft.

(2) For weapons procurement, Navy, $10,500,000 for Other Missiles Support.

(3) For Other Procurement, Navy $29,800,000, of which—

(A) $10,400,000 is for supply support equipment for automated materials handling systems; and

(B) $19,400,000 is for personnel and command support equipment for the following programs and amounts:

(i) Training Support Equipment, $5,100,000.

(ii) Commercial Support Equipment, $3,900,000.

(iii) Naval Reserve Support Equipment, $5,000,000.

(iv) Oceanographic Support Equipment, $5,400,000.

(4) For Marine Corps Procurement, $25,000,000, of which—

(A) $21,200,000 is for mortar ammunition.

(B) $3,800,000 is for weapons procurement for the following programs and amounts;

(i) Mortar, medium extended range, 100 units for $2,200,000.

(ii) Machine gun, auto saw 5.56-millimeter, $700,000.

(iii) Mk-19 40-millimeter machine gun, for $900,000.

(c) AIR FORCE.—The amount authorized to be appropriated in section 103 for Other Procurement, Air Force, is increased by $52,900,000 as follows:

(1) $37,900,000 for munitions and associated support costs, in quantities and amounts as follows:

(A) Cartridge caliber 5.56 millimeter, 28,193 units and $3,900,000.

(B) Cartridge 20 millimeter combat, 1,273 units and $3,700,000.

(C) Cartridge 30 millimeter API, 199 units and $8,300,000.

(D) Bomb hard target, 2000 pound, 500 units and $10,000,000.

(E) Target, Aerial tow target assembly, 248 units and $6,200,000.

(F) Other Items, MJU-10B Flare, 40 units and $5,800,000.

(2) $15,000,000 for other base support, of which—

(A) $5,000,000 is for tactical shelters.

(B) $10,000,000 is for mobility equipment.

The CHAIRMAN. Under the rule, the gentleman from Florida [Mr. BENNETT] will be recognized for 20 minutes, and a Member opposed will be recognized for 20 minutes.

PARLIAMENTARY INQUIRY

Mr. DICKINSON. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DICKINSON. Mr. Chairman, I wonder if the chairman could elucidate for this Member and Members of the House as to how this would happen. This is a unique rule.

The gentleman from Florida [Mr. BENNETT] has 20 minutes as a proponent of the amendment. There will be 20 minutes for the opponents, which, if I understand it correctly, will be divided between majority and minority and then the gentleman from Florida, the proponent, would also have 10 minutes to close.

Would the Chair please advise?

The CHAIRMAN. The Chair will recognize the opponent of the amendment for 20 minutes. The gentleman who is opposed to the amendment will designate to other Members the time allocation.

Mr. DICKINSON. I see. So the opposition would not necessarily be split between the majority and minority; just one Member in opposition?

The CHAIRMAN. The gentleman is correct.

Mr. DICKINSON. Mr. Chairman, I will stand in opposition to the amendment then.

The CHAIRMAN. The gentleman from Alabama [Mr. DICKINSON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. BENNETT].

Mr. BENNETT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I now offer an amendment with Representative FRANK to eliminate the funding for the 12 MX test missiles sought in this bill. These missiles are very vulnerable and very expensive, and the money saved from this program can best be used for needed conventional capabilities and to decrease the national debt.

Admittedly, the MX is vulnerable because its silos fail to sufficiently protect the weapon from incoming Soviet missiles, designed to destroy our weapons before they could be launched.

That existing silos are not strong enough to protect them is attested to by Secretary of Defense Weinberger. He has said of them:

> I would feel that simply putting the MX into existing silos would not answer two or three concerns that I have, namely that the location of these are well-known and are not hardened sufficiently—nor could they be—to be of sufficient strategic value to count as a strategic improvement of our forces.

Although in 1985 the Secretary felt that hardening of the silos could help, the Research and Development Subcommittee repudiated that idea after evidence was submitted that Soviet accuracy has outdistanced any planned hardening proposals.

After reaching a political compromise in 1985 to place 50 MX missiles in existing silos, the Pentagon researched this expensive hardening possibility. But as Gen. Brent Scowcroft told the Armed Services Committee, "In the race between accuracy and hardening, eventually hardening has to lose," So. the fact remains, the MX is an expensive and vulnerable weapon.

Putting the MX into existing ICBM silos taunts the Soviets into thinking that the United States is preparing to use this weapon as part of a first strike. They reason, we can assume, that these would be first strike weapons for otherwise we would not allow such accurate and destructive weapons to be so lightly protected and vulnerable.

The 12 test missiles that we discuss today serve one real purpose: they encourage a more numerous buy of MX missiles than was agreed to last year. That prospect has been rejected by Congress because of the admitted vulnerability of the missiles when last year Congress set a cap where only 50 MX's can be deployed. Congress should retain that cap.

The tests planned for MX will not begin until 1989 and Congress last year authorized four test missiles for those very tests. That should be adequate to keep the production lines open for future test missiles.

Quoting the Congressional Budget Office, on MX testing they say:

> Cutbacks would be consistent with a decision that the limited deployment of the MX does not warrant the expense of heavy testing; especially in light of constrained budgets and the slowing of other modernization programs.

It is foolish and wasteful for the administration to come to us now outlining a heavy testing program when only 50 will be deployed. The Air Force should come back to us next year with a reasonable and well thought-out test program for the 50 missiles that will be deployed. Until that time, it does not make sense for Congress to approve additional test missiles, espcially since we do not need them for 3 more years. This is a matter that should not be rushed into, but rather considered reasonably and cautiously.

THE NEED FOR CONVENTIONAL DEFENSE

Defense strategists—experts in war scenarios—all agree: If war comes, it will not at first be nuclear. The escalation to nuclear weapons will come as a desperate move, when one side achieves an overwhelming conventional advantage against the other.

According to Gen. Bernard Rogers, Commander of NATO Forces in Europe, if the Soviets and the Warsaw Pact invaded Western Europe, we would reach that desperate point in only a few days, less than 2 weeks. Clearly, we must strengthen our conventional forces so that we do not allow this unthinkable nightmare of nuclear war to occur.

Improving our conventional forces will provide a better deterrence than 50 sitting ducks. Funds for MX test missiles can be better applied to procuring things which will actually improve our defenses. Using $250 million from MX test missile funds will allow us to improve the readiness and sustainability of our conventional forces by buying desperately needed arms and ammunition. These purchases include unglamarous, but vital conventional weapons and munitions. These programs can make the difference in a real conventional conflict.

Mr. Chairman, the amendment that Congressman FRANK and I submit will not only add $250 million for needed conventional weapons but it also releases $850 million to help reduce the national debt—an objective we can all approve as meritorious.

Mr. Chairman, I have just come back from a weekend at Charlottesville with my family. I revisited, there, the extraordinary home of Monticello of that extraordinary man, Thomas Jefferson. And I am reminded of what he wrote of our political forefathers when they first approached their duties of bringing our new Nation into existence. He wrote:

> The difficulties with our representatives were of habit and despair, not of reflection and conviction. Experience soon proved that they could bring their minds to rights.

So we in our day should throw off our slavery to reliance on redundant nuclear weapons, particularly when they are so vulnerable, and we should concentrate on achieving conventional war strength which could make reliance on nuclear war less of a probability.

□ 1450

Mr. DICKINSON. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. BADHAM].

Mr. BADHAM. Mr. Chairman, I would like to focus on some of the realities of the amendment offered by the distinguished member of the committee, the gentleman from Florida [Mr. BENNETT].

The gentleman says that the missile is vulnerable, and because the missile is vulnerable, we do not have to test it. That is an interesting departure here on the floor of the U.S. House of Representatives to be sure.

I certainly do not today nor have I ever impugned the integrity or the intent of the distinguished gentleman from Florida who does not like the MX missile. The gentleman is certainly entitled to that attitude.

But let us, ladies and gentlemen, look at the facts as they are. We have Minuteman II's and Minuteman III's

in silos. We have Trident I's and we have Pershing II's that are operational.

I am sure that the gentleman from Florida would not want to misspeak himself by saying that if a missile is vulnerable we do not need to test it. But the fact remains we are still testing Minuteman II, Minuteman III, Trident I, and Pershing II.

Ladies and gentlemen, if the Peacekeeper missile is vulnerable, you can certainly bet your bottom dollar that these other older missiles are vulnerable. Why should we test them and not test the Peacekeeper?

The basic idea is that the author of the amendment wants to eliminate the line that produces Peacekeeper missiles.

Now we are producing and we have funded for operational, armed Peacekeeper missiles in the number of 50, to go into silos. We have already done that. We are talking now today about the test program.

I will have to add here that the Peacekeeper operational test and evaluation program for Peacekeeper is the most modest missile test program ever in the history of this country's strategic assets.

We have funded, I repeat, the 50 missiles that are going to be operational, and we have to have spares to test. Are these spares going to be converted to destabilizing missiles with new warheads? The answer is "No." We already took care of that problem. We are not producing any warheads that could be put on any new Peacekeepers.

So what the gentleman from Florida who offers the amendment, and I am sure in good faith, is offering to do is have a missile that the gentleman says is vulnerable and not have any test assets.

We do not now, we will not in the future, and we have not in the past eliminated test missiles for active missiles for a test program. We must test them to insure reliability.

As an example, the test assets desired for Peacekeeper or MX are 108, compared to Minuteman II, 171; Minuteman III, 242; Trident I, 334, Pershing II, 120. To cut off this test program now is to say that we should not be testing assets to make sure they work today and will work in the future.

I will agree if it is the gentleman's point to say that the Peacekeeper missile and the test thus far provided has been the most accurate missile ever produced by this country. I witnessed a missile shot from Vandenberg Air Force Base, and when we got the telemetry rough data back, an amazing statement, in my view, was made. The results of the warhead splash downs of that test shot were so accurate that the test results were classified. Ladies and gentlemen, that is technologically accuracy of which this Nation can be truly proud.

The final word that I would say in this is, please, do not cut off a test program. Do not cut off a program that keeps the line going so that we can test the assets that we have. We are not building new warheads; we are asking that we preserve the test program so that we even modestly might preserve that test program for this good and accurate missile.

Mr. BENNETT. Mr. Chairman, I yield myself such time as I might consume.

Mr. Chairman, since the gentleman has raised the question of purpose and intent, and I was not going to deal with all these purposes and intents, I will say, however, to start off with that I certainly favor testing the missile. We have already provided for four test missiles, and we are not going to test the first one for 3 years. Therefore, I think that is an adequate number, and so do those who have looked at this matter.

Since we are looking a little bit at intent, Secretary Weinberger in his report to Congress actually said:

> In keeping with recent congressional limitations, we plan to put only 50 MX's in existing Minuteman silos. In addition, we will investigate survival modes for placing a second 50 missiles.

And we find out that there are 193 MX missiles they want to get for 50 flights. That is 119 missiles still to be bought and earmarked for the rest of the program at a cost of $14 billion.

□ 1500

They certainly do not need all those missiles for testing and that is what my amendment would cut back. It would postpone until next year the question of how many more missiles they need for testing since they are not going to use any of them for the next 3 years and they have already got four.

So my intention is clear: Not to cut off all testing but to cut off this proportion; 74 percent of all they are seeking is to go for testing, and that has never been true in any other program.

Mr. Chairman, I yield 6 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK. I thank the gentleman for yielding me this time.

Mr. Chairman, I want to thank the gentleman from Florida and express my admiration for his continued work on this. I appreciated the gentleman from California several times reassuring us that he was not impugning the integrity of the gentleman from Florida. I want to reassure him that I do not even think that was necessary; I think the integrity of the gentleman from Florida stands on its own.

The gentleman has just outlined what the issue is here. I do not believe we are talking here, as far as the Defense Department is concerned, about test missiles. We have got an example of the Defense Department's unwillingness to let loose of the MX.

In today's Defense Week, we are told that the director of the Air Force effort to find a new basing mode for the MX is flirting again with Dense Pack. They have run through every possible and several impossible modes of basing the MX. So we are now getting reruns of ideas that did not make any sense in the first place.

The gentleman from Florida has made the facts very clear: We have already voted, locked up, gone, 54 MX missiles. Fifty to be deployed and four tests. So no one here is saying they do not need tests. Although I do wonder sometimes if the average Pentagon vehicle has about 16 spare tires for every 4-wheeled vehicle. The spare tire supply to the Pentagon is probably one of the more lucrative side subcontracts.

We have already said they have got four tests. As a matter of fact, in our bill, which I think is going to pass; I do not see anyone trying to change it, we limit them to deploying only 10 until they work out Midgetman. So if we have gotten this bill through, the way it comes forward with the amendment of the gentleman from Florida, they will be authorized to do 66 MX missiles of which only 10 can be deployed.

That is a ratio of deployment to test which even the shakiest weapon, it would seem to me, would feel a little embarrassed about. To say that we are only going to let them deploy 10 but we are going to vote as of now 56 to hang around, that is dubious at any time.

Let us remember that we are here under the threat of sequestration. We are in the midst of a desperate effort to find places to cut this budget. We are telling elderly sick people, we are telling environmentally concerned groups, we are telling unemployed workers, we are telling people who have lost their jobs to imports not now, we cannot afford it; we are in a terrible financial crisis. The rhetoric of financial crisis has filled this Chamber.

How does it make sense, if you believe any of that, to say, "Oh, by the way, we have already voted them 54 MX missiles and we have told them they can only deploy 50 at most and only 10 until they work out the Midgetman, but we are going to spend $1.1 billion now for 12 that will not be needed under their own plans for 3 years.

If you are really in a financially difficult situation, as I assumed every Member in this Chamber thought we were, do you really go out and make a $1.1 billion expenditure for missiles that you may need 3 years from now?

It is exacerbated by the fact that the Pentagon has not reconciled itself to having only 50 MX missiles. They do not think it makes any sense; they have never had a strategic rationale for it. Give them the 12 now and we can guarantee you that they will be back saying, "Well, you have already voted 66, now we will maybe take 7 or 8 for spares. Let us get to 100."

The only way to get the Pentagon to accept the reality that 50 is the outer limit for deployment of the MX's is to say no to these additional 12 this year because everyone here who has seen defense procurement, and I do not mean to impugn the motives of the people in the Pentagon. These are conscientious people who genuinely believe, as we all know, that 50 MX's does not make sense.

The people who do the strategic planning there think we were wrong. Most of us think we were right. Conscientiously believe that 50 is wrong, what they are planning to do is to, by installment, get us to a position where they can come in and say, "Well, you have already voted 66 of them, how about a couple more here and a couple more there?"

One hundred and twenty-three spares is what they are talking about for a program of 50 missiles. I do not believe and no one here believes that they are reconciled to the 50. So what we are saying is, "Yes, there ought to be some tests." As the gentleman from Florida pointed out, 50 MX missiles have been voted for deployment and 4 for tests. These tests are not to take place for several years. If they want to come back a year from now, having accepted the 50 as a limitation, having gone in good faith to deal with Midgetman and then say, "Well, we need a couple of more for testing," we can talk about that as a test and as spares. But now we are talking about the Pentagon installment plan. There are rafts of statements from the newspapers. Not secret leaks, explicit statements from Secretary Weinberger and others. They want more than the 50. They are going back to new basing modes.

We have got a terrible financial crisis. We are offering an amendment here, crafted by the gentleman from Florida, with the support of a lot of the rest of us, that says you can save over $800 million. We also, in this amendment, put $250 million into some conventional ammunition and conventional weapons where we have been told we have shortfalls.

Here was a chance, and this is indisputable, with no damage whatever to the strategic plans of the Pentagon because they have 54 already voted, so they have already got the 50 to be deployed and 4 to begin the program of testing spares except it is not supposed to begin for several years and they are asking for 12 as an advance payment on 1988, when they will need them, and they want to spend $1.1 billion for that. We say "no." Let us deal with this terrible problem of Gramm-Rudman and of sequestration and of our deficit. Let us save over $800 million. Let us put another couple of hundred million into the conventional area where there may be, we would hope not, but there may well be some short-term need.

That is what this amendment does. It is an effort, if you believe that there should be only 50, to plan rationally. The Pentagon has not accepted the 50, they are trying to get more, and the amendment offered by the gentleman from Florida is the only way to enforce that limitation.

Mr. DICKINSON. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. STRATTON].

Mr. STRATTON. I thank the gentleman for yielding me this time.

Mr. Chairman, the pending amendment kills the MX Program. It completely reverses the careful compromise that was crafted last year between the Congress and the administration.

Agreement was reached to deploy 50 MX missiles and provide adequate test missiles to support that deployment. Today, the House is being asked to undo that agreement and the fragile consensus that emerged.

For years, we searched for a way to modernize our land-based strategic forces. Last year we were successful. Now, with the pending amendment we face going back to the drawing board.

I would be the first to support additional funds for our conventional forces. Raising the nuclear threshold is in everyone's interest. But that objective can only be achieved by a combination of means: arms control, adequate strategic deterrence and mobile, ready and well-sustained conventional forces.

Within the severe budgetary constraints imposed on us by Gramm-Rudman, the committee bill represents a careful balance between strategic and conventional forces. The pending amendment destroys that balance.

At a time we are seeking to negotiate with the Soviet Union we can ill afford to unilaterally terminate a strategic weapon system. We tried that with the B-1B aircraft. Our effort went unrewarded.

I urge the House to reject the siren and illusory appeal of the so-called conventional defense initiative and stay with the committee bill.

□ 1510

Mr. BENNETT. Mr. Chairman, may I inquire as to how much time remains on each side?

The CHAIRMAN pro tempore (Mr. DASCHLE). The gentleman from Florida [Mr. BENNETT] has 6 minutes remaining and the gentleman from Alabama [Mr. DICKINSON] has 10 minutes remaining.

Mr. BENNETT. Mr. Chairman, we will be concluding the debate, and I would prefer that the other side go ahead.

Mr. DICKINSON. Mr. Chairman, I yield 2 minutes to the gentlewoman from Maryland [Mrs. BYRON].

Mrs. BYRON. Mr. Chairman, let me say that I rise in opposition to this amendment. We have spent an enormous amount of time in this body deliberating the issue of the MX. We had also thought that we had finally put this issue to bed several years ago when we came down to the realization that 50 Peacekeeper missiles would be the number we would deploy.

Yet when we have a force of 50 missiles, we have to keep in mind the fact that we must have some test missiles. I think this amendment to eliminate those test missiles is the wrong signal to send. The program is on its way, and it has been doing extremely well. The testing has to continue whenever we have a program of this magnitude.

Therefore, Mr. Chairman, I rise in opposition to this amendment and I urge others to support the position of the committee, which was to provide the funding for the test missiles.

Mr. BENNETT. Mr. Chairman, I yield 2 additional minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK. Mr. Chairman, I thank the gentleman from Florida [Mr. BENNETT].

If I understand my friend, the gentleman from New York [Mr. STRATTON] correctly, he invoked the name of my colleague, the gentleman from Massachusetts [Mr. MAVROULES], who serves on the Armed Services Committee and who told me earlier that he intended to vote for the amendment offered by the gentleman from Florida [Mr. BENNETT] and myself.

He also mentioned CBO. As I understand it from CBO, they have evaluated three potential test options, one on the high side at 123, and down to a low side that is much lower. All three options, it is true, do talk about 12 this year. But the point the gentleman from Florida and I are making here is that we are not contesting that ultimately this number of test missiles will be required, and more. What we are saying is that the Pentagon does not even intend to accept 50 as the outer limit for deployment. They already have 54 voted, and the committee bill, which no one here intends to try to change, as I understand it, will restrict them to deploying 10 by the end of this calendar year and would only allow them to deploy anything even up to the 50 if they do some things on Midgetman, on which they are dragging their feet.

So no one argues that the 12 are remotely close to being necessary for a couple of years, and at a time of terrible fiscal problems, the question is: What is the most sensible way to deal with this? Do we commit $1.1 right now and add to the deficit by hundreds of millions for this 1988 purchase, or do we say to the Pentagon, "We really don't think you understand what we mean. You can have the 50 and the 4 spares, and when you show finally that you have accepted that, then we will talk about the number of testing spares."

The problem is that the 123 spares the Pentagon is asking for for 50 missiles—and that is a very large ratio—is based on the fact that they do not accept the 50. My friend, the gentleman from New York, says that is a fact, and I guess the gentleman from New York is now accepting the 50. I would be glad to yield to him if I have misunderstood him, but I am assuming the gentleman from New York is saying now that 50 will be the outer limit. I welcome that. I had not previously understood that to be his position. If we could only get the Pentagon now to follow the lead of the gentleman from New York [Mr. STRATTON] in this particular regard, we will have accomplished something, and then we can go back to the spares.

So the question we have right now is not whether or not there should be tests, but given a Pentagon that does not think 50 is enough and wants to at least double the number and given our terrible fiscal crisis, does it make sense to let the Pentagon have the 12 spares right now and add all that money to the deficit right now when they do not need them for several years?

Mr. DICKINSON. Mr. Chairman, do I understand the gentleman from Florida [Mr. BENNETT] has one speaker remaining, and that will be himself?

Mr. BENNETT. Mr. Chairman, I will be the concluding speaker in my remaining 4 minutes.

Mr. DICKINSON. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, to very briefly recap and put this in perspective, those of us who have been around for a little while will remember that the MX missile program started out to be 200 MX missiles. This is what had been deemed necessary by the Department of Defense and the administration.

Subsequently this figure was cut in half due to action in this body and in the other body. Subsequently, our action on this floor cut that figure in half to 50 missiles, which was ultimately approved. Last year we approved 40 and the Senate approved 50. Then in a spirit of compromise and because it was tied in with the so-called Midgetman, we approved 50 MX missiles, and that is what is approved now. I would reiterate that the MX and the small mobile missile—the so-called Midgetman—were approved as part of a package.

I think it is unfortunate that we have to revisit this every year, that we have to refight the fight and to put some certainty into the program so that the contractors and the Department of Defense will know how to allocate their funds and will be able to enter into contracts and subcontracts with vendors. The contractors will work more efficiently if they have a situation in which they have some stability and know where they stand, because the constant changes in funding simply costs money and produces no beneficial results.

The point we have reached today is that we have 50 operational missiles approved. In order to find out if they are good, if they are workable, and how accurate they are, we have to have a certain number of test missiles. Our scientists in the Department of Defense say that we need a large number of test missiles to build into the program the degree of confidence that is required. They say as many as 123 test shots are needed in order to define and work out the problems and identify bugs and have good, workable, reliable missiles that will be put into the silos.

We did this last year. We set 50 as the number that was going to be required. That was as a result of arbitration and give and take on both sides. Now the Department of Defense this year has asked for 21 missiles to test. The committee, because of monetary restraints and other reasons, cut this 21-missile request to 12.

Now, there are two reasons for test missiles. One is to see what we can learn about their reliability and their maintainability and the degree of confidence that we would put in that missile system.

□ 1520

The second is to find out as the system ages what deterioration, if any, has occurred.

We all remember the terrible accident when the Shuttle blew up recently with the loss of life of all aboard. The reason that occurred was that there was a seal ruptured. If an adequate testing program had been in place and if the danger signs had been heeded, that accident need not have occurred.

This is a program that tests the reliability of missiles sitting in their silos. The missiles have to be tested for reliability as they age. DOD calculates the appropriate number to be tested. based on 50 operational missiles. We are asking for the number of test missiles that are necessary.

The effect of the amendment of the gentleman from Florida, who incidentally opposes and would like to have zero missiles, is to kill the program.

We agreed last year to have a scaled back program of 50 missiles. In order to have a reliable, dependable program, we have to be able to test.

What we did in this bill in our committee was to scale back the request for the number of test missiles from 21 to 12. I think we would be very shortsighted in the extreme to authorize the production and installation of 50 missiles and not have adequate testing, and that is all we are talking about in the Bennett amendment.

I would hope that the committee would turn down this amendment. It is really out of hand. We have had adequate discussion pro and con. We know what it is.

If we are to have the 50 missiles, then we have to have adequate testing. This amendment simply attacks the testing, which really gives us information, that we need to verify the performance of the approved 50 missiles.

I would urge the Members of the House to vote no on the Bennett amendment.

Mr. Speaker, I yield back the balance of my time.

Mr. BENNETT. Mr. Chairman, to conclude, I would like to point out that it is not myself nor the gentleman from Massachusetts [Mr. FRANK] nor anybody else who has raised a question of doubt about the agreement that was reached. It is in fact the administration. Defense Secretary Weinberger specifically spoke recently in his report to Congress of a desire to place the second 50 missiles, not the first 50 missiles, but the second 50 missiles. He is talking about deploying the second 50 missiles, although the agreement was 50 in all.

Now, it has been said that there is a sly attempt on my part and on the part of the gentleman from Massachusetts, but it is not so. It is the revelation that the administration does not wish to abide by the agreement they have.

Now, the next thing I would like to mention is that there are plenty of missiles now available to test. We are not cutting off testing missiles. In fact, we are openminded as to the future testing of missiles; but in view of the fact that the administration wants to have a hundred deployed, contrary to the agreement, we want to slow down the acquisition of the testing. No tests will occur anyway for 3 years and we have got more missiles to test with right now.

Now, if you pass this amendment, you will make available $250 million for conventional weapons, which are very much needed for ammunition, particularly, you will make available $850 million to balance the budget and in that direction a very much needed thing at this particular time with regard to this bill to keep it as it should be.

So to summarize, this amendment is designed to see to it that we do not have a surplusage of things for testing and that we live within reasonable limits.

The CBO, as has already been mentioned in their report, says even if you cut out 72 missiles, and this amendment does not attempt to do that, if you cut out 72 of the requested missiles, it says that would not be so bad. It says the added risk might be reasonable, however, since in most cases the MX would contribute less than 1 percent of the surviving warheads for retaliation. In return for substantial added risk, this option would save up to $8 billion or $7.9 billion. Now, that is the most extreme position taken by the CBO. Probably Congress would be more liberal and I think myself I might be more liberal than that.

Several options are stressed here. One would bring in about $5 billion to the Treasury. The one we have suggested here would bring in about $1.2 billion distributed as outlined, but that does not mean that we could never get anymore test missiles. We might do that in the future. It is just because the administration has announced that it is not desirous of continuing its obligation under the agreement and wants to go from 50 to 100 missiles that has prompted me to offer this particular amendment, which would see that the test missiles we have on hand are thoroughly adequate for the purpose. For 3 years we are not going to do any testing, anyway.

So, Mr. Chairman, I hope the committee will approve this amendment.

The CHAIRMAN. All time on the amendment has expired.

The question is on the amendment offered by the gentleman from Florida [Mr. BENNETT].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. FRANK. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 178, noes 210, not voting, 43 as follows:

[Roll No. 316]

AYES—178

| | | |
|---|---|---|
| Ackerman | Borski | Dingell |
| Akaka | Bosco | DioGuardi |
| Annunzio | Boucher | Donnelly |
| Anthony | Boxer | Dorgan (ND) |
| Applegate | Brooks | Downey |
| Atkins | Brown (CA) | Durbin |
| AuCoin | Bruce | Dwyer |
| Barnes | Bryant | Dymally |
| Bates | Carper | Early |
| Bedell | Carr | Eckart (OH) |
| Beilenson | Coelho | Edwards (CA) |
| Bennett | Coleman (TX) | Evans (IA) |
| Bereuter | Collins | Fascell |
| Berman | Conyers | Feighan |
| Biaggi | Cooper | Florio |
| Boehlert | Coyne | Foglietta |
| Boland | Daschle | Ford (MI) |
| Bonior (MI) | Dellums | Ford (TN) |
| Bonker | Derrick | Frank |
| Gejdenson | Manton | Seiberling |
| Gephardt | Markey | Sensenbrenner |
| Gibbons | Matsui | Sharp |
| Glickman | Mavroules | Sikorski |
| Gonzalez | Mazzoli | Slattery |
| Goodling | McCloskey | Smith (FL) |
| Gordon | McHugh | Smith (NE) |
| Gradison | McKinney | Smith (NJ) |
| Gray (IL) | Mica | Solarz |
| Green | Miller (WA) | St Germain |
| Hall (OH) | Mineta | Staggers |
| Hamilton | Mitchell | Stallings |
| Hawkins | Moakley | Stark |
| Hayes | Moody | Stokes |
| Henry | Mrazek | Studds |
| Hertel | Nowak | Swift |
| Howard | Oakar | Synar |
| Hughes | Oberstar | Tauke |
| Jacobs | Obey | Torres |
| Jeffords | Olin | Torricelli |
| Johnson | Owens | Towns |
| Jones (NC) | Panetta | Traficant |
| Jones (OK) | Pease | Traxler |
| Kanjorski | Penny | Udall |
| Kaptur | Perkins | Vento |
| Kastenmeier | Petri | Visclosky |
| Kennelly | Rahall | Volkmer |
| Kildee | Rangel | Waldon |
| Kleczka | Richardson | Walgren |
| Kolter | Ridge | Watkins |
| Kostmayer | Rodino | Waxman |
| Lantos | Roe | Weaver |
| Leach (IA) | Rostenkowski | Wheat |
| Lehman (CA) | Roth | Williams |
| Lehman (FL) | Roukema | Wirth |
| Leland | Russo | Wise |
| Levine (CA) | Sabo | Wolpe |
| Lightfoot | Scheuer | Wyden |
| Long | Schneider | Young (MO) |
| Lowry (WA) | Schroeder | |
| MacKay | Schumer | |

NOES—210

| | | |
|---|---|---|
| Anderson | Eckert (NY) | Loeffler |
| Andrews | Edwards (OK) | Lott |
| Archer | Emerson | Lowery (CA) |
| Armey | English | Lujan |
| Aspin | Erdreich | Lungren |
| Badham | Fawell | Mack |
| Barnard | Fazio | Madigan |
| Bartlett | Fiedler | Marlenee |
| Barton | Fields | Martin (IL) |
| Bateman | Fish | Martin (NY) |
| Bentley | Foley | McCain |
| Bevill | Franklin | McCandless |
| Bilirakis | Frenzel | McCollum |
| Bliley | Frost | McCurdy |
| Boggs | Fuqua | McDade |
| Boulter | Gallo | McEwen |
| Broomfield | Gaydos | McGrath |
| Brown (CO) | Gekas | McKernan |
| Burton (IN) | Gilman | McMillan |
| Bustamante | Gingrich | Meyers |
| Byron | Gregg | Michel |
| Callahan | Guarini | Miller (OH) |
| Carney | Gunderson | Molinari |
| Chandler | Hall, Ralph | Mollohan |
| Chapman | Hammerschmidt | Monson |
| Chappell | Hansen | Montgomery |
| Chappie | Hatcher | Moorhead |
| Cheney | Hefner | Morrison (WA) |
| Clinger | Hendon | Murtha |
| Coats | Hiler | Myers |
| Cobey | Hopkins | Natcher |
| Coble | Hoyer | Neal |
| Coleman (MO) | Hubbard | Nelson |
| Combest | Huckaby | Nichols |
| Coughlin | Hunter | Nielson |
| Courter | Hutto | Ortiz |
| Craig | Hyde | Oxley |
| Crane | Ireland | Packard |
| Daniel | Jones (TN) | Parris |
| Dannemeyer | Kasich | Pashayan |
| Daub | Kemp | Pickle |
| Davis | Kindness | Porter |
| de la Garza | Kolbe | Price |
| DeLay | Kramer | Pursell |
| DeWine | Lagomarsino | Quillen |
| Dickinson | Latta | Ray |
| Dicks | Leath (TX) | Regula |
| Dornan (CA) | Lent | Reid |
| Dowdy | Lewis (FL) | Rinaldo |
| Dreier | Lipinski | Roberts |
| Duncan | Livingston | Robinson |
| Dyson | Lloyd | Roemer |
| Rogers | Smith, Robert (NH) | Thomas (CA) |
| Rose | Smith, Robert (OR) | Thomas (GA) |
| Rowland (CT) | Snowe | Valentine |
| Rowland (GA) | Snyder | Vucanovich |
| Rudd | Solomon | Walker |
| Saxton | Spence | Weber |
| Schaefer | Spratt | Whitehurst |
| Schuette | Stangeland | Whitley |
| Schulze | Stenholm | Whittaker |
| Shaw | Strang | Whitten |
| Shelby | Stratton | Wilson |
| Shumway | Stump | Wolf |
| Shuster | Sundquist | Wortley |
| Siljander | Sweeney | Wright |
| Sisisky | Swindall | Wylie |
| Skeen | Tallon | Yatron |
| Skelton | Tauzin | Young (AK) |
| Slaughter | | Young (FL) |
| Smith, Denny (OR) | | |

NOT VOTING—43

| | | |
|---|---|---|
| Alexander | Gray (PA) | Moore |
| Boner (TN) | Grotberg | Morrison (CT) |
| Breaux | Hartnett | Murphy |
| Burton (CA) | Hillis | Pepper |
| Campbell | Holt | Ritter |
| Clay | Horton | Roybal |
| Conte | Jenkins | Savage |
| Crockett | LaFalce | Smith (IA) |
| Darden | Levin (MI) | Taylor |
| Dixon | Lewis (CA) | Vander Jagt |
| Edgar | Luken | Weiss |
| Evans (IL) | Lundine | Yates |
| Flippo | Martinez | Zschau |
| Fowler | Mikulski | |
| Garcia | Miller (CA) | |

□ 1535

The Clerk announced the following pairs:

On this vote:

Ms. Mikulski for, with Mr. Campbell against.

Mr. Morrison of Connecticut for, with Mr. Lewis of California against.

Mr. Crockett for, with Mrs. Holt against.

Mr. Garcia for, with Mr. Pepper against.

Mr. LaFalce for, with Mr. Taylor against.

Mr. Miller of California for, with Mr. Darden against.

Messrs. PETRI, DERRICK, ANNUNZIO, McHUGH, and BROOKS changed their votes from "no" to "aye."

□ 1545

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. BENNETT

The CHAIRMAN pro tempore. The Chair informs the Committee that the next amendment to be taken up by the Committee will be the amendment No. 2 offered by the gentleman from Florida [Mr. BENNETT].

Mr. BENNETT. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BENNETT: Page 8, line 18, strike out "$6,071,000,000" and insert in lieu thereof "$4,971,000,000".

At the end of part A of title I of division A (page 21, after line 14), add the following new section:

SEC. 114. INCREASED AUTHORIZATIONS FOR CONVENTIONAL WEAPONS PROGRAMS.

(a) ARMY.—The amounts authorized to be appropriated in section 101 for the Army are increased as follows:

(1) For ammunition, $119,000,000, none of which shall be available for nuclear weapons programs or chemical weapons programs, of which $34,000,000 is for Proj. 155mm, HE Adam M731.

(2) For Other Procurement, Army, $32,800,000, of which—

(A) $18,000,000 is for tactical and support vehicles for the following programs and amounts:

(i) Chassis Trailer, GP, 3½ ton, $3,700,000.

(ii) Semitrailer, Tank, 7,500 gal., $7,300,000.

(iii) Semitrailer, Van Supply, 12 ton, $7,000,000.

(B) $14,800,000 is for other support equipment in the following programs and amounts

(i) Tug Inland and Coastal Waterways, $10,000,000.

(ii) Railway Car, Tank, Pol, $4,800,000.

(b) NAVY AND MARINE CORPS.—The amounts authorized to be appropriated in section 102 for the Navy and Marine Corps are increased as follows:

(1) For aircraft procurement, Navy, $46,800,000, of which—

(A) $45,800,000 is for modification of aircraft for the following programs and amounts:

(i) A-4 series, $10,000,000.

(ii) EA-6 series, $3,000,000.

(iii) F-4 series, $1,600,000.

(iv) SH-60 series, $1,800,000.

(v) Common ECM equipment $29,400,000.

(B) $1,000,000 is for spares and repair parts for the AH-IT aircraft.

(2) For weapons procurement, Navy, $50,500,000, of which—

(A) $10,500,000 is for Other Missiles Support.

(B) $40,000,000 is for the MK-60 Captor.

(3) For Shipbuilding and Conversion, Navy, $49,800,000 for one TAGOS surtass ship.

(4) For Other Procurement, Navy, $29,800,000, of which—

(A) $10,400,000 is for supply support equipment for automated materials handling systems; and

(B) $19,400,000 is for personnel and command support equipment for the following programs and amounts:

(i) Training Support Equipment, $5,100,000.

(ii) Commercial Support Equipment $3,900,000.

(iii) Naval Reserve Support Equipment, $5,000,000.

(iv) Oceanographic Support Equipment, $5,400,000.

(5) For Marine Corps Procurement, $25,000,000, of which—

(A) $21,200,000 is for mortar ammunition.

(B) $3,800,000 is for weapons procurement for the following programs and amounts:

(i) Mortar, medium extended range, 100 units for $2,200,000.

(ii) Machine gun, auto saw 5.56-millimeter, $700,000.

(iii) Mk-19 40-millimeter machine gun, for $900,000.

(c) AIR FORCE.—The amount authorized to be appropriated in section 103 for Other Procurement, Air Force, is increased by $196,000,000 as follows:

(1) $47,000,000 for munitions and associated support costs, in quantities and amounts as follows:

(A) 2.75 inch rocket motor, $1,800,000.

(B) 2.75 inch rocket head wp, $7,300,000.

(C) Cartridge caliber 5.56 millimeter, 28,193 units and $3,900,000.

(D) Cartridge 20 millimeter combat, 1,273 units and $3,700,000.

(E) Cartridge 30 millimeter API, 199 units and $8,300,000.

(F) Bomb hard target, 2,000 pound, 500 units and $10,000,000.

(G) Target, Aerial tow target assembly, 248 units and $6,200,000.

(H) Other Items, MJU-10B Flare, 40 units and $5,800,000.

(2) $11,400,000 for electronic and telecommunications programs, of which—

(A) $7,000,000 is for traffic control and landing systems.

(B) $4,400,000 is for North Atlantic Defense C3.

(C) $15,000,000 is for MAC Command and Control support.

(D) $31,800,000 is for Range Improvements.

(E) $3,700,000 is for radar bomb scorer.

(F) $30,000,000 is for Joint Tactical Communications Prog.

(G) $20,000,000 is for Tactical C-E Equipment.

(H) $20,300,000 is for radio equipment.

(I) $1,900,000 is for the fiber optic equipment.

(3) $15,000,000 for other base support, of which—

(A) $5,000,000 is for tactical shelters.

(B) $10,000,000 is for mobility equipment.

The CHAIRMAN pro tempore. Under the rule, the gentleman from Florida [Mr. BENNETT] will be recognized for 20 minutes, and a Member opposed will be recognized for 20 minutes.

Mr. BENNETT. Mr. Chairman, I have a request for a modification of this amendment.

The CHAIRMAN pro tempore. The Clerk will report the modification.

The Clerk read as follows:

Modifications to the amendment offered by Mr. BENNETT: Delete the amendment proposed to page 8, line 8.

At the end of the section proposed to be inserted by the amendment, add the following:

(d) LIMITATION.—The funds authorized by this section are not authorized if the amount authorized to be appropriated for the Strategic Defense Initiative under this Act exceeds $3,125,000,000.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. STRATTON. Mr. Chairman, I object.

The CHAIRMAN pro tempore. Objection is heard.

The gentleman from Florida [Mr. BENNETT] will be recognized for 20 minutes on his original amendment and a Member opposed thereto will be recognized for 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. BENNETT].

Mr. BENNETT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I will take the time since I have been forced to do so. I was going to enter into a colloquy to discuss the merits of this amendment, but since the gentleman from New York [Mr. STRATTON] wishes to force the issue this way, this amendment is similar to the amendment that we had before in its uncorrected form. I was expected to take out the MX missile entirely from that, and that is what my request was, to take the MX missile out entirely.

But since the gentleman from New York wants to debate it on this issue, I will be happy to debate it, because I think it is a good amendment. It is a better amendment than the one we just turned down. It is a better one because of the fact that it provides for $550 million for conventional weaponry. Therefore, it is twice as good an amendment, more than twice as good an amendment as the one we just turned down.

This provides for things that have been requested urgently by the Department of Defense in the field of ammunition and conventional warfare. It is a very meritorious amendment.

Mr. Chairman, I would like to say that the reason why I have introduced these amendments with regard to the MX, since it has now been reconstituted as an MX amendment, which it was not originally intended to be, but now since it has been, because of the objection of the gentleman from New York, I would say the reason why I introduced amendments to provide for a relook at the MX spare was that the administration has repeatedly said that it would like to have 100 MX missiles, even though the agreement last year was for 50 MX missiles, not 100, but for 50.

Now, when that occurred, I thought something ought to be done to bring this back to the attention of Congress, because they agreed last year to 50. Now they are saying they want to have 100, and they are asking for scores of additional MX missiles for they say testing. But the CBO thinks that is sort of a different situation than what is likely to actually transpire, and they have suggested three separate options. Those options show that you can get rid of 72 of these spare missiles and not do any serious harm to the program at all. It is not needed to have all of these missiles. It is obvious that the Department of Defense is trying to get 100 missiles in the silos.

As a matter of fact, Secretary Weinberger said so. He said he wanted to find 50 other places to deploy these missiles which we now say, or which the chairman at least says, are supposed to be spares. They are not supposed to be spares; they are missiles which are expected to be procured for actual firing.

These missiles are extremely vulnerable missiles. That has been testified to over and over. There is nothing wrong with the missiles per se. It is a pretty good missile. But they are very vulnerable because, as Secretary Weinberger has testified, it would be silly to

put them in a Minuteman missile silo, and yet that is exactly where they are going to go. He has testified that is not so.

Now a while ago the gentleman from New York said that there is no other ground missiles. Of course there are 100 or more of the Minuteman missiles. They are pretty good missiles. There are cruise missiles, and they are all ground-based missiles. There are other things which are down the road like the Midgetman. So we have other missiles.

It is just my feeling if we are going to buy additional MX's or other kinds of intercontinental missiles, they ought to be good missiles. They ought to be the best that our money can buy. They ought to be so that they would be able to be fired instead of taunting the Russians to feel that they are undoubtedly going to be first-strike missiles because they are not going to be protected.

We ought to have a situation where we have a strong national defense based upon missiles that are not vulnerable, ones which will not be utilizable in time of distress, and ones which will not forment anger which may result in our own injury against ourselves that otherwise we would not have. The missiles would end up taunting the Russians, and I think it is a good thing to eliminate these extras which the CBO does not find are necessary.

I reserve the balance of my time.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield for a clarifying question on his amendment?

Mr. BENNETT. On the gentleman's own time.

Mr. DICKINSON. Forget it.

The CHAIRMAN pro tempore. Does any Member on the Committee rise in opposition to the amendment?

Mr. STRATTON. Mr. Chairman, I announced that I was an opponent of the amendment earlier.

The CHAIRMAN pro tempore. The gentleman from New York [Mr. STRATTON] is recognized for 20 minutes.

Mr. STRATTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I do not think it is going to be necessary to take 20 minutes. We have already voted in the House that we do not want to cut back on the funds for the MX system, and that we want to maintain at least some kind of land based missile system that will protect us from the enormous development that the Soviet Union has put in land based missiles. That was demonstrated by the vote that was just taken.

Now the gentleman from Florida [Mr. BENNETT] who wanted to cut $250 million out of the MX system, which was rejected, wants to cut $500 million out of that system.

□ 1555

We had a few misstatements that intruded in the debate previously. The gentleman from Massachusetts [Mr. FRANK] for example, said that we were looking at some new basing system. I defy the gentleman from Massachusetts to find in the bill a dollar or a nickel that is directed toward a new basing system.

We are going on the current basing system and we are going to provide the test missiles that are required by the Congressional Budget Office because if you do not have the appropriate number of missiles, you cannot utilize or depend on the system itself.

I think that bit of information got across to the majority of the House, and I urge that the amendment which is even more devastating than the earlier one be soundly rejected.

Mr. BENNETT. Mr. Chairman, I yield myself such time as I may consume.

Unfortunately, Mr. Chairman, the gentleman from New York apparently never read the amendment. It was read, and it has the same figure of cut in it that the other amendment had.

The difference between this amendment and the one that was just turned down is that of the money that is saved by this amendment, $550 million would go to conventional weaponry. Of the money that was saved in the other one, only $250 million was; but with this same overall figure of cut same overall figure, $1.1 billion. So that is just a technical correction.

I would not have wanted to do this; this is an accidental typographic error that the MX is in this amendment at all. This is not the amendment I wanted to have. I wanted to have the modified amendment, which was one that did not do anything except take money out of this bill and put it into conventional weapons, and it was only going to come, according to my language, only going to come from any savings in SDI; no connection at all to the MX, only SDI.

That is the effort that I made, but it was turned down on technical grounds, so I am talking about this amendment. I would not expect, in view of the last vote we had, to ask for a record vote on this; but I think that since I was turned down so technically, I wanted to explain to you, and I wanted you to understand what I am trying to do.

Basically there is no greater motive that I have or that I think anybody in this House has, than to try to see if we can get us back on ground where we can win a conventional war.

It is perfectly awful, the situation we are now in Europe. We ought to correct it. General Rogers says within 10 days, we will be wiped out or we will have to go to nuclear war. That is a grave error; our country should not allow that to exist. I am attempting, wherever I can, to cure that situation.

When I could pick it up out of spares for the MX which are not needed for years to come, as my last amendment was; that is all it did. They are not needed for years to come. I thought that was a wise thing to do. And this amendment I have before the body right now was an amendment which was designed to get conventional weaponry out of whatever we save out of SDI, having no connection with MX at all. A typographical error made it necessary for me to ask for modification. The chairman of the committee, in his wise tactics, he has been here a long time and is a very able man, was able to kill that amendment which I wanted to have.

So that was my purpose, and I yield to the gentleman from Massachusetts [Mr. MAVROULES].

Mr. MAVROULES. Mr. Chairman, I just want to take a minute or two, and I thank the gentleman for yielding to me.

For the Members of the House, I think it is very important to put this in perspective. The reason we are having these amendments here today—they would not be coming before us by Mr. BENNETT or Mr. FRANK if indeed the Pentagon would just back off.

We reached agreement last year, Mr. Chairman, that we would have 50 MX missiles siloed and we would give them enough for their testing purposes, and for that matter, replacement.

What do we get from the Pentagon? They have already come out and stated: "We want the other 48 MX missiles." The reason we have the enormous controversy on the floor today, and it is totally unacceptable as far as I am concerned, is the fact that the Pentagon and this administration are asking for another 48 missiles, which they will try to get next year. That is why we are having the amendments put on the floor today, which is most unfortunate.

So if there is any blame to lay around here, aside from Members of Congress whether they are for or against the MX, it has got to come out of the administration. They have got to stop playing games. We have made a decision over here; they made a decision in the other body; we have agreed to it, and that should be the law. That is the reason we are having these problems, Mr. Chairman; it is so unnecessary.

Mr. STRATTON. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. BADHAM].

Mr. BADHAM. Mr. Chairman, Caspar Weinberger, the Secretary of Defense, would like to have 100 MX missiles. He would probably like to have 200 MX missiles. The fact remains that this body and the other body agreed, and we go by that agree-

ment, that there are not going to be more than 50.

This amendment is a rehash of the last amendment. Last year we decided we were going to have 50 MX missiles. In the previous vote, we decided we were going to have a test program. The distinguished gentleman from Florida decided to knock that down. This House did not accept that.

Now he is saying that if we could knock down the test program that was approved last year and this year, we ought to take that money and put it into conventional weapons.

So I think we voted last time, and I think we ought to vote this one down now.

Mr. BENNETT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think the gentleman from California, in looking at my record and looking at the things that he talks about might be inaccurate in some of the things he has said, my staff tells me he is. I myself did not actually hear what the gentleman said; but the gentleman did start off his last conversation about me by saying he was not taking any umbrage or something like that about my good character. I appreciate the gentleman's good feelings about that; I have not taken any umbrage about the gentleman's, either.

We are all trying to do the best we can, to have a strong America, and that is true however you vote on these issues. It is just that our country is in bad shape with regard to conventional weaponry; and I think we have to do something about it. We cannot continue to mess around with this, and pretend like it is something not important.

It is very important, and our country could be in a nuclear war unnecessarily, because we are not taking care of our conventional needs. So I have attempted to structure amendments that would make it possible to get this kind of conventional assistance.

If the gentleman has better amendments to offer, he should have done it; but my amendment that we are talking about now had absolutely nothing to do with the MX. That was a typographical error, and I tried to correct it, but was not allowed to correct it. It was not intended to go to the MX. I have to talk about the MX because that is now in the amendment, because I was not allowed to correct my amendment. I do think it was a mistake not to cut out these extra spares since we are going to have enough of these for 3 years anyway, and since the administration frankly has said it wants to double the number of actual MX's in the silos despite the agreement.

In view of that, I thought it was worthwhile talking about to see if we could not pick up some of this money for conventional weaponry.

Mr. Chairman, I reserve the balance of my time.

Mr. STRATTON. Mr. Chairman, I yield back the balance of my time.

Mr. BENNETT. Mr. Chairman, I yield myself such time as I may consume; I will only take a minute or two, and I do not intend to call for a rollcall on this, because it is a conflict situation.

Mr. Chairman, I do want to conclude by saying that if there are any other opportunities in this bill, and I do not know where they will be, but if there are any opportunities to pick up money for conventional weaponry, we really should do it, because if we have ever made a serious error, in my opinion, since I have been here, Congress on national defense is not adequately taking care of our conventional situation.

Time has run out. I quoted earlier a quotation from an autobiography that Jefferson wrote. I had never read this autobiography until last weekend when I was down at Monticello. My wife bought it for me and I read it.

It said there, in the early days of our country, the two things that were most harassing, most difficult, were habit and despair. Habit and despair.

□ 1605

I think there is a lot of habit today in our country and a lot of despair in our country today that has no foundation in reality except for our own imperfection.

We are in the habit in America, particularly in this Congress, of thinking that all our problems can be solved out in outer space or by weaponry which is very exotic, nuclear weaponry and things of that type. I think just exactly the opposite is true. Time has moved on from that stand. We are no longer in that stand. The threat we have today is the inability on our own part to take care of the conventional strengths of our country. We must correct it. We ought to correct it in this bill. We have not corrected it in this bill, in my opinion, and I gave two opportunities to do something in the field of correcting it. I hope next year we do correct it. That is the main purpose that I introduced this legislation, these two amendments, to see if we could find someplace where we could find money where we could apply it to the things that are really going to cause us to have a nuclear war or really going to cause us to lose a conventional war. We must give attention to that field in the future and, if possible, in this bill.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. DASCHLE). All time on the amendment has expired.

The question is on the amendment offered by the gentleman from Florida [Mr. BENNETT].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. CONTE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 179, noes 217, not voting 35, as follows:

[Roll No. 317]

AYES—179

| | | |
|---|---|---|
| Ackerman | Glickman | Penny |
| Akaka | Gonzalez | Perkins |
| Annunzio | Goodling | Petri |
| Anthony | Gordon | Price |
| Atkins | Gradison | Rahall |
| AuCoin | Gray (IL) | Rangel |
| Barnes | Green | Richardson |
| Bates | Hall (OH) | Ridge |
| Bedell | Hamilton | Rodino |
| Beilenson | Hawkins | Roe |
| Bennett | Hayes | Rostenkowski |
| Bereuter | Henry | Roth |
| Berman | Hertel | Roukema |
| Biaggi | Howard | Roybal |
| Boehlert | Hughes | Russo |
| Boland | Jacobs | Sabo |
| Bonior (MI) | Jeffords | Scheuer |
| Bonker | Johnson | Schneider |
| Borski | Jones (OK) | Schroeder |
| Bosco | Kanjorski | Schumer |
| Boucher | Kastenmeier | Seiberling |
| Boxer | Kennelly | Sensenbrenner |
| Brown (CA) | Kildee | Sharp |
| Bruce | Kleczka | Sikorski |
| Bryant | Kolter | Slattery |
| Carper | Kostmayer | Smith (FL) |
| Carr | Lantos | Smith (NE) |
| Coelho | Leach (IA) | Smith (NJ) |
| Collins | Lehman (CA) | Solarz |
| Conte | Lehman (FL) | St Germain |
| Conyers | Leland | Staggers |
| Coyne | Levin (MI) | Stallings |
| Daschle | Levine (CA) | Stark |
| Dellums | Lightfoot | Stokes |
| Derrick | Long | Studds |
| Dingell | Lowry (WA) | Swift |
| DioGuardi | MacKay | Synar |
| Donnelly | Manton | Tauke |
| Dorgan (ND) | Markey | Torres |
| Downey | Matsui | Torricelli |
| Durbin | Mavroules | Towns |
| Dwyer | Mazzoli | Traficant |
| Dymally | McCloskey | Traxler |
| Early | McHugh | Udall |
| Eckart (OH) | McKinney | Vento |
| Edwards (CA) | Miller (CA) | Visclosky |
| Evans (IA) | Miller (WA) | Volkmer |
| Evans (IL) | Mineta | Waldon |
| Fascell | Mitchell | Walgren |
| Feighan | Moakley | Watkins |
| Florio | Moody | Waxman |
| Foglietta | Mrazek | Weaver |
| Ford (MI) | Nowak | Wheat |
| Ford (TN) | Oakar | Wirth |
| Frank | Oberstar | Wise |
| Garcia | Obey | Wolpe |
| Gaydos | Olin | Wyden |
| Gejdenson | Owens | Yates |
| Gephardt | Panetta | Young (MO) |
| Gibbons | Pease | |

NOES—217

| | | |
|---|---|---|
| Alexander | Bevill | Carney |
| Anderson | Bilirakis | Chandler |
| Andrews | Bliley | Chapman |
| Applegate | Boggs | Chappell |
| Archer | Boner (TN) | Chappie |
| Armey | Boulter | Cheney |
| Aspin | Brooks | Clinger |
| Badham | Broomfield | Coats |
| Barnard | Brown (CO) | Cobey |
| Bartlett | Burton (IN) | Coble |
| Barton | Bustamante | Coleman (MO) |
| Bateman | Byron | Coleman (TX) |
| Bentley | Callahan | Combest |

| | | |
|---|---|---|
| Cooper | Kolbe | Roemer |
| Coughlin | Kramer | Rogers |
| Courter | Lagomarsino | Rose |
| Craig | Latta | Rowland (CT) |
| Crane | Leath (TX) | Rowland (GA) |
| Daniel | Lent | Rudd |
| Dannemeyer | Lewis (FL) | Saxton |
| Daub | Lipinski | Schaefer |
| Davis | Livingston | Schuette |
| de la Garza | Lloyd | Schulze |
| DeLay | Loeffler | Shaw |
| DeWine | Lott | Shelby |
| Dickinson | Lowery (CA) | Shumway |
| Dicks | Lujan | Shuster |
| Dornan (CA) | Lungren | Siljander |
| Dowdy | Mack | Sisisky |
| Dreier | Madigan | Skeen |
| Duncan | Marlenee | Skelton |
| Dyson | Martin (IL) | Slaughter |
| Eckert (NY) | Martin (NY) | Smith, Denny (OR) |
| Edwards (OK) | McCain | |
| Emerson | McCandless | Smith, Robert (NH) |
| English | McCollum | |
| Erdreich | McCurdy | Smith, Robert (OR) |
| Fawell | McDade | |
| Fazio | McEwen | Snowe |
| Fiedler | McGrath | Snyder |
| Fields | McKernan | Solomon |
| Fish | McMillan | Spence |
| Franklin | Meyers | Spratt |
| Frenzel | Mica | Stangeland |
| Frost | Michel | Stenholm |
| Fuqua | Miller (OH) | Strang |
| Gallo | Molinari | Stratton |
| Gekas | Mollohan | Stump |
| Gilman | Monson | Sundquist |
| Gingrich | Montgomery | Sweeney |
| Gregg | Moorhead | Swindall |
| Guarini | Morrison (WA) | Tallon |
| Gunderson | Murtha | Tauzin |
| Hall, Ralph | Myers | Thomas (CA) |
| Hammerschmidt | Natcher | Thomas (GA) |
| Hansen | Neal | Valentine |
| Hatcher | Nelson | Vucanovich |
| Hefner | Nichols | Walker |
| Hendon | Nielson | Weber |
| Hiler | Ortiz | Whitehurst |
| Hopkins | Oxley | Whitley |
| Hoyer | Packard | Whittaker |
| Hubbard | Parris | Whitten |
| Huckaby | Pashayan | Williams |
| Hunter | Pickle | Wilson |
| Hutto | Porter | Wolf |
| Hyde | Pursell | Wortley |
| Ireland | Quillen | Wright |
| Jones (NC) | Ray | Wylie |
| Jones (TN) | Regula | Yatron |
| Kaptur | Reid | Young (AK) |
| Kasich | Rinaldo | Young (FL) |
| Kemp | Ritter | |
| Kindness | Robinson | |

NOT VOTING—35

| | | |
|---|---|---|
| Breaux | Grotberg | Moore |
| Burton (CA) | Hartnett | Morrison (CT) |
| Campbell | Hillis | Murphy |
| Clay | Holt | Pepper |
| Crockett | Horton | Roberts |
| Darden | Jenkins | Savage |
| Dixon | LaFalce | Smith (IA) |
| Edgar | Lewis (CA) | Taylor |
| Flippo | Luken | Vander Jagt |
| Foley | Lundine | Weiss |
| Fowler | Martinez | Zschau |
| Gray (PA) | Mikulski | |

□ 1620

The Clerk announced the following pairs:

On this vote:

Ms. Mikulski for, with Mr. Campbell against.

Mr. Morrison of Connecticut for, with Mr. Lewis of California against.

Mr. Crockett for, with Mr. Taylor against.

Mr. Savage for, with Mr. Pepper against.

Mr. LaFalce for, with Mr. Darden against.

Mr. RICHARDSON and Mr. WALDON changed their votes from "no" to "aye."

So the amendment was rejected.

The result of the vote is announced as above recorded.

AMENDMENT OFFERED BY MR. SPRATT

Mr. SPRATT. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore (Mr. DASCHLE). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SPRATT:

Page 32, after line 21, add the following new paragraphs:

(3) Of the funds appropriated or otherwise made available to the Air Force for fiscal year 1987 for procurement, none of the funds may be obligated for the T-46A Trainer aircraft program. Funds appropriated or otherwise made available to the Air Force for fiscal years 1986 to procure the T-46A Trainer aircraft shall remain available to carry out paragraph (4) during fiscal year 1987, if so provided in appropriation Acts. If any funds are unobligated after carrying out paragraph (4), the funds may be used to procure T-46A Trainer aircraft during fiscal year 1987.

(4) Before the Secretary of the Air Force enters into a contract for the T-46A Trainer aircraft, the Secretary shall evaluate and compare the performance and cost of the proposed T-46A Trainer aircraft, a modified and upgraded existing T-37 aircraft, and a T-37 aircraft with new technology (or other aircraft that meets the trainer requirements of the T-46A Trainer aircraft). The evaluation shall include the development of a prototype of the T-37 (or other) aircraft and a fly-off to compre the T-46A Trainer aircraft and the prototype aircraft. The Secretary shall submit a report to the Committees on Armed Services and Appropriations of the House of Representatives and the Senate on the results of such evaluation.

Page 32, line 22, insert before "Funds" the following "Of the amounts authorized for procurement for the Air Force for fiscal year 1987, $2,533,300,000 shall be available to procure F-16 aircraft during fiscal year 1987.".

Mr. STRATTON. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from South Carolina [Mr. SPRATT].

The CHAIRMAN pro tempore. Under the rule, the gentleman from South Carolina [Mr. SPRATT] will be recognized for 20 minutes and the gentleman from New York [Mr. STRATTON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from South Carolina [Mr. SPRATT].

Mr. SPRATT. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. YATES] for a personal explanation.

PERSONAL EXPLANATION

Mr. YATES. Mr. Chairman, I missed the vote on rollcall number 316 because of illness in the family.

Had I been present, I would have voted "aye."

Mr. SPRATT. Mr. Chairman, I ask unanimous consent to offer a perfecting amendment to the amendment.

The reason for this request is that, as printed, the amendment refers to an amount of obligated funds that is not outdated. After the adoption of the amendment cutting the defense budget from $292 billion to $285 billion, the amount referred to in the last paragraph of my amendment is no longer relevant. Therefore, I would request unanimous consent to add a subparagraph (h), the text of which the Clerk has at the desk.

The CHAIRMAN pro tempore. The Clerk will report the modification to the amendment.

The Clerk read as follows:

Modification to the amendment offered by Mr. SPRATT: Page 33, after line 17, add the following new paragraph:

(h) ADDITIONAL F-15 AND F-16 AIRCRAFT.—Of the amounts appropriated for the Air Force for fiscal 1987, $151,000,000 may be used only for the procurement of additional F-15 aircraft or F-16 aircraft.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from South Carolina?

□ 1630

Mr. STRATTON. Mr. Chairman, I object.

The CHAIRMAN pro tempore. Objection is heard.

AMENDMENT OFFERED BY MR. DENNY SMITH TO THE AMENDMENT OFFERED BY MR. SPRATT

Mr. DENNY SMITH. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. DENNY SMITH to the amendment offered by Mr. SPRATT: Page 33, after line 17, add the following new paragraph:

(h) ADDITIONAL F-15 AND F-16 AIRCRAFT.—Of the amounts appropriated for the Air Force for fiscal 1987, $151,000,000 may be used only for the procurement of additional F-15 aircraft or F-16 aircraft.

Mr. STRATTON. Mr. Chairman, I rise in opposition to the amendment of the gentleman from Oregon [Mr. SMITH].

The CHAIRMAN pro tempore. The gentleman from New York [Mr. STRATTON] will be recognized as the Member in opposition to the amendment.

POINT OF ORDER

Mr. McGRATH. Mr. Chairman, I have a point of order.

Mr. CHAIRMAN pro tempore. The gentleman will state it.

Mr. McGRATH. Mr. Chairman, is the 5 minutes on either side for this perfecting amendment coming out of the 20 minutes originally allotted for the main amendment?

Mr. CHAIRMAN pro tempore. The Chair will inform the gentleman that under the rule, the gentleman from Oregon is offered 5 minutes outside of the 20 minutes allotted to present his amendment.

Mr. McGRATH. I thank the Chair.

Mr. DENNY SMITH. Mr. Chairman, I think the ranking Member on this side of the aisle would accept this amendment. I think it is a good amendment. It allows us to take the

dollars that have been involved in this program and to send them where they can be utilized.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. DENNY SMITH. I yield to the gentleman from Alabama.

Mr. DICKINSON. I thank the gentleman for yielding to me.

Mr. Chairman, there is $151 million here that is to be deleted. The gentleman has said that this money should go to the purchase of the F-15 and the F-16. This was in the original procurement package approved by the committee. It fell out when the markdown of the levels occurred the other day. My amendment simply says that if this money is taken out of the bill it will go for the two types of aircraft that we should have.

I think it is a good amendment and I urge its support.

Mr. DENNY SMITH. Mr. Chairman, I think this is a wise use of the money and something that should be done. I do not intend to take the 5 minutes. I will speak in support of Mr. SPRATT's amendment, and I think that this perfecting amendment improves the amendment as offered by Mr. SPRATT.

Mr. SPRATT. Mr. Chairman, will the gentleman yield?

Mr. DENNY SMITH. I yield to the gentleman from South Carolina.

Mr. SPRATT. I thank the gentleman for yielding to me.

Mr. Chairman, the purpose of this perfecting amendment is quite simple and is quite appropriate if this amendment which I am offering is to be fairly and clearly considered.

As originally filed, this amendment dealing with the T-46 called for reallocating the $151 million being authorized for the T-46 to the F-16 program. Last Friday, we adopted an amendment which reduced the amount which is being appropriated for the F-16 by $490 million.

Consequently, the amount authorized for the F-16, as referred to in the amendment as originally filed is no longer relevant; it is a different amount. The purpose of this amendment, purely technical, is simply to adjust the amount so that the correct amount being allocated to the F-15 and F-16 is referred to.

This amendment, therefore, simply says, as the old amendment said, as the amendment originally says, that $151 million shall be transferred from the T-46A to the F-16 and the F-15. It simply clarifies where the money is going and what the correct amount of money is. It is a necessary amendment after the action we took last week in reducing the overall authorization level from $292 billion to $285 billion.

Mr. BADHAM. Mr. Chairman, will the gentleman yield?

Mr. DENNY SMITH. I yield to the gentleman from California.

Mr. BADHAM. I thank the gentleman for yielding to me.

Mr. Chairman, we may be on different sides of this issue but the issue before us right now is that if money by the larger proposal is to be reduced from the T-46, and that trainer aircraft is the thing, it should: One, properly stay in aircraft procurement Air Force, and so this is a technical, perfecting amendment and should be adopted so we can get on with the main debate under this issue.

Mr. DENNY SMITH. I thank the gentleman.

Mr. Chairman, I think it is very clear that this would increase the amount of dollars going to the F-15 and the F-16 for more efficient procurement.

Mr. STRATTON. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. CHAPPELL].

Mr. CHAPPELL. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in strong opposition to the amendment. We need to consider these aircraft on the basis of their merit. I am a strong supporter of the F-16 and the F-15. I am a strong supporter of the T-46. We have got every opportunity to decide on the merits of how we are going to spend money on the F-15 and the F-16.

We ought to be considering here without any problem whatsoever the merits of the T-46. We have been into this problem for several years now trying to bring on board the proper trainer for the Air Force. We have had numerous hearings in my subcommittee. Our subcommittee supports it strongly. I came on board rather reluctantly but the Air Force convinced me that we had to have a new trainer aircraft.

They made the point that it was as important as the strategic B-1 Bomber at the time they were making the issue, because this airplane takes too long to get out to the area, too long to get back from the area, too short a time in training with the pilots with the trainees, and it is too expensive and it is unsafe.

I have seen evidence that all of that is true. We ought to go ahead with the T-46. We need it. We need it now. While we have the old T-37 it is just old. It is 25 years old. If you want to waste over $500 million then you would support the amendment. But if you want to do what is right with an aircraft the way we have two prototypes in being, where the tests have been going well, where the production problems have virtually been settled, then you will vote down this amendment and let us decide on the T-46 on its merits and the F-15 and F-16 on their merits.

I urge to vote down the amendment.

Mr. STRATTON. Mr. Chairman, I yield 2 minutes to the gentlewoman from Maryland [Mrs. BYRON].

Mrs. BYRON. I thank the gentleman for yielding me this time.

Mr. Chairman, let me ask a question of the maker of the original amendment. It is my understanding the language of the perfecting amendment does nothing more than categorize where those funds, if your amendment is passed, will go?

Mr. SPRATT. That is correct.

Mrs. BYRON. If this perfecting amendment is passed, it does absolutely nothing to delete the funds then for the T-46?

Mr. SPRATT. That is correct.

The basic amendment does that. That amendment is not being changed. But as originally filed, this reference is to certain appropriation for the F-16. That number was changed last Friday. Consequently, this is an effort to have a correct reference for the appropriated level.

Mrs. BYRON. I had originally intended to speak in opposition to the perfecting amendment. I withdraw my objection to the perfecting amendment. I have no problem with this perfecting amendment per se.

I do have a great problem with the original amendment.

Mr. SPRATT. I understand that and you can address that when we debate it. We are simply trying to bring it to the floor in a coherent form consistent with the way the bill stands at this time.

□ 1640

Mr. STRATTON. Mr. Chairman, we accept the amendment.

Mr. SPRATT. Mr. Chairman, I thank my chairman, the gentleman from New York [Mr. STRATTON] for that.

The CHAIRMAN pro tempore. (Mr. DASCHLE). The question is on the amendment offered by the gentleman from Oregon [Mr. DENNY SMITH], to the amendment offered by the gentleman from South Carolina [Mr. SPRATT].

The amendment to the amendment was agreed to.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from South Carolina [Mr. SPRATT], for 20 minutes.

PARLIAMENTARY INQUIRIES

Mr. SPRATT. Mr. Chairman, may I rise to a parliamentary inquiry with the Chair at this time?

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. SPRATT. Mr. Chairman, the gentleman from Alabama [Mr. DICKINSON] has a substitute which he will offer to this amendment. It has been filed and noticed, and once he offers that amendment as his substitute, he will gain additional time.

For purposes of allocating time during this debate, I would like to propose to all sides that the time that will

be made available to him on the substitute be consolidated with the rest of the time as we divide it among ourselves.

The CHAIRMAN pro tempore. Does the gentleman ask unanimous consent?

Mr. SPRATT. I do indeed, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman will clarify his request. Does the gentleman seek a total of 40 minutes, 20 minutes to be divided on either side?

Mr. SPRATT. It would be 5 minutes on either side of the substitute, and we are asking that the time be consolidated.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from South Carolina?

Mr. McGRATH. Mr. Chairman, reserving the right to object, let me see if I understand the parliamentary implications.

The gentleman from Alabama [Mr. DICKINSON] offers a substitute, and that is 10 minutes that will come out of the 40 minutes allotted to the gentleman?

The CHAIRMAN pro tempore. Under the proposed request the gentleman is correct. The amount of time allocated for the substitute offered by the gentleman from Alabama would not otherwise be part of the 20 minutes allocated for the amendment offered by the gentleman from South Carolina under the rule.

Mr. McGRATH. I thank the Chair, and I withdraw my reservation of objection.

Mr. DICKINSON. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman from Alabama will state it.

Mr. DICKINSON. Mr. Chairman, I want to make sure I understood the unanimous-consent request. I thought I understood him to say—and I would certainly support it—that I am entitled to 20 minutes on my substitute and he is entitled to 20 minutes on his amendment as perfected. We would simply combine the time to 40 minutes and give 20 minutes to either side; is that correct?

Mr. SPRATT. I would say to the gentleman that we have 40 minutes.

Mr. DICKINSON. Yes.

Mr. SPRATT. And the gentleman would get 5 minutes on his side and 10 minutes on his substitute as offered to my amendment. What I am proposing is that those 10 minutes be added to the 40 minutes already provided, and that we divide the 25 minutes on each side evenly.

Mr. DICKINSON. It is all right with me, Mr. Chairman.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

AMENDMENT OFFERED BY MR. DICKINSON AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. SPRATT, AS AMENDED

Mr. DICKINSON. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The CHAIRMAN. pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DICKINSON as a substitute for the amendment offered by Mr. SPRATT, as amended: At the end of title I of division A (page 33, after line 17), insert the following new section:

SEC. 128. ADDITIONAL LIMITATIONS ON FUNDS FOR THE AIR FORCE.

(a) LIMITATION ON T-46 TRAINER AIRCRAFT.—Notwithstanding any other provision of this title, no funds appropriated for the Air Force for fiscal year 1987 may be used for the T-46 trainer-aircraft.

(b) ADDITIONAL F-15 AND F-16 AIRCRAFT.—Of the amounts appropriated for the Air Force for fiscal 1987, $151,000,000 may be used only for the procurement of additional F-15 aircraft or F-16 aircraft.

(c) REPORT.—(1) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report concerning the allocation of the funds described in subsection (b).

(2) The report required by paragraph (1) shall be submitted not later than the end of the 30-day period beginning on the date of the enactment of this Act.

The CHAIRMAN pro tempore. The Chair will inform the Committee that under the unanimous-consent agreement the gentleman from South Carolina [Mr. SPRATT] has 25 minutes, and the gentleman from New York [Mr. STRATTON], and the gentleman from Alabama [Mr. DICKINSON] will share 25 minutes.

The Chair recognizes the gentleman from Alabama [Mr. DICKINSON].

Mr. STRATTON. Mr. Chairman, I am the opponent of the original amendment, I am the opponent of the amendment that the gentleman from Alabama is offering, and I believe I am entitled to one-half of the time, which is 25 minutes.

The CHAIRMAN pro tempore. The Chair understood that under the unanimous-consent request agreement just offered by the gentleman from South Carolina, the opposition to the amendment offered by the gentleman from South Carolina is represented by the gentleman from New York and the gentleman from Alabama and they were to share opposition time of 25 minutes to be allocated equally.

Mr. STRATTON. But the gentleman from Alabama is not in opposition to the amendment.

PARLIAMENTARY INQUIRY

Mr. BADHAM. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from California.

Mr. BADHAM. I thank the Chair.

Mr. Chairman, in my parliamentary inquiry, is it not true that if the gentleman from South Carolina and the gentleman from Alabama, who had virtually identical amendments, one substituting for the other, were in the same direction, they would share half of the time, and the gentleman from New York, who is opposed to the substance of the amendments offered by the two gentlemen, would have the balance of the time, which is also 25 minutes?

The CHAIRMAN pro tempore. The Chair will respond by saying that if that was the intent of the unanimous-consent request made by the gentleman from South Carolina, the Chair will recognize it. That was not the way the unanimous-consent request was understood.

Is that the request? Is that the intent of the unanimous-consent request?

Mr. SPRATT. Mr. Chairman, that is agreeable with me, and I think that is a fair way of allocating the time.

The CHAIRMAN pro tempore. Under the unanimous-consent agreement, without objection, the gentleman from South Carolina [Mr. SPRATT] will be allocated 12½ minutes, the gentleman from Alabama [Mr. DICKINSON] will be allocated 12½ minutes, and the gentleman from New York [Mr. STRATTON] will be allocated 25 minutes.

There was no objection.

Mr. DICKINSON. Mr. Chairman, may I be recognized at this point?

The CHAIRMAN pro tempore. The gentleman from Alabama [Mr. DICKINSON] is recognized in support of his substitute.

Mr. DICKINSON. I thank the Chair.

Mr. STRATTON. A point of order, Mr. Chairman. Did the Chair address me?

The CHAIRMAN pro tempore. The Chair was informing the Committee of the time, the gentleman from South Carolina [Mr. SPRATT] has 12½ minutes, the gentleman from Alabama [Mr. DICKINSON] has 12½ minutes, and the gentleman from New York [Mr. STRATTON] on this substitute and on the amendment offered by the gentleman from South Carolina [Mr. SPRATT] has an aggregate time of 25 minutes.

Mr. STRATTON. I understand the time, Mr. Chairman, but I thought the Chair was recognizing me in opposition.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Alabama [Mr. DICKINSON] who has just offered a substitute.

Mr. DICKINSON. Mr. Chairman, let me try to explain where we are. It is really pretty simple.

In the committee bill, there was an amendment offered in the Procure-

ment Subcommittee headed by the gentleman from New York [Mr. STRATTON] which prevailed. That amendment took away from the administration's budget request certain sums of money affecting the F-15 and F-16 and adding $151 million for the T-46 trainer. In other words, they took out the Air Force program and put in the program espoused by the gentleman from New York.

Now, the gentleman from South Carolina [Mr. SPRATT] has said he is opposed to that and he wants to delete the $151 million and say that if that money is saved, it will go back to its original purpose. I think it is a good idea.

What is wrong with the T-46 program? Why do we not want that in the first place? Well, there are several reasons. Affordability is one. The T-46 is a $3.1 billion program. The unit cost of the T-46 would be $4.8 million, and in this budget there is $151 million that was not in the administration request.

The Air Force has already negotiated its T-46 advanced development contract and two lots of T-46 production. Fairchild, the New York firm that is building the T-46, was to build 10 in the first production lot, followed with a buy of some 20 in the second lot. The Air Force has the option of buying the second 20, at a firm fixed price. But there has been a substantial overrun in the cost of the first 10. The program is in trouble. With regard to the first 10, they have even quit trying to complete construction of aircraft No. 3. They only have two under construction.

□ 1650

The Air Force has been notified that Fairchild wants to renegotiate the second production lot, because Fairchild says there is no profit in it.

The program is in trouble. The Air Force does not want it.

What it all boils down to is that the gentleman from New York (and everybody else) recognizes the economic impact in the area and wants to force the Air Force to procure a weapons system that they do not want.

You will see a number of people following here that often say, "Why does the Department of Defense buy things that they don't need? Why do the Services buy things that they can't use? Why don't they do things in the most economical way? If something doesn't work, why don't they cancel the program?"

It is going to be interesting to watch this vote, because that is exactly what the T-46 supporters are trying to do now.

The program is in trouble. It has been in trouble for a number of years. It is over cost. It is behind schedule. The contractor cannot perform under the development contract, under the first production lot, or under the second lot. Yet a group here says, "Hey, we've got to have the T-46 though. You've got to buy it."

We have heard all this before with the A-10. The same people built the A-10 aircraft and we were forced to buy that year after year to help New York State, when the Air Force said they did not want it. We fought it every year. We fought it in conference, but there was a group here that had enough clout to get it, so we are doing the same thing again.

The Air Force does not want this aircraft. They are asking us, "Please don't make us buy this aircraft."

It is in trouble. It is costly. We have already reduced the amount of money that we can spend.

Last week, I told the gentleman from New York that if they did not reduce the total spending budget to the detriment of the F-15 and F-16, now I would not offer the amendment.

Well, it fell out and it is interesting that those who voted for the low dollar figure last Friday to reduce spending are the same ones who are saying, "Hey, spend this extra money."

Well, it just does not make sense. Let us at least be consistent. If you want the low dollar figure, all right. We were saddled with that last Friday. Do not come back asking for $151 million add-on as a bailout for someone in the northeastern United States.

I talked this morning to the Secretary of the Air Force. His final words, and I quote, were: "Congressman, don't make us buy this turkey. We don't want it."

What else can you do? What else can you say? The facts are there. I am sorry that it is from an economically depressed area, but we are not buying this is a welfare program. It is not proven. It is over cost and in trouble and we need the F-15. We do need the F-16. They are in production. If you cut the F-15 in half, according to Air Force figures, it is going to cost an additional $6 million per aircraft to procure our F-15's.

So Mr. Chairman, let us vote for the country. Let us not vote for one geographical area that just wants to keep a company afloat.

Mr. STRATTON. Mr. Chairman, I yield myself such time as I may consume, and I rise in opposition to the amendment offered by the gentleman from South Carolina [Mr. SPRATT].

Mr. Chairman, the gentleman from Alabama talked about a turkey. If there is any turkey involved in this situation it is the current trainer that our aircraft pilots are operating, and that went back to the 1950's.

I have in one page here a detailed compilation of the deficiencies in the T-37, that broken down old 1950 trainer that we want our modern pilots with all the jet speed in the world to fly. The T-37 aircraft exhibits the following deficiencies: It is approaching the end of its certified life; excessive fuel consumption of the T-37 relative to that of currently available turbo fan engines result in high operational costs and needless drain on a limited fuel supply; the high cost of ownership results from excessive maintenance man-hour requirements relative to modern aircraft of similar size and complexity. That is your old turkey, the T-37.

The engine noise levels exceed by a factor of two those permissible under the Federal Aviation Regulation, part 36.

Limited range and endurance restrict aircraft sortie and flexibility training utility.

Limited performance restricts the training envelope to the lower altitudes where air space, as we all know, is becoming increasingly more congested, more hazardous, and more difficult to dedicate to pilot training roles.

That is the plane you want to fly? That is the turkey you want to fly? We do not want that kind of a turkey. We have got problems enough in our national airports, and Dulles as well.

It is limited in all weather capability and it therefore restricts total training potential.

The instrument displays are inconsistent with those of modern Air Force aircraft.

That is what the Air Force has to say about the T-37. That is why the T-46 was in fact the winner of the competition when the Air Force went to look for a new modern trainer, and they were delighted with it.

The problems that came at the beginning have all been eliminated.

One of the outstanding test pilots of the Air Force, Senator GOLDWATER, flew the T-46 and he checked it out as being an outstanding aircraft, as did the gentlewoman from Maryland [Mrs. BYRON], who also flew it. She knows a thing or two about aircraft.

So do not talk about this as a turkey. This is a modern plane and we ought not to be dickering around with misapplied and misdirected statements. Let us get the best there is for the young men and the young women who are flying our increasingly complicated aircraft.

Mr. SPRATT. Mr. Chairman, I yield myself 6 minutes.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. SPRATT. I yield to the gentleman from Alabama.

Mr. DICKINSON. Mr. Chairman, I think I misspoke. I had some time I had agreed to yield to the gentleman from South Carolina. Do I still have time?

The CHAIRMAN pro tempore (Mr. DASCHLE). The gentleman from Alabama [Mr. DICKINSON] has 6½ minutes.

Mr. DICKINSON. I thank the Chair.

Mr. SPRATT. Mr. Chairman, the T-46 was intended to be the Air Force's basic trainer. It was intended to replace the current basic trainer, the T-37; but the fact we begin this debate with is this. The Air Force has officially canceled the T-46 program. Now, since the Air Force was terminating the program, there was no request made by the Air Force in the defense budget for the T-46. Indeed, the Air Force has not obligated or spent any of the $170 million which we appropriated for the T-46 in fiscal year 1986, last year. The Air Force decided to cancel the T-46 basically for two reasons.

First, in today's budget environment with diminishing funds for defense, the Air Force decided, prudently I think, that its scarce funds could be spent better on practical aircraft, like the F-16 and the F-15, rather than on the T-46. My amendment respects the Air Force's budget decision. It diverts the $151 million which we are providing for this canceled program back to the F-15 and the F-16, which is where the Air Force wants it to go.

Second, the T-46 program almost from the outset has been on a rocky, rocky course. The development contract with Fairchild, the manufacturer of the airframe, is 65 percent over the ceiling price. The airframe itself is 20-percent overweight, which is a substantial variance; but even before the Air Force made its cancellation decision, the development program has slipped 8 months on its schedule.

Read the SAR, the selected acquisition report, and you will see what the Air Force thinks of this program.

On rollout, this is what they say:

> Roll-out of the first flight test aircraft occurred on 11 February, '85. An Air Force executive review of the air frame contractor's capability to conduct the T-46 program was held after it became apparent that the test aircraft was incapable of first flight on or about the contract date of April 15. The first test aircraft was delivered to the Air Force and transported, not flown, transported to Edwards Air Force Base. There was a contract to operations review and in all eight categories, eight management categories of review, the aircraft was ruled unsatisfactory by the Air Force.

Go on through the SAR, the selected acquisition report, which is the official report filed by the Air Force just last March. The costs at variance in airframe results primarily from increased design engineering changes, manufacturing efforts, such as parts growth, overtime expenses exceeding plan and fuselage and wing fix problems.

This is why the Air Force canceled the program.

Now, in this bill, as it comes to the floor, the House Armed Services Committee is trying to save the T-46, a program the Air Force has decided it does not need right now. The committee would force on the Air Force $151 million which the Air Force has not sought, did not ask for, and it would add this $151 million to $170 million in fiscal year 1986 budget authority, which the Air Force has not spent and is deliberately withholding from obligation on this program.

I think that is bad policy if we force this on the Air Force and I think it will set a precedent that we will regret.

Even so, my amendment would not kill the T-46. The gentleman from Alabama [Mr. DICKINSON] has a substitute which would simply kill the program, deliver the coup de grace; but in deference to those who insist that the T-46 can be made to perform to specifications and will eventually come in on budget, my amendment proposes a prototype competition. It proposes that the Air Force use its prior year funds, it still has $170 million from fiscal year 1986, and solicit proposals for modifying its current trainer, the T-37, to see if it cannot meet the Air Force's requirements for a trainer.

Now, Cessna aircraft, which built nearly a thousand of the T-37's, has already made such a proposal on an unsolicited basis to the Air Force. Cessna has offered to take out two T-37's from the Air Force inventory and to modify each with Garrett F-109 engine, the same engine designed and made for the T-46. Cessna has also offered to take the avionics from the T-46 and put it in the T-37, to put in a modern instrument panel, to put in a new ejection seat; they will repressure the cockpit. All of this Cessna has offered to do just for the cost of the equipment itself, the engines, the avionics and the other equipment, and no profit or price to add on top of that. For that, Cessna will produce two prototypes and will offer these prototypes to the Air Force to be competed or tested against the T-47. If the Air Force likes the modification, the modified old T-37, Cessna said it will build that plane, modify that plane, for $1.9 million. It will bring it up to date, extend its life, put in the new engines, new avionics, new instrument panel, for $1.9 million.

On the other hand, if the Air Force so requests, Cessna is prepared to build new T-37's with new engines, meeting completely new specifications with all the modifications I have mentioned, for $2.576 million.

Now, the projected cost of the T-46, by contrast, is $3.7 million. That unit cost is out of date. It has not been carefully updated due to the simple fact that the Air Force decided to cancel the program and has no reason for updating it.

The CHAIRMAN pro tempore. The time of the gentleman from South Carolina has expired.

Mr. SPRATT. Mr. Chairman, I yield myself 1 additional minute.

Mr. SPRATT. Mr. Chairman, the Congressional Budget Office in a special analysis it made of the T-46 last March warned: "There is considerable risk of growth in T-46 cost"—over and above the $3.7 million unit cost that I cited.

In any event, the new and modified T-37, if purchased new, would be $1.1 million per copy less than the T-46, $1.1 million per copy and spread over a life of 650 airplanes, that promises a savings of $725 million to a billion in constant 1987 dollars. That is the kind of savings we can potentially reach if we would simply look at the possibility of a prototype.

□ 1705

Mr. Chairman, my amendment gives the House an opportunity to do something we continually preach but seldom practice. It gives us an opportunity to have a competitive fly off, a procurement practice the Packard Commission has highly recommended. It gives us an opportunity to try to improve incrementally an existing aircraft, still meet the Air Force's need, and possibly save a billion dollars or more, and it gives us all an opportunity to show that we are for efficiency in procurement.

The CHAIRMAN pro tempore (Mr. GRAY of Illinois). The time of the gentleman from South Carolina [Mr. SPRATT] has expired.

Mr. SPRATT. Mr. Chairman, I yield myself 10 additional seconds.

Mr. Chairman, I would say to my colleagues, the gentlemen from New York [Mr. STRATTON], [Mr. DOWNEY], and [Mr. MRAZEK], that my amendment gives an opportunity for saving the T-46 which the other body will find hard to decline when we get to conference.

Mr. STRATTON. Mr. Chairman, I yield 4 minutes to the gentleman from Massachusetts [Mr. MAVROULES].

Mr. MAVROULES. I thank the gentleman for yielding time to me.

Mr. Chairman, we talked about the affordability factor. I would like to put that one to sleep once and for all, if I could. Back on March 29, 1986, the Secretary of Defense in the report the gentleman from Wisconsin [Mr. ASPIN], the chairman of the Committee on Armed Services, stated that the Air Force has indicated that budget constraints forced it to seek cancellation of the program after it acquired the first 10 aircraft. This statement can be challenged by the simple fact that the Air Force will probably allow to lapse in September of this year up to $1.7 billion in fiscal year 1984 unobligated aircraft procurement appropriations. It is very difficult to accept the Air Force explanation based on this fiscal data.

Mr. Chairman, last fall the commander of the Air Force Strategic Air Command, General Welch, who is now the Chief of Staff, in a message on the T-46, said: "Operational safety and logistical deficiencies of (the) T-37 must be corrected. Best way to correct them is with (the) T-46, not with modifications of (the) T-37."

By the way, the present commander of the Air Training Command, General Iosue, stated, "Pouring any money into the T-37 is like pouring money into a rathole."

In the committee report we do have indeed a cost cap of $3.1 billion for fiscal year 1986 dollars for the production of 650 aircraft excluding initial spares. Further, the average weapon system unit cost flyaways support may not exceed $4.8 million in fiscal year 1986 dollars.

In the event that either limitation is breached, the Secretary of the Air Force is required to compete the production of the remaining T-46A aircraft in the following year.

By the way, if the Air Force is that interested at this point, in November 1985 Cessna submitted an unsolicited proposal to the Air Force for evaluation of a new version of the T-37 aircraft. And here we are in August of 1986. To date the Air Force has not responded to the proposal.

I think that the question before all of us today is very simple: Do we indeed want a new trainer to give a greater opportunity to our pilots, or do we want to go back and try to respond to a vintage aircraft? It is about time that we have done everything possible in this House to give to our people, our military personnel, the very best weapons possible for the purposes of training.

I honestly believe that this is a very poor amendment. We have the opportunity, we have the technological background, and by the way, we have the funds, to continue with the T-46 program, and I strongly believe that that is a step forward. I urge my colleagues to reject the amendment.

Mr. SPRATT. Mr. Chairman, I yield 3½ minutes to the gentleman from Kansas [Mr. GLICKMAN].

Mr. GLICKMAN. Mr. Chairman, I rise in support of the Dickinson amendment, and if that fails, I rise in support of the Spratt amendment.

Let us make one thing clear: The Department of Defense and the Air Force have zeroed out the money for the T-46. They want an unequivocal termination of this program. It was contained in the President's budget message and in subsequent statements by the Air Force Chief of Staff and the Secretary of the Air Force.

Even in an era of $30 billion increased requests which the Pentagon wanted from us, they still prioritize this project so low that they want it deleted, and the other body agreed—they deleted it.

There is a show on TV called "Amazing Stories." Steven Spielberg produces it. It is about all kinds of crazy, ironical things that happen in this world.

Let me give you an amazing story. Ronald Reagan's Pentagon wants to zero out a procurement system, and we in the House might not go along with it. That is an amazing story as far as I am concerned.

What irony and paradox. We rail and rail about defense spending and overcharges. We rail about inefficiencies. We rail about mismanagement, exactly the problem with this program, the T-46. And then what do we do when we have the chance to put up or shut up?

The fact of the matter is that the committee decided to shut up and agree with the program. This is our chance to show fiscal integrity, responsibility, and still preserve national security. We can save $2 billion if we vote for the Dickinson amendment. We zero out the program.

Now what happens if we zero it out? Well, there are several options, and I want to be honest with my colleagues. Like the gentleman from New York, I have a parochial interest in this matter, and yet the item might not inure to my benefit. One of the options is to stay with the T-37—it can last 3,000 more hours—and not spend virtually any more money. That plane is made by Cessna, which is in my district. That is a possibility. One of the options is to have a flyoff, as Mr. SPRATT recommends. It means Cessna might get it, Fairchild might get it, or any number of 100 companies might get it.

The plane, the T-46, has been a problem, and a flyoff is deserved.

The other possibility is to modify the existing program. This amendment either zeroes it out, as Mr. DICKINSON wants, or offers the option of a flyoff and puts the money in other places, which Mr. SPRATT wants. But this is money that Ronald Reagan says that we do not need to spend for our national defense. It is the kind of classic thing: "I am for cutting spending except when it comes in my area."

The Pentagon has given us a test. Usually they want to add money; now they want to subtract money. Are we going to fail this test and our pledge to our constituents to hold down Government spending when we have a deficit this year of $240 billion? I hope not. I plead with my colleagues: Save the $2 billion, support your President, support BILL DICKINSON, and if he loses, support JOHN SPRATT.

Mr. DICKINSON. Mr. Chairman, I yield 3 minutes to the gentleman from Oregon [Mr. DENNY SMITH].

Mr. DENNY SMITH. I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in support first of the Spratt amendment, and then the Dickinson amendment. I think that the need for a flyoff in this program or any other program is pretty clear. The Packard Commission was very strong in their recommendation that we fly before we buy.

What we have here is becoming a parochial fight. We can see the gentlemen from the Northeast all ganging up to try and speak on this project. I do not care where this airplane is built; I would like to see a good one purchased. I think the only way that we are going to know that is to design a prototype and fly it.

One of the reasons that I am in favor of the amendment of the gentleman from South Carolina [Mr. SPRATT] is the fact that we are going to get to fly the T-46. If we go with the amendment of the gentleman from Alabama [Mr. DICKINSON], we are going to just wipe out the money completely.

I think that we have spent a lot of development dollars on the T-46, and it is important to the taxpayers to know whether that thing is a turkey, as the Air Force Secretary says, or whether or not it could be made into a better airplane.

A few years ago we were buying all the airplanes we ever purchased through a "fly before buy" kind of procedure. Some Members might remember that about 1960 Lockheed built an airplane, and they tested it quite a bit. It is now the P-3, but beforehand it was the Electra. It had a little vibration in the wing, and the wing came off outboard of one of the outer engines. That airplane was eventually made into a pretty good machine. However, if we are to go ahead and buy the T-46, which does have a known wing problem, we could well have another turkey that it takes quite a few lives and quite a few dollars to get straightened out.

The Packard Commission recommended that we utilize "fly before buy," and here we are getting into a position where parochial political interests are going to drive what we are using to try to defend the country. I do not think that we really need an airplane with a pressurized cabin to teach basic flying training to anybody in this military or any other.

□ 1715

You can learn to fly airplanes, but they do not have to be gold plated.

I do think it is important that we fly off. We have done that in the YF-16 and the YF-17 and the A-10.

Mr. Chairman, very simply, I think it is time to put an end to the paper competition and the door-to-door lobbying campaigns by the manufacturers that pit advertising dollars in the local news media against each other,

not airplanes, one against the other. This is one of those kinds of things where we need a real fly off, and I urge my colleagues to support the gentleman from South Carolina [Mr. SPRATT], first, and the gentleman from Alabama [Mr. DICKINSON], second, in my choice.

Mr. STRATTON. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. LENT].

Mr. LENT. Mr. Chairman, today with the consideration of the amendment offered by the gentleman from South Carolina [Mr. SPRATT] and the substitute offered by the gentleman from Alabama [Mr. DICKINSON], we make a very important decision on the next generation trainer for the Air Force. We are faced with the choice of giving our young Air Force pilots the new technologically superior Fairchild Republic T-46, or have them continue training in 35-year-old airplanes that are older than they are.

The adoption of the Spratt amendment would be a great mistake.

First, this amendment postpones the day of reckoning despite the obvious need for a new trainer now. In 1981, the Air Force testified as to the pressing need for a new trainer by the year 1986, noting that the T-37 would be "near the end of their structural airworthy life by the late 1980's. The Air Training Command is already losing 20 percent of their training sorties because of weather conditions that the T-37 cannot safely tolerate and when you combine this operational deficiency with others and the fact that the old T-37 inventory is being rapidly depleted by age, you find that the Air Force will not be able to meet its pilot production rates beyond 1987.

The gentleman from South Carolina ignores this by proposing that we in effect slow the rate of production for the T-46 and give Cessna a crack at wresting the contract away. I have two problems with this. First, instead of rewarding Fairchild for correcting their earlier production problems and giving them future incentive, this amendment penalizes them by casting doubt over the program and making it hard for the company to retain qualified personnel. Second, we have already had a competition for this contract! Cessna had their chance! They took their best shot and they lost. The Air Force clearly rejected the idea of an upgraded T-37 because the cost estimates were unsubstantiated and unrealistic, and because the jerry-rigged plane would fail to meet half the Air Force requirements for a new trainer. In contrast, the T-46 flight tests have been a great success. The Air Force is delighted with the plane—just ask the Air Training Command. The Fairchild Republic trainer meets or exceeds all the Air Force requirements. Moreover, evidence indicates that a delay in the T-46 production of the type proposed by this amendment would add—not subtract—a billion dollars to the cost of a new trainer.

The second reason I oppose this substitute is that it would transfer the $151 million authorized by the committee for the T-46 to the F-15 tactical fighter account. Now the F-16's are great planes and I'm all for them, but it makes absolutely no sense to pour more money into the fighter program without providing our young trainees with essential, up-to-date basic training equipment. What good is it to have all this sophisticated weaponry if we don't have the pilots properly trained to use it?

It's time, Mr. Chairman, that we stress the basics by doing first things first. Let's make a conclusive decision today to provide our pilots with the best—the T-46. I commend Chairman ASPIN and the committee for the wise judgment they have reached in this matter and I urge the defeat of the Spratt amendment.

Mr. SPRATT. Mr. Chairman, I yield 1½ minutes to the gentleman from Kansas [Mr. SLATTERY].

Mr. SLATTERY. Mr. Chairman, I rise in support of the Spratt amendment and also the Dickinson amendment. I would just point out, ladies and gentlemen, that this country is facing a $230 billion deficit and we are facing in the next few weeks, in all probability, sequestration under Gramm-Rudman.

The President, in his budget for the Pentagon, recommended a $30 billion increase, and even with that $30 billion increase this program was deleted. Think about that, ladies and gentlemen. We are talking about putting a program back in the budget the President could not find room for when he was recommending a $30 billion increase in the Pentagon budget. It is absolutely ridiculous that we are debating this even today.

The Air Force says they do not want it. The Secretary of the Air Force says he does not want it. The Joint Chiefs do not want it. The Secretary of Defense does not want it and the President does not want it. To suggest that these people do not have some basic understanding about the need for a trainer in this Air Force is just absolutely without merit.

If this amendment is defeated, ladies and gentlemen, we are looking at a textbook case of why this Government cannot cut Government spending, a textbook case right here today on the floor of the House of Representatives. Logic, and reason, and common sense demands, ladies and gentlemen, that we support the Spratt amendment and the Dickinson amendment and cut $1 billion out of the Pentagon budget that the Pentagon says they do not want.

We heard the gentleman from Alabama say that the Secretary of the Air Force this morning said, "Don't make us fly this turkey." What in the world are we doing here today forcing them to spend $1 billion they do not want?

Mr. DICKINSON. Mr. Chairman, might I inquire how much time remains?

The CHAIRMAN pro tempore. The Chair informs the gentleman that the gentleman from Alabama [Mr. DICKINSON] has 3½ minutes remaining, the gentleman from South Carolina [Mr. SPRATT] has three-quarters of a minute remaining, and the gentleman from New York [Mr. STRATTON] has 15 minutes remaining.

Mr. DICKINSON. Mr. Chairman, I reserve the balance of my time.

Mr. STRATTON. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. MRAZEK].

Mr. MRAZEK. Mr. Chairman, this has really been a fascinating debate. We have heard Long Island maligned, we have heard the Northeast maligned, and we have even heard the turkey maligned. In fact, a lot of different systems have been referred to as turkeys.

In fact, I have listened to my colleagues from Kansas who have so many times in the past taken this floor to say they think the administration is wrong, and now they say let us listen to Caspar Weinberger. I must tell my friends and colleagues from Kansas, Mr. Weinberger is wrong again.

This amendment is an effort to turn back the clock on an aircraft that is clearly too old and inadequate to meet the training needs of the future in this modern Air Force. I think it is important to remember that every pilot who is going to come into the Air Force, young pilots, will have to fly this plane, and they deserve the best.

The Air Force has time and time again rejected any proposals to upgrade the T-37 because of the tremendous cost involved and the simple fact that the T-37 is deficient in every way when matched up to the T-46.

Admittedly, there were some initial problems in this aircraft, as there have been in many other systems. Yet more than 170 hours of test flights have been successfully conducted, and I would point out that eight different Air Force generals all have given rave reviews to the T-46 at this particular time.

The CBO has stated that the number of available T-37B aircraft will not be sufficient to meet the projected pilot production rates beyond 1987.

I would simply conclude by saying that there is merit to both sides of this argument. I hate to hear that the two trainers that young pilots in this Air Force are going to have to fly in the future are both turkeys. I do not know that that is a commendation in any

real form whatsoever, and I would hope that the rest of this debate might be conducted on the relative merits of two systems that hopefully will not cost any American lives in the future.

Mr. McGRATH. Mr. Chairman, will the gentleman yield?

Mr. MRAZEK. I yield to the gentleman from New York.

Mr. McGRATH. Mr. Chairman, I rise in strong opposition to the amendment by the gentleman from South Carolina. This proposal is akin to restarting bottom of the 9th inning when you don't like the outcome of the game. The Air Force has been studying the need for a trainer since the late 1970's. Here we are nearly 10 years later after numerous studies and full-blown competition proposing further delay.

Developing an alternative to the T–46 would take at least a year or two. By that time any existing claims that money would be saved through an alternative will not be accurate. In addition to inflation, enormous unforeseen problems could exist in fitting new engines onto an aircraft designed in the 1950's.

In 1984, the Secretary of the Air Force stated that the T–46 is a "trainer we very desperately need." Today and over the next week, we will authorize research and production of several advanced aircraft—(B–1, Stealth bomber, advanced tactical fighter, F–15C, and F–15E. I think our program to train pilots ought to utilize a jet trainer with instrumentation and capabilities closer to those we are spending billions to develop and build.

I fully understand Air Force budget concerns, however, an investment of little more than $100 million would enable the T–46 program to continue efficiently. We would have no costly production line stoppage, and no expense and delay for a new competition. We would have a sound modern aircraft to train our pilots through the end of this century.

Mr. STRATTON. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. DOWNEY].

Mr. DOWNEY of New York. Mr. Chairman, we are here today not because the T–46 has some trouble. It did, and we all admit that. We are here today because the senior Senator from the State of Kansas found an opportunity to force the Air Force to say that they did not want the plane that the year before they were crying desperately for.

There are a number of different ways to evaluate what is necessary for the defense of our country. A trainer should very simply be categorized in very quick terms. It is needed.

The T–37, everyone knows, is 30-plus years old. Its useful life is running out. That is clear. The Strategic Air Command commander says so, former Secretary of the Air Force, Verne Orr says so.

Will it cost more money if we cancel this or will it cost less money? It will cost more money, my colleagues, if we go to the bait and switch scheme that the gentleman from South Carolina [Mr. SPRATT] has offered us. We will also be killing the airplane.

□ 1725

For the last year, the Fairchild Co. has managed to swallow a year of not having progress payments, and it is quite clear that if you want to kill the plane, you can kill it the way Mr. DICKINSON wants to kill it, by not giving it the money, or you can kill it the way Mr. SPRATT will do, by studying it again. You can kill it with kindness, but I would urge you, urge you to recognize the fact that there is a requirement for this plane and it is met by the T–46, and it will cost over the lifetime of the project, $1 billion less if we build it now as opposed to later.

We are faced with an unhappy political dilemma. The Air Force, in attempting to prove that it is against something, has chosen this plane even though it has, up to now, provided $486 million in developmental cost, and sung a siren song to the House Armed Services Committee for the last 4 years that the plane was necessary.

It did not sing that song this year, but the House Armed Services Committee decided that young pilots needed new planes to train on. This plane will save money in fuel, maintenance; it is more reliable. We know that for a fact two prototypes have already flown.

So, my colleagues, this is not a question of studying; this is a question of whether you cancel it by cutting the money out or canceling it by studying it. Do not do either. Accept the House Armed Services Committee recommendation to build the plane.

Mr. STRATTON. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. Dornan].

Mr. DORNAN of California. Mr. Chairman, July 8, the Air Force asked me if I would like to come out and fly the T–46; and I was unable to do so because of some district promises that I had made, so I talked to Senator GOLDWATER and to Mrs. BYRON, and I talked to the test pilots, and I talked to some generals in the Air Force that have four stars on their shoulders.

I said, "Now level with me. With all this talk about serious problems, is there any problem with the engines, these excellent Garrett engines?" "No." They said, "These engines are flying in business jets all around the world; excellent engines."

I said, "Is there anything wrong with the air frame that is any different than any airplane I've ever flown or any airplane any other Member of this Chamber has flown, like Mr. SMITH and the F–4, anything different in this stage of its development than other jet aircraft?" They said "No. Actually, there isn't anything that can't be fixed with just a little effort, and it's way beyond the average at this stage in development of all the other jets we've flown since the midforties."

"Now, taking that fairly into consideration is the need there for a pressurized cockpit and a new primary trainer for our young pilots in the Air Force?" The answer is yes.

One of these Air Force four-star generals, a fighter pilot type, said, "Congressman, in the best of all worlds, of course we would like to have this airplane and make the few fixes that are necessary. But you guys in the Congress are rolling us back on so many fronts and cutting so much that we want that this is one of those priorities that we don't want to have to put up against F–15's or F–16's."

So I think it is only fair to tell the New York delegation that those of us who are not cutting back to the lower figure in our defense think that our young pilots in the Air Force going after those wings of silver deserve this T–46; and I accept the testimony from the other body, and the testimony from the only person in this Chamber who has flown it, Mrs. BYRON, and I say, "Let's vote for these limited funds and get this T–46 program going."

Mr. STRATTON. Mr. Chairman, I yield 2 minutes to the gentlewoman from Maryland [Mrs. BYRON], who has flown this outstanding plane as the gentleman from California has outlined.

Mrs. BYRON. Mr. Chairman, if I had only known, I would have worn my flight suit.

Let me say that I have to rise today, like many of my other colleagues who have talked about parochial interest. I, too, have some parochial interest; not the fact that I happen to have had an opportunity to fly this aircraft, but I happen to be the mother of an Air Force pilot.

I do not think there is anyone that is a parent of a child that does not want only the very best for that child.

Back in July 1982, the award source selection was made to replace the T–37. Fairchild won that source selection. Two of these aircraft have been delivered. The person who made that source selection has said to me that nothing has changed since they made that original decision.

The Air Force has acknowledged that the T–46 has performed in the flight test program satisfactorily. Mr. SPRATT, in his discussion, talked about the aircraft being transported to Edwards; not flying to Edwards. Of course, any new aircraft is not going to be flown to its first test flight station; it has to be transported.

We have so far had 88 tests of this aircraft. In March of this year, I had an opportunity not only to fly the T–46, but to fly the T–37 first for an hour and a half. I had an opportunity to compare the two aircraft. There is no comparison.

I was in the 73d flight; I was the 21st person to fly this aircraft. In my estimation, this amendment should be defeated.

Mr. STRATTON. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. Mr. Speaker, I rise in opposition to both the underlying amendment offered by Mr. SPRATT and the substitute amendment offered by Mr. DICKINSON.

I think that the T-46 is vital to the Air Force training program, and I certainly hope that my colleagues will defeat these amendments.

The fact of the matter is, the T-46 trainer will meet the Air Force's need for a new and more capable trainer aircraft, which is safer and more efficient. The current trainers, the T-37's, are by and large more than 25 years old. They are costly to maintain and they are incapable of meeting the requirements that the Air Force has for training of our modern aircraft and our modern pilots.

It seems to me the gist of what we are talking about, or what we have been hearing about here today is, "If it ain't broke, don't fix it." Well, that is great if we are talking about acquiring some relics to hang in the Smithsonian aerospace museum, but that is not what we ought to be talking about here today.

We ought not to be talking about keeping relics; we ought to be talking about getting the very best aircraft that we possibly can for our pilots.

Now much has been made on the floor during this debate of the opposition by the Air Force to the funding for this; but the fact is, they did not used to oppose it. True, they have established some priorities, and many of us last week voted to allow sufficient funding to continue some of these major weapons systems that we think are very important.

As the Air Force officers over and over again, that have spoken on this have said, they need this new aircraft; they need a new trainer; and the T-46 does meet the needs of what they should have. Halting the T-46 production is going to necessitate tremendous modifications to the T-37 fleet that in the long run is going to cost as much as $900 million more than if we continue production of the T-46, the more capable, more maintainable T-46.

The T-46 is a superior aircraft for a number of reasons: It has a pressurized cabin and higher thrust engines, it operates at higher altitudes and in much worse weather conditions than the T-37. The higher altitude means that pilots would have fewer encounters with general aviation.

I urge my colleagues to reject these amendments that are before us.

Mr. STRATTON. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from California [Mr. BADHAM].

Mr. BADHAN. Mr. Chairman, we have heard a lot in this brief debate about whether or not we need a trainer aircraft; where it is built, what it does, what it does not do, and what do we do with the money if we do not do it, there has been a lot of truth shed on this, but I think we have partially missed the mark.

I think the mark is, and it has been hit by some: Do we need a new trainer aircraft? And the answer is yes. The Air Force says that; the Department of Defense says that; everybody says that who has had anything to do with the aspect of training our Air Force pilots.

Now, I have not flown the T-46, but I have flown the T-37. Fine-working airplane; but it is loud, it is old, it is a gas guzzler, and it is on its last legs.

Now come the people who manufacture that bird, and they tell us, "Well, we can put new wings on it, we can put new engines in it, we can pressurize it, we can put a new cockpit in it," and I do not blame them for saying that.

One underlying fact remains there: There are not enough of them. There are not enough T-37's in the inventory left to rebuild, to fulfill this country's needs. We do, on the other hand, now have about ready to go into production, a T-46. Not your perfect airplane. Not your perfect airplane at all, but it meets today's standards, because it will be quieter, faster, higher flying, easier maintained, state-of-the-art cockpit, and it is something that we need and we need now.

The gentleman from California made comment about the fact that we have to have something because the old ones are wearing out; and that is indeed true, and it is time we got on with it, and it is a matter of priority.

□ 1735

I agree with Mr. DICKINSON, if we do not use the money for this program, of course it should go back into F-15 and F-16. But the fact of the matter is that perhaps as a passionate but in this case nonparochial Member of this body, let me say the T-46 is the way to go and in their heart of hearts the Air Force will tell you that.

The CHAIRMAN pro tempore (Mr. DASCHLE). The Chair informs the Committee that the gentleman from New York [Mr. STRATTON] has 3 minutes remaining, the gentleman from South Carolina [Mr. SPRATT] has three-quarters of a minute remaining, and the gentleman from Alabama [Mr. DICKINSON] has 3½ minutes remaining.

The gentleman from New York [Mr. STRATTON] retains the right to close debate.

Mr. DICKINSON. Mr. Chairman, I yield myself the time remaining on this side.

Mr. Chairman, I think it has been an interesting debate. As I close, I would just like to again reemphasize that we are being asked by a group from New York to substitute our judgment for that of the Department of Defense and the Air Force and say, "You guys don't know what you're talking about. We know more about airplanes than you do. So we will make a judgment as to what airplane you are going to buy."

Mr. STRATTON of New York, Mr. DOWNEY of New York, Mr. LENT of New York, Mr. MRAZEK of New York, Mr. MCGRATH of New York, and Mr. KOLBE of Arizona have all spoken in favor of this plane. Let me tell you this: they talk about how good it is. The contractor at the T-46 rollout ceremony brought out an incomplete aircraft that had some 100 parts made of cardboard and other nonflightworthy material. At the management inspection, this is true, all facts that are in the record, there are eight areas of inspection and the contractor failed in all eight areas of inspection and had 279 discrepancies.

I talked to the Secretary of the Air Force this morning, and he tells me that the contractor was to deliver 10 aircraft in lot 1. They stopped work on the third aircraft and may be able to deliver only 2 of the 10. As to the additional 20, I do not even think they will even bid on those at the present price. The fact is we have a substitute that can be upgraded and fly for 3,000 more hours. What you are asked to vote for today is one of two amendments. The Air Force position—and I am glad the gentleman from New York [Mr. STRATTON] mentioned Mr. GOLDWATER having flown this. Mr. Goldwater does not support this plane. They zeroed it in his committee of which he is chairman, and I am glad the gentleman mentioned his name. They zeroed it in the other body because Mr. GOLDWATER does not support this plane.

So this is where we are. I say the Air Force ought to be able to make its own mind up on the judgment that it has, and I think we ought to zero this program and use the money for the F-15 and F-16. It is just that simple.

Then if they want to come up later and have a competition, develop another trainer, good. The alternative which I would support if mine went down is Mr. SPRATT's. It says, "Let's don't build the T-46, let's have a competition, save the money for a competition but not go forward and build it."

Well, that is only half a loaf. If you want to do the right thing to cut out the waste, fraud, and abuse that we always complain about, give the Air Force and the Department of Defense a chance to manage its own business, give them the choice of saying, "This is a bad program, we have gone through it, it doesn't meet the specs, it

is overpriced, it can't cut the mustard." Let the Air Force for once say that they cannot do it, "We do not want the aircraft, let us modify what we got and save $3 billion.

The alternative, I think, is unacceptable.

Mr. SPRATT. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN pro tempore. The gentleman from South Carolina [Mr. SPRATT] is recognized for three-quarters of a minute.

Mr. SPRATT. Mr. Chairman, I have absolutely no parochial interest in this matter. I made this amendment for three reasons: First of all, this program, the T-46, has been canceled by the Air Force and not funded by the other body. DOD asked for no money for it. There is no reason we should unilaterally reinstate the program.

Second, last year we gave the Air Force $170 million for this program. They have not spent it, they have withheld it. Why should we force upon them, shove on the Air Force $150 million more when they are withholding $170 million that we gave them last year?

Finally, Cessna has made the Air Force an attractive proposal. Whether it is a good one or not I do not know.

What my amendment says simply is let us try it. If the T-37 proves its mettle, proves it can do what it is intended to do, it may save us $1 billion.

Those are the reasons I have for my amendment. I urge that the membership adopt it.

Mr. STRATTON. Mr. Chairman, I yield myself 1 minute to respond to the gentleman from Alabama [Mr. DICKINSON].

He said the distinguished Member of the other body who is an Air Force general zeroed the plane out in his committee before he had flown it. After he had flown it, his position was otherwise.

Mr. Chairman, I yield the remainder of my time to the gentleman from New York [Mr. CARNEY] to close debate.

The CHAIRMAN pro tempore. The gentleman from New York [Mr. CARNEY] is recognized for 2½ minutes.

Mr. CARNEY. I thank the Chairman.

Mr. Chairman, we have heard an awful lot about having parochial interests. This is one Member of Congress who does not have a parochial interest. It is not built in my district. Indeed I come from Long Island. But I am unique inasmuch as I am not running again for office.

The only thing I want to do is to do what is right.

I have taken the opportunity to go out and visit one of our training facilities, Williams Air Force Base, in the West. While there I took the opportunity to talk to as many pilots involved in the training of the young men and women that I could find in a 2-day period.

I could not find one single pilot that said to me anything but, "Congressman, if you do anything in this Congress, make sure we get this trainer. The T-37 is old, it is an accident waiting to happen," it is inadequate for training young men and women to fly the expensive aircraft that we purchase.

We are asked to buy $40 million fighters, the F-15, the F-16, the new advanced tactical fighter. Yet we do not want to spend money for the most basic thing, that is training young women and men to fly our most expensive aircraft. That is a mistake. It is such a mistake that the Pentagon knew well that this Congress would recognize it.

The Pentagon deleted the training knowing we would do the prudent thing and put it back in the budget.

The Pentagon has a propensity for whistles and bells. They do not want to cut F-16's or F-15's. And they knew they could rely upon us to do what is right and that is put the T-46 back in the budget.

Why? One, the T-37, as I said, is dangerous, but it is costly as well. The new plane has a 44-percent more efficient fuel consumption rate. The new plane will allow us to train more frequently.

If we have overcast weather, training stops. The T-37 does not have the capability to be flown in overcast weather.

If you have a problem with air space, training stops. We can improve the air space problem because the T-46 has a pressurized cabin. We can go above 18,000 feet, go above where most civilian air craft are flying, and we can train our pilots safely to fly the best planes that we can buy.

Ladies and gentlemen, reject both amendments.

The CHAIRMAN pro tempore. The time of the gentleman has expired.

All time on the amendment has expired.

The question is on the amendment offered by the gentleman from Alabama [Mr. DICKINSON] as a substitute for the amendment offered by the gentleman from South Carolina [Mr. SPRATT], as amended.

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. DICKINSON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 125, noes 277, not voting 29, as follows:

[Roll No. 318]

AYES—125

| | | |
|---|---|---|
| Anthony | Archer | Bartlett |
| Applegate | Armey | Barton |
| Bates | Goodling | Reid |
| Bedell | Gradison | Roberts |
| Beilenson | Gregg | Robinson |
| Bereuter | Gunderson | Rogers |
| Bevill | Hamilton | Schroeder |
| Bonker | Hansen | Schuette |
| Borski | Hendon | Schulze |
| Bosco | Hiler | Sensenbrenner |
| Boulter | Hopkins | Sharp |
| Broomfield | Huckaby | Shelby |
| Brown (CA) | Hunter | Shuster |
| Brown (CO) | Hyde | Siljander |
| Burton (IN) | Johnson | Skeen |
| Callahan | Kasich | Slattery |
| Carr | Kindness | Slaughter |
| Chandler | Latta | Smith (NE) |
| Cheney | Leach (IA) | Smith, Denny (OR) |
| Clinger | Livingston | Smith, Robert (NH) |
| Coats | Loeffler | Smith, Robert (OR) |
| Cobey | Lott | Snyder |
| Coble | Lujan | Stangeland |
| Coleman (MO) | Marlenee | Strang |
| Cooper | Martin (IL) | Swindall |
| Coughlin | Mazzoli | Tauke |
| Courter | McCollum | Thomas (CA) |
| Craig | McEwen | Torricelli |
| Daschle | Meyers | Valentine |
| Daub | Michel | Visclosky |
| DeLay | Miller (OH) | Walker |
| Derrick | Miller (WA) | Weber |
| DeWine | Monson | Wheat |
| Dickinson | Nelson | Whittaker |
| Edwards (OK) | Nichols | Williams |
| Erdreich | Nielson | Wirth |
| Fawell | Olin | Wolf |
| Fiedler | Oxley | Wolpe |
| Fields | Pease | Wylie |
| Franklin | Perkins | |
| Frenzel | Petri | |
| Gingrich | Quillen | |
| Glickman | Regula | |

NOES—277

| | | |
|---|---|---|
| Ackerman | Donnelly | Henry |
| Akaka | Dorgan (ND) | Hertel |
| Alexander | Dornan (CA) | Howard |
| Anderson | Dowdy | Hoyer |
| Andrews | Downey | Hubbard |
| Annunzio | Dreier | Hughes |
| Aspin | Duncan | Hutto |
| Atkins | Durbin | Ireland |
| AuCoin | Dwyer | Jacobs |
| Badham | Dymally | Jeffords |
| Barnard | Dyson | Jones (NC) |
| Barnes | Early | Jones (OK) |
| Bateman | Eckart (OH) | Jones (TN) |
| Bennett | Eckert (NY) | Kanjorski |
| Bentley | Edwards (CA) | Kaptur |
| Berman | Emerson | Kastenmeier |
| Biaggi | English | Kemp |
| Bilirakis | Evans (IA) | Kennelly |
| Bliley | Evans (IL) | Kildee |
| Boehlert | Fascell | Kleczka |
| Boggs | Fazio | Kolbe |
| Boland | Feighan | Kolter |
| Boner (TN) | Fish | Kostmayer |
| Bonior (MI) | Florio | Kramer |
| Boucher | Foglietta | Lagomarsino |
| Boxer | Foley | Lantos |
| Brooks | Ford (MI) | Leath (TX) |
| Bruce | Ford (TN) | Lehman (CA) |
| Bryant | Frank | Lehman (FL) |
| Bustamante | Frost | Leland |
| Byron | Fuqua | Lent |
| Carney | Gallo | Levin (MI) |
| Carper | Garcia | Levine (CA) |
| Chapman | Gaydos | Lewis (FL) |
| Chappell | Gejdenson | Lightfoot |
| Chappie | Gekas | Lipinski |
| Coelho | Gephardt | Lloyd |
| Coleman (TX) | Gibbons | Long |
| Collins | Gilman | Lowery (CA) |
| Combest | Gonzalez | Lowry (WA) |
| Conte | Gordon | Lungren |
| Conyers | Gray (IL) | Mack |
| Coyne | Gray (PA) | MacKay |
| Crane | Green | Madigan |
| Crockett | Guarini | Manton |
| Daniel | Hall (OH) | Markey |
| Dannemeyer | Hall, Ralph | Martin (NY) |
| Davis | Hammerschmidt | Martinez |
| de la Garza | Hatcher | Matsui |
| Dellums | Hawkins | Mavroules |
| Dingell | Hayes | McCain |
| DioGuardi | Hefner | McCandless |

McCloskey
McCurdy
McDade
McGrath
McHugh
McKernan
McKinney
McMillan
Mica
Miller (CA)
Mineta
Mitchell
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Morrison (WA)
Mrazek
Murtha
Myers
Natcher
Neal
Nowak
Oakar
Oberstar
Obey
Ortiz
Owens
Packard
Panetta
Parris
Pashayan
Penny
Pepper
Pickle
Porter
Price
Pursell
Rahall
Rangel
Ray
Richardson
Ridge
Rinaldo
Rodino
Roe
Roemer
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Rudd
Russo
Sabo
Savage
Saxton
Schaefer
Scheuer
Schneider
Schumer
Seiberling
Shaw
Shumway
Sikorski
Sisisky
Skelton
Smith (FL)
Smith (NJ)
Snowe
Solarz
Solomon
Spence
Spratt
St Germain
Staggers
Stallings
Stark
Stenholm
Stokes
Stratton
Studds
Stump
Sundquist
Sweeney
Swift
Synar
Tallon
Tauzin
Taylor
Thomas (GA)
Torres
Towns
Traficant
Traxler
Udall
Vento
Volkmer
Vucanovich
Waldon
Walgren
Watkins
Waxman
Weaver
Whitehurst
Whitley
Whitten
Wilson
Wise
Wortley
Wright
Wyden
Yates
Yatron
Young (AK)
Young (FL)
Young (MO)

NOT VOTING—29

Breaux
Burton (CA)
Campbell
Clay
Darden
Dicks
Dixon
Edgar
Flippo
Fowler
Grotberg
Hartnett
Hillis
Holt
Horton
Jenkins
LaFalce
Lewis (CA)
Luken
Lundine
Mikulski
Moore
Morrison (CT)
Murphy
Ritter
Smith (IA)
Vander Jagt
Weiss
Zschau

□ 1800

The Clerk announced the following pair:

On this vote:

Mr. Lewis of California for, with Mr. Campbell against.

Messrs. WEAVER, DURBIN, GORDON, and BATEMAN changed their votes from "aye" to "no."

Messrs. WEBER, HUCKABY, WOLPE, FAWELL, BOULTER, and SMITH of New Hampshire changed their votes from "no" to "aye."

So the amendment offered as a substitute for the amendment, as amended, was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. CONTE. Mr. Chairman, because I was in Massachusetts, being inducted as an honorary brother of the Pi Kappa Alpha Fraternity, University of Massachusetts chapter today, I was unavoidably detained and could not vote on the first Bennett amendment offered to the Defense authorization bill.

Mr. BENNETT's amendment would have deleted funding for 12 MX missiles, and transferred $250 million of the $1.1 billion cut to conventional weapons. Had I been present, I would have voted "yes."

The CHAIRMAN pro tempore (Mr. DASCHLE). The question is on the amendment offered by the gentleman from South Carolina [Mr. SPRATT], as amended.

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. SPRATT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 190, noes 213, not voting 28, as follows:

[Roll No. 319]

AYES—190

Alexander
Andrews
Anthony
Applegate
Archer
Armey
Bartlett
Barton
Bateman
Bates
Bedell
Beilenson
Bereuter
Bevill
Bilirakis
Bonker
Borski
Bosco
Boucher
Boulter
Broomfield
Brown (CA)
Brown (CO)
Bruce
Bryant
Burton (IN)
Carper
Carr
Chandler
Chapman
Cheney
Clinger
Coats
Cobey
Coble
Coleman (MO)
Combest
Cooper
Coughlin
Courter
Craig
Crane
Daschle
Daub
DeLay
Derrick
DeWine
Dickinson
Dorgan (ND)
Duncan
Durbin
Edwards (OK)
Emerson
Erdreich
Fawell
Fiedler
Fields
Franklin
Frenzel
Frost
Gaydos
Gejdenson
Gekas
Gingrich
Glickman
Goodling
Gordon
Gradison
Gregg
Guarini
Gunderson
Hall, Ralph
Hamilton
Hammerschmidt
Hansen
Hefner
Hendon
Hiler
Hopkins
Huckaby
Hunter
Hyde
Jacobs
Jeffords
Johnson
Jones (OK)
Jones (TN)
Kanjorski
Kasich
Kennelly
Kindness
Kostmayer
Kramer
Lagomarsino
Lantos
Latta
Leach (IA)
Levine (CA)
Lightfoot
Lipinski
Livingston
Loeffler
Long
Lott
Lungren
MacKay
Marlenee
Martin (IL)
Mazzoli
McCandless
McCollum
McCurdy
McEwen
McKernan
McMillan
Meyers
Michel
Miller (OH)
Miller (WA)
Mineta
Mitchell
Monson
Neal
Nelson
Nichols
Nielson
Olin
Oxley
Pashayan
Pease
Penny
Perkins
Petri
Quillen
Regula
Reid
Ritter
Roberts
Robinson
Rogers
Rose
Schroeder
Schuette
Schulze
Sensenbrenner
Sharp
Shaw
Shelby
Shuster
Siljander
Skeen
Skelton
Slattery
Slaughter
Smith (NE)
Smith (NJ)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Snyder
Spratt
Stallings
Stangeland
Stenholm
Strang
Sweeney
Swift
Swindall
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Torricelli
Valentine
Walker
Watkins
Weaver
Weber
Wheat
Whitley
Whittaker
Williams
Wirth
Wolf
Wolpe
Wylie
Young (AK)

NOES—213

Ackerman
Akaka
Anderson
Annunzio
Aspin
Atkins
AuCoin
Badham
Barnard
Barnes
Bennett
Bentley
Berman
Biaggi
Bliley
Boehlert
Boggs
Boland
Boner (TN)
Bonior (MI)
Boxer
Brooks
Bustamante
Byron
Callahan
Carney
Chappell
Chappie
Coelho
Coleman (TX)
Collins
Conte
Conyers
Coyne
Crockett
Daniel
Dannemeyer
Davis
de la Garza
Dellums
Dingell
DioGuardi
Donnelly
Dornan (CA)
Dowdy
Downey
Dreier
Dwyer
Dymally
Dyson
Early
Eckart (OH)
Eckert (NY)
Edwards (CA)
English
Evans (IA)
Evans (IL)
Fascell
Fazio
Feighan
Fish
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Fuqua
Gallo
Garcia
Gephardt
Gibbons
Gilman
Gonzalez
Gray (IL)
Gray (PA)
Green
Hall (OH)
Hatcher
Hawkins
Hayes
Henry
Hertel
Howard
Hoyer
Hubbard
Hughes
Hutto
Ireland
Jones (NC)
Kaptur
Kastenmeier
Kemp
Kildee
Kleczka
Kolbe
Kolter
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Lewis (FL)
Lloyd
Lowery (CA)
Lowry (WA)
Lujan
Mack
Madigan
Manton
Markey
Martin (NY)
Martinez
Matsui
Mavroules
McCain
McCloskey
McDade
McGrath
McHugh
McKinney
Mica
Miller (CA)
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Morrison (WA)
Mrazek
Murtha
Myers
Natcher
Nowak
Oakar
Oberstar
Obey
Ortiz
Owens
Packard
Panetta
Parris
Pepper
Pickle
Porter
Price
Pursell
Rahall
Rangel
Ray
Richardson
Ridge
Rinaldo
Rodino
Roe
Roemer
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Rudd
Russo
Sabo
Savage
Saxton
Schaefer
Scheuer
Schneider
Schumer
Seiberling
Shumway
Sikorski
Sisisky
Smith (FL)
Solarz
Solomon
Spence
St Germain
Staggers
Stark
Stokes
Stratton
Studds
Stump
Sundquist
Thomas (GA)
Torres
Towns
Traficant
Traxler
Udall
Vento
Visclosky
Volkmer
Vucanovich
Waldon
Walgren
Waxman
Whitehurst
Whitten
Wilson
Wise
Wortley
Wright
Wyden
Yates
Yatron
Young (FL)
Young (MO)

NOT VOTING—28

Breaux
Burton (CA)
Campbell
Clay
Darden
Dicks
Dixon
Edgar
Flippo
Fowler
Grotberg
Hartnett
Hillis
Holt
Horton
Jenkins
LaFalce
Lewis (CA)
Luken
Lundine
Mikulski
Moore
Morrison (CT)
Murphy
Smith (IA)
Vander Jagt
Weiss
Zschau

□ 1810

The Clerk announced the following pair:

On this vote:

Mr. Lewis of California for, with Mr. Campbell against.

Mr. BARNES and Mr. VISCLOSKY changed their votes from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore. (Mr. DASCHLE). The Chair will inquire of the gentleman from South Carolina, does the gentleman wish to offer Amendment No. 4?

Mr. SPRATT. Mr. Chairman, I would advise the Chair that I do not intend to call amendment No. 4. I do intend to call amendment No. 11.

The CHAIRMAN pro tempore. The Chair advises the gentleman from Alabama [Mr. DICKINSON] that under the rules he is entitled to offer amendment No. 5. Does the gentleman wish to offer the amendment?

Mr. DICKINSON. Mr. Chairman, I think the House has spoken on that. I will not offer the amendment.

AMENDMENT OFFERED BY MR. MONTGOMERY

Mr. MONTGOMERY. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MONTGOMERY: Page 10, line 1, strike out "$509,100,000" and insert in lieu thereof "$539,100,000".

Mr. MONTGOMERY. Mr. Chairman, my purpose in offering this amendment is to point out a need for better training devices and simulators back in the National Guard armories and Reserve airfields to further improve the training of reservists and guardsmen.

Mr. Chairman, I will not push this amendment for a vote because in my amendment I add to the authorization and I offer no way to make savings in the bill. The additional add-ons that I make in this amendment, I think when you do offer amendments on the floor certainly you should make some way to have cuts in the bill; so therefore I would like to explain the amendment and then I will ask unanimous consent to withdraw the amendment.

Mr. Chairman, the amendment I am offering would add $30 million for the procurement of nonsystem training devices, such as simulators for the Army National Guard and for the Marine Corps Reserve.

The committee bill provides, and I think this is enough, $53 million for such equipment for the Army National Guard.

Mr. Chairman, I would hope that the Chairman of the Procurement Subcommittee would listen, the gentleman from New York [Mr. STRATTON], to what I am about to say here. There is another $29 million in miscellaneous engineering equipment for the Marine Corps Reserve.

Now, I do not intend to ask for a vote on the amendment. I will withdraw it; however, I would hope that the House conferees will protect the important initiative to then seek to earmark $5 million of the Marine Corps Reserve miscellaneous engineering equipment line for simulators for the Marine Reserves.

□ 1825

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from New York.

Mr. STRATTON. Mr. Chairman, I appreciate the gentleman's statement. As the gentleman from Mississippi knows, I have the greatest affection and confidence in his judgment. He has done an outstanding job in equipping the Guard and the Reserve at a time when they were practically stepchildren of the military establishment, and as a result of the gentleman's initiative, the Guard today is far more strong, far more effective. Although the gentleman says that he wants to withdraw his amendment, we will certainly protect his interest in the conference committee, and I am sure that we will continue, as we have done under this leadership, in the coming months to put as much money as we can possibly find into the Guard and Reserve to keep that fine organization going.

I want to thank the gentleman for his statement, and we can reassure him that we will be behind him.

Mr. MONTGOMERY. Mr. Chairman, I thank the chairman very much for what he has said, and I might say that this has been a team effort of the House Armed Services Committee working to improve the initiative and equipment for the National Guard and Reserve.

Let me say this, Mr. Chairman, to point out to my colleagues that the Army National Guard now has 51 percent of all the combat missions in the Army—51 percent. The Army Reserve has 70 percent of all the support missions of the Army. In other words, the Army cannot move without the Army Reserve. It cannot fight without the Army National Guard.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Mississippi [Mr. MONTGOMERY]?

There was no objection.

The CHAIRMAN pro tempore. (Mr. DASCHLE). Does the gentleman from California [Mr. DELLUMS] wish to offer amendment No. 7?

Does the gentleman from South Carolina [Mr. SPRATT] wish to offer amendment No. 8?

Mr. SPRATT. Mr. Chairman, I do not.

The CHAIRMAN pro tempore. Does the gentleman from South Carolina [Mr. SPRATT] wish to offer amendment No. 9.

Mr. SPRATT. Mr. Chairman, I do not.

The CHAIRMAN pro tempore. Does the gentlewoman from Tennessee [Mrs. LLOYD] wish to offer amendment No. 10?

Does the gentleman from South Carolina [Mr. SPRATT] wish to offer amendment No. 11?

AMENDMENT OFFERED BY MR. SPRATT

Mr. SPRATT. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SPRATT: Page 3, line 8, strike out $2,361,900,000" and insert in lieu thereof "$2,391,900,000".

Page 3, line 12, strike out "$5,093,600,000" and insert in lieu thereof "$5,150,900,000".

Page 3, line 18, strike out "$1,407,200,000" and insert in lieu thereof "$1,464,500,000".

Page 8, line 17, strike out "$16,746,800,000" and insert in lieu thereof "$17,237,200,000".

The CHAIRMAN pro tempore. Under the rule, the gentleman from South Carolina [Mr. SPRATT] will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentleman from South Carolina [Mr. SPRATT].

Mr. SPRATT. Mr. Chairman, the purpose of this amendment is simple and straightforward. Its purpose is to restore money for multiyear procurement programs which have been cut below the amount or level necessary to sustain multiyear procurement contracts as a result of the action that we took last week in voting favorably on the Spratt amendment.

My amendment last week cut the authorization level to $286.5 billion. In doing so, the gentleman from Alabama pointed out that we were cutting some programs below the necessary level for sustaining multiyear procurement.

The effect of this amendment is to restore for the F-16, 30 additional aircraft, taking it to 180 aircraft, which is the net level necessary to sustain multiyear procurement; for the Patriot missile, to restore 115 missiles at a cost of $30 million budget authority; and to restore two small projects, a water purification technology and a crane, both of which are under multiyear procurement arrangements.

The amendment also provides that the funds necessary to make these restorations would come from and be dependent upon a reduction in the SDI authorization contained in title II. These additions for multiyear procurement purposes will be made only if SDI funding is reduced below the current level of $3.4 billion.

Mr. ASPIN. Mr. Chairman, will the gentleman yield?

Mr. SPRATT. I yield to the gentleman from Wisconsin, the chairman of the committee.

Mr. ASPIN. Mr. Chairman, I think that this is a very, very good amend-

ment, and I think that in fact it is pretty well agreed on all sides. Perhaps the gentleman could yield to the gentleman from Alabama, and we could settle it.

The CHAIRMAN pro tempore. The Chair informs the Committee that a Member can rise in opposition to the amendment and have the full 5 minutes.

Mr. DICKINSON. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from Alabama [Mr. DICKINSON] is recognized for 5 minutes.

The Chair should perhaps inform the Committee that the gentleman, as the sponsor of the amendment, can retain time.

Mr. SPRATT. Mr. Chairman, I retain my time. I did not yield my time back to the Chair, and as I understand it, the gentleman from Alabama [Mr. DICKINSON] is operating now on his own time.

The CHAIRMAN pro tempore. The gentleman from South Carolina [Mr. SPRATT] retains 3 minutes.

Mr. DICKINSON. Mr. Chairman, it was not my original understanding when I said that I was in support of the concept that it was earmarked on a particular line-item deletion such as SDI. It was my understanding that any recaptured funds could be used against restoring these.

I am supportive of SDI. I am supportive of what the gentleman is trying to do. I only oppose it because I am supportive of SDI and supportive of what he is trying to do, and if the only way in which we can get these moneys restored is from SDI, only for that reason would I oppose it, because I am in favor of both concepts.

Mr. SPRATT. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from South Carolina.

Mr. SPRAT. We would gladly accept an amendment to provide generally that it would be funded out of undistributed cuts.

Mr. DICKINSON. I would be very supportive of that. I have no problem with it.

Mr. McCURDY. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from Oklahoma.

Mr. McCURDY. Mr. Chairman, I ask unanimous consent that the amendment include recapture of any funds notwithstanding any result on SDI.

The CHAIRMAN pro tempore. The Chair informs the gentleman that the modification will have to be reduced to writing.

PARLIAMENTARY INQUIRY

Mr. DICKINSON. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. DICKINSON. Mr. Chairman, it is my understanding that the unanimous-consent request was that the amendment offered by the gentleman from South Carolina [Mr. SPRATT] be modified to read instead of SDI that it would be any money recaptured out of an undistributed sum without earmarking where it came from if it were recaptured.

Mr. SPRATT. That is correct.

Mr. DICKINSON. I have no objection to that.

The CHAIRMAN pro tempore. The gentleman from Oklahoma will have to reduce his unanimous-consent request to writing prior to the time the Chair can offer it to the Committee.

Mr. SPRATT. Mr. Chairman, if the Chair will bear with us momentarily, we will have the language to propose as a unanimous-consent request to conform the amendment to our understanding.

Mr. DICKINSON. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, we will have many things that should be restored in this bill. I am for the restoration of most of the projects that have been authorized and included in the budget that came over to us. Many fell out when we reduced the spending level from the budget figure that was given to us of $292 billion down to $285 billion. So there are may worthwhile, supportable projects in here.

If in subsequent discussion on the floor we have funds that are and will be unexpended and we can recapture any part of these funds, I think that the enumerated items here are certainly worthy and worthwhile, and I would be happy to have them added back, but not at the expense of SDI. So I think that it is a good idea.

The CHAIRMAN pro tempore. The Clerk will report the modification proposed by the gentleman from Oklahoma [Mr. McCURDY].

The Clerk read as follows:

Modification of amendment offered by Mr. McCURDY: At the end of the amendment, add the following:

Page 21, after line 14, insert the following new section:

SEC. 114. CONTINGENT AUTHORIZATION.

Of amounts authorized in this title, the following amounts are available only to the extent that amounts are available through reductions in other parts of the bill:

(1) Missile procurement, Army, $30,000,000.

(2) Other procurement, Army, $57,300,000, to be derived from other support equipment.

(3) Aircraft procurement, Air Force, $490,400,000.

□ 1835

The CHAIRMAN pro tempore (Mr. DASCHLE). Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The text of the amendment, as modified, is as follows:

Amendment offered by Mr. SPRATT, as modified:

Page 3, line 8, strike out "$2,361,900,000" and insert in lieu thereof "$2,391,900,000".

Page 3, line 12, strike out "$5,093,600,000" and insert in lieu thereof "$5,150,900,000".

Page 3, line 18, strike out "$1,407,200,000" and insert in lieu thereof "$1,464,500,000".

Page 8, line 17, strike out "$16,746,800,000" and insert in lieu thereof "$17,237,200,000".

Page 21, after line 14, insert the following new section:

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(2) Other procurement, Army, $57,300,000, to be derived from other support equipment.

(3) Aircraft procurement, Air Force, $490,400,000.

Mr. DICKINSON. Mr. Chairman, I yield back the balance of my time.

Mr. SPRATT. Mr. Chairman, we have nothing further to say except that this is a good amendment. It will bring us back to prudent procurement of essential programs. I urge support of the amendment and ask for its adoption.

I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from South Carolina [Mr. SPRATT], as modified.

The amendment, as modified, was agreed to.

The CHAIRMAN pro tempore. The Chair would inquire of the gentlewoman from Maryland [Mrs. BYRON] if she wishes to offer amendment No. 12?

Mrs. BYRON. No, Mr. Chairman.

The CHAIRMAN pro tempore. The Chair would inquire of the gentleman from Texas [Mr. BUSTAMANTE] if he wishes to offer amendment No. 13?

The Chair will inquire of the gentleman from California [Mr. LEVINE] if he wishes to offer amendment No. 14?

AMENDMENT OFFERED BY MR. LEVINE OF CALIFORNIA

Mr. LEVINE of California. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. LEVINE of California: Strike out section 121 (page 2, line 15, through page 23, line 17) and insert in lieu thereof the following:

SEC. 121. TESTING OF BRADLEY FIGHTING VEHICLE.

(a) TEST PLAN FOR SURVIVABILITY ENHANCEMENTS.—(1) The Secretary of Defense shall carry out live-fire testing of the Bradley fighting vehicle in accordance with this section.

(2) In developing a plan for such testing, the Secretary shall develop for comparatively testing and evaluating Army proposed survivability enhancements for the vehicle against a "minimum casualty baseline". Such plan—

(A) shall include a proposal and an expedited schedule for live-fire testing of the

concept of the so-called "minimum casualty baseline" version of the Bradley vehicle, which shall be a minimally-modified vehicle which removes all fuel and ammunition from the troop compartment and which adds a maximum effectiveness spall liner to the walls, roof, and turret of the Bradley;

(B) shall be developed in consultation with the Secretary of the Army, the Assistant Secretary of Defense for Operational Test and Evaluation, and the Assistant Deputy Under Secretary of Defense (live-fire test); and

(C) shall include the firing of Soviet munitions likely to be encountered in combat, the number of which is commensurate with twice the number of rounds fired at fully combat configured Bradleys during Phase I live-fire tests, at fully combat-loaded Army improved Bradleys and at the minimum casualty baseline versions of the Bradley, using the same weapons with the same aimpoints on both vehicles for comparative purposes. The shots fired on both vehicles must be selected at random from actual combat distributions of weapons impact points. This section does not preclude the firing of additional nonrandom shots deemed appropriate by the Army for test purposes.

(3) After developing the plan required by paragraph (2), the Secretary shall certify to Congress that the conditions and plan for the live-fire testing of the Bradley fighting vehicle represent the most realistic and suitable conditions and plan to evaluate the casualty reductions likely to be achieved by the proposed survivability enhancements in combat.

(4) The Comptroller General shall—

(A) review all materials of the Department of Defense used to develop the plan with respect to which the certification under paragraph (3) is made; and

(B) submit to the Committees on Armed Services and on Appropriations of the Senate and the House of Representatives a report giving the assessment of the Comptroller General as to the realism and suitability of the conditions and plan to evaluate the casualty reductions likely to be achieved by the proposed survivability enhancements of the Bradley fighting vehicle.

(b) CONDUCT OF LIVE FIRE TESTING.—(1) The Secretary of Defense shall conduct live-fire testing of the Bradley fighting vehicle so as to comparatively test the Army-proposed survivability enhancements of such vehicle against the "minimum casualty baseline" in accordance with the plan and with respect to which the certification under subsection (a)(3) was made.

(2) The Secretary of Army, the Assistant Secretary of Defense for Operational Test and Evaluation, and the Assistant Deputy Under Secretary of Defense (live-fire test) shall review the results of such testing and shall submit independent, uncoordinated reports evaluating these results to the Secretary of Defense.

(3) The Comptroller General shall provide oversight of the testing.

(4) The Secretary of the Army, the Assistant Secretary, and the Assistant Deputy Under Secretary of Defense (live-fire test), and the Comptroller General shall each observe the conduct of the testing.

(c) REPORTS.—(1) The Secretary of Defense shall submit to Congress a report on the results of the live-fire testing of the Bradley fighting vehicle, including proposed survivability modifications based on the results of the live-fire tests and the projected costs of such modifications. The Secretary shall make available as an appendix to this report the independent, uncoordinated reports of the Secretary of the Army, the Assistant Secretary of Defense for Operational Test and Evaluation, and the Assistant Deputy Under Secretary of Defense (live-fire test).

(2) The Comptroller General shall review the results of the test firings and the reports to the Secretary of Defense under paragraph (1) and shall submit to Congress a report giving the Comptroller General's evaluation of such results and reports.

(d) OBLIGATION OF PROGRAM FUNDS.—Until the end of the 60-day period beginning on the date the Secretary of Defense submits to Congress the report in subsection (c)(1), the Secretary of the Army may not—

(1) obligate funds for Bradley fighting vehicles authorized for fiscal year 1987, except for long-lead items, or

(2) make a production decision concerning survivability enhancements.

Mr. STRATTON. Mr. Chairman, I oppose the amendment.

Mr. LEVINE of California. Mr. Chairman, is it appropriate at this time to seek a unanimous-consent agreement by which time could be combined between my amendment and the amendment of the distinguished gentlewoman from Maryland [Mrs. BYRON], which will be offered as a perfecting amendment to my amendment.

The CHAIRMAN pro tempore. The Chair will inform the gentleman that it is appropriate.

Mr. LEVINE of California. Mr. Chairman, I ask unanimous consent that the combined amendments be limited by 50 minutes of time, equally divided between proponents and opponents.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

Mr. BADHAM. Mr. Chairman, reserving the right to object, did I not hear that the gentlewoman from Maryland withdrew her amendment, or did not wish to offer it?

The CHAIRMAN pro tempore. The gentlewoman from Maryland has declined to offer her amendment as a primary amendment. The gentlewoman from Maryland can offer an amendment to the amendment of the gentleman from California, under the rule.

Mr. BADHAM. Continuing my reservation of objection, but that has not been done, has it?

The CHAIRMAN pro tempore. The gentleman is correct.

Mr. BADHAM. Further reserving the right to object, if something has been offered, the only amendment before us is the amendment offered by the gentleman from California [Mr. LEVINE] and if there is nothing else before us, the gentleman's unanimous-consent request refers to nothing.

The CHAIRMAN pro tempore. The Chair informs the gentleman that the purpose of the request of the gentleman from California [Mr. LEVINE] for unanimous consent was to allow his amendment and the amendment offered by the gentlewoman from Maryland [Mrs. BYRON] to be considered within the 50 minutes, equally divided and controlled.

Mr. BADHAM. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN pro tempore. The gentleman from California [Mr. LEVINE] will be recognized for 25 minutes, and the gentleman from New York [Mr. STRATTON], who has sought recognition in opposition, will be recognized for 25 minutes.

The Chair recognizes the gentleman from California [Mr. LEVINE].

Mr. LEVINE of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, more infantrymen will lay their lives on the line by riding, and perhaps fighting, in the Bradley fighting vehicle, than any other weapon in the Army's arsenal. Yet, despite congressional action mandating realistic live-fire tests on the Bradley, such tests have yet to be conducted by the Army.

Our amendment will help ensure that the Army conducts and completes, in a timely way, realistic Bradley live-fire tests.

What is at stake with this amendment is the future of the joint live-fire testing program designed to maximize the survival of our troops in battle—not just those who will rely upon the Bradley, but those who will rely upon other weapons which will also be subjected to these tests.

Unfortunately, given the momentum which develops in the effort to field a new weapons system, realistic testing of the Bradley has not only been inadequate but has actively been resisted by the Bradley's program managers.

In 1983, the Army promised to complete realistic testing on the Bradley by year's end. When that had not been done by mid-1985, Congress enacted legislation requiring realistic tests. When the Army did not meet their statutory deadline of December 1, 1985—one which they agreed was fair—they were less than candid with Congress, both with regard to the timing and substance of the test results. The Army missed its second statutory deadline on June 1, 1986, when the second and final phase of Bradley tests were to have been reported to Congress. As a result, the Bradley test program has ground to a halt.

When the national press concludes that the Pentagon and the Army have been so determined to field the weapons that they have not shown adequate concerns for the safety of our soldiers, as the New York Times concluded today and "ABC News" con-

cluded 6 weeks ago, Congress must take action to require realistic tests.

We have fashioned an amendment which would require such tests. It is a responsible amendment which would mandate a comparative test of different versions of the Bradley to determine which goes furthest in reducing combat casualties. It places a minimum constraint on the Bradley program to encourage the Army to answer serious questions about troop safety. The man who, until recently, was charged with testing the Bradley concluded in an interview last week that "some kind of constraint should be placed on the program until tests are completed."

Finally, let me remind my colleagues that this is not a jobs issue. Our amendment has been structured in such a way so as to not affect the production line or cost a single job. Rather, it is an issue of the safety of our soldiers. We must conduct realistic tests on the Bradley. Our fighting men deserve no less.

The CHAIRMAN pro tempore. The gentleman from California [Mr. LEVINE] has consumed 3 minutes.

Does the gentleman from California wish to yield to the gentlewoman from Maryland [Mrs. BYRON] for the purposes of offering her amendment at this time?

Mr. LEVINE of California. Mr. Chairman, I yield 5 minutes to the gentlewoman from Maryland.

AMENDMENT OFFERED BY MRS. BYRON AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. LEVINE OF CALIFORNIA

Mrs. BYRON. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mrs. BYRON as a substitute for the amendment offered by Mr. LEVINE of California:

Strike out section 121 (page 2, line 15, through page 23, line 17) and insert in lieu thereof the following:

SEC. 121. LIVE-FIRE TESTING OF BRADLEY FIGHTING VEHICLE.

(a) PLAN FOR TESTING SURVIVABILITY ENHANCEMENTS.—(1) The Secretary of Defense shall carry out live-fire testing of the Bradley Fighting Vehicle in accordance with this section.

(2) In developing a plan for such testing, the Secretary shall include a plan for—

(A) testing and evaluating the survivability enhancements for the Bradley Fighting Vehicle currently proposed by the Army;

(B) testing and evaluating the minimum casualty baseline vehicle (as defined in paragraph (7)); and

(C) comparing the testing and evaluation under subparagraph (A) with the testing and evaluation under subparagraph (B).

(3) The plan under paragraph (2)—

(A) shall include a proposal and an expedited schedule for live-fire testing of the concept of the minimum casualty baseline vehicle;

(B) shall require duplication for both versions of the vehicle tested of all of the live-fire, full-up selected shots from Phase I of the live-fire tests of the Bradley Fighting Vehicle for which there is a change in the vehicles due to enhancements;

(C) shall require the firing against both such vehicles of a matched set of shots, using weapons likely to be encountered in combat, that are drawn at random from combat hit distributions and are equal in number to the number of any selected shots;

(D) may include a requirement for additional selected shots as long as such shots are against both vehicles and are accompanied by an equal number of random shots against both vehicles; and

(E) may include a requirement for the testing of additional vehicles, as long as the same procedures are followed.

(4) The Secretary of Defense shall develop the plan under paragraph (2) in consultation with—

(A) the Secretary of the Army;

(B) the Assistant Secretary of Defense for Operational Test and Evaluation;

(C) the Deputy Director of Developmental Test and Evaluation of the Department of Defense; and

(D) the National Academy of Sciences.

(5) After developing the plan required by paragraph (2), the Secretary shall certify to Congress that the conditions and plan for the live-fire testing of the Bradley Fighting Vehicle represent the most realistic and suitable conditions, and the most realistic and suitable plan, to evaluate the casualty reductions likely to be achieved in combat by the proposed survivability enhancements.

(6) The Comptroller General shall—

(A) review all materials of the Department of Defense used to develop the plan with respect to which the certification under paragraph (5) is made; and

(B) submit to the Committees on Armed Services and on Appropriations of the Senate and House of Representatives a report giving the assessment of the Comptroller General as to the realisim and suitability of the conditions and plan to evaluate the casualty reductions likely to be achieved in combat by the proposed survivability enhancements of the Bradley Fighting Vehicle.

(7) For purposes of this section, the term "minimum casualty baseline vehicle" means a vehicle produced under the Bradley Fighting Vehicle program that is a minimally modified vehicle in which—

(A) all fuel and ammunition (other than small arms and ready rounds) are removed from the troop compartment; and

(B) a maximum effectiveness spall liner is added to the walls, roof, and turret.

(b) CONDUCT OF LIVE-FIRE TESTING.—(1) The Secretary of Defense shall conduct live-fire testing of the Bradley Fighting Vehicle in accordance with the plan with respect to which the certification under subsection (a)(5) was made so as to test the survivability enhancements of such vehicle proposed by the Army in comparison with the minimum casualty baseline vehicle.

(2) The Secretary of the Army, the Assistant Secretary of Defense for Operational Test and Evaluation, and the Deputy Director of Developmental Test and Evaluation of the Department of Defense shall each—

(A) review the results of such testing; and

(B) submit to the Secretary of Defense an independent report, uncoordinated with any other report under this paragraph, evaluating such results.

(3) The Comptroller General shall provide oversight of the testing.

(4) The Secretary of the Army, the Assistant Secretary, the Deputy Director for Developmental Testing and Evaluation, and the Comptroller General shall each observe the conduct of the testing.

(c) REPORTS.—(1) The Secretary of Defense shall submit to Congress a report on the results of the live-fire testing of the Bradley Fighting Vehicle. Such report shall include a description of any survivability modifications of the vehicle proposed by the Secretary based on live-fire tests and the projected costs of any such modifications. The Secretary shall include as an appendix to such report a copy of each report submitted to the Secretary under subsection (b)(2).

(2) The Comptroller General shall submit to Congress a report giving the Comptroller General's evaluation of—

(A) the results of the test firings; and

(B) the reports submitted to the Secretary of Defense under subsection (b)(2).

(d) OBLIGATION OF PROGRAM FUNDS.—Until the Secretary of Defense submits to Congress the report under subsection (c)(1), the Secretary of the Army may not—

(1) obligate funds for more than 336 units of the Bradley Fighting Vehicle authorized for fiscal year 1987; or

(2) make a production decision concerning survivability enhancements of such vehicle.

Mrs. BYRON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

Mr. STRATTON. Mr. Chairman, I am an opponent of this amendment as well.

The CHAIRMAN pro tempore. Under the unanimous consent agreement, the gentleman from New York [Mr. STRATTON] has 25 minutes in which to oppose both amendments.

Mr. STRATTON. I thank the Chair.

Mrs. BYRON. Mr. Chairman, I am offering this substitute along with the gentleman from South Carolina, [Mr. SPRATT], as a compromise between what the gentleman from California is proposing and what is currently incorporated in the authorization bill.

Simply put, the amendment we offer differs from Mr. LEVINE's initial proposal in two areas. First, we allow for some additional flexibility with regard to the testing of the Bradley Minimum Casualty Vehicle to the Secretary of Defense and second, our amendment fences only slightly more than half of the Bradley production for fiscal year 1987.

Let me now explain the rationale for these differences. The key issue of the debate for my colleagues who are only slightly familiar with the Bradley Program is the issue of testing. The argument is not whether the Bradley is inferior to the old M-113 armed personnel carrier—it is not. It is whether we should compel the Secretary of Defense to test a concept which may make the Bradley safer.

I am in total agreement with Mr. LEVINE and Mr. SMITH that the mini-

mum casualty concept should be tested and compared to the "enhanced" Bradley which the Army is proposing. Will the minimum casualty vehicle be superior to the enhanced Bradley?—I don't know—it is difficult to predict what the tradeoffs, such as mobility, will be. But we can't find out unless the Secretary of defense tests this concept, and quite frankly, there is a lot of foot-dragging going on in the Pentagon in that respect. This isn't the first time we have seen this happen.

I did have some differences with the gentlemen from California and Oregon on how specific we should be with regard to spelling out the details of the test plan. I have always felt that this was a decision which should be left to the Secretary. However, Mr. SPRATT has proposed, what I believe is a sensible outline for a test plan, which includes random shots along with selected shots when the Defense Department begins testing the minimum casualty vehicle along side enhanced Bradley. I believe that such a test could be carried out in a reasonable timeframe. In addition, our substitute also requires the GAO to provide Congress the necessary oversight with regard to the development and execution of the test plan.

The second issue centers around the fence of the funds needed to buy the Bradley. Our substitute would provide for the minimum production rate of 336 Bradleys while fencing the remaining 257 Bradleys which are authorized in this bill. Due to the foot-dragging that I have found in the proper planning and execution of the testing by the Department of Defense throughout the history of the Bradley, I have come to the conclusion that a fence of almost half of next year's Bradley production will be necessary to show the Defense Department that Congress is serious about the need to test the minimum casualty vehicle.

I am well aware that fencing funds presents some problems. There are questions regarding what happens to multiyear contracts under the program, additional costs for lower production, and most importantly, the possibility of layoffs. All of these factors are of great concern to me. But it is my feeling that a fence along the lines Mr. SPRATT and I have proposed will give the Department of Defense the necessary time—at the very least 14 months—to develope and execute a test of the minimum casualty vehicle without causing an unnecessary gap in the production line. If both the Army and the Department of Defense really believe in the Bradley, I am certain that they will be able to meet the requirements of our substitute, therefore, I urge its adoption.

□ 1845

Mr. STRATTON. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. EDWARDS], dean of the California delegation.

Mr. EDWARDS of California. Mr. Chairman, I have consistently voted against weapons systems that destabilize and escalate the arms race.

They cost billions; their future payoff is unknown, and the Soviets just go ahead and build matching systems.

The Bradley Fighting Vehicle is not that kind of weapon. It is an essential component in conventional warfare. The Soviets have a counterpart that carries soldiers into battle alongside the tanks. The Bradley has proven itself superior to the Soviet vehicle.

Already over 2,000 of the Bradley's are operating in U.S. Army forces throughout the United States and Europe. The soldiers like them and trust them. Ask any soldier. He'll tell you that if he's going to war, he wants to go in a Bradley.

This amendment must be defeated. It will mean that production will be slowed and stopped. Our soldiers will be denied the fighting vehicle they need and want.

Yes, there is an ongoing argument about testing—testing that will measure the damage if the vehicle is hit.

Of course we demand rigorous testing, and the bill provides just that. It directs the Pentagon to bring in outside experts. It requires the use of the National Academy of Sciences. It mandates auditing by the General Accounting Office.

Last, Mr. Chairman, I'm not opposing this amendment because the Bradley is built in my part of the country.

Every kind of weapon is built there—nuclear weapons, missiles, essential parts for star wars—billions of dollars annually.

I'll vote against spending for many of these new weapons systems that are destabilizing.

But the Bradley Fighting Vehicle is not one of these. It's an essential for the soldier who does the tough fighting. Don't let him down.

Mr. LEVINE of California. Mr. Chairman, I yield 3 minutes to my friend and colleague, the distinguished gentleman from Oregon [Mr. DENNY SMITH].

Mr. DENNY SMITH. Mr. Chairman, I think the issue here is testing, and the issue is whether the Congress is going to be in charge of what the military does, as I think the Constitution requires that we be, or whether the Army is going to do as it happens to please on any given day.

Let me run you back through the last year or two of my involvement with the Bradley Fighting Vehicle. At no time have I questioned whether it was a good vehicle; I think it probably is as good a track vehicle as we have built.

The problem here is whether the Army is going to tell us what the minimum casualty baseline is, and what we can do to try and make it a better vehicle.

Under the authorizing legislation last year, we told the Army to test this vehicle; to find out whether it was survivable; how we could make it more survivable; what could be done to try and make this a safer vehicle for the fighting men that are going to have to use it.

This amendment will be explained very simply: we fence some money until the Army follows through with what they are supposed to do.

Now, I do not want to see this vehicle canceled. That is not my goal, but it certainly is my goal to try and make the Army reply, by endorsement, I guess, as we used to say in the service, get us the information.

Interestingly enough, last year I went up and watched one of the 10 live fire tests at Aberdeen Proving Ground. The Army fought me every way they could to keep me from going up there. They scheduled it during votes, they did not want me to go, they said we were going to have to be in a bunker for 8 hours; and they finally relented, and we went up there, and sure enough we were not in bunker for more than about 30 minutes.

It was an interesting opportunity to see what happens in a test, and I certainly would recommend to any Member to go up to Aberdeen when the live-fire tests go, if again they do go. I think that it is very important.

Recently, we have been lobbied by the Army quite extensive. I do not know about your office, but mine was sent correspondence by a number of the subcontractors; so I asked the Army by telephone: Would you please provide me a list of subcontractors that are producing the Bradley Fighting Vehicle?

They said, "We will not do that because we don't keep a list." They said, "We do not keep a list of subcontractors."

So I sent a letter to Jack Marsh and to General Wickham and said, "I'd like to have a list of subcontractors; and if you do not provide that to me within a week, I will put this letter into the Congressional Record requesting that you send it, and also I'm going to put in there the letter that I'd like to send to the subcontractors."

Very simply, what I am telling the subcontractors is the same thing I am telling the Members today: We ought to test this vehicle as we ought to test everything to be sure that what we are buying is in the best interests of the country, the Army, and the fighting man.

Mr. Chairman, I urge my colleagues to vote for this amendment. I think it is going to do a lot for the Army and do a great deal for the fighting man.

Mr. STRATTON. Mr Chairman, I yield 3 minutes to the gentleman from Virginia [Mr. WHITEHURST].

□ 1855

Mr. Chairman, as one of the cofounders of the Military Reform Caucus, it is difficult for me to rise in opposition to an amendment put forward by one of its current cochairmen, but rise I must.

The original purpose of the caucus was to stimulate new ideas and to reform our warfighting doctrine to place emphasis on agility, maneuver and offensive boldness. Senator Hart and I conceived of the caucus in terms of ideas—not weapons systems. And I think we were enormously successful. Largely as a result of the caucus, there was a revolutionary doctrinal debate in the Army, and from that debate came a bold new offensive doctrine—the "air-land battle" concept.

The Bradley fighting vehicle is tailor-made for the maneuver doctrine the caucus did so much to foster. In fact, without the Bradley, maneuver doctrine becomes a meaningless term for the Army. You cannot move fast, strike deep and fast and move on to strike again before the enemy can react in an M-113. Only when you put the Bradley alongside the Abrams tank does air-land battle doctrine make any sense for our ground forces.

The debate over the Bradley is nothing new. It is one of the longest running acts in town. It has always been the subject of controversy and there is a logical reason for that controversy. In terms of U.S. Army systems there has never been anything like it in the Army's inventory. And its appearance on the battlefield has revolutionized our fighting doctrine.

The real question before us today is—to paraphrase the Army's recruiting slogan—whether or not the Bradley is all it can be.

Is the Bradley a flawed system that was ill conceived and hastily designed? No. The requirement for the Bradley emerged in the late 1950's. While the Soviets began fielding the BMP in the 1960's, the Army studied the problem. And since 1976 there have been six major studies, all of which contributed to the design that is the Bradley today.

Was the Bradley inadequately tested before fielding? No. It is one of the most tested systems in the world with 18 separate tests in the past 8 years, including extensive vulnerability testing.

Should we dally procurement pending the results of the next phase of the live-fire testing? Most emphatically, no. There is no evidence that the Army has not been forthright, honest, and supportive of the testing that would justify this kind of punitive action.

By all expert accounts, the Bradley is a superb combat vehicle that is critically needed. No less trusted an authority than Gen. Bernard Rogers has personally interceded with a plea to use to continue production. I find no reason to believe that the commander of our forces in Europe would knowingly endanger the lives of his troops by urging us to continue production of a flawed system.

I am persuaded that we should give General Rogers the tools he needs to do the job and that we should vote down this amendment.

Mrs. HOLT. Mr. Chairman, the critics of the Bradley Fighting Vehicle are saying that the Army has designed the wrong system for the wrong war.

I do not know what war the critics think we will be fighting, but I know that the Bradley is a troop carrier with speed and firepower and is ideally suited to the tactical requirements of fast-moving land war.

The military and political leadership of the Defense Department are in unanimous support of the Bradley. It is a proven weapons system, urgently needed and superior to its predecessor in every way. It is one of the most thoroughly tested systems in history.

Senator WARREN RUDMAN, well known as a sharp-eyed foe of wasteful programs and projects, has no reservations about the Bradley. He said, "Much of the criticism of this vehicle is being made by people who have never heard a shot fired in anger."

He also said, "I think there are a number of people around here who want to wear oakleaf clusters for the number of weapons they want to kill. I've been against some weapons, but the Bradley is not one of them."

Where did anybody get the idea that we should kill a weapons system every year just to prove we are doing our job? Let's keep our eyes focused on the job of providing our military personnel with the best equipment that can be developed.

If you want to know about the Bradley, talk to the commanders and soldiers who are intimately familiar with the vehicle. They will tell you that it meets all the requirements for its missions and is vastly superior to the equipment it replaces.

Mr. LEVINE of California. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. BUSTAMANTE].

Mr. BUSTAMANTE. Mr. Chairman, I rise in support of the Levine amendment on the live-fire testing of the Bradley Fighting Vehicle. I want to commend the gentleman from California for his continuing efforts on behalf of our 18-year-old infantrymen. Since 1983, Mr. LEVINE has been calling for realistic live-fire tests to enable us to provide our young men with the safest personnel carrier possible. Out of his commitment to this goal, he has actively participated in the Armed Services Committee hearings on the Bradley, and has become one of the best informed Members of Congress on the subject.

Three years ago questions were raised concerning the vulnerability of the Bradley. Since then, serious allegations have been leveled concerning the conduct of the live-fire testing of the Bradley; allegations that the tests were not being conducted realistically. In addition, the Defense Department's inspector general is currently investigating the circumstances surrounding the resignation of Col. James Burton, who as director of the the live-fire tests, was overseeing the Bradley live-fire tests. These allegations have raised suspicions on whether the Army and the Pentagon are committed to test our weapons systems realistically to ensure that they do not unnecessarily endanger their crews. Consequently, the matter came before the Armed Services Committee's attention.

During the committee hearings, I raised questions on my key concern over the lives and safety of our young infantrymen. My concern derives from the Bradley's light armor and the large amount of highly explosive ammunition which, according to the Army, when struck will present the greatest danger to the infantry riding inside.

Today, 2½ months after the hearings, my questions on the survivability of the Bradley have yet to be answered by the Army.

When are the tests going to be completed? We don't know.

Will the Bradley work as designed? We don't know.

How vulnerable is the Bradley? We don't know.

Are there cost-effective fixes to Bradley vulnerability? We don't know.

What we do know is that we don't have the test results on the Bradley which the Pentagon was required to submit to Congress by June of this year. What's worse is that the tests were suspended in April and have not resumed since then.

Today, 3 years after calling for realistic live-fire tests of the Bradley, the tests are not completed. Yet we are now expected to fund another full production year for the Bradley without definitive data from the Pentagon on whether the Bradley will provide adequate protection to the troops.

Is it the responsibility of Congress to fund the production of a vehicle the Army admits needs to be fixed without knowing wheher it can be fixed, or how much it will cost to fix?

Clearly, the Army request for continuation of procurement requires a "fund in the blind" response on the part of Congress. It is irresponsible for the Army to request such action and it would be irresponsible for the Congress to follow blindly. We have a responsibility to our fighting boys and to the American taxpayer to make sure

we purchase weapons that are safe and cost-effective.

Mr. Chairman, our amendment, the Levine amendment, constitutes the most reasonable response to the Pentagon's non-compliance with the law passed last year. That law required that Congress have all the information on the Bradley live-fire tests before we would have to make a decision on the program this year. Therefore, unless Congress wants to be next year in the same position of funding the program in the blind, we have to offer an additional inducement to the Pentagon to comply with the will of Congress. The Levine amendment provides this inducement in the form of a fence which withholds funds until Congress is provided with the test results. The fence is fair. It helps assure Congress that the Army will keep its commitment to provide us with the test results by December of this year as stated before the committee.

The amendment also provides for the realistic live-fire testing of the Bradley. To insure as much realism as possible and avoid suspicions as to the conduct of the testing, the amendment provides minimal guidelines for the conduct of the testing and requires independent supervision of the tests.

I cannot emphasize enough the importance of reliable realistic live-fire test as the best means to save young men's lives. During our hearings on the Bradley, we heard testimony pointing the pitfalls of not conducting full up live fire tests on the weapons we procure. Let me share with you some of the testimony we heard:

Our weapons systems today are procured with computer-based vulnerability/lethality estimates, little firing data and no full up live firing results. What are the consequences of not conducting realistic combat live fire testing? When actual combat occurs, we discover, too late, serious shortcomings in our weapons systems; shortcoming which cost lives.

In World War II, Korea and Israel, U.S. tanks proved excessively flammable and vulnerable. The Israeli experience of 1973 showed that the U.S. M-60 burned or blew up twice as often when hit as the British centurion, and more often than its predecessor, the M-48. Concern over excessive casualties caused the Israelis to make several changes to their M-60's; different hydraulic fluid, fire extinguishers, special armor packages, etc. This painful experience of excessive casualties also led them to a unique armor concept in their Merkava tank which sacrifices the tank in order to protect the crew.

In Vietnam, U.S. fighters also proved to be unnecessarily flammable and vulnerable. Fire and explosion caused the loss of at least 60 percent of the 5,000 U.S. aircraft downed in Vietnam. During the course of the war, survivability improvement kits had to be hastily developed and installed on fighters such as F-4 and F-105 to reduce their vulnerability.

Clearly realistic live fire tests on the Bradley are not a luxury, they are a necessity if we are to avoid needlessly risking the lives of our soldiers.

Your vote for the Levine amendment is a vote for the young men defending America.

Mr. STRATTON. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia [Mr. DANIEL].

Mr. DANIEL. Mr. Chairman, one of our countries most authoritative and respected military leaders is Bernie Rogers, the Supreme Allied Commander in Europe. General Rogers is also well known to us from his tenure as Army Chief of Staff where he built up a reputation for candor as well as knowledge.

I think it would be useful for us in this debate to hear what General Rogers has to say about the Bradley, so I want to read a letter he wrote recently on the subject:

For many years we have needed an Infantry Fighting Vehicle as an appropriate and adequate complement to our modern armored forces. As Army Chief of Staff I pressed hard for the development of such a system. We are now fielding the Bradley Fighting Vehicle (BFV) in Europe, meeting that long-standing requirement—and meeting it well. The Bradley is a winner. Our soldiers will confirm that statement.

The current controversy over testing of the BFV is of great concern to me, because it threatens to stop production of this extremely important system. I am particularly concerned because the issue seems to center around the Bradley's vulnerability to direct-fire anti-tank weapons—something it was never intended or designed to withstand.

The Bradley Fighting Vehicle is not a tank. Rather it is a vastly superior replacement for the M113 Armored Personnel Carrier. Its purpose is to place infantry troops on the ground where they are needed when the environment will not allow soldiers to walk or move by truck. This vehicle is able to accompany and support our modern tank forces as an integral part of a combined arms team. The Bradley will defeat comparable-threat vehicles in an infantry battle environment. In a tank battle environment the Bradley will deploy dismounted forces whose mission is to protect friendly armor by defeating enemy anti-armor systems. Its TOW and 24mm Chain Gun provide protective fires for armor and dismounted infantry, both day and night. With this capability, the Bradley is a major combat multiplier on the mechanized battlefield.

When it is shown that the Bradley is incapable of doing what it was designed to do, I will be in the vanguard of those demanding that the system be redesigned or scrapped. We must not, however, allow a much-needed, modern and effective infantry system to be scrapped because it is vulnerable to enemy weapons systems which it was never designed or intended to withstand. I need and ask your support to ensure that it is not.

With my respect and best wishes.

Sincerely,

BERNARD W. ROGERS,
*General, U.S. Army,*
*Commander in Chief, Europe.*

I believe the letter speaks for itself and I urge my colleagues to consider it carefully before voting on this issue.

The CHAIRMAN pro tempore. The Chair informs the Committee that the gentleman from New York [Mr. STRATTON] has 17 minutes remaining, and the gentleman from California [Mr. LEVINE] has 11 minutes remaining.

Mr. LEVINE of California. Mr. Chairman, I yield such time as he may consume to the gentleman from Oklahoma [Mr. MCCURDY] for a question.

Mr. MCCURDY. I thank the gentleman for yielding.

Mr. Chairman, I want to get clarified in the record here as to the amendment that the gentleman is offering. Does the amendment the gentleman is offering halt production of the Bradley during the testing of the vehicle?

Mr. LEVINE of California. Our amendment does not halt production nor does our amendment slow production of the Bradley. Particularly with the Byron perfecting amendment our amendment allows the number of vehicles that the Army has indicated will not even slow the production line, let along halt the production line.

Mr. MCCURDY. Mr. Chairman, I thank the gentleman for yielding.

Mr. LEVINE of California. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Arizona [Mr. MCCAIN].

Mr. MCCAIN. Mr. Chairman, I rise in support of the Levine amendment regarding the Bradley fighting vehicle. My colleagues have made an eloquent and persuasive case for their measure, which would fence funding for less than half of the 593 authorized Bradleys pending realistic live fire tests.

I favor this amendment on the merits of the case. The Army wanted an infantry vehicle to accompany tanks into battle. With that in mind, it traded the M-113 personnel carrier, which costs $160 thousand, for the Bradley, which costs almost 10 times as much. Serious concern has since arisen over whether the Bradley can withstand assault on the front lines, the mission for which it was intended.

If the Bradley cannot accompany tanks into battle, we need to know now. We need to determine its vulnerabilities by testing empty vehicles. We don't want to find out later, on some battlefield in the Middle East or Europe, that our young soldiers are dying because the Bradley can't fulfill its mission.

This amendment is basically a question of credibility. We are being asked to spend a billion dollars this year on the Bradley, and we're still not sure whether it can carry out the mission for which it was designed. This is the kind of weapon that robs the Defense Department of the American people's confidence. The Bradley is one good example of why the consensus behind the much needed defense buildup has evaporated.

I urge my colleagues to vote for the Levine amendment. It is not a vote against national security. It is a vote

to protect our young soldiers, those on the front lines of freedom.

□ 1905

It is a vote to restore the credibility in defense spending with the American people. It is a vote to get back to the business of defending this Nation's vital national security interests.

Mr. STRATTON. Mr. Chairman, I yield 2 minutes to the gentleman from Alabama [Mr. NICHOLS].

Mr. NICHOLS. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in support of the Bradley and in opposition to the amendment. If we halted production on weapons systems every time we were testing improvements to make them less vulnerable, I doubt if we would have any systems in production.

Production improvement is a continuing process, and in most of our major weapons systems, we continue to put improvements into the production line from time to time. As the state of the art advances—the Bradley is no exception, and to suggest that we purchase the Bradley before testing is certainly not the case. The Army did indeed test the Bradley vehicle as early as 1978 and 1979 to correct weaknesses in the M-113 armored personnel carrier from mine explosions. The Bradley hull was not ruptured although soldiers inside would have been injured. It was tested against overhead 155 artillery bursts which failed to penetrate the top of the vehicle and it was tested against the Soviet 14.5 mm machinegun which failed to penetrate the hull of the vehicle.

Mr. Chairman, as an old foot soldier, I have watched, with interest, further tests in 1984, 1985, and 1986 which appeared on television showing the vehicle's vulnerability to direct hits by a 120 mm tank gun, hits by 30 mm cannons, and by Soviet rocket propelled grenades. But I submit, Mr. Chairman, that direct hits of this nature would no doubt cripple, if not put out of commission, the heaviest armored Army vehicle, the Abrams M-1 tank, and I seriously doubt that we would want to put the additional weight on the Bradley necessary to guarantee protection against hits of this nature.

To comment further about testing, let me point out that the test completed in March of this year indicated the advisability of adding additional protection in the form of lining the inside of the vehicle with a kevlar blanket, and further protection provided by additional external armor now being utilized by the country of Israel.

Detailed testings of these two new improvements of the new Bradley are scheduled to start just next month, and will run into early summer of 1987 so that the implication that we are "not testing before we buy" is just not the case in the Bradley fighting vehicle.

But the biggest supporter of the Bradley fighting vehicle are the troops who will be risking their lives in combat. They want the Bradley, so does General Rogers, our commander in Europe. I submit that we would be shortchanging our soldiers still equipped with obsolete M-133 armored personnel carriers if we further delay the production of these needed troop carriers along the provisions set out in the amendment.

Mr. Chairman, the Army is not dragging its feet on live fire testing of the Bradley vehicle. There is no alternative to the Bradley, and we should not slow down or interrupt production of this important program. Let's get on with the production of the Bradley. It merits our support!

Mr. STRATTON. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. MCEWEN].

Mr. MCEWEN. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in opposition to the amendment, because I believe it obscures the real issue.

The real issue here is not the independence of the testing process. It is not about how to intercept the results of live fire testing. It is not about how to protect whistle blowers in the Department of Defense. And it is certainly not about the integrity of the Army's leadership. The real issue here is the Bradley itself.

For several years a number of dedicated critics has been seeking to kill this program, despite overwhelming evidence that the troops enthusiastically support it. These critics never challenge the requirement for an infantry fighting vehicle.

Of all these lightly armored fighting vehicles, the Bradley is the best. It is less vulnerable, more agile, and it has more offensive firepower than any other fighting vehicle in the world.

So, it is no surprise that the Bradley's opponents are rarely willing to make a frontal assault on it. The fact of the matter is that if they did—if they asked the Congress for an up or down vote on termination of the Bradley Program, they know the Congress would not do this.

Why? Because the Bradley is one of the few systems DOD has ever developed that meets or exceeds every performance specification set for it by the experts. How could we vote to kill a system that works when we have so many to choose from that don't.

Since the Bradley's opponents are reluctant to attack the Bradley head on, a pattern is emerging of flanking attacks, of which the live fire-testing issue is only the latest. At heart, however, the end result of this amendment would be to cripple the Bradley Program by delaying production and increasing cost by up to 40 percent. Frankly that makes no sense to me.

Infantry commanders understand the Bradley's capabilities and limitations and their tactics take these factors into consideration. The Bradley is the finest infantry fighting vehicle in the world. The Army needs it and we owe it to our soldiers to vote this amendment down and to get on with fielding the Bradley as rapidly as possible.

Mr. LEVINE of California. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from South Carolina [Mr. SPRATT].

Mr. SPRATT. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I support the Bradley. I also support this amendment. The two are not inconsistent.

I also have driven the Bradley, and I like it. But I have also read the report that our committee prepared last year, and the chairman of our Subcommittee on Procurement at the conclusion of that report had this to say about the Bradley Testing Program. The gentleman described it as a rather chaotic approach for managing these tests. If you read through the staff report, Mr. STRATTON said, you get the insight into a system that is flying blind.

There is an agreement on how to do these tests. There is an inadequate paper record. Officials cannot agree on what they agreed to a few weeks earlier, and management is simply chaotic.

He want on to say here that the essential error is that the people who propose and develop weapons should not test them. That ought to be axiomatic.

Well we are taking what the chairman said ought to be axiomatic and we are putting in this amendment which is also axiomatic. We want independent, objective and rigorous testing. We provide for the parties, and we provide for the protocol in this amendment. We provide for the method of testing.

Finally, we give the Army an incentive to get on with it, because we spent some, not all, of the money. This amendment is not going to stop production. This amendment only fences money for a fraction of the units. In fact, if the Army will simply complete tests, as has been already indicated, it can complete them. There will be ample time to use all the money we are providing, plus money not obligated in unused to keep production running at full pace. This gives the Army an incentive by fencing some of the money, not all of it, to get on with the testing and, furthermore, it will give us earlier indications because if the minimum casualty vehicle does indicate it is viable and should be used, we will have time to take some of those recommendations for design and incor-

porate them in units coming off the production lines rather than paying for an expensive retrofit.

This is a well-conceived, well-crafted amendment, and I support it.

Mr. STRATTON. Mr. Chairman, I yield 2 minutes to the gentleman from Wyoming, [Mr. CHENEY].

Mr. CHENEY. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in support of the Bradley Program and in opposition to the amendment.

The sound and fury surrounding the Bradley live-fire testing has obscured the real issue of whether or not this vehicle meets the Army's need for an infantry fighting vehicle. There is no doubt that this vehicle is vulnerable to antitank munitions—we've known that since the vehicle was introduced. It is not a tank. Any vehicle, ship, or plane can be destroyed under the right set of circumstances. However, in designing and developing any weapons system or piece of military hardware a balance must be struck between capability, vulnerability, cost, weight, size, and a myriad of other considerations. The Bradley should be evaluated on whether or not it meets the Army's requirements for an infantry fighting vehicle and on its performance.

The evidence in regard to meeting the Army's requirements and performance on the battlefield is overwhelmingly favorable. Here is a case of a vehicle that has fully met the requirements of the customer. The Army, starting with the Chief of Staff, and going down to the squad leader of the Bradley in the field has high praise for this vehicle.

Mr. Chairman, like the gentleman from Virginia [Mr. DANIELS], I recently met with troops of the Third Armored Division in Germany and discussed the Bradley with those men who are driving them. They were overwhelmingly enthusiastic in their support for it. It is reliable, maneuverable, provides protection for the crew from over 90 percent of the enemy's weaponry, and is capable of defeating comparable threat vehicles in a battlefield environment.

The first vehicles entered the Army's inventory in 1982 and over 2,400 have been delivered to date. Canceling the program or delaying production of the vehicle at this time would be a crippling blow to the modernization of the U.S. Army; the M-113 armored personnel carrier is not an acceptable alternative on today's battlefield.

We have a responsibility to our soldiers to keep the facts in proper perspective. We cannot afford to allow side issues to distort our judgement and our understanding of major programs. The Bradley provides a significant enhancement of infantry mechanized firepower for our forces. It is needed now and should be fielded on schedule in accordance with the Army's programmed deployment. Evolutionary improvements can and should be added as they are developed.

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The CHAIRMAN pro tempore (Mr. DASCHLE). The Chair wishes to inform the committee that the gentleman from New York [Mr. STRATTON] has 11 minutes remaining, the gentleman from California [Mr. LEVINE] has 6 minutes remaining, and the gentleman from New York retains the right to close the debate, but given the amounts of time remaining, the gentleman from New York is now recognized.

Mr. STRATTON. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. GIBBONS].

Mr. GIBBONS. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in opposition to both of these amendments. The Bradley fighting vehicle is an excellent vehicle. There never will be a perfect vehicle because conditions change on the battlefield from time to time. What will work within one 100-yard perimeter will not work within another 100-yard perimeter.

There are all kinds of things to be considered such as terrain and the condition of that terrain. The heat and the cold; the conditions of streams, defilade and everything else that has to be taken into consideration. The Bradley fighting vehicle is far better than the vehicle we have now. There will never be a perfect vehicle, because any vehicle that is conceived for combat has to be all the compromises that I talked about earlier.

It is as good as you can get for the money we have got. It has been widely tested. No part of it is manufactured in my district, and so I have no interest in it other than just as one soldier to another.

I hope that we will get along with this production. Our infantry needs this kind of protection, and it certainly needs this vehicle.

Mr. LEVINE of California. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. RIDGE].

Mr. RIDGE. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in strong support of the Bradley and in opposition to any effort to undermine the continued production and maintenance of the Bradley but also in very strong support of the amendment offered by the gentleman from California and the amendment offered by the gentlewoman from Maryland. I am in particularly strong support of the principle of realistic live-fire testing.

As long as we have an Army, as long as we have infantrymen, as long as we have tanks, as long as we maintain a conventional capability, this country will need armored personnel carriers.

Our present workhorse, the M-113, remains in production and costs roughly $150,000 to $160,000. As other branches of the service have done over the years, the Army seeks to upgrade and to improve its equipment and its capability as well. This effort includes a new APC, the Bradley fighting vehicle. This modern version with better armor, better maneuverability, greater mobility, better firepower also has a much larger price tag. Instead of $150,000 per vehicle, it is about $1.5 to $1.6 million per vehicle.

Should Congress spend more to improve its APC? Yes. Must it be a failsafe system? Must it be an invulnerable system with 10 times as much capability and maneuverability? No, we do not demand that. Should the enhanced capability justify the tremendous increase in cost? Absolutely it must.

In our zeal to modernize equipment in all branches of the service, Congress has certainly demonstrated its ability to spend more money. The question remains whether more modern, more complex, more expensive equipment enhances the offensive or defensive capability of those we call upon to use it in combat. This armored personnel carrier, the Bradley fighting vehicle, with its enhanced capability, makes it a different priority target.

I urge my colleagues to support the gentleman's and the gentlewoman's amendments.

Mr. STRATTON. Mr. Chairman, I yield 1½ minutes to the gentleman from Virginia [Mr. OLIN].

Mr. OLIN. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in opposition to both amendments. The Bradley is now an effective vehicle. It is fully accepted by those who are using it. There is nothing to be gained by fencing these funds and further delaying the program.

I have done considerable research into the Bradley fighting vehicle during the last year. And, frankly, at first I was very skeptical. I had questions about the survivability of a machine with aluminum armor; survival of both the vehicle itself, and the men riding in it.

This spring I went up to Aberdeen Proving Grounds to witness one of the first live fire shots in phase 2 of the testing. Phase 2 testing utilized the new enhanced reliability armor; also called reactive armor. I was impressed with what I saw. Reactive armor is a second, outer layer of armor plates that redirects the explosive force of the projectile. I saw that little damage was done to the inner layer of armor when it had this second layer of reactive armor.

I witnessed a second test shot, when a hand-held, antitank weapon was fired against the Bradley with reactive armor. Again, I was impressed by the survivability of the Bradley and its contents. These tests were realistic and valid.

The Army has taken delivery of nearly 3,000 Bradleys out of a total expected purchase of 6,882. It is true that most of these Bradleys were purchased before the Army had conducted realistic live fire testing. However, the Army has now been conducting live fire tests for about a year. This testing may not be the most desirable way to procure a weapon, but the point is: The Army conducting successful live fire tests.

I support the completion of phase 2 of the testing. But I do not feel we should hold up the continuation of the program by fencing these funds. I urge my colleagues to defeat both the substitute and the original amendment.

Mr. STRATTON. Mr. Chairman, I yield 1½ minutes to the gentleman from California [Mr. MINETA].

Mr. MINETA. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in opposition to this amendment.

We must all be concerned about the reliability and effectiveness of the weapons we will ask our soldiers to use in case of war. As a Korean war veteran, I have a direct appreciation of this basic need.

In my judgment, the Bradley is just such a reliable and effective weapon.

I realize that there has been much debate about the Bradley. Many charges have been made against the Bradley, yet very few of them have even been proven.

For example, some have said the Bradley's aluminum armor is too vulnerable to enemy fire, and that it is a potential "death trap" for its crew. Yet the Bradley has both aluminum and steel armor. On the other hand, the M-113 armored personnel carrier has only aluminum armor, and this is the vehicle some have said is better than the Bradley.

The Bradley is far superior to the M-113 in keeping out bullets, shell fragments and shaped charges. The Bradley will stop a 14.5 mm round, while the M-113 can only stop a 7.62mm round.

The Bradley's unique "shoot on the move" capability makes it particularly able to deliver its passengers to the actual front, while keeping pace with the M-1 tank. The M-113 just does not have this capability.

Yes, the Bradley does not have the strength of a tank—but it was never intended to have that ability.

Some have said the Bradley is too complex, and that it is loaded with expensive and unneeded technological features. These features include laser rangefinders, gyrostabilized turrets, onboard computers, and thermal-imaging sights. These allow the gunner to spot the target and quickly determine the correct range.

The stabilized turret allows the Bradley's 25mm cannon to stay on target even while the vehicle is moving. As for the thermal-imaging sights, these give American troops a great advantage over the Soviets, who have nothing comparable.

These sights show a detailed silhouette of vehicles and troops, even through massive smoke. Should we ever have to use these vehicles in combat, these sights will prove to be a critical advantage.

The Bradley is exactly what the Army says it is: the world's finest tracked, nontank, armored fighting vehicle. Accordingly, I urge the defeat of this amendment.

Mr. LEVINE of California. Mr. Chairman, I yield 30 seconds to the gentleman from Florida [Mr. BENNETT].

Mr. BENNETT. I thank the gentleman for yielding me this time.

Mr. Chairman, the Bradley or something like it is a good vehicle. It is certainly needed. There are places where it cannot be used effectively, and one of the problems that I had about it when I started looking at it was the policy of where it was going to be used and some of the places it should not be used.

We have 3,000 of them already. I come down on the idea that it would be a good idea to slow up this production in the sense of having further testing because I am not sure the testing has been adequate for the things that need to be done.

I think something like the Bradley has to be here. We now have 3,000 of them. We could logically get some more but I would really like to test them more adequately and thoroughly than has been recently done. I favor therefore the testing amendments.

Mr. STRATTON. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. CONTE], one of the outstanding orators in the House of Representatives.

Mr. CONTE. I thank the gentleman for yielding me this time.

Mr. Chairman, I am quite puzzled about this amendment. I am puzzled by this effort to terminate or significantly slow down the Bradley. It does not make sense. My puzzlement stems from the attack on what is one of our best procurement programs—not one of our lousy ones.

I have been on the Appropriations Committee throughout my 28 years in Congress and believe me, cutting shaky programs and making savings is what my committee is all about. In the Defense Subcommittee we have always tried to use a set of guidelines when we cut a program:

First, is there a need for the thing—whatever it is?

Second, does the thing meet the requirement?

Third, is the thing staying within its expected costs.

Fourth, does the customer—in this case, the Army—like the thing.

Well, the Bradley is the thing. It was built to meet a need to travel cross-country faster than the old APC—armored personnel carrier—and to carry the infantry and supporting firepower so that they can assist the tanks when the tanks need help.

The Israelis found out in the 1973 war, that, even in tank country such as the Sinai, sending unsupported tanks out to do battle is deadly. The brigade that they sent out without infantry support to meet the Egyptians was defeated in detail. Not until the infantry came up did the Israelis have any success.

Well, that was 13 years ago. They used older tanks and M-113 APC's. Today, our M-1 tank is much more mobile, so the old M-113 APC cannot stay close enough behind in protected positions to the M-1 tanks to help when they encounter enemy infantry. Clearly, we had to have a new and radically improved infantry carrier. The Bradley is it.

Guess what. The Bradley fills all of the Army's requirements. It is on cost and the costs are going down. The commanders in the field love it. I say love it. The troops love it. I say again, love it.

The Bradley does everything we want it to do and then some. My gosh, this is a model program, following exactly what we in Congress would demand and hope for. We would be so lucky if all our programs performed as well. It is unbelievable to me that once we get such a good program, a group of our Members would go after it. How can this be?

No one on this Hill has had more heartburn about the funding of defense items than I have. I want an effective national security effort that is funded based on common sense. But, when we decide to do in a program we should take our lead from experts, not from outside organizations whose only aim is to cancel programs.

Just look who supports this program: The Secretary of Defense—who personally canceled the Divads. The Secretary of the Army. All the commanders in the field. The soldiers. The Armed Services Committees on both sides of the Hill as well as both Appropriations Committees.

What is the opposition based on. Tests. That's all—tests. Not tests to examine whether the vehicle can do what it was designed to do. Those tests are done. The Bradley passed them with flying colors and the vehicle has been in production for years. We have

obligated funds for 3,700 and 2,500 have been produced. No, gentlemen, the tests these guys are talking about are designed to literally blow up the vehicle to see how we can make it better.

The rounds we are using in this test will incinerate or destroy any armored vehicle in the world, tank or otherwise. Armored warfare is a very lethal business. But the Bradley reduces that lethality to our troops better than for any vehicle of its type. Withholding this vehicle from the troops will increase their vulnerability. Articles such as the one in today's New York Times are using old, discredited charges once again to cause mischief for this vehicle.

The Army is pleased with what they have learned from the tests. They are going to make the vehicle even better. Of course the detractors will not be satisfied until the Bradley becomes totally invulnerable. If they designed the vehicle it would look like a giant shot put. If that happened, the vehicle would not move.

Modern tacticians all over the world agree on one thing—anything you can see, you can hit; and anything you can hit can be destroyed. The Bradley was not designed to be invulnerable. Rather, its speed, agility, and firepower make it tougher to hit because it can move faster from one covered position to another. The Bradley does that better than any vehicle of its type in the world.

Well, the bottom line is, that the folks who are after the Bradley are out looking for crippled ducks like the Divads to shoot down. But I'm here to tell you that the Bradley is no Divads. The Divads fell short of the requirements, it was behind on production, it had technical problems, and it was up on cost. So, the Divads was killed by Mr. Weinberger who gives his full support to the Bradley. But guess what again, the requirement for a Divads-type weapon is still there and we are going to have to spend money to meet that requirement.

Kill or cripple the Bradley and you still have to meet the requirement for an infantry fighting vehicle. This time, however, the Bradley meets that requirement and meets it very well according to the customer, our experts in Congress on both sides of the Hill, and the Department of Defense. What more do we want? Ask the detractors what they want to replace the Bradley with to meet the requirements and the answers are garbled. The M-113 APC and other variations simply will not do the job.

Look, let's not go after the things that work. The Bradley is on cost, on schedule and on target as far as the soldiers who use it are concerned. If the guys in this body who are following the lead of the project for military procurement want something to shoot down, come join me at Eastern Shore during goose season. You can shoot 'til your heart's content.

The letter from Gen. John A. Wickham, Jr., Chief of Staff, U.S. Army, and John O. Marsh, Jr., Secretary of the Army, follows:

DEPARTMENT OF THE ARMY,
*Washington, DC, August 11, 1986.*

Hon. SAMUEL S. STRATTON,
*House of Representatives,*
*Washington, DC.*

DEAR CONGRESSMEN STRATTON AND WHITEHURST: This letter responds to your request concerning the misleading August 11, New York Times editorial on the Bradley Fighting Vehicle. We can assure you the Army goes to extraordinary lengths to provide safety in the design and testing, as well as doctrine for employment, of modern weapons systems.

The Bradley was designed to give the mechanized infantryman a modern vehicle with speed to support the Abrams tank, while affording protection against small arms and artillery fragments. It also has suppressive firepower capabilities. The tactical employment of mechanized infantry calls for using maneuver, firepower, and the natural protection of terrain to minimize risks to soldiers and their vehicles. In short, sound tactical employment should keep the Bradley and its infantry out of the way of weapons it was not designed to protect against. The Bradley met or exceeded its design specifications for protection against live fire in the 1978 tests.

In keeping with the standard practice of improving weapons systems, the Army conducted additional tests on the Bradley for the purpose of improving survivability against all types of weapons, even those it should not encounter if employed properly on the battlefield. These tests showed that while substantial protection already exists, survivability could be improved with restowage of ammunition, and with addition of a protective liner and explosive armor. Clearly, there was no "rigging" of the tests as the editorial suggests. Ammunition was relocated along with water cans in keeping with the earlier test conclusions.

The Army with support of the Congress already has procured over 3,000 Bradleys. The testing to date is designed to product improve a highly capable weapons system which our soldiers in the field praise and need in the face of an enemy equipped with the most modern weapons. The Army and its most valuable resource, its soldiers, need the Bradley. We need your continuing support for this program which is vital to our war fighting capability.

Sincerely,

JOHN A. WICKHAM, Jr.,
*General, U.S. Army,*
*Chief of Staff.*
JOHN O. MARSH, Jr.,
*Secretary of the Army.*

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Mr. LEVINE of California. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Mrs. BOXER].

Mrs. BOXER. Mr. Chairman, I rise in support of the Levine-Smith amendment. Honest testing of the Bradley must finally tell the Army how to ensure that it provides the maximum protection possible for our soldiers.

Part of the problem with the Bradley lies in its dual role. It is a fighting vehicle, as well as a troop carrier but unlike troop carriers of the past, it is heavily armed. It has a physical profile that will make it difficult to hide. As a result the Bradley will be advertising itself as a target. It is very disturbing that the Army would accept almost 2,000 Bradleys without adequately addressing this basic problem of its survivability which is the crucial factor that will mean success or failure, life or death on the battlefield.

I share concern over the treatment of Col. James Burton, who supervised the live-fire tests that have been conducted so far. He raised disturbing questions about the Army's conduct of the tests. As result he was punished, rather than rewarded. It is an all-too-familiar story that we hope the Military Whistleblower Protection Act we passed in the House last week would prevent in the future. But, for now, we must not ignore Colonel Burton.

The Levine-Smith amendment says that Congress is serious in its demand for thorough testing of all weapons.

Today we must remember those who have a fundamental stake in our actions—the soldiers who will drive these vehicles.

This is a safety issue. Let us rise above all other concerns.

The Bradley vehicle has been called a rolling powder keg. Let us test the Bradley. We are not talking about stopping it. We are talking about testing it.

Mr. STRATTON. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. BADHAM].

Mr. BADHAM. Mr. Chairman, I yield to the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Chairman, I rise in strong support of the Bradley Fighting Vehicle.

The Bradley offers a quantum jump in the capability of our outnumbered infantry forces in Europe. If NATO forces are going to win, we are going to need mobility, to flank invading Soviet columns, and firepower, sufficient to defeat Soviet tanks and infantry fighting vehicles.

The Bradley offers both, not a few years down the line but now, when we need it most.

If we delay the Bradley, we will lose the cost savings so far achieved by the program. Over 2,000 Bradley's have already been delivered. Costs per vehicle have gone down by almost 10 percent. If we are concerned about saving defense dollars, we must not delay the Bradley.

Improvements can be made as the program continues. I would hope that some form of add-on armor, like the Israelis use, and the survivability improvements some have suggested may be made. Yet if we were to delay pro-

duction of every weapon for improvements, we would never get around to produce the forces we need. The Bradley is ready now, under budget and on time. Let's keep it that way.

Mr. BADHAM. Mr. Chairman, I yield to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, I thank my friend for yielding.

I just want to say that I support the Bradley. It is an incremental increase in protection over the M-113 and the only way to really protect infantrymen is to get them off the battlefield. It will protect them from small arms and from fragmentation. That is more than the M-113 would do. I think we should move along with this system.

Mr. BADHAM. Mr. Chairman, I rise in opposition to these amendments, both the one from the gentlewoman from Maryland and from the gentleman from California.

The Department of the Army clearly, as of today, in criticism of off-the-track editorials in the New York Times say that they need them. They have 3,000 of them. They will work.

If you want to hang more armor in it, you can hang more armor in it.

Does aluminum melt? No, aluminum does not melt.

We have talked about the speed, what it can do. It is the most mobile, fastest, most lethal weapon that we have to accompany tanks.

Direct hits will kill any track vehicle, we know that; but basically I would like to tell you this. A few years ago when we started attacking the Bradley, we attacked it because it was made out of aluminum. We wanted to put live pigs in the thing and shoot the pigs inside the machine because it was made out of aluminum.

Well, I went out and visited the plant out there. They made the M-113 and they made the Marine amphibious vehicle. They made the MLRS vehicle. They took me out in the plant and they said, "We haven't had any complaints on these at all."

We went out in the plant and I said, "Where do you build the M-113's?

"Right here."

"The MLRS?"

"Right here."

I said, "Where is the steel you build them out of?"

They said, "Mr. BADHAM, we have built these vehicles out of aluminum since their inception."

"Have they worked?"

"Yes, sir; they have worked in war, they have worked in peace, they have worked in training."

So we could not attack aluminum anymore. Now we have to attack direct hits on a vehicle that was not designed to withstand direct hits.

Mr. Chairman, I would just say, kill these amendments. They do not help the Army.

The CHAIRMAN pro tempore. The Chair informs the committee that the gentleman from New York retains the right to close debate.

The Chair recognizes the gentleman from California [Mr. LEVINE].

Mr. LEVINE of California. Mr. Chairman, I yield 45 seconds to the distinguished gentleman from Nevada [Mr. REID].

Mr. FOGLIETTA. Mr. Chairman, will the gentleman yield?

Mr. REID. I yield to the gentleman from Pennsylvania.

Mr. FOGLIETTA. Mr. Chairman, I rise in support of the Levine amendment to require further live fire testing of the Bradley fighting vehicle.

The Bradley fighting vehicle has had a most controversial past. And, as evidenced by today's debate, this controversy continues. While most of us recognize the need to modernize our ground forces, the question is whether the Bradley fighting vehicle is an acceptable replacement to the M-113 armored personnel carrier. What remains unclear is at the heart of today's discussion—can the Bradley survive on the battlefield?

I would like to congratulate the gentlemen from California and Oregon for their efforts to obtain an answer to this fundamental question. I realize the Army and the Department of Defense have been less than forthcoming on information concerning the vehicle's survivability. However, the fact that we have any survivability information on the Bradley is a tribute to these gentlemen's fine efforts.

The question of completing the Bradley's live fire testing deserves our most directed attention. Some supporters of the Bradley claim that the vehicle has in fact undergone live fire tests which prove its survivability. However, what they have neglected to reveal is that these tests were limited and incomplete. The Levine amendment will ensure that the live fire tests are completed and that limited defense dollars will not be squandered away on a system that may not be survivable on the battlefield. This amendment requires fair and reasonable tests to help determine the Bradley's survivability.

The Levine amendment to require live fire tests will not only insure a more capable and useful fighting vehicle for our soldiers, but it will set a precedent for future weapons system acquisitions. Too often we have seen a breakdown in the process to provide our soldiers with weapons that meet battlefield requirements. This amendment sets in motion a responsible approach, versus handing over a weapon system of questionable survivability to our troops, only to find out the answer too late.

I call upon my colleagues to support the Levine amendment.

Mr. REID. Mr. Chairman, I rise in support of these amendments. The amendments are a perfect illustration of the role Congress can play in cutting waste in the military, and ensuring that only the safest and most effective weapons are produced.

The Bradley fighting vehicle program has been a travesty from the start. The Army has plowed ahead with the program despite serious shortcomings in the vehicle and at grave risk to the soldiers who will be operating it. Despite concerns about the vulnerability of this vehicle, the Army produced over 2,400 without any live-fire testing, many of which are actually deployed in the field. The live-fire testing that has taken place has not been helpful in pointing out the problems of the vehicle but has only succeeded in rubberstamping an inferior product.

I opposed this vehicle in 1983 for the same reason I oppose it today: there are serious questions about the safety and security of American soldiers who will be asked to fight in this vehicle.

I am all in favor of producing the next generation of Army fighting vehicles. However, like most taxpayers, I will expect a product that can do the job without unnecessarily endangering the lives of our soldiers. By requiring GAO-certified live-fire tests comparing different models of the Bradley, the amendment will at least give us a chance to salvage this program. My only problem is that they do not go far enough. We should not be fencing spending, we should be eliminating it completely. Nonetheless, I support these amendments because fencing spending is a lot better than putting this vehicle on the battlefield with all its current failings.

Mr. STRATTON. Mr. Chairman, I yield 30 seconds to the gentleman from Georgia [Mr. RAY.]

Mr. RAY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, on July 14, we received a "Dear Colleague" letter from a gentleman from California quoting ABC's "20/20" program as saying:

> There is no doubt that the Bradley can dish out a lot of punishment with its impressive firepower. But the question is, can it take punishment as well from the weapons it will almost certainly meet on the modern battlefield.
>
> Believe it or not the Army put out about 2,000 Bradleys in the field before attempting to answer this question. This from 20/20.

I'm not sure what enemy weapons the defense experts at "20/20" were talking about but the Bradley was extensively tested and found to protect against small arms, heavy machineguns artillery and mines which it will "almost certainly meet on the modern battlefield."

The Army has also known from the beginning that the Bradley could be

defeated by larger caliber antitank rounds because it weighs 25 tons, not 65 tons. If you want to defeat an antitank round, Mr. Speaker, most any but the most naive person would realize that. I have serious reservations about the wisdom of relying upon the knowledge or opinions of television journalists in trying to make judgments on the floor of the House about national security issues. It is a bit like seeking medical advice from a beautician.

I would prefer to follow the advice of our colleagues whom we look to for expertise on defense matters. In reading over the reports from both the House and Senate Armed Services Committees, both have conducted extensive hearings and staff investigations of the Bradley this year because of the controversy surrounding it. And both committees rejected the approach proposed by the gentleman from California.

In fact, both committees concluded that deferring production or fencing funding until Congress had reviewed the follow-on test reports would be ill-advised. And I am informed that the Defense Committee on the House Appropriations Committee as recently as last week also concluded that the restrictions proposed in this amendment were unnecessary. The Senate Appropriations Committee has yet to mark up but, I believe it will reach essentially the same conclusion.

In order to vote for this amendment it's necessary to disregard the unanimous recommendations of the supreme allied commander in Europe, the Chairman of the Joint Chiefs of Staff, the leadership of both the Army and the Defense Department and three committees of Congress.

Mr. Chairman, A persuasive case has not been made for taking such drastic action in the face of all the expert opinion arguing against it.

I urge the defeat of this amendment.

Mr. STRATTON. Mr. Chairman, I yield one-half minute to the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Chairman, I have here a letter from Brig. Gen. Samuel E. Fleming, Jr., commander of the 155th armored brigade, Mississippi National Guard which I submit for the RECORD. One battalion of the Mississippi Guard is equipped with the Bradley fighting vehicle. They like the Bradley and are proud to be equipped with this modern fighting vehicle. Without Bradley this battalion would be poorly equipped to fight in Europe.

Only one other Guard battalion, a battalion in Texas, is equipped with the Bradley. The wartime requirement for Bradley in the Guard is about 600 vehicles and they have on hand only about 120. About half of their remaining requirement are programmed for future delivery and the balance are not even programmed.

If production of the Bradley is delayed until all the intended testing is completed, delivery of the world's best fighting vehicle to active Army units will be delayed an unacceptably long time and costs will most likely increase greatly. Delivery of badly needed Bradley fighting vehicles to the Guard will be delayed almost to the next century.

Mr. Chairman, I urge continued production now with the addition of product improvements as they may be determined by the ongoing testing. Don't stop or delay production of what is already the world's best fighting vehicle.

Mr. Chairman, I include the following letter from the Mississippi Army National Guard:

HEADQUARTERS, 155TH
ARMORED BRIGADE, TUPELO, MS,
*July 20, 1986.*

Hon. G.V. MONTGOMERY,
*Chairman, Committee on Veterans' Affairs, Washington, DC.*

DEAR MR. CHAIRMAN: Per our conversation last Saturday in Jackson, I am giving you the advantages of the Bradley Fighting Vehicle (BFV) as we see it from working with this vehicle over the past year.

The BFV was basically designed as an infantry fighting vehicle. As such, there is a trade off between survivability and maneuverability, troop, equipment and ammo capacity. Bradleys have been sharply criticized for limited armor protection. In many cases being compared to the M60 and M1 series tanks. It has also been criticized for being unable to carry the traditional ten (10) man squad of infantry as with the M113 series of APC's. The basic fallacy in all these arguments lies in comparing the Bradley with any other system.

Giving up swim capability, maneuverability, speed, fuel economy, ammo capacity, trafficability, and transportability to increase armor protection is going to be a costly tradeoff. However, there is no way to make it totally safe. Any vehicle on the battlefield can be killed by modern anti-armor weapons. We have a good vehicle and now we need to start thinking smart about how to employ it.

The advantages of the Bradley Fighting Vehicle (BFV) are:

1. The BFV is highly mobile and can keep up with the M1 tank on the battlefield.
2. It has more armor than the M113.
3. It has anti-armor capability.
4. It expands the role of the infantryman on the battlefield. He can fight on the move and make long range engagements.
5. It takes a tremendous load off the M1 tank. The commander no longer has to consider every vehicle on the battlefield but can concentrate on "tank on tank."
6. Effective deterrent to the Soviet counterpart, the BMP ½.
7. Firepower: 25mm Chain Gun with thermal sights Coax; (6) M 231 (.233 Cal.) Smoke Screen capability.
8. While individual systems vulnerability may be minimally increased, the gains obtained in terms of additional firepower and tank killing capability significantly decreases force vulnerability.

One recommendation that I would like to make is the addition of "Blazer Add on Armor." This armament which is produced by Israel, has been battlefield tested and is relatively light and inexpensive. Also, it would not result in the sacrifice of any of the above mentioned capabilities.

I hope that this information meets your needs. Should you desire any further information, please do not hesitate to contact me.

Sincerely,
SAMUEL E. FLEMING, Jr.,
*Brigadier General, MSARNG,*
*Assistant Division Commander (RC),*
*1st Cavalry Division.*
TUPELO, MS. 38803-2057.

Mr. LEVINE of California. Mr. Chairman, I yield 45 seconds to the gentleman from Michigan [Mr. WOLPE].

Mr. WOLPE. Mr. Chairman, I rise in strong support of the amendment offered by my distinguished colleague from California, [Mr. LEVINE]. This is the kind of responsible and realistic proposal this body has come to associate with the Congressional Military Reform Caucus, cochaired by Mr. LEVINE, and is exactly the kind of sensible thinking we need to strengthen our national security.

The truth is that the Bradley fighting vehicle continues to be one of the most controversial weapons in the Army's arsenal. At a price of $1½ million per vehicle—almost 10 times more than the carrier it was designed to replace—the Bradley stands as a stark and painful example of Pentagon procurement practices gone awry. It is difficult to believe that the Army could actually resist what is proposed in this amendment. With the lives of over 70,000 young men who could be transported in the Bradley potentially at stake, it is certainly not too much to ask that the vehicle meet minimum survivability tests before committing billions of dollars to their mass production. This amendment simply fences a portion of the committee authorized funds for the Bradley fighting vehicle until adequate live-fire tests have been conducted. Surely we have a right to demand that any new weapons system meet rigid standards of performance, reliability and cost-effectiveness when there is so much at risk.

I urge my colleagues to support the Levine amendment.

But the problem does not end here. There is a much more serious, insidious flaw that we must address if we truly hope to promote a strong and effective national defense. A military policy that says "buy now—plan later," a policy that puts every weapons system imaginable on our Nation's charge account without requiring a defense strategy to justify the expense, contributes nothing to our country's security. Nonetheless, that is exactly the kind of policy that has been driving this administration's defense spending spree.

In the next few years we will face very difficult defense choices—deci-

sions we can no longer afford to postpone. The growing deficit crisis, accompanied by new and increasingly dangerous threats from abroad, requires an immediate and critical review of our Nation's defense policy and the military command structure that directs it. These choices can only be made in an environment that allows for open and objective discussion. I have been deeply disturbed in recent years by the chilling tactic of calling into question the patriotism of any who raise concerns about the policies or programs being pursued by the administration. Too often the litmus test for determining who supports a strong American defense has consisted of nothing more than a simplistic rating based on support for a particular dollar figure for the Pentagon or support for the latest in complex and costly weapons systems.

Clearly, it is time to move on to a more responsible and productive level of debate. There is much for all of us to disagree about—but surely we all agree that we must maintain a strong national defense, adequate to protect our national security interests. With that as an imperative we all can recognize, let us move on to identify the kinds of reforms that can provide the strength and security America needs—for today, tomorrow, and beyond.

It is time for us to reassess our defense needs. In 1961, Secretary of State Robert McNamara directed a top-to-bottom review of our national security needs. That review—now a quarter of a century old—is still the driving force behind American defense planning. The world has changed dramatically in the last 25 years—but American military strategy has not.

Today, our Nation must be able to respond to a host of threats that did not even exist at the time of the McNamara review: among them, the presence of regional conflicts on five of the seven continents; the emergence of state-sponsored terrorism; and the proliferation of nuclear weapons. In fact, one of the most serious of all pending threats to our national security is the prospect of terrorists or renegade states "going nuclear." Yet the fact is that we have allowed shortrun economic and political considerations to regularly take precedence in our country's decisionmaking over the longer run threat posed by the spread of nuclear technology and nuclear explosive material. I do not think that we enhance the security of our Nation by spending almost $4 billion in 1 year on the Star Wars Program to develop a shield against Soviet ballistic missiles, while failing to even acknowledge—much less address—the extreme security risks posed by nuclear proliferation to other countries or terrorist groups. It is not very comforting to learn that the Strategic Defense Initiative Organization, which is developing star wars, maintains that the problem of nuclear weapons being smuggled or otherwise brought into the United States is not in their charter.

Strength for our Nation's future will not come easily—it will require hard thinking, hard choices, and plenty of hard work. I think that Lt. Col. David Evans, a recently retired career Marine Corps officer, accurately summarized our challenge in the following excerpt from an article he authored for the Washington Post: "Faddish jargon has become a substitute for clear and serious thinking about the underlying foundations of combat effectiveness. Poetry devoid of philosophy is merely verse, and spending absent a sound concept of national defense is simply procurement * * *. Mindless buying is producing a military described by one former Army general as a 'force without power'—and at a cost the country cannot afford." It is time to get back to our foundations, to take a close and critical look at our Nation's defense policy, and get on with assuring a strong and secure America.

Mr. CHANDLER. Mr. Chairman, we now have the opportunity before us to express our conviction that Congress must be assured that a weapon system is safe and reliable before it is unconditionally authorized. Congress cannot afford to fund faulty weapons, like the Bradley fighting vehicle, and more importantly, we cannot afford to risk the lives of soldiers who depend on these weapons for protection.

The Levine-Bustamante-Smith-Ridge amendment is not intended to cancel the authorization for 593 additional Bradley vehicles, but rather it seeks to require further testing, which in the long run will strengthen the program. Previous tests of the Bradley have been disappointing, and have shown that the vehicle's current configuration may result in undue casualties.

We must not and cannot settle for a mediocre vehicle, when soldier's lives are at stake. Two thousand Bradleys have already been produced, and though I do not question the great need for this type of vehicle, I have serious reservations about unconditionally authorizing even more money for a flawed vehicle.

This amendment aims to correct this dilemma through responsible requirements which include comparative testing and the completion of congressionally mandated live-fire tests.

The Bradley fighting vehicle should be a weapon the ccuntry can look to proudly and can trust. At this point, that confidence doesn't exist. Support of this amendment will be a critical step toward this goal.

Mr. LEVINE of California. Mr. Chairman, I yield myself the final minute.

Mr. Chairman, let me try to summarize some of the issues that are at stake in this debate. A number of issues have been put on the table, but really this debate boils down to two issues: One, the safety of our soldiers who will be riding in the Bradley; and two, realistic live-fire testing.

This is not a vote to kill the Bradley. This is not a vote to cripple the Bradley. This is not a vote to delay the Bradley. This is not a vote to even slow the production line. With the amendment that I will be accepting from the gentlewoman from Maryland, which is on the floor at this time, this not only allows for the continuation of 18 months of backlog production, but for the authorization of another 336 Bradley's, which is the number that the Army indicates needs to be authorized for the production line not even to be slowed one bit.

All this requires, Mr. Chairman, is that the Army do the realistic live-fire testing that the Congress itself last year voted and enacted into law and that is still not done.

All that these tests will require is realistic live-fire testing on a vehicle in which more soldiers and more infantrymen will put their lives at stake than any other vehicle in the United States.

I urge support for the amendment.

Mr. STRATTON. Mr. Chairman, I yield myself the final minute.

Mr. Chairman, I think when it comes down to the end of this debate that we ought to remember that we have never had, certainly in the 28 years that I have been on the Armed Services Committee, we have never had any military vehicle that everybody loved.

The M-1 tank was regarded for years to be a "lemon."

The Sheridan shillelagh tank was terrible—referred to as a "billion dollar boo-boo".

The 803 interim tank was no good either, we were told.

And the reason that this Bradley vehicle is encountering all this opposition is that everybody wants it to be a tank. But it is not a tank and was not supposed to be a tank.

General Rogers wrote to the chairman of the Armed Services Committee just the other day and said on this matter:

The Bradley fighting vehicle is not a tank. Rather it is a vastly superior replacement for the M113 armored personnel carrier. Its purpose is to place infantry troops on the ground where they are needed when the environment will not allow soldiers to walk or move by truck. This vehicle is able to accompany and support our modern tank forces as an integral part of a combined arms team. The Bradley will defeat comparable-threat vehicles in an infantry battle environment. In a tank battle environment the Bradley will deploy dismounted forces whose mission is to protect friendly armor by defeating enemy anti-armor systems. Its TOW and 25mm Chain Gun provide protective fires for armor and dismounted infantry, both day and night. With this capability, the Bradley is a major combat multiplier on the mechanized battlefield.

That is the thing that nobody is really remembering, and we are voting to try to change the Bradley into a tank where no tank exists.

The CHAIRMAN pro tempore. All time on the amendments has expired.

The question is on the amendment offered by the gentlewoman from Maryland [Mrs. BYRON] as a substitute for the amendment offered by the gentleman from California [Mr. LEVINE].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mrs. BYRON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 179, noes 223, not voting 29, as follows:

[Roll No. 320]

AYES—179

| | | |
|---|---|---|
| Ackerman | Gephardt | Pashayan |
| Alexander | Glickman | Pease |
| Anderson | Gonzalez | Perkins |
| Annunzio | Gordon | Price |
| Anthony | Gradison | Rahall |
| Aspin | Gray (PA) | Rangel |
| Atkins | Green | Reid |
| AuCoin | Guarini | Ridge |
| Barnes | Gunderson | Rodino |
| Bates | Hall (OH) | Roe |
| Bedell | Hawkins | Rostenkowski |
| Beilenson | Hayes | Roukema |
| Bennett | Hendon | Rowland (CT) |
| Berman | Hertel | Russo |
| Boner (TN) | Hoyer | Savage |
| Bonior (MI) | Hughes | Scheuer |
| Bonker | Jacobs | Schroeder |
| Borski | Jeffords | Schulze |
| Bosco | Johnson | Schumer |
| Boucher | Jones (TN) | Seiberling |
| Boulter | Kanjorski | Sensenbrenner |
| Boxer | Kaptur | Skelton |
| Brooks | Kasich | Smith (FL) |
| Brown (CA) | Kastenmeier | Smith (IA) |
| Bruce | Kennelly | Smith (NE) |
| Bryant | Kildee | Smith (NJ) |
| Bustamante | Kolbe | Smith, Denny (OR) |
| Byron | Kolter | Smith, Robert (OR) |
| Carper | Kostmayer | Snowe |
| Carr | Leach (IA) | Solarz |
| Chandler | Lehman (CA) | Spratt |
| Coleman (MO) | Lehman (FL) | St Germain |
| Collins | Leland | Staggers |
| Conyers | Levin (MI) | Stark |
| Cooper | Levine (CA) | Stokes |
| Coughlin | Lewis (FL) | Strang |
| Coyne | Lipinski | Studds |
| Crockett | Long | Swift |
| Dannemeyer | Lowry (WA) | Synar |
| Daschle | Lungren | Thomas (CA) |
| Dellums | Manton | Torres |
| Donnelly | Markey | Torricelli |
| Dorgan (ND) | Martin (IL) | Towns |
| Durbin | Martinez | Traficant |
| Dwyer | Matsui | Vento |
| Dymally | McCain | Volkmer |
| Early | McCloskey | Waldon |
| English | McCurdy | Walker |
| Evans (IL) | McHugh | Waxman |
| Fascell | McKernan | Weaver |
| Fazio | McKinney | Wheat |
| Feighan | Miller (CA) | Whitley |
| Florio | Miller (WA) | Williams |
| Foglietta | Moakley | Wirth |
| Foley | Moody | Wolpe |
| Ford (MI) | Mrazek | Wyden |
| Ford (TN) | Nowak | Yates |
| Frank | Oakar | |
| Garcia | Oberstar | |
| Gaydos | Obey | |
| Gejdenson | Owens | |

NOES—223

| | | |
|---|---|---|
| Akaka | Gray (IL) | Petri |
| Andrews | Gregg | Pickle |
| Applegate | Hall, Ralph | Porter |
| Archer | Hamilton | Pursell |
| Armey | Hammerschmidt | Quillen |
| Badham | Hansen | Ray |
| Barnard | Hatcher | Regula |
| Bartlett | Hefner | Richardson |
| Barton | Henry | Rinaldo |
| Bateman | Hiler | Ritter |
| Bentley | Hopkins | Roberts |
| Bereuter | Howard | Robinson |
| Bevill | Hubbard | Roemer |
| Biaggi | Huckaby | Rogers |
| Bilirakis | Hunter | Rose |
| Bliley | Hutto | Roth |
| Boehlert | Hyde | Rowland (GA) |
| Boggs | Ireland | Roybal |
| Boland | Jones (NC) | Rudd |
| Broomfield | Jones (OK) | Sabo |
| Brown (CO) | Kemp | Saxton |
| Burton (IN) | Kindness | Schaefer |
| Callahan | Kleczka | Schneider |
| Carney | Kramer | Schuette |
| Chapman | Lagomarsino | Sharp |
| Chappell | Lantos | Shaw |
| Chappie | Latta | Shelby |
| Cheney | Leath (TX) | Shumway |
| Clinger | Lent | Shuster |
| Coats | Lightfoot | Sikorski |
| Cobey | Livingston | Siljander |
| Coble | Lloyd | Sisisky |
| Coleman (TX) | Loeffler | Skeen |
| Combest | Lott | Slattery |
| Conte | Lowery (CA) | Slaughter |
| Craig | Lujan | Smith, Robert (NH) |
| Crane | Mack | Snyder |
| Daniel | MacKay | Solomon |
| Daub | Madigan | Spence |
| Davis | Marlenee | Stallings |
| de la Garza | Martin (NY) | Stangeland |
| DeLay | Mavroules | Stenholm |
| Derrick | Mazzoli | Stratton |
| DeWine | McCandless | Stump |
| Dickinson | McCollum | Sundquist |
| Dicks | McDade | Sweeney |
| Dingell | McEwen | Swindall |
| DioGuardi | McGrath | Tallon |
| Dornan (CA) | McMillan | Tauke |
| Dowdy | Meyers | Tauzin |
| Downey | Mica | Taylor |
| Dreier | Michel | Thomas (GA) |
| Duncan | Miller (OH) | Traxler |
| Dyson | Mineta | Udall |
| Eckart (OH) | Molinari | Valentine |
| Eckert (NY) | Mollohan | Visclosky |
| Edwards (CA) | Monson | Vucanovich |
| Edwards (OK) | Montgomery | Walgren |
| Emerson | Moorhead | Watkins |
| Erdreich | Morrison (WA) | Weber |
| Evans (IA) | Murtha | Whitehurst |
| Fawell | Myers | Whittaker |
| Fiedler | Natcher | Whitten |
| Fields | Neal | Wilson |
| Fish | Nelson | Wise |
| Franklin | Nichols | Wolf |
| Frenzel | Nielson | Wortley |
| Frost | Olin | Wright |
| Fuqua | Ortiz | Wylie |
| Gallo | Oxley | Yatron |
| Gekas | Packard | Young (AK) |
| Gibbons | Panetta | Young (FL) |
| Gilman | Parris | Young (MO) |
| Gingrich | Penny | |
| Goodling | Pepper | |

NOT VOTING—29

| | | |
|---|---|---|
| Breaux | Fowler | Lundine |
| Burton (CA) | Grotberg | Mikulski |
| Campbell | Hartnett | Mitchell |
| Clay | Hillis | Moore |
| Coelho | Holt | Morrison (CT) |
| Courter | Horton | Murphy |
| Darden | Jenkins | Vander Jagt |
| Dixon | LaFalce | Weiss |
| Edgar | Lewis (CA) | Zschau |
| Flippo | Luken | |

□ 1950

The Clerk announced the following pairs:

On this vote:

Mr. Morrison of Connecticut for, with Mr. Lewis of California against.

Mr. LaFalce for, with Mr. Darden against.

Mr. Mitchell for, with Mr. Campbell against.

Mrs. MEYERS of Kansas and Messrs. CHAPPELL, GREGG, MARLENEE, WRIGHT, and GEKAS changed their votes from "aye" to "no."

Messrs. ROWLAND of Connecticut, LOWRY of Washington, DURBIN, OBERSTAR, and ROSTENKOWSKI changed their votes from "no" to "aye."

So the amendment offered as a substitute for the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. GRAY of Illinois). The question is on the amendment offered by the gentleman from California [Mr. LEVINE].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. LEVINE of California. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 123, noes 277, not voting 31, as follows:

[Roll No. 321]

AYES—123

| | | |
|---|---|---|
| Ackerman | Frank | Pease |
| Alexander | Garcia | Perkins |
| Anthony | Gejdenson | Rahall |
| Atkins | Gephardt | Reid |
| Barnes | Gradison | Ridge |
| Bates | Gray (PA) | Rodino |
| Bedell | Green | Rostenkowski |
| Beilenson | Gunderson | Russo |
| Bennett | Hall (OH) | Savage |
| Bereuter | Hawkins | Scheuer |
| Berman | Hayes | Schulze |
| Bonior (MI) | Hendon | Seiberling |
| Bonker | Hertel | Smith (FL) |
| Borski | Jacobs | Smith (IA) |
| Bosco | Jeffords | Smith (NE) |
| Boxer | Kastenmeier | Smith (NJ) |
| Brooks | Kildee | Smith, Denny (OR) |
| Bruce | Kolbe | Smith, Robert (OR) |
| Bustamante | Kostmayer | Solarz |
| Chandler | Leach (IA) | St Germain |
| Collins | Leland | Staggers |
| Conyers | Levin (MI) | Stark |
| Cooper | Levine (CA) | Stokes |
| Coyne | Lowry (WA) | Studds |
| Crockett | Manton | Swift |
| Daschle | Markey | Synar |
| Dellums | Martinez | Torres |
| Donnelly | Matsui | Torricelli |
| Dorgan (ND) | McCain | Towns |
| Durbin | McCloskey | Traficant |
| Dwyer | McHugh | Vento |
| Dymally | McKinney | Visclosky |
| Early | Miller (CA) | Waldon |
| Evans (IL) | Miller (WA) | Weaver |
| Fascell | Moakley | Wheat |
| Fazio | Moody | Williams |
| Feighan | Mrazek | Wolpe |
| Florio | Nowak | Wyden |
| Foglietta | Oakar | Yates |
| Foley | Oberstar | |
| Ford (MI) | Obey | |
| Ford (TN) | Owens | |

NOES—277

| | | |
|---|---|---|
| Akaka | Archer | Barnard |
| Anderson | Armey | Bartlett |
| Andrews | Aspin | Barton |
| Annunzio | AuCoin | Bateman |
| Applegate | Badham | Bentley |

| | | |
|---|---|---|
| Bevill | Henry | Porter |
| Biaggi | Hiler | Price |
| Bilirakis | Hopkins | Pursell |
| Bliley | Howard | Quillen |
| Boehlert | Hoyer | Rangel |
| Boggs | Hubbard | Ray |
| Boland | Huckaby | Regula |
| Boner (TN) | Hughes | Richardson |
| Boucher | Hunter | Rinaldo |
| Boulter | Hutto | Ritter |
| Broomfield | Hyde | Roberts |
| Brown (CA) | Ireland | Robinson |
| Brown (CO) | Johnson | Roe |
| Bryant | Jones (NC) | Roemer |
| Burton (IN) | Jones (OK) | Rogers |
| Byron | Jones (TN) | Rose |
| Callahan | Kanjorski | Roth |
| Carney | Kaptur | Roukema |
| Carper | Kasich | Rowland (CT) |
| Carr | Kemp | Rowland (GA) |
| Chapman | Kennelly | Roybal |
| Chappell | Kindness | Rudd |
| Chappie | Kleczka | Sabo |
| Cheney | Kolter | Saxton |
| Clinger | Kramer | Schaefer |
| Coats | Lagomarsino | Schneider |
| Cobey | Lantos | Schroeder |
| Coble | Latta | Schuette |
| Coleman (MO) | Leath (TX) | Schumer |
| Coleman (TX) | Lehman (CA) | Sensenbrenner |
| Combest | Lehman (FL) | Sharp |
| Conte | Lent | Shaw |
| Coughlin | Lewis (FL) | Shumway |
| Courter | Lightfoot | Shuster |
| Craig | Lipinski | Sikorski |
| Crane | Livingston | Siljander |
| Daniel | Lloyd | Sisisky |
| Dannemeyer | Loeffler | Skeen |
| Daub | Long | Skelton |
| Davis | Lott | Slattery |
| de la Garza | Lowery (CA) | Slaughter |
| DeLay | Lujan | Smith, Robert (NH) |
| Derrick | Lungren | |
| DeWine | Mack | Snowe |
| Dickinson | MacKay | Snyder |
| Dicks | Madigan | Solomon |
| Dingell | Marlenee | Spence |
| DioGuardi | Martin (IL) | Spratt |
| Dornan (CA) | Martin (NY) | Stallings |
| Dowdy | Mavroules | Stangeland |
| Downey | Mazzoli | Stenholm |
| Dreier | McCandless | Strang |
| Duncan | McCollum | Stratton |
| Dyson | McCurdy | Stump |
| Eckart (OH) | McDade | Sundquist |
| Eckert (NY) | McEwen | Sweeney |
| Edwards (CA) | McGrath | Swindall |
| Edwards (OK) | McKernan | Tallon |
| Emerson | McMillan | Tauke |
| English | Meyers | Tauzin |
| Erdreich | Mica | Taylor |
| Evans (IA) | Michel | Thomas (CA) |
| Fawell | Miller (OH) | Thomas (GA) |
| Fiedler | Mineta | Traxler |
| Fields | Molinari | Udall |
| Fish | Mollohan | Valentine |
| Franklin | Monson | Volkmer |
| Frenzel | Montgomery | Vucanovich |
| Frost | Moorhead | Walgren |
| Fuqua | Morrison (WA) | Walker |
| Gallo | Murtha | Watkins |
| Gaydos | Myers | Weber |
| Gekas | Natcher | Whitehurst |
| Gibbons | Neal | Whitley |
| Gingrich | Nelson | Whittaker |
| Glickman | Nichols | Whitten |
| Gonzalez | Nielson | Wilson |
| Goodling | Olin | Wirth |
| Gordon | Ortiz | Wise |
| Gray (IL) | Oxley | Wolf |
| Gregg | Packard | Wortley |
| Guarini | Panetta | Wright |
| Hall, Ralph | Parris | Wylie |
| Hamilton | Pashayan | Yatron |
| Hammerschmidt | Penny | Young (AK) |
| Hansen | Pepper | Young (FL) |
| Hatcher | Petri | Young (MO) |
| Hefner | Pickle | |

NOT VOTING—31

| | | |
|---|---|---|
| Breaux | Darden | Gilman |
| Burton (CA) | Dixon | Grotberg |
| Campbell | Edgar | Hartnett |
| Clay | Flippo | Hillis |
| Coelho | Fowler | Holt |
| Horton | Mikulski | Vander Jagt |
| Jenkins | Mitchell | Waxman |
| LaFalce | Moore | Weiss |
| Lewis (CA) | Morrison (CT) | Zschau |
| Luken | Murphy | |
| Lundine | Shelby | |

□ 2010

The Clerk announced the following pairs.

On this vote:

Mr. LaFalce for, with Mr. Darden against.

Mr. Morrison of Connecticut for, with Mr. Lewis of California against.

Mr. Mitchell for, with Mr. Campbell against.

Mr. Dixon for, with Mr. Shelby against.

Mr. MARTINEZ changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. GRAY of Illinois). Under the rule, amendment No. 15 is in order.

Does the gentleman from Connecticut [Mr. GEJDENSON] desire to offer his amendment?

AMENDMENT OFFERED BY MR. GEJDENSON

Mr. GEJDENSON. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GEJDENSON:

Page 6, line 2, strike out "$9,153,900,000" and insert in lieu thereof "$10,663,000,000".

Page 6, after line 5, insert the following:

For the Trident submarine program, $1,509,100,000.

The CHAIRMAN pro tempore. Under the rule, the gentleman from Connecticut will be recognized for 5 minutes, and a Member in opposition thereto will be recognized for 5 minutes.

Mr. DICKINSON. Mr. Chairman, I am opposed.

The CHAIRMAN pro tempore. The gentleman from Alabama [Mr. DICKINSON] will be recognized for 5 minutes in opposition.

The Chair recognizes the gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Chairman, I yield to the gentleman from South Carolina [Mr. SPRATT] for a technical amendment.

AMENDMENT OFFERED BY MR. SPRATT TO THE AMENDMENT OFFERED BY MR. GEJDENSON

Mr. SPRATT. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. SPRATT to the amendment offered by Mr. GEJDENSON:

At the end of the amendment, add the following:

Page 21, after line 14, insert the following new section:

SEC. 114. CONTINGENT AUTHORIZATION.

The amount authorized to be appropriated in section 102 for the Trident submarine program is authorized to be appropriated only to the extent the amounts restored for multi-year procurement are fully funded, and then only to the extent, that the total of other amounts authorized to be appropriated for the National Defense Function is reduced below $286.4 billion by amendments to this Act adopted after the amendment.

The CHAIRMAN pro tempore. Under the rule the gentleman from South Carolina [Mr. SPRATT] will be recognized for 5 minutes; and the gentleman from Alabama [Mr. DICKINSON] will be recognized for 5 minutes in opposition.

The Chair recognizes the gentleman from South Carolina [Mr. SPRATT] for 5 minutes in support of his amendment to the amendment.

Mr. SPRATT. I thank the Chair.

I will not need nor take the full 5 minutes.

The purpose of this amendment is to make clear that the funds authorized to be appropriated for the Trident submarine by the amendment offered by Mr. GEJDENSON are contingently authorized to be appropriated and will be authorized and made available only, first, after funding the amounts restored for multiyear procurement which we have provided for by previous amendment and then only to the extent that there will be other funds made available, if made available by additional reductions due to amendments adopted hereafter.

I thank the Chairman for this opportunity and yield back the balance of my time.

The CHAIRMAN pro tempore. The gentleman yields back the balance of his time. The gentleman from Alabama [Mr. DICKINSON] is recognized for 5 minutes.

Mr. DICKINSON. Mr. Chairman, I wonder if I might have the attention of the author of the amendment.

We have just recently accepted the gentleman's amendment that would do the same thing, approximately the same thing under the multiyear provision. Now, first off, let me make it amply clear that I am opposed to adding back $1.5 billion in authorization after just voting to cut $7 billion Friday when we rose. This is ridiculous. It is hard to believe.

But anyway, how would this reconcile with the gentleman's amendment to fund multiyear that could be saved in this bill? What would come first? How would this work?

Mr. SPRATT. Mr. Chairman, would the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from South Carolina.

Mr. SPRATT. I thank the gentleman for yielding.

This would, Mr. Chairman, as stated would give priority to the amendment we just adopted because it would provide that any reductions we achieve through amendments adopted hereafter would go first to funding the multiyear procurement provisions, and only to the extent there was a surplus left over after fully funding those pro-

visions would funds be applied for the Trident.

Mr. DICKINSON. I understand then, if after all the multiyear programming that we have authorized is refunded, under the savings here, if there should be an additional amount, then it would go to this?

Mr. SPRATT. That is correct.

Mr. DICKINSON. I understand it. I am still in opposition to it. We will wait until he gets back to the original amendment.

Mr. Chairman, speaking to the original amendment to which this is offered as a perfecting amendment, I find this incredible, really very, very hard to believe. Friday we met here and the gentleman who offered the amendment joined in cutting the budget $7 billion. "We cannot afford to spend up to the budgeted amount." Our chairman, Mr. ASPIN, says, "Hey, when you add the budget authority it also necessarily adds outlay." And he joined with him.

Now the gentleman comes back and says, "Well, hey, I was just kidding about all that because the Trident is built in my backyard so let's put $1.5 billion back in here to increase what we just cut last Friday." Now, this is ludicrous, this is ridiculous, that we would on Friday cut $7 billion because we cannot afford it and then come in here and say, "It is different if it is built in Connecticut. We are going to add $1.5 billion back in here for the Trident." I am really speechless. As a matter of fact, I would be embarrassed to offer this thing myself.

Mr. SPRATT. If the gentleman is speechless, would he yield?

Mr. DICKINSON. I will yield in a moment. The idea that we would be so gullible and think we are so obtuse here that we cannot see what is going on really sort of blows my mind. I really would be embarrassed to offer this if it were my amendment.

Yes, I will be glad to yield to the gentleman from South Carolina.

Mr. SPRATT. I thank the gentleman for yielding.

The purpose of this amendment, which I am making——

Mr. DICKINSON. Well, I understand about the gentleman's amendment.

Mr. SPRATT. Is to keep the add-on spending neutral so that it does not have any effect.

Mr. DICKINSON. I understand your amendment.

Mr. SPRATT. It is to keep the add-on spending neutral.

Mr. DICKINSON. That really does not give me any problem. But even if it is associated with the other amendment I am opposed to it.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The gentleman from Connecticut [Mr. GEJDENSON] is recognized.

Does the gentleman from South Carolina seek more time?

Mr. SPRATT. Mr. Chairman, I yielded back the balance of my time.

Mr. GEJDENSON. I will yield to the chairman of the Seapower Committee in a moment, but if I might, while the gentleman is approaching the podium, let me point out that this amendment, if the funds are made available, would only add $83 million in outlays in this year and it is within the budget decision that we have made to date.

Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. BENNETT] the chairman of the Subcommittee on Seapower and Strategic and Critical Materials of the Committee on Armed Services.

PARLIAMENTARY INQUIRY

Mr. DICKINSON. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. DICKINSON. Mr. Chairman, are we working now on the time of the gentleman from Connecticut [Mr. GEJDENSON] or the time of the gentleman from South Carolina [Mr. SPRATT]?

The CHAIRMAN pro tempore. The gentleman from South Carolina has yielded back the balance of his time, so we are operating off the time of the gentleman from Connecticut [Mr. GEJDENSON]. The gentleman from Connecticut has yielded 1 minute to the distinguished gentleman from Florida, and the gentleman from Florida is recognized.

Mr. DICKINSON. Since I rose in opposition to it, I assume then that I would have 5 additional minutes.

The CHAIRMAN pro tempore. The gentleman has 5 minutes remaining.

Mr. DICKINSON. I thank the Chairman.

Mr. BENNETT. Mr. Chairman, assuming the amendment to the amendment is adopted, then I think the amendment of the gentleman from Connecticut is a good amendment. We have had thorough studies of the needed next Trident. We did approve it in our committee. It met approval in the general or full committee. But it was withdrawn because of the tightness of the budget and was not put back because of an arrangement for trying to get competition between various other ships.

So on total it has been studied in the committee, it has been approved both in the subcommittee and in the full committee, and I think it is a good thing to do.

It is a needed ship. If we can get it under this bill, we ought to get it.

The Chairman pro tempore. The gentleman from Alabama [Mr. DICKINSON] is recognized for 5 minutes in opposition to the amendment.

Mr. DICKINSON. I thank the chairman.

Mr. Chairman, aside from the ludicuous aspects of this, let we talk a little bit to the merits because SALT-II imposes limitations on numbers of strategic system, the Poseidon ballistic missile submarine, which is presently being retired even though they are still militarily sound and usable, because of that the committee, that is Mr. BENNETT's subcommittee—this is one of the reasons they elected not to put the Trident in beside the budgetary constraints.

Second, the Navy is critically short of modern surface combatants that would be required to support the sea lanes of communication between the United States and Europe and also NATO. A decision to authorize the Trident submarine this year within the imposed budget constraints and limitations would have required at least two other ships, surface ships, not be built.

□ 2025

The committee also took that into consideration. The ships that would have been displaced would have included either surface combatants or attack submarines.

Third, the Navy is presently seeking to bring a second shipbuilder in into the construction of Trident submarines to gain the benefit of competition. At the present time, we have only one builder of submarines, just one. It would be nice if we had a little competition and if General Boat were not the only game in town, and we could negotiate with someone else who might give a better price.

So for these three reasons, Mr. Chairman, the fact that if we had a choice we would be better off with surface combatants we have 14 Tridents already approved. We need surface ships. If we go with this, we are going to have to continue to decommission Poseidons, and we need another source to build them. Those are three good, valid, cogent reasons why, under the budget contraints, it makes sense to put this over. That, and in addition to the fact it is so ludicrous to vote on Friday to cut back $7 billion in spending authority, and then turn around and add $1.5 billion back and, in the meantime, having lost the F-14, the F-15, the F-16 and any other conventional weapons systems.

I would hope that this committee would stand up and—we cannot laugh it out—but I do hope that we would vote it out.

Mr. GEJDENSON. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin [Mr. ASPIN].

Mr. ASPIN. Mr Chairman, let me say that I am in support of the gentleman from Connecticut's amendment.

I would not support it if it was not for the Spratt amendment which says

that this will happen only if the money is available.

I look at the bill that we have before us, and if there is one thing that I think we ought to put back in this bill that we had cut out because of budget constraints, it is that Trident submarine. It is the most survivable form of nuclear deterrent that we have. It is clearly the one item that we ought to put back in. And as long as the Spratt amendment is there that says that this Trident will not go in unless the money is available, I think we would be remiss not to vote for the amendment.

Mr. GEJDENSION. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. MAVROULES].

Mr. MAVROULES. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, we want to keep in mind that this amendment is contingent upon funds being available, so it knocks out any rhetoric or argument about moneys not being there or moneys that were not passed last Friday.

This probably will be one of the best amendments offered in this DOD bill. The sooner we realize that, for the security of our country, the better off we are going to be. If we truly believe that we have the qualitative edge in submarines as a deterrent factor in the nuclear arms race, you have to vote for this amendment. It is the one edge that we do have. We have an opportunity to put the money back or make it available, and certainly to enhance our deterrent factor in nuclear war.

I am certainly behind it.

Mr. GEJDENSON. Mr. Chairman, I yield myself the balance of my time.

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. GEJDENSON. I yield to the gentleman from New York.

Mr. STRATTON. Mr. Chairman, I just want to say that I had the opportunity about 3 weeks ago to sail on the latest Trident submarine, the *Alaska*. If you have been on a submarine before, the Trident is a totally different kind of ship. It has some 24 huge missiles on it. It has a very substantial speed, and the quality of the young men who are serving on those ships is simply fantastic.

I think that if this is successful, the gentleman from Connecticut may wish to have the submarine that the gentleman is proposing be named the *Connecticut*.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. GEJDENSON. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I want to say to the gentleman that I particularly appreciate his amendment and also the Spratt amendment.

I think the fact that, as the chairman said, we are only going to do this if we have the funds available that meets Mr. DICKINSON's objection, makes it a sound amendment. I happen to believe this is the cornerstone of our strategic deterrent. It is totally survivable. We have seen these Tridents out in the Pacific Northwest at the Bangor base.

I might point out that this submarine when constructed would go to King Bay, GA, and would be part of the Georgia fleet.

I think these Tridents, and I have been out on them, are survivable into the foreseeable future, and are the backbone of our deterrent, and I think it is essential that we put the Trident back into the budget.

Mr. GEJDENSON. Mr. Chairman, I thank the gentleman. The gentleman is correct, of course. There is no comparison between the Poseidon class submarines and the Trident.

The increased cost in skipping a year on the Trident would more than eat up any savings, and I would hope that we would accept both amendments.

The CHAIRMAN pro tempore. (Mr. GRAY of Illinois). The question is on the amendment offered by the gentleman from South Carolina [Mr. SPRATT] to the amendment offered by the gentleman from Connecticut [Mr. GEJDENSON].

The amendment to the amendment was agreed to.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Connecticut [Mr. GEJDENSON], as amended.

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DICKINSON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 188, noes 211, not voting 32, as follows:

[Roll No. 322]

AYES—188

| | | |
|---|---|---|
| Ackerman | Carper | English |
| Annunzio | Cheney | Fascell |
| Applegate | Coats | Fazio |
| Aspin | Coelho | Feighan |
| Atkins | Coleman (TX) | Florio |
| Barnard | Conte | Foglietta |
| Barnes | Conyers | Foley |
| Beilenson | Cooper | Ford (MI) |
| Bennett | Daschle | Frank |
| Berman | de la Garza | Frost |
| Biaggi | Derrick | Garcia |
| Boggs | Dicks | Gaydos |
| Boland | Dingell | Gejdenson |
| Boner (TN) | DioGuardi | Gephardt |
| Bonior (MI) | Donnelly | Gilman |
| Bonker | Dowdy | Glickman |
| Borski | Downey | Gordon |
| Boucher | Durbin | Gray (IL) |
| Boxer | Dwyer | Gray (PA) |
| Brooks | Dymally | Guarini |
| Brown (CA) | Dyson | Gunderson |
| Bruce | Early | Hall (OH) |
| Bryant | Eckart (OH) | Hamilton |
| Bustamante | Edwards (CA) | Hawkins |
| Byron | Edwards (OK) | Hayes |
| Hefner | Mineta | Skelton |
| Hertel | Moakley | Slattery |
| Hiler | Mollohan | Smith (FL) |
| Howard | Moody | Solarz |
| Hoyer | Morrison (WA) | Solomon |
| Hughes | Mrazek | Spence |
| Hutto | Murtha | Spratt |
| Jacobs | Natcher | St Germain |
| Jeffords | Neal | Staggers |
| Jones (NC) | Nelson | Stallings |
| Jones (OK) | Nowak | Stark |
| Kanjorski | Oakar | Stratton |
| Kaptur | Oberstar | Studds |
| Kennelly | Ortiz | Swift |
| Kostmayer | Owens | Synar |
| Kramer | Panetta | Thomas (GA) |
| Lantos | Penny | Torres |
| Lehman (CA) | Pepper | Torricelli |
| Lehman (FL) | Perkins | Traficant |
| Leland | Price | Traxler |
| Levin (MI) | Reid | Udall |
| Levine (CA) | Richardson | Visclosky |
| Livingston | Ridge | Volkmer |
| Long | Robinson | Watkins |
| Lowery (CA) | Rodino | Waxman |
| MacKay | Roe | Wheat |
| Manton | Rostenkowski | Whitten |
| Markey | Rowland (CT) | Williams |
| Martinez | Rowland (GA) | Wilson |
| Matsui | Roybal | Wirth |
| Mavroules | Sabo | Wise |
| McCloskey | Scheuer | Wolpe |
| McCurdy | Schneider | Wright |
| McGrath | Schumer | Wyden |
| McHugh | Sharp | Yatron |
| McKinney | Sikorski | Young (FL) |
| Mica | Sisisky | Young (MO) |
| Miller (CA) | Skeen | |

NOES—211

| | | |
|---|---|---|
| Akaka | Eckert (NY) | Lungren |
| Alexander | Emerson | Mack |
| Anderson | Erdreich | Madigan |
| Andrews | Evans (IA) | Marlenee |
| Archer | Evans (IL) | Martin (IL) |
| Armey | Fawell | Martin (NY) |
| AuCoin | Fiedler | Mazzoli |
| Badham | Fields | McCain |
| Bartlett | Fish | McCandless |
| Barton | Ford (TN) | McCollum |
| Bateman | Franklin | McDade |
| Bates | Frenzel | McEwen |
| Bedell | Fuqua | McKernan |
| Bentley | Gallo | McMillan |
| Bereuter | Gekas | Meyers |
| Bevill | Gingrich | Michel |
| Bilirakis | Gonzalez | Miller (OH) |
| Bliley | Goodling | Miller (WA) |
| Boehlert | Gradison | Molinari |
| Bosco | Green | Monson |
| Boulter | Gregg | Montgomery |
| Broomfield | Hall, Ralph | Moorhead |
| Brown (CO) | Hammerschmidt | Murphy |
| Burton (IN) | Hansen | Myers |
| Callahan | Hatcher | Nichols |
| Carney | Hendon | Nielson |
| Carr | Henry | Obey |
| Chandler | Hopkins | Olin |
| Chapman | Hubbard | Oxley |
| Chappell | Huckaby | Packard |
| Chappie | Hunter | Parris |
| Clinger | Hyde | Pashayan |
| Cobey | Ireland | Pease |
| Coble | Jones (TN) | Petri |
| Coleman (MO) | Kasich | Pickle |
| Collins | Kastenmeier | Porter |
| Combest | Kemp | Pursell |
| Coughlin | Kildee | Rahall |
| Courter | Kindness | Rangel |
| Coyne | Kleczka | Ray |
| Craig | Kolbe | Regula |
| Crane | Kolter | Rinaldo |
| Crockett | Lagomarsino | Ritter |
| Daniel | Latta | Roberts |
| Dannemeyer | Leach (IA) | Roemer |
| Daub | Leath (TX) | Rogers |
| Davis | Lent | Rose |
| DeLay | Lewis (FL) | Roth |
| Dellums | Lightfoot | Roukema |
| DeWine | Lipinski | Rudd |
| Dickinson | Lloyd | Russo |
| Dorgan (ND) | Loeffler | Savage |
| Dornan (CA) | Lott | Saxton |
| Dreier | Lowry (WA) | Schaefer |
| Duncan | Lujan | Schroeder |

| | | |
|---|---|---|
| Schuette | Snowe | Vento |
| Schulze | Snyder | Vucanovich |
| Seiberling | Stangeland | Waldon |
| Sensenbrenner | Stenholm | Walgren |
| Shaw | Stokes | Walker |
| Shumway | Strang | Weaver |
| Shuster | Stump | Weber |
| Siljander | Sundquist | Whitehurst |
| Slaughter | Sweeney | Whitley |
| Smith (IA) | Swindall | Whittaker |
| Smith (NE) | Tallon | Wolf |
| Smith (NJ) | Tauke | Wortley |
| Smith, Denny (OR) | Tauzin | Wylie |
| | Taylor | Young (AK) |
| Smith, Robert (NH) | Thomas (CA) | |
| | Towns | |
| Smith, Robert (OR) | Valentine | |

NOT VOTING—32

| | | |
|---|---|---|
| Anthony | Grotberg | Mikulski |
| Breaux | Hartnett | Mitchell |
| Burton (CA) | Hillis | Moore |
| Campbell | Holt | Morrison (CT) |
| Clay | Horton | Quillen |
| Darden | Jenkins | Shelby |
| Dixon | Johnson | Vander Jagt |
| Edgar | LaFalce | Weiss |
| Flippo | Lewis (CA) | Yates |
| Fowler | Luken | Zschau |
| Gibbons | Lundine | |

□ 2045

The Clerk announced the following pairs:

On this vote:

Mr. Morrison of Connecticut for, with Mr. Shelby against.

Mr. LaFalce for, with Mr. Lewis of California against.

Mr. Dixon for, with Mr. Yates against.

Mr. Darden for, with Mr. Mitchell against.

Mr. COYNE, Mr. SAVAGE, Mrs. ROUKEMA, and Messrs. CRANE, LAGOMARSINO, KEMP, KOLTER, KASICH, LENT, OLIN, MARLENEE, and RUSSO changed their votes from "aye" to "no."

Messrs. GLICKMAN, MINETA, MATSUI, and GEPHARDT changed their votes from "no" to "aye."

So the amendment as amended, was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. GRAY of Illinois). Under the rule, the next amendment in order is No. 16 by the gentleman from South Carolina [Mr. SPRATT].

The gentleman from South Carolina declines to offer amendment No. 16.

The next amendment in order is No. 17 by the gentleman from Oregon [Mr. AUCOIN].

AMENDMENT OFFERED BY MR. AU COIN

Mr. AUCOIN. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. AUCOIN: At the end of title I of Division A (page 33, after line 17), add the following new section:

SEC. 128. ADVANCED ANTI-ARMOR WEAPONS.

(a) Of the funds authorized in Section , $48,735,000 is authorized to be apporpriated for the Army Advanced Anti-Armor Weapon System Medium (AAWS-M) program, but funds may be obligated for such program only if—

(1) the Secretary of the Army begins a prototype feasibility demonstration of no more than three candidate systems including a true fire and forget, launch and leave candidate;

(2) the planning and evaluation authority for the feasibility demonstration is the Director of Test and Evaluation of the Department of Defense; and

(3) the actual conduct of the feasibility demonstration is carried out jointly by the Army and the Marine Corps.

(b) Notwithstanding any other provision of law, prior to inititation of full-scale engineering development of the winning AAWS-M candidate, the Secretary of the Army must certify to the Committees on Armed Services and Appropriations of the Senate and the House of Representatives that the winning system satisfies the Army anti-armor requirement, and the Secretary of the Navy, upon recommendation of the Commandant of the Marine Corps, must certify to the Committees on Armed Services and Appropriations of the Senate and the House of Representatives that the winning system satisfies the Marine Corps anti-armor requirements.

(c) The provisions of the preceding sections may be exercised only if the Army simultaneously commences and conducts a full scale engineering development program for the Fiber Optic Guided Missile (FOG-M) system developed by the Army Missile Command, Huntsville, Alabama, for anti-armor and air defense variants of FOG-M.

The CHAIRMAN pro tempore. Under the rule, the gentleman from Oregon [Mr. AUCOIN] will be recognized for 5 minutes and a Member in opposition will be recognized for 5 minutes.

Mr. DICKINSON. Mr. Chairman, I oppose the amendment.

The CHAIRMAN pro tempore. The gentlemen from Alabama [Mr. DICKINSON] will be recognized for 5 minutes.

The Chair now recognizes the gentleman from Oregon [Mr. AUCOIN].

Mr. AUCOIN. Mr. Chairman, I yield to the chairman of the Armed Services Committee, the gentleman from Wisconsin [Mr. ASPIN].

AMENDMENT OFFERED BY MR. ASPIN AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. AU COIN

Mr. ASPIN. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. ASPIN as a substitute for the amendment offered by Mr. AUCOIN: At the end of title II of division A (page 68, after line 4), add the following new section:

SEC. 215. ADVANCED ANTI-ARMOR WEAPON SYSTEM.

(a) FEASIBILITY DEMONSTRATION OF CANDIDATE SYSTEMS.—Of the funds authorized in section 201 for the Army, $48,735,000 is authorized to be appropriated for the Advanced Anti-Armor Weapon System Medium (AAWS-M) program, but funds may be obligated for such program only if—

(1) the Secretary of the Army begins a prototype feasibility demonstration of not more than three candidate systems for such program, including a true fire-and-forget, launch, and leave candidate;

(2) the feasibility demonstration for such a system is capable of being completed within 24 months after the date of the enactment of this Act;

(3) the authority for test planning and evaluation for the feasibility demonstration is the Director of Test and Evaluation of the Department of Defense; and (4) the actual conduct of the feasibility demonstration is carried out jointly by the Army and the Marine Corps.

(b) REQUIREMENT FOR SATISFACTION OF SERVICE ANTI-ARMOR REQUIREMENTS.—The Secretary of Defense may not authorize the initiation of full-scale engineering development of the winning AAWS-M candidate until—

(1) the Secretary of the Army certifies to the Committees on Armed Services and Appropriations of the Senate and House of Representatives that the winning system meets the anti-armor requirement of the Army; and

(2) the Secretary of the Navy, upon recommendation of the Commandant of the Marine Corps, certifies to such Committees that the winning system meets the anti-armor requirement of the Marine Corps.

Mr. ASPIN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment offered as a substitute for the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Wisconsin?

Mr. DICKINSON. Reserving the right to object, Mr. Chairman, I do not do so for the purpose of objecting, but if it is in order, I would like to make a parliamentary inquiry.

Mr. CHAIRMAN pro tempore. The gentleman will state his parliamentary inquiry.

PARLIAMENTARY INQUIRY

Mr. DICKINSON. Mr. Chairman, my parliamentary inquiry is that I had a small objection to the amendment offered by the gentleman from Oregon [Mr. AUCOIN] which allows me to rise in opposition and reserve my time.

I did not hear nor do I understand the amendment offered by my chairman, the gentleman from Wisconsin [Mr. ASPIN] and I do not know whether I should object in order to reserve my time or not.

Could I tentatively say that I rise in opposition to the amendment?

The CHAIRMAN pro tempore. The Clerk was in the process of reading when the gentleman from Wisconsin made unanimous consent to dispense with further reading of the amendment.

Mr. DICKINSON. Mr. Chairman, I will reserve my right, then, to oppose the amendment.

The CHAIRMAN pro tempore. The gentleman from Alabama [Mr. Dickinson] will be entitled to 5 minutes in opposition to the amendment offered by the gentleman from Oregon [Mr. AUCOIN].

Mr. DICKINSON. Mr. Chairman, I withdraw my reservation of objection to dispensing with the reading of the amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The CHAIRMAN pro tempore. The gentleman from Wisconsin [Mr. ASPIN] is recognized for 5 minutes.

Mr. ASPIN. Mr. Chairman, I would like to help explain to the gentleman from Alabama the amendment offered by the gentleman from Oregon.

Mr. Chairman, what this amendment does is that it perfects the amendment of the gentleman from Oregon. In fact, it decouples two issues which we were dealing with in the amendment of the gentleman from Oregon. One is the AAWS-M and the other is the FOG-M. These are two different systems which were coupled in the gentleman's original amendment.

What this does is that it makes clear that it decouples these two and conforms the language to make clear that it applies to research and development.

Mr. AUCOIN. Mr. Chairman, will the gentleman yield?

Mr. ASPIN. I yield to the gentleman from Oregon.

Mr. AUCOIN. Mr. Chairman, I agree with the statement that the gentleman from Wisconsin has just made. It is a decoupling amendment. It does decouple two very important antiarmored systems and it does take care of a drafting error which makes it clear that this is an amendment to title II, rather than title I.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. ASPIN. I yield to the gentleman from Alabama.

Mr. DICKINSON. Mr. Chairman, I think we are in accord.

There are two things that I am very much interested in. I am interested in supporting the FOG-M, the fiber optic guided missile, and also the SPIKE. I am supportive of both these programs. They could be a part of this. One of them is.

As I understand, is this supportive of both, would the gentleman from Wisconsin say?

Mr. ASPIN. Mr. Chairman, the answer is yes.

Mr. DICKINSON. To both?

Mr. ASPIN. To both.

Mr. DICKINSON. Well, then I have no objection.

Mr. ASPIN. I yield further to the gentleman from Oregon.

Mr. AUCOIN. Mr. Chairman, I would like to use this time to explain just very briefly the primary amendment, and I think it also clarifies the need for this colloquy.

It is a zero-fund amendment, Mr. Chairman. It does not add any new authorization to the bill. It addresses an urgent need for our land forces to have an antitank weapon that can be carried by one man, can penetrate an enemy tank coming head on, and will not endanger the operator. That is critical.

We do not have this capability in the field today, but we have two technologies that potentially can do it for us in the future. One is the fire-and-forget tank breaker which I think is the ideal medium antitank weapon, and the other is the very versatile fiber-optic link, which the gentleman from Alabama just mentioned. Each system serves a different purpose. Both are going to be terrifically useful once they are in the field. The question is how to do it in the quickest way possible.

Initially, it had seemed to me and the committee that by cutting out the AAWS-M competition and going directly to advanced development on the most promising candidate, and that would be the fire-and-forget tank breaker, was the best way to do it. It turns out, however, as events have unfolded, that the best course seems to be to restore the AAWS-M competition, but to insure that it is fair and not drawn out longer than necessary, so this amendment does do this, as perfected by the perfecting amendment of the gentleman from Wisconsin.

In doing so, it restores the administration's original request.

I would hope we can also see to it that the fiber-optic weapons system the gentleman from Alabama mentioned goes ahead well on its own, but at this point it is best, I think, not to link it to the tank breaker.

I believe this is the view of the committee and I would ask the chairman of the Armed Services Committee if it is not in fact the committee's view?

Mr. ASPIN. Mr. Chairman, let me just answer the question of the gentleman from Oregon and then I will be happy to yield further.

The answer to the gentleman's question is yes. The gentleman is also aware of the committee's strong interest, as witnessed by the gentleman from Alabama, in the fiber-optic guided missile. We would like to accept the gentleman's amendment. In fact, we were considering putting it into our package, but we are accepting the amendment on this side, provided the gentleman will continue to commit his support for the FOG-M and I hope the Army recognizes our interest in the Armed Services Committee in the FOG-M and conforms to our direction.

□ 2100

Mr. AUCOIN. Mr. Chairman, will the gentleman yield?

Mr. ASPIN. I yield to the gentleman from Oregon.

Mr. AUCOIN. I appreciate the gentleman's yielding.

Mr. Chairman, I thank the chairman of the Committee on Armed Services. The main thrust of my amendment is to ensure a fair AAWS-M competition, but I do strongly support the fiber-optic family of weapons, and I assure the chairman and the ranking member that I will continue to give them my active support.

I would like to ask the gentleman from Wisconsin one further question, if I may, in this colloquy: Am I correct that the committee feels that the highest priority should be given to competing the AAWS-M competition and moving rapidly through engineering development to the production of the winning candidate?

Mr. ASPIN. Yes.

Mr. DICKINSON. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. BADHAM].

Mr. BADHAM. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I appreciate the gentleman's great concern for moving systems into the field to get them in the hands of our troops quickly. I really appreciate that.

I believe that I heard in the gentleman's comments earlier that he was skipping a chapter in the development of this system, is that correct, moving more rapidly from development into——

Mr. AUCOIN. Mr. Chairman, will the gentleman yield?

Mr. BADHAM. I am happy to yield to the gentleman from Oregon.

Mr. AUCOIN. I would say to the gentleman that we are not skipping a step in the process, but instead we are moving back to the administration's original request, which was to go foward with a competition rather than designating what the buy will be and moving toward rapid development.

Mr. BADHAM. Maybe I misheard the gentleman. He is moving ahead with the competition rather than designating.

Mr. AUCOIN. That is right; that is exactly right, I say to the gentleman.

Mr. BADHAM. I thank the gentleman, and I commend him for his action.

Mr. DICKINSON. Mr. Chairman, I yield back the balance of my time.

Mr. AUCOIN. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. GRAY of Illinois). The question is on the amendment offered by the gentleman for Wisconsin [Mr. ASPIN] as a substitute for the amendment offered by the gentleman from Oregon [Mr. AUCOIN].

The amendment offered as a substitute for the amendment was agreed to.

The CHAIRMAN pro tempore. The question is on the amendment offered

by the gentleman from Oregon [Mr. AUCOIN], as amended.

The amendment, as amended, was agreed to.

AMENDMENT OFFERED BY MR. GARCIA

Mr. GARCIA. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GARCIA: At the end of title I of division A (page 33, after line 17) insert the following new section:

SEC. 128. SET-ASIDE FOR ENTERPRISE ZONES.

(a) REQUIREMENT.—Of the total amount appropriated for fiscal year 1987 for procurement by the Department of Defense, not less than 5 percent shall be spent (through prime contracts or subcontracts) in enterprise zones designated or established by the Secretary of Housing and Urban Development pursuant to a law described in subsection (b) enacted after August 1, 1986.

(b) LIMITATION.—Subsection (a) shall not apply if legislation is not enacted during the second session of the 99th Congress providing for the establishment or designation of enterprise zones by the Secretary of Housing and Urban Development.

The CHAIRMAN pro tempore. Under the rule, the gentleman from New York [Mr. GARCIA] will be recognized for 20 minutes, and a Member opposed will be recognized for 20 minutes.

The Chair recognizes the gentleman from New York [Mr. GARCIA].

Mr. GARCIA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment calls for a 5-percent set-aside of fiscal year 1987 Department of Defense procurement funds to be spent in the 100 enterprise zones to be designated by the U.S. Department of Housing and Urban Development as outlined in H.R. 1. This 5-percent requirement can be met by prime contractors and subcontractors.

Recently, during consideration of H.R. 1, the housing bill, this House, by an overwhelming margin passed an amendment which I sponsored to designate 100 areas throughout the Nation as enterprise zones, with one third of enterprise zones to be located in rural areas.

With the recent passage of that amendment, we created a framework which can be further developed with such amendments as this one. My colleagues, I believe that this 5-percent requirement of DOD procurement for enterprise zones will not only serve our national interests by providing quality service and products for our Nation's defense, but at the same time it will provide jobs and other economic stimulants to some of our Nation's most depressed areas.

There may not be a great deal of prime contractor capability presently existing within these areas. On the other hand, however, I am sure that more than enough subcontractor capability exists within possible future zones.

Many of the businesses located and/or which will locate in these areas would provide the nuts and bolts operations for prime contractors. Moreover, no health, safety, wage, paperwork or other regulatory requirements may be waived for those businesses located within enterprise zones which contract or subcontract with the Department of Defense.

According to the Armed Services Committee, H.R. 4228 authorizes $81.8 billion for procurement. I believe it to be reasonable that just over $4 billion should be targeted for the 100 enterprise zones.

As you may know, the other body has yet to pass a Housing bill for fiscal year 1987. I anticipate that the enterprise zones package will be a part of that body's bill as well. If the Housing bill fails to become law before the end of the 99th Congress, this 5-percent provision will no longer apply.

In closing Mr. Chairman, I would like to reiterate that enterprise zones are working well in 31 States, and a recent survey conducted by the American Association of Enterprise Zones shows that enterprise zones have resulted in a reduction of barriers to investment properties in less desirable areas. The influx of DOD related business into enterprise zones will do much to revitalize and bring pride and great potential back to many of our Nation's depressed areas.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Alabama [Mr. DICKINSON].

Mr. DICKINSON. Mr. Chairman, I yield 2 minutes to a very distinguished Member, the gentleman from Georgia [Mr. RAY].

Mr. RAY. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from New York [Mr. GARCIA].

Mr. Chairman, let me explain just a little bit about what this amendment involves. First of all, it is legislation which would create enterprise zones which have been referred to the Committees on Banking, Judiciary, and Ways and Means.

Second, it would require that 5 percent of the defense budget be spent in enterprise zones. Enterprise zones are proposed to be an area with a population of 4,000 or more meeting specified unemployment and poverty requirements, at least 25 percent of which must be in a rural area.

Since this legislation is not yet adopted, there is no way to tell with certainty where these enterprise zones will be. There is a bill, H.R. 1, which has already passed the House, which provides for the establishment of enterprise zones to be determined by the Secretary of HUD. A companion bill in the Senate is expected to pass next session.

It would have an adverse impact because it requires awards to such contractors even if they are not offering the lowest price for the best-quality products. It could adversely impact the Small Business Program by requiring awards to contractors which may be large but in an enterprise zone. It is in contravention of the Maybank amendment which states that no price differential may be paid for the purpose of relieving economic dislocations.

Mr. Chairman, I serve on the Small Business Committee, and I am very much concerned about minorities and small-business people, and was a small businessman for 25 years myself, and know the problems that we all face. I have worked and helped. many minority businesses to become 8(a) contractors, and I know that this bill is offered in the best interests by Mr. GARCIA, but it would be disastrous. It would be disastrous to defense, it would be disastrous to small business, and I urge its defeat.

Mr. GARCIA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would just like to try to respond to that very briefly.

First of all, I want to make it very clear to my colleagues that as far as I am concerned, one of the biggest problems for those of use who have been fighting for and supporting enterprise zones over these many years has been to try and put people back to work. It seems to me that if we look over the historic nature of many of us who come out of areas that are the depressed areas in country, especially America's urban centers, one of the biggest problems that we have is trying to put people to work.

It has been a very difficult period for us, because the fact is, we are not getting the housing and other social programs that are absolutely essential for America's poor to give them a hand to help themselves to come up.

□ 2110

When it comes to employment, all we saying is we want to put people to work.

I think if we are able to come foward by putting people to work in these areas, I think we will get a heck of a lot more done in this Chamber as it relates to many of us who never support defense because the contractors are in southern California and other parts of the country. I cannot blame my colleagues from those areas.

All I am saying is that to those people who are in depressed areas where enterprise zones will be of help, let us put people to work. This it the biggest, the largest appropriation of any dealing with agencies within the U.S. Government, and I think those

people want to work. I think you will find they will prove themselves to be capable workers. That is why I am asking for a yes vote on this amendment.

Mr. DICKINSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me say to my distinguished colleague, the gentleman from New York [Mr. GARCIA], the proponent of the amendment, I subscribe to and support everything the gentleman has articulated as to the reason for putting forth this amendment. I believe in putting people to work. I believe in giving them a chance to work. If there is one basic concept in my life, I would much rather give a hand up than a hand out.

I oppose this amendment not because of the concept of wanting to help people or help people help themselves in depressed areas. But there are three good reasons.

One is I know probably what the mood is on the House floor tonight. People are going to vote emotionally and say yes, that is fine, help the underprivileged, and rush through with it, not really knowing what we are doing.

What we are doing is this: The gentleman's amendment would require awards to contractors even if they are not offering the lowest price for the best quality products. What we are saying is you do not have to be competitive under this philosophy, and we are telling the Department of Defense in the defense bill to cut spending, cut spending, cut spending. But when you go out to secure business, you do not have to give it to the lowest bidder in an enterprise zone.

Second, what the gentleman from Georgia [Mr. RAY] says, is correct. We have three committees of this Congress already dealing with this subject. I think a bill will pass probably in the other body putting in place a bill defining this. But at the present time, we do not ever know what the definition of an enterprise zone is. Roughly it says perhaps it will be over 4,000 people, or more, meeting specific unemployment and poverty requirements, and at least 25 percent must be in rural areas. So we do not know the definition, but we are going to say that you have got to comply with it.

This is really an antismall business amendment or could be.

Also, if this were put in place it would allow, require the Department of Defense to give contracts, and this is possible, although I do not know that it would happen in very many instances, to a business that is not a small business, that would be otherwise qualified. But this could be a large business in the "enterprise zone."

As has been pointed out by my distinguished colleague from Georgia, it is in contravention of the Maybank amendment that states no price differential may be paid for the purpose of relieving economic dislocation.

So I think the concept is noble. I would be glad to work with the gentleman, but you cannot take this in isolation. We had another amendment last year for 10 percent on R&D. This year we passed that out of the committee with 5 percent. But really the Defense Department and our defense bill is not the place for social programs, and this is one that has not even been adequately defined.

I think it is a good idea, but not at this place and at this time.

Mr. GARCIA. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I am happy to yield to the gentleman from New York. However, he has plenty of time to close debate.

Mr. GARCIA. Mr. Chairman, I would just like to state to my colleague from Alabama a couple of things that are important I think that we make very clear.

First I would like to address the question of relocation. No. 1, this is not a relocation bill. Enterprise zone is very specific and very clear. Under no set of circumstances in those zones will we permit people to relocate for the sole purpose of relocation. We have made that clear from the beginning.

The second part of that, and I think it is important we understand, is the question of bidding. The gentleman talks about subcontractors and contractors who are large corporations. We are not talking about large corporations. We are talking about very small corporations who will be coming into these enterprise zones. So I think that is important to understand.

So in summing up, because the hour is late and I know people would like to leave, I just want to say that under no set of circumstances is this to replace social programs. The people who live in this area are as capable as in any other part of this country. We are not looking for a handout, I want to make that clear, because part of the statement by the gentleman from Alabama was that it is not a social program. I agree with the gentleman. Defense should not be made part of any social program.

All we are saying is that in those areas there are people as capable as in any other place in this country.

Mr. DICKINSON. I thank the gentleman. I reluctantly oppose this for the reasons set out, and certainly think that the purpose is noble.

I yield back the balance of my time.

Mr. GARCIA. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. GRAY of Illinois). The question is on the amendment offered by the gentleman from New York [Mr. GARCIA].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. GARCIA. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 120, noes 279, not voting 32, as follows:

[Roll No. 323]

AYES—120

| | | |
|---|---|---|
| Ackerman | Gaydos | Owens |
| Akaka | Gejdenson | Pepper |
| Anderson | Gephardt | Perkins |
| Annunzio | Gonzalez | Rahall |
| Applegate | Gray (IL) | Rangel |
| Atkins | Gray (PA) | Reid |
| Barnes | Guarini | Richardson |
| Bennett | Hall (OH) | Rodino |
| Biaggi | Hawkins | Roe |
| Boggs | Hayes | Roybal |
| Borski | Howard | Savage |
| Brooks | Hoyer | Scheuer |
| Brown (CA) | Jacobs | Schroeder |
| Bruce | Kanjorski | Schulze |
| Bryant | Kaptur | Schumer |
| Bustamante | Kastenmeier | Seiberling |
| Carper | Kleczka | Sikorski |
| Coleman (TX) | Kolter | Sisisky |
| Collins | Kostmayer | Staggers |
| Coyne | Lehman (FL) | Stokes |
| Crockett | Leland | Stratton |
| Davis | Levin (MI) | Swift |
| Donnelly | Lipinski | Torres |
| Durbin | Lujan | Torricelli |
| Dwyer | Manton | Towns |
| Dymally | Martin (IL) | Traficant |
| Dyson | Martinez | Udall |
| Eckart (OH) | McDade | Visclosky |
| Edwards (CA) | McKinney | Waldon |
| Emerson | Mica | Walgren |
| Erdreich | Mineta | Watkins |
| Fascell | Molinari | Waxman |
| Feighan | Mollohan | Weiss |
| Florio | Moody | Wheat |
| Foglietta | Mrazek | Whitten |
| Foley | Murtha | Williams |
| Ford (TN) | Natcher | Wise |
| Franklin | Nowak | Wortley |
| Frost | Oakar | Yatron |
| Garcia | Ortiz | Young (MO) |

NOES—279

| | | |
|---|---|---|
| Alexander | Chandler | Early |
| Andrews | Chapman | Eckert (NY) |
| Anthony | Chappell | Edwards (OK) |
| Archer | Chappie | English |
| Armey | Cheney | Evans (IA) |
| Aspin | Clinger | Evans (IL) |
| AuCoin | Coats | Fawell |
| Badham | Cobey | Fazio |
| Barnard | Coble | Fiedler |
| Bartlett | Coelho | Fields |
| Barton | Coleman (MO) | Fish |
| Bateman | Combest | Ford (MI) |
| Bates | Conte | Frank |
| Bedell | Conyers | Frenzel |
| Beilenson | Cooper | Fuqua |
| Bentley | Coughlin | Gallo |
| Bereuter | Courter | Gekas |
| Berman | Craig | Gibbons |
| Bevill | Crane | Gilman |
| Bilirakis | Daniel | Gingrich |
| Bliley | Dannemeyer | Glickman |
| Boehlert | Daschle | Goodling |
| Boland | Daub | Gordon |
| Boner (TN) | DeLay | Gradison |
| Bonior (MI) | Dellums | Green |
| Bonker | Derrick | Gregg |
| Bosco | DeWine | Gunderson |
| Boucher | Dickinson | Hall, Ralph |
| Boulter | Dicks | Hamilton |
| Boxer | Dingell | Hammerschmidt |
| Broomfield | DioGuardi | Hansen |
| Brown (CO) | Dorgan (ND) | Hatcher |
| Burton (IN) | Dornan (CA) | Hefner |
| Byron | Dowdy | Hendon |
| Callahan | Downey | Henry |
| Carney | Dreier | Hertel |
| Carr | Duncan | Hiler |

| | | |
|---|---|---|
| Hopkins | Miller (CA) | Skeen |
| Hubbard | Miller (OH) | Skelton |
| Huckaby | Miller (WA) | Slattery |
| Hughes | Moakley | Slaughter |
| Hunter | Monson | Smith (FL) |
| Hutto | Montgomery | Smith (IA) |
| Hyde | Moorhead | Smith (NE) |
| Ireland | Morrison (WA) | Smith (NJ) |
| Jeffords | Murphy | Smith, Denny (OR) |
| Johnson | Myers | |
| Jones (OK) | Nelson | Smith, Robert (NH) |
| Jones (TN) | Nichols | |
| Kasich | Nielson | Smith, Robert (OR) |
| Kemp | Oberstar | |
| Kennelly | Obey | Snowe |
| Kildee | Olin | Snyder |
| Kolbe | Oxley | Solarz |
| Kramer | Packard | Solomon |
| Lagomarsino | Panetta | Spence |
| Lantos | Parris | Spratt |
| Latta | Pashayan | St Germain |
| Leach (IA) | Pease | Stallings |
| Leath (TX) | Penny | Stangeland |
| Lehman (CA) | Petri | Stark |
| Lent | Pickle | Stenholm |
| Levine (CA) | Porter | Strang |
| Lewis (FL) | Price | Studds |
| Lightfoot | Pursell | Stump |
| Livingston | Quillen | Sundquist |
| Lloyd | Ray | Sweeney |
| Loeffler | Regula | Swindall |
| Long | Ridge | Synar |
| Lott | Rinaldo | Tallon |
| Lowery (CA) | Ritter | Tauke |
| Lowry (WA) | Roberts | Tauzin |
| Lungren | Robinson | Taylor |
| Mack | Roemer | Thomas (CA) |
| MacKay | Rogers | Thomas (GA) |
| Madigan | Rose | Traxler |
| Markey | Rostenkowski | Valentine |
| Marlenee | Roth | Vento |
| Martin (NY) | Roukema | Volkmer |
| Matsui | Rowland (CT) | Vucanovich |
| Mavroules | Rowland (GA) | Walker |
| Mazzoli | Rudd | Weber |
| McCain | Russo | Whitehurst |
| McCandless | Sabo | Whitley |
| McCloskey | Saxton | Whittaker |
| McCollum | Schaefer | Wilson |
| McCurdy | Schneider | Wirth |
| McEwen | Schuette | Wolf |
| McGrath | Sensenbrenner | Wolpe |
| McHugh | Sharp | Wright |
| McKernan | Shaw | Wyden |
| McMillan | Shumway | Wylie |
| Meyers | Shuster | Young (AK) |
| Michel | Siljander | Young (FL) |

NOT VOTING—32

| | | |
|---|---|---|
| Breaux | Hartnett | Mikulski |
| Burton (CA) | Hillis | Mitchell |
| Campbell | Holt | Moore |
| Clay | Horton | Morrison (CT) |
| Darden | Jenkins | Neal |
| de la Garza | Jones (NC) | Shelby |
| Dixon | Kindness | Vander Jagt |
| Edgar | LaFalce | Weaver |
| Flippo | Lewis (CA) | Yates |
| Fowler | Luken | Zschau |
| Grotberg | Lundine | |

□ 2130

The Clerk announced the following pair:

On this vote:

Mr. de la Garza for, with Mr. Morrison of Connecticut against.

Mrs. BOXER and Messrs. DELLUMS, MARKEY, MOAKLEY, and FISH changed their votes from "aye" to "no."

Mrs. MARTIN of Illinois, Mr. MARKEY, and Mr. HOYER changed their votes from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. ASPIN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, let me, if I might, take a minute and explain to the House where we are with tonight's schedule. The proposal, after discussion with the minority member leadership and the leadership on the Democratic side, what we thought we would do is two more things tonight. One thing is a unanimous consent request that we consider en bloc a number of amendments that the Committee on Armed Services is willing to accept among the various amendments that have been offered by various Members.

Both sides of the aisle, it has been cleared by everybody. The gentleman from Alabama can attest that it has been cleared on his side.

This is a packet of amendments which, if we do not spend a lot of time, we should be able to dispense with in a matter of 5 minutes. We would then complete one other piece of business which gets us to the end of title I.

We have made very good progress on the Defense bill tonight. We need to do one more thing for the end of title I. That is an amendment offered by the gentleman from New York, Mr. WEISS, to strike the money for the D-5 missile. If all the time is taken on that amendment, and that is a 40-minute amendment, 20 minutes for and 20 minutes against, and may be less, but we would have a vote on that and quit for the night.

So it is one unanimous-consent request, one more amendment and then finished for the night depending upon how long the gentleman from New York's amendment, and we may be out of here in half an hour or 45 minutes.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. ASPIN. I yield to the gentleman from Alabama [Mr. DICKINSON].

Mr. DICKINSON. I thank the chairman for yielding.

Mr. Chairman, I have had some inquiries and I just wanted to know how the Chair would propose to handle them. If someone wanted to get on the RECORD to say something in support of one of the packaged amendments, would they just have to revise and extend, or would they be given an opportunity to speak?

Mr. ASPIN. The unanimous-consent request would allow them to insert in the RECORD immediately following this presentation any comments that they might have on their amendments.

Mr. DICKINSON. Well, we are going to read those.

AMENDMENTS AS MODIFIED, OFFERED BY MR. ASPIN

Mr. ASPIN. Mr. Chairman, I offer amendments, and I wish to make a unanimous-consent request at this time, if I might.

The CHAIRMAN pro tempore (Mr. GRAY of Illinois). The gentleman is recognized.

Mr. ASPIN. Mr. Chairman, pursuant to the order of the House of today, I ask unanimous consent that I may offer amendments en bloc composed of amendments numbered 19, 32, 37, 39, 40, 42, 47, 49, 51, 55, 56, and 57 made in order under the rule, including modifications in the text of amendments numbered 19, 40, 51, and 55, that no amendment to such amendment en bloc be in order, that such amendment en bloc not be subject to a demand for a division of the question, that such amendment en bloc be debatable for not to exceed 30 minutes, to be equally divided and controlled by myself and the gentleman from Alabama [Mr. DICKINSON], that the original proponents of amendments included in such amendment en bloc may have their statements inserted in the RECORD immediately before the disposition of the amendment en bloc, and that the reading of the amendment as modified be dispensed with.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The CHAIRMAN pro tempore. The Clerk will designate the amendments.

The following amendment to H.R. 4428, as reported, offered by Mr. Aspin contains the following amendments as printed in House Report 99-766:

Amendment number 19 by Representative Denny Smith of Oregon on Upgrade of A-10 (as modified);

Amendment number 32 by Representative Carr of Michigan on Coordination of technical data;

Amendment number 37 by Representative Leath of Texas on Prohibition of joint use of Gray airfield with civil aviation;

Amendment number 39 by Representative Panetta of California on U.S. agriculture products in commissaries;

Amendment number 40 by Representative McCollum of Florida on striking Afghanistan assistance; (as modified)

Amendment number 42 by Representative Bennett of Florida on VHA recapture;

Amendment number 47 by Representative Borski of Pennsylvania on a study of chaplain balance;

Amendment number 49 by Representative Robinson of Arkansas on extension of mandatory retirement for medical officers;

Amendment number 51 by Representative Schroeder of Colorado on HHG transportation for certain members (as modified);

Amendment number 55 by Representative Mavroules of Massachusetts on USMTS centers (as modified)

Amendment number 56 by Representative Hutto of Florida on prohibiting contracting out of firefighters and

Amendment number 57 by Representative McCurdy of Oklahoma on limiting implementation of project IMPRINT.

The text of the amendments is as follows:

Amendments as modified, offered by Mr. ASPIN:

Page 21, after line 14, insert the following new section:

SEC. 114. UPGRADE OF A-10 WEAPONS DELIVERY SYSTEM.

(A) Authority For Upgrade Program.—The Secretary of the Air Force may provide for an upgrade of the weapons delivery

system of the A-10 aircraft for all in-service A-10 aircraft.

(b) SPECIFICATIONS.—The upgrade of a weapons delivery system under subsection (a) shall—

(1) include a flight control modification to improve stability during gun firing,

(2) enhance the accuracy of target strafing,

(3) provide for tactical training against moving targets,

(4) provide an accurate lateral toss-capable bombing capability, and

(5) provide for effective self-defense against likely air threats.

Title 2 Division A add a new section:

SEC. 215. PURPOSE.

(1) It is the purpose of this Act to strengthen coordination among Department of Defense research facilities and other organizations in the Department of Defense.

FINDINGS

(2) The Congress finds that centralized coordination of the collection and dissemination of technological data among research facilities and other organizations within the Department of Defense is necessary (1) to ensure that personnel of the Department are currently informed about emerging technology for defense systems, and (2) to avoid unnecessary and costly duplication of research staffs and projects.

DEFINITIONS

(3) For purposes of this Act:

(A) The term "Defense research facility" means any Department of Defense facility which performs or contracts for the performance of (A) basic research, or (B) applied research known as exploratory development.

(B) The term "milestone 0 decision" means a decision made within the Department of Defense that there is a mission need for a new major weapon system and that research and development is to begin to meet such need.

(C) The term "milestone I decision" means a selection by an appropriate official of the Department of Defense of a new major weapon system concept and a program for demonstration and validation of such concept.

(D) The term "milestone II decision" means approval by an appropriate official within the Department of Defense for the full-scale development of a new major weapon system.

COORDINATION OF DEPARTMENT OF DEFENSE TECHNOLOGICAL DATA

(4) The Secretary of Defense shall—

(A) promote, monitor, and evaluate programs for the communication and exchange of technological data—

(B) among the Defense research facilities, combat forces, and other organizations that are involved in developing for the Department of Defense the technological requirements for new items for use by combat forces; and

(1) among Defense research facilities and other offices, agencies, and bureaus in the Department that are engaged in related technological matters; and

(2) ensure, to the maximum extent practicable—

(C) that Defense research facilities are assigned broad mission requirements rather then specific hardware needs;

(D) that appropriate personnel of such facilities are assigned to serve as consultants on component and support system standardization;

(E) that the managers of such facilities have broad latitude to choose research and development projects;

(F) that technology position papers prepared by Defense research facilities are readily available to all military commands and to contractors who submit bids or proposals for Department of Defense contracts; and

(G) that, in order to promote increased consideration of technological issues early in the development process, any position papers prepared by Defense research facilities on technological issues relating to a major weapon system and any technological assessments made by such facilities in the case of such components are made a part of the records considered for the purpose of making milestone 0, I, and II decisions.

REPORT

(5) The Secretary of Defense shall submit to the Congress, within one year after the date of the enactment of this Act, a written report containing a description of (1) the actions taken by the Secretary for the purpose of implementing this Act, and (2) any other action taken by the Secretary for the purpose of improving the management and utilization of Defense research facilities.

At the end of title III of division A (page 85, after line 12), add the following new section:

SEC. 314. PROHIBITION ON JOINT USE OF GRAY ARMY AIRFIELD WITH CIVIL AVIATION.

The Secretary of the Army may not enter into an agreement to allow joint use of the Robert Gray Army Airfield at Fort Hood, Texas, with civil aviation.

At the end of title III of division A (page 85, after line 12), add the following new section:

SEC. 314. PREFERENCE FOR UNITED STATES AGRICULTURAL PRODUCTS IN COMMISSARY FOOD PURCHASES.

(a) PREFERENCE REQUIREMENT.—The Secretary of Defense shall require that, when acquiring food products through the use of competitive procedures for resale through commissary stores located in the United States, the Department of Defense gives preference to United States companies that use United States agricultural commodities in the products sold to the Department of Defense.

(b) GUIDELINES.—The Secretary shall develop guidelines to implement the preference required by subsection (a). Such guidelines shall be developed and implemented not later than 60 days after the date of enactment of this Act. The Secretary shall transmit a copy of the guidelines to the Committee on Armed Services of the Senate and House of Representatives as soon as they are developed.

(c) REPORT.—The Secretary shall, not later than 120 days after the date of the enactment of this Act, submit to the Committees on Armed Services of the Senate and House of Representatives a report on the implementation of this section.

Page 83, strike out line 18 and all that follows through page 84, line 5 (and redesignate the succeeding subsection accordingly).

Page 84, line 7, insert "(1)" before "Section".

Page 84, after line 17, add the following new paragraph:

(2) There is hereby authorized to be appropriated to the Secretary of Defense for fiscal year 1987 the sum of $9,000,000 to carry out section 2547 of title 10, United States Code.

Page 104, after line 15, insert the following:

SEC. 603. REPORT ON VARIABLE HOUSING ALLOWANCE RECAPTURE PROVISION.

Not later than February 1, 1987, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and House of Representatives a report on the impact of the variable housing allowance recapture provision enacted in the Department of Defense Authorization Act, 1986 (Public Law 99-145). The report shall address—

(1) the cost of administering the variable housing program;

(2) the total cost of the variable housing program; and

(3) levels of regular military compensation (as defined in section 101 of title 37, United States Code) among members of the armed forces in the same pay grade and locality.

Page 93, after line 13, add the following new section:

SEC. 507. STUDY OF REPRESENTATION OF RELIGIOUS FAITHS IN THE ARMED FORCES.

(a) FINDINGS.—The Congress finds that an imbalance exists in the representation of various religious faiths among chaplains of the Armed Forces compared to the representation of those faiths among members of the Armed Forces as a whole. While recognizing that much of this faith imbalance may be attributable to an overall shortage of clergy in the United States among religious faiths that are underrepresented among military chaplains, Congress finds that the Department of Defense has not taken sufficient steps to alleviate the existing faith imbalance.

(b) STUDY.—The Secretary of Defense shall carry out a complete study of the causes and conditions of the existing faith imbalances in the Armed Forces. The study shall include the following:

(1) A list of all religious denominations represented in the Armed Forces and the goals set by the Secretary or the Secretary concerned for the number of chaplains to serve each such religious denomination; a comparison of such goals and the actual number of chaplains for each such religious denomination for fiscal year 1987; an analysis of how such goals and the actual number of chaplains compares to the demographic representation of religious denominations in the United States at the time of the study; and recommendations on how the number of chaplains in the Armed Forces in the future can better reflect current and future demographic representation of religious denominations in the United States.

(2) An analysis of all policies, procedures of operation, and standards affecting personnel requirements of all branches of the Corps of Chaplains, and an analysis of all means to alleviate existing faith imbalances, including the use of grade retentions, continuation boards, and standby tours of duty for reserve chaplains from underrepresented faiths.

(3) A roster of chaplains for all branches and, for the purpose of establishing the number of clergy on duty and ready for mobilization, personnel data for all active duty chaplains, reserve duty chaplains, inactive reserve duty chaplains, and contract clergy.

(4) An analysis and comparison of retentions in grade and age waivers as in effect for physicians in the Armed Forces and clergy in the Armed Forces. The analysis shall include an examination of the rationale and purpose of such policies as they

apply to physicians versus as they apply to clergy in the Armed Forces.

(5) The names, faiths, salaries, and places of work for all contract clergy for all branches of the Armed Forces.

(c) REPORT TO CONGRESS.—Not later than 4 months after the date of the enactment of this Act, the Secretary shall submit a report on the findings of the study conducted under subsection (b) to the Committee on Armed Services of the Senate and the House of Representatives. The report shall address the effects of personnel policies, releases, and retentions in grade on existing faith imbalances in the Corps of Chaplains and shall include recommendations on how to alleviate the existing faith imbalances.

At the appropriate place in title V (personnel policy) insert the following new section:

SEC. 507. EXTENSION OF MANDATORY RETIREMENT AGE FOR MEDICAL OFFICERS.

(a) GENERAL RULE.—Section 1251 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c) Unless retired or separated earlier, each regular officer of the Army, Navy, or Air Force who is a medical officer shall be retired on the first day of the month following the month in which the officer becomes 67 years of age.".

"(b) CONFORMING AMENDMENTS.—

(1) Section 1251(a) of such title is amended by inserting "a medical officer or" after "other than".

(2)(A) Chapter 36 of such title is amended by inserting after section 636 the following new section:

**"§ 636a. Exception to mandatory retirement for medical officers**

"Sections 633, 634, 635, and 636 of this title do not apply to medical officers.".

(B) The table of sections at the beginning of subchapter III of such chapter is amended by adding at the end the following new item:

"636a. Exception to mandatory retirement for medical officers.".

Page 110, after line 8, add the following new section:

SEC. 616. TRANSPORTATION FOR DEPENDENTS AND HOUSEHOLD EFFECTS OF CERTAIN MEMBERS.

(a) TRANSPORTATION OF DEPENDENTS.—Paragraph (2)(A) of section 406(a) of title 37, United States Code, is amended to read as follows:

"(2)(A) Except as provided in subparagaph (B) of this paragraph, a member who—

"(i) is separated from the service or released from active duty; and

"(ii) on the date of his separation from the service or release from active duty, has not served on active duty for a period of time equal to at least 90 percent of the period of time for which he initially enlisted or otherwise agreed to serve.

may be provided transportation under this subsection for his dependents only by transportation in kind by the least expensive mode of transportation available or by a monetary allowance that does not exceed the cost to the Government of such transportation in kind.".

(b) TRANSPORTATION OF HOUSEHOLD EFFECTS.—The first sentence of section 406(h) of title 37, United States Code, is amended to read as follows: "(1) If the Secretary concerned determines that it is in the best interests of a member described in paragraph (2) or his dependents and the United States, he may, when orders directing a change of permanent station for the member concerned have not been issued, or when they have been issued, but cannot be used as authority for the transportation of his dependents, baggage, and household effects—

"(A) authorize the movement of the member's dependents, baggage, and household effects at the station to an appropriate location in the United States or its possessions or the country of the dependents' origin, in the event the dependents are foreign nationals, and prescribe transportation in kind, reimbursement therefor, or a monetary allowance in place thereof (as the case may be), plus a per diem, as authorized under subsection (a) or (b) of this section; and

"(B) in the case of a member described in paragraph (2)(A), authorize the transportation of one motor vehicle owned by the member or for his or her dependents' personal use to that location by means of transportation authorized under section 2634 of title 10.".

(2) Section 406(h) of such title is further amended by adding at the end the following new paragraph:

"(2) A member referred to in paragraph (1) is a member who—

"(A) is serving at a station outside the United States or Hawaii or Alaska;

"(B) receives an administrative discharge under other than honorable conditions; or

"(C) is sentenced by a court-martial to be confined for a period of more than 30 days, to receive a dishonorable or bad-conduct discharge, or to be dismissed from a uniformed service, if the sentence is approved under section 860(c)(2) of title 10.".

Page 107, strike out lines 15 through 17 (and redesignate paragraph (5) as paragraph (4)).

At the end of title X of division A (page 239, after line 5), add the following new section:

SEC. 1033. REPORT ON HEALTH CARE FOR CERTAIN ABUSED DEPENDENTS.

(a) The Secretary of Defense shall submit a report to the Congress no later than December 31, 1986 on the desirability of establishing a program to provide one-year of medical (including mental health) and dental care to the dependents of military members who are discharged or who voluntarily leave the service, who abused their dependents while in the service, and whose dependents require medical or dental care as a result of the abuse.

(b) The report shall include (1) data on the cost and the estimated number of persons that would be eligible for medical and dental care under subsection (a), and (2) a plan to implement such a program.

At the end of part B of title VIII of division A (page 158, after line 13), insert the following new section:

SEC. 814. USE OF PUBLIC HEALTH SERVICE HOSPITALS AS FACILITIES OF THE UNIFORMED SERVICES.

Subsection (e) of section 1252 of the Department of Defense Authorization Act, 1984 (42 U.S.C. 248d(e)), is amended in the first sentence by striking out "December 31, 1987" and inserting in lieu thereof "December 31, 1988".

At the end of part A in title VIII of division A (page 142, after line 8), add the following new section:

SEC. 807. PROHIBITION ON CONTRACTS FOR PERFORMANCE OF FIREFIGHTING AND SECURITY FUNCTION.

(a) PROHIBITION.—Chapter 159 of title 10, United States Code, is amended by adding at the end the following new section:

**§ 2693. Prohibition on contracts for performance of firefighting and security function**

(a) Except as provided in subsection (b), funds appropriated to the Department of Defense may not be obligated or expended for the purpose of entering into a contract for the peformance of firefighting or security-guard functions at any military installation or facility.

(b) The prohibition in subsection (a) does not apply—

(1) to a contract to be carried out at a location outside the United States (including its commonwealths, territories, and possessions) at which military personnel would have to be used for the performance of the function described in subsection (a) at the expense of unit readiness;

(2) to a contract to be carried out on a Government-owned but privately operated installation; or

(3) to a contract (or the renewal of a contract) for the performance of a function under contract on September 24, 1983.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2693. Prohibition on contracts for performance of firefighting and security function.".

At the end of part B of title VIII of division A (page 158, after line 13), insert the following new section:

SEC. 814. LIMITATION ON IMPLEMENTATION OF HEALTH CARE REFORM INITIATIVE.

(a) LIMITATION.—

(1) IN GENERAL.—The Secretary of Defense may not obligate or expend funds appropriated or otherwise made available to the Department of Defense for purposes of implementing the health care reform initiative of the Department of Defense commonly known as Project Imprint until—

(A) the Secretary completes the study required by subsection (b)(1) and submits the report required by subsection (b)(2); and

(B) a period of 30 days of continuous session of Congress elapses after the Secretary submits such report.

(2) COMPUTATION OF TIME PERIOD.—For purposes of this paragraph, the continuity of a session of Congress is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of such 30-day period.

(b) STUDY OF HEALTH CARE ALTERNATIVES.—

(1) IN GENERAL.—The Secretary shall conduct a study of—

(A) methods to guarantee the maintenance of competition among providers of health care to persons under the jurisdiction of the Secretary;

(B) the merits of the use of a voucher system or a fee schedule for provision of health care to such persons;

(C) methods to guarantee that community hospitals are given equal consideration with other health care providers for provision of health care services under contracts with the Department of Defense.

(2) REPORT.—The Secretary shall submit to Congress a report discussing the matters evaluated in the study required by paragraph (1) before the end of the 60-day period beginning on the date of the enactment of this Act.

The CHAIRMAN pro tempore. The gentleman from Wisconsin [Mr. ASPIN] will be recognized for 15 minutes, and the gentleman from Alabama [Mr. DICKINSON] will be recognized for 15 minutes.

Mr. DENNY SMITH. Mr. Chairman, the amendment I offer today, amendment No. 19, would authorize the Air Force to take advantage of a unique opportunity to modify the A-10 close air support fighter.

The Air National Guard, which flies the A-10, has proposed several improvements to the plane's weapons delivery system which would provide a quantum increase in A-10 close air support effectiveness. The proposed modifications are a result of testing, proving, and flying experience on the part of the Guard, and show careful consideration of immediate needs as well as future expandability.

Any upgrade of the A-10 weapons delivery system must affect several improvements in order to make the expenditure worthwhile and cost effective. My amendment establishes modification parameters to guarantee that the upgrade package selected by the Air Force meets the needs outlined by the Air National Guard.

These parameters include: First, a flight control modification to improve stability during gun firing; second, enhancement of target strafing accuracy; third, a capacity for tactical training against moving targets; fourth, an accurate, lateral toss-capable bombing capability; fifth, an effective self-defense against likely air threats; and sixth, an altitude hold, flight path hold autopilot capability.

The Air Force has already tested—TAC Project 85A-035F—and earmarked money for a system which does not meet these basic improvement criteria. To proceed with these present Air Force A-10 modification plans would be shortsighted and wasteful. If this amendment is adopted, it would effectively prohibit the Air Force from making this hasty procurement, while establishing the minimum requirements for an effective furture procurement.

The Air National Guard is preparing to run tests on off-the-shelf systems capable of meeting its baseline criteria for A-10 modernization. These tests demonstrate the Guard's commitment to the concept of side-by-side operational testing that I support. The Guard will continue to use their own statement of need and comparative tests to guide their search for an A-10 improvement, thus assuring that we will buy the best available system.

Let me close by saying that I am encouraged by the thoroughness and foresight of the Guard in pursuing this improvement. They have proceeded with a clear sense of their mission and a realistic vision of the hardware it will take to complete that mission. Their efforts should be supported.

Mr. PANETTA. Mr. Chairman, I am pleased that the House has adopted as a part of this package an important amendment. Amendment No. 39 by myself and Chairman DE LA GARZA, requires the Department of Defense [DOD], when acquiring food products for resale through commissaries located in the United States, to give preference to U.S. companies that use American agricultural commodities in their final food products. My amendment would require the Department to issue guidelines on the implementation of this policy within 60 days of enactment of this act.

I recognize that commissaries are very important to military patrons and are intended to operate similarly to commercial stores. I understand that commissaries now purchase goods primarily from American companies. However, my concern is that American farmers are not benefiting under this policy since an American firm can use foreign commodities in its final products and still get the preference. My amendment would require commissaries located in the United States to alter their purchasing practices to give preference to U.S. companies whose food products use commodities grown in this country.

My amendment is limited to commissaries located in the United States, where the bulk of commissary sales are made; it would not apply to commissaries located in foreign countries. In fiscal year 1985, commissary sales totaled $4.8 billion, $4 billion of which were sold in the United States. Food product purchases accounted for about 75 to 85 percent of total sales.

For specific products, commissaries usually carry "budget" brands and "name" brands. Companies compete at one of these levels to place their products on commissary shelves. My amendment would not end this system. It would require only that commissaries, in determining which products to use for each category, give preference to U.S. companies using American-grown commodities. It is also my intent that the American terminal market system would be utilized for the purchase of specific products that are unavailable in the United States.

American farmers are under severe financial stress, greater than any encountered since the Great Depression. More than one-third of our Nation's commercial-sized family farms continue to experience serious financial problems. Not only are our farmers in for another dismal year, but farm banks are increasingly more vulnerable—as more and more farmers are unable to service their debt. The FDIC reported that net loan losses at agricultural banks nearly tripled over the past 2 years and that about 40 percent of the Nation's problem banks are farm banks. This year, about 70 farm banks are expected to fail—the highest number of failures since the Depression. Communities throughout the Nation are experiencing the effects of this crisis as many are faced with a loss of population and declining property values, tax revenue, and public services.

A combination of a sharp decline in farm exports and a rising flood of agricultural imports is forcing American farmers out of their traditional markets and pushing many farmers into bankruptcy. In May and June, $420 million more in farm products was imported into the United States than exported, the first monthly agricultural trade deficits reported since 1959.

But the steady rise in food imports is not always apparent to the American consumer. Fresh fruits and vegetables rarely carry labels of origin, and frozen and canned foods sold under American labels frequently contain foreign commodities. Lower production costs in Mexico and other Latin American countries have prompted a growing number of American food companies to set up food production facilities abroad and enter into contracts with foreign farmers, according to a recent New York Times article. The text of this article follows my statement.

I am also concerned that the American consumer may be exposed to pesticide residue levels that exceed the stricter standards imposed in this country. The inspection of imported raw commodities and processed food products is far from adequate. In addition, certain pesticides banned for use in this country, such as EDB and DDT, may be used legally on imported food products. All food imports should have to meet the same standards as those required for American-grown products. This would be one step toward restoring fair competition for our American farmers.

These conditions have wreaked havoc with American farmers. In the Salinas area, which is located in my congressional district, seven large farms and food companies closed between April 1985 and February 1986. These closures resulted in the loss of 3,090 jobs.

A recent case in my district illustrates the need for this preference requirement. Shaw's Frozen Foods, a frozen food processing facility, announced this year that it was going to buy raw produce only from American growers. Mr. Shaw explains that he initiated this policy because he was frustrated at buying less and less of his vegetables from local farmers, and more and more from Mexican or Guatemalan farmers. The reason was price. He wanted to support American farmers and help reverse the severe depression in the local farm economy. Mr. Shaw went a step further and set up a non-profit organization to identify and promote the purchase of American-grown farm products. This organization developed a "Save Our Farmers—By American" logo to alert the American consumer to products grown and processed in the United States.

Shaw's Frozen Foods was operating under a purchase agreement with DOD for commissary sales. But, earlier this year, DOD dropped its agreement with Shaw's and instead entered into an agreement with a United States food company that gets most of its raw products from Mexico and Guatemala. It makes no sense at all to penalize American companies that are promoting the products of American farmers.

In conclusion, while I am pleased that DOD now gives preference to American food companies, it does not assure that their products originate with American farmers. The rising flood of imported commodities hurts American farmers and American food processing companies that operate under "buy American-grown" policies, exacerbates U.S. trade deficits, and exposes U.S. consumers to frequently unknown risks from excessive amounts of pesticides.

I recognize the budget constraints faced by all agencies as we work to reduce the Federal deficit. We must work to ensure that each Federal program is targeted to achieve the greatest good for this country. I believe it is in the best interests of this country to extend this "American-grown" preference, and thus reward U.S. companies that assist American farmers.

Mrs. SCHROEDER. Mr. Chairman I rise in support of my amendment, amendment No.

51, to authorize transportation for the dependents and household effects of a member of the uniformed service who receive a punitive discharge, is dismissed from service, or is sentenced to a certain period of confinement, and to authorize a study to report on how much money certain medical and dental benefits would cost for these dependents.

I would like to inform the House that this amendment passed the Senate and is supported by the Senate Armed Services Committee.

This bill corrects a serious problem suffered by a small but significant population—military dependents who have been physically or sexually abused by a member of the military who is then discharged from the service. Military families deserve to know that if their spouse or parent violates the law, they will not be abandoned. This legislation will ensure that such families are able to move back to their homes, where they can resume their lives.

While the Senate bill would provide for certain medical and dental benefits to be provided for the dependents of the military spouse, I only ask in my amendment for a study to look at what type of benefits would be needed.

It does not seem fair to deny benefits to dependents because they have been victimized by the military member. The family member has made personal sacrifices in support of their country. We should not turn our backs on them in their time of need.

Mr. MAVROULES. Mr. Chairman, I rise in support of my amendment to extend the earliest date on which the uniformed services treatment facility [USTF] designation of the former Public Health Service hospitals may be terminated for an additional year—until December 31, 1988.

Unfortunately, the President's fiscal year 1987 budget request contained an ill-advised proposal to terminate the USTF status. The House Armed Services Committee, however, rejected that proposed termination and instead reduced the authorized funding level in order to account for the savings assumed in the budget.

I want to make clear that there is no statutory provision for automatic termination of the USTF status. Section 1252(e) of the Department of Defense Authorization Act, 1984, provides that the Secretary of Defense in an order issued jointly with the Secretary of Health and Human Services may terminate the USTF status of any facility at any time after December 31, 1987; however, both the facility and Congress must be notified 6 months prior to the effective date of the termination. In other words, Congress has 6 months to act to block any attempt by the Department of Defense to terminate the USTF designation of any facility.

The basic concept embodied in the USTF's is sound. They are in tune with the increasing popularity of HMO's [health maintenance organizations] in the private sector. Unlike traditional methods of health care delivery, HMO's emphasize prevention as well as treatment of illness. The USTF's are an important component of the health care capability of the Department of the Defense and are doing an outstanding job of providing top quality service to beneficiaries of the military health care system.

The Department of Defense has raised a number of concerns about cost growth for the USTF Program over the past few years. There is currently not sufficient cost data on which to make a decision on the relative cost of USTF's in comparison to other alternatives like CHAMPUS. By this time next year, however, we should have the results of a Booz-Allen evaluation, as well as an independent review by the General Accounting Office. Based on the results of those studies, the Armed Services Committee can then hold comprehensive hearings and propose any fine tuning to the current statute that may be required to ensure the continued operation of these outstanding facilities on a basis that works to the mutual advantage of the Government, the USTF's, and—most importantly—the beneficiaries seeking care.

Mr. HUTTO. Mr. Chairman, the basic purpose of my amendment, amendment No. 56, is to make permanent the existing prohibition on contracting out the functions of firefighters and security guards at military installations and facilities.

In my view, there is no clearer example than firefighting and base security of an "inherently governmental activity," that should not be contracted out because its responsibilities are so closely related to that of the military commander—to provide for the safety and security of the people and facilities of the military installation. I am firmly convinced that these functions are absolutely essential elements in the ability of the base commanders to both perform and preserve the overall mission of our installations.

Firefighters and security guards are highly trained specialists and have to meet strict standards to perform their duties where highly complex, unique, and dangerous military related facilities and equipment are involved. Contract personnel may not have such specialized training, and lower standards could pose a serious threat to safety and readiness.

Contract firefighters and security guards could strike, whereas Federal employees are not prohibited by law from doing so. A strike at a military installation poses a serious threat to safety, military operations, and readiness.

It would seem to me that in view of the renewed threat of terrorism through the world and here in the United States, that to contract out base functions would be totally inconsistent with our efforts to enhance our counterterrorist programs. This prohibition against contracting out of firefighters and security guards does not, and will not under my amendment, apply to a contract to be carried out at a location outside the United States, including its Commonwealth's terrorities and possessions, at which military personnel would have to be used for the performance of these functions at the expense of unit readiness. The prohibition would not apply to a contract to be carried out at a Government-owned, but privately operated installation, or to a contract, or the renewal of a contract, for the performance of a function under contract on September 24, 1983.

Many of you will recall, that the Congress has twice previously extended a 1982 prohibition on contracting for the performance of firefighting and security functions. My amendment would make this moratorium on the contracting out of firefighters and security functions a permanent prohibition.

In 1983, after consideration of the fiscal year 1984 Defense Authorization bill, Congress approved an amendment whereby funds appropriated to the Defense Department may not be obligated or extended before October 1, 1985, for the purpose of entering into a contract for the performance of firefighting or security guard functions at any military installation or facility. This prohibition was later extended to September 30, 1986.

The prohibition language contained in the 1983 low, Public Law 98-94, which was then extended for another additional year by Public Law 99-145, required the Secretary of Defense to submit to Congress a written report containing an assessment of the special needs of the Defense Department with respect to firefighting and base security and an assessment of how both needs are met by both Federal employees and contract personnel. The reports were to be prepared in consultation with the U.S. Fire Administrator of the Federal Emergency Management Agency [FEMA].

Mr. Chairman, the Defense Department's written reports in response to the 1983 and 1985 requirements fall considerably short of assessing how the special needs of the Department for firefighting and security guards are being met by both Federal employees and contract personnel. The report was accomplished with little or no input from FEMA. The Director of FEMA has indicated on several occasions that a more detailed study should be accomplished, especially the development of valied and detailed standards that should be applied in consideration of the development of the job performance statement for the contractor.

Experience has shown that the Secretary of Defense is not always on top of matters involving contracting out. For several years now, the Secretary of Defense has been unable to identify core logistics functions despite the strong and detailed recommendations of his commanders in the field. Likewise, he may not have the latitude to identify and exempt from contracting out readiness-essential firefighting and security guard functions without statutory guidance.

While I support the basic objectives of cost effectiveness under OMB Circular A-76, I strongly favor the firefighting and security guard functions staying under direct control of the base commander.

In summary, my amendment would prohibit the contracting out of firefighter and security guards at military installations.

Mr. Chairman, this body, back on May 6, 1986, passed the Coast Guard authorization bill, that contained a provision against the contracting out of firefighting functions at U.S. Coast Guard installations and facilities. I believe that this body approved the contracting-out amendment offered by Hon. MARIO BIAGGI, the chairman of the Subcommittee on Merchant Marine, House Committee on Merchant Marine and Fisheries, because of the belief that any contracting out would inhibit the timely performance of Coast Guard missions in behalf of the security, safety, economic, and environmental well-being of the

United States. Clearly, the same concern should be ample justification for prohibiting the contracting out of firefighters and security guards at other military installations and facilities.

With this in mind, I urge support of my amendment.

Mr. ASPIN. Mr. Chairman, I have no requests for time. I urge adoption of the amendments, and I yield back the balance of my time.

Mr. DICKINSON. Mr. Chairman, I have one request. I yield to the distinguished gentlewoman from Connecticut.

PERSONAL EXPLANATION

Mrs. JOHNSON. Mr. Chairman, I was detained off the Hill for rollcall vote No. 322. Had I been here, I would have voted in the affirmative.

Mr. DICKINSON. Mr. Chairman, I have no requests for time, and I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendments, as modified, offered by the gentleman from Wisconsin [Mr. ASPIN].

The amendments, as modified, were agreed to.

The CHAIRMAN pro tempore. Under the rule amendment No. 20 of the gentleman from Pennsylvania [Mr. MURPHY] is in order. The gentleman from Pennsylvania [Mr. MURPHY] declines to offer the amendment.

AMENDMENT OFFERED BY MR. WEISS

Under the rule, the gentleman from New York [Mr. WEISS] is recognized to offer his amendment.

Mr. WEISS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. WEISS:

At the end of title I of division A (page 33, after line 17), add the following new section:

SEC. 128. TRIDENT MISSILE PROGRAMS.

(a) PROHIBITIONS ON EXPENDITURES FOR TRIDENT II PROGRAM.—None of the funds appropriated or otherwise made available for procurement of weapons for the Navy for fiscal year 1987 may be obligated or expended for the Trident II missile program.

(b) FUNDS AVAILABLE FOR TRIDENT I PROGRAM.—Of the amount authorized in section 102(b) for weapons (including missiles and torpedoes) for the Navy for fiscal year 1987, $1,429,100,000 is available for the Trident I missile program.

Under the rule, the gentleman from New York [Mr. WEISS] is recognized for 20 minutes, and a Member in opposition will be recognized for 20 minutes. The Chair will recognize the gentleman for Alabama [Mr. DICKINSON] for 20 minutes.

The Chair recognizes the gentleman from New York [Mr. WEISS].

Mr. WEISS. Mr. Chairman, the amendment I am offering will transfer all procurement funds for the Trident II or D-5 missile into an account for continued production of the Trident I or C-4 missile. The amount that would be transferred is $1.4 billion.

The amendment does not affect the Trident submarine program. The amendment does not cut the fiscal year 1987 defense budget. Although it ultimately will save at least $10 billion, the amendment simply offers a choice between the Trident I missile and the Trident II missile.

In the nuclear age, there is only one way to make such a choice. That is to determine which of these two missiles will best deter a nuclear war. And once you look carefully at both of these missiles, the answer is clear: we ought to cancel the Trident II Program and stick with the existing Trident I.

The first eight Trident submarines already carry the Trident I missile. Each of these submarines can attack 192 separate targets with a warhead that has an explosive yield of 100 kilotons. That means that each submarine equipped with Trident I missiles has more explosive power aboard than has been expended in the history of humanity. These missiles can destroy airfields, submarine ports, industrial facilities, governmental centers, and cities. The Trident I offers a secure retaliatory deterrent. It helps to prevent a Soviet nuclear attack.

The Trident II missile, by contrast, is a dangerously destabilizing addition to our nuclear arsenal. With a yield of 475 kilotons and an accuracy of about 400 feet, the Trident II is capable of digging Soviet missiles out of their underground silos. The Navy plans to deploy a force of about 480 such missiles, carrying almost 4,000 warheads. This means that the Trident II will be the first weapon that has the qualitative and quantitative features required to destroy all of the Soviet Union's land-based forces.

The President has stated that the United States does not seek a first-strike capability. But the Soviets will not be satisfied with Presidential pronouncements. They will look at our military capabilities. They will realize that the Trident II gives us a first-strike capability. Their response will be to abopt a policy of launch on warning.

Launching nuclear missiles on warning is extraordinarily dangerous under any circumstances. But it will become even more perilous if we deploy the Trident II. Compared to land-based missiles, which take up to ½ hour to reach their targets, the sea-based Trident II will be able to reach its targets in as little as 15 minutes. This means that the Soviets will have less than 15 minutes to distinguish between a human or computer error and an actual nuclear attack. The risk of accidental nuclear war will be greatly enhanced. And in a time of crisis, the Soviets might even be tempted to launch a preemptive strike. The conclusion is unavoidable: the Trident II will significantly increase the risk of nuclear war and dramatically decrease the security of our Nation.

Further, we must be sensitive to the high cost of this new missile. The Navy currently estimates the cost of the Trident II program at $35 billion. This figure is certain to go higher, because it only includes missiles for 18 of 20 planned submarines. But the Congressional Budget Office has just released an extensive study of the Trident II Program. The study concludes that cancelling the Trident II Program and instead continuing production of the Trident I missile would save the taxpayers between $9.6 billion and $11.3 billion.

The study notes that there would be substantial costs associated with reopening the Trident I production line. We would have to requalify contractors, refurbish and replace tooling, redesign parts and test those new parts. These activities would cost between $3.5 billion and $5.2 billion, according to CBO. But the important fact remains that, even when these costs are taken into account, a decision to cancel the Trident II missile and stick with the Trident I will save between $9.6 billion and $11.3 billion.

In the age of Gramm-Rudman and in the age of declining military budgets, these are figures we cannot afford to ignore. A decision to favor the Trident I over the Trident II will not only enhance our national security, but it will make a dramatic contribution to our current deficit reduction efforts.

Now is the time to demonstrate our concern about the Trident II Program. This is the first year that we are actually procuring Trident II missiles. Next year, we will begin the first flight tests. And in 1989, we will begin to deploy Trident II missiles. So this is the appropriate moment to redirect our policy and to take advantage of the $10 billion in cost savings that will accrue from that change.

It is instructive to pause for a moment and think about why the Trident II missiles has escaped extensive criticism in Congress. After all, it is strikingly similar to another weapon which remained in the spotlight for years and was eventually capped by Congress: the MX missile. Like the MX, the Trident II has high explosive yield and pinpoint accuracy. Like the MX, it will give us the capacity to destroy hardened targets in the Soviet Union.

But lawmakers have pointed to vulnerability as a key difference between the MX and the Trident II. The MX is unpopular because it is a sitting duck in fixed silos. But the Trident II has managed consistent support because the submarine leg of the triad is viewed as invulnerable.

There can be no doubt: it is important for Congress to support invulner-

able weapons. Our submarine weapons are not threatened by the Soviet Union and therefore contribute to deterrence. But there is simply no good reason to place destabilizing Trident II missiles aboard those submarines when we have a perfectly secure retaliatory weapon in the Trident I. The Trident I is a formidable weapon. It is extremely powerful. It has the same range as the Trident II. In fact, it can do absolutely everything that the Trident II can do, except destroy hardened targets.

So I urge all of my colleagues to support an invulnerable weapon. Support the Trident I. But do not go along with the Navy in its headlong rush for a first-strike capability. The Trident II is every bit as destabilizing as the MX and more so, because the size of the envisioned force is much larger and the missiles can reach the Soviet Union much more quickly. If it is deployed, it will lead us down the path toward a nuclear confrontation.

On the other hand, sticking with the Trident I will enhance the security of our Nation and provide a bonanza of $10 billion to the Treasury. I urge my colleagues to make the right choice. Eliminate the Trident II. Stick with the Trident I. Vote for this amendment.

□ 2145

Mr. DICKINSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to this amendment, because what we are doing here would undo the work of many years of the committee.

I think everyone agrees that if we have a secure deterrent in the theater or in an international nuclear exchange, it is in our Trident submarine force.

Mr. BENNETT and others who have very grave misgivings about the efficacy of the MX agree, and there is very little disagreement, if any, that this is the most secure and the most formidable leg of the triad.

What this amendment would propose to do is to say we have spent several billions of dollars to produce these weapons systems. It is stealthy and it cannot be located. By giving it this extra hard-target kill capability, it is more of a threat than a deterrent than ever.

Now what the author of the amendment would do is to say, well it is fine to build the Trident submarine, but do not put our newest missiles in them, and make them use the missiles that are 20 years older in technology.

I think it makes no sense. I would certainly hope that the Members of this body will recognize it for what it is, a back-door attempt to do away with our nuclear capability at sea, and would vote "no" when the opportunity arises.

Mr. Chairman, I reserve the balance of my time.

Mr. WEISS. Mr. Chairman, may I inquire of the Chair how much time I have remaining?

The CHAIRMAN pro tempore (Mr. GRAY of Illinois). The gentleman from New York [Mr. WEISS] has 13 minutes remaining.

Mr. WEISS. Mr. Chairman, I yield 3 minutes to the gentlewoman from California [Mrs. BOXER].

Mrs. BOXER. Mr. Chairman, I think it is significant that in a recent Atlantic Monthly article, former Defense Secretary Robert McNamara, along with George Kennan and McGeorge Bundy, recommended the elimination of the Trident II or D-5 Program because of the inherent dangers of developing a first-strike capability.

I think it is time we started looking at how our policy of building ever more accurate nuclear weapons may affect our strategic balance of power.

I believe the Weiss amendment works to preserve the delicate nuclear balance that now exists between the United States and the Soviet Union, and it will save billions of dollars.

There are two very important advantages to Mr. WEISS' proposal. First, there is the question of whether or not we are buying more national security by investing in the Trident II. I think we are not. The second question is one of cost. As we just learned, the deficit picture is worse than ever. The pressure to reduce that deficit by cutting spending remains a compelling issue of our legislative agenda. The amendment before us give us the opportunity to reduce some of that fiscal pressure without hurting our national security.

Let me address myself first to the issue of national security and deterrence. As I stated a year ago during the debate on this issue, I am extremely concerned about the accuracy of this weapon. That may sound odd to be going against accuracy, for as military reformers, accuracy and reliability are qualities we demand in our conventional weapons. But in the nuclear arena, there may be a potentially deadly trade-off for accuracy. That is the instability such accuracy engenders. It increases the threat to the Soviets that they will be incapable of defending themselves against a first-strike.

We must believe our President when he tells us that the United States does not seek a first-strike capability. Nevertheless, we are dealing with the very inexact science of psychology. The problem is what the potential recipient of our weapons believes. I share the concern of my colleague that if the Soviets perceive we are capable of striking first, in a crisis, they may launch first and ask questions later.

Producing more Trident I's will provide us with a credible, retaliatory force, without the destabilizing effects of the Trident II.

The Congressional Budget Office estimates a savings of about $10 billion over the life of the program.

Mr. Chairman, let us support this amendment in the interest of national security, fiscal responsibility and world peace.

□ 2155

Mr. DICKINSON. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. I thank the gentleman for yielding me this time.

Mr. Chairman, because of the lateness of the hour I will not use but just a few moments. The argument against this particular missile is that it is too good and that it is too accurate. Plus the fact of should it be stricken and should this amendment carry it would end up costing us in the neighborhood of some $2 billion because of the expense and because what we have already invested in it.

I do not doubt the sincerity of the gentleman from New York nor the gentlewoman from California, and I understand their concern. But you know in making and preparing and working on any weapons system, whether it be a rifle or whatever it may be, for instance, we do not make rifles to shoot in a crooked direction. We make them to be accurate, and that is what this weapons system is.

It is a system that will cause the Soviets to come to the bargining table. It is one that will cause the Soviets to understand that we mean business, and that they can come and talk with us because it does stand for a strong deterrence. Strong should be the case with retaliatory capability. It is something that we must keep, and I do respectfully oppose the amendment of the gentleman from New York.

Mr. WEISS. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. FEIGHAN].

Mr. FEIGHAN. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from New York, Mr. WEISS.

And I think it's appropriate as we consider this important amendment to recall the words of the moving force behind this Nation's submarine program—Admiral Hyman Rickover. In one of his final appearances before Congress, he called the nuclear arsenal that he had helped to create a "necessary evil." But he added that we could not continue on the path we had set of adding ever more—and ever more powerful—weapons to that arsenal. If this didn't stop, he warned, "the human race is going to wreck itself * * *. It's important that we get control of this horrible force and try to eliminate it."

None of us need be reminded of the inherent evil of nuclear weapons. And we also know that they are necessary, that in an imperfect world an armed peace is the only possible peace, that deterrence is a fact of life. Until we can create a world free forever from the threat of nuclear war, a nuclear peace based on secure, second-strike and survivable deterrent forces is our only choice.

That is why so many of us who support a nuclear freeze, who support a comprehensive test ban, who support "no-first-use", also support the Trident submarine force. These strong, speedy and silent boats present the most certain obstacle to any Soviet plans for a lightening strike attack against our Nation. They are the most invulnerable leg of our strategic triad, and they deserve our support.

What we must not support—and what the amendment offered by the gentleman from New York seeks to prevent—is the attempt to turn this deterrent force into a destroyer force, a first-strike force.

But first-strike is what the D-5 missile is all about. It transforms the most secure and stabilizing weapon in our strategic arsenal into a dangerous and destructive threat that will increase the threat of war just as it increases the Federal deficit. Both are costs we cannot well afford.

Make no mistake about it: replacing the C-4 with the D-5 is not simply a matter of "modernizing" our submarine force. The D-5 is a silo-buster. It's far more accurate and five times more explosive than the C-4. It's designed to strike Soviet missiles before they ever leave their silos, and it will be deployed in such large numbers that we will have the ability to destroy nearly all land-based Soviet missiles—the keystone of their deterrent forces—with less than 15 minutes warning.

Faced with this new danger—on top of the one already posed by our MX missile force—the Soviets will have no choice but to adopt a launch on warning policy. That means the risks of nuclear war by accident, or miscalculation, or simple fear, will skyrocket. MX plus D-5 is double jeopardy.

And if the D-5 is bad for defense, it's even worse for our federal deficit. The D-5 Program is the most expensive nuclear weapon system that our Nation has ever produced—bar none. The current defense plan calls for an outlay of nearly $35 billion, but that figure doesn't include missiles for all of the submarines planned. When you add those in, the cost climbs to at least $50 billion. And we haven't even begun to consider the inevitable overruns, delays and hidden costs.

Cancelling the D-5, while continuing production of the C-4, is safe defense policy and sound fiscal policy. The C-4 gives us the best of both worlds: the stability that comes with a secure, second-strike submarine force, and the savings that flow from stopping a new weapons system before it develops a life of its own.

Listening to the arguments on the other side of the aisle, one would think that we were arguing for unilateral disarmament, that we were proposing to send our Tridents to sea with empty silos. That's nonsense. The C-4 is a solid missile, a proven missile, and it has a range equivalent to that of the D-5. Deploying the C-4 in place of the D-5 does not, therefore, imply a decrease in survivability, which means that there will be no decrease in strategic stability.

But there will be a decrease in our Federal deficit—and this must be emphasized. The Congressional Budget Office estimates that canceling the D-5, and building more C-4's in its place—will save approximately $10 billion.

Mr. Chairman, the case for the C-4 is clear and compelling. It is relatively safe. It is relatively stabilizing. It is relatively cost effective. As Admiral Rickover reminded us, nuclear weapons are by now a necessary evil. But there is no need to compound our past mistakes with ever more powerful missiles. It's important for us to get control of this horrible force. It's important for us to pass this amendment.

Mr. MARKEY. Mr. Chairman, will the gentleman yield?

Mr. FEIGHAN. I yield to the gentleman from Massachusetts.

Mr. MARKEY. I thank the gentleman for yielding me this time and rise in support of the amendment.

I agree with the distinguished gentlemen from New York that our Nation would be far better off if it did not deploy the D-5 missile, and kept the C-4 production line open.

I suspect that many of my colleagues have voted against efforts to cancel the D-5 in the past, not because they wanted the United States to have a first-strike capability, but because they thought the D-5 would have a longer-range and thus make our subs more survivable.

That was the Pentagon's original justification for the D-5. Its old argument in favor of a longer range missile was very simple. With a longer range missile, our subs could patrol a much wider area of the ocean while still remaining ready to fire their missiles. The Soviets would have a much harder time trying to find and destroy these subs, and the survivability of our sea-based deterrent would be assured.

If you voted for the D-5 based on this understanding of the missile's capabilities, I have some bad news for you: The Pentagon has played a bait and switch game with the Trident II missile. You may have paid for increased survivability, but what you have gotten for your money is a killer.

A few years ago, the Pentagon decided to use the D-5 to dig Soviet missiles out of their silos. They were now going to deploy it with a new, and much more powerful warhead.

This warhead is reported to have a yield of up to 475 kilotons—some 34 times as powerful as the Hiroshima bomb. In contrast, the Trident I missile has a warhead with a reported yield of about 100 kilotons.

The combination of this new high-yield warhead and the improved accuracy of the D-5 makes it a silo buster.

But this same combination also reduces the maximum range of the D-5. Since the high-yield new warhead is much heavier, the D-5's range will be about the same as that of the existing C-4 missile—about 4,000 miles according to Vice Admiral Thunman, the Navy's Deputy Chief of Naval Operations for Submarine Warfare.

As direct result of the Pentagon's decision to build a Silo-busting D-5, we have ended up with a missile that will have the same range and survivability as its predecessor.

All that we have gotten for our money is a missile whose chief capability runs against the grain of our policy never to launch a disarming first strike against the Soviet Union.

Some may ask, what's wrong with having the capability to dig Soviet missiles out of their silos, even if we never intend to use it? Wouldn't threatening to do so stop the Soviets from ever trying to attack us?

There is a fundamental flaw in this argument. In a crisis, the Soviets aren't going to depend on our peacetime promises—they are going to look at our capabilities. When they see that the D-5 can kill their land-based missiles, they are going to be under tremendous pressure to launch them first.

We all know that there is no point in destroying empty Soviet silos. Why then are we giving the Soviets an incentive to launch their missiles quickly during a crisis?

We have to ask ourselves, do we really want to spend some $9.6 to $11.3 billion more for a D-5 missile with a highly destabilizing first-strike capability? Are we really looking for a survivable retaliatory weapon?

If you support a silo buster, vote for the D-5 missile. But you should realize what it is you are supporting. The D-5 is not a longer range missile. It is not more survivable. It is a hard-target killer.

If you are looking for a secure retaliatory capability, you should vote against the D-5, and in favor of continuing the Trident I missile production line.

Mr. DICKINSON. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia [Mr. RAY].

Mr. RAY. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in opposition to the Weiss amendment. If we have a success story in our military arsenal, it is in our unfailing reliability of our submarine fleet, better known as Admiral Rickover's Black Submarines.

Mr. Chairman, the Tridents are sea based, they do not draw fire on the U.S. proper or require the Soviets to have more strategic nuclear missiles to neutralize them. Because they are survivable sea nucleared ballistic missiles [SLBM's] do not present the U.S. decisionmaker with a "use-them or lose-them" choice in a crisis. The retaliato-

ry capability inherent in SLBM's such as the D-5 assures the United States that we can inflict damage unacceptable to an adversary even after being subjected to attack.

The D-5 missile will contribute to enhanced stability because any enemy planning a preemptive attack will know that the D-5 missile can hold at risk the full range of targets. This means that the Soviets have less incentive and less to gain by a preemptive strike against our land-based ICBM's or our cruise missile carrying bombers. In effect, the survivability of the D-5, a hard-target capable weapon, increases stability and the security of the land-based legs of the triad by removing incentives to attack these forces.

Without the Trident II D-5 missile, a stabilizing deterrent force would be much harder to achieve. Continued modernization of the sea-based leg of the U.S. strategic triad with a deployed D-5 capability must continue.

I urge the defeat of the Weiss amendment.

Mr. WEISS. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. SEIBERLING].

Mr. SEIBERLING. I thank the gentleman for yielding me this time.

Mr. Chairman, I think we might find it interesting to get a slightly different perspective on this issue, one given by Gen. Brent Scowcroft, formerly National Security Adviser to President Ford. At a luncheon last week, here is what he had to say about the D-5. He said:

> It's never likely to be able to do the job it was intended to do.
>
> I am not so worried about the D-5's accuracy; but I have grave doubts that the communications can ever be such that the D-5 can replace the ICBM as the weapon which could be able to attack Soviet silos * * *. Submarines now are our secure reserves. If you want to use them to attack missile silos, you have a real two-way communication problem: submarine commanders simply won't be able to respond, won't be able to manage the battle.
>
> My real problem is with the Trident Submarine itself. It's too big. Any time you put 200 warheads in the same place, you give the Soviet Union a terrible incentive in a time of crisis to go after them.

So much for one of our outstanding military thinkers who would agree with the gentleman that we are much better putting our emphasis on the traditional Trident I.

Mr. WEISS. Mr. Chairman, I yield 4 minutes to the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. I thank the gentleman for yielding me this time.

Mr. Chairman, I might preface my remarks by pointing out that I think it is a great tragedy that we are debating this particular issue at this time of night. This is a terribly important and vital question that should be dealt with with great seriousness.

Having said that, I would like to make three points.

□ 2205

One of the opponents of this amendment stated that we do not purchase rifles that do not shoot straight. I understand that; but Mr. Chairman, we are not talking about nuclear weaponry with the capacity to destroy all life on this planet and it defies logic, Mr. Chairman, to try to associate a straight-shooting rifle with a silo-busting nuclear weapon that has that enormous capacity to kill. We are talking about something much more important here.

Second, the opponents point out that this is a bargaining chip to pressure the Soviet Union to the table. We have been down this road before, Mr. Chairman, on the MX missile, a multibillion-dollar program, and on many other multibillion-dollar programs. Here is the next bargaining chip, a $10 billion bargaining chip; but I would assert, Mr. Chairman, that a bargaining chip ceases to be a bargaining chip when you deploy it. We are talking about deploying $10 billion worth of very deadly weapons.

Finally, this amendment points up the great tragedy of how we even bring the military authorization bill to the floor. The great promise in this Congress was that we would debate national policy, that we would talk about where we go with respect to the issue of nuclear weapons, what policy would guide us through this frightening and dangerous era, but we have not debated policy here. We engage in fragmented discussions of weapons systems.

Even some of my liberal colleagues on this side of the aisle say, "Ron, I can only go against one weapons system at a time," because our brains cannot comprehend policy.

What American people understand is that only a psychotic mind believes that we can actually fight a nuclear war, which leads me to this point, Mr. Chairman. One of the policy assumptions that in my estimation is falacious that this administration has built the most unprecedented escalation in armaments in our lifetime is based on the notion that we must move beyond the concept of nuclear deterrence to the concept of nuclear war fighting.

Who can fight a nuclear war? Scientists have pointed out that all we are going to do is destroy life. So what is our flimsy argument here for a very dangerous first-strike nuclear weapon? It is that we have a new submarine. We want to put new missiles on it. We want it to fire straight, but we have not thought through logically and intelligently and cogently what does this do with respect to endangering life on this planet.

I would argue, Mr. Chairman, that the gentleman from New York has done us a great service by bringing this amendment to the floor, but at 10 o'clock at night when we are all chatting with each other, and I make no moral judgment because I chat, too, at 10 o'clock at night; but the point is that this is not an amendment upon which we ought to be chatting. This is an amendment that may determine the future for our children and our children's children.

This amendment is extremely important. It is not just some procurement that we wipe off. We have had a few of them tonight. Whose ox is gored, this corporation or that corporation, is it built in this State or that State? But that is not what this amendment is about.

I would say to my colleagues that it is not a rifle. It is not a bargaining chip. It is a weapons system that will take us down the road toward nuclear disaster.

I would argue and I would plead, Mr. Chairman, that my colleagues listen carefully to this amendment and understand the enormous and frightening and dangerous implications. Join my colleague, beat back the notion that we must move beyond deterrence to war-fighting capability and bring peace to our children and our children's children.

Mr. WEISS. Mr. Chairman, I am pleased to yield 1 minute to our distinguished friend, the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Mr. Chairman, I rise as one who strongly supports the Trident submarine program as a necessary addition to our Nation's military strength and defense capabilities, but you do not necessarily have to go out and buy a brandnew missile system to go in this new submarine. We have the Trident I missile, which has served us efficiently and effectively and can continue to provide the kind of deterrent force that we need. The expense of the D-5 for the Trident II submarine cannot be justified. On strategic grounds, it cannot be justified.

This amendment is well-crafted. It tells us that while we go forward with the Trident submarine, it is a wiser investment to redirect those funds to the production of additional Trident I missiles, rather than spending them on a new and unnecessary Trident II missile.

Mr. Chairman, I support the amendment and urge its adoption.

Mr. DICKINSON. Mr. Chairman, if I might, I would like to speak briefly in closing.

The CHAIRMAN pro tempore. (Mr. GRAY of Illinois). Without objection, the gentleman from Alabama [Mr. DICKINSON] is recognized, since he yielded back his time.

There was no objection.

Mr. DICKINSON. Mr. Chairman, let me try to put this very briefly in perspective, if I might.

We have now underway or under construction 13 Trident submarines. Of these, eight are built to use the C-4 missile. The others that are under construction are built and are being built to use the D-5 missile.

Now, those are at sea that have already been built or about to be completed with the building that are using the C-4 cannot use the D-5 and the five that are already being built to accommodate the D-5 cannot use the older missiles. It would cost billions of dollars to go back and try to retrofit those already at sea, and there is no intention to do this.

So we have built a weapons system that will accommodate the C-4 up to a point. Since then, we have started building and our building five more that will accommodate a new missile system that will not fit into the old ones that are at sea.

What is the difference? I can only say this, and this is from the Department of Defense and I think it is unrefuted. The new missile system, the D-5, which the gentleman would like to deny to the submarines that are presently being built, but cannot use the old system, which means they would be useless unless we retrofitted them, the D-5 would be twice as accurate as the C-4. The D-5 will have four times more warhead yield than the C-4. It will have 50 percent more payload capability and will provide a durable and survivable hard target kill capability that the C-4 does not have.

So really, it is ridiculous to spend the money that we are spending, over a billion dollars per Trident, to give it a standoff capability, a deterrent capability with increased accuracy against a hardened target, and say, well, we have got the best going, but we are not going to give you the best missile. Use the old missile, whose technology is about 20 years old.

So it really makes no sense to build a new submarine and say use 20-year-old technology, when we are already underway building a new one.

I would hope that the Members would vote no on the amendment, and let us go home.

Mr. WEISS. Mr. Chairman, with all the cost factored in for restarting the production line of the Trident I for retrofitting, you would still save $10 billion. Now, there are a lot of people around here apparently who think $10 billion is not a lot of money, but as you start seeing military programs being cut back, I would think you would appreciate how much money that is.

The Trident I can do everything that the Trident II can do, except that it cannot kill hardened silos. That is the only thing it cannot do.

One submarine today with 192 Trident missiles and warheads can destroy more than all the prior war power and military explosive power the world has ever seen.

Save money, save the future, vote for this amendment for the Trident I.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New York [Mr. WEISS].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. WEISS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 94, noes 306, not voting, 31 as follows:

[Roll No. 324]

AYES—94

| | | |
|---|---|---|
| Atkins | Gejdenson | Rahall |
| AuCoin | Gonzalez | Rangel |
| Barnes | Gray (PA) | Rodino |
| Bedell | Hawkins | Roybal |
| Beilenson | Hayes | Russo |
| Berman | Kastenmeier | Sabo |
| Boggs | Kennelly | Savage |
| Bonior (MI) | Kildee | Scheuer |
| Bosco | Kostmayer | Schneider |
| Boxer | Lehman (FL) | Schumer |
| Brown (CA) | Leland | Seiberling |
| Bruce | Levine (CA) | Sikorski |
| Carr | Long | Solarz |
| Collins | Lowry (WA) | Staggers |
| Conte | Markey | Stark |
| Conyers | Martinez | Stokes |
| Coyne | Matsui | Studds |
| Crockett | Mavroules | Swift |
| Daschle | McHugh | Torres |
| Dellums | McKinney | Towns |
| Downey | Miller (CA) | Traficant |
| Durbin | Moakley | Traxler |
| Dymally | Moody | Vento |
| Early | Mrazek | Waldon |
| Edwards (CA) | Murphy | Walgren |
| Evans (IL) | Nowak | Waxman |
| Feighan | Oakar | Weiss |
| Foglietta | Oberstar | Wheat |
| Ford (MI) | Obey | Williams |
| Ford (TN) | Owens | Wolpe |
| Frank | Panetta | |
| Garcia | Penny | |

NOES—306

| | | |
|---|---|---|
| Ackerman | Brooks | Davis |
| Akaka | Broomfield | DeLay |
| Alexander | Brown (CO) | Derrick |
| Anderson | Bryant | DeWine |
| Andrews | Burton (IN) | Dickinson |
| Annunzio | Bustamante | Dicks |
| Anthony | Byron | Dingell |
| Applegate | Callahan | DioGuardi |
| Archer | Carney | Donnelly |
| Armey | Carper | Dorgan (ND) |
| Aspin | Chandler | Dornan (CA) |
| Badham | Chapman | Dowdy |
| Barnard | Chappell | Dreier |
| Bartlett | Chappie | Duncan |
| Barton | Cheney | Dwyer |
| Bateman | Clinger | Dyson |
| Bates | Coats | Eckart (OH) |
| Bennett | Cobey | Eckert (NY) |
| Bentley | Coble | Edwards (OK) |
| Bereuter | Coelho | Emerson |
| Bevill | Coleman (MO) | English |
| Biaggi | Coleman (TX) | Erdreich |
| Bilirakis | Combest | Evans (IA) |
| Bliley | Cooper | Fascell |
| Boehlert | Coughlin | Fawell |
| Boland | Courter | Fazio |
| Boner (TN) | Craig | Fiedler |
| Bonker | Crane | Fields |
| Borski | Daniel | Fish |
| Boucher | Dannemeyer | Florio |
| Boulter | Daub | Foley |
| Franklin | Mack | Schaefer |
| Frenzel | MacKay | Schroeder |
| Frost | Madigan | Schuette |
| Fuqua | Manton | Schulze |
| Gallo | Marlenee | Sensenbrenner |
| Gaydos | Martin (IL) | Sharp |
| Gekas | Martin (NY) | Shaw |
| Gephardt | Mazzoli | Shumway |
| Gibbons | McCain | Shuster |
| Gilman | McCandless | Siljander |
| Gingrich | McCloskey | Sisisky |
| Glickman | McCollum | Skeen |
| Goodling | McCurdy | Skelton |
| Gordon | McDade | Slattery |
| Gradison | McEwen | Slaughter |
| Gray (IL) | McGrath | Smith (FL) |
| Green | McKernan | Smith (IA) |
| Gregg | McMillan | Smith (NE) |
| Guarini | Meyers | Smith (NJ) |
| Gunderson | Mica | Smith, Denny (OR) |
| Hall (OH) | Michel | |
| Hall, Ralph | Miller (OH) | Smith, Robert (NH) |
| Hamilton | Miller (WA) | |
| Hammerschmidt | Mineta | Smith, Robert (OR) |
| Hansen | Molinari | |
| Hatcher | Mollohan | Snowe |
| Hefner | Monson | Snyder |
| Hendon | Montgomery | Solomon |
| Henry | Moorhead | Spence |
| Hertel | Morrison (WA) | Spratt |
| Hiler | Murtha | St Germain |
| Hopkins | Myers | Stallings |
| Howard | Natcher | Stangeland |
| Hoyer | Neal | Stenholm |
| Hubbard | Nelson | Strang |
| Huckaby | Nichols | Stratton |
| Hughes | Nielson | Stump |
| Hunter | Olin | Sundquist |
| Hutto | Ortiz | Sweeney |
| Hyde | Oxley | Swindall |
| Ireland | Packard | Synar |
| Jacobs | Parris | Tallon |
| Jeffords | Pashayan | Tauke |
| Johnson | Pease | Tauzin |
| Jones (OK) | Pepper | Taylor |
| Jones (TN) | Perkins | Thomas (CA) |
| Kanjorski | Petri | Thomas (GA) |
| Kaptur | Pickle | Torricelli |
| Kasich | Porter | Udall |
| Kemp | Price | Valentine |
| Kindness | Pursell | Visclosky |
| Kleczka | Quillen | Volkmer |
| Kolbe | Ray | Vucanovich |
| Kolter | Regula | Walker |
| Kramer | Reid | Watkins |
| Lagomarsino | Richardson | Weber |
| Lantos | Ridge | Whitehurst |
| Latta | Rinaldo | Whitley |
| Leach (IA) | Ritter | Whittaker |
| Leath (TX) | Roberts | Whitten |
| Lehman (CA) | Robinson | Wilson |
| Lent | Roe | Wirth |
| Levin (MI) | Roemer | Wise |
| Lewis (FL) | Rogers | Wolf |
| Lightfoot | Rose | Wortley |
| Lipinski | Rostenkowski | Wright |
| Livingston | Roth | Wyden |
| Lloyd | Roukema | Wylie |
| Loeffler | Rowland (CT) | Yatron |
| Lowery (CA) | Rowland (GA) | Young (AK) |
| Lujan | Rudd | Young (FL) |
| Lungren | Saxton | Young (MO) |

NOT VOTING—31

| | | |
|---|---|---|
| Breaux | Hartnett | Mikulski |
| Burton (CA) | Hillis | Mitchell |
| Campbell | Holt | Moore |
| Clay | Horton | Morrison (CT) |
| Darden | Jenkins | Shelby |
| de la Garza | Jones (NC) | Vander Jagt |
| Dixon | LaFalce | Weaver |
| Edgar | Lewis (CA) | Yates |
| Flippo | Lott | Zschau |
| Fowler | Luken | |
| Grotberg | Lundine | |

□ 2230

The Clerk announced the following pair:

On this vote:

Mr. LaFalce for, with Mr. Darden against.

Mr. YATRON changed his vote from "aye" to "no."

Messrs. FRANK, BEDELL, and FOGLIETTA changed their votes from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. DYSON. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. STALLINGS] having assumed the chair, Mr. GRAY of Illinois, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4428) to authorize appropriations for fiscal year 1987 for the Armed Forces for procurement, for research, development, test, and evaluation, for operation and maintenance, and for working capital funds, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, had come to no resolution therein.

## FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate insists upon its amendment to the bill (H.R. 4151) "An act to provide enhanced diplomatic security and combat international terrorism, and for other purpose," disagreed to by the House agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. LUGAR, Mr. HELMS, Mr. MATHIAS, Mrs. KASSEBAUM, Mr. PELL, Mr. BIDEN, and Mr. SARBANES. For consideration of sections 702, 703, 711, 713, and 714 of the Senate amendment, Mr. GRASSLEY, Mr. DENTON, Mr. SPECTER, Mr. DECONCINI, and Mr. LEAHY. For the consideration of section 702, of the Senate amendment, Mr. MATHIAS and Mr. EAGLETON. For the consideration of sections 706 and 707 of the Senate amendment, Mr. DANFORTH and Mr. HOLLINGS to be the conferees on the part of the Senate.

## REGULATING THE MANUFACTURE, IMPORTATION AND SALE OF ARMOR-PIERCING AMMUNITION

Mr. HUGHES. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3132) to amend chapter 44, of title 18, United States Code, to regulate the manufacture, importation, and sale of armor-piercing ammunition, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment with an amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment and the House amendment to the Senate amendment as follows:

Senate amendment: Strike out all after the enactng clause and insert:

That section 921(a)(17) of title 18 of the United States Code is redesignated as section 921(a)(17)(A), and a new subparagraph (B) is added to section 921(a)(17) to read as follows:

"(B) The term 'armor-piercing ammunition' means solid projectiles or projectile cores constructed from tungsten alloys, steel, iron, brass, bronze, beryllium copper, or depleted uranium which may be used in a handgun. The term shall not include shotgun shot required by Federal or State environmental or game regulations for hunting purposes, frangible projectiles designed for target shooting or any projectile which the Secretary finds is primarily intended to be used for sporting purposes. The term shall not include any other projectiles or projectile cores which the Secretary finds are intended to be used for industrial purposes, including, but not limited to, charges used in oil and gas well perforating devices. The term 'solid' in the first sentence of this subparagraph means made entirely from one or more of the substances specified therein, but may include the presence of trace elements of other substances.".

SEC. 2. Section 922(a) of title 18 of the United States Code is amended—

(a) by striking out "and" at the end of paragraph (5);

(b) striking out the period at the end of paragraph (6) and inserting in lieu thereof a semicolon; and

(c) by adding after paragraph (6) the following:

"(7) for any person to manufacture or import armor-piercing ammunition, except that this paragraph shall not apply to—

"(A) the manufacture or importation of such ammunition for the use of the United States or any department or agency thereof or any State or any department, agency, or political subdivision thereof;

"(B) the manufacture of such ammunition for the purpose of exportation; and

"(C) any manufacture or importation for the purposes of testing or experimentation authorized by the Secretary; and

"(8) for any manufacturer or importer to sell or deliver armor-piercing ammunition, except that this paragraph shall not apply to—

"(A) the sale or delivery by a manufacturer or importer of such ammunition for use of the United States or any department or agency thereof or any State or any department, agency, or political subdivision thereof;

"(B) the sale or delivery by a manufacturer or importer of such ammunition for the purpose of exportation;

"(C) the sale or delivery by a manufacturer or importer of such ammunition for the purposes of testing or experimenting authorized by the Secretary.".

SEC. 3. Subparagraph (A) of section 923(a)(1) of title 18 of the United States Code is amended to read as follows:

"(A) of destructive devices, ammunition for destructive devices or armor-piercing ammunition, a fee of $1,000 per year;".

SEC. 4. Subparagraph (C) of section 923(a)(1) of title 18 of the United States Code is amended to read as follows:

"(C) of ammunition for firearms, other than ammunition for destructive devices or armor-piercing ammunition, a fee of $10 per year.".

SEC. 5. Subparagraphs (A) and (B) of section 923(a)(2) of title 18 of the United States Code are amended to read as follows:

"(A) of destructive devices, ammunition for destructive devices or armor-piercing ammunition, a fee of $1,000 per year; or

"(B) of firearms other than destructive devices or ammunition for firearms other than destructive devices, or ammunition other than armor-piercing ammunition, a fee of $50 per year.".

SEC. 6. The first sentence of section 923(e) of title 18, United States Code, is amended by striking out "under this section" and all that follows through the end of the sentence and inserting in lieu thereof the following: "under this section, if the holder of such license—

"(1) being a licensed dealer, willfully transfers armor-piercing ammunition manufactured or imported after the effective date of this section; or

"(2) violates any provision of this chapter or any rule or regulation prescribed by the Secretary under this chapter,".

SEC. 7. Section 923 of title 18, United States Code, is amended by adding at the end thereof the following:

"(k) Licensed importers and licensed manufacturers shall mark all armor-piercing projectiles and packages containing such projectiles for distribution in the manner prescribed by the Secretary by regulation. The Secretary shall furnish information to each dealer licensed under this chapter defining which projectiles are considered armor-piercing ammunition as defined in section 921(a)(17)(B).".

SEC. 8. Section 929 of title 18 of the United States Code is amended to read as follows:

"Whoever, during and in relation to the commission of a crime of violence, which may be prosecuted in a court of the United States, including a crime of violence which provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device, uses or carries a firearm and is in possession of armor-piercing ammunition capable of being fired in that firearm shall, in addition to the punishment provided for the commission of such crime of violence, be sentenced to a term of imprisonment for not less than 5 years. Notwithstanding any other provision of law, the court shall not suspend the sentence of any person convicted of a violation of this subsection, nor place the person on probation, nor shall the terms of imprisonment run concurrently with any other terms of imprisonment, including that imposed for the crime in which the armor-piercing ammunition was used or possessed. No person sentenced under this subsection shall be eligible for parole during the term of imprisonment imposed herein.".

SEC. 9. The amendments made by this Act shall take effect on the date of enactment of this Act, except that sections 3, 4, and 5 shall take effect on the first day of the first day of the first calendar month which begins more than ninety days after the date of the enactment of this Act.

SEC. 10. For purposes of section 921(a)(17)(B) of title 18, United States Code, as added by the first section of this Act, "handgun" means any firearm including a pistol or revolver designed to be fired by the use of a single hand. The term also includes any combination of parts from which a handgun can be assembled.

House amendment to Senate amendment:

In the first section of the matter proposed to be inserted by the Senate amendment to H.R. 3132, strike out "The term 'armor' "

and all that follows through "elements of other substances." and insert in lieu thereof "The term 'armor piercing ammunition' means a projectile or projectile core which may be used in a handgun and which is constructed entirely (excluding the presence of traces of other substances) from one or a combination of tungsten alloys, steel, iron, brass, bronze, beryllium copper, or depleted uranium. Such term does not include shotgun shot required by Federal or State environmental or game regulations for hunting purposes, a frangible projectile designed for target shooting, a projectile which the Secretary finds is primarily intended to be used for sporting purposes, or any other projectile or projectile core which the Secretary finds is intended to be used for industrial purposes, including a charge used in an oil and gas well perforating device.".

In section 6 of the matter proposed to be inserted by the Senate amendment to H.R. 3132, strike out "The first sentence" and all that follows through the end of such section 6, and insert in lieu thereof the following: Section 923(e) of title 18, United States Code, is amended by inserting after the first sentence the following: "The Secretary may, after notice and opportunity for hearing, revoke the license of a dealer who willfully transfers armor piercing ammunition.".

In section 8 of the matter proposed to be inserted by the Senate amendment to H.R. 3132, strike out "amended to read" and all that follows through "Notwithstanding", and insert in lieu thereof the following: amended—

(1) in subsection (a)—

(A) by striking out "violence including" and inserting "violence (including" in lieu thereof;

(B) by striking out "device for" and inserting "device) for" in lieu thereof;

(C) by striking out "uses or carries any handgun" and all that follows through "subsection (b)" and inserting in lieu thereof "uses or carries a firearm and is in possession of armor piercing ammunition capable of being fired in that firearm";

(D) by striking out "nor more than ten"; and

(E) by striking out the last two sentences; and

(2) so that subsection (b) reads as follows: "(b) Notwithstanding

In section 8 of the matter proposed to be inserted by the Senate amendment to H.R. 3132, strike out "subsection" each place it appears and insert "section" in lieu thereof.

In the matter proposed to be inserted by the Senate amendment to H.R. 3132, strike out "armor-piercing" each place it appears and insert "armor piercing" in lieu thereof.

Mr. HUGHES (during the reading). Mr. Speaker, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

Mr. MCCOLLUM. Mr. Speaker, reserving the right to object, I do not object, but I would like to point out this is an excellent bill. It is now to the point where it is ready to go to conference, and I am very pleased to join with the distinguished gentleman from New Jersey, chairman of the subcommittee, in this unanimous-consent request.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 3132

Mr. HUGHES. Mr. Speaker, I ask unanimous consent that the House insist on its amendment to the Senate amendment, and request a conference with the Senate thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey? The Chair hears none and, without objection, appoints the following conferees: Messrs. RODINO, HUGHES, MAZZOLI, MORRISON of Connecticut, FEIGHAN, SMITH of Florida, STAGGERS, FISH, MCCOLLUM, LUNGREN, SHAW, and GEKAS.

There was no objection.

## PERMISSION FOR COMMITTEE ON THE JUDICIARY TO SIT ON WEDNESDAY, AUGUST 13, 1986, DURING THE 5-MINUTE RULE

Mr. HUGHES. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be permitted to sit on Wednesday, August 13, 1986, while the House is reading for amendment under the 5-minute rule.

The purpose of this request is to mark up some major drug legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4972

Mr. KOLTER. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 4972.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

## NATIONAL WEEK OF THE AMERICAN TAXPAYER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

Mr. PANETTA. Mr. Speaker, I am introducing today a resolution authorizing the President to designate the week of April 12–18, 1987, as "National Week of the American Taxpayer."

This, of course, is the week in which April 15 falls, which is the time by which most Americans are required to file their income tax returns. It is an appropriate time to pay recognition to the American taxpayer, on whose shoulders rests the burden of paying for Goverment and on whose hard work the vitality and security of this Nation depend.

It is estimated that the taxpayers of this Nation will pay more than $1.258 trillion during 1986 in Federal, State, and local taxes. This is some 30 percent of our entire gross national product. Clearly, the costs of Government at all levels have combined to impose an enormous weight on the American people.

What makes this tax burden particularly onerous to so many people is the perception that it falls disproportionately on those who are least able to afford it—middle- and low-income taxpayers. The tax reform effort which is nearing a conclusion here in Congress is a response to the unfairness and irrationality of our current Tax Code. Taxpayers do not feel burdened just because of the amount of taxes they pay. They resent the fact that some taxpayers, particularly wealthy and corporate taxpayers, are able to exploit loopholes in the Tax Code to avoid paying their fair share of taxes. Of course, the average taxpayer who cannot take advantage of special tax provisions must make up the difference.

And still, despite the unfairness and despite the level of taxation, the Federal Government each year falls $200 billion short of paying its bills.

Mr. Speaker, this resolution will not reform the Tax Code. Nor will it ease the tax burden in this country. But I do believe it will let the American taxpayer know that Congress and the entire Federal Government recognize there would be no government without his and her hard work and sacrifice. I hope my colleagues will join me in sponsoring this resolution.

Following is the text of my resolution:

H.J. RES. 703

Joint resolution to authorize and request the President to designate the week beginning April 12, 1987, as "National Week of the American Taxpayer"

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President of the United States is authorized and requested to issue a proclamation designating the week beginning April 12, 1987, as "National Week of the American Taxpayer" and calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

## THE FEDERAL EMPLOYEES GROUP LIFE INSURANCE ACT OF 1986

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland [Mr. BARNES] is recognized for 5 minutes.

Mr. BARNES. Mr. Speaker, on August 8, I introduced H.R. 5364, the Federal Employees Group Life Insurance Act of 1986.

Earlier this year, Congressman VIC FAZIO and I asked the General Accounting Office to compare the FEGLI Program to life insurance programs offered by private companies. As we expected, the GAO confirmed that FEGLI benefits did not measure up to what private sector employees receive.

The typical private basic life insurance plan provides coverage equal to double an employee's salary. The private employer normally pays all premiums. In contrast the Federal Government's basic employee life insurance requires employees to pay for two-thirds of

premiums and coverage equals double the employee's salary only if the employee is under the age of 35. Employees age 45 or older may purchase basic coverage equal to their basic salary plus $2,000. Those employees between the ages of 35 and 45 may purchase coverage equal to basic salary plus one-tenth of 1 percent of salary for each year they are under age 45.

The GAO strongly recommended that Congress take steps to return the FEGLI Program to parity with the private sector. Their report also suggested that, in the event that Congress could not enact legislation requiring the Government to pay all premium costs, other measures, without cost, could enable the Office of Personnel Management [OPM] to reduce premiums.

We have incorporated the GAO's recommendations in our bill as follows:

By doubling the basic life insurance amount for all employees over the next 5 years by equal increments each year; by continuing such additional coverage after retirement and limiting the overall amount by which retirees' coverage may be reduced after age 65; by requiring the investment of FEGLI funds in special securities also used by the Civil Service Retirement System; and by requiring the Government to amortize the fund's existing unfunded liability over a period of 100 years.

The GAO has also recommended that OPM reduce premiums by 7.5 percent by using actuarial assumptions consistent with those currently used by the Civil Service Retirement Program. I was very pleased to learn that OPM, on its own initiative, made this change. However, clearly, we must do a good deal more to realize our goal of comparability in the area of life insurance. This bill takes us most of the way toward that goal.

In recent memory, Congress has found it nearly impossible to enhance Federal employee benefits. As we well know, limitations on Federal pay have made a shambles of the Federal pay comparability system. Fiscal concerns have limited Congress' ability to repair the pay comparability system. In the case of life insurance, however, we find ourselves in a position to expand benefits in a way that actually helps reduce the deficit.

Modest additional premiums needed to purchase additional coverage will come directly from agency appropriations for salaries and expenses. The GAO assures us that the amounts involved will not threaten jobs by adding strains to already limited agency budgets. We offset the small amount needed to amortize the program's unfunded liability with additional contributions from the Postal Service. Since such contributions will come from an off-budget entity, the Postal Service, we actually enhance revenues.

The bill describes the coverage we add as a "supplemental" basic benefit. It would piggyback the supplemental benefit on top of the basic coverage. This supplemental coverage carries over into retirement along with the original basic coverage. At age 65, original basic coverage is reduced by a factor of 2 percent a month until the retiree is left with 25 percent of the original coverage. We reduce the supplemental benefit by the same formula. But Members will note that the result is a significant increase in coverage for retirees after age 65. Prohibitive costs prevent us from applying this additional benefit retroactively, however.

Mr. Speaker, with the HAY Associates—a leader in the compensation field—warning Congress that in total compensation the Federal Government lags, on average, 15.7 percent behind the private sector, it has become imperative that we take every possible step to begin to narrow the gap. The FEGLI Act of 1986 is a fundamental step in this process.

The text of the bill follows:

H.R. 5364

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Employees' Group Life Insurance Act of 1986."

SEC. 2. INCREASED COVERAGE.

(a) IN GENERAL.—Section 8704(a) of title 5, United States Code, is amended as follows:

"(a) (1) An employee eligible for insurance is entitled to be insured for an amount of group life insurance equal to the sum of—

"(A) the product of—

"(i) the employee's basic insurance amount, multiplied by

"(ii) the appropriate factor determined in accordance with the following schedule:

| "If the age of the employee is | The appropriate factor is: |
|---|---|
| 35 or under | 2.0 |
| 36 | 1.9 |
| 37 | 1.8 |
| 38 | 1.7 |
| 39 | 1.6 |
| 40 | 1.5 |
| 41 | 1.4 |
| 42 | 1.3 |
| 43 | 1.2 |
| 44 | 1.1 |
| 45 and over | 1.0; and |

"(B) an additional amount determined under paragraph (2) of this subsection.

"(2)(A) The additional amount of insurance referred to in paragraph (1)(B) of this subsection shall be equal to the product of—

"(i) the employee's basic insurance amount, multiplied by

"(ii) the factor under subparagraph (B) of this paragraph.

"(B)(i) The factor to be applied in a computation under subparagraph (A) of this paragraph for an employee shall be determined as follows:

| "For the policy year beginning in calendar year | The appropriate factor is the product of the incremental factor under clause (ii), multiplied by |
|---|---|
| 1987 | 0.2 |
| 1988 | 0.4 |
| 1989 | 0.6 |
| 1990 | 0.8 |
| 1991 or following | 1.0 |

"(ii) The incremental factor under this clause shall be equal to—

"(I) 2.0 minus

"(II) the appropriate factor determined for the employee under paragraph (1)(A)(ii) of this subsection based on the employee's age.".

(b) COVERAGE AFTER SEPARATION FROM SERVICE.—(1) Section 8706(b)(3) of title 5, United States Code, is amended by adding at the end the following:

"This paragraph applies only with respect to that portion of the employee's life insurance which is referred to in section 8704(a)(1)(A) of this title. In computing a percentage of the 'face value' or of the 'amount' of an employee's life insurance for purposes of any reduction in coverage under this paragraph, the computation shall be performed using only that portion of the employee's life insurance which is referred to in such section 8704(a)(1)(A).".

(2) Section 8706(b) of title 5, United States Code, is amended by adding at the end the following:

(5) With respect to that portion of an employee's life insurance referred to in section 8704(a)(1)(B) of this title, coverage continued under paragraph (1) or (2) of this subsection shall be subject to reduction at the rate of 2 percent of face value for each full calendar month after the date the employee becomes 65 years of age and is retired or is receiving compensation for disease or injury. Reductions shall continue until 25 percent of the face value of the life insurance in force before the first reduction remains. Any reference to the 'face value' of life insurance in this paragraph shall be considered to be a reference to the face value of that portion of the employee's life insurance which is referred to in section 8704(a)(1)(B) of this title.".

(c) EMPLOYEE CONTRIBUTIONS; GOVERNMENT CONTRIBUTIONS.—(1) Section 8707 of title 5, United States Code, is amended by adding at the end the following:

"(e) In determining an employee's share of the cost of group life insurance, only insurance under section 8704(a)(1)(A) of this title shall be considered.".

(2) Section 8708 of title 5, United States Code, is amended—

(A) in subsection (a)—

(i) by striking "For" and inserting "Except as provided in subsection (b), (c), or (d) of this section, for"; and

(ii) by inserting ", annuity, or compensation" after "withheld from the pay"; and

(B) by adding at the end the following:

"(d) The sum required by subsection (a) of this section on behalf of an employee retired on an immediate annuity, or receiving compensation under subchapter I of chapter 81 of this title, shall be paid from annual appropriations which are authorized to be made for that purpose and which may be made available until expended.

"(e)(1) In addition to any amounts otherwise required under this section, Government contributions shall be made to cover the full cost of providing insurance under section 8704(a)(1)(B) of this title.

"(2)(A) Contributions under this subsection on behalf of an employee (other than an employee described in subsection (d) of this section) shall be made from the same appropriation or fund as applies with respect to such employee under subsection (a), (b), or (c) of this section, as the case may be.

"(B) The sum required by paragraph (1) of this subsection on behalf of an employee described in subsection (d) of this section shall be paid from annual appropriations which are authorized to be made for that purpose and which may be made available until expended.".

SEC. 3. INVESTMENTS.

Section 8714(b) of title 5, United States Code, is amended to read as follows:

"(b)(1) The Secretary of the Treasury shall invest in obligations of the United States issued under paragraph (2) of this subsection any amounts in the Fund not immediately required for payments from the Fund. The income derived from these investments constitutes a part of the Fund.

"(2)(A) The Secretary of the Treasury may issue interest-bearing obligations of the United States for purchase by the Fund.

"(B)(i) Obligations issued under this paragraph shall have maturities fixed with due regard for the needs of the Fund, and shall bear interest at a rate equal to the average market yield (computed by the Secretary of the Treasury on the basis of market quotations as of the end of the calendar month next preceding the date of issue of such obligations) on all marketable interest-bearing obligations of the United States then forming a part of the public debt which are not due or callable earlier than 4 years after the end of such calendar month.

"(ii) Any average market yield computed under clause (i) of this subparagraph which is not a multiple of one-eighth of 1 percent shall be rounded to the nearest multiple of one-eighth of 1 percent.".

SEC. 4. UNFUNDED LIABILITY.

Section 8714 of title 5, United States Code, is amended by adding at the end the following:

"(d)(1) For the purpose of this subsection, the term 'unfunded liability' shall have, with respect to the program under this chapter, a meaning comparable to that provided under section 8401(27) of this title for the term 'supplemental liability', as it relates to the Federal Employees' Retirement System.

"(2) There is authorized to be appropriated to the Fund such sums as may be necessary to finance, in 100 equal annual installments, the unfunded liability, as determined by the Office as of January 1, 1987.

"(3) The Office shall prescribe regulations to carry out this subsection.".

SEC. 5. EFFECTIVE DATE.

(a) IN GENERAL.—This Act shall take effect on January 1, 1987, but shall have no effect in the case of an employee whose date of death or retirement precedes the effective date of this Act or an employee whose entitlement to compensation under subchapter I of chapter 81 of title 5, United States Code, commences before such effective date.

(b) SPECIAL RULE.—Notwithstanding subsection (a), the amendments made by section 2(c)(2) (excluding section 8708(e) of title 5, United States Code, as added by such section)—

(1) shall apply with respect to periods beginning on or after the effective date of this Act; and

(2) shall apply, in the case of any employee, without regard to such employee's retirement date or the commencement date of any compensation payable to such employee under subchapter I of chapter 81 of such title.

(c) DEFINITION.—For the purpose of this section, the term "employee" means an employee under chapter 87 of title 5, United States Code.

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□ 2240

## TORT REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. LUNGREN] is recognized for 60 minutes.

Mr. LUNGREN. Mr. Speaker, thanks in large part to a Philadelphia woman who sued a hospital after losing her "psychic powers," America has awakened to the issue of "tort reform." Unfortunately, a barrage of claims and counterclaims has obstructed the ability of the public and the Congress to acquire a realistic view of the liability system, either from the litigation or insurance standpoint.

In recent weeks, empirical research has allowed interested Americans to raise serious questions about the fundamental characteristics of tort litigation in this country. Does the tort system exact too high a cost from our economy? Is it an efficient method of responding to the concerns of consumers? Does it dampen productivity and innovation? Does it even threaten public health standards? The raising of these questions, as well as their scope, demand a thorough and objective investigation of the interaction between our society and the tort system.

On July 29, I chaired a hearing of the Joint Economic Committee's Subcommittee on Productivity and Economic Growth. The hearing concerned the costs of the tort system. Experts from the Rand Corp., the research firm of Tillinghast, Nelson & Warren, and New York University testified. According to their studies, the costs and inefficiency of the tort system have reached mountainous proportions.

Robert W. Sturgis, managing principal of Tillinghast's Risk Management and Casualty Insurance Division, reached precisely those conclusions. He found that the tort system cost $68.2 billion in 1984. Yet present costs, huge though they may be, are not as disturbing as the rate of increase in costs over the past 30 years. Mr. Sturgis found that the increase in tort costs roughly paralleled those of the gross national product from 1933 to 1950. From 1950 to 1984, tort costs rose by an astonishing 4,000 percent, or 37 times, while the gross national product increased by a small 13 times. Clearly, the eruption of litigation in this country cannot be considered in the same context as other sectors of the economy.

As Mr. Sturgis noted, it may be more appropriate to think of the tort system in the context of public assistance and the redistribution of wealth. Due to the "social justice" concerns of New Deal jurists and the "enterprise liability" concepts of liberal judges in the 1960's, liability and fault have frequently parted ways in the past 30 years. Within the framework of "enterprise liability," plaintiffs merely need prove that a product caused injury. The need not worry about rebutting evidence that the manufacturer did all he or she could to make the product safe, or disproving any contentions that the product was misused. If anything goes wrong with a product, the manfacturer may have to compensate those who suffered as a result.

The advent of "joint and several liability" has worsened this scenario. In the simplest terms, "joint and several liability" means that defendants with even the most minimal responsibilities, 1 percent, may be assessed the greatest burden of the settlement, 100 percent—providing that those defendants have the greatest resources. One disturbing example of the "Deep pockets" phenomenon appeared in the May 16 edition of the Wall Street Journal. In this case, 9-year old Todd Alperstein, of Chicago, suffered brain damage when he almost drowned in a pool at a private party. He will receive a settlement worth between $7 million and $28 million, but that money will not come from the host of the party. The money will not come from those who own the pool. Rather, the plaintiffs will collect most of their funds from Chicago Osteopathic Medical Center. The plaintiffs' attorney argued that the hospital should pay because "the host of the party was a department head, the party was for his staff and the hospital benefited through higher employee moral." Although such an example may be extreme, it is consistent with the principal of joint and several liability.

As Yale law professor George Priest has observed, principles such as "enterprise liability" and "joint and several liability" have created a form of national insurance, an entitlement system that provides everyone with compensation whenever they suffer an injury or feel that their concerns have been mishandled by a professional. Statistics compiled by Mr. Sturgis support such analogies, while the costs of the tort system vastly outstripped the GNP, they kept pace with other entitlements, inflation adjusted costs for the tort system have risen some 8.7 times since 1950. Public welfare costs have increased by some 9.3 times, and government health care by 12.5 times.

Although the tort system has maintained a growth proportionate to that of entitlements, its efficiency has not been proportionate. As Mr. Sturgis observed in his testimony, "It is my observation that with respect to cost [the tort system] has behaved in a manner similar to entitlement systems in this country, but with a far lower rate of efficiency * * *. While 63 percent of the insured tort costs go directly to third party claimants, much of that goes for plaintiffs' expenses and legal cost * * *. Only 25 cents of every dollar goes to compensate economic losses." In contrast, 85 cents of every dollar spent on health insurance goes to compensate economic loss, while 70 cent of every dollar spent of workers' compensation does the same. Plainly, the present tort system has serious flaws not only as a system of justice—where one is sometimes penalized regardless of fault—But as an entitlement mechanism. In that context, one is entitled to much less than one would be in other compensation mechanisms.

Research by Dr. James Kakalik of the Rand Corp. and Prof. Andrew

Schotter of New York University also leads to doubts about the efficiency of the tory system. Dr. Kakalik observed that on average, plaintiffs receive 45 percent of the cost of a tort lawsuit. The remaining percentage goes to the defendants' fees and legal expenses, court expenditures, claims processing, the cost of the defendants' and plaintiffs' time, and plaintiffs' legal fees and expenses. The latter occupies some 21 percent of the total cost of the lawsuit. While the percentages for actual compensation of plaintiffs are higher in Dr. Kalalik's study than in Mr. Sturgis', they still compare unfavorably with other entitlement programs in our society.

Professor Schotter based his doubts about the efficiency of the tort system on its absolute costs. He used six factors in his study to estimate the total "administrative" costs of the tort system: First the costs of insurance companies in handling and litigating claims; second, cost of plaintiff lawyers; third, the governmental cost of administering These cases including the costs of judges, bailiffs, stenographers and the rental of court rooms; fourth, the foregone income of jurors; fifth, the cost of expert witnesses; and sixth, the time lost by the litigants themselves. The combination of these factors led the professor to conclude that tort administrative costs alone have reached $10 to $27 billion in 1984. Such costs, if they rise at a conservative growth rate of 6 percent may reach $38 billion per year by 1990. Putting the statistics in a broader context, Schotter argues that the United States could be spending a massive $199 billion from 1984 to 1990 to resolve disputes. Commenting on the enormity of these figures, Professor Schotter stated in his testimony: "Society must consider what it thinks it is getting by spending between $10 and $27 billion a year on administering the current tort system and must consider what it could consume with those resources . . . it would seem to me that we might want to search for other less costly methods of dispute resolution." In an era of extreme competitiveness among global economies, as well as $200 billion budget deficits, such arguments—if they are based on accurate data—have an inescapable logic. America cannot afford a multibillion-dollar draining of its economic resources.

Of course, qualifications abound in any hearing on a matter of this degree of complexity. All three witnesses stressed the importance of further studies, with Professor Schotter calling specifically for a "one industry analysis which estimates both the allocative and administrative costs of the tort system." Dr. Kakalik strongly emphasized his unwillingness to delve into the policy implications of the Rand Corp. study. Nevertheless, Messrs. Schotter and Sturgis raised serious doubts about the ability of the present tort system to coexist with innovation and productivity in our economy. When asked by Congressman HAL DAUB if there was indeed a liability problem in America, Mr. Sturgis replied in the affirmative. He went on to express his concerns that the costs of litigation or of liability insurance may be inhibiting the productivity of businesses, and thereby limiting the market choices available to consumers. Professor Schotter suggested that fears about litigation or about difficulties in obtaining insurance may discourage innovation in the marketplace I underscore, innovation for worthy products in the marketplace. Given that a company may be held liable for a product's malfunction even if everything humanly possible was done to prevent such a malfunction, businessmen may have an understandable reluctance to introduce new products. Unfortunately, caution is precisely the one quality that America's international merchants do not need.

In his testimony, Professor Schotter expressed his concerns about the injection of such inefficiency into medicine. "By allocative costs," he stated, "we mean the costs society bears because its resources are being misallocated. One obvious example is the medical profession. As jury awards in malpractice cases increase, the premiums that doctors pay will also increase. The extent that these premium increases do not reflect increases in the riskiness of medical procedures but rather the misplaced judgements of jurors, is the extent to which the system is sending the wrong price signals to doctors through their insurance premiums. Only when premiums reflect the expected damage of a medical practice can doctors correctly weigh the benefits and costs of performing medical procedures. When premiums increase for the wrong reasons, the behavior or doctors is distorted. This leads them to overprescribe diagnostic tests and in some instances to change areas of specialization in order to avoid the risk of being sued and having their premiums increased.

□ 2250

As a result of these behavioral changes we get a misallocation of doctors across fields of specialization and misallocations are costly and, to my knowledge, have been measured."

In a May 1986 study entitled "A Sick Tort System Endangers U.S. Health Care," The Heritage Foundation provided illustrations of Professor Schotter's arguments:

A 1983 study, for instance, discovered that 41 percent of physicians surveyed ordered additional diagnostic tests, 27 percent provided additional treatment procedures, 36 percent spent more time with patients explaining medical details, and 57 percent maintained more detailed records—all primarily as a defense against a potential claim. They were not necessary in medical terms, Overall, the American Medical Association estimates that needless defensive medicine costs $15 billion per year.

Typical of defensive medicine is the increased use of Caesarean section to deliver babies, which requires major abdominal surgery. Plaintiffs have been suing doctors by claiming that various birth defects could have been avoided if Caesarean delivery had been used, Consequently, doctors now deliver more than 20 percent of all babies by this very costly and more dangerous method, compared with 5 percent in 1970.

As another example of "defensive medicine," the article mentions x rays.

Because this procedure seems so logical to laymen, doctors feel they have to order it to avoid liability on any potential claim. But medical research establishes that the treatment would be the same in virtually all cases regardless of what the x-ray might show, and that in the few cases where special treatment is warranted the need for such treatment could generally be determined by routine examinations.

In sum, the apparent inefficiencies of the tort system may introduce excessive costs and inappropriate treatments into a health care system already burdened by soaring expenses. Obviously, such effects would harm the ordinary physician and his patients. But they form a particulary severe challenge to the Medicare system, were the costs of expensive procedures-especially those involving new technology—already generates intense debate.

Unfortunately, the inefficiencies that the tort system apparently brings to the economy as a whole may have already arisen within the litigation system. In May, the Wall Street Journal conducted a five-part investigation of the inner dynamics of litigation that revealed these inefficiencies. The analysis noted that the rise of contingency fees has boosted the number of lawsuits filed. "Underlying any debate over plaintiffs' lawyers," the Journal stated, "is the contingent fee system, under which a client is charged nothing if he loses, but up to 50 percent of any award won. The arrangement is intended to help people who can't afford to sue. But critics say expanded plaintiffs' rights and fatter juryawards make the prospect of a big fee too attractive. So plaintiffs' lawyers sue more often, and for more money."

The article continues:

Stephen Case, a Washington, DC, Bankruptcy attorney, cites the plaintiffs' lawyers who, he says, had an interesting attitude toward trying cases alleging health damage from danger to asbestos. Mr. Case says the lawyer figured that he might lose 9 out of every 10 decisions, but that the odds were good that he would win the 10th, collect a $1 million fee and still come out ahead. "It's like playing the lottery," says Mr. Case.

Like the lottery, this method of litigation may engender bad habits. To insure healthy profits for their firm, attorneys may seek the big cases, like the Agent Orange and A.H. Robbins

suits. Yet the big cases require big expenses in investigations and expert testimony. One Dallas firm profiled in the Wall Street Journal has more than $2 million in pending advances on cases. Obviously, such expenses necessitate the undertaking of even more cases to insure a large bankroll for case preparation.

In addition, some firms have initiated tactics to cover these pretrial expenses that undercut the availability of justice that contingency fees are designed to provide. The Journal states:

All this strikes some people as a kind of assembly-line justice. They are also bothered by some block settlements of cases, under which plaintiffs' lawyers will negotiate a single sum of money for a large group of clients. The money is then allocated among the individual plaintiffs, often by the lawyers, sometimes with little regard to the relative value of each case.

The article continues:

Proponents say that such settlements are an efficient way to get money for clients without litigating for years and maybe getting nothing. But a 1985 study by the Rand Corporation's Institute for Civil Justice saw some conflicts of interest in asbestos-case settlement. It said a lawyer might be tempted to settle claims of a 100 client group for, say, $5 million, securing a fee for himself of about $1.7 million, even though individual asbestos recoveries average much more than each client would receive as his own share from such a block settlement. With large fees there for the taking, the study concluded, a lawyer has less incentive "to bargain as hard as possible in each individual case."

Despite these developments, tort attorneys continue to resist the enactment of limits on damage awards and fees. They contend that such restrictions would discourage attorneys from taking risky cases. That may be true, but it may also be true attorneys would choose only the strongest cases, where fault is clearest.

The Journal's fourth article on the "litigation explosion" concerned the role of juries. According to John Scully, an attorney for Texas oil companies that recently lost a $64 million judgment, "the jury system has run amok." Jurors in that particular case indicated to the Journal that they decided on the $64 million decision because, first, huge sums are the only kind that businesses understand; second, emotions run strong in personal injury cases; and third, jurors feel that attorneys and fees will subtract so much from the plaintiff's award that massive amounts are necessary to ensure that the plaintiffs gets a fair sum. While little can be done to change the very human reactions referred to in first two instances, it is by no means clear that juries should continue to provide multimillion dollar awards because lawyers take large portions of those awards. The administration has proposed legislation that would not eliminate contingency fees, but establish caps on the fees that attorneys extract from awards.

As a matter of fact, this is the exact approach that is used in my own State of California in terms of medical malpractice cases. And the limit on contingency fees is on a percentage under a sliding scale. The larger increments of funds as you go up the scale, the smaller percentage of contingency fee that the lawyer receives. So there is no incentive for him to hold out, from a conflict-of-interest standpoint, for a larger and larger award or the possibility of larger and larger awards because his amount of money in terms of his fee based on the contingency fee is limited and goes down on a sliding scale.

In the course of my own consideration of the issue of attorneys' fees, I have explored the payment of those fees under what has become known as the American rule. Under this approach, each party pays the fees of his or her own counsel. Under the English rule, the losing party is forced to pay the winning party's legal fees. This obviously reduces any incentive to bring frivolous lawsuits—since a leap of faith in the courtroom can cost you the other side's legal fees as well as your own. The English rule might also be fairer to poor litigants in that they would not have to pay any legal fees with respect to a strong case. While I have not endorsed the English rule, it and the issues subsumed under it merit further discussion.

It seems to me one possibility in torts cases, if at the time of trial a plaintiff's attorney has not allowed out those defendants against which he has any real evidence of a case, at the conclusion of the case, the trial attorney on the winning side might be able to bring an action before the judge who heard the case, in which case the judge would make a decision as to whether it was frivolous. And if he found it to be frivolous at the time the trial was to start or just begin if they had pre-trial conference, he would then be able to award attorneys fees and expenses to the prevailing side. As I say, while I do not totally endorse this approach, it seems to me to be one we ought to approach, we ought to look at in terms of reforming the system. It does the least violence to the idea of the contingency fee system, it does the least violence, it seems to me, to the possibility of a malpractice case being brought against the attorney himself or herself. Yet at the same time it gets rid of the problem of the defendent who really does not have much of a case against him. In my own situation I happend to practice trial work in California courts and Federal courts for a number of years before I came to this body, and I might say I tried a number of medical malpractice cases representing doctors in hospitals in almost every instance, and I do not know, the most upsetting thing that occurred during the time I tried cases was when I was representing someone who clearly was not a real defendent in the case, and as we were approaching the trial time, in fact sometimes as we were beginning the trial, sometimes even after we started trial, the judge would call us into his chambers and suggested that I could have my client let out of the case because there did not seem to be much of a case if any against us, and then the suggestion by the plaintiff's attorney was how much money was my insurance company, who was insuring my client, willing to put up for the privilege of getting out of the case. In a sense it was legal blackmail. And yet that will continue to be allowed unless we make some changes such as the one that I suggested in terms of getting attorneys fees and costs at the conclusion of the trial.

Unfortunately, it is by no means clear that reforms such as these will be quickly accepted by the constituents of the legal system. Indeed, it is a hallmark of the inefficiency of the present tort system that it neglects moves toward efficiency. Although only 10 of the Nation's 94 Federal judical districts have adopted arbitration of smaller claims, those that have have experienced quicker decisions and reductions in cost. Referring to the eastern district of Pennsylvania, The Wall Street Journal commented.

Before abritration, it took 14 months to get the average complaint resolved in court. Abritration has whittled that to 5 months, even though the total number of cases filed in the district has nearly tripled since 1971. Arbitration has freed judges to concentrate on more difficult litigation, especially criminal cases, which now also get tried faster. "It disposes of all cases at an earlier date," says Eastern District Judge Raymond J. Broderick.

Turning to a more general consideration of arbitration, the Journal states.

Other federal courts have turned to arbitriation, too. It was worked successfully in the northern district of California, which instituted it about the same time as the Pennsylvania district did. The big Eastern District of New York city and its Long Island suburbs joind the roster this year.

Cases typically arbitrated involve personal injury and contract disputes with asserted damages of $100,000 or less. In Pennsylvania's Eastern District, the limit is $75,000, up from $50,000 when arbitration began in 1978.

Concluding the case for arbitration, the Journal observes:

Arbitration saves the courts a lot of money. Judges and juries are unnecessary, as are written legal decisions. An average civil trail in Federal court lasts about 4 days and costs the court about $2,700 a day, according to the administrative office of the U.S. Courts in Washington, DC. Administrators of Eastern District Courts figure that the average arbitration costs only $47.

Litigants save money by relying on depositions and others reports rather than courtroom testimony. A court reporter may

charge $200 to take down a 1-hour deposition, and exert witnesses may charge $350 or more for a written report. But fees for expert witness testifying in court can run as high as $1,000 a day.

In sum, alternative dispute mechanisms such as arbitration have demonstrated repeatedly that they provide cost-effective and fair decisions. Moreover, they permit an overburdened Federal Judiciary system to devote more time to the pressing criminal cases that so many of us are concerned about at this time. Despite these facts, and despite the fact arbitration was first initiated on the Federal level 8 years ago, arbitration has yet to win widespread acceptance in the Federal courts. The inability to adopt cost-effective innovations in procedure is yet another symptom of an ailing tort system.

Tragically, an ailing tort system may lead to ailing Americans. Many critics of the present litigation framework, both inside and outside of medicine, believe that that framework threatens the availability of physicians and the vaccines that are essential to the health of Americans. The Wall Street Journal publicized the latter problem in December of 1985, when it observed that a "litigation storm" had threatened access to whooping cough vaccine. On May 23 of this year, The Washington Post reported: "Lederle Laboratories, one of the two commercial manufacturers still producing the the whooping cough vaccine, has just announced that it is raising its price from $4.29 a dose to $11.40. The reason, Lederle explains, is that it has lost its liability insurance for this vaccine and will now have to insure itself. Of the new price, it says, $8 will in effect be an insurance premium against damage verdicts that are getting larger and more unpredictable. Three years ago the price was around 70 cents." I'm sorry to say that both these stories revealed only the proverbial tip of the iceberg.

In May of this year, the Institute of Medicine, a division of the National Academy of Sciences, issued a report on "Vaccine Supply and Innovation". The study concluded that fear of litigation imperils the availability of essential vaccines. It established three principal grounds for this assertion. Traditionally, courts have held that vaccines that are properly prepared and carry correct directions and warnings are not, as the American Law Institute said in 1965, "unreasonably dangerous." However, recent court decisions have moved in the direction of the duty-to-warn doctrine. According to the Institute of Medicine's Report, "some courts have ruled that the duty to warn rests with the manufacturer, even though the manufacturer is not involved in administering the vaccine and has complied with the requirements of proper production and labeling." Needless to say, such rulings have left vaccine manufacturers uncertain and uncomfortable about their legal obligations. The Committee of Public-Private Sector Relations in Vaccine Innovation, which prepared the study for the Institute of Medicine, has noted that the recent emergence of the possibility of punitive damages has exacerbated this uncertainty.

In a chapter entitled "Consequences of Uncertainty over Liability Laws," the committee argues that the motives behind litigation may also imperil vaccines. "Causation is difficult, if not impossible, to determine with certainty in specific cases. Consequently, litigation is usually the only option for injured individuals seeking compensation.

□ 2305

In the committee's judgment, this has led to a situation in which jurors and judges may be inclined to view tort awards as a means of providing compensation, irrespective of misconduct or scientific considerations. As an aside, I should observe once again that it is precisely this conception of the tort system as "national insurance" that has led, in the view of Gordon Crovitz and George Priest, to the explosion in litigation and astronomical awards.

The study elaborates on the consequences of National Insurance for the vaccine industry.

For the manufacturer of a vaccine known to pose a small but unavoidable risk of injury, this means a gamble with very large stakes. With claims averaging several million dollars for each case and increasing number of courts imposing liability, manufacturers face the prospect of incurring enormous costs. The only way to eliminate the threat of such heavy losses is to discontinue vaccine production. If a firm chooses to continue marketing a vaccine, its only options are to attempt to settle claims, a strategy that could produce a general expectation of liability, or to resist claims in litigation, with the risk that unfavorable outcomes could establish liability. The cost of either strategy would be high, even if claims are defended successfully, and would have to be passed on to consumers through price increases.

One thing should be crystal clear in all this, one thing that we should understand when we are talking about the problem of national vaccine in this country, and that is that we are not talking about a situation in which a pharmaceutical house has done a poor job, has a bad batch on the market, has not followed all the procedures.

We are talking about a case of where they have gone through all the FDA procedures, they have a proven vaccine, but with every vaccine there is always the possibility of an adverse reaction, even if it is one in a million or 1 in 2 million. In those cases where the lawsuit takes place, and really the finding is not based on any fault on the part of the manufacturer, but rather on the fact that someone suffered. That cost is borne by everybody who wishes to use that vaccine. As the cost increases, the incentive for manufacturers to continue producing the vaccine is decreased and decreased and decreased.

So what we have is the possibility of vaccines that save millions of lives being taken off the market because of the tremendous liability of one reaction, even though that reaction is recognized as a possibility, the warnings are available and the doctor has advised the patients receiving the vaccine.

While the committee's discussion is hypothetical, the litigators' onslaught has in fact begun. According to a 1984 Institute of Medicine survey of four key vaccine manufacturers, the manufacturers had accumulated $3.8 million in legal costs over the previous 10 years—leaving aside the salaries and expense of in-house counsel. As of the spring of 1984, the four firms faced a total of 166 lawsuits. When the institute conducted a followup survey in the spring of 1985, it discovered that an additional 65 suits had been filed. Furthermore, some of the manufacturers experienced legal costs of several million dollars for that intervening period alone. In other words, vaccine manufacturers may be facing multimillion-dollar headaches from the tort system, and those headaches appear to grow exponentially in their severity.

As the institute's study describes, these financial pressures have placed vaccine supplies on a precipice.

Over the past two decades, pharmaceutical companies have been withdrawing from vaccine manufacturing and marketing. The liability situation and the resultant costs and difficulty in securing insurance are increasingly prominent factors in decisions to discontinue various vaccine operations. These decisions that current or anticipated expenses from liability for vaccine-related injury are seen as an unreasonable burden or an unacceptably risky financial gamble when compared with the revenue potential of vaccines.

The future behavior of the courts and the responses of manufacturers cannot be predicted with certainty. The committee is concerned, however, that manufacturers' apprehensions engendered by the current state of legal confusion will further exacerbate the well-documented problems that jeopardize vaccine supply and innovation. Withdrawals from the market left the nation, in 1984 and early 1985, dependent on one manufacturer for polio and DTP vaccines, and on another for measles, mumps, and rubella vaccines (subsequently a DTP manufacturer rejoined the one that was transiently sole distributor). Should these manufacturers conclude that the risk of litigation is unreasonably high and decide to halt production, vaccine shortages could lead to a resurgence of these serious diseases. In addition, the same fears that threaten to interrupt vaccine supply serve as a deterrent to the development of new vaccines or improving existing ones. Moreover, uncertainty over liability

litigation is likely to discourage new or foreign vaccine manufacturers from entering the U.S. market.

While many opponents of tort reform have alleged that such legislation would aid big corporations, it remains true that failure to enact such reform may lead to a curtailment of services that all Americans require. In the view of the Institute of Medicine, fears about litigation have already provided the United States with skeletal protection against disastrous diseases. Many Americans do not recall the days when vaccines for illnesses such as polio were not available. It is imperative that Americans recognize that with only one firm producing many of these vaccines, the recurrence of those days—and specifically the recurrence of those diseases—is a very real, very tangible possibility. In my view, the gravity of such a possibility in and of itself mandates a thorough reconsideration of the tort system.

Along with access to vaccines, one must consider a curtailment of access to medical specialists a particularly dangerous consequence of alleged failings in the tort system. In a previous special order, I spoke of the exit of obstetricians from their practices due to expensive malpractice insurance.

One of the examples I gave at that time was the fact that women who are pregnant and on the verge of giving birth on the island of Molokai have to fly to Oahu because there are no longer any obstetricians available on their island. Why? Basically because of the risk of lawsuits and the increasing price of medical malpractice premiums.

Tonight, I will only remind my colleagues that malpractice lawsuits against physicians doubled between 1979 and 1983, and tripled for obstetricians and gynecologists. According to Peter Ferrara of the Heritage Foundation, physicians faced 40,000 malpractice claims in 1983; this year, they will probably encounter over 50,000. In Mr. Ferrara's view, this proliferation of litigation has compelled insurance companies to sharply increase malpractice premiums. In "A Sick Tort System Endangers U.S. Health Care," he notes:

> Doctors nationwide already pay an average of more than $10,000 per year for medical malpractice insurance. But the cost is far higher for some specialties. From 1982 to 1984, for instance, the average premium increase for obstetricians nationwide was $10,000, bringing the average obstetrician's premium to about $27,000 in 1985. In New York State, the average premium was over $51,000—or about one-fourth of total obstetrican fees * * *. In Washington, DC, and New York State, neurosurgeons pay annual premiums over $100,000 per year.

Obviously, many medical specialists may feel that the litigation storm threatens their careers. It is logical to assume that hundreds of thousands of dollars in insurance costs and incessant legal confrontations will continue to exhaust the enthusiasm of those physicians for their professions. Given the importance of specialists to health care in America, such circumstances would seriously obstruct the ability of patients to obtain the treatment they need.

Fortunately, Congress and many State legislatures have begun to respond to the danger signs in the medical professions, in the business community, and in the courts themselves. Members of the House and the other body have introduced 17 measures to reform the tort system in some way. Congressman HAMILTON FISH has introduced H.R. 4766, embodying the administration's proposals on product liability. The bill calls for eight key reforms: First, a cap on noneconomic damages of $100,000; second, a return to fault-based standards of liability except in defect cases when strict liability would apply; third, caps on contingency fees for attorneys of 25 percent for the first $100,000, 20 percent for next $100,000, 15 percent for the third $100,000, and 10 percent for everything over $300,000; fourth, periodic payments for future medical expenses and lost wages; fifth, elimination of joint and several liability unless companies acted in concert; sixth, support of settlement procedures; seventh, the basing of causation on credible scientific and medical evidence and opinions; and eighth, reductions in awards by collateral sources such as workers' compensation and health benefits paid by the employer for the same injury. As a cosponsor of the bill, I must remark that it represents an intelligent if imperfect attempt to grasp the complexities of the litigation morass.

Perhaps not all elements of those are the appropriate ones, but I certainly think that the large bulk of the recommendations made in that bill are worthy of not only consideration, but passage.

According to the National Conference on State Legislatures, more than 1,000 bills were proposed in State legislatures this year to seek changes in the structure of tort law. Thirteen States enacted caps on noneconomic damages. Kansas and South Dakota approved $1 million caps on general damages, including economic losses. And eight States have revised their laws on joint and several liability.

□ 2315

Mr. Speaker, objective analyses of our present litigation system have raised serious doubts about the effect that system has on our society. Will American children have the vaccines they need to stay healthy? Will businesses have the freedom and confidence they need in order to innovate and be productive? Will they be able to compete with overseas competitors? Will plaintiffs and defendants alike find justice in a system which seems to encourage lengthy lawsuits and yet mainly rewards attorneys in some instances.

Clearly, the answers to these questions affect the most vital concerns: Public health, the confidence and justice that in large part upholds our democracy, and the ability of America to compete in a brutal international marketplace.

If there is a possibility that any of these questions might be answered in the negative, Mr. Speaker, Congress has no alternative but to completely reevaluate the fundamentals of the tort system and pass legislation that corrects its failings.

By no means do I mean to suggest that in each and every instance those who follow the tort system and attorneys who represent people in the tort system, even on a contingency fee basis, are doing something that is improper. It is certainly proper under the law. In some cases contingency fee contracts in my judgment provide the only means by which certain potential clients will have an opportunity to go to the court room and protect their interests.

I do think that we have seen that there are excesses throughout the system. Excesses of such a great degree that we must have some changes in the system before the system falls in on itself of its own weight.

I do not know if the suggestions I made are the only suggestions or in fact they are the proper suggestions. But it seems to me that we as a body have an obligation to look at those suggestions, to look at other suggestions, and to work as State legislatures are now working to see if we can respond to the problem that is presently facing the United States in the area of tort liability.

Maybe there is a problem with the way the insurance companies are operating within this system. I suspect that is not the major problem. I suspect that the system itself needs to be revamped. Maintaining its strengths but trying to eliminate its weaknesses and to ameliorate the problems that ensure within the system itself.

So, Mr. Speaker, I would hope that if we cannot do it in the remaining days of this Congress, although I would hope that we would be able to do that, but if that is not possible, that this might be a priority in this Congress in the next year.

It is something that needs to be done; it is something that cries out for attention; it is something that has to be attacked on all levels as I have said before. The State legislatures have begun to act; it is time for the Congress to act.

## THE FIGHT AGAINST DRUG TRAFFICKING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes.

Mr. OWENS. Mr. Speaker, there is a groundswell in the neighborhoods and local communities all across America calling for action. There is a groundswell of indignation and anger which demands that effective steps be taken to end the drug trafficking and the drug abuse epidemic associated with this drug trafficking.

In New York City, neighborhoods are conducting marches and protests. Some vigilante groups have actually stormed places where crack was being sold, and the crack epidemic has brought to a climactic point the whole drug abuse problem in our Nation and particularly in our big cities.

All kinds of actions have been taken. They have demanded more action by the police. They have demanded more action by the courts and there has been a response from public officials. Suddenly we have discovered that actions or procedures which we thought were in effect before are an effective law endorcement apparatus which we assumed was in place before, and it was not there. We found that in a city as large as New York only 500 policemen were assigned to deal with drug abuse and narcotics. Only 500 out of a police force of 28,000.

We also found that the courts are so backlogged, that there are so many cases that a defendant charged with some kind of narcotic sale charge would usually get a fine of $100 or $200 which was just a licence to continue selling these very profitable drugs.

So the groundswell of activity by the citizens, the indignation, the demands for actions has led to some action. We have increased the police who are responsible for drug abuse and narcotics from 500 to 1,000 in New York City. Perhaps that is not enough, but that increase has taken place. Just today the New York Times carries an article which says that the number of judges will be increased by 40. Forty additional judges will be added to the New York State Supreme Court, primarily to handle narcotics abuse cases.

There is a very real epidemic and the damage is very real. None of the press accounts really have exaggerated what is actually going on. It is as bad as any articles have stated. It is as bad as anything you have read about. It is as bad as anything you have seen on television or heard on radio.

There are actually mothers who have been murdered by their children in the quest of the children to get funds to buy crack. The drug epidemic has led to a great increase in crime throughout all of our, in all of our large cities. It has been estimated at about 75 percent of all street crime is related to drugs. People trying to get money to buy more drugs. So it is a very real epidemic. People have good cause to be upset and demanding action. It is to the credit of public officials that they have finally awakened and responded to the call of the people for reelection.

Our President has recognized the problem. They have recognized that there is a need to do more than just have a good public relations program related to drug awareness or related to an attempt to curb the drug trafficking in our cities and to stop the drugs from coming across our borders.

The President has recognized it, there are some proposals in the works from the White House. We hope that it is not just another glorified public relations gimmick. We hope that it is a very real response that we can expect from the White House to deal with drug abuse and drug trafficking.

The House of Representatives is now considering a comprehensive package, a comprehensive bill to deal with drug abuse, drug prevention education, to take a look at the problem from every angle and to come forward with solutions as proposed by a variety of different committees.

We welcome this comprehensive approach. It is very much necessary and we hope that it does not degenerate into a theoretical exercise. We hope that we do not come forward with a piece of legislation which has all of the best that we can offer in terms of approaches and potential solutions, but no one is willing to put any dollars behind it.

Here is a problem which calls for immediate action. Our Nation's cities are very much caught up in a crime epidemic as a result of the drug epidemic. Our children are threatened. Not only children in poor neighborhoods, not only areas which have for some time had the problem of drugs, but every type of neighborhood at every level. It is at the junior high school level; it is at the college level; it is at the high school level. Everywhere we find this all pervasive problem of drug abuse. It must be assigned a priority.

If it is assigned a priority, that means that we are going to have to put some dollars behind it. We are going to have to look upon it as if it were as pressing as the need to find the funds for a new *Challenger*, for new efforts in our space program. We are going to have to see it as much of a priority as any one of our defense expenditures.

Indeed, we cannot allow our youth, we cannot allow the very fabric of our society to be torn apart and expect to have a secure America. So this will have to be assigned a great priority. We hope that that priority means that there will be dollars and not just public relations gestures.

There are no simple solutions, but every suggestion made by every one of the committees considering the comprehensive drug abuse bill will be very important. I think that some very necessary elements of that solution could be gleaned from some bills that have already been introduced. For example, I introduced a bill, H.R. 5195, which merely calls for the correction of a loophole in the present law.

□ 2325

Current law does not take cocaine seriously. It is not surprising that we have an epidemic now which is heightened by the appearance of a purified form of cocaine which is called crack, because the law has never taken cocaine that seriously. Whereas the law requires stiff penalties for other narcotics, the law does not require very stiff penalties in the case of the possession of a considerable amount of cocaine.

So H.R. 5195 is an attempt to make just one little correction. I hope that in the process of the development of the comprehensive bill this will be taken into consideration.

The cocaine preparation called crack is smoked and unpredictably high doses of this drug are absorbed directly into the bloodstream into the lungs. This sometimes has lethal effects. Death by cardiac arrest occurs often and has occurred in some dramatic cases related to some sports celebrities recently.

Current law provides for stiffer penalties for the importation, the manufacturing, the distribution, the dispensing, the sale or possession of over 100 grams of a narcotic drug other than cocaine. Cocaine is made an exception. Cocaine is classified as a schedule I narcotic. Cocaine, you can have much more of that and not receive a stiff penalty.

My amendment provides for stiffer penalties for the possession of cocaine. If there are five or more grams of cocaine, the penalties should be as stiff as they are for other narcotics.

The original exemption became law at a time, unfortunately, when cocaine was viewed as a recreational drug. It is a drug of the white collar set, a drug of the college set. There was an unfortunate assumption made there, an unfortunate view was taken of the drug cocaine. It would seem to be less dangerous than opiates like heroin.

This view was always mistaken, as it has long been known that cocaine produces excess activity, including violent activity, as opposed to the opiates which are nervous system depressants.

The fact that unpredictably high doses of cocaine are also killers makes it all the more imperative that possession and dealing with this deadly drug be dealt with severely.

There is no substitution for effective enforcement of our drug laws at our borders. This includes the importation of cocaine.

One other thing that my bill does, it defines what cocaine really means, the kind of cocaine which becomes crack. The law is very general, current law is very general and there is really no working definition of what they mean.

My bill defines 5 grams or more of cocaine, its salts, optical and geometric isomers, or a substance chemically identical thereto.

These few words are the only words found anywhere in the law which really deal with what pure cocaine is. The existing current law is far too general and automatically it is an escape valve for any person seeking to avoid prosecution.

There is no substitution for a strong enforcement provision at the border. The compromise bill that we are about to deal with must include stronger action taken at our borders by the Immigration and Naturalization Service or by the Army or by some other force.

The problem as the Federal Government is involved, the problem must be dealt with beginning with the borders.

It is also imperative that we do not continue to give more permissible treatment to any aspect of the handling of cocaine. This message should be clear and consistent. We should make clear that everybody takes steps to guarantee that everybody understands that cocaine is a killer and that this killer, we will not continue to take a permissible attitude toward this killer.

Mr. Speaker, I yield to my colleague from the Sixth Congressional District in Queens, the gentleman from New York [Mr. WALDON].

Mr. WALDON. Mr. Speaker, The madness which is crack has no respect for social, professional, or economic status. Crack usage is the evidence that our society may in fact be losing control of itself. For those of us who are black this self-inflicted pain is the worst oppression we have known since slavery. All young Americans must decide to make a choice to do something meaningful with their lives. We as Representatives must ensure their opportunity for productive lives.

I am advised that Gramm-Rudman cut $14 million for intercepting planes parachuting drugs into the State of Florida. This should not have happened.

I am alarmed by the presence of all types of drugs in and near our schools. In New York alone more than 3,750 individuals were arrested for selling drugs in the vicinity of public schools. More than one-half of those arrested were near elementary schools. Seventy-nine percent of the people arrested were over 20 years of age.

Children as young as 8 and 9 years old have been introduced to crack. What this means is that adult drug dealers for their own personal economic gain are seducing children into a life of drug dependency. We must educate our children to the dangers of drug abuse in general, but especially we must inform and educate them as to the deadly substance "crack."

It is imperative that Congress move rapidly on pending drug abuse legislation. Swift congressional action will send a clear message to the administration that our constituents are demanding action in this area. I ask your support for the following measures.

H.R. 526, the State and Local Narcotics Control Assistance Act which would authorize $750 million per year for the next 5 fiscal years to assist State and local governments in narcotics enforcement and drug abuse prevention activities.

H.J. Res. 631, the White House Conference on Narcotics Abuse Control Resolution of 1986. This resolution requires the President to convene a White House conference on drug abuse trafficking within 6 months of its enactment. This conference would call together the best minds in the country to evaluate and improve our present national strategy to combat drug abuse in this country.

Tomorrow, Mr. Speaker, the Committee on Education and Labor, on which I am very proud to serve, will mark up the Drug Abuse Education and Prevention Act of 1986. This bill will direct the Secretary of Education to establish a program of Federal grants to States for drug abuse education in elementary and secondary schools. The bill will authorize $350 million over 3 years to carry out this program and is primarily aimed at grades K through 12.

In the Sixth Congressional District I have declared a crackdown on crack. I have been in communication with several community and civic leaders and we all agree that there is a problem. We must work with our police commissioner as he uses all of his resources to assist our communities in eradicating this plague called crack. We are calling upon all our people to reveal to law enforcement personnel those individuals who are selling the crack. This past Saturday 12 ministers joined me to lead an all out frontal assault against people who sell crack to our children. These 12 ministers, who comprise my "Ministerial Conference Against Crack," are: Rev. Roy Foots, Evangelist David L. Sutton, Col. Civet Kristof, Minister Richard Lewis, Rev. Marvin Mills, Rev. Ben Gibson, Dr. Leo Hamilton, Rev. Herbert B. Jones, Bishop Sessions, Rev. William Johnson, Bishop Staton, and Rev. Solomon Roberts.

My colleagues, this is a sad period in the history of America when we hear of young people who are in the prime of their lives, as were Len Bias and Don Rogers, having their lives snuffed out by this human destroyer which is crack. The use of drugs is no longer an inner-city problem. It is so devastating and destructive that nothing short of a declaration of all out war will suffice.

I firmly believe and have consistently stated that drugs are the scourge of today's society. Let us use all of our power to save the children of this generation. Crack is so extremely addictive that it only takes one time to get hooked. Let us, Mr. Speaker, pledge to crack down on crack.

Mr. OWENS. Well, Mr. Speaker, I thank the gentlemen for his very significant remarks.

I would like to ask the following question. We represent districts which are similar in many ways, but my district, the 12th Congressional District of New York, is the 10th poorest district in America. We rank 10th among the poorest districts in America. The Sixth Congressional District, which the gentleman represents in New York, is quite different.

It has been generally understood that the problems of poverty that are prevalent in my district, high unemployment, high welfare rate, a large amount mental illness, there are numerous problems which have been associated with the tendency toward drug addiction; but the gentleman's district is quite different economically.

I think that the point needs to be made, and I am asking, does the gentleman really find that in a more middle class setting, in a setting where there are people who are generally better educated and generally the rate of employment is higher, is the drug problem really significant in the gentleman's district?

Mr. WALDON. It is extremely significant in our area. In fact, it is so significant as to be creating, in my opinion, hysteria among the parents. Our area is an area which is primarily compromised of homes which range from $100,000 and up, except for certain pockets of poverty in Jamaica and South Jamaica and perhaps in a small way in the Rockaways. Most of the people are very middle class oriented, but they see their children opting for a way of life and a lifestyle that is contra to all they value. It is a severe problem and one which has caused us to come together with the law enforcement personnel, with those members of the clergy who are very helpful in this regard, and with the schools as well.

I am baffled and confused by how such a devastating disease, if you will, as drugs could become so involved and enmeshed in our area, but it is true that it is there and it is a problem.

Mr. OWENS. Mr. Speaker, would the gentlemen agree that if there is any problem which might unite Americans across economic lines, across educational lines, across racial lines, if there is any one problem at this point in our history that would bring us together and that we all would assign a priority to, it would be this problem of drug addiction and drug trafficking?

Mr. WALDON. Unquestionably the gentleman from Kings County is absolutely, as the expression goes, on the money. All parents value the greatest resource that they have and the greatest gift that they can give to humanity, which is their children. We see the children falling like flies in certain areas.

There was an example brought to my attention 2 weeks ago of a third grader who was playing in the streets. Someone walked up to him and gave him crack in a vial. He did not know what it was and he did not comprehend the danger of ingesting it. He chewed it and he is still in a comatose state.

I believe when there is an understanding of what crack can do in terms of destruction of the human mind and to the human body that America will raise up and begin to attack crack, because it is not respective of any social class. It is not respective of any community and it is extremely devastating and just a killer of all people.

Mr. OWENS. As the gentleman heard, I am proposing a very tiny adjustment in the current law which would help in the enforcement of law with respect to the sale of cocaine. I certainly do not offer improved law enforcement as the only approach to solving this very horrendous problem.

The gentleman is an ex-police officer. The gentleman is very knowledgeable about the field of law enforcement. What does the gentleman think the limitations are, how far can we go with enforcement, and is enforcement the only answer?

Mr. WALDON. Well, naturally, enforcement is not the only answer, but certainly I believe that we must take a harder line of approach to enforcement. When we see so many children dying and the purveyors of this death are in a turnstile justice system, if you will, meaning that after they are arrested they are often on the streets before the police officer can finish the paperwork in court, then something is wrong.

I think we look at mandatory sentencing in regard to those who deal in death.

I think we should look at making sure that just the possession of a small amount, but when we see a series of actions of the sale of these drugs that these people should be subject to felony punishment and should be prosecuted to the fullest extent of the law.

We are talking about losing a generation of people, not one or two children in Cambria Heights, not three or four children in the Rockaways. We are talking about nationwide losing a generation of children.

I do not think there is any step we can take that is too swift, too timely, too severe in correcting this evil that is pervasive in America.

□ 2340

Mr. OWENS. I think that the gentleman might be interested to know that the drug enforcement effort of the Federal Government, as inadequate as it may be, has actually increased under the Reagan administration. The amount of money spent from fiscal year 1981 to fiscal year 1985 jumped from $707.6 million to $1.2 billion in fiscal year 1985. This is too small an amount for such an enormous problem, but at least it is a 70-pecent increase.

It is noteworthy that there is an increase under the Reagan administration in the amount of money put into drug enforcement efforts. The Drug Enforcement Agency did have their budget increased. They were shielded from Gramm-Rudman by their Department. There was an increase in the amount of money spent.

On the other hand, at the same time, the drug abuse prevention and treatment programs were cut drastically; from the small amount of $404 million in 1981 they were cut to $252.9 million in 1985. That is a 40-percent cut in programs, and usually the local governments and the State governments have not picked up the difference, and they are not capable of financing the kind of treatment programs that are out there. The stricter enforcement of the law sort of squeezes everybody, and a large number of people who in the face of strict enforcement would like to get themselves cured and are seeking relief are becoming members of a very long waiting list.

Recently the drug prevention agency in New York State ordered all of the drug treatment agencies to not turn anybody away, to accept everybody who comes for treatment. That order was quite profound and dramatic in one sense. On the other hand, it was ridiculous in view of the fact that the resources that the drug treatment agencies have do not allow them to just accept all the people who need to be accepted. So there must be, concomitant with a stricter enforcement effort, more money for drug abuse prevention and treatment.

During the period, for example, when the Federal Government was increasing its drug enforcement efforts, and they climbed 70 percent, the amount of cocaine consumed in this country, or the amount of cocaine estimated to have been consumed in this country, went up 40 percent. The amount of heroin consumed went up 55 percent. It is obvious that the enforcement effort is needed. We need a greater enforcement effort. But it is obvious that that is not going to cure the problem, that the treatment must be there, and also with the treatment, there must be a massive education program to prevent young people from getting involved with drugs.

Probably if we had to separate the effort and create priorities, the first priority should go to a drug abuse preventive education program, the kind of program which the Education and Labor Committee will be discussing and finalizing tomorrow as a part of a comprehensive package to deal with drug abuse that will be presented by the entire House.

I think that we must note the fact that in our schools very little time is assigned to the effort to educate young people with respect to drugs. We must also note the fact that a great deal of misinformation is available in the textbooks or the various materials that are available to teachers.

We had a person testify before the Education and Labor Committee last week who pointed out that there have been numerous books written where they insist that marijuana is not a harmful or addictive drug. There have been others that have followed the trend of describing cocaine as a recreational kind of drug, a plaything. We must start with just the preparation of decent educational materials, the preparation of textbooks and various materials that might be used in the schools, and continuing through the whole chain of the media from print to radio to television to the need for a massive educational effort.

I hope that since the gentleman mentioned a number of churches that have been involved in the present effort to deal with the present crisis that there will be a continuing effort beyond the time when the drama of this present epidemic is over of the churches as well as the schools to provide this kind of educational program.

I think that it is incumbent upon all of us to spread the word, and if there are successful examples of churches and special agencies that have been able to make some unusual headway in providing the kind of effective preventive education that is needed, they should be also recorded and become a part of the record of what we are trying to do here in the House.

I know of some programs that exist in New York City. The Phoenix House Program is celebrated all over the city. The Daytop Village Program is a celebrated program. They are all full of people already, and they have long waiting lists. I do not know whether the gentleman knows of any other ex-

amples of churches or other organizations that have also been successful.

Mr. WALDON. My colleague, the gentleman from Kings County, triggered a thought. This morning I participated in a press conference with Monsignor Bryant from Daytop Village and the comptroller of the city of New York, Harrison J. Golden. I learned at that press conference that last year, $23 million was allocated for Daytop to do what it has to do in terms of trying to save young people who have become involved in drug abuse. This year that budget was cut back to $19 million. The monsignor pointed out to us that they have waiting now in the State of New York about 5,000 young drug abusers trying to get into a program. The comptroller went out to Rikers Island, interviewed 32 or more young criminals, and asked how they had become involved in the criminal justice system. All of them—almost—said that they had either been using alcohol or hard drugs, and that was what precipitated their involvement with the criminal justice system. Of the 28 who admitted to drug abuse, 21 stated that they had gone out after being rejected by a treatment facility—meaning the facility just did not have enough beds to take them in when they got to a point in time where they were willing to say, "I've had enough; I want to change my lifestyle. Someone please help me." And there was no place at the inn. These 21 young people went back to the streets and to committing crime to support their habits.

The monsignor pointed out that the average heroin addict steals about $13,000 worth of goods from his friends and neighbors in order to sustain his habit on an annual basis.

I agree that we have to reset—and I think that that is the point that the gentleman was making—we have to reset or reorient our priorities regarding the treatment of these young addicts. We have to recognize that it is not only the education of the young people, but the education of their parents so their parents will, first, perhaps change their behavior which is precipitating some of the behavioral patterns of their children, and also so that the parents will recognize the symptomologies of drug abuse so that someone can intercede at an early enough time and perhaps save some of these lives from going down the tube.

Mr. OWENS. I thank the gentleman from the sixth district, and would like to conclude by saying that our point is that the people are demanding action. They have made it clear that they are tired, they are fed up, they have had enough, they would like to see some real action, and we would like for this effort that the Government—both the White House and the Congress—is initiating not to degenerate into just a public-relations effort.

We have very serious problems with large amounts of drugs coming in from Mexico, from Southwest Asia, from Turkey, from Iran, from Afghanistan, from Pakistan. All of these countries are not our enemies, they are our allies. They are not Communist countries. There is no great friction between us. They are our allies, and they are often receiving a great deal of aid from us. Surely we can do more to stop the flow of drugs from those countries into this country—Burma, Laos, Thailand, in the Western Hemisphere Colombia, Bolivia, Peru, all of these countries are friendly countries receiving aid from the United States. There should be a way to interdict and prevent a greater quantity of drugs from coming into this country.

We are speaking today about the problem of drug abuse. It has reached epidemic proportions. Crack has entered the picture and made the price for each use of a drug for a person seeking this kind of gratification cheaper. The volume therefore allows them to sell more of it. It is more widespread. It has become the drug of choice for the people who have little money, as well as the drug of choice for the affluent people who drive about poor neighborhoods in high-priced cars and make purchases of these drugs.

□ 2350

In the case of New York City, it has begun to respond, and in other towns and cities across the Nation there has been a response. But it will have to be followed by the Federal Government having a very real response with dollars behind it.

Foreign aid restrictions requiring that countries where illegal drugs are grown must implement crop control measures are welcome at this time. However, our ability to influence the internal affairs of other countries has its limits. The second step of importation is within our control and yet we fail miserably to stop the drugs at our borders. We must do more to stop the drugs at our borders. This is, in large measure, a failure to insist that there be sufficient Coast Guard and Immigration and Naturalization inspectors, and if necessary, greater use of our Armed Forces. Indiscriminate budget cuts have definitely been a problem. They have decreased the control of resources at a time when the importation of drugs has greatly increased.

The ease which drugs come into this country is a national scandal. At this time, for example, Colombia, a major cocaine producer, has done such a good job in limiting the acetone and ether needed to process cocaine that it is being shipped into this country in larger amounts in a raw form, and it is being refined here. The simple step that our Government could take to also limit the amount of acetone and ether that is available to assist in the processing of cocaine would also greatly limit the amount of cocaine available. More attention must be paid to the fact that we have to control every aspect of the drug problem. We owe it to our children, we owe it to the fabric of our total society which will continue to be afflicted by higher and higher rates of crime, greater and greater loss of productivity, and many other very serious problems if we do not take steps to guarantee that this problem is eliminated.

We must put a real effort behind the programs that we are proposing. We must not allow the war against drugs to generate into a war of press releases.

Mr. Speaker, I yield back the balance of my time.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. HOLT (at the request of Mr. MICHEL), for today, on account of a necessary absence.

Mr. YATES (at the request of Mr. WRIGHT), until 4 p.m., on account of illness in the family.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. HOYER) to revise and extend their remarks and include extraneous material:)

Mr. NEAL, for 5 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. BARNES, for 5 minutes, today.

Mrs. COLLINS, for 60 minutes, today.

Mr. RAY, for 30 minutes, on August 13 and 14.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. MCCOLLUM) and to include extraneous matter:)

Mr. JEFFORDS.

Mr. DORNAN of California.

Mr. LAGOMARSINO.

Mr. FRENZEL.

Mr. HENRY.

Mr. YOUNG of Alaska.

Mr. DAUB.

Mr. MILLER of Washington.

Mr. CRANE.

Mr. KEMP.

Mr. TAYLOR.

Mr. YOUNG of Florida in two instances.

(The following Members (at the request of Mr. HOYER) and to include extraneous matter:)

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.
Mr. BROWN of California in 10 instances.
Mr. ANNUNZIO in six instances.
Mr. JONES of Tennessee in 10 instances.
Mr. BONER of Tennessee in five instances.
Mr. YATES.
Mr. FAZIO.
Mr. SOLARZ.
Mr. DYSON.
Mr. MURTHA.
Mr. ROYBAL.
Mr. DANIEL.
Mr. FLORIO.
Mr. RODINO.
Mrs. SCHROEDER.
Mr. MARTINEZ.
Mr. BARNES.
Mr. TORRICELLI.
Mr. OBEY.
Mr. JACOBS.
Mr. MOODY.
Mr. HAWKINS.

## BILL PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 4184. An act to authorize appropriations to the National Science Foundation for the fiscal year 1987, and for other purposes.

## ADJOURNMENT

Mr. WALDON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 53 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday August 12, 1986, at 10 a.m.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4024. A communication from the Director, Office of Management and Budget, transmitting a cumulative report on rescissions and deferrals of budget authority for August 1986, pursuant to 2 U.S.C. 685(e) (H. Doc. No. 99-256); to the Committee on Appropriations and ordered to be printed.

4025. A letter from the Assistant Secretary of Defense (Comptroller), transmitting a listing of contract award dates for the period September 1, 1986 to October 31, 1986, pursuant to 10 U.S.C. 139(b); to the Committee on Armed Services.

4026. A letter from the auditor, District of Columbia, transmitting a copy of his report entitled "District of Columbia Statehood Constitutional Convention and Statehood Commissions," pursuant to D.C. Code section 47-117(d); to the Committee on the District of Columbia.

4027. A letter from the auditor, District of Columbia, transmitting a copy of his report entitled "Review of the Use of General Obligation Bond Proceeds During Fiscal Year 1985," pursuant to D.C. Code section 47-117(d); to the Committee on the District of Columbia.

4028. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to amend the Black Lung Benefits Act to provide for the rounding down to the next lower 10 cents at each intermediate stage of benefit computation, and rounding down to the next lower dollar of the actual benefit amount payable; to the Committee on Education and Labor.

4029. A letter from the Chairman, Interagency Committee on Cigarette and Little Cigar Fire Safety, Consumer Product Safety Commission, transmitting a report on the technical and commercial feasibility and economic impact of developing cigarettes and little cigars with a minimum propensity to ignite furniture and mattresses, pursuant to 15 U.S.C. 2054 nt.; to the Committee on Energy and Commerce.

4030. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

4031. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

4032. A letter from the Deputy Assistant Secretary of Defense, transmitting notification of a proposed new records system submitted by the Department of the Navy, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

4033. A letter from the Deputy Assistant Secretary of Defense, transmitting notification of a proposed new records system submitted by the Defense Intelligence Agency, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

4034. A communication from the Clerk, U.S. House of Representatives, transmitting a quarterly report of the Clerk of the House of Representatives covering receipts and expenditures appropriations and other funds for the period April 1, 1986 through June 30, 1986, pursuant to 2 U.S.C. 104a (H. Doc. No. 99-255); to the Committee on House Administration and ordered to be printed.

4035. A letter from the Deputy Associate Director for Royalty Management, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

4036. A letter from the Deputy Associate Director for Royalty Management, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

4037. A letter from the Deputy Associate Director for Royalty Management, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

4038. A letter from the Secretary of the Interior, transmitting the 20th Anniversary Report on the National Historic Preservation Act, consisting of three parts: The Secretary of the Interior's Purposes, Goals and Objectives; Program Initiatives and Recommendations; and a Section-by-Section Analysis of the National Historic Preservation Act, pursuant to 16 U.S.C. 470w-6(a), (b); to the Committee on Interior and Insular Affairs.

4039. A letter from the general counsel, Federal Emergency Management Agency, transmitting a draft of proposed legislation to amend the Disaster Relief Act of 1974; to the Committee on Public Works and Transportation.

4040. A letter from the U.S. Trade Representative, transmitting the semiannual report of reviews and hearings on complaints of unfair trade practices by foreign governments, pursuant to 19 U.S.C. 2416, 2413; to the Committee on Ways and Means.

4041. A letter from the Secretary of Labor, Chairman of the Board, and Kathleen P. Utgoff, Executive Director, Pension Benefit Guaranty Corporation, transmitting the 11th Annual Report of the Pension Benefit Guaranty Corporation covering fiscal year 1985, which includes the Corporation's financial statements as of September 30, 1985, pursuant to 29 U.S.C. 1308; jointly, to the Committees on Ways and Means and Education and Labor.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HAWKINS: Committee on Education and Labor. H.R. 3102. A bill to strengthen the technological literacy of the Nation through demonstration programs of technology education; with an amendment (Rept. 99-778). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 4426. A bill authorizing natural gas and hazardous liquid pipeline safety programs for fiscal year 1987, and for other purposes; with amendments (Rept. 99-779, Pt. I). Ordered to be printed.

## REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GLICKMAN: Committee on the Judiciary. H.R. 1755. A bill for the relief of David Butler, Aldo Cirone, Richard Denisi, Warren Fallon, Charles Hotton, Harold Johnson, Jean Lavoie, Vincent Maloney, Austin Mortensen, and Kurt Olofsson; with an amendment (Rept. 99-780). Referred to the Committee of the Whole House.

Mr. GLICKMAN: Committee on the Judiciary. H.R. 2574. A bill for the relief of the survivors of Christopher Eney (Rept. 99-781). Referred to the Committee of the Whole House.

Mr. GLICKMAN: Committee on the Judiciary. H.R. 3896. A bill for the relief of Marlboro County General Hospital Charity, of Bennettsville, South Carolina (Rept. 99-

782). Referred to the Committee of the Whole House.

## SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Pursuant to clause 5 of Rule X the following action was taken by the Speaker:

Referral of H.R. 3653 to the Committee on Energy and Commerce extended for a period ending not later than September 9, 1986.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 5, of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HAWKINS (for himself, Mr. FORD of Michigan, Mr. GAYDOS, Mr. CLAY, Mr. BIAGGI, Mr. MURPHY, Mr. KILDEE, Mr. WILLIAMS, Mr. MARTINEZ, Mr. OWENS, Mr. HAYES, Mr. PERKINS, Mr. WALDON, Mr. SOLARZ, Mr. DYMALLY, and Mr. ATKINS):

H.R. 5378. A bill to establish a program of Federal grants to States for drug abuse education and prevention in elementary and secondary schools, and for other purposes; to the Committee on Education and Labor.

By Mr. BATEMAN:

H.R. 5379. A bill to authorize the Secretary of Transportation to release restrictions on the use of certain property conveyed to the Peninsula Airport Commission, VA, for airport purposes; to the Committee on Public Works and Transportation.

By Mr. HUGHES:

H.R. 5380. A bill to require the Administrator of the Environmental Protection Agency and the Administrator of the National Oceanic and Atmospheric Administration to conduct a joint study of the adverse effects that the pollution of the environment caused by discarding or dumping of plastics on land and in the waters have on the environment, including the effects on fish and wildlife, and to make recommendations for eliminating or lessening such adverse effects; jointly, to the Committees on Science and Technology, and Merchant Marine and Fisheries.

By Mr. HUNTER (for himself, Mr. ROBINSON, Mr. ARMEY, Mr. BLILEY, Mrs. BENTLEY, Mr. DIOGUARDI, Mr. DORNAN of California, Mr. GEKAS, Mr. GINGRICH, Mr. RUDD, Mr. WALKER, and Mr. WORTLEY):

H.R. 5381. A bill to require the use of the Armed Forces for interdiction of narcotics at U.S. borders; jointly, to the Committees on Armed Services and the Judiciary.

By Mr. LEVINE of California (for himself and Mr. MILLER of Washington):

H.R. 5382. A bill to amend the Federal Election Campaign Act of 1971 to adjust certain contribution limits for elections for the House of Representatives, to provide for public financing for general election campaigns for the House of Representatives, and for other purposes; to the Committee on House Administration.

By Mr. MADIGAN (for himself and Mr. MICHEL):

H.R. 5383. A bill to revoke prior authorization to import liquefied natural gas through certain facilities; to the Committee on Energy and Commerce.

By Mr. MADIGAN (for himself and Mr. MICHEL):

H.R. 5384. A bill declaring as against public policy certain restrictions in natural gas pipeline tariffs; to the Committee on Energy and Commerce.

By Mr. MOORHEAD (for himself and Mr. DREIER of California):

H.R. 5385. A bill to authorize the appropriation of sums necessary to provide for a 50-percent increase in border patrol personnel; to the Committee on the Judiciary.

By Mrs. SMITH of Nebraska:

H.R. 5386. A bill to amend the Commodity Credit Corporation Charter Act to require the Corporation to make loans to grain needing storage facilities on their farms; to the Committee on Agriculture.

By Mrs. SMITH of Nebraska:

H.R. 5387. A bill to amend the Agricultural Act of 1949 to require the Secretary of Agriculture to allow early and direct entry into the producer reserve program for the 1985 and subsequent crops of wheat and feed grains; to the Committee on Agriculture.

By Mr. TAYLOR (by request):

H.R. 5388. A bill to amend title 5, United States Code, to establish a simplified management system for Federal employees, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. YOUNG of Alaska:

H.R. 5389. A bill to withdraw certain public lands in the State of Alaska for military purposes, and for other purposes; jointly, to the Committees on Interior and Insular Affairs, and Armed Services.

By Mr. ROYBAL:

H.J. Res. 700. A joint resolution to designate the week of October 26, 1986 through November 1, 1986, as "National Adult Immunization Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. GEJDENSON (for himself, Mr. SAXTON, Mr. DORGAN of North Dakota, Mr. BILIRAKIS, Mr. GREEN, Mr. DWYER of New Jersey, Mr. TOWNS, Mr. WALDON, Mr. HOYER, Mr. FROST, Mr. CHANDLER, Mr. MRAZEK, Mr. DAVIS, Mr. PORTER, Mr. WHEAT, Mr. SILJANDER, Mr. HAYES, Mrs. BOXER, Mr. HUGHES, Mr. FORD of Michigan, Mr. MORRISON of Washington, Mr. OWENS, Mr. MCCLOSKEY, Mr. KILDEE, Mr. SABO, Mr. WISE, Mr. STAGGERS, Mr. BRYANT, Mr. GINGRICH, Mr. WEAVER, Mr. WIRTH, Mr. SHELBY, Mr. WOLPE, Mrs. SCHROEDER, Mr. WILSON, Mr. KEMP, Mr. MACK, Mr. DICKS, Mr. SOLOMON, Mr. THOMAS of California, Mr. ROBERT F. SMITH, Mr. LEVINE of California, Mr. ERDREICH, Mr. MONTGOMERY, Mr. NICHOLS, Mr. LAGOMARSINO, Mr. GUNDERSON, Mr. BLAZ, Mr. STRATTON, Mr. BENNETT, Mr. BEILENSON, Mr. LOWRY of Washington, Mr. SISISKY, Mr. FOLEY, Mr. DURBIN, Mr. HAWKINS, Mr. GRAY of Illinois, Mr. HALL of Ohio, Mr. DELLUMS, Mr. LEACH of Iowa, Mr. CARPER, Mr. WATKINS, Mr. SCHUMER, Mr. FRANK, Mr. GEPHARDT, Mr. GONZALEZ, Mr. GILMAN, Mr. BADHAM, Mr. DICKINSON, Mr. FOGLIETTA, Mr. LUNGREN, Mr. MACKAY, Mr. CHAPPIE, Mr. LEHMAN of California, Mr. MCEWEN, Mr. BATES, Mr. COLEMAN of Texas, Mr. ROTH, Mr. ORTIZ, Mr. ROYBAL, Mr. REID, Mr. SHAW, Mr. FIELDS, Mr. HENRY, Mr. MONSON, Mr. COBEY, Mr. STRANG, Mr. MCMILLAN, Mr. DENNY SMITH, Mr. BOULTER, Mr. TAUKE, Mr. BEDELL, Mr. ECKART of Ohio, Mr. GARCIA, Mr. MANTON, Mr. RAHALL, Mr. EDWARDS of Oklahoma, Mr. DORNAN of California, Mr. LIGHTFOOT, Mr. TORRICELLI, Mr. ROWLAND of Connecticut, Mr. SOLARZ, Mr. GAYDOS, Mr. MARKEY, Mrs. MEYERS of Kansas, Mr. ROBINSON, Mr. FRANKLIN, Mr. LIPINSKI, Mr. CHENEY, Mr. TRAFICANT, Mr. GALLO, Mr. ROBERTS, Mr. MOAKLEY, Mr. DYMALLY, Mr. BROWN of California, Mr. JONES of North Carolina, Mr. MOODY, Mr. HERTEL of Michigan, Mr. SCHEUER, Mr. MCCAIN, Mr. GUARINI, Mr. BRUCE, Mr. ASPIN, Mr. CHAPMAN, Mr. COELHO, Mr. MOLLOHAN, Mr. TORRES, Mr. GORDON, Mr. MCKINNEY, Mr. DYSON, Mr. THOMAS of Georgia, Mr. SIKORSKI, Mr. STOKES, Mr. ACKERMAN, Mr. RANGEL, Mr. FEIGHAN, Mr. SMITH of Florida, Mr. KLECZKA, Mr. BROOKS, Mr. ATKINS, Mr. BIAGGI, Mr. DONNELLY, Mr. EARLY, Mr. JONES of Tennessee, Mr. MINETA, Mrs. LONG, Mrs. BOGGS, Mr. VENTO, Mr. MITCHELL, Mr. FORD of Tennessee, Mr. RITTER, Mr. MOLINARI, Mr. CARNEY, Mr. MCGRATH, Mr. LOWERY of California, Mr. AUCOIN, Mr. DASCHLE, Mr. HYDE, Mr. WEBER, Mr. EMERSON, Mr. WHITTAKER, Mr. NELSON of Florida, Mr. SPENCE, Mr. CLINGER, Mr. HENDON, Mr. ANDREWS, Mr. LIVINGSTON, Mr. PURSELL, Mr. KASTENMEIER, Mr. JEFFORDS, Mr. SHUSTER, Mr. LOTT, Mrs. SMITH of Nebraska, Mr. LEHMAN of Florida, Mr. APPLEGATE, Mr. DANNEMEYER, Mr. CALLAHAN, Mr. NATCHER, Mr. WHITEHURST, Mr. WALKER, Mr. SKEEN, Ms. SNOWE, Mr. MCKERNAN, Mrs. ROUKEMA, Mr. FASCELL, Mr. MICA, Mr. YOUNG of Missouri, Mr. VOLKMER, Mr. SUNDQUIST, Mr. DE LUGO, Mr. ROGERS, Mr. MARTIN of New York, Mr. SNYDER, Mr. OXLEY, Mr. COATS, Mr. BLILEY, Mr. MILLER of Washington, Mr. OBERSTAR, Mrs. MARTIN of Illinois, Mr. BARTON of Texas, Mr. HOPKINS, Mr. STUMP, Mr. ROEMER, Mr. RALPH M. HALL, Mr. BARNARD, Mr. TAUZIN, Mrs. LLOYD, Mr. FAZIO, Mr. MAVROULES, Ms. OAKAR, Mrs. KENNELLY, Mr. STARK, Mr. BOLAND, Mr. PRICE, Mr. SHARP, Mr. ROE, Mr. PERKINS, Mr. SKELTON, and Mr. CARR):

H. J. Res. 701. A joint resolution to designate October 6, 1986, as "National Drug Abuse Education Day" to the Committee on Post Office and Civil Service.

By Mr. GONZALEZ:

H.J. Res. 702. A joint resolution to amend the Constitution to provide for statehood for the District of Columbia; to the Committee on the Judiciary.

By Mr. PANETTA:

H.J. Res. 703. A joint resolution to authorize and request the President to designate the week beginning April 12, 1987, as "National Week of the American Taxpayer"; to the Committee on Post Office and Civil Service.

By Mr. SMITH of Florida:

H. Con. Res. 379. A concurrent resolution concerning human rights violations in Nicaragua; to the Committee on Foreign Affairs.

## ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 93: Mr. DORNAN of California, Mr. LAGOMARSINO, Mr. WEBER, Mrs. BENTLEY, Mr. SMITH of New Hampshire, and Mr. PORTER.

H.R. 1295: Mr. MRAZEK.

H.R. 1769: Mr. OBEY.

H.R. 1877: Mr. GALLO and Mr. DE LUGO.

H.R. 1902: Mr. WHITEHURST.

H.R. 2952: Mr. GEKAS.

H.R. 3024: Mr. STRATTON, Mr. RAY, Mr. SPENCE, Mr. MATSUI, Mr. SIKORSKI, Mr. WATKINS, Mr. JENKINS, and Mr. FRANKLIN.

H.R. 3040: Mr. FROST.

H.R. 3661: Mr. FISH.

H.R. 3894: Mr. DELAY.

H.R. 3989: Mrs. BOXER, Mr. GILMAN, Mr. OBEY, Mr. PANETTA, and Mr. SAXTON.

H.R. 4336: Mr. PACKARD, Mr. DEWINE, and Mr. SILJANDER.

H.R. 4338: Mr. GRAY of Illinois, Mrs. BOXER, Mrs. BURTON of California, Mr. MARLENEE, and Mrs. SCHROEDER.

H.R. 4412: Mr. WISE.

H.R. 4591: Mr. BRUCE, Mr. WEBER, Mr. LEHMAN of California, and Mr. SKELTON.

H.R. 4682: Mr. ATKINS.

H.R. 4709: Mr. DYSON.

H.R. 4714: Mr. CRAIG and Mr. LEACH of Iowa.

H.R. 4738: Mr. MARTINEZ.

H.R. 4761: Mr. THOMAS of Georgia, Mr. CHANDLER, Mr. KOLBE, Mr. WOLPE, and Mr. EVANS of Illinois.

H.R. 4763: Mr. ARMEY.

H.R. 4871: Mr. DONNELLY.

H.R. 4872: Mr. DWYER of New Jersey.

H.R. 4922: Mr. PANETTA, and Mrs. BENTLEY.

H.R. 4936: Mr. CLINGER.

H.R. 5060: Mr. BARNES, Mr. HYDE, Mr. HANSEN, and Mr. SHUMWAY.

H.R. 5064: Mr. SAXTON, Mr. KLECZKA, Mrs. MARTIN of Illinois, and Mr. DIOGUARDI.

H.R. 5065: Mr. SAXTON, Mr. KLECZKA, Mrs. MARTIN of Illinois, and Mr. DIOGUARDI.

H.R. 5066: Mr. GRAY of Illinois.

H.R. 5145: Mr. ECKART of Ohio, Mr. MCCAIN, Mr. WALDON, Mr. MINETA, and Mr. UDALL.

H.R. 5156: Mr. PACKARD, Mr. MITCHELL, and Mr. FEIGHAN.

H.R. 5179: Mr. ACKERMAN, Mr. BERMAN, Mrs. BOGGS, Mr. BORSKI, Mr. BOUCHER, Mrs. BURTON of California, Mr. BUSTAMANTE, Mr. COELHO, Mr. COYNE, Mr. EVANS of Illinois, Mr. FASCELL, Mr. FEIGHAN, Mr. FRANK, Mr. FUSTER, Mr. GARCIA, Mr. HOYER, Mr. HUGHES, Mr. KASTENMEIER, Mr. LEHMAN of Florida, Mr. LEVIN of Michigan, Mr. LEVINE of California, Ms. MIKULSKI, Mr. MINETA, Mr. MRAZEK, Mr. OBERSTAR, Mr. OWENS, Mr. RANGEL, Mr. RICHARDSON, Mr. ROYBAL, Mr. SAVAGE, Mr. SISISKY, Mr. TORRES, Mr. VENTO, Mr. WEISS, Mr. WHEAT, and Mr. WOLPE.

H.R. 5189: Mr. KOLBE, Mrs. BENTLEY, Mr. TALLON, Mr. APPLEGATE, Mr. THOMAS of Georgia, and Mr. ROGERS.

H.R. 5195: Mr. LOWERY of California, Mr. MORRISON of Connecticut, Mr. DAUB, Mr. MRAZEK, Mr. SCHUMER, Mrs. BOXER, Mr. REID, Mr. CROCKETT, Mr. WEISS, Mr. RINALDO, Mr. DIXON, Mr. MITCHELL, Ms. KAPTUR, Mr. GARCIA, Mr. MCDADE, and Mr. NIELSON of Utah.

H.R. 5209: Mr. MITCHELL, Mr. HORTON, Mr. YOUNG of Alaska, and Mr. WEBER.

H.R. 5214: Mr. TAUKE, Mr. GINGRICH, Mr. THOMAS of Georgia, and Ms. OAKAR.

H.R. 5266: Mr. AUCOIN, Mr. BENNETT, Mr. BORSKI, Mr. DWYER of New Jersey, Mr. FAZIO, Mr. FUSTER, Mr. GEJDENSON, Mr. GRAY of Illinois, Mr. IRELAND, Mr. MITCHELL, Mr. NICHOLS, and Mr. NOWAK.

H.R. 5275: Mr. MCDADE, Mr. MITCHELL, Mr. HILER, and Mr. JACOBS.

H.R. 5305: Mr. TOWNS, Mr. STUDDS, Mr. AKAKA, Mr. CROCKETT, Mr. RANGEL, Mr. STARK, and Mr. MITCHELL.

H.R. 5306: Mr. FUSTER, Mr. ROYBAL, and Mr. FRANK.

H.R. 5326: Mr. MONSON, Mr. DE LA GARZA, Mr. CHANDLER, and Mr. SWIFT.

H.R. 5328: Mr. STAGGERS, Mr. MURPHY, Mr. MARTINEZ, Mr. TALLON, Mr. STALLINGS, Mr. SYNAR, Mr. PARRIS, Mr. GRAY of Illinois, and Mr. KOSTMAYER.

H.R. 5329: Mr. MILLER of Ohio.

H.R. 5350: Mr. PENNY, Mr. MCCLOSKEY, Mr. SCHUETTE, and Mr. COLEMAN of Missouri.

H.R. 5371: Mr. BARNARD.

H.J. Res. 346: Mr. COBLE and Mr. SUNDQUIST.

H.J. Res. 379: Mr. BURTON of Indiana.

H.J. Res. 417: Mr. EDGAR, Mr. EDWARDS of California, Mr. BOEHLERT, and Ms. MIKULSKI.

H.J. Res. 438: Mr. FRANK, Mr. HANSEN, Mr. MCMILLAN, Mr. MANTON, Mr. FOGLIETTA, Mr. RODINO, Mr. ROBERT F. SMITH, Mr. HENRY, and Mrs. KENNELLY.

H.J. Res. 552: Mr. BATEMAN, Mr. HALL of Ohio, Mr. MAVROULES, Mrs. VUCANOVICH, Mr. FASCELL, Mr. KANJORSKI, Mr. GUARINI, Mr. AUCOIN, Mr. STRANG, and Mr. ATKINS.

H.J. Res. 564: Mr. LEWIS of California, Mr. MILLER of Ohio, Mr. PORTER, Mr. CHAPPIE, Mr. HARTNETT, Mr. HANSEN, Mr. PARRIS, Mr. MCEWEN, Mr. WHITTAKER, Mr. RITTER, Mr. BATEMAN, Mr. WEBER, Mr. BILIRAKIS, Mr. PACKARD, Mr. BROWN of Colorado, and Mr. YOUNG of Alaska.

H.J. Res. 583: Mr. WILSON, Mr. SKELTON, Mr. SUNIA, Mr. LELAND, Mr. DAVIS, Mr. ANTHONY, Mr. PERKINS, Mr. WAXMAN, Mr. ERDREICH, Mr. WALGREN, Mr. DERRICK, Mr. TAUZIN, Mr. WYDEN, Mr. JONES of North Carolina, Mr. PORTER, Mr. LUKEN, Mr. TRAXLER, Mr. CARNEY, Mr. BOUCHER, Mr. PEPPER, Mr. NEAL, Mr. MURPHY, Mr. MCDADE, Mr. LIGHTFOOT, Mr. KLECZKA, Mr. PICKLE, and Mr. FEIGHAN.

H.J. Res. 584: Mr. FRANK, Mr. PASHAYAN, Mr. FISH, Mr. SAXTON, Mr. AKAKA, Mr. OLIN, Mr. RANGEL, Mr. WEAVER, Mr. BONIOR of Michigan, Mr. MOAKLEY, Mr. HALL of Ohio, Mr. CALLAHAN, and Mr. DANNEMEYER.

H.J. Res. 611: Mr. GEJDENSON, Mr. ACKERMAN, Mr. MURTHA, Mr. WHEAT, Mr. SISISKY, Mr. GARCIA, Mr. LEHMAN of California, Mr. BARNES, Mr. BRYANT, Mr. CHAPMAN, Mrs. LONG, Mr. MARKEY, Mr. MCGRATH, Mr. HAWKINS, Mr. TRAXLER, Mr. KILDEE, Mrs. LLOYD, Mr. REID, Mr. ROWLAND of Connecticut, Mr. MCCOLLUM, Mr. MAVROULES, Mrs. BOGGS, Mr. LEWIS of California, Mr. FUQUA, Mr. HENDON, Mr. DREIER of California, Mr. MCCLOSKEY, Mr. BOEHLERT, Mr. CARNEY, Mr. MICHEL, Mr. MOODY, Mr. SABO, Mr. FOLEY, Mr. MCHUGH, Mr. HAMILTON, Mr. NATCHER, Mr. WHITTEN, Mr. GREGG, Mr. COATS, Mr. HILER, Mr. MILLER of California, Mr. JEFFORDS, Mr. AUCOIN, Mr. SLAUGHTER, Mr. DELAY, Ms. SNOWE, Mr. WOLPE, and Mr. KOLTER.

H.J. Res. 639: Mr. ORTIZ, Mr. CROCKETT, Mr. LUNDINE, Mr. BARTLETT, Mr. FUSTER, Mr. CARNEY, Mr. EVANS of Iowa, Mr. HAYES, Mr. KOLTER, Mr. ATKINS, Mrs. BURTON of California, Mr. BUSTAMANTE, Mr. PURSELL, Mr. WOLPE, Mr. GRADISON, Mr. STENHOLM, Mr. RALPH M. HALL, Mr. SUNIA, Mr. TRAXLER, Mr. WIRTH, Mr. FLIPPO, Mr. BROOMFIELD, Mr. EVANS of Illinois, Mr. LIGHTFOOT, Mr. MANTON, Mrs. LLOYD, Mr. WALKER, Mr. ROGERS, Mr. APPLEGATE, and Mr. ANDERSON.

H.J. Res. 685: Mr. ANDERSON, Mr. WORTLEY, Mrs. BENTLEY, Mr. ROE, Mr. KOSTMAYER, Mr. LAGOMARSINO, Mr. HORTON, Mr. FAZIO, Mr. LUKEN, Mr. OWENS, Mr. PASHAYAN, Mr. DYMALLY, Mr. FAUNTROY, and Mr. HUGHES.

H. Con. Res. 208: Mr. JEFFORDS.

H. Con. Res. 306: Mr. GARCIA, Mr. EDGAR, and Mr. ZSCHAU.

H. Con. Res. 359: Mr. KILDEE, Mr. VENTO, Mr. FISH, and Mr. ACKERMAN.

H. Con. Res. 378: Mr. HYDE, Mr. SMITH of Florida, and Mr. WILSON.

H. Res. 373: Mr. WALDON.

## DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 4972: Mr. KOLTER.

## PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

458. By the SPEAKER: Petition of the Stated Clerk, Office of the General Assembly, Presbyterian Church (U.S.A.), relative to Contra aid; to the Committee on Foreign Affairs.

459. Also, petition of the Chairman, the Suquamish tribe, Suquamish, WA, relative to the imposition of Federal income taxes on Tribal commercial fisherman; to the Committee on Ways and Means.

460. Also, petition of the Executive Director, Commission on Nuclear Projects, Carson City, NV, relative to the site selection process for nuclear waste; jointly, to the Committee on Energy and Commerce and Interior and Insular Affairs.

## AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1309

(Amendment in the Nature of a Substitute)

By Mr. PETRI:

—Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Occupational Hazard Communication Act of 1986".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) potentially harmful substances and physical agents are in wide industrial and commercial use in the United States;

(2) workers may suffer disability or death or both from occupational diseases caused by hazardous occupational exposures;

(3) protecting occupational safety and health facilitates interstate commerce and promotes the general welfare;

(4) early notification of exposure to harmful substances and physical agents often permits medical intervention in the biological process of disease to either prevent or, by early detection, successfully treat some disease conditions;

(5) workers should be informed of exposure to an occupational hazard and the risks of contracting an occupational disease from such exposure;

(6) there is a need for increased research to identify the causes of occupational diseases; and

(7) prevention and early detection of occupational disease may reduce the costs of medical treatment and care in the United States.

(b) PURPOSES.—It is the purpose of this Act—

(1) to establish a Federal program to require employers to notify workers that they are at risk because of a hazardous occupational exposure; and

(2) to establish a set of worker protections against discrimination on the basis of notification of occupational health hazards.

SEC. 3. RESEARCH.

The Secretary shall, primarily through the National Institute for Occupational Safety and Health, conduct research into improving the means of surveillance of employees exposed to occupational health hazards, and research into improved means of medical monitoring and treatment of employees exposed to occupational hazards. Such research shall include but not be limited to the following areas—

(1) studying the etiology and development of occupationally related diseases, and the development of disabilities resulting from such diseases;

(2) developing means of medical surveillance of employees exposed to occupational health hazards;

(3) examining the types of medical treatment available to workers exposed to occupational health hazards, and the means of medical intervention to prevent the deterioration of the health and functional capacity of employees disabled by occupational diseases;

(4) studying and developing medical treatment and allied social services to be made available to employees exposed to occupational health hazards; and

(5) developing educational programs designed to advise employers, employees, and employees' families to take measures which ameliorate the effects of those hazards and diseases.

SEC. 4. HAZARD COMMUNICATION STANDARD.

(a) REQUIRED STANDARD.—Not later than six months after the date of enactment of this Act, the Secretary shall amend the hazard communication standard contained in section 1910.1200 of title 29 of the Code of Federal Regulations so that such standard—

(1) applies, notwithstanding section 4(b)(1) of the Act, to all employers, including manufacturing, mining, construction, and transportation;

(2) requires that employers provide information and training to current employees concerning health hazards to which employees are exposed in the employees' work areas;

(3) requires that employers make available to former employees, upon request, a list of the health hazards that were present in the employees' work areas during their employment and of which they were not previously informed;

(4) provides that the Secretary will, by means of public service announcements, inform former employees of their right to request such lists; and

(5) requires that training of employees with respect to hazards emphasizes the chronic and acute health effects associated with such hazards in a manner which promotes early detection and treatment.

(b) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with other Federal agencies for the purpose of implementing and enforcing the standard amended in accordance with subsection (a).

(c) USE OF NOTICE.—Notice given under subsection (a)(3) of the presence of a health hazard in the workplace shall not be used as evidence that an employee was exposed to that hazard in any judicial or adminstrative proceeding.

SEC. 5. EMPLOYEE DISCRIMINATION.

(a) DISCRIMINATION PROHIBITED.—No employer shall discharge or in any manner discriminate against any employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this Act or has testified or is about to testify in any such proceeding or because of the exercise by such employee on behalf of himself or others of any right afforded by this Act.

(b) REINSTATEMENT.—Any employee who is determined to have been discriminated against in violation of this section shall be restored to his or her employment and shall be compensated for any lost wages (including fringe benefits and seniority).

(c) REVIEW OF DISCRIMINATION COMPLAINTS.—Any employee who believes he or she has been discriminated against by any employer in violation of subsection (a) of this section, may, within 30 days after such violation occurs, file a complaint with the Secretary alleging such discrimination. Any such complaint shall be reviewed in the same manner as a complaint filed under section 11(c) of the Act.

SEC. 6. ENFORCEMENT AUTHORITY.

(a) IN GENERAL.—Except as provided in subsection (c), the hazard communication standard amended by the Secretary in accordance with section 4 of this Act shall be treated as a standard prescribed by the Secretary pursuant to section 6 of the Act. Except as provided in subsections (b) and (c), such standard shall be administered and enforced under the Act in the same manner as a standard prescribed pursuant to section 6 of the Act (but without regard to section 4(b)(1) of the Act).

(b) PENALTIES.—Except as provided in subsection (c), a violation of such hazard communication standard shall, for purposes of section 17 of the Act, be treated as a violation of a standard prescribed pursuant to section 6 of such Act, except that—

(1) the failure of an employer—

(A) to make a hazard determination,

(B) to have a written hazard communication program,

(C) properly to label or use other warnings,

(D) to record on a material safety data sheet the information required with respect to any chemical, or

(E) to establish and conduct an employee training and information program,

shall be treated as a serious violation under section 17(k) of such Act;

(2) any employer who willfully violates such standard, if there is substantial probability that death or serious physical harm could result, shall, upon conviction, be punished by a fine of not more than $25,000, except that if the conviction is for a violation committed after a first conviction under this paragraph, the employer shall be punished by a fine of not more than $50,000;

(3) any employer who willfully violates such standard, if the violation results in death, shall also be subject to section 17(e) of the Act; and

(4) any employer who knowingly makes a false statement in the material safety data sheet with respect to any health hazard required by such standard shall be subject to section 17(g) of the Act.

(c) ENFORCEMENT IN COAL AND OTHER MINES.—(1) For purposes of any coal or other mine (as such terms are defined in section 3(h) of the Federal Mine Safety and Health Act of 1977), the hazard communication standard as amended by the Secretary in accordance with section 4 of this Act shall be treated as a mandatory standard prescribed by the Secretary pursuant to section 101 of the Federal Mine Safety and Health Act of 1977. Such standard shall be administered and enforced under such Act in the same manner as a standard prescribed under section 101 of such Act. Such standard shall, not later than six months after the date of enactment of this Act, be modified by such regulations as the Secretary may determine to be necessary to carry out the purposes of this subsection.

(2) A violation of such hazard communication standard at such a coal or other mine shall, for purposes of section 110 of such Act, be treated as a violation of a standard prescribed pursuant to section 101 of such Act.

SEC. 7. EFFECTS ON OTHER LAWS.

(a) STATUTES OF LIMITATIONS.—The notification of an employee under the standard prescribed pursuant to this Act shall not commence the tolling of any statute of limitations with respect to any legal claim, except as may be specifically provided by State law.

(b) PREEMPTION OF STATE AND LOCAL LAW.—Notwithstanding section 506 of the Federal Mine Safety and Health Act of 1977 or any other Federal law, the hazard communication standard prescribed pursuant to this Act shall preempt any State or local law pertaining to evaluation of hazards associated with substances present in the work place and communication of chemical identities with respect to such potential hazards.

SEC. 8 DEFINITIONS.

As used in this Act—

(1) the terms "Secretary", "employer", and "employee" have the meanings given by section 3 of the Act; and

(2) the term "the Act" means the Occupational Safety and Health Act of 1970.

# EXTENSIONS OF REMARKS

## HYPOCRISY FILLETED AT UNITED NATIONS

**HON. ROBERT J. LAGOMARSINO**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, August 11, 1986*

Mr. LAGOMARSINO. Mr. Speaker, following the visit to the United Nations by Sandinista Leader Daniel Ortega, U.S. Ambassador to the United Nations Vernon Walters responded to the Nicaraguan United Nations Ambassador's charge that an earlier statement Walters made was filled with lies. Ambassador Walters' reply provides a useful summary of the abuses and indignities perpetrated by the Sandinista regime in Nicaragua. I urge my colleagues to read what Ambassador Walters has to say.

[From the Washington Times, Aug. 7, 1986]

HYPOCRISY FILLETED AT U.N.

(By Vernon Walters)

Of the many countries who have criticized the United States for its alleged failure to accept the judgment of the International Court of Justice, it is interesting to note that only one of them accepts the compulsory jurisdiction of the court, and that country has carefully excluded from its acceptance any possibility of being brought before the court on claims such as those at issue here today.

It is a fascinating and odd experience to be lectured on justice and respect for law by the representative of Cuba, a country which has been for more than 25 years a vast concentration camp where liberty is crushed and unknown thousands are tortured and in prison. One has only to read Armando Valladares's book on his 22 years in Castro's jails to know what happens there. I will not dignify the vituperous personal insults that he addressed to me. He speaks of recent injustice. It is well that he does not speak of truth. Two million people have fled his country to escape scientific terrorism. The same can be said for the representative of Vietnam who followed him. Four million people have fled from these two paradises.

The American people find it instructive to see who the Sandinistas have chosen to speak on their behalf: Cuba, Vietnam—countries not known for their respect for human rights and dignity. The United States is not isolating itself from the rest of the world. Millions are trying to get into the United States. Who is trying to immigrate to Nicaragua, Cuba, or Vietnam? Anyone who wants to leave my country is free to do so without fear of being shot by the border guards or put in prison.

I might add, not many want to, even though we have heard how evil it is here today. When the Polish representative talked about a big power motivated by ideological prejudices intervening in the affairs of a neighboring state, I wondered to which country he was referring.

Recently, the representative of Nicaragua stated that a presentation I had made earlier had been filled with lies. I would be interested in knowing just what lies she was talking about.

I described the Sandinstas' betrayal of the 1979 revolution. Is it a lie that former junta member Alfonso Robelo was harassed by the Sandinistas and forced into exile? Perhaps the Nicaraguan representative should look at a photograph of Robelo's home and car after they had been vandalized by the turbas divinas. These turbas are "divine mobs" (it is an interesting terminology)—controlled by Department F-8 of the Sandinistas' secret police—that are sent to intimidate opponents of the regime.

Is it a lie that Violeta Chamorro has also been maligned and harassed? Is it a lie that La Prensa has been shut down? I suggest that the Nicaraguan representative read Mrs. Chamorro's poignant letter in [a recent issue of] The New York Times.

Is it a lie that former junta member Arturo Cruz tried to run for president in 1984 but was denied the conditions of a fair election? Perhaps the Nicaraguan representative would like to see a photograph of Mr. Cruz after he had been attacked by the turbas during the campaign. I should point out that Mr. Cruz is in exile now because last year the Sandinistas refused to allow him to reenter Nicaragua because he was carrying a peace plan from the democratic resistance.

Is it a lie that the Sandinistas have sought to destroy the democratic labor movement? If the representative of Nicaragua does not choose to believe the International League of Human Rights, I suggest she read "Sandinista Deception Reaffirmed: Nicaragua Coverup of Trade Union Repression," an August 1985 study by the American Institute for Free Labor Development which provides detailed information on 39 cases of Sandinista repression of labor organizations. AIFLD is the Latin American arm of the AFL-CIO, an organization which I can assure the Nicaraguan representative is not controlled by the current U.S. administration.

Is it a lie that the Sandinistas have sought to crush Nicaragua's private sector? Did not the secret police gun down prominent businessman Jorge Salazar in November 1980? Were not several leaders of the umbrella organization COSEP jailed in October 1981, including an initial period of solitary confinement in which they were locked up nude in cold, dark dungeons? What heinous crime had these respected businessmen committed? They had the temerity to write Commandante Ortega protesting the Sandinistas' Marxist economic policies which were leading to economic ruin.

I could go on, describing for example how they have confiscated the property of current COSEP head Enrique Bolanos, or how they seized Ramiro Gurdian's property because of his comments on the reduction of Nicaragua's sugar quota, or how they tricked prominent industrialist—and former Red Cross president—Ismael Reyes to leave the country and then took over his property and arrested his son.

Is it a lie that the Sandinistas have replaced the Somocistas as the elite who exploit the Nicaraguan people? I suggest that the Nicaraguan representative look around the next time she returns to Managua and see for herself who lives in the nice homes, who drives the fancy cars, who shops at the exclusive dollar store. Perhaps then she will realize what the Sandinistas have done to Nicaragua.

Is it a lie that the Sandinistas have repressed the church? The representative of Nicaragua should read the letter delivered earlier this year from Cardinal Obando y Bravo to Secretary-General Perez de Cuellar of his May letter in *The Washington Post.* She should also read what Pope John Paul II said about the banishment of Bishop Vega and Monsignor Carballo. I also recommend she review the moving testimony by Jimmy Hassan of the Campus Crusade for Christ about his treatment at the hands of the Sandinista secret police. I would welcome the Nicaraguan representative's explanation of why that country's only synagogue was confiscated and turned over to the Sandinistas' children's organization.

For that matter, I would like to learn the grounds on which the Nicaraguan Government confiscated so many things—the Somoza newspaper, both television stations, several radio stations, countless buildings and other properties—and turned them over to the Sandinista party and its puppet organizations.

Is it a lie that the Sandinistas have persecuted the Miskito Indians? Perhaps the Nicaraguan representative should travel to the refugee camps in Honduras or Costa Rica and hear for herself the shocking details of Sandinista abuses.

Is it a lie that the Sandinistas have a secret police 10 times the size of Somoza's, and that they subject thousands of prisoners to multiple forms of abuse? Does the Nicaraguan representative mean to tell us that now Nicaragua will allow respected international organizations to visit the prisons of the secret police?

Is it a lie that the Sandinistas have, with massive Soviet and Cuban assistance, built the largest military machine in the history of Central America? Is it a lie that the draft is highly unpopular, that thousands of Nicaraguan youths have fled the country or gone into hiding to escape service in the army of the Sandinista party, and that antidraft riots have been ruthlessly repressed?

Is it a lie that the Sandinistas have attempted to export their Communist revolution? Would the Nicaraguan representative like to look at a photograph taken in 1980 of aircraft at Papalonal which were involved in the arms trafficking? What is her explanation for the Lada vehicle captured in Honduras last year which had been loaded in Nicaragua by the secret police with munitions, communications gear, and other material for the Salvadoran guerrillas?

Is it a lie that the Sandinistas have attacked their neighbors with their regular military forces? We all recall last March when the Nicaraguan representative told us that this was a lie, only to have Comandante Ortega later admit the incursion.

What is a lie is the Sandinistas' claim that they want a negotiated settlement. They

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

have consistently rejected all proposals for a dialogue with their opposition, ignoring the specific call for democracy and national reconciliation in the Contadora 1983 Document of Objectives. They scorned the church in 1984 when it proposed national reconciliation. They spurned the united appeal for a dialogue in January 1985 by Nicaragua's political parties who stated that the elections had done nothing to solve the country's deepening crises. They rebuffed the offer in March of last year by the democratic resistance for a dialogue. They are but a few of the calls for dialogue the Sandinistas have rejected.

We recall that in March of this year, Salvadoran President Duarte offered to resume negotiations with his armed opposition when the Sandinistas started negotiations with their armed opposition. The Central American democracies supported this plan and urged Nicaragua to agree; Nicaragua refused.

The Nicaraguan representative has distorted the position of my government, asserting that the United States was not interested in negotiations. I reiterate that the United States supports the regional peace process and will abide by a comprehensive, verifiable, and simultaneous implementation of the 1983 Contadora Document of Objectives. We are prepared to resume bilateral talks with Nicaragua in support of the regional peace process as soon as the Sandinistas initiate a simultaneous dialogue with their own opposition.

I call on the Nicaraguan representative to tell us now whether the Sandinista leadership is ready to dialogue with its opposition? Are the Sandinistas ready to sit down and talk seriously about peace? When could such talks begin? What are the conditions they require for such talks? If they are not willing to negotiate with their opposition, let them tell us now. Let them explain why they endorse peace talks in El Salvador, but reject them in Nicaragua. Let them tell us how the World Court was right on other issues, but somehow was wrong about the independent nature of the resistance. Let them tell us, so that we can all see how hollow is their professed desire for peace.

## DRUG TESTING OF FEDERAL EMPLOYEES

### HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Monday, August 11, 1986*

Mrs. SCHROEDER. Mr. Speaker, the debate over mandatory drug testing of Federal employees reached near frenzy last week, as top administration officials rushed to volunteer for urinalysis tests to prove themselves drug free. Apparently the President doesn't believe the word of Federal employees who "just say no" to drugs—he wants independent proof.

Yet, after all the hoopla over the Pesident's urinalysis ends, the facts remain: drug testing has serious problems. In its report "Alcohol and Drugs in the Workplace," the Bureau of National Affairs notes that "while the tests have a 'high degree of reliability' under 'optimal conditions,' the tests can produce, in certain cases, 30 percent false positive rates." That's nearly 1 in 3 samples incorrectly identified as containing drugs.

The threat of mandatory drug testing diverts attention away from the administration's action to cut funding for drug treatment centers and the effect of Gramm-Rudman on law enforcement efforts. It also assumes that the Bill of Rights is primarily a hindrance, protecting those who abuse drugs as well as those who don't. The editors of the Philadelphia Inquirer and the Washington Post tackle these issues in the editorials attached below.

Finally, lest we lose our perspective on the subject, I attach "Jar Wars."

The articles follow:

[From the Washington Post, August 8, 1986]

BAD JOKE

The White House announced yesterday with a certain amount of pride that the president, vice president and 78 senior presidential aides will give urine samples to Navy doctors Monday in a mass drug test intended as an example to the rest of America. The announcement produced a predictable rush of bad jokes. The true bad joke is the idea itself.

Deputy press secretary Albert Brashear said the president accepted the suggestion of his drug policy adviser Dr. Calton Turner and domestic policy adviser John Svahn because "he believes all federal employees deserve a drug-free environment and that federal employees should set the example." He presumably meant in part the example of submitting to tests. There have been various calls within the administration for stepped-up drug testing of all federal employees, and the issue is said to be under consideration. The president's crime commission suggested systematic testing of workers in the private economy as well.

The theory is that testing will be a deterrent to use and demand; that the government has fought the drug trade mostly on the supply side up to now, and mostly failed; and that only by attacking demand does it have a chance to succeed. Mr. Brashear was industriously questioned by the White House press corps about the rules that would govern the testing. What if someone refused to submit? (No penalty, but his supervisor would of course note it.) What if someone tested positive? (A second test to make sure, then he would be asked to take counseling.)

There is a more basic question to be asked. A long time ago this society learned there was more to be gained than lost by assuming innocence before proof of guilt. The standard of probable cause embodies this lesson. Here, in a form of vigilantism, that standard is trampled. The White House says it would be a voluntary program, but it is only marginally less coercive than if required by law. We yield to none in abhorrence of drugs or desire to purge the society of their terrible influence. But the regimen to which this points will in the long run sap the society even more.

It is not just ludicrous, but invasive, the more destructive of the privacy and presumptions on which the society is based because it pretends not to disturb them. Call it off.

[From the Philadelphia Inquirer, Aug. 6, 1986]

CRUSADE AGAINST DRUGS, BUT USE REASON, NOT FORCE

President Reagan's decision to crusade personally against the blight of drug abuse is welcome. Americans abuse drugs alarmingly more than do the people of any other industrial nation. Millions suffer directly from broken health and broken lives. Tens of millions more suffer indirectly from the crime and corruption that drug trafficking spawns, from the personal tragedies borne by relatives and friends of loved ones lost to drugs, and from the economic inefficiency of drugged-out workers.

Leading the charge against such social blight is the obligation of political leadership, and Mr. Reagan is especially gifted at effectively using the "bully pulpit" of the White House to focus public attention. Equally welcome is his recognition that the war against drug abuse cannot be won at the borders and in the jungles of Latin America. As he says in an interview in the current edition of Newsweek, "The main thrust has got to be to get the people themselves to turn off to it."

There is a right way and a wrong way to go about that, and Mr. Reagan's policies embrace elements of both. The right way is to work to change public attitudes, to make drugs unhip, uncool and unpopular. Education, persuasion, reason and truth are the tools for that job. Such efforts have been under way for some time, but Mr. Reagan's commitment to energize them further will help. He recognizes that this is not something the federal government can do alone successfully. It requires involvement of each community's schools, governments and workplaces. It requires visible leadership not only by authority figures, but by cultural trend-setters such as stars from the worlds of sports and entertainment.

Education and persuasion can work, as recent declines in tobacco and alcohol consumption show. To be effective however, education campaigns must be truthful. Crude propaganda, such as the government's 1936 anti-marijuana film "Reefer Madness," only reinforce disbelief and dismissal of all warnings. Each popular illegal drug poses dangers, but the dangers differ. Distinctions must be made. Marijuana is not heroin. Alcohol ruins more lives than cocaine, heroin, PCP and marijuana combined.

Beyond education, the right way to fight drugs is to provide better rehabilitation services. That takes money. Mr. Reagan promises no new funds before fiscal 1988. A bipartisan campaign building in the House would beef up funding immediately. Clearly it's worth the expense, even in the Gramm-Rudman era. Scrap a missile, save some addicts.

The wrong way to fight drugs is excessive emphasis on authoritarian enforcement. Mass mandatory drug testing goes too far. Individuals should be presumed innocent unless probable cause exists to suspect that substance abuse is interfering with job performance. Due process must be respected. Even for offenders, the emphasis should be on rehabilitation.

Mr. Reagan appears not to sufficiently appreciate such concerns. Similarly, while tough enforcement against traffickers is necessary, overreliance upon the military must be guarded against. Zeal to fight a real problem must be restrained, lest it degenerate into overreaction that ultimately menaces civil liberties even more than the drug epidemic.

[From the Washington Post, Aug. 7, 1986]

GUILTY 'TIL PROVEN CLEAN?

In case you were worried about their on-the-job performance, President Reagan, Speaker O'Neill and Secretary of State

Shultz all volunteered this week to submit to drug tests. The president also said he's sure all the members of his Cabinet would be similarly cooperative. We'd guess that this list, plus a few other elected and appointed officials, would make up the total number of federal employees who are willing to put up with this intrusive and offensive procedure on a routine basis.

The idea of requiring all federal employees to provide urine samples at the office first surfaced last March when the President's Commission on Organized Crime made this crazy suggestion. There were predictable—and deserved—howls from employee unions, congressional committees and a lot of citizens who quickly say the civil liberties implications of this kind of testing. Even Attorney General Meese was cool to the plan, stating simply that the Justice Department "would review the proposal" at some unspecified time in the future.

But after all this battering, the idea does not yet appear to be dead and buried. We're not talking about tests for individuals whose conduct gives rise to reasonable suspicion that they are under the influence of drugs or even to a few sharply limited groups of employees—e.g., airline pilots and controllers—whose alertness is essential to the physical safety of others and who thus may be subject to stricter testing requirements than most. What is outrageous is the notion of the compulsory testing of all employees, a reversal of the presumption of innocence that requires a group of workers regularly to prove that they have not broken the law.

When President Reagan announced a new administration effort to combat drug use this week, he indicated that it was not his intention to require drug testing of all federal employees. His proposals have not yet been detailed, but their goal should be to limit testing to occasions where there is probable cause to believe an employee is an abuser or when safety and national security considerations are truly compelling.

Drug tests for all federal workers would be intrusive, humiliating and unfair. The idea should be buried once and for all.

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[From the Washington Post, Aug. 8, 1986]

JAR WARS: TOP THIS, DEMOCRATS

(By Curt Suplee and Eric Hubler)

Not since Jimmy Carter toted his own baggage a few yards had citizens witnessed such a bold yet perplexing symbolic gesture.

The White House announced yesterday that President Reagan and Vice President Bush would submit urine samples for drug testing on Monday to set an example for the rest of the country.

It may be the smallest political donation of all time.

In a further display of the administration's commitment to a drug-free workplace, it was also announced that 78 members of the White House senior staff will be invited to join the leaders of the free world in "volunteering" urine specimens, to be examined for traces of heroin, marijuana, cocaine, PCP, some kinds of amphetamines and barbiturates.

Asked if the Senate was planning to match the collective effort of 80 White House donors, a spokesman for Senate Majority Leader Robert Dole said yesterday that "as far as I know, nobody's made any statement to that effect. But if it gets into a competition . . . well, we've got a hundred senators."

"Of course, these two guys don't use drugs," observed comedian Mark Russell. "Their idea of a psychedelic experience is looking at a Norman Rockwell painting."

Many saw the initiative as agreeing with Reagan's longstanding preference for privatization, while others regarded the act as emblematic of the president's attitude toward American farmers.

Still others spoke darkly of "sending a message to the Soviets." Speculation on the historic and metaphorical significance of the gesture continued to run riot at press time, though it was generally conceded to be a watersned in American history.

The inevitable line was provided by Mike Fernandez, press secretary to Sen. Ernest Hollings (D-S.C.): "There they go again with those government leaks."

Several suspiciously anonymous reports arrived at this office in the wake of yesterday's disclosure.

A venerable historian who insisted that he was ashamed to have his name mentioned said, "As 'an example to the rest of the country,' it is not among the most endearing in the history of the Republic. Think of Washington fording the Delaware or Lincoln at Gettysburg and you'll get a sense of what I mean."

Nonetheless, there were reports that by 5 p.m. yesterday, 114 noted portrait artists had applied to immortalize the event in oil.

A celebrated economist who asked that her name not be used praised the effort. "In this period of record trade deficits, industrial lethargy and titanic national debt, any display of federal liquidity is a welcome sign."

A placard-bearer in Lafayette Park remarked, "I like a man who's willing to stand up for what he believes in."

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## FALLOUT IN NEW JERSEY FROM INSOLVENT INSURERS

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## HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Monday, August 11, 1986*

Mr. FLORIO. Mr. Speaker, I recently placed in the RECORD (E 2460) articles summarizing my subcommittee's hearing on insurance company insolvencies. I am adding here an article from the Star-Ledger detailing the impact of such insolvencies in my own State of New Jersey. The article describes the ominous strain placed on the capacity of the State's guaranty fund, which is supposed to pay claims filed against involvent insurers. Members from other States will likely find similar problems in their own States. Mr. Speaker, this is a very troubling matter that we cannot afford to ignore.

[From the Star-Ledger, July 27, 1986]

INSURANCE WOES LEAVE SPECIAL JERSEY FUND HOLDING A $56 MILLION BAG

(By Vincent R. Zarate)

Twelve out-of-state commercial insurance companies licensed to do business in New Jersey have gone bankrupt and three others went under conservatorship in the last year because of the liability insurance crisis, leaving $56 million in potential unpaid claims.

Those claims will have to be paid from a special fund created 12 years ago to handle the debts of bankrupt companies.

Although the fund has $70 million on hand, the amount could shrink quickly in the next two or three years if insolvencies continue.

In fact, if all the claims of the 12 insolvent companies as well as previous ones are paid by the fund, the total will be $61.2 million, leaving only $8.8 million to handle future claims.

But State Insurance Commissioner Kenneth Merin said it is unlikely a surcharge would be reimposed in the near future. He conceded, however, it depended on how many more companies went bust and how much in claims they owed.

Jack Conover, assistant insurance commissioner in charge of the department's finance examination and liquidation section, said, "If the insolvencies continue then maybe one or two years from now we will have to reimpose the surcharge" on all property casualty insurance policies to replenish the fund.

Merlin said the insolvencies are a reflection of a national liability insurance problem. He said that some companies went bankrupt because they "underpriced their product or went under because of inefficiency."

He said the companies writing liquor liability and long distance trucking policies were in extreme difficulty because the lossers were much higher than the premium charged.

The Commissioner said the 12 companies that went bankrupt in the past year and the three that are in conservatorship are "symptomatic of the financial problems faced in general by companies who charged low rates to get ready cash for high investments several years ago, and went insolvent because they did not have enough money to pay their claims."

Merin said none of the bankrupt companies is New Jersey based, but most wrote commercial liability insurance for taverns, businesses and commercial vehicles.

The property casualty guaranty fund was created 12 years ago to make good outstanding claims unpaid by bankrupt companies.

Under the law, the fund got its money from a surcharge of one half percent of the total premium paid by each property casualty policyholder. The surcharge was imposed on policies covering cars, homes, professional liability, commercial vehicles, stores, businesses and industries.

When the fund reached $65 million in 1981, the then-commissioner, James Sheran, cancelled the surcharge because the fund had enough money to pay claims, limited to $300,000 to each policy holder.

Since then, the fund has been beefed up by investment income and easily handled the payment of outstanding claims.

But now that the number of companies "going under" nationwide is increasing, the fund is bound to be reduced and if the trend of insolvencies continues, and outstanding claims increase, the surcharge might have to be reactivated.

According to the National Association of Insurance Commissioners (NAIC), 501 of the 2,424 property casualty companies were in either immediate need of rehabilitation or "targeted attention" because of financial difficulties.

Two property casualty companies in New Jersey are "being carefully monitored" for their financial condition by the insurance department, according to Thomas Hooper, a department spokesman. The two were not identified because Hooper said the companies were still solvent and to disclose their names probably would only trigger cancellation of existing policies and exacerbate the financial problems.

The 12 insolvent companies collectively handled about $56 million worth of the $3.4 billion-a-year commercial insurance business in New Jersey.

But because of the state's property casualty guaranty fund, any New Jerseyan with a claim against any of the insolvent companies could be paid up to $300,000.

Many of the outstanding claims are less than that figure, and payments are not made until the claim is investigated thoroughly.

The insurance department said the companies that did business in New Jersey and since went bankrupt or placed in conservatorship are:

Midland Insurance Co. of New York, with $137.7 million worth of business nationwide, $3 million worth in New Jersey, but with potential unpaid claims in New Jersey at $18.7 million.

Allied Fidelity Insurance Co. of Indiana, which wrote liquor liability and once had premium volume of $98.1 million nationwide, and $6.8 million worth of business in New Jersey. When it "went under" it had unpaid claims to New Jersey policyholders of $957,000.

American Consumer Insurance Co. of New York which wrote $8.5 million nationwide, and $5,321 in New Jersey, with no outstanding claims to New Jersey policyholders at the lastest report.

American Druggists Insurance Co. of Ohio, in rehabilitation since March, which had written $4.7 million worth of business nationwide and $4,424 in New Jersey, with no outstanding claims in the state as of the latest filing.

American Fidelity Fire Insurance Co. of New York, which wrote $19.9 million worth of business nationwide, and $1.1 million worth of New Jersey business, with unpaid claims of $917,506 to New Jersey policyholders.

Carriers Insurance Co. of Iowa, which wrote $46 million worth of business nationwide, and $1.5 million worth in New Jersey, with unpaid claims for New Jersey policyholders at $1 million.

Enterprise Insurance Co. of California, placed in conservatorship last November when it was writing $119.8 million worth of business nationwide, with $154,000 worth in New Jersey and unpaid New Jersey claims of $96,000.

Great Global Assurance Co. of Arizona, writing $59.7 million worth of business nationwide, and $597,000 worth in New Jersey, with unpaid New Jersey claims at $102,000.

Ideal Mutual Insurance Co. of New York, writing $200 million worth of business nationwide, $4.9 million worth in New Jersey and with unpaid claims in New Jersey worth $7.9 million.

Mission Insurance Co. of California now under conservatorship. It had written $311 million worth of business nationwide, $6.6 million worth in New Jersey and unpaid New Jersey claims of $415,000.

Mission National Insurance Co. of California, now in conservatorship. It had written $220 million worth in the nation, and $6.7 million in New Jersey, with unpaid New Jersey claims of $10.5 million.

Transit Casualty Co. of Missouri, writing $227 million worth of business in the nation, and $9.5 million worth in New Jersey, with unpaid New Jersey claims of $13.6 million at the latest report.

Union Indemnity Insurance Co. of New York, writing $68 million worth of business nationwide, with $3.7 million in New Jersey and unpaid New Jersey claims of $2 million.

## COOPER EVANS

### HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 7, 1986*

Mr. PANETTA. Mr. Speaker, I rise today to join my colleagues in congratulating COOPER EVANS on his retirement from Congress at the end of the year. It has been a great experience working with COOPER over the past 6 years, and he will surely be missed by Members on both sides of the aisle.

COOPER and I have served together on both the Agriculture Committee and the Select Committee on Hunger. On the Agriculture Committee, he has effectively represented his farm constituents and has been a unifying force for bipartisanship. I have found COOPER particularly helpful as we have worked to address the enormous credit crisis facing members of the farm community throughout the country. His genuine concern and creativity have been vital to the committee's efforts in this area.

On the hunger issue, COOPER has been a strong voice of compassion on behalf of the hungry in this country as well as those overseas.

Mr. Speaker, COOPER EVANS will truly be missed by me, by members of our committees, and by the House. I know my colleagues join me in wishing him the best of luck in the years ahead.

## COMPREHENSIVE CAMPAIGN FINANCE REFORM ACT

### HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, August 11, 1986*

Mr. LEVINE of California. Mr. Speaker, today my colleague from Washington Representative JOHN MILLER and I are introducing legislation known as the Comprehensive Campaign Finance Reform Act. This measure is designed to increase public participation in the electoral process by providing for taxpayer financing of House general election congressional campaigns and by imposing strict, new spending, and contribution limits on political action committees. Unlike other campaign reform measures, this bill not only further restricts the amount which a PAC can give to a single candidate, but also limits the total amount a PAC can contribute to all Federal candidates in an election cycle. I am confident that if this legislation is enacted, it will make elected officials more accountable to the entire public and less beholden to a few money special interest groups.

I believe that the vast majority of my colleagues share my concern about the recent proliferation of PAC's and their disproportionate role in congressional contests and legislative activities. In the 1974 election, 608 PAC's contributed $12.5 million to congressional candidates. A decade later, 4,000 PAC's gave over $100 million to congressional candidates. This trend is even more troubling in light of the fact that the increase in PAC receipts has been accompanied by a relative decrease in contributions from individual citizens. Individual contributions have dropped from three-fourths—73 percent—of total House receipts in 1974 to less than half—47 percent—in 1984.

I am not so much disturbed by the existence of special interest groups as I am by the disproportionate influence they wield. What distinguished a powerful interest group is not necessarily its membership or popularity, but rather its wealth. During the last decade, annual PAC expenditures have increased tenfold. Their capacity to influence the legislative process has grown accordingly. Yet, I am not convinced that these special interest groups are championing the interests of the public any more effectively today than they were 10 years earlier. What is clear is that enormous pressures have been placed on representatives to accommodate the interests of these well-heeled lobbying organizations.

I am also disturbed by the growth of independent groups which can spend unlimited money for or against a candidate. Because of such groups, candidates for Congress find themselves having to run against both an opponent and a formidable and unaccountable political action committee. It is no wonder that the average cost of campaigning for the House has tripled since 1974.

In order to promote equal balance between the role of PAC's and individual contributors in elections, I would like to see the House adopt the Comprehensive Campaign Reform Act of 1986. This measure limits the amount of money a congressional candidate may accept from a PAC to $100,000 per election cycle. PAC contributions to individual candidates will be reduced from $5,000 to $2,500. Unlike a number of other campaign finance reform proposals, my legislation does not raise individual contribution limits. Raising the $1,000 individual limit will affect a very small percentage of the electorate and will do nothing to give voice to the millions of Americans who already feel shut out of political process.

In order to limit the overall influence of the most active PAC's, my legislation provides that a special interest group may only contribute up to $500,000 to all candidates in an election cycle. This novel provision would force the top PAC's to curb their spending habits and perhaps limit their ability to influence the legislative process. While placing a limit on overall spending by an individual PAC is an unprecedented legislative recommendation, it is based on the well-established notion that while PAC's themselves may be useful, there is something alarming about the excessive amounts of campaign money that flow from very few PAC organizations. Consequently, limited number of special interest groups have disaproportionately dominated the attention of members and the legislative process itself.

In order to make House candidates and Members more accountable to the public at large, the Comprehensive Campaign Reform Act proposes public financing for House general elections similar to the system utilized in the Presidential primary race. If participating candidates agree to abide by various spending limits, including an overall $350,000

spending ceiling, and the acceptance of small in-State contributions, then they may receive up to $100,000 in matching funds for $100 or less in-State contributions. If one candidate does not abide by these limits, then his opponent can receive an unlimited amount of matching funds for additional small contributions raised. Although this $350,000 spending ceiling may appear to be quite high, it was carefully chosen. This spending limit is high enough to ward against protecting incumbents, and low enough to encourage active competition without excessive campaign spending.

Finally, in order to protect candidates unlimited attacks by independent organizations, my legislation provides candidates with matching funds equal to the amount that is spent in independent advertising—in excess of $5,000—against them or for their opponents. Unlike other legislation, I have not proposed providing candidates with an equal amount of air time utilized by independent committees. Such a provision would chill the interests of broadcasters to air independent political advertising. Additionally, proposals which only provide matching air time to counter independent advertising are ineffective in countering independent advertising in newspapers and direct mail.

Running for, and remaining in, Congress is an expensive proposition. We should do all we can to ensure that elected offices cannot be bought and sold and that the public does not have such a perception of our political process. If we allow campaign costs to rise continually, Members and prospective candidates will only become more dependent on the support of a few moneyed interests. We have never supported a plutocratic form of government in this country and we never should. If government is to remain by the people and for the people, then Members of Congress must look for campaign support from all the people. Adoption of the Comprehensive Campaign Reform Act will help us return to that way of governing.

## COMPREHENSIVE CAMPAIGN FINANCE REFORM ACT

### HON. JOHN MILLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Monday, August 11, 1986*

Mr. MILLER of Washington. Mr. Speaker, today I am joining with my distinguished colleague from California, Mr. LEVINE, to introduce the Comprehensive Campaign Finance Reform Act of 1986. This bill would limit campaign spending and restore the balance between PAC [political action committees] and individual participation in congressional elections. This measure would increase public participation in House general elections by providing Federal matching of individual contributions through expansion of the voluntary campaign checkoff system on Federal tax returns. The bill also would impose new and stricter spending and contribution limits on PAC's.

There is an urgent need for comprehensive reform of our campaign finance laws. Campaign spending has skyrocketed out of control, making it more and more difficult to run without enormous "war chests." With the enormous cost of campaigns has come an increasing reliance on PAC's to supply these great sums of money. At the same time, individual contributions have dropped significantly.

In its recent analysis, the Democratic Study Group found that contributions from individuals dropped from 73 percent of total House campaign receipts in 1974 to only 47 percent in 1984. According to the Congressional Research Service, PAC contributions to House candidates from 1974 to 1984 increased from 17 percent of total receipts to 37 percent for all candidates and from 19 percent to a 43 percent for incumbents. The average House winner spent $289,000 in 1984, compared with $87,000 in 1976. House winners in close races in 1984 spent an average of $498,000 with successful challengers spending an average of $514,000.

As a result of these trends in campaign finance practices, the typical Member of Congress is spending more and more time with PAC's and less and less time with Dick and Mary Mainstreet. Mr. Speaker, we are not trying to eliminate the role of PAC's, we are trying to preserve the role of the individual.

The public is losing confidence in our political system and rightly so. I have been receiving an increasing number of constituent letters questioning the influence of PAC's on House Members. Our ability to represent our districts is diminished when so much time and effort must be devoted to fundraising for the next election.

The bill we are introducing today is based on concepts developed in earlier proposals for public financing of general elections and on the PAC and other restrictions found in the Boren proposal. To this structure we have added some provisions never before—to the best of our knowledge—included in reform legislation of this kind.

The public financing system we propose is both constitutional and fair. While the 1976 Supreme Court decision in Buckley versus Valeo ruled against spending limits in congressional races, it specifically allowed spending limits in Presidential elections if a voluntary public funding system was in place. Thus, public financing provides a method of controlling overall campaign costs while also encouraging small individual contributions and discouraging reliance on PAC's. It also promotes more equal access to the political arena for all candidates, thus countering the trend toward relying on personal wealth and/or interest groups as a prerequisite for political office.

The new system would allow a maximum of $100,000 in individual contributions to be matched. Taxpayer financing would be triggered when the candidate has received $10,000 in small contributions—defined as contributions under $100. The system would be financed by increasing the current voluntary taxpayer checkoff on individual tax returns, the source of public financing currently provided in Presidential elections. Money raised after January 1 of an election year up to election day would be eligible for matching. This would give sufficient leeway to candidates with late primary dates to meet their eligibility requirements by the time they are nominated.

An overall spending limit of $350,000 would be imposed for the general election. This figure was chosen with a great deal of care aftrer reviewing the available data. We believe it represents a realistic spending figure which will help mitigate against incumbent protection. Personal and immediate family campaign expenditures would be limited to $20,000 per candidate in the general election.

The bill adopts several important limits on PAC contributions. House candidates could accept up to $100,000 in contributions per election cycle from all political action committees. PAC's could contribute a maximum of $2,500 per election, as opposed to the current $5,000 limit. We have also added a new provision which would limit the total amount of money which can be contributed by a PAC to all candidates in an election cycle to $500,000. While PAC's have their place in election financing, we want to make sure that the role of individual citizens is preserved—there must be a balance.

The legislation includes a provision to address the growing problem of independent expenditures. If a candidate is the target of advertising through an independent expenditure in excess of $5,000 made either against that candidate or in support of his opponent, additional taxpayer financing would be triggered. This additional financing would equal the amount of the independent expenditure beyond $5,000.

The Supreme Court decision in Buckley versus Valeo made limits on independent expenditures unconstitutional. By allowing additional public financing to counter independent expenditures, the candidate whom spending is directed against will have the opportunity to respond to it, and the incentive for this type of campaign expenditure will be reduced.

Finally, the bill would address the "soft money" problem by requiring the reporting of money which crosses State lines in excess of $1,000, even money which is given to State and local committees and candidates.

The term "soft money" refers to election-related money raised or spent outside the parameters of the Federal election laws. In recent elections, the national political parties have played an increasing role in directing money which could not be spent in national elections—either because the PAC or individual had reached the maximum limit or because it was corporate or labor money which is prohibited in Federal elections—to State and local political parties and campaigns where such funding is permitted, thereby undermining the spirit of the Federal election laws. Although this money is spent by State parties and campaigns, there is at least an indirect impact on Federal elections.

This spending has become a new loophole without limits. Since "soft money" is a new phenomenon, we have limited our reform to uniform, centralized disclosure; however, further data may suggest other methods for addressing this new loophole.

Mr. Speaker, we believe this bill will go a long way toward correcting many of the abuses and potential for abuse in our current campaign financing system. As more and more PAC's contribute more and more money to congressional candidates and incumbents,

the individual, small contributor is losing influence to group interests that all too often focus on a single issue. When this happens, we all lose. For example, over the years Members of Congress have too often voted not to benefit the general public interest of the taxpayers, but to benefit groups or interests. This is one of the major contributing factors to our $200 billion annual budget deficit. If we want to reduce the deficit we should make sure that Members of Congress are less dependent on contributions from special interest groups and more dependent on campaign contributions from the general public. In fact, I believe with the exception of Gramm-Rudman, this proposal would do more to reduce the deficit than any other measure introduced in this Congress. Mr. Speaker, I believe that it is important to listen to the PAC's and the single interest groups, but it is just as important to listen to Joe and Mary Mainstreet. This legislation will restore some much needed balance to campaign financing and rein in the ever increasing costs of campaigning for Congress.

COMPREHENSIVE CAMPAIGN FINANCE REFORM ACT OF 1986

PAC LIMITATION

Limits the amount of money a candidate for the House of Representatives may accept from political action committees to $100,000 per election cycle, plus an additional $25,000 in the event of a run-off election and $25,000 if the candidate is opposed in both a primary and general election (there is no limit under current law).

Limits the amount of money which can be contributed by a PAC to a federal candidate to $2,500 per election (the current limit is $5,000).

Limits the total amount of money which can be contributed by a PAC to all federal candidates in an election cycle to $500,000 (there is no limit under current law).

Closes the loophole for conduit or bundled contributions by requiring the contributions to count toward the limit of the agent (e.g. a PAC) collecting the funds, instead of only the limit of the individual writing the check, as in current law.

CAMPAIGN SPENDING LIMITS

These limits are constitutional only under a system of voluntary taxpayer financing.

Limits the amount of personal and immediate family campaign expenditures to $20,000 per candidate in the general election (there is no personal spending limit under the current law).

Limits overall spending by a House candidate in a general election to $350,000 (there is no overall spending limit under current law).

TAXPAYER FINANCING

Taxpayer financing for House general elections is to be provided by the voluntary income tax check-off (triple the current amount). Public financing for congressional races is not a part of current law.

If both candidates agree to abide by the limits contained in the bill, a one-to-one match of their $100 or less contributions would take place. For every $100 in contributions, the candidates receives $100 in taxpayer financing.

A maximum of $100,000 in such contributions may be matched.

Taxpayer financing is triggered when the candidate has received $10,000 in small contributions (defined as contributions under $100) and is to be dispersed in increments of $10,000. A candidate can be eligible for taxpayer financing only if at least two candidates qualify for the ballot.

Money raised after January 1 of an election year up to election day is eligible for matching (to address the late primary dates in some states). To ensure an effective matching system for the general election for all states, it is envisioned that the Federal Election Commission would draft regulations requiring candidates to keep separate accounts for the primary and general elections.

Contributions of only $100 or less from individuals can be matched, and all of these contributions must be provided by residents of the state in which the election is held.

If one candidate agrees to abide by the limits and his or her opponent does not, then two things happen. The first candidate is released from the overall spending limit and the $100,000 limitation on total public funds. That candidate would still receive a 1-1 match in taxpayer financing.

INDEPENDENT EXPENDITURES

Allows a candidate to be provided additional taxpayer financing when the candidate is the target of advertising through an independent expenditure. The additional taxpayer financing would equal the amount of independent expenditures in excess of $5,000, even if this means exceeding the public funding limit.

Independent expenditures are made by individuals or groups on campaign activities, such as the purchase of TV or newspaper advertisements, without coordination or consultation with any candidates.

SOFT MONEY

Requires the reporting to the Federal Election Commission of any money which crosses state lines in excess of $1,000, even money which is given to state and local committees and candidates (there is no current provision providing this reporting).

"Soft money" refers to election-related money raised or spent outside the parameters of the federal election laws. This loophole has allowed money which could not be spent in national elections (either because the PAC or individual had reached the maximum limit or because it was corporate or labor money which is prohibited in federal elections) to be directed to state and local political parties and campaigns where such funding is permitted. Although this money is spent at the state level, there is at least an indirect impact on federal elections, yet there is no centralized system of disclosing such expenditures.

## SHIRLEY COLETTI—A NATIONAL LEADER IN OUR BATTLE AGAINST DRUG ABUSE

### HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, August 11, 1986*

Mr. YOUNG of Florida. Mr. Speaker, drug abuse education and prevention has been of particular concern throughout our Nation this summer, as well it should. However, for Shirley Coletti, a friend and constituent of mine from St. Petersburg, FL, the battle against drug abuse goes back more than 20 years.

It was in 1964 that Shirley first suggested the need for drug education programs to her Pinellas County friends and neighbors. At the time, the thought of children using drugs was shunned by parents.

Despite the initial cool response to her suggestion, Shirley continued to voice her concerns to community leaders, who over time began to understand the need for drug and alcohol education programs. By 1971, her efforts culminated in the founding of Operation PAR [parental awareness and responsibility], a program to raise parents' understanding and knowledge about the use of drugs and alcohol by children.

Today Shirley Coletti is executive director of Operation PAR. She also serves as president of the National Federation of Parents for Drug-Free Youth.

Her work to educate children and parents about the dangers of drug and alcohol abuse have received national attention. This summer she was honored for her efforts by President and Mrs. Reagan during a White House ceremony. She also has been appointed by the President to serve on the Caucus on International Narcotics Control.

Following my remarks, I would like to include for my colleagues, a story from the July 15, 1986, St. Petersburg Evening Independent, which provides more detail about Shirley's work. Despite a society that was slow to accept her words of warning about the use and abuse of drugs and alcohol by our youth, Shirley persevered. Her role as national leader in this difficult battle has finally been recognized. More importantly though, her efforts have met with success as thousands of children throughout our country and our Nation better understand the threat to their health and safety caused by drugs and alcohol.

[From the Evening Independent, July 15, 1986]

PINELLAS ANTIDRUG CRUSADER GAINS NATIONAL RECOGNITION

(By Phyllis Winfield)

Twenty years ago, parents wouldn't discuss the possibility that their children were using drugs, says the executive director of Operation PAR, Pinellas County's parental education and drug-prevention program. At least, says Shirley D. Coletti, that's the way it was in her St. Petersburg neighborhood.

When two of Coletti's children began wearing flamboyant clothing and acting unusually rebellious, the mother of five wondered if they were smoking marijuana. And since she also noticed similar changes in the dress and behavior of their friends, Coletti decided to discuss her suspicions with parents in the neighborhood.

The year was 1964, and many middle-class parents in Pinellas County believed the only children who experimented with drugs lived in New York City or came from low-income families, Coletti says.

"None of them wanted to talk about it," says Coletti, 51. "It was like, 'Listen, lady, that's your problem. We don't have that kind of problem in our home.' When I was trying, in my neighborhood, to find other parents who thought their kids were experimenting with drugs, I was met with a tremendous amount of denial. When I brought it up that their kids might be involved, that's when they hung up the phone. And, unfortunately, a couple of the kids in our community went to prison and one had to go into treatment (for drug offenses)."

Undaunted by lack of community support, Coletti approached government officials

with the idea of starting a drug and alcohol prevention program to educate parents. Her efforts resulted in the birth of Operation PAR (Parental Awareness and Responsibility). It was founded in 1971 by former Pinellas County Sheriff Don Genung and Pinellas-Pasco State Attorney James T. Russell. Last year, Operation PAR served 26,000 Pinellas County residents.

In addition to increasing parental awareness of drug abuse, Coletti has reaped other rewards for her crusade against drugs. The Reagan administration recently appointed her to the Senate Caucus on International Narcotics Control, a panel established by the U.S. Senate to study drug-prevention programs around the world. Seven senators and five private citizens appointed by the President make up the caucus suggested by Sen. Paula Hawkins, R-Fla.

Coletti will be sworn in to her volunteer position on the panel this month. Toward the end of the month, she will head for Washington, D.C. to attend an organizational meeting of the caucus.

Coletti has already begun considering goals for the international caucus. "I'd like to see the white-collar investors put in jail," she says. "As long as there is the kind of profit motive that there is now (for drug traffickers), with millions of dollars to be made, things won't change."

She also hopes to persuade government offficials to channel money and property confiscated from drug dealers into drug rehabilitation and prevention programs. Another goal is to help secure the return of drug money deposited in Swiss bank accounts to the United States. Switzerland has agreed to investigate bank accounts held by suspected traffickers, but the Swiss will reap the benefits if officials discover the money was earned through drug sales, she says. "I'd really like to see that money returned to the U.S.," Coletti says.

Coletti also is president of the National Federation of Parents for Drug-Free Youth, an organization that consists of about 8,000 parent awareness groups in the United States. PAR is a member and affiliate of the organization. The national organization is funded by corporate and private donations and membership fees.

Coletti, who joined the national drug-prevention group in 1980, was among the members invited to the White House in 1982. They discussed with Nancy Reagan how the first lady could boost national awareness of escalating drug abuse. And President Reagan has visited Operation PAR and other drug-prevention centers in the county, she says.

The Kentucky native attributes her career successes to the encouragement of her mother, Geneva Mattes. "She taught me that I can really be in control of my own destiny, and that I can really bring about change," Coletti says.

A former registered nurse, Coletti moved to Pinellas County 26 years ago. She relocated after her first marriage ended so that she could live near her mother.

Coletti says she feels Pinellas parents need to do much more to boost their children's knowledge about the dangers of drug abuse. Communication is the key to solving drug-related problems, Coletti says. She advises parents to start discussing illegal drugs with their children when they are 3 years old.

You're not protecting your kid if you don't talk about drugs," Coletti says. "As parents, we have to work with our kids. Parents have to be knowledgeable about drugs. As an aware parent, we need to be aware of behavior changes, changes in their peer group. Because when they're 15 or 16, it's too late."

When she suspected her own children were experimenting with drugs, she never discussed her worries with them, she says. That was a mistake, she says, even though those children later abandoned drugs. "I'd have raised all my children differently if I'd known what I do now," Coletti says.

But she did talk more with her youngest son, 17-year-old Billy about drugs. "At age 13, I took him to every drug-abuse conference I attended," Coletti says. "And he is a non-smoker and a non-drug abuser."

Coletti believes her experience as a mother and former volunteer will add a less political touch to the Caucus on International Narcotics Control. Even though she's rubbed elbows with well-known politicians, she says, "I've never felt like a politician. I think that the fact that I'm a non-politician serving with equal status of senators will provide a grass-roots viewpoint of a national tragedy."

## "WE THE PEOPLE" CALENDAR TO BE OFFICIAL CALENDAR FOR OBSERVANCE OF BICENTENNIAL OF CONSTITUTION

### HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Monday, August 11, 1986*

Mr. FRENZEL. Mr. Speaker, House Concurrent Resolution 375 was passed by the Committee on House Administration on August 7. This resolution, sponsored by Representatives PICKLE, BOGGS, CRANE, OAKAR, GINGRICH, FOLEY, LOTT, and myself, will be brought before the House shortly. I urge its support.

House Concurrent Resolution 375 makes the 1987 edition of the U.S. Capitol Historical Society annual calendar the official calendar for our national observance of the Bicentennial of the Constitution. This edition has been carefully annotated to reflect events occurring in 1787. This legislation has the full support of the congressional members of the Commission on the Bicentennial of the United States Constitution.

The "We the People" calendar is only one of many fine efforts the U.S. Capitol Historical Society continues to undertake. Since its inception under the dedicated and tireless leadership of our former colleague, Fred Schwengel, the society has provided educational programs and historical seminars, published scholarly works and, perhaps the most noticeable of all, enhanced our Capitol Building through the beautiful historic murals of Allyn Cox. Another undertaking of great merit is the Commemorative Medal Program.

The gentleman from Texas, Mr. JAKE PICKLE, a member of the society's executive committee, joins me in presenting the following explanations of four ongoing programs to better acquaint you with the endeavors of the society. Please note that the first article regards the 1987 edition of the society calendar—the Bicentennial Calendar. When House Concurrent Resolution 375 is passed, the official designation of the 1987 U.S. Capitol Historical Society Calendar is not only a gesture appropriate to the bicentennial, but also it shows our appreciation for the fine work of the society over the years.

THE U.S. CAPITOL HISTORICAL SOCIETY ANNOTATED BICENTENNIAL CALENDAR

For almost twenty years, the United States Capitol Historical Society, in coordination with the Congress, has published an annotated calendar focused on bicentennial commemorations.

Generally, the commemorative annotations are drawn from the Revolutionary War era as a whole, with an intermixture of citations from the 1750's, 60s, 70s, and 80s. Now, however, in recognition of the Bicentennial of the U.S. Constitution, the calendar is being prepared on a strict bicentennial basis with every annotation referring to an occurrance of two hundred years ago exactly.

Next year's calendar will constitute one of the most comprehensive "time lines" for tracing the events of 1787, including not only the day-by-day events at the Constitutional Convention but also the broader context of public events that preceded the Convention as well as the aftermath in the efforts toward ratification.

The central challenge of the calendar project is to render historical data with brevity—as dictated by space constraints—while retaining substance. Research for the calendar, performed each summer by interns, is supervised by the Chief Historian of the United States Capitol Historical Society.

The basis for the calendar research is a bibliography of primary and secondary sources which the Chief Historian has certified as reliable. This bibliography is an invaluable resource for research in the mid-to-late 18th century. Moreover, calendar annotations produced in accordance with this procedure are being compiled by the United States Capitol Historical Society for possible future use in a comprehensive datebook of historical events in the Revolutionary War era.

Finally, the widely-praised pictorial component of the calendar has established a tremendous national audience for the calendar. The Society receives countless letters of acclaim for the calendar, especially from primary and secondary school educators. The Congress has always played an important role in maintaining the suitability and quality of the pictures. Economies of scale have made it possible for the United States Capitol Historical Society to produce the calendar at costs sufficiently low to sustain an annual distribution in the millions. Truly, the United States Capitol Historical Society's annotated bicentennial calendar is yet another tribute to the vision and hard work of the employees and officers of the Society.

WE THE PEOPLE—THE STORY OF THE U.S. CAPITOL

"We The People—the Story of the United States Capitol," first published by the United States Capitol Historical Society in 1963, is one of the most unique historical books in our land. It tells the dramatic story of the founding and building of the United States Capitol Building and it briefly outlines the work and responsibilities of the Congress of the United States from the early days to the present time. This history book, now in its 13th Edition, has sold over 5.5 million copies. In addition to English it is available in French, German, Spanish and

Japanese. The book was made possible by the close cooperation and association between the United States Capitol Historical Society and the National Geographic Society

Many of the photographs of the House of Representatives and the Senate of the United States in session could not have been possible without the approval, and in the case of the official photographs of the House and Senate by actual Resolutions of each House. "We The People" is authored by Lonnelle Aikman, senior writer for the National Geographic Society. It contains hundreds of photographs in full color and 144 pages of historical text.

The "We The People" book is often one of the first items sought by visitors who arrive to tour the Capitol Building. Since the book has been published in so many editions since 1963, many individuals, from all walks of life, are familiar with this book from their days as young tourists and students visiting the Capitol. Each Edition is brought up-to-date with changes and certain new photographs, as required, with the changing of the certain offices in the Congress.

It is due, in large measure, to the acceptance and success of the "We The People" Book that the United States Capitol Historical Society is able to undertake worthwhile research and other projects such as the Art Program in the Capitol to increase the beauty and decorative motif of the most significant building in the nation. Our Capitol, depicted by the We The People Book is best described by Allan Nevins in his introduction to the book as he said:

"The Capitol is History; it is the Major Symbol of the Nation, full of minor symbols; but above all it is a Mighty Engine, tended and kept throbbbing by the indefatigable efforts of a select assemblage which represents far more of our national strengths than of our national weaknesses."

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THE SPEAKERS OF THE U.S. HOUSE OF REPRESENTATIVES: A BIBLIOGRAPHY, 1789-1984

This bibliography was the result of President Schwengel's directive to the History Department of the Capitol Historical Society to prepare a bibliography to assist scholars and students in researching the history of the speakership. The seed he planted took root as research, and preparation of the manuscript proceeded for nearly a decade.

The bibliography is divided into four sections representing the historical development of the office. The first, 1789-1814, traces the evolution of the Speakership from the first Speaker, Frederick Muhlenberg, through the consolidation of power in the hands of Henry Clay. The second section surveys the turbulent legislative period prior to the Civil War. The postbellum development of the office is followed to 1911, culminating in the revolt against Speaker Joseph Cannon. The final section covers the Speakership from 1911 to the present.

A biographical sketch begins the chapter on each Speaker. Bibliographic entries are categorized according to: works written by the Speaker; profiles, eulogies, and genealogies; works on state and local history and politics; works on political or other public figures associated with the Speaker; and works on the Speaker's congressional career and other specific topics relating to his life. This unique and exhaustive reference will provide invaluable research assistance to historians, political scientists, journalists, and others studying Congress.

Prepared under the editorship of Associate Historian Donald R. Kennon and published by The Johns Hopkins University Press in 1985, the bibliography has won wide-ranging praise. The Speaker of the U.S. House of Representatives, Thomas P. O'Neill, Jr., has called the bibliography: "A remarkable piece of diligent research and scholarship . . . This bibliography will open the door to further research into the history of the Congress and contribute to a better understanding of the Office of the Speaker and the Congress itself."

*Library Journal* in the May 1, 1986 issue refers to the book as "a long overdue major contribution to the study of the institution of Speaker of the House," and "an invaluable research tool; highly recommended to academic and public libraries." The warm reception the bibliography has received is testimony to the careful planning of the society and the scholarship of its employees.

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THE COMMEMORATIVE MEDAL PROGRAM OF THE U.S. CAPITOL HISTORICAL SOCIETY

Since 1978, the United States Capitol Historical Society has carried out a nationally acclaimed Commemorative Medals Program to call attention to the coming of the Bicentennial of the United States Constitution. The Program now includes nine medals—all by skilled and nationally respected sculptors.

The 1987 Medal will be a unique memento to mark the celebration of the 200th anniversary of the Constitution. The 1987 Bicentennial of the Constitution Medal, and each of the other medals in the Society's series of medals, has been designated by the Commission on the Bicentennial of the United States Constitution as "an Official Medal of the Commission."

The 1987 Medal is the work of Marcel Jovine in cooperation with the Society's Medals Advisory Committee. Mr. Jovine is a talented and experienced sculptor, with many medals and works of art to his credit. He has been chosen by the Medallic Art Company of Danbury, Connecticut to undertake many of their most prestigious and difficult medallic assignments. His creations include the Lake Placid Winter Olympics Medallion, the 1980 issue of the Society of Medalists.

Jovine was the winner of the competition for the American Numismatic Society's 125th anniversary medal. As "a dream come true" in his own words, Marcel Jovine in 1985 accepted the coveted American Numismatic Society's J. Sanford Saltus Award in ceremonies at the American Numismatic Society Museum in New York, thereby joining an elite list of 32 world-famous sculptors. He is the Vice President of the National Sculpture Society. Born in Naples, Italy, Mr. Jovine works in his studio-home in Closter, New Jersey.

The obverse side of the medal will feature the conception and adaptation by Artist Jovine of the famous paintings by Howard Chandler Christy of the Scene of the Signing of the Constitution. The medal officially marks the Bicentennial dates and contains the official imprimaturs of the Commission on the Bicentennial of the United States Constitution and the United States Capitol Historical Society.

The reverse side of the medal emphasizes the creation of the Three Branches of the Federal Government, as established by the Constitution, and under which the American people have governed themselves in a Government of "We The People . . ." On the border of the medal the historic significance of Articles I, II and III of the Constitution is heightened by the artist's use of the actual historic wording taken from the Constitution itself.

The 1987 Bicentennial of the Constitution Medal, an official medal of the Commission on the Bicentennial of the Constitution and issued by the United States Capitol Historical Society, will be available in early 1987 in offerings of 1½" Bronze Antique, 2½" Bronze Antique, 3" Bronze Antique, 1½" Sterling Silver proof, 3" Silver Art, and 5/16" 18 Karat Gold.

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## ENVIRONMENTAL CRISIS IN AFRICA

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### HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, August 11, 1986*

Mr. SCHEUER. Mr. Speaker, one of the more severe problems facing Africa today is that of environmental destruction. Overpopulated and underproductive, Africans have begun to cultivate near desert, steep hillsides, and other less arable lands. Due to ignorance of proper farming techniques, these newly cultivated lands produce little food but much environmental destruction: widespread deforestation, erosion, and desertification. Deforestation also occurs as Africans seek firewood that serves as fuel for Africa.

Africans recognize that they have an environmental crisis. But as we in the industrialized countries know too well, environmentalism has a stiff price. Many suggest that Africa has too few funds to worry about the niceties of the environment. Africa, they say, must develop first, and then it can address the environmental destruction that accompanies development. But as we in the industrialized countries also know, cleaning up and rehabilitating destroyed ecosystems costs far more than prevention. Thus, I have included a splendid speech by Edward Ayensu of Ghana, who addressed this question in his talk at the All-Africa Conference on Population and Development in Harare, Zimbabwe.

POPULATION, ENVIRONMENT AND DEVELOPMENT IN AFRICA: A COMMENTARY

(By Edward S. Ayensu)

INTRODUCTION

Our concern with the impact of human activity on the African environment has led to numerous assessment studies during the past two decades. Both conservationists and developers have participated because each group has a practical interest in the ecological balance which involves human and animal populations, the natural resource base, and the carrying capacity of the continent. One clear cord which has been struck again and again: rapid population growth, coupled with the careless handling of the biosphere, contributes significantly to the rising levels of environmental degradation being experienced in Africa today. The population factor per se is not to blame, only the distressing ways in which it is channeled and focused. Unequal access to good farmlands, unsatisfactory livelihood security among the rural and urban poor, and the unconscionable greediness of big-time exploiters—both domestic and foreign—have driven growing numbers of people into mar-

ginal lands, and forced them to open up new forest lands. The pattern repeats itself over and over again. The cumulative impact of such movement brings deforestation, soil degradation, pollution of meagre useable water resources, limitation of energy supply, reduction of food and nutritional security among many African families. In some instances, human conflict arises.

Those who so often refer to the enormous size of Africa, and talk of plenty of room for the expansion of human habitation, delude themselves. Our continent does not have limitless carrying capacity. Those who think it does, fail to realize that 44 percent of the land surface is arid, semi-arid and desert, 18 percent of extremely low fertility, and 22 percent water-logged and of shallow depth. Only 16 percent of the land can be considered quite satisfactory. Faced with this last fact, and the excessive rate of population growth in many African countries, government planners (and especially those who continue to follow inappropriate policies) should turn increasing attention to the achievement of a balance between development and conservation.

Paradoxically, the widespread use of wonder drugs such as antibiotic's, vaccines for mass immunization of man and animal, and the application of DDT and other insecticides, have brought considerable gains in life expectancy, especially in the developing countries of Africa. It seems clear that if present trends continue, the poor populations will swell to unmanageable limits and place even more severe stress on the natural resource base. I see only one way out of this dilemma in the long term; to develop the kinds of policies that will raise living standards among the great majority of Africa's rural and migratory populations. But in the short term education at all levels, including a systematic programme for young adults on planned parenthood, should play a major role. And as President A. W. Clausen of the World Bank noted at the Population Conference on 7 August 1984 in Mexico City, the curbing of population growth "must be contained through policies and programs that are humane, noncoercive, and sensitive to the rights and dignity of individuals."

DEFORESTATION

Close scrutiny of the causes of deforestation indicates that population growth should not be singled out as the culprit. It takes only a few major timber consessionists to lay waste several thousand hectares by clear-felling within a year: and only after such commercial interests have been fulfilled do the rural poor use bush fires to complete the job. Very often timber consessions lie in close proximity to buffer zones of forest reserve establishments. Soon after the consessions are cleared of their vegetation, including parts of the buffer zones, rural populations move in to start farming. After only a few years of farming the soils lose their fertility, and process of shifting cultivation begins all over again.

Due to rapid population growth in rural areas, the general practice of allowing the soil to rest and thus develop a vegetation cover, is becoming a thing of the past. Hence the productivity of several thousand hectares is spoiled annually. Such patterns of land use and misuse are becoming the accepted way of life in far too many places. It is also important to note that our knowledge of the African soils is generally poor. Some basic classification studies were undertaken in the 1950s and 1960s. Most countries, however, have not really begun to maintain analytical facilities for the kinds of local soil studies which will enable farmers to manipulate their fields under conditions of expansive inputs and amendments. We should not lose sight of the fact that generally the new high yielding crop varieties remove substantial quantity of nutrients from the soil.

SOIL EROSION

It is an irrefutable fact that soil degradation in many parts of Africa progresses at an alarming rate because of indiscriminate use of the land and water resources. Furthermore, in areas where human and animal population growth is increasing, the land is usually already farmed beyond its carrying capacity. It is likely that soil degradation will be further accelerated by wind erosion, water erosion, and salinisation. The rate of soil erosion directly affects the speed with which irrigation and water development schemes become silted. To reverse both erosion and siltation, planners can use any of several practical technologies. Such efforts can pay off with increased food and agricultural production and rehabilitation.

DISRUPTION OF HYDROLOGICAL CYCLE

The subject of climate as it relates to population, environment and development, has both engaged and confused the experts. Recent climate changes in Africa have certainly contributed to the erosion of the natural resource base and, without doubt, have injected an atmosphere of uncertainty into the development process. While no detailed quantitative studies have been undertaken to demonstrate the extent to which actions of man can influence climate, there is a general feeling among many scientists that the conversion of tropical forests to cropland dramatically alters the hydrological cycle.

Recent studies indicate that local conditions in the tropics affect local weather and climate more than they do in temperate regions. Along this line, studies in Latin America, particularly in the Amazon, show conclusively that when rain falls on an undisturbed tropical rainforest, just about one-fourth runs off into the ocean while three-fourths re-enters the immediate atmosphere. When the rain forest is removed by clear cutting or conversion into cropland, the ratio reverses, with three-fourths of the rainfall running off into the ocean while only one-fourth evaporates to recharge the rain clouds.

There is little question in my mind that if present deforestation processes continue, Africa will also experience a definite alteration of the hydrological cycle—that is, if the process is not already in motion.

ENERGY SECTOR ANALYSIS

Of course, the same factors which apply to climate and weather alteration have farther ramifications. For instance, deforestation and energy requirements are closely and significantly related in the African population equation. In terms of world energy usage, fuelwood plays a minor role, accounting for a little over 10 percent. The major fuels—oil, coal and natural gas—make up the rest. However, within the African context fuelwood plays a major role. For example, in oil-rich Nigeria, fuelwood accounts for over 80 percent of the domestic energy consumption. In countries such as Chad, Ethiopia, Mali and Somalia the consumption is more than 90 percent.

With rising populations, the poor people of cities or on the land will find it increasingly difficult to obtain enough grasses and sticks to cook a simple meal. While attempts are being made to plant suitable trees, national planners are worried. Because of the fuelwood crisis, they see no hope that the plantations will be given a chance to mature. Within the Sahel, for instance, more than 160 million U.S. dollars was spent on fuelwood plantations between 1975 and 1982. Today we find only a few pockets: very little plantation left to show. The pressure on existing forests and even on new plantings rises at an alarming rate when too many people move in too fast. The trees do not stand a chance.

LIVESTOCK SYSTEM

The dramatic increase in livestock in Africa can be seen as a direct consequence of human population growth. As rural and urban populations increase, the demand for meat has become a business proposition that attracts investors. As people with cash, even the government civil servants who are trying to earn extra money become involved. In fact, the rearing of livestock has become so profitable that many urban centers are becoming feeding lots for cattle. However, no where has the increase in the number of herds and in herd size become so dramatic as in the Sahelian—Sudano regions. The growth rate is estimated 5 percent a year—2 percent more than the human population increase, and this has been quite noticeable since 1980. While the establishment of ranches by some international organisations has helped to inject professionalism into the African cattle ranching activity, this new business has inadvertently driven local pastoralists into more marginal lands. In some places, they are being forced to open up forested lands.

WATER SUPPLY

The daunting task of meeting Africa's water requirements, in the face of high population growth, is a subject of highest concern. This applies not only to households and agriculture authorities, but to the health and nutrition agencies. Firstly, let us remember that only a small fraction of the total estimated water resources of the world ($1.4 \times 10^9$ Km$^3$) is actually available to mankind. Of this total, 95 percent is saline, 4 percent frozen and only one percent in a fresh liquid state. Of this small percentage almost 98 percent is ground water, leaving only two percent at the surface. Within the African context, an estimated 4,200 billion cubic metres of fresh water flow out into the ocean every year. The means required to catch some of this otherwise wasted water simply are not available. Even simple water harvesting has not been instituted, let alone the kinds of irrigation schemes which could help to offset the erratic rains experienced by the African farmer. FAO has reported that by the year 2000 only two percent of the arable land in Africa will be irrigated. Compare this to Asia's estimate of 34 percent under irrigation. It should be obvious that the rapidly increasing population of the continent will be hard pressed if systematic steps are not taken now to ensure the availability of water in the years immediately ahead.

CONCLUSION

I find a cause for concern about population growth; and it seems obvious to me that the primary reason for the dislocation of life among African nationals is poor planning and mismanagement throughout our socio-economic sectors. The pursuit of appropriate policies by our governments will enable us to control our population growth and achieve a certain measure of stabilisation. Ultimately our national leaders will be able to take credit for fulfilling their re-

sponsibility for the proper utilisation of the natural resources and environment of our peoples. The truly bright hope for the future is that our population growth has not yet run out of control. We still have a large and rich resource base, especially so in minerals and other extractives of the non-renewable type. And if properly handled—I mean with due consideration for human dignity—the human resources can be our greatest resource.

Thus, I dare say that within the African continent, putting all the problems on population growth alone is unrealistic and indeed a distortion of the facts. If and when the appropriate measures are taken, I have little doubt that there will be a major decrease of stress on the environment, and the depletion of natural resources will also abate. A more judicious increase in the energy consumption of the peoples of our continent will lead to greater prosperity in both arid and rainy regions. And above all, the quality of life for all Africans will be much improved when we can work together to incorporate reasonable population increases into national development programmes which really succeed. This way we can achieve important advances in life expectancy, for more and better years.

(Professor Edward S. Ayensu of Ghana is Chairman of the African Biosciences Network, and President of E.S.A. Associates Ltd. This commentary was presented at the All-Africa Parliamentary Conference on Population and Development in Harare, Zimbabwe on 12-16 May, 1986.)

## A TRIBUTE TO LA PLATA, MD

### HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Monday, August 11, 1986*

Mr. DYSON. Mr. Speaker, I would like to bring to your attention an article published in the August 4, 1986 edition of Newsweek that praises the community spirit of La Plata, MD. The article, entitled "La Plata's Cheerful Quotient", was written by the distinguished journalist George Will. In his article Will effectively illustrates the importance of community pride and cohesion—a trait which still thrives in La Plata amid the largess of nearby Metropolitan Washington and Baltimore.

It is important that we in Congress not forget the traditional roots of America that are embodied in small towns across this land. Accordingly, I think it fitting to read to you George Will's important article celebrating La Plata and the traditions it represents.

[From Newsweek, Aug. 4, 1986]

LA PLATA'S CHEERFULNESS QUOTIENT

(By George F. Will)

To get from Washington, D.C., to La Plata, Md., you drive about an hour southeast, until you strike America. In that village of a few thousand souls, folks raise tobacco and soybeans and children. And a bumper crop of pickup trucks. Tonight a covey of pickups is backed up to the outside of the centerfield fence at American Legion Field where the local heroes—Southern Charles County Little League All-Stars—are lying in wait for some city slickers from the D.C. Metropolitan Police Boys and Girls Club. A clash of cultures as well as athletes, right? Wrong. What is going on here is childhood and other pleasures that illustrate the continuities and common denominators of American life.

There are, of course, particularities of places. The pickups are being used for what is known, even in the toniest circles, as tailgating. But La Plata tailgating is not what is done with Volvo station wagons at the Yale-Harvard game, where the Perrier flows like water, washing down pâté. La Platans are knocking back RC Cherry Cola and getting outside of hot dogs. Americans scarf down 50 million hot dogs on an average summer day. Trivia time: At which place are the most hot dogs consumed in a year? A particular ball park? No, 2 million at O'Hare airport. But at American Legion Field the ladies sweltering in the cinder-block concession stand are doing their level best to keep La Plata hot on the heels of O'Hare.

The first game this evening was broadcast on the local radio station but by the time the nightcap begins at 8:30 p.m. the station is off the air. This is a good community to grow up in: the children are playing later than the radio station. Tonight the clay of the all-skin infield looks mustard yellow under the lights, which are enveloped in a swirling snow of moths. The boys go through pregame rituals of being introduced and reciting the Little League pledge that addresses all the large questions of life (God, country, law, sportsmanship). The national anthem is sung ("No more of this Memorex stuff," says the PA announcer. "Live tonight") by a man of strong voice and even stronger opinions. He says La Plata should have a taste of the anthem's tangy fourth stanza. Dispensing with the dawn's-early-light business, he begins: "Oh! Thus be it ever, when freemen shall stand/Between their loved home and the war's desolation!"

More ardor than artistry: A baseball game is necessary to lighten things up after any stanza of our somber anthem, and any boy worth his salt knows all the game's liturgical moves. He taps his bat against his shoes to knock the dirt out of his spikes—the dirt that would be in the spikes if his shoes had spikes. If he is a pitcher he only half-wears his warm-up jacket, draping it over his shoulder and putting his pitching arm in a sleeve, not that a 12-year-old arm needs such pampering. It is all part of our national manner. At the culminating moment of my misspent youth I helped an East Berliner escape through the wall. He was going to stroll in a U.S. military uniform past the East German police. I told him I would teach him to walk like an American, meaning with the gait of a relief pitcher ambling in from the bullpen. He was a natural. Now he lives in West Germany.

As is occasionally the case when 10-, 11- and 12-year-old boys start flinging a baseball around, the game this night has more ardor than artistry. In the big leagues there is a lively argument about whether the ball is livelier than it was last year. Home runs are flying off the bats of some unlikely players and out of parks at an unusual clip. (The manufacturer concisely denies any change: "Same cows, same standards." Yes, Virginia, the old horsehide isn't. It has been cowhide for years.) In La Plata each team had one of those ragged innings Little Leaguers occasionally have, when the ball suddenly seems livelier because of the way it is bouncing off infielder's gloves.

Brisk and orderly: The city boys won the six-inning game 13-10. A major-league outfielder, who did not talk like one, once said: "To a pitcher, a base hit is the perfect example of negative feedback." There was a lot of that this night. But the game was brisk and orderly and all the boys had fun, thanks to four middle-aged men who had put in full days at work and then donned black trousers and blue shirts, and black caps and umpired the night away. They are nice symbols of a nice fact: the American habit of pitching in is alive and well.

In 1981, when tax rates were cut and thus the tax benefit of charitable giving declined, people predicted a sharp decline in charitable giving. What happened? Giving increased more than 50 percent in four years. Economic facts, such as an increase of disposable income, help explain this. But volunteerism, the giving of time, also increased. That suggests, agreeably, that community spirit is not primarily a matter of economic calculation. It varies a lot with society's Cheerfulness Quotient. La Plata's CQ is high.

Joseph Epstein has written that growing up is often understood to be a misery, and that insecurity, angst, midlife crises and decay are the fate of grown-ups. Therefore, "We can figure on roughly 35 to 40 minutes of enjoyment in a normal life span." The players and spectators at American Legion Field used up their shares, and about four other persons' shares, in one night. Epstein notes that happiness can be barely described, let alone analyzed, whereas unhappiness can be analyzed to a fare-thee-well. Besides, unhappiness implies criticism of the world. This is why intellectuals are so happy when they are miserable. Epstein wrote this in an essay titled "The Crime of a Happy Childhood." That title describes La Plata's only crime wave.

It is, of course, a journalist's duty to dwell on bad news, but the only bad news from La Plata is that all the fun the children are having bodes ill for American literature. Hemingway said the first requisite for a writer is an unhappy childhood. The world of letters will have to fend for itself, looking for no help from the boys of the summers on American Legion Field.

## A NEW APPROACH TO THIRD WORLD DEVELOPMENT

### HON. JAMES M. JEFFORDS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

*Monday, August 11, 1986*

Mr. JEFFORDS. Mr. Speaker, over the years this Congress has often grappled with the complex problems associated with economic development, especially among the poorest countries. Despite many changes in direction and only scattered successes, the United States has maintained its commitment to helping the Third World with the challenges of economic development.

I would like to share with my colleagues a letter that I recently received from one of my constituents, Mr. John McVickar. Mr. McVickar has had the opportunity to observe these problems first-hand during his employment by the U.S. Foreign Service in Asia, South America, and the Soviet Union. I hope my colleagues will have a chance to reflect upon the contents of this letter:

JOHN A. MCVICKAR,
*Stowe, VT, June 17, 1986.*

Hon. JAMES JEFFORDS,
*Rayburn House Office Building,*
*Washington, DC.*

DEAR JIM: I would like to offer a theory that I have developed on what is involved in "progress", "development", and political and economic maturation. I believe that "development" requires different "levels" of ingredients and that these ingredients can be said to be universal, that is they apply in this country and around the world:

I. It requires both Will and Leadership. The Will comes from some deep cultural orientation, but it can probably also be learned, and may be latent and emergeable. The Leadership is probably fortuitous, but must also come from some cultural, or perhaps even genetic, source. It is probably potential in all peoples.

II. On a slightly more practical level, is required Imagination, Cooperation and Work. There must be the Imagination to adapt one's own situation to the lessons learned by others, and to conceive of new approaches, innovations for the competition with the rest of the world. There must be Cooperation of many kinds, plain getting on with ones fellows, good communication, having a positive attitude towards neighbors of all kinds, and good internal political institutions, allowing working together and sound resolution of disputies. And all must be willing to put in the necessary effort, Work, to achieve what is required and wanted.

III. Then, on a level where wealthier and wise neighbors, like the USA, can help, we have Infrastructure, Education and Markets. To you, this requires little amplification. We have been helping in these areas, and we can do more One suggestion: the further completion of the Inter-American Highway (known as the Pan-American Highway in Central America)—connect Panama and Colombia and make it an Interstate level structure. It would be responded to fully by all along its route, and it would do much to peacefully integrate the Americas in many ways. The Peace Corps is another excellent means. The Caribbean Basin Initiative is along those lines.

IV. Savings and Investment. Again, little explanation needed. Wealth must be created and accumulated, and then put to work. Money is the best, though not the only, means of doing that. Again, we can help, through wise loan policies, which perhaps don't make a "god" out of rates of interest!

V. Time. None of the above can be done overnight. There are no Quick Fixes. But we can help those countries to help themselves and to speed up the process The Communists can provide none of the above, but we North Americans can, and to some extent have already, provided some of them, but not enough and not with a sufficiently long-term policy-view.

All of the above, in my opinion, should be taken in the context of the essential communality of the American Hemisphere. We have a great deal in common all the way from the Northwest Territories of Canada and Alaska to Tierra del Fuego. Not that we should be one country, but we should recognize our "brotherhood" and accept certain Hemispheric responsibilities. I'd say, for example, that the Panama Canal and the Inter-American Highway should be responsibilities shared by all of the Hemispheric countries, and not just by those who built them or who are immediately geographically affected. Idealism? No. A practical interpretation of the essential spirit of the Monroe Doctrine, and a possible example to the rest of the world.

We should also be aware of the blizzard of Communist propaganda, which is substantially focused on our country and on its decision-making processes. Bayard Acre's (one of the Sandinista Commandantes) speech to the Nicaraguan Socialist Party, somehow obtained, and published by the State Dept., clearly shows that they feel confident that they have means to manage US public opinion!

In my opinion, the above are parts of the relevant reality that should be taken into account in addressing the problem of the Sandinistas in Nicaragua, the Castro regime in Cuba, and the general Soviet effort to assert its geopolitics in this Hemisphere and by so doing undermine, weaken, and eventually defeat this country and democracy in this world. Communism, the rule by elite-clique, imposing its policies on all matters on everyone else by propaganda, deceit and coercion, is the antithesis of Democracy, a reaction to Democracy, which I view as the great world accomplishment of the Second Millenium.

Sincerely yours,

JOHN A. MCVICKAR.

## ALBERTA HARDY PERRY, OUTSTANDING EDUCATOR

### HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Monday, August 11, 1986*

Mr. FLORIO. Mr. Speaker, I would like to pay tribute to a highly respected community leader residing in the First Congressional District, Alberta Hardy Perry.

Alberta Hardy Perry is a native of Mickleton, Gloucester County, NJ. She began her education at the historic Little Red School, Mickleton, and graduated as valedictorian from Swedesboro High School. Two years of higher education were completed at Glassboro Normal School. She received a bachelor of science degree in elementary education later from Glassboro State College.

In 1955 Mrs. Perry graduated with a masters in education degree from Temple University with a major in speech pathology and secondary education.

In pursuit of further learning, she studied at the University of Pennsylvania, Rutgers of New Brunswick and Trenton State College. From the U.S. Department of Education, she received grants to continue in the specialized field of speech pathology at Adelphi University, Long Island, NY, and espohogeal speech at the University School of Medicine, Miami, FL.

Alberta Perry was awarded the certificate of clinical compentency in speech pathology by the American Speech and Hearing Association, Washington, DC, which is the highest achievable certificate.

During World War II, she went to Los Angeles, CA, with her husband, John Perry. Because of her background in physics, she was employed by the U.S. Signal Corps and was sent to the University of California, Los Angeles, to complete training as an electrician, grade 11.

For 45 years Mrs. Perry has worked with children from kindergarten through 12th grades. She taught in Woodbury, Deptford Township, and Swedesboro, where she was an elementary teaching principal. Mrs. Perry retired from the West Deptford school system after serving 13 years there as a speech pathologist.

Her community affiliations are extensive. She has served as a Girl Scout leader, been associated with Campfire Girls and also the YWCA in Camden, NJ. Mrs. Perry has served on the evaluation review committee of the Visiting Nurse Home Care and Health Service of Gloucester County.

Mrs. Perry was appointed by the Gloucester County Board of Freeholders to the feasibility study committee for Gloucester County College. After concluding the county needed a community college, and the voters approved the concept in a nonbinding referendum, the freeholders named Mrs. Perry one of the charter members to the board of trustees, a position she held for 12 years. Upon serving as vice chairperson for 7 years, Mrs. Perry was elected chairperson. At that time, Mrs. Perry was the only woman chairperson of either a 2- or 4-year public college board of trustees in the State of New Jersey.

She has conducted workshops for the American Association of College Trustees [AACT] in Washington, DC, in Atlanta and New Orleans. Additionally, Mrs. Perry served in numerous capacities at the AACT national convention at Miami, Portland, St. Louis, and Vancouver, Canada.

Among the honors bestowed on her are: Honorary member of the American Speech and Hearing Association, Washington, DC; 1978—Distinguished Alumni Award, Gloucester State College; 1975—South Jersey Woman of the Year, Gloucester County Branch NAACP; 1977—Medallion Award for Community Service, Gloucester County College; 1976—Outstanding Community Service Award for the Women's Progressive Club of Swedesboro; 1976—Certificate of honor for the New Jersey Federation of Women's Clubs; 1976—Centennial Medallion Carter Woodson Association for Study of Afro-American Life and History. On July 16, 1986, the New Jersey Federation of Colored Women's Clubs presented her with the outstanding citizen award for education. She was also selected as the outstanding woman of Gloucester County during National Women's History Week by Glassboro State College. Prof. Richard Ambacher, head of the Communications Department of Glassboro State College, submitted her biographical sketch for National Women's Week, and was awarded first place.

Mrs. Perry was one of the founders of Links, Inc., a service group that has grown into a national organization helping blacks through scholarship programs, farm labor support and affirmative action efforts. She has held every office of Links, Inc., except treasurer. As a tribute to her contributions, her fellow members have established a scholarship in her name at Gloucester County College.

Listed among here organization affiliations are: membership in the NEA; New Jersey Retired Teachers; Gloucester County Retired Teachers; New Jersey Speech and Hearing Association; Gloucester County Historical Society; the First Baptist Church of Deptford

Township, and the Woodbury Old City Restoration Committee.

Mrs. Perry is a former member of the AAUW of Gloucester County and the national sorority, Phi Delta Kappa, ETC Chapter, Camden.

Her husband, John Perry, Sr., and son, John Perry, Jr., are owners of John's Auto Transmission Service, Inc., located in Woodbury. She has four grandchildren.

I salute Alberta Hardy Perry for her contribution to the quality of life for the people of the First Congressional District, the State and the Nation.

## BERKLEY BEDELL

### HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 7, 1986*

Mr. PANETTA. Mr. Speaker, I want to join my colleagues in paying tribute to BERKLEY BEDELL, who is retiring from Congress at the end of the year. It has truly been a pleasure working with BERKLEY over the past decade.

BERKLEY and I have served together on the Agriculture Committee during that period, and there is no other member of that committee who has proven himself more effective or dedicated worker on behalf of American agriculture and the American farmer. BERKLEY's hard work, intelligence, and strong beliefs have helped him to make an enormous contribution to the committee, to Congress, and to his country. I have personally appreciated his wise counsel. His advice has always been helpful to me in my own work on the committee.

Mr. Speaker, BERKLEY entered the House with a number of standout Members. Even among that class, he emerged as one of the most productive. I know my colleagues join me in wishing BERKLEY well in his retirement. I will miss him personally, and we all will miss his major contributions to the work of the House.

## PERSONAL EXPLANATION

### HON. JOHN MILLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Monday, August 11, 1986*

Mr. MILLER of Washington. Mr. Speaker, last Thursday evening and Friday I was granted a leave of absence to attend a memorial service. Had I been present, I would have voted as follows on the following rollcalls:

Rollcall No. 308: "Aye," passage of H.R. 5081—aid to the Philippines.

Rollcall No. 309: "No," to consider H.R. 531—Defense authorization rule.

Rollcall No. 310: "No," passage of H.R. 531—Defense authorization rule.

Rollcall No. 311: "Aye," approval of Journal.

Rollcall No. 312: "Aye," Spratt amendment to reduce defense outlays.

Rollcall No. 313: "No," Dickinson-Courter amendment.

Rollcall No. 314: "No," Aspin test ban proposal.

## CLEARING UP THE CONFUSION OVER DEDUCTING POINTS PAID TO REFINANCE MORTGAGES

### HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, August 11, 1986*

Mr. YOUNG of Florida. Mr. Speaker, an IRS ruling last May has left the American taxpayers confused about the deductibility of points paid when refinancing mortgages.

The IRS ruled that homeowners could deduct points in the year they were paid on a mortgage to purchase or improve a home. However, taxpayers were told that points paid to refinance a mortgage must be deducted over the life of the loan.

Legislation I have cosponsored, H.R. 4849, would clear up this confusion and inequity by overturning the IRS ruling and enable homeowners who refinance their mortgage to deduct points in the year they are paid just as if they were paid to purchase a new home or for a home improvement.

The American people who were penalized by the exceeding high interest rates of the late 1970's and early 1980's should not be penalized for taking advantage of our economic recovery which has brought interest rates to the lowest level in many years.

Congress intended with the passage of the tax reform bill of 1976 that points be considered as prepaid interest to be deductible in the year paid, regardless of whether the home was newly purchased or refinanced. It's my hope Mr. Speaker, that the Ways and Means Committee will clear the way for the expedient consideration of this legislation so that we can prevent the thousands of taxpayers who have refinanced their mortgages this year from being penalized when filing their 1986 income tax returns.

## TRIBUTE TO CLAYTON J. RHYLANDER

### HON. HAL DAUB

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Monday, August 11, 1986*

Mr. DAUB. Mr. Speaker, serving as mayor in a small community is a difficult and demanding challenge in today's tight fiscal environment but for the last 14 years, Clayton J. Rhylander has served with distinction as the mayor of Plattsmouth, NE.

An outstanding leader, Clayton has been a dedicated public servant. First elected to the Plattsmouth City Council in 1968, Clayton has been the mayor since 1972.

Currently the dean of my Second Congressional District mayors, Clayton Rhylander leaves with an impressive record of accomplishments. To quote the biweekly newspaper, the Plattsmouth Journal:

Under Rhylander's administration, the city of Plattsmouth was successful in a series of major federal and state grant applications.

Over some initial protesting, Rhylander forged ahead on a $2 million community development block grant [CDBG] which has successfully revitalized the Wintersteen Hill section of town. New street paving, storm sewer and utility improvements plus housing renovation in the late 1970's halted deterioration of the district. Today, new homes are under construciton as the neighborhood is expanding.

Plattmouth's recreational and habitat area has increased since the 1970's. West Memorial Park was purchased, a 25-acre tract adjacent to the Memoral Park was purchased and just recently, the former Burlington Shops tract was bought by the city.

To date, the city has been successful in obtaining one grant, from the Nebraska Game and Parks Commission for improving the property. Application has been made through the Lower Platte South Natural Resources District [NRD] for flood control work and the city has announced it will resubmit its application for a major CDBG grant to build the park plus the surrounding neighborhood in a 13-block area. The new water treatment plant and $2 million sewage wastewater facility were completed under the Rhylander era as was the paving of Maiden Lane from Maine Street to Fourth Avenue.

Other accomplishments include two major revisions of the Plattsmouth city codebook, bringing local ordnances, housing and building codes up to standard, providing for orderly growth and long-term planning.

Along with his wife, Margaret, and their three children, Carl, David, and Julie, and their one grandchild, the Rhylander's are Plattsmouth's first family, his record of achievement stands as a lasting tribute to his years of public service to our region.

It is indeed a privilege to call to the attention of my colleagues the outstanding career of this impressive public servant and fine gentleman.

## WILLIAM R. PITTS, JR., THE REPUBLICAN MINORITY'S HOUSE KNOW-IT-ALL

### HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, August 11, 1986*

Mr. CRANE. Mr. Speaker, Billy Pitts is himself an institution in one of the most venerated institutions in the free world. My friendship and respect for Billy go back to 1969, when I first came to Congress and he worked in the Republican Cloakroom.

He has given generously of his time and talent to assist all of us in our legislative battles, and I am pleased to see him recognized in a feature article in today's Washington Post.

Mr. Speaker, I also want to take avantage fo this opportunity to extend congratulations and best wishes to the newlyweds, Billy and Mary.

WILLIAM R. PITTS, JR., THE REPUBLICAN MINORITY'S HOUSE KNOW-IT-ALL

(By Margaret Shapiro)

(NOTE.—*Background:* Aide to House Minority Leader Robert H. Michel (R-Ill.), considered chief GOP floor strategist for past five years. Also serves as chief liaison between minority leader and speaker of the House. Studied pre-med at Georgetown University, but followed William R. Pitts Sr.—a former aide in Republican whip's office—into Congress.)

A few paces from the House chamber in the Capitol, a marble hallway leads to a warren of offices that is a command center of sorts for the House GOP.

Here presides William R. Pitts Jr., a stocky, 39-year-old strategist for House Minority Leader Robert H. Michel (R-Ill.), keeping tabs on bills, amendments, schedules, rumors, committee actions, the Senate, the White House, GOP squabbles and just about anything else he must know to help his boss and House Republicans navigate in the constantly turbulent political waters of the Democratic-controlled House.

"He's our genius," said Rep. Dick Cheney (R-Wyo.), one of the House's top-ranking Republicans, "More than anybody else, including members, he helps shape Republican strategy in the House. . . . If we didn't have him we'd have to invent him."

In an age when many congressional aides view the House as a stepping stone to more lucrative employment, Pitts is a true insider, a creature of the legislature who has been working the rule book—and the House floor—for as long as he has been working.

Following in the footsteps of his father, William R. Pitts Sr., who worked the House for 40 years until his retirement as aide to the Republican whip in 1972, Pitts (known as "Billy" or Professor Pitts") became a congressional page at age 16. After graduation from Georgetown University as a pre-med major, he took what he thought would be just a temporary job in the Republican cloakroom.

But Pitts fell in love with the House, and soon moved into the minority whip's office.

For the last five years he has been the primary floor strategist in the minority leader's office, playing a key role in the major Republican battles of the last few years, from passage of the Reagan administration budget cuts in 1981 and 1982 to approval of military aid for Nicaraguan counterrevolutionaries this year.

While many aides exert their influence by pushing a particular political ideology, Pitts' influence comes through sheer knowledge of the institution, its rules and the players on both sides of the aisle. When the House is in session, Pitts is always there, hovering around the speaker's table, wandering around the Republican side, keeping an eye on the Democrats.

"He has been here so long that he knows everything about everybody," said a Republican colleague. "And he knows that up here, information is power."

Pitts, who is loath to divulge the details of his activities, said recently, "I try to be invisible. I try to find out what's going on and then I relay it to [Michel] and let him decide what to do."

By following his father's advice and studying the House rule book, Pitts has become recognized by Republicans and Democrats alike as an expert on parliamentary procedure. He was the top staff parliamentarian at the 1984 GOP national convention.

For Republicans, outnumbered in the House by 72 seats, a detailed knowledge of the rules is their only protection.

"You've got to play the rules to the hilt to get what little you get," said Republican Leader Michel.

Pitts is known for dredging up arcane rules or little-used maneuvers to help the GOP even the score. Often, he doesn't win in these skirmishes (after all, the Democrats have their own parliamentary experts), but frequently he helps accomplish the second-best alternative: buying time to force the Democrats to give a little.

For instance, in 1983, then-Budget Committee Chairman James R. Jones (D-Okla.) tried to rush through a Democratic budget by getting the Democratic-controlled House Rules Committee to waive a requirement that budget resolutions be held up for 10 days to give all sides time to examine it.

The Republicans, taken by surprise, were unprepared to offer an alternative budget. But Pitts noticed that the Democrats had forgotten to waive another rule requiring an additional three-day delay. This allowed the Republicans to raise an objection to immediate consideration of the Jones budget, and gave them time to come up with a strategy.

In 1984, when the Democrats brought a spending bill to the House floor with a rule allowing several unrelated Democratic-inspired amendments to be added to it, Pitts saw an opening for a group of conservative Republicans to offer a White House-backed anticrime package that otherwise would have been ruled out of order because it was not "germane" to the spending bill.

The anticrime bill was brought up and, to the disappointment of the Democrats, found approval in the House.

"He was the one who kept on pressing when the others said, 'Enough,'" recalled conservative Rep. Robert S. Walker (R-Pa.), who acts as the official Republican "objector" on the floor of the House and thus regularly consults with Pitts.

In a tacit acknowledgment of Pitts' efforts at parliamentary manipulation, House Speaker Thomas P. (Tip) O'Neill Jr. (D-Mass.) once presented him with a leather-bound copy of the rule book, with Pitts' name embossed in gold, and told him to study hard.

Inside, the pages all were blank but for an inscription by O'Neill: "Too bad you don't have more to work with," the speaker wrote, in an apparent reference to the Republicans' beleaguered minority status.

Along with a collection of oriental rugs and two 1950s Hudson cars, the O'Neill gift is a prized possession.

But Pitts' impact has been broader in scope than the rule book. In 1981, when President Reagan was determined to cut the federal budget and reverse years of spending on social programs, Pitts not only figured out the necessary floor maneuvers to halt Democratic efforts to stall Reagan's budget, but also helped guide White House officials to Democratic votes.

"In 1981 he played an essential role as the chief tactician on the Republican side of the aisle," said Kenneth M. Duberstein, who was then the White House lobbyist on Capitol Hill and remembers talking to Pitts on the telephone "three or four times" each day through 1981 and 1982.

"He understood the critical linkage with the boll weevils [conservative Democrats who backed Reagan's budget] and how to reach out to the gypsy moths [moderate Republicans who opposed many Reagan cuts]," Duberstein said.

More recently, Pitts helped Michel and the GOP stall the tax bill put together by the House Ways and Means Committee and supported by the White House, but disliked by many House Republicans.

Then, after winning a few minor concessions from the White House and Ways and Means Chairman Dan Rostenkowski (D-Ill.), Pitts helped round up enough Republican votes to ensure the tax bill's passage.

For all the skirmishing with the Democrats, Pitts is not a particularly partisan person; in this, he reflects the style of his boss, Michel. Pitts avoids political campaigning and was "like a fish out of water" when he went to Peoria to campaign for Michel in a particularly tough race Michel had in 1982, a Michel staffer said.

Pitts has many ties to Democratic staffers and often works the Democratic side of the aisle for the White House.

He is also Michel's chief liaison with the speaker's office, carefully crafting agreements with O'Neill's aides on how to disagree.

"While he's certainly a Republican and he's loyal, he's willing to talk to anyone," said former O'Neill staffer Ari Weiss, who met with Pitts regularly to "try to assure that there were some rules to the game of war, that the war was civilized and not barbaric. * * * It takes some institutionally minded people, like Billy, to get the things done that need to be done."

It was of little surprise, therefore, that when Pitts got married yesterday, this quintessential insider took his vows in the House minority leader's office, with Michel as best man.

## WELCOME TO ORANGE COUNTY MR. OJEDA

### HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, August 11, 1986*

Mr. DORNAN of California. Mr. Speaker, I rise today to welcome a distinguished gentleman to my district who hails from our friendly neighbor to the south, Mexico. Don David Ojeda Ochoa, an elected official from Ensenada, Baja California, is the municipal president of his district.

Mr. Speaker, I think that it is valuable to bring to the attention of my colleagues the constructive accomplishments of individuals like Don Ojeda. His efforts to improve the quality of life for local citizens has positive side benefits for Californians traveling to the area and helps to diminish the push factors in the illegal alien equation. Don Ojeda has been able to spur investment in his community, ultimately manifesting itself in vastly improved water resources, sewage treatment, and communication systems.

Perhaps more importantly though Mr. Speaker, has been Don Ojeda's crucial involvement in the transformation of the Port of Ensenada into a highly efficient shipping and docking facility. The spill-over benefits of international commerce will be felt throughout southern California because our economies are so closely intertwined.

Finally, Mr. Speaker, I am compelled to extend my warmest welcome to Don Ojeda and take this opportunity to congratulate him

on his exemplary performance as an elected official of Mexico. Don Ojeda, thanks for the responsible leadership!

## THE WRONG TIME TO CUT GOVERNMENT SPENDING

### HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Monday, August 11, 1986*

Mr. OBEY. Mr. Speaker, Dr. Herbert Stein, former Chairman of the Council of Economic Advisers, recently made some very pragmatic and thoughtful comments about fiscal policy and Gramm-Rudman. They are well worth reading by every Member.

[From the Washington Post, July 31, 1986]

THE WRONG TIME TO CUT GOVERNMENT SPENDING

(By Herbert Stein)

Grown men with responsible positions stand up before television cameras and make this statement: Since the economy is rising less than expected earlier in the year, and inflation is also lower than expected, federal revenues will be less than expected and it is therefore necessary to cut federal expenditures below the level planned previously.

I do not understand it. Why are we punishing ourselves in this way? Does the slowdown in the U.S. economy mean that the Russians are weaker or more amiable and the buildup of our military strength is therefore less urgent? Is the need to look after the poor and homeless diminished? (Is the ebbing tide lifting all the boats?) Whatever was the previous justification for spending $30 billion on aid to agriculture—is that justification now weaker? Obviously not.

With both less output and less inflation than we previously forecast are we now less able to afford those things we previously thought we needed? Surely the answer to that is no. On the contrary, there will now be more unutilized productive capacity with which to meet the government's requirements, and less risk of inflation. The answer would be different if the economy were lagging behind previous forecasts because output was bumping up against a ceiling of capacity, but that does not seem to be the case.

Is our revulsion against the economics of Keynes so great that we not only deny what he said but assert with confidence that the opposite is true? That is, do we now think that cutting government expenditures is a reliable way to stimulate a sluggish economy or prevent a threatened recession?

The question may be put more concretely: In the past year output increased by 2.7 percent, which is probably somewhat below our potential growth rate, and unemployment was fairly steady at around 7 percent. Now there is an expectation that output will rise in the next year at about the same rate, or possibly less. In these circumstances, is it prudent to cut expenditures below the president's budget level in order to reduce the deficit from $210 billion in fiscal year 1986 to $144 billion in fiscal year 1987? (That figure, $144 billion, is the Gramm-Rudman target for the 1987 deficit. Because of the peculiarities of Gramm-Rudman accounting, it appears that about $25 billion of taxes collected in 1987 will not be counted and about $15 billion of expenditures will not be counted. Thus, if the "Gramm-Rudman deficit" is $144 billion the "real" deficit may be $134 billion.)

My pre-Keynesian and anti-Keynesian professors knew better than that. Even Herbert Hoover knew better than that. A thorough-going classicist or monetarist might deny that increasing government expenditures would have even a short-run stimulating effect on the economy. He would not say that cutting expenditures would have a short-run stimulating effect on the economy, so that it was necessary to cut otherwise worthwhile expenditures in order to fend off a recession.

What leads to the present foolish talk about the budget is Gramm-Rudman. But even Gramm-Rudman does not imply that cutting expenditures is a good prescription for dealing with economic sluggishness. The Gramm-Rudman law provides that if the real GNP rises at less than an annual rate of 1 percent for two consecutive quarters the deficit limits are suspended for the current and following fiscal year.

This is recognition that cutting spending does not cure recessions. Once the GNP growth rate falls below 1 percent for two consecutive quarters the ceiling on the deficit is off. But as long as the growth rate remains at 1.1 percent—as it was in the second quarter of 1986—or higher, the targets must be met. They must be met even if, with the economy sluggish and revenues rising slowly, that requires holding expenditures below levels that are worthwhile, that are well within the economy's capacity, and that are not harmful but possibly helpful to the health of the economy.

Sophisticated people to whom I express my concerns about the idea of cutting expenditures to meet a shortfall of revenue tell me not to worry. The government will not really meet the Gramm-Rudman targets. All Gramm-Rudman requires is that at the beginning of fiscal 1987 there should be an official estimate that the deficit will not exceed $144 billion for the year. The law does not require that the deficit actually be less than $144 billion.

This solution is unsatisfactory for two reasons:

First, the government should not pretend to do what it does not intend to do. This is more than a moral injunction. It has pragmatic significance. The credibility of the government is an asset—more valuable as it becomes scarcer—and it should not be wasted.

Second, while a sharp reduction of expenditures in response to the slowdown of the economy would be unwise, to destroy completely the expectation that the size of the deficit will be brought under sufficient restraint to prevent continued increase in the size of the federal debt relative to the GNP would also be unwise. That could cause an increase in long-term interest rates that would be harmful to economic growth. The de facto abandonment of Gramm-Rudman, without the establishment of any substitute rule of fiscal policy, will destroy all hope of deficit restraint. We find ourselves in a position where we can't live with Gramm-Rudman and can hardly live without it.

We need a fiscal policy that will limit the long-run growth of the deficit and the debt while not enforcing inefficient and probably destabalizing change of government expenditures in response to fluctuations of the economy. Fifty years ago people talked about balancing the budget over the business cycle as a solution to this problem. Forty years ago the Committee for Economic Development proposed the policy of balancing the budget at high employment for the same purpose. Even a few years ago people were talking about the difference between the "structural" deficit and the actual deficit, which was a way of distinguishing between our long-run position and our cyclical position.

The attractive nuisance of Gramm-Rudman diverted attention from all that, but our present situation shows the urgency of returning to the problem of reconciling our long-run and short-run fiscal requirements.

## REMEMBERING THEODORE BIDDLE

### HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, August 11, 1986*

Mr. MURTHA. Mr. Speaker, I want to take a moment to honor Dr. Theodore Biddle, former president of the University of Pittsburgh at Johnstown, and note his death at the age of 80 on August 2.

Dr. Biddle was the former dean of men at Pitt, and the first president of the Johnstown campus. Following retirement, he became president emeritus.

Dr. Biddle helped so very many students during his illustrious career that it is correct to say that his efforts live on in the lives of thousands of productive graduates.

Moreover, in our area, the University of Pittsburgh at Johnstown has become a key academic center, an attraction to industry considering locating in the area, and a major economic force in the community. Johnstown is one of the university's most able and beneficial branch campuses, and that is not surprising given the start that it received under Dr. Biddle's leadership.

Dr. Biddle's was a constructive life, well lived. I enjoyed the chance to work with him and know him, and I hope we can join in continuing the strong tradition he has laid down at Pitt.

## CIVIL SERVICE SIMPLIFICATION ACT OF 1986

### HON. GENE TAYLOR

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Monday, August 11, 1986*

Mr. TAYLOR. Mr. Speaker, at the request of the administration, I am pleased to introduce the Civil Service Simplification Act of 1986. This proposal establishes a simplified management system for Federal employees in an effort to enhance management flexibility and employee incentives to better motivate the Federal work force while improving employee morale.

The current personnel system, which had its origins more than 60 years ago, stresses administrative procedure at the expense of management flexibility and opportunities to reward employee productivity. In 1978, Congress un-

dertook the first leg of an arduous journey in improving the Federal work force when we passed the Civil Service Reform Act. It is now time we complement that legislation with consideration of proposals focusing on the shortcomings of the current personnel system.

As Congress grapples with this issue we must remember that many Federal agencies have found themselves at a competitive disadvantage in efforts to recruit and retain highly skilled employees. The hiring system is excessively regulated and time consuming. The compensation system is rigid and lags behind comparable private sector pay in key fields. The job classification system is cumbersome and excessively involved with paperwork. Congress finds itself duty bound to solve these problems or the Federal work force could grind to a halt under such an antiquated system.

We have seen what can be accomplished when we reform the system. Under demonstration projects conducted at the Naval Weapons Center and the Naval Ocean System Center in California (commonly known as "China Lake") these military laboratories have seen a dramatic improvement in civilian employee productivity and morale. The 18-grade general schedule system was replaced by four to six pay bands to provide managerial flexibility. This system was designed to respond to market forces to allow competition for quality personnel in hard-to-fill occupations. Pay was linked to performance to an extent not possible under the current GS system. Additionally, the system has proven administratively simply thereby greatly reducing the effort and costs associated with the current Federal personnel management.

This simplified system has now been in operation for 6 years and has involved thousands of employees in a wide variety of occupations. Because of its success, the project has many supporters. For example, the President's blue-ribbon Commission on Defense Management, headed by David Packard, recommended extension of this successful system to acquisition personnel in the Department of Defense. Several bills have been introduced in the Congress which would established personnel systems, inspired to some extent by the Navy project, for other segments of the work force.

Mr. Speaker, in exploring solutions to these problems we must carefully balance the need for fiscal responsibility against our need for quality employees. It is in the national interest to fairly compensate our employees in light of the important functions which this work force performs.

My colleague from the other body, Mr. STEVENS of Alaska, has introduced similar legislation to further facilitate this important discussion. If the laws of this Nation are to be fully executed and enforced, we must ensure that this important job is carried out by a highly skilled and competent work force. I urge all my colleagues to enter this important discussion.

## SENATE COMMITTEE MEETINGS

**Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.**

**As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.**

**Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.**

**Meetings scheduled for Tuesday, August 12, 1986, may be found in the Daily Digest of today's RECORD.**

### MEETINGS SCHEDULED

### AUGUST 13

9:00 a.m.
Labor and Human Resources
Aging Subcommittee
Business meeting, to mark up proposed legislation to provide health services research on Alzheimers' disease and related disorders.
SD-430

9:30 a.m.
Banking, Housing, and Urban Affairs
Business meeting, to mark up Title I, to strengthen the Federal deposit insurance funds by reducing the cost of handling failing depository institutions, and Title II, to establish authority for the Federal Deposit Insurance Corporation to vary the level of assessments on insured banks according to the risk of each bank's activities and establish a uniform depositor preference system for paying the claims of all federally insured banks that fail, of S. 2592, proposed Deposit Insurance Reform and Competition Enhancement Act, and proposed legislation to set forth provisions concerning the registration and regulation of Government securities brokers and dealers, and other pending calendar business.
SD-538

Energy and Natural Resources
To hold hearings on H.J. Res. 17, to consent to an amendment enacted by the legislature of the State of Hawaii to the Hawaiian Home Commission Act, 1920.
SD-366

Finance
To hold hearings on S. 1871, relating to imports which threaten to impair the national security (incorporated in S. 1860 as Title X).
SD-215

Select on Intelligence
To hold closed hearings on intelligence matters.
SH-219

10:00 a.m.
Governmental Affairs
To hold hearings on the nomination of John Agresto, of the District of Columbia, to be Archivist of the United States.
SD-342

Judiciary
Security and Terrorism Subcommittee
To resume hearings on S. 2044, to establish the United States Marshals Service as a bureau within the Department of Justice.
SD-226

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
SD-226

Select on Indian Affairs
Business meeting, to mark up S. 1452, Gay Head Wampanoag Indian Claims Settlement Act, S. 2118, to provide for the distribution of funds appropriated to pay a judgment awarded to the Sisseton and Wahpeton Tribes of Sioux Indians, S. 2564, to provide for the proper administration of justice within the Salt River Pima-Maricopa Indian Reservation by granting jurisdiction to the Salt River Pima-Maricopa Indian Community Court over certain criminal misdemeanor offenses, H.R. 1344, Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act, H.R. 1920, Indian Gaming Regulatory Act, and H.R. 3554, Klamath Indian Tribe Restoration Act.
S-205, Capitol

2:15 p.m.
Select on Intelligence
To hold a closed briefing on intelligence matters.
SH-219

### AUGUST 14

9:00 a.m.
Veterans' Affairs
To hear and consider the nomination of Thomas E. Harvey, of the District of Columbia, to be Deputy Administrator of Veterans' Affairs.
SR-418

9:30 a.m.
* Agriculture, Nutrition, and Forestry
Foreign Agricultural Policy Subcommittee
To resume hearings to review United States food aid programs and world hunger.
SR-332

Commerce, Science, and Transportation
Business meeting, to resume consideration of S. 2714, authorizing funds for fiscal year 1987 for the National Aeronautics and Space Administration, and other pending calendar business.
SR-253

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1987 for foreign assistance, focusing on international narcotics control.
SD-138

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Judiciary
Business meeting, to consider the nominations of William H. Rehnquist, of Virginia, to be Chief Justice of the United States, Antonin Scalia, of Virginia, to be an Associate Justice of the

Supreme Court of the United States, and other pending calendar business.
SD-106

2:00 p.m.
Appropriations
Business meeting, to mark up H.R. 5161, appropriating funds for fiscal year 1987 for the Departments of Commerce, Justice, State, the Judiciary, and related agencies, H.R. 5233, appropriating funds for fiscal year 1987 for the Departments of Labor, Health and Human Services, Education, and related agencies, and H.R. 5294, appropriating funds for fiscal year 1987 for the Department of the Treasury, U.S. Postal Service, Executive Office of the President, and certain independent agencies.
SD-192

4:00 p.m.
Select on Intelligence
To hold closed hearings on intelligence matters.
SH-219

SEPTEMBER 9

9:30 a.m.
Labor and Human Resources
Employment and Productivity Subcommittee
To hold hearings to review graduate medical education in ambulatory settings.
SD-430

SEPTEMBER 10

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Labor and Human Resources
To hold hearings to review the human resources impact on drug research and space technology.
SD-430

SEPTEMBER 11

9:00 a.m.
* Armed Services
Closed business meeting, to consider pending nominations, and to review the committee's agenda for the remainder of the 99th Congress.
SR-222

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

SEPTEMBER 16

10:00 a.m.
Labor and Human Resources
To hold hearings on pending nominations.
SD-430

SEPTEMBER 17

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

SEPTEMBER 18

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

SEPTEMBER 24

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

SEPTEMBER 25

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

OCTOBER 1

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

OCTOBER 2

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

## CANCELLATIONS

AUGUST 12

11:00 p.m.
Foreign Relations
Business meeting, to consider pending calendar business.
SD-419